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PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, February 5, 1987*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. OBEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 4, 1987.

I hereby designate the Honorable DAVID R. OBEY to act as Speaker pro tempore on Thursday, February 5, 1987.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

Rev. Dr. Ronald F. Christian, assistant to the bishop, the American Lutheran Church, offered the following prayer:

Our Father and our God, it is our duty, as well as our privilege, to acknowledge Your presence and recognize our dependence upon You, the Almighty One.

As we bow our heads this day, we offer these words as our reflection:

O God, we pray that I, as a person, and we, as a people, may seek to do what is right, not expedient; that we may earnestly love benevolence, not indolence; and that we may always walk humbly before You as servants.

Hear and bless our petition. Amen.

THE JOURNAL

The **SPEAKER** pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 1) "An act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The message also announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 36. Concurrent resolution providing for the conditional adjournment of the House from February 11 to February 18, 1987, and a conditional adjournment of the Senate from February 5 or 6 to February 16, 1987.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore. The Chair desires to announce that pursuant to clause 4, rule I, the Speaker signed the following enrolled joint resolution on Wednesday, February 4, 1987:

House Joint Resolution 102, joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program for the Federal Emergency Management Agency.

CREATING INDEPENDENT AGENCY FOR SOCIAL SECURITY ADMINISTRATION

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, I have the responsibility and the privilege of introducing today on behalf of every member of the Subcommittee on Social Security of the Committee on Ways and Means legislation to create an independent agency for the Social Security Administration.

If you are on Social Security, anybody hearing my voice or reading these words, I do not have to explain to you why there ought to be an independent agency. And if you are Members of the U.S. House of Representatives who served in the 99th Congress I dare say I need not explain it to you either because you voted for it in the last Congress where it passed unanimously.

The same legislation prohibits socalled disinvestment, which simply means that in a budget crunch, whatever the administration is, that administration cannot dip into the Social Security trust fund in order to pay for bubble gum or widgets or whatever else the Government might have in mind.

In short, this legislation is designed, and I dare say is destined, to create more dignity in the Social Security Administration, more efficiency, and therefore a better Social Security System for all Americans.

THE ETHIOPIAN RESETTLEMENT PROGRAM

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, this week, we learn that the Ethiopian Government is resuming its forced resettlement program. This effort—undertaken at the height of Ethiopia's famine—has already forced over 600,000 men, women, and children at gunpoint to leave their homes for barbed-wire camps hundreds of miles away. This brutal and politically motivated scheme caused an estimated 100,000 deaths.

Now, we are told that the Ethiopian Government has targeted an additional 180,000 people to send to these camps. And in 45 days, the first group of men will be rounded up.

Some people will defend the Ethiopian Government which calls this atrocity an economic development undertaking. I urge these people to read the

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

words of David Korn, who just completed his tour as head of the United States Embassy mission in Ethiopia. This is what he says:

> The callousness and dereliction of the Ethiopian Government in the face of massive suffering by its citizens makes a sad and shocking tale * * *. The same is true of the Ethiopian Government's resettlement program [proper planning and execution] have been conspicuously absent from the Ethiopian Government's program, and so has for the most part even elementary concern for human life. (See "Ethiopia, the United States, and the Soviet Union," by David Korn.)

I urge my colleagues to join Congressman BILL GRAY and me in cosponsoring H.R. 588, the Promotion of Democracy Act of 1987. The bill calls for a halt to the forced resettlement program and sanctions against the Ethiopian Government.

ECONOMIC CRISIS IN RURAL AMERICA AND THE FAMILY FARMERS

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBERSTAR. Mr. Speaker, the economic crisis in rural America continues to engulf family farmers at an alarming rate. Recently, at a hearing on farm problems in my district at Hinckley, MN, a young dairy farmer rose to say:

> If we were within $10 billion of balancing the budget, I am sure every farmer in rural America would agree that agriculture could take that $10 billion hit and we wouldn't complain.

He went on to say:

> But the fact is that we have seen agriculture cut and farmers hurt, but the budget isn't anywhere near being balanced.

And he concluded by saying:

> There is no point to the pain.

More significantly, to the point of my concern today, is a statment which I would like to include in the RECORD at this point from Ron Haughlie, a dairy farmer near Rush City, MN, who talked about the erosion of community spirit in countryside America when he said:

> We are losing the neighborliness, community spirit and cooperative attitude of helping one another as we use our energies to help ourselves.

He spoke about the erosion of moral fiber in rural America as a result of the farm crisis. That is a fundamental concern which this Congress must keep in mind when revising the 1985 farm bill which has visited such economic distress upon rural America.

Mr. Haughlie's statement is such an eloquent and profound analysis of the effect upon farm families of the worsening crisis in agriculture, that I submit it for the RECORD and commend it to the attention of my colleagues:

> This won't show up on any government report or statistical analysis but I am concerned about the broader social implications of what is happening in the countryside. As hard times continue their relentless creep closer and closer and threaten each of our farms, we are no longer as concerned about our neighbor but more worried about our own situtation and what we can do to hang on. Each foreclosure or failed farm brings the reality one farm closer to those remaining.
>
> Historically, decisions in rural America have been based on what is right for society as well as right for our business. We have operated on the tradition of right and wrong, good and bad, black and white. This is changing. Farmers that survive these times will be harder and will operate more in the grey area of the business world. They will do what needs to be done to show a profit: disregard absolute right and wrong. The cardinal sin will not be doing something shady but in getting caught doing it.
>
> We are losing the neighborliness, community spirit and cooperative attitude of helping one another as we use our energies to help ourselves. Charity will not come from a willing heart but will be a management decision based on an accountant's recommendation as to what is good for the business.
>
> When that happens in rural America we've lost the compassion and moral fiber that has held this country together for these first 200 years. We are losing more than farms and farmers.
>
> RON HAUGHLIE,
> *Dairy Farmer.*
>
> RUSH CITY, MN, CHISAGO COUNTY.

CROSS-COMPLIANCE PROVISIONS OF 1980 FARM BILL ADVERSELY AFFECT OAT FARMERS

(Mr. GRANDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRANDY. Mr. Speaker, today I am introducing legislation to amend the Agricultural Act of 1949 to provide that a producer's 1987 and subsequent crop of oats on a farm may exceed the permitted acreage base if that producer is participating in the Corn Program.

The cross-compliance provisions of the 1985 farm bill, as they are being applied to the Feed Grains Program, are adversely affecting many oat farmers, particularly livestock producers.

The result of applying compliance within the Feed Grains Program is that oats farmers—who are not producing a crop that is in excess—are being forced into making a choice between two negative alternatives, either not signing up for the commodity programs or changing their operations significantly concerning oats and livestock.

In order to grow as much oats as is needed in their operation, they will not be eligible to place their corn crop in the 1987 Federal Farm Program. This simply cannot be.

My bill will allow farmers to participate in the Corn Program while still maintaining their oat production by eliminating compliance requirements within the Feed Grains Program.

It is unthinkable to this Member that at this time of great distress in the farm commodity that farmers be prohibited from growing a crop that is in excess and that the United States in turn imports oats from foreign countries for domestic use. In 1985 the United States imported 431,282 metric tons of oats from Sweden and Finland. From October 1985 to September 1986 we imported 379,678 metric tons of oats from these countries. On average they supply from 70 to 90 percent of our oat imports. Clearly there is a shortage of domestic oats, and our farmers should be allowed to enter the domestic market without penalty. The Europeans are teaching us agricultural independence, so let's be independent of the Europeans.

Many farmers use their oats on farm for feed purposes. Oat straw is used for livestock bedding while in the field it serves as cover for pasture and hay. Oats also enhances soil conservation. We must keep in mind that the alternative to not planting oats is the planting of soybeans on their former oat acres. Soybeans are a commodity which we now grow in abundance and is much harder on the soil.

I do not question that the Department of Agriculture has made its decision on cross compliance and compliance within the Feed Grains Program in good faith. However, I strongly disagree with the decision affecting oats compliance and urge support for this bill that I will be introducing.

□ 1110

THE DEVASTATION OF AMERICA'S STANDING IN WORLD TRADE

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, I rise today to call to the attention of my colleagues two recent news items which justly illustrate this administration's record on trade.

First, the Commerce Department, last week, released figures which quantify what many of us and many of our unemployed constitutents are already painfully aware—that the United States continues to lead the world in the production of debt. The record trade deficit of $148.5 billion in 1985 has been surpassed by a new record trade deficit of $169.8 billion last year.

Meanwhile, even the rosy analysis of the President's Council of Economic Advisers cannot belie the fact that we will see only a modest $30 billion gain next year. But even this hoped for success will be more the result of a decline in the value of the dollar abroad than in improvement in U.S. competitiveness.

The second item of note is a report that the United States awarded over $9 billion in military contracts to foreign companies last year. At the same time, the amount of foreign military sales by American companies has been halved, from 14.8 billion in 1980 to 7.1 billion last year. The net effect of this policy is to exacerbate our trade imbalance, stifle employment and economic growth and create national security problems.

For too long, we have remained silent while the policies of this administration have devastated America's standing in world trade. As a result, since 1981 the U.S trade deficit has grown sevenfold, from $25 to $170 billion. In just the last 2 years the trade deficit has doubled. In fact, the United States is now the world's largest debtor nation. Is this the kind of future we want to be planning for our children.

A careful, nonpartisan, and responsible examination of economic reality in the last 5 years demands that we take a new direction in trade policy. We must make a committed investment in human capital with education, training and retraining programs designed to improve the competitiveness of American workers in world markets. We must put an end to the unfair labor practices of our trading partners that make a mockery of free trade. And we must demonstrate our commitment to American industry by putting an end to the dangerously inane policy of contracting overseas for military equipment.

RESTORE ORDER AND SAFETY TO OUR CROWDED AIRWAYS

(Mr. **PACKARD** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, this past weekend there was a near midair collision over the skies of Cerritos, CA. What is so disturbing about this event, aside from the potential for a large loss of life, is that it occurred at roughly the same time, in roughly the same location and involving the same airline that was involved in the August 31, 1986 collision of two aircraft over Cerritos which claimed 82 lives and destroyed a neighborhood.

Near midair collisions are occurring with increasing frequency all over the country and point to severe flaws in our ability to manage our national airspace and in the ability of pilots to monitor surrounding traffic independently of overworked and understaffed air traffic control centers.

Over the past several years, efforts to develop improved safety in our skies have been undertaken by the FAA and others. Such efforts will not produce perfect solutions and we should not expect them to. What we should expect is that technology that we have at our disposal be utilized to restore order and safety to our crowded airways.

The time to act is long past due. We need to move quickly and decisively now to see to it that events such as the one that occurred this past weekend do not occur in the future.

A WAITING PERIOD FOR HANDGUN PURCHASE

(Mr. **FEIGHAN** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, handguns kill at least 50 people every single day.

But nearly 20 years after the passage of our first Federal gun control legislation, we still have no effective law for keeping handguns out of the wrong hands.

Yesterday I introduced legislation designed to fill that gap.

The Handgun Violence Prevention Act of 1987 mandates a 7-day waiting period on the purchase of all handguns. With this law in place, no sale of a handgun could be completed until local police have a weeklong opportunity to check up on potential handgun purchasers.

This is a simple piece of legislation, but it will save lives.

A 7-day delay will deter criminals, who won't take the chance that a background check might land them in jail. That's why it's been supported by the major police organizations of this Nation.

And a 7-day delay will provide a cooling off period for disturbed or distraught individuals who otherwise might but—and use—a handgun in the heat of a horrible moment.

Mr. Speaker, waiting periods work. California prevents 1,200 ineligible people from getting handguns every year. And New Jersey has turned away 30,000 potential killers in the past decade.

Now is the time for the Federal Government to build on that proven record of effectiveness by passing the Handgun Violence Protection Act.

HUD INCOME VERIFICATION ACT OF 1987

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Delaware [Mr. Carper] is recognized for 5 minutes.

Mr. CARPER. Mr. Speaker, I am happy to be joined by my colleague, David Dreier of California, in introducing today the HUD Income Verification Act of 1987. This legislation is intended specifically to reduce the incidence of fraud and abuse that exists in certain HUD programs. Our goal is to better ensure that the funds authorized and appropriated by the Congress are targeted to assist truly needy individuals and families.

The need for this legislation is clear. Currently, HUD provides rental assistance is excess of $9 billion annually to approximately 4 million households. The amount alloted to each household is based on all sources and amounts of income for members of that household. HUD's only means of verifying income at the present time is based on voluntary disclosure and certification.

Unfortunately, there have been documented cases in many areas of the country involving attempts to defraud HUD by falsifying employment verification forms or failing to list assets on applications. It is estimated that at least 15 percent of HUD-assisted households are either totally ineligible or are receiving more assistance than is allowable because they have under reported their income. HUD's inspector general has estimated that this results in overpayments in excess of $200 million annually—and that is probably a conservative estimate.

This legislation proposes to supplement the current system of voluntary disclosure of income with a new system in fiscal year 1989. Beginning then, HUD would utilize computer matching to compare the income, voluntarily reported by participants in certain programs, with the employer-reported wage date already collected by Social Security number in each State.

Significant discrepancies thus generated would be examined more closely. Affected individuals would be given the opportunity to contest the findings of this process.

□ 1120

The gentleman from California [Mr. Dreier] and I are sensitive to the concerns that must be addressed whenever it is suggested that Social Security numbers be used for any purpose other than traditional ones. Adequate safeguards to protect the privacy of program applicants and program participants, I think, are essential. It is also necessary that the confidentiality of income data be ensured. We believe that this bill adequately does so.

I want to take this opportunity to invite my colleagues to join Mr. Dreier and myself as cosponsors of this legislation. We believe that it addresses one Grace Commission recommendation which does make sense.

The 98th Congress in 1984 established similar independent income verification procedures for two other programs—Aid to Families with Dependent Children and also the Food Stamp Program.

If you wish to join us as a cosponsor or if you have additional questions, please feel free to contact Helen Wiederhorn (225-4165) in my office or Jeff Bobeck (225-2305) in Representative DREIER's office.

I thank the Speaker for allowing me these 5 minutes to describe our legislation.

FREE THE FARMERS TO SELL THEIR PRODUCTS TO CUBA

The SPEAKER pro tempore (Mr. OBEY). Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, Americans love our freedom, the freedom to do and to say as we please, the freedom to work where we wish to work, and the freedom to produce what we can. One of the hallmarks of a free society is the freedom to sell one's product to a willing buyer. We have heard a lot about American competitiveness in the world marketplace lately, and all Americans would like to compete in that marketplace. But to be competitive one must have the opportunity to compete.

Agriculture is one of the industries in which the trade competition is keenest. Because of an overvalued dollar, the growth of the farm surplus, and the use of huge farm subsidies by our major agricultural competitors, American agriculture is locked in a life-or-death contest for export markets.

There is one market, the Republic of Cuba, in which we have the opportunity to be the toughest and most dominant competitor on the block.

Instead, we have decided we won't even show up for the competition.

American farmers want the opportunity to compete and the freedom to sell to Cuba, or any other country and the American public wants action on our trade deficit—which was at an all-time high in the figures for 1986 released by the Commerce Department Friday. The trade deficit was almost $170 billion last year.

But it is the American Government that must act.

For a quarter century, we have treated Cuba as a sort of hermit kingdom of communism. We figured Cuba had much more to gain than we did from commercial relations, and therefore we ended all trade with Cuba in 1962 as punishment for that state's objectionable behavior. We have since learned that embargoes do not work.

The world has turned many times since 1962, and the economic situation has turned upside down. During this lapse of time we must have learned that embargoes do not work, enforced embargoes only cause harm to our farmers. Last year, the United States, which is the world's greatest farm producer, came perilously close to running a net deficit in farm trade. Indeed, in May 1986 we actually bought more farm products than we sold, thus running a monthly farm trade deficit for the first time since 1958. The American farmer must sell more products overseas. Since it no longer makes sense to cut ourselves out of a market just 90 miles from Florida that has a sales potential of almost a half billion dollars a year.

For that reason, I have today introduced a resolution calling on the President to make an exception to the embargo on trade with Cuba in order to allow the American farmer access to the Cuban market.

From 1981 to 1984, Cuba imported an annual average of 225.2 million dollars' worth of wheat, rice, soybeans and feed grains; 199.6 million dollars' worth of dairy products; 52.8 million dollars' worth of cotton; and even 11.2 million dollars' worth of tobacco. That comes to a total annual average value for these commodities of approximately $489 million imported by Cuba.

The market there, however, is even bigger. Cuba cannot import enough of these products to meet the needs of its people. Cuba needs a source of farm products that is in the neighborhood. They are willing to buy from us if we would sell to them.

Let me stress this is not a foreign policy issue. It is a trade issue, and a farm issue. The Cubans can't shoot a bushel of rice that we sell to them back at us.

This is also a fairness issue. It is unfair that Kansas wheat farmers are allowed to sell to the Soviet Union while Arkansas rice farmers are not allowed to sell to Cuba.

And it is unfair to allow the American farmer to wither in the world market while the crack of the auctioneer's gavel is heard again and again in the land.

The call to resume agricultural trade with Cuba comes not from detached analysts cloistered inside the Washington, DC, Beltway. It comes, instead, from the heartland

It comes from the Farm Bureau Federations of my district and State; it comes from the American Agriculture Movement; it comes from the board of directors of Riceland Foods, Inc., one of the world's largest grain cooperatives; and it comes from the Arkansas State Senate.

This is quite a broad consensus within my State's farm community. As the Commercial Appeal of Memphis said in an article on January 25, "the issue of selling United States grain to Cuba is one—possibly the only one—on which the American Farm Bureau and the American Agriculture Movement agree."

The views of farmers enjoy widespread support in Arkansas. For example, the Stuttgart Daily Leader contended in an editorial that "We agree that it does not make such sense to allow trade with the Soviet Union, for example, while prohibiting trade with Cuba." The Stuttgart newspaper went on to say that efforts to expand trade to Cuba are especially timely in light of the recent trade figures, which show that agricultural exports declined 10.7 percent to $26.1 billion in 1986, while agricultural imports increased by 5.3 percent to $23.2 billion.

All of the groups I have mentioned have passed resolutions endorsing the export of agricultural products to Cuba. Mr. Speaker, under my unanimous-consent request, I include the text of the newspaper articles and other documents at this point in the RECORD.

[Farm Bureau Federation of Arkansas, Nov. 3, 1986]

RESOLUTION ON TRADE WITH THE REPUBLIC OF CUBA

Whereas, Agriculture Exports from the United States have persistently declined since 1980; and,

Whereas, the United States in May imported more agricultural products than it exported for the first time since 1958, causing a $152 million dollar agricultural trade deficit; and,

Whereas, the lost of exports and the increase in imports are producing estimated 1986 trade deficit of $170 billion dollars; and,

Whereas, an emergency economic condition exists which is producing a decline in farm prices and an increase in unemployment in Arkansas; and,

Whereas, in the 4 year period preceding the Cuba embargo, 1955 to 1959, the United States averaged $131 million dollar annual agricultural sales to Cuba; and,

Whereas, during that same period United States sales of rice to Cuba averaged $33 million dollars annually; and,

Whereas, there are 300,000 metric tons of Arkansas rice currently in storage; and,

Whereas, the Republic of Cuba offers a potential export market of 300,000 metric tons of Arkansas rice annually; and,

Whereas, the United States sells wheat to the Soviet Union but the sale of rice to Cuba is embargoed, even though Cuba poses a lesser threat to the security of the United States than does the Soviet Union; and,

Whereas, the sale of Arkansas rice to the Republic of Cuba will cause no great harm to the security of the United States: Therefore, be it

Resolved, That the Arkansas Farm Bureau calls upon the President and the Congress to take positive action to change the current policy which embargoes the sale of American farm products, including Arkansas rice, to the Republic of Cuba.

(Note.—The above resolution was unanimously adopted at the annual meeting of the Craighead County Farm Bureau Federation on Monday, November 1986, and will be presented to the State Convention of the Arkansas Farm Bureau Federation in Little Rock, Arkansas, on December 10, 1986. The Resolution is expected to be adopted by the Arkansas Farm Bureau Federation and later presented to the National Meeting to be held in January, 1987.)

RICELAND FOODS, INC.,
Stuttgart, AR, November 21, 1986.
Hon. BILL ALEXANDER,
House of Representatives,
Washington, DC.

DEAR BILL: The enclosed resolution regarding the lifting of the embargo on sales of U.S. rice to Cuba was approved yesterday by the board of directors of Riceland Foods, Inc.

Now that this resolution is approved, I will begin contacting people in the administration in an attempt to get this subject put on the Administration's policy agenda. Any help, or advice, that you have to offer in this regard will be appreciated.

I look forward to working with you on this issue. We think it is an important one.

Sincerely,

RICHARD E. BELL,
President and Chief Executive Officer.

RESOLUTION REGARDING SELLING RICE TO CUBA

Whereas, agricultural exports from the United States have persistently declined since 1980, and;

Whereas, the United States in May 1986 imported more agricultural products than it exported for the first time since 1959, causing a $152 million dollar agricultural trade deficit, and;

Whereas, the loss of exports and the increase in imports are producing an estimated 1986 trade deficit of $170 billion dollars, and;

Whereas, economic conditions exist which are producing a decline in farm prices and an increase in unemployment in Arkansas and other rural areas, and;

Whereas, there is surplus rice currently in storage, in Arkansas and elsewhere in the United States and;

Whereas, the United States can sell corn, wheat and other farm products to the Soviet Union but the sale of rice to Cuba is embargoed, even though Cuba poses a lesser threat to the security of The United States than does the Soviet Union, and;

Whereas, the sale of U.S. rice to The Republic of Cuba will cause no great harm to the security of The United States: Therefore, be it

Resolved, That the board of directors of Riceland Foods, Inc. calls upon the President and the Congress to take positive action to change the current policy which embargoes the sale of American farm products, including U.S. rice, to The Republic of Cuba.

DECEMBER 16, 1987.

Hon. BILL ALEXANDER,
U.S. House of Representatives, Cannon Building, Washington, DC.

DEAR BILL: It was a pleasure to have you with us during our recent Arkansas Farm Bureau state convention. We had a very busy convention, as you know, electing a new slate of officers and passing a very lengthy set of resolutions.

I understand that you would like to secure a copy of our recommendation on international trade, particularly as it affects Cuba. I have attached to this letter a copy of our resolution. You understand, of course, that it is only a recommendation to the American Farm Bureau Federation and represents the Arkansas Farm Bureau input into that process.

Again, thank you for taking the time to speak to our convention. We will look forward to working with you on other occasions.

Sincerely,

JACK G. JUSTUS,
Executive Vice President.

THE 1985 FARM BILL

The 1985 farm bill, as related to rice, is a continuation of the target price concept. We support the following guidelines:

(1) Rice should be a separate section of the farm bill.

(2) There should be no limitation on government payments.

(3) We recommend that loan and target price increases be calculated on actual cost-of-production increases for rice.

(4) USDA rice cost-of-production data should be a compilation of published land-grant universities' rice cost-of-production data, updated annually.

(5) We favor a loan rate at 75 percent of the target price, adjusted proportionately to changes in the target price.

(6) There should be no cross or off-setting compliance provisions.

(7) We recommended a public relations program on the part of Farm Bureau to counteract bad publicity surrounding the farm bill, as related to its cost and abuse by some farmers.

(8) Farmers should be permitted to buy, sell, trade or rotate bases with other producers in such a way that no increase in cost is accured to the government.

(9) Lawmakers should give the farm bill a chance to work by not eliminating key portions of the bill, such as marketing loan and generic certificates.

We favor a program that would spend money on helping export rice rather than paying storage cost on stockpiles in the U.S.

Due to the high value of the U.S. dollar, we favor an export subsidy on rice.

We favor a tariff on imported rice to raise the cost to equal that of domestic grown rice.

American Farm Bureau should call upon the President and the Congress to take positive action to change the current policy which embargoes the sale of American farm products, including Arkansas rice, to the Republic of Cuba.

[Meeting in Memphis, TN, Jan. 17, 1987]

AMERICAN AGRICULTURE MOVEMENT OF RESOLUTION

Whereas, a potential market exists for huge amounts of rice in the Nation of Cuba that is now closed to U.S. producers;

Whereas, this lost market is contributing significantly to surplus stocks held in the United States and is contradictory to U.S. farm policy, whose success is heavily dependent on exports;

Be it resolved, that exports of agricultural commodities be permitted and encouraged to the nation of Cuba.

THE SENATE OF ARKANSAS

The Arkansas Senate resolution passed on Tuesday, January 27, by voice vote with no one opposing it. There were 10 sponsors.

Whereas agricultural exports from the United States have consistently declined since 1980, and the United States in May, 1986, imported more agricultural products than it exported for the first time since 1959, causing a $152 million agricultural trade deficit;

Whereas the loss of exports and increase in imports are producing an estimated 1986 trade deficit of $170 billion;

Whereas the economic condition of agriculture in Arkansas is deteriorating rapidly and has resulted in a loss of many farms and high unemployment in the state;

Whereas there are 300,000 metric tons of Arkansas rice currently in storage and the Republic of Cuba offers a potential export market of 300,000 metric tons of Arkansas rice annually;

Whereas the United States sells wheat to the Soviet Union but the sale of rice to Cuba is embargoed, even though Cuba possesses a lesser threat to the security of the United States than does the Soviet Union;

Whereas the sale of Arkansas rice to the Republic of Cuba will pose no great threat to the security of the United States: Now, therefore, be it

Resolved by the Senate of the 76th General Assembly of the state of Arkansas, That the Senate hereby sincerely urges the President of the United States and the United States Congress to take appropriate action to remove all official prohibitions and deterrents to the sale of U.S. grain to Cuba.

It almost goes without saying that a half billion dollar market is not going to solve the farm problem all by itself. Farm sales to Cuba cannot save all family farmers. But the times are hard, our competition is tough, and the market is there—untapped by us, but not by others.

Opening the Cuban market may not save all family farmers, but it would probably save some. And I think that is a goal well worth pursuing.

Let us approach this issue without undue emotion. In our foreign policy, we need to put a steely glint in our national eye and keep a hard, close watch on Cuba. But in the spirit of capitalism, of commerce, and of entrepreneurship, let us go for it. Let us take the opportunity to compete. Let us sell farm products to Cuba.

The resolution follows:

H. RES. —

A resolution regarding the sale of United States agricultural products to the Republic of Cuba.

Whereas the President of the United States declared in his 1987 State of the Union Message that "competitiveness also means giving our farmers a shot at participating fairly and fully in a changing world market";

Whereas, in 1987, the economic condition of United States agriculture is poor;

Whereas, for a period of time during 1986, the United States sustained an agricultural trade deficit for the first time since 1958;

Whereas the United States placed an embargo on trade with the Republic of Cuba in 1962;

Whereas, the Republic of Cuba annually imports more than $400,000,000 worth of wheat, rice, soybeans, feed grains, dairy products, cotton and tobacco, and the United States produces all of these products in abundance; and

Whereas the United States engages in agricultural trade with other Communist nations: Now, therefore, be it

Resolved, That the House of Representatives urges the President of the United States—

(1) To lift the embargo on the export of United States agricultural products to the Republic of Cuba, and

(2) To take appropriate steps at the time of such action to make clear to the government of the Republic of Cuba, the governments of other nations, and the people of the United States that such action does not represent a change in the political, diplomatic or defense policy of the United States with respect to the Republic of Cuba.

□ 1130

TRADE DEFICITS, ON EVERYONE'S MIND

The SPEAKER pro tempore (Mr. GRAY of Illinois). Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, at long last an issue that has gnawed at me and some of my colleagues for more than 15 years now has captured the attention of the Congress, the administration and the country. I am talking about trade deficits.

To fully appreciate the enormity of our trade deficit today and the mess we have got ourselves into in world commerce, you have to go back a few years—to 1971.

That is the year the United States posted its first trade deficit in nearly a century. Since then, it is been downhill all the way. With the exception of 2 years early on in that streak, we have had nearly 15 years of uninterrupted deficits. Each one larger than the one before it.

In 1971, our first trade deficit was $2 billion. Think of it, $2 billion! At that time it was a shocking amount, large enough to prompt several of us in the House at the time to take to the floor and speak in concern for it.

In 1985, 14 short years later, the trade deficit was $148.5 billion! Now, that is talking megabucks. It is an awesome sum. But, it is not the best—or the worst—we can do.

No, my friends, if projections for 1986 hold true, we will manage to eclipse that astounding total by another $12 billion or so. That is right. Projections for the 1986 trade deficit peg the total somewhere in the neighborhood of $170 billion!

In the space of less than 20 years the United States has gone from the world's greatest exporter of goods to the world's greatest importer; from the world's greatest creditor nation to the world's greatest debtor nation.

It makes one ask: Where can we go from here? It also makes one ask: How did it happen?

I cannot answer the first question, except to say that if we in the Congress, in the administration, do not do something and do it fast to reverse this plunge, we, as a nation, can go down the chute!

To the second question, I can cite several reasons. One is our leaders forgot what George Washington told us in his farewell address back in 1796: "It is our true policy to steer clear of permanent alliances with any portion of the foreign world."

Certainly, it is true our world has grown smaller since President Washington issued his warning. Changing times require changes in thinking, but I think we went too far in mixing our foreign trade with our foreign relations. I think we made a terrible mistake in using American trade markets as a bartering chip to wheel and deal for international political concessions.

We also failed to recognize, or chose to ignore, a change that was taking place among nations striving for leadership in world commerce.

In our haste to rebuild a shattered international economy after World War II, we paid little or no attention to the tactics used by nations struggling to find a place in the sun of global trade. We ignored the growing use of subsidization, nationalization, the erection of barriers, tariff and nontariff, against American goods in foreign markets.

A year after our first trade deficit, I advised the Congress to beware. I warned "the world turns on trade and if we—the United States—do not turn with it, it will roll right over us."

I underestimated that juggernaut. It has not merely rolled over us, it literally is grinding us into small bits.

I think the rude awakening as to what was happening to the United States occurred in the last Congress, the 99th. I believe at one time there were some 200 bills dealing with trade introduced in the House. Unfortunately, nothing came out of that session.

I expect we will see a goodly number of similar bills introduced in this Congress, particularly after the final figures for 1986 are tabulated.

One measure, which was introduced early in January and which I heartily will again endorse, is the Comprehensive Trade Policy Reform Act of 1987. It is based on the bill that passed the House last May by a vote of 295 to 115 but which was never voted on by the other body.

This bill is a bipartisan strategy to restore the country's competitiveness in international trade. It provides for a more rapid and certain consideration of assistance to trade-battered industries. It creates a war chest to help American exporters respond to unfair trade practices by their competitors. It gives the President unprecedented authority to negotiate reduced trade barriers with trading partners. It allocates $1 billion to retrain workers hurt by foreign imports. It requires the President to take action against nations who close their markets to American goods or who refuse to negotiate in good faith.

The bill is a dramatic departure from the cautious one taken in the past by those who shrank from the word "protectionism," although that word described what has been a longstanding practice by those countries that rose from the rubble or World War II to become the international trading powers of today.

Those nations have not hesitated to "protect" their markets, their industries, their jobs, in every way possible from foreign intervention.

Nontariff barriers were a favorite ploy. Japan poured capital into certain industries to strengthen them for international competition. Europe rebated its value added tax to exporting companies for the same purpose. Britain, France, and Italy granted outright subsidies or nationalized their industries.

At the same time, American firms trying to retain a hold on foreign markets began running into all sorts of obstacles. They could not obtain the required license to operate without long and expensive delays. Inspection procedures were devised that prevented American goods from getting ashore or to market unless the shipping firm paid a high price.

The fact is that while many of our leaders were reluctant to take strong action against unfair imports lest America trigger a trade war, it became more apparent with each passing year—with each new record deficit in trade—that we were in a trade war and we were losing it—along with hundreds of thousands of jobs in virtually every major industry.

For 6 years this administration, like its predecessors, followed the same cautious path. But, to its credit, it appears this administration is showing signs of reversing its previous reluctance to deal harshly with imports that injure American industries.

In recent weeks, it has slapped quotas on European machine tool products and heavy tariffs on wine, liquor, and cheese and it got the attention of our trading partner. I only wish it had done the same thing on behalf of the domestic steel industry, as I have been urging for so many years. If it had, things would be better in southwestern Pennsylvania and in other steelmaking centers throughout the country. We know what unrestricted imports helped do to that industry.

The Comprehensive Trade Policy Reform Act is one concept to resolve our trade problems. There are others, include the idea the time has come to establish a U.S. Department of Trade at Cabinet level.

It is a concept I support and to that extent I have introduced a bill, H.R. 646, that would pull all trade-related issues from the Department of Commerce and other agencies, including the office of the U.S. Trade Representative, and incorporate them under a new Secretary of Trade.

The Secretary would be appointed by the President and empowered to coordinate U.S. promotion of international trade, negotiate agreements, protect American industries and workers from unfair or injurious foreign competition, and develop policies regarding the growth of foreign investments in the United States.

This consolidation of authority and responsibility must be made. Our failure to do so in the past has resulted in our foreign trade policy becoming so twisted with foreign relations that our leadership is fragmented, divided, and uncertain.

For example, today primary responsibility for trade rests with the Department of Commerce and the U.S. Trade Representative. The DOC collects and analyzes trade data. The USTR takes that data and uses it in shaping trade policy and negotiations.

This two-handed direction creates problems. It makes it difficult for an administration to make a final decision on trade issues.

The Secretary of Commerce, for instance, has other matters under his jurisdiction that may temper concern over international trade. The USTR, on the other hand, while a member of the Presidents' Cabinet lacks the broad base of authority enjoyed by other department secretaries and he must share his responsibilities with DOC.

Too often, I think, problems in international trade may be overshadowed by other domestic or foreign political and economic matters. In the long run, this weakens our ability to monitor and defend our rights.

Mr. Speaker, creating a Department of Trade will send a signal to both American businesses and their foreign competitors. It will tell them:

The United States intends to make trade expansion and solvency a national issue.

The United States intends to promote fair and free trade around the world.

And, the United States intends to defend its legitimate trading rights and interests, along with its major industries and the jobs of its workers.

It is time the signal is sent!

□ 1140

I would like to go on at this time and refer to a specific item, and that is specialty steel, which is sold by the pound, as distinguished from the ton, and to give just a little rundown as to what is happening recently here on Capitol Hill and at other times.

□ 1150

Mr. Speaker, as I already have emphasized, throughout my legislative career I have been disturbed by the increasing volume of foreign imports. As chairman of the congressional Steel Caucus and a representative of the Pittsburgh steel area, I am particularly concerned about basic steel. One branch of the steel industry that has really been hurt by steel producers in other countries is specialty steel, a category of steel which includes stainless steel bar and rod, alloy and tool steels, and stainless steel sheet, strip and plate. We are talking about a highly sophisticated metal that is sold by the pound as distinguished from the ton. It is used in surgical instruments and very specialized tubings where corrosion is a major problem, things like that.

On January 29, one short week ago, here in the House, in the Rayburn Building, I joined several members of the Specialty Steel Industry of the United States, the United Steelworkers of America, and a large number of my colleagues in both the House and the Senate for lunch to discuss an extension of the restraints on specialty steel imports. These restraints are scheduled to expire on July 19 of this year unless the President renews them, and they are vital to everyone in the specialty steel industry.

As we entered a private dining room in the Rayburn House Office Building, we were presented with a place setting of stainless steel flatware by representatives from Oneida, Ltd., the only major company in the United States which still produces it. When we sat down to eat, our hosts invited us to examine the flatware supplied by the House of Representatives' catering service. All of the hundreds of knives, forks, and spoons in the room were stamped "Japan" or "Korea" or "Taiwan."

We were then invited to ceremonially throw out our imported silverware and use the Oneida stainless steel flatware. We all did, and that evening's television news was full of pictures showing the hoopla as Congressmen and Senators dumped their imported silverware into a "Ban Imports" box.

For me, this whole luncheon was very gratifying. I have spent most of my 18 years in Congress trying to bring the issue of imports and trade to the attention of my fellow Members. In fact, on April 28, 1970, I made the following remarks on the floor of the House related to the issues of trade and silverware:

> In January during lunch at the cafeteria in the Longworth Building I discovered the knife I was using was stamped "Made in Japan." I was appalled to learn imported silverware was used in a cafeteria utilized by representatives of this Nation's Government.
>
> Last week in the cafeteria of the Federal Building, in Pittsburgh, one of my staff had taken a guest to lunch and told him of my finding the Japanese knife in the Longworth Cafeteria. The guest chuckled at the story but promptly checked his own silverware.
>
> You have guessed, I am sure, what he found. Stamped not just on the knife, but on every piece of silverware checked, was the legend, bold as brass, "Stainless Steel, Made in Japan."
>
> Mr. Speaker, I cannot understand why any Federal building with cafeteria facilities cannot use American made silverware, utensils, and appliances.
>
> I am curious to know how widespread this practice might be. Are all Federal cafeterias equipped with foreign silverware and china? Is there other foreign made equipment and material used in their operations? What about Federal buildings without cafeterias? What inroads have foreign products made in their operation? Did we get a good buy on the articles? More important, did it cost American jobs?
>
> Mr. Mitchel F. Mazuca, Director of District Four of the United Steel Workers of America said that, "The cutlery industry will be disappearing from the scene if we don't do something about imports—if we do not do something soon, we won't have any members in this industry."
>
> Mr. Speaker, I fear that many of those who advocate liberalization of import quotas to fight inflation, who feel American workers will not lose their jobs as a result, may have to eat a lot of crow and they will eat it using imported silverware.

Seventeen years later, after that fiasco back in 1970, my predictions and those of Mr. Mazuca have certainly proven accurate. In 1970 there were approximately 10,000 people working for 15 to 20 stainless steel flatware manufacturers. At present there are only about 2,000 people in the industry and Oneida is the only major company that still manufactures stainless steel flatware. So, Oneida joins the rest of the American specialty steel industry in seeking to reasonably restrain foreign specialty steel imports.

This group has requested Congress to advise the President and the U.S. International Trade Commission that quantitative restraints and tariffs on specialty steel are necessary until July 19, 1990. The restraints need to be renewed because the American specialty steel industry is being threatened by foreign companies which receive subsidies and direct funding from their various governments throughout the world. Government funding of companies that export specialty steel products reduces the unit price of the product and thus drives the price down to a level with which American manufacturers cannot compete. Numerous investigations have confirmed these unfair trade practices, and yet we continue to import foreign specialty steel products from these various countries.

Unfair trading practices and subsidization have profoundly harmed the specialty steel industry and have caused the 80-percent reduction in the work force which we see in the flatware industry today. In the specialty steel industry, one cannot advance the old arguments that management has been lazy and unions too demanding. A recent administration report found that the American specialty steel industry is modern—one of the most modern in the world—competitive, and technologically up to date—superior to any other specialty steel industry in the world. The industry's only problem is that they are suffering from unfair competition, which an extension of the import restraints presently in place could help eliminate over the next 3 or 4 years, and allow our specialty steel industry to become really solid and be placed on a firm foundation.

As Members of Congress and concerned Americans we must do our part to reduce our Nation's appalling trade deficit. We need to encourage both labor and management to work with the Government to design legislation which will revitalize our competitive posture in the world economy. We need to strike a balance between consumers' demands for low prices and job security for workers who are threatened by foreign imports. Lastly, as Members of this historic 100th Congress, we need to remember the people who elected us and, as mentioned earlier, draft trade legislation that is truly in the best interests of all Americans.

Mr. Speaker, I want to emphasize and maybe clarify a point that is so misunderstood by so many Americans and even those of us in the House and those that have spoken out on this subject many times, and which has been the subject of our discussion in the steel caucus in many instances. That is, there are those who advocate this philosophy or this position: Why should you disturb foreign imports coming in when they help to keep the price of the commodity to the American consumer down, and it fights inflation?

All that I can say in answer to that, and I think that I am justified and I think that the record supports me, is yes, the American consumer at times under these international conditions will have available to him for his purchase a product that is cheaper than that made in this country. The reason why it is cheaper, as I mentioned in my prepared remarks, is because those exporters, those countries throughout the world, will rebate taxes back to their manufacturers, will give them subsidies, give them low-interest loans, and encourage them to export, so that their standard of living increases. They do not have to worry about a profit to be made.

So they export the particular product to this country, and, yes, under those conditions our purchasers and our citizens can buy it cheaper.

But you have to pay for everything that you get. Here is what happens. After they drive you out of the market—as I mentioned here on the flatware, stainless steel flatware, only two major companies are left, Oneida being the biggest—as soon as they are driven out of the business, you watch what you pay for that type of product. It will double and triple on you, and you have to be very, very careful, because that is the trap that occurs, and this has occurred repeatedly in so many instances on so many products, so many times, and it is still repetitive and still occurring, and still we cannot influence and we cannot explain to our people generally, our citizens and our fellow colleagues here, what is happening. You only have a respite, a temporary advantage, if you want to call it that, for the lesser costing article.

□ 1200

Before calling on my good friend from Maryland [Mrs. BENTLEY], who has been so active in the Steel Caucus over the years, so very active, let me say this: I leave this thought with you. Forget about what I just said, the explanation, and ultimately what they will do to you, it will double, triple your price, like what happened when we had our steel shortage internationally, and our foreign competitors put all kinds of extra costs on, let me say this: I don't even care if it does not work that way, but I will tell you it does work that way, and the facts show that it works that way. I do not even care if that does not occur. I would rather buy American products, which is going to guarantee American workers to have a job, support a family and pay taxes, even if I have to pay a few cents more, and that is the philosophy I leave with our citizens in this country, and I think I am on solid ground, and I leave that thought with you.

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentlewoman from Maryland [Mrs. BENTLEY], a very good supporter and friend and colleague on the Steel Caucus and fellow office holder.

Mrs. BENTLEY. Mr. Speaker, I want to compliment the distinguished gentleman from Pennsylvania for his long and thoroughly detailed and well-documented story this morning on what is happening to the stainless steel industry and particularly to flat wear. I am particularly impressed that the gentleman pointed out that right here in the Congress of the United States we have failed to abide by the Buy American, and something must change on that whole picture.

Yesterday I pointed out that over $9 billion, and these are the dollars that we can point our fingers to, lay our hands on, is sent outside of this country by the Defense Department for purchases, a lot of them for steel. And what is happening to our people? People are not aware sufficiently that the manufacturers, those who work in the Korean stainless steel area, the Korean boot factory, they do not pay taxes over here.

Can the gentleman explain to me why our bureaucrats, and I put it on their shoulders, are so intent upon granting a contract to a foreign producer rather than American producer, if they have the opportunity?

Mr. GAYDOS. I would like to respond to my colleague, and I am sure she understands and she would agree with me, that it has always been the same old story, time after time, over and over again. It is always mixing our economic well being with international and domestic politics of so many different calibers and so many different stripes. We have always done that. We have done that and I guess we are just probably going to continue doing that. We have said repeatedly that is what occurs; we mix our interests, and it is not right.

That is why I suggested in my remarks that we put together and put in place a special department, give it a Cabinet ranking, a department of trade, so that it would work exclusively and would not be interfered with with all of these other elements of international politics, international bases, defense mechanisms and modes, and things of that nature. That would be my observation at this time, I say to my colleague.

Mrs. BENTLEY. I like the gentleman's suggestion on a department of trade. But we would have to stipulate that they have to be interested in the United States.

One of the things that is wrong in all of this is over at the Department of State when they get into these international negotiations, they never express any concern about the United States of America. It is always what the foreign countries are going to feel, and their attitude, and what is going to happen to them. You know that I have often said, and I think the gentleman has agreed with me, that the Department of State needs a desk for the United States over there so that they will have more thought for us.

Mr. GAYDOS. If I may, I think my colleagues would also agree with me when I say on many occasions when we in the Steel Caucus had before us responsible Secretaries, whether of Commerce or what have you, or our special trade representative, repeatedly I would ask, and I know the gentlewoman has joined me, how many people, how many people do you have watching the trade, that is the imports coming into this country. How many prosecutions have we had under the Anti-Dumping Act? How many have you assigned to it? What is your budget? Invariably and repeatedly we are told, well, we have so many thousand man hours, and I have replied somewhat rudely and said many times that I do not want to hear about man hours because that is just a coverup, I want to hear how many people you have.

Do you know what it would amount to? It would amount to five people, a dozen people, a dozen persons in this great bureaucracy of ours assigned to checking the vouchers coming in and the bills of lading, and it has always been the case where we have repeatedly warned that we are not monitoring the trade into this country, that all of our trading partners know they can just deluge us with all types of items and they know they will never get caught. And when they get caught, it is too late, and usually they negotiate to find a way out, and we find that repetitively. I think my colleague agrees because she has been exposed to the same type of information that I have.

Mrs. BENTLEY. Absolutely. It is too late and they have already put our people out of business.

Just this morning I got a telephone call from my district from a stainless steel company, a special steel plant which is under chapter 11 bankruptcy filing right now trying to get its feet back on the ground, and it bid on a Defense Department procurement for diamond floor plate, diamond steel floor plate. Apparently, the one who has outbid them a little bit, now listen to this, a New York broker whose supplier is going to be from Hamilton, Canada, from a plant that does not make this at all. So you know what game they are playing. And they are 8 cents a pound less, from $1.15 a pound to $1.07 a pound, 8 cents a pound less than the U.S. producer.

I am going to go after the Defense Department on this because, first of all, there is supposed to be a 10-percent allowance between United States and foreign bids, and there should be a lot more than that. But this Defense Department procurement officer would put these Americans out on the street where they will have to be paid unemployment compensation, and welfare, and other things that the taxpayers will have to put up, and nobody seems to care. This is the thing that is disturbing to me. Somewhere we must instill in our people that we have to think of the United States of America, and that we cannot let our economy be controlled by the foreign countries, and it is being controlled today, and you know it and I know it.

Mr. GAYDOS. If I may at this time make reference to the fact that every bottom, meaning a ship, in international waters, every bottom that comes to this country carrying Japanese automobiles, they do not use American bottoms or American ships, they do not use them. When they ship to this country they ship them in Japanese ocean-going vessels and they insist upon it. When we want to do it the other way around, we have all types of problems.

We give through foreign aid and many other different instances, internationally, we send grain and things throughout the whole world. I think we carry, we use something like 10 percent American ships, 10 percent, while other countries insist on 100 percent. You can go to San Francisco, you can go to the west coast, you can go to the east coast, but the west coast particularly where the ships are with the automobiles coming in from Japan, and you will find all Japanese ships. We have problems just holding two or three ships in our American industry as far as tourism is concerned. We have so much difficulty in keeping one or two ships in business that it is pathetic, and it gets so counterproductive, and so un-understandable and just pathetic.

Mrs. BENTLEY. And that line of the Japanese automobile carriers, I think it is very interesting that until Chairman Walter Jones of the House Merchant Marine and Fisheries Committee introduced legislation last year calling for 50 percent of the cars being imported from Japan to be moved on American ships, the Japanese would not even talk to us about any American ships. Once that bill was introduced, although it was not enacted, once it was introduced, however, they did allow for one ship to come in, and that is what we do not do in this country. We do not demand and we do not do a quid pro quo and they are all over us. And their industries, as you well know, my dear colleague, their industries are subsidized by their government, and our industries have to compete as private enterprise, which makes it very difficult.

Mr. GAYDOS. There is no question about it. I had supported in the past, and I know as a practical person it would be very difficult to get passed in this House legislation that is based primarily on reciprocity.

Mrs. BENTLEY. Exactly.

Mr. GAYDOS. You do unto me what I do unto you and vice versa.

□ 1210

Mrs. BENTLEY. Yes, and I want to commend the gentleman for introducing that bill, again. I am happy to be a cosponsor on it.

Mr. GAYDOS. If we were looking for something fair, that would be—for instance, here is a good example. We found—this is 3 or 4 years ago—we found certain steel products that had been marked internationally in their bill of lading, having originated in Japan.

We found out Japan did not even manufacture the item. It was manufactured in Korea; and from Korea they had their interest, and they marked it Japan going through a subsidiary of some sort; it comes to this country and they then avoid the quotas, and that is what they do repeatedly.

In fact, I have many, many times raised the question why all the exports and all the products made in Korea, steel one of them, bypassing Japan and coming to this country. I think we are located literally thousands of miles away—why would not Japan take some of those? But mysteriously, Japan gets none of those.

Mrs. BENTLEY. They do not allow it.

Mr. GAYDOS. They do not allow it. Again, that brings me to the point, we have our special trade negotiators negotiating with Japan time and time again, asking them, and they are getting promises, empty promises; for the last 5 years; "We are going to open our markets. Open our markets to your telecommunications products, open our markets more and more to your fruit, more of your agriculture. Yes, we are going to allow some of your automobiles to come in; yes, and we are not going to compete improperly with your computer chip industry." All those things were promised.

After 5 years, they still have never negotiated a reasonable arrangement whereby Japan would take at least a reasonable amount of our imports.

How can we have as a country a $40 billion trade deficit with Japan? Forty billion dollars.

Mrs. BENTLEY. It is $51 billion.

Mr. GAYDOS. It is 51 now. These statistics are getting so voluminous and so unreasonable that one misses them; you blink your eye and you have got another $10 billion.

Mrs. BENTLEY. That is right.

Mr. GAYDOS. That is exactly what is happening. I would say it is crucial, and something must be done. What are we getting? Nothing but empty promises, and tomorrow, tomorrow. And this goes from the Prime Minister of Japan all the way down to their negotiating representatives and agents. It is getting disturbing.

Mrs. BENTLEY. Mr. Speaker, once again I want to commend the gentleman from Pennsylvania [Mr. Gaydos] for bringing this up today, and I was happy to be able to join in this colloquy with him.

Mr. GAYDOS. I want to thank the gentlewoman from Maryland [Mrs. Bentley] for all of her past support of the Steel Caucus, and her effectiveness in bringing this message to our colleagues. I hope we can again put together, maybe with more of our Members, by giving advance notice, and get into a very arm's length, minute discussion and dissertation—a critique involving this very, very sensitive subject, and one that is going to sink this country if we do not solve it.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. Gonzalez] is recognized for 60 minutes, or any part thereof.

Mr. GONZALEZ. Mr. Speaker, I rise to advise the Speaker and all of those here today that it is not my intention to consume the hour; but I do find it imperative to continue what I would entitle this to be the third discussion on the economic dilemma that now has become, as other issues, quite inescapably noticeable and one that is imperative that we confront.

Whether the Congress does or does not, it is not going to disappear; whether the President wishes it or not, as I have been saying now for more than 15 years, it is not going to disappear. One way or the other, either the inexorable course of events will thrust the forcible and rather unpalatable solutions or decisions that up to now we have evaded.

As of last mid-November, we set another record. We are always very proud to establish records in America. That was that the Congress approved a debt ceiling limit of $2 trillion. Now, that happened to represent the 11th time that the debt ceiling had been increased and approved since the assumption of the Presidency by President Ronald Reagan.

The more disturbing and the least noticeable or discussed or understood item, though, not that the $2 trillion debt level is not disturbing, is that the corporate and the consumer indebtedness has risen even faster. Public and private debt now add up to more than $6.7 trillion, which is twice as much as it was in 1978, and three times as much as it was in 1975, in what the present President has described as "those dark years," but actually they look pretty bright compared to what is the case now.

This last, and the year before last, the combined Government, corporate and consumer debt grew faster than the gross national product. The U.S. trade balance, which in 1980 was on a plus credit, has now a horrendous deficit; and at the rate we are going, it does not take much to know that by 1990 it will reach $500 billion, which of course is not acceptable and I do not believe that we will endure at least as our economy is structured, if we do not face that before 1990.

We might piddle around with the domestic, or the national debt as we have been, but not with this international trade deficit. The American economy is already being drained of about $600 plus billion per year in interest payments.

Now, that is over 16 percent of the gross national product. In 1985, the administration budgeted about $199 billion or $200 billion to provide for the interest payment on the national debt. That amounts to about two-thirds of our defense budget.

The average taxpayer, I figure, now would be paying in excess of some $600 a year per capita just to pay the interest on the national debt. The bad part is that it is not just simple interest, any more than our domestic interest workings and principles nowadays.

They are based on a compound interest formula. Compound interest is that mathematical scheme of things whereby the interest earned in each period is added to the principle, so that the interest is larger in the next period than it was in the prior period.

So that those of us that had been pointing out when the interest payment per year was not even $35 billion, that this was totally unacceptable; that at the heart of the matter, of all these dilemmas confronting us, my very distinguished colleague from Pennsylvania [Mr. Gaydos] who has been most active in the formation and the leadership of what is known here as the steel caucus, and who preceded me this afternoon, is pointing to just one facet of the problem that has resulted, and which some of us had predicted and foreseen and anticipated and had attempted, as much as one individual Member could, both by suggested legislative items as well as by interceding and intervening with the administrative officials who at the time were exercising the power of judgment and discretion that could have, in a precautionary way, have precluded very much.

All of what is besetting us today is not an act of God, surely, but at the bottom of it all is of course this question of interest.

Over the course of the last 10 years, I have spoken more consistently and more frequently on that one item. I have pointed out that all through the history of mankind, going back to even before recorded, written history, even to 6,000 years before the age of Christ, that even in those annals that we can still decipher, the Code of Hammurabi, the Egyptian, the Phoenician and all through mankind's history, the tie in between interest, the practice of interest payments and rates and the rise and decline and fall of those empires and civilizations is inextricable; they are linked.

□ 1220

They are linked. More recent modern history is far more eloquent and far more precise in ascertaining this basic fact. Back before the time when interest rates had even exceeded 6.5 percent in our country—and we must go back about 22 years for that—I spoke out. I put in the Record the result of an investigation and study that I had made about the history of the attempt to control interest rates and the so-called usury or antiusury laws, and brought to the attention of my colleagues through the Record then that it was in 1865.

Remember, that was a tremendous period of transition and turmoil. President Lincoln, whose last utterances were expressing concern about this development—and it also coincided with the approval of the National Currency Act of 1865, which was the first legislative act that led to what we now call our national banking system, but which also erased from the statute books the usury law that had been a national law until then.

In the interim and since, especially 1969, the Federal Government and even through legislation has in effect vitiated the individual States' usury laws because of the fact that the cause and the allegations made on the State legislative level were that if those restrictions on the payment of interest were not removed that particular State would be deprived of access to the capital markets. It would go to the other States where there were no such controls on money.

But this has always been the eternal excuse or argument for those who would impose usurious, extortionate rates of interest which have been flagellating our country and still do to this day.

We hear a lot about how interest rates have gone down, but not real interest rates and not fundamentally in those areas in which the essence of the economic well-being of the American family is concerned, such as home purchasing. There is not a mortgage I know—and today you just do not find 30-year fixed mortgages as you did some 15, 16, 12 years ago—but when you do, they are all predicated on the basis of compound interest. So it should not be any surprise to us and it should not have been as of a year and a half ago when for the first time since 1914 our country became a debtor nation.

In two world wars we were a creditor nation, the only creditor nation involved in the wars. It was that which enabled our allies to win. In neither one of the two world wars would our allies have endured 6 months had it not been for the availability of American credit. Now, as after World War I, we are now experiencing the same thing. It is a different scenario, that is we do not have the same countries involved. Most of those after World War I disappeared from the map after World War II. You have now an entirely different situation.

But basically what has happened to the American credit system has been the same. So unperceived by most, in fact—and I say this regrettably because it is no badge of honor in my lapel to say that I have been the only Member in either the House or the Senate to discuss such a thing as the

European currency unit or the European monetary system, [EMS,] which is now in full bloom and which only last month Japan made a heavy incursion into the use of the European currency unit.

All of that means that the American dollar, and that is the whole intent of the development of this system, is being disgraced.

What does that mean to us? Well, it means everything but it is hard to connect unless, as I have attempted to do, you do it piecemeal, fragmentarily and then try to correlate, try to synthesize in order to get some coherent picture. These things are all interdependent, whether it is the steel industry, now known as the Rust Belt area, whether it is our agricultural productive areas which incidentally were the only element in our society that were enabling us to have a favorable credit in our international account books. Our reliance now on external forces, elements, an financial interests who now have the power to control those decisions that will impact on us, whether we do or do not do anything domestically. As a mater of fact, the farm crisis became acute, it will be 3 years this autumn; but nobody reported in the press that the direct cause then, and not the underlying cause—the underlying cause goes back to this—that the allocation of credit to the farmer was being denied through extortionate interest rates, that the allocation of credit in competition to that which our foreign producers had a line to was deteriorating and that, far from defending the national interest, our own international American-based interests were not using their capital to invest it to buy plants externally but rather borrowing the money from foreign interests whereby today an unpermissible percentage of this foreign debt is controlled by foreign interests.

Our banking institutions have been literally invaded. Even our agricultural land has ended up in the hands and in the possession of foreign investors in what I consider to be, and for some years have, an unallowable and unacceptable degree.

So that we in our country find ourselves not only the greatest debtor, more than the so-called Third World countries, but we find that we are now importing more foodstuff than what we are exporting for the first time in history.

So that when we go to the root cause and say you cannot, as I said when I got elected here—because when I got elected to the Congress the big accusation was that I would come up here and would not amount to a hill of beans because I would not be able to get on the Committee on Armed Services, since my district has very heavy commitments to the national defense and always has had—and under the practice that prevailed I knew that. But I had served 5 years in the State senate and I had emerged in the State senate with far more harsher situation confronting me than when I came here. Yet I am happy to say that 5 years later, as one of those—and they are quite a number—who have come to the Congress after serving in the Texas State Senate—a glorious institution, by the way—I am the only one that there is any record where the State Senate of Texas unanimously passed a resolution memorializing Congress of what a great guy they were getting in my person when I came here.

□ 1230

So that I would answer and say that I got assigned—there were three of us sworn in that day—and I was the only one of the three who got assigned to a full standing committee, the Banking Committee.

My other two colleagues had to wait until the next Congress.

I said that I am delighted, because I am interested in that. Of course, I am concerned about defense, and I will be in the forefront of those seeking the best and the No. 1 defense for our country. However, if you do not have a sound dollar, you will not have much of a sound defense. That is what I am going to concentrate on.

This is exactly what I had hoped I would never confront, which is what we are confronting today, no matter what we do.

For instance, when the President announced that he would impose an embargo and requested our European allies to do the same so that Soviet Russia would not complete its 4,000-mile pipeline, perhaps less than that, gas pipeline from Siberia into Western Europe, we did not hear much after he made the first speech.

Why? Because the most powerful financial interests in this country, such as Exxon, such as Gulf, and the British, who were the main and principal owners of Ruhr-Gass, which was a European corporation that was going to benefit from that pipeline, were absolutely not going to have any part of any kind of an embargo.

You tell me that, as they say in Spanish, "Don Dinero poderosa caballero," in other words, "Mr. Moneybags, a mighty powerful gentleman, indeed."

This is what has happened, even in the case of the Iranian hostages. In 1979, when the release was announced the day that Mr. Reagan was going to be taking over, the release was accomplished when an official in the Federal Reserve Bank in New York pressed a button and transferred 2.5 billion dollars' worth of assets in London. Then the hostages were released.

Why so? Because the real issues there were about 10, 11 billion dollars' worth of banking assets of some of our principal banks here in the country in Iran, and their commitment before to the Shah.

So what I am saying is that it has always been wrong to ask our youth to shed its blood, as we did in Vietnam, only to find that their struggles would be lost at the international money tables, as they were in Vietnam.

In 1972, or thereabouts, when then President Nixon's much-hallowed trip to China occurred, I was the one who said that the Chinese did not give their OK until the American Government had given a downpayment of $10 million in gold. That is, equivalent.

I was asked from one end of the country to the other, where do you get that? Do you mean that they are going to take gold? I said, "No. What I am saying is that Indochina, where all our money has poured in, most of it has ended up in French bank vaults in the form of gold reserves."

Long before we lost the struggle in Indochina, we had already lost it on the international money tables. The reason the Chinese wanted payment was to ensure the cost of that trip, and everything that the President took over, TV and everything else. They did not want a paper dollar that had no exchange value; they wanted something that would add to their reserves.

There is nothing wrong about that. There was nothing startling or spectacular, but it is interesting to note that the OK was not given for that Presidential plane to land until that had been assured.

All of these specific points I am making only to make the central point, and that is, that until we address the fundamental problem of the management of our fiscal and monetary matters in representation of the people, that is, the greatest interest of the greatest number, and as long as we refuse to do that, and as long as we continue to do what we have been doing now for three decades, and that is, allowing those very same interests that Thomas Jefferson, even Alexander Hamilton, who was a centrist and was what they call today a conservative, or something like that, even he did not feel that the allocation of credit, the people's credit, should be placed in the hands of what they called the banker class, and which we could still roughly call that, because you could expect only one thing, and that is the same thing that has happened all through recorded human history.

Greed, and that is the name of the game, has no limit. The more man has, the more he wants. But I think sometimes we read these eternal verities and I cannot help but be reminded of that phrase in the Scriptures that says "He that loveth silver shall find no satisfaction in the silver," meaning that as satiated as a human being might be in attempting to satiate the ungovernable greed, that it is not possible.

This is the reason why mankind has founded governments and that is the reason why these elements that are predatory among us humans must be controlled. Just like we set up a defense system to defend us from the predators and the aggressors, we do the same thing in our laws, to govern the equality of distribution of our credit allocations as needed. All of the major depressions in our country, going back to 1837, at the bottom of it was the faulty mechanisms that distorted the allocations of credits and made them unavailable to what, to that burgeoning section of a growing country that nothing was going to be tying it down.

The same thing is happening today. Where is the credit going? The American economy is being drained, this year and last year, of more than $600 billion per year in interest payments alone.

That is 16 percent of the gross national product. At no time in our history, before 1980, did that ratio amount to more than 3 percent. It is now closer to 20 percent than 16 percent. That is equal to almost three-quarters, as I said before, of the national defense budget.

America's corporate debt is inextricable with our other. What is it due to? The takeover craze.

I said the last time I spoke here that we, in the last 12 years, have had not one, but five money manias.

□ 1240

These are five bubbles within a giant bubble, and the history of mankind is that all bubbles burst.

America's corporate debt is due largely to the corporate takeover craze that has proliferated, especially in the last 2 years. Companies threatened with takeovers borrow huge sums to buy back their own stock or to keep the takeover sharks at bay with huge compensation agreements. Phillips Petroleum, for example, borrowed $4.5 billion to stave off the takeover specialists, T. Boone Pickens and Carl Icahn. The defensive maneuver worked at that time, but now the company has to sell assets worth $2 billion to pay for that debt.

But these are assets that belong to the Nation, that ought to be allocated to fire the engines of commerce, to supply the tillers of the soil to grow the food and fiber that has kept us ahead economically throughout the decades. These are assets that should go to fire the furnaces in our steel-producing factories. They should also go to the little businessman who needs a $3,000 loan from the bank in order to inventory his little business at something less than 8 percent—not 9, not 10, not 11, and not 16 percent as it has been up until very recently. One cannot do business that way. You would then be doing business to pay the interest, and that is it.

In business the idea is that you work at a business to earn a profit. Business without profit is like candy without sugar, and if all you are going to do is work to pay the banker's interest, you are not in business; you are enslaved.

Another corporate practice that devours capital is the pell-mell rush of the so-called buyouts. In these transactions a company buys back all the outstanding shares of its stock from the public and makes them private to protect it from takeovers and to put it beyond the reach of the regulations of the Securities and Exchange Commission.

So we read about the increasing activity in the stock market. But that is what we read in 1931, when Herbert Hoover announced the moratorium that was put on the payment of debts to the United States of taxpayers.

So this affects stock markets in the United States and in Europe. But 1931 was the darkest year of the Depression, the beginning of the Depression.

So what we see today when we read these reports showing the Dow Jones average has gone up byond 2,000 is merely speculative paper fever. It is not based on real transactions revealing the industrial, the manufacturing, and the business forces of our country. It is all speculative. It is a bubble, and it has got to burst.

The dark side of buyouts is that the groups behind them, usually from management, must put themselves and the firm deeply in debt to get the funds to buy the stock. Just in 1985 alone there 247 such buyouts, for a total of $18.6 billion. Again this is national credit, banking credit.

I pointed out here several years ago the attempt of H.L. Hunt and his brother, Nelson Bunker Hunt, to corner the silver market. They had to have the accomplices of the Federal Reserve Board and the City Bank of New York. I pointed out how in secret the Chairman of the Federal Reserve Board and the then president of the First City National Bank and Mr. Hunt had met in Florida in what was supposed to be a secret meeting. What was the deal? Well, the deal was that Mr. Hunt, in order to try to take over the that silver, which, of course, broke him, used up more than 20 billion dollars' worth of bank credit allocation.

Now, are banks beyond any kind of control, real control? Of course not. Why is a bank chartered? Well, the concept at law is this: The statutes read that you charter a bank for public need and convenience. Who talks about that today?

Why is Mr. Volcker, the powerful Chairman of the Federal Reserve Board, compelled to meet in a secret session? Do you think Mr. Volcker would sit down with the president of a little bank that is now facing horrendous situations because of forces completely outside his control, such as the precipitous and eventual fall of the fictitious real estate levels and also because of the speculative real estate fever? This is one of the bubbles that I was mentioning.

Consumers are also getting into the borrowing game. And how else can they not? Stimulated by constant offers of credit by banks and credit card companies, private debtors long ago crossed the $2 trillion debt limit. The average household is dragging $26,000 of debt in its wake.

So we come down to the basis, and that is that we confront as never before since the Depression—and percentagewise it is even worse—this very sad situation of American families rendered homeless, uprooted, wandering, dying in freezing weather, feeding their children improperly. All one has to do is to have been present and listened to the testimony we had at the all-day hearings yesterday on the question of the homeless in the subcommittee that I chair.

But I had already heard about that and talked about it for 4 years. And for 4 years we had been assailed and challenged and criticized. In fact, the Department of HUD spent $200,000 just 1½ or 2 years ago to try to disprove our findings after exhaustive hearings beginning in December 1982. It was this subcommittee that first brought to the Nation's attention the growing question of homelessness.

Today we see what I had hoped we never would see. Those of us who are Depression kids have prayed every day that our children or our grandchildren would never see the like. And it is still my hope that they will not. However, the facts are here. These are not statements of political theory. These are facts that I have read into the RECORD today. This is what confronts us. It is not whether supply-side economics worked or did not work. It is not whether Reaganomics failed or did not fail. These are the statistics.

Scripture says that by their fruits you shall know them. A good tree will produce good fruit; a bad tree cannot produce good fruit. Even in our budget-making processes we failed to associate these inexorable forces and facts. Again during the consideration of the budget resolutions I have been asked by the very distinguished chairman of the Committee on Education and Labor, the gentleman from California [Mr. HAWKINS], who manages the Humphrey-Hawkins aspect of the budget resolution, to address the question of the impact of this matter of allocation of credit. And I have gotten up time and again and said, "No matter what you do here, you can decide today that you have cut the budget and you can say that you balanced it, but tonight Mr. Volcker and the Federal Reserve Board can make a decision that will make this meaningless, not even worth the paper that all of this is printed on."

□ 1250

That is true; pathetically and unfortunately. It will not be different until we reassert the American heritage, the birthright under our Constitution of all of our sovereignty coming from the people and to them that we must account, that no one and no institution is beyond accountability to the people.

We have created such institutions. The Congress created them. The Federal Reserve Board was not heaven sent; it was created by an act of Congress. It has completely subverted the intention of the first act. It is not accountable to anybody. It does not account to the President, and it does not account to the Congress.

I sit on the committee that is supposed to have some kind of jurisdiction and I have yet to see a chairman, and I have had about some six or seven of them, ever come up and admit that they have a responsibility to render an accounting. They have no inspector general, they resist like tigers any attempt on our part to pass legislation that would provide for an audit of the Federal Reserve Board. You just cannot get any legislation like that; at least up to now.

Some of us have introduced bills for 20 years and now and then we get a little interest and then it flares down. What I am saying is that the forces are now so inexorable, so inevitable, that I think the only thing we can do prudently and wisely is to try to forestall, to try to anticipate and try to attenuate the magnitude of the crisis and the social disturbances that are inevitably to follow in its wake of such a crisis, and that we can do.

I have tried to add a simple, one-man contribution to that effort. I have been introducing certain specific legislative accomplishments. Even such things as an interest limitation law. That is, an antiusury law. Of course, up to now we have not been able to get even so much as a committee hearing. So that, at this point, I think that we ought to soberly consider these statistics.

The picture is not getting any brighter or more attractive. It is, in many respects, a lot darker. It does not mean that as Presidents have used the term "doom," or "doomsayers;" "gloom and doom."

Herbert Hoover, in 1931, used that phrase first because people knew they were hurt but you had these economic forecasts. In fact, you had a report by a very eminent Presidential commission just 6 months before that dark day in October 1929 and their words were, "We see nothing but unlimited prosperity into the more than foreseeable future." That was just 6 months before the crash. Then later we had Mr. Roosevelt who used that and appended to his greatest saying, and that is "We have nothing to fear but fear itself," which is true; it is true today. He did not use fear as a tool to try and subdue anybody. He did say that there were doom and gloom prophets because there were not the conservatives, they were the reactionaries. What we have today is such an abuse of words that the people who are terming themselves "conservatives" are really not. They are reactionaries; they are not conservatives. This is now what Mr. Reagan said just about a year and a half or so ago when some of the critics were saying, "Hey, Reaganomics is not working," He said, "Oh, you are just prophets of doom and gloom."

I do not think that pejorative phrases are in order. I think that even with the best of good will and unity the best minds in our country will be challenged to confront and resolve these problems. They are inevitable; there is nothing we can do to avoid confronting them. It is how we are willing to do it and take all the hard knocks, the bad political decisions and the dangerous political decisions. But then, after all, unless we do, then what we have done is made and worshipped a god of these offices. I, for one, want to state for the record that that is one price I never accepted when I did make the decision, late in my manhood, to enter into this game we call politics, but which I call a very noble endeavor.

SUBMISSION OF RULES OF THE COMMITTEE ON ARMED SERVICES OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. ASPIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ASPIN. Mr. Speaker, pursuant to rule XI, clause 2(a), I submit the rules of procedure for the Committee on Armed Services for the 100th Congress for printing in the Record:

Committee Rules and Rules for Investigative Hearings Conducted by Subcommittees of the Committee on Armed Services, House of Representatives, 100th Congress

(Adopted February 5, 1987)

COMMITTEE RULES

Rule 1. General

The rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

Rule 2. Full committee meeting date

(a) The Committee on Armed Services will meet every Tuesday at 10 a.m., and at such other times as may be fixed by the chairman, or by written request of members of the committee pursuant to House rule XI, clause 2(b).

(b) A Tuesday meeting of the committee may be dispensed with by the chairman, but such action may be reversed by a written request of a majority of the members.

Rule 3. Subcommittee meeting dates

Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the committee on all matters referred to it. Insofar as possible, meetings of the committee and its subcommittees shall not conflict. Subcommittee chairmen shall set meeting dates after consultation with the chairman and subcommitee chairman with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

Rule 4. Subcommittees

The Committee on Armed Services of the House of Representatives shall be organized to consist of the following standing subcommittees.

The Military Personnel and Compensation Subcommittee which shall have legislative jurisdiction over authorized strengths; active-duty and reserve training; recruiting; Reserve Officers' Tranining Corps; Selective Service; military justice; enlistments and separations; awards; academies; human relations; medical care; pay and allowances; promotion; retirement; and related legislative oversight.

The Research and Development Subcommittee which shall have legislative jurisdiction over annual authorization for research and development; airlift; and related oversight.

The Seapower and Strategic and Critical Materials Subcommittee which shall have legislative jurisdiction over procurement and construction of naval vessels; torpedoes and other weapons portion of Navy weapons; ship-related items in Navy other procurement; sealift; antisubmarine warfare; disposal of naval vessels; strategic and critical materials necessary for the national defense; and related legislative oversight.

The Procurement and Military Nuclear Systems Subcommittee which shall have legislative jurisdiction over the annual authorization for procurement of aircraft, missiles, weapons and tracked combat vehicles, ammunition and those portions of the procurement category, other procurement, not assigned to the Seapower and Strategic and Critical Materials Subcommittee; military application of nuclear energy, including research and development related thereto; intelligence matters related to national security; and related legislative oversight. The subcommittee shall also have oversight responsibilities with regard to international arms control and disarmament.

The Investigation Subcommittee which shall have legislative jurisdiction over Defense Acquisition Regulations and related procurement matters; organization of the Department of Defense, including proposed reorganizations; naval petroleum reserves; and related legislative oversight; and investigative authority in relation to the committee's general oversight responsibilities.

The Readiness Subcommittee which shall have legislative jurisdiction over the annual authorization for operation and maintenance; the current readiness and preparedness requirements of the defense establishment, including the supporting defense industrial base special operations forces oversight, commissaries and exchanges, clubs and related nonappropriated funds activities of the Armed Forces; and related legislative oversight.

The Military Installations and Facilities Subcommittee which shall have legislative jurisdiction over military construction; real estate acquisitions and disposals; housing and support facilities; base closures; real estate generally; civil defense, and related legislative oversight.

Rule 5. Precedence

Chairmen of standing subcommittees who sit on a second subcommittee shall rank behind other members serving on that subcommittee as their primary subcommittee assignment.

Rule 6. Panels of the full committee and subcommittees

(a) The chairman may designate a panel of the committee drawn from members of more than one subcommittee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the full committee. Any such panel shall not continue in existence for more than six months.

(b) The chairman of a standing subcommittee may designate a panel of such subcommittee to inquire into and take testimony on a specific matter within the jurisdiction of that subcommittee and to report to the subcommittee for further reference to the full committee as may be appropriate.

(c) No panels so appointed shall have legislative jurisdiction.

Rule 7. Reference of legislation and subcommittee reports

(a) The chairman shall refer legislation and other matters to all subcommittees of appropriate jurisdiction within two weeks unless, by a majority vote of the members of the full committee, consideration is to be by the full committee.

(b) Bills shall be taken up for hearing only when called by the chairman of the full committee or subcommittee, or by a majority vote of a quorum of the full committee or a subcommittee.

(c) The chairman of the full committee, with approval of a majority of the members voting, a majority of the committee being present, shall have authority to discharge a subcommittee from consideration of any bill, resolution, or other matter referred thereto and have such measure or matter considered by the full committee.

(d) Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of three calendar days from the time the report is approved by the subcommittee and printed hearings thereon are available to the members, except that this rule may be waived by a majority vote of a quorum of the committee.

Rule 8. Public announcement of hearings and meetings

The full committee and each subcommittee shall make public announcement of the date, place and subject matter of the full committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the full committee or subcommittee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

Rule 9. Meetings and hearings open to the public

(a) Each committee or subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the committee or subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee and/or subcommittee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by paragraph (b) of this rule, or any meeting that relates solely to internal budget or personnel matters.

(b) Each hearing conducted by the full committee or subcommittee shall be open to the public except when the full committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the committee or subcommittee, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, or would tend to defame, degrade, or incriminate any person. If the decision is to close for national security reasons, the vote must be by rollcall vote and in open session, there being a majority of the committee or subcommittee present. Otherwise, if the decision is to close because the testimony may tend to defame, degrade, or incriminate any person, the vote may be by a majority of those present, there being in attendance no less than two members of the committee or subcommittee. However, if the committee or subcommittee elects to receive such testimony in open session, it may do so only if a majority of the members of the committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. No Member may be excluded from nonparticipatory attendance at any hearing of the full committee or subcommittee, unless the House of Representatives shall by majority vote authorize the full committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this rule for closing hearings to the public: *Provided, however,* That the full committee or the subcommittee may by the same procedure vote to close up to five additional consecutive days of hearings.

(c) Notwithstanding the foregoing, and with the approval of the committee chairman, each member of the committee may designate by letter to the Chairman, a member of his or her personal staff with Top Secret security clearance to attend hearings of the committee, or that member's subcommittee(s) which have been closed under the provisions of rule 9(b) above for national security purposes for the taking of testimony: *Provided,* That such staff member's attendance at such hearings is subject to the approval of the committee or subcommittee as dictated by national security requirements at the time; *Provided further,* That this paragraph addresses hearings only and not briefings or meetings held under the provisions of paragraph (a) of this rule; and *Provided further,* That the attainment of any security clearances involved are the responsibility of individual members.

Rule 10. Broadcasting of committee hearings and meetings

(a) In accordance with the provision of rule XI, clause 3, Rules of the House of Representatives, it is the purpose of this rule to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee or subcommittee hearings or meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage. In that regard, the provisions of rule XI, clause 3(a)-(d) are specifically incorporated herein by reference.

(b) The chairman of the full committee or the chairman of the subcommittees are authorized to determine on behalf of the full committee or its subcommittees respectively whether hearings or meetings which are open may be broadcast, unless the committee or its subcommittees respectively by majority vote determine otherwise: *Provided, however,* Each committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

(c) In accordance with rule XI, clause 3(f), the following provisions shall apply to the broadcasting of committee or subcommittee hearings or meetings which are open to the public:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The allocation among the television media the positions of the number of television cameras permitted by a committee or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the executive committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or its subcommittees or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee or subcommittee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee on Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee or its subcommittees.

(10) Photographers shall not place themselves in positions which abstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstuctive manner.

(14) With the exception of devices properly used by official reporters and by accredited media and broadcast personnel as covered in these rules, no recording or camera type devices may be operated or otherwise used during committee or subcommittee hearings.

Rule 11. Quorum

A majority of the full committee or subcommittee shall constitute a quorum for reporting or tabling a measure or recommendation. A quorum for the purpose of taking testimony and receiving evidence by either the full committee or any subcommittee shall be not less than two. A quorum for taking any other action shall be not less than one-third of the members of the full committee or subcommittee, unless otherwise indicated in the committee rules.

Rule 12. The five-minute rule

(a) The time any one member may address the committee or subcommittee on any bill, motion or other matter under consideration shall not exceed five minutes and then only when the member has been recognized by the chairman, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed five minutes to address the committee or subcommittee on behalf of an amendment which the member has offered to any spending bill or resolution.

(b) Members present at a meeting of the committee or subcommittee when a meeting is originally convened will be recognized by the chairman in order of senority. Those members arriving subsequently will be recognized in order of their arrival. Notwithstanding the foregoing, the chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 13. Subpoena authority

The full committee, and all subcommittees, may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Any such subpoena may be authorized and issued by the committee, or subcommittee, in the conduct of any investigation or a series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under this rule may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or any member designated by the committee.

Rule 14. Witness statements

(a) Any prepared statement to be presented by a witness to the committee or a subcommittee shall be submitted to the committee at least 48 hours in advance of presentation and shall be distributed to all members of the committee or subcommittee at least 24 hours in advance of delivery. If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the committee rooms to all members of the committee at least 24 hours in advance of delivery; however, no such statement shall be removed from the committee offices. The requirement of this rule may be waived upon a majority of the full committee or any subcommittee, a quorum being present.

(b) The full committee and each subcommittee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

Rule 15. Administering oaths to witnesses

The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

Rule 16. Questioning of witnesses

(a) When a witness is before the committee or subcommittee, members of the committee or subcommittee may put questions to the witness only when they have been recognized by the chairman for that purpose.

(b) Members of the committee or subcommittee who so desire shall have not to exceed five minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional time for questioning witnesses by members is discretionary with the chairman.

(c) Questions put to witnesses before the committee or subcommittee shall be pertinent to the bill or other subject matter that may be before the committee or subcommittee for consideration.

Rule 17. Voting and rollcalls

(a) Except as otherwise provided in these rules, voting on a measure or matter may be by rollcall vote, division vote, voice vote, or unanimous consent.

(b) Voting on reporting annual authorization bills shall be by rollcall vote.

(c) A rollcall of the members may be had upon the request of five or more members present, or in the case of subcommittees, on the request of one-fifth of a majority.

Rule 18. Proxy vote

A member may vote by special proxy, which must be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. A proxy may be used in full committee or subcommittees. All proxies must be filed with the staff director and be available for inspection at any time.

Rule 19. Private bills

No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be recognized during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Congress.

Rule 20. Supplemental, minority, additional or dissenting views

If, at the time of approval of any measure or matter by the committee, any member of the committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the staff director of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter.

Rule 21. Points of order

No point of order shall lie with respect to any measure reported by the full committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the committee rules; except that a point of order on that ground may be made by any member of the full committee or subcommittee which reported the measure if, in the full committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

Rule 22. Public inspection of committee rollcalls

(a) The result of each rollcall in any meeting of the committee shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. With respect to each record vote by the committee on each motion to report any bill or resolution of public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(b) In the event of such a rollcall vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, that circumstance shall be so recorded in the rollcall record, upon timely notification to the chairman from that member.

Rule 23. Protection of national security information

(a) All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the full committee shall, with the approval of the full committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

Rule 24. Committee staffing

The staffing of the full committee and the standing subcommittees shall be subject to the appropriate rules of the House of Representatives, including, among other things, the provisions of rule XI, clause 5(d).

RULES FOR INVESTIGATIVE HEARINGS CONDUCTED BY SUBCOMMITTEES

I. Power to sit and act; subpoena power

1. For the purpose of carrying out any of its functions and duties under House rules X and XI, a subcommittee is authorized (subject to subparagraph 2.A. of this paragraph):

A. to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

B. to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

2. A. A subpoena may be authorized and issued by a subcommittee under subparagraph 1.B. in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed only by the chairman of the committee, or by any member designated by the committee.

B. Compliance with any subpoena issued by a subcommittee under subparagraph 1.B. may be enforced only as authorized or directed by the House. (House rule XI, clause 2(m); committee rule 13.)

II. Quorum

Each subcommittee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which shall be not less than two. (House rule XI, clause 2(h); committee rule 11.)

III. Notice of hearings

Each subcommittee shall make public announcement of the date, place, and subject matter of any subcommittee hearing at least one week before the commencement of the hearing. However, if the subcommittee determines there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems. (House rule XI, clause 2(g)(3); committee rule 8.)

IV. Meetings and Hearings

1. Each subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the subcommittee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open subcommittee hearings which are provided for by paragraph 2. of this rule, or any meeting that relates solely to internal budget or personnel matters. (House rule XI, clause 2(g)(1); committee rule 9(a).)

2. Each hearing conducted by a subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the subcommittee may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, or would tend to defame, degrade, or incriminate any person. If the decision is to close for national security reasons, the vote must be by rollcall vote and in open session, there being a majority of the subcommittee present. Otherwise, if the decision is to close because the testimony may tend to defame, degrade or incriminate any person, the vote may be a majority of those present, there being in attendance no less than two members of the subcommittee. However, if the subcommittee elects to receive such testimony in open session, it may do so only if a majority of the members of the subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. No Member may be excluded from nonparticipatory attendance at any hearing of any subcommittee, unless the House of Representatives shall by majority vote authorize a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however,* That the subcommittee may be the same procedure vote to close up to five additional consecutive days of hearings. (House rule XI, clause 2(g)(2); committee rule 9(b).)

V. Preparing statements

Each witness who is to appear before a subcommittee shall, insofar as is practicable, file with the subcommittee (in advance of his or her appearance) a written statement of the proposed testimony. Such witness will limit his or her oral presentation to a brief summary of the statement.

Any prepared statement shall be submitted to the subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the subcommittee at least 24 hours in advance of delivery.

If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the committee rooms to all members of the subcommittee at least 24 hours in advance of delivery; however, no such statement shall be removed from the committee rooms. The requirement of this rule may be waived upon a majority vote of the subcommittee, a quorum being present. (House rule XI, clause 2(g)(4); committee rule 14.)

VI. Opening statement

The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation. (House rule XI, clause 2(k)(1).)

VII. Information for witnesses

A copy of the committee rules and of clause 2(k) of House rule XI shall be made available to each witness.[1] (House rule XI, clause 2(k)(2).)

VIII. Right to counsel

Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. (House rule XI, clause 2(k)(3).)

IX. Forms of oath

Witnesses, when sworn, shall subscribe to the following oath:

You do solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

X. Breaches of order

The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt. (House rule XI, clause 2(k)(4).)

XI. Defamatory testimony or evidence

Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person.

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[1] The complete test of clause 2(k), House Rule XI, is printed herein in subcommittee rules VI, VII, VIII, X, XI, XIII, XIV, and XV.

(a) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of committee rule 9(b), if by a majority of those present, there being in attendance no less than two members of the subcommittee, the subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(b) the subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the subcommittee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses. (House rule XI, clause 2(k)(5).)

XII. Photographing of witnesses

No witness served with a subpoena by the committee or a subcommittee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. (House rule XI, clause 3(f)(2); committee rule 10.)

XIII. Subpoena of additional witnesses

Except as provided in investigative hearing rule XI above, the chairman shall receive and the subcommittee shall dispose of requests to subpoena additional witnesses. (House rule XI, clause 2(k)(6).)

XIV. Testimony taken in executive session

No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the subcommittee. (House rule XI, clause 2(k)(7).)

XV. Sworn statements

In the discretion of the subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. (House rule XI, clause 2(k)(8).)

XVI. Transcript of testimony

A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the subcommittee. (House rule XI, clause 2(k)(9).)

XVII. General

The rules of the House are the rules of its committees and subcommittees as far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. (House rule XI, clause 1(a)(1).)

SUBMISSION OF RULES OF THE COMMITTEE ON EDUCATION AND LABOR OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. HAWKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, pursuant to clause 2(a) of House rule XI, I submit for printing in the Congressional Record the rules of the Committee on Education and Labor for the 100th Congress, as adopted at the committee's organizational meeting on February 3, 1987:

Rules of the Committee on Education and Labor

Rule 1. Regular and Special Meetings.—(a) Regular meetings of the committee shall be held on the second and fourth Tuesdays of each month at 9:45 a.m., while the Congress is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances made practicable, a written notice to that effect, and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the ranking majority party member of the committee present.

Rule 2. Questioning of Witnesses.—Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position. The Chairman may accomplish this by recognizing two majority party members for each minority party member recognized.

Rule 3. Records and Roll Calls.—Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

Rule 4. Standing Subcommittees: Size, Ratio and Jurisdiction.—

(a) There shall be eight standing subcommittees with the following jurisdictions:

Subcommittee on Elementary, Secondary, and Vocational Education.—Education through the high school level and vocational education, including but not limited to elementary and secondary education generally, vocational education, school lunch and child nutrition, adult basic education, migrant and agricultural labor education, and overseas dependent schools.

The Subcommittee on Elementary, Secondary, and Vocational Education shall consist of 24 members, 15 from the majority and 9 from the minority. This ratio includes ex officio members.

Subcommittee on Health and Safety.—Workers' health and safety, including but not limited to occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety.

The Subcommittee on Health and Safety shall consist of 8 members, 5 from the majority and 3 from the minority. This ratio includes ex officio members.

Subcommittee on Labor-Management Relations.—Relationship between employer and employee and their representatives, including but not limited to labor-management relations generally, Bureau of Labor Statistics, and pension benefits including Employee Retirement Income Security Act (ERISA).

The Subcommittee on Labor-Management Relations shall consist of 16 members, 10 from the majority and 6 from the minority. This ratio includes ex officio members.

Subcommittee on Labor Standards.—Wages and hours of labor, including but not limited to Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal employees' compensation, Migrant and Seasonal Agricultural Worker Protection Act, and Service Contract Act.

The Subcommittee on Labor-Standards shall consist of 9 members, 6 from the majority and 3 from the minority. This ratio includes ex officio members.

Subcommittee on Human Resources.—All matters dealing with programs and services for the elderly, for the elimination of poverty, and for the care and treatment of children, including preschool programs but otherwise exclusive of education programs, including but not limited to Economic Opportunity and Community Services programs (Head Start Act, Community Services Block Grant Act, etc.) Juvenile Justice and Delinquency Prevention, Runaway Youth Act, early childhood services, nutrition programs for the elderly, and older Americans.

The Subcommittee on Human Resources shall consist of 11 members, 7 from the majority and 4 from the minority. This ratio includes ex officio members.

Subcommittee on Postsecondary Education.—Education beyond the high school level, including but not limited to higher education generally, education professions development, postsecondary student assistance, library services and construction, arts and humanities, museum services, and arts and artifacts indemnity.

Subcommittee on Postsecondary Education shall consist of 16 members, 10 from the majority and 6 from the minority. This ratio includes ex officio members.

Subcommittee on Employment Opportunities.—Comprehensive employment and training, work incentives, and equal employment opportunities, including but not limited to Comprehensive Employment and Training Act and Job Training Partnership Act, equal employment opportunities, Full Employment and Balanced Growth Act (Humphrey-Hawkins Act), displaced homemakers, employment services (Wagner-Peyser Act), youth and young adult conservation corps programs (including Youth Conservation Corps and American Conservation Corps), import trade impacts, plant relocation impact, and Work Incentive Program (WIN).

The Subcommittee on Employment Opportunities shall consist of 12 members, 8 from the majority and 4 from the minority. This ratio includes ex officio members.

Subcommittee on Select Education.—Special education programs, including but not limited to alcohol and drug abuse, education of the handicapped, rehabilitation, environmental education, Office of Educational Research and Improvement, migrant and agricultural labor, day care, child adoption, child abuse, domestic violence, domestic volunteers, and ACTION (excluding volunteer older American programs).

The Subcommittee on Select Education shall consist of 6 members, 4 from the majority and 2 from the minority. This ratio includes ex officio members.

(b) The majority party members of the committee may provide for such special and select subcommittees as determined to be appropriate.

Rule 5. Ex Officio Membership.—The Chairman of the committee and the ranking minority party member of the committee shall have the right to be ex officio members of each subcommittee established pursuant to Rule 4. Ex officio members shall be counted for purposes of determining a quorum and shall have the right to vote on all measures and matters considered in each subcommittee.

Rule 6. Special Assignment of Members.—To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, D.C. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

Rule 7. Subcommittee Chairmanships.—The majority party members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any such request shall be subject to approval by a majority of those present and voting in the majority party caucus of the committee. Members so elected shall be chairmen of their respective subcommittees.

Rule 8. Subcommittee Scheduling.—Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittee as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chairman of the committee shall seek to assure that subcommittees are not scheduled to meet for markup or approval of any measure or matter when the committee is meeting to consider any measure or matter for markup or approval.

Rule 9. Subcommittee Rules.—The rules of the committee shall be the rules of the subcommittees.

Rule 10. Committee Staffs.—Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the House Committee on Education and Labor shall be appointed as follows:

(1) The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with approval of the majority party members of the subcommittee within the budget approved for the subcommittee by the full committee;

(2) The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee;

(3) The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the Chairman in consultation with and with the approval of the majority party members of the committee within the budget approved for such purposes by the committee.

Rule 11. Supervision and Duties of Committee Staffs.—The staff of a subcommittee shall be under the general supervision and direction of the chairman of that subcommittee. The staff assigned to the minority shall be under the general supervision and direction of the minority party members of the committee who may delegate such authority as they determine appropriate. The staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. Staff members shall be assigned to committee business and no other duties may be assigned to them.

Rule 12. Hearings Procedure.—(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony, together with a brief summary thereof, and shall limit his oral presentation to a summary of his statement. The staff director of the committee or the subcommittee, as the case may be, shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

Rule 13. Meetings—Hearings—Quorums.—Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, D.C. or during a recess or adjournment of the House without the prior authorization of the committee Chairman or a majority of a quorum of the subcommittee. Where feasible and practicable, 14 days notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee authorizing a subpena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) In the absence of the chairman of the committee or a subcommittee, the ranking majority party member present shall preside.

(d) As far as practicable, when a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

RULE 14. SUBPENAS.—A subpena may be authorized and issued by the committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members of the full committee voting, a majority being present. Authorized subpenas shall be signed by the Chairman of the committee or by any member designated by the committee.

RULE 15. REPORTS OF SUBCOMMITTEES.—(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcomittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Education and Labor (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to such consideration. Any resolution or other matter reported by a subcommittee shall be in the hands of all members at least 24 hours prior to consideration thereof by the full committee. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking Republican member of the committee or for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 16. PROXIES.—(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the staff director of the committee or the subcommittee, as the case may be, during each rollcall in which they are to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. ——,
House of Representatives,
Washington, D.C.

DEAR ——: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of —— and any amendments or motions pertaining thereto.

—— ——,
Member of Congress.

Executed this the — day of ——, 19—, at the time of —— P.M./A.M.

RULE 17. AUTHORIZATION FOR TRAVEL.—(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b) In the case of expenses for travel of members and staff of a subcommittee to hearings, meetings, conferences, or investigations involving activities or subject matter under the legislative assignment of such subcommittee, including the expenses of witnesses at hearings, subject to the limitations contained in Rule 22, to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only opon the representation by the appropriate chairman of the subcommittee in writing setting forth those items enumerated in clauses (1), (2), (3), and (4) of subsection (a) and in addition thereto setting forth that subcommittee funds are available to cover the expense of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule 12 of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(e) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 18. OVERSIGHT.—(a) In order to enable the committee to carry out its responsibilities under Rule X, clause 2 of the Rules of the House of Representatives, each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(b) The Chairman of the committee, consistent with Rule 4, from time to time in order to fulfill the committee's responsibility under Rule X, clause 3(c) of the Rules of the House of Representatives, shall assign matters to subcommittees for reviewing, studying, and coordinating, on a continuing basis, all laws, programs, and government activities dealing with or involving domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.

(c) The Chairman of the committee, consistent with Rule X, clause 2(d) of the Rules of the House of Representatives, shall from time to time assign matters to subcommittees for reviewing and studying on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

(d) Upon the request of the chairman of any subcommittee of the committee (after consulting with the ranking minority member of such subcommittee), and in order to enable the committee to carry out its responsibilities under section 431 of the General Education Provisions Act with respect to the consideration of final regulations, the Chairman of the committee shall transmit to the appropriate department or agency head a formal statement of objection to any final regulation identified in such request for the purpose of suspending the effective date of such regulation until not less than twenty days after the end of any adjournment described in the first sentence of subsection (d)(2) of such section. Any such objection shall be deemed to have been directed by the committee on the date of the request of such subcommittee chairman.

RULE 19. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS.—(a) Each bill, resolution, or other matter, which relates to a subject listed under the jurisdiction of any subcommittee named in Rule 4, which has been referred to the Committee shall within two weeks be referred to the subcommittee of appropriate jurisdiction unless, by majority vote of the majority party members of the committee, consideration is to be by the full committee or there is to be shared consideration under section (b)(2) by more than one subcommittee pursuant to a joint referral for such purpose.

(b)(1) In carrying out subsection (a) with respect to any matter, the Chairman may (consistently with Rule 4) refer the matter jointly to two or more subcommittee for concurrent consideration simultaneously or for consideration sequentially (subject to appropriate time limitations in the case of any subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter pursuant to subsection (b) of Rule 4 to a special ad hoc subcommittee appointed by the Chairman (from the members of the subcommittee having legislative jurisdiction) for the specific purpose of considering such matter and reporting to the committee thereon, or make such other provisions as may be considered appropriate.

(2) In the conduct of hearings and meetings of subcommittees sitting jointly, pursuant to subsection (a), for purposes of shared consideration of any bill or resolution, including marking up or reporting any such measure to the full committee—

(A) the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings and meetings for purposes of such shared consideration, and

(B) every member of each of such subcommittees shall for purposes of determining a quorum be counted individually in the aggregate total number of members of such subcommittees, and shall have equal voting and proxy rights as individual members during the shared consideration of any such bill or resolution,

in the same manner as if the total memberships of such subcommittees were combined to constitute a single subcommittee.

(c) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairman, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(d) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 20. COMMITTEE REPORTS.—(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 3 and 7(a) of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the three-day period (provided under clause 2, paragraph (1)(5) of Rule XI of the Rules of the House of Representatives) after the committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

RULE 21. MEASURES TO BE CONSIDERED UNDER SUSPENSION.—A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 22. BUDGET AND EXPENSES.—(a) The Chairman in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The chairman of each standing subcommittee, in consultation with the majority party members thereof, shall prepare a supplemental budget to include funds for such additional staff, and for such travel, investigations, etc., as may be required for the work of such subcommittee. Thereafter, the chairman shall combine such proposals into a consolidated committee budget, and shall present the same to the committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 17 within the limits of their portion of the consolidated budget as approved by the House, and the chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Administration, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, D.C.:

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $2,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $2,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $2,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $2,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 23. APPOINTMENT OF CONFEREES.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

RULE 24. BROADCASTING OF COMMITTEE HEARINGS.—(a) When any hearing or meeting of the committee or a subcommittee is open to the public, that hearing or meeting may be covered in whole or in part by television broadcast, radio broadcast, and still photography, or by other such methods of coverage. Such coverage of hearings and meetings is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of clause 3 of Rule XI of the Rules of the House of Representatives.

(b) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(c) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This paragraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The number of television and still cameras permitted in a hearing or meeting room shall be determined in the discretion of the chairman of the committee or subcommittee holding such hearing or meeting. The allocation among the television media of the positions of the number of television cameras permitted by the chairman of the committee or subcommittee in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room without cost to the government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by the committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 25. CHANGES IN COMMITTEE RULES.—A -proposed change in these rules shall not be considered by the committee unless the text of such change has been in the hands of all members at least 48 hours prior to the meeting in which the matter is considered.

SUBMISSION OF RULES OF THE COMMITTEE ON GOVERNMENT OPERATIONS OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, pursuant to clause 2(a) of rule XI of the House of Representatives, herewith are submitted for publication in the CONGRESSIONAL RECORD the rules of the Committee on Government Operations, which were adopted on February 4, 1987:

RULES OF THE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, 100TH CONGRESS

RULE 1.—APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Operations and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

RULE 2.—MEETINGS

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., except when the Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule XI, 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2(b).]

RULE 3.—QUORUMS

A majority of the members of the committee shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall constitute a quorum for taking any action other than the reporting of a measure or recommendation. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

RULE 4.—COMMITTEE REPORTS

Bills and resolutions approved by the committee shall be reported by the chairman in accordance with House Rule XI, 2(l).

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(l)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members so such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee prior to the consideration of the proposed report in such subcommittee or full committee.

RULE 5.—PROXY VOTES

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present; shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, shall apply to any amendments or motions pertaining to the measure or matter.

[See House Rule XI, 2(f).]

RULE 6.—ROLLCALLS

A rollcall of the members may be had upon the request of any member.

[See House Rule XI, 2(e).]

RULE 7.—RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of committee actions including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

RULE 8.—SUBCOMMITTEES; REFERRALS

There shall be seven subcommittees with appropriate party ratios which shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

[See House Rule XI, 1(a)(2).]

RULE 9—EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

RULE 10—STAFF

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

RULE 11.—STAFF DIRECTION

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 12—HEARING DATES AND WITNESSES

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week prior to the commencement of any hearings, unless he determines that there is good cause to begin such hearings at an earlier date. In order that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 24 hours in advance of their appearance.

[See House Rule XI, 2 (g)(3), (g)(4), (j), and (k).]

RULE 13.—OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rule XI, 2 (g) and (k).]

RULE 14.—FIVE-MINUTE RULE

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman.

RULE 15.—INVESTIGATIVE HEARINGS; PROCEDURE

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 16.—STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17.—TV, RADIO, AND PHOTOGRAPHS

When approved by a majority vote, an open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions of House Rule XI, 3. In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

RULE 18.—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, 2(d);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, 4(g), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee; and

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.

SUBMISSION OF RULES OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. ROE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROE. Mr. Speaker, pursuant to the requirement of rule XI, clause 2(a) of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Science, Space, and Technology, adopted by the committee on February 4, 1987, for printing in the RECORD:

RULES GOVERNING PROCEDURE OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, 100TH CONGRESS

GENERAL

(*Indicates rules applicable to subcommittees.)

1. The Rules of the House of Representatives, as applicable, shall govern the committee and its subcommittees. The rules of the committee, as applicable, shall be the rules of its subcommittees except that a

motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the Committee.

COMMITTEE MEETINGS

Time and Place

2. Unless dispensed with by the Chairman, the meetings of the committee shall be held on the 1st and 3rd Tuesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate.

3. The Chairman of the Committee may convene as necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business.

*4. The committee shall make public announcement of the date, time, place and subject matter of any of its hearings at least one week before the commencement of the hearing. If the Chairman determines that there is good cause to begin the hearing sooner, he shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest, and promptly entered into the scheduling service of the House Information Systems.

*5. The committee may sit while the House is reading a measure for amendment under the 5-minute rule, provided 10 or more Members on the House floor do not object when special leave for such committee or subcommittee to sit is requested.

Ranking Majority Member to Preside in Absence of Chairman

*6. If the Chairman of the committee is not present at any meeting of the committee, the ranking Member of the Majority Party on the committee who is present shall preside.

Order of Business

*7. The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the committee.

Membership

8. A majority of the Majority Members of the committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee and shall authorize the Chairman to negotiate that ratio with the Minority Party; *Provided, however,* that party representation on each subcommittee (including any ex-officio Members) shall be no less favorable to the Majority Party than the ratio for the full committee. *Provided, further* that recommendations of conferees to the Speaker shall provide a ratio of Majority Party Members to Minority Party Members which shall be no less favorable to the Majority Party than the ratio for the full committee.

Special Meetings

9. Rule XI 2(c)(2) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

COMMITTEE PROCEDURES

Quorum

*10. One-third of the Members of the committee shall constitute a quorum for all purposes except that a majority must be present in order to: (1) report or table any legislation, measure or matter; (2) close committee meetings or hearings; or (3) authorize the issuance of subpoenas.

*11. The number of Members to constitute a quorum for taking testimony and receiving evidence shall not be less than two.

Proxies

*12. Any Member may authorize a vote by proxy with respect to any measure or matter before the committee. Such proxy authorization shall be in writing, shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote, filed with the committee clerk, and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Witnesses

*13. The committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a summary of his or her statement.

*14. Whenever any hearing is conducted by the committee on any measure or matter, the Minority Members of the committee shall be entitled, upon request to the Chairman by a majority of them, before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to the measure or matter during at least one day of hearing thereon.

Investigative Hearing Procedures

*15. Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference (rights of witnesses under subpena).

Subject Matter

*16. Bills and other substantive matters may be taken up for hearing only when called by the Chairman of the committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meetings outlined in Rule 9.

17. No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

*18. (a) It shall not be in order for the committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the extent practicable, a written copy of the measure or matter to be considered, has been available in the office of each Member of the committee for at least three calendar days in advance of consideration, excluding Saturdays, Sundays and legal holidays.

(b) Notwithstanding the foregoing sections of this rule, consideration of any legislative measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the committee is present.

Open Meetings

*19. Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than Members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by Rule 20 contained herein, or to any meeting that relates solely to internal budget or personnel matters.

*20. Each hearing conducted by the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 10, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony:

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule XI 2(k)(5) of The Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: Provided, however, That the committee or subcommittee may be the same procedure vote to close on subsequent day of hearing.

Requests for Rollcall Votes

21. A rollcall of the Members may be had at the request of three or more Members.

Committee Records

*22. The Committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each roll call shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order or proposition, and the names of those Members present but not voting.

Publication of Committee Hearings

*23. The transcripts of those hearings conducted by the Committee which are decided to be printed will be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate.

Any requests by those Members, staff or witnesses to correct any errors, other than errors in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

Prior to approval by the Chairman of hearing conducted jointly with another Congressional committee, a memorandum of understanding will be prepared which incorporates an agreement for the publication of the verbatim transcript.

5-Minute Rule During Committee Proceedings

*24. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting Chairman. The rule of germaneness will be enforced by the Chairman.

Requests for Written Motions

*25. Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

SUBCOMMITTEES

Structure and Jurisdiction

26. The committee shall have the following standing subcommittees with the jurisdiction indicated.

(a) *Subcommittee on Investigations and Oversight.* Review and study, on a continuing basis, of the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee and the organization and operation of the Federal and private agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress. In addition, the Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority may cooperatively review and study any conditions or circumstances which indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee, and may undertake futures research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Oversight shall in no way limit the responsibility of other subcommittees from carrying out their oversight responsibilities, nor shall any investigation be undertaken by the Subcommittee on Investigations and oversight without (a) consultation with the Chairman of the appropriate subcommittee with legislative authority and (b) approval of the Chairman of the committee.

(b) *Subcommittee on Natural Resources, Agriculture Research and Environment.* Legislation, general and special oversight and all other matters relating to natural resources, including, but not limited to, water research, and, to the extent appropriate, agriculture R&D and population; legislation, risk assessment and other matters relating to environmental research and development generally-including, but not limited to, research and development activities of the Environmental Protection Agency; environmental health safety, life sciences, pharmaceutical, medical, and biotechonology activities of Executive departments and agencies, as appropriate; the National Weather Service; operational and research and development activities related to the atmosphere (including metorology, aeronomy, climate, weather modification); those ocean R&D activities related to the quality and management of the environment of the National Oceanic and Atmospheric Administration; and operations of earth observing systems (except for SARSAT).

(c) *Subcommittee on Energy Research and Development.* Legislation, general and special oversight and all other matters relating to all energy R&D and projects therefore; all federally owned or operated non-military energy laboratories; basic energy sciences; high energy and nuclear physics; policy and management programs of the Department of Energy; and uranium enrichment and waste management activities, as appropriate.

(d) *Subcommittee on Science, Research and Technology.* Legislation, general and special oversight and all other matters relating to the National Science Foundation; the National Bureau of Standards; the Office of Science and Technology Policy; the Office of Technology Assessment; scientific research and development and applications; science policy; scientific resources (including manpower); science education; science information and information sciences; technology transfer; technology assessment; innovation and industrial R&D; productivity and competitiveness; standards (weights, measures, etc.); patent policies as they relate to Federal research and development programs; R&D involving governmental health, nutritional and handicapped programs; inter-governmental mechanisms for R&D; geographic distribution of federal R&D; and tax policy and the effect on R&D.

(e) *Subcommittee on Space Science and Applications.* Legislation, general and special oversight and all other matters relating to the National Aeronautics and Space Administration (except aeronautical research and technology); national programs of research and development in space exploration and control, space applications, space commercialization, space communications and related matters; and research and development of earth observing systems.

(f) *Subcommittee on International Scientific Cooperation.* International scientific cooperation; International technology transfer; International cooperative R&D (including global change, space station, nuclear and non-nuclear energy, the superconducting super collider, and international cooperative funding therefore); International scientific and technological competitiveness; International information and communications policy (including scientific data banks, technical communication and translation, and SARSAT); Resolutions of joint cooperation with other national parliamentary committees on science and technology; International trade policy and its effect on science and technology and on R&D; International agriculture research policy (including the international implications of genetic engineering); and International intellectual property rights.

(g) *Subcommittee on Transportation, Aviation and Materials.* Legislation, general and special oversight and all other matters relating to civil aviation research and development (includes aeronautical research and technology programs of the National Aeronautics and Space Administration and research and development programs of the Federal Aviation Administration); transportation programs of the Department of Energy; aviation-weather services; materials R&D and national materials policies, both domestic and international; oversight of surface transportation research and development programs of the Department of Transportation, Urban Mass Transportation Administration, Federal Railroad Administration, Federal Highway Administration, National Highway Traffic Safety Administration, and Coast Guard and the Maritime Administration; oversight of research and development in communications other than that for which the Subcommittee on Space Sciences and Applications is responsible.

Referral of Legislation

27. All legislation and other matters referred to the committee shall be referred to all subcommittees of appropriate jurisdiction within two weeks unless, by a majority vote of the Majority Members of the full commitee, consideration is to be by the full committee. Subcommittee chairmen may make requests for referral of specific matters to their subcommittee within the two-week period if they believe subcommittee jurisdictions so warrant.

Ex Officio Members

28. The Chairman and Ranking Minority Member shall serve as ex officio Members of all subcommittees and shall have the right to vote and be counted as part of the quorum on all matters before the subcommittee.

Procedures

29. No subcommittee shall meet for markup or approval when any other subcommittee of the committee is meeting to consider any measure or matter for markup or approval.

30. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Each subcommittee shall conduct legislative and general oversight, inquiries for the future and forecasting, and budget impact studies on matters within their respective jurisdictions. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

31. Any Member of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings of deliberations, but no such Member who is not a member of the subcommittee shall vote on any matter before such subcommittee, except as provided in Rule 28.

32. During any subcommittee proceeding for markup or approval, a roll call vote may be had at the request of one or more Members of that subcommittee.

Power to Sit and Act; Subpoena Power

33. Rule XI 2(m) of the Rules of the House of Representatives is hereby incorporated by reference (power to sit and act; subpoena power).

National Security Information

34. All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chair-

man of the full committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the committee. Such procedures shall, however, ensure access to this information by any Member of the committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

Sensitive or Confidential Information Received Pursuant to Subpoena

35. Unless otherwise determined by the committee or subcommittee, certain information received by the committee or subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the full committee, in his judgment, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

REPORTS

Substance of Legislative Reports

36. The report of the committee on a measure which has been approved by the committee shall include the following, to be provided by the committee:

(A) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [Rule XI 2 (l)(3)(A)];

(B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures [Rule XI 2(l)(3)(B)];

(C) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on the national economy, [Rule 2(l)(4)];

(D) with respect to each rollcall vote on a motion to report such bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or resolution, [Rule XI 2(l)(2)(B)];

(E) the estimate and comparison prepared by the committee under Rule XIII 7(a) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subdivision (A) of Rule 34 has been timely submitted prior to the filing of the report and included in the report [Rule XIII 7]; and

(F) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, [Rule XIII 3].

37. (a) The report of the committee on a measure which has been approved by the committee shall further include the following, to be provided by sources other than the committee:

(A) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison of the committee, [Rule XI 2(l)(3)(C)];

(B) a summary of the oversight findings and recommendations made by the Committee on Government Operations under Rule X 2(b)(2) of the Rules of the House of Representatives, separately set out and identified, [Rule XI 2(l)(3)(D)].

(b) Notwithstanding the foregoing sections of this rule, if the committee has not received prior to the filing of the report the material required under subdivisions (A) and (B) of this rule, then it shall include a statement to that effect in the report on the measure.

Minority and Additional Views

38. If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the committee. All such views so filed by one or more Members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisons (A) and (B) of Rule 34) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph or (2) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

39. The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views beyond 3 days, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

Consideration of Subcommittee Reports

40. Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of three calendar days, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman.

Timing and Filing of Committee Reports

41. It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote.

42. The report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the Members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

43. Any committee or subcommittee report published by the committee shall follow the same procedures for its approval, including the opportunity to submit views, as is followed in the case of a report accompanying a bill or resolution which has been approved by the committee.

MEDIA COVERAGE

44. The committee may permit, by majority vote, hearings or meetings which are open to the public to be covered in whole or in part by television, radio and still photography—or by any such methods of coverage—in accordance with Rule XI(3) of the Rules of the House of Representatives, provided, that the Chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room.

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY

"Rule X. Establishment and Jurisdiction of Standing Committees

"The Committees and Their Jurisdiction.

"1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4: and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

* * * * *

(r) Committee on Science and Technology.

(1) Astronautical research and development, including resources, personnel, equipment, and facilities.

(2) Bureau of Standards, standardization of weights and measures and the metric system.

(3) National Aeronautics and Space Administration.

(4) National Aeronautics and Space Council.

(5) National Science Foundation.

(6) Outer space, including exploration and control thereof.

(7) Science Scholarships.

(8) Scientific research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

(9) Civil aviation research and development.

(10) Environmental research and development.

(11) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

(12) National Weather Service.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(f) with respect to all nonmilitary research and development.

* * * * *

"Special Oversight Functions

"3. (f) The Committee on Science and Technology shall have the functions of reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with or involving nonmilitary research and development."

SUBMISSION OF RULES OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. ST GERMAIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, pursuant to rule XI, clause 2(a), I submit the rules for the Committee on Banking, Finance and Urban Affairs for the 100th Congress for printing in the RECORD.

RULES OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS OF THE U.S. HOUSE OF REPRESENTATIVES, 100TH CONGRESS—1987-88

RULE NO. 1—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committee and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under rule X of House Rules and (subject to the adoption of expense resolutions as required by rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection herewith. The ranking minority member of the full committee or the relevant subcommittee shall be notified in advance at such times as any committee funds are expended for investigations and studies involving international travel.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under rules X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. 2—REGULAR AND SPECIAL MEETINGS: OPEN COMMITTEE MEETINGS

(a) Regular meetings of the committee shall be held on the first Tuesday of each month while the Congress is in session. When the chairman believes that the committee will not be considering any bill or resolution before the full committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances makes practicable, a written notice to that effect and no committee meeting shall be held on that day.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the committee their written notice that a special meeting of the committee will be held specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) The committee may not sit, without special leave, while the House is reading a measure for amendment under the 5-minute rule.

(f)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day be closed to the public: *Provided, however,* That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking testimony, (A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate subparagraph (g)(5) of Rule 7; or (B) may vote to close the hearing, as provided in subparagraph (g)(5) of Rule 7. The Committee or subcommittee may, by the same procedures specified in this paragraph, vote to close one subsequent day of hearing.

(g) No person other than a Member of Congress, committee staff, or a person from a Member's staff when that Member has an amendment under consideration, may walk in or be seated at the rostrum area of the committee unless the chairman, the chairman of the subcommittee, or a majority of the committee determines otherwise.

RULE NO. 3—RECORDS AND ROLLCALLS

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present, but not voting. A record vote may be demanded by any three of the members present or, in the apparent absence of a quorum, by any one member.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto.

RULE NO. 4—PROXIES

(a) No vote by any member of the committee or any of its subcommittees with respect to any measure may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of the day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

(b) Proxies shall be in the following form:

Hon. ———,
House of Representatives,
Washington, DC.

DEAR ———: I will be absent on official business/due to personal illness and thus unable to be present at the meeting of the committee or subcommittee. I hereby authorize you to vote in my place and stead in the consideration of ——— and any amendments or motions pertaining thereto. The official business that necessitates my absence is ———.

——— ———,

Member of Congress.

Executed this the —— day of ——, 19— at the time of —— p.m./a.m.

RULE NO. 5—POWER TO SIT AND ACT, SUBPENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee, or any subcommittee thereof, is authorized—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings; and

(2) to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Any subpena issued to carry out the authority of this paragraph shall be issued in accordance with the procedures specified in subparagraph (b)(1). The chairman of the committee or any member designated by the chairman may administer oaths to any witness.

(b)(1) Any subpena issued to carry out any investigation or activity, or any series of investigations or activities, described in (a) shall be issued by the committee, upon the recommendation of a subcommittee or upon the committee's initiative, and any such subpena may only be authorized by a majority of the members of the committee voting, a majority being present. The power to authorize and issue subpenas under this subparagraph may be delegated to the chairman of the committee pursuant to such limitations as the committee may prescribe. Authorized subpenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpena issued by the committee under this subparagraph may be enforced only as authorized or directed by the House.

(c) Each witness who has been subpenaed upon the completion of his testimony before the committee or any subcommittee, may report to the office of counsel of the committee, and there sign appropriate vouchers for travel allowances and attendance fees. if hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the committee, or his representative, prior to leaving the hearing room.

RULE NO. 6—QUORUMS

A majority of the members of the full committee or subcommittee shall constitute a quorum of the full committee or subcommittee for the reporting of a measure or recommendation: *Provided*, That the number of members constituting a quorum for the taking of any action other than the reporting of a measure or recommendation shall be one-third of the members of the committee or subcommittee, and any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE NO. 7—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter at least one week before the commencement of that hearing unless that committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify all members of the committee, the Daily Digest Clerk of the Congressional Record and the committee scheduling service of the House Information System as soon as possible after such public announcement is made.

(b) Each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 24 hours in advance of his appearance, 100 copies of his proposed testimony if the appearance is before a subcommittee, and 175 copies of his proposed testimony if the appearance is before the committee, and the witness may be required to limit his oral presentation to a summary of his statement. This requirement may be waived by the Chairman of the Committee or appropriate subcommittee, after consultation with the appropriate ranking minority member, when it is deemed by said Chairman to be in the best interest of the committee or subcommittee. This requirement shall not be mandatory if a witness is given less than seven days' notice prior to a hearing.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Upon announcement of a hearing, the Clerk and Staff Director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other materials) under consideration which shall be made available immediately to all members of the committee. In addition, upon announcement of a hearing and subsequently as they are received, the chairman shall make available to the members of the committee any official reports from departments and agencies on such matter.

(e) All other members of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations after members of the subcommittee have been given an opportunity to participate, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(f) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both the full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the committee.

(g) The following additional rules shall apply to investigative hearings:

(1) The chairman at any investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and clause 2 of Rule XI of the House rules shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person it shall—

(A) receive such evidence or testimony in executive session;

(B) afford such person an opportunity voluntarily to appear as a witness; and

(C) receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public session without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may review and photostat a copy of his or her testimony given at a public session, or if given at an executive session, when authorized by the committee.

RULE NO. 8—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each record vote by the committee to report any bill or resolution, the name of each member voting for and voting against the motion to report, and whether by proxy or in person and the names of those members present but not voting, and the names of those members absent, shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974 separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such act, separately set out an clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Govenment Operations under clause 4(c)(2) of rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure, matter or any report or submission to be made to the House or to the Committee on the Budget under subclauses (g), (h), and (i) of clause 4 of Rule X of the Rules of the House of Representatives by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be part of, the report filed by the commitee with respect to that measure or matter. No report shall be filed until the chairman has consulted with the ranking minority member of the committee and the chairman of the subcommittee from which the legislation emanated or would have emanated. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views and any material submitted under subdivisions (3) and (4) of subparagraph (c) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(1) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(2) any decision, determination, or action by a Government agency which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. For the purposes of the preceding sentence, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

RULE NO. 9—OVERSIGHT SUBCOMMITTEE

(a) In order to assist the House in:

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modification or changes in those laws, and of such additional legislation, as may be necessary or appropriate, there shall be established in conformity with rule 15 an Oversight Subcommittee.

(b) The Oversight Subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee, and the organization and operation of the Federal agencies and entities which have responsibility in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Oversight Subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee. The Oversight Subcommittee shall in no way limit the responsibility of the subcommittees from carrying out their oversight responsibilities.

(c) The Oversight Subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE NO. 10—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of the House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) The committee shall, on or about March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget in accordance with the Congressional Budget Act of 1974.

RULE NO. 11—BROADCASTING OF COMMITTEE HEARINGS

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The chairman of the committee or of a subcommittee shall determine, in the chairman's discretion, the number of television and still cameras permitted in a hearing or meeting room. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him/her.

RULE NO. 12—COMMITTEE AND SUBCOMMITTEE BUDGETS

(a) The chairman, in consultation with the majority members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel for necessary travel, investigation, and other expenses of the full committee, and after consultation with the minority membership, the chairman shall include amounts budgeted to the minority members for staff personnel to be under the direction and supervision of the minority, travel expenses of minority members and staff, and minority office expenses. All travel expenses of minority members and staff shall be paid for out of the amounts so set aside and budgeted.

(b)(1) The chairman of each subcommittee, in consultation with the majority members thereof, shall prepare a budget to include funds for staff, travel, investigations, and miscellaneous expenses as may be required for the work of the subcommittee.

(2) The chairman of each subcommittee shall control the funds provided for in the subcommittee budget.

(c) The chairman shall combine the proposals of each subcommittee with the preliminary budget of the full committee into a consolidated committee budget, and shall present the same to the committee for its approval. The chairman shall then take all action necessary to bring about its approval by the Committee on House Administration and by the House.

(d) Authorization for the payment of additional or unforeseen committee and subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(e) The chairman, the ranking minority member of the full committee, or any chairman of a subcommittee may initiate necessary travel requests as provided in Rule 14 within the limits of their portion of the consolidated budget as approved by the House, and the chairman may execute necessary vouchers thereof.

RULE NO. 13—COMMITTEE AND SUBCOMMITTEE STAFF

(a) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority members of the committee shall determine within the budget approved for such purposes by the committee; provided, however, that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart.

(b) The professional and clerical employees of the committee not assigned to a subcommittee or to the minority under the above provision shall be appointed, and may be removed, and their remuneration determined by the chairman in consultation with and with the approval of the majority members of the committee within the budget approved for such purposes by the committee.

(c) The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee who may delegate such authority as they determine appropriate.

(d) The professional and clerical staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(e) It is intended that the skills and experience of all members of the committee staff be available to all members of the committee.

(f)(1) The chairman of each standing subcommittee of this committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority member of each standing subcommittee on this committee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed 75 per centum of the maximum established in paragraph (c) of clause 6 of the House Rule XI, provided, however, a staff person appointed by a ranking minority member shall be compensated at a rate not to exceed that paid his or her majority party staff counterpart.

(4) Subparagraphs (1), (2) and (3) shall apply to six subcommittees only, and no member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the subcommittee chairmen and ranking minority party members pursuant to subparagraphs (1) and (2) shall be made available from the staff positions provided under clause 6 of House Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(6) Except as provided by the above provisions, the professional and clerical members of the subcommittee staffs shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of a majority of the majority members of the subcommittee, and with the approval of a majority of the majority members of the full committee, within the budget approved for the subcommittee.

(7) The professional and clerical staff of a subcommittee shall be under the supervision and direction of the chairman of that subcommittee.

RULE NO. 14—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance at hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is being made;

(4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matters under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman, the ranking minority member of the full committee whenever minority staff is involved, and the chairman of the full committee. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4), of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been compliance where applicable with Rule 12 of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the chairman, or, in the case of a subcommittee, from the subcommittee chairman and the chairman. Before such authorization is given, there shall be submitted to the chairman in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the chairman of the full committee, the ranking minority member of the full committee, or the chairman of a subcommittee (except that individuals may submit a request to the chairman for the purpose of attending a conference or meeting).

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (members and staff attending meetings or conferences) shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and the Committee on House Administration pertaining to such travel.

RULE NO. 15—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be eight standing subcommittees as follows: Subcommittee on Financial Institutions Supervision, Regulation and Insurance; Subcommittee on Housing and Community Development; Subcommittee on Consumer Affairs and Coinage; Subcommittee on Domestic Monetary Policy; Subcommittee on International Finance, Trade and Monetary Policy; Subcommittee on General Oversight and Investigations; Subcommittee on Economic Stabilizations; and Subcommittee on International Development Institutions and Finance. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees respectively. In carrying out any of the jurisdiction specifided in the following paragraphs, each subcommittee, to the extent it deems appropriate, may examine the impact of any aspect of such jurisdiction on employment.

Subcommittee on Financial Institutions Supervision, Regulation and Insurance

The jurisdiction of the Subcommittee on Financial Institutions Supervision, Regulation and Insurance extends to all agencies which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit or other insurance for, financial or other institutions, the establishment of interest rate ceilings on deposits, and all auxiliary matters affecting or arising in connection with the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the National Credit Union Share Insurance Fund, the Federal Home Loan Bank Board, the Federal Reserve Board and System, the National Credit Union Administration, and the Comptroller of the Currency, together with those activities and operations of any other agency or department which relate to both domestic or foreign financial institutions.

Further, jurisdiction extends to and includes with respect to financial institutions and the department and agencies which regulate or supervise them, all activities relating to and arising in connection with the matters of chartering, branching, mergers and acquisitions, consolidations, and conversions.

Subcommittee on Housing and Community Development

The jurisdiction of the Subcommittee on Housing and Community Development extends to all matters relating to housing and mortgage credit (except programs administered by the Veterans' Administration), including mortgage and loan insurance pursuant to the National Housing Act; FHA mortgage interest rates; rural housing; housing assistance programs; secondary mortgage market programs and all other activities of FNMA, GNMA, and FHLMC; private mortgage insurance; housing construction and design standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; counseling and technical assistance; regulation of the housing industry (including landlord-tenant relations); real estate lending powers of financial institutions (including regulation of settlement costs); and interest charges for members of the Federal Home Loan Bank System.

The jurisdiction of the subcommittee further extends to matters relating to community development and community planning, training and research, including community development block grants; urban renewal; model cities; rehabilitation loans and grants; neighborhood facilities grants; open space land and urban beautification grants; water and sewer facilities grants; public facilities loans; national, urban or community development banks; advance acquisition of land programs; new communities assistance programs; national urban growth policies; comprehensive planning (including land use and areawide programs); community development training and fellowships; and urban research and technologies.

Further, jurisdiction of the subcommittee extends to flood insurance and related land use controls, urban property protection and reinsurance, crime insurance, and regulation of interstate land sales.

Also, the jurisdiction of the subcommittee includes FHA property improvement loans under title I of the National Housing Act which can be used to finance the preservation of historic structures; community development block grant funds authorized under title I of the 1974 Housing Act which can be used to finance the acquisition and preservation of historic properties; and section 701 comprehensive planning grants to public bodies which can be used to finance surveys of historic sites and structures.

Subcommittee on Consumer Affairs and Coinage

The jurisdiction of the Subcommittee on Consumer Affairs and Coinage shall include all matters relating to consumer credit, including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting, equal credit opportunity, debt collection practices, and electronic funds transfers. The jurisdiction shall further include creditor remedies and debtor defense, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards and the preemption of State usury laws.

The Jurisdiction of the subcommittee shall further extend to matters relating to the price of consumer goods, services and commodities, the rationing of consumer products, and hoarding.

Further, the jurisdiction of the subcommittee extends to all matters relating to coins, coinage, currency and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations and activities of the Bureau of the Mint and the Bureau of Engraving and Printing.

Subcommittee on Domestic Monetary Policy

The jurisdiction of the Subcommittee on Domestic Monetary Policy extends to all matters relating to monetary policy and agencies which directly or indirectly affect monetary policy, including the effect of such policy and other financial actions on interest rates, allocation of credit, and the structure and functioning of domestic and foreign financial institutions.

Further, the jurisdiction of the Subcommittee on Domestic Monetary Policy extends to all private foundations and charitable trusts.

Subcommittee on International Finance, Trade and Monetary Policy

The Subcommittee on International Finance, Trade and Monetary Policy shall have jurisdiction over all matters within the jurisdiction of the committee relating to international trade, including but not limited to the activities of the Export-Import Bank.

Further, the jurisdiction of the subcommittee shall extend to international investment policies both as they relate to U.S. investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

Further, the subcommittee shall have jurisdiction over the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto.

Subcommittee on General Oversight and Investigations

The Subcommittee on General Oversight and Investigations shall assist the House Committee on Banking, Finance and Urban Affairs in appraising the administration of the laws and regulations under the jurisdiction of the committee and present such recommendations as deemed necessary to the appropriate subcommittee(s) of the committee.

Further, the subcommittee shall exercise continuing oversight of the execution by the administrative agencies concerning any of the laws the subject matter of which reside within the jurisdiction of the committee and shall study all pertinent reports, documents and data pertinent to the jurisdiction of the committee and make the necessary recommendations or reports thereon to the appropriate subcommittee(s) of the committee.

Further, the subcommittee shall have full jurisdiction over the Renegotiation Act of 1951, as amended.

Subcommittee on Economic Stabilization

The jurisdiction of the Subcommittee on Economic Stabilization shall extend to all matters relating to financial aid to all sectors and elements within the economy, all matters relating to economic stabilization, and all defense production matters as contained in the Defense Production Act of 1950, as amended, and all related matters thereto.

Subcommittee on International Development Institutions and Finance

The jurisidiction of the Subcommittee on International Development Institutions and Finance extends to all matters relating to all multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto; and monetary and financial developments as they relate to the activities and objectives of such institutions.

(b) The commmittee may provide for such additional subcommittees as determined to be appropriate; *Provided, however,* That such additional subcommittees are approved by a majority of the majority members on the Committee.

(c) A member serving as chairman of any subcommittee on this committee shall not also serve as the chairman of a subcommittee on any othe full committee or select committee with legislative jurisdiction; *Provided, however,* That this provision shall not apply to a member serving as subcommittee chairman on the Budget Committee; House Administration Committee; Joint Committees; Standards of Official Conduct Committee; or House Recording Committee.

RULE NO. 16—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen and with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the Chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take steps or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) No bill or joint resolution approved by a subcommittee shall be considered by the committee unless such measure, as approved, has been made available to all members at least two calendar days prior to the meeting, accompanied by a section-by-section analysis of such measure. The provisions of this paragraph may be suspended by the committee by a two-thirds vote or by the chairman, with the concurrence of the ranking minority member of the full committee.

(d) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Banking, Finance and Urban Affairs (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(e) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed on the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the chairman after consultation with the ranking minority member and appropriate subcommittee chairman, otherwise directs; *Provided,* That no bill reported by a subcommittee shall be considered by the full committee unless each member has been provided with reasonable time prior to the meeting to analyze such bill, together with a comparison with present law and a section-by-section analysis of the proposed change, and a section-by-section justification.

(f) No bill or joint resolution may be considered by a subcommittee unless such measure has been made available to all members at least two calendar days prior to the meeting, accompanied by a section-by-section analysis of such measure. The provisions of this paragraph may be waived following consultation with the appropriate ranking minority member.

RULE NO. 17—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) Each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in Rule 15 referred to or initiated by the full committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee.

(b) Referral to a subcommittee shall not be made until 3 days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittees of proper jurisdiction without regard to whether the author is or is not a member of the subcommittees. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) Committee reports shall be filed at such time as the committee shall determine with reasonable time allowed for members to file supplemental, individual, dissenting or other views.

(d) In carrying out this Rule with respect to any matter, the chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule 15, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter to a special ad hoc committee appointed by the chairman (from the members of the subcommittees having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate.

RULE NO. 18—SIZES AND PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

(a) To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittees shall be established so that the majority party members of the committee have an equal number of subcommittee assignments; *Provided, however,* That a member may waive his or her right to an equal number of subcommittee assignments on the committee; *And provided further,* That the majority party members may limit the number of subcommittee assignments of the chairman and the subcommittee chairmen and the minority party members may limit the number of subcommittee assignments of ranking minority party members in order to equalize committee workloads.

(b) Following shall be the sizes and majority/minority ratios for subcommittees:

Subcommittee on Financial Institutions Supervision, Regulation and Insurance: Total—43. Majority—26. Minority—17.

Subcommittee on Housing and Community Development: Total—38. Majority—23. Minority—15.

Subcommittee on Consumer Affairs and Coinage: Total—8. Majority—5. Minority—3.

Subcommittee on Domestic Monetary Policy: Total—8. Majority—5. Minority—3.

Subcommittee on International Finance, Trade and Monetary Policy: Total—18. Majority—11. Minority—7.

Subcommittee on General Oversight and Investigations: Total—16. Majority—10. Minority—6.

Subcommittee on Economic Stabilization: Total—23. Majority—14. Minority—9.

Subcommittee on International Development Institutions and Finance: Total—15. Majority—9. Minority—6.

(c) The full committee chairman, or a member designated by a majority of the majority members of the committee, shall recommend to the Speaker as conferees the names of those members (1) selected by the majority party members of the committee in a manner determined by them, and (2) selected by the minority party members of the committee in a manner determined by them.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. JEFFORDS, for 30 minutes, on February 10.

Mr. BEREUTER, for 5 minutes, today.

Mr. CONTE, for 5 minutes, today.

(The following Members (at the request of Mr. ALEXANDER) to revise and extend their remarks and include extraneous material:)

Mr. BROOKS, for 5 minutes, today.

Mr. CARPER, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. DORGAN of North Dakota, for 60 minutes, on February 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) and to include extraneous matter:)

Mr. COURTER.

Mr. CONTE.

Mr. SHUMWAY.

Mr. KEMP in two instances.

Mr. GOODLING.

Mr. WORTLEY.

Mr. DREIER of California.

(The following Members (at the request of Mr. ALEXANDER) and to include extraneous matter:)

Mr. DORGAN of North Dakota.

Mr. UDALL.

Mr. WALGREN.

Mr. DURBIN.

Mr. GUARINI in two instances.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 102. Joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, a joint resolution of the House of the following title:

On February 4, 1987:

H.J. Res. 102. Joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 56 minutes p.m.) under its previous order, the House adjourned until Monday, February 9, 1987, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

500. A letter from the Executive Associate Director, Office of Management and Budget, transmitting a report that the appropriation to the Department of Justice has been apportioned on a basis that indicates the necessity for a supplemental estimate of appropriation for funds to enable the Immigration and Naturalization Service to carry out its responsibilities, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

501. A letter from the Assistant Secretary (Acquisition and Logistics), Department of Defense, transmitting a copy of "Report on the Performance of Department of Defense Commercial and Industrial-Type Functions" for fiscal year 1986, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

502. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-279, "Construction Codes Approval and Amendments Act of 1986" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

503. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed manufacturing license agreement for the production of various items related to project-guided munitions (that is, air-ground TV and Laser guided bombs) in the United Kingdom for end-use by the United Arab Emirates (Transmittal No. MC-13-87), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

504. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract which involves the sale to Canada of two satellites and associated services (Transmittal No. MC-15-87), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

505. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the 28th annual report of the Commission's activities, pursuant to 42 U.S.C. 4275(3); to the Committee on Government Operations.

506. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the Commission's second annual report on contract competition covering fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

507. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the agency's annual report for fiscal year 1986 on its implementation of the Competition Advocacy Program, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

508. A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting the annual report on procurement competition covering fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

509. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

510. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

511. A letter from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting a copy of the final report on the Phoenix Indian School in Phoenix, AZ, pursuant to Public Law 99-591; jointly, to the Committees on Appropriations and Education and Labor.

512. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1988 and 1989, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BILIRAKIS:

H.R. 1024. A bill to amend secton 312 of the Immigration and Nationality Act to provide for the exemption of the Government knowledge requirement for naturalization of persons over 50 years of age who have been lawful permanent residents in the United States for at least 20 years; to the Committee on the Judiciary.

H.R. 1025. A bill to amend title II of the Social Security Act to provide in certain cases for the payment of widow's, widower's, mother's, or father's insurance benefits to an otherwise eligible person who would qualify for such benefits as the insured individual's widow or widower except for the fact that (at the time of their marriage) such individual already had a legal spouse of whose existence such person was unaware; to the Committee on Ways and Means.

H.R. 1026. A bill to amend title II of the Social Security Act to provide increases in primary insurance amounts to account for depressed replacement rates; to the Committee on Ways and Means.

By Mr. BONER of Tennessee:

H.R. 1027. A bill to amend title II of the Social Security Act to eliminate the disparity between the benefits payable to individuals who retired in or after 1979 (when the decoupling changes in the benefit formula became effective) and the benefits payable to individuals similarly situated who retired before that year, by providing that the benefits to the former individuals never be less than those payable to the latter; to the Committee on Ways and Means.

By Mr. CARPER (for himself and Mr. DREIER of California):

H.R. 1028. A bill to prevent fraud and abuse in HUD Programs; jointly, to the Committees on Banking, Finance and Urban Affairs, and Ways and Means.

By Mr. COMBEST:

H.R. 1029. A bill to amend the Internal Revenue Code of 1986 to provide tax credits to producers of domestic crude oil when the removal price is less than the adjusted base price determined for purposes of the windfall profit tax; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 1030. A bill to provide for 30 demonstration projects for the use of personal emergency response systems under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DINGELL (for himself, Mr. LENT, Mr. FLORIO, Mr. THOMAS A. LUKEN, Mr. WALGREN, Mr. OXLEY, Mr. LELAND, Mr. TAUZIN, Mr. WYDEN, Mr. HALL of Ohio, Mr. ECKART, Mr. SLATTERY, Mr. BRYANT, Mr. BOUCHER, and Mr. COOPER):

H.R. 1031. A bill to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs produced in the United States, to place restrictions on the distribution of drug samples, to ban certain resales of drugs by hospitals and other health care facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GILMAN (for himself, Mr. FAZIO, Mr. LELAND, Mr. BEREUTER, Mr. HALL of Ohio, Mr. ACKERMAN, Mr. DORGAN of North Dakota, and Mrs. ROUKEMA):

H.R. 1032. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to establish a bilateral program to furnish credit assistance for microenterprises owned by the poorest people in developing countries, and to encourage multilateral development banks to establish microenterprise credit programs; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. GRANDY (for himself, Mr. TAUKE, Mr. SMITH of Iowa, Mr. LEACH of Iowa, Mr. LIGHTFOOT, Mr. MARLENEE, Mr. EMERSON, and Mr. NAGLE):

H.R. 1033. A bill to amend the Agricultural Act of 1949 to provide that a producer's crop of oats on a farm may exceed the permitted acreage base and the producer may be eligible to participate in the annual farm program for corn and grain sorghums for such crop year; to the Committee on Agriculture.

By Mr. GRAY of Pennsylvania (for himself, Mr. Dixon, Mr. Fauntroy, Mr. Conte, Mr. Wolpe, Mr. McKinney, Mr. Lowry of Washington, Mr. Dymally, Mrs. Schroeder, Mr. Berman, Mr. Gephardt, Mr. Morrison of Connecticut, Mr. Towns, Mr. Rangel, Mr. Dellums, Mr. Conyers, Mr. Crockett, Mr. Downey of New York, Mr. Bustamante, Mr. Leland, Mr. McHugh, Mr. Hoyer, Mr. Bereuter, and Mr. Solarz):

H.R. 1034. A bill to provide meaningful levels of economic assistance to the Southern Africa Development Coordination Conference [SADCC]; to the Committee on Foreign Affairs.

By Mr. GUARINI:

H.R. 1035. A bill designating the week of February 7, 1988, through February 13, 1988, as "National Crime Prevention Week" in honor of those individuals in the United States involved in the fight against crime; to the Committee on Post Office and Civil Service.

By Mr. JACOBS (for himself, Mr. Archer, Mr. Gephardt, Mr. Gibbons, Mr. Levin of Michigan, Mr. Moody, Mr. Crane, and Mr. Daub):

H.R. 1036. A bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the Old-Age, Survivors, and Disability Insurance Program under title II of the Social Security Act and the supplemental security income program under title XVI of such act and to provide for more prudent and effective management of the Social Security trust funds; to the Committee on Ways and Means.

By Mr. LOWRY of Washington (for himself, Mr. Biaggi, Mr. Davis of Michigan, and Mr. Lent):

H.R. 1037. A bill to require that departments and agencies of the United States obtain suitable vessels owned by and available from the Maritime Administration or any other department or agency before acquisition or construction of any new noncombatant vessel; to the Committee on Merchant Marine and Fisheries.

By Mr. LUNGREN:

H.R. 1038. A bill to modify the provision of law which provides a permanent appropriation for the compensation of Members of Congress, and for other purposes; jointly, to the Committees on Appropriations, Rules, and House Administration.

By Mr. RAHALL (for himself, Mr. Udall, Mr. Vento, and Mr. Campbell):

H.R. 1039. A bill to amend section 37 of the Mineral Lands Leasing Act of 1920 relating to oil shale claims, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. REGULA (for himself, Mr. Murtha, Mr. Gaydos, Mr. Bevill, Mr. Fazio, Mr. Mollohan, Mr. Davis of Illinois, Mr. Brown of California, and Mrs. Bentley):

H.R. 1040. A bill to amend title 11 of the United States Code to give priority to certain unsecured claims of retired former employees of the debtor, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 1041. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income of certain retirement benefits received by taxpayers who have attained age 65; to the Committee on Ways and Means.

By Mr. SHUMWAY:

H.R. 1042. A bill to amend the Federal Mine Safety and Health Act of 1977 to provide that owner-operated mines shall be exempt from certain provisions of such Act, and for other purposes; to the Committee on Education and Labor.

By Mr. STANGELAND:

H.R. 1043. A bill to amend title XII, conservation, of the Food Security Act of 1985; to the Committee on Agriculture.

By Mr. UDALL (for himself, Mr. Vento, Mr. Edwards of California, Mrs. Boxer, Mr. Miller of California, Mr. Mineta, Mr. Lantos, Mr. Coelho, Mr. Berman, Mr. Hawkins, Mr. Bates, Mr. Fazio, Mr. Panetta, Mr. Roybal, Mr. Waxman, Mr. Torres, Mr. Anderson, Mr. Bosco, Mr. Brown of California, Mr. Dellums, Mr. Dixon, Mr. Dymally, Mr. Beilenson, Mr. Lehman of California, Mr. Levine of California, Mr. Martinez, Mr. Matsui, and Mr. Stark):

H.R. 1044. A bill to establish the National Maritime Museum at San Francisco in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHITTAKER (for himself, Mr. Roberts, Mr. Glickman, and Mr. Slattery):

H.R. 1045. A bill to prohibit county committees under certain circumstances from reducing farm program payments yields for purposes of calculating deficiency payments; to the Committee on Agriculture.

By Mr. BILIRAKIS:

H.J. Res. 139. Joint resolution to designate October 1988 as "Displaced Homemakers Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. VISCLOSKY (for himself, Mr. McCloskey, Mr. Jacobs, Mr. Hamilton, Mr. Burton of Indiana, Mr. Jontz, Mr. Sharp, Mrs. Collins, Mr. Martinez, Mr. Leland, Mr. Dymally, Mr. Savage, Mr. Brown of California, Mr. Clay, Mr. Owens of New York, Mr. Sunia, and Mr. Garcia):

H.J. Res. 140. Joint resolution designating August 12, 1988, as "National Civil Rights Day"; to the Committee on Post Office and Civil Service.

By Mr. COURTER (for himself, Mr. Burton of Indiana, Mr. Hyde, Mr. Kyl, Mr. Solomon, Mr. Dannemeyer, Mr. McCollum, Mr. Hunter, Mr. Crane, Mr. Davis of Illinois, Mr. Archer, Mr. Armey, Mrs. Bentley, Mr. Boulter, Mr. Dornan of California, Mr. Gingrich, Mr. Wortley, Mr. Ritter, Mr. Lungren, Mr. Lott, Mr. Lewis of California, Mr. Kemp, Mr. Young of Alaska, Mr. Packard, Mr. Swindall, Mr. Sensenbrenner, Mr. Badham, and Mr. Walker):

H. Con. Res. 41. Concurrent resolution expressing the sense of the Congress that the President should break U.S. diplomatic relations with the Government of Nicaragua, extend recognition to the Nicaraguan resistance as a legitimate force pursuing the democratization of Nicaragua, and employ the forum of the Organization of American States to press for democracy in Nicaragua; to the Committee on Foreign Affairs.

By Mr. WORTLEY (for himself, Mr. Barnard, Mrs. Bentley, Mr. Neal, Mr. McCollum, Mr. Crane, Mr. Fauntroy, and Mr. Armey):

H. Con. Res. 42. Concurrent resolution to express the sense of the Congress with respect to the need for shareholder democracy in the rules administered and supervised by the Securities and Exchange Commission; to the Committee on Energy and Commerce.

By Mr. ALEXANDER:

H. Res. 72. Resolution regarding the sale of United States agricultural products to the Republic of Cuba; to the Committee on Foreign Affairs.

By Mr. BILIRAKIS:

H. Res. 73. Resolution to amend the Rules of the House of Representatives to provide that the House may not consider the legislative branch appropriation bill until the House and the Senate have agreed to all other general appropriation bills for the fiscal year; to the Committee on Rules.

By Mr. DURBIN:

H. Res. 74. Resolution expressing the sense of the House of Representatives that farmers and industry should continue their efforts to improve and expand the market for corn grown in the United States; and that the Congress should reject proposals made by the President to repeal the excise tax reduction for fuels containing alcohol and to reduce the minimum level of price support for domestic sugar; jointly, to the Committees on Agriculture and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. Vento, Mr. Mollohan, and Mr. Lehman of Florida.

H.R. 348: Mr. McCollum, Mr. Conyers, Mr. Savage, and Mr. Hawkins.

H.R. 377: Mr. Swift.

H.R. 390: Mr. Moakley, Mr. Smith of Florida, Mr. Early, Mr. Nelson of Florida, Mr. Gray of Illinois, Mr. Fauntroy, Mr. Yates, Mr. Boland, Mr. Davis of Illinois, Mr. Chapman, Mr. Green, Mr. de la Garza, Mr. Horton, Mr. Mrazek, Mr. Roe, Mr. Wilson, Mr. Towns, Mr. Roybal, Mr. Lehman of Florida, Mr. Atkins, Mr. Olin, Mr. Jones of North Carolina, Mrs. Bentley, Mr. Fascell, Mr. Obey, Mr. Dingell, Mr. Hoyer, Mr. Fazio, Mr. Kostmayer, Ms. Oakar, Mr. Fuster, Mr. Miller of California, Mr. Bateman, Mr. Stratton, Mr. Darden, Mr. Mfume, Mr. Howard, Mr. Lipinski, Mr. Bennett, Mr. Owens of Utah, Mr. McEwen, Mr. Bevill, Mr. Levin of Michigan, Mr. Frost, and Mr. Sunia.

H.R. 468: Mrs. Vucanovich.

H.R. 469: Mr. Armey, Mr. Packard, and Mrs. Vucanovich.

H.R. 514: Mr. Wolpe, Mr. Fascell, Mr. DeWine, Mr. Fish, Mrs. Bentley, Mr. Hertel, and Mrs. Martin of Illinois.

H.R. 549: Mr. Dellums, Mr. Frank, Mr. Fauntroy, and Mr. Martinez.

H.R. 551: Mr. Smith of Florida, Mr. Hutto, Miss Schneider, Mr. Dixon, Mr. Hammerschmidt, Mr. Hastert, Mr. Badham, Mr. McMillan of North Carolina, Mr. Martinez, Mr. Weiss, Mr. DeFazio, Mrs. Martin of Illinois, Mr. Hochbrueckner, Mr. Tauke, and Mr. Mineta.

H.R. 592: Mr. DeWine, Mr. Davis of Illinois, Mr. Martinez, and Ms. Kaptur.

H.R. 594: Mr. Andrews, Mrs. Kennelly, and Mr. Chandler.

H.R. 628: Mr. Martinez.

H.R. 631: Mr. Dwyer of New Jersey, Mr. Hayes of Illinois, Mr. Marlenee, Mr. Martinez, Mr. Scheuer, Mr. Towns, Mr. Hastert, Mr. Hertel, and Mr. Dowdy of Mississippi.

H.R. 632: Mr. Hayes of Illinois and Mr. Williams.

H.R. 799: Mr. Donnelly, Mr. Bonker, Mr. Johnson of South Dakota, Mr. Torricelli, Mr. Dyson, and Mr. Davis of Illinois.

H.R. 805: Mr. Miller of Washington, Mr. Sensenbrenner, and Mr. Davis of Illinois.

H.R. 820: Mr. Stenholm, Mr. Boulter, and Mr. Frank.

H.R. 936: Mrs. Bentley, Mr. Kolter, Mr. Parris, Mrs. Collins, Mr. Roberts, Mr. Eckart, Mrs. Vucanovich, Mr. Davis of Illinois, and Mr. Towns.

H.J. Res. 32: Mr. McDade, Mr. Howard, Mr. Kostmayer, Mr. Hayes of Louisiana, Mr. Leland, Mr. Ireland, Mr. Lehman of Florida, Mr. Henry, Mr. Bryant, Mr. Lowery of California, Mr. McGrath, Mr. Dymally, and Mr. Fazio.

H.J. Res. 54: Mr. Atkins, Mrs. Bentley, Mr. Bevill, Mr. Boner of Tennessee, Mr. Borski, Mr. Bosco, Mr. Bryant, Mrs. Byron, Mr. Chandler, Mrs. Collins, Mr. Coyne, Mr. Crockett, Mr. Daub, Mr. Dellums, Mr. de Lugo, Mr. Dicks, Mr. Dymally, Mr. Dyson, Mr. Early, Mr. Erdreich, Mr. Espy, Mr. Fazio, Mr. Fish, Mr. Frost, Mr. Fuster, Mr. Grant, Mr. Gray of Illinois, Mr. Harris, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Horton, Mr. Howard, Mr. Hutto, Mr. Jenkins, Mr. Kleczka, Mr. Kolter, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lehman of Florida, Mr. Leland, Mr. Levin of Michigan, Mr. Lipinski, Mr. McCollum, Mr. McDade, Mr. Mfume, Mr. Moakley, Mr. Mrazek, Mr. Murphy, Mr. Neal, Mr. Nielson of Utah, Ms. Oakar, Mr. Pashayan, Mr. Pickett, Mr. Rahall, Mr. Rangel, Mr. Rodino, Mr. Roe, Mr. Roybal, Mr. Sabo, Mr. Scheuer, Mr. Smith of Florida, Mr. Solarz, Mr. Stark, Mr. Sunia, Mr. Tallon, Mr. Towns, Mr. Vento, Mr. Whittaker, Mr. Wilson, Mr. Wolf, Mr. Wortley, Mr. Young of Florida, and Mr. Young of Alaska.

H.J. Res. 106: Mr. Stokes and Mr. Martinez.

H. Con. Res. 30: Mr. Stangeland, Mr. Ireland, Mr. Young of Florida, Mr. Lent, Mr. Dyson, Mr. Sundquist, Mr. Bevill, Mr. Dowdy of Mississippi, and Mr. Hansen.

SENATE—*Thursday, February 5, 1987*

The Senate met at 11 a.m., and was called to order by the Honorable Bob Graham, a Senator from the State of Florida.

The PRESIDING OFFICER. Our prayer today will be offered by the Reverend Acen L. Phillips, pastor of Mount Gilead Baptist Church, of Denver, CO. Reverend Phillips is sponsored by Senator Wirth.

PRAYER

The Reverend Acen L. Phillips, pastor, Mount Gilead Baptist Church, Denver, CO, offered the following prayer:

Let us pray.

Our Father, which art in Heaven; hallowed be Thy Name; Thy Kingdom come; Thy will be done in Earth as it is in Heaven.

Father, our prayer today is that You would give our legislators the courage and faith to enter into agreement with Your will and become a conduit for sharing the resources which You have placed at our disposal to meet the needs of the homeless, the hungry, and the jobless in our beloved America.

God bless America; forgive us of the sins of our past where the inequities heaped upon the disinherited segments of our society have caused a breach in the ability of the disenfranchised to pursue the promise embedded in the preamble of our Constitution. God bless America; help us to correctly arrange the priorities of our present, wherein we can ensure every American the right to pursue and the opportunity to achieve a quality of life based on liberties made available through the manifested prayers of the righteous legislators of our Nation as they guide and structure our future hope.

In this land of the free and home of the brave, let our bravery execute the "freedom of access" to all who have vested their blood, sweat, and tears in the search of life, liberty, and the pursuit of happiness.

For we believe, freedom is an idea conceptualized in life; but freedom is also a product in process of being and becoming. Freedom must be liberated through the sweat of conscience for and by all Americans, without respect to race, creed, or color.

Father, our prayer is that You would use each of us to work out through our commitment for leadership, a format bound in history, structured in heritage, but destined in the future to provide a proper balance.

God, continue to bless America until she can rise up and live out the content and context of her creed and from every hilltop and mountainside all of America's children—black and white, red, yellow, and brown—can unite in a choral response and declare, America, America, God sheds His grace on thee; land where my Fathers stride; land of our pilgrims' pride.

America, America, sweet land of liberty; tis of thee we sing.

Praise God, hallelujah. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, February 5, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Bob Graham, a Senator from the State of Florida, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. GRAHAM thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal be approved to date.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRAMM. Mr. President, I respectfully object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BYRD. Mr. President, I move that the Journal be approved to date.

QUORUM CALL

Mr. GRAMM. Mr. President, I make a point of order that a quorum is not present and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum Vote No. 2]

Byrd
Dole
Graham
Gramm
Wirth

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GRAMM. I object, Mr. President.

The ACTING PRESIDENT pro tempore. The objection is heard.

The legislative clerk resumed the call of the roll.

The ACTING PRESIDENT pro tempore. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Pending the execution of the order, the following Senators entered the Chamber and answered to their names:

Adams
Bingaman
Bond
Breaux
Burdick
Evans
Heflin
Humphrey
Inouye
Johnston
Kasten
Melcher
Mitchell
Moynihan

The ACTING PRESIDENT pro tempore. The clerk having completed the roll, a quorum is not present.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

Mr. BYRD. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California [Mr. Cranston] and the Senator from Nebraska [Mr. Exon] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. Armstrong], the Senator from Rhode Island [Mr. Chafee], the Senator from Utah [Mr. Hatch], the Senator from New Hampshire [Mr. Humphrey], the Senator from Kansas [Mrs. Kasse-

BAUM], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—88

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Wilson
Wirth
Zorinsky

NAYS—3

Quayle
Wallop
Weicker

NOT VOTING—9

Armstrong
Chafee
Cranston
Exon
Hatch
Humphrey
Kassebaum
Rudman
Symms

So the motion was agreed to.

The ACTING PRESIDENT pro tempore. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

THE JOURNAL

The ACTING PRESIDENT pro tempore. The question is on the motion to approve the Journal.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

CALL OF THE ROLL

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll to ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GRAMM. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill clerk resumed the call of the roll and the following Senators answered to their names:

[Quorum Vote No. 3]

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth
Zorinsky

The ACTING PRESIDENT pro tempore. A quorum is present.

The question is on the motion to approve the Journal. The yeas and nays have been ordered——

Mr. GRAMM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that a statement of the administration on policy concerning the national energy standards for appliances be inserted into the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection to the request?

Mr. BYRD. Mr. President, I object.

CALL OF THE ROLL

Mr. GRAMM. Mr. President, I suggest the absence of a quorum and make a point of order that a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll to ascertain the presence of a quorum.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am going to let this one go. It does not constitute transaction of business, but I am going to let it go this time.

The ACTING PRESIDENT pro tempore. A quorum call having been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum Vote No. 4]

Adams
Breaux
Byrd
Chiles
Conrad
Danforth
Dixon
Dodd
Domenici
Fowler
Garn
Graham
Gramm
Helms
Inouye
Johnston
Levin
McClure
Murkowski
Nickles
Pryor
Quayle
Rockefeller
Sarbanes
Simon
Stennis
Wallop
Zorinsky

The ACTING PRESIDENT pro tempore. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BYRD. Mr. President, I ask unanimous consent that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California [Mr. CRANSTON] and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Hampshire [Mr. RUDMAN] and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—90

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatfield
Hecht
Heflin
Helms
Hollings
Humphrey
Inouye
Johnston
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Shelby

Simon
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Wilson
Wirth
Zorinsky

NAYS—3

Quayle
Wallop
Weicker

NOT VOTING—7

Cranston
Hatch
Heinz
Kassebaum
Rudman
Sanford
Symms

So the motion was agreed to.

The PRESIDING OFFICER. The motion is agreed to. A quorum is present.

The majority leader is recognized.

Mr. BYRD. Mr. President, may we have order in the Senate?

Mr. GRAMM. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. Will Senators take their seats?

POINT OF ORDER

Mr. BYRD. Mr. President, a quorum has been established on more than one occasion already.

Mr. President, I make a point of order that a quorum call that delays a vote on this new motion to approve the Journal when a quorum has been established in out of order in that such quorum calls are dilatory and in violation of the intent of that provision in Senate Resolution 28, 99th Congress, which authorized this new motion, and that the Chair should put the question forthwith on the motion to approve the Journal.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair will advise——

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair will submit the question to the Senate.

Mr. GRAMM. Mr. President, I suggest the absence of——

The PRESIDING OFFICER. The question is, Is the point of order well taken?

Mr. BYRD. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum and make the point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum and make the point of order that a quorum is not present.

The PRESIDING OFFICER. The Chair will advise that the purpose of the point of order is to establish the appropriateness of such quorum call. That cannot be determined until the point of order is resolved. The clerk will call the roll.

The question is on the point of order. The clerk will call the roll.

Mr. GRAMM. Does the Chair——

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRAMM. Does the Chair rule——

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senate will come to order. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senate will come to order. The clerk is calling the roll.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

Mr. DOLE. Mr. President, I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. The rollcall is in progress. The clerk will continue with the call of the roll.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. BYRD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from California [Mr. CRANSTON], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Dakota [Mr. PRESSLER], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Alaska [Mr. STEVENS], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 38, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—51

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chiles
Conrad
Daschle
DeConcini
Dixon
Exon
Ford
Fowler
Glenn
Gore
Graham, Florida
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Stennis
Weicker
Wirth
Zorinsky

NAYS—38

Armstrong
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
Evans
Garn
Gramm, Texas
Grassley
Hatfield
Hecht
Heinz
Helms
Humphrey
Kasten
Lugar
McCain
McConnell
Metzenbaum
Murkowski
Nickles
Packwood
Quayle
Roth
Simpson
Specter
Stafford
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—11

Breaux
Cranston
Dodd
Hatch
Kassebaum
McClure
Pressler
Rudman
Sanford
Stevens
Symms

The VICE PRESIDENT. The point of order is well taken. The question is on the——

Mr. DOLE addressed the Chair.

Mr. GRAMM addressed the Chair.

The VICE PRESIDENT. The Senator from Texas, as I understand it, was seeking a quorum before the vote started, and the clerk will call the roll——

Mr. BYRD. Mr. President, I ask for regular order.

The VICE PRESIDENT [continuing]. To ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask for regular order. Did the Chair ever announce the vote on the point of order?

Mr. GRAMM. Regular order, Mr. President. A quorum call is in progress.

The VICE PRESIDENT. The Chair will inform the majority leader that a quorum call is in progress.

The bill clerk resumed the call of the roll and the following Senators answered to their names:

[Quorum Vote No. 5]

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth
Zorinsky

The VICE PRESIDENT. The Senate will be in order.

A quorum is present

THE JOURNAL

The VICE PRESIDENT. Pursuant to the decision of the Senate on the point of order, the Chair is required to put the question forthwith on the motion to approve the Journal.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. Hatch], the Senator from Kansas [Mrs. Kassebaum], the Senator from Idaho [Mr. McClure], the Senator from New Hampshire [Mr. Rudman], and the Senator from Idaho [Mr. Symms] are necessarily absent.

Mr. BYRD. I announce that the Senator from California [Mr. Cranston] is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 39, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—53

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bumpers
Byrd
Chiles
Conrad
Daschle
DeConcini
Dixon
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stennis
Weicker
Wirth
Zorinsky

NAYS—39

Armstrong
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
Evans
Garn
Gramm
Grassley
Hatfield
Hecht
Heinz
Helms
Humphrey
Kasten
Lugar
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Simpson
Specter
Stafford
Stevens
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—8

Burdick
Cranston
Dodd
Hatch
Kassebaum
McClure
Rudman
Symms

The VICE PRESIDENT. On this vote, the yeas are 53, and the nays are 39. The motion is agreed to.

TERRY WAITE

The VICE PRESIDENT. The majority leader is recognized.

Mr. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. The Senate will be in order. Senators are asked to take their seats.

The majority leader.

Mr. BYRD. Mr. President, first, I shall read a UPI wire from Hamburg.

Church of England hostage mediator Terry Waite was shot and seriously wounded while trying to escape from his Beirut kidnapers, a West German newspaper said Thursday.

The mass circulation Bild newspaper quoted "Beirut security circles" as saying Waite, 49, was shot by a guard with a machine pistol as he tried to flee.

Bild described Waite's wound as life-threatening.

It said terrorists had placed Waite, an emissary of the Church of England, on trial before a secret court.

Waite has been missing in Beirut since January 20. His disappearance has led to numerous rumors about what might have happened to him.

He had gone to Beirut to try to negotiate the release of western hostages being held there by various shadowy groups.

The newspaper, which sometimes deals in sensationalism and gossip, is considered to have excellent security and government sources.

SENATE RULES AND PROCEDURES

Mr. BYRD. Mr. President, yesterday before the Senate went out, I sought by unanimous consent to call up S. 83, the energy conservation standards bill. A similar bill passed last year, passed the Senate by unanimous consent, passed the House unanimously, with so little controversy I guess there was no rollcall vote necessary in either body. The unanimous-consent request was objected to yesterday, and so this morning I have attempted to get the measure up before the Senate.

First, of course, I should say just briefly that in the old days the reading of the Journal had to go forward if there was an objection to dispensing with that reading.

When television made its debut here in the Senate, I asked the Rules Committee to report out some rules which would help to speed up the operation, and which would, hopefully, avoid the spectacle of long filibusters such as we have seen at times in the recent past but during which, various dilatory motions and dilatory quorums and so on were utilized in order to delay the business of the people, and to delay the action of the Senate thereon.

So, under one of those new rules—I will name two of them—Senators will recall that the overall cap which used to be 100 hours following the invoking of cloture was lowered to 30 hours. Another rules change that was made with the advent of TV in the Senate was that there is a new motion available now. It is a nondebatable motion to approve the Journal to date, so that it does not have to be read. I asked unanimous consent early in the session today that the Journal be approved to date. That was objected to by Mr. Gramm. Then I moved that the Journal be approved to date. That is a new and nondebatable motion under the new rule.

On three occasions our distinguished colleague, Mr. Gramm, put in quorum calls. We had established a quorum three times before I made my point of order.

If a motion to proceed can be made immediately following the close of morning business, or after the first hour of the 2 hours of a new legislative day has transpired, then that motion to proceed to take up a matter is not debatable. Once the 2 hours, called the morning hour, have transpired, any motion to proceed then is debatable.

So, Mr. Gramm was trying to achieve his goal of preventing the majority leader from making a nondebatable motion. He has achieved that goal for today. So he won the battle for today.

Mr. President, I should say, however, that a new point of order regarding the approval of the Journal, has been established by the Senate. And that point of order is that when a motion to approve the Journal has been made, there can be no quorum calls thereafter, once a quorum has been established—in the light of this new rule, the intent of which was to eliminate dilatory motions, dilatory quorums, and so on—to prevent the vote on the approval of the Journal. This point of order was upheld by the Senate. It was not a ruling by the Chair. It was the decision of the Senate—which is the most substantial precedent that can be established. If the Senate, as a body, puts its stamp and its imprimatur on a decision, that is a decision of the highest degree.

The Senate upheld the point of order that I made; namely, that in this situation in which the effort is being made to have the Journal approved, it is a highly privileged motion, and continued quorum calls are, therefore dilatory.

A quorum had been established three times. It was obvious that the repeated quorum calls were made for dilatory purposes.

We used to see the same thing happen under cloture, until the Senate established the precedent that quorum calls can be dilatory under cloture.

Once the Senate made that decision upholding my point of order, it was then incumbent upon the Chair to put the question on the motion to approve the Journal. The yeas and nays had been ordered. The Chair was advised to put that motion. But the Chair, instead, recognized a Senator who again suggested the absence of a quorum. That was what the point of order was all about. The Senate had just stated, by a rollcall vote, that quorum calls in the situation I have described, were dilatory and that the Chair must put the question forthwith on the motion to approve the Journal.

I will say most respectfully to the Chair—and the Vice President is in the Chair, he is the constitutional Presiding Officer of the Senate—the Parliamentarian had advised the Chair as to what the action was that the Senate had taken.

I can understand that possibly the Chair did not understand, walking into a situation such as he did. Perhaps he was confused about the matter.

But let me say this: The Parliamentarian had properly advised the Chair, but it was not the Parliamentarian's advice that the Chair disregarded; it was the Senate's advice. It was the Senate's decision that the Vice President disregarded.

I am going to ask unanimous consent in a moment that the Vice President have a chance to respond because the Vice President cannot respond unless the Senate gives its consent.

Upon one previous occasion, let me say for the record, Senator Baker, the then minority leader, when I was majority leader previously, sought recognition of the Chair. A Vice President of my party was presiding. The Vice President of my party did not recognize the minority leader who, next to the majority leader, is accorded by custom, longstanding custom, first recognition after the majority leader. But the Vice President did not recognize the minority leader. I spoke rather scathingly to the Vice President on that occasion and insisted that the minority leader be recognized.

Afterward, I apologized to the Vice President, not that I was wrong in what I was insisting upon, but wrong in not giving the Vice President on that occasion a chance to respond.

So I have asked the distinguished Presiding Officer, the Vice President of the United States, to remain because I said I wanted to state for the record what happened. I wanted to say it while he was here, and I informed him that it was my intent to ask unanimous consent that he be permitted to respond.

I close by saying that we cannot operate on this basis. When the Senate has spoken, surely the Presiding Officer, and it matters not whom, should rule and act in accordance with the decision of the Senate, which, in this instance, had just—just—been made.

Mr. President, I ask unanimous consent that the Vice President may be permitted to respond.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. Majority Leader and Members of the Senate, first of all I do appreciate the courtesy of the distinguished majority leader in offering me this right to reply. I recognize that it is only because of his willingness to ask unanimous consent that I am afforded time to reply.

I have been President of the Senate for 6 years, or a little over 6 years. I have not been here all the time. But I have tried to preside with a commitment to fair play. I came here today to guarantee fair play. In my judgment it has been provided. My respect for the majority leader's expertise on the rules of the Senate, and he is one of the great parliamentarians in his own right, my respect for that notwithstanding, in the opinion of the Chair I acted within the rules of the Senate. I can assure the Senate that I acted only to guarantee fair play.

Now, if the subsequent debate proves that I did not so act, I feel that I should do what the leader himself has said he did on one occasion, and that is to apologize to him and to apologize to the Senate.

It is not my judgment that that is so at this point, but I can assure you that opinions are going to be heard from all kinds of scholars to this question. If it is established with objectivity that I have not acted in accordance with the rules of the Senate, I will, Mr. Leader, apologize forthwith.

I appreciate your giving me this opportunity to express myself.

Mr. BYRD. I thank the Vice President. I say most respectfully that the matter speaks for itself. It is on the record. I do not intend to carry it on any further. The Vice President owes me no apology. I am merely a Member of this body. He owes me no apology.

As I stated earlier, he could have been confused when he came to the Chair, he could have misunderstood the instructions that were given him. I am confident that the situation was explained to him before he took the Chair, as circumstances should have been explained. Perhaps there was a conflict in views. We all make mistakes. I have made lots of them. I never hesitate to confess when I have made one. The Vice President owes me no apology.

I say let the matter stand.

Now, unless the Vice President wishes to respond further, and if he does, I will be glad to ask——

The VICE PRESIDENT. Thank you very much. I just want to get out of here.

NATIONAL APPLIANCE ENERGY CONSERVATION ACT

Mr. BYRD. Mr. President, I move that the Senate proceed to the consideration of Calendar Order No. 15, S. 83.

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. The minority leader.

Mr. DOLE. Mr. President, let me just say a word. I wish to thank both the majority leader and the Presiding Officer.

Mr. BYRD. Mr. President, will the distinguished minority leader yield?

Mr. DOLE. Yes.

Mr. BYRD. May I say that I had no intention that the Republican leader not speak or that any other Senator not be permitted to speak. But the motion has been made. The motion is before the Senate. The distinguished Republican leader can speak to the motion. Unless anyone thinks by making the motion I was shutting off anyone from speaking, I had no intention. Had I had such an intention, I would have shown a terrible ignorance of the rules of this body.

Mr. DOLE. Mr. President, let me indicate before my colleagues leave that I do appreciate the comments of the majority leader. I know how difficult it is to get things moving in this body. I have gone through the same frustration.

I remind the majority leader that under the Standing Rules of the Senate, as I understand them—I do not understand them as well as the majority leader—what we did in effect was change the Senate rules and in the process, ignored rule V of the Standing Rules of the Senate, which states:

> 1. No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided by the rules.

That is point No. 1.

Point No. 2: A Senator was on his feet seeking recognition. This time it was a Republican; at some later time it might be a Democrat. Under the precedents of the Senate, as I understand them, no Senator is ever denied recognition because, as far as I know, it is assumed that he is seeking recognition for some legislative purpose. In this case, it was Senator GRAMM.

The decision to proceed with the vote on the point of order assumed the validity of the point of order before it was voted on; in other words, by not even hearing the distinguished Senator from Texas. So I think there are a number of issues that were not addressed.

Very frankly, I was one of those willing to eliminate the motion to proceed to speed up the Senate business. It seemed to me there still might be some way to resolve this. So we now have new precedents, we have made new rules, without 1 day's notice, without any debate, without any opportunity for those to be heard on either side.

Finally, I would say this. I certainly say it in all respect, but the minority leader, as far as I know, in the last 6 years, has never been denied recognition under my stewardship or the stewardship of Senator Baker. I was on my feet seeking recognition in an effort to appeal the ruling of the

Chair, and I was not recognized. I was seeking the yeas and nays.

Maybe that was an oversight. I hope it was an oversight. I cannot recall, and there may have been a time—I think the distinguished majority leader has pointed out one—when the Vice President may have ignored Senator BAKER when he was minority leader. I think the record should reflect that if that is the way it is going to work, we could have a lot of problems here. We do not want any problems. I want to cooperate with the majority leader, I have, and I intend to do so, because I share his view that the leader is responsible for moving the legislation through this body, either the Democratic or the Republican leader. I think it is a burden we share, and it is up to us to persuade our colleagues from time to time to let us proceed with the business at hand.

So, it would seem to me there was intervening business between the two quorum calls. This would seem one way to speed it up. The Senate now has a new precedent. I hope we might back off if we are going to change the rules, give it 1 day's notice, have some debate, or do it under the Standing Rules of the Senate.

I also hope—again, I think the Vice President—in this case the Presiding Officer—ruled correctly. I think the Presiding Officer who was there before him made an error in not recognizing the Republican leader, just as a matter of comity or whatever, or accommodation. As far as I know, the distinguished majority leader was not seeking recognition. If that were the case, I would not have contested that. I was on my feet, standing in the second row, appealing the ruling of the Chair and attempting to get the yeas and nays. So I hope that if this has been an exercise, perhaps we have learned something. I hope that it would not keep us from moving ahead on the business at hand.

I would like to get an agreement on this particular bill. I attempted to do that last night, as the majority leader knows, and was not successful. I am still trying to get an agreement to have some time certain when we will vote on passage. I shall be happy to discuss that with the majority leader because, notwithstanding the events of the last 2½ hours, we still have a lot of work to do, will have this year. While this may have speeded up the process a bit, it may, in the longrun, not work that way.

I thank the majority leader and thank all Senators.

Mr. BYRD addressed the Chair.

The VICE PRESIDENT. The majority leader.

(Mr. FOWLER assumed the Chair.)

Mr. BYRD. I shall be brief. First, let me say the distinguished Republican leader has been most cooperative. I could not ask for better cooperation than I have received as majority leader in attempting to move the business of the Senate forward.

Second, may I join with the minority leader and say I hope the events of today will not—will not—come back to haunt us.

The distinguished minority leader hopes that what has happened here with respect to the establishment of a point of order will not cause a problem down the road. I made my statement with respect to the then Presiding Officer, the constitutional Presiding Officer, Vice President BUSH, while he was here. I hope that the Chair's action that was taken today will not occur again because such could impede the work on the business of the people.

As to the points that were made by the distinguished minority leader, let me say most respectfully that his reference to rule V, which requires that there be written notice 1 day in advance for suspension or changes of rules is imprecise. We were not changing the rules. The rules do not require a day's notice in writing to make a point of order. What happened here was that a point of order was made and the Senate sustained that point of order. So rule V had nothing to do with that. There was no change of the rules. It is simply that the Senate established a precedent and there is no requirement in that rules or in the precedents or in Robert's Rules of Order or in Jefferson's Manual that there be a day's notice in writing that a point of order is going to be made.

Of course, I made this point of order after I saw what was happening here: Quorum calls for the establishment of a quorum, were repeated and repeated; of course, it was obvious that those quorum calls were dilatory. I do not say that disrespectfully of Mr. GRAMM at all.

Third, the distinguished minority leader made reference to the recognition of Mr. GRAMM. Well, Mr. GRAMM suggested the absence of a quorum which, by decision of the Senate, had just been ruled out of order, been ruled dilatory in the circumstances just described. So it was not a matter of recognizing Mr. GRAMM. His suggestion that a quorum was not present should have been stated by the Chair as being dilatory and the Chair should have instructed the clerk to proceed to call the roll on the vote.

The able minority leader has said he was on his feet to appeal the ruling of the Chair. The Chair had not ruled. There was nothing to appeal. It was the Senate that had spoken. You do not appeal the decision of the Senate. That is not a ruling of the Chair.

As I said earlier, when the Senate decides, that is above a ruling of the Chair because it is the body itself—of which we are all Members and which is larger than the sum of all of its parts—that has spoken.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. DOLE. At that point, the Senate had not ruled. That is the point I made. Had the Senate ruled, I think the majority leader is correct; but there had not been a decision by the Senate, and I was appealing what indirectly was a ruling by the Chair by ignoring the request for recognition by the Senator from Texas, and sought the yeas and nays on that ruling. But the Senate had not acted.

Mr. BYRD. Mr. President, I stand corrected. I thought that it was after the Senate had acted.

Mr. GRAMM. Will the distinguished majority leader yield?

Mr. BYRD. And the Senator from Texas was seeking to establish a quorum call. I thought that that was when the distinguished minority leader had reference to appealing the ruling of the Chair, and I am sorry.

Mr. GRAMM. Will the Senator yield?

Mr. BYRD. Yes, surely. I am going to yield the floor shortly.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The majority leader has not yielded the floor. The majority leader is recognized.

Mr. GRAMM. Will the distinguished majority leader yield?

Mr. BYRD. Yes. Yes, I would be happy to yield.

Mr. GRAMM. I would like my colleagues to understand what happened here. I think it is important. The distinguished leader mentioned my name and I thank him for his courtesy in allowing me to explain how we came here and how I perceive what happened.

Last night as we moved to this bill—I have been deeply concerned about the bill, believing that it has not been adequately debated, that many of our colleagues have not looked at it—I asked the distinguished majority leader and the distinguished minority leader if we might agree to a unanimous-consent request that would make this bill the pending business when we returned, thereby giving a week for the administration, which vetoed this bill with a pocket veto last year, to potentially work out a compromise, to allow those of us who are concerned about it to get out our concerns so that we might have at least what this Senator perceived to be an informed vote.

I remind my colleagues that in perhaps the first apocryphal story about the role of the Senate, when Jefferson returned from France to have breakfast with George Washington, he asked Washington what the Senate was for in the Constitution, not understanding why we would want two Houses. Washington, looking at Jefferson, noted that Jefferson, like many southerners then as now, had poured his coffee into a saucer, said to Jefferson, the Senate is your saucer. When the passion of the moment passes through the House, the Senate is the saucer to let those passions cool.

My objective was simply to have a week to allow potential compromise, to avoid another veto and a debate on a veto override, to get the facts out in terms of appliances that would not be available, that could not force, if this bill were adopted, those in Alaska to buy air-conditioners that meet the same standards that make sense in Texas and those in Texas to buy heaters that make sense in Alaska.

Now, as far as what happened from a parliamentary point of view, I can speak for only what my eyes were able to behold. I had stood up and addressed the Presiding Officer and said, Mr. President, I make a point of order that a quorum is not present. The distinguished clerk had not moved to call the roll. The distinguished majority leader had raised a point of order, asserting that my request should not be in order. We had yet to have a vote on that point of order, and therefore it was not part of the rules or the precedents of the U.S. Senate. The Presiding Officer ruled on the basis of a point that was yet to be decided because in fact there had been no rollcall vote. He denied me the right of recognition. He denied me the right to make a point of order that a quorum was not present. In my opinion, he did not have that right. He may have had the power to do it. In fact, that power was exercised. But he did not have the right.

The change in rules that the distinguished majority leader has referred to had not occurred. We had not had a rollcall vote. But the Presiding Officer, before the Senate had decided anything, used a point of order that had not been adopted, that was not part of the rules, that was not part of the precedents to deny me the right to the floor. He had the power to do it, but he did not have the right to do it.

That is what I contested. It is on that basis that the distinguished Vice President made his ruling that my request for recognition had occurred before a rollcall vote had occurred. That I see is the issue. So I wanted my colleagues to understand the objective of this exercise.

I am perfectly willing to enter into a unanimous-consent request to have this as the pending business when we return and then to debate amendments and to dispose of it. But I was simply exercising my right to prevent a procedure that denied debate on calling up this amendment during the 2 hours that we were initiating a new day.

That is a right that every Senator has. It is part of the rights of the minority. And when we trample on those rights, we hurt the body.

Mr. JOHNSTON addressed the Chair.

Mr. ARMSTRONG addressed the Chair.

Mr. BYRD. Mr. President, I still have the floor.

The PRESIDING OFFICER. The majority leader has not yielded the floor.

Mr. BYRD. Mr. President, I think we are talking about two different situations. The able Senator is addressing the situation earlier when he was about to suggest the absence of another quorum. But I exercised my right also to address the Chair and by custom the majority leader is given first recognition. And so I made my point of order. The distinguished Senator I think is referring to his way, which is perfectly appropriate, of suggesting the absence of a quorum by making a point of order that a quorum is not present.

Well, that is a different kind of point of order. The point of order I was making was a point that went to the setting of a precedent. Making a point of order that a quorum is not present is done every day here. We do it in one form or another. "I suggest the absence of a quorum," is making a point of order that a quorum is not present. We are talking about two different situations. I am talking about a situation that developed after the Senator had spoken on the point of order and had sustained the point of order, and, that point of order having been sustained, the Presiding Officer, who was the Vice President of the United States at that point, instead of asking the clerk to call the roll on the motion to approve the Journal, recognized the suggestion of the able Senator from Texas that there was no quorum present, and that is just precisely what the Senate had just spoken against.

I do not want to belabor the point.

Mr. GRAMM. If the distinguished majority leader will yield——

Mr. BYRD. Yes.

Mr. JOHNSTON. Mr. President, point of order. The Senator may not yield the floor except for a question. Other Senators, with all due respect, have been trying to get recognized.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor. He may yield for a question because the time is his determination.

Mr. BYRD. Mr. President, I hope we have not gotten to the point where I have to go to extraordinary lengths to protect my right of the floor. I do not intend to hold the floor. But questions have been raised here as to what happened, and I think it is well that we try to resolve the differences if we can. I do not have any more to say about what the record is. The record will so show. But let me simply say that I am trying to get this measure before the Senate, which the distinguished Senator from Louisiana——

Mr. JOHNSTON. I will not object.

Mr. BYRD [continuing]. Has asked me to get before the Senate.

Mr. GRAMM. I will be brief.

Mr. BYRD. I yield, Mr. President, without losing my right to the floor and without it's being counted against me as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, I would simply like to clarify what happened one more time, because I think we all want to know what the truth is.

I can speak for only what I perceived happened. I believe that I had the floor, making a point of order that a quorum was not present, before any movement had been made to call the roll on the point of order and the ruling of the Chair that had been sought by the distinguished majority leader. I cannot testify that that is a fact, so I am willing to say that either I was wrong or the Chair was wrong when the distinguished majority leader was recognized after I had been recognized and made what at that point was a legitimate point of order.

The distinguished majority leader asked for the yeas and nays; but after he had spoken, I came back again, before a rollcall had occurred, and reiterated my point of order that a quorum was not present.

What the Chair did was based on a pending point of order that had not been adopted by the Senate. I was denied the floor. That, in my opinion, was a mistake. We can debate whether or not I had the floor before the majority leader, who had right to the floor first—I do not dispute that—sought the floor. But I had the floor not only before the majority leader but after the majority leader and before any calling of the roll had occurred. At that point, I had every right to raise a point of order.

The Vice President then came and ruled on the basis of that right.

I wanted to get that clarified, and I appreciate the kindness of the distinguished majority leader.

Mr. BYRD. I thank the distinguished Senator from Texas.

Mr. President, let me just say this, finally, and I will sit down.

The distinguished Senator from Texas has proposed that there be a unanimous-consent order entered that this measure, which I have mentioned now to come up before the Senate, go over until after the holiday recess and that we arrive at some agreement which would provide for action on the measure at that time.

Mr. President, there is nothing else on this calendar that can be called up today. I gave ample notice that this measure was going to be called up. I gave ample notice that if action were not completed on the highway bill and on this measure on yesterday, we would be in today, and that if we did not complete action on both today, we would be in tomorrow.

That is where we are. Why should the Senate put this matter over until after the recess? It was reported and placed on the calendar on June 30. It passed both Houses last year. It might be slightly different from what it was in form at that time.

As the majority leader of the Senate, I have the responsibility to try to keep the Senate moving and to act on the calendar. Somebody has to have that responsibility, and I accept it. I do not think I can simply break and run when there are threats to delay the Senate's business.

Senators are acting within their right if they want to object to the calling up of a measure. I saw this as a fight that was coming. I understood full well what it was—that if unanimous consent were not granted, there would be efforts to forestall action on the motion to proceed. I understood that. It was made perfectly clear to me.

What am I to do, with 2 full days here—today and tomorrow? Quit? Leave the field? Take my broken sword, plunge it into the dust, ride off like a craven coward into the sunset? That would not be doing my duty. So I have made the motion to proceed.

The distinguished Senator from Louisiana is the chairman of the committee, and I am going to yield the floor, and any Senator who wishes to get recognized has a right to try. But I have the responsibility, Mr. President, to try to keep the schedule going, and I am going to do the best I can to do that. Obviously, this effort today was a dilatory effort to keep the majority leader from getting before the Senate a motion to take up S. 86 at a time when that motion would not be debatable. The distinguished Senator from Texas succeeded today, with the help of the Vice President, so he won the battle for now. But if we have to fight the battle over again, the Senate has established a valuable precedent.

Mr. **JOHNSTON** and Mr. **ARMSTRONG** addressed the Chair.

The **PRESIDING OFFICER**. The Chair recognizes the Senator from Louisiana.

Mr. **JOHNSTON**. Mr. President, I fully support the efforts of the majority leader. I did not mean to suggest a moment ago that I was interfering with his right to the floor. I simply thought we ought to establish that other Senators should be able to speak at least once before the Senator from Texas spoke again. That was my only point. I quite agree with the Senator from West Virginia.

Mr. President, if there was ever a bill that did not merit this kind of constitutional challenge, this kind of full-blown debate in the Senate, it is this simple, bipartisan, nonpartisan, wide array of interests coming together in one bill. This is it, Mr. President.

The consumers support this bill. There is broad consumer interest because the consumers think they will get a cheaper price if you have one standard.

The States strongly support this bill because they recognize that you should not have a crazy quilt of States' standards for appliances. The environmentalists support this bill. The Senate has supported this bill almost without objection. The House has supported this bill almost without objection. The objection is so narrow, Mr. President, as to be almost nonexistent.

We have sought someone to talk to about this. No one has approached me, as the floor manager of the bill. No one has approached me to put an amendment in, in the Senate committee, or to be heard on the Senate floor.

We have read into the record, in the Senate committee, evidence from economists, conservative economists, who were on Ronald Reagan's own steering committee, who broadly support this. Where the opposition is, I do not know. But we are ready to debate now. We were ready to debate yesterday. We are ready to consider amendments.

If there is an amendment and it has any substance to it, let us bring it out here; let us put it in this saucer of the Senate and cool it and discuss it fully, discuss it all day, if necessary.

If there are a whole series of amendments, let us consider them, whatever they are. But, no, we are not being asked to consider amendments. We are not being asked to consider the substance. We are being asked to stop the Senate dead in its tracks—and for what, I do not know. We are not even given the option of putting this over and having a time certain for floor action. We are not given the option of a time agreement. We have been trying to get a time agreement. We say, let us consider it with or without a time agreement.

Mr. President, we have no fear of bringing this bill in all its component parts—and any amendment anybody can bring up—to the full light of the Senate. We are ready to debate it and consider it. If there is any logic to those amendments, if there is any logic to that opposition, we will deal with that, and I believe we will pass it promptly, because we have support on that side of the aisle and on this side of the aisle.

If there is something they know about, they have not told us privately or publicly; they have not whispered it to us or put it in writing.

It is as plain as the noonday Sun on a cloudless day that this bill should pass, and should pass now, and it is going to pass, in my view. If there should be some change, let us consider it today and tomorrow. We will be ready to go on Monday.

Mr. President, I am with the majority leader. We have been waiting on this bill. If we have to wait on this bill, Lord help us when we get something that might be controversial, something that might be partisan. What will we do—I hate to say the word—on taxes or SDI or something that is controversial? This is simple. This is motherhood. This is apple pie.

Let us get on with the business of the Senate. Let us debate it. We are ready to go. Let us go.

Mr. **ARMSTRONG**. Mr. President, the Senator from Louisiana may think the issue before us is whether or not to take up calendar item No. 15, the National Appliance and Energy Conservation Act of 1987, but I do not think that is the big issue here. There may even be someone who thinks the real question before the Senate is whether or not we ought to approve the Journal.

Mr. President, we have seen three things here today which are important and it is not any of those.

The first is that we have set a new precedent and in my judgment a precedent which is extremely unfortunate. But beyond that, two events have occurred in the Senate today which I do not recall having ever seen before, and this is my ninth year in this body.

First, I do not recall a time when the leader of either party was denied the right of recognition. I can recall lots of times when the majority leader or minority leader made a motion which was not approved. I can recall times when the majority leader or minority leader offered points of order which were overruled by the Chair. I can recall times when the majority leader or minority leader, whoever it might have been, made presentations which were not well received by the body. Indeed, I can recall a few occasions when the respective leaders even acting together were unable to carry the day against the majority of the body.

But I cannot recall one occasion when there was even a millisecond of dispute about the right of a Senator, let alone the majority leader or the minority leader, to seek the floor to gain recognition to express a point of order, whether well-founded or not.

My friends, there is no sense in arguing about it. What happened has happened.

But I was here and I saw it happen, and I just want to express my opinion, and my opinion is that it is an unfortunate precedent. My opinion is that it stinks to high Heaven and if that is going to be the pattern of this session, it will not serve the Senate well. It will not serve the country well, and I regret it very much.

I say that as one who has served both in the majority and minority in this body and who never has felt, never until today have I felt, that Senators were unfairly treated in their attempts to seek recognition. I say that having served in another legislative body where that was the regular custom, where the denial of the right to speak and be heard and to offer motions, indeed, even to be recognized, was regularly and frequently and flagrantly denied.

I hope and indeed I believe that what we are seeing here today is just a detour from the regular part of fair play in this body. I do not think that is going to become our custom because even though it has happened today and nothing is going to change that, I do not believe on the whole that Senators on either side of the aisle would ever wish that to happen again, that the minority leader or majority leader or any Senator, even Senator 100 in the pecking order around here, would be unable to seek the floor even for something that we might not agree with, even for something that was foolish, even for something that was destined to get no votes, even to make a point of order that was not well founded.

I think, by gosh, it is the tradition of this body that if a Senator wants to rise to his feet even to make a fool of himself, he is entitled to do so. And I honor that right.

I have over and over again seen the majority leader, Mr. BYRD, stand up for Senators seeking to do that; I have seen the minority leader, Mr. DOLE, and other Senators speak up for the right of Senators to be recognized. And that was, at bottom, what was denied today. Having seen it, I just want to say I do not approve, and I hope it will never happen again.

Second, Mr. President, we have seen something which may have happened previously—I never saw it before—and that is that a Senator rose to criticize the Presiding Officer, the Vice President of the United States.

For what it is worth, I want to associate myself with the remarks of the minority leader, Mr. DOLE, in his observations and his characterizations of what has happened and the business that we have transacted. I do not want to amplify them. It would be presumptuous of me to try to recap or summarize what he said. I just want the world to know and I want it on the record that I agree with what he said.

Moreover, I would like to make this parting observation: I believe that the Vice President, the President of the Senate, was correct in the ruling he made. I think he did the right thing and I congratulate him for it. I honor him for seeking to protect the right of a Senator, the minority leader, the Senator from Texas, or any Senator to be recognized, to state his case, to make his point, to do his business before this body.

Moreover, I want to compliment the Vice President for the tone and substance of his response to the criticism which was directed to him today.

He responded, I think, in appropriate and proper and thoughtful manner, making it clear that this was a difference of opinion based upon his judgment of the rules and traditions of the Senate which he has faithfully upheld over the years that he has presided and that he did not take what had been said personally and that indeed if subsequent events proved that he was in error he would be the first to apologize.

So, while I agree with his action, I also particularly compliment him for his statement and for his effort to restore the ordinary routine comity to the body.

Mr. EVANS. Mr. President, late in October of each of the past few years, I notice that I have sat here with my colleagues with an increasingly turning stomach as I watched comity disappear and the testiness which usually comes with the end of the session begin to take over.

I thought for a moment when I walked into the Chamber this morning that the calendar had somehow slipped, that we were already in October, when it is just the first part of February.

I hope that we can back off a little, recognize that we will all be together for a good many months yet before we get to the marvelous autumn days of October.

Perhaps there is a little backing off that has to occur on both sides.

I consider myself among the greatest admirers in this Senate of the majority leader and his unquestioned control of the rules and what they mean and what precedents mean in this Senate and how best to use them.

There are times, I hope, when we recognize that using the rules which are available may not be as wise a course as allowing things, as the Senator from Texas suggested, to cool in the saucer a little bit.

Let me speak just very briefly to the bill which is in front of us. This bill does not deserve the extraordinary attention it has received during the course of the last several hours.

As has already been pointed out, it passed unanimously in both Houses, in fact, as I remember, under a Consent Calendar at the end of last year. It is one of those extraordinary bills—we find so few of them in this body—an extraordinary bill that had the chief executive officers and the leaders of major industries in this country, the States of the Nation, the conservationists, and some of the environmental groups and a good many others all together.

I cannot think of a better opportunity for us to join with those people in putting forward a piece of legislation which I think is necessary.

The Senator from Colorado pointed out that this bill really was not necessary, that it was up to the States and others to carry on the responsibility. But we have had a Federal law now for going on to 5 years, maybe even more. It did set some standards or required the Federal Government to set standards, and the agency chose to set a nonstandard standard and immediately set in motion what has happened ever since, a movement toward each State setting separate standards, by setting separate standards to create a complexity which no major manufacturer could live with.

I think the bill deserves consideration. I was the prime sponsor last year of the bill and joined as a major sponsor with Senator JOHNSTON this year on the bill. I would like to continue, but I was asked last night if it would be appropriate to put it over and become the pending order of business after we returned. I reluctantly agreed, and now I see what has happened today is a push to get this bill on the calendar and get it over with. I would dearly like to do that.

There have been major efforts obviously to get this in front of the Senate and have it debated.

I normally would have joined in that, and until it appeared to me that my colleague and probably on this bill my opponent, Senator GRAMM, from Texas, would not be heard, I chose to join with him.

But I have only one other admonition, and it is unfortunate that the Senator from Texas is not in the Chamber.

Mr. DOLE. Here he is.

Mr. EVANS. Yes, he is in the Chamber. I am sorry.

As we move ahead, even if we were to delay until after we return, the bill deserves to be judged on its own merit; while there may be opposition to the bill and what it contains, it should not have to carry the burden of nongermane amendments, tactics that are meant to kill the bill rather than to improve the bill.

So I would admonish both sides that this is a bill that deserves to be heard and heard in its proper order.

It is also a bill that deserves to be judged on its own merit and not tied down to nongermane amendments and dilatory tactics that are designed to kill the bill rather than to help it.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The majority leader.

Mr. BYRD. Mr. President, I think I have established my credibility on the matter of trying to protect the right of any minority leader to be recognized. I have gotten the transcript today of what occurred and I will ask unanimous consent to insert in the RECORD the actions that occurred at the time and were occurring at the time the distinguished minority leader was seeking recognition.

A rollcall vote was in order. Mr. GRAMM suggested the absence of a quorum.

The PRESIDING OFFICER. The Senate will come to order. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senate will come to order. The clerk is calling the roll.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

Mr. DOLE. Mr. President, I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. The rollcall is in progress. The clerk will continue with the call of the roll.

What was going on was a rollcall was in progress and until such rollcall is completed—or if it is a quorum call until it is called off; if it is a rollcall, until it is completed—no Senator may get recognition. If I had sought to get recognition during the call of the roll and there had been a response, as there had been in that case, then the Chair would simply have to say to me as majority leader, "A rollcall is in progress" and I could not be recognized.

I would certainly go out of my way to protect the rights of the minority leader to be recognized. I have already emphasized this to the Senators on this side of the aisle who will be presiding, that next to the majority leader, it has been the custom since time immemorial—perhaps not quite that far back—that the minority leader is second in recognition. And I will always stand up on this floor and defend the minority leader's right to be recognized. But, as I read the transcript, and as I must have thought at that point, I think if the distinguished minority leader would have stood at a point when he could have been recognized, that I would have defended his right to be recognized, even against my own Chair. But a rollcall was in progress.

I ask unanimous consent that this portion of the transcript that I read be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The PRESIDING OFFICER. The Senate will come to order. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senate will come to order. The clerk is calling the roll.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

Mr. DOLE. Mr. President, I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. The rollcall is in progress. The clerk will continue with the call of the roll.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, I would just make one additional point. I certainly would agree that the distinguished majority leader would protect the rights of every Member, not just the leaders. I have not read the entire transcript. As I recall, I made that request a couple of times, maybe following that. But ahead of that, the distinguished Senator from Texas had made a number of requests before the rollcall had started. But under the Rules of the Senate, the Senate procedure on voting, a Senator who addresses the Presiding Officer prior to the ordering by him of a rollcall vote is entitled to recognition, notwithstanding the rollcall had started.

And, as I recall, no one had answered their names that the rollcall had started. I think the record will reflect that.

But, in any event, I think the point has been made. I am certainly not going to make an issue of it. We could have appealed what we thought was an implied ruling by the Chair by ignoring the request of the Senator from Texas, Senator GRAMM.

But, in any event, it was my intent to have a vote on the appeal of the ruling of the Chair. I was not recognized. As far as this Senator knows, no names had been called. The record will reflect that.

In any event, it seems to me we have gone over this and I would hope we could reach some agreement now to move on with the legislation. Again, I want to leave this debate where it started, and that is the responsibility of the leadership on both sides to move the legislation. And I would urge my colleagues on each side to try to come to some agreement. Let us agree that we are going to take up the bill and have final passage say by the Wednesday that we are back by 6 p.m., which would be the 18th of February. That would give at least a day-and-a-half for amendments. Perhaps by that time there might be some compromise worked out with reference to the bill itself, because I know the bill is objectionable to the administration, in part, as well as the Senator from Texas, Senator GRAMM, and a number of others.

So I would just close my remarks with the hope that we can reach some agreement, not go through the exercise tomorrow, and be able to dispose of this quickly when we return.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I had not decided to enter the transcripts into the RECORD, but since the distinguished majority leader has brought them up I think it gives us an opportunity, on behalf of the Vice President, to point out that while there may be some dispute about whether a rollcall had started when the distinguished minority leader sought recognition, and he has addressed that in terms of the rules as to whether that was relevant, no person reading this transcript can have any doubt about the fact that there had been no calling of the roll when I sought to exercise my rights and that the Chair was incorrect.

I simply ask my colleagues to look at the transcripts.

Now, I remind my colleagues that I felt I already had the floor at this point, but it is not relevant.

Mr. BYRD. Mr. President, a quorum has been established on more than one occasion already.

Mr. President, I make a point of order that a quorum call that delays a vote on this new motion to approve the Journal when a quorum has been established is out of order in that such quorum calls are dilatory and in violation of the intent of that provision in Senate Resolution 28, 99th Congress, which authorized this new motion, and that the Chair should put the question forthwith on the motion to approve the Journal.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair will advise——

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

No mention of a rollcall vote.

The PRESIDING OFFICER. The Chair will submit the question to the Senate.

Mr. GRAMM. Mr. President, I suggest the absence of——

I am cut off.

The PRESIDING OFFICER. The question is, is the point of order well taken?

Mr. BYRD. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum and make the point of order that a quorum is not present.

The Presiding Officer says the magic words: "The clerk will call the roll."

I submit to my colleagues that on four occasions I exercised my rights, and I was denied those rights. I submit that there is no one under the rules of the Senate who could argue that the Chair acted correctly in denying me my right to be recognized. In fact, only by arguing that the Chair was ruling under a motion that was yet to be voted on can one make that kind of perverted argument. The Vice President was coming into the Chamber, and simply ruled on the basis of the fact that I had the right to the floor.

I thank the distinguished majority leader for putting this transcript in the Record.

I ask unanimous consent that this statement concerning the earlier debate not be counted against my time in debating the consideration of this motion.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, we could go on and on and on ad infinitum. I think it has already reached the point of being ad nauseam. But I want to say that the distinguished Senator from Texas, I believe, is mixing apples and watermelons. He was seeking to put in a quorum call. The Senate had already spoken on a point of order, and had voted on the point of order that such quorum calls were dilatory. On several occasions I guess the Senator suggested the absence of a quorum. That is what this ruling was all about.

The Record will be there for all to read. We have all had a chance to put a little of it back in. But let Senators read the Record. The Senator from Texas attempted to get another quorum call going, in the face of the point of order that had been sustained by the Senate saying that such quorum calls were dilatory and that the Chair should forthwith proceed to call the roll on the motion to approve the Journal. In other words, the Senate itself had ruled the Senator out of order in causing dilatory quorum calls.

Mr. President, is the motion to proceed pending?

The PRESIDING OFFICER. The motion to proceed is pending. Is there further discussion?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPPOSING ADDITIONAL $40 MILLION IN AID TO THE CONTRAS

Mr. KENNEDY. Mr. President, within the next month, it is likely that the administration will attempt to pay the next installment of its plan to provide military aid to the Contras in Nicaragua. Under the legislation we passed last year, the President may submit a report to Congress any time after February 15, triggering the payment of $40 million in such aid. Congress then has 15 days under expedited procedures to act before the funds can go through.

It is time for Congress to end the administration's flawed and failed policy in Nicaragua. There is no justification for the expenditure of another dime in military aid to the Contras, let alone $40 million. America does not have money to burn. We ought to be spending that $40 million on education, health care, the unemployed, and deserving farmers in the United States of America, not on the undeserving Contras in Nicaragua.

The American people are dead set against this war. A Gallup Poll last month reported that by the overwhelming margin of 69 percent to 21 percent, the American people think Congress should cancel this $40 million installment of Contra aid.

I believe that the aid should be terminated now—no ifs, ands, or buts. It is up to the new Congress to set a new policy on Central America, and the place to start is by shutting off the flow of military aid to the Contras as soon as possible.

At the very least, no further aid should be released until the Iranscam/Contragate investigation is completed. The continuing disarray in the administration's foreign policy is painfully evident to the entire world, and even the most committed supporters of Contra aid in Congress ought to recognize that it is wrong to pour another $40 million into this bubbling scandal before the administration comes clean and Congress sorts it out.

We must not lose sight of the real questions on United States policy on Nicaragua. Is it working? Are the Sandinistas any closer to saying "uncle" after 6 years of wider war? Are the Contras any closer to victory? Are they even any closer to winning the hearts and minds of the Nicaraguan people? Is this any way to prevent the establishment of Soviet beached in Central America? The answer to all five questions is, "Of course not."

Bad as the Sandinistas are, the Contras are not much better. They are corrupt freeloaders, not courageous freedom fighters, and they have no support among the Nicaraguan people. A United States policy of support for Contras is counterproductive, because the Contras are renegades and refugees from the old Somoza dictatorship of the past. Wherever Nicaragua is heading in the future, it is not going back to a Somoza-style regime. United States support for imposing a Contra dictatorship on Nicaragua would be comparable to reimposing the Marcos dictatorship on the Philippines. It will not work, and it is wrong for the United States to be an accomplice in the effort.

Certainly, the administration's pressure is leading Nicaragua in exactly the wrong direction. A state of emergency prevails in the country. The civil rights of the people are sharply curtailed. Newspapers and magazines are harassed, censored, and repeatedly shut down. The church is restricted. And the Sandinistas blame it all on Uncle Sam.

The Contras are no closer to military victory today than when the Reagan administration took office—despite millions of dollars of legal assistance from the United States, millions more in covert aid and illegal assistance, and an unknown additional amount from other countries secretly pressured into making contributions by an administration that could not get its way in Congress.

Last week, the Senate Armed Services Committee heard testimony from Gen. Paul Gorman, one of our most distinguished and experienced professional soldiers, who was Commander-in-Chief of the Southern Command until April 1985. He testified as follows on the Contras:

> I don't think the Sandinistas regard the contras as a serious threat. I think the Sandinistas have got the situation under control. You are not going to win a campaign against the Sandinistas in one year, two years or three years . . . The money you spent last year is not going to do it. The money you might be asked to spend this year is not going to do it. The contras are a cross-border raiding force. I am confident they can go out and sit on some remote mountain top in North Central Nicaragua, but raising a flag in Managua, I do not see it.

The leadership of the Contras is also in disarray. Arturo Cruz is expected to resign shortly. His departure will once again put the Contras under the total control of former Somoza national guardsmen. Despite the "see no evil" apologists in the administration, reports persist of Contra human rights abuses and terror tactics used against civilians.

If the Contras cannot win, and if their tactics are so unconscionable—what are we doing there? Why should we spend another $40 million on the Contras, when we ought to be spending it on students, the elderly, the jobless, and the homeless in our own country.

The new Congress has a large number of issues on its plate and a great deal of unfinished business. But I can think of no higher immediate priority for us than to shut off the flow of military aid to the Contras, and to halt this inexorable and inexcusable descent into wider war in Nicaragua.

The fat will be in the fire when the President's report arrives next month, and I urge the Congress to say "no" now, before any more blood is spilt or any more dollars are spent in this shameful and unworthy cause.

Mr. President, I ask unanimous consent that a joint resolution ensuring the Senate a vote on the additional $40 million be printed in the RECORD, but not submitted for the consideration of the Senate at this time.

There being no objection, the proposed joint resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION

(Disapproving the provision of additional assistance to the Nicaraguan democratic resistance pursuant to title II of the Military Construction Appropriations Act, 1987)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress disapproves the provision of additonal assistance to the Nicaraguan democratic resistance pursuant to title II of the Military Construction Appropriations Act, 1987, except as provided in section 11(b) thereof within the limits of funds previously made available.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Will the distinguished Senator withhold?

Mr. KENNEDY. I withhold.

ORDER OF PROCEDRUE

Mr. BYRD. Mr. President, I want to state to Senators that there may very well be rollcall votes yet today. The motion to proceed to the consideration of the appliance standards bill is pending. That is a debatable motion. Senators should not go away feeling that there will be no more rollcall votes today.

There may be rollcall votes tomorrow. There could be rollcall votes today and tomorrow. I urge Senators to plan their schedules accordingly.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR TEST "HAZEBROOK"

Mr. KENNEDY. Mr. President, at 10:20 am on February 3, the Department of Energy detonated a nuclear device in Nevada with a yield of less than 20 kilotons.

While this was a small explosion by nuclear weapons standards, it was a shot heard around the world. This was the explosion that the administration knew in advance would trigger the end of the Soviet Union's unilateral 18-month moratorium on nuclear testing.

Members of this body should ponder the question of why this administration is so anxious to undermine the opportunity that obviously exists for an agreement restricting nuclear tests or banning them completely.

Not only is the administration seeking to destroy the present opportunity for a verifiable ban on nuclear explosions, but it now seeks to deprive the public of the chance to protest such explosions by conducting them in secret before their announced date.

The date of this most recent test was advanced by 2 days in order to undercut the effect of the planned public protests today at the Nevada test site.

When the Government of the United States signed the Limited Test Ban Treaty of 1963, the Nonproliferation Treaty of 1968, and the Threshold Test Ban Treaty of 1974, this Nation gave its solemn pledge to continue negotitions toward a comprehensive ban on all nuclear explosions, including underground tests.

This administration's policy with respect to nuclear test ban negotiations has placed this Nation in a deplorable position of noncompliance with our treaty obligations.

The administration argues that a test ban must be delayed until that golden age "when we do not need to depend on nuclear deterrence to ensure international security and stability." How many years or decades of escalation of the arms race are likely to transpire in the meantime?

And if someday we manage to satisfy the administration's condition of eliminating our dependence on nuclear weapons to ensure international stability, why at that late date would we even need a test ban? What purpose would it serve?

This administration's timetable for a test ban is a little like telling the Surgeon General to do something about the risks of smoking, but only after the tobacco plant has been eradicated.

Numerous administration witnesses have testified that nuclear testing to increase confidence in reliability makes reliance on fewer weapons possible, and thereby facilitates arms reductions. But if reliance on a smaller stockpile is thus firmly linked to continued testing, why does the administration pledge that it will give up testing "when we have achieved broad, deep, and verifiable arms reductions."

The administration's nuclear testing policy not only violates our existing treaty obligations, it is also contradictory and incoherent.

I am similarly concerned about the implications of the administration's stance on verification of the pending Threshold Test Ban Treaty. Other countries, especially nonweapon states that have signed the Nonproliferation Treaty, are going to wonder why the United States is willing to cooperate with the U.S.S.R. in the installation of the highly intrusive CORRTEX device to verify continued testing at high levels of explosive power, but not in the installation of less intrusive seismic methods that, unlike CORRTEX, would be useful for restricting tests to dramatically reduced yields.

Under the best of circumstances, the use of CORRTEX at our national test site has produced measurements that are accurate to within about 30 percent of the actual yield of the weapon, as established by radiochemical analysis of the weapon debris.

But this degree of accuracy represents either no improvement, or at best, marginal improvement over what might be obtained from a far more versatile high-frequency seismic network that the Soviet Union has already shown a willingness to install to verify a low-yield threshold test ban.

Why are we bothering with this reservation to permit installation of the CORRTEX device, when we could be negotiating for the installation of a far more comprehensive and versatile seismic monitoring network? There is only one answer—the administration wants to continue the race in nuclear warhead technology, even in the face of the clear and present opportunity to end the race for all time.

By its policy, the administration persists in flouting our diplomatic obligations and continues to disregard the views of our allies and friends who continue to support a ban on nuclear test explosions.

By its long moratorium on nuclear testing, the Soviet Union has clearly shown its willingness to enter negotiations for such a ban. Last year, Congress pulled back from a confrontation with the administration on this issue, but the time has come to renew the effort.

An end to nuclear testing is the key to ending the nuclear arms race. If the administration is unwilling to recognize that important principle, then Congress should take the lead and enact it into law.

CALL OF THE ROLL

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GRAMM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, objection is made. I ask the clerk to call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum Vote No. 6.]

Byrd
Chafee
Gramm
Johnston
Kennedy
Sanford
Simon

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California [Mr. CRANSTON] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Arkansas [Mr. PRYOR] are absent attending funeral.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Idaho [Mr. MCCLURE], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 5, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—87

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Burdick
Byrd
Chafee
Chiles
Cochran
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McConnell
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Wilson
Wirth
Zorinsky

NAYS—5

Boschwitz
Cohen
Quayle
Wallop
Weicker

NOT VOTING—8

Bumpers
Cranston
Hatch
Kassebaum
McClure
Pryor
Rudman
Symms

The PRESIDING OFFICER. A quorum is present.

The motion is agreed to, and the Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I sought to call off the quorum by unanimous consent and it was objected to. Obviously, there is a filibuster going on here.

If the Senate does not reach some resolution of this matter today, I have no alternative but to ask the Senate to come in tomorrow. I just want to alert Senators to that fact.

I hope we will proceed to vote on this motion to proceed and we are able to take up the matter. Then there could be a debate on that matter.

I apologize for having a rollcall vote on the motion to instruct the Sergeant at Arms. But that is the only alternative I see. If we cannot call off the quorum, it is obvious that there is a filibuster underway.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until tomorrow morning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF S. 83

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the names of the Senator from Maine [Mr. COHEN], the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. HEFLIN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Louisiana [Mr. BREAUX], and the Senator from West Virginia [Mr. ROCKEFELLER], be added to the pending bill, that is S. 83, the Energy Policy and Conservation Act. With acceptance of these cosponsors, Mr. President, we will have 69 cosponsors of the pending bill, which is now being subject to this filibuster.

The PRESIDING OFFICER. Without objection, it is so ordered and the names will be included on the pending bill.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

L.A. "SPEED" RIGGS

Mr. HELMS. Mr. President, while we are in an interlude of change of pace, let me pay my respects to a long-time friend who passed away in North Carolina this past Sunday. To many, his name will be familiar. If you are under 40—and few of us around this place are—it is possible that you never heard of Speed Riggs. But Speed Riggs was regularly on the radio back in the forties and earlier. He was the voice of the tobacco chanter for 30 years. He appeared on the Hit Parade on radio and then later on television.

Whether you feel inclined to support the tobacco farmers or not, Speed Riggs was a part of Americana. There was something uniquely special about the fellow that millions of Americans knew affectionately as Speed Riggs. His initials were "L.A." and I never learned what "L.A." stood for. As a matter of fact, I did not know what his initials were. He was Speed Riggs and that was it and that was sufficient.

But the very mention of his name provides a nostalgic return to the days when radio sets across the land reverberated with his familiar chant. He was, in a very real way, number one on our hit parade. We will not again hear him proclaim "Sold American"—but our memories will identify precisely how he always said it.

Speed Riggs was uniquely American—a good, decent and pleasant man of enormous talent and dedication. He will be remembered and he will be appreciated.

For example, he traveled about 400,000 miles a year for 16 or 17 years running, during which time he helped raise more than $27 million for charitable causes, particularly crippled children. And he did so many other things that endeared him to so many millions of Americans.

Mrs. Helms and I extend our deepest sympathy to the family of Speed Riggs who, by the way, would have been 80 on February 18.

Mr. President, I ask unanimous consent that an article which appeared Monday, February 2, in the Goldsboro News-Argus be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Goldsboro (NC) News-Argus, Feb. 2, 1987]

"VOICE OF LUCKY STRIKE" DIES

(By George Johnson)

The "Voice of Lucky Strike on "The Hit Parade" on radio for more than 30 years is silent today.

L.A. "Speed" Riggs, who as a teen-ager introduced the melodious auctioneering chant to the tobacco market, died Sunday morning at Wayne Memorial Hospital. He had been ill for a month. He would have been 80 years old on Feb. 18.

Arrangements for his cremation were handled by Seymour Funeral Home.

A memorial service will be held Saturday at 2 p.m., at Herman Park Center.

The family requests that, in lieu of flowers, memorial contributions be made to the Tobacco History Corporation, c/o Duke Homestead, Durham.

Surviving are two sisters, Mrs. Beatrice Godwin of Goldsboro and Clell Riggs of Rocky Mount. His wife, the former Nora Belle Dennis, of Fuquay-Varina, died in 1985.

Riggs returned to North Carolina in January 1986 and lived with his two sisters in Rocky Mount until last October when he and Beatrice moved to Goldsboro.

A native of Onslow County, Riggs moved to Goldsboro when he was 10 or 12 years old.

Son of Mark Riggs, a tobacco farmer and carpenter, Riggs spent the remainder of his boyhood and his early adult life in Goldsboro.

It was visits to the tobacco warehouse with his father that made him decide to become a tobacco auctioneer. But, unlike other auctioneers, Riggs gave his chant a new twist. He did it to the tune of Yankee Doodle Dandy. The sing-song chant was copied by auctioneers across the tobacco belt.

When George Washington Hill, president of American Tobacco Co., wanted an auctioneer to be the "Voice of Lucky Strike" on radio's Hit Parade, he chose Speed Riggs.

Riggs left Durham one night and appeared on The Hit Parade in New York the next.

He was signed to a 20-year contract which was renewed in 1958 for another 20 years. However, the contract was canceled in 1969 after cigarette advertising on radio and television was banned.

Several other auctioneers were trained by Riggs. They included F.E. Boone of Lexington, Ky., who did Lucky Strike commercials on the Kay Kyser radio program.

In 1958, Lucky Strike sent Riggs on a good will tour of the United States doing charity shows. He also helped sell $181 million worth of war bonds in eight months during World War II.

He traveled about 400,000 miles a year for 16 or 17 years during which he helped raise more than $27 million for charitable causes.

The Hit Parade moved from New York to Hollywood, in 1947 and Riggs lived in Anaheim, Calif. until he returned to North Carolina.

While in Hollywood, Riggs worked on Frank Sinatra's "Light Up Time" and they became close friends. he also appeared on the Jack Benny Show.

Riggs appeared in more than a dozen movies with such stars as Clark Gable, Yvonne DeCarlo, Dale Robertson and Glenn Ford.

In 1947, Riggs helped organize "Your Community Fund" in California, a charitable organization which raised funds to train handicapped and underprivileged children."

Mr. HELMS. I thank the Chair and I suggest the absence of a quorum.

Mr. EXON. Mr. President, will the Senator withhold?

The PRESIDING OFFICER. Does the Senator press for the quorum or has he withdrawn so Senator EXON may be recognized?

Mr. HELMS. If I may do so, Mr. President, with the understanding that I do not lose my right to the floor and that there will be no motion or unanimous-consent request, other than to insert something in the RECORD.

Mr. EXON. Point of inquiry. Maybe I misunderstood. The Senator from North Carolina said that he yielded the floor, did he not?

The PRESIDING OFFICER. The Senator from North Carolina made a unanimous-consent request and then he noted the absence of a quorum, as you rose. And I inquired of the Senator if he was pressing his request that a quorum was not present. That was my inquiry to the Senator from North Carolina.

Mr. EXON. May I ask the Senator if he would withhold his request and if he has the floor if he would yield to me for the purpose of proceeding briefly as if in morning business for the purpose of introducing a bill.

Mr. HELMS. Mr. President, of course I will. Under those conditions, I yield to my distinguished friend.

The PRESIDING OFFICER. Without objection.

Mr. EXON. I thank my friend from North Carolina.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

(The remarks of Mr. EXON appear under Statements on Introduced Bills and Joint Resolutions.)

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and I also ask unanimous consent that this Member be allowed to proceed as if this were morning business.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

NUCLEAR ARMS RACE

Mr. ADAMS. Mr. President, this is the first time I have addressed the Senate. And as I prepared these remarks, I spent some time thinking about this institution: its history, its traditions, its connection to the core of American democracy. I was, and am, moved by the sense of this place—by the ghosts of the patriots whose spirits have never left these Halls and by the echo of their speeches which still guide our policies today.

But as I reflected on the past, I became concerned about the future. That concern does not spring from any uncertainty about the enduring values of the Senate; rather it is driven by doubts about the viability of any human institution in the face of a nuclear threat which can destroy all life on this planet.

That threat, of course, is of our own making and only by our actions can it be corrected. Over the past few weeks, the Senate Foreign Relations Committee, on which I am proud to serve, has been consdering just such an action as we reviewed the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty.

Under the direction of Chairman PELL and with the encouragement of the majority leader, we held three separate days of hearings on these treaties. During those hearings, we heard from the administration, the intelligence community, scientists, and several expert witnesses. Virtually all the testimony we heard supported these treaties and virtually everyone we listened to asked the Senate to give its advice and consent to the treaties in some form.

While everyone endorsed the concept of the treaties, some witnesses expressed concerns about our ability to verify them. I understand that concern; but I do not share it.

No one wants to sign a treaty with the Soviets which is not adequately verifiable. But these treaties are. When President Nixon signed the Threshold Test Ban Treaty in 1974 it was adequately verifiable—and it still is. When President Ford signed the Peaceful Nuclear Explosions Treaty, in 1976 it was adequately verifiable—and it still is.

That is the evidence the committee heard. We heard former CIA Director William Colby tell us that, "There have also been many scientific developments since these treaties were signed that very distinctly assist the verification process. * * * These advances now provide our scientists with confidence that nuclear explosions as small as 10 kilotons or lower can be identified, even from outside the Soviet Union." And we heard Wolfgang Panofsky. the director emeritus of the Stanford Linear Accelerator Center say that we have the ability to detect violations now and that "National Technical Means of verification could be improved significantly unilaterally by the United States."

Based on the evidence, I believe that our national security interests would be well protected—and in many ways, they would be advanced—if we simply gave our advice and consent to the treaties as they were originally written.

The administration did not see it that way. Their concerns led them to suggest a reservation which would have required verification procedures of such a magnitude that the treaties would have to be renegotiated and the Senate would be asked to give its advice and consent twice before the treaties went into effect.

Now, Mr. President, I must confess that I viewed this proposal with some skepticism. After all, for 6 long years this administration has been unable—and perhaps unwilling—to conclude an arms control agreements with the Soviets. So when they suddenly decided to make major changes in what are essentially minor treaties, many of us had doubts about their motives. Their decision to rush to test a nuclear device last Tuesday—2 days before such a test was expected and with no notification to the Congress—did little to sooth our fears or remove our doubts.

Despite those concerns, the distinguished chairman of the committee has continued to display the patience and calmness for which he is so well known and so well respected. He agreed to delay scheduled committee action on the treaties in order to continue negotiations with the administration in the hope that a mutually acceptable approach could be found. I support the chairman's decision and I will do whatever I can to assist him in his efforts. But I must say that I think we need to act on these treaties one way or another—and we need to act soon.

The impatience I express is not just personal, Mr. President, it also reflects the feelings of the people of my State. The people of Washington know about the nuclear threat. It is not some geopolitical abstraction to us; it is all too real and all too present. We are a part of the nuclear cycle in a more direct and dangerous way than most Americans. One facility in my State produces the plutonium which powers the weapons we hope will never be used; other facilities store the defense nuclear waste we create in this process. So those of us who come from Washington know this issue. We know it all to well.

In fact, Mr. President, I recently received a letter from a constituent of mine, Alison Krug, an eighth grader from Tacoma. In her letter, she said that "I think we should stop the arms race. I don't want to die soon, and if I do, I want to go in peace, not war." And she asked "Is there anything that Washington can do to stop nuclear war?"

The Threshold Test Ban Treaty and the Peaceful Nuclear Explosion Treaty can help us answer her question. And that is why the committee and the Senate should act on these treaties in the very near future.

When those treaties do come to the committee and the Senate, this Senator intends to support them. I would prefer to support them in their original form, but I am willing to support them even if they carry what I believe are unnecessary reservations—as long as those reservations are designed to protect legitimate national security interests and not just to prevent implementation of the treaties by this or future Presidents.

I will support these treaties, Mr. President, because they do make a valuable contribution to our security and our survival. On a security level, they assure that the Soviets will be legally unable to test above the 150 kiloton yield level, which may slow down their development of new weapons, reduce their confidence in the weapons they already have, and prevent them from taking advantage of their greater ability to conduct high-yield explosions at their test site. And, as I have indicated, the treaties can provide us with assurances sufficient to make us confident about Soviet compliance.

But it is on the survival level, Mr. President, that these treaties hold the most promise. I am not claiming that, in and of themselves, they will make the world a much safer place—after all, both parties have been observing the terms of the treaties for over a decade. But these treaties can demonstrate that America is ready to move away from the arms race and move toward the preservation of the human race—especially if we build on the limited steps involved here and negotiate reductions in either the number or level of tests allowed while moving closer to taking the giant step of negotiating a comprehensive test ban treaty with the Soviets.

Mr. President, I stand today in a Senate Chamber devoted to the highest ideals of humankind and dedicated to our most noble dreams. But, Mr. President, that devotion and dedication, those ideals and dreams, can all be destroyed unless we are able to bring the arms race under control. These treaties will not end the race—but they can serve to pull us back from a finish line which we are approaching all too rapidly.

I support the treaties because they make sense from a national security perspective—and I support them, Mr. President, because they make even better sense from a human perspective.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Adams). Without objection, it is so ordered.

ECONOMIC SANCTIONS AGAINST CHILE

Mr. KENNEDY. On September 21, 1976, Orlando Letelier and Ronni Moffit were brutally murdered on the streets of our Nation's Capital. The story of that outrage is not new to the Members of this body or to the American people. But yesterday, we received new information and learned of new evidence about that crime which will shock the conscience of even the most ardent and devoted supporters of President Pinochet's regime in Chile.

As a result of the proceedings that unfolded yesterday in the U.S. District Court for the District of Columbia, President Pinochet of Chile stands accused in an American court of conspiracy, of obstruction of justice, and of subordination of perjury. According to these proceedings, President Pinochet personally organized the effort to conceal and to falsify evidence for the purpose of defeating efforts by the United States to extradite those leaders of the Chilean Secret Police—DINA—who arranged for the September murders.

But even more significant is the additional evidence that President Pinochet may have been involved not only in the coverup but in the crime itself.

Armando Fernandez Larios, a 25-year-old Chilean army lieutenant at the time of the killings, pleaded guilty yesterday to being an accessory after the fact to the murders of Orlando Letelier and Ronni Moffit. In documents that he submitted to the court in connection with the plea agreement, he stated that President Pinochet himself may have ordered the murder of Orlando Letelier.

According to Fernandez, the head of the Chilean Secret Police, Gen. Juan Manuel Contreras, met with the individual designated to head the Chilean military investigation of the assassination and admitted to him that he (Contreras) had ordered Lt. Col. Pedro Espinoza of DINA "to undertake the Letelier operation." When asked why by Espinoza, Contreras said that he had received an order. According to the court documents:

"When asked 'From whom (did the order come)?' Contreras responded by saying words to the effect of 'Ask the Chief.'" Fernandez testified that he understood this to be a reference to President Pinochet.

For the first time, there is now concrete evidence to support the allegation that President Pinochet himself issued the instruction to DINA to assassinate Orlando Letelier.

But there is other evidence of other crimes.

Based on Fernandez' testimony, it is now clear that President Pinochet personally directed a coverup of the murders. When American investigators and Justice Department attorneys arrived in Chile and initiated extradition proceedings against Contreras and Fernandez, the coverup went into operation. Fernandez was personally ordered by President Pinochet not to return to the United States. Pinochet told him, "Be a good soldier, tough it out and this problem will have a happy end." It is also clear that President Pinochet directed the military investigator, Gen. Hector Orozco, who knew the whole truth, to lie in court proceedings in Chile to defeat the effort to extradite the individuals in DINA responsible for the murders.

The people of Chile should know that, in the eyes of the American people, their President stands personally accused of serious crimes, including murder. There is evidence that he worked to obstruct the operation of both United States and Chilean law, and there is evidence that he actually ordered the operation that resulted in the murders of two individuals—one of whom was an American citizen—in Washington, DC.

This kind of conduct is unworthy of the long and distinguished tradition of professionalism and patriotism that has characterized the Chilean military, and I cannot believe that the men and officers of the Army of Chile will conclude that assassination and obstruction of justice are consistent with the honor of their nation.

Where are we today? The individuals who organized the murder-by-bombing of Orlando Letelier and Ronni Moffit go free and unpunished. Why is that? Because President Pinochet saw to it that the ends of American justice—and that the ends of Chilean justice—would be defeated.

This man is no friend of freedom, no friend of democracy, no friend of the United States of America.

These revelations come on the heels of similar news involving another tragic case, the murder of Rodrigo Rojas. Last week, we learned that the individuals responsible for setting fire to Rojas and Quintana will not be prosecuted for murder. Instead, one officer will be charged with "negligence." Another coverup has gone into operation; another coverup has had its intended effect; and again, those Chilean officials responsible for another brutal murder will go unpunished.

The United States cannot continue its relations with the Government of Chile as if it were business as usual. The time has come for the United States to take concrete steps. The time for "Yes" votes and abstentions in the World Bank is past. The time for most favored nation status is past. The time for preferential treatment in trade relations with Chile is past.

We must show the Chilean people that the American people care. First and foremost, we care about justice in our own country. We must show the world that the United States will not stand by while other governments send hired assassins into our streets and murder our citizens. Nor will we stand by while other governments block the legal processes that would bring those assassins to justice. I congratulate the State Department and the Justice Department for bringing Fernandez to justice.

But the American people also care about justice and freedom and democracy inside Chile.

For all these reasons, I, with Senator HARKIN, plan to introduce legislation to impose economic sanctions against the Government of Chile.

Words are no longer enough. Only actions count. We must act—not only to protect our own citizens and our own legal institutions, but also to support the effort to restore freedom to the people of Chile.

Mr. President, I ask unanimous consent that the factual proffer submitted to Judge Barrington Parker in connection with this proceeding be included at this point in the RECORD. This will be the first time the facts in this particular case will be open for public examination. I urge my colleagues to take the opportunity to read through this factual compilation and make their own assessment as to what we as a country should be doing about it.

There being no objection, the proffer was ordered to be printed in the RECORD, as follows:

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America v. *Armando Fernandez Larios*

[Crim. No. 78-0367]

FACTUAL PROFFER

The United States of America by and through the United States Attorney for the District of Columbia, Joseph E. diGenova, makes the following factual proffer to the Court. This factual proffer has been reviewed by defendant Armando Fernandez Larios and his attorney Axel Kleiboemer and has been agreed to and signed by both.

The underlying criminal offense

The government proffers and the defendant agrees that the evidence would reflect that in or about June of 1976, defendant Armando Fernandez Larios was a 25 year old Chilean Army lieutenant assigned to a Protective Security Unit of DINA, the Chilean National Intelligence Agency. During this time Fernandez was told to report to the offices of Lieutenant Colonel Pedro Espinoza Bravo, the Chief of DINA Operations. Defendant Fernandez had been previously acquainted with Lieutenant Colonel Espinoza, who had been Fernandez' superior in the Intelligence School of DINA prior to Espinoza's transfer to DINA Operations in 1975.

When defendant Fernandez reported as directed, Lieutenant Colonel Espinoza ordered defendant Fernandez to go to the country of Paraguay with an individual named Michael Vernon Townley, a United States citizen who was a civilian employee of DINA. Defendant Fernandez was told to contact a Paraguayan official who would provide false Paraguayan passports for the use of Fernandez and Townley in an intelligence mission in the United States.

Defendant Fernandez was told that the purpose of the mission was to surveil the activities of former Chilean Ambassador to the United States Orlando Letelier, and "see what he was up to". Lieutenant Colonel Espinoza also told Fernandez that Letelier was engaged in political activities harmful to the interests of the Chilean government. Espinoza further ordered defendant Fernandez to accompany him to a meeting with Michael Vernon Townley. Major Espinoza and defendant Fernandez drove to a meeting with Townley in an area of Santiago, Chile called Lo Curro. Upon arrival, Espinoza directed Fernandez to remain in his car and went to a separate location where Espinoza met with Townley. Defendant Fernandez was not privy to that conversation, but states that he believes that operational details of the Letelier mission were discussed between Espinoza and Townley. Townley has corroborated the circumstances and content of that meeting with Espinoza in his own statements to the United States Government.

Defendant Fernandez, like many other officers who had been associated with DINA, was aware of Townley's reputation as an important DINA agent. Fernandez was aware that Townley was given special treatment by DINA, receiving from DINA a large house, servants and a staff.

Defendant Fernandez, having been told that he was to participate in a mission in which someone as important as Townley was involved, and due to his awareness that Townley had received separate instructions, understood that the true purpose might be other than the limited surveillance mission described to him, that the outcome to the object of the mission, Orlando Letelier, might very well be harm or even death. While Fernandez was never told that bodily harm to Letelier would be the object of this mission, defendant Fernandez acknowledges that he understood in his own mind the implications of what the mission might well bring, but decided to disregard his apprehensions.

Fernandez went forward as ordered, and with Townley journeyed to Paraguay in July 1976. In Paraguay, with the assistance of certain Paraguayan officials, he and Townley obtained false Paraguayan passports with visas issued by the United States Consulate in Asuncion, Paraguay. During the process of obtaining these passports, defendant Fernandez learned that, in the course of obtaining the United States visas, the Paraguayans had notified the United States Embassy of the fact that the passports they were submitting for visas were being falsely issued to Chilean individuals. Thereupon the mission was aborted and defendant Fernandez and Townley returned to Chile.

Thereafter, Lieutenant Colonel Espinoza again contacted Fernandez in early August of 1976 and told him he was to go to the United States directly. Espinoza was aware that defendant Fernandez had relatives in the United States and that he had a working knowledge of the English language. Espinoza also directed that defendant Fernandez meet with a woman by the name of Lilliana Walker prior to this trip. Fernandez was to develop with Ms. Walker some familiarity with the Chilean Department of Public Works to support their cover story that they were employees for the Department of Public Works. Defendant Fernandez in fact did this. He met with Ms. Walker on one occasion in Chile, and thereafter met with her again on the trip to the United States. They traveled as husband and wife on false-name Chilean official passports representing that they were on official business.

Upon entering the United States on or about August 26, 1976, defendant Fernandez checked into the Hotel Washington in Washington, D.C. with Ms. Walker. On the next day defendant Fernandez, under the pretext of having some written materials from Chileans to deliver to Orlando Letelier, contacted the Institute for Policy Studies, the entity for which Orlando Letelier worked, and obtained his home address. He also learned that Orlando Letelier was supposed to be out of town for the next twenty days. Defendant Fernandez went to surveil the home of Orlando Letelier, confirming that it was Letelier's home by the fact that a car located in front of the house had a Chilean insignia on its rear portion. Fernandez reported to Lieutenant Colonel Espinoza, who agreed with Fernandez that since no further surveillance was possible due to Letelier's absence, his mission was over. Espinoza told Fernandez that he could take a few days leave prior to returning to Chile.

Thereafter, defendant Fernandez travelled to the city of New York and spent the next few days visiting with relatives and friends. Learning in New York that his father was gravely ill, defendant Fernandez contacted Lieutenant Colonel Espinoza and notified him of his intention to return to Chile immediately. Defendant Fernandez was informed by Espinoza that Michael Vernon Townley would be arriving in the United States on the same day as Fernandez was scheduling his departure, and was instructed to meet Townley at the airport.

On September 9, 1976 defendant Fernandez and Lilliana Walker, who had come separately to New York City, met at John F. Kennedy Airport. There defendant Fernandez met with Michael Vernon Townley and, in a men's room, passed to Michael Vernon Townley a map with his surveillance notes. Fernandez also provided Michael Vernon Townley with some additional funds, since Townley claimed to have no cash with him. Defendant Fernandez thereupon returned to Chile on September 9, 1976.

Upon defendant Fernandez' return to Santiago, Chile from New York, Fernandez reported to Lieutenant Colonel Espinoza about his meeting with Townley. Fernandez returned to Espinoza the remainder of the funds he had been provided along with his expense vouchers. He visited his father at the military hospital and began a military course which he was required to take in order to be promoted to be a captain in the Chilean Army.

After his arrival in the United States on September 9, 1976, Michael Vernon Townley, with the assistance of certain other individuals in the United States, built a bomb to be placed under the car of Orlando Letelier. Townley installed it on September 19, 1976 and, within two days thereafter, one of Townley's co-conspirators detonated the bomb as Orlando Letelier's car drove through Sheridan Circle, Washington, D.C. The explosive device killed Orlando Letelier and Ronni Moffitt, and injured Michael Moffitt on September 21, 1976.

Assisting in hindering and preventing the apprehension, trial and punishment

Defendant Fernandez heard on the radio that Letelier had been killed. Shortly thereafter, when he was visiting his father at the military hospital in Santiago, Chile, a messenger from DINA came to the hospital and told Fernandez that he was needed immediately at DINA headquarters. When he went to DINA headquarters, he met with Lieutenant Colonel Espinoza. Espinoza told Fernandez not to worry; that it was very probable that the Letelier assassination was done by "the opposition" to discredit the government because the following week the Foreign Minister would be speaking at the United Nations. Espinoza said, "That is what you will say." While Espinoza did not in fact admit that he had ordered Fernandez on a mission which resulted in Orlando Letelier's death, by word and gesture he indicated that his statements concerning the "opposition" was just a story, and defendant Fernandez understood that he had been part of an assassination plot.

Thereafter, defendant Fernandez continued his captain's course for the following three months and had no contacts with DINA. After fifteen days leave he returned to the Protective Security Unit to which he had previously been assigned. Defendant Fernandez stayed with the DINA Protective Security Unit until early 1978. Colonel Juan Manuel Contreras Sepulvada, who was the head of DINA, was promoted to General and transferred to be the commander of the Chilean Army Engineers. Contreras was replaced by retired General Mena as head of CNI. (It should be noted that during this time DINA's name was changed to CNI.)

When the press reported the fact of defendant Fernandez' trip to Paraguay, Fernandez met with Contreras who instructed him to deny his trip to the United States. When the new head of CNI, General Mena, similarly inquired on several occasions about this matter, Fernandez, pursuant to Contreras' instructions, denied any involvement in the matter, despite the fact that Mena disbelieved Fernandez' continuing denials.

Moreover, Fernandez advised Contreras that he could not continue to deny his trip to the United States. Contreras instructed Fernandez to say he had gone to the United States on vacation: "You were there a few days and came back." Fernandez responded that this explanation did not deal with the false passport. Contreras told him to say that he (Fernandez) had gotten the false passports through a Foreign Ministry official who conveniently had died. Fernandez protested, saying, "I never knew him." Contreras then instructed Fernandez that he revert to the original story, saying that Fernandez should not worry, "Say you never went to the United States."

Mena confronted defendant Fernandez about the United States trip again and, though Fernandez continued to deny it to Mena, Fernandez returned to Contreras saying "They know." Contreras then told him to change his story. Fernandez was to say that he had gone to the United States on CODELCO business and that Fernandez had done it on his own initiative. (CODELCO is the Chilean national copper industry.) Defendant Fernandez admits that all of the representations that he made to General Mena were false and invented by Contreras.

Thereafter, Fernandez' picture appeared in the Chilean newspapers and the press began to pursue him. In reaction, shortly thereafter Fernandez met with Espinoza and Contreras in a house in an area of Santiago, Chile called Providencia. At that meeting, a new version was planned of the story of Fernandez' trip to the United States. Contreras and Espinoza expanded upon the fiction that it had been a CODELCO-related trip, suggesting that Fernandez say that he had gone to investigate manipulaation of funds by employees of CODELCO.

Within a few days thereafter, a Letters Rogatory request was received by the Government of Chile from the United States asking defendant Fernandez and Townley to answer certain questions for the United States Government's criminal investigation of the Letelier and Moffitt killings. On April 1, 1978 defendant Fernandez and Townley appeared before a Chilean magistrate. Defendant Fernandez responded to the questions presented by continuing to represent as fact, what was actually the false cover story. Townley responded by invoking his privilege against self incrimination. Defendant Fernandez' responses to these questions, pursuant to the United States Letters Rogatory, were forwarded to the United States for entry into the Department of Justice and Federal Bureau of Investigation's investigative files and were used in the criminal investigation of the Letelier assassination and in developing the basis for the extradition proceedings in this case. These false statements hindered and undermined the United States' law enforcement activities to apprehend and try the culpable individuals.

On March 30, 1978 defendant Fernandez at the direction of Contreras reiterated the false cover story to Assistant United States Attorney Eugene Propper and Legal Attache Robert Scherrer at the offices of CNI. The contents of that interview were forwarded to the United States Department of Justice and Federal Bureau of Investigation in Washington, D.C. for entry into their investigative files and use in the ongoing criminal investigation, and in preparation for the extradition proceedings to the United States of culpable individuals. The false statements in the interview hindered and undermined these law enforcement activities.

Further, prior to Townley's being expelled by Chilean authorities to the United States, Fernandez, Townley and Contreras discussed justifying the Townley/Fernandez meeting at Kennedy Airport, as part of the cover story. The newest version of the cover story was to be that Fernandez was merely waiting for his flight to Chile, that Townley happened to come into JFK, and that they had exchanged pleasantries. The cover story concerning the trip to Paraguay and the effort to obtain false passports was also further developed. The story was that their pretended efforts to investigate financial irregularities at CODELCO in the United States were to include electronic surveillance.

Once Townley was in the United States, General Orozco, the designated Chilean military investigator, was sent to the United States to meet Townley. Townley declined to testify until Orozco relieved him of his DINA oath of secrecy. Orozco ordered Townley to tell the truth.

When Orozco returned to Chile with Townley's statement, Orozco ordered defendant Fernandez detained at the Ministry of Defense. After some time, Orozco told Fernandez that the hour of truth had arrived and that Fernandez was going to be sent to the United States. Orozco stated that he had spoken to the United States Justice Department and to Townley and that Townley had confessed. Fernandez began defending himself using the CODELCO cover story. Orozco said "Don't lie, here is Townley's declaration." General Orozco then showed Fernandez a written declaration of Lieutenant Colonel Espinoza and represented that Espinoza had admitted ordering Fernandez to go to the United States to surveil Letelier. Thereupon, defendant Fernandez gave a truthful statement to General Orozco.

Defendant Fernandez was again brought to the Ministry of Defense the next morning. Shortly thereafter, General Contreras came to the Ministry of Defense to meet with General Orozco. From the doorway of the room in which he was being held, Fernandez caught Contreras' attention. Contreras came over to Fernandez and told him not to worry, that he (Contreras) would resolve everything.

Contreras then entered Orozco's office. About half an hour later, defendant Fernandez observed a "commotion" and saw Orozco leave his office in the Ministry of Defense. Approximately one to two hours later General Orozco returned, met with defendant Fernandez, and said to him words to the effect that Fernandez was not to worry, that everything was resolved, and that defendant Fernandez should go back to work.

Subsequently, defendant Fernandez was told by an individual involved in the assassination plot what had transpired during the meeting between Contreras and Orozco. According to this account, when Contreras was confronted by Orozco with the statements of Townley, Fernandez and Espinoza, Contreras agreed to make his own declaration. Contreras stated he had in fact ordered Espinoza to undertake the Letelier operation. When asked why he had given that order, Contreras responded by saying he (Contreras) had received an order. When asked "From whom? Contreras responded by saying words to the effect of "Ask the Chief." Defendant Fernandez states that he and the individual who related this account of the meeting understood the reference to "the Chief" was to General Augusto Pinochet, the President of Chile, who was Contreras' actual superior. At this point, General Orozco stated to Contreras word to the effect of "you can't declare this," whereupon there was commotion among the participants.

On or about August 1, 1978, Fernandez was advised that he was to be detained because of an extradition request from the United States. Fernandez requested that his detention be at a hospital because he was suffering from an ulcer at the time. Defendant Fernandez was in fact detained at a Chilean military hospital for fourteen months. During that same period of time, Lieutenant Colonel Espinoza and General Contreras were also detained at the same hospital. During the period of the detention, defendant Fernandez met with Contreras on several occasions. On some occasions Contreras attempted unsuccessfully to persuade defendant Fernandez to use Contreras' attorney in an effort to control and create a unified position. Contreras also unsuccessfully sought to persuade defendant Fernandez to join Contreras and Espinoza in a criminal complaint against the United States prosecutors. Contreras also revealed to defendant Fernandez that he (Contreras) had a copy of the investigative file of the military investigator in his possession.

Also during the period of detention, defendant Fernandez was brought to the Ministry of Defense with Espinoza. At the Ministry of Defense General Orozco instructed them to make false declarations to the Supreme Court of Chile as part of the extradition proceedings in accord with the false cover story. Espinoza inquired as to the disposition of his previous truthful statement. Espinoza's truthful statement was returned to Espinoza by Orozco and Espinoza tore it up. Fernandez similarly inquired about his own truthful statement, and after some discussion, it was returned to Fernandez and destroyed.

Defendant Fernandez has also stated that during his detention at the hospital he was outspoken concerning his desire to go to the United States to resolve this matter. As a result, he was called to the Ministry of Defense. When he arrived, he, in fact, met with President Pinochet. Fernandez describes this meeting as follows:

President Pinochet confronted him by saying "I understand that you have a problem at the hospital and I'm told that you want to go to the United States." Fernandez responded by saying "That's a lie." President Pinochet said "I know it is the truth." Fernandez said "The truth is, not that I want to go to the United States, but that I am going to the United States." President Pinochet responded by saying words to the effect "Don't worry, I will order that you will have no more problems at the hospital. Be a good solider, tough it out and this problem will have a happy end."

On October 17, 1978 during proceedings at the Supreme Court of Chile on the United States extradition request for Contreras, Espinoza and Fernandez himself, defendant Fernandez, under orders, lied concerning his knowledge about and involvement in the killing of Orlando Letelier, following the substance of the false, carefully evolved cover story. Based upon this testimony and false representations by others to the Chilean Supreme Court, the United States extradition proceedings, which had been filed in the United States District Court for the District of Columbia and by which various culpable individuals were sought for trial in the United States, were undermined.

Defendant Fernandez has also stated that he subsequently twice attempted to resign his commission in the Chilean Army, but President Pinochet personally refused to accept his resignation, although defendant Fernandez was never returned to actual military duties.

In his long-standing agreement to the coverup and his false testimony to United States and Chilean authorities, defendant Fernandez assisted in hindering the apprehension of Contreras, Espinoza and others directly responsible for the assassination of Orlando Letelier and the murder of Ronni Moffitt.

Respectfully submitted,

Joseph E. DiGenova,
U.S. Attorney.

David F. Geneson,
Assistant U.S. Attorney.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Zorinsky). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that from time to time throughout this day, Senators may introduce bills and joint resolutions as morning business.

I also ask unanimous consent that although Senators are not permitted to speak in morning business, nonetheless Senators may be permitted to speak for such purposes during morning business, for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. I thank the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Texas is recognzied.

THE OMNIBUS TRADE BILL OF 1987

Mr. BENTSEN. Mr. President, today I am pleased to introduce, together with Senator Danforth, and Senators Byrd, Dole, Matsunaga, Chafee, Daschle, Heinz, Rockefeller, Wilson, Pryor, Roth, Boren, Kasten, Mitchell, Warner, Moynihan, Trible, Riegle, Grassley, Baucus, Durenberger, Bradley, McConnell, Heflin, Bond, Ford, Cohen, Bingaman, Pressler, Dixon, Specter, Chiles, Murkowski, Harkin, Garn, Leahy, Stafford, Lautenberg, Cochran, Glenn, Pell, D'Amato, Wirth, Quayle, Simon, Boschwitz, Sanford, Domenici, Mikulski, Lugar, Breaux, Johnston, Burdick, DeConcini, Metzenbaum, and Shelby, the Omnibus Trade Act of 1987.

The introduction of this bill is the culmination of an immense effort, beginning in 1985, in which Senators from both parties began to develop trade policies to address our unsustainable trade deficits. In preparing this bill, we have consulted with Senators from both parties. The Senate is off to an early start on trade this year because of the remarkable cooperation that has prevailed among Members and among their staffs over the last few years and particularly over the last few months, and I am grateful to Members for this cooperative spirit.

This is also the beginning of a process, Mr. President.

This is likely to be the last trade bill of this century. It may govern our trade laws for the next 12 to 15 years. It will necessarily be a more complex bill than past trade bills because the world—particularly the world economy—is so much more complex than in the past.

Clearly the main burden of this legislation falls within the jurisdiction of the Finance Committee. However, it may well be that matters within the jurisdiction of other committees of the Senate can be explored which complement the trade policies that will now be formulated in the Finance Committee. We stand ready to work with other committees of the Senate, and with our colleagues in the House, to frame legislation that addresses the basic problems of the global economy.

In these early weeks of the 100th Congress, the Finance Committee has invited some of the best minds in American finance, business, labor, and Government to speak broadly to the trade issue. At the beginning of these hearings—there have now been six of them—there appeared to be a great diversity of points of view. But as a result of these hearings, some basic points have begun to emerge.

First, to make the global trading system work, total world trade must grow. Despite 6 years of the United States running the largest trade deficits of any nation in history, world trade has not grown. The growing world population has less wealth than it did in 1980 as a result. If we can get the global system growing, the American people will earn their way out of debt, and so will people all over the world.

The second basic point that has emerged from our hearings is that only the United States is in a position to lead the world trading system out of stagnation. Leadership does not mean this country imports more per capita than any other country in the world; it means using our negotiating leverage in positive ways to open markets and get trade growing.

Countries that have free access to our market must give us access to their market.

There is one final point that comes through in these hearings, and it is a practical point of politics. We are not going to make progress unless America does its homework on trade. Our President cannot be an effective negotiator without the support of the Congress, and Congress cannot support loss of American leadership or the prospect of no growth as the future of this country.

These will be difficult policies to frame. Since Congress cannot negotiate with foreign governments, we need and we seek the administration's advice and counsel in these matters; after all, the current administration and the next administration have to carry out the mandate we will enact this year.

This bill is a good beginning. There is enormous interest in Congress in this subject, and in this bill. The bill is tough on foreign market distortions that limit the growth of trade, and it frankly limits the President's discretion to do nothing about trade problems. But it also greatly enhances the President's power to improve the situation, and it gives him the mandate he and the next President will need to make trade talks work.

Mr. President, I ask unanimous consent that a detailed summary of S. 490, and the text of that bill, appear in the RECORD so that Members may begin immediately to study this matter in detail. I am also introducing today the various titles and subtitles of the omnibus bill as S. 481-89 and S. 491.

There being no objection, the bill and explanation were ordered to be printed in the RECORD, as follows:

S. 490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Trade Act of 1987".

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SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) authorize the negotiation of reciprocal trade agreements,

(2) strengthen United States trade laws,

(3) improve management of United States trade strategy, and

(4) through these actions, improve standards of living in the world.

TITLE I—AUTHORITY TO NEGOTIATE TRADE AGREEMENTS

SEC. 101. FINDINGS.

The Congress finds that—

(1) the negotiating authority provided under section 102 of the Trade Act of 1974 expires on January 3, 1988;

(2) the United States is a debtor nation with low growth in productivity and must improve its competitiveness; however, better domestic economic management alone will not eliminate the current international deficits of the United States, much less improve living standards in the United States;

(3) in the last 10 years there has arisen a new global economy in which trade, technological development, investment and services form an integrated system; in this system, these activities impact each other;

(4) this new global economy has the potential to improve standards of living and employment in the United States, but it is increasingly volatile, not self-regulating, and this has caused unemployment, damaged industries, weakened agriculture and discouraged productive investment in the United States;

(5) the world trading system is weak and ineffective;

(6) the weakness of the world trading system has reduced growth in world ex-

ports, reducing United States employment and standards of living below their potential;

(7) expanded trade benefits all workers in all countries;

(8) the future of the international trading system is currently threatened by inadequate enforcement of trade agreements and currency misalignments;

(9) while the United States is not in a position to dictate economic policy to the rest of the world, the United States is in a position to lead the world and it is in the national interest for the United States to do so;

(10) the debt burden of certain developing countries has resulted in the loss of over 1 million United States export-dependent and import-sensitive jobs;

(11) these developing countries are experiencing a sharp drop in their standard of living;

(12) these countries are more likely to offer meaningful concessions in multilateral trade negotiations and are more likely to fulfill trade liberalization commitments if they can finance the increased level of imports implied by these commitments; and

(13) the President should be authorized and encouraged to negotiate trade agreements and related investment, financial, intellectual property, and services agreements that meet the standards set forth in this Act.

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) The term "barrier" includes any duty or other import restriction.

(2) The term "distortion" includes, but is not limited to, a subsidy.

(3) The term "international trade" includes, but is not limited to—

(A) trade in both goods and services, and

(B) foreign direct investment by United States persons, especially if such investment has implications for trade in goods and services.

(4) The term "state trading enterprise" has the meaning given to such term by section 301(e)(4)(D) of the Trade Act of 1974.

(5) The term "approval resolution" means a concurrent resolution described in section 151(b)(3)(A) of the Trade Act of 1974.

(6) The term "implementing bill" has the meaning given to such term by section 151(b)(1) of the Trade Act of 1974.

(7) Each foreign instrumentality, and each territory or possession of a foreign country, that is administered separately for customs purposes shall be treated as a separate foreign country.

SEC. 103. AUTHORITY FOR INTERNATIONAL TRADE NEGOTIATIONS.

(a) MULTILATERAL TRADE AGREEMENTS.—

(1) Whenever the President determines that any barriers to, or other distortions of, international trade—

(A) unduly burden or restrict the foreign trade of the United States or adversely affect the United States economy, or

(B) are likely to result in such a burden, restriction, or effect,

the President may, during the period described in subsection (c)(1), enter into multilateral trade agreements with foreign countries providing for the reduction or elimination of such barriers or other distortions.

(2) No trade agreement may be entered into under paragraph (1) that provides for a reduction of any rate of duty imposed by the United States (other than a rate of duty that does not exceed 5 percent ad valorem on the date of enactment of this Act) to a rate which is less than 50 percent of the rate of such duty that applies on the date of enactment of this Act.

(b) BILATERAL TRADE AGREEMENTS.—

(1) During the period described in subsection (c)(1), the President may enter into bilateral trade agreements with foreign countries providing for the reduction or elimination of barriers to, or other distortions of, international trade.

(2) Notwithstanding any other provision of law, no trade benefit shall be extended to any country by reason of the extension of any trade benefit to another country under a trade agreement entered into under paragraph (1) with such other country.

(3) A trade agreement may be entered into under paragraph (1) with any foreign country only if—

(A) such foreign country requested the negotiation of such an agreement, and

(B) the President, at least 60 days prior to the date notice is provided under section 104(a)(1)(A)—

(i) provides written notice of such negotiations to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, and

(ii) consults with such committees regarding the negotiation of such agreement.

(4) The 60-day period of time described in paragraph (3)(B) shall be computed in accordance with section 104(c).

(c) RESTRICTIONS ON ENTERING INTO AGREEMENTS UNDER SUBSECTIONS (a) OR (b).—

(1) Agreements may be entered into under subsection (a) or (b) only during the 10-year period beginning on the later of—

(A) January 3, 1988, or

(B) the date of enactment of this Act.

(2)(A) Before entering into the negotiation of an agreement with a foreign country under subsection (a) or (b), the President shall determine—

(i) whether state trading enterprises account for a significant share of—

(I) the exports of such foreign country, or

(II) the goods of such foreign country that are subject to competition from goods imported into such foreign country, and

(ii) whether such state trading enterprises—

(I) unduly burden and restrict, or adversely affect, the foreign trade of the United States or the United States economy, or

(II) are likely to result in such a burden, restriction, or effect.

(B) If both of the determinations made under clauses (i) and (ii) of subparagraph (A) with respect to a foreign country are affirmative, the President may enter into an agreement with such foreign country under subsection (a) or (b) only if such agreement provides that the state trading enterprises of such foreign country—

(i) will make—

(I) purchases which are not for the use of the government of such foreign country, and

(II) sales in international trade,

in accordance with commercial considerations (including price, quality, availability, marketability, and transportation), and

(ii) will afford United States business firms adequate opportunity, in accordance with customary practice, to compete for participation in such purchases or sales.

(C) The President shall publish in the Federal Register each determination made under subparagraph (A).

(3) A trade agreement may be entered into under subsection (a) or (b) only if the trade agreement—

(A) meets at least one of the objectives described in section 105(b);

(B) provides for the reciprocal exchange of obligations that are likely to be no less advantageous to the United States than to the other signatories to such agreement;

(C) provides a reasonable likelihood that the United States can enforce the obligations of such agreements notwithstanding differences between the culture, legal system, and commercial practices of the United States and the culture, legal system, and commercial practices of any other foreign country that is, or may become, a signatory to such agreement; and

(D) complements and reinforces, insofar as practicable—

(i) existing agreements with foreign countries that are not signatories to such agreement, and

(ii) existing United States agreements on related economic subjects.

(4) Before the President enters into any trade agreement under subsection (a) or (b), the President shall consult with the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and with each committee of the House and the Senate and each joint committee of the Congress which has jurisdiction over legislation involving subject matters which would be affected by such trade agreement. Such consultation shall include all matters relating to the implementation of such trade agreement, as provided in section 104. If it is proposed to implement such trade agreement, together with one or more other trade agreements entered into under this section, in a single implementing bill, such consultation shall include the desirability and feasibility of such proposed implementation.

(d) PERIODIC CONSULTATION.—The United States Trade Representative shall consult with interested committees of the Congress on a continuing basis (but no less than once during each calendar year) for the purpose of informing the Members of Congress of—

(1) negotiations being conducted under this section and negotiations the President will initiate under this section,

(2) progress in meeting the objectives described in section 105, and

(3) obstacles to the achievement of such objectives.

SEC. 104. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) Any agreement entered into under section 103 shall enter into force with respect to the United States if (and only if)—

(A) the President has, at least 90 days before the day on which he enters into such trade agreement, notified the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

(B) after entering into the agreement, the President transmits a document to the House of Representatives and to the Senate containing a copy of the final legal text of such agreement together with—

(i) a draft of an implementing bill,

(ii) a statement of any administrative action proposed to implement such agreement,

(iii) an explanation as to how the implementing bill and proposed administrative action change or affect existing law, and

(iv) a statement of the reasons as to how the agreement serves the interests of United States commerce and as to why the implementing bill and proposed administrative action is required or appropriate to carry out the agreement, and

(C) the implementing bill is enacted into law.

(2) To ensure that a foreign country which receives benefits under a trade agreement entered into under section 103 is subject to the obligations imposed by such agreement, the President shall recommend to Congress in the implementing bill and statement of administrative action submitted with respect to such agreement that the benefits and obligations of such agreement apply solely to the parties to such agreement, if such application is consistent with the terms of such agreement. The President may also recommend with respect to any such agreement that the benefits and obligations of such agreement not apply uniformly to all parties to such agreement, if such application is consistent with the terms of such agreement.

(b) LIMITATION ON USE OF EXPEDITED CONGRESSIONAL PROCEDURES.—

(1) The provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) shall apply to an implementing bill submitted by the President with respect to a trade agreement entered into under section 103 only if such implementing bill is submitted to the Congress during the period specified in an approval resolution that has been agreed to by the Congress.

(2) The provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) shall apply to an approval resolution only if the President has submitted to the Congress, by no earlier than 10 days before the date on which such resolution is introduced in either House of the Congress, a statement of trade policy which sets forth—

(A) the current trade policies of the United States regarding—

(i) agricultural trade,

(ii) import-sensitive industries,

(iii) the exchange rate value of the United States dollar against foreign currencies,

(iv) the trade-distorting impact of the balance-of-payments deficits of less developed foreign countries, and

(v) intervention by the Government of the United States and the governments of foreign countries in commercial markets that has an impact on international trade,

(B) a list of those economic sectors in which the United States is, or is likely to become, a major exporter,

(C) a description of the policies, if any, that might affect the strength of the industries listed in subparagraph (B),

(D) an evaluation of the potential of foreign producers in the economic sectors listed in subparagraph (B),

(E) a list of those economic sectors which are, or are reasonably expected to be, experiencing import competition that could cause major adjustments, including—

(i) significant unemployment,

(ii) relocation of employees,

(iii) major investment,

(iv) new methods of manufacturing, or

(v) reduced profits,

(F) the economic policies and potential exports of foreign countries that are major competitors of the United States in the economic sectors listed in subparagraph (E),

(G) the policies of the United States that might affect the competitiveness of the economic sectors listed under subparagraph (E),

(H) the relationship between, and the policy with respect to, trade in goods and other international economic factors, including—

(i) the magnitude of changes in the relative values of the major currencies, (including changes in the rate of exchange of foreign currencies pegged to the United States dollar),

(ii) international exchanges of technology,

(iii) international investment, and

(iv) international service transactions,

(I) a description of developments in the economies of developing countries that have an impact on the standard of living in the United States, including, but not limited to—

(i) indebtedness,

(ii) imports and exports,

(iii) domestic economic policies, and

(iv) relations with international institutions,

(J) the actions the United States is taking, and intends to take, with respect to the developments described in subparagraph (I),

(K) any agreements or other evidence providing proof that the United States has obtained commitments from—

(i) Japan,

(ii) the Federal Republic of Germany, and

(iii) other industrialized foreign countries in similar economic conditions,

to contribute to balanced world economic growth by increasing the share of non-petroleum goods and services imported into their respective countries, and

(L) the relationship between the trade policies set forth under the preceding subparagraphs and the negotiations of trade agreements that are expected to be undertaken during the next 5 years.

(3) The provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) shall not apply to an implementing bill if—

(A) such implementing bill contains a provision approving of any bilateral trade agreement which—

(i) is entered into under section 103(b) with any foreign country, and

(ii) provides for the elimination or reduction of any duty imposed by the United States, and

(B) either—

(i) the requirements of section 103(b)(3) were not met with respect to the negotiation of such agreement, or

(ii) the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives disapproved of the negotiation of such agreement before the close of the 60-day period which begins on the date notice is provided under section 103(b)(3)(B)(i) with respect to the negotiation of such agreement.

(c) COMPUTATION OF CERTAIN PERIODS OF TIME.—Each period of time described in subsections (a)(1)(A) and (b)(3)(B)(ii), and the 10-day period described in subsection (b)(2), shall be computed without regard to—

(1) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House of the Congress is not in session.

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 151(b) of the Trade Act of 1974 (19 U.S.C. 2191(b)(1)) is amended by striking out "section 102" and inserting in lieu thereof "section 102 of this Act or section 104 of the Omnibus Trade Act of 1987".

(2) Paragraph (3) of section 151(b) of the Trade Act of 1974 (19 U.S.C. 2191(b)(3)) is amended to read as follows:

"(3) The term 'approval resolution' means either—

"(A) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress approves the statement of trade policy of the President submitted under section 104(b)(2) of the Omnibus Trade Act of 1987 on ______________, and authorizes the application of section 151 of the Trade Act of 1974 to any implementing bill submitted during the shorter of—

(1) the 5-year period beginning on the date on which this concurrent resolution is agreed to by the Congress, or

(2) the period beginning on the date on which this concurrent resolution is agreed to by the Congress and ending on the date that is 6 months after the last day on which an agreement may be entered into under section 103.',

the blank space being filled with the appropriate date; or

"(B) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress approves the extension of nondiscriminatory treatment with respect to the products of ______________ transmitted by the President to the Congress on ______________.', the first blank space being filled with the name of the country involved and the second blank space being filled with the appropriate date.".

(3) Subsection (c) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191(c)) is amended by adding at the end thereof the following new paragraph:

"(3) By no later than 10 days after the date on which the President submits to the Congress a statement of trade policy under section 104(b)(2), an approval resolution with respect to such report shall be introduced (by request) in the House of Representatives by the majority leader of the House of Representatives, for himself and the minority leader of the House, or by Members of the House of Representatives designated by the majority leader and minority leader of the House of Representatives; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a report is submitted, the approval resolution with respect to such report shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The approval resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the approval resolution introduced in the Senate shall be referred to the Committee on Finance.".

SEC. 105. NEGOTIATING OBJECTIVES.

(a) OVERALL OBJECTIVES.—The overall objectives of the United States in negotiating agreements under section 103 shall be to obtain—

(1) more open, fair, and equitable market access,

(2) the reduction or elimination of barriers and other trade-distorting practices,

(3) an appropriate overall balance between benefits and concessions within the agricultural, manufacturing, mining, and services sectors, and

(4) improved management of the new global economy.

(b) Principal Objectives.—The principal objectives in negotiating agreements under section 103 shall be—

(1) to obtain, with respect to manufacturing, mining, agriculture, services and investment related to trade in such economic sectors, competitive opportunities for United States exports in foreign markets equivalent to the competitive opportunities afforded foreign exports in United States markets,

(2) to bring trade agreements previously entered into, and application and enforcement thereof, into conformity with principles promoting the development of an open, nondiscriminatory, and fair world economic system, including, but not limited to—

(A) the revision of decisionmaking procedures in the General Agreement on Tariffs and Trade (hereafter in this section referred to as 'GATT') to ensure timely and decisive resolution of disputes, including, but not limited to—

(i) the establishment of a standing roster of nongovernmental GATT experts for participation on dispute settlement panels, and

(ii) the establishment of a ministerial-level mechanism for ongoing monitoring of and consultations on the consistency of Contracting Party trade policies with principles embodied in the GATT,

(B) the application of similar rules to the treatment of primary and non-primary products in the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the GATT (relating to subsidies and countervailing measures),

(C) the revision of GATT articles necessary to define and discipline adverse trade effects resulting from the use of resource input subsidies, targeting, and dumped or subsidized inputs,

(D) the extension of GATT articles and codes of conduct to products, sectors, and conditions of trade not presently covered (including, but not limited to, services, investment performance requirements, intellectual property rights and expansion of entity coverage under the Government Procurement Code) in order to move toward more open and fair trade practices,

(E) the revision of GATT articles relating to special and differential treatment for developing countries to establish procedures for gradually reducing nonreciprocal trade benefits to more advanced developing nations,

(F) the revision of Article XII of the GATT in order to address persistent and excessive current account imbalances of any contracting party with the world, including imbalances which threaten the stability of the international trading system,

(G) the accelerated implementation of concessions in any trade agreement by countries with persistent current account surpluses,

(H) any practicable revision of the international trading system to enhance transparency including, but not limited to, substitution or replacement of quantitative restrictions with tariffs or auctioned quotas and the use of tariffs for domestic adjustment,

(I) an increase in GATT coordination with the International Monetary Fund and World Bank to ensure participation of the GATT Secretariat in International Monetary Fund stabilization programs and consideration of World Bank structural adjustment loans,

(J) the establishment of minimum standards applicable to the workplace to provide greater international discipline over abuses of human rights of workers,

(K) the enforcement of GATT rules against—

(i) noncommercial state trading practices described in section 301(e)(4)(B)(ii) of the Trade Act of 1974, and

(ii) unfair trade concessions requirements (within the meaning of section 301(e)(10) of the Trade Act of 1974), and

(L) the revision of GATT with regard to agricultural trade—

(i) to increase United States agricultural exports by eliminating barriers to trade, including transparent and non-transparent barriers,

(ii) to clarify the GATT rules for agricultural trade, which have been the source of considerable confusion, disagreement, and conflict among member nations,

(iii) to make the GATT a useful tool for a free and more open world agricultural trading system by resolving questions pertaining to export subsidies, market pricing, and market access,

(iv) to seek to prevent the harmful external effects of the agricultural policies of the European Communities, and

(v) to seek the elimination of barriers to agricultural trade (including high value-added commodities) in Japan, and

(3) to achieve the objectives described in section 104A of the Trade Act of 1974 (19 U.S.C. 2114a), relating to services, investment, high technology, and technology transfer.

(c) Foreign-Developed Technology.—Section 104A of the Trade Act of 1974 (19 U.S.C. 2114a) is amended—

(1) by redesignating subsection (d) as subsection (e), and

(2) by inserting after subsection (c) the following new subsection:

"(d) Foreign-Developed Technology.—

"(1) In general.—Principal United States negotiating objectives under section 201 shall be to eliminate or reduce foreign barriers to equitable access by United States persons to foreign-development technology, including barriers, acts, policies, or practices which have the effect of—

"(A) restricting the participation of United States persons in government-supported research and development projects,

"(B) denying equitable access by United States persons to government-held patents,

"(C) requiring the approval or agreement of government entities, or other forms of government intervention, as a condition for the granting of licenses to United States persons by foreign persons (except for approval or agreement which may be necessary for national security purposes to control the export of critical military technology), and

"(D) otherwise denying equitable access by United States persons to foreign-developed technology or contributing to the inequitable flow of technology between the United States and its trading partners.

"(2) Domestic objectives.—In pursuing the objectives described in paragraph (1), the United States shall take into account the policies of the United States Government in licensing or otherwise making available to foreign persons technology and other information developed by United States laboratories.".

SEC. 106. TERMINATION AND RESERVATION AUTHORITY; RECIPROCAL NONDISCRIMINATORY TREATMENT; ADVICE.

(a) In General.—For purposes of applying sections 125, 126(a), 127, 131, 132, 133, 134, and 135 of the Trade Act of 1974 (19 U.S.C. 2135, et seq.)—

(1) any trade agreement entered into under section 103 of this Act shall be treated as an agreement entered into under section 102 of the Trade Act of 1974 (19 U.S.C. 2112), and

(2) any proclamation or Executive order issued pursuant to an agreement entered into under section 103 of this Act shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

(b) Reciprocal Nondiscriminatory Treatment.—

(1) The President shall determine, at the close of each 5-year period specified in any approval resolution that is agreed to by the Congress, whether any major industrial country has failed to make concessions under trade agreements entered into under section 103 which provide competitive opportunities for the commerce of the United States in such country substantially equivalent to the competitive opportunities, provided by concessions made by the United States under trade agreements entered into under section 103, for the commerce of such country in the United States.

(2) If the President determines under paragraph (1) that a major industrial country has not made concessions under trade agreements entered into under section 103 which provide substantially equivalent competitive opportunities for the commerce of the United States, the President shall, either generally with respect to such country or by article produced by such country, in order to restore equivalence of competitive opportunities, recommend to the Congress—

(A) legislation providing for the termination or denial of the benefits of concessions of trade agreements entered into under section 103 that have been made with respect to rates of duty or other import restrictions imposed by the United States, and

(B) legislation providing that any law necessary to carry out any trade agreement under section 103 not apply to such country.

(c) Advisory Committees.—Section 135 of the Trade Act of 1974 (19 U.S.C. 2155) is amended by adding at the end thereof the following new subsection:

"(n) A predominant number of the members of any advisory committee established under this section may not belong to the same political party.".

SEC. 107. ACCESSION OF STATE TRADING REGIMES TO EXISTING MULTILATERAL TRADE AGREEMENTS.

(a) In General.—Before any foreign country accedes, after the date of enactment of this Act, to any multinational trade agreement to which the United States is a party, the President shall determine—

(1) whether state trading enterprises account for a significant share of—

(A) the exports of such foreign country, or

(B) the goods of such foreign country that are subject to competition from goods imported into such foreign country, and

(2) whether such state trading enterprises—

(A) unduly burden and restrict, or adversely affect, the foreign trade of the United States or the United States economy, or

(B) are likely to result in such a burden, restriction, or effect.

(b) Effects of Affirmative Determination.—If both of the determinations made under paragraphs (1) and (2) of subsection (a) with respect to a foreign country are affirmative—

(1) the President shall reserve the right of the United States to withhold extension, between the United States and such foreign country, of any multilateral trade agreement to which such foreign country accedes after the date of enactment of this Act, and

(2) such trade agreement shall not apply between the United States and such foreign country until—

(A) such foreign country enters into an agreement with the United States providing that the state trading enterprises of such foreign country—

(i) will—

(I) make purchases which are not for the use of such foreign country, and

(II) make sales in international trade,

in accordance with commercial considerations (including price, quality, availability, marketability, and transportation), and

(ii) will afford United States business firms adequate opportunity, in accordance with customary practice, to compete for participation in such purchases or sales, or

(B) a bill submitted under subsection (c) which approves of the extension of such agreement between the United States and such foreign country is enacted into law.

(c) Expedited Consideration of Bill To Approve Extension.—

(1) The President may submit to the Congress any draft of a bill which approves of the extension of any multilateral trade agreement between the United States and a foreign country.

(2) Any draft of a bill described in paragraph (1) that is submitted by the President to the Congress shall—

(A) be introduced by the majority leader of each House of the Congress (by request) on the first day on which such House is in session after the date such draft is submitted to the Congress, and

(B) shall be treated as an implementing bill for purposes of subsections (d), (e), (f), and (g) of section 151 of the Trade Act of 1974.

(d) Publication.—The President shall publish in the Federal Register each determination made under subsection (a).

SEC. 108. NEGOTIATIONS ON CURRENCY EXCHANGE RATES.

(a) In General.—The President shall take action to initiate bilateral negotiations on an expedited basis with each foreign country (including Hong Kong, the Republic of Korea, and Taiwan) which, formally or informally, pegs its currency to the United States dollar for the purpose of ensuring that such foreign country regularly and promptly adjusts the rate of exchange between the currency of such foreign country and the United States dollar to accurately reflect underlying economic fundamentals.

(b) Semi-annual Report.—The President shall submit to the Congress a semi-annual report on—

(1) actions taken by the President during the preceding 6 months to meet the requirements of subsection (a), and

(2) developments in the rates of exchange among currencies during the preceding 6 months, including—

(A) the degree of change in rates of exchange between the United States dollar and foreign currencies pegged to the United States dollar, and

(B) the reasons for such developments.

TITLE II—ENHANCING COMPETITIVENESS

Subtitle A—Positive Adjustment in Import-Impacted Industries

SEC. 201. INVESTIGATIONS UNDER SECTION 201 OF TRADE ACT OF 1974.

(a) In General.—Chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251, et seq.) is amended to read as follows:

"CHAPTER 1—IMPORT RELIEF

"SEC. 201. INVESTIGATIONS OF INJURY BY THE UNITED STATES INTERNATIONAL TRADE COMMISSION.

"(a)(1) A petition for eligibility for import relief for the purpose of facilitating orderly adjustment to import competition may be filed with the United States International Trade Commission (hereinafter in this chapter referred to as the "Commission") by any entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of an industry. The petition shall include a statement describing the specific purposes for which import relief is being sought, which shall include facilitating the orderly transfer of resources to alternative uses, enhancing competitiveness, or other means of adjustment to new conditions of competition.

"(2) Whenever a petition is filed under this subsection, the Commission shall transmit a copy of the petition to the United States Trade Representative and the agencies directly concerned.

"(b)(1) Upon the request of the President or the United States Trade Representative, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, upon its own motion, or upon the filing of a petition under subsection (a)(1), the Commission shall promptly make an investigation to determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat of serious injury, to the domestic industry producing an article like or directly competitive with the imported article.

"(2) In making determinations under paragraph (1), the Commission shall take into account all economic factors which the Commission considers relevant, including (but not limited to)—

"(A) with respect to serious injury, the significant idling of productive facilities in the industry, the inability of a significant number of firms to operate domestic production facilities at a reasonable level of profit, and significant unemployment or underemployment within the industry;

"(B) with respect to the threat of serious injury—

"(i) a decline in sales or market share in the domestic industry concerned;

"(ii) a higher and growing inventory in the domestic industry concerned (whether maintained by domestic producers, wholesalers, or retailers);

"(iii) a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned;

"(iv) any combination of coordinated foreign government actions, whether carried out severally or jointly, that—

"(I) are bestowed on a specific enterprise, industry, or group thereof the effect of which is to assist the beneficiary to become more competitive in the export of any class or kind of merchandise, and

"(II) causes, or threatens to cause, serious injury to the domestic industry concerned;

"(v) the existence of preliminary or final affirmative antidumping or countervailing duty determinations under section 303 or title VII of the Tariff Act of 1930 with respect to any merchandise that is produced by the domestic industry concerned;

"(vi) the extent to which firms in the domestic industry concerned are unable to maintain existing levels of expenditures on research and development; and

"(vii) the extent to which the United States market is the focal point for diversion of exports of the article that is the subject of the investigation by reason of restraints on—

"(I) exports of such article to, or

"(II) imports of such article into,

the markets of any foreign country;

"(C) with respect to substantial cause, an increase in imports (either actual or relative to domestic production) and a decline in the proportion of the domestic market supplied by domestic producers; and

"(D) the presence or absence of any factor which the Commission is required to evaluate in subparagraphs (A) and (B) shall not necessarily be dispositive of whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat of serious injury, to the domestic industry.

"(3) For purposes of paragraph (1), in determining the domestic industry producing an article like or directly competitive with an imported article, the Commission—

"(A) shall, in the case of a domestic producer which also imports, treat as part of such domestic industry only its domestic production,

"(B) may, in the case of domestic producer which produces more than one article, treat as part of such domestic industry only that portion or subdivision of the producer which produces the like or directly competitive article, and

"(C) may, in the case of one or more domestic producers, who produce a like or directly competitive article in a major geographic area of the United States and whose production facilities in such area for such article constitute a substantial portion of the domestic industry in the United States and primarily serve the market in such area, and where the imports are concentrated in such area, treat as such domestic industry only that segment of the production located in such area.

"(4) For purposes of this section, the term 'substantial cause' means a cause which is important and not less than any other cause.

"(5) In the course of any proceeding under this subsection, the Commission shall, for the purpose of assisting the President in making his determinations under sections 205 and 206, investigate and report on efforts made by firms and workers in the industry to compete more effectively with imports.

"(6) In the course of any proceeding under this subsection, the Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation; and, whenever in the course of its investigation the Commission has reason to believe that the increased imports are attributable in part to circumstances which come within the purview of title VII or section 337 of the Tariff Act of 1930, or other remedial provisions of law, the Commission shall promptly notify the appropriate agency so that such action may be taken as is otherwise authorized by such provisions of law.

"(7) For purposes of this section, the term 'significant idling of productive facilities' includes the closing of plants or the underutilization of production capacity.

"(8) For purposes of this section, imports of like or directly competitive articles by domestic producers in an industry shall not be considered a factor indicating the absence of serious injury, or threat of serious injury, to such industry.

"(9) In the course of any proceeding under this subsection, the Commission shall examine factors other than imports which may be a cause of injury, or threat of injury, to the domestic industry concerned. The findings of such examination shall be included in the report submitted by the Commission to the President under section 204(a).

"(c) In the course of any proceeding under subsection (b), the Commission shall, after reasonable notice, hold public hearings and shall afford interested parties an opportunity to be present, to present evidence, and to be heard at such hearings.

"(d) The Commission shall make the determination required under subsection (b)(1) by no later than the date that is 150 days after the date on which—

"(1) the petition is filed under subsection (a)(1), or

"(2) the date on which—

"(A) the request or resolution is received by the Commission under subsection (b)(1), or

"(B) the motion to initiate the investigation is adopted by the Commission under subsection (b)(1).

"(e)(1) No investigation may be initiated under this section with respect to any domestic industry which was the subject of a previous investigation under this section that resulted in—

"(A) any action described in subparagraph (A), (B), (C), or (D) of section 205(d)(1) being taken under section 205, or

"(B) any exemption being granted to such domestic industry under section 205(d)(2),

at any time during the preceding 10-year period.".

"(2) Except for good cause determined by the Commission to exist, no investigation of the same subject matter as any previous investigation under this section that did not result in any action or exemption described in subparagraph (A) or (B) of paragraph (1) may be initiated under this section during the 1-year period beginning on the date on which the Commission submitted its report to the President of the results of such previous investigation under section 504(a).

"SEC. 202. PROVISIONAL RELIEF UPON FINDING OF CRITICAL CIRCUMSTANCES OR FOR PERISHABLE PRODUCTS.

"(a)(1) If, during the course of an investigation initiated under section 201, the President finds that critical circumstances exist, the President shall impose provisional measures consisting of any actions authorized under section 205(d)(1). Such provisional measures shall remain in effect until the later of—

"(A) the date on which the measures are revoked by the President,

"(B) the date on which the Commission makes a negative determination under section 201(b)(1), or

"(C) the date that is 60 days after the date on which the Commission makes an affirmative determination under section 201(b)(1).

"(2) For purposes of this subsection, critical circumstances exist if a significant increase in imports (actual or relative to domestic production) over a short period of time has led to circumstances in which a delay in the imposition of relief would cause damage to the domestic industry that would be difficult to remedy at the time relief could be provided under section 205.

"(b)(1) If a petition is filed with the Commission under section 201(a) regarding a perishable product and alleges injury from imports of that product, the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted under paragraph (3) with respect to such article.

"(2) Within 14 days after the filing of a petition with the Secretary of Agriculture under paragraph (1)—

"(A) if the Secretary of Agriculture has reason to believe that—

"(i) a perishable product is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product, and

"(ii) emergency action is warranted,

the Secretary of Agriculture shall advise the President and recommend that the President take emergency action, or

"(B) the Secretary of Agriculture shall publish a notice of his determination not to recommend the imposition of emergency action and advise the petitioner.

"(3) Within 7 days after the President receives a recommendation submitted by the Secretary of Agriculture under paragraph (2) to take emergency action, the President shall—

"(A) issue a proclamation that—

"(i) proclaims an increase in, or imposition of, any duty on the article causing serious injury, or threat of serious injury, to such industry,

"(ii) proclaims a tariff-rate quota on such article,

"(iii) proclaims a modification of, or imposition of, any quantitative restriction on the imports into the United States of such article, or

"(iv) takes any combination of the actions described in clauses (i), (ii), or (iii), or

"(B) publish a notice of his determinations not to take emergency action.

"(4) Any emergency relief proclaimed under paragraph (3) shall cease to apply—

"(A) upon the taking of action under section 205;

"(B) on the day on which the President makes a determination not to take action under section 205;

"(C) in the case of a negative determination under section 201(b), on the day the Commission's report is submitted to the President under section 204(a); or

"(D) whenever the President determines that, because of changed circumstances, such relief is no longer warranted.

"SEC. 203. INDUSTRY ADJUSTMENT PLANS.

"(a) Whenever the Commission commences an investigation under section 201, the United States Trade Representative shall establish a plan development group for the domestic industry producing articles like, or directly competitive with the article that is the subject of such investigation.

"(b) Each plan development group established under this section shall consist of—

"(1) individuals (designated by the petitioners if the investigation under section 201 was initiated by reason of a petition filed under section 201(a)) who are representative of the firms and of the workers in the domestic industry, and

"(2) officials of the Office of the United States Trade Representative, the Department of Labor, the Department of Commerce, and such other heads of departments and agencies of the Federal Government as the United States Trade Representative may designate.

"(c)(1) Each plan development group established under this section shall prepare for the industry concerned an assessment of current problems and a strategy to enhance competitiveness that sets forth objectives and specific steps that workers and firms could undertake to—

"(A) improve the ability of the industry to compete,

"(B) assist the industry to adjust to new methods of competition,

"(C) lead to a domestic industry that can be competitive after the expiration of any actions that may be taken under section 205, and

"(D) adjust to import completion through an orderly transfer of resources to alternative uses.

"(2) Each plan development group established under this section shall include in the assessment and strategy prepared under paragraph (1)—

"(A) a determination of the ability of producers in the industry concerned to, and of the manner in which such producers could—

"(i) generate adequate capital to finance the modernization of plant and equipment,

"(ii) improve labor productivity,

"(iii) otherwise enhance competitiveness (including any associated research and development),

"(iv) promote diversification into alternative products, industry consolidation or rationalization, or other forms of adjustment to new competitive conditions specified in such assessment and strategy, or

"(v) enhance opportunities for long-term employment in the industry,

"(B) a determination of the manner in which such producers could achieve the objectives described in clauses (i), (ii), (iii), and (iv) of subparagraph (A), and

"(C) an estimate of the overall capital requirements of such industry.

"(3) The assessment and strategy prepared under paragraph (1) shall set forth those actions which should be taken by the appropriate Federal agencies under existing authority, or under new legislation, to assist in achieving the objectives set forth in the assessment and strategy.

"(4) The assessment and strategy prepared under paragraph (1) shall include a description of all actions which the firms and workers in the domestic industry concerned and the Federal, State, and local governments are taking, or may reasonably be expected to take during the period for which actions are taken under section 205—

"(A) to combat any factors other than imports which may have an adverse impact on the domestic industry,

"(B) to enable the domestic industry concerned to compete more effectively with imports, and

"(C) to adjust to import competition through an orderly transfer of resources to alternative uses.

"(5) The members of the plan development group described in subsection (b)(1) shall submit the assessment and strategy prepared under paragraph (1) to the petitioner, if any, and to the Commission within 120 days after the date on which the Commission commences the investigation with respect to the industry under section 201 and the members of the plan development group described in subsection (b)(2) shall submit to the petitioner, if any, and to the Commission, at the same time, their opinions of the viability of such strategy.

"(d)(1)(A) If—

"(i) the investigation under section 201 is initiated by the filing of a petition under section 201(a), and

"(ii) the Commission makes an affirmative determination under section 201(b)(1),

the petitioner shall submit an adjustment plan to the Commission on the day that is 7 days after the date on which such determination is made. The Commission may allow the petitioner to submit an adjustment plan after such day if the Commission determines that circumstances warrant an extension of the period of time in which to submit an adjustment plan.

"(B) If—

"(i) the investigation under section 201 is not initiated by the filing of a petition under section 201(a), and

"(ii) the Commission makes an affirmative determination under section 201(b)(1),

any trade association, firms, certified or recognized union, or group of workers that represents a significant portion of the domestic industry producing articles like, or directly competitive with, the imported article which is the subject of such investigation may submit an adjustment plan to the Commission during the same period of time within which an adjustment plan could have been submitted by a petitioner under subparagraph (A).

"(C) If more than one adjustment plan is submitted under subparagraph (B), the Commission shall, on the basis of confidential commitments made under subsection (f), select one of such plans to be treated, for purposes of the other provisions of this chapter, as the adjustment plan submitted under this paragraph.

"(2) The adjustment plan which is submitted under paragraph (1) shall set forth—

"(A) the specific objectives of the import relief being requested,

"(B) a schedule for achieving such objectives which—

"(i) coincides with the period for which import relief is requested, and

"(ii) identifies goals that are to be achieved within specific intervals in the period for which import relief is requested, and

"(C) a description of actions which will be taken to achieve such objectives.

"(3) The objectives of the import relief requested in an adjustment plan may include—

"(A) the facilitation of orderly transfer of resources to alternative uses, or

"(B) other means of adjusting to new conditions of competition.

"(4) The adjustment plan submitted under paragraph (1) may address, among other factors, the following factors relating to the domestic industry:

"(A) the level of capital investment,

"(B) production capacity utilization,

"(C) production capacity projections,

"(D) automation of production,

"(E) management innovations,

"(F) labor policy,

"(G) changes in other cost structures, or

"(H) market strategies.

"(e) The United States Trade Representative shall present to the Commission and to the President such opinions of each head of a department or agency of the Federal Government regarding the viability of any adjustment plan submitted under subsection (d)(1) as the United States Trade Representative considers appropriate.

"(f) After an adjustment plan is submitted under subsection (d)(1), the Commission shall seek to obtain, on a confidential basis, commitments from the individual members of the domestic industry concerned regarding—

"(1) how such members intend to act upon the recommended objectives and actions specified in such plan, and

"(2) any other actions such members intend to take which will foster the objectives described in subsection (c)(1).

The Commission shall transmit such commitments, on a confidential basis, to the President, the United States Trade Representative, the Secretary of Labor, the Secretary of Commerce, and any other head of a department or agency of the Federal Government.

"(g) The United States Trade Representative, the Secretary of Labor, the Secretary of Commerce, and such other heads of departments and agencies as the United States Trade Representative may designate shall provide such staff, information, personnel, and administrative services and assistance to plan development groups established under this section as may be necessary to enable such plan development groups to carry out their responsibilities under this section. The United States Trade Representative may request other Executive branch departments and agencies which administer programs that may contribute to enhancing the competitiveness of the domestic industry concerned to assist such plan development groups in carrying out their responsibilities under this section.

"(h)(1) Except as provided in paragraph (2), the antitrust laws shall not apply to—

"(A) any activity of any plan development group established under this section if such activity is necessary for the group to perform its duties pursuant to this section, or

"(B) any activity of the petitioner, or of any person or entity, that is necessary in order to enable the petitioner, or such person or entity, to prepare and submit an adjustment plan under subsection (d)(1).

"(2) Nothing in this subsection shall be construed to provide immunity for any price-fixing agreement, horizontal restraints of trade or group boycotts if such agreement, restraints, or boycotts would otherwise be unlawful.

"(3) For purposes of this subsection, 'antitrust laws' has the meaning given such term in the first section of the Clayton Act and the Federal Trade Commission Act.

"SEC. 204. REPORT AND RECOMMENDATIONS OF THE COMMISSION ON THE INVESTIGATION.

"(a) The Commission shall submit to the President a report on the determination made by the Commission under section 201(b)(1) with respect to each investigation conducted under this section. Such report shall include—

"(1) an explanation of the basis for such determination,

"(2) any dissenting or separate reviews of any Commissioner with respect to such determination,

"(3) a transcript of the hearings conducted with respect to such investigation, and

"(4) any briefs submitted with respect to such investigation.

"(b)(1) If the determination made by the Commission under section 201(b)(1) with respect to imports of an article is affirmative, the Commission shall—

"(A) recommend—

"(i) actions, if any, which the President is authorized to take under subparagraph (A), (B), (C), or (D) of section 205(d)(1) that (alone or in combination with other actions authorized under section 205(d)(1)) create a reasonable expectation that the domestic industry, which is producing an article like, or directly competitive with, such imported article, can compete successfully with the producers of such imported article after the termination of such actions, or

"(ii) if the Commission finds no reasonable expectation that the domestic industry can successfully compete with such producers after termination of any actions authorized under subparagraph (A), (B), (C), or (D) of section 205(d)(1), actions which the President is authorized to take under section 205(d)(1) that are necessary to provide for the orderly transfer of the resources of the domestic industry to other productive pursuits,

"(B) for purposes of limiting any actions taken under section 205, determine the amount of the increase in, or imposition of, any duty or import restriction on such imported article which would prevent or remedy the serious injury, or threat of serious injury, caused by imports of such article, and

"(C) include in the report submitted under subsection (a)—

"(i) the recommendation made under subparagraph (A),

"(ii) an explanation of the basis for such recommendation,

"(iii) a description of the short-term and long-term effects implementation of such recommendation is likely to have on other domestic industries and on consumers,

"(iv) the determination made under subparagraph (B), and

"(v) any dissenting or separate views of Commissioners with respect to such recommendation and determination.

"(2)(A) Any import relief described in subparagraph (A), (B), or (C) of section 205(d)(1) may be recommended under paragraph (1)(A) only to the extent the cumulative impact of such import relief does not exceed the amount determined under paragraph (1)(B).

"(B) The duration of the period for which actions are recommended under paragraph (1)(A) to be taken under section 205 shall not exceed the lesser of—

"(i) if clause (ii) of paragraph (1)(A) does not apply, the period of time described in section 206(c)(1)(B)(i), or

"(ii) if clause (ii) of paragraph (1)(A) applies, the period of time described in section 206(c)(1)(B)(ii), or

"(iii) 8 years.

"(3) If the Commission has made an affirmative determination under section 201(b)(1), the Commission shall—

"(A) after reasonable notice, hold a public hearing on the recommendations the Commission is required to make under paragraph (1)(A) at which all interested parties shall be provided an opportunity to present testimony and evidence,

"(B) take into account in making the recommendations under paragraph (1)(A)—

"(i) the objectives and actions, including the nature and extent of import relief, specified in the adjustment plan submitted under section 203(d)(1), and

"(ii) any confidential commitments obtained under section 203(f).

"(4) For purposes of this subsection, a domestic industry may be considered to be competitive even though the industry is not of the same size and composition as the industry was at the time the petition was filed under section 201(a).

"(c) The Commission shall transmit the adjustment plan submitted to the Commission under section 203(d)(1), and any confidential commitments made under section 203(f) to the President with the report that is submitted under subsection (a).

"(d) The report of the Commission required under subsection (a) shall be submitted to the President at the earliest practicable time, but not later than the date that is 180 days after the date on which the petition is filed under section 201(a) (or the date on which the request or resolution is received, or the motion is adopted, under section 201(b)(1), as the case may be). Upon making such report to the President, the Commission shall promptly make such report public (with the exception of information which the Commission determines to be confidential) and shall publish a summary of such report in the Federal Register.

"(e) The President may request additional information from the Commission within 15 days after the date on which the President receives a report on an affirmative determination of the Commission made under section 201(b)(1). The Commission shall, as soon as practicable but in no event more than 30 days after the date on which it receives such a request, furnish the President additional information with respect to such industry in a supplemental report.

"SEC. 205. ACTION BY THE PRESIDENT IN RESPONSE TO INVESTIGATION.

"(a)(1) If the Commission makes an affirmative determination under section 201(b)(1) that is adopted by a unanimous vote of the members of the Commission voting, the President shall, by proclamation or Executive order issued before the date that is 30 days after the date on which the report on such determination is submitted to the President under section 204(a), take—

"(A) the actions recommended by the Commission under section 204(b)(1)(A), or

"(B) other actions authorized under subsection (d)(1) which are at least substantially equivalent to the actions recommended by the Commission under section 204(b)(1)(A).

"(2) If the President determines that—

"(A) actions authorized under subsection (d)(1) which—

"(i) are not the actions recommended by the Commission under section 204(b)(1)(A), and

"(ii) are not substantially equivalent to such actions,

should be taken under this subsection in lieu of the actions required to be taken under paragraph (1), or

"(B) no action authorized under subsection (d)(1) should be taken under this subsection,

the President shall submit to the Congress on the same day the document required under subsection (c)(3) is submitted to the Congress a draft of a bill described in paragraph (3).

"(3)(A) Any bill submitted by the President under paragraph (2) shall contain—

"(i) a provision waiving the application of paragraph (1) with respect to the recommendations of the Commission contained in a specific report and rescinding any actions taken with respect to such report under paragraph (1) that the President determines should not be taken under this subsection, and

"(ii) provisions implementing the action, if any, that the President determines should be taken with respect to such report.

"(B) Any draft of a bill submitted by the President under paragraph (2) that meets all the requirements of this section and section 206 shall—

"(i) be introduced by the majority leader of each House of the Congress (by request) on the first day on which such House is in session after the date such draft is submitted to the Congress, and

"(ii) be treated as an implementing bill for purposes of subsections (d), (e), (f), and (g) of section 151.

"(b)(1) If the Commission makes an affirmative determination under section 201(b)(1) with respect to an imported article that is adopted by a vote which is not a unanimous vote of the members of the Commission voting, the President shall, by proclamation or Executive order issued before the date that is 75 days (90 days if a request for additional information is submitted under section 204(e)) after the date on which the report on such determination is submitted to the President under section 204(a)—

"(A) take whatever actions authorized under subparagraph (A), (B), (C), or (D) of subsection (d)(1) (alone or in combination with other actions authorized under subsection (d)(1)) that create a reasonable expectation that the domestic industry producing an article like, or directly competitive with, such imported article can compete successfully with the producers of such imported article after the termination of such actions, or

"(B) if the President finds no reasonable expectation that the domestic industry can be successfully competitive with such producers after termination of any actions authorized under subparagraph (A), (B), (C), or (D) of subsection (d)(1), take actions authorized under subsection (d)(1) to provide for the orderly transfer of the resources of the domestic industry to other productive pursuits.

"(2) The President shall not be required to take any action under paragraph (1) which the President determines—

"(A) would be detrimental to the national security of the United States, or

"(B) would cause serious injury to a domestic industry.

"(3) If—

"(A) the President reports under subsection (c)(3) that—

"(i) the President has determined to take actions under paragraph (1) which differs from the actions recommended by the Commission under section 204(b)(1)(A), or

"(ii) the President will not take any actions under paragraph (1), and

"(B) a joint resolution of disapproval described in section 152(a)(1)(A) is enacted into law within the 90-day period beginning on the date on which the document referred to in subsection (c)(3) is submitted to the Congress,

the President shall, by proclamation or Executive order issued before the date that is 30 days after the date of enactment of such joint resolution, take the actions which were recommended by the Commission under section 204(b)(1)(A) and the President may rescind any portion of the proclamation or Executive order issued under paragraph (1) that implemented the actions the President had determined to take.

"(c)(1) By no later than the date that is 60 days (75 days if a request for additional information is submitted under section 204(e)) after the date on which a report is submitted to the President under section 204(a), the President shall determine what actions, if any, the President wants to take under subsection (a) or (b).

"(2) In determining what actions to take under paragraph (1) and the method and duration of such actions, the President shall—

"(A) consult with the interagency trade organization established pursuant to section 242(a) of the Trade Expansion Act of 1962, and consider the recommendations of such organization with regard to such determination, and

"(B) take into account, in addition to such other considerations as he may consider relevant—

"(i) the adjustment plan, and any confidential commitments, transmitted with the report that is submitted under section 204(a);

"(ii) information and advice from the Secretary of Labor on the extent to which workers in the industry have applied for, are receiving, or are likely to receive adjustment assistance under chapter 2 or benefits from other manpower programs;

"(iii) information and advice from the Secretary of Commerce on the extent to which firms in the industry have applied for, are receiving, or are likely to receive adjustment assistance under chapter 3;

"(iv) the probable effectiveness of import relief as a means of promoting adjustment or modernization in order to improve competitive abilities;

"(v) the efforts being made, or to be implemented, by the domestic industry (including any confidential commitments and any actions specified in the adjustment plan that have been transmitted with the report submitted under section 204(a)) to adjust to import competition, and other considerations relative to the position of the industry in the United States economy;

"(vi) the effect of import relief on consumers (including the price and availability of the imported article and the like or directly competitive article produced in the United States) and on competition in the domestic markets for such articles; and

"(vii) the efforts of firms in the domestic industry to provide retraining to workers in the industry.

"(3) By no later than the date that is 60 days (75 days if a request for additional information is submitted under section 204(e)) after the date on which the report is submitted to the President under section 204(a), the President shall submit to the Congress a document which sets forth—

"(A) the actions the President has determined to take under subsection (a) or (b),

"(B) if such actions differ from the actions recommended by the Commission in such report, the reasons for such difference, and

"(C) if the President has determined—

"(i) to take no action under subsection (b), or

"(ii) to take actions under subsection (b) which are insufficient to meet the objectives for which action is required to be taken under subsection (b)(1),

the basis on which such determination was made and the reasons supporting an exemption under subsection (b)(2) from taking actions under subsection (b), and

"(D) any recommendations for legislation which would assist the domestic industry in achieving the degree of competitiveness described in subsection (b)(1).

"(d)(1) The President is authorized to take the following actions under this subsection:

"(A) to proclaim any increase in, or imposition of, any duty on the article which is the subject of the affirmative determination made under section 201(b)(1);

"(B) to proclaim a tariff-rate quota on such article;

"(C) to proclaim a modification of, or an imposition of, any quantitative restriction on the importation into the United States of such article;

"(D) to negotiate, conclude, and carry out orderly marketing agreements with foreign countries limiting the export of such article from foreign countries and the importation into the United States of such article;

"(E) to direct the Secretary of Labor and the Secretary of Commerce to certify as eligible for trade adjustment assistance under chapter 2 or 3 workers and firms in the domestic industry producing articles like, or directly competitive with, such article who file petitions under chapter 2 or 3 for such trade adjustment assistance;

"(F) to direct the Attorney General of the United States to review, in consultation with the Secretary of Commerce, applications from firms in such domestic industry for anti-trust law exemptions granted under paragraph (2);

"(G) to direct the administering authority to initiate, on an accelerated basis, appropriate action under section 303 or title VII of the Tariff Act of 1930, if the President has reason to believe that any foreign government or firm is engaged in any action or practice for which relief is available under such section or title;

"(H) to enter into multilateral negotiations to address problems not susceptible to unilateral solution, such as global oversupply or diversion or imports due to government targeting; or

"(I) to take any combination of the actions described in the preceding subparagraphs.

"(2)(A) Any firm that is part of the domestic industry with respect to which an affirmative determination has been made under section 201(b)(1), may submit to the Attorney General of the United States an application for exemption from section 7 of the Clayton Act (15 U.S.C. 18), section 2 of the Sherman Act (15 U.S.C. 2), and section 1 of the Sherman Act (15 U.S.C. 1) insofar as it applies to mergers and acquisitions, if the President issues under this section an order described in paragraph (1)(F) in response to such determination.

"(B) If directed by the President under subsection (a) or (b) to consider applications submitted under subparagraph (A), the Attorney General, in consultation with the Secretary of Commerce, shall grant the exemption sought upon determination that—

"(i) the applicants are members of the industry determined by the Commission under section 201(b)(1) to have been injured, or to be threatened with injury,

"(ii) the action for which exemption is sought is reasonably related to enhancing competition with foreign competitors to whom market share has been lost, and, considering worldwide competition, outweighs any adverse competitive impact on the domestic market, and

"(iii) the specified action would not violate provisions of the antitrust laws for which exemption cannot be requested.

"(C) The Attorney General of the United States shall report any exemption allowed under this section to the Judiciary Committee and the Ways and Means Committee of the House of Representatives and the Judiciary Committee and the Finance Committee of the Senate.

"(3) In any antidumping or countervailing duty investigation under title VII of the Tariff Act of 1930 that is initiated by reason of an order described in paragraph (1)(G) that is issued under subsection (a) or (b)—

"(A) the finding of the Commission under section 201(b) shall be treated as an affirmative final determination of the Commission under section 705(b) or 735(b) of the Tariff Act of 1930, and

"(B) the period of time in which preliminary and final determinations are to be made under sections 703(b), 705(a), 733(b), and 735(a) shall be reduced by 45 days.

"(e)(1) The cumulative impact of the actions taken under subsection (a) or (b), or proposed in any bill submitted under subsection (a)(2), shall not exceed the amount determined by the Commission under section 204(b)(1)(B).

"(2)(A) No proclamation or order may be issued under this section, and no bill may be submitted under subsection (a)(2), which increases a rate of duty to (or imposes) a rate which is more than 50 percent ad valorem above the rate (if any) existing at the time of the proclamation.

"(B)(i) For purposes of this section—

"(I) the suspension of item 806.30 or 807.00 of the Tariff Schedules of the United States with respect to an article, or

"(II) the suspension of the designation of any article as an eligible article for purposes of title V,

shall be treated as an increase in duty.

"(ii) No proclamation providing for the suspension referred to in clause (i)(I) with respect to any article may be issued under this section unless the Commission, in addition to making an affirmative determination with respect to such article under section 201(b)(1), determines in the course of its investigation that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the application of item 806.30 or item 807.00 of such Schedules.

"(iii) No proclamation which provides solely for a suspension referred to in clause (i)(II) with respect to any article may be issued under this section unless the Commission, in addition to making an affirmative determination with respect to such article under section 201(b)(1), determines in the course of its investigation that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the designation of the article as an eligible article for the purposes of title V.

"(3) Any quantitative restriction proclaimed or ordered under this section, any bill submitted under subsection (a)(2), and any orderly marketing agreement described in subsection (d)(1)(D) that is negotiated under this section shall permit the importation of a quantity or value of the article which is not less than the quantity or value of such article imported into the United States during the most recent period which the President determines is representative of imports of such article.

"(f)(1) Actions that the President proclaims or orders under subsection (a) or (b) shall take effect on or before the close of the period within which such proclamation or order is required to be issued under this section.

"(2) If the President, before the date on which action would otherwise be required to take effect under this subsection, publishes in the Federal Register notice of the intention of the President to negotiate an orderly marketing agreement described in subsection (d)(1)(D) or to enter into multilateral negotiations described in subsection (d)(1)(H), no action shall be required to take effect under this subsection until the day that is 75 days after such date.

"SEC. 206. ADMINISTRATION, REVIEW, AND TERMINATION OF ACTIONS TAKEN BY THE PRESIDENT.

"(a)(1) The President shall by regulations provide for the efficient and fair administration of any action or import restriction proclaimed or ordered under section 205.

"(2) In order to carry out any agreement described in section 205(d)(1)(D), the President is authorized to prescribe regulations governing the entry or withdrawal from warehouse of articles covered by such agreement. In addition, in order to carry out such an agreement concluded with one or more countries accounting for a major part of United States imports of the article covered by such agreement, including imports into a major geographic area of the United States, the President is authorized to issue regulations governing the entry or withdrawal from warehouse of like articles which are the product of countries not parties to such agreement.

"(3) Regulations prescribed under this subsection shall, to the extent practicable and consistent with efficient and fair administration, insure against inequitable sharing of imports by a relatively small number of the larger importers.

"(b)(1) So long as any action described in section 205(d)(1) is taken under section 205, the Commission shall keep under review developments with respect to the industry concerned (including the progress and specific efforts made by the firms in the industry concerned to adjust to import competition) shall make reports to the United States Trade Representative concerning such developments.

"(2)(A) If the United States Trade Representative determines that the firms or workers in the domestic industry are not implementing, or are implementing in an unsatisfactory manner—

"(i) the recommended objectives and actions specified in the adjustment plan submitted to the Commission under section 203(d)(1), or

"(ii) the actions declared in the confidential information obtained under section 203(f),

the United States Trade Representative shall consult with the members of the plan development group established under section 203(a) and with members of the domestic industry on an individual or joint basis, as appropriate.

"(B) If, after consultations are held under subparagraph (A) and after taking into account such other relevant information as may be available, the United States Trade Representative determines that the failure to implement, or failure to implement satisfactorily, the actions described in clause (i) or (ii) of subparagraph (A)—

"(i) is not justified by changed circumstances, and

"(ii) has adversely affected overall implementation of the objectives specified in the adjustment plan,

the United States Trade Representative shall notify the President and the President may request the Commission to issue a report under paragraph (3) within 60 days of the date of such request. After taking such report by the Commission and the determination of the United States Trade Representative into account, the President is authorized to terminate or modify the actions taken under section 205 to assist the industry.

"(3) Upon request of the President or upon its own motion, the Commission shall advise the President of its judgment as to the probable economic effect on the domestic industry concerned of the extension, reduction, or termination of the actions taken under section 205.

"(4) Advice by the Commission under paragraph (3) shall be given on the basis of an investigation during the course of which the Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard.

"(c)(1) Except as otherwise provided in this subsection, the duration of the period in which actions are taken under section 205(b)(1), or provided for in a bill submitted under section 205(a)(2), shall not exceed the lesser of—

"(A) 8 years, or

"(B) the period of time in which—

"(i) the domestic industry can, with the assistance of actions described in subparagraph (A), (B), (C), or (D) of section 205(d)(1), compete successfully after the termination of such actions with the producers of the imported article that is the subject of the affirmative determination under section 201(b)(1), or

"(ii) if section 205(b)(1)(B) applies, the orderly transfer of the resources of the domestic industry can, with the assistance of actions described in section 205(d)(1), be completed.

"(2)(A) Any actions taken under subsection (a) or (b) of section 205 may be extended by the President, at a level of relief no greater than the level in effect immediately before such extension, for one period of not more than 5 years if the President determines, after taking into account the advice received from the Commission under subsection (b) and after taking into account the considerations described in section 205(c)(2), that such extension is appropriate.

"(B) To the extent feasible, any actions described in subparagraphs (A), (B), (C), and (D) of section 205(d)(1) that are taken under this section for a period of more than 3 years shall be phased down during the period of such relief, with the first reduction of relief taking effect no later than the close of the day which is 3 years after the day on which such relief first took effect.

"(C) For purposes of this subsection and subsection (b), the import relief provided in the case of an orderly marketing agreement shall be the level of relief contemplated by such agreement.

"(3)(A) If the action taken under section 205 provides import relief described in subparagraph (A), (B), or (C) of section 205(d)(1), the President may, after such relief takes effect, negotiate orderly marketing agreements with foreign countries, and may, after such agreements take effect, suspend or terminate, in whole or in part, such import relief.

"(B) If the President negotiates under section 205 an orderly marketing agreement described in section 205(d)(1)(D) and such agreement does not continue to be effective, the President may, consistent with the limitations contained in this section, take additional action under section 205.

"(4)(A) Actions taken under section 205(b)(1) may be reduced or terminated by the President if—

"(i) no commitments were made to the Commission under section 203(f) by any members of the domestic industry for which such actions are being taken, and

"(ii) the President determines, after taking into account the advice received from the Commission under subsection (b) and after seeking advice of the Secretary of Commerce and the Secretary of Labor, that—

"(I) the objectives of such action described in subparagraph (A) or (B) of section 205(b)(1) have been achieved, or

"(II) the action is described in subparagraph (A) or (B) of section 205(b)(2).

"(d)(1) After actions taken under section 205 have terminated, the Commission shall evaluate the effectiveness of the actions.

"(2) During the course of the evaluation conducted under paragraph (1), the Commission shall, after reasonable public notice, hold a hearing on the effectiveness of the actions taken under section 205. All interested persons shall have the opportunity to attend such hearing and to present evidence or testimony at such hearing.

"(3) A report on the evaluation made under paragraph (1) and the hearings held under paragraph (2) shall be submitted by the Commission to the President and to the Congress by no later than the date which is 6 months after the date on which the actions taken under section 205 terminated.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 351 of the Trade Expansion Act of 1962 (19 U.S.C. 1981(f)) is amended by inserting after paragraph (2) the following paragraph:

"(3) Upon petition on behalf of the industry concerned, filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any import relief provided pursuant to this section or section 352 is to terminate by reason of the expiration of the initial period therefor, the Commission shall advise the President of its judgment as to the probable economic effect on such industry of such termination.".

(2) Section 123(b)(4) of the Trade Act of 1974 (19 U.S.C. 2133(b)(4)) is amended by striking out "203(h)" and inserting "206(c)".

(3) Section 127(b) of the Trade Act of 1974 (19 U.S.C. 2137(b)) is amended by striking out "203" and inserting "205".

(4) Section 154 of the Trade Act of 1974 (19 U.S.C. 2194) is amended—

(A) by striking out "203(b)" in subsection (a) and inserting in lieu thereof "205(c)(3)", and

(B) by striking out "sections 203(c)," in subsection (b) and inserting in lieu thereof "subsections (a)(3)(C) and (b)(3)(B) of section 205 and sections".

(5) Sections 224 and 264 of the Trade Act of 1974 (19 U.S.C. 2274 and 2354) are each amended by striking out "201" in subsection (b) and inserting "204(a)".

(6) Section 406 of the Trade Act of 1974 (19 U.S.C. 2436) is amended—

(A) by striking out "sections 202 and 203" each place it appears in subsection (b) and inserting "section 205", and

(B) by striking out "202 and 203" in subsection (c) and inserting "205".

(7) Section 213 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703) is amended—

(A) by striking out "proclaimed pursuant to section 203" in subsection (e)(1) and inserting "provided under chapter 1 of title II";

(B) by striking out "(a) and (c) of section 203" in subsection (e)(3) and inserting "chapter 1 of title II";

(C) by striking out "made under subsections (a) and (c) of section 203" in subsection (e)(4) and inserting "issued under chapter 1 of title II";

(D) by striking out "pursuant to section 203" in subsection (e)(5) and inserting "under chapter 1 of title II",

(E) by striking out "subsections (h) and (i) of section 203" in subsection (e)(5) and inserting "section 206";

(F) by striking out "202(a)(1)" in subsection (f)(4)(A) and inserting "205", and

(G) by striking out "pursuant to section 203(b)(2)" in subsection (f)(4)(B) and inserting "under section 205".

(8) Section 307(b)(4) of the Tariff and Trade Act of 1984 (19 U.S.C. 2114d(4)) is amended by striking out "under 203" and inserting "under chapter 1 of title II".

(9) Section 403 of the Tariff and Trade Act of 1984 is amended—

(A) by striking out "under section 201(d)(1)" in subsection (b) and inserting "under section 204(a)",

(B) by striking out "subsections (a) and (c) of section 203" in subsections (c) and (d) of section 403 and inserting "chapter 1 of title II",

(C) by striking out "section 203" in subsection (e)(1) and inserting "chapter 1 of title II", and

(D) by striking out "subsections (h) and (i) of section 203" in subsection (e)(2) and inserting "section 206"; and

(10) Section 404(d) of the Trade and Tariff Act of 1984 is amended—

(A) by striking out "under section 202(a)(1)" and inserting "under chapter 1 of title II", and

(B) by striking out "under section 203(b)(2)" and inserting "under section 205".

(11) Section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)) is amended—

(A) by striking out "201(d)(1)" in paragraph (2) and inserting "204(b)",

(B) by striking out "202 and 203" each place it appears in paragraph (2) and inserting "205",

(C) by striking out "203(b)" in paragraph (2)(B) and inserting "205(c)(3)";

(D) by striking out "203(c)(1)" in paragraph (4) and inserting "205".

(12) The table of contents to the Trade Act of 1974 is amended by striking out the items relating to chapter 1 of title II and inserting in lieu thereof the following:

"CHAPTER 1—IMPORT RELIEF

"Sec. 201. Investigations of injury by the United States Internal Trade Commission.

"Sec. 202. Provisional relief upon finding of critical circumstances or for perishable products.

"Sec. 203. Industry adjustment plans.

"Sec. 204. Report and recommendations of the Commission on the Investigation.

"Sec. 205. Action by the President in response to investigation.

"Sec. 206. Administration, review, and termination of actions taken by the President.".

SEC. 202. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to any investigation initiated under section 201 of the Trade Act of 1974 (19 U.S.C. 2251) after the date of enactment of this Act.

Subtitle B—Trade Competitiveness Assistance

SEC. 211. ELIGIBILITY OF WORKERS AND FIRMS FOR TRADE COMPETITIVENESS ASSISTANCE.

(a) WORKERS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended to read as follows:

"SEC. 222. GROUP ELIGIBILITY REQUIREMENTS.

"(a) The Secretary shall certify a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) as eligible to apply for competitiveness assistance under this chapter if the Secretary determines that—

"(1) a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

"(2) sales or production, or both, of such firm or subdivision have decreased absolutely, and

"(3) increases of imports of articles like or directly competitive with articles—

"(A) which are produced by such workers' firm or appropriate subdivision thereof, or

"(B) to which such workers' firm, or appropriate subdivision thereof, provides essential parts or essential services,

contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

"(b) For purposes of subsection (a)(3), the term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.".

(b) FIRMS.—Subsection (c) of section 251 of the Trade Act of 1974 (19 U.S.C. 2341(c)) is amended to read as follows:

"(c)(1) The Secretary shall certify a firm (including any agricultural firm) as eligible to apply for competitiveness assistance under this chapter if the Secretary determines—

"(A) that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated,

"(B) that—

"(i) sales or production, or both, of such firm have decreased absolutely, or

"(ii) sales or production, or both, of an article that accounted for not less than 25 percent of the total production or sales of the firm during the 12-month period preceding the most recent 12-month period for which data are available have decreased absolutely, and

"(C) increases of imports of articles like or directly competitive with articles—

"(i) which are produced by such firm, or

"(ii) to which such firm provides essential parts or essential services,

contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

"(2) For purposes of paragraph (1)(C), the term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.".

SEC. 212. CASH ASSISTANCE FOR WORKERS.

(a) PARTICIPATION IN TRAINING PROGRAM REQUIRED.—

(1) Paragraph (5) of section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)(5)) is amended to read as follows:

"(5) Such worker—

"(A) is enrolled in a training program approved by the Secretary under section 236(a),

"(B) has, after the date on which the worker became totally separated, or partially separated, from the adversely affected employment, completed a training program approved by the Secretary under section 236(a), or

"(C) has received a written statement certified under subsection (c) after the date described in subparagraph (B).".

(2) Subsection (b) of section 231 of the Trade Act of 1974 (19 U.S.C. 2291(b)) is amended to read as follows:

"(b) If the Secretary determines that—

"(1) the adversely affected worker—

"(A) has failed to begin participation in the training program the enrollment in which meets the requirement of subsection (a)(5), or

"(B) has ceased to participate in such training program before completing such training program, and

"(2) there is no justifiable cause for such failure or cessation,

no trade adjustment allowance may be paid to the adversely affected worker under this part on or after the date of such determination until the adversely affected worker begins or resumes participation in a training program approved under section 236(a).".

(3) Subsection (c) of section 231 of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended to read as follows:

"(c)(1) If the Secretary finds that it is not feasible or appropriate to approve a training program for a worker under section 236(a), the Secretary shall submit to such worker a written statement certifying such finding.

"(2) If a State or State agency has entered into an agreement with the Secretary under section 239 and the State or State agency finds that it is not feasible or appropriate to approve a training program for a worker pursuant to the requirements of section 236(a), the State or State agency shall—

"(A) submit to such worker a written statement certifying such finding, and

"(B) submit to the Secretary a written statement certifying such finding and the reasons for such finding.

"(3) The Secretary shall submit to the Finance Committee of the Senate and to the Ways and Means Committee of the House of Representatives an annual report on the number of workers who received certifications under this subsection during the preceding year.".

(4) Paragraph (3) of section 239(a) of the Trade Act of 1974 (19 U.S.C. 2311(a)(3)) is amended to read as follows:

"(3) will make any certifications required under section 231(c)(2), and".

(b) WEEKLY AMOUNTS OF READJUSTMENT ALLOWANCES.—Section 232 of the Trade Act of 1974 (19 U.S.C. 2292) is amended by striking out "under section 231(c) or 236(c)" in subsection (c) and inserting in lieu thereof "under section 231(b)".

(c) LIMITATIONS.—

(1) Paragraph (1) of section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)(1)) is amended by striking out "52" and inserting in lieu thereof "78".

(2) Paragraph (3) of section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)(3)) is amended to read as follows:

"(3) If the adversely affected worker has received a written statement certified under section 231(c) after the date the worker became totally separated, or partially separated, from adversely affected employment, paragraph (1) shall be applied with respect to such worker by substituting '52' for '78'.".

(3) Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(A) by striking out subsection (b), and

(B) by redesignating subsection (e) as subsection (b).

SEC. 213. JOB TRAINING FOR WORKERS.

(a) APPROVAL REQUIRED; LIMITATION ON COSTS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) by striking out "is available" in subsection (a)(1)(D) and inserting in lieu thereof "is reasonably available",

(2) by striking out "(to the extent appropriated funds are available)" in the first sentence of subsection (a)(1),

(3) by inserting "directly or through a voucher system" after "by the Secretary" in the second sentence of subsection (a)(1),

(4) by redesignating paragraphs (2), (3), and (4) of subsection (a) as paragraphs (3), (4), and (5), respectively, of subsection (a),

(5) by inserting after paragraph (1) of subsection (a) the following new paragraph:

"(2)(A) The aggregate amount of payments that may be made under paragraph (1) for any worker shall not exceed $4,000 for each partial separation or total separation.

"(B) The Secretary may issue more than one voucher under paragraph (1) to a worker with respect to any partial separation or total separation, but the aggregate value of such vouchers shall not exceed the amount of the limitation imposed by subparagraph (A) with respect to such separation.",

(6) by striking out subsection (c), and

(7) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(b) AGREEMENTS WITH THE STATES.—Subsection (f) of section 239 of the Trade Act of 1974 (19 U.S.C. 2311(f)) is amended to read as follows:

"(f) Each cooperating State agency shall, in carrying out subsection (a)(2)—

"(1) advise each adversely affected worker to apply for training under section 236(a) at the time the worker makes application for trade readjustment allowances, and

"(2) as soon as practicable, interview the adversely affected worker regarding suitable training opportunities available to the worker under section 236 and review such opportunities with the worker.".

SEC. 214. SUNSET OF TRADE COMPETITIVENESS ASSISTANCE.

Subsection (b) of section 285 of the Trade Act of 1974 (19 U.S.C. 2271, preceding note) is amended to read as follows:

"(b) No assistance, vouchers, allowances, or other payments may be provided under chapter 2, no technical assistance may be provided under chapter 3, and no duty shall be imposed under section 287, after September 30, 1991.".

SEC. 215. FUNDING OF TRADE COMPETITIVENESS ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by striking out "1989, 1990, and 1991" and inserting in lieu thereof "and 1989".

(2) Subsection (b) of section 256 of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking out "1989, 1990, and 1991" and inserting in lieu thereof "and 1989".

(b) ESTABLISHMENT OF TRUST FUND.—Chapter 5 of title II of the Trade Act of 1974 (19 U.S.C. 2391, et seq.) is amended by inserting after section 285 the following new section:

"SEC. 286. TRADE COMPETITIVENESS ASSISTANCE TRUST FUND.

"(a) There is hereby established within the Treasury of the United States a trust fund to be known as the Trade Competitiveness Assistance Trust Fund (hereinafter in this section referred to as the 'Trust Fund'), consisting of such amounts as may be transferred or credited to the Trust Fund as provided in this section or otherwise appropriated to the Trust Fund.

"(b)(1) The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund that are attributable to the duty imposed by section 287.

"(2) The amounts which are required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

"(c)(1) The Secretary of the Treasury shall be the trustee of the Trust Fund, and shall submit an annual report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the financial condition and the results of the operations of the Trust Fund during the fiscal year preceding the fiscal year in which such report is submitted and on the expected condition and operations of the Trust Fund during the fiscal year in which such report is submitted and the 5 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of the Congress to which the report is made.

"(2)(A) The Secretary of the Treasury shall invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(i) on original issue at the issue price, or

"(ii) by purchase of outstanding obligations at the market price.

"(B) Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

"(C) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

"(d) Amounts in the Trust Fund shall only be available—

"(1) for the payment of drawbacks and refunds of the duty imposed by section 287 that are allowable under any other provision of Federal law, and

"(2) to the extent and in such amounts as may be provided by appropriation Acts, for making expenditures to carry out the provisions of chapters 2 and 3.

None of the amounts in the Trust Fund shall be available for the payment of loans guaranteed under chapter 3 or for any other expenses relating to financial assistance provided under chapter 3.".

(c) CONFORMING AMENDMENTS.—The table of contents for the Trade Act of 1974 is amended by inserting, after the item relating to section 285, the following new items:

"Sec. 286. Trade Competitiveness Trust Fund.

"Sec. 287. Imposition of additional duty.".

SEC. 216. IMPOSITION OF SMALL UNIFORM DUTY ON ALL IMPORTS.

(a) NEGOTIATIONS.—

(1) The President shall undertake negotiations necessary to achieve changes in the General Agreement on Tariffs and Trade that would allow any country to impose a small uniform duty on all imports to such country for the purpose of using the revenue from such duty to fund any program which assists adjustment to import competition.

(2) On the date that is 6 months after the date of enactment of this Act, the President shall submit to the Congress a report on the progress of negotiations conducted under paragraph (1).

(3) On the first day after the date of enactment of this Act on which the General Agreement on Tariffs and Trade allows any country to impose a duty described in paragraph (1), the President shall submit to the Congress a written statement certifying that the General Agreement on Tariffs and Trade allows such a duty.

(b) IMPOSITION OF DUTY.—Chapter 5 of title II of the Trade Act of 1974 (19 U.S.C. 2391, et seq.), as amended by the preceding section of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 287. IMPOSITION OF ADDITIONAL DUTY.

"(a) In addition to any other duty imposed by law, there is hereby imposed a duty on all articles entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

"(b)(1) The rate of the duty imposed by subsection (a) shall be a uniform ad valorem rate proclaimed by the President at least 30 days prior to the date such rate takes effect which is equal to the lesser of—

"(A) 1 percent, or

"(B) a percentage that is sufficient to provide the funding necessary to carry out the provisions of chapters 2 and 3.

"(c)(1) Except as otherwise provided in this subsection, duty-free treatment provided with respect to any article under any other provision of law shall not prevent the imposition of duty with respect to such article by subsection (a).

"(2) No duty shall be imposed by subsection (a) with respect to—

"(A) any article (other than an article provided for in item 870.40, 870.45, 870.50, 870.55, or 870.60 of the Tariff Schedules of the United States) that is treated as duty free under schedule 8 of the Tariff Schedules of the United States, or

"(B) any article which has a value of less than $1,000.".

SEC. 217. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided by this section, the amendments made by this Act shall take effect on the earlier of—

(1) the date that is 3 years after the date of enactment of this Act, or

(2) the date that is 1 year after the date that is 30 days after the date on which the President submits to the Congress the written statement described in section 216(a)(3).

(b) ADDITIONAL DUTY AND TRUST FUND.—

(1) The amendment made by section 216(b) shall apply to any article entered, or withdrawn from warehouse, for consumption after the earlier of—

(A) the date that is 2 years after the date of enactment of this Act, or

(B) the date that is 30 days after the date on which the President submits to the Congress the written statement described in section 216(a)(3).

(2) The amendments made by subsections (b) and (c) of section 215 shall take effect on the earlier of—

(A) the date that is 2 years after the date of enactment of this Act, or

(B) the date that is 30 days after the date on which the President submits to the Congress the written statement described in section 216(a)(3).

(c) NEGOTIATIONS.—The provisions of section 216(a) shall take effect on the date of enactment of this Act.

TITLE III—UNFAIR INTERNATIONAL TRADE PRACTICES INVESTIGATIONS

Subtitle A—Mandatory Responses to Unfair Distortions of International Trade

SEC. 301. AMENDMENTS TO THE NATIONAL TRADE ESTIMATE.

Section 181 of the Trade Act of 1974 (19 U.S.C. 2241) is amended—

(1) by striking out "Not later than the date on which the initial report is required under subsection (b)(1)," in subsection (a)(1) and inserting in lieu thereof "For calendar year 1987, and for each succeeding calendar year,",

(2) by inserting "of each foreign country" after "or practices" in subsection (a)(1)(A),

(3) by striking out "and" at the end of subsection (a)(1)(A)(ii),

(4) by striking out the period at the end of subsection (a)(1)(B) and inserting in lieu thereof "; and",

(5) by adding at the end of subsection (a)(1) the following new subparagraph:

"(C) make an estimate of—

"(i) the value of additional goods and services of the United States, and

"(ii) the value of additional foreign direct investment by United States persons,

that would have been exported to, or invested in, each foreign country during such calendar year if each of such acts, policies, and practices of such country did not exist.",

(6) by striking out "and" at the end of subsection (a)(2)(C),

(7) by striking out the period at the end of subsection (a)(2)(D) and inserting in lieu thereof "; and",

(8) by adding at the end of subsection (a)(2) the following new subparagraph:

"(E) the actual increase in—

"(i) the value of goods and services of the United States exported to, and

"(ii) the value of foreign direct investment made in,

the foreign country during the calendar year for which the estimate under paragraph (1)(C) is made.",

(9) by striking out "the date which is one year after the date of the enactment of the International Trade and Investment Act, and" in subsection (b)(1) and inserting in lieu thereof "March 31 of 1988, and of",

(10) by inserting "for the calendar year preceding such calendar year (which shall be known as the 'National Trade Estimate') to the President," after "under subsection (a)" in subsection (b)(1), and

(11) by striking out "ACTIONS CONCERNING" in the section heading and inserting in lieu thereof "ESTIMATES OF".

SEC. 302. NEGOTIATIONS IN RESPONSE TO ADVERSARIAL TRADE.

(a) IN GENERAL.—If any foreign country—

(1) is identified in the *National Trade Estimate: 1986 Report on Foreign Trade Barriers* submitted under section 181(b) of the Trade Act of 1974 as a country that has acts, policies, or practices described in section 181(a)(1)(A) of such Act, and

(2) is determined by the United States Trade Representative under subsection (b) to be maintaining a consistent pattern of barriers and market distorting practices,

such as those acts, policies, or practices described in section 181(a)(1)(A) of such Act, as in the case of Japan,

the President shall, by no later than the date that is 45 days after the date of enactment of this Act, take action to initiate negotiations between the United States and such foreign country to eliminate all of such acts, policies, and practices.

(b) Determination of Consistent Pattern.—By no later than 30 days after the date of enactment of this Act, the United States Trade Representative shall, with respect to each foreign country described in subsection (a)(1), determine whether such foreign country maintains a consistent pattern of barriers and market distorting practices, such as the acts, policies, or practices described in section 181(a)(1)(A) of the Trade Act of 1974, as in the case of Japan.

(c) Report.—By no later than December 31, 1988, the President shall submit to the Congress a report detailing—

(1) any agreements reached and commitments made pursuant to the negotiations initiated with each foreign country under subsection (a),

(2) any evidence of the increase in United States exports to such foreign country that has occurred as a result of the elimination of the acts, policies, and practices of such foreign country described in section 181(a)(1)(A) of the Trade Act of 1974, and

(3) any evidence that the level of United States exports to such foreign country is commensurate with the level that was reasonably expected to result from the elimination of such acts, policies, and practices.

SEC. 303. MANDATORY INITIATION OF CERTAIN INVESTIGATIONS BY TRADE REPRESENTATIVE.

Subsection (c) of section 302 of the Trade Act of 1974 (19 U.S.C. 2412(c)) is amended—

(1) by inserting "or (2)" after "under paragraph (1)" in paragraph (2),

(2) by redesignating paragraph (2) as paragraph (3), and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) Response to national trade estimates.—

"(A) In general.—The Trade Representative shall, by no later than the date that is 45 days after the date on which the annual National Trade Estimates are submitted to the President under section 181(b), initiate investigations under this chapter with respect to those acts, policies, and practices identified in each of such National Trade Estimates which constitute significant barriers to trade or significant distortions of trade and which—

"(i) are likely to be unjustifiable, or

"(ii) are likely to—

"(I) be acts, policies, or practices described in section 301(a)(1)(B)(ii), and

"(II) if eliminated, result in the greatest expansion of United States exports.

"(B) Exception.—The Trade Representative is not required under this paragraph to initiate an investigation with respect to an act, policy, or practice described in subparagraph (A)(ii) if the Trade Representative determines, after consulting a majority of the representatives of the domestic industry affected by such acts, policies, or practices, that the initiation of such investigation would be detrimental to other efforts being made to eliminate such acts, policies, or practices.

"(C) Significant barriers and distortions defined.—For purposes of this paragraph, a barrier to trade, or a distortion of trade, is significant if—

"(i) the reduction or elimination of the barrier or distortion would establish a precedent that is beneficial to United States exports in general, even though the aggregate value of United States exports directly affected by the barrier or distortion is not large, or

"(ii) the barrier or distortion adversely affects a significant portion of United States exports.".

SEC. 304. ACTIONS IN RESPONSE TO INVESTIGATIONS UNDER TITLE III OF THE TRADE ACT OF 1974.

(a) In General.—Section 304 of the Trade Act of 1974 (19 U.S.C. 2414) is amended to read as follows:

"SEC. 304. ACTIONS IN RESPONSE TO INVESTIGATIONS.

"(a) Determination of Unfair Practices.—

"(1) In general.—By no later than the date that is 9 months after the date on which an investigation is initiated under section 302, the Trade Representative shall determine on the basis of such investigation whether—

"(A) the United States is being denied any rights to which the United States is entitled under any trade agreement, or

"(B) any act, policy, or practice of a foreign country that is the subject of such investigation is described in section 301(a)(1)(B).

"(2) Consultation.—Before making a determination under paragraph (1), the Trade Representative, unless expeditious action is required—

"(A) shall provide opportunity for the presentation of views, including a public hearing if requested by any interested person, and

"(B) shall obtain advice from the appropriate advisory representatives provided for under section 135.

If the Trade Representative does not comply with subparagraphs (A) and (B) because expeditious action is required, the Trade Representative shall, after making the determination under paragraph (1), comply with such subparagraphs.

"(3) Export targeting investigations.—If an investigation is initiated under section 302(a) by reason of a petition that alleges export targeting, the Trade Representative shall make the determination required under paragraph (1) with respect to such allegation by no later than the date that is 6 months after the date on which such investigation is initiated.

"(4) Publication.—The Trade Representative shall publish in the Federal Register any determination made under paragraph (1) with respect to an investigation.

"(b) Action Required To Be Taken.—

"(1) In general.—Except as otherwise provided in this subsection, if the Trade Representative makes an affirmative determination under subsection (a)(1), the President shall, before the earlier of—

"(A) the date that is 15 months after the date on which the investigation is initiated under section 302, or

"(B) the date that is 9 months after the date on which the CONTRACTING PARTIES issue a ruling under the dispute settlement procedures of the General Agreement on Tariffs and Trade with respect to the subject of such affirmative determination that does not conflict with such affirmative determination,

take whatever actions described in subsections (b) and (c) of section 301 that are necessary to enforce all rights, and eliminate or offset all acts, policies, and practices, that are the subject of such affirmative determination.

"(2) Postponement of action.—

"(A) In general.—The President may postpone the date that action is required to be taken under paragraph (1) for a 60-day period by submitting to the Congress a written statement which—

"(i) certifies that progress is being made to—

"(I) enforce the rights of the United States that are the subject of the affirmative determination made under subsection (a)(1), and

"(II) eliminate or reduce the acts, policies, and practices that are the subject of such affirmative determination, and

"(ii) fully describes the factual basis on which such certification is made.

"(B) Limitation on postponements.—No more than 2 postponements may be made under subparagraph (A) with respect to the same investigation under this chapter.

"(3) Exceptions.—The President is not required to take any action under paragraph (1) if—

"(A) the CONTRACTING PARTIES of the General Agreement on Tariffs and Trade make a determination that conflicts with the affirmative determination made by the Trade Representative under subsection (a)(1),

"(B) an agreement is entered into between the United States and the foreign country involved and—

"(i) a majority of the representatives of the domestic industry that would benefit from enforcement of the rights, or elimination of the acts, policies, and practices which were the subject of such affirmative determination agree, or

"(ii) the petitioner, if any, agrees,

that such agreement adequately offsets or eliminates such acts, policies, and practices and enforces such rights, or

"(C) the investigation of such rights, acts, policies, or practices was not initiated by reason of section 302(c)(2)(A)(i) and the President submits to the Congress a written statement certifying that—

"(i) the enforcement of such rights and elimination of such acts, policies, and practices is impossible, and

"(ii) the taking of action under paragraph (1) would not be in the national economic interest.

"(c) Review of Necessity.—

"(1) In general.—If—

"(A) a particular action has been taken under subsection (b) or section 301 continuously during any 7-year period, and

"(B) neither the petitioner nor any representative of the domestic industry described in subsection (b)(3)(B)(i) has submitted to the Trade Representative during the last 60 days of such 7-year period a written request for the continuation of such action,

such action shall terminate at the close of such 7-year period.

"(2) Notice of potential termination.—The Trade Representative shall notify by mail the petitioner and representatives of the domestic industry described in subsection (b)(3)(B)(i) of any termination of action by reason of paragraph (1) at least 60 days before the date of such termination.

"(3) Formal review.—If a request is submitted under paragraph (1)(B) to continue taking a particular action under subsection (b) or section 301, the Trade Representative shall conduct a review of—

"(A) the effectiveness of—

"(i) such action, and

"(ii) other actions that could be taken (including actions against other products or services),

in achieving the objectives described in subsection (b)(1), and

"(B) the effects of such actions on the United States economy, including consumers.

The Trade Representative shall submit a report on such review to the Congress and shall include in such report any modifications the Trade Representative has made, or intends to make, in the actions taken under subsection (b) or section 301 as a result of such review.

"(d) Modification and Termination of Actions.—The President may modify or terminate an action taken under subsection (b) if—

"(1) the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade have determined, or a panel of experts has reported to such CONTRACTING PARTIES, that—

"(A) the action violates, or is inconsistent with, the international obligations of the United States, or

"(B) the foreign act, policy, or practice to which the action responds—

"(i) is not a violation of a trade agreement,

"(ii) is not inconsistent with the provisions of any trade agreement, or

"(iii) does not otherwise deny, nullify, or impair benefits to the United States under any trade agreement,

"(2) subsection (b)(3)(B) applies, or

"(3) the burden or restriction on the United States economy of the denial of rights, or of the acts, policies, and practices, that are the subject of the affirmative determination made under subsection (a)(1) has increased.".

(b) Conforming Amendments.—

(1) The table of contents for the Trade Act of 1974 is amended by striking out the item relating to section 304 and inserting in lieu thereof the following:

"Sec. 304. Actions in response to investigations.".

(2) Section 301 of the Trade Act of 1974 (19 U.S.C. 2411) is amended—

(A) by inserting "or section 304(b)(1)" after "under this section" in subsection (a)(2),

(B) by inserting ", or upon the application of section 304(b)(1)" after "subsection (a)" in subsection (b), and

(C) by striking out "in such subsection" in subsection (b) and inserting in lieu thereof "in subsection (a)".

SEC. 305. MISCELLANEOUS AMENDMENTS TO SECTION 301 OF THE TRADE ACT OF 1974.

(a) Burden on Commerce.—Section 301 of the Trade Act of 1974 (19 U.S.C. 2411) is amended—

(1) by inserting "(or threatens to burden or restrict)" after "restricts" in subsection (a)(1)(B)(ii),

(2) by striking out "or instrumentality" each place it appears, and

(3) by striking out "purpose of this section" in subsection (e) and inserting in lieu thereof "purpose of this chapter".

(4) by adding at the end of subsection (e) the following new paragraphs:

"(7) Burden on United States Commerce.—Acts, policies, and practices of a foreign country which burden United States commerce include, but are not limited to—

"(A) acts, policies, and practices which have an adverse effect on trade between the United States and another foreign country,

"(B) the subsidization of exports of such foreign country that results in the displacement of United States exports to another foreign country,

"(C) the imposition of import restrictions or export performance requirements that result in the diversion of the exports of another foreign country to United States markets, and

"(D) the enforcement of trade restraining agreements that result in the diversion of the exports of another foreign country to United States markets.

"(8) Foreign Instrumentalities and Territories.—Any foreign instrumentality, or any possession or territory of a foreign country, that is administered separately for customs purposes shall be treated as a separate foreign country.".

(b) Negotiated Settlements; Denial of Generalized System of Preferences.—Subsection (b) of section 301 of the Trade Act of 1974 (19 U.S.C. 2411(b)) is amended—

(1) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and

(2) by adding at the end thereof the following new paragraphs:

"(3) enter into binding agreements with such foreign country that fully offset or eliminate any burden or restriction on United States commerce resulting from the acts, policies, or practices of such foreign country described in subsection (a)(1)(B); or

"(4) withdraw, or refrain from proclaiming under title V—

"(A) the designation of such foreign country as a beneficiary developing country, or

"(B) the designation of any product of such foreign country as an eligible article.".

(c) Unreasonable Practices.—Paragraph (3) of section 301(e) of the Trade Act of 1974 (19 U.S.C. 2411(e)(3)) is amended to read as follows:

"(3) Unreasonable.—

"(A) In general.—An act, policy, or practice is unreasonable if the act, policy, or practice, while not necessarily in violation of, or inconsistent with, the international legal rights of the United States, is otherwise unfair and inequitable.

"(B) Inclusions.—Acts, policies, and practices that are unreasonable include, but are not limited to, any act, policy, or practice (or any combination thereof) which—

"(i) denies fair and equitable—

"(I) market opportunities,

"(II) opportunities for the establishment of an enterprise,

"(ii) fails to provide adequate and effective protection of intellectual property rights,

"(iii) constitutes export targeting, or

"(iv) constitutes a requirement of a foreign country that—

"(I) intellectual property be licensed to such foreign country or to any firm of such foreign country, or

"(II) technical information regarding any product or service be submitted to such foreign country,

as a condition for the importation into such foreign country of any product or service of the United States or for the marketing or sale in such foreign country of any product or service of the United States.

"(C) Export targeting.—

"(i) In general.—The term 'export targeting' means any government plan or scheme consisting of a combination of coordinated actions (whether carried out severally or jointly) that are bestowed on a specific enterprise, industry, or group thereof the effect of which is to assist the enterprise, industry, or group to become more competitive in the export of a class or kind of merchandise.

"(ii) Inclusions.—The term 'export targeting' includes, but is not limited to—

"(I) protection of the home market;

"(II) promotion or tolerance of cartels;

"(III) special restrictions on technology transfer imposed for reasons of commercial advantage;

"(IV) discriminatory government procurement or other actions that limit foreign competition in a specific sector or of a specific industry and thereby promote export competitiveness of domestic firms;

"(V) the use of export performance requirements that limit foreign competition in a specific sector or of a specific industry and thereby promote export competitiveness; or

"(VI) subsidization (as defined in section 771(5) of the Tariff Act of 1930).

(d) Service Sector Access Authorization.—Paragraph (6) of section 301(e) of the Trade Act of 1974 (19 U.S.C. 2411(e)(6)) is amended by inserting ", or a foreign supplier of goods related to a service," after "supplier of services".

(e) Mercantilist Practices Affecting Foreign Trade.—Section 301(e)(4) of the Trade Act of 1974 (19 U.S.C. 2411(e)(4)) is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) Certain actions included.—Acts, policies, and practices that are unjustifiable include, but are not limited to, any act, policy, or practice—

"(i) which is described in subparagraph (A) and denies—

"(I) national or most-favored-nation treatment,

"(II) the right of establishment of intellectual property rights, or

"(III) protection of intellectual property rights,

"(ii) which enables a state trading enterprise to—

"(I) compete in international trade with United States firms, or

"(II) make purchases or sales in international trade,

on any basis that is not dependent on commercial considerations (including price, quality, availability, marketability, and transportation),

"(iii) through which a foreign country exercises its authority, influence, or power for the purpose of assisting a state trading enterprise in—

"(I) competing in international trade with United States firms, or

"(II) making purchases or sales in international trade,

on any basis that is not dependent on commercial considerations (including price, quantity, availability, marketability, and transportation), or

"(iv) which fails to afford United States firms adequate opportunity, in accordance with customary business practice, to compete for participation in purchases from, or sales to, state trading enterprises.

"(C) Commercial considerations.—The determination of whether purchases and sales have been based on commercial considerations shall be made on the basis of—

"(i) similar arm's-length commercial purchases and sales by any person or entity that is not a State trading enterprise, or

"(ii) if evidence of arm's-length commercial purchases and sales is insufficient, the constructed value of the merchandise purchased and sold, determined in accordance with section 773(e) of the Tariff Act of 1930.

"(D) State trading enterprise.—The term 'state trading enterprise' means—

"(i) any agency, instrumentality, or administrative unit of a foreign country which—

"(I) purchases goods or services in international trade for any purpose other than the use of such goods or services by such agency, instrumentality, administrative unit, or foreign country, or

"(II) sells goods or services in international trade, or

"(ii) any business firm—

"(I) which is substantially owned or controlled by a foreign country or any agency, instrumentality, or administrative unit of a foreign country,

"(II) which is granted (formally or informally) any special or exclusive privilege by such foreign country, agency, instrumentality, or administrative unit, and

"(III) which purchases goods or services in international trade for any purpose other than the use of such goods or services by such foreign country, agency, instrumentality, or administrative unit, or which sells goods or services in international trade.".

(f) Relief From Unfair Trade Concessions Requirements.—Subsection (e) of section 301 of the Trade Act of 1974 (19 U.S.C. 2411(e)) is amended by adding at the end thereof the following new paragraphs:

"(9) Denies benefits.—An act, policy, or practice of a foreign country denies benefits to the United States under a trade agreement if the act, policy, or practice—

"(A) nullifies, impairs, or impedes attainment of the objectives of such trade agreement, or

"(B) constitutes an unfair trade concessions requirement with respect to any product or service within the purview of such trade agreement.

"(10) Unfair trade concessions requirement.—

"(A) In general.—The term 'unfair trade concessions requirement' means any act, practice, or policy of a foreign government which, as a practical matter, constitutes a requirement that—

"(i) substantial direct investment in the foreign country be made,

"(ii) intellectual property be licensed to the foreign country or to any firm of the foreign country, or

"(iii) other collateral concession be made, as a condition for the importation of any product or service of the United States into the foreign country or as a condition for carrying on business in the foreign country.

"(B) Determinations.—The existence of an unfair trade concessions requirement may be inferred from existing circumstances if direct evidence of any act, practice, or policy of a foreign country constituting a requirement described in subparagraph (A) is not otherwise available.".

SEC. 306. COMPENSATION AUTHORITY.

Section 123 of the Trade Act of 1974 (19 U.S.C. 2133) is amended—

(1) by striking out "section 203" in subsection (a) and inserting in lieu thereof "chapter 1 of title II or chapter 1 of title III", and

(2) by adding at the end thereof the following new subsection:

"(e) The provisions of this section shall apply by reason of action taken under chapter 1 of title III only if the President determines that action authorized under this section is necessary to meet the international obligations of the United States.".

Subtitle B—Improvement in the Enforcement of Antidumping and Countervailing Duties

SEC. 311. CRITICAL CIRCUMSTANCES DETERMINATIONS.

(a)(1) Section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a) is amended by adding at the end thereof the following new subsection:

"(e) Surge of Imports.—

"(1) Monitoring and suspension of liquidation.—If the determination under subsection (c) is affirmative and the petition alleges that a subsidy is inconsistent with the Agreement, or if an investigation is commenced under subsection (a) and the administering authority has reason to believe that a subsidy is inconsistent with the Agreement, the administering authority shall immediately—

"(A) notify the United States Customs Service of such determination and direct customs officers to collect and forward to the administering authority (at least once every 7 days until a final determination is made under section 705(a) or the investigation is terminated) information on the volume and value of entries of the class or kind of merchandise which is the subject of the investigation,

"(B) shall order the suspension of liquidation of all entries of such merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of such determination in the Federal Register, and

"(C) begin monitoring (until a final determination is made under section 705(a) or the investigation is terminated) the volume of imports of such merchandise to determine whether the volume of such imports has significantly increased over the volume of such imports prior to the date on which the petition is filed under subsection (b)(1) or on which the investigation is commenced under subsection (a).

"(2) Publication of determination.—The administering authority shall publish in the Federal Register notice of any affirmative determination made under paragraph (1)(C) as soon as practicable.

"(3) Limitation on determination.—No determination may be made under paragraph (1)(C) prior to the date that is 60 days after—

"(A) the date on which the petition that initiated the investigation is filed under subsection (b), or

"(B) the date on which the investigation is commenced under subsection (a).".

(2)(A) Subsection (b) of section 703 of the Tariff Act of 1930 (19 U.S.C. 1671b(b)) is amended by adding at the end thereof the following sentence: "If the determination of the administering authority under this subsection is negative, the administering authority shall terminate any suspension of liquidation ordered under section 702(e)(1)(B) with respect to the merchandise that is the subject of the investigation.".

(B) Paragraph (1) of section 703(d) of the Tariff Act of 1930 (19 U.S.C. 1671b(d)(1)) is amended by inserting ", if suspension of liquidation has not been ordered under section 702(e)(1)(B)," after "shall".

(C) Paragraph (1) of section 703(e) of the Tariff Act of 1930 (19 U.S.C. 1671b(e)(1)) is amended by striking out "If a petitioner alleges critical circumstances in its original petition, or by amendment" in paragraph (1) and inserting in lieu thereof "If the administering authority has made an affirmative determination under section 702(e)(1)(C)".

(D) Paragraph (2) of section 703(e) of the Tariff Act of 1930 (19 U.S.C. 1671b(e)(2)) is amended to read as follows:

"(2) Suspension of liquidation; posting of bond.—If the determination of the administering authority under paragraph (1) is affirmative—

"(A) the administering authority shall order the posting of a cash deposit, bond, or other security under subsection (d)(2) for, and

"(B) any suspension of liquidation ordered under this subtitle shall apply to, or, if notice of such suspension of liquidation is already published, be amended to apply to, unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which the notice of the preliminary determination made under subsection (b) is published in the Federal Register.".

(3)(A) Section 704 of the Tariff Act of 1930 (19 U.S.C. 1671c) is amended by adding at the end thereof the following new subsection:

"(l) Effect of Termination of Investigation.—If an investigation under this subtitle is terminated, the administering authority shall—

"(1) terminate any suspension of liquidation ordered under this subtitle with respect to entries of the merchandise which was the subject of the investigation, and

"(2) release any cash deposit, bond, or other security required under this subtitle with respect to such entries.".

(B) Paragraph (2) of section 704(f) of the Tariff Act of 1930 (19 U.S.C. 1671c(f)(2)) is amended—

(i) by striking out "section 703(d)(1)" each place it appears and inserting in lieu thereof "this subtitle",

(ii) by striking out "section 703(d)(1)" in subparagraph (A)(iii) and inserting in lieu thereof "section 703(d)(2)", and

(iii) by striking out "pursuant to a previous affirmative preliminary determination" each place it appears and inserting in lieu thereof "under this subtitle".

(C) Paragraph (3) of section 704(h) of the Tariff Act of 1930 (19 U.S.C. 1671c(h)(3)) is amended by striking out "section 703(d)(1)" and inserting in lieu thereof "this subtitle".

(D) Subsection (i) of section 704 of the Tariff Act of 1930 (19 U.S.C. 1671c(i)) is amended by striking out "under section 703(d)(1)" in paragraph (1)(A).

(4)(A) Paragraph (2) of section 705(a) of the Tariff Act of 1930 (19 U.S.C. 1671d(a)(2)) is amended to read as follows:

"(2) Critical circumstances.—If the final determination of the administering authority under paragraph (1) is affirmative and the administering authority has made an affirmative determination under section 702(e)(1)(C), such final determination shall also contain a finding as to whether—

"(A) the alleged subsidy is inconsistent with the Agreement, and

"(B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

Such findings may be affirmative even though the preliminary determination under section 703(e)(1) was negative.".

(B) Paragraph (4) of section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(4)) is amended to read as follows:

"(4) ADDITIONAL FINDING IF THREAT OF INJURY FOUND.—If the final determination of the Commission under paragraph (1) is that there is no material injury but that there is threat of material injury, such determination shall include a finding as to whether material injury by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a) would have been found but for any suspension of liquidation of entries of that merchandise.".

(C) Subparagraph (B) of section 705(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)(1)(B)) is amended by striking out "under paragraphs (1) and (2) of section 703(d) the suspension of liquidation and" and inserting in lieu thereof "the suspension of liquidation of all entries of the merchandise that is the subject of the investigation and shall order under section 703(d)(2)".

(D) Paragraph (2) of section 705(c) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)(2)) is amended—

(i) by striking out subparagraphs (A) and (B), and

(ii) by striking out "and the administering authority shall—" and inserting in lieu thereof a period.

(E) Paragraph (3) of section 705(c) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)) is amended to read as follows:

"(3) EFFECT OF CERTAIN DETERMINATIONS ON SUSPENSIONS OF LIQUIDATION AND COLLECTION OF BOND OR CASH DEPOSIT.—If the determination of the administering authority under subsection (a)(2) is negative or the determination of the Commission under subsection (b)(1) is that there is no material injury but that there is a threat of material injury or that the establishment of an industry in the United States is materially retarded, the administering authority shall—

"(A) terminate any suspension of liquidation ordered under this subtitle of entries of the merchandise entered, or withdrawn from warehouse, for consumption before the date on which the preliminary determination made under section 703(b) was published in the Federal Register, and

"(B) release any bond or other security and refund any cash deposit required under section 703(d)(2) with respect to such entries.".

(F) Paragraph (4) of section 705(c) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)(4)) is amended—

(i) by inserting "or 702(e)(1)(B)" after "section 703(d)" in subparagraph (B),

(ii) by striking out "suspension of liquidation was first ordered" in subparagraph (B) and inserting in lieu thereof "the preliminary determination made under section 703(b) was published in the Federal Register", and

(iii) by striking out "suspension of liquidation is first ordered" in subparagraph (C) and inserting in lieu thereof "the preliminary determination made under section 703(b) was published in the Federal Register".

(5) Subsection (b) of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303(b)) is amended by striking out paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b)(1) Section 732 of the Tariff Act of 1930 (19 U.S.C. 1673a) is amended by adding at the end thereof the following new subsection:

"(e) SURGE OF IMPORTS.—

"(1) MONITORING AND SUSPENSION OF LIQUIDATION.—If the determination under subsection (c) is affirmative, or if the investigation is commenced under subsection (a), the administering authority shall immediately—

"(A) notify the United States Customs Service of such determination and direct customs officers to collect and forward to the administering authority (at least once every 7 days until a final determination is made under section 735(a) or the investigation is terminated) information on the volume and value of entries of the class or kind of merchandise which is the subject of the investigation, and

"(B) begin monitoring (until a final determination is made under section 735(a) or the investigation is terminated) the volume of imports of such merchandise to determine whether the volume of such imports has significantly increased over the volume of such imports prior to the date on which the petition is filed under subsection (b)(1) or on which the investigation is commenced under subsection (a).

"(2) PUBLICATION OF DETERMINATION.—The administering authority shall publish in the Federal Register notice of any affirmative determination made under paragraph (1)(B) as soon as practicable.

"(3) LIMITATION ON DETERMINATION.—No determination may be made under paragraph (1)(B) prior to the date that is 60 days after—

"(A) the date on which the petition that initiated the investigation is filed under subsection (b), or

"(B) the date on which the investigation is commenced under subsection (a).

"(4) SUSPENSION OF LIQUIDATION.—On the date that is 70 days after the date on which a petition is filed under subsection (b), or on which the investigation is commenced under subsection (a), the administering authority shall order the suspension of liquidation of all entries of the merchandise that is the subject of the investigation which are entered, or withdrawn from warehouse, for consumption on or after the date on which such order is issued. Notice of such suspension shall be published in the Federal Register on the date on which such order is issued.".

(2)(A) Paragraph (1) of section 733(b) of the Tariff Act of 1930 (19 U.S.C. 1673b(b)) is amended by adding at the end thereof the following sentence: "If the determination of the administering authority under this paragraph is negative, the administering authority shall terminate the suspension of liquidation ordered under section 732(e)(4).".

(B) Subsection (d) of section 733 of the Tariff Act of 1930 (19 U.S.C. 1673b(d)) is amended by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(C) Paragraph (1) of section 733 of the Tariff Act of 1930 (19 U.S.C. 1673b(d)(1)), as redesignated by subparagraph (B), is amended to read as follows:

"(1) shall order the posting of a cash deposit, bond, or other security, as it deems appropriate, for each entry of the merchandise subject to the investigation which is entered, or withdrawn from warehouse for consumption on or after the date of publication of the notice of such determination in the Federal Register in an amount equal to the estimated average amount by which the foreign market value exceeds the United States price, and".

(D) Paragraph (1) of section 733(e) of the Tariff Act of 1930 (19 U.S.C. 1673b(e)(1)) is amended by striking out "If a petitioner alleges critical circumstances in its original petition, or by amendment" in paragraph (1) and inserting in lieu thereof "If the administering authority has made an affirmative determination under section 732(e)(1)(B)".

(E) Paragraph (2) of section 733(e) of the Tariff Act of 1930 (19 U.S.C. 1673b(e)(2)) is amended to read as follows:

"(2) SUSPENSION OF LIQUIDATION; POSTING OF BOND.—If the determination of the administering authority under paragraph (1) is affirmative—

"(A) the administering authority shall order the posting of a cash deposit, bond, or other security under subsection (d)(1) for, and

"(B) any suspension of liquidation ordered under this subtitle shall apply to, or, if notice of such suspension of liquidation is already published, be amended to apply to, unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which notice of the preliminary determination made under subsection (b) is published in the Federal Register.".

(3)(A) Section 734 of the Tariff Act of 1930 (19 U.S.C. 1673c) is amended by adding at the end thereof the following new subsection:

"(l) EFFECT OF TERMINATION OF INVESTIGATION.—If an investigation under this subtitle is terminated, the administering authority shall—

"(1) terminate any suspension of liquidation ordered under this subtitle with respect to entries of the merchandise which was the subject of the investigation, and

"(2) release any cash deposit, bond, or other security required under this subtitle with respect to such entries.".

(B) Paragraph (2) of section 734(f) of the Tariff Act of 1930 (19 U.S.C. 1673c(f)(2)) is amended—

(i) by striking out "section 733(d)(1)" each place it appears and inserting in lieu thereof "this subtitle",

(ii) by striking out "section 733(d)(2)" each place it appears and inserting in lieu thereof "section 733(d)(1)", and

(iii) by striking out "pursuant to a previous affirmative preliminary determination" each place it appears and inserting in lieu thereof "under this subtitle".

(C) Paragraph (3) of section 734(h) of the Tariff Act of 1930 (19 U.S.C. 1673c(h)(3)) is amended—

(i) by striking out "section 733(d)(1)" and inserting in lieu thereof "this subtitle", and

(ii) by striking out "section 733(d)(2)" and inserting in lieu thereof "section 733(d)(1)".

(D) Subsection (i) of section 734 of the Tariff Act of 1930 (19 U.S.C. 1673c(i)) is amended by striking out "under section 733(d)(1)" in paragraph (1)(A).

(4)(A) Paragraph (3) of section 735(a) of the Tariff Act of 1930 (19 U.S.C. 1673d(a)(3)) is amended to read as follows:

"(3) CRITICAL CIRCUMSTANCES.—If the final determination of the administering authority under paragraph (1) is affirmative and the administering authority has made an affirmative determination under section 732(e)(1)(B), such final determination shall also contain a finding as to whether—

"(A) either—

"(i) there is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

"(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

"(B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

Such findings may be affirmative even though the preliminary determination under section 733(e)(1) was negative.".

(B) Paragraph (4) of section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(4)) is amended to read as follows:

"(4) ADDITIONAL FINDING IF THREAT OF INJURY FOUND.—If the final determination of the Commission under paragraph (1) is that there is no material injury but that there is threat of material injury, such determination shall include a finding as to whether material injury by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a) would have been found but for any suspension of liquidation of entries of that merchandise.".

(C) Paragraph (2) of section 735(c) of the Tariff Act of 1930 (19 U.S.C. 1673d(c)(2)) is amended—

(i) by striking out subparagraphs (A) and (B), and

(ii) by striking out "and the administering authority shall—" and inserting in lieu thereof a period.

(D) Subparagraph (B) of section 735(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(c)(1)(B)) is amended by striking out "under paragraphs (1) and (2) of section 733(d) the suspension of liquidation and" and inserting in lieu thereof "the suspension of liquidation of all entries of the merchandise that is the subject of the investigation and shall order under section 733(d)(1)".

(E) Paragraph (3) of section 735(c) of the Tariff Act of 1930 (19 U.S.C. 1673d(c)) is amended to read as follows:

"(3) EFFECT OF CERTAIN DETERMINATIONS ON SUSPENSIONS OF LIQUIDATION AND COLLECTION OF BOND OR CASH DEPOSIT.—If the determination of the administering authority under subsection (a)(2) is negative or the determination of the Commission under subsection (b)(1) is that there is no material injury but that there is a threat of material injury or that the establishment of an industry in the United States is materially retarded, the administering authority shall—

"(A) terminate any suspension of liquidation ordered under this subtitle of entries of the merchandise that is the subject of the investigation which were entered, or withdrawn from warehouse, for consumption before the date on which the preliminary determination made under section 733(b) was published in the Federal Register, and

"(B) release any bond or other security and refund any cash deposit required under this subtitle with respect to such entries.".

(F) Paragraph (4) of section 735(c) of the Tariff Act of 1930 (19 U.S.C. 1673d(c)(4)) is amended—

(i) by inserting "previously ordered under this subtitle" after "suspension of liquidation" in subparagraph (B),

(ii) by striking out "section 733(d)" in subparagraph (B) and inserting in lieu thereof "section 733(d)(2)",

(iii) by striking out "suspension of liquidation was first ordered" in subparagraph (B) and inserting in lieu thereof "the preliminary determination made under section 733(b) was published in the Federal Register", and

(iv) by striking out "suspension of liquidation is first ordered" in subparagraph (C) and inserting in lieu thereof "the preliminary determination made under section 733(b) was published in the Federal Register".

(5) Paragraph (1) of section 736(b) of the Tariff Act of 1930 (19 U.S.C. 1673e(b)(1)) is amended by striking out "section 733(d)(1)" each place it appears and inserting in lieu thereof "this subtitle".

(6) Subsection (a) of section 737 of the Tariff Act of 1930 (19 U.S.C. 1673f(a)) is amended by striking out "section 733 (D)(2)" in the heading and in the text and inserting in lieu thereof "section 733(d)(1)".

SEC. 312. TRANSACTIONS DESIGNED TO EVADE PAYMENT OF ANTIDUMPING DUTIES.

Subtitle B of title VII of the Tariff Act of 1930 is amended by adding at the end thereof the following new section:

"SEC. 739. TRANSACTIONS DESIGNED TO EVADE PAYMENT OF ANTIDUMPING DUTIES.

"(a) IN GENERAL.—If the administering authority determines that merchandise is imported into the customs territory of the United States by, or for the account of, a manufacturer, producer, seller or exporter (as defined in section 771(13)) for the purpose of absorbing antidumping duties imposed under this title on behalf of a United States purchaser, the administering authority shall declare the importation a sham transaction and direct customs officers to treat the United States purchaser as the importer of record solely liable for the payment of such duties.

"(b) FACTORS TO BE CONSIDERED.—Factors which demonstrate that the transaction is a sham include—

"(1) the manufacturer, producer, seller or exporter had actual or constructive notice of an actual or potential antidumping proceeding;

"(2) the transaction is an unusual method of importation by, or for the account of, the manufacturer, producer, seller or exporter; and

"(3) the size and nature of the exporter's commercial operations with respect to the merchandise in the United States is not significant.".

SEC. 313. DETERMINATIONS OF MATERIAL INJURY INVOLVING FUNGIBLE PRODUCTS.

Paragraph (7) of section 771 of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended by adding at the end thereof the following new subparagraph:

"(G) SPECIAL RULES FOR FUNGIBLE PRODUCTS.—

"(i) IN GENERAL.—The Commission shall not determine that there is an absence of material injury, or an absence of threat of material injury, to United States producers of a fungible product by reason of imports (or sales or offers of sale for importation) of that fungible product solely on the basis of evidence that—

"(I) sales or offers of sale of the imported merchandise were not the first sales or offers at a reduced price in the relevant market;

"(II) price declines of similar magnitude occurred in other comparable markets (including submarkets or localities) where there is a relationship between the prices in such markets and the prices in the import impacted market;

"(III) United States producers also import the merchandise under investigation; or

"(IV) United States producers of the product are profitable.

"(ii) FUNGIBLE PRODUCT DEFINED.—For the purposes of this subparagraph, the term 'fungible product' means merchandise sold by weight or volume without significant product differentiation in such merchandise, whether produced by foreign or domestic producers.".

SEC. 314. DIVERSIONARY INPUT DUMPING.

(a) IN GENERAL.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end thereof the following new paragraph:

"(18) DIVERSIONARY INPUT DUMPING.—

"(A) IN GENERAL.—Diversionary input dumping occurs when any material or component which—

"(i) is incorporated into the merchandise under investigation, and

"(ii) is the subject of—

"(I) an antidumping duty order issued under section 736, or

"(II) an agreement, arrangement, or understanding containing quantitative limitations, restrictions, or other terms relating to the importation into the United States of such material or component which was entered into or undertaken by the United States and any foreign country or foreign customs union after an affirmative preliminary determination was made under section 733(b),

is purchased by the manufacturer or producer of such merchandise at a price that is less than the foreign market value of such material or component determined under section 773(e)(4)(B).".

(b) INVESTIGATION OF DIVERSIONARY INPUT DUMPING.—

(1) Section 732 of the Tariff Act of 1930 (19 U.S.C. 1673a) is amended by adding at the end thereof the following new subsection:

"(e) INVESTIGATION OF DIVERSIONARY INPUT DUMPING.—The administering authority shall investigate whether diversionary input dumping is occurring whenever—

"(1) the administering authority has reasonable grounds to believe or suspect that diversionary input dumping is occurring;

"(2) a material or component described in clause (ii) of section 771(18)(A) is routinely used as a major material or component in manufacturing or producing the merchandise under investigation, and

"(3) official government statistics or other reliable, generally accepted trade statistics indicate that subsequent to the issuance of an antidumping duty order under section 736 or the entry into force of an international agreement or arrangement relating to the importation into the United States of the material or component, the following changes have occurred, as measured by quantity or market share:

"(A) shipments to the United States of the material or component have decreased absolutely or the rate of increase of such shipments has decreased, and

"(B) shipments to the United States of the merchandise under investigation have increased.".

(2) Subsection (b) of section 733 of the Tariff Act of 1930 (19 U.S.C. 1673b(b)) is amended by adding at the end thereof the following new paragraph:

"(3) DIVERSIONARY INPUT DUMPING.—If, before making a preliminary determination under paragraph (1) or (2), the administering authority determines that there is reason to believe or suspect that diversionary input dumping is occurring, the period of time within which a preliminary determination must be made under paragraph (1) or

(2) shall be extended to 190 days (240 days in cases declared extraordinarily complicated under subsection (c)) after the date on which the petition is filed under section 732(b) or the date on which the investigation is initiated under section 732(a).

(3) Subsection (a) of section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d(a)) is amended by adding at the end thereof the following new paragraph:

"(4) DIVERSIONARY INPUT DUMPING.—If, after making a preliminary determination under section 733(b), the administering authority determines that there is reason to believe or suspect that diversionary input dumping is occurring, the period of time within which a final determination must be made under paragraph (1) shall be extended to 105 days (165 days if paragraph (2) applies) after the date on which the preliminary determination was made under section 733(b).".

(c) DETERMINATION OF FOREIGN MARKET VALUE.—

(1) Subsection (a) of section 773 of the Tariff Act of 1930 (19 U.S.C. 1677b(a)) is amended by adding at the end thereof the following:

"(5) DIVERSIONARY INPUT DUMPING.—Notwithstanding paragraph (1), if the administering authority determines that diversionary input dumping is occurring with respect to the merchandise under investigation, the foreign market value of such merchandise shall be the constructed value of such merchandise determined under subsection (e).".

(2) Subsection (e) of section 773 of the Tariff Act of 1930 (19 U.S.C. 1677b(e)) is amended by adding at the end thereof the following new paragraph:

"(4) DIVERSIONARY INPUT DUMPING.—

"(A) IN GENERAL.—If the administering authority determines that diversionary input dumping is occurring, the cost of the material or component involved in the diversionary input dumping that is otherwise calculated under paragraph (1)(A) shall be increased by an amount equal to the excess of—

"(i) the foreign market value of the material or component determined under subparagraph (B), over

"(ii) the price at which the manufacturer or producer of the merchandise under investigation purchased the material or component.

"(B) DETERMINATION OF FOREIGN MARKET VALUE OF MATERIALS AND COMPONENTS.—For purposes of this paragraph, the foreign market value of any material or component involved in diversionary input dumping shall be determined by the administering authority on the basis of the best available evidence, including (but not limited to)—

"(i) any information obtained in the investigation under subtitle B of the merchandise in which such material or component is incorporated,

"(ii) the foreign market value of the material or component used in determining the amount of any antidumping duty that is being imposed under subtitle B with respect to such material or component, or

"(iii) any information gathered in any previous investigation of such material or component under subtitle B.

SEC. 315. DUMPING BY NONMARKET ECONOMY COUNTRIES.

(a) IN GENERAL.—Subsection (c) of section 773 of the Tariff Act of 1930 (19 U.S.C. 1677b) is amended to read as follows:

"(c) NONMARKET ECONOMY COUNTRIES.—

"(1) IN GENERAL.—If—

"(A) the merchandise under investigation is exported from a nonmarket economy country, and

"(B) the administering authority finds that the information submitted by such country does not permit the foreign market value of the merchandise to be accurately determined under subsection (a),

the administering authority shall determine the foreign market value of the merchandise on the basis of the trade-weighted average price at which comparable merchandise, produced by the eligible market economy country with the largest volume of sales in the United States of the comparable merchandise is sold at arms length in the United States during the most recent period for which sufficient information is available.

"(2) NO ELIGIBLE MARKET ECONOMY PRODUCERS.—If the administering authority determines that there is no eligible market economy country, the foreign market value of the merchandise shall be the constructed value, determined in accordance with subsection (e), of comparable merchandise in any country other than a nonmarket economy country.

"(3) SPECIAL RULE FOR FUNGIBLE PRODUCTS.—If the administering authority determines that the merchandise is fungible, taking into account whether it is sold by weight or volume without significant product differentiation in specifications, the foreign market value of the merchandise shall be determined from the factors of production incurred in producing the merchandise, including, but not limited to, hours of labor required, quantities of raw materials employed, amounts of energy and other utilities consumed, and representative capital cost including depreciation, which factors shall be valued from the best available evidence in a market economy or economies deemed to be appropriate by the administering authority, and to which shall be added an amount for general expenses and profit plus the cost of containers, coverings and other expenses, as required by subsection (e).".

(b) NONMARKET ECONOMY COUNTRY AND ELIGIBLE MARKET ECONOMY COUNTRY DEFINED.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end thereof the following new paragraphs:

"(19) NONMARKET ECONOMY COUNTRY.—

"(A) IN GENERAL.—The term 'nonmarket economy country' means any foreign country that the administering authority determines does not operate on market principles of cost or pricing structures, so that sales of merchandise in such country do not reflect the fair value of the merchandise.

"(B) FACTORS TO BE CONSIDERED.—In making determinations under paragraph (A) the administering authority shall take into account—

"(i) the extent to which the currency of the foreign country is convertible into the currency of other countries;

"(ii) the extent to which wage rates in the foreign country are determined by free bargaining between labor and management,

"(iii) the extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country, and

"(iv) such other factors as the administering authority considers appropriate.

"(C) DETERMINATION IN EFFECT.—

"(i) Any determination that a foreign country is a nonmarket economy country shall remain in effect until revoked by the administering authority.

"(ii) The administering authority may make a determination under paragraph (A) with respect to any foreign country at any time.

"(D) DETERMINATIONS NOT IN ISSUE.—Any determination made by the administering authority under paragraph (A) shall not be subject to judicial review, or otherwise contested, in any investigation conducted under subtitle B.

"(20) ELIGIBLE MARKET ECONOMY COUNTRY.—The term 'eligible market economy country' means any foreign country which—

"(A) is not a nonmarket economy country,

"(B) where comparable merchandise is produced and exported, and

"(C) which the administering authority determines is appropriate for use in calculating foreign market value, taking into account factors including, but not limited to—

"(i) whether the comparable merchandise from that country is subject to an antidumping or countervailing duty order,

"(ii) a suspension agreement under section 734 or 704 is in effect for such merchandise, or

"(iii) any international agreement which affects prices or level of imports is in effect for such merchandise, or

"(iv) whether the level of imports is de minimis.".

(c) SUSPENSION OF NONMARKET ECONOMY COUNTRY INVESTIGATIONS.—Section 734 of the Tariff Act of 1930 (19 U.S.C. 1673c) is amended by adding at the end thereof the following new paragraph:

"(1) SPECIAL RULE FOR NONMARKET ECONOMY COUNTRIES.—The administering authority may suspend an investigation where foreign market value is determined under section 1677b of this title upon acceptance of an agreement with a nonmarket economy country government to restrict the volume of imports of merchandise which is the subject of investigation into the United States if the administering authority is satisfied that such agreement satisfies the requirements of subsection (d) and will prevent the suppression or undercutting of price levels of domestic products by imports of that merchandise. If the administering authority determines that an agreement accepted under this subsection no longer prevents the suppression or undercutting of domestic prices, then the provisions of subsection (i) shall be applicable.".

(d) COLLECTION OF INFORMATION.—Upon request, the Commissioner of Customs and the Commission shall provide the administering authority a copy of all public and proprietary information submitted to or obtained by them that the administering authority considers relevant to proceedings involving merchandise from nonmarket economy countries. The administering authority shall protect proprietary information obtained under this section from public disclosure, as provided in section 777.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to investigations commenced after the date of enactment of this Act.

SEC. 316. DOWNSTREAM PRODUCT MONITORING.

Subtitle D of title VII of the Tariff Act of 1930 (19 U.S.C. 1677 et seq.) is amended by adding at the end thereof the following:

"SEC. 780. DOWNSTREAM PRODUCT MONITORING.

"(a) DEFINITIONS.—For purposes of this section—

"(1) The term 'component part' means an imported article that—

"(A) during the 5-year period before the date on which a petition is filed under subsection (b) has been subject to—

"(i) an order issued under this title imposing a countervailing duty or antidumping duty of 15 percent ad valorem or higher, or

"(ii) an agreement entered into under section 704 or 734 after a preliminary affirmative determination under section 703(b) or 733(b)(1) was made involving an estimated net subsidy or net dumping margin of 15 percent ad valorem or higher; and

"(B) because of its inherent characteristics is routinely used as a major part, component, assembly, subassembly, or material in other manufactured articles.

"(2) The term 'downstream product' means any imported manufactured article into which is incorporated any component part.

"(b) Petition Requesting Monitoring.—

"(1) In general.—A domestic producer of an article that is like a component part or a downstream product may petition the administering authority to designate a downstream product for monitoring under subsection (c). The petition shall specify—

"(A) the downstream product;

"(B) the component product incorporated into such downstream product; and

"(C) reasons for suspecting the likely diversion, as a result of the imposition of antidumping or countervailing duties, of exports of the component part to the United States into increased production and exportation to the United States of such downstream product.

"(2) Action on petitions.—Within 14 days after receiving a petition, the administering authority shall determine whether there is a reasonable likelihood that imports into the United States of the downstream product will increase as an indirect result of any diversion with respect to component parts. In making such a determination, the administering authority may, if appropriate, take into account such factors as—

"(A) the value of the component part in relation to the value of the downstream product;

"(B) the extent to which the component part has been substantially transformed as a result of its incorporation into the downstream product; and

"(C) the relationship between the producers of component parts and producers of downstream products.

"(3) Publication of determination.—The administering authority shall publish notice of each determination under paragraph (2) in the Federal Register.

"(4) Determinations not subject to judicial review.—A determination by the administering authority under paragraph (2) is not subject to judicial review.

"(c) ITC Monitoring.—

"(1) Notice to itc.—The administering authority shall immediately inform the Commission of an affirmative determination under subsection (b)(2) regarding a downstream product.

"(2) Monitoring.—The Commission shall immediately commence the monitoring of the levels of trade in downstream products regarding which notice is received under paragraph (1). If the Commission finds that imports from any country of a downstream product being monitored increased during any calendar quarter by 5 percent or more over the preceding quarter, the Commission shall analyze that increase in the context of overall economic conditions in that product sector.

"(3) Reports.—The Commission shall make quarterly reports to the administering authority regarding the monitoring and analyses undertaken under paragraph (2). The Commission shall make the reports available to the public.

"(d) Action on Basis of Monitoring Reports.—The administering authority shall review the information in the reports prepared by the Commission under subsection (c) and—

"(1) consider the information in determining whether to initiate an investigation under section 702(a) or 732(a) regarding any downstream product; and

"(2) request the Commission to cease monitoring any downstream product if the information indicates that imports into the United States are not increasing and there is no reasonable likelihood of diversion with respect to component parts.".

(b) The table of contents for title VII of the Tariff Act of 1930 is amended by adding at the end thereof the following:

"Sec. 780. Downstream product monitoring.".

TITLE IV—INTELLECTUAL PROPERTY RIGHTS

Subtitle A—Intellectual Property Remedies

SEC. 401. REMEDIES UNDER THE TARIFF ACT OF 1930.

(a) In General.—Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a)(1) Subject to paragraph (2), the following are unlawful, and when found by the Commission to exist shall be dealt with, in addition to any other provision of law, as provided in this section:

"(A) Unfair methods of competition and unfair acts in the importation of articles (other than articles provided for in subparagraphs (B), (C), and (D)) into the United States, or in the sale of such articles by the owner, importer, consignee, or agent of either, the threat or effect of which is—

"(i) to destroy or substantially injure an industry, in the United States;

"(ii) to impair or prevent the establishment of such an industry; or

"(iii) to restrain or monopolize trade and commerce in the United States.

"(B) The importation into the United States, or the sale within the United States after importation, of articles that—

"(i) infringe a valid and enforceable United States patent or a valid United States copyright registered under title 17, United States Code; or

"(ii) are made, produced, processed, or mined under, or by means of, a process covered by the claims of a valid and enforceable United States patent.

"(C) The importation into the United States, or the sale within the United States after importation, of articles that infringe a valid and enforceable United States trademark registered under the Trademark Act of 1946.

"(D) The importation of a semiconductor chip product in a manner that constitutes infringement of a mask work registered under chapter 9 of title 17, United States Code.

"(2) Subparagraphs (B), (C), and (D) of paragraph (1) apply only if an industry in the United States, relating to the articles, patent, copyright, trademark, or mask work concerned, exists or is in the process of being established.

"(3) For purposes of paragraph (2), and for purposes of applying paragraph (1)(A) with respect to common law trademarks and trade secrets, an industry in the United States shall be considered to exist if there is in the United States, with respect to the articles, patent, copyright, trademark, trade secrets, or mask work concerned—

"(A) significant investment in plant and equipment;

"(B) significant employment of labor or capital; or

"(C) substantial investment in its exploitation, including engineering, research and development, or licensing.".

(2) Subsection (c) is amended by inserting before the period in the first sentence the following: ", except that the Commission may, by issuing a consent order or on the basis of a settlement agreement, terminate any such investigation, in whole or in part, without making such a determination".

(3) Subsection (e) is amended—

(A) by striking out "If" in the first sentence and inserting "(1) If"; and

(B) by adding at the end thereof the following new paragraphs:

"(2) A complainant may petition the Commission for the issuance of an order under this subsection. The Commission shall make a determination with regard to such petition by no later than the 90th day after the date on which the Commission's notice of investigation is published in the Federal Register. The Commission may extend the 90-day period for an additional 60 days in a case it designates as a more complicated case. The Commission shall publish in the Federal Register its reasons why it designated the case as being more complicated. The Commission may require the petitioner to post a bond as a prerequisite to the issuance of an order under this subsection.

"(3) The Commission may grant preliminary relief under this subsection or subsection (f) with respect to a violation involving a registered trademark, copyright, or mask work or a patent, to the same extent as preliminary injunctions and temporary restraining orders may be granted under the Federal Rules of Civil Procedure.".

(4) Subsection (f) is amended—

(A) by striking out "In lieu of" in paragraph (1) and inserting "In addition to, or in lieu of,"; and

(B) by striking out "$10,000" in paragraph (2) and inserting "$100,000".

(5) Such section is further amended—

(A) by redesignating subsections (g), (h), (i), and (j) as subsections (j), (k), (l), and (m), respectively; and

(B) by inserting after subsection (f) the following new subsection:

"(g)(1) If—

"(A) a complaint is filed against a person under this section;

"(B) the complaint and a notice of investigation are served on the person;

"(C) the person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice;

"(D) the person fails to show good cause why the person should not be found in default; and

"(E) the person seeks relief affecting solely that person,

the Commission shall presume the facts alleged in the complaint to be true and shall, upon request, issue an exclusion from entry or a cease and desist order, or both, which affects only that person unless, after considering the effect of such exclusion or order upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, the Commission finds that such exclusion or order should not be issued.

"(2) A general exclusion from entry of the articles concerned, regardless of the source or importer of the article, may be issued if—

"(A) no person appeared to contest an investigation concerning a violation of the provisions of this section, and

"(B) such a violation is established by substantial, reliable, and probative evidence.

"(h) The Commission may by rule prescribe sanctions for abuse of discovery and abuse of process to the extent authorized by Rule 11 and Rule 37 of the Federal Rules of Civil Procedure.

"(i) FORFEITURE.—

"(1) In addition to taking action under subsection (d), the Commission may issue an order providing that any article imported in violation of the provisions of this section be seized and forfeited to the United States if—

"(A) the owner, importer, or consignee of the article, or any agent thereof, previously attempted to import the article into the United States,

"(B) the article was previously denied entry into the United States by reason of an order issued under subsection (d), and

"(C) upon such previous denial of entry, the Secretary of the Treasury provided the owner, importer, or consignee of the article, or any agent thereof, written notice of—

"(i) such order, and

"(ii) the seizure and forfeiture that would result from any further attempt to import the article into the United States.

"(2) The Commission shall notify the Secretary of the Treasury of any order issued under this subsection and, upon receipt of such notice, the Secretary of the Treasury shall enforce such order in accordance with the provisions of this Act.

"(3) Upon the attempted entry of articles subject to an order issued under this subsection, the Secretary of the Treasury shall immediately notify all ports of entry of the attempted importation and shall identify the persons notified under paragraph (1)(C).

"(4) The Secretary of the Treasury shall provide the written notice described in paragraph (1)(C) to—

"(A) the owner, importer, or consignee of any article that is denied entry into the United States by reason of an order issued under subsection (d), or

"(B) any agent of such owner, importer, or consignee.".

(6) Subsection (k) (as redesignated by paragraph (5)(A) of this section) is amended—

(A) by inserting "(1)" before the first sentence; and

(B) by adding at the end the following:

"(2) If any person who has previously been found by the Commission, on the basis of a contested proceeding, to be in violation of this section petitions the Commission for a determination that the petitioner is no longer in violation of this section or for a modification or rescission of an exclusion from entry or order under subsection (d), (e), (f), (g), or (i)—

"(A) the burden of proof in any proceeding before the Commission regarding such petition shall be on the petitioner; and

"(B) relief may be granted by the Commission with respect to such petition—

"(i) on the basis of new evidence or evidence that could not have been presented at the prior proceeding, or

"(ii) on grounds which would permit relief from a judgment or order under the Federal Rules of Civil Procedure.".

(7) Subsection (l) (as redesignated by paragraph (5)(A) of this section) is amended—

(A) by striking out "claims of United States letters patent" in the first sentence and inserting "proceeding under subsection (a)(1) involving a patent, copyright, trademark, trade secret, or mask work", and

(B) by striking out "a patent owner" in the second sentence and inserting "an owner of the patent, copyright, trademark, trade secret, or mask work".

(8) Such section is further amended by adding at the end the following:

"(n)(1) Information submitted to the Commission or exchanged among the parties in connection with proceedings under this section which is designated as confidential by the person submitting it may not be disclosed (except under a protective order issued under regulations of the Commission which authorizes limited disclosure of such information) to any person (other than a person described in paragraph (2)) without the consent of the person submitting it.

"(2) Notwithstanding the prohibition contained in paragraph (1), information referred to in that paragraph may be disclosed to—

"(A) an officer or employee of the Commission who is directly concerned with carrying out the investigation in connection with which the information is submitted, or

"(B) an officer or employee of the United States Customs Service who is directly involved in administering an exclusion from entry under this section resulting from the investigation in connection with which the information is submitted.".

(b) CONFORMING AMENDMENTS.—Section 337 of the Tariff Act of 1930 (as amended by subsection (a)), is further amended—

(1) by amending subsection (c)—

(A) by striking out "(d) or (e)" and inserting "(d), (e), (f), (i), or (k)",

(B) by striking out "or (f)" and inserting "(f), (g), (i), or (k)", and

(C) by striking out "and (f)" and inserting "(f), and (g)";

(2) by striking out "or (f)" each place it appears in subsection (j) and inserting "(f), (g), or (i)";

(3) by inserting "and no seizure shall be made of any article under subsection (i) until such determination becomes final if such bond is posted" after "becomes final" in subsection (j)(3);

(4) by striking out "(g)" in subsection (k) and inserting "(j)";

(5) by striking out "notifies" in subsection (k) and inserting in lieu thereof ", or order to seize, notifies"; and

(6) by striking out "or (f)" in subsection (l) and inserting "(f), (g) or (i)".

(c) CONFORMING AMENDMENT.—The Act entitled "An Act to limit the importation of products made, produced, processed, or mined under process covered by unexpired valid United States patents, and for other purposes", approved July 2, 1940 (54 Stat. 724, 19 U.S.C. 1337a) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

Subtitle B—Access to Technology

SEC. 411. FINDINGS.

The Congress finds that—

(1) international protection of intellectual property rights is vital to the international competitiveness of the United States and the lack of such protection and enforcement leads to trade distortions and loss of export markets;

(2) United States firms that rely on intellectual property protection are among the most advanced and competitive in the world;

(3) foreign barriers, including restrictions and conditions on investment, licensing, and various other regulatory restrictions on business operations, seriously impede the ability of United States firms that rely on intellectual property protection to operate overseas thereby harming the economic interests of the United States;

(4) improvement in intellectual property rights protection will come about through a combination of negotiation, vigorous enforcement of United States trade laws, and training of developing country officials in the enactment and enforcement of trademark, copyright, and patent laws;

(5) an overall strategy is needed to eliminate the broad variety of unfair and discriminatory trade practices now imposed on United States firms that rely on intellectual property protection;

(6) foreign government requirements to transfer technology or divulge technical data as a condition to importation are unreasonable burdens on United States commerce, result in inequitable flows of technology, and further risk inadequate protection of intellectual property;

(7) the enormous disparity in technology flows is a major factor in the trade gap between the United States and several of its trading partners;

(8) access to basic research and technology developed in foreign countries, including government-owned or government-sponsored research, is essential to achieve reciprocity in international competition; and

(9) equitable technology exchange should be both a bilateral and multilateral negotiating objective.

SEC. 412. MONITORING OF TECHNOLOGY TRANSFERS.

(a) IN GENERAL.—The United States Trade Representative, in conjunction with the National Science Foundation, shall continually monitor the transfer of technology between the United States and foreign countries.

(b) REPORT.—The United States Trade Representative, in conjunction with the National Science Foundation, shall prepare an annual report on the transfer of technology between the United States and foreign countries and include such report in the report submitted to Congressional committees under section 181(b)(1) of the Trade Act of 1974 (19 U.S.C. 2241(b)(1)).

SEC. 413. MONITORING FOREIGN INTELLECTUAL PROPERTY SYSTEMS.

The Secretary of Commerce shall designate a Foreign Commercial Service Officer in a foreign country to be responsible for monitoring and reporting on the status of the intellectual property system in such country, including responsibility for—

(1) the maintenance of current files on intellectual property protection afforded on a sector-by-sector basis by such country;

(2) the filing of an annual report with the Secretary of Commerce on changes to such laws in each sector; and

(3) upon request, informing potential United States exporters and foreign direct investors of protection afforded intellectual property rights in such country.

SEC. 414. FOREIGN ASSISTANCE FOR DEVELOPMENT OF PROGRAMS TO PROTECT INTELLECTUAL PROPERTY RIGHTS.

Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 129. Protection of Intellectual Property Rights.—(a) The Congress finds that the adequate protection of intellectual property rights should be an important element to the commercial, market, and economic development of developing countries encouraged by this chapter.

"(b)(1) The President is authorized to furnish assistance, after consultation with the Secretary of Commerce, on such terms and conditions as he may determine, for programs to aid less developed countries in developing and implementing adequate intellectual property laws and in developing their own indigenous technology.

"(2) The Secretary of Commerce, acting through the Patent and Trademark Office and the United States Copyright Office, shall identify the technical assistance needs of less developed countries under this section.

"(c) The assistance described in subsection (b) shall—

"(1) help provide less developed countries with the resources necessary for the design, development, administration, implementation, and enforcement of a system of intellectual property laws;

"(2) emphasize the creation of a capability within the developing countries to engage in indigenous research and development and to generate the technologies necessary for their economic and social development;

"(3) help build intellectual property systems necessary for a domestic environment capable of supporting research and development;

"(4) expand current programs to aid the development of the research and development capability itself, in exchange for adequate protection of all forms of intellectual property, for foreign as well as domestic innovators; and

"(5) coordinate bilateral scientific exchange programs with the public and private sector to help stimulate local research and development.

"(d) Notwithstanding any other provision of this chapter, funds appropriated pursuant to this chapter shall be available to carry out the provisions of this section.".

SEC. 415. UNITED STATES INTELLECTUAL PROPERTY TRAINING INSTITUTE.

(a) Establishment of Institute.—The Secretary of Commerce, in cooperation with the representatives described in subsection (b), shall establish the United States Intellectual Property Training Institute (hereinafter in this section referred to as the "Institute").

(b) Board of Institute.—The Institute shall be directed by a Board including representatives of—

(1) the Department of Commerce;

(2) the Patent and Trademark Office;

(3) the Copyright Office;

(4) the United States Trade Representative;

(5) the United States Agency for International Development; and

(6) executives of United States corporations which need protection of intellectual property rights in domestic and foreign operations, who shall be designated by the Secretary after consultation with relevant industry sector advisory committees established pursuant to section 135 of the Trade Act of 1974 (19 U.S.C. 2155).

(c) Purposes of the Institute.—

(1) The purpose of the Institute is to train individuals of developing nations in both management and technical skills regarding the protection of intellectual property. Such training shall include individuals who are involved in patent and copyright protections through any government agencies dealing with such protections.

(2) The Institute shall provide training which may include—

(A) recommendations for enforcement of intellectual property laws;

(B) guidelines for the adoption of such an intellectual property law, provisions of a model law, or suggestions for amendments to any such existing law; and

(C) instruction regarding the philosophy of such a law and policy considerations involved in the adoption or amendment, and enforcement of such law.

(d) Financing.—

(1) The Institute shall be established, supported, and maintained by nongovernmental funds and financing. No Federal funds are authorized by this section to be appropriated to establish, support, or maintain the Institute.

(2) Nothing in this subsection may be construed to preclude the Agency for International Development, or any other Federal agency or department, from participating in the activities of the Institute or from making loans or grants to the Institute that are authorized under any provision of law other than this section.

TITLE V—NATIONAL SECURITY

SEC. 501. IMPORTS THAT THREATEN NATIONAL SECURITY.

(a) In General.—Subsection (b) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended—

(1) by striking out "Upon request" and inserting in lieu thereof "(1) Upon request",

(2) by striking out ", Secretary of Commerce,",

(3) by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Commerce",

(4) by striking out "within one year after receiving an application from an interested party or otherwise beginning" and inserting in lieu thereof "by no later than the date that is 6 months after the date on which the Secretary receives a request for an investigation under this section or on which the investigation otherwise begins", and

(5) by adding at the end thereof the following new paragraphs:

"(2)(A) The Secretary shall immediately notify the Secretary of Defense of any investigation initiated under paragraph (1) with respect to imports of an article. Upon receiving such notice, the Secretary of Defense shall conduct a separate defense needs assessment with respect to such article.

"(B) By no later than the date that is 3 months after the date on which the investigation under paragraph (1) of imports of an article is initiated, the Secretary of Defense shall complete the defense needs assessment conducted under subparagraph (A) with respect to such article and submit to the Secretary a report on the assessment. Such report shall be submitted by the Secretary to the President with (and be considered a part of) the report that the Secretary is required to submit to the President under paragraph (1).

"(3)(A) The report submitted by the Secretary under paragraph (1) shall include a written statement by the Secretary of Defense expressing concurrence or disagreement with the findings and recommendations of the Secretary contained in such report and the reasons for such concurrence or disagreement.

"(B) The report submitted by the Secretary under paragraph (1), or any portion of such report (including the report submitted by the Secretary of Defense under paragraph (2)(B)), may be classified only if public disclosure of such report, or of such portion of such report, would clearly be detrimental to the security of the United States.

"(C) Any portion of the report submitted under paragraph (1) which—

"(i) is not classified in accordance with subparagraph (B), and

"(ii) is not proprietary information described in paragraph (7)(A),

shall be published in the Federal Register.

"(4)(A) The President shall take action, or refuse to take action, under paragraph (1) with respect to any report submitted under paragraph (1) by no later than the date that is 90 days after the date on which such report is submitted to the President.

"(B) The President shall make a written statement of the reasons why the President has decided to take action, or refused to take action, under paragraph (1) with respect to each report submitted to the President under paragraph (1). Such statement shall be included in the report published under subsection (d).".

(b) Clarifying Amendment.—Subsection (d) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended by inserting "in the Federal Register" after "published".

TITLE VI—FORMULATION OF UNITED STATES TRADE POLICY

SEC. 601. TRADE IMPACT STATEMENTS.

(a) Department and Agency Actions.—

(1) Except as otherwise provided in this subsection, the head of each department and agency of the Federal Government shall, before taking any major action that may affect international trade—

(A) study the potential impact such action will have on—

(i) the international trade of the United States, and

(ii) the ability of United States firms to compete in foreign markets,

(B) prepare a detailed statement on such study, and

(C) make such statement available to the public.

(2) In the case of emergency action, the statement required under paragraph (1)(B) may be published immediately after the actions affecting international trade is taken.

(3) The provisions of this subsection shall not apply with respect to actions taken under the Trading With The Enemy Act.

(4) The provisions of this subsection shall not apply to actions that are the subject of a report or consultation required under the Export Administration Act, but such a report or consultation shall include a statement on the impact such action will have on—

(A) the international trade of the United States, and

(B) the ability of the United States to compete in foreign markets.

(b) Legislation.—The head of each department and agency of the Federal Government shall include with any reports or recommendations made to the Congress regarding proposed legislation, a detailed statement of the impact of such legislation on—

(1) the international trade of the United States, and

(2) the ability of United States firms to compete in foreign markets.

SEC. 602. NATIONAL TRADE COUNCIL.

(a) In General.—Section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872) is amended to read as follows:

"SEC. 242. NATIONAL TRADE COUNCIL.

"(a) Establishment.—There is hereby established in the Executive Office of the President a council to be known as the National Trade Council (hereafter referred to in this section as the 'Council').

"(b) Membership.—The Council shall be composed of—

"(1) the President;

"(2) the Vice President;

"(3) the Secretary of State;

"(4) the Secretary of the Treasury;

"(5) the Secretary of Defense;

"(6) the Secretary of Agriculture;

"(7) the Secretary of Commerce;

"(8) the Secretary of Labor; and

"(9) the United States Trade Representative.

"(c) Presiding Officer.—The President shall preside over meetings of the Council. In the President's absence, the United States Trade Representative shall preside over meetings of the Council.

"(d) Functions.—

"(1) The Council shall advise the President with respect to the integration of national and international policies relating to trade so as to enable the President and the departments and agencies of the Federal Government to cooperate more effectively in matters involving international trade.

"(2) In addition to performing such other functions as the President may direct, for the purposes of more effectively coordinating the policies and functions of the departments and agencies of the Federal Government relating to international trade and making recommendations to the President, the Council shall, subject to the direction of the President—

"(A) assess and appraise the international trade policies (including commodity and direct investment matters) and international trade objectives of the United States,

"(B) consider policies on matters of common interest to the departments and agencies of the Federal Government concerned with international trade,

"(C) consider the relationship between the standard of living in the United States and the international trade policies of the United States, and

"(D) evaluate the effects of the international trade policies and objectives of the United States on the national security.

"(e) Staff.—The United States Trade Representative shall provide such personnel as staff for the Council as are necessary to enable the Council to carry out the functions of the Council.

"(f) Consultation.—In carrying out the functions of the Council, each member of the Council shall consult with—

"(1) committees established to advise the department, agency, or office of which such member is the head,

"(2) advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), and

"(3) other representatives of the private sector.

"(g) Recommendations and Reports.—The Council shall, from time to time, make such recommendations and such reports to the President as the Council considers to be appropriate or as the President may request.".

(b) Trade Policy Committee.—The Trade Policy Committee shall terminate on the date of enactment of this Act.

SEC. 603. NATIONAL TRADE DATA BANK.

(a) National Trade Data Committee.—

(1) There is hereby established the "National Trade Data Committee" (hereafter in this section referred to as the "Committee").

(2) The Committee shall consist of—

(A) the United States Trade Representative,

(B) the Commissioners of the United States International Trade Commission,

(C) the Secretary of Commerce,

(D) the Secretary of Agriculture,

(E) the Secretary of State, and

(F) the Director of Central Intelligence.

(3) The chairman of the United States International Trade Commission shall be the chairman of the Committee.

(b) Functions.—

(1) The Committee shall, through coordination of the actions of the agencies of the Federal Government—

(A) establish and maintain a National Trade Data Bank,

(B) provide for the analysis of information in the National Trade Data Bank,

(C) disseminate such information in a timely manner to business firms in the private sector that are engaged in export related activities, and

(D) coordinate the gathering and dissemination of commercial information relating to international trade by the Federal Government.

(2) The National Trade Data Bank which is required to be established under paragraph (1) may consist of economic and trade data collected by the Federal Government, including (but not limited to)—

(A) information on each foreign country such as—

(i) the general economic conditions and demographics,

(ii) common business practices,

(iii) tariffs and trade barriers, and

(iv) other laws and regulations regarding imports and licensing;

(B) information on specific industrial sectors within each foreign country such as—

(i) size of the market,

(ii) distribution of products,

(iii) competition,

(iv) applicable laws, regulations, specifications, and standards,

(v) consultants,

(vi) appropriate government officials, and

(vii) trade associations;

(C) information on specific business opportunities in each foreign country;

(D) general import and export data for the United States and for each foreign country;

(E) industry specific import and export data for each foreign country;

(F) product and service specific import and export data for the United States;

(G) market penetration ratios for imports to the United States and country of origin for imports to the United States;

(H) rank ordered national destinations for exports of the United States;

(I) exchange rates of all foreign currencies;

(J) market research, including industry and demographic trends for each foreign country with lists of marketing contacts and lists of foreign firms;

(K) product and process patent, copyright, trademark, and mask work (within the meaning of section 901 of title 17, United States Code) information for each nation for at least the 2 most recent years;

(L) general labor market information;

(M) internationally comparable wage rates;

(N) foreign and domestic—

(i) unemployment rates;

(ii) availability of skilled and professional workers;

(iii) hiring and firing restrictions; and

(iv) labor productivity trends;

(O) comparative international tax rate information;

(P) export financing information, including the availability of funds for United States exporters and foreign competitors;

(Q) information regarding the trade actions of foreign governments;

(R) information concerning capital markets, interest rates, and the cost and availability of capital;

(S) National Input and Output Tables compiled by the Department of Commerce for the United States and other nations; and

(T) any other information that the Committee determines to be useful in carrying out the purposes of this section.

(3) The National Trade Data Bank which is required to be established under paragraph (1) shall—

(A) be designed to utilize state-of-the-art data processing and retrieval equipment in monitoring, organizing, analyzing, and disseminating the information described in paragraph (2),

(B) use the most effective and meaningful means of organizing and making such information available to—

(i) United States business firms,

(ii) United States workers,

(iii) United States industry associations,

(iv) United States agricultural interests,

(v) State and local economic development agencies, and

(vi) other interested United States persons who could benefit from such information, and

(C) be of such quality and in such form as to assist coordinated trade strategies for the United States.

(4) The National Trade Data Bank established pursuant to paragraph (1) shall—

(A) collect and disseminate—

(i) information on service sector economic activity that is at least as complete and timely as information on economic activity in the merchandise sector, and

(ii) a broad base of monthly information on the service sector of the economy, and

(B) provide—

(i) a new benchmark survey of unaffiliated service transactions, including (but not limited to)—

(I) banking services,

(II) computer software services,

(III) brokerage services,

(IV) transportation services,

(V) travel services,

(VI) engineering services, and

(VII) construction services, and

(ii) an index of leading indicators which includes measurement of service sector activity in direct proportion to the contribution of the service sector to the gross national product of the United States.

(5) The National Trade Data Bank established pursuant to paragraph (1) shall not include any information—

(A) which is collected by the Federal Government in connection with any investigation, and

(B) the disclosure of which to the public is prohibited under any other provision of law.

(6) In carrying out the provisions of this section, the Committee shall consult with—

(A) advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), and

(B) other representatives of the private sector.

(c) Cooperation.—Each Federal department and agency shall cooperate with the Committee by making information available for assimilation into the National Trade Data Bank.

(d) Reports.—By no later than December 31 of each calendar year, the Committee shall submit a report to Congress—

(A) assessing the current quality, comprehensiveness, and public and private accessibility of trade data;

(B) describing actions taken pursuant to this section, particularly—

(i) actions taken during the 3-month period beginning on the date of enactment of this Act to provide the new benchmark survey described in subsection (b)(4)(B)(i), and

(ii) action taken during the 1-year period beginning on the date of enactment of this Act to provide the information on services described in subparagraphs (A) and (B)(ii) of subsection (b)(4).

(C) describing actions planned to be taken pursuant to this section;

(D) recommending executive and legislative actions which would ensure that United States citizens and firms obtain access to the data banks of foreign countries that is similar to the access provided foreign citizens and firms to the National Trade Data Bank established pursuant to subsection (b)(1); and

(E) recommending other legislative actions which further the purposes of this section.

(e) Coordination With Office of Information.—Section 3518 of title 44, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The provisions of this chapter shall not apply with respect to—

"(1) economic and trade data described in section 603(b) of the Omnibus Trade Act of 1986 and any other economic or trade data which the National Trade Data Committee determines to include in the National Trade Data Bank established under section 603(b)(1) of such Act,

"(2) any actions taken by the National Trade Data Committee under the authority of section 603 of such Act, and

"(3) any actions taken by any officers or employees of the Federal Government in cooperating with requests made by the National Trade Data Committee for the purposes of carrying out the provisions of section 603 of such Act.".

TITLE VII—AGRICULTURE

SEC. 701. CRISIS IN AGRICULTURAL TRADE.

(a) Findings.—Congress finds that—

(1) United States agricultural exports declined by more than 37 percent since 1981, from $43.8 billion per year to $27.5 billion per year;

(2) the United States' market share of agricultural commodities and products has dropped worldwide by 28 percent during the last 5 years;

(3) for the first time in 15 years, the United States incurred monthly agricultural trade deficits in 1986;

(4) the loss of $1 billion in United States agricultural exports causes the loss of 35,000 agricultural jobs and the loss of 60,000 nonagricultural jobs;

(5) the loss of agricultural exports threatens family farms;

(6) increasing exports is vital to the financial well-being of the farm sector and to increasing farm income; and

(7) a significant cause of the loss of United States agricultural exports are changes in world agricultural markets, including the addition of new exporting nations and innovations in agricultural technology.

(b) Policy.—It is the policy of the United States—

(1) to increase agricultural exports;

(2) to recapture the market share lost by the United States in agricultural trade;

(3) to aggressively support programs to make United States exports more competitive abroad, including the agricultural export enhancement program established under section 1127 of the Food Security Act of 1985 (7 U.S.C. 1736v);

(4) to win back its traditional market share in agricultural commodities by providing credit and direct assistance to enhance exports on a market-by-market basis until that objective is achieved;

(5) to increase agricultural exports by challenging before negotiating panels of the General Agreement and Tariffs and Trade (hereinafter in this title referred to as "GATT") barriers to agricultural trade that are illegal under, or inconsistent with, the GATT;

(6) to aggressively respond to changes in world agricultural market conditions and to increase exports and farm income;

(7) to reduce expensive agricultural support programs in a manner that ensures a strong domestic agricultural economy, increased exports, and the vitality of the family farm and is consistent with efforts to reduce the Federal budget deficit;

(8) to not reduce farm support programs unilaterally;

(9) to support farm programs at current or increased levels, if necessary, to promote exports and maintain a competitive world position;

(10) to reduce price supports and export subsidies only if trading partners of the United States cooperate in a multilateral arrangement to reduce government agricultural expenditures; and

(11) to increase competitive agricultural exports to Japan, including high value-added processed commodities.

SEC. 702. COMMODITIES FOR COOPERATOR ORGANIZATIONS.

(a) Availability.—The Secretary of Agriculture may make available to cooperator organizations commodities acquired by the Commodity Credit Corporation.

(b) Use.—A cooperator organization shall use commodities acquired under subsection (a) to establish demonstration projects designed to expand markets for United States agricultural commodities and products.

SEC. 703. PERSONNEL OF THE FOREIGN AGRICULTURAL SERVICE.

(a) Authorized Personnel Level.—

(1) To ensure that the various agricultural export programs of the United States are carried out in an effective manner, the authorized number of personnel for the Foreign Agricultural Service of the Department of Agriculture (hereafter in this title referred to as the "Service") shall not be less than 850 full-time employees during each of the fiscal years 1987, 1988, and 1989.

(2) It is the sense of Congress that the personnel level authorized under paragraph (1) should make it feasible for employees of the Service to devote greater resources to developing markets for United States agricultural commodities and products.

(b) Agricultural Attaches.—

(1) An attache of the Service who is reassigned from abroad to the United States shall be assigned to a regional office of the Department of Agriculture, for at least the 180-day period beginning on the date of the reassignment, to counsel agricultural producers on means of increasing exports and agricultural market development and promotional activities.

(2) The Administrator of the Service shall ensure that at least 60 percent of the personnel resource time of agricultural attaches of the Service who are stationed abroad shall be devoted to market development and promotional activities for United States agricultural commodities and products.

SEC. 704. CONTRACTING AUTHORITY TO EXPAND AGRICULTURAL EXPORT MARKETS.

(a) In General.—The Secretary of Agriculture may contract with an individual for services to be performed outside the United States as the Secretary determines necessary or appropriate for carrying out programs and activities to maintain, develop, or enhance export markets for United States agricultural commodities and products.

(b) Not Employees of the United States.—Such an individual shall not be regarded as an officer or employee of the United States under any law, including any law administered by the Office of Personnel Management.

SEC. 705. OFFICE OF INTERNATIONAL MARKET DEVELOPMENT AND EXPORT PROMOTION.

(a) Definitions.—As used in this section:

(1) The term 'Director' means the Director of the Office appointed under subsection (c).

(2) The term 'Office' means the Office of International Market Development and Export Promotion established under subsection (b).

(b) Establishment.—There is established, within the Service, an Office of International Market Development and Export Promotion to coordinate all market development, promotional, export enhancement, export credit, and targeted export assistance programs, including such programs established under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), and title XI of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1465).

(c) Director.—The Office shall be under the direction and supervision of a Director, appointed by and reportable to the Administrator of the Service.

(d) Duties.—The Office shall—

(1) coordinate all programs referred to in subsection (b);

(2) create market development strategies;

(3) monitor market development activities of foreign countries and businesses;

(4) assess the effectiveness of current market development programs conducted by the United States;

(5) coordinate a program within the Service—

(A) to employ on a short-term basis private sector individuals who are experts in market development; and

(B) to permit employees of the Service to develop new market development expertise by working in the private sector;

(6) provide an annual report to Congress, in accordance with subsection (e);

(7) establish a quality monitoring unit, in accordance with subsection (f); and

(8) establish a program evaluation unit, in accordance with subsection (g).

(e) Reports.—Not later than September 30 of each year, the Office shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains—

(1) in the case of the first annual report, a report on the potential for new market development abroad obtained through increased cooperation between the States and the Federal Government;

(2) recommendations for improving United States market development programs abroad and establishing new programs;

(3) an assessment of the impact of United States and foreign market development programs;

(4) a report on the progress of implementing the recommendations of the Office for improving market development programs;

(5) recommendations for improving current trade lead activities conducted by the Service, especially the distribution of leads and follow-up by the Service; and

(6) an evaluation of the effectiveness of agricultural trade offices and the need for additional staffing of the offices, establishment of new offices, and the shifting of existing offices to meet changing world markets.

(f) QUALITY MONITORING UNIT.—

(1) There is established, within the Office, a unit to monitor the quality of agricultural commodities exported from the United States.

(2) The unit shall—

(A) act as a liaison with the Federal Grain Inspection Service, private United States exporters, foreign governments, and United States agricultural attaches overseas;

(B) serve as the principle organization for receiving and responding to complaints about the quality of United States exports of agricultural commodities; and

(C) identify problems in foreign markets concerning the quality of United States commodities and ensure that notice of the problems is provided to relevant private sector and governmental entities for quick response and follow-up.

(g) PROGRAM EVALUATION UNIT.—

(1) There is established, within the Office, a unit to evaluate the overall effectiveness of the market development and promotional activities and programs of the Service.

(2) The unit shall be under the direction and supervision of a Director, appointed by and reportable to the Undersecretary for International Affairs and Commodity Programs.

(3) Not later than September 30 of each year, the unit shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the overall effectiveness of the activities and programs described in paragraph (1), including—

(A) a description of the goals and objectives of the Service for all market development activities, especially the cooperator program and the targeted export assistance program; and

(B) an assessment of the effectiveness of the programs, based on the goals and objectives.

SEC. 706. NEW MARKET DEVELOPMENT.

Not less than 50 percent of the increase in the amount of funds appropriated for the Service for fiscal year 1987, over the amount of funds appropriated for the Service for fiscal year 1986, shall be used by the Service to create new markets for United States agricultural commodities and products in developing markets.

SEC. 707. TRADE SHOWS AND EXHIBITIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,000,000 for fiscal year 1987 for trade shows and exhibitions conducted by the Service.

(b) USE OF INCREASED FUNDING.—

(1) The increased amount of funds appropriated for the shows and exhibitions for fiscal year 1987, over the amount of funds appropriated for the shows and exhibitions for fiscal year 1986, shall be used—

(A) to increase the number of shows and exhibitions;

(B) to target the shows and exhibitions at newly developing markets;

(C) to provide more variety in shows and exhibitions; and

(D) to upgrade the quality of United States representations at shows and exhibitions such that the quality at least equals that of United States competitors.

(2) Not less than 50 percent of the increase in the amount of funds appropriated for the shows and exhibitions for fiscal year 1987, over the amount of funds appropriated for the shows and exhibitions for fiscal year 1986, shall be used to conduct shows and exhibitions in newly developing markets.

(3) Not less than 50 percent of the increase in the amount of funds appropriated for the shows and exhibitions for fiscal year 1987, over the amount of funds appropriated for the shows and exhibitions for fiscal year 1986, shall be used to increase United States exports of value-added agricultural products.

SEC. 708. PROGRAM MANAGEMENT AND SUPPORT.

There are authorized to be appropriated $10,970,000 for fiscal year 1987 for program management and support activities of the Service, including programs established under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), and title XI of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1465).

SEC. 709. MARKET PROMOTION AND TRADE DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for fiscal year 1987 for market promotion and trade development activities of the Service.

(b) VALUE-ADDED AND HIGH QUALITY PRODUCTS.—The Administrator of the Service shall use a portion of the increased amount of funds appropriated for the activities for fiscal year 1987, over the amount of funds appropriated for the activities for fiscal year 1986, to provide adequate staff for—

(1) the development of markets for high value-added products; and

(2) the improvement of the quality of agricultural commodities and products exported abroad.

SEC. 710. EXPORT MARKET DEVELOPMENT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established, within the Department of Agriculture, an Export Market Development Advisory Committee—

(1) to review all agricultural market development and export enhancement programs and activities conducted by the United States; and

(2) to make recommendations to the Undersecretary for International Affairs and Commodity Programs of the Service for the improvement of the programs and activities.

(b) COMPOSITION.—The Committee shall be composed of 30 members that shall include—

(1) a member of the House of Representatives with expertise in such programs and activities, appointed by the Speaker of the House after consultation with the Minority Leader of the House;

(2) a member of the Senate with expertise in such programs and activities, appointed by the President Pro Tempore of the Senate, on recommendation of the Majority and Minority Leaders of the Senate;

(3) the Secretary of State;

(4) the Secretary of the Treasury;

(5) the Secretary of Commerce;

(6) the United States Trade Representative;

(7) the Undersecretary for International Affairs and Commodity Programs of the Service, who shall chair the Committee;

(8) the Administrator of the Agency for International Development; and

(9) other members appointed by the President, from among individuals in the United States agricultural export, production, transportation, and processing sectors.

(c) ADMINISTRATION.—

(1) The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2).

(2) The Committee shall conduct meetings at least quarterly. The meetings shall be conducted in public. A full and complete record of the meetings shall be made available to the public.

SUMMARY OF THE OMNIBUS TRADE ACT OF 1987—FEBRUARY 5, 1987

Section 1: Short Title.—The short title of the bill is, "The Omnibus Trade Act of 1987."

Section 2: Table of Contents.

Section 3: Purposes.—The purposes of the Act are to authorize negotiation of reciprocal trade agreements, strengthen U.S trade laws, improve management of U.S. trade strategy and, by these means, to improve standards of living in the United States.

TITLE I—AUTHORITY TO NEGOTIATE TRADE AGREEMENTS

Trade negotiating authority is made the first title of the bill because this subject has traditionally been the most important in trade bills and offers the greatest opportunity for improvements in U.S. living standards.

Section 101. Congressional Findings.—This section sets forth findings that support a delegation of negotiating authority to the President. It is based upon the "findings" that served as the predicate for the Trade Act of 1974, but it has new elements, reflecting changed conditions in the United States and world economics.

Section 102. Definitions.—This section provides necessary technical matters.

Section 103. Authority for International Trade Negotiations.—Subsection (a) authorizes the President to negotiate multilateral trade agreements. The authority covers tariff, as well as non-tariff matters. The authority is for 10 years, beginning on either January 3, 1988 or the date of enactment of the bill, whichever is later.

Subsection (b) creates separate authority for bilateral trade agreement negotiations, subject to the general limitations on negotiating authority contained in this Title, such as the requirements for trade agreements set forth in subsection (c), below.

Subsection (c), in addition to placing the 10-year time limit on negotiating authority, sets out prerequisites for all trade agreements negotiated by the President under this authority. The first requirement is that where the President finds "state trading," he determines that action under the trade agreement will be conducted in accordance with "commercial considerations," a term used in the General Agreement on Tariffs and Trade (GATT). The second requirement is that the agreements carry out one or more of the negotiating objectives set out in section 105. In addition, agreements must provide for mutually beneficial economic opportunities, must be enforceable, and must complement and reinforce existing agreements where appropriate and possible. The last requirement is intended to assure that bilateral trade agreements reinforce and expand on multilateral agreements. Finally, the section requires the President to consult with Congress on every step of negotiating, implementing, and enforcing these agreements.

Section 104. Implementing Procedures.—This section sets out a new, three-step procedure for approving and implementing trade agreements. This procedure uses the Constitutional power of each House of Congress to create its own rules to give expedited legislative consideration to bills implementing trade agreements negotiated under this Title. This is intended to encourage extensive consultation by the Executive Branch with the Congress on trade.

Step 1: Statement on Trade Policy.—The first step in this procedure is the submission of a detailed "Statement of Trade Policy" by the President. The statement must include, at a minimum, a statement of Administration policy on the following matters:

(1) General Trade Policy.—The statement must address at least five aspects of trade policy, namely, current trade policies regarding agricultural trade; import sensitive industries; the exchange rate value of the U.S. dollar; the trade-distorting impact of LDC balance of payments deficits; and U.S. and foreign government economic interventions that have effects on international trade.

(2) Policy Toward Export Sectors.—The statement must identify those sectors where the United States is a major world exporter and those sectors where export expansion is likely and describe what policies, if any, might affect the strength of those sectors. This section of the statement must include an evaluation of the potential of foreign producers in the sectors identified.

(3) Policy Toward Import-Sensitive Industries.—The statement must identify those sectors which are experiencing import competition, or may in the future, that would cause major adjustments, such as significant unemployment, a need for relocation, major investment, new manufacturing methods, or reduced profits. It must describe the policies and potential exports of nations where major competitors are located, as well as the policies of the Administration that will affect the competitiveness of those industries.

(4) Related Policies.—The statement must set forth the relationship between trade in goods and other international economic issues, including at a minimum the magnitude of changes in the relative values of the major currencies (and those currencies pegged or tied to the U.S. dollar) international exchange of technology, international investment, and international services transactions, as well as Administration policies for each of these matters.

(5) Developing Countries.—The statement must identify the main developments in developing countries' economies that have an impact upon the standard of living in the United States, and the Administration's proposed actions with regard to each of these. This part of the statement must include, but need not be limited to, developing country indebtedness, developing country import, export, and sectoral policies, developing country economic policies, and developing country relationships with existing international institutions.

(6) International Economic Coordination.—The statement must describe any agreements or other evidence that the United States has obtained commitments from Japan, the Federal Republic of Germany, and other industrialized countries with large current account surpluses to contribute to balanced world economic growth by increasing the share of non-petroleum goods and services imported into their respective countries.

(7) Trade Agreements.—The statement must state the relationships between the policies required above and the negotiations of trade agreements the Administration expects to undertake during the next five years.

Step 2: Congressional Resolution.—Under this section, such statements may be submitted whenever the President chooses. Each statement must be accompanied by the introduction of a concurrent resolution, in a form set out in the bill, on which Congress must act, under changes in the rules of the two Houses that are also part of this bill, not later than 60 days after its introduction on a straight up-or-down vote (the "fast-track").

Step 3: Fast-Track for Trade Agreements.—If Congress approves the statement, then the President is privileged to submit trade agreements negotiated under this Title for fast-track Congressional consideration for a five-year period, beginning on the date the concurrent resolution passes. Under this provision, the President would be able to submit trade agreements for fast-track consideration through the date six months after the termination of his general authority to enter into trade agreements, provided that a concurrent resolution approving his trade policy statement is in effect.

This system is intended to assure close consultation on trade between the Administration and Congress. It is anticipated the Administration would consult, as in the past, on each trade agreement submitted under the "fast-track," and that, further, the Administration would consult closely with the Congress before submitting the "Statement of Trade Policy." The concurrent resolution would be referred to the Finance Committee in the Senate and the Ways and Means Committee in the House.

Section 105. Negotiating Objectives.—This section sets forth specific negotiating objectives for the President. The objectives include obtaining opportunities for U.S. exports in foreign markets equivalent to the opportunities afforded foreign exports in U.S. markets, improving and expanding trade agreements, revising GATT rules to include sectors not presently covered, and improving the GATT's application to agriculture. This section also makes reciprocal access to technology a negotiating objective of our trade agreements. The goal is to insure that the United States has the same access to basic research and technology developed in other countries as our overseas competitors have to technology developed in this country.

Section 106. Effectiveness of Current Law.—Under these provisions, existing negotiating authority (sections 101 and 102 of the Trade Act of 1974) would be allowed to expire by operation of law, and would be replaced by sections 101 through 105 of the new law. Existing sections 103, 104, 105, 106, and 109 ("Sector Negotiating Objectives," "Bilateral Trade Agreements," "Agreements with Developing Countries," and "Staging Requirements and Rounding Authority," respectively) of the Trade Act of 1974 would be repealed as superseded by new sections 101 through 105 of this bill. This section also requires that advisory committees established under section 135 of the Trade Act of 1974 be appointed on a bipartisan basis. Otherwise, in general, the Trade Act of 1974 would remain in effect except as amended by this bill.

Section 107. Extension of GATT to State Trading Countries.—Under this provision, countries proposing to accede to the GATT would not receive U.S. support unless they agree to remove the harmful effects of state trading practices that are not in accordance with the existing "commercial considerations" rule of the GATT itself.

Section 108. Negotiations on Currency Exchange Rates.—This new section would be added to urge the President to enter into negotiations with countries that peg their currencies to the dollar, such as Hong Kong, Korea, and Taiwan, to insure these countries regularly adjust exchange rates to reflect economic fundamentals.

TITLE II: ENHANCING COMPETITIVENESS

SUBTITLE A: POSITIVE ADJUSTMENT IN IMPORT-IMPACTED SECTORS

Section 201: Investigations Under Section 201 of the Trade Act of 1974.—This section makes several changes to assure that decisions of the U.S. International Trade Commission (ITC) in escape clause investigations determine fairly whether a domestic industry has been seriously injured by increasing imports, or is seriously threatened with such injury, the GATT standard of eligibility for escape clause protection; and that the statute is made an effective system for promoting economic adjustment to import competition. It replaces existing sections 201 through 203 with the following new sections:

Section 201.—This section requires that the petitioner state whether the purpose for which import relief is sought is enhancing competitiveness, facilitating the orderly transfer of resources to alternative uses, or other means of adjustment.

Domestic Facilities.—The existing standard for deciding whether "serious injury," or the threat thereof, exists is amended to provide that the ITC consider "the inability of a significant number of firms to operate domestic production facilities at a reasonable level of profit." (New matter underscored.)

Threat of Injury.—Four new criteria are added for judging whether there is a "threat" of serious injury in such cases, namely:

(a) Instances of industrial "targeting" by the exporting country;

(b) The presence of any preliminary or final antidumping or countervailing duty determinations with respect to any merchandise that is also produced by the domestic industry;

(c) The extent to which the domestic industry is unable to maintain existing levels of research and development expenditures; and

(d) The extent to which articles that are the subject of the investigation are being diverted to the United States as a result of the export or import restraints of any foreign country.

Criteria for "Industry" and Causation.—This section also makes the following changes in the criteria used by the ITC to define the domestic industry and determine causation:

(a) It requires (instead of permits) the ITC to treat as part of an industry only its domestic production, even if the industry also imports the products in question;

(b) It prohibits consideration of imports of like or directly competitive products by the industry as a factor indicating the absence of serious injury or threat thereof; and

(c) It requires the ITC to examine factors other than imports which may be a cause of injury or threat thereof. The findings of this examination are to be included in the report submitted by the ITC to the President.

Section 202: Provisional Relief/Critical Circumstances and Perishables.—Subsection (a) of this section provides that if, during the course of a section 201 investigation, the President finds that critical circumstances exist, he shall impose provisional measures immediately. These measures shall remain in effect until they are revoked, or the ITC makes a negative determination, or until 60 days following an affirmative determination by the ITC (at which time the President is required to take action under the regular escape clause procedures). "Critical circumstances" are defined as a "significant" increase in imports (actual or relative to domestic production) over a short period of time, in which delayed relief would cause damage to the industry that would be difficult to remedy under the regular escape clause procedure.

Subsection (b) of this section provides that, with respect to perishable products, emergency relief may be sought by petition from the Secretary of Agriculture, who may recommend, within 14 days, emergency action to the President. Upon receipt of an affirmative recommendation, the President must act within seven days. The purpose of the section is to assure that industries producing perishables, such as fruits, vegetables, and other agricultural sectors, are not injured irretrievably before effective relief can be put into place.

Section 203: Industry Adjustment Plans.—This section provides the mechanism for making the escape clause into a full-fledged adjustment-facilitation statute, a major objective of this bill. In general, the plan of the section is to make the analysis of adjustment potential more systematic and meaningful, through a formal analysis conducted contemporaneously with the ITC's injury investigation. This approach also makes it more likely import relief will be granted where the domestic industry explicitly commits itself to a workable adjustment plan, mainly through reduced Presidential discretion in such cases. The purpose of developing a plan with Administration participation is to make it more likely the industry will receive relief when the case comes before the President.

Under the section, within 120 days of commencement of the ITC's investigation, an assessment of the industry's current problems and a strategy to enhance competitiveness must be developed in all escape clause cases by a group consisting of representatives of firms and workers in the industry, as well as the U.S. Trade Representative (USTR), the Secretaries of Labor and Commerce, and such other agency heads as USTR designates.

This group would submit its assessment and strategy to the petitioner and to the ITC. In the event the ITC finds the domestic industry is seriously injured or is threatened with serious injury by imports, then the petitioner would be required to submit an industry-wide adjustment plan to the ITC. The petitioner would not be required to submit the plan developed by the group. If the case was government initiated, members of the industry would also be allowed to submit plans.

Once the plan is submitted, the ITC is required to attempt to obtain on a confidential basis commitments from the individual members of the domestic industry concerned on how they will implement the adjustment plan, which are to be transmitted to the President. These commitments are factored into the decision of what import relief or other actions to recommend. They also serve as a basis for monitoring domestic industry actions in the future, if the President does give the domestic industry import relief.

Section 204: Report and Recommendations of the ITC.—This section changes the standard now used by the ITC in recommending action to the President in those cases where an industry is eligible for import relief, that is, in those cases where the ITC has found serious injury to the domestic industry from increasing imports or the threat of such injury.

Under this change, the ITC would determine the import relief (by itself or in combination with other actions, such as trade adjustment assistance, antitrust exemption, or other actions within the power of the President) that creates a reasonable expectation that the domestic industry can compete successfully with the foreign producer after the expiration of the import relief. The ITC cannot recommend more relief than is needed to "prevent or remedy" (the GATT standard for the remedy) the serious injury to the domestic industry. The purpose of the new standard is to change the focus of the escape clause from import protection to positive adjustment, and to increase the likelihood ITC escape clause recommendations will be accepted by the President.

In the event the ITC finds that the industry would be no more competitive after section 201 relief, then the ITC must recommend the actions, including import relief, necessary to provide for the orderly transfer of resources to other productive purposes.

In its report to the President the ITC is to estimate the short- and long-term effects of any additional tariffs or quotas on private and industrial consumers.

Section 205: Presidential Action in Escape Clause Cases.—Under this section, there are two classes of escape clause cases, those in which the ITC determines by a majority vote that the domestic industry was seriously injured or was threatened with serious injury, and those cases in which the ITC made that determination unanimously (cases in which the ITC determination on injury was negative are terminated as under current law).

Unanimous ITC.—If the ITC injury determination is unanimous, then the President must follow the ITC recommendations on remedy. He cannot change the ITC remedy recommendation unless Congress approves his alternative (on the legislative "fast-track").

Majority ITC.—In cases where the ITC finds injury by a majority, but not unanimous vote, if the President determines that import relief can lead to a domestic industry that can compete without further relief after the expiration of the import relief or other action the President proclaims or orders, then he must grant some form of import relief unless he determines this will endanger national security or would cause serious injury to another domestic industry. This is intended to focus the President on adjustment, give more respect to ITC recommendations, and give firms and workers who petition for relief an assurance that the President will focus on the merits of their problem, not other national economic concerns. If the President determines that the industry can never be competitive, then he must take action to assure the orderly transfer of resources to productive pursuits (unless such action would endanger the national security or injure another industry). In any case where the President rejects the ITC recommendations, Congress may impose the ITC recommendation by enacting a joint resolution, as under current law.

The bill would also give the President a broader menu of actions other than import relief that he could take, to enable an industry to compete, including providing trade adjustment assistance, antitrust exemptions, directing the initiation of antidumping or countervailing duty actions, entering into multilateral negotiations or proposing legislation. Such actions may also be used instead of import relief "to provide for the orderly transfer of the resources of the domestic industry to other productive pursuits." Among the factors the President considers in granting these nonprotection actions, are those already provided for in current law and one concerning the efforts of firms in the industry to provide retraining to workers, which is intended to encourage industry to retrain workers rather than firing them under import pressure.

Section 206: Administration, Review, and Termination of Action by the President.—This section restates existing law except for the following changes:

(1) Monitoring adjustment.—The section includes a monitoring procedure, whereby the President's actions can be changed over time. If USTR determines after consultation with the domestic industry that the firms and workers in the industry are not implementing the adjustment plan in a satisfactory manner, then he may recommend to the President that the President terminate or modify the import relief.

(2) Time for relief.—Under this provision, import relief may not last longer than 13 years, as distinguished from eight years under current law. Unlike current law, once that period has expired, the industry is not eligible for import relief again for at least 10 years. The purpose of this provision is to assure the President has adequate time to help the industry, but also to assure the industry has a strong incentive to improve its competitiveness during any period of import protection. Import relief of more than three years' duration must be gradually phased down, as under current law.

If antidumping or countervailing duty cases are ordered by the President in the course of escape clause proceedings, the ITC is assumed to have made affirmative injury determinations for purposes of those cases, and the statutory time limits for those cases are reduced accordingly.

(3) Evaluation of Import Relief.—This section requires that the ITC, following the termination of any relief provided under the escape clause, evaluate the effectiveness of

the relief, hold public hearings, and issue a report to the President and the Congress within six months.

Section 202: Effective Date.—The amendments made under this Title would be effective for cases initiated after enactment of this Act.

SUBTITLE B: TRADE COMPETITIVENESS ASSISTANCE

This subtitle of the bill changes the emphasis of the existing trade adjustment assistance program from income support for workers and loans for firms to enhancing worker competitiveness through retraining supplied mainly by employers and technical assistance to firms supplied mainly by private contractors, and retitles the program "Trade Competitiveness Assistance."

Section 211: Eligibility of Workers and Firms.—This section would amend the existing criteria for trade adjustment assistance. Subsection (a) makes two changes in these criteria for workers eligibility. First, workers in agricultural firms are made eligible for relief, and second, workers in firms that are indirectly affected by imports—so-called "secondary" firms which provide essential parts or essential services to the firms directly affected by imports—are made eligible for benefits. Subsection (b) extends eligibility to firms that meet these new criteria.

Section 212: Cash Assistance for Workers.—This section amends existing law that qualifies workers for trade adjustment assistance benefits if they are unemployed by reason of imports. Under the change, a new requirement of qualifying for benefits would be that the eligible worker is enrolled in an approved training program or has completed such a program after he was separated from his trade-impacted employment. It would also explicitly provide that if the worker fails to begin participation in the training program, then he may not receive a cash benefit. Section (c) allows the Secretary of Labor to waive this requirement where the training is not available or appropriate. Maximum cash benefits to workers would be extended from 52 to 78 weeks (less any amounts paid under standard unemployment insurance).

Section 213: Training Entitlement for Workers.—This provision requires the Secretary of Labor to provide to every eligible and qualified worker directly or through a voucher not more than $4,000 for each import-related separation from work.

Section 214: Sunset.—This section ends the worker program at the end of fiscal year 1991.

Sections 215 through 217: Funding.—These sections establish a trade competitiveness assistance trust fund to pay for the cost of the new program funded by an across-the-board import duty of not more than one percent *ad valorem*, and authority to negotiate a multilateral agreement permitting such fees for adjustment assistance purposes. The new program does not take effect until such an agreement is reached or three years, whichever is earlier.

TITLE III: UNFAIR INTERNATIONAL TRADE PRACTICES INVESTIGATIONS

SUBTITLE A: MANDATORY ENFORCEMENT OF UNITED STATES RIGHTS UNDER INTERNATIONAL TRADE AGREEMENTS

Section 301: Amendments to the National Trade Estimate.—This section requires the USTR to expand the annual National Trade Estimate, a survey of foreign trade barriers and distortions required under the Trade Act of 1984, to include USTR's estimate of the value of additional U.S. goods, services, and investment that could be exported but for the identified foreign barriers and distortion.

Section 302: Actions in Response to Adversarial Trade.—Under this provision, a new requirement would be levied upon the President to reduce unfair trade barriers in countries that practice "adversarial trade." Under this section, the President is required to initiate negotiations to eliminate the trade barriers identified in the National Trade Estimate in countries that show a consistent pattern of market distorting trade practices, including Japan. It has no automatic sanction if the foreign government refuses to eliminate such practices. The President is to report to Congress by December 31, 1988 on agreements eliminating the foreign practice, including evidence of an increase in U.S. exports commensurate with the elimination of the barriers. If foreign governments do agree with the President to eliminate such barriers and then fail to do so, the President would be required to take action under sections 304 and 305 of this subtitle.

Section 303: Mandatory Initiation of Certain Investigations by the USTR.—Under this section, the provisions in existing section 301 of the Trade Act of 1974 would be amended to provide a special three-step "Response to the National Trade Estimate." The purpose of this section is to put foreign governments on notice that the United States will initiate formal investigations of their barriers to, and distortions, of trade that burden or restrict U.S. commerce to a significant degree.

Step one is for USTR to identify, no later than 45 days after the National Trade Estimate is published, which acts, policies, and practices listed constitute a "significant" barrier to or distortion of U.S. trade ("significant" is defined as foreign barriers or distortions that, if eliminated, would either directly increase U.S. exports significantly or would do so indirectly, by setting an important precedent).

Step two is for USTR to designate which "significant" barriers and distortions are "unjustifiable," which is defined in current law as any foreign "act, policy or practice which is in violation of, or inconsistent with, the international legal rights of the United States." He must also at this stage determine whether the remaining significant foreign barriers and distortions are likely to be within the scope of section 301, even though they are not "unjustifiable."

Step three is that USTR is required to self-initiate formal investigations of all significant "unjustifiable" cases and also of those foreign barriers and distortions otherwise actionable under section 301 that are likely to result in the greatest expansion of U.S. exports, after consulting with U.S. industry. The basis for requiring initiation of formal section 301 investigations in cases of violations of U.S. international legal rights is mainly enforcement of existing agreements, including section 301 settlements.

Section 304: Actions in Response to Investigations under Section 301.—This provision requires the President to retaliate in all section 301 investigations within nine months of a favorable GATT ruling and not less than 15 months after filing or self-initiation, subject to the following exceptions:

(a) A GATT ruling against the United States;

(b) An industry-approved settlement of the matter that offsets or eliminates the foreign barrier or distortion;

(c) A Presidential decision to extend the deadline for 60 days (two extensions are available, provided he certifies to the Congress that resolution appears imminent);

(d) A Presidential decision to terminate the case, even though he agrees the foreign barrier or distortion falls within the scope of section 301, provided he certifies to Congress that satisfactory resolution appears impossible and retaliation would harm "the national economic interest." (This last condition is not available in final, affirmative determinations in section 301 cases against "unjustifiable" foreign trade barriers and distortions.)

This section also requires automatic termination of any retaliatory measure after seven years unless the petitioner objects. If the petitioner wants retaliation continued, the USTR could substitute a new measure to increase the pressure or to relieve the consumer impact of the old measure. The President is also authorized to terminate or modify the retaliation (and, if necessary, provide compensation) if (a) the GATT subsequently finds it to have been a violation of U.S. obligations; or (b) the foreign practice is subsequently eliminated or reduced.

Section 305: Miscellaneous Amendments.—This section contains provisions adding certain specific bases for action under section 301 developed in Committee hearings over the last two years. These include: (1) Third country effects of unfair practices.—The bill specifically defines "burden on U.S. trade and commerce" as including effects on third markets, displacing U.S. exports to third markets, and import protection that causes diversion of the exports of another foreign country to the United States. Under current law, unjustifiable and unreasonable foreign trade practices must burden or restrict U.S. commerce in order to be actionable under section 301.

(2) Withdrawal of Generalized System of Preferences (GSP) benefits.—This provision would allow the President to retaliate for foreign unfair practices by withdrawing zero duty trade benefits for developing countries under the GSP.

(3) Export "targeting".—Export targeting is included as an "unreasonable" practice actionable under section 301 ("unreasonable" practices are defined in current law as those "which, while not necessarily in violation of or inconsistent with the international legal rights of the United States, are otherwise deemed to be unfair and inequitable"). "Export targeting" is defined in the bill as "any government plan or scheme consisting of a combination of coordinated actions, whether carried out severally or jointly, that bestow benefits on a specific enterprise, industry, or group the effect of which is to assist the enterprise, industry, or group to become more competitive in the export of a class or kind of merchandise." The bill contains a list of six examples of targeting, including promotion or tolerance of cartels, restrictions on technology transfer imposed for reasons of commercial advantage and the use of export performance requirements.

(4) State trading.—This bill adds to the definition of unjustifiable trade practices under section 301 trading by a state-owned enterprise on other than commercial terms.

(5) Unfair Trade Concessions Requirements.—This bill adds a definition of "denying benefits" to the United States (under current law, "unreasonable" trade practices are those that "deny benefits" to the United States under trade agreements) as including nullification and impairment of the objectives of a trade agreement and "unfair trade concessions requirements," which are for-

eign government requirements that U.S. firms make some special concessions, such as licensing technology or building a foreign plant, in order to be permitted to export to a foreign country.

Section 306: Compensation Authority.—This section authorizes the President to compensate foreign governments entitled to such compensation under international law by reason of actions taken under section 301.

SUBTITLE B: IMPROVING ANTIDUMPING AND COUNTERVAILING DUTY ENFORCEMENT

This subtitle contains five changes to existing U.S. laws that implement U.S. obligations under the 1979 antidumping and countervailing duty trade agreements.

Section 311: Critical Circumstances Reform.—When a subsidy or dumping petition is filed, foreign producers often increase shipments immediately after the filing in order to have their products arrive before penalty duties are assessed. Current law and international agreements provide a deterrent for this situation through retroactive assessment of duties when the Department of Commerce finds "critical circumstances." This provision is intended to implement the original intent of the law and international agreements.

Section 312: Sham Transactions.—This provision requires the Department of Commerce to penetrate a "sham transaction," that is, a transaction where the Department determines that a foreign manufacturer sets up a wholly-owned subsidiary that is not a normal channel of trade in order to absorb antidumping duties, thereby avoiding an increase in price to the final U.S. purchaser. In such cases, the provision requires the Customs Service to treat the final U.S. purchaser as the importer of record, solely liable for the payment of dumping duties.

Section 313: Injury in Fungible Products Cases.—This provision would bar the ITC from making a finding of "no-injury" solely on any of the following bases in cases on "fungible" products—products sold by weight or volume without significant product differentiation in such merchandise whether produced by foreign or domestic producers: The first sales at low prices did not come from importers; low prices first occurred in another comparable market that has a relationship to the U.S. market; U.S. producers are profitable; or, U.S. producers import.

Section 314: Diversionary Dumping.—This provision requires the Department of Commerce to include the impact of the dumping of imports when determining dumping margins on products incorporating such imports to the extent, and only to the extent, that their price is lower by reason of their including materials or components that are the subject of either (a) an antidumping order in the United States, or (b) an arrangement settling preexisting antidumping cases.

Section 315: Non-Market Economy Dumping.—This provision amends the standard for determining whether a nonmarket economy country is dumping. It makes the most probable surrogate price, the average price at which similar or the same merchandise is imported from the market economy that accounts for the largest share of U.S. imports.

Section 316: Downstream Product Monitoring.—This section provides for the monitoring of imported products that incorporate materials that have previously been found by the Department of Commerce either to have been dumped in U.S. markets or subsidized. Based on information received in monitoring reports prepared by the ITC, the Department of Commerce may initiate antidumping or countervailing cases on such "downstream" products.

TITLE IV: INTELLECTUAL PROPERTY RIGHTS

SUBTITLE A: INTELLECTUAL PROPERTY PROTECTION

Section 401: Remedies Under the Tariff Act of 1930.—Section 337 of the Tariff Act of 1930 makes unlawful unfair trade practices in the importation of good into the United States, and for years the ITC, which administers the law, has held—with support from the courts of the United States, most Administrations and even the GATT—that the provision allows the ITC to exclude an article from importation into the United States if the imported article infringes a valid U.S. patent, copyright, trademark, or maskwork. However, current law requires a petitioner to show that an efficiently and economically operated domestic industry has been substantially injured by the infringing import. This section eliminates the requirement that the petitioner has to show injury in intellectual property cases, although the petitioner in a section 337 action still has to show that the industry is operating in the United States.

SUBTITLE B: ACCESS TO TECHNOLOGY

Sections 402 through 406: Access to Technology.—Under this section, the President is authorized to enter into negotiations to assure equity of access to technology. It also requires the USTR, in coordination with the National Science Foundation, to monitor technology transfers between the United States and other countries, and it provides that making technology transfer a condition of importation is actionable under section 301 of the Trade Act of 1974. Finally, it requires the Secretary of Commerce to task the Foreign Commercial Service with monitoring and reporting on intellectual property systems abroad and authorizes the President to provide intellectual property protection technical assistance as part of foreign aid.

TITLE V: NATIONAL SECURITY

Section 501: Imports that Threaten National Security.—This provision places a 90-day time limit on Presidential action in cases under section 232 of the Trade Expansion Act of 1962. It also requires the President to make written statements for his actions in such cases.

TITLE VI: UNITED STATES TRADE POLICYMAKING

Section 601: Trade Impact Statements.—This provision requires department heads to make "trade impact statements" for each of their major actions. The purpose is to make trade considerations a major element of agency decisionmaking.

Section 602: National Trade Council.—This provision creates a National Trade Council in the White House, chaired by the USTR to coordinate advice to the President on trade matters.

Section 603: National Trade Data Bank.—This provision is intended to assure the United States develops, over the next several years, adequate data information procedures and resources to provide the necessary backup to the effort that will be necessary in trade policymaking in the United States in the 1990's. Under the provision, an interagency committee establishes a system, and monitors and reports to Congress annually on objectives, for the collection and distribution of data relating to trade.

TITLE VII: AGRICULTURAL TRADE

Section 701: Crisis in Agricultural Trade.—This section describes the growing crisis in U.S. agricultural trade. It states that the policy of the United States is to increase agricultural exports and support programs to make U.S. commodities and agricultural products more competitive. It further states that it is the policy of the United States to reduce expensive agricultural programs consistent with efforts to reduce the Federal deficit, but indicates that the United States will not reduce price support and export subsidies unilaterally to the disadvantage of American farmers and agricultural exporters.

Section 702: Commodities for Cooperator Organizations.—This section would permit the Commodity Credit Corporation to provide surplus commodities to cooperator organizations. Currently, the U.S. Department of Agriculture (USDA) assumes approximately one-third of the costs of cooperator programs to develop foreign markets.

Section 703: Foreign Agricultural Service (FAS) Personnel.—This section ensures an FAS staff of 850, including agricultural attaches posted abroad. FAS is the primary organization responsible for promoting U.S. agricultural exports abroad and developing U.S. markets overseas.

Upon returning from tours of duty overseas, U.S. agricultural attaches will be required to spend the first six months in the United States in agricultural regions. Attaches will use time to counsel farmers on methods to improve exports and on developing markets abroad. The bill also requires attaches to spend at least 60 percent of time on market development and product promotion.

Section 704: Contracting Authority to Expand Agricultural Export Promotion.—This section grants the USDA authority to hire foreign nationals to assist our agricultural attaches abroad.

Section 705: Office of International Market Development and Export Promotion.—The office created by this provision is charged with developing new strategies for creating markets for U.S. agricultural exports and for coordinating all such policies. The office will also monitor the practices of foreign nations in promoting exports. The office will provide an annual report to Congress with recommendations for new promotional policies and assessment of current policies. Other new programs to be implemented by the office include a marketing-export promotion exchange program, a grain quality monitoring office, and a program evaluation unit.

Section 706: New Market Development.—Markets and New Products.—Currently, more than one-half of all U.S. agricultural promotional funds are spent in comfortable, established markets in Europe and Japan. Only nine percent of such funds are spent in Latin America and Africa—newly emerging agricultural markets. The bill requires one-half of new funds to be used to promote U.S. agricultural exports in developing markets. The bill also requires that one-half of funds be used to promote processed agricultural exports, rather than raw commodities. (See section 719). The United States is losing its competitive edge in raw exports, but there are valuable markets to be established for processed products. The bill moves U.S. agriculture in that direction.

Section 707: Trade Shows and Exhibitions.—The United States spends approximately one-third of the amount spent by

Australia and Argentina per $1 billion in exports on agricultural trade shows and exhibitions. The bill would provide new funds to double the number of trade shows USDA sponsors. The current trade show budget of $2.3 million will be increased to $8 million.

Section 708: Program Management and Support.—This section increases USDA's current authorization for program management and support activities of the FAS from $7.47 million to $10.97 million.

Section 709: Market Promotion and Trade Development.—The section increases from $22.5 million to $30 million the funds for FAS attaches and support personnel in the United States. It requires one-half of new funds to be used to promote exports in developing markets.

Section 710: Export Market Development Advisory Committee: The committee created under this provision will advise USDA on how to improve export promotion and market development efforts.

Mr. MURKOWSKI. Mr. President, this legislation represents the framework for the U.S. Trade Policy for the next decade and I am pleased to join my colleagues as a cosponsor.

The bill aims to increase United States worldwide market shares by granting the President authority to remove or eliminate trade barriers with our multilateral trade partners in the GATT and our bilateral trading partners such as Japan.

We seek to achieve equity in market accessibility and that must be this country's bottom line in our trading relationship with the rest of the world. We want the same right of access to foreign markets as other nations enjoy in the United States, free of any onerous work rules that would hinder free trade.

In the 99th Congress, the Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs, which I chaired, held the first series of hearings on services trade. We learned of serious discrimination our transportation, banking, insurance and construction firms face in Japan and elsewhere. In fact, in the period from 1983 to 1985, we went from a services trade surplus with Japan of $1.35 billion to a deficit of $1.8 billion.

The upcoming figures on our worldwide balance of payments are expected to show diminishing market shares in services trade with other countries as well. Clearly, this is an area of great concern. This legislation is quite significant in addressing these concerns. For the first time, it brings services trade under the umbrella of the General Agreement on Tariffs and Trade requiring the President to negotiate services trade issues in this multilateral forum.

While there is still a great deal more that we can do in addressing this area, I believe this legislation offers a realistic response to the growing problem of foreign unfair trade practices, and protectionism here and abroad. This bipartisan, nonprotectionist approach to America's trade problems—be they in services, intellectual property rights, agricultural products, or high tech, is the most responsible way to proceed.

Mr. DANFORTH. Mr. President, I am pleased to join with the chairman of the Finance Committee, Senator BENTSEN, and over one-half of our Senate colleagues in introducing the Omnibus Trade Act of 1987.

This legislation is the product of over 18 months of discussion and debate among a bipartisan group of Senators on one of the most pressing economic and political issues of our day: international trade. Many of the provisions of this bill are drawn from legislation introduced in the last Congress, most notably S. 1860—the Trade Enhancement Act—introduced by 34 of us in November 1985.

While we all represent different constituencies, we share a common trade philosophy—namely, that a global trading system that is fair and open can only be achieved through a more effective and aggressive American trade policy. The Omnibus Trade Act offers sensible, realistic responses to the problems of foreign barriers and other unfair trade practices; the need for American industry, agriculture, and labor to meet the competitive conditions of the world economy; and growing protectionism here and abroad. It puts America first, but in so doing, improves the prospects for a more open world trading system to benefit the economies of all trading nations.

The fundamental approach taken in this legislation is generic in nature. It focuses on shoring up U.S. trade law and the rules of international trade in ways that will benefit all sectors of the economy—from agriculture to high technology and from heavy industry to services. Only through such generalized improvements in the law and more active enforcement of the law can we avoid the costs imposed on all sectors of the economy by product-specific quota legislation that merely favors a select few.

Serious questions are being raised today about whether America's interests lie with the current international trading system. Much of the doubt stems from the approach of this and previous administrations to that system.

If we are to undertake a new round of multilateral trade negotiations, there should be no doubt that the Congress and our executive branch negotiators are working in tandem to reach agreements that serve the best interests of the United States. Only through extensive consultation and cooperation between Congress and Executive, between Government, business and labor, can we hope to attain truly meaningful results.

If section 301 of the Trade Act is to have any credibility as a means of enforcing rules against unfair trade practices, we must do more than launch investigations. We are going to have to retaliate. We don't need to retaliate against a hundred different practices at once, but at least we need to do so on a selective basis. If a referee blows his whistle and never walks off the yardage, pretty soon the game is going to deteriorate—and that is what is happening in trade.

If industries damaged by imports are told that section 201 of the Trade Act is not available as a means of gaining temporary, GATT-consistent relief from imports, then we cannot be surprised when Congress reacts to rampant protectionism by enacting quota bills for any industry with enough political clout to muster the votes. The administration's denial of relief to industries, such as footwear, which—under section 201 procedures—prove beyond a doubt that they are seriously injured by imports, can only serve to fuel the fires of protectionism. Not all import-sensitive industries need or deserve import relief, but if we are to help industries and workers adjust to new competitive conditions, if we are to manage our import pressures by channeling them in a more rational direction, then section 201 must be an integral part of our trade policy.

The Omnibus Trade Act addresses these and other issues. In conjunction with reductions in our Federal budget deficit, further efforts to address currency misalignments, Third World debt and self-imposed export disincentives, enactment of this bill should enable us to confront the challenge of international trade. To this end, the legislation contains measures designed to ensure systematic enforcement of laws against foreign barriers and other unfair trade practices; expand trade through market-liberalizing trade agreements; and ease adjustment of import-impacted industries and their workers. In addition, the bill addresses one of the most important ingredients necessary for an effective U.S. trade policy—namely, enhanced cooperation between the branches of Government and between Government and the private sector.

Critical elements of this package include:

Provision for a new round of trade negotiations—or series of negotiations—that link fast-track implementing authority to clearly stated trade policy objectives and priorities. These include the elimination of agricultural export subsidies and the extension of GATT disciplines to sectors and practices not currently embodied in the GATT. The section also sets out the very real objective of GATT reform so as to better enable us to show American industry, labor and agriculture that U.S. participation in the global trading system is indeed in our national interest. Above all, this and other titles are designed to ensure full and active participation of the Congress in administration trade policy formulation, negotiation and implementation.

Provisions to ensure aggressive and systematic enforcement of section 301 of the Trade Act of 1974. Building on the reciprocity legislation contained in the Trade and Tariff Act of 1984, these measures will ensure that unfair foreign barriers to U.S. exports are indeed subject to time-certain retaliation if they are not eliminated.

In this regard, the legislation would provide for regular self-initiation by the administration of section 301 cases against major illegal foreign barriers. It would also establish a process whereby countries with a consistent pattern of trade barriers, such as Japan, would be expected to eliminate these barriers and provide evidence—really make the cash register ring—that the barriers are indeed gone.

Finally, this section, along with title IV, will ensure that American trade interests are served in a variety of sectors not adequately governed by existing trade agreements. The expansion of trade in services, elimination of investment performance requirements, and protection of intellectual property rights are all in the national interest and must be pursued—whether or not rules are drawn up in a new round of multilateral trade negotiations. There is no excuse for U.S. construction services to be blocked from full participation in the Kansai airport project, or for our agricultural chemicals to be pirated in Taiwan, or for Canada to use duty remissions to leverage potential auto plant investment away from the United States. Furthermore, the aggressive enforcement of GATT rules against government-supported trading enterprises, which—like Airbus Industrie in Europe—use the unlimited resources of their governments to undercut the sales of American firms that must face the commercial considerations of the marketplace.

Provisions to revitalize section 201 of the Trade Act—relating to relief from injurious imports and creation of a new system of worker adjustment assistance that emphasizes job training. By increasing the President's options for granting relief and by limiting his discretion in cases where an industry and its workers have clearly been injured by imports and are prepared to undertake the steps necessary for real adjustment, we can reinstate the credibility of section 201. Virtually all nations provide import relief for troubled industries. Section 201 is not some strange anomaly of U.S. trade law—it is provided for under article XIX of GATT—and this provision is fully consistent with our international obligations.

Provisions for a more active and systematic American approach to a variety of other trade problems, including currency misalignment with key developing and developed country trading partners; circumvention of U.S. laws against dumped and subsidized imports; trade data collection; and imports that threaten our defense industrial base.

The Omnibus Trade Act is not meant to be a panacea for all of America's trade problems, but its enactment would better enable us to meet the challenge of international trade. Moreover, the introduction of this bill is not the end of a process—it is the beginning. It is my hope that in the coming year, we will be able to work with the administration and with our counterparts in the House to bring about these important changes in our trade laws, in our trade policy, and in the international trading system.

The protectionist demagoguery, free trade dogmatism, and partisan bickering that increasingly dominate our debates over international trade offer no solutions to America's trade problems. The polarized nature of the current debate over imports offers us a choice between economic Darwinism at one extreme and the proliferation of special interest quota protection at the other. When it comes to fighting foreign barriers and unfair trade practices, we are told the choice is between risking a trade war through massive retaliation and playing the world's sucker.

These are not acceptable alternatives. They are not and cannot be the only available alternatives. The Omnibus Trade Act revitalizes and expands the middle ground. Congress need not use the legislative sledge hammer provided by the Constitution if the President consistently and effectively wields the precision trade tools delegated to him.

In April 1985, I addressed the National Press Club. At that time, I stated my belief that a new round of trade negotiations must be accompanied by action to reduce the bloated dollar and stronger enforcement of existing laws and rules of international trade.

Mr. President, I stand by those remarks. While the administration has already started to move in the right direction, enactment of the Omnibus Trade Act would ensure that we stay on the path.

Mr. DOLE. Mr. President; I am joining a number of my colleagues today in introducing an important trade measure for consideration in this body. It is the product of much work by Senators BENTSEN and DANFORTH, among others, and they deserve our gratitude for their diligent effort to press trade legislation forward.

I am joining them to indicate my strong support for the enactment of a trade bill this year, and my conviction that we can achieve a successful and constructive outcome only through bipartisan efforts which also involve close cooperation between the Congress and the White House.

CONCERN ABOUT CERTAIN PROVISIONS

It is no secret that I have some reservations about the bill. I have discussed them with Senator BENTSEN. I think it is important for a President of the United States to retain discretion in accepting and implementing remedies proposed by others, particularly when, as in the case of the International Trade Commission, these others are not elected officials.

I am also concerned about tying the hands of an administration in requiring it to retaliate in so-called 301 market-opening cases no matter what the possible foreign policy or economic consequences. And there may be some other things—the particular procedures for fast-track negotiating authority—which need refining.

BILL IS IMPORTANT STARTING POINT

But these are matters which can be looked at more closely, and creatively addressed, as the legislation moves through the committee process. It is not necessary to be wedded to every single provision of a 200-page bill to believe that that bill is important and worthwhile. We need a starting point. Senator BENTSEN and Senator DANFORTH are to be congratulated for providing one.

And we need a trade bill now. The trade deficit figures for December improved markedly from previous months, but we are still in critical straits. The reforms proposed in this bill represent a significant effort to address many of the concerns we have had in Congress about unfair foreign trade practices, closed foreign markets, and the admitted need of many of our domestic firms and industries to adjust to the changing realities of international competition.

The bill which we submit does not pretend to offer all the answers to our trade problems. It is increasingly being recognized that many larger economic factors influence our international trade position: exchange rates, relative rates of economic growth among our trading partners, rising debt burdens of less developed countries.

IMPORTANCE OF ADMINISTRATION BILL

Moreover, as a result of the administration's outstanding recent efforts, the eyes of the Nation have now been focused on the central importance of competitiveness to the restoration of America's economic strength and influence.

Indeed, it is for that reason that I expect to support the administration's competitiveness package, which is scheduled to be submitted later this month. It is, of course, a much broader piece of legislation than the bill being introduced today, and it attempts to mount an attack on the trade problem in the most comprehensive possible way.

It is my hope that, in the same spirit of bipartisanship which had been shown with respect to the bill of Senators BENTSEN and DANFORTH, we can have in this chamber a display of bipartisan support for the administration's bill. I hope that my colleagues who have joined in sponsorship of the bill today will join as well in introducing the administration's bill when the time comes.

We must not fool ourselves: the trade crisis is not quickly going away, and only by working together—only by putting aside partisan and ideological differences—can we address that crisis with the urgency and the statesmanship that it demands.

Mr. BINGAMAN. Mr. President, I am pleased to be an original cosponsor of the Omnibus Trade Act of 1987 and to have been a part of the bipartisan group that developed this important legislation. I am especially happy to be the prime sponsor of the United States Policymaking title of this legislation, which will be introduced as separate legislation in addition to being title VI of the omnibus bill.

Let me first thank and congratulate all the Senators involved, particularly the distinguished Senator from Texas, the able chairman of the Finance Committee, Senator BENTSEN, and the distinguished and able Senator from Missouri, Senator DANFORTH, the primary sponsors of this bill and the prime movers of this effort. This legislation represents the product of a number of years of effort by many Senators. The essence of several legislative proposals are reflected in this omnibus package.

I have been interested in our trade problems and efforts to correct them since coming to the Senate, and I am most pleased to have played a modest role in shaping this bill.

The seriousness of our trade problems at this time is well established. There is a real need for immediate reform. I am pleased that this bill begins to address some of these problems. I am hopeful, however, that it represents but the beginning of careful, ongoing attention to trade. Only with such attention can we hope to correct the trade ills that plague us and regain our position as primary competitors, innovators, and world leaders.

PROBLEMS IN THE MARKETPLACE

Mr. President, this bill addresses some of the most fundamental trade problems that we face today. It recognizes the need to reform international trade and financial rules to make them more effective. It requires the administration to begin to prepare for new worldwide trade negotiations. It recognizes that our present system of international trade is full of antiquated rules and procedures. It also recognizes that we are competing in a new world economy.

The growth of our near $170 billion trade imbalance must be halted. A prolonged and continuing international trade imbalance has serious consequences, and I believe is stark evidence of the decline of our competitive position in the world today. For the first time since near the turn of the century we have become a debtor nation and there are a number of growing signs of the weakening and serious shifting in the structure of our economy.

The trade imbalance, along with the domestic budget deficit, has raised serious questions about our economic future. Nearly all the industries in the country now face fierce foreign competition—much of it unfair, bolstered and subsidized by the national governments competing against us.

All sectors of New Mexico's economy that depend in part on trade have felt the sting of foreign competition. In many of these industries there have been lost jobs and plant closings and slowdowns. The mining industry in my State—copper, potash, and uranium—has been particularly hard hit. The oil and gas industry in New Mexico and other oil-producing States has fallen on difficult times, as well as agriculture. The problems in these two industries have contributed heavily to our trade deficit. But the problems have not stopped there. Now New Mexico's budding and critical semiconductor industry as well as other state-of-the-art new technology industries are being damaged by the same kind of unfair competition from abroad. Many other industries nationwide have suffered similar harm. Hundreds of thousands of jobs have been lost.

This situation is reversible. But we must act. We must first agree that there is indeed a problem. Then we must meaningfully reduce our domestic deficit. And we must change our trade laws to combat unfair foreign trade practices without resorting to a policy that kills free trade. The bill we are introducing today is an important step.

NEEDED: A STRATEGY TO COMPETE

I believe that any successful competitive strategy must revolve around developing a broad consensus that we have a serious problem; that our domestic deficit is at the root of many of our trade problems; that we must find ways to increase the productivity of our industries; that our tax laws need to be restructured to encourage productive investment; and that our trade laws need to be virgorously enforced.

Since coming to Congress, I have introduced or cosponsored legislation to deal with many of these problems. One of these bills, would create an International Trade and Export Policy Commission to develop the consensus needed to effectively develop trade policy. Another would, strengthen the mechanisms to combat unfair trade practices that have so dramatically hurt U.S. copper, potash, and uranium industries and now threaten the semiconductor industry. Still another would create a private right of action for industries with unfair trade problems. I have also introduced legislation to address the problem of nonmarket economies in dumping cases. And I have offered legislation which would create an Export Promotion and Information Center to help more American companies enter the export market and to supply needed services to companies in the export business.

I am pleased, Mr. President, that some of the ideas embodied in these bills have been included in the legislation we are introducing today.

OUR LACK OF A TRADE POLICY

An important element of this bill recognizes that we do not now have a coordinated, cohesive trade policy in this country. We are in a changing global economy. We need a framework for creating a trade policy which prepares us for this changing world trade situation. I believe this bill contains important elements which recognize the problems caused in part by this lack of trade policy. In particular, the statement in the national trade policy section contains realistic findings that a unified and coherent trade policy would enhance our long- and short-term economic growth.

TITLE VI: UNITED STATES TRADE POLICYMAKING

Title VI of this bill would create important trade policymaking tools and I am pleased to introduce it as a separate bill. It would call for department heads to make "trade impact statements" for each of their major actions. We simply need to make trade considerations a major element of agency decisionmaking. The bill also calls for the creation of a National Trade Council in the White House to be chaired by the U.S. Trade Representative to coordinate policymaking by the administration on trade matters. We have a serious problem of not knowing who is the lead administration spokesman on trade issues and too often trade matters are either never considered or are relegated to secondary and tertiary considerations. We need to consolidate and elevate trade policy decisionmaking and this provision will do this. In addition, this bill creates a National Trade Data Bank. This will assure that we develop adequate data information procedures and resources to provide the necessary backup to the effort that will be necessary in trade policymaking. It will create an interagency advisory committee to monitor and report to Congress annually on objectives for data collection and distribution relating to trade. Such data collection will importantly serve to encourage expanded exporting by U.S. industry including small businessmen, State-sponsored development efforts, and by others. We now have huge resources available in the Federal Government which are grossly underutilized and not well organized. This provision will reverse this.

Most importantly, these three provisions, the trade impact statement, the National Trade Council and the National Trade Data Bank will provide the ongoing policymaking tools to allow us to continue to address trade problems in the future.

CONCLUSION

Mr. President, this bill is the most comprehensive revision of our trade laws to date, and it addresses the most serious of our trade problems. It goes a long way toward improving our trade posture, reducing the trade deficit and preventing the futher decline of U.S. industries. I am hopeful that it will serve as the basis for further action by Congress, that it will put the President on notice that our trade problems are real and serious, and that it will serve to inform the American people that Congress is dealing with the trade issue expeditiously and thoughtfully.

Thank you, Mr. President.

Mr. CHAFEE. Mr. President, I am pleased to join with my colleagues in cosponsoring this major trade bill. We joined in a similar effort last year in S. 1860, but that effort died partly because we simply ran out of time and partly because we did not have the support of the administration.

This year I hope things will be different. I think the administration is ready to work with us in revising our trade laws. The President in his state of the Union message indicated that making the United States more "competitive" in the world economy was a priority, and he further indicated that "improving U.S. trade laws" was part of his competitiveness initiative.

It will be noticed in the legislation which we are introducing today that there are numerous titles. Not all the cosponsors support each title, and I suspect that as this bill is debated and marked up in the Finance Committee there will be many hotly contested provisions, and many attempts to change and hopefully improve the bill.

For example, I have reservations about the changes in section 201 of the trade laws—the so-called escape clause—which may tie the President's hands unnecessarily. I also think that it is very important that we have a fast track procedure for handling these trade agreements, otherwise the President is simply not going to be able to negotiate from a position of strength. I want to be certain that the procedures set forth in the legislation adequately provide for this fast track procedure.

The most important thing about this bill is the message which I hope it will send to our trading partners and to all those Americans who realize more and more that their jobs depend upon the ability of American industry to compete internationally. Not everyone is working for a steel company or auto company where the threat to American jobs seems imminent, but the foreign competition is out there and it is catching up even in areas such as high technology where we have always had the lead.

The message is that we still want free trade, but we also are going to demand fair trade.

The bill authorizes a new round of multilateral trade negotiations on both tariff and nontariff matters. This would include authority covering a bilateral agreement with Canada. Current negotiating authority expires January 1, 1988, so this provision is a key element of the bill.

The bill takes a very tough and aggressive position on unfair trade practices. It expands the list of things that are considered unfair to include practices such as targeting. This is something I am very pleased to see. As we know, some of our trading partners have targeted various industries here in the United States and then given massive government support and assistance to help their domestic companies compete against our industry.

The bill contains a provision on technology transfer which is virtually identical to a bill I introduced in the last Congress. This provision authorizes the President to enter into negotiations to assure equity in the access to technology. It requires the USTR, in connection with the National Science Foundation, to monitor technology transfers between the United States and other countries, and it provides that if other countries try to require that we share our technology with them as a condition of importation, the imposition of that condition could be considered an unfair trade practice under section 301. Finally, it requires the Secretary of Commerce to monitor and report on intellectual property systems abroad and authorizes the President to provide intellectual property protection technical assistance as part of foreign aid.

This trade bill will not be the instant solution to our current trade deficit or the even larger issue of U.S. competitiveness, but it is a concrete, beginning response. It is not a simplistic protectionist response. Other than a section on agriculture, there are no provisions which simply deal with one sector of the economy—steel, autos, and so forth. This bill also avoids the protectionist provisions contained in last year's House-passed trade bill. This bill is a responsible and promising proposal which I look forward to making even better as the process moves along.

Mr. HEINZ. Mr. President, I am pleased to join with Senators BENTSEN and DANFORTH in introducing the Omnibus Trade Act. It is long overdue, and I hope the Senate will act on it quickly. The bill is a fair one and a major step toward a comprehensive solution to a complex and difficult problem.

It must be said, however, that there are some important elements missing from the bill. The Banking Committee, to my regret and despite my efforts, has not supplied any material in exports, debt, and exchange rates. I expect that committee to hold hearings in March and report an amendment to this bill in April. I will be working to insure that amendment includes material on exchange rates, LDC debt, ETC and FCPA reform—all legislation the committee reported last August and September—as well as export control legislation Senator DIXON and I will shortly be introducing.

In addition, the bill is also missing some elements within the jurisdiction of the Finance Committee—such as on worker rights, private right of action in unfair trade cases, a means of dealing with countries that have a pattern of unfair trade practices, and additional antidumping and countervailing duty law revisions, among other items. No doubt these matters will be raised in committee or on the floor.

These omissions are minor, however, in the face of the long period meaningful trade legislation has been delayed. Our trade problems have not developed only in the last 6 months. They have been years in the making, and Congress and the administration have had years of failure to response as the situation steadily deteriorated. The reasons for that failure, I believe, lie in the myths of the trading system that get in the way.

The first myth, the biggest one of all, is that the world trading system is based on free trade. That is utterly wrong. I brought with me a 300-page rebuttal of this commonly held myth prepared by the U.S. Trade Representative. It provides clear evidence that countries are getting away with economic murder by ignoring the law of comparative advantage.

If Japan for more than 20 years is able to protect its infant industries by keeping all kids of competitors out—not just the United States, but all kinds—it has in effect provided a large subsidy that protected companies can use to enhance their research, their development, and their production engineering. With that advantage they can leapfrog their competitors' technology and engineering in a way that Adam Smith and other free trade economists never anticipated. We are no longer dealing with simple production processes that are easy to enter or leave. Nor is the labor force as mobile as economists assume. In the high technology sector particularly, generations of products change rapidly with earnings from sales of one generation critical to research, development, and production of the next. Dumping or subsidies that unfairly cost domestic producers market share also make it impossible for them to recover such investments through subsequent product development. The Japanese have shown themselves to be masters at the tactic of capturing market share literally at any cost and then holding on to it tenaciously with the result that American competitors suffer severely.

Without question the best known protectionist nation is Japan. I hesitate to bore you with a long list, but the United States has had market opening or trade barrier negotiations with them—and this is not a complete list—on electronics, pharmaceuticals, tobacco, aluminum, medical equipment, telecommunications, forest products, transportation machinery, semiconductors, leather, computers, wine and liquor, chocolate, construction services, and numerous agricultural products.

Another example is Brazil, which has a very direct method of distorting the market. Brazil has a law of similars which simply says that the government can block the importation of anything that is also produced in Brazil. And the Brazilians use it. They have a market reserve policy which allows for the total exclusion of both foreign investment and imports from selected sectors.

Well, in addition to those 2, there are some 38 other countries in the USTR report that are to varying degrees implementing the same system that Japan in its way and Brazil in a different way are practicing. By doing so they have effectively repealed the law of comparative advantage and the principle of the free market.

I said there are three myths. The second myth is that the shrinking dollar is going to cure all ills. We all think back to 18 months ago when Secretary Baker announced his initiative to bring the dollar down and thereby solve many of our trade imbalance problems. Well, the initiative has occurred, but the expected results have not. True, on a trade weighted basis against a conventional basket of currencies, the dollar has dropped in value approximately 25 percent from its peak.

But a number of analysts have begun looking much more closely at the numbers, and what they have discovered is that the dollar has not dropped significantly against a number of very important currencies. Our largest trading partner is traditionally Canada, and, rather than weakening, the dollar has strengthened versus the Canadian dollar. It has also defied conventional wisdom and likewise strengthened against Singapore, against Korea, against Taiwan, and against Hong Kong.

If you look at our 17 largest trading partners, you will find that the dollar has not depreciated 25 percent or 40 percent, as it has against the yen, but only 4 percent from its peak value in February 1985. Then, if you look at the seven largest of those trading partners which now account for 61 percent of our trade, what you see is that the value of the dollar versus those 7 largest didn't go down, it actually went up 11 percent.

If you want to be a little more selective, and take 6 of those 17—Mexico, Canada, Taiwan, Korea, Hong Kong, and Brazil—which together account for 35 percent of U.S. foreign trade, you would find that the dollar has actually risen 71 percent. Now, you don't have to be much of a businessman to understand the effect of having your largest trading partners have weaker currencies. American businesses and their workers have been coping with this continuing problem for 5 straight years. The new record trade deficit for 1986 should serve as the appropriate exclamation point.

This situation is compounded by the fact that even in those countries where the currency has appreciated versus the dollar, there is little interest in absorbing the effects of the appreciation. Producers continue to focus on maintaining market share rather than profit levels.

In the steel industry, for example, which is still of some significance in my State, Japanese steel prices over the last 14 months declined 7.5 percent while the yen was going up some 22 percent. This clearly has helped to maintain market share—and to keep price levels down domestically, preventing the domestic industry from recovering. And it is those marginal imports that set the price. That's what I learned when I was at the Harvard Business School, nearly 25 years ago. It is one of the things I learned that is still true today. And the consequence is that the United States is paying a very heavy price. How long this can be sustained is an open question. And how long we will have to endure the pain it entails lies partly in how long the Japanese Government will continue to provide subsidies to businesses hurt by yen appreciation. I sometimes wish our country had found a way to help our exporters who have been hurt by dollar appreciation—but we don't do those kinds of things here, at least not yet—except in agriculture.

Steel, of course, is only one example. In category after category, the world is awash in excess capacity made worse by government determination to maintain production for political rather than economic reasons. To continue to believe that the dollar's decline has had, or even can have, a significant impact on reversing our current fortunes is to remain mired in economic theory that is irrelevant to the closing years of the 20th century.

The third myth is that there is nothing Congress can or should do about our problems. That is a view periodically expressed by some in the White House. Depending on whom you talk to, it is based on: First, the view that the problem is one of macroeconomic variables either out of our control entirely or outside the scope of the trade policy debate; second, the belief that our trade problems are due solely to American lack of effort and competitiveness; or third, the fear that almost any cure the Congress might vote would be worse than the disease we have now.

The first I have already discussed and dismissed. The second no doubt has some truth to it, but is not an adequate explanation for problems as broad and deep as ours. The third remains to be seen but can hardly be taken as a given. If you review the record of what Congress has actually enacted into law over the past 20 years—rather than what individual Members have proposed from time to time—you can see it is an extraordinarily responsible one. In some respects more responsible than that of administrations during the same period.

Thus the case against trade legislation is hardly proved. On the other hand, the case for it must be demonstrated. The proof lies in the world trading system as it exists in reality—not in myth.

That reality is that the United States undertook, in the aftermath of World War II, a policy that was at the time very much in our self-interest. We engaged in a policy of rebuilding the shattered Western World through the creation of a strong Western alliance—both economic and political. In 1945, we accounted for 60 percent of the free world's gross national product. It was in our interest to promote trade and investment, and we encouraged other countries to use technology, acquire capital, and manage it efficiently. And it was smart of us to do so. The cost to us was small—we were relatively independent of world trade—and the gains great.

But over the last 40 years, that policy has succeeded without us fully understanding its implications. Other countries have developed their own paths to the mercantilist policies I described earlier. They have essentially caught up and gone beyond us in competitiveness at the very time our own real growth and standard of living have slowed down.

And having done so, they have neither met their new responsibilities as we met ours when the world was different, nor have they addressed the new problem these policies have created. As I mentioned, excess capacity has become a global disease. So far it appears to be fatal primarily in the United States, but that, too, will spread, as the Japanese are beginning to see.

The traditional explanations for overcapacity are rising productivity and weak global aggregate demand. Add to that the factors I have mentioned: Increasing Government subsidies that keep the inefficient in business; the reluctance of high technology producers to shut down costly production facilities when demand slackens; the new obsession with maintaining market share at the expense of profits and prices; and the globalization of capital and technology movements that bring on new capacity in unexpected locations.

I submit that this is not a temporary detour on the road to free trade. Development means the continuing expansion of new producers, but it does not guarantee an equal growth of consumption. The result is NIC gains at the expense of more market-oriented producers. So far the chief victim has been the United States. Today we accept 40 percent of all Korea's exports; Japan's, 40 percent; of Taiwan's, 50 percent; of Canada's, 80 percent; and of LDC's, 58 percent. We have been, and we continue to be the engine of growth for the free world.

But the problem is that while it was the right policy for its time, it is one we quite frankly can't afford anymore, because our engine is fueled by debt: national debt, trade debt, consumer debt, business debt, student debt. We are overleveraged. It is fuel that is either going to run out or is just going to produce less and less horsepower to pull an ever-lengthening consumption train.

The consequences of all this were dramatically reflected in an article in the Washington Post on December 14 which analyzed what's been happening to our economy for the last 20 years. Since 1973, Americans have been living higher on the hog while they've been getting poorer. Since 1973, real per capita manufacturing wages have declined approximately 14 percent. Real manufacturing wages are today lower than they were in 1961—25 years ago.

How is it that people can manage to make ends meet? Well, one way is more work force participation; women working. Two, more debt. And we've done a great job in both respects. But there's not much give left. And in the present system, if we run out of gas, everybody's car stalls. Unless we have a more equitable division of responsibility in the trading system. And the best basis for that is the market system—a form of justice we all should be able to accept.

Those are the problems that I submit are really behind the concern in Congress for trade legislation. The conceptional solution is to create a regime that really does enforce the notion of free trade. We certainly don't have it how. And we desperately need it. And unless we get the market to make economic decisions worldwide, we will inevitably see out Government making far more than its fair share of economic decisions out of self-defense. Just as we see abroad. That trend is already underway—whether you call it industrial policy or competitiveness or whatever. It all means Government intervention in the marketplace. But what we've got will seem like a drop in the ocean compared to what will happen.

So what that means to me is that if we are going to prevent this erosion of the market system here and roll it back elsewhere, then we have to move vigorously to attack unfair trade practices wherever we find them. A lot of people say, well Senator or Mr. President, or whoever they're talking to, you know you can tear down all those trade barriers—in Japan or the Common Market or Brazil—and it will really only make a very modest contribution to addressing the trade deficit.

From an extreme short-term perspective that is true. But just as it took 20 or 30 years for us to get where we are now, if we really want the long-term benefits of comparative advantage and the free market it's going to take 10 or 15 years to see them, even if we could create the perfect conditions tomorrow.

All of those countries that have sent their exports to us and grown as a result of the policies I have described, are not going to change easily. Why should they? The current system is a brilliant success for them. We are the losers, not they. This may be why we ought not to expect too much from the new GATT Round—the EC, Japan, and the newly industrializing countries have little more to gain and a lot to lose in any move toward real free trade. Yet, even if we do make real changes, it will take 10 or 15 years before we see the leveling effect of dismantling the protectionist barriers of other countries.

Why should we do it? Because if we don't, one of two things will happen: Either our competitive position will continue to erode and our debt continue to increase past the point where fundamentals like our national security and economic infrastructure are threatened; or there won't be a market system at all, and eventually we will find our Government stepping in and running things like it is beginning to do in semiconductors and machine tools, at which point we'll be like all the other countries we point our finger at.

That is what is driving trade legislation in Congress—not just frustration over the present but real concern for the future. Much of what has happened is irreversible. Jobs lost will never be regained. Dead industries will not be resurrected. That means, obviously, adjustment legislation will be a major part of what we do. That is the proper way to address the short term. But salvaging the long term will be the core of our work. That will mean many of the things that have been proposed under the umbrella of competitiveness, even though that will mean a larger Government role in the economy. But it will also mean an all-out assault on trade barriers worldwide.

Mr. President, this bill is a real opportunity to address these problems. I congratulate Senator BENTSEN and Senator DANFORTH for their development of the bill, and I look forward to working with them in refining and approving it.

Mr. DURENBERGER. Mr. President, I am pleased to join the distinguished chairman of the Senate Finance Committee, and the ranking member of the Subcommittee on Trade, in cosponsoring the Omnibus Trade Act of 1987.

This bipartisan legislation provides the administration with the necessary tools to enter into bilateral and multilateral negotiations aimed at improving the world's trading system. And it sends a message to our trading partners that trade negotiations must lead to a more open and free world trading system which permits American agriculture, mining, manufacturing, and service industries fairer access to world markets.

For too long, many of the European and Pacific rim nations have viewed trade with the United States as a one-way relationship—their industries can sell whatever they want in the United States, but through an elaborate system of tariff and nontariff barriers, they close their doors to American exports. At the same time, many of our trading partners have granted selected sectors of their economies direct and hidden subsidies which make it impossible for American companies and farmers to compete at home and abroad.

Mr. President, under the new round negotiating authority granted to our trade representatives in this bill, our negotiating position at the Uruguay GATT round is clear cut: Trade must be a two-way street. The playing field of international trade must be leveled so that Americans have the same opportunity to compete abroad as we allow other countries to sell in the United States. And that means ending unfair subsidies and opening all markets.

Mr. President, in recent years we have become a two-tier society. Residents of States along the east and west coasts have enjoyed properous growth as jobs in financial, legal, and import services have expanded, while the Nation's heartland has endured a prolonged depression in agriculture, mining and basic manufacturing.

However, the pockets of services prosperity along the coasts will not long endure if this Nation's manufacturing and agricultural base is destoyed by unfair foreign subsidies and closed foreign markets. And as a warning for the future, we cannot ignore the recent loss of profitability of many of our high technology companies, including companies in my State, who have been battered by unfair competition from Japan and Taiwan, while they are barred from selling their products in these countries. These protectionist barriers must be eliminated.

I would also note that much of the economic devastation of rural America is directly attributable to the fact that our farmers have been closed out of export markets because of the protectionist agricultural policies of the European Economic Community and other nations.

This legislation makes clear that the U.S. Congress will not approve any multilateral trade agreement that does not contain a set of rules that gives the American farmer a fair chance to compete on a level playing field in the world market.

Mr. President, this legislation is a first step toward overhauling the Nation's trade laws in the face of a changed global marketplace. Although there is much to applaud in the provisions granting authority to negotiate trade agreements, there are features of the bill which I will seek to change when the Senate Finance Committee begins its markup of the bill.

This legislation completely overhauls the provisions of sections 201 and 301 which currently provide the President broad discretion to consider the foreign policy and national economic implications of imposing restrictions on imports. I believe it would be a mistake to, in any way, handcuff the President when it comes to the difficult issue of deciding whether an industry should be protected from foreign competition.

In most instances when the United States unilaterally decides to impose import restrictions, other countries immediately retaliate against our exports. Just recently, our relations with our closest ally, Canada, suffered unwarranted strains because of protectionist pressures brought by the timber industry and retaliatory action by the Canadians.

Deteriorating trade relations with our trading partners can lead to strained relations in our strategic alliances. These factors the President must be allowed to weight before he decides to impose import restrictions. To deny the President the right to weight the foreign policy implications of import restrictions may, in fact, tread on the President's obligations under the Constitution to conduct foreign policy.

Moreover, it is too often the case that when the United States decides to impose import restrictions, other countries retaliate by cutting off our most vulnerable export—agriculture. Those who would favor handcuffing the President's discretion must recognize that import relief granted to one industry will most likely lead to a further erosion of our farm economy.

At the same time, we must recognize that import relief granted to a single industry usually results in increased consumer costs and losses of jobs in other industries. By protecting an industry, we are, in effect, asking all consumers and workers in other industries to subsidize the petitioning industry. That is a decision that should not be taken lightly and the President must not be denied the opportunity to weigh those factors.

I would analogize this bill to a train with square wheels. It's heading in the right direction, but it needs to be smoothed out. It is my hope that when this bill is reported out of the Finance Committee, we will have written legislation that provides a more effective and functional set of trade laws which reflects the changed nature of international trade.

However, I would caution those who would believe that this legislation will be a panacea for our trade deficit. In recent weeks we have heard from several experts on world trade during hearings before the Senate Finance Committee. Nearly every expert who testified indicated that the American trade deficit will substantially decline only after we eliminate the Federal budget deficit.

In the last year, we have seen some progress on reducing the deficit. But it has not been enough. If we want to report to our constituents that we have passed legislation that will make America more competitive, the first thing we should do is adopt a constitutional amendment requiring a balanced budget and learn to live within our means.

Mr. PRESSLER. Mr. President, today I am joining a number of our colleagues in introducing major trade legislation. Our record trade deficit is a major concern of all Americans and this bill effectively addresses the trade issue.

Trade policies have a significant impact on trade deficit. Tariffs, quotas, nontariff barriers, export subsidies and other trade policies all limit U.S. exports. The bill we are introducing today makes changes in our trade law to facilitate elimination of these trade barriers. A new round of multilateral trade negotiations is authorized. Significant progress was made last fall when the latest round of multilateral trade talks was initiated. Many of the current causes of trade problems will be addressed during these negotiations.

The bill also makes important changes in trade law to streamline import relief provisions. Too often in the past, the International Trade Commission recommended import relief for a domestic industry but the President failed to implement the ITC's recommendations. The bill limits the President's discretion in these cases without completely tying his hands. The import relief section also includes important provisions encouraging domestic industries to make changes that could enhance their competitiveness in the world market. It is critical that trade legislation strikes a balance between import relief and improved competitiveness of domestic industries. This bill does that.

A final provision I wish to emphasize is the agricultural export promotion section. Our farm economy is suffering through some very difficult times. A primary cause of these farm problems is the decline in agricultural exports. This bill takes additional steps to increase U.S. agricultural exports.

In conclusion, I want to emphasize that any trade legislation we pass must focus on the goal of free trade. We need to take some tough actions to demonstrate to other nations that we are serious about eliminating unfair trade policies. The only way we will reduce our trade deficit is to increase exports. The bill we are introducing today demonstrates that the United States is serious about free trade and protecting our domestic industries from predatory trade practices while increasing their ability to compete in world markets and here at home. The bill's main emphasis is on free trade.

Mr. President, I urge my colleagues to join in support of this bill.

TRADE COMPETITIVENESS ASSISTANCE

Mr. ROTH. Mr. President, I rise to introduce as part of the omnibus trade legislation, a bill to extend and reform the Trade Adjustment Assistance Program.

Other than changing the name of the program to Trade Competitiveness Assistance this is the same proposal which I proposed with Senator MOYNIHAN and which passed the Senate and House several times in the 99th Congress as part of the budget reconciliation process. It is a bill that has received overwhelming bipartisan support on Capitol Hill, passing the Finance Committee in September 1985 without objection and accepted by the House Ways and Means Committee in the budget reconciliation discussions.

The essential point of all this support is that in this Congress there is a very broad recognition of the importance of the Trade Adjustment Assistance Program—or put more directly—of the need to help workers who lose their jobs to imports.

Why do Members, Republicans and Democrats alike, feel so strongly about helping workers hurt by trade?

The answer to this question requires a broader look at what is happening in trade and trade policy today.

In the 1970's this country, and many others, experienced an "energy shock." In the 1980's we—and we alone—are experiencing a second shock, a "trade shock." I say this not only because of the mind-boggling size of the global U.S. trade deficit and the fact that imports have hurt the full range of American industries from textiles to semiconductors. I characterize the American trade situation as a "shock" because underlying these figures is a profound anxiety about the unevenness of the international playing field for trade, what many call the erosion of the post-war international trading system. And if this weren't bad enough, this is all taking place in a world economy characterized by rapid and constant change—the appearance of new products and services and rapidly shifting comparative advantage.

We need a comprehensive trade policy to confront the trade shock. A comprehensive trade policy would be aimed at opening foreign markets to U.S. products, assuring fair competition in the U.S. market, improving U.S. competitiveness, and helping those hurt by trade. It is this later point that the bill I am introducing today addresses.

Some may say that the U.S. trade deficit is finally going down, so there is no need to take special Government action now. The November trade statistics, which show an increase in the deficit, however, call the assumption that the trade deficit is going down into question. But even if the deficit is going down, it is expected to remain quite high for the next couple of years. The need for effective Government assistance for workers hurt by trade remains very compelling.

In fact, the Trade Adjustment Assistance Program was established in 1962, because it has long been recognized that even when there is a favorable balance of trade, there will be losers, individuals whose jobs will be lost to import competition. With an unfavorable balance of trade, the number of losers multiplies. Today the trade shock has driven this point home.

As I mentioned earlier, in the 99th Congress I pressed for this kind of assistance and with the strong support of my colleagues we did save the Trade Adjustment Assistance Program by incorporating an extension of the program and some improvements into the Consolidated Omnibus Budget Reconciliation Act (Public Law 99-272, April 7, 1986). Our efforts assured that workers who lose their jobs to imports would continue to receive cash benefits to help them and their families. We restored these benefits as well to workers who had been abruptly cut-off from the program in December 1985. We extended the program for 6 years and we began to turn the program into a real "adjustment" program by providing for participation of workers in job search programs.

Enactment of these changes was clearly a victory.

But it is critical to remember that broad congressional support for TAA in the 99th Congress did not emerge because the basic TAA Program was so good. Actually, support for the basic TAA Program was severally floundering at the beginning of that session.

It was the TAA reforms which I introduced in January 1985, as a part of a comprehensive trade bill, (S. 234) and later that year with Senator MOYNIHAN as a separate TAA proposal (S. 1544) which I believe rallied deep support for a continuation of the program.

Unfortunately, the final Budget Reconciliation Act did not include these key reforms: First, the use of a small import fee to fund the program, second, provision of up to $4,000 for retraining each worker hurt by trade, third, the requirement that in most instances, workers be in training to receive cash benefits, and fourth, the proposal, particularly pressed by Senator BRADLEY, to expand the program to include workers in independent firms. That is why it is necessary to reintroduce today our TAA legislation as conferenced and that is why it is again necessary to make the case clear for the TAA Program.

I believe there are two basic reasons for reforming trade adjustment assistance.

First, as everyone knows, money is tight. Second, the program as currently structured has not achieved its principal purpose—adjustment by individuals and firms to import competition.

The bill we are introducing today corrects each of these problems.

A creative approach is proposed for funding the reformed program. A small fee—an adjustment fee—would be placed on imports to finance TAA. In effect, it would be a users fee for trade; those who benefit from trade would pay for the costs of trade. The bill puts a cap on this fee of 1 percent of the value of imports, but I would estimate that it would cost only one-tenth of 1 percent to finance the program set up in the bill.

The bill directs the President to obtain GATT approval as soon as possible for countries to be able to impose such a small fee on trade to fund adjustment programs. At the end of 2 years, the fee is imposed in any case.

Make no mistake, this is not a proposal for an import surcharge. The fee is small and the fee is capped by statute. I got this idea from a similar program that has been in place in Hong Kong for some time. Everyone thinks of Hong Kong as a totally free port, but in fact, Hong Kong assesses a small fee—one-twentieth of 1 percent—on all imports and exports. In the case of Hong Kong, the fee is used to finance trade promotion programs.

The adjustment fee would be a small cost to trading nations to keep trade open and expanding, and I think America's traders are ready to pay it. The National Retail Merchants Association endorsed this idea soon after I introduced it in January 1985 as part of S. 234.

Internationally, the timing is also right. We are not the only country having trouble adjusting to new trade conditions and we are not the only country that is having budget problems. Other nations would have a clear national interest in signing onto this proposal in the GATT and that is the key ingredient for a successful negotiation.

But there is no point in placing a fee on trade to promote adjustment if the program in place is not designed to assure that objective. This is why this bill also includes a proposal for reform of the current program.

The changes are few, but they are critical. The bill does not propose a complete revamping of the TAA Program. In fact, all benefits now available to workers under TAA—additional unemployment compensation known as a trade readjustment allowance, job search and job relocation allowances—would continue, but there is a key new eligibility requirement and an important new benefit.

The new eligibility requirement—any worker receiving benefits under the reformed program must be enrolled in or have completed a retraining program.

The new benefit—to pay for this training, each worker would be given a $4,000 job-retraining-voucher redeemable for training. Individuals would have a wide choice of training options: programs under the Job Training Partnership Act, such as State training programs and private programs approved by the private industry councils established by that act; programs approved by the Secretary of Labor as well as training by private firms. This last option—training by private firms—I believe, in particular, will open up many new opportunities.

This legislation also removes an unfair anomaly in existing law which permits workers producing components parts or providing services in integrated manufacturing companies to receive TAA benefits, but precludes certification of workers in independent companies providing the same components or services by contract.

As far as the firms program is concerned, the bill would leave in place the Technical Assistance Program. This program has proved its usefulness. For example, in House hearings on TAA, testimony on benefits of technical assistance to the textile and footwear industries was submitted. The assistance is used not only for management and marketing advice, but also for research and development, for example, for automated apparel equipment. Importantly, this money is also used to help firms prepare petitions for help under this statute.

How much would this reformed programs cost? Since TAA has already been extended in budget reconciliation, there would be no additional outlays until the program reforms come into effect.

The program reforms do not come into effect until 1 year after the import fee is imposed. During that year moneys would begin to build up in a trust fund set up to finance the program. The funding would continue to come from general revenues for up to 3 years depending on the timing of the GATT negotiations.

When the program changes are in effect CBO estimates prepared for the 99th Congress show that the cost of the program would be about $300 million a year. This $300 million would be entirely funded by revenues raised the previous year by the import fee.

The U.S. trade situation is very difficult. As a number of members have pointed out recently, this is a time for open minds, for unconventional proposals.

Today more than ever our workers need meaningful help in the fact of the trade-related dislocation. Imports now compete with nearly the full range of U.S. production. The proposal in this bill for the first time offers these workers a total package of relief—unemployment compensation, job search and relocation help and significant financing and options for retraining. A complete package is not available under any other Federal program.

And today more than ever the international trading system—the GATT—needs to be brought back to life. Trade intellectuals in the OECD and elsewhere have for some time now decried the need for positive adjustment policies—policies that facilitate the movement of people and resources from declining to growing industries—as the underlying problem dragging the trading system down. This proposal for a GATT-sanctioned import fee to finance adjustment provides a new tool to promote positive adjustment by GATT members.

I believe it offers, as well, a new tool for getting meaningful multilateral trade negotiations underway in the Uruguay round. It is traditional for nations to signal their seriousness about a new round of trade negotiations by taking a trade liberalizing action for example, lowering some tariffs. Agreement to the imposition of a small fee on imports would be an unconventional, even ironic, way to signal a strong commitment to the new round. But this fee could very well be the catalyst for movement on the issue that is central to establishing a fair and effective international trading system and to the success of any new negotiations, a new multilateral agreement on safeguards—situations in which countries can legally enact temporary trade restrictions. In these times I think a GATT agreement on this adjustment fee would perhaps more than any other simple action signal a renewed worldwide commitment to make the trading system work.

As you can see, I introduce this bill with great hopes. But I want to make it clear as well that I agree with the AFL-CIO comments on the Trade Adjustment Assistance Program included in a letter to Congressman GIBBONS, the chairman of the Ways and Means Committee.

> The AFL-CIO does not view trade adjustment assistance as a substitute for a fair and effective trade policy. Nevertheless, the United States is faced with the tragic reality of devastated communities and wasted human resources due to imports. A trade adjustment assistance program that includes income support, training, and job search and relocation allowances is a first and necessary step to restoring and revitalizing the industrial strength of our country.

This bill has broad support in the Congress. It is time to make it a law.

Mr. MOYNIHAN. Mr. President, I am proud to join Senators BENTSEN and DANFORTH, and 14 other members of the Finance Committee, and a majority of the Senate, as an original sponsor of the Omnibus Trade Act of 1987.

This bill represents a continuation of the bipartisan process begun in the last Congress when Senator DANFORTH and I, along with a majority of the Finance Committee and others introduced S. 1860, the Trade Enhancement Act of 1985.

This bill builds on that product by taking into account the many suggestions heard at last year's extensive hearings and incorporating legislation proposed by Senator BENTSEN and others.

Mr. President, a bit of history may help explain the overwhelming support for this measure.

Beginning with Cordell Hull's Reciprocal Trade Agreements Programs in 1934 and continuing with the General Agreement on Tariffs and Trade—and the "rounds" conducted under its auspices—tariffs have been reduced and trade has been liberalized. The average U.S. tariff rate dropped from 47 percent in 1934 to 5.5 percent in 1985. World trade, which had grown by only 0.5 percent per year between 1913 and 1948, doubled five times between 1950 and 1980—an increase of 2,900 percent—and the world witnessed the greatest period of economic growth in history.

Since 1980, however, world trade has essentially hovered below the $2 trillion mark. World economic growth has also slowed. Competition has intensified: there are many more trading nations vying against one another for stagnant markets. And under one banner or another, in both developed and developing countries, the old tradition of active state involvement in economic affairs was revived. Under GATT, of course, overt quotas and higher tariffs are unavailable to stop imports. But countries have adopted less visible policies and practices to restrict imports and promote exports. At the same time, the ability of countries to adjust to the changes that accompany international trade has been strained.

The result has been something of an undeclared trade war—one the United States is losing.

The U.S. trade situation continues to deteriorate. The merchandise trade deficit reached $170 billion in 1986—nearly five times the deficit of 1980. Our exports have been practically flat during that time, while our imports have steadily increased. And not just manufactured goods: 1986 was the first year since 1959 that the United States imported more agricultural products in a month—three in fact—than it exported.

The reasons for our trade deficit are many. Relatively poor productivity. Slower growth in other developed countries. Reduced purchases by indebted LDC's. And most certainly the appreciated value of the dollar between 1980 and 1985 resulting from the unprecedented budget deficits given to us by the administration's failed fiscal policies. Federal budget deficits begining in fiscal year 1981, $221 billion in fiscal year 1986 alone, have required the Government to borrow $1.2 trillion—much of it from abroad. As a further result, the United States now has the dubious distinction of being the world's largest debtor nation.

But Mr. President, this bill also arises from a basic dissatisfaction with the administration's record of nonenforcement and nonimplementation of our existing fair trade laws. Congress has provided this administration—like past administrations in the last 40 years—with large areas of discretion as how to best implement those laws. But this administration continues to question whether the law should be implemented at all.

Which is not to say that this administration has done nothing in trade. Quite the contrary. The administration's record is not one of capitulation, but of vacillation, mixing free trade rhetoric with occasional restrictive trade agreements. But the problem is that such restrictions are imposed on an ad hoc basis, outside the established procedures, denigrating their worth.

All this is unacceptable. We need to get world trade growing again for everyone's benefit. We need to make sure that the President will take action within the context of statutory standards and procedures established for that purpose. We need to make sure that the President will address unfair trade practices and grant relief to American industries and workers injured by imports if they undertake measures to improve their competitiveness.

I believe the bill we are introducing today will do just that. The bill would:

Authorize the President to negotiate multilateral and bilateral trade agreements on tariff and nontariff matters for 10 years. The bill also lists those objectives the Congress has determined are worth pursuing in such negotiations.

However, if the President wanted to be able to submit legislation implementing a multilateral agreement under "fast track" congressional procedures which set strict deadlines for congressional action and preclude amendment, then he would have to submit to Congress a request to be able to use fast track procedures and a detailed statement of U.S. trade policy. The President's request would be considered expeditiously; if Congress agreed—by concurrent resolution—to fast track consideration of trade agreements—in effect approving of his trade policy statement—then the President could submit such agreements for the following 5 years. The President's ability to submit legislation implementing agreements could be extended for an additional 5 years, through the same procedure followed at the outset. With respect to bilateral agreements, the preapproval procedures of current law would continue to apply.

I note in this regard that should the current bilateral trade discussions with Canada not be completed by the end of the year, those discussions would have to be reauthorized. But the administration has told us they believe they can reach agreement this year—and I severely hope they can do so.

I might also note, Mr. President, that the bill would direct the President to enter into negotiations with countries that peg their currencies to the dollar—such as Hong Kong, the Republic of Korea, and Taiwan—to ensure that such countries regularly adjust their exchange rate with the United States dollar to accurately reflect underlying economic fundamentals. I proposed such on the first day of this Congress in S. 30. These countries account for a growing percentage of U.S. trade—yet unlike the yen and mark, their currencies have not appreciated significantly against the dollar in the last 18 months.

The bill also requires the President to take firm action to eliminate unfair foreign trade practices. These proposed changes to section 301 of the Trade Act of 1974, as amended, will go a long way toward restoring credibility to our negotiators, toward enhancing their negotiating leverage, by making retaliation certain in some cases and highly probable in others. I have advocated such an approach since at least the introduction of the increased market access promotion bill—S. 1505—in July 1985, and the ideas were substantially refined in title II of S. 1860 which Senator DANFORTH and I and many others introduced in November 1985—and which I reintroduced on the first day of this Congress as S. 31. So I am pleased to sponsor a separate bill containing these provisions of the Omnibus Trade Act, and discuss these provisions in greater detail in connection with the introduction of that bill.

The omnibus trade bill also proposes changes—needed changes—to the antidumping and countervailing duty statutes. I pause here just to note that the Trade Reform Action Coalition has long advocated these and other changes, and I have consistently supported them. The "fair trade" rules need to be updated to reflect the realities of the international trading system.

The bill also encourages industries and workers injured by imports to become competitive—and grants them the assistance necessary to make the transition.

For industries, in exchange for a greater assurance of temporary relief from imports, the industry must commit to taking actions which will lead to the industry becoming competitive at the end of the relief period—or facilitating the orderly transfer of resources to alternative uses.

For workers, in exchange for extended unemployment compensation the worker will be required to enroll in retraining. At the same time, workers will receive a $4,000 voucher for retraining expenses, a greater variety of eligible retraining programs, and an assured source of program funding. The provisions of this bill are the same as proposed by Senator ROTH, myself, and others in 1985, passed by both Houses of Congress in the fall and winter of that year, unfortunately dropped in conference under threat of an administration veto, and reintroduced by us on the first day of this Congress as S. 23. I am pleased to join him in introducing these provisions as separate legislation yet again.

The bill also begins the process of organizing for trade by creating a national trade council and national trade data bank. I am pleased that the bill includes the substance of a bill I introduced on the first day of the Congress—S. 21—to require enhanced data collection of the service sector. Although the service sector accounts for 70 percent of GNP, service sector data collection lags behind the goods sector. We must have such information if we are to compete internationally.

Finally, Mr. President, let me say that the changes with respect to the procedure in cases of imports threatening national security, and those that violate intellectual property rights, are proposals on which almost all agree—we simply need to act.

In short, Mr. President, I believe this bill should and will be enacted.

Mr. COHEN. Mr. President, I am pleased to join my colleagues today in introducing the Omnibus Trade Act of 1987. Congress enacted important trade policy reforms in 1984, and the legislation we are introducing today builds upon the framework laid down at that time. This critically needed measure will also put into place an equitable trade relief mechanism that will effectively deal with the complexities of the international trading system.

In my own State of Maine, the lumber, fishing, potato, textile, shoe, and paper industries have been under siege by heavily subsidized imports from a number of our trading partners. Many of these industries have pursued unfair trade complaint cases before the Commerce Department and the International Trade Commission. To date, their collective track record has not been good. Their failure to win meaningful relief is more a reflection of the inadequacy of our existing trade laws than of any deficiency in the merits of their petitions. The legislation we are introducing today will correct many flaws in our current trade laws which have prevented a significant number of U.S. industries from obtaining the relief they so clearly deserve.

My colleagues have clearly detailed the various provisions of this comprehensive trade law revision, so I will not repeat them. Let me simply join with the other sponsors of this measure in serving notice to our trading partners that the United States will no longer be the marketplace for subsidized and dumped foreign products, nor the object of blatant foreign government targeting.

We are committed to rationalizing the system by which we control our borders to ensure that our domestic producers do not unjustly suffer from the illegal trading practices which have become more prevalent in this increasingly mercantilistic world. I urge my colleagues to join us in supporting this important initiative.

Mr. MATSUNAGA. Mr. President, as chairman of the Subcommittee on International Trade I rise in support of the Omnibus Trade Act of 1987.

Mr. President, I am joining the distinguished chairman of the Senate Finance Committee, Mr. BENTSEN, in cosponsoring this trade bill because it addresses fundamental problems in American trade policymaking. Perhaps the most important issue in trade policymaking is the relationship between the executive branch and the legislative branch. Under our laws trade is a matter of shared jurisdiction. The executive branch negotiates trade agreements which the Congress ratifies and implements by necessary legislation.

Until last spring, I was deeply concerned that the current administration was not sensitive to the need to consult closely with Congress on matters of trade. At that time, the Finance Committee of the U.S. Senate nearly rejected the President's proposal to negotiate a fast-track free trade agreement with Canada over this very issue. By a single vote, a disapproval resolution was defeated in the Finance Committee, and the President was spared the embarrassment of having to withdraw from international trade negotiations.

Under this bill, the Congress would establish a procedure for assuring close consultation between the Congress and the executive branch during the upcoming round of multilateral trade negotiations. In my opinion, this is a most important provision because without such consultation the negotiations may fail. Under this procedure, the President would be permitted to seek congressional approval of a statement of trade policy which would be prepared at the outset of the negotiations. If the Congress approved the statement by a concurrent resolution, the administration would be permitted to use expedited legislative procedures for the approval of trade implementing agreements. This procedure will bring the Congress into the consultation process at the beginning of the process and will keep the Congress involved until the end of the negotiations.

Mr. President, the enactment of comprehensive trade legislation this year is a major priority for the Congress. The congressional objective in enacting trade legislation this year is to convince the administration as well as our trading partners that a sound and fair trade policy is essential to a working global economy. I am confident that the omnibus trade bill being introduced today will accomplish this objective.

Mr. LUGAR. Mr. President, I am pleased to be a cosponsor of the Finance Committee trade bill which has been introduced in the Senate today. This bill has many similarities to S. 1860, the bipartisan omnibus trade bill of 1985 which I cosponsored during the 99th Congress. It suggests a vigorous and effective response to current trade conditions, stressing an appropriate balance between consumer and producer interests. I am confident the world trading environment would be greatly enhanced by enactment of this legislation.

It is essential that we take steps to eliminate the American trade deficit. This bill has as its goal just that result. The longer the deficit persists the more difficult it becomes to maintain the standard of living which Americans have come to enjoy. The United States continues to be the world's most formidable economic power. As such, we have the obligation to act responsibly and firmly to remove the trade deficit cloud hanging over us.

I strongly support the provisions in the Finance Committee bill authorizing the President to enter into trade negotiations, in consultation with the Congress. Congress can aid, not hinder this process. A unified stand must be perfectly obvious to our trading partners so they have no doubt about our Nation's commitment to fair and open trade. Likewise, I am enthusiastic about the prospect of more negotiations with countries who engage in adversarial trade practices. Jawboning has its place in international economic relationships but it is not a sufficient foundation on which to base an entire nation's trade policy.

We must also devote our attention to trade in the agricultural sector. Due to a 37-percent decline in agricultural exports since 1981, America is now buying more nondomestic farm products than we are selling abroad. I believe the title VII agricultural provisions will address the situation which has added to the challenges facing the American farmer.

In sum, it is imperative for the Congress to act in a bipartisan manner to attack the myriad of trouble spots which contribute to our sluggish economic growth. The Finance Committe bill, under the leadership of my distinguished colleagues Senator BENTSEN and Senator DANFORTH, will serve as an excellent starting point.

Mr. ROTH. Mr. President, today I join Senator LAUTENBERG in introducing S. 486 as part of this omnibus trade bill, legislation we have been pressing to amend section 337 of the U.S. trade laws.

Section 337 is the principal U.S. statutory weapon against imports that violate U.S. intellectual property rights. The problem is that now this law puts more roadblocks in the paths of American inventors than in the path of imports that infringe U.S. patents, trademarks, and copyrights.

Section 337 was originally designed to cover a broad range of unfair acts in the importation of goods into the United States. As a result, it contains several elements, in addition to an unfair act, which must be proven before relief can be granted. Many of these requirements make no sense in the context of the infringement of intellectual, property rights. Moreover, these elements are not required by our international obligations, as evidenced by the fact that many of our trading partners do not require such showings for the exclusion of infringing imports.

Specifically, in addition to proving that a patent, trademark or copyright is infringed now an American owner of an intellectual property right must also prove that the infringing imports are injuring a U.S. industry and that that industry is economically and efficiently operated.

It is absurd that an industry that holds a valid and enforceable U.S. patent, that has proven that its patent has been pirated by a foreign company and that the infringing products are being imported into the United States, should have to jump over the additional hurdles in the current law, like the "injury test," before it can get help from the Government.

The Corning Glass case is a glaring example of the absurdity of current law. Corning makes optic fibers, a product that is at the cutting edge of telecommunications technology. The product and process patents that protect this technology have been infringed by a Japanese company, as has been determined by an administrative law judge and the United States International Trade Commission last year. However, because the domestic fiber optic industry was unable to prove that it was threatened with "destruction or substantial injury" as a result of the infringement, the United States Government is powerless to act against this Japanese infringer.

The bill I am introducing today eliminates the "injury" requirement from the law in cases involving valid U.S. patents, process patents, registered trademarks, copyrights and registered maskworks. In addition, this legislation eliminates the requirement that an industry must be economically and efficiently operated from all section 337 cases.

The bill also contains several other amendments designed to make section 337 relief more meaningful to holders of U.S. intellectual property.

First, the bill would require the ITC to act on requests for temporary relief in most cases within 90 days after a petition for such relief is filed. In cases involving seasonal markets, or where key shipments of infringing merchandise are pending, temporary relief should be used to prevent harm to the owners of the intellectual property in issue.

Second, the bill provides the ITC with greater flexibility in designing relief. The bill would allow the ITC to issue cease and desist orders in addition to exclusion orders, rather than in lieu of exclusion orders. The bill would also grant the ITC the authority to order forfeiture of merchandise found to be in violation of section 337. This would prevent harm to an intellectual property owner where goods have been imported during an investigation, or during the Presidential review period. The loss of a bond to the U.S. Government penalizes the importer, but provides no relief to the U.S. intellectual property owner if the goods are imported while under bond.

Third, the bill underscores the importance of the finality of ITC judgments, by providing that a party that has been found to be in violation of section 337 may seek an advisory opinion or modification of the order, only if the party first shows that it is presenting new evidence or evidence that could not have been presented during the course of the original investigation. It also codifies the requirement that a party seeking such action has the burden of proving that the product or process would not violate section 337.

A complainant that has successfully shown that a patent is valid and infringed should not, in the absence of a showing of good cause, be subject to the expense of additional proceedings to protect the value of the relief secured. This is the approach which the ITC has adopted in the past. This bill would strengthen those principles and enact such requirements into the statute.

Fourth, the bill provides that a complainant need not go to the expense of establishing a prima facie case in an administrative hearing, if the respondent or respondents are in default, and the complainant is seeking relief against only the defaulting parties.

Lastly, the bill increases the penalties for violation of cease and desist orders.

These amendments are intended to be a complement, rather than a substitute for, legislation strengthening U.S. process patent laws.

In today's highly competitive international marketplace, we can no longer afford to pioneer new technology after new technology, while complacently allowing others to profit from the resources and efforts required for developing such innovation. This bill represents an important step in remedying this problem.

There is very broad support for this legislation in the Congress, the business community and in the administration. It was nearly enacted in the 99th Congress, and I am very hopeful that we will see final action on it this year.

AGRICULTURE TITLE OF THE TRADE BILL

Mr. DURENBERGER. Mr. President, today I am cosponsoring with the distinguished chairman of the Agriculture Committee, title VII of the omnibus trade bill. The purpose of this title is to improve export promotion coordination and funding for export promotion of domestic agricultural products.

Mr. President, there is a prolonged and debilitating crisis in the Nation's heartland. Main Street America is in a state of collapse. Last year, we recorded more bank closings in this country than in any year since the Depression. And rural land values have declined in every year since 1980.

One of the main reasons that rural America is suffering so heavily is that American farmers have experienced an extraordinary drop in exports. In 1981, this country exported more than 43 billion dollars' worth of agricultural products. Last year, we exported 27.5 billion dollars' worth of agricultural products. Our market share of agricultural products and commodities has dropped 28 percent in the last 5 years. And for the first time in 15 years, the United States last year incurred monthly agricultural trade deficits.

The decline of agricultural exports simply must stop. And that's why I am cosponsoring this legislation. This legislation triples funding for U.S. agricultural trade shows from $2.3 to $8 million. It increases by more than 30-percent funding for agricultural market promotion and trade development.

Moreover, this legislation allows the Commodity Credit Corporation to provide surplus commodities to cooperator organizations to promote U.S. exports and it creates a new office at the U.S. Department of Agriculture to develop and coordinate export promotion strategies that focus on developing new markets for our agricultural products.

Mr. President, export promotion alone will not end the crisis in rural agriculture. Our trading partners, especially the European Community, must give up their export subsidy programs and their protectionist agricultural policies. Our farmers can compete in any market on the globe so long as they face open markets and fair unsubsidized competition.

It is my hope that when our trade representatives begin the Uruguay round of the GATT negotiations, they will let our trading partners know in no uncertain terms that we demand a level playing field for agricultural trade.

Mr. MITCHELL. Mr. President, I am pleased to join my colleague, Senator Bentsen, today in introducing the Omnibus Trade Act of 1987, vital legislation designed to deal effectively with our massive, recordbreaking trade deficit.

The debate over protectionism and free trade has shed more heat than light in the past several years. In the meantime, the products of our Nation, both agricultural and manufactured, have seen more and more markets closed to them, while the subsidized products of other nations have flooded into our stores.

All the free trade rhetoric in the world cannot alter that fundamental fact.

Every trading nation in the world has a trade policy designed to protect its own economy and to exploit whatever advantages other countries offer. The Common Market nations do it; the Japanese do it; the developing nations do it and the Latin American nations do it. The United States does it too, but we do it piecemeal, ineffectively, and sporadically.

The legislation we are proposing is designed to replace the current ad hoc trade policy under which we have operated for the past 6 years with an effective, consistent, and realistic trade policy.

It would provide a framework requiring closer, more detailed and continuing consultation with Congress as agreements are negotiated. This is vital. The ad hoc trade actions of this administration have been too often in tune with election-year political needs rather than the year-to-year needs of the affected regions and workers. Continued consultation with Congress is the only way that the interests of every American can be fully taken into account as negotiations continue, rather than after the fact.

I am pleased to join Senator Heinz in cosponsoring changes to the countervailing duty and antidumping statutes that are necessary to strengthen and combat evasion of current law. This will make to our trading partners and competitors that responses will occur if agreements are evaded.

The changes proposed to section 301 will encourage the executive branch to pursue a more vigorous trade agenda to respond to policies of other nations that would deny our industries fair trading opportunities. Several thoughtful proposals have been offered over the last few years to strengthen our unfair trade laws. While there is a genuine difference of opinion as to what is necessary to give greater effect to our unfair trade laws, the changes proposed in this legislation are a vast improvement over current law. I recognize that no matter how much executive branch discretion is reduced, the ultimate efficacy of the statute will depend on the willingness of the President to aggressively respond to the unfair policies of other nations.

As a result of congressional pressure, this administration has begun to use section 301 to open foreign markets but I see little evidence that the President is truly committed to a consistent and vigorous defense of our trade rights without continuing pressure from Congress. This bill is designed to institutionalize a more activist response to unfair trade practices.

Other changes proposed in section 301 would expand the reach of the law to cover more activities of foreign nations that restrict the ability of our industries to compete worldwide. I am particularly pleased with the provisions in the bill including export targeting as an actionable unfair trade practice.

This bill does not seek to set in concrete the current manufacturing picture in the United States. It recognizes that as technology changes, as our Nation's demographics alter and as economic choices shift, new products, new processes, and new services will displace old ones. But it seeks to make the transition from older, to new industries less burdensome to the workers in those industries by providing for better retraining and retooling in industries affected by import competition.

This is not only a key element to maintaining American competitiveness in world trade, it is a key element in ensuring a sound domestic economy as well. We cannot and should not enter the 21st century with whole regions of people whose skills are outmoded and workers whose energies are wasted.

No comprehensive trade bill will ever satisfy all elements in the country, and there are elements in this measure that will benefit from further review. I cannot support every provision in the bill. There are further changes I would like to see made during the committee process. But the crucial factor is that the legislation creates the framework for a rational, realistic, and consistent policy. It is long overdue and I look forward to its early consideration in the committee. I congratulate Senator BENTSEN for his fine work on this bill.

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of the Omnibus Trade Act of 1987 which is being introduced on a bipartisan basis by the distinguished chairman and the distinguished ranking minority member of the Senate Finance Committee. This legislation will serve as a blueprint to get America back on the right track and out from under a spiraling trade deficit.

The recent news that the United States ran up an unprecedented trade deficit exceeding $170 billion for 1986 was extremely disheartening to say the least. In 5 short years we have gone from being the world's largest creditor to the world's largest debtor nation. We have stood idly by watching the systematic dismantling of our industrial base while our trading partners, led by Japan and the so-called newly industrializing countries, have increasingly taken advantage of our open markets at the expense of domestic business.

To blame our trading partners for all of our trade woes is unfair, for we have not utilized our own laws to their full extent. However, to overlook the predatory trade practices—dumping, subsidies, and tariff and nontariff barriers—of these countries would be foolhardy.

This Senator is not a protectionist; it is not my intention to change our free trade policy and isolate the United States from trading with the rest of the world. However, I cannot continue to look in the other direction. Action is needed now.

The legislation being offered today is not protectionist. Rather, it presents a well-balanced approach to begin to resolve our trade deficit. First, it outlines a procedure for granting authority to the President to negotiate trade agreements with closer consultation with the Congress. It tightens and expands current U.S. trade laws to enhance our overall competitiveness, including establishing a fairer standard for determining whether a domestic has been seriously injured by increasing imports or is seriously threatened with such injury. In addition, the legislation charges the President with a new responsibility to reduce unfair trade barriers in countries that practice adversarial trade.

Mr. President, this legislation represents a new beginning. I am confident that working together we can regain our competitive edge and instill a new spirit in America.

Thank you, Mr. President.

Mr. HEINZ. Mr. President, I want to express my particular support today for that part of the Omnibus Trade Act that deals directly with unfair trade practices.

This bill amends our antidumping and countervailing duty laws in a variety of ways to make them more effective at attacking these unfair practices. One of the problems that has been developing since these laws were last significantly amended in 1979 is that the increasing familiarity of foreign governments and foreign producers with them helps them find new and ever more ingenious ways to circumvent them. Increasingly we are seeing efforts that include outright fraud and blatant circumvention, such as efforts to disguise country of origin in order to fool the Customs Service into believing the product came from a country other than the one against which an antidumping or countervailing duty had been imposed. We also face more devious efforts by foreign governments to redesign their subsidy programs in ways that do not violate U.S. law yet maintain the subsidy in essentially the same amount. The provisions in this bill are designed to give the Government better tools to attack these practices more effectively.

As I have said before, doing away with unfair trade practices is not going to eliminate our trade deficit and no one has claimed that it will. It is, however, an important part of the total effort, largely because of its long term effect of creating more market oriented economies throughout the world, thereby encouraging governments to focus their efforts on sectors where they have a true comparative advantage rather than to seek to manufacture that advantage artificially and contribute to world overcapacity, a problem now plaguing an increasing number of agricultural and manufacturing sectors. I discussed this problem in greater detail when I introduced previous legislation on this subject, and I expect to have more to say about it again at a later time. I would also note, Mr. President, that the provisions in this bill are similar, and in some cases identical, to sections of S. 439 and S. 307, which I introduced earlier this year.

At this point, Mr. President, I would like to briefly explain the provisions of this bill.

CRITICAL CIRCUMSTANCES

When a subsidy or dumping petition is filed, foreign producers often increase shipments immediately after the filing in order to have their products arrive before penalty duties are assessed. This circumvents the remedial intent of the law. Present law does provide for the retroactive assessment of duties (90 days before the publication of a preliminary determination) if the Commerce Department determines that evidence of an import surge exists. However, the current administration of the critical circumstances provision results in relatively few affirmative determinations for a variety of reasons.

SOLUTION

Enhance the effectiveness of provisions dealing with import surges in the early stage of dumping and subsidy cases: Limit the role of the International Trade Commission with respect to surge rulings; provide more flexible guidelines in determining "knowledge of dumping"; and clarify that "massive imports" means relative to previous import levels from the country under investigation.

CIRCUMVENTION OF THE ANTIDUMPING LAW THROUGH ABSORPTION OF ANTIDUMPING DUTIES—SHAM TRANSACTIONS

The purpose of the antidumping law is to remedy price discrimination across international boundaries made possible or "financed" by higher prices in the home market. The economic theory underlying this law is that price discrimination—particularly predatory price discrimination—will drive out competition and lead to high monopolistic or oligopolistic pricing by the successful foreign exporter(s). Congress sought to remedy this economic evil by regulating market behavior so as to eliminate the unfair pricing.

There are three possible methods by which that remedy can be achieved. First, the foreign exporter can reduce home market prices so that low-priced exports to the United States cannot be financed through profits gained from the home market. Second, the foreign exporter can increase prices to the United States so as to eliminate the margin of dumping and the injurious impact of discriminatory pricing. Third, antidumping duties can be assessed to the extent of unfair pricing. This last alternative assumes that a rational economic factor will pass any antidumping duties imposed through to U.S. purchasers. Indeed, only in that manner can the remedial effect of antidumping duties be felt in the marketplace and thus redress the injury to the U.S. industry. Traditional antidumping theory did not contemplate the absorption of antidumping duties by the foreign exporter and thus the nullification of the remedial impact of an antidumping duty order.

CURRENT REMEDY

Section 353.55 of the antidumping regulations provide for a deduction from U.S. price equal to the amount of any antidumping duties reimbursed or absorbed by the foreign exporter. This provision has the effect of essentially doubling the margin of dumping in an instance of reimbursement or absorption. Such a solution to the absorption problem is consistent with the treatment of regular duties as selling expenses directly related to the transactions under consideration. In terms of theoretical consistency with the purpose of the antidumping law, this provision also might be viewed as a long-term method of providing the intended remedial effect; that is, that the increased cost attendant to the imposition of antidumping duties, even though absorbed in the short term, would force the company to modify pricing in the long term as the duty assessments accumulated.

NULLIFICATION OF THE REMEDIAL EFFECT

The current provision for absorption/reimbursement of antidumping duties fails to achieve the law's intended remedial effect for two reasons. Congress contemplated that injured domestic industries would receive an immediate remedy for the devastating impact of discriminatory and predatory pricing known as dumping. The "penalty" achieved through the doubling of dumping margins merely sustains the injurious impact until such time as the foreign exporter might be forced to pass through the added cost. During that period, the foreign exporter could achieve the perceived evil of eliminating competition in the United States and recovering those added costs through monopolistic or oligopolistic pricing. Indeed, a foreign exporter willing to absorb significant antidumping duties gives evidence of engaging in the most predatory, pernicious form of dumping that would remain unremedied by the current regulations.

Granted, that would be economic behavior not contemplated by the antidumping law, but it is hardly unprecedented. Foreign producers have in the past demonstrated their willingness to absorb antidumping duties to achieve sales, maintain employment and thereby justify capital investment by the company and the foreign government. Those objectives are often sufficiently important to the producers and their governments that they will remain willing to absorb substantial liability long after domestic competitors become permanently crippled by these unfair practices. The only means to ensure that the antidumping law has its intended remedial impact is to assess antidumping duties on the ultimate U.S. purchaser. The amendment achieves that result by providing discretion for the Commerce Department to determine that a sham transaction has occurred in circumstances like those I have described and reassess the duty accordingly.

MATERIAL INJURY AND THREAT OF MATERIAL INJURY—FUNGIBLE PRODUCTS

This provision is similar to a portion of section 134 of H.R. 4800, last year's House-passed trade bill. Following is an exerpt from the Ways and Means Committee report on the comparable provisions:

> [The section] adds a new paragraph (g) to section 771(7) setting forth "special rules for fungible products" with regard to the International Trade Commission's determination of material injury or threat thereof in cases involving fungible products. The term "fungible product" is defined as "merchandise sold by weight or volume without significant product differentiation in such merchandise whether produced by foreign or domestic producers."

The rules provide that the Commission should not make a negative determination with regard to material injury or threat thereof in fungible products cases solely on the basis of evidence with respect to the following four factors:

First. Sales or offers of sale of the imported merchandise were not the first sales or offers at a reduced price in the relevant market;

Second. Price declines of similar magnitude occurred in other comparable markets (including submarkets or localities) where there is a relationship between the prices in such markets and the prices in the import impacted market;

Third. U.S. producers also import the merchandise under investigation; or

Fourth. U.S. producers of the product are profitable.

DIVERSIONARY DUMPING PROBLEM

Diversion is the evasion of U.S. dumping and subsidy laws. It occurs when products that are subsidized or sold at dumped prices are further processed or are used as components in "downstream" products. It is also used to evade restrictions in voluntary restraint arrangements, like those presently in effect on steel.

If the component production is subsidized, the practice is called "upstream subsidization." If the component is being sold at a dumped price, the practice is called "diversionary dumping."

Diversion is already a problem: Imports of screw machine products, which are made from steel bar, have increased about 50 percent since 1979; imports of nine key categories of forgings have increased by almost 75 percent since 1981; imports of ball and roller bearings have increased by over 25 percent above the 1978-83 average; and overall, the steel content of U.S. imports increased 136 percent from 1977 to 1984.

Diversion is becoming more serious: The European Community more than doubled its shipments of cold finished bar when restraints were placed on that product's raw material, hot rolled bar; a number of schemes have surfaced recently in which steel from countries under quota agreements is to be diverted for processing in nonagreement countries; and Japanese fiber producers have sought to avoid a 23-percent dumping duty on plied acrylic yarn by using surrogate processors in other countries.

AMENDMENT (1)

Allows application of a "cost of production" analysis in cases where it is alleged that materials or components of the imported product are purchased at a price less than their "foreign market" value, and that such inputs have a significant effect on the price of the finished product. In the interest of administrability, it would be applicable only in cases where the inputs themselves are also subject to an outstanding dumping order or are covered by a suspension agreement or voluntary restraint—where there had previously been at least a preliminary affirmative determination. In the determination of fair market value of the finished product, it would require that the margin of dumping on the input—as determined in its own prior dumping investigation—be factored into the determination of whether that downstream product is fairly priced in sales to the U.S. market. Where the input product is covered by a suspension agreement or VRA, it would use the "best available evidence" to determine the dumping margin of the input. Respondents, of course, would have full opportunity to present their evidence and cost figures. Some additional time would be provided for this kind of investigation, and a number of other qualifying conditions would have to be met.

AMENDMENT (2)

Authorizes the International Trade Commission [ITC] to monitor increases in imports of downstream products that are likely to be the vehicles for diversion. Where large—15 percent or more—dumping or subsidy duties have been imposed on imput products—or where a suspension agreement is used to settle a dumping or subsidy case involving a large—15 percent or more—preliminary determination of unfair trading—U.S. producers would be able to identify to the Commerce Department downstream products that use the dumped or subsidized inputs as major raw materials or components. Commerce would then determine which of those products qualify under the statutory test and refer its list to the ITC. The ITC in turn would monitor imports of those products, analyze the data, and give public notice of those cases in which imports from a foreign country increase by more than 5 percent in any quarter. Following such notice, the domestic industry concerned or the Commerce Department could institute an investigation into the possibility of dumping or subsidization.

NONMARKET ECONOMY DUMPING

For the last 7 years I have introduced legislation to address the problems of unfair trade practices by nonmarket economies. In 1984, the Senate adopted a version of my legislation, S. 1351, as an amendment to the Trade and Tariff Act of 1984, but it was subsequently dropped in conference. As a result, we continue to be faced with a problem that all concerned parties acknowledge is growing both more important and more difficult to deal with as the years pass by. I hope that this year's version will prove to be the final one, and we can, at long last, put this issue behind us.

As Senators know, both GATT rules and U.S. law have long provided standards and procedures for dealing with foreign producers and governments that engage in unfair trading practices, specifically dumping with respect to the former, and subsidies with respect to the latter. To oversimplify, dumping generally occurs when the foreign producer sells in this country at a price less than its home market price, less than its price in third country markets, or less than its cost of production. Subsidies can be either export subsidies or domestic subsidies, and the GATT subsidies code contains an illustrative list which is fairly comprehensive though limited by the continuing creativity of governments in inventing new ways of distorting the market system. Although there are numerous problems with the administration of these laws, some of which are addressed in other legislation I have introduced—the so-called TRAC bill—S. 1493 in the 99th Congress—the dumping and subsidy concepts accurately reflect major means of distorting the market-based trading system, and our laws against them deserve aggressive enforcement.

The fact remains, however, that these laws and GATT codes are designed to address deviations from a free market standard. It has proved difficult over the years to adapt them to cope with state-controlled economies which are, in their entirety, a deviation from the free market. To put it in practical terms, how can one determine dumping in a state-controlled economy when the producer as well as the factors of production are controlled by the government, where the currency is not freely convertible, and prices and wages are set in such a currency by the government without any necessary reference to supply and demand? Price references are clearly of no use whatsoever, and since many nonmarkets have a history of selectively targeting export sectors to earn hard currency foreign exchange there is clear reason to suspect that increases in imports from such countries may be due to factors other than the simple operation of supply and demand.

Historically, the Government attempted to deal with this problem when a complaint was filed by looking at prices in third markets and looking at the costs of free market producers other than the United States which might be considered comparable to those of the nonmarket economy in question. These approaches foundered in the now-famous Polish golf cart case of the 1970's, where it ultimately developed that there were no third country sales, no home market sales—there are no golf courses in Poland—and no comparable third country producers. At that point, the Treasury Department, which administered the law at that time, in a fit of irrationality invented the "comparable economy" concept, in which a theoretical cost of production would be calculated in an economy judged to be comparable to that of the nonmarket. The calculation would be based on wages, costs, and prices in the third country, regardless of whether or not it actually produced the product in question. As a result the Treasury invented the cost of a fictitious golf cart in Spain, where none was manufactured, and then applied that cost to Poland, comparing it to the price of the Polish carts in the United States to determine whether or not dumping was occurring.

That this makes no sense is self-evident for at least two reasons. Determining that economies are comparable on the basis of aggregate data is notoriously unreliable and says little about differing levels of development and sophistication in specific sectors. Further, even within comparable economies, sectors can be widely divergent in levels of development. That is particularly likely in the nonmarket case, since we are often dealing with sectors that are targeted for special development for export purposes. The Poles, for example, build golf carts clearly for export purposes and have developed the industry to earn hard currency. That fact is likely both to magnify the amount of government support the sector may have received and to make it a more sophisticated and efficient sector than that in an otherwise comparable economy.

The early forms of this legislation were developed in response to that kind of problem, but in the intervening years some additional difficulties have developed. Currently the Commerce Department has preferred using actual third country producer prices or costs where possible, but the Department has had increasing difficulty finding third country producers willing to cooperate with this kind of investigation. That is no surprise, since the producer would have to supply the U.S. Government with a great deal of obviously confidential cost and price data even though he is not a party to the case in question. Aside from the normal risks that entails, as well as the time and cost of assembling it, the third country producer is also well aware that he could be the next target of a dumping case by the domestic industry, in which event the Commerce Department would already have all the necessary information to proceed against him. As a result, more and more surrogate producers are refusing to cooperate, and the Commerce Department has moved farther and farther away from any standard of comparability in its desperate search for surrogates. Former Under Secretary of Commerce Lionel Olmer commented on this problem in his testimony on the forerunner of this bill, S. 1351, at a hearing held in 1984:

> "In applying the antidumping law to NME's, we have found the present statute and regulations to be enormously burdensome and excessively complicated, in comparison to the law as applied to market economies. The results are often unpredictable and based on the commercial behavior of a producer who is not engaged in unfair trade. . . In enacting the current antidumping provisions in 1974, Congress recognized that home market prices in an NME cannot provide a reasonable benchmark from which dumping margins can be computed. Instead, Commerce must use a "surrogate country"

methodology; i.e., we decide whether NME imports are dumped in the U.S. by comparing the NME's prices in the U.S. with prices of the same or similar merchandise sold in the home or third country markets of a surrogate market economy country that is at a level of economic development comparable to the NME. This means that we must find a surrogate country that: (1) is at a comparable level of economic development with respect to the industry at issue; (2) makes the product under investigation; and (3) is willing to cooperate in our investigation. It has proven to be extremely difficult and time consuming to find a market economy that meets all these requirements. In some cases—like chloropicrin from the People's Republic of China and montan wax from the German Democratic Republic—the product of concern is made in only a few countries, and those are not at a comparable level of economic development since they produce the goods concerned, there is little, if any, incentive for their producers to provide us with the detailed information we require and to allow us to verify it by examining their books and records. For example, in 1982 we persuaded Finnish carbon steel plate producers to serve as our sorrogate in investigating plate from Romania. The Finns provided us information and let us verify it. Then on February 10, 1984, United States Steel Corporation filed an antidumping petition on plate from Finland, using the very same information obtained in the Romanian investigation. You can imagine how dismayed the Finns were with the results of their cooperation; and how that experience has made it difficult to find cooperative surrogates in other NME antidumping cases.

Under Secretary Olmer went on to state emphatically that the law is becoming progressively more difficult to administer with respect to nonmarket economies and that the Commerce Department supported its reform. That remains the administration's position today; indeed, this was an issue the President mentioned in his September 1985, trade speech, although details of an administration proposal in this area have not yet become public.

Given these difficulties, what kind of standard is appropriate in nonmarket economy cases? First, I would suggest several principles:

First. Nonmarket economies are as capable as free market economies of engaging in unfair trade practices, and our standard should not abandon the effort to identify and quantify.

Second. Any standard is necessarily arbitrary. Since nonmarket cost and price data is by definition unreliable, if not meaningless, there is no certain way to quantify dumping or domestic subsidies in the free market sense of the terms.

Third. A standard should be as simple to administer as possible and as certain for both producers and the domestic industry as possible. In my experience with these matters, what is worst for both parties is the sustained uncertainty in the marketplace a case provides. We should have a standard that maximizes certainty and simplicity and which is not susceptible to manipulation for political reasons.

Fourth. A standard should be fair. It is not our policy simply to exclude all nonmarket economy products from the American market. Neither can we allow them to take advantage of their command economy structure to capture market share unfairly and without regard to the dynamics of the marketplace.

Fifth. Our concept of nonmarket economy should be economic rather than political. A country is not a nonmarket economy simply because it is Communist. Neither is a Communist country inevitably and necessarily a nonmarket economy. It is in our interest to help such countries evolve toward Western economic models, and that means we should recognize the progress in that direction some of them.

Sixth. In line with the previous principle, we should also encourage movement toward Western economic systems by including procedures in our standard for treating nonmarket economies like everyone else if they can provide data of sufficient reliability to permit it.

Taking these principles into account, the bill contains a new, more administrable standard of measurement. That is that the price of the nonmarket goods in the United States would be compared to the average price of imports of the like product from the highest volume free market producer, excluding U.S. producers and those other producers who may be dumping or benefiting from subsidies. In my judgment this is a fair standard that prevents price undercutting without at the same time arbitrarily shutting all nonmarket products out of the U.S. market. It provides relative certainty and simplicity and, in my judgment and that of a number of experts in this area, is eminently administrable based on shipping and customs data that is already available. The bill also provides special treatment the exceptional situation where there are no other free market producers.

Also deleted from earlier versions is the concept of a list of nonmarket economies. The term would still be defined on the basis of economic rather than political criteria, and the nonmarket economy would be treated "normally" if it is able to provide sufficient and verifiable information to justify doing so. Instead of a list, the Secretary would make determinations when he sees fit to do so, probably in the context of pending petitions. Judicial review of such determinations would be precluded.

On the other hand, an addition to the bill this time involves the inclusion of a special rule for fungible products. It would permit a cost of production treatment that is probably more appropriate for those cases.

The other major change made in the bill this year is that it amends only the antidumping law and not the countervailing duty law. This change has been made to accommodate recent litigation—Continental Steel et al. versus United States—in which the court of appeals for the Federal circuit upheld the Government's position that current countervailing duty law does not apply to nonmarket economies. That case may still go to the Supreme Court, and I would not want to preempt it by legislation at this point.

In addition, in that litigation a strong argument is make not only that the law is applicable to nonmarket economies, but that certain subsidies, specifically export subsidies, are readily determinable and quantifiable just as they are in market economies. I believe this argument has merit, and, in line with our goal of treating nonmarket economies as much like free market economies as we can, if we can determine a subsidy then we ought to do so rather than to employ a standard which is admittedly arbitrary. Since a subsidy is a tool of government, it is theoretically a concept more applicable to nonmarket economies than dumping, which depends on the actions of individual producers.

Finally, amending only the dumping law solves a difficult argument over the extension of the injury test, since in the dumping context all countries receive the injury test. Were we also to amend the countervailing duty law, there would be some question about the applicability of the injury test to some countries, particularly the People's Republic of China which has not joined GATT and which has not, in the judgment of objective observers, made equivalent commitments which would warrant extension of the injury test. We insisted on such commitments from states like Israel and Mexico with whom we have historically had much closer relations, and there is no logic in not holding China to the same standard. The State Department, however, has been reluctant to do that. This year's bill obviates that debate.

As a result of this change, I should point out, the provision looks considerably different than earlier versions, since there is no need to repeat as a separate "artificial pricing" track all the same procedures that appear in existing law. As a result, this bill is shorter and more cleanly drafted than its predecessors.

Mr. MOYNIHAN. Mr. President, I rise today to introduce with my distinguished colleague Senator CHAFEE a separate bill consisting of the provisions of title III, subtitle A, of the Omnibus Trade Act of 1987.

I am most pleased to do so. These provisions build upon and extend much of title II of S. 1860, the Trade Enhancement Act of 1985, introduced on November 20, 1985, by Senator DANFORTH, myself, and others and which was cosponsored by one-third of the Senate in the 99th Congress. The provisions of S. 1860, in turn, adopted many of the ideas set forth in my bill, S. 1505, the Increased Market Access Promotion Act of 1985—introduced on July 25, 1985.

The purpose of this bill is quite simple: To increase access for U.S. products, services, and investments in foreign markets by using the leverage inherent in denying access to the U.S. market.

Trade barriers in foreign countries which limit exports of U.S. goods, sevices, and investment present a serious problem for the United States. Japan is the nation most frequently cited for such practices, but other countries in the Far East and other areas of the world are guilty of acts, policies, and practices that constitute significant trade barriers.

For the second year, the office of the U.S. Trade Representative has issued a report of foreign trade barriers to U.S. exports. The 1986 report identifies barriers in 41 countries costing U.S. producers billions of dollars. To take but one example, USTR estimates that U.S. firms lose $340 to $450 million each year in informatics hardware and software sales due to Brazilian restrictions. Future losses of such sales could reach $12 billion from 1985 to 1992.

Our representatives have tried to remove these barriers to U.S. exports through negotiations—too often to no avail. In part, this reflects the fact that foreign countries have little incentive to eliminate their trade barriers because they believe correctly that the United States will do nothing in response. Which is to say, they believe that the President will not exercise his discretionary authority under section 301 of the Trade Act of 1974, as amended.

This has to change. We need to convince foreign countries that it is in their interest to eliminate their trade barriers.

I believe that requiring the President to use his existing authority under section 301 of the Trade Act of 1974, as amended, to retaliate against a country that persists in maintaining trade barriers by limiting that country's access to our markets can provide the leverage needed to convince that country to open its markets to U.S. exports of goods and services.

I might note, Mr. President, that I offer this bill today, as I offered my legislation in 1985, in part as an alternative to those who would restrict imports from foreign countries with large trade surpluses with the United States—without regard to the extent of those countries' trade barriers.

The message of those bills is "enough is enough: from now on, you can't send us any more than we send you"—even if a country's trade surplus with the United States reflects such factors as relative competitiveness, economic growth, fiscal and monetary policies, savings behavior, or exchange rates rather than trade barriers.

I believe that what we should be saying instead is:

> Unless you eliminate your trade barriers that keep out our exports, we will keep out of our markets as much as you keep out of your markets. However, if you eliminate your trade barriers and let our exports into your markets, then we will let your products into our markets—even if, as a result, you end up sending us more goods than we send you.

That is what this bill would do. Under its provisions:

First. The President would be required to use his authority—under section 301 of the Trade Act of 1974, as amended—to impose retaliatory import restrictions against foreign trade practices that: (a) violate the international legal rights of the United States or deny benefits to the United States under any trade agreement—"unjustifiable" practices; and (2) are unfair and inequitable—"unreasonable" or place U.S. companies at a disadvantage—"discriminatory."

Second. The President would be required to retaliate within 15 months of the initiation of an investigation—or within 9 months of a favorable GATT ruling. The deadline could be extended by the President for two 60 day periods if he certified to Congress that resolution of the dispute appeared imminent.

Third. Retaliation against an unjustifiable practice would not be required if: (a) the GATT rules against the United States—that is, the GATT finds the practice is not unjustifiable; or (b) a settlement is reached that offsets or eliminates the unfair foreign practice. In addition, retaliation against an unreasonable or discriminatory practice would not be required if the President certifies to Congress that satisfactory resolution of an unreasonable or discriminatory practice appears impossible and that retaliation would harm the national economic interest.

Fourth. The President would be authorized to terminate or modify the retaliation—and, if necessary, provide compensation—if the GATT subsequently finds the retaliation to have been a violation of United States obligations or the industry agrees that the foreign practice has been eliminated or reduced.

Fifth. The U.S. Trade Representative would be required to estimate the value of additional U.S. goods and services that would be exported if each unfair trade practice identified in the annual survey (National Trade Estimates) was eliminated. He also would be required to initiate cases: (a) against all foreign trade practices that are unjustifiable and constitute a significant barrier to, or distortion of, U.S. trade; and (b) against those unreasonable foreign trade practices the elimination of which would create the greatest expansion in U.S. exports.

Sixth. The President would be required to initiate negotiations, to eliminate the trade barriers identified by USTR in its annual report, with those countries USTR identifies as showing a consistent pattern of market distorting trade practices—including, but not limited to, Japan. The President is required to report to Congress by December 31, 1988, on agreements reached eliminating the foreign practice and evidence of an increase in U.S. exports commensurate with the elimination of the barriers. In the event agreements are reached, commitments made, and then not lived up to, the mandatory retaliation provisions of section 301 would then be applicable.

Seventh. Actionable unfair trade practices would be expanded to include: practices which displace U.S. exports to third markets or cause diversion of a third country's exports to the United States; "targeting" industries for special development and advancement to the detriment of U.S. commerce; trading by a state-owned enterprise on other than commercial considerations; foreign government requirements that U.S. firms make some special concessions—such as licensing technology or building a foreign plant—in order to be permitted to export to that country.

Eighth. Retaliation would end after 7 years unless the industry seeking access to the foreign market requests its continuation. In that case, since the retaliatory import restrictions had burdened consumers but had not convinced the foreign country to eliminate its unfair trade practice, USTR could substitute a different retaliatory measure to increase pressure on the foreign country.

Under current section 301 law, the President is authorized to "take all appropriate and feasible action within his power" to enforce U.S. rights under trade agreements and to eliminate trade barriers to U.S. exports if these barriers are "unjustifiable, unreasonable or discriminatory" and burden or restrict U.S. commerce.

This bill would build on existing law by requiring the President to take action in order to obtain the leverage necessary to eliminate foreign trade barriers, while blunting pressure to restrict imports without justification.

Finally, I would like to make the point that unfair foreign trade practices are only one reason for the poor U.S. trade performance. Others include, relatively poor productivity, the appreciation of the dolar from 1980 to 1985, slower growth in other developed countries, and reduced purchases by indebted LDC countries.

But eliminating such practices are important for two reasons: they result in lost U.S. exports, and unless and until the American public has confidence that its Government is taking regular, swift and tough action to eliminate such practices, it will not be willing to address the other causes of our trade deficit. I note in this regard that many measures oft suggested to improve U.S. competitiveness tend to be long term and costly.

Mr. HEINZ. Mr. President, this part of the Omnibus Trade Act is an evolved version of legislation I first introduced in 1983, entitled the Industrial Revitalization Act, as well as title III of S. 1860 of the 99th Congress, introduced on November 20, 1985. This bill and the versions that preceded it was prompted by continuing and growing dissatisfaction in both the Government and the private sector with the operation of the so-called escape clause import relief process, section 201 of the Trade Act of 1974.

That provision was designed to embody in U.S. law the concepts contained in article XIX of the GATT which provide for temporary import relief in the face of injury caused by imports. The purpose of such relief is ostensibly to permit a more orderly adjustment to new competitive conditions.

In fact, the operation of current law has proved unsatisfactory from virtually everyone's perspective. In the 11 years since the Trade Act of 1974 was enacted, there have been some 56 escape clause cases concluded, with the International Trade Commission [ITC] finding injury and recommending relief in something less than half of them. In all those cases only two industries, domestic motorcycles and cedar shakes and shingles, have received substantially the relief recommended by the Commission. The motorcycle case, incidentally, appears to be a success story, which has influenced the thinking of a number of us studying the problem of industry adjustment to import competition.

In most other cases that went to the President, import relief was either denied completely, as in footwear and copper most recently or provided only in part, as in specialty steel in 1983 and footwear in 1977, to cite two notable cases. In virtually every one of those cases of partial action, the relief has proved to be ineffective, and the domestic industry has concluded the relief period without major improvement in its condition.

In the face of these facts, administrations running the program have tended to conclude it does not produce meaningful adjustment and that the industry in question, not to mention consumers, would be better off simply allowing the market to work its will. Industry in response has pointed out that the Government has rarely granted the full measure of relief determined by the Commission to be necessary, and thus it is no surprise the domestic industry has been unable to meet its targets.

A classic example of this problem occurred in the domestic footwear industry in 1977 when President Carter elected to negotiate orderly marketing agreements with Korea and Taiwan instead of imposing the global restraints recommended by the ITC. What happened over the next 4 years was that imports surged from other countries, in some cases because Taiwanese producers shifted locations to other Asian nations.

As a result, the industry did not have the umbrella of protection needed to organize its competitive counterattack and was therefore back before the ITC in 1984 and 1985 seeking relief again.

Of course one can argue in this case as well as others that the domestic industry had no hope of becoming competitive anyway. I do not accept that argument in this case, but even if one did, two other facts remain:

The major case in which full relief was granted appears to be having a more positive outcome, suggesting that industries can adjust to meet new competitive conditions if given the proper environment.

Even if restoration of competitiveness is not to be, time to adjust to the new size and shape of the industry in an orderly manner is still needed. That, indeed, was the intent of article XIX. Firms may close and production may cease, but workers do not disappear. They, their families, and their needs remain, imposing a major cost on State, Federal, and local government in the absence of some meaningful adjustment process.

Therefore, in my judgment, regardless of economists' assessments of an industry's chances for resuscitation, temporary import relief is appropriate to provide just such an opportunity or, at minimum, to provide time for phasing down the industry.

Unfortunately, that time is unlikely to be provided within the framework of existing law for two reasons.

First, there is no meaningful pressure on industry to deal realistically with its problems. It is human nature to blame ones' problems on external forces, and it is therefore no surprise when industries come to the Government seeking relief from imports when bad management or an unrealistic labor contract may also be part of the problem.

Without an effort to deal with the other parts of the problem, however, real adjustment is not going to occur, and it is safe to say that in virtually every section 201 case that the Commission has considered, imports are not the only problem the petitioning industry has.

Second, the nature of the interagency process that sends a relief recommendation to the President guarantees a least-common-denominator product that bears little or no relationship to the true needs of the industry. If one studies the workings of the Trade Policy Committee and its subgroups, as well as other Cabinet and sub-Cabinet level groups that have been involved in the relief decisionmaking process, it is clear that in most cases agencies take consistent, predictable positions.

The Departments of State, Justice, and Treasury, the Council of Economic Advisers and the Office of Management and Budget almost always oppose any relief. The Departments of Labor and Commerce more frequently support relief, and the U.S. Trade Representative searches for a middle ground. It is in searching for that middle ground that the petitioning industry suffers a fatal blow, since reaching it demands a political solution rather than an economic one.

The amount of relief that the opposing agencies will acquiesce in is invariably less than the industry needs if the purpose of the act is to be fulfilled. The result is a least-common-denominator solution that produces political consensus within the administration but makes no economic sense.

Let me make clear at this point, Mr. President, that these comments apply to all three administrations that have tried to implement this law. They all have poor records of providing relief when it was warranted, and all their interagency processes have been characterized by the factors I have described. Clearly, in this area ineptitude is bipartisan, not to mention eternal.

Let me also suggest, Mr. President, that this is not an abstract issue of interest only to economists. As I indicated, there are thousands of workers and thousands of jobs affected by the decisions the Government makes in these cases. The jobs may vanish but the workers do not. To the extent that we fail to deal creatively with these problems we foster tremendous economic and political problems for ourselves in the future.

As I have said on other occasions, one of the purposes the escape clause process serves—embodied in its very name—is to provide a safety valve for protectionist pressures, an opportunity to provide some relief and adjustment within an orderly, legal, GATT-consistent process.

The consequence of our failure to make that process work is to give people nowhere to go but here—the Congress—and nothing to ask for but protection.

In particular, as my colleague from Missouri, Senator DANFORTH, has pointed out with respect to the 1985 footwear decision, if we create a legal process and an industry plays by the rules Congress has established, at considerable expense, incidentally, and then at the end of that process it gets nothing, no one should be surprised when it turns to Congress for special legislation.

Defusing those political pressures as well as the economic pressures created by our failure to deal with import-impacted industries has been the motivating force behind my efforts to develop a new approach to adjustment and the escape clause. That new approach can be summarized very simply—it relies on the creation of a quid pro quo between the petitioning industry and the Government, in which the industry—labor and management—makes commitments on what it will do to adjust, and the Government in turn agrees to import relief to provide the time necessary to adjust.

At this point, Mr. President, let me say a few words about how the section 201 revisions contained in this bill would change the process.

First, the new process will not be optional. Petitioning industries will be required to enter into the plan development process, although they do not, in the end, have to submit the plan developed by the process but can submit their own.

The filing of the petition triggers the creation of a plan development process in which representatives of labor and management in the petitioning industry join together to develop an adjustment strategy along with advisers from the Departments of Commerce and Labor, the U.S. Trade Representative, and such other agencies as the USTR deems appropriate. For example, if the case involved a perishable product, the Secretary of Agriculture could be included.

That group is to study the industry, assess its chances for restoring itself to competitiveness and develop a plan for either doing so or facilitating its adjustment into other avenues or simply into a smaller, more competitive industry. This process is intended to be a consensual one between labor and management, although the process is structured to allow for conflict between the parties as well as complaint from the Government.

Once the Commission has found injury—the bill does not change that standard—it then falls to them, in effect, to pass judgment on the adjustment plan at the same time it determines its remedy recommendation to the President.

The Commission will base its remedy recommendations on its acceptance of one of two standards—that the industry has a reasonable chance of being competitive at the expiration of the import relief; or that a restoration of competitiveness is unlikely and the remedy should focus on an orderly transfer of resources to more productive purposes.

The Commission is not required to follow the plan's recommendations in preparing its own remedy recommendation, although, obviously, its failure to do so in a material way could well influence the willingness of the petitioners to keep their commitments or to formally submit the plan as opposed to anything they developed unilaterally.

With respect to the first standard, the term "competitive" should be understood in the broader sense I have defined earlier. In making that judgment, which will of course include a review of the commitments labor and management have made as a part of the plan, the Commission is free to hear from interested parties, which may choose to oppose the plan as unrealistic or impractical, among other things.

Since the plan could well propose actions that involve subsequent Government approval or acquiescence, such as joint ventures for research and development, an administration's views will be of particular interest in the Commission's deliberations.

As I indicated, administration representatives are also involved in the plan development process throughout and have presumably had some input at that point, although we cannot assume that every plan will be fully acceptable to everybody.

If the Commission sends a plan to the President, his options with respect to relief depend on the Commission's vote on injury. If that vote was unanimous, he must either provide the relief recommended by the Commission or substantially equivalent relief, or he must obtain authorization from Congress for any other action, or for no action.

Such authorization request would be considered on a fast-track basis pursuant to section 151 of the Trade Act of 1974. Thus, while the President is not absolutely required to implement only the Commission's recommendation, the burden is clearly on him to make a convincing case to Congress that some lesser action, or no action, is warranted.

If Congress does not authorize such lesser action within 90 days, then the relief recommended by the Commission would go into effect.

If the Commission's vote on injury is not unanimous, then the President has more flexibility in determining his course of action. Essentially, he can refuse to provide relief either on national security grounds or because the relief would cause serious injury to another U.S. industry. This is a formula taken from the Finance Committee staff proposal of September 1986.

The question of the President's authority is a very important point, and one that benefited from considerable debate among those of us involved in the development of this bill.

I am reluctant to tie the President's hands absolutely, and the bill does not do that. On the other hand, I believe this system will only operate effectively if there is a true quid pro quo; that is, industry will only enter into it if it has a realistic expectation of some constructive outcome at the end of the process.

Regrettably, as I have detailed, the administration of this statute in the past provides no grounds for such expectations, therefore, some modest limitation on the President's authority is necessary.

This bill represents a step back from S. 1860, which did not have a two-track system based on the Commission's injury vote, and I have some concerns about that, but clearly it moves in the proper direction, and politically some compromise on this point will be necessary.

It is legitimate, in my judgment, to provide that if the Commission is unanimous on the injury question, the matter is of sufficient importance and clarity that a heavy burden to act should be placed on the President.

It is also worth noting that the President has available to him a somewhat broader menu of remedies than those available under current law. They include a limited antitrust exemption for joint ventures and mergers, accelerated antidumping or countervailing duty cases if unfair trade practices are involved, in which the Commission's finding in the 201 case would constitute the injury finding and the time for the dumping or subsidy finding would be shortened by 45 days, and proceeding with multilateral negotiations in those situations where a depressed world market, for example, is the problem, and it cannot be addressed successfully unilaterally.

Of course, in the latter case, the bill provides some limitations on the extent to which mere negotiations would be considered a substantially equivalent alternative to the Commission's recommendation. In addition, the President could propose other legislation necessary to implement various elements of the plan, which would be considered by Congress on a fast-track basis.

These additional remedies are intended not simply to give the President more options for their own sake, but rather to permit him to take a range of actions that fit the plan that has been developed and which are appropriate to the situation in which the industry finds itself. If unfair trade practices are an important part of the problem, the accelerated dumping remedy might be appropriate.

If a leaner, healthier industry is the objective, some merger activity taking into account global competition beyond the constraints of current antitrust law may be proper. These remedies, of course, are not mutually exclusive.

They may also be implemented in combination with each other and with the traditional impact relief remedies available now. Indeed, in most cases, the most appropriate action would be a combination of remedies which would depend in part on the standard chosen by the Commission.

If future competitiveness is deemed possible, then the bill provides more of a focus on the import relief remedies which, along with adjustment assistance—in the expanded form that is also a part of the Omnibus Trade Act—give the petitioner the best shot at restoring competitiveness. On the other hand, if an orderly phase-down is the goal, extensive import relief might not be the most important element of a relief program.

Subsequent to the President's decision, there is a plan monitoring process established, which could lead to the termination of relief if labor or management do not honor the commitments they have made.

The legislation also contains a number of other reforms of current law which were contained in the S. 1860 version, including a special fast-track for perishable products similar to that which appears in the Caribbean Basin legislation and a procedure for early, temporary relief in the case of critical circumstances in the industry.

Finally, Mr. President, let me say a word about the tone of the process. In my earlier bills I envisioned a cooperative, consensual process in which all parties would work together objectively for the good of an industry that no doubt found itself in very difficult circumstances.

These earlier approaches were criticized for not building in adequate safeguards against the possibility that the plan development process might not move forward in good faith—that the administration might seek to block all the plans so the President would not be constrained in his decision, or that industry or labor would attempt to construct a plan with minimal or unrealistic commitments in order to obtain relief for free.

I continue to believe those things are not going to happen. This process is not short, and it is not cheap. Industries are not going to enter into it lightly, and I am confident all parties will take the process seriously. Nevertheless, I believe that, thanks to the input of many of my colleagues, this version contains more than adequate safeguards against bad faith possibilities.

Beyond this, analysts of the bill will find it lacking in a detailed description of precisely how the plan development process is to work and what the assessment and strategy are to contain. In part this is because industries differ significantly, and it is impossible to specify criteria that can be appropriate and applicable in every case.

It is also because I deliberately want to provide the participants with some flexibility to feel their own way in this process. It is a new idea, a new concept, and too much regulatory overkill will prevent it from obtaining both the objectivity and creativity of approach it needs to succeed.

With respect to the concept, I want to make clear that it is not, in any normal meaning of the term, "industrial policy." As most people understand that term, it involves the Government essentially passing judgment on industries—picking winners and losers and then adopting policies to make its judgments realities.

This process is different. It is based entirely on an industry identifying itself as having problems and coming to the Government in search of help.

The Government has not sought it out; rather the reverse has occurred. In that situation, it is not inappropriate, in my judgment, for the Government to offer help only in return for a commitment from the industry, to help itself.

That commitment, moreover, is developed by the industry, not by the Government. Thus the initiation of the process, the conceptualization of the actions necessary, and the bulk of the implementation all lie with the industry, not the Government. If anything, that is the antithesis of industrial policy.

Mr. President, this bill represents a bold step, and I suspect some of our colleagues will not be ready for it. There will almost certainly be amendments—both in committee and on the floor. Indeed, some of them may be mine. I readily admit that my perspective on this problem has been influenced by the fact that I represent a large State with a wide variety of industrial problems.

Virtually every industry that has sought escape clause relief in the past has a presence in Pennsylvania. I have been involved in a number of these cases and have been studying these problems as long as I have served in the Congress.

Those of us from industrial States have a good understanding of the kinds of problems that industries likely to use this statute face, and I believe that the new process this bill proposes will significantly enhance the effectiveness of the remedies provided under the law.

As the debate proceeds, I think we will find that other Members exposed to the range of import problems now impacting our manufcturing sector will suport this kind of legislation.

I hope that Senators who have the luxury of representing States where this is less an issue will listen carefully to the many voices of often bitter experience and support this new approach.

REFORMING OUR TRADE POLICY

Mr. LAUTENBERG. Mr. President, I join in sponsoring this major, bipartisan effort on trade.

The legislation will strengthen our ability to combat a range of unfair trading practices—trading practices that deprive American business and American workers of the chance to compete. It will provide direction for modernizing world trade agreements—to make world trade agreements apply to the world as it is: a world that trades more and more in services, in technology and intellectual property. It will provide for meaningful assistance to businesses and workers hard hit by imports, enabling them to adjust, respond, and compete.

The time has come to act. This package would mandate action against unfair trading practice, and reduce the discretion not to act. It would promote adjustment by industries injured by imports. It will increase the certainty of relief when industries increase their commitment to use temporary relief not just to improve their profits, but to adjust and become competitive.

The bill would authorize a new round of trade negotiations to modernize world trade agreements. The bill would take action to restore stability in world currencies. While the Dollar has fallen against the yen and the Mark, it still remains unreasonably high against the currencies of major trade competitors, like Taiwan and Korea.

The bill would also incorporate measures to strengthen the protection of American Technology. That's America's competitive edge, and it's protected by patents, copyrights and other intellectual property rights. While those rights are undefined, the world takes a free ride on U.S. technology.

The bill strengthens the rights of American inventors to exclude from the American market products that infringe their intellectual property rights. It would enable American inventors to secure relief under section 337 of the Tariff Act of 1930 without having to prove injury to an efficiently and economically operated industry. I am pleased to sponsor this section of the package as a free-standing bill.

Our trade deficit for 1986 was roughly $170 billion. Our economic base is eroding. We're losing markets abroad and jobs at home. It is a complex problem that demands a multifaceted response.

The legislation we introduce today is the kind of comprehensive response we need and that I support. I applaud the chairman of the Finance Committee, Senator BENTSEN, for his initiative and his leadership.

I am pleased to sponsor this initiative. I urge my colleagues to support it, and I urge its prompt consideration by the Senate.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. BENTSEN. I am delighted to yield.

Mr. BYRD. Mr. President, I congratulate the chairman on his introduction of this bill. I thank the chairman for the cooperation that he has shown to the leader in developing the legislation, in conducting hearings, and in proceeding on schedule from the beginning.

Several weeks ago, I urged Senator BENTSEN and other chairmen of committees that have jurisdiction over some part of the overall broad subject, trade, competitiveness, whatever—I think we have to broaden the terms of the debate—to conduct hearings, to report out legislation that could be put together in an omnibus package, hopefully, and have the legislation ready by May 1.

In the meantime, the House will act on its own legislation. The Speaker of the House has indicated that the House will act—not later than April 27, I believe—on a trade bill.

Senator BENTSEN has been most cooperative. He conducted hearings early. He continues in the work of the committee. But he has drafted a piece of legislation. We want and need bipartisan support in dealing with the trade crisis.

I have joined as a cosponsor of this legislation. Mr. President, this does not say that I agree with every jot and title of this bill. I daresay the chairman himself probably is not in full accord with every line and every section and every title of it. But he has to start somewhere. And I want to show my support of the chairman in his efforts to develop comprehensive legislation. This is a good starting point. It is something to work with. The chairman has indicated that, when the House bill comes over to the Senate, the Finance Committee wants to take a look at it. I think that is appropriate.

So I say for the record that my joining as a cosponsor does not mean that I support every part of this bill. There are some parts of it I am sure I would support. There are some I may not. We all will have the opportunity in this legislative process to offer amendments, to debate them, to change the bill.

I think that the Senator is to be highly commended and is doing the right thing in introducing the legislation. It will go to the committee—parts of it will go to other committees. And this gives committees the opportunity to take a look at what is being offered here. If they can improve on it, fine. That is the legislative process.

But it does show that the chairman of the committee intends to put legislation on the President's desk to deal with this subject. That is exactly what we intend to do. The Speaker and I have indicated early in the session, that this is one of the priority items that this Congress has to deal with, intends to deal with, and is going to deal with.

The President may veto the legislation, but it will be put there on his desk. The chairman has taken the step to carry out that promise that was made to the American people.

Mr. BENTSEN. Mr. Leader, if I might reply that we have been most appreciative of your cooperation and for the efforts that you have made in moving this forward. There is no question but there is rarely a piece of legislation that everyone would agree on in totality. I cannot recall a bill that has passed this body that was just as I had wanted to have it written.

We now open up the process of amending the vehicle in the committee. This bill has some very broad mandates in it. There are other things to be done and, when it comes to this floor, there will be more things to do.

I must say, as I listened to the opening statements by the members of that committee, I wondered whether we would ever get them together because of the great diversity of views. But we have a vast number of cosponsors now and it shows the intense interest in doing some things to try to help.

Let me be the first to say, even when we get through, this bill, by itself, is not going to solve the trade problem, but it works at the margins of it, trying to assist. It tries to say, if we get into an adjudication of a problem, that we shorten the time horizons, that we toughen up some of the procedures, that we get an answer while there is still a company.

There is no question in my mind but what some companies will not survive. They will go down the tube and never be competitive. But, on the other hand, I think there are some—the Chryslers, the Lockheeds—that we can give a respite. If they can prove that they can be world competitive again, we will give them an opportunity to try it but with a limitation on it. We do not give relief in a haphazard way to companies that would not be world competitive at the end of the process.

That is some of what we are talking about. We are also saying to the President of the United States: "Tell us where you are headed in these trade negotiations. Tell us what the objectives of our country happen to be."

It is not for this Congress to negotiate those trade agreements. Of course not. We know that is for the executive branch. But we have a responsibility under the Constitution to know what the policy objectives of our country are in foreign trade. And that, this bill calls for.

Mr. BYRD. Mr. President, I hope, if I may say to the distinguished Senator, that we do not just ask the President where he is headed. I think we have to tell him where to head. He has not been willing to head anywhere on this issue. He has turned down the pleas of the working people of this country, and the industries of the Nation, turned down the pleas of the Members of this body and Members of the other body. I think we have to put a little backbone in him when it comes to dealing with other countries on the trade issue.

Mr. BENTSEN. Mr. President, this calls not only for him to tell us where he is headed, but to consult with us, and then for us to approve or disapprove that. That is all part of it.

(Mr. GORE assumed the chair.)

TERRORISM

Mr. HARKIN. Mr. President, earlier the distinguished Senator from Massachusetts took the floor of the Senate to talk about a recent event that happened just yesterday in the district court here in Washington. I want to followup with my own comments concerning that.

Mr. President, international terrorism has captured the attention of the world in recent years. We are frustrated by the shadowy nature of terrorism and the difficulty in affixing responsibility for these heinous acts. We seek to punish those responsible, but far too often we cannot determine exactly who those individuals are.

Yesterday in U.S. District Court here in Washington, DC, we gained crucial evidence about the perpetrators of one of the most notorious cases of terrorism, one that took place here in the Nation's Capital. I am sure my colleagues remember the vicious attack on September 21, 1976, on the former Chilean Ambassador to the United States, Orlando Letelier. As Mr. Letelier was driving along Massachusetts Avenue near Sheridan Circle, a bomb, which was previously affixed to the underside of his car, exploded, killing Letelier and Ronni Moffit, a young woman passenger in the car.

Our Government collected overwhelming evidence pointing to those responsible for this act of State-sponsored international terrorism. That evidence implicated three members of the Chilean secret police—Gen. Manuel Contreras, Col. Pedro Espinoza, and Capt. Armando Fernandez Larios. In 1978, these three men were indicted for their roles in this crime and the United States requested their extradition from Chile. But a year later, the Chilean Supreme Court issued its final refusal to extradite these individuals and ordered them free.

I might also add that one individual who was apprehended, who was brought here and testified and who was summarily convicted and sent to prison, Michael Townley, was a U.S. citizen who had been involved in the planting of the bomb itself under the car that Orlando Letelier drove that day. Mr. Townley was convicted and punished and has served his time in prison. I understand he is now free.

But he did turn evidence over to the courts which clearly implicated these three individuals. We have the evidence on them. This was a case of a car bombing not in Beirut, Lebanon, but here on the streets of Washington, DC. It is the only incident that I have been able to uncover that has ever happened in Washington where we actually had a car bomb, a bomb affixed to a car, detonated by a remote control device that killed the passengers in that car, clearly an act of terrorism perpetrated by the nation of Chile.

Yesterday, one of the three Chileans implicated in this monstrous crime testified in U.S. District Court. His testimony corroborates what many of us have been told for many years. According to Armando Fernandez Larios, Gen. Augusto Pinochet, the President of Chile, was the central figure in the perpetration and coverup of the assassination of Orlando Letelier and Ronni Moffit. Mr. President, the head of the Government of Chile was responsible for the most serious act of international terrorism to which this city has been subjected. And the President of that country, Gen. Augusto Pinochet, has been implicated now as the primary figure, not only in perpetrating that crime but covering it up.

Mr. President, over the last 6 years the Reagan administration has made a variety of excuses for continuing to support the Chilean Government, despite the horrendous human rights record of that dictatorship. Last December the United States was only one of five nations to oppose a resolution in the General Assembly of the United Nations which criticized Chile's human rights record. Federal law directs U.S. representatives to oppose multilateral loans to countries who consistently violate human rights. This administration has openly abstained on those loans to Chile. It is time we make our opposition to this terrorist regime clearly known.

It is time that we vote against those loans to Chile. The evidence of the Chilean Government's participation in this murder of Orlando Letelier and Ronni Moffit provided by Mr. Fernandez demands action by this Government. It is time that the United States stop equivocating on the question of our aid and our support to the Government of Chile. It can no longer be business as usual with General Pinochet. For this reason, Senator KENNEDY and I plan to introduce shortly legislation imposing economic sanctions against this terrorist government in Chile.

Mr. President, I yield the floor.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

IT'S TIME TO CLOSE THE BAR—THE PARTY'S TOO WILD

Mr. PROXMIRE. Mr. President, the Banking Committees of the House and Senate have a vital responsibility for overseeing the monetary policy of the Federal Reserve Board. This may be the most significant oversight responsibility carried by any committee of the Congress.

Why is it so significant? First, the Constitution of the United States gives the Congress the clear and complete responsibility for this Nation's monetary policy. Article I, section 8, subparagraph 5 states that the Congress and only the Congress shall have the power, "To coin money and regulate the value thereof." The Founding Fathers gave no vestige of this power to the Executive. In 1913 the Congress delegates much of this power to the Federal Reserve Board. But, of course, the Congress did not and should not delegate or give away its basic constitutional responsibility to determine our Nation's monetary policy. The Fed is our creature. We can modify its power. We can restrict it. We can expand it. We can abolish it. We, the Congress, must watch it and watch it closely.

In the more than 70 years since the Congress created the Federal Reserve Board, it has generally kept the Fed on a long leash. Congress has wisely recognized that the appointees to the Federal Reserve Board and especially the Chairman of the Board are with rare exceptions experts, specialists in the complex economics of credit creation. Their knowledge aided by their excellent professional staff has been consistently superior to congressional expertise. For nearly 30 years this Senator has served on the Senate Banking Committee. During that long period this Senator has been specially impressed with the high quality of the Chairman of the Fed as a super powerhouse of our economy. Certainly the present Chairman, Paul Volcker, ranks at the top with the other giants who have so wisely guided the vital money and credit aspect of our great economy.

But this Senator has become increasingly troubled in recent months by what is becoming a monetary policy out of control. This Senator believes our committee has a responsibility to the Congress and the country to challenge the present monetary policy being pursued by the Federal Reserve Board. It is a very dangerous policy. It is also a policy that is achieving remarkably favorable results for our economy in the short run. But this country may pay a very high-economic price for this short-term golden summer a year or two from now.

What is wrong with this monetary policy? Think of the fruit it is bearing right now. The monetary policy of the Federal Reserve Board is generally judged by two simple criteria. First, the level of interest rates. The overwhelming majority of Members of the Congress and the general public as well as the President and his entire administration have one simple view of interest rates. They want them down, down, down. The lower they are the better. Why? Think about it. Low interest rates mean far more people who want to buy homes or automobiles can and will buy them. Low interest rates mean that business can afford to borrow the money it needs for expansion. Low interest rates bring on more jobs, more profit, and more economic growth. Low interest rates mean a booming stock market.

So what do we have now? We have interest rates that have dropped like a stone in a well. They have fallen to between one-half and one-third of their level of a few years ago. So much for the happy, rosy consequences to interest rates of the Fed's current monetary policy.

The other crucial product of Federal Reserve monetary policy is the level of prices or inflation. So what has happened to the cost of living? Anyone who thinks about it for a minute or two has to be impressed. Inflation last year was 1.1 percent. That is the lowest it has been in 25 years.

So with interest rates behaving so well, with inflation lower than it has been for a generation, why should the Senate Banking Committee not simply pat the Federal Reserve Board on the back and tell them: "Well done." "Keep it up."?

Mr. President, the answer appeared in an article carried by the American Banker on December 29 headlined: "Fed Has Abandoned Any Pretense of Controlling Monetary Growth." The article is written by one of the best informed and most astute monetary experts in the country, Erich Heinemann. What is Heinemann's problem? His problem is that the Fed's contribution to low-interest rates has been a literal explosion in the Nation's money supply. As he puts it:

> Over the past twelve months * * * growth in the U.S. money supply accelerated close to 20 percent, a rate more appropriate to Latin America than the United States * * *. In November the growth of total bank reserves, the high powered money that forms

the basis for future monetary expansion, soared to 40 percent.

What is the result of this enormous surge of money and credit? One sure and quick result is that the huge increase in the supply of money or credit has, of course, reduced the cost of that credit. And what is the cost of credit? The cost of credit is the interest rate. And what is wrong with that? That is fine for now and maybe for next month and much of this year. But the time comes and comes soon when too much money is chasing too few goods and prices begin to rise. With the rise in prices, interest rates no longer fall. They climb in lockstep with inflation. This comes at a time when the Federal Government's debt is rushing hellbent on toward $1 trillion. Consumer debt already exceeds $2.6 trillion and corporate debt now tops $3 trillion. An economic collapse under these circumstances would trigger unparalleled bankruptcies—personal and corporate.

Mr. President, not only must the Congress stop its Federal deficit binge. The Federal Reserve Board must bring down the rate of growth of the money supply. When? Now. In the words of former Fed Chairman William McChesney Martin, it is time to take the Fed's punch bowl away. The Nation's economic party is getting too wild.

Mr. President, I ask unanimous consent that the article to which I have referred from the December 29, 1986 issue of the American Banker be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FED HAS ABANDONED ANY PRETENSE OF CONTROLLING MONETARY GROWTH

(By H. Erich Heinemann)

There never was an announcement, but 1986 will be remembered as a year during which the Federal Reserve System adopted far-reaching changes in its conduct of monetary policy. The ultimate impact of these decisions on the economy is still shrouded in uncertainty. Over the past 12 months, the Fed abandoned any pretense of controlling monetary growth. Instead, the central bank went back to controlling short-term interest rates.

In theory, the monetary authorities stopped manipulating interest rates in October 1979 because of clear evidence that this approach had played an important role in generating the inflation of the 1970s. In practice, however, the Fed has always been wedded to interest rate controls. The decision to give them up was never really implemented.

Since credit demand was strong this year, the new look in Fed policy had a predictable result. Growth in the U.S. money supply accelerated close to 20%, a rate more appropriate to Latin America than the United States. The value of the dollar plunged in world markets. In November, the growth of total bank reserves, the high-powered money that forms the basis for future monetary expansion, soared to 40%.

The eventual impact of the Fed's actions remains to be seen. Indeed, doubts about the performance of the U.S. economy center on whether deflation and competitive devaluation will be viable strategies in 1987.

The nation is currently borrowing about $150 billion annually from foreign savers in order to balance its books. Were overseas investors to be spooked by the inflationary implications of U.S. monetary policy, the results would be: 1) a further collapse in the dollar, 2) a sharp increase in U.S. interest rates, and 3) a severe recession.

The risk is that the Fed would be forced to tighten up at the worst possible time—namely, at a point when the business expansion was close to a peak and interest rates were already starting to rise. Since the preliminary rounds of the 1988 presidential election are currently underway, be assured that Fed policy would become a major campaign issue.

Not coincidentally, while the Federal Reserve was extending its love affair with easy money, the White House was consolidating its political control over the central bank. Fed Chairman Paul A. Volcker is now the only remaining holdover from a prior Administration, and he is likely to depart by next August when his four-year designation as chairman expires.

Unfortunately, in discarding targets for monetary growth—which the Fed still publishes but regularly ignores—the central bankers created a vacuum. Participants in the economy no longer have any quantitative benchmarks to judge the conduct of monetary policy.

Officially, the Fed says that it is seeking "monetary and financial conditions that will foster reasonable price stability over time." In his speeches and testimony, Mr. Volcker always inveighs against the iniquities of excessive monetary expansion.

But the Fed has been acting very differently. What the money managers are doing implies a belief that easy money is no longer the precursor of inflation. The Federal Open Market Committee has been printing money at the fastest rate in the postwar period (indeed, in the history of the Federal Reserve System) on the apparent assumption that no one will ever want to spend the dollars that it has created.

Simultaneously, a significant shift in the composition of the public's portfolio of money assets (people are holding more money in the form of demand deposits and relatively less in the form of currency) has had the effect of adding about five percentage points to the reported growth rate of the money supply.

To paraphrase Herbert Stein, senior fellow of the American Enterprise Institute, Fed policy is adrift on a sea of money. It is quite true that the outburst of inflation that would normally accompany a sustained period of easy money has not occurred. "Enough time has passed," Mr. Stein said not long ago, "to raise questions about whether the old relation between money and inflation still holds. But not enough time has passed to prove that it may not still hold."

There is no way for market participants to know for sure what guidelines to apply to Fed policy. Targets for monetary growth are dead as a doornail at the moment, but the Fed could decide to revive them at any time.

In the meantime, it is plain that the Fed is using an unannounced target for short-term interest rates as its principal tactical tool in its ongoing effort to control the economy. If the Fed has strategic goals for monetary policy (chances are such targets do not exist in any formal sense), they would likely be expressed in terms of the growth rate of gross national product expressed in current dollars.

According to both present and former insiders at the Fed, the Federal Open Market Committee would "tighten" policy—that is, allow short-term interest rates to rise—if it saw evidence that nominal GNP was likely to show sustained growth at a rate in excess of say, 7% to 8%. To allow expansion to continue at such a rate, so the argument goes, would virtually guarantee that inflation would reignite.

No matter how solid the evidence for this contention, however, it is only speculation. The Fed has never announced that 7% to 8% expansion in nominal GNP represented a de facto ceiling for economic growth. If the central bank were to make such an announcement, chances are both the White House and Capitol Hill would object violently—presumably on the ground that it was too low.

All of this leaves the Federal Reserve—and by extension the economy and the financial markets—on slippery ground. Fed statisticians reported last week that total borrowing in American credit markets came to an annual rate of $1.1 trillion in the third quarter of 1986. This was the third-largest borrowing total in the nation's history.

Borrowing by nonfinancial sectors—adjusted for changes in the U.S. Treasury's cash balance and the net redemption of common stock by corporations—came to $901 billion, or 21.3% of GNP. The demand for credit was concentrated among consumers ($305 billion), the Treasury ($189 billion), and state and local governments ($161 billion).

Assuming the Fed's borrowing estimates to be correct, these data suggest that while the demand for credit is not at a record, it is nonetheless very high. This means that so long as the Federal Reserve continues to peg interest rates at current or lower levels by adding to the supply of reserves in the banking system, monetary growth will continue to boom.

Like all booms, the explosion in money growth will eventually come to an end. But when, under what circumstances, and with what impact on the welfare of the world economy, is anybody's guess.

Mr. PROXMIRE. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, discussions have been going on for quite some time between Mr. GRAMM, Mr. JOHNSTON, and others. And I think perhaps an agreement has been arrived at which can be hopefully entered as an order by the Senate. If this is agreed to, it would mean then that the Senate would go out today, and it would come back in on Monday, February 16, the Farewell Address of George Washington would be read, and there would be no other business that day as promised earlier. On Tuesday, the Senate will proceed to vote on Senate Resolution 94, the arms agreement resolution which has already been introduced by Mr. DOLE and myself, and on which an order has already been entered to vote. That vote will occur on Tuesday, February 17.

If the agreement which I now am proposing, or shortly will propose, is entered into, following the vote on Senate Resolution 94 on Tuesday, February 17, S. 83, the energy appliances standard bill, would then be the pending business. And Mr. GRAMM would be recognized to offer an amendment.

Meanwhile, today, if the agreement is entered the motion to proceed to take up the bill would be considered as having been agreed to, and I would offer a cloture motion today on the measure itself, S. 83. That cloture motion on the measure itself would ripen on Wednesday, February 18. And the Senate would not be in tomorrow.

I have not made the request yet. Those are the general parameters as I understand them. If I have misstated them, I would like the chairman, Mr. JOHNSTON, or Mr. GRAMM, or Mr. DOLE, or someone to state what their understanding is.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BYRD. Yes.

Mr. JOHNSTON. Mr. President, there are just two minor adjustments; that is, that we would like to adopt the committee amendments en bloc today, and as well as the amendment of Senator EVANS which would be accepted.

Mr. BYRD. Very well. I make that request. Is everyone in agreement that these would be the effects of the agreement?

Mr. President, I ask unanimous consent that S. 83 be made the pending business now, that the committee—reported amendments be agreed to en bloc; that Mr. EVANS then be recognized to offer an amendment, or that the manager of the bill be authorized to offer an amendment on behalf of Mr. EVANS; and that, on February 17, following the vote on Senate Resolution 94 which has already been agreed to, the Senate resume consideration of S. 83, the then unfinished business, at that point; that meanwhile a cloture motion which I will enter on behalf of the 16 or more Senators on S. 83 will mature on Wednesday, February 18, even though offered today.

It would otherwise ripen, if I may use the word, on Tuesday, but because Mr. GRAMM will be authorized to call up an amendment, I do not wish to have a cloture vote that day. If he wants to offer his amendment, that is fine. If he wants to offer two amendments, that is fine. If he wants to offer three amendments this is fine. But to be fair to all concerned, the vote on the cloture motion then would occur on Wednesday, February 18.

So, again, when the Senate resumes consideration of S. 83 on Tuesday, February 17, Senator GRAMM will be recognized to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Or amendments.

Mr. BYRD. Well, an amendment. I am not saying he cannot offer a second one.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NATIONAL APPLIANCE ENERGY CONSERVATION ACT

Mr. JOHNSTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the bill, S. 83, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 83) to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

The Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with amendments, heretofore agreed to in the unanimous-consent agreement, as follows:

(The parts of the bill stricken are shown in boldface brackets, and the parts of the bill inserted are shown in italic.)

S. 83

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "National Appliance Energy Conservation Act of 1987".

SEC. 2. DEFINITIONS.

(a) ENERGY CONSERVATION STANDARD.—Section 321(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)(6)) is amended to read as follows:

"(6) The term 'energy conservation standard' means—

"(A) a performance standard which prescribes a minimum level of energy efficiency or a maximum quantity of energy use for a covered product, determined in accordance with test procedures prescribed under section 323; or

"(B) a design requirement for the products specified in paragraphs (6), (7), (8), (10), and (13) of section 322(a); and

includes any other requirements which the Secretary may prescribe under section 325(m)."

(b) NEW DEFINITIONS.—Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended by adding at the end the following paragraphs:

"(19) The term 'AV' is the adjusted volume for refrigerators, refrigerator-freezers, and freezers, as defined in the applicable test procedure prescribed under section 323.

"(20) The term 'annual fuel utilization efficiency' means the efficiency descriptor for furnaces and boilers, determined using test procedures prescribed under section 323 and based on the assumption that all—

"(A) weatherized warm air furnaces or boilers are located out-of-doors;

"(B) warm air furnaces which are not weatherized are located indoors and all combustion and ventilation air is admitted through grills **[and]** *or* ducts from the outdoors *and does not communicate with air in the conditioned space*; and

"(C) boilers which are not weatherized are located within the heated space.

"(21) The term 'central air conditioner' means a product, other than a packaged terminal air conditioner, which—

"(A) is powered by single phase electric current;

"(B) is air-cooled;

"(C) is rated below 65,000 Btu per hour;

"(D) is not contained within the same cabinet as a furnace the rated capacity of which is above 225,000 Btu per hour; and

"(E) is a heat pump or a cooling only unit.

"(22) The term 'efficiency descriptor' means the ratio of the useful output to the total energy input, determined using the test procedures prescribed under section 323 and expressed for the following products in the following terms:

"(A) For furnaces and direct heating equipment, annual fuel utilization efficiency.

"(B) For room air conditioners, energy efficiency ratio.

"(C) For central air conditioning and central air conditioning heat pumps, seasonal energy efficiency ratio.

"(D) For water heaters, energy factor.

"(E) For pool heaters, thermal efficiency.

"(23) The term 'furnace' means a product which utilizes only single-phase electric current, or single-phase electric current or DC current in conjunction with natural gas, propane, or home heating oil, and which—

"(A) is designed to be the principal heating source for the living space of a residence;

"(B) is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 Btu per hour;

"(C) is an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low pressure steam or hot water boiler; and

"(D) has a heat input rate of less than 300,000 Btu per hour for electric boilers and low pressure steam or hot water boilers and less than 225,000 Btu per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces.

"(24) The terms 'heat pump' or 'reverse cycle' mean a product, other than a packaged terminal heat pump, which—

"(A) consists of one or more assemblies;

"(B) is powered by single phase electric current;

"(C) is rated below 65,000 Btu per hour;

"(D) utilizes an indoor conditioning coil, compressors, and refrigerant-to-outdoor-air heat exchanger to provide air heating; and

"(E) may also provide air cooling, dehumidifying, humidifying circulating, and air cleaning.

"(25) The term 'pool heater' means an appliance designed for heating nonpotable water contained at atmospheric pressure, including heating water in swimming pools, spas, hot tubs and similar applications.

"(26) The term 'thermal efficiency of pool heaters' means a measure of the heat in the water delivered at the heater outlet divided by the heat input of the pool heater as measured under test conditions specified in section 2.8.1 of the American National Standard for Gas Fired Pool Heaters, Z21.56-1986, or as may be prescribed by the Secretary.

"(27) The term 'water heater' means a product which utilizes oil, gas, or electricity to heat potable water for use outside the heater upon demand, including—

"(A) storage type units which heat and store water at a thermostatically controlled temperature, including gas storage water heaters with an input of 75,000 Btu per hour or less, oil storage water heaters with an input of 105,000 Btu per hour or less, and electric storage water heaters with an input of 12 kilowatts or less;

"(B) instantaneous type units which heat water but contain no more than one gallon of water per 4,000 Btu per hour of input, including gas instantaneous water heaters with an input of 200,000 Btu per hour or less, oil instantaneous water heaters with an input of 210,000 Btu per hour or less, and electric instantaneous water heaters with an input of 12 kilowatts or less; and

"(C) heat pump type units, with a maximum current rating of 24 amperes at a voltage no greater than 250 volts, which are products designed to transfer thermal energy from one temperature level to a higher temperature level for the purpose of heating water, including all ancillary equipment such as fans, storage tanks, pumps, or controls necessary for the device to perform its function.

"(28) The term 'weatherized warm air furnace or boiler' means a furnace or boiler designed for installation outdoors, approved for resistance to wind, rain, and snow, and supplied with its own venting system."

SEC. 3. COVERAGE.

Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended to read as follows:

"COVERAGE

"SEC. 322. (a) IN GENERAL.—The following consumer products, excluding those consumer products designed solely for use in recreational vehicles and other mobile equipment, are covered products:

"(1) Refrigerators, refrigerator-freezers, and freezers which can be operated by alternating current electricity, excluding—

"(A) any type designed to be used without doors; and

"(B) any type which does not include a compressor and condenser unit as an integral part of the cabinet assembly.

"(2) Room air conditioners.

"(3) Central air conditioners and central air conditioning heat pumps.

"(4) Water heaters.

"(5) Furnaces.

"(6) Dishwashers.

"(7) Clothes washers.

"(8) Clothes dryers.

"(9) Direct heating equipment.

"(10) Kitchen ranges and ovens.

"(11) Pool heaters.

"(12) Television sets.

"(13) Any other type of consumer product which the Secretary classifies as a covered product under subsection (b)."

SEC. 4. TEST PROCEDURES.

Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended to read as follows:

"TEST PROCEDURES

"SEC. 323. (a) GENERAL RULE.—All test procedures and related determinations prescribed or made by the Secretary with respect to any covered product (or class thereof) which are in effect on the date of enactment of the National Appliance Energy Conservation Act of 1986 shall remain in effect until the Secretary amends such test procedures and related determinations under subsection (b).

"(b) AMENDED AND NEW PROCEDURES.—(1)(A) The Secretary may amend test procedures with respect to any covered product if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3).

"(B) The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

"(C) The Secretary shall direct the National Bureau of Standards to assist in developing new or amended test procedures.

"(2) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the Federal Register proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period shall not be less than 60 days and may be extended for good cause shown to not more than 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved.

"(3) Any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use, as determined by the Secretary, and shall not be unduly burdensome to conduct.

"(4) If the test procedure is a procedure for determining estimated annual operating costs, such procedure shall provide that such costs shall be calculated from measurements of energy use in a representative average use cycle or period of use, as determined by the Secretary, and from representative average unit costs of the energy needed to operate such product during such cycle. The Secretary shall provide information to manufacturers with respect to representative average unit costs of energy.

"(c) RESTRICTION ON CERTAIN REPRESENTATIONS.—(1) No manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to the energy use or efficiency of a covered product to which a test procedure is applicable under subsection (a) or the cost of energy consumed by such product, unless such product has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.

"(2) Effective 180 days after an amended or new test procedure applicable to a covered product is prescribed under subsection (b), no manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to energy use or efficiency of such product or cost of energy consumed by such product, unless such product has been tested in accordance with such amended or new test procedures and such representation fairly discloses the results of such testing.

"(3) On the petition of any manufacturer, distributor, retailer, or private labeler, filed not later than the 60th day before the expiration of the period involved, the 180-day period referred to in paragraph (2) may be extended by the Secretary with respect to the petitioner (but in no event for more than an additional 180 days) if the Secretary determines that the requirements of paragraph (2) would impose an undue hardship on such petitioner.

"(d) CASE IN WHICH TEST PROCEDURE IS NOT REQUIRED.—(1) The Secretary is not required to publish and prescribe test procedures for a covered product (or class thereof) if the Secretary determines, by rule, that test procedures cannot be developed which meet the requirements of subsection (b)(3) and publishes such determination in the Federal Register, together with the reasons therefor.

"(2) For purposes of section 327, a determination under paragraph (1) with respect to any covered product or class shall have the same effect as would a standard prescribed for a covered product (or class).

"(e) AMENDMENT OF STANDARD.—(1) In the case of any amended test procedure which is prescribed pursuant to this section, the Secretary shall determine, in the rulemaking carried out with respect to prescribing such procedure, to what extent, if any, the proposed test procedure would alter the measured energy efficiency or measured energy use of any covered product as determined under the existing test procedure.

"(2) If the Secretary determines that the amended test procedure will alter the measured efficiency or measured use, the Secretary shall amend the applicable energy conservation standard during the rulemaking carried out with respect to such test procedure. In determining the amended energy conservation standard, the Secretary shall measure, pursuant to the amended test procedure, the energy efficiency or energy use of a representative sample of covered products that minimally comply with the existing standard. The average of such energy efficiency or energy use levels determined under the amended test procedure shall constitute the amended energy conservation standard for the applicable covered products.

"(3) Models of covered products in use before the date on which the amended energy conservation standard becomes effective (or revisions of such models that come into use after such date and have the same energy efficiency or energy use characteristics) that comply with the energy conservation standard applicable to such covered products on the day before such date shall be deemed to comply with the amended energy conservation standard.

"(4) The Secretary's authority to amend energy conservation standards under this subsection shall not affect the Secretary's obligation to issue final rules as described in section 325."

SEC. 5. ENERGY CONSERVATION STANDARDS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended to read as follows:

"ENERGY CONSERVATION STANDARDS

"SEC. 325. (a) PURPOSES.—The purposes of this section are to—

"(1) provide Federal energy conservation standards applicable to covered products; and

"(2) authorize the Secretary to prescribe amended or new energy conservation standards for each type (or class) of covered product.

"(b) STANDARDS FOR REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—(1) The following is the maximum energy use allowed in kilowatt hours per year for the following products (other than those described in paragraph (2)) manufactured on or after January 1, 1990:

	Energy Standards Equations
"Refrigerators and Refrigerator-Freezers with manual defrost	16.3 AV+316
Refrigerator-Freezers—partial automatic defrost	21.8 AV+429
Refrigerator-Freezers—automatic defrost with:	
Top mounted freezer without ice	23.5 AV+471
Side mounted freezer without ice	27.7 AV+488
Bottom mounted freezer without ice	27.7 AV+488
Top mounted freezer with through the door ice service	26.4 AV+535
Side mounted freezer with through the door ice	30.9 AV+547
Upright Freezers with:	
Manual defrost	10.9 AV+422
Automatic defrost	16.0 AV+623
Chest Freezers and all other freezers	14.8 AV+223

"(2) The standards described in paragraph (1) do not apply to refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet or freezers with total refrigerated volume exceeding 30 cubic feet.

"(3)(A)(i) The Secretary shall publish a proposed rule, no later than July 1, 1988, to determine if the standards established by paragraph (1) should be amended. The Secretary shall publish a final rule no later than July 1, 1989, which shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1993. If such a final rule is not published before January 1, 1990, any amendment of such standards shall apply to products manufactured on or after January 1, 1995. Nothing in this subsection provides any justification or defense for a failure by the Secretary to comply with the nondiscretionary duty to publish final rules by the dates stated in this paragraph.

"(ii)(I) If the Secretary does not publish a final rule before January 1, 1990, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, the regulations which established standards for such products and were promulgated by the California Energy Commission on December 14, 1984, to be effective January 1, 1992 (or any amendments to such standards that are not more stringent than the standards in the original regulations), shall apply in California to such products, effective beginning January 1, 1993, and shall not be preempted after such effective date by any energy conservation standard established in this section or prescribed, on or after January 1, 1990, under this section.

"(II) If the Secretary does not publish a final rule before January 1, 1992, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, State regulations which apply to such products manufactured on or after January 1, 1995, shall apply to such products until the effective date of a rule issued under this section with respect to such products.

"(B) After the publication of a final rule under subparagraph (A), the Secretary shall publish a final rule no later than every five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for the products described in paragraph (1).

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which the previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(c) STANDARDS FOR ROOM AIR CONDITIONERS.—(1) The energy efficiency ratio of room air conditioners shall be not less than the following for products manufactured on or after January 1, 1990:

"Product Class:	Ratio
Without Reverse Cycle and With Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	9.0
14,000 to 19,999 Btu	8.8
20,000 and more Btu	8.2
Without Reverse Cycle and Without Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	8.5
14,000 to 19,999 Btu	8.5
20,000 and more Btu	8.2
With Reverse Cycle and With Louvered Sides	8.5
With Reverse Cycle, Without Louvered Sides	8.0

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) After January 1, 1992, the Secretary shall publish a final rule no later than every five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for room air conditioners.

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(d) STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—(1) The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps shall be not less than the following:

"(A) Split Systems: 10.0 for products manufactured on or after January 1, 1992.

"(B) Single Package Systems: 9.7 for products manufactured on or after January 1, 1993.

"(2) The heating seasonal performance factor of central air conditioning heat pumps shall be not less than the following:

"(A) Split Systems: 6.8 for products manufactured on or after January 1, 1992.

"(B) Single Package Systems: 6.6 for products manufactured on or after January 1, 1993.

"(3)(A) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1999. The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (2) shall be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 2002.

"(B) The Secretary shall publish a final rule after January 1, 1994, and no later than January 1, 2001, to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2006.

"(C) After January 1, 2001, the Secretary shall publish a final rule—

"(i) no earlier than five years and no later than seven years after the date of publication of the previous final rule; or

"(ii) if the previous final rule did not amend the standards, five years after the date of publication of the previous final rule.

The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(D) Standards amended pursuant to subparagraph (C) shall apply only to products manufactured after a date which is—

"(i) no earlier than five and no later than seven years after the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, five years after the earliest date by which a previous amendment could have become effective;

except that in no case may any amended standard apply to products manufactured within five years after publication of the final rule prescribing such standard.

"(e) STANDARDS FOR WATER HEATERS; POOL HEATERS; DIRECT HEATING EQUIPMENT.—(1) The energy factor of water heaters shall be not less than the following for products manufactured on or after January 1, 1990:

"(A) Gas Water Heater:	.62–(.0019 x Rated Storage Volume *in gallons*)
"(B) Oil Water Heater:	.59–(.0019 x Rated Storage Volume *in gallons*)
"(C) Electric Water Heater:	.95–(.00132 x Rated Storage *in gallons*)

"(2) The thermal efficiency of pool heaters manufactured on or after January 1, 1990, shall not be less than 78 percent.

"(3) The efficiencies of gas direct heating equipment manufactured on or after January 1, 1990, shall be not less than the following:

"Wall	
Fan type	
Up to 42,000 Btu/hour.	73% AFUE
Over 42,000 Btu/hour..	74% AFUE
Gravity type	
Up to 10,000 Btu/hour.	59% AFUE
Over 10,000 Btu/hour up to 12,000 Btu/hour	60% AFUE
Over 12,000 Btu/hour up to 15,000 Btu/hour	61% AFUE
Over 15,000 Btu/hour up to 19,000 Btu/hour	62% AFUE
Over 19,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour..	65% AFUE
"Floor	
Up to 37,000 Btu/hour.	56% AFUE
Over 37,000 Btu/hour..	57% AFUE
"Room	
Up to 18,000 Btu/hour.	57% AFUE
Over 18,000 Btu/hour up to 20,000 Btu/hour	58% AFUE
Over 20,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour..	65% AFUE

"(4)(A) The Secretary shall publish final rules no later than January 1, 1992, to determine whether the standards established by paragraphs (1), (2), or (3) for water heaters, pool heaters, and direct heating equipment should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 2000, to determine whether standards in effect for such products should be amended. Such rule shall provide that any such amendment shall apply to products manufactured on or after January 1, 2005.

"(C) After January 1, 2000, the Secretary shall publish a final rule—

"(i) no earlier than every five years and no later than every ten years after the date of publication of the previous final rule; or

"(ii) if the previous final rule did not amend the standards, five years after the date of publication of the previous final rule.

The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(D) Such amended standards shall only apply to products manufactured after a date which is—

"(i) no earlier than five years and no later than ten years after the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, five years after the earliest date by which the previous amendment could have become effective;

except that in no case may any amended standard apply to products manufactured within five years after publication of the final rule establishing such standard.

"(f) STANDARDS FOR FURNACES.—(1) Furnaces (other than furnaces designed solely for installation in mobile homes) manufactured on or after January 1, 1992, shall have an annual fuel utilization efficiency of not less than 78 percent, except that—

"(A) boilers (other than gas steam boilers) shall have an annual fuel utilization efficiency of not less than 80 percent and gas steam boilers shall have an annual fuel utilization efficiency of not less than 68 percent; and

"(B) the Secretary shall prescribe a final rule not later than January 1, 1989, establishing an energy conservation standard—

"(i) which is for furnaces (other than furnaces designed solely for installation in mobile homes) having an input of less than 45,000 Btu per hour and manufactured on or after January 1, 1992; [and]

"(ii) which provides that the annual fuel utilization efficiency of such furnaces shall be a specific percent which is not less than 71 percent and not more than 78 [percent.] *percent; and*

"(iii) which the Secretary determines is not likely to result in a significant shift from gas heating to electric resistance heating with respect to either residential construction or furnace replacement.

"(2) Furnaces which are designed solely for installation in mobile homes and which are manufactured on or after September 1, 1990, shall have an annual fuel utilization efficiency of not less than 75 percent.

"(3)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine whether the standards established by paragraph (2) for mobile home furnaces should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1994.

"(B) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established by this subsection for furnaces (including mobile home furnaces) should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2002.

"(C) After January 1, 1997, and before January 1, 2007, the Secretary shall publish a final rule to determine whether standards in effect for such products should be amended. Such rule shall contain such amendment, if any, and provide that any amendment shall apply to products manufactured on or after January 1, 2012.

"(D) After the publication of the final rule described in subparagraph (C), the Secretary shall publish a final rule—

"(i) no earlier than five years and no later than ten years after the date of publication of the previous final rule; or

"(ii) if the previous final rule did not amend the standards, five years after the date of publication of the previous final rule.

The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(E) Standards amended pursuant to subparagraph (D) shall apply only to products manufactured after a date which is—

"(i) no earlier than five and no later than ten years after the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, five years after the earliest date by which the previous amendment could have become effective;

except that in no case may any amended standard apply to products manufactured within five years after publication of the final rule.

"(g) STANDARDS FOR DISHWASHERS; CLOTHES WASHERS; CLOTHES DRYERS.—(1) Dishwashers manufactured on or after January 1, 1988, shall be equipped with an option to dry without heat.

"(2) All rinse cycles of clothes washers shall include an unheated water option, but may have a heated water rinse option, for products manufactured on or after January 1, 1988.

"(3) Gas clothes dryers shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1988.

"(4)(A) The Secretary shall publish final rules no later than January 1, 1990, to determine if the standards established under this subsection for products described in paragraphs (1), (2), and (3) should be amended. Such rules shall provide that any amendment shall apply to products the manufacture of which is completed on or after January 1, 1993.

"(B) After January 1, 1990, the Secretary shall publish a final rule no later than every five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(C) Any such amendment shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, the earliest date by which a previous amendment could have been in effect;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such standard.

"(h) STANDARDS FOR KITCHEN RANGES AND OVENS.—(1) Gas kitchen ranges and ovens having an electrical supply cord shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1990.

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established for kitchen ranges and ovens in this subsection should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 1997, to determine whether standards in effect for such products should be amended. Such rule shall apply to products manufactured on or after January 1, 2000.

"(C) After January 1, 1997, the Secretary shall publish a final rule no later than every five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for such product.

"(D) Any amendment prescribed under subparagraph (C) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, the earliest date by which a previous amendment could have been in effect—

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such standard.

"(i) Standards for Other Covered Products.—(1) The Secretary may prescribe an energy conservation standard for any type (or class) of covered products of a type specified in paragraph (13) of section 322(a) if the requirements of subsections (j) and (k) are met and the Secretary determines that—

"(A) the average per household energy use within the United States by products of such type (or class) exceeded 150 kilowatt-hours (or its Btu equivalent) for any 12-month period ending before such determination;

"(B) the aggregate household energy use within the United States by products of such type (or class) exceeded 4,200,000,000 kilowatt-hours (or its Btu equivalent) for any such 12-month period;

"(C) substantial improvement in the energy efficiency of products of such type (or class) is technologically feasible; and

"(D) the application of a labeling rule under section 324 to such type (or class) is not likely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) which achieve the maximum energy efficiency which is technologically feasible and economically justified.

"(2) Any new or amended standard for covered products of a type specified in paragraph (13) of section 322(a) shall not apply to products manufactured within five years after the publication of a final rule establishing such standard.

"(3) The Secretary may, in accordance with subsections (j) and (k), prescribe an energy conservation standard for television sets. Any such standard may not become effective with respect to products manufactured before January 1, 1992.

"(j) Criteria for Prescribing New or Amended Standards.—(1) The Secretary may not prescribe any amended standard which increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

"(2)(A) Any new or amended energy conservation standard prescribed by the Secretary under this section for any type (or class) of covered product shall be designed to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

"(B)(i) In determining whether a standard is economically justified, the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed its burdens by, to the greatest extent practicable, considering—

"(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard;

"(II) the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

"(III) the total projected amount of energy savings likely to result directly from the imposition of the standard;

"(IV) any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard;

"(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

"(VI) the need for national energy conservation; and

"(VII) other factors the Secretary considers relevant.

"(ii) For purposes of clause (i)(V), the Attorney General shall make a determination of the impact, if any, of any lessening of competition likely to result from such standard and shall transmit such determination, not later than 60 days after the publication of a proposed rule prescribing or amending an energy conservation standard, in writing to the Secretary, together with an analysis of the nature and extent of such impact. Any such determination and analysis shall be published by the Secretary in the Federal Register.

"(iii) If the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure, there shall be a rebuttable presumption that such standard level is economically justified. A determination by the Secretary that such criterion is not met shall not be taken into consideration in the Secretary's determination of whether a standard is economically justified.

"(3) The Secretary may not prescribe an amended or new standard under this section for a type (or class) of covered product if—

"(A) for products other than dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens, a test procedure has not been prescribed pursuant to section 323 with respect to that type (or class) of product; or

"(B) the Secretary determines, by rule, that the establishment of such standard will not result in significant conservation of energy or that the establishment of such standard is not technologically feasible or economically justified.

For purposes of section 327, a determination under subparagraph (B) with respect to any type (or class) of covered products shall have the same effect as would a standard prescribed for such type (or class).

"(4) The Secretary may not prescribe an amended or new standard under this section if the Secretary finds (and publishes such finding) that interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of the Secretary's finding. The failure of some types (or classes) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a standard for other types (or classes).

"(k) Procedure for Prescribing New or Amended Standards.—Any new or amended energy conservation standard shall be prescribed in accordance with the following procedure:

"(1) The Secretary—

"(A) shall publish an advance notice of proposed rulemaking which specifies the type (or class) of covered products to which the rule may apply;

"(B) shall invite interested persons to submit, within 60 days after the date of publication of such advance notice, written presentations of data, views, and arguments in response to such notice; and

"(C) may identify proposed or amended standards that may be prescribed.

"(2) A proposed rule which prescribes an amended or new energy conservation standard or prescribes no amendment or no new standard for a type (or class) of covered products shall be published in the Federal Register. In prescribing any such proposed rule with respect to a standard, the Secretary shall determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for each type (or class) of covered products. If such standard is not designed to achieve such efficiency or use, the Secretary shall state in the proposed rule the reasons therefor.

"(3) After the publication of such proposed rulemaking, the Secretary shall, in accordance with section 336, afford interested persons an opportunity, during a period of not less than 60 days, to present oral and written comments (including an opportunity to question those who make such presentations, as provided in such section) on matters relating to such proposed rule, including—

"(A) whether the standard to be prescribed is economically justified (taking into account those factors which the Secretary must consider under subsection (j)(2)) or will result in the effects described in subsection (j)(4);

"(B) whether the standard will achieve the maximum improvement in energy efficiency which is technologically feasible;

"(C) if the standard will not achieve such improvement, whether the reasons for not achieving such improvement are adequate; and

"(D) whether such rule should prescribe a level of energy use or efficiency which is higher or lower than that which would otherwise apply in the case of any group of products within the type (or class) that will be subject to such standard.

"(4) A final rule prescribing an amended or new energy conservation standard or prescribing no amended or new standard for a type (or class) of covered products shall be published as soon as is practicable, but not less than 90 days, after publication of the proposed rule in the Federal Register.

"(l) Special Rule for Certain Types or Classes of Products.—(1) A rule prescribing an energy conservation standard for a type (or class) of covered products shall specify a level of energy use or efficiency higher or lower than that which applies (or would apply) for such type (or class) for any group of covered products which have the same function or intended use, if the Secretary determines that covered products within such group—

"(A) consume a different kind of energy from that consumed by other covered products within such type (or class); or

"(B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard from that which applies (or will apply) to other products within such type (or class).

In making a determination under this paragraph concerning whether a performance-related feature justifies the establishment of a higher or lower standard, the Secretary shall consider such factors as the utility to the consumer of such a feature, and such other factors as the Secretary deems appropriate.

"(2) Any rule prescribing a higher or lower level of energy use or efficiency under paragraph (1) shall include an explanation of the basis on which such higher or lower level was established.

"(m) Inclusion in Standards of Test Procedures and Other Requirements.—Any new or amended energy conservation standard prescribed under this section shall include, where applicable, test procedures prescribed in accordance with section 323 and may include any requirement which the Secretary determines is necessary to assure that each covered product to which such standard applies meets the required minimum level of energy efficiency or maximum quantity of energy use specified in such standard.

"(n) Determination of Compliance With Standards.—Compliance with, and performance under, the energy conservation standards (except for design standards authorized by this part) established in, or prescribed under, this section shall be determined using the test procedures and corresponding compliance criteria prescribed under section 323.

"(o) Small Manufacturer Exemption.—(1) Subject to paragraph (2), the Secretary may, on application of any manufacturer, exempt such manufacturer from all or part of the requirements of any energy conservation standard established in or prescribed under this section for any period not longer than the 24-month period beginning on the date such rule becomes effective, if the Secretary finds that the annual gross revenues of such manufacturer from all its operations (including the manufacture and sale of covered products) does not exceed $8,000,000 for the 12-month period preceding the date of the application. In making such finding with respect to any manufacturer, the Secretary shall take into account the annual gross revenues of any other person who controls, is controlled by, or is under common control with, such manufacturer.

"(2) The Secretary may not exercise the authority granted under paragraph (1) with respect to any type (or class) of covered product subject to an energy conservation standard under this section unless the Secretary makes a finding, after obtaining the written views of the Attorney General, that a failure to allow an exemption under paragraph (1) would likely result in a lessening of competition.".

SEC. 6. REQUIREMENTS OF MANUFACTURERS.

Section 326(d) of the Energy Policy and Conservation Act (42 U.S.C. 6296(d)) is amended to read as follows:

"(d) Information Requirements.—(1) For purposes of carrying out this part, the Secretary may require, under this part or other provision of law administered by the Secretary, each manufacturer of a covered product to submit information or reports to the Secretary with respect to energy efficiency or energy use of such covered product and the economic impact of any proposed energy conservation standard, as the Secretary determines may be necessary to establish and revise test procedures, labeling rules, and energy conservation standards for such product and to insure compliance with the requirements of this part. In making any determination under this paragraph, the Secretary shall consider existing public sources of information, including nationally recognized certification programs of trade associations.

"(2) The Secretary shall exercise authority under this section in a manner designed to minimize unnecessary burdens on manufacturers of covered products.

"(3) The provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 shall apply with respect to information obtained under this subsection to the same extent and in the same manner as they apply with respect to energy information obtained under section 11 of such Act.".

SEC. 7. EFFECT ON OTHER LAW.

Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended to read as follows:

"EFFECT ON OTHER LAW

"Sec. 327. (a) Preemption of Testing and Labeling Requirements.—(1) Effective on the date of enactment of the National Appliance Energy Conservation Act of 1986, this part supersedes any State regulation insofar as such State regulation provides at any time for the disclosure of information with respect to any measure of energy consumption of any covered product if—

"(A) such State regulation requires testing or the use of any measure of energy consumption or energy descriptor in any manner other than that provided under section 323; or

"(B) such State regulation requires disclosure of information with respect to the energy use or energy efficiency of any covered product other than information required under section 324.

"(2) For purposes of this section, the term 'State regulation' means a law, regulation, or other requirement of a State or its political subdivisions.

"(b) General Rule of Preemption for Energy Conservation Standards Before Federal Standard Becomes Effective for a Product.—Effective on the date of enactment of the National Appliance Energy Conservation Act of 1986 and ending on the effective date of an energy conservation standard established under section 325 for any covered product, no State regulation, or revision thereof, concerning the energy efficiency or energy use of the covered product shall be effective with respect to such covered product, unless the State regulation or revision—

"(1) was prescribed or enacted before January 8, 1987, and is applicable to products before January 3, 1988;

"(2) is a State procurement regulation described in subsection (e);

"(3) is a regulation described in subsection (f)(1) or is prescribed or enacted in a building code for new construction described in subsection (f)(2);

"(4) is a regulation prohibiting the use in pool heaters of a constant burning pilot;

"(5) is a regulation described in subsection (d)(5)(B) for which a waiver has been granted under subsection (d); or

"(6) is a regulation effective on or after January 1, 1992, concerning the energy efficiency or energy use of television sets.

"(c) General Rule of Preemption for Energy Conservation Standards When Federal Standard Becomes Effective for a Product.—Except as provided in section 325(b)(3)(A)(ii) and effective on the effective date of an energy conservation standard established in or prescribed under section 325 for any covered product, no State regulation concerning the energy efficiency or energy use of such covered product shall be effective with respect to such product unless the regulation—

"(1) is a regulation described in paragraph (2) or (4) of subsection (b);

"(2) is a regulation which has been granted a waiver under subsection (d); or

"(3) is in a building code for new construction described in subsection (f)(3).

"(d) Waiver of Federal Preemption.—(1)(A) Any State with a State regulation which provides for any energy conservation standard or other requirement with respect to energy use or energy efficiency for any type (or class) of covered product for which there is a Federal energy conservation standard under section 325 may file a petition with the Secretary requesting a rule that such State regulation become effective with respect to such covered product.

"(B) Subject to paragraphs (2) through (5), the Secretary shall, within the period described in paragraph (2) and after consideration of the petition and the comments of interested persons, prescribe such rule if the Secretary finds (and publishes such finding) that the State has established by a preponderance of the evidence that such State regulation is needed to meet unusual and compelling State or local energy interests.

"(C) For purposes of this subsection, the term 'unusual and compelling State or local energy interests' means interests which—

"(i) are substantially different in nature or magnitude than those prevailing in the United States generally; and

"(ii) are such that the costs, benefits, burdens, and reliability of energy savings resulting from the State regulation make such regulation preferable or necessary when measured against the costs, benefits, burdens, and reliability of alternative approaches to energy savings or production, including reliance on reasonably predictable market-induced improvements in efficiency of all products subject to the State regulation.

The factors described in clause (ii) shall be evaluated within the context of the State's energy plan and forecast.

"(2) The Secretary shall give notice of any petition filed under paragraph (1)(A) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, thereon. The Secretary shall, within the 6-month period beginning on the date on which any such petition is filed, deny such petition or prescribe the requested rule, except that the Secretary may publish a notice in the Federal Register extending such period to a date certain but no longer than one year after the date on which the petition was filed. Such notice shall include the reasons for delay. In the case of any denial of a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, such denial.

"(3) The Secretary may not prescribe a rule under this subsection if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that such State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of the covered product on a national basis. In determining whether to make such finding, the Secretary shall evaluate all relevant factors, including—

"(A) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

"(B) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State;

"(C) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

"(i) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

"(ii) in the current or projected sales volume of the covered product type (or class) in the State and the United States; and

"(D) the extent to which the State regulation is likely to contribute significantly to a proliferation of State appliance efficiency requirements and the cumulative impact such requirements would have.

"(4) The Secretary may not prescribe a rule under this subsection if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that the State regulation is likely to result in the unavailability in the State of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the State at the time of the Secretary's finding, except that the failure of some classes (or types) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a rule for other classes (or types).

"(5) No final rule prescribed by the Secretary under this subsection may—

"(A) permit any State regulation to become effective with respect to any covered product manufactured within three years after such rule is published in the Federal Register or within five years if the Secretary finds that such additional time is necessary due to the substantial burdens of retooling, redesign, or distribution needed to comply with the State regulation; or

"(B) become effective with respect to a covered product manufactured before the earliest possible effective date specified in section 325 for the initial amendment of the energy conservation standard established in such section for the covered product; except that such rule may become effective before such date if the Secretary finds (and publishes such finding) that, in addition to the other requirements of this subsection the State has established, by a preponderance of the evidence, that—

"(i) an energy emergency condition exists within the State which—

"(I) imperils the health, safety, and welfare of its residents because of the inability of the State or utilities within the State to provide adequate quantities of gas or electric energy to its residents at less than prohibitive costs; and

"(II) cannot be substantially alleviated by the importation of energy or the use of interconnection agreements; and

"(ii) the State regulation is necessary to alleviate substantially such condition.

"(6) In any case in which a State is issued a rule under paragraph (1) with respect to a covered product and subsequently a Federal energy conservation standard concerning such product is amended pursuant to section 325, any person subject to such State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (1) with respect to such product in such State. The Secretary shall consider such petition in accordance with the requirements of paragraphs (1), (3), and (4), except that the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (1) should be withdrawn as a result of the amendment to the Federal standard. If the Secretary determines that the petitioner has shown that the rule issued by the State should be so withdrawn, the Secretary shall withdraw it.

"(e) EXCEPTION FOR CERTAIN STATE PROCUREMENT STANDARDS.—Any State regulation which sets forth procurement standards for a State (or political subdivision thereof) shall not be superseded by the provisions of this part if such standards are more stringent than the corresponding Federal energy conservation standards.

"(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—(1) A regulation or other requirement enacted or prescribed before January 8, 1987, that is contained in a State or local building code for new construction concerning the energy efficiency or energy use of a covered product is not superseded by this part until the effective date of the energy conservation standard established in or prescribed under section 325 for such covered product.

"(2) A regulation or other requirement, or revision thereof, enacted or prescribed on or after January 8, 1987, that is contained in a State or local building code for new construction concerning the energy efficiency or energy use of a covered product is not superseded by this part until the effective date of the energy conservation standard established in or prescribed under section 325 for such covered product if the code does not require that the energy efficiency of such covered product exceed—

"(A) the applicable minimum efficiency requirement in a national voluntary consensus standard; or

"(B) the minimum energy efficiency level in a regulation or other requirement of the State meeting the requirements of subsections (b)(1) or (b)(5), whichever is higher.

"(3) Effective on the effective date of an energy conservation standard for a covered product established in or prescribed under section 325, a regulation or other requirement contained in a State or local building code for new construction concerning the energy efficiency or energy use of such covered product is not superseded by this part if the code complies with all of the following requirements:

"(A) The code permits a builder to meet an energy consumption or conservation objective for a building by selecting items whose combined energy efficiencies meet the objective.

"(B) The code does not require that the covered product have an energy efficiency exceeding the applicable energy conservation standard established in or prescribed under section 325, except that the required efficiency may exceed such standard up to the level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d).

"(C) The credit to the energy consumption or conservation objective allowed by the code for installing covered products having energy efficiencies exceeding such energy conservation standard established in or prescribed under section 325 or the efficiency level required in a State regulation referred to in subparagraph (B) is on a one-for-one equivalent energy use **[**basis.**]** *or equivalent cost basis.*

"(D) If the code uses one or more baseline building designs against which all submitted building designs are to be evaluated and such baseline building designs contain a covered product subject to an energy conservation standard established in or prescribed under section 325, the baseline building designs are based on the efficiency level for such covered product which meets but does not exceed such standard or the efficiency level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d).

"(E) If the code sets forth one or more optional combinations of items which meet the energy consumption or conservation objective, for every combination which includes a covered product the efficiency of which exceeds either standard or level referred to in subparagraph (D), there also shall be at least one combination which includes such covered product the efficiency of which does not exceed such standard or level by more than 5 percent, except that at least one combination shall include such covered product the efficiency of which meets but does not exceed such standard.

"(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be calculated from energy loss- or gain-based codes) utilizing an equivalent amount of energy (which may be specified in units of energy or its equivalent cost).

"(G) The estimated energy use of any covered product permitted or required in the code, or used in calculating the objective, is determined using the applicable test procedures prescribed under section 323, except that the State may permit the estimated energy use calculation to be adjusted to reflect the conditions of the areas where the code is being applied if such adjustment is based on the use of the applicable test procedures prescribed under section 323 or other technically accurate documented procedure.

"(4)(A) Subject to subparagraph (B), a State or local government is not required to submit a petition to the Secretary in order to enforce or apply its building code or to establish that the code meets the conditions set forth in this subsection.

"(B) If a building code requires the installation of covered products with efficiencies exceeding both the applicable Federal standard established in or prescribed under section 325 and the applicable standard of such State, if any, that has been granted a waiver under subsection (d), such requirement of the building code shall not be applicable unless the Secretary has granted a waiver for such requirement under subsection (d).

"(g) No Warranty.—Any disclosure with respect to energy use, energy efficiency, or estimated annual operating cost which is required to be made under the provisions of this part shall not create an express or implied warranty under State or Federal law that such energy efficiency will be achieved or that such energy use or estimated annual operating cost will not be exceeded under conditions of actual use.".

SEC. 8. CITIZEN SUITS.

Section 335(a) of the Energy Policy and Conservation Act (42 U.S.C. 6305) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or";

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary in any case in which there is an alleged failure of the Secretary to comply with a nondiscretionary duty to issue a proposed or final rule according to the schedules set forth in section 325."; and

(4) by adding after the last sentence the following:

"The courts shall advance on the docket, and expedite the disposition of, all causes filed therein pursuant to paragraph (3) of this subsection. If the court finds that the Secretary has failed to comply with a deadline established in section 325, the court shall have jurisdiction to order appropriate relief, including relief that will ensure the Secretary's compliance with future deadlines for the same covered product.".

SEC. 9. ADMINISTRATIVE REVIEW AND JUDICIAL REVIEW.

Section 336 of the Energy Policy and Conservation Act (42 U.S.C. 6306) is amended to read as follows:

"ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"Sec. 336. (a)(1) In addition to the requirements of section 553 of title 5, United States Code, rules prescribed under section 323, 324, 325, 327, or 328 of this part shall afford interested persons an opportunity to present written and oral data, views, and arguments with respect to any proposed rule.

"(2) In the case of a rule prescribed under section 325, the Secretary shall, by means of conferences or other informal procedures, afford any interested person an opportunity to question—

"(A) other interested persons who have made oral presentations; and

"(B) employees of the United States who have made written or oral presentations with respect to disputed issues of material fact.

Such opportunity shall be afforded to the extent the Secretary determines that questioning pursuant to such procedures is likely to result in a more timely and effective resolution of such issues.

"(3) A transcript shall be kept of any oral presentations made under this subsection.

"(b)(1) Any person who will be adversely affected by a rule prescribed under section 323, 324, or 325 may, at any time within 60 days after the date on which such rule is prescribed, file a petition with the United States court of appeals for the circuit in which such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be transmitted by the clerk of the court to the agency which prescribed the rule. Such agency shall file in the court the written submissions to, and transcript of, the proceedings on which the rule was based, as provided in section 2112 of title 28, United States Code.

"(2) Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. No rule under section 323, 324, or 325 may be affirmed unless supported by substantial evidence.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(4) The remedies provided for in this subsection shall be in addition to, and not in substitution for, any other remedies provided by law.

"(5) The procedures applicable under this part shall not—

"(A) be considered to be modified or affected by any other provision of law unless such other provision specifically amends this part (or provisions of law cited herein); or

"(B) be considered to be superseded by any other provision of law unless such other provision does so in specific terms by referring to this part and declaring that such provision supersedes, in whole or in part, the procedures of this part.

"(c) Jurisdiction is vested in the Federal district courts of the United States over actions brought by any adversely affected person to determine whether a State or local government is complying with the requirements of this part.".

SEC. 10. ANNUAL REPORT.

Section 338 of the Energy Policy and Conservation Act (42 U.S.C. 6308) is amended by adding at the end the following: "Nothing in this section provides a defense or justification for a failure by the Secretary to comply with a nondiscretionary duty as provided for in this part."

SEC. 11. CONFORMING AMENDMENTS.

(a) In General.—Part B of title III of the Energy Policy and Conservation Act is amended as follows:

(1) Section 324 is amended—

(A) in subsection (a)(1), by striking out "paragraphs (1) through (9)" and inserting in lieu thereof "paragraphs (1), (2), (4), (6), and (8) through (12)";

(B) in subsection (a)(2), by striking out "paragraphs (10) through (13)" and inserting in lieu thereof "paragraphs (3), (5), and (7)"; and

(C) in subsection (a)(3)—

(i) by striking out "paragraph (14)" and inserting in lieu thereof "paragraph (13)";

(ii) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) the Commission or the Secretary has made a determination with respect to such type (or class thereof) that labeling in accordance with this section will assist purchasers in making purchasing decisions,"; and

(iii) by striking out "section 323(a)(5)" in subparagraph (B) and inserting in lieu thereof "section 323(b)(1)(B)";

(D) by striking out subsection (b)(1) and inserting in lieu thereof the following:

"(b) Rules in Effect; New Rules.—(1)(A) Any labeling rule in effect on the date of the enactment of the National Appliance Energy Conservation Act of 1986 shall remain in effect until amended, by rule, by the Commission.

"(B) After the date of the enactment of the National Appliance Energy Conservation Act of 1986 and not later than 30 days after the date on which a proposed test procedure applicable to a covered product of any of the types specified in paragraphs (1) through (13) of section 322(a) (or class thereof) is prescribed under section 323(b), the Commission shall publish a proposed labeling rule applicable to such type (or class thereof).";

(E) in subsection (b)(3)—

(i) by striking out "section 323" both places in which it appears and inserting in lieu thereof "section 323(b)";

(ii) by striking out "(13)" and inserting in lieu thereof "(12)"; and

(iii) by striking out "(14)" and inserting in lieu thereof "(13)";

(F) in subsection (b)(5)—

(i) by striking out "(10) through (13)" and inserting in lieu thereof "(3), (5), and (7)"; and

(ii) by striking out "(14)" and inserting in lieu thereof "(13)"; and

(G) in subsection (f), by striking out "or (2)" in the second sentence.

(2) Section 326(b)(3)(A) is amended by inserting "established in or" before "prescribed under".

(3) Section 332(a)(5) is amended by striking out "energy efficiency standard prescribed under" and inserting in lieu thereof "energy conservation standard established in or prescribed under".

(b) Stylistic Conforming Amendments.—Part B of title III of the Energy Policy and Conservation Act is amended as follows:

(1) Section 322(b)(1) is amended by striking out "(b)(1)" and inserting in lieu thereof "(b) Special Classification of Consumer Product.—(1)".

(2) Section 324 is amended—

(A) by striking out "Sec. 324. (a)(1)" and inserting in lieu thereof "Sec. 324. (a) In General.—(1)";

(B) in subsection (c)(1), by striking out "(c)(1)" and inserting in lieu thereof "(c) Content of Label.—(1)";

(C) in subsection (d), by striking out "(d)" and inserting in lieu thereof "(d) Effective Date.—";

(D) in subsection (e), by striking out "(e)" and inserting in lieu thereof "(e) Study of Certain Products.—";

(E) in subsection (f), by striking out "(f)" and inserting in lieu thereof "(f) Consultation.—"; and

(F) in subsection (g), by striking out "(g)" and inserting in lieu thereof "(g) Other Authority of the Commission.—".

(3) Section 326 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) In General.—";

(B) in subsection (b)(1), by striking out "(b)(1)" and inserting in lieu thereof "(b) Notification.—(1)"; and

(C) in subsection (c), by striking out "(c) Each" and inserting in lieu thereof "(c) Deadline.—Each".

(4) Section 329 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) In General.—"; and

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) Confidentiality.—".

(5) Section 332 is amended—

(A) in subsection (a), by striking out "Sec. 332. (a)" and inserting in lieu thereof "Sec. 332. (a) In General.—"; and

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) DEFINITION.—".

(6) Section 333 is amended—

(A) in subsection (a), by striking out "SEC. 333. (a)" and inserting in lieu thereof "SEC. 333. (a) IN GENERAL.—";

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) DEFINITION.—";

(C) in subsection (c), by striking out "(c) It" and inserting in lieu thereof "(c) SPECIAL RULE.—It"; and

(D) in subsection (d)(1), by striking out "(d)(1)" and inserting in lieu thereof "(d) PROCEDURE FOR ASSESSING PENALTY.—(1)".

(7) Section 335 is amended—

(A) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) LIMITATION.—";

(B) in subsection (c), by striking out "(c)" and inserting in lieu thereof "(c) RIGHT TO INTERVENE.—";

(C) in subsection (d), by striking out "(d)" and inserting in lieu thereof "(d) AWARD OF COSTS OF LITIGATION.—";

(D) in subsection (e), by striking out "(e)" and inserting in lieu thereof "(e) PRESERVATION OF OTHER RELIEF.—"; and

(E) in subsection (f), by striking out "(f)" and inserting in lieu thereof "(f) COMPLIANCE IN GOOD FAITH.—".

(8) Section 339 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) AUTHORIZATIONS FOR THE SECRETARY.—";

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) AUTHORIZATIONS FOR THE COMMISSION.—"; and

(C) in subsection (c), by striking out "(c)" and inserting in lieu thereof "(c) OTHER AUTHORIZATIONS.—".

THE NATIONAL APPLIANCE ENERGY CONSERVATION ACT OF 1987

Mr. JOHNSTON. Mr. President, few of us here in the U.S. Senate doubt the seriousness of the challenge which we face with regard to future energy supplies. We all vividly recall the crises of the 1970's and we all share an anxiety about the future. Our domestic production capacity continues to decline as our dependence on foreign oil imports grows. Despite the seriousness of this situation, however, we often have difficulty in reaching a consensus on policy. Today, I am pleased to urge my colleagues to support a most unusual piece of legislation. Unlike many energy bills, which enjoy lively debate and a broad variety of opinions of their merits, this bill is unusual in the depth of its support.

This bill, the National Appliance Energy Conservation Act, was developed by a broad coalition of environmental and manufacturing interests. It has since gained the support of consumer groups, utilities and State energy officials. Last year it was reported unanimously by the Committee on Energy and Natural Resources and it was passed without objection by the House and the Senate.

The legislation here today, S. 83, is essentially identical to the legislation which was passed without objection by both Houses of Congress last year. Last week, with continuing strong support, it was reported by unanimous vote from the Committee on Energy and Natural Resources and it comes to the Senate floor with the bipartisan support of 67 cosponsors.

The question then is: With such strong support, why was this bill pocket-vetoed last year? The President, in his memorandum of disapproval, called this bill intrusive on the free market and State prerogatives, and limiting on consumers' ability to buy low-cost appliances. The President stated that his preference, instead, was for the current appliance energy efficiency law enacted in 1978 as part of the National Energy Conservation Policy Act.

Let's compare that law with this bill.

Both are designed to achieve an important national goal: The reduction of the Nation's energy demand. It is estimated that 18 percent of the Nation's energy is consumed in household appliances; primarily furnaces, water heaters and air conditioners. At a time of growing uncertainty over our future energy supplies, greater efficiency in household appliances is a relatively simple and cost-effective means of reducing energy demand.

There are two basic principles behind both the current law and this bill. First, to establish efficiency standards which are both technically feasible and economically justified. Second, to preempt State efficiency standards and prevent the development of a patchwork of 50 separate and potentially conflicting State standards.

What then is the problem with the current law? The answer is not what's wrong with the law, but what's wrong with its implementation.

It has been over 5 years since appliance efficiency standards were to have been established by the Department of Energy under the current law. Yet, even today, not a single standard has been established. For over 5 years the administration has used every argument and foot-dragging technique to frustrate and undermine the intent of Congress, until, in July 1985, the D.C. Circuit Court of Appeals found the Department's actions "contrary to law" and ordered that they establish standards as mandated.

The administration has also frustrated the second objective of the current law—the preemption of separate State standards. Under current law States may apply for a waiver from Federal preemption for special circumstances. However, the Department of Energy, while failing to establish standards, adopted a policy granting every request for a waiver from Federal preemption it received—the Department either granted or proposed waivers for a total of 87 appliances in 26 States.

Perhaps now we understand why the administration prefers current law—it is a law which the administration has successfully avoided implementing for over 5 years. There is absolutely no reason we should expect the administration to change its attitude toward the current law. In fact, the President's memorandum of disapproval reiterates the administration's belief in low standards and State waivers.

Not only did the administration's policies frustrate those environmental interests who sought meaningful efficiency standards. Its policies also frustrated the appliance manufacturers who are now facing a growing patchwork of conflicting State appliance efficiency standards.

As a result of these frustrations, both environmentalists and industry threw up their hands in dealing with the Department of Energy and sat down to negotiate a compromise that would establish meaningful standards and eliminate the patchwork of State standards. Their compromise is embodied in S. 83.

Mr. President, our choice is clear. Our choice is between the current law or his legislation. If we reject this legislation, and vote to continue current law, we will be voting to agree to years of costly rulemaking, litigation, and higher prices for all consumers. These higher prices will result from the appliance industry being faced with a constantly changing and unpredictable market regulated by 50 State governments. Planning, designing, producing, and marketing appliances will be a costly and inefficient industry.

On the other hand, S. 83 has several advantages over current law:

First, it will allow DOE and the State governments to avoid costly rulemaking procedures by legislatively establishing standards which have already been agreed to by the principal parties.

Second, S. 83 would eliminate the growing patchwork of State-by-State standards which has developed under DOE's policy of liberally granting waivers from Federal preemption.

Third, S. 83 would save consumers money by reducing appliance operating costs, deferring new powerplant costs, and reducing manufacturers' costs.

Finally, S. 83 would enhance national security by reducing our Nation's energy demand and our dependence on foreign energy resources.

Mr. President, as I stated at the time that this legislation was introduced, "reviving our domestic energy industry and restraining the growth in our reliance on foreign energy sources will require keeping our minds open and our feet planted firmly on the ground." I sincerely hope that the President will also keep an open mind and that he will join with Congress in seizing this opportunity to mitigate our energy problems.

I believe that the President was ill-advised to veto this legislation, one has only to look at those who support the legislation to wonder why it was vetoed. In addition to the broad coalition of nearly 50 environmental, consumer, utility and industry associations supporting this bill there are some other particularly interesting comments on this legislation. Perhaps the most interesting is from the Department of Energy itself. While the Department expressed the administration's view that the current law should be repealed because it creates a burdensome regulatory program—the Department also stated that this legislation "is superior to the current law" and "will not unduly burden the appliance industry or cause radical changes in the wide selection of appliances available to the American people."

Another supporter of this bill is the former Secretary of Energy, Dr. James Schlesinger, who commended the committee for its initiative on this legislation during his testimony before the Energy Committee on January 22. Among the points he made to the committee was that our Nation's energy difficulties are complex and the solutions are not easy ones. However, conservation of energy to reduce demand is an important energy policy option available to us. This legislation implements one of those options.

Another interesting supporter of this legislation is Robert D. Tollison, an economist who has served on the staff of the Council of Economic Advisers for President Nixon and as a member of President-elect Reagan's transition team. Here is an economist who has played a role in the development of this administration's economic and regulatory policies. A study he recently completed on the economic effects of Federal appliance efficiency standards concludes: "the proposed legislation will provide substantial benefits to manufacturers of appliances—most of which will be passed on to consumers." Further, "taxpayers should favor this legislation since it will reduce costs to Government of inspection and policy enforcement."

Mr. President, the reasons for enacting this legislation remain as compelling as they were last year. Our national energy situation remains deeply troubling and, at times it is difficult to agree on which policies we should pursue. Today, however, we have an unusual opportunity in legislation which enjoys extraordinary support; from groups as diverse as the Natural Resources Defense Council to the National Association of Manufacturers, from the United Methodist Church to the National Association of State Energy Officers.

Mr. President, less than 4 months ago the Senate passed this legislation without objection, and I urge my colleagues to once again pass it swiftly and unanimously.

Mr. EVANS. I would like to ask the Senator from Louisiana some questions in order to clarify the meaning and intent of the small gas furnace standard provisions of the bill, section 5. That section amends section 325 of the Energy Policy and Conservation Act. Specifically, I would like to inquire about some of the terms used in section 325(f)(B)(iii), and the responsibilities of the Secretary of Energy in establishing the small furnace standard.

The Secretary of Energy is directed to establish a standard for small furnaces between 71 percent AFUE and 78 percent AFUE, is that correct?

Mr. JOHNSTON. Yes, that is correct.

Mr. EVANS. Within the 71- to 78-percent range, the Secretary is to establish the standard at a level that is determined "not likely to result in a significant shift from gas heating to electric resistance heating with respect to either residential construction or furnace replacement." Is that correct?

Mr. JOHNSTON. Yes, that is correct.

Mr. EVANS. The phrase, "gas heating," in this section means "natural gas heating," is that correct?

Mr. JOHNSTON. Yes, that is correct.

Mr. EVANS. The phrase, "electric resistance heating," does not include "heat pump" as defined in section 2(b)(24), and does not include supplemental backup electric resistance heating included in many heat pump configurations, is that correct?

Mr. JOHNSTON. Yes, that is correct. The term "electric resistance heating" was not meant to include any aspect of a heat pump.

Mr. EVANS. I thank the Senator.

Mr. JOHNSTON. The definition of "annual fuel utilization efficiency" [AFUE] in S. 83 makes certain assumptions about the locations where furnaces and boilers are installed and about the source of air used by non-weatherized furnaces for combustion and ventilation. Is it the Senator's understanding that these assumptions were made solely so that the meaning of the initial standards for furnaces and boilers prescribed in section 325(f) is clear to the manufacturers who must design products to meet the standards, and to those charged with the enforcement of the standards?

Mr. EVANS. Yes, I would assure the Senator that nothing in the act is intended to limit how furnaces or boilers are vented, or to limit the source of air used for combustion or ventilation.

Mr. WEICKER. Mr. President, I rise today to once again state my support for the swift consideration and passage of the National Appliance Energy Conservation Act of 1987. This bill received overwhelming support from Congress last year only to be pocket vetoed on November 1, 1986.

Support for this bill by industry, environmental groups, and States continues to be strong. With 18 percent of all energy being used to power home appliances, an effort to increase the efficiency of these appliances, perhaps by as much as 20 percent, can result in major reductions of energy use in this country. The days of the energy crisis are not far behind us and may soon return. This bill can make an important contribution toward being prepared for that crisis. Too many times have we seen the administration fail to respond to situations needing urgent attention. Energy usage and the efficiency with which it is used is one of the most critical issues of our time.

S. 83 was created in a remarkable way. With the failure of the Department of Energy to establish national efficiency standards for appliances; industry and environmental groups came together and developed a compromise. Since that time, their legislation has gained remarkable support, including passage by both Houses of Congress without opposition. It is unfortunate that the President pocket vetoed this act.

The administration asserted in its veto message that this bill would interfere in the free market and preclude the purchase of inexpensive appliances. This reasoning is shortsighted and fails to recognize the basic intent of this legislation. First, the bill would establish uniform national appliance standards which would preempt the growing number of separate and conflicting State standards. Second, this bill would significantly reduce the Nation's demand for energy. If appliances will cost more, and many manufacturers feel that the cost will not increase significantly, the savings due to reduced fuel costs and energy conserved in this Nation more than offset the costs.

Here again I restate my concern that the Nation has failed to develop an energy policy capable of dealing with the Nation's pressing energy problems. Energy conservation must remain and be strengthened as an integral part of any policy. This act goes a long way toward a sound energy policy.

Support for this bill was unanimous in Congress last year and remains just as strong today. The reasons for support of the bill remain compelling and I urge my colleagues to pass it swiftly and unanimously.

Mr. BINGAMAN. Mr. President, I am pleased to consponsor S. 83, the National Appliance Energy Conservation Act of 1987. I congratulate Senator JOHNSTON, chairman of the Energy and Natural Resources Committee, for his leadership in bringing this bill to the Senate. This important legislation will establish uniform national energy efficiency standards for air-conditioning and heating systems and major home appliances. The legislation is supported by an alliance of manufacturers, wholesalers, retailers, consumer and environmental organizations, utilities and other groups.

Since appliances account for approximately 24 percent of the total electricity consumed in the United States, more efficient products can lower energy costs for consumers while allowing utilities to use existing resources more economically. If enacted, the legislation will provide consumers, appliance manufacturers, and utilities with more flexibility in meeting the Nation's energy goals and ultimately reducing utility bills.

In developing the National Appliance Energy Conservation Act, care has been taken to respect the right of each State to manage its own energy resources and needs in light of its own special circumstances. At the same time, it is recognized that a multitude of differing State standards adds unduly to the costs and risks in developing more energy-efficient products and runs counter to the need for a coherent and stable national energy policy. Therefore, the measure would replace various existing State regulations with generally more stringent, uniform national energy efficiency standards.

The National Appliance Energy Conservation Act provides a uniform base not only for appliance manufacturers and consumers, but for utility planners as well. As less efficient equipment is replaced, customers will be better able to meet their energy needs and to manage their energy costs, while utility companies will benefit from reduced construction requirements for new powerplants and an increased ability to accurately forecast future energy demands.

I urge my colleagues to support this legislation.

Mr. JOHNSTON. Mr. President, a parliamentary inquiry. Is it now necessary to move adoption en bloc of the committee amendments?

The PRESIDING OFFICER. Those have already been agreed to en bloc pursuant to the agreement just agreed to.

AMENDMENT NO. 30

(Purpose: To adjust the minimum fuel efficiency standard for gas steam boilers)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. EVANS, proposes an amendment numbered 30.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 12, strike "68" and insert "75" in lieu thereof.

Mr. EVANS. Mr. President, first, the amendment is necessary. The 68-percent AFUE figure now in the bill is not comparable to what the bill requires for oil boilers which have to meet an 80-percent AFUE. Manufacturers and environmentalists in the coalition agree that the 75-percent figure is a reasonable compromise.

Second, the 75-percent AFUE figure I am proposing would only require the addition of electronic ignition and a stack damper—relatively inexpensive means of increasing efficiency without requiring redesign of existing models—electronic ignition: $15 to $20; stack damper: $20 to $35.

Finally, it is important to remember that this is a relatively small portion of the market; 21,575 gas steam boilers were shipped in 1986, only for the replacement market. Over 295,000 boilers overall were shipped in 1986.

The amendment has been cleared on both sides, as I understand it, and I urge its adoption.

Mr. JOHNSTON. Mr. President, this amendment would raise the efficiency standard for gas steam boilers from 68 to 75 percent.

Gas steam boilers constitute 7½ percent of all boilers shipped—22,400 out of 295,986—in 1985.

They are used only in the New York City area and only in existing buildings to replace worn-out units.

S. 83 establishes a standard of 80 percent for all boilers, except gas steam boilers which would have to meet a standard of 68 percent.

The reason gas steam boilers were given a lower standard is a result of the relatively small number of units shipped each year. Manufacturers argued that these appliances could not be redesigned to meet an 80-percent standard because manufacturers would not be able to recover their redesigning and new production costs.

More recently, it has been learned that the gas steam boiler manufacturers could meet a standard of 75 percent through "off-the-shelf" modifications to existing models. In other words, manufacturers can meet the 75 percent standard without making unprofitable major design changes.

I understand that the members of the coalition supporting this legislation, are willing to accept this modification in the interests of furthering the legislation. With that understanding I accept this amendment and thank my colleague from Washington State for his assistance on this most important piece of legislation.

Mr. President, I might say further, the amendment has been agreed to on all sides as well as by the broad coalition.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 30) was agreed to.

Mr. EVANS. Mr. President, it is with great pleasure that I join with my distinguished colleague, the chairman of the Energy and Natural Resources Committee, Senator JOHNSTON, today to urge my fellow Senators to vote to approve S. 83, the National Appliance Energy Conservation Act.

Most of my colleagues are familiar with the contents of this bill; indeed, 69 of my colleagues are cosponsors, which is an indication of the broad bipartisan support this bill has received. Briefly, the act establishes clear minimum efficiency standards for most home appliances such as furnaces, air conditioners and refrigerators. These standards would be subject to regular review by the Department of Energy.

The bill is the result of intense negotiations between appliance manufacturers and environmental and energy conservation organizations. The manufacturers were brought to the negotiating table because they were faced with an increasing number of States developing their own efficiency standards, a trend which could conceivably force them to comply with 50 different standards for their products, with the ultimate result being much higher costs for consumers. Environmentalists also correctly saw that through negotiations, they could achieve tough efficiency standards quickly, saving consumers millions of dollars in energy costs and relieving the need for new generation facilities.

S. 83 is one of those rare instances when we have traditional adversaries coming together to support a responsible and mutually acceptable solution to a problem. Manufacturers will have an achievable, uniform initial standard, and a fixed schedule established for the revision of these efficiency levels. Consumers will realize significant savings, estimated at up to $300 per household through the year 2000. Finally, this legislation will provide an important tool to utilities and State regulatory agencies as they plan for their future energy needs.

While the administration chose not to sign this legislation after the 99th Congress had adjourned in October, I am hopeful that they will appreciate the incredible savings which this bill will bring to the Nation's consumers, and the benefits which manufacturers will receive without having to comply with multiple State regulations. I would point out that two well-known free-market economists, Robert D. Tollison and Robert B. Ekelund, Jr., have prepared a study which demonstrates that because the bill does away with conflicting State efficiency standards, manufacturers will be able to reduce productions costs and pass these savings along to the consumer. These benefits, along with reduced energy costs, more than compensate for any initial increase which may occur for some appliances.

I had the privilege to lead the effort on this bill during the last days of the 99th Congress, and it has been a distinct pleasure to work closely with the chairman of the Energy and Natural Resources Committee, Senator JOHNSTON, as well as the ranking member, Senator MCCLURE, on what is almost certainly the most important energy conservation legislation which we have considered this decade. I look forward to prompt passage by the House, and pledge myself to doing my best to ensure that this important legislation becomes law.

Mr. JOHNSTON. Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank the able Republican leader for his cooperation. I thank Senator GRAMM and I thank Senator JOHNSTON. I thank all Senators for their cooperation in reaching this agreement.

There will be no more rollcall votes today.

VITIATION OF ORDER FOR SESSION ON FRIDAY

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the adjournment over until tomorrow be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. When the Senate completes its business today, it will adjourn over until Monday, February 16, 1987, under the adjournment resolution agreed to yesterday.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, not to extend beyond 5:30 p.m. today, and that Senators may be permitted to speak therein for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, let me thank the majority leader, Senator JOHNSTON, Senator GRAMM, and others. I think we have resolved the problem that held us back on this rather minor piece of legislation. At least we can now conclude action on it when we come back.

BICENTENNIAL MINUTE

FEBRUARY 5, 1937: FDR SUBMITS HIS "COURT PACKING PLAN"

Mr. DOLE. Mr. President, 50 years ago today one of America's greatest politicians made his greatest political mistake. Franklin D. Roosevelt, fresh from his landslide reelection as President in 1936, and buoyed by unprecedented margins of 76 Democrats to 16 Republicans in the Senate, and 331 to 89 in the House, took a gamble that he eventually lost. He submitted to Congress a plan to reorganize the Supreme Court.

The President suggested that when a Federal judge reached the age of 70, an additional judge be appointed to help carry the increasingly complex case load. Now, in 1937 most of the "nine old men" of the Supreme Court were over 70. Roosevelt's plan would have permitted him to name up to six new justices to the Supreme Court. During his first term, FDR had not made a single appointment to the court, which had struck down several major new deal laws as unconstitutional. Too impatient to wait for the Court to change through retirements, and fearful for the rest of his program, Roosevelt seized the initiative.

But the President had not anticipated the reaction within his own party. Many conservative Democrats, who had supported the New Deal because of the economic emergency of the Depression, bolted against this assault on the Supreme Court. Even some progressive Democrats, notably Montana's Burton K. Wheeler, came to the Court's defense. The tiny Republican minority had only to sit back and watch Democrats war against each other. The court packing plan eventually died in the Judiciary Committee. In a sense, FDR won, for within the next 4 years he had named seven of the nine justices. In another sense, he lost badly: The rifts within his party did not heal. Few New Deal initiatives were enacted during the remainder of his administration, despite the overwhelming Democratic margins.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

PRESIDENTIAL COMMISSION TO STUDY BUDGET REFORM

Mr. COCHRAN. Mr. President, yesterday I submitted a resolution expressing the sense of the Senate that the President should appoint a commission to study the various suggestions that have been made for budget process reform and to let the Senate have the benefit of any recommendations that this group would have for comprehensive budget reform.

It was suggested in the resolution that former Members of Congress, current Members of Congress of both parties, former members of the executive branch, and experts from business and industry ought to be brought together in this commission and given the responsibility over a 6-month period to look at all of the suggestions that are now being made for improving and making more efficient and businesslike the budget process of the Federal Government.

I really think it is important for us to take action at the earliest possible date to make more workable and make more efficient the processes and the procedures that we follow in developing a budget, both in the executive branch and in acting on the request of the President for a budget resolution in the Congress.

I do not think it is a secret to anybody that the process we have been following, even though it is a process that has been touted as one which is an improvement over past practices, has not been successful in bringing to the Congress a guideline for the appropriations process in a timely fashion. We have also found ways to get around the budget even after we have agreed on a resolution. We have adopted budget waivers just this week for the purpose of enabling us to pass highway legislation that was not consistent with the provision of the controlling budget resolution.

There are several suggestions that have a lot of merit, Mr. President. among them is the suggestion that we go to a 2-year budget cycle. On January 29, Senator ROTH, of Delaware, joined by Senator DOMENICI, of New Mexico, introduced legislation which would put us on a 2-year budget cycle. This is not a new idea. I know several years ago I joined with Senator FORD, of Kentucky, and Senator QUAYLE, of Indiana, in introducing legislation to require a budget to be developed every 2 years.

The beginning of each Congress, in my judgment, is the time when we should agree upon a budget for the 2-year period of each Congress, and then have appropriations bills passed as needed annually to fund the activities that are described in the budget resolution and the categories of funding that are set out in the resolution would be controlling. I think that would be an improvement over the present procedure. The suggestions that have been made by Senators ROTH and DOMENICI just recently are very well-reasoned and very good suggestions for us to consider. I do know that is not the entire answer to the problem, but it is one that is worthy of careful consideration. I am not sure that we are going to see it carefully considered unless we focus the attention of some of the top leaders of this country on the problem with a high profile commission which the President can establish and give this responsibility.

Another suggestion that I think is important to consider is the way the budget is presented. Every expenditure in the budget is treated as if it is an operating expense. I recall when President Carter was in office, toward the end of his term he suggested that we describe capital expenditures in a way that is different from the way we describe operating expenses, payroll expenses, that these expenditures be treated differently for the purpose of the budget.

I though that was a pretty good suggestion, but he was criticized very harshly, as I recall, and accused of trying to hide the deficit.

Mr. President, the deficit is too big to hide now. The matter is getting more serious, the problem is getting worse and not better. I am afraid, if we continue the same process we have been following for the last few years, we are going to run right up to the brink of economic disaster. We may be getting very close. And so I am urging the Congress, the Senate particularly, to go on record urging the President to appoint a high-level, blue ribbon commission to study this problem and to come up with some recommendations for comprehensive reform which can be acted upon.

Another suggestion that has been made and that I am suggesting ought to be included in this study is one of combining the Budget Committees of both the House and the Senate. We start off each year with each Budget Committee coming up with a resolution, and it takes almost the entire year for us to reach agreement. After each House has acted on the resolution, they go to conference and they come out with a conference report. Then we try to agree on that. Last year we were well into the beginning of this fiscal year before a budget resolution was finally approved.

Now, that is a process that is fatally flawed and is in serious need of repair. I think that is a suggestion that ought to be considered.

Last year Representative BOB MICHEL, in the House, and I in the Senate offered legislation which would have created a joint committee on the budget specifically for the purpose of reporting out a resolution under which we could be guided in a more timely fashion in the appropriations process. I really think that is a matter that should be considered.

There probably are other suggestions. I made a list of some the other day when our Appropriations Committee was engaged in its initial hearing, and we had before us James Miller, the Director of the Office of Management and Budget.

I mentioned that I had supported some suggestions, such as the line item veto, the Constitutional amendment that would require a balanced budget. I would still vote for those legislative measures, but I do not think they are going to solve the problem. First of all, they are not going to pass. We have already voted on those suggestions a few times, particularly in the last few years, and there is not the consensus in Congress to enact those measures into law.

So I do not think we can hide behind the rhetoric of saying that if we could get that done, we might see improvement. We, obviously, are not going to see this Congress enact either one of those measures.

So what I am suggesting is that we admit that those suggestions are not going to solve the problem, either, because they are not going to become law. What we have in place is a procedure and a process that we need to improve, and we can improve it, but we need to put our minds to it; we have to get to work on it. We ought to get busy now.

I hope that a commission which the President could appoint could begin work now, and within a 6-month period we could take up a proposal for comprehensive reform, get it enacted, and have it ready at least for the beginning of the next session of Congress.

I hope Senators will review the resolution I have submitted. It can be reviewed in the RECORD of February 4, 1987, on page S1818.

INFORMED CONSENT IN ABORTIONS

Mr. HUMPHREY. Mr. President, in January, I introduced a bill, S. 272, to require certain individuals who perform abortions to obtain the informed consent of the women on whom the abortion is to be performed.

This is a law that is badly in need of passage. One would think that it would not be at all in need of passage. One would think that no physician performs an abortion except in cases where he or she has secured the informed consent of the patient. However, as we are now finding out, some 14 years into the widespread practice of abortion, many women are coming to regret having had abortions, coming to conclude that they were not fully or adequately or well-informed by their physicians prior to their having such abortions.

What a great tragedy that is. What a great regret and heavy sadness that must be to live with.

So I am proposing that Congress enact a bill to require those who practice at facilities which receive Federal funding in some manner inform their patients fully prior to performing abortions, such that consent given for an abortion is truly informed.

It is a very sticky question as to what constitutes truly informed consent. We have written our bill after careful study of the recent Thornburg decision, which struck down a certain State law that required informed consent. But I point out that in rendering its opinion, the Supreme Court made it quite clear that there was nothing unconstitutional about requiring informed consent. What the Court struck down was the particular manner in which that State, Pennsylvania, sought to assure informed consent.

So we have structured our bill with great care to comply with what we regard as the criteria set out for the constitutionally sound, informed consent by the Thornburgh decision.

On a future day, I will discuss the language of the Thornburgh decision, discuss the language of the bill as we believe it conforms to the Thornburgh decision. Inasmuch as there is not time for that today, what I want to do, instead, is to continue my practice of reading into the RECORD letters from women who have written to me, inasmuch as I have made it known that I am pursuing this informed consent legislation, letters written to me by women who have had abortions some years ago, who now have come to regret those abortions, and believe they were not truly informed of the nature of abortion or the nature of the being, the child, who was destroyed by abortion, and who have written to me, willing to have their names publicly used and entered into the RECORD.

What great courage it must take and how very great their burden must be, to be willing to be known publicly as having had abortions and to speak out in the hope that other women might be spared having an abortion without being adequately informed.

So I continue to practice of putting these letters into the RECORD.

I have a letter from a woman named Lisa Murray, in New York:

> DEAR SENATOR HUMPHREY: When I was sixteen and a junior in high school I became pregnant. My parents offered abortion to me as an option. Not knowing any more about abortion than they did, I had the abortion. I am telling you this because I wish to express support of the current informed consent legislation before the Senate.
>
> When a woman is faced with a crisis pregnancy as I was, what is foremost in her mind are all the negative aspects. Maybe she's young and single as I was, needing to finish high school and looking ahead to college. Maybe she has small children already and can't practically handle another one on her own. There are scores of reasons and circumstances that tend to make the situa-

> tion look impossible. The point is this—she may have many reasons to have an abortion, but none why not to. It's just harder to see the latter than the former at a crisis time, but it doesn't mean that there aren't any viable reasons why not to. Unfortunately, she usually finds out after it's too late that there are many very good reasons why she shouldn't have aborted.
>
> I believe that if there were an informed consent law, it would prevent this from happening. A woman would have to be made aware of all the options to and all the possible consequences of abortion, before she consents to having one. I believe that women have a right to know and when the truth is not made known to them they are being taken advantage of.
>
> If I had known then what I know now about the lasting effects of an abortion, I would have given my baby life and saved myself a lot of heartache.
>
> Thank you for offering this legislation.

I have another letter, from Donna Merrick, of Albuquerque, NM:

> DEAR SENATOR HUMPHREY: I am concerned as I watch the various laws surrounding abortion being eaten away by the Supreme Court. I appreciate the efforts of caring people who want to make sure that women contemplating abortion know exactly what they are doing and are aware of specific alternatives available.
>
> Many seem concerned that if women are given facts about fetal development, adoption, helpful organizations, or the procedure itself, the woman may make an emotional decision. I must differ and say that any decision to abort begins as a very emotional decision, and being uninformed makes it worse. Usually fears prompt the decision, and the least of them is the fear of pregnancy itself. More often the fears include telling parents, boyfriend/husband, friends, changing or delaying plans, dreams or lifestyles. Most will agree that fear is dispelled by knowledge, but the courts seem to insist on keeping women "in the dark."
>
> I personally put little or no thought into my decision to abort. Had I been confronted with all the facts about the baby, the procedure, the alternatives, and the long- and short-term side effects—physical as well as emotional, I would have thought long and hard about my decision. Only God knows if my choice would have been different.
>
> I had an abortion 1½ years after it became legal. It seemed the easy way out of an embarrassing and difficult situation. I had to speak with a counselor beforehand, yet the bulk of the time was spent in birth control education. The only mention of alternatives was, "what do you think about adoption?" I said, "I don't think I could do that," and that was the end of that. There was no mention of side effects other than "basic surgical risk" and no mention of the child I carried. The first time I saw a picture of the developing child I had carried, I was devastated.
>
> The end of the procedure is not the end of the memory, it is the beginning of a lifelong relationship with a nightmare.
>
> Women need to know!
>
> Thank you for your swift action to turn this trend around.

Mr. President, whatever the position of a Senator may be on abortion, surely all Senators will agree that abortion is a very serious medical procedure, that it has very serious ethical considerations and aspects. Surely all Senators will agree that is not something to be rushed into in a thoughtless or in an emotional way, and surely all Senators would agree that it is something only to be carried out and consented to by a woman on a truly informed basis.

We all hear the shibboleth about abortion being something between a woman and her doctor and no one else's business, as though each woman who is about to have an abortion is carefully counseled by a physician. That is not the case at all.

The typical experience for a woman going into an abortion clinic is to be counseled by some young woman, usually of a women's lib persuasion, shall we say, and that is not all bad, but someone who is an enthusiastic partisan of abortion, who thinks that the more abortions that are performed the more secure are women's rights, and that is the kind of counseling most women get.

When they see the physician they are lucky they get a grunt before the procedure begins. There is not any real counseling in most cases. There is some propagandizing. There is some imparting of half information here and there, but there is not the kind of careful ethical counseling that is taken for granted in any other serious surgical procedure. And that is shocking, it is disgraceful, it is tragic and it has terrible consequences for women, as we are increasingly finding out, both physically and psychologically.

It seems to me that all Senators ought to support this legislation to require that where consent is given that it be truly informed consent.

I encourage Senators to cosponsor this legislation.

I thank the Chair.

The PRESIDING OFFICER. The majority leader.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of morning business under the requirement previsously entered be entered for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BIRTHDAY OF PRESIDENT RONALD REAGAN

Mr. THURMOND. Mr. President, it gives me much pleasure to rise today, before the first day of President Reagan's 77th year, to wish him a happy birthday. To the President and Mrs. Reagan, I extend my warmest regards and hope that tomorrow will be his best birthday ever.

I have served in this body over 32 years with seven different Presidents. In my opinion, President Reagan is one of the finest Presidents in the history of this country and certainly the greatest all-around President to serve since I first came to Washington.

His public service from the California Governor's mansion to the U.S. Presidency has been distinguished by hard work, vision, devotion to others, and love for his State and Nation. Since he became President, he has strengthened our national defense, revitalized our economy, and established a firm foreign policy. Most importantly, he has brought back to America a spirit of patriotism and national pride, becoming one of the most popular President's of this century.

I know he is not finished yet and when he is my age, he will still be serving this Nation with fervor and devotion.

Mr. President, I can think of none more worthy of this Chamber's honor, and I ask my colleagues to join me in sending best wishes to President Reagan who has served America so well and given her so much.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 479. A bill to amend title 73 of title 10, United States Code, to provide a minimum monthly annuity under such chapter; to the Committee on Armed Services.

By Mr. GRASSLEY:

S. 480. A bill to amend the Agricultural Act of 1949 to provide that a producer's 1987 crop of oats on a farm may exceed the permitted acreage base and the producer may be eligible to participate in the annual farm program for corn and grain sorghums for such crop year; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATSUNAGA (for himself, Mr. BRADLEY, Mr. DANFORTH, Mr. BENTSEN, Mr. BAUCUS, Mr. GRASSLEY, Mr. DASCHLE, Mr. DURENBERGER, Mr. ROCKEFELLER, Mr. PRESSLER, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. LAUTENBERG, and Mr. CHAFEE):

S. 481. A bill to amend the Trade Act of 1974 to authorize negotiation of reciprocal trade agreements; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. Baucus, Mr. Domenici, Mr. Bradley, Mr. Pressler, Mr. Rockefeller, Mr. Grassley, Mr. Mitchell, Mr. Danforth, Mr. Lautenberg, Mr. Moynihan, and Mr. Bentsen):

S. 482. A bill to amend the Trade Act of 1974 to ensure competitiveness as a factor in trade relief decisions; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. Moynihan, Mr. Bradley, Mr. Chafee, Mr. Rockefeller, Mr. Heinz, Mr. Mitchell, Mr. Grassley, Mr. Lauthenberg, Mr. McConnell, Mr. Baucus, Mr. Danforth, Mr. Bentsen, and Mr. Pressler):

S. 483. A bill to amend the Trade Act of 1974 to improve upon the Trade Adjustment Assistance Program; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. Chafee, Mr. Mitchell, Mr. McConnell, Mr. Rockefeller, Mr. Heinz, Mr. Baucus, Mr. Wilson, Mr. Lautenberg, Mr. Grassley, Mr. Bradley, Mr. Danforth, and Mr. Bentsen):

S. 484. A bill to amend the Trade Act of 1974 to improve enforcement of United States reciprocal trade agreements; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. Mitchell, Mr. Baucus, Mr. Grassley, Mr. Pressler, Mr. Bradley, Mr. Danforth, Mr. Lautenberg, Mr. Moynihan, Mr. Roth, and Mr. Bentsen):

S. 485. A bill to amend the Tariff Act of 1930 to improve enforcement of antidumping and countervailing duty laws; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. Roth, Mr. Baucus, Mr. Wilson, Mr. Chafee, Mr. Bentsen, Mr. Grassley, Mr. Pressler, Mr. Moynihan, Mr. Heinz, and Mr. Danforth):

S. 486. A bill to amend the Tariff Act of 1930 to improve protection of intellectual property rights; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. Mitchell, Mr. Wilson, Mr. Baucus, Mr. Grassley, Mr. Rockefeller, Mr. Pressler, Mr. Lautenberg, Mr. Heinz, Mr. Bentsen, Mr. Danforth, Mr. Bradley, and Mr. Moynihan):

S. 487. A bill to require the U.S. Trade Representative to monitor transfers of technology between the United States and foreign countries, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. Durenberger, Mr. Pryor, Mr. Wilson, Mr. Bentsen, Mr. Pressler, Mr. Danforth, Mr. Grassley, and Mr. Cochran):

S. 488. A bill to amend agricultural laws of the United States to improve United States agricultural exports; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, Mr. Rockefeller, Mr. Pressler, Mr. Lautenberg, Mr. Heinz, Mr. Bentsen, Mr. Danforth, Mr. Bradley, Mr. Grassley, Mr. Moynihan, and Mr. Baucus):

S. 489. A bill to improve the formulation of United States international trade policy; to the Committee on Governmental Affairs.

By Mr. BENTSEN (for himself, Mr. Danforth, Mr. Byrd, Mr. Dole, Mr. Matsunaga, Mr. Chafee, Mr. Daschle, Mr. Heinz, Mr. Rockefeller, Mr. Wilson, Mr. Pryor, Mr. Roth, Mr. Boren, Mr. Kasten, Mr. Mitchell, Mr. Warner, Mr. Moynihan, Mr. Trible, Mr. Riegle, Mr. Grassley, Mr. Baucus, Mr. Durenberger, Mr. Bradley, Mr. McConnell, Mr. Heflin, Mr. Bond, Mr. Ford, Mr. Cohen, Mr. Bingaman, Mr. Pressler, Mr. Dixon, Mr. Specter, Mr. Chiles, Mr. Murkowski, Mr. Harkin, Mr. Garn, Mr. Leahy, Mr. Stafford, Mr. Lautenberg, Mr. Cochran, Mr. Glenn, Mr. D'Amato, Mr. Wirth, Mr. Quayle, Mr. Simon, Mr. Boschwitz, Mr. Sanford, Mr. Domenici, Ms. Mikulski, Mr. Lugar, Mr. Breaux, Mr. Johnston, Mr. Burdick, Mr. DeConcini, Mr. Metzenbaum, Mr. Shelby, and Mr. Pell):

S. 490. A bill to authorize negotiations of reciprocal trade agreements, to strengthen, U.S. trade laws, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. Dodd):

S. 491. A bill to repeal the provision of the Tax Reform Act of 1986 which disallowed the treatment of certain technical personnel as self-employed individuals; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. D'Amato, Mr. Bradley, and Mr. Weicker):

S. 492. A bill to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry; to the Committee on Labor and Human Resources.

By Mr. EXON (for himself and Mr. Zorinsky):

S. 493. A bill to provide for an additional district court judge for the judicial district of Nebraska; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. Riegle):

S. 494. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income foster care payments provided by the Federal Government and to amend the Tax Reform Act of 1986 to make certain changes in the treatment of foster care payments retroactive to 1979; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. Cranston):

S. 495. A bill to amend title 38, United States Code, to remove certain gender references and to make technical corrections; to the Committee on Veterans' Affairs.

By Mr. COHEN (for himself and Mr. Levin):

S. 496. A bill to amend title 5 of the United States Code, to ensure privacy, integrity, and verification of data for computer matching, to establish Data Integrity Boards within Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HARKIN:

S. 497. A bill to treat the denial of internationally recognized worker rights as an unfair and unreasonable trade practice; and for other purposes; to the Committee on Finance.

By Mr. RIEGLE:

S. 498. A bill to amend Trade Act of 1974, to define as an unfair trade practice, the denial of internationally recognized worker rights, and for other purposes; to the Committee on Finance.

S. 499. A bill to establish a procedure to reduce the bilateral trade deficits between the United States and major trading partners determined to have excessive trade surpluses and found to engage in unfair trading practices which threaten the economic security of the United States, and for other purposes; to the Committee on Finance.

By Mr. PRYOR:

S. 500. A bill to identify and reduce barriers to, and distortions of, international trade in rice; to promote expansion of United States rice exports; and for other purposes; to the Committee on Finance.

By Mr. RIEGLE (for himself, Mr. Hollings, Mr. Gore, Mr. Kerry, Mr. Rockefeller, Mrs. Kassebaum, and Mr. Bentsen):

S. 501. A bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. Hollings, Mr. Gore, Mr. Kerry, Mr. Rockefeller, Mr. Adams, and Mr. Bentsen):

S. 502. A bill to amend the Land Remote-Sensing Commercialization Act of 1984, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RIEGLE (for himself, Mr. Hollings, Mr. Gore, Mr. Kerry, Mr. Rockefeller, Mr. Nickles, Mr. Danforth, Mr. Pressler, and Mr. Bentsen):

S. 503. A bill to amend the National Aeronautics and Space Act of 1958 to authorize the acceptance of certain gifts and donations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RIEGLE (for himself, Mr. Hollings, Mr. Gore, Mr. Kerry, Mr. Pressler, Mr. Rockefeller, Mr. Adams, and Mr. Bentsen):

S. 504. A bill to amend the National Aeronautics and Space Act of 1958 regarding the National Aeronautics and Space Council established by that Act; to the Committee on Commerce, Science, and Transportation.

By Mr. HUMPHREY (for himself and Mr. Chafee):

S. 505. A bill to amend the Rural Electrification Act of 1936 to promote the economic vility of rural by directing the resources of the Rural Electrification Administration toward rural consumers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GORE (for himself, Mr. Wilson, Mr. Cranston, Mr. Danforth, and Mr. Kerry):

S. 506. A bill to require the inclusion of copy-code scanners in digital recording devices; to the Committee on Commerce, Science, and Transportation.

By Mr. BYRD (for himself and Mr. Simon):

S. 507. A bill to provide Federal financial assistance to States for the support of school-based teacher skills enhancement model programs designed to serve elementary and secondary school teachers of a local educational agency and other administrators responsible for instructional leadership in such agency, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEVIN (for himself, Mr. Grassley, Mr. Chiles, Mr. Riegle, Mr. Mitchell, Mr. Heinz, Mr. Cohen, and Mr. Sarbanes):

S. 508. A bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GORE:

S. 509. A bill to provide that certain good faith transfers of property made by the Southern Industrial Banking Corporations to depositors shall not be voidable under title II of the United States Code; to the Committee on the Judiciary.

By Mr. DANFORTH:

S. 510. A bill to extend for 3 years the existing suspension of duty on triphenyl phosphate; to the Committee on Finance.

By Mr. GRASSLEY:

S. 511. A bill to improve the quality of teaching in American schools and enhance the competence of American students and thereby strengthen the economic competitiveness of the United States, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. PRYOR, Mr. COCHRAN, Mr. MELCHER, and Mr. GRASSLEY):

S. 512. A bill to promote the export of the United States agricultural commodities and the products thereof, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURENBERGER:

S. 513. A bill to authorize the water resources research activities of the U.S. Geological Survey, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. PELL, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. DODD, Mr. KERRY, and Mr. SIMON):

S. 514. A bill to amend the Job Training Act to establish an incentive bonus for the successful placement of certain employable dependent individuals, to provide targeting of assistance from certain carryover funds for such individuals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ZORINSKY (for himself, Mr. DOLE, Mr. EXON, Mr. DASCHLE, Mrs. KASSEBAUM, and Mr. MCCLURE):

S. 515. A bill to provide equitable treatment under the highly erodible land conservation provisions of the Food Security Act of 1985 to farmers who produced alfalfa and other multiyear grasses and legumes in a rotation practice during each of the years 1981 through 1985; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH:

S. 516. A bill to require the Secretary of Transportation to undertake certain actions to promote highway safety, and for other purposes, to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN (for himself and Mr. THURMOND) (by request):

S. 517. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1988 and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 518. A bill to provide that increases in rates of pay for Members of Congress shall take effect only if approved by the Congress, and that any such increase shall be deferred until the beginning of the following Congress; to the Committee on Governmental Affairs.

By Mr. DANFORTH (for himself, Mr. HEINZ, Mr. GLENN, and Mr. SPECTER):

S. 519. A bill to amend the Tariff Schedules of the United States to change the tariff treatment of certain television apparatus and parts; to the Committee on Finance.

By Mr. HOLLINGS:

S. 520. A bill to designate the U.S. Post Office building to be constructed in Greer, SC, as the "Edd A. Burch Post Office Building"; to the Committee on Governmental Affairs.

By Mr. SIMON:

S. 521. A bill to amend the Securities Exchange Act of 1934 and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN:

S. 522. A bill to prohibit the development, testing or deployment of an antiballistic missile system or component which is sea based, air based, space based or mobile land based; to the Committee on Armed Services.

By Mr. HATCH:

S.J. Res. 48. Joint resolution designating the week of September 14, 1987, through September 20, 1987, as "Benign Essential Blepharospasm Week"; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. BOREN, Mr. BURDICK, Mr. MURKOWSKI, Mr. CHILES, Mr. DASCHLE, Mr. DODD, Mr. DURENBERGER, Mr. KERRY, Mr. LEAHY, Mr. LUGAR, Mr. MATSUNAGA, Mr. MCCAIN, Mr. MCCLURE, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. QUAYLE, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SIMPSON, Mr. THURMOND, Mr. TRIBLE, Mr. WARNER, and Mr. ZORINSKY):

S.J. Res. 49. Joint resolution to designate September 18, 1987, as "National POW/MIA Recognition Day"; to the Committee on the Judiciary.

By Mr. DASCHLE:

S.J. Res. 50. Joint resolution proposing an amendment to the Constitution of the United States to limit the expenditure of Government funds for any fiscal year to the projected revenue of the Government for that year and to limit the outstanding debt of the United States to 30 per centum of the projected gross national product; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 102. Resolution congratulating President Reagan on his 76th birthday; considered and agreed to.

By Mr. KENNEDY (for himself, Mr. BYRD, Mr. DOLE, Mr. PELL, and Mr. CRANSTON):

S. Res. 103. Resolution expressing United States support for the Government of the Philippines.

By Mr. DECONCINI:

S. Con. Res. 14. Concurrent resolution expressing the sense of Congress concerning support for the evolution to full democracy in the Republic of Korea; to the Committee on Foreign Relations.

By Mr. HEFLIN (for himself, Mr. WALLOP, and Mr. ZORINSKY):

S. Con. Res. 15. Concurrent resolution expressing the sense of the Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated; to the Committee on Finance.

By Mr. QUAYLE (for himself, Mr. EXON, and Mr. NICKLES):

S. Con. Res. 16. Concurrent resolution establishing procedure for expedited consideration by the Congress of certain bills and joint resolutions submitted by the President; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, requiring that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 479. A bill to amend chapter 73 of title 10, United States Code, to provide a minimum monthly annuity under such chapter; to the Committee on Armed Services.

FORGOTTEN WIDOWS AND SURVIVOR BENEFITS IMPROVEMENT ACT

Mr. THURMOND. Mr. President, today, for the sixth time, I am introducing survivor benefit plan [SBP] legislation to rectify a long standing and most unfortunate and inequitable situation involving the aged widows of certain deceased military retirees. My proposal will cost less than half as much as most of my previous proposals.

The inequity this legislation is aimed at correcting involves the so-called forgotten widows. These are the widows of military retirees who died prior to establishment of the survivor benefit plan. Also, included in this heading is another group of widows of retired military personnel who died without having had an opportunity to convert over from the previous retired servicemen's family protection plan to the more generous survivor benefit plan.

ORIGIN OF THE INEQUITY

Mr. President, a full understanding and appreciation of how the inequity I refer to came about requires a review of the two principal Government-sponsored benefit plans that have been available to military personnel for the protection of their families in their postretirement years.

Prior to 1972, we had the retired serviceman's family protection plan [RSFPP]. While created with good intentions, there were many problems associated with this program. First of all, the plan was simply not a bargain. The premiums charged for coverage under the RSFPP were excessively high. In some instances, the premiums were 2½ to 5 times as great as those charged contemporary civilians for the same protection coverage.

The high cost of participating in the RSFPP relative to the level of benefits provided, coupled with the low rates of pay received by the military at the time, resulted in a poor rate of participation among military personnel. In fact, only 15 percent of those eligible to participate in the program could afford to do so.

It was mainly due to these problems, Mr. President, that we abolished the RSFPP, and established in its place the current survivor benefit plan [SBP]. While the SBP is a great improvement over its predecessor, there remains today an inequity that dates back to the creation of SBP.

ESTABLISHMENT OF SBP

Mr. President, with the enactment of Public Law 92-425, which established the SBP on September 21, 1972, both active and retired military personnel were given the opportunity to participate in the new SBP program. The opportunity to participate in the SBP was afforded retirees whether or not they had formerly participated in the RSFPP. However, this opportunity was extended to retirees only, and was not extended to the widows of retirees who died prior to September 21, 1972. Thus, the widows of retirees who had formerly participated in the RSFPP, as well as the widows of retirees who could not afford the high cost of the RSFPP and, therefore, did not participate in it, were excluded from participation in the SBP.

While it is true that there was an 18-month SBP open enrollment season in 1982-83, whereby both RSFPP and non-RSFPP, or living retirees, were given an opportunity to obtain or convert to SBP coverage, the opportunity was again limited solely to living retirees and did not include the widows of deceased retirees.

Quite frankly, Mr. President, I believe it was wrong for these widows to have been excluded from participating in the SBP in the first place, and grossly unfair for this inequity to have been allowed to continue these many years. Except for the fact that their husbands passed away prior to September 21, 1972, these widows would in all likelihood be covered by the SBP today.

REMOVE THE INEQUITY

While there is no way to make amends for the years these widows have endured being excluded from coverage of SBP, the legislation I am introducing would begin to close this unfortunate chapter in the history of our treatment of military widows. Under the provisions of my bill, the forgotten widows group would be afforded the long awaited and overdue benefit of the SBP.

The measure I am introducing would provide an SBP annuity at the minimum level of only $165 per month. In addition, the bill would limit offsets in these minimum payments and would provide for these benefits to be increased in the future through cost-of-living adjustments. Still, this annuity would be well below the poverty level.

OVERCOME PREVIOUS OBJECTIONS

Mr. President, in the past, objections have been raised regarding the cost of my proposals. The cost of this new approach is much less than my previous proposals. However, these previous objections were not based on accurate information as to the number of forgotten widows. For example, Department of Defense [DOD] estimates of several years ago put the number of forgotten widows at close to 39,000. Other estimates in recent years range from 3,845 to 24,288, not including RSFPP annuitants. If there are only about 4,000 of these widows, my measure would cost about $8 million annually. The Defense Department cannot provide a reliable estimate. This is because the only source of calculation is widows who have defense ID cards, and many do not use, or renew their ID card, especially those living great distances from military hospitals.

Fortunately, with implementation of the Defense Enrollment Eligibility Report System [DEERS], which is now the data base for military health care, a more accurate assessment of the number of forgotten widows is available. One recent estimate by DEERS projected the number of forgotten widows to be only 3,845. This significantly lowers the estimate of the projected cost of providing an SBP annuity to these widows.

By including the relatively few RSFPP widows who currently receive small annuities, this proposal would avoid creating an annuity gap between RSFPP widows and the forgotten widows which this legislation is designed to help. In so doing, a major objection of my previous forgotten widows legislative proposals would be overcome. The cost of including these RSFPP widows would be nominal, since this legislation would only allow a nominal increase in these widows' current annuity and there are a small number of them. Also, the election is optional.

The main reason cost has been significantly reduced is because the level of benefits offered in the bill are dramatically reduced compared to previous proposals. Some say the benefit level is now much to low. However, as a matter of equity, it would provide the minimum optional benefit currently paid to beneficiaries of an SBP annuity. The annuity is only $1,980 per year, but the proposal contains provisions to preclude offsets and provides for cost of living adjustments.

Mr. President, I am mindful of the fact that the cost of any new program is a grave concern for all Senators. This is particularly true in a time when we are faced with massive budget deficits and an even larger outstanding national debt. However, the national debt is not the only debt this Nation owes. We owe a debt to these forgotten widows, and the similarly situated RSFPP annuitants. It is a debt that has gone unpaid for over a decade.

RAPID DECLINING COSTS

In addition, what I am proposing is not a permanent expansion of the SBP. The widows I have been talking about are not young, and they are not getting any younger. Their number grows smaller with each passing year. In fact, if we continue to let this problem go unaddressed 15 more years, it may well be too late. By the year 2000, it is possible that many of these widows will no longer be alive. It will be too late for the Congress to correct a gross inequity. Failure to act, however, would be an unconscionable mark on the Congress well into the next century.

CIVIL SERVICE PRECEDENT

Mr. President, I think there are two things that one should keep in mind during consideration of this legislation. First, my proposal is not without precedent. In 1948, when the Civil Service survivor benefit plan was established, it too created an inequity very similar to the one I have been talking about here. However, in 1958, 10 years later, the act establishing the plan was amended and made it retroactive to include all pre-1948 widows. It has now been almost 15 years since establishment of the SBP to replace the RSFPP program, and the inequity created then remains with us today.

WIDOW SACRIFICES

The second factor for my colleagues to bear in mind in their consideration of this measure is the sacrifices and hardships these widows have endured.

Most of these women functioned in traditional family roles as wife, homemaker, and mother in the context of military service. During long periods, they supported the military work of their husbands, while also contributing to the economic and emotional well-being of the family unit. In most cases, of course, the servicemen's inadequate pay and transitory lifestyle made a normal home and savings program practically impossible.

WIDOWS TRUST IN GOVERNMENT MISPLACED

Additionally, few military widows were aware of the ramifications of their husbands' deaths. Survivor benefits were assumed by these women who trusted that the military would not simply lose the file and forget them after the deaths of their husbands. However, their blind trust was misplaced. In many cases, upon the death of the serviceman, all monetary benefits ceased. It was not until the passage of the SBP program that it became mandatory under law that the spouse be notified in writing, if the serviceman chose not to participate in the SBP program.

Mr. President, most of these forgotten widows are very elderly women of diminishing means. Some of them, whose husbands were covered by Social Security after 1957, rely solely on that source of income for their subsistence. Those whose husbands retired prior to 1956 are not covered by Social Security as a result of their husband's military earnings.

VICTIMS OF MILITARY SERVICE

Mr. President, these military widows are victims of long periods with low pay, and many find themselves today existing in poverty. As economic captives, their current problems include dependence on welfare, evictions from apartments as buildings are converted to condominiums, skyrocketing heath care costs, and unaffordable nursing home charges. Most are minimum-income widows who are in dire straits due to the fact that their meager income simply has not kept pace with inflation.

DIGNITY IN POVERTY

Over the past 15 years, I have received many hundreds of pleading letters from these elderly widows from all across our country. Many of them are barely surviving. However, most, I am proud to say, have managed to keep their pride and dignity, even in poverty.

Mr. President, it is time to give the forgotten widows equitable consideration. Not only have we ignored their plight for these many years, but we have failed to acknowledge their cause. Understandably, they feel rejected, and some feel bitter. It is as if the country has turned its back on their courageous husbands who gave 20, 30, and in some cases, 40 years of the most productive years of their lives for our country. We must now give these forgotten widows the recognition and compensation they deserve.

RESTORE FAITH

Mr. President, the passage of my bill would be a milestone for these elderly widows who, in support of their husbands, gave the best years of their lives for our country. It is inconceivable that our country has deserted them for so long, and it is high time we face up to the responsibilities we owe these widows and restore the faith which has not been maintained for our military community.

I urge my distinguished colleagues to act favorably and with compassion on this vital legislation, and to join me in working for its early enactment.

By Mr. GRASSLEY:

S. 480. A bill to amend the Agricultural Act of 1949 to provide that a producers 1987 crop of oats on a farm may exceed the permitted acreage base and the producer may be eligible to participate on the annual farm program for corn and grain sorghums for such crop; to the Committee on Agriculture, Nutrition, and Forestry.

CORRECTION OF CROSS COMPLIANCE PROVISIONS OF THE FARM BILL

● Mr. GRASSLEY: Mr. President, today I am introducing a bill to correct the cross-compliance provisions of the 1985 farm bill by not applying these provisions to the Oats Program. This legislation is a followup to a letter I sent last week to Secretary Lyng asking him to do this administratively and is a companion to legislation being introduced in the House by Congressman FRED GRANDY. As the Feed Grains Program is presently being implemented many farmers who have traditionally planted oats, particularly livestock farmers, are going to be excluded from doing so or else be rendered ineligible for commodity program benefits. Many of Iowa's farmers are disappointed with this policy because it flys in the face of logic and is severely hampering their legitimate efforts to bring cattle production back into our State.

Under the 1987 Feed Grains Program, farmers who produce both corn and oats must meet the requirements of both programs to be qualified for either program, including planting within their proven base and setting aside the applicable ACR acres. Since many of Iowa's livestock farmers have never produced oats for the program but instead for their own uses, they have very little or no proven oat base for the 1987 program. This problem was even further aggravated by confusion last year over when these farmers could certify their oat acreage, since Iowa is one of the few Midwest States that had a different certification date for corn and oats. The result of applying cross compliance to oats is that these farmers, who are not producing a crop that is in excess, are being forced into making a choice between two negative alternatives: either not signing up for the commodity programs or changing their operations significantly concerning oats and livestock.

This policy is even more counterproductive considering that there is expected to be a shortage of oats later this year and a surplus of soybeans, the crop many of these farmers will be forced economically to plant as an alternative to oats. In addition, the planting of oats would meet many of our Government's stated conservation objectives. By discouraging its planting we may be detracting from money we are spending and progress we are making in our other conservation programs.

In light of the present situation our livestock and oat producers find themselves in, and the market and conservation needs that will be met by the planting of oats, I encourage my colleagues to join me in these efforts to allow these farmers to participate in the Corn Program while still maintaining their oats production and livestock operations. Again, my hope is that the administration will see the wisdom of correcting this policy without action being taken on this legislation but we should be prepared for both possibilities.●

By Mr. D'AMATO (for himself and Mr. DODD):

S. 491. A bill to repeal the provision of the Tax Reform Act of 1986 which disallowed the treatment of certain technical personnel as self-employed individuals; to the Committee on Finance.

TAX REFORM ACT

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation for myself and Senator DODD that would repeal section 1706 of the Tax Reform Act of 1986. Section 1706 has unintentionally jeopardized the livelihoods of hundreds of thousands of small businessmen throughout the Nation.

Section 1706 forces certain technical service workers to comply with common law tests determining independent contractor status for tax purposes. In 1978, Congress created a safe harbor for technical service workers if there was reasonable basis for treating these individuals as independent contractors. Section 1706 simply repeals the safe harbor specifically for engineers, computer programers, systems analysts, drafters, and similar professions.

Mr. President, when the safe harbor was established in 1978, it was stipulated that Congress would formally study this issue before taking further action. The study was never undertaken. Yet Congress went ahead and removed the safe harbor for specific technical service workers as part of the Tax Reform Act.

It is bad enough that the independent contractor issue was never studied, but section 1706 was neither the subject of a hearing nor meaningful floor debate. In fact section 1706 was not discovered by the public until late last year. Furthermore, section 1706 targets only certain independent contractors. No public rationale was established for why these professionals were targeted for punishment.

Now many technical service workers who own their own small businesses must become employees of their customers. This is unrealistic since most technical service firms engage in one-time jobs for brief periods of time. Thus, their customers are highly reluctant to hire technical service contractors as employees.

Mr. President, I feel strongly that section 1706 must be repealed. Once these onerous provisions are eliminated then Congress can study the entire independent contractor issue in a calm, deliberate, and dispassionate manner.

Mr. President, I ask unanimous consent that my legislation be reprinted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1706 of the Tax Reform Act of 1986 is hereby repealed.

(b) Section 530 of the Revenue Act of 1978 (and the provisions of the Internal Revenue Code of 1986 to which such section relates) shall be applied and administered as if such section 1706 had not been enacted.●

By Mr. KENNEDY (for himself, Mr. D'AMATO, Mr. BRADLEY, and Mr. WEICKER):

S. 492. A bill to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry; to the Committee on Labor and Human Resources.

CONSTRUCTION INDUSTRY LABOR LAW AMENDMENTS OF 1987

● Mr. KENNEDY. Mr. President, today I am introducing the Construction Industry Labor Law Amendments of 1987, along with my colleagues Senator D'AMATO of New York, Senator BRADLEY of New Jersey, and Senator WEICKER of Connecticut.

Last year I cosponsored a similar bill, and the measure I am introducing is the same bill which passed the House of Representatives last April, by a vote of 229 to 173.

As chairman of the Labor and Human Resources Committee, I am concerned about existing employment practices in the construction industry, which have sapped the vitality of the special construction industry amendments added to the National Labor Relations Act in 1959.

Current law recognizes that the construction industry is unique. Constantly shifting worksites and work forces are the norm, not the exception; Congress has consistently recognized these unique characteristics and attempted to accommodate them and improve the stability in this vital industry.

Recent decisions of the National Labor Relations Board have effectively destroyed the construction industry provisions in current law. Today many employers successfully avoid their obligations under collective bargaining agreements by playing corporate shell games. The Construction Industry Labor Law Amendments of 1987 will close the twin legal loopholes in the law by prohibiting double breasting and the repudiation of prehire agreements.

I urge my colleagues to join me in cosponsoring this important legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Construction Industry Labor Law Amendments of 1987".

SEC. 2. (a) Section 2(2) of the National Labor Relations Act (29 U.S.C. 152(2)) is amended by adding at the end thereof the following new sentence: "In the construction industry, any two or more business entities performing or otherwise conducting or supervising the same or similar work, in the same or in different geographical areas, and having, directly or indirectly—

"(a) substantial common ownership;

"(b) common management; or

"(c) common control;

shall be deemed a single employer.".

(b) Section 8(d) of such Act (29 U.S.C. 158(d)) is amended by adding at the end thereof the following new sentence:

"Whenever the collective bargaining involves employees of a business entity comprising part of a single employer in the construction industry, as defined in section 2(2) of this Act, the duty to bargain collectively, for the purposes of this section, shall include the duty to apply the terms of a collective bargaining agreement between such business entity and a labor organization to all other business entities comprising the single employer within the geographical area covered by the agreement.".

(c) Section 8(f) of such Act (29 U.S.C. 158(f)) is amended—

(1) by striking out "geographical area:" in clause (4) and inserting in lieu thereof the following: "geographic area. An agreement lawfully made pursuant to this subsection shall impose the same obligations under this Act as an agreement made with a majority representative pursuant to section 9(a):"; and

(2) by inserting before the period at the end of such section and the following new proviso: ": *Provided further,* That any agreement lawfully made pursuant to this subsection may be repudiated only after the Board certifies the results of an election conducted pursuant to section 9(c), in which a majority of employees in an appropriate bargaining unit selects a bargaining representative other than the labor organization with which such agreement was made or chooses not to be represented by a labor organization".

(d) It is the sense of the Congress that, under the requirements set forth in this Act, violence and coercion are inimicable to the collective bargaining process and that employers and labor organizations in the building and construction industry in fulfilling the objectives of this Act should never use or condone the use of violence.

SEC. 3. (a) Except as provided in subsection (b), the amendments made by section 2 shall take effect upon the date of the enactment of this Act.

(b) The requirement imposed by the amendment made by section 2(b) shall take effect—

(1) one year after such date of enactment with respect to any building and construction project for which the contract was entered into by an employer before the date of the enactment of this Act; and

(2) on the date on which the contract is entered into with respect to any new building or construction project for which the contract is entered into by an employer on or after the date of the enactment of this Act.●

● Mr. D'AMATO. Mr. President, I rise today to cointroduce the Construction Industry Labor Law Amendments of 1987. This bill is identical to H.R. 281 which passed the House on April 17, 1986, by a vote of 229 to 173. The House included H.R. 281 in the fiscal year 1987 continuing resolution. Unfortunately, it was deleted from the final version of the bill signed by the President.

During the 99th Congress, I introduced S. 2181, a companion bill to H.R. 281. The distinguished senior Senator from Massachusetts joined me in introducing that bill. This year, in order to demonstrate our mutual commitment to this very important legislation, we are simply inverting the order in which our names will appear on the bill. We both remain equally committed to its passage.

This legislation was drafted in response to growing claims of unfair practices in the construction industry's labor relations. It is designed to increase the stability of collective bargaining in the building and construction industry. The bill that is being introduced today would not make major changes in existing law—it simply would restore the law's original intent.

Current law prohibits illegal double breasting in the construction industry. However, NLRB and court decisions have eroded this protection and created a blueprint for evading union contracts by establishing legally separate double-breasted companies. They also have allowed employers to repudiate prehire agreements at will, thus forcing unions to prove that they represent a majority of workers at each project site.

This legislation would restrict the use of sham double breasting by considering multiple firms as a single employer if there is direct or indirect substantial common ownership, management, or control among the nominally separate businesses engaged in the same or similar work. Employers also would be required to apply the terms of a union contract to all their related entities within the geographic area covered by the agreement.

Voluntary prehire agreements allow contractors and unions to specify wages, working conditions, and benefits before jobs begin. The 1959 Landrum-Griffin Act allowed prehire contracts in the construction industry because of the short term and transitory nature of the work. This bill provides that prehire agreements stay in place until a union is voted out. Under current law, employers may disregard prehire contracts after reaping their benefits, such as labor cost information for preparing bids and a steady source of skilled labor from union hiring halls. Unions then must prove their majority support at each job site. By the time this is accomplished and certified by the NLRB, jobs are often completed and workers have moved on. This bill will make enforcement of prehire contracts more equitable and give workers a fair opportunity for collective bargaining.

The concept of single employer and appropriate bargaining unit have been misapplied over the years by the NLRB and the courts. Alter-ego companies are performing the same work in the same areas—the only difference is that workers are not receiving the union wages and benefits promised to them. It is time to pierce the legal veil of separation between companies that really are one and the same, and those which are not.

Mr. President, I urge my colleagues to cosponsor this important bill and to press for its speedy passage.●

By Mr. EXON (for himself and Mr. ZORINSKY):

S. 493. A bill to provide for an additional district judge for the judicial district of Nebraska; to the Committee on the Judiciary.

ADDITIONAL DISTRICT JUDGE FOR NEBRASKA

Mr. EXON. Mr. President, the work of the Federal judiciary is frequently taken for granted by the public. In the State of Nebraska, the Federal district court is doing an outstanding job managing an extremely heavy workload. According to the 1986 Federal court management statistics, the Nebraska Federal district ranked fifth in the Nation and second in the eighth circuit for total filings per judge. In trials completed per judge, the Nebraska district ranked 4th in the Nation and 1st in the eighth circuit.

The total number of filings per 12-month period has grown from 1,117 in 1981 to 1,919 in 1985. Most experts expect this trend to continue. This heavy workload is managed by three full time judges, two senior judges, and the two full time and one part time Federal magistrates.

Because of the current heavy caseload and the anticipated trend for the future, I am again introducing legislation to create an additional judgeship for the Federal district of Nebraska. I hope that the Senate Judiciary Committee will carefully study the workload statistics relating to the Nebraska Federal district court and recommend this legislation to the full Senate.

Chief Judge Arlen Beam, Judge Warren K. Urbom, Judge Lyle E. Strom, senior Judge Robert Van Pelt, senior Judge Richard E. Robinson, Magistrate Richard C. Peck, Magistrate David Piester and Magistrate Pick Satterfield, are to be saluted for their hard work and continuing efforts to make the Nebraska district a model of judicial efficiency.

Mr. President, I ask unanimous consent that Senator ZORINSKY be listed as an original cosponsor of this measure.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall appoint, pursuant to section 133 of title 28, United States Code, an additional district court judge for the judicial district of Nebraska.

(2) To reflect the change made by this subsection, section 133 of title 28, United States Code, is amended by striking out the following:

"Nebraska .... 3";

and inserting in lieu thereof the following:

"Nebraska .... 4".

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 494. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income foster care payments provided by the Federal Government and to amend the Tax Reform Act of 1986 to make certain changes in the treatment of foster care payments retroactive to 1979; to the Committee on Finance.

FOSTER CARE LEGISLATION

● Mr. LEVIN. Mr. President, today I am pleased to introduce, with the cosponsorship of my colleague from Michigan, Senator RIEGLE, a bill to correct a small, but no less troubling oversight in the 1986 tax reform bill. It pertains to the taxability of certain foster care payments.

Prior to last year's act and beginning with the tax years after December 31, 1978, qualified foster care payments were deemed by section 131 of the Tax Code to be excludable from gross income. The Code defined qualified foster care payments as those which are paid by a State or private placement agency "to reimburse the foster parent for the expenses of caring for a qualified foster child in the foster parent's home, or a difficulty of care payment."

In the early 1980's, the IRS began to identify certain foster parents who received their foster care payments not from a State or private placement agency—as required by the definition of "qualified foster care payment"—but from the Social Security Administration, in the form of supplemental security income or SSI benefits to disabled foster children. In addition, the IRS interpreted section 131, because of the use of the term "reimburse", to require foster parents to document in detail just how any foster care payment was spent in order to qualify for the exclusion from gross income.

In 1984 in Michigan, and it is my understanding similar cases began appearing in Minnesota, too, several foster families were targetted by the IRS, audited, and assessed huge penalties and back taxes for the underreporting of income because of their failure to document the way in which they spent foster care payments received as SSI benefits. The families were unable to document, to the satisfaction of the IRS, just how the foster care payments they received were spent. Two families in our State of Michigan who had served as foster parents for three to six disabled foster children at a time over a combined total of 38 years were assessed and paid over $28,000 for taxable years 1980-83. An article on one of the families, the Sedore's, which appeared in the June 5, 1984, Detroit News, brought this unfortunate situation to the attention of the public. Both families challenged the IRS determination administratively, but neither had the resources, mental or financial, to pursue their cases further in court. Instead, both families withdrew from the foster care program after paying their enormous assessments.

Last year's tax reform bill tried to correct this situation, but it went only part way. It made it clear to the general public and, more importantly, the IRS, that the exclusion of qualified foster care payments from taxable income did not depend upon the ability of the foster parents to provide an itemized list of expenses. Under the new act, foster care parents are not required to document how the foster care payments have been spent in order to benefit from the exemption from taxation.

I don't think anyone really gave serious thought when section 131 was originally enacted to the possibility that the IRS would require a foster parent to justify how it spent a qualified foster care payment, since the foster care payment is many cases notoriously below or in other cases just barely equal to the actual expenses incurred in taking care of a child, especially a disabled child. For years foster parents were told such payments were not taxable and consequently did not believe it necessary to keep elaborate records. In fact, neither of the Michigan families—who had been tending disabled foster children for a combined 38 years—never kept any expense records, were never asked to keep any record, and never thought they had to keep any expense records.

Because of the growing awareness of and widespread concern over IRS's actions and the well-publicized Michigan cases, IRS, from what we can tell, stopped pursuing these types of cases. But these cases were brought to the attention of Congress and an effort was made to eliminate the problem in the future. That is what the 1986 Tax Reform Act did accomplish, in part. It eliminated the word "reimburse" so as to avoid any confusion over whether or not documentation was required by foster parents. But it did not add SSI payments to the definition of qualified foster care payments. Moreover, the new section 131 was made effective for tax years after December 31, 1985. That did not help families, such as the Sedore's who had already paid over $20,000 in back taxes and penalties and who had withdrawn from the Foster Care Program.

There are two corrections to section 131 of the Tax Code which need to be made in order to resolve this inequity—where the very individuals who were examples of the problem and contributed, by example, to creating the solution, are unable to benefit from the solution themselves.

First, payments from a Federal agency must be included in the definition of a qualified foster care payment. In the cases we know about in Michigan, some foster care parents for disabled children receive their foster care money in the form of SSI benefits, directly from SSA, as opposed to receiving such funds through a state agency. Other foster parents receive SSI payments through the State agency. In Michigan, we have two different agencies which administer the Foster Care Program, and each one, by chance, distributes its payments in a different way. In one, the State collects the SSI payments on behalf of disabled foster children and redistributes it to foster parents. In the other case, the agency has the SSI payments go directly to the foster parents. However, under the current reading of section 131, the former payment would qualify for the foster care exemption from taxation, but the latter would not, because it would not have come from a State or private placement agency as the code requires, even though there is no real substantive difference between the two systems. So the first provision of this bill would add the term "Federal agency" to the definition of a qualified foster care payment.

The second provision would change the effective date. The amendments to section 131 made by the 1986 Tax Reform Act carried an effective date of the taxable years beginning after December 31, 1985. But such an effective date would again, preclude those very families who have been victimized by the IRS's unexpected actions from benefitting from the amendments. Our bill would change that effective date to the taxable years beginning after December 31, 1978, the effective date for section 131, originally.

Mr. President, the cost of correcting this injustice will be minute. While we have not been able to obtain a cost estimate from the Joint Committee on Taxation, I am confident it will be a minimal sum.

There is no one in this Senate, Mr. President, who does not want to protect and enhance the American family. This bill does that by removing an unnecessary barrier to parents who may otherwise be willing to take responsibility for foster children, so that these children might be enriched in a home environment instead of being required to live in an institution.

I ask unanimous consent at this time, Mr. President, that the June 5, 1984 article on the Sedore family be placed in the RECORD at this point and that immediately following that article, a copy of the bill as introduced by printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Detroit News, June 5, 1984]

IRS RULING THREATENS FOSTER CARE

(By Tim Collie)

LANSING.—Jan Sedore cares for six mentally retarded foster children in her modest ranch-style home, an activity that raised the eyebrows of the Internal Revenue Service.

Three autistic children sleep about two hours each day and it isn't unusual to walk into a bedroom to find one of them has chewed on a window sill. The kids have the run of Mrs. Sedore's house in Grand Ledge, where they sometimes lay waste a piece of furniture. And one boy frequently urinates down heating registers.

Mrs. Sedore's home is one of 7,200 Michigan foster homes licensed to care for 17,000 children. Hers doesn't much look like a money-making venture. But to the eyes of the IRS this woman runs a business—one that does quite well.

In a move that threatens the entire nation's foster parent network, the IRS forced Mrs. Sedore to pay $8,000 in income taxes going back to 1980 on the Social Security payments she receives for each child.

The agency argues that unless foster parents can fully document how they spend benefit checks received for foster children, the money will be taxed as income.

Suddenly, the prospects of a tax audit raise unexpected worries for foster parents. Both state and national foster care officials say they have never heard of such a policy. They have been advising parents for many years that benefits are not taxable as income.

"What bothers me is that they told me for years that this money is not taxable, but now the IRS says it is," said Mr. Sedore, who has cared for 104 children in 18 years.

"I've taken them all around the state on vacations," she said, pausing to tell her deaf foster daughter in sign language to go watch television in the den. "Money is always being spent on them. But if I take my kids out to buy a hamburger I don't keep a receipt."

In 1982, the IRS told Mrs. Sedore she was the subject of a federal audit concerning difficulty-of-care payments she received from the state for several children. The IRS decided that it could not tax these allocations but then examined the Supplemental Security Income checks.

After an internal inquiry to its office in Washington, the IRS decided the $471.50 Mrs. Sedore received monthly for each child was taxable income unless she could document in detail how she spent the money. Since she had always been told not to list that money is income on her tax returns, Mrs. Sedore hadn't bothered to keep records.

At least one other foster mother in the state is the subject of a similar IRS inquiry. Ruth Hillman, a foster parent for 19 years who currently keeps four severely mentally retarded children in her Lansing home, was contacted in January and told by IRS investigators that she would be the subject of an audit this summer concerning her tax returns dating to 1981.

"Our living room is a hospital room," said Mrs. Hillman as she sat on her couch. In front of her a 10-year-old girl, blind and deaf with a steadily deteriorating brain, sat sleeping in her wheelchair. She is so hyperactive that Mrs. Hillman must give her a tranquilizer to put her to sleep. The girl's heavy rhythmic breathing rose above Mrs. Hillman's voice and the sound of the soap opera on the TV set.

"We ready don't know what we spend on these children," Mrs. Hillman said. "It would include the heat, the electricity, depreciation on the house, bed sheets . . . I don't know. Do you keep your grocery receipts for four years?

"We were always told it was illegal to become a business with these children. I never realized I was in a business anyway."

An IRS spokeswoman, however, said the two cases to not reflect any change in the agency's policy—that SSI payments have always been taxable as income if the parents of recipients could not demonstrate how they spent the money on the children. "That money is included in gross income if the parents cannot show that is being used as a reimbursement for the child's expenses," said Mary Tamala of the Detroit IRS office. "They are providing business services and I would think that they follow generally accepted business practices like recording their expenditures."

But Michigan Department of Social Services (DDS) spokesman Patrick Vaughan said he is "baffled" and "gravely concerned" by the IRS actions. "I've talked to every expert on foster care in this department and none of them have ever heard of anything like this. What really puzzles us is that this action appears to contradict the law."

Vaughan said DSS officials were looking into the matter but were not getting directly involved since the Sedore children fall under the auspices of the state Department of Mental Health (DMH). In Michigan, foster children who are the victims of abuse or abandonment (those who would be wards of the juvenile court system) are administered by the DSS. Other cases fall under the Department of Mental Health.

State mental health officials said they were not aware of Mrs. Sedore's problem. "These payments have not been taxed before to our knowledge, DMH spokesman Tom DeLoach said, "If that were suddenly reversed and they are taxed, I would think we would have to rethink our entire foster care system."

Representatives of foster parent associations agreed that the Sedore case, if it represents a new IRS policy, marks the beginning of a "grave threat" to foster parents. Michigan already has a 25 percent turnover of foster homes each year. They said the prospect of a huge back tax bill could force many parents to give up their children and discourage others from opening their homes. "It's going to destroy the interest of a lot of people in foster parenting," said John Peck, a lobbyist and regional vice-president for the Michigan Foster Parents Association.

"Here is a gal (Mrs. Sedore) with the skills of a Ph.D. in clinical psychology and the wings of an angel and the IRS harasses her until she just throws up her hands and says the hell with it," Peck said.

Carl Brown, president of the Foster Parents Association of America, said his organization maintains that SSI payments cannot be taxed and had never heard otherwise. "I would venture to guess that the vast majority of foster parents don't keep records of how that money is spent," Brown said from his home in South Carolina.

"It's difficult now recruiting people to be foster parents. If they start taxing the money they receive for their children as income then it's going to be hard to get anybody to become a foster parent."

Such an effect could also affect the taxpayer. By stressing at-home care instead of institutional care, Michigan's foster care system saves millions of dollars each year. For example, keeping a child at Mrs. Sedore's residence costs about $25 a day. In an institution that same care would cost about $100—double that for severe cases.

"Something else that strikes us about this matter is that typically foster parents must spend money out of their own pocket because the government payments don't cover all the costs of raising a child," Vaughan said.

Commented Mrs. Sedore: "The money is adequate if you don't do anything extra for them."

She plans to give up her children in July if the policy is not changed. The tax bill, along with ever-increasing paperwork, has taken all the fun out of foster parenting, she said.

Instead of debits and credits, love and understanding of her foster children have been her chief concerns, Mrs. Sedore said. "Eight thousand dollars hurts but what hurts the most is that my kids have been with me seven years and now I have to place them in other homes. If I can't keep all six of them then I won't keep any of them—I can't pick and choose among my children."

S. 494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FROM GROSS INCOME OF FOSTER CARE PAYMENTS PROVIDED BY FEDERAL GOVERNMENT.

(a) IN GENERAL.—Subparagraph (A) of section 131(b)(1) of the Internal Revenue Code of 1986 (defining qualified foster care payment) is amended by inserting "the Federal Government," after "paid by".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the amendments made by section 1707(a) of the Tax Reform Act of 1986.

SEC. 2. CERTAIN CHANGES IN TREATMENT OF FOSTER CARE PAYMENTS MADE RETROACTIVE TO 1979.

Subsection (b) of section 1707 of the Tax Reform Act of 1986 is amended to read as follows:

"(b) EFFECTIVE DATE; WAIVER OF STATUTE OF LIMITATIONS.—

"(1) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1978.

"(2) WAIVER OF STATUTE OF LIMITATIONS.—In the case of any taxable year ending before the date of the enactment of this Act—

"(A) the period for claiming a credit or refund of any overpayment of tax resulting from the application of the amendment made by this section shall not expire before the date which is 2 years after the date of the enactment of this Act, and

"(B) if, after the application of subparagraph (A), credit or refund of any overpayment of tax resulting from the application of the amendment made by this section is prevented at any time before the close of such 2-year period by the operation of any law or rule of law (including res judicata), credit or refund of such overpayment (to the extent attributable to the application of the amendment made by this section) may, nevertheless, be made or allowed if claim therefore is filed before the close of such 2-year period.".●

By Mr. MURKOWSKI (for himself and Mr. CRANSTON):

S. 495. A bill to amend title 38, United States Code, to remove certain gender references and to make technical corrections; to the Committee on Veterans' Affairs.

REMOVAL OF CERTAIN GENDER REFERENCES IN TITLE 38, UNITED STATES CODE

● Mr. MURKOWSKI. Mr. President, today, I am introducing a bill to remove certain gender references and to make technical amendments to title 38, United States Code. This bill would eliminate certain gender references in title 38, which were not accomplished by H.R. 5299, the "Veterans' Benefits Improvement and Health-Care Authorization Act of 1986," enacted in Public Law 99-576, on October 28, 1986. It would also make certain technical amendments to title 38 to correct drafting errors contained in H.R. 5299.

Mr. President, this bill would make no substantive changes to the provisions of title 38. It would merely eliminate gender-based language distinctions which were not made by H.R. 5299.

During the second session of the 99th Congress, the House of Representatives passed H.R. 5047, which eliminated certain, but not all, gender-based language distinctions in title 38. The language of H.R. 5047 was incorporated into H.R. 5299, and was enacted in Public Law 99-576. During the conference on H.R. 5299, the Senate proposed several changes to the language originally contained in H.R. 5047 to be incorporated into the final version of H.R. 5299, the most significant of which would be the elimination of gender-based language references to "Servicemen's Group Life Insurance." Unfortunately, because of time constraints at the conclusion of the conference discussions on H.R. 5299, the changes proposed by the Senate were not included in the final passage of the bill. However, there was agreement that the changes proposed by the Senate would be acted upon early in the 100th Congress. Since that time, staff-level discussions have continued between the Senate and House Veterans' Affairs Committees on the Senate's proposed changes to title 38, and a consensus has been reached. I am pleased that Senator CRANSTON, the distinguished Chairman of the Veterans' Affairs Committee, has joined me today in introducing this bill. The changes which would be made by the bill we are introducing today will eliminate many of the gender-based language distinctions in title 38 which were not accomplished during the 99th Congress.

I want to highlight that this bill, in deleting gender-based language distinctions pertaining to the "Servicemen's Group Life Insurance" Program, would change the name of the program to "Servicemembers' Group Life Insurance." It is not my intention to impose any unnecessary burden on, nor any unnecessary costs to, the Veterans' Administration as a result of the proposed change of name of the program. It is also not my intention that the Veterans' Administration should be required to alter or reissue certificates of eligibility, insurance policies, or any other literature relating to the Insurance Program as a result of the proposed name change, except at those items are replaced or reissued in due course. Further, none of the rights and obligations under this insurance program would be altered by the proposed change of name of the program.

Mr. President, I hope this legislation will be acted upon shortly in the Senate and the House of Representatives to make these technical changes to title 38, United States Code.

In conclusion, Mr. President, I ask unanimous consent that the text of this bill appear in it's entirety in the RECORD directly following the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF GENDER REFERENCES.

(a) IN GENERAL.—Title 38, United States Code, is amended—

(1) in section 425(f)(1)(F), by striking out "servicemen's" the first place it appears and inserting in lieu thereof "servicemembers'";

(2) in sections 716(d) and 722(b)(5), by striking out "his or her" each place it appears and inserting in lieu thereof "such beneficiary";

(3) in sections 767(a) and (c), 768(b), 769(a)(e), 770(a), (f), and (g), 771(b), 773, 774, 777(a), (d), (e), and (g), and 1624(1), by striking out "Servicemen's" each place it appears and inserting in lieu thereof "Servicemembers'";

(4) in clause (1) of section 1421(c), by striking out "his" and inserting in lieu thereof "the member's";

(5) in section 1601—

(A) by striking out "men and women" in clauses (1) and (3) and inserting in lieu thereof "individuals"; and

(B) by striking out "men and women" in clause (2) and inserting in lieu thereof "persons";

(6) in clause (3) of section 1651, by striking out "service men and women" and inserting in lieu thereof "servicemembers"; and

(7) in sections 507(f), 5091, 5092, 5093(a), and 5096, by striking out "manpower" each place it appears and inserting in lieu thereof "personnel".

(b) CONFORMING AMENDMENTS.—(1)(A) The heading of subchapter III of chapter 19 of title 38, United States Code, is amended to read as follows:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE".

(B) The item relating to such subchapter in the table of sections at the beginning of such chapter is amended to read as follows:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE".

(2)(A) The heading of section 774 of title 38, United States Code, is amended to read as follows:

"§ 774. Advisory Council on Servicemembers' Group Life Insurance".

(B) The item relating to such section in the table of sections at the beginning of chapter 19 of such title is amended to read as follows:

"774. ADVISORY COUNCIL ON SERVICEMEMBERS' GROUP LIFE INSURANCE.".

(3)(A) The heading of chapter 82 of title 38, United State Code, is amemded to read as follows:

"CHAPTER 82—ASSISTANCE IN ESTABLISHING NEW STATE MEDICAL SCHOOLS: GRANTS TO AFFILIATED MEDICAL SCHOOLS; ASSISTANCE TO HEALTH PERSONNEL TRAINING INSTITUTIONS".

(B) The item relating to chapter 82 in the table of chapters at the beginning of such title is amended to read as follows:

"82. Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Personnel Training Institutions..................... 3070.".

(4)(A) The heading of subchapter III of chapter 82 of title 38, United States Code, is amended to read as follows:

"SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH PERSONNEL INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND OTHER HEALTH PERSONNEL".

(B) The item relating to such subchapter in the table of sections at the beginning of such chapter is amended to read as follows:

"SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH PERSONNEL INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND OTHER HEALTH PERSONNEL".

SEC. 2. TECHNICAL CORRECTIONS.

Title 38, United States Code, is amended—

(1) In section 102, by striking out "(C) For the purposes" and inserting in lieu thereof "(c) For the purposes";

(2) in section 103(d)(1) and (2), by inserting "a person who is" after "remarriage of" each place it appears;

(3) in section 618(c)(3), by inserting "and" after "productivity";

(4) in section 774, by striking out "the Administrator" the third place it appears and inserting in lieu thereof "the Administrator's";

(5) in section 1004(d), by striking out "the veteran" and inserting in lieu thereof "that person";

(6) in section 3303, by striking out "the veteran's" and inserting in lieu thereof "that person's";

(7) in section 4142(e)(1)(B)(iv)(I), by striking out the period after the parenthetical phase; and

(8) in the second sentence of section 5202(b), by inserting "or" after "grandparents,".●

By Mr. COHEN (for himself and Mr. LEVIN):

S. 496. A bill to amend title 5 of the United States Code to ensure privacy, integrity, and verification of data disclosed for computer matching, to establish Data Bank Integrity Boards within Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

COMPUTER MATCHING AND PRIVACY PROTECTION ACT

● Mr. COHEN. Mr. President, today I am introducing the Computer Matching and Privacy Protection Act of 1987 to ensure that the Government adequately respects the rights of individual citizens when conducting computer matching programs.

Over the past few years, I have become increasingly concerned over the widespread use of computer matching by Federal and State government agencies. In matching programs, agencies routinely exchange and cross-check information from two or more data bases to find individuals common to both. Most often, matching programs are performed to detect fraud, abuse, or overpayments in Government programs. The Department of Education has, for example, cross-checked its lists of delinquent student loans with lists of Federal employees to determine whether any student loan defaulters work for the Federal Government, and soon each State agency administering AFDC, food stamp and other welfare benefit programs will be matching their lists of applicants and recipients with Internal Revenue Service files to search for unreported assets or earnings. A single matching program could exchange the records of thousands of citizens at one time.

Although most citizens do not even know what computer matching is, the expansion of matching programs over the past few years has been staggering. The Office of Technology Assessment recently estimated that the number of computer matches performed by the Federal Government tripled between 1980 and 1984, with over 2 billion separate records being exchanged during this period. Many of these matches involved very personal information, such as income and employment data, of individual citizens.

Mr. President, the Federal Government would be remiss if it did not take full advantage of advanced technology to ensure that it is spending tax dollars wisely. In many instances, computer matching is a useful, efficient tool to protect the integrity of Government programs. In our pursuit of efficiency, however, we cannot become insensitive to the fundamental rights of our citizens. What is today seen as an ally against fraud and waste could grow into an enemy of the very liberties that we profess to cherish most.

Computer matching programs, unless properly conducted and controlled, can pose serious threats to the privacy and due process rights of individuals whose records are matched. Since 1982, the Subcommittee on Oversight of Government Management has extensively investigated computer matching by Government agencies. The subcommittee's hearings and investigation have revealed tremendous potential for abuse in computer matching programs because there are no mandatory rules for agencies to follow when performing matches, little protection for the persons whose records are matched, and little oversight of how these programs are conducted.

In matching programs, individuals can have crucial Government benefits reduced or terminated solely on the basis of unverified information produced by a computer match—information that can be out-of-date, misleading, or just plain wrong. Citizens can be—and have been in the past—placed in the difficult position of having to defend themselves against information that has never even been reviewed by a human being for its accuracy. Anyone who has ever done battle with a computer for a billing error or some other problem knows how frustrating it can be to prove that the computer made a mistake. Much more than simple frustration is at stake when essential Government assistance, such as AFDC or food stamps, can be cut off because of faulty computer matching results.

Without vigilant oversight and strict procedures for agencies to follow, the powerful tool of the computer can be easily abused. Unchecked disclosures and exchanges of personal records could result in "fishing expeditions" by overzealous government officials who may be insensitive to the privacy and confidentiality rights of citizens and could expose sensitive personal records to computer security risks.

The legislation I am introducing today attempts to strike the proper balance between the legitimate needs of Government efficiency and personal privacy. This bill is a revised version of legislation which I introduced last year, S. 2756, and incorporates many improvements that were recommended by witnesses, representing both the Government and private interest groups, at hearings held by the oversight subcommittee last September.

First, my bill requires Federal agencies to enter into written agreements before disclosing records for use in matching programs. The legislation specifies several elements that must be addressed in these agreements, such as procedures agencies must follow in securing records used in matches and conditions governing return and destruction of data after a match has been completed. These agreements will force agencies participating in matches to establish and observe basic safeguards on information that they exchange and will facilitate oversight of matching by the Office of Management and Budget, the Congress, and the agencies themselves.

My legislation also remedies the lack of attention paid by the privacy implications of matches by establishing data integrity boards in each agency that participates in computer matching programs. These boards will have the responsibilities to review, approve, and maintain matching agreements, and to review all matches in which the agency has participated. I believe that the existence of these boards will go far in enhancing privacy as a priority of each agency when exchanging records in matching programs.

Finally, my legislation ensures basic due process protections of individuals whose records are matched. Specifically, it prohibits agencies from reducing, suspending, or terminating Federal financial assistance on the basis of information produced by a matching program without first verifying the information for accuracy, providing notice to the individual involved, and providing individuals with an opportunity to refute the information produced by the computer match. These basic elements are not only principles of fairness, but are also good management practices for agencies to follow.

In proposing these new procedures, my bill places controls on the vast majority of matches involving Federal Government records. Specifically, it covers matches performed to check the eligibility of persons to receive benefits under a vast array of Federal benefit programs, ranging from direct cash payments to loan guarantees, and includes matches in which Federal Government records are matched with those of States or private sector entities, such as banks, for these purposes. It also covers matches conducted to recover payments or delinquent obligations under these programs. I want to point out that my bill includes appropriate exceptions for law enforcement matches, so that the legitimate law enforcement efforts of the Government will not be compromised.

Mr. President, we cannot—nor would we want to—reverse the trends of computerization in our society. We must, however, pay adequate attention to the individual's side of the equation when reducing fraud in Government. In short, we must take care not to allow the beast of technology to overtake the values of our democracy.

I ask unanimous consent that the text of the "Computer Matching and Privacy Protection Act of 1987" be inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Matching and Privacy Protection Act of 1987".

SEC. 1. MATCHING AGREEMENTS.

(a) IN GENERAL.—Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (11),

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new paragraph:

"(13) to a recipient agency or non-Federal matching entity pursuant to a written matching agreement under subsection (o) of this section.".

(b) MATCHING PROGRAMS.—Section 552a of title 5, United States Code, is amended—

(1) by redesignating subsections (o), (p), and (q) as subsections (r), (s), and (t), respectively, and

(2) by inserting after subsection (n) the following new subsections:

"(o) MATCHING AGREEMENTS.—Prior to disclosing any record which is contained in a system of records to a recipient agency or non-Federal matching entity for use in a computer matching program, a source agency and the recipient agency or non-Federal matching entity shall enter into a written agreement specifying—

"(1) the justification, purpose, and legal authority for conducting the program;

"(2) a description of the records that will be matched, including each data element that will be used, the approximate number of records that will be matched, and the projected starting and completion dates of the matching program;

"(3) procedures for notifying applicants for and recipients of financial assistance under Federal benefit programs, upon application and periodically thereafter, that any information provided by such applicants and recipients to such programs may be subject to verification through matching programs;

"(4) procedures for verifying information produced in such matching program as required by subsection (p);

"(5) procedures for retention and destruction of records created by such matching program;

"(6) procedures for ensuring the administrative, technical, and physical security of the records matched and the results of such programs;

"(7) prohibitions on duplication and redisclosure of records provided by the source agency within or outside the recipient agency or the non-Federal matching entity, unless authorized by the source agency with the terms of the authorization;

"(8) procedures governing the use of the records provided by the source agency for use in a matching program including procedures governing return to the source agency or destruction of the records used in such program; and

"(9) information on assessments that have been made on the accuracy of the records that will be used in such matching program.

"(p) VERIFICATION AND OPPORTUNITY TO CONTEST FINDINGS.—(1) In order to protect any individual whose records are used in matching programs, no recipient agency, non-Federal matching entity, or source agency may suspend, terminate, reduce, or make a final denial of any financial assistance under a Federal benefit program to such individual, or take other adverse action against such individual as a result of information produced by such matching programs, until such agency or entity has independently verified such information. Subject to the requirements of this subsection, such independent verification may be satisfied by verification requirements governing such Federal benefit program.

"(2) Independent verification required by paragraph (1) shall include verification of—

"(A) the amount of the asset or income involved,

"(B) whether such individual actually has or had access to such asset or income for such individual's own use, and

"(C) the period or periods when the individual actually had such asset or income.

"(3) No recipient agency, non-Federal matching entity, or source agency may suspend, terminate, reduce, or make a final denial of any financial assistance under a Federal benefit program to any individual described in paragraph (1), or take other adverse action against such individual as a result of information produced by a matching program, until such individual has been notified by such agency or entity of its findings and has been given an opportunity to contest such findings. Such opportunity may be satisfied by notice, hearing, and appeal rights governing such Federal benefit program.

"(q) SANCTIONS.—Notwithstanding any other provision of law, no source agency may disclose any record which is contained in a system of records to a recipient agency or non-Federal matching entity for a matching program if such source agency has reason to believe that the requirements of subsection (p) and any matching agreement entered into pursuant to subsection (o) are not being met by such recipient agency or entity.".

SEC. 3. NOTICE OF MATCHING PROGRAMS.

(a) NOTICE IN FEDERAL REGISTER.—Subsection (e) of section 552a of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (10),

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(12) if such agency is a recipient agency or a source agency in a matching program with a non-Federal matching entity, with respect to any establishment or revision of a matching program, at least 30 days prior to conducting such program, publish in the Federal Register notice of such establishment or revision.".

(b) REPORT TO CONGRESS AND OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—Subsection (r) of section 552a of title 5, United States Code, as redesignated by section 2(b)(1) of this Act, is amended by striking out "system of records" and inserting in lieu thereof "system of records or matching program".

(2) CLERICAL AMENDMENT.—The heading of such subsection (r) is amended by inserting "OR PROGRAMS" after "SYSTEMS".

SEC. 4. DATA INTEGRITY BOARD.

Section 552a of title 5, United States Code, as amended by section 2(b)(1) of this Act, is amended by adding at the end thereof the following new subsection:

"(u) DATA INTEGRITY BOARDS.—(1) Every agency conducting or participating in a matching program shall establish a Data Integrity Board to oversee and coordinate among the various components of such agency the agency's implementation of this section.

"(2) Each Data Integrity Board shall consist of senior officials designated by the head of the agency, including any senior official designated by the head of the agency as responsible for implementation of this section, and the inspector general of the agency, if any. The inspector general shall not serve as chairperson of the Data Integrity Board.

"(3) Each Data Integrity Board shall perform the following functions:

"(A) review, approve, and maintain all written agreements for receipt or disclosure of agency records for matching programs to ensure compliance with subsection (o), and all relevant statutes, regulations, and guidelines;

"(B) review all matching programs in which the agency has participated during the year, either as a source agency or recipient agency, determine compliance with applicable laws, regulations, and agency agreements, and assess the cost benefits of such programs;

"(C) review all recurring matching programs in which the agency has participated during the year, either as a source agency or recipient agency, for continued justification for such disclosures and for compliance with applicable laws, regulations, and agency agreements, and assess the cost-benefits of such programs;

"(D) compile an annual report to the head of the agency and the Office of Management and Budget on the matching activities of the agency, including—

"(i) matching programs in which the agency has participated as a source agency or recipient agency;

"(ii) matching agreements proposed under subsection (o) that were disapproved by the Board; and

"(iii) the matching of records as a source agency or recipient agency under programs not covered by this section or described in subparagraphs (A) through (E) of subsection (a)(8);

"(E) serve as a clearinghouse for receiving and providing information on the accuracy, completeness, and reliability of records used in matching programs;

"(F) provide interpretation and guidance to agency components and personnel on the requirements of this section with respect to matching programs;

"(G) review agency recordkeeping and disposal policies and practices with regard to matching programs to assure compliance with this section; and

"(H) review and coordinate privacy training programs for the agency's personnel.

"(4) Each Data Integrity Board shall maintain such staff as necessary to carry out its functions specified by this subsection. Such staff shall include persons designated by the head of the agency as responsible for implementation of this section.

"(5) The Director of the Office of Management and Budget shall annually consolidate in a report to the Congress the information contained in the reports from the various Data Integrity Boards under paragraph (3)(D).".

SEC. 5. DEFINITIONS.

Subsection (a) of section 552a of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6),

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon, and

(3) by adding at the end thereof the following new paragraphs:

"(8) the term 'matching program' means any computerized comparison of two or more automated systems of records or a system of records with a set of non-Federal records for the purpose of establishing or verifying the eligibility of, or continuing compliance with statutory and regulatory requirements, by applicants, recipients, beneficiaries, or participants for financial assistance under Federal benefit programs, or recouping payments or delinquent debts under such Federal benefit programs, but such term does not include—

"(A) matches done to produce aggregate statistical data without any personal identifiers;

"(B) matches performed to support any research or statistical project, the specific data of which cannot be used to make decisions concerning the rights, benefits, or privileges of specific individuals.●

● Mr. LEVIN. Mr. President, the Computer Matching and Privacy Protection Act of 1987 introduced today by Senator COHEN and myself is the culmination of months of work wrestling with issues of efficiency, privacy, effectiveness, and fairness. Over the past few years, the Subcommittee on Oversight of Government Management, under Senator COHEN's leadership, conducted lengthy investigations and hearings reviewing the use of computer matching. As members of the subcommittee, we heard repeated descriptions of the problems with Federal practices, including inaccurate data, poor control over records, lack of oversight and lack of statutory guidance. This bill provides a limited but reasonable statutory scheme to resolve those problems.

In our modern age, computers provide the steel beams underlying the structure of the Federal Government. Federal benefit programs rely on them, not only to store information about assistance provided to particular beneficiaries, but also to uncover irregularities and fraud that may be hidden within the Federal system.

Computer matching programs are an increasingly popular means to check applicants' eligibility for Federal benefits and to discover possible fraud. By directing their computers to compare two or more sets of agency records, Federal workers can quickly cross-check various facts. Such procedures improve the efficient and effective review of beneficiary programs.

At the same time, however, computers and computer matching programs are not infallible. Mistakes can be and are made. One obvious problem is that computers often have outdated or incorrect data. Other problems arise from computer operators who mistakenly enter wrong information or design faulty programs.

Consider, for example, a State agency which conducted a 1983 computer match of welfare records and local bank records. The matching project identified a large number of individuals with bank assets seemingly in excess of the program's requirements. The agency did not, however, immediately cut off these individuals' benefits; it first gave each beneficiary a chance to explain. The agency later determined that the computer match had an error rate of 94 percent. That means that 94 percent of the people identified in the match as ineligible were, in fact, eligible to receive their benefits. Experiences like this one demonstrate that computer matching programs are only useful when carefully administered.

In addition to the specter of inaccurate data, computer matching practices threaten the privacy rights of individuals. Unrestrained matching projects could lead to the compilation of detailed computer files on every individual or to the Government's improper release or use of personal information. To prevent such abuses, agency records used in matches, as well as the resulting data, should be safeguarded during their use and either destroyed or returned upon completion of the project.

The bill we are introducing today provides the needed statutory controls over computer matching. It creates a statutory scheme in which each agency processes its computer matching projects in an orderly fashion under the watchful eye of an agency Data Integrity Board. Each matching project proceeds under a document setting forth its terms and procedures, including the records to be matched, the treatment of the records after the match, the use of the resulting data, and the means by which the data will be verified. Most importantly, the bill prohibits the termination of any individual's benefits on the basis of matching data, until the relevant agency first verifies that data and gives the individual a chance to respond.

These are common sense safeguards. The controls are comprehensive but flexible, permitting agencies to tailor their matches to their needs but requiring them to think through protections for the individuals involved. The rules represent the collected wisdom of many groups and individuals who have been tracking this issue since computer matching first appeared in the Federal arena.

I commend Senator COHEN for his continuing efforts in this important area, and I am happy to join him. We hope to give this bill expeditious consideration in the oversight subcommittee and report it to the floor early this year. It is important and necessary legislation to make sure our Federal computers remain "user friendly" to the American people.●

By Mr. PRYOR:

S. 500. A bill to identify and reduce barriers to, and distortions of, international trade in rice; to promote expansion of U.S. rice exports; and for other purposes; to the Committee on Finance.

RICE EQUITY AND EXPORT EXPANSION ACT

● Mr. PRYOR. Mr. President, I am introducing today the Rice Equity and Export Expansion Act of 1987. This legislation is intended to help identify and reduce the trade barriers of other nations that have undermined the industry's export efforts. The bill is essential to the industry's efforts to increase exports and complements the marketing loan provisions of the Food Security Act of 1985, which ensure that U.S. rice will be price competitive with rice from other countries.

As my colleagues know, many countries restrict the importation of rice. Japan and Korea, for example, virtually prohibit rice imports. Other foreign countries, as well, have created significant impediments to international trade in rice. In 1981, U.S. rice exports accounted for 23 percent of world rice exports. Since then, however, they have dropped precipitously. Between 1981 and 1985, our rice exports fell from 3 million metric tons annually to 1.9 million tons. Import barriers by countries such as Japan, Korea, Nigeria, and the EEC contributed to the decline and a stagnation in the growth of the international market. If these trade barriers had not been in place, our rice farmers would have exported substantially more rice then they did.

This legislation is modeled on the telecommunications bill reported by the Finance Committee last year. In essence, title I of the bill requires the U.S. Trade Representative to identify the trade barriers maintained by the 15 countries constituting the largest rice markets in the world. The President then must enter into negotiations to reduce or eliminate these barriers. If he cannot reach agreement, he must unilaterally act to achieve his negotiating objectives. As a result of this process, we envision a significant liberalization in international trade in rice.

Title II of the bill establishes our negotiating objectives for agricultural products for the Uruguay Round of Multilateral Trade Negotiations. We hope that an agreement will be reached during this round of talks to reduce existing barriers to trade in rice.

Finally, title III modifies section 303 of the Trade Act of 1974 to provide the U.S. Trade Representative with discretion in referring agriculture-related section 301 complaints to the General Agreement on Tariffs and Trade. This provision would not require anything new of the USTR and still would allow him to refer complaints to the GATT when considered appropriate.

This legislation is essential to eliminating and reducing the barriers to trade in rice that the industry confronts throughout the world. Not only farmers in Arkansas, but in other States as well will be better able to meet their export potential if this bill becomes law. I therefore hope my colleagues will support me in ensuring its swift passage and enactment.●

By Mr. RIEGLE (for himself, Mr. HOLLINGS, Mr. GORE, Mr. KERRY, Mr. ROCKEFELLER, Mrs. KASSEBAUM, and Mr. BENTSEN):

S. 501. A bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. HOLLINGS, Mr. GORE, Mr. KERRY, Mr. ROCKEFELLER, Mr. ADAMS, and Mr. BENTSEN):

S. 502. A bill to amend the Land Remote-Sensing Commercialization Act of 1984, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RIEGLE (for himself, Mr. HOLLINGS, Mr. GORE, Mr. KERRY, Mr. ROCKEFELLER, Mr. NICKLES, Mr. DANFORTH, Mr. PRESSLER, and Mr. BENTSEN):

S. 503. A bill to amend the National Aeronautics and Space Act of 1958 to authorize the acceptance of certain gifts and donations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RIEGLE (for himself, Mr. HOLLINGS, Mr. GORE, Mr. KERRY, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. ADAMS, and Mr. BENTSEN):

S. 504. A bill to amend the National Aeronautics and Space Act of 1958 regarding the National Aeronautics and Space Council established by that act; to the Committee on Commerce, Science, and Transportation.

NASA LEGISLATION

● Mr. RIEGLE. Mr. President, last November, the President vetoed the fiscal year 1987 NASA authorization bill because of significant differences with the Congress over the current space policymaking apparatus.

However, included in the final authorization bill were several legislative initiatives that were not objectionable to the White House and that should be enacted early in the 100th session of Congress. Two of those measures are the technical amendments to the Land Remote-Sensing Act and donations for the space shuttle orbiter that I am introducing today. In light of the fact that both Houses of Congress approved these measures, it is my hope that we can complete action on them in a timely fashion.

A third measure that I am introducing is a new initiative which pertains to the patent regime for inventions made in outer space. With the request for proposals for the Space Station Program soon to be released, the Congress must begin to address the changes in existing laws that will be necessary to improve the business climate for U.S. industries in space. The legislation that I am introducing is similar to a bill that passed the House of Representatives during the latter part of the last session of Congress but was not able to be considered in the Senate. I would hope that the Judiciary Committee would assess this patent proposal and enact this legislation during this session of Congress.

Finally, I am reintroducing legislation, included in the final NASA authorization bill, that would reestablish the National Space Council in the White House under the direction and control of the Vice President. This bill is the identical language that was voted by the President last November. I reintroduce this measure to reiterate and to emphasize my concern about the current space policymaking mechanism and to indicate that the process must be improved.

I would hope that the White House and the Office of Management and Budget would be willing to sit down with the members of the Subcommittee on Science, Technology, and Space to consider this measure and to develop an acceptable soluton to this critical problem. If the Nation is to retain its leadership position in space and if the maximum benefit is to be accrued from every dollar spent on the space program, a better and more effective space policy decisionmaking process is required. I would like to see the National Space Council reestablished because I believe the space program needs greater visibility, better coordination, and a dedicated group of professionals to deal with the myriad number of space issues that are constantly emerging.

In the future, the space program is likely to become an even more common experience of our daily lives and a more critical ingredient of our civil and defense-related Government functions. The space program is absolutely critical to our economic and national security, and it demands our serious attention. The space policy of this Nation should not be the end product of interagency feuds but rather the result of an analytically sound and pragmatically focused Space Council within the White House.

I would hope that during the 100th Congress, the subcommittee and the White House could come to an agreement on this matter and that a policymaking foundation can be established that will result in a better defined, bolder and more imaginative space program.

Mr. President, I ask that these four space-related measures be introduced and referred to the appropriate committees.

I also am pleased to indicate that Senator HOLLINGS, the distinguished chairman of the Commerce Committee, is an original cosponsor of all four of these measures.

I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) chapter 10 of title 35, United States Code, is amended by adding at the end of the following:

"105. Inventions in outer space

"Any invention made, used or sold in outer space on an aeronautical and space vehicle (as defined in section 103(2) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2452(2)) under the jurisdiction or control of the United States shall be considered to be made, used or sold within the United States for purposes of this title, except with respect to any space vehicle or component thereof that is specifically identified and otherwise provided for by an international agreement to which the United States is a party.".

(2) The table of sections of chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"105. Inventions in outer space.".

(b) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) is amended by adding at the end the following:

"(m) Any invention made, used or sold in outer space on an aeronautical and space vehicle (as defined in section 103(2)) under the jurisdiction or control of the United States shall be considered to be made, used or sold within the United States for purposes of this Act, except with respect to any space vehicle or component thereof that is specifically identified and otherwise provided for by an international agreement to which the United States is a party.".

SEC. 2. (a) Subject to subsections (b), (c) and (d) of this section, the amendments made by the first section of this Act shall apply to all United States patents granted before, on, or after the date of enactment of this Act, and to all applications for United States patents pending on or filed on or after such date of enactment.

(b) The amendments made by the first section of this Act shall not affect any final decision made by a court or the Patent and Trademark Office before the date of enactment of this Act with respect to a patent or an application for a patent, if no appeal from such decision is pending and the time for filing an appeal has expired.

(c) The amendments made by the first section of this Act shall not affect the right of any party in any case pending in a court on the date of enactment of this Act to have the party's rights determined on the basis of the substantive law in effect before such date of enactment.

(d) Subject to subsections (b) and (c) of this section, the amendments made by the first section of this Act shall not apply to any process, machine, article or manufacture, or composition of matter, an embodiment of which was launched prior to the date of enactment of this Act.

S. 502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Land Remote-Sensing Commercialization Act Amendments of 1987".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) the implementation of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.) has begun and some of the major milestones contained in that Act have been met;

(2) Congress remains strongly committed to the guiding principles set forth in that Act;

(3) notwithstanding the accomplishments thus far, the relationships among the involved Federal agencies and the private sector have not yet been adequately defined; and

(4) inasmuch as the technical development and commercial applications of future land remote-sensing systems cannot now be predicted with certainty, it is in the national interest of the United States that the involved Federal agencies and the private sector remain flexible in carrying out their respective responsibilities under this Act.

PURPOSES

SEC. 3. It is therefore the purpose of this Act to set forth amendments to the Land Remote-Sensing Commercialization Act of 1984 to ensure that—

(1) the original intent of that Act is carried out in the most effective manner consistent with the guiding principles expressed therein;

(2) specific mechanisms for carrying out the original intent of that Act are provided in those cases where none have materialized thus far; and

(3) the working relationships among involved Federal agencies and private sector parties for the purpose of carrying out this Act are fully developed and mutually understood.

CONTRACTOR EXEMPTION FROM FEDERAL FULL REIMBURSEMENT PROVISION IN THE CASE OF RESEARCH AND DEVELOPMENT AGREEMENTS

SEC. 4. Section 202(a)(4) of the Act (15 U.S.C. 4212(a)(4) is amended by inserting before the semicolon at the end thereof the following: ", except in the case of research and development activities conducted in accordance with section 504".

DISPOSITION OF ASSETS FOLLOWING THE TERMINATION OF THE SECRETARY'S AUTHORITY

SEC. 5. Title III of the Act (15 U.S.C. 4221 et seq.) is amended by adding at the end thereof the following new section:

"DISPOSITION OF GOVERNMENT ASSETS

"SEC. 308. Following the completion of a contract made pursuant to this title, the Secretary may, upon 30 days advance notice to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives, dispose of assets (other than real property) under the control of the Secretary in a manner which best ensures the continuation of the contractor's commercial activity.".

CLARIFICATION OF THE USE OF EXPERIMENTAL DATA FROM FEDERAL RESEARCH AND DEVELOPMENT PROGRAMS

SEC. 6. Section 502 of that Act (15 U.S.C. 4262) is amended to read as follows:

"RESEARCH AND DEVELOPMENT ACTIVITIES OF FEDERAL AGENCIES

"SEC. 502. Each Federal agency is authorized and encouraged to provide data gathered in experimental remote-sensing space programs to related research and development programs funded by the Federal Government (including application programs) and to cooperative research programs if the Federal agency involved determines that the data will not be used—

"(1) for any commercial purpose, or

"(2) in substantial competition with data available from a licensee under this Act, except pursuant to section 503.".

CLARIFICATION OF THE USE OF NON-FEDERAL DATA FOR RESEARCH AND DEVELOPMENT PROGRAMS

SEC. 7. Title V of that Act (15 U.S.C. 4261 et seq.) is amended by adding at the end thereof the following new section:

"RESEARCH AND DEVELOPMENT ACTIVITIES OF SYSTEM OPERATORS

"SEC. 504. Notwithstanding section 601, any system operator under title II, III, or IV of this Act, or any marketing entity under section 503 of this Act, may provide data for any research and development programs if—

"(1) a complete and timely disclosure of the results of such research and development is made in the open technical literature or is otherwise made publicly available;

"(2) the system operator or marketing entity provides to the Secretary an annual report of all research and development data transactions including the nature of any cooperative agreements and the prices charged for data; and

"(3) the data are not used for commercial purposes or in substantial competition with data available from a licensee under this Act.".

CLARIFICATION OF OPERATOR RIGHTS TO IMPOSE LIMITATION ON REPRODUCTION, DISSEMINATION, AND OTHER ACTIVITIES ON A NONDISCRIMINATORY BASIS

SEC. 8. Section 603 of that Act (15 U.S.C. 4273) is amended to read as follows:

"NONREPRODUCTION

"SEC. 603. In addition to such other terms and conditions as the system operator may set forth in compliance with section 601 of this Act, the system operator may require that unenhanced data not be reproduced or disseminated by any foreign or domestic purchaser.".

S. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"DONATIONS FOR SPACE SHUTTLE ORBITER

"SEC. 208. (a) The Administrator may accept gifts and donations of services, money, and real, personal, tangible, and intangible property, and use such gifts and donations for the construction of a space shuttle orbiter.

"(b)(1) The authority of the Administrator to accept gifts or donations pursuant to subsection (a) of this section shall terminate five years after the date of the enactment of this section.

"(2) All gifts and donations accepted by the Administrator pursuant to subsection (a) of this section which are not needed for construction of a space shuttle orbiter shall be used by the Administrator for an appropriate purpose—

"(A) in tribute to the dedicated crew of the space shuttle Challenger; and

"(B) in furtherance of the exploration of space.

"(c) The name of a space shuttle orbiter constructed in whole or in part with gifts or donations whose donations whose acceptance and use are authorized by subsection (a) of this section shall be selected by the Administrator of the National Aeronautics and Space Administration from among suggestions submitted by students in elementary and secondary schools.".

S. 504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 201(a) of the National Aeronautics and Space Act of 1958 is amended—

(1) by striking "Aeronautics and";

(2) in paragraph (6), by striking the period and inserting in lieu thereof ", who shall be the Vice Chairman of the Council; and"; and

(3) by adding at the end thereof the following:

"(7) such other members as the President may appoint.".

(b) Section 201(b) of the National Aeronautics and Space Act of 1958 is amended to read as follows:

"(b) In the absence of the Vice President, the Administrator shall preside over meetings of the Council.".

(c) Section 201(c) of the National Aeronautics and Space Act of 1958 is amended to read as follows:

"(c) Each member of the Council may designate an officer of their department or agency to serve on the Council as their alternative in their unavoidable absence.".

(d) Section 201(d) of the National Aeronautics and Space Act of 1958 is amended by striking all after "with respect to" and inserting in lieu thereof the following: "the following functions:

"(1) survey of ongoing civilian space activities;

"(2) review of long-range goals for civilian space activities;

"(3) coordination of civilian space activities among civilian agencies and with agencies involved in national security space activities; and

"(4) interagency cooperation in civilian space activities.".

(e) Section 201(e) of the National Aeronautics and Space Act of 1958 is amended by striking "by and with the advice and consent of the Senate".

(f) Section 201 of the National Aeronautics and Space Act of 1958 is amended by adding at the end thereof the following:

"(f)(1) The Council shall establish a Users' Advisory Group composed of nine non-Federal representatives of industries and other persons involved in space activities.

"(2) The Vice President shall name a Chairman of the Users' Advisory Group.

"(3) The Council shall from time to time, but not less often than once a year, meet with the Users' Advisory Group.

"(4) The function of the Users' Advisory Group is to ensure that the interests of non-Federal entities involved in space activities, including in particular commercial entities, are adequately represented in the Council.".●

● Mr. HOLLINGS. Mr. President, I am pleased to be an original cosponsor of the four space-related measures that are being introduced today by the distinguished chairman of the Subcommittee on Science, Technology, and Space.

The Nation's Space Program is at a critical juncture, and there are many issues that require resolution. In particular, I share the distinguished Senator from Michigan's concern about the existing space policymaking apparatus and the need for a legislative fix.

Last year, it was clear to the members of the committee and to the space community that the existing space policymaking apparatus was not up to the task and was incapacitated by interagency feuding. It took over 18 months to make the shuttle pricing policy decision in the calm of the pre-*Challenger* atmosphere, and it took 6 months in the post-*Challenger* atmosphere to decide to replace the lost orbiter—although the administration failed to indicate how it would pay for the new orbiter.

In the course of the last few years, the distinguished space policymaking group has come up with such failed concepts as an operational shuttle, full cost recovery, and total reliance upon the shuttle for the Nation's launch service requirements. None of these concepts had any meaning when they were announced, and they have even less meaning now. The time has come to do away with the cliches and the unrealistic assumptions and to establish a pragmatic policymaking apparatus whose primary concern is the Nation's Space Program and the maintenance of our leadership in space.

I am most pleased, therefore, that Senator RIEGLE has reintroduced the bill to reestablish the National Space Council. I think that this bill is a good starting point, and I hope that as we work to improve it, the White House will reconsider its opposition and recognize the importance of this measure to the economic and national security of the United States.

I also am pleased to be an original cosponsor of the technical amendments to the Land Remote-Sensing Commercialization Act, the patent bill for inventions made in outer space, and the Space Shuttle Donations Act. I would hope that all of these measures could be considered in a timely manner and quickly enacted into law. I would especially hope that the space shuttle donations bill be enacted quickly in remembrance of the *Challenger* crew whose dreams have been supported by donations from so many Americans from all regions of the country.●

By Mr. HUMPHREY (for himself and Mr. CHAFEE):

S. 505. A bill to amend the Rural Electrification Act of 1936 to promote the economic vitality of rural America by directing the resources of the Rural Electrification Administration toward rural consumers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL ELECTRIFICATION ADMINISTRATION REFORM ACT

● Mr. HUMPHREY. Mr. President, today I am introducing the Rural Electrification Administration Reform Act of 1987.

The purpose of this legislation is twofold. First, it promotes the economic vitality of rural America by channeling Rural Electrification Administration [REA] loans toward rural consumers while eliminating REA lending to cooperatives serving consumers in predominately urban, suburban and recreational areas. Second, it proposes more effective delivery of REA funds by requiring potential REA borrowers to attempt first to secure loans from private lending institutions. Only after private sector alternatives have been foreclosed can an REA loan application be submitted.

The Rural Electrification Administration was established in 1935. Its original purpose was to provide subsidized loans to rural areas which were unable to obtain low-cost electricity from power companies and municipal electric firms. Later REA loans were expanded to cover not only electricity but telephone service as well. Back in 1935, only 12 percent of farms had electricity. Today, over 99 percent of farms have electricity. It is clear that the need for the REA has diminished as electric and telephone service has expanded to meet the needs of rural America.

The bulk of REA subsidized loans no longer service rural areas. In March 1986, the Rural Electrification Administration reported alarming statistics that showed that only one-fifth of the $8.3 billion in 5 percent REA loans approved since 1976 have been used to service truly rural areas. The remaining four-fifths of REA loans have gone to cooperatives serving urban, rural, and recreational areas.

Today, some of the largest recipients of REA loans are electric cooperatives serving affluent areas of Texas, Florida, and the gulf coast region. Other large beneficiaries of REA loans are electric companies and coops which connect rapidly growing urban areas. Among all REA borrowers, the top 50 fastest growing borrowers represent resort areas and suburbs. These 50 utilities account for a whopping $1.2 billion out of $3.5 billion in REA loans made over the last 5 years. Examples of such rural areas currently benefiting from the REA are suburbs of Dallas, Washington, DC, Atlanta, Minneapolis/St. Paul, and New Orleans. Posh vacation communities and resorts now enjoying a piece of the REA pie include: Vail and Aspen, CO; Hilton Head, SC; and Sanibel Island, St. Petersburg and Orlando, FL.

Meanwhile, only a handful of REA loans are used to finance new rural projects in economically depressed rural agricultural States such as Kansas, Iowa, Nebraska, and the Dakotas. During 1981-85, one of the bleakest periods for agricultural States, only 17 percent of the $3.8 billion lent went to rural density projects. In 1985 alone, only 24 loans worth $58.4 million went to rural density projects, compared to $424.5 million which went to finance high and medium density projects over the same period.

My legislation establishes density criteria which will ensure that REA loans are targeted to rural or low density projects. A project which provided service to five or fewer customers per mile of electric or telephone transmission line would be considered a rural or low density project. In order to be eligible for an REA loan, the project would have to ensure that there were no more than five customers per mile of transmission line. My bill also allows the REA Administrator to waive the density criteria requirement, if, on appeal by an applicant, the Administrator determines that electric and telephone service would not be available to the area in question if the applicant's request was denied.

A medium density project would be considered one which provides service to between 5.1 and 10 consumers per mile of electronic or telephone transmission line. High density projects would be those that provide service to more than 10 consumers per mile of distribution line.

My bill also ensures that only those cooperatives and companies truly unable to secure affordable loans from private credit sources will be able to qualify for a guaranteed loan. In order to become eligible, a borrower must not only be serving a low density area, but it must demonstrate, on the basis of criteria established by the REA Administrator, that it is unable to obtain credit elsewhere at reasonable rates and at terms consistent with the objectives of this act.

Mr. President, it is clear that the need for rural electrification subsidies have decreased dramatically over the last 51 years. Urban sprawl and population shifts in the Western United States and the Sun Belt have caused once destitute rural regions to become flourishing urban and suburban areas no longer in need of REA assistance. Not only has the number of rural borrowers truly in need of REA assistance decreased, but a majority of REA borrowers have achieved the financial strength necessary to obtain increased levels of funding through private sources as well.

Enactment of this legislation will keep the rural electric and telephone systems strong, while reducing the REA's dependence on the Federal Treasury in these times of record Federal deficits. I urge my colleagues to join me in support of the Rural Electrification Administration Reform Act of 1987.

I ask unanimous consent that a copy of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. ELIGIBILITY FOR INSURED LOANS.

Section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) is amended by adding at the end thereof the following new subsections:

"(d)(1) Except as provided in paragraph (2), to be eligible to obtain an insured loan under this title, a borrower must—

"(A) provide electric or telephone service to 5 or less customers per mile of electric or telephone distribution line; and

"(B) use the proceeds of such loan to provide electric or telephone service to 5 or less customers per mile of electric or telephone distribution line.

"(2) The Administrator may waive a requirement of paragraph (1) if, on appeal by an applicant, the Administrator determines that—

"(A) the applicant is serving a rural area; and

"(B) electric or telephone service, or both, would not be available to the area without a waiver.

"(e) To be eligible to obtain an insured loan under this title, a borrower must demonstrate, on the basis of criteria established by the Administrator, that the borrower is unable to obtain credit elsewhere at reasonable rates and at terms consistent with the objectives of this Act.".

SEC. 2. ELIGIBILITY FOR GUARANTEED LOANS.

Section 306 of the Rural Electrification Act of 1936 (7 U.S.C. 936) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) Except as provided in paragraph (2), to be eligible to obtain financial assistance under this section, a borrower must—

"(A) provide electric or telephone service to 5 or less customers per mile of electric or telephone distribution line; and

"(B) use the proceeds of such loan to provide electric or telephone service to 5 or less customers per mile of electric or telephone distribution line.

"(2) The Administrator may waive a requirement of paragraph (1) if, on appeal by an applicant, the Administrator determines that—

"(A) the applicant is serving a rural area; and

"(B) electric or telephone service, or both, would not be available to the area without a waiver.

"(c) To be eligible to obtain financial assistance under this section, a borrower must demonstrate, on the basis of criteria established by the Administrator, that the borrower is unable to obtain credit elsewhere at reasonable rates and at terms consistent with the objectives of this Act.".●

By Mr. GORE (for himself, Mr. WILSON, Mr. CRANSTON, Mr. DANFORTH, and Mr. KERRY):

S. 506. A bill to require the inclusion of copy-code scanners in digital audio recording devices; to the Committee on Commerce, Science, and Trade.

DIGITAL AUDIO RECORDER ACT

● Mr. GORE. Mr. President, today Senator WILSON and myself, joined by our distinguished colleagues, Senators WILSON, CRANSTON, DANFORTH, and KERRY, are introducing legislation that will have a direct bearing on the vitality of the creative process in this country.

The bill attempts to foreclose the inevitable misuse of a brand new and particularly threatening technology for home taping perfect copies of prerecorded music. The proposed introduction of digital audio tape [DAT] threatens to deprive creators and copyright owners of their intellectual property rights. Our new bill would mandate that DAT machines transported in interstate commerce contain a "copy-code" scanner chip that can prevent the unauthorized duplication of copyrighted recordings.

As many are aware, home taping has become an enormous problem for the American music community. It is no exaggeration to say that there is so much taping that as much music is taped as is sold. Taping presently displaces sales amounting to about one-third of the industry's revenues—and sales are the only means by which record companies are paid. I believe that this situation is unfair because creators and property owners have a right to be paid reasonably when their works are acquired by others. If you want a car, or a watch, or a blank tape, you must pay for it. Recorded music should be no exception just because it is an electronically accessible intangible.

The impact of home taping is obviously felt first by copyright owners and creators who earn their income from the sale of their prerecorded music. But it also hurts listeners of music everywhere, as the sales revenues lost to home taping reduce the capability of record companies to offer the quantity and diversity of recorded music that they have in the past. Indeed, since 1978 there has been a 43 percent decline in new album releases.

The home taping problem promises to grow even worse as taping technology improves. The DAT machine, the tape version of compact disc [CD] technology, will revolutionize existing taping technology. These machines will capture and preserve recordings with perfect fidelity. The combination of DCs and DAT machines will provide home tapers with a perfect master and copying medium that allows infinite duplication of perfect copies. Moreover, DAT machines can only reduce the sale of prerecorded products, for until a technology is invented for the manufacture of prerecorded DAT cassettes and music is licensed for that format, the only possible use for DAT machines is home taping.

Although no DAT machines have yet been marketed in the United States, their arrival is imminent. Japanese manufacturers are expected to offer the machines in Japan in March or April of this year. Marketing of these machines could begin as early as this summer or fall.

The legislative solution proposed here incorporates a new engineering invention called copy-coding, developed by CBS, which would control unauthorized home taping of copyrighted recordings. This technology has two elements, the encoder and the copy-code scanner.

The encoder is a small electronic device that can encode any master recording by intermittently removing from the music a tiny sliver of sound. This "notch" embedded in the recording is inaudible to listeners and does not affect the quality of the music.

The copy-code scanner is a special electronic scanning chip that would be installed in DAT machines. When the notch is detected, the scanner inhibits the recording of the machine for a period of 25 seconds. The cycle is then repeated; if the scanner then determines that the notch is present, the recording function is interrupted for another 25 seconds.

A copy taped from an encoded recording will thus consist of brief portions of music interrupted periodically by segments without sound. The beauty of this proposal is that it makes it possible for consumers to enjoy the benefit of advancing technology, while protecting the intellectual property rights of music copyright owners.

Our proposal to ban the shipment in interstate commerce of DAT machines that do not contain copy-code scanners would be effective for a 3-year period following enactment. I believe that this sunset provision is necessary because the solution to the digital home taping problem, as well as for the home taping issue in general, must be ultimately developed under the copyright laws. Therefore, we introduce this legislation with the intention of preserving the status quo until the Congress is able to consider, within the context of our intellectual property laws, a comprehensive response to the home taping issue.

The bill is true to our long tradition of encouraging creative endeavors. We have always recognized that the granting of property rights in works has provided the necessary incentives and rewards for the creative community. The development of new and sophisticated technology, however, has made the protection of these intellectual property rights more difficult. The bill would send a clear signal to the Japanese, and all others who would ship these new DAT machines in commerce, that the United States will not provide a new market for their new technology unless and until their machines are equipped with technological protection for American creators as copyright owners.

It is time for us to respond to new technologies about which the law has been silent, before the damage is done. The Congress is instructed under article 1, section 8 of the Constitution "to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." In order to meet the true spirit of its constitutional obligation, the Congress must develop the law in parallel with the remarkable ingenuity of our age. I therefore urge my colleagues to support this uniquely responsive solution to the technological shifts of the future.

Mr. President, I ask unanimous consent that this bill and a summary describing it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Digital Audio Recorder Act of 1987".

DEFINITIONS

SEC. 2. As used in this Act, the following terms and their variant forms have the following meanings:

(1) "Commerce" means commerce among the several States of the United States or with foreign nations, or in any territory or possession of the United States or in the District of Columbia, or among the territories or possessions or between any territory, possession, State, foreign nation, or between the District of Columbia and any State, territory, possession, or foreign nation.

(2) A "copy-code scanner" is an electronic circuit or comparable system of circuitry (A) which is built into the recording mechanism of an audio recording device; (B) which, if removed, bypassed, or deactivated, would render inoperative the recording capability of the audio recording device; (C) which continually detects, within the audio frequency range of 3,500 to 4,100 hertz, a notch in an encoded phonorecord; and (D) which, upon detecting a notch, prevents the audio recording device from recording the sounds embodied in the encoded phonorecord by causing the recording mechanism of the device to stop recording for at least 25 seconds.

(3) A "digital audio recording device" is any machine or device, now known, or hereafter developed, which can be used for making audio recordings in a digital format. The term "digital audio recording device" includes any machine or device which incorporates a digital audio recording device as part thereof.

(4) An "encoded phonorecord" is a phonorecord which has a notch with the audio frequency range of 3,700 to 3,900 hertz.

(5) A "notch" is an absence of sound resulting from the removal of sound at a certain frequency.

(6) A "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity.

(7) A "phonorecord" is a material object in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term "phonorecord" includes the material object in which the sounds are first fixed.

DIGITAL AUDIO RECORDING DEVICES

SEC. 3. (a) No person shall manufacture, assemble, or offer for sale, resale, lease, or distribution in commerce (1) any digital audio recording device which does not contain a copy-code scanner; or (2) any device, product, or service, the primary purpose or effect of which is to bypass, remove, or deactivate a copy-code scanner: *Provided,* That any patent, technical know-how, or proprietary rights necessary for manufacturing a copy-code scanner have been made available by means of royalty-free license.

(b) No person shall bypass, remove, or deactivate a copy-code scanner.

REMEDIES

SEC. 4. (a) Any person aggrieved by any violation of section 3, or any appropriate officer or agency of the United States, may bring a civil action in any appropriate United States district court. Such court may (1) grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of section 3; (2) grant such other equitable relief as it may deem reasonable; and (3) direct the recovery of full costs, including reasonable attorneys' fees, by an aggrieved party, other than the United States or an officer or agency thereof, who prevails.

(b) An aggrieved party shall be entitled to recover damages which shall be computed, at the election of the aggrieved party at any time before final judgment is entered, in accordance with either of the following:

(1) the aggrieved party may recover the actual damages suffered by him as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages; in determining the

violator's profits, the party aggrieved shall be required to prove only the violator's gross revenue, and the violator shall be required to prove his deductible expenses and the elements of profit attributable to factors other than the violation; or

(2) the aggrieved party may recover an award of statutory damages in an amount of not less than $1,000 nor more than (A) $10 multiplied by the number of devices or products involved in the violation or (B) two times the cumulative retail value of the services involved in the violation, as the court considers just.

(c) At any time while an action is pending, the court may order the impounding, on such terms as it may deem reasonable, of any digital audio recording device which does not contain a copy-code scanner, or any device or product the primary purpose or effect of which is to bypass or deactivate a copy-code scanner, that is in the custody or control of the alleged violator.

(d) As part of a final judgment or decree, the court may order the destruction, modification, or other disposition of any digital audio recording device which does not contain a copy-code scanner, or any device or product the primary purpose or effect of which is to bypass or deactivate a copy-code scanner, that is in the custody or control of the violator.

(e) Any person who knowingly, willfully, and for purposes of direct or indirect commercial advantage or private financial gain violates section 3(a) shall be subject to criminal prosecution and may be fined, or imprisioned for not more than two years, or both. Fines shall be computed at five times the retail value of the devices, products, or services involved or $50,000, whichever is greater.

EXEMPTIONS

SEC. 5. The Secretary of Commerce may issue such rules and regulations as may be necessary to exempt from the requirements of section 3 certain digital audio recording devices used exclusively for legitimate business purposes.

EFFECTIVE DATE

SEC. 6. On and after the expiration of the 36-month period following the date of the enactment of this Act, the provisions of this Act shall be considered to have terminated and of no effect.

SUMMARY OF THE DIGITAL AUDIO RECORDER COPY-CODE ACT OF 1987

Section 102(a) of the Digital Audio Recorder Copy-Code Act of 1987 makes it unlawful to manufacture, assemble, or offer for sale, resale, lease, or distribution in commerce (1) a digital audio recording device that does not contain a copy-code scanner or (2) any device or service that renders inoperative a copy-code scanner. Section 102(b) makes it unlawful to render inoperative a copy-code scanner. A copy-code scanner is an electronic circuit built into the recording mechanism of an audio recording device which causes the device to stop taping when it detects a certain signal encoded in recordings.

Under Section 103(a), any person aggrieved by a violation of the Act, or an appropriate officer or agency of the United States, may bring a civil action in district court. The language of Section 103(a) is a typical "standing" provision intended to provide a remedy for anyone harmed by a violation, including songwriters, artists, music publishers, record companies and even competing manufacturers of DAT machines. Under this section, an aggrieved party may elect either the actual damage suffered as a result of the violation or an award of statutory damages.

Section 103(a) gives the court discretion to determine the amount of statutory damages. The minimum award has been set at $1,000 to provide a sufficiently strong deterrent to violators and an equally strong incentive to private enforcers. The maximum award has been set at either (A) $10 multiplied by the number of devices or products involved in the violation or (B) two times the cumulative retail value of the services involved in the violation, to provide a remedy that corresponds to the severity of the violation.

Section 103(b) allows criminal prosecution for violations of Section 102(a) that are committed knowingly, willfully, and for purposes of direct or indirect commercial advantage or private financial gain. No criminal liability attaches to the individual who bypasses, removes, or deactivates a copy-code scanner.

Section 104 authorizes the Secretary of Commerce to issue such rules and regulations as may be necessary to exempt certain digital audio recording devices form the requirements of the Act. Under such exemptions, businesses with a legitimate need (such as manufacturers of prerecorded DAT cassettes or radio stations) may obtain recording devices without copy-code scanners.

Section 105 provides that the Act shall take effect upon enactment and remain in effect for a period of three years.●

● Mr. WILSON. Mr. President, I am very pleased to join my distinguished colleagues from Tennessee [Mr. GORE] and Missouri [Mr. DANFORTH] to introduce legislation of truly vital importance to one of our country's great national treasures—our music industry.

I say that this legislation is vital because the ever-growing practice of record and tape reproduction is sapping the very life out of the American music industry, making it all the more difficult for songwriters and musicians to see the fruits of their labors.

With the advent of digital audio technology, not only has the quality of sound recordings been greatly improved, but so has the physical resilience of the recording itself. Compact discs, which incorporate the digital technology, do not deteriorate with age as do vinyl records. With the soon-to-be-marketed digital audio tape machines, so-called DAT, the technology is available to make an unlimited number of perfect copies of copyrighted recordings—all without one nickel going to the copyright holder.

The Gore-Wilson bill will provide a technological solution to this problem and thus allow the creators of recorded music to receive the income they have rightfully earned. While many of those who are currently being taken advantage of by foreign tape and tape machine manufacturers live in California and Tennessee, songwriters and performers throughout the country—both those who are established as well as those who hope to be—are all being hurt and will be even more hurt by DAT if this bill is not passed.

The technological solution contained in the legislation is called a copy code scanner. This device will prevent the DAT machines from copying prerecorded music that contains a special, nonaudible signal.

Mr. President, there is one group that is financially benefiting from the present uncontrolled system of music larceny—the manufacturers of recording tape and tape machines. Indeed, when one recognizes that the music being copied is primarily American-produced, while the machines and tapes are made in Japan, the introduction of DAT machines into the United States market can be seen as another unfair Japanese commercial practice that will further distort another American market.

The Reagan administration recognizes the potential harm of from a flood of DAT machines that do not contain copy-code scanners. According to the White House press release accompanying the President's State of the Union Message, the administration will propose, as part of its competitiveness initiative, legislation mandating a technological solution to the DAT problem.

The copy-coding solution is recognized by the administration as a particularly appropriate response to the threat that DAT poses to copyright owners and creators. Donald J. Quigg, Assistant Secretary and Commissioner of Patents and Trademarks, in testifying before the Senate Judiciary Committee in August of last year, stated that copy-coding is "the best approach for solving the [audio home taping] problem," and "it responds to the challenge posed by the emerging digital audio tape recorders." The genius of the copy-coding solution, as pointed out by Commissioner Quigg, is that it allows the marketplace to regulate home music taping. Once Congress has enacted legislation requiring copycode scanners in all DAT machines transported in interstate commerce, governmental involvement will no longer be necessary.

Another attractive feature of the bill is that it imposes an insignificant cost to manufacturers of DAT machines. The cost of the chip, about $1, is insignificant relative to the cost of the recording equipment and the size of the problem with which we are confronted here.

The proposal is consistent with the efforts of the administration to encourage the protection of intellectual property rights. It serves as an example for other nations to follow.

We are the world's leading exporter of music and we should be the first to enact legislation to protect one of the American industries that is among the most competitive in the world. The Japanese electronics industry will not voluntarily help the American music industry by installing copy-code scanners in their machines. Only we, the Congress, can ensure the implementation of this technological solution to the digital home taping threat.

This type of legislation has ample precedent. In 1962, for example, the Congress determined that it would benefit the public to ensure the commercial viability of UHF television stations. The Congress reacted by enacting legislation to require that television manufacturers produce sets that could receive UHF channels.

Similarly, this Congress should react to the damaging impact that DAT machines will surely have on the American music community. We must respond now, before this new technology takes root and deprives creators and copyright owners of their intellectual property rights.

By Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. CHILES, Mr. RIEGLE, Mr. MITCHELL, Mr. HEINZ, Mr. COHEN, and Mr. SARBANES):

S. 508. A bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes; to the Committee on Governmental Affairs.

WHISTLEBLOWER PROTECTION ACT

● Mr. LEVIN. Mr. President. I am introducing today, along with Senators GRASSLEY, RIEGLE, MITCHELL, HEINZ, COHEN, CHILES, and SARBANES, the Whistleblower Protection Act of 1987. Similar legislation has been introduced in the House of Representatives by Congresswoman SCHROEDER and Congressman HORTON. In fact, the House of Representatives approved last year's version of this bill on September 22, 1986 by voice vote. The Senate was unable to act on the measure before adjournment.

Passage of this bill would strengthen the procedural protections available to Federal employees who "blow the whistle" on waste and fraud in Federal programs. It would enhance the role of the Office of Special Counsel in protecting the Federal employee and would add additional rights for the employee to pursue a claim independently. This act is urgently needed to restore the faith of conscientious Federal employees in the fairness and integrity of our Federal service.

Seventy percent of Government waste and illegality goes unreported. This is in part because 60 percent of Federal employees who answered 1980 and 1983 studies conducted by the Merit Systems Protection Board on whistleblowing stated that they while they personally observed waste or abuse, they did not report it because they did not think anything would be done. Moreover, the number of Federal employees who feel they can safely come forward with allegations of waste or mismanagement is declining. Accordingly to those same studies, in 1980, 20 percent of employees who preceived agency problems did not report them because of fear of reprisal. By 1983, that figure had almost doubled to 37 percent. These are the most recently available MSPB studies on this issue.

These statistics are evidence that congressional efforts to fight fraud and inefficiency by protecting Federal employees from retaliation for whistleblowing are not working. It is ironic that in this current deficit-conscious era, our system ignores or discourages—or even punishes—those individuals who are trying to help us cut wasteful spending.

Congress recognized its responsibility to whistleblowers in 1978 by passing the Civil Service Reform Act [CSRA], the most comprehensive reform to the Federal work force since the establishment of the Civil Service Commission in 1883. Among its provisions, the CSRA created the Merit Systems Protection Board [MSPB] to handle hearings and appeals involving Federal employees. The Office of Special Counsel [OSC] of the MSPB was established to investigate prohibited personnel practices and other activities prohibited by civil service law, and to protect Federal employees from reprisals for disclosures of problems within an agency or for the exercise of appeal rights. The OSC also serves as a conduit for reviewing and referring to agencies allegations of waste, fraud, and abuse.

During debate on this bill, the Senate Governmental Affairs Committee stated that: "For the first time, and by statute, the Federal Government is given the mandate—through the Special Counsel of the Merit Systems Protection Board—to protect whistleblowers from improper reprisals." For a variety of reasons, the OSC has failed to meet its congressional mandate. It has not protected employees who have been the victims of unfair personnel practices, and its failure to do so is a key reason why Federal employees remain afraid to blow the whistle.

Under the current law, the procedures governing the OSC are as follows:

Federal employees or applicants for Federal employment who allege they are the victims of a prohibited personnel practice can come to the OSC for assistance. The OSC is required to investigate the employee's claim to the extent necessary to determine whether there are reasonable grounds to believe a prohibited personnel practice has indeed occurred. Prohibited personnel practices include: taking reprisal against an individual who discloses waste, fraud, or abuse or who exercises an appeal right; illegal discrimination; engaging in nepotism; willfully obstructing any person's right to compete for employment; and others.

In addition, the OSC can investigate prohibited personnel practices on its own initiative, without an allegation by an individual Federal employee.

If the OSC terminates its investigation of an employee's claim, the OSC must let the employee know in writing.

The OSC has authority to seek a stay from the MSPB of any personnel action taken against the employee, when the OSC determines that there are reasonable grounds to believe a prohibited personnel practice has occurred or is to be taken. The OSC can initially seek a stay from a member of the MSPB for 15 days. The OSC has authority to go back to the MSPB and request an additional 30-day stay, and, if necessary, a third stay of indefinite duration.

If the OSC determines corrective action is necessary for an employee who has been adversely affected by a prohibited personnel practice, the OSC may request the MSPB to consider the matter. After hearing the case, the MSPB may order whatever corrective action it considers appropriate. The OSC has no litigating authority, and thus cannot appeal a MSPB decision.

In addition, the OSC can petition the MSPB for disciplinary action against an employee who has committed a prohibited personnel practice. Any employee who is the subject of such a disciplinary action can appeal a MSPB decision.

The OSC can also investigate Hatch Act or Freedom of Information Act violations, or any other activities prohibited by civil service law, rule or regulation, and can petition the MSPB for any corrective or disciplinary actions necessary to address those violations.

Federal employees or applicants for employment can also come to the OSC in order to make a disclosure of information which the employee believes shows a violation of law, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. The OSC does not have the power to investigate such allegations of agency problems, but must review them and refer them to the appropriate agency head for investigation.

For those disclosures which the OSC determines to have a substantial likelihood that there is a significant agency problem, the OSC can require a report on the disclosure, signed by the agency head, within 60 days.

For other disclosures, which the OSC determines do not have a substantial likelihood of showing a significant problem, the OSC must still refer the disclosure to the agency but can require a less formal report without any set time limit.

The General Accounting Office reviewed the OSC's actions for the period of late 1982 to January 1985. GAO reported that for fiscal year 1984, the OSC received 1,383 complaints alleging prohibited personnel practices. Of these, 204 were complaints alleging reprisal for whistleblowing. Only about 8 percent of the allegations received by the OSC survived an initial screening process and were given an indepth investigation. For alleged whistleblower reprisal cases, the statistics are even more startling—99 percent of these cases were closed by the Office without initiating any disciplinary or corrective action.

GAO cited three reasons for the low level of OSC response to complainants:

First. The limited role assumed by the OSC.

Second. Difficulties of proof of retaliation against whistleblowers.

Third. Lack of merit in the complaints.

GAO's reference to the limited role assumed by the OSC pertains specifically to the tenure of the most recent Special Counsel, William O'Connor, who held the position for almost 4 years. The current Special Counsel is Mary Wieseman. Mr. O'Connor stressed that his job was to protect the merit system rather than the interests of individual employees. This emphasis on the system rather than individuals meant the OSC pursued few corrective actions on behalf of employees. The GAO pointed out:

> Few of these complainants (whistleblowers) will ever receive the relief they seek through the Office of Special Counsel, particularly as the Special Counsel does not emphasize the pursuit of corrective action on behalf of aggrieved whistleblowers. During the two years prior to August 1984, the Special Counsel obtained redress for a total of but three whistleblowers—redress in the form of cancelled transfers.

There are other troubling aspects of the OSC's attitude toward Federal employees, in addition to the narrow purpose Mr. O'Connor assigned to the Office. Many employees feel they must bring an airtight case to the OSC in order to get the OSC to accept their case. But the OSC should view its role as helping to build a case, since it is required by law to investigate employee allegations to determine whether there are reasonable grounds to believe a case exists. While the employee obviously must have some evidence that a prohibited personnel practice did occur, the employee should not have to prove its case to OSC as if the OSC were a court of law.

In addition, GAO reported that Mr. O'Connor said he would only accept cases in which he felt there was a 75- to 80-percent chance of winning. The OCS's most recent annual report, for fiscal year 1985, went a step further and noted that the Office will not file complaints "unless there is virtual certainty that the evidence provides sufficient facts to ensure success.* * *" Such statements send employees the intimidating message that the OSC will only consider their cases if they are near-perfect and if success is virtually certain. Whistleblowing cases are already complicated and difficult enough to win without employees being told they must have a guaranteed winnable case. It is no wonder I have heard from several lawyers who represent Federal employees that they routinely advise their client to avoid the OSC and to pursue any other appeal right which might be available.

Mary Wieseman, the current Special Counsel, reportedly has a more conciliatory attitude toward employee rights than her predecessor had. However, any actual changes in the OSC's receipt and processing of cases remains to be seen.

The second point cited by GAO—the difficulty of proving retaliation—is also a valid concern. A careful employer at a Federal agency can make it very difficult to prove that an action taken against an employee was because of that employee's whistleblowing.

The courts have established a four-part test for reprisal cases. The Special Counsel or employees, if the action involved is otherwise appealable to the MSPB, must prove:

First. A protected disclosure was made;

Second. The accused official had actual or constructive knowledge of the disclosure;

Third. There was some adverse action taken against the employee, and that action could, under the circumstances, have been retaliation; and

Fourth. There was a genuine nexus, or causal connection, between the protected activity and the agency's action against the employee.

Proving a causal connection between protected conduct and an agency's action is difficult because direct evidence of retaliation is rare; supervisors do not write down or tell other employees of their intent to take prohibited reprisal against an employee. Thus, one of the hardest hurdles a whistleblower must overcome is to show that the agency's actions were improperly based on retaliatory motives.

It appears, under a recent court decision, that for an employee to prove a nexus, the employee must show that the motive for the agency's action was "predominantly retaliation." Earlier cases had required the employee to prove retaliation was a significant factor in the agency's actions, which is a slightly less difficult test than proving retaliation was a predominant factor.

For corrective action cases, if the whistleblower can prove nexus between his protected conduct and the agency's actions, then the burden of proof shifts back to the agency to defend its actions. The agency usually asserts that there was some other, legitimate reason for taking an action against an employee. In such dual causation cases, the MSPB and the courts have come to rely on the test developed by the courts in Mount Healthy City School District Board of Education versus Doyle (1977). Under this test, the agency must prove that it would have taken the action against the employee, even if the whistleblowing or other protected conduct were absent.

In theory, the Mount Healthy test makes sense. However, in practice, it allows an agency to simply find something in the employee's background and cite that as the reason for taking an adverse action. We do not want employees who are poor performers to escape sanction by manufacturing a claim of whistleblowing; at the same time, we do not want to discourage whistleblowers by allowing agencies to use any possible flaw in an employee's work background as an excuse for retaliation. It is admittedly difficult to walk the line between ensuring appropriate management discretion and protecting employee's rights. However, the evidence suggests that the Mount Healthy test for corrective action cases has made the important job of protecting employee's rights unnecessarily difficult.

GAO's third point for the OSC's short track record in employee cases is that many allegations of prohibited personnel practices are without merit or without adequate evidence. It is indeed possible that the OSC receives many nonmeritorious cases. However, as I noted above, many employees are specifically advised not to go to the OSC, so the OSC many never even receive many meritorious cases. Further, it is still difficult to accept that only 1 percent of whistleblower reprisal cases warrant the initiation of any disciplinary or corrective action by the OSC.

Clearly, there are a variety of reasons why it has proved difficult to protect legitimate whistleblowers. In an ideal world, the OSC would not be necessary because all agencies would encourage and reward employees who make productive complaints about the system. But until we have achieved that ideal world, we need to take the necessary steps to make the OSC a productive Office which employees can look to for reliable and confidential assistance.

The bill we are introducing today makes three significant improvements to current law. It clarifies that the purpose of the OSC is to protect employees, especially whistleblowers. It should be made clear in statutory language that Congress intends for this Office to assume its responsibility to vigorously protect those who have been wronged.

The bill also gives individuals an alternative to going to the OSC, a necessary provision given the widespread dissatisfaction with the OSC. Under current law, there are certain types of adverse actions, such as removals, demotions, or suspensions, for which employees can appeal directly to the MSPB. This is not changed in this legislation. For other types of actions involved in prohibited personnel practice cases, however, the OSC is often the only avenue of relief for employees. Under this bill, if the OSC turns down an employee's case or does not inform that employee that the OSC intends to seek corrective action on his or her behalf within 60 days from the time the complaint is filed with the OSC, then that employee has the right to take his or her case directly to the MSPB. If the employee loses there, he may appeal to either the Federal circuit court or the court of appeals for the circuit in which the employee lives.

In addition, this bill makes a specific legal change in light of the difficulties employees face under the Mount Healthy test. Under this legislation, an employee providing reprisal must suceed in showing that prohibited retaliation was a factor in the action taken against him. This is consistent with Congress' intent that an employee should simply not face reprisal for engaging in any protected conduct, such as whistleblowing or filing an appeal. In employee cases, agencies have the weight of the system on their side, the resources and the witnesses who are often reluctant to testify against the agency. It is necessary to provide some reduction in the many legal burdens employees face in attempts to prove unwarranted retaliation.

The bill does the following:

Establishes the OSC as an independent agency, separate from the MSPB. In earlier years, concerns were expressed about the close relationship between these two Offices. The administrative functions of the two were separated in 1984. This bill completes that process.

Clarifies the purpose of the OSC. The bill establishes that first, the primary role of the Office of Special Counsel is to protect employees, especially whistleblowers, from prohibited personnel practices; and second, while disciplining those who commit prohibited personnel practices may be used as a tool to help accomplish his goal, the protection of individuals who are the subject of prohibited personnel practices is the paramount consideration.

Clarifies that protected conduct, such as whistleblowing, cannot be a factor in a personnel action against an employee. The bill spells out that any personnel action against an employee must be justified on reasons other than protected conduct.

Retains and strengthens the OSC's current power to seek stays of corrective action for employees who are victims of prohibited personnel practices, and to seek disciplinary action against those who engage in prohibited personnel practices.

Makes the OSC a safe harbor for disclosures of waste, fraud, or abuse by requiring that there be a serious investigation of such disclosures whenever they have merit and that the identity of the employee making the disclosure be protected.

Gives the OSC the power to take its cases to court if it loses before the MSPB.

Expands the subpoena authority of the OSC and the Board to permit subpoenas of Government employees outside the United States.

Requires that a letter of termination to a complaining employee about his or her case include the facts ascertained by the OSC during the investigation. Currently, letters of termination from the OSC are frequently inadequate or unhelpful in explaining to an employee why his or her case was not pursued.

Expands the definition of prohibited personnel practice to include taking reprisal against an employee who assists someone else who claims to be the victim of a prohibited personnel practice, who cooperates with an agency's inspector general or the OSC, or who fails to follow orders to disobey a law.

Provides that Federal employees may take their own cases directly to the MSPB if the OSC, within 60 days, has terminated its investigation of the employee's case or has not decided whether to seek any corrective action on the employee's behalf.

Reestablishes, without substantive change except as noted, the MSPB. Permits the Board to delegate subpoena authority to regional staff and clarifies the role of the MSPB in litigation challenging its rulings.

Broadens venue for appeals of MSPB decisions to the Federal circuit court or to the court of appeals where the individual resides.

Provides that employees who win at hearing officer level within the MSPB are reinstated pending appeal.

Requires affirmative congressional action to continue the OSC beyond September 30, 1990.

Authorizes $5 million for the OSC, and $20 million for the MSPB, which are roughly the current figures.

The current system of relief for victims of prohibited personnel practices is not working. If we want to be fair to Federal workers, encourage them to blow the whistle on waste and fraud, and save taxpayers money, we must make the OSC more responsive and more effective. To achieve this, I urge my colleagues to support this bill.

I ask unanimous consent that a section-by-section analysis and the text of the bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Whistleblower Protection Act of 1987".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) Federal employees who make disclosures described in section 2302(b)(8) of title 5, United States Code, serve the public interest by assisting in the elimination of fraud, waste, abuse, and unnecessary Government expenditures;

(2) protecting employees who disclose Government illegality, waste, and corruption is a major step toward a more effective civil service; and

(3) in passing the Civil Service Reform Act of 1978, Congress established the Office of Special Counsel to provide whistleblowers (those individuals who make disclosures described in such section 2302(b)(8)) protection from reprisal.

(b) PURPOSES.—The purpose of this Act is to strengthen and improve protection for the rights of Federal employees, to prevent reprisals, and to help eliminate wrongdoing within the Government by—

(1) mandating that employees should not suffer adverse consequences as a result of prohibited personnel practices; and

(2) establishing—

(A) that the primary role of the Office of Special Counsel is to protect employees, especially whistleblowers from prohibited personnel practices; and

(B) that while disciplining those who commit prohibited personnel practices may be used as a means by which to help accomplish that goal, the protection of individuals who are the subject of prohibited personnel practices remains the paramount consideration.

SEC. 3. MERIT SYSTEMS PROTECTION BOARD; OFFICE OF SPECIAL COUNSEL; EMPLOYEE RIGHT OF ACTION.

(a) IN GENERAL.—Chapter 12 of title 5, United States Code, is amended to read as follows:

"CHAPTER 12—MERIT SYSTEMS PROTECTION BOARD, OFFICE OF SPECIAL COUNSEL, AND EMPLOYEE RIGHT OF ACTION

"SUBCHAPTER I—MERIT SYSTEMS PROTECTION BOARD

"Sec. 1201. Appointment of members of the Merit Systems Protection Board.
"Sec. 1202. Term of office; filling vacancies; removal.
"Sec. 1203. Chairman; Vice Chairman.
"Sec. 1204. Powers and functions of the Merit Systems Protection Board.
"Sec. 1205. Transmittal of information to Congress.
"Sec. 1206. Annual report.

"SUBCHAPTER II—OFFICE OF SPECIAL COUNSEL

"Sec. 1211. Establishment.
"Sec. 1212. Powers and functions of the Office of Special Counsel.
"Sec. 1213. Provisions relating to disclosures of violations of law, mismanagement, and certain other matters.
"Sec. 1214. Investigation of prohibited personnel practices; corrective action.
"Sec. 1215. Disciplinary action.
"Sec. 1216. Other mattters within the jurisdiction of the Office of Special Counsel.
"Sec. 1217. Transmittal of information to Congress.
"Sec. 1218. Annual report.

"SUBCHAPTER III—INDIVIDUAL RIGHT OF ACTION IN CASES INVOLVING PROHIBITED PERSONNEL PRACTICES

"Sec. 1221. Individual right of action.

"SUBCHAPTER I—MERIT SYSTEMS PROTECTION BOARD

"§ 1201. Appointment of members of the Merit Systems Protection Board

"The Merit Systems Protection Board is composed of 3 members appointed by the President, by and with the advice and consent of the Senate, not more than 2 of whom may be adherents of the same political party. The members of the Board shall be individuals who, by demonstrated ability, background, training, or experience are especially qualified to carry out the functions of the Board. No member of the Board may hold another office or position in the Government of the United States, except as otherwise provided by law or at the direction of the President. The Board shall have an official seal which shall be judicially noticed. The Board shall have its principal office in the District of Columbia and may have field offices in other appropriate locations.

"§ 1202. Term of office; filling vacancies; removal

"(a) The term of office of each member of the Merit Systems Protection Board is 7 years.

"(b) A member appointed to fill a vacancy occurring before the end of a term of office of the member's predecessor serves for the remainder of that term. Any appointment to fill a vacancy is subject to the requirements of section 1201 of this title.

"(c) Any member appointed for a 7-year term may not be reappointed to any following term but may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that such member may not continue to serve for more than 1 year after the date on which the term of the member would otherwise expire under this section.

"(d) Any member may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

"§ 1203. Chairman; Vice Chairman

"(a) The President shall from time to time appoint, by and with the advice and consent of the Senate, one of the members of the Merit Systems Protection Board as the Chairman of the Board. The Chairman is the chief executive and administrative officer of the Board.

"(b) The President shall from time to time designate one of the members of the Board as Vice Chairman of the Board. During the absence or disability of the Chairman, or when the office of Chairman is vacant, the Vice Chairman shall perform the functions vested in the Chairman.

"(c) During the absence or disability of both the Chairman and the Vice Chairman, or when the offices of Chairman and Vice Chairman are vacant, the remaining Board member shall perform the functions vested in the Chairman.

"§ 1204. Powers and functions of the Merit Systems Protection Board

"(a) The Merit Systems Protection Board shall—

"(1) hear, adjudicate, or provide for the hearing or adjudication, of all matters within the jurisdiction of the Board under this title, section 2023 of title 38, or any other law, rule, or regulation, and, subject to otherwise applicable provisions of law, take final action on any such matter;

"(2) order any Federal agency or employee to comply with any order or decision issued by the Board under the authority granted under paragraph (1) and enforce compliance with any such order;

"(3) conduct, from time to time, special studies relating to the civil service and to other merit systems in the executive branch, and report to the President and to the Congress as to whether the public interest in a civil service free of prohibited personnel practices is being adequately protected; and

"(4) review, as provided in subsection (f), rules and regulations of the Office of Personnel Management.

"(b)(1) Any member of the Merit Systems Protection Board, any administrative law judge appointed by the Board under section 3105, and any employee of the Board designated by the Board may administer oaths, examine witnesses, take depositions, and receive evidence.

"(2) Any member of the Board, any administrative law judge appointed by the Board under section 3105, and any employee of the Board designated by the Board may, with respect to any individual—

"(A) issue subpoenas requiring the attendance and presentation of testimony of witnesses, and the production of documentary or other evidence from any place in the United States, any territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia; and

"(B) order the taking of depositions from, and responses to written interrogatories by, any such individual.

"(3) Witnesses (whether appearing voluntarily or under subpoena) shall be paid the same fee and mileage allowances which are paid subpoenaed witnesses in the courts of the United States.

"(c) In the case of contumacy or failure to obey a subpoena issued under subsection (b)(2)(A), the United States district court for the judicial district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(d) A subpoena referred to in subsection (b)(2)(A) may, in the case of any individual outside the territorial jurisdiction of any court of the United States, be served in such manner as the Federal Rules of Civil Procedure prescribe for service of a subpoena in a foreign country. To the extent that the courts of the United States can assert jurisdiction over such individual, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance under this subsection by such individual that such court would have if such individual were personally within the jurisdiction of such court.

"(e)(1) In any proceeding under subsection (a)(1), any member of the Board may request from the Director of the Office of Personnel Management an advisory opinion concerning the interpretation of any rule, regulation, or other policy directive promulgated by the Office of Personnel Management.

"(2)(A) In enforcing compliance with any order under subsection (a)(2), the Board may order that any employee charged with complying with such order, other than an employee appointed by the President by and with the advice and consent of the Senate, shall not be entitled to receive payment for service as an employee during any period that the order has not been complied with. The Board shall certify to the Comptroller General of the United States that such an order has been issued, and no payment shall be made out of the Treasury of the United States for any service specified in such order.

"(B) The Board shall prescribe regulations under which any employee who is aggrieved by the failure of any other employee to comply with an order of the Board may petition the Board to exercise its authority under subparagraph (A).

"(3) In carrying out any study under subsection (a)(3), the Board shall make such inquiries as may be necessary and, unless otherwise prohibited by law, shall have access to personnel records or information collected by the Office of Personnel Management and may require additional reports from other agencies as needed.

"(f)(1) At any time after the effective date of any rule or regulation issued by the Director of the Office of Personnel Management in carrying out functions under section 1103 of this title, the Board shall review any provision of such rule or regulation—

"(A) on its own motion;

"(B) on the granting by the Board, in its sole discretion, of any petition for such review filed with the Board by any interested person, after consideration of the petition by the Board; or

"(C) on the filing of a written complaint by the Special Counsel requesting such review.

"(2) In reviewing any provision of any rule or regulation pursuant to this subsection, the Board shall declare such provision—

"(A) invalid on its face, if the Board determines that such provision would, if implemented by any agency, on its face, require any employee to violate section 2302(b) of this title; or

"(B) invalidly implemented by any agency, if the Board determines that such provision, as it has been implemented by the agency through any personnel action taken by the agency or through any policy adopted by the agency in conformity with such provision, has required any employee to violate section 2302(b) of this title.

"(3) The Director of the Office of Personnel Management, and the head of any agency implementing any provision of any rule or regulation under review pursuant to this subsection, shall have the right to participate in such review.

"(4) The Board shall require any agency—

"(A) to cease compliance with any provisions of any rule or regulation which the Board declares under this subsection to be invalid on its face; and

"(B) to correct any invalid implementation by the agency of any provision of any rule or regulation which the Board declares under this subsection to have been invalidly implemented by the agency.

"(g) The Board may delegate any of its administrative responsibilities under this title to any employee of the Board.

"(h) The Board shall have the authority to prescribe such regulations as may be necessary for the performance of its functions. The Board shall not issue advisory opinions. All regulations of the Board shall be published in the Federal Register.

"(i) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Chairman of the Board may appear for the Board, and represent the Board, in any civil action brought in connection with any function carried out by the Board pursuant to this title or as otherwise authorized by law.

"(j) The Chairman of the Board may appoint such personnel as may be necessary to perform the functions of the Board. Any appointment made under this subsection shall comply with the provisions of this title, except that such appointment shall not be subject to the approval or supervision of the Office of Personnel Management or the Executive Office of the President (other than approval required under section 3324 or subchapter VIII of chapter 33).

"(k) The Board shall prepare and submit to the President, and, at the same time, to the appropriate committees of Congress, an annual budget of the expenses and other items relating to the Board which shall, as revised, be included as a separate item in the budget required to be transmitted to the Congress under section 1105 of title 31.

"(l) The Board shall submit to the President, and, at the same time, to each House of the Congress, any legislative recommendations of the Board relating to any of its functions under this title.

"§ 1205. Transmittal of information to Congress

"Notwithstanding any other provision of law or any rule, regulation, or policy directive, any member of the Board, or any employee of the Board designated by the Board, may transmit to the Congress on the request of any committee or subcommittee thereof, by report, testimony, or otherwise, information and views on functions, responsibilities, or other matters relating to the Board, without review, clearance, or approval by any other administrative authority.

"§ 1206. Annual report

"The Board shall submit an annual report to the President and the Congress on its activities, which shall include a description of significant actions taken by the Board to carry out its functions under this title. The report shall also review the significant actions of the Office of Personnel Management, including an analysis of whether the actions of the Office of Personnel Management are in accord with merit system principles and free from prohibited personnel practices.

"SUBCHAPTER II—OFFICE OF SPECIAL COUNSEL

"§ 1211. Establishment

"(a) There is established the Office of Special Counsel, which shall be headed by the Special Counsel. The Office shall have an official seal which shall be judicially noticed. The Office shall have its principal office in the District of Columbia and shall have field offices in other appropriate locations.

"(b) The Special Counsel shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years. The Special Counsel shall be an individual who, by demonstrated ability, background, training, or experience, is especially qualified to carry out the functions of the position. A Special Counsel appointed to fill a vacancy occurring before the end of a term of office of the Special Counsel's predecessor serves for the remainder of the term. The Special Counsel may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office. The Special Counsel may not hold another office or position in the Government of the United States, except as otherwise provided by law or at the direction of the President.

"§ 1212. Powers and functions of the Office of Special Counsel

"(a) The Office of Special Counsel shall—

"(1) in accordance with applicable provisions of this subchapter, protect employees, former employees, and applicants for employment from prohibited personnel practices;

"(2) receive and investigate allegations of prohibited personnel practices, and, where appropriate—

"(A) bring petitions for stays, and petitions for corrective action, under section 1214 of this title; and

"(B) file a complaint or make recommendations for disciplinary action under section 1215 of this title;

"(3) receive, review, and, where appropriate, forward to the Attorney General or an agency head under section 1213 of this title, disclosures of violations of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

"(4) review rules and regulations issued by the Director of the Office of Personnel Management in carrying out functions under section 1103 of this title and, where the Special Counsel finds that any such rule or regulation would, on its face or as implemented, require the commission of a prohibited personnel practice, file a written complaint with the Board; and

"(5) investigate and, where appropriate, bring actions concerning allegations of violations of other laws within the jurisdiction of the Office of Special Counsel (as referred to in section 1216 of this title).

"(b)(1) The Special Counsel and any employee of the Office of Special Counsel designated by the Special Counsel may administer oaths, examine witnesses, take depositions, and receive evidence.

"(2) The Special Counsel may—

"(A) issue subpoenas; and

"(B) order the taking of depositions and order responses to written interrogatories;

in the same manner as provided under section 1204.

"(3) In the case of contumacy or failure to obey a subpoena issued under paragraph (2)(A) the United States district court for the judicial district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(4) A subpoena referred to in paragraph (2)(A) may, in the case of any individual outside the territorial jurisdiction of any court of the United States, be served in such manner as the Federal Rules of Civil Procedure prescribe for service of a subpoena in a foreign country. To the extent that the courts of the United States can assert jurisdiction over such individual, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance under this subsection by such individual that such court would have if such individual were personally within the jurisdiction of such court.

"(5) Witnesses (whether appearing voluntarily or under subpoena) shall be paid the same fee and mileage allowances which are paid subpoenaed witnesses in the courts of the United States.

"(c) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Special Counsel may appear for the Office of Special Counsel, and represent the Office, in any civil action brought in connection with any function carried out by the Office pursuant to this title or as otherwise authorized by law.

"(d)(1) Except as provided in paragraph (2), the Special Counsel may as a matter of right intervene or otherwise participate in any proceeding before the Merit Systems Protection Board, except that the Special Counsel shall comply with the rules of the Board.

"(2) The Special Counsel may intervene or otherwise participate in an action brought by an individual under section 1221 of this title or in an appeal brought by an employee under section 7701 of this title only with the consent of such individual or employee.

"(3)(A) The Special Counsel may obtain judicial review of any final order or decision of the Merit Systems Protection Board in which the Special Counsel was a party.

"(B) A petition for review under this paragraph shall be filed with such court, and within such time, as provided for under section 7703(b) of this title.

"(e)(1) The Special Counsel may appoint the legal, administrative, and support personnel necessary to perform the functions of the Special Counsel.

"(2) Any appointment made under this subsection shall be made in accordance with the provisions of this title, except that such appointment shall not be subject to the approval or supervision of the Office of Personnel Management or the Executive Office of the President (other than approval required under section 3324 or subchapter VIII of chapter 33).

"(f) The Special Counsel may prescribe regulations relating to the receipt and investigation of matters under the jurisdiction of the Special Counsel. Such regulations shall be published in the Federal Register.

"(g) The Special Counsel shall not issue any advisory opinion concerning any law, rule, or regulation (other than an advisory opinion concerning chapter 15 or subchapter III of chapter 73).

"§ 1213. Provisions relating to disclosures of violations of law, mismanagement, and certain other matters

"(a) This section applies with respect to—

"(1) any disclosure of information by an employee, former employee, or applicant for employment which the employee, former employee, or applicant reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; and

"(2) any disclosure by an employee, former employee, or applicant for employment to the Special Counsel or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures of information which the employee, former employee, or applicant reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(b) Whenever the Special Counsel receives information of a type described in subsection (a) of this section, the Special Counsel shall review such information and, within 15 days after receiving the information, determine whether there is a substantial likelihood that the information discloses a violation of any law, rule, or regulation, or mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

"(c)(1) Subject to paragraph (2), if the Special Counsel makes a positive determination under subsection (b) of this section, the Special Counsel shall promptly transmit the information with respect to which the determination was made to the appropriate agency head and require that the agency head—

"(A) conduct an investigation with respect to the information and any related matters transmitted by the Special Counsel to the agency head; and

"(B) submit a written report setting forth the findings of the agency head within 60 days after the date on which the information is transmitted to the agency head or within any longer period of time agreed to in writing by the Special Counsel.

"(2) The Special Counsel may require an agency head to conduct an investigation and submit a written report under paragraph (1) only if the information was transmitted to the Special Counsel by—

"(A) an employee, former employee, or applicant for employment in the agency which the information concerns; or

"(B) an employee who obtained the information in connection with the performance of the employee's duties and responsibilities.

"(d) Any report required under subsection (c) shall be reviewed and signed by the head of the agency and shall include—

"(1) a summary of the information with respect to which the investigation was initiated;

"(2) a description of the conduct of the investigation;

"(3) a summary of any evidence obtained from the investigation;

"(4) a listing of any violation or apparent violation of any law, rule, or regulation; and

"(5) a description of any action taken or planned as a result of the investigation, such as—

"(A) changes in agency rules, regulations, or practices;

"(B) the restoration of any aggrieved employee;

"(C) disciplinary action against any employee; and

"(D) referral to the Attorney General of any evidence of a criminal violation.

"(e)(1) Any such report shall be submitted to the Special Counsel, and the Special Counsel shall transmit a copy to the complainant, except as provided under subsection (f) of this section. The complainant may submit comments to the Special Counsel on the agency report within 15 days of having received a copy of the report.

"(2) Upon receipt of any report of the head of an agency required under subsection (c) of this section, the Special Counsel shall review the report and determine whether—

"(A) the findings of the head of the agency appear reasonable; and

"(B) the report of the agency under subsection (c)(1) of this section contains the information required under subsection (d) of this section.

"(3) The Special Counsel shall transmit any agency report received pursuant to subsection (c) of this section, any comments provided by the complainant pursuant to subsection (e)(1), and a copy of the original disclosure to the President, the congressional committees with jurisdiction over the agency which the disclosure involves, and the Comptroller General.

"(4) Whenever the Special Counsel does not receive the report of the agency within the time prescribed in subsection (c)(2) of this section, the Special Counsel shall transmit a copy of the information which was transmitted to the agency head to the President, the congressional committees with jurisdiction over the agency which the disclosure involves, and the Comptroller General together with a statement noting the failure of the head of the agency to file the required report.

"(f) In any case in which evidence of a criminal violation obtained by an agency in an investigation under subsection (c) of this section is referred to the Attorney General—

"(1) the report shall not be transmitted to the complainant; and

"(2) the agency shall notify the Office of Personnel Management and the Office of Management and Budget of the referral.

"(g) If the Special Counsel does not make a positive determination under subsection (b), or if the information (as described in subsection (a)) is transmitted to the Special Counsel other than by an individual described in subparagraph (A) or (B) of subsection (c)(2), the Special Counsel—

"(1) shall return any information and any other matter provided by the individual who made the disclosure; and

"(2) shall inform that individual of—

"(A) the reasons why the disclosure may not be further acted on under this chapter; and

"(B) any recourse (administrative or otherwise) available under law, rule, or regulation, should the individual wish to pursue the matter further.

"(h)(1) Subject to paragraph (2), the identity of any employee, former employee, or applicant for employment who makes a disclosure described in subsection (a) may not be disclosed by the Special Counsel without the consent of the employee, former employee, or applicant unless the Special Counsel determines that the disclosure of the identity of the employee, former employee, or applicant is necessary in order to carry out the functions of the Special Counsel.

"(2) The identity of any employee, former employee, or applicant for employment whose disclosure (as described in subsection (a)) may not, under subsection (g), be further acted on under this chapter may not be disclosed under any circumstances.

"(i) Except as specifically authorized under this section, the provisions of this section shall not be considered to authorize disclosure of any information by any agency or any person which is—

"(1) specifically prohibited from disclosure by any other provision of law; or

"(2) specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

"(j) With respect to any disclosure of information described in subsection (a) which involves foreign intelligence or counterintelligence information, if the disclosure is specifically prohibited by law or by Executive order, the Special Counsel shall transmit such information to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(k) The Special Counsel shall maintain and make available to the public a list of noncriminal matters referred to heads of agencies under subsection (c), together with reports by the heads of agencies under subsection (c)(1)(B) relating to such matters. The Special Counsel shall take steps to ensure that any such public list does not contain any information the disclosure of which is prohibited by law or by Executive order requiring that information be kept secret in the interest of national defense or the conduct of foreign affairs.

"§ 1214. Investigation of prohibited personnel practices; corrective action

"(a)(1) The Special Counsel shall receive any allegation of a prohibited personnel practice and shall investigate the allegation to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken.

"(2) If the Special Counsel terminates any investigation under paragraph (1), the Special Counsel shall prepare and transmit to any person on whose allegation the investigation was initiated a written statement notifying the person of the termination of the investigation, all the facts ascertained by the Special Counsel, and the reasons for terminating the investigation.

"(3) Except in a case in which an employee, former employee, or applicant for employment has the right to appeal directly to the Merit Systems Protection Board under any law, rule, or regulation, any such employee, former employee, or applicant shall seek corrective action from the Special Counsel before seeking corrective action from the Board. An employee, former employee, or applicant for employment may seek corrective action from the Board under section 1221, if such employee, former employee, or applicant seeks corrective action from the Special Counsel and—

"(A) the Special Counsel notifies such employee, former employee, or applicant that an investigation concerning such employee, former employee, or applicant has been terminated; or

"(B) sixty days after seeking corrective action from the Special Counsel, such employee, former employee, or applicant has not been notified by the Special Counsel that the Special Counsel shall seek corrective action on behalf of such employee, former employee, or applicant.

"(4) In addition to any authority granted under paragraph (1), the Special Counsel may, in the absence of an allegation, conduct an investigation for the purpose of determining whether there are reasonable grounds to believe that a prohibited personnel practice (or a pattern of prohibited personnel practices) has occurred, exists, or is to be taken.

"(b)(1)(A)(i) The Special Counsel may request any member of the Merit Systems Protection Board to order a stay of any personnel action for 45 days if the Special Counsel determines that there are reasonable grounds to believe that the personnel action was taken, or is to be taken, as a result of a prohibited personnel practice.

"(ii) Any member of the Board requested by the Special Counsel to order a stay under clause (i) shall order such stay unless the member determines that, under the facts and circumstances involved, such a stay would not be appropriate.

"(iii) Unless denied under clause (ii), any stay under this subparagraph shall be granted within 3 calendar days (excluding Saturdays, Sundays, and legal holidays) after the date of the request for the stay by the Special Counsel.

"(B) The Board may extend the period of any stay granted under subparagraph (A) for any period which the Board considers appropriate.

"(2)(A) If, during the pendency of a stay ordered under paragraph (1), the agency does not act to correct the prohibited personnel practice, and the Special Counsel continues to believe there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken, the Special Counsel shall petition the Board for corrective action.

"(B) If the Special Counsel finds, in consultation with the individual subject to the prohibited personnel practice, that the agency has acted to correct the prohibited personnel practice, the Special Counsel shall file such finding with the Board, together with any written comments which the individual may provide.

"(3)(A) Whenever the Special Counsel petitions the Board for corrective action, the Board shall provide an opportunity for—

"(i) oral or written comments by the Special Counsel and the agency involved; and

"(ii) written comments by any individual who alleges to be the subject of the prohibited personnel practice.

"(4)(A) The Board shall order such corrective action as the Board considers appropriate, if the Board determines that the Special Counsel has demonstrated that a prohibited personnel practice, as described under paragraphs (1) through (7), and (9) through (11) of section 2302(b) has occurred, exists, or is to be taken.

"(B)(i) Subject to the provisions of clause (ii), in any case involving an alleged prohibited personnel practice as described under section 2302(b)(8), the Board shall order such corrective action as the Board considers appropriate if the Special Counsel has demonstrated that a disclosure described under section 2302(b)(8) was a factor in the personnel action which was taken or is to be taken against the individual.

"(ii) Corrective action under clause (i) shall not be ordered if—

"(I) the personnel action involved is justified on a basis independent of the disclosure referred to in clause (i); and

"(II) the agency demonstrates that such personnel action was taken or is to be taken solely for the reasons under subclause (I).

"(c)(1) Judicial review of any final order or decision of the Board under this section may be obtained—

"(A) by any employee, former employee, or applicant for employment adversely affected by such order or decision; or

"(B) by the Special Counsel.

"(2) A petition for review under this subsection shall be filed with such court, and within such time, as provided for under section 7703(b).

"(d)(1) If, in connection with any investigation under this subchapter, the Special Counsel determines that there is reasonable cause to believe that a criminal violation has occurred, the Special Counsel shall report the determination to the Attorney General and to the head of the agency involved, and shall submit a copy of the report to the Director of the Office of Personnel Management and the Director of the Office of Management and Budget.

"(2) In any case in which the Special Counsel determines that there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken, the Special Counsel shall proceed with any investigation or proceeding instituted under this subchapter notwithstanding that the alleged violation has been reported to the Attorney General.

"(e) If, in connection with any investigation under this subchapter, the Special Counsel determines that there is reasonable cause to believe that any violation of any law, rule, or regulation has occurred other than one referred to in subsection (b) or (d), the Special Counsel shall report such violation to the head of the agency involved. The Special Counsel shall require, within 30 days after the receipt of the report by the agency, a certification by the head of the agency which states—

"(1) that the head of the agency has personally reviewed the report; and

"(2) what action has been or is to be taken, and when the action will be completed.

"(f) During any investigation initiated under this subchapter, no disciplinary action shall be taken against any employee for any alleged prohibited activity under investigation or for any related activity without the approval of the Special Counsel.

"§ 1215. Disciplinary action

"(a)(1) Except as provided in subsection (b), if the Special Counsel determines that disciplinary action should be taken against any employee for having—

"(A) committed a prohibited personnel practice,

"(B) violated the provisions of any law, rule, or regulation, or engaged in any other conduct within the jurisdiction of the Special Counsel as described in section 1216, or

"(C) knowingly and willfully refused or failed to comply with an order of the Merit Systems Protection Board,

the Special Counsel shall prepare a written complaint against the employee containing the Special Counsel's determination, together with a statement of supporting facts, and present the complaint and statement to the employee and the Board, in accordance with this subsection.

"(2) Any employee against whom a complaint has been presented to the Merit Systems Protection Board under paragraph (1) is entitled to—

"(A) a reasonable time to answer orally and in writing, and to furnish affidavits and other documentary evidence in support of the answer;

"(B) be represented by an attorney or other representative;

"(C) a hearing before the Board or an administrative law judge appointed under section 3105 and designated by the Board;

"(D) have a transcript kept of any hearing under subparagraph (C); and

"(E) a written decision and reasons therefor at the earliest practicable date, including a copy of any final order imposing disciplinary action.

"(3) A final order of the Board may impose disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed $1,000.

"(4) There may be no administrative appeal from an order of the Board. An employee subject to a final order imposing disciplinary action under this subsection may obtain judicial review of the order by filing a petition therefor with such court, and within such time, as provided for under section 7703(b).

"(5) In the case of any State or local officer or employee under chapter 15, the Board shall consider the case in accordance with the provisions of such chapter.

"(b) In the case of an employee in a confidential, policy-making, policy-determining, or policy-advocating position appointed by the President, by and with the advice and consent of the Senate (other than an individual in the Foreign Service of the United States), the complaint and statement referred to in subsection (a)(1), together with any response of the employee, shall be presented to the President for appropriate action in lieu of being presented under subsection (a).

"(c)(1)(A) In the case of an individual under clause (i) or (ii) of subparagraph (B), the Special Counsel may transmit recommendations for disciplinary or other appropriate action (including the evidence on which such recommendations are based) to the head of the Federal agency concerned.

"(B) This subsection applies with respect to—

"(i) members of the uniformed services; and

"(ii) individuals employed by any person under contract with an agency to provide goods or services.

"(2) In any case in which the Special Counsel transmits recommendations to an agency head under paragraph (1), the agency head shall, within 60 days after receiving such recommendations, transmit a report to the Special Counsel on each recommendation and the action taken, or proposed to be taken, with respect to each such recommendation.

"§ 1216. Other matters within the jurisdiction of the Office of Special Counsel

"(a) In addition to the authority otherwise provided in this chapter, the Special Counsel shall, except as provided in subsection (b), conduct an investigation of any allegation concerning—

"(1) political activity prohibited under subchapter III of chapter 73, relating to political activities by Federal employees;

"(2) political activity prohibited under chapter 15, relating to political activities by certain State and local officers and employees;

"(3) arbitrary or capricious withholding of information prohibited under section 552, except that the Special Counsel shall make no investigation of any withholding of foreign intelligence or counterintelligence information the disclosure of which is specifically prohibited by law or by Executive order;

"(4) activities prohibited by any civil service law, rule, or regulation, including any activity relating to political intrusion in personnel decisionmaking; and

"(5) involvement by any employee in any prohibited discrimination found by any court or appropriate administrative authority to have occurred in the course of any personnel action.

"(b) The Special Counsel shall make no investigation of any allegation of any prohibited activity referred to in paragraphs (4) and (5) of subsection (a), if the Special Counsel determines that the allegation may be resolved more appropriately under an administrative appeals procedure.

"§ 1217. Transmittal of information to Congress

"Notwithstanding any other provision of law or any rule, regulation, or policy directive, the Special Counsel or any employee of the Special Counsel designated by the Special Counsel, may transmit to the Congress on the request of any committee or subcommittee, thereof, by report, testimony, or otherwise, information and views on functions, responsibilities, or other matters relating to the Office, without review, clearance, or approval by any other administrative authority.

"§ 1218. Annual report

"The Special Counsel shall submit an annual report to the Congress on the activities of the Special Counsel, including the number, types, and disposition of allegations of prohibited personnel practices filed with it, investigations conducted by it, and actions initiated by it before the Merit Systems Protection Board, as well as a description of the recommendations and reports made by it to other agencies pursuant to this subchapter, and the actions taken by the agencies as a result of the reports or recommendations. The report required by this section shall include whatever recommendations for legislation or other action by Congress the Special Counsel may consider appropriate.

"SUBCHAPTER III—INDIVIDUAL RIGHT OF ACTION IN CASES INVOLVING PROHIBITED PERSONNEL PRACTICES

"§ 1221. Individual right of action

"(a)(1) Notwithstanding the provisions of subsection (b) through (h) of this section, and subject to the provisions of paragraph (2) of this subsection, any employee, former employee, or applicant for employment with respect to any personnel action taken or proposed to be taken against such employee, former employee or applicant for employment, as a result of any prohibited personnel practice shall seek corrective action from the Special Counsel before seeking corrective action from the Merit Systems Protection Board.

"(2) Paragraph (1) may not be construed to prohibit any employee, former employee, or applicant for employment from seeking corrective action from the Merit Systems Protection Board before seeking corrective action from the Special Counsel, if such employee, former employee, or applicant for employment has the right to appeal directly to the Board under any law, rule, or regulation.

"(b) Subject to the provisions of subsection (a)(1) of this section and subsection 1214(a)(3), an employee, former employee, or applicant for employment may, with respect to any personnel action taken, or proposed to be taken, against such employee, former employee, or applicant for employment, as a result of a prohibited personnel practice, seek corrective action from the Merit Systems Protection Board.

"(c)(1) Any employee, former employee, or applicant for employment seeking corrective action under subsection (b) may request that the Board order a stay of the personnel action involved.

"(2) Any stay requested under paragraph (1) shall be granted within 10 calendar days (excluding Saturdays, Sundays, and legal holidays) after the date the request is made, unless the Board determines—

"(A) that there is not a substantial likelihood that the individual will prevail; or

"(B) that granting the stay would result in extreme hardship to the agency which would be subject to the order.

"(3)(A) Except as provided in subparagraph (B), a stay granted under this subsection shall remain in effect until a final order or decision is rendered by the Board.

"(B) The Board may modify or dissolve a stay under this subsection at any time upon a showing by the agency involved that a failure to grant the request to modify or dissolve the stay (as the case may be) would result in extreme hardship to the agency.

"(d)(1) At the request of an employee, former employee, or applicant for employment seeking corrective action under subsection (b), the Board may issue a subpoena for the attendance and testimony of any person or the production of documentary or other evidence from any person if the Board finds that such subpoena is necessary for the development of relevant evidence.

"(2) A subpoena under this subsection may be issued, and shall be enforced, in the same manner as applies in the case of subpoenas under section 1204.

"(e)(1) The Board shall order such corrective action as the Board considers appropriate, if the Board determines that the employee, former employee, or applicant for employment has demonstrated that a prohibited personnel practice, as described under paragraphs (1) through (7), and (9) through (11) of section 2302(b) has occurred, exists, or is to be taken.

"(2)(A) Subject to the provisions of subparagraph (B), in any case involving an alleged prohibited personnel practice as described under section 2302(b)(8), the Board shall order such corrective action as the Board considers appropriate if the employee, former employee, or applicant for employment has demonstrated that a disclosure described under section 2302(b)(8) was a factor in the personnel action which was taken or is to be taken against such employee, former employee, or applicant.

"(B) Corrective action under subparagraph (A) shall not be ordered if—

"(i) the personnel action involved is justified on a basis independent of the disclosure referred to in subparagraph (A); and

"(ii) the agency demonstrates that such personnel action was taken or is to be taken solely for the reasons under clause (i).

"(f) A decision to terminate an investigation under subchapter II may not be considered in any action or other proceeding under this section.

"(g) If an employee, former employee, or applicant for employment is the prevailing party, and the decision is based on a finding of a prohibited personnel practice, the agency involved shall be liable to the employee, former employee, or applicant for reasonable attorney's fees and any other costs incurred.

"(h)(1) An employee, former employee, or applicant for employment adversely affected or aggrieved by a final order or decision of the Board under this section may obtain judicial review of the order or decision.

"(2) A petition for review under this subsection shall be filed with such court, and within such time, as provided for under section 7703(b).

"(i)(1) An individual eligible to commence proceedings before the Board under this section or section 7513(d) with respect to a prohibited personnel practice may commence proceedings under either such section, but not both.

"(2) Subsections (a) through (h) shall apply in any proceeding brought under section 7513(d) if, or to the extent that, a prohibited personnel practice is involved.".

(b) CONFORMING AMENDMENT.—The analysis for part II of title 5 of the United States Code is amended by striking the item relating to chapter 12 and inserting the following:

"12. Merit Systems Protection Board, Office of Special Counsel, and Employee Right of Action........................ 1201".

SEC. 4. JUDICIAL REVIEW.

(a) NAMED RESPONDENT.—Section 7703(a)(2) of title 5, United States Code, is amended to read as follows:

"(2)(A) Except as provided in subparagraph (B), the Board shall be the named respondent in any proceeding brought pursuant to this subsection.

"(B) If the employee or applicant for employment seeks review, on the merits, of a final order or decision issued by the Board under section 7701, the agency responsible for taking the action appealed to the Board shall be the named respondent.".

(b) VENUE.—Section 7703(b)(1) of title 5, United States Code, is amended by striking "Circuit." and inserting "Circuit or a United States court of appeals for the judicial circuit within which the petitioner resides.".

SEC. 5. REPRISALS.

Section 2302(b)(9) of title 5, United States Code, is amended to read as follows:

"(9) take or fail to take any personnel action against any employee or applicant for employment as a reprisal—

"(A) for the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

"(B) for testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (A);

"(C) for cooperating with or disclosing information to the Inspector General of an agency, or the Special Counsel, in accordance with applicable provisions of law; or

"(D) for failing to follow orders to disobey a law;".

SEC. 6. TENNESSEE VALLEY AUTHORITY.

Section 2302(a)(2)(C)(i) of title 5, United States Code, is amended to read as follows:

"(i) a Government corporation (other than the Tennessee Valley Authority);".

SEC. 7. INTERIM RELIEF.

Section 7701(b) of title 5, United States Code, is amended by adding at the end the following: "If an employee or applicant for employment is the prevailing party in an appeal under this subsection, the employee or applicant shall be granted the relief provided in the decision effective upon the making of the decision, and remaining in effect pending the outcome of any petition for review under subsection (e), unless the deciding official determines that, under the facts and circumstances, the granting of such relief would not be appropriate. Nothing in the preceding sentence requires that any award of back pay or attorney fees be paid before the decision has become final.".

SEC. 8. SAVINGS PROVISIONS.

(a) ORDERS, RULES, AND REGULATIONS.—All orders, rules, and regulations issued by the Merit Systems Protection Board or the Special Counsel before the effective date of this Act shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed.

(b) ADMINISTRATIVE PROCEEDINGS.—No provision of this Act shall affect any administrative proceedings pending at the time such provisions take effect. Orders shall be issued in such proceedings, and appeals shall be taken therefrom, as if this Act had not been enacted.

(c) SUITS AND OTHER PROCEEDINGS.—No suit, action, or other proceeding lawfully commenced by or against the members of the Merit Systems Protection Board, the Special Counsel, or officers or employees thereof, in their official capacity or in relation to the discharge of their official duties, as in effect immediately before the effective date of this Act, shall abate by reason of the enactment of this Act. Determinations with respect to any such suit, action, or other proceeding shall be made as if this Act had not been enacted.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS; RESTRICTION RELATING TO APPROPRIATIONS UNDER THE CIVIL SERVICE REFORM ACT OF 1978; TRANSFER OF FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated—

(1) for each of fiscal years 1988, 1989, 1990, 1991, and 1992, $20,000,000 to carry out subchapter I of chapter 12 of title 5, United States Code (as amended by this Act); and

(2) for each of fiscal years 1988, 1989, and 1990, $5,000,000 to carry out subchapter II of chapter 12 of title 5, United States Code (as amended by this Act).

(b) RESTRICTION RELATING TO APPROPRIATIONS UNDER THE CIVIL SERVICE REFORM ACT OF 1978.—No funds may be appropriated to the Merit Systems Protection Board or the Office of Special Counsel pursuant to section 903 of the Civil Service Reform Act of 1978 (5 U.S.C. 5509 note).

(c) TRANSFER OF FUNDS.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available to the Special Counsel of the Merit Systems Protection Board are, subject to section 1531 of title 31, United States Code, transferred to the Special Counsel referred to in section 1211 of title 5, United States Code (as added by section 3(a) of this Act), for appropriate allocation.

SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.

(a)(1) Section 2303(c) of title 5, United States Code, is amended by striking "the provisions of section 1206" and inserting "applicable provisions of sections 1214 and 1221".

(2) Sections 7502, 7512(E), 7521(b)(C), and 7542 of title 5, United States Code, are amended by striking "1206" and inserting "1215".

(3) Section 1109(a) of the Foreign Service Act of 1980 (22 U.S.C. 4139(a)) is amended by striking "1206" and inserting "1214 or 1221".

(b) Section 3393(g) of title 5, United States Code, is amended by striking "1207" and inserting "1215".

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1987.

SECTION-BY-SECTION ANALYSIS—WHISTLEBLOWER PROTECTION ACT OF 1987

Section 1 of this Act states that the title of the bill is the "Whistleblower Protection Act of 1987."

Section 2 states the findings and purposes of the bill. Subsection (a) states that Congress finds that: whistleblowers (federal employees who disclose waste, fraud, and abuse) serve the public interest, that protecting such whistleblowers is a major step toward a more effective civil service, and that the Civil Service Reform Act of 1978 was intended to provide whistleblowers protection from reprisal.

Subsection (b) states that the purposes of this Act are: to improve the protection for the rights of federal employees, to prevent reprisals, and to help eliminate wrongdoing in the government by mandating that employees should not suffer from prohibited personnel practices, and by establishing that the primary purpose of the Office of Special Counsel (OSC) is to protect federal employees, especially whistleblowers, from prohibited personnel practices, and that while disciplining those who commit prohibited personnel practices may be used as a means by which to help accomplish this goal, protection of individuals who are the subject of prohibited personnel practices is the paramount consideration.

Section 3 of this Act makes a number of changes to Chapter 12 of title 5, United States Code. This section covers the Merit Systems Protection Board (Subchapter I), the Special Counsel (Subchapter II), and the individual right of action (Subchapter III).

SUBCHAPTER I: THE MERIT SYSTEMS PROTECTION BOARD (MSPB)

Sections 1201 through 1203 are unchanged from current law. These sections cover the appointment of members of the MSPB, their terms of office, removal, filling vacancies, and how the President appoints the Chairman and Vice Chairman.

Section 1204 covers the powers and functions of the MSPB. Except for the changes as noted, this section is the same as current law.

Subsection (a) gives the MSPB the authority to conduct hearings, to order any federal agency or employee to comply with MSPB orders or decisions, to conduct special studies on the civil service and on other merit systems in the executive branch, and to review rules and regulations of the Office of Personnel Management (OPM).

Subsection (b)(1) gives any member of the MSPB, any administrative law judge appointed by the MSPB, and any employee of the MSPB designated by the MSPB the authority to administer oaths, examine witnesses, take depositions, and receive evidence.

Subsection (b)(2) gives any member of the MSPB, any administrative law judge appointed by the MSPB, and any employee designated by the MSPB the authority to issue subpoenas requiring the attendance and testimony of witnesses. This is different from current law, which states that only members of the MSPB and administrative law judges appointed by the MSPB (and not other designated employees) may issue subpoenas. Subsection (b)(3) is the same as current law and simply provides that witnesses shall be paid the same fee and mileage allowances which are paid subpoenaed witnesses.

Subsection (c) states that federal district court shall enforce subpoenas.

Subsection (d) provides that subpoenas issued to individuals residing outside the United States may be served as the Federal Rules of Civil Procedure prescribe for the service of subpoenas in a foreign country. This is a new provision because current law does not provide any procedures for the issuance of subpoenas outside the United States.

Subsection (e)(1) is the same as current law and grants members of the MSPB authority to request advisory opinions from OPM on OPM rules and regulations.

Subsection (e)(2)(A) is the same as current law, and allows the MSPB to stop wage payments to any employee not complying with an MSPB order during the period of noncompliance.

Subsection (e)(2)(B) is a new provision which requires the MSPB to prescribe regulations to allow any employee who is aggrieved by the failute of another employee to compy with a MSPB order to petition the MSPB to exercise its authority under subsection (e)(2)(A).

Subsection (e)(3) is the same as current law and gives the MSPB access to OPM personnel records or other information, unless otherwise prohibited by law, when carrying out its special studies on the civil service. The MSPB may require additional reports from other agencies as needed.

Subsection (f) is similar to current law. This provision gives the MSPB the authority to review and declare any OPM rule or regulation invalid on its face or invalidly implemented if that rule or regulation requries an employee to undertake a prohibited personnel practice. The MSPB must require any agency to cease compliance with an invalid rule or regulation and to correct any invalidly implementated rule or regulation. OPM and other relevant agencies have the right to participate in any MSPB review. The bill removes the restriction from current law which requires that any MSPB review must be limited to determining whether a rule or regulation is invalid on its face and whether it has been invalidly implemented.

Subsections (g) through (l) are the same as current law.

Subsection (g) allows the MSPB to delegate its administrative functions to any of its employees.

Subsection (h) grants the MSPB authority to prescribe regulations for the performance of its functions.

Subsection (i) grants the MSPB litigating authority. (Note: a recent court decision [*Hagmeyer* v. *MSPB*, Fed. Cir. 1/16/87] has interpreted this subsection as limiting the MSPB's litigating authority to only cases involving the Special Counsel.)

Subsection (j) grants the Chairman of the MSPB authority to appoint necessary personnel without approval or supervision by OPM or the Executive Office of the President.

Subsection (k) requires the MSPB to prepare and submit an annual budget to the President and Congress.

Subsection (l) requires the MSPB to submit legislative recommendations to the President and Congress.

Section 1205 is the same as current law. It allows any member or employee of the

MSPB to transmit information to Congress upon request without prior review or clearance by any other administrative authority.

Section 1206 is the same as current law and requires the MSPB to issue an annual report.

SUBCHAPTER II—OFFICE OF SPECIAL COUNSEL

Section 1211 is a new section establishing the Office of Special Counsel as a separate office from the MSPB. As under current law, the Special Counsel is appointed by the President, and can only be removed by the President for inefficiency, neglect of duty, and malfeasance in office. This section removes the requirement under current law that the Special Counsel be an attorney. Unlike current law, this section specifically requires that the Special Counsel be an individual who is especially qualified to carry out the functions of the position.

Section 1212 lays out the powers of the Special Counsel. This is a new section, although it similar in several respects to current practice.

Subsection (a) requires the OSC to protect employees, former employees, and applicants for employment from prohibited personnel practices. The OSC shall also, where appropriate, petition the MSPB for stays and corrective action, and file recommendations for disciplinary action with the MSPB. The OSC shall receive, review, and, where appropriate, forward to the appropriate agencies disclosure of waste, fraud and abuse. The OSC shall review OPM rules and regulations and file a written complaint with the MSPB if the rules or regulations require the commission of a prohibited personnel practice. The OSC must also investigate and, where appropriate, bring action regarding violations of other laws under the OSC's jurisdiction.

Subsection (b) grants the Special Counsel the same subpoena authority as is granted to the MSPB under section 1204 (b) (c) and (d).

Subsection (c) grants the Special Counsel independent litigating authority.

Subsection (d)(1) is similar to current law in that it grants the Special Counsel authority to intervene in MSPB proceedings. However, subsection (d)(2), unlike current law, requires that for appeals before the MSPB brought by individual employees, the Special Counsel can only intervene with the consent of that employee. Subsection (d)(3) allows the Special Counsel to obtain judicial review of any MSPB decision in which the Special Counsel is a party.

Subsection (e) is the same as current law and grants the Special Counsel the authority to appoint the necessary personnel without any approval or supervision by OPM or the Executive Office of the President.

Subsection (f) is the same as current law and allows the Special Counsel to prescribe regulations governing matters under OSC jurisdiction.

Subsection (g) is the same as current law and prohibits the Special Counsel from issuing any advisory opinion concerning any law, rule or regulation.

Section 1213 spells out procedures for the OSC's receipt and processing of disclosures of illegality, abuse, and other matters. This is a new provision, although it is similar in most respects to the OSC's current authority.

Subsection (a) states that this section refers to disclosures which an employee, former employee or applicant for employment reasonably believes evidences a violation of law, rule or regulation, mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. Any such disclosure can be made to the Special Counsel, to an Inspector General, or to another employee designated by an agency to receive such disclosures. Disclosures made to any other individuals are only covered by this section if they are not specifically prohibited by law or required by Executive Order to be kept secret. Current law covers only disclosures made by employees and applicants for employment. This subsection expands current law to include disclosures made by former employees.

Subsection (b) is the same as current law and requires the OSC to receive and review such disclosures and to determine within 15 days where there is a substantial likelihood that the disclosure is valid.

Subsection (c) requires that when the OSC decides that there is a substantial likelihood that the disclosure is valid, then the OSC must promptly transmit the information to the appropriate agency head and require that the agency head conduct an investigation and submit a written report within 60 days. This subsection specifies that the OSC may only require an agency investigation if the information was transmitted to the OSC by an employee, former employee or applicant for employment in the agency which the information concerns, or an employee who obtained the information in connection with his duties. This differs from current law which requires the OSC to refer all disclosures to the appropriate agency ahead, but gives the OSC discretion as to whether to require a formal report within 60 days for those disclosures which the OSC determines to be valid.

Subsection (d) is identical to current law and requires that any report by an agency head on a disclosure referred by the OSC include: a summary of information, a description of the investigation, a summary of any evidence obtained, a listing of any violation of law, and a description of any action the agency plans to take as a result of the investigation.

Subsection (e) requires, as under current law, that any report by an agency head be submitted to the OSC and that the OSC review the agency report to determine whether the agency's findings appear reasonable and whether the report contains all the information required under subsection (d) (above). Unlike current law, the OSC must give the individual who made the disclosure 15 days to comment on the agency report. Also unlike current law, the OSC must then refer the agency head's report, the complainant's comments and the original disclosure to the President, the congressional committees with jurisdiction over the agency which the disclosure involves, and the Comptroller General. Current law requires only that the agency report be submitted to the President, the Congress and the complainant. This subsection also requires that whenever the OSC does not receive the agency head's report within 60 days, the OSC must transmit the original disclosure to the President, the relevant congressional committees, and the Comptroller General.

Subsection (f) is identical to current law and requires that whenever evidence of a criminal violation obtained by an agency during an investigation is referred to the Attorney General, then the agency's report is not sent to the complainant, and OPM and the Office of Management and Budget (OMB) must be notified of the referral to the Attorney General.

Subsection (g) is a new section which requires that when the OSC determines that there is not a substantial likelihood that a disclosure it receives is valid, then the OSC must return the information to the complainant and inform that individual of the reasons why the disclosure was not acted upon, and other recourses the individual may wish to pursue.

Subsection (h) states that the Special Counsel may not disclose the identity of an individual whose disclosure is referred to an agency, unless the OSC determines the disclosure of the individual's identity is necessary in order to carry out the OSC's functions. The OSC may never disclose the identity of an employee whose disclosure is not acted upon (as described under subsection (g)).

Subsection (i) is identical to current law and clarifies that this section is not intended to authorize the disclosure of any information which is prohibited by law or Executive Order.

Subsection (j) is identical to current law and requires that when the OSC receives a disclosure which is specifically prohibited by law or Executive Order, the OSC must refer the information to the House and Senate Intelligence Committees.

Subsection (k) is similar to current law and requires the OSC to maintain a public list of all noncriminal matters referred to agency heads and the agency heads' responses.

Section 1214 establishes the OSC's procedures for investigating prohibited personnel practices and for petitioning the MSPB for corrective action. It is a new section, although some provisions, as noted, are the same as current law.

Subsection (a)(1) is identical to current law and requires the OSC to receive and investigate any allegation of a prohibited personnel practice to the extent necessary to determine if there are reasonable grounds to believe a prohibited personnel practice has occured, exists, or is to be taken.

Subsection (a)(2) requires that when the OSC terminates an investigation, the OSC must transmit to the complainant a written notification of the termination of the investigation, as well as the facts ascertained by the OSC, and the reasons for terminating the investigation. This differs from current law in that current law requires only that the OSC inform the complainant of the termination of the investigation and the reasons thereof.

Subsection (b)(1) grants the OSC authority to request the MSPB to issue a "stay," or temporarily halt, of a personnel action against an employee for 45 days. A member of the MSPB must grant the stay unless it is determined that such a stay would not be appropriate. Unless a stay is denied, it must be granted within 3 calendar days after the OSC requested it. The MSPB may extend a stay for any period which the MSPB considers appropriate. This is similar to current law; however, current law allows the OSC to seek a 15-day stay and then, if necessary, an additional 30-day stay, rather than one 45-day stay.

Subsection (b)(2) requires that if, during a stay, the agency has not corrected the prohibited personnel practice and the OSC continues to believe a prohibited personnel practice has occurred, exists, or is to be taken, then the OSC must petition the MSPB for corrective action. If the OSC finds, in consultation with the complainant, that the agency has corrected the prohibited personnel practice, then the OSC must file their findings with the MSPB along with any written comments the complainant wishes to provide.

Subsection (b)(3)(A) requires that whenever the OSC petitions for corrective action, the MSPB must allow the OSC and the agency involved an opportunity for oral and written comments, and the individual involved an opportunity for written comments. Current law requires that OPM be provided an opportunity to comment as well, and does not require that the individual involved be provided an opportunity to comment.

Subsection (4)(A) requires the Board to order such corrective action as the Board considers appropriate if the Special Counsel proves a prohibited personnel practice has occurred, exists, or is to be taken. This subsection covers all prohibited practices except reprisal for whistleblowing as described under 2302(b)(8) US 5.

Subsection (4)(B) requires that for alleged whistleblowing reprisal cases, the Board shall order appropriate corrective action if the Special Counsel demonstrates that an alleged whistleblower's disclosure of waste, fraud, or abuse played any part in a personnel action taken against that individual. However, corrective action shall not be ordered if the personnel action against an alleged whistleblower is justified on a basis independent of that individual's protected disclosure, and the agency demonstrates that the independent basis is the sole reason for the personnel action taken.

Subsection (c) provides the right of judicial review of any MSPB decision to any employee, former employee, or applicant for employment adversely affected by such decision, and to the OSC.

Subsection (d) requires that if, in connection with an investigation, the OSC determines that a criminal violation has occurred, the OSC must report that to the Attorney General, the relevant agency head, OPM and OMB. However, if the OSC determines that a prohibited personnel practice also exists, the OSC must proceed with any investigation or proceeding notwithstanding that the alleged criminal violation has been reported to the Attorney General. This is different from current law in that current law permits, rather than requires, the OSC to proceed with any investigation, notwithstanding the referral to the Attorney General.

Subsection (e) is identical to current law and requires that when the OSC, in the course of any investigation, determines that there are reasonable grounds to believe a violation of law, rule or regulation has occurred other than any prohibited personnel practice referred to in subsection (b) or any criminal violation referred to subsection (d), then the OSC must refer the violation to the relevant agency head. That agency head must provide the OSC a certification, within 30 days, which states that the agency head has personally reviewed the reported violation and what action the agency is taking regarding the violation.

Subsection (f) is identical to current law and forbids agencies from taking any disciplinary action against any employee who is under an OSC investigation for any prohibited activity, unless such disciplinary action is approved by the OSC.

Section 1215 prescribes procedures regarding disciplinary actions against employees.

Subsection (a)(1) is similar to current law, and requires that when the OSC determines that disciplinary action should be taken against an employee for committing a prohibited personnel practice, violating a law, rule or regulation or engaging in other conduct under the OSC's jurisdiction, or knowingly and willfully not complying with a MSPB order, then the OSC shall present a written complaint with supporting facts to the MSPB.

Subsections (a) (2), (3), (4), and (5) are similar to current law. These paragraphs: list the rights of an employee who is the subject of a complaint before the MSPB; list the disciplinary actions the MSPB may impose; grant judicial review to an employee who is the subject of a MSPB disciplinary action; and require that, in cases involving state or local officers or employees, the Board shall consider the case in accordance with the appropriate law. The only change from current law is the reference to the courts in which judicial review of MSPB decisions may be obtained. As described more fully in Section 4 of this bill, the venue for appeals from MSPB decisions is expanded to include both the Federal Circuit Court or the court of appeals for the circuit in which the individual resides.

Subsection (b) is identical to current law and requires the OSC not to bring disciplinary action against certain personnel in confidential and policy-making positions, but rather to refer the relevant information regarding such personnel to the President for appropriate action.

Subsection (c) is a new subsection which allows the OSC to refer recommendations for disciplinary action against members of the uniformed services or contractor personnel to the appropriate federal agency head. Whenever the OSC refers such recommendations, the agency head must report back to the OSC within 60 days on each recommendation and the action taken. Current law gives the OSC no express authority to recommend disciplinary actions against any individuals other than federal employees and certain state and local employees.

Section 1216 is identical to current law, and describes the other areas of OSC jurisdiction.

Subsection (a) grants the OSC power to investigate violations of the Hatch Act or the Freedom of Information Act, other activities prohibited by civil service law, rule, or regulation, and involvement by any employee in any prohibited discrimination. (Section 1215 provides the OSC with the authority to petition the MSPB for disciplinary action against an individual who is the subject of an investigation under this section.)

Subsection (b) states that the OSC must not investigate any allegation of the last two categories listed under subsection (a) if the OSC determines the allegation may be resolved more appropriately under an administrative appeals procedure.

Section 1217 is a new section which grants the OSC the same power the MSPB has currently. Under this section, the OSC may transmit information upon request to Congress without review, clearance, or approval by other administrative authority.

Section 1218 is identical to current law and requires the OSC to submit an annual report to Congress.

SUBCHAPTER III—INDIVIDUAL RIGHT OF ACTION

Section 1219 is a new section and describes the individual right of action.

Subsection (a) requires that employees, former employees, and applicants for employment who seek corrective action before the MSPB must first go to the Special Counsel, except for those individuals who already have the right to appeal directly to the MSPB under existing law. For example, an employee who is the subject of an adverse action, such as removal, would still be able to appeal directly to the MSPB, under this Act.

Subsection (b) requires that, in addition to those individuals who may already appeal directly to the MSPB as provided in subsection (a), other individuals may seek corrective action from the MSPB if such individuals have first gone to the Special Counsel, as provided under subsection (a), and whose investigation has been terminated by the OSC or who have not been informed by the OSC within 60 days that the OSC intends to seek corrective action on the individual's behalf, as provided under 1214(a)(3) of this Act.

Subsection (c) grants individuals seeking corrective action before the MSPB the authority to request a stay of the personnel action involved. The MSPB must grant the stay within 10 days of the request unless there is not a substantial likelihood the individual will prevail or that granting the stay would result in extreme hardship to the agency involved. The stay must continue in effect until the MSPB has ruled on the individual's case, except that the MSPB can dissolve a stay if the agency involved shows that a failure to dissolve the stay would be an extreme hardship on the agency.

Subsection (d) establishes that at the request of the individual seeking corrective action, the Board may issue a subpoena for witnesses or the production of evidence. The subpoena shall be issued and enforced in the manner described in section 1204 for Board subpoenas.

Subsection (e) parallels 1214(b)(4). Subsection (e)(1) requires the Board to order such corrective action as the Board considers appropriate if the individual proves a prohibited personnel practice has occurred, exists, or is to be taken. This subsection covers all prohibited practices except reprisal for whistleblowing as described under 2302(b)(8) USC 5.

Subsection (e)(2) requires that for alleged whistleblowing reprisal cases, the Board shall order appropriate corrective action if the individual demonstrates that his or her disclosure of waste, fraud, or abuse played any part in a personnel action taken against that individual. However, corrective action shall not be ordered if the personnel action against the individual is justified on a basis independent of that individual's protected disclosure, and the agency demonstrates that the independent basis is the sole reason for the personnel action taken.

Subsection (f) requires that a decision by the Special Counsel to terminate an investigation of an employee's complaint shall not be considered in any case brought by the individual under this section.

Subsection (g) requires that when an individual prevails before the MSPB and the Board's decision is based on a finding of a prohibited personnel practice, the agency involved must be liable to the individual for reasonable attorney's fees and other costs incurred. Current law permits the MSPB to order the agency to pay attorney's fees in certain cases only when the MSPB determines that such payment by the agency is warranted in the interest of justice.

Subsection (h) provides the right of judicial review for any individual adversely affected by a MSPB decision. This is the same right available under current law for individuals who currently have the right to appeal directly to the MSPB.

Subsection (i) provides that individuals eligible to commence proceedings before the MSPB or under section 7513(d) (which covers individuals who are the subject of adverse actions such as demotions or removals) may commence a proceeding under either section, but not both. This is to prevent duplication of cases before the MSPB. The procedures described in the section, such as requesting stays, requesting the MSPB to issue supboenas, and the factors necessary to win a case, shall also apply to actions brought under 7513(d) (adverse actions).

Section 4 of this Act pertains to judicial review of MSPB decisions.

Subsection (a) amends 7703(a)(2) of USC 5 to establish that when an individual seeks review, on the merits, of a MSPB decision, the agency involved shall be the named respondent. In all other cases, the MSPB shall be the named respondent. (Note: this subsection would appear to contradict a court decision [*Hagmeyer* v. *MSPB*, Fed. Cir. 1/16/87] issued only recently which states that agencies shall be the named respondent in virtually all appeals of MSPB decisions. This subsection may have to be re-evaluated in light of this recent court decision.)

Subsection (b) amends 7703(b)(1) to expand the venue of appeals of MSPB decisions to both the Federal Circuit Court or the court of appeals for the judicial circuit in which the individual resides. Current law, as established under the Federal Courts Improvement Act of 1982, requires that all appeals of MSPB decisions involving corrective actions must go the Federal Circuit Court. Appeals of MSPB decisions involving disciplinary actions go to the court of appeals for the twelve circuits.

Section 5 of this Act amends 2302(b)(9) to expand the types of conduct for which it is prohibited to take reprisal to include: testifying for or otherwise lawfully assisting any individual in the exercise of any appeal right; for cooperating with or disclosing information to an Inspector General or to the OSC, or for failing to follow orders to disobey a law.

Section 6 of this Act amends 2302(a)(2)(C)(i) USC 5 to bring the Tennessee Valley Authority under Title I of the Civil Service Reform Act, which covers merit system principles and prohibited personnel practices.

Section 7 of this Act amends 7701(b) of USC 5 to provide that employees who win a decision within the MSPB, either at the full Board level or at the regional level in a decision by an administrative judge, shall be granted any relief ordered pending the outcome of any petition for review, unless the deciding official determines that the granting of such relief would not be appropriate. However, any relief providing for the award of back pay or attorney's fees shall not be granted until the decision becomes final.

Section 8 of this Act provides some technical provisions designed to clarify that pending actions by or against the MSPB and OSC shall not be affected by enactment of this Act.

Subsection (A) requires that orders, rules and regulations issued by the MSPB or the OSC before the date of enactment shall continue in effect.

Subsection (b) requires that any administrative proceedings pending at the time of enactment of this Act shall not be affected by any provision of this Act.

Subsection (c) provides that no suits, actions or other proceedings lawfully commenced by or against the MSPB or the OSC shall abate because of enactment of this Act.

Section 9 of this Act provides authorization for the MSPB and OSC.

Subsection (a) authorizes $20,000,000 for the MSPB for each of the years 1988, 1989, 1990, 1991, and 1992 and $5,000,000 for the OSC for each of the years 1988, 1989, and 1990. This subsection will require Congress to take affirmative action to continue funding for the MSPB and OSC.

Subsection (b) is a technical amendment clarifying that no funds are appropriated to the MSPB or the OSC under the Civil Service Reform Act.

Subsection (c) transfers all the personnel, assets, liabilities, etc. from the currently existing Special Counsel of the MSPB to the proposed newly independent OSC as created under section 1211 of this Act.

Section 10 is technical and conforming amendments inserting the newly numbered sections of this Act into the necessary and appropriate places in other statutes.

Section 11 establishes the effective date of this Act as October 1, 1987.●

By Mr. DANFORTH:

S. 510. A bill to extend for 3 years the existing suspension of duty on triphenyl phosphate; to the Committee on Finance.

EXTENDING THE EXISTING SUSPENSION OF DUTY ON TRIPHENYL PHOSPHATE

● Mr. DANFORTH. Mr. President, today I am introducing legislation which would extend for 3 years the existing suspension of duty on triphenyl phosphate. This substance is used primarily as a flame retardant additive in cellulosic films, plastics and other products.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 907.01 of the Appendix to the Tariff Schedules of the United States is amended by striking out "9/30/85" and inserting in lieu thereof "12/31/90".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after October 1, 1985.●

By Mr. GRASSLEY:

S. 511. A bill to improve the quality of teaching in American schools and enhance the competence of American students and thereby strengthen the economic competitiveness of the United States, and for other purposes; to the Committee on Labor and Human Resources.

TEACHER TRAINING AND IMPROVEMENT ACT

● Mr. GRASSLEY. Mr. President, I rise to introduce a bill to support the improvement of teaching and administration in our elementary and secondary schools.

Improving education has been the concentrated focus of the efforts of our Nation's States and local educational agencies. In order for us to achieve educational excellence the Federal Government must continue to support these efforts. There are still remaining problems with the quality and adequacy of our teaching force. I believe that to ensure excellence for our Nation's schools we need to consider some of the reasons for these problems.

Many of our current teachers will retire or leave teaching in the coming decade. These must be replaced with well-trained and qualified teachers teaching in areas of their trained expertise.

The education field has not always been able to provide the rewards and recognition to encourage teachers and administrators to remain in education, nor has the education profession been able to attract talented potential teachers from other fields. There was a long period of time when the education field drew many talented women, who then made up a central core of teachers. Historically, for many bright young women entering college the usual course of study led to becoming a nurse or a teacher. Now, because women have the choice of studying for any career, the teaching profession must compete with other more prestigious and financially rewarding opportunities, thereby limiting the historical source of female teachers.

Another critical issue is that teachers seldom have the opportunity to receive quality in-service education to stay current in their subject matter areas and to sharpen their skills to maintain orderly classrooms. In some schools there are some teachers teaching in areas where they are presently marginally qualified. Help must be given to remedy this problem, so that our teachers are teaching the most current information in their field and are able to teach in an orderly classroom.

Congress has not been totally insensitive to teacher quality and shortage problems. In the 98th Congress, the Education for Economic Security Act was passed to improve instruction in science and mathematics. The Carl Perkins Scholarships for college students preparing to be teachers were created, the leadership in educational administration development [LEAD] grants were enacted to improve the skills of practicing school administrators and the Christa McAuliffe Talented Teacher Awards were established last year.

These categorical programs, however, are too narrow in focus. My proposal provides for a more general single program that would allow additional funding and increased flexibility for State and local school officials. This bill is a major improvement over the existing math and science program as it broadens the authority to serve teachers in all academic disciplines and would not carry over the burdensome requirements and funding set asides that hamper current program operations.

The Teacher Training and Improvement Act would authorize $80 million for fiscal year 1988 and such sums as are necessary for succeeding fiscal years through 1992. Up to 20 percent of the amount would be available for national research and training projects at the discretion of the Secretary of Education. The rest of the funds would be distributed to the States on the basis of population. States would be required to distribute 90 percent of their funds on a competitive basis to local qualifying agencies in support of activities which would: Provide in-service training for teachers and administrators to improve their subject matter competency, provide training for teachers to maintain orderly classrooms, provide recognition for outstanding performance of teachers and administrators, encourage outstanding teachers to remain in the profession, attract qualified persons from other professions into teaching, or improve preservice education of teachers and administrators.

This legislation is superior to current Federal efforts to meet the challenges of teacher quality and supply in our schools. This legislative proposal was developed by the administration and has the full support of the Secretary of Education.

Again it is my hope that my colleagues will join me in cosponsoring this important legislation and that we will see the legislation enacted into law this Congress.

I ask unanimous consent that a section-by-section analysis of the bill, and the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 511

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education for Economic Security Amendments of 1987".

"SEC. 2. Title II of the Education for Economic Security Act (20 U.S.C. 3901 *et seq.*) is amended to read as follows:

"TITLE II—THE TEACHER TRAINING AND IMPROVEMENT ACT

"SHORT TITLE

"SEC. 201. This title may be cited as the 'Teacher Training and Improvement Act'.

"STATEMENT OF PURPOSE

"SEC. 202. The purposes of this title are to improve the effectiveness of public and private nonprofit elementary and secondary education in the United States and thereby strengthen our economic security by—

"(1) providing opportunities for inservice education of teachers in order to enhance their mastery of the subjects they teach as well as their teaching skills, including those skills needed to maintain an orderly classroom environment conducive to learning,

"(2) providing opportunities for inservice education of school administrators in order to enhance their capacity for leadership, including those skills needed to maintain an orderly school environment conducive to learning,

"(3) recognizing teachers and school administrators for their excellent performance,

"(4) encouraging outstanding teachers and school administrators to remain in their profession,

"(5) attracting qualified persons from business and the professions, including retired military personnel, to careers as teachers or schools administrators, and

"(6) improving the preservice education of teachers and school administrators.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 203. For the purpose of carrying out this title, there are authorized to be appropriated $80 million for fiscal year 1988 and such sums as may be necessary for each of the four succeeding fiscal years.

"DEFINITIONS

"SEC. 204. For the purpose of this title—

"(1) The term 'elementary school' means a school that provides elementary education as determined under State law.

"(2) The term 'eligible recipient' means a local educational agency, institution of higher education, cultural institution, professional association, or other public or private agency, organization, or institution capable of carrying out a local project under this title.

"(3) The term 'nonprofit' has the same meaning given that term under section 1201(c) of the Higher Education Act of 1965.

"(4) The term 'preservice education' means the education or preparation of a person who has not received a bachelor's degree to become a teacher or school administrator.

"(5) The term 'secondary school' means a school that provides secondary education as determined under State law.

"RESERVATION AND ALLOTMENT OF FUNDS

"SEC. 205. (a) From the funds appropriated under section 203 for any fiscal year, the Secretary may reserve up to 20 per centum for national programs under section 210.

"(b)(1) From the remainder of the amount appropriated to carry out this title for each fiscal year after the application of subsection (a), the Secretary shall reserve—

"(A) one half of one per centum for projects and activities authorized by this title in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands and the Trust Territory of the Pacific Islands; and

"(B) one half of one per centum for projects and activities authorized by section 206 to benefit children in elementary and secondary schools serving Indian children which are supported by the Department of the Interior.

"(2) The Secretary shall allot the funds reserved under subsection (b)(1)(A) among Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands according to their respective need for assistance under this title as determined by the Secretary.

"(c)(1) From the remainder of the amount appropriated to carry out this title for each fiscal year after the application of subsections (a) and (b), the Secretary shall allot to each State an amount which bears the same ratio to that remaining amount as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States. The number of children aged five to seventeen, inclusive, in a State and in all the States shall be determined by the Secretary on the basis of the most recent available data satisfactory to the Secretary.

"(2)(A) The Secretary may reallot all or a portion of a State's allotment for any fiscal year if the State does not submit a State application under section 207, or otherwise indicates to the Secretary that it does not need or cannot use the full amount of its allotment for that fiscal year. The Secretary may fix one or more dates during a fiscal year upon which to make reallotments.

"(B) The Secretary may, on a competitive basis, reallot funds to one or more States that demonstrate a current need for additional funds under this title. Any funds reallotted to another State shall be deemed to be part of its allotment for the fiscal year in which the funds are reallotted.

"(d) For the purposes of this section, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

"PROGRAMS FOR INDIAN CHILDREN

"SEC. 206. (a) The Secretary shall allot the funds reserved under section 205(b)(1)(B) to the Department of the Interior to support activities described in subsection (b) to benefit children in elementary and secondary schools serving Indian children which are supported by the Department of the Interior.

"(b) Funds under this section shall be used to—

"(1) support inservice education for teachers and administrators in such schools, including participation in inservice training programs supported under section 208;

"(2) provide scholarships for teachers and administrators in such schools for additional training in their respective fields;

"(3) establish cooperative exchange programs between such schools and public and private employers which are designed to enhance the effectiveness of teachers and administrators in those schools; or

"(4) other activities that are consistent with the purposes of this title.

"(c) The Secretary of Interior shall consult with the Secretary regarding the administration of activities under this section and shall provide whatever information is reasonably required to carry out the Secretary's responsibilities under this title.

"STATE APPLICATION

"SEC. 207. (a)(1) Any State desiring to receive a grant from funds allotted under section 205(c) for any fiscal year shall submit to the Secretary a State application which meets the requirements of this section.

"(b) Each State application shall—

"(1) cover a period of three fiscal years;

"(2) be submitted at the time and in the manner specified by the Secretary; and

"(3) contain whatever information the Secretary may reasonably require including—

"(A) assurances that—

"(i) the State educational agency will be responsible for the administration, including supervision, of all State and local projects supported by the State's grant and shall maintain whatever fiscal control and fund accounting procedures are necessary to ensure the proper disbursement of, and accounting for, Federal funds paid to the State under this title;

"(ii) the State educational agency will provide for continuing administrative direction and control by a public agency over funds under this title used to benefit teachers or school administrators in private nonprofit elementary and secondary schools;

"(iii) the State educational agency will distribute on a comparative basis at least 90 per centum of its allotment of eligible recipients to carry out local projects under section 208(a);

"(iv) no more than 5 per centum of the State's allotment will be used for State administration; and

"(v) no portion of the funds under this title will be used to improve the preservice education of teachers or school administrators or to improve teacher education programs unless the State, with less than its full allotment, has met its needs for—

"(I) inservice education for teachers and school administrators to enhance their mastery of the subjects they teach, their teaching skills, and their administrative skills;

"(II) retraining teachers who wish to teach different subjects; and

"(III) programs to attract qualified persons from business and the professions, including retired military personnel, to become teachers or school administrators; and

"(B) descriptions of—

"(i) the priorities and goals the State has selected for the use of funds under this title during the period of the State application and the relationship of those priorities and goals to the State's needs for improved education of teachers and school administrators in public and private nonprofit elementary and secondary schools in the State;

"(ii) how, in establishing its priorities and goals under the State plan, the State has taken into account the needs of those public and private nonprofit elementary and secondary schools which desire to have their teachers and school administrators participate in projects under this title;

"(iii) the procedures the State will use to ensure the participation of a variety of eligible recipients under this title, including procedures to ensure that eligible recipients are informed of the availability of funds under this title;

"(iv) the procedures and criteria the State will use to select local projects to be supported under this title from among the applications received;

"(v) how local educational agencies, private schools, institutions of higher education, the State agency for higher education, cultural institutions, professional associations, private industry, and other interested public and private agencies, organizations, or institutions have been involved in the development of the State's priorities and goals under the State application;

"(vi) any projects the State will carry out with the portion of its allotment not distributed to eligible recipients; and

"(vii) the procedures the State will adopt to ensure compliance with section 209.

"(c) Each State application after the first must contain information on the State and local projects carried out under the preceding State application, including data on the number and characteristics of persons who participated, and an assessment of the degree to which those projects accomplished the goals described in that State application.

"STATE AND LOCAL PROJECTS

"SEC. 208. (a) An eligible recipient shall submit an application to the State educational agency to carry out a local project under this section.

"(b) The State educational agency shall use that portion of its allotment that is not distributed to eligible recipients or used for State administration for State projects under this section.

"(c) Funds under this section shall be used to—

"(1) support inservice education for teachers in order to enhance their mastery of the subjects they teach as well as their teaching skills, including those skills needed to maintain an orderly classroom environment conducive to learning;

"(2) support inservice education for school administrators in order to enhance their capacity for leadership, including those skills needed to maintain an orderly school environment conducive to learning;

"(3) retrain teachers who wish to teach different subjects;

"(4) support programs, including scholarships and internships, for qualified persons in business and the professions, including retired military personnel, who wish to become teachers or school administrators but lack coursework in education;

"(5) improve the preservice education of teachers and school administrators, particularly by assisting prospective teachers to master the subjects they will teach;

"(6) improve teacher education programs in order to attract the most academically capable secondary and postsecondary students to careers as teachers or school administrators;

"(7) recognize practicing teachers and school administrators for their excellent performance by awarding fellowships for further study or supporting opportunities for such persons to write or conduct research in their respective fields;

"(8) develop programs for the exchange of professional personnel between education and other fields; or

"(9) support other activities that are consistent with the purposes of this title.

"(d)(1) A State or eligible recipient may not use funds under this section to support activities under subsection (b)(5) or (b)(6) unless the State educational agency determines that the State's need for activities under subsections (b)(1) through (b)(4) has been met with less than the State's full allotment.

"(2) In making awards to eligible recipients, the State educational agency shall give priority to improving teaching in English, mathematics, the natural and physical sciences, the social sciences, the humanities (including foreign languages), and other academic subjects.

"(3) A State educational agency may require an individual who receives training as part of a State or local project to remain a teacher or school administrator for a reasonable period of time, or to repay the cost of that training.

"(e) Local projects under this section shall, to the extent feasible, be developed cooperatively with, and involve the combined efforts of, local educational agencies, private schools, institutions of higher education, cultural institutions, professional associations, private industry, and other interested public and private agencies, organizations, or institutions.

"PARTICIPATION OF PRIVATE SCHOOL TEACHERS AND ADMINISTRATORS

"SEC. 209. (a) To the extent consistent with the number of children who are enrolled in participating private nonprofit elementary and secondary schools in the area to be served by a local project, an eligible recipient shall ensure equitable participation in the purposes and benefits of local projects under this title for teachers and school administrators in such schools.

"(b) To the extent consistent with the number of children who are enrolled in participating private nonprofit elementary and secondary schools in the State, the State educational agency shall ensure equitable participation in the purposes and benefits of State projects under this title for teachers and school administrators in such schools.

"(c) To satisfy the requirements of subsection (a) or subsection (b), an eligible recipient or a State educational agency shall—

"(1) consult with appropriate private nonprofit school representatives during the design and development of the project to determine which schools desire to participate in the project and what the needs of the teachers and school administrators in those participating schools are, and

"(2) then provide, as appropriate, benefits authorized by this title for teachers and school administrators in such schools.

"(d) No funds under this title may be used—

"(1) for any religious worship, proselytization, or activity of a school or department of divinity,

"(2) to provide or improve any program of religious instruction, or

"(3) to provide benefits to teachers or school administrators in a private school which is denied a tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1954.

"NATIONAL PROGRAMS

"SEC. 210. (a) From the amount reserved under section 205(a), the Secretary may carry out research, development, evaluation, demonstration, dissemination, and data collection activities which are of national significance and are consistent with the purposes of this title. The Secretary may carry out such activities directly or through grants, cooperative agreements, or contracts.

"(b) Activities which the Secretary may carry out under this section include—

"(1) developing centers and summer institutes for teachers and school administrators to enhance their knowledge and skills;

"(2) awarding scholarships or fellowships to pay the expenses of teachers and school administrators attending an institution of higher education for additional education in their instructional areas or related fields;

"(3) developing exchange programs in which outstanding teachers or school administrators from one school district or State are temporarily assigned to another school district or State to act as consultants or mentors;

"(4) developing model programs for the exchange of personnel between education and private industry;

"(5) making awards to institutions of higher education, professional associations, and private industry for the development and testing of teacher education programs;

"(6) recognizing practicing teachers and school administrators for their excellent performance by supporting opportunities for such persons for further study or to write or conduct research in their respective fields;

"(7) awarding Presidential teacher internships to persons in other professions and recent college graduates with excellent academic records who wish to become teachers, but lack coursework in education;

"(8) making awards to teachers for individual research projects that would enhance their mastery of the subjects they teach;

"(9) collecting and disseminating information about exemplary inservice teacher education programs, teacher shortages and surpluses, and the qualifications of teachers in elementary and secondary education;

"(10) supporting research on teaching and on improving preservice and inservice education for teachers and school administrators;

"(11) developing model programs for preservice and inservice training designed to provide teachers with skills needed to maintain an orderly classroom environment conducive to learning; and

"(12) supporting other activities that are consistent with the purposes of this Act.

"(c) The Secretary may, in accordance with regulations, require an individual who receives training under this section to remain a teacher or school administrator for a reasonable period of time, or to repay the cost of that training.

"USE OF FUNDS

"SEC. 211. (a) Federal funds made available to a State or local educational agency under this title shall be used to supplement and, to the extent practicable, increase the amount of non-Federal funds that would, in the absence of such Federal funds, be made available for the purposes of this title, and in no case to supplant such non-Federal funds.

"(b) No Federal funds under this title may be used to benefit teachers or school administrators in private, for-profit schools.".

REPEALS

SEC. 3. The following are repealed—

(1) section 1525 of the Education Amendments of 1978; and

(2) title V, part C, subpart 2 of the Higher Education Act of 1965, as amended; and

(3) title V, part D, subpart 2 of the Higher Education Act of 1965, as amended.

EFFECTIVE DATE

SEC. 4. The provisions of this Act shall take effect October 1, 1987.

THE TEACHER TRAINING AND IMPROVEMENT ACT

PROGRAM PURPOSE

To provide opportunities for inservice education of teachers and administrators in order to improve their subject matter competence and professional skills.

To provide recognition for outstanding teachers and administrators, to give them opportunities for further education, and to encourage them to stay in the profession.

To attract qualified persons from other fields into teaching.

To provide opportunities for training of teachers in the skills needed to maintain an orderly classroom environment conducive to learning.

To improve the preservice education of teachers and school administrators.

ALLOCATION OF FUNDS

Up to 20 percent could be retained for National Programs.

Of the remainder, one-half percent would go to the BIA Indian schools, one-half percent to the Territories, and 99 percent to the States, D.C., and Puerto Rico on the basis of population aged 5-17.

States would be required to pass through at least 90 percent of their funds to eligible recipients (local educational agencies, colleges and universities, etc.). Up to 5 percent could be used for State administration. Any remaining funds retained at the State level would be used for State-initiated projects.

ELIGIBLE ACTIVITIES

At the State and local levels, funds would be used for:

Inservice education for teachers and administrators.

Retraining of teachers who wish to move into new subject areas.

Programs to bring qualified persons from other professions into teaching or school administration.

If State needs in these areas have been met, funds could then be used to improve preservice teacher education programs so as to improve the subject matter competence of prospective teachers and to attract the most academically capable high school and college students into careers as teachers or school administrators.

Other authorized activities were included:

Recognition of outstanding teachers and administrators through the award of fellowships for further study, research, and writing.

Programs for exchange of personnel between education and private industry.

Priority would be given to projects to improve teaching in academic subjects.

Projects that utilize the combined efforts of more than one educational or nonprofit institution would also be encouraged.

PARTICIPATION OF PRIVATE SCHOOL TEACHERS

State and eligible recipients would be required to assure equitable participation of private school teachers and administrators in programs carried out under the Act.

No funds could be provided for religious worship or proselytization, to improve a program of religious instruction, or to a private school that practices racially discriminatory policies.

NATIONAL PROGRAMS

At the national level, funds would be used to support nationally significant projects of research, development, demonstration, data collection, and dissemination. Such activities could include:

Centers and summer institutes for teachers and administrators to enhance their knowledge and skills.

Exchange programs in which outstanding teachers or administrators from one school district are temporarily assigned to another district.

Collection and dissemination of information about exemplary teacher education programs, teacher shortages and surpluses, and the qualifications of teachers in elementary and secondary education.

Demonstration training programs in the skills needed to maintain an orderly classroom environment.

ANTECEDENT PROGRAMS

The Teacher Training and Improvement Act is proposed as an amendment to the existing Science and Mathematics Education program (Title II of the Education for Economic Security Act). The new Act would broaden the Science and Math authority to serve teachers in all academic disciplines and would not carry over the many administrative requirements and funding set-asides that hamper current program operations.

The bill would also repeal three other programs: Territorial Teacher Training, Leadership in Education Administration Development (LEAD), and Christa McAuliffe Talented Teacher Fellowships. Passage of the more comprehensive Teacher Training and Improvement Act would make these narrow categorical authorities redundant and unnecessary.

FUNDING LEVELS

Teacher Training and Improvement Act (FY 1988 budget proposal)

	Million
State grants	$64
National Programs	16
Total	80●

CHRISTA MCAULIFFE TEACHER TRAINING AND IMPROVEMENT ACT—SECTION-BY-SECTION ANALYSIS

The bill, the Education for Economic Security Amendments of 1987, would comprehensively amend the existing Title II of the Education for Economic Security Act, P.L. 98-377, reauthorized through fiscal year 1988 by P.L. 99-159. The basic purpose of the bill is to strengthen the economic security of the United States by improving the quality of instruction in our Nation's elementary and secondary classrooms. As amended, Title II of the Education for Economic Security Act, known as the Teacher Training and Improvement Act, would make funds available to the States to improve the effectiveness of public and private nonprofit elementary and secondary education under a broad and flexible grant, rather than through a series of narrow categorical authorities. The Act would be a major improvement over the existing Science and Math Program, under the current Title II, because it would broaden the authority to serve teachers in all academic disciplines and would eliminate many burdensome requirements and funding set-asides that hamper current program operations. The bill, which would take effect October 1, 1987, would also repeal unneeded and duplicative program authority under section 1525 of the Education Amendments of 1978 (Territorial Teacher Training program); Title V, part C, subpart 2 of the Higher Education Act of 1965, as amended, ("HEA") (Leadership in Educational Administration Development program); and Title V, part D, subpart 2 of the HEA (Christa McAuliffe Fellowship program).

The major provisions of the Teacher Training and Improvement Act ("Act") are explained in the following section-by-section analysis.

Section 202. Section 202 of the Act would state the purpose of the Act as strengthening the economic security of our Nation by improving the effectiveness of public and private nonprofit elementary and secondary education in the United States. To accomplish these basic purposes the Act would authorize programs of inservice education for teachers and school administrators in elementary and secondary schools, recognizing outstanding teachers and school administrators and encouraging them to remain in their profession, attracting qualified persons in other professions, including retired military personnel, to careers as teachers and school administrators, as well as improving the preservice education of teachers and school administrators.

Section 203. Section 203 of the Act would authorize the appropriation of $80 million for fiscal year 1988 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the Act.

Section 204. Section 204 of the Act would define a number of terms used in the Act. The term "eligible recipient" would be defined as a local educational agency, institution of higher education, cultural institution, professional association, or other public or private agency, organization, or institution capable of carrying out a local project under this title. In addition, the term "preservice education" would be defined as the education or preparation of a person who has not received a bachelor's degree to become a teacher or school administrator.

Section 205. Section 205 of the Act would prescribe how funds appropriated under the Act would be allotted. First, the Secretary would be authorized to reserve up to 20 percent of the amount appropriated for each fiscal year for national programs. From the remainder, the Secretary would be required to reserve one-half of one percent for programs in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and a like amount for programs to benefit children in elementary and secondary schools serving Indian children which are supported by the Department of the Interior. Finally, the Secretary would be required to allot to each State an amount which bears the same ratio to the remainder of the funds as the number of children aged five to seventeen, inclusive, in a State bears to the number of such children in all the States. Under certain circumstances, section 205 of the Act would also authorize the Secretary to make appropriate reallotments of funds among the States.

Section 206. Section 206 of the Act would require the Secretary to allot the funds reserved under section 205 to benefit children in elementary and secondary schools serving Indian children which are supported by the Department of the Interior to that Department. Activities that could be supported with such funds would include inservice education for teachers and administrators in such schools, as well as scholarships for additional training and cooperative exchange programs with public and private employers. The Secretary of the Interior would be required to consult with the Secretary of Education regarding the administration of funds under section 206 and to provide whatever information the Secretary reasonably requires.

Section 207. Section 207 of the Act describes the three-year State application a State would be required to submit to the Secretary in order to participate in this program. Among other things, the State would be required to assure the Secretary that the State educational agency will be responsible for the administration of the State's program; that at least 90 percent of the State's allotment will be distributed on a competitive basis to eligible recipients to carry out local projects, and that no more than 5 percent of its allotment will be retained for State administration, thereby leaving between 5 and 10 percent of the State's allotment available for State projects; and that no funds may be used to improve the preservice education of teachers and school administrators or to improve teacher education programs unless the State, with less than its full allotment, has met its needs to provide teachers and school administrators with inservice education or retraining, or to attract persons in other professions, including retired military personnel, to become teachers or school administrators. The State would also be required to include in its State plan a description of its priorities and goals and how they relate to the State's needs for improved education of teachers and schools administrators at the elementary and secondary level; how the State has taken into account the needs of public and private nonprofit elementary and secondary schools which desire to have their staffs participate in the program; how the State will ensure the participation of a variety of eligible recipients and the criteria the State will use to select local projects; how a broad variety of public and private educational, cultural, professional, and other interested agencies, organizations, and institutions have been involved in the development of the State's priorities and goals; and any State projects the State will carry out. Each State application after the first would contain information on the State and local projects carried out under the preceding application, including data on the number and characteristics of the participants and an assessment of the extent to which those projects accomplished their goals.

Section 208. Section 208 of the Act would require eligible recipients to submit an application to the State educational agency to carry out a local project. Section 208 would also authorize the State to support, at either the State or local level, activities which include the following: inservice education for teachers and school administrators; retraining teachers who wish to teach different subjects; scholarships and internships for qualified persons in other professions, including retired military personnel, who wish to become teachers or school administrators but lack coursework in education; recognizing practicing teachers and school administrators for excellent performance by supporting opportunities for further study, research, and writing in their respective fields; professional exchange programs; improving preservice education of teachers and school administrators; and improving teacher education programs in order to attract the most academically capable students to careers as teachers or school administrators. A State could not use funds under the Act to support either of the last two activities unless it determined that it had met its needs for the first three activities with less than the State's full allotment. In making awards for local projects the State would be required to give priority to improving teaching in English, mathematics, the natural and physical sciences, the social sciences, the humanities (including foreign languages), and other academic subjects. States would be authorized to require program participants to remain either teachers or school administrators for a reasonable period of time, or to repay the cost of their training. Finally, local projects would, to the extent feasible, be developed cooperatively with, and involve the combined efforts of, a wide variety of public and private educational, cultural, professional, and other interested agencies, organizations, or institutions.

Section 209. Section 209 of the Act would require eligible recipients and State educational agencies to ensure equitable participation in the purposes and benefits of their respective projects for teachers and school administrators in participating private nonprofit elementary and secondary schools, consistent with the enrollments in such schools. Eligible recipients and State education agencies would be required to consult with appropriate nonprofit school representatives during the design and development of projects under the Act to determine which schools desire to participate and the needs of their teachers and school administrators. Funds under the Act could not be used for religious worship, to provide or improve any program of religious instruction, or to provide benefits to teachers or school administrators in a private school which is denied a tax-exempt status under section 501(c)(3) of the Internal Revenue Code.

Section 210. Section 210 of the Act would authorize the Secretary to use funds reserved under section 205 to carry out research, development, evaluation, demonstration, dissemination, and data collection activities which are of national significance and are consistent with the purposes of the Act. The Secretary would be authorized to carry out these activities directly, or through grants, cooperative agreements, or contracts. Among the activities that would be specifically authorized are: developing centers and summer institutes for teachers and school administrators to enhance their skills; awarding scholarships and fellowships for additional study in the recipients' respective fields; developing personnel exchange programs between school districts and between education and private industry; developing and testing teacher education programs; awarding Presidential teacher internships to persons in other professions and recent college graduates with excellent academic records who wish to become teachers; collecting and disseminating information about teacher education programs, the supply of teachers, and their qualifications; supporting research on teaching and improving preservice and inservice education for teachers and school administrators; and developing model programs designed to provide teachers with the skills needed to maintain classroom discipline. The Secretary would be authorized to issue regulations requiring program participants to remain either teachers or school administrators for a reasonable period of time, or to repay the cost of their training.

Section 211. Section 211 of the Act would require that State and local educational agencies use funds under the Act to supplement and, to the extent practicable, increase the amount of non-Federal funds that would in the absence of Federal funds be made available for the purposes of the Act, and not to supplant such non-Federal funds. Section 211 would also clarify that no funds under the Act could be used to benefit teachers or school administrators in private, for-profit schools.

TEACHER SKILLS ENHANCEMENT ACT

Mr. BYRD. Mr. President, there is no doubt that America is embarked on the most critical educational reform movement undertaken in this country since the late 1950's efforts sparked by the Sputnik launching.

I was a Member of the House of Representatives at that time.

The movement that I am talking about takes many forms raising graduation requirements, lengthening the school term, changing curricula, raising teacher certification requirements, and the like.

The impetus for these changes has come from educators, parents, industry leaders, government officials at all levels and, of course, from the many important reports on education issued in recent years.

These reports and studies have made vital contributions to our national debate on educational excellence and have helped to point the way for education reform.

Mr. President, I believe, and I know many of my colleagues share this belief, that the Federal Government has not provided the leadership it should in helping to achieve these critically needed reforms.

Congress has been engaged in a rear guard action for 6 years against an administration policy bent on severely curtailing Federal education programs and their funding.

Congress has done a credible job of holding our finger to the dike against those that would drain dry our Federal education programs.

But this holding action has meant that too little attention has been given to the development of initiatives which would help effect the needed reforms.

Mr. President, the Nation cannot afford, and our children cannot afford, to spend 2 more years on this course.

I hope the 100th Congress can chart a new course toward this goal.

Existing programs will be closely examined for ways that contribute to the pursuit of educational excellence. Mediocrity is simply not good enough. And we will earnestly look for appropriate Federal initiatives that will make meaningful contributions, in concert with States and local education agencies, in this effort.

Mr. President, late last spring an important voice was added to the national debate on the quality of education in the Nation's schools when the Carnegie Report, entitled "A Nation prepared, was issued. It focused attention on what it termed the "two essential truths" in American's pursuit of increasing educational excellence. First, it noted that success depends on achieving far more demanding educational standards than have ever been attempted before. And second, and more important, it stated that the key to that success lies in a teaching profession equal to the task—"a profession of well-educated teachers prepared to assume new powers and responsibilities to redesign schools for the future." The report underscored this second point by adding that "without a profession possessed of high skills, capabilities, and aspirations, any reforms will be short lived."

Today, with the support of the distinguished Senator from Illinois [Mr. SIMON], I am introducing a proposal geared to this essential truth—the need to assure the highest possible caliber of teachers in our Nation's schools.

The Carnegie report focuses on the important policies which must be implemented to better train teachers entering the profession and to attract new persons of the highest caliber to the profession. This proposal, the Teacher Skills Enhancement Act, introduced by Mr. SIMON and myself, focuses on the professional development needs of our Nation's existing teacher corps.

The latest national survey of educators indicates that perhaps as much as 70 percent of the current teacher corps has been teaching for at least 10 years. This probably means that over half our Nation's teachers are years away from their professional training. Yet in those years, there have been many developments in the art and science of teaching. Likewise, there have been rapid developments in many fields of study, especially math and science. And there have been changes in the student population—our students today bring problems into the classroom that were not common a few years ago—the problems of drug abuse and teenage pregnancy, to cite two examples.

Clearly, the professional development needs of teachers currently in our schools must be addressed quickly and comprehensively, if students are to receive the best education possible.

At the heart of my proposal is a demonstration grant program to encourage the development of projects at the local level to enhance the skills of teachers in our school systems. The program is unique in three important ways. First, these projects will be school based. This means that the teachers will receive the training in a real school setting—a concept not unlike teaching hospitals.

Second, the projects will provide training for all teachers, principals, and vice principals in the school system for those grade levels included in the project. This concept is very important, for it means that every teacher will have access to training. Some programs select only the best teachers for this type of training. Teachers who are not selected are continually left out of these opportunities.

Including all teachers in the project also eliminates any suggestion that this is a remedial program for teachers. All teachers and administrators responsible for instructional leadership will be included—not just the best and not just the worst.

Third, the projects will provide the training in a full-time setting. The teachers will be relieved of their regular assignments for the duration of the program, and substitute teachers will be placed in those classrooms.

Rather than conduct after hours or Saturday seminars, this program will allow the teachers to devote their full attention to enhancing their skills.

The bill authorizes $5 million in fiscal year 1988, $20 million in fiscal year 1989, and $25 million in fiscal years 1990 through 1993 for these demonstration projects.

It is my hope that as many projects as practical can be funded across the country, in urban and rural districts.

To assure a commitment to the program's goals, the bill requires State and local matching funds, with the Federal share of the project decreasing each year over the life of the project.

The Federal share is 80 percent in the first years, down to 40 percent in the fifth year of a project.

The States will have an important role coordinating the project awards in each State, but the projects themselves will be designed at the local level in a process involving teachers, school administrators, school board members, teachers' unions—where they exist and institutions of higher education in the community.

Mr. President, the Teacher Skills Enhancement Act that I am introducing, cosponsored by Mr. SIMON, presents a unique opportunity for the Federal Government to address a critical need in education. It draws to a large degree on a very successful program currently being run in the Pittsburgh, PA, school system. It is my hope that through this act, school districts in other States will be encouraged to address their professional development needs in a similarly comprehensive and thorough fashion.

I am honored that Senator SIMON, a respected expert in the field of education, is cosponsoring this legislation with me. I also am encouraged by the reception the proposal has received in the education community. The American Association of State Colleges and Universities, the National Association of State Boards of Education, the American Federation of Teachers, the National Education Association, the Council of Chief State School Officers, and the National School Boards Association have endorsed this proposal.

I ask my colleagues to take a close look at this proposal. I hope that many will cosponsor this bill.

I ask that the full text of the bill be printed at this point in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Teacher Skills Enhancement Act".

TEACHER SKILLS ENHANCEMENT PROGRAM AUTHORIZED

SEC. 2. (a) PROGRAM AUTHORIZATION.—Part C of title V of the Higher Education Act of 1965 is amended by adding at the end thereof the following new subpart:

"SUBPART 3—TEACHER SKILLS ENHANCEMENT PROGRAM

"PURPOSE

"SEC. 546. It is the purpose of this subpart to provide Federal financial assistance for school-based teacher skills enhancement model programs which are designed to—

"(1) enhance the teaching skills of all elementary and secondary school teachers and school administrators responsible for instructional leadership within the school system of the local educational agency served;

"(2) to provide such teachers and administrators with new developments and methodologies;

"(3) to upgrade the subject matter skills of such teachers and administrators with special emphasis on the new developments and subject matter being taught; and

"(4) provide such teachers and administrators with counseling and guidance methods to deal with the needs of elementary and secondary school children in the system of such agency.

"PROGRAM AUTHORIZED

"SEC. 547. The Secretary is authorized to make demonstration grants under this subpart to States to pay the Federal share of the costs of school-based skills enhancement model programs designed to serve all elementary and secondary school teachers and administrators responsible for instructional leadership in a local educational agency on a system-wide basis.

"DISTRIBUTION OF GRANTS

"SEC. 548. In making grants under this subpart the Secretary shall assure that grants are distributed among States on the basis of population and geographic characteristics of the States. In making grants under this subpart the Secretary shall take into consideration—

"(1) the degree to which the application of the State was developed through consultation with—

"(A) elementary and secondary school teachers,

"(B) teacher labor organization representatives, where applicable,

"(C) elementary and secondary school administrators,

"(D) local educational agency personnel,

"(E) faculty from institutions of higher education, and

"(F) the educational regional resource center, where appropriate, serving the State; and

"(2) the degree to which the proposal for which application is made is likely to achieve the purpose of this subpart.

"STATE PLANS AND LOCAL APPLICATION

"SEC. 549. (a) STATE PLANS.—(1) Each State desiring to receive a grant under this subpart shall submit a State plan to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. In the development of such plan, the State educational agency shall consult with the personnel described in paragraph (1) of secton 548.

"(2) Each State plan developed for the purpose of this subpart shall—

"(A) designate the State educational agency to supervise the grants made under this subpart;

"(B) describe the manner in which local educational agencies will be notified of the availability of demonstration grants under this subpart;

"(C) describe the manner in which demonstration grants will be allocated to local educational agencies within the State and provide assurances that such allocation will be based on the population (both urban and rural) and geographic characteristics of the State;

"(D) provide assurances—

"(i) that 95 percent of such grant will be distributed among the local educational agencies in the State in accordance with subparagraph (B) of this paragraph; and

"(ii) that not more than 2 percent of the grant made to the State will be used for administrative expenses and not more than 3 percent of such grant will be used for furnishing technical assistance to local educational agencies; coordination, evaluation, leadership training and dissemination activities; and

"(E) designate a coordinator within the State educational agency having responsibilities to manage and supervise the program authorized by this subpart within the State.

"(b) LOCAL APPLICATIONS.—(1) Each local educational agency desiring to receive a grant under this subpart shall submit to the State educational agency an application, at such time, in such manner, and containing or accompanied by such information as the State educational agency may require.

"(2) Each such application shall—

"(A) contain assurances that the model school program for which assistance is sought will focus on particular elementary or secondary school level, including the elementary school level, a junior high school level, or a secondary school level;

"(B) contain assurances that in developing the model school program, for which assistance is sought under this subpart, the local educational agency will consult with the teachers, adminstrators, personnel, and faculty described in section 548(1);

"(C) provide assurances that the program will provide for the participation of all elementary and secondary school teachers and administrators responsible for instructional leadership within the school system of the local educational agency relevant to the focus group described in subparagraph (A);

"(D) operate a full-time skills enhancement model program for which such teachers and administrators will be relieved from their normal responsibilities in order to participate in the program assisted under this subpart; and

"(E) provide assurances that substitute teachers, or other appropriate arrangements, will be made to assure that the quality of classroom instruction in the school system of the local educational agency does not suffer while the model program assisted under this part is being conducted.

"(c) STATE APPROVAL OF APPLICATIONS.—No State educational agency shall disapprove an application of the local educational agency under this subpart without first affording the local educational agency notice and opportunity for a hearing.

"FEDERAL SHARE

"SEC. 550. (a) FEDERAL SHARE PRESCRIBED.—The Federal share of demonstration grants for teacher skill enhancement model programs under this subpart shall be—

"(1) 80 percent for the first year for which the local educational agency participates in the demonstration grant program;

"(2) 80 percent for the second year of such participation;

"(3) 70 percent for the third year of such participation;

"(4) 50 percent for the fourth year of such participation; and

"(5) 40 percent for the fifth year of such participation. The Federal share for funds reserved by the State shall be 80 percent for each fiscal year.

"(b) NONFEDERAL SHARE.—Each State or local educational agency receiving assistance under this subpart shall furnish the nonfederal share of the costs of conducting the model program authorized by this subpart from State or local resources. Such nonfederal share may be in cash or in kind fairly evaluated, including plant, equipment, or services, except that school facilities existing at the time the grant is made may not be included.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 502(c) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(3) For subpart 3 of part C, there are authorized to be appropriated $5,000,000 for the fiscal year 1988, $20,000,000 for the fiscal year 1989, and $25,000,000 for the fiscal year 1990 and for each 3 succeeding fiscal years.".

By Mr. LEAHY (for himself, Mr. PRYOR, Mr. COCHRAN, Mr. MELCHER, and Mr. GRASSLEY):

S. 512. A bill to promote the export of U.S. agricultural commodities and the products thereof, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL COMPETITIVENESS AND TRADE ACT

● Mr. LEAHY. Mr. President, I rise today as chairman of the Senate Agriculture Committee to introduce legislation to make American agriculture more competitive in the world economy. I am joined in this effort by Senator PRYOR, chairman of the Domestic and International Marketing Subcommittee, Senator COCHRAN, the ranking member of the subcommittee, and Senators MELCHER and GRASSLEY.

Mr. President, in the last 6 years, U.S. agricultural exports declined by more than 37 percent, or more than $16 billion. For the first time in 25 years, the United States bought more agricultural products than it sold during 3 months this summer.

The crisis in international trade has hit home on American's family farms. Mr. President, it is time to act.

For every $1 billion decline in agricultural exports more than 3,000 families lose their farms, 35,000 agricultural workers are put out of work and 60,000 nonfarm workers lose their jobs. The hemorrhaging of American agricultural competitiveness must be stopped and stopped now.

The legislation I am introducing today is a start in that direction. Virtually identical language has been included in the omnibus trade bill introduced today by Senator BENTSEN, the chairman of the Finance Committee. Mr. President, I am proud to be an original cosponsor of that overall trade legislation, as well.

The first part of our agricultural trade initiative provides instructions to the administration to aggressively negotiate the end of barriers to American agricultural trade in the upcoming round of talks on the General Agreement on Tariffs and Trade. Unfair trade barriers cost American farmers billions of dollars in lost markets last year—$1 billion in Japan alone. The cause: the GATT rules for agriculture are so full of loopholes, and those loopholes are so often exploited, that international trade law no longer protects the rights of American farmers, but rather sanctions the unscrupulous and protectionist behavior of our trading partners that cost American agriculture so dearly.

Our legislation directs U.S. negotiators to clarify the agricultural provisions of the GATT, to make it a useful tool for resolving disputes and producing a more open agricultural trading system.

Our bill also states that it is the policy of the United States to reduce expensive agricultural support programs in a manner that increases exports, restores vitality to the family farm, and is consistent with efforts to reduce the Federal budget deficit. Since the current administration took office, spending on farm programs has increased from $9.8 to $29.6 billion. All of us agree that we must control farm spending.

But, one thing is clear, the United States must not and will not reduce farm support programs, specifically export subsidies, unilaterally. Our legislation makes clear that our trading partners, who are also concerned about the fiscal effects of expensive export programs, must cooperate with us to responsibly reduce excessive farm spending. If our trading partners do not wish to cooperate, then the United States is prepared to do all that is necessary to win back its marketshare in agricultural exports.

Mr. President, our trading partners should understand one thing: The United States is not going to roll over and play dead. We will do what it takes—we will spend what it costs—to reverse the decline in our agricultural exports.

The legislation also contains specific instructions to our trade negotiators to seek the elimination of trade barriers in the European Community, Japan, and Korea.

In the last 6 years, our agricultural exports to the European Community dropped off by nearly 50 percent or $5 billion, largely due to the ingenious system of protectionism created by the Europeans. The so-called common agricultural policy completely isolates European farmers from competition and effectively freezes out the commodities and products produced by American farmers. Our legislation calls on American negotiators to seek the reform of these protectionist European agricultural policies.

Our legislation also directs our negotiators to seek the elimination of unfair barriers to agricultural trade in Japan. The Japanese maintain extremely high tariffs and numerous quotas which prevent United States agricultural exports from reaching Japanese consumers.

The Japanese also maintain state food monopolies through which all agricultural imports must pass. In collusion with big agricultural producers in Japan, the state food monopolies have frozen out certain American agricultural exports, including beef and citrus. The food monopolies have also been known to arbitrarily deny import licenses and change quotas to suit the whims of Japanese agricultural interests. These unfair trade practices must be halted.

The final set of GATT negotiating directions included in our bill concerns Korea. Korea maintains bans on feed grains and beef, has extremely high tariffs, and uses licensing restrictions to prevent Korea consumers and businesses from purchasing United States agricultural exports. A recent report by USDA found that the United States could nearly double its agricultural exports to Korea if unfair trade barriers were removed there. Other experts suggest that the gains would be even greater for American farmers if we aggressively negotiate with the Koreans to open up their markets. The United States certainly has provided an open market here for Korean industrial products. It is time the Koreans reciprocate in agriculture.

The second part of our bill takes several concrete steps to increase U.S. agricultural exports and to improve the export promotion programs currently in place.

Mr. President, the upcoming GATT negotiations promise to drag on for years. American agriculture cannot wait that long, nor can we afford to sit back and hope that those talks—however brief or lengthy—will solve all the trade problems confronting American agriculture. We must take positive steps at home to make U.S. agriculture more competitive.

First, our legislation would make surplus CCC commodities available to cooperator organizations—private-sector market development groups—for demonstration projects designed to expand U.S. agricultural exports. For example, CCC wheat surpluses might be made available free of charge to a cooperator which wishes to create a bakery in a foreign market to demonstrate the uses of American wheat exports.

Our legislation would also ensure that the Foreign Agriculture Service, the branch within the Agriculture Department charged with expanding U.S. exports, is fully staffed. FAS would be staffed by no fewer than 850 individuals. This provision is similar to the one included in Senator MELCHER's bill, S. 125.

Mr. President, FAS, and especially the agricultural attachés who work for that organization, are America's agricultural salesmen overseas. They are charged with tracking leads on new markets for agricultural commodities and products and passing the information on to American farmers. There are 75 attachés in 55 posts abroad. Unfortunately, our attaché program is understaffed and overburdened. The General Accounting Office reports that more than two-thirds of total attaché resources are devoted to preparing reports for USDA. Only one-third of those resources are dedicated to selling more American agricultural exports.

Our legislation will help correct that problem. The number of attachés and support personnel will be increased by 150 from the current level. In addition, our bill would require that at least 60 percent of overall attaché resource time be spent on developing markets and promoting American agricultural commodities and products. Finally, the legislation I am introducing today will give USDA the authority to hire foreign nationals, including interpreters, and promotional and marketing specialists, to help our attachés do their jobs better.

Mr. President, during their tours of duty, attachés should become very familiar with foreign market demands and marketing practices. Yet, because attachés return to the United States only infrequently, the expertise and knowledge they have gained is lost on the American agriculture community. Our bill would require attachés to spend their first 6 months upon returning from overseas tours in U.S. agricultural regions, educating farmers on how better to promote their products abroad and how to develop new markets.

The legislation I am introducing would also create an office within the Foreign Agricultural Service to coordinate all export promotion and market development activities, including the programs enacted by the Food Security Act of 1985. In addition, the office is charged with developing annual recommendations for expanding U.S. agricultural exports and reporting those recommendations to Congress. The office will also report on the market development and export promotion efforts of foreign countries and private-sector groups and suggest how the United States might benefit from adopting such programs.

An exchange program would also be created within the Foreign Agricultural Service to bring in the best minds in the private sector to share their expertise in export promotion and market development. In turn, FAS employees would be allowed to observe private sector export promotion efforts for a short period of time.

Our bill would also create an office to monitor grain quality and to handle all complaints about the quality of U.S. commodity exports. There have been numerous complaints about the quality of U.S. agricultural exports—some justified, others fabricated by those who wish to reduce the price of American agricultural commodities. This new quality monitoring office would be charged with tracking all complaints, evaluating whether the complaints are legitimate, and working with the Federal Grain Inspection Service to correct any problems found.

Mr. President, at the heart of our proposal is a provision which will increase the USDA budget for trade shows and exhibitions to bring our support for export promotion up to the level of our major competitors. The United States spends less per $1 billion of exports than Australia, Denmark, New Zealand, and South Africa. Our biggest competitor for the grain trade, Australia, spends more than three times what we spend per $1 billion in exports on export promotion. Our bill would increase the trade show and exhibition budget from $2.3 to $8 million.

The increased funds are to be used to raise the quality of U.S. agricultural trade shows to the level of our competitors. Even more importantly, at least 50 percent of the new funds are to be used to hold trade shows in newly developing markets. Currently, more than 50 percent of USDA's promotional resources are devoted to existing markets in Western Europe and Japan. Less than $1 out of $10 is spent developing markets in Africa and Latin America. Our bill will correct that problem and will also ensure that one-half of the new funds are spent promoting processed agricultural products—the products which offer the greatest potential for expanding U.S. agricultural exports.

In addition, the market promotion and trade development account at USDA—the account out of which attachés are paid—is increased from $22.5 to $30 million. This increase will make it possible to increase the FAS staff, especially the corps of agricultural attachés. The increased staff levels will free up attachés to spend more time—at least 60 percent of their time, as required by the bill—on market development activities.

The last spending provision in the bill would increase the maintenance and support budget within the Foreign Agricultural Service by $3.5 million. This slight increase will help FAS better manage and implement the export promotion programs created by the Food Security Act of 1985. The General Accounting Office has found that FAS has had difficulty implementing the Export Enhancement Program and other programs created by the 1985 farm bill, due to understaffing. This provision will correct that problem, and will ensure that FAS has the resources to carry out those programs as Congress intended.

These funds will also be used to make sure that trade leads discovered by our agricultural attachés abroad ultimately reach American farmers and exporters. GAO will soon report that the current trade leads system—the process by which attachés find new business for American farmers and theoretically pass that information along—is seriously flawed. Far too often, trade leads end up on the desks of overworked bureaucrats at FAS and never reach American farmers.

Let me assure other Senators that this bill calls for no new spending, but will only increase the authorization level for the Foreign Agricultural Service by $16.7 million. It is my intention that the increases I have described will be offset by minor reductions in other areas of the Department of Agriculture's budget.

Finally, Mr. President, our legislation creates an Export Development Advisory Committee. Membership on the committee will include a Member of the Senate, a Member of the House of Representatives, the Secretary of State, the U.S. Trade Representative, the Secretary of Commerce, and the Administrator of AID. In addition, 24 experts from the private sector, including farmers, exporters, and representatives of cooperator and commodity groups, will be appointed to share with USDA their experience and concerns about increasing U.S. agricultural exports. The advisory committee will also improve the coordination of efforts among various Government agencies to make American agriculture more competitive.

Mr. President, the legislation I am introducing today is just a start, but an important start. Senator PRYOR'S subcommittee will begin work in just 2 weeks on agricultural trade legislation. Using this bill as a vehicle, I will push the Agriculture Committee to report a completed agricultural trade bill to the full Senate by the beginning of May.

Completing work on an agricultural trade bill by May will require a great deal of dedication and courage by members of the committee. But, we must meet the challenge. The future of the family farm and of American agriculture depend on our efforts to make agriculture in this country more competitive.●

● Mr. PRYOR. Mr. President, I am proud to join with Senator LEAHY and others in introducing legislation which will go a long way in making it easier for U.S. farmers to export their products.

Last year all of us were shocked when the United States ran a trade deficit in agricultural goods during the months of May and July. For a country which had always been the breadbasket for the rest of the world this was an enormous blow. Where we had been running a surplus of $10 to $25 billion, our surplus for 1986 was only about $5.4 billion. We have run an annual trade deficit in processed food products since 1983.

There are several reasons for this contraction in U.S. exports, including the high dollar, greater food production in developing countries, trade barriers erected against U.S. products, and export subsidies by our competitors.

Our bill, which is included in this year's omnibus trade legislation, aims to improve administrative efforts in export promotion and remove worldwide barriers to agricultural trade:

We would increase the number of Foreign Agricultural Service employees and FAS funding for agricultural attachés, trade shows and other market expansion activities. The FAS is one of the most efficient agencies in Washington, but the administration has been cutting its budget at a time when our agricultural exports have plummeted. That makes no sense.

We would also reorganize export promotion activities in USDA to make it easier for U.S. producers to reach new markets and let potential purchasers avoid the current administrative maze.

We would provide surplus commodities for the Cooperator Program, which seeks to expand the demand for U.S. products by introducing such products to parts of the world which have not been exposed to them before.

We also provide negotiating goals so that we can begin to eliminate the barriers which are keeping U.S. goods out of foreign markets. For example, the Japanese have imposed a total ban on rice imports, the Koreans will not import any beef, and the European Community has its own system of quotas, high tariffs, and export subsidies.

The United States still has the most efficient system of producing food and fiber the world has ever seen. Our farmers deserve a fair shot at world markets. This bill is an important first step.●

By Mr. DURENBERGER:

S. 513. A bill to authorize the water resources research activities of the U.S. Geological Survey, and for other purposes; to the Committee on Environment and Public Works.

GROUND WATER RESEARCH AUTHORIZATION

● Mr. DURENBERGER. Mr. President, I am today introducing a bill to authorize a new program of ground water research to be conducted by the Geological Survey. I am not the author of this bill. It has been crafted by our most able colleagues from the House of Representatives. It was reported by the Interior Committee of that body last year as H.R. 5526 and has been reintroduced this year by members of that committee.

When the bill arrived in the Senate last year it was referred to the committee on Environment and Public Works. Because it got to our committee so late in the 99th Congress, we were unable to give it the attention that would have been necessary to bring it before the Senate prior to sine die adjournment. Today, I am offering precisely the same language which was included in the bill last year. I take this step to assure that this legislation is before our committee at an early date in this Congress and can be considered in our hearing on the ground water contamination problems that are being experienced across the Nation.

Mr. President, I cannot say that I am in full agreement with each of the provisions of this bill. There are two matters which cause me particular concern.

First, this bill assigns the Geological Survey the principal responsibility among the agencies of the Federal Government for collecting and disseminating information on the quality of our Nation's ground water supplies. I have nothing but the highest regard for the expertise and experience that USGS has brought to its ground water investigations over many, many years.

Nevertheless, I see no need to make the Geological Survey the czar of ground water quality. There are other agencies which also have expertise and experience in this area. I am thinking principally of the Environmental Protection Agency. In fact, if it is a czar that we need, there are very good arguments for assigning that lofty position to EPA and not USGS. We are concerned about ground water quality not because of our dispassionate interest in the chemistry of water in the deep geology of the Earth. If that were our sole concern, I might agree that USGS is the natural candidate for these duties.

We are concerned about the quality of ground water because it is often returned to the surface of the Earth where it may supply the flow of water in a stream or a river or where it may be used for drinking water and household purposes. Protecting human health and the environment from the contaminants which might come to the surface with that ground water is the special expertise of the Environmental Protection Agency. And the increasing evidence of negative health and environmental effects associated with ground water contaminants has caused that agency to become deeply involved in collecting and disseminating information on ground water quality.

I know that the authors of this bill say that EPA's data gathering efforts are somehow suspect because it has regulatory responsibilities over the human activities that may contaminate ground water supplies. They argue that the data collection efforts of USGS will be more credible, because it does not have regulatory duties like EPA.

But I can make an equally persuasive case, by turning that argument on its head. It is just because EPA is a regulatory agency with day-to-day responsibility for health and the environment that best qualifies that agency to be our ground water quality czar. EPA is much better equipped to identify the potential threats which ground water contamination can pose to our health and the environment.

Let me use the case of pesticides to illustrate my argument. There is little doubt that pesticide contamination of ground water supplies is of increasing concern. Agricultural practices have contaminated aquifers in 23 States with 17 different pesticides. In addition 50 other pesticides have been detected in drinking water wells as a result of accidental spills and other events. Many States have begun to take steps to deal with this problem. And last year both the House and the Senate voted to severely restrict the use of pesticides which are known to contaminate ground water.

EPA has been aware of this problem and is developing a national strategy to deal with agriculture chemicals as ground water contaminants. Part of that strategy is a national survey to determine the extent and nature of pesticide contamination. EPA will be conducting the kind of ground water quality data collection that this bill contemplates. And it has been a very complex undertaking. It involves at least the following steps.

First, EPA identified the pesticides in use and the areas of the Nation where they are used so that a sampling strategy could be developed. As the agency with regulatory authority over pesticide registration, EPA had much of this information in-house.

Second, EPA had to develop new analytic techniques for the detection and quantification of certain pesticide products in water samples. There simply was no field-tested analytic technique for many of today's agricultural pesticides. As the agency with day-to-day responsibility for drinking water and surface water quality, EPA had a wealth of experience in developing analytical techniques and validating those techniques for use at water quality labs across the Nation.

Third, EPA found that it would be necessary to develop health advisories for about 60 different pesticides. In many cases the sampling points in this survey will be drinking water wells. EPA did not want to be in the position of detecting pesticide contamination of a drinking water supply without being able to inform the owner of the well as to the steps that should be taken to protect those relying on the water supply.

My point is that EPA has expertise and experience which made it uniquely qualified to prepare and conduct the national survey of pesticides in ground water. I can't imagine how some of those preliminary steps—all of them necessary and proper for the conduct of a national ground water quality survey—could have been carried out by the Geological Survey.

Mr. President, I am not arguing that EPA should be made the ground water czar in lieu of USGS. I don't think we need a ground water quality czar at all. We should assign to each agency—and without regard to the jurisdiction of congressional committees—those responsibilities which each agency can best perform. And in a comprehensive ground water bill that will mean that both EPA and USGS will have ground water quality responsibilities.

My second concern with respect to this bill is the sense of priorities which it communicates. The Federal Government spends only small amounts on general ground water protection efforts at this point. We are only in the first phases of developing a national ground water protection program. Because the dollars have been so scarce in this field, it is very hard to justify the large authorizations for the regional ground water quality surveys that are contemplated by this bill. If we had a substantial, comprehensive program to protect ground water quality, the investigations authorized by this legislation would make a substantial contribution to an effective effort. But today—at the beginning—in the context of miniscule expenditures for ground water protection, I just don't see the areawide studies authorized here as the most appropriate thing to do next.

Mr. President, I want to commend our colleagues in the House for their commitment to the protection of the Nation's ground water resources. I have taken the step of introducing this bill in the Senate today, to assure that the issues they have raised are before the Committee on Environment and Public Works as we develop comprehensive ground water legislation. I hope that the comments that I have offered here are not interpreted as opposition to this bill. I think that the program of research that it outlines has an important role to play in a comprehensive scheme. I know that the Geological Survey plays an important role in collecting and disseminating ground water quality data. But I don't think that this is the only step that needs to be taken nor that USGS should be the agency assigned exclusive responsibility for these concerns.

Mr. President, I would ask that the text of the bill, a section-by-section analysis and a report authored by the Geological Survey be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. AUTHORIZATION.

SEC. 101. (a) The Act of March 3, 1879, is amended by inserting after subsection (a), the following new subsection and renumbering the subsequent subsections accordingly:

"(b) The Secretary of the Interior (hereafter the 'Secretary'), acting through the Geological Survey, is authorized to undertake research, investigations, appraisals, surveys, and related activities of the Nation's water resources. The Secretary is authorized to undertake such activities in cooperation with other Federal, State, and local governments and agencies, private organizations and individuals, and academic institutions. The Secretary is further authorized to disseminate the results of such research, investigations, appraisals, surveys, and related activities.

"(c)(1) The Secretary may undertake the activities authorized by the previous subsection on a reimbursable basis with other Federal agencies, State and local governments, and Federal permittees or licensees, except that the amount obligated by the Secretary for such reimbursable activities during any one fiscal year shall not exceed 50 per centum of the amount appropriated by the Congress for all surveys, investigations, and research of water resources activities undertaken under the authority of this Act.

"(2) The Secretary may undertake the reimbursable activities described in subsection (c)(1) with other Federal agencies or Federal permittees or licensees only after execution of an agreement which outlines for whom such reimbursable activities are being undertaken, and the purpose, cost and duration of the activities. Upon execution of such agreement or agreements, the Secretary shall transmit copies to the Committees on Appropriations and Interior and Insular Affairs of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate.".

(b) REPEAL OF AUTHORITY.—Subsection (a) of this Act shall constitute the sole authority for the Secretary, acting through the Geological Survey, to engage in such water resource activities and all prior authorities for the Geological Survey are herewith repealed.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

SEC. 102. For the purpose of carrying out the activities authorized by section 101 of this title, there are authorized to be appropriated $145,000,000 for each of the fiscal years 1988 and 1989.

TITLE II—NATIONAL GROUND WATER CONTAMINATION RESEARCH

SEC. 201. SHORT TITLE.

SEC. 201. This title may be cited as the "National Ground Water Contamination Research Act of 1986".

SEC. 202. FINDINGS.

SEC. 202. Recognizing the dependence of the Nation on its water resources, the Congress finds that—

(a) ground water supplies approximately one-half of the Nation with drinking water and 90 per centum of the Nation's rural population with domestic water;

(b) ground water contamination has occurred in every State in the Nation and is being detected with increasing frequency;

(c) sources of ground water contamination are diverse, including waste and nonwaste products and activities, point and nonpoint sources, and hazardous and nonhazardous substances;

(d) ground water contaminants are associated with adverse health, environmental, economics, and social impacts;

(3) ground water and surface water are interconnected as related parts of the hydrologic cycle;

(f) the Nation's ground water quality data collection, analysis, and information dissemination programs and activities are insufficient to define national water quality conditions, detect changes in water quality over time, and project trends in national water quality; and

(g) access to comprehensive information regarding national water quality conditions and trends is essential to prudent management of the Nation's ground water resources.

SEC. 203. NATIONAL POLICY.

SEC. 203. The Secretary of the Interior, in cooperation with other Federal agencies, State and local governments, and private organizations and individuals, shall have the primary Federal duty and responsibility for the collection, analysis, and dissemination of information concerning the quantity, quality, and contamination of the Nation's ground water.

SEC. 204. RESPONSIBILITIES OF THE SECRETARY.

SEC. 204. (a) Responsibilities.—The Secretary of the Interior shall be the lead Federal agency official responsible for (1) the collection and analysis of data concerning the quality and quantity of the Nation's ground water resources; and (2) the dissemination of such data and information to other Federal agencies, State and local governments, and private organizations and individuals.

(b)(1) REPORT.—The Secretary of the Interior, in consultation with other Federal agencies, State and local governments, private organizations and individuals, shall prepare a report within two years after the date of enactment which includes the following:

(A) an assessment of the Nation's ground water quality and quantity, including a description of areas where insufficient quality and quantity information is available;

(B) an evaluation of the adequacy of existing ground water data collection and monitoring programs conducted by Federal, State and local governments and private industry; and

(C) a description of projected changes and trends in the quality and quantity of the Nation's ground water resources to the extent that existing data and information are readily available.

(2) The Secretary shall complete the report referred to in subsection (a) no later than two years after enactment of this Act, and submit copies of the report to the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources, the States, and such other organizations and individuals as the Secretary deems appropriate.

(3) The report referred to in subsection (a) shall be accompanied by an independent evaluation of the report prepared by individuals with a responsibility for water pollution control matters selected by the Governors of the several States, including whether the report adequately addresses the requirements of section 204(b)(1) (A)-(D) of this Act. This evaluation shall be funded in accordance with the provisions of section 209(e) of this Act.

SEC. 205. NATIONAL GROUND WATER QUALITY PROGRAM.

SEC. 205. (a) ESTABLISHMENT OF PROGRAM.—The Secretary is authorized and directed, based on information contained in the report required in section 204(b)(1) of this Act, to establish and conduct a national ground water quality assessment program to:

(1) identify, assess, and monitor the quality of the Nation's ground water; and

(2) project changes and trends in the quality of the Nation's ground water.

Such program shall be established within three years after the date of enactment of this Act but no sooner than completion of the report required in section 204(b)(1) of this Act.

(b) ELEMENTS OF PROGRAM.—In conducting the program authorized by subsection (a) of this section, the Secretary shall insure that the program:

(1) includes agreements and/or memorandum of understanding, where appropriate, with State and local governments and private organizations and individuals detailing the responsibilities of each entity in order to avoid duplication of efforts;

(2) recommend and seek to achieve uniform data collection protocols for Federal agencies, State and local governments, and private organizations and individuals to follow to aid in the collection of reliable ground water data and information;

(3) assists Federal agencies in meeting their responsibilities under the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conservation and Recovery Act, and other related statutes;

(4) improves the generic knowledge and understanding of the nature, extent, causes, and effects of ground water contamination as it affects specific sites;

(5) assists State and local governments in the management, protection, classification, and regulation of ground water resources; and

(6) is specifically designed to obtain complementary surface water quality data to provide an integrated knowledge of water quality conditions within specific hydrologic regions and subregions. For this purpose, the Secretary is authorized to obtain any water quality information required or permitted to be obtained by law and in the possession of such agencies, States, or subdivisions thereof, or private entities, and shall maintain the confidentiality of any such unpublished data on request except for good cause shown. The Secretary shall report periodically to the Congress his views on the quality of such surface water data collection efforts.

SEC. 206. NATIONAL GROUND WATER INFORMATION CLEARINGHOUSE.

SEC. 206. The Secretary is authorized and directed to establish within one year after the submission to the Congress of the report required in section 204(b)(1) a national ground water clearinghouse to be used to disseminate ground water quality and quantity information to other Federal agencies, State and local governments, and private organizations and individuals. The clearinghouse shall be a repository for reliable ground water information to be collected from and made available to such government agencies, organizations, and individuals.

SEC. 207. TECHNICAL ASSISTANCE.

SEC. 207. The Secretary shall establish within one year after the Secretary submits to the Congress the report required in section 204(b)(1) of this Act a program to provide technical assistance to other Federal agencies, State and local governments, and private organizations and individuals. Such technical assistance program shall assist such agencies, organizations, and individuals in their efforts to prevent ground water contamination. The program shall include general, as well as site specific, information designed to meet the technical assistance needs of such agencies, organizations, and individuals.

SEC. 208. WATER RESOURCES RESEARCH.

SEC. 208. (a) Section 108 of the Water Resources Research Act of 1984 (Public Law 98-242, 98 Stat. 97, 98) is amended—

(1) in paragraph (6) by inserting ", contamination," after "Depletion"; and,

(2) in paragraph (8) by inserting "quality and quantity" after "water".

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

SEC. 209. (a) There is authorized to be appropriated for the purpose of carrying out section 204 of this Act $4,000,000 for fiscal year 1988 and $5,000,000 for fiscal year 1989.

(b) For the purpose of carrying out section 205 of this Act, there is authorized to be appropriated $10,000,000 for fiscal year 1988 and $10,000,000 for each of the fiscal years 1989 and 1990.

(c) For the purpose of carrying out section 206 of this Act, there is authorized to be appropriated $4,000,000 for fiscal year 1988 and $2,000,000 for each of the fiscal years 1989 and 1990.

(d) For the purpose of carrying out section 207, there is authorized to be appropriated $2,000,000 for fiscal year 1988 and $2,000,000 per fiscal year for each of the fiscal years 1989 and 1990.

(e) Of the funds appropriated under the authority of subsections (a), (b), and (c) of this section, not less than $500,000 per fiscal year shall be used to fund the study required by section 204(b)(3) of this Act.

(f) The funds authorized to be appropriated by this title shall be in addition to the sums authorized to be appropriated by title I of this Act.

SEC. 210. DEFINITIONS

SEC. 210. For the purposes of this Act, the term "State" shall be defined to include the territories and Commonwealths of the United States.

SECTION-BY-SECTION ANALYSIS—S. 513, A BILL TO AUTHORIZE GROUND WATER RESEARCH

The bill has two titles. Title I of the bill provides an authorization for the water research activities of the Geological Survey. Title II of the bill creates a new National Ground Water Contamination Research Program.

TITLE I

Section 101. There has never been explicit authorizing legislation for the water research activities conducted by the Geological Survey. The water resources activities have been directed entirely through the appropriations process. This section amends the organic act of USGS to authorize water resources research and information dissemination.

Much of the existing USGS water research is conducted either through cooperative programs with State and local agencies (with a 50% matching requirement) or on a reimbursable basis for other Federal agencies. The bill provides for a continuation of these cooperative programs, but limits the amount that can be put into such efforts at 50% of the annual appropriation. The bill requires an explicit written agreement before reimbursable studies are conducted.

The bill provides that this section will be the only and exclusive authority for USGS to conduct water resources activities.

Section 102. This section authorizes appropriations of $145 million per year for fiscal years 1988 and 1989 to carry out the provisions of title I.

TITLE II

Section 201. The title of this portion of the legislation is the "National Ground Water Contamination Research Act of 1986."

Section 202. This section contains Congressional findings with respect to the importance of the ground water resource and the threat posed by increasing ground water contamination.

Section 203. This section gives the Secretary of the Interior "the primary Federal duty and responsibility for the collection, analysis, and dissemination of information concerning the quantity, quality, and contamination of the Nation's ground water." This would presumably mean that EPA is not the principal Federal agency to be concerned with investigating and reporting on ground water quality and contamination. Currently EPA does most of the work in quality and USGA does most of the reporting on quantity. USGS quality data is limited to information on inorganics and nitrates.

Section 204. This section repeats the lead agency designation for the Department of the Interior with respect to ground water quality and requires a report by DOI within two years as to: existing quality and quantity of ground water resources; trends in quality and quantity; the adequacy of existing data and monitoring.

The report is to be transmitted to the Energy and Natural Resources Committee of the Senate and the Interior Committee of the House.

The report is to include an independent assessment of the quality and quantity data provided by a panel selected by the Governors.

Section 205. To correct the deficiencies in knowledge and monitoring which are expected to be identified in the report, this section authorizes a new ground water quality assessment program to be run by USGS. It is not to begin until three years after enactment (1990 at the earliest). The purpose is to report quality and quantity of ground water resources and trends.

The program is to include: agreements with other agencies, the States and other entities for cooperative effort; uniform data collection protocols; assistance to other agencies (EPA) in conducting program under SDWA, CERCLA and RCRA; assistance to State and local government in managing ground water resources; provisions for the collection of complementary surface water data.

Section 206. This section authorizes the establishment of a national ground water clearinghouse to disseminate information on ground water quality and quantity.

Section 207. This section authorizes a program of technical assistance to States and local governments and to other Federal agencies in their efforts to prevent ground water contamination.

Section 208. This section amends the Water Resources Research Act of 1984 to explicitly include ground water quality and contamination among the problems eligible for investigation under that Act.

Section 209. This section authorizes appropriations.

$4 million in 1988 and $5 million in 1989 is authorized to prepare the report required by section 204.

$10 million for each of the fiscal years 1988, 1989 and 1990 is authorized to carry out the assessment program authorized by section 206 (which cannot begin until three years after enactment according to the provisions of the bill).

$4 million in 1988 and $2 million for each of the years 1989 and 1990 is authorized for the clearinghouse.

$2 million for each of the fiscal years 1988, 1989 and 1990 is authorized for technical assistance.

$500,000 of the available funds are to be used to finance the independent evaluation by the Governors' representatives.

Section 210. This section includes the territories and commonwealths of the United States within the definition of the term State.

A DRAFT PROPOSAL FOR A NATIONAL WATER QUALITY ASSESSMENT PROGRAM

(U.S. Geological Survey, September 1985)

EXECUTIVE SUMMARY

Protecting the quality of the Nation's ground-water and surface-water resources is a high priority national concern. The quality of the resource has impacts on public health and on the economics of agriculture, industry, fish and shellfish harvesting, and recreation. In spite of the fact that the States have major responsibilities for water-quality protection, there is a very clear Federal interest because of the interstate nature of many of the problems, the body of Federal laws and regulations, and the substantial Federal expenditures particularly for sewage treatment plants and for clean up of toxic-waste sites.

At present there is no unified and consistent program for national water-quality assessment. Without such a program, policy decisions must be made on the basis of extrapolations from knowledge of a few localized problems, and in ignorance of other types of problems which may be unknown because no one has investigated them at the right times and places.

What is proposed here is a national perennial program of water-quality data acquisition, interpretation, and assessment. The problems of organizing such an assessment program are formidable. The difficulties arise from the size of the area to be investigated, the multiplicity of water-quality variables to be measured, the high degree of temporal and spatial variability of water quality, and the high cost of field work and laboratory analysis, especially for trace organic chemicals. To make the overall problem tractable, several strategic choices must be made. The key features of the proposed program are:

(1) The efforts will be confined primarily to those water resources which are of adequate natural quality to be used for most purposes (not saline), which have been mapped, and for which an understanding of the flow system already exists;

(2) Based on hydrology, the activity will be clustered into study units which are widely scattered around the Nation, but which in aggregate account for a large percentage of the Nation's water use. This clustering greatly enhances the potential for interpreting the data collected;

(3) The program will identify a nationally consistent set of target water-quality variables for study. These targets are related to one or more of the following generic water-quality issues: chemical contamination, nutrient enrichment, acidification, sedimentation, and acceptability of water for general use;

(4) The program will also measure a variety of support variables which aid in the interpretations of target variable data. These will include hydrological and biological measurements as well as descriptors of the area being studied (e.g., land use, geology, population);

(5) The work and the reporting of results will be nested, occurring at three scales: national, study units (equivalent to river basins or aquifer systems), and intensively studied areas (a few tens of river-miles for surface water and a few tens of square miles for ground water);

(6) Surface-water activities will be rotational. Within each study unit the data-acquisition and interpretation activities will be focused in a period of 3 years. Then, after a 6-year period of very limited activity, there will be a return to very active study for another 3 years. This 9-year cycle (3 years active, 6 years relatively inactive) will continue indefinitely. Each active phase will provide a "snapshot" of conditions to compare with all of the previous "snapshots." Different study units will be active at different times, keeping the national program at a constant level of effort and geographically diverse at all times. Surface-water data acquisition activities will be a mixture of fixed-station, synoptic, and intensive studies;

(7) Ground-water activities will focus on the 28 major regional aquifer systems which encompass over 80 percent of water use in the United States. Each of these systems is included in the ongoing USGS Regional Aquifer-Systems Analysis (RASA) Program. Through this program, an understanding of the regional hydrogeology has been gained. The aquifer systems will be subdivided into study areas of manageable size, on the order of 5,000 square miles each. In some study areas, it may be appropriate to study aquifers which overlie or underlie the RASA aquifer, in addition to the RASA aquifer itself. The water quality of these aquifers will be studied using existing knowledge of the hydrogeology, land use, intensive studies of segments of the study area, and statistically influenced sampling programs.

(8) Special attention will be given to sampling and nationally summarizing the quality of drinking water sources.

(9) Existing precipitation quality data-acquisition activities and studies will be enhanced with special attention being given to the problem of trace metals deposited in rainfall and released from soils and rocks.

BACKGROUND

Protecting the quality of the Nation's ground-water and surface-water resources is widely recognized as a high priority national concern. The quality of the resource has a direct impact on public health and on the economic success of activities relying on the resource such as agriculture, industry, fish and shellfish harvesting, and aquatic recreation. Some of the public health concerns are of a very immediate nature related to ingestion of pathogens or acutely toxic substances in drinking water, in fish and shellfish, in crops irrigated with contaminated water, or through direct contact with water in recreation. Other public health concerns are with more long-term effects. Among these are the rather poorly known risks associated with ingestion, over periods of decades, of very low concentration of a variety of metals, manmade organic compounds or, at higher concentrations, a variety of "common" ions. There is also concern for the public health which must be viewed on time scales exceeding the life span of any individual. These include the potentially irreversible (or reversible only at geologic time scales) degradation of portions of the water resource. Such degradation occurs in two major categories. The first is the contamination of substantial volumes of aquifers which are relied on for water supplies or which naturally drain to otherwise clean streams. The second is the contamination of sediments (with metals or organic compounds) deposited in stream beds, flood plains, reservoirs, lakes, and estuaries. These sediment deposits may provide a long-lasting source of contaminants to the water column and biota by resuspension, bank erosion, diffusion, or biological uptake. In both instances the contamination of the water supply continues long after the original discharge or dumping of the contaminant has ceased.

The economic impacts (beyond those stemming from the health impacts) are of two kinds. One is the direct diminution of the productivity or profitability of an enterprise because the water it relies on is of degraded quality. Examples of this include declining agricultural yield due to increased salinity of irrigation water, or the increased treatment costs required to bring the delivered water up to standards. Also, the diminution of the quality of fish and wildlife habitat and recreational environments has a direct impact on those who use or make their living off of these resources. There is also a second kind of impact. When it is found (or suggested) that some economic activity results in an unacceptable level of degradation of the water resource, then actions involving some cost are taken: publicly-owned treatment plants are built or upgraded; industries add treatment, change processes, or shut down; and government imposes land-use controls involving agriculture, urban activities, and land disposal of wastes.

To help address the problems related to degraded water quality, the U.S. Geological Survey (USGS) proposes to initiate a perennial program of data acquisition, intepretation, and assessment of the quality of the Nation's water resource which will provide documentation of the status and trends of the chemical and physical quality of the resource. This documentation of the resource is vital for the assessment of public health effects in the present, and over the upcoming decades as well as for the assessment of the direct economic and ecological impacts of degraded water quality. This documentation, and the enhanced understanding of the short- and long-term impacts of changes in waste discharges and land-use practices which is gained in the process of this documentation, is a vital element in the ongoing public policy debate over the appropriate response of government to the problems of water quality.

Examples of the issues which are being debated and will continue to be debated are: (1) The future level of effort in construction and upgrading of publicly-owned waste treatment plants ($35 billion in Federal funds has been spent since 1972, and the "needs" to the end of the century are estimated to be $110 billion). (2) The need for, and appropriate form of, control of agricultural practices related to insecticide, herbicide, and fertilizer use, soil erosion, and disposal of irrigation return flows. (3) The need for and appropriate form of control of the manufacturing, shipment, sale, use, and disposal of a wide variety of toxic substances. (4) Ways of dealing with already seriously polluted aquifers and sediments (Is it better to "write off" these resources and leave them alone, or to attempt to remove the contaminant and dispose of it safely?). (5) The need for and appropriate degree of control of air emissions of various acid forming compounds.

Without an objective, perennial program of data acquisition, interpretation, and assessment of the Nation's water quality, this very important public policy debate will occur in a technical vacuum. In some cases decisions may be made based on knowledge of a few severe localized problems. This can result in the development of an excessively alarming view of the problem. Conversely the lack of a thorough data acquisition, interpretation, and assessment program may lead to a false sense that certain kinds of problems do not exist simply because we have failed to look for them at the right times and places.

RATIONALE FOR GEOLOGICAL SURVEY ACTION

The USGS is clearly the primary Federal agency involved in data collection, analysis, and interpretation of the flows and storage of both surface and ground waters. The assessment of the physical and chemical quality of the Nation's water resource can only be accomplished within the context of knowledge of these flows and storages. Furthermore, there is great efficiency to be gained in combining the data collection activities concerning quantity with those concerning quality. The USGS is unique among Federal agencies in having a widely dispersed national staff which is trained and equipped to do the basic-data collection and interpretation of the data on quantity and quality of both surface and ground waters. In addition, because the USGS is (and is viewed as) a scientific agency rather than a regulatory agency or an advocate of a particular interest, the data collected and interpretations made are likely to be viewed as more objective, and hence more useful to the policy debate carried out by agencies and individuals who are advocates of particular policies and programs.

Surface water

The only active national surface-water quality networks are operated by the USGS. These are the National Stream Quality Accounting Network (NASQAN) and the Hydrologic Benchmark Network. NASQAN has been in operation for about 12 years and consists of about 500 stations nationwide. NASQAN has been an effective tool for exploring the changes in the major ions and metals transported out of rather large river basins (the 354 Accounting Units), but much less effective for the more reactive substances such as nutrients and organic contaminants. The Hydrologic Benchmark Network has been in operation for about 20 years and consists of 53 stations, all in relatively pristine areas which are unlikely to undergo substantial land-use change. Data from this network provide a very important baseline of comparison, in that the effect of human activity in these basins is limited largely to the contaminants introduced from the atmosphere. These two networks sample at the two ends of the upstream-downstream continuum of conditions but do not constitute a thorough national data-acquisition system. The program proposed herein substantially fills in the middle of this continuum to provide a more complete picture of national surface-water quality.

Other agencies are involved in surface-water resource assessment activities. The States are all involved and are required to submit biannual "305-B Reports" (status reports required under provisions of P.L. 92-500), but there is no assurance of consistency of effort, or quality of the collected data and the interpretations made from those data. Furthermore, many surface-water quality problems are interstate and no single State or combination of States can be expected to give a complete and unbiased appraisal of such problems.

At the Federal level the Environmental Protection Agency (EPA) has the primary water-quality regulatory responsibility, and as a consequence, engages in data-acquisition and assessment activities. EPA provides about $12 million per year to the States (under Section 106 of P.L. 92-500) for surface-water monitoring, but does not operate a regular, nationally consistent measuring program for the chemical or physical quality of surface water. When EPA did have national networks (these are now defunct) which it designed and funded, they were, in large part, operated by the USGS because of the USGS' unique nationwide field data collection capability. In addition, the EPA's concerns in surface-water quality assessment are oriented specifically toward the issues of "fishability and swimability" and "biological integrity" mandated as goals in P.L. 92-500.

The EPA has recently devised programs for making such assessments in its "Aquatic Life Survey" and the "States Evaluation of Progress." Both programs rely heavily on professional judgment (and quantitative data where available) to assess the degree to which the water attains the required quality for the designated instream and withdrawal uses. The USGS program proposed herein is intended to complement that of EPA. It focuses on chemical and physical characteristics of the water, the factors that determine both the quality of the instream habitat and the suitability of the water for various withdrawal uses.

The only other agency involved in a national program related to water quality is the Soil Conservation Service (SCS) of the Department of Agriculture. The SCS National Resources Inventory focuses on land-use characteristics which are significant determinants of water quality in streams and aquifers. The value of this effort by SCS will be greatly enhanced by the proposed USGS national water-quality program. This USGS program will provide data to develop and test hypotheses about the relationship of water quality to these land-use characteristics.

Ground water

Compared to surface water, ground-water systems are more difficult to analyze. They exist within sediment and rock matrices that may be extremely heterogeneous. This fact significantly increases the complexity (and cost) of sampling strategies. Moreover, ground water moves and mixes at a much slower rate than does surface water. This restricts the areal representativeness of a particular water sample. Other limitations are caused by the fact that many of the contaminant analyses that have been made are difficult if not impossible to interpret because the aquifer sampled or depth within the aquifer, the sampling procedure, and the laboratory analysis procedure are unknown. Furthermore, measurements commonly are dominated by those in the most polluted areas, such as those associated with specific point sources of contamination. It is for these reasons, primarily, that a ground-water quality assessment program, national in scope, does not exist today.

Appraisal of the quality of ground water requires a knowledge of the flow system (including aquifer boundaries), and must employ consistent practices of sampling and laboratory analysis. The USGS has experience in the collection and interpretation of data on the major ionic composition of ground water. At the present time, the USGS is building upon the experience with "conventional" contaminants such as salts and nitrates, to develop and test methodology for collecting, analyzing, and interpreting data on a wide variety of manmade compounds. The USGS proposes to combine its knowledge and experience gained through numerous programs related to the study of the hydrogeology of aquifers nationwide with a substantial program for studying the transport and fate of manmade chemicals in subsurface environments. In so doing, a sound hydrologically-based assessment of the quality of the water in the Nation's aquifers can be mounted.

APPROACH

The problem of organizing an effort to acquire data, interpret it, and assess the Nation's water quality is formidable bacause of the large area of the Nation, the high cost of field work and laboratory analysis (expecially for trace organics), the multiplicity of water-quality variables to measure, and the high degree of spatial and temporal variability of water quality. To make the problem tractable, certain strategic choices must be made.

The first choice is to limit the extent of the resource to be examined. Specifically, to limit it to water resources which are perennial, of sufficient size to have been mapped (aquifer boundaries known for ground water, inclusion in the EPA River Reach File for surface water), and for which the natural water quality is adequate to support more uses typical of the area. Given the great cost of instituting and carrying out a nationwide data-acquisition program for both surface and ground water, the locations for sampling the resource must be chosen in a way which effectively serves a variety of purposes. These purposes include maximizing the statistical information content of the data as well as providing a casual understanding of process and mass balances (a description of sources and sinks of contaminants). One way to accomplish this is by clustering program activities in study units, rather than distributing the effort evenly over the entire Nation.

For the program to be justifiably considered to be a national program, these study units must account for a very substantial majority of the Nation's water use and encompass a wide variety of the broad categories of water resource environments of the Nation. For surface water, these study units will typically be the hydrologic subregions (watershed units defined by the USGS of which 222 comprise the entire Nation). The program will focus on about 90 of these units, selected to account in aggregate for more than 80 percent of the surface-water withdrawals in the Nation but only about 40 percent of the land area. In ground water, some of the study units will be portions of major aquifer systems which have been studied by USGS personnel under the Regional Aquifer-System Analysis program or under other programs of general hydrogeologic evaluation. For many of these aquifer systems the general ground-water flow patterns and sources of recharge are well understood; this will make possible an effective and immediate commencement of the water-quality studies discussed here. Other study units will concern themselves with shallow ground-water systems which are not necessarily relied on as major water supplies. These shallow systems are of interest in that they provide the recharge which will determine the quality of deeper aquifers in the future, or because they create health or environmental problems where the water returns to the surface in ditches, streams, lakes, or basements.

The primary technical management of the program will be at the USGS Water Resources Division District level. (Districts are coincident with a single State or small clusters of States.) The teams of hydrologists conducting the studies will be housed in District offices and will interact during the planning, execution, and report-writing phases with officials of the relevant Federal, State, and local agencies concerned with the study unit. The purposes of these interactions are to identify areas of mutual interest, find ways for the USGS study to serve the needs of those agencies, and to find ways in which the existing data and studies of those agencies can be used in the USGS study. The role of the USGS Water Resources Division regional and Headquarters staffs will be to coordinate the efforts in the study units, to provide the necessary guidance and training to the field staff to assure the national uniformity of methods and of results, and to provide liaison between the program and the headquarters of other relevant Federal agencies.

In both the surface-water and ground-water programs, the variables to be measured are of two types, target variables and support variables. The target variables are those constituents that are of direct relevance to broad national water-quality issues: (1) chemical contamination, (2) nutrient enrichment, (3) acidification, (4) sedimentation, and (5) acceptability of water for use. The target variables will be selected by a national committee of scientists from the USGS and other State and Federal agencies. The committee will consider a variety of factors in this selection process: (1) persistence, (2) extent of distribution, (3) effects on humans and biota, and (4) laboratory capability to make reliable determinations at ranges of concentration that are important from a health or ecological perspective. Some target variables will be measured at all sampling sites and some will be geographically restricted if they are shown to have low probabilities of occurrence or importance in certain regions.

Support variables are those which aid in the interpretation of the target variable data. Stream discharge is a prime example of a support variable. Some biological measurements may be made because of the biota's tendency to accumulate contaminants. Also, descriptive information concerning the characteristics of the watershed or aquifer recharge area will be assembled and used as support variables. Included would be information on climate, geology, soils, land cover and use, population, and known sources of contamination.

The description of the approach is divided into four program elements: surface-water, ground-water, drinking-water sources, and precipitation.

Surface water

An aspect of the surface-water program which serves to make the task tractable is that efforts in the study units will be conducted on a rotational basis—with about one-third of the designated study units undergoing intense data acquisition and study at any one time. For any given study unit there will be a 3-year period of concentrated data acquisition and interpretation. At the conclusion of that 3-year period reports will be published assessing the quality of the resource. These reports will describe frequency distributions of concentrations over space and time, provide estimates of mass balances or fluxes of constituents, and give locations and descriptions of the large problem areas in the unit. Then, for 6 years the activity in the study unit will be maintained at a lower level, to track the occurrence of gross changes in conditions. During these periods of lower levels of activity, the major efforts would be centered in other study units, so that the level of effort nationally would remain constant. In any given year the array of active study units would be widely dispersed around the Nation. This approach is predicated on a presumption that the state of water quality of relatively large areas generally does not change so rapidly that the period of low level monitoring will not severely limit the ability of the system to identify changes in a timely manner. After each 3-year active phase, the new data would be compared to that from previous active phases to identify and explain changes occurring in the study unit.

For surface water, data acquisition for 3 years to develop a base line of data to compare with future periods is necessary because water quality can be subtantially affected by hydrologic conditions, such as dry or wet spells, which commonly persist for 1 or more years. A cyclic system in which the intensive monitoring lasts for only 1 or 2 years in each cycle runs a high risk of having great difficulty in making cycle-to-cycle comparisons of water quality because of differences in the underlying hydrologic conditions. Sufficient time is needed for the team of hydrologists to carry out exploratory sampling, build and test hypotheses, and prepare summary reports. Through a series of 3-year studies, knowledge of a study unit will grow in detail and in interpretational quality, such that after several complete cycles a thorough picture of water quality, with a national scope, can be attained from the combined results of the unit studies. Three major types of activities will be carried out in the surface-water program.

1. Fixed-Station Sampling

At least 12 fixed-location sampling stations will be established per study unit (one station per 300 river miles). These will include existing NASQAN, Hydrologic Benchmark stations, and stations operated under the USGS cooperative program or operated by the USGS on behalf of other Federal agencies. Reactivation of some stations from an old EPA network may also be desirable. The study unit's stations will be sampled for most variables at least once a month during the 3-year high-activity period. The need for repetitive sampling arises from the considerable temporal variability of surface-water quality. This variability mainly is a result of variations in temperature, river discharge, and waste inputs. Data from these stations will be interpreted and summarized in terms of frequency distribution of concentrations and mass balances of constituents between stations. Hypotheses will be developed and tested, aimed at relating these conditions to causative factors, thus enabling one to draw inferences about water quality on a regional scale and pointing out some of the policy implications of the observations. The relevant results obtained will also be considered in national analyses which examine the relationships between causative factors and water quality conditions and trends. In each 3-year high-activity period, the newly collected data will be compared with past data (from before this program began or from earlier cycles of the program) to detect and describe trends in water quality.

2. Synoptic Sampling

The purpose of synoptic sampling is to provide a "shapshot" of the occurrence of certain kinds of water-quality conditions over a broad geographical area at one point in time. These synoptic studies will be tailored to a specific type of known or suspected problem. Within the study units, both water and bed sediments in the reaches between fixed stations will be sampled to provide information on the sensitivity of the fixed station network leading to possible adjustments in network design. Such adjustment would occur in cases where the synoptic surveys reveal important water-quality problems which are not apparent in the fixed-station data. By sampling at intervals of about 25 river miles, the synoptic sampling should make it possible to identify all reaches of 50 miles or more with chronic water-quality problems.

There will also be national and regional synoptic studies where samples are collected from selected locations and analyzed for a particular contaminant. Examples of such studies might include: a national study of PCB's in river sediments or river bottom organisms; a regional study of a soluble insecticide which is applied seasonally and primarily to one crop to determine whether it does enter rivers or primarily remains on the fields until it degrades; or a study of selenium and associated trace elements in irrigation return flows in Western States.

3. Intensive Studies

On the basis of prior knowledge of the study unit and the knowledge gained through synoptic studies, limited areas would be chosen to be intensively studied. Special sampling and mathematical simulations (modeling) would be used in these areas to better define the problem and gain an understanding of its cause. The studies would involve 2 or 3 years of data collection. If the modeling appears to be sound, it would be used to project the outcomes of alternative management strategies for dealing with the specific water-quality problems. These intensive study areas would be returned to in later study cycles (every 9 years) to study the changes and determine if they correspond to our prior understanding of the processes at work. If it is discovered that the changes are not those expected, then a substantial restudy would be undertaken.

Ground water

The design of a strategy to evaluate and monitor ground-water quality presents difficulties different than those encountered in surface-water systems. Ground water can be accessed or sampled only where a well is already present, where a test hole is drilled, or where it appears at the land surface as a spring or seep. Ground-water flow occurs in a heterogeneous three-dimensional framework of geologic materials, and patterns of flow are usually complex. Whereas surface water is confined to a small percentage of the map area, ground-water is found almost everywhere at some point beneath the land surface, and commonly extends to great depths. Whether contamination is present or not, the chemical quality of water at any point in the system is a function of reactions that occur along the flow path—particularly between the moving fluids and the geologic framework; it is always difficult to assemble information on the nature of those reactions. The spatial variability of ground-water quality tends to be large, both areally and with depth; low velocities of flow, subsurface chemical reactions, and limited opportunity for mixing all may produce large changes in quality over very short distances.

One simplifying characteristic of the ground-water regime, however, is that because ground-water velocities are generally low, contaminants move much more slowly than in surface water systems, and the water-quality picture tends to change much more slowly with time. Another characteristic which often acts to reduce the difficulty of assessment is that contamination problems tend to diminish with depth. This is due to the fact that manmade contaminating substances have been heavily used only in the past half century. In many cases, there simply has not been time for contaminants to reach great depth at the prevailing velocities of ground-water flow; moreover, many of the chemical, biological, and adsorptive processes which occur in the subsurface tend to retard the progress of some contaminants or to attenuate their concerntration.

Ground-water contamination is intimately related to land use; what happens to the land eventually must impact the subsurface. Contamination may occur in slowly developing pockets or plumes around "point" sources, such as landfills or waste lagoons; or it may occur through a general deterioration of water quality over a wide area due to nonpoint sources of contamination, such as agricultural pesticide application, suburban septic systems, or leaking sewer networks. Contamination may also result when naturally occurring substances are concentrated or transported in the ground-water system as a result of human activities; for example, pumpage may cause saline waters to move into areas of withdrawal, irrigation may cause leaching of salts from soils to the water table, and mining activities may cause or alter geochemical reactions. In any scheme of water-quality evaluation, the areal degradation associated with nonpoint-source contamination is more easily detected than point-source contamination, in that drilling or sampling need not intercept a localized plume to confirm the problem. The location of plumes associated with point-source contamination depends primarily on recognition of the sources themselves; where this is not possible—e.g., where the sources have been removed or covered over—the problem is difficult indeed.

It is important to recognize that no economically feasible national assessment of ground-water contamination can hope locate all the individual plumes associated with point-source contamination. Instead, assessments can be directed to the identification of areas having a high probability of containing extensive contamination. Large zones (for example, on the order of 100 square miles) of degradation associated with nonpoint sources can be outlined, as can large areas containing a high density of point-source contaminant plumes; areas having a high vulnerability to contamination also can be delineated. However, the location of individual point-source plumes, or of very local areas of nonpoint source degradation, must remain primarily the responsibility of other agencies concerned with water supply and public health.

At present, because of the inherent difficulties of detection and because groundwater contamination is a relatively recent concern, only sketchy knowledge exists of the extent of the problem on a national scale. Thus, the first task, which is in fact formidable, is to define the existing condition; only after this has been done, at least within a given area, can evaluation of change over time be undertaken in any meaningful sense. Therefore, the emphasis in the approaches proposed here is on evaluation of the present situation, as the initial step in the process.

In theory at least, the proposed approaches should be much more cost-effective than simple uniform or random sampling schemes. However, it is important to remember that there is little experience, either in the USGS or elsewhere, to draw upon in designing a national ground-water contamination assessment; a task of this nature has not been attempted in the past. Because of this, what is proposed here includes experimental elements; adjustments in the program will be made as experience is gained.

The program consists of six complementary activities:

1. Immediate measures to expand the information base on ground-water contamination;
2. Identification of a national set of ground-water study units primarily using USGS Regional Aquifer Studies (RASA's) or RASA subdivisions as bases;
3. Initial estimation of contamination probability distribution within study unit aquifers using existing data;
4. Use of iterative search techniques in each study unit to test, modify, and verify initial estimates of ground-water contamination;
5. Intensive hydrogeologic studies of segments of study units identified in the iterative search process as probably containing extensive contamination, or vulnerable to contamination; and
6. Long-term data acquisition.

The first four activities are intended to provide a preliminary evaluation of groundwater quality on a national scale; the fifth provides for intensive field investigations of areas or problems identified during the preliminary evaluation. The last activity establishes a very long range data acquisition program, either to evaluate time trends in areas which have been covered by intensive investigation, or to build up information in areas initially evaluated as free of problems. The time schedules of the individual activities of the program will overlap; it is estimated that the first five may require on the order of three decades to complete, after which the ground-water element will consist primarily of long-range data acquisition. As information and data are built up through the first four activities, analyses will be undertaken at the national level to develop generalizations of the ground-water contamination situation, and to gain a greater understanding of processes controlling contamination. These analyses will represent a continuous facet of the program.

In the following paragraphs, the program is discussed in terms of the individual activities. While not identified as a specific activity, it should be understood that a substantial effort of detailed program planning will be needed prior to implementation.

1. Immediate Measures to Expand the Information Base on Ground Water Contamination

Several steps, largely involving expansion of ongoing programs, can be taken immediately to broaden the base of information on ground-water contamination. These are described below.

a. Augmentation of ongoing or completed hydrogeologic investigations to provide for the analysis of water samples for contamination.—General geohydrologic investigations have been completed by the USGS in many areas of the country, and are currently underway in others. These investigations have usually provided a good understanding of general hydrogeologic conditions, groundwater flow patterns, and background water chemistry, but have lacked the means to sample and analyze for contaminants. Where background hydrologic information of this type is available, it may be possible to determine a great deal about contamination with a limited number of samples. To take advantage of this existing geohydrologic information, additional funds will be made available to USGS District Offices to support the collection and analysis of water samples for contaminants in areas covered by ongoing or recently completed groundwater investigations. For a relatively small investment of effort, this program will add a great deal of relevant useful information on ground-water contamination.

b. Sampling of ground-water quality in the immediate vicinity of recognized contaminant sources.—Many features and activities which are commonly assumed to cause ground-water contamination may not actually do so in all hydrogeologic settings, or may cause varying kinds of degrees of contamination in terrains or different geological character. To assemble additional information on the actual contamination generated by various categories of sources in different geologic environments, a program of sampling will be carried out in the immediate vicinity of assumed sources, such as landfills, unsewered suburban areas, areas of pesticide use, and so on. The resulting data will address the question of what contaminants actually reach the water table beneath these sources.

c. Expansion of an ongoing effort to locate, evaluate, and where feasible acquire existing data on ground-water contamination in the files of State and local agencies.—The USGS is presently pursuing two pilot studies to assess the amount and quality of the information on ground-water contamination in the files of State and local agencies. These pilot studies began with surveys of State and local agencies to determine what kinds of sampling programs are carried out, what chemical analyses are performed, and what kinds of records are maintained. The results of this survey were screened to determine which agencies or programs have assembled data which appear to meet certain basic criteria. These data are presently being evaluated against standards for sample collection, laboratory analysis, quality control, and so on. Records that meet the required standards will be acquired by the USGS for integration into our national data files. Because many of the ground-water contamination problems have been recognized in the relatively recently past, and because the ability to analyze for trace concentrations of many contaminants has only recently been developed, it does not appear likely that large amounts of data will be found. However, the cost of new sampling programs and the need for data on existing contamination demand that all possible sources of information be explored and utilized. the pilot studies underway at present are being carried out in Ohio and Colorado. Under the proposed program, studies would be initiated to cover the remainder of the country, over a time period of approximately 5 years.

d. Expansion of an ongoing program of investigating ground-water quality in relation to land use and hydrogeologic factors, in various representative geohydrologic environments.—As an element of the currently ongoing USGS Hazardous Wastes Hydrology Program, investigations of ground-water quality as related to land use are being carried out in a number of selected study areas. Each of these areas was chosen as representative of a particular hydrogeologic and climatic environment—e.g., a limestone terrain in a humid climate, an alluvial aquifer system in a semi-arid climate, and so on. Each area was delineated so as to include several different land use categories—for example, agricultural areas, unsewered suburban zones, urban industrial areas, and so on. The objective of the program is to associate the general quality of ground water with land use practices, under various hydrogeologic characteristics. The information generated from this program differs from that to be developed under section "b" above in that the focus here is on regional water quality, rather than on the quality of water immediately around or beneath the source; thus the effects of processes which operate on the contaminants as they move through the ground-water regimes are incorporated in the results. Expansion of the program will allow more of these investigations to be undertaken, and will permit more intensive sampling and more complete analysis of contaminant transport processes in each study; this is turn will strengthen data on the interdependence between land use and contamination.

2. Identification of a National Set of Study Units Primarily Using USGS Regional Aquifer Studies (RASA's) or RASA Subdivisions as Bases

Prior knowledge of the approximate boundaries and general hydraulics of the aquifers are necessary to delineate study units. Furthermore, a basic condition for selecting ground-water study units is that the aquifers chosen must account, in aggregate, for 80 percent or more of the country's fresh (non-saline) ground-water withdrawals. From the point of view of the above requirements, Regional Aquifer Systems Analysis (RASA) boundaries are a natural choice in defining ground-water study units. There are now about 28 current and planned RASA aquifers in the coterminous United States. They account for about 80 percent of the country's non-saline ground-water use. Because some RASA aquifers are very large, it may be advantageous to divide some of them into 2, 3, or 4 parts. This may create a total of about 50-100 aquifer study units.

This list of study will be modified, so that the ground-water units finally chosen: (1)

represent as many as possible of the country's main sets of conditions determining ground-water quality; (2) include as many as possible of the country's metropolitan areas, which largely depend on ground-water supply; (3) distribute the work among WRD's Districts as efficiently as possible. However, these modifications should be such that the 80 percent of ground-water use is encompassed in the aquifers studied.

In many cases, a single study unit will include two or more aquifers in the vertical dimension. In fact, many of the RASA aquifers are part of confined systems above which exist unconfined aquifers of local or regional importance. When this situation is encountered, as appropriate, the water quality in each aquifer will be evaluated and separate analyses (and reports) prepared.

3. Initial Estimation of Contamination Probability Distribution Within Study Unit Aquifers Using Existing Data

A substantial body of existing data and understanding on ground-water systems and contamination are available in USGS District offices and through State and local agencies. Using this information, initial estimates of the probability of aquifer contamination with each study unit can be made. These estimates will result in delineations of segments of differing contamination probability within study units. These segments will serve as a basis for iterative search procedures and intensive studies described in the next program elements.

4. Use of Iterative Search Techniques in Each Study Unit to Test, Modify, and Verify Initial Estimates of Ground Water Contamination

Iterative search techniques have frequently been used in petroleum and mineral exploration; however, additional effort is required to adapt them to the ground-water contamination problem. The primary goal of this effort will be to develop iterative search strategies for identifying those subdomains or segments of a ground-water regime which have a high probability of containing extensive contaminated zones, or which are highly vulnerable to contamination. In particular, the effort will seek to establish a methodology for breaking a ground-water regime into segments characterized by: (a) known presence of extensive contamination, or a high probability of containing extensive contaminated zones ("probably contaminated" segments); (b) a lower probability of containing extensive contaminated zones, but a high vulnerability to contamination ("vulnerable" segments); or (c) a low probability of containing extensive contamination, and a low vulnerability to contamination ("sheltered" segments).

Several types of information will have to be integrated in applying the iterative search techniques: data on land use, particularly as related to potential sources of contamination; information on the geohydrologic characteristics of subsurface materials, particularly those characteristics which determine vulnerability to contamination; data on ground-water quality in the files of public or private groups; and the results of sampling conducted during the search procedure itself. A mixture of measurement techniques will be used, some with relatively low cost and low sensitivity, others with much higher cost and higher sensitivity. The field sampling as well as the assembly of some of the preliminary information will be carried out according to iterative procedures in which the activities at each level of iteration are guided by information assembled at previous levels. The iterative search is guided by an optimization procedure intended to maximize the probability of correctly classifying the segments, subject to constraints on the cost of sample collection and laboratory analysis.

Another goal of the research activity will be to establish approaches and levels of effort required for various levels of detail in the resulting classification. The USGS' nationwide application of iterative search methods will be aimed at a coarse level of detail, compatible with the goals of identifying large areas of nonpoint source contamination, areas with a high density of point-source contaminant plumes, and large areas in which the overall vulnerability to contamination is high. However, State and local agencies may seek to apply these techniques at a much finer scale, utilizing their own resources, and the research is intended to address such applications as well.

Two other issues which must be addressed are the definition of "contamination," in terms of the levels of concentration of various substances or classes of substance; and the definition of "extensive contamination," in terms of the areas, volumes of water, or consumer populations that are affected. The latter issue is strongly related to the questions of scale and level of detail discussed in the preceding paragraph; clearly, "extensive contamination" at a local scale will not mean the same thing as "extensive contamination" on a national scale. In any case, definitions suited at least to the national scale will have to be developed to permit implementation of the proposed program. The activity must also address the feasibility of separate classification of shallow and deep zones in the same geographic area, recognizing that the probabilities of contamination, as well as the vulnerability to contamination, may vary extensively with depth.

The iterative search method will be applied to each study unit with the objective of subdividing the unit into segments, each of which falls into one of the three categories described previously, i.e., probably contaminated, vulnerable to contamination, or sheltered from contamination. The evaluation is based on data assembled under subactivities a through d of activity 1, knowledge of the hydrogeologic and land-use characteristics of the unit, information gained from past water-quality sampling, and data collected during the iterative search.

The task of covering all the major aquifer systems and ground-water problem areas of the Nation in this process will be lengthy, probably extending over a decade, depending on resources available. However, results will be available for some individual study units within a few years, and the publication of results will continue throughout the iterative search phase. Ultimately the results will provide a breakdown of aquifer systems and problem areas into segments classified according to their probability of contamination or vulnerability to contamination. This in itself will be a major step toward an answer to the question "How extensive is the ground-water contamination problem?"

5. Intensive Hydrogeologic Studies of Segments of Study Units Identified as Probably Containing Extensive Contamination, or as Vulnerable to Contamination

As the iterative search procedures are completed in a given study unit, intensive investigations of ground-water quality and of the factors controlling it will be initiated in those segments of the study unit classified as "probably contaminated"—that is, those known to contain extensive contaminated zones, or having a high probability of containing such zones. The goal of these intensive investigations will be to confirm the presence of contamination and to develop as much information as possible regarding its extent, nature, origin, and future condition. At this point it is not possible to anticipate the number, size, or hydrologic character of the segments that may fall into the "probably contaminated" category, so the total effort involved in these intensive studies nationwide is difficult to estimate. Individual studies will undoubtedly require at least 3 years to complete, and the number which can be carried on concurrently will depend upon the resources and manpower available to the program. Priorities will have to be established, so that studies are carried out first in areas where the contamination problems and their potential impacts are most severe. The entire effort of intensive investigation in all of the "probably contaminated" segments nationwide may require two decades; however, results from investigations begun early in the sequence will be available after a few years of operation, and results will continue to be released as they are developed thereafter. The information generated from this activity will be evaluated continuously from a national perspective as results become available.

After the program of intensive investigation of "probably contaminated" segments is established, a program of investigations of segments (or groups of segments) classified as vulnerable to contamination will be initiated. The objectives of these investigations will be to conform the conclusion that no extensive contamination exists, and to investigate recharge processes and flow paths in the system, so that the potential for contamination can be assessed more accurately. This in turn will provide the background information needed to consider protective measures that appropriate public and private agencies or individuals may wish to consider.

The effort of covering all the vulnerable segments in the Nation will be very great, probably requiring two or more decades to complete; again, however, results from the earliest investigations to be initiated should be available during the first decade of operation and results will be released as they are developed throughout the course of the program. Again, the information generated from this activity will be evaluated from a national perspective as results become available.

6. Long-Term Data Acquisition

When the investigations are completed in "probably contaminated" or "vulnerable" segments, programs will be established to collect new data periodically in those segments. In this activity, the density and frequency of sampling will vary depending on local geohydrologic conditions; in general, however, the frequency will be much less than for surface-water systems. The effort will include continued acquisition of relevant data from all sources, including the files of State and local governments. It is important to understand that the goal of this effort is to evaluate changes in the overall condition of the resource, and not to identify individual instances of pollution as they occur.

A program also will be established to collect and assemble data on the existing ground-water quality situation in those segments of study units which are initially classified as "sheltered" from contamination. The emphasis will be on continued efforts to assemble data collected by State and local agencies, or collected as a supplement to ongoing hydrogeologic investigations by the USGS and other groups. As this information is brought together it will be evaluated to verify the conclusion that no contamination is present. Any new geohydrologic information, from USGS investigations or from other sources, on any of the segments classified as "sheltered" will be evaluated as it becomes available to determine whether the classification should be changed.

The long-range data acquisition activity should be considered a permanent feature of the program, rather than a discrete investigation which will be completed after a specified time interval.

Drinking water source

Drinking-water sources will be sampled in both the surface-water and the ground-water elements. Some of the fixed stations in the surface-water element will be specifically located at or near municipal drinking water intakes in rivers and reservoirs. In the ground-water element, water from municipal supply wells will be analyzed. The data collection efforts will be organized to provide for national statistical summaries of the quality of drinking water (prior to treatment) in addition to the hydrologically oriented national summaries of the quality of the whole water source. To a large extent this work will be integrated into the ongoing efforts for surface water and ground water described above. However, special samples will be taken in areas not otherwise studied to provide a valid statistical sample of the Nation's drinking-water sources.

Precipitation

In some hydrogeologic settings the quality of the water in streams and lakes is strongly influenced by the chemistry of the precipitation falling on the land. Thus, this element of the program is concerned with the deposition of chemicals on the land surface.

1. Fixed-Station Sampling

There is now an extensive national network (150 stations) for monitoring wet deposition—the National Trends Network. It is a multiagency program in which the USGS operates about 50 of the stations and for which the USGS serves as national coordinator. One of the important issues in the acid rain controversy is the possible release of toxic metals from rocks and soils by the acidified rain water. To evaluate this problem, mass balances of these metals must be computed on a watershed basis. This requires knowledge of the atmospheric inputs of these metals to the watershed and knowledge of the hydrologic outputs of them at the downstream end of the watershed. To improve the understanding of this question, the monitoring of metals in precipitation is needed at a sub-set of the National Trends Network stations.

2. Intensive Studies

In addition to analyses of samples from the network, much work is needed on the processes concerning plants, rocks, soils, and water which occur when acid materials are deposited in precipitation. The types of studies needed are very intensive studies of basic processes in small watersheds. This activity is somewhat analogous to the intensive interpretive studies of problem river reaches and the intensive hydrogeologic studies of contaminated and vulnerable aquifer segments. However, these studies would differ in the small scale of the hydrologic unit being considered. Small basin or watershed studies are required because of the need to trace so many reactions to document if, and how, acid substances are altering the soil, affecting the vegetation, and affecting aquatic organisms. Emphasis would be given to conducting these studies in areas with existing Hydrologic Benchmark (stream quality) and/or National Trends Network (precipitation quality) stations already exist. The studies would require intensive instrumentation and would need to operate for a decade or more.●

By Mr. KENNEDY (for himself, Mr. Specter, Mr. Pell, Mr. Metzenbaum, Mr. Moynihan, Mr. Dodd, Mr. Kerry, and Mr. Simon):

S. 514. A bill to amend the Job Training Partnership Act to establish an incentive bonus for the successful placement of certain employable dependent individuals, to provide targeting of assistance from certain employable dependent individuals, to provide targeting of assistance from certain carryover funds for such individuals, and for other purposes; to the Committee on Labor and Human Resources.

JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUAL ACT

● Mr. KENNEDY. Mr. President, on behalf of Senators Specter, Pell, Metzenbaum, Moynihan, Dodd, Kerry, and Simon, and myself, I send to the desk a bill amending the Job Training Partnership Act to provide enhanced job training to long-term welfare dependents. Every year, approximately 4 million American families receive aid to families with dependent children. Most of these families will be on relief for most of the next 10 years. Let's be clear about the cost of a life on welfare, because these costs are not calculated in dollar amounts, they are calculated in the shattered hopes and dreams, and the uncertain futures of many American Children. These are costs that America cannot afford.

We must finally recognize that life on welfare is a hard and humiliating life. In every State, AFDC provides families with incomes below the poverty line, the amount of money a family needs to buy the bare minimum of food that the Government deems essential. Below the poverty line, there is no room for new clothes; there is no room for child care; there is often no room for essential medical care; there is no room for decent housing or any of the other life of opportunity that the rest of us take for granted. And it has gotten worse—real AFDC benefits have been eroded by inflation by 30 percent in the last 10 years.

About 7 million children constitute the bulk of these 4 million welfare families. It is a national disgrace—an insult to our convictions, compassion, and courage—that so little has been done to lift these American youth out of poverty and up to opportunity.

The cost to the lives of the poor—and especially to these children—cannot really be estimated, but we know that the cost is too high. Too high in poor health, broken dreams, lost hope, and crushed spirit.

And the cost to the rest of society is enormous as well. If we look only at the measure of dollars spent to stem this tide of misery, billions have been spent on families that will spend most of their lives below the poverty line. Despite the widespread sentiment in the Congress and elsewhere that the poor should help themselves by working to support themselves, we are currently doing very little to support them in their efforts to find work and improve their own lives. It is often said that all ablebodied heads of households should work and that welfare dependency is a destructive tide. But does our policy and spending reflect such goals?

Currently the Federal Government is spending about $9 billion on aid to families with dependent children—and less than 5 percent of that amount on job training programs for welfare recipients. What do those types of spending patterns say about our commitment to put America back to work?

There is a way out and a way up. In Massachusetts, the Employment and Training Choices Program, known as E.T., has under the leadership of Governor Dukakis brought new opportunities for work to thousands of families who otherwise had no chance. By providing job training and support services to families in poverty, Massachusetts has reduced the number of families that stay on welfare for 5 years or more by 25 percent. The average amount of time that a family spends on welfare has been reduced by nearly one-third. And thousands of families previously condemned to lives on welfare now support themselves with decent jobs in the private sector.

Last week the Committee on Labor and Human Resources held hearings on job training for welfare recipients, and I questioned two graduates of the E.T. Program. I was impressed with the stories they told about how their lives had changed. They spoke to me of the pride and self-esteem they had found in being able to help themselves and their families. We must extend this opportunity to more Americans, we must put the self-esteem that comes with self-sufficiency within the grasp of all Americans.

Today, I am introducing legislation that will help build these ladders of opportunity in more States and cities. The bill is called Jobs for Employable Dependent Individuals, or JEDI. The fundamental concept is the payment of bonuses to States that succeed in training and employing long-term welfare dependents. The bonuses will be based on the Federal savings produced by State and local efforts. The Federal Government will not hand out any bonuses until after the savings have already been achieved.

JEDI is more than just revenue neutral; in fact it will save the Federal Government money in the long run. In the cost-conscious 100th Congress, this legislation will give impetus to innovative methods to reform the Nation's welfare system.

We know that the average JEDI participant is likely to spend 11 years on AFDC. This legislation only pays bonuses equaling 1.5 years of Federal AFDC benefits. The rest is savings, a concept we need to promote more energetically in the face of the Federal deficit.

The bill will also retarget present, unspent funds in the Job Training Partnership Act to States that have the largest welfare populations. In so doing, we will create a powerful magnet of financial incentive to pull the poorest of the poor, those who are also the greatest financial burden on the Federal Government, up from dependency.

I use those last three words with a special purpose. The President's recent report on welfare and employment was called "Up From Dependency" and while I disagreed with much of that report, I felt that it did illustrate areas in which we can work with the President. After all, our goals are the same: to move poor and welfare dependent Americans into rewarding and productive jobs. I invite the President to work with us on this legislation toward solving this crucial and critical problem.

This bill is action where it is needed and when it is needed—now, before more families, and more important, children, are needlessly consigned to years of destitution, dependency, and despair.

The bill is budget conscious, but it is also conscious of the urgent need to act and the impressive evidence that action will succeed. It is also a prime example of my view that America does not have to spend more to do more.

These are the principles on which our legislative efforts must be founded and I am pleased to introduce this measure today.

I ask unanimous consent that the text of the bill may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Jobs for Employable Dependent Individuals Act".

INCENTIVE BONUS ENTITLEMENT FOR EMPLOYABLE DEPENDENT INDIVIDUALS

SEC. 2. The Job Training Partnership Act (hereafter in this Act referred to as the "Act") is amended—

(1) by redesignating title V and all references thereto as title VI,

(2) by redesignating sections 501, 502, 503, and 504 as sections 601, 602, 603, and 604, respectively, and

(3) by inserting after title IV the following new title:

"TITLE V—JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM

"STATEMENT OF PURPOSE

"SEC. 501. It is the purpose of this title to entitle each State to the payment of a bonus for the successful job placement of certain employable dependent individuals.

"ELIGIBILITY BASIS FOR INCENTIVE BONUS ENTITLEMENT

"SEC. 502. (a) An individual who is a head of a household shall be eligible to be counted for the purpose of a payment of an incentive bonus under this title if the individual—

"(1)(A) has received benefits continuously under—

"(i) a State plan approved under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or

"(ii) section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees,

for at least 2 years prior to participation in education, training, and support activities designed to provide jobs for such individuals; and

"(B) has no work experience for the year preceding the year for which the determination of eligibility is made; or

"(2)(A) receives benefits at the time the determination of eligibility under this title is made under a State plan under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees, and

"(B) has—

"(i) not attained 22 years of age,

"(ii) not completed secondary school or its equivalent, and

"(iii) no work experience for the year preceding the year for which the determination of eligibility under this title is made; and

"(3) meets the requirements of subsection (b).

"(b) An individual meets the requirements of paragraph (3) of subsection (a) if the individual—

"(1) participates in education, training, and support activities designed to provide jobs for such individuals;

"(2) is placed in nonsubsidized employment for at least 1 year after such participation;

"(3) receives from the employment described in clause (2) income equal to or greater than the amount of cash benefits which the family received in the preceding year under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees; and

"(4) no longer qualifies for benefits described in clause (3).

"(c)(1) Each State shall be entitled to receive an incentive bonus payment for the placement in accordance with the provisions of this title of individuals who are eligible under this section.

"(2) Each State shall be deemed to have a contractual right against the United States in each fiscal year in which the Secretary approves an application of the State under section 504 to receive the incentive bonus payment in the amount set forth in the application so approved.

"AMOUNT OF INCENTIVE BONUS

"SEC. 503. (a) The amount of the incentive bonus paid to each State under this title shall be equal to—

"(1) 75 percent of the placement bonus base for each successful placement of an individual described in section 502;

"(2) 50 percent of the placement bonsus base for the second continuous year of such employment; and

"(3) 25 percent of the placement bonus base for the third continuous year of such employment.

"(b) For the purpose of this section, the placement bonus base—

"(1) for an individual who qualifies under section 502(a)(1) is equal to the sum of the Federal contribution to amounts received by the individual and the family of such individual under a State plan approved under part A of title IV of the Social Security Act, relating to aid to families with dependent children, or under section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees, or both, for the 2 fiscal years prior to the determination made under section 502 divided by 2; and

"(2) for an individual who qualifies under section 502(a)(2) shall be the annual amount to which such individual would have been entitled for one year at the time of the determination of eligibility of the individual, if such individual has not received the benefits described in subsection (b) for the prior year, under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act relating to cash assistance and medical assistance to refugees.

"APPLICATIONS AND VERIFICATION REQUIRED

"SEC. 504. (a) Each State providing training to individuals qualifying for the incentive bonus under this title shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) set forth the bonus base for the placement of individuals qualifying under this title in the State;

"(2) set forth the nonsubsidized employment for each such individual and the annual amount earned;

"(3) set forth the amount of cash benefits under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees, received by each individual placed pursuant to clause (1) of this subsection;

"(4) describe the arrangements for carrying out section 502(b)(1) relating to the provision of education, training, and support activities; and

"(5) set forth such additional information as the Secretary determines to be necessary.

"(b) The Secretary may not approve an application under this section without adequate verification of the placements described in the application of the State made under subsection (a).

"PAYMENTS

"SEC. 505. The Secretary shall pay to each State the amount to which the State is entitled by reason of an application approved under section 504.

"RESERVATION OF INCENTIVE BONUS; USE OF FUNDS

"SEC. 506. (a) The Governor shall reserve an amount which is equal to the amount the State receives for incentive bonuses under section 505 and shall distribute such incentive bonus amounts in accordance with subsection (b).

"(b)(1) The Governor shall, from the amount reserved under subsection (a), set aside an amount, not to exceed 15 percent of the amount so reserved in each fiscal year, for distribution to participating State agencies to support the costs of establishing and maintaining systems necessary for the operation of the program under this title, including technical assistance, management information systems, postprogram followup activities, and research and evaluation activities.

"(2) The Governor shall distribute the remainder of the amount so reserved in each fiscal year to participating agencies, private industry councils in service delivery areas, and service providers who contribute to the program authorized by this title.

"(c) Funds distributed pursuant to paragraph (2) of subsection (b) may be used only for education, training, and support activities designed to provide jobs.

"EVALUATION OF PROGRAM

"SEC. 507. (a) The Secretary shall, directly or by contract or other arrangement, conduct a thorough evaluation of the program authorized by this title.

"(b) Not later than 3 years after the date of enactment of this title, the Secretary shall prepare and submit a report to the Congress on the evaluation activities conducted under subsection (a) and the results of such activities, together with an analysis on the costs of the program authorized by this title and the savings in payments under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or under section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees.".

TARGETED ASSISTANCE FOR EMPLOYABLE DEPENDENT INDIVIDUALS

SEC. 3. (a) Section 104(b) of the Act is amended—

(1) by redesignating clauses (7), (8), (9), and (10) as clauses (8), (9), (10), and (11), respectively; and

(2) by adding after clause (6) the following new clause:

"(7) A description of the procedures and methods for carrying out the outreach and training activities for employable dependent individuals required by section 109;".

(b) Part A of title I of the Act is amended by adding at the end thereof the following new section:

"TARGETED ASSISTANCE FOR EMPLOYABLE DEPENDENT INDIVIDUALS

"SEC. 109. (a)(1) Subject to the provision of the second sentence of this paragraph, the Secretary shall determine—

"(A) the amount available for fiscal year 1987 for carrying out this section; and

"(B) the eligible reallotment percentage for each State,

from amounts allotted to each State under section 201, which are—

"(i) unobligated by the State or by a private industry council within the State from amounts appropriated for fiscal years 1984 and 1985;

"(ii) obligated but not expended (to the extent practicable) from amounts appropriated for fiscal years 1984 and 1985; and

"(iii) otherwise available from any previous year.

In determining the amount under the previous sentence, the Secretary may not count any amount until 2 years have elapsed from the date of its allotment to a State.

"(2)(A) For the purpose of this section, the eligible reallotment percentage—

"(i) is 70 percent of the amounts determined under paragraph (1)(A) for any State in which a majority of the private industry councils in the State have an agreement with the Governor for outreach activities and preemployment training or support activities for employable dependent individuals; and

"(ii) is 80 percent of the amounts determined under paragraph (1)(A) for any other State.

"(B)(i) The aggregate amount representing the eligible reallotment percentage for each State determined under paragraph (1) and subparagraph (A) shall be available for carrying out this section.

"(ii) The remainder of the amounts determined after applying the eligible reallotment percentage under subparagraph (A) shall be available in each State for activities for which such amounts were originally appropriated.

"(C) For the purpose of this section, the term 'employable dependent individual' means an individual who qualifies under section 502(a).

"(3)(A) The Secretary shall, from the amount of eligible reallotment percentages for all States calculated pursuant to paragraph (2) of this subsection, determine the amount available for the purpose of this section for fiscal year 1987 for allotment to each State in accordance with subparagraph (B).

"(B)(i) The Secretary shall, from 70 percent of the amount determined under subparagraph (A), allot to each State an amount which bears the same ratio to such amount as the number of recipients under the State plan approved under part A of title IV of the Social Security Act for the fiscal year 1986 in the State, multiplied by the caseload index of that State bears to the number of such recipients in all States, multiplied by the average of the caseload index for all States.

"(ii) For the purpose of this subparagraph, the 'caseload index' of a State is the number of recipients under the State plan approved under part A of title IV of the Social Security Act in fiscal year 1986 divided by the population of the State for the most recent year for which satisfactory data is available.

"(iii) The Secretary shall allot the remaining 30 percent of the amount determined under paragraph (A) to each State on the basis of the number of placements of individuals who are heads of households and who receive benefits under the State plan approved under part A of title IV of the Social Security Act and who receive job training under programs conducted with Federal financial assistance in the fiscal year 1986 in the State compared to the number of such placements in all States.

"(4) From the amounts allocated to each State under paragraph (3), the Governor shall—

"(A) reserve for fiscal year 1987 20 percent of such funds for administrative expenses in carrying out the program authorized by this section, and

"(B) allocate the remainder of the amount allotted pursuant to paragraph (3) among service delivery areas within the State on the basis of the number of recipients described in paragraph (3)(B)(i) and the number of placements described in paragraph (3)(B)(iii).

"(5)(A) In fiscal year 1988 and for each of the succeeding fiscal years, the Secretary shall determine the amount available for allotment for this section in the manner prescribed in paragraphs (1) and (2) using the appropriate fiscal year data. The Secretary shall, from such amount for each such fiscal year, allot to each State the amount for which the State is eligible under paragraph (3).

"(B) The Governor shall, from amounts allotted to the States pursuant to paragraph (A) of this paragraph—

"(i) reserve not more than 15 percent of such amounts for administrative expenses in each such fiscal year to carry out the program authorized by this section, and

"(ii) allocate the remainder of the amounts so allotted among service delivery areas within the State on the basis of the factors described in paragraph (3)(B).

"(b) The amounts received pursuant to subsection (a) of this section shall be targeted to training activities including outreach activities and preemployment support activities for employable dependent individuals described in section 502(a).

"(c)(1) The training services, outreach activities, and preemployment support activities required by this section shall be offered in the service delivery area pursuant to the job training plan under section 104.

"(2) Such training services, outreach activities, and preemployment support activities may include arrangements with one or more community-based organizations and appropriate State and local public agencies.".

CONFORMING AMENDMENTS

SEC. 4. (a) Section 104(b) of the Act is amended—

(1) by redesignating clauses (7), (8), (9), and (10) as clauses (8), (9), (10), and (11), respectively; and

(2) by adding after clause (6) the following new clause:

"(7) a description of the procedures and methods of carrying out the provisions of title V, relating to incentive bonus payments for employable dependent individuals;".

(b) Section 106(b) of the Act is amended by adding at the end thereof the following new paragraph:

"(5) In prescribing performance standards under this section for programs authorized by section 109 and title V, relating to the placement of certain employable dependent individuals, the Secretary shall weight the placement of such individuals in accordance with the average cost of successful placement of such individuals compared to the average cost of successful placement of individuals eligible for services under part A of title II of this Act.".

(c) Section 121(b) of the Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) The State plan shall include a description of the manner in which the State will encourage the successful carrying out of—

"(A) training activities for employable dependent individuals whose placement is the basis for the payment to the State of the incentive bonus authorized by title V; and

"(B) the training services, outreach activities, and preemployment support activities furnished to such individuals.".

(d) Section 164 of the Act is amended by striking out "titles II and III" and inserting in lieu thereof "titles II, III, and V".

(e) Section 3 of the Act is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of title V of this Act.".●

By Mr. ZORINSKY (for himself, Mr. Dole, Mr. Exon Mr. Daschle, and Mrs. Kassebaum):

S. 515. A bill to provide equitable treatment under the highy erodible land conservation provisions of the Food Security Act of 1985 to farmers who produced alfalfa and other multiyear grasses and legumes in a rotation practive during each of the years 1981 through 1985; to the Committee on Agriculture, Nutrition, and Forestry.

ALFALFA ROTATION

● Mr. ZORINSKY. Mr. President, I am pleased to offer legislation which will provide relief to those farmers with proven conservation records, who have practiced good stewardship of the land through well-established crop rotation measures. Specifically, I am referring to farmers who have historically rotated alfalfa and other multiyear grasses and legumes with row crops as part of their normal crop rotation. Under the sodbuster provisions of the 1985 farm bill, however, farmers with alfalfa and other multiyear grasses and legumes planted on their land in the years 1981 through 1985 will lose farm loans, price supports and other program benefits if they produce a row crop on that land in later years.

Unfortunately, there are many producers in Nebraska and other States in the Midwest who produced alfalfa on their land during these years. It was the intention of these producers to plant, in accordance with their normal crop rotation practices, a row crop on the land after it had been in alfalfa for 5 years or longer. The crop rotation practices of many of these farmers resulted in less erosion than the practices of other farmers who produced more highly erosive row crops on similar land.

It is unfair to those farmers who have exercised good conservation practices over the years by producing alfalfa under a crop rotation practice to be penalized, while allowing program benefits to continue to be provided for less conservation-conscious farmers. These farmers ought to be commended for their efforts to reduce erosion and rebuild the soil, rather than be punished, which is the result under the current sodbuster provisions.

My bill is intended to correct this inequity by providing for an exemption to the sodbuster provisions of the farm bill for those farmers who produced alfalfa or other multiyear grasses and legumes on land under a rotation practice approved by the Secretary. These producers will, of course, still be required to have a conservation plan developed by 1990, as required by current law.

I urge my colleagues to support this much needed legislation.●

By Mr. DANFORTH:

S. 516. A bill to require the Secretary of Transportation to undertake certain actions to promote highway safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HIGHWAY SAFETY ACT

● Mr. DANFORTH. Mr. President, Tuesday, February 3, 1987, was a dark day for highway safety in the Senate. The Senate voted to permit States to raise the speed limit on rural interstates to 65 mph. If enacted, this proposal will result in the deaths of 600 to 1,000 Americans a year. The Senate also voted, on a largely partisan basis, to replace a meaningful life-saving safety amendment with a vacuous resolution.

I offered the safety amendment. It would have forced the National Highway Traffic Safety Administration [NHTSA] to take a number of long overdue actions to improve highway safety. The major provisions of my amendment were reported favorably by the Commerce Committee, without objection, in April 1985, and passed the Senate by unanimous consent on May 15, 1986. My amendment was vigorously supported by safety groups including Public Citizen and the Center for Auto Safety. It was not a multiyear reauthorization measure. It would merely have allowed release of previously appropriated funds for State and community highway safety grants. These funds will lapse unless we take action.

Mr. President, I pointed out to my colleagues that the House had an entire "safety" title in its highway bill that contains several antisafety provisions including ones: First, giving statutory blessing to NHTSA's failure to meet the implementation schedule for the National Drivers Register; second, repealing, for all practical purposes, a law requiring NHTSA to develop standards for controlling blinding splash and spray from trucks; and third, weakening the qualification criteria for antidrunk driving incentive grants, thereby diminishing this incentive to enact really tough antidrunk driving laws.

Unfortunately, safety has become a partisan issue in the Senate. On almost a straight party-line vote the Senate voted for a vacuous, meaningless second degree amendment in which we "resolved" to pass NHTSA legislation by this April. We passed up our best opportunity of this Congress to get safety legislation for an empty killer amendment—a "killer amendment" in both senses of the term.

Mr. President, we cannot waste any more time in addressing highway safety. I am introducing today the Highway Safety Act of 1987. This bill completes the unfinished highway safety work of the 99th Congress and moves forward on other needed safety initiatives.

NHTSA recently had its 20th anniversary. During this 10-year period, the highway fatality rate has been reduced through measures such as the national maximum speed limit and the national minimum drinking age law. NHTSA's 20th anniversary is no cause for celebration, however. The war against highway death is far from over. According to the National Safety Council, there were 31,610 highway fatalities during the first 8 months of 1986, which is a 5-percent jump over the same period in 1985. Although the figures have not yet been compiled, it is likely that highway deaths for 1986 will exceed the 44,000 recorded in 1985.

Mr. President, NHTSA has not taken a number of actions that could have drastically reduced highway fatalities. My bill would direct NHTSA to make a number of these needed highway safety improvements. The provisions in this legislation are quite specific. They are specific because experience has demonstrated that Congress cannot rely on NHTSA to do its job without prompting and without detailed instructions.

Mr. President, let me emphasize that a number of the provisions in this bill are identical to provisions that were contained in the bipartisan NHTSA bill that the Senate passed unanimously on May 15, 1986, the National Traffic and Motor Vehicle Administration Act of 1985 (S. 863). I turn now to the specifics of my bill.

SIDE IMPACT

Each year 9,000 Americans are killed in side-impact crashes and 20,000 more are seriously injured. These crashes account for 30 percent of the persons killed in passenger car accidents each year.

In the late 1970's, NHTSA's research showed that its side impact standard for passenger cars—which manufacturers meet with a small door beam—was inadequate in vehicle-to-vehicle crashes. NHTSA's research showed that the side-impact crashworthiness of cars could be significantly improved using existing technology. In December 1979, NHTSA issued an advance notice of proposed rulemaking to upgrade the side impact protection standard. The new standard would have required testing procedures which more closely resemble real-world crashes, and also would have been extended to apply to light trucks, vans, and multipurpose passenger vehicles. In July 1982, NHTSA closed the rulemaking in order to study several issues related to side impact. NHTSA indicated, however, that the rulemaking would be reopened after further research and analysis had been completed.

More than 4½ years have passed and NHTSA has still not reopened its rulemaking. Last year's bipartisan Senate NHTSA bill would have required improvement of the side-impact standard. Public safety requires us to renew our efforts. Section 3 of my bill is identical to last year's provision. It requires NHTSA to open a rulemaking on side impact within 60 days after the enactment of this act. Not later than 1 year after the enactment of this act, NHTSA would be required to establish performance criteria for improved side-impact occupant protection and would be required to open a rulemaking to extend the applicability of its standard to light trucks, vans, and multipurpose passenger vehicles.

OCCUPANT CRASH PROTECTION

Section 4 of my bill was part of last year's NHTSA legislation. It does not authorize any new spending. Rather, it gives the Secretary authority to reprogram up to $20 million of unspent highway safety funds for a national program to encourage use of safety belts and passive restraints in passenger cars. At least one-half of any reprogrammed money is to be used for educational efforts related to air bags.

CRASHWORTHINESS RATING

Section 5 of my bill was also contained in S. 863. It addresses an important question for an American family that is buying a new car, "How safe is the car you are offering me in comparison with other cars?" It requires NHTSA to make arrangements with the National Academy of Sciences [NAS] to conduct a study to determine an appropriate method for calculating a uniform numerical rating which will enable consumers to compare meaningfully the crashworthiness of different passenger automobile models. No later than 18 months after the date of enactment, the NAS shall report to NHTSA and to Congress on the results of its study together with its recommendations. In turn, NHTS shall determine, on the basis of the report and public comments on the report, whether an objectively based system can be established that can be used to compare the crashworthiness of different models. If NHTSA determines that such a system can be established, it shall promulgate a rule no later than 3 years after the date of enactment. If such a rule is promulgated, then NHTSA shall establish procedures requiring automobiles dealers to make crashworthiness data available to prospective automobile purchasers.

Current law requires NHTSA to compile information regarding the crashworthiness of automobiles. Furthermore, consumers want this type of information. A 1981 NHTSA survey of 2,231 recent or prospective new car purchasers found that 78 percent of those surveyed liked the idea of Government safety ratings. I believe we need to ensure that every family that is purchasing a car knows about the safety of different models.

LIGHT TRUCKS

"Light trucks," which include pickups, minivans and, four-wheel-drive vehicles, are the hottest thing in auto showrooms. Between 1971 and 1986, the light truck market share of light duty vehicles doubled from 15 to 30 percent. Light truck sales reached almost 5 million in 1986. Light truck sales have mushroomed because these relatively inexpensive vehicles are being used as pleasure cars. The pickup is used more in the city and suburbs than on the farm, and the minivan is the station wagon of the eighties.

Unfortunately, the family that takes a pickup or minivan to get groceries or pick up the kids is using a vehicle that lacks a lot of basic safety features. Under the National Traffic and Motor Vehicle Safety Act of 1966, NHTSA is required to develop safety standards for all types of motor vehicles. Although light trucks compete directly with passenger cars, NHTSA has exempted them from many of the passenger car occupant crash protection standards. These exemptions have contributed to the annual toll of 7,000 light truck fatalities.

As early as 1978, the General Accounting Office recommend that NHTSA reexamine its vehicle classification system and apply a number of passenger car safety standards to light trucks. On December 11, 1986, the Commerce Committee held a hearing at which safety experts once again called for NHTSA to apply passenger car safety standards to light trucks. NHTSA has been formally petitioned to act on these standards but it has yet to act.

This bill would put the wheels in motion over at NHTSA. Section 6 would require NHTSA to initiate rulemakings within 60 days of the act's enactment to require application of the following standards to light trucks: First, roof crush resistance—passenger cars have had this standard since 1971. Light trucks should have this standard because they have a higher center of gravity and thus are more prone to rollover than passenger cars: second, head restraints—passenger cars have been required to have these devices which prevent head and neck injuries since 1968. Light trucks are not required to have head restraints even though the pickup passenger's head is only inches away from the rear windshield; third, high center mounted rear brake lights—these lights might prevent some of the 270,000 annual light truck rear-end collisions; and fourth, passive restraint rule—light truck occupants have a higher ejection rate than passenger cars. Applying the passive restraint rule's requirement of either automatic seatbelts or airbags would help prevent these ejections. NHTSA would also be required to initiate a rulemaking to review its system of classification of vehicles under 10,000 pounds to ensure that all these vehicles meet passenger car standards or appropriate equivalents.

REAR SEAT BELTS

On August 8, 1986, the National Transportation Safety Board [NTSB], the independent Federal accident investigation agency, issued a report stating that in some instances persons using rear seat lapbelts may be inadequately protected against injury and may sustain severe abdominal injuries from the belt itself. NHTSA has challenged NTSB's findings by claiming that a lapbelt is better than no belt. NHTSA wrote a concerned parent's group in August saying it would open a rulemaking on this matter. Four months later, Diane Steed, NHTSA's Administrator, testified before the Commerce Committee tht she would shortly open a rulemaking. Two more months have passed and parents are still faced with the Hobson's choice of deciding whether to place their children in lap belts.

Section 7 of my bill would end these concerns by requiring NHTSA to initiate a rulemaking to require clearly superior rear seat lap/shoulder belts in all newly manufactured cars after September 1, 1989. It also would require NHTSA to use some of its consumer information program money it receives to provide consumers information to inform owners of older cars about retrofitting their cars with these rear seat lap/shoulder belts.

Mr. President, the reforms of this bill are modest. There is no reason for the Senate to delay acting on them. The time for hearings and further investigation on these issues has passed. It is time to act. Hearings and new authorizations should focus on the other critical highway safety issues facing the country.

Mr. President, I would like to take a moment to address some of these other issues, and to indicate to my colleagues that I believe the Senate should address these issues this year. If safety legislation in the Commerce Committee or on the Senate floor fails to address these issues, I will seek to amend it.

First. Require installation of full front seat airbags for the entire front compartment of every new car sold in the United States. The case for airbags is overwhelming. According to the Department of Transportation, if airbags were installed in all cars it would save 9,000 lives a year and 100,000 major injuries per year. The current DOT passive-restraint rule does not require manufacturers to use the clearly superior technology of airbags. Instead, manufacturers can comply with the rule with automatic seatbelts or padded interiors. A seatbelt is not a substitute for an airbag. A study by the British Government has shown that seatbelt use has reduced the number of fatalities and injuries in Great Britain. Nonetheless, the number of driver-side head/brain injuries have increased 44 percent since enactment of England's seatbelt law. In the 99th Congress, I introduced legislation requiring airbags in all newly manufactured cars. I will continue to push for airbags in the 100th Congress.

Second. Keep convertibles under the passive-restraint rule. NHTSA has tentatively approved an exemption for convertibles from the passive-restraint rule. Convertible passengers pay thousands of dollars more for their cars than conventional models. They deserve the protection of an airbag that can be installed for $150 to $300.

Third. Eliminate the passive-restraint rule's "trap door" provision. DOT will revoke its passive-restraint rule if States representing two-thirds of the U.S. population enact mandatory seatbelt laws meeting certain criteria. I support enactment of effective mandatory safety belt laws. Seatbelt use saves lives and effective mandatory-use laws increase belt use. Seatbelts are not a substitute for airbags, however. Moreover, many States have passed sham laws that will not significantly increase belt use. We must close the trap door in DOT's rule.

Fourth. Stop fake identification [ID's]. In 1982, Congress passed legislation providing for a national minimum drinking age of 21. This law has helped reduce auto crashes involving teenagers—the No. 1 cause of death for that age group. Unfortunately, the law has not worked as effectively as it might have because teenagers are getting fake ID's to purchase alcohol. I will seek to tighten the law to prevent the use of fake ID's. Mr. President, I ask unanimous consent that an article from the Washington Post, titled "Higher Drinking Age Spurs Rise in Bogus ID's Here," appear in the RECORD at the end of my remarks. It tells the story of Lou Herzog, chairman of the Northern Virginia Mothers Against Drunk Driving, whose daughter was killed by a teenage drunk driver who was using a fake ID. I also ask unanimous consent that an article from USA Today on this subject be included in the RECORD.

Fifth. Improve bumper standards. In 1982, NHTSA lowered its standards for bumpers from 5 miles per hour to 2.5 miles per hour. This is a "tissue paper" bumper standard. Reducing the bumper standard has cost consumers millions of dollars in higher repair bills and insurance premiums. I proposed legislation in the 99th Congress to restore the 5-mile-per-hour standard. I will continue to pursue it in the 100th Congress.

Mr. President, I urge all my colleagues to support these important highway safety measures.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From USA Today Jan. 30, 1987]

STATES TARGET TEEN FAKE IDS

(By Peter Johnson)

States are fighting a boom in altered and fake driver's licenses as underage drivers try to thwart new laws raising drinking ages to 21.

Next month, the American Association of Motor Vehicle Administrators will urge state departments to suspend licenses of drivers who've altered them and beef up training for inspectors.

"All states are having a problem," said spokesman Glen Crawford. "Tampering is getting more and more attention."

In many states, fake IDs sell for as little as $10.

"Our agents can feel it and see it out there. Kids want fake IDs. It's an art," said John Lamb of the Kansas Division of Alcohol Beverage Control, where summonses issued for fake IDs doubled to 400 in 1985–86.

In Florida, a Fraud Detection Program has trained more than 1,000 examiners to spot fake IDs and teen-agers lying about their ages.

Some states have laminated licenses that, if tampered with, destroy vital information or markings. Pennsylvania's new credit card-size license—introduced last June—is almost tamper proof. Missouri will begin mailing similar licenses soon.

Indiana Gov. Robert Orr announced this week that he'll mandate color-coded driver's licenses that will differentiate between minors and drivers 21 and older.

Only six states have not complied with a federal mandate to raise the drinking age or face a loss of highway funds: Colorado, Idaho, Montana, Ohio, South Dakota and Wyoming.

[From the Washington Post, Nov. 10, 1986]

HIGHER DRINKING AGE SPURS RISE IN BOGUS ID'S HERE

(By Leah Y. Latimer)

During a recent stakeout of a Fairfax County convenience store, Virginia Alcoholic Beverage Control agent Philip Disharoon spied two young men buying several six-packs of beer.

As the two left the store, Disharoon, propelled by instinct and 10 years of experience upholding the state's drinking laws, asked them for identification.

"They both presented driver's licenses, both of which had been altered," Disharoon recalled.

He later learned that the two were 18 years old, too young to buy beer in Virginia legally but part of a growing number of young persons who are getting around local drinking laws by using falsified identification cards.

Liquor agents and police say the misuse of legitimate ID cards and the production, sale and use of bogus ones is widespread and has grown in light of recent legislation raising the legal age for drinking all alcoholic beverages to 21.

"It's a terrible problem," said Robert S. Miller, chairman of the Maryland ABC Board in Prince George's County, where officials estimate that as many as 40 juveniles are caught each week using false IDs to buy beer, wine and liquor. "You could be 12 years old" and get one, Miller said.

While authorities agree that the use of false IDs—a misdemeanor—is serious, it continues virtually unchecked throughout the area. Authorities in Virginia and Maryland have begun to address the problem, but teen-agers and adolescents who consider the use of false IDs to be a rite of passage continue to use them to buy beer and wine and even mixed drinks.

Area authorities say they rarely charge or penalize youths nabbed trying to make illegal purchases, although Virginia's ABC agents have been known in recent years to aggressively monitor sales to minors.

Lou Herzog, chairman of the Northern Virginia chapter of Mothers Against Drunk Driving, has a deep, first-hand knowledge of the importance of cracking down on the problem.

"My daughter was killed by a [teen-age drunk driver] who used one," he said. "He was using his 22-year-old brother's expired license."

The tactics used in making and using false IDs display a wide range of inventiveness and imagination. Experts say many youngsters have become proficient in using Exacto knives or hole punchers to transpose numbers in their date of birth or superimpose photos on legitimate ID cards.

Youths have been able to obtain false birth certificates to apply for driver's licenses. Also, they can buy photo IDs that will include birthdates from area photo shops or through classified advertisements in teen-oriented magazines for $5.

In Maryland, legislation to curb the use of such cards is expected to be proposed at sessions beginning in January. Virginia officials have implemented security procedures to prevent the misuse of driver's licenses, the most commonly abused ID card.

The use of false identification is a criminal offense throughout the area, generally punishable by a maximum 12 months in jail or $1,000 fine.

The problem is particularly widespread in areas where there are colleges or where youths gather for social activities. For the past two months, Miller said, Prince George's police and ABC agents have been investigating reports of a student-run operation at the University of Maryland that places underage students' pictures on the cards of persons who are of legal drinking age.

A similar scheme is under investigation at Virginia Tech in Blacksburg, where campus police said they suspect that a student ring has been selling false birth certificates stating that the bearer is at least 21. The documents are then used to obtain valid licenses, explained Capt. Michael Jones of the university's police unit.

No one has been arrested in either probe, officials said.

Miller said he will urge legislators to propose in next year's session of the Maryland General Assembly that a new state identification card be adopted and issued for the sole purpose of showing proof of age. The cards, issued under strict guidelines, would be the only ones accepted for purchase of alcohol in the state.

Drivers licenses are virtually useless in limiting sales to minors, said Miller. "They're too easily altered, too easily passed around," he said.

As in the case of a 16-year-old that ABC agent Disharoon nabbed last month at a Fairfax City convenience store, some minors simply borrow an adult's license or acquire an adult's expired license for their own permanent use.

"There are hundreds of ways they get them," said Clarence Roberts of Virginia's ABC department.

"If they used as much ingenuity on their school work, we'd have some pretty smart kids," said Disharoon.

Virginia authorities have approved legislation, effective next month, prohibiting merchants from accepting anything but a valid driver's license, Department of Motor Vehicles ID card, passport or military ID for purchases of alcoholic beverages.

In the meantime, they have adopted new measure to cut down on the improper use and duplication of state licenses.

DMV records coordinator Karl Hawk said the department is using a photo technique in which a picture becomes distorted if it is tampered with. Equipment used to produce IDs is kept under lock, and the state has begun requiring that expired licenses be turned in when new ones are issued, according to Hawk.

The department, working with the Virginia Restaurant Association, has developed a film on detecting bogus IDs.

But Hawk said there is little that can be done if bogus or altered records—such as birth certificates—are used in the application process. "If it looks authentic then obviously we have to take it," he said.

Area merchants and bar owners apparently face the same problems, and they say the greater challenge is spotting legitimate cards that have sophisticated alterations. At Georgetown's Cafe Med nightclub, general manager, Holly Smith said fake cards, which usually have no authentic seal or authorized signature, are easy to spot.

Merchants may be cited with violating liquor laws when they serve minors who use fake IDs if it is shown that the merchant should have known that a card was not valid.

MADD has made the use of the cards a new focus in its campaign against drunk driving. Merchants and bartenders are being encouraged to notify authorities and detain youths who try to purchase alcohol with a bogus card, Herzog said. "We're asking the stores to call the police just as if they would call the police on a shoplifter," he explained.

Although the drinking ages have been raised, most of the legislation allows persons already able to purchase alcohol under previous laws to continue to do so. The laws take full effect when people born before July 4, 1966, in Virginia and before Oct. 1, 1966, in the District turn 21. Maryland, under a 1982 law, forbids the sale of alcoholic beverages to people under 21.

Local governments treat offenders differently. Authorities in Maryland rarely prosecute those using bogus IDs, according to Miller. Instead, law enforcement authorities use youngsters to testify against establishments that knowingly accept bogus cards.

In Virginia, Disharoon followed normal procedure in issuing criminal summonses to the two 18-year-olds charged last month, requiring them to appear in General District Court. The parents of minors are requred to appear with their children in Juvenile Domestic Relations Court, Disharoon said.

In many cases, the stiffest penalties involve assignments to do community service.

R. Benjamin Johnson, head of the administration that oversees the District's liquor control agency, said the city focuses more on establishments that violate liquor laws than on adult impersonators. Of 2,300 liquor law investigations conducted in the city in fiscal year 1985, only 20 involved sales to minors, he said.

He acknowledged the problem, however, and said it involves "kids who're coming in from elsewhere—the kids who're in the colleges in the city."

A George Washington University student recently told this tale: "I wanted a fake ID so I could get into places like nightclubs and buy drinks." It was as simple as asking that her birthdate be included on a school ID card.

"I was about 23, 24, according to my birth date," said the 18-year-old.●

By Mr. BIDEN (for himself and Mr. THURMOND) (by request):

S. 517. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1988, and for other purposes; to the Committee on the Judiciary.

DEPARTMENT OF JUSTICE APPROPRIATION AUTHORIZATION ACT, FISCAL YEAR 1988

● Mr. BIDEN. Mr. President, today I am joined by the ranking minority member of the Judiciary Committee, Senator THURMOND in introducing the Department of Justice authorization bill at the request of the administration.

The administration request totals $5.645 billion and includes 73,371 positions. The request is 7.1 percent above the fiscal year 1987 budget authority and 46.1 percent above the 1986 budget authority. The bill proposes increases of $180 million for Immigration, Naturalization Service and the Federal Bureau of Investigation for costs associated with illegal alien legalization provisions of the recently passed Immigration Reform Act and a $146 million supplemental request for implementation of the immigration bill this year as required. Additional increases are proposed for 108 DEA positions totaling $25 million, $2.4 million for the 85 positions in the FBI, and $21.4 million for 417 new assistant U.S. attorneys. Finally, $165 million is requested for prison expansion, modification and repair.

The administration's bill also proposes to eliminate several important State and local assistance programs that I support. This and other issues will be reviewed and we will consider amending during markup.

The Department of Justice has not had a new authorization since fiscal year 1980. In the past I have joined with the former chairman in a bipartisan manner to try and enact a new authorization bill. It is unfortunate that the Department has not been provided new authority. This situation has periodically jeopardized law enforcement activities that require timely congressional approval and forces the Department to conduct planning and formulation of policy without clear congressional direction.

Let me reiterate that this bill is being introduced at the request of the Attorney General. I do not support some of the provisions that are included in this measure and there will be changes and possibly a substitute to this bill as we take up this legislation in the committee.

However, as chairman I will pursue several options in an effort to get an authorization bill enacted this year. For example, I am willing to consider making some of the more routine functions of the Department part of permanent law so that buying cars, paying witnesses, and purchasing firearms will not be interrupted by the annual authorization process.

I also intend to have the committee consider a 2-year authorization instead of the traditional year-by-year approach. The 2-year authorization is used for the State Department and seems to work well for both the Department and the Foreign Relations Committee. A 2-year authorization will also help us meet the earlier timetable for reporting authorization and appropriations legislation under the Gramm-Rudman-Hollings provisions.

I appreciate Senator THURMOND joining me in introducing this bill by request which signals our mutual commitment to work together on important crime justice legislation.

In the 1984 crime bill and the 1986 omnibus drug bill, there were numerous elements on which the former chairman and I had achieved a consensus. However, there was always a couple of controversial items which, if fully pursued, would have blocked passage of the many consensus items. But by working on those items that we know we could agree on, and foregoing those that jeopardized the entire bill, we were able to pass thousands of pages of needed criminal justice reform. That is the approach I hope we will pursue in moving a Department of Justice authorization.●

By Mr. HARKIN:

S. 518. A bill to provide that increases in rates of pay for Members of Congress shall take effect only if approved by the Congress, and that any increase shall be deferred until the beginning of the following Congress; to the Committee on Governmental Affairs.

CONGRESSIONAL SALARY ACT OF 1987

● Mr. HARKIN. Mr. President, in the last few weeks, the Congress has faced the question of an increase in pay for itself and other key officials in the Federal Government. The result has been an embarrassing display of hide and seek.

Since Congress must appropriate Federal funds, Members will always have a role in deciding what their level of pay is going to be. And, anytime that happens there is always going to be a question as to whether Members of Congress are taking improper advantage of their position.

Since the beginning of the Republic, almost every effort to increase congressional pay has resulted in considerable controversy. I do not think that we can avoid that controversy. But, I believe that we can improve our present procedure and thus the level of respect which the American people have for the Congress.

Two hundred years ago our Founding Fathers saw that congressional pay was going to be a difficult issue. In 1789 James Madison first proposed that any pay incease would not take effect till the following Congress. Although it was not adopted by an adequate number of States, I think that James Madison's proposal is still the best solution that is available even after all of these years.

I have no problem with a Commission making a proposal to the President and then having the President make a recommendation to the Congress. But, I strongly believe that the Congress should vote on the question and that the people of the United States have the opportunity to go to the polls and vote on whether to send those Members back to Congress.

We can argue about the propriety and correctness of this pay raise. Should the Congress be given a pay raise with the terrible budget deficit our economy is encumbered with? And we can argue about the proper level of pay. I believe that the Congress should not receive a pay increase at this time. And I also believe that we must address the process by which these decisions are made.

Today, I am introducing a bill which provides that the Congress would have to actually vote on a pay raise. This approach provides for genuine accountability, avoids the unseemly parliamentary games that are now played to avoid a real vote. The bill also requires that if a pay increase is adopted, it not take effect till the beginning of the following Congress. I introduced a similar bill in 1979. After a great deal of discussion and debate, I still have not found any alternative that is more reasonable. I urge my colleagues to support this measure.●

By Mr. DANFORTH (for himself, Mr. Heinz, Mr. Glenn, and Mr. Specter):

S. 519. A bill to amend the Tariff Schedules of the United States to change the tariff treatment of certain television apparatus and parts; to the Committee on Finance.

TARIFF TREATMENT OF CERTAIN TELEVISION PARTS

● Mr. DANFORTH. Mr. President, today I am reintroducing legislation that would amend our current tariff schedules pertaining to the importation of color television picture tubes. It would close a gaping loophole which currently permits foreign manufacturers to import television picture tubes at a duty rate of 5 percent instead of the 15-percent duty rate intended by Congress.

This bill is virtually identical to legislation which I introduced during the 99th Congress but which, because of last-minute procedural problems, was never considered by the full Senate. It represents the Senate counterpart to a measure sponsored by Ways and Means Committee Chairman Rostenkowski as part of H.R. 3.

I ask unanimous consent that the text of the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TELEVISON APPARATUS AND PARTS.

(a) Permanent Treatment.—The headnotes to part 5 of schedule 6 of the Tariff Schedules of the United States are amended—

(1) by striking out "assembled," in headnote 3(a) and inserting "assembled in its cabinet,";

(2) by redesignating headnotes 4, 5, and 6 as headnotes 5, 6, and 7, respectively; and

(3) by inserting after headnote 3 the following new headnote:

"4. Picture tubes imported in combination with, or incorporated into, other articles are to be classified in items 687.35 through 687.44, inclusive, unless they are—

"(i) incorporated into complete televison receivers, as defined in headnote 3;

"(ii) incorporated into fully assembled units such as word processors, ADP terminals, or similar articles;

"(iii) put up in kits containing all the parts necessary for assembly into complete television receivers, and defined in headnote 3; or

"(iv) put up in kits containing all the parts necessary for assembly into fully assembled units such as word processors, ADP terminals, or similar articles.".

(b) Temporary Treatment.—Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new items:

"912.18	Televison picture tubes which would be included in assemblies provided for in item 684.96 but for headnote 4 to part 5, and not provided in item 912.16.	11% ad val.	No change...	On or before 10/31/87
912.19	Television picture tubes, color, having a video display diagonal of less than 12 inches (provided for in item 687.35, part 5, schedule 6).	Free............	No change...	On or before 12/31/90".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. HOLLINGS:

S. 520. A bill to designate the U.S. Post Office Building to be constructed in Greer, SC, as the "Edd A. Burch Post Office Building"; to the Committee on Governmental Affairs.

EDD A. BURCH POST OFFICE BUILDING

● Mr. HOLLINGS. Mr. President, I am honored to introduce a bill to name the Greer, SC, post office in honor of the late Edd A. Burch. Mr. Burch, a past president of the South Carolina Press Association and longtime editor and publisher of the Greer Citizen, died recently after a long illness.

A native of Eastman, GA, Mr. Burch attended Middle Georgia College and in 1931 received a bachelor of arts degree from Mercer University. He went on to become associate editor of the Bartow Herald in Cartersville, GA, 1931-36, and editor of the Dalton Citizen in Dalton, GA, 1937-42. He became owner and publisher of the Greer Citizen in 1942, and later founded radio station WEAB in Greer.

Mr. Burch's record of community service is long and distinguished, and was recognized by the Greer Kiwanis Club's Citizen of the Year Award in 1971-72, and by the Greer Sertoma Club's Service to Mankind Award in 1976.

He served on the Greenville County Library Board for two decades and was a member of the Greenville-Spartanburg Airport Commission. He was a Lion for half a century, and a past president of the Greer Lions Club. Earlier, he organized and served as president of the Dalton, GA, Lions Club.

Mr. Burch was a member of Memorial United Methodist Church, where he was a former steward, trustee, and chairman of the administrative board. He was a director of the Bank of Greer, and in 1984 was recognized as the Greer Chamber of Commerce's Small Business Man of the Year.

I am honored to have been a friend of Edd Burch for many years. Indeed, his loss will be felt deeply by his friends and colleagues throughout the State of South Carolina. It is fitting and appropriate that the U.S. Post Office in Greer, SC, bear Edd Burch's name as a tribute to his outstanding community service.●

By Mr. SIMON:

S. 521. A bill to amend the Securities Exchange Act of 1934, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

TENDER OFFER IMPROVEMENT ACT

● Mr. SIMON. Mr. President, I stood on this floor over 1 year ago to decry a rash of hostile takeovers.

At that time, I introduced legislation to halt two of the worst abuses of the takeover game, "golden parachutes" and "greenmail." I hoped that we could improve the vitality of American business—and focus our attention on productivity and research gains—by limiting excessive severance contracts for corporate managers. I also hoped we could end the payment of blackmail-like premiums to raiders threatening to take over certain companies.

But within the past several years, the flood of takeover activity has actually grown. The number of mergers of $100 million or more rose from 38 in 1976 to 270 in 1985, an increase of over 700 percent in under 10 years. In 1986 alone, the number of corporate mergers and buyouts rose to nearly 3,000, with a value of over $130 billion. Unfortunately, an increase in size does not necessrily produce an increase in efficiency. Perhaps that is why so many giant conglomerates are worth more separately than they are together.

CORPORATE WHEEL-SPINNING

To a certain extent, acquisition, liquidations, and mergers can be tools for promoting efficiency in a fluid and growing economy. In some cases, hostile takeovers may raise the stock prices of undervalued, poorly run companies, and the threat of an unfriendly takeover sometimes acts to discipline entrenched or unresponsive managements.

But many hostile takeovers have become the tools of individuals who are more interested in turning a quick profit than in running the businesses they acquire in a responsible fashion. Moreover, attempted takeovers sometimes force even well-managed companies to abandon long-term plans for growth so they can defend themselves in lengthy battles for corporate control.

The true costs when this happens run far deeper than the premiums a target pays to regain control. The true costs are in higher prices and a decreased ability to compete in foreign markets. Instead of investing in the future, many of our best producers are thrown into trench warfare in which the goal is not to have the competitive edge but sheer survival. That is a prescription for slippage, not for economic vitality and growth.

BORG-WARNER CASE

Let me cite an example from my home State of Illinois. Borg-Warner Corp. is a diversified company with over $3 billion in annual revenues. It has been cited as one of America's best-run corporations.

Yet as I speak, the attention of its top management is focused on not one but two possible takeover bids.

At this point, the leading raider in this scenario is Irwin Jacobs, a man who some people call Irv the Liquidator. In the last 10 years, Mr. Jacobs has become one of the most successful in the small community of corporate acquirers.

More than 20 times, Mr. Jacobs has proposed to take over one company or another. Rarely has he followed through with a purchase. But rarely has he gone away emptyhanded.

Mr. Jacobs is a member of a small group of investors that legally exploit the inadequacies of the present regulatory system to their own advantage. He can quietly buy up a stock, suddenly threaten a takeover and cause frightened management of the target to buy him out at a premium not offered to other shareholders.

He has tallied profits as high as $31.8 million in a single deal.

On those occasions when Mr. Jacobs does purchase a company, he generally sells off its parts at great profit. Liquidation has paid Mr. Jacobs handsomely in takeovers of corporations as large as AMF and as small as Grain Belt Breweries.

I make mention of Mr. Jacobs not to attack his character, but to point out the national problem caused by threats that face well-managed corporations like Borg-Warner.

Once a corporation like Borg-Warner is threatened, long-term research and development becomes less of a priority. And decisions to defer research have repercussions that reach far beyond plant gates. These types of decisions retard growth in America at a time when our Nation needs growth. They contribute to the tendency of U.S. firms to look only as far ahead as the next quarterly report.

POLICY ISSUES

This raises several important questions:

When corporate America is already making too many short-range decisions, does it make sense to tolerate policies that cause even more corporate myopia?

How are we to fund the research and development essential for our Nation to be competitive if corporations are spending much of their time battling corporate raiders or contemplating such raids?

How can our communities plan for their futures if closed plants and layoffs are recurring threats?

STERILE ACTIVITY

John Kenneth Galbraith, in an article published in the January 1987 edition of the Atlantic Monthly, found little value in the wave of corporate takeovers:

> From the mergers, acquisitions and buybacks, it is now reasonably well agreed, comes no increase at all in industrial competence. The young men who serve in the great investment houses render no service to investment decisions, product innovation, production, automation, or labor relations in the companies whose securities they shuffle. They have no real concern with such matters. . . . Mostly their operations absorb savings into an inherently sterile activity.

To address some of the problems caused by this sterile activity, I am expanding the tender offer bill I introduced in 1985. I am including in this legislation several procedural amendments to the Hart-Scott-Rodino Act that were included in a bill which was recently introduced in the House of Representatives by Chairman PETER RODINO. These changes would encourage more-thorough analyses of proposed mergers by the antitrust enforcement agencies—whose actions are stunningly weak in this administration—and provide the public with important information about the long-term consequences of each transaction.

Under the leadership of Senator HOWARD METZENBAUM, chairman of the Antitrust Subcommittee, on which I serve, the subcommittee will be examining these issues in hearings to be held next month. The Borg-Warner situation will serve as one of the case studies for our inquiry.

We must take action in this Congress to protect the public and build a healthier corporate climate. Mere technical compliance with SEC regulations is not enough. We should demand more aggressive enforcement of the antitrust laws. We must make certain that U.S. corporations engage in more research and development.

Workers who place trust in their employers should receive reasonable assurance of continued employment. We must promote stability for communities.

We cannot solve all the problems of hostile takeovers, antitrust enforcement, and American competitiveness in one bill. But we can make a start.

This legislation is a first step. I also look forward to exploring these issues with my colleagues Senator PROXMIRE, the chairman of the Banking Committee, Senator HOLLINGS, the chairman of the Commerce Committee, and Senator METZENBAUM.

DESCRIPTION OF THE BILL

My bill is simple and straightforward. First, it closes the section 13-D "10-day window"—section 2. This is the period of time during which a raider can acquire stock without publicly revealing its intention to do so. Under current law, a raider must file an information statement with the SEC within 10 days after it reaches 5 percent ownership of a class of stock. This allows the raider 10 days to continue secret purchases.

Under my proposal, the acquirer would have to make a public announcement on the same day that it reaches 2 percent ownership, and file with the SEC within 2 days. It could not purchase the target's stock during that 2-day period. The lower threshold and immediate disclosure requirement would reduce the ability of potential raiders to act in secret. This section would also facilitate a fairer price for shareholders of the target corporation, who would otherwise have sold their shares without knowledge that their company was a target.

Second, the bill requires a tender offer to remain open for 45 business days rather than the current 20-day period—section 3. Extension of the tender-offer period would give shareholders and the board of directors more time to fully evaluate the merits of tender offers without being subject to the kind of intense pressure that sometimes results in rash decisions.

Third, the bill prevents a corporation from repurchasing its shares at a premium above market price from any person who owns more than 3 percent of a class of stock and has held that interest for less than 2 years—section 4. However, it authorizes the corporation to repurchase such stock when the shareholders of the company approve the transaction or when an offer of equal value is made to all holders of the same class. Finally, by prohibiting the target from purchasing a raider's assets at above-market value, this provision prevents acquirers from circumventing the greenmailing prohibition by selling assets at inflated prices.

Fourth, the bill provides a uniform 30-day time period for the Department of Justice and the Federal Trade Commission to review pending mergers and acquisitions—section 5. Currently, the Hart-Scott-Rodino Act provides for a shorter review period by the antitrust agencies when the merger involves a cash tender offer—often a hostile takeover—than when the transaction involves the mutual exchange of corporate assets such as stock. This distinction should be eliminated because there is no consistent correlation between the manner in which a transaction is structured and its antitrust implications.

After the initial 30-day period, it permits either reviewing agency to extend the waiting period for the submission of additional information for an additional 30-day period, or for another 60 days if the total value of the combined assets is over $1 billion.

The bill gives the reviewing agencies ample time to carefully scrutinize the antitrust implications of large mergers. However, it also gives the antitrust enforcement agencies the discretion to take less than the full amount of time should they find no competitive problems in the proposed transactions.

Fifth, the bill provides for the submission of an economic impact statement—section 6. This requires the acquirer to specify intentions to close or sell any plants, terminate operations at any facility, or discharge any employees. The bidder also has to estimate the economic effect to the merger on communities where the company has assets, and to disclose data that would reveal how the transaction is being financed.

Unlike other data obtained pursuant to the Hart-Scott-Rodino Act, the acquirer has to publicly disclose the economic impact statement. In this way the public and the affected communities will be able to assess the long-term impact of the transaction a little more adequately.●

By Mr. HATCH:

S.J. Res. 48. Joint resolution designating the week of September 14, 1987, through September 20, 1987, as "Benign Essential Blepharospasm Awareness Week"; to the Committee on the Judiciary.

BENIGN ESSENTIAL BLEPHAROSPASM AWARENESS WEEK

● Mr. HATCH. Mr. President, I am pleased to introduce a joint resolution designating the week beginning September 14, 1987, as "Benign Essential Blepharospasm Week."

Benign essential blepharospasm is a little understood, eye-related disease which causes uncontrollable spastic contractions of the muscles around the eye. The disease is not fatal; however, it can cause functional blindness, if untreated. As many as 25,000 to 30,000 Americans suffer from this disorder; yet neither the medical community nor the American public are really aware of this growing disease, for which no cause or cure is known.

Benign Essential Blepharospasm Research Foundation, Inc., was founded with the purpose of finding both the cause and a successful cure for this disease. The foundation, in part, is also responsible for generating public awareness, together with activities which can promote medical research, public interest and possible alternatives for those already afflicted.

In addition to organizing conferences with the National Institutes of Health, the foundation has established various support groups in every State in the Nation. Further, the Benign Essential Blepharospasm Foundation, Inc., has been effective in raising money from both private and public organizations.

I am especially pleased to announce that this year the fifth international convention for Blepharospasm will be held in Salt Lake City, UT, during this designated week.

I share with the foundation and the knowledgeable segment of the American public the concern that we commit the resources necessary to discover the cause, effective treatment, and eventual cure for this disease. Devoting a week to the national awareness of benign essential blepharospasm will, we hope, encourage interest in and understanding for this debilitating disease.

Mr. President, I urge my colleagues to join with us in this resolution. I ask unanimous consent that the full text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 48

Whereas benign essential blepharospasm is a little known eye-related disease, causing involuntary and usually uncontrollable spastic contraction of muscles around the eyes;

Whereas approximately 25,000 to 30,000 Americans are afflicted with blepharospasm, which is progressive and ultimately causes functional blindness;

Whereas the Benign Essential Blepharospasm Research Foundation, Incorporated, was begun with the purpose of finding the cause and a successful cure for benign essential blepharospasm;

Whereas this important foundation sponsors programs and activities to create an awareness of blepharospasm in the medical community as well as in the general public, organizes support groups throughout the country to encourage communication among persons with the disease, and it seeks to raise money through public and private contributions to be used for research;

Whereas research scientists from around the country are extremely interested in research on this little known malady and are submitting grant applications to the National Institutes of Health to study benign essential blepharospasm; and

Whereas increased public awareness of the disease and its victims will be a tremendous benefit to the victims of this disease and will lead to increased medical research and awareness, as well as available information and advice for those afflicted with benign essential blepharospasm: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 14, 1987, through September 20, 1987, is hereby designated as "Benign Essential Blepharospasm Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

By Mr. Dole (for himself, Mr. Boren, Mr. Fowler, Mr. Garn, Mr. Glenn, Mr. Kerry, Mr. Leahy, Mr. Lugar, Mr. Moynihan, Mr. Pell, Mr. Pressler, Mr. Sarbanes, Mr. Simpson, and Mr. Murkowski):

S.J. Res. 49. A joint resolution to designate September 18, 1987, as National POW/MIA Recognition Day; to the Committee on the Judiciary.

NATIONAL POW/MIA RECOGNITION DAY

Mr. DOLE. Mr. President, from time to time in our Nation's history, men and women have been called upon to make uncommon sacrifices for their country. While defending the freedoms that you and I enjoy, many Americans have paid the ultimate price. Still others suffered unimaginable physical and mental hardships while captives of America's enemies; many never returned. We must continue to remember their dedication and honor their spirit.

I had the distinct honor to host last year's congressional observance of "National POW/MIA Recognition Day," and so I am pleased to introduce legislation today designating September 18, 1987, for the same purpose. By doing so, we not only honor our POW's and MIA's, but we also renew our promise to the courageous families of these special Americans: A grateful Nation will never rest until we gain a full accounting of those still listed as missing and unaccounted for.

Mr. President, I ask my colleagues to enthusiastically support this legislation, as my 34 cosponsors have done. I would also call on them, as well as all veterans' organizations, to encourage nationwide participation in increasing awareness of the POW/MIA issue. We will never forget these special Americans.

Mr. President, I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record as follows:

S.J. Res. 49

Whereas the United States has fought in many wars;

Whereas thousands of Americans who served in such wars were captured by the enemy or are missing in action;

Whereas many American prisoners of war were subjected to brutal and inhuman treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war and many prisoners of war died from such treatment;

Whereas many Americans are still listed as missing and unaccounted for and the uncertainty surrounding their fates has caused their families to suffer acute hardship; and

Whereas the sacrifices of American prisoners of war and Americans missing in action and their families are deserving of national recognition: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 18, 1987, shall be designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. BOREN. Mr. President, I join my distinguished colleague, Senator Dole, in introducing this resolution to designate September 18, 1987, as National POW/MIA Recognition Day. I share the deep concern for all Americans who are still unaccounted for as a result of military actions involving American service personnel. This resolution is an effort to focus attention on this issue and to once more make the statement that we will not rest until there is a final resolution as to the fate of all those missing. The United States must press the Indochinese governments to expedite this long overdue accounting. We want the whole world to know we stand united in our commitment to our missing Americans and to their families who are still suffering because of the uncertainty as to the fate of their loved ones.

Recently I received a letter from a constituent who wrote:

> Nineteen years ago today my dad bombed a storage area on Route 12 in Laos while fighting for the United States of America. What did you do for him today?

The letter continued to inform me that her father has been missing since March 21, 1968. I appreciate very much that she took the time to make me stop and remember. I hope this special day will make all of us remember those missing and their families.

I urge speedy action on this resolution to dedicate this one special day for all of us, especially those of us who don't have a family member or other special loved one among the missing, to remember those brave people who have fought in wars defending the freedoms and principles of our great country. These people suffered greatly because of their dedication and adherence to duty, and some of them have not yet made it home.

It is also a time to say to the family members and loved ones who remained at home that they are not alone in remembering that there is unfinished business. This is a way in which we can let all America know that we will not forget or abandon the effort to find answers to the questions about the fate of the MIA's.

My commitment to the POW/MIA's and their families will not end until we have accounted for each and every one.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. Boren, the name of the Senator from Rhode Island [Mr. Chafee] was added as a cosponsor of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 83

At the request of Mr. Johnston, the names of the Senator from Maine [Mr. Cohen], the Senator from Alabama [Mr. Shelby], the Senator from Alabama [Mr. Heflin], the Senator from New Mexico [Mr. Bingaman], the Senator from Maryland [Ms. Mikulski], the Senator from Louisiana [Mr. Breaux], and the Senator from West Virginia [Mr. Rockefeller] were added as cosponsors of S. 83, a bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

S. 85

At the request of Mr. Johnston, the name of the Senator from Kansas [Mr. Dole] was added as a cosponsor of S. 85, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements.

S. 241

At the request of Mr. D'Amato, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 241, a bill to amend the Truth in Lending Act.

S. 334

At the request of Mr. Pressler, the name of the Senator from Kansas [Mr. Dole] was added as a cosponsor of S. 334, a bill amending the Food Security Act of 1985 to define alfalfa and other legumes as agricultural commodities under the conservation title of the act.

S. 350

At the request of Mr. Durenberger, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of S. 350, a bill to amend the Tax Reform Act of 1986 to extend for 1 year the waiver of estimated penalties for underpayments by individuals attributable to such act.

SENATE JOINT RESOLUTION 1

At the request of Mr. Kennedy, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 13

At the request of Mr. Symms, the names of the Senator from North Carolina [Mr. Helms], and the Senator from Nebraska [Mr. Zorinsky] were added as cosponsors of Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution of the United States with respect to the English language.

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from California [Mr. WILSON], the Senator from Idaho [Mr. MCCLURE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from New York [Mr. MOYNIHAN], the Senator from Maine [Mr. MITCHELL], the Senator from New Jersey [Mr. BRADLEY], the Senator from Maryland [Mr. SARBANES], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 15, a joint resolution designating the month of November 1987 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 18

At the request of Mr. WALLOP, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Iowa [Mr. GRASSLEY], the Senator from Georgia [Mr. NUNN], the Senator from Maine [Mr. MITCHELL], the Senator from Delaware [Mr. ROTH], the Senator from Indiana [Mr. LUGAR], the Senator from Louisiana [Mr. BREAUX], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Virginia [Mr. TRIBLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Arkansas [Mr. BUMPERS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alabama [Mr. HEFLIN], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of Senate Joint Resolution 18, a joint resolution to authorize and request the President to issue a proclamation designating June 1 through June 7, 1987, as "National Fishing Week."

SENATE JOINT RESOLUTION 20

At the request of Mr. HATCH, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from Idaho [Mr. MCCLURE], the Senator from California [Mr. WILSON], the Senator from Hawaii [Mr. INOUYE], the Senator from Michigan [Mr. RIEGLE], the Senator from Washington [Mr. ADAMS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arizona [Mr. DECONCINI], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Delaware [Mr. BIDEN], the Senator from Maine [Mr. MITCHELL], the Senator from Alabama [Mr. HEFLIN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 20, a joint resolution to designate the month of March 1987, as "Women's History Month."

SENATE JOINT RESOLUTION 35

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of Senate Joint Resolution 35, a joint resolution relating to the commemoration of January 28, 1988, as a "National Day of Excellence."

SENATE JOINT RESOLUTION 39

At the request of Mr. SIMON, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arkansas [Mr. BUMPERS], the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 39, a joint resolution to provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day."

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. SIMON, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution calling for the release of Rev. Tshenuwani Simon Farisani from detention in Venda, his homeland in South Africa.

SENATE CONCURRENT RESOLUTION 14—SUPPORTING THE EVOLUTION TO FULL DEMOCRACY IN THE REPUBLIC OF KOREA

Mr. DECONCINI (for himself and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 14

Whereas the Republic of Korea, a historical ally and partner of the United States under a bilateral treaty of military security, has been of long-standing concern to U.S. geopolitical interests;

Whereas over 50,000 Americans died defending the Republic of Korea's freedom and 40,000 U.S. troops in Korea currently represent the single most important American presence in the Far East;

Whereas this military presence is based upon the recognition that the Republic of Korea's security is central to Japan's and reflects an overall geopolitical importance to the United States;

Whereas the Republic of Korea makes a major contribution to the promotion of stability in this region with over 600,000 armed troops and spends six percent of its GNP on defense;

Whereas the Republic of Korea has demonstrated remarkable educational progress and sustained economic growth which has strengthened Korea's position relative to North Korea;

Whereas an economically successful, socially attractive, and politically stable South Korea enhances Korea's ability to provide the opportunity of realizing the democratic aspirations of the Korean people;

Whereas the security of the Republic of Korea is best promoted by an evolution to a full democracy and self-determination of a fair and free electoral process;

Whereas the United States recognizes that the Republic of Korea is in the process of changing leadership in a democratic manner for the first time in its history;

Whereas the United States strongly supports the evolution toward democratic institutions, a constitution which allows the Korean people to freely determine their type of electoral system, and a liberalization of the press and recognition for human rights;

Whereas the United States encourages the efforts of democratic forces in the Republic of Korea to achieve a peaceful evolution to a democratic government; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the efforts of democratic forces in the Republic of Korea to establish fair and free democratic elections and peacefully evolve to a full democratic government;

(2) urges the Government of the Republic of Korea and the leaders of all sectors of Korean society to demonstrate their commitment to a genuine evolution to democracy through a process of dialogue and negotiations on both sides;

(3) encourages the President of the United States and the recently appointed United States Ambassador to support diplomatic exchanges with all Koreans interested in a democratic system;

(4) recognizes President Chun Du Hwan's declared intention to address the tragic death of student Park Chong-Chol and reaffirms its condemnation for restricting the rights of individuals to participate in political activities and torturing opponents; and

(5) recommends that the United States consider evaluating positive ways to assist and facilitate the Republic of Korea in its evolution to democracy.

Mr. DECONCINI: Mr. President, I must begin this short speech with a very important question for U.S. foreign policy: Do we have an interest in the peaceful evolution of democracy in South Korea?

The answer is—absolutely.

The next question then becomes: How do we attempt to encourage and foster this process?

First of all, South Korea is a longtime friend, ally, and crucial strategic partner under a bilateral treaty of military security.

We fought with South Korean soldiers for 3 years defending liberty and freedom and lost over 50,000 Americans.

We have 40,000 American soldiers in South Korea today.

This troop presence is imperative for U.S. security interests; Japan's security interests; geopolitical interests, especially given the challenges to President Aquino's government; and most of all, South Korean security interests.

I believe that a stable process of political reform and liberalization will strengthen South Korean security against the North Koreans by increasing unity through democracy.

An expansion of democratic institutions will help widen the already deep economic standard-of-living gap between these two nations.

South Korea has almost three times the GNP of North Korea and more than double the average income.

But the ongoing conflict and violence over how to proceed toward democracy only endangers this advantage.

Time is runing out.

President Chun Doo Hwan had to defuse a political crisis when a student was tortured to death last month by firing his Interior Minister and national police chief and detaining two policemen involved in the incident.

Protests in Korea continue today.

Meanwhile, the valiant leadership of Kim Dae Jung, Kim Young Sam, and Lee Min Woo is increasingly divided.

Disagreements center around the conditions for negotiating with the government on revising the constitution.

As the clock ticks toward 1988 when President Chun is scheduled to step down and the Olympics will showcase Korean politics, both sides are at a faceoff.

South Korea is struggling to become a democracy for the first time in its history.

The Reagan administration is on record supporting the democratic opposition's drive for increased political rights.

The State Department issued a statement last year following the kickoff of the petition drive for signatures to change the constitution:

> We believe it is inconsistent with basic democratic principles to deny citizens the right to petition their government. We have urged, and we are urging, the Korean government against such a course.

Also, President Reagan stated last year that the United States will oppose tyranny of the right or of the left.

While I strongly agree with these statements, it is time to speak out this year.

It is most important for the Congress to go on record concerning South Korean democracy.

Last year, Senator PELL joined me in sponsoring Senate Resolution 392 on democracy in the Republic of Korea.

This resolution was never considered by the Foreign Relations Committee nor did I attempt to get a vote on the floor.

The House passed a resolution expressing its support for democracy. It is time for the Senate, the House, and the administration to act.

Mr. President, I am submitting a concurrent resolution expressing the sense of Congress concerning support for the evolution to full democracy in the Republic of Korea.

This concurrent resolution will not endorse one leader over another, one system of government over another, or infringe on the nationalism of South Korea.

This resolution commends Korea's remarkable economic and educational progress and encourages commensurate achievement in the area of democratic institutions.

Before I explain the resolution, I would like to read from an editorial in the New York Times on Monday, February 2, 1987.

This editorial endorses a very even, moderate, and conciliatory approach.

I ask unanimous consent that the full text of the editorial be inserted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 2, 1987]

TAKE A CHANCE IN SOUTH KOREA

President Chun Doo Hwan's repressive South Korean Government doesn't deserve much benefit of doubt. But Mr. Chun has cause now to be more reaonable. He desperately seeks success for the Olympics in his country next year and the legitimacy the games will confer. This gives the democratic opposition real leverage. There could be an opportunity here for opposition leaders to find an accommodation, to establish democracy without a mutually destructive showdown.

The obstacles loom large. Compromise does not figure prominently in the Korean political tradition. The winner-take-all attitude seems ingrained. Yet on both sides, some leaders privately profess flexibility. Public flexibility is constrained on the right by the military and on the left by the students. To suggest compromise is to risk loss of power, as one opposition leader recently discovered. Trust remains the critical missing ingredient.

Recently the atmosphere has become even more difficult because of the death, under police torture, of a young political detainee. But under pressure, the Government took the highly unusual steps of accepting responsibility for the tragedy and dismissing the Interior Minister and the national police chief for their roles.

The central political debate is over the vastly different proposals for restructuring the Constitution before President Chun steps down in 1988. The President wants an indirect parliamentary system; the opposition wants a continued presidential system but with direct elections. In theory, there is room here for advancing democracy by compromise, but so far that has not happened.

Power is at stake as well as philosophy. Articulate and well-known opposition leaders like Kim Dae Jung and Kim Young Sam would fare well in a direct democratic presidential election. The ruling party, with no equally appealing personalities, figures its best bet is an indirect parliamentary system that maximizes the advantages of organization and incumbency. The Government could force its plan through, but hesitates for fear of tainting the credibility of the resulting regime both in South Korea and in the United States.

Lee Min Woo, an opposition leader, recently proposed a middle ground. The opposition would consider parliamentary rule in exchange for guarantees of broader political freedom and truly free elections. His own party quickly repudiated him. Nonetheless, his plan focuses properly on the substance of democratization, freedoms and fair elections, rather than the form of government. Perhaps the opposition could reformulate this in some way that would test the Chun Government's real intentions.

If a solution is not worked out this year, in time for orderly elections, 1988 could bring disorder and worse. That is a distinct possibility that moderates on both sides should now be doing their utmost to avoid. Let them find courage and take a chance.

Mr. DECONCINI. Mr. President, we in the Senate and House must summon the courage to address this issue. This resolution supports the efforts of democratic forces in Korea to establish fair and free elections and to peacefully evolve to a full democratic government. It urges the Government of Korea and leaders of all sectors of society to demonstrate their commitment to democracy through negotiation on both sides. In order to assist in this effort, it recommends that the new United States Ambassador support diplomatic exchanges with all Koreans interested in a democratic system. The resolution also recognizes President Chun's declared intention to address the recent death of a student tortured by police and reaffirms Congress condemnation for restricting the rights of individuals to participate in political activities and torturing opponents. While President Chun has fired two people and detained two others in connection with this incident, a number of young college students have now been detained, tortured, or have set themselves on fire in protest. This is a shameful tragedy.

Mr. President, the Congress should assist in fostering democracy in other countries, especially when we have such a vital interest in their geopolitical security. In South Korea the opposition is not asking to overthrow the present government. If anything it is asking for U.S. support for full democracy. This resolution simply states that democracy is right that democracy should be pursued on both sides and that democracy only stabilizes and promotes the unity economic progress and educational achievements that have made South Korea an example for other countries. South Korea can only flourish if its institutional support for democracy is achieved during the next year.

Mr. President, the U.S. Congress is always in vital need of objective, informative and advisory research in order to keep appraised of situations both at home and abroad. This information should come from our own governmental services as well as the academic world.

Recently I have been fortunate to receive a report from Prof. Yung-hwan Jo of the Arizona State University Political Science Department. The paper, "U.S. Policy Towards the Two

Koreas," is an indepth study covering a broad spectrum of issues pertaining to South Korea, including its recent history, the North Korean threat, and the effect of U.S. policy toward the region.

I am personally very interested in the issues affecting South Korea, and have introduced a resolution regarding their transition to democracy. With U.S. political, economic, and military interests involved in this country, I feel that insightful works such as Dr. Jo's paper are extremely beneficial in reaching a greater understanding of the South Korean society.

SENATE CONCURRENT RESOLUTION 15—EXPRESSING THE SENSE OF CONGRESS THAT NO MAJOR CHANGE IN THE PAYMENT METHODOLOGY FOR PHYSICIANS' SERVICES, INCLUDING SERVICES FURNISHED TO HOSPITAL INPATIENTS, UNDER THE MEDICARE PROGRAM SHOULD BE MADE UNTIL REPORTS REQUIRED BY THE 99TH CONGRESS HAVE BEEN RECEIVED AND EVALUATED

Mr. HEFLIN (for himself, Mr. Wallop, and Mr. Zorinsky) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. Con. Res. 15

Expressing the sense of Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the medicare program should be made until reports required by the 99th Congress have been received and evaluated.

Whereas the President has proposed, in his budget for fiscal year 1988, that medicare payments to physicians whose practices are based in hospitals—radiologists, anesthesiologists, and pathologists (RAPs)—be incorporated in the set price for each hospital procedure;

Whereas, as a result of the adoption of the reimbursement system for inpatient hospital services under the medicare program (which pays hospitals a fixed amount per discharge based on classification of discharge by diagnosis-related group (DRG)), (1) there are serious concerns about the quality of care available to medicare beneficiaries and (2) the General Accounting Office has reported to the Congress that medicare beneficiaries are being discharged from hospitals sicker and quicker;

Whereas there is inadequate evidence that a medicare reimbursement system for physicians' services based on DRGs would produce significant budget savings without sacrificing both quality of care and access to care, particularly in rural areas;

Whereas implementing such a reimbursement system, even only for hospital-based physicians, would in all likelihood necessitate incorporating mandatory acceptance of assignment of medicare benefits, which policy would result in the inequitable distribution of services and compensation and which policy has been expressly rejected by the Congress; and

Whereas the Congress has established the Physician Payment Review Commission to study, review, and report recommendations to Congress regarding modifications in reimbursement for physicians' services under the medicare program and has specifically required the Secretary of Health and Human Services, taking into account a thorough examination of input costs for physicians' services, to report by July 1, 1989, concerning development of a relative value scale for implementation in 1990: Now, therefore, be it

Resolved by the Senate (the House concurring), That it is the sense of Congress that—

(1) it is not feasible nor desirable to implement any method of payment for physicians' services (whether to inpatients or outpatients) that is based on classification of discharge by DRG or that requires mandatory assignment; and

(2) any drastic change in the medicare payment methodology for physicians' services (including those incorporating payment for hospital-based physicians as part of a fixed payment for inpatient hospital services) should not be undertaken without receipt of the results of the reports required under legislation enacted in the 99th Congress and a detailed analysis of the long-range impact of any such change on quality of care and access to care for medicare beneficiaries.

● Mr. HEFLIN. Mr. President, I am joined by my distinguished colleagues, Senator Malcolm Wallop and Senator Edward Zorinsky, in introducing a Senate concurrent resolution expressing the sense of Congress in opposition to the administration's radical budget proposal for physician reimbursement under the Medicare system.

The administration has proposed that radiology, anesthesiology, and pathology services to hospital inpatients should be grouped into diagnostic related groups [DRG's] akin to the prospective payment system already in use for hospital payments. Payment would be based on statistical averages per disease rather than actual services performed with the funds paid directly to the hospital. The hospital would then be responsible for directing or withholding payment as it saw fit. This proposal is riddled with the most perverse incentives for inadequate medical services that I have ever heard of.

Physicians, long the traditional advocates for patients, will be at the mercy of economy directives driven by hospital balance sheets. Professionals would be reduced to mere employees, quality of care and sufficiency of care constantly at odds with budgetary savings.

Health care delivery in rural areas will be particularly hard hit. Rural hosptials—already in the midst of serious financial difficulties—depend heavily on radiologists, anesthesiologists, and pathologists [RAP's] who serve as "circuit riders," providing part-time services at hospitals distant from their primary practice site. A DRG-based payment system for these services, with limited reimbursement, will make these arrangements infeasible. Rural hospitals will find their ability to offer certain surgical services limited or totally foreclosed.

Beneficiaries are also likely to suffer greater out-of-pocket expenses. Under the DRG approach, all beneficiaries, with a given diagnosis face the same copayment regardless of the services actually received.

Mr. President, some may say, surely the administration has copious data to support this proposal and insure against adverse effects on our elderly. I say to you, the administration does not possess one iota of information concerning the feasibility of this ill-advised approach. The only study of a physician DRG system that's been called for is one demanded by the 99th Congress which hasn't been received.

While the administration is spinning programs out of thin air, Congress has consistently embarked on a planned, careful strategy for Medicare reform. Congress has mandated a study of a relative value scale system for physician payment. We have created the Physician Payment Review Commission to explore reforms. We have laid out a clear path for change by 1989 so that the Medicare Program guarantees accessible, affordable, quality health care.

I urge you to hold fast to the strategy developed by Congress for long-lasting, rational reform. I urge you to join with me in resisting the administration's approach of "reform for dollars only" and await, instead receipt of the information and studies we need to do it right.●

SENATE CONCURRENT RESOLUTION 16—EXPEDITED CONSIDERATION OF CERTAIN LEGISLATION SUBMITTED BY THE PRESIDENT

Mr. QUAYLE (for himself, Mr. Exon, and Mr. Nickles) submitted the following concurrent resolution; which pursuant to the order of August 4, 1977, was referred jointly to the Committee on the Budget and the Committee on Governmental Affairs:

S. Con. Res. 16

Resolved by the Senate (the House of Representatives concurring), That (a) if the President, within three calendar days (excluding Sundays) of the time the President approves any appropriation bill, transmits to both Houses of the Congress, one or more special messages in accordance with subsection (b) proposing to rescind all or part of any items of appropriation provided in the appropriation bill, such special messages shall be considered in accordance with the provisions of this resolution.

(b)(1) Each special message transmitted under subsection (a) shall specify, with respect to each item of appropriation (or part thereof) proposed by the message to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a) of the Impoundment Control Act of 1974 (2 U.S.C. 683(a)).

(2) Each special message transmitted under subsection (a) shall be accompanied by a draft bill or joint resolution that would, if enacted, rescind each item of appropriation (or part thereof) proposed by the message to be rescinded.

(3)(A) Except as provided in subparagraph (B), the President may transmit one special message under subsection (a) with respect to each agency for which an appropriation bill appropriates or otherwise makes funds available. A special message may propose to rescind one or more items of appropriation with respect to the agency to which it relates.

(B)(i) For purposes of subparagraph (A), except as provided in clause (ii), the term "agency" means—

(I) any Executive department (as defined in section 101 of title 5, United States Code), and

(II) any independent establishment (as defined in section 104 of title 5, United States Code),

of the United States Government.

(ii) The President shall incorporate in a single special message all rescissions proposed with respect to any independent establishment—

(I) for which an appropriation bill appropriates or otherwise makes funds available, and

(II) for which the total amount appropriated or otherwise made available for the fiscal year immediately preceding the fiscal year in which the special message is transmitted was less then $100,000,000.

For purposes of subclause (II) of this clause, the total amount appropriated for an independent establishment for a fiscal year shall be determined without regard to any rescission or deferral under this section or under the Impoundment Control Act of 1974, and without regard to any reduction or sequestration under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c)(1)(A) On the day on which a special message proposing to rescind an item of appropriation is transmitted to the House of Representatives and the Senate under subsection (a), the draft bill or joint resolution accompanying such special message shall be introduced (by request) in the House by the majority leader of the House, or by the Members of the House designated by the majority leader and the minority leader of the House, and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by the Members of the Senate designatd by the majority leader and the minority leader of the Senate. If either House is not in session on the day on which a special message is transmitted the draft bill or joint resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which such House is in session.

(B) A bill or joint resolution introduced in the House of Representatives or the Senate pursuant to subparagraph (A) shall be referred on the date of introduction to the Committee on Appropriations of such House. The committee shall report the bill or joint resolution without substantive revision (and with or without recommendation) not later than 5 calendar days of continuous session of the Congress after the date on which the bill or joint resolution is introduced. A committee failing to report a bill or joint resolution is introduced. A committee failing to report a bill or joint resolution within the 5-day period referred to in the preceding sentence shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

(C) A vote on final passage of a bill or joint resolution introduced in a House of the Congress pursuant to subparagraph (A) shall be taken on or before the close of the 10th calendar day of continuous session of the Congress after the date of the introduction of the bill or joint resolution in such House. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of the Congress on the same calendar day on which the bill or joint resolution is agreed to by such House.

(2) If prior to the passage by one House of a bill or joint resolution introduced in that House under this section, that House receives a bill or joint resolution containing the same provisions from the other House pursuant to subparagraph (C) of paragraph (1), then—

(A) the procedure in the House receiving the bill or joint resolution with respect to the bill or joint resolution introduced in that House shall be the same as if the bill or joint resolution had not been received from the other House; but

(B) the vote on final passage shall be on the bill or joint resolution of the other House.

(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the House of Representatives on a bill or joint resolution under this section shall be limited to not more than 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion to postpone, made in the House of Representatives with respect to the consideration of a bill or joint resolution under this section, and a motion to proceed to the consideration of other business, shall not be in order. A motion further to limit debate shall not be debatable. It shall not be in order to move to table or to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

(C) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

(D) Except to the extent specifically provided in the preceding provisions of this paragraph, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives applicable to other bills and joint resolutions in similar circumstances.

(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection therewith, shall be limited to not more than 4 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to table or to recommit a bill or joint resolution under this section is not in order.

(d) No amendment to a bill or joint resolution considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) For purposes of this section—

(1) "item of appropriation" means any numerically expressed amount of budget authority set forth in an appropriation bill;

(2) "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations;

(3) "appropriation Act" means any appropriation bill that has been approved by the President and become law;

(4) "budget authority" has the meaning given to such term in section 3(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(2)); and

(5) continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 5-day and 10-day periods referred to in subsection (c) of this section. If a special message is transmitted under this section during any Congress and the last session of the Congress adjourns sine die before the expiration of 10 calendar days of continuous session (or a special message is transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been transmitted on the first day of the succeeding Congress and the 5-day and 10-day periods referred to in subsection (c) of this section shall commence on the day after such first day.

(f) The provisions of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall

be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

● Mr. QUAYLE. Mr. President, today I am submitting the Pork-Buster Resolution of 1987, a measure designed to correct a serious flaw in the congressional budget process.

At a time of record deficits and a mounting $2 trillion national debt, I believe Congress should employ every means possible to make the buck stop here. That is why I have consistently supported granting the President line-item veto authority and instituting a 2-year budget process. That is also why I have backed the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act and a constitutional amendment to mandate a balanced Federal budget.

As a further step in promoting the fiscal restraint necessary to reduce the Federal deficit, I am introducing this concurrent resolution, which would put an end to the pork-land politics of appropriations bills by guaranteeing congressional action on certain Presidential requests to reduce or eliminate excessive or unnecessary line-items in spending measures.

Where current law assures the defeat of a Presidential rescission request by congressional inaction, my proposal would ensure that rescission messages get the prompt consideration—and action—they deserve, without prejudging the outcome. Under my initiative, rescissions would only be effective upon approval, by simple majority vote, of both Houses of Congress. The Pork-Buster Resolution, although no cure-all for runaway deficits, is a tool the President and Congress should have at their disposal economic growth.

To be sure, the current budget includes a procedure under which the President may submit rescission requests. Title X of the Congressional Budget and Impoundment Control Act of 1974 stipulates that Congress must approve a President's rescission message within 45 days of its transmittal; otherwise, the funds at issue must be spent.

Following this procedure, the President has proposed 327 rescissions totaling over $12.6 billion in the past 2 years alone, yet not one of those messages has received a record vote in the Senate. While it is true that the appropriations process has accommodated $350 million in rescissions during this period, that amount represents less than 3 percent of the total funding cancellations requested by the President.

This is the flaw in our budget process that the Pork-Buster Resolution would correct: It would provide a mechanism to ensure congressional consideration of Presidential rescission messages under certain conditions.

The Pork-Buster Resolution is based on a simple, fundamental premise. Before the taxpayers' money can be spent, the President and majority of both the Senate and House Representatives should be required to agree those funds should be spent. Congress should be made—and held—accountable to the American people on rescissions that a President believes are appropriate.

By using the rulemaking power of each House, the Pork-Buster Resolution would require expedited consideration of Presidential messages to rescind spending approved by Congress. My proposal is designed to force an up or down vote on rescind requests under specified circumstances.

Under the Pork-Buster Resolution, the President may transmit to Congress one rescission message per agency of Government funded by an appropriations bill within 3 days of signing the spending measure into law. Once the House or Senate Appropriations Committee has received the rescission bill and determined that it meets the criteria for rescissions established by the 1974 Budget Act, the panel must report the rescission to the floor within 5 days or be discharged from its further consideration. The Appropriations Committee may recommend approval or disapproval of the rescission in reporting it to the full Senate or House of Representatives, but it may not amend the bill. The rescission bill must be voted upon by the full body within 10 calendar days after the Appropriations Committee reports it.

Mr. President, I first introduced my proposal on September 17, 1985, as Senate Concurrent Resolution 65. Last fall, I offered my initiative as an amendment to the Omnibus Reconciliation Act of 1986. Although my amendment was cosponsored by six of my colleagues and endorsed by the U.S. Chamber of Commerce, the American Farm Bureau Federation and the National Association of Realtors, it was ruled nongermane to the reconciliation bill under strictures imposed by the Rudman-Hollings deficit reduction law on a 34-to-62 vote last September 19.

That Senate vote neither addressed or detracted from the merits of the Pork-Buster Resolution, however. Indeed, less than a month later, the 99th Congress provided yet another argument in favor of my proposal when, at the 11th hour, it passed into law the single largest spending bill—for $576 billion—in our Nation's history.

Where the regular appropriations process provides for rigorous oversight of Federal spending contained in 13 appropriations bills, this last-minute catch all bill to provide funding for the current fiscal year for all Government agencies was so complex and considered under such time constraints that it hardly gained the scrutiny it deserved. Yet on receiving the omnibus stop-gap appropriation bill, the President essentially faced one of two choices: To sign it or veto it. But under my Pork-Buster Resolution, the President would have had a third, timely option: To request the rescission of the pork barrel riders buried in the fine-print of the massive bill that Congress would not have approved if forced to vote on them directly.

The Director of the Office of Management and the Budget, James C. Miller III, clearly understood the thrust of my proposal when, at a hearing of the Senate Budget Committee on January 7, he testified that the Pork-Buster Resolution "makes a lot of sense."

"Surely," OMB Director Miller said, "there are things that would be picked out of appropriations measures that I do not think could begin to stand the test of an up and down vote in the Congress. I think for that reason, it would begin for us, the process of moving toward more carefully weighing those individual initiatives that are put in appropriations measures, giving the President—whether the President is a Republican or a Democrat—the chance to go through and identify pieces of appropriated matters that do not respond to the needs of the general public."

All of us in Congress have voted for appropriations bills, without being committed to every item they contained. My proposal will require Congress to give careful consideration at a minimum to those items in an appropriations bill that the President opposes. When the needs of the general public are at stake, it does not seem at all unreasonable to require Senators and Congressmen to vote publicly and promptly on rescission messages. It is my belief that my Pork-Buster Resolution will make it easier to eliminate unnecessary and wasteful spending without making any change in our Constitutional balance of powers.●

● Mr. DOMENICI. Mr. President, I know many of my colleagues are frustrated with our Nation's current deficit problem. The Gramm-Rudman-Hollings law has headed us in the right direction in terms of reducing this problem. But, as we all know, there is more work to be done.

My distinguished friend from Indiana, Senator QUAYLE, has proposed that we look into one potential source of savings—the President's rescission requests. Under the current Impoundment Control Act, the President may send Congress requests to cancel spending authority. But these proposals die after 45 calendar days of continuous session if Congress declines to take up and pass a bill approving the President's proposal. While this mechanism sounds reasonable, the fact is that Congress has chosen to avoid difficult votes by ignoring the President's rescission requests, with the result that we have lost the chance to save perhaps billions of dollars over the last 6 years.

Senator QUAYLE's idea changes the rescission mechanism so that the President may submit rescission requests within 3 days of his signing an appropriation bill, and Congress would be required to consider them under mandatory procedures. The proposals could be adopted by a simple majority of both Chambers.

I do not wish to mislead my colleagues about the dollar impact of this proposal. Only about 50 percent of total Federal spending is funded through the appropriation process. Of that amount, roughly 52 percent is appropriated defense spending, and we should not expect significant rescission requests in this area from this administration.

But the fact remains that in these times of budgetary restraint, we need to investigate every possible method to increase control over our spending trends. Senator QUAYLE's proposal is a good place to start.

Mr. President, I would like to ask unanimous consent to insert in the RECORD an article by Senator QUAYLE that appeared in last week's Wall Street Journal explaining this concept.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 29, 1987]

GETTING THE PORK OUT OF THE BUDGET BARREL

(By Dan Quayle)

One would think that in the Congress of the United States of America an initiative that provides for nothing more than requiring the president and a majority of both houses to agree in all spending measures would be regarded as gratuitous and redundant. Not so. At least not under the process established by the Budget Impoundment and Control Act of 1974.

I have introduced just such an initiative, which I call the "pork buster," to do nothing more subversive to our legislative process than allow a rescission of spending authority to be enacted should the president and a majority of both houses agree to it. Without making any changes in the constitutional balance of powers, my proposal would guarantee congressional action on presidential proposals to reduce or eliminate excessive or unnecessary line items in appropriations measures. The rescission would become effective only upon approval by a majority of both houses.

The current insider's game of pork barrel politics has turned our budget and appropriations process into governance by minority. Congress has adopted the practice of considering omnibus legislation, especially in the area of appropriations.

Indeed, at the close of the 99th Congress, legislators approved the single largest spending bill in history—$576 billion. Omnibus funding measures such as these severely restrict the oversight contemplated by the regular appropriations process with its 13 separate bills. In addition, the urgency of omnibus stop-gap appropriations provides even further camouflage to wasteful and unnecessary riders attached to appropriations—riders that often would not be approved if Congress had an opportunity to vote on them directly. Legislators who are able to attach funding for their own pork-barrel projects shield these projects in the fine print of foot-thick bills far from the scrutiny of the most attentive legislators.

The Congressional Budget Impoundment and Control Act does provide for review of appropriations measures by the president, and he may indeed propose to rescind any amount of funding that he sees fit. But in order for that spending actually to be rescinded, Congress must vote within 45 days to uphold the president's proposal. If Congress does not vote within that period, the proposal dies and the money must be spent. The rescission process, in its failure to provide a mechanism to ensure congressional consideration of rescissions, is an abysmal failure.

Exploiting this loophole, Congress has consistently shirked its responsibility to review presidential rescission proposals. Included in the past two budgets proposed by the president have been 327 rescissions totaling more than $12.6 billion. Not one of these measures has received a record vote in the Senate. Indeed, few have even been considered by the Appropriations committees, whose instinct is to guard the gates of the House or Senate floors against any rollback of their spending projects.

To be sure, some of these rescissions are indeed accommodated in other ways, but that amount is minuscule. Of the $12.6 billion proposed in the past two years, only $350 million, or less than 3%, has been enacted. Congress must face up to its responsibility for making hard choices in order to stem the flow of red ink. To make these tough choices, however, it is obvious that we need a process that obliges Congress to do its job.

My pork-buster proposal, which I originally introduced as the Federal Spending Control Initiative on Sept. 17, 1985, would allow the president to send to Congress a rescission proposal within three days of his signing an appropriations bill into law. Once the House and Senate Appropriations committees receive the rescission message, they would be required to report it as a bill to the full Congress within five days. The committees may make recommendations approving or disapproving of the bill, but may not amend it. Once the rescission bill has come before the full Congress, it must be voted upon within 10 days. For the money to be rescinded under my proposal, the measure must pass both houses by a simple majority vote.

At a time of record deficits and a mounting $2 trillion national debt, Congress must put a stop to the pork-barrel politics of appropriations bills. The current law ensures defeat of a presidential rescission request by congressional inaction, but the pork-buster proposal, without prejudging the outcome, ensures that Congress meet its duty to vote on rescission measures. The pork-buster proposal, although no cure-all for runaway deficits, is certainly a common-sense tool that the president and Congress should have at their disposal to restrain unnecessary and excessive federal spending.●

SENATE RESOLUTION 102—CONGRATULATING PRESIDENT REAGAN ON HIS 76TH BIRTHDAY

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 102

Whereas, on February 6 President Ronald Reagan celebrates his 76th birthday; and

Whereas, his vigor, style and wit prove that age can be a bonus, not a barrier; and

Whereas, people the world over like and admire; and

Whereas, his dedication to this country and its principles are unquestioned; and

Whereas, his resilience and determination will prove his leadership remains strong: Now, therefore, be it

Resolved, That President Reagan is extended our heartiest congratulations on his birthday, and our sincere best wishes for a healthy and happy year.

SENATE RESOLUTION 103—EXPRESSING SUPPORT FOR THE GOVERNMENT OF THE PHILIPPINES

Mr. KENNEDY (for himself, Mr. BYRD, Mr. DOLE, Mr. PELL, and Mr. CRANSTON) submitted the following resolution; which was placed on the calendar:

S. RES. 103

Whereas, the people of the United States and the people of the Philippines share a long history of mutual support for democracy;

Whereas, the strategic interests of the United States in the Asian-Pacific region can best be preserved by a stable Philippine government based on democracy and justice;

Whereas, the people of the Philippines demonstrated support for President Corazon C. Aquino in the election held on February 7, 1986;

Whereas, on February 26, 1986, President Aquino took her oath of office and the Government of the United States recognized the leadership of President Aquino;

Whereas, on March 25, 1986, President Aquino suspended the 1973 constitution and requested the redrafting of a new one;

Whereas, on February 2, 1987, the people of the Philippines voted by an overwhelming margin to adopt a new constitution for their country, signifying their support for President Aquino's leadership and establishing a legal basis for her government;

Whereas, despite serious and sometimes violent challenges to her leadership, President Aquino has demonstrated a commendable and courageous determination to return stability and democracy to the Philippines;

Whereas, President Aquino has also undertaken significant efforts to eliminate the serious threat to her nation by the communist insurgency;

Resolved, That the United States Senate:

SECTION 1. (A) reaffirms the support of the Government of the United States for the Government of the Philippines under the leadership of President Corazon C. Aquino on the occasion of the approval of the new constitution by the people of the Philippines;

(B) commends President Aquino for the progress towards democracy and justice she has achieved in her first year in office;

(C) praises the continued commitment of the government and the people of the Philippines to strengthen their democracy, and to achieve significant economic, political and military reform.

SEC. 2. The President of the United States is urged to convey this resolution to President Aquino.

AMENDMENTS SUBMITTED

NATIONAL APPLIANCE ENERGY CONSERVATION ACT

EVANS AMENDMENT NO. 30

Mr. JOHNSTON (for Mr. EVANS) proposed an amendment to the bill (S. 83) to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances; as follows:

On page 23, line 12, strike "68" and insert "75" in lieu thereof.

NOTICES OF HEARINGS

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

Mr. CHILES. Mr. President, I am pleased to advise the Senate that the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies will hold its fiscal year 1988 public witness hearings the week of May 4 through 8. The first day of hearings will include any testimony from Members of Congress.

The deadline for interested groups and individuals to submit their requests for an opportunity to testify is Monday, March 16. All requests must be in writing and should be addressed to me in care of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, SD-186, Washington, DC 20510.

Those persons whose requests are received by March 16 will receive a letter providing instructions for their appearance before the subcommittee.

In addition, the deadline for those who only wish to submit statements for the hearing record will be Friday, May 15. Such statements must be no longer than seven double-spaced pages, and three copies should be sent to me in care of the subcommittee.

ADDITIONAL STATEMENTS

COMMERCIAL OPPORTUNITIES IN SPACE

● Mr. HOLLINGS. Mr. President, Tuesday, Senator DONALD W. RIEGLE, JR., delivered a speech to the Space Business Roundtable on the current problems facing the Nation's space program, and the importance to America of a strong, vital and growing presence in space. Senator RIEGLE is the chairman of the Science, Technology, and Space Subcommittee of the Senate Commerce Committee, and I think that his views will be of interest to the Senate, and to anyone who is concerned with the future of our space program. I ask that Senator RIEGLE's remarks be printed in the RECORD.

The remarks follow:

REMARKS OF THE HONORABLE DONALD W. RIEGLE, JR.

Thank you for this opportunity to share with the Space Business Roundtable some of my thoughts on issues of mutual concern. I am pleased to join your kick-off luncheon for 1987. Judging from the turnout, this will be a very successful year for your organization.

The Space Business Roundtable is a young organization, but that is appropriate since space is a business opportunity still in its infancy. As a nation, we are only beginning to view space in an entrepreneurial manner. Space is an untapped frontier, which I believe has commercial potential far beyond anyone's imagination. And this potential is finally coming within our reach.

Yet many difficult decisions now confront us, and they must be faced directly now, or we, as a nation risk losing much of this opportunity. Unless we assert strong national leadership, we face the prospect of seeing space developed commercially by Japan, Europe, China, and the Soviet Union, while the United States' space program struggles to rebuild itself, awaiting clear policy decisions on future goals. These issues require urgent attention.

As you know, I am relatively new to a central role in these issues, althought this is my 21st year in the Congress. I, like most Members of Congress, have supported the space program with pride, and have marvelled at the space successes accomplished over the last twenty five years. I have shared the belief that the United States would continue to lead the world in the exploration and development of space. It seemed part of America's manifest destiny.

The tragic events of January 27th and 28th, 1986 shattered many things. In combination with multiple other factors, the Challenger explosion was the seminal event that brought one era to an end—and requires us now to decide what the next era in space is to be for America.

In the past year, we have seen NASA replace its top management team, radically alter its management decision structure, undertake the implementation of the Rogers Commission recommendations—including the redesign of the flawed booster rockets—and it is doing its best to juggle its future flight manifest within wretched time constraints and sharply conflicting priorities. No area within our Federal Government faces a more difficult challenge.

I have confidence that the new NASA management team, led by Dr. Fletcher, will give their all and produce the best results possible. The men and women of NASA deserve our support. And we must help them.

What NASA cannot do is to craft and establish America's future space policy—because that task lies elswhere. It must start within the executive branch of Government under the active leadership of the President—then be ratified and funded by the Congress. And to ultimately succeed, it requires the sustaining faith, support and effort of the America people.

That was the combination that took America to the surface of the Moon and back. That is the combination that is needed to build a permanent American space station, carry out a manned trip to Mars, and enable future generations to explore the farthest reaches of the universe.

It is that combination that must also take U.S. science and research fully into space; to undertake the scientific discoveries and make breakthroughs in knowledge only possible in that unique environment.

It is that combination that must probe and unlock the full commercial promise of space—to set America on a course to be the first and foremost in devising and implementing the commercial opportunities of space—to mark the path for other nations—not sit by while other nations move past us.

If we are to end the present space policy confusion and drift, certain steps must be taken. Let me outline four major items in this regard.

First, we must change and greatly strengthen the space policy decision machinery within our Government; enabling us to pursue ideas like those contained in the Pain Commission report.

By any reasonable yardstick, the Senior Interagency Group is a failure in the task of setting space policy. Eight months elapsed before that group could even decide that a new shuttle had to be built to replace the Challenger.

We need to re-establish the National Space Council under the direction of the Vice President. Experience tells us that particular executive decision structure works. Congress passed legislation last year to recreate the council only to have it vetoed by the President. We must and will persist until this needed change is made.

Second, we must decide whether NASA, a civilian agency, is to remain America's lead agency in the U.S. space effort, or if that role is to be taken over by the Defense Department. A defense space budget that is twice that of NASA's and growing rapidly, must necessarily increasingly drain the vitality from NASA, and from the civilian program, vitality needed by NASA excel against growing international competition.

For those of you in commercial space activities, this is a vital issue—and one with major implications for your future prospects. It is time we have a full national debate on how much of our national space effort should be military in scope.

I have a General Accounting Office report in progress now to give me a greater understanding of the DOD effort compared with the NASA program. Clearly, the DOD effort has produced some significant benefits. Without the DOD program, it is quite likely that our entire ELV capacity would have essentially shut down, making any prospect for developing a commercial launch industry most unlikely.

And while mentioning ELV's let me say that it is essential that we craft a comprehensive ELV policy for both NASA and DOD, and this is an issue that we will pursue actively in the subcommittee.

Third, as we look at NASA's mission once shuttle flights are safely resumed, we must decide in broad policy terms what the proper mix of activities should be—when weighing competing areas of endeavor.

I have felt, and continue to feel that NASA should continue a major role in each of four categories: (1) the systematic extension and capacity of mankind to explore and use outer space; (2) necessary U.S. military requirements; (3) the continued emphasis on scientific discovery and applied research with a permanent space station central to that effort; and (4) the commitment to private sector commercial customers to provide reliable and cost-effective launch services to the important and growing list of private sector customers.

On this point concerning commercial launches, I am troubled that the present view within the executive branch is that U.S. commercial customers should go to foreign suppliers—or that a private sector ELV capacity should somehow materialize on its own to meet our commercial needs. The first option is unsound and the second unrealistic absent major new Government encouragement and our help. This is too important an issue to be decided by some faceless bureaucrats in the SIG—it is a key decision bearing on our economic future and it should be brought fully into the open for active debate and decision. I discussed this subject with Dr. Fletcher at our NASA hearing this morning—and I would refer you to his comments. He, too, has serious concerns in this area.

Having mentioned these things I think are most urgent and most fundamental, let me offer a few observations on specific agenda items of mutual concern.

1. The Soviet Union has a manned space station, fully operational, conducting important work each day. This is their second generation of space stations, and they are working to exceed their own continuous occupation record of 237 days. The Soviets are also interested in commercialization activities as evidenced by their newly created agency "Glavkosmos", which will market launch services. This shows serious and sustained commitment by the Soviets.

NASA has claimed that our U.S. space station will be operational eight years from now in 1994, but that is questionable due to the fact that appropriations for the station have been cut four years in a row, and the total projected cost has nearly doubled. In fact, today at the budget hearing, NASA slipped off the 1994 date—and announced a new date of the "mid-90's." This pattern does not demonstrate to me the level of commitment required. And without a full-scale sustained commitment to the space station it probably would not be operational before the turn of the century. That would be a serious strategic error in my view. We are already inexcusably late.

2. The space science program, long our finest and most consistently productive NASA endeavor, is barely alive. We haven't launched a planetary probe since 1977, and have no plans to launch another one for at least two years. The latest report of the NASA Space Science Advisory Committee warned, "U.S. preeminence in space and Earth science programs is now in question. The Mars probe, a mission that is long overdue, would be delayed until 1992, according to the present plans of NASA and OMB.

The advanced communications technology satellite (ACTS), is another critical space science project that the adminsitration is determined to cancel. This is the third year in a row that the cancellation has been proposed. Each time Congress has prevailed in keeping the program on track. ACTS is the centerpiece of an emerging communications technology; a system that will be the key to the next generation in communications satellites. Yet the official position of the executive branch is that it should be cancelled, despite clear evidence that Germany and Japan are moving rapidly to capture this field of technology. This makes no sense.

I will try to reverse this decision, and work to change other priorities in the space science as well.

On the issue of Landsat, it appears that the commercialization of Landsat has been a terrible disappointment to the private sector. The Government was unable to honor a commitment to provide the level of funding that would have made the commercialization effort possible, and now it seems that the remote sensing market will be handed to the Europeans. This is an experience that has made many of you rightfully skeptical about full scale commercialization efforts by the Government. Hopefully, the Department of Commerce and OMB will soon resubmit a commercially feasible Landsat proposal.

In addition to my service on the Commerce Committee, I also serve on the Finance, Banking, and Budget Committees. All of those committees are involved with the trade crisis confronting our country. Coming from Michigan, I have long been concerned about the trade deficit in the U.S. manufacturing sector. But the trade problem now extends far beyond the manufacturing sector, and we are seeing a deepening erosion in the balance of trade across all product lines. Most disturbing is the loss of market in the high technology areas, semiconductors in particular. Last year, in 1986, high technology imports exceeded exports for the first time in our history. This is a dangerous development. And yielding the commercial side of space activity to foreign competitors can only make our trade and technology problems worse.

For most of its life, NASA has served as a principal technology driver for our Nation. Many of the products familiar to us today can be traced to discoveries made in the early years of the space program. Yet, we seem to be losing that aspect of NASA, and industry seems to increasingly look to the Defense Department as the leader in technology development. But much of what your industries do for the Defense Department is never shared with the general scientific or industrial communities; the technology transfer that was so productive for our society in earlier years is much less likely to occur due to national security restrictions.

I believe that NASA must be a major technology forcing agency for our society as a whole. The Government does have a proper role in inducing the private sector to venture into new areas such as automation, robotics, artificial intelligence, communications technologies and materials processing.

So, for these reasons and more, I believe that the Government has a vital continuing role in the civilian exploration and development of space. The public effort that we make in the coming years must be in concert with your private sector activities, since we must work together to accomplish our goals. Clearly, you cannot operate successfully in an environment where your planning and operating assumptions are not valid from one quarter to the next and where seemingly binding commitments by the Government end up as broken promises. I will do my best to provide you with more certainty. But we will have to work together to hammer out a comprehensive space policy and then see that we adhere to it. We are all in this effort together, and with an active and constructive partnership, I am confident that we can get the job done.

You will find that I have an open door and an open mind, so please let me hear from you.

Thank you for this opportunity, and I look forward to working with you in the future.●

CIVIL RIGHTS OF GAY CITIZENS

● Mr. KERRY. Mr. President, I am very pleased to join with my distinguished colleague from California, Senator ALAN CRANSTON, in supporting and cosponsoring the Civil Rights Amendments Act of 1987. This legislation would prohibit discrimination in employment, housing, and public accomodations on the basis of affectional or sexual orientation. It would ensure that the civil rights of millions of gay Americans are protected under law.

In the past, Congress has recognized that discrimination, on the basis of a class-based distinction such as race, sex, or religion constituted a fundamental denial of human and civil rights. Yet today, in States, cities, and towns across the United States, homosexual men and women are being discriminated against. They lose jobs and are denied housing simply because they are gay. Under current law, they have no recourse.

In 1987, it is even more important that the Congress act to protect the civil rights of gay citizens. The epidemic of AIDS has not only ravaged the gay community, but has also led to an upswing in prejudice and discrimination against gays in America. AIDS is a plague which effects not just the gay community, but all of us. And likewise, a threat to the civil rights of gay people is a threat to the civil rights of all Americans.

This legislation seeks to redress the arbitrary and unjust discrimination against gay people in employment, housing, and public accomodations. This legislation would prohibit such discrimination and would provide appropriate legal recourse. It would not allow any special privileges, nor would it make any moral judgments about homosexuality. It simply would provide the same protections that are provided to other minority groups by our civil rights laws.

The issue here is a very basic one of civil rights for millions of Americans. This bill would extend equal protection under the law of the people who are our friends, our neighbors, our coworkers, and our relatives, who also happen to be homosexual. I urge my colleagues to join in this effort to realize equal justice for all our citizens.●

CATASTROPHIC ILLNESS

● Mr. **DURENBERGER.** Mr. President, one of the most important and long overdue public policy debates that this esteemed body is undertaking during this 1st session of the 100th Congress concerns the Federal Government's role in helping individuals and families who are stricken by a catastrophic illness or accident. I welcome the attention to this important issue and look forward to passing legislation as soon as possible.

This huge and complex problem, for purposes of debate and decisionmaking, has been separated into three categories; catastophic expenses for acute illnesses for over 65 year olds, meaning essentially the Medicare eligible population; catastrophic expenses for under 65 year olds, meaning everyone else; and long term care costs.

So far, the Senate Finance Committee and the White House have focused primarily on the Medicare eligible population. While this is of course an important and obvious group for the Federal Government to focus on, we must not lose sight of the other hundreds of thousands of Americans who are not over 65 and are suffering with a catastrophic illness or injury.

A Washington Post article from late January poignantly described the tragic wrestling accident of Jon Young, the 17-year-old son of the Commissioner of the Federal Food and Drug Administration, Dr. Frank Young. It also discussed the incredible progress Jon has made already, which Jon attributes to his faith in God, that He is taking care of him.

Mr. President, the real strength of this country is our youth. Our future depends on them, and our hope as citizens and parents, is that our young people will develop the values and have the character to lead this country to a better future. It certainly seems that Jon Young represents the best this country can produce. Frank must be terrifically proud of him. Mr. President, I ask that the Post article be printed in the Record after my statement, for my colleagues to read about Jon.

As we try to figure out what can be done to protect people from the devastating expense of a catastrophic illness or injury, we must think not only of the senior citizens, but also of young people like Jon whose health and vitality are so important to our country's strength. The young as well as the old are at risk. We all are.

Godspeed, Jon.

The article follows:

Young: "I'll Never Give Up"

(By Steve Berkowitz)

"I was going to do a hip throw," Jonathan Young said recently, recalling the events of Dec. 19.

"I was going to stand up, reach behind, hip and throw him," said Young, a 17-year-old senior at Walt Whitman High School in Bethesda, describing a 112-pound wrestling match at the Magruder High School holiday tournament in Rockville.

"I guess what happened was that I didn't get my hips into it enough and I came down on top of my head.

"When I hit the mat, my dad came out and I said, 'Dad, I'm floating away, I'm floating away.' It was weird. I could see myself lying there."

Young, a son of Food and Drug Administration Commissioner Frank E. Young, didn't know he had fractured his neck. All he knew was that he couldn't move.

"Mother," he said he told Leanne Young, who had rushed out from the stands, "I'm paralyzed. I'm never going to walk again."

Young, who last year placed third in the Maryland state 98-pound tournament, was ranked second in the 112-pound division this year. He won his first five matches of the season on first-period pins and was legitimately dreaming of a state championship and a successful college wrestling career. Now, though, there are other thoughts.

"When it first happened," Young said, "I was sure I was never going to walk again. I had no problem dealing with that. I wasn't going to worry about it. I mean, there was nothing you could do about what happened. It happened. I had no choice. I couldn't fight it. I had to just totally give myself up and just trust in God that everything was going to be all right."

So far, it has.

"Oh, my God, it's been incredible."

The words are Dr. John E. Toerge's. A physiatrist who is the National Rehabilitation Hospital's associate medical director, he has been coordinating Young's rehabilitation program since Young transferred to his facility from the Washington Hospital Center Jan. 12.

"He's just blasting right along," Toerge said. "The speed with which Jonathan is regaining function gives you an idea of how much function he will ultimately recover. Although it's very early to tell, I would say that this bodes very well for the future."

Young, who underwent surgery Jan. 2 to fuse together two fractured vertebrae and stabilize his neck, has regained motor function in both arms and some limited movement in both of his hands, including fingers, and legs. With a tutor, he has resumed his school-work.

Toerge said that based on Young's progress so far, his patient stands "a really good shot" of being able to stand and walk again.

"I'm not talking about running or jumping around yet," Toerge said, "and he may or may not need braces, but if I had to guess [if Young will walk again], I would say yes."

For a time, however, the answer was no. To everything. The night of the injury, as Young was being transported by helicopter from Montgomery General Hospital in Olney to the Washington Hospital Center's MedStar unit, his heart stopped beating for 40 seconds. As as far as Young is concerned, his resuscitation was as much of the product of his religious faith as of the medical attention he received.

"I was so close to the point of death," Young said. "I was so physically weak the only thing I had to rely on was my spirtual strength."

"It's kind of hard to explain," he said of one particularly intense experience during the time between the injury and the surgery. "But what I saw was real.

"I said, 'God, what are you doing here? I'm Jon Young. I'm no one special.' I guess he just chose me to come close to Him. He put me down physically so I could see Him and gain a better understanding of Him.

"It was kind of scary when I saw how powerful He was," Young said. "I said that if I were to have my way, I wish I could die right now because it was so cool, so powerful, I just wanted to be with Him."

"Now," Young added, "I don't feel that same power because I'm getting physically stronger. But I know it was there for those two weeks. Not everyone can understand that. I mean, no one can understand that unless they've been brought to the same position."

If you look at the 24 months of rehabilitation Young probably faces as one day, it is now only a little past 1 a.m. And although the first hour may not have been Young's finest, it will almost assuredly have been his fastest.

"The tough part is still ahead," Toerge said. "It's easy when you see change every day. It becomes hard when you don't see change, when your recovery begins to plateau—and sometime, Jonathan's will begin to plateau. People get a little bored of going to the hospital. They start to back away a little bit . . ."

"You never know how much or how many people care until something like this happens," said Young, whose room (including the ceiling) looked as though it had been decorated by Hallmark. "It's been very encouraging . . .

"The President called me. [Young has also received a letter from the White House.] I couldn't talk to him right then, but after I got the letter, I called him back. It was pretty wild. When the operator finally got the call through to his office, I said, 'Oh, no, I better hang up.'

"But then he got on and said, 'Hello?' I said, 'Hello? Mr. President?' He said, 'Yes?' He, wasn't real stern or anything like that. He was just really warm and really caring. I said to myself, 'Wait a minute, the president of the United States is actually caring about me?' It was very big."

No bigger or more important than Young's own attitude and outlook.

"There's risk in everything you do," Young said. "I was physically in great shape. I was strong. I was quick, I had excellent coaching and I wasn't doing some fabulous, crazy move that would take Superman to do. I've done more dangerous moves in practice. It was a freak accident."

"I had a great six years of wrestling," he said. "I loved it then and I still love it. But for now I'm not going to work as hard as I can. I'll never give up. But at the same time, I'm not expecting anything to happen.

"Still, I know if I just lie here, no one's going to come in here, pick me up and make me walk. It's going to be a matter of time and of hard work. And when God says walk, I'll walk."●

TAXPAYERS' BILL OF RIGHTS

● Mr. **REID.** Mr. President, on two previous occasions I have risen to inform this body of my intention to introduce a taxpayers' bill of rights. Thus far, I have spoken only in general terms about the need for this legislation and the protections it will extend to taypayers when conducting business with the Internal Revenue Service. Today I intend—through a case study—to both demonstrate the need for such legislation and familiarize this body with one section of my proposed bill.

Recently, a constituent of mine entered into an agreement with IRS on a monthly installment payment plan to meet her tax liability. She did not dispute the amount or appropriateness of the liability, but as a single working mother, she needed to make special arrangements to meet the liability. Because she was unfamiliar with the vagaries of the Internal Revenue Code, and in order to ensure she received fair treatment from the IRS, this lady had an attorney represent her before the IRS. Despite this precaution, only 7 days after an agreement was reached on a payment plan, an IRS agent impounded her car without notice while she was at work. Not only was this a breach of contract but it was a flagrant violation of IRS regulations, and is most likely a violation of the fourth amendment to the Constitution, as well.

Examples of such arrogant breaches of contract—not to mention faith—continue to occur at a rate too high to attribute solely to mistakes. Moreover, these practices detract from voluntary taxpayer compliance, a vitally important link in raising revenue and reducing the budget deficit.

Section 11 of my proposed bill provides a legislative remedy to this type of abuse. This provision of the taxpayers' bill of rights makes agreements reached between the IRS and taxpayers on installment payment of tax liabilities binding upon the IRS as they are now upon taxpayers. The agreement could only be modified by the IRS if the taxpayer provided inadequate or incomplete information. Also, in cases where a taxpayer realized a subsequent change in financial condition, the IRS could, after a hearing, wth the taxpayer, modify the installment agreement.

Requiring the IRS to keep its word to taxpayers might seem an unnecessary subject for legislation. Not only is it logical that by keeping its word the IRS will maintain the trust and confidence of taxpayers, increase compliance and revenue collections, contribute to deficit reduction and establish a reputation as an honest agency; but it would seem fundamental that the U.S. Government doesn't have the right to break its promises.

The IRS should have long ago established administrative procedures—hard, fast, enforceable procedures—to ensure agents abide by installment payment agreements reached with taxpayers. However, no such procedures exist and, despite a decade of hearings and oversight by various congressional committees in both Houses, the IRS continues to breach agreements made in good faith.

Last year, Congress passed a comprehensive tax reform bill restoring equity to the Internal Revenue Code. Now, I am urging my colleagues to join me in bringing equity to the procedures used by the agency charged with administering the Internal Revenue Code. I would remind you, my fellow Senators, that the revolution in which our Founding Father's engaged was in large part caused by unfair and oppressive taxation contrary to the wishes of the people.

Although I have not yet introduced my bill, word of its existence has already spread throughout Washington and beyond. I have been contacted by Senators and Congressmen from both sides of the aisle, by the Bureau of National Affairs, by the National Society of Public Accountants; and by individuals from as far afield as Blanco, TX, and Walla-Walla, WA, all expressing interest in seeing my bill move through Congress. I invite my colleagues to join these groups and individuals by cosponsoring the taxpayers' bill of rights which I will be introducing in just a few weeks.●

A NUCLEAR TEST BAN

● Mr. LEAHY. Mr. President, I have lost count of how many times I have spoken on this floor to urge President Reagan to stop testing nuclear weapons. I do so today with even more sense of urgency than in the past. On Tuesday, the United States exploded its first nuclear weapon of the new year, and the 25th since the Soviet Union began a unilateral moratorium on nuclear tests in August 1985. With this test the United States threw away what could be the last chance for many years to halt all nuclear explosions and slow the arms race.

On August 6, 1985, the 40th anniversary of the first atomic bomb dropped on Hiroshima, Soviet Premier Gorbachev declared a moratorium on all Soviet nuclear weapons tests. Twice during the past 18 months, when the Soviet moratorium was due to expire, he extended it with an invitation that the United States join the testing pause.

Instead of seizing an opportunity to take a major step toward slowing the pace of nuclear weapons modernization, President Reagan followed the advice of his most hard-line advisers. In the 18 months of the Soviet moratorium, the United States continued a full scale testing program. Late last year the Soviets announced their moratorium would end if the United States continued testing in 1987, and on Tuesday they repeated that warning. This test virtually assures full blown nuclear test programs by both sides for the foreseeable future.

Mr. President, nothing disappoints me more deeply than my own government rejecting such a rare opportunity to make a major contribution to real arms control. That is the foremost challenge of our time. The deficit, the trade imbalance, the farm crisis—are all very serious problems we must solve. But they pale in importance compared to the threat of nuclear war. A moratorium on testing, to allow both sides to negotiate once and for all a way out of the arms race, would be a way for the President to start us down the road toward deep reductions in our ever increasing nuclear arsenals.

The administration said one reason it refused to follow the Soviets' example was because of the risks a moratorium could pose for the reliability of our nuclear weapons stockpile. It argues that without testing the United States could not identify and correct problems in the safety of our nuclear stockpile or the reliability of our nuclear weapons.

The truth is that few U.S. nuclear tests have ever been for the specific purpose of diagnosing design flaws in nuclear weapons. Rather, the overwhelming majority of tests are for validating nuclear weapons designs and testing new concepts for future weapons. While the safety and reliability of our nuclear weapons cannot be ignored, this problem could be adequately addressed with computer simulations and by chemical explosions. If this is deemed insufficient, an agreement might allow a small quota of low yield tests, with strict on-site monitoring, to ensure the safety and reliability of existing weapons.

Another reason cited by the administration for rejecting a moratorium was inadequate verification technology and procedures. This, however, is an excuse for what is really an absence of political will. I would be the first to insist that verification is essential to any meaningful arms control agreement. But there is little doubt that monitoring uncertainties in either a low yield arms control regime or a comprehensive test ban could be reduced to acceptable levels with available technology for on-site monitoring at Soviet and United States test sites, unilaterally derived calibration data, and exchange of geological information about each side's testing sites. The challenge for U.S. policy is how to implement such a program of effective monitoring. A moratorium on testing could have set the stage for a breakthrough in negotiations for a treaty containing necessary binding verification arrangments.

The administration, in its more candid moments, also revealed that it would not join a testing moratorium or negotiate a comprehensive test ban treaty even if it were completely satisfied about verification. Administration spokesmen argue that as long as nuclear weapons are necessary for deterrence and defense, the United States will need to continue testing—and will do so regardless of any Soviet testing restraint.

Since the President has repeatedly insisted that the strategic defense initiative will be nonnuclear, the testing the administration has in mind is for another generation of warheads for new U.S. missiles—MX, Trident II, Midgetman, advanced cruise missile, and so-called tactical nuclear weapons for Europe. My response is that we have many proven designs of warheads for all types of missiles. We can afford to forego marginal design improvements in new warheads in order to halt Soviet nuclear tests for a fixed duration or even indefinitely, in a strict verification regime in a comprehensive test ban treaty.

Mr. President, those of us who have repeatedly urged President Reagan to set an example of restraint on building and testing more of these terrible weapons will remember yesterday as another opportunity thrown away. There is still time for the President to secure his place in history as the first American President to conclude an arms reduction agreement. But time is running out. The President must act—and soon. The whole world in counting on him to display the political will to overcome the ideological blinders and internal policy divisions of his own administration, and to get the arms control process moving again.●

SAYING "NO" TO THE KLAN IN MARYLAND

● Ms. MIKULSKI. Mr. President, the Ku Klux Klan is at it again. With marches, nighttime rallies and cross burnings, the Klan is once again trying to promote racial unrest and conflict by pitting white people against black people.

They are doing it in Forsyth County, GA, and they tried doing it this past weekend in Talbot County MD.

I rise today to express my pride in and to offer praise to the people of Talbot County. On Saturday, January 31, four klansmen attempted in vain to start an outdoor rally in front of the courthouse in Easton, MD, they wanted local residents to join them in protesting the so-called strict sentences recently handed down to three persons convicted in a cross burning last April outside the home of a black family.

Because of advance publicity about the rally there were a lot of reporters, TV cameras, law enforcement officials, and Justice Department representatives in Easton on Saturday. They expected a big event. But that is not what they got.

Instead of a rally with ranting, ravings, and fiery rhetoric, the four Klansmen found that they were the only ones who wanted to participate in such a rally. Talbot County residents would have nothing to do with them or their signs and slogans.

The people of Talbot County may have surprised the members of the press by their refusal to participate in this event, but they did not surprise me.

Talbot County is a scenic, 330-year old community. It's one of the gems along Maryland's Eastern Shore. The county is a lovely vacation area for tourists and a year-round habitat for Maryland's watermen who harvest oysters and crabs from the Chesapeake Bay.

The county's residents are decent, hardworking people. This past Saturday they said "no" to hatred, extremism, and racial violence. The people of Talbot County, MD, have said "no" to the Ku Klux Klan.

I urge Americans everywhere to do the same.

In closing, Mr. President, I would like to share with my colleagues in the Senate an excellent editorial which appeared in the Baltimore Sun on Wednesday, February 4, entitled: "Easton Snubs the Klan."

This editorial and the editorials it refers to from the Easton Star Democrat and the Cambridge Daily Banner, together sum up the feelings which the vast majority of Marylanders hold—the Ku Klux Klan is not welcome in our great State.

I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the Baltimore Sun]

EASTON SNUBS THE KLAN

The town of Easton on Maryland's Eastern Shore greeted a well-publicized Ku Klux Klan rally with a healthy dose of disdain last weekend. Only four white-sheeted Klansmen appeared on the courthouse lawn, and they were met by local citizens critical of their tactics. The Klansmen were protesting the sentencing of three whites convicted in a cross-burning incident on Tilghman Island last April.

Twenty-five years ago, a Klan rally—even one scraped together as loosely as this one—might have drawn a sympathetic hearing. Not now. At the same time the KKK was unfurling a Confederate flag on the lawn of the town courthouse, six blocks away more than 300 citizens—blacks and whites, old and young—were holding a protest vigil in a local church. Their gathering told more about the Easton of 1987 than the racial hatred of the lonely foursome.

The men and women of the Eastern Shore appear to be trading in a history of segregation for a broader, more open sense of community. Here is an excerpt from an editorial published in yesterday's Easton Star Democrat:

"Like any unwanted guest, the small group of Ku Klux Klansmen who came to Easton Saturday got the welcome they deserved—jeers and snowballs. . . . The message is a suitable one: You may have a right to assemble here, and we'll let you make any insane point you want to make, but if you're looking for an ear sympathetic to your trash, you might as well look elsewhere."

In Cambridge, the Daily Banner editorialized, "Racial and ethnic hatred is a frightening doctrine because it appears to the base human quality of rejecting what is different, foreign." Those words in the Banner sketch the political and social changes that have overtaken the Shore. Only 25 years ago, civil rights demonstrators were attacked by angry Cambridge whites and the National Guard spent a summer maintaining order.

The Eastern Shore, once bypassed and deserted by industry, is attracting new residents who yearn for its peaceful waterfronts. Racial respect and harmony is a relatively new and healthy development. It can only help to attract the jobs and promoted the economic stability that the Shore has so long sought and deserves.●

CAPULIN VOLCANO NATIONAL MONUMENT

● Mr. BINGAMAN. Mr. President, I am pleased to consponsor S. 348, a bill that would add 17.5 acres to the Capulin Mountain National Monument in the northeastern corner of our State. In addition, this bill will redesignate the area as the Capulin Volcano National Monument. This is a bill that carries with it overwhelming support from the New Mexico delegation and the residents of the State. The unique geological qualities of the mountain and their appeal to visitors will be greatly enhanced by this modest proposal.

The center of attraction of this monument is the Capulin Volcano which rises to 8,000 feet in elevation. It is an extinct volcano that saw its last eruption approximately 10,000 years ago and while the crater has assumed the appearance of the surrounding hills and plains, its unique geological features are still readily apparent. In addition to the closeup view of the volcano's crater, a visitor is able to see spectacular sagebrush plains and distant mountains from the rim of the cone.

According to geologists, the volcano erupted three times over a period of 2,000 years, the last eruption occurring approximately 10,000 years ago. While the lava flows from these events are spread over 25 square miles, a mere one-half square mile of lava flows is actually within the boundaries of Capulin Mountain National Monument. The addition of the 17.5-acre tract would increase Capulin Monument's lava flows significantly. Aside from protecting a remnant of a volcanic lava flow, this bill would provide an opportunity for on-site interpretation of the geologic formation while preventing the removal of lava rock for personal or commercial purposes.

This tract has been administered by the Bureau of Land Management since 1972. In 1980, BLM withdrew the land for use as a buffer area to control grazing and hunting pressure from the westerly side of the monument. This withdrawal expired in May of last year and the land is now administered under general land laws. BLM could declare the tract surplus to its needs and determine that the acreage no longer remain in public ownership. If the tract is purchased and placed in private ownership, it will probably be used for the removal of lava rock. This would disrupt the environmental and geological integrity of this unique volcanic area.

I do not know of any opposition to this proposal. The 17.5-acre tract is surrounded by State and Federal Government land. Grazing has not been permitted there since 1978. No subdivisions or developments are located in the area and there is no evidence of archeological or paleontological artifacts.

The costs for operation and maintenance of the area proposed to be added to the monument would be minimal. A one-half mile trail for self-guided tours would be constructed at an estimated cost of $25,000.

Mr. President, this is a valuable and modest proposal. While the redesignation of the monument would call attention to its interesting geological features, its distinct volcanic nature would be enhanced by the addition of 17.5 acres of lava flows. I believe this register will result in increased visitation, but, more important, will properly protect and preserve a fascinating chapter in New Mexico's geologic history.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, February 16 will mark the 69th anniversary of the establishment of the Republic of Lithuania. On this day, it is customary for those of Lithuanian ancestry and their many close friends to commemorate the founding of a progressive and independent Lithuania which, for its all-too-brief existence of 22 years, was a beacon of democracy. On this day all Americans are afforded the opportunity to reflect on the proud heritage of our fellow citizens of Lithuanian descent and to renew our dedication to the principles of freedom and liberty for which this important day stands. It is always a great honor for me to join with more than 1 million Lithuanian Americans in celebrating this quest for human dignity and freedom.

On February 16, 1918, the people of Lithuania reestablished their independence after having fallen to Russian rule in 1795. Decades of repression were ended by the adoption of their constitution in 1922 which granted to their people the basic freedoms of speech, assembly, and religion. We are saddened to recall how quickly the events of World War II shortened Lithuania's independence when, in 1940, it was occupied again by Soviet Armed Forces. It has been controlled by the Soviets ever since.

In the more than 700 years since the formation of a united Lithuania, the history of this valiant nation has been filled with accounts of battle and struggle against aggressors. Throughout many tragic invasions, the Lithuanian defenders stood resolutely against their foes and their commitment to freedom remained steadfast.

Above all, the gallant Lithuanian people have withstood centuries of relentless pressure to abandon their religion, culture and language. The success of Lithuanian immigrants in maintaining their cultural heritage has resulted in countless valuable contributions to American society. In the last century Lithuanians could be found working as foundrymen in western Pennsylvania; as weavers in New England and New Jersey; as tanners in Philadelphia; as dockworkers in Cleveland; as tailors in Baltimore. Today, their descendents are leading members of the professions and the business, artistic, and academic communities. The culture of America has been greatly enriched by Lithuanian Americans, in particular by their long-standing tradition of self-help and volunteerism as evidenced by the more than 2,000 Lithuanian charity and mutual aid organizations in the United States today.

On this 69th anniversary of the Republic of Lithuania we should reflect on the vision of freedom which continues to burn in the hearts of the Lithuanian people and on the sacrifices that have been made and continue to be made by selfless individuals. The heroes of the movement are many. In some cases their names are well known to us. Viktoras Petkus, a close associate of Andrei Sakharov, was the founder of the Lithuanian Helsinki Monitoring Group in 1976 which promoted the implementation of Helsinki accords on human rights and reported on Soviet violations of those rights. He has spent 22 years in Soviet prisons. Other members of the Helsinki Monitoring Group who are also serving long prison sentences include Vytautas Skuodis, Father Sigitas Tamkevicius, and Balys Gajauskas, who has already been incarcerated for more than 30 years.

Mr. President, in the face of great repression the Lithuanian people continue to hold fast to the principles of basic human rights. We pay tribute to them on this day as we commemorate the founding of the Republic of Lithuania in 1918. Let us hope, as they hope, that the day is near when their beloved homeland once again flies the banner of liberty for all.●

WIRELESS PHONE A BARGAIN

● Mr. WALLOP. Mr. President, last fall, nine rural families in Wyoming were chosen to participate in an experimental program which would provide them, for the first time, with telephone service. While most Americans have lived with easy access to telephones for 40 years or more, these hardy folks have had to drive 17 miles, to the town of Glendo, whenever they needed to make a call.

Thanks to an unprecedented new technology—Ultraphone—the ranchers of the Meadowdale community are now able to make private calls from the comfort of their homes. International Mobile Machines Corp. [IMM] developed Ultraphone to transmit conversations via scrambled, digital radio waves, which provide privacy not offered by analog waves used in the popular cellular car systems, and convenience, as the remote system provides telephone service which is indistinguishable from conventional home service.

Some of the area residents have been working for 30 years to obtain phone lines in their homes. Because of the terrain of the area, which includes Wyoming's largest reservoir, Mountain Bell was not able to economically install cable to carry telephone transmissions. With Ultraphone, the nine families agreed to pay a construction fee of $4,852 each, and Mountain Bell picked up a tab of $267,000 to build a base station and antenna, and hook the Meadowdale system into its existing eastern Wyoming lines.

The Ultraphone system provides the advantages of lower cost of service to customers in sparsely populated rural areas while delivering state of the art transmission of conversation and data. The test of the system in Wyoming gives us an example of how cooperation between the public, the business sector, and Government can solve once insurmountable problems, and I commend all those involved.

I ask that the Washington Post article concerning the Ultraphone test be inserted in the RECORD.

The article follows:

HELLO AT LAST! ISOLATED RURAL FAMILIES CALL COSTLY WIRELESS PHONE A BARGAIN

(By T.R. Reid)

PLATTE COUNTY, WY.—Doris Leonard contacted the telephone company and asked to have a new phone installed in her home. A truck arrived, the phone was put in, and the next month she received a bill.

The installation charge: $4,852. Leonard's reaction: "Well, of course, I was delighted.

After decades of climbing into the pickup for a 35-mile round trip to the little town of Glendo whenever they needed to make a call, Leonard and her neighbors in the vast, windswept emptiness of eastern Wyoming are delighted with a technological breakthrough that has finally brought them the great boon of home telephone service.

The new phones on the range are wireless but provide clearer, more reliable and more private communication than any previous radio-telephone service. They could provide the means for the nation to achieve the long-sought goal of "universal" telephone service—a telephone network accessible to every home in the country.

The federal government and the telephone industry formally established the goal of "universal service" more than 50 years ago. But today, according to the Rural Electrification Administration, about 500,000 rural households remain so far in the middle of nowhere that running a line to them has been prohibitively expensive.

While the immediate applications are here in the wide open spaces, the new wireless telephone—"Ultraphone"—could have even larger implications for city dwellers.

By allowing home telephone service with no need for a wire, the Ultraphone could enable new companies to challenge the residential-service monopolly still enjoyed by local phone companies.

As long as telephones require a wire, no competitor can afford the investment needed to challenge existing local monopolies.

"In the 1960s, a few companies started building microwave towers for long-distance calls, and that was the beginning of the technology that drove the breakup of the Bell System's long-distance monopoly," said Philip Allen of Mountain Bell, the regional telephone company here.

"What you're seeing now up there in Wyoming could be the beginning of the same sort of change for local home service," he said.

Before any kind of wireless telephone becomes a serious alternative for the city dweller, though, the price must fall sharply. At $4,800 a unit, Ultraphones aren't close to being competitive with existing residential service.

But for Leonard and eight other ranchers here on the remote high plains, the new wireless telephone system was a downright bargain!

The nine families in her "neighborhood"—the term must be employed loosely, since each family's next-door neighbor is a few miles away—have been asking Mountain Bell to install telephones for about 30 years.

But in rural America, a telephone-installation charge includes the cost of the wire. For Leonard here in sparsely populated Wyoming, that would have cost more than $45,000.

In the average city, a single telephone "local loop"—they are covered by a three-digit prefix in the telephone number—might include about 20 blocks. Here the local loop covers virtually a whole county. When someone is asked his phone number, the answer is invariably just a four-digit number because everybody knows that the prefix is 753.

Until now, though, those living too far from a telephone switching center have had no number at all. Development of the wireless Ultraphone is changing that.

The Ultraphone is a radio unit, but the technology differs from "cellular" phone systems used for automobile telephones in cities.

The standard cellular system broadcasts conversations just like a radio station, meaning that it can easily be intercepted and overheard.

But the Ultraphone converts voice conversation into a stream of digital beeps. This not only permits more callers to use a single radio channel but makes it difficult or impossible to listen in.

The Ultraphone system consists of two electronic boxes installed in the home. A conventional jack permits the use of any standard telephone.

One of those standard phones now holds a place of honor on the kitchen counter in the remote white ranch house here where Donna and Orman Millikin have lived in lonely splendor for 40 years.

"We got electricity out here in 1950, '51 something like that, and we thought that was right something," Orman Millikin said.

"But now we look over there and see this telephone in our house, and we think, well, we're in the modern world now."●

SANDINISTA PRISONS

● Mr. BOSCHWITZ. I rise to submit into the RECORD an article entitled "Prisoners Protest Treatment in Sandinista Prison," that appeared in the Times of the Americas. Its author, Louis Jenkins, is a Democratic member of the Louisiana State Legislature and chairman of Friends of the Americans. This past autumn, Jenkins was in Nicaragua as a guest of the Sandinista government.

As a staunch supporter of human rights, Representative Jenkins was curious about the situation inside Sandinista prisons which are renown for holding "unrepentant" former national guardsmen and others considered hostile toward the new regime. He was allowed to visit Tipitapa, the "model" Sandinista prison. While there, Jenkins received a petition from prisoners detailing their conditions in the prison and the blatant denial of their human rights. Apparently, this is the first uncensored document to be smuggled out of a Sandinista prison. The prisoners describe the physical and psychological torture they experience on a regular basis, as well as the humiliation and exile of their families under the Sandinistas.

I commend this article to the attention of my colleagues. I think they will find it both enlightening and moving. In my judgment, anyone really concerned about human rights in Nicaragua will consider the time invested in reading this article as very well spent.

The article follows:

PRISONERS PROTEST TREATMENT IN SANDINISTA PRISON

(By Rep. Louis (Woody) Jenkins)

Eugene Hasenfus, the American who was shot down while flying arms to rebels in Nicaragua's civil war, is being held in Tipitapa, a Sandinista prison just south of Managua.

One week before Hasenfus was shot down, I was inside Tipitapa as a guest, rather than a prisoner, of the Sandinista government. I toured the penitentiary during a visit to Nicaragua sponsored by CEPAD, a religious organization with ties to the Sandinistas.

As a Democratic member of the Louisiana legislature for the past 15 years and chairman of Friends of the Americas, a 50,000 member organization which operates medical clinics, schools, and people-to-people programs in seven Latin American nations, I am keenly aware of human rights abuses on both sides of the Nicaraguan civil war. So I was pleased to be invited to Nicaragua to see the situation there first-hand.

Two weeks prior to my trip, I requested permission to visit two famous—or infamous—Sandinista prisons, El Chipote and La Barranca. I was disappointed when CEPAD told me this would not be allowed. I could visit only the "model" Sandinista prison at Tipitapa, which is supposed to be the "best" of the Sandinista prisons. El Chipote and La Barranca are reputedly much worse.

I was expecting the trip to Tipitapa to be a carefully staged event, and I'm sure that's what the Sandinistas had in mind. Instead, I saw much more than anyone expected.

While I was in the prison, an inmate risked his life to give me and one of my companions a written message (see accompanying article for full text). Without the knowledge of the Sandinistas, I brought this message out of the prison and gave it to the U.S. Embassy in Managua.

Little did I realize that this document was a petition from all the inmates at Tipitapa and the first uncensored description of conditions in the Sandinista prison system ever smuggled out of their prisons. In the petition, the prisoners said they have been tortured and beaten, subjected to mock executions and overcrowding, and had their families persecuted and their homes confiscated. They claim they have been denied legal counsel and due process of law.

When we arrived at the penitentiary, we were greeted by the prison commandant, who wore a Sandinista uniform. On the way through the prison grounds, we passed a pen holding about 100 prisoners. I asked the commandant for permission to speak to the men through the wire fence.

"That will not be possible," he said. "Those are unrepentant National Guardsmen." I had heard that Somoza's former National Guard had included a number of murderers and cutthroats, but that most were simply professional soldiers.

"I would like to find out about their condition," I said. Though my Spanish is good, the commandant didn't seem to hear me.

As we walked along, I asked him how many inmates were in the prison. No answer. I repeated my question twice more. Finally, he said, "About 1,000." He explained that among this group were about 500 former Guardsmen, including about 200 who were "unrepentant," having refused to embrace the revolution.

We visited a furniture-making project run by some former Guardsmen. The commandant said these men were "rehabilitated" and had embraced the revolution.

Then after only 30 minutes, we were shown to the front gate. Realizing we had seen nothing, I repeated my request, "I want to speak with the 'unrepentant' Guardsmen."

For the next 20 minutes, I repeated the request half a dozen times. Each time, a different excuse, "It is not permitted."

It was a stand-off. So finally I said, "When I return to the United States, I intend to write a report saying that the commandant of this prison refused to allow me to ascertain the condition of the unrepentant Guardsmen."

The commandant wavered and said he would permit us to walk through the area where these men are kept but not speak with them. I said this wouldn't satisfy me, but let's go.

We entered a long corridor and passed six cell-blocks off at right angles. Each cell-block was separated by bars from the main corridor. The commandant said all of the men in these cell-blocks were unrepentant Guardsmen.

Inmates were walking between cells in each cell-block. In this small area of the prison. I estimated there were four men per cell, 40 cells per cell-block in each of the six cell block . . . roughly 960 men in all. This figure did not conform to the commandant's earlier statement that there were only 200 unrepentant Guardsmen at Tipitapa.

I continued demanding to speak with the prisoners, but the commandant said, "These men are killers. They would kill you if you entered a cell-block." I told him I was willing to take my chances.

Then another compromise. I could speak with a prisoner who was serving as a doctor for the former Guardsmen. He's not a Guardsman but a contra, the commandant said.

The man emerged from a cell-block. He was in his late fifties and rather distinguished looking. I wanted to speak to him in private but one of our hosts from CEPAD insisted on listening. I told the inmate I was a state legislator from the United States and asked about conditions in the prison. To my surprise, he said, "Very, very bad. In fact, I myself have been here five years without a trial. I have never even been informed of the charges against me."

At that moment, the Sandinistas broke up the conversation. We were told it was time to leave. The commandant led. Carmen (Winkler, Friends' director for Honduras) and I lagged 50 feet behind.

As we walked past the final cell-block, an inmate called out to me in English. "Please, mister, come here. You must find out what is happening in this place." Carmen and I moved close to the bars. The commandant turned and started walking back to break up the conversation. The inmate spoke rapidly in Spanish and slipped Carmen a handwritten message. Representatives of CEPAD observed the transfer, but the commandant didn't.

Carmen begged the commandant not to punish the inmate for talking to us. She later told me she feared for the man's life. Before we were out of the prison, she passed the two-page message to me. Later that night. I gave it to the U.S. Embassy for safekeeping.

I do not know if the accusations in the petition are true or false. But I do know the document is genuine—a plea to the Western world from inside a Sandinista prison. Only an independent investigation of these charges can determine if they are true. I am willing to return to Nicaragua and serve as a member of an investigatory team, if invited to do so by the Sandinista government.

When I was in Nicaragua. I saw a nation where one party, the Sandinistas, have taken total control of the media, the army, the police, and the courts. If there are injustices in the prisons, only we outside Nicaragua can bring the pressure necessary to have them corrected.

(Ed. note: Excerpts from Woody Jenkins' report were printed in The Washington Post November 5, and probably in other U.S. dailies. The Post's Joanne Omang noted that the U.S. State Department had said the petition "appears genuine." We have decided to print the Jenkins report and petition in their entirety.)

THE PRISONERS' PETITION

The following is the English translation of a petition written in Spanish by prisoners at Jorge Navarro Penitentiary, Tipitapa, Nicaragua.

To international organizations, the Nicaraguan Permanent Commission on Human Rights (PCHR), the International Red Cross, and the world press:

We protest our imprisonment and our legal status, as well as the condition of our families who are treated unjustly by the new regime in Nicaragua.

OUR LEGAL SITUATION

Article 10 of the Universal Declaration of Human Rights states: "Every person has the equal right to be heard publicly and to receive justice from an independent and impartial tribunal, which will determine his rights and obligations or investigate any criminal charges brought against him."

Article 11 states: "Every person accused of a crime has the right to be presumed innocent until proven guilty, in accordance with law, and to a public trial, which assures all the rights necessary for his defense."

We were tried by partial and subservient courts, its members belonging to the Sandinista National Liberation Front (FSLN). We were tried and sentenced in private trials during which we lacked the most basic guarantees necessary to present a defense. Our attorneys were not present during the instruction of the case. Nor were we allowed to defend ourselves.

It is noteworthy that these exceptional courts, called "Special Tribunals," were designed specifically for that occasion, in order to condemn and not to try the military and civilian personnel who formed part of the old regime.

We were subjected to an arbitrary sentence, after short trials which lasted an average of 10 to 15 minutes. We were subjected to infamous and cruel punishments without any proof. The majority of the cases were invented by members of the Sandinista Front.

Defense counsel were named after the proceedings and were selected by the FSLN. These private trials were closed to the public, but were covered by official Sandinista media, which altered their reports to suit the interests of the Sandinista Front.

We were abused, intimidated, injured, and humiliated in an obscene manner. We were even physically beaten in the courtroom without objection from the members of the court.

We were considered guilty instead of innocent. They even declared the former Nicaraguan government and army unconstitutional. The Sandinista Front used this pretext to say that we are people outside the law. Nevertheless, in order to dissolve the previous army, they issued a decree, which contradicts the "unconstitutionality" argument used by the Sandinista National Liberation Front (FSLN).

PRISON CONDITIONS

Article 5 of the Universal Declaration of Human Rights states: "No one shall be subjected to torture nor to cruel, inhumane or degrading penalties or treatments." During these years in prison, we have been subjected to different types of torture. This torture has left us with a keen sense of consternation, anguish, and terror that continues to haunt us.

We have been beaten and chained in damp, dark, isolated parts of the prison. This was denounced to the International Red Cross, which has seen proof of this treatment. We have been subjected to selected torture such as rationing of water and food, exposure to the elements in order to contract disease, deprivation of sleep, deprivation of medical attention, lack of hygiene, debilitating physical exercise, forcing us to maintain unnatural physical conditions, sexual abuse, and overcrowding.

For example, on July 19, there were six persons in cells two by four meters. A total of 3,500 prisoners were housed in an area designed for 400 people. At present, there are 1,200 prisoners in an area designed for 400 (cell-blocks 3, 4, 5 and 6 of the prison).

Without provocation and with criminal intent, they have thrown tear gas cannisters into the cell-blocks. A recent case occurred on December 15, 1985.

We have been constantly subjected to pyschological torture such as: simulated executions; continuous threats; humiliation; affronts and insults toward our dignity; systematic solitary confinement in punishment cells (cells of human extermination, Center of Operations, El Chipote Prison); false rumors and campaigns to foment anguish and anxiety; and degradation (undressing the prisoner in front of the opposite sex, touching his private parts, and forcing him to adopt an unnatural position).

In the same way, our family members who come to visit us are undressed and their intimate parts are touched with the pretext of being searched. This is especially true for women.

We have been exposed to high temperatures which the human body has difficulty standing, and enclosed in air-tight chambers with no circulation. This subjects us to the risk of dying from suffocation or dehydration.

After having fallen into the hands of the Sandinista Front, but before being condemned, all our possessions were taken in a violent and arbitrary fashion. This included money, clothes, jewelry, legal documents, bank accounts, and so on. This confiscation of property is still taking place periodically inside the prison. It includes confiscation of personal medicine acquired with great sacrifice by our families, personal effects, food, sheets, underwear, towels, books, pictures of our loved ones, plastic containers to keep drinking water and so on.

We have been deprived of the right to grow intellectually, since there is a rigid censorship established on any topic which differs ideologically from that of the government, or that is written in any language other than Spanish. Only communist literature and official Sandinista newspapers are not subject to censorship.

We suffer from an irrational isolation from the outside world and from our families. We are supposedly permitted to see our families two hours every two months. But, in practice, we see them only one hour every two months, or six hours a year. This means that in eight years of imprisonment, we have seen our families only 48 hours.

During these eight years imprisonment, we have been deprived of our right to legal counsel. We have also been deprived of any access to the media to denounce before national and international opinion the violations of our human rights.

CONDITIONS OF OUR FAMILIES

After our arrest, the Sandinista Government of National Reconstruction issued a decree confiscating our property retroactively. This caused our mothers, wives, and children to be violently evicted into the streets and abandoned. This forced many of our family members to emigrate out of the country against their will.

During these eight years in prison, there has been a constant persecution and unlawful detention of our relatives, not only in their homes but in public places. During these eight years, our children have been harassed at school. Many family members have been fired from their jobs, both those who work for the government and those with private firms. This has forced them to emigrate from the country searching for peace, work, education, tranquility, and security.

CONCLUSION

We accuse the Sandinista Government of National Reconstruction (FSLN) of being responsible for everything we have exposed here—both the repression of the Nicaraguan people and the genocide we have suffered in brutal communist prisons.

We have told you about the violation of our legal rights, the abuse we have suffered in prison, and the suffering of our families. We ask the Western world and all people who love peace, justice and law to listen to our plea and help us get justice.●

HIGH RISK DISEASE NOTIFICATION LEGISLATION

● **Mr. QUAYLE.** Mr. President, a few weeks ago, my distinguished colleague, Mr. METZENBAUM, introduced S. 79, the "High Risk Occupational Disease Notification and Prevention Act of 1987."

In my view, this bill addresses a very important public health problem—what to do about notifying individuals of their risk of contracting an occupational disease as a result of their exposure to a hazardous substance. In particular, I believe that this legislation establishes a very important principle—that when the Federal Government knows something that is relevant to the health of a specific individual, that it is the Government's obligation to inform the individual of this information.

However, S. 79 goes far beyond that basic ethical principle and I feel that it is necessary to develop a more flexible and scientifically sound approach to notification. Therefore, today I am publishing an outline on an alternative approach to implementing that basic principle. I am in the process of developing this outline into bill form and I welcome all comments and suggestions.

In brief, my approach would require that ethical standards be developed to deal with the question of notification for the subjects of epidemiological record studies which indicate that the subjects are at risk of contracting a disease as a result of their exposure to hazardous substances or physical agents. It would also require that such standards be developed to address the question of notification to populations beyond the studied subjects, in instances where extrapolation of study results is deemed to be scientifically valid.

The Federal Government already has in place, widely respected standards concerning the ethical protection of the human subjects of biomedical and behavioral research. However, epidemiological studies are not generally covered by these standards because they do not involve direct contact with the subjects and any procedureal medical risks.

In short, the main purpose of my proposal is to require the development of ethical standards to deal with the types, form and content of notification to populations which are at risk as a result of their exposure to a hazardous substance or physical agent and under what circumstances and conditions those populations should be notified.

The Labor Subcommittee has scheduled a hearing on occupational disease notification on February 24. At that time, I hope witnesses would comment on this proposal as well as on S. 79.

I would like to emphasize that I think S. 79 raises an important issue which deserves the Congress's consideration. I look forward to developing a bipartisan solution to this problem.

Mr. President, I ask that this proposal be printed in the RECORD in full.

The proposal follows:

OUTLINE FOR THE DEVELOPMENT OF RISK NOTIFICATION LEGISLATION

Title III (Responsibilities of the Secretary) of the Public Health Service Act is amended as follows:

FINDINGS

The Congress finds that:

During the past two decades, significant scientific progress has been made in:

The identification of hazardous substances and physical agents;

The medical problems associated with exposure to them; and

The diagnosis and treatment of diseases related to such exposure.

Substantial progress has been made in the control of exposure of individuals to hazardous substances and physical agents.

Despite this progress, there are gaps in the effort to promote the health and safety of those exposed to such hazardous substances and physical agents.

A significant gap in this area exists in the absence of ethical standards concerning Federally conducted and supported studies which develop information relevant to the health of a studied population which has been exposed to hazardous substances and physical agents.

In particular, ethical standards should be developed concerning:

The notification to the subjects of such studies of the results of the study related to their health, the circumstances and conditions under which such notification would be appropriate, and the appropriate form and content of the notification; and

The extrapolation of the findings of such studies to similarly exposed populations and the determination of the circumstances under which notification to these populations is appropriate, as well as the form and content of such notification.

PURPOSE

The purpose of this Act is to require:

(1) The development of ethical standards governing Federally conducted or supported studies for:

Which there are no existing ethical standards; and

Which develop information relevant to the health of a studied population which has been exposed to hazardous substances or physical agents if the study concludes that such exposure has placed them at a significant risk of contracting a disease.

(2) The development of a process to ensure that such standards are applied retroactively to the extent feasible.

ESTABLISHMENT OF ETHICAL STANDARDS GOVERNING CERTAIN FEDERALLY SUPPORTED AND CONDUCTED STUDIES

The Secretary, acting in consultation with the Director of the National Institutes of Health, shall:

(1) By regulation, establish ethical standards for the notification of study subjects of the research results of Federally conducted or supported studies for:

Which there are no existing ethical standards; and

Which develop information relevant to the health of a studied population which has been exposed to hazardous substances or physical agents if the study concludes that such exposure has placed them at a significant risk of contracting a disease.

Such standards shall include:

(i) Guidelines concerning the weighting of factors to be considered in determining whether the population studied should be notified of the conclusions of the study. Such factors shall include: the reliability of the information; the significance of the risk; the duration of the exposure; the medical benefits to be derived from notification; and the potential effects of non-notification and incorrect notification.

(ii) Guidelines concerning the appropriate type, form and content of the notification, including medical surveillance and monitoring information; and whether notification should be made to the individuals, physicians, employee representatives, through mechanisms established under current law or otherwise.

(iii) Guidelines concerning the conditions under which the notification of similarly exposed non-studied populations would be appropriate if the results of studies can be extrapolated to them in accord with valid scientific principles.

These regulations shall be developed in accord with the formal rule-making procedures of the Administrative Procedures Act. The hearing record in the development of these regulations shall include the recommendations of an appropriate peer review group (scientific experts) and of a tripartite panel of experts from labor, industry, and State and local government.

(2) Establish a process, consistent with the peer review requirements of section 492 of the Public Health Service Act, for the review of the studies subject to ethical standards prescribed under this section to determine whether:

(i) Notification of the studied population is required under the regulations; and, if so, the type, form and content of such notification, including medical surveillance and monitoring information and whether the notification should be made to the individuals, physicians, employee representatives, through the use of existing mechanisms or otherwise.

(ii) Similarly exposed non-studied populations can be identified and whether notification is required under the regulations; and, if so, the type, form and content of such notification, including medical surveillance and monitoring information, and whether the notification should be made to the individuals, physicians, employee representatives, through existing mechanisms or otherwise.

(3) Establish a process for the review of studies conducted prior to the establish-

ment of the ethical standards required under this Act to determine:

(i) if notification of the members of the studied population and/or similarly exposed and non-studied populations would be medically beneficial and ethically appropriate; and

(ii) if notification is deemed appropriate, the type, form and content of such notification, including medical surveillance and monitoring information, and whether the notification should be made to the individuals, physicians, employee representatives, through existing mechanisms or otherwise.

(4) The Secretary shall establish priorities for the review required under #3 which shall be based on: the number of individuals in the exposed population; the medical benefits of notification; and the significance of the risk based on the degree of the exposure.

(5) by regulation, require that each entity which applies for a Federal grant, contract, or cooperative agreement for any project or program which involves the conduct of studies subject to the ethical standards prescribed under this section submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that it will disclose to the Secretary any research results indicating potential risk to those subjects of contracting a disease; and make available any information that would assist the Secretary in notifying the population studied.

The Secretary shall prepare and distribute other medical and health promotion material and information of any risk subject to notification under this Act and its associated disease as the Secretary considers appropriate.

In carrying out its notification responsibilities, the Secretary shall cooperate to the extent practicable with private employers and State and local departments of health.

The Secretary may, at the request of private employers or State and local governments, contract out the process of notification by certifying private employers or a state or local government to conduct the notification.

LIABILITY

Provides immunity for the Federal government for any action or failure to act under this Act.

Permits access to employer and tax records to carry to notification responsibilities.

Prohibits use of notification information in tort and worker's compensation claims.

Requires reports from the Department of Justice, in consultation with the Department of Health and Human Services, regarding whether changes in toxic tort law are appropriate to ensure that notification does not affect liability under such law.

Requires the Department of Justice to provide Congress with a report on the amount and type of litigation generated by this legislation.

COST

Requires the cost of notification to be borne by the department supporting or sponsoring the research.●

SOVIETS VIOLATE MAIN SALT II SUBLIMIT

● Mr. McCLURE. Mr. President, the United States Government has just received strong evidence that the Soviet Union has exceeded and violated the main numerical sublimit of the SALT II Treaty. The Soviets themselves have admitted that they have deployed at least three railmobile MIRV'd ICBM launchers for the SS-24, and according to published reports United States intelligence has detected five SS-24 railmobile MIRV'd ICBM launchers. The Soviets have reportedly not adequately compensated for this deployment by dismantling MIRV'd ICBM silos. The Soviets therefore have at least 822 MIRV'd ICBM launchers deployed, and the Soviets have violated the main SALT II sublimit. This Soviet violation occurred in early October 1986, well over a month and a half before the United States exceeded a SALT II sublimit.

These SS-24 railmobile MIRV'd ICBM launchers are heavily camouflaged and concealed. The Soviets have also tried to deceive the United States into believing that this deployment was consistent with SALT II, when it was not. President Reagan has warned Congress that the Soviets would probably try to deploy even more railmobile SS-24 launchers even more covertly than we have so far been aware. Many more concealed railmobile SS-24 ICBM launchers are probably even now covertly deployed without the United States having yet detected them.

The CIA has estimated, according to unclassified testimony, that the Soviets will deploy more than 200 railmobile MIRV'd SS-24 ICBM launchers over the next several years. There are over 1,000 Soviet railroad tunnels along the extensive rail network, where SS-24's railmobile MIRV'd ICBM launchers can be concealed and remain survivable.

Moreover, each SS-24 launcher has a rapid reload and refire capability for several more missiles. This would double or triple the SS-24 force.

SOVIETS VIOLATE MAIN SALT II SUBLIMIT

I would like the Senate to be aware of a new United States verification judgment showing that the Soviets have violated the most important sublimit of SALT II, as of early October 1986. In my Senate speech of October 17, 1986, I stated that at least three railmobile MIRV'd SS-24 ICBM launchers were deployed. The new evidence suggests that I was right on target. This new violation focuses upon the deployment of the Soviet SS-X-24 ICBM, and upon the number deployed. Defense Secretary Weinberger asked me to release the first picture of the SS-24 railmobile launcher in March 1985 on the Senate floor.

SOVIETS ANNOUNCE INTENTION TO EXCEED ALL SALT II SUBLIMITS

The Soviets told United States START negotiators in Geneva in late 1983 that they intended to exceed all three of the SALT II sublimits on MIRV'd missiles and bombers equipped with long range ALCM's. The Soviets have been doing just this at least since early October of last year. I will focus on the most important SALT II sublimit, the sublimit of 820 on MIRV'd ICBM launchers. MIRV'd ICBM's are the most dangerous weapons in the world, because they can destroy any target in the world in 30 minutes. The 820 sublimit is therefore the main SALT II sublimit. The Soviet SS-X-24, a MIRV'd, railmobile ICBM, is the focus of this violation.

SS-X-24 DEPLOYMENT IMPENDING THROUGHOUT 1986

In March 1986, the Defense Department stated:

> The SS-X-24 deployment in a railmobile mode could begin as early as late 1986 * * * early preparations for the deployment of the SS-X-24 are already underway.

Later, President Reagan informed Congress of his concern about the effects of the Soviet camouflage, concealment, and deception program upon United States ability to detect Soviet deployment of the 10 warhead SS-X-24. He said that given the extensive concealment associated with the SS-X-24 ICBM Program, and the inherent mobility of this ICBM, there is a strong probability that the Soviets will try to deploy additional launchers more covertly than we are aware of today. They thereby could avoid compensatory dismantlement of other MIRV'd ICBM's. The President was wise to predict more covert deployment of the railmobile MIRV'd SS-X-24 ICBM.

The CIA and the Arms Control and Disarmament Agency stated in August 1986, that:

> We can not exclude the possibility, in the context of the SALT II Treaty, that several launchers for the SS-X-24, a railmobile, MIRV'd ICBM, may have left their place of final assembly and may therefore be accountable under SALT II.

The likelihood of SS-X-24 deployment has steadily increased since last August. It would soon be time for the United States to remove the "X" from its designator, standing for "experimental" by early October 1986. This was late 1986, as the Defense Department predicted, accurately as we now know.

AT REYKJAVIK GORBACHEV ANNOUNCES SS-X-24 DEPLOYMENT

On October 11, 1986, Soviet leader Gorbachev stated formally at the Iceland summit to President Reagan that the U.S.S.R. had deployed 820 MIRV'd ICBM launchers.

The most reasonable interpretation of this Gorbachev statement is that the Soviets were acknowledging at, the highest level that at least two railmobile SS-X-24 MIRV'd ICBM's were operational, were deployed, and therefore had entered the Soviet SALT II-accountable inventory. This was evidence that the Soviets themselves believed that the "X" in the SS-X-24's designator could be removed.

Why do we conclude that at least two SS-24's were deployed? Because the United States, using its national technical means of SALT verification, could at that time confirm only 818 Soviet MIRV'd ICBM launchers as deployed, and all of them were silos. Morever, the Soviets have previously acknowledged having 818 MIRV'd ICBM launchers in silos in their required SALT II data exchanges. Thus the Soviets had deployed two new non-silo based MIRV'd ICBM launchers. These had to be railmobile SS-24's, because the SS-24 was the only Soviet ICBM to have recently completed its flight test program, was a MIRV'd ICBM, and had in fact been tested from railmobile launchers.

Deployment of at least two railmobile MIRV'd SS-24 ICBM launchers was the only explanation for the Soviet top level statement that they had deployed 820 MIRV'd ICBM launchers, because it fit all the known facts.

Thus the Soviet leader himself had admitted deployment of two SS-24 railmobile MIRV'd ICBM launchers.

NEW ADMINISTRATION VERIFICATION JUDGMENT: THREE SS-24 RAILMOBILES DEPLOYED

The administration official legally responsible for verification, Dr. Manfred Eimer, Assistant Director of the Arms Control and Disarmament Agency for Verification and Intelligence, stated the following new verification judgment on January 31, 1987:

> On two occasions, first at Reykjavik on October 11, 1986, and again on January 21, 1987, in the newspaper Moscow News Today, the Soviets provided a listing of their stratetic offensive arms as of October 11, 1986. These lists included a count of 820 for the category "Launchers of ICBM's equipped with MIRV's." That count of 820 is greater than the US can confirm, unless several railmobile MIRVed SS-X-24 ICBM launchers are assumed to have been added to the Soviet inventory.
>
> In a recent Tass article dated January 28, 1987, written in English and therefore intended for a Western audience, a Soviet military commentator in discussing Soviet strategic programs, stated: "In deploying missiles of a single new class (SS-24) which is allowed under the SALT II Treaty, the Soviet Union phased out a corresponding number of old missiles."
>
> That statement also strongly implies that several SS-X-24s have entered the Soviet inventory.

RECENT SOVIET ADMISSIONS: BEST EVIDENCE THAT THREE SS-24'S DEPLOYED

It is extremely important to note that in the Tass statement the Soviets themselves have removed the "X" for "experimental" from the designation for the SS-24. This is a clear and unprecedented sign that the Soviets themselves regard the SS-24 as having left its place of final assembly, as operational, as deployed, and therefore part of the Soviet inventory and accountable under the expired SALT II Treaty. We know that the Soviets are extremely careful in their use of designators for their missiles, and only they have perfect knowledge of the status of their SS-24.

Dr. Eimer also stated that he assumed that "several" SS-24's were deployed. According to Webster's Dictionary, "several" means "more than two," and more than two is at least three.

Moreover, the Soviet Tass statement itself also suggests how many SS-24's are part of the Soviet inventory and are SALT II accountable, because it acknowledges that with the SS-24 deployment explicitly described, compensatory dismantling would be required for the Soviets to stay below the SALT II sublimit of 820 MIRV'd ICBM launchers. The Soviets would not have to dismantle in compensation for SS-24 deployment unless they deployed more than 2 because the United States can confirm only 818 Soviet silo-based MIRV'd ICMB launchers.

The military commentator writing in Tass therefore clearly meant that at least three SS-24 railmobile MIRV'd ICBM launchers had been deployed.

Thus by their own admission the Soviets have deployed at least three railmobile MIRV'd SS-24 ICBM launchers. But more than three have reportedly been detected by United States national technical means of verification.

SOVIET COMPENSATORY MIRV DISMANTLEMENT: ARE THE SOVIETS OVER 820?

The fact is, however, that compensatory dismantlement has reportedly not been accomplished by the Soviets. I have been informed on an unclassified basis by reliable experts that only one Soviet MIRV'd ICBM silo has reportedly been dismantled. More significantly, this single dismantling reportedly may not even be related at all to SALT II compliance, but instead may be related to planned conversion of this silo—and later many other silos—to a harder configuration for retrofit deployment of the SS-24 into the silos. This would then be a further violation of the SALT II sublimit of 820 MIRV'd ICBM launchers. It may take several years for us to confirm that this option is being followed, so we must not jump to the conclusion that the single dismantling or any later Soviet MIRV'd ICBM silo dismantling is intended for SALT II compliance. Such dismantling could easily be in preparation to increase the Soviet ICBM threat.

Press reports citing intelligence sources indicate that at least five SS-24 railmobile MIRV'd ICBM launchers have been detected by United States national technical means of verification as having left their place of final assembly, as operational, and therefore as deployed and part of the Soviet ICBM inventory. Given President Reagan's prediction that SS-24's would be deployed even more covertly than we were then aware, we must assume that many more than five SS-4 railmobile launchers have probably been deployed, but are not yet detected and may never be detected, due to ever increasing Soviet camouflage, concealment, and deception.

DEPLOYMENT OF 5 SS-24'S VIOLATES SALT II 820 SUBLIMIT

In sum, the Soviets are admitting deployment of at least 3 SS-24's, but the United States has detected at least 5 SS-24's deployed, and because there has not been adequate Soviet ICBM MIRV silo dismantling in compensation, the Soviets have clearly exceeded the main SALT II sublimit of 820 MIRV'd ICBM launchers.

SOVIET CONCEALMENT AND DECEPTION MAKES VERIFICATION OF SS-24 DIFFICULT

The Soviets are engaging in extensive camouflage, concealment, and deception to hide the precise number of SS- 24's and their location from the United States, but it is clear that the Soviets have violated the SALT II sublimit, on MIRV'd ICBM's by deploying five or more SS-24 railmobile MIRV'd ICBMs without adequate compensatory dismantlement of other MIRV'd ICBM launchers.

Thus President Reagan was correct to warn Congress that the Soviets would deploy the SS-24 even more covertly than we are aware, because increased Soviet camouflage, concealment, and deception has probably caused the United States to fail to detect many more SS-24's which are even more covertly deployed. The Soviets are admitting this deployment, but only in order to further threaten the United States with an increased Soviet ICBM threat. But consistent with their extensive camouflage, concealment, and deception program for the SS-24, the Soviets are falsely claiming that this deployment is in compliance with SALT II. They were hoping that the United States would not be able to detect more than 3, and that the United States would therefore believe their deception plan on announcing SS-24 deployment as consistent with SALT II. The CIA has estimated that the Soviets will probably deploy about 200 railmobile SS-24's over the next several years. There are over 1,000 tunnels on the extensive Soviet railnetwork, so the Soviets could deploy these SS-24's in the tunnels where they would be both concealed and survivable. Moreover, each SS-24 launcher has a rapid reload and refire capability for launching several more missiles, effectively doubling or tripling the force.

SALT II SUBLIMIT INVALIDATED

The "SALT II Sublimit Mutual Restraint Act of 1987," introduced last week would attempt to selectively legislate part of an unratified treaty—the three sublimits of the SALT II Treaty contained in its article V. The act specifically refers to the "820" main sublimit of SALT II on MIRV'd ICBM launchers, and the language of the act refers to "operational" and "deployed" strategic launchers. It is quite clear that the admitted Soviet deployment of three and the detection of at least five SS-24 railmobile MIRV'd ICBM launchers without compensatory dismantling totally invalidates the act.

Those who advocate a United States return to compliance with the SALT II Treaty sublimits are asking that the United States comply with SALT II sublimits that the Soviets have exceeded as of early October 1986, well before November 28, 1986, when the United States exceeded a SALT II sublimit as a proportionate response to previous Soviet SALT II violations. A United States return to SALT II compliance now, especially in view of this most recent Soviet SALT II sublimit violation, would be nothing less than United States unilateral disarmament. Advocacy of United States SALT II compliance in the face of 23 Soviet SALT II violations is part of the "Blame America First" syndrome. This is appeasement and United States unilateral disarmament.●

NUCLEAR TESTING RESTRAINTS

● Mr. BINGAMAN. Mr. President, 2 days ago the United States detonated a nuclear explosion under the Nevada desert, the 25th such test since the Soviets began a unilateral testing moratorium in late July 1985. The Soviets had previously announced that their moratorium would end with the first American test of 1987. So we can soon expect a series of Soviet tests to begin.

During the 18 months of the Soviet testing moratorium, the Congress called upon the Reagan administration repeatedly to get on with direct negotiations with the Soviet Union aimed at the most comprehensive regime of testing restraints which would be verifiable. The Soviets have stated that they would accept an intrusive monitoring arrangement, including an array of seismic stations on their territory, as part of such an agreement. This administration has refused to explore with the Soviets such a verification regime. They have done so because, unlike all preceding administrations from President Eisenhower's to President Carter's, they do not favor an end to nuclear testing, even if it could be verified with great confidence.

This is an historic change in policy, and one that is not supported in the Congress. The argument that so long as we depend on nuclear weapons as part of our deterrent, we must test is simply unconvincing. We have been testing nuclear weapons for over 40 years. The body of knowledge that has been built up is extensive and robust. And in any testing restraint regime, there would be safeguards built in as a hedge against the abrogation of the agreement by one of the other parties. Testing below some threshold on the order of 1 or 2 kilotons would still be allowed because of verification difficulties. Tests of various components of nuclear weapons would obviously continue. So I believe we would retain confidence that our nuclear weapons would deter.

What is needed for deterrence? Would the Soviets really dare to calculate 20 years from now that our nuclear weapons establishment had become so incompetent that most of our nuclear weapons would not actually detonate if launched? I have not noticed either weapons establishment being prone to best-case calculations about the other side's capabilities. And the fact is that 50 percent of 10,000 warheads of even 5 percent or 2 percent, still would wreak untold devastation on Soviet society. From the point of view of second-strike deterrence, having warheads that are clsoe to perfection is not a requirement.

On the other hand, great perfection is needed if one is contemplating a preemptive attack. You cannot afford any duds if that is your goal. So if a regime of testing restraints does sow seeds of doubt among military planners on both sides about the reliability of their nuclear warheads, wouldn't that be one more stabilizing element in a crisis?

In short, a testing regime, which would only allow those very low yield tests which could not be adequately verified, would over time create the sort of uncertainties on both sides which would have no effect on second-strike deterrence and would constitute one more stabilizing element toward preventing preemptive strikes.

One of the main arguments offered by the proponents of early deployment of a strategic defense system is that even a fairly ineffective defense would enhance deterrence by sowing doubt in a Soviet planner's mind about whether his forces could successfully carry out a preemptive strike against our deterrent. That argument for strategic defenses has flaws as retired Air Force Lt. Gen. Glenn Kent of the Rand Corp. has pointed out. But the point I want to make is that if this administration's goal is to increase the uncertainties facing Soviet planners, why does it only consider military options costing hundreds of billions of dollars, and reject an arms control strategy that potentially would achieve the same goal without the additional costs? The administration should not be allowed to have it both ways.

There are of course many other arguments in favor of an agreement among the nuclear weapons states to limit nuclear tests to the lowest level consistent with verification. Such a regime would contribute to arms race stability by all but stopping the development of new nuclear warheads. Neither side would want to deploy new warheads, such as deep-Earth penetrators, that had not been tested. Such an agreement would respond to the very strong world-wide sentiment expressed at the Nuclear Non-Proliferation Treaty review conference in 1985 in favor of the cessation of nuclear testing. Such an agreement would respond to commitments which this country solemnly made when we ratified the Limited Test Ban Treaty and the Nuclear Non-Proliferation Treaty and signed the Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty, which hopefully the Senate will soon give advice and consent to ratify. Such an agreement would respond to the deep longing among people around the world for some hint that we are not condemned to an endless arms race that will forever sap our world's limited resources. I would ask that I may insert in the RECORD at this point an editorial in this week's U.S. News & World Report that very eloquently gives voice to such sentiments.

The editorial follows:

THE HAZEBROOK FOLLY

(By Harold Evans)

On Thursday, February 5, unless President Reagan realizes what is happening, he will blow up his last best chance of leaving the world a safer place than he found it. This is more important than Iran. The President has talked of a world where nuclear weapons are "impotent and obsolete." Unfortunately, he had also been induced to make decisions that risk an acceleration of the arms race. He is about to do so again with an ill-timed explosion in the Nevada desert, code-named Hazebrook.

Presidents Eisenhower, Kennedy, Johnson, Nixon, Ford and Carter all secured arms-control agreements—20 of them altogether. President Reagan has nothing to show. For this the Soviets are much at fault—they had no effective leadership for years—but it is too facile to blame everything on the Soviets. Doing that as a reflex can lead to actions against our own national-security interests, and that is what is happening with nuclear tests.

Since August, 1985, the Soviets have conducted not a single nuclear explosion. The U.S. has announced 20. Three times these last 18 months the Soviets have extended their moratorium and invited the U.S. to join as a prelude to negotiating the permanent, verifiable test-ban treaty that both sides repeatedly have pledged their efforts to achieve and that bipartisan leadership in Congress urges on the President. A test ban is crucial because it provides a foundation for progress on arms control, as President Kennedy said when he announced his moratorium on atmospheric testing—now a respected treaty.

On every occasion Reagan has been persuaded to say no to a test ban. One excuse has been followed by another. In 1985 it was said the Soviets had gotten ahead and the U.S. needed to catch up. Well, we did—and how!—with seven extra tests in 1985 and 13 announced in 1986. But, in fact, we were never behind. As was later admitted, there had been no change in the ratio of U.S. to Soviet tests. The U.S. is at least 200 ahead of the Soviets.

Next it was said that the Soviets had been cheating on the 150-kiloton underground limit agreed in 1974. Scientists suggested that the administration's calculation of the power of Soviet explosions was based on a faulty calibration. So it was. In March, 1986, the CIA said it was changing its measure that had overestimated Soviet yields by 20 percent.

Then it was objected that there was no point in resuming talks on a test ban, because tests could not be detected and the Soviets would never agree to on-site monitoring. Well, they did. They invited American scientists to set up verification equipment, and it is operating on Soviet soil. Tougher provisions would be needed in a treaty, but even so the expert consensus is overwhelming that there is no technical difficulty in unmanned monitoring.

The truth is that it's not technology that stands in the way. It's part of a campaign against arms control in a divided administration. Defense Secretary Casper Weinberger's assistant, Richard L. Wagner, Jr., said it frankly: "Even if effectively verified, a comprehensive test ban would not be in the national-security interests of the U.S."

The underlying proposition here is that the U.S. can "win" an arms race.

That is an interstellar gamble; it is not one that the American people want to take, according to the polls, and it is not what the President himself says he wants. The more the costly race proceeds, with both sides developing different systems, the more difficult the asymmetrical arithmetic of arms control, the more likely the chance of disaster.

Even on the narrow ground of weapons technology the proposition is dubious. A White House study says that through continued testing the Soviets could develop efficient miniature warheads that would allow them to exploit their heavy missiles. On the other hand, a test ban, as Senator Durenberger has said, would "stop menacing Soviet developments while preserving the technological edge the United States enjoys." Warhead designs for Trident D-5, MX and Midgetman have been tested.

Gorbachev has said that if the U.S. resumes testing, the Soviets will follow. We will be back on the competitive spiral of testing, building new weapons and testing again. Here's a chance for Reagan to regain an initiative. He should cancel Hazebrook and probe the Soviet offer.

Mr. President, the administration has missed a great opportunity these past 18 months. They have scornfully rejected the advice given to them by bipartisan majorities of both Houses to pursue the negotiation of additional testing restraints, just as they have rejected similar exhortations to continue to abide by the SALT II Treaty's limits on MIRV'd missiles and ALCM launchers. However reluctantly, I think those of us in Congress, whose advice has been scorned, need to now consider ways to bind the administration to verifiable restraints in these areas, provided the Soviets observe similar restraints. We have done that in the area of Asat testing for the past 2 years, and I have supported that effort. Senators BUMPERS, LEAHY, CHAFEE, and HEINZ have recently proposed legislation to bring the United States back in compliance with the SALT II Treaty's limits. I have cosponsored that legislation.

Now the task before us is to define similar legislation in the testing area. Some Members of the House have an approach that I believe needs some further work. I look forward to working with my colleagues here in the Senate to define an approach to the testing restraint issue that could begin to respond to the strong sentiment in this country to see progress on arms control. We cannot stand by and allow those, whose goal is to end all arms control restraints and to foreclose the opportunity for future agreements, to achieve that end. The future consequences are just too great.●

S. 70 AND S. 277, PROVIDING FOR CAPITAL PUNISHMENT

● Mr. D'AMATO. Mr. President, I am proud to be an original cosponsor of two bills that provide for the death penalty for the most heinous crimes.

S. 70, introduced by Senator TRIBLE, provides for the death penalty for major narcotics traffickers and other racketeers who knowingly cause the death of another individual.

S. 277, introduced by Senator THURMOND, is considerably broader. It establishes constitutional procedures for those cases where Federal law already allows the death penalty:

First, treason and espionage;

Second, murder of a Member of Congress, a Supreme Court Justice, and high-level executive branch officials;

Third, first degree murder on Federal property; and

Fourth, felony-murder, committing these felonies where death results: bank robbery, aircraft hijacking, explosive materials offenses, mailing dangerous articles, and destruction of aircraft, motor vehicles, trains or related facilities.

For the first time, S. 277 also makes capital offenses of the following:

First, murder of a foreign official or an official guest;

Second, kidnaping or hostage-taking where a death results;

Third, attempted assassination of the President;

Fourth, murder committed by a person serving a life sentence in a Federal prison, murder-for-hire and murder in furtherance of racketeering; and

Fifth, knowingly causing the death of another person while engaged in drug trafficking or other continuing criminal enterprise.

During consideration of the drug bill last year, I spoke in support of an amendment similar to S. 70 and the continuing criminal enterprise provision of S. 277. At that time I argued that we need the death penalty to punish and deter those who either themselves kill, or have someone from their organization kill, another individual. We need the death penalty because these people are bringing death and destruction to our communities. They are poisoning our young people. They do not hesitate to kill to protect their profits. Their victims are law-enforcement officers, innocent men, women and children, or anyone who gets in their way.

Both S. 70 and S. 277 seek to correct a basic lack in our current criminal justice system that exists, not only at the Federal level, but in 14 local jurisdictions, namely, the lack of the ultimate penalty for the most heinous crimes. S. 277 addresses the fact that these crimes are by no means limited to killings in the course of drug trafficking.

A man shoots two men who give him a ride. They stumble and fall. He shoots them again, in the head, takes their money and drives off. A killer is freed from prison after serving 18 years for murder, and then kills four more people. A man rapes a nurse and then leaves her to bleed to death in a field. Is any punishment other than the death penalty appropriate for these killers?

In the 37 States that have capital punishment, those who commit such crimes can receive the punishment they deserve. But not in New York, 13 other States, or the District of Columbia. Again and again in these jurisdictions, killers escape the punishment they deserve, while law-abiding citizens fail to receive the protections that they deserve.

The murder of Karol Malchar, who died in 1982 defending his home against burglars, is in this category. After murdering Mr. Malchar, his two killers joined three other men in one of the most heinous crime sprees in New York State's history, involving more than 100 victims. The five men were eventually found guilty of hundreds of counts of rape, sexual abuse, sodomy, attempted murder, robbery, burglary, and assault. Is anything but the death penalty just and appropriate for those who killed Mr. Malchar and then committed these other acts of barbarism?

Life in prison is not the appropriate penalty for such crimes. Consider the case of the convicted murderer, rapist and kidnaper, serving multiple life sentences for his crimes, who strangles a female corrections officer, and then disposes of her body in the most gruesome manner. Will another life sentence deter this murderer? Is any punishment but the death penalty appropriate for this killer?

I think not. Sometimes capital punishment is the only just, the only appropriate, sentence. If we are going to deter crime, if we are going to prevent the worst of crimes, we must have available to us the only punishment appropriate in certain cases where we are faced with the most depraved and inhuman felons.

There are three reasons to support capital punishment. The first is that it deters murder and other capital crimes. After shooting a woman to death at her home in Brooklyn, one killer, caught in the act of burglary, said, "Yeah, I shot her. She knew me, and I knew I wouldn't go to the chair." To the extent that present law encourages criminals to kill their victims, it must be changed.

The second reason for supporting capital punishment is that a convicted killer serving a life term—with nothing more to lose—may kill again, either in prison or after an escape.

Finally, some murders and other capital crimes are so depraved and are committed by individuals who show such total contempt for human life, that the death penalty is the only appropriate, the only just, response.

We have a long way to go in restoring sanity to our criminal justice system. Restoring capital punishment in cases such as those I have outlined above would be an excellent first step.

For all these reasons, I urge my colleagues to give S. 70 and S. 277 their full support.●

THE DEFENSE BURDEN MUST BE SHARED

● Mr. SASSER. Mr. President, on March 18, the Subcommittee on Military Construction Appropriations will hold a hearing in Dirksen 192 at 10 a.m. to explore the issue of defense burden sharing by our NATO allies and Japan.

Recently before a hearing of the Budget Committee, I urged Secretary Shultz to explore new opportunities which could encourage a more equitable division of defense expenditures. I have written a letter to Secretary Shultz, following up on my suggestions and asking the Department of State to communicate to the Government of Japan the need to take bold steps toward improving bilateral defense relations with the United States.

Mr. President, much has been made of the fact that Japan finally has exceeded the 1 percent of GNP level for defense spending. But that increase represented little more than one-tenth of 1 percent increase in GNP from the current year.

No one wants to see Japan become an offensive military power. That is not the issue. Japan cannot today even protect itself from attack. The adopted official Japanese defense policy states that Japan seeks only to "deal with a limited small scale agression." If Japan were ever attacked, it would be the United States and our brave young men who would have to go fight the war.

Japan is getting a relatively free ride. All the while, that country is able to divert its economic resources from sharing in the defense of the free world to the development of economic markets which are crowding out American goods and resulting in lost jobs and a reduced standard of living in the United States.

The suggestion I have made to Secretary Shultz is a modest suggestion. I believe that our allies, particularly Japan, which depends so heavily on oil from the Persian Gulf, should help pay for future construction of contingency facilities in the Middle East-Persian Gulf region. Such a gesture by Japan would be a first step—a bold step—which would demonstrate her willingness to truly share in the defense of the free world.

Mr. President, I intend to explore this issue in more detail during the March 18 hearing. I ask that a copy of my letter to Secretary Shultz be printed in the RECORD at this point.

The letter follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, February 3, 1987.

HON. GEORGE SHULTZ,
Secretary of State,
Washington, DC.

DEAR SECRETARY SHULTZ: Recently, during your appearance before the Senate Budget Committee, we discussed the need to secure improved defense burden-sharing from our NATO allies and Japan. While you and I agree that we do not want to see a remilitarization of Japan, I believe that Japan's current contribution to the common defense is unacceptably low to an American public which is being asked to pay six times that of the average Japanese citizen.

During the hearing, I suggested that the Department of State should consider calling on the Government of Japan to assist in paying for future construction of contingency facilities in the Middle East-Persian Gulf region. As I indicated at the hearing, my subcommittee has approved over $1 billion in the last eight years for contingency facility construction to protect the West's oil supplies, particularly the supplies of Japan and Europe which are so vital to their growing and robust economies.

In view of the need to provide for additional contingency facility construction in that region of the world, I believe the United States should call on our allies, particularly Japan, which receives ninety percent of its oil from the Persian Gulf, to assist in financing future construction initiatives.

It is my view that the Administration has failed to adequately persuade our allies that the American people cannot continue to substantially pay for the defense of our allies, while they divert their economic resources from defense sharing to the development of economic markets which compete with American goods and reduce our own citizens' standard of living. What is needed is a bold gesture from our allies which indicates they understand our frustrations and want to help improve bilateral relations.

Japan's recent decision to breach the one-percent-of-GNP standard was no such gesture. Instead, it was the result of natural economic forces and actually reflects a reduction in the number of F-15s and tanks which were envisioned under the five-year defense plan established two years ago. Therefore, I believe more must be done by our Japanese allies to indicate they understand and support the responsibilities of a major free world economic power.

I hope you will consider my suggestion and take the proposal to your counterparts in the Government of Japan as an appropriate first step toward bettering Japanese relations with the American people.

Thank you for your interest and assistance in this matter. I would appreciate knowing your views of this particular suggestion and your plans for urging more equitable burden-sharing from our ally, Japan.

Sincerely,

JIM SASSER,
Chairman, Subcommittee on Military Construction.●

TRAFFIC SAFETY

● Mr. PRESSLER. Mr. President, one of the purposes of the Highway Beautification Act is to "promote the safety of public travel." The Outdoor Advertising Association of America, Inc., has done a commendable job in this area.

Last month, Diane Steed, Administrator of the National Highway Traffic Safety Administration, U.S. Department of Transportation, wrote a letter of thanks to Vern Clark, president of the association. Ms. Steed said that:

> Because of the efforts of many private sector organizations such as yours, we have seen an unprecedented acceptance of State safety belt laws. Recent surveys show that we have come from an 11-percent usage rate a few years ago, to some 39-percent usage today—and it's continuing to increase. You and your Members can be proud too of your commitment to help rid our highways of the drunk driver. It's a problem that Government and the private sector, by working together, will solve. Thanks again for your support of highway safety.

The Outdoor Advertising Association of America has supported the Highway Beautification Act from the day of its passage, over 21 years ago. This is just another example of this support.●

NATIONAL DAY OF REMEMBRANCE FOR THE VICTIMS OF THE ARMENIAN GENOCIDE

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 43 introduced by my good friend and distinguished colleague from California. Simple justice demands that we shed light on an event which resulted in the senseless slaughter of more than 1 million innocent men, women, and children—the Armenian genocide. Despite an impressive collection of documents which substantiate the systematic attempt by the Turks to eliminate the Armenian race, considerable ignorance continues to cloud this tragic episode. During the fourth century, the Armenian people became the first nation to embrace Christianity. Because of its strategic location, Armenia was subject to frequent invasion and the Armenian people were forced to comply with repressive policies pursued by the Turkish Empire. During a single year of the regime of Sultan Abdul Hamid II, more than 300,000 Armenians perished. But the worst was yet to come.

In June 1915, the Turks announced a deportation policy to relocate the Armenian population. Turkish authorities forced Armenians to march from the Anatolian highlands to the desert region of eastern Syria.

The decision to undertake this genocide was a conscious one. In 1915, Talaat Pasha, the Turkish Interior Minister, stated that the Government had decided to destroy completely all Armenians living in Turkey. He further indicated that "an end must be put to their existence, however criminal the measure taken may be, and no regard must be paid to age, or sex, or to scruples of conscience."

Regrettably, this policy was enthusiastically pursued by the Turks. Between 1915 and 1917, more than 1 million Armenians were forced to leave their homes and march hundreds of miles, while being denied food supplies and water. Nearly half died during the march. Those remaining often died of starvation. In all, more than 2 million people were affected by the deportation policy.

Those who survived the genocide fled throughout the world. Many traveled to parts of the Middle East, Western Europe, and the United States. Others joined Armenians in the U.S.S.R., where they founded an independent Armenian Republic in 1918. Unfortunately, the Armenian people were soon subjected to tyranny by the Soviet regime.

Despite persecution by the Turks, the Soviets, and others, the Armenian people have retained their rich cultural identity and their love of freedom. Today, there are more than 675,000 Armenians living in the United States, many of whom had family members who perished in the Armenian genocide. We owe it to the more than 1 million innocent men, women, and children who were exterminated by the Turks to pursue the truth regarding the Armenian genocide and to expose those responsible for this crime against humanity.

Thank you, Mr. President.●

THE ARREST OF CARLOS LEHDER

● Mr. BIDEN. Mr. President, I rise today to call attention to a major advancement in our effort to stem the trafficking of narcotics and other dangerous drugs on the international market.

Yesterday, Colombian military and law enforcement officials arrested Carlos Lehder Rivas and 14 of his bodyguards. Mr. Lehder is reported to be among the top three cocaine traffickers in the entire world. Mr. Lehder gained notoriety in 1985 by announcing a $350,000 reward for anyone who could kill or kidnap the chief of our lead drug enforcement agency, the Drug Enforcement Administration.

Colombian officials quickly agreed to extradite Mr. Lehder, who has been identified in indictments in Federal court in Tampa, FL.

The apprehension of Mr. Lehder, and his pending extradition, have brought to light a number of heroes in the effort to arrest and prosecute drug traffickers worldwide. First, I would like to personally congratulate the President of the Republic of Colombia, the Honorable Virgilio Barco Vargas. As I understand it, President Barco addressed his nation on television last night to announce the arrest of Mr. Lehder, to inform his people of the pending extradition to the United States, and to signal his unswerving commitment to rigorous enforcement of narcotics laws.

Drug traffickers pose a threat to the safety of millions of people worldwide. To those who think drug trafficking is a victimless crime, one need only to look to Colombia.

In 1984, the Colombian Government announced that it would begin enforcing an extradition treaty against drug traffickers. Shortly thereafter, a bomb exploded across the street from the U.S. Embassy. The embassy reported that the drug traffickers had announced that for every person extradited, five Americans would be killed.

In addition, a Colombian justice minister and a Colombian Supreme Court justice have been murdered by drug traffickers in an attempt to intimidate the Colombian Government and force it to back off from its commitment to rigorously pursue drug dealers.

At this time, I will submit an article for the record entitled "Drugs, Death and Fear in Colombia," which I think summarizes the situation.

The arrest and extradition of Mr. Lehder is a clear signal of President Barco's commitment. The President faces daily threats to his life, yet he has not swayed. Cabinet ministers from his government have been assassinated, yet he has not swayed. President Barco's stand on this is indeed commendable.

I would also like to commend the Colombian Defense Minister, Gen. Rafael Samudio Molina, whose tireless efforts in the face of well-armed and well-financed traffickers led to Mr. Lehder's arrest.

This morning during an oversight hearing of the Department of Justice budget that focused on the activities of the Drug Enforcement Administration, I asked Jack Lawn, DEA's chief, about the arrest and extradition of Mr. Lehder.

To his credit, Mr. Lawn candidly assessed the impact that this arrest will have on the availability of drugs in this country. Mr. Lawn indicated that while Mr. Lehder's arrest will not result in a precipitous decline in drugs in the United States, the apprehension and extradition of Mr. Lehder is being closely watched by other countries. By demonstrating the courage and wherewithal to take this action, President Barco has moved to the forefront of the international effort.

I would also like to commend the DEA agents in Colombia who assisted in the arrest of Mr. Lehder, and those agents who will be transporting him back to the United States for trial. Unfortunately, the security of these agents would be jeopardized if we publicly recognized them. They will have to remain unsung heroes.

For those who are skeptical of our fight against drug trafficking, please take note. The apprehension of Mr. Lehder is a small, but significant step in our efforts. Many more such steps will have to be taken if we are to seriously reduce drug trafficking and abuse over the next decade.

I ask that the aforementioned article be printed in the RECORD.

The article follows:

DRUGS, DEATH AND FEAR IN COLOMBIA

(By Cecilia Rodriguez)

In Colombia, nobody wants to be burned by "the hot potato." Such is the name given to a bill introduced in the country's Congress in November that no legislator who values his life or his reputation wants to handle. The bill would annul a two-year-old treaty that authorizes the extradition of drug-trafficking kingpins to the United States.

If ever there was a no-win issue facing a politician, this is it. Any position taken means being "quemado"—burned—either literally or figuratively: those who support the bill risk political death by being viewed as mouthpieces for organized crime, while those who don't support it risk death at the hands of the "narcotraficantes"—drug dealers—who have already threatened to "quemar" any supporters of extradition.

The congressional dilemma is merely a reflection of one of the greatest crises in Colombian history. Narcotic trafficking has become uncontrollable. A bloody parade of assassinations over the past year has stunned Colombians with the realization that no one is safe anymore.

Most recently, the slaying of one of the country's most respected journalists exposed Colombians for the first time to the threat of death for even daring to speak in favor of extradition. Guillermo Cano, editor and co-owner of the Bogotá newspaper El Espectador, was gunned down on Dec. 17 outside the paper after signing a series of editorials demanding that traffickers be sent to the United States for trial.

His death, however, follows a series of bloody murders linked to extradition. In November, police Col. Jaime Ramirez, considered an international leader in the war against drug trafficking and an ally of the U.S. Drug Enforcement Agency, died in a machine-gun attack on his car.

The murder list stretches way back: Minister of Justice Rodrigo Lara Bonilla, original sponsor of the extradition treaty; the federal judge who investigated Bonilla's assassination; Magistrate Baquero Borda, the official who wrote the treaty; 14 federal judges involved in investigations of narcotraficantes. . . .

Murder has become an effective deterrent. "There is no local authority that now wants to risk his life catching any of them," said one official.

After Cano's death, the federal government issued special measures to expedite the capture and conviction of druglords. For its part, the press organized "a day of silence" without newspapers, radio or television broadcasts and participated in a six-mile march through Bogotá to demand stronger government action.

But the day after the news blackout, Colombians were responding with greater pessimism than before. Gulles Trequesser, Reuters correspondent in Bogotá, summarized the general opinion: "These measures should have been taken 10 years ago. Now it's too late."

But 10 years ago, only a few in Colombia paid any attention to drug-running. As the country sank deeper into an economic mire that still affects it today and as Americans opened their arms to greater quantities of Latin drugs, more Colombians saw an easy route to fast money.

During those early years in operation, drug traffickers were able to build their empires with impunity. Narcotics have been viewed by Colombians as more a U.S. problem than a Colombian one. The assassination of Minister of Justice Lara Bonilla was the first alarm that the problem had come home. Then-president Belisario Betancur declared war on the *narcotraficantes.*

But the result of a joint Colombian-U.S. assault on the *narcos* produced little more than a blood bath. Now, Cano's death rings the second major alarm in the battle. Ironically, the audacity of the druglords signals the power they now wield.

Posing as nationalists, these "personalities," who at times have been popularized as Latin Robin Hoods, apply their own systems of justice and law. Supported by their staggering fortunes, they organize private armies to protect their families, associates and friends, construct public works such as roads and parks, and build housing developments for the poor.

But their brand of populism doesn't come cheaply. Assassinations, kidnappings, extortion, torture, bribery and constant threats accompany their largess. Trapped in such a dangerous situation, the majority of the population—honest but unprotected—is unable to react.

For such a critical situation, new steps must be taken. Among those are several extreme suggestions:

Government acceptance of a recent proposal by the leading *narcotraficantes* to pay off the country's $13.5 billion foreign debt, transfer their enormous assets from foreign banks to Colombia, and surrender their processing laboratories in exchange for a guarantee of prosecution in Colombia, where they can expect more lenient treatment than in the United States.

Mediation by the powerful Roman Catholic Church of negotiations between the drug traffickers and the government aimed at reaching an end to the violence. Church leaders have already tendered an unprecedented offer to handle any talks.

Legalization of the production, trafficking and use of cocaine and marihuana, not only in Colombia but also in the United States, as a way to establish legal controls over the business and eliminate the current lawlessness.

Any measures chosen must have national, regional and international support, as well as the endorsement of Colombia's major institutions such as the Catholic Church and the press. The likelihood of finding one agreeable to such a diverse list of supporters is less than encouraging.●

CAPITOL HILL ACTION DAY FOR SOVIET JEWS

● Mr. SHELBY. Mr. President, the National Conference on Soviet Jews has recognized today, February 5, 1987, as "Capitol Hill Action Day" for Soviet Jews. I wish to take this opportunity to speak out against continued Soviet abuses of human rights especially against the Soviet Jews and others who seek to emigrate.

We are at a critical time in the history of Soviet emigration policy. Soviet authorities have engaged in a new public relations strategy, attempting to improve its human rights image. While a policy of "glasnost" or openness dominated the Western perception of the Soviet Union, the character and direction of Mikhail Gorbachev's Jewish policy belie this perception. Unquestionably, there has been a discernable shift since Gorbachev assumed leadership of the Communist Party of the Soviet Union. For Jews in the Soviet Union, however, the results of the shift such as a new emigration decree, proved to be merely tactical and cosmetic.

In fact, there is a continuing shutdown of Jewish emigration, as well as a persistent harassment and intimidation of Jewish self-study efforts to sustain culture and religion. The numbers granted permission to exist have fallen from over 50,000 in 1979 to totals of 896 in 1984, 1,140 in 1985, and 914 in 1986—keeping in mind that 400,000 Soviet Jews have applied for visas to leave. Clearly, the Soviets have not made efforts to achieve compliance with their Helsinki promises on human rights.

We recently passed in this body Senate Concurrent Resolution 8, which I supported, that rightly points out the Soviet Union's horrendous record regarding the treatment of Soviet Jewry. It is important that we in Congress, and in the United States, continue to keep the pressure on the Soviet Government.

The work of the National Conference on Soviet Jewry and other organizations who care about the plight of the Soviet Jews must be continued long after this one important day on Capitol Hill. The cause of human rights for persons living in the Soviet Union and freedom to leave for those who wish to emigrate, deserve our long-term commitment and attention.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, Inna Meiman was released recently from Moscow for cancer treatment in the West. As I have informed my colleagues numerous times, her husband, Naum, is still in the Soviet Union.

The Soviets' refusal to allow a husband and wife to be together is outrageous.

Inna has only 1 year to live. It is a blatant violation of human rights to separate her from her beloved husband during this difficult period.

I urge the Soviet Union to give Naum Meiman permission to come to the United States immediately.●

INFANT MORTALITY

● Mr. CHILES. Mr. President, Mark Twain once said:

> Among the three or four million cradles now rocking in the land are some which this Nation would preserve for ages as sacred things, if we could know which ones they are.

The truth is we never know which one of the millions of babies born in our world every day will end up as a future President, statesman, religious leader, innovative engineer, pioneering doctor, or precedent-setting judge. As a nation we value every life as important and we have the obligation and are justified in trying to make sure every child born into our Nation has a healthy start in life.

Unfortunately this is not happening. This week the children's defense fund released a very disturbing report on infant mortality and prenatal health care.

For the fourth consecutive year, the United States' progress in reducing overall infant mortality slowed, placing us 20th among industrialized nations in infant mortality.

In my home State of Florida, 1,120 children are added to the population every single day. Of these 1,120 children, 12 will die before their first birthday.

Between 1983 and 1984, infant mortality rates increased in 6 of America's 22 largest cities: the District of Columbia, Detroit, San Antonio, Milwaukee, Boston, and Cleveland.

The main cause of infant mortality is low birthweight. Some 6.7 percent of all infants born in the United States are under 5½ pounds. Those who are lucky enough to survive their first day often must spend many days, months, and even years with costly and burdensome handicaps.

Teenagers, poor women, and nonwhite women are most likely to have a low birthweight infant. Black infants are almost twice as likely as white infants to die before their birthdays and babies born to teenagers are twice as likely to die before their first birthdays as babies born to women in their twenties.

Women most likely to have low birthweight babies are also the ones least likely to get adequate prenatal care. The children's defense fund found that in 1984, for the fifth consecutive year, there was no progress in reducing the percentage of infants born to women who received late or no prenatal care. The 10 worst States for women receiving late or no prenatal care were: New Mexico, Texas, District of Columbia, New York, Florida, Oklahoma, Arizona, Arkansas, South Carolina, and South Dakota.

Too many children are meeting untimely deaths and enduring preventable handicaps. Too many parents and families are suffering the devastating loss of a newly born baby.

Last year we passed legislation creating a National Commission on Infant Mortality. It was an important first step. The Commission will provide the comprehensive game plan we need to coordinate Federal and State policies and services that affect access to prenatal care; it will address the gaps in our service delivery and reimbursement systems and, most importantly, it will help to heighten public awareness and force national consensus on the issue.

I applaud the work of the children's defense fund in helping to bring greater attention to this problem. I encourage each and every one of you to find out where your State stands in the unnecessary loss of newly born infants and the provision of prenatal care. By 1990, warns the children's defense fund, the annual bill for the first year of life for troubled babies will total $2.1 billion, while the cost of providing sufficient prenatal care would be only $500 million.

This is a problem that we can solve. It is an embarrassment to us as a nation and to us as leaders of this country that we have not been able to solve this problem. A life, no matter how new or young, is too wonderful a thing to squander.●

SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT

● Mr. ZORINSKY. Mr. President, I would like to commend Senator PELL for his efforts to address one of the most serious problems in education today—the alarmingly high rate of school dropouts. The bill which he has introduced, the School Dropout Demonstration Assistance Act, should provide the information needed to determine why students are dropping out of school and what can be done to prevent it.

I would like to recommend that one more piece of information be obtained under the National School Dropout Study mandated in this bill, and that is whether the student who has dropped out can read. When students are asked why they dropped out, they may say that they couldn't keep up, or that they lost interest, not focusing on the fact, or perhaps not admitting, that the reason they could not keep up or lost interest was because they did not learn to read. Therefore, this information would not necessarily be obtained unless it is specified in the legislation.

At a meeting in December of the National Black Caucus of State Legislators, the statement was made that "Children don't—really—drop out of school in the 10th grade; they drop out in the first grade when they do not learn to read".

I believe it is important to determine to what extent a causal relationship exists between children's inability to read adequately and their dropping out of school.

The common perception is that people don't learn to read because they have dropped out of school. We need to find out whether the opposite is true—whether they dropped out of school because they couldn't learn to read. If that is the case, then the schools should determine why this is happening and take steps to rectify the problem.

I hope that this issue will be addressed during markup of the School Dropout Demonstration Assistance Act.●

ELIE WIESEL

● Mr. SIMON. Mr. President, many of us are aware of the awarding of the Nobel Peace Prize to Elie Wiesel.

We all understand how richly he deserved to win that award.

But an article in the Christian Century, by Robert McAfee Brown, gives additional background and a moving scene that evening that I am sure the participants will never forget.

I ask that the article be inserted in the RECORD at this point and I urge my colleagues to read this article from the Christian Century.

The article follows:

LIGHT, DARKNESS AND BRIDGES IN NORWAY

(By Robert McAfee Brown)

OSLO.—The nights are very long here at this time of year. One can stand on the palace steps and watch the sun rise at 9:46 A.M. One can also be assured that night will return in five or six hours.

It is an appropriate place, surely, in which to award the Nobel Peace Prize to Elie Wiesel. His own life is the story of enforced citizenship in the kingdom of night—his name for Auschwitz—and a long, long journey stretching over decades, before any glimmers of a true dawn entered that darkness and gave faint signs of a possible sunrise. And the place is equally appropriate in broader terms, since the struggle for peace is always threatened by the possibility of a return to the darkness of war, a darkness that, this time, would almost surely never end.

Wiesel's voice and pen match this imagery, for he has a single concern: a never-diminishing plea that we push back the darkness, refuse to let the night come again. He insists that we owe it to the dead, the living and the as yet unborn.

At the actual presentation of the prize on December 10, the chairperson of the Norwegian Nobel Committee, Egil Aarvik, displayed an extraordinarily fine sense of such poetic symbolism. Not only did his speech about Wiesel exhibit great senitivity to the nuances of the writer's work, but the initial paragraph developed a further image appropriate both to the occasion and to the whole of Wiesel's effort for peace. Aarvik pointed out that the first Nobel peace award—presented exactly 50 years ago—went to Carl von Ossietzky, a German pacifist who did not survive the Hitler regime, and that the present award was honoring one who did survive. Thus, Aarvik noted, "a bridge is built between the German who gave his life in the fight against what he saw was going to happen and the Jew who has dedicated his life to fighting against anything that could lead to a recurrence of that same tragedy."

Aarvik also recalled Wiesel's comment that, on the birth of his son, he felt sorry for anyone being born into such a world as ours, but that he also immediately began to see his son as a bridge between the past and the future. The son was named for the grandfather so that family names would be carried on for another generation and the past re-embodied in the future. For this reason, Aarvik asked the 14-year-old Shlomo Elisha to stand and receive the medal and diploma along with his father. Wiesel, Aarvik told the audience, had followed his own father into the darkness, and today another son could follow his father into a moment of joy and brightness.

Symbolism continued to abound beyond Aarvik's speech. Was it by chance or by design that the orchestral music played just before Wiesel's brief acceptance speech, evoked the imagery of night? In Edvard Grieg's nocturne, the sounds of night are gentle, whispering, melodious and harmonious. The sounds of Elie Wiesel's night in the kingdom of darkness had nothing in common with Grieg's. They were, instead, screams and moans and ugly silences, cacophonic and strident.

If Grieg could overcome the fears of night with his music, then Wiesel has demonstrated analogously that light can be brought into darkness by means of words—words that heal rather than destroy, that bind rather than sever, that are so joined to a life of commitment that word and deed are one.

The "official" Noble Prize lecture, given the next day, has received much attention in its own right. Let the present occasion simply call up a few of the themes touched upon in Wiesel's briefer response. For it was a cameo presentation in which, in a few moments, Wiesel encapsulated convictions of a lifetime.

There was the deep commitment to Jews, particularly those in distress—always a priority for Wiesel. But within the declared priority was an equally strong commitment to reach out in concern for *all* people in need (including, for example, the Palestinians). He expressed faith in Israel's commitment to work for peace in the Middle East. He communicated concern not only for Jews in Russia, but also for Nelson Mandela in a South African prison and for Chileans, corporately oppressed in the prison of Augusto Pinochet's totalitarian state. "Wherever there is oppression," Wiesel claimed, "that place must become the center of the universe." And again: "As long as one child is hungry, our lives are filled with anguish and shame."

Concerns must lead to actions, and the mistakes of the past must not be repeated: "The world knew what was happening to Jews in Europe and remained silent, which is why I vowed I would never remain silent." Indifference, as he has said again and again, is the greatest sin. "If the voices of the victims are stifled, we must lend them ours."

Wiesel referred explicitly to the staying power of faith in the God of Abraham, Isaac and Jacob. With such faith, he declared, one person alone can make a difference—as the lives of such figures as Raoul Wallenberg, Albert Schweitzer and Martin Luther King, Jr., testify.

His expression of gratitude for the award had particular poignancy. "No one is more capable of gratitude," he reminded his audience, "than one who has emerged from death's kingdom. Every moment is a gift of grace. Our lives are no longer our own."

The day ended and darkness came again to Oslo, the light of day snuffed out by the inexorable turning of the planet. But, as though a lesson had been learned, there was that night a human tide that said No to the darkness with a torchlight parade from the police station to the Grand Hotel where the Wiesels were staying. As thousands of people converged in the street in a procession several blocks long, the area was illuminated as though by a new and previously untested sun. It was the light of human hearts and consciences, insisting together that the light of their hope and resolve should no longer be hidden. For a few moments the light in front of the Grand Hotel was intense, fortified by music, as Norwegian Lutherans sang Jewish songs, which were followed by "We Shall Overcome" (repeating many times the verse, "We shall live in peace"). And then the marchers continued up the inclined street to the palace, where their light cast a suffused glow over the entire city.

Elie Wiesel is a writer, poet, dramatist and teller of tales—but, perhaps most of all, he is a teacher. This means that he has made a supreme commitment of hope and trust in the next generation. He must have been particularly pleased to notice that the large crowd waiting outside the university *aula* to greet him after the award ceremony was composed largely of Norwegian young people. And those who marched in the torchlight parade—though including a share of the elderly—were overwhelmingly young as well. The teacher now has a classroom whose walls are as wide as the world.●

AFGHANISTAN: LETTERS FROM THE STATE OF NEW YORK

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A situation approaching genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committeed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the Record two letters each day from various States in the Nation. Today, I submit two letters from the State of New York. I ask that they be printed in the Record.

The letters follow:

Greenfield Center, NY,
October 21, 1986.

Dear Mr. Humphrey: I have only just now read the article "Agony in Afghanistan," a reprint sent to me from World Vision. I am horribly disturbed that the conditions described can be permitted to exist. These atrocities, according to the article, have taken place over seven years now.

There has got to be something that we as a free people can do to help stop this slaughter. World peace can never exist if we can turn our backs on this affront on humanity.

If it means risking our "terms" with the Soviet Union, so be it. A nation built with God as its foundation cannot tolerate such horrible injustices done to innocent people. Enough!!!

I believe the United States should take a firm stand in publicizing and condemning any nation that would butcher old men, pregnant women, and children.

There can be no compromise with evil; no ignoring it!!

We are accountable for those who plead to us for help. I can't read this article and rest peacefully tonight. I believe that if enough people care, things, can change.

My prayers are with the Afghans. Let us do all we can to help them.

Very sincerely,

Debora E. Wager.

U.S. Army,
November 30, 1986.

Hon. Gordon J. Humphrey: I'm writing as a citizen and soldier to express my concern and support in our government's policy regarding the events in Afghanistan.

It is my sincere desire that we continue to support in every way possible the struggle for independence that these brave people are conducting.

There seems to be too much silence here and overseas on this important issue.

I hope our aid, spiritual, political, economic and military is being received and will give a sense of assurance to all that we dare.

Sincerely,

John McManus.●

FEDERAL EMPLOYEES RECOGNITION WEEK

● Mr. STEVENS. Mr. President, I am pleased to cosponsor Senate Joint Resolution 9, a joint resolution introduced by Senator Sarbanes, to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week." Over the last decade our Federal employees have received a great deal of unfavorable press. Too often they have been characterized as overpaid and underworked when in fact, this is not the case.

Federal employees deliver the mail. Federal employees are the scientists and physicians at the National Institutes of Health developing cures for cancer and AIDS. Federal employees are the park rangers protecting the fragile environment of our national parks. Federal employees are Coast Guard crews plucking boaters from our icy coastal waters. I believe it is time that the American public be made aware of the many outstanding contributions that have been by these and other employees.

Last year the President recognized 11 employees and 8 employee groups who saved the American taxpayers over $700 million. By designating a "Federal Employees Recognition Week" we can officially recognize the dedication and hard work of these public servants.●

JOBS

● Mr. SIMON. Mr. President, the Northern Ogle Tempo of Bryon, IL, recently ran an editorial urging that we move ahead on a jobs program in this Nation.

They specifically mention the Civilian Conservation Corps which provided jobs for millions of young people in the 1930's.

But the real point is they want to see us move on the problem of unemployment.

Clearly, this Nation should do that.

I ask that the article be inserted in the Record at this point and I urge my colleagues to read the editorial.

The article follows:

[From the Northern Ogle Tempo, Dec. 24, 1986]

Workfare, Not Welfare, Makes a Lot of Sense

Illinois U.S. Senator Paul Simon recently suggested that the federal government launch a jobs program in the image of the Work Projects Administration (WPA) of the depression days following the economic collapse in the United States in 1929. We agree.

To say that the US is enjoying remarkable prosperity today is a fairy tale. Strange as it may seem, there are as many, or more, poor and unemployed in this country today than there was in the darkest days of that depression. Due to the population growth since the depression days, the percentage figure on the poor and the unemployed is less, but the actual numbers, 14 to 16 million unemployed is still a national disgrace.

Not only should this country turn its assets and resources to creating respectable jobs in a public works program, but it should concentrate on the creation of a new army, a Civilian Conservation Corps army to provide jobs for millions of young people who have little hope of finding gainful employment in the high technology age.

A new CCC, in addition to turning youth from gangs and crime, could be developed into a young army dedicated to the restoration of our natural resources, revitalization and rehabilitation of the blight areas in our cities and a symbol of peace in our time.

The most important factor, should such programs become reality, would be to safeguard them against the administrative bureaucracy that has so often diluted the purpose and intent of such programs. Some of the best programs sponsored by federal, state and local government have failed because a top-heavy bureaucratic elite (favored by patronage) have sucked the lifeblood from the programs while the crumbs were served to those for whom such programs were intended to benefit.

In short, let there be more of a WPA and the CCC, and less or elimination of such alphabetical nightmares as the CIA and the NSC.●

THE JICARILLA APACHE TRIBE CENTENNIAL

●Mr. DOMENICI. Mr. President, on behalf of myself, Senator JEFF BINGAMAN, Representative BILL RICHARDSON, Representative MANUEL LUJAN, JR., and Representative JOE SKEEN, I have the distinct pleasure of informing the Congress of the United States that 1987 marks the 100th anniversary of the establishment of the Jicarilla Apache Tribe Reservation by Executive order of President Grover Cleveland on February 11, 1987. From February 11-15, the tribe will be celebrating a well-deserved centennial. The past 100 years have seen the Jicarilla Apache people more than quadruple—from 600 in 1887, to more than 2,600 tribal members in 1987.

In 1734, the Spanish missionaries baptized 130 Jicarillas thus giving many of them their Spanish names, still in use today. The baskets they wove gave them their tibal name—Jicarilla—a Spanish name for little basket. While the Jicarilla Apache Indians were recognized by the Spanish colonizers and considered their allies, the Indians were not recognized as citizens of the New Mexico Territory, established in 1848. Citizenship was finally granted in 1924. Voting rights came in 1948.

Today, the Jicarilla reservation is the second largest in New Mexico with a total acreage of over 742,000. The Jicarilla Apache Tribe maintains its distinct tribal history and culture which forms an important part of the heritage of America. Their Go-Gee-Ya Feast and Bear Dance are well known. The Jicarilla medicine men still practice their traditions with herbs and healing ceremonies.

Under the fine leadership Tribal President Leonard Atole, the Jicarillas have made wonderful strides for their people. Their business development activities on the reservation are an inspiration to other tribes around the Nation. Beginning with a sawmill around the turn of the century, they have expanded into new endeavors including a shopping center, motel, bank, oil and gas leasing, the Jicarilla Arts and Crafts Co-op and the Tribal Woodyard. In addition, the tribe has invested in several ventures including a movie called Gunfight with Kirk Douglas and Johnny Cash; a reserve game park stocked with elk, deer, and bear; Stone Lake Lodge; the Lower Mundo fishing lake and picnic area; and a stockyard called the Sales Barn. These business ventures and others have touched the lives of hunters, tourists, builders, ranchers, and many others.

Mr. President, the Jicarilla Apache Reservation is in northern New Mexico on some of the most scenic land in the United States. We invite our colleagues to visit the enterprising Jicarilla Apache Indians in their centennial year. We are confident that the future of our national Indian policy can be enhanced by applying the successful approaches of the Jicarilla Apache Tribe.●

NATIONAL FISHING WEEK

● Mr. DOMENICI. Mr. President, earlier in the week I was pleased to add my name to the list of cosponsors of Senate Joint Resolution 18, which proclaims the week of June 1-7 as "National Fishing Week."

Sport fishing benefits the population of the United States in a variety of ways. In addition to being one of the top two recreational activities in the country, it also generates an estimated $25 billion in economic activity and employment for the American people. Sport and commercial fishing provide an excellent source of protein-rich food, while at the same time, promote respect for our nation's diverse aquatic habitats.

In light of the fact that fishing has been a consistent mainstay of the American culture, I am pleased to support this resolution. The resolution aims to commemorate American fishing enthusiasts and the fishing industry by promoting various activities which focus national attention on the time-honored sport of fishing. I hope that this body acts quickly to enact the resolution.●

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIRTHDAY GREETINGS FOR PRESIDENT REAGAN

Mr. DOLE. Mr. President, I send a resolution to the desk on behalf of myself and the distinguished majority leader and ask for its immediate consideration, and ask that it be read.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

RESOLUTION CONGRATULATING PRESIDENT REAGAN ON HIS 76TH BIRTHDAY

Whereas, on February 6 President Ronald Reagan celebrates his 76th birthday; and

Whereas, his vigor, style and wit prove that age can be a bonus, not a barrier; and

Whereas, people the world over like and admire; and

Whereas, his dedication to this country and its principles are unquestioned; and

Whereas, his resilience and determination will prove his leadership remains strong: Now, therefore, be it

Resolved, That President Reagan is extended our heartiest congratulations on his birthday, and our sincere best wishes for a healthy and happy year.

The PRESIDING OFFICER. Is there objections to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, reaching the age of 76 would be a milestone for anyone. But to reach this age, as physically fit, filled with good humor and grace as President Reagan has done, is a true testament to his character.

The Presidency of the United States is one of the most difficult, all-consuming jobs in the world. Despite recent surgery, the President is fulfilling all the duties of his office—fulfilling them with his usual vigor. As a matter of fact, President Reagan gives new meaning to the spirit of '76.

Mr. President, I know all of my colleagues—Democrats and Republicans—will want to join me in wishing President Reagan the happiest of birthdays, and extend to him our hope that 1987 is filled with good health and much happiness.

I thank the distinguished majority leader for joining me in this gesture.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader for allowing me to share with him the expression of these good wishes to our President on his 76th birthday. I join with the Republican leader in wishing the President continued good health and happiness, many happy returns, and many, many more happy birthdays.

To the President I say these lines, which come to me at this moment. I think they are appropriate.

The hours are like a string of pearls,
The days like diamonds rare,
The moments are the threads of gold,
That bind them for our wear,
So may the years that come to you,
Such wealth and good contain

That every moment, hour, and day
Be like a golden chain.

I thank the Republican leader.

Mr. DOLE. I thank the distinguished Presiding Officer.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 102) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas, on February 6 President Ronald Reagan celebrates his 76th birthday; and

Whereas, his vigor, style and wit prove that age can be a bonus, not a barrier, and

Whereas, people the world over like and admire; and

Whereas, his dedication to this country and its principles are unquestioned; and

Whereas, his resilience and determination will prove his leadership remains strong: Now, therefore, be it

Resolved, That President Reagan is extended our heartiest congratulations on his birthday, and our sincere best wishes for a healthy and happy year.

ARMS CONTROL OBSERVER GROUP

Mr. DOLE. Mr. President, I also note that I am designating Senator DAN QUAYLE to serve in my stead as a member of the arms control observer group for the upcoming meeting in Geneva during the February recess.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT OF SENATE REPORT 100-7

Mr. BYRD. Mr. President, at the request of Senator BOREN, and on behalf of Mr. BOREN and Mr. COHEN, I ask unanimous consent that there be a star print of Senate Report 100-7 in order to correct errors in the original printing thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

STARS & STRIPES AND THE AMERICA'S CUP

Mr. BYRD. Mr. President, I ask the Chair lay before the Senate a message from the House on House Joint Resolution 131.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

House Joint Resolution 131, congratulating Dennis Conner and the crew of *Stars & Stripes* for their achievement in winning the America's Cup.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time by title, and the Senate will proceed to the immediate consideration of House Joint Resolution 131.

There being no objection, the joint resolution (H.J. Res. 131) was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY, FEBRUARY 17, 1987

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday, February 17, 1987, after the two leaders, or their designees, have been recognized under the standing order, Senators PROXMIRE, ARMSTRONG, and HEINZ be recognized for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUMPTION OF CONSIDERATION OF S. 83

Mr. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the Senators under the 5-minute special orders that have been previously entered, on Tuesday, February 17, the Senate resume consideration of S. 83.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION FOR COMMITTEES TO FILE BILLS, JOINT RESOLUTIONS, RESOLUTIONS, AND REPORTS

Mr. BYRD. Mr. President, I ask unanimous consent that committees may have permission to file bills, joint resolutions, resolutions, and reports on Thursday, February 12, 1987, between the hours of 10 a.m. and 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I understand there is another Senator coming to the floor who will want to transact some morning business. I ask unanimous consent that the period for morning business be extended 15 minutes under the same requirements as heretofore agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. BYRD. Mr. President, earlier today it was agreed that a cloture motion on S. 83 could be offered today and would be voted on Wednesday, February 18, 1987. Even though the Senate is in morning business, I ask unanimous consent, if the distinguished Republican leader has no objection, that I may be permitted to send the cloture motion to the desk now and that it be considered properly entered once the clerk has read the names thereon.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 83, a bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

Senators J. Bennett Johnston, Brock Adams, Tom Harkin, J.J. Exon, Albert Gore, Jr., Edward Zorinsky, Bill Proxmire, Lloyd Bentsen, Patrick Leahy, Barbara A. Mikulski, Robert C. Byrd, Richard Shelby, Daniel K. Inouye, John Melcher, Howell Heflin, and Bill Bradley.

ORDER FOR READING OF GEORGE WASHINGTON'S FAREWELL ADDRESS ON MONDAY, FEBRUARY 16, 1987, AND FOR ADJOURNMENT UNTIL TUESDAY, FEBRUARY 17, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday, February 16, following the prayer, Mr. MCCAIN be recognized to read George Washington's Farewell Address; and that immediately upon the completion of the reading of that address, the Senate stand in adjournment until the following day, Tuesday, February 17, at the hour of 11 a.m.

The PRESIDING OFFICER (Mr. KERRY). Is there objection? Without objection, it is so ordered.

ORDERS FOR TUESDAY, FEBRUARY 17, 1987

PERIOD FOR MORNING BUSINESS

Mr. BYRD. I ask unanimous consent that on Tuesday, February 17, following the prayer and the recognition of the two leaders under the standing order, the three orders that have been previously entered for the recognition of Messrs. PROXMIRE, ARMSTRONG, and HEINZ be followed by the transaction of morning business for not to extend beyond 12 noon and that Senators may be permitted to speak therein for not to exceed 3 minutes each.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

RECESS FROM 12 NOON TO 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday, February 17, at 12 noon, the Senate stand in recess until the hour of 2 p.m. so as to accommodate the meeting of the two parties in conference.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PERMISSION TO FILE AMENDMENTS UNDER RULE XXII

Mr. BYRD. I ask unanimous consent that Senators may have until 1 p.m., notwithstanding the fact that the Senate will be in recess between the hours of 12 noon and 2 p.m., on Tuesday to file amendments under rule XXII on S. 83.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair. A Senator is on his way to the floor, and the business will come under the title of morning business, and hopefully the Senate will not be in too long.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

There being no objection, the Senate, at 6:10 p.m., recessed until 6:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. Kerry].

COMMENDING THE GOVERNMENT OF PHILIPPINE PRESIDENT CORAZON C. AQUINO

Mr. KENNEDY. Mr. President, I send a resolution to the desk on behalf of myself, Mr. Byrd, Mr. Dole, Mr. Pell, Mr. Cranston, and Mr. Kerry, and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report the resolution.

Mr. BYRD. Mr. President, I was temporarily distracted. What was the request of my able colleague?

Mr. KENNEDY. I have sent to the desk a resolution and asked for its immediate consideration. It is my understanding that there is an objection to the immediate consideration and I, therefore, ask unanimous consent that the resolution be placed on the calendar.

Mr. BYRD. Mr. President, as I understand it, Mr. Dole has cleared the placing of the resolution on the calendar.

Is it a simple resolution?

Mr. KENNEDY. That is correct.

Mr. BYRD. It has been cleared by the other side to be placed on the calendar. It has not been cleared for immediate consideration.

The **PRESIDING OFFICER.** Without objection, the resolution will be placed on the calendar.

Mr. KENNEDY. Mr. President, this resolution is a simple but important one, for it commends a brave individual and a courageous people for their defense and support for freedom, justice and democracy—President Corazon Aquino and the people of the Philippines.

Last Monday, the people of the Philippines reaffirmed their support in their President by accepting overwhelmingly the new constitution. As our country approaches the bicentennial of our own Constitution, we are reminded that the drafting of a constitution in itself is no easy task—yet the people of the Philippines managed to succeed amid seemingly insurmountable obstacles.

On a tragic day in 1983, Ninoy Aquino gave his life for his country. But the spark of liberty that he kindled could not be extinguished in the hearts of his fellow country men and women. Today the light of democracy in the Philippines has become a beacon of hope to all those in other lands who struggle in their own way, for their own freedom against tyranny and oppression.

With skill and confidence, Cory Aquino picked up Ninoy's fallen standard and in overwhelming numbers, the Filipino people rallied to her cause. The irresistible force of her appealing leadership met the immovable object of a despised dictatorship—and the immovable object moved.

Slowly, from half a world away, we in America watched in awe as the ripples of freedom in the Philippines spread from brother to brother, sister to sister, friend to friend, island to island, until they created a mighty tide that swept down the walls of oppression and resistance.

The path of liberty is never easy and President Aquino wasted no time in carrying out the mandate she had received.

She took the oath of office on February 26, 1986 and was promptly recognized by the Government of the United States. Recognizing the corrupt system of government left behind by Marcos, she abolished his crony constitution a month later and appointed a 48-member commission to draft a new constitution.

Throughout the last year, President Aquino's claim to office was subjected to repeated challenges of legitimacy. Yet she held firm to the people's mandate and devoted herself to the urgent crisis facing the country. Marcos had left behind a web of monopolies, landlords, mobs, and corruption. The younger military officers were disheartened by the corrupt and inept ways of their superiors and the poor were increasingly frustrated at their lack of access to the wealth concentrated in the hands of the rich Marcos friends. And as one might predict, the Communist insurgency was gaining in strength day by day.

Cory weathered challenges from the right, from the left, from inside and outside her government. She showed leniency after the first attempt to take over her government by pro-Marcos forces, but let the full force of the law fall on those who tried it a second time. She has negotiated a cease-fire with the Communist insurgency but did not chase after them when the rebels broke off negotiations. And when the members of the government's security forces opened fire on a demonstration—killing innocent civilians—Cory pledged that those responsible will be brought to justice.

She sidetracked efforts to close the United States bases in the Philippines and succeeded in obtaining additional aid from the United States during her visit here last September.

She dazzled the American people throughout her visit—and I must add that the people of Massachusetts were particularly honored to welcome her back to her former home State. She was also kind enought to visit President Kennedy's Library during her spectacular homecoming.

In her first year in office, President Aquino has succeeded in restoring democracy to her country in a way none of us could have imagined.

Certainly, she faces tough problems and increased challenges—the honeymoon is long over. But in this first year she has demonstrated an incredible ability to govern, to negotiate, to address the critical problems faced by her country and to fend off serious—and sometimes violent—challenges to her authority.

This new constitution gives her government a legal basis and makes Corazon Aquino the undisputed President of the Philippines.

With the new Constitution she has set up a structure which will protect the country's new democracy, regardless of who is in Malacanan Palace.

Mr. President, millions—even billions—of peoples in other lands live under tyranny and repression in the world today—and they have never known the blessings of democracy. But the Philippine people have. They know what it means to vote in free elections, to live in freedom, to have a freely chosen government, to have a President who shares their cause.

Our two peoples fought side by side for our fundamental freedoms a generation ago in World War II—and we do not intend to lose the fight for those freedoms in our own generation.

And we pledge together now that we shall never give up or give in in our common struggle to preserve the gains we have won, to advance the cause of democracy in the Philippines and to enhance the cause of freedom in the world.

To President Aquino—and to all the Filipino patriots everywhere—I say: Long live the Philippine people, long live democracy in the Philippines, and for President Cory Aquino, may the best be yet to come.

I urge the Senate to support this resolution and hope my colleagues will adopt it quickly and overwhelmingly. I ask unanimous consent that the text of the resolution may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 103

Whereas, the people of the United States and the people of the Philippines share a long history of mutual support for democracy;

Whereas, the strategic interests of the United States in the Asian-Pacific region can best be preserved by a stable Philippine government based on democracy and justice;

Whereas the people of the Philippines demonstrated support for President Corazon C. Aquino in the election held on February 7, 1986;

Whereas, on February 26, 1986, President Aquino took her oath of office and the Government of the United States recognized the leadership of President Aquino;

Whereas, on March 25, 1986, President Aquino suspended the 1973 constitution and requested the redrafting of a new one;

Whereas, on February 2, 1987, the people of the Philippines voted by an overwhelming margin to adopt a new constitution for their country, signifying their support for President Aquino's leadership and establishing a legal basis for her government;

Whereas, despite serious and sometimes violent challenges to her leadership, President Aquino has demonstrated a commendable and courageous determination to return stability and democracy to the Philippines;

Whereas, President Aquino has also undertaken significant efforts to eliminate the serious threat to her nation by the communist insurgency;

Resolved, That the U.S. Senate:

SEC. 1. (A) reaffirms the support of the Government of the United States for the Government of the Philippines under the leadership of President Corazon C. Aquino on the occasion of the approval of the new constitution by the people of the Philippines;

(B) commends President Aquino for the progress towards democracy and justice she has achieved in her first year in office;

(C) praises the continued commitment of the government and the people of the Philippines to strengthen their democracy, and to achieve significant economic, political and military reform.

SEC. 2. The President of the United States is urged to convey this resolution to President Aquino.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the following requests have been cleared with the able Republican leader, who has indicated he will not return to the floor. He is tied up at the moment. He has no objection to my proceeding with the requests.

CORRECTION TO THE APPOINTING OF CONFEREES ON THE CONFERENCE REPORT ON H.R. 2

Mr. BYRD. Mr. President, with reference to the conference report on H.R. 2, the Surface Transportation Uniform Relocation Assistance Act, on yesterday, conferees were named by the Senate and there was a mistake made, in that conferees from the Committee on Finance are shown as being conferees on title III of the Senate amendment and title V of H.R. 2. The Finance conferees are to deal with title II, instead of title III. I request that that correction be made.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL CONFEREES—H.R. 2

Mr. BYRD. Mr. President, I also ask unanimous consent that the names of Senators DOLE and ROTH be added as conferees from the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent, also at the request of Mr. DOLE, that Mr. HEINZ be added as a conferee to H.R. 2 from the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT THE RECORD REMAIN OPEN UNTIL 7:30 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the RECORD remain open until 7:30 p.m. today, that Senators may include their statements therein, and that Senators may be allowed to introduce bills and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, I believe now that the orders have been entered, let me state the program.

Mr. President, the Senate will, after a few minutes, complete its business for today and go out under the resolution until Monday, February 16, at 12 o'clock noon.

After the prayer by the Chaplain on that date, Mr. MCCAIN will read George Washington's farewell address, upon the completion of which the Senate will stand in adjournment until the following day, Tuesday, February 17, at 11 a.m.

After the prayer and after the two leaders have been recognized under the standing order on Tuesday, three Senators will be recognized for not to exceed 5 minutes each—Senators PROXMIRE, ARMSTRONG, and HEINZ—after which there will be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not to exceed 3 minutes each.

At the hour of 12 noon, the Senate will recess for 2 hours to allow the meeting of the Republican and Democratic Party conferences.

At the hour of 2 p.m. the Senate will resume session. The matter before the Senate at that time will be Senate Resolution 94, the arms control resolution introduced by me on behalf of Mr. DOLE and myself. There is a 40-minute limitation of debate thereon and a rollcall vote has already been ordered and will occur at 2:40 p.m.

Upon the disposition of that vote and that resolution, Mr. President, the Senate then will resume consideration of S. 83, which will be the unfinished business at that time and Mr. GRAMM will be recognized to call up an amendment.

The cloture motion which has been introduced today will be voted on on Wednesday, February 18, under rule XXII, if the bill, S. 83, has not be disposed of prior to that time.

ORDER OF PROCEDURE ON TUESDAY, FEBRUARY 17, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday, February 17, no motions or resolutions under the rule come over and that the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 16, 1987

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 36, that the Senate stand in adjournment until the hour of 12 o'clock noon on Monday, February 16, 1987.

The motion was agreed to; and, at 6:27 p.m., the Senate adjourned until Monday, February 16, 1987, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 5, 1987:

THE JUDICIARY

Robert N. Miller, of Colorado, to be U.S. district judge for the district of Colorado, vice a new position created by Public Law 98-353, approved July 10, 1984.

David S. Doty, of Minnesota, to be U.S. district judge for the district of Minnesota, vice Miles W. Lord, retired.

DEPARTMENT OF JUSTICE

D. Michael Crites, of Ohio, to be U.S. attorney for the southern district of Ohio for the term of 4 years, vice Christopher K. Barnes, resigned.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Jean K. Elder, of Virginia, to be an Assistant Secretary of Health and Human Services, vice Dorcas R. Hardy, resigned.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Patricia Hill Williams, of New York, to be a member of the National Advisory Council on Women's Educational Programs for the remainder of the term expiring May 8, 1987, vice Elizabeth Helms Adams, resigned.

Patricia Hill Williams, of New York, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1990 (reappointment).

NATIONAL COUNCIL ON THE HANDICAPPED

The following-named persons to be members of the National Council on the Handicapped for terms expiring September 17, 1989:

Theresa Lennon Gardner, of the District of Columbia, vice Jeremiah Milbank, term expired.

Harry J. Sutcliffe, of New York, vice Michael Marge, term expired.

IN THE AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. William L. Kirk, [redacted]FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles A. Horner, [redacted]FR, U.S. Air Force.

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the following officers be appointed in a grade higher than that indicated:

MEDICAL CORPS

To be colonel

Bloodworth, Leon P., [redacted]
Klint, Kenneth, [redacted]
Rosen, Paul R., [redacted]
Wiegreffe, James W., [redacted]

To be lieutenant colonel

Creech, George R., [redacted]
Desantis James P., [redacted]
Erickson, Donn R., [redacted]
Miller, Edward A., [redacted]
Vigh, Sara, [redacted]

To be major

Baldwin, Stephen C., [redacted]
Gilkey, Frederick, [redacted]
Gould, William D., [redacted]
McCarthy, David A., [redacted]

To be captain

Reece, Karen L., [redacted]

DENTAL CORPS

To be lieutenant colonel

Jordan, Charles J., [redacted]
Naegeli, David G., [redacted]
Piccinino, Michael V., [redacted]
Saunders, Timothy R., [redacted]

To be major

Caldon, William P., [redacted]
Davis, Samuel P., [redacted]
Eng, Ronald W., [redacted]
Greene, Paul D., Jr., [redacted]
Raines, William H., [redacted]
Watts, Wayland, [redacted]
Westerholm, Harold S., II, [redacted]

To be captain

Anderson, Dennis M., [redacted]
Burnett, Robert R., [redacted]
Harrington, John F., [redacted]
Karker, Robert G., [redacted]
Lewis, Bernard A., [redacted]
Lindemuth, James S., [redacted]
Metzler, Randy S., [redacted]
Morrill, Kevin W., [redacted]
Southworth, James R., [redacted]
Warren, Lon J., [redacted]

The following individuals for appointment as Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

LINE OF THE AIR FORCE

To be lieutenant colonel

Olsen, Douglas M., [redacted]

MEDICAL CORPS

To be lieutenant colonel

Baralt, Pascual Y., [redacted]
Bilka, Tassilo, J., [redacted]
Cline, Earl C., [redacted]
Deorio, James K., [redacted]
Furman, Joseph, [redacted]
Hoffman, Harry P., Jr., [redacted]
Hoffmeister, Albert, III, [redacted]
Hoyt, Ronald K., [redacted]
Kosloff, Daniel F., [redacted]
McMillan, Jon M., [redacted]
Netick, Joe Jr., [redacted]
Nishitani, Ralph V., [redacted]
O'Connell, John, [redacted]
Paskewitz, George I., [redacted]
Pohl, Stephen E., [redacted]
Rashid, Kenneth D., [redacted]
Rosenthal, Norman S., [redacted]
Stratford, Francis A., [redacted]
Strawn, Robert L., [redacted]
Tajen, Mansur, [redacted]

The following individual for appointment as Reserve of the Air Force (ANGUS), in the grade indicated under the provisions of sections 593 and 8351, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties as indicated:

MEDICAL CORPS

To be lieutenant colonel

Hoffmann, Paul W., [redacted]

The following Air Force officer for permanent promotion in the U.S. Air Force, in accordance with section 624, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be lieutenant colonel

Best, William G., II, [redacted]

IN THE NAVY

The following-named lieutenant commander in the line, lieutenant in the line, and lieutenants in the staff corps of the Navy for promotion to the permanent grades of commander and lieutenant commander as indicated, pursuant to title 10, United States Code, section 628, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER (13XX)

To be commander

Wnuk, Henry John

UNRESTRICTED LINE OFFICER (13XX)

To be lieutenant commander

Colvin, Billy Albert

MEDICAL CORPS (210X)

To be lieutenant commander

Appel, Robert Albert
De Laurier, Andrew Christopher
Rosseau, Richard Lukens

MEDICAL SERVICE CORPS (230X)

To be lieutenant commander

Luttrell, William Ernest

EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION TO INCREASE THE SAFETY OF THE NORTHEAST CORRIDOR

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. WHITTAKER. Mr. Speaker, today I am joining Mr. FLORIO and Mr. LENT in introducing legislation that will make railroad passenger service on the Northeast corridor safer. As you all are aware, last month there was a tragic accident just outside Baltimore when an Amtrak train carrying roughly 500 people collided with the rear of a Conrail locomotive which had run a number of signals, 16 people were killed and 107 injured. This was the worst accident in Amtrak's history.

This tragic accident has raised the question of whether it is safe for freight trains to be operating on the Northeast corridor which is heavily traveled by rail passenger service. Although it is impractical to remove all freight traffic from the corridor due to economic considerations, it is necessary to ensure that the corridor is safe for passenger service. The legislation we are introducing today will help to ensure passenger safety. This legislation provides that all trains, freight and passenger, that travel on the Northeast corridor be equipped, by 1988, with systems that automatically bring the train to a safe stop if it is being operated in violation of a speed signal. As I understand it, Amtrak trains are currently equipped with such systems. Those systems have proven invaluable in preventing accidents.

The legislation also provides the Secretary of Transportation with the discretion to extend the deadline up to 9 months for which trains are required to be equipped with such devices, if the Secretary finds that it is impracticable to equip all trains as required by the legislation. This will provide flexibility where it is necessary to a carrier's economic stability.

Additionally, Amtrak is currently negotiating with the freight carriers that travel on the Northeast corridor to provide that freight traffic runs on the corridor primarily between 10 p.m. and 6 a.m., when rail passenger service is lightest. This would improve the safety of the rail passenger service and, therefore, I encourage the progress of those negotiations.

Finally, Mr. Speaker, as the new ranking minority member of the Energy and Commerce Committee's Subcommittee on Transportation, Tourism, and Hazardous Materials, I look forward to working with my colleagues in a bipartisan manner to reauthorize the rail safety programs and to addressing the numerous rail safety issues that have recently been raised. I believe that the bill we are introducing today is a step in the right direction.

INTRODUCTION OF LEGISLATION TO IMPROVE SAFETY OF RAIL PASSENGER SERVICE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LENT. Mr. Speaker, I wish to express my support for and cosponsor the railroad safety legislation introduced today by my colleague and friend from New Jersey [Mr. FLORIO].The central purpose of this bill is to ensure that the best in proven rail-safety technology is applied on the heavily traveled Northeast corridor routes. We all know from recent tragic events of the potential for injury and loss of life when some part of our rail-safety system—human or mechanical—fails.

The bill I am cosponsoring will make fail-safe equipment mandatory for all trains operating on the Northeast corridor and the connecting Atlantic City line by the end of 1987, with a provision allowing the Secretary of Transportation to grant extensions where necessary of up to 9 months.

The equipment is very straightforward—once a train passes a signal setting a lower maximum speed than the train's current speed, the equipment will allow the engineer a brief period to comply with the signal. If the engineer does not comply within that time, the equipment in effect takes control of the train and brings it to a stop. As a result, human error cannot cause the train to violate the speed limits set by the signaling system.

This proven rail technology will greatly reduce the possibility that human error can defeat the otherwise sophisticated signaling system now in place on the corridor. I am convinced that this system will greatly enhance the safety of rail travel in the Northeastern region, where so many of our citizens rely on passenger trains as a major form of intercity travel.

An automatic speed control system is already in place in the Amtrak locomotive fleet—a visible result of the continuing public investment in Northeast corridor rail transportation. But just as a chain is no stronger than its weakest link, the state-of-the-art equipment on Amtrak's fleet can be defeated in practice by other locomotives operating on the corridor without comparable safety equipment. To achieve the full value of the public investment in Amtrak's safety system, we must ensure that other locomotives operating in the corridor are brought up to standard. This bill would do that as promptly as practical considerations permit.

THE COMPREHENSIVE MICROENTERPRISE PROMOTION ACT OF 1987

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GILMAN. Mr. Speaker, today I am introducing the Comprehensive Microenterprise Promotion Act of 1987.

According to the World Bank 50 percent of the world's people live on a per-capita income of less than $400 a year. The great majority of them are preoccupied solely with survival and elementary needs of food, clothing, and shelter. Theirs is a life of permanent insecurity accompanied by illiteracy and disease, malnutrition, and early death.

Microenterprise credit development has emerged as the most effective strategy to help urban and rural landless poor break this cycle. It is a cost-effective means of battling abject poverty in the Third World. The Comprehensive Microenterprise Promotion Act will help free people from hunger, dependency, and unemployment and enable them to become productive citizens capable of supporting themselves, their families, and local economies.

Specifically, this private sector focused legislation adds microenterprise credit as a component of the recently authorized Public Law 480, Food for Peace Program; title I and creates a microenterprise fund within the multilateral development banks. The new authority under Public Law 480 mandates that a minimum of 10 percent of the Public Law 480 title I concessional commodity sales to developing countries be negotiated on local currency terms. The local currencies generated are to be used to finance indigenous private enterprise activities. Under the Comprehensive Microenterprise Promotion Act a portion—65 percent—of this new program will be used solely for the purpose of providing small scale credit assistance to microenterprise.

In addition to bilateral aid, the United States should play an advocacy role in the multilateral development banks to encourage national governments to place a greater emphasis on small scale development. While the banks have some good ideas, generally grandiose ones, they simply do not work well in practice. Many times these projects become white elephants. The bank needs to learn how to operate at a small scale, on a large scale. That is to create large umbrellas under which local efforts thrive and decisions rest in the hands of those who must bear their consequences.

It's interesting to note that the World Bank employs 3,000 professionals, mostly economists, engineers, lawyers, and financial analysts. Only one employee of the Bank is a sociological adviser, there is one ecologist, one who encourages linkages with nongovernmen-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tal organizations, one woman in development [WID] specialist, and a half-time person who spends attention promoting poverty issues.

We must sensitize multilateral development banks to the advantages of lending to institutions for small scale microenterprise loans. This can be done through calling for the creation of a microenterprise trust fund within these institutions to establish microcredit loan funds through financial intermediaries. The power base of multilateral banks, makes them excellent vehicles by which to influence the kind of development work done in Third World nations.

Generally, the informal sector in the developing world comprises about 60 percent of the private sector and is made up of countless tiny enterprises initiated by the poor. These are street corner basket vendors, vegetable and fruit stand operators, those who sew ties and ribbon or fix brooms in back alleys or urban shanty towns. The informal sector is the largest and in many countries, the fastest growing part of the private sector and comprises most of the labor force. Helping microentrepreneurs in these nations helps to secure a strong voice for the business community.

Private enterprises are the backbone of the economy in many developing countries. They have low capital investment requirements, women can enter into the labor force in large numbers due to the flexibility of the working hours, they are labor intensive and are resilient because the owners are hard working and resourceful.

Fallacies such as, "The rich save and the poor don't," or "Being poor is the same as being incompetent," are erroneous. As is evident in the Grameen Bank in Bangladesh, banking can be an available tool for the poor. Clients do not need to read and write, nor do they need to come into the bank for services, no collateral is necessary, legal instruments and eliminated, and loans to women are preferred.

Since 1979, the bank has grown to support 260 branch offices. It has extended over $30 million in loans to 250,000 borrowers, 70 percent of whom are women. The average loan size is $60 with the smallest loan being $1 and biggest $260.

The director of the Grameen Bank tells the story of an old woman who borrowed $1 to start her own business selling ribbon, hair clips, and bangles from house to house in her village.

I asked her one day how she felt.

She said,

> I feel wonderful, because I am treated with respect. When I used to go around and beg at people's doors, they would shoo me away. Now when I go, they extend me a stool to sit and the children come around to see what I'm selling. I do a good business.

There are few banks in the world that can boast a pay back rate of 98 percent; the Grameen Bank can.

The spirit of the entrepreneur, the magic of the market place, and the dynamics of human ingenuity and creativity are the key ingredients in microenterprise. Microentrepreneurs have proven their capacity to generate savings and their willingness to reinvest contributes to overall economic development and the cost effectiveness of microenterprise credit.

Accordingly, I urge my colleagues to support the bill, the text of which follows:

H.R. 1032

A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to establish a bilateral program to furnish credit assistance for micro-enterprises owned by the poorest people in developing countries, and to encourage multilateral development banks to establish micro-enterprise credit programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Micro-Enterprise Credit Promotion Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) numerous micro-enterprises owned by poor people comprise the informal sector economy in developing countries;

(2) micro-enterprises represent an important source of private sector commercial activity in developing countries and provide significant benefits for the poorest people in those countries, particularly women;

(3) micro-enterprises are small operations which typically have 4 or fewer workers, are located in both urban and rural areas, and engage in activities such as processing and transporting food, servicing farm machinery, light manufacturing, tailoring, and retailing;

(4) micro-entrepreneurs who have been able to obtain small loans have demonstrated their ability to repay those loans and have achieved significant improvements in their living standards and made significant contributions to the local economy;

(5) formal financial institutions in developing countries, however, have not recognized that, although micro-enterprises owned by poor people may lack collateral for loans and may not be able to comply with all the traditional loan formalities, they can nevertheless be financially viable; and

(6) as a result, micro-enterprises owned by poor people have had little access to formal sources of credit.

SEC. 3. BILATERAL MICRO-ENTERPRISE CREDIT PROGRAM.

Section 108 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1708) is amended by adding at the end thereof the following new subsection:

"(j) Credit for Micro-Enterprises.—

"(1) In general.—The President shall establish a program under this section pursuant to which foreign currencies generated from the sale of United States agricultural commodities under this section are used by financial intermediaries in developing countries to provide loans, and related technical assistance and training, for micro-enterprises, as follows:

"(A) Except as provided in subparagraph (B), the foreign currencies shall be loaned to financial intermediaries for use by them in extending credit to micro-enterprises in order to provide the micro-enterprises with financial resources for working capital, the acquisition of equipment and other supplies, and payment of other expenses of the enterprise.

"(B) In addition, foreign currencies may be provided to a financial intermediary on a grant basis, or on a loan basis at a lower rate of interest than would otherwise be charged—

"(i) for the startup costs incurred by an indigenous nongovernmental organization or other organization in becoming a financial intermediary and for other institutional development expenses of the intermediary which are related to the establishment and initial operation of its micro-enterprise credit activities; and

"(ii) for expenses incurred by the financial intermediary in providing training and technical assistance for micro-enterprises in order to enable them to obtain and utilize credit under this subsection.

"(2) Program to be administered by AID.—The program established pursuant to this subsection shall be administered by the Agency for International Development.

"(3) Guidelines.—The Administrator of the Agency for International Development shall issue guidelines for financial intermediaries providing loans (and related technical assistance and training) for micro-enterprises pursuant to this subsection. These guidelines shall seek to ensure that—

"(A) financial intermediaries consult with potential recipients of credit, and include their views to the greatest extent possible, in the designing of micro-enterprise credit projects under this subsection to ensure that the projects are responsive to the credit needs of the recipients;

"(B) women are major recipients of loans (and related technical assistance and training);

"(C) financial intermediaries minimize or remove obstacles to credit for micro-enterprises, such as collateral and literacy requirements; and

"(D) financial intermediaries, in all appropriate instances, encourage micro-enterprises to participate with other micro-enterprises in solidarity groups as a means of fostering improved loan repayment rates.

"(4) Use of and support for indigenous nongovernmental organizations.—The Agency for International Development—

"(A) in selecting financial intermediaries to participate in the program established pursuant to this subsection, shall place primary emphasis on indigenous nongovernmental organizations; and

"(B) in carrying out this subsection and other authorities, shall seek to develop the long-term capacity of indigenous nongovernmental organizations to provide credit for micro-enterprises.

"(5) Funding levels.—Of the foreign currencies accruing for use under this section pursuant to sales agreements entered into for each of the fiscal years 1988 through 1990, an amount equivalent to not less than 65 percent of the value of all sales of agricultural commodities for foreign currency for use under this section for that fiscal year shall be used in accordance with this subsection for loans (and related technical assistance and training) for micro-enterprises.

"(6) Use of loan repayments.—Notwithstanding subsection (d), currencies repaid by financial intermediaries under this subsection shall be available to and used by the Agency for International Development to make available loans (and related technical assistance and training) for micro-enterprises in accordance with this subsection.

"(7) Applicability of other provisions of section.—Subsections (a) through (c) and subsectons (e) through (i) of this section apply with respect to the micro-enterprise credit program established pursuant to this subsection except to the extent that they are inconsistent with the provisions of this subsection.

"(8) Definitions.—The following definitions apply for purposes of this subsection:

"(A) Micro-enterprises.—The term 'micro-enterprises' means small enterprises—

"(i) which are single proprietorships, small-group enterprises, or cooperatives;

"(ii) which typically have four or fewer workers;

"(iii) which operate within the informal sector economy of a developing country, in either urban or rual areas;

"(iv) which are wholly owned by the poorest people in the developing country; and

"(v) which lack access to credit at reasonable cost.

"(B) Indigenous nongovernmental organizations.—The term 'indigenous nongovernmental organizations'—

"(i) means indigenous, local groups in a developing country—

"(I) which work independently of government and official development assistance agencies; and

"(II) which represent and work with urban and rural poor communities to promote substantive changes in the conditions of poverty, deprivation, and oppression through empowerment and local control; and

"(ii) includes cooperatives, credit unions, trade unions, women's groups, other intermediaries, and other organizations, which are private, nonprofit, and indigenous and local.

"(C) Poorest people.—The poorest people—

"(i) are those people who do not own productive assets sufficient to permit them to provide readily and completely for their basic human needs, and

"(ii) are primarily people whose annual household income per capita is in the lowest 20 percent of households in that country.".

SEC. 4. MICRO-ENTERPRISE CREDIT ACTIVITIES OF MULTILATERAL DEVELOPMENT BANKS.

(a) Micro-Enterprise Credit Funds.—

"(1) Proposals for establishment.—The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank, the United States Executive Director of the African Development Bank, and the United States Executive Director of the International Development Association to advocate the establishment within their respective institutions of a Micro-Enterprise Credit Fund, as described in subsection (b).

"(2) Inter-American Development Bank.—The Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank—

(A) to express the Congress' recognition of and praise for that Bank's efforts to make credit available to small-scale enterprises through its Program for the Financing of Small Projects; and

(B) to propose that the Bank expand its efforts in order to make credit available to micro-enterprises, consistent with the guidelines contained in subsection (b), either through its Program for the Financing of Small Projects or through a Micro-Enterprise Credit Fund.

(b) Nature of Fund To Be Proposed.—

(1) In general.—The purpose of the Fund should be to provide capital resources to indigenous nongovernmental organizations and other financial intermediaries in the countries eligible to borrow from the Bank to enable those financial intermediaries to provide credit assistance to micro-enterprises, particularly in cases where credit assistance is not currently available to micro-enterprises.

(2) IDA funding level.—In the case of the Fund in the International Development Association, $75,000,000 should be allocated to the Fund initially, with subsequent allocations of whatever additional amounts may be necessary to allow the Fund to maintain an annual funding level of $75,000,000 for micro-enterprise assistance. The Secretary of the Treasury shall instruct the United States Executive Director to the Association to work to ensure that all possible steps are taken by the Association to expend $75,000,000 from the Fund each year for micro-enterprise assistance. If less than that amount is expended from the Fund for micro-enterprise assistance in any year, the annual report of the National Advisory Council on International Monetary and Financial Policies shall include an explanation of why that shortfall occurred.

(3) Women as recipients of credit.—The Fund should place particular attention on making credit assistance available to micro-enterprises owned by women.

(4) Primary emphasis on indigenous nongovernmental organizations as financial intermediaries.—The Fund should place primary emphasis on the use of indigenous nongovernmental organizations as financial intermediaires.

(5) Consultation with indigenous nongovernment organizations.—During the prepartion and implementation of its plans for allocation of amounts from the Fund, the Bank should—

(A) carry out a process of formal consultations with representative officials from the indigenous nongovernmental organization community, and

(B) give major consideration to their views on how best to carry out the micro-enterprise lending program described in this subsection.

(6) Monitoring.—The results of the Fund's activities should be monitored to ensure that assistance from the Fund is being used effectively to assist micro-enterprises and, in particular, that micro-enterprises owned by women are receiving appropriate levels of assistance. Appropriate funding should be available from the Fund for the Bank's administrative expenses in connection with the monitoring activities. In the case of the International Development Association, up to $1,000,000 should be available each year to fund such monitoring. The Fund should, to the degree possible, engage the services of indigenous nongovernmental organizations on a contract basis to carry out this monitoring.

(7) Research.—The Fund should engage in research to develop further understanding of the operating environment, the characteristics, and the accomplishments of micro-enterprises and projects that have supported them. Appropriate funding should be available from the Fund for necessary expenses of such research. In the case of the International Development Association, up to $1,000,000 should be available each year to fund such research.

(8) Transfer of financial control to institutions controlled by the poorest people.—The Fund should have mechanisms to facilitate the transfer, to the maximum degree possible, of financial control of micro-enterprise lending from the Fund to institutions in developing countries controlled by the poorest people, including potential or actual recipients of such lending. Such mechanisms could include, for example, support for credit unions or other savings institutions that are under local or community control.

(c) Negotiations on Capitalization of Fund.—The Secretary of the Treasury shall instruct each of the United States Executive Directors specified in subsection (a) to negotiate with the other Executive Directors of their respective institution for the purpose of identifying sources of funding to provide capitalization for the Fund. Such sources might include but should not be limited to United States contributions.

(d) Report to Congress on Efforts.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the steps taken by each of the United States Executive Directors specified in subsection (a) to advocate the establishment of a Fund in the Bank, on the response of other Executive Directors of the Bank to the proposal, and on the status of the establishment of the Fund.

(e) Additional Requirements Relating to the World Bank.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to take the following actions:

(1) Begin discussions immediately with the Bank's Proverty Task Force and other appropriate officials of the Bank and the International Development Association in order—

(A) to facilitate the establishment and operation of the Fund in the Association, and

(B) to enhance the overall commitment of the Bank and the Association to micro-enterprise lending and to collaboration with indigenous nongovernmental organizations in poverty alleviation activities, including lending to micro-enterprises.

(2) Propose that the Bank require that each country which receives a structural adjustment or sectoral loan use a portion of the first such loan, and a portion of subsequent loans if necessary, to establish the necessary reserves for a government program to guarantee loans made by indigenous nongovernmental organizations and other financial intermediaries to micro-enterprises in that country. These programs should not guarantee more than 90 percent of the loan liability in order to ensure that indigenous nongovernmental organizations and other financial intermediaries adopt prudent loan policies in providing credit to micro-enterprises.

(3) Propose that the Bank include a requirement, in all structural adjustment agreements and appropriate sector and project agreements with developing countries, that those countries re-evaluate and take steps to remove barriers to credit for micro-enterprises, such as unreasonably low interest rate ceilings.

(f) Annual Reports to Congress on Micro-Enterprise Credit Activities.—Each annual report to the Congress by the National Advisory Council on International Monetary and Financial Policies shall describe the micro-enterprise credit activities of each Bank, including—

(1) the amount allocated during the previous year, from any micro-enterprise credit fund established by the Bank, to each indigenous nongovernmental organization or

other financial intermediary for lending to micro-enterprises,

(2) the results of monitoring activities carried out by the Bank during that year with respect to such lending, and

(3) the number of personnel of the Bank who were engaged during that year in carrying out its micro-enterprise credit program.

(g) DEFINITIONS.—The following definitions apply for purposes of this section:

(1) BANK.—The term "Bank" means the Asian Development Bank, the African Development Bank, the Inter-American Development Bank, the International Bank for Reconstruction and Development, or the International Development Association (as the case may be).

(2) FUND.—The term "Fund" means the Fund referred to in subsection (a)(1) or, in the case of the Inter-American Development Bank, the expended efforts referred to in subsection (a)(2).

(3) INDIGENOUS NONGOVERNMENTAL ORGANIZATIONS.—The term "Indigenous nongovernmental organizations"—

(A) means indigenous, local groups in a developing country—

(i) which work independently of government and official development assistance agencies; and

(ii) which represent and work with urban and rural poor communities to promote substantive changes in the conditions of poverty, deprivation, and oppression through empowerment and local control; and

(B) includes cooperatives, credit unions, trade unions, women's groups, other intermediaries, and other organizations, which are private, nonprofit, and indigenous and local.

(4) MICRO-ENTERPRISES.—The term "micro-enterprises" means small enterprises—

(A) which are single proprietorships, small-group enterprises, or cooperatives;

(B) which typically have four or fewer workers;

(C) which operate within the informal sector economy of a developing country, in either urban or rural areas;

(D) which are wholly owned by the poorest people in the developing country; and

(E) which lack access to credit at reasonable cost.

(5) POOREST PEOPLE.—The poorest people—

(A) are those people who do not own productive assets sufficient to permit them to provide readily and completely for their basic human needs, and

(B) are primarily people whose annual household income per capita is in the lowest 20 percent of households in that country.

THE COMPREHENSIVE MICRO-ENTERPRISE CREDIT PROMOTION ACT OF 1987

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LELAND. Mr. Speaker, I rise to speak in strong support of the Comprehensive Micro-enterprise Promotion Act of 1987.

In our efforts to end hunger, our primary and consistent goal must be to end poverty. The urban and rural poor in the developing world are trapped in a vicious cycle of poverty, struggling on a daily basis to provide food and shelter for themselves and their families. In order to increase their incomes and join the economic mainstream, they need access to credit. The only credit that is available to them, however, is through moneylenders and loan sharks who charge interest rates ranging from 120 percent to 200 percent per year. The result is permanent poverty and permanent indebtedness.

This bill provides the poor with an alternative. Micro-enterprise credit programs have been effective in nations throughout the developing world in helping the poor break out of poverty. From women producing picture frames in the Dominican Republic to men peddling hardware in Bangladesh, from appliance repairmen in Peru to seamstresses in Zimbabwe, tens of thousands of poor individuals have benefited from lending projects. They have increased their incomes, increased their productivity, and increased their savings and have thus been able to escape absolute poverty, chronic hunger, and hopelessness. In some cases, for every $1 loaned, $4 to $5 have been generated in new economic activity for the borrowers. At the same time, these projects have experienced extremely high repayment rates, often higher than 95 percent.

Micro-enterprise credit projects are creative and cost-effective ways of helping the poor help themselves. This bill is an excellent vehicle for promoting and funding such projects. The bill would redirect local currencies already available for private enterprise development under the Food for Peace Program to small entrepreneurs. It would also instruct the World Bank, the Asian Development Bank, the African Development Bank, and the Inter-American Development Bank to set up funds to provide micro-enterprise credit lending.

This bill presents us with a golden opportunity to help millions of people to escape permanently from poverty and hunger. At the same time, the bill uses existing funding and will, therefore, be at no cost to the U.S. Treasury during this period of extreme budget difficulties.

The evidence in the field has shown that micro-enterprise credit works and is an effective way of helping the poor break out of poverty. It is time to back up these projects with dollars. I urge my colleagues to join me in supporting this bill, and by doing so, demonstrate our commitment to poor, would-be entrepreneurs ready to become participants in their local economies.

NEW LEGISLATION TO STUDY CANAL LINKING LAKE ONTARIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation that would direct the U.S. Army Corps of Engineers to conduct a feasibility study of constructing a canal linking Lake Ontario to the Erie Canal at or around Lockport, NY.

This study would examine cost; environment impact; and economic impact on the surrounding region. Most importantly, this study will examine the combined effects of constructing this canal and my proposed Great Lakes Inland Waterway, which would link Lake Erie to the Ohio River. During the last Congress I introduced legislation calling for a study of the Great Lakes Inland Waterway. Late last year, the Public Works and Transportation Committee authorized $8 million for that study.

Today, Mr. Speaker, I offer another bill to study another canal that would complement the Great Lakes Inland Waterway. A canal linking Lake Ontario to the Erie Canal in the vicinity of Lockport, NY, would allow American Shippers to bypass the aging Welland Canal in Canada. If both this canal and the Great Lakes Inland Waterway were in place, United States shippers would have an "All-American" route by which to ship their products north to Canada and out through the St. Lawrence Seaway to Europe.

The bill I am introducing today will also examine the projected shipping volume on this new canal and the Great Lakes Inland Waterway—if both were in place—changes in shipping volume on the Welland Canal; and changes in shipping patterns among United States and Canadian ports on Lake Erie and Lake Ontario. I believe that the construction of these two waterways would have a dramatic effect on the level of shipping traffic on Lake Erie, Lake Ontario, and the St. Lawrence Seaway.

These two waterways would provide a cheap and efficient way for United States shippers to get their products north—opening up new markets in Canada and Europe. Most Americans don't realize that the city of Cleveland is closer to Europe than Baltimore or Norfolk. The construction of these two canals would allow us to maximize to the fullest our export potential.

These two canals would give our farmers a much needed boost by providing a cheap way to ship their commodities to previously "hard to get to" markets in Europe. Most importantly, these canals would be built directly through America's industrial heartland—a region many people now call the rust belt. These two canals would revive this region and help America to regain its position as an industrial power and an exporting giant—not a debtor nation.

Sure the costs will be high—but the long-term benefits will be enormous. At this point, Mr. Speaker, all I am asking for is a study. Given the grave economic problems facing our Nation today, Congress can ill afford to ignore any long economic development projects. I urge all my colleagues to support this legislation and the concept of creating an "All-American" waterway for U.S. shippers.

PERSONAL EXPLANATION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. PORTER. Mr. Speaker, I regret that inclement weather on Tuesday, January 27 prevented my presence here for the recorded vote on House Joint Resolution 102, emergency additional supplemental appropriation for the homeless (Roll No. 13).

PATH CEILING COLLAPSE BILL

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GUARINI. Mr. Speaker, today I am introducing a bill which would amend the Urban Mass Transportation Act of 1964 to ensure that mass transportation facilities are safe by requiring the review of their construction plans and providing for their inspection before and after construction.

On the morning of August 8, 1983, a ceiling collapsed in the concourse of the Journal Square Transportation Center, a facility owned by the Port Authority Trans Hudson Corp. and located in Jersey City, NJ. Two people died and nine were injured, trapped under 53 tons of concrete and steel. This disaster occurred shortly after the morning rush hour. Just 30 minutes earlier the plaza was full of New York-bound commuters. Officials at the port authority were notified of the sagging ceiling nearly 4 months before the accident.

The massive ceiling was constructed in the early 1970's. It consisted of concrete slabs supported by thousands of thin wire loops attached to rivets and metal flanges. Officials speculated that vibrations from the nearby subway trains could have weakened its support framework. This, combined with the additional stress of repairmen working on the structure, led to the collapse of 10,600 square feet of concrete. A law requiring the inspection of mass transportation facilities could have prevented this disaster.

My bill would require that the Secretary of the Urban Mass Transit Administration [UMTA] not approve the construction or renovation of a mass transportation facility unless the plans, specifications and estimates for this undertaking are thoroughly reviewed by UMTA engineers. These experts would certify that the proposed facility is sturdy, durable, and safe for its intended use. The legislation would also provide for periodic inspections to ensure that the project is being constructed or renovated in accordance with approved specifications, estimates and building codes.

In addition to precautions taken to prevent future tragedies of this nature, proper inspection procedures would be maintained by this legislation. The Administrator of General Services would inspect each site at least once every 5 years in order to make certain that the structure is safe and secure.

The protection of our public transportation centers and the well-being of the traveling public depends upon prompt consideration of this bill. Faulty construction and renovation methods, as well as the lack of proper inspection standards have already resulted in injury, the loss of life and millions of dollars in damage. Let us assure the people of this country that the safety of the traveling public is one of our primary concerns. I respectfully urge my colleagues to support this legislation.

VOCATIONAL EDUCATION WEEK

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. FAUNTROY. Mr. Speaker, February 8 marks the commencement of the week which has been designated as Vocational Education Week by the American Vocational Association, a 47,000-member professional association serving educators and administrators in all fields of vocational/prevocational education programs. The national theme of this week is "Vocational Education: Building America's Future." In the District of Columbia, our theme is "Vocational Education: Building America's Future in Partnership with Business and Industry."

I would like to take this opportunity to congratulate the D.C. Board of Education, its Committee on Career Development and Vocational Education and its chairperson, Phyllis Etheridge Young, our superintendent of schools and chief state school officer, Dr. Floretta Dukes McKenzie, and her assistant superintendent of the D.C. Public Schools Division of Career and Adult Education, Dr. Otho E. Jones, on their excellent job of providing quality vocational education programs in the District of Columbia. In addition, I would like to extend my best wishes to all concerned for a rewarding and productive National Vocational Education Week.

ENROLLMENT

National Center for Education Statistics show clearly that vocational education benefits a great number of Americans. Almost 16 million individuals were enrolled in public vocational education programs as of 1984, 60 percent in secondary programs, and 40 percent in post-secondary programs. Approximately 95 percent of all high school graduates take at least one vocational course in high school. Enrollment in vocational education is almost evenly divided among male (47.4 percent) and female (47.8 percent) students. Minority students account for about 22.6 percent of the enrollment in vocational education, a percentage which is roughly equal to minority representation in the general population.

Statistics further reveal that vocational education serves students of all socioeconomic levels. The difference in vocational Carnegie units earned among high school students of low, middle and high socioeconomic levels is very slight, ranging from an average of 5.2 Carnegie units for students from the low socioeconomic level to an average of 3.0 Carnegie units for high socioeconomic level students.

Vocational education also serves students of all ability levels. While college-bound graduates average 2.7 vocational credits in high school, those in general programs average 4.6 credits and those in vocational preparation programs average 6.5 credits.

EDUCATIONAL ATTAINMENT

In addition, statistics show that participation in vocational education programs is linked with academic success. Sixty percent of all high school vocational graduates enter some form of postsecondary program. Moreover, vocational graduates tend to fare much better in postsecondary education than is generally recognized. According to a recent study, 38 percent of the vocational graduates surveyed had finished or were still enrolled in 4-year college or a technical school, community college or other training program. Moreover, another recent study shows that for many students, vocational education appears to make a difference between dropping out and staying in school.

FUNDING

Vocational education, originally funded under the George Barden Act, is presently funded under the Carl D. Perkins Act (Public Law 98-524) and with State and local dollars. Federal dollars constitute 11.4 percent of all vocational education expenditures at State and local level.

CONCLUSION

In conclusion, I wish to invite all my colleagues to join me in supporting Vocational Education Week. Anyone interested in our local vocational education efforts may contact the D.C. Public Schools Division of Career and Adult Education, located at the Presidential Building, 415 12th Street, NW., Washington, DC 20004, at 724-4178.

AFGHAN ACID TEST

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following editorial from one of the distinguished newspapers in my district, the Oxnard Press-Courier, regarding the situation in Afghanistan to the attention of my colleagues. As you know, a little over 7 years ago the Soviet Union shocked the world with its swift and brutal invasion of Afghanistan in an attempt to save its unpopular, faltering puppet Afghan regime. Since that fateful day in December 1979, the Afghan people have shown great courage and bravery and endured great hardships and sacrifices in their fight to evict these illegal Soviet occupiers. The announcement of a cease-fire by the ruthless puppet ruler Najibullah has once again focused attention of Afghanistan. Before endorsing this recent Soviet move, I believe it would be wise for my colleagues to review the informative commentary of the Press-Courier which appeared in its January 21, 1987 edition. These comments provide clear insight of the real issues affecting this situation.

AFGHAN ACID TEST

The cease-fire in Afghanistan that began last Thursday is the most dramatic evidence thus far that the Soviet Union has grown weary of its seven-year war to subjugate the beleaguered nation. But beyond the peace hoopla, we perceive that Moscow hopes to achieve diplomatically what it has been unable to gain militarily—the gradual withdrawal of Soviet forces from Afghanistan that would leave a communist regime firmly in power.

Accordingly, the Soviet puppets in Kabul have announced a six-month hiatus in the fighting. They also have proposed the establishment of a coalition government with the Afghan resistance and a general amnesty to those resistance members who lay down their arms. The timing of the offer is clearly intended to influence the United Nations-sponsored negotiations that resume in February in Geneva between the Afghan and Pakistani governments.

The talks concern terms for withdrawing the 120,000 Soviet troops from the country, an end to outside interference in Afghanistan and procedures for monitoring the agreement. Moscow had insisted at least four years are needed to complete its troop withdrawal, while demanding an immediate end to outside assistance to the freedom fighters. The Kremlin has since revised its withdrawal timetable to three years and agreed to allow U.N. observers to oversee the operation.

If the Soviets are sincere about leaving Afghanistan, they could complete their troop pullout within several months. Such a move would, however, doom the pro-Soviet government and permit Afghans the self-determination they have been fighting and dying for since the Soviet invasion in 1979.

To date, the carnage has claimed the lives of uncounted thousands of Afghans and driven 5 million civilians, one-third of the population, from their homes to neighboring Pakistan, Iran, and elsewhere. Any peace settlement must ensure their safe return as well as safety for the freedom fighters. To the contrary, a gradual troop withdrawal coupled with an immediate arms cutoff to the resistance would seal that country's fate as a Soviet satellite.

As though to confirm that cynical strategy, Najib, the communist Afghan leader, insisted last Sunday that the Soviet forces will remain until the guerrillas lay down their arms and all outside aid ceases.

The United States must, therefore, continue sending arms to the Afghan freedom fighters so long as Soviet forces menace them. Meanwhile, Mikhail Gorbachev must decide whether he can live with a neutral Afghanistan, similar to the one that existed before the Soviet presence there. To be sure, a wholesale troop withdrawal entails certain risks for him because it would suggest the limits of Soviet empire-building. The grim alternative is to send still more Soviet arms and men against a determined Afghan resistance.

Much has been made during the last few months about Gorbachev's so-called pragmatic approach to Soviet foreign policy. The next few months should tell whether the Soviet leader is serious about cutting his losses and ending the cruel war in Afghanistan.

Meanwhile, the Free World must not place its imprimatur on any Moscow-Kabul peace agreement that freezes out the Afghan freedom fighters, whose blood and sacrifices have caused the Soviet Union even to speak of withdrawing.

THE 39TH ANNIVERSARY OF SRI LANKA

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mrs. KENNELLY. Mr. Speaker, I rise to bring to the attention of my colleagues the fact that Sri Lanka, the island nation at the tip of India, is today celebrating the 39th anniversary of its independence. At a time when we in this country are getting ready to celebrate the 200th birthday of our basic freedoms, we must not forget that there are others on this globe who are trying to achieve what we have accomplished. I would like to remind my colleagues that Sri Lanka is committed to democratic principles of government and can stand as a shining example in the Indian Ocean.

Sri Lanka, which gained its independence from the British in 1948, is comprised of three distinct ethnic groupings. The majority of the people are Sinhalese. There are also Tamils and people of Moorish origin residing in the country. We are all aware of the ethnic troubles that have plagued the country in recent years. What we all do not know, however, is that Sri Lanka is a melting pot, like the United States, and has made enormous strides in political and economic achievements since independence. At present, the country's chief justice, attorney general, several cabinet ministers, the army chief of staff, several ambassadors, and other professional leaders are members of the Tamil community. Needless to say, Sri Lanka will continue to have its ethnic problems for the foreseeable future, but, like us in this country, it is making an earnest effort to overcome inequality and injustice.

The Sri Lankan Government has also made progress in the area of economic development. The current Government has emphasized private investment and free market incentives, which have resulted in impressive growth rates, sharp drops in unemployment, ready availability of consumer goods, and a steadily rising standard of living. In addition, many American and West European corporations have chosen to invest in Sri Lanka. The Government has also planned for continued foreign investment diversification into such areas as light industry and manufacturing.

In foreign policy, Sri Lanka pursues a nonaligned course, adhering strictly to the principles of the 1955 Bandung Conference and of the U.N. Charter. In that context, Sri Lanka and the United States have been making steady progress toward improved relations and have agreed to cooperate in such areas as agriculture and communications. Sri Lanka has permitted the United States to set up a Voice of America transmitter on its soil and allows port visits by United States naval ships. Moreover, the United States is Sri Lanka's largest export market, accounting for 19 percent of total exports. Finally, the current administration in Sri Lanka believes that a growing partnership with the United States would make an important contribution to Sri Lanka's economic development.

Mr. Speaker, I do not think I need to remind my colleagues of the fact that democracy is on the defensive around the globe. I believe we should, indeed we must, encourage its development wherever its seeds are sown. Sri Lanka is one such place, and I congratulate the people of that country for their independence.

HEALTH CARE SAVINGS ACCOUNT ACT OF 1987

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. CRANE. Mr. Speaker, one of the most pressing domestic problems of or time is the problem of catastrophic health care costs. While Medicare covers a significant portion of a beneficiary's inpatient medical costs for acute care, this coverage is limited; after 60 days and a $520 deductible, a Medicare patient begins to make increasingly costly payments. There is also a required 20-percent copayment for all physicians services covered by Medicare. More importantly, Medicare does not cover nursing home care or custodial care. For the family of an individual who has Alzheimer's disease or for a cancer victim living his or her last days at home, these costs can financially devastate an individual and his family. While approximately 70 percent of the elderly have wisely purchased private insurance, or "Medi-gap," policies which cover a large portion of the hospital costs which Medicare does not cover, the savings pool of the elderly is currently not sufficient to create a market for affordable insurance to cover fully both acute care and long-term care expenses.

President Reagan showed great leadership when he recognized the problem of catastrophic medical expenses in his 1986 State of the Union address and sparked a national debate on this subject. In his address, he asked the Secretary of Health and Human Services, Dr. Otis Bowen, to "report to me by year end with recommendations on how the private sector and Government can work together to address the problems of affordable insurance for those whose life savings would otherwise be threatened when catastrophic illness strikes." In his 1987 State of the Union address, he said he would soon propose legislation which met the following guidelines:

The legislation must provide meaningful protection against out-of-pocket expenses that substantially threaten family savings.

The importance of Medicare, Medicaid, Medi-gap should be maintained and we should not encourage excessive use of services.

Any catastrophic illness coverage should be voluntary, not a new Government entitlement.

The proposal must be fully budget neutral, without the explosive potential of program expansions.

There are two basic approaches which can be taken to relieve the problem of the devastating expenses of acute care catastrophic illness.

The first approach, which seems to be the one which Dr. Bowen took when he released his recommendations to the President, would be to create a public insurance program through which an individual can pay a given premium and rely on the Federal Government to pay for these costs. Dr. Bowen has proposed that a voluntary program be created in which an individual could pay an additional $4.92 premium for Medicare part B and the

Government would pay for catastrophic acute care coverage, limiting an individual's out-of-pocket expenses for both Medicare part A and part B to $2,000 annually. Dr. Bowen's proposal has received a hail of praise from the supporters of national health insurance and has been severely criticized by advocates of privatization and opponents of increased Government largesse. While this proposal might appear to be a modest one, it has the potential of creating a program which will astronomically increase the costs to the Federal Government: Congress is likely to hold down future inflation adjustments of the $2,000 cap and the $4.92 premium, special interest groups will pressure our colleagues into expanding this public insurance plan to include long-term care and incidental medical expenses, and the increasing costs of indefinite life-sustaining measures will all dramatically increase the costs of this program well beyond the actuarial assumptions. In addition, such a plan threatens to eliminate a growing private insurance market which covers much of the costs of catastrophic acute care expenses. Given the impending insolvency of the Medicare trust funds, which under one set of assumptions by the Medicare board of trustees, is projected to face bankruptcy as soon as 1993, I do not believe it is wise to expand the Medicare system in the manner proposed by Dr. Bowen while, at the same time, greatly reducing the private insurance market which has been faithfully seeking ways to cover the costs which Medicare fails to cover.

The second approach which one could take to relieve the growing problem of catastrophic health care is to provide savings incentives to individuals so that an expanded private insurance market can be created which provides affordable health insurance to the elderly.

This is the approach which my colleagues, Congressman FRENCH SLAUGHTER and Congressman DAVID DREIER, and myself have taken in the legislation we are introducing today. This piece of legislation, called the Health Care Savings Act of 1987, creates IRA-type savings incentives in the form of a tax credit which will allow individuals to save money so that they will not only be able to afford insurance for acute catastrophic care, but also so have a large enough savings pool to create a new market for long-term care insurance, thus helping to solve a problem which is not addressed by Dr. Bowen's Medicare expansion plan. In addition, this legislation will also relieve the impending financial insolvency of the Medicare Program so that future benefits can be guaranteed those who will be retiring in the many years to come.

Everyone in this body should know that Medicare faces dramatic long-term financing problems. The Social Security Administration's latest projections indicate that the program is likely to be unable to pay full benefits sometime in the next decade. Under the most widely cited intermediate assumptions, by the time those entering the work force today retire, HI revenues will only be sufficient to cover 40 percent of HI expenditures. Over the next 75 years, the deficit projected under these assumptions for HI alone is greater than the financial gap for all the rest of Social Security closed by the agonizing 1983 legislation to save the system from bankruptcy.

Today, I am offering legislation along with Representative FRENCH SLAUGHTER and Representative DAVID DREIER, aimed at both solving this serious financing and answering the President's mandate that a solution to the catastrophic care problem be found without cutting benefits for the elderly, raising payroll taxes for today's workers, or increasing Medicare premiums. The legislation allows workers to establish health IRA's, or health care savings accounts, analogous to today's regular IRA's. Workers could contribute to these accounts each year up to the amount they pay in HI payroll taxes. Instead of the usual IRA income tax deduction for these contributions, workers would receive a 60 percent income tax credit. Employers could contribute to the health IRA for the worker and receive the tax credit accordingly.

To the extent a worker exercised this health IRA option over his career, he would bear an increased Medicare deductible determined under a proportional formula. The worker, however, would have more than enough accumulated in his health IRA to cover these expenses. These health IRA funds could be used for any medical expense in retirement, including long term nursing home care. In addition, workers who exercised the health IRA option to a specified minimum degree over their careers would receive catastrophic coverage under Medicare.

This legislation would reduce and potentially eliminate the long term financing problems of Medicare. This is because the program's revenues are maintained in full, while the program's future expenditures would be reduced substantially as workers relied more on health IRA's and less on Medicare. Retirees would also have new incentives to conserve on the use of medical resources, thereby conserving the assets in their health IRA's. This would likely further reduce costs.

Workers who wished to continue to rely completely on Medicare would be entirely free to do so. But those who exercised the health IRA option would likely come out way ahead, ultimately receiving higher retirement incomes. Benefits available thorugh this new, combined, health IRA/Medicare system would also be far better suited to the needs of the elderly than the current Medicare benefit structure. The health IRA's would offer a new source of resources for long term nursing home care, an increasingly important need not well-served today. And Medicare would be offering new catastrophic benefits most vitally needed and desired by the elderly.

I believe this legislation offers great benefits for both the young and the old. I hope that Members across the ideological spectrum and on both sides of the aisle will join Congressman SLAUGHTER, Congressman DREIER, and myself in working for this exciting new reform.

MEDICAID INFANT MORTALITY AMENDMENTS OF 1987, H.R. 1018

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. WAXMAN. Mr. Speaker, I am today introducing the Medicaid Infant Mortality Amendments of 1987, H.R. 1018, which would give the States an important new option in financing the delivery of health services to high-risk, low-income pregnant women and infants.

I am joined in this effort by Mr. HYDE, who has joined me on previous Medicaid infant mortality initiatives which the Congress has already adopted. In addition, this legislation is being cosponsored by Mr. MILLER, the chairman of the Select Committee on Children, Youth, and Families, and several of his colleagues on that committee. Several members of the Budget Committee, including Mr. SLATTERY, Mr. DERRICK, and Mr. MACKAY are also original sponsors of this bill. Finally, the bill is also cosponsored by 16 of my colleagues on the Committee on Energy and Commerce, to which this bill will be exclusively referred.

Companion legislation, S. 422, was introduced by Senator BRADLEY and six bipartisan cosponsors on January 29. Legislative jurisdiction in the Senate rests with the Finance Committee.

This bill would make three changes in the current Federal-State Medicaid Program for the poor that are expected to result in the coverage of an additional 79,000 low-income pregnant women and infants, and 239,000 low-income children under age 5, next fiscal year.

First, the bill would allow States to extend Medicaid coverage to pregnant women and infants up to age 1 with family incomes of up to 185 percent of the Federal poverty level—currently $13,394 per year, or $1,116 per month, for a family of two.

Second, it would allow States to accelerate Medicaid coverage for children aged 2 through 4 in families with incomes up to 100 percent of the Federal poverty level—currently $7,240 per year, or $603 per month, for a family of two.

Finally, it would require States, effective October 1, 1988, to cover children between the ages of 5 and 6 with family incomes below the income and resource standards in their Aid to Families with Dependent Children [AFDC] Programs, which now average about 49 percent of the Federal poverty level for a family of three.

According to the Congressional Budget Office, the additional cost of this bill to the Federal Government in fiscal year 1988 will be $65 million. Over the next 3 fiscal years, CBO estimates the cost at $285 million. These estimates make no allowance for the long-term savings that will accrue from the increased availability of prenatal care to high-risk, low-income pregnant women. A landmark 1985 study by the Institute of Medicine of the National Academy of Sciences [IOM] concluded that the provision of adequate prenatal care would reduce the number of low birthweight births among high-risk pregnant women, resulting in a reduction in the extremely high costs of hospitalizing low birthweight babies. Using very conservative assumptions, the IOM estimated that as much as $3.38 in the cost of caring for low birthweight infants could be saved for every $1 spent in delivering matching funds. States could pay for pregnancy-related services for pregnant women with incomes up to 185 percent of the Federal poverty level, regardless of whether they were receiving cash welfare or whether they were part of a one- or two-parent household.

Over the past 3 years, the Congress has made a number of important improvements to the Medicaid program designed to address the infant mortality issue.

In the Deficit Reduction Act of 1984 [DEFRA], Public Law 98-369, the Congress required States to provide Medicaid coverage for pregnancy-related services to single, first-time pregnant women, and to pregnant women in two-parent families where the principal earner is unemployed, in cases where the women met State AFDC income and resource standards. In addition, Congress also required the States to provide full Medicaid coverage to children born after September 30, 1983, up to age 5, who are in two-parent families with incomes and resources below State AFDC standards. Prior to this time, States were only required to cover pregnant women and children who were actually receiving AFDC cash assistance—that is, who were not only poor by State AFDC standards, but who also fell into the AFDC category of one-parent households with dependent children.

In the Consolidated Omnibus Budget Reconciliation Act of 1985 [COBRA], Public Law 99-272, the Congress required the States to cover pregnant women in all working poor two-parent families that meet State AFDC income and resource standards, not just those—as per DEFRA—where the principal breadwinner is unemployed. Thus, the last categorical barrier to coverage of pregnant women with incomes and resources below State AFDC standards was eliminated. COBRA also provides adequate prenatal care to high-risk pregnant women.

Even though the costs of this bill are, in my view, overstated, these dollars represent one of the best investments the Federal Government could make. By helping the States to finance prenatal care for low-income pregnant women, this bill helps reduce the number of low birthweight births, thereby lowering the Nation's infant mortality rate.

Last November, the Department of Health and Human Services issued "The 1990 Health Objectives for the Nation: A Midcourse Review." The Department concluded that, based on progress to date, achievement of the national goal of an infant mortality rate of 9 deaths per 1,000 live births was questionable. The Department also concluded that it was unlikely that the Nation would meet its goal of reducing the proportion of women in any racial or ethnic category who go without prenatal care during the first trimester to 10 percent. Finally, the Department concluded that, with respect to blacks, the Nation would not meet its goal of reducing the rate of low birthweight infants to 9 percent of all live births.

In its analysis, the Department cited the lack of adequate financing for health care for pregnant women as a barrier to progress in reducing low birthweight and infant mortality. The Department noted that Medicaid now covers only 43 percent of women in the primary childbearing age range 16 to 24 years—with incomes below $5,000, and only 30 percent with incomes between $5,000 and $10,000. About one-fourth of the women in this age range have no health care coverage at all.

This legislation would allow States to improve substantially the coverage of pregnant women. With the assistance of Federal Medicaid clarified that the pregnancy-related services to which these women were entitled includes 60 days of post partum coverage. Finally, COBRA allowed States to cover immediately all children up to age 5 in two-parent families with incomes below State AFDC standards, rather than phasing them in 1 year at a time as required by DEFRA.

In the Omnibus Budget Reconciliation Act of 1986 (OBRA), Public Law 99-509, the Congress allowed States to cover pregnant women, infants, and young children with incomes and resources above State AFDC standards. According to the State Medicaid Information Center of the National Governors' Association, as of December 1986, State AFDC income eligibility thresholds for a mother and two children ranged from a low of 16 percent of the Federal poverty level in Alabama to a high of 91 percent in Utah; the national average was 48 percent. Obviously, these stringent income thresholds leave tens of thousands of low-income pregnant women without Medicaid coverage and without any means to pay for needed prenatal care. Prior to OBRA 1986, the only options available to the States were: first, to raise AFDC cash assistance eligibility levels; or second, to adopt a Medicaid "medically needy" program for pregnant women and children, under which individuals qualify for Medicaid through a process of "spending down" their income by incurring high medical expenses. For various reasons, neither of these options offered a practical solution to the problem of financing prenatal services to low-income women. The Congress therefore created a new option, allowing the States to offer Medicaid coverage to pregnant women and infants up to age 1 with incomes below a State-established threshold, which could be set no higher than 100 percent of the Federal poverty level. This coverage would apply to any pregnant women and infants with incomes below the State-established income threshold, regardless of their family composition. In addition, States would not have to apply a resource test to either group. This OBRA provision will take effect on April 1 of this year. On October 1, States will be able to cover children in this income group up to age 2, and every year thereafter, cover children 1 year older, up to age 5.

The bill I am introducing today is a logical extension of these previous initiatives. As a result of OBRA 1986, the States can cover pregnant women and infants with incomes of up to 100 percent of the Federal poverty level. However, if a woman has a countable income of 101 percent of poverty, she would be ineligible, regardless how high her medical expenses were—unlike the "medically needy" option, this does not allow "spending down" to eligibility. As a result, many of the low-income women and infants that the States now serve through their Special Supplemental Food Programs for Women, Infants, and Children [WIC] will not be able to qualify for Medicaid under this optional coverage. As of 1985, about 37 States used an income threshold of 185 percent of poverty to determine eligibility for WIC services.

WIC is targeted at high-risk pregnant and lactating women, infants, and children up to age 5. For pregnant women, WIC provides vouchers to purchase nutritious foods, education about nutrition, and referral to prenatal care. A 1984 GAO analysis found that, based on a review of all available studies, participation in the WIC program decreases the proportion of low birthweights for infants born to eligible women by 16 to 20 percent. The GAO also found that WIC participation increases the mean birthweight of infants born to eligible women. The 1985 IOM study concluded that nutrition supplementation programs such as WIC are essential elements of a comprehensive strategy to reduce the incidence of low birthweight among high-risk women. There is every reason to believe that making Medicaid coverage available to pregnant women and infants at the higher WIC income thresholds will improve the effectiveness of both the Medicaid-funded prenatal care and the WIC nutrition services at reducing the number of low-birthweight births.

A section-by-section summary of the bill follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Title. Medicaid Infant Mortality Amendments of 1987.

Section 2. Medicaid Optional Coverage of Pregnant Women and Infants up to 185 Percent of the Federal Poverty Level. States are allowed, at their option, to extend Medicaid coverage to all pregnant women and infants up to age 1, regardless of family composition, with incomes up to 185 percent of the Federal poverty level. (Under current law, States can extend Medicaid coverage to pregnant women and infants up to 100 percent of the Federal poverty level). Pregnant women could be covered for pregnancy-related services only, including 60 days of post-partum care; infants up to age 1 would be covered for all services the State offered other Medicaid beneficiaries. States would have the option as to whether or not to impose a resource test; if they chose to do so, the test could not be more restrictive than a specified minimum.

Section 3. Allowing Accelerated Coverage of Children Up to Age 5 Between State AFDC Levels and 100 Percent of the Federal Poverty Level. States are allowed, at their option, to accelerate the extension of Medicaid coverage for children, regardless of family composition, with family incomes of up to 100 percent of the Federal poverty level. Under current law, States have the option, effective October 1, 1987, of extending Medicaid coverage to children with family incomes up to 100 percent of the Federal poverty level who are under age 2. The bill would allow States, effective October 1, 1987, to extend coverage to children who are as old as age 4 on that date. These children would be entitled to coverage for the same services as other Medicaid beneficiaries.

Section 4. Coverage of Older Children Below (and Above) State AFDC Levels. States are required, effective October 1, 1988, to continue Medicaid coverage for all children, regardless of family composition, with family incomes and resources below the levels established by the States in their Aid to Families with Dependent Children (AFDC) programs. Under current law, States are required to extend Medicaid coverage to all children born after September 30, 1983, with family incomes and resources below the State AFDC levels, but up to age 5. Once those children begin to turn 5—i.e., on and after October 1, 1988—States will no longer be required to cover them. This provision would assure that this group of poor children do not lose their Medicaid coverage upon turning 5. The provision extends mandatory coverage for children born after September 30, 1983, with incomes and resources below State AFDC standards, up to age 8. In addition, this section allows States that elect to phase in coverage of children in families with incomes above State AFDC levels at older ages, up to 8, on the same schedule as those eligible for mandatory coverage.

STATE OF THE UNION ADDRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 4, 1987, in the CONGRESSIONAL RECORD:

THE STATE OF THE UNION ADDRESS

President Reagan's sixth State of the Union address came after the worst few months of his presidency. His speech represented one of his biggest political challenges to date. He was addressing the growing perception that his presidency has been impaired by the Iran-Contra affair, that he has grown too old, too out-of-touch, and too dependent upon his aides, and that he lacked a clear agenda for the final two years of his term. His speech came at a time of internal tension and drift within the White House. In a real sense, the President's speech was not so much on the state of the union but on the state of his own presidency. After six years of remarkable success, his position has faded fast, and the question was whether he would have the resilience, so often underestimated in the past, to bounce back.

His speech took place at a time when the polls were showing that the nation is deeply skeptical that he can achieve his goals and doubtful that he has been telling the truth about Iran and Nicaragua. Public pessimism about the course of the nation and the economy is greater than it has been for several years. The people do continue to maintain a reservoir of goodwill for the President.

The President barely touched on the arms-to-Iran affair. He devoted only two paragraphs to that clandestine arms deal and did not mention the diversion of the profits to aid the Contras in Nicaragua. He did not repeat his assertions that the United States had not been trading arms for American hostages. Although he accepted full responsibility, I believe that he needs to tell us what really happened, how it happened, how his government could have gotten off track, and what can be done about it now. The President's brief reference to the Iran-Contras affair will likely not suffice to dispel public doubts about his policies toward Iran and terrorists or about his own role in the affair.

The speech was largely a reaffirmation of the direction and the priorities he has chosen during the past six years. He repeated favorite themes like lower taxes, smaller government, and a stronger defense to meet the threat posed by Soviet expansion. He ignored the suggestion of his advisors to play down foreign policy. He devoted seven paragraphs in his speech to urging that military and economic aid continue to flow to the Contras and vowed that he would fight any effort to shut off that aid.

He put forward some commendable domestic policy initiatives, including proposals to provide catastrophic illness insurance for older persons and to overhaul the federal welfare system. The details of these plans apparently have not yet been worked out. The welfare reform proposal would emphasize local demonstration projects. He stopped short of endorsing the catastrophic illness insurance plan developed by his Secretary of Health and Human Services, Otis Bowen. He announced a constructive initiative aimed at improving America's competitiveness in the global marketplace by raising educational standards, safeguarding fair trade, setting up new science and technology centers at universities, and providing almost a billion dollars for a new job retraining program. Members noted that although the centerpiece of his push for competitiveness is a greater effort in education, his budget would cut Department of Education funding by some 25%. As in the past, he did not propose new trade legislation, but he did indicate a willingness to work with the Congress in developing new approaches to our trade problems. The President urged that officially sanctioned prayer in school be legalized, but he did not say anything about outlawing abortion.

The polls show that the public is most concerned about arms control and deficit reduction. The President generally offered little more than rhetoric on these issues. He complained that the Congress was to blame for the deficits because it had not cut domestic spending enough, and he continued to express opposition to tax increases or cuts in defense spending. He did not acknowledge that his past six budgets, largely adopted by the Congress, have doubled the size of the national debt. He asked again for a constitutional amendment to require a balanced budget and to give him authority to veto individual items in appropriation bills.

He did recognize that it is a moment of rare opportunity for arms reduction, and he placed the blame for the failure at Reykjavik squarely on the Soviets. He did not repeat his view often stated in last fall's campaign that all ballistic missiles should be eliminated. He was not specific about his Strategic Defense Initiative, except to say that it will go forward and to praise it as the most promising and positive defense program we have undertaken.

The speech and its reception did not boost expectations of strong cooperation between the President and the new Congress. The President did strike an initial note of cooperation, but in outlining his positions on the budget, SDI, and aid to the Contras, he did not show much flexibility or a willingness to compromise on these key issues of special interest to the Congress. The nationally-televised speech was interrupted by applause thirty-eight times, though I was disappointed that at times the audience was rowdy and the applause appeared to be rigged. Some Members seemed to be deriding his proposals. The reception given the President often lacked courtesy and respect.

Overall, I felt that the President missed an opportunity to forge a sense of common purpose and effort between the White House and the Congress. His speech lacked sufficient boldness and imagination, advanced a relatively modest agenda, and probably did not get the Iran affair behind him. The State of the Union address gave the President an opportunity for an important symbolic event to demonstrate his vitality and authority, but my sense is that he skimmed too lightly over important substantive issues, especially the budget deficit and arms control, to gain the initiative.

SRI LANKA NATIONAL DAY

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. MYERS of Indiana. Mr. Speaker, I take this opportunity to congratulate the country of Sri Lanka and its 15 million citizens on its national day celebrating 39 years of independence.

On February 4, 1948, Sri Lanka regained her independence from the British, the last of three nations that had colonized this Nation over the preceding four centuries, the others being the Portuguese and the Dutch.

During nearly four decades of independence, Sri Lanka has held seven national elections, and power has shifted peacefully between the country's two major political parties—the United National Party [UNP] and the Sri Lanka Freedom Party [SLFP]. No government in power has ever used force to retain its control, and the political system has functioned even during periods of considerable domestic turmoil. Though differing substantially in policy, governments of both parties have sought to balance the demands of social welfare with those necessary for economic growth and productivity.

The current government, under the leadership of President J.R. Jayewardene and the United National Party was first elected in 1977 and reelected in 1982. When the government was first elected, it instituted wide ranging reforms to guarantee both social justice and a growing economy which will provide a better life for all Sri Lankans.

Recent episodes of trouble between Sri Lanka's two major communities, the Sinhalese and the Tamils, should not obscure Sri Lanka's solid record of political and economic achievements since independence. An understanding of Sri Lanka's ethnic communities, their past and the steps being taken currently to resolve the difficulties is necessary to gain an accurate perspective on the situation in Sri Lanka today.

On this Sri Lanka's national day, I congratulate the Sri Lanka people for 39 years of independence and for sharing the belief of democratic principles for her people.

THE INTRODUCTION OF THE ARMENIAN GENOCIDE RESOLUTION

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LEHMAN of California. Mr. Speaker, today I am introducing a resolution which commemorates the Armenian Genocide of 1915 to 1923 and honors the survivors of the first genocide of the 20th century.

I am joined by 63 of my colleagues who share my commitment to recognizing that the genocide perpetrated against Armenians who lived under the rule of the Ottoman Empire was a racial policy intended to eliminate an entire race. Winston Churchill once said that the massacre of the Armenians in 1915 was the "clearance of the race from Asia Minor * * * about as complete as such an act, on a scale so great, could well be."

I am honored to author legislation to designate April 24, 1987 as a National Day of Remembrance of the Armenian Genocide. This year marks the 72d anniversary of the genocide. I stand here today on behalf of the thousands of Americans of Armenian descent to remember, never to forget, this dark time in the hope we learn from our past. As with the Nazi Holocaust which followed, recognizing the Armenian Genocide provides scholars and historians with a lesson to teach us all that some events in history should never be repeated.

The legislation I am introducing today commemorates an historical fact. The resolution does not rewrite history, it confirms it. It does not intend to humiliate anyone or any current government or jeopardize any political alliance. Rather, it is intended to recognize and remember what every American can do for the preservation of human rights: Acknowledge the injustice of abolishing an entire race for the furtherance of another.

I thank my colleagues for joining me in commemoration of this event and I hope that many of you will join us in cosponsoring this resolution.

H.J. RES. 132

Joint resolution designating April 24, 1987, as "National Day of Remembrance of the Armenian Genocide of 1915-1923"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. **That April 24, 1987, is designated as "National Day of Remembrance of the Armenian Genocide of 1915-1923", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this date as a day of remembrance for the 1.5 million people of Armenian ancestry who were victims of the genocide perpetrated by the governments of the Ottoman Empire from 1915 to 1923, prior to the establishment of the Republic of Turkey, and in their memory this date is commemorated by all Armenians and their friends throughout the world.**

LEGISLATION FOR CONGRESSIONAL APPROVAL OF COAST GUARD REORGANIZATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. YOUNG of Alaska. Mr. Speaker, today I have introduced legislation which would require any organizational realignment of the Coast Guard to be submitted to Congress for approval prior to implementation. Major changes in the structural organization of the Coast Guard must not be made until the congressional Members of affected districts are allowed adequate opportunity to review any proposed reorganization. The congressional review process can assure appropriate measures are taken to lessen the adverse impacts of a proposed realignment on communities involved in such a plan.

Just this week the Coast Guard announced they have started the initial phase of implementing the largest reorganization of the Coast Guard in the past 25 years. This has occurred without any congressional oversight and no review of the final plan. A plan of this magnitude should not be implemented before the comments and concerns of congressional Members have been solicited and addressed. This legislation is appropriate given these legitimate concerns.

NATIONAL DAY OF REMEMBRANCE OF THE ARMENIAN GENOCIDE RESOLUTION

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. COELHO. Mr. Speaker, I am proud to lend my support as an original cosponsor of the resolution which would designate April 24, 1987, as "National Day of remembrance of the Armenian genocide from 1915-23."

For the last several years, many of my colleagues and I have supported the Armenian Genocide Resolution in an effort to officially commemorate Armenian Martyrs Day and to honor the 1.5 million people of Armenian descent who were killed from 1915-23 by the Ottoman Turkish Empire. The fact that this tragedy occured over 70 years ago does not obligate us to forget this incident and to set it aside. Rather I believe that we need to be reminded of this tragedy—to demonstrate the resilience and strength of the Armenian people and to prevent this type of tragedy from occuring once again.

The Armenians are a proud people who have contributed significantly to this Nation and to their communities. We should not deny them the opportunity to recognize and observe Armenian Martyrs Day. Not only for their sake, but humanity's.

ECONOMIC REALITIES OF THESE TIMES

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. DEFAZIO. Mr. Speaker, I rise to enter into the RECORD a letter I received from a constituent in Sweet Home, OR. The statement she makes is simple, but eloquent in the emotion she expresses as another American faced with the economic realities of these times.

On today, especially, I want to note that in my district, as in districts across the country, times are still tough. Families can't make ends meet.

I know the truth of Mrs. Cheek's words. That's why I oppose the pay raise and why I'll turn it back to the Treasury if it is not successfully challenged.

I enter this letter into the RECORD.

Hello, my name is Pat Cheek. I'm a housewife and I also work outside our home, my husband has a job (thank God) our son works washing loggers vehicles and our daughter works cleaning houses and baby sitting. We're middle class Americans with dreams for our family—but it's getting tougher to dream. Do you remember the depression years? I wasn't around yet but from what my daddy tells me times were pretty rough. I don't think we should forget those years because we all grow from our mistakes, at least we're supposed to. The way the economy is in Oregon maybe my family and I will find out what dad told us first hand. I hope not.

My husband and I voted for the President we have in office now, but in all honesty we could not give him our vote now. We think his so called budget stinks. We're tired of flowery speeches they just don't cut it anymore. We're upset with our politicians they say they need a 75% pay increase. How totally absurd. My husband along with millions of other people took a pay cut this year. But that's okay we're just good old middle class Americans. Farmers are losing their ranches, plants are being shut down and the politicians want a pay increase. Do you wonder why we don't trust the people in government? You want a good laugh to start your day out with, read the article that humorists Christopher Cerf & Henry Beards wrote about how much the Pentagon spent for a toilet seat, ashtray and a $12,000 refrigerator. I read in the newspaper what our share of the national debt is per person, $10,048. Isn't that wonderful. I think my family will buy some hexagonal nuts at a hardware store and send to the Pentagon telling them that our debt is fully paid.

I definitely think the American people should be allowed to vote on the pay increase, of course we all know what the outcome of that vote would be. Could it be we are slowly taking on some of Russia's ways. At least we can still find out from our news what screw ups are being made, I wish they had more good things to tell us. And since I mentioned the news lets talk about the Iran fiasco. We're tired of hearing about it we are not dummies. Somebody goofed and got caught. We think North and the other man that took the 5th are covering up for someone. North is going to laugh all the way to the bank. It's the same thing that's going on

now as when Nixon was President he did something and got caught.

Would you all please become more aware, no thats not the right way to word that—you Are aware of what's going on. Now something needs to be done to correct it. Go talk to the children, not of the upper class people either, the ones that their parents make hardly anything, farmers kids, mill workers kids. Go look at the way some of them live. If something doesn't change, the Americans Dreams are going to be a thing of the past. That's Sad.

Sincerely,

Mrs. Richard Cheek.

P.S.—Our power Company P.P.&L. just received a price increase also.

SOIL CONSERVATION—A SOUND INVESTMENT IN OUR FUTURE

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LIGHTFOOT. Mr. Speaker, today I am introducing a resolution expressing the sense of the Congress in support of a continued Federal role in the battle against soil erosion. As my colleagues are aware, the administration in its fiscal year 1988 budget resolution proposes to terminate funding for almost all programs under the Soil Conservation Service.

The Department of Agriculture estimates that soil erosion is occurring at more than twice the rate which can be tolerated without damage to long-term productivity. Meanwhile, over 1,300 SCS watershed projects have been approved for operations and have not yet been funded, and many more are in the planning stages. It is clear that the services and technical expertise of the SCS will remain vital parts of our efforts to gain control of this serious problem.

The administration claims that the conservation reserve in the Food Security Act of 1985—which it has not yet fully implemented—alone will be sufficient to address the soil erosion problem. However, while the conservation reserve will go a long way toward helping to control erosion, it will fall far short of providing the level of erosion control that is badly needed and which only the SCS programs can provide. The conservation reserve helps us achieve a comprehensive approach to the soil erosion problem, but it alone cannot be viewed as a full and permanent solution.

Mr. Speaker, I urge my colleagues to support this resolution as a way of showing the House of Representatives recognizes that soil conservation is a sound investment in our future. I also urge them to bear in mind the importance of the Soil Conservation Service as we work our way through the budget process this year.

TRIBUTE TO LADIES FOREST BOWLING LEAGUE OF COLUMBUS

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. WYLIE. Mr. Speaker, recently it was my personal privilege to attend the annual Reunion Banquet of the Ladies Bowling League of Columbus, OH. In honor of this festive occasion, I was honored to be able to present the league with greetings from President Reagan and a photograph of the President and the First Lady, Nancy.

Formed in 1923, according to official records of the Columbus Women's Bowling Association, the Ladies Forest League is now in its 64th season; a Women's International Bowling Congress record for consecutive years of operation. For the last 27 years, the league has bowled at Rainbow Lanes. Previously, the league bowled at Gettrost North Alleys, Hi-Goodale, Adams Palace, Hi-Chestnut and Riverview Recreation. It has been my pleasure to have bowled with and to have known personally many of these fantastic ladies.

Among those who attended the Reunion Banquet was Hattie Pherson, who bowled in the league during its first year. Florence Seeds has bowled in the league for 59 years, Gladys Mitchell for 55 years and the late Violet Herd for 52 years. Mrs. Seeds rolled the first sanctioned 300 game by a Columbus woman in 1959 and on May 1, 1986, bowled in her 50th WIBC Championship Tournament.

Other prominent members who have bowled in the league include: Lucille Noe, a current league member who won the WIBC Singles Championship in 1956 with a score of 708. She has bowled in 39 WIBC Championship Tournaments and is a member of the Columbus and Ohio Women's Bowling Association Halls of Fame.

Marge Merrick, a member of the WIBC and CWBA Halls of Fame, rolled the league's high game of 297 during the 1952-53 season. The late Millie Branch, also a CWBA Hall of Fame member, bowled the high three-game series of 720 during the 1961-62 season.

Loretta Linhart was inducted into the CWBA Hall of Fame on August 2, 1986, along with Laura Steele, who served as secretary of the Ladies Forest League for 25 years. Mrs. Linhart is the only league member to average 200 for an entire season, accomplishing this feat in 1966. The Beulah Park Jockey Club team bowled the high single game of 1,099—1952-53—and the high three-game series of 3,013—1954-55. The State House Parking team bowled the season high team average of 908—1969-70.

Eleven of the 16 members of the CWBA Hall of Fame have bowled in the Ladies Forest Bowling League. Columbus is a great bowling center and is one of the favorite cities on the tournament tours. I like to campaign at bowling lanes and renew acquaintances with the wonderful people who enjoy bowling.

The Ladies Forest League of Columbus has a rich tradition of talented bowlers and it has contributed tremendously to the high standing Columbus has in national bowling circles. I am very proud to have been a part of their recent reunion. Their past, is indeed, luminous. And their future, I believe, will be even brighter. To the members of the league past and present, may I extend my heartiest congratulations.

PAUL "RED" SITZLAR'S RETIREMENT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. DUNCAN. Mr. Speaker, the Daily Post-Athenian accurately sums up the career of retiring general manager, Paul Sitzlar. Paul served the Etowah Utilities Board for 37 years.

The article follows:

Red Retires After 37 Years With EUB

(By Richard McCoy)

Paul "Red" Sitzlar's desk at the Etowah Utilities Board looks strange. It's clean.

It's usually cluttered with reports, files and whatever else a utilities general manager needs. But he's getting ready to leave.

"I've given everybody everything they need," he explained. Friday he will retire after 37 years with the city-owned utilities department. Since 1971 he has been general manager.

Sitzlar was born and attended school in Tellico Plains. From the earliest days electricity has always been a love of his.

When he was 34 years old and working for himself as an electrician, Frank Berry, then EUB general manager, asked him to come to work in Etowah.

At first he was a linesman. He stayed on the ground while others climbed the poles.

He was promoted and for the next four years he climbed the poles.

In 1955 there was another promotion. "I was made meter superintendent. I read the meters."

Ten years later he was named superintendent of the electric department.

Then, in January, 1971, he was named overall general manager of the utilities.

Since he started with the EUB it has grown, tremendously.

In 1949 about 1 million kilowatt hours of electricity were sold. Now sales top 120 million kilowatt hours a year.

In 1955 there were 2,000 electric customers. Now there's twice that many.

Sitzlar likes to talk about the electric department. He says that if he had not become EUB manager he would have liked to have been manager of an electric coop—no gas, water or sewer.

If he couldn't do that he would have stilled worked with electricity.

"Electric work, that's what I like. That's all I've ever known."

His biggest headaches have come from the sewer department.

"It's a constant problem and will continue to be," he says citing constantly changing environmental regulations and maintenance problems.

There's been two major additions since Sitzlar started with the EUB.

Around 1956 gas lines were extended to Etowah and EUB got a gas department. And in 1957 the water plant was built. Before that Etowah got its water from wells.

EUB has about 40 employees now. "When I came here we only had 12 to 14," he recalled. He is the last of that group still working. Others have retired or died.

"I'm the last of the old ones."

He's been through four general managers. In addition to Berry, who hired him, there were C.E. McGee, J.G. Synder and Bill Huddleston. Sitzlar served as general manager longer than any of the others.

"I don't know why I've lasted so long. I haven't had any serious political problems."

Following a heart attack in 1976 and bypass surgery in 1977 he thought about retiring.

"But my doctor said to keep working and I thinks its been for the best. It has been good for my health."

He leaving now because he has in enough years.

"I wanted to retire as soon as I could. I want to enjoy life."

But, he's not leaving without regrets.

"If I was younger I would like to stay on. The job is interesting and demanding. It's still enjoyable—most of the time."

What he will not miss is telephone calls in the wee hours of the morning. What he will miss is the "involvement with things going on."

But, he plans to keep busy. He and his wife, Faye, plan to camp, travel and go to UT football games. They have season tickets and make every home game.

They would like to tour the U.S., especially Hawaii and maybe Alaska.

He knows he has been lucky to have worked with one things he really enjoys, electricity, even if he has had to put up with the problems of sewer, water and gas.

LIMIT U.S. CONTRIBUTIONS TO THE UNITED NATIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. CRANE. Mr. Speaker, the formal initiation of the United Nations in 1945 instilled in many Americans hope that this organization would help usher in an era of peace and freedom worldwide. Unfortunately, this has not been the case. In fact the United Nations has been guilty of maintaining a hypocritical double standard at the expense of both the Western democracies and the U.N. Charter. Small nations of the Third World and the Communist bloc have made U.N. membership an excellent economic and political investment by gaining considerable advantage at minimal expense.

Many critics of the U.N. point out that peace and freedom in this world can hardly be maintained by the United Nations when the very nations that most threaten it are members of the Security Council. Even more alarming is the fact that the United States feels the consequences of acts of aggression by these members. The crisis in Iran and the Soviet invasion of Afghanistan exemplify actions that the United Nations "deplores," but on which the body fails to take appropriate, decisive action. That sort of "nonaction" is particularly disgruntling to the United States which alone pays 25 percent of the total U.N. budget. In contrast, the Soviet Union only contributes a mere 10 percent to the annual budget.

If the United States continues to pay its unduly large share of U.N. expenses each year while other nations fail to honor their obligations, we can expect to see a deepening of the hypocrisy that has so blatantly marked U.N. sessions. Why should U.S. taxpayers finance the operations of an organization which is threatening the values and interests of Western nations as well as world peace? They deserve assurance that when their tax dollars are spent to aid a foreign nation, that aid goes to a country which acts as our friend.

In view of the current situation, a number of suggestions have been made to reevaluate our Nation's relationship with the United Nations. The level of United States financial support is one such suggestion. In the interest of limiting U.S. financial support of repeated acts of aggression by pro-Communist, pro-Soviet countries, I have introduced legislation, H.R. 117, that redefines our Nation's financial commitment to the United Nations. Given past performance, it is logical that the United States adopt a new contribution formula that would be fair to the United States and other member nations, and fiscally responsible insofar as the future of the United Nations is concerned. Further, it should be reflective of the U.N. representative nature.

Instead of a formula based on GNP, H.R. 117 would base our annual U.N. contribution on a percentage equal to that of our population when compared to the total population of all U.N. member nations. The Peoples' Republic of China and the U.S.S.R., along with other densely populated countries, should bear a greater portion of the financial burden of the United Nations, and should contribute amounts proportional to their greater respective populations. The United States contributes more than twice the amount committed by the U.S.S.R., while the American population is less than that of the Soviet state. Proportional population assessment would reduce U.S. monetary support of the United Nations from 25 percent of the total budget to 5 percent, forcing Communist and Third World countries to shoulder a fairer share of the U.N. budget. The result of this proposal would be financial obligations consistent with the amount of power within the United Nations that each country commands. Thus, the United States would no longer contribute disproportionate amounts to the United Nations, only to have the funds used to promote communist aggression throughout the world.

I hope my colleagues will join me in the attempt to alleviate the monetary burden placed on the United States to finance the United Nations by cosponsoring H.R. 117.

HE'S TOO AMERICAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. BURTON of Indiana. Mr. Speaker, I have been contacted by Americans across the Nation concerning the liberals bias of the media.

In the following letter, Mr. Earl Joseph has expressed a point of view he feels he shares with Americans from all walks of life:

I summarize my feelings and opinions as to what is happening in my country the following way. I hope you will take the time to read what represents the views of most Americans.

HE'S TOO AMERICAN

"Crucify him crucify him" screamed the multitude made up of Reagan haters, Soviet Union representatives, Democrat politicians, reporters for the nation's News Media (80% registered Democrats), the American Civil Liberties Union (A.C.L.U.) (95% Democrat), and the editorial staff of the San Jose Mercury News. The presence of the latter at this mob scene really comes as no surprise to anyone. While the Mercury News speaks about being politically "neutral", it purposely goes out of its way to run down the President of the United States, Ronald Reagan, and all his efforts to make America a better country. Why,—is a mystery. For whatever reason, almost every day, the Mercury News runs an Editorial or cartoon character attacking the character, integrity and honesty of the President. Maybe they're trying to compete with the "Red Star" edition of the Washington Post News.

You know what's sad? Seeing an excellent newspaper like the San Jose Mercury News make a fool out of itself over and over again in its editorial page. Even when the Mercury News staff is challenged to evaluate issues and take positions on simple matters like accepting "english" as the official language of this country and state, their collective thinking processes somehow find a way to make no sense. You be the judge on that point and their so called "neutral" position when it comes to politics. Let's use the last election for an example. You will recall, the Mercury News endorsed every Democrat running for office . . . (with the one exception of the black Democratic Mayor of Los Angeles). And YES they did claim prior to the election that they would be totally "objective" and "neutral" when evaluating all the candidates running for office. What do you think? The same Mercury News Editorial Staff begged it's readers to vote for the reconfirmation of Chief Justice Rose Bird. And the reason is simple. She, like they, mirrored each other's totally warped concept and perception of "justice", what's right or wrong, good judgement, fairness and common sense. Like Democrat Bird, 80% of the people on the Mercury News editorial staff are devoute Democrats.

One of the best kept secrets in America is that the overwhelming majority of people that make decisions as to what we Americans read (newspapers), hear (radio) and see (TV and Hollywood movies) are registered Democrats. Maybe now you can understand why everything we read, hear and see comes out so politically one sided. The next time you read, hear or see a description of what's happening in Washington, notice the amount of "time" given each side of the political issue being discussed. The formula seems to be this: Nine (9) douses of an obviously prejudiced point of view for every one (1) douse of the other side. Too often the other side gets no mention at all. Perhaps it is asking too much to expect an apple to bear orange fruit. It also works that way with humans.

Suddenly someone cried out in the crowd, "But what has he done, this man who is your President?" They shouted back, "who knows, and (don't you know) we don't really care!" One could hear their minds momentarily agreeing as "one" that this Iran/Contra controversy, which they all gleefully worked hard to blow up to suit their political careers and personal vendetta against

President Reagan, may be their last chance to put a halt to the progress of Reagan's philosophy in government; a philosophy, when examined closely, is clearly very much anti-socialism, anti-communism, anti-atheism, anti-humanism (believes man is God) and PRO-American. It is those attitudes and beliefs of Reagan that causes this mob to hate him with a passion.

More shouting rang out, "impeach him" . . . "jail him" . . . "he's too American"! He believes in God. He wants to put a moment of prayer back into our school classrooms at a time when we're trying to convince our kids that no God exists. He wants our teachers to start preaching to our children the values and benefits of "morality", that they should respect their parents and government authorities . . . and that they should say "no" to drugs and sex. Yes, our consensus of opinion is that the government should instead concentrate on taking care of them after they do it (drugs and sex). That makes more sense to us. Don't you agree. He (Reagan) also says it would be better for our children's character development if they were taught the value and benefits of using the "Ten Commandments" as a guideline for their personal human behavior instead of what our kids are being taught now in public schools, which is that no standard for human behavior exists—"just do what ever feels good and society (the working part) will pick up the tab for your mistakes". He (Reagan) also wants to interfere with the rights of Hollywood movie producers and Television program producers. He wants them to stop sending a daily message to our kids that sex and immorality is "cool" and normal from them.

WHAT ELSE DID REAGAN DO?

He opposes the Socialistic and atheistic goals of the A.C.L.U. and the liberal Judges (Rose Bird type thinkers) who approve most of their lawsuits to get God "out" of America—off our money, out of school books, out of government and out of memory. President Reagan is disturbed by this and the damage that continues to be done to our society by these "confused" judges who can't figure out what's common sense. Time and time again these particular Judges (80% Democrat appointed) compensate for their inability to distinguish between "right" and "wrong" by looking for cracks in the law to help them justify letting groups like the A.C.L.U. have their way . . . which is to replace the fundamental Christian values and standards which made this country the greatest in the history of the human race with something the Russians have convinced them will work better: a system based on atheism, socialism and communism (which is "born again" slavery—Russian style). The only drawback we've been able to find with the Russian "plan" for us and the world is their little habit of sending people that disagree with them to the "nuthouse". We're not worried about that thought because you'll notice that we agree with the Russians way of thinking 99% of the time (us Democrats).

"He must go" . . . "out with Reagan" . . . "down with the Republican" . . . "out with his Administration" . . . they continued to yell!

"What else did your President do?" He launched a war against drugs in this country. He used his leadership to stop runaway inflation and sky high interest rates, causing both to now be their lowest in twenty years. He hasn't raised our taxes since he has been in office. By the way, you know we still hold a grudge against him for not telling us he was going to bomb Libya. Had we known about it, we could have leaked it to the Washington Post in time for Qadhafi to go on a short vacation to Hawaii before our bombers arrived. He didn't tell us about Iran either and that really has us upset. It's like he thinks we can't keep a secret. Doesn't he know we're American just like him. Our point is simple, we believe every man, woman and child in America has the "right" to know the details of the C.I.A.'s daily activities and every secret military and political "plan" this country has in mind. That way we can debate it in front of the press and decide together what is right for this country. Just because every time the President shares a "secret" with Congress and Democrats (or their aides) leak it to the rest of the world, is no reason to be scared to tell us anything.

"What else did your President do?" Reagan vetoes and impedes the joint efforts of almost all the Democrats in Washington and the Soviet Union to make it easier for the communists to take over all of South America and Mexico as rapidly as possible. Time and time again Reagan has used his presidential powers to stymie Russia's "master plan" to encircle us than strangle us into submission economically by cutting us off from the world's supply of oil, minerals and food. We feel this way about it. If the Russians want to take over a country by out right force (Afghanistan) or by subversion (too many countries to list), it is totally improper for the U.S.A. to try to stop them because that would clearly violate Russia's right to continue their "plan" to enslave every person in the world. As a matter of fact, our attorney found a sentence in the Book of Laws which expressly prohibits any President from during anything that would slow down the efforts of an outside enemy to "bury us". Reagan, in our opinion, is doing just that, obstructing the efforts of the communists and that's breaking the law. We also caught Reagan sending supplies to the terrorist country of Iran, a country that stated it would like to see us destroyed. "Speaking of helping terrorists, can I ask you a question? Isn't the Soviet Union world famous for being the greatest and most fierce terrorist nation on the planet earth. And don't we openly feed them and give them all the technology and help they need to destroy us? That just goes to show you, their must be a reason for everything and why we do what we do always has many good reasons behind it.

"Is there anything else Reagan has done?" Yes! He wants to install a STAR WARS (S.D.I.) missile defense system that one day will be needed to save the world from extinction. As it is now, if the U.S.A. or Russia accidently launched an I.C.B.M. missile with multiple warheads, neither country would be able to destroy it before it reached its targets. President Reagan wants to give all the people on earth its only chance to survive in that kind of situation which will surely one day come. Of course we (Demo's) think that's stupid! For two reasons: (1) A "Star Wars" defense system will not work. If it can't stop 100,000 missiles at one time but can stop 50 or so 100% of the time, who needs it! Now don't you bring up again the fact that we presented indisputable evidence in the past that "man" would never be able to fly to the moon and back, and, and a few other things we said were technologically impossible. S.D.I. will never work, period! (2) Why spend billions of dollars putting people to work on the STAR WARS program when we could be using that same money (received from working tax payers) to provide free food, free clothing, free housing, free transportation and free medical care to all the people in America that don't want to work. As I said before, we think every American should have "enough" to make them happy, even if they don't or won't do anything to earn it. Why should the kid that studied hard in school and did his homework and made something of his life, and got rewarded by society accordingly have more money than the kid that made "F's" in school because he choose to goof-off, than later can't hold a job because he's lazy and has a poor attitude (claiming . . . "I'm a victim and the world owes me a good living").

"Listen, I'd like to talk more with you, but the News Media is ready now and I've got some juicy gossip and "hear say" to leak. Bye."

Earl Joseph,
San Jose, CA.

TRIBUTE TO PROF. JAMES M. BUCHANAN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GORDON. Mr. Speaker, it is a rare privilege for me to welcome to the U.S. Congress a distinguished economist and the 1986 Nobel laureate for economics, Prof. James M. Buchanan. This evening Professor Buchanan will be the guest of honor at a reception here in the Capitol hosted by the Tennessee congressional delegation.

A native Tennessean, Professor Buchanan presently serves as general director and university distinguished professor at the Center for Study of Public Choice at George Mason University. As Americans, we all share a sense of pride in another Nobel laureate from our great Nation. Tennesseans are especially proud of the remarkable accomplishments of Dr. Buchanan whose family's roots run deep in the history of our great State. Professor Buchanan is the grandson of Tennessee's only populist Gov. John P. Buchanan, attended Rutherford Country public schools, received his bachelors degree from Middle Tennessee State University and his masters degree from the University of Tennessee. He is truly a product of the Volunteer State.

Through his work, Dr. Buchanan has made us think. He has been a pioneer in expanding the scope of economic theory through the application of traditional economics to political decisionmaking and public administration. No matter where one stands on the political spectrum, Dr. Buchanan's development of the public choice theory must be acknowledged as a promising step forward toward a better understanding of how we, as individuals and as a society, make choices. In particular, the application of public choice theory provides us with a clearer understanding of the causes of our mounting Federal debt. All of us in the Congress can learn from Professor Buchanan's profound insights.

Professor Buchanan has undoubtedly shed light on our own political economy by making the principles of traditional economic theory a part of everyday public policy decisions. I am confident that James M. Buchanan's contributions will continue to help us make wise decisions in the future.

Mr. Speaker, it is a privilege to have Professor Buchanan, a Nobel laureate and MTSU's most distinguished alumnus, join us this evening.

WOMEN FOR TOO LONG HAVE BEEN STEREOTYPED

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GREEN. Mr. Speaker, stereotypes injure and restrict all groups, and women are no exception. The social, educational, and professional advancement of women has been attacked, and somewhat limited, by the stereotypical image of the American female as solely a wife/mother.

Yet that image of the traditional woman does not hold up to examination. Recently the respected research organization, Batelle Memorial Institute, commissioned by Hearst Corp., Cosmopolitan magazine, released reports on "The Changing Course of American Women."

One of the interesting facts highlighted in the reports is that the stereotype of a woman only leaving her parents' home to get married and have children is based not upon a long history, but upon one atypical generation: the post-World War I experience.

The report shows that, in many ways, today's women, electing for a life of education equal to that of men, substantial work experience, delayed marriage, and both delayed and limited childbearing, reflects her grandmother's and greatgrandmother's experience and desires.

Polling of teenage women shows that the vast majority expect to have careers throughout their adulthood—while also choosing to be married and have children. There clearly is no reason to expect a reversal in the future and so society and government need to accept this new/old role of women—and to plan accordingly.

In part as recognition of the return of women to the job market and the corresponding reduction in the number of permanent, pure housewives, I have joined in cosponsoring legislation to require businesses to provide leave time for women and men for care of family members.

In the future, as now, women will have to be dealt with as individuals and as partners of their chosen men, not as subordinates or attachments. Government's decisions on issues such as the marriage tax, day care, education, volunteerism, employment, and retirement will have to be based on the fact that what is called the primary woman—one with her own plans and activities—is back to stay.

I should like to congratulate Hearst/Cosmopolitan/Batelle for these reports, as such knowledge will help all of us understand the past and plan for the future.

THE CHINESE GOLDEN DRAGONS ARTISTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. FAUNTROY. Mr. Speaker, I want to salute the talent and generosity of a group of Chinese artists brought to us through the goodwill of Dr. and Mrs. Frederick F. Chien.

On December 16, 1986, at 2 p.m., these wonderful acrobatic performers gave a christmas holiday spectacular for handicapped and underprivileged children of the Washington area at the Ford's Theater.

The holiday spectacular given at Ford's Theater featured 20 world-class performers in stunning displays of acrobatics, seemingly impossible feats of daring and balance, martial arts, juggling, magic, trick cycling, and brilliantly costumed traditional dancing.

In attendance were children of the Center for Handicapped Individuals in the District of Columbia, the Junior Village, Children's Hospital, the Mamie D. Lee School for the Handicapped, Houston Elementary School, and the Associated Catholic Charities among others. The art of these wonderful Chinese Golden Dragon Acrobatic performers brought happiness and laughter to children and adults alike, with Christmas gifts for all the children presented by that most American of all individuals, Santa Claus.

It was a thrilling moment of cultural exchange, appreciation, and affection. Friendships were formed that will last for many years. Remembrances of the charm, and grace, and whimsy will continue in the minds of these fortunate children for many Christmases to come.

As a representative of the Coordination Council for North American Affairs, and as a gesture of friendship from their home in Taipei, Taiwan, the Chinese Golden Dragon artists will have formed a tie with the children of Washington, DC, that distance and time will only enhance.

I want to thank, personally, on behalf of all our citizens Dr. and Mrs. Chien and the Chinese Golden Dragon performers and wish them the best and the most Happy New Year in this the Year of the Rabbit.

TRIBUTE TO RICHARD HUMPHREYS

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GRAY of Pennsylvania. Mr. Speaker, it is my honor to bring to the attention of this body a tribute to Richard Humphreys, the founder of Cheyney University of Pennsylvania, the oldest black public college in the United States, which is celebrating the 150th anniversary of its founding this year.

When Richard Humphreys wrote his will in 1829, he bequeathed one-tenth of his estate, $10,000, to 13 fellow Quakers, charging them to design, "* * * an institution * * * to instruct the descendants of the African Race in school learning, in the various branches of the Mechanic Arts and trades and in Agriculture in order to prepare and fit and qualify them to act as teacher."

In accordance with Richard Humphrey's will, the school was founded in 1837, and began to provide a free classical education for qualified young people. In 1920, control passed from its Quaker board of managers to the State of Pennsylvania. In 1983, Cheney joined the State system of higher education as Cheyney University of Pennsylvania.

The sesquicentennial not only examines the university's historical value as a place for higher learning for black Americans, but celebrates all historically black colleges and universities and the significant role they all play in providing national leaders and major contributors to our society.

On February 13, 1987, there will be a rededication of Humphrey's Hall, and recognition and tribute of his singular momentous educational legacy. I urge my colleagues to join with me in recognizing this fine Pennsylvania institution of higher learning and its farsighted, caring founder.

INDIAN GAMING REGULATORY ACT

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. COELHO. Mr. Speaker, today I am introducing legislation, with the support of the chairman of the House Rules Committee, Mr. PEPPER, to provide a comprehensive scheme for regulating gaming on Indian lands.

Indian gaming, primarily bingo, has become a subject of some national focus and debate. Indian tribes generally reside in reservations that are resource poor and whose citizens are unemployed at higher than average rates. Consequently, they have turned to gaming, as have many non-Indian governments, to raise essential revenues and to provide needed services to their citizens.

Some State law enforcement officials have expressed concern that Indian gaming might become a target for criminal elements. To insure that this does not happen, State law enforcement officials have sought jurisdiction over Indian gaming to insulate it from such influences. Indian tribes have resisted these assertions of State jurisdiciton and this conflict over jurisdiction has become a subject of considerable litigation.

The bill I am introducing is a fair approach to resolving these competing interests. Traditional forms of tribal gaming as part of a tribal ceremony or celebration as well as social games will be under the exclusive jurisdiction of the Indian tribes. Indian bingo will be regulated by a partnership of Indian tribes and a newly created National Indian Gaming Commission. Other forms of gaming would be prohibited unless a tribe consents to State jurisdiction with respect to the particular gaming enterprise.

The bill would create a National Indian Gaming Commission that would be independent. It would be composed of five members, with the chairman appointed by the President with the advice and consent of the Senate. The other four members would be appointed by the Secretary of the Interior. One member of the Commission is to be recommended by the State attorneys general, and three members are to be members of federally recognized Indian tribes.

Fifty percent of the costs of the Commission are to be borne by the tribes. The bill adopts tribal ordinances for Federal enforcement standards, and provides a system of inspections, fines, and closure authority to assure compliance with the Federal/tribal partnership. Additionally, the Commission has the power to approve all gaming ordinances and contracts, the right to modify and/or terminate such contracts, to conduct audits, to issue subpoenas, to conduct background investigations, and to enter and inspect any Indian gaming premise.

This bill builds upon the extensive record and efforts of the last Congress. In the process of developing this bill, I have consulted extensively with Indian tribes, the National Indian Gaming Association, State officials, and private gaming interests. It has been my intention to produce a fair bill that recognizes the rights and responsibilities of tribal government while also considering the concerns expressed by State officials. It is my intention to seek swift committee action on this bill and to push for speedy passage during the current session of Congress.

GOVERNMENT COULD MAKE BETTER USE OF VESSELS ALREADY OWNED

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LOWRY of Washington. Mr. Speaker, today I am introducing legislation to require that before any department or agency of the U.S. Government acquires, constructs, or arranges for the construction of a noncombatant vessel that the department or agency certifies to the General Accounting Office that no vessel capable of meeting the performance requirements is obtainable from the Maritime Administration or any other department or agency.

Many agencies or departments of the U.S. Government have title to vessels that are no longer in use and the Maritime Administration has title to many vessels because the previous owners have defaulted on Government-guaranteed loans. At the same time, agencies and departments are procuring new vessels without determining if another agency or department has a vessel available. This makes no sense to me in the era of huge deficits and at a time that we are proposing cuts in many domestic programs.

Enactment of this legislation will ensure that the taxpayers of the United States do not pay for construction of new vessels when the Government already owns vessels that could meet the intended mission at a much lower cost.

SAY NO TO CONGRESSIONAL PAY RAISE

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. BUECHNER. Mr. Speaker, I regret that the House did not take a formal rollcall vote concerning the congressional pay raise. Had it done so, I would have registered my vote against such a raise.

With mounting Federal budget deficits, I do not believe that Congress should be considering a salary increase. While families throughout the Nation are forced to make difficult sacrificies, it is indeed inappropriate for members of the executive, legislative, and judicial branches to receive an increase in pay.

We must get our Federal financial house in order. We must say no to any raises for Members of Congress.

TRIBUTE TO JEAN C. SLACK

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. WAXMAN. Mr. Speaker, as Congress begins its historic 100th session, I would like to pay special tribute to my constituent, Jean C. Slack.

Miss Slack is the epitome of the ever-thoughtful, hard working, and dedicated individual behind any successful professional or charitable endeavor. She is a leader whose enthusiasm attracts the attention and commitment of everyone around her.

Jean Slack, born in Philadelphia and a graduate of Swarthmore College, began a career with the Atlantic Richfield Co. in 1940. Throughout the years, she rose through the ranks and became secretary and executive assistant to then president T. F. Bradshaw in 1956. Later, Miss Slack became national director of ARCO's senior programs. She is currently ARCO's retiree volunteer representative and was named the 1986 Atlantic Richfield Retired Volunteer of the Year by chairman of the board Ludwig Cook.

Miss Slack also finds time to serve on the Board of Directors of the International Senior Citizens Association, the advisory council for Older Adult Service and Information Systems [OASIS], the executive committee of the Affiliated Committees on Aging of Los Angeles County, the Board of Directors of the Grand People's Company, and the advisory council of the Retired Senior Volunteer Program [RSVP]. She is also cofounder and ARCO's liaison to the Elderhostel Program.

In addition to receiving the 1986 ARCO Retired Volunteer of the Year Award, Miss Slack has also been the recipient of the Marjorie Thorn Brochardt Award of the Affiliated Committee on Aging of Los Angeles County.

Those who know and have worked with Jean Slack are unanimous in their deep admiration for her. I ask all Members to join me in recognizing Ms. Slack for her contributions to the senior community and wish her continued enjoyment and success in all of her endeavors.

SRI LANKA NATIONAL DAY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. TORRICELLI. Mr. Speaker, I rise today to mark the National Day of Sri Lanka. For 39 years, Sri Lanka has celebrated February 4 as a day of independence. Over these years, the United States has actively worked to support Sri Lanka's independence and to promote her political and economic development.

In the last few years, however, Sri Lanka has experienced episodes of violence between the two major ethnic communities, the Sinhalese and the Tamils. Today, as we join the Sri Lanka people in celebrating their National Day, I would like to reaffirm the commitment of the American people in assisting Sri Lanka to once again enjoy the benefits of economic prosperity and social tranquility.

To assist in Sri Lanka's development, the United States and Sri Lanka have successfully created mutually beneficial economic links. For example, in 1985 the United States opened a Sri Lanka Business Development Center to assist in the promotion of private enterprise projects in Sri Lanka. This center has been working together with the Sri Lanka Government to shift the economy toward a more decentralized and market-orient system in which private entrepreneurship, both domestic and international, flourishes. This year, the Government of Sri Lanka will complete the $2 billion Mahaweli Project, a massive hydroelectric, irrigation, and resettlement program. Accomplished with significant assistance from the United States and other countries, the Mahaweli Project will generate 1.7 billion kilowatthours of electricity through the damming of the Nation's longest river.

Through our shared interest in democratic principles, the United States also continues to give firm support to Sri Lanka in her effort to resolve recent episodes of social and political violence. We in the United States have and will continue to support a process of dialog, compromise, and political choice to resolve the genuine grievances that exist. Minority rights should continue to be protected and access to local political institutions should be guaranteed without discrimination. However, terrorism regardless of its source should be firmly opposed. Calls for the partition of Sri Lanka should not be heeded; she should remain unified.

As Sri Lanka celebrates her day of independence, we join with the Sri Lanka people in looking forward to further progress on their already impressive record of national development. By remaining committed to the upholding of democratic principles and institutions and the guarantee of security for all her citizens, Sri Lanka will once again prosper in an atmosphere of domestic peace and harmony.

HELPFUL DENVER MAN WILLS $160,000 TO SOCIAL SECURITY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. JACOBS. Mr. Speaker, in the department of "Ask not what your country can do for you * * *," this:

[From the Indianapolis Star, Feb. 1, 1987]

HELPFUL DENVER MAN WILLS $160,000 TO SOCIAL SECURITY

An 81-year-old Denver man willed the Social Security system nearly $160,000, saying he hoped he was doing his part to continue helping old and disabled people.

Elmer Lambert participated in Social Security from 1951 to 1959, earning $23,635 during that period and contributing $505, an amount matched by his employers, according to Social Security records.

In return, from January 1960 to October 1986, he received $71,048, said Social Security spokeswoman Mary Lou Amoroso.

"I am so proud to be an American," Lambert wrote to his attorney before he died of pneumonia Nov. 18.

"The whole world expects America to always be Santa Claus, and they never do anything in return. But not me; I do this with the hope that I am doing my part to continue helping old and disabled people as they have helped us."

WRONG WAY BUDGET

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. STUDDS. Mr. Speaker, the Reagan administration's 1988 budget proposal reflects, in my view, a misguided and shortsighted view of our Nation's—and our region's—needs. I would like to take this opportunity to share with my colleagues an example of the public reaction to the President's budget priorities. The following editorial is from the January 6, 1987, edition of the Patriot Ledger, in Quincy, MA.

WRONG WAY BUDGET

If you're going to spend a trillion dollars, there are better ways to do it than proposed in the federal budget submitted by President Reagan this week.

The new blueprint for federal spending is familiar enough in its philosophy and priorities. It's basic Reagan administration. The figures have changed—but not the overall approach. Once again, there is more for guns, less for butter.

There is more money for defense, for Star Wars and for the space agency, which would get a 20 percent raise, including $767 million for a future space station. There is another $100 million-plus installment for helping the Contras fight the Nicaraguan government.

Though less than the current year's, there is another big deficit, but no new or higher taxes to pay for it (there are a number of proposed fee increases). Under the White House plan, the fight to keep the deficit under control would be borne nearly entirely by domestic programs.

Once again, programs benefitting the poor, the young and the elderly are among the chosen targets of the administration's budget-cutting ax. The administration proposes making new beneficiaries pay more for Medicare premiums, and capping the federal government's share of Medicaid expenses. It would cut federal housing programs, including a sharp reduction in housing for the elderly and handicapped.

The administration's budget would hold the line on child nutrition programs and food stamps; it would cut funds to help poor families pay their heating bills. It would wipe out federal subsidies for student loans and campus jobs. And it would make the operation of school and municipal buses more expensive by taking away their exemption from federal fuel taxes.

In any budget, choices have to be made, and there are winners and losers. But the Reagan administration has a warped sense of priorities in its decisions on how to spend a trillion dollars next year, and the Congress needs to straighten them out.

A great nation is a nation that cares for the welfare, the health and the development of its citizens, not just one that is armed to the teeth. The federal deficit needs to be cut; the nation needs to protect its solvency. But the Reagan administration's budget unfairly and unwisely apportions the austerity.

ST. LOUIS' PIONEER TELEVISION STATION KSDK, CHANNEL 5

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. BUECHNER. Mr. Speaker, I rise today in anticipation of the upcoming 40th anniversary of St. Louis' pioneer television station, KSDK, channel 5.

Channel 5 first went on the air February 8, 1947, making it one of the first television stations west of the Mississippi River to become operational. Channel 5 was the first fully equipped television station on the air after World War II. At that time, the broadcast day was short: 4 hours a day, 5 days a week.

Today, television plays a much larger role in our lives. It is more than an 8-hour day and a job well done in broadcasting—it is a communications tool that is essential to the maintenance of a representative democracy. For a well informed public is central to our idea of self-government. Of the people, by the people, and for the people.

A commentator in the late 1940's once said: "Freedom ought to be a means to enable the press to serve the proper functions of communication in a free society."

Television can make you laugh, make you cry, make you happy, make you sad. But more importantly, it can inform. Television has the power to stir your best emotions. And your worst emotions. It is indeed a powerful instrument of society. Operating in the public interest, television can help advance society to a greater standard of living, to a greater prosperity.

St. Louis television has operated in the public interest—it has served as a driving force in improving our community by bringing to our attention problems that must be dealt with.

Channel 5's 40th anniversary is at once cause for celebration and congratulations—it also marks the tremendous progress all of the stations that make up the St. Louis market have made. Progress that has made our community a great place to live.

My congratulations go out to William Bolster and his staff at channel 5, the pioneers of the early channel 5 and St. Louis broadcast television as a whole. As a lifelong St. Louisan, I'd like to thank channel 5's television pioneers for all of the great television memories I grew up with. To the St. Louis community broadcasters: you've done a great job. We look forward to another 40 years together.

SIKHS WILL NOT SUBMIT TO OPPRESSION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. BURTON of Indiana. Mr. Speaker, on January 18, 1987, paramilitary police forces in the Punjab entered the Sikh religion's holiest shrine and arrested several people suspected of terrorist activities. It was the second time in 9 months that the police had entered the complex around the shrine, the Golden Temple in Amritsar, whose sanctity has become a main contention in the struggle between Sikhs and the Indian Government. According to the New York Times, "Sikh religious leaders held an emergency meeting and denounced the move, vowing to prevent any further intrusion into the complex. They charged that 200 innocent pilgrims and temple employees had been seized and that furniture and records had been ransacked. The last time police entered the temple was May, when security forces routed 200 militants who had been sitting in for months." The worst of these plunders occurred in 1984 when Prime Minister Indira Gandhi sent the army into the Golden Temple, resulting in the death of allegedly 20,000 people.

The Washington Post on December 29, 1986, reported "Much of the Punjab already is governed under measures that resemble martial law: troops and police can search and shoot at will, the Army can be called in at any time. 'This is a democracy but how long can it stay a democracy if it constantly resorts to nondemocratic practices?' one observer remarked after a recent trip to the Punjab."

On January 16, 1987, it was reported in the Washington Post that the "Indian security forces conducted a highly realistic mock hijacking of an airliner today that fooled many people into thinking it was a genuine terrorist action by Sikh militants. The exercise ended peacefully at an airport in west central India, but not before spreading alarm throughout the country." The article continued "There, according to various reports, the purported hijackers issued a number of demands in the name of a Sikh extremist group." The Toronto Glove and Mail on November 21, 1985, suspected the hand of Indian intelligence, or people directly under their control, was responsible for the bombing of an Air India 747 in which 329 innocent lives were lost. The

Sikhs were again blamed, although no one has been arrested. Both incidents were followed by series of reprisals from the Indian Government against the Sikhs. These accusations serve only to heighten tensions and increase distrust between the Hindu and Sikh populations.

The vast majority of Sikhs are hard working and peace loving people. They do not advocate violence in resolving disputes with the Government. A close study of Sikh history indicates that the Sikhs have not submitted to oppression in the past, they are not submitting to it now, and they will not submit in the future. I believe the Indian Government should press for peaceful solutions to the problems in the Punjab. To repress the entire Sikh population in retaliation for the violent acts of a few will only increase the number of militant Sikhs.

NUCLEAR TEST

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GREEN. Mr. Speaker, yesterday the United States conducted its first nuclear test of 1987. In many ways, this test, code named "Hazebrook," is an explosion which will be heard "round the world."

The Soviets had warned that the first United States nuclear test of 1987 would result in an end to the Soviet unilateral testing moratorium, which had lasted 18 months. Thus this latest test will undoubtedly unleash a new round of testing in the Soviet Union, allowing the nuclear monster to breed new and more dangerous weapons.

Many of us had written letters to the administration, imploring it to postpone this test and prove to this Congress and to governments around the world that this administration is, indeed, interested in arms control.

By conducting this nuclear test the administration has slammed the door on meaningful negotiations for a verifiable, mutual nuclear test ban, which I might point out every other administration since Eisenhower has sought to negotiate. By slamming this door, the administration has sent a clear message to Congress: It is up to us to negotiate for the country. I stand prepared to take up where we left off last year—to eliminate funds for nuclear testing if the U.S.S.R. will also halt nuclear weapon tests. I feel certain that a majority of my colleagues will join me.

PROF. JAMES M. BUCHANAN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GORDON. Mr. Speaker, it is a rare privilege for me to welcome to the U.S. Congress a distinguished economist and the 1986 Nobel Laureate for Economics, Prof. James M. Buchanan. Tomorrow evening Professor Buchanan will be the guest of honor at a reception here in the Capitol hosted by the Tennessee congressional delegation.

A native Tennessean, Professor Buchanan presently serves as general director and university distinguished professor at the Center for Study of Public Choice at George Mason University. As Americans, we all share a sense of pride in another Nobel laureate from our great Nation. Tennesseans are especially proud of the remarkable accomplishments of Dr. Buchanan whose family's roots run deep in the history of our great State. Professor Buchanan is the grandson of Tennessee's only Populist Governor, John P. Buchanan, attended Rutherford County public schools, received his bachelors degree from Middle Tennessee State University and his masters degree from the University of Tennessee. He is truly a product of the Volunteer State.

Through his work, Dr. Buchanan has made us think. He has been a pioneer in expanding the scope of economic theory through the application of traditional economics to political decisionmaking and public administration. No matter where one stands on the political spectrum, Dr. Buchanan's development of the public choice theory must be acknowledged as a promising step forward toward a better understanding of how we, as individuals and as a society, make choices. In particular, the application of public choice theory provides us with a clearer understanding of the causes of our mounting Federal debt. All of us in the Congress can learn from Professor Buchanan's profound insights.

Professor Buchanan has undoubtedly shed light on our own political economy by making the principles of traditional economic theory a part of everyday public policy decisions. I am confident that James M. Buchanan's contributions will continue to help us make wise decisions in the future.

Mr. Speaker, it is a privilege to have Professor Buchanan, a Nobel laureate and MTSU's most distinguished alumnus, join us this evening.

TRIBUTE TO NATIONAL FORUM FOR BLACK PUBLIC ADMINISTRATORS

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise in tribute to the National Forum For Black Public Administrators, who will be holding their annual conference in Philadelphia on April 12–15, 1987.

The National Forum For Black Public Administrators is a group worthy of our notice. It is a national association of black public administrative leadership that includes city and county managers, chief administrative officers, agency directors, corporation executives, other professionals, deans and students of public administration and applied disciplines and members of other supporting professions.

The National Forum For Black Public Administrators serves as a strong network which coordinates a flow of information; as a magnet to address the special problems of its constituency, provides regional and national forums to focus on timely issues and concerns, to promote, strengthen and expand the roles of minorities in public administration and to work closely with other public interest groups to develop effective connections between providers and recipients of government services and programs.

The NFBPA also provides a national clearinghouse of materials and information, workshops, forums and seminars for members, a leadership training program and a fellowship/internship program for graduate students of public administration or allied fields.

I am very pleased that the National Forum For Black Public Administrators has chosen to meet in Philadelphia for its annual conference and I ask this body to join me in commending this organization for the services they provide their members and the community at large.

HATE CRIME STATISTICS ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mrs. KENNELLY. Mr. Speaker, today I am joined by Congressmen CONYERS, GLICKMAN, and MINETA in introducing the Hate Crime Statistics Act, a bill to require the collection and publication of statistics on crimes of hate. This bill is identical to legislation that passed the House by voice vote on July 22, 1985.

Each year, hundreds of acts of violence and intimidation are committed against groups and individuals in every region of the country because of their race, religion, or ethnic background. Unfortunately, today it is impossible to measure the extent of this problem. We do not know the number, location, or types of crimes that are motivated by racial, religious, or ethnic hatred. We suspect that such crime is on the rise, but without more specific information, we cannot take the positive steps we must take to end such violence.

The Hate Crime Statistics Act will be a significant step in this direction. The bill directs the Attorney General to collect and publish data about crimes motivated by racial, religious, or ethnic hatred. Making statistics on crime of hate available to State and local authorities, as well as to the public, will go a long way to make possible concerted community actions against hate crimes.

Crimes motivated by sheer hatred are personal tragedies for the victims, for the community in which they happen, and for our society at large. Incidents like these should never occur. But before we can act to prevent them, there is so much more we need to know. We need to know whether these events are isolated incidents or evidence of a more pervasive problem. We need to measure actual extent of these crimes. We need to know if there are patterns in such crimes.

Without such data, law enforcement officials are handicapped in their efforts to adequately measure trends, develop enforcement strategies, and assign manpower to the areas of greatest need.

Mr. Speaker, this legislation is one way to demonstrate our commitment to eradicating these crimes of hate. I urge my colleagues to join us in supporting early passage of this legislation.

NATIONAL DAY OF REMEMBRANCE OF THE ARMENIAN GENOCIDE FROM 1915-1923

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. COELHO. Mr. Speaker, I am proud to lend my support as an original cosponsor of the resolution which would designate April 24, 1987, as "National Day of Remembrance of the Armenian Genocide From 1915-1923."

For the last several years, many of my colleagues and I have supported the Armenian genocide resolution in an effort to officially commemorate Armenian Martyrs Day and to honor the 1.5 million people of Armenian descent who were killed from 1915-23 by the Ottoman Turkish Empire. The fact that this tragedy occurred over 70 years ago does not obligate us to forget this incident and to set it aside. Rather, I believe that we need to be reminded of this tragedy—to demonstrate the resilience and strength of the Armenian people and to prevent this type of tragedy from occurring once again.

The Armenians are a proud people who have contributed significantly to this Nation and to their communities. We should not deny them the opportunity to recognize and observe Armenian Martyrs Day, not only for their sake, but for humanity's.

LEGISLATION AMENDING THE STATE-FEDERAL CONSULTATION PROVISIONS OF OCSLAA

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LOWRY of Washington. Mr. Speaker, today I am introducing legislation to amend the State-Federal consultation provisions of the Outer Continental Shelf Lands Act amendments [OCSLAA]. This legislation is indentical to an amendment which was originally contained in the fiscal year 1986 budget reconciliation bill (H.R. 3500) which was later deleted because of objections by the Senate.

This legislation would clarify and strengthen the States consultative role in offshore leasing and development decisions and is of long-term importance to the orderly development of energy resources from our Nation's Outer Continental Shelf [OCS]. Section 19 of the OCSLAA was designed to give States "a leading role in OCS decisions." However, the section currently gives the Secretary of the Interior too much discretion to discount the recommendations of the States. This disregard of the States interests and unwillingness to conclude effective negotiations has increased pressure for congressionally imposed moratoria and has inspired extensive litigation.

This bill would rectify this situation by compelling the Secretary of Interior to give greater weigh to State recommendations. The Secretary would also be required, when determining the national interest, to equally weight the need for oil and gas exploration, development and production and the need to protect other living and nonliving resources and uses of the coastal zone. Even with these changes, substantial discretion would rest with the Secretary.

Finally, this legislation would substantially reduce the controversy surrounding the Offshore Oil and Gas Leasing Program by providing an impetus for the early settlement of disputes at the lease sale stage between the States and the Federal Government. The result would be a more predictable process which would benefit all parties.

This legislation would add no new step to the OCS leasing process and would achieve the original intent of Congress by providing effective State-Federal consultation on the use of the OCS. The legislation would also lead to more effective negotiations between the States and the Department of Interior which would reduce the need for congressional intervention in the form of continuing moratoria.

THE CALIFORNIA OCEAN SANCTUARY ACT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LEVINE of California. Mr. Speaker, I am pleased to join with Congresswoman BARBARA BOXER in announcing the introduction of sweeping new legislation to protect California's coastline and Outer Continental Shelf from further degradation. We were dismayed yesterday to receive yet another unacceptable draft of the 5-year plan for offshore oil leasing from Secretary of the Interior Donald Hodel. In response to this and in an effort to forever protect one of California's greatest natural resources, our bill creates a 200-mile-wide ocean sanctuary which would be protected from any further oil, gas or mineral exploration or extraction. In addition, the sanctuary would be protected from ocean incineration and dumping.

Continued exploration and drilling for offshore oil and gas presents one of the most significant environmental risks facing Californians today. These activities permanently disrupt the ecosystems on the ocean floor, contribute to air pollution which is already above Federal standards in areas such as Los Angeles, and create the added risk of new oil spills.

California's coastline is vital to tourism and recreation, industries which are so important to California's economy. The beaches located in my district are the most heavily used recreational beaches in the country. Our measure would protect the intrinsic quality of California's coast as well as the viewshed.

Commercial fishing is threatened by the administration's attempt to unbridle oil and gas lease sales and by the pollution of offshore dumping. Both commercial and recreational fishing would prosper under this new legislation.

The oil and gas industry has yet to provide any conclusive rationale for widespread exploration and drilling. Exploration off the coast of California in many cases is cost prohibitive, especially in today's world market where oil prices have fallen significantly. And there is evidence which suggests the potential recoverable reserves within the Outer Continental Shelf would do little to protect the United States in the event of an oil shortage. Despite this, California continues to make its contribution to U.S. nonrenewable energy reserves, serving as the second largest domestic producer of offshore oil today.

The administration has demonstrated time and again its commitment to the oil and gas industry, rather than to our national security and our energy needs of the future. In 1988, the administration has proposed a 53-percent reduction in the filling of the strategic petroleum reserve, a 60-percent reduction in the energy conservation research program and a 40-percent reduction in funding for alternative energy sources. And yesterday Donald Hodel released a draft of the 5-year plan which ignores all bipartisan concerns about leasing. There has been a longstanding bipartisan effort to reach a reasonable compromise with the administration and the oil industry. I have been involved in goodfaith negotiations for several years and have seen little sincere interest on the administration's part to reach a fair resolution.

As a result, Mrs. BOXER and I today offer this measure as a new approach to send a clear message to the White House that we are serious about protecting California's coastline. While this is a comprehensive measure, we are very serious about continuing the dialog with the administration to reach an agreement. We believe this bill clearly establishes the parameter of our efforts and can be a vehicle for facilitating new dialog.

ADMINISTRATION'S BUDGET CUTS

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mrs. LLOYD. Mr. Speaker, the administration's budget for fiscal year 1988 proposes undue hardship on local governments by slashing grants to cities by more than $21.4 billion. This is unconscionable. Federal urban programs have already been cut dramatically and we must act now to insure the continued revitalization of our cities by rejecting their proposal.

In 1978 the U.S. Government spent $28.4 billion on key urban programs, ranging from community development block grants to training programs. Several of these programs, including general revenue sharing, have since been eliminated. The administration's fiscal 1988 budget calls for spending $9.4 billion on those that remain—a 67-percent drop in a decade.

Among the critical Federal grant programs slated for deep cuts are: A 61-percent cut in public transportation aid, from $3.65 billion in fiscal 1987 to $1.37 billion in fiscal 1988. A one-third cut in wastewater treatment grants, and termination of the program in 1993. A $1 billion cut in Medicaid and health-care payments for the poor. Almost $800 million in cuts in nutrition programs. Eliminating $332 million in appropriated funds for the Job Training Partnership Act, $375 million in community block grants and $124 million in Economic Development Administration grants. A one-fourth cutback in education programs, including elimination of vocational education assistance and cuts in student loan programs. A $3.9 billion cutback in housing assistance for low income and poor people.

Mr. Speaker, these programs are essential to the people of the Third Congressional District of Tennessee and have a strong impact on the constituencies of my colleagues nationwide. We cannot let the administration abandon it very legitimate, very appropriate responsibilities. I urge my colleagues to reject this budget so that we can enact adequate funding for these vital services.

SPECIAL EDUCATIONAL NEEDS ACT OF 1987

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. HAWKINS. Mr. Speaker, today Congressman GOODLING and I are introducing legislation to continue and expand this Nation's successful effort, begun 20 years ago, to meet the special educational needs of disadvantaged children through the title I program and more recently the chapter 1 program.

The recent reports calling for increased competitiveness through educational reform have a common message: We cannot improve the quality of education in this country and strengthen our productivity by neglecting disadvantaged students.

The Special Educational Needs Act of 1987 will renew the Federal commitment to educationally deprived children by extending through fiscal year 1993 the largest program of Federal aid to elementary and secondary schools, the chapter 1 program. This program has endured because it has effectively contributed to students' achievement and because it has enjoyed strong bipartisan support.

Because chapter 1 has been so successful, we are maintaining its current structure and many of its existing provisions. However, we propose several amendments to expand and refine this effective program.

First, we seek to expand our commitment to disadvantaged students and to build upon the success we have already experienced by creating two new programs. The first program is a new authorization for a preschool program under which disadvantaged children receive school-readiness preparation at the same time their parents receive literacy training. The second program has a new authorization for secondary school programs for basic skills improvement and dropout prevention and reentry services in the neediest school districts. These two new authorizations will be on top of the existing basic grants to local educational agencies and will not affect the continued opportunity for increased appropriations in the basic grant program.

Second, the bill has a number of provisions designed to strengthen State and local accountability for the use of chapter 1 funds. Specifically, we require local school districts, and then, if necessary, State educational agencies, to provide technical assistance to schools which show continued decline in the achievement of their chapter 1 children. In addition, the bill loosens the restrictions on operating a schoolwide project aimed at improving the climate in a very poor school, but only if such schoolwide project produces achievement gains among the disadvantaged children in the school that are comparable to gains made by other chapter 1 children.

We have also incorporated provisions to allow schools with high achievement gains among chapter 1 students to retain the same level of chapter 1 allocations. The final provision intended to make chapter 1 more accountable will allow each local educational agency to use up to 5 percent of its chapter 1 grant, on a matching basis, for innovative approaches and program improvement within chapter 1.

A third theme of the new legislation is to further concentrate funds on the neediest school districts and students. This is accomplished by clarifying the procedures for selecting schools and students and by reserving the first $400 million of any new appropriations for chapter 1 for concentration grants to the poorest school districts.

Fourth, the legislation strengthens the parental participation requirements of chapter 1 by requiring written policies for the active involvement of parents and including new provisions emphasizing training of parents to work at home with their children.

Finally, we attempt to address some of the problems with declining private school participation in the wake of the Supreme Court's Aquilar versus Felton decision by authorizing $30 million to be used for expenditures necessary to comply with this decision, such as the purchase or leasing of mobile units or equipment.

I would like to commend my colleague, Congressman GOODLING, the ranking Republican member of the Subcommittee on Elementary, Secondary, and Vocational Education for the cooperation and expertise he provided as we developed this bill. I am optimistic that our bipartisan sponsorship of this bill will ensure broad support and swift consideration. I would also like to commend my colleague, Congressman HAYES, whose dropout prevention and reentry legislation offered an excellent model as we fashioned the secondary schools section of this bill.

The subcommittee will begin hearings on this legislation and related bills on February 26. These hearings on chapter 1 and other expiring elementary and secondary programs will continue through March. The subcommittee hopes to begin marking up on April 7 an omnibus bill that will eventually include the provisions of the Special Educational Needs Act for its chapter 1 component. A brief summary of the legislation is attached:

SPECIAL EDUCATION NEEDS ACT OF 1987

PURPOSE

To extend Chapter 1 of the Education Consolidation and Improvement Act through FY 1993 and to amend the law to expand and improve services to disadvantaged children.

FORMAT

Combine applicable provisions of Chapter 1 and Title I into a single, freestanding bill, so that all pertinent provisions will be in one document.

AUTHORIZATION

Such sums as necessary up to maximum formula amount for basic Chapter 1 and State agency programs; an additional $100 million for FY 1988 for new secondary school program; an additional $25 million for FY 1988 for new pre-school program; an additional $30 million for capital expenditures related to providing services to private school children; and such sums as necessary in the succeeding fiscal years for all the aforementioned authorizations.

EXPANDING SERVICES TO DISADVANTAGED STUDENTS

New secondary schools program aimed at improving basic skills of disadvantaged students and at dropout prevention and reentry. Competitive grants from State level to local school districts in areas with high concentrations of poverty.

New preschool program to improve educational opportunities for illiterate parents and their young children through a coordinated approach. Competitive grants from State level.

SCHOOLWIDE PROJECTS

Revised authority for schools with 75% poor children to use Chapter 1 to improve the entire school, along an effective schools model. To be permitted to continue schoolwide projects, school must show achievement gains for Chapter 1 students above the average gains for such children.

INCENTIVES FOR IMPROVEMENT

Schools in which students improve their achievement to the point that they are no longer the most in need will not be penalized in the distribution of Chapter 1 funds.

New authority for local school districts to use 5% of grant for innovative approaches to program improvement and incentives for success. Funds for this purpose must be matched.

Schools with declining achievement in Chapter 1 program must develop a plan for improvement and receive technical assistance from the LEA, then, if the declines continues, they must receive technical assistance from the State.

CONCENTRATING FUNDS ON THOSE MOST IN NEED

Authorization of $400 million for concentration grant formula, to be taken off the top of new basic LEA grant appropriations.

Bill clarifies rules for targeting schools and serving students with the greatest need.

PARENTAL INVOLVEMENT

Strengthening existing provisions by requiring local educational agencies to develop written policies and to provide reasonable support for parental involvement.

New emphasis on parent training to help in their children's education at home.

Bill sets forth goals for parental involvement and examples of activities to achieve them.

PRIVATE SCHOOLS

New funding to reimburse school districts for the capital expenditures needed to provide equitable services to eligible private school children after the *Felton* decision, which prohibited sending Chapter 1 public school teachers onto private school premises to deliver services. This new authorization

will also pay for any continuing capital expenditures related to implementing this decision.

NATIONAL DAY OF SRI LANKA, FEBRUARY 4

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. WILSON. Mr. Speaker, today I'd like to recognize Sri Lanka as that country celebrates the 39th anniversary of its independence. Sri Lanka, like the United States of America, is committed to the democratic principles of government.

During its nearly four decades of post-colonial existence, independent Sri Lanka has held seven national elections, and power has shifted peacefully between the country's two major political parties—the United National Party [UNP] and the Sri Lanka Freedom Party [SLFP]. No government in power has ever used force to retain its control, and the political system has functioned even during periods of considerable domestic turmoil. Though differing substantially in policy, governments of both parties have sought to balance the demands of social welfare with those necessary for economic growth and productivity.

Sri Lanka also invests in its human resources, providing universal free education from kindergarten through the university level and health care to all its citizens, with food and fuel supplements to the most needy. The result is a remarkably high quality of life in a country whose per capita income is only US $340. Life expectancy at birth is 69 years and the adult literacy rate is just under 90 percent.

Sri Lanka's present government is the first to admit that grievances do exist among the communities in their multiethnic society, and the government seeks through continuing negotiations a peaceful resolution of the conflict in the north between the Sinhalese and the Tamils. These negotiations are complicated by the multiplicity of small separatist groups and their continuing reliance on terrorist activity in the northern region.

Sri Lanka would like nothing better than to improve on its already impressive record of national development in an atmosphere of domestic peace and harmony and remains firmly committed to the principles of democratic government. While continuing to seek a peaceful final resolution to the problems of recent years through political compromises acceptable to all its communities, Sri Lanka remains equally committed to providing security for all who live and work in the country and to guaranteeing national integrity.

INTRODUCTION OF LEGISLATION TO REPEAL CONGRESSIONAL PAY RAISES

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. McCANDLESS. Mr. Speaker, contrary to the assurances that we were given by the House leadership, we were not given the opportunity to vote for or against the proposed pay raise for Members of Congress. The deadline for action was 12:01 a.m. this morning. When Republican Members tried to bring the matter to a vote yesterday, the Democratic leadership adjourned the House.

Mr. Speaker, let us vote and then let the American people, our constituents, decide whether or not they agree with our vote. But, in this instance, we were not given the opportunity to vote. This process is a disgrace.

At a time when we in Congress must make difficult decisions in an effort to reduce the Federal deficit and move toward a balanced budget, I cannot and will not vote for a pay raise for Members of Congress. In the shadow of a national debt in excess of $2 trillion, such an act, in my view, would be irresponsible.

Therefore, I am introducing legislation to repeal the congressional pay raises that went into effect last night. My legislation is retroactive and will give the House of Representatives a legitimate and meaningful opportunity to vote on this issue. If Congress is going to give itself a raise, then we should have the courage and the chance to vote up or down on that issue. The issue should not be disguised or intertwined with other legislation as was the case here.

I urge the House to act responsibly and adopt the legislation that I am introducing.

LEAD IN CERAMIC DINNERWARE

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. KOLTER. Mr. Speaker, today I rise to draw your attention to a situation which may imperil the lives of Americans daily. I am speaking about the presence of lead in ceramic dinnerware. No regulations exist to control the level of lead or other heavy metals found in the lip or rim area of ceramic mugs. While the interior of these mugs is supposedly closely monitored for the presence of harmful metals, the area our mouths come in contact with every time we take a drink remains unattended. Our constituents count on us to guarantee that the products sold and distributed on the open market are safe. Can we assure them that the tiny particles of lead-laden glaze which may chip from the lip or rim area of a ceramic mug are harmless?

I am not proposing that the minute particles of lead which may chip from a mug will, in and of themselves, cause lead poisoning. I am merely trying to alert you to the potential combined impact of ingesting lead from many sources. Lead is not organically found in the human body. It is introduced through ingestion of lead contaminated food and water and through inhalation.

Small quantities of lead in the bloodstream are credited with causing high blood pressure, gout, stomach disorders, and abnormal bowel functioning. When present in high concentrations, lead can cause brain dysfunction and eventually death. Children are particularly susceptible to lead intoxication. Their rapidly developing bodies absorb lead into the bloodstream more efficiently than adults. Common symptoms of child lead poisoning include personality changes, hyperkenesis, and mental retardation.

We have taken action to control the quantity of lead in the atmosphere, we have worked to control the level of lead contamination in the water supply, we have even regulated the concentrations of lead in the interior of ceramic dinnerware. Don't you agree that it is time to take steps to control lead contamination from every source? On Wednesday, December 31, the Washington Post ran a front page article discussing the need for increased enforcement of the existing regulations designed to safeguard the interior of ceramic dinnerware. I believe that we need not merely increase the enforcement of existing regulations. We need to promulgate new controls. The severity of the impact of lead poisoning cannot be overestimated. The fall of the Roman Empire has been attributed in part to pervasive lead poisoning which resulted in poor mental functioning. Mr. Speaker, we have an obligation to our constituents to work to rid their lives of lead contamination.

THE INDUSTRIAL FORECAST: AMERICA'S FUTURE IS BLEAK

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. PEPPER. Mr. Speaker, I would like to commend to my colleagues an article written by the Hon. Arthur Burck and published in the Staten Island Advance on January 18, 1987, entitled "The Industrial Forecast: America's Future is Bleak."

Mr. Burck is an outstanding businessman, a prominent citizen of Palm Beach whom I have known since he piloted the Air Force plane carrying me through Eastern Europe in 1945. He is one of the most knowledgeable persons in America on the economy specializing in acquisitions, divestitures, mergers, and reorganizations of large corporations.

This excellent article concisely explains the reasons for our declining industrial base and how this will affect our Nation in the future. Mr. Burck also discusses the implications of how the recently enacted tax reform will cause our base to further decline.

This article deserves a careful reading by my colleagues and in fact all Americans.

The article follows:

The Industrial Forecast: America's Future Is Bleak

(By Arthur Burck)

Our businesses are our most precious national assets. When they prosper, we prosper. When they needlessly languish or die, "the bells toll for thee," to paraphrase John Donne.

It is unthinkable that we let these national treasures be needlessly destroyed or weakened. Yet that is what we have been doing for the past quarter of a century. Countless thousands of once-thriving businesses have been damaged or ruined by foreign competition or by the ravages of mergermania. Our economy has been undermined by these casualties, and this portends a bleak future for America.

These developments have been especially disturbing to me since the formative years of my career as a lawyer were dedicated to the saving of our troubled businesses. You see, after learning the ropes with a Wall Street law firm, I joined the Securities & Exchange Commission, where for a decade I served as impartial adviser to federal judges in charge of reorganizing big companies. My job was to protect the public interest in the rehabilitation of the industrial derelicts left by the Great Depression.

Today few realize that the attrition of our businesses has been a steady process for almost three decades. When we look back it becomes apparent that we were grossly derelict in not heeding the warning signals that were everywhere around us.

For example, take the damage caused by mergermania. Way back in 1968 I warned president-elect Richard Nixon—I thought he might pay heed since he had considered joining my merger firm after his defeat by John Kennedy in 1960—in a letter that is still an apt description of today's mergermania.

"A grave national problem which could become a malevolent cancer in our economy . . . A sort of 'number game' is developing: every company is fair game for an aggressive company that either enjoys a higher multiple on the stock market or is willing to game audaciously with debt leverage. The success of the grand acquisitors has created a fad atmosphere that encourages normally sound businessmen to join the 'in' crowd bent on fast-moving growth . . . In recent years, the trend has been away from useful mergers that serve sound business purposes. If these trends continue, our economy will suffer in many ways too subtle to recognize until it is too late."

If you wonder whether the devastation inflicted by foreign competition is a relatively recent development, then read below a condensed version of an article I wrote for Fortune in 1960.

"The omnipresent product of foreign origin is fast becoming a favorite topic of conversation . . . Like the weather, everyone is talking about it, but hardly anyone is doing anything about it. Yet, when the history of our times is written, it is possible that no single factor . . . not even Russia—may affect adversely so many lives. The blunt reality is that American industry is fast losing ground to foreign competition, and unless current trends are checked, a major depression could be among the consequences.

"The underlying fact is that increasingly United States industry is no longer competitive—our production costs are too high—here may lie the Achilles heel of our economy . . .

"Very few U.S. industries can relax completely in the assurance that it can't happen here." In other words, it is now not easy to delineate areas where this juggernaut can be stopped . . .

"For one brief span of history . . . the post-war period—we have been at the top of the world economic heap. Now the future is bleak. What happened?

"The basic underlying fact is that during the early post-war period international business was a one-way street . . . Destitute from the war, the outside world was in no position to compete against us. Thus, our post-war prosperity was built upon a foundation of international non-competition—in retrospect, a shaky foundation.

"One of the basic tenets of both animal and economic life is that protracted lack of competition normally brings about atrophy. Now, more and more industries are suddenly faced with this virile new competition, and in too many instances, their capacity to react is no longer there . . .

"If there is early recognition of fundamental weaknesses, there may be time for a cure. But one of the distressing factors has been the failure to see what was coming far enough in advance to take effective steps to meet the threat. All too often one hears the lament that 'suddenly,' without warning or 'very rapidly' destructive foreign competition arrived on the scene.

"In many instances the simple fact is that American businesses were fast asleep . . .

"Most Americans have always thought of our automotive industry as the ultimate in competitive efficiency and alertness. Yet Detroit's Big Three, with their wealth of so-called marketing experts, took an ostrich-like attitude toward the compact car market . . .

"There is a tendency on the part of industry to blame their present predicament on the high cost of American labor coupled with labor's inefficiencies and featherbedding. However, featherbedding and inefficiency in management, could be playing an equally decisive part in the deterioration of our competitive position . . .

"It is evident to anyone inspecting the new and modern plants of Western Europe and Japan that these people have not only copied our 'know-how' but also they have often improved on our techniques of automation and mass production.

"Moreover, these nations are building new plant and equipment at a rate that could threaten to obsolete our more static plant. One of the basic facts of competitive industrial life is that once a competitor gains the upper hand, he is in a position to widen the gap at an accelerated rate. His prosperity can be converted into new and even more modern facilities that keep pace with this growth. His languishing competitors too often are in the position of conducting a holding operation with plant and equipment that is no longer adequate, and as profits shrink further, they are unable to obtain capital needed to change the situation.

"In sum, many overseas firms are now in the position of having almost every cost factor in their favor—labor, overhead, raw materials, plant efficiency. When these advantages are coupled with adequate capital plus such intangibles as know-how and resourcefulness, there is reason for respect . . .

"Hundreds of U.S. companies, large and small, are pursuing the philosophy that if you can't lick 'em, you join 'em.' Some companies have even gone so are as to discontinue manufacturing entirely; for example, White Sewing Machine Company now imports all of its models from Japan, and is now only a selling organization.

"Is this a harbinger of things to come for other U.S. manufacturers? Repeated many times over, you would have the gradual transformation of America from a manufacturing to a trading nation.

"That may be very well in the abstract, but what will happen to all of the factory workers whose jobs are then held by foreign employees of new overseas licensees or subsidiaries? If domestic unemployment spreads, what will happen to our economy with its purchasing power so deflated? True, distributive jobs will go on regardless of whether the goods are produced here or overseas. But when enough factory towns become desolate, will our distributive and service industries continue to thrive?

"The only satisfactory course is for U.S. business, by vigorous, resourceful and efficient counterattack, to make itself truly competitive. This, in turn, may require the type of cooperation between management, government and labor that is achievable only in event of an emergency, such as war.

"And perhaps there lies the heart of the problem—how to bring home to all concerned that there indeed may be an emergency in the offing. To wait until there is visible proof—such as long bread lines—is too late."

Although *Fortune* editors encouraged me to write this 1960 article, it was never published; the controversy that ensued for almost a year is itself an interesting story. The point I now wish to make is that at least a quarter of a century ago it was crystal clear to observers that our business structure was indeed imperiled by foreign competition. It is therefore a fair question: Why were effective steps never taken to minimize the problem? And the ravages of mergermania?

Our continuing failure to come to grips with these problems leads to the conclusion that it will take a depression or similar cataclysm to arouse our leaders and the public. In this world of fast-moving change, few worry about problems that seem distant. The best explanation is in a recent letter from Gerald Gidwitz, noted Chicago industrialist, who founded Helene Curtis Industries and other firms:

"The biggest problem we have in this country is ignorance. It is at every level starting with the illiterates. The educated are too frequently technical and economic illiterates. Even those involved in industry are largely narrowly educated in their own fields. Practically all of our people are ignorant of history and not inclined to analyze what is happening.

Now, even if we were to belatedly recognize that an emergency exists, we would face an uphill obstacle in revitalizing our business economy because of the new tax law that could inflict the decisive *coup de grace* on many manufacturers and the innovative small business sector.

In order to lower individual rates to a 28 percent ceiling, myopic tax reformers opted to take it out of the hide of business, and the burden of higher taxes and costs will fall heavily on the manufacturers that are already hard hit by the lower cost structure enjoyed by foreign competition. These increased costs could be the death knell to much that remains of smokestack America.

But to tax capital gains the same as ordinary income could become the time-bomb that will undermine the innovative small business sector. Our post-war prosperity—

and most new jobs—were fueled in large part by entrepreneurs, many of whom left highly taxed big salaries at big companies to start or join risky new businesses that eventually became leaders and where the reward was then taxed at low capital gains rates.

Who will now leave the safety and shelter of cushy jobs with big companies to start to join new entreprenurial business when risking everything—and often losing—they must pay the same taxes if they win as those who have the security of high-paying jobs? Also, what investor will opt for risky new ventures when the tax rate is the same for investing in securities of safe, mature companies? It's a matter of simple, basic incentives.

Apart from the erosion of our business structure, we are imperiled by the many "worst case" scenarios that lurk in the risky practices that have infiltrated our financial community. Wall Street was never a place where the public or the national welfare received priority consideration; indeed, there has always been a tendency to ignore the supplication of the Lord's Prayer: "And lead us not unto temptation." But in recent years, the financial community has gone berserk.

The excesses of mergermania are often in the news, but these are but the tip of the iceberg in the sea of speculation that has engulfed our business and financial communities. Today's casino-like atmosphere is reminiscent of the free and easy 1920s.

The business casualties of the Great Depression were often caused by speculative practices of the 1920s that nowadays are again rife in our financial community: excessive debt, "junk bonds" (in the 1920s they were more politely called second, third and fourth mortgage bonds), and leveraged buyouts. Just as today, the 1920s also had its share of speculative new stock issues and helter-shelter mergers that enriched financial opportunities, such as the empire builders who then ravaged our public utility industry.

While the odds are still against a major depression, the reality is that with our business economy so wounded, we can face a long, protracted period of downhill slide.

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. CLINGER. Mr. Speaker, I was unavoidably absent during yesterday's vote on the motion to override the President's veto to H.R. 1, the Clean Water Act. Had I been present, I would have joined the majority of my colleagues to override the veto.

I've been a member of the committee that wrote the Clean Water Act—the Public Works and Transportation Committee—since coming to Congress in 1978. During the 99th Congress, I cosponsored and supported H.R. 8, the predecessor to H.R. 1. I also served as a House conferee on this legislation.

I am delighted to note that the House gave the bill such an overwhelming vote of approval and I regret the President chose to veto it. I believe H.R. 1 is a responsible bill and continues this country's efforts to make our lakes, rivers and streams safe for present and future Americans.

PRESIDENT REAGAN IS NO LAME DUCK

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. SOLOMON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

HE'S NO LAME DUCK

(By William Randolph Hearst, Jr.)

As usual, professional anti-Reaganites, partisan politicians, liberal pundits and a lot of people in general were quick to criticize what they regarded as the short-comings of President Reagan's State of the Union address to Congress and the Nation. I wasn't one of them.

In my opinion, the President proved this week that despite his recent prostate operation, the failure of his Iranian policy and loss of Republican control of the Senate, he intends to be a vigorous, fighting leader during the final two years of his presidency.

In his State of the Union speech, the President made clear he still has the vitality and determination to govern. He will not accept the role of a caretaker President.

As Sen. Richard G. Lugar, R-Ind., said, it was not "a lame-duck, lap dog speech" but "almost like a 2nd lieutenant leading his troops over the hill." The President showed, the New York *Times* commented, that "he is not prepared quite yet, despite his problems, to ride into the political sunset."

There is no doubt, however, that he is going to have a tough time with the Democratic-controlled Congress. In the Democratic response to his speech, Senate Majority Leader Robert Byrd served notice the Democrats intend to keep alive as long as politically possible the White House's faulty handling of the President's attempt to win freedom for the American hostages and establish contacts with the tyranical Iranian regime. They obviously hope that by flogging this dead horse, it will help them win the White House next year. They should bear in mind that playing this kind of politics could block the cooperation between Congress and the President that will be absolutely essential, and that the voters want, for effective handling of the serious domestic and foreign problems facing the Nation.

My hunch is there will be an effort to compromise in coping with the major problems. There was a hint of this on both sides. While the President stuck to his agenda for cutting government spending, no income tax increases, and no abandonment of the strategic defense program to defend America against nuclear weapons, he recalled that Congress had cooperated with him during the early period of his administration with results "of which we can all be proud." Senator Byrd said the last two years of the Reagan presidency "need not be a period of discord. A weakened President serves no one. A strong President serves us all."

So there is reason to believe that those who have underestimated and denigrated President Reagan throughout most of his political career will once again be proven wrong.

Next Friday this cheerful, decent, well-intentioned man, who has such great faith that America's "best days have just begun," will celebrate his 76th birthday. Let us all join in wishing him good health and good luck.

TRIBUTE TO JOE SHUMP

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. HALL of Ohio. Mr. Speaker, this month, Joe Shump is stepping down as treasurer of Montgomery County, a position he has held for the last 12 years.

Joe brought efficiency and compassion to the office of the treasurer. Under his leadership, Montgomery County became the first county in Ohio to develop a written investment policy. He was also responsible for automating many county functions.

Despite his role as fiscal guardian for the county, Joe still made fairness and compassion a hallmark of his tenure.

Though Joe leaves elected office, he intends to remain active in community affairs. I offer best wishes and good luck to a friend and distinguished leader, Joe Shump.

ANNIVERSARY OF SRI LANKA

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. FAWELL. Mr. Speaker, today marks the 39th anniversary of the independence of Sri Lanka. To commemorate this event, I would like to submit in the RECORD a statement written by Mr. C. Kumarlal Fernando on behalf of Sri Lanka. The statement reads as follows:

SRI LANKA NATIONAL DAY—FEBRUARY 4, 1987

On February 4, 1987, Sri Lanka celebrates the 39th anniversary of its independence. Sri Lanka, like the United States of America, is committed to the democratic principles of government.

Relations between Sri Lanka and the United States were further strengthened by President Jayewardene's State Visit to the United States in 1984. An agreement to promote Science and Technology co-operation was signed during the State Visit. In 1985, the United States opened a Sri Lanka Business Development Center to assist in the promotion of private enterprise projects in Sri Lanka. This gave an added impetus to the new economic policies of the Sri Lanka government which was shifting the economy away from statism, subsidies and massive public sector involvement in the economy toward a more decentralized and market-oriented system in which private entrepreneurship, both domestic and international flourishes. Another U.S. program in Sri Lanka, was the setting up of a Joint Agricultural Consultative Committee for the promotion in Sri Lanka of Agribusiness Joint Ventures. In other areas of co-operation, Sri Lanka signed an agreement extending the period of the Voice of America Radio Station in Sri Lanka and at the same time agreeing to the upgrading of its transmission facilities. Sri Lanka has also been permitting the visits of U.S. warship to its ports. The mutually beneficial economic and trade links joining the two countries have increased steadily over the years.

The Jayewardene administration believes that a growing economic partnership with the United States makes an important contribution to maintaining the continued development and economic progress of Sri Lanka.

The current government, under the leadership of President J.R. Jayewardene and the U.N.P., was first elected in 1977, and President Jayewardene was re-elected in 1982 with the support of constitutents in all of Sri Lanka's major ethnic and religious communities to a six year term. When the Jayewardene government was first elected in 1977, it instituted wide ranging reforms to guarantee both social justice and a growing economy which would provide a better life for all Sri Lankans.

It has shifted the Sri Lankans economy away from statism, subsidies, and massive public sector involvement in the economy and toward a more decentralized and market-oriented system in which private entrepreneurship, both domestic and international, flourishes. Free market incentives were introduced to revitalise domestic food production and raise rural incomes. Fiscal, tax and trade policies were liberalized, and incentives and guarantees were created to release the creative energies of the private sector. Through an attractive package of incentives and investment guarantees, the Sri Lankan government also encourages ever increasing amounts foreign direct investment in the nation's economy.

Recent episodes of violence between Sri Lanka's two major ethnic communities, the Sinhalese and the Tamils, should not obscure Sri Lanka's solid record of political and economic achievements since independence. An understanding of Sri Lanka's ethnic communities, their past and the steps being taken currently to resolve the difficulties is necessary to gain an accurate perspective on the situation in Sri Lanka today.

Sinhalese and Tamils worked together for constitutional reforms and independence while the nation was still a British colony, and since independence, much in the area of ethnic relations has been achieved. Presently, the country's Chief Justice, Attorney-General, several Cabinet Ministers, the Army Chief of Staff, several Ambassadors and other professional leaders are all members of the Tamil community.

In July, 1986, President Reagan wrote to President Jayewardene, expressing his support for the proposals that were being offered to seek a political solution to the ethnic conflict:

"I would like you to know how much I admire the effort you have been making to reach a negotiated settlement to the communal differences which have threatened the security and prosperity of your country in recent years. The proposals put forward by your government recently to resolve these differences provide an excellent basis for reaching an accord that will take into account the concerns of all parties.

"I do not underestimate the complexity of the problem you face, and I realize that difficult negotiations lie ahead. As the leader of a fellow democracy, I can also appreciate the importance of forging a broad consensus among Sri Lankans of all communities in favor of what you are trying to achieve. The need for your demonstrated statesmanship and wise leadership has never been greater. You may be certain that you have the full support of my government and the prayers for success of the American people as you push forward with your efforts.

President Jayewardene's government is the first to admit that grievances exist among all communities in a multi-ethnic society, and the government seeks through continuing negotiations a peaceful resolution of the conflict in the north. These negotiations are complicated by the multiplicity of small separatist groups and their continuing reliance on terrorist activity in the northern region.

MUTUAL NUCLEAR WARHEAD TESTING MORATORIUM

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. MAVROULES. Mr. Speaker, I rise today in whole-hearted support for a mutual nuclear warhead testing moratorium.

Many of us know in our hearts that a mutual ban on testing would be a positive step toward halting the arms race. The real battle, however, is not in our hearts but in our minds.

Some of you argue that such a measure would harm U.S. national security interests. Some would say that our verification techniques are not adequate enough for such an undertaking. Unfortunately, those who would argue these points have been seriously misled.

With respect to our technological superiority, especially in the realm of miniaturization, a mutual ban on testing would prevent the Soviet Union from making up lost ground. As for verification, recent advances in seismic research must be recognized and promoted as beneficial to the cause of arms control.

The lessons of Reykjavik must not be ignored; it is time for Congress to stand up and take the lead. I urge you to support a mutual test ban and advance the cause of peace.

CIVIL STRIFE IN IRELAND

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. WILLIAMS. Mr. Speaker, today I am reintroducing, along with Congressman TOM FOLEY, a bill which would provide an opportunity to children from areas affected by civil strife in Ireland.

My bill would amend subchapter C, the special projects section, of chapter 2 of the Elementary and Secondary Education Block Grant. It would provide an option to local education agencies to offer a chance to these Irish children to attend American schools, to affiliate with children of various religious, ethnic, social and cultural backgrounds, and to experience life without the daily rigors of violent strife.

This effort would be funded equally from both the public and private sector.

A peaceful future for Ireland rests with teaching young children that they can live peacefully, free of an ever-present fear of violence.

The assimilation of the Irish into the American society is one of the greatest testaments to our democracy. The children of Ireland need to experience this first hand.

For the children of Ireland, fear of violence may be so widespread that it is taken for granted. It is difficult to imagine what it would be like to never feel completely safe, to fear every stranger and every new situation. It has a terrible effect on the lives of these Irish children. It affects how they make friends, who they trust and how trustworthy they seem to others.

Americans want the children of Ireland to have a peaceful future, and we must help offer them the opportunity to understand peaceful living. We can demonstrate to them that peace is possible by giving them the opportunity to spend a small part of their young lives in a country where safety, rather than fear is taken for granted.

Funds under this act would be used to pay a portion of the cost of:

First, transporting children aged 10 through 18 who reside in areas affected by civil strife in Ireland to the United States and of their return; second, such children's education in the schools of the local education concerned; and third, the books, supplies, and other living expenses of such children while they are participating in the project.

SRI LANKAN INDEPENDENCE DAY

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. AKAKA. Mr. Speaker, I rise today in recognition of Sri Lankan Independence Day. Thirty-nine years ago on this day, Sri Lanka regained her independence from the British, after existing as a colonial state under Portuguese, Dutch, and British rule for over 400 years.

Since her establishment as an independent nation, the citizens of Sri Lanka have participated in seven national elections. The current Government is led by President J.R. Jayewardene, first elected in 1977 and reelected for a 6-year term in 1982. As in the United States, political power in Sri Lanka shifts between two parties—the United National Party [UNP], of which President Jayewardene is a member, and the Sri Lanka Freedom Party [SLFP].

In recent years, the United States and Sri Lanka have enjoyed mutually beneficial ventures in business and agricultural developments and trade. Examples of these accords include: an agreement signed in 1984 to promote science and technology cooperation between the two countries; the establishment of an American business development center in Sri Lanka to assist in the promotion of private enterprise projects in that country; and the establishment of a joint agricultural consultative committee for the promotion of joint agribusiness ventures in Sri Lanka. In the area of trade, the United States is Sri Lanka's largest export market, and is the nation's third largest import supplier.

I look forward to continued warm relations between the United States and this established democratic nation. I had the good fortune of visiting Sri Lanka this past November and was received for a luncheon hosted by President Jayewardene at his home. Therefore, it truly is an honor for me to stand in commemoration of Sri Lankan Independence Day.

UNITED STATES STILL CONDUCTING NUCLEAR TESTS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. RAHALL. Mr. Speaker, yesterday the United States conducted its first nuclear test in 1987. This is the 25th such test since the Soviets entered into a unilateral testing moratorium on August 6, 1985. The likely repercussions of this test, however, lend this particular occasion extreme significance.

Since August 1985, the Soviet Union has extended the moratorium four times and each time challenged the United States to join in a cessation of nuclear tests. In December 1986, however, Soviet officials announced that with the first United States test of 1987, they would officially end their moratorium and begin a new round of nuclear tests. Well, the United States has conducted that test. If the Soviet Union uses the occasion to resume testing, as it has threatened, it will be back to business as usual for both superpowers. Taken together with the abandonment of the SALT II limits, this will mean the end of a period in which at least some restraint was shown in the nuclear arms race.

In Reykjavik, President Reagan and General Secretary Gorbachev embraced a vision of a world without nuclear weapons. They talked of getting rid of ballistic missiles in 5 years, and eventually eliminating nuclear weapons completely. A test ban not only would be a step in this direction, it is probably the only negotiated arms control measure that this administration conceivably could conclude in its final 2 years in office. At this point, promises of meaningful strategic arms reductions are not plausible.

Efforts to achieve meaningful reductions must however continue. In this vein, a comprehensive test ban treaty [CTBT] has weighty advantages. The four most important considerations regarding the implementation of a CTBT are its ability to: First, impede the growth in the quality of the nuclear arsenals of each nuclear nation, second, contain the spread of nuclear weapons to additional countries, third, improve national and international security, and fourth, prevent harmful radiation leaks through seepage into the water table or the ocean, or through venting into the atmosphere. These are very grave concerns to Americans and to the peoples of all nations. With the escalation of the arms race and the spread of nuclear weapons to other countries, world security is seriously threatened. The possibility of nuclear war beginning by accident, or as a result of a regional dispute, will increase drastically in the coming years. A CTBT would be a serious move away from the specter of nuclear war.

Last August the House took a historic step by voting overwhelmingly and in a bipartisan manner for a mutual and verifiable moratorium on nuclear testing above the 1 kiloton level. Such a moratorium would be in the national security interests of the United States. Our weapons are more accurate than the Soviets; our weapons modernization program is substantially complete. Anything which gives the Soviets an excuse to resume their own testing program, and thus improve their own weapons, is not in the best interest of this country.

To express my strong support for a CTBT, I am a cosponosr of H.R. 12, the "Mutual Nuclear Warhead Testing Moratorium Act," which was recently introduced by the gentleman from Missouri and the gentlelady from Colorado. This bill would require the President to either engage in productive discussions with the Soviets or face a congressional cutoff of funds for nuclear testing. H.R. 12 provides for a bilateral moratorium that would allow the United States to resume testing immediately if the Soviets violate any of the verification methods or test any weapon above the 1 kiloton level which we can independently verify.

While it is unfortunately too late to send a message to the administration prior to the first test in 1987, I urge my colleagues to join the current 85 cosponsors of this bill to send a strong message to the President that the Congress does not consider it to be in the interests of the United States to continue nuclear testing. We need to direct our national energies to defense systems which raise the nuclear threshold, not fuel the arms race.

REAUTHORIZATION OF THE CHAPTER I PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GOODLING. Mr. Speaker, I have been looking forward to this day. I am very pleased to join Chairman HAWKINS in introducing a bill to reauthorize the Chapter I Program. While we do not always agree, I believe we share a commitment to the goal of providing a quality education to every student.

For over 20 years chapter I has been providing compensatory education services to disadvantaged students in every part of the Nation. The history of chapter I has been a real success story. This can be gauged by the enthusiasm of children, parents, and educators involved in the program, or the more formal evaluations of its outcomes.

It has been nearly 10 years since the Congress took a close, careful look at the way chapter I operates. The introduction of this legislation today begins this process. Chapter I works, so I do not believe that we need to make any radical changes in its structure. However, our country is going through major changes in its economy, demographic makeup, and educational needs. Chapter I must and can be a force in meeting these challenges. In order to accomplish this we must scrutinize chapter I and be willing to make the improvements necessary.

One of these major difficulties is illiteracy. A program the size and scope of chapter I must be brought to bear on this problem. I believe we have accomplished this in a number of ways. First, we have strengthened the basic chapter I grant program which addresses the needs of educationally disadvantaged youngsters by improving basic skills in reading and mathematics. Two examples of this are funding for concentration grants which provides additional money to the poorest schools and allowing more schools to participate in schoolwide projects. Second, we have included a new dropout program which addresses the unique needs of secondary school students who have fallen behind their peers in educational achievement or who have already dropped out of school. Third, we have included a new Even Start Program which aims to break the cycle of illiteracy in families. Even Start would encourage schools to offer programs that will meet the literacy needs of parents and the early educational needs of their children.

Even Start requires that projects build on existing resources in the community and are planned and operate in a coordinated fashion. The specifications are as follows: First, authorization is for $25 million a year through 1993; second, funds are allocated to the States in proportion to a State's chapter I allocation, with a floor and ceiling on the size of these grants; third, there is a set-aside for an Even Start Program that would serve migrant children—about $1 million at full funding; fourth, a State would then administer a competitive grant program for the purpose of funding local school districts' Even Start proposals; criteria are listed in the bill which would guide this selection process; selection would be made by a review panel of people with expertise in this area; fifth, Even Start grants would fund projects that would help parents who lack basic literacy skills to become more involved in their children's education; sixth, grants would be made for 4 years with a matching requirement of 20 percent in the first year, 40 percent, 60 percent and 80 percent in the out years; matching funds could be from Federal, State, and local funds; seventh, specific and rigorous evaluation and dissemination requirements are spelled out in the bill.

Chairman HAWKINS and I are excited about the concepts embodied in this legislation. However, we view this as a starting point and look forward to working with our colleagues in making further improvements.

LET'S FUND URGENT SUPPLEMENTAL FOR SOUTHERN AFRICAN DEVELOPMENT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. DIXON. Mr. Speaker, today I am pleased to introduce a bill that will bring much needed economic relief to the depressed nations of southern Africa. My bill calls for urgent supplemental assistance for development of an regional transportation network to the port of Dar es Salaam, and priority projects for improved utilization of energy sources, communications, and agricultural research and training programs.

The front-line nations are in desperate need of financial assistance to break the economic stranglehold that has made southern Africa one of the poorest regions in the world.

Many southern African economies are still struggling to recover from the 3-year drought. Foreign currency reserves are severely strained. Sixty-eight percent of the region's commercial trade must be conducted over South Africa's rail network to the Indian Ocean. This situation makes six landlocked nations economic hostages dependent on the service of this lone network.

Most distressing is the human cost of southern Africa's economic despair, which is painfully illustrated by the region's infant and child mortality rates; rates UNICEF has identified as the world's highest.

My bill would provide funds to rehabilitate a transportation network to the port of Dar es Salaam, which would serve as a trade conduit for Rwanda, Burundi and Malawi. It also forms a regional link between the Tanzania/Zambia border and Dar es Salaam. Seventy percent of the travel along this corridor would be commercial traffic.

In addition, funds made available by this supplemental would be utilized to modernize and improve existing energy sources, create a regional communications network, and fund agricultural research and training programs.

America must be positively engaged in the development of the entire southern Africa region, making our presence a positive force for prosperous change.

I am honored by the support of my colleagues in seeking this funding, particularly Senator EDWARD KENNEDY, who has introduced companion legislation in the Senate.

I appreciate the administration's recent recognition of the need for U.S. assistance in southern Africa. However the $36 million it seeks to provide is simply not enough to bring about substantive changes in the region.

Funds for this supplemental would be obtained from unobligated balances in foreign assistance accounts appropriated for 1987. No new funds would be appropriated. The money will be channeled through the Southern Africa Development Coordination Conference [SADCC], which was formed by the nine majority-ruled countries of southern Africa and provides a cooperative framework for planning and implementing regional development programs.

I encourage all of my colleagues to join us in this effort to provide the financial assistance needed to facilitate real economic improvement in southern Africa.

RELIEF FOR THE ELDERLY HOMEOWNER

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. WORTLEY. Mr. Speaker, today I am introducing legislation which will be of great aid to elderly homeowners who are "house rich but cash poor."

Although a large percentage of our Nation's elderly live in homes that are worth tens of thousands of dollars, many elderly persons continually have problems with paying everyday—not to mention extraordinary—expenses. The purpose of my legislation is to allow elderly homeowners to tap into the cash value of their homes without having to sell and leave their cherished dwellings and familiar neighborhoods.

The Department of Housing and Urban Affairs estimates that 60 percent of all elderly households are comprised of homeowners with no mortage debt. These households hold some $548 billion in home equity. In spite of this, a majority of elderly homeowners can be classified as low income or very low income. What is needed is a mechanism with adequate consumer safeguards that will permit elderly homeowners the option of converting their home equity into monthly cash payments while still being able to occupy their home.

Standard home equity lines of credit are not the solution because these are considered short-term loans that must be paid back in cash. Instead, my legislation would facilitate the use of home equity conversions, or reverse mortgages. In a reverse mortgage, financial institutions provide elderly homeowners with monthly cash payments. This loan, with interest, would be paid back by the proceeds from the eventual sale of the home. However, the home could not be sold before the elderly homeowner's—and spouse's—death or voluntary departure from the home.

HUD would be authorized to undertake a limited demonstration program of insurance for these reverse mortgage instruments in a manner similar to the current Federal Housing Administration program which is self-financing. This would encourage private lenders to increase their lending activity in this area. Currently, financial institutions are hesitant to enter the field because of laws that do not recognize these type of mortgage instruments and because the concept itself is relatively new.

A limited demonstration program will provide the hard facts we need, evidence which I believe will show that home equity conversions are mutually beneficial to the elderly and the financial institutions. Monthly cash payments could be used by the elderly for several important purposes including raising income levels above the poverty line, paying for health care, or customizing homes—with ramps, handrails, and so forth—to allow self-sufficient living instead of expensive and unnecessary institutionalization.

I have included strict counseling standards in my legislation so that the potential borrower would be well-advised of his or her options. Some would be better off converting their home equity into cash, others would not. That is why counseling by a independent third party is so important.

Some have criticized the idea of converting home equity into cash as a plan that would benefit only the more affluent elderly. I disagree. The more affluent elderly homeowners do not need or necessarily want to increase their liquidity. Moreover, under my amendment, mortgatges would be insured only up to the FHA statutory guidelines which currently set a mortgage limit of $67,500—$90,000 in high-cost areas.

Home equity conversions have been debated and researched extensively. The Select Aging Committee in the Senate has held hearings which culminated in a report titled "Turning Home Equity Into Income for Older Homeowners." In 1982 I held my own hearings on this issue in Mattydale, NY. The American Association of Retired Persons has also been active in the past on home equity conversion mortgages, and I'm pleased to report their endorsement of my legislation. In addition, the 1983 bill passed by the Senate includes a provision similar to my legislation. Furthermore, a home equity conference was sponsored by HUD and the Department of Health and Human Services in 1985 to examine the issue. Alan Greenwald, the Deputy Under Secretary for Intergovernmental Relations, was involved with the conference and he stated, "A promising option is home equity conversion." The proceedings of that conference were published under the title "The Future Is Now."

If my proposal looks familiar to my colleagues, it is because I offered similar legislation as an amendment to last year's housing bill. My amendment was adopted by voice vote, and the housing bill itself was approved. But the Senate failed to act. In this Congress, I have already received the support of several of my colleagues who agree that it is time for action on this issue. I thank these colleagues for their support, and I would urge others to add their names as cosponsors.

THE CONCORD MUSEUM

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. ATKINS. Mr. Speaker, today I would like to take the opportunity to recognize a unique institution which is celebrating its 100th anniversary—the Concord Museum. For a century, the Concord Museum has served the citizens of Concord and all of Massachusetts as an invaluable educational and cultural resource, preserving the sights and sounds of America for all to enjoy.

The town of Concord has a long and illustrious heritage intertwined with the history of the country. Since its formation, the Concord Museum has been the repository to which people have come to view the artifacts of Concord's history. Among the museum's 24,000 piece collection of decorative arts and memorabilia, one can find such historically important artifacts as the lantern used to signal Paul Revere, muskets used in the Battle of Lexington and Concord, many of the books and personal belongings of essayist Henry David Thoreau, and the actual study of author Ralph Waldo Emerson. These and other notable relics of our past have made the museum not only a treasure chest of memories of Concord, but of all of America.

In addition to its role as Concord's archives, the museum also functions as an educational center attracting both students and teachers from throughout Massachusetts. Through its vast collection, visitors to the museum gain a unique perspective on early colonial settlement, the American Revolution, the 19th century growth of American literature and philosophy, and the industrial revolution.

So, Mr. Speaker, I come before you today to salute the Concord Museum on its centennial. As a resident of Concord myself, I take great pride in the museum's collection and contributions to the community. Through its preservation of our past, the museum has greatly contributed to our understanding today of Concord's diverse heritage, and also the early decades of this Nation.

TRIBUTE TO PENN STATE FOOTBALL TEAM

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. RITTER. Mr. Speaker, as important to Pennsylvania as our farm fields, factories and forests, is a tradition which represents the Commonwealth's spirit of excellence.

That tradition is found in Penn State University and the Nittany Lions football team. In honor of Penn State's National Championship, the members of the Pennsylvania congressional delegation sponsored a luncheon for the team after Coach Joe Paterno and the players met at the White House with President Reagan. I had the good fortune to be present at both events on Monday, February 2, 1987.

For the congressional reception, I wrote and recited a poem that I believe captures the meaning of the Penn State University victory, not only for Pennsylvania, but for all America.

ODE TO PENN STATE

Fancy uniforms are not important, it's our teams that really count,
  Off-field hype and brash impudence
Can't score points or challenges mount—
Just because our shoes are simple
  And our colors, stark and plain,
Doesn't mean we can't score touchdowns—
  Block and tackle, plug the lane.
In life, as in football, the surface places second to the core.
  Penn State shares with America the lesson—
That inside strength can win us more.
Coach Paterno has been consistent,
  He knows the way to play the game.
He's shared his vision with the students,
  And with America in the Penn State name.
"We are—Penn State!"

Congratulations. Your fan and U.S. Congressman representing the Lehigh Valley and the Allentown Penn State Campus, DON RITTER.

NEED TO ADDRESS THE ISSUE OF CATASTROPHIC CARE

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. SCHUETTE. Mr. Speaker, millions of elderly in America and many in the 10th District of Michigan, which I represent, need a comprehensive solution to acute and long-term health care costs now.

Last year I had the opportunity to host a hearing in my district on the problems of meeting the elderly's health care needs. Both Medicare patients and health care providers alike touched on the urgency for coverage of catastrophic care. Witnesses cited many instances where Medicare patients' savings were exhausted due to acute-care expenses and patients had to forego further treatment. Currently Medicare covers a declining share of hospital stays in excess of 60 days, and nothing after 150 days. Patients are stuck in this predicament in the 10th District in Michigan, as I am sure it is happening in every Member's district.

Congress and the administration should work together to craft a proposal to address this problem. The Secretary of the Department of Health and Human Services [HHS], Dr. Otis Bowen, sent a report on catastrophic care to the President in November of last year with a three-tier solution. One of the Secretary's recommendations which would assist the elderly by limiting a Medicare patient's out-of-pocket expenses would be met through an increase of $4.92 per month in Medicare part B premiums. Under the Bowen plan, hospital stays for Medicare beneficiaries opting for part B coverage would be extended from 90 to 365 days over 3 years. Secretary Bowen's plan also highlights two other alternatives relating to cost-sharing. These proposals have been met with some concern as Medicare expenditures would increase dramatically and private sector alternatives, such as health care IRA's, ignored. I am a strong supporter of the health care IRA proposal and I believe further consideration of this should be included in our discussions of catastrophic care.

On January 6 in his State of the Union Address, President Reagan emphasized the need for an initiative to protect against the financial burdens of catastrophic health costs. He stressed that this package should protect against excessive out-of-pocket medical costs; it should be a budget neutral, voluntary program; and it should not encourage excessive dependency on Medicare and Medicaid.

I was extremely pleased to participate in a joint hearing held by the House Select Committee on Aging and the Senate Special Committee on Aging recently on catastrophic health care coverage. HHS Secretary Otis Bowen testified before the committee on his recommendations.

As a Member of the Select Committee on Aging, I will be very involved in the crafting of legislative proposals to address the problem of catastrophic care. The urgency to address this is dire. By the year 2030, 8.6 Americans will be over the age of 85. Plans to care for the acute- and long-term needs of our elderly must be enacted quickly.

FARM PROGRAM PAYMENTS

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. ANTHONY. Mr. Speaker, I would like to introduce a bill that would allow the determination of separate persons for purposes of farm program payments.

Today, the entire rural economy of southeast Arkansas is under attack by the U.S. Department of Agriculture. If successful, USDA will bankrupt numerous farm families, close banks, disrupt regional commerce, and take a terrible toll in human suffering.

In 1985, the Office of Inspector General for USDA initiated an audit in several counties in my district to investigate payment limitation abuses. The audit has uncovered that the ASCS offices have been misinterpreting regulations which have resulted in many farm operations now being redetermined to be out of compliance with the law and subject to penalties going back as far as 1982. In truth, the only thing the farmer did wrong was to do what the ASCS office told him or her to do.

This bill would amend the Food Security Act of 1985 to authorize and direct the Secretary of Agriculture to issue regulations requiring that a determination of the number of separate persons for purposes of payments under annual farm programs be made within 45 days of approval by a county committee of any such person's application to participation in a farm program.

Mr. Speaker, this legislation is necessary to exonerate those farmers who acted under good faith on the counsel of the ASCS, but who are now being threatened with possible foreclosure because of their actions.

A week ago last Saturday, one of the farmers under audit sat in my office and showed me a copy of a letter he received that day from the Federal Land Bank. It said that he had 30 days to get his accounts current or they would foreclose on him. That same farmer, because of this audit, has not received any farm program payments which had been promised him by ASCS in 1986, and has not received all of his 1985 payments. As we meet today, that farmer's 30 days is running out. To protect him, his family, and all those who will suffer with them, I ask you to act on this legislation immediately.

LEGISLATION TO CURB THE EXPANSION OF FOOD IRRADIATION

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. BOSCO. Mr. Speaker, today I am reintroducing legislation to curb the expansion of food irradiation until safety assurances about this controversial technology have been clearly established. Food irradiation is a preservation method in which food is exposed to ionizing radiation in order to destroy insects and bacteria that can cause food spoilage and disease. Proponents of the process contend that the extended shelf-life of radiation treated foods may help boost exports, and that dependency on post harvest pesticides may be reduced. Granted, these perceived benefits appear substantial. However, would public health and safety be jeopardized in the process? A growing number of consumers and over 50 Members of Congress and myself are concerned about the Food and Drug Administration's recent approvals of pork and produce irradiation on the grounds that proper safety studies have not been conducted to assess the potential harmful implications of food irradiation. Therefore, until such time as reliable research indicates that this process is entirely safe, we believe that FDA's expanded approvals of food irradiation are, at best, premature.

In particular, I am concerned about: the safety of human consumption of irradiated foods; potential environmental risks; the inability to control or supervise irradiation practices; and the apparent lack of an immediate need for irradiation.

To begin with, the long-term health effects of human consumption of irradiated foods are simply unknown. Although the Federal Government has studied this procedure for more than 40 years, attempts to evaluate safety have proved rather elusive. In fact, when traditional means of testing the safety of irradiated foods proved inadequate, FDA approved the safety of irradiated pork—July 1985—and produce—April of 1986—based on theoretical calculations of radiation chemistry and on the anticipated low-level of human exposure to the unique chemical constituencies of irradiated foods. In other words, the FDA apparently concluded that in theory irradiated foods should be safe, but has no concrete evidence to back up this assumption.

Irradiation is also known to deplete vitamins, most notably B vitamins. Even though these nutritional losses may be similar to those that occur during cooking or canning, irradiated foods will be doubly inferior to an unirradiated food product if it is also cooked. Beyond vitamin degradation, many are concerned that certain irradiated foods may increase the risk to food poisoning caused by the botulism bacteria which is perversely resistant to radiation. It is feared that irradiation will remove the odorous bacteria that warn of food spoilage and leave dangerous levels of botulinum intact.

Food irradiation is a potentially ultra hazardous technique. It requires the use, transport and disposal of large quantities of highly radioactive cesium-137 or cobalt-60. Many proponents point out that for many years, cobalt-60 has been safely used in radiation machines to treat cancer patients. However, these machines generally require between 3,500 and 10,000 curies of cobalt-60, while most food irradiation facilities are equipped to handle between 1 and 10 million curies of cobalt-60 or cesium-137, at each plant. Many proponents envision hundreds of food irradiation facilities located around the country in the next two decades. My concern is that this tremendous increase in the amount of radioactive materials in and around our communities will likewise increase the risk of accidents where radiation is emitted. Unfortunately, FDA did not conduct an environmental impact statement to examine whether existing regulations that would monitor the flow of these radioactive sources will be adequate to prevent radiation accidents.

These potential occupational and environmental risks are not unfounded. In 1977, a worker at a Rockaway, NJ, irradiation plant accidentally walked into the radiation chamber and received a near lethal dose of radiation. In 1982, at a Dover, NJ, irradiation plant, steel rods that encapsulate radioactive cobalt cracked open, contaminating the cooling water, which leaked throughout the plant. Later a cleanup crew threw some of the contaminated water down shower drains into the public sewer.

I am also concerned about the FDA and other agencies apparent inability to enforce labeling requirements and existing limitations on the permitted dosages of radiation that may be applied to foods when no empirical test is available to detect irradiated foods. This lack of oversight ability raises concern over the potential for abuse. Last year, a major British food company is alleged to have knowingly purchased contaminated shrimp, shipped it to the Netherlands for irradiation and imported the shellfish into England in violation of the British ban on irradiated foods. In the United States, a North Carolina food irradiation plant is under investigation by the U.S. Department of Agriculture for allegedly irradiating pork and attempting to export it prior to the Agency's approval for pork irradiation. Because inspectors do not have a test for irradiated foods, it is unclear to me how regulations governing food irradiation will be upheld.

Finally, the need for this particular industry remains a mystery to me. In this country we are fortunate to have a reasonably safe and abundant food supply. Even the commercial food industry has yet to take a stand on food irradiation or make any serious investments in the technology. In fact, you might be surprised to learn that the food industry did not petition the FDA to publish a rule on produce irradiation. Instead, FDA published the rule of its own initiative; an unusual move in that it would then be both the advocate for the use of a food additive and the evaluator of safety.

For all of these reasons, I believe a more prudent approach to formulating food irradiation policy is in order. Based on our limited understanding of the potential harmful implications of food irradiation, I believe Congress would do well to hold the program in abeyance until these unresolved safety concerns have been sufficiently addressed. The legislation I am introducing would: prohibit pork and produce irradiation; require independent safety studies; and require food irradiation facilities to report their activities to the FDA.

Mr. Speaker, until such time as conclusive evidence of safety has been clearly established, I believe it is premature to permit expanded uses of food irradiation. The need for this legislation is immediate, and I encourage my colleagues to join with me in ensuring its swift passage.

GROUND WATER PROTECTION ACT OF 1987

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. BUSTAMANTE. Mr. Speaker, I rise today with my colleagues, Representatives JOE KOLTER, GERALD D. KLECZKA, MICKEY LELAND, AUGUSTUS F. HAWKINS, WILLIAM J. HUGHES, BARNEY FRANK, BRUCE F. VENTO, TOM MCMILLEN, and LARRY SMITH in introducing the Ground Water Protection Act of 1987. It is identical to the measure I sponsored in the last Congress (H.R. 3808), and it is the House companion to S. 20 introduced by Senator DANIEL P. MOYNIHAN.

Ground water is one of our most precious natural resources. Over half of the American people depend on ground-water for drinking water.

Most urban areas are to some extent dependent on ground water. Many of our cities; such as Miami, San Antonio, Nassau-Suffolk Counties of Long Island, Memphis, Dayton, Honolulu, and Tuscon, are served entirely by ground water.

Our rural areas are even more dependent on ground water. Approximately 95 percent of our rural households depend solely on ground water for drinking.

In addition to domestic use, ground water is an essential component of States' agricultural and industrial dynamics. This is particularly true among Western States, such as, California, Texas, Nebraska, and Arizona, due to their dry climates and limited fresh-water supplies.

Unfortunately, our growing dependency on ground water is accompanied by an increased incidence of ground water contamination. During the last few years, over 4000 wells have been confirmed as contaminated. A study conducted by the EPA found contaminants in 30 percent of our urban wells and about 20 percent of our smaller rural wells. While the severity of this pollution has been more modest, it is important to note that ground water resources are much more difficult and costly to clean up than surface water. In many cases, these wells are impossible to adequately treat once contaminated.

However, several incidents have been reported which constitute a more urgent threat to public health. For instance, in 1978, 38 wells were closed in the Long Island, NY area, affecting over 2 million people. Another case in California involved the closing of 39 wells which threatened the drinking water of 400,000 people.

We in San Antonio, TX, have been fortunate. The Edwards aquifer was the first sole source aquifer designated under the Safe Drinking Water Act. Area officials have done an excellent job of protecting the aquifer. However, we have learned that not all ground water resources are adequately protected nationwide.

The real danger to the Nation is that given the wide scope of ground water usage and the growing threat of contamination, we still have no comprehensive ground water policy.

Our current ground water policy consists of a piecemeal Federal strategy and inconsistent States' policy. To date, individual States have taken the lead in the prevention of ground water contamination, and I believe this issue should and must be addressed by individual States. But, I also believe States are in need of grants, technological assistance, and direction from the Federal Government.

The Ground Water Act of 1987 is a legislative endeavor which will bring local authorities, States, and Federal officials into a healthy debate on actual policy.

This bill establishes an interdependent State and Federal network for assessing and addressing our ground water contamination problems. Between these two poles, States are given a clear priority. I believe that States must take the lead on this issue. The Environmental Protection Agency already has left it up to the States, for the most part, to regulate their water resources under existing laws that affect ground water management.

Different States are at different stages in developing ground water management plans. Problem contaminants and developmental priorities are diverse. Thus, the comprehensive program this bill provides gives States full authority to set their own standards and priorities.

Moreover, and perhaps more importantly, this bill delicately balances Federal and State roles in ground water management. It ensures direction from the Federal level. The EPA would be responsible for enumerating a substantially expanded list of contaminants for States to use as standard criteria. In addition, EPA would help States establish management strategies and conduct periodic public reviews of States' ground water contamination programs.

Also, the U.S. Geological Survey [USGS] would assist the EPA in strategy guidance and would coordinate States' information on ground water resources. Funds will be made available from the USGS for ground water assessment, and the EPA will give grants for the costs of implementation and development of a Ground Water Contamination Prevention Program. The authorization for this will include $25 million for the first 3 fiscal years after the act for USGS grants. EPA grants will be authorized at $50 million for the first 5 years after the act. Finally, $25 million will be authorized for additional administrative costs for 5 years following the act.

We must remember that these figures are a fiscal outline for our program, not a fiscal necessity. More importantly, we should not underestimate the long-term economic and health benefits a comprehensive ground water strategy would bring.

The Superfund and Safe Drinking Water Amendments of 1986 contained provisions that would set cleanup requirements for contaminated ground water sources and grants to States to develop plans and establish well head protection areas to prevent contamination of aquifers. The Safe Drinking Water Amendments also provided for a demonstration program to assist States and localities to protect sole-source aquifers—the principal drinking water sources for an area, and they require increased monitoring and enforcement to protect underground sources of drinking water from well injection of waste.

This bill will focus even greater attention on our ground water resources from a comprehensive perspective. Now that this Chamber has reaffirmed its commitment to enacting the Clean Water Act, I am convinced it will give comprehensive ground water legislation priority consideration. I believe the Ground Water Protection Act of 1987 will be the primary vehicle from which a consensus bill will emerge.

It pleases me to reintroduce the Ground Water Protection Act of 1987, and I urge my colleagues to support this bill.

SECTION-BY-SECTION ANALYSIS—GROUND WATER PROTECTION ACT OF 1987

SHORT TITLE

SECTION 1. This Act may be cited as the "Ground Water Protection Act of 1987".

DECLARATION OF POLICY

SEC. 2. It is the policy of the United States to protect the quality of ground water resources for drinking and other uses.

SECTION 3—DEFINITIONS

Definitions of the terms "Administrator", "contaminant", and "state".

SECTION 4—GROUND WATER QUALITY CRITERIA

The Federal Government is to conduct research on ground water contaminants and publish information concerning these contaminants which will assist States in development of ground water standards.

Ground water contaminant criteria documents are to describe the properties of the contaminant, the association of the contaminant with pollution sources, needed research, and the risk posed by the contaminant to human health and the environment.

EPA is to establish criteria for 50 high priority contaminants within 18 months after the date of this Act, establish criteria for an additional 50 contaminants within 30 months, and establish additional criteria on an ongoing basis. An advisory panel will oversee the development of contaminant criteria.

SECTION 5—STATE GROUND WATER PROTECTION STANDARDS

States are to use criteria documents and other data to develop and adopt standards for contaminants in ground water. Standards would apply generally to all ambient ground water, except in special cases defined by the State as part of the standard setting process.

Ambient ground water standards are to be at least as stringent as the primary drinking water standards established under the Safe Drinking Water Act.

States may identify special ground water systems and establish standards for such systems. Standards for special ground water systems may be more stringent or less stringent than ambient standards.

States shall establish standards for the 100 contaminants for which the Administrator establishes criteria under section 4 of this Act and may establish standards for additional contaminants. States need not establish standards for contaminants not found in that State.

States shall propose standards for the first group of 50 contaminants within 30 months after the date of this Act and propose standards for the additional 50 contaminants within 42 months. The public and EPA are to review proposed standards within 6 months after proposal and final standards are to be established within an additional 12 months. States are to review and revise standards as needed to every three years.

States are to establish procedures for determining compliance with standards. EPA will publish guidance describing procedures and methods for assessing compliance with standards within 12 months after the date of this Act.

Final State standards are to apply as the standard of clean-up or control under Federal programs relating to the protection of ground water.

SECTION 6—GROUND WATER RESOURCE ASSESSMENT

States are to develop basic data about the ground water resource, in conjunction with the U.S. Geological Survey.

Within 30 months after the date of this Act, States are to prepare a resource assessment which characterizes the ground water resource, establishes a baseline for future monitoring and provides a basis for identification of special ground water systems.

The USGS and the EPA are to issue guidance to States describing the appropriate format and content of assessments within 12 months after the date of this Act.

SECTION 7—GROUND WATER MANAGEMENT STRATEGY

States are to develop a management strategy which establishes an institutional framework for ground water protection programs, identifies major sources of contamination, assures coordination of Federal, State and local agencies, and assures coordination of ground water and surface water programs.

The State shall develop an initial management strategy within 24 months after the date of this Act and shall review and revise the strategy annually.

SECTION 8—GROUND WATER MONITORING

States are to establish monitoring programs to assure that protection programs result in the attainment of standards and to identify trends in water quality. States are to establish monitoring programs within 36 months after the date of this Act. EPA and USGS are to provide guidance to States within 24 months.

States are to submit to the EPA Administrator a report which describes ground water quality trends and the status of compliance with standards within 30 months after the date of this Act and biennially thereafter. The resource assessment provided for in section 6 of this Act may be used in lieu of the first report.

Within 18 months after the date of this Act, the EPA and the USGS are to prepare a report to Congress evaluating alternative designs for a national ground water data management system.

SECTION 9—GROUND WATER PROTECTION PROGRAM

States are to develop programs to control specific sources of contamination as needed to assure that ground water standards are met. State control programs are to address the sources of contamination identified in the management strategy and may utilize regulations, voluntary controls, education, and other measures which the State deems appropriate.

EPA is to provide guidance to States concerning the design and structure of ground water programs within 12 months after the date of this Act. States are to propose ground water protection programs within 36 months, provide 6 months for public review, and establish final programs within an additional 6 months.

Within 48 months after the date of enactment of this Act, each State shall propose for inclusion in its ground water program specific program elements addressing selected ground water pollution sources of national concern. These sources include solid waste disposal, hazardous waste disposal, underground storage tanks and pipes, subsurface sewage disposal, pesticide use, and underground injection.

States may waive the requirement to develop programs addressing these sources by demonstrating to the EPA Administrator that the source is not significant in that State. States are to review and revise ground water protection programs annually.

The EPA Administrator may conduct an assessment of any element of a State ground water program, may hold a public hearing as part of the assessment, and shall report the results of the assessment, along with recommendations for needed actions, to the State within 6 months.

SECTION 10—GRANTS TO STATES

The USGS is authorized to make grants to States to assist in the development of ground water resource assessments. $25 million is authorized for each of the first three fiscal years after the date of this Act. Funds are to be allocated to States on the basis of geographic area, percent of State population relying on ground water for drinking water, and the need for ground water resource data. Grants require a 25% match.

The EPA is authorized to make grants to States to support the development and implementation of State ground water protection programs. $50 million is authorized for each of the first 5 years after the date of enactment of this Act. Funds are to be allocated on the basis of geographic area, the percent of the State population relying on ground water for drinking water, and the extent and seriousness of ground water contamination in the State. Funds are to be matched on a dollar for dollar basis.

SECTION 11—GENERAL AUTHORIZATION

$25 million is authorized for the administrative costs of implementing this Act for the next five years.

FLOYD TIDWELL RECEIVES SILVER BEAVER AWARD

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LEWIS of California. Mr. Speaker, it gives me immense pleasure to have this opportunity to recognize Floyd Tidwell, the highly respected sheriff of San Bernardino County. On February 7 of this year, Mr. Tidwell will receive the Silver Beaver Award, the highest honor a volunteer can earn, for his work with the Boy Scouts of America.

County Sheriff Floyd Tidwell has served with distinction as Council Exploring chairman for the young adult division of the Scouts. This Explorer post was created at all sheriffs' stations, and more than 30 law enforcement Explorers participated.

Floyd Tidwell began his career in 1952 as a deputy sheriff at the Big Bear Station. He steadily rose through the ranks of the department and was elected as sheriff in 1982 and again in January of this year.

The honoree's life is a history of accomplishment. A graduate of the FBI National Academy, he received the J. Edgar Hoover Medal of Excellence in the study of law enforcement. Floyd also graduated with distinction from the University of Redlands. He is a member of the Masonic Lodge, Scottish Rite Temple, Al Malaikah Temple and several Shrine clubs. Floyd generously donates his time to the California State Sheriffs' Association as their first vice president and is the fourth vice president of the California Peace Officer's Association.

Mr. Speaker, I ask that you join me in saluting Floyd Tidwell.

A truly outstanding individual, his many talents and enormous dedication deserve the highest recognition. The Boy Scouts in San Bernardino are extremely fortunate to have such a remarkable leader, and it is clearly evident that he is a most worthy recipient of the Silver Beaver Award. He is a fine example of leadership for us all, and it is with great respect that I recognize him here in the House of Representatives today.

ADVANCE PLANNING FOR LONG-TERM HEALTH CARE NEEDS: A NATIONAL EDUCATION CAMPAIGN

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GALLO. Mr. Speaker, today I am introducing legislation to initiate a comprehensive, nationwide education program to inform Medicare beneficiaries and their families on the availability, costs, and financing of long-term-care insurance policies and on the limitations of such coverage under the Medicare Program and under Medicare supplemental health insurance policies.

It is becoming alarmingly clear that many senior citizens are being drained of their financial resources due to catastrophic illnesses and long-term health care needs. Many times, senior citizens are caught off guard by the limited coverage of long-term health care services, such as nursing home and home health care.

Unfortunately, senior citizens are often confused about what Medicare and private supplemental insurance policies do cover and do not cover. A recent survey done by the American Association of Retired Persons found that an overwhelming majority of senior citizens, 79 percent, believe that Medicare covers most of the expenses of long-term care. In reality, Medicare covers little if any of these expenses.

My bill is designed to make our senior citizens aware of these potentially costly gaps in their health insurance coverage and to encourage them and other persons approaching retirement age to plan for future health needs.

My legislation establishes a special education program to be developed by the Secretary of Health and Human Services in consultation with the National Association of Insurance Commissioners, the Task Force on Long-Term Health Care Policies, other interested public and private sector organizations, State and local governments, and industry associations.

This special education program will include the use of radio, television, and printed material targeted to Medicare beneficiaries and their families; use of official mailings to Medicare beneficiaries; national coordination and assistance for State-led efforts to assist consumers in understanding and selecting financial protection for long-term health care services; and educational and promotional efforts directed toward long-term health care insurers and providers to facilitate the private financing of long-term health care.

This education program will take place over a 2-year period. At that time, the Secretary of Health and Human Services will report to the Congress on the effectiveness of the program and whether or not it should be extended.

This legislation is the result of recommendations made by the task force of New Jersey health care experts that I formed to study the issue of catastrophic and long-term health care. I reported the findings of my task force to Secretary Bowen's Private/Public Sector Advisory Committee on Catastrophic Insurance. Secretary Bowen's final report and recommendation to the President confirmed many of our findings, including the need to educate the public about costs and risks of catastrophic illness and about available protection.

While the debate in Congress on catastrophic health care coverage has thus far focused on the need for protection against the catastrophic costs of acute care illnesses, it is clear that we cannot overlook the need to begin to prepare for the long-term care needs of the ever-increasing elderly population.

This legislation is the first important step in addressing the long term care issue.

I urge all of my colleagues to recognize the need for this service on a national scale and to support my legislation.

SRI LANKA'S NATIONAL DAY

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. BRYANT. Mr. Speaker, today, Sri Lanka celebrates the 39th anniversary of its independence. Sri Lanka appears committed to the democratic principles of government.

Since Sri Lanka regained independence from the British on February 4, 1948, her 16 million people have enjoyed seven national elections which shifted power peacefully between the country's two major political parties. Though differing substantially in policy, both parties have sought to represent the various ethnic and religious backgrounds present in this small but important nation.

The current government, under the leadership of President Jayewardene and the United National Party, was first elected in 1977 and reelected in 1982. President Jayewardene has instituted wide ranging reforms to guarantee both social justice and a growing economy which provides a better life for all Sri Lankans.

As is the case in many other pluralist societies, ethnic tensions persist and have led to recent episodes of ethnically based violence. The Government of Sri Lanka, however, seems determined to resolve genuine grievances through dialog, compromise, and the political process—further evidence of her commitment to democracy.

In the international arena, Sri Lanka, a member of both the United Nations and the Commonwealth of Nations, was one of the founders of the nonaligned movement of nations and has provided it with leadership in advocating world peace and disarmament. Sri Lanka's aim has consistently been to work within the framework of the United Nations' Charter toward the peaceful settlement of disputes among nations and the evolution of an international environment dedicated to the betterment of all nations and peoples.

Despite this solid record of achievement, the United States encourages the Sri Lankan Government to resolve inequalities and recent human rights violations directed toward the Tamil population. The Ceylon and Indian Tamils, which comprise 18 percent of the Sri Lankan citizens, are an integral part of Sri Lankan culture and society and deserve the same considerations granted all other Sri Lankans.

I congratulate Sri Lanka on this day, her National Day of Celebration, for an impressive record of national development and commitment to democratic principles while providing security for those who live and work in the country.

COMDR. DUKE CUNNINGHAM, THE ORIGINAL TOP GUN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. HUNTER. Mr. Speaker, the story sounds like a rescue mission from a Hollywood movie. A commander and his radar intercept officer had just been forced to eject from their fighter plane and landed at the mouth of the Red River in Vietnam. A Russian freighter and a group of Vietnamese PT boats were coming after them. The airmen would have been quite a catch for Charlie; 15 minutes earlier they had become the first American fighter aces of the Vietnam war. Suddenly, naval aircraft appeared, and although they were low on fuel, they stayed with the airmen until a rescue helicopter arrived.

Mr. Speaker, I rise today to pay tribute to the original Top Gun, Comdr. Randall "Duke" Cunningham. Duke was the last fighter ace of the Vietnam war still on active duty. He was the first all-missile ace and the first ace mounted on the F-4. Duke flew in 300 combat missions and was awarded the Navy Cross, two Silver Stars, 15 Air Medals, and the Purple Heart. He was also decorated by the South Vietnamese Government.

For his last tour of duty Duke had been stationed at Miramar Air Force base in San Diego, home of the Top Gun Training Center. Each day he was the enemy for Navy and Marine Corps fighter pilots. He trained our men to fly against Soviet formations and tactics based on our country's latest intelligence reports. He prepared our airmen, should the need arise, to fly against countries that use Soviet advisers and Soviet fighters.

Duke Cunningham has just retired from the service. He will be greatly missed. He has served our Nation well and his record stands as an example for servicemen throughout the country. Vietnam's first fighting ace is a great American and a patriot in every sense of the word.

I'd like to leave you with a few words from the original Top Gun himself, taken from his book, "Fox Two":

> The United States, in my estimation, faces its toughest tests in the future. For the first time, our military and moral strength has begun to crack under the strain of the mightiest weapons build-up in the history of mankind, as the Soviet Union continues to challenge freedom. And our lack of moral and spiritual strength at home—first evidenced during the Vietnam War—endangers a resolve to stand firm in the face of this totalitarian onslaught.

AMERICA'S CUP BELONGS HOME IN NEWPORT

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. ST GERMAIN. Mr. Speaker, for close to one and a half centuries now there's been this little boat race going on called the America's Cup. For virtually all of these years this little boat race has been held in a beautiful place called Newport, RI.

When the name Newport comes up in a conversation, people instantly think of the America's Cup. It's natural. After all, Newport is the cup's home.

With this morning's early victory over Australia, we can celebrate the America's Cup coming back to where it belongs—back to America—back to Newport—back to its home.

Having the cup take place in any other city would be like going to the Mardi Gras in Pittsburgh or like watching a Yankee home game in Fenway Park. It just wouldn't be right.

Mr. Speaker, I think it would be a gross mistake to run the next cup race out of any other city than Newport.

Tom Wolfe once told us that we can never go home again. Well, to that, Mr. Speaker, the people of Newport, RI, say baloney. They say: "America's Cup; welcome back home."

FREE SENIORS FROM FINANCIAL FEARS THROUGH "PEACE OF MIND" HEALTH INSURANCE

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. COATS. Mr. Speaker, I will introduce legislation shortly that will provide senior citizens with inexpensive, peace of mind insurance against catastrophic expenses for acute medical care.

HHS estimates that in 1987 1.3 million Americans over age 65 will have out-of-pocket medical expenses that exeed $2,000 for acute care. The yearly expenses for 200,000 of them will be more than $5,000. In spite of the fact that nearly all of these seniors have both part A and part B Medicare coverage, they will be forced to severely deplete whatever resources they have to meet these devastating costs. It is equally important to remember that all of our Nation's 30 million elderly live in fear of having these medical expenses that can only be termed catastrophic.

My bill will closely follow the catastrophic illness proposal that HHS Secretary Otis Bowen made in his November 1986 report to the President. The principle elements of the legislation are:

A $2,000 annual limit on each medicare beneficiary's out-of-pocket expenses for all part A and part B deductibles and coinsurance,

An actuarially sound additional annual premium of approximately $60 per year,

The removal of part A coinsurance and lifetime limits,

A maximum of two hospital deductibles per year,

The annual indexing of the premium to insure that the benefit is fully funded by the premium.

It is also important to note that this legislation will:

Not require any significant additional Federal funding,

Not increase the tax burden of the working age population,

Not require an expansion of the Federal bureaucracy,

Not diminish the opportunity for private insurance companies to provide supplemental insurance to cover remaining coinsurance and deductibles, and costs not covered by Medicare.

I believe this is a commonsense approach to a serious and growing problem facing our senior citizens.

I invite members to join with me in seeing that this concept gets the high degree of congressional scrutiny that it deserves.

A TRIBUTE TO THE KENNEDY HIGH SCHOOL BAND

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. DORNAN of California. Mr. Speaker, Henry Wadsworth Longfellow once said the "Music is the universal language of mankind." The Kennedy High School Band of the city of La Palma has certainly made the most out of that universal language.

Through hard work and dedication the Kennedy High School Band has been able to raise enough money to visit Ireland on four occasions to compete in band competitions; and they are going again. These trips offer the student/musicians the opportunity for a valuable educational experience that would be impossible to duplicate in the classroom. It is a trip they will treasure the rest of their lives. And they have done it with their music.

I am informed that on one of their previous trips, 2,000 people stood in the rain to hear the band's concert. I doubt very much, Mr. Speaker, if you or I, even with my Irish heritage, could get even two Irishmen to stand in the rain to listen to either of us give a speech.

So the Kennedy High School Band is to be congratulated once again on their successful efforts to visit Ireland. The band is a shining example of what can be accomplished with hard work and team spirit, two qualities that have made America what it is today. I know the band will represent their country with pride and honor, and foster better understanding between the country of my birth and the country of the birth of my forefathers.

I am sure Longfellow would be pleased.

Therefore let me now take this opportunity to wish the Kennedy High School Band of La Palma a bon voyage!

HONORED BY U.S. CHAMBER OF COMMERCE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. PACKARD. Mr. Speaker, for many communities, particularly those operating without their own city government, the local chamber of commerce plays an integral role as a voice in the community. The chamber is often called upon to provide services that make a community special.

In my own congressional district, many communities are under the jurisdiction of the county government and chambers of commerce have played, and will continue to play, key roles in the future of these communities.

One such chamber in my district, the Saddleback Regional Chamber of Commerce, has long been recognized as one of the premier chambers in the country. With a membership of more than 1,100, the chamber has tackled many of the complex issues facing the south Orange County area. Through the use of its very active committees, the Saddleback Regional Chamber of Commerce has repeatedly been in the forefront of the issues that impact all the residents of the community, not just those affecting the local business arena.

Because of its high profile and hard work in the community, the chamber has been singled out for a special honor by the U.S. Chamber of Commerce—official accreditation. Accreditation is not something to be taken lightly. Of the 600 chambers of commerce currently operating in California, fewer than 50 have earned this honor.

On Friday, February 27, 1987, a special meeting has been scheduled to honor those who worked so hard for this honor. For committee chairman, Dan O'Brien, the accreditation comes at the end of a long road paved with hard work and much organizational introspection. Hundreds of pages of reports, as well as on-site inspections, were part of the process that spanned almost 4 years.

The volunteers who contributed thousands of hours to this process deserve recognition for their efforts and the entire membership of the Saddleback Regional Chamber of Commerce should be proud of their chamber.

Accreditation is an honor well deserved by this chamber and I would like to add my personal congratulations to all those involved. Indeed it has been a difficult road, but one well worth traveling.

UNITED STATES LOSES ONE OF THE MOST RESPECTED HISTORIANS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Ms. KAPTUR. Mr. Speaker, last week my district and the Nation, lost one of our most respected historians. Dr. Chalres DeBenedetti, history professor at the University of Toledo, author, and former Rockefeller Foundation Fellow has left an indelible impression on university scholarship and on the international pursuit of peace.

Dr. DeBenedetti devoted much of his academic research to American diplomatic history of the American peace movement. Among his most renowned publications are "The Peace Reform in American History," selected by the American Library Association as one of the outstanding academic books of 1980–81, and "The Anti-Vietnam War Movement and Modern America," an essay completed while a Rockefeller Foundation Humanities Fellow. Dr. DeBenedetti was unable to complete an oral history titled, "Elite Dissent and U.S. Foreign Policymaking: Vietnam as a Case Study," for which he had been awarded a $70,000 grant from the Social Science Research Council.

A former president of the Conference on Peace Research in History, Dr. DeBenedetti was a member of the American Historical Association and the Organization of American Historians. In May 1986 Dr. DeBenedetti was elected president of the Society for the Study of Internationalism.

Dr. DeBenedetti's contributions to scholarship on the history of peace have achieved national and international recognition. I know my colleagues in the House of Representatives join me offering our deepest condolences to the family and friends of Charles DeBenedetti. It is our hope that the history of peace continues to inform our foreign policymaking for generations to come. This will be Dr. DeBenedetti's legacy.

ARMENIAN GENOCIDE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wedesday, February 4, 1987

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with a sense of undeniable moral obligation that I am once again compelled to voice my strong support for the resolution to declare April 24, 1987, as "A Day of Remembrance of Man's Inhumanity to Man."

By adopting this resolution we are making a simple, yet eloquent statement of remembrance of all victims of genocide throughout the passage of history, and in particular the 1.5 million Armenian men, women, and children who suffered unimaginable brutality and massacre at the hands of the ancient Ottoman empire. I join the Armenian-American community in solemn recognition of this inhumanity perpetrated upon them. Guilty of cherishing fundamental rights we enjoy without fear of reprisal—religious worship and freedom to live in their home of 2,500 years, Armenians were punished by enduring one of the most deliberate and heinous exterminations the world had yet witnessed.

As we prepare to celebrate the bicentennial anniversary of our Constitution, let us demonstrate our fidelity to the values held sacred in that vital document by advancing the cause of individual liberty and the sanctity of human rights.

Elie Wiesel once noted, "the opposite of love is not hate, but rather indifference," let us not allow history to judge that we were indifferent in confronting inhumanity, but that we provided for a future liberated from the shackles of genocide.

THE QUEENS JEWISH COMMUNITY COUNCIL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Queens Jewish Community Council on the occasion of its 19th installation. The event will be held on Saturday evening, February 28, 1987.

The Queens Jewish Community Council is a mainstay of the Seventh Congressional District, an asset to the people of Queens County and an inspiration to all of New York City. Through the council's praiseworthy efforts, countless senior citizens, impoverished individuals and people in need of immediate assistance have been able to receive the help they so desperately need. Mr. Speaker, one of the most important acts one can undertake in Judaism is "gemlut chesed"—charitable kindness. The Queens Jewish Community Council performs this "mitzvah" every day of the year.

The Queens Jewish Community was founded in 1968 with only 27 member organizations. During the past 19 years, it has grown to include the affiliation of almost 100 institutions. These include synagogues, social service agencies, labor and civic groups, and recreation organizations. The council serves the people of Queens through the emergency assistance fund for the Jewish needy, which provides vital financial support for the indigent; through the food distribution fund, which feeds many individuals who are unable to purchase their own food; and through its newly created legal services, which helps low-income individuals to receive access to the judicial system.

The council also provides kosher for Passover food to those who cannot afford to buy their own supplies for the festive holiday, and distributes smoke detectors and burglar

alarms to senior citizens. In addition, this Queens institution conducts educational seminars and community forums. All told, Mr. Speaker, the Queens Jewish Community Council is an excellent example of a local organization working to help members of its own community.

I would like to make special mention of the one constant and guiding force behind the council since its creation—Max Schoenbrot. People like Max make our jobs, as Members of Congress, a bit easier.

In order to know where you are going to, it is always important to know where you have been. Therefore, I would like to recognize the past presidents of the Queens Jewish Community Council who have played a vital role in the success and growth of the organization: Dr. Alvin Lashinsky, Seymore Samuels, Dan Friedenreich, the late Paul Taubman, Adeline Silverman, Benjamin Viner, Marvin A. Cohen, and Byron Dresner.

In addition, I would like to pay tribute to the current officers of the council for their dedication and commitment: Eugene Schessler, president; Marion Koerner, executive vice president; Harold Goldberg, Abraham Hecht, Robert Orner, and Dr. Mattis Yellin, vice presidents; Abe Venner, treasurer; William Eldot, financial secretary; Lila Schulman, corresponding secretary; and Irving Bayer, recording secretary. I also commend the council's board of directors and staff.

Mr. Speaker, I call on my colleagues in the House of Representatives to join me in wishing a hardy "yoshi koach" and sincere congratulations to the Queens Jewish Community Council for its many contributions to Queens County, and New York City, and to encourage it to continue its exemplary work.

ELECTION RECOUNT ACT REINTRODUCED

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mrs. MEYERS of Kansas. Mr. Speaker, last year a bipartisan group of 57 Members joined me in cosponsoring the U.S. House of Representatives Election Recount Act. Since that time, another election has come and gone, and several recounts have been required or requested for House seats.

Remembering the controversy of the House investigation and recount of the Eighth District of Indiana seat in 1985, we are fortunate that a similar situation did not develop in this election cycle. In 1985, Richard McIntyre was certified as the winner of that race, but the State's recount was not completed. The House of Representatives refused to recognize Mr. McIntyre's certification and conducted its own recount.

The Election Recount Act would most likely prevent the need for the House of Representatives' involvement in recounts, without changing the congressional power to do so.

The bill creates a new Federal law, providing time limits for completion of recounts in general and special elections. For general elections, recounts would have to be completed by December 31 of the year in which the election took place. For special elections, the deadline would be 6 weeks after the election. The new law would not take effect until the November 1992 election, in order to give States ample time to ensure compliance.

Although State recount procedures vary, an FEC 50-State survey in 1978 indicated that time needed for recounts ranged from less than a day to several weeks. The FEC's 1978 report recommended that Congress consider enactment of uniform Federal standards for recounts and cited speed as an important goal.

The Election Recount Act could eliminate the need for future House investigations of close elections, without ceding congressional authority to do so, or interfering in States rights to determine their own election procedures.

I urge all of my colleagues to join me in supporting enactment of this timely reform in the 100th Congress.

CALENDAR YEAR TAX CONFORMITY—A TAX POLICY MISTAKE

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. McGRATH. Mr. Speaker, I recently introduced legislation which would repeal the provisions of the Tax Reform Act of 1986 which require all S-corporations, personal service corporations, and partnerships to change from a fiscal year to a calendar year basis for Federal income tax purposes. H.R. 666 is intended to correct what is clearly a policy mistake in the tax reform bill.

While the intent of this provision may have been admirable, it is unworkable in practice. Fiscal years have in the past been selected for sound business purposes and because they coincided with the natural business year of the taxpayer. The new law will eliminate the flexibility which previous IRS rules have allowed to even out taxpayer filing requirements and IRS processing workloads.

In addition, the change to calendar years will cause mayhem for tax practitioners in public accounting firms. These firms will be facing the prospect of having a vast portion of their entire workload come due at one time. This will necessitate the greater use of filing extensions and will not enhance tax compliance.

While it is estimated that enactment of this provision will result in a one-time revenue gain of $1.6 billion over 5 years, the enormous number of extensions which will be filed will most surely reduce this projected revenue gain.

Furthermore, the implementation of the act by businesses will be costly and counterproductive to the economy. Businesses which have used a fiscal year for many years will now have to amend contracts, compensation arrangements, and retirement and employee benefit plans because these provisions apply to existing, as well as newly formed, entities.

The Ways and Means Subcommittee on Oversight, on which I serve, has heard a great deal of testimony about the backlogs and processing problems the IRS incurs at the peak tax season. The calendar year tax conformity provision will increase the annual return processing costs for the IRS by increasing certain peak points in the filing cycle. This is inconsistent with congressisonal and other recommendations to stagger return filing to alleviate the heavy workload that has precipitated processing problems in recent years.

For all these reasons, Mr. Speaker, I believe we must repeal the calendar year tax conformity provisions of the Tax Reform Act. I urge my colleagues to join me in cosponsoring this measure.

THE IRA EQUITY AND RETENTION ACT

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. BADHAM. Mr. Speaker, today I am introducing legislation to amend the Tax Reform Act of 1986 to restore the $2,000 deduction for Individual Retirement Accounts for individuals who are active participants in pension plans. In addition, this legislation will allow an IRA deduction of up to $2,000 for a nonworking spouse.

In 1981, Individual Retirement Accounts were revised in order to supplement Social Security and to improve individuals' prospects for a secure retirement. Because Social Security is not intended, nor is it adequate, to meet all retirement needs, it is essential that the Federal Government continue to encourage the use of the IRA's as they have proven extremely effective in developing private savings devoted to retirement needs. In fact, over the last 4 years, Individual Retirement Accounts have produced additional, badly needed savings for the Nation's economy by encouraging a rise in individual savings of more than $200 billion. That is $200 billion of savings that might not have been accumulated otherwise.

IRA's have served as an effective savings tool for many individuals, especially those in the middle-income bracket. Becasue of the positive effect this increase in savings has had on individuals' retirement security as well as on our Nation's economy, Congress should do all in its power to provide incentives to encourage further savings.

However, with the passage of the Tax Reform Act of 1986, Congress did just the opposite—removing many of the incentives and making it more difficult for individuals to accumulate necessary savings. In addition, by retaining the $250 cap for nonworking spousal IRA's, Congress chose to continue to discriminate against those who choose to remain at home and care for their families. These are individuals who, although in a different way, contribute just as much to the Nation's economy and society as the working spouse.

To correct this inequity, I have included a provision in the IRA Equity and Retention Act that will allow a working and nonworking spouse to combine their overall income and allow each of them to deduct for any taxable year the lesser of $2,000 or 100 percent of their total annual compensation.

By restoring the $2,000 deduction for IRA's to all individuals, including nonworking spouses and working spouses participating in a pension plan, Congress will encourage increased capital formation and productivity. In addition, if not more importantly, we will correct a past inequity and thereby allow all individuals to contribute to the retirement security of the American family.

I urge my colleagues to join me now in cosponsoring the IRA Equity and Retention Act in order to preserve the IRA and make it fair to all individuals who want to provide for their family's financial security during retirement years.

INTRODUCTION OF BILL ESTABLISHING THE NATIONAL MARITIME MUSEUM IN SAN FRANCISCO

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. UDALL. Mr. Speaker, today a large number of our colleagues have journeyed to San Francisco to join the family and friends of our esteemed and much-loved colleague, Sala Burton, in paying their final respects to her and her memory.

Mr. Speaker, I was unable to join that official party, but I think that introduction of legislation establishing the National Maritime Museum in Sala's beloved San Francisco is my own way of preserving the memory of our colleague.

This legislation, which has been cosponsored by a large number of Sala's California colleagues, would establish the National Maritime Museum at San Francisco as a new unit of the National Park System. Designation of the museum would allow greater attention to be focused on the collection of historic ships now housed at the Golden Gate National Recreation Area by creating a separate line item in the Interior Department budget.

The fleet of historic ships at the GGNRA is among our many threatened park resources. The 70-year-old *Wapama*, sole survivor of the Pacific's 225 wooden-hulled steamers, is particularly in need of immediate and extensive repairs. If the *Wapama* had been repaired 6 years ago, when it began to sink, the cost would have been about $2 million. Now, after being exposed to the elements for this extended period, repairs for the *Wapama* may now be out of reach.

Mr. Speaker, what happened to the *Wapama* will happen to the other legends of the sea in this collection unless we learn by this mistake and take appropriate action now.

These ships represent the civilian maritime heritage of our Nation, a heritage already deemed worthy of preservation by our National Government. Now is the time to support their preservation by concrete actions to create a world class museum and to guarantee the survival of our Nation's historic ships.

Mr. Speaker, I look forward to the day when this legislation might be implemented to insure the extended life of this resource and to allow future generations of Americans an opportunity to learn of our Nation's rich maritime history.

This legislation was to be Sala's first action upon returning to the Congress after her long fight against cancer. Unhappily for us all, Sala did not make it back. So, I think it entirely appropriate that this legislation be introduced on the day she is to be buried next to her beloved husband Phil in the Golden Gate National Recreation Area which they both worked so hard for during their years in the Congress of the United States.

Sala was a friend and associate of mine and my wife, Ella, for many years. And we deeply mourn her loss and will miss her greatly.

Sala, as we all know, was not merely the successor to Phil, she was a dynamic and effective Member of Congress in her own right. Her actions on behalf of her State's wildernesses, the Outer Continental Shelf, for women's rights, and her aggressive efforts to provide vital research and appropriate Federal action to find a cure for AIDS was legendary in this House.

Mr. Speaker, it is altogether appropriate that we take the quickest possible action in passing this legislation as our way of paying respect to this good friend and dearest colleague.

The text of the bill follows:

LIST OF COSPONSORS

Mr. Udall, Mr. Vento, Mr. Edwards, Mrs. Boxer, Mr. Miller of California, Mr. Mineta, Mr. Lantos, Mr. Coelho, Mr. Berman, Mr. Hawkins, Mr. Bates, Mr. Fazio, Mr. Panetta, Mr. Roybal, Mr. Waxman, Mr. Torres, Mr. Anderson, Mr. Bosco, Mr. Brown, Mr. Dellums, Mr. Dixon, Mr. Dymally, Mr. Beilenson, Mr. Lehman of California, Mr. Levine, Mr. Martinez, Mr. Matsui, and Mr. Stark.

H.R. 1044

A bill to establish the National Maritime Museum at San Francisco in the State of California, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Maritime Museum Act of 1987".

SEC. 2. ESTABLISHMENT AND BOUNDARIES.

(a) ESTABLISHMENT.—In order to preserve, record, and interpret the history and achievements of seafaring Americans and of the Nation's maritime industry for the edification of the public, to undertake archeology and other research in the field of maritime history, and to preserve in seaworthy condition representative historic vessels both sail and power, there is hereby established the National Maritime Museum at San Francisco (hereinafter referred to as the "museum") as a unit of the National Park System.

(b) GOLDEN GATE NATIONAL RECREATION AREA.—The vessels, marine collections, libraries, equipment, and other maritime historical artifacts in the jurisdiction of the Golden Gate National Recreation Area (hereinafter referred to as the "recreation area") are transferred to the museum and the boundaries of the recreation area are revised to exclude the lands and interests therein which constitute the museum and which are depicted on the map entitled "   " and numbered   and dated   . The shores, piers, and waters formerly known as Aquatic Park, as depicted in the referenced map, shall be named the San Francisco National Historic Seaport which shall be administered as a part of the museum. The boundary map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and in the office of the Superintendent, National Maritime Museum at San Francisco, California.

(c) MUSEUM BUILDING.—The museum building referred to in section 4(d)(4) shall be named the "Sala Burton Building" and an appropriate plaque with this designation shall be prominently displayed as a part of the structure.

SEC. 3. ACQUISITION.

(a) LANDS AND INTERESTS IN LANDS.—Within the boundaries of the museum, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer without consideration from any other Federal agency. Any property owned by a State or any political subdivision thereof may be acquired only by donation.

(b) OTHER PROPERTY.—In furtherance of the administration of the museum, the Secretary is authorized to acquire other real property and personal property including, but not limited to, vessels and notwithstanding any other provision of law the Liberty Ship SS Jeremiah O'Brien, as well as other heavy marine equipment and drydock facilities, by the same means.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the museum in accordance with this Act and with the provisions of laws generally applicable to units of the national park system. The Secretary shall protect, manage, and administer the museum as a distinguished and scholarly institution and in such a manner as to preserve and perpetuate the knowledge and understanding of the history of America as a maritime nation, to maintain in seaworthy condition and in a seamanlike fashion the vessels of the museum, to assure the continued recording of the seafaring history of the Nation, to assist scholarly research, to encourage the preservation of and study of national maritime history and resources, to coordinate the maritime preservation and archeology initiatives of the service, and to assist others in the worthwhile endeavors enumerated in this section to the end that the importance both in the past and in the future of the seafarers and their unions and the maritime industry shall be readily evident to the citizens of this Nation, and foremost to provide for public understanding and enjoyment of maritime history.

(b) LEASING.—Notwithstanding any other provision of law, the Secretary may lease any real or personal property, including vessels and other heavy marine equipment, such as floating drydocks, acquired by the museum. The net receipts from any such lease shall be credited to the account bearing the cost of maintenance of the historic vessels.

(c) FEES; RECEIPTS.—The Secretary is authorized to charge reasonable entrance fees to visitors and special use fees to commercial motion picture and television producers and still photographers as well as other groups or organizations for use of the museum facilities and ships. Notwithstanding any other provision of law, the receipts therefrom, less any costs incurred, shall be credited to the cost of maintaining the historic vessels or for 2 years following enactment of this Act to the preparation of a general management plan as provided in section 4(d).

(d) MANAGEMENT PLAN.—Within 2 complete years after the enactment of this Act, the Secretary shall transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a general management plan for the museum. The plan shall describe the appropriate plans for development of the museum to achieve the intent and purposes of this Act which shall include, but not be limited to, each of the following:

(1) A description of the elements of a collection deemed appropriate for the museum which shall include, but need not be limited to, the museum and associated artifacts and the following historic vessels:

(A) The sailing ship Balclutha.

(B) The steam schooner Wapama.

(C) The steamship SS Jeremiah O'Brien.

(D) The ferry Eureka.

(E) The schooner C.A. Thayer.

(F) The tug Eppleton Hall.

(G) The tug Hercules.

(H) The scow schooner Alma.

(2) The identification of real and personal property including written and illustrative material, artifacts, wrecks, and vessels which is deemed necessary for the purpose of resource protection, management, or administration of the museum or furtherance of other purposes of this Act, and the estimated costs thereof.

(3) Plans for exhibition of the collection including estimates of the number of visitors which can be accommodated while protecting the resource.

(4) The location, preliminary design, and estimated cost of public facilities to be developed for the museum, including a modern museum building, visitor parking, and public transit access, and appropriate maintenance and ship repair facilities, as well as docking facilities which provide the historic vessels maximum shelter from prevailing winds, winter storms, tide, and wave.

(5) An interpretive plan for the museum which shall address the potential of locating historic vessels for interpretive purposes at other ports for permanent display or for temporary visits.

(6) Cultural and natural resource management plans including a restoration and maintenance plan for each vessel of the historic fleet and other major artifacts.

(e) MANAGEMENT.—There shall be appointed a superintendent of the National Maritime Museum, a chief curator to supervise the collections of the museum, a conservator of ships to supervise the maintenance and preservation of the historic vessels and an executive secretary to the Commission to administer the affairs of the Commission, and other such duties as may be prescribed.

SEC. 5. OTHER VESSELS.

(a) ACQUISITION.—If the Secretary determines that other historic vessels should be added to the collection referred to in section 4(d)(1), then the Secretary may acquire such vessels in accordance with section 3. The Secretary shall notify the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate in writing not less than 90 days in advance of the proposed acquisition, and such notification shall indicate the estimated cost of restoration, maintenance, and operation of the vessel which it is proposed to acquire.

(b) DISPOSAL.—If the Secretary makes an affirmative finding that any historic vessel can no longer be maintained economically, the Secretary shall notify the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. If the Congress so authorizes, the Secretary may dismantle the vessel in such a way as to preserve historic portions, or transfer jurisdiction of the vessel, or remaining portions of her, to the Administrator, General Services Administration, for such disposition as the Administrator may determine.

SEC. 6. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Advisory Commission on the National Maritime Museum (hereinafter referred to as the "Commission") which shall consist of 15 members, each appointed by the Secretary as follows:

(1) 3 members appointed for terms of 4 years from recommendations submitted by the National Maritime Museum Association.

(2) 3 members appointed for terms of 4 years from recommendations submitted by the Governor of the State of California, one of whom shall have professional expertise in maritime historic preservation matters.

(3) 3 members appointed for terms of 5 years from recommendations submitted by the Governor of the State of California, one of whom shall have professional expertise in maritime historic preservation matters.

(4) One member appointed for a term of 5 years from recommendations from the Secretary of Commerce, who shall have professional expertise in maritime industry matters.

(5) One member appointed for a term of 1 year from recommendations from the Administrator, Maritime Administration, who shall have professional expertise in maritime history.

(6) 3 members appointed for a term of 5 years from recommendations from the National Trust for Historic Preservation, two of whom shall be professional employees from other maritime museums.

(7) One member appointed for a term of 5 years from recommendations from the Smithsonian Institution.

(b) VACANCY; COMPENSATION.—Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made except that a member shall continue to serve until his or her successor is duly appointed by the Secretary. Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses of Commission members reasonably incurred by them in carrying out their responsibilities under this section upon presentation of vouchers signed by the Chair of the Commission. Necessary administrative services and expenses shall be provided to the Commission by the Secretary.

(c) OFFICERS.—The Chair and other officers shall be elected by a majority of the Commission at its first meeting to serve for terms established by the Commission.

(d) MEETINGS.—The Commission shall meet at the call of the Chair or a majority of its members, but not less than four times each year. The Commission shall conduct its meetings in the city and county of San Francisco unless circumstances otherwise require.

(e) BYLAWS.—The Commission may make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this Act.

(f) FUNCTIONS.—(1) The Commission shall advise on the administration of this Act and on the development and management policies of the museum.

(2) The Commission shall conduct public meetings to hear from persons concerned with the maritime preservation and for other purposes.

(3) The Commission shall receive public testimony and make recommendations on the general management plan for the museum.

(4) The Commission shall be consulted and provide advice on the qualifications required of candidates for the positions of superintendent, chief curator and conservator of ships whenever such positions become vacant.

(5) The Secretary shall consult with the Commission from time to time with respect to his responsibilities and authorities under this Act.

(g) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with repsect to this Commission.

(h) DURATION.—The Commission shall terminate 10 years from the date members are appointed and the first meeting held.

SEC. 7. CONFORMING AMENDMENTS.

Section 4(f) of the Act of October 27, 1972 (16 U.S.C. 460bb-3(f)) is further amended by inserting after the words "Maritime Museum" the following "at San Francisco".

SEC. 8. AUTHORIZATION.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

STAN EVANS MAKES THE CASE FOR SDI PHASED DEPLOYMENT

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. COURTER. Mr. Speaker, the recent administration movement toward an SDI deployment decision has produced much desperation and hand wringing by the mutual assured destruction [MAD] lobby. The thought that the President might have been serious in March 1983 when he first proposed SDI apparently never occurred to the opponents of strategic defenses. Accordingly, we are being treated to dark predictions of defeat in Congress for any SDI deployment proposal, even though the vast majority of Americans outside the beltway have repeatedly told public opinion pollsters that they want to be defended against Soviet ballistic missiles.

A recent essay by Mr. Stanton Evans in Human Events explores the current state of play on the SDI deployment question, and makes a cogent, forceful case for pressing forward with strategic defenses in spite of protests by the MAD elite. I commend my colleagues' attention to this essay, particularly as the movement toward SDI deployment gains momentum.

The essay follows:

SDI SHOULD BE REAGAN'S NO. 1 OBJECTIVE

(By M. Stanton Evans)

In his State of the Union address last week, President Reagan touched nearly all the bases concerning what has been done by his Administration and what he hopes to see accomplished in the next two years.

The problem with this kind of synoptic view of public policy, of course, is that it gives no idea of emphasis: Everything was noted in passing, from Iran and Nicaragua to arms control and the budget and prayer in the schools. Such is the nature of these addresses, which are meant to convey a general tone and sense of things, rather than a systematic ordering of priorities.

From the standpoint of political reality, however, such an ordering is urgently required. This is true under any circumstances, is especially true in the final years of an Administration's tenure, and is most emphatically true of one confronting a Congress controlled by his political opposition. The Reagan Administration will have trouble getting much of anything done in this two-year period, particularly if it diffuses its resources on too many different projects.

Obviously, the President must continue striving to get federal spending under control, push for reforms of our calamitous welfare system, seek aid for the Contras and other anti-Communist resistance forces. He needs to go to the country on these matters, not only in his own speeches and press statements, but in effective advocacy by his Cabinet and staff. He also needs to play political hardball when appropriate, using the veto power to stop the Congress from aggravating already serious problems.

Among the many items on the President's agenda, however, one stands out above the rest: Deployment of his proposed Strategic Defense Initiative (SDI). This is incomparably the most important project of the Reagan years in Washington, involving as it does the bedrock security interests of the nation. It is also one over which, in many respects, the President can exert the most significant degree of control—both through the power of his office, and through the backing of the public.

At stake in the battle over SDI is a fundamental question of national policy: Whether we should continue abiding by the doctrine of "mutual assured destruction" (MAD), which says our best prospects for peace lie in a strategy of deliberately refusing to defend ourselves against incoming bombs and missiles. This revolutionary concept has ruled our policy on defense since the 1960s, when it was imposed on an unwitting nation by Robert McNamara and the gurus of the arms control theocracy.

Just about everything believed of MAD has turned out to be mistaken. Inherently implausibe to begin with, it has been rudely battered by experience in the grim world of superpower confrontation. Most obviously, the MAD tenet that the Soviets would foreswear homeland defenses if we refused to have them turned out to be in error. So has the idea that the absence of defenses would slow the race for further development of offensive weapons which the Soviets have relentlessly pursued in the era of MAD dominance.

The net result of these mistakes is that we have deprived ourselves of homeland defenses precisely at the time we stand most in need of them. We have refused to develop defenses against ballistic missiles, dismantled our once-numerous air interceptor and SAM defenses, and allowed our radar picket line to fall into a state of disarray. The Soviets in the meantime have not only deployed all of these defenses but have followed an aggressive policy of arms expansion that is currently thought to threaten our civilian population, our NATO allies, and our Minuteman missiles in their silos.

Reagan's SDI is a head-on challenge to the doctrine that has brought us to this dangerous impasse. In the long term (or maybe mid-term, as it now appears), it could supply the population defenses the arms controllers have told us are impossible and undesirable. In the near-term, through deployment of "point defenses" and other devices, it could protect our missile deterrent from the threat of a preemptive strike by Moscow, profoundly altering the strategic situation in our favor.

To achieve these things, however, the President must fight an uphill battle against determined opposition. As Mikhail Gorbachev made plain at last year's Iceland summit, stopping SDI—for obvious reasons—is the No. 1 arms-control objective of the Kremlin. Equally opposed to SDI are the disarmament lobbyists who dreamed up MAD to begin with, and for whom a perpetually vulnerable United States is not only a pleasing prospect but a form of religious obligation.

In addition, efforts to go ahead with SDI confront a legalistic barrier: The ABM treaty of 1972, which specifically forbids deployment of antimissile defenses and is the very incarnation of MAD doctrine. The Soviets and the arms controllers would have us view this treaty as a sacred totem, in the (correct) belief that, as long as it remains in force, SDI can never be field-tested and deployed.

Over against all this, as the reaction to Iceland plainly revealed, the idea of having such defenses is immensely popular with the public. Opinion surveys have shown, indeed, that many Americans thought we had these sorts of weapons already, and were surprised to learn that we have for upwards of two decades deprived ourselves of homeland defenses as a deliberate policy. The convolutions of planned defenselessness, it seems, are much too subtle for the average person.

Moreover, we now have a continuing stream of good news about research on SDI: Things that seemed both futuristic and impossible when Reagan gave his SDI address in '83 now seem quite feasible. The technology for shooting down missiles at high altitudes has been successfully tested and retested, with ever-improving results. Advances are also reported on more exotic aspects of such defenses, from computer work to laser beams to radar tracking.

In other words, the materials are now in hand, or very shortly will be, to move ahead on SDI—not simply in some Buck Rogers tomorrow, but in the next few years. To achieve such movement should be *the* foremost objective of the Reagan government in the time remaining to it. Simply to pass the project along to a (possibly unsympathetic) successor administration as a research program could easily result in killing it, bringing about a full-scale lapse back into the lunacy of MAD.

Such forward progress requires, at a minimum, three things from the Administration: (*1*) A continued flow of information and advocacy to the public to keep the Congress reasonably cooperative; (*2*) notification to the Soviets that, in view of their manifest violations of it, we consider the ABM treaty null and void; and (*3*) immediate steps to deploy ABM defenses of our deterrent force and—as feasible—area population defense as well.

If the Reagan government can achieve these three objectives, the SDI repudiation of MAD doctrine would be an accomplished fact, rather than a science project—and the President can leave office knowing he has made the American nation secure from Soviet attack.

A TRIBUTE TO THE PRESIDENT OF THE OHIO SENATE, PAUL E. GILLMOR

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. KEMP. Mr. Speaker, I rise today to recognize and pay tribute to a friend and an outstanding leader, the president of the Ohio State Senate, Paul E. Gillmor. During his 20 years of distinguished service in the Ohio Senate, Paul Gillmor has served his State and Nation with dedication and conviction. Paul's hard work and leadership has reached far beyond his community and State. In fact, the National Republican Legislators Association selected him as one of this Nation's 10 most outstanding legislators. The citizens of Ohio have also recognized Paul's talents and accomplishments, electing him to a sixth term in the Ohio Senate in 1984.

In the Ohio Senate, Paul has been unanimously elected Republican leader 5 times, serving as president of the senate during the 114th and 116th General Assemblies. His colleagues have shown their respect and admiration by electing him to serve as the first chairman of the bipartisan Legislative Ethics Committee.

In addition, Paul has been honored for his contributions to education, law enforcement, and veterans affairs. His concern for the education and future of our youth has earned him high honors from organizations like the Ohio School Boards Association, the Buckeye Association of School Administrators, the Ohio Education Association, and the Ohio Department of Education. Paul has also been the recipient of the prestigious Governor's Award, the Phillips Medal of Public Service, and has been inducted into the Ohio State Fair Hall of Fame.

Today, I would like to call attention to all that Paul Gillmor has done for Ohio and our Nation, and I am proud to call this outstanding legislator and leader my friend.

NONSMOKERS' HEALTH PROTECTION ACT OF 1987—H.R. 1008

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. SCHEUER. Mr. Speaker, that old familiar request—"Mind if I smoke"—is no longer relevant. It would be more accurate for a smoker to ask—"Mind if we smoke—because we now know that smoking is harmful to the smoker and bystander alike.

Passive smoking—breathing smoke exhaled by a smoker or breathing smoke emanating from the tip of a burning cigarette—is no longer just obnoxious, it's a genuine health threat for everyone exposed to it.

The recently released "1986 Surgeon General's Report on the Health Consequences of Smoking," presents the most credible testimony in favor of legislation calling for designated smoking areas. The report presents convincing and comprehensive scientific evidence that passive smoking endangers the health of children and nonsmoking spouses of smokers, increasing the incidence of respiratory infections, heart disease, emphysema and other lung disorders.

The Surgeon General's report concludes that nonsmokers exposed to smoke are forced to inhale the 4,000 chemicals—such as tars, carbon monoxide and methane—that cigarette smokers ingest by choice. Clearly, smoking is everyone's business.

Last year, in an effort to improve the environment of the Federal workplace and protect tens of thousands of nonsmokers from the hazards of passive smoking, I introduced legislation to address the problem. This year, I, along with Representative DON RITTER, have reintroduced the "Nonsmokers' Health Protection Act of 1987"—H.R. 1008.

H.R. 1008 would prohibit smoking in Federal buildings except for designated smoking areas that would be determined by the Secretary of Health and Human Services in consultation with affected employee unions.

The Surgeon General's report demonstrates the urgent need to protect nonsmokers from this genuine health threat—and the most effective way to do it is by restricting smoking in public places.

I applaud the recent General Services Administration regulations providing for designated smoking areas, but the agency only oversees about one-third of all Federal buildings. Clearly, legislation is needed to clarify Federal nosmoking policies and to make them consistent throughout the Federal Government.

There is no silver lining to a dark cloud of tobacco smoke. I ask my colleagues to join me in supporting the "Nonsmokers' Health Protection Act of 1987."

A letter of support from the Coalition on Smoking OR Health follows the text of H.R. 1008:

H.R. 1008

A bill to protect the health of nonsmokers working and visiting in United States Government buildings from the hazards of involuntary smoking by restricting smoking to designated areas in all buildings or building sections occupied by the United States Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nonsmokers Health Protection Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) tobacco smoke is a major contributor to indoor air pollution,

(2) the National Academy of Sciences and the Surgeon General of the United States Public Health Service have concluded that—

(A) involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers,

(B) involuntary smoking poses special health hazards for children, and individuals with chronic lung disease or impaired pulmonary function, and

(C) nonsmokers exposed to airborne tobacco smoke frequently experience acute, short-term, adverse physical reactions, including eye, nose, an throat irritation,

(3) the Surgeon General has concluded that the simple separation of nonsmokers and smokers in the same airspace does not eliminate the nonsmoker's exposure to airborne tobacco smoke,

(4) the National Academy of Sciences has concluded that ventilation rates 5 times those needed in nonsmoking environments are needed when smoking is permitted to provide an acceptable comfort level for 80 percent of nonsmokers,

(5) the common courtesy of those who smoke protects some but by no means all nonsmokers from the known health hazards of involuntary smoking, and the health of nonsmokers should not depend on whether specific smokers are or are not courteous,

(6) employers, including the Federal Government, have an obligation to protect the health and comfort of nonsmoking employees by providing a reasonably smoke-free environment, and although steps have been taken in some agencies of the Federal government to protect nonsmokers in buildings under the jurisdiction of those agencies, consistent, government-wide standards are needed to adequately meet the Federal government's obligation, and

(7) Congress recognizes that this Act does not alter any previously existing need to address any other existing indoor air pollutants which may pose a hazard to the health of Federal workers.

SEC. 3 FEDERAL POLICY.

Nonsmokers working and visiting in United States Government buildings are entitled to a reasonably smoke-free environment for the protection of their health and comfort.

SEC. 4. REGULATIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

(a) PROMULGATION.—To provide nonsmokers in United States Government buildings with a reasonably smoke-free environment, the Secretary of Health and Human Services (hereinafter in this Act referred to as the "Secretary"), in consultation with the Surgeon General, shall promulgate regulations providing for the exclusive areas in which smoking shall be allowed within United States Government buildings. Smoking shall not be allowed in United States Government buildings in areas other than those designated as smoking areas pursuant to this subsection. For purposes of this Act, the term "United States Government buildings" means buildings or sections of buildings owned, leased, or occupied by the United States Government.

(b) PERIOD FOR PROMULGATING RULES.—The Secretary shall promulgate regulations under subsection (a) within 180 days after the date of the enactment of this Act.

(c) CONTENT.—Regulations promulgated by the Secretary under subsection (a) shall include the following:

(1) The regulations shall make reasonable accommodations for the needs of the smokers and nonsmokers who use United States Government buildings but ensure that when the health and comfort of the nonsmoker conflicts with the desire of an individual to smoke, the health and comfort of the nonsmoker shall take precedence. For purposes of this paragraph and to ensure the protection of nonsmokers from the health risks of involuntary smoking, reasonable accommodations shall include—

(A) the provision of reasonably smoke-free space in all areas shared by smokers and nonsmokers, including work area, restaurant facilities, vending areas, and other common space,

(B) the physical separation of designated smoking areas from nonsmoking areas and the use of a ventilation system that will not circulate air from the smoking areas into the nonsmoking areas of the building,

(C) the prohibition of smoking in hallways, restrooms, elevators or any area where smoking is currently limited or prohibited because of safety, health, or other reasons, and

(D) the prohibition of smoking in areas of United States Government buildings visited or used by the general public.

(2) The regulations shall provide for the conspicuous display of signs at the entrances of each building which specify—

(A) that smoking is permitted only in designated smoking areas, and

(B) the location of designated smoking areas, if any, in each building.

(3) The regulations shall require the display of signs in designated smoking areas specifying that the area is a designated smoking area.

(4) The regulations shall provide for the effective enforcement of the prohibition on smoking in all areas except where smoking is permitted.

(5) The regulations may not require that structural changes be made in United States Government buildings to implement the regulations.

SEC. 5. LIMITATIONS.

No regulation promulgated under section 4(a) shall supercede a regulation providing more stringent restrictions on smoking, or prevent a department or agency from initiating more stringent restrictions on smoking.

SEC. 6. COLLECTIVE BARGAINING.

IN GENERAL.—In a department or agency in which a labor organization has been accorded recognition as a bargaining unit pursuant to chapter 71 of title 5 of the United States Code, the department or agency shall engage in collective bargaining pursuant to section 7114 of title 5 United States Code to implement regulations promulgated under section 4(a) which affect work areas predominantly occupied by employees represented by such a labor organization.

(b) CONTENT.—Any collective bargaining agreement entered into pursuant to subsection (a) shall fully comply with all requirements of this Act, and shall—

(1) provide that all Federal employees shall be permitted to work in a reasonably smoke-free environment,

(2) provide that when the health and comfort of nonsmokers conflict with the desire of an individual to smoke, the health and comfort of the nonsmoker shall take precedence, and

(3) limit smoking to designated areas consistent with the regulations under section 4(a).

SEC. 7. SMOKING CESSATION PROGRAMS.

Federal departments and agencies are encouraged to offer employees the opportunity to participate in a smoking cessation program in conjunction with and subsequent to the implementation of the smoking policy mandated by this Act. In addition, Federal employees health plan carriers are encouraged to provide coverage for smoking cessation programs in their health benefits package.

COALITION ON SMOKING OR HEALTH,
Washington, DC, February 4, 1987.

Hon. JAMES SCHEUER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SCHEUER: The Coalition on Smoking OR Health, comprised of the American Cancer Society, the American Lung Association, and the American Heart Association, is pleased to endorse the Non-Smokers Health Protection Act of 1987. This legislation would ensure that non-smokers working and visiting in U.S. Government buildings are protected from the documented health hazards posed by exposure to airborne tobacco smoke, also known as involuntary smoking.

The Surgeon General of the United States Public Health Service, our nation's top public health official, and the National Research Council of the National Academy of Sciences, the nation's most prestigious scientific research body, have each recently reported on the health effects of involuntary smoking. Their findings include:

1. Involuntary smoking is a cause of disease, including lung cancer, in healthy non-smokers.

2. Involuntary smoking by children and infants results in an increased incidence of serious respiratory infections such as bronchitis and pneumonia in early childhood, and smaller rates of increase in lung function as the lung matures.

3. Healthy non-smokers exposed to tobacco smoke in the air experience acute physical reactions including eye, nose and throat irritation.

4. The simple separation of smokers and non-smokers in the same air space does not eliminate the exposure of non-smokers to the harmful constituents found in airborne tobacco smoke.

Forty-two states, and hundreds of municipalities, have already enacted policies to protect non-smokers in public places, including the workplace. Several individual agencies within the Federal government also have taken steps to protect non-smokers in the buildings under their jurisdiction. However, in light of the compelling scientific evidence of the health hazards posed by involuntary smoking, the Coalition on Smoking OR Health believes it is imperative that comprehensive and consistent protections for non-smokers be instituted in all U.S. Government buildings. Your legislation will accomplish this goal, and we look forward to working with you toward the enactment of the important public health initiative.

Sincerely,

ALAN C. DAVIS,
Chairman, Steering Committee.

SIX SAILORS OF THE SIXTH FLEET

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. CHAPPELL. Mr. Speaker, as we weigh the macroeconomic aspects of our multibillion-dollar defense budget, sometimes we lose sight of what is going on in the front lines of our national defense effort. The real story was brought home recently by James Jackson Kilpatrick, in his column which appeared in the Washington Post on February 4, and other newspapers across the country. I would like to submit this column for inclusion in the RECORD.

[From the Washington Post, Feb. 4, 1987]

SIX SAILORS OF THE SIXTH FLEET

(By James J. Kilpatrick)

IN THE MEDITERRANEAN.—Like half a dozen schoolboys sent to the principal's office, the sailors sat apprehensively in the library of the aircraft carrier Kennedy. They had been volunteered, so to speak, to be interviewed by a visiting newspaperman. They would rather be chipping paint.

These particular sailors were fairly representative of the unsung servicemen who maintain the power of a U.S. military presence around the globe. In the nature of things, admirals and ship commanders get the most attention. They deserve it, but something ought to be said for those in the Navy who only stand and wait.

In point of fact, they rarely stand and wait. Service at sea is utterly different from a 9-to-5 job ashore. Sailors tend to forget the day of the week, for the days run seamlessly into one another. There is always something to be done, or some watch to be served, and even in the off-duty hours there is no place to go. A 12-hour day is standard, a 16-hour day is not exceptional, and during fleet exercises the ship's bell can ring its imperative command at any time. The food is good, but the pay is terrible.

Ben Holtzman comes from Miamisburg, Ohio. "That's near Dayton," he explains. He's a Navy cook with the rank of E-5. He began helping out in the family kitchen at the age of 10. He liked cooking, and now he's mixing 85 gallons of soup at a time. He's no longer awed by the thought of frying 1,200 pounds of chicken for lunch.

Oneal Wilson of Detroit is an E-3 in the carrier's disbursing office. How come he joined the Navy? Shy smile. "I guess I wanted to see the world." He likes the Navy so much he expects to try for an officer's career. Marshall Smith of Alexandria, Ind., is a lance corporal in the Marines who came to the Kennedy last August. Jerry Erickson of Louisville, Ky., a boiler engineer, dropped out of high school to join the Navy in 1978. "I was just tired of going to school." James Gardner of Stillwater, Minn., works in the hangar deck, helping to keep the carrier's planes ready to go. William Sueppel of Fort Myers, Fla., had just spent 17 hours in flight operations before grabbing a moment to sleep. He looked tired. He was tired.

A battle force depends for firepower on its ships of the line. The Kennedy's group includes three guided missile cruisers (Belknap, Bainbridge and Yarnell); three destroyers (Rodgers, Dahlgren and Mousburgger); and four frigates (Bradley, Nicholas, McCandless and Montgomery). Cruising along behind them, though they seldom surface, are the submarines Baton Rouge, John Marshall, Shark and Philadelphia. The public is generally unaware of such auxiliary and indispensable ships as Saipan and Savannah.

The USS Saipan is designated an amphibious assault ship, and its contingent of Marines trains regularly for such assignments. At sea its primary function is to serve as a hospital ship. Incredibly, it maintains a hospital of 350 beds—more than will be found in a typical community hospital. The USS Savannah is a great lumbering replenishment vessel whose main job is to supply fuel and everything else to the fleet. The visitor who walks through the vast bays of the Savannah notes cubic-yard containers of cherry pie filler, creamed corn, toilet paper, sauerkraut, cake mix—and always, always, ammunition. The Savannah has had one day off since last August.

During a week with the Sixth Fleet, I asked repeatedly, both on and off the record, about Navy morale. It seems rarely to have been higher. The Navy now draws most of its recruits from the top 10 percent of high school seniors who do not intend to go to college. Some sign up for adventure; more commonly, they sign up to learn skills that will lead to good jobs in civilian life. The rate of reenlistment is so high that the Navy can be choosy. The man found guilty of using drugs gets shipped out at once. Racial tensions, once severe, have all but disappeared.

One afternoon last week, an unprecedented message came to the frigate Nicholas. It had just suffered a hypothetical hit below the waterline. Forty crewmen had been injured. They would have to be transferred at once to the Saipan. In high good humor the seamen accepted their simulated wounds. They were lugged on stretchers up the steep and narrow ladders of a warship. It was a grueling drill, but a necessary one. After 90 minutes the exercise was called off, but it had provided a sobering reminder: the way to preserve the peace is constantly to prepare for war.

CURBING EXPORT CONTROLS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. FRENZEL. Mr. Speaker, an editorial in the February 5 Journal of Commerce supported the recent National Academy of Sciences study which concluded that the United States must streamline and reduce its export controls.

Among items the editorial discusses is the need to reexamine our export controls to the Soviet bloc. No one wants to sell truly militarily critical products to the bloc, but the problem has been that our export control system has denied sales to the bloc of lower technology—mostly unilaterally controlled—products that have been available to the bloc from our allies. The uncertainty built into our licensing process has made the United States an unreliable supplier to the U.S.S.R. and the bloc even in areas where we do eventually grant licenses.

The Journal of Commerce article recommends that "the veto power exercised by the Pentagon should also be removed." Defense reviewal is necessary at the high levels of technology to the bloc, but Commerce should have the sole authority to make the final decision, with advice from other agencies. The system will never work when all agencies can exercise a right of veto.

The editorial follows:

CURBING EXPORT CONTROLS

Nine years ago, U.S. energy service companies sold $35 million in oil and gas equipment to the Soviet Union, a 25% share of the Soviet market. Last year, exports of this equipment had dipped to $6.5 million. The reason? Export controls imposed because of Soviet treatment of dissidents.

That was the original concern. Export controls have been continued for strategic defense reasons. The Pentagon estimates the Soviet military would save between $500 million and $1 billion a year if it were able to obtain technology denied it by export controls. To match the resulting Soviet advances would require additional U.S. defense spending of $7.3 billion to $14.6 billion.

However, a National Academy of Sciences study found that U.S. attempts to block high technology from Soviet bloc nations have not greatly improved national security but have cost the country 188,000 jobs and $9 billion a year in lost exports.

The Reagan administration is moving in two directions with regard to export controls. It acted to lift restraints on most oil and gas equipment. It soon will launch a new effort to persuade non-aligned countries like India and Brazil to join the United States and its allies in controlling the shipment of strategic products to the Soviet bloc. It is expected to propose the latter at a meeting this month of the Coordinating Committee on Multilateral Exports Controls, or Cocom. The group includes representatives of the United States, North Atlantic Treaty Organization countries and Japan.

The effort to widen the net for keeping strategic goods from the Soviet Union makes sense. But given the tensions the issue already has generated between the United States and its allies, its unlikely that countries like India can be persuaded to join.

While both efforts are commendable, the administration should re-examine the whole issue of export controls to the Soviet bloc. In many cases restraints should be eased.

The Soviet Union is getting much the same equipment elsewhere—from West Germany, Japan, Canada and other Western countries. Senior executives of companies like Dresser Industries Inc. and Otis Engineering Corp. complain that having to apply for export control licenses for every equipment sale to the Soviet bloc not only is costly but makes them unreliable suppliers.

The same point was made by a Soviet official in Washington: "Why go to an American supplier when you're not sure whether it will get a license or not."

While the Commerce Department has generally supported moves to ease controls and proposed ways to revise export control regulations, the Defense Department has argued that tighter restraints are needed because of national security concerns.

The United States should re-examine proposals from the Commerce Department, from the National Academy of Sciences and others to ease restraints in the hope of keeping strategic technology from the Soviet bloc without unnecessarily hurting U.S. exporters. One general rule, as the academy study recommends, may be to remove from the list of items requiring export licenses products that don't represent the leading edge of technology.

The veto power exercised by the Pentagon should also be removed. Commerce has reportedly urged the White House to reconstitute a Cabinet-level panel to help ease bureaucratic tangles between Commerce and the Pentagon over the degree of control. At present all licenses are reviewed by three dpeartments, State, Defense and Commerce.

Marshall Goldman, associate director of the Russian Research Center at Harvard University, suggests also that administrators be given a broader mandate to make independent judgments about what products should be restricted.

The Emergency Committee for American Trade, which represents some U.S. multinationals, has some additional suggestions. It wants fewer re-export controls on parts and components of U.S. origin embedded in foreign products, an end to controls on trade with any country cooperating with the United States on restraints and fewer restrictions on exports to government entities in such cooperating countries.

The biggest argument against keeping things as they are is that export controls simply are not working. Products sold by U.S. companies are readily available from competitors in Europe and Japan. The Soviets get the goods. U.S. companies are losing out. The problem demands urgent consideration.

FORGET HANDICAP: HE'S A CHAMPION

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. RUSSO. Mr. Speaker, Mr. David Ogilvie has been honored as the country's 1986 Professional of the Year by the PGA and I want to honor this outstanding gentleman today by sharing with our and my colleagues a recent column by Bob Verdi in the Chicago Tribune. As Verdi points out, such an accolade from the PGA, the finest you can receive, is not given for what David does in spite of MS, but for what he does period. "To Ogilvie, a handicap means only whether you get strokes on the par 5's."

He has had an outstanding career as head pro for 20 years and has contributed greatly to the success of many junior players in our area. I count it an honor to call David a dear and close friend and I know my colleagues join with me in commending him for his success.

[From the Chicago Tribune, Dec. 26, 1986]

FORGET HANDICAP: HE'S A CHAMPION

(By Bob Verdi)

When David Ogilvie played his last round of golf, about five years ago, he finished in style. That would come as no surprise to the many friends and admirers of this beautiful man.

"Hit a 5-iron to within 8 feet of the hole out at LaCosta, in California," Ogilvie recalls, "Then I tapped the putt in for a birdie. Got that ball solid with that 5-iron, felt good. Course, if I tried that today, I'd probably whiff, because this thing has kind of taken over."

Multiple sclerosis can do that to the human body, but this degenerative disease that strikes the nervous system has not attacked David Ogilvie's spirit, nor is it likely to. His legs are paralyzed and his hands are numb, but the folks at Flossmoor Country Club will assure you there's nothing wrong with his strongest muscle, the heart, which is all that really matters, anyway.

Ogilvie is the head pro there, and has been for two decades. That he gets around now by moving from golf cart to wheelchair is irrelevant to David. Point is, he works on up to 75 hours a week during the peak of the season, running one of the smoothest and most active operations in the United States. Flossmoor, then, has a lot going for it besides an outstanding course, plush greens and a pretty clubhouse.

Doubtless that is why David Ogilvie just was honored as the country's Professional of the Year by the PGA, an award that's a tribute to effort in behalf of the sport. Most of the famous pros are those who play for a living, traveling from one golf mecca to another, before national television with huge prize money in the balance. But it's the labor-of-love guys, the pros and assistant pros throughout the land, who really make the sport tick. They're the people who regrip your clubs, teach you how to turn 8s into 7s, then adjourn to their desks so they can be organized when they return at dawn.

When it came to being master of all these tasks, plus a quality individual, the PGA of America decided that David Ogilvie was clearly 1986's leader in the clubhouse. There is no finer accolade for anyone in his occupation, and we should realize right now that he was cited not for what he does in spite of MS, but for what he does, period. To Ogilvie, a handicap means only whether you get strokes on the par 5s.

"When I heard that he got the award, I cried," said Al Wagner, a Flossmoor member whose business is real estate. "I joined the club the same year David came on as pro, 20 years ago. There is no way to describe him other than to say he's a very special person."

"He's the one guy all the rest of us in this racket look up to," said Pat Kenny, the pro at Mission Hills. "The fact that David has what he has isn't an issue. It isn't even a side issue."

True enough, there isn't time for Ogilvie to ponder what might have been or what might be ahead. He's 50, with fuzzy memories of having played briefly on the tour in the late '50s, when he participated in a U.S. Open. Some 10 years later, the first ominous vestiges appeared. His fingers would lose feeling, then a leg from the knee down.

"Never paid much attention to it, and still don't," Ogilvie said. "They don't know what causes MS, maybe a virus, and they don't have a cure. In the late '70s or early '80s, I forget exactly when, it got to the point where it stayed more than it went away. I couldn't play anymore. Lost all my coordination. That's when they diagnosed me as a definite MS case. I was devastated, thinking I'd be dead in 3 or 4 months.

"I was more worried about losing my life than my job, but here I am, with both. It has its downside, like I've got a ringing in my ears. They say it eventually gets to the brain, but I don't know. I'm kind of getting used to this ringing in my ears. The upside is that it all makes for great traveling. My wife and I still like to go away during the winter, and I never have to stand in line."

Ogilvie is a golf blueblood, a third generation pro, born on the second floor of the Augusta Country Club. When he isn't serving on various national or state committees, or pulling up on his wheels to give lessons, he's tapping that fertile mind in search of novel concoctions. David is fondly referred to as the "Event King" at Flossmoor, which hosts a calendar of innovative tournaments.

"We have this 'Shotgun Stop' instead of the 'Shotgun Start,'" he said. "Golf widows, nonplaying wives of members, take a limit of eight strokes a hole. When they're done, that's when we have the shotgun blast. At the end, not the beginning. Two reasons for this. We have 220 green acres out here.

Enjoy them!! Plus, we get these 'golf widows' to the point where they'll play fast enough to play with their husbands. In the 'Shotgun Stop,' we move briskly."

Of course, Ogilvie can't anymore. Fifty yards on crutches is about his limit, but like his doctor friend in Minneapolis told him, "Do what you can do until you can't do it, and then don't do it anymore." So, the youths and adults who cherish his presence line up at the practice tee every summer, to learn how to address the ball, and life itself.

"Most of us in this business can't afford to retire, so we work until we fall over anyway," says David Ogilvie, PGA Professional of the Year. "That's why I don't think about this thing. I love to help kids become champions, I love to see my assistants become great pros, I love everything about the sport, even if I can't play it anymore. Plus, with this thing, I always get a good parking spot."

A TRIBUTE RECOGNIZING THE ACCOMPLISHMENTS OF AN OUTSTANDING STUDENT ATHLETE, MERI DEMBROW

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. KEMP. Mr. Speaker, in conjunction with yesterday's observance of National Women in Sports Day, I am proud to have the opportunity to recognize an outstanding student athlete from western New York, Meri Dembrow. National Women in Sports Day was established to draw attention to and recognize this Nation's female athletes. Meri Dembrow of Akron, NY, is an exceptional person and athlete, and deserves high praise for her extraordinary dedication and determination. Meri's family and friends have reason to be proud of her many successes.

Throughout her high school career at Akron Central High School, Meri was active in varsity athletics—participating in field hockey, basketball, and softball, and receiving honors in each sport.

Meri was awarded a division I scholarship to Purdue University in Indiana. In addition to being selected as the Athlete of the Month at Purdue, Meri has played on the Empire State open field hockey team, winning a gold medal for her excellence on the field.

I am proud to call attention to this special person and her many accomplishments.

PISCATAWAY, NJ: KEEPING THE DREAM ALIVE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. COURTER. Mr. Speaker, the township of Piscataway, in conjunction with the Piscataway Civil Rights Advisory Commission, has once again shown its dedication to furthering individual and minority rights by setting aside 4 days for special events to honor Dr. Martin Luther King, Jr.

The program of activities was designed to celebrate Dr. King, by using his life, legacy, and dream as catalysts to raise public awareness and promote action to help resolve today's social problems as they relate to all minorities. Each day was devoted to a particular theme, such as commemoration or celebration.

The final day, however, was a day of commitment, where local government, business, education, library, and religious leaders would publicly commit themselves to work in furtherance of Dr. King's dream. Citizens were encouraged to complete a "Living the Dream Pledge," which would identify that particular behavior or service they will follow during 1987 to advance the principles of equality, justice, peace, and freedom. The pledge is witnessed by another person who is in the position to help pursue the commitment throughout the coming year. I believe this pledge, in particular, is an excellent way to keep the dream alive each day of 1987.

So many active citizens in Piscataway, including Mayor Ted Light and Piscataway Civil Rights Advisory Commission member Shirley Schram, deserve recognition for their tremendous efforts to make Martin Luther King Day a day of importance in this country. This is the spirit and enthusiasm we hoped to ignite when the Federal holiday was created. Piscataway's efforts will encourage other municipalities to plan and work for this important cause for many years to come.

SUNSET OF THE U.S. RAILWAY ASSOCIATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. LEHMAN of Florida. Mr. Speaker, on October 17 of last year a historic milestone was reached in the railroad industry when legislation was passed authorizing the return of Conrail to the private sector.

The successful and, I hope, permanent conclusion of the Conrail saga is in no small measure due to the efforts of a small independent agency known as the U.S. Railway Association and its very able chairman, Stephen Berger.

As all of us who were close to this issue know, the Conrail divestiture was nearly derailed many times as political agendas overtook the process of determining which alternative made the most sense for the taxpayers. The independent role played by the U.S. Railway Association in giving the Congress objective, unbiased analyses and projections was, in my judgment, pivotal in giving Congress reasonable assurances that a public offering of Conrail stock would work.

I wish to publicly extend my thanks to Mr. Berger and his able staff, including our esteemed former colleague, the Honorable John J. McFall, for a job well done.

At this time, I insert a copy of an article that appeared in the December 29, 1986, Traffic World in the RECORD. The article, by Don Byrne, outlines the accomplishments of the USRA.

[From Traffic World, Dec. 29, 1986]

USRA CHAIRMAN PROUD OF SUCCESSES AS CONRAIL AGENCY ENDS ITS LIFE

(By Don Byrne)

Stephen Berger has lost his job, his congressionally created agency is going out of business and he's leaving Washington. How does he feel about all this? "Great."

The U.S. Railway Association was created by Congress in 1973 via the 3-R Act. It was charged with drawing up a plan to "solve" the railroad crisis in the Northeast and to be Congress' watchdog over Conrail's development, it's march towards profitability and return to the private sector. When the Congress in October passed the legislation enabling Conrail to be sold to the public it also terminated the USRA as of Jan. 1.

Mr. Berger has been chairman of the USRA since May 1980. An investment banker by trade, he played a large part in straightening out New York City's financial problems in the 1970s and since October 1985 also has been serving as executive director of the Port Authority of New York and New Jersey.

In his function as USRA chairman for the past seven years he played a key role in focusing Conrail's attention on its cost controls and in nursing the line back to health while maintaining competitive rail service in the Northeast. But his most important contributions, according to those who were part of the process, were making the diffuse board that made up the early USRA ruling body realize that if the Northeast rail problem was to be solved no one was going to come away completely pleased and in refusing to allow his agency to become politicized during the years of often rancorous debate on Conrail. He accomplished the latter by the simple expedient of making himself the bulwark between the USRA staff and the pressures the Department of Transportation sought to bring, first to break up Conrail and then sell it to questionable buyers.

His isolation of the USRA staff from Washington would-be power brokers allowed the agency to be probably the only place in town dealing with the Conrail situation where the figures were real, people meant what they said, didn't hesitate to say it and did so in readable English. To paraphrase a former Congressional heavyweight, USRA became the saucer that cooled the Conrail tea.

To understand USRA, which will cease to function January 1 except for a three-month housekeeping chore, you must go back a little over a decade and a half. In 1970 the Penn Central filed for reorganization under the bankruptcy laws and two years later decided that it could not successfully reorganize. By 1973 it was apparent that rail service in the Northeast segment of the country was a heartbeat away from being nonexistent because five other railroads had followed the Penn Central into bankruptcy. Seventeen states were close to having no rail service, an event that could have plunged the country into a depression beyond the depths of the 1930s.

As Congress explored the problem it became apparent that while no quick fix was available, a fix was indeed needed. Congress passed the 3-R Act which kept the railroads running after a fashion and created the USRA. The USRA's mission, simply put, was to come up with an answer. Over the next two years the USRA drafted a preliminary system plan which had half a dozen or more scenarios for fixing the Northeast situation. By 1976 the USRA had

finished a Final System plan for the region which folded all the bankrupt railroads into one. Congress didn't object and on April 1 of that year Conrail came into being. To almost everyone's surprise, the trains kept running.

In the next few years it became evident that there were serious flaws to the conventional wisdom that had shaped the system plans. One major flaw was the thinking that the Northeast would return to the traffic-producing area it once was; another was that the national economy would continue its boom cycle. By 1980 almost $6 billion in taxpayer funds had been consumed by Conrail and it was becoming apparent that Conrail would never make it to profitability within the musty regulatory straightjacket administered by the ICC.

Thus arose the cry for rail deregulation (something the railroads had sought for more than a decade without success) which produced the Staggers Rail Act of 1980. While that Act was indeed longsought relief, it wasn't quite sufficient and again USRA went to the Hill, this time coming away with the 1981 North East Rail Service Act (NERSA) which gave Conrail additional concessions including rapid abandonment of unprofitable lines, the ability to close gateways and to alter divisions. The Act also instructed the USRA to determine if Conrail could be profitable and told the DOT to sell it back to the private sector if such were the case.

Conrail was now poised to enter the real world, but before it could really get moving a new threat arose on the scene: A new Administration and a DOT led by Transportation Secretary Drew Lewis wanted Conrail broken up and sold off from the courthouse steps. It was their feeling that Conrail could never be profitable. That feeling was really never abandoned at the DOT and led Secretary Dole to first pursue selling Conrail to the Alleghany Corp. and then to the Norfolk Southern, buyers that carried with them many more minuses than pluses. DOT has never fully understood that while Congress wanted Conrail back in the private world it also wanted to maintain competition and really preferred to keep the road independent. DOT also apparently never understood that to sell Conrail to another Eastern railroad would bring about a drastic altering of the railroad map of the United States.

It is important, Mr. Berger noted in an interview with *Traffic World,* that the hoopla concerning the sale of Conrail not cloud two important facts: one, that cooperation between government and private sectors could bring about cures that work and work to everyone's overall advantage if all the players are willing to give up a little; and, two, that the Conrail that exists today is a new railroad; it is not the railroad that existed in 1976 or even 1980.

The wisest thing that Congress did in its handling of the Northeast rail crisis, said Mr. Berger, was the way it formed the USRA board. It brought together all the elements at a round table—shippers, labor, state and local governments, carriers and the federal government. Through the so-called private sector board members, each of whom had a real world constituency to answer to, the problems could be worked out and brought to Congress. Could it have been done through the DOT?

"No," said Mr. Berger. "It could not have been done through a normal bureaucracy. One of the problems with bureaucracy, particularly a Washington bureaucracy, is that Washington bureaucrats see Washington as the center of the world. Washington bureaucrats really think they're serious. They tend to forget that there's an enormous world out there. The board represented the real world and once they came to certain agreements as they did on the final system plan and as they did on NERSA, they created a political umbrella which allowed Congress to make some long-term decisions and long-term planning decisions which would have been difficult if Congress had to go out and negotiate with all those different groups.

"Let me give you an example: we had a session on a Saturday in March of 1981. It was the day we discussed what became the April Report which became the Report to Congress, which in turn became the basis of NERSA. We were in there all day—12 hours—the entire board of USRA arguing with the three government members who wanted the dismemberment of Conrail. The rest of the board, a lot of whom didn't like pieces of the report, carved out an agreement which, in essence, said none of us likes all of it, none of us necessarily stands for every piece of it, but we are all ready to go back to our constituencies and to Congress and stand behind it.

"I kept saying to my colleagues (the private sector board members) that the government members are not important; you guys are important in this because if you agree, we can go back and sell it to the country. Big gamble, big risk and the board did very well."

Turning to other areas, Mr. Berger agreed that for several years the USRA-DOT relationship has been virtually an adversarial one. But, he adds, "that was not necessarily because of who was there (at DOT). It was institutional. It wouldn't have mattered whether it was a Democratic or Republican administration. It was an institutional conflict, understandably, in which the department that is permanently charged with a lot of these regulatory issues saw an independent agency with independent access to the Hill, independent access to the press, with a staff that was, quite frankly, far better than the bureaucracy staff and able to do the kinds of work they couldn't do . . . there would have been a conflict no matter who was there."

Why didn't the USRA take a public stand on the proposed sale of Conrail to Alleghany or Norfolk Southern? It couldn't, Mr. Berger says, because by that time the agency was really two agencies. One being the professional staff "which should not have gotten involved and the other being a permanently divided board . . . the board could never really function at that point to take a position."

The agency was effective at that point—1983 and beyond—"because the staff was effective, very effective, at providing fundamentally straight, clear, factual information as a basis on which people could make judgments."

Mr. Berger said that had it been admitted by the DOT and the Norfolk Southern that Conrail was, and would continue to be, a viable railroad, the debate over the sale would have been completely different "and maybe even have gone the other way."

Mr. Berger made it clear he feels that had the issue of Conrail's viability been dealt with in a realistic manner by DOT and NS, the debate might have gone a different route. The non-viability argument "just didn't hold water," he added. He also said that he felt NERSA represented a social contract between labor, shippers, the states, localities and other parties that said, in effect, that "after all the sacrifices, if there is a viable railroad, we would like to see it stay independent. It was a political contract, an economic contract and Congress put it into law . . . and the DOT never understood that. The DOT never understood that it was a very serious contract made between the parties with the government being kind of the blesser of the deal.

"When you argued against that contract outside the beltway (Washington's circumferential highway), what you really had to say was that the terms of that contract could not be implemented, when the fact of the matter was that they could be implemented," he added.

The sale of Conrail to the Norfolk Southern had "enormous economic advantage to the NS . . . and if everybody would have kind of admitted that up front and then tried to craft a deal around that, it might have gone. But you couldn't deal with that issue when you put up two smokescreens that people didn't believe. They didn't believe that Conrail wouldn't be a viable railroad, nor did they believe that it wasn't going to be enormously rewarding to the Norfolk Southern.

"I don't think they saw all the pitfalls going in . . . one would have thought that they would have realized that this was going to create a lot of major fireworks. I think here again is where Washington created an illusion which was difficult for people. The firestorm really occurred outside of Washington, not in Washington . . . all these (anti-sale) people have Congressmen and they all have newspapers. People had real concern."

Talk at industry meetings these days has Conrail stock being a good buy when it comes on the market because the line is certainly to be taken over, the talk goes, by a western railroad thus enhancing its value. "That's one possibility," said Mr. Berger, but he added that "Conrail may well be the acquirer. If it remains a well managed company and makes a lot of money, it could be bought out, or, it could buy someone else out. All of those things are economic possibilities in the American economic system."

Mr. Berger also made it clear that "fooling around" with the Staggers Act would not only mean disaster for Conrail, but probably the whole railroad industry. He said he supports Secretary Dole's efforts opposing altering the act.

"A regulatory environment assumes that things remain static, which of course is not true of the economy of the United States. There has to be a lot of changes for us to reorganize ourselves to become competitive on the international front, and trying to freeze part of the economy while others have to change will just create distortions."

The last two years. Mr. Berger continued, of waging the battle over the sale of Conrail have hidden the fact of the "emergence of Conrail" and has tied up Conrail's management and "I think that's tragedy."

The Conrail emergence as a profitable company during some of the worst recession periods in the Northeast contains a lot of lessons for a lot of American companies. The real value of all this is the lessons it contained for the rest of the country: that you have to do cost control, you've got to retrain the workforce, and that you've got to seize opportunities wherever they come along." Continuing, he added "you've got to make capital investment for the long term, if you've got a major fixed asset plant you've got to provide for long term decision making, you need some insulation from whoever your shareholders are—management has to have some insulation and if it's doing well they ought to be given the opportunity to meet both long term and short term goals."

Of the people he has dealt with in the past seven years as chairman Mr. Berger has high marks for L. Stanley Crane, Conrail's chief executive officer, as the man who brought Conrail to its turn-around position. He declined to rank or discuss, on the record, the three secretaries of transportation he had to deal with or defend himself against. Off the record, his ranking of the secretaries was blunt and contained few surprises. But Mr. Berger saves his highest compliments for the USRA staff without which, he says, he is not sure the whole Conrail issue could have been worked out.

The thing that is striking in reading the calendar of the northeast rail revitalization is the faith that a lot of people had that the government and the private sector working in conjunction could solve one of the most serious economic and social problems in the country's history. Could it be done in today's post-Watergate mindset that casts government employees and legislators as, at best, drones and, at worst, thieves waiting for the Main Chance?

"I don't know, but I think it could. I think we've come a long way. I think we'd be less frightened about asking difficult questions. We've had a lot of work-outs. There have been a lot of companies that have had problems—manufacturing companies, financial companies—and one of the things we've become very good at is workouts. We've become a lot more sophisticated in the '80s than we were in the '70s. I think if we had known in 1974 what we knew in 1980 we probably could have made the Conrail thing work cheaper and faster.

"A lot of things have changed because of Conrail: you wouldn't have an inter-modal industry; the restructuring of CSX is the product of the whole new changed world that the Conrail process brought about; it has spilled over in the trucking business and it has brought about the complete transportation company."

Mr. Berger concluded the way USRA functioned should be a role-model for any future such agencies as should the Conrail management that turned around a massive corporation. He added that the public sale of Conrail seems to be the best alternative of what was available and unless something unforeseen arises, the stock sale should be a success.

Unlike most people who leave Washington after a number of years in high places, he does not plan to write a book.

Yet.

CELEBRATING MOUNT LEBANON'S 75TH BIRTHDAY

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. WALGREN. Mr. Speaker, this is a very special occasion for me. I rise to pay tribute to the residents and officials of my hometown—Mount Lebanon, PA—which this year celebrates its 75th birthday.

Mount Lebanon is a very special community. Recognized nationwide for its outstanding public education system, this suburban town just south of Pittsburgh is also widely appreciated for its outstanding community parks, recreation facilities, library, police and fire protection, and community services to over 34,000 people who call Mount Lebanon home.

I am one of those people.

On a personal level, I owe a great deal to this wonderful community where my parents chose to live in 1940, 3 months after my birth. I have lived in Mount Lebanon practically my whole life. I grew up in Mount Lebanon, attended its public schools, played on its tennis courts and sports fields, and first sought elective office in the community. As much as we are all a product of the environment in which we are raised and educated, I am proud to say that I am a product of Mount Lebanon.

Historically, Mount Lebanon has come a long way from the days when Andrew McFarland purchased 900 acres for 25 cents an acre from the Penn family. Our residents witnessed the Whisky Rebellion march of rebels to burn "Bower Hill," the home of the Federal tax collector. Stagecoaches trekked down Washington Road, now U.S. Route 19, stopping at a tavern at the corner of Washington and Cochran Roads. Mail came south from Pittsburgh, 8 miles to the north, about once a week, and it was not until the late 1800's that the train service linked the community to Pittsburgh.

Once a community of farms, Mount Lebanon rapidly became a suburban residential community in the early 1900's when the first street was paved in 1920. Given the potholes endemic to western Pennsylvania, we've been paving roads every since. Today, no farms remain in Mount Lebanon. But over 34,000 citizens live in over 14,000 households in this suburb.

Although the first permanent settlers lived in Mount Lebanon over 200 years ago, the town of Mount Lebanon is still quite young. Originally part of Upper St. Clair, Mount Lebanon was later part of a Scott Township created in 1861. Finally, after three referendums on the issue, Mount Lebanon became a separate community in 1912. As local schoolchildren learn, the name comes from cedar trees from Lebanon which a local clergyman brought back from a trip to the Holy Lands and planted in front of his house in 1850. The name caught on and was given to the first post office located at Washington and Bower Hill Roads.

Over the last 75 years, Mount Lebanon has continued its tradition of excellence while growing with wonderful diversity. Mount Lebanon is today a community of people of all religious, racial, economic, and political persuasions. The best measure of any community is how much it cares about each succeeding generation. Mount Lebanon's commitment to education has gained it a national reputation and provided generation after generation with the chance to go to the best colleges and universities across the country.

Mr. Speaker, I am pleased to salute my neighbors in Mount Lebanon on this our 75th anniversary. Our local officials and community volunteers deserve special recognition and thanks for all that they do to maintain Mount Lebanon's high quality. I have no doubt that their work and the support of all our residents will guarantee an even better Mount Lebanon when we gather to celebrate our centennial 25 years from now.

For my colleagues who are unfamiliar with Mount Lebanon's history, the following excerpts from "The Mt. Lebanon Story," a brief essay by the distinguished Pittsburgh writer Gilbert Love written back in 1962 on Mount Lebanon's 50th birthday, describes Mount Lebanon well.

THE MT. LEBANON STORY

(By Gilbert Love)

This is the life story of a residential community—Mt. Lebanon, Pennsylvania.

As might be anticipated, this history does not involve great battles, or world-shaking political upheavals, or even great commerical developments, However, it is not without drama and real significance.

In its early passages you will hear the war whoop of Indians and the shouts of a marching mob. Toward the end you will begin to realize that a rather remarkable community has been developed here on five and a half square miles of Western Pennsylvania's hills.

The story might as well begin with the war whoops. They were heard one day by Andrew McFarland, one of the first permanent settlers, as he drank from a spring near the present thoroughfare that bears his name. He had bought the spring and 900 acres around it, paying the Penns 25 cents an acre, but he had a feeling that the Indians didn't recognize the sale. So he raced for the safety of Fort Pitt, a half dozen miles away.

The irreverent might say that Mr. McFarland thus became the first commuter from Mt. Lebanon to Pittsburgh.

The area had a few other settlers at the time—the middle 1770's. Names that have come down to us include Alexander Long, John Henry and William Lea. History also says that in 1787 James Brady acquired 249 acres of the present Township and patented the tract under the name "Tribunal," describing it as "part of the great wilderness beyond the Allegheny Mountains."

Wilderness or no, the settlers, all farmers, appreciated the fertility of the high dry land and were glad to get their cabins away from the fogs along the rivers.

Indians continued to be troublesome for a number of years. They had a camping spot somewhere back of the Mt. Lebanon United Presbyterian Church. One day a party of them started out to visit their white neighbors, with loot on their minds. An elderly woman named McKnight had just finished her weekly baking when she saw them coming up the hill. Calling them to the cabin door, she gave each a generous slice of the hot bread.

It must have been good, because they passed up Grandmother McKnight's place and went on to do their looting elsewhere.

In the summer of 1794 many of the settlers south of the Monongahela River were up in arms against the new Federal Government for trying to collect a tax on whisky. This was the big "money crop" because it was the easiest way to transport their grain. The chances are that the farmers in present Mt. Lebanon were among the whisky rebels, or pretended to be lest their stills be destroyed by their irate neighbors.

They at least witnessed the July 16 march of the rebels from Mingo Creek Presbyterian Church, south of present Finleyville, to burn "Bower Hill." This was the home of

General John Neville, chief tax collector for this region, near present Bridgeville.

The Whisky Rebellion fizzled out and the settlers turned their attention to other matters as the 1700s became the 1800s. The church that is now called Mt. Lebanon United Presbyterian was organized, its first name being the Associate Reformed Congregation of Saw Mill Run. Initially the members met in the woods, sitting on the trunks of fallen trees as services were concluded, but in 1806 they managed to put up a frame structure.

Governmentally, these hills have been in St. Clair Township, but when that township was divided in 1806 they became a part of Upper St. Clair. There was a further division in 1861 when Scott Township was carved out of Upper St. Clair. The Mt. Lebanon territory became a part of Scott.

It was about the middle of the 1800's that the section began to be called Mt. Lebanon. The name is supposed to have been inspired by two cedars of Lebanon that the Rev. Joseph Clokey brought back from a trip to the Holy Land and planted in front of his home on Bower Hill Road. Certainly there were two such trees. A piece of one of them was made into a gavel and presented to the Mt. Lebanon Woman's Club.

When an early post office was established at Bower Hill and Washington Roads it was called Mt. Lebanon.

Let it not be thought from the last few sentences that the Mt. Lebanon area was becoming urban in the middle 1800's. Washington Road was little more than a dirt track, widened from an earlier Indian trail for the use of stage coaches that plied between Pittsburgh and Washington (Pa.), pausing at a tavern at Washington and Cochran Roads. It was a two-hour trip from the farms along Beverly Road to Pittsburgh. Mail came out once a week.

Improvements came slowly. A small academy was built in 1855 at Washington Road and—naturally—Academy Avenue. It served children of the scattered community for 15 years.

For a dozen years after 1874, summers at the eastern edge of the area that now is Mt. Lebanon were enlivened by the sessions of the Arlington Camp Meeting Association. Composed of Methodist clergymen and laymen, the Association bought a tract on Castle Shannon Road, erected a tabernacle and sold lots around it. Members and their families lived in tents on their lots . . . later in summer cottages, some of which still are standing.

In the old days the Camp Meeting property was surrounded by a high board fence. However, passers-by could hear the exhortations of evangelists and, at night, see the flickering light from gasoline torches reflected in the overhanging trees.

For a few years after 1878, Mt. Lebanon residents has fairly rapid transit to Pittsburgh. This was provided by the Pittsburgh & Southern Railroad. It crossed the Mt. Lebanon section from the Arlington neighborhood to present Banksville Road, crossing Washington Road in a cut and going high above McFarland Road on a high trestle.

It went down the valleys to the West End, called Temperanceville at the time because real estate deeds forbade selling liquor there. From Temperanceville passengers were taken on into Pittsburgh by omnibus—horse-drawn, of course.

The Pittsburgh & Southern had a fatal financial ailment in 1884. Thereafter Mt. Lebanon residents had to walk down Castle Shannon Road to Arlington, where they boarded a narrow-guage railroad train that ran to Mt. Washington. There they took an incline to Carson Street, after which they walked some more.

The area continued to grow, but slowly. As the 1900's dawned, Couch's Wagon Shop had been opened opposite the present site of Dormont Pool, a blacksmith shop was clanking and fuming on Washington Road at Scott Road, the Milholland Store was at Washington and Bower Hill Roads, the Park Algeos had a livery stable at the same junction, and John McCormick's Cabinet Making and Carpenter Shop was on the site of Central Square.

The new century brought further progress. In 1901 the first plan of lots—the Mt. Lebanon Plan—was laid out in the area around Shady Drive West, Academy Avenue and Cedar Boulevard. And the following year the first street car came rocking out from Pittsburgh on a single track that ended at Cedar Boulevard.

As several other real estate developments were planned it became evident that this was going to be a residential community. A movement to split off from still-rural Scott Township was launched. This had to be approved by the voters of all Scott Township, though. It came before the electorate three times before it finally succeeded.

Meanwhile, Mt. Lebanon almost lost its name. When the Borough of Dormont was formed, it wanted to use the name that had been generally used in its territory as well as farther out Washington Road. A court battle was threatened and the Dormont organizers decided not to press the matter. The name they then chose was coined from "Mont d'Or," or mountain of gold.

Mt. Lebanon Township came into legal existence Feb. 6, 1912, when Quarter Sessions Court of Allegheny County decreed that its territory had been severed from Scott Township by the vote in the most recent election. That is the anniversary being celebrated this year.

In the half century of its corporate existence, Mt. Lebanon has provided safe and pleasant living conditions for many thousands of persons. In doing that, it has fulfilled its destiny.

INTRODUCTION OF THE ARMENIAN GENOCIDE RESOLUTION FEBRUARY 4, 1987

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. LEHMAN of California. Mr. Speaker, today I am introducing a resolution which commemorates the Armenian genocide of 1915 to 1923 and honors the survivors of the first genocide of the 20th century.

I am joined by 63 of my colleagues who share my commitment to recognizing that the genocide perpetrated against Armenians who lived under the rule of the Ottoman Empire was a racial policy intended to eliminate an entire race. Winston Churchill once said that the massacre of the Armenians in 1915 was the "clearance of the race from Asia Minor * * * about as complete as such an act, on a scale so great, could well be."

I am honored to author legislation to designate April 24, 1987 as a National Day of Remembrance of the Armenian Genocide. This year marks the 72d anniversary of the genocide. I stand here today on behalf of the thousands of Americans of Armenian descent to remember, never to forget, this dark time in the hope we learn from our past. As with the Nazi holocaust which followed, recognizing the Armenian genocide provides scholars and historians with a lesson to teach us all that some events in history should never be repeated.

The legislation I am introducing today commemorates an historical fact. The resolution does not rewrite history, it confirms it. It does not intend to humiliate anyone or any current government or jeopardize any political alliance. Rather, it is intended to recognize and remember what every American can do for the preservation of human rights: Acknowledge the injustice of abolishing an entire race for the furtherance of another.

I thank my colleagues for joining me in commemoration of this event and I hope that many of you will join us in cosponsoring this resolution.

H.J. RES. 132

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 24, 1987, is designated as "National Day of Remembrance of the Armenian Genocide of 1915-1923", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this date as a day of remembrance for the 1.5 million people of Armenian ancestry who were victims of the genocide perpetrated by the governments of the Ottoman Empire from 1915 to 1923, prior to the establishment of the Republic of Turkey, and in their memory this date is commemorated by all Armenians and their friends throughout the world.

STOP FEDERAL HOUSING CHEATERS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. DREIER of California. Mr. Speaker, we are all aware of how pressure to reduce the deficit has affected Federal housing aid. It is thus more important than ever we ensure that those who receive Federal section 8 housing assistance receive the proper level of benefits to which they are entitled. Today my colleague TOM CARPER and I are introducing legislation aimed at catching those who underreport their income to obtain higher housing benefits, and ensuring that those benefits go to help those in greatest need.

The Department of Housing and Urban Development estimates that it pays out at least $200 million annually for tenants who falsify their eligibility. It is all the more frustrating that HUD officials have no means of discovering any misrepresentation made by housing assistance applicants. The cost of manually verifying the income statements of the 4 million households who receive assistance is obviously prohibitive, thus it is relatively easy to underreport income and escape discovery.

HUD therefore must rely on tips and complaints to identify instances of unreported income. The cases that have followed some of those tips give an indication of the morass of fraud that goes undetected. For instance, a retired couple in New Jersey failed to report investments totalling $170,000 and received section 8 assistance for 6 years before being discovered. A judgment of $99,000 was filed against them. In another case, 21 tenants of a section 8-funded project in Chicago were convicted of taking rental assistance overpayments totalling $188,000 by falsifying their income.

Most cases of housing fraud are less spectacular than these, and therefore less easily detected. The more typical case occurs when a tenant holds two part-time jobs but only reports income from one, or where the presence and income of one or more household members is concealed.

Some years ago, we confronted a similar problem with fraud in the Aid to Families with Dependent Children [AFDC] and Food Stamps Programs. At the time, welfare fraud horror stories were rampant. Included in the Deficit Reduction Act of 1984 were strong provisions to enhance the powers of the Departments of Agriculture and HHS to match individuals' income statements with State wage records. These income verification procedures went into effect this past October, and are now reducing the incidence of fraud without violating the privacy or dignity of beneficiaries.

I believe the time has come to give HUD similar powers to ensure that participants in the Housing Assistance Program are receiving benefits to which they are entitled. Under our bill, housing assistance applicants would be required to provide their Social Security numbers as a condition of eligibility. First, applicants would be required to sign a consent form explaining HUD's authority to request State wage information for the purpose of verifying income. The Secretary of HUD could then perform automated computer matches of applicants' income statements with State wage records already maintained for the Unemployment Compensation Program.

The privacy of applicants is a paramount concern, and this bill provides a number of privacy safeguards. Computer matches would be done by Social Security number, thus only those cases where a discrepancy appeared would be investigated further. Second, States would be required to establish their own safeguards to ensure that the wage information is used only for purposes of determining eligibility for HUD programs. Third, only HUD officials, and thus no private entities, would have access to such information, and no benefits would be reduced or terminated until discrepancies had been independently verified and investigated.

One more important distinction: This bill would provide no access to sensitive taxpayer information that is limited under section 6103 of the Internal Revenue Code. Administrators of both AFDC and Food Stamps have such access, but HUD could adequately verify income using only State wage data.

Finally, it should be pointed out that this bill does not in any way further reduce already decimated funding for housing. Rental assistance now going to ineligible families would become available for legitimately qualifying applicants. This is the most important goal of the legislation: ensuring that limited Federal housing funds are going to the intended beneficiaries, and not to those who would seek to defraud the Government.

I ask my colleagues to join this effort to give HUD the same important control over the Department's billions in benefits as other agencies have.

H.R. 1003

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. PEPPER. Mr. Speaker, yesterday I introduced H.R. 1003, legislation creating the "Younger Americans Act." I urge my colleagues to support this important and timely legislation.

The Younger Americans Act is patterned on the very successful and meaningful Older Americans Act, enacted in 1965 to improve the coordination and delivery of social services for the elderly. The Older Americans Act has brought immeasurable good to the lives of America's seniors, assisting them with a whole range of activities responsive to their social, mental and health care needs. The time has come to provide comparable aid to Americans 18 and younger.

Children growing up in the late twentieth century face profound challenges. The evidence continues to mount that far too many young people are forced to live lives of poverty, neglect and abuse.

For example:

Thirteen million children—1 in 5—live in poverty. For children under 6 years of age, the proportion is 1 in 4;

Children are the fastest growing segment of our poverty population. We are the only industrialized nation in the world in which children are the poorest age group;

Nine million children live in unsafe housing, and children are increasingly found among the homeless population;

Five million "latchkey children" must care for themselves while their parents work;

Nine million children have no regular source of medical care, and more than 12 million have no health insurance coverage;

Fewer children under 4 years of age are now immunized against polio, DPT, measles, mumps and rubella than in 1980;

More than a quarter of all teenagers who enter U.S. high schools will not graduate;

More children than ever before must depend on only one parent, and single-parent families now account for 26 percent of all families with children under age 18 present—a percentage which has doubled since 1970;

More than 1 million children a year run away from home or are "pushed out," often for economic reasons;

Last year 1.1 million teenagers became pregnant and 268,000 babies were born out of wedlock. Those babies were 6 times more likely to grow up poor than other children;

In 1984, child abuse increases were reported in 47 of 50 States; on average, between 1983 and 1984 alone, physical abuse reports rose by 16 percent and sexual abuse reports rose by 59 percent; and

Suicide rates for teenagers continue to rise faster than for any other age group.

These statistics, which express so clearly the plight of America's youth, are jarring and demand our immediate attention. The Younger Americans Act offers a coordinated Federal initiative to address the diverse problems confronting our young people. The act:

Establishes within the Department of Health and Human Services the Administration for Children, Youth, and Families [ACYF], defining the role of the Commissioner, who is to be appointed by the President, and making the Commissioner directly responsible to the Secretary of HHS—a comparable arrangement to the Administration on Aging:

Requires consultation between the Commissioner and other Federal agencies operating programs for children and youth;

Establishes a Federal Council on Children, Youth, and Families to advise the President and Congress on matters related to the special needs of younger Americans;

Encourages State—and area-wide planning advocacy aimed at providing younger Americans with:

(1) the best possible physical and mental health;

(2) adequate and safe shelter;

(3) the highest quality of educational opportunity;

(4) effective training, apprenticeship and productive employment;

(5) the widest range of civic, cultural and recreational activities which promote self-esteem and a sense of community; and

(6) genuine participation in decisions concerning the planning and managing of their lives.

Provides for an out-of-home placement care ombudsman program within each State;

Authorizes grants to States for supportive services to demonstrate methods of filling service gaps identified in the planning and advocacy process.

Provides for a White House Conference on Younger Americans to be held in 1990 for a purpose of arriving at a statement of a comprehensive, coherent national policy on children, youth, and families.

This Younger Americans Act is important because children are America's future and her hope. We adults should invest in children, not only out of a sense of moral obligation but because investment in children forms an intergenerational compact that protects our own future security.

Children need help during the 18 years it takes them to reach adulthood, and we should be prepared to provide that assistance. But we will later turn to these children for support during our retirement years, too—at that point, we will be dependent on them. The Younger Americans Act will help America's children become the healthy, productive, contented adults they each have a right to become.

I wish to commend the Child Welfare League of America and its executive director, Mr. David Liederman, for their strong leadership in this initiative. I also salute my colleague in the other body, Senator CHRISTO-

PHER DODD of Connecticut, for introducing the Senate version of this important legislation, and for his long-time commitment to America's children.

I am proud to be part of this intergenerational effort to address the needs of America's younger people. If enacted, the Younger Americans Act will hold up hope to that most deserving group. I urge my colleagues to cosponsor H.R. 1003. Thank you.

OIL SHALE CLAIMS MUST BE RESOLVED

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to bring some resolution to a situation which has plagued the administration of our mining laws for over 66 years. Joining me in introducing this bill is the distinguished chairman of the Committee on Interior and Insular Affairs, MO UDALL, the chairman of the Subcommittee on National Parks and Public Lands, BRUCE VENTO, and our colleague on the committee, BEN NIGHTHORSE CAMPBELL of Colorado.

In the States of Colorado, Wyoming, and Utah exist approximately 1,700 oil shale claims on some 270,000 acres of public lands. These claims were located prior to the enactment of the Mineral Lands Leasing Act of 1920 which ended the system of location and patenting of Federal oil shale lands and imposed a leasing regime for this mineral. However, section 37 of the 1920 act allowed those oil shale claims in existence on the date of enactment to be perfected if they were validly maintained.

Over the past 66 years there have been numerous and conflicting administrative and judicial actions relating to these oil shale claims. At times, the Department of the Interior has sought to invalidate them. However, due to rather imaginative interpretations of the law various court decisions have managed to keep this issue alive. One such decision came about recently when a Colorado district court judge paved the way for the patenting of oil shale claims on over 80,000 acres of public lands. The title to these lands has since been transferred to private interests for $2.50 an acre, creating renewed public and congressional interest in this matter. As previously noted, the possibility still exists for an additional 270,000 acres of public land to be disposed of in a similar fashion.

One of the problems with this situation is that due to various court decisions, the mining laws as they relate to oil shale claims have been construed in such a way that they no longer promote the mining of oil shale lands creating an opportunity for speculators to abuse the mining laws to receive title to public lands for purposes unrelated to mineral extraction. This is occurring primarily because the courts have carved out a separate standard of discovery for these oil shale claims and have substantially weakened the requirements to maintain a claim's validity.

Despite the highly questionable validity of these oil shale claims, after more than 66 years 1,700 of these claims still exist in an unpatented and undeveloped state. The continued existence of these claims restricts the lands from the development of other minerals which may exist on them and interferes with the effective management of Federal lands. I would also submit that issuing patents for these claims at this time would likely result in nonmineral development. Since the holders of these claims have had ample opportunity to apply for patents and to develop the oil shale, this situation flies in the face of the intention of the mining laws, which is to promote mineral development, and can no longer be tolerated.

The legislation I am introducing prohibits the issuance of patents to these oil shale claims and provides for their conversion to oil shale leases. After more than 66 years, it is in the public interest for these claims to be brought to some final resolution so that the Federal lands affected may be properly managed for their mineral and other values in accordance with the laws and policies of the United States.

As an aside, I feel that I should make one thing perfectly clear at the outset. This legislation in no way, shape or form affects those minerals still governed by the mining law of 1872. An entirely different situation exists with respect to oil shale claims due to judicial interpretations relating to standards for discovery and assessment work criteria. It is my intention to divorce consideration of oil shale claim legislation from matters pertaining to the mining law of 1872.

H.R. 281: A QUESTION OF FAIRNESS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. GEPHARDT. Mr. Speaker, I rise in support of H.R. 281, the construction industry labor law amendments. In the 99th Congress this body passed similar legislation by the substantial margin of 379 to 38. The reason is clear, and it is the same reason that makes the passage of H.R. 281 this year so important: H.R. 281 protects important principles of labor relations and rights of unionized workers. In fact, it reasserts the original intent of Congress with regard to collective bargaining agreements in the construction industry.

Because of recent National Labor Relations Board and court decisions, it has become too easy for employers to walk away from prehire and collective bargaining agreements, leaving unions with difficult burdens of proof for their legal recourse.

It is fairness that is at issue here. Both the prehire and the double-breasting provision of this bill simply reassert the basic principle that when a union and an employer enter into a voluntary agreement, both should be bound to honor that agreement.

Our labor laws traditionally have acknowledged the special characteristics of the construction industry. Because of the diffuse, transitory nature of projects in the construction industry, Congress has recognized that special measures are necessary to ensure a degree of stability that will enable both union and employer to function most effectively.

Collective bargaining is a fundamental right of union members. In order to make that right meaningful in the construction industry, it is indispensible that collective bargaining agreements be applicable to all businesses operated by a single employer within the geographical area covered by the agreement.

Similarly, the needs for fairness and stability require that prehire agreements, which allow unions to provide skilled workers for jobs as they become neeeded, be binding on the employer unless the union is decertified.

Prehire and collective bargaining agreements are entered into voluntarily and are of the utmost importance to our construction industry unions and their members. It is only fair and right that these agreements remain binding on both unions and employers. H.R. 281 reasserts to commitment of Congress to this principle of fairness in our labor laws. I strongly support this bill and hope for its early passage.

REQUIREMENT OF THE SECRETARY OF HEALTH AND HUMAN SERVICES TO PROVIDE 30 DEMONSTRATION PROJECTS FOR THE USE OF PERSONAL EMERGENCY RESPONSE SYSTEMS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. CONTE. Mr. Speaker, today I have introduced legislation to provide for 30 demonstration projects for the use of personal emergency response systems under the Medicare Program.

A personal emergency response system is a unit with remote-control buttons that elderly or handicapped individuals who live at home can push to automatically alert help.

My legislation requires the Secretary of Health and Human Services to provide 30 personal emergency response demonstration projects around the country to be furnished to Medicare beneficiaries on a voluntary basis. This bill would also require the Secretary to implement a study evaluating the overall health of each participant and the health care expenditures between participants and nonparticipants.

Mr. Speaker, it is often charged today, that under the DRG's of the Medicare Program elderly patients are being "sent home quicker while still sicker." My legislation would give elderly persons and those charged with their care "peace of mind" in knowing that emergency help is only a push of the button away.

I would urge all my colleagues to cosponsor this legislation.

NATIONAL CRIME PREVENTION WEEK

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. GUARINI. Mr. Speaker, I am introducing legislation to call my colleagues' attention to the importance of crime prevention measures in America today. My bill would designate the week beginning with February 7, 1988, as National Crime Prevention Week.

The incidence of crime has reached epidemic proportions throughout urban and rural areas alike. Recent FBI statistics show that in America there is a murder every 28 minutes, a rape every 6 minutes, a robbery every 65 seconds, and an aggravated assault every 46 seconds. This amounts to one violent crime every 25 seconds. In the theft category there is a burglary every 11 seconds, a larceny every 5 seconds and an auto theft every 31 seconds. This amounts to one property crime every 31 seconds. The presence of crime in our country is detrimental to the general welfare of society, and many people have responded by learning how to prevent crime.

Citizens have joined with law enforcement agencies to form various crime prevention programs, including neighborhood vigilance organizations. National Crime Prevention Week would draw national attention to this united effort for combating crime. As a valuable tool in the fight for safety in our communities, neighbors have joined together in groups of concerned residents committed to being aware of suspicious activities in their area. The major emphasis of this program is the quick and efficient reporting of unusual occurences to the authorities. In this way the citizen works together with the police to stop crime.

It is our duty as elected officials to invoke the leadership entrusted to us, and focus public attention on the importance of crime prevention and citizen action. National Crime Prevention Week is a primary tool for educating a beleaguered American public on the importance of fighting crime.

People need to be aware that cooperation with each other and the police can be the most effective deterrent to the disturbing number of violent crimes and thefts. There have been too many cases of crime witnesses passively standing by as a helpless victim becomes another statistic. Fear and ignorance have kept many of America's citizens prisoners by criminals who prey upon their inaction. As more and more people learn that they can become a formidable deterrent to crime by adopting effective prevention measures, the frightening statistics which currently plague our society will diminish.

It is now time to reestablish an environment in which Americans may live and work free of the fear of crime. National Crime Prevention Week will provide the focus which law enforcement agencies, private businesses, and all citizens need to join in the fight against crime. It is our privilege to provide the people of this country with a unique forum for heightening our awareness of crime. Mr. Chairman, I respectfully urge my colleague's support for this timely legislation.

PROTECT DEMOCRACY IN CORPORATE AMERICA

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. WORTLEY. Mr. Speaker, today I am introducing legislation to preserve a very important standard of democracy in our Nation's corporations. For 60 years, the New York Stock Exchange has required that each company listed on its exchange grant every share of common stock equal voting rights. Repealing this "one share, one vote" standard—the cornerstone of corporate democracy—would allow companies to issue special blocks of stock with 100 or 1,000 times the voting power of other shares.

Nonetheless, the Securities and Exchange Commission has been asked by the NYSE for permission to drop the one share, one vote standard. NYSE officials have voiced opposition to their own request, but they feel it is necessary because large companies are threatening to leave the NYSE for other exchanges that permit special classes of stock with unequal voting rights.

The typical company interested in unequal stock is seeking to protect itself from hostile takeovers by placing the special stock in the hands of a minority which is loyal to the existing management. Regardless of your views on takeovers, it should be clear that abandonment of the one share, one vote standard is no solution. With unequal stock, the real owners of the company—the shareholders—will have less of a say in how a company is operated than the employees—the management. It's easy to predict the results: A complacent and bureaucratic corporate America, and the concentration of power in the hands of the few. This is not my idea of building a stronger, more competitive America to meet the challenges of today's marketplace.

Because it will weaken the value of their investments, one outspoken opponent of the NYSE request is the Council of Institutional Investors, whose membership includes those responsible for the pension funds of workers. And associations organized on behalf of the millions of independent shareholders in this country have also mobilized to oppose the request.

It is clear that the SEC needs guidance from Congress on how to approach this issue. The SEC could have ruled immediately and unilaterally on the request from the NYSE, but instead a rare public hearing was held on the matter. I believe Congress should express its opposition to this junk stock proposal with a concurrent resolution to this effect.

My legislation would direct the SEC to use its authority to preserve the one share, one vote on the NYSE, and to modify the rules on other exchanges so that the NYSE will not be placed at a competitive disadvantage. I have already been joined in this effort by several colleagues of whom I have the most respect, and I urge my other colleagues to also cosponsor this legislation upholding corporate democracy.

NEW MARKETS FOR CORN FARMERS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. DURBIN. Mr. Speaker, I rise today to introduce a resolution on behalf of our Nation's corn farmers in their efforts to improve and expand the markets for corn in the United States. Throughout the farm crisis of recent years, our Nation's corn farmers have been struggling to stay in business and find new markets for their product. U.S. exports of corn and corn byproducts have fallen from $9.4 billion in fiscal year 1981 to $4 billion in fiscal year 1986. Furthermore, just in the past year, the price of corn has fallen 37 percent, from $2.33 per bushel to $1.43 per bushel.

Despite these troubling trends, our corn farmers have refused to become discouraged. They have continued to make every effort to cut their cost of production in order to remain competitive, while seeking out new markets for their product. Two of the most promising markets they have found are the use of corn in the production of ethanol and corn sweeteners.

The domestic ethanol industry consumed 300 million bushels of corn in 1986, reducing Federal Farm Program costs by over $500 million. This industry has grown steadily over the past 7 years, increasing its production of ethanol from 10 million gallons in 1980 to over 700 million gallons in 1986.

The use of corn sweeteners has also grown steadily, and last year constituted one-half of all sweeteners consumed in the United States. The domestic corn sweetener industry represents the second largest market for U.S. corn, using 580 million bushels of corn in 1986.

The President's 1988 budget recommendations include two proposals which threaten the survival of these two vital markets for corn. First, the President proposes to repeal the partial excise tax exemption for alcohol fuels, which was instituted to help a fledgling industry become established. This exemption has a 1992 expiration date, and it is imperative that it not be repealed prematurely. Its immediate termination would devastate the ethanol industry, destroying an important corn market. The ethanol industry has grown as a direct result of the Federal Government's commitment to alcohol fuels, as demonstrated by the partial excise tax exemption. It is a commitment well worth keeping.

Second, the President proposes to drastically reduce the domestic price support level for sugar and to allow subsidized foreign sugar to flood our markets. The Price Support Program prevents foreign competitors from dumping their sugar in U.S. markets, and allows corn sweeteners to compete fairly with sugar in the sweetener market.

If corn farmers are to survive the current hard times, these proposals must not be enacted into law. For this reason, I am introducing a resolution expressing the support of the Congress for the efforts of our farmers and industry to improve and expand the markets for corn, and rejecting the President's proposals to repeal the excise tax exemption for alcohol fuels and reduce the minimum level of price support for domestic sugar. I urge my colleagues to cosponsor and support this resolution.

CALL FOR A "CATASTROPHIC HEALTH INITIATIVE (CHI)"

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. ROYBAL. Mr. Speaker, catastrophic health costs have become one of the hottest issues of the 100th Congress. Last week alone, Congress held five catastrophic health hearings, including our House and Senate Aging Committees' joint hearing on the day after the President's State of the Union Address. I think that you would agree that the time has come for the Congress to push for a catastrophic health initiative [CHI].

Now, I recognize that Congress wants to respond quickly to the great need for catastrophic protection, but I want to sound a cautionary note. In Congress' rush to pass a catastrophic health initiative this year, I greatly fear that we will fail to respond to the full problem. If we are to protect all American families from catastrophic costs, we must protect the 37 million Americans who are uninsured and the 200 million Americans who are either uninsured or underinsured for catastrophic acute and long term care costs. Though I am chairman of the Committee on Aging and care deeply about America's elderly, I want to stress that we have the same obligation to America's nonelderly.

For many reasons, we have an opportunity in the 100th Congress to address the full catastrophic cost problem. That's why I took the step of introducing my U.S. Health legislation (H.R. 200) on the first day of the 100th Congress. However, I am much less concerned that we choose any particular solution than that we choose to solve the full catastrophic health cost problem.

Congress' conscience is at the crossroads. We either commit ourselves to alleviating catastrophic health costs for all Americans or we will have committed millions of Americans to go without critical health care and millions of Americans to financial ruin. My conscience dictates the course of protecting all Americans.

I strongly urge the Congress to commit itself to protecting all Americans, elderly and nonelderly alike, and to alleviating all catastrophic health costs, long term and acute. Given the risks facing the 37 million uninsured and 200 million underinsured Americans, it is imperative that Congress enact a comprehensive catastrophic health initiative [CHI] as soon as possible.

FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. SHUMWAY. Mr. Speaker, today I am initiating legislation to amend the Federal Mine Safety and Health Act of 1977 [MSHA]. If enacted, this legislation would exempt those mines that are owned by five or less working partners and that do not employ any individuals who do not have an ownership interest in the subject mine from the onerous regulations included in the act.

The original intent of the Federal Mine Safety and Health Act [MSHA] was to address a variety of legitimate safety and health concerns which were largely associated with the coal mining insustry. The measure was amended to include metal and nonmetal mining, although the underlying motive of the legislation was to protect the health and safety of coal miners.

I represent the "Mother Lode" region of California. In this region of California there are scores of individuals mining for gold and other precious ores or minerals on small claims located on both private and Federal lands. Most of these individuals work by themselves or with a small number of partners on these claims. In searching for minerals, the small miner will often drive short prospecting tunnels which span only several feet in length.

During the consideration of MSHA, Congress did not properly take into account the unique circumstances of the small miner. Due to this oversight, the individual mine operator must adhere—when forced by Federal mine inspectors—to all the provisions included in MSHA. The practical effect of subjecting small miners to MSHA requirements is to put them out of business. Under no reasonable circumstances can a small mine operator with extremely limited resources available comply with rules and regulations which were designed for large operations that employ mine workers.

With this inequity in mind, I urge my colleagues to join me in support of this simple, straight-forward legislation to alleviate an unintended, undue hardship on small mine operators.

CONGRESSIONAL PAY RAISE

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. CALLAHAN. Mr. Speaker, I rise in strong opposition to a pay increase for Members of Congress and, most emphatically, to the manner in which the House leadership has maneuvered to avoid a timely vote on the issue.

There is no reason whatsoever that I can determine that the House should not have voted to deny a pay raise before it took effect. The leadership first told us we would not have a vote, then publically announced we would vote in a timely manner, and then reneged on that assurance. Efforts by House Republicans to ensure a vote were ignored, as usual.

The procedure we have been forced to follow disgusts a great many of us; it certainly disturbs me deeply. In my opinion, we are now embroiled in a controversy above and beyond any merits of a raise. We have a failure of trust because our leaders have played tricks to allow the pay increase to take effect.

While there may be some merit to the need for pay scale adjustments, this just is not the time to raise our own salaries. The taxpayers of this country, many of whom have their own financial problems and who have tolerated cuts in Government programs, simply will not abide it. They are right. How can we possibly justify spending our constituents' money to aggrandize ourselves? We can't in good conscience do it.

Mr. Speaker, I implore you to allow this House to vote in the near future to repeal this raise.

EDUCATION IS THE BASIS FOR COMPETITIVENESS

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. MURPHY. Mr. Speaker, how does the President expect us to survive? President Reagan's 1988 budget proposal for education totals $14 billion, a $1.2 billion reduction from last year's request. As the administration is slashing the budget, more and more people are finding themselves without the educational opportunities that allow them to be productive citizens. Without productive citizens how can we compete?

Competitiveness is the buzzword of the 100th Congress. Education is the basis for that competitiveness. If funding is cut, the ability of Americans to compete will be greatly reduced.

Rescission of the 1-year-old program for handicapped infants is a step backward, not forward. Reduction of $1.2 billion in higher education grants and $1.8 billion in loans will be disastrous to the future of those students who want to go to college but do not have the resources. Rescission of all $880 million in funds for vocational education can only lead to a higher percentage of unskilled, unproductive individuals. Reduction of $100 million from last year's appropriation for drug abuse education is a contradiction of this administration's position on this major problem. The President has proposed $130 million in funds for adult education to address problems associated with illiteracy. But this education will only provide the basic skills. Where will these people go from there? To compete, we must give all citizens the chance to obtain the education they want or need.

In this atmosphere or global competitiveness an enhanced educational system is the factor that would give America the edge in the world market. Education must be strengthened, on all levels, for us to survive.

H.R. 913

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. SOLOMON. Mr. Speaker, I would like to take a moment to highlight a recent action taken by a senior member of the House Armed Services Committee which demonstrated, once again, his unwaivering and unparalleled devotion to our country's men in uniform.

Earlier this week, Congressman SONNY MONTGOMERY introduced H.R. 913, authorizing the development of a postmobilization registration for persons having essential medical skills. If our country is ever again forced to war, this legislation, once enacted, would mean the difference between life and death, for countless thousands of our fighting men wounded in action.

The legislation does not require the registration of health care personnel and the major health care organizations as a good faith effort to support our national defense should support the bill.

Our all volunteer force is strong and it is a success. However, the All-Volunteer Force was never intended to stand alone in time of war. In the event of a major conflict our combat divisions will require augmentation by inductees.

Clearly, in the event of mobilization, Congress would authorize the induction of untrained manpower to augment combat divisions. At the same time, based on existing military medical manpower projections, Congress would authorize the induction of essential medical personnel. The problem is that it would take a great deal of time to set up a system for the induction of needed medical personnel. The difference of several months before our fighting men receive proper medical care could be a war stopper.

Mr. MONTGOMERY's legislation addresses this problem by providing authority to dramatically reduce the time it would take to call up critical health care personnel should the need arise. H.R. 913 would reduce by 8 months the time it would take to insure our men in uniform have proper medical care.

As the author of the Solomon amendment, I am pleased with the success we have had with the overall Selective Service compliance level. Virtually all of our Nation's young men have fulfilled their obligation to register with the Selective Service. This success insures that America's young men share equally the responsibility of defending the Nation.

However, possessing the capability to augment combat divisions without the guarantee that these young men will have adequate medical treatment if they are wounded is a national disgrace. How can we, as a Nation, ask our young men to be prepared to fight and die for our country, without insuring that if they are wounded they receive adequate medical care? Our country's young men have done their share, the Selective Service compliance level is over 99 percent. Now it is time the Congress did their share by approving Congressman MONTGOMERY's legislation. Please join me in supporting Congressman MONTGOMERY by cosponsoring H.R. 913.

PROMOTING SMALL BUSINESS WITH VENTURE CAPITAL: AN INVESTMENT IN RURAL AMERICA

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, small business stands side by side with agriculture in my State of North Dakota as the backbone of our rural economy. But throughout rural America, both farmers and main street businesses are suffering. The 100th Congress will be devoting some attention to exploring ways to revitalize rural America, and as we do that, we must address the needs of America's entrepreneurs—small businessmen and women.

One way to address that need is to find new ways to invest in home-grown small businesses. This is critical because firms with fewer than 100 employees generate 80 percent of the new jobs nationwide; and 85 percent of new hires find work in existing, community businesses. By contrast, the Fortune 500 companies have had a net loss of 2 million jobs since 1980. It's also true that only 1,500 businesses relocate annually, with 14,000 cities competing for these businesses. Those odds make it unrealistic to depend on relocating corporations as a source of economic development for States like North Dakota.

Last year, North Dakotans invested over $3 billion in securities. Nearly all of that money went out of State. Those dollars went to corporate headquarters in New York; they helped building construction in California. Those dollars bought stock in companies that exist far beyond North Dakota's borders. And that left a gaping swath in investment resources for North Dakota business starts, as outsiders reaped our venture capital like a wheat field.

The answer lies in part with the Small Business Administration [SBA] and Small Business Investment Companies [SBIC's], whose mission is to loan money to small businesses that cannot obtain sufficient financial assistance elsewhere. Unfortunately, SBIC's have been subject to the Federal budget yo-yo. It may be time to revive a plan for setting up a Government-chartered corporation like Fanny Mae for venture capital. This would be privately capitalized with a Federal backstop.

The answer also may lie with venture capital corporations chartered or backed by the States and organized to invest their dollars in the communities they serve. Such public or private venture capital corporations may be the vehicle through which rural States can invest in their local, small business entrepreneurs.

I think Congress ought to explore the idea of targeted capital gains with a lower effective tax rate for venture capital invested in targeted areas for a period of several years. We should also test the use of State tax incentives for investments in State-backed venture capital companies.

Another approach would be to levy a transaction tax on large corporate mergers, which generate no new jobs, wealth, or innovations, but which only soak up scarce credit needed by independent businesses. The proceeds from such a tax would form the seed money for a revolving credit fund for financing new, innovative enterprises.

And it goes without saying, we can probably give small businesses the biggest boost by cutting the Federal deficit and lowering interest rates. That's another untapped source of venture capital.

In North Dakota we are conservative by nature. We look over new ideas with healthy skepticism and with a generous portion of forethought. There's a growing interest in venture capital corporations in my State, but we understand the need to move cautiously. The Federal Government can provide some leadership here, and we ought to take a good, hard look at how together, the States and the Federal Government can encourage economic development in rural America—a region devastated by Federal budget deficits, Federal trade deficits and a long period of high real interest rates.

THE RETIREMENT OF MR. HARRY McLAUGHLIN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. GOODLING. Mr. Speaker, one of the duties we have, as public servants, is to develop a rapport with members of the media in our districts. At the same time, there are reporters back home who have proven themselves through professionalism and the test of time. One such journalist in my district, Mr. Harry McLaughlin, is calling it a career after 20 years in journalism.

Harry, an outspoken man with no qualms about asking that certain question other reporters may squelch, will be remembered by myself as well as other local newsmakers in the 19th District of Pennsylvania for many years to come.

Harry McLaughlin, a native York countian, has reported for the York News, York Dispatch, and the early editions of what we now know as the York Daily Record. It was 1955 when Harry launched a career with the Patriot-News and after several years moved to the York bureau.

News distinctions in the form of awards occupy his mantleplace. He has won three first-place and two second-place Pennsylvania Newspaper Publisher Association awards, and five awards in the better writing contest sponsored by Women in Communications.

His personal life reflects his successful professional career. Harry McLaughlin was intensely involved in civic and youth endeavors.

Alongside his news awards are medals relating to service with the 94th Infantry Division under Gen. George Patton in World War II. Let us not forget to recognize that Harry brought home a Bronze Star.

Harry McLaughlin may be retiring from full-time Patriot-News service, but he is someone who will certainly remain involved in the community for years to come.

In the business he chose, his colleagues will conclude, "Harry had a nose for news." Good luck, Harry.

INTRODUCTION OF CIVIL RIGHTS DAY RESOLUTION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1987

Mr. VISCLOSKY. Mr. Speaker, a few short weeks ago, our country marked the birth of Dr. Martin Luther King, Jr., a great American who dedicated his life to creating a better society. In that same spirit, I am proud to introduce today a resolution that August 12, 1988, be recognized as National Civil Rights Day.

National Civil Rights Day will be set aside to honor not only the memory of Dr. King, but also the struggle and spirit of all like-minded visionaries who saw injustice and did not turn away.

I recognize and salute the citizens of Gary, IN, for originating the idea of having a National Civil Rights Day. It is particularly fitting, in light of their efforts to build a national civil rights hall of fame in their city.

Last year I authored and introduced a similar resolution, which was enacted after receiving broad, bipartisan support. I am pleased to note that the number of original cosponsors this year has more than doubled. I hope that the remainder of my colleagues will join with me as we rededicate ourselves to working for the realization of equality of opportunity for all.

HOUSE OF REPRESENTATIVES—*Monday, February 9, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for the blessings of life that are the gifts of each new day. We remember not only the great ideas of faith and hope that have come to be our heritage, but we are deeply appreciative that the people we know in our daily lives, our family and friends, can bear testimony to Your eternal truths. For families that surround us with their love, forgiveness, and grace and for friends who encourage and support us, we offer this our prayer of praise. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 2. An act to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2) "An act to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Finance, for title II of the Senate amendment and title V of H.R. 2, extending the highway trust fund, Mr. ROTH and Mr. DOLE, and

From the Committee on Governmental Affairs, for provisions dealing with the Uniform Relocation Act, Mr. HEINZ.

The message also announced that pursuant to the provisions of Public Law 99-661, the Chair on behalf of the majority leader appoints Mr. NUNN as a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation.

The message also announced that pursuant to the provisions of Public Law 99-151, the Chair on behalf of the Vice President appoints Mr. D'AMATO, Mr. MURKOWSKI, and Mr. WILSON to the U.S. Senate caucus on international narcotics control.

The message also announced that the Senate has passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 42. Joint resolution disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

S.J. Res. 46. Joint resolution to recognize and acknowledge that February 14, 1987, will mark the 75th anniversary of Arizona statehood and to designate the year 1987 as Arizona's Diamond Jubilee.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 6, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:30 a.m. on Friday, February 6, 1987, the following message from the Secretary of the Senate: That the Senate passed, without amendment, House Joint Resolution 131.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, February 6, 1987, House Joint Resolution 131.

A DELIGHTFUL SIDE OF H.L. MENCKEN

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, H.L. Mencken was, without question, the leading critic of American political and social mores for nearly half a century. From his desk at the Baltimore Sun, he hurled his barbs at stuffed shirts and inflated egos everywhere. His reputation as a crusty curmudgeon and iconoclast was unquestioned.

So, it may come as a surprise to some to learn that Mencken had a heart for romance as well as a head for criticism. He was a bachelor until the age of 50, when he married Sara Haart, an English teacher at Goucher College in Baltimore after a 7-year courtship. The marriage lasted only 5 years; she died tragically of tuberculosis. But those apparently were the happiest years of Mencken's life.

Thanks to the work of one of my own constituents, Marion Elizabeth Rodgers of Bethesda, we now have a new insight into the Sage of Baltimore. In her new book, "Mencken and Sara: a Life in Letters," Marion Rodgers had distilled the private correspondence between the couple. They reveal a Mencken who was warm and affectionate as well as acerbicly witty. It is most fitting then, that on Valentine's Day, Marion Rodgers will discuss her book in a special presentation at the Pratt Library in Baltimore. I am especially proud that one of my constituents has brought to light this new and altogether delightful side of H.L. Mencken.

USTR NEGOTIATES AGREEMENT ON U.S. AGRICULTURAL EXPORTS TO SPAIN AND PORTUGAL

The SPEAKER pro tempore (Mr. RICHARDSON). Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, on January 29, the Special Trade Representative for the United States, Clayton Yeutter, announced that he had reached an accord with the European Community resolving a major conflict over the export of United States grain to Spain.

I will elaborate on the agreement in a minute, but let me first say that any realistic, nonpartisan assessment of this agreement would conclude that this is good news for the United States, and especially good news for grain producing States such as Nebraska. While the naysayers and small minds of trade may be critical, I congratulate the Special Trade Representative, Ambassador Clayton Yeutter on his determination and ability to achieve this agreement—as assisted in strong and effective roles by Com-

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

merce Secretary Malcolm Baldrige and Agriculture Secretary Richard Lyng.

With this accord, the United States will be able to retain a large share of the grain export market to the Iberian Peninsula and move ahead with confidence toward negotiating solutions to larger agricultural trade problems with the Europeans at the so-called Uruguay round of GATT negotiations which begin today in Geneva. Without the agreement, the United States would have lost one of its largest agricultural export markets in the world and be severely disadvantaged when trying to begin the Geneva talks.

In comparison to the huge trade deficit and trade problems which this country faces, some may not see the full significance of this agreement. It is, nevertheless, significant for both economic and perception reasons.

Prior to Spain and Portugal becoming members of the European Community on January 1, 1986, these countries imported nearly $2.3 billion of agricultural commodities from the United States each year. Spain was the United States' 10th largest customer for American agricultural products and was the fifth and fourth largest customer for United States feed grains and soybeans, respectively. Portugal was actually noted as being the fifth or sixth largest market for American wheat.

Upon entering the EC, Spain and Portugal were required to adopt the EC's common agricultural policy and raise their tariffs on United States corn and sorghum. The result was an annual loss to American farmers of approximately $430 million in corn and sorghum sales in Spain alone. The overall potential loss to American farmers was estimated over $1 billion.

Although the Europeans said they were willing to compensate the loss with lower tariffs on industrial and manufactured items, that was no consolation to the agriculture sector. To force the Europeans to negotiate an agreement, the administration announced its intention to impose duties—effective at the end of January 1987—of up to 200 percent on a list of European beverage and food products that together were dubbed "the yuppie shopping list": a carefully balanced list of British gin, French cognac and wine, Danish canned ham, Belgian endive, Spanish and Greek olives and various European cheeses.

The agreement which was reached will avert not just the total loss of these agricultural export sales for American farmers, but also avert a potential full-fledged trade war. The centerpiece of the pact calls for the European Community to allow annual shipments of 2.3 million metric tons of feed grains consisting of 2 million metric tons of corn and 300,000 metric tons of sorghum to Spain at the existing lower tariff rates.

The agreement also requires the EC to drop its requirement that Portugal purchase at least 15 percent of its feed grains from other EC countries, thus preserving for America and other non-EC exporters a potential market of 400,000 metric tons of sales. Finally, and quite important, the new agreement will extend duty-free access for soybeans and soybean meal to Spain and Portugal. The EC today collectively purchases about one-fifth of United States soybeans.

Because of this agreement, the United States is expected to garner about two-thirds of the new quota of 2.3 million metric tons of feed grains, which apply to all exporters outside the European Community. As for corn and sorghum, the most important products, this means the retention of 1.6 million to 1.7 million tons of exports to Spain, compared with an average of 2.8 million tons before the Spanish levies began.

While the agreement largely affects the maintenance of American agricultural exports, approximately one-third of the negotiated compensation is represented by lower tariffs on several industrial commodities America exports to Europe. This compensation translates into roughly $70 to $90 million in lower tariffs for 26 products including dried onions, avocados, roasted nuts, plywood, aluminum sheet, and various chemicals.

Granted, not everyone in either the United States, or Europe, is pleased with the accord. Many United States farm and commodity organizations had understandably, and unrealistically I believe, hoped for a larger share of the Spanish and Portugese markets. Many Europeans felt they had given up too much. Generally most neutral observers thought that America came out of the negotiations much more successfully. Our expected market share will be less than what we had before Spain and Portugal entered the EC. But in the words of Willy de Clercq, the European Community's chief negotiator, the agreement is an "honorable compromise."

The most important message I wish to convey today is that the United States was able to obtain a compensation for our lost agricultural markets when other countries joined the European Community. The General Agreement on Tariffs and Trade requires no specific compensation for lost agricultural markets. It only requires that the United States be compensated but not necessarily in agricultural products. The United States played tough and held out in order to achieve two-thirds of the required compensation in agricultural commodities. What we achieved this time was certainly far more honorable and economically beneficial than what we received when other countries joined the European Community in the past. For instance, when Greece joined the EC in 1981, the United States received zero compensation for lost agricultural sales. This is the first time we obtained a significant amount of compensation in the form of agricultural products and we should be very grateful for the outcome of this agreement. The agricultural sector faired significantly better than it has in the past.

True, the United States could have dug in its heels, circled the wagons, beat its chest and hollered from the ramparts that "it's all or nothing." And, that's precisely what we would have gotten in this negotiation with that attitude—nothing. But that is, unfortunately, the bravado, simplicity and mentality which some Members in this Congress contend trade warfare should be waged. Given the complexity and intricacy of the current trade situation, a "take-no-prisoners" attitude will neither open doors, nor knock down trade barriers.

The recent agreement with the EC will only last 4 years. Between now and then, we have with honor bought time to negotiate a more permanent and comprehensive agreement with our trading partners to end unfair trade practices and barriers. As a result of the Uruguay talks last year, agricultural trade policies will be one of the top priorities during the GATT negotiations now beginning in Geneva.

Despite our trade problems, and the seemingly endless bad reviews that tend to be heaped upon this administration for its trade policy, we should applaud and support our Government's efforts when they are indeed a success. The USTR's recent effort in reaching an interim agreement with the Europeans demonstrates that the United States can be tough and successful in our negotiations, and that we are not willing to be trade patsies.

□ 1210

MIRANDA RULE THREATENED BY ATTORNEY GENERAL MEESE

The SPEAKER pro tempore (Mr. RICHARDSON). Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK. Mr. Speaker, there has been some question about how we should celebrate the 200th anniversary of the Constitution. We will undoubtedly have a lot of different events. I am going to suggest one, and that is the Edwin Meese Memorial Run, in which people will take a copy of the Constitution and run backward and the person who gets the furthest backward fastest will be the winner of the Edwin Meese Award, because Attorney General Meese seems determined to take our Constitution backward.

Most recently he decided that we ought to get rid of the Miranda rule. The Miranda rule, you may remember, was promulgated by the Supreme Court 20 years ago, and what it said was this: If you are arrested by the police, you will be told two things, that you have a right to remain silent and that you have a right to counsel.

In other words, this radical doctrine tells the average person who is arrested exactly what Oliver North, John Poindexter, and Richard Secord were told; namely, that you have a right under the fifth amendment of the Constitution not to testify if you do not want to, and you have a right to counsel. There was a member of this administration who was asked to testify before the Senate Intelligence Committee and who said, "Sorry, I haven't gotten my lawyer yet."

Mr. Meese thinks that for a police officer to tell the average individual who is arrested these things so that he or she will know as much as Oliver North and John Poindexter and be able to plead the fifth amendment, if necessary, or get a lawyer, if necessary, is somehow an undercutting of law enforcement. Well, I am glad to be able to point out that law enforcement officials, at least in my State of Massachusetts, do not agree.

In an article that appeared in the Boston Globe of February 5, the headline is: "Police Chiefs Defend Miranda Decision Against Meese Threats." Half a dozen police chiefs are quoted by name, and I know them. These are not on the whole the membership of the American Civil Liberties Union. Most of them, I venture to say, voted for Ronald Reagan. They say, "Miranda has worked out well. We had some transitional problems when it caught us unawares."

But most of them say, "We would follow it even if it weren't the law." On Miranda, the police chiefs of cities like Lynn and like the town of Braintree and others say, "Ed Meese is wrong. It is not a hindrance to law enforcement."

In other words, for the average cop to show a suspect the same rights that Oliver North and John Poindexter invoked—and the President said that was OK for them to invoke those rights—that is not a problem. So we find that the Attorney General has once again misread, I think, the proper constitutional law.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Speaker, I appreciate the gentleman's yielding.

Law enforcement people have told me that the Miranda ruling has made it a little tougher for them to make their case occasionally, but when they do make their case, their case is a much better case to bring before the courts.

I was curious about this "Meese Run" the gentleman was talking about. Ed Meese, is he not a part of the same group that came to Washington, DC, saying that the problem is that we have got a government with too heavy a hand, that there is too much government and we want to try to restore some balance for individuals?

It seems to me that his suggestions on the Miranda issue moves in exactly the opposite direction. It takes protection from the individual and gives more authority and power to the government. Is this not the exact opposite of what Mr. Meese has been talking about for years?

Mr. FRANK. Mr. Speaker, it would seem that way to me. Apparently we misunderstood the Attorney General and some of his colleagues when they said they wanted more freedom from government. Evidently they were talking about oppressed billion-dollar corporations. They want to free billion-dollar corporations to merge more freely. They do not want the government trampling on the rights of billion-dollar corporations. But when it comes to an individual's right to walk into a convenience store and buy a magazine that is not legally obscene, or when it comes to a nonadministration member's right to invoke the fifth amendment, that is something else. Remember, if you are a member of the staff of the National Security Council, you have got your Miranda rights, you are entitled to plead the fifth amendment, and you get your right to counsel, but if you are just the average citizen, apparently there is something the gentleman from North Dakota and I missed. I am glad that I was not the only one who missed it.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield further?

Mr. FRANK. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. An example of this perhaps is how a government can mine another country's harbors and then not submit that question to international law.

Mr. FRANK. Yes. I noticed that the State Department and the Justice Department, with the approval of Judge Bork, recently had someone criminally convicted because he was holding a sign in front of the Nicaraguan Embassy which was denunciatory. They said although under international law you may not insult the Nicaraguan Government, you can blow it up and you can drop arms in and mine their harbors, but let us not insult them. Consistency has not been a great virtue.

I appreciate what the gentleman said also about Miranda, and we ought to be very clear about this. When we talk about the Miranda rights—and I will be honest with you—the Attorney General was working his way through the Bill of Rights trying to substantially circumscribe them, and I think Iran and the Contra issue stopped them just short of the fifth amendment, because apparently they do not like telling people they have a right to a lawyer. But in fact that is what Miranda says. What Miranda says to someone who has been arrested is, "You have a right not to incriminate yourself." It is an explanation of the fifth amendment right.

So it is OK for sophisticated officials of this administration in the national security area, with highly paid counsel, to plead the fifth amendment before congressional committees, but it is somehow a derogation of law and order for an individual who may be totally innocent to be told "wait a minute. Before you say something, consult a lawyer."

Mr. Speaker, the text of the article to which I referred and which appeared in the Boston Globe on February 5, 1987, is as follows:

POLICE CHIEFS DEFEND MIRANDA DECISION AGAINST MEESE THREATS

(By Eduardo Paz-Martinez)

When they gathered a few weeks ago, members of the Massachusetts Police Association were surprised to find they shared a common concern about US Attorney General Edwin Meese's desire to overturn the long-controversial Miranda decision.

"One fellow," said Danvers Police Chief Christ J. Bouras, "even went so far as to say he would continue using it in his department regardless of what happened."

The surprise, Bouras explained yesterday, was not that they all seemed to agree Meese's action was misguided, but that all seemed to be vigorously rallying around a ruling many of them had opposed in the days after the US Supreme Court decision in 1966.

Miranda, as it is known in law enforcement, basically holds that police be legally obliged to advise suspects of their right to remain silent and to an attorney when interrogated.

Meese argues that the landmark decision, often described as a cornerstone of legal rights for people placed under arrest, is detrimental to law enforcement and abused by defense attorneys who win freedom on technicalities for felons.

A challenge to it in the Supreme Court, say a few Massachusetts police chiefs, would be a mistake.

"If it is overturned, I don't know that I'd order my officers not to give the Miranda rights." said Cambridge Police Chief Anthony J. Paolillo. "They can't tell me not to."

Paolillo, like his colleagues, adds that the demise of Miranda would set civil rights in law enforcement back to the gray days of the early 1960s.

"I do not believe it is a detriment to law enforcement as the attorney general has suggested," said Braintree Police Chief John V. Polio. "We've come a long way, and I would not want to see the rights of individuals eroded. If we start nipping away at rights of individuals, we'll be back to 1966."

"People should be informed of their rights. I feel strongly about it," he said yesterday. "If we start weakening those rights, it will only follow that things will get worse."

Boston Police Commissioner Francis M. Roache sees the issue as one that, if successful, would also affect the professional fiber of modern law enforcement.

"Miranda made us more professional," Roache said yesterday. "It forced us to appreciate the Constitution. We now have great respect for people and we want to protect those rights."

Lynn Police Chief Richard F. Courtney said many of the law's staunchest supporters are the same officers who initially disdained the prospect of reading rights to suspects.

"I'm not going to say it's been for the better, but it hasn't been as detrimental as we all said at the outset." Courtney said yesterday. "I am inclined to think it was because we rose to the occasion."

Courtney said central to the opposition was a belief by some officers that Miranda would steal a department's ability to obtain confessions.

"We were all shocked by Miranda because we never expected it," Courtney added. "We had been getting confessions the best way we knew how, sometimes using a little chicanery but always feeling it was necessary to get a conviction on a serious felon."

All local officials interviewed said they had little information on Meese's motivation to overturn the law.

MEESE'S MOTIVATION

"I don't know what the attorney general is trying to do," said Paolillo. "That's his feeling on it. As far as I'm concerned, I don't find that Miranda is a significant detriment to the solving of a case.

"If you do your legwork . . . well, it's been my experience that there is a willingness on the part of the criminal to tell you whether he did it, Miranda law or not. Law enforcement people know that."

Bouras, saying he once characterized Miranda as "horrendous," said: "Even if it is overturned, I don't think it's going to change very much. Officers will still tread very lightly. This is a tough age. Everybody is ready to sue. The officers will do the right thing, but I'd hate to think we'd go back to 1966."

Bouras said he would, in the event Meese is successful, seek to adopt a department policy whereby his officers would still adhere to basic guidelines set forth by Miranda.

"I think maybe there are times under emergency situations when you don't have the time to do these things," he added. "I can see where it could be difficult there, but once they're brought to the station, suspects should be afforded those rights."

Polio said the loss of Miranda would present problems, even if the state or communities moved to effect similar legislation.

BAD PRECEDENT RISKED

"As strongly as I may feel about it, the officers would then probably exercise their own judgment," he said. "I might say I feel it's appropriate, but if officers in fact know that they need not read somebody their rights, then you're going to have a mixture of a lot of things happening."

Polio suggested that the public may not be as informed as it should be about the ramifications posed by the attorney general's proposal.

"The public should be made aware of just what is being proposed or what could happen and how far it could be carried," Polio said. "I think there should be some plain language explanations—about why we do it, and how it protects us and the individual. I don't believe the public has a clear picture of what we're talking about."

Aside from loss of the protection Miranda affords, Polio said, Meese risks setting a bad precedent. "I don't like the momentum that I feel would mount toward eroding the rights of the individual," he added. "If this step is taken, it's my guess that other steps are sure to follow."

Polio said Meese's position on Miranda is seeded in "a narrow view" of civil rights.

"When it comes to losing a case to technicalities, well, they're in front of us all the time," he said. "We have statutes that we have to abide by. We have to play by the rules. It's tough, but we know and are aware of the pitfalls and should be trained to avoid them."

THE FAMILY FARM TARGETING AND MARKETING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 60 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, we will not take the entire time allotted for this special order, but I want to bring the attention of the Members to the fact that my colleague, the gentleman from Minnesota [Mr. PENNY], and I have introduced the Family Farm Targeting and Marketing Act. We want to take some time today to explain exactly what we have done to improve and strengthen the Farm Program.

The part of the country that I come from is a rural area; in fact, North Dakota is defined as the most rural State in America.

That is, the yard lights that you see when you fly over North Dakota at night represent the economic blood vessels that carry life to our economy; they are family farms. Families living out there on the farms, getting up, doing chores in the morning, conducting their farming business, doing chores at night and making a living on the family farm.

Each year, more and more of those yard lights go out because family farmers are not able, with present-day commodity prices, to make a good living. So the question is, What do we do about that? Well, on the Federal Government level we have had farm program after farm program. Now we have a ill-concieved farm program this year that cost $10 billion more than the Federal Government had anticipated. It cost nearly $27 billion this year. Even though it has cost the taxpayer dearly, it has not brought relief for struggling family farmers.

What does President Reagan propose to do? Well, he would propose to just pull the net out from under farmers. He says the way to solve this problem is to let farmers deal with the open market; that is what he has been saying for about 5 or 6 years. The fact is, there is not any free market or open market for family farmers. They are beset in dozens of different ways by an EC that violates GATT; by Japanese trade barriers; by currency markets that so inflated the value of the dollar as to impose a substantial tariff on what we want to export.

Farmers, frankly, do not have a free market to operate in. So the President says, "Now, this year what we should do, because the farm program has cost too much, is reduce the target prices." These are income support prices for the commodities farmers produce. Wheat, $4.38 at present. The President says, "Let us take that down to $3.19." That is recipe for wholesale bankruptcy out in the middle part of this country. Right now a $4.38 target price doesn't even cover a farmer's production costs, let alone provide a modest profit.

Congressman PENNY and I have introduced legislation that we think can accomplish three things all at the same time. No 1, save the Federal Government money. We are not unmindful of the deficit problem this Government has. We must attempt to save some money, not just in the argicultural programs but all across the board in the Federal budget.

So one, we think it can save money. No. 2, we think it can help family farmers much more than the present farm program. While we spend record amounts of the taxpayers' dollars, we have a record number of farm failures. There is something wrong with that.

No. 3, we think this is a much simpler approach to solving the farm problem. If you think the Internal Revenue Service forms are complicated, you ought to try and understand the farm program. It is the most complicated thing I have ever seen in my entire life, with the possible exception of the new W-4 tax reform.

Why does the present program not work if we spent $27 billion? Because the money goes to all the wrong folks. The hose is hooked up to the trough leading to the treasuries of the biggest corporate farms in America and it sucks money out of that farm program at an unprecedented rate. Thirty people here, 60 people there, a giant corporation on the other side put their money together, buy some land, and then farm the farm program and get big bucks. Millions of dollars out of the farm program.

Some of the biggest corporations in America are farmers. No, they do not do chores, and no, you do not call them "Ma and Pa," but they suck a lot of money out of the farm program that ought to be going to family farms.

So, what do we do about that? Well, Congressman PENNY and I have proposed a different approach. We say, let us do this: Let us provide income price supports to farmers because we think it is necessary. If you do not have that kind of a bridge called income price supports, when international grain prices swing up and down in vicious ways that you cannot understand, predict, or alter, then we need a bridge to try and help family farmers get across that. Otherwise, all those yard lights will go out; those farmers will go broke. And that would translate into higher food prices for American consumers.

How would our bridge work? We would strengthen price supports at the bottom end of production for the first 20,000 bushels of wheat and 30,000 bushels of corn, for example. That has the effect of providing a stronger price support for the first increment of production and layers in stronger income support for the family farmers in this country.

Oh, it means that we are not going to have the golden arches that the large corporate farms have managed to create over these little bridges called prices supports. Now, they have a set of golden arches that give them millions of dollars in support prices that they should not receive. We are going to change that and they are not going to like that.

However, our changes mean that we can give stronger support prices to family farmers, give family farmers a chance to make a living, save the Federal Government money at the same time, and put agriculture across the middle part of this country back on its feet again.

There are a number of details on this farm program that we want to talk about in the next few minutes, but I would like, with those opening remarks, to call on Congressman PENNY from Minnesota who has worked with me to coauthor this project.

Mr. PENNEY. I thank the gentleman for yielding.

Mr. Speaker, at this point, I would like to run down some of the major provisions of our farm proposal just to flesh it out a little more for our colleagues, because I think there is a lot here in what we are offering that they will find to support. Clearly, if we are going to get rid of this existing farm policy which is disastrous for rural economy, we have got to come up with the kind of support here in Congress to get a majority vote so we can put a new farm program in place.

We think that our farm program will be one that will primarily benefit small- and mid-sized family farmers sustain that family farm structure and restore our rural economy.

We call the bill the "Family Farm Targeting and Marketing Act." We do that because we want to put the emphasis on those two key elements. It targets assistance primarily to small- and mid-sized family farmers by capping program benefits to a certain number of bushels. Beyond that, it puts the emphasis on marketing grain so that all grain grown in future years will move into the marketplace and not into storage. Right now, with huge surpluses in most grains, we are seeing market prices driven terribly low. We want to find a marketing system that will remove that kind of surplus problem and allow the market price to come up where it belongs so that farmers can again make a decent income and a decent living.

The main objectives of our bill would be to first lower Federal farm program costs by targeting benefits to small- and medium-sized family farmers by limiting coverage to a certain number of bushels.

Second, to simplify the existing farm program, and, at the same time, reduce Government involvement in farm management decisions. In other words, put the farmer back in the driver's seat in terms of his operational decisions rather than having the Secretary of Agriculture, at the national level, determining farm management decisions.

Third, we allow the farmer to sell his product when the market allows him the best possible price which reverses our current policy of stockpiling surplus crops. It would also reduce, for the Government, tremendous storage payments that accrue when we have these huge surpluses.

Finally, we would maintain market competitiveness by paying a target payment which would make up the difference between the market price and the target price on a certain amount of production.

What kind of a price would we offer? On corn, we are talking, in our bill, a target price of $3.50. On wheat, we are talking a target price of $5. On corn, we would pay that on the first 30,000 bushels grown or 80 percent of a farmer's base yield; whichever is less. But up to 30,000 bushels. On wheat, we would pay on up to 80 percent of a producer's base yield or 20,000 bushels; whichever comes first.

One-half of the estimated payment would be made in advance, in the spring, during the signup period. That serves a couple useful purposes but, one of the important aspects of this legislation is that it would give farmers some cash in the spring when they need it for operating and planting expenses. The other remaining balance would be paid at the end of the growing season on November 1, for wheat, on December 1 for corn. So when the grain comes out of the field, you can market it at that point and you will be paid the differential at the time of harvest, or, if you decide to hold that grain for a little longer, we will lock in that differential. If you market wisely and the market price is little higher you obviously are going to come out even better under this farm program. But if you do not market at the right time and that market prices drops, you may lose a few cents per bushel, so it does put some pressure on the farmer to do some smart marketing if they decide to hold that grain beyond the harvest payment date.

Other provisions of this bill, and I think they are significant provisions, would be the requirement that there be a 20-percent set-aside in order to enter into this farm program.

We do not pretend that this would serve as a farm or as a production management mechanism quite the way farm acreage set-aside have worked in the past, because clearly in the past we have seen problems with that approach. Setting aside a certain number of acres, but them maximizing yields and intensifying production on the remaining acres thereby producing more corn on less acres.

□ 1230

So we do not rely so much on this 20-percent acreage reduction as a production managment tool as much as we emphasize the conservation aspect, because when setting aside 20 percent of the acres, we would ask that half of those be rotated to a different part of that farm each year so that over the course of time the entire farm would get a rest and that land would be preserved for future generations.

Another provision would be that you could not grow another, marketable crop on those set-aside acres, on that 20 percent of your acres that you are setting side, just a cover crop to keep those acres healthy.

In addition, a farmer would not be allowed to exceed his established acreage base. Every farmer right now has an acreage base for program crops, and we would not allow them to increase that base under our program.

We would limit payments to active family farmers, and put an end to these huge payments that go to passive investors. That is one of the biggest embarrassments of the current farm bill, that we do not have any way of assuring that the program benefits are paid to legitimate active family farmers. Millions of dollars are going to corporate interests. Millions of dollars are being paid to any combination of outside investors who are not directly involved in the farm operation. We want to put a stop to that kind of waste. That is not what a farm program ought to be designed to do; it ought to be designed to provide some income protection to legitimate family operators so that they can better withstand the ups and downs of the market price as influenced by so many factors, including worldwide competition, the value of the dollar, and all the rest, as my colleague from North Dakota has so ably indicated.

We would be sensitive in our definition to legitimate family corporations or family partnerships where two brothers or a father and a daughter or a father and a son are both supporting their own families off of that acreage. We would want to allow them to subdivide in a way in which they could qualify. So we want to be sensitive to family operators, but put a stop to the kind of waste and abuse of the program that occurs now with so much of the money—the bulk of the money in our farm programs in fact going to these nonfarm investors and corporate operators.

Mr. DORGAN of North Dakota. Mr. Speaker, one of America's largest insurance companies is one of America's largest farmers, and gets a great deal of money from the farm program. It is not illegal, and I do not use the company's name on the floor of the House, simply because I do not want anybody to think that what the company has done is illegal. Still, a farm program that gives millions upon millions of dollars to a gaint multinational corporation to farm does not make sense to me.

Another example was in the newspaper not too long ago. Thirty-some fairly well-to-do people put together a syndicate. They purchase or lease substantial land in another State from an insurance company and use an airplane to seed some winter wheat, disc it in when they get snow cover, and attempt to split $50,000 payment limits 30 different times. With that, 30 nonfarmers reap the benefits of a program which leaves the chaf for family farmers. That is farming the farm program. That is ot family farming.

My own view is that if you want to grease up a tractor and put together a plow, hitch it behind the tractor, and plow from here to China, that is your business. I could care less. Do you want to plow up four States? If you are big enough adn rich enough to own that much, that is your business. But I do not think that the Federal Government ought to be your financial partner while you do it.

I think that our responsibility in this country for social reasons, for economic reasons, and for security reasons is to maintain a network of family farms for America's future. That is what our farm program ought to be attempting to do. I am not hostile to the largest corporate farmers in the country; I just do not think that we ought to take money from a taxpayer in Fargo, ND, for that matter, and give it to someone who has an asset base of $500 million who decides that he wants to plant some corn someplace. That is not what a farm program ought to do.

A farm program ought to provide price stability for family farmers so that in the long term this country can count on efficient production and reasonable commodity prices.

We could farm America with 2,000 corporations or less, but would that be what the American consumer wants when higher food prices would follow a surety as might does day? Is that the way in which we want to devastate the lifestyle in the middle part of America where they are now producing real new wealth, at a timewhen much of the rest of America is just trading paper and getting rich on both sides of the trade? I do not think so. I think what we are trying to do with this bill is right, and that is to maintain a network of family farms in America even while we save the taxpayers money with a farm program that provides more support to family farmers but less to the largest corporate farms in America who want to farm the farm program.

In a word targeting farm program benefits can help save tax dollars at the same time it helps to save family farmers from bankruptcy.

Mr. PENNY. Mr. Speaker, if the gentleman will yield further, I certainly concur in his elaboration on that aspect of our bill, that we really are targeting assistance to the degree-benefits are paid to small- and mid-sized family farmers and eliminating those embarrassing payments that go to outside investors, to corporate interests, and to others who really in my judgment have no justification coming to the Federal Government for a big check year after year, as they have under current and past farm policy.

A few other provisions that the gentleman from North Dakota and I ahve included in thsi bill also deserve mention. One of those would be to strengthen grain-quality provisions. Last year we worked in the Committee on Agriculture to develop a clean-grain proposal that was eventually adopted by this Congress, but there were some loopholes that were allowed in that particular legislation that may result in our doing not much of a better job than we have done in the past in terms of delivering high-quality grain to our foreign buyers.

You cannot tell me that we are going to improve the marketability of our grain on the world market when we are sending grain overseas that is polluted with dirt and dust and foreign material and busted kernels, and so many other items that really make that grain less valuable to that buyer.

Right now we allow as much as 10 percent of our grain going overseas to be foreign material, and I think that that is an embarrassing situation for our Nation, and it certainly is hurting the price that we are able to receive on the world market and the quantity that we are able to sell on the world market.

Why should we in America not, where we have the capability to produce not only grain in great volume but grain in high quality, make it our top priority to send clean grain overseas to let them know that they can get the best quality grain from our farmers. We want to prohibit the practice of adding back dockage and foreign material to grain for export to make it clear that we are going to be a high-quality provider on the world market. I think that that will lead to better markets and better prices for our American grain farmers. That would be another important provision in our bill.

We want to rely as well on the conservation reserve to take out of production some acres that should not be in production, fragile acres that are highly erodible, marginal acres that only produce well if they are highly intensified, and we want the conservation reserve to be broadened in a way that will get more of those acres out of production on a long-term basis. It serves, I think, a good purpose in terms of keeping a balance between supply and demand. It also serves a good environmental purpose. It serves a good purpose in terms of wildlife habitat throughout the midsection of our country. Our bill would call on more extensive use of the conservation reserve.

We would fence off, in order to try to provide the best possible market price, the existing surplus until a trigger price at or near our target price is reached. That means that we do not have to worry about the old surplus—6 billion bushels of corn—hanging over the market and continuing to depress prices for farmers under this new targeted farm program. We want the market price under this new program to respond to current production, not to the old surplus.

We would allow that surplus to be used up in a variety of ways. It could be used in increased food-aid shipments to starving nations around the globe. It could be used for ethanol production here or for other purposes that do not compete with the traditional markets for our grain. So over time we would get rid of that surplus, but our intention would be to fence it off in a way that it would not further depress prices, hurting all of our farmers economically.

Last, we would equalize storage payments, to the degree that we have grain in storage, between commercial storage facilities and onfarm storage.

□ 1240

It has been an inequity over the years, and our bill would equalize those payments so the farmer would not get the short end of the stick when it comes to holding on to some of this grain over a period of time when the market price is so low that they cannot market it.

So those are some of the various provisions of our bill. But as a practical matter. I think it makes good sense, and I will say that as I talk about this to farmers across my district it gets generally a good response. They like much of what we are talking about here because they too are embarrassed with the farm policy that encourages more production than we need. They are embarrassed by a farm policy that builds up a big surplus and drives our market price down. They are embarrassed by a farm policy where most of the money spent on agricultural programs goes to people that are not family farmers but instead to off farm speculators and to corporate interests who have no business coming to the Federal Treasury for this kind of financial assistance.

So there is enthusiasm I think for this kind of change in farm policy and it is evidenced in the responses that I received to a survey that I mailed out to my constituency just this past month. Several thousand respondents took the time to fill out this questionnaire. On the question of targeting farm benefits to small- and mid-sized family farmers who produce a program crop, corn in my area, wheat in yours, to the degree of about 300 acres, they said they would support this kind of a targeting program 73 percent to 23 percent. I think that shows that in farm districts like mine there is overwhelming support for this kind of a targeting program, and I know that the gentleman from North Dakota held hearings in his district over this last weekend, and maybe this would be a good time for him to talk about the reception the program receives among farmers in his area.

Mr. DORGAN of North Dakota. North Dakota has about 33,000 or 34,000 farmers, and I held five meetings over this past weekend in North Dakota. I guess I visited at those five meetings with about 1,500 farmers. Most of them feel, I believe, as the gentleman's constituents do, that they do not like the present farm program giving millions of dollars to some of the largest producers. They know that is not productive for anybody else. They know the Government has a deficit problem. They know that family farmers are going broke in record numbers is spending record dollars on agriculture.

Why? Why are people going broke when that is happening? Because the wrong people are getting the money, and they know that as well.

Now, along comes President Reagan and in his budget he says to those farmers and all others, now we have, as a matter of strategy, driven down market prices and we are going to drop the second shoe. The second shoe is to exist with lower market prices, and then we are going to lower your income support price as well for all farmers.

Farmers know that that would be catastrophic for them. I mean, if you want to see record bankruptcies accelerate, and accelerate across the heartland of this country, all you do is follow the President's recommendations. Farmers know something else is necessary.

There are a couple of approaches that can be used. One, Save the Family Farm Act, for example, which Senator HARKIN and others have introduced. That is an absolute supply-management approach which I think has some merit as well. It comes around the back side and almost meets our proposal in the sense that moving from where we presently are, we each want to achieve something that works. And you can do it in one of a couple of ways.

You can do it by a supply-management program that works, and in my judgment you have to make that multilateral. We have to have to keep making those efforts to get them to do so. Alternatively, you can target farm programs to family farms and allow the largest producers in the country who produce a fair amount of the product to get their signals from the marketplace and, therefore, respond to the marketplace. That is what we are attempting to do in our proposal.

But to review again what we are talking about is this: We are saying let us use the limited money for price supports to give a higher price support, not lower, but higher price support for the first increment of production. That makes sense to me because in wheat and corn commodities we are talking about, maybe 400 or 500 acres' worth of strong income price support, which will give a family farmer and the lenders and others the ability to know that these folks, if they are good managers, will be able to make a living. If they want to farm four countries, they are going to have to make some risk decisions about what they want to plant on the extra acreage they have. But we are saying to them, our commitment as a government is to give you some stability in an era of instability, of international price fluctuations, some stability so that you have some opportunity to make a living if you are a good manager.

One of the things that I see happening here in Washington is a double standard, and farmers know it especially. I talked with a lot of farmers this weekend at the farm forums I held, and you know the topics they raised were, for example, why are there different standards in the application of bank examinations to a big bank versus a country bank. Large Wall Street banks have lent money to brazil and other Third World countries, and the loans are essentially nonperforming, and the bank examiners just sort of look as if it is not happening. I am not suggesting that the bank examiners should take a different tack at this time. I am just saying they have a different standard with respect to those billions of dollars of foreign loans that are in trouble. But out in farm coutnry if a small bank out there has loaned money to Emma and Frank Gardner, and Emma and Frank somehow cannot make the entire interest and the entire principal payment, that bank auditor, that examiner comes in and says, oh, oh, nonperforming, and in the file it goes. It is a completely different standard.

If a farmer says to the Farmers Home Administration that somehow I have got some trouble here and I cannot make the payments this year, the Farmers Home Administration or farm credit or others say you are in big trouble and are going to accelerate you. If you are a track star, I guess acceleration is a positive term. But if you are on the wrong end of a Farmers Home Administration loan, you do not want to be accelerated. That means that they are setting you up for liquidation.

We loaned Poland money in 1981, I believe it was about $1.6 billion, to buy some commodities. Poland has not paid 1 cent, at least the last time I checked, not 1 cent on principal. Do you think anybody accelerated Poland? Is Poland in default? Of course not. How does the USDA repossess Poland?

My point is, again this is a double standard. Poland can owe $1.6 billion and not pay a cent on principal and it is not even in default over at USDA. Emma and Frank get behind a little bit, and all of a sudden they are accelerated into default. Somehow there seems to be some double standard in the way we deal with all of these family farmers who are simply asking that they be given an opportunity to make a living out there.

No, they are not asking for charity at all. They want parity, not charity, and parity is reduced to its lowest level since the Great Depression. That is why you see family farmers going broke in record numbers, because they do not get parity or a fair price for production.

My interest is this: I think our goal ought to be keep yard lights burning in rural America. When the yard lights burn, it means families living on the farm, and those families that are living on those farms are producing real new wealth. That real new wealth helps maintain a rural lifestyle in America that I think strengthens this country.

Family farmers produce food for less than corporate agrifactories and that helps consumers. It is no less true that soldiers move forward on their bellies and we ought not forget that.

We are dealing with a whole series of issues that are going to determine in this near term whether we have family farmers to any great degree or not in this country's future. Trade legislation and farm legislation in the 100th Congress, and credit issues, will determine whether family farmers are going to exist in the long term in this country's future. I for one hope they do exist, and I am going to fight to see that they do, because I think it is in our economic, social, and security interest to try to do that.

I would like to make one other point, if I might. A lot of folks say, well, commodity prices are where they are because that is where they should be. I mean, if wheat is worth $2.20 in the commodity markets, that is tough, that is the way things ought to be.

You know, if you go into your grocery store, and I have used this comparison a lot, you go into your grocery store and you buy some cornflakes or you buy some puffed wheat. The farmer sells that bushel of wheat, and that bushel of wheat at the country elevator is priced at $2.40. Then it is shipped from the elevator to a facility someplace where it is commingled with some other wheat, and then it gets shipped off to a plant, maybe in Massachusetts, or maybe some other territory. Then someone says, now what I am going to do with that wheat is that I am going to puff it. And so they get it in their puffing plant, and they puff it up, and they box it in a bright red, yellow, and white carton, and they call it puffed wheat. Then they ship it back to us, and it comes to the grocery store shelves. If you want to buy that same bushel of wheat, if you can identify it, the $2.40 wheat that has been puffed, it is now going to cost slightly over $100. So it is $2.40 for the wheat and $97 for somebody that has puffed it up, including the value of the puff, to whatever extent the puff has value.

The point it, you can go right down the line, through the list of agricultural commodities, wheat in bread, corn in cornflakes, wheat in puffed wheat, and you can go right down the list and try and analyze what percent of that produce does the family farmer get, and it is always the heel. The heel on the loaf of bread, it is always the back end of the pricing structure, pennies for a box of cereal. The fact is that we have the lowest cost per consumer of their disposable income going for the highest quality food of any other nation in this world, and at the same time we see agriculture, at least the structure of family-based agriculture, crumbling around us.

□ 1250

I think it is time that some people in this Chamber and on the Senate side as well stand up and say, "We are not going to let that happen. Family farmers are too important to this country to continue to let that happen."

We can do something about it, save money; save family farmers; and make this entire process much simpler all at the same time. That is the best deal I have ever seen anybody offer, and that is the kind of proposal that we have been able to put together.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I appreciate the gentleman yielding.

The point the gentleman makes about the impact on food prices on the store shelf as it relates to the cost or the price that is paid to the farmers is an important one, and it needs to be stressed more than it has been stressed in this debate over farm policy.

Obviously, when you look at a loaf of bread or a box of cereal and you calculate the portion of that price that is attributed to the price the farmer received for his grain, you are talking about more than perhaps 6 cents, for that loaf of bread or 6 cents for that box of cereal that actually went to the farmer.

You could easily double the farmer's income per bushel and only affect the cost to the consumer by a few cents per loaf of bread or a few cents per box of cereal.

So the whole debate over what better prices for farmers might do to the consumers of America I think has been overstated and misrepresented. We are clearly not talking about any impact that would devastate the lifestyle or the nutritional intake of the typical family in America.

We are also forgetting about the context of this farm price situation. We had corn at $3.50 not too many years ago. We had wheat at above $5. We have had soybeans up at $8.50. The current low prices that we are receiving for commodities across the board are not the kind of prices that have typically been paid for our farm commodities, and so it is important to recognize that these prices do fluctuate, but we have been in a trough over these last few years that will not reverse itself until we do something about redesigning a farm policy that helps to build bigger and bigger surpluses in every commodity, only guaranteeing that the new crop is going to be worth less than what you spent to grow it. That is the issue we are trying to address.

I think our approach, Mr. Speaker, the Targeting and Marketing Act that we have sponsored, is an approach that needs to be seriously considered by this Congress; because we do try to deal with that question of income for farmers. We do try to institute a new kind of farm policy that will result in the farmers receiving their income from the marketplace; we do try to design this bill in a way that will lead those market prices back up where they belong, but during times when that market price is lower than the target price we establish in this bill, $3.50 for corn and $5 for wheat, we will provide price projection, but we will target it and cap it so that only the first 30,000 bushels of corn and 20,000 bushels of wheat receive that protection.

In that way, you are helping the small- and mid-size farmers that sustain our rural economy, and I think that that ought to be the primary emphasis of farm policy, is to sustain a family farm economy out there in the countryside. That is really the effect of our bill.

It can save the Federal Treasury significant amounts of money, it can help to sustain that family farm structure, and it is more market-oriented than farm policy has been in recent memory; and those area three big selling points that I think we need to stress throughout the upcoming debate.

The Speaker has made farm policy reform one of his top four priority items in the coming session of Congress. That gives us the kind of leadership we need here to get something done on farm policy; and our intention in sponsoring this bill early in the 100th session is to see that targeting becomes part of the debate, because we cannot improve farm policy, get rid of this current, disastrous farm program unless we have a majority of the votes here in the House to get the job done.

I know from past experience with targeting proposals that there is tremendous support here in the Congress, among Democrats and Republicans, rural Members and urban Members, for targeting our farm policy to small and mid-size family farmers. I think if we can move forward to include this kind of concept in a farm bill this year, we can get that majority vote; we can put a new farm policy on the President's desk, and offer hope to family farmers across America.

Mr. DORGAN of North Dakota. Mr. Speaker, if my memory serves me correctly, the last time we voted on an approach that would provide targeting, we lost 228 to 200. I believe there was about a 28-vote difference.

My feeling is that urban Members in Congress are very willing to support family farmers in this country. I think they have an appreciation of the importance of family farmers. I do not think they want, nor do we want to see a farm program that showers its largesse on those who need it least, and withholds a decent price support from those who need it most.

So I would like to recap again, for example, for the wheat producer out there who is asking, "How does this work?" very quickly.

We say, we freeze the bases at the present time. Second, we say up to a 20-percent set-aside is required, and then the first 20,000 bushels of product you raise after that set-aside in wheat and 30,000 bushels in corn is supported with the higher price support; $5 for wheat, $3.50 for corn. A farmer can plant wheat or corn above that 20,000 bushels to the extent that you have a base above that, but it is all your own risk. You assess what you think the marketplace price is going to be, and how risky that is for you.

We also include in this proposal equal storage payments, on the storage that now exists between farmers and commercial storage. We include increased export enhancement programs to make us more competitive, and we also include some strengthening of grain quality standards.

When a bushel of grain leaves this country to show up in the Rhine River or near the Rhine River at a port to offload to a German miller, I want that German miller to understand the grain he or she is purchasing is the finest grain available anyplace, delivered at the finest quality available from anyone.

Our goal, simply, with this entire program is to put together something that is simpler, more workable, and less expensive for the Federal Government. The most important of that is more workable. This works for family farmers. This will save most family farmers in this country who are good managers.

Our goal, frankly, is to say we want to do what is necessary to preserve a network of family farms in this country. We want to keep the yard lights burning; that is why we have crafted this kind of a package.

We have met with the Speaker of the House, with many others in the House leadership, and have just now distributed this information to other Members of the House, and we hope to work with all Members of the House, to develop the debate on how we should approach future agricultural policy decisions.

That means working in cooperation with the House Agriculture Committee chairman, working with the Speaker, the majority leader, and with the Members of the U.S. Senate to see if we cannot use the best ideas in this proposal and the best available in every other approach to come up with a good, strong endorsement of family farmers.

We do not think we have a monopoly on good ideas. This represents one we think is good. There are others, I am sure, that will be developed that also have some very good approaches, and we would like to take the best of what everyone has to offer to give family farmers a future that will be bright for them. If we provide a bright future for people who produce real wealth like farmers, then we will help to provide a bright economic future for this country as well.

SUBMISSION OF RULES OF THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, pursuant to rule XI, clause 2(a), I submit the rules for the Select Committee on Children, Youth, and Families for the 100th Congress for printing in the RECORD:

RULES OF THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

(Approved February 4, 1987)

RULE 1.—MEETINGS

The regular meetings of the committee shall be held on the Thursday of each month at 9:45 a.m., except when Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule XI, 2(c)(2). Every member of the committee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

RULE 2.—QUORUMS

A majority of the members of the committee shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

RULE 3.—COMMITTEE REPORTS

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(l)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in committee unless the proposed report has been available to the members of the committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in the committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the committee prior to the consideration of the proposed report in the committee.

RULE 4.—PROXY VOTES

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present; shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, shall apply to any amendments or motions pertaining to the measure or matter.

RULE 5.—ROLLCALLS

A rollcall of the members may be had upon the request of any member.

RULE 6.—RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of committee actions including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

RULE 7.—TASK FORCES

There shall be no more than three temporary task forces of the committee; the jurisdiction of each shall be established by the chairman of the committee. Each task force shall have eleven members, divided between majority and minority party members in the ratio of seven to four. The chairman and ranking minority member of the committee shall serve ex officio on each task force.

Members of the majority party shall have the right to bid for task force chairs in order of full committee seniority. No member elected as a task force chairperson may choose a second task force position before all other members of the majority party have selected one task force assignment in order of full committee seniority. After each member of the majority party has selected one task force assignment, each may bid, in order of full committee seniority, for a second task force assignment. No member may serve on more than two task forces.

The chairperson of each task force is authorized to appoint one staff member who shall serve at the pleasure of such chairperson, and to be approved by the chairman of the full committee. Such staff members shall be paid from funds provided for the appointment of committee staff pursuant to primary and additional expense resolutions.

RULE 8.—HEARING DATES AND WITNESSES

The chairman of the committee, after consultation with the ranking minority member of the committee, shall announce the date, place, and subject matter of all hearings at least one week prior to the commencement of any hearings, unless he, after consultation with that member, determines that there is good cause to begin such hearings at an earlier date. The minority members shall supply the names of witnesses they intend to call to the chairman of the committee at the earliest possible date. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 24 hours in advance of their appearance.

RULE 9.—OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

RULE 10.—FIVE-MINUTE RULE

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied the chairman shall, so far as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman.

RULE 11.—INVESTIGATIVE HEARINGS; PROCEDURE

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 12.—STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 13.—TV, RADIO, AND PHOTOGRAPHS

When approved by a majority vote, an open meeting or hearing of the committee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, by any of such methods of coverage, subject to the provisions of House Rule XI, 3. In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alteration, curtailment or discontinuance of coverage as he determines necessary.

RULE 14.—STAFF

The chairman of the committee shall have the authority to hire and discharge employees of the professional and clerical staff of the committee. The authorization for the creation of new positions shall be approved by a majority vote of the committee, a quorum being present.

RULE 15.—STAFF DIRECTION

The staff of the committee shall be subject to the direction of the chairman of the committee and shall perform such duties as he may assign.

RULE 16.—AUTHORIZATION FOR TRAVEL

Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made;

(4) The names of members and staff seeking authorization.

RULE 17.—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the committee shall:

(1) make available to other committees the findings and recommendations resulting from the investigations of the committee as appropriate;

(2) prepare a budget for the committee and present such budget to the committee for its approval; and

(3) authorize and issue subpenas as provided in House Rule XI, 2(m)(1), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee.

RULE 18.—AMENDMENT OF RULES

These rules may be modified, amended, or repealed by a majority vote of the committee, if at least two legislative days' written notice of the proposed change has been provided each member of the committee prior to the meeting date on which such changes are to be discussed and voted upon.

SUBMISSION OF RULES OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. HOWARD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOWARD. Mr. Speaker, pursuant to rule XI, clause 2(a), I submit the rules for the Committee on Public Works and Transportation for the 100th Congress for printing in the RECORD:

RULES OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, 100TH CONGRESS

(Adopted February 5, 1987)

RULE NO. I.—GENERAL PROVISIONS

(a) The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of House Rules and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under Rules X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. II.—REGULAR AND SPECIAL MEETINGS: OPEN COMMITTEE MEETINGS

(a) Regular meetings of the committee shall be held on the first Tuesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the committee for that month. The Chairman shall give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting. If the Chairman believes that the committee will not be considering any bill or resolution before the full committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled, delayed or deferred until such time as, in the judgment of the Chairman, there may be such matters which require the committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the Chairman.

(c) If a least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) If the Chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) The committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

(f) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however*, that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of House Rule X of by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives.

Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony.

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause (g)(5) of Rule VII, or

(B) may vote to close the hearing as provided in clause (g)(5) of Rule VII.

No member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedure designated in this subparagraph for closing hearings to the public; Provided however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings.

RULE NO. III.—RECORDS AND ROLL CALLS

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or person, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

RULE NO. IV.—PROXIES

(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. __________,
House of Representatives,
Washington, DC.

Dear __________: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of ____ and any amendments or motions pertaining thereto.

__________,
Member of Congress.

Executed this the ____ day of ________, 19__, at the time of ________ p.m./a.m.

RULE NO. V.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within or without the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents.

as as it deems necessary. The Chairman of the committee, or any member designated by the Chairman, may administer oaths to any witness.

(b)(1) A subpoena may be issued by the committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee. If a specific request for a subpoena has not been previously rejected by either the committee or a subcommittee, the Chairman of the committee, after consultation with the ranking minority member, may authorize and issue a subpoena under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the committee. Whenever a subpoena is issued under this subparagraph, as soon as practicable thereafter, the Chairman shall notify all members of the committee of such action.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

(c) Each witness who has been subpoenaed, upon the completion of his testimony before the committee or any subcommittee, may report to the office of counsel of the committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, DC, the witness may contact the counsel of the committee, or his representative, prior to leaving the hearing room.

RULE NO. VI.—QUORUMS

(a) One-third of the Members of the committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to subparagraph (f) of committee Rule II, the authorizing of a subpoena pursuant to subparagraph (b) of committee Rule V, the reporting of a measure or recommendation pursuant to subparagraph (b)(1) of committee Rule VIII, and the actions described in subparagraph (b), (c) and (d) of this Rule.

(b) A majority of the members of the committee or a subcommittee shall constitute a quorum for reporting of a measure or recommendation.

(c) A majority of the members of the committee or a subcommittee shall constitute a quorum for approval of any of the following actions:

(1) Construction, alteration, purchase or acquisition of a public building involving an expenditure in excess of $500,000 and lease of space at an average rental in excess of $500,000 (section 2 of P.L. 92-313, 40 U.S.C. 606).

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965, as amended).

(4) Continuation of the authorization of a water resources development project to be constructed by the Corps of Engineers where such project has been recommended for deauthorization pursuant to the provisions of section 12 of the Water Resources Development Act of 1974.

(5) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(6) Authorization of a Soil Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress, as amended).

(d) Two members of the committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE NO. VII.—HEARING PROCEDURES

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 2 working days before the day of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Upon announcement of a hearing, to the extent practicable the Clerk and Staff Director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other material) under consideration which shall be made available immediately to all members of the committee. In addition, upon announcement of hearing and subsequently as they are received, the Chairman shall make available to the members of the committee any official reports from departments and agencies on such matter.

(e) All other members of the committee may have the privilege of sitting with any subcommittee durings its hearing or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(f) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(g) The following additional rules shall apply to investigative hearings:

(1) The Chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause (f)(2) of Rule No. II, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity to voluntarily appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses.

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the Chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

(10) No major investigation by a subcommittee shall be initiated without approval of a majority of such subcommittee.

RULE NO. VIII.—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the Chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each roll call vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House separately set out and clearly identified.

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of Rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted, under subdivisions (3) and (4) of subparagraph (c) are included as part of the report.)

This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f)(1) All committees and subcommittee prints, reports, documents, or other materials, not otherwise provided for under Rule VIII, that purport to express publicly views of the committee or any of its subcommittees or members of the committee or its subcommittees shall be approved by the committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with subparagraph (e) of this rule.

(2) No committee or subcommittee document containing views other than those of members of the committee or subcommittee shall be published without approval of the committee or subcommittee.

RULE NO. IX.—OVERSIGHT

(a) In order to assist the House in:

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications of changes in those laws, and of such additional legislation, as may be necessary or appropriate, there shall be in conformity with Rule XV a Subcommittee on Investigations and Oversight.

(b) The Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or part of laws, the subject matter of which is within the jurisdiction of the committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability or enacting new or additional legislation within the jurisdiction of the committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Oversight shall in no way limit the responsibility of the subcommittees from carrying out their oversight responsibilities.

(c) The Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE NO. X.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bill, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. XI.—BROADCASTING OF COMMITTEE HEARINGS

(a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearings or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or any member or bring the House, the committee, or any member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted, and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever any hearing or meeting conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause: Provided, however, Each committee or subcommittee chairman shall determine, in his or her discretion, the number of television and still cameras permitted in hearing or meeting room.

(f)(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to subparagraph (g)(5) of Rule VII, relating to protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall operate from fixed positions but shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level necessary to provide adequate television coverage of the hearing or the meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chiarman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a

committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstrusive manner.

RULE NO. XII.—COMMITTEE AND SUBCOMMITTEE BUDGETS

(a) The Chairman, in consultation with the chairman of each subcommittee, the majority members of the committee and the minority membership of the committee, shall, for each session of the Congress, prepare a consolidated committee budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the full committee and its subcommittees.

(b) Authorization for the payment of additional or unforeseen committee and subcommittees' expenses may be procured by one or more additional expense resolution processed in the same manner as set out herein.

(c) The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Rule XIV within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the full committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the committee office for review by members of the committee.

RULE NO. XIII.—COMMITTEE AND SUBCOMMITTEE STAFF

(a) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority members of the committee shall determine within the budget approved for such purposes; Provided, however, that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart.

(b) The professional and clerical employees of the committee not assigned to a subcommittee or to the minority under the above provision shall be appointed, and may be removed, and their remuneration determined by the Chairman.

(c) The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority party member of the full committee who may delegate such authority as he determines appropriate.

(d) The professional and clerical staff of the committee not assigned to a subcommittee general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(e) It is intended that the skills and experience of all members of the committee staff shall be available to all members of the committee.

(f)(1) The chairman of each standing subcommittee of this committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority of each standing subcommittee on this committee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in paragraph (c) of clause 6 of House Rule XI; Provided, however, a staff person appointed by a ranking minority member shall be compensated at a rate not to exceed that paid his or her minority party staff counterpart.

(4) Subparagraphs (1), (2), and (3) shall apply to six subcommittees only, and no member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the subcommittee chairmen and ranking minority party members pursuant to subparagraphs (1) and (2) shall be made available from the staff positions provided under clause 6 of House Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(6) Except as provided by the above provisions, the professional and clerical members of the subcommittee staffs shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of a majority of the majority members of the subcommittee, and with the approval of the chairman.

(7) The professional and clerical staff of a subcommittee shall be under the supervision and direction of the chairman of that subcommittee.

RULE NO. XIV.—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee of any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made;

(4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items numerated in (1), (2), (3), and (4) of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule VII of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel, when requested by the Chairman.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. XV.—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be 6 standing subcommittees. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively:

(1) Subcommittee on Aviation

(2) Subcommittee on Economic Development

(3) Subcommittee on Investigations and Oversight

(4) Subcommittee on Public Buildings and

(5) Subcommittee on Surface Transportation

(6) Subcommittee on Water Resources

(b) The committee may provide for such additional subcommittees as determined to be appropriate; Provided, however, that such additional subcommittees are approved by a majority of the majority members on the committee.

RULE NO. XVI.—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any other authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

(d) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(e) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and where practicable shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill reported by a subcommittee shall be considered by the full committee unless it has been delivered to the offices of all members at least 48 hours prior to the meeting, unless the chairman determines that such bill is of such urgency that it should be given early consideration. Where practicable, such bills, resolutions, or other matters shall be accompanied by a comparison with present law and a section-by-section analysis of the proposed change.

RULE NO. XVII.—REFERRAL OF LEGISLATION TO SUBCOMMITTEE

(a) Each bill, resolution, investigation, or other matter which related to a subject listed under the jurisdiction of any subcommittee named in Rule XV referred to or initiated by the full committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks, unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairman, at which time such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) In carrying out Rule XVII with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule XV, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee or refer the matter to a special ad hoc subcommittee appointed by the Chairman (from the members of the subcommittee having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate.

RULE NO. XVIII.—SIZE AND PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

(a) To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittees shall be established so that the majority party members of the committee have an equal number of subcommittee assignments; *Provided, however*, that a member may waive his or her right to an equal number of subcommittee assignments on the committee; and *provided further*, that the majority party members may limit the number of subcommittee assignments of the Chairman and the subcommittee chairmen in order to equalize committee workloads.

(b) On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full committee. In calculating the ratio of majority party members to minority party members, there shall be included all ex officio voting members of the subcommittees.

(c) Following shall be the size and majority/minority ratios for subcommittees:

(1) Subcommittee on Aviation: (27 Members) (16 majority; 11 minority);

(2) Subcommittee on Economic Development: (20 Members) (12 majority; 8 minority);

(3) Subcommittee on Investigations and Oversight: (20 Members) (12 majority; 8 minority);

(4) Subcommittee on Public Buildings and Grounds: (13 Members) (8 majority; 5 minority);

(5) Subcommittee on Surface Transportation: (32 Members) (19 majority; 13 minority);

(6) Subcommittee on Water Resources: (35 Members) (21 majority; 14 minority);

(d) The full committee Chairman shall recommend to the Speaker as conferees the names of those members (1) selected by the majority party members of the committee in a manner determined by them, and (2) selected by the minority. *Provided, however*, that recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COBLE) to revise and extend their remarks and include extraneous material:)

Mr. HASTERT, for 60 minutes, on February 25.

Mr. WOLF, for 60 minutes on February 18.

Mr. LUNGREN, for 5 minutes, on February 11.

Mr. BEREUTER, for 5 minutes, today.

(The following Members (at the request of Mr. DORGAN of North Dakota) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, on February 10.

Mr. STOKES, for 60 minutes, on February 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COBLE) and to include extraneous matter:)

Mr. BROOMFIELD in three instances.

Mr. BATEMAN in two instances.

Mr. LENT in two instances.

Mr. DORNAN of California.

Mr. CLINGER.

Mr. MYERS of California.

Mr. CONTE.

(The following Members (at the request of Mr. DORGAN of North Dakota) and to include extraneous matter:)

Mr. FRANK.

Mr. MINETA.

Mr. JACOBS.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. MONTGOMERY.

Mr. DORGAN of North Dakota.

Mr. ACKERMAN.

Mr. NATCHER.

Mr. BEILENSON.

Mr. MARKEY.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the

Speaker's table and, under the rule, referred as follows:

S.J. Res. 42. Joint resolution disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government; to the Committee on Post Office and Civil Service.

S.J. Res. 46. Joint resolution to recognize and acknowledge that February 14, 1987, will mark the 75th anniversary of Arizona's Diamond Jubilee; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found a truly enrolled joint resolution of the House of the following title, which was thereupon signed by the Speaker.

H.J. Res. 131. Joint resolution congratulating Dennis Conner and the crew of *Stars & Stripes* for their achievement in winning the America's Cup.

ADJOURNMENT

Mr. PENNY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 59 minutes p.m.) the House adjourned until Tuesday, February 10, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

513. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to consolidate and expand the statutory authority for the National Agricultural Library in the Department of Agriculture; to the Committee on Agriculture.

514. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1987, pursuant to 31 U.S.C. 1107 (H. Doc. No. 100-31); to the Committee on Appropriations and ordered to be printed.

515. A letter from the Secretary of Health and Human Services, transmitting a copy of his letter to the President of the United States which reports a technical violation on the Antideficiency Act, 31 U.S.C. section 1517, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

516. A letter from the Auditor, District of Columbia, transmitting a copy of his report entitled, "Bi-Annual Audits of the Advisory Neighborhood Commissions for the Period October 1, 1983 through September 30, 1985," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

517. A letter from the Administrator, Energy Information Administration, transmitting a copy of a report, "Performance of Major Energy Producers 1985," pursuant to Public Law 95-91, section 205(h)(5); to the Committee on Energy and Commerce.

518. A letter from the Chairman, National Mediation Board, transmitting notification of the Board's appointees to the Long Island Railroad Congressional Advisory Board, pursuant to Public Law 100-2; to the Committee on Energy and Commerce.

519. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a report entitled, "Assistance Strategy for Disadvantaged South Africans—FY 1987-1991," pursuant to 22 U.S.C. 234bd nt.; to the Committee on Foreign Affairs.

520. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting a report of the Commission's activities under the Freedom of Information Act during 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

521. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting notification of a proposed new system of Federal records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

522. A letter from the Assistant Secretary for Management and Budget, Department of Health and Human Services, transmitting the Department's second annual report on actions taken to increase competition for contracts for fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

523. A letter from the Attorney General, Department of Justice, transmitting a report covering fiscal year 1986 of the actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

524. A letter from the Chairman, Federal Labor Relations Authority, transmitting the report for fiscal year 1986 of actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

525. A letter from the Executive Secretary, National Security Council, transmitting a report of the Council's activities under the Freedom of Information Act for the Calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

526. A letter from the Secretary of Education, transmitting the annual report for fical year 1986 of actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

527. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report for fiscal year 1986 of action taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

528. A letter from the Inspector General, Veterans' Administration, transmitting a copy of the semiannual audit followup report, requested to be included as part of the VA's year-end report and statement of assurance on internal controls which was submitted on December 31, 1986 (Ex. Com. No. 285, January 8, 1987), pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

529. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the quarterly report of the number of waivers granted refugees and a summary of the reasons for their grant, covering the fourth quarter of fiscal year 1986, pursuant to 8 U.S.C. 1157(c)(3); to the Committee on the Judiciary.

530. A letter from the Postmaster General, transmitting the annual report of the U.S. Postal Service for fiscal year 1986, pursuant to 39 U.S.C 2402; to the Committee on Post Office and Civil Service.

531. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the "1986 Assessment of Needed Publicly Owned Wastewater Treatment Facilities in the United States," commonly known as the 1986 needs survey, pursuant to 33 U.S.C. 1375(b)(1); to the Committee on Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATEMAN:

H.R. 1046. A bill entitled the "Tributyltin-Based Antifouling Paint Control Act of 1987"; to the Committee on Merchant Marine and Fisheries.

By Mr. BEREUTER:

H.R. 1047. A bill to prohibit the granting of trust status to Indian lands to be used for the conduct of gaming activities; to the Committee on Interior and Insular Affairs.

By Mr. DioGUARDI:

H.R. 1048. A bill to repeal the provision of the Tax Reform Act of 1986 which added a penalty on underpayments of income tax attributable to overstatement of pension liabilities; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota:

H.R. 1049. A bill to repeal the provision of the Tax Reform Act of 1986 which limits the benefits to consumers from the effect of the corporate rate reduction on deferred tax reserves of public utilities; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota (for himself, Mr. Towns, Mr. Kastenmeier, Mr. Penny, Mr. Sabo, Mr. Conyers, Mr. Fauntroy, Mr. Bevill, Mr. Coleman of Texas, Mr. Atkins, and Mr. Thomas of Georgia):

H.R. 1050. A bill to direct the Secretary of Agriculture to grant more reductions of outstanding loan principal to marginal farm borrowers, and for other purposes; to the Committee on Agriculture.

By Mr. DYMALLY:

H.R. 1051. A bill to amend the Comprehensive Anti-Apartheid Act of 1986 to prohibit the importation of South African diamonds into the United States; to the Committee on Ways and Means.

By Mr. FEIGHAN (for himself and Mr. Traficant):

H.R. 1052. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the level of benefits payable with respect to the death of public safety officers, and for other purposes; to the Committee on the Judiciary.

By Mr. FISH (for himself, Mr. Solomon, Mr. Rowland of Connecticut, Mr. Stratton, Mrs. Johnson of Connecticut, and Mr. Martin of New York):

H.R. 1053. A bill prohibiting the use of certain expedited procedures in the consideration of applications for the construction of certain natural gas pipelines; to the Committee on Energy and Commerce.

By Mr. FRANK (for himself, Miss Schneider, Ms. Kaptur, Mr. Stark, Mr. Dellums, Mr. Udall, Mr. Bennett, Mr. Studds, Mr. Coelho, Mr. Dymally, Mr. Fauntroy, Mr. Smith of Florida, Mr. Williams, Mr. Edwards of California, Mr. Barnard, Mr. Coyne, Mr. Mrazek, Mr. Clay, Mrs. Collins, Mr. Dicks, Mr. Staggers, Mr. Eckart, Mr. Garcia, Mr. Hall of Ohio, Mr. Hoyer, Mr. Kolbe, Mr. Fazio, Mr. Matsui, Mr. Moakley, Mr. Owens of New York, Mr. Berman, Mr. Russo, Mr. Evans, Mr. Solarz, Mr. Sunia, Mr. Levin of Michigan, Mr. Roe, Mr. Ridge, Mr. Fish, Mr. Atkins, Mr. Donnelly, Mr. Slattery, Mr. Kildee, Mr. Dixon, Mr. Leland, Mr. Howard, Mr. Towns, Mr. Hyde, Mr. Frost, Mr. Hughes, Mr. Mineta, Mr. Glickman, Mrs. Boxer, Mr. DeFazio, Mr.

Martinez, Mrs. Bentley, Mr. Conyers, Mr. Weiss, and Mr. Owens of Utah):

H.R. 1054. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 1055. A bill to amend the Internal Revenue Code of 1986 to allow noncorporate shareholders of foreign sales corporations the same deduction for dividends received from such corporations as is allowed to corporate shareholders; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself and Mr. Frank):

H.R. 1056. A bill to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities; to the Committee on Banking and Finance.

By Mr. GRAY of Illinois:

H.R. 1057. A bill to amend title II of the Social Security Act to restore and protect the benefit levels of workers reaching age 65 in or after 1982 (and their widows and widowers) by eliminating the notch between those levels and the corresponding benefit levels of persons who reached age 65 before 1982; to the Committee on Ways and Means.

H.R. 1058. A bill to disapprove of the President's proposed rescissions for the Community Development Block Grant Program and the Urban Development Action Grant Program, and to require that funds withheld under the authority of the rescission requests be released immediately upon enactment; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

By Mr. RANGEL:

H.R. 1059. A bill to define the circumstances under which construction workers may deduct travel and transportation expenses in computing their taxable incomes for purposes of the Federal income tax; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 1060. A bill to increase the authorization of appropriation for the Magnet School Program for fiscal year 1987 to meet the growing needs of existing magnet school programs, and for the establishment of new magnet school programs; to the Committee on Education and Labor.

By Mr. STARK:

H.R. 1061. A bill to establish certain trade sanctions to foreign nations that are not signatory to the Nuclear Weapons Non-Proliferation Treaty by January 1, 1988; to the Committee on Ways and Means.

H.R. 1062. A bill to establish certain trade sanctions to foreign nations that are not signatory to the Nuclear Test Ban Treaty by January 1, 1988; to the Committee on Ways and Means.

By Mr. BENNETT:

H.J. Res. 141. Joint resolution to require that no development or deployment of a strategic defense initiative or any part thereof shall be started or carried out by the United States without express authorization by law; to the Committee on Armed Services.

By Mr. COELHO:

H. Con. Res. 43. Concurrent resolution expressing the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children; to the Committee on Energy and Commerce.

By Mr. ROE:

H. Res. 75. Resolution providing amounts from the contingent fund of the House for the Committee on Science, Space, and Technology in the first session of the 100th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. Rahall.

H.R. 45: Mr. Garcia, Mr. Wilson, Mr. Bustamante, Mr. Henry, Mr. Horton, Mr. Lightfoot, Mr. Spence, Mr. Parris, Mr. Derrick, Mrs. Vucanovich, Mr. Thomas of Georgia, Mr. Kolter, Mr. Towns, Mr. Brown of Colorado, Mr. Bliley, Mr. Whittaker, Mr. Mineta, Mr. Denny Smith, Mr. Hatcher, Mr. Lewis of Florida, and Mr. Glickman.

H.R. 74: Mr. Martinez, Mr. Brooks, Mr. Lehman of Florida, Mr. Pepper, and Mrs. Bentley.

H.R. 96: Mrs. Bentley.

H.R. 107: Mr. Fawell.

H.R. 117: Mr. Smith of New Hampshire.

H.R. 118: Mr. Dannemeyer, Mr. Archer, Mrs. Bentley, Mr. Spence, and Mr. Daniel.

H.R. 177: Mr. Markey, Mr. Dellums, Mr. Flake, and Mr. de la Garza.

Mr. Wortley, Mr. DeWine, Mr. Dyson, Mr. Emerson, Mr. Fish, Mr. Martinez, Ms. Kaptur, Mr. Saxton, and Mr. Porter.

H.R. 306: Mr. Barton of Texas, Mr. Combest, and Mr. Slattery.

H.R. 316: Mr. Shaw, Mr. Bruce, Mr. Wilson, Mr. Barnard, Mr. Mavroules, Mr. Hall of Texas, Mrs. Lloyd, Mr. Sensenbrenner, and Mrs. Bentley.

H.R. 374: Mr. Swift and Mr. Morrison of Washington.

H.R. 378: Mr. Feighan.

H.R. 537: Mr. Howard, Mr. Lagomarsino, Mr. Leland, Mr. Dingell, Mr. Mrazek, Mr. Beilenson, Mr. Ray, Mr. McMillen of Maryland, Mr. Neal, Mr. MacKay, Mr. Dwyer of New Jersey, Ms. Kaptur, Mrs. Bentley, Mr. Miller of Washington, and Mr. DeFazio.

H.R. 559: Mr. Sensenbrenner, and Mrs. Patterson.

H.R. 628: Mr. Richardson, Mr. Owens of New York, and Mr. Towns.

H.R. 664: Mr. Hayes of Illinois, Mr. Rangel, Mr. Eckart, and Mr. Dymally.

H.R. 758: Mr. Green and Mr. Bereuter.

H.R. 796: Mr. Leland, Mr. Wortley, Mr. Gray of Illinois, Mr. Fuster, Mr. Bilirakis, Mr. Thomas A. Luken, and Mr. Owens of Utah.

H.R. 913: Mr. Solomon.

H.R. 929: Mr. Clarke and Mr. Rahall.

H.R. 954: Mr. Quillen and Mr. Hayes of Louisiana.

H.J. Res. 104: Mr. Applegate, Mr. Hastert, Mr. Mollohan, Mr. Young of Florida, Mr. Wortley, Mr. Neilson of Utah, Mr. Sensenbrenner, and Mr. Bartlett.

H.J. Res. 129: Mr. Conte, Mr. Weber, Mr. Biaggi, Mr. Solomon, Mr. Owens of New York, Mr. Studds, and Mrs. Johnson of Connecticut.

H. Con. Res. 7: Mr. Ballenger, Mr. Craig, Mrs. Bentley, Mr. Courter, Mr. Duncan, and Mr. Coats.

H. Res. 40: Mr. Skeen, Mr. Barnard, Mr. Chandler, Mr. Miller of Washington, Mr. Coats, Mr. Smith of New Hampshire, Mrs. Patterson, and Mr. Clinger.

H. Res. 68: Mr. Bateman, Mr. Saxton, Mr. Daniel, Mr. Gray of Illinois, Mr. Atkins, Mr. Fuster, Mr. Beilenson, and Mr. Olin.

H.R. 178: Mr. Markey, Mr. Dellums, and Mr. Flake.

H.R. 179: Mr. Markey, Mr. Dellums, and Mr. Flake.

H.R. 180: Mr. Markey, Mr. Dellums, and Mr. Flake.

H.R. 181: Mr. Markey, Mr. Dellums, and Mr. Flake.

H.R. 186: Mr. Armey, Mr. Gallo, Mr. Wortley, and Ms. Kaptur.

H.R. 241: Mrs. Kennelly, Mr. Daniel, Mr. Henry, Mr. Rodino, Mr. Eckart, Mr. Mrazek, Mr. Conte, Mr. Lipinski, Mr. Andrews, Mr. Fawell, Mr. Dwyer of New Jersey, Mr. Hayes of Illinois, Mr. Jacobs, Mr. Jeffords, Mr. Barnard, Mr. Leland, Mr. Feighan, Mr. Fish, Mr. Dellums, Mr. Dornan of California, Mr. DeFazio, Mr. McHugh, Mr. Downey of New York, Mr. Martinez, Mr. Towns, and Mr. Fuster.

H.R. 243: Mr. Gunderson, Mr. Solomon, Mr. Petri, Mr. Jeffords, Mr. Clinger, Mr. Kildee, and Mr. Goodling.

H.R. 286: Mr. Berman, Mr. Roe, Mr. Miller of California, Mr. Kolter, Mr. Frank, Mr. Dixon, Mr. Traxler, Mr. Gejdenson, Mr. Sunia, and Mr. Flake.

H.R. 287: Mr. Markey, Mr. Dellums, and Mr. Flake.

H.R. 288: Mr. Markey, Mr. Dellums, and Mr. Flake.

H.R. 289: Mr. Markey, Mr. Dellums, and Mr. Flake.

H.R. 290: Mr. Markey, Mr. Dellums, and Mr. Flake.

H.R. 303: Mr. St Germain, Mr. Fuster, Mr. Murphy, Mr. Lagomarsino, Mr. Donald E. Lukens, Mr. Mfume, Mr. Hayes of Illinois, Mr. Young of Florida, Mr. Fazio, Mrs. Bentley, Mr. Towns, Mr. Roe, Mr. Garcia, Mrs. Vucanovich, Mr. Watkins, Mr. Pepper, Mr. Wortley, Mr. DeWine, Mr. Dyson, Mr. Emerson, Mr. Fish, Mr. Martinez, Ms. Kaptur, Mr. Saxton, and Mr. Porter.

H.R. 306: Mr. Barton of Texas, Mr. Combest, and Mr. Slattery.

H.R. 316: Mr. Shaw, Mr. Bruce, Mr. Wilson, Mr. Barnard, Mr. Mavroules, Mr. Hall of Texas, Mrs. Lloyd, Mr. Sensenbrenner, and Mrs. Bentley.

H.R. 374: Mr. Swift and Mr. Morrison of Washington.

H.R. 378: Mr. Feighan.

H.R.537: Mr. Howard, Mr. Lagomarsino, Mr. Leland, Mr. Dingell, Mr. Mrazek, Mr. Beilenson, Mr. Ray, Mr. McMillen of Maryland, Mr. Neal, Mr. MacKay, Mr. Dwyer, of New Jersey, Ms. Kaptur, Mrs. Bentley, Mr. Miller of Washington, and Mr. DeFazio.

H.R. 559: Mr. Sensenbrenner and Mrs. Patterson.

H.R. 628: Mr. Richardson, Mr. Owens of New York, and Mr. Towns.

H.R. 664: Mr. Hayes of Illinois, Mr. Rangel, Mr. Eckart, and Mr. Dymally.

H.R. 758: Mr. Green and Mr. Bereuter.

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H.R. 913: Mr. Solomon.

H.R. 929: Mr. Clarke and Mr. Rahall.

H.R. 954: Mr. Quillen and Mr. Hayes of Louisiana.

H.J. Res. 104: Mr. Applegate, Mr. Hastert, Mr. Mollohan, Mr. Young of Florida, Mr. Wortley, Mr. Nielson of Utah, Mr. Sensenbrenner, and Mr. Bartlett.

H.J. Res. 129: Mr. Conte, Mr. Weber, Mr. Biaggi, Mr. Solomon, Mr. Owens of New York, Mr. Studds, and Mrs. Johnson of Connecticut.

H. Con. Res. 7: Mr. Ballenger, Mr. Craig, Mrs. Bentley, Mr. Courter, Mr. Duncan, and Mr. Coats.

H. Res. 40: Mr. Skeen, Mr. Barnard, Mr. Chandler, Mr. Miller of Washington, Mr. Coats, Mr. Smith of New Hampshire, Mrs. Patterson, and Mr. Clinger.

H. Res. 68: Mr. Bateman, Mr. Saxton, Mr. Daniel, Mr. Gray of Illinois, Mr. Atkins, Mr.

EXTENSIONS OF REMARKS

TRIBUTYLTIN-BASED ANTIFOULING PAINT CONTROL ACT OF 1987

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. BATEMAN. Mr. Speaker, since the introduction of Tributyltin [TBT]-based marine paints in the 1960's, their use has grown dramatically and the potential effects of that use have become a source of fear and concern among those who wish to protect the marine environment.

When added to marine paint, TBT—a tin-based pesticide with many industrial and commercial applications—is a very effective antifouling agent. Fouling—the buildup of marine organisms on the hull of a vessel—increases friction which decreases a ship's speed, causes fuel costs to rise, and contributes significantly to the overall cost of ship maintenance. Consequently, boatowners in general and the Navy in particular have sought an effective and inexpensive method for reducing fouling, and use of TBT marine paint is such a method. Unfortunately, use of these paints may be too effective.

As the use of TBT on ships throughout the world has increased, questions about its effects on the marine environment have proliferated. In response to these questions, several governments have taken action either to begin a study of TBT and its effects or to enact an outright ban of TBT following the completion of similar studies.

Japan, in 1979, imposed a ban on the use of TBT in such household items as shoe polish, interior paint, textiles, and adhesives. While no bans were imposed on the use of TBT in marine paints, the action by the Japanese Government served as a precedent in the course of events related to the control of TBT.

Government regulation of TBT later spread to Western Europe. In the early 1980's, French officials became concerned about the growing incidence of shell deformations in oysters. These deformations were attributed to the increasing levels of TBT found in the waters near oyster-growing beds. In response to this, the French Government banned the use of TBT in marine paint for ships smaller than 80 feet. The reasoning behind this approach was that ships larger than 80 feet would be unlikely to ply the shallow waters where such oysterbeds were located. Following this legislation, it was found that the incidence of shell deformations decreased, and the settlement of new oysters in these beds increased.

Great Britain was the first country to enact legislation that differentiated between the two types of TBT containing antifouling paint—freely associated and copolymer. Freely associated paints are characterized by a high initial release rate and an abbreviated period of protection. In contrast, copolymer type paints release TBT particles more slowly and, thus, are considered by some to be relatively less harmful to the environment than freely associated paints. With this in mind, the British decided to ban altogether freely associated paints and place restrictions on those paints that contained more than 7.5 percent TBT.

By comparison, the United States has been relatively slow to take action. While some environmentalists and scientists have requested studies of the problem and others have called for at least a temporary ban on some if not all TBT containing paints, it has only been in the past few years that attention has been focused on the issue at the State and National Government levels.

The first real action to be taken on the issue of TBT in this country was by North Carolina whose division of environmental management began a study of TBT in 1982. As a result of this study, North Carolina enacted legislation to regulate the amount of TBT that was discharged into the water, both salt and freshwater, at rates of 2 parts per trillion [ppt] and 8 ppt respectively. Prior to this legislation, it was found that the levels of TBT in the water were dangerously high in some areas—near textile mills the level of TBT discharges were as high as 7.8 parts not per trillion but per billion.

Though it is clear that there is a correlation between the level of TBT in the water and the quantity and quality of marine life, many questions remain unanswered. Fortunately, studies are already underway by such organizations as the Virginia Institute of Marine Science, the Environmental Protection Agency and the acquatic ecology section of Johns Hopkins University to determine whether or not the levels of TBT found in the Chesapeake Bay and elsewhere will cause prolonged and/or irreparable harm to the environment in general and the fishing industry in particular.

Unfortunately, preliminary results from these studies have begun to confirm our worst fears, and indicate that we must act now with interim measures in order to be sure of protecting our vital marine resources. Waiting for final answers may mean waiting too long. Therefore, I am introducing today the Tributyltin-Based Antifouling Paint Control Act of 1987.

This bill would prohibit the use of marine paints which release TBT in excess of a designated rate. A rate is specified in the bill which shall be in effect until such time as the Administrator of the Environmental Protection Agency determines a release rate at which TBT paints do not pose an unacceptable hazard to the marine environment. When the administrator sets that new rate it will automatically supersede the rate designated in the bill. Penalties can be assessed up to $5,000 for every day a vessel is in violation of the release rate limits. An identical bill, S. 428, has been introduced in the Senate by Senators TRIBLE, WARNER, and COHEN.

It is recognized that the terms of the Senate bill and this House version will need refinements and do not address some aspects of the problem. I have nonetheless followed the text of the Senate bill as a vehicle for the purpose of opening discussion on this important issue.

I believe that this bill is an important step in protecting our marine environment from a significant potential hazard, and I hope that action will be taken on this measure in the near future. The text of the bill follows.

H.R. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Tributyltin-Based Antifouling Paint Control Act of 1987".

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "steady-state release rate" means that rate measured after the initial 30-day exposure to seawater of a freshly painted surface, which remains constant over a four-week period at ±20%, as measured in accordance with prodecures specified by the Administrator;

(3) "vessel" includes any ship, boat, watercraft or other marine structure (whether or not private, commercial, public, or military); and

(4) "person" means any individual, corporation, partnership, or other entity.

FINDINGS AND PURPOSE

SEC. 3(a) The Congress hereby finds that:

(1) more than 70 percent of the worldwide commercial shipping fleets and recreational boats are painted with an antifouling paint known generally as organotin;

(2) this antifouling paint, which contains the biocide tributyltin (TBT), is extremely effective in eliminating barnacles and other fouling organisms;

(3) the elimination of fouling growths on vessels is highly benefical for operating capability and leads to lower operating and maintenance costs and substantial fuel consumption reductions;

(4) laboratory studies and data show that TBT is highly toxic and potentially lethal to marine and freshwater organisms at very minute levels and the Environmental Protection Agency has determined that their continued use may present unreasonable risks to nontarget aquatic organisms such as mussels, clams, oysters, and fish; and

(5) organotin paints which release organotin at study-rates not greater than 0.5 micrograms per square centimeter per day are available from United States paint manufacturers, and provide long-term protection from fouling, while significantly reducing the impact on the environment.

(b) The purpose of this Act, subject to section 4, is to immediately reduce the quantities of tributyltin in the marine environment by prohibiting the use of antifouling paints containing tributyltin which have a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

release rate greater than 0.5, ±20% micrograms per square centimeter per day as certified by the Administrator of the Environmental Protection Agency.

PROHIBITION

SEC. 4. (a)(1) The use by any person in the United States of paints containing tributyltin as an antifouling paint for the painting of any vessel is prohibited if such paints have a steady.state release greater than 0.5, ±20% micrograms per square centimeter per day as certified by the Administrator. Any person who uses, or permits, authorizes, or orders the use of, any such paint shall be in violation of this section and subject to a civil penalty in accordance with section 5 of this Act.

(2) The Administrator shall determine the steady-state release rates at which organotin paints do not pose an unacceptable hazard to the marine environment and shall publish such rates in the Federal Register.

(b) On or after the date on which such rates referred to in subsection (a) of this section have been published in the Federal Register, the prohibition set forth in subsection (a) of this section shall not be applicable to the use of any such paint which is in compliance with such rates so published.

CIVIL PENALTIES

SEC. 5. (a) Any person who uses, or permits, authorizes, or orders the use of, any paint in violation of subsection (a) of section 4 shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each such violation. Each day such a violation continues shall, for purposes of this section, constitute a separate violation of subsection (a) of section 4.

(b) A civil penalty for a violation of subsection (a) of section 4 shall be assessed by the Secretary of the Interior (herinafter referred to in this section as the "Secretary") by an order made on the record after opportunity (provided in accordance with this section) for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity to request, within 15 days of the date the notice is received by such person, such a hearing on the order.

(c) In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, economic benefit to violation resulting from such violation, any history of prior violations, the degree of culpability, and such other matters as justice may require.

(d) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which may be imposed under this section. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(e) Any person who requested in accordance with subsection (b) a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filled within the 30-day period beginning on the date the order making such assessment was issued.

(f) If any person fails to pay an assessment of a civil penalty—

(1) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with subsection (e), or

(2) after a court in an action brought under subsection (e) has entered a final judgment in favor of the Secretary.

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in subsection (e) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

TROUBLE IN PARADISE: THE SOVIETS MAKE INROADS IN THE SOUTH PACIFIC

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. BROOMFIELD. Mr. Speaker, the Soviet Union sees the South Pacific as a vital area into which they have projected economic, diplomatic and military influence. Our country must do more to protect U.S. interests in that strategic region. We must act forcefully and decisively in formulating a stronger policy for the South Pacific.

Recent events have shown that now is the time for the United States Government to do more to buttress our foreign policy in the South Pacific in order to keep the meddling Russian bear out of that vital region. Already, a number of island nations in that area are responding to Soviet overtures. Believe it or not, the Russians have succeeded in opening the door to the South Pacific.

Using the former United States military base at Cam Rahn Bay in Vietnam, the Soviet Pacific fleet is growing and extending its area of operations. The Soviet Union is attempting to sign fishing and port access agreements, and is establishing diplomatic relations with a number of South Pacific nations. Later, the Soviet airline Aeroflot may win landing rights on these islands and Soviet naval vessels may make port calls. Soviet influence will inevitably grow and United States interests will suffer in the final analysis.

Now is the time to strengthen our relations with the nations in the South Pacific. It is time for us to act quickly and firmly. That region is too important for us to ignore.

With these thoughts in mind, I commend the following Richmond Times-Dispatch article on the growing level of Soviet involvement in the South Pacific:

SOVIET INTEREST IN PACIFIC ISLANDS STIRS CONCERN

(By Gil Klein)

WASHINGTON.—The people who live on the Cook Islands in the South Pacific look at the United States as though it were an elephant and they were an ant.

"No matter how much the ant might like the elephant," said Cook Islands Foreign Minister Norman George, "the elephant isn't going to notice."

That's the way it has been for all of the newly independent countries in the South Pacific. They believe they have long been friends with the United States, but have been ignored and taken for granted.

Now the bear has been trying to make friends with the ants, and the elephant has suddenly awakened. The Soviet Union has been courting many of the Pacific island countries, and the United States sees the potential strategic harm the Russians could cause if they were able to establish a base in the South Pacific or stir up trouble there against American interests.

"We are witnessing the first indications of what may be penetration of the region by an adversary," said Karl D. Jackson, a Defense Department deputy assistant secretary. "Politically high-level Soviet envoys have been working the region. The Soviet tells us they intend to compete. The Pacific is no longer an [American-Australian-New Zealand] lake."

In the United States, the names of most of these islands would be familiar only to World War II veterans who had fought their way across the South Pacific toward Japan. Most of the islands had changed hands among the British, French, German, American and Japanese governments during the 18th, 19th and 20th centuries as the colonial powers rose and fell.

After the war, the French, British and Americans retained their possessions in the area, and the United Nations created trusteeships among the powers over islands held by the Japanese before the War.

From 1962, when Western Samoa separated from New Zealand, the number of independent Pacific nations has risen to nine, most having become independent in the past 16 years. Five other groups of islands are independent except for formal defense relations with larger countries.

This number includes the three countries being carved out of the U.S. Trust Territory: The Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau. Micronesia and Marshall Islands have attained their free associated status. In Palau, no compact has received 75 percent of the vote, and it remains a trust territory.

The people of the Mariana Islands voted to remain tied to the United States as a commonwealth that makes the islands an American territory and the residents American citizens.

The Pacific's new countries range in size from Papua New Guinea with 3 million people living on islands covering nearly 179,000 square miles to the single-island of Nauru that has 8,000 people inhabiting eight square miles.

With a diversity of governments and cultures, these countries still have three things in common: They have thin economies that depend on fragile natural resources, they have a hard time being heard in the international arena, and they are anti-colonial.

All three of those similarities are bringing them into conflict with the United States as leaders who were alive during World War II are being replaced by a post-war generation with fewer traditional ties to America.

Top priority with the islanders was a dispute over fishing rights with the American tuna fleet. Tuna are a migratory fish, and they have migrated into the South Pacific, with American tuna boats close behind.

The islanders claim a 200-mile offshore territorial jurisdiction and say the American tuna fleet was poaching in their water. The United States says the 200-mile limit does not include migratory fish. An American tuna boat was seized by the Solomon Islands government in 1984.

To the United States the issue was tuna; to the islanders the issue was income—tuna is one of their few resources.

The U.S. government had been stalling fishing negotiations, but in 1985 the government of Kiribati signed an agreement with the Soviet Union to allow Soviet trawlers in their territorial water in return for $1.5 million a year. Kiribati has 60,000 people and a land mass smaller than the city of New York, but the islands stretch across 8,000 miles of the Pacific Ocean, making a barrier between Hawaii to the north and Australia and New Zealand to the south.

Even though the agreement did not give the Soviets shore rights, it was the first time a Pacific island country made an economic pact with the Russians. The State Department said the $1.5 million is far more than the commercial fishing value of the fishing rights, and it saw the agreement as a push by the Russians for influence in the region.

Many of the island countries have refused Soviet overtures, but a few are talking. Vanuatu now has diplomatic relations with the Soviet Union, Cuba, Libya, Nicaragua and Vietnam, and is the only island country that has joined the non-aligned movement. The United States agreed in October to open an embassy there.

Now the Vanuatuans are close to signing an agreement with the Russians that will permit them to build facilities on shore and will allow the Soviet airline, Aeroflot, landing rights. All that remains is an agreement over the amount of money.

With a growing Soviet naval base at Vietnam's Cam Ranh Bay, the Soviet Union is building a presence in the Pacific far beyond their traditional influence. The U.S. government fears that the Russians could use agreements in the island countries to stir up unrest against Western forces in the area.

This could jeopardize the passage of U.S. warships and threaten the $1 billion U.S. missile test range on Kwajalein in the Marshall Islands.

The Soviet agreement with Kiribati forced action in the State Department, and a fishing rights treaty was reached in October. The treaty not only required the tuna fleet to pay for the right to fish in those waters, but also included U.S. aid to the countries.

With the fishing treaty resolved, the islanders have turned to the nuclear issue. France uses an island in French Polynesia for nuclear bomb testing, in the atmosphere from 1966 and underground since 1974.

While the French claim the tests are totally safe, the islanders view them as a threat to their environment brought by a colonial power. They depend so much on the sea for their existence that anything that could possibly contaminate it is fought.

"We are very much against the French nuclear tests," Cook Islands Foreign Minister George said. "We have a solidarity on that. No matter what they say, we think there is something wrong with that."

The islanders scoff at the French claim that they will not move the tests to France because of the cost. They want the French to at least move their tests to the range in Nevada as the British have done.

Many of the island countries, including Australia and New Zealand, have signed the Treaty of Rarotonga, which calls for making the South Pacific a nuclear-free zone, banning the manufacture, testing or stationing of nuclear weapons in the area and the disposal of nuclear waste.

The treaty allows passage of ships with nuclear weapons, but the United States is reluctant to sign because France opposes it, because the United States does not want to promote the concept of nuclear-free zones, and because the United States fears such an agreement would weaken Western security.

Most of the island countries have said they would not ask if nuclear weapons were aboard U.S. ships that came to their ports, but the United States is still smarting from New Zealand's refusal to allow a U.S. warship to visit without assurance it did not carry nuclear weapons. That refusal caused the United States to drop New Zealand from the Australian-New Zealand-American defense treaty.

Ten Pacific nations have signed the nuclear-free zone treaty and eight have ratified it. On Dec. 15, the Soviet Union became the first of the five nuclear powers to sign the protocols.

The United States has been willing, though, to sign a treaty that prohibits dumping of nuclear wastes in the South Pacific.

Still, for the Soviet Union to make significant inroads in the region would require a reversal of years of U.S. influence and goodwill. The island countries have little in common with the Soviet Union and may be playing the Soviet threat to get attention from the United States.

"One reason the Soviets now have made progress is neglect by the U.S.," said Kiatro Abisinito, the Papua New Guinea ambassador to the United States. "We're asking for the United States to take more seriously our needs, development and goals. We're not asking for a handout, just for better trade relations and investment."

ACID RAIN AFFECTS HUMAN HEALTH

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. CONTE. Mr. Speaker, as acid rain control bills remain bottled up in the hoppers of the Energy and Commerce Committee, the damage caused by this silent killer continues to mount. Just yesterday in the Senate, medical doctors and public health groups testified that acid rain and the pollutants that cause it are a serious threat to human health.

Dr. Paul Narkewitz, the president-elect of the Academy of Pediatrics, testified that "the ingredients of acid rain have been shown to adversely affect the respiratory tract and consequently the quality of health for children. They contribute greatly to morbidity and mortality rates." At the same hearing, Dr. Philip J. Landrigan said that "acid rain is probably third after active smoking and passive smoking as a cause of lung disease." For the reference of my colleagues, I will provide for the RECORD a New York article entitled "Acid Rain Seen as Posing Risks for U.S. Health—Doctors Tell Panel That Nation Must Act Now." This article reports on the details of the hearing, and I urge my colleagues to review this serious problem.

For those who closely monitor the evolving scientific data, the human health effects of acid rain have been known for some time. Over the past several years, I have sponsored amendments to increase funding for acid rain research by the National Institute of Environmental Health Sciences [NIEHS]. This research will play an important role in fully documenting the extent of the damage.

Mr. Speaker, acid rain is not just an isolated threat to fish in the water ways of New England. This silent killer is a threat to human health, and the Congress is obliged to address such an important human health and environmental issue. Shortly, a bipartisan group will again introduce legislation to control the pollutants causing acid rain. We will joint with our colleagues in the Senate in a united front to pursue enactment of tough acid rain controls.

[From the New York Times, Feb. 4, 1987]

ACID RAIN SEEN AS POSING RISKS FOR U.S. HEALTH—DOCTORS TELL PANEL THAT NATION MUST ACT NOW

(By Philip Shabecoff)

WASHINGTON February 3.—Acid rain and the pollutants that cause it are a serious threat to human health, especially to children, representatives of major public health groups told a Congressional panel today.

Testifying before the Environmental Pollution Subcommittee of the Senate Environment and Public Works Committee, medical doctors from the American Academy of Pediatrics, American Lung Association, the American Public Health Association, and Mount Sinai Medical Center in New York City urged that action be taken now to curb acid rain. They said the potential threat to health was too significant to defer protective action until more scientific evidence was accumulated.

Senator George J. Mitchell, a Maine Democrat who is chairman of the subcommittee, said after the hearing that today's testimony was the first strong evidence presented to Congress that acid rain posed a serious health problem for the nation.

"Until now, the basis for action on acid rain was its adverse effects on water resources and the potential effects on forests," the Senator said. "Now we have independent evidence of its impact on health."

POLLUTION CONTROLS SOUGHT

Senator Mitchell is the author of one of three bills already introduced in the 100th Congress that would impose controls on sources of pollution that cause acid rain.

The Reagan Administration opposes such controls, contending that much more has to be learned about the causes and effects of acid rain before imposing a new regulatory program that would cost billions of dollars and perhaps some jobs in the coal industry.

Acid rain is a term for pollution produced by coal-burning power plants and factories, as well as motor vehicles and other sources, principally oxides of sulfur and nitrogen, that change chemically as they travel through the atmosphere and fall to the earth as acidic rain, snow, mist or dust.

Acid rain had been found to destroy life in bodies of fresh water in some parts of the country, especially in the Northeast and Canada, and to damage buildings and other man-made structures. It is also believed to be at least a contributor to the decline of forests along the Eastern Seaboard and in Canada. Now, the witnesses testified, there is mounting evidence that acid rain and the pollutants that produce it are harming the health of human beings.

THREAT TO CHILDREN CITED

The witnesses agreed that available studies of human health histories showed that the pollutants linked to acid rain were an important cause of bronchitis and asthma, particularly among children.

Dr. Thomas Godar, president-elect of the American Lung Association, said other people whose health was particularly at risk from the oxides of nitrogen and sulfur and from ozone, another pollutant from the same sources, included people over 65, those with asthma, chronic bronchitis and emphysema, pregnant women and people with a history of heart disease.

Dr. Richard Narkewicz, president-elect of the American Academy of Pediatrics, told the subcommittee: "The ingredients of acid rain have been shown to adversely affect the respiratory tract and consequently the quality of health for children. They contribute greatly to morbidity and mortality rates."

He added: "The sources of the pollution are being identified. Technology to significantly reduce pollutants has been in operation for many years in Japan. Doesn't it make more sense to eliminate the cause of the health problem, whenever possible, rather than have children suffer?"

RECENT STUDIES REVIEWED

Dr. Philip J. Landrigan, director of the division of environmental and occupational medicine at the Mount Sinai School of Medicine, reviewed a series of recent studies on the health effects of acid rain pollution and said that "all of these data confirm that exposure to current, relatively low levels of air pollution can produce toxic effects on the lungs."

In response to a question, Dr. Landrigan said that "acid rain is probably third after active smoking and passive smoking as a cause of lung disease."

Today's testimony dealt largely with health effects of acid rain pollution in the air, rather than its effects on the ground or in the water. But Dr. Anthony Robbins, past president of the American Public Health Association, did allude to studies showing that acid rain leached heavy metals from water and that these metals then entered the human food chain.

Christian Rice, a spokesman for the Environmental Protection Agency, said that "the agency is cognizant of the health studies cited in today's study," and added: "The national air quality standards established by the E.P.A. are designed to protect against harmful health effects. The agency by law periodically reviews the standards to make sure they achieve that objective."

All of the witnesses at today's hearing said, however, that the current air quality standards were inadequate to protect human health and must be strengthened.

A DAY OF SORROW AND DEFIANCE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. LENT. Mr. Speaker, November 7, 1987, marks the 70th anniversary of the day when the Communist Party of International Bolshevism seized power in Russia. Mindful of the approaching anniversary, the Congress of Russian-Americans reminds freedom-loving people throughout the world of certain Soviet achievements that should be determining our attitude toward the recognition of this infamous date in history.

Since the very first days of the Revolution, religion was proclaimed the foremost enemy of the Soviet State. Religious persecution persists to this day: The clergy and believers of all religious affiliations are still being repressed and terrorized. Citizens suspected of opposing Soviet policies are labeled "enemies of the people" and "traitors to the Motherland." For their "crimes," they are sentenced to endure brutality and isolation in the Soviet Gulag.

To this day, the establishment of communism throughout the world remains the fundamental aim of the Soviet Union's foreign policy. Witness the brutalization of Afghanistan as a further example of Communist aggression under the guise of "brotherly aid."

Now the free world is faced with a moral dilemma—which side will it take at the next anniversary celebration of the Communist Party of the Soviet Union? On the side of the oppressed or the oppressor? On the side of the vanquished or the conquerors? On the side of the lawful or the lawless? Will the free world grieve or rejoice on this day?

The Congress of Russian-Americans asks that November 7, 1987, be recognized as a Day of Sorrow and Defiance. And, finally, the Congress appeals to all concerned to cease equating the Russian people with the communism that enslaved them. Tens of millions of their fathers, mothers, brothers, and sisters who perished in the wake of Communist terror cry out for our conscience and prudence. Let us honor them by lending our voices to their chorus so that all those who hear our voices in their darkness will know that the struggle for peace and freedom goes on.

MISUSE OF HANDGUNS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. FEIGHAN. Mr. Speaker, the misuse of handguns remains a public safety problem not adequately addressed by the Federal Government. Six years after John Hinckley bought a gun and shot down the President and his Press Secretary, the United States still has no effective way of keeping handguns out of the wrong hands. In 1983 handguns were used in 47 percent of all murders and 83 percent of all firearms suicides. In the same year over 20,000 Americans were killed with handguns in accidents, suicides and homicides. State handgun control laws have proven very effective in stopping criminals and other legally ineligible persons from purchasing handguns, but the absence of comparable Federal laws makes it too easy for handgun purchasers to elude these State requirements.

On February 4, 1987, I introduced legislation which would mandate a 7-day waiting period on the purchase of a handgun. Anyone wanting to buy a handgun would provide limited personal information to the seller who would send this information to the local police department. If the seller did not receive notification from the police within 7 days that the sale would violate Federal or State laws, the transaction could be completed. The police would not be required to run a record check on the purchaser or report back to the seller.

The waiting period bill is a needed public safety measure that does not significantly intrude into the lives of gun purchasers. The bill would provide a "cooling off" period, stopping handgun purchasers from buying and using a gun on impluse. And it would give each local police department the opportunity to confirm a handgun purchaser's residency information, and check the criminal history of the purchaser. Since the bill does not mandate a record check or any other action by the police, it requires no significant expenditures by local, State, or Federal agencies. In those localities which chose not to run a record check on gun purchasers, a waiting period law would still have a preventative effect by making those ineligible to purchase a handgun think twice before they submit personal information on the purchase application. All States which already require at least a 7-day waiting period on handgun purchasers or a record check on applicants for handguns would be exempt from the provisions of the bill.

This legislation does not seek to limit the rights of anyone legally permitted to purchase a handgun, and it introduces no new restrictions on anyone's eligibility to make such a purchase. The waiting period bill simply gives local law enforcement the option of confirming that Federal or State laws would not be violated by a handgun purchase. Police organizations all over the Nation support the concept of a waiting period law because they know it is an effective way of keeping handguns out of the hands of criminals and others not legally permitted to purchase these weapons. A 15-day waiting period law in California has allowed that State to screen out 1,200 noneligible applicants for handguns each year. Police in Columbus, GA, report that their 3-day waiting period law has been very effective in stopping felons from purchasing handguns.

But until a national waiting period requirement becomes law it will still be possible for determined criminals to purchase a handgun, whichever State they reside in. The State of New York, for example, has tough handgun control laws, but it has been estimated that 90 percent of all handguns used in crimes in New York are purchased out of State. The waiting period bill will close these dangerous gaps in State laws without limiting the ability of anyone to legally purchase a gun. The bill would require only very limited information from purchasers, and this information would be kept confidential.

We in Congress must face the fact that our present Federal laws do not go far enough in protecting the public from handgun misuse that kills 20,000 people annually. The American public already knows this, and a 1981 Gallup Poll found that 91 percent of the public favors a waiting period law on handgun purchases. In 1985, as a member of the Crime Subcommittee, I heard representatives from the National Conference of Mayors and numerous national police organizations urge the enactment of a waiting period law. As a nation, we have reached a kind of consensus that effective control of handgun sales is needed. The death toll will continue to mount as long as we refuse to take responsible action to control the misuse of handguns.

INTRODUCTION OF THE FAMILY AND MEDICAL LEAVE ACT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. CLAY. Mr. Speaker, I, along with 75 Members of Congress, have reintroduced the Family and Medical Leave Act of 1987, H.R. 925. As we are all too well aware, today's families continue to struggle. An underlying reason for this fact is the new economic reality which requires that in the vast majority of families all adult members work outside the home. This was not true when today's adults were growing up. Parents and children are increasingly feeling the strain. The Family and Medical Leave Act is an attempt to come to terms with this new reality.

The fragility of families is blamed for everything from rising crime rates, to illiteracy, to teenage pregnancy to homelessness. There is no shortage of rhetoric about how important it is to "restore the family." What has been lacking is a clear understanding of what is causing families to struggle and a willingness to act on it. We know something about picking up the pieces when families fall apart. We know that it is expensive. We know it is difficult. We know that a lot of what we have tried has not worked.

The Family and Medical Leave Act is preventive medicine. It goes to the cause of the problem and not its symptoms. If the family is straining because nobody is left at home to care for the newborn or seriously ill child or parent, then a labor standard that can substantially relieve that stress is good and necessary public policy. Giving employees the security of knowing that at times of great family need or when suffering from a serious health condition they can take family or medical leave goes to the heart of what is causing families to struggle.

The Family and Medical Leave Act provides that workers may take up to 18 weeks of unpaid leave over a 2-year period upon the birth or adoption of a child or the serious illness of a child or parent. In addition, the bill provides that workers may take unpaid temporary medical leave, not to exceed 26 weeks in a year, when they are seriously ill. The only direct cost to employers is the requirement to continue pre-existing health benefits during the leave. Small employers with less than 15 employees are exempted from the legislation.

Contrary to the contention that the Family and Medical Leave Act is a new departure, it is consistent with a long tradition of labor law. In the past, our labor laws have reflected the view that disregarding important social values should not benefit an employer. Thus, for example, our labor laws mandate a minimum wage, prevent the abuse of child labor, and mandate standards for the health and safety of workers. Each of these standards arose when unscrupulous employers were gaining a competitive advantage over employers who were acting responsibly. Employers should not benefit by their refusal to grant employees leave in times of great need.

The cosponsors of this legislation and I are committed to moving this bill. In the previous Congress, the bill progressed through committee and was ready for a vote in the House when Congress adjourned. In this Congress, we began the process earlier and with a Senate that is likely to be more sympathetic. A joint hearing on the bill is scheduled before the Subcommittee on Labor Management Relations and the Subcommittee on Labor Standards on February 25, 1987 and a subcommittee markup will be scheduled soon after the hearing. I am hopeful that, with strong bipartisan support, the Family and Medical Leave Act will pass in the current Congress.

THE NEW TAX LAW SHOULD BE CHANGED

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. HUBBARD. Mr. Speaker, I have received an excellent January 24, 1987, letter from Mr. J. Larry Stinson, managing partner of Reed & Co., an outstanding certified public accounting firm in my hometown of Mayfield, KY, which I would like to share with my colleagues in the House of Representatives.

Larry Stinson has written to me about his strong opposition to several provisions of the Tax Reform Act of 1986, including the provisions requiring partnerships, S corporations and personal service corporations to conform their tax years to the tax years of their owners. Larry Stinson's arguments in regard to changing this unfair law are worthy of our consideration.

This Member of Congress voted against and spoke against the Tax Reform Act of 1986 when it was considered last year in the House. I agree with my constituent's comments, and I hope my colleagues will read his views.

The letter to me from J. Larry Stinson follows:

JANUARY 24, 1987.

Re changes to Tax Reform Act of 1986.

Representative CARROLL HUBBARD, Jr.,
Rayburn House Office Building, Washington, DC.

DEAR CARROLL: There are certain changes that I strongly recommend you consider regarding the Tax Reform Act of 1986, being:

RECOMMENDATIONS

I believe that the Tax Reform Act of 1986 provisions requiring partnerships, S corporations, and personal service corporations to conform their tax years to the tax years of their owners, and all non-exempt trusts to use the calendar year, should be repealed or modified. I believe that the ultimate repeal of these provisions is in the public interest, and it is essential that a decision be reached as soon as possible. As a first step, therefore, it is hoped that the Senate Finance and House Ways and Means leadership will publicly support, at a minimum, a two-year deferral of application of the required change to a calendar year for affected existing entities. A two-year deferral will avoid the uncertainty of application and the impact of bunched income on 1987 estimated tax payments.

RATIONALE FOR REPEAL

1. The provisions will make it difficult, and in many cases impossible, for taxpayers and return preparers to complete partnership, S corporation, and trust returns in sufficient time to allow partners, shareholders, and beneficiaries to file individual income tax returns by the original due date. This will necessitate costly and inconvenient extensions of time to file returns. Encouraging the filing of extended returns is inconsistent with the best interests of our self-assessment system.

2. All affected entities would be required to incur the costs of closing their books two times and filing two sets of tax returns (both federal and state) for each of the two periods ending in calendar year 1987. This cost and administrative burden should not be imposed on the affected entities, many of which are engaged in small business.

3. It is in the public interest to encourage staggered tax return filing dates. I believe that the I.R.S., taxpayers, and tax practitioners can better meet tax filing requirements if the demands are spread throughout the year. Tax compliance will not be enhanced by compressing tax filing requirements into a short time period, as required by these provisions.

4. The required change in tax year will be disruptive and counterproductive to the economy. Businesses which have used a fiscal year for many years will not have to amend contracts, compensation arrangements, and retirement and employee benefit plans because these provisions apply to existing, as well as newly-formed, entities.

5. The Tax Reform Act of 1986 provisions will present significant scheduling problems of C.P.A. firms who will be required to compress their tax return preparation, financial reporting, and auditing work into a short time period. In this regard, the provisions will overturn past I.R.S. actions in promulgating flexible and reasonable rules which allowed the selection of a fiscal year other than the calendar year to "even out" both professional workloads and I.R.S. processing requirements.

6. The Tax Reform Act of 1986 fails to recognize that there are many legitimate business reasons to select a fiscal year rather than a calendar year. Often fiscal years are chosen to coincide with the "natural business year" of an entity. These provisions will cause tax requirements to interfere improperly with business operations.

7. The Tax Reform Act of 1986 provisions will increase the annual return processing costs for the I.R.S. by increasing certain peak points in the filing cycle. This is inconsistent with Congressional and other recommendations to stagger return filing to alleviate the heavy workload that has precipitated processing problems in recent years.

CONCLUSION

This issue deserves your attention NOW because it directly or indirectly, adversely affects literally millions of tax reporting entities!

Sincerely,
J. LARRY STINSON, C.P.A.,
Managing Partner, Reed & Co.

THE 500 MEMORIAL SERVICE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. JACOBS. Mr. Speaker, Indianapolis is quite rightly proud and blessed by the pastorship of the East 91st Street Christian Church by Dr. Russ Blowers.

As can be seen by the following sermon which he delivered at the 500 Memorial Service in Indianapolis last year, Dr. Blowers is a source of spiritually uplifting inspiration for all who hear his Christian words.

The sermon follows:

500 MEMORIAL SERVICE—MONUMENT CIRCLE

(Dr. Russ Blowers, May 23, 1986)

On the 40th anniversary of D-Day, a British couple had a plaque attached to the grave of their only son who died to free Fortress Europe. It reads: "Into the mosaic of victory, this priceless piece was set."

Those priceless pieces of America's wars we remember and honor today.

I have lingered among the lines of white crosses in Arlington: hovered in a plane over the beaches of Normandy where channel winds caress more crosses; scanned all 58,000 names etched in black marble at the Vietnam memorial; knelt beside a battered, flaking tombstone in Crown Hill to read the names of an Indiana boy who fell in the War Between the States.

I always feel I am on holy ground in those places. But then it's so easy to forget these who wanted so much to live. Forgetfulness is a national pastime.

Television has created in our time a familiar ritual. A bomb explodes in Lebanon. An air force plane goes down in Newfoundland. A billion dollar house made with hands disintegrates in the Florida skies. There is the temporary interruption of regular programming. There are the weeping families, the president embracing widows and children, the spit and polish military contingent and the flag-draped caskets. There is the service band and Eternal Father Strong To Save. A quick benediction, then fadeout and into the Oxydol commercial. And it is back to normal. It has always been so. A presidential proclamation tells us to remember, so in May we leave our lawn parties, put our 33 pampered machines away till Sunday, do our memorial thing, and then fade out into the commerical.

Is this all there is to our remembering? Can't we leave this place after all the oratory and the music and the prayers to remember more frequently these priceless pieces in the great mosaic of freedom?

I am not here to exalt war. It is a futile process of attempted problem solving. A temporary and extravagant fix. War was hell long before Sherman came to that conclusion. Ask any of us old soldiers in tight uniforms with a flag in our hands. General Patton may have felt good standing over a bloody, burning battlefield and saying, "God, I love it" but for most of the world's peoples who have been terrorized by war it is ugly and unproductive.

Neither am I up here to lecture humanity on easy solutions to human conflict. As long as man's heart is unredeemed and deceitful there will indeed be wars and rumors of wars. As long as this is Satan's turf, military defense systems will be as indispensable as police and fire departments. Politicians, preachers, priests and poets can turn phrases like "a just and lasting peace" but until the rebellious human heart surrenders unconditionally to the God who is love, peace is only a brief moment between wars.

We are here to give thanks to the living God for the men and women whose lifeblood was the costly grace that permitted us to stand here free—the Goldbergs, the O'Briens, the Smiths and Rodriquez'—all those priceless pieces, precious stones, set into the mosaic of America.

Let us commend them to God, and praise Him that He has given us the love, and the grace, to remember, today and always.

To all those white crosses at home and abroad, let us say as Mark Twain inscribed on the grave of his little daughter:

"Warm summer sun, shine kindly here;
Warm southern breeze, blow lightly here;
Green sod above, lie light, lie light;
Good night, dear heart, Good night, good night."

CONFUSION OVER AIDS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. FRANK. Mr. Speaker, Surgeon General Everett Koop has proposed some very thoughtful ways for the Federal Government to deal with the terrible health threat posed by AIDS. Dr. Koop's proposals were intelligent, well balanced, and represented an effective public policy response based on an accurate, scientific understanding of AIDS and the ways in which it is transmitted. Unfortunately, other elements in the Federal Government have behaved much less rationally and maturely than Dr. Koop. The State and Labor Departments in recent months have proposed measures in response to AIDS which make no medical sense, represent poor public policy, and have the wholly unjustified effect of victimizing innocent people.

Thomas Stoddard, the executive director of LAMBDA Legal Defense and Education Fund, one of the leading organizations in the country devoted to preserving the right of lesbians and gay men, recently wrote an article for the Op-Ed page of the Washington Post which documents the unfortunate aspects of what some Government agencies are doing. Mr. Stoddard's article is an excellent summation of the case to be made against some of the policies, and for the far more sensible approach proposed by the chief medical official of the Reagan administration.

I insert Mr. Stoddard's article here:

[From the Washington Post, Feb. 5, 1987]

AIDS: THE GOVERNMENT IS FIGHTING WITH ITSELF

(By Thomas B. Stoddard)

The federal government is now engaged in a perplexing and ominous battle against itself over how best to limit the spread of AIDS.

Several recent events, read together, make clear the depth of the disharmony.

In late October, Surgeon General C. Everett Koop, the nation's chief medical officer, issued a report on AIDS in which he advocated explicit and thorough education as the best means of limiting transmission of the virus believed to cause AIDS. He specifically opposed compulsory blood testing as "not necessary" and "unmanageable" and warned that, because such testing was not entirely foolproof, it could give "a false sense of security" to some individuals.

The surgeon general's advice was echoed several weeks later in a lengthy set of recommendations issued by the Institute of Medicine of the National Academy of Sciences. The institute declared: "Mandatory screening of at-risk individuals is not an ethically acceptable means for attempting to reduce the transmission of infection.

These two reports, widely heralded and applauded outside the government, appear to have been given little weight within it.

The day after Thanksgiving, it was revealed that the State Department had decided to require testing for antibodies to the virus of all present and prospective Foreign Service officers and their spouses and older dependents. Those with positive results would be denied posts abroad.

Then, in December, the Department of Labor admitted that it planned to test all students and staff members of the Job Corps.

And just two days ago, officials at the Centers for Disease Control spoke in favor of compulsory testing for all people who enter the hospital and for all couples applying for marriage licenses, among other things.

This disarray has implications for us all. It is much more than another sad example of poor coordination among the various bureaucracies that make up the federal government. The policy makers at the Departments of State and Labor—and their counterparts at the CDC—are not merely acting in disregard of the recommendations of last fall. They are, in essence, challenging the present medical and legal consensus on AIDS and, in so doing, threatening a revival of the public hysteria over the illness that dominated the news in the fall of 1985.

That hysteria, triggered in part by the shock of Rock Hudson's illness and in part by the controversy in Queens, New York, over whether children with AIDS should be allowed to attend school, seemed for a time uncontrollable. There were calls for the quarantining of those with AIDS, for the closing of bars and other public places, for the forced testing of individuals handling food and even for the tattooing of anyone whose blood registered positive for the antibodies.

The sense of panic of those months has since subsided. The researchers brought forth convincing evidence that the virus does not spread through routine, casual, day-to-day activity and, therefore, that even a worker with full-blown AIDS does not pose a threat to his fellow employees at the work site. The CDC itself, on the basis of those findings, issued guidelines advising against the firing or segregation of workers.

Moreover, across the country, state and local officals, following the lead of CDC, declared forthrightly that discrimination against those with AIDS—or those perceived, either rightly or wrongly, as at special risk for AIDS—violates the law. They made reference to the statutes in nearly every state that prohibit unequal treatment of individuals with physical or mental handicaps.

After a year and a half of public debate, a consensus has emerged. It has five elements: 1) the virus cannot be spread casually; 2) employers, shopkeepers and landlords have no reason to fear transmission in public places; 3) those whose blood registers positive will not necessarily develop AIDS and, unless there are other signs of illness, are fully capable of working; 4) discrimination against those with AIDS or with the virus is not only irrational, but illegal; and 5) education about AIDS is the best way to limit further spread of the disease.

The policies proposed by the Departments of State and Labor and now by the CDC threaten to unravel this consensus. However the policies are explained to the public, they suggest that the consensus is ill founded and convey to other agencies and also to other employers the notion that the consensus should be disregarded—and that the surgeon general, the Institute of Medicine and the medical researchers are wrong. Mandatory testing makes little sense unless those who harbor the virus really do pose a threat to the rest of us.

It is possible that the policies will never take effect. Last week, Local 1812 of the American Federation of Government Employees, represented by the National Emergency Civil Liberties Committee and by my own organization, Lambda Legal Defense and Education Fund, brought a legal challenge to the State Department's screening proposal. If, however, these policies are permitted to prevail, they will affect the entire climate of debate about AIDS. They will promote ungrounded fears about the disease that, for the sake of the public health, ought to be dispelled, not encouraged. Indeed, they may ignite a second period of irrational overreaction.

AIDS is too serious a matter to be dealt with through fear and ignorance. The three agencies should come to their senses and retract immediately their proposals to screen entire groups of people for AIDS antibodies. And they should turn their attention instead to the massive education effort urged by the surgeon general.

A CONGRESSIONAL SALUTE TO THE NORTH AMERICAN LAKE MANAGEMENT SOCIETY

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. STANGELAND. Mr. Speaker, millions of Americans enjoy the outdoors—especially recreational activities in and around our inland freshwater lakes and reservoirs; 99 percent of the U.S. population lives within 50 miles of a publicly owned lake; one-third within 5 miles or less. Lakes literally dominate our land—Minnesota alone has over 3.4 million acres of lakes.

However, right now our Nation is in grave danger of losing these resources as a result of pollution. The magnitude of lake quality problems in the United States is constantly growing. Subsequently, the vast opportunities provided by these water bodies for recreational activities are greatly diminishing. Likewise, the economic basis provided to local, State, and national businesses—measured in the billions of dollars—is rapidly decreasing.

Lakes are especially sensitive to pollution. While streams and rivers can flush pollutants downstream, lakes are ecologically more fragile. They trap incoming pollutants in sediments, in fish, in aquatic insects, and plants.

Fortunately, there exists a unique organization focusing entirely on lakes and reservoirs and dedicated solely to their protection and restoration. It is that group which I rise today to commend—the North American Lake Management Society or NALMS. Its central purpose is education and the exchange of sound information on wise lake management in order to provide a better quality of life for our Nation's people.

Since its establishment 6½ years ago, NALMS's membership has grown to over 1,500. The membership is purposely broad—ranging from the academic researcher and Government manager, to the interested citizen, who is usually a lake property owner. The internationally recognized expertise of NALMS members has firmly established the society's high credibility.

Although many scientific, environmental and professional groups already exist, NALMS is needed. The society effectively encourages citizen support for clean water programs. Among these is the Clean Lakes Program, established by section 314 of the Clean Water Act and implemented by the U.S. Environmental Protection Agency. NALMS has kept this program alive, in spite of its minimal Federal funding, by becoming the private sector response to the Federal Clean Lakes Program. In addition, NALMS strongly supported reauthorization of the Clean Water Act and worked closely with Congress in drafting the recently passed clean water amendments.

In May 1985, I spoke at a national conference in Kansas City—sponsored by the North American Lake Management Society and five major Federal agencies. This conference was held to bring together everyone concerned with nonpoint source pollution problems—and it did just that. Those in attendance covered a broad spectrum of organizations and citizens deeply interested in what has become one of the leading causes of the Nation's water quality problems.

At that time, I was a cosponsor of H.R. 8, which would have reauthorized the Clean Water Act into the next decade, including a number of significant new programs and improvements in many existing ones. Our proposed bill, which was the predecessor of the recently passed H.R. 1, was another strong response to the need to preserve and enhance the quality of our precious water supplies. Of special importance to those at the Nonpoint Conference, it expanded the scope of its coverage to address many of the issues raised by nonpoint source pollution.

I told those gathered that without control of nonpoint sources of pollution, many water bodies will not meet fishable/swimmable goals. In congressional testimony, NALMS, too, has supported the establishment of a national nonpoint source program.

The North American Lake Management Society is a vital organization with a workable program for restoring and preserving the health of this continent's lakes and reservoirs. Our lakes and reservoirs demand the very special attention that NALMS provides.

We owe NALMS our thanks for helping us save these irreplaceable water resources and our support for their continuing efforts. The next time you fish, swim, or boat in a lake—or just admire its beauty—be grateful that the North American Lake Management Society is working to keep it clean and off the "critical" list.

NASA LANGLEY RESEARCH CENTER'S CONTRIBUTION TO WINNING BACK THE AMERICA'S CUP

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. BATEMAN. Mr. Speaker, I would like to join with many of my colleagues in offering my heartiest congratulations to Dennis Connor and the entire crew of the *Stars & Stripes*, the San Diego Yacht Club, and all those who had a part in bringing the America's Cup back to this country.

This victory testifies both to the skill of the *Stars & Stripes* crew and to the superior technology that made this yacht faster than its Australian competition. I am proud to inform my colleagues that a significant factor in this superior capability, was developed at NASA's Langley Research Center in Hampton, VA.

I am referring to the "riblets" that covered the underside of the *Stars & Stripes*, the tiny V-shaped grooves developed at Langley more than 3 years ago to reduce air turbulence and increase fuel efficiency of airplanes. "Riblets" are the brainchild of Michael J. Walsh, a research engineer in Langley's High-Speed Aerodynamics Division. His experiments, using Langley's wind tunnels to test riblets machined on aluminum, proved that these small grooves are effective in reducing drag.

Walsh's idea was picked up from NASA's "Tech Briefs" by the 3M Co., which designed an adhesive film with riblets which was ultimately used with so much success by the *Stars & Stripes*.

Mr. Speaker, I am proud of the many achievements of the Langley Research Center in aeronautics and space technology and of their important contribution to the return of the America's Cup.

POLITICAL LIBERALIZATION IN TAIWAN: A MAJOR STEP ALONG THE ROAD TO DEMOCRACY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. BROOMFIELD. Mr. Speaker, let me take this occasion to commend the Government of Taiwan for making major progress in moving that country along the road to full democracy. Let's give credit where credit is justly due. While many have criticized Taiwan in the past for maintaining martial law and failing to allow new political parties to form, I want to praise that Government for its recent decisions.

As we all know, President Chiang Ching-Kuo of Taiwan announced that martial law would soon end and that new political parties would be permitted to form. While some in the past have labeled Taiwan as a "one-party authoritarian system," a process of political liberalization is now underway. Following the September announcement of the establishment of a new genuine opposition party, the DPP, President Chiang announced that the ban on such parties would soon be lifted. The DPP party won 12 of the 73 elected seats in Taiwan's legislative yuan and 11 out of the 84 elected seats in the national assembly.

Over the years, the evolution toward democratic government on Taiwan has been influenced by the threat to Taiwan by mainland China. It is important to remember that in the past mainland China tried to invade one of the islands of Taiwan. Mainland shelling of those islands continued for many years, but has now ceased.

President Chiang is to be commended for insisting that the KMT party endorse a more democratic political system in Taiwan. He is to be praised for his vision in making Taiwan a model of economic development and for moving that country toward greater democratization. Although more work needs to be done, Taiwan has taken a brave step forward to becoming a truly multiparty society. While we in the Congress are eager to criticize our friends around the world, now is the time to give credit where credit is due. Taiwan has made a good start and I wish it well as it moves along the road to full democracy.

With these thoughts in mind, I commend the following Christian Science Monitor article on Taiwan to my colleagues in the Congress:

TAIWAN'S NEW OPPOSITION PARTY BECOMES FORCE TO BE RECKONED WITH

(By Patrick L. Smith)

TAIPEI, TAIWAN.—In the early hours of Sunday morning, Taiwan became a multiparty state in everything but name.

The opposition Democratic Progressive Party (DPP), which is still not formally recognized by the martial-law government here, established itself decisively as a new political force in the first elections in which it has ever competed. At the same time, the ruling Kuomintang (Nationalist Party, or KMT) maintained its control of Taiwan's highest legislative bodies by a wide margin.

These results suggest strongly that the KMT is unlikely to pull back from a series of political liberalization measures, including the repeal of martial law, now being urged by President Chiang Ching-kuo. The real winners, according to analysts on both sides of the political fence, are Taiwan's 12 million voters, who this year have been demanding orderly progress toward democracy with increasing impatience.

There was no indication yesterday among political commentators or in the tone adopted by the government-supervised press that the KMT, which has ruled without challenge since 1949, was anything but pleased with the results. The English-language China Post and several other newspapers termed the elections "an apparent landslide for the KMT" in their Sunday morning editions.

The KMT won 59 of the 73 seats up for election in the Legislative Branch, Taiwan's formal lawmaking body, and almost 70 percent of the vote. In the National Assembly, which approves constitutional amendments and elects the president and vice-president, the party won 68 of 84 open seats and two-thirds of the vote. (Taiwan has three parliamentary bodies, the third being the Control Branch.)

But even KMT officials acknowledged that the significance of Saturday's polling lay in the unexpectedly strong showing of the DPP, formed less than three months ago. The DPP doubled the number of legislative seats previously held by the opposition to 12; it also won 11 seats in the Assembly, up from four. Overall, it raised the opposition's percentage of the vote from about 15 percent in elections last year to almost 25 percent. The remaining votes were won by independent candidates.

It was not an easy campaign for the DPP, particularly in the days right before the election. The opposition advanced charges of election irregularities—vote-buying and election-law violations which are common here—almost constantly.

But a demonstration that turned violent last week, when longtime political dissidents were refused permission to return from exile in the United States, was widely blamed on the DPP and contributed to an image problem that oppositionists expected to be a costly setback. In store-front branch offices throughout the capital, the DPP screened videotapes of the event until late Saturday evening that purportedly showed the government to have provoked the violence.

"When we started, we expected to win more than 30 percent of the vote," said Yang Zhu-chuen, an opposition activist. "Now it's anybody's guess, but it will be much lower than that." Although the party has gained a solid foothold, it is still unclear just what role it will play in Taiwan's changing political scene. In part, this will depend on how well the DPP can develop policies that will sustain its political momentum.

Among the large contingent of academic specialists and US congressional aides who came to observe the polling, some said they now anticipate the development of a dominant-party system similar to that of Japan, where the Liberal Democrats maintain unbroken power despite challenges from competing parties.

But this would require the KMT to accept a substantial distinction between itself and the machinery of government—a distinction that does not currently exist.

However such issues are resolved, all sides see the elections as a bridge to a more democratic future. Underscoring the importance placed on the polls was the presence of Madame Chiang Kai-shek, the President's stepmother and widow of the KMT's longtime leader, during the campaign period. She returned from the US in October for the first time in nearly a decade to celebrate the 100th anniversary of her husband's birth.

There has been widespread speculation that she may have been lending support to KMT conservatives opposed to reform. But in an article printed in all the major newspapers on election eve, Mrs. Chiang appeared to support the reform program while maintaining a highly critical stance toward the KMT's adversaries.

"There is instant coffee and there is instant tea, but only charlatanry could provide instant democracy," she wrote. "What the wildly ambitious want is to profit from anarchy, not law and order."

Analysts interpreted this as an indication of recent debates within the ruling party. But the elections did not appear to give the KMT any reason to retreat from its commitment to liberalization, as many feared more violent or more substantial opposition gains would have.

HONORING THE 40TH ANNIVERSARY OF RAYMOND A. LANOUE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. CONTE. Mr. Speaker, I rise to commend and honor one of my most distinguished constituents. On January 18, the Reverend Raymond A. Lanoue celebrated the 40th anniversary of his ordination into the priesthood. I speak to you today to call attention to this notable occasion and to a man committed to helping others. I want to share this momentous event with my colleagues.

This Massachusetts native, born to North Adams, on February 9, 1922, has dedicated his life for the service of others. Upon completion of his studies at St. Charles College of Catonsville, MD, a preparatory seminary, and the Grand Seminary of Montreal, Canada, Reverend Lanoue was ordained by the Bishop Thomas O'Leary on January 18, 1947, at St. Micheal's Cathedral in Springfield, MA.

His leadership and concern for others has provided a source of comforting influence and a source of inspiration to all those who have known him and worked with him. Since his first parish assignment in Chicopee Falls, MA, in 1947 until his present parish, Sacred Heart in Pittsfield, MA, where he celebrated his anniversary, Reverend Lanoue has given his utmost for the benefit of others.

My constituents have been the real beneficiaries of Reverend Lanoue's many God-given talents and I am happy to report that he has brought an unselfish dedication and devotion to each assignment. Whether it is a celebration of Sunday mass, comforting the grieving family of a deceased loved one, feeding the hungry or doing so much for so many that may only be seen by God's eyes, Reverend Lanoue is there. It is now time for those of us who have benefited from his warm and giving ways to offer our many thanks and sincere gratitude. He is a dedicated servant and a model for young and old alike to follow.

His many years of hard work have touched the lives of thousands who will never forget his selflessness and caring. My congratulations and best wishes for Reverend Lanoue's future service to our Lord. I salute a man dedicated to helping others who rightly deserves the recognition given to him.

THE CONSECRATION AND DEDICATION OF GRACE EPISCOPAL CHURCH

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. LENT. Mr. Speaker, I am pleased to take this opportunity to recognize the efforts of many of my constituents who were involved in the consecration and dedication of Grace Episcopal Church in Massapequa.

The history of Grace Church is long and rich. Founded in 1844, this church began as a small wooden structure with only 16 families listed on the parish register. However, throughout the years as the parish grew so did the reputation of Grace Church as the focal point of community life and service. Always expanding to meet the needs of its parishioners, Grace Church has more than lived up to its name meaning "the spirit of God operating in man to regenerate or strengthen".

The Reverend John X. Jobson has been rector of Grace Episcopal Church since 1974. Through his efforts, and those of the Vestry, the Historical Society of the Massapequas and many dedicated parishioners, Grace Church has undergone yet another renovation. The project to restore the church steeple and the interior was begun in 1984. Through the generosity and toil of many this project was successfully completed in November 1986.

I commend the work of those involved in the preservation of this historical landmark which has become for many an oasis in an often chaotic world. The peace and strength which Grace Church has offered throughout the years to those in need is firmly interwoven in its elaborate heritage. I am confident in the knowledge that Grace Episcopal Church will continue to be a vital part of our community and I am grateful to those who have made this possible.

DEATH BENEFIT INCREASES

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. FEIGHAN. Mr. Speaker, I rise to introduce a bill to increase the death benefit for survivors of public safety officers killed in the line of duty. Police officers, firefighters and other public safety officers risk their lives every day they report for work. In the last 10 years more than 2,000 of these public servants have been fatally wounded on the job. It is a fact of modern life that protecting the public safety, one of the most important activities of government, is also one of our most dangerous professions. In the face of these risks, public safety officers demonstrate great courage and commitment to their task. And sometimes they make the ultimate sacrifice. Behind them they leave families and loved ones who must struggle to make sense of their tragedy and continue on with their lives.

In recognition of this sacrifice, the least government can do is ensure that those who survive slain public safety officers are not subjected to financial crisis in the midst of their personal loss. In 1976 Congress established a lump sum death benefit for the survivors for public safety officers killed on the job. Today I am introducing legislation to raise that benefit from $50,000 to $100,000. My bill would also allow parents of the deceased to collect this death benefit whether or not they were dependent on the slain officer for financial support.

When it became law 11 years ago, the death benefit was designed to protect families of public safety officers from financial hardship, and to recognize the tremendous service and sacrifice of those officers who had fallen in the line of duty. Today, after more than a decade of inflation, the $50,000 death benefit does neither of these. The Department of Labor reports that since 1976 prices have gone up 90 percent, and college tuition has risen more than 135 percent in that same period. Surviving families of safety officers must now pay the bills, send their children to college and plan for the future with a fraction of the resources that Congress recognized they would need. My bill would partially compensate for the effects of inflation on the death benefit program.

Many officers killed on the job are young and unmarried. The parents who survive them may not have been financially dependent on their child at the time of his or her death. This does not, of course, rule out the possibility that in the future the parents would have needed to seek support from their son or daughter. The present death benefit law discriminates against surviving parents by requiring that they show dependence on the slain officer at the time of death. Whatever their immediate financial circumstances, the immense sacrifice made by the parents of slain officers deserves our recognition. My bill would correct this flaw in the benefit program by allowing parents to be eligible for death benefits without showing that they were at least partially supported by the officer.

We take deep pride in the service and commitment of our police officers, firefighters and other public safety officers. The demands we make of those who protect the public safety has not diminished in the last decade, nor has the importance of their work. It is time to bring our death benefit program up to date and renew our recognition of the tremendous contribution that public safety officers make to our society.

THE NEW YORK TIMES ENDORSES NATIONAL POLICY ON FAMILY LEAVE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. CLAY. Mr. Speaker, I would like to call my colleagues' attention to a recent editorial in the New York Times on January 18, 1987, which endorsed legislation establishing a national policy on family and medical leave. Prompted by the recent Supreme Court decision upholding State maternity leave laws, the New York Times recognized the need to protect all workers—both men and women when they need to take temporary leave for certain family or medical responsibilities. The Times appreciated what many have ignored when considering minimum leave legislation—that what are often perceived as so-called women's bills actually benefit men just as significantly. For too long women have borne the primary responsibility for the care of newborn and ill children. Providing gender neutral family and medical leave for all workers encourages men to share in child care responsibilities and helps all American workers faced with short-term serious illnesses.

[From the New York Times, Jan. 18, 1987]

PREGNANCY LEAVE FOR WOMEN, AND MEN

For women serious about both career and family, life can quickly become a difficult balancing act. A new Supreme Court decision promises to make the balancing a bit easier. It allows states to guarantee job-protected leave to pregnant workers.

The Court upheld a California law that requires most private employers with five or more workers to give women unpaid pregnancy disability leave of up to four months. They would be entitled to reinstatement to the same job on their return. Is such special treatment inconsistent with Federal laws prohibiting sex discrimination?

By a 6-to-3 vote, the Court said no. Federal law does mandate that pregnant employees be treated no worse than nonpregnant employees, Justice Thurgood Marshall reasoned, but that does not prevent an employer from treating them slightly better. In fact, he said, the California law furthers the Federal goal of equal employment opportunity for women because it "allows women, as well as men, to have families without losing their jobs."

The California law, he noted, does not compel favorable treatment of pregnant workers by employers. It merely establishes minimum standards that an employer could extend to all workers.

Women are more likely to work in smaller companies, which may balk at the implications. Yet by now working mothers are so large a fact of business life that employers would do well to confront the issue. More than 70 percent of all working women are of childbearing age and, according to one estimate, more than 90 percent of them are likely to become pregnant during their working lives. Some people fear that the decision may actually generate a harmful backlash as employers simply refuse to hire women.

That is a legitimate worry. The best response, however, isn't to deny pregnancy leave to women but to permit more lives for everyone. That is the thrust of a proposed Parental and Medical Leave Act, co-sponsored by Representatives Patricia Schroeder of Colorado and William Clay of Missouri. Their bill would grant new parents up to 18 weeks of unpaid leave to care for newly born, newly adopted or seriously ill children. It would also protect the job of any employee who needs up to 26 weeks to recover from any serious health condition.

Such a national policy, promoting health, job and family stability, would show, again, how the goals of the women's movement turn out to benefit men.

SPECIAL LEGISLATION NEEDED FOR DISABLED

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. COELHO. Mr. Speaker, today I am introducing a concurrent resolution expressing the sense of Congress with respect to the denial of health insurance coverage for disabled adopted children.

I have a personal interest in this issue both as an adoptive parent, and one who has a disability, epilepsy.

I have learned of the numerous barriers to adoption from experts in the adoption field and individuals and couples who have been involved with the adoption process. One such barrier arises when insurance companies deny health insurance to a disabled adopted child on the basis that the disability, whether it be physical, mental or emotional, is a preexisting condition. Few prospective parents can afford to take the risk of adopting a child who will not be covered by health insurance.

This past April, at the first hearing of the Congressional Coalition on Adoption, several witnesses on a panel devoted to health care for adopted children with special needs, discussed this problem. One witness, Mrs. Linda Sacra representing the Texas Council on Adopted Children, spoke of a case which involved a baby born prematurely who showed a brain mass on a cat-scan several days after birth. The prospective parents wanted to proceed with the adoption, but because their insurance company refused to cover any costs on the grounds that it was a preexistent condition, the adoption plan was disrupted. I am told there are many cases like this involving both infants and older children.

This policy works to discriminate against disabled children. The child would be covered if he or she were a biological child, or if he or she were adopted, but did not have a disability. It is unfair to continue a policy that works to prevent disabled children from being adopted and given the loving, family atmosphere they deserve.

A second witness at the hearing, Mrs. Mary Ann Kuharshi, who is both an adoptee and an adoptive parent, working on adoption and foster care issues in Minnesota, testified about a Minnesota law which guarantees equal rights for adopted children in health and accident insurance coverage. The Minnesota statute encourages couples to adopt children with disabilities by providing that they will not be denied health insurance coverage for the child from the date of placement in the home. Under this law, if the child would be covered if he or she were a biological child, then the adopted child must also be covered. It makes much more sense to encourage the adoption of these special children, than to discourage it with discriminatory practices.

Under State law in this country, adoption severs the legal ties between the adoptee and his or her birth parents, and creates a legal relationship with the adoptive parents. In every State except Illinois, by statute an adopted child has, for all intents and purposes, the same status as a biological child. Illinois cases have established the same law. According to adoptive parents and child advocates, some insurers simply choose to ignore these laws, and in essence, discriminate against adopted children by refusing to provide health care for disabilities which existed before the adoption.

According to the Department of Health and Human Services, at least 36,000 children are free for adoption and waiting for a permanent home. Many of these children are disabled. For those who are not eligible for Medicaid, financing of their health care may impose a significant barrier to their adoption. Disabled orphans face many struggles, and must overcome numerous obstacles; it is cruel to place health care barriers in their way that will prevent them from being taken into a loving home.

Through adoption laws, all States have said to adoptive parents "This child is your child, like any other child born to you." As parents we accept and love, and the insurance companies cover our children with any congenital conditions or abnormalities they may have. Since the State law says an adopted child is to be treated identically to a biological child, why should a health insurance plan not cover a disabled adopted child when it would cover a biological child with the same disability? By denying health insurance coverage to disabled adopted children insurers are discriminating against adopted children and establishing a policy contrary to State law on adoption.

Mr. Speaker, I have no interest in meddling in insurance policy, or in encouraging the Federal Government to dictate policy in insurance matters to State legislatures. But Congress has repeatedly recognized the need to encourage special legislation for the disabled.

This problem of obtaining health insurance is pervasive and constitutes a serious barrier to the adoption of disabled children. I believe Congress has a responsibility to point out the inequity in this, and to encourage the insurance industry and the State legislatures to take steps to solve the problem.

THE FmHA LEADERSHIP ACT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, I'm introducing today the FmHA Leadership Act, a bill to require the Farmers Home Administration to start writing down loans to farmers when it would save the Government money and save some family farmers.

Across the country, thousands of agricultural borrowers are unable to make their loan payments. Many of these farmers could make their payments if the loan principal were reduced to the current value of the collateral. In many cases, the lender could actually save money by granting concessions on principal, because foreclosure is expensive and subsequent resale of the asset would, by definition, net only the current value of the asset.

With the omnibus farm legislation of 1985, Congress gave the Secretary of Agriculture broad authority to restructure loans made through the Farmers Home Administration. At the same time, Congress encouraged private lenders to be generous in dealing with financially distressed farmers, and to choose loan write-downs instead of foreclosure whenever possible. Many private lenders are now pursuing such a policy, keeping distressed farmers on the land through loan write-downs when this is less expensive than foreclosure.

Unfortunately, the FmHA refuses to implement this policy, and instead evicts farmers from the land even when it could save money by granting loan concessions. In my State of North Dakota, Farmers Home is sending out over 1,000 "acceleration" notices, meaning that they intend to start foreclosure proceedings. Instead of providing leadership to the lending community, the Federal "lender of last resort" is setting an example of intransigence and insensitivity.

This policy of Farmers Home is inexcusable. Not only is FmHA wasting money by foreclosing on these farmers, the agency is also causing needless heartache and emotional trauma by evicting people from land their families have farmed for decades. My bill requires that FmHA recognize this by approving, where appropriate, concessions on loan principal to a substantial percentage of qualifying borrowers.

The FmHA borrowers who would qualify are the "marginal" borrowers, in other words, those who could make their payments only if their loan principal were reduced to the current value of their collateral. For example, a farmer may have a loan at $800 per acre for land that is now worth only $500 per acre. Foreclosure by FmHA would yield only $500 per acre minus legal expenses, so the Government is facing a substantial loss on this loan in any case.

Many farmers in such a situation could make payments on their loans if the principal were reduced by $50 to $300 per acre. Frequently, such concessions would cost the Government less than foreclosing on the farmer. This bill would require FmHA to approve appropriate concessions for a substantial percentage of these "marginal" borrowers when it would save the Government money. In addition, the bill would prohibit FmHA from requiring a marginal farm borrower to liquidate his or her farm operations in settlement of the debt, as long as the borrower has acted in good faith to meet his or her financial obligations.

It's time that the Farmers Home Administration provided some leadership in the lending community. This bill would require the Secretary to start providing that leadership, and it will save family farmers while it saves money.

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. NATCHER. Mr. Speaker, it is a pleasure for me to join with the 315,000 members of the Future Homemakers of America as they celebrate National FHA Week with the theme "America at its Best: Future Homemakers of America."

Future Homemakers of America is a vocational education student organization that functions as an integral part of the home economics education curriculum and operates within the school system. It is the only in-school student organization with the family as its central focus.

As part of National FHA Week, the Future Homemakers of America is sponsoring the second annual Open House America. Participating chapters will hold an open house sometime during Tuesday, February 10, in the home economics departments in their schools. Parents and community members will have an opportunity to see vocational education programs in action, discover what these programs have to offer students and how vocational student organizations enhance and extend classroom activities.

The editors of the Good Housekeeping magazine in the July 1986 issue named the Future Homemakers of America "one of the most successful and enduring volunteer organizations in the United States." FHA was profiled among "20 of the best known service groups" in the salute to volunteerism in America. This distinction was awarded because of FHA's commitment to community service.

FHA piloted a new program in eight States last year—including my home State of Kentucky—called the Student Achievement Award. This program encourages chapters and individual members to identify a need in their community and to develop an innovative service project that addresses this need. The Student Achievement Award was so successful in 1986 that it will be expanded to 16 States this year.

Almost 12,000 students in the State of Kentucky participated in FHA programs last year. Over 6,000 students and advisers attended cluster meetings in 1986. These meetings were offered so that students and teachers could take advantage of high quality training. The major projects last year included Families and Futures and Student Body. Families and Futures is concerned with prevention of family violence, care of the elderly, teen pregnancy, suicide prevention, and chemical substance abuse. Student Body projects emphasize teen peer education to eat right, be fit, and feel good about themselves.

At the State FHA meeting in 1986, two residents of the Second Congressional District, which I have the privilege of representing in the Congress, were elected officers. Tracy Pendygraft, a student at Barren County High School, is first vice president and Amanda Harmon, a student at Marion County High School, is historian.

Jennifer Payton, a senior at Caverna High School in Horse Cave, KY, located in the Second District, is the national vice president of the Future Homemakers of America.

I am sure these three young people will make fine officers and will represent the Future Homemakers of America, as well as their schools and communities, to the best of their abilities.

It is the young people to whom we must look for our future leaders and I am pleased that so many of the young people in Kentucky are actively involved in such a fine organization as the Future Homemakers of America. At this time I would like to commend the FHA members for their past accomplishments and to wish them continued success in all their future endeavors.

VETERAN NEWSPAPERMAN LOU HINER DIES; COVERED WASHINGTON SCENE FOR 35 YEARS

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. MYERS of Indiana. Mr. Speaker, I deeply regret to inform our colleagues, especially those from Indiana, of the sudden death over this past weekend of Mr. Louis C. Hiner, Jr., Washington bureau chief of the Indianapolis News for the past 26 years.

Lou Hiner was first assigned to the Washington bureau in 1952 and brought a perspective to coverage of events in the Nation's Capital that was highly respected by those he covered and his readers.

His last column for the News appeared Saturday and featured a discussion of the costs of housing the homeless in Washington and the ever-increasing costs of political campaigns.

Lou was an endangered species in Washington, one of those rare reporters who checked thoroughly all details of a story before going to print. Because of this, the people he approached, both in Government and in the private world, trusted him and confided in him.

Lou was also a close friend of mine and Carol's. He kept close contact with friends and family here and in Indiana. Though born April 19, 1919 in Astoria, OR, he grew up in Indiana, where his father was editor and publisher of the Rushville Republican.

Hiner began his career at the News as a statehouse reporter in 1947. He was found dead of an apparent heart ailment early Saturday at his Falls Church home.

Hiner served as a pilot instructor in the U.S. Army Air Force during World War II. He returned to Indiana University after the war, intending to pursue a career in medicine.

Instead, his career moved toward journalism and he served as city editor of the Rushville Republican and as editor of the Martinsville Reporter before going to work for the News.

Our prayers go out to his wife, Phyllis; two sons, Gregory and Bradley; and a daughter, Mrs. Carolyn Koons of Chicago.

Services will be Tuesday at 10:30 a.m. at the Murphy Funeral Home in Falls Church, VA. Burial will be at Quantico National Cemetery.

THE EXTRADITION OF A COLOMBIAN DRUG KINGPIN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. BROOMFIELD. Mr. Speaker, I want to praise President Barco of Colombia for his tough decision to extradite to this country Mr. Carlos Lehder, a ruthless drug trafficker. In the battle against drugs, the arrest of Mr. Lehder is a setback for the drug pushers' efforts to flood this country with cocaine. President Barco is to be commended for his gutsy decision to take on the drug war lords.

Carlos Lehder, who controls one of the biggest cocaine cartels in the world, was recently arrested in a shootout in Colombia. He was quickly extradited to the United States.

Lehder and others like him have tried to intimidate the Government of Colombia. Judges, policemen, and newspapermen involved in trying to stop the drug trade have been killed. Lehder has said that cocaine was a weapon in the war against "American imperialism."

While much remains to be done in this important struggle, the extradition of Lehder represents a milestone in the battle against international traffickers. The President of Colombia has made a sound decision and I encourage our Government to continue to cooperate with him in his brave battle.

DAVID SHREIR FAMILY

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. BEILENSON. Mr. Speaker, I would like to take a few minutes today to draw my colleagues' attention to the plight of David and Mila Shreir and their son, Maxim.

David and Mila first applied to emigrate from the Soviet Union in 1980, and their first and subsequent requests for emigration have all been denied. After the family's first application, David, a biologist with a doctor of science degree, was dismissed from his research position, and since that time he has been working at a job paying one-fourth of his previous salary. His application also resulted in his expulsion from the Union of Writers, where he had been a member as a writer, poet, and translator. David's translations and fiction had brought him considerable recognition in the U.S.S.R. including the title of "laureate" for his translations. David's wife, Mila, is also a skilled translator who has been unable to find employment since the family's emigration request was filed.

Another disturbing development occurred last spring when David was arrested after leaving the American Embassy—he was questioned and held incommunicado by the KGB for 10 hours. He also suffered a heart attack last year and is increasingly affected by the problems of stress.

I urge the Soviet Union to honor its international commitments as outlined in the Helsinki Final Act, of which they are a cosignatory, and allow the Shreirs to join their relatives in Israel. Such action would go a long way toward ameliorating relations between our two great nations. I look forward to a day when pleas like this one will no longer be necessary and families can be reunited in Israel.

DEPARTMENT OF AGRICULTURE'S DEFICIENCY PAYMENT PROGRAM

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. CLINGER. Mr. Speaker, I rise today disturbed by a recent disclosure about the Department of Agriculture and their Deficiency Payment Program.

Through a loophole, they are allowing individual farmers to qualify repeatedly for income subsidy payments of $50,000, the legal limit as set by Congress. These payments were intended to go one to a farmer, but through the restructuring of farms, many people can legally qualify for several of these payments. To quote the Washington Post, it is a legal loophole "large enough to drive a John Deere tractor through."

Clearly this was not the intent of Congress when the program was funded. In my own congressional district, farms are small and family oriented, where the people believe in working for themselves, taking help only when it is needed. One needs only to glance at the facts to see where most of the money the Government spends on income subsidy payments goes. It flows to States with large, often corporate-run, farming operations. In fiscal year 1986, California received $182 million in deficiency payments, Wisconsin was paid $99 million while Pennsylvania took in a mere $15 million. Those figures are especially significant when one considers that argiculture is Pennsylvania's largest industry and that the State has the largest rural population of the entire Nation.

The practice of qualifying for multiple payments has gone so far that lawyers in some areas are creating a new speciality: reorganizing large farming operations so that the owners can qualify for more than one, often several, payments of $50,000. They have developed a device called a Mississippi Christmas Tree, which is a chart showing large combinations of corporations and partnerships that can be used to collect multiple payments on a subdivided farm.

Some specific examples of this abuse are taken from an article in the January 20 Washington Post:

A partnership of three dozen Texas investors is attempting to collect more than $1 million in subsidies for a large farming operation in Montana on the grounds that each partner is eligible for a $50,000 payment. USDA has not ruled in the case.

Two cotton growers in Mississippi pooled their already large operations, added more land and partners to make themselves legal and then divided into units, allowing the growers to collect at least 17 $50,000 payments last year.

A California rice farm was leased to 56 tenants, each of whom qualified for the top payment and then split the $1.5 million income with the landlord. At least eight of the tenants were related to the owner.

While planted acreages declined in 1986, USDA found that an additional 100,000 wheat farms and 160,000 corn farms had sprung up since 1985—a sign that farmers were dividing properties to get more than one $50,000 subsidy.

Congress and the USDA must move quickly to correct this loophole in the system. Moneys that were intended to help a broad spectrum of American farm families must be put to the use for which they were intended. This waste of millions of tax dollars must stop, the backbone of this Nation, farmers and the rural community, deserve no less.

TRIBUTE TO ADOLF REIFENKUGEL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. ACKERMAN. Mr. Speaker, I rise today to mark a truly wonderful occasion. February 26 will mark the 80th birthday of Adolf Reifenkugel of Fresh Meadows, Queens County, NY.

Adolf Reifenkugel represents the best of America. An immigrant to our shores from Germany at the age of 20, Reifenkugel and his loving and caring wife, Margaret, raised a son and a daughter in whom they instilled a love of country and duty. Adolp Reifenkugel taught his children never to sell America short.

Adolf is proud of his contributions to this country, as he well should be. He worked hard in the coal mines of Pennsylvania, and later served as an employee of the Arma Corp. a defense contractor, from which he has earned a well-deserved retirement. Reifenkugel never neglected his civic responsibilities. He voted in every election, and was an active member of the Masons.

Mr. Speaker, the greatest praise paid to Adolf Reifenkugel comes in the voices of those who know him. When his friends and family are asked to describe him, they quickly and simply reply: honorable. That one word tells much about that person's life, one that we all could do well to emulate.

Adolf and Margaret will celebrate his birthday in their Fresh Meadows home in the company of their son and daughter-in-law, Gustafe and Eileen; their daughter and her husband, Linda and Raymond Gibbons, their six loving grandchildren, Gustafe, Michael and Corin Reifenkugel, and Leah, Jenine and Loren Gibbons; and a host of friends. I am indeed honored and proud to represent such a true American.

Mr. Speaker, I call now on all of my colleagues in the U.S. House of Representatives to join me in congratulating Adolf Reifenkugel as he celebrates his 80th birthday, and in wishing this pillar of honor many happy returns of the day and many more rewarding years to come.

INTRODUCTION OF LEGISLATION TO COMBAT NUCLEAR PROLIFERATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. STARK. Mr. Speaker, today I am introducing two pieces of legislation to help combat one of the most fearsome problems facing this country and the entire world today—poorly controlled proliferation of nuclear technology.

It is not an issue that has received the attention it deserves; in fact it is not really even on the agenda of general public discussion. Because we tend not to address a problem until it is generally perceived to have reached crisis proportions, there has been little attempt to determine the status of nuclear proliferation and to propose ways to curb its expansion. With this subject, though, we cannot afford to delay action, for the costs of a crisis, in human and economic and evironmental terms, are just too great. By the time a nuclear weapon is exploded by a nonsuperpower country or a terrorist organization, the realities of proliferation will be too intractable, and the time to solve them too short, for us to prevent a disaster of unthinkable horror.

The bills I am proposing cannot, by themselves, solve the problem, but they are useful and necessary steps—blocks in the foundation of a lasting structure to prevent uncontrolled proliferation. My legislation would simply deny all trade preferences—most favored nation, generalized system of preferences, Caribbean Basin Initiative and free trade agreements—to countries that have not signed the Non-Proliferation Treaty [NPT] or the Limited Test Ban Treaty, the basic documents in force designed to prevent the spread of nuclear weapons. These bills could help move us toward a more stable nuclear world.

I believe the two areas, trade policy and foreign policy, can and should be linked. We grant trade preferences to responsible members of the world community, and there is a conscious policy of tying those benefits to economic and diplomatic behavior. For example, the Jackson-Vanik amendment, the antiterrorism amendment to the GSP and Anti-Apartheid Act of 1986 each explicitly tied trade concessions to foreign policy considerations. My bills would change that policy only by assigning cooperation on nonproliferation a standing similar to those other foreign policy issues.

The problem of proliferation is present, in three arenas, each presenting unique dangers and requiring unique measures to dismantle those threats. The first arena, and the one which has captured the world's attention, is the arms race between the NATO countries and the Warsaw Pact. This is understandable. With about 50,000 nuclear weapons among them, these countries have the power to destroy the entire planet with just a small fraction of their arsenals. Article VI of the NPT calls on all signatories to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. * * *" Without question, those countries have, especially in the past few years, failed miserably at this. Until the members of the nuclear club abide by the sections of the treaty that apply to them, they will have little leverage in persuading nonnuclear nations not to seek nuclear weapons. Hopefully, a new administration, more concerned with arms control, will help to improve our performance on article VI.

The second arena, and the one which has received the least public attention, covers the drive by other nations to acquire nuclear weapons. In the past decade, India, Pakistan, Israel and South Africa have become "associated members," capable of producing nuclear weapons, if they have not done so already. Frighteningly, none of those countries is signatory to the NPT, which means that there can be no safeguards or restrictions under the treaty on the types of nuclear material they acquire. Other countries which have nuclear aspirations and could soon have nuclear capabilities include Brazil and Argentina, which have not signed the NPT, and Iran. Iraq and Libya, which have signed but whose recent behavior casts real doubt on the depth of their commitment to peace and the quality of any promises they may make.

We have here nine countries, each frantically trying to build nuclear weapons. Several of them have a history of unstable government. All are in a currently or potentially volatile situation militarily. How safe can we feel knowing that these countries can acquire nuclear weapons, free from oversight by the International Atomic Energy Agency or any other body?

The fact that some of those countries are currently our allies does not make the situation less disturbing. In the first place, the nature of a government's leadership may change, but nuclear capabilities do not. In the second place, are nuclear weapons less destructive when fired by a government of which we approve? Are the costs any less? Would fewer innocent people die if Pakistan dropped a bomb on India than the other way around?

The third and perhaps most terrifying arena, which has received some public attention lately, is the race by various terrorist groups to acquire a nuclear weapons capability. These weapons would not be of the type that initially come to mind; they would probably be small, crude devices that could perhaps fit into a suitcase or an oil drum. This does not make their destructive capability any less terrible. The weapons would not have to use the latest technology or be highly accurate because they would not have to elude missile defenses or penetrate hardened silos.

Consider the traumas that governments have faced when dealing with a hostage situation with dozens or even hundreds of hostages and identifiable terrorists armed with conventional weapons. Consider then the magnitude of difficulty in dealing with a terrorist's nuclear weapon planted in a locker in Grand Central Station or hidden in the coat check room at the Smithsonian.

Perhaps equally as frightening, image the abrogations of international law and individual rights that terrified governments could commit to guard against such an occurrence. With the threat magnified exponentially by a nuclear threat, the willingness to violate agreed-upon rules and processes would increase as well. If that happened, the terrorists could substantially win without ever firing a shot.

The nuclear club has grown from one member in 1945 to probably nine in 1987. Experts agree that it will probably grow to at least 25 by the turn of the century, just 13 years from now. Regulating nuclear proliferation is rapidly becoming an impossible task; it is imperative that we act now at least to slow the leakage until we can figure out a way to stop it altogether.

As I have said before, neither of these bills will, by themselves, solve the problems of nuclear proliferation. At the very least, though, passage of these bills would give all countries real incentive to sign the NPT. It would also send a signal that the United States is serious about proliferation and ready to take steps to combat it. And, combined with support for a comprehensive test ban, further discussion of additional security agreements and programs to develop alternative energy programs in countries that need them, these bills could be an important part of an all-fronts attack on the scourge of proliferation before it reaches the point where no reasonable type of control is possible.

Mr. Speaker, we don't have time to delay until we find a perfect solution. There has been much talk about the legacy we are leaving our children by dallying on the issue of budget deficits. I suggest that leaving them a world of nuclear anarchy would be even worse than the fiscal anarchy we are preparing for them now. I would hope that our sense of stewardship would prevent us from allowing this to happen.

Much of the terror we feel with nuclear weapons grows out of our sense that our technological ability to destroy the world has outpaced our diplomatic ability to save it. We still are not comfortable with the ability of the United States and the U.S.S.R. to handle the awesome responsibility that comes with possessing nuclear weapons and both countries have had almost 40 years of practice. How secure can we feel if a growing number of countries suddenly develop a nuclear capability without having had any experience in handling it, at a time when their political and social systems may be shaky and they may feel seriously threatened by outsiders? I don't believe we can allow ourselves to get into a situation where we have to find out. The potential costs are just too great.

Mr. Speaker, I hope that my colleagues in this Congress will support these two pieces of legislation. I hope they will seize this opportunity to take a first step, to get the ball rolling and to let it lead us to a policy that will effectively control the unregulated spread of nuclear technology. I hope we will be able to do this before we have a disaster and have to explain how we could have been so blind to such a clear and looming and awesome danger.

NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. MONTGOMERY. Mr. Speaker, this is a special week for America's heroes and heroines who are patients in Veterans' Administration medical facilities across the country. The national salute to hospitalized veterans, an annual event since 1978, will be conducted through February 14.

Citizens nationwide are encouraged to pay tribute to sick and disabled veterans who are inpatients by visiting with them and their families during this week.

On any given day, the VA provides medical treatment to an average of nearly 60,000 inpatients in its 172 hospitals. A brief visit to cheer up a sick or disabled veteran and to let him or her know that we have not forgotten and that we do care is surely the least we can do in gratitude for their service and sacrifices in the name of freedom. Such a visit will also give citizens an excellent opportunity to witness the efficiency and quality of some of the world's finest hospitals and medical staffs.

The theme of this year's salute is: "Their courage protected our freedom * * * may our love heal their wounds." First Lady Nancy Reagan is honorary patron of the annual observance. Actor Ernest Borgnine, a World War II veteran, is chairman of this year's week-long program.

Organizations and individuals interested in expressing their appreciation to hospitalized veterans can call or visit the nearest VA medical facility.

Mr. Speaker, I urge all citizens and communities nationwide to participate in this very worthwhile observance.

H.R. 759—CONGRESSIONAL PAY REFORM ACT

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. KYL. Mr. Speaker, as a new Member of Congress, I have received quite an introduction to the ways of the House on this issue of raising our own pay. Frankly, I am disappointed. The manner in which the majority leadership dealt with the pay raise was, quite simply, all wrong.

Tying the pay raise question to an ill-conceived and unrelated bill on aid to the homeless was wrong. Postponing consideration of the pay raise proposal until after it went into effect was wrong. And not allowing a straight up-or-down vote specifically on the pay raise was wrong.

The American people rightly expect, at a minimum, that their representatives will vote on important legislation—especially where it concerns their own pay.

The process by which pay raises are addressed needs to be changed. H.R. 759, the

Congressional Pay Reform Act, sponsored by TOM TAUKE of Iowa, is a good starting point toward achieving this reform. His bill would require a vote on any pay raise and keep it from going into effect until after the next election. I am a cosponsor of this bill, and I urge the House leadership to schedule hearings and bring this bill to a vote early this session.

Yesterday, my colleague from Arizona, JIM KOLBE, introduced, and I cosponsored, H.R. 994, a bill to rescind the pay raise for Members of Congress.

The American people want and expect straightforward action on this issue. Failure to vote on the pay raise makes the public even more opposed to it; and sooner or later, public pressure will force the majority leadership to put it to a vote. Why not sooner rather than later?

I agree with my constituents that we do not deserve pay raises because Congress has not done its jobs of balancing the budget and eliminating the Federal deficit. Let's be up front with the American people, put the issue behind us and move on to the agenda President Reagan gave us in his State of the Union Address, which, notably, includes a constitutional amendment requiring a balanced budget.

TRIBUTE TO MARSHALL POWELL LEDBETTER, SR.

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. GORDON. Mr. Speaker, last week the people of Maury County, TN, and members of the Democratic Party across the Nation, lost a most dedicated community leader and devoted party advocate. Marshall Powell Ledbetter, Sr., loved his country, his State, his hometown, and his family.

Marshall Ledbetter played an important role in State and national politics. His participation in the Democratic Party began during the early political career of former Gov. Frank G. Clement and includes serving as adviser to U.S. Presidents, Tennessee Governors, and Congressmen. He also was current treasurer of the Maury County Democratic Party and had served as a delegate to five Democratic National Conventions.

Marshall was a close friend and loyal supporter of mine for many years. As my treasurer, Marshall served with integrity and enthusiasm.

Maury Countians and citizens throughout Tennessee have greatly benefited from Marshall's many years of public service. A Rotarian for over 30 years, he was past president of the Columbia Rotary Club, a district governor of Rotary International, and was named a Paul Harris Fellow. He also served on the national nominating committee and as a representative to the international convention.

Marshall Ledbetter firmly believed in helping those who were less fortunate than himself. As a Master Mason, a 32d degree Scottish Rite Mason and an ambassador of Al Menah Shrine Temple, Marshall was a leader in raising funds to assist children who were victims of fires and crippling diseases. He also unselfishly served as a volunteer to the American Cancer Society for over three decades.

Also a successful businessman, Marshall founded Victory Van Lines in 1932 and built it into one of North American Van Lines' top agencies, serving 25,000 families a year.

Mr. Speaker, I know my colleagues join me in wishing Marshall Ledbetter's wife, Mary, his three children, his sister, and brothers, and his grandchildren our heartfelt condolences. Marshall will be missed by all of us whose lives he touched. His service and contributions to his community are certainly a source of inspiration for us all.

We will miss Marshall Ledbetter.

IN MEMORY OF CORITA KENT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. MARKEY. Mr. Speaker, I want to pay special tribute to a remarkable woman, a distinguished artist, and a resident of Massachusetts, who died Thursday, September 18, 1986, at the age of 67.

Corita Kent was a person who enhanced the lives of those around her. She possessed the virtues of excellence as a teacher, artist, and author. Part of Corita's life was devoted to her religious vocation, but through all of her life she was dedicated to creating art that inspired others to be more loving and more free.

I believe Leo N. Tolstoy captured the essence of Corita's life when he said, "The religious perception of our time * * * is the consciousness that our well-being, both material and spiritual, lies in the growth of brotherhood among all peoples in their loving harmony with one another. And it is on the basis of this perception that we should appraise all the phenomenon of our life and, among the rest, our art also."

Some examples of Corita's work that inspired feelings of brotherhood among us are the "love" stamp she designed that brought joy to so many, and the Boston gas tanks, which through her creativity, she transformed into a beautiful and vibrant part of the Boston skyline. Another work, which touched the hearts and minds of many Bostonians, was Corita's billboard, which carried the message "We Can Create Life Without War." With a few letters and a splash of color Corita Kent could reach the public with a message of warmth and vibrance they could not ignore.

I join with the many friends in Massachusetts and across the Nation in extending my sympathy to the family, friends, and colleagues of this remarkable woman, Corita Kent.

SOVIET JEWRY SOLIDARITY CEREMONY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. DORNAN of California. Mr. Speaker, I rise today to bring to the attention of my colleagues a major Soviet Jewry Solidarity ceremony to take place in Los Angeles, CA, on Thursday, February 26, 1987. The purpose of this ceremony, as you may know, Mr. Speaker, is to increase public awareness about the ongoing persecution of Jews in the U.S.S.R. despite Soviet claims and treaty obligations to the contrary.

I consider this solidarity event to be extremely important because we in the free world are the only impediment to this outrageous cultural genocide. We should be aware, Mr. Speaker, that the Soviet Union is not impervious to international opinion. The Soviet authorities have in the past shown themselves to be sensitive to any efforts which reflect the reality of their oppressive totalitarian society which seeks to impose its atheistic will upon thousands of Soviet Jews.

Mr. Speaker, the incessant persecution of Jews in the Soviet Union is first and foremost a human rights issue and should therefore transcend patisan politics here in this country. For precisely this reason I would like to commend the B'nai B'rith organization on their tireless efforts to educate the American public about Soviet religious persecution which cannot stand up to the light of public scrutiny. The presence of Los Angeles City mayor, Tom Bradley and county board supervisor, Michael Antonovich as honorary chairmen to this Soviet Jewry Solidarity rally is testimony to the bipartisan nature of this issue and the almost universal support to correct these outrageous injustices. I also am confident, Mr. Speaker, that this event, highlighted by the reading of a list of Soviet refusniks, will help to drive home the point that we cannot assume that basic human freedoms are being respected throughout the world—but even more importantly, that it is within our grasp to affect the Soviet Government's systematic actions against its own population.

As a five-time visitor to the Soviet Union, I am very familiar with that nation's gross violation of its international commitments and the hardships endured by the refusenik community. Jews in the U.S.S.R. are still forbidden by law to speak their national language. In order to single out the Jewish community from indigenous Russians, the Soviet authorities insist on stamping identification cards with the word "Jewish," which effectively makes them undesirables in the working world. These actions are rather mild however, compared with the torture and years of imprisonment endured by prominent refuseniks who still languish prisoners of conscience.

Mr. Speaker, the West cannot be lulled into inaction and apathy as long as the Soviets are allowed to continue their campaign to deprive the Jews of their natural heritage. I think that B'nai B'rith and the organizations supporting the Soviet Jewry Solidarity Day, like Hillel and the Commission on Soviet Jewry, deserve high praise for their efforts to keep the flames of hope for their brothers alive in this country. I salute those Jews in the Soviet Union also, Mr. Speaker, for their indomitable spirit to live by their own cultural and religious heritage despite nearly insurmountable efforts by the Soviets to stop them.

SALA BURTON'S SUPPORT OF H.R. 442

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1987

Mr. MINETA. Mr. Speaker, on behalf of Representative MATSUI and myself, I want to note that before she died, our good friend and colleague, Sala Burton, asked to be recorded as a cosponsor of H.R. 442, the Civil Liberties Act of 1987.

Her untimely death prevented the formal addition of her name to the cosponsor lists, but this legislation had no more ethusiastic supporter than Sala.

H.R. 442 provides a package of remedies for the 120,000 loyal Americans of Japanese ancestry who were interned during World War II. As one who had seen the cruelty and pain of prejudice first hand, our colleague knew how unjust the internment was.

We all mourn Sala Burton.

HOUSE OF REPRESENTATIVES—*Tuesday, February 10, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Blessed are those who mourn, for they shall be comforted.—Matthew 5:4.

Our thoughts and prayers, gracious God, are with those whose joy has been turned to mourning, whose hopes are tested by illness or separation or anxiety. While we do not understand the mysteries of life and our vision of tomorrow is dim, yet we know that Your loving spirit accompanies us wherever we may go or whatever be our pain or worry. In all the moments of life, O God, in our laughter or in our tears, give us that sense that You are the Good Shepherd and we shall not want. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

VETERANS' BENEFITS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, according to recent press reports, this administration is planning to include certain veterans' health care and pension benefits in its welfare reform package. That proposal will go nowhere in Congress, in my opinion.

Veterans' benefits are not welfare and should never be associated with that term. Pension benefits are paid to disabled veterans who served their country during wartime. Furthermore, health care provided by the Veterans' Administration includes care for many non-service-connected veterans who may have received three or four battlestars for combat.

I cannot be more emphatic—placing veterans' benefits in a welfare bill has no merit and no chance of passage. We are not going to treat the Nation's veterans this way.

SPY SONS OF SAM MUST NOT PROFIT FROM THEIR CRIMES

(Mr. GEKAS asked and was given permission to address the House for 1 minute.)

Mr. GEKAS. Mr. Speaker, in the 98th Congress, in 1984, we adopted the so-called Son of Sam legislation, which would prevent murderers and criminals who reside in prison to benefit from their horrible crimes by later publishing accounts and books and other kinds of publications from which they would derive profits.

We diverted those moneys to the crime victims compensation fund by our act in 1984.

I am today introducing legislation which would accord the same kind of treatment to the worst criminal of all, the one who commits treason and espionage, the spy Son of Sam.

We want these people to understand that they cannot go around betraying their countrymen, betraying our Nation, being convicted of that, and then residing in prison and publishing their exploits, again to reap profits.

We want to divert those moneys into the crime victims compensation fund.

It is enough that they have violated the trust of their people and have betrayed us all; we are not going to allow them to profit any further from it.

IN HONOR OF THE BICENTENNIAL OF THE CONSTITUTION

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, as dean of the Pennsylvania congressional delegation, I am particularly proud to introduce on behalf of my fellow colleagues from Pennsylvania, a resolution that will commemorate what were some of the most significant events and accomplishments in the history of man and government.

A little more than 200 years ago, the leaders of the 13 independent American States were struggling to maintain peace, order, and a quality of life for their people in the face of increasing economic and political disarray. These men were exceedingly firm in their dedication to the concept that sovereignty resided in the people and not in their governments.

But unlike the American Revolution, their struggles were with each other. Though they shared in their fundamental beliefs of human rights and government, their fierce sense of independence divided the Union and threatened the collapse of all that had been achieved with their freedom from British oppression. Their dilemma was how to govern in a way that would preserve the established identity of each independent State yet achieve a union of government that truly represented all the people.

In May 1787, these great men convened in Philadelphia to seek a common ground whereby all the States could be united into one national government. Their compromise, indeed their great compromise, was simple—there would be a house of the people that would be in the words of George Mason, "Attend to the rights of every class," and there would be a house equally representing each of the States. At last it was this great compromise that paved the way for the drafting of our Constitution and what was to become the greatest government in the history of man.

Today we still live under and are governed by the great principles ordained by our Founding Fathers.

I believe I speak for all the citizens of Pennsylvania when I say we are proud that Pennsylvania played a major role in the initial development of our Government and indeed fortunate to have the opportunity to reenact history as it happened 200 years ago. This year Philadelphia will have the honor and privilege to host a commemoration of these historic events.

Mr. Speaker, the resolution I am introducing today provides for a joint session of Congress in Philadelphia, PA, on Thursday, July 16, 1987, in honor of the bicentennial of the Constitution and to commemorate the great compromise of the Constitutional Convention, which determined the basis of representation of the States in the Senate and the House of Representatives.

I am here today to call attention to our rich heritage and to ask my fellow colleagues to support this resolution.

THE GREAT LAKES EMERGENCY SHORELINE PROTECTION ACT

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, today I, along with many of my Great Lakes colleagues, reintroduced the Great Lakes Emergency Shoreline Protection Act to address the serious erosion problems facing private citizens living along ravaged shores.

The Great Lakes have risen to unprecedented levels, placing in jeopardy almost $1 billion in value of real estate from this high erosion.

Our bill provides federally guaranteed low interest loans to be used to

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

bolster the shoreline through erosion protection devices or any alternative to move threatened structures away from the eroding shoreline.

Values drop when the shoreline erodes. Municipalities lose tax revenues, and indeed, we contribute to further pollution of our Great Lakes.

This bill will not further burden U.S. taxpayers, but give our citizens the fighting chance they demand to deal with a real natural resource that is threatened by a natural calamity.

Introduction of this bill and cosponsorship of it will put us firmly on record of dealing with a natural calamity that affects one of our most precious natural resources.

IF WE MUST NEGOTIATE, DO IT FOR ALL HOSTAGES

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, we are watching a calamity of epic proportions progressing before our eyes, ever so slowly.

The country of Lebanon has been mired for years in civil strife, civil war; overrun by the country of Syria; overrun by fundamentalists from other countries; civil war between its own people; brother against brother; family against family. It has become a playground for terrorists; it has become a safe haven for people who kill, maim, hijack, threaten Americans and nationals of other countries.

We are almost helpless to do anything about it, and this is a tragedy which we should be doing something about with every effort that we can make.

But while we are witnessing this, we are also witnessing a tragedy for the United States. Right now, nine Americans are being held; eight Americans and one naturalized American, Mr. Singh, are hostages. We hear today that the United States may be negotiating secretly for their release.

I do not believe we should be negotiating with terrorists or with hostages. I do not believe that is going to further our policy, nor do I believe it is ever going to prevent other hostages from being taken. Rather, it is going to promote more hostages to be taken as the terrorists see that they can get something from us.

But, Mr. Speaker, if they are negotiating, and if they are going to try to bring these hostages home, whether it is right or wrong, morally we know it is something that we must do, let us negotiate for them all. Let us not just get one, two, three, or four, as I hear we are negotiating for. Let us get all the hostages out. Once and for all, put into place a policy without any hostages being held that will not deal with terrorists and then go in and start to attack the terrorists on their own level. A dose of their own medicine for a change, after our hostages would be out, might, in fact, prevent more hostages from being taken.

□ 1210

KEY ELEMENTS OF MEANINGFUL PRODUCT LIABILITY LEGISLATION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, tomorrow I will be introducing product liability legislation.

In my judgment, meaningful product liability reform legislation should contain at least the following four key elements:

Liability should only be imposed when manufacturers are at fault and responsible for a harm.

The rule of joint and several liability makes one person responsible for the damage caused by others. It is unfair and should be limited.

Clear and stringent standards and procedures for the award of punitive damages should be established.

Double recoveries should be eliminated.

In addition, a Federal statute should include noncontroversial provisions including product sellers liability, statute of repose, workers' compensation subrogation, and an alcohol and drug abuse defense.

Mr. Speaker, the legislation that Mr. LUKEN of Ohio, and I will be introducing is endorsed by:

The National Association of Manufacturers.

U.S. Chamber of Commerce.

The Product Liability Alliance.

The Coalition for Uniform Product Liability.

The American Tort Reform Association.

The Business Roundtable.

AUTHORIZING APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday on February 20, 1987.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

The SPEAKER. Pursuant to the order of the House of today, the Chair, after consultation with the minority leader, appoints the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday to be held on February 20, 1987:

Mr. COELHO of California; and

Mr. PARRIS of Virginia.

ELECTION AS MEMBERS OF JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. GAYDOS. Mr. Speaker, I offer a privileged resolution (H. Res. 76) electing members of the Joint Committee on Printing and members of the Joint Committee of Congress on the Library, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 76

Resolved, That the following named Members be, and they are hereby, elected to the following joint committees of Congress to serve with the chairman of the Committee on House Administration:

Joint Committee on Printing: Mr. Gaydos of Pennsylvania, Mr. Panetta of California, Mr. Badham of California, and Mr. Roberts of Kansas.

Joint Committee of Congress on the Library: Ms. Oakar of Ohio, Mr. Jones of Tennessee, Mr. Gingrich of Georgia, and Mr. Roberts of Kansas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ATLANTA PICKED AS SITE OF 1988 DEMOCRATIC CONVENTION

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, it's official now—the 1988 Democratic National Convention will be held in Atlanta. I would like to take this opportunity to welcome, in advance, all members of the Democratic Party to our State's capital city.

Certainly, the convention will provide an economic boost for our city and State. But, more importantly, the selection of Atlanta for this convention is proof that the South once again is in the mainstream of American political life. The leadership of the Democratic Party has recognized that winning the South is the key to victory in 1988.

All of us from Georgia are proud that our capital city has been chosen to host this convention. I look forward to seeing all my fellow Democrats in Atlanta in 1988.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. SMITH of Florida) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 9, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

At 4:20 p.m. on Monday, February 9, 1987 and

(1) Said to contain a message from the President whereby he transmits the fifth annual report on Alaska's mineral resources; and

(2) Said to contain a message from the President whereby he transmits the 1986 United States Arms Control and Disarmament Agency Annual Report.

With great respect, I am,

Sincerely yours,
DONNALD K. ANDERSON, CLERK,
House of Representatives.

ANNUAL REPORT TO CONGRESS OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SMITH of Florida) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

This 1986 United States Arms Control and Disarmament Agency Annual Report reviews all the Government's 1986 arms control activities as well as ACDA's role in them. This relatively small agency plays a key role in the evolution and implementation of arms control policies that contribute importantly to our Nation's security. I know that you share my enthusiasm for ACDA, which celebrated its twenty-fifth anniversary in 1986.

You will find in the pages of the report detailed material on the three rounds of Nuclear and Space Talks and on the talks that General Secretary Gorbachev and I had in Reykjavik, October 11-12. Details on progress made at the Conference on Disarmament, the Conference on Security and Cooperation in Europe, and the Mutual and Balanced Force Reduction talks are also included. Our efforts to control the proliferation of nuclear weapons are discussed and the many details of arms control research are highlighted. This report, as well as previous ACDA reports, contains a great deal of useful and informative historical material.

I am pleased to forward the report to the Congress.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1987.*

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

In accordance with section 1011 of the Alaska National Interest Lands Conservation Act (P.L. 96-487; 16 U.S.C. 3151), I transmit herewith the fifth annual report on Alaska's mineral resources.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1987.*

THE PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. MCKINNEY] is recognized for 5 minutes.

Mr. MCKINNEY. Mr. Speaker, the plight of the mentally ill homeless population continues to be a political football and it is time for legislators—Federal, State, and local—to stop throwing the issue into the wind. Public Law 99-319, the Protection and Advocacy for Mentally Ill Individuals Act as passed by Congress last year makes a valiant attempt to deal with the problems of the mentally ill, but the law could be still stronger and more precise.

Twenty-five years ago, the concept of deinstitutionalization became a reality. While this move helped some, many chronically ill patients became the victims of this half-implemented policy. Because of the long overdue attention finally being given to the homeless situation, studies and reports have been and are continuing to be compiled. Tragically, these reports indicate that anywhere from one-third to one-half of the homeless are mentally ill patients who have been released by State institutions to communities which are unable to provide adequate care. Without the development of proper community care and related services, deinstitutionalization, for far too many, has provided only a colder and hungrier life in an asylum without walls—the streets of our cities.

The Conference of Mayors' most recent report stated that mental illness and lack of services for the mentally ill are the largest contributing factors to homelessness in over half of the cities surveyed. San Juan officials indicated there are no adequate mental health facilities in the city. Officials in Charleston reported there is a lack of transitional housing for mentally ill persons in the community. "Lack of suitable living arrangements and services for persons released from mental institutions" is considered a major cause of the problem in Nashville. San Francisco officials noted that "mental health treatment moneys have never followed the patient released from the State hospitals." Officials in Seattle reported that "the State's mental health system has forced many chronically ill people into communities where they have a difficult time adjusting to an increasingly competitive job market and stable living conditions." Trenton officials summed up the situation: "In most cases the lack of comprehensive support systems for the mentally disabled living in the community has created a new and vulnerable subclass in many urban neighborhoods."

Mr. Speaker, the present system of deinstitutionalization has helped to exacerbate the homelessness problem. It is time to change this system for the sake of the many homeless people relegated to a life on the street without hope and direction.

The 99th Congress passed the Protection and Advocacy for Mentally Ill Individuals Act, Public Law 99-319, which establishes protection and advocacy systems to prevent the abuse and neglect of mentally ill individuals. The act aims to prevent the reckless "dumping" of mental patients out of institutions onto the streets of America, and I welcome its enactment. The measure failed, however, to contain a crucial amendment, language that I added which won House approval but was later removed during conference.

I am introducing this amendment today as legislation because I believe the change it makes is vital to the amelioration of our mental health care system. Simply, my bill seeks to alter the "least restrictive setting" definition currently governing Federal health care guidelines, to "optimum therapeutic setting." The least restrictive setting principle is vague, at best. "Least restrictive" is a term that assumes a valid and reliable measure associated with it. Mr. Speaker, I maintain that there is no universal measure of restrictiveness that is adequate for all chronically mentally ill individuals.

Most unfortunately, restrictive was interpreted to pertain merely to physical setting. But that is not necessarily the most appropriate criterion of restrictiveness for everyone. For some people, the use of psychoactive drugs may be less restrictive than physical freedom, while for others the reverse may be true. I have worked for years with mental health advocates to establish the term "optimum therapeutic setting" when determining the most appropriate treatment or discharge plan for each individual patient. Patients' individual needs must be the primary consideration in determining how someone should be treated.

My bill better determines which actions constitute the best health care provisions by clarifying once and for all that the "optimum therapeutic setting" allows a patient's clinical and individual needs to determine the best rehabilitative environment. Without the language in my bill, our Federal mental health care system, even after the passage of Public Law 99-319, will be guided with the "least restrictive setting" principle allowing the growing number of mentally ill individuals on our Nation's streets to continue.

Mr. Speaker, I urge my fellow Members to join me in addressing the problem of homelessness in our land.

AN UPDATED REPORT ON CHILDREN IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HAWKINS] is recognized for 60 minutes.

Mr. HAWKINS. Mr. Speaker, on November 7, 1986, I released a "Report on Children in America: A Strategy for the 100th Congress." The report sets legislative goals for translating into practical realities the rights of children and their families to quality education, economic self-sufficiency, a healthy body, and a safe and livable environment.

Almost 14 million children live in poverty today. One in every six white children, two out of every five Hispanic children and one in every two black children are trapped, by mere chance of birth, into a life of continued struggle for survival. The primary way to address the needs of children and families is for the Federal Government to lead the Nation's business efforts in developing a sustained productive and profitable national economy. But there are many other things that can and should be done.

The report makes key recommendations for a comprehensive and coordinated approach to the problems which affect America's children, and establishes a strong Federal role in responding to these national challenges. These challenges must be addressed in a comprehensive and targeted manner.

However, the primary way to address the needs of children and their families is for the Federal Government to lead the Nation's public and private business efforts in developing a sustained productive and profitable national economy. An annual economic growth rate of at least 4 to 4.5 percent would minimally be necessary to guarantee a robust economy and jobs for all who are able and willing to work. Self-sufficient workers contribute to productivity, instead of being dependent on the Government to provide for their needs; and such workers tend to keep families together.

This is a tall order. It requires that we look into the eyes of our children and glimpse the dreams they wish to make true. This requires that we look under the weak eyelids of little Tommy, for example, born to poor Appalachian parents. Tommy some day wants to become the county attorney in a poverty-ridden town in Kentucky. But that dream can only be realized if this Congress has the guts to withstand rhetorical tactics and reauthorize and expand the chapter I program.

Chapter I is the Federal Government's most comprehensive commitment to educate disadvantaged children. Chapter I is one of the most successful efforts this Government funds in education. A report mandated by Congress in 1983, shows that the educational achievement of chapter I students has improved significantly since the program was intitiated in 1965. Chapter I students continue to experience larger gains in their standardized test scores than comparable students not enrolled in the program. Yet the program reaches only about 40 percent of those who need it.

So, thousands of innocent children like little Tommy in Kentucky will have their dreams destroyed due to inadequate educational instruction if the program is not expanded. To sustain America's competitiveness among industrialized nations will require that we also consider the dream of Danielle, a spunky little girl who dreams one day of entering college or becoming a mezzo-soprano as great as Leontyne Price or Marian Anderson. But Danielle, born into a female-headed household similar to those in many of our urban centers, or any other inner-city child dreaming of becoming an engineer, mathematician, or chemist will lose their dreams to neglect unless this body can stand tall.

This 100th Congress must not wallow in the rhetorical debates, or philosophical divisions that stall action. This body must courageously stand and support a program like the Effective Schools Program that would encourage schools to institute improvement programs that require strong administrative leadership; an orderly and safe school atmosphere; high expectation for student academic achievement; strong emphasis on the acquisition of basic academic skills; and regular evaluations of student progress. The establishment of this program would ensure that a school's program and organizational structure is of the quality that will make a positive difference in a child's educational achievement, regardless of background or family economic circumstances.

This body must remember that children are the poorest and most neglected segment of our population. They are the largest single group living in poverty in this country. More than 30 percent of our preschoolers are not fully immunized against preventable childhood diseases. Half of those eligible and at risk are not provided the necessary food and nutrition supplements of the WIC Program. Half of these eligible and in need are not allowed the educational benefits of the compensatory education of chapter I. Eighty percent of those eligible and in need are denied the opportunities that Head Start so clearly provides.

These facts are evidence of what reality is for many of our children. If we allow these statistics to become bleaker, we must hold ourselves accountable for destroying the dreams of our children and America's future.

In closing, we must remember that children are the country's future workers and taxpayers, its future leaders, artists, teachers, and scientists. As the poet Kahlil Gibran so aptly put it in his thoughts on children:

> You may give them your love but not your thoughts,
> For they have their own thoughts,
> You may house their bodies but not their souls,
> For their souls dwell in the house of tomorrow, which you cannot visit, not even in your dreams.
> You may strive to be like them, but seek not to make them like you,
> For life goes not backward nor tarries with yesterday,
> You are the bows from which your children as living arrows are sent forth.

It is our task as responsible legislators to ensure that the Federal Government uses every resource available to maintain a strong and efficient bow from which our children as living arrows are sent forth.

Mr. Speaker, I yield to the gentleman from Montana [Mr. WILLIAMS] to enable the gentleman to make his contribution to this subject.

Mr. WILLIAMS. I thank the gentleman from California for yielding to me.

Mr. Speaker, I rise today with my chairman to speak in favor of increasing the minimum wage.

Congress last dealt with the subject in 1977, when it legislated a series of four increases. The last of these took effect 5 years ago on January 1, 1981, when the rate went to $3.35 per hour. After adjusting for inflation, the wage has declined by 26 percent since January 1981 and is now at its lowest real level since 1955. A person working full time year round at $3.35 per hour will make $6,968. That is a fifth below the poverty threshold for a family of three and a more than a third below the standard for a family of four. The current poverty threshold for a family of three is $8,741, requiring full time year-round work at a wage of $4.20 per hour. The gap between what the Government says people need and what it says they must be paid must be closed.

According to a study by the National Council on Employment Policy—

> By any measure, the minimum wage now provides less protection than it has in many years. The statutory hourly wage rate rose in real terms until 1968, then stabilized in the 1970's, and has fallen sharply since 1979. The real wage is now 20 percent less than it averaged in the 1970s and is a third less than it was at its peak in 1968 * * *. Due to the failure to raise the minimum wage since 1981, its level has slipped below 40 percent (to 38.6% in January 1986) of the average hourly wage for the first time since 1949.

The working poor have been heavy losers in the legislation of the last 5 years. Low wage households were hurt by the budget cuts of 1981 which made it harder for poor people who work to qualify for aid to families with dependent children and through AFDC for Medicare. At the same time, these households were not helped by the big tax cuts of that year. The income and social security taxes for the working poor both went up.

I introduced a bill in the 99th Congress that provided for gradual increases in the minimum wage until it reached 50 percent of the average hourly wage. Once that rate is attained, it would be increased in succeeding years by the percent increase in the average hourly earnings. I intend to introduce a similar bill in this Congress.

I would like the following article to be included in the RECORD:

THE FALL OF THE MINIMUM WAGE

(By Sar A. Levitan and Isaac Shapiro)*

After six years of inaction, the minimum wage now provides less support than it has since 1955. In 1985, 1.9 million salaried and 5.5 million hourly workers earned the minimum wage. Two million workers labored full-time year-round but they and their dependents lived in poverty. Only 30 percent of minimum wage workers were teenagers. According to the latest available statistics, nearly 3 of every 10 minimum wage workers are heads of households. The earnings of many minimum wage workers make vital contributions to their families' standard of living.

A SINKING FLOOR

The minimum wage has remained at $3.35 an hour since January 1981. Because the minimum wage is not indexed, it has been raised in fits and starts since its establishment in 1938, with Congress passing legislation to lift the wage on six occasions, sometimes providing, as it did in 1977, for a series of increases. The minimum wage generally rose in real terms until 1968, stabilized in the 1970s, before falling sharply in the 1980s.

The minimum wage, when adjusted for inflationary effects, is now over 20 percent less than it averaged in the 1970s and a third less than its peak in 1968. Prices have increased 27 percent since Congress last raised the minimum wage.

The traditional target of many minimum wage advocates has been a standard equal to half the average wage for nonsupervisory private workers. This goal reflects the belief that the minimum wage should keep pace with the standard of living of the average worker. In the 1960s the minimum wage averaged just above this target and in the 1970s it averaged 4.2 percentage points below this target, but its level has now dropped to 38 percent of the average hourly rate in private industry.

Minimum wage income is only enough to raise a worker living alone above the poverty threshold. A full-time year-round minimum wage worker earns $6,968 in a year—$1,800 less than the 1986 poverty threshold of $8,741 for a family of three and $4,200 less than the poverty threshold of $11,209 for a family of four. In contrast, throughout most of the 1960s and the 1970s, the minimum wage was sufficient to bring a family of three out of poverty.

EFFECTS

The minimum wage is a statement by society that work conditions below a given standard are unacceptable. The standard applies to low wage labor markets where unions are absent, where workers lack skills and political clout, and where employers are unlikely to adopt beneficient labor practices.

Many individuals and families benefit from the higher wages that result from the mandated minimum. Four-fifths of all minimum wage workers are not poor but a majority of poor workers have earnings clustered around the minimum wage. The wage floor helps some escape poverty and lessen its impact for others. It encourages individuals to work rather than rely on welfare. For minimum wage earners who are not poor, the income is often essential. A teenager can save more money for schooling or a multiearner family may earn enough money to purchase more than the bare necessities.

Statutory increases in the minimum wage do result in some job losses, although the extent of employment dislocation is often overstated. The task for Congress is to strike the right balance and provide a wage high enough to provide meaningful income support without pricing a significant number of workers out of the labor market.

RECOMMENDATIONS

Through a gradual series of increases, Congress should raise the minimum wage until it is equal to half the value of the average hourly pay for nonsupervisory workers in private industry. In order to prevent future deterioration in the standard, the minimum wage should thereupon be indexed at this level of support. If the minimum wage were already indexed at this level, its value in January 1987 would have been $4.42 per hour.

APPENDIX.—THE VALUE OF THE MINIMUM WAGE

	Current dollars	1986 dollars	Percent of average wage [1]	Percent of poverty line [2]	
				Family of 3	Family of 4
Year:					
1950	$0.75	$3.42	56.0	81.3	63.5
1951	.75	3.17	51.7	75.3	58.9
1952	.75	3.10	49.3	73.7	57.6
1953	.75	3.07	46.6	73.2	57.2
1954	.75	3.06	45.5	72.8	56.9
1955	.75	3.07	43.9	73.1	57.1
1956	1.00	4.03	55.6	96.0	75.0
1957	1.00	3.90	52.9	92.7	72.4
1958	1.00	3.79	51.3	90.2	70.5
1959	1.00	3.76	49.5	89.5	70.0
1960	1.00	3.70	47.8	88.2	68.8
1961	1.15	4.21	53.7	100.4	78.3
1962	1.15	4.17	51.8	99.2	77.4
1963	1.25	4.48	54.8	105.1	83.1
1964	1.25	4.42	53.0	107.7	82.0
1965	1.25	4.34	50.8	103.4	80.7
1966	1.25	4.22	48.8	100.0	78.4
1967	1.40	4.60	52.2	109.4	85.4
1968	1.60	5.04	56.1	120.0	93.7
1969	1.60	4.79	52.6	113.8	88.9
1970	1.60	4.52	49.5	107.4	83.9
1971	1.60	4.33	46.4	103.1	80.4
1972	1.60	4.19	43.2	99.7	77.8
1973	1.60	3.95	40.6	93.8	73.3
1974	2.00	4.45	47.2	105.7	82.6
1975	2.10	4.28	46.4	101.7	79.4
1976	2.30	4.43	47.3	105.4	82.3
1977	2.30	4.16	43.8	99.0	77.3
1978	2.65	4.45	46.6	106.0	82.7
1979	2.90	4.38	47.1	104.3	81.4
1980	3.10	4.12	46.5	98.2	76.6
1981	3.35	4.04	46.2	96.1	75.0
1982	3.35	3.81	43.6	90.6	70.7
1983	3.35	3.69	41.8	87.8	68.5
1984	3.35	3.54	40.3	84.2	65.7
1985	3.35	3.41	39.1	81.3	63.4
1986	3.35	3.35	38.3	79.8	62.2
Average:					
1950's	.85	3.44	50.2	81.8	63.9
1960's	1.29	4.40	52.2	104.6	81.7
1970's	2.07	4.31	45.8	102.6	80.1
1980's	3.31	3.71	42.3	88.3	69.9

[1] "Percent of average wage" is the minimum wage as a percent of the average hourly earnings of production or nonsupervisory workers on private nonagricultural payrolls; 1986 figure is an estimate.

[2] "Percent of poverty line" is annual minimum wage earnings (52 weeks times 40 hours times minimum wage) as a percent of the poverty threshold.

Source: Center calculations based on Labor Department and Census Bureau data.

□ 1230

Mr. HAWKINS. Mr. Speaker, I yield 7 minutes to the distinguished ranking minority member of the Committee on Education and Labor, the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, I want to commend Chairman HAWKINS for his efforts in putting this special order on children in America together. Helen Keller once said, "It is not possible for civilization to flow backwards while there is youth in the world." The challenge before us is that of providing all our children the opportunity to become productive citizens.

The relationship between the family, home, and the workplace has a profound effect on the lives of our children. In 1955, 60 percent of the households in the United States consisted of a working father, a housewife mother, and two or more school-age children. In 1980, that family unit was only 11 percent and in 1985 it was 7 percent. An astonishing change.

More than 50 percent of women are in the work force, with the percentage increasing. According to the census, 59 percent of the children born in this country in 1983 will live with only one parent before reaching the age of 18. The United States has the highest adolescent birth rate of any industrialized nation. Each year, half a million children are born to children under the age of 17. In fact, every day 40 teenage girls give birth to their third child. Being the third child of a child certainly puts one's future very much "at risk."

As we are well aware, the statistics about children and poverty are staggering. One child in four is born into poverty. Single-parent, female-headed households living in poverty in this country have increased dramatically, from 2.4 to 3.4 million between 1975 and 1985. Nearly 40 percent of all such households live in poverty in 1986. Of households with children under 6 years old, 2.8 million were headed by women and 1.7 million of these families were poor. Being supportive of a child's development under these circumstances is difficult at best. To permit large numbers of citizens to grow up uneducated, ill-housed and underfed not only limits future productivity, but undermines the integrity of our strength as a nation.

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*Sar A. Levitan is director of and Isacc Shapiro is a research associate at George Washington University's Center for Social Policy Studies.

Public policy debates regarding the welfare and future of our children cannot ignore the interrelationship of the family structure, our system of education and training and the workplace environment. The education and training individuals receive influence and often determine the type of job they can hold. Their jobs in turn contribute heavily to the standard of living enjoyed by their families. Public policy changes made to revamp or retool the workplace will also have a major impact on the home. The stakes in this debate are particularly high for children.

One program that has been part of the public policy debate in this area over the past 20 years is the Work Incentive Program [WIN]. It was established in 1967 with the purpose of providing skill assessments, job training, and employment placement to help AFDC recipients become self-supporting. Unfortunately, the program has not achieved its potential. It has however, managed to weather criticism and serious efforts to eliminate its funding.

Recently though, new support has surfaced for the WIN Program. This support is due to the great strides made in recent years under the WIN demonstration program authority. As part of the provisions of the 1981 Omnibus Budget Reconciliation Act, States could for the first time, as part of their regular programs, require AFDC recipients to work in public or nonprofit agencies in return for their welfare benefits. In addition, greater flexibility was given to the WIN Program to fund on-the-job training programs by diverting recipients' welfare grants into wage subsidies for private employers.

The intent of these innovative programs has been to provide the means by which welfare recipients can be moved into gainful employment. With the flexibility permitted under WIN demonstration programs, States have begun to offer a mix of services ranging from basic skills education to sophisticated training, as well as more traditional community work experience and what is now known as "workfare" in which clients undertake public service for a period of time in exchange for their grants.

The most discussed of these programs is the Massachusetts ET-Choices Program, which has placed more than 30,000 welfare recipients and applicants in unsubsidized jobs. The program is expected to save Massachusetts taxpayers $107 million in reduced welfare benefits and increased tax revenues this year. Since its inception, the ET Program has helped to reduce the welfare caseload by 4 percent.

My own State of Vermont has initiated a similar program called UP REACH which is designed to consolidate at the State level many existing employment and training programs, including WIN. Registration for the program is required of all AFDC recipients who do not have federally defined exemptions; it is voluntary for all other recipients. Training, education, career planning, support services, and job seeking opportunities are provided to program participants. There is close interaction with potential employers so that meaningful jobs are available for program participants upon completion.

It is reasonable to expect that able-bodied individuals seek employment, and that Federal policy should encourage individuals to choose a life of self-sufficiency. For many, inadequate education and lack of training and work experience constitute major barriers to obtaining productive employment. The opportunity to obtain education, training, and work experiences under WIN should be strengthened. We also cannot ignore the issue of child care—its availability, affordability and quality.

Unless we address in a comprehensive manner the education, training, and support needs of this significant segment of our population, the long-term results could jeopardize our productivity, competitiveness, and standing as a world leader. Not only do we lose the contribution of the adults already dependent on government subsidy, but we increase the chances that their children will be at even greater risk of continuing this dependency. As a nation we cannot afford this loss.

Again, I commend the chairman, the gentleman from California [Mr. HAWKINS], on arranging for this special order. Issues that affect the children of this country are crucial to us all. Investing in our children, is investing in our future.

Mr. GOODLING. Mr. Speaker, I am pleased to join my distinguished chairman, the gentleman from California [Mr. HAWKINS] in discussing programs within the jurisdiction of the Committee on Education and Labor which are designed to address some of the very special needs of our children.

Let me begin by commending Chairman HAWKINS for undertaking the compilation of a comprehensive and informative two-volume report entitled "The Chairman's Report on Children in America: A Strategy for the 100th Congress." Volume I sets forth a strategy for this Congress to consider as it acts upon legislative initiatives that will have a major impact on the lives of our children and their families. Volume II, in turn, provides a wealth of information on a host of federally assisted programs which seek to provide necessary services for our children. Included are descriptions of programs which address the need for quality education, opportunities for self-sufficiency, the right to a safe and livable environment, and services that will ensure healthy minds and bodies.

I shall focus my comments and observations on our network of child nutrition programs—programs which, in my judgment, play a key role in ensuring that our Nation's children: First, do have healthy minds and bodies; and second, are better able to obtain a quality education.

What is the current status of our child nutrition programs?

As the vice chairman of the Subcommittee on Elementary, Secondary, and Vocational Education, which has jurisdiction over our child nutrition programs, I believe that we have in place a strong national network of quality programs in which we can all take pride. The past, present, and future success of our child nutrition programs is dependent on a strong Federal, State, and local public and private sector partnership willing to invest the necessary resources to meet the nutritional needs of our Nation's youngsters when they are in away-from-home settings.

At the heart of this network is the oldest and largest of our child nutrition programs—the National School Lunch Program. Today, the National School Lunch Program provides nutritionally balanced meals to approximately 24 million school age children or 92 percent of all schoolchildren. Federal support is provided to participating school districts in a mix of cash and commodity support. What level of support the Federal Government provides is in an inverse relationship to the economic status of the child's family. The highest levels of Federal support go to meeting the costs of providing meals to our neediest youngsters. This is as it should be!

Two important companion programs deserve mention. The first is our School Breakfast Program which is designed to ensure that all youngsters begin their school day with the nutrients necessary to benefit fully from the day's educational experience. Thanks to congressional action during the last Congress, I am pleased to note that modest increases in both cash and commodity assitance will now be available to improve the overall quality of the Breakfast Program meal patterns.

While our School Lunch and Breakfast Programs play a vital part in meeting nutritional needs during the regular school year, the Summer Feeding Program complements that initiative by providing nutritious meals to our neediest youngsters during the summer months.

One of our fastest growing child nutrition activities is the Child Care Food Program which essentially provides meal services appropriate to youngsters enrolled in day care centers or family day care homes. As more two wage-earner families and growing numbers of single heads of households join our labor force, the Child Care Food Progam will assume an ever-increasing role in meeting the nutritional well-being of our younger children.

No overview of the status of our child nutrition programs would be complete without the mention of the Special Supplemental Food Program for Women, Infants, and Children—

more popularly referred to as the WIC Program. WIC is an early health intervention program that seeks to provide individually tailored food packages to low-income pregnant women, new mothers, infants and children up to age 5 who are determined to be at nutritional risk. Medical services and nutrition education round out the WIC Program benefits. WIC Program benefits cost an average of $30 per month. In return, studies clearly demonstrate that WIC does make a difference in increasing the birth weights of infants of low-income women who are at nutritional risk and the probability that these infants will survive and enjoy a normal and healthy childhood.

What is the challenge facing the 100th Congress in the area of child nutrition?

First, we must see to it that the legislative changes enacted during the 99th Congress are fully and quickly implemented.

Second, we must continue to take a long, and hard look at all phases of child nutrition program policies and operations. We cannot "rest on our laurels," so to speak. Rather, we must strive to maximally utilize what will be, of necessity, limited resources to the end that we meet our commitment to providing for the nutritional well-being and improved educational opportunities afforded to all of our children.

What is at stake has been eloquently stated in the current offering of letters for Women, Infants, and Children in the USA being conducted by Bread for the World.

> Children are our future: *all* of them. While adequate diets will not compensate for the great differences in access to opportunity between those who have and those who do not, it is a start. Food can enable some children to survive and many others to make better use of educational and economic opportunities. Food is preventative medicine, providing protection from disease. Food assistance can limit the stress placed on parents without enough money to provide their children with the basic necessities of life * * * it represents what is best in America—a dedication to our children and our future and an attempt to nip the poverty cycle in the bud.

Mr. HAWKINS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to congratulate the distinguished chairman of the Committee on Education and Labor. I did not realize what the subject matter of the distinguished chairman was going to be, and I do have another point later on that I will make on another issue.

Mr. Speaker, I just want to say that as he is the father of the legislation that deals with full employment for every American, this is certainly in the same kind of line, and I congratulate not only him but the gentleman from Vermont, the gentleman from Montana, and others.

It is true that one of the areas that we are so concerned about is the ability for people to really provide economic security for themselves and others, and I guess that I feel a special responsibility to say a few words about where women are in the work force. When you think of the fact that we have 11 million women who are heads of their own households, 26 million women who are part of a two-earner-couple situation, so many of them are the most undervalued and underpaid people in the country. For them, working on the minimum wage, trying to raise their children or indeed keep themselves economically secure is almost impossible. So there is no question that we are very belated in reconciling the problems of what the wage standard is in this country.

In addition, I was heartened to hear the gentleman from Vermont say something about the support services that are needed to keep the American people employed. Job training—I have so many people, not only in my own district but in the areas of our region who are unemployed, men who through no fault of their own gave their life's blood to their factories and areas of employment for many years, and all of a sudden find themselves unemployed and undertrained. We ought to reward them at the minimum by giving them the opportunity to be trained properly.

I was heartened to hear the gentleman from Vermont talk about day care. If we are ever going to have anything related to welfare reform, we cannot expect people who are on welfare, particularly women who are heads of the household, to take that so-called minimum-wage job that may be readily available for them, and expect them not to have health care and not to have day-care services. They are as concerned about their children and the supports that they have as anyone else.

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It is a catch-22 situation for people who are on welfare because what woman would give up her health insurance or her children and not provide for her children while she is away. It does not make sense not to expect her to need those kinds of congregate services.

So I just think it is very heartening to see a bipartisan approach to what are very, very, cyclical problems. I simply want to say to the distinguished gentleman from California [Mr. HAWKINS], the author of the Humphrey-Hawkins bill, that I kind of was raised with that mentality and I am very proud of the gentleman and the other members of his committee.

Mr. HAWKINS. I thank the gentlewoman.

Mr. KILDEE. I am pleased to participate in this special order. There can be no higher priority for the Nation than the care and education of our children. I commend my chairman, Mr. HAWKINS, for his efforts today and every day to recognize and address the needs of children.

One of the Federal Government's biggest success stories in its service to children is the Head Start Program.

I know most of my colleagues are familiar with Head Start.

It was originally designed as an 8-week summer project under the Economic Opportunity Act. It has proved to be one of the most popular, effective, and enduring of the 1960's antipoverty programs.

Today, Head Start continues to provide comprehensive services to address the health, nutrition, social, and educational needs of some of the Nation's poorest children and their families. At least 90 percent of the children Head Start serves must be from low-income families. The program also has a mandate to address the special needs of handicapped, migrant, and Indian preschoolers.

Over 9½ million children and their families have enjoyed the benefits of Head Start since the program's inception.

Head Start gives disadvantaged children a better chance as they enter school. Children who have participated in Head Start and other preschool programs are less likely to require special or remedial education and are more likely to be in the correct grade level for their age. A follow-up of 820 Head Start children showed gains in school performance lasting as long as 13 years.

The program also helps parents become more actively involved in their children's education and development. Four out of five Head Start parents offer volunteer services, and one-third of all Head Start staff are parents of current and former students.

Head Start has helped to focus the attention of the Nation on the importance of early childhood development. It has served as a model for many other public, private, State, and local preschool programs and child-care services.

Research has proved that quality preschool programs are a very wise investment, not only in terms of developmental gains for children but also in savings to taxpayers.

The High/Scope Foundation's Perry Preschool Study found that the total economic benefits of 1 year of preschool outweigh the costs by 7 to 1. Preschool graduates have higher rates of high school graduation and employment and lower rates of arrest and teen pregnancy than their nonpreschool peers.

I would like to share with you an example of the kind of positive changes Head Start can effect in the lives of families:

Mrs. Frankie King, a Head Start parent from Auburn, AL, testified at my subcommittee's oversight hearing during the 99th Congress.

When her children began participating in Head Start nearly 20 years ago, Mrs. King had not finished high school. She now not only has her GED, but a college diploma, too. She also has moved up the Head Start employment ladder from volunteer to parent involvement coordinator.

Three of Mrs. King's six children participated in Head Start. All six have finished college.

Her youngest son—a former Head Starter—graduated with honors from the University of Florida, got a scholarship to the Sorbonne to study French, and at the time of our hearing, was serving as a volunteer teacher with the Peace Corps in Morocco.

So beyond the educational skills and the social skills and the health screening, Head Start builds confidence.

Nothing hurts a child's self-esteem more than continued failure. Head Start gives a child a chance to succeed not only intellectually but also emotionally.

If a child is helped to understand his or her dignity, that child is more likely to respect the dignity and worth of others—and all society is made safer.

For many children, Head Start is the first step in their journey toward this understanding and toward self-respect.

We have to put more children on that path.

Head Start is currently serving only 16 percent of eligible children. Over 2½ million more remain in need.

Last September the Congress overwhelmingly approved legislation which I introduced to reauthorize Head Start through fiscal year 1990. I would urge my colleagues to continue their strong support for Head Start.

It is the responsibility of the Government to promote, protect, defend, and enhance human dignity.

Programs such as Head Start provide an excellent opportuntiy for Government to respond to real needs and get positive results.

Helping children and families to find stability and fulfillment in this rapidly changing society is certainly promoting, protecting, defending, and enhancing human dignity.

Mr. HAYES of Illinois. Mr. Speaker, first I want to commend our colleague, the chairman of the House Education and Labor Committee, Representative GUS HAWKINS, for reserving this time to allow us to discuss strategies for Federal action to address the needs of our Nation's children and their families.

Chairman HAWKINS' report entitled "Children in America: A Strategy for the 100th Congress," is one that each Member of this body should become familiar with. As his report states:

> A strong Federal role is recommended because the Federal Government has the power to redistribute National resources and promote the general welfare of all citizens.

As the Representative from the First Congressional District of Illinois, I am all too aware of the fact that this institution must once again reestablish a leadership role in addressing the needs of American citizens, especially our children.

Unfortunately, due to what I consider misguided financial priorities of our current administration, that commitment has been put on the back burner while military spending has received the lions' share of hard working Americans' tax dollars. As one who sees, on a daily basis, the lack of this commitment, I have proposed in my legislative initiatives to recapture that spirit and put people ahead of weapons.

This past weekend I traveled to Atlanta, GA, and had the honor of addressing a conference held at the Atlanta University School of Education entitled, "Lost Generation: Georgia's Dropouts." Admittedly, graduation rates have increased over the last 45 years. For that we should be proud. But before we stick out our chests, let us consider the fact that dropout rates during that time have not conversely decreased. As a matter of fact, in some areas of the nation, dropout rates have actually increased.

Of the 4 million children who enter the ninth grade every year, upwards of between 700,000 and 1 million of them either do not graduate on time, or never graduate at all. Hundreds of thousands of young people who are fast becoming part of what I fear will be the permanent underclass of American society. For a nation that prides itself on educational excellence, this statistic is one that should be unacceptable to each and every Member in this body.

Our children who drop out not only do a disservice to themselves and their families, they also do a disservice to society as well. If we in this body fail to invest in dropout prevention, every citizen in this country will have to pay an even greater cost in future unemployment benefits, lost taxes, and lost productivity.

To give you a clearer understanding of the magnitude of this cost let me cite a UCLA study conducted by James Catterall. Mr. Catterall estimates a $200,000 loss per dropout and a $200 billion loss for each school class across the country. This cost not only includes welfare and unemployment costs, it factors in health care costs, lost tax revenues, lost productivity costs, and, last but not least, crime prevention costs. Clearly, it is not only more cost effective and in our Nation's best interest to spend more today on addressing and preventing this problem, it is our moral responsibility as well.

For these reasons I have introduced the School Dropout Demonstration Assistance Act and the Quality of Life Action Act. As Chairman HAWKINS' report so dramatically notes, if everyone able and willing to work had a job, the need for billion-dollar programs that the general public supports would be greatly reduced. Enactment of my measures, or similar ones outlined in the chairman's report, would provide the comprehensive and coordinated approach needed to translate into practical realities the rights of children and their families to lead productive lives.

As his report notes, upwards of 13 million children in this Nation live in poverty. I ask you, What can be the quality of their lives when they live in poverty? What is the priority in their homes—attending a royal wedding or having shoes to wear to school. There can be no excuse when we have upwards of 8 million citizens out of work with no job prospects in sight. And yes, there is no excuse when we in this Congress do not go on the offensive in the fight to promote the general welfare of all our citizens.

Mr. Speaker, Chairman HAWKINS has presented a blueprint for action. I challenge each and every Member of Congress to read it, study it, and by all means support it through their actions. Together, we can win the fight and put the human race before the arms race.

If we are truly a nation second to none, if we are serious about our technological superiority, if our Nation is really serious about its national defense, than I believe there is no more valuable resource, no stronger defense then providing for the well-being of our Nation's children.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

LET US REACTIVATE THE MADISON AMENDMENT ON CONGRESSIONAL PAY RAISES

(Mr. MOODY asked and was given permission to address the House for 1 minute.)

Mr. MOODY. Mr. Speaker, today I and the gentleman from Wisconsin [Mr. PETRI] are introducing a sense-of-Congress resolution which urges States to reactivate and ratify the so-called Madison amendment to the Constitution. This amendment would require that congressional rates on pay raises be purely prospective. That is, Members of Congress and other affected employees would receive pay raises only after an intervening election.

This change would remove Members from the very unfortunate position of being in a direct conflict of interest when they vote on raises. The Member would be voting on salary for the position, not necessarily for himself. It would also give the voters the choice of whether they wanted the Member, in fact, to serve in the future at that salary. It would help to objectify the whole congressional salary-setting process.

Hopefully, this will reduce the great temptation to make congressional salary votes, or worse, nonvotes, into a political football and a media circus. Hopefully, it would reduce the recently witnessed spate of political pandering and institutional bashing over congressional pay. It denigrated one of the most sacred and fundamental institutions of the U.S. Government, the House of Representatives.

This proposed amendment has impeccable historical credentials. Nearly 200 years ago, James Madison offered this prospective congressional pay amendment in the very first Congress in this country. In fact, signaling its special political importance, it was contained in the very first package of 12 proposed constitutional amendments. The first 10 were, of course, passed, and are, of course, known as the Bill of Rights.

Eight of the original 13 States, two-thirds but not three-quarters, ratified this amendment, but the momentum somehow slowed.

But the time has come, I believe, for renewed interest. In the last 4 years, 10 more States have ratified the Madison amendment so that the total is now 18, leaving 20 more States needed to reach the necessary three-quarters.

As someone who strongly supports the periodic congressional pay raises, I believe the hyperbole and hot rhetoric on both sides of the pay raise issue can be eliminated through the adoption of this amendment.

On one hand, Congress will be accountable for its actions; no tricks, no gimmicks. At the same time, this amendment allows for a calm, rational consideration of the issue on its merits rather than the political grandstanding that the current system invites.

Thirty-one States, including my own State and the State of the gentleman from Wisconsin [Mr. PETRI] prohibit State legislators from voting to raise their own salaries in the same legislative session. This prospective pay raise voting has proven itself successfully in these 31 States. I hope this approach will be part of the federal system as well.

THE THRIFT FORBEARANCE AND SUPERVISORY REFORM ACT

(Ms. OAKAR asked and was given permission to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, today I am going to join with the distinguished gentleman from Texas [Mr. BARTLETT] and the distinguished gentleman from Georgia [Mr. BARNARD] in cosponsoring a bill introduced by the gentleman from Texas [Mr. BARTLETT] that would require regulators to give some of the ailing thrifts a little bit of time to work out some of their difficulties.

Mr. Speaker, forbearance is something that we ought to really consider when we consider any aid for FSLIC. One of the problems that we have had in the past in my own State of Ohio is that when you have well-managed institutions in troubled areas, very often they get caught up with the problem of difficulties, and they are penalized rather than rewarded with a view of forbearance for having managed their institution in a responsible manner.

I do not think this provision is especially a farfetched notion. As a matter of fact, banks have this provision. Why should S&L's and smaller institutions not have it also?

So, as a means of having a bipartisan approach to some of the difficulties some of our institutions are experiencing, and as a point of departure for discussion and debate in the Committee on Banking, Finance and Urban Affairs, I am very, very pleased to join with my friend from Texas [Mr. BARTLETT] and indeed my friend from Georgia [Mr. BARNARD] in sponsoring the bill.

THRIFT FORBEARANCE AND SUPERVISORY REFORM ACT

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARTLETT. Mr. Speaker, I am joining with cosponsors DOUG BARNARD, BILL McCOLLUM, and MARY ROSE OAKAR today introducing legislation to assist in improving the condition of the savings and loan industry in this country—to the ultimate benefit of the many S&L depositors, homeowners, potential homeowners, and others who rely on these financial institutions.

Economic problems in the energy and real estate industries in several States, including Texas, have created difficulties for a number of financial institutions. The purpose of this legislation is to provide a more rational, sensible, regulatory approach to the problem. It would allow greater regulatory forbearance for problem institutions to work their way out of difficulty.

In several States, some institutions are being caught in a general and deep economic decline. As we consider legislation recapitalizing the FSLIC, we also need to make reforms to allow institutions which can to work their way out of their difficulties. We need to take a long-term approach, in lieu of wholesale closings of some S&L's or continued immediate writedowns of net worth which further deteriorate problem institutions.

The bill includes a number of provisions including allowing thrifts to amortize loan losses and use GAAP accounting for problem loans [Generally Accepted Accounting Principles standards]. It would also make improvements in the supervisory process.

I am introducing this bill today as a starting point, seeking comments and suggestions for improvement. Both regulators and the industry have helped in developing this initial draft, and it will be refined further as comments are received. A final version of the bill will be offered as an additional title to H.R. 27, the FSLIC recapitalization bill, when the subcommittee marks it up.

This proposal will not result in saving those institutions that have engaged in fraudulent practices, resulting in deep insolvency. Rather, it is aimed at addressing some of the fundamental problems in the industry.

Without some basic reforms in the system, the 1987 FSLIC recapitalization could quickly be spent and the FSLIC will soon be back seeking another recapitalization, and we won't have solved the problem.

Following is a summary of the bill:

THE THRIFT FORBEARANCE AND SUPERVISORY REFORMS ACT

I. FORBEARANCE AND AMORTIZATION OF LOAN LOSSES

A. *Allow thrifts to amortize loan losses.* Where the prevailing economic conditions have so depressed a region's real estate values that a loan restructuring would not suffice, allow an approved thrift to amortize loan losses over a 5 to 10 year period. This would let thrifts record losses incrementally rather than writing them off against net worth at the time that they are recognized. A similar approach is being used in the Farm Credit System.

B. *Allow thrifts to use GAAP accounting for problem loans.* Regulatory Accounting Practices (RAP) give the regulators the authority to require a thrift to obtain a "current market" appraisal on a property, and then they must adjust the loan value to the new appraisal. In a depressed economy, where market values are a fraction of what they were several years ago, RAP accounting has resulted in severe write-downs of the net worths of thrift institutions. This devaluation occurs even though the underlying collateral is income-producing and debt service may be being maintained.

The use of Generally Accepted Accounting Principles (GAAP) allows a loan receivable to be carried at the lesser of cost or 1) Net Realizable Value (discounted value based on cash flow), or 2) a carrying value in accordance with a FASB 15 debt restructuring where the original obligor has remained in place. The resulting effect on the net worth of each institution is far less severe.

C. *Allow thrifts to use FASB 15.* Current regulatory practices do not encourage institutions to restructure problem loans and account for the restructuring with the use of Financial Accounting Standards Board Rule 15 (FASB 15), an accounting method consistent with GAAP. With thrift real estate portfolios suffering in many states, the use of FASB 15 would allow an S&L to avoid loan recognition where economic conditions require that borrowers restructure or work out their loans.

D. *Allow thrifts to create general reserve accounts that are not charged against net worth.* GAAP should also be used for purposes of establishing reserves for loan losses. In some situations commercial banks are allowed to add to their reserves because of a problem loan and that addition is not reflected in the regulatory capital requirements. Thrifts should be able to use GAAP and establish their reserves in a similar manner.

II. IMPROVEMENT IN THE SUPERVISORY PROCESS

A. *Provide greater flexibility in the supervisory process.*

Allow examiners to take into account other sources of credit of borrower.

Waive approval requirement for renegotiated loans where a supervisory agreement exists.

Instruct the Federal Home Loan Bank Board (FHLBB) to establish regulations determining when reappraisal is needed on foreclosure.

B. *Create an appeals process for supervisory agent decisions.*

Each Federal Home Loan Bank (FHLB) President shall appoint an arbiter that could hear appealed decisions and make recommendations to the President. Proposal:

Each FHLB President shall appoint arbiter.

Thrifts could appeal a decision by a supervisory agent to the arbiter.

All fees incurred shall be paid by the thrift.

The arbiter makes recommendation to the FHLB President.

The FHLB President's decision is final.

C. *Increase autonomy of the Federal Savings and Loan Insurance Corporation (FSLIC).* The FSLIC is in essence an insurance agency deriving all of its revenues from fees from thrifts, none from taxpayers. This section creates the autonomy to act without interference by other agencies and allows the FSLIC the ability to hire professionals capable of handling the economic complexities of the thrift industry. This proposal would eliminate FSLIC from:

Fiscal, budget, and appropriations requirements;

The apportionment of funds requirement;

Civil service; and

Budget reduction laws.

This section is patterned after legislation introduced in the 99th Congress by Rep. Thomas Carper of Delaware and Rep. Stan Lundine of New York, H.R. 4917, The Depository Institution Examination Improvement Act.

D. *Authorize the Bank Board to study the creation of asset acquisition corporations to warehouse real estate assets.*

The AAC could only be established with explicit language disclaiming federal guarantees of credit.

III. INCREASE COLLATERAL REQUIREMENTS FOR DEVELOPMENT LOANS

A. *Change the Federal 100% Loan-to-value regulation.* Section 545.32(d) allows a loan to be made equal to 100% of the appraised market value of the collateral. The change would require that a loan be limited to the lesser of the appraised value or cost. A waiver process would be provided where a borrower has held the collateral property for a substantial period of time.

In addition, the sponsors of the legislation are working with the Federal Home Loan Bank Board to develop specific legislative language to reform the appraisal process, such as allowing the FHLBB to create a special Appraisal Review Board to avoid undervaluation.

I continue to seek suggestions as we address the problems in the savings and loan industry, a critical issue for the financial security of the entire country.

PREVENTING WORKPLACE CANCERS IS THE GOAL OF H.R. 162

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, on January 6, I introduced H.R. 162, the High Risk Occupational Disease Notification and Prevention Act of 1987. This bill is very similar to one I introduced during the 99th Congress, H.R. 1309, but it is a vastly improved measure.

The bill I have introduced in the 100th Congress is the result of a great deal of discussion and debate both within the committee and subcommittee process and outside the process in meetings between me, my staff, and persons, groups, and organizations involved with the health and well-being of all Americans, including American workers.

The Subcommittee on Health and Safety, which I chair, conducted some six hearings on the bill in the 99th Congress and I fully intend to conduct at least two or three hearings in this Congress so that the product we bring to the floor represents a proposal that will do the job it is intended to do.

Yet, for all of the improvements made in this legislation, its goal is the same. It still establishes a program aimed at preventing the deaths and disablements of hundreds of thousands of American workers from cancers and other diseases caused by exposures to toxic and hazardous substances in the workplace.

We have been told by the agencies that should know, that as many as 100,000 American workers die each year from workplace caused cancers and others diseases.

We have been told by those same agencies that as many as 400,000 workers are added to the list of newly disabled every year by many of those same diseases.

H.R. 162 seeks to prevent those deaths and disablements by eliminating the causes of those diseases. The bill establishes a program for identifying specific worker populations at high risk of death and disability because of the jobs they do and the toxic substances to which they are exposed.

It has been contended that this bill will require that anyone with even just a passing exposure to a specific substance would be notified. That is not so. I believe we have the expertise and technological ability to isolate the worker populations at greatest risk and to notify only those workers.

This bill calls for individually notifying workers within the identified groups, telling them or their risk, and encouraging them to participate in a health surveillance and counseling program. I want to make it very clear at this time that it is up to the worker to enter or not enter the monitoring and counseling program.

It is contended that we do not have the capability to notify the persons who are identified. Perhaps those who argue that point aren't reading the same literature that I am. We already know that notification can be done. It has been done—and successfully.

The American Cancer Society, the American Lung Association, and a wide variety of other health organizations are endorsing this bill, noting that it is a major step toward the prevention and elimination of work-related diseases. These health organizations understand that the best way to attack the problem of disease is through prevention because treatment is too costly and, unfortunately, sometimes unsuccessful.

H.R. 162 is a cost-effective measure.

The Social Security Administration notes that the average disabled worker receives a monthly payment of $481.95 from the OASDI [old-age, survivors, and disability insurance] Program—$5,783.40 per year—and that disabled workers in the program number 2.7 million, resulting in an annual outlay of better than $15 billion for all disabled workers.

Thus, even if we conservatively estimate that only 10 percent of the total number of disabled workers are disabled because of occupational diseases, the cost is still $1.5 billion, I repeat, $1.5 billion per year.

But that's not all. A recent study showed that 82 percent of all Medicare enrollees under age 65 are disabled workers and that these disabled workers account for $6.7 billion in Medicare outlays each year. Of this, $1.1 billion is directly related to occupational disease.

These figures—$1.5 billion for disabled workers under OASDI and $1.1 billion in Medicare funds—do not even include dollars for surviving widows, and children.

In contrast to this already estimated $2.6 billion a year, H.R. 162 has an authorization of just $25 million a year for each of the first 2 years, a modest investment to say the least given the overwhelming costs to business and government already being laid out.

There is another factor that makes H.R. 162 cost effective. A worker who enters the health-monitoring program and who develops the specific disease for which he or she has been notified, is likely to have that disease determined at its earliest stages, when costs of treatment are much less and chances of successful treatment are considerably higher.

Last year, Dr. Arnold Muller, Pennsylvania's Secretary of Health, noted in an article that it cost an average of $35,000 to treat an advanced case of cervical cancer. By comparison, early detection of the disease reduces the treatment cost to an average of $500 and dramatically increases the chances of successful treatment.

That is the goal of H.R. 162. It is aimed at enabling us to detect those fatal and debilitating workplace diseases early when treatment is more likely to succeed and the cost of doing such treatment is considerably less.

The long-term benefit will be the eventual prevention and/or elimination of those diseases through the development and use of new engineering techniques and system that will reduce exposures from toxic and hazardous substances to the safest possible levels or through the use of alternative substances that are either nontoxic or substantially less toxic or through the development of better health standards from OSHA and other agencies or through the development of better personal protective equipment for workers.

I am attaching a copy of H.R. 162 to be printed so that copies will be available more easily and more quickly.

To those persons who contend that we are rushing headlong into an uncharted area, let me just say that those arguments have been used time and time again, whenever improvements or new developments were presented. Those arguments just don't hold up in the face of time. We have seen how rapidly we can adjust to the new and the different.

Let me close with a recent quotation from a totally different source than we in the area of health and safety are used to. Many of us are familiar with the Dallas Cowboys professional football team and Tex Schramm, the team's president. It should also be noted that Schramm is a member of the National Football League's Competition Committee who strongly pushed for the replay program that received so much attention during the recently completed football season.

In response to critics who wanted the program dropped, last September, Schramm said; "you don't ever not do something because it is difficult to accomplish. You just have to get people trained. We're in a new era. I just think we're going through a lot of growing pains."

To those who say that it is premature to enter into the kind of notification program proposed of H.R. 162, I use Mr. Schramm's words—you don't ever not do something because it is difficult to accomplish.

Too many American men and women are dying because of diseases caused by their exposures to toxic and hazardous workplace substances. Too many American men and women are becoming disabled, either unable to work or forced to perform lesser duties, as the result of diseases caused by the same and other toxic substances to which there are exposures in the workplace. The cost to America is too great to allow the situation to continue.

Yes, it may be difficult to develop the program we are proposing in this bill, but that doesn't mean we should just drop it. What it does mean is that we will have to work harder and more diligently to insure that it works properly.

You don't ever not do something because it is difficult to accomplish.

H.R. 162

Be it enacted by the Senate and House of representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Risk Occupational Disease Notification and Prevention Act of 1987".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) many toxic and hazardous substances, physical agents, materials, and processes are in wide industrial and commercial use in the United States;

(2) a significant number of workers suffer disability or death or both from occupational diseases caused by hazardous occupational exposures;

(3) diseases caused by hazardous occupational exposures constitute a substantial burden on interstate commerce and have an adverse effect on the public welfare;

(4) workers have a basic and fundamental right to know they have been and are being exposed to an occupational hazard and are at risk of contracting an occupational disease;

(5) social and family services that reinforce health promoting behavior can reduce the risk of contracting an occupational disease;

(6) there is a period of time between exposure and the onset of disease when it often is possible to intervene medically in the biological process of disease either to prevent or, by early detection, successfully treat many disease conditions;

(7) a significant number of identifiable occupational populations are at risk of developing diseases because of hazardous occupational exposures;

(8) by means of established epidemiological, clinical, and laboratory studies, it is possible to define and identify very specific worker populations at risk of contracting occupational diseases;

(9) there is no established national program for identifying, notifying, counseling, and medically monitoring worker populations at risk of occupational disease;

(10) there is a lack of adequately trained medical and human service professionals, as well as appropriately staffed and equipped health facilities to recognize, diagnose, and prevent occupational diseases;

(11) there is a need for increased research to identify and monitor worker populations at risk of occupational disease; and

(12) through prevention and early detection of occupational disease the staggering costs of medical treatment and care in the United States can be substantially reduced.

(b) PURPOSES.—It is the purpose of this Act—

(1) to establish a Federal program to notify individual employees within populations at risk of occupationally induced disease that they are at risk because of a hazardous occupational exposure, and to counsel them appropriately;

(2) to authorize and direct the certification of occupational and environmental health facilities which have a primary purpose of educating, training, and advising physicians, health professionals, and social service professionals in local communities throughout the United States to recognize, diagnose, and treat occupational disease;

(3) to expand Federal research efforts to improve means of identifying and monitoring worker populations at risk of occupational disease; and

(4) to establish a set of protections prohibiting discrimination against employees on the basis of identification and notification of occupational disease risk.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "employee" means—

(A) any individual employed by an employer, or

(B) any individual formerly employed by an employer as to whom any Federal agency maintains records pertaining to work history, or the employer maintains personnel records, medical records, or exposure records;

(2) the term "employer" means any person engaged in commerce or in an industry or business affecting commerce, or any agency of Federal, State, or local government;

(3) the term "Secretary" means Secretary of Health and Human Services;

(4) the term "population at risk" means an employee population exposed to hazardous occupational exposures within which an associated disease occurs at a rate 30 percent greater than a comparable population not exposed to the hazardous occupational exposure;

(5) the term "hazardous occupational exposure" means—

(A) any harmful chemical, physical, or biological agent found in the workplace;

(B) any industrial or commercial process or activity found in the workplace which is associated with the risk of disease;

(C) a history of hazardous exposure for sufficient duration and of sufficient intensity, or both, as to be associated with a risk of occupational disease; or

(D) Any occupational activity which is associated with the risk of disease;

(6) the term "medical monitoring" means periodic medical examinations of employees who are in a population at risk of occupational disease;

(7) the term "ethical manner" means conduct that recognizes the voluntary nature of the patient-physician relationship and the confidentiality of information communicated in that relationship; and

(8) the term "Board" means that Risk Assessment Board established by section 4 of this Act.

SEC. 4. RISK ASSESSMENT BOARD.

(a) ESTABLISHMENT.—(1) There is hereby established with the Department of Health and Human Services the Risk Assessment Board. The Board shall consist of 8 members appointed by the Secretary in accordance with paragraph (2) and the Assistant Secretary of Health, who shall serve as chairman.

(2) Of the 8 members appointed by the Secretary—

(A) 5 shall be career or commissioned public health service employees, including an epidemiologist, a toxicologist, an industrial hygienist, a physician, and an occupational health nurse; and

(B) 3 shall be physicians, including an academic physician specializing in occupational medicine, an occupational physician, and a general practitioner.

(3) The members of the Board appointed under paragraph (2)(A) shall be appointed for terms of 5 years, except that—

(A) the term of members initially so appointed shall expire (as designated by the Secretary at the time of their appointment) at the end of 1, 2, 3, 4, and 5 years, respectively; and

(B) any member appointed to fill a vacancy in the Board that occurs prior to the expiration of a term shall be appointed to serve for the remainder of that term.

(4) The members of the Board appointed under paragraph (2)(B) shall be appointed for terms of one year.

(5) The Secretary shall provide a full-time staff necessary to carry out the functions of the Board.

(b) FUNCTIONS.—(1) The Board shall—

(A) review current medical and other scientific studies and reports concerning the incidence of disease associated with employment;

(B) identify and designate from this review employee populations at risk of disease associated with hazardous occupational exposures that should be notified pursuant to this Act, including the size, nature, and composition of the population at risk; and

(C) develop a form and method of notification that shall be used by employers, the Secretary, and agents of the Secretary described in section 5(g), to notify the designated population at risk.

(2) In identifying the populations at risk of disease, the Board shall consider the fol-

lowing factors based upon the best available scientific evidence:

(A) the agents, materials, or processes, or combinations thereof, that may be toxic based upon epidemiologic and clinical observations of human populations, or animal and laboratory studies;

(B) estimates of increased risk of death and disease in specific sites, systems, or organs of the body in exposed human populations;

(C) estimates of increased risk of death or disease in exposed human populations related to industrial classifications, job categories, durations, and intensities of exposure; and

(D) other medical, health, and epidemiological principles, including consistency of association, specificity of association, strength of association, dose-response relationships, biological plausability, temporal relationships, statistical significance, the extent and seriousness of risk, and the consequence of notifying or failing to notify a population at risk.

(3) The Board shall determine criteria for designating populations at risk in those cases of rare disease for which the definition in section 3(4) may not be applicable because the disease in question is extremely rare in the general population.

(c) PRIORITIES.—The Board shall undertake, as its first priority, to review employee populations exposed to hazardous occupational exposures whose members are most likely to be helped, either through medical intervention or through counseling on personal health habits. In making this determination, the Board shall consider exposures for which there exists a permanent standard promulgated under section 6(b)(5) of the Occupational Safety and Health Act of 1970 and also shall consider the extent of medical monitoring and surveillance already available to employee populations covered by the permanent standards.

(d) PROCEDURES.—The Board shall initiate a proceeding to identify a population at risk by issuing a notice of its proposed findings and recommendations.

(2) The Notice shall—

(A) be published in the Federal Register;

(B) set forth which classes or categories of employees are being considered for inclusion in a population at risk and the reasons for such inclusion;

(C) request the public to submit written views on the proposed findings and recommendations within 45 days; and

(D) provide for a hearing within 30 days after the conclusion of such 45-day period, at which the public may express views on the Board's proposed findings and recommendations.

(2) The Board shall issue final findings and recommendations within 45 days following the hearing, based on the record developed pursuant to paragraph (2) of this subsection.

(4) If the Board determines that a class or category of employee is a population at risk of disease, it shall make such a finding and, within ten days of making such a finding, transmit to the Secretary a recommendation that the individuals within such a population at risk be notified under section 5 of this Act.

SEC. 5. EMPLOYEE NOTIFICATION AND COUNSELING.

(a) DETERMINATIONS OF THE SECRETARY.—(1) The Secretary shall determine whether a class or category of employees is a population at risk of disease based upon the findings and recommendations made by the Board under section 4 of this Act. The Secretary shall review the findings and recommendations without further notice and without public comment.

(2) The Secretary shall adopt the findings and recommendations of the Board unless the Secretary concludes that—

(A) procedural requirements set forth in section 4(d) are not met, or

(B) to do so will endanger the health and safety of a class or category of employees.

(b) NOTIFICATION OF POPULATION AT RISK.—(1) Upon determination by the Secretary that a given class or category of employee is a population at risk of occupational disease, the Secretary shall make every effort to notify each individual within such population, and their respective employers, of that risk.

(2) In addition, the Secretary shall make simultaneous use of public service announcements and other means of notification appropriate to reach the population at risk.

(3) The Secretary shall establish procedures for notifying persons who have been subjects of epidemiological studies demonstrating findings of increased risk of occupational disease conducted by an agency within the Department of Health and Human Services and shall require such notification procedures to be included in all future epidemiological studies by such an agency.

(c) CONTENTS OF NOTIFICATION.—The Secretary's notification shall include—

(1) an identification of the hazardous occupational exposure, including the name, composition, and properties of known chemical agents;

(2) the disease or diseases associated with the hazardous occupational exposure;

(3) any known latency periods from time of exposure to time of clinical manifestation of the disease;

(4) counseling appropriate to the nature of the risk including, but not limited to—

(A) the advisability of initiating a personal medical monitoring program;

(B) the most appropriate type of medical monitoring for the disease associated with the risk;

(C) the name and address of the nearest health center certified under this Act;

(D) the prohibitions against discrimination for notified employees as established under section 8 of the Act;

(E) employer responsibilities with respect to health care for notified employees, as established under section 8 of this Act; and

(F) the telephone number of the hot line established under subsection (d) of this section.

(d) TELEPHONE INFORMATION.—The Secretary shall establish a telephone "hot line" for the employees notified under this section and for their personal physicians for the purpose of providing additional medical and scientific information concerning the nature of the risk and its associated disease.

(e) DISSEMINATION OF INFORMATION.—The Secretary shall prepare and distribute other medical and health promotion materials and information on any risk subject to notification under this section and its associated disease as the Secretary deems appropriate.

(f) ACCESS TO INFORMATION.—In carrying out the notification responsibilities under this section, the Secretary shall, subject to the requirements of section 552a of title 5, United States Code, and other applicable provisions of Federal law, have access to information and data contained in the records—

(1) of any Federal agency solely for the purpose of obtaining names, addresses, and work histories of employees subject to notification under this section; and

(2) of any employer insofar as Federal access is provided for under the Occupational Safety and Health Act of 1970 and the Mine Safety and Health Act of 1977 and regulations promulgated pursuant thereto.

(g) COOPERATION WITH PRIVATE EMPLOYERS AND STATE AND LOCAL GOVERNMENTS.—(1) In carrying out the notification responsibilities under this section, the Secretary shall cooperate to the extent practicable with private employers and State and local departments of health and may certify a private employer or a State or local government to conduct notification under this section, pursuant to standards issued by the Secretary. Such standards shall prohibit access by any such employer or government to information and data contained in records described in subsection (f) of this section.

(2) Private employers and State and local departments of health certified by the Secretary to conduct notifications pursuant to subsection (g)(1) of this Act shall assume the costs associated with such notification.

(3) A private employer who has been found to willfully violate a recordkeeping, notification, or hazards communication requirement as promulgated under the Occupational Safety and Health Act of 1970 or the Mine Safety and Health Act of 1977 may not be certified by the Secretary to fulfill the notifications pursuant to subsection (g)(1) for a period of five years after the date of such filing or may have its certification revoked for a period of five years after such finding.

(h) LIABILITY.—The Secretary and agents of the Secretary, including any employer or government acting pursuant to subsection (g) of this section, shall not be liable under Federal or State law for monetary damages with respect to any omission or act performed pursuant to this section.

(i) JUDICIAL REVIEW.—(1) Any person adversely affected or aggrieved by a determination of the Secretary under this Act that a given class or category of employees is a population at risk is entitled to judicial review of that determination in the appropriate United States Court of Appeals upon a petition filed insuch court by such person. Any petition filed pursuant to this section shall be filed within 30 days after such determination by the Secretary.

(2) A copy of any petition filed under paragraph (1) shall be promptly transmitted to the Secretary by the clerk of the court. The Secretary shall file in the court, as provided in section 2112 of title 28, United States Code, the record of the proceedings on which the determination is based, including the findings and recommendations of the Board and the record of its proceedings.

(3) The court may set aside the determination of the Secretary under subsection (a) of this section only if the determination is found to be—

(A) arbitrary, capricious, or an abuse of discretion;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations; or

(D) without observance of procedure required by law.

(4) The commencement of proceedings under this subsection shall not operate as a stay of the determination of the Secretary to notify employees unless the court specifically orders a stay based upon a determina-

tion by the court that the complaining party is highly likely to succeed on the merits.

SEC. 6. HEALTH CENTERS.

(a) SELECTION OF EXISTING FACILITIES.—(1) Within 90 days after the effective date of this Act, the Secretary shall establish and certify 10 health centers. The Secretary shall select the 10 health centers from among education resource centers of the National Institute for Occupational Safety and Health and similar facilities of the National Institute for Environmental Health Sciences, the National Cancer Institute, and other private and governmental organizations that apply for such designation by the Secretary and shall consider regional distribution in making such selection. At a later date, but not more than five years after the effective date of this Act, the Secretary shall establish and certify additional health centers from among the health care facilities described in this paragraph so as to obtain no less than one center per State throughout the United States.

(2) Such centers and personnel assigned to them—

(A) shall be selected on the basis of (i) their demonstrated ability and experience in the recognition, diagnosis, and treatment of occupationally related diseases in an ethical manner, and (ii) their capability to offer training and assistance to physicians and social service professionals engaged in the management of populations and individuals at risk of occupational disease, and to fulfill other functions assigned to them under this section, and

(B) shall be certified as such under criteria issued by the Secretary.

(b) FUNCTIONS OF CENTERS.—The centers shall provide education, training, and technical assistance to personal physicians and social service professionals who serve employees notified under section 5 of this Act. The centers also shall be capable of providing research resources, diagnosis, treatment, medical monitoring, and family services for employees notified under section 5 of this Act.

(c) COST OF TRAINING AND EQUIPMENT.—The Secretary shall, from funds appropriated under this Act, reimburse the health centers certified under this section for the cost of developing a training program and procuring specialized equipment required under the certification criteria developed pursuant to subsection (a) of this section.

SEC. 7. RESEARCH, TRAINING AND EDUCATION.

(a) IMPROVED METHODS OF MONITORING AND IDENTIFICATION.—The Secretary shall, from amounts remaining from appropriations under section 10 that are not required to carry out other sections of this Act, make grants to certified health centers, universities, and other institutions and organizations that meet criteria established by the Secretary to conduct research, training, and education aimed at improving the means of medically assisting employees exposed to occupational health hazards and the means of identifying worker populations exposed to such hazards. Such research, training, and education shall include, but not be limited to, the following areas:

(1) studying the etiology and development of occupationally related diseases and the disabilities resulting from such diseases;

(2) developing means of medical surveillance of employees exposed to occupational health hazards;

(3) examining the medical treatment of workers exposed to occupational health hazards, and means of medical intervention to prevent the deterioration of the health and functional capabilities of employees disabled by occupational disease;

(4) studying and developing medical treatment and allied social services for employees exposed to occupational health hazards;

(5) developing education programs designed to train physicians and social services professionals to assist employees and their families in undertaking measures which ameliorate the effects of those diseases; and

(6) sponsoring epidemiological, clinical, and laboratory research to identify and define additional employee populations at risk of disease from hazardous occupational exposures.

(b) AUTHORITY TO EMPLOY EXPORTS AND CONSULTANTS.—In carrying out activities under this section, the Secretary is authorized to engage the services of experts and consultants as deemed necessary.

SEC. 8. EMPLOYEE TESTING, EVALUATION, MEDICAL MONITORING, AND DISCRIMINATION.

(a) CERTIFICATION OF PROGRAM AVAILABILITY.—An employer who receives a notification under section 5(b) that one or more of its current employees is in a population at risk shall certify to the Secretary that the testing, evaluation, and medical monitoring requested by such employees as a result of the hazard occupational exposure identified in such notification—

(1) will be provided or made available by such employer at no cost to the employee, if any part of such exposure occurred in the course of the employee's employment by that employer; or

(2) will be provided or made available by such employer at a charge to the employee not exceeding the cost to the employer (or at no charge), if no part of such exposure occurred in the course of the employee's employment by the employer.

(b) DISCRIMINATION PROHIBITED.—No employer or other person shall discharge or in any manner discriminate against any employee on the basis that the employee is or has been a member of a population that has been determined by the Secretary to be a population at risk of disease and shall not discriminate against such an employee by refusing to provide for testing, evaluation, and medical monitoring at cost.

(c) BENEFIT REDUCTION PROHIBITED.—If, following a determination by the Secretary under this Act, it is medically determined by the employee's personal medical representative in consultation with the employer and his medical representative, that such employee should be temporarily or permanently transferred to a less hazardous or nonexposed job, the employee shall retain the earnings, seniority, and other employment benefits as though the employee had not been transferred from the former job. In the event of a disagreement between the employee's personal medical representative and the medical representative of the employer, an independent medical consultant shall be retained at the employer's expense to make a final determination with respect to the necessity for such a temporary or permanent transfer.

(d) REVIEW OF COMPLAINTS.—(1) Any employee who is aggrieved by a violation of this section, may, within six months after such violation occurs, apply to the Secretary of Labor for a review of such alleged violation. Upon receipt of such application, the Secretary of Labor shall cause an investigation to be made as he deems appropriate. If upon such investigation the Secretary of Labor determines that the provisions of this section have been violated, he shall bring an action in any appropriate United States district court. In any such action, the United States district courts shall have jurisdiction for cause shown to restrain violations of this section and order all appropriate relief under subsection (e) or (f) of this section.

(2) Within 90 days of the receipt of the application filed under this subsection, the Secretary of Labor shall notify the complainant of this determination under paragraph (2) of this subsection. If the Secretary of Labor finds that there was no such violation, he shall issue an order denying the application.

(e) REINSTATEMENT AND OTHER RELIEF.—Any employee who is subjected to a violation of this section shall be restored to his or her employment and shall be compensated for—

(1) any lost wages (including fringe benefits and seniority);

(2) costs associated with medical monitoring; and

(3) costs associated with bringing the allegation of violation.

(f) CIVIL PENALTIES.—Any person or institution that violates this section shall be liable for a civil penalty of not less than $1,000 or more than $10,000 for each violation as may be determined by the Secretary of Labor.

SEC. 9. ENFORCEMENT AUTHORITY.

(a) INJUNCTIVE RELIEF.—Whenever the Secretary determines that any person or institution is engaged or is about to be engaged in an act or practice constituting a violation of this Act or any rule or regulation promulgated under this Act, the Secretary may bring an action in the proper United States district court to enjoin such acts or practices, and upon a proper showing an injunction or permanent or temporary restraining order shall be granted without bond. The provisions of section 5(h) shall not limit the authority of the Secretary under this subsection.

(b) EFFECT ON OTHER LAWS.—The notification of an employee pursuant to this Act that such employee is in a population at risk and the initiation of medical evaluation and monitoring shall not constitute or in any way affect a claim for compensation, loss, or damage arising out of the hazardous occupational exposure, except that the results of such medical evaluation and monitoring may be introduced as evidence with respect to such a claim. Notification pursuant to this Act shall not commence the tolling of any statute of limitations with respect to filing a timely claim.

SEC. 10. AUTHORIZATIONS.

There are authorized to be appropriated $25,000,000 for each of the fiscal years 1988 and 1989 to carry out the provisions of this Act.

SEC. 11. EFFECTIVE DATE.

Except as may be otherwise provided therein, the provisions of this Act shall become effective six months after the date of enactment of this Act.

□ 1300

Mr. Speaker, I yield to my colleague from Vermont.

Mr. JEFFORDS. Mr. Speaker, I want to commend the gentleman for his statement. As the gentleman knows, I agree with him that there is a need out there which we must mold legislation to meet. Although we have had and do have some disagreements on exactly how to do it, I certainly agree with him there is a need which must be met.

Mr. Speaker, I have committed myself to working with the gentleman to try to see if we can come out with a bill or at least have a bill on the House floor which will meet not only the concerns that he has expressed, but some of the concerns of those who disagree somewhat with the bill which he has introduced. But I do commend him for taking this special order and bringing to the attention of the Members the severe needs we have in this area.

Mr. GAYDOS. Mr. Speaker, I want to commend my colleague, Mr. JEFFORDS, who has worked long and hard. As he mentioned, we do not agree on many things. I do commend him.

Mr. Speaker, my most fervent desire would be that he would be a cosponsor of this legislation. We are in the process now of discussing this with the gentleman and his staff as he well knows. We have been looking into some of the provisions and hopefully there is an area of compromise. I hope that can be reached. It would be absolutely enjoyable to come on the floor in a bipartisan manner and bring this bill before our colleagues and fight it to its proper consequence, which is passage. I hope that can occur.

If it does not, I am sure my colleague will be, in good conscience, taking a position that might be contrary, but in good conscience and justified by the facts. I have that much respect for him; I have had it over the years. I have worked with him on the committee.

To that extent, I have no fear of the reservations that he would come to some frivolous argument. It would be sincere, one based on the facts.

Mr. Speaker, I want to congratulate the gentleman.

I thank the gentleman.

Mr. JEFFORDS. I thank the gentleman. My dream is the same as his, Mr. Speaker, and we have just to find out where those dreams will mesh.

Mr. GAYDOS. Mr. Speaker, I yield back the balance of my time.

LITHUANIA: A REMINDER

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, February 16 this year is the official national holiday honoring our outstanding Presidents, Washington and Lincoln. But that date has special meaning for another nation, Lithuania.

It was on this date in 1918 that the small Baltic Republic declared its independence after almost a century and a half of domination by the Russian Empire. That independence lasted only two decades before they were invaded by the Soviet Union, and, according to the Soviets, became a Soviet Socialist Republic.

The people of the country have never accepted their captivity. Americans of Lithuanian descent have spent the past 40 years reminding us that their nation was captured by force of arms and not integrated by free choice. The people of the Republic of Lithuania have suffered for their independence and their religious convictions now for almost a half a century.

The United States has refused to recognize the Soviet takeover of Lithuania. That is small solace for the people who live under the boot of tyranny. We should remember Lithuania when we deal with the Soviets in Central America and in arms negotiations. They do not have the same values that we do and we dare not let others fall like Lithuania or succumb to them.

A COMPETITIVENESS SURCHARGE TO FINANCE TRADE PROGRAMS

The SPEAKER pro tempore (Mr. MONTGOMERY). Under a previous order of the House, the gentleman from Vermont [Mr. JEFFORDS] is recognized for 10 minutes.

Mr. JEFFORDS. Mr. Speaker, a week ago I took this floor to bring to the attention of the Members, our severe need in the area of competitiveness in world trade. This afternoon I would like to again concentrate on that subject.

First, I would like to outline very briefly the problems that we are facing and what has happened to this Nation with respect to our ability to trade on the world scence.

I would like to then go into the problems that we have and explore how we can regain our competitive edge so that we can not only improve our standard of living but also be able to ensure that future generations can do so.

In addition, I would like to focus attention on the fact that it is not only important that we improve our competitiveness and regain the edge we once had, but also that we create the sales force. In the past, people depended upon us for our innovative productivity and we didn't have to worry about promoting sales. But other countries have matched that productivity, and we need to create a sales force which would be able to get out and compete for sales in the world markets.

First, let me go a little bit into what has happened in this country in the area of losing our trade.

America's trade deficit has been growing with alarming speed. Between 1960 and 1984, the U.S. share in total world exports declined from 21 to 12.6 percent. Between 1980 and 1985, the trade gap widened by 311 percent. Exports fell by 3 percent, but imports increased by 41 percent. The United States, once the largest creditor nation in the world, is fast becoming the world's biggest debtor. Expressed in dollar terms, the trade deficit topped $170 billion in 1986—exceeding the 1985 record by more than 15 percent. In more human terms, it has meant a traumatic disruption in the lives of thousands of American workers in industries that declined because they were unable to compete in foreign markets with foreign made goods in this country. And it has threatened the security of pension benefits expected by people who spent their working lives in industries, which, through no fault of the workers, couldn't compete with imports.

These industries have been going out of business and defaulting on their pension programs.

In contrast to what happened in the United States, look at what happened in Japan. Five years after World War II, Japan's gross national product was only about 6 percent of that of the United States. By 1982, on a per capita basis, Japan's GNP was 75 percent of ours, and increasing at twice the rate of that of the United States. Japan's resurgence did not result from the exploitation of natural resources; it must import almost all of its oil, its steel, and much of its food. Japan's principal resources are human resources, and many attribute Japan's remarkable comeback from the devastation of the war to the nurturing of these human resources by an educational system that seems as if it had been specially tailored to enhance the country's power in the world marketplace.

Japan long ago realized that its economic future lay in the world of technology. It took steps to assure that it had a population sufficiently well versed in science and mathematics to assure an adequate supply of research scientists and engineers to satisfy the recognized need for continuing scientific discovery and innovation.

□ 1310

America has that same need. Our heavy industries may never regain their once preeminent status. Many of their low-skilled workers will never get their jobs back. To a large degree, our economic future and our ability to sustain and improve our standard of living, lie in computers, robotics, biogenetics, and other highly technical fields that will require workers trained in mathematics and science, and other areas.

With respect to the sales force, as I have mentioned, we have, over the years, been the country to which people came to buy goods. We did not have competitors on the world scene for most of our goods. That has changed.

Americans are largely indifferent to the study of foreign languages, leaving our sales force totally unable to compete on the world markets.

In 1981-82, only 100 persons received bachelor's degrees with majors in Japanese. Only 68 persons received bachelor's degrees with majors in Chinese, potentially the world's largest market.

Sixty-one percent of our business schools do not offer any international courses. Despite Japan's dramatic emergence as a leader in world trade, there has been no significant increase in the numbers of Americans speaking Japanese. During the period from 1973 to 1983, when the Japanese challenge mushroomed, the number of American students studying Japanese grew only from 9,500 to 11,500. If American exports are to grow in that market, businessmen must be able to communicate with foreign trade partners. Companies must become more adept at understanding and satisfying the needs and tastes of foreign consumers. This will mean that more businessmen will need to learn foreign languages and understand other cultures. A UNESCO study, however, ranks Americans as next to last in sensitivity to foreign cultures.

Those are the needs that we face. There are many programs which are in existence or which have been proposed to meet those needs, to enhance our competitiveness, to improve our language ability and salesmanship in the world's markets. But it is important to note that at this time, especially as one looks at the deficits that we are facing, that these needs will not be met by wishing them away. It is true that a great deal can be accomplished by attitudinal changes, by being able to raise the awareness of the American people that we must change our ways if we are to sustain or improve our standard of living.

Let me run down through some of the programs, both existing and proposed, that need to be restructured or implemented in order to meet or trade problem head-on. Next I want to look at the cost of those programs. Then I will ask you whether or not it would be fair or appropriate for this body to merely authorize these programs, and duck the fact that there is a financial need that must be met in order to make those programs work.

First of all, I want to point out that the administration (and I must give credit to Secretary Brock) has come forward with some proposals to meet some of our needs, not only to improve competitiveness, but to assist workers who have been displaced because of imports.

For instance, the worker retraining program has been recommended by the administration, which encompasses the TAA, the Trade Adjustment Assistance Program as well as title III of the Job Training Partnership Act. At present these programs are funded at $410 million. The administration asks that the new program be funded by an additional $570 million, over half a billion more. With respect to the Summer Youth Program, the administration asks for another $50 million.

Let us take a look at some of the basic programs that people are asking us to fund to at least their minimum requirements.

The Education for Economic Security Act, referred to by many as the Math-Science Act, which we put into effect a few years ago, is presently funded at only $52 million, yet everyone recognizes that the minimum amount to make any dent in our problems is some $400 million. That would be an additional $348 million to meet the very minimum needs in that area.

Chapter 1 of the Education Consolidation Improvement is our basic program to help the economically disadvantaged have some hope of being able to be competitive with the educational needs of this century. Presently, it only serves 48 percent of the target population. It is funded at a level of $3.9 billion. If we were to add another $2 billion to that, it would still not serve all the needy students. The administration, however, recommended only an additional $200 million for that program. The Education and Labor Committee heard testimony this morning recommending that chapter 1 funding at least be doubled. There is a large need there that is not being met.

The Job Training Partnership Act. Yesterday, the Wall Street Journal criticized it, saying that it is not meeting the needs of Americans who most need such a program. They are right. Current funding levels only allow for services for between 3 and 6 percent of those that need training. It is being criticized because it is helping those who are coming forward with the greatest speed and are the most able to take advantage of the program to move into employment. I do not think you can fault the program; you can fault the funding levels.

If you were to double JTPA funding, the program would still meet the needs of about 10 percent. It would require an additional $2 billion just to show some significant improvement in that area.

Adult education is now funded at $100 million. There is a recommendation for a small increase by the administration, but there again, we are only meeting a very small percentage of the need. If you are going to do the job, if you are going to improve adult literacy, it is going to take more money than that.

We have enacted no programs that will nurture the special abilities of our most gifted and talented students. We have not done what we should do to assist these future leaders. Such a program should be funded at at least $100 million.

Graduate programs. In the area of science and education, we now find that over half of our graduate students are foreigners, and the number of graduate students has diminished considerably. If we were to fund the graduate programs, we would have to take a small amount of money, but it is somewhere in the area of another $100 million in order to fund at any adequate level the various graduate programs that we have.

In addition to that, we have capital backlogs, and some of these are the most severe and the most important. For instance, the pension guaranty fund that we have under ERISA, is in serious trouble. It is going to be underfunded by some $4 billion due to the failures of trade-impacted businesses. The steel industry, for instance, is responsible for most of the deficit in this fund.

That is going to require either huge increases in the premiums paid for for each employee of the nonfailing pension programs, or we are going to have to find some $3 to $4 billion of additional funding over the next few years in order to take care of that.

In addition, we need to revitalize our research and development facilities. The estimated costs of such an effort range from $4 to $40 billion in order to improve research in our universities and bring us back to a competitive position with our trading partners and competitors. That is going to require a substantial amount of money and on an ongoing basis, starting very shortly.

All in all, therefore, we need somewhere between $3.5 and $5.5 billion in additional funding on an annual basis to fund at minimum levels existing programs.

We cannot do that with existing funding structures. That is why last week, I brought to the attention of this body a bill that I will be introducing shortly, which will give us the funding mechanism to do that. We will ask those persons who are benefiting from the imports to pay a 0.9-percent increase by having an ad valorem tax upon all dutiable imports coming to this country.

This will raise about $3.5 billion a year so that those people who are benefiting from our losses in this Nation will be the ones who will pay to improve the problems that we have. This should be sufficient enough, with some reordering of priorities, to be able to meet, to a significant extent, the need that is out there in order to restore our competitiveness.

This is a serious need, Mr. Speaker. We can talk about it, but if we do not do something about it in a way that is meaningful, this country will not regain its markets. We will not be able to sustain our standard of living, and certainly cannot improve it.

SUBMISSION OF RULES OF THE COMMITTEE ON ENERGY AND COMMERCE OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, pursuant to House rule XI, clause 2(a), I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Energy and Commerce, adopted at the committee's organizational meeting on February 4, 1987:

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, 100TH CONGRESS

Rule 1. *Rules of the House.* The Rules of the House are the rules of its committees and its subcommittees so far as is applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Written rules adopted by the committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the committee. Each subcommittee of the committee is part of the committee and is subject to the authority and direction of the committee. Rule XI of the Rules of the House, which pertains entirely to committee procedure, is incorporated and made a part of the rules of this committee, which are supplementary to the Rules of the House.

Rule 2. *Time, Place of Meetings.* (a) The committee shall meet on the fourth Tuesday of each month and at such other times as determined by the chairman, or pursuant to subparagraph (b), in Room 2123 of the Rayburn House Office Building, at 9:45 a.m. for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the committee has not met during such month, the committee shall meet at such time and place on the first day thereafter when the House is in session.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the chairman.

(c) If at least three members of the committee or subcommittee (whichever is applicable) desire that a special meeting of the committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman or subcommittee chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee or subcommittee (whichever is applicable) may file in the offices of the committee their written notice that a special meeting of the committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee or subcommittee (whichever is applicable) that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that specified meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) Each meeting of the committee or any of its subcommittees for the transaction of business, including hearings and the markup of legislation, shall be open to the public except when the committee or subcommittee in open session and with a quorum present determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

(f) At least once a month, the chairman shall convene a meeting of the chairmen of the subcommittees. The purpose of the meeting will be to discuss issues pending before the committee and the procedures for committee consideration of such matters. The discussion may include, among other items, the scheduling of hearings and meetings, questions of subcommittee jurisdiction and the conduct of joint subcommittee hearings.

Rule 3. *Agenda.* The agenda for each committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the committee by delivery to his office at least 36 hours in advance of such meeting.

Rule 4. *Procedure.* (a)(1) The date, time, place, and subject matter of any hearing of the committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the committee or subcommittee determines in accordance with such procedure as it may prescribe, that there is good cause to begin the hearing sooner.

(2)(A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours in advance of the commencement of such meeting.

(B) The time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the committee or subcommittee shall file with the clerk of the committee, at least two working days in advance of his appearance, fifty (50) copies of a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement, or any part thereof, is waived by the committee or subcommittee chairman presiding.

(c) The right to interrogate the witnesses before the committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the committee present has been recognized once for that purpose. While the committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the committee or subcommittee, as the case may be.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full committee unless the text of the matter reported, together with an explanation, has been available to members of the committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the committee to all members of the committee.

Rule 5. *Waiver of Notice, Agenda, and Layover Requirements.* Requirements of Rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the committee or subcommittee, as the case may be.

Rule 6. *Quorum.* Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the committee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the committee or subcommittee, except that a matter may not be reported by the committee or subcommittee unless a majority of the members thereof is actually present.

Rule 7. *Proxies.* No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or a subcommittee, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

Rule 8. *Journal, Rollcalls.* The proceedings of the committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the committee be made available in the committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

Rule 9. *Filing of Committee Reports.* If, at the time of approval of any measure or matter by this committee, any member or members of the committee should give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three (3) calendar days (exclusive of Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by that member or members with the committee. All such views so filed shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter.

Rule 10. *Subcommittees.* There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the committee and, in addition, a Subcommittee on Oversight and Investigations. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the bidding process for subcommittee chairmanships and assignments. Such subcommittees shall, to the maximum extent practicable, be of equal size. The Subcommittee on Oversight and Investigations shall coordinate its work with the work of other standing subcommittees and shall maintain regular communication with the standing subcommittees and the chairman of the full committee in order to obtain advice on subjects for investigation. The standing subcommittees shall maintain regular communication with the Subcommittee on Oversight and Investigations to advise the Subcommittee on Oversight and Investigations of subjects for investigation.

Rule 11. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the full committee with a view toward assuring availability of meeting rooms and avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

Rule 12. *Reference of Legislation and Other Matters.* All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of the full committee within five (5) legislative days, consideration is to be by the full committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the committee shall have the same authority to refer such legislation or other matter to one or more subcommittees as the Speaker has under clause 5(c) of Rule X of the House of Representatives to refer a matter to one or more committees of the House. Such authority shall include the authority to refer such legislation or matter to an *ad hoc* subcommittee appointed by the chairman, with the approval of the committee, from the members of the subcommittees having legislative or oversight jurisdiction.

Rule 13. *Ratio of subcommittees.* The majority caucus of the committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 14. *Subcommittee Membership.* (a) Subject to the requirements of the Manual of the Democratic Caucus of the House of Representatives, each majority member other than the chairman of the full committee or the chairman of a subcommittee shall in order of committee seniority be entitled to membership on two subcommittees of that member's choice. A member (other than an *ex officio* member) may serve on more than two subcommittees only if such service is necessary in order to comply with Rule 13. Proceeding in order of seniority on the committee, each majority member, other than the chairman of the full committee and the chairmen of the several subcommittees, shall be entitled to select one subcommittee position each. In order to provide for a fair and equitable apportionment of subcommittee assignments, the second round of selection shall be conducted in the manner set forth in the preceding sentence. The subcommittee selection process shall then continue in sequence of committee seniority, including the chairmen of the several subcommittees, for succeeding rounds of selection until all subcommittee positions are filled. The subcommittee selection process shall be conducted at a meeting of the majority party caucus of the committee held prior to any organizational meeting of the full committee. Subcommittee selections of each member shall be recorded by the clerk as made and shall be available for examination by the members.

(b) Minority subcommittee membership shall be selected as determined by the minority.

(c) The chairman and ranking minority member of the committee shall be *ex officio* members with voting privileges of each legislative subcommittee of the committee of which they are not assigned members. The *ex officio* members shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

Rule 15. *Subcommittee Chairmen.* (a)(1) Majority members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any request for a subcommittee chairmanship shall be subject to approval by a majority of those present and voting, by secret ballot, in the majority party caucus of the committee. If the caucus rejects a subcommittee chairmanship bid, the next senior majority member may bid for the position as in the first instance. The subcommittee chairmen shall be elected by the full committee from nominations submitted by the majority party caucus of the committee.

(2) If the majority members of the committee shall determine to change the size of any subcommittee after the start of the bidding process, they may do so, but in that event, all previous action on the bidding process shall be expunged and the bidding process shall start anew.

(b) Subcommittee chairmen shall manage legislation reported from their subcommittees on the House floor.

(c) The chairman of the committee may make available to the chairman of any subcommittee office equipment and facilities which have been provided to him and for which he is personally responsible, subject to such terms and conditions as the chairman deems appropriate.

Rule 16. *Committee Professional and Clerical Staff Appointments.* (a) Whenever the chairman of the committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the committee and not to the chairman of the committee, shall be assigned to such committee business as the minority party members of the committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the committee shall be entitled, subject to the approval of the majority party members of the committee, to make such appointments to the professional and clerical staff of the committee as may be provided within the budget approved for such purposes by the committee. Such appointee shall be assigned to such business of the full committee as the chairman of the committee considers advisable.

(d) Subcommittee chairmen, subject to the approval of the majority party members of the committee, shall be entitled to make such appointments to the professional and clerical staff of the committee as may be provided in the committee budget as provided for in rule 18 of these rules. Such professional and clerical appointees shall be delegated to the appropriate subcommittee for the purposes of assisting such subcommittee in the discharge of its assigned responsibilities and may be removed and their compensation fixed by the subcommittee chairman subject to the approval of the majority members of the committee.

(e) In addition to appointments made pursuant to other subsections of this rule, (1) the subcommittee chairman of each of the committee's subcommittees is authorized to appoint, in accordance with such rules as the majority party caucus may prescribe, one staff person who shall serve at the pleasure of such subcommittee chairman, and (2) the ranking minority member of each such subcommittee is authorized to appoint, in accordance with such rules as the minority party caucus may prescribe, one staff person who shall serve at the pleasure of such ranking minority member. Remuneration of any staff person appointed under this subsection shall be governed by paragraph (d) of clause 5 of Rule XI of the House of Representatives.

(f) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the committee if approved by the chairman and ranking minority member of the committee and, if funded by a subcommittee, by the chairman and ranking minority member of that subcommittee. Such approval shall not be deemed to have been given if at least one-third of the members of the committee request in writing that the committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 17. *Supervision, Duties of Staff.* (a) The professional and clerical staff of the committee delegated to subcommittees of the committee pursuant to rule 16 shall be subject to the supervision and direction of the chairman of the subcommittee to which they are assigned with respect to matters before the subcommittee, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the committee, who may delegate such authority as they determine appropriate. Subject to subsection (b), the professional and clerical staff of the committee not delegated to a subcommittee pursuant to rule 16(d) or to the minority shall be under the supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional staff member who is assigned principal responsibility by a subcommittee chairman with respect to a matter before such subcommittee chairman's subcommittee shall continue to assume principal staff responsibility during any consideration before the full committee, the Rules Committee, the House, and Conference Committees of any matter which is reported by such subcommittee.

Rule 18. *Committee and Subcommittee Budgets.* (a) The chairman of the full committee and the chairmen of each standing subcommittee, after consultation with their respective ranking minority members, shall for each session of the Congress prepare a preliminary budget for the committee and each standing subcommittee respectively, with such budgets including necessary amounts for professional and clerical staff, travel, investigations, and miscellaneous expenses, and which shall be adequate to fully discharge their responsibilities for legislation and oversight. Thereafter, the chairman of the full committee, meeting with the chairmen of the subcommittees, shall combine such proposals into a committee budget, which shall state separately the budgeted amounts for the committee and for each of the subcommittees. Such budget shall be presented by the chairman to the majority party caucus of the committee and thereafter to the full committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. No proposed committee budget may be submitted to the House Administration Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full committee. The chairman of the full committee or the chairmen of the standing subcommittees may authorize all necessary expenses in accordance with these rules and within the limits of their portion of the budget as approved by the House, but the chairman of the full committee shall permit no subcommittee to make an expenditure beyond its portion of the budget (as established in paragraph (a)) unless the chairman determines that such expenditure can be made without exceeding the amount authorized to the full committee by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by committee and subcommittees, anticipated expenditures for the projected committee program, and detailed information on travel.

Rule 19. *Broadcasting of Committee Hearings.* Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him.

Rule 20. *Comptroller General Aduits.* The chairman of the committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the committee.

Rule 21. *Subpoenas.* The full committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the committee or subcommittee (as the case may be), a quorum being present. In addition, the chairman of the full committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of three days. Subpoenas may be issued over the signature of the chairman of the full committee, or any member of the committee authorized by such chairman, and may be served by any person designated by such chairman or member.

Rule 22. *Travel of Members and Staff.* (a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) The purpose of the travel; (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is to be made; (3) The location of the event for which the travel is to be made; (4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

(c) In the case of travel by minority party members and minority party professional staff for the purpose set out in (a) or (b), the prior approval, not only of the chairman but also of the ranking minority party member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority party member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Coble) to revise and extend their remarks and include extraneous material:)

Mr. McKinney, for 5 minutes, today.

Mr. Wolf, for 60 minutes, today.

Mr. Wolf, for 60 minutes, on February 24.

(The following Members (at the request of Mr. Montgomery) to revise and extend their remarks and include extraneous material:)

Mr. Eckart, for 5 minutes, today.

(The following Members (at the request of Ms. Oakar) to revise and extend their remarks and include extraneous material:)

Mr. Richardson, for 30 minutes, on February 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Coble) and to include extraneous matter:)

Mr. McDade in two instances.

Mr. Roth.

Mr. Broomfield.

Mr. Kyl.

Mr. Cheney.

Mr. Clinger.

Mr. Conte.

Mr. Ritter.

(The following Members (at the request of Mr. Montgomery) and to include extraneous matter:)

Mr. Sharp.

Mr. Mazzoli.

Mr. Montgomery.

Mr. Wolpe.

Mr. Lehman of Florida.

Mr. Walgren.

Mr. Kanjorski.

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 20 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, February 11, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

532. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report of the economic conditions prevailing in Turkey that may affect its ability to meet international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

533. A letter from the Director, Defense Security Assistance Agency, transmitting a listing of the defense articles, services, and training provided to the Philippines by the Department of Defense, as of February 2, 1987, under the authority of P.D. 86-13, dated September 16, 1986 (Ex. Com. No. 4206), pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

534. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting the annual report of the Anti-Terrorism Assistance Program for 1986, pursuant to 22 U.S.C. 2349aa-7(b); to the Committee on Foreign Affairs.

535. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a copy of the President's report which provides an assessment of ongoing and planned activities in narcotics control by the Government of Pakistan, pursuant to Public Law 99-570, section 2025; to the Committee on Foreign Affairs.

536. A letter from the Director, Federal Emergency Management Agency, transmitting the second annual report, fiscal year 1986, on the actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

537. A letter from the Administrator, General Services Administration, transmitting a report of personal property donated under section 203(j) of the Federal Property and Administrative Services Act of 1949, pursuant to 40 U.S.C. 484(o); to the Committee on Government Operations.

538. A letter from the Administrator, General Services Administration, transmitting a report of the results of the 1985 investigations of the cost of operating privately owned vehicles to Government employees while on official business, pursuant to 5 U.S.C. 5707(b)(1); to the Committee on Government Operations.

539. A letter from the Director, National Science Foundation, transmitting the fiscal year 1986 report of actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

540. A letter from the Secretary of Energy, transmitting the Department's fiscal year 1986 report describing the activities undertaken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

541. A letter from the Secretary to the Board, U.S. Railroad Retirement Board, transmitting a copy of the Board's fiscal year 1986 activities to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

542. A letter from the Chairman, Copyright Royalty Tribunal, transmitting the annual report for the fiscal year ending September 30, 1985, pursuant to 17 U.S.C. 808; to the Committee on the Judiciary.

543. A letter from the Librarian of Congress, transmitting a report on the professional and scientific positions established under 5 U.S.C. 3104, calendar year 1986, pursuant to 5 U.S.C. 3104(b); to the Committee on Post Office and Civil Service.

544. A letter from the Secretary of Defense, transmitting notification of the waiver of a monetary set-aside of section 10(b)(2) for reasons previously stated, pursuant to 15 U.S.C. 3710(b); to the Committee on Science, Space, and Technology.

545. A letter from the Office of the U.S. Trade Representative, transmitting the semiannual report describing new petitions filed, developments in and the status of cases pending under section 301 of the Trade Act, pursuant to 19 U.S.C. 2416, 2413; to the Committee on Ways and Means.

546. A letter from the Chairman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1988, pursuant to 31 U.S.C. 1110; to the Committee on Ways and Means.

547. A letter from the Secretary to the Board, U.S. Railroad Retirement Board, transmitting a report on the ability of the railroad retirement account to pay benefits in each of the next succeeding 5 years, pursuant to 45 U.S.C. 231u(a)(1) (Public Law 93-445, title I, section 22(a)(1), (97 Stat. 416)); jointly, to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT (for himself, Mr. Barnard, Mr. McCollum, and Ms. Oakar):

H.R. 1063. A bill to establish fair and objective accounting standards for thrift institutions, to reform the supervisory process under which thrift institutions are regulated, to establish a process for thrift institutions to appeal adverse accounting and classification determinations, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BILIRAKIS:

H.R. 1064. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. Rahall, Mr. Walgren, Mr. Staggers, Mr. Hubbard, Mr. Wise, Mr. Perkins, Mr. Kanjorski, Mr. Murphy, Mrs. Lloyd, Mr. Mollohan, Mr. Applegate, and Mr. Kolter):

H.R. 1065. A bill to amend the Mineral Lands Leasing Act of 1920 to enhance the marketability of domestic coal, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CHENEY:

H.R. 1066. A bill to provide for a comprehensive energy policy for the United States; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DOWNEY of New York (for himself, Mr. Matsui, and Mr. Hochbrueckner):

H.R. 1067. A bill to eliminate discrimination with regard to mental illness under Medicare; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ECKART (for himself, Mr. Aspin, Mr. Davis of Michigan, Mr. Feighan, Mr. Hayes of Illinois, Mr. Henry, Mr. Horton, Mr. Jones of North Carolina, Ms. Kaptur, Mr. Kleczka, Mr. Thomas Luken, Ms. Oakar, Mr. Obey, Mr. Pease, Ms. Slaughter of New York, Mr. Stokes, Mr. Towns, Mr. Traxler, Mr. Vander Jagt, Mr. Visclosky, and Mr. Oberstar):

H.R. 1068. A bill to establish a Federal guaranteed loan program to provide for the protection from shoreline erosion of improvements to residential real property contiguous with the Great Lakes; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

By Mr. GEKAS (for himself, Mr. Lungren, Mr. Shaw, Mr. Walker, Mr. DeWine, Mr. Dannemeyer, Mr. Mack, Mr. Oxley, Mr. Ridge, Mr. McDade, Mr. Fish, Mr. Daub, Mr. Livingston, Mr. Murphy, Mr. Leath of Texas, Mr. Bevill, Mr. Emerson, Mr. Inhofe, Mr. Davis of Illinois, Mr. Biaggi, Mr. Eckart, Mr. Fawell, Mr. Bilirakis, Mr. Upton, Mr. Atkins, Mr. Wortley, and Mr. Mavroules):

H.R. 1069. A bill to provide for forfeiture of media royalties by those convicted of an offense involving national security; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. Frank, and Mr. Lehman of California):

H.R. 1070. A bill to amend the Housing Act of 1949 to prevent the displacement of lower income and elderly residents of rural rental housing due to the prepayment of loans made by the Secretary of Agriculture; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HENRY:

H.R. 1071. A bill to amend the Internal Revenue Code of 1986 to provide an exception from the Medicare tax for State and local employees who are paid less than $500 in a calendar year; to the Committee on Ways and Means.

H.R. 1072. A bill to amend the Internal Revenue Code of 1986, the Employment Retirement Income Security Act of 1974, and the Public Health Service Act with respect to continuation of health care coverage; jointly, to the Committees on Education and Labor; Energy and Commerce; and Ways and Means.

By Mr. HERTEL (for himself, Mr. Foglietta, Mr. Mavroules, and Mr. McCloskey):

H.R. 1073. A bill to prohibit deployment of any system developed under the strategic defense initiative unless the deployment is specifically authorized by law; to the Committee on Armed Services.

By Mr. McCOLLUM (for himself and Mr. Courter):

H.R. 1074. A bill to express the opposition of the United States to the system of oppression in Angola, to promote the development of democracy in Angola, and for other purposes; jointly, to the Committees on Foreign Affairs; Banking, Finance and Urban Affairs; and Ways and Means.

By Mr. McKINNEY (for himself, Mr. Fauntroy, Mr. Fazio, Mr. Towns, Mr. Martinez, Mr. Mrazek, Ms. Kaptur, Mrs. Johnson of Connecticut, Mr. Stark, Mr. Dellums, Mr. Kolter, Mr. Hyde, Mr. Guarini, Mr. Gonzalez, Mr. Pursell, Mr. Henry, Mrs. Collins, Mr. Boland, Mr. Smith of Florida, Mr. Kastenmeier, Mr. Bliley, Mr. Saxton, Mrs. Bentley, Mr. Levin of Michigan, Mr. Neal, Mr. Dymally, Mr. Berman, Mr. Atkins, and Mr. Edwards of California):

H.R. 1075. A bill to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to clarify which actions constitute the neglect of mentally ill individuals; to the Committee on Energy and Commerce.

By Ms. OAKAR:

H.R. 1076. A bill to amend title 5, United States Code, with respect to the method by which premium pay is determined for irregular, unscheduled overtime duty performd by a Federal employee; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.R. 1077. A bill to provide a 5-year suspension of the duty on silk yarn; to the Committee on Ways and Means.

By Mr. TORRICELLI:

H.R. 1078. A bill to amend the Federal Aviation Act of 1958 to prohibit smoking on domestic commercial aircraft flights; to the Committee on Public Works and Transportation.

By Mr. UDALL (for himself and Mr. Bereuter):

H.R. 1079. A bill to establish Federal standards and regulations for the conduct of gaming activities on Indian reservations and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VOLKMER:

H.R. 1080. A bill to provide emergency assistance to certain agricultural producers; to the Committee on Agriculture.

By Mr. GUARINI:

H.J. Res. 142. Joint resolution designating the week of February 7, 1988, through February 13, 1988, as "National Crime Prevention Week" in honor of those individuals in the United States involved in the fight against crime; to the Committee on Post Office and Civil Service.

By Mr. KYL:

H.J. Res. 143. Joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 percent of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. Waxman, Mr. Walgren, Mr. Markey, Mr. Sikorski, Mr. Madigan, Mr. Lantos, Mr. Berman, Mr. Carr, Mr. Matsui, Ms. Oaker, Mr. Lagomarsino, Mr. Anthony, and Mr. Coyne):

H.J. Res. 144. Joint resolution designating the week beginning on October 4, 1987, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. RAHALL:

H.J. Res. 145. Joint resolution to authorize "National Shut-In Day"; to the Committee on Post Office and Civil Service.

By Mr. GAYDOS (for himself, Mr. McDade, Mr. Murtha, Mr. Yatron, Mr. Coughlin, Mr. Gray of Pennsylvania, Mr. Foglietta, Mr. Borski, Mr. Schulze, Mr. Kostmayer, Mr. Weldon, Mr. Walker, Mr. Ritter, Mr. Goodling Mr. Gekas, Mr. Kanjorski, Mr. Shuster, Mr. Clinger, Mr. Murphy, Mr. Coyne, Mr. Kolter, Mr. Walgren, and Mr. Ridge):

H. Con. Res. 44. Concurrent resolution providing for a joint session of the Congress in Philadelphia, PA, on Thursday, July 16, 1987, in honor of the bicentennial of the Constitution and to commemorate the Great Compromise of the Constitutional Convention; to the Committee on the Judiciary.

By Mr. MOODY (for himself and Mr. Petri):

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that the several States should ratify the proposed amendment to the Constitution of the United States that provides that changes in the salaries of Members of Congress may not take effect until after an election of the Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. GAYDOS:

H. Res. 76. Resolution electing members of the Joint Committee on Printing and members of the Joint Committee of Congress on the Library; considered and agreed to.

By Mr. ALEXANDER:

H. Res. 77. Resolution to free the American farmer to sell United States agricultural products to the Republic of Cuba; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO:

H. Res. 78. Resolution providing for expenses of activities of House information systems in the first session of the 100th Congress; to the Committee on House Administration.

H. Res. 79. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the first session of the 100th Congress; to the Committee on House Administration.

By Mr. HAWKINS (for himself and Mr. Jeffords):

H. Res. 80. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor in the first session of the 100th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

9. The SPEAKER presented a memorial of the Unicameral Legislature of Nebraska, relative to compensation for the services of senators and representatives; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. Conte.

H.R. 39: Mr. Davis of Illinois, Mr. Florio, Mr. Owens of New York, Mr. Clay, Mr. Dwyer of New Jersey, Mr. Fauntroy, and Mr. Berman.

H.R. 55: Mr. MacKay.

H.R. 59: Mr. Lipinski, Mrs. Collins, Mr. Smith of Florida, Mr. Levin of Michigan, Mr. Fawell, and Mr. Fauntroy.

H.R. 74: Mr. MacKay, Mr. Thomas of Georgia, Mr. Lancaster, and Mr. Gibbons.

H.R. 162: Mr. Studds, Mr. Dyson, Mr. Gephardt, Mr. Penny, Mr. Traficant, Mr. Moody, Mr. Stark, Mr. Coyne, Mr. Brown of California, Mr. Bonior of Michigan, and Mr. Kostmayer.

H.R. 348: Mr. Owens of New York, Mr. Jones of Tennessee, Mr. Wolpe, Mr. Solarz, Mrs. Morella, and Mr. Nagle.

H.R. 381: Mr. Frank, Mr. Ackerman, Mrs. Collins, Mr. Morrison of Connecticut, Mr. Levin of Michigan, Mr. Mrazek, and Mr. Dwyer of New Jersey.

H.R. 382: Mr. Smith of Florida, Mrs. Bentley, Mr. Frank, Mr. Edwards of California, Mr. Dellums, Mr. Mrazek, Mr. Ackerman, Mr. Applegate, Mr. Williams, Mrs. Collins, and Mr. Fauntroy.

H.R. 384: Mr. Fauntroy, Mr. Frank, Mr. Gordon, Mr. Levin of Michigan, Mr. Mrazek, Mrs. Collins, and Mr. Dwyer of New Jersey.

H.R. 385: Mr. Vento.

H.R. 386: Mr. Dwyer of New Jersey.

H.R. 387: Mr. Solarz, Mr. Ray, Mr. Pickett, Mr. Kildee, Mr. Williams, Mr. Levin of Michigan, Mr. Rangel, Mrs. Collins, Mr. Fauntroy, and Mr. Dwyer of New Jersey.

H.R. 388: Mr. Murtha, Mr. Vento, Mr. McEwen, Mr. Kostmayer, and Mrs. Vucanovich.

H.R. 421: Mr. Visclosky.

H.R. 537: Mr. Bilirakis, Mrs. Kennelly, Mr. Atkins, Mr. Towns, Mr. Kolter, and Mr. Mineta.

H.R. 571: Mr. Montgomery, Mr. Bryant, Mr. Andrews, Mr. Frenzel, Mr. Jacobs, Mr. Applegate, Mr. Penny, and Mr. Armey.

H.R. 613: Mr. Livingston, Mr. Hayes of Illinois, Mr. Frost, Mr. Lipinski, and Mr. Campbell.

H.R. 718: Mr. Applegate, Mrs. Bentley, Mr. Dixon, Mr. Fauntroy, Mr. Kleczka, Mr. Martinez, Mr. Solarz, Mr. Towns, Mrs. Roukema, and Mr. Studds.

H.R. 761: Mr. Gray of Illinois, Mr. Rahall, Mr. Towns, Mr. Eckart, Mr. Murphy, Mr. Hutto, Mrs. Bentley, Mr. Lipinski, Mr. Owens of New York, Mrs. Collins, Mr. Kleczka, Mr. Coelho, Mr. Dymally, Mr. Walgren, Mr. Conyers, Ms. Oakar, Mr. Savage, and Mr. Jontz.

H.R. 904: Mr. Traxler, Mr. Vander Jagt, Mrs. Byron, and Mr. Sweeney.

H.R. 915: Mr. Howard, Mr. Moody, Mr. Beilenson, Mr. Berman, Mr. Mrazek, Mr. Miller of California, Mr. Robinson, Mrs. Collins, Mr. Matsui, and Mr. Atkins.

H.R. 926: Mr. Applegate.

H.R. 966: Mr. Erdreich, Mr. Harris, Mr. MacKay, Mr. Boucher, and Mr. Stenholm.

H.R. 967: Mr. Stokes, Mr. Solarz, Mr. Frank, Mr. Udall, Mr. Lehman of Florida, Mr. Fazio, Mr. Flake, Mr. Ackerman, and Mr. Garcia.

H.R. 1056: Mr. St Germain, Mr. Garcia, Mr. Lehman of California, Mr. Torres, Mr. Manton, Mr. Mfume, Mr. Wylie, and Mr. Dicks.

H.J. Res. 13: Mr. Myers of Indiana.

H.J. Res. 35: Mr. Lent, Mr. Gunderson, Mr. Stallings, Mr. Tauzin, Mr. Penny, Mr. Mazzoli, and Mr. Coyne.

H.J. Res. 53: Mr. Erdreich, Mr. Parris, Mr. Atkins, Mr. McEwen, Mr. Neal, Mr. Martin of New York, Mr. Taylor, Mr. Donnelly, Mr. Davis of Michigan, Mr. Bevill, Mr. Traxler, Ms. Kaptur, Mr. Fish, Mr. McDade, Mr. Frost, Mr. Sunia, Mr. DeWine, Mr. Gejdenson, Mr. Burton of Indiana, Mr. Roe, and Mr. Moakley.

H.J. Res. 90: Mr. Mfume and Mr. Boucher.

H.J. Res. 106: Mr. Flake, Mr. Mfume, and Mr. Boner of Tennessee.

H.J. Res. 108: Mr. Young of Alaska, Mr. Fuster, Mr. Ireland, Mr. Martin of New York, Mr. Fascell, Mr. Leland, Mr. Atkins, Mr. Rahall, Mr. Lewis of Florida, Mr. Tauzin, Mr. DioGuardi, Mr. Darden, Mr. Fazio, Mr. Lagomarsino, Mr. Bryant, Mr. Mazzoli, Mr. Rowland of Georgia, Mr. Callahan, Mr. Wolf, Mr. Konnyu, Mr. Morrison of Connecticut, Mr. Bennett, Mr. Lott, Mr. Levin of Michigan, Mr. Bilirakis, Mr. Chappell, Mr. Roe, Mr. Dannemeyer, Mr. Gordon, Mr. Bliley, Mr. Nichols, Mr. Akaka, Mr. Daub, Mr. Kasich, Mr. Denny Smith, Mr. Bevill, Mr. Wortley, Mr. Lowery of California, Mr. Wylie, Mr. Livingston, Mr. Traxler, Mr. Hastert, Mr. Martinez, Mr. Davis of Illinois, Mr. Dymally, Mr. Anderson, Mr. Annunzio, Mr. Manton, Mr. Hayes of Illinois, Mr. Owens of New York, Mr. Fields, Mr. Smith of New Hampshire, Mr. Jenkins, and Mr. Conyers.

H. Con. Res. 34: Mr. Lewis of Florida, Mr. Synar, Mr. Rodino, Mr. Howard, Mr. Levin of Michigan, Mr. Manton, Mr. Konnyu, Mr. Dwyer of New Jersey, Mr. Bevill, Mr. Saxton, Mr. Carper, Mr. Kildee, Mr. Marlenee, Mr. Frank, Mr. McGrath, Mr. Schulze, Mr. Sawyer, Mr. Scheuer, Mr. Kyl, Mrs. Martin of Illinois, Mr. Young of Florida, Mr. Hochbrueckner, Mr. Davis of Illinois, Mr. Bilbray, Mr. Florio, Mr. Solomon, Mr. Lowry of Washington, Mr. McKinney, Mrs. Morella, Mr. Boehlert, Mr. Feighan, Mr. DeLay, Mr. Gordon, Mr. Penny, Mr. Carr, and Mr. Dyson.

EXTENSIONS OF REMARKS

THE B-1 BOMBER: NATIONAL SECURITY SOLACE OR THREAT?

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. WOLPE. Mr. Speaker, on January 8, 1987, I submitted for the RECORD Lt. Col. David Evan's Washington Post opinion editorial assessing the weaknesses inherent in the B-1 bomber. Today, in the interest of open dialog on an issue so important to the national security I am submitting the Department of the Air Force's rebuttal to the Evan's article and Mr. Evan's response to that rebuttal:

DEPARTMENT OF THE AIR FORCE,
Washington, DC, January 16, 1987.

Hon. HOWARD WOLPE,
House of Representatives,
Washington, DC.

DEAR MR. WOLPE: I read your extended remarks in the Congressional Record of January 8, 1987 on the B-1B bomber with some interest and would like to take this opportunity to respond.

The B-1B is, today, fulfilling its intended mission of deterring conflict. The assertion that this very capable aircraft is nearly useless in the defense of the Nation could only be based on incorrect or incomplete information.

Enclosed for your perusal is the response to Mr. Evans' article written by the Secretary of the Air Force and the Air Force Chief of Staff. Their letter points out that the allegations made by Mr. Evans are simply not supportable.

I would be glad to provide additional B-1B information or arrange a briefing for yourself or your staff.

Sincerely,

MICHAEL C. KERBY,
Brigadier General, USAF.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, January 7, 1987.

Ms. MEG GREENFIELD,
The Washington Post, Washington, DC.

Dear Ms. Greenfield: Mr. David Evans' opinion piece on the B-1B in the January 4, 1987, "Outlook" section of the Washington Post, is flat wrong. While we understand that particular conglomeration of misrepresentations is only the view of the author and not the Post editorial policy, that fact may be lost on many readers. While no useful purpose is served by responding point-by-point to the obvious shortcomings in technical and operational expertise reflected in the article, it is important that the record be set straight.

The central fact is the B-1B, the most advanced bomber in the world, is today on alert at Dyess AFB, TX, fulfilling its intended mission of deterring conflict by being capable—this moment—of carrying out its mission. The men and women who fly and support it understand the great contribution this aircraft makes—now—and so do the Soviets.

As is the case with most new aircraft, or other weapons systems at this stage of their lives, there are some deficiencies in the B-1B that require correction to realize the full, long term potential. Most will be corrected in the short term. One or two will take longer. There is no indication that required work will exceed the $20.5 billion cost ceiling. Due to Congressional cuts, current funding is about three-quarters of a billion below that ceiling. The Air Force will ask that a substantial part of those cuts be restored to complete needed work. Considering that the B-1B will be a key contributor to deterrence for the next 30 years, that maturing process is reasonable and no cause for alarm. Only the most impatient or uninformed would suggest these are fatal flaws in existing capabilities or future prospects.

Some of the more outrageous allegations in the "Outlook" article warrant brief comment.

Using measures irrelevant to strategic bombers, Evans characterizes the aircraft as "a step backward." Such measures as wing loading and thrust-to-weight and maximum thrust fuel consumption are of interest for highly maneuverable fighter aircraft but have little to do with strategic bombers. The B-1B has the "full" specified range capability which is considerably greater than the B-52. It penetrates enemy airspace under all-weather conditions at markedly lower altitudes and at speeds more than 50% faster than the B-52. It carries a substantially larger bomb load which it delivers with much improved accuracy, and it has a radar cross section 1/100th that of the B-52. These are the relevant measures for the utility of a penetrating bomber aircraft, and the B-1B is a success story on each count.

The writer of the "Outlook" piece compares the cost of a modern 1980s bomber to the acquisition cost of a 1950s bomber. A similar comparison of fighter aircraft or automobiles would yield similar results and are irrelevent. There is still every reason to expect that we will buy the full planned number of B-1B aircraft with planned capabilities within the planned $20.5 billion dollar ceiling. While it is true that the training simulator is not included in that cost—which has never been a secret to anyone—the simulator acquisition cost is just over $200 million, a far cry from Evans' $10 billion figure.

As to flying hour costs, at this early stage of operation in any new system, operating costs are inflated by a number of well understood factors associated with the initial limited scope of operations while building the logistics support system. Those costs include funding initial spares for the full 100 aircraft at the front end of the production. The projection is that the life-cycle cost of operating a B-1B will be some 15-25% more than for a B-52. For that price, the difference in effectiveness is absolute. The B-1B will perform the penetrating bomber role in the next decade, and the B-52 cannot. The capability to penetrate Soviet airspace and locate and attack targets deep in the Soviet Union is an absolutely essential element of a credible deterrent force.

Despite Evans' tortured use of an assortment of miscellaneous data to arrive at unwarranted conclusions, the facts are straightforward. The B-1B is a well-conceived bomber that is being developed and fielded within agreed to, clearly stated cost constraints to perform missions vital to the defense of this nation. The B-1B can deliver large conventional or nuclear payloads over intercontinental ranges, with high speed, low altitude penetration of sophisticated defenses. The B-1B can perform those missions now, and work continues at a rapid pace to mature the system and bring it to its full potential performance that will contribute greatly to deterrence for several decades.

LARRY D. WELCH,
General, USAF.
E.C. ALDRIDGE, Jr.,
Secretary of the Air Force.

BUSINESS EXECUTIVES
FOR NATIONAL SECURITY, INC.,
Washington, DC, January 28, 1987.

Representative HOWARD WOLPE,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLPE: The Air Force claims my recent Washington "Post" article misrepresents its stewardship of the B-1 bomber program. Three points are at issue, two of which center on matters of cost and the third on matters of performance.

1. The Air Force asserts it will not cost over $20.5 billion to buy 100 B-1B bombers. Not so. The rotary launchers, training simulators, and significant development monies—all essential for the B-1B—were never included in the $20.5 billion figure. Moreover, that 1981 figure included an estimate for future inflation which was higher than the inflation that was actually experienced. If we accept every other element of the $20.5 billion topline as absolutely valid, the Air Force should be reprogramming or returning to the Treasury the millions of inflation dollars which are no longer necessary to complete the 100-plane production run. The Air Force instead claims it needs every cent.

2. The B-1's $21,000 cost per flying hour is defended on the grounds that the flying hour funds are also purchasing the initial spares inventory, and that as these inventories are built up the flying hour costs will decrease. Initial spares are supposed to be part of the cost of buying the plane, and not part of the cost of operating it. If the Air Force is in fact doing this, we see further evidence that the $20.5 billion purchase figure is an accounting artifice. No doubt the Pentagon Comptroller, the Inspector General, and the Defense Secretary's Cost Analysis Improvement Group (CAIG) will all find these inventive accounting practices very interesting. Air Force projections that B-1 operating costs will settle out somewhere between 15%-25% more than the B-52 are totally unachievable.

3. The Air Force asserts that basic flying characteristics, such as wing loading and thrust-to-weight, are not important factors. These basic performance criteria are critical when a mission profile is flown. It is true these factors are extremely important in fighter design, where the ability to maneuver is more important than straightline speed, but they are also of crucial importance for the ground-hugging penetration

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

mission for which the B-1 was ostensibly designed. Regarding range and payload:

a. The Air Force says the B-1 flies farther than the B-52. However, its testimony to the Congress of 4 March 1980 cited an unrefueled range of 4,000 miles. A recent Air Force fact sheet indicated a 6,100 nautical mile range. Neither figure equals the typical unrefueled range of the B-52H, which is 7,400 nautical miles.

b. Similarly, the Air Force claims the B-1 carries a heavier payload: 125,000 pounds versus 105,000 pounds for the B-52H. The larger weight presumes external carriage of cruise missiles, which cannot be launched safely from the B-1's outboard wing stations. Additionally, the 1980 Air Force testimony cited a payload of 50,000 pounds for the B-1. Again, we have two numbers, neither of which equals the payload capacity of the B-52.

These technical considerations are important, but they are not the central issue here. The biggest problem with the B-1 is not its cost or performance, but rather the unseemly lack of integrity that has characterized the program from the outset. The Pentagon pushed a program whose cost and performance goals it knew beforehand could not be met. A skeptical Congress, perhaps co-opted by the vision of the B-1 as a jobs program, voted the money anyway. There is plenty of accountability to spread around here.

Problems like the B-1 will persist so long as words do not have consequences. The Secretary of Defense certified to the Congress in 1981 this program would not cost over $20.5 billion. Now his lieutenants are holding out the tin cup, asking Congress to vote $600 million for necessary "fixes." Let us put this amount in perspective—it is more than 100 times the money necessary to provide electrical heaters for Washington's entire Metrorail system. If the Congress grants this request, it is sending a very clear message to the defense establishment: a man's word is not his bond. It doesn't matter if promised costs cannot be met, the Congress will just pony up the extra money anyway.

There is an alternative that sends a very different signal: within its total obligational authority, let the Pentagon figure out where the money is going to come from. Priorities can be adjusted, and the Congress can speedily approve any necessary reprogramming actions. This course of action is consistent with sound business practice, where producers know full well that once the contract is signed, added costs cannot be passed along to the customer, but must be absorbed elsewhere.

To avoid similar repetitions in the future, fully operational prototypes should be built, and tested, before the production decision. By this I mean operational testing, as opposed to development testing, conducted by the Pentagon's independent testing agency under realistic mission conditions. The side-by-side testing of prototypes against the systems they replace should be a key feature of such operational testing.

These are some of the lessons we need to take to heart, regarding any major defense procurement program, and certainly with respect to the next chapter about to unfold, the "Stealth" Advanced Technology Bomber (ATB). It is another big-ticket, sole-source procurement program about which virtually nothing is known, save for the usual cost and performance assurances.

Sincerely,

DAVID EVANS
Senior Military Advisor.

CHAMPIONS OF YOUTH

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. McDADE. Mr. Speaker, Havelock Ellis once said, "If men and women are to understand each other, to enter into each other's nature with mutual sympathy, and to become capable of genuine comradeship, the foundation must be laid in youth." It gives me immense pleasure to recognize John and Lucille Guzy who have helped many young people in the Scranton area realize their dreams and potential. For years John and Lucille Guzy have provided their support and service to the Boys and Girls Club of Scranton, PA. Our children need committed men and women like John and Lucille Guzy who are caring and concerned about their well-being at such an important time of growth.

Recently, this couple was honored as "Champions of Youth" by the Boys' and Girls' Clubs of Scranton. They are both long-time friends of youth and community endeavors. They have established scholarships to the University of Scranton, Marywood College, and Keystone Junior College, which are offered to boys and girls who are current or former members of Scranton's Central and West Side Boys' and Girls' Clubs.

Nothing is more important to the soul of America than its youth. The youth of our communities and our country remains this Nation's greatest asset. Therefore let me now take this opportunity to thank John and Lucille Guzy for their dedicated efforts on behalf of so many Scranton area young people.

TRIBUTE TO MR. ROBERT L. PEGUES, JR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. TRAFICANT. Mr. Speaker, today I would like to pay tribute to a constituent of mine, Mr. Robert L. Pegues, Jr., who is retiring as superintendent of the Warren City Schools in Ohio after 7 years of dedicated service.

In his 7 years as superintendent of the Warren City Schools, Robert Pegues displayed a genuine and deep concern for his students, a commitment to quality education, and a dedication to his community. Throughout his career he has committed himself to the cause of civil rights. Robert leaves his post with the respect and admiration of his colleagues and community leaders.

He first became involved with the desegregation as superintendent of the Youngstown City Schools, serving in that capacity from 1972 to 1978. Although it was an extremely tense time and a highly volatile issue, Robert handled the desegregation issue with foresight, fairness and respect. Most importantly, both in Warren and Youngstown, he was a major factor in diffusing the tension and allowing the just cause of civil rights to prevail. In doing so he never lost sight of his early experiences as a sixth-grade teacher in the Youngstown City School system. He was always sensitive to the needs of the classroom teacher and has been a valuable advocate for quality education. His knowledge, experience, dedication, and quiet leadership will be sorely missed.

In addition to his duties as an administrator and an educator, Robert was also active in other areas. He was treasurer of the PTA, safety council adviser, safety patrol adviser, and director of the After-School Boys Athletic Program. He is also a great believer in traditional values and is a devoted father and husband.

Mr. Speaker, men like Robert Pegues are very rare indeed. He infused our educational system with an important sense of purpose and commitment. He leaves an important legacy, one that will live on for generations to come. I am certainly proud to count him as one of my constituents and am honored to pay tribute to such a fine and respected individual. I wish Robert Pegues and his family the best of luck and much happiness.

FOUR CHAPLAINS HONORED

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. MORRISON of Connecticut. Mr. Speaker, on February 1, the Murray-Reynolds American Legion Post 76 in North Haven, CT, held a Mass in remembrance of four chaplains who sacrificed their lives in World War II.

The four chaplains were credited with saving over 200 lives when the ship they were on, the U.S.S. *Dorchester,* was torpedoed by an enemy submarine on February 8, 1943. The torpedo struck about midnight with most of the 900 troops aboard in their bunks. The chaplains offered reassurance and encouragement to the frightened soldiers, distributed life preservers, and helped the men into lifeboats. When the supply of life preservers was exhausted, the chaplains gave their own lifejackets to others, and then remained with the burning ship as it went down.

These four chaplains were George L. Fox, Alexander D. Good, Johnny P. Washington, and Clark V. Poling. Each one received the Purple Heart and the Distinguished Service Cross posthumously for their extraordinary heroism. In addition, on July 14, 1960, the U.S. Congress awarded each of the four chaplains with this Nation's highest distinction, the Congressional Medal of Honor.

Mr. Speaker, I am pleased that I will be able to attend a memorial service at American Legion Post 76 on Thursday evening, February 12, 1987. All of us owe a special debt of gratitude to the members of Murray-Reynolds Post 76. They have had the foresight to perpetuate a historic event which took place more than 40 years ago, an event which reminds us all of the bravery and valor we as human beings possess.

The Murray-Reynolds Post has for many years performed both a local and regional human service in keeping alive the memory of the four chaplains who served aboard the

U.S.S. *Dorchester* during World War II and gave of themselves so that others might live.

We as Americans should use this memory of ultimate sacrifice as a foundation for building and maintaining our own lives. This historic episode can teach us all important lessons about patriotism, decency, and selflessness.

Mr. Speaker, I urge my colleagues and all our citizens to join me in paying tribute both to the sacrifices of these four chaplains and to the people at American Legion Post 76 who have kept their memory alive.

THE INDIAN GAMING REGULATORY ACT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. UDALL. Mr. Speaker, I am introducing today legislation which will establish appropriate Federal regulations and standards for the conduct of gaming activities on Indian lands.

The bill I am introducing is based upon the bill, H.R. 1920, which was reported from the Interior Committee in the 99th Congress. In the 99th Congress, my committee continued to build a record on the issue of Indian gaming which it began in the 98th Congress. H.R. 1920, as reported by the committee, was the subject of intense debate and negotiations. Unfortunately, the bill, after passing the House, died in the Senate.

Although Indian tribes have engaged in the operation of gaming activities on their reservations for some time and although some tribes have conducted bingo operations on a regular basis since 1974, it was not until recently that Indian gaming operations began to proliferate at a rapid pace.

The record developed by the committee indicates that at least 100 Indian tribes are now engaged in gaming activities of some kind. Gaming has become an effective means for tribes to raise badly needed governmental revenues. With the severe cuts in federally funded programs available to the tribes, that source of revenue has become even more important.

Tribal interest in gaming as a source of governmental revenue began to expand in 1982 when a Federal circuit court held that, unless a gaming activity was completely prohibited by a State as a matter of public policy, tribal gaming was not subject to a State's laws and jurisdiction since such jurisdiction was civil/regulatory in nature rather than criminal/prohibitory.

The net effect of this ruling, which has since been followed by other Federal courts, is that if a State permits a form of gaming, an Indian tribe may engage in or license that activity within its jurisdiction free of State licensing and regulation.

The bill I am introducing today will establish a National Indian Gaming Commission which will be vested with the responsibility of implementing the terms of the act and with administering the regulations and standards set up by the act. While the powers vested in the Commission may not be as comprehensive as some might desire, it should be noted that while Indian gaming has been going on since at least 1974 and although the committee has heard testimony to the effect that gaming operations tend to attract criminal and other unsavory elements, the record shows that there has been little if any infiltration of these elements into tribal games. The tribes seem to be doing an adequate governmental job of protecting themselves and the public which participates in those games.

This does not mean that my committee does not find a need for some Federal involvement in the regulation of tribal gaming activity. It is clear that some tribes have been taken advantage of by sharp dealers and that there is some potential for the infiltration of criminal elements. It is also clear that existing Federal law does not provide adequate authority for the Federal regulation which would be necessary to fully protect the tribes. However, I believe that any Federal intrusion into the powers of tribal self-government should be limited to that which is necessary to protect the tribes and the public while honoring this right of self-government.

Considerable concern has been expressed about tribal involvement in casino operations and in parimutual gaming such as horse racing, dog racing and jai alai, which is defined as class III gaming in my bill. It is felt that neither the tribes nor the Commission can effectively regulate these class III activities and that we need to establish a "level playing field" for tribal and nontribal class III gaming. While I do not discount these concerns, I also do not believe that the only answer to those concerns is to subject tribal governments to State jurisdiction.

My bill deals with class III gaming by requiring the Commission to adopt a regulatory scheme for such tribal operations based upon the postlicensing regulations of the State within which such operation is located. This will provide adequate regulations and will also insure a level playing field for those operations.

Mr. Speaker, I personally do not support gambling as a means of funding units of government. But many States have decided that this is an appropriate device for generating governmental revenues. Several States and the District of Columbia have established State-owned lotteries. Two States permit and tax full-blown casino operations. A host of others permit and derive revenue from bingo, cards, and parimutual betting. I cannot fault tribal governments for also turning to these kind of activities for revenue purposes.

If existing Federal-Indian law authorizes Indian tribes to engage in, or license, these activities on Indian reservations, as several Federal courts have held, I support their right to do so. As I said, I do feel that some Federal standards should be established to assist and protect the tribes. However, I cannot support legislation which will subject tribal governments, in trying to deal with the severe economic and social problems of their people, to State jurisdiction.

I realize that this legislation will be subject to further amendments and that a compromise may well be required in order to pass this legislation in the House. I am willing to engage in that process, but always within the context of the Federal-Indian relationship.

MEDICARE MENTAL ILLNESS NONDISCRIMINATION ACT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. DOWNEY of New York. Mr. Speaker, it has been estimated that 15 to 20 percent—between 3 and 5 million—of our Nation's more than 25 million older citizens have significant mental health problems. However, coverage restrictions in the Medicare Program effectively prevent many of these individuals from seeking and receiving adequate mental health care.

During each Congress since 1979 I have introduced the "Medicare Mental Illness Nondiscrimination Act." Today, I am introducing this legislation once again. The time has come for Congress to eliminate the discrimination that has existed against the mentally ill since the inception of the Medicare Program.

Congress established Medicare at a time when institutionalization was a major form of treatment for the mentally ill. Movement toward deinstitutionalization over the past 20 years coupled with breakthroughs in the treatment of mental disorders have changed our understanding in the causes of these illnesses. This has given us the ability to treat these disorders much more effectively. For example, it has been discovered that some 20 to 30 percent of elderly individuals who have been labeled as "senile" actually have reversible conditions.

Currently, coverage for mental disorders under Medicare is limited on the outpatient side to $250, after copayments and deductibles, and to a 190 day lifetime limit on the inpatient side. This coverage is woefully inadequate. Today's coverage in real dollar terms buys about 57 dollars' worth of care. In order to protect a patient's limited outpatient benefits, it is likely that a more expensive inpatient treatment might be recommended.

The elderly are particularly at risk for emotional suffering. Each day may bring significant assaults on their self-esteem as they lose close friends, relatives, meaningful work and congitive or physical functioning. In 1982, the population over age 65 made up just over 10 percent of the U.S. population but also accounted for 17 percent of the deaths by suicide.

However, studies have shown the dramatically positive impact of psychiatric interventions on reducing the physical morbidity and dollar costs of medical or surgical care for elderly patients. They have also demonstrated that when ambulatory mental health services are offered, the use of other means of health care is reduced.

Psychiatric symptoms may frequently be nonspecific and commonly occur in both physical and mental disorders. There is evidence indicating that having a psychiatric diagnosis is associated with a high risk of other medical illness. Some physical illnesses may on initial presentation appear to be nervous or mental disorders. The research literature has fully documented psychiatric illness produced by infections, strokes, chronic encephalopathy related to heart block, carcinoma of the pancreas, among other illnesses. These studies also emphasize the importance of the interrelationship of specific psychiatric symptoms and specific medical diseases. Physicians in practice must continually weigh such psychological factors as personality traits to properly treat rheumatoid arthritis, hypertension, ulcerative colitis, allergic skin infection, bronchial asthma, coronary disease, and cancer. On average, the elderly take 10 medications at one time. Psychopharmacological interventions must have appropriate medical monitoring.

The science of understanding mental illness has changed and yet we have not adjusted our Medicare Program to meet this challenge. My legislation seeks to bring the Medicare mental illness component into today's world of treatment and knowledge. Let this 100th Congress make the changes we need to ensure that our elderly truly receive the medically necessary psychiatric care that they need.

H.R. 1067

A bill to eliminate discrimination with regard to mental illness under Medicare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Medicare Mental Illness Non-Discrimination Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds that—

(1) between 15 and 25 percent of the elderly suffer from significant symptoms of mental illness;

(2) in spite of potential benefits of treatment, elderly persons are not represented proportionately in the mental health care delivery system;

(3) Medicare benefits must be equalized to better assure care in appropriate institutional settings for those elderly persons in need of such services;

(4) medically necessary outpatient care must be available for those elderly persons with mental, emotional, or nervous disorders which do not require institutional care;

(5) in 1982 elderly person comprised more than 10 per centum of the general population of the United States but accounted for almost 20 per centum of the suicides;

(6) severe organic brain disorders afflict one million elderly and mild to moderate organic disorders afflict two million elderly;

(7) many persons who need assistance for emotional disturbances will not be able to receive assistance under the present system; and

(8) since its enactment more than twenty years ago, those sections of title XVII of the Social Security Act restricting coverage for mental illness have not been revised and inflation has, in effect, further reduced the limited coverage originally envisioned by Congress.

(b) It is the purpose of this Act to provide for coverage of mental illness on an equal basis with coverage of other illness.

MEDICARE PROVISIONS

SEC. 3. (a) Section 1812(b) of the Social Security Act is amended—

(1) by striking out "(subject to subsection (c))" in the matter preceding paragraph (1);

(2) by inserting "or" at the end of paragraph (1);

(3) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period; and

(4) by striking out paragraph (3).

(b)(1) Section 1812 of such Act is amended by striking out subsection (c) and redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

Section 1812(d) (as redesignated by paragraph (1)) is amended by striking out "(c) and (d)" and inserting in lieu thereof "and (c)".

(c)(1) Section 1833 of such Act is amended by striking out subsection (c) and redesignating subsections (d) through (h) as subsections (c) through (g), respectively.

(2) Section 1866(a)(2)(A) is amended by striking out the last sentence thereof.

SALUTING THE ELKS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. WALGREN. Mr. Speaker, this Monday, February 16, marks the 119th anniversary of the founding of the Benevolent and Protective Order of Elks. I want to pay special tribute to this fraternal organization which has done so much good for so many people over the years.

It is fitting and appropriate that this year this anniversary falls on President's Day, the national celebration of the birthdays of George Washington and Abraham Lincoln. Few organizations have the strong patriotic tradition of the Elks, the first organization to mandate the observance of Flag Day in 1907. That's why I am pleased to join the Elks in observing February 16 as "Elks American Patriotism Day"—displaying of the colors and to urge all Americans to fly their flags this Monday.

I know my colleagues join in saluting the 1.6 million Elks, and I want to recognize especially the over 10,000 Elks in Allegheny County, PA. These individuals are members of the following Homestead, McKeesport, McKees Rocks, Oakmont, Pittsburgh, South Hills, and Wilkinsburg. They deserve special thanks for all they do to serve our local communities.

For those unfamiliar with the history of the Elks, I ask that the following piece be included in the RECORD:

BACKGROUNDER—THE ELKS

The Benevolent and Protective Order of Elks is one of the oldest and largest fraternal organizations in the United States.

The first formal meeting was held on February 16, 1868, in New York City. Fifteen persons turned out, most of them young, undiscovered but budding artists who had gathered for companionship and to help their older out-of-work peers.

The idea caught on and spread to other groups and other cities. As it grew, the new organization broadened its membership base to include businessmen, professionals, farmers and representatives from other occupations.

Today there are more than 1.6 million members of the Elks in 2,280 local "Lodges" found throughout all fifty states and the District of Columbia. Over the years, these Lodges have evolved into the primary building blocks of the highly decentralized Elks organization. They provide recreational facilities for the entire family, but the Lodges are also the focal point for the many community service and charitable programs that have become an Elk tradition.

Early in its history, the Elks supported groups such as the Salvation Army and the Red Cross. In 1871, they staged a benefit for the victims of the great Chicago fire. Money was raised for victims of the Seattle fire and the Johnstown flood in 1889. And the Elks were the first on the scene to supply money and rescue assistance during the San Francisco earthquake of 1906. Today, disaster relief continues to play an important part in Elk activities.

Patriotism has also been a hallmark of the Elks. In 1907, the Elks became the first fraternal organization in the nation to mandate observance of June 14 as Flag Day. More than 40 years later, fellow Elk, President Harry S. Truman, signed into order a declaration naming Flag Day as an official national holiday.

The Elks National Foundation, the philanthropic arm of the organization, was created in July 1928, as an income-producing fund to help support national Elk projects and to supplement programs at the state and local Lodge levels. Each year, scholarships are awarded to 500 outstanding high school students across the nation. Emergency educational grants are also provided to children of members who have died or been disabled.

Foundation support of state association projects is based on a "revenue sharing" concept. Funds are provided to each state in proportion to the level of contributions made by individuals in the state. The Elks contributed $26 million in 1983 to support cerebral palsy research, veterans' hospitals, retarded child care and to provide wheelchairs, recreational facilities and other aids to the handicapped.

The Elks devote a great deal of attention to youth programs. Lodges and individual members today sponsor more than 1,000 Boy Scout troops and 3,000 Little League teams, as well as Boys' Clubs and Camp Fire Girls' Clubs.

But one of the most important youth programs in recent years has been the annual "Elks' Hoop Shoot,"® a national free throw shooting contest, for boys and girls from ages 8 to 13. Over three million youngsters from all fifty states participate yearly in the "Hoop Shoot,"® from local contests to the national finals where six champions were named.

The program, begun in 1972 on a national basis, provides spirited competition and the chance for youngsters to develop new friendships. Winners and their families also travel to state, regional and national competition, courtesy of the Elks.

FIRST STEPS TO FINANCIAL REFORM

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. ROTH. Mr. Speaker, we face an impending revolution in this Nation's financial services industry. Perhaps nothing this Congress could do would have a greater and far-reaching impact than a basic reform of our financial system.

The Association of Bank Holding Companies and New York Federal Reserve Bank president Gerald Corrigan have taken active roles in presenting alternatives to the current structure of the financial services industry. Whether or not this Congress ultimately enacts legislation to restructure the industry and to break down certain competitive barriers between different types of financial institutions, all of us should be aware that such a restructuring might have certain economic advantages.

I am placing in the RECORD a portion of a recent Association of Bank Holding Companies newsletter explaining its Financial Services Holding Company proposal and an editorial from the New York Times that discusses a proposal made by Mr. Corrigan.

ASSOCIATION OF
BANK HOLDING COMPANIES,
Washington, DC, January 1987.

THE FINANCIAL SERVICES HOLDING COMPANY ACT

Although the details of the "Financial Services Holding Company Act" are still evolving, its purpose is clear: to break the Congressional logjam that has prevented bank holding companies from obtaining additional product and service authority by establishing a framework in which any company that is "financial in nature" will have equal access to the banking, insurance, securities and real estate businesses on a reciprocal basis.

The first mention of this concept by the Association was in a statement delivered on April 17, 1985, to the House Subcommittee on Financial Institutions Supervision, Regulation and Insurance by John W. Woods, Chairman of the Board and Chief Executive Officer of AmSouth Bancorporation, and then-chairman of the Association. In concluding a discussion of the "non-bank bank" issue, Mr. Woods said:

"In the long run . . . this Subcommittee may wish to consider the wisdom of moving toward a holding company act that will embrace all companies in the financial services market-place. Banks would come under the statute, but so would thrifts, "chain banks," and the likes of Sears, Merrill Lynch, American Express, and so on . . . Rather than trying to turn back the tides as King Canute attempted to do, Congress needs to look ahead and think in terms of legislation that endorses and embraces the changes that are taking place, while assuring that public concerns are paramount."

Following Mr. Woods' testimony, the Association, through its Emerging Issues Committee, embarked on a thorough review of legislative concepts that would accommodate necessary changes in bank holding company authority while recognizing genuine public policy concerns. By last fall, the Committee agreed that the "Financial Services Holding Company Act" held the most promise, and requested the Association's Legislative Policy Committee to take up the matter, refine the idea, and reduce it to a legislative proposal—all of which is now being done.

THE BASIC CONCEPT

In exchange for authorizing the ownership of a full service bank by financial competitors, the "Financial Services Holding Company Act" would authorize full entry by the banking industry into the insurance, securities and real estate fields. To do this, companies that are "financial in nature" would create a new corporate superstructure—the "Financial Services Holding Company" (FSHC). (See diagram on last page.) Regulation and supervision would be by function. The bank holding company, as the cornerstone of the new FSHC, would continue to be regulated and supervised by the Federal Reserve Board. An insurance company subsidiary would be regulated by the appropriate state authority, and so on. Section 23A of the Federal Reserve Act, which limits transactions among bank affiliates, would be extended to include FSHC. Under no circumstances would insured bank deposits be available to capitalize a non-bank subsidiary of the FSCH, or to provide assistance in the form of loans or purchase of assets. Compliance with these conditions would be enforced by the Federal Reserve Board.

NO CHANGE

The thrust of the proposal is to create the option of a new financial services superstructure, but at the same time, require no change in the operations of existing financial institutions. Only those firms choosing to exercise the broader scope of the FSHC would be required to undergo an organizational realignment and, even then, the changes would be relatively modest due to the functional regulation that would apply to the FSHC's subsidiaries.

Just as many bankers have chosen not to offer services now permitted banks through section 4(c)(8) of the Bank Holding Company Act, no doubt there will be many bankers who will not be interested in FSHC. In that case, they need do nothing. The same freedom of choice would apply to companies "financial in nature" that do not choose to own full-service banks. They, too, could continue their current operations.

As the FSHC concept continues to be refined, the Association's officers and staff will be consulting with a wide variety of officials and institutions, governmental and private, in order to explain the concept and to receive suggestions for improvement.

[From the New York Times]

WHAT IS A BANK?

Big commercial banks have long had a big itch: to enter markets for financial services reserved for investment bankers, stockbrokers and insurance companies. Now the Federal Reserve Board appears ready to scratch. After a public hearing this week at which Wall Street's heaviest weights are making one last attempt to defend their turf, the Fed is likely to extend the banks' powers to underwrite a variety of securities.

Increased competition in underwriting should cut costs for business and local governments. But that's just a first, easy step toward rationalizing the financial services industry. Gerald Corrigan, president of the Federal Reserve Bank of New York, offers a bold outline for reform.

During the Depression it was widely believed that stock speculation was responsible for the collapse of the banking system. To prevent a recurrence, Congress passed the Glass-Steagall Act barring banks from most securities business.

In fact, the system failed because the Federal Reserve did not act vigorously to check the fall in bank reserves, as worried depositors withdrew money. Today, the threat to the stability of the system plainly lies in activities untouched by Glass-Steagall: loans to foreign governments, real estate developers and the energy industry. Banks would now be better able to withstand losses in these activities if they had been able to diversify into the securities industries.

Congress would have modified Glass-Steagall by now were it not for opposition from protected investment bankers. Their loss would be the public's gain, as competition from commercial banks would push down the stiff fees charged for underwriting bonds and other securities.

The encouraging prospect is that the Fed is about to do through statutory interpretation what Congress has not done by law—permit bank subsidiaries to underwrite all municipal bonds, short-term corporate debts and securities backed by home mortgages and car loans.

This is only a beginning. Big financial corporations—Citibank, Merrill Lynch, Sears—believe they can remain globally competitive only by offering a full range of services. Their lawyers have been working overtime to exploit loopholes and state rivalries to establish beachheads in brokerage, insurance, underwriting and traditional banking. Many banks now sell insurance to their lobbies; many insurers offer checking services.

This new competition has proved generally beneficial. Why not let the big boys chew away at the barriers between their industries?

The pace of reform shouldn't be left to private initiative alone. Neither should the rewards be appropriated by firms with the cleverest lawyers. It isn't clear, moreover, that every market-broadening change would serve the public.

Gerald Corrigan wisely argues that the current legal distinctions between financial industries make little economic sense. But banks shouldn't be allowed to use their depositors' money to discriminate in favor of their own manufacturing subsidiaries—or against competitors of such subsidiaries. Nor should government insurance of bank deposits implicitly cover a bank's investments in, say, its own chain of fast food restaurants.

Mr. Corrigan proposes to eliminate barriers between financial services but to strengthen the wall between traditional banking and non-financial commerce. This would allow financial companies to expand to serve almost every need. But it would minimize the incentives for favoritism in investment decisions, as well as the risks to government-insured deposits.

The Corrigan proposal may not be faultless. At the very least, however, it offers a valuable framework for a much more sophisticated debate. It's an opportunity for Congress to welcome, and seize.

CATHOLIC WAR VETERANS HONOR EDWARD J. KOCHANSKI

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. McDADE. Mr. Speaker, it gives me immense pleasure to have this opportunity to recognize Edward J. Kochanski, who has been elected national commander of the Catholic War Veterans. On March 21 of this year, Mr. Kochanski will be rightly honored with a testimonial marking this event. This marks the first time a local person has won the CWV's top post.

Mr. Kochanski saw action on the islands of Saipan, Tinian, and Okinawa during World War II as a member of the U.S. Marine Corps. He has been active in the Catholic War Veterans for a number of years and served two terms as State commander as well as commander of his home post, St. Patrick's 1317 of Scranton, PA.

A truly outstanding individual, his talents and enormous dedication to his country deserve the highest recognition. He is a fine example of leadership for us all, and it is with great respect that I recognize him here in the House of Representatives today.

TRIBUTE TO BERNIE KOSAR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. TRAFICANT. Mr. Speaker, at this time I would like to pay tribute to a fine young man from my district, Bernie Kosar of Boardman, OH.

Bernie Kosar is now one of the premier quarterbacks in the National Football League, leading the Cleveland Browns to the playoffs in the past two seasons. This past season he led them to the AFC Championship game against the Denver Broncos. Kosar kept the Browns in the game the whole way—but his heroic efforts were not enough as the Broncos pulled out a thriller in overtime. Nonetheless, the future of Bernie Kosar and the Cleveland Browns remains bright.

But Bernie is much more than a football superstar. He's an intelligent young man with a deep sense of commitment and loyalty to his home community. Bernie was a standout student-athlete in high school and college. At Boardman High School, Bernie established himself as one of the hottest young quarterbacks in the Nation. Upon graduation, Bernie decided to attend the University of Miami, FL. Bernie was red shirted his freshman year, but in his first active season Bernie started and led the Hurricanes to the Orange Bowl to face previously undefeated and No. 1 ranked Nebraska. The young Kosar turned in a gutsy, stalwart performance, leading the Hurricanes to a stunning upset victory and a national title.

Although in the national spotlight, Bernie maintained a high grade point average and after his junior year he had enough credits to graduate. Bernie got his degree early and signed on with the Cleveland Browns. Since joining the Browns, Bernie has come along quickly and is today considered one of the best quarterbacks in the game. For the Browns he is the heart and soul of their team. Despite his young age, Bernie has already emerged as a team leader.

Most importantly, Mr. Speaker, Bernie has not forgotten his roots. He remains active in the Boardman community and is genuinely concerned about his hometown and the people in it. He also serves as an excellent role model for our youngsters. Bernie was the true embodiment of the student-athlete, proving that one can excell in both the classroom and the playing field. I am proud to have Bernie as a constituent and I am honored to pay tribute to him.

NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. MORRISON of Connecticut. Mr. Speaker, on February 12 I will visit the West Haven V.A. Medical Center as part of the 14th annual observance of the National Salute to Hospitalized Veterans.

The Salute to Hospitalized Veterans is a way of paying tribute to these men and women not only for the contributions they have made to this country, but also to the special courage they have shown in their daily battles against illness, pain, and loneliness.

As part of the salute, special guests will be touring V.A. facilities across the country to visit with patients. Veterans, youth, civic and religious groups around the Nation will be taking part in activities to honor our hospitalized veterans.

The National Salute to Hospitalized Veterans is a fitting tribute to these men and women who have given so much to this country. It is important that we as citizens take the time to acknowledge their sacrifices and let them know that they are remembered and appreciated.

Mr. Speaker, many thousands of veterans of America's Armed Forces have served this Nation in times of both peace and war, and in doing so have assured the safety and prosperity of all our people as this Nation enters its third century of independence.

Each year, more than a million veterans enter Veterans' Administration medical facilities nationwide for medical attention.

The Veterans' Administration, for the 14th consecutive year, has organized a national day of tribute honoring all hospitalized veterans, with the purpose of urging all Americans to remember these men and women especially on this day and throughout the year.

Mr. Speaker, I want to join that effort and offer a special tribute to the patients in the West Haven Veterans' Administration Medical Center, who deserve our concern and sincere appreciation.

I call upon my colleagues and all our citizens to pay tribute to hospitalized veterans on this day and each day of the year.

OVERTIME PAY ADJUSTMENT NEEDED

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Ms. OAKAR. Mr. Speaker, today I am introducing legislation which amends administratively uncontrollable overtime pay for Federal law enforcement officers and FBI agents, as discussed in section 5545, title V, United States Code.

As you are aware, employees of the Federal Bureau of Investigation are intricate and invaluable resources to our law enforcement system. These men and women routinely log substantial amounts of irregular hours in unscheduled overtime, performing their Federal duties. Respective available figures reveal that administratively uncontrollable overtime [AUO] duty results in an average of 2½ additional hours outside of their normal working schedules.

Section 5545 currently provides premium pay for these employees working under the AUO position. However, this rate is computed on the base salary of an entry level position in the agency which congruently falls as the maximum level upon which AUO is calculated. This section of the law calls for such additional wages to be computed at not less than 10 percent nor more than 25 percent of the basic pay, not to exceed the rate of basic pay for the entry level salary, GS-10 grade. As a result, employees working in higher positions within the agency are compensated for their overtime not only at a rate much less than straight time, but also limited to 25 percent of the set base of an entry level salary, rather than 25 percent of their actual rate of pay. For example: if an experienced employee is under the GS-12 pay bracket, his or her salaried overtime is limited to the pay rate level of a less experienced colleague working in a lower GS-10 salary level.

Mr. Speaker, section 5545 of title V, United States Code is captioned "Night, Standby, Irregular, and Hazardous Duty Differential." The passage affected under my proposed amendment, section 5545, (c) (2), now reads:

> An employee in a position in which the hours of duty cannot be controlled administratively and which requires substantial amounts of irregular, unscheduled overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an unusual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 percent nor more than 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay of GS-10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.

Mr. Speaker, I propose instead, that the last sentence of the quoted paragraph, section 5545, (c) (2), be amended to read:

> Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 percent nor more than 25 percent of the rate of basic pay applicable to the employee by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.

I assure you that the original provisions stated in section 5545 are an appreciated measure of compensation for the many hundreds of additional hours required in an agents job annually. However, adjusting the arbitrary cut off point—base of GS-10—and enabling AUO to be figured on the prescribed percentage of an employee's existing pay rate would ensure a welcome amount of relief from the substantial erosion in real pay—purchasing power—and benefits experienced in recent years.

In closing, I would like to emphasize that my proposed amendment to section 5545 is not suggested to provide some slight measure of relief for just FBI agents, but for any Federal employee who falls under this provision. I ask all my colleagues to support this legislation.

THE GREAT LAKES WATER RELIEF ACT OF 1987

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. SENSENBRENNER. Mr. Speaker, I have reintroduced H.R. 247, the Great Lakes Water Relief Act of 1987.

Major provisions of the bill seek to achieve an overall management program for the Great Lakes. Two fundamental provisions of the legislation are designed to work toward this objective. The first is to increase the flow of Great Lakes water at Chicago; referred to as the Chicago diversion.

Water has been diverted from the Great Lakes Basin via the Lake Michigan Diversion at Chicago since the completion of the Illinois and Michigan Canal in 1848. It is the only Great Lakes diversion which moves water outside of the Great Lakes watershed basin.

The diversion at Chicago is used for three purposes:

First, water is withdrawn directly from Lake Michigan for domestic and industrial purposes and then discharged into the Illinois River as treated sewage;

Second, runoff which once drained to Lake Michigan is now diverted to the Illinois River;

Third, water is diverted directly from Lake Michigan into the Illinois River and canal system for navigation and dilution purposes in the Chicago area.

The amount of water and the purposes for which it maybe be used have been a subject of dispute dating back to 1909. The case of Wisconsin versus Illinois was filed by Wisconsin in 1922. This case has been the fundamental avenue of litigating placing limits on water amounts diverted at Chicago. The dispute was settled by several judicial decrees issued over the past 50 years, and remains under the Supreme Court's continuing jurisdiction. Currently, the average amount of water Chicago may remove through the diversion is 3,200 cubic feet per second as authorized by a 1980 decree. Exceptions are made for emergency situations, however.

An emergency situation did indeed exist in the 1950's. In October 1956, a prolonged drought in the areas tributary to the Missouri and Upper Mississippi Rivers resulted in water depths well below the 9-foot required navigational depth. As a result, navigation operations were severely hampered and some 200 barges essential to interstate transportation were stalled in the area around Alton, IL. On December 3, 1956, the State of Illinois filed a petition with the U.S. Supreme Court asking for an emergency 100-day increase in the diversion to 1,000 cubic feet per second [cfs]. On December 17, 1956, the U.S. Supreme Court entered an increase not to exceed an average of 8,500 cubic feet per second for 46 days. This resulted in an actual increase of approximately 7,900 cubic feet per second from December 17, 1956, through January 31, 1957.

On January 28, 1957, the State of Illinois again petitioned for an extension because of the continuing drought. An extension was granted through February 28, 1957. The amendment moved through the Supreme Court quickly because of the emergency conditions.

The Chicago diversion, according to the International Joint Commission, decreases the water supply to Lake Michigan and creates an additional outflow channel from Lake Michigan. The net effect of the diversion on lake levels has been to reduce the mean levels of Lake Michigan-Huron by 6.4 cm [0.21 feet], Lake Erie by 4.3 cm [0.14 feet] and Lake Ontario by 3.0 cm [0.10 feet]. Under current regulation, plan 1977 for Lake Superior, the diversion also reduces the mean level of the lake by 2.1 cm [0.07 feet].

The Army Corps of Engineers has informed me the effects of the bill could reduce Lake Michigan by 1 inch over 9 months, depending on weather conditions. As you can see, effects are slow to impact on Lake Michigan. Realizing that initial effects are minimal, any one who cries "water grab" by States in need of water can be assured by the protections built into the legislation.

H.R. 247 contains two protections against a water grab by any other region seeking to use Great Lakes water for development purposes. The bill calls for establishing a comprehensive permanent management program for the maintenance of the water levels of the Great Lakes at their long term levels between January 1, 1900, and ending December 31, 1977. If enacted it would prevent a water drain from the lakes because the management program would establish a median water level for the Great Lakes. Therefore, if the lakes were too high, water could be diverted, or too low, the diversion would be increased into the lakes.

Second, protections for downstate Illinois are in the legislation. By requiring that the diversion must be accomplished incrementally and adjusted in consideration of the Illinois and Mississippi River levels, flooding from the diversion is prevented.

Section 2 of H.R. 247 contains sense of Congress language which requests the President to begin negotiation with Canada to:

First, increase the rates of flow on the Niagara River and the Welland Canal and;

Second, close the Ogoki and Long Lac diversions into Lake Superior.

The Welland Canal takes water from Lake Erie at Port Colburn and diverts it across the Niagara Peninsula to Lake Ontario at Port Weller, bypassing the Niagara River and Falls. The canal is used primarily as a deep draft navigational waterway and for power generating stations.

The diversion also supplies water for industrial and municipal use and for water quality enhancement.

I wrote Secretary of State George Shultz soliciting his views on the legislation, specifically section 2 of the bill. Ed Fox, Assistant Secretary for Legislative and Intergovernmental Affairs, responding for the Secretary said:

> The Great Lakes are a unique and precious resource which have been managed bilaterally under the Boundary Water Treaty of 1909 and the Great Lakes Water Quality Agreement of 1978. Because this bilateral approach has proven constructive in dealing with complicated Great Lakes' issues, we (the State Department) prefer to continue addressing matters relating to Great Lakes' water levels in a bilateral fashion rather than unilaterally.

Clearly, if the State Department prefers to address the issue in a bilateral fashion, then H.R. 247 is the route to go. It calls on the President to negotiate the Great Lakes matter with the Government of Canada, with hopes of producing a longer term plan to manage the water levels of the Great Lakes at times of both high and low levels.

Direct government-to-government negotiations are especially important now, in light of the action of the International Joint Commission, which wrote in December 1986 to the Secretary of State, "The Commission believes it is its duty, given the extent of the current crisis * * * that the measures * * * warrant the consideration of Governments even in advance of completion of the full evaluation process."

The new position by the International Joint Commission now places the onus on the Governments of Canada and the United States.

In summary, Mr. Speaker, a long-term study of diverting Great Lakes water has never been undertaken. In fact, section 1109 of H.R. 6, the Water Resources Development Act of 1986 prohibits any such study of water diversion.

I do not support the diversion of water from the Great Lakes for the purposes of economic development outside of the Midwest. But the current crisis now facing the region underscores the need for all parties to determine what we want from this valuable natural resource. My bill does not authorize massive public works projects, in fact it does nothing more than use existing structures. I hope this legislation begins the process of evaluation, for the sake of the generations inheriting this precious resource from us.

Mr. Speaker, I have enclosed a copy of H.R. 247 for review by the membership.

H.R. 247

A bill to alleviate water damage along the shoreline of the Great Lakes caused by abnormally high water levels

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Water Level Relief Act of 1987".

SEC. 2. WATER DIVERSION FROM LAKE MICHIGAN AT CHICAGO.

(a) IN GENERAL.—The Secretary of the Army shall—

(1) temporarily establish a rate of diversion from Lake Michigan at Chicago, Illinois, of not less than 8,700 cubic feet per second and not more than 10,000 cubic feet per second; and

(2) thereafter maintain a rate of diversion of water from Lake Michigan at Chicago, Illinois, as the Secretary determines is necessary;

to prevent water damage on the shoreline of Lake Michigan and other Great Lakes during periods of abnormally high water levels in the Great Lakes.

(b) Implementation of Adjustment of Rate of Diversion.—Any adjustment in a rate of diversion of water pursuant to subsection (a) shall—

(1) be accomplished incrementally;

(2) take into consideration the effects of the adjustment on the Illinois Waterway; and

(3) be implemented by the State of Illinois and the Metropolitan Sanitary District of Greater Chicago under the Supervision of the Chief of Engineers.

(c) Limitations.—The Secretary may reduce the rate of diversion of water at Chicago, Illinois, below the levels required by subsection (a) as the Secretary determines is appropriate during any period in which—

(1) river stages are near bankfull conditions at the established flood warning stations on the Illinois Waterway or the Mississippi River; or

(2) maintaining a rate of diversion of water from Lake Michigan in accordance with subsection (a) would adversely affect water levels necessary for navigational requirements of the Saint Lawrence Seaway in its entirety throughout the Saint Lawrence River and Great Lakes-Saint Lawrence Seaway.

SEC. 3. NEGOTIATIONS WITH CANADA.

It is the sense of the Congress that the President should, as soon as practicable after the date of the enactment of this Act, seek negotiations with the Government of Canada regarding the following matters:

(1) Increasing the rates of flow of the Niagara River and the Welland Canal to their maximum levels.

(2) Closing the Ogoki and Long Lac diversions into Lake Superior until such time as water levels of the Great Lakes may be maintained at approximately their long-term average as measured during the period beginning January 1, 1900, and ending December 31, 1977.

(3) Establishing a comprehensive permanent management program for the maintenance of the water levels of the Great Lakes at approximately their long-term average as measured during the period beginning January 1, 1900, and ending December 31, 1977.

A TRIBUTE TO R.B. "CHIEF" CHURCH

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. HERTEL. Mr. Speaker, I rise today to offer my congratulations to R.B. "Chief" Church, a resident of my district, who will be receiving the prestigious "Citizen of the Year" award by the Sterling Heights Area Chamber of Commerce. For more than 20 years, Mr. Church has quietly but effectively been the driving force behind numerous worthwhile charitable, business, and educational community endeavors.

As vice president, president, and member of the board of the Utica Goodfellows, Chief Church showed rare compassion for the poor. Chief and his wife, Vi, worked tirelessly on projects to help feed and clothe the needy.

Chief Church was one of the original charter members and officers of the local chamber of commerce when it was first organized 25 years ago. He also served as president of the New Utica Corp., during the 1960's. Under his guidance the corporation devoted much energy to improving the business climate of Utica.

More recently, Chief Church has been a founding member and was elected the first chairperson of the Foundation for Educational Excellence. The foundation is a nonprofit group of local business persons and leaders who formed this year to funnel tax-exempt donations into worthwhile Utica community schools educational programs in need of financial backing.

I hope my colleagues will join me and the members of the Sterling Heights Area Chamber of Commerce in honoring Chief Church a man of generosity, honor an integrity.

SOVIET JEWRY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. MAZZOLI. Mr. Speaker, I am honored to participate in this special order in an effort to focus attention on the plight of Soviet citizens who are seeking freedom and emigration from the Soviet Union.

I feel this is a particularly worthy and timely moment for the special order, since—for the first time since April 1985—Soviet emigration is on the increase. According to figures recently released by the Soviet Government, approximately 500 Soviet citizens—mostly Jewish—were granted exit visas in January of this year. And, reportedly, the number is likely to increase next month.

In particular, I would like to bring to your attention the Yakov Beilin family. Yakov is a forestry technician who lives in a small Jewish community in Lvov. Most of his family, eight aunts and uncles who previously lived in Vilna, were exterminated with their young children by the Nazis during World War II.

In 1973, Beilin's father died after a long illness. Before he died, his last stated wish was that his family move to Israel where his only sister resided. This request the widow Beilin decided to fulfill.

Yakov Beilin's mother was granted permission to emigrate to Israel, but Yakov Beilin, his wife, and two children were refused. Despite her age and frailty, Yakov Beilin's mother decided to make the move.

Yakov first submitted a request for an exit visa on May 4, 1974. His request was denied on April 23, 1978 due to security concerns. Again, in March 1986, he applied for permission to emigrate from the Soviet Union. To date, he still has not been granted a formal acceptance or refusal.

His mother remains most distressed by being separated from her family. She writes: "I have but one desire, I beg you to help me bring my son and his family to Israel. The few years that I have left to live, I would like to spend together with him."

As one of many concerned Members participating in today's special order, I hope the Soviet Union's most recent public displays of tolerance signals progress toward greater respect for basic human rights and privileges, and that the Beilin family and other Soviet families in similar circumstances will be reunited.

BALANCED BUDGET/SPENDING LIMITATION AMENDMENT

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. KYL. Mr. Speaker, I am today proposing a balanced budget spending limitation amendment to the Constitution.

In the State of the Union Address on January 27, the President called on Congress to,

> Stop pushing onto our children the excesses of our government. What the Congress finally needs to do is pass a constitutional amendment that mandates a balanced budget and forces government to live within its means. States, cities, and the families of America balance their budgets. Why can't we?

Well, it is not because we can't but because the majority in the Congress has not had the courage or the will to do so.

The American people are growing impatient with Congress' inaction. They will not and should not be satisfied with rhetoric. The time to act on a balanced budget amendment and spending limitation amendment is now.

The Gramm-Rudman law is in place, but it is only a start. Unfortunately, Congress can repeal it, waive its provisions, or refuse to pass a joint resolution approving across-the-board cuts. What we need is a constitutional provision forcing fiscal responsibility.

The amendment I am proposing today requires a balanced budget beginning in fiscal year 1991 when, under Gramm-Rudman, we should have ended deficit spending.

It also limits Government spending to no more than 19 percent of the country's gross national product. That is the level of spending that we would have today if we balanced the budget without raising taxes.

A spending limit is absolutely necessary as a complement to a balanced budget amendment, because a budget can be balanced by raising taxes as well as by cutting spending. The way to greater prosperity for Americans is not to take more of their dollars. Consider that in just the last 8 years, spending doubled from $504 billion in fiscal year 1979 to more than $1 trillion this fiscal year. An amendment without a spending limitation would be a fraud.

I hope the House will act expeditiously on this amendment. If we don't, we may soon face a constitutional convention which will force a balanced budget amendment on us. Thirty-two of the required 34 States, including my home State of Arizona, have already acted in this regard. Montana and New Jersey are poised to act this year.

Mr. Speaker, I ask that the proposed amendment be printed in the Record at this point:

H.J. Res. 143

Joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 percent of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE

"Section 1. Except as provided in this article, expenditures of the United States Government for any fiscal year shall not exceed its revenues for that fiscal year.

"Section 2. The expenditures of the United States Government for a fiscal year may not exceed 19 percent of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year.

"Section 3. The Congress may, by law, and subject to Article I, Section 7 of the Constitution, provide for suspension of the effect of section 1 of this article for any fiscal year in which a declaration of war is in effect or whenever three-fifths of the total membership of each House shall deem it necessary.

"Section 4. The Congress shall implement and enforce this article by appropriate legislation.

"Section 5. This article shall apply to the first fiscal year beginning after its ratification and subsequent fiscal years, but not to fiscal years beginning before October 1, 1990.".

LOUIS CHASE HINER, JR.

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. JACOBS. Mr. Speaker, with sudden sadness our warm friend Lou Hiner has left us. Edward R. Murrow said this of another Hoosier journalist, Elmer Davis:

> He never knowingly did violence to the truth.

Mr. Murrow might well have said the same of Lou Hiner.

To say that we shall miss him is to say much too little to describe the sorrow with which we say goodbye to him.

[From the Indianapolis News, Feb. 9, 1987]

Louis Hiner, Jr.

In the newspaper business there is no higher calling than being a good reporter.—Eugene C. Pulliam.

The man who inspired this statement could have been Louis Chase Hiner Jr., who was a reporter for The News for 40 years.

For 34 of those eventful years he held what most reporters would call the most coveted desk on the staff, chief Washington correspondent.

He worked last Friday as usual, submitting his regular column for Saturday publication. He died Friday night in his sleep. An appropriate sidelight on that Saturday column was that it was not submitted to the usual cuts in order to fit the space, as most columns are. His editor decided that it was so good that it should run exactly as it came in over the wire.

Mr. Hiner's career was rich and varied. He served his journalistic apprenticeship at the Rushville Republican and The Martinsville Reporter before going to work at The News in 1947.

He covered state government as his first assignment, where he demonstrated unusual talent as an interpreter of the Indiana political scene.

He received his first national assignment in 1948 when he covered the presidential campaign. His front page bylines were frequent, and his copy sparkled with imagery and human interest.

He was the logical choice to represent The News in Washington when a vacancy occurred in the bureau in 1953. His job was to focus on the Washington political delegation from Indiana and to report the background and human interest stories.

His byline continued to be followed by News readers, and his political coverage always offered that special "Indiana angle."

He became "Lou" to presidents, cabinet members, senators, representatives and many of the influentials in Washington. Always unflappable, he was not overawed by the great and near-great: he sought out the stories where they were and reported them with grace and clarity.

The present publisher of The News, Eugene S. Pulliam, a former managing editor of The News, said that Mr. Hiner was one of the most talented and aggressive reporters he had ever known.

Beyond his professional competence. Mr. Hiner was an affable, worthy and respected fellow-worker in the journalistic vineyard.

At conventions and political gatherings, where the pressure was often almost unbearable, he was even tempered with his colleagues and even handed with sensitive political issues.

Today, the governmental leaders he wrote about during his remarkable 40-year career are writing and speaking about him—all with affection and admiration.

But the highest tribute—and the one he would be proudest of—has come from one of his fellow reporters who knew him from the first day he joined The News staff: "Lou was a pro."

[From the Indianapolis Star, Feb. 8, 1987]

Lou Hiner Dies at 67; Washington Bureau Chief for the News

Washington.—Louis Chase Hiner Jr., 67, the Washington Bureau chief of The Indianapolis News for 34 years, was found dead Saturday in bed at his home in Falls Church, Va.

Mr. Hiner had complained of chest pains Friday morning but did not wish to consult his doctor or go to a hospital.

He worked at his desk throughout the day Friday. His column on The News editorial page appeared as usual Saturday.

Mr. Hiner joined the staff of The News in 1947 and covered state government as his first assignment.

Associates discovered he was a gifted feature writer and keen interpreter of politics.

During the 1948 presidential campaign, he covered national politics for The News.

When a vacancy occurred in The News Washington Bureau in 1953, Mr. Hiner was chosen to head the office by Eugene C. Pulliam, the late publisher of The News and The Indianapolis Star.

During his long career in Washington, Mr. Hiner covered many of the nation's most exciting governmental and political events. His regular column on the editorial page of The News commented on politics and government and often pointed out oddities of the bureaucracy with a refreshing touch.

Benjamin R. Cole, who retired in July after 37 years as chief of The Star's Washington Bureau, described Mr. Hiner as a delightful companion and a great professional.

"He was one of the finest newspaper writers I have ever known." Cole said. "We accomplished the impossible. We were competitors and rivals, yet we had affection for each other. In all our years as office mates, we had only one angry dispute and that was my fault."

Mr. Hiner earned the respect of Republicans and Democrats alike.

Sen. Dan Quayle, R-Ind., who had written a note Thursday complimenting Mr. Hiner on a recent column, described Mr. Hiner, as "a reporter's reporter . . . a patriot, a friend and a gentleman."

"Lou Hiner was a very distinguished journalist . . . a graceful writer and an astute and experienced observer of events in both Indiana and Washington," Quayle said. Former Democratic Sen. Birch E. Bayh, a longtime friend who arrived in Washington about the same time as Mr. Hiner, said the journalist was always a "straight shooter" in reporting events.

"He gave Hoosiers a background of personalities in Washington in a positive way," Bayh said. "So much of the news is negative that it's difficult to get something positive and newsworthy."

He was born in 1919 in Astoria, Ore., and grew up in Indiana, where his father was editor and publisher of The Rushville Republican.

He attended Indiana University for a year and worked on The Indiana Daily Student newspaper staff before joining the Army Air Forces in World War II.

He later returned to I.U. for another year to pursue a career in medicine.

But a career in journalism won out. He later became city editor of The Rushville Republican and was editor of The Martinsville Reporter before going to work for The News.

The present publisher of The Star and The News, Eugene S. Pulliam, a former managing editor of The News, said Mr. Hiner was one of the most talented and aggressive reporters he had ever known.

He noted that when Mr. Hiner went out to cover a story, he invariably returned with two or three other story ideas.

Mr. Hiner was a member of the White House Correspondents Association, press galleries of the U.S. Senate and House of Representatives, Sigma Delta Chi—Society of Professional Journalists, Kappa Kappa Psi, the Indiana Historical Society, Elks Club and American Legion.

Services are pending at Murphy Funeral Home, Falls Church.

Survivors: wife, Phyllis Clark Hiner; sons, Gregory C. and Dr. Bradley C. Hiner; daughter, Carolyn Koons; brother, Richard Hiner; four grandchildren.

[From the Indianapolis News, Feb. 9, 1987]

Services Tuesday for Louis Hiner Jr.

Falls Church. VA.—Services for Louis C. Hiner Jr., 67, longtime Washington Bureau chief for The Indianapolis News will be at

10:30 a.m. Tuesday in Murphy Funeral Home. The Burial will be in Quantico National Cemetery.

Hiner, a former Indianapolis resident, was found dead at his home Saturday. Mr. Hiner joined The News in 1947 to cover Indiana government. In 1953, he was chosen to head the Washington Bureau of the newspaper by Eugene C. Pulliam, the late publisher of The News and The Star.

He was highly regarded by colleagues and by the newsmakers he covered.

Benjamin R. Cole, former chief of The Star's Washington Bureau called Hiner "one of the finest newspaper writers I have ever known." Sen. Dan Quayle. R-Ind., called Hiner "a graceful writer and an astute and experienced observer of events both in Indiana and Washington."

Former Democratic Sen. Birch E. Bayh said Hiner was "a straight shooter" in his reporting.

The present publisher of The News and The Star, Eugene S. Pulliam, a former managing editor of The News said Hiner was one of the most talented and aggressive reporters he had ever known.

He noted that when Hiner went out to cover a story, he invariably returned with two of three other story ideas.

Hiner studied journalism at Indiana University and served in the Army Air Force in World War II.

Survivors—wife, Phyllis Clark Hiner; sons, Gregory C. and Dr. Bradley C. Hiner; daughter, Carolyn Koons; brother, Richard Hiner; four grandchildren.

TUESDAY SERVICE SCHEDULED FOR NEWSMAN LOUIS HINER JR.

Services for Louis C. Hiner Jr. 67, longtime Washington Bureau chief for The Indianapolis News, will be at 10:30 a.m. Tuesday in Murphy funeral home, Falls Church, Va., with burial in the Quantico National Cemetery.

Calling will be from 2 p.m. to 4 p.m. and from 7 p.m. to 9 p.m. today in the funeral home.

Mr. Hiner's last column about the nation's capital appeared on editorial pages of The News Saturday. He was found dead apparently of a heart ailment, that day in his home.

He joined The News in 1947 to cover Indiana government. In 1953, he was chosen to head the Washington Bureau of the newspaper by Eugene C. Pulliam, the late publisher of The News and The Indianapolis Star.

He was highly regarded by colleagues and by the newsmakers he covered.

Benjamin R. Cole, former chief of The Star's Washington Bureau called Mr. Hiner "one of the finest newspaper writers I have ever known."

Sen. Dan Quayle, R-Ind. called Hiner "a graceful writer and an astute and experienced observer of events both in Indiana and Washington."

Former Democratic Sen. Birch E. Bayh said Mr. Hiner was "a straight shooter" in his reporting.

Born in Astoria, Ore., Mr. Hiner grew up in Rushville, Ind., where his father, the late Louis C. Hiner Sr. was the editor and publisher of the Rushville Republican.

He studied journalism at Indiana University and served in the Army Air Force in World War II.

Survivors: wife, Phyllis Clark Hiner: sons Gregory C. and Dr. Bradley C. Hiner, daughter, Carolyn Koons; brother Richard Hiner; four grandchildren.

AL BOSCOV RECEIVES COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. KANJORSKI. Mr. Speaker, it is my pleasure to draw your attention to Mr. Albert Boscov, who will be honored on February 15 by the S.J. Strauss Lodge of B'nai B'rith for his outstanding contribution to the Wyoming Valley community.

Born and raised in Reading, PA, Al Boscov graduated from the Drexel Institute of Technology and served in the Navy before joining his father in the operation of the family's small neighborhood store in Reading. Al's flair for innovative marketing led to the opening of a second store in Reading, which soon grew to a third. The Boscov department store empire eventually spread as far south as Lebanon, PA, to Binghamton, NY.

There is no question that Al Boscov is a businessman first and foremost, and an extremely capable one at that. But his shrewd business mind is tempered by a warm, community-minded heart. Mr. Boscov chose to remain based in his home State of Pennsylvania, in the old coal and steel towns which so desperately needed investment dollars. He was one of the first businessmen to see the unique opportunity of rebuilding downtown Wilkes-Barre after the flood of 1972, and the opening of his department store persuaded others to join in the tremendous growth of our now beautiful, modern downtown.

Al Boscov is the kind of businessman who gives American capitalism a good name. In every community, the Boscov stores are an integral part of the community, serving as a magnet for civic programs and exhibits, from Boy and Girl Scout days to Black Heritage and Puerto Rican festivals. As a fundraiser, I can think of no one his equal. Working with the Luzerne County Federation of Women's Clubs, he has helped raise tens of thousands of dollars for a wide variety of nonprofit organizations in Luzerne County. Most recently, his leadership in the renovation of the F.M. Kirby Center for the Performing Arts in Wilkes-Barre has resulted in the creation of a grand new cultural center for northeastern Pennsylvania.

Mr. Speaker, the spirit of community service is alive and well in Pennsylvania, and it is a great pleasure for me to join the S.J. Strauss Lodge in honoring Mr. Albert Boscov for his outstanding contribution to his community.

KILDEE HONORS DR. J. MERRILL SPENCER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. KILDEE. Mr. Speaker, I am honored to bring to the attention of my colleagues and the Nation an event on February 15, 1987, honoring one of Michigan's most distinguished leaders in education and community activities, Dr. J. Merrill Spencer, of Flint, MI. In recognition of several decades of meritorious service to his community and his country, Dr. Spencer will receive an honorary doctor of laws degree from Morehouse College of Atlanta, GA.

Mr. Speaker, I believe it is only fitting that in the year in which we celebrate the 200th anniversary of our Constitution, and the second year that our country commemorates the birthday of the late Martin Luther King, Jr., we also honor a man who has been a leader in fulfilling the true intentions of our Constitution and who embodies the ideas and courage of the late Dr. King. Over the last 36 years in Flint, Dr. Spencer has been an unrelenting leader in the pursuit of equality and justice fo all people. We in the Flint area are indeed blessed to have a great man like Dr. Spencer living in our community.

Dr. Spencer served his country patriotically in the Second World War. After the war, he returned to the United States to continue his education where he received degrees from Morehouse College and Atlanta University. Dr. Spencer continued his studies at the Michigan State University and was later awarded a doctorate degree by the National Conference of Examiners of Morticians and Embalmers, Inc. Dr. Spencer has always valued his education. He realized from the beginning that despite the major obstacles he would face because of his race, he would never be denied a job because he was not qualified.

Dr. Spencer was one of the early leaders in the civil rights movement in the Flint area and has served as a beacon of light in our community, leading the way for others to follow. In 1951, he became the first black male nurse to work above the basement floor in Hurley Hospital. Needing a second job to make ends meet, Dr. Spencer became the first black postal clerk at the Flint Post Office and he actively recruited other blacks to apply. Today, blacks constitute half of the work force at the post office, and Hurley Hospital is the second largest employer of blacks in the Flint area. In 1955, Dr. Spencer founded the House of Spencer Mortuary, which, under his supervision, has become a leader in the mortuary service field. While running his business, Dr. Spencer worked as a substitute teacher in Flint and still found time to open the first black brokerage firm in Detroit.

Dr. Spencer continued his efforts in civil rights in the 1960's, using the courts to obtain the right for people to be buried at the cemetery of their choice without discrimination. Dr. Spencer continues to remain active in our community, serving on the Flint School Board while working on several campaign committees to elect black officials to public office.

Dr. Spencer's list of organizational memberships is long and diverse, and includes memberships in the NAACP, Disabled American Veterans, the American Academy of Physical and Biological Sciences, the Genesee County Democratic Party Executive Committee, and the Mount Olive Baptist Church. Dr. Spencer was also an alternate delegate to the 1976 Democratic National Convention. The honorary degree that Dr. Spencer will receive from More- house College adds to a distinguished list of awards bestowed upon him in the past 20 years. Such awards include the Frederick Douglas Award from the National Association of Business and Professional Women, the Iota Mega Nu Sorority Volunteer Award, the Alpha Kappa Alpha Sorority Citizenship Award, the Alpha Phi Alpha Man of the Year Award, and the Alumnus of the Year Ward from Morehouse College.

Mr. Speaker, Dr. J. Merrill Spencer has proven himself as a valuable educator and leader to the people of Flint. In the emotional and arduous field of civil rights, Dr. Spencer's brave actions have opened doors for countless young men and women. It is a great honor for me to pay tribute to this man—a man who has worked so diligently to make our lives easier, and who in turn, has made our community a better place in which to live.

DR. ROBERT PETER GALE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. WAXMAN. Mr. Speaker, Dr. Robert Peter Gale is being honored by the California Chapter of the Myasthenia Gravis Foundation, Inc., as this year's recipient of its Founder's Humanitarian Award.

Myasthenia Gravis is an elusive, crippling and potentially fatal disease which has been misdiagnosed more often than any other disease. It can be found in every age group, every ethnic group and at every level of our society. Although no known cure yet exists, with the help of dedicated individuals in organizations such as the Myasthenia Gravis Foundation there is a continuing effort in finding the cause and cure for this disease.

Dr. Robert P. Gale is a preeminent bone marrow transplant specialist from the University of California at Los Angeles. He is perhaps best known for his efforts in assisting the Soviets after the Chernobyl nuclear disaster last May. Severe radiation exposure can destroy bone marrow, where many components of blood and the immune system are produced. Dr. Gale's knowledge and expertise were crucial to the historic international rescue effort that involved 15 countries.

Dr. Gale's background is impressive. He received his A.B. degree with high honors in biology from Hobart College, his M.D. degree from State University of New York at Buffalo's School of Medicine, and his Ph.D. in microbiology and immunobiology at the University of California at Los Angeles. He is currently an associate professor of medicine and director of the program in transplantation biology at UCLA, as well as chairman of the International Bone Marrow Transplant Registry.

Dr. Gale is a member of the editorial boards on blood, bone marrow transplantation, experimental hematology, hematologic pathology, leukemia research, natural immunity and cell growth regulation and transplantation proceedings. His society memberships include the American Association for the Advancement of Science, the American Association of Immunologists, the American College of Physicians, the American Federation for Cancer Research, the American Society for Clinical Oncology, the American Society of Hematology, the International Society for Experimental Biology and Medicine, the Transplantation Society, the Western Society for Clinical Investigation, and Sigma Xi. He is also on the advisory board for the Veterans' Administration Advisory Committee.

Dr. Gale has been the recipient of many honors: Meyerhoff Visiting Scientist, Weizmann Institute of Science, 1982–83; visiting professorship, Excerpta Medica Foundation, 1979–81; scholar, Leukemia Society of America, 1974–76; fellow, United Health Fund, 1968; fellow, Research Foundation of the State University of New York, 1967; Epsilon Pi Sigma, Honorary Science Society, 1966.

I ask all Members to join with me in congratulating Dr. Gale, his wife Tamar, and children, Tal, Shir, and Elan, on this very special occasion. Dr. Gale has truly established himself as an extraordinary physician, scientist, and humanitarian. May he enjoy many more years in his honorable and rewarding work.

POOR TIMING ADDS TO CONFUSION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. CLINGER. Mr. Speaker, the President's budget proposals for student aid programs turn back the clock on the progress made by the Higher Education Act toward achieving equal opportunity for a college education regardless of income. In a time when the health of our economy hinges on the quality and competitiveness of our products and services in world markets, a diminished Federal commitment to producing a well-educated work force will undermine our efforts in this area.

To those who say that student aid bleeds the taxpayers and produces a glut of college graduates in the labor market who are unable to find employment in white-collar jobs, one need only look at some revealing statistics and conclusions compiled this year by the Bureau of Labor Statistics [BLS]. The BLS states that overall, college graduates appear to have a competitive advantage in the labor market and that high school graduates are more likely to be unemployed than college graduates. Furthermore, in 1986, 69 percent of college graduates in the labor market held positions in managerial and professional fields; in comparison, only 13 percent of high school graduates were employed in such occupations.

So, Mr. Speaker, I think it is clear that the Federal dollars spent on higher education are an investment well worth the expense. The administration's budget not only misses this point but assumes that college expenses are well within the reach of the average middle-class family without the backup of student financial assistance.

The following article appeared in USA Today and was written by Robert W. Evans, director of student aid at the Pennsylvania State University located in my congressional district, makes a convincing case against the proposed budget cuts.

The article follows:

POOR TIMING ADDS TO CONFUSION

(By Robert W. Evans)

UNIVERSITY PARK, PA.—Changing the rules in the middle of any game is unfair, but trying to change the rules of student financial assistance during the application period is simply beyond reason.

The administration's proposed 1988 budget would impact on the 1987-88 academic year as well, eliminating or revising aid programs that students are applying for now.

Potentially, the work-study program and the supplemental grant program, which aid the most needy students, would be eliminated. The guaranteed student loan program would be gutted, funds to Pell grants would be cut, and the national direct student loans would be revised to an income-contingent loan program.

But the real danger of this effort is that students who are eligible for existing programs may opt not to apply because they are either confused by the proposals or believe the programs will be gone come fall.

There was a level of confusion among parents and students even prior to the administration budget proposal to slash student aid programs.

Financial aid to students was changed substantially four months ago by the Reauthorization of Higher Education Act. Parents and students have been turning to colleges, universities, and the government for explanations of these sweeping changes. Now, the president would like to revise the book on financial aid that has just been rewritten.

It is important to remember that these are proposals; and while the changes may be considered by Congress, it may be administratively impossible to implement many of these changes for the 1987-88 academic year.

It is difficult to believe that the administration would seek to act so unfairly, putting parents and students as well as institutions of higher education in this position.

What parents and students must do is think about the programs and policies that are in place now. Take action and apply for the programs that exist and can help students achieve their goals of higher education.

Congress needs to hear from parents and students just how important these programs are to achieving their educational goals.

LOU HINER

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. SHARP. Mr. Speaker, it is with sadness that I call your attention to the death Saturday of one of Indiana's most respected journalists, Lou Hiner.

Lou got his start in the newspaper business as a boy helping out his father who owned the Rushville Republican. After attending Indiana University, he worked as editor and part-owner of the Martinsville Reporter. He then moved to the Indianapolis News where he served as a general assignment reporter, columnist and statehouse correspondent before coming to Washington in 1953.

Lou was an institution here in Washington as a correspondent and later bureau chief for the News. Beginning with his first story, President Eisenhower's first inauguration, Lou's work provided a vivid window on the Nation's Capital for hundreds of thousands of Hoosiers each day. He had the special ability to cut through the morass of everyday Washington in order to clearly convey the important events and issues to citizens of Indiana. I know that for many readers of the News Lou's death leaves a space that will not be easily filled.

For those people here in Washington and Indiana who were lucky enough to work with Lou on a regular basis, the loss is even more personal and difficult. He was a first-class journalist, but even more enduring to those of us who knew Lou is that he was a first-class person. I am sure I speak for all of his many friends in underscoring how much Lou will be missed.

AMERICA NEEDS AN OIL IMPORT FEE NOW, MORE THAN EVER

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. CHENEY. Mr. Speaker, a common complaint of local government is its reluctance to respond to a need for neighborhood traffic control until a fatal accident forces the town council to put up a new stop light. I fear that the Congress of the United States, which ought to have more foresight, is responding in the same way when faced with an American energy industry that is falling apart.

A little over a year ago, in January 1986, world oil prices began a sudden and unexpectedly large drop. By the middle of last year, energy analysts said the price of crude oil was in a free fall: there was no mechanism that could keep prices from falling even more. But Congress wasn't worried: when the price drop began to show up on gasoline pumps in the United States, we were told this was a free market victory for us that would kick in the turbos on the American economy.

Instead, the rate of growth of the economy in 1986 was the slowest in 4 years. A year ago, we were hearing what good news low oil prices would be. By December the Commerce Department was saying that one of the factors holding back growth last year was "a drop in oil prices that hurt investment in energy." Real investment in the industry declined by over $10 billion in the first half of last year, and that drop accounted for more than half of the decline in real business fixed investment.

Low world oil prices have failed to be a tonic for the American economy. But what is much worse is that they have made the United States more reliant on imported supplies, seriously crippled the American energy industry, and reduced the incentive to develop alternate energy supplies. These are the warning signs which Congress must heed if we are to avoid another energy crisis.

In 1986, our oil imports rose to their highest levels since 1980, an average of 6 million barrels a day. That represents a 22-percent increase from what we imported in 1985. Throughout 1986 we continued to rely more and more on imports for the energy we need, so much so that by last December, they accounted for 39 percent of the market. That figure should be warning enough, especially when we remember that the oil crisis of 1973 hit us when the level of imports was just 33 percent.

The drop in prices does not represent the free market at work. Oil producers in the United States do not compete with counterpart private companies overseas. The competition for an American oil company is a foreign oil-producing government. Oil prices dropped because Saudi Arabia, Kuwait, and the United Arab Emirates decided to regain control of the world oil market.

By forcing prices down in their attempt to regain market share, they have dramatically hurt American oil producers. By any measure, domestic energy production has suffered. Last year at this time, 1,594 oil rigs were at work. Now that number stands at 826. And if crude oil prices hold at their current levels, of $15 to $18 a barrel, U.S. drilling activity won't recover from the current low level.

The 1986 price collapse has so hurt the industry that Chase Econometrics says today's modest upward nudge in prices isn't enough "to erase the expectation of lower oil prices hammered home by the crash of 1986." While demand for oil increases, our own ability to produce it is deteriorating. Independent producers, who find most of the new oil reserves, depend on continuous cash flow to pay for new exploration and development. And the major oil companies have drastically cut their spending on exploration and drilling.

Lower domestic oil production isn't the only response to the depressed world price and high imports. The industry itself is being dismantled. The most compelling evidence is in human terms. The American Association of Petroleum Geologists compares unemployment among geologists to "the darkest days of the Great Depression." And AAPG survey shows one out of every four senior members worldwide out of work.

One oil company executive tells of a former top geologist of his company who is now studying how to sell insurance and concludes, "I doubt he will ever find another barrel of oil for my company or the United States."

The sudden drop in prices has devastated the economy of my home State. Wyoming's unemployment rate for December was 9 percent, compared to 6.7 percent for the Nation. Wyoming and Arkansas both had the seventh highest unemployment rate in the United States. Wyoming's unemployment rate has climbed a full percentage point over the past year, and 10 Wyoming counties had unemployment rates in double digits. My home county of Natrona had more people out of work than any other county—3,472. The number of people working in the oil and gas industry in Wyoming has been cut in half since 1981.

Low prices are not producing more oil. Instead, they are reducing the amount of oil we can produce economically at home. The first reduction has already come, from the loss of incentive to produce from stripper wells. Oil doesn't sell for a price high enough to keep the pumps running. Finding oil outside of OPEC, where supplies are secure, is more expensive, but low prices kill the incentive to explore for new reserves in North America and the North Sea reserves of Britain and Norway. And low prices not only wipe out the economics of synthetic fuels, they also discourage using natural gas and coal, making us even more reliant on imported supplies to meet our energy needs.

Mr. Speaker, there can be little question that oil prices will not stay at their current arbitrarily low levels forever. While no one can say for certain how long prices will remain at today's levels, oil industry, government, and investment experts agree prices will ultimately go up again. The question we must face is this: to whom do we want the price increase to go? To OPEC or to American oil producers?

Unless we take action to raise prices now, through the enactment of an oil import fee, it will be too late to do so when prices rise to the mid-$20 range, and OPEC will again dominate the world oil market. So it makes no sense to oppose an import fee on the grounds that the fee will raise consumer prices. Those prices will be going up as soon as OPEC will let them. By imposing an import fee now, we can strengthen our domestic industry—and thereby provide for energy security—for the future. Recent developments in the Iran-Iraq war demonstrate the clear desirability of such a policy.

Let us rid ourselves of the fiction that low oil prices are somehow good for the United States. They have deeply hurt key sectors of the economy, and they will not last. Let us instead take the medicine we must take, bitter though it may taste, and enact an oil import fee. This will immediately stimulate additional oil production at home, where we can be assured of a secure supply and a boost to the domestic economy.

Such a fee would have the additional benefit of raising considerable revenue for the Federal Treasury, which will assist us in reducing our budget deficit.

To restore stability to oil prices, I introduce today the Energy Security Policy Act. It would impose a variable fee on imported oil and petroleum products, which would be triggered whenever the price of crude oil drops below $24 a barrel. The fee would equal the difference between the $24 target price and the world market price. The fee would be adjusted for inflation, tied to the changes in the gross national product. Imported refined products would pay a 20-percent higher fee, because American refiners pay more in environmental costs. Within 90 days after enactment of the bill, the President would be required to send Congress his recommendations for preserving a secure supply of energy for the United States.

Mr. Speaker, I urge my colleagues to look beyond the instant arguments they may have heard about an oil import fee, especially the spurious reason that it would increase prices. Prices are going up anyway. We must break away from our preoccupation with prices and consider instead whether we want America's energy future to be controlled by OPEC or whether we have the discipline to take control for ourselves.

AMERICA'S COMPETITIVENESS IS ALIVE AND KICKING

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. ST GERMAIN. Mr. Speaker, I don't have to tell you that a lot of talk goes on within these hallowed walls of Congress. And I don't need to tell you that not all of this talk is centered around trade deficits, balanced budgets, or arms control agreements.

I am noticing that one word in particular is gaining a bit of attention these days now that there is new leadership in our Chamber. The word is Texas.

Sure, Texas has always been a popular State to talk about. Just ask the people who call it home. These are the folks who consider foreigners to be people from New York, California, Pennsylvania, or one of those other 49 States. These are the folks that are always inviting us down to Texas so that they can cook us up one of those biggest darn steaks or take us out to one of those best darn golf courses in the whole wide world. These, Mr. Speaker, are the folks who drove around during the energy crisis with bumper stickers that read: "Drive 65 and Freeze a Yankee."

Well, I'm proud to say that there are a few of us Yankees who don't buy the line that the biggest and the best come out of a place famous for its cows. My home State of Rhode Island may not be the largest State when it comes to square miles. But believe me, this little State can go head to head with anyone when it comes to personal fortitude.

A fine example of this came to my attention just a little while ago. On the surface it's a story that regards cars. A closer look, however, discloses a tale brimming with the American spirit of competitiveness and the refusal to be No. 2.

For the past 2 years, North Park Lincoln Mercury of San Antonio, TX, has sold more Lincoln Mercurys than any other dealer in the Nation. During this time it has reigned supreme as No. 1, the king of the car dealing hill.

Last year Tasca Lincoln Mercury sold an incredible 3,664 cars. This remarkable feat overtook North Park as the top dealer in the country in sales for 1986, outselling 954 other dealerships.

Robert Tasca, Sr., who owns Tasca Lincoln Mercury with his sons, Robert, Jr., Carl, and David, lives in a tiny Rhode Island community called Hope. Bob and his boys wanted to be No. 1 and they knew what they had to do to become the best. They created the theme "Tasca v. Texas" and asked the area's residents for some help.

With a lot of hard work, Bob Tasca sold 644 cars in the month of December alone. That's over 20 cars a day, 7 days a week.

Mr. Speaker, there's been quite a bit of talk lately about America's economic competitiveness not being what it used to be and how the spirit of American entrepreneurship is slipping these days.

I doubt that any Members in this Congress believe that Americans can no longer compete to be No. 1. But if any do, all I can say is look at Bob Tasca and his sons. If they can't sell you on American competitiveness, no one can.

And, Mr. Speaker, about Texas, better luck next time, ya'll.

MENTAL ILLNESS AWARENESS WEEK

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. WYDEN. Mr. Speaker, it gives me great pleasure to again introduce a resolution calling for "Mental Illness Awareness Week" during the week of October 4–10.

This resolution establishes the fourth annual Mental Illness Awareness Week and continues progress we've already made in establishing a better understanding and awareness of this often treatable and curable illness.

Mental illness is a problem of staggering proportions. As many as 41 million Americans suffer from diagnosable mental disorders. Some of these result in severe disabilities that can affect personal relationships and productivity at work or school. Unfortunately, mental illness is not limited to adults and senior citizens. Included in this number are up to 12 million children whose illnesses severely impair their development. With the high incidence of teenage suicides, it is imperative that we recognize and treat the early signs of mental illness.

The increasing number of homeless on our streets has shown us the terrible consequences that can result when adequate care isn't available to those in need. Because Federal policies encouraged States and localities to deinstitutionalize patients in the 1970's, many of the mentally ill have ended up on the street. Now, some estimate that between 30 and 50 percent of the homeless suffer from some mental illness. We must do all we can to assist these people.

In addition to the burdens mental illness places on the friends and families of those it touches, our Nation pays a steep price for the suffering of so many people. Mental illness costs our Nation an estimated $106 billion annually in health care expenses, lost productivity, and other indirect costs.

We can turn this problem around by letting people know help is available. Appropriate treatment can help these people resume fulfilling and productive lives. Public education of mental illness will bring to light the availability of treatment as well as the new advances in research—research that provides more effective treatments and gives excellent prospects for improvement and recovery.

I am joined today by 12 of my colleagues in introducing this resolution. I urge my other colleagues to join us in cosponsoring the resolution and help our Nation meet the challenges this debilitating disease presents.

CONGRESSIONAL HISTORY OF WESTERN MASSACHUSETTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1986

Mr. CONTE. Mr. Speaker, as we all know, this month marks the beginning of the historic 100th Congress. Over the past 200 years, America has truly achieved greatness due in large part to the contributions of the Congress.

Massachusetts, of course, was one of the Original Thirteen Colonies and was represented in the First and each succeeding Congress. Today, I begin a series of biographies about my 23 predecessors as Representatives in Congress from western Massachusetts. I hope that over the next 2 years of this historic Congress, I can summarize and explain for my colleagues the lives of my predecessors, and their contributions to our great Nation.

The first representative to the First Congress from western Massachusetts was Theodore Sedgwick of Sheffield. After the Revolutionary War, Sedgwick served in the Continental Congress and later worked to insure ratification of the Constitution in western Massachusetts. His career tells the story of an ardent Federalist: One who was a loyal supporter of George Washington and Alexander Hamilton, and the story of a man who loved his country, the Constitution, his district, and his State deeply.

Sedgwick was quite active in securing ratification of the Constitution in western Massachusetts among people who were unwilling to deviate from government under the Articles of the Confederation. Sedgwick became convinced of the need for a new, more powerful, central government by Shays' Rebellion, an uprising by farmers in western Massachusetts whose bicentennial we celebrated last week. His efforts and speeches to secure adoption of the new Constitution brought "tears to the eyes" of many Stockbridge citizens, according to a Massachusetts newspaper.

In 1789, Sedgwick was barely elected as Congressman from Berkshire and Hampshire Counties. In fact, it took five elections before Sedgwick had won a majority of votes against his three opponents: Samuel Lyman of Springfield, William Whiting of Great Barrington, and Thompson J. Skinner of Williamstown. But by May 26, 1789—after the convening of the First Congress—Sedgwick was elected by a majority of seven votes. Part of Sedgwick's success in ultimately winning election was convincing Hampshire County voters that he would support amendments to the Constitution guaranteeing more personal freedoms and Berkshire County farmers that he would work to ease the burden of high land taxes.

Sedgwick took his seat in the new Congress in New York on June 15, 1789. His first legislative battles concerned operating the new Federal Government, urging definitions of general powers for the three branches of the new Government. In raging against the pork barrel desires of his fellow members, for example, Sedgwick urged giving the Postmaster General the authority to designate postal routes, rather than allowing Congressmen to write them into law.

He was also prominent during debate on the issue of congressional salaries. Sedgwick urged reduction of House salaries from $6 to $5 per day. He said that Senators, mostly "of advanced age" would probably be too old "to return to their former occupations," and deserved a higher salary than the House Members. Sedgwick also urged the prompt establishment of a Federal court system

Active in the drafting of the Bill of Rights, Sedgwick initially proposed technical changes and worked against redundancies. With an eye toward a strong central government, Sedgwick and James Madison opposed amendments which would have weakened the National Government. He believed that the Constitution contained implied as well as express powers. Sedgwick ultimately supported all 12 amendments that were sent to the States for ratification and was one of three House Members who polished them up for passage by the House.

Another large battle in the First Congress surrounded the national debt, and the assumption of State debts, which Sedgwick supported along with the Secretary of the Treasury Alexander Hamilton. Although the assumption proposal was unpopular among southerners, it was agreed to as part of a compromise: moving the seat of the new Government to Washington, DC. About that Sedgwick said "the climate around the Potomac is not only unhealthy, but destructive * * * vast numbers of adventurers have gone to the Southern States to meet their graves."

Sedgwick also supported Hamilton in the creation of a national bank and supported excise taxes on alcohol as "the proper target for internal taxation." Sedgwick was a loyal administration supporter, and often visited George and Martha Washington for dinner and entertainment by Martha's granddaughter.

Sedgwick's second election to the Congress was by a huge majority. In the Second Congress, he jealously protected the House's right to initiate all money bills. Yet always a generalist, he opposed specific appropriations for every item within the budgets of departments and agencies. It was during the Second Congress that Sedgwick considered leaving public life because of his wife's repeated illnesses. But "against my own wishes" as he said, he ran against Thompson J. Skinner in the election of 1792.

In the Third Congress, Sedgwick faced a nation furious with Great Britain because of Britain's trade policies. James Madison proposed trade retaliations, but Sedgwick wanted to go further, including institution of a draft, "if the unwanted event of war should occur." Sedgwick succeeded in achieving a modified version of his goals including establishing a militia and an embargo against Great Britain.

Sedgwick served only 15 months in the Fourth Congress because of his appointment to the Senate. Yet he achieved his greatest prominence in debate on the Jay Treaty in 1796. Representative Livingston of New York moved that President Washington send to the House all papers leading to the ratification of the treaty. Sedgwick achieved brilliance in attacking Livingston's motion on constitutional grounds. He argued that the House did not have the authority to approve treaties and as such could not see the papers surrounding the negotiations on which the treaties were based. Although Livingston's motion prevailed, Sedgwick clearly set forth the constitutional limits of the House.

When Sedgwick returned to the House after his service as a Senator, he broke with President Adams on the issue of relations with France. This must have hurt Sedgwick, who was a frequent visitor to the Adams' home. In 1799, after two ballots, he was elected Speaker and further consolidated the power of New England Federalists.

Perhaps Sedgwick's most difficult action in the Sixth Congress was the election of Thomas Jefferson. The election was thrown into the House. The choice was between Aaron Burr and Thomas Jefferson—but in Sedgwick's eyes, it was between two distinct political parties and the forces of good and evil. As a Federalist, he was forced to support Burr. It took 36 votes but Jefferson was elected. As Sedgwick said, "the jig is up." He even refused to attend Jefferson's inauguration.

The election of John Bacon—a political enemy—in 1800 caused Sedgwick much grief, even though Sedgwick had chosen not to run again. He returned home to western Massachusetts as a spectator to see our Nation grow. Sedgwick had great influence over our Nation's early years. Because of the foundations he helped to build, America grew in prominence and strength.

GEORGE BENJAMIN CARTER

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. HUBBARD. Mr. Speaker, congratulations to Greg and Lisa Carter upon the birth of handsome George Benjamin Carter on February 6, 1987, at Fairfax Hospital in nearby Fairfax County, VA.

George Benjamin Carter is the first child for Lisa and Greg Carter.

I cannot remember congratulating two of my constituents through the CONGRESSIONAL RECORD upon the birth of a child prior to this time.

However, Greg and Lisa Carter are special to me in that Greg Carter has served for nearly 2 years as counsel for the subcommittee I chair—the House Banking Committee's Subcommittee on General Oversight and Investigations.

Lisa Carter has worked as the chief caseworker and a legislative assistant for my constituents and me in the Washington office of the First Congressional District of Kentucky (2182 Rayburn Bldg.).

Lisa and Greg Carter are both attorneys, graduates of the University of Louisville School of Law and both attended Murray State University.

The proud grandparents of George Benjamin Carter are Charles and Anita Carter of Arlington, Carlisle County, KY., and Jim and Laverne Devillez of Ownesboro, Daviess County, KY.

My wife Carol joins me in congratulating Lisa and Greg Carter.

COAL FREE MARKET OPPORTUNITY ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. BOUCHER. Mr. Speaker, today I am introducing the Coal Free Market Opportunity Act. I am pleased to be joined in cosponsorship of this legislation by Representatives RAHALL, HUBBARD, STAGGERS, WALGREN, WISE, PERKINS, KANJORSKI, MURPHY, LLOYD, APPLEGATE, KOLTER, and MOLLOHAN.

This legislation will address problems posed by coal imports by requiring that domestic coal suppliers be informed of proposed foreign purchases and be given an opportunity to sell to the domestic buyer.

Coal imports have almost tripled during the past 3 years, rising to 2 million tons in 1985. A recent U.S. Commerce Department report estimated that imports could increase to 18 million tons by 1995. Coal producing regions of the country which serve coal-fired powerplants located near navigable waterways that are accessible to foreign coal producers will be particularly affected by increasing imports.

Our country's energy security is already compromised because of our reliance on imported oil. Coal is our most abundant domestic energy resource. It is clearly in the national interest to promote its production, and my bill is consistent with that purpose.

My bill was prompted by the fact that utilities have acquired foreign-produced coal despite the availability of domestic coal on comparable or better terms. Just last year, for example, Jacksonville Electric Authority selected Columbian coal for a long-term contract. A domestic coal company sought the award of the contract and determined that its Virginia-mined coal could have been provided upon better terms than the Columbian coal.

Under my legislation, before an industry or utility could purchase imported coal, the proposed delivered price of the coal, transportation costs, and significant terms of the contract such as delivery time would have to be published in the Federal Register.

Using this information, domestic coal suppliers would have an opportuntiy to meet the terms of the contract. Twenty days after the original publication, the various new bids received by the purchaser would be published in the Federal Register. Ten days after this publication, the purchaser would be free to obtain coal from any supplier. In many instances, domestic producers may be able to offer terms as attractive or more attractive than those offered by the foreign supplier.

I am tremendously concerned by the high unemployment in our coal producing counties. While we seek to create new jobs for our area's miners by reduced coal rail rates, deeper harbors for increased exports and broader markets through coal research, we must also strive to preserve the jobs of those who are presently working.

That is the goal of my legislation. While it is not the total answer to problems associated wilth coal imports, it is a positive step which will encourage fair treatment for domestic producers.

SPACE SHUTTLE "CHALLENGER": A SNAPSHOT OF AMERICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. RANGEL. Mr. Speaker, the space shuttle *Challenger* was an example of what America is: A grand, bold, but risky experiment undertaken with the sweat and hard work of generations of Americans. It was a scientific expedition, a test flight, an exploration, and another step toward knowing where man fits into the universe. Space research yields tremendous benefits as well for the hard sciences, which translate into applied science, new technology, new drugs, and advances here on Earth which are not difficult to imagine.

The crew of astronauts itself represented the diversity of America; Americans of various talents, skills, and backgrounds working together toward the same goal. Pilots, scientists, and a teacher, from across America, each highly trained, experienced, and ready to contribute to a successful mission.

The tragedy should not have happened. We know that now. We now know, among other things, that the launch schedule was too rigid, the testing inadequate, and that poor decisions were made and existing procedures not followed in choosing to launch.

But today we honor Ellison Onizuka, Francis "Dick" Scobee, Judith Resnik, Ronald McNair, Gregory Jarvis, Michael Smith, and teacher Christa McAuliffe.

The space program can grow stronger from this tragedy; our task now is to make sure that it does.

A LETTER TO GORBACHEV

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. KOSTMAYER. Mr. Speaker, despite the overtures of greater freedom from General Secretary Mikhail Gorbachev, Jews seeking to practice their religion are still denied this basic human right. The land in which they live muffles the voices of those who speak out for them. The refuseniks themselves are relegated to a life of doubt and persecution. In the New York Times last week Elie Wiesel, the renowned author and Nobel Peace Prize laureate, wrote of the fate of two very courageous refuseniks, Vladimir and Masha Slepak.

In Bucks County, PA, there are those who pray for the Slepaks, and all refuseniks, and work for their eventual emigration. Among them are Alexander Slepak and his family of Bensalem, PA. Alexander is the son of Vladimir and Masha. He traveled to Iceland to argue for their release during the recent Reagan-Gorbachev summit. Another is Norman Leventhal of Warrington, PA. Mr. Leventhal is the executive director of the U.S. Committee to Free Vladimir Slepak.

The op-ed article by Mr. Wiesel merits the attention of every Member of Congress as well as anyone concerned with the cause of human rights.

The article follows:

A LETTER TO GORBACHEV

(By Elie Wiesel)

DEAR MR. GENERAL SECRETARY. This plea is for my friends Vladimir and Masha Slepak. They are fine, decent and kind people. Their kindness is contagious, as is their sense of humor. They are not enemies of the Soviet Union. Indeed, they are enemies of no one. All they want is to be reunited with their children. Is that too much to ask?

I have known Volodia for some 17 years, since he first applied for an exit visa to Israel. Through his sons and friends, we have remained in constant touch. This was not always easy. Vladimir, you see, has been moving around somewhat. Arrested in 1978 for "hooliganism," he spent five years in Siberia. And so we could not get together when I came to Moscow in 1979. I looked for him, I asked everyone I met about his whereabouts. The answer was always the same: he is not here, he is away. That was all. But he knew I was in Moscow. He knew I asked about him. You will be surprised, Mr. General Secretary, how well informed some people are in your country.

My wife and I saw the Slepaks last October. We spent every free moment with them. We laughed together and sang together. Yet, they are unhappy—and therefore so are we. Why don't you allow them to leave? I cannot believe that they are so important to you that you want them nearby. Let them go. You will not only make them and their sons and families happy; their friends all over the world will rejoice. Wouldn't you like to be the cause of such rejoicing?

And while I am at it, I would also like to plead on behalf of Ida Nudel. She too is a friend of mine, a dear friend. This marvelous, exceptional woman has suffered enough. Arrested in 1978 for "malicious hooliganism"—whatever that means—she completed four years of internal exile. she now lives in the Moldavian city of Bendery and yearns to join her sister in Israel. What possible dangers could her departure present to the Soviet Union? Please, Mr. General Secretary, let her go; you will not regret it.

When I was in Moscow last October, I pleaded for Andrei D. Sakharov's return to Moscow. Surely you received similar pleas from many visitors. We could not understand why a humanist such as Dr. Sakharov should not be allowed to live among his friends, in familiar surroundings, in his home. We found his situation intolerable, and we said so. You were kind enough to listen. Now, Dr. Sakharov is back in Moscow. But what about our other friends?

What about Zakhar Zonshein who is still in prison in Ehitit-Bulagatski, in the Irkutsk region? We know his young wife, Tariana, who resides in Riga. Her loneliness is heartbreaking. She and her husband harbor no hostility toward their native country. Their only desire is to rebuild their home in Jerusalem. That is their only dream. Please let them have their dream, Mr. General Secretary.

Wait, I have other dreamers. Iosif Begun, a Hebrew teacher, an extraordinary man of vision and courage. He should be teaching students; instead, he sits in Chistopol Prison. His wife, Ina, is so thin, so sad, she could be her own shadow. Is teaching Hebrew such a serious crime that "offenders" should go to jail for a cruel 12 years?

Is practicing one's religion so grave an offense that it warrants three years in labor camp? Then why has Yuli Edelsdhetin been sentenced to precisely such a prison term? Poor Tanya. Yes, that's his wife. She, too, is our friend—as are Victor Brailowsky and Iosif Bernshetein, Vladimir Prestin and Alexei Magarik, Leonid Volvovky and Alexander Khomniansky, and 3,000 Jewish families, all active refuseniks, whose only "sin" is to wish to live among people they love instead of dwelling among people they fear.

They are all our friends. That is why I address this plea to you on their behalf. And we, their friends in the West, shall continue pleading until they are all reunited with their families. Anything else would make us unworthy of their friendship and their brave and noble stubborness.

Please, Mr. General Secretary, let my friends go—for their sake and others.

IN MEMORY OF INNA MEIMAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. HOYER. Mr. Speaker, those of us in the human rights community are deeply saddened today by the death of Inna Meiman. Inna's death yesterday at the Georgetown University Hospital came after a courageous fight against cancer.

Before being allowed to come from Moscow to the United States for medical treatment in January, Inna suffered through four painful and hazardous cancer operations. Despite all the operations, her cancerous tumors continued to grow and she sought medical treatment in the West. Yet, Mr. Speaker, the Soviet authorities refused to grant her permission to seek the medical treatment she so desperately needed.

After continuous pressure from the West, the Soviets finally allowed Inna to come to the United States in January of this year. However, Mr. Speaker, it was too late. Inna's cancer had spread so much that it was impossible to treat. Doctors had given her less than a year to live. That short year ended abruptly yesterday—and her husband, Naum, and son, Lev, were still in Moscow, unable to join Inna for her last days.

Mr. Speaker, I had the opportunity to meet Inna Meiman in 1981 when I traveled to the Soviet Union. I admired her courage, her strength, and her will to live. She thought that given the opportunity to travel to the West, she could beat the cancer. I also admired her selflessness in helping other refuseniks in Moscow. She was a support and an inspiration to the refusenik community. Mr. Speaker, we will dearly miss Inna Meiman.

A HUMAN TRAGEDY: THE DEATH OF ANATOLY MARCHENKO IN A SOVIET PRISON

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. BROOMFIELD. Mr. Speaker, the violation of human rights in the Soviet Union has brought about the tragic death of Anatoly Marchenko, one of the best known Soviet political dissidents. I am deeply disturbed by reports that Marchenko's wife saw bruises on the body of her dead husband. In spite of slick public relations offensives by the Kremlin, the U.S.S.R. is still a human rights wasteland.

Mr. Marchenko was one of the long-term political dissidents in that country. He was a member of the disbanded Helsinki Watch Committee that was set up to monitor the Soviet human rights record. During his lifetime, he spent 20 years in Soviet prisons, labor camps or in exile for a variety of so-called offenses. Marchenko was sentenced in 1981 to 10 years in a labor camp and 5 years internal exile for "anti-Soviet agitation and propaganda." He was admitted to Chistopol Hospital in early November, 3 months after he had begun a hunger strike to protest the treatment of political prisoners in the Soviet Union. He was under medication in the hospital to overcome the effects of the fast. Soviet officials allegedly refused to allow his wife to bring his remains to Moscow for burial. His experiences during his 6 years of imprisonment in a Soviet labor camp are described in his book, "My Testimony."

Although Soviet authorities have resolved a handful of human rights cases in recent months, thousands of serious abuses of basic human liberties occur every day. There are many Soviet Jews who want to leave that country who are routinely refused an exit visa. There are political prisoners and dissidents who are spending their lives in prison or forced labor camps. There are also religious dissidents who are being harassed along with many divided family cases which are pending in the bureaucratic Soviet system.

I want to share the following article from the New York Times with my colleagues in the Congress. I believe that it highlights the fact that Soviet authorities continue to fail to live up to their country's commitment in the human rights arena.

[From the New York Times, Dec. 10, 1986]

MARCHENKO IS DEAD IN A SOVIET PRISON

(By Serge Schmemann)

MOSCOW, Dec. 9.—Anatoly T. Marchenko, one of the best known Soviet political dissidents, has died in prison, his wife learned here today. He was 48 years old.

Mr. Marchenko had spent more than 20 years of his life in prisons, labor camps and internal exile. He died in the prison at Chistopol, in the Tatar republic, while serving a 10-year term for "anti-Soviet agitation and propaganda."

His wife, Larisa Bogoraz, said she received a telegram today from the prison warden saying that her husband had died in a hospital. The telegram gave no date or cause of death.

Miss Bogaraz said the last letter she received from Mr. Marchenko was dated Nov. 28, asking that she send a food parcel. She said the request indicated that he had abandoned a hunger strike he began on Aug. 4 to protest his treatment in prison.

On Nov. 21, Miss Bogoraz had been summoned by the security police and urged to apply for the family to emigrate. Mr. Marchenko and Miss Bogoraz have a 13-year old son, Pavel.

NO REPLY ON REQUEST TO VISIT

She said she wanted to consult with her husband, whom she had not seen since April 1984. The authorities never replied to her request, she said.

Miss Bogoraz said she had also asked the K.G.B. officer about her husband's condition, and he had replied that Mr. Marchenko felt "marvelous."

Today Miss Bogoraz left for Chistopol with her son and a friend. She said she would try to bring her husband's body back here for burial.

Mr. Marchenko, a worker, was drawn into dissident circles after writing "My Testimony," a chronicle of his experiences during a six-year term in labor camps during the 1960's.

Last September, The New York Times published a letter that he had smuggled out of prison in which he announced his hunger strike and appealed to delegates to a rights parley in Vienna to back his demands for a prohibition against the abuse of prisoners.

"I am a political prisoner serving 10 years in confinement and five years in internal exile for disagreeing with the ideology and policies of the Soviet Government and for criticizing its internal and international actions," he wrote.

He added that he intends to remain on the hunger strike until the end of the Vienna conference, which is reviewing the 1975 Helsinki accords and is expected to continue for several months.

Mr. Marchenko was born in Barabinsk, western Siberia, on Jan. 23, 1938, the son of a railroad worker. He was sentenced to his first term in labor camp in 1957 on charges of brawling in his barracks on a Siberian hydroelectric project.

ATTEMPT TO CROSS THE BORDER

He escaped two years later from the labor camp, in the coal mines of Karaganda, but was caught trying to cross the border to Iran near Ashkhabad.

Illegal border crossings are considered tantamount to treason, and he was sentenced to six years' imprisonment, which he spent in special sections of prisons and camps reserved for political prisoners.

After completing his term, he described his experiences in "My Testimony," which was circulated underground in the Soviet Union and was ultimately published in the West in 1970, by Pall Mall Press in Britian and by E. P. Dutton in the United States.

Mr. Marchenko was arrested again in July 1968 after he had circulated an open letter in support of the liberalized Communist regime in Czechosolvakia.

He was sentenced to one year in labor camp on a charge of violating residence regulations by staying in Moscow without permission. He was reported to have gone to Moscow from Aleksandrov, where he was then living, and to have stayed at the apartment of Miss Bogoraz. She was then the wife of Yuli M. Daniel, a dissident writer who was serving a five-year term in labor camp after a widely publicized trial in 1966.

Shortly before Mr. Marchenko's one-year term on the residence violation was to end, he was charged with spreading slander against the Soviet Union in his book and was sentenced to two more years.

Freed in July 1971, he was exiled to the Siberian lumber town of Chunsky, where he married Miss Bogoraz, who had been exiled there for taking part in a demonstration in 1968 against the Soviet invasion of Czechoslovakia.

Mr. Marchenko and Miss Bogoraz were allowed to return to European Russia, but were not permitted to live in Moscow, and settled in Tarusa, a writer's colony in Kaluga Province, south of the Soviet capital.

Soon after, in February 1975, Mr. Marchenko was arrested again and charged with parole violations, including refusal to report weekly to the police and to observe an 8 P.M. curfew. In a trial in Kaluga he was sentenced to four years of exile in Chunsky.

On March 17, 1981, he was arrested for the sixth time, charged with "anti-Soviet agitation and propaganda" and sentenced to 10 years in labor camp to be followed by five years in internal exile. The evidence used in the trial included his book, articles published abroad and a protest against the exile of Andrei D. Sakharov, the physicist.

In October 1985, for violating unspecified labor-camp rules, Mr. Marchenko was ordered to spend three years of his term in prison, where conditions are considerably harsher than in labor camp. Once in Chistopol, he was denied visits from his family.

Mr. Marchenko was the first well-known dissident to die in prison. Two other members of the Helsinki Watch group, Mr. Orlov and Anatoly B. Shcharansky, have been deported to the West. Mr. Shcharansky also had been in Chistopol prison, while Mr. Orlov was in exile in Siberia at the time of his deportation in October.

TRIBUTE TO DR. LESLIE RUSH

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. MONTGOMERY. Mr. Speaker, I would like to take this opportunity today to pay tribute to Dr. Leslie Rush, a distinguished member of the medical profession, who died on February 8, 1987, in Meridian, MS. Those of us who knew him mourn the loss of one of our most notable citizens and prominent members of the medical profession.

Dr. Rush dedicated his life to the development of the Rush pin and the establishment and development of the Rush medical complex in Meridian, MS. He performed the first successful intramedullary bone pinning in the United States in 1936. This operation led to the evolution of the Rush pin, now used worldwide for the treatment of fractures. While other types of intramedullary pins are also in use today, many of these owe their development to Dr. Rush's idea of so long ago. A number of professionals felt that because of the contributions he made to the field of medicine, Dr. Rush should have been nominated for the Nobel Prize for Medicine.

The Rush technique offers a viable alternative for the treatment of fractures in children. Even today in underdeveloped countries, many people are left suffering in pain and deformed because of lack of treatment and facilities to perform needed surgery. Because of the simplification of insertion and limited equipment needed, the Rush pin should be just the pin for Third World countries to treat the suffering.

My State and this Nation has lost one of its most distinguished citizens. I know my colleagues in the House of Representatives join me in offering our deepest condolences to the family and friends of Dr. Leslie Rush. I am sure that the accomplishments and medical advances Dr. Rush made to the medical profession will not soon be forgotten.

SUPPORT OF NEW LEGISLATION FOR NON-VRA COUNTRIES AND STEEL IMPORTS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. VISCLOSKY. Mr. Speaker, I join today with other of my colleagues in sponsoring legislation which would impose limits on steel imports from Canada, Sweden, and Taiwan,

This legislation would impose quantitative limits on steel imports from these three countries if they fail to conclude voluntary restraint agreements on their steel exports to the United States within 90 days of enactment. The limits would be equal to 70 percent of their steel exports to the United States in the periods from October 1, 1983 through September 30, 1984.

A report prepared by David J. Cantor, industry specialist for the Library of Congress has noted:

> The possible effect of such legislation would be to reduce steel imports from the three countries by about 1.6 million tons.
>
> The overall import market share would be brought to within 1.2 percentage points of stated congressional targets for steel imports.
>
> While 18 countries are currently covered by voluntary restraint agreements (VRAs) under the President's steel program, there are more than 30 countries without VRA's that export steel to the United States. . . . Canada, Sweden and Taiwan account for most of the U.S. steel imports from the non-VRA countries.
>
> Table 1 presents the data used to develop the estimates of the reduction in steel imports resulting from the imposition of quotas on Canada, Sweden and Taiwan. If U.S. steel market conditions remain throughout 1986 as they were in the first 11 months of the year, the three countries would export about 4.26 million tons of steel to the United States in the absence of any quotas. Imposition of quotas would restrict them to an annual total of about 2.64 million tons.

TABLE 1.—POSSIBLE EFFECT ON U.S. STEEL IMPORTS FROM CANADA, SWEDEN, AND TAIWAN OF A QUOTA EQUAL TO 70 PERCENT OF THEIR EXPORTS IN THE PERIOD OCTOBER 1983 THROUGH SEPTEMBER 1984.

	Canada	Sweden	Taiwan	Total
1986 Steel imports annualized (tons)	3,219,250	534,736	502,728	4,256,714
Imports: 4th quarter 1983 through 3rd quarter 1984 (tons)	3,085,731	564,221	126,535	3,776,487
Quota limits (tons)	2,160,012	394,955	88,575	2,643,542
Import reduction	−1,059,238	−139,781	−414,153	−1,613,172

Compiled by CRS, using as sources: American Iron and Steel Industries. Imports of Steel Mill Products By Country of Origin. November 1986. Washington, 1987; American Iron and Steel Institute. American Iron and Steel Institute. 1985 Annual Statistical Report. Washington, 1986; American Iron and Steel Institute. Imports of Steel Mill Products By Country of Origin. October 1983. Washington, 1983; and, American Iron and Steel Institute. Imports of Steel Mill Products By Country of Origin. September 1984. Washington, 1984.

It is important to note that in terms of tonnage, the country most affected would be Canada. Their steel exports to the United States would be reduced by 1.1 million tons. Second, steel imports from Sweden would have to be reduced by almost 140,000 tons. Finally, Taiwan's steel exports to the United States would have to be reduced by 414,000 tons.

The problem is clear and has been recognized by the U.S. Special Trade Representative. The objective of this legislation is to enhance the Trade Representative's ability to negotiate appropriate VRA's with these countries.

Given the fact that Canada is one of our closest allies and a principal trading partner, I am especially hopeful that a negotiated agreement can be reached.

The steel industry is vital to the Nation's security and economic prosperity. Today, it faces many dangers. Clearly, we must act now to address the danger.

I strongly urge your support in this effort.

THE ARMENIAN GENOCIDE

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. KENNEDY. Mr. Speaker, between 1915 and 1917 the Turkish Government ordered the forced relocation of Armenians from their ancestral lands. In the tragic events that followed, as many as 1½ million Armenians were starved to death, burned, buried alive, and massacred. It was the first modern example of what we now call genocide.

The American Ambassador to the Ottoman Empire at the time was Henry Morgenthau. Ambassador Morgenthau's account of the genocide is clear. "When the Turkish authorities gave the orders for these deportations," he stated, "they were merely giving a death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact. I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which these Armenian men and women were the victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people."

In my view, evidence of eyewitnesses like Ambassador Morgenthau of the United States, Ambassador Count Wolff-Metternich of Germany, and the accounts of survivors, clearly show that children, woman, and elderly were not spared in order to fulfill the goals of the Turkish Empire, intent on eliminating the Armenian race.

In a brazen attempt to rewrite history, the Turkish Government claims that the Armenian genocide never occurred. And to this day no official voice has acknowledged or disavowed the crimes committed against the Armenian people. Therefore, I ask that you support the efforts of the many Members of the House of Representatives, who seek to honor the victims of the Armenian genocide, by declaring April 24 a national day of remembrance.

JEWISH CONDO BLOC AGREES TO HELP OUT, WORK WITH CUBANS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. LEHMAN of Florida. Mr. Speaker, in recent years many communities in our country have become socially and politically polarized. Dade County has been no exception.

To reverse this trend in south Florida, once again our northeast condominium leadership is reaching out to another part of our community. They know that to better relate to others we must build bridges of understanding between the different parts of our metropolitan area.

Mr. Speaker, I would like to share with my colleagues an article which appeared in the Miami Herald describing last Friday's meeting. The process can be lenghty, but Annie Ackerman, Dave Samson, Bill Farber, Evelyn Schengrund, Marion Osborne, Dave Herman, Moe Zimmerman, Mickey Balsam, Ruby Steiner, and Chuck Rosen, with the kind assistance of Armando Gutierrez and Susan Fried, have begun the journey by taking the essential first step.

I know that there are many more caring, concerned people of good will who are equally anxious to help bring our heterogenious community closer together.

[From the Miami Herald, Feb. 7, 1987]

JEWISH CONDO BLOC AGREES TO HELP OUT, WORK WITH CUBANS

(By Felicia R. Lee)

Chapter Two in the Little Havana summit between prominent Miami Jews and Cubans ended Friday with a pledge from Annie Ackerman to help mobilize the Jewish community to help free a Cuban political prisoner, an exchange of business cards and handshakes and smiles all around.

The Cubans also agreed to help the effort to plant trees in the Jose Marti Forest Park in Israel.

The informal lunch at Centro Vasco restaurant, the Calle Ocho hangout of power brokers, was to build bridges between two of Dade's largest ethnic groups. Everyone agreed it was a success. They agreed to do it again.

Armando Gutierrez, a public relations consultant, was all smiles as Ackerman said "I'll help out" in freeing Martin Perez, held for 25 years in a Havana prison.

"Phone calls, telegrams, letters, anything we want they're willing to help," said Gutierrez.

Ackerman, dubbed the grand dame of North Dade's condominium politics, was making her second foray into the heart of the Cuban community. Cubans and Jews are considered two of the county's most widely divergent groups.

"Dade County has become a tri-ethnic community without bridges built between them," Ackerman said. "Sitting here today, just as I did last week, the objective is to build a bridge—for them to tell us what they want and for us to tell them what we want."

A steady stream of prominent Cubans wandered into the restaurant to shake Ackerman's hand and support the coalition effort. They included Fred Delamata, president of Republic National Bank; attorney Stephen Zack, a Cuban Jew who once worked for Sen. Bob Graham; and Lourdes Molina, president of the Matauzas Municipality in Exile group.

Jewish leaders included Mickey Balsam, president-elect of the South Florida Council of B'nai B'rith; Ruby Steiner, executive vice president of Citizens of Northeast Dade; and Chuck Rosen, president of the South Florida Hotel Association.

Said Zack: "This to me is one of the most important things we can do. The next thing is to get the Cubans to come to Northeast Dade. The next thing I want to see come out of this is a common language—I love Miami."

STATEMENT ON THE DEATH OF INNA MEIMAN

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 1987

Mr. SIKORSKI. Mr. Speaker, we all are saddened today by the death of Inna Meiman, a Soviet refusenik whose cries for help were ignored by her government until it was too late.

For 4 years Inna pleaded with the Soviet Union to let her come to the West for vital medical treatment. Many of us in Congress joined her fight. Last year we held a national news conference to dramatize her plight. We initiated a nationwide letter-writing campaign and wrote to General Secretary Grobachev urging her release.

Tragically, the Soviet authorities ignored our pleas and denied Inna the right to the only medical facilities that could have saved her life.

This afternoon Inna and I were to meet to discuss three other Soviet refuseniks who also need vital medical attention in the West. Let us hope that these people do not meet Inna's same fate.

All those who knew Inna or had contact with her were inspired by her deep humanity. I am sure that her life and struggle will continue to inspire us to work for the freedom and humanity in which Inna Meiman so fervently believed.

Expressions of sympathy can be sent to her husband and son at these addresses:

Husband: Dr. Naum Meiman, Naberezhnaya Gorkovo 4-22B-57, Moscow, RSFSR, U.S.S.R. 113127.

Son: Lev Naumovich Kitrossky, Vernadskogo Prospekt 125, KV, 173, Moscow, RSFSR, U.S.S.R. 117571.

HOUSE OF REPRESENTATIVES—*Wednesday, February 11, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Make us sensitive to the gift of truth, O God, and teach us to be wise as we seek to know the truth and speak the truth. We know that without the gifts of veracity, honesty, and candor, our societies could not long live and life would be meaningless.

Help us, O God, to be faithful custodians of Your truth, for in so doing, that truth will make us free.

In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

FAIR CREDIT DISCLOSURE ACT

(Mr. BARNARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNARD. Mr. Speaker, among the many issues before the Banking Committee as we begin the 100th Congress is the issue of credit cards and the appropriate disclosures which should be made by card issuers to their potential customers.

Today I am introducing legislation which will meet the basic objectives of adequate disclosure in direct mail solicitations while not encumbering the consumer with data overload. It will require simple, easy to understand and useful disclosure which should aid the consumer in comparison shopping without posing undue expense for banks, retailers, oil companies, and other card issuers.

Credit and charge cards are widely accepted and used as a matter of convenience. By conservative estimates, there are more than 418 million credit cards today in the United States. This figure is large and does not even include charge cards nor the so-called travel and entertainment cards whose balances are due in full each month. Of these 418 million credit card accounts, 84 percent are issued by retailers, and 16 percent by banks and financial institutions. American consumers carry and use many different card accounts.

In 1969, Congress passed the Truth in Lending Act and subsequently simplified it in 1980. That body of law requires lenders to disclose detailed information in loan transactions and in many forms of related printed matter and advertising.

Credit and charge cards are covered by truth in lending in great detail. Before any individual is obligated on a new credit card account, he or she must receive a lengthy, detailed description of the various fees, charges, and billing practices to which the account is subject. These disclosures are usually made in material accompanying the actual card when it is first sent to the new card holder. In any event the disclosures are required by law before any use of the card occurs. Monthly bills also continue to advise the customer of the accounts rules.

As more credit and charge card issuers have begun marketing cards through direct mail solicitations, there have been suggestions that these solicitations should contain simple and basic information on the card's features. Some card issuers have begun that practice on a voluntary basis for business reasons or to meet the requirements of State laws.

Last year, the House passed legislation to require disclosures in credit card solicitations and in some forms of applications. My legislation is an attempt to simplify that concept and make it even more workable and useful, with regard to direct mail solicitations.

It assumes that three factors are of the greatest interest to the recipient of a solicitation.

First is the annual interest rate. More and more cards are reducing their rates or making the rate a variable one. My bill would require disclosure of the fixed rate, or in the case of variable rates, the index of the rate and how many points are added to that index to set the rate.

Second, the annual fee would have to be disclosed. Included in this are membership fees or any regular, annual amount billed for use of the card.

And, third, direct mail solicitations would have to disclose whether or not there is a grace or free period before finance charges begin to accrue on purchases. Many credit cards allow the customer to pay no finance charges at all if the account is paid off each month. Thirty to forty percent of all bank card customers, for example, escape finance charges in this way. Other cards begin charging interest almost immediately after the purchase and thus offer no grace period. My bill would make it clear in solicitations whether the card offered a grace period.

In sum, this legislation would require three pieces of information where applicable in direct mail solicitations for both credit card and charge card customers: the annual interest rate, the annual fee, and whether or not there is a grace period. It would apply to financial institutions and retailers alike, out of fairness to customers as well as industry competitors. It would not impose wage and price controls on the industry, in the form of interest caps, but would give consumers additional and timely information on how various card accounts work.

DEATH PENALTY SHOULD BE IMPOSED UPON DRUG KINGPINS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the capture and the arrest of Carlos Lehder, the Colombian drug dealer, brings into sharp focus again the necessity for the law enforcement community of the entire world to get tough, tougher, with these drug dealers.

Along with his arrest came stories of the killing of judges, the assassination of public officials, the murders of people in every walk of life because it is a known fact that these drug kingpins will stop at nothing to further the criminal enterprise.

That is why I am reintroducing a measure to allow the death penalty to be imposed upon those drug kingpins who will, in the course of their criminal enterprise, order the killing of innocent people and of our law enforcement officers, judges, or anyone who would stand in their way.

It is time that society answers the challenge of the criminal kingpins with the ultimate weapon.

FREE THE AMERICAN FARMER TO SELL TO ANY MARKET

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, this morning, on network television, I observed a group of Senators in the Midwest holding hearings on the question of why the American farmer is going broke.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I submit that there are two reasons: One is that the dollar is so overvalued that our products are too expensive for foreigners to buy; and the second is that the United States is denying to our farmers several markets, one of which is the Republic of Cuba.

Today, I received a resolution from the Arkansas General Assembly, calling upon the President and the Congress to free the American farmer to sell his product to any market, including the Republic of Cuba.

Mr. Speaker, I submit the letter referred to for the RECORD:

STATE OF ARKANSAS,
HOUSE OF REPRESENTATIVES,
Little Rock, AR, February 2, 1987.
Hon. BILL ALEXANDER,
U.S. Representative,
Washington, DC.

DEAR REPRESENTATIVE ALEXANDER: I have been instructed by the House of Representatives to transmit to you the following House Resolution 1010 by Representative James Roberts urging you to take appropriate action to remove official prohibitions and deterrents to the sale of American farm products to Cuba.

Respectfully submitted,
SUE FROWICK SMITH,
Chief Clerk.

STATE OF ARKANSAS—H.R. 1010

Whereas, agricultural exports from the United States have consistently declined since 1980 and the United States in May 1986 imported more agricultural products than it exported for the first time since 1959, causing a $152 million agricultural trade deficit; and

Whereas, the loss of exports and increase in imports are producing an estimated 1986 trade deficit of $170 billion; and

Whereas, the economic condition of agriculture in Arkansas is deteriorating rapidly and has resulted in a loss of many farms and high unemployment in the State; and

Whereas, there are 300,000 metric tons of Arkansas rice currently in storage and the Republic of Cuba offers a potential export market of 300,000 metric tons of Arkansas rice annually; and

Whereas, the United States sells wheat to the Soviet Union but the sale of rice to Cuba is embargoed, even though Cuba poses a lesser threat to the security of the United States than does the Soviet Union; and

Whereas, the sale of Arkansas rice to the Republic of Cuba will pose no great threat to the security of the United States: Now therefore, be it

Resolved by the House of Representatives of the Seventy-sixth General Assembly of the State of Arkansas:

The House of Representatives hereby sincerely urges the President of the United States and the U.S. Congress to take appropriate action to remove all official prohibitions and deterrents to the sale of United States grain to Cuba: Be it further

Resolved, That upon adoption of this Resolution, copies hereof shall be transmitted to the President of the United States, to the presiding officer of the U.S. Senate and the U.S. House of Representatives, and to each member of the Arkansas Congressional Delegation.

A PROPOSAL FOR FUTURE ENERGY SECURITY

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, in 1978, by an overwhelming majority, Congress mandated expedited exploration and development of the Outer Continental Shelf [OCS]. Since 1981 we have been consistently undermining that policy with yearly bans on leasing offshore California.

We have an opportunity, with the upcoming draft 5-year plan to reaffirm the policy adopted in 1978.

In the coming weeks we will hear many differing views on the recently released draft proposal for oil and gas leasing on the OCS offshore California.

The fact is that California has for several years been the subject of extraordinary attention and special exceptions to the congressionally established OCS leasing process.

The Secretary has carefully considered the recommendations of the special negotiating panel and the Governor of California. Recommendations from each of the proposals the Department was directed to review were incorporated into the draft proposal for California.

The proposal goes well beyond previous 5-year programs by proposing to exclude many areas as "subarea deferrals," an unprecedented concession to California at this stage of the leasing process.

Our Nation's future energy security depends on us finding new domestic resources to supply our energy needs in the next century.

In 1986 oil imports rose to the highest level since 1980, capturing 35 percent of the market for the year and 39 percent for December alone.

The United States accounted for 26 percent of the world's petroleum consumption in 1984. Yet it is home for only 4 percent of the world's known oil reserves.

The statistics are similar to those experienced during the 1970's. It would not be a wise policy to ignore these early warning signals by continuing to allow California, a net energy importer, the luxury of being exempted from contributing to our Nation's energy security.

ADDRESSING EDUCATIONAL NEEDS OF NATIVE HAWAIIANS

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, today I rise to draw your attention to a matter of extreme importance to all who support the fulfillment of human potential. I am speaking of a problem that has gnawed at our country for longer than any of us would be inclined to admit: the severe educational status of our native Hawaiians.

Persons of native Hawaiian ancestry have suffered disproportionately from educational inequality for some time. Indeed, as early as 1983 the unique educational needs of native Hawaiians were documented.

The attention of Congress, and the assistance of the United States are determining factors in the educational performance of native Hawaiians. We must recognize the special needs of this native group, and we must stand ready to work with them to ensure that those needs are effectively addressed.

Today, with the gracious support of Congressman DALE KILDEE and Congresswoman PATRICIA SAIKI, I am introducing legislation which provides a promising option in addressing the needs of native Hawaiians. This measure is comprehensive, innovative, prudent, and most importantly responsive. And, it is fundamentally sound in its efforts to ensure that existing native programs remain undisturbed. I urge my colleagues' support for this bill.

□ 1210

DANTE HAD A SPECIAL HELL FOR CURRENCY DEBASERS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, in the "Divine Comedy," Canto XXX, Dante describes the punishment reserved for counterfeiters, coin-clippers, and currency debasers. In the 10th compartment of the 8th circle of Hell, Adam of Brescia confessed: "They brought me down among this tribe for I stamped the florins with 3 carats of alloy." The florin was a coin of Florence that should have contained 24 carats of pure gold.

Not only in medieval times when Dante lived and wrote, but in ancient times, the debasement of coin was regarded as an evil, whether practiced by private counterfeiters or by government officials. The fact that Dante assigned one of the most terrible punishments—the eighth of nine circles of Hell—for debasers of coin, imposters, counterfeiters, deceivers under false pretenses, was symbolic of the general attitude toward such people in those days.

Our own attitude is quite different. We celebrate our own currency debasers in the Treasury and at the Federal Reserve as brilliant strategists who have outsmarted the Germans and the Japanese, and we congratulate ourselves on our piece of luck to have imposters and deceivers under false pretenses at the helm.

Mr. Speaker, Dante reserved no special Hell for simpletons. Apparently because their punishment is implicit in their comportment: "As an ox goeth to the slaughter * * *." (Proverbs, 7:22.)

WILDLIFE PRAIRIE PARK

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I am today introducing a bill providing an affiliated status with the National Park Service for Wildlife Prairie Park, located just west of Peoria, IL.

Wildlife Prairie Park was established to protect and preserve the historical prairie characteristics unique to the Midwestern region of our Nation, and as far as I can determine, it is the only park of its kind in the Midwest.

It protects and preserves wildlife, plants, and prairie meadows indigenous to the area, and it contains a wonderful array of prairie animals, including buffalo, elk, deer, foxes, wolves, badgers, and even an American eagle, all in their natural habitat.

The Director of the National Park Service, William Mott, visited the park in November, and expressed great enthusiasm over the unique way it is providing the public with an increased awareness of our wildlife, not to mention its scientific potential in many areas.

Director Mott has endorsed the idea of an affiliated status and has indicated his desire to initiate a close working relationship between the Park Service and Wildlife Prairie Park in a number of different areas.

Mr. Speaker, we will, of course, be working with members of the Committee on Interior and Insular Affairs in the hope that the bill will receive early consideration and will hopefully be expedited through the House itself.

APPOINTMENT AS MEMBERS OF THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER. Pursuant to the provisions of section 3, Public Law 93-304, as amended by section 1, Public Law 99-7, the Chair appoints as members of the Commission on Security and Cooperation in Europe the following Members of the House:

Mr. HOYER of Maryland, chairman;
Mr. FASCELL of Florida;
Mr. MARKEY of Massachusetts;
Mr. RICHARDSON of New Mexico;
Mr. RITTER of Pennsylvania;
Mr. KEMP of New York;
Mr. PORTER of Illinois; and
Mr. SMITH of New Jersey.

And one majority appointment remains to be made.

SUGGESTED DONATION OF PAY INCREASE TO THE HOMELESS

(Mr. DIOGUARDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIOGUARDI. Mr. Speaker, last week the House took two important actions. First, we voted for emergency assistance and aid to the homeless, and second, the House leadership orchestrated a backdoor pay increase without having to be held accountable to our constituents.

I strongly supported the aid to the homeless but strongly opposed the pay increase at this time. Today, Mr. Speaker, I challenge the Members of the House to follow my lead and donate their pay increase to the homeless.

Today I am announcing that my first month's pay increase will go to the Hope Community at the Holy Trinity Lutheran Church in New Rochelle, NY.

Mr. Speaker, this is an opportunity to immediately help the homeless in this country, and I hope that my fellow Members on both sides of the aisle will also consider this initiative.

SOVIET HUMAN RIGHTS POLICY

The SPEAKER. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 5 minutes.

Mr. LUNGREN. Mr. Speaker, even as Soviet General Secretary Gorbachev escalates his campaign to improve the Kremlin's human rights image, the questionable sincerity behind that initiative mandates a new look at the foundations of Soviet foreign policy.

Mr. Speaker, it's clear that one cannot lightly dismiss the human and political significance of recent developments on the human rights front. Moscow has allowed Nobel Peace Prize laureate Andrei Sakharov to leave internal exile in the city of Gorki. Two weeks ago, Sakharov announced the imminent release of two other prominent dissidents, Anatoly Koryagin and Sergei Khodorovich. And yesterday, the Soviet Foreign Ministry declared that 140 additional releases would take place. In the eyes of many, Gorbachev looks more and more like Nikita Khrushchev with every passing day.

Unfortunately, we in the West cannot be satisfied with the appearance of Soviet policies. While Americans rightly expect the public and private aspects of our own diplomacy to be in harmony, Moscow has no interest in such consistency. It is entirely possible that glasnost—or the new openness—is serving the ends of maskirovka—or strategic deception—which has long been one of the foundations of Soviet national security policy. This appears to be the view of Natan Shcharansky, who recently conducted an interview with Francis Clines of the New York Times. When asked whether Gorbachev is better or worse than his predecessors, Shcharansky replied:

> In some ways we can say the situation became much more dangerous because he is much more sophisticated in using the mass media of the West * * * for deception.

Referring to Kremlin treatment of Soviet Jews, Shcharansky added:

> Nobody before him dared to pass such an antiemigration law and call it an "emigration" law. Under this law they have excluded more than 90 percent of the people who already asked for invitations to Israel, because now only immediate relatives are permitted, not uncles or aunts. It means, from the 382,000 Jews who already asked for invitations from Israel to help them leave the Soviet Union, at best 30,000 can reapply. The rest cannot.

Shcharansky suggests that the view of the Gorbachev regime is much gloomier from the cell of a political prisoner than it is from editorial board rooms across the Atlantic. In discussing the present conditions of incarceration, he points out that during his imprisonment under Brezhnev, Andropov, and Chernenko, not a single dissident died at Chistopol Prison. Since Gorbachev came to power, two prisoners have died. Shcharansky states:

> Those who know, like me, the raw conditions of the prison and how it is so much under control of the KGB know that such things cannot happen simply by chance * * *. For people inside the Soviet Union, it's a much more strong message than all those words of Gorbachev.

It seems clear that the increased use of punishment cells under Gorbachev—as reported by Shcharansky—is also not an accident. Even as we celebrate the release of the courageous dissidents such as Dr. Koryagin, we must mourn the fate of the thousands of political prisoners still suffering in the gulag.

An article in the February 2 edition of the New York Times provides an excruciating corroboration of Shcharansky's assessment. The report profiles Serafim Yevsyukov, a former airline navigator who Soviet authorities seized last July and then confined to a mental hospital. When the new "patient" inquired why he had been judged insane, the doctors cited his quiet protests of the deportation of his son to a Siberian labor camp. The former navigator subsequently endured a hospitalization that featured lighting during sleep periods, no exercise of any kind, and daily injections of tranquilizers that prevented rest. Having been released last month from the so-called hospital, he now thinks of the screaming mental patients he lived with for 8 months. He also thinks of his son, who is still imprisoned in Siberia for his attempts to emigrate from the Soviet Union.

Unfortunately, a trip outside Moscow only serves to confirm the colder picture of General Secretary Gorbachev. According to the Washington Times, Mr. Gorbachev told a Tashkent audience on November 24 that that region required a crackdown on religion and the use of mosques by certain party officials. Gorbachev is quoted in the Tashkent newspaper Pravda Vostoka as encouraging "the resolute and uncompromising struggle against religious manifestations and the stepping up of mass political work and atheist propaganda." He is said to have added:

> Communists and leaders above all must be held to account, and particularly those who pay lipservice to our morality and ideals while in practice pandering to obsolete views and personally participating in religious rituals.

If these citations reflect Mr. Gorbachev's actual opinions, it would appear that the "new openness" resembles the old one: Moscow welcomes variations on its latest orthodoxy with open arms, but gives a very cold shoulder to attitudes that are heterodox and therefore "obsolete."

Mr. Speaker, I for one do not believe that there are two Gorbachevs in the Kremlin. The Gorbachev who freed Dr. Sakharov is the same man who continues the imprisonment of Josif Begun and hundreds if not thousands of religious dissidents. The Gorbachev who welcomes Western intellectuals to Moscow keeps them out of Afghanistan, where—as the U.N. Commission on Human Rights has documented—the Soviets continue to wage a scorched earth campaign of astounding savagery. Finally, the Gorbachev who offers to expand cultural exchanges is the same man who imprisoned Nicholas Daniloff and appointed Anatoly Dobrynin, formerly Soviet Ambassador to Washington, to serve as the head of the Kremlin's active measures network. We must recognize that a dichotomy will probably continue between the outward actions of the U.S.S.R. and the motives behind those actions. Since such a dichotomy endangers the domestic consensus vital to the successful conduct of a democracy's foreign policy, it is imperative that policymakers carefully examine the ideological and strategic roots of Soviet policies in the months and years to come. Such an evaluation will allow the public in Western nations to discern disinformation from the democratization that we all hope for, and to feel confident about the basic premises of our foreign policies.

□ 1220

NRC PROPOSAL VIOLATES INTENT OF THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HOCHBRUECKNER] is recognized for 5 minutes.

Mr. HOCHBRUECKNER. Mr. Speaker, I want to address you today on a subject of great importance to the people of Long Island—the health and safety concerns associated with nuclear power.

The Nuclear Regulatory Commission announced last week that it is reviewing a plan to create an expedited licensing process for certain nuclear power facilities. The plan, prepared by NRC staff, is specific to areas where State and local governments do not participate in emergency evacuation exercises. It came to light during a February 5 hearing before the House Interior Subcommittee on Energy and the Environment.

The NRC's draft rule change represents an abandonment of the basic emergency planning process which Congress put into place following the accident at Three Mile Island. The proposal is tailored specifically to deal with the situation involving the Shoreham nuclear power plant in my congressional district, and that of the Seabrook facility in New Hampshire.

It seems the staff of the NRC are so overcome with frustration over the lack of progress on the Shoreham and Seabrook operating licenses that they have decided to change the rules of the game. Evidently they have concluded that the only way to bring the plants on line is to suspend the emergency evacuation planning and review process altogether. This is completely unacceptable.

The fact of the matter is that the Shorham plant cannot meet acceptable standards for public safety and emergency preparedness. The Nuclear Regulatory Commission ought to recognize this reality. Unfortunately, since the Commission cannot make the plant fit the standards, it is trying to make the standards fit the plant. I hope that Members of the Congress will agree with me that this kind of rulemaking must never be allowed.

Mr. Speaker, I am including for the RECORD at this point a copy of a letter regarding this proposal which I sent to the NRC along with Congressmen MRAZEK and DOWNEY.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 1987.

Hon. LANDO W. ZECH, Jr.,
Chairman, Nuclear Regulatory Commission, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our outrage at a change in NRC licensing rules proposed by the staff of the NRC. This proposal would allow the NRC to issue an operating license where emergency evacuation plans have not been approved by state and local officials.

As we understand it, the draft NRC rule change would effectively deny state and local authorities any meaningful role in the emergency planning process which precedes the issuance of a full-power operating license. The proposal allows the Commission to dispense with the normal emergency planning process and grant an operating license in spite of unresolved public safety concerns. We believe that, were the Commission to adopt this approach, it would be seriously abusing its Congressional mandate. Further, it raises several Constitutional issues. It is perplexing to us that the Commission is even entertaining such a proposal—particularly in the wake of the disaster last year at Chernobyl, U.S.S.R.

As members of Congress representing the people of Suffolk County, New York, we are very concerned about the health and safety threats posed by the Shoreham nuclear power plant. We strongly urge that you reject this proposal.

Sincerely,

GEORGE J. HOCHBRUECKNER.
THOMAS J. DOWNEY.
ROBERT J. MRAZEK.

Mr. Speaker, the No. 1 concern in my district is the danger to the public associated with operation of the Shoreham nuclear powerplant. Indeed, the vast majority of people across Long Island do not want a nuclear power plant operating in such close proximity to their communities. I am committed to preventing the Shoreham plant from opening. I will also fight any attempts by the Nuclear Regulatory Commission to change the rules of the game in order to avoid addressing my constituents' legitimate concerns.

NUCLEAR SAFETY REVIEW ACT OF 1987 (H.R. 67)

On the first day of the 100th Congress I introduced H.R. 67, the Nuclear Safety Review Act of 1987. This legislation is intended to ensure that public safety and emergency preparedness concerns are thoroughly addressed before any nuclear powerplant may be licensed. A number of my colleagues have already joined me in cosponsoring this legislation. I welcome any of you who are concerned about public safety to join in support of this measure as well.

Mr. Speaker, I submit the text of H.R. 67 to be printed in the RECORD at this point:

H.R. 67

A bill to provide for State and local government approval of emergency evacuation plans, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Safety Review Act of 1987".

SEC. 2. ROLE OF THE STATES.

(a) IN GENERAL.—Chapter 16 of the Atomic Energy Act of 1954 (42 U.S.C. 2231 et seq.) is amended by adding at the end the following new section:

"SEC. 193. EMERGENCY EVACUATION PLANS.—

"a. The Nuclear Regulatory Commission (in this section referred to as the 'Commission') may not issue a full power operating license under section 103 or 104 b. to a commercial or industrial production or utilization facility unless—

"(1) the chief executive officer of each State located within 10 miles of any such facility has certified in writing to the Commission that such State has approved and intends to implement emergency plans (including evacuation plans) for all persons and communities within 10 miles of such facility;

"(2) the legislature of the county in which such facility is located has passed a resolution that was enacted into law approving the plans described in paragraph (1);

"(3) the Federal Emergency Management Agency has approved such plans and notified the Commission in writing of such approval; and

"(4) the Commission has reviewed the findings of the Federal Emergency Management Agency under paragraph (3) and made an independent determination that such plans are adequate to protect all persons and communities within 10 miles of each such facility and the public health and safety.

"b. Subsection a. shall apply to any application for a full power operating license described in such subsection that is pending on or after the date of the enactment of the Nuclear Safety Review Act of 1987.".

(b) Conforming Amendments.—

(1) Table of contents.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. 2011 prec.) is amended by inserting after the item relating to section 192, the following new item:

"Sec. 193. Emergency Evacuation Plans.".

(2) Findings.—Section 2 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2012(e)) is amended by inserting "except as provided in section 193," before "regulation".

(3) Agency jurisdiction.—Section 271 of the Atomic Energy Act of 1954 (42 U.S.C. 2018) is amended by striking "Commission: *Provided,* That" and inserting "Commission. Except as provided in section 193,".

(4) Cooperation with states.—Section 274 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(k)) is amended by striking "Nothing" and inserting "Except as provided in section 193, nothing".

MSGR. JOHN PATRICK CARROLL-ABBING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. DioGuardi] is recognized for 5 minutes.

Mr. DioGUARDI. Mr. Speaker, I rise to pay tribute to a very special individual, Msgr. John Patrick Carroll-Abbing, founder of the Boys and Girls Towns of Italy Communities.

To get a better understanding of who this man is, I want to take you back to Christmas 1944 and the war-torn countryside of Italy. A young priest, who in 1930 had traveled from his birthplace in Dublin to study at the Vatican in Rome, was now aiding the Nazi resistance movement. It was then, during the fighting, bombing, and killing, that he became overwhelmed by the misery and suffering he saw around him. Children were left homeless in the dead of winter, and packs of homeless boys roamed the land with nowhere to turn for help. With misery and suffering the rule in war-torn Europe, the young priest realized that if he did not help these children, no one else would.

Using contributions given to him by U.S. servicemen, this priest began to set up a shelter for these children in a bombed out villa.

That young priest was Monsignor Carroll-Abbing and that shelter would become the first Boys Town of Italy.

Today, that villa shelter has grown into 8 Boys Towns and 1 girls town, housing 1,900 residents in a democratic, self-governing community. The young people comprising these towns come from all over the world, including the United States. Monsignor Carroll-Abbing has become a spokesman for the world's youth and has given them the opportunity to participate in free government and learn various trades to better their future.

The success of the boys and girls towns led the prestigious foreign press associations to designate Monsignor Carroll-Abbing as their first recipient of the World Humanitarian Award in 1985. In recognition of this honor, President Reagan had this to say to the monsignor:

> Since the founding of Boys Towns of Italy, you have seen many fruits of your labors. Over the years, you have not only given many children love and shelter, but also taught them how to govern themselves in a democratic way and thus become responsible citizens. People throughout the world applaud and thank you for your work as they find inspiration in your deeds.

President Reagan is not the first American leader to praise Monsignor Carroll-Abbing's efforts. For an entire generation, dating back to Harry S. Truman, American Presidents have felt compelled to acknowledge the tremendous service given to mankind by the monsignor.

While Monsignor Carroll-Abbing may be best known for his work assisting children, an even greater achievement is his leadership in seeing children help others in need. Across five continents, he has inspired children to actively participate in on-the-spot disaster relief as well as daily community endeavors.

My colleagues, as a scholarly writer, man of God, and dedicated humanitarian, Msgr. John Patrick Carroll-Abbing has earned and deserves the respect of this body. It is my pleasure to bring his achievements to your attention and I hope that we can all benefit by his example.

Mr. Speaker, at this time I would like to take notice of the efforts of a young lady in Florida, Miss Rikki Ricciardelli, who wishes to see Monsignor Carroll-Abbing nominated for a Nobel Prize. I am inserting for the Record a paper she has written in support of this nomination:

Msgr. John Patrick Carroll-Abbing, Nominee for the 1987 Nobel Prize Humanitarian Award

(By Rikki Ricciardelli)

Without hesitation, my nomination for the Nobel Prize Award most deservingly belongs to Monsignor John Patrick Carroll-Abbing, founder of the Boys and Girls Towns of Italy communities.

I first met Monsignor Carroll through my father, who is an active supporter, and a National Director of Boys of Towns of Italy.

I have gathered many articles about Monsignor Carroll and his humanitarian work. I am astonished that the Monsignor has never been awarded the Nobel Prize for Humanitarian Work. As this fact remains, I take great pleasure in nominating Monsignor myself.

Born in Dublin, Ireland, Monsignor Carroll-Abbing came to Rome in 1930 to study and work at the Vatican. During World War II he was active in the resistance movement against the Nazis, and in helping the refugees. He became widely known as "the Monsignor of the shoeshine boys", for his efforts to aid the many homeless and orphaned children who were trying to survive on the streets of Rome. In August, 1945, he formed the first Boys Towns. Today there are eight Boys Towns and one Girls Towns in Italy, which house 1,900 residents in a democratic, self-governing community.

These young citizens come not only from Italy, but from many European nations, third world countries, and even from the United States. These children are given the opportunity to participate in their own local government and to learn various trades.

Monsignor Carroll-Abbing has traveled widely on five continents to promote the cause of the world's youth and to serve as their spokesman.

A peace movement which honored Monsignor Carroll-Abbing was declared at Boys Towns in Rome, in August of 1985 by Agostine Cardinal Casaroli, Secretary of State to Pope John Paul II. He praised the Irish prelate for his "unbelievable sacrifices, unremitting toil" that have yielded "an incredible harvest of love". He noted that former residents, "thousands of men and women all over the world, good citizens of every nation, look to Monsignor Carroll-Abbing with gratitude and affection".

On a black Christmas Eve, 1944, men all over the world were killing one another. Children were left homeless, with no one to love or care for them while they slept in the harsh cold of Winter. Homeless boys wandered in "wolf packs" in the wake of the armies.

It was in Italy that a dedicated Priest, John Carroll-Abbing felt the needs of these children. His determination to help these unwanted, silent victims of the war was immense. Supported in his efforts by contributions from men in the United States armed services, this Priest began his first shelter in a bombed out villa.

This was the first Boys Towns of Italy, a self-governing Democratic community, rather than an orphange.

Americans in every major city in the United States have continued the support started by their servicemen, by forming committees to support Boys Towns of Italy.

The following quotes are from just a few of the hundreds of world leaders who have, in the past 41 years, at one time or another during their term of office, seen and helped the miracle of Boys Towns of Italy.

PRESIDENT RICHARD M. NIXON

"The vital work of Boys Towns of Italy merits the gratitude and admiration of all men of conscience and goodwill. For if we are to realize the peaceful, prospering society we seek, we must begin by forging a better life for the world's children".

PRESIDENT JOHN F. KENNEDY

"From its modest beginning, this movement has, in a relatively short time, become a truly realized ideal and a model for those in the world who would endow a coming generation with hope and courage."

PRESIDENT DWIGHT D. EISENHOWER

"For many years I have taken pride in the knowledge of America's generosity in helping support the Boys Towns of Italy. The success of the Boys Town enterprise is a tribute to the great heart of the American people".

PRESIDENT HARRY S. TRUMAN

"I cannot think of a more practical philanthropy nor one that breathes more deeply the spirit of true Christian brotherhood than this work".

PRESIDENT RONALD REAGAN

"It is an honor to extend to you my congratulations as you become the first recipient of the Foreign Press Associations 'World Humanitarian Award'. Since the founding of the Boys Towns of Italy, you have seen many fruits of your labors. Over the years, you have not only given many children love and shelter, but also taught them how to govern themselves in a Democratic way and thus become responsible citizens. People throughout the world applaud and thank you for your work as they find inspiration in your deeds. Nancy and I send our best wishes on this most special occasion".

PRESIDENT SANDOR PERTINI OF ITALY

"I join deep feelings in the tribune of affection and of gratitude that the representatives of the International Press have offered to Monsignor John Patrick Carroll-Abbing, in conferring on him the 'World Humanitarian Award'.

Coinciding very significantly as it does with the 40th anniversary of the Boys Towns of Italy, this recognition endorses the authenticity of his intuition and the constancy on his commitment based entirely on brotherly love, on human solidarity and on an unlimited trust in the enthusiasm and the resources of the young. The Boys Towns of Italy demonstrate how precious is the contribution, that all over the world, our young people can make to the building of a more freedom loving and a more just society".

PRESIDENT PATRICK J. HILLARY OF IRELAND

"We are all aware of the many problems that face our youth of today. But, nevertheless, young people everywhere are aspiring to a world of peace, justice and opportunity. We know that Monsignor Carroll-Abbing has not failed the young in the pursuit of these aspirations".

BETTINO DRAXI, PRIME MINISTER OF ITALY

"I wish to express the warm appreciation of the Italian Government and my own personal gratitude to the Foreign Press Association for its most praiseworthy undertaking in singling out one man's dedication to peace and to the defense of civil rights that has earned him the admiration and respect of the whole world."

HONORABLE PIERRE ELLIOT TRUDEAU, PRIME MINISTER OF CANADA

"One measure of the compassion, generosity and goodness of man can be found in his willingness to give voluntarily for the welfare of those around him who are victims of the misfortune. Boys Towns of Italy is an outstanding example of a deeply human response to a tragic legacy of war and destruction. In Canada, we are happy to have as our citizens, many individuals who have benefitted from the Boys Towns Organization. As you celebrate your 25th anniversary, I am pleased to join with leaders throughout the world in sending to Boys Towns of Italy my best congratulations and best wishes".

RT. HONORABLE JOHN GORTON, PRIME MINISTER OF AUSTRALIA

"It gives me great pleasure to extend to Boys Towns of Italy my warmest congratulations and good wishes on their 25th anniversary. I am aware of the splendid work your organization has done for the children of Italy, and it gives me great satisfaction to know that many ex-citizens of your Boys Towns have settled happily and successfully in Australia".

AN ARTICLE FROM THE BRITISH READER'S DIGEST BY PAUL GALLICO

"* * * father John Carroll-Abbing hails from Dublin, but his heart and his work lie in Italy with hundreds of orphaned, abandoned and emotionally disturbed children. Sweeping aside the old ideas of educational therapy, he has set-up a series of towns-in-miniature where wayward youngsters govern themselves.

"Paul Gallico here describes Father Carroll-Abbing's heartwarming success; how through his love and trust 'hopeless' delinquents have found a new meaning in life".

PRINCE CHARLES AND PRINCESS DIANA

Both thanked the Boys Town of Rome as Prince Charles stated, "I only wish that in England we could have a community such as this city of yours".

JAIME DE PINIES, PRESIDENT OF THE UNITED NATIONS GENERAL ASSEMBLY

Congratulated Monsignor Carroll-Abbing on his "having been the first recipient of the Foreign Press Associations World Humanitarian Award", presented March 27, 1985.

ELIO TOAFF, THE CHIEF RABBI OF ROME

"At the moment in which Monsignor Carroll-Abbing is receiving the "World Humanitarian Award" I wish to convey to him my affectionate greetings, delighted at this prestigious recognition and with warm memories of our work together."

Monsignor John Patrick Carroll-Abbing received the prestigous World Humanitarian Award from the Foreign Press Association at a reception given in his honor at the Foreign Press Center, New York City, on March 27, 1985. The 400 member news organization, which represents foreign correspondents from 60 countries covering New York and Washington, singled out the Monsignor as the first-ever recipient of this award as "an individual whose deeds and words have had a major impact in the field of human rights and service to humanity".

The award stated some of the several hundred honors that Monsignor has achieved in the past forty years. Among these are:

A Doctor in Sacred Theology, in Canon Law in Jurisprudence.

Honorary Doctor in Law of the University of Notre Dame.

Honorary Doctor of Law of St. John's University.

Honorary Doctor of Pedagogy of Iona College.

Grand Cross Knight of Magistral Grace of the Sovereign Military Order of Malta.

Grand Cross Knight of the Order of Merit of the Italian Republic.

Grand Officer of the Order of Saints Maurice and Lazurus.

Grand Officer of the Order of Crown of Italy.

Grand Officer of the Order of St. Agatha.

Decorated with the Silver Medal for Military Valor "on the field of battle" as a leader in the Italian Resistance against Nazi oppression.

Gold Medal of the Ministry of Public Health (Italy).

Gold Medal of the Ministry of Public Instruction (Italy).

Gold Medal of the Ministry of Justice (Italy).

Gold Medal of the City of Rome.

Gold Cross of the Ministry of the City of Rome.

Gold Cross of the Ministry of Public Service (France).

Youth Award of the Ministry of Youth Affairs (Republic of Indonesia).

Honorary Citizen of numerous cities in Italy and abroad and recipient of innumerable international Humanitarian Awards

Other noted programs founded by Monsignor Carroll-Abbing include:

AID TO THE VICTIMS OF WORLD WAR II

1944: Founded the Italian War Relief Organization, to assist the civilian populations in the battle areas.

1945: Organized the first anti-malarial campaign for 30,000 victims in the Cassino and Anzio battle zones. Founded the Institute for the Study and Cure of Pernicious Anemia, as well as medical dispensaries throughout Italy for the poor, for children and for diabetics. President of the Italian National Medical Relief Commission. Member of the Vatican Refugee Commission and the Relief Commission of the Italian Red Cross.

AMERICAN RELIEF FOR ITALY

1946-1949: Director in Italy of A.R.I. Inc. to ensure the equitable distribution of $250,000,000 of relief supplies shipped by Catholic, Jewish and Protestant voluntary agencies.

WELFARE OF HOMELESS AND ABANDONED CHILDREN

1944: Founded the Italian Street Boy Organization to feed and clothe 180,000 child war-victims.

1945: Founded the first Boys Town of Italy Village.

1947-1951: Started seven other permanent youth communities for the homeless, as well as many temporary children's shelters.

1951-1954: Erected thirty Children's Day Care Centers in poor areas of Southern Italy.

1955: Found the Boys Towns of Rome, Girls Town and the Citadel for older teenagers in trouble.

DISASTER RELIEF

Organized immediate relief efforts for the victims of the floods in Calabria, in Salerno and in Florence and of the earthquakes in Sicily, Friuli and Irpinia, erecting a hospital in S. Margherita Belice, Sicily, and 21 schools, day-care centers and rehabilitation centers for the handicapped in the earthquake areas of Salerno, Avellino and Potenza.

INTERNATIONAL CHILD RELIEF ACTIVITIES

1950-1963: President of the International Commission for Childrens Communities of the Bureau International Catholique de L'Enfrance, Paris, organized international conferences in Kortenberg, Madrid, Constance, Venice, Friburg, Lisbon, Beyrouth and Rome.

1967: Found the International Institute for the Study of Youth Problems Today.

1946: Relief Mission to child war-victims in Germany. In the years following, relief missions to the children of Biagra, Bangladesh and Cambodia, and goodwill missions to the young people of India, Egypt, South East Asia, Japan, the Philippines and Latin America.

1959: Ex-President Herbert Hoover conferred on him the Annual "Man and Boy Award" of the Boys' Clubs of America.

1975: "Humanitarian Award" of the University of Santa Clara, California.

1983: Peace mission to the young people of Lebanon.

1975 and 1983: President of the Youth Commission for the Holy Years.

As author and journalist he has covered the world scene of youth and its problems for 40 years.

AUTHORITY ON JUVENILE DELINQUENCY

Monsignor Carroll-Abbing is the author of numerous books and studies on the problems of juvenile delinquency and child care of which the best known are:

"Children's Courts in the United States of America" (An analysis of the juvenile court laws and procedure in 48 states)

"A Chance to Live" (History of the children of the war and the beginning of the first Boys Towns)

"Journey to Somewhere" (A novel which is also a treatise on the children of the street and the institutional care of children)

"But for the Grace of God" (A personal account of World War II, of the Resistance Movement and of the founding of the Boys Towns of Italy)

"An Instrument of God's Peace" (The diary of a youth march for peace)

The following is Monsignor John Patrick Carroll-Abbings World Humanitarian Award:

WORLD HUMANITARIAN AWARD

Whereas: His heroic action during World War II on behalf of the persecuted won him the highest accolades of freedom-loving people of every political and religious persuasion, and

Whereas: "The Monsignor of the Shoeshine Boys" became the beloved spokesman of the vagrant children of the war and has, from then on, dedicated his life completely to the service of underprivileged and disinherited youth, and

Whereas: Starting in 1945, he established the Boy's Towns and Girls' Town of Italy, democratic self-governing communities in which thousands of young people from all continents have been given a chance to develop their hidden talents and have learned to become responsible men and women, respectful of the rights of their fellow citizens, and

Whereas: As a writer he has shown rare intuition in understanding and interpreting for others the successive crises that for more than 40 years have affected young people in different parts of the world, and has used the printed word with great effectiveness to focus attention on the underlying causes of their unrest, and

Whereas: He is known universally as an authority of the problems of youth violence, of drug addiction, of runaways and youth suicides, and

Whereas: He has effectively prevailed upon young people to participate actively in on-the-spot disaster relief programs and has personally undertaken peace missions to the young in strife-ridden countries throughout the world, and

Whereas: With unswerving devotion to their cause, he continues to address himself in a convincing way to countless young people with past negative experiences in their lives, in order to reawaken in them a sense of their own worth as individuals and as potential builders of a more peaceful world,

Now therefore, the Foreign Press Association designates The Right Reverend John Patrick Carroll-Abbing of Rome, Italy, as the first recipient of its "World Humanitarian Award" in recognition of his deeds and words which have had a major impact in the field of human rights and service to humanity.

Presented this 27th day of March, 1985, at the Foreign Press Association, N.Y., N.Y., Roy Murphy, President.

The wording of this award captures in a few short phrases a lifetime of accomplishments of Monsignor John Patrick Carroll-Abbing's legacy.

I will personally dedicate all of my available time and effort in bringing Monsignor Carroll-Abbing's work to the attention of the Nobel Award nominating committee. It is my belief that Monsignor Carroll-Abbing is the perfect nominee for the Nobel Prize Humanitarian Award. Aside from research that I have done, I know that the Monsignor is a very special, extra-ordinary man. Knowing Monsignor Carroll-Abbing through my father has been a most valuable experience in my life.

Unfortunately in today's world and in our society, sometimes the suffering and struggle of others is lost in history along with so much. It is a blessing for those of my generation, that Monsignor Carroll-Abbing has dedicated his life's work with his extreme devotion, to the aftermath of devastation from the second world war. He has touched the lives of thousands of victims of this war and he has guided so many lives into a more productive, and meaningful experience. This is true not only for the children who have benefitted through the Boys and Girls Towns Villages, but for the world's society. The impact one man has had on the future of our civilization as we are today can only be assumed. For myself, I am grateful to Monsignor Carroll-Abbing for exhibiting and caring for those of us who would come along later in this world to make a better life for us all. I am proud to be so closely associated with Monsignor Carroll Abling, and my nomination as well as the Nobel Prize Humanitarian Award belongs to Monsignor John Patrick Carroll-Abbing.

WORLD POPULATION AWARENESS

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, unrestrained population growth in much of the Third World is approaching crisis proportions. World population has now reached 5 billion and is growing by an unprecedented 87 million persons per year. Ninety-two percent of this growth occurs in the economically poorest and least-developed countries.

Enabling the world's population to reach a balance with resources and environmental capacity through voluntary, humane, and safe means is a preeminent challenge for the world's leaders.

Both developed and developing countries are spending billions of scarce dollars to treat the symptoms and not the causes of excessive population growth: economic stress, clash between rich and poor, political unrest, hunger, environmental degradation, urban deterioration, and atmospheric pollution. Unless the relentless buildup in population pressures eases, these spending programs will never catch up with need. They will continue to be primarily exercises in futility.

The real tragedy is that we, the developed countries, are not doing all we can to assist struggling societies implement voluntary family planning programs. At least 500 million people in the developing world want and need family planning at this time—right now—but have absolutely no access or means to obtain such services. An estimated 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary means of child spacing and maternal health programs could be expanded to meet minimal needs.

Voluntary family planning not only improves the quality of life. It saves lives.

To raise awareness of population issues and the fearful implications of current inadequate programs, Congressman PORTER and I are today introducing a resolution to designate the week of April 20 to April 27, 1987, as "World Population Awareness Week."

Last year 25 States recognized World Population Awareness Week as a time for Americans to reflect upon the implications of unchecked population growth in economically struggling parts of the world.

We hope that designating a specific week as World Population Week level will spur additional support for worldwide, voluntary family planning programs.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, once again I am pleased to rise in the House of Representatives to commemorate the upcoming 69th anniversary of Lithuanian independence as declared by the Council of Lithuania on February 16, 1918. Let me take this opportunity to pay tribute to Lithuanian people everywhere who embrace the ideals of liberty and who strive to regain their freedom, self-determination, and release from Soviet domination. I think that recalling briefly the events of the Soviet conquest of Lithuania illustrate how little has changed in the Soviet goal of territorial domination and how every state bordering the Soviet Union is in jeopardy of Soviet invasion and subjugation.

After declaring her independence at the close of World War I, Lithuania bravely fought and defeated Soviet Bolshevik invaders and emerged as an independent nation in 1920. For the next 20 years Lithuania lived in peace and exercised the democratic, cultural, and religious freedoms for which they had fought.

However, the onset of World War II ominously signaled the end of Lithuanian independence. The Soviet's insidious pattern of coercion, threats, and forced occupation led, inexorably, to the annexation of Lithuania into the U.S.S.R. in 1940. And since that time the Soviets have used the all too familiar methods of physical aggression, oppression of human rights, and denial of individual and religious freedoms to remain in control of Lithuania.

The same use of terror and denial of basic human rights is sadly seen today in the Soviet occupation of Afghanistan. The threat is as real today as it was in 1940.

Yet, through all of the Soviet tyranny and oppression, the Lithuanians have shown resolve to retain their national, cultural, and religious heritage and to pass it to their children. This is a credit to the strength and pride of Lithuanians everywhere.

I rise, then, to reaffirm my pledge to Lithuanians and oppressed people everywhere that I will continue in Congress to call for the return of individual freedom and self-determination to Lithuania and all the other captive nations until they are once again free.

THE SERIOUSNESS OF THE DRUG PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, the capture of Carlos Lehder Rivas again brings into sharp focus, as I have indicated, the war on drugs that must be waged by civilized society or it faces a disastrous end. Not by nuclear war; not by confrontation among nations, but by debilitation and weakening of the inside fiber of any civilized society: Its citizens themselves.

Just glance at the headlines that have appeared recently, just to get an idea of how pervasive this drug problem is. Here is a New York Times article which has a headline, "U.S. Agent Is Shot During Drug Raid in an Apartment." This has become commonplace across the Nation. It is something about which we have to be continually concerned.

Another headline, this in connection, direct connection with the arrest of Carlos Lehder, the Colombian drug dealer, "U.S. Girds for Retaliation After Drug Figure's Arrest." Now, what does that mean? Not only is this a symptom of the relentless pursuit of their criminal enterprise by these drug dealers, but it actually means that those syndicates, those crime syndicates, those cocaine rings are so powerful and so intimidating that the entire Government of the United States has to gird for retaliation after a drug figure's arrest. In other words, they are so powerful, these cocaine dealers, that they can mount an offensive against the United States or any power that would dare to do anything to harm their criminal enterprises. That is how serious it is.

They mean it; it is not just an empty threat for them to say, "If you do such and such, then we will kill a judge, or we will murder a Drug Enforcement Agent, or we will assassinate a police officer."

□ 1230

I am not just making that up. Those expressions and those realities have come from the facts themselves. In the accounts of the Lehder arrest it is quoted from the DEA Chief, John C. Lawn, that they have killed judges, they have killed 300 police officers, and dozens of newspaper people in Colombia.

Lest you say, "Well, that's Colombia, that's a hemisphere away or a continent away in South America," lest you think that that is too remote for us to be concerned, let me reiterate that on the floor, this very same floor, during the debate on the drug bill last fall, I produced accounts of a reality that happened in our own country. A Federal judge in Texas was executed cocaine-ring style by a drug dealer ordering a hit because that Federal judge dared to be the presiding judge in a case involving one of their people.

So what is the answer? The answer is, of course, the widespread education that we must enforce and endorse in our country so that we no longer will become a victim country of the cocaine dealers, because that is what we are. Their market is in our neighborhoods, and as long as we permit that, the cocaine rings, one will be brought down and one leader arrested, and others will spring up to take their places. We must dry up the market; that goes without saying.

We must do all kinds of things, but for now one of the essential elements of law enforcement in this drug war has to be the invoking of the death penalty in proper cases in trials of drug dealers who will have been proved to have ordered the assassination of Federal officials or drug law-enforcement officers of any individual who would stand in their way—innocent bystanders and citizens of all types.

These people deserve no consideration whatsoever, and if society is to protect itself to the ultimate, we must allow capital punishment in those specific cases where an intentional murder has taken place to be an option of a jury that would try a cocaine dealer or other drug dealers who is brought to justice.

That is why the legislation that I have offered and which won overwhelming approval on the floor of the House just last fall, but bogged down in the Senate, pinpoints and targets that individual who in the furtherance of a continuing criminal enterprise, like a cocaine ring, has five or more associates perpetrating and executing his duties. When that individual, that drug dealer, stoops to kill, then the death penalty should apply.

THE NEW GI BILL

The SPEAKER pro tempore (Mr. MOODY). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, today I am introducing for myself and 174 of my colleagues legislation to make the new GI bill a permanent program. This legislation is identical to S. 12, the measure recently introduced in the other body by Senators CRANSTON and MURKOWSKI.

October 19, 1984, is a day that marked the culmination of more than 4 years of hard work on both sides of Capitol Hill to further ensure the Nation's strength and security. Already, we can look back on that day as one of the most important in the history of the Nation's Armed Forces. On that date, Public Law 98-525, the DOD Authorization Act of 1985, was signed into law. Title VII of this act established the new GI bill for the All-Volunteer Force.

On January 28, 1981, I first introduced the new GI bill, H.R. 1400. Prior to that date, the staff had worked for approximately 8 months with the military service departments to lay the groundwork for this legislative proposal. It has proven to be time well spent.

All of us in the Congress can take great pride in the development and establishment of his vital education assistance program. Since the program was implemented on July 1, 1985, I have heard nothing but praise for the new GI bill from my colleagues, from the military departments, from educators, from recruiters, and from new recruits and their families. Statistics and other indicators show that the new GI bill is successful beyond our greatest expectations.

Participation rates in all branches of military service confirm the new GI bill's value to the young people volunteering to serve in our country's Armed Forces. The latest available statistics show that 84 percent of all new Army recruits are participating in the new GI bill. The Navy is signing 54 percent of its recuits; 64 percent of Marine Corps enlistees are opting for the program; and the Air Force reports that 44 percent of its new recruits are enrolling. Through the end of December 1986, 43,130 members of the selected Reserve had already initiated training under the new GI bill.

The new GI bill is fulfilling several purposes. First and foremost, it is assisting in the readjustment of members of the Armed Forces to civilian life after their separation from military service. It is providing education assistance for tens of thousands of young men and women who otherwise might not be able to go to college or pursue other postsecondary training. In addition, it has proven to be an important recruitment and retention tool for all branches of the military, especially the Army.

This newest GI bill is the latest to help carry out our national obligation to assist service members in their efforts to achieve maximum potential as individuals and as citizens. Since the enactment of the first GI bill in 1944, over 18 million veterans and service personnel have received educational assistance under three GI bills. These include 7.8 million under the World War II GI bill, almost 2.4 million under the Korean conflict GI bill, and over 8 million under the Vietnam-era-post-Korean GI bill.

As he signed the first GI bill, President Franklin D. Roosevelt said the legislation gave "emphatic notice to the men and women of our Armed Forces that the American people do not intend to let them down." In creating the new GI bill, we have sent that same message and made the same commitment to those volunteers who are choosing to protect our freedoms through service in the Armed Forces. We appreciate their service on our behalf. We understand and support their desire to "be all they can be."

A first century philosopher observed, "only the educated are free." This statement is no less true as we move into the 21st century, and it is our responsibility to enable those who willingly protect our freedoms to also pursue their personal freedom and self-improvement through education.

In addition to facilitating servicemembers' readjustment, the new GI bill is designed to attract high-quality personnel to the Active and Reserve components of the Armed Forces. Sophisticated weapon systems and the highly technical needs of our military necessitate the recruitment of bright, talented young people. The new GI bill is providing the services with the additional, very potent tool they need to attract the very best men and women to military service. It is important to keep in mind that our "All Volunteer" Force is actually our "All Recruited" Force. The armed services must compete with an expanding job market and educational institutions in order to attract high quality and larger percentages from a shrinking pool of eligible recruits. However, since the implementation of the new GI bill, and because of it, the Congress and the military have forged a new, stronger alliance with our community and junior colleges, universities and training institutions to ensure that those individuals who desire to further their educations may do so, and may do so with the knowledge that they earned it in service to their country. Furthermore, employers benefit from a better-educated pool of potential employees.

Statistics compiled by the U.S. Army dramatically demonstrate the recruiting power of the new GI bill. Today, more than 90 percent of Army recruits are high school graduates compared to 54 percent in 1980. The percentage of recruits scoring in the upper half of the Armed Forces Qualification Test [AFQT] jumped from 26 to 63 percent during the same period. Quality male recruits increased 10 percent during the first year of the new GI bill over the final 12 months of year, the previous education program, a program which proved to be a dismal failure. Particularly impressive are the statements of 43 percent of the high quality recruits who said they would not have joined the Army but for the educational assistance benefits available under the new GI bill.

The first year impact of the new GI bill on Army Reserve recruitment has been equally impressive. Army Reserve high quality recruits increased 24 percent and 6-year enlistments increased 28 perent over the year prior to the implementation of this new program.

The other services are as enthusiastic as the Army in their support for the continuation of the new GI bill. The Air Force points to the sevenfold increase in new GI bill participation over the year and notes that most new GI bill participants are in mental categories I and II. Clearly the smartest young people are coming into the Air Force to take advantage of the available education benefits. Additionally, the No. 1 reason given for enlistment in the Air Force Reserve is the new GI bill. Both the Marine Corps and the Navy rate this new education assistance program as a critical component of their recruiting package.

The new GI bill has played a major rule in saving the All-Volunteer Force. The number of eligible young recruits is falling fast. Therefore, we must maintain a cost-effective means of attracting higher percentages to military service. Furthermore, we must have a program that gives us bright, disciplined, goal-oriented individuals. After all, that is what builds a strong military force. The new GI bill, in concert with the compensation and enlistment bonus incentives, is allowing all branches of the military service to compete in the marketplace for quality personnel.

Mr. Speaker, in your televised address to the Nation on January 27, you made eloquent reference to the GI bill and its impact on the Nation. In your words: "The very best financial investment this country ever made was the GI bill of rights at the end of World War II. It sent an entire generation of Americans to college. And our country has been reaping the dividends ever since."

You are absolutely right, Mr. Speaker. And we would like to see those dividends continue. As a result, 174 of my colleagues are joining me today in a major bipartisan effort as we introduce legislation to make this successful 3-year test program a permanent program. The strength of our military forces depends very heavily on enactment of this legislation. Thousands of potential recruits across the Nation will be closely watching our actions. We must not let America down.

B-1 WILL ADD TO DETERRENT CAPABILITY

(Mr. KASICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KASICH. Mr. Speaker, I would like to respond to a January 8 1-minute remark criticizing the B-1. I would also like to submit for the record a Washington Post editorial written by Secretary of the Air Force Pete Aldridge and Air Force Chief of Staff Gen. Larry Welch.

Recently, decade-long B-1 critics have been eagerly attacking the B-1 program. The B-1 does have problems, just as all new weapon systems have problems. But let's not throw the baby out with the bath water: the problems can be fixed and are being fixed.

Most important, the difficulties should be put into a proper perspective. Every weapon system has teething problems as it is being introduced into active service, and the B-1 is no exception. But we should learn from the mistakes that have been made, just as we should learn from the many good aspects of the program, which were praised by the Packard Commission report just last year.

The bottom line, Mr. Speaker, is that the B-1 has been deployed on schedule as promised, and will add tremendously to our strategic deterrent capability. The B-1 is now operational at Dyess Air Force Base, TX, and the aircraft is being brought up to its full operating potential. It will serve as a vital component of our strategic triad for many years to come.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, January 7, 1987.

Ms. MEG GREENFIELD,
Editorial Page Editor, the Washington Post,
Washington, DC.

DEAR MS. GREENFIELD: Mr. David Evans' opinion piece on the B-1B in the January 4, 1987, "Outlook" section of the Washington Post, is flat wrong. While we understand that particular conglomeration of misrepresentations is only the view of the author and not the Post editorial policy, that fact may be lost on many readers. While no useful purpose is served by responding point-by-point to the obvious shortcomings in technical and operational expertise reflected in the article, it is important that the record be set straight.

The central fact is the B-1B, the most advanced bomber in the world, is today on alert at Dyess AFB, TX, fulfilling its intended mission of deterring conflict by being capable—this moment—of carrying out its mission. The men and women who fly and support it understand the great contribution this aircraft makes—now—and so do the Soviets.

As is the case with most new aircraft, or other weapons systems at this stage of their lives, there are some deficiencies in the B-1B that require correction to realize the full, long term potential. Most will be corrected in the short term. One or two will take longer. There is no indication that required work will exceed the $20.5 billion cost ceiling. Due to Congressional cuts, current funding is about three-quarters of a billion below that ceiling. The Air Force will ask that a substantial part of those cuts be restored to complete needed work. Considering that the B-1B will be a key contributor to deterrence for the next 30 years, that maturing process is reasonable and no cause for alarm. Only the most impatient or uninformed would suggest these are fatal flaws in existing capabilities or future prospects.

Some of the more outrageous allegations in the "Outlook" article warrant brief comment.

Using measures irrelevant to strategic bombers, Evans characterizes the aircraft as "a step backward." Such measures as wing loading and thrust-to-weight and maximum thrust fuel consumption are of interest for highly maneuverable fighter aircraft but have little to do with strategic bombers. The B-1B has the full specified range capability which is considerably greater than the B-52. It penetrates enemy airspace under all-weather conditions at markedly lower altitudes and at speeds more than 50% faster than the B-52. It carries a substantially larger bomb load which it delivers with much improved accuracy, and it has a radar cross section 1/100th that of the B-52. These are the relevant measures for the utility of a penetrating bomber aircraft, and the B-1B is a success story on each count.

The writer of the "Outlook" piece compares the cost of a modern 1980s bomber to the acquisition cost of a 1950s bomber. A similar comparison of fighter aircraft or automobiles would yield similar results and are irrelevant. There is still every reason to expect that we will buy the full planned number of B-1B aircraft with planned capabilities within the planned $20.5 billion dollar ceiling. While it is true that the training simulator is not included in that cost—which has never been a secret to anyone—the simulator acquisition cost is just over $200 million, a far cry from Evans' $10 billion figure.

As to flying hour costs, at this early stage of operation in any new system, operating costs are inflated by a number of well understood factors associated with the initial limited scope of operations while building the logistics support system. Those costs include funding initial spares for the full 100 aircraft at the front end of the production. The projection is that the life-cycle cost of operating a B-1B will be some 15-25% more than for a B-52. For that price, the difference in effectiveness is absolute. The B-1B will perform the penetrating bomber role in the next decade, and the B-52 cannot. The capability to penetrate Soviet airspace and locate and attack targets deep in the Soviet Union is an absolutely essential element of a credible deterrent force.

Despite Evans' tortured use of an assortment of miscellaneous data to arrive at unwarranted conclusions, the facts are straightforward. The B-1B is a well-conceived bomber that is being developed and fielded within agreed to, clearly stated cost constraints to perform missions vital to the defense of this nation. The B-1B can deliver large conventional or nuclear payloads over intercontinental ranges, with high speed, low altitude penetration of sophisticated defenses. The B-1B can perform those missions now, and work continues at a rapid pace to mature the system and bring it to its full potential performance that will contribute greatly to deterrence for several decades.

LARRY D. WELCH,
General, USAF, Chief of Staff.
EC. ALDRIDGE, JR.,
Secretary of the Air Force.

FREE THE FARMERS TO SELL AGRICULTURAL PRODUCTS TO CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 20 minutes.

Mr. ALEXANDER. Mr. Speaker, on February 5, I introduced a resolution calling upon the administration to free the American farmer to sell United States agricultural products to the Republic of Cuba. Today, under my unanimous consent request, I would like to include additional material in the RECORD concerning the resolution, as well as newspaper articles relating the financial troubles of the farmers in Arkansas.

This resolution calls for freeing the farmers from the economic bondage of the Cuban embargo. The proposal to allow agricultural trade to Cuba has been gathering powerful momentum in recent months, having received endorsements from the American agriculture movement, the Farm Bureau federations of my district and State, the board of Directors of Riceland Foods, Inc., and the Arkansas State Senate, which unanimously endorsed a resolution on January 27 advocating farm trade to Cuba.

Mr. Speaker, in recent weeks I have included in the RECORD the documents passed by the various groups in support of selling agricultural products to Cuba. As the groundswell of public opinion in the Midsouth increases, I plan to include materials in the RECORD on a continuing basis in order to show the widespread public support for freeing the farmers to compete in the Cuban agricultural market.

One cogent example of the sentiments of my people in Arkansas was a February 2 editorial in the Stuttgart Daily Leader, which observed that "it does not make much sense to allow trade with the Soviet Union, for example, while prohibiting trade with Cuba." The Stuttgart newspaper said that Cuba offers rice-producing States such as Arkansas an annual market in excess of $50 million for rice alone, with a potential market for other agricultural products of hundreds of millions of dollars each year.

Another significant example of the sentiments of people in my region of America appeared in the January 25 issue of the Memphis Commercial Appeal. That article quoted one Arkansas farmer as expressing a viewpoint typical of many Midsouth farmers when he said, "The embargo is cutting the farmers' throats. They talk about free trade but there's no such thing as free trade when there's an embargo."

The Commercial Appeal published a photograph that dramatized the plight of many farmers better than any speech could ever do: The photograph showed millions of bushels of surplus rice, corn, and soybeans being stored in Cherry Valley, AR, under an agreement with the Federal Government. Those enormous mounds of surplus food rise like Egyptian pyramids from the delta rice fields of my district, and they are a sad testimony to policies that have failed to find markets for the productivity of our hard-working farmers.

Above that poignant photograph, the caption quoted a discouraged Arkansas farmer who said, "Maybe when times were better they wouldn't have wanted to sell to Cuba, but when you're struggling to survive, it doesn't matter that much."

Mr. Speaker, I include the Stuttgart and Memphis articles at this point in the RECORD as follows:

[From the Memphis Commercial Appeal, Jan. 25, 1987]

GRAIN SALE TO CUBA PUSHED BY FARMERS

(By Laura Coleman)

CHERRY VALLEY, AR—On first glance, the mammoth, white mountains amid the flat, delta rice fields along Arkansas 1 north of here make a startling sight.

Despite a size and shape resembling something from the long-ago Egypt, the piles of grain covered in white plastic are a monument to something modern; the surplus of grain produced by Mid-South farmers.

Many farmers here who tend the productive rice crops wish that grain was on a slow boat to Cuba.

For now, however, the four million bushels of rice, soybeans and corn here will remain and be augmented by thousands more bushels before the surplus-grian problem is resolved.

"If we'd do business with Cuba, we'd be aiding and abetting the Communist effort," said Bill Argo from behind his pharmacy counter in nearby Wynne. "To me it's a matter of principle; if you do it, you may as well do away with the fabric of our foreign policy."

Then Argo lowered his voice and complained about farmers who are complaining about tough times.

Other Arkansans have other views. But Argo's views about grain sales to Cuba are shared by other Arkansans hurt by a depressed farm economy but firmly anti-Communist.

The issue of selling U.S. grain to Cuba is one—possibly the only one—on which the American Farm Bureau and the American Agriculture Movement (AAM) agree.

On issues such as mandatory production controls and parity for farmers, for example, the groups are of opposite philosophies; AAM wants both and the Farm Bureau wants neither.

But the popularity of opening the Cuban market among farm groups apparently is not increasing the chances that the embargo imposed in 1962 will be lifted.

"I don't think the Reagan administration intends to do anything about it," said Jimmy Taylor, 40, of Wynne, as he waited for a meeting last week at the Cross County Farmers' Co-op.

Taylor produces about 700 acres of rice, down from 2,000 acres at one time. Some of his friends and neighbors nodded as he complained that the embargo against Cuba is not producing positive results.

"The embargo is cutting the farmers' throats," Taylor said. "They talk about free trade but there's no such thing as free trade when there's an embargo."

The rice and other grains stored near Cherry Valley are part of Carwell Elevator Co.'s agreement with the U.S. Department of Agriculture to store surplus grain from a multistate area.

Bill Carwell, who, with his father, J. L. Carwell, owns the elevator, said he's heard farmers talk about the Cuban trade for a long time.

"They're all in support of it," Carwell said. "The agricultural climate is so bad. . . . Maybe when times were better they wouldn't have wanted to sell to Cuba but when you're struggling to survive, it doesn't matter that much. We ship arms to Iran, so why not sell rice to Cuba?"

The issue was among the top priorities of the AAM during the organization's national convention in Memphis last week. The group unanimously passed a resolution calling for the sale of U.S. grain to Cuba.

The week before, in California, the American Farm Bureau Federation rejected a similar resolution but that decision, said Arkansas Farm Bureau President Andrew Whisenhunt of Bradley, came only because the Farm Bureau already is on record as being opposed to all embargos.

"The Farm Bureau has a longstanding policy that there should not be embargoes," Whisenhunt said, "and that there should be embargoes only when it is in the national interest."

He said that the Farm Bureau has "no problem at all" with supporting the sale of grain to Cuba. Whisenhunt estimated that, if the embargo were lifted, about 200,000 tons of U.S. rice would be sold to Cuba annually.

"It takes a whole lot of shovelfuls to move a mountain but you can't move a mountain until you start using the shovel," Whisenhunt said.

U.S. Rep. Bill Alexander (D-Ark.), who represents a district which produces about 35 per cent of the U.S.-grown rice, has made trade with Cuba something of a mission of his own. "There's a $50 million Cuba market sitting there waiting for someone to take it," said Alexander, who has traveled to Cuba twice.

Alexander's Arkansas colleagues in Congress, though not as adamant, have indicated support for trading with Cuba. Sen Dale Bumpers (D-Ark.) is on record in favor of it, said his spokesman, Matt James. Damon Thompson, spokesman for Sen. David Pryor (D-Ark.), said Pryor also supports sales to Cuba.

Whisenhunt's counterpart, Mississippi Farm Bureau president Hugh Arant, was not as enthusiastic in his endorsement of grain sales to Cuba. "I have some reservations about it . . . it's hard to pinpoint them and put them into words. The fact that Cuba is a Communist country causes me some anxiety but I'm of the opinion that trade ought to be fair trade between all nations of the world, that we're in a worldwide economy."

For nonfarmers, the support for trade with Cuba appears to hinge on their acceptance of the theory that what's good for agribusiness is good for the country.

Many, including those in nearby Wynne, cite existing trade with other Communist countries as a reason to lift the embargo against Cuba.

"I don't like the Communist governments and their systems, but there are thousands of starving people in those countries who have no say in how their government is run," said Doyl Brown, president of First National Bank in Wynne. "I think that anyone who can buy our rice ought to be able to buy it."

[Editorial from the Stuttgart Daily Leader, Feb. 2, 1987]

ALEXANDER ON TRACK IN WANTING TO SELL AGRICULTURAL PRODUCTS TO CUBA

We wish U.S. Representative Bill Alexander luck in his efforts to push for the sale of agricultural products to Cuba.

No, we do not agree often with the First District Congressman, but we do believe he is on the right track with his latest effort. Alexander is expected to introduce a resolution in the House urging the Reagan administration to make an exception to its embargo on trade to Cuba and permit sales of food to that country.

Cuba offers rice-producing states such as Arkansas an annual market in excess of $50 million for rice alone, Alexander has stated, with a potential annual market of millions more when including other agricultural products.

Alexander said last week it is "indefensible" to continue to bar those markets from the U.S. when storage bins are overflowing.

We agree that it does not make much sense to allow trade with the Soviet Union, for example, while prohibiting trade with Cuba. Can the Reagan administration find Fidel Castro that much more offensive than Mikhail Gorbachev?

But Alexander's message is made even more timely by the release Friday of the Commerce Department report on foreign trade. That gloomy report indicated that the U.S. trade deficit in 1986 was a whopping $169.8 billion, the highest ever.

In agricultural products, exports declined 10.7 percent to $26.1 billion, while imports increased 5.3 percent to $23.2 billion.

Alexander is correct when he says sale of agricultural products to Cuba will not solve all of the problems farmers face. But in light of the most recent trade figures and the present state of the economy, can expanding the U.S. market to include Cuba be such a bad idea?

Mr. Speaker, as I have said on many occasions, this is not a foreign policy issue, but a farm issue and a trade issue. We must keep a constant vigil and closely observe the actions of Cuba, but in the name of competitiveness, of capitalism, and above all, of freedom, let's liberate the farmers to sell their products in the beckoning markets of Cuba.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RHODES) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, on February 18 and 24.

Mr. DIOGUARDI, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

(The following Members (at the request of Mr. ECKART) to revise and extend their remarks and include extraneous material:)

Mr. STRATTON, for 5 minutes, today.

Mr. HOCHBRUECKNER, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ALEXANDER, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RHODES) and to include extraneous matter:)

Mr. GILMAN in four instances.

Mr. SOLOMON.

Mr. SHUMWAY.

Mr. YOUNG of Florida in three instances.

Mr. FISH.

Mr. DIOGUARDI.

Mr. BEREUTER.

Mr. CONTE.

Mr. CHENEY.

Mr. LEWIS of California.

Mr. KEMP in two instances.

(The following Members (at the request of Mr. ECKART) and to include extraneous matter:)

Mr. KILDEE.

Mr. KANJORSKI.

Mr. PEPPER.

Mr. HAMILTON.

Ms. SLAUGHTER of New York.

Mr. ACKERMAN.

Mr. NOWAK.

Mr. FAZIO.

Mr. COELHO in two instances.

Mr. CARR.

Mr. FASCELL in two instances.

ADJOURNMENT TO WEDNESDAY, FEBRUARY 18, 1987

Mr. ECKART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 36 of the 100th Congress, the House stands adjourned until 12 noon, Wednesday, February 18, 1987.

Thereupon (at 12 o'clock and 36 minutes p.m.), pursuant to House Concurrent Resolution 36, the House adjourned until Wednesday, February 18, 1987, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarters of calendar year 1986 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to El Salvador, Nicaragua, and Honduras, Sept. 2–5, 1986:											
Badham, Hon. Robert E	9/2	9/2	El Salvador								
	9/2	9/3	Costa Rica		12.26						12.26

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	9/3	9/4	Nicaragua		38.00						38.00
	9/4	9/5	Honduras								
Military transportation							5,544.40				5,544.40
de Leon, Rudy F	9/2	9/2	El Salvador								
	9/2	9/3	Costa Rica		48.77						48.77
	9/3	9/4	Nicaragua		75.00						75.00
	9/4	9/5	Honduras		112.82						112.82
Military transportation							6,644.50				6,644.50
Committee total					286.85		12,188.90				12,475.75

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Jan. 30, 1987.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mary Jane Fiske	8/11	8/16	Australia						20.00		20.00
Committee total											20.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AUGUSTUS F. HAWKINS, Chairman, Jan. 30, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Staff visit to Germany and United Kingdom, Oct. 26–November 1, 1986:											
Bayer, Mr. Cart T	10/26	10/29	Germany		487.61						487.61
	10/29	11/1	United Kingdom		357.64						357.64
Commercial transportation							1,846.00				1,846.00
Military transportation							216.61				216.61
Fleshman, Mr. Wm. T., Jr	10/26	10/29	Germany		499.93						499.93
	10/29	11/1	United Kingdom		416.63						416.63
Commercial transportation							1,846.00				1,846.00
Military transportation							216.61				216.61
Staff visit to Germany Nov. 2–7, 1986:											
Waters, Mr. James C	11/2	11/7	Germany		616.62						616.62
Commercial transportation							1,872.00				1,872.00
Visit to Mexico, Costa Rica, and El Salvador, Nov. 5–8, 1986:											
Mavroules, Hon. Nicholas	11/5	11/7	Mexico								
	11/7	11/8	Costa Rica								
	11/8	11/8	El Salvador								
Military transportation							2,381.40				2,381.40
de Leon, Rudy F	11/5	11/7	Mexico		135.58						135.58
	11/7	11/8	Costa Rica		52.46						52.46
	11/8	11/8	El Salvador								
Military transportation							2,381.40				2,381.40
Delegation expenses	11/5	11/7	Mexico				262.54				262.54
Delegation to Panama and Honduras, Nov. 6–9, 1986:											
Skelton, Hon. Ike	11/6	11/9	Panama		97.00						97.00
	11/7	11/9	Honduras		208.00						208.00
Military transportation							2,942.00				2,942.00
Ortiz, Hon. Solomon P	11/6	11/7	Panama		97.00						97.00
	11/7	11/9	Honduras		208.00						208.00
Military transportation							1,859.34				1,859.34
Bustamante, Hon. Albert G	11/6	11/7	Panama		97.00						97.00
	11/7	11/9	Honduras		208.00						208.00
Military transportation							2,054.14				2,054.14
Holton, Mr. Edward J	11/6	11/7	Panama		97.00						97.00
	11/7	11/9	Honduras		208.00						208.00
Military transportation							2,942.00				2,942.00
Staff visit to Italy and United Kingdom, Nov. 7–18, 1986:											
Moore, Ms. Alma B	11/7	11/17	Italy		1,500.00						1,500.00
	11/17	11/18	United Kingdom		180.00						180.00
Commercial transportation							2,431.00				2,431.00
Elrod, Ms. Marilyn A	11/7	11/17	Italy		1,500.00						1,500.00
	11/17	11/18	United Kingdom		180.00						180.00
Commercial transportation							2,431.00				2,431.00
Staff visit to United Kingdom, Germany, and Italy, Nov. 9–16, 1986:											
Heath, Ms. Karen S	11/9	11/10	United Kingdom		106.80						106.80
	11/10	11/13	Germany		235.35						235.35
	11/13	11/16	Italy		126.55						126.55
Commercial transportation											
Military transportation							804.00				804.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to China, Hong Kong, and Korea, Nov. 11–24, 1986:											
Foglietta, Hon. Thomas M	11/11	11/20	China		1,401.00						1,401.00
	11/20	11/23	Hong Kong		507.00						507.00
	11/23	11/24	Korea		147.00						147.00
Commercial transportation							4,616.00				4,616.00
Staff visit to Japan, Korea, Hong Kong, Singapore, and Philippines, Nov. 16–30, 1986:											
Eastman, Robert J. Jr	11/16	11/19	Japan		162.65						162.65
	11/19	11/21	Korea		176.79						176.79
	11/21	11/24	Hong Kong		1,061.09						1,061.09
	11/24	11/27	Singapore		241.83						241.83
	11/27	11/30	Philippines		322.13						322.13
Commercial transportation							3,339.10				3,339.10
Delegation to Thailand, Philippines, India, Nepal, Pakistan, and Jordan, Nov. 10–25, 1986:											
Dyson, Hon. Roy	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Dickinson, Hon. Wm. L	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Lloyd, Hon. Marilyn	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Badham, Hon. Robert E	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,114.00				5,114.00
Ray, Hon. Richard	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
Military transportation							6,792.00				6,792.00
Martin, Hon. David O'B	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Ortiz, Hon. Solomon P	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Martin, Hon. Lynn	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Hansen, Hon. James V	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Schafer, Mr. Robert E	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Tsompanas, Paul L	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Steffes, Peter M	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Argenta, Rita D	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Conver, Stephen K	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/20	11/20	Nepal								
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,114.00				5,114.00
Delegation expenses	11/12	11/15	Philippines				300.00		5,985.00		6,285.00
	11/20	11/20	Nepal						857.27		857.27
	11/21	11/23	Pakistan						2,988.99		2,988.99
Staff visit to Turkey and Austria, Nov. 13–22, 1986:											
Scrivner, Peter C	11/13	11/18	Turkey		695.00						695.00
	11/18	11/22	Austria		628.00						628.00
Military transportation							715.34				715.34
Visit to Japan, Korea, Hong Kong, and Thailand, Nov. 12–20, 1986:											
	11/12	11/14	Japan		474.00						474.00
	11/14	11/16	Korea		294.00						294.00
	11/16	11/18	Hong Kong		338.00						338.00
	11/18	11/20	Thailand		252.00						252.00
Military transportation							6,086.51				6,086.51
Staff visit to United Kingdom and Italy, Nov. 13–21, 1986:											
Necessary, Douglas H	11/13	11/16	United Kingdom		583.99						583.99
	11/16	11/21	Italy		876.95						876.95
Commercial transportation							2,408.00				2,408.00
Visit to Sweden, Norway, Denmark, and United Kingdom, Nov. 17–25, 1986:											
Darden, Hon. George (Buddy)	11/17	11/19	Sweden		377.48						377.48
	11/19	11/21	Norway		401.61						401.61
	11/21	11/23	Denmark		304.25						304.25
	11/23	11/25	United Kingdom		300.36						300.36
Commercial transportation							3,617.00				3,617.00
Delegation to Brazil, Paraguay, Bolivia, Panama, and Honduras, Dec. 1–7, 1986:											
Montgomery, Hon. G.V. (Sonny)	12/1	12/4	Brazil		236.000						236.00
	12/4	12/5	Paraguay		75.00						75.00
	12/5	12/6	Bolivia		125.00						125.00
	12/6	12/7	Panama		194.00						194.00
	12/7	12/7	Honduras								
Military transportation							1,872.00				1,872.00
Byron, Hon. Beverly B	12/1	12/4	Brazil		236.00						236.00
	12/4	12/5	Paraguay		75.00						75.00
	12/5	12/6	Bolivia		125.00						125.00
	12/6	12/7	Panama		194.00						194.00
	12/7	12/7	Honduras								
Military transportation							1,754.000				1,754.00
Hutto, Hon. Earl	12/1	12/4	Brazil		236.00						236.00
	12/4	12/5	Paraguay		75.00						75.00
	12/5	12/6	Bolivia		125.00						125.00
	12/6	12/7	Panama		194.00						194.00
	12/7	12/7	Honduras								
Military transportation							2,044.000				2,044.00
Darden Hon. George (Buddy)	12/1	12/4	Brazil		236.00						236.00
	12/4	12/5	Paraguay		75.00						75.00
	12/5	12/6	Bolivia		125.00						125.00
	12/6	12/7	Panama		194.00						194.00
	12/7	12/7	Honduras								
Military transportation							1,872.000				1,872.00
Stump, Hon. Bob	12/1	12/4	Brazil		236.00						236.00
	12/4	12/5	Paraguay		75.00						75.00
	12/5	12/6	Bolivia		125.00						125.00
	12/6	12/7	Panama		194.00						194.00
	12/7	12/7	Honduras								
Military transportation							2,044.000				2,04400
Heath, Ms. Karen S	12/1	12/4	Brazil		236.00						236.00
	12/4	12/5	Paraguay		75.00						75.00
	12/5	12/6	Bolivia		125.00						125.00
	12/6	12/7	Panama		194.00						194.00
	12/7	12/7	Honduras								
Military transportation							2,044.000				2,044.00
Bayer, Mr. Carl T	12/1	12/4	Brazil		236.00						236.00
	12/4	12/5	Paraguay		75.00						75.00
	12/5	12/6	Bolivia		125.00						125.00
	12/6	12/7	Panama		194.00						194.00
	12/7	12/7	Honduras								
Military transportation							2,044.000				2,044.00
Willett, Ms. Ann R	12/1	12/4	Brazil		236.00						236.00
	12/4	12/5	Paraguay		75.00						75.00
	12/5	12/6	Bolivia		125.00						125.00
	12/6	12/7	Panama		194.00						194.00
	12/7	12/7	Honduras								
Military transportation							2,044.000				2,044.00
Delegation expenses	12/1	12/4	Brazil				487.08		404.88		891.96
	12/4	12/5	Paraguay				217.04		2,041.88		2,258.92
Committee total					44,100.30		144,502.11		12,278.02		200,880.43

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Jan. 30, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Steve Neal	11/12	11/15	Philippines		339.00						339.00
	11/15	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Hon. Carroll Hubbard, Jr	11/12	11/15	Philippines		339.00						339.00
	11/12	11/18	Thailand		378.00						378.00
	11/18	11/21	India		333.00						333.00
	11/21	11/23	Pakistan		258.00						258.00
	11/23	11/25	Jordan		276.00						276.00
Military transportation							5,772.00				5,772.00
Hon. Jim Kolbe	12/3	12/5	Mexico		224.00						224.00
Commercial air roundtrip							807.00				807.00
Hon. Jim Kolbe	12/10	12/12	Switzerland		188.00						188.00
	12/12	12/16	Israel		612.00						612.00
	12/16	12/17	Jordan		155.00						155.00
	12/17	12/19	Egypt		164.00						164.00
Commercial air roundtrip							3,722.00				3,722.00
Committee totals					4,511.00		16,073.00				20,584.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FERNAND J. ST GERMAIN, Chairman, Jan. 22, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Barbara Boxer	11/18	11/20	Thailand		252.00						252.00
	11/14	11/16	Korea		294.00						294.00
	11/16	11/17	Hong Kong		338.00						338.00
	11/12	11/13	Japan		474.00						474.00
							13,584.48				13,584.48
Patrick Bogenberger	12/7	12/15	West Germany		864.00						864.00
	12/15	12/16	Belgium		108.00						108.00
	12/16	12/19	England		441.00						441.00
							1,302.00				1,302.00
Committee total					2,771.00		14,886.48				17,657.48

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. GRAY III, Chairman, Jan. 29, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kristin Gilbert	11/28	12/7	Great Britain		1,354.00		3,075.71				4,429.71
Richard Fiesta	11/21	12/7	Italy		625.85		979.00				1,604.85
Daniel Yager	10/13	10/17	Canada		482.00		207.15				689.15
Marilyn Athens	10/13	10/17	Canada		465.93		207.15				673.08
Fred Feinstein	10/13	10/16	Canada		208.22		255.63				463.85
Ricardo Martinez	11/2	11/8	Mexico		450.00		201.00				651.00
Andrew Hartman	11/2	11/8	Mexico		450.00		201.00				651.00
Committee total					4,036.00		5,126.64				9,162.64

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AUGUSTUS F. HAWKINS, Chairman, Jan. 30, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ackerman, G	11/18	11/24	Israel		822.00						822.00
No transportation cost.											
Bereuter, D	11/12	11/13	Egypt		115.00				13.29		128.29
	11/13	11/14	Israel		136.00						136.00
	11/14	11/16	Jordan		276.00						276.00
	11/16	11/18	Turkey		278.00		11.07		93.31		382.38
	11/18	11/19	Austria		157.00						157.00
Military transportation							12,859.73				12,859.73

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Boyle, M	11/9	11/11	Belgium		[3] 193.00						193.00
	11/11	11/12	Switzerland		132.00						132.00
	11/12	11/13	Austria		157.00						157.00
	11/13	11/17	Federal Republic of Germany		660.00						660.00
	11/17	11/20	France		564.00						564.00
	11/17	11/20	France		564.00						564.00
	11/20	11/22	United Kingdom		[3] 160.00				90.00		250.00
Commercial transportation							4,171.00				4,171.00
Bruce, T	12/11	12/13	Belgium		354.00						354.00
	12/13	12/17	West Germany		636.00						636.00
	12/17	12/19	United Kingdom		123.50						123.50
Commercial transportation							4.501.00				4,501.00
Bush, R	11/30	12/9	Taiwan		1,366.00						1,366.00
	12/9	12/12	Hong Kong		303.00						303.00
Commercial transportation							2,154.67				2,154.67
Calabia, D	10/27	11/8	Pakistan		[3] 1,032.00		43.50				1,075.50
Commercial transportation							3,484.00				3,484.00
Calabia, D	12/14	12/20	India		[3] 479.50						479.50
	12/16	12/19	Sri Lanka		[3] 207.00						207.00
	12/21	12/22	Pakistan		362.00						362.00
Commercial transportation							5,917.00				5,917.00
Chambers, F.M	11/1	11/4	Greece		324.00						324.00
	11/4	11/7	Cyprus		299.75				16.55		316.30
	11/7	11/11	Egypt		460.00				2.45		462.45
	11/11	11/19	Turkey		1,038.00						1,038.00
	11/19	11/23	Austria		628.00						628.00
Commercial transportation							3,884.00				3,884.00
Dunman, T.E	10/14	10/17	Paraguay		432.00						432.00
Commercial transportation							3,607.00				3,607.00
	11/30	12/9	Taiwan		1,366.00						1,366.00
	12/9	12/10	Philippines		130.00		26.24				156.24
Commercial transportation							4,762.00				4,762.00
Finley, R.M	10/3	10/8	Federal Republic of Germany		[3] 632.24		55.41				687.65
Commercial transportation							3,478.00				3,478.00
Galey, M.E	11/30	12/9	Taiwan		[3] 1,375.10						1,375.10
	12/9	12/12	Hong Kong		507.00						507.00
Commercial transportation							2,151.89				2,151.89
Gejdenson, S	12/3	12/7	Venezuela		[3] 290.00						290.00
Commercial transportation							1,214.00				1,214.00
Gilman, B.A	11/12	11/13	Egypt		115.00				13.29		128.29
	11/13	11/14	Israel		136.00						136.00
	11/14	11/16	Jordan		276.00						276.00
	11/16	11/18	Turkey		278.00		11.07		93.31		382.38
	11/18	11/21	Austria		471.00						471.00
Military transportation							5,834.67				5,834.67
Goodman, M	11/10	11/21	China		1,676.00						1,676.00
Commercial transportation							3,723.00				3,723.00
Grunberg, C	11/16	11/19	Argentina		512.00						512.00
Commercial transportation							2,643.00				2,643.00
Hamilton, L.H	11/12	11/13	Egypt		115.00				13.29		128.29
	11/13	11/14	Israel		136.00						136.00
	11/14	11/16	Jordan		276.00						276.00
	11/16	11/18	Turkey		278.00		11.07		93.31		382.38
	11/18	11/19	Austria		157.00						157.00
Military transportation							12,859.73				12,859.73
Hammond, B	10/7	10/12	France		650.00						650.00
Commercial transportation							2,064.00				2,064.00
Heyes, L	11/30	12/7	Taiwan		[3] 758.83						758.83
Commercial transportation							1,851.93				1,851.93
Hyndman, P.V	11/31	12/7	India		1,136.00						1,136.00
	12/12	12/15									
	12/7	12/9	South Korea		294.00						294.00
	12/9	12/10	Taiwan		156.00				25.91		181.91
	12/10	12/12	Hong Kong		338.00						338.00
	12/15	12/18	Thailand		378.00						378.00
	12/18	12/19	Singapore		150.00		66.59		13.57		230.16
Commercial transportation							5,461.25				5,461.25
Inglee, W.B	10/15	10/17	Portugal		284.00						284.00
	10/17	10/20	Spain		438.00						438.00
	10/20	10/23	Greece		324.00						324.00
	10/23	10/28	Turkey		608.00		40.27				648.27
	10/28	10/30	England		372.00						372.00
Commercial transportation							4,014.00				4,014.00
	11/12	11/13	Turkey		834.00						834.00
	11/18	11/22	Austria		628.00						628.00
Commercial transportation							4,304.00				4,304.00
Ingram, G	12/6	12/9	South Korea		441.00						441.00
	12/9	12/10	Taiwan		156.00				25.91		181.91
	12/10	12/12	Hong Kong		338.00						338.00
	12/12	12/15	People's Republic of China		306.00						306.00
	12/15	12/19	Thailand		378.00						378.00
	12/19	12/20	Singapore		150.00		66.59		13.57		230.16
	12/20	12/26	Indonesia		375.00						375.00
Commercial transportation							4,751.00				4,751.00
Jenkins, R	11/12	11/19	Turkey		973.00						973.00
	11/19	11/21	Spain		438.00						438.00
Commercial transportation							4,656.00				4,656.00
Johnson, V.C	12/3	12/7	Venezuela		[3] 248.00						248.00
Commercial transportation							1,214.00				1,214.00
Kojm, C.A	11/12	11/13	Egypt		115.00				13.29		128.29
	11/13	11/14	Israel		136.00						136.00
	11/14	11/16	Jordan		276.00		11.07		93.31		380.38
	11/16	11/18	Turkey		278.00						278.00
Military transportation							5,834.67				5,834.67
Commercial transportation							1,766.39				1,766.39
	10/15	10/17	Portugal		284.00						284.00
	10/17	10/20	Spain		474.50						474.50
	10/20	10/23	Greece		324.00						324.00
	10/23	10/28	Turkey		608.00		40.27				648.27
	10/28	10/30	England		372.00						372.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial transportation							4,014.00				4,014.00
Kostmayer, P.H	11/13	11/18	People's Republic of China		351.00						351.00
	11/18	11/20	Hong Kong		338.00						338.00
	11/20	11/22	Japan		474.00						474.00
	11/22	11/24	South Korea		[3] 192.84		619.24				812.08
No transportation cost.											
Lantos, T.	11/12	11/13	Egypt		115.00				13.29		128.29
	11/13	11/14	Israel		136.00						136.00
	11/14	11/16	Jordan		276.00						276.00
	11/16	11/18	Turkey		278.00		11.07		93.31		382.38
	11/18	11/20	Austria		314.00						314.00
Military transportation							7,401.41				7,401.41
Lonie, D	11/15	11/17	France		752.00						752.00
	11/22	11/25	France								
	11/17	11/22	Tunisia		540.00						540.00
Commercial transportation							3,884.00				3,884.00
Moss, K.B	11/4	11/7	Italy		489.00						489.00
	11/7	11/12	West Germany		396.00						396.00
Commercial transportation							2,408.00				2,408.00
Oliver, R.S.	11/6	11/10	Soviet Union								
	11/10	11/12	Austria		942.00						942.00
	11/18	11/22	Austria								
	11/12	11/17	Turkey		834.00						834.00
Commercial transportation one-way							2,659.00				2,659.00
Military transportation:											
Instanbul to Vienna							416.00				416.00
Vienna to D.C.							2,496.00				2,496.00
Peel, K.L	12/11	12/13	Belguim		354.00						354.00
	12/13	12/18	West Germany		954.00						954.00
Commercial transportation							3,577.00				3,577.00
Perugino, M.R	11/12	12/13	Egypt		115.00				13.29		128.29
	11/13	11/14	Israel		136.00						136.00
	11/14	11/16	Jordan		276.00						276.00
	11/16	11/18	Turkey		278.00		11.07		93.31		382.38
	11/18	11/22	Austria		628.00						628.00
Military transportation							8.910.82				8.910.82
Roberts, A.W	11/1	11/4	Greece		324.00						324.00
	11/4	11/7	Cyprus		299.75				16.55		316.30
	11/7	11/11	Egypt		460.00				2.45		462.45
	11/11	11/18	Turkey		973.00						973.00
	11/18	11/22	Austria		628.00						628.00
Commercial transportation							3,722.00				3,722.00
Military transportation: Istanbul to Vienna							1,788.34				1,788.34
Roth, S	11/9	11/11	Belgium		193.00						193.00
	11/11	11/12	Switzerland		132.00						132.00
	11/12	11/13	Austria		[3]91.70						91.70
	11/13	11/17	Federal Republic of Germany		660.00						660.00
	11/17	11/20	France		564.00						564.00
	11/20	11/22	England		[3]210.00				90.23		300.23
Commercial transportation							4,359.00				4.359.00
Sletzinger, M.	12/9	12/17	Austria		1,256.00						1,256.00
Commercial transportation							1,111.00				1,111.00
Solarz, S.J	11/9	11/11	Belgium		193.00						193.00
	11/11	11/12	Switzerland		132.00						132.00
	11/12	11/13	Austria		157.00						157.00
	11/13	11/17	Federal Republic of Germany		660.00						660.00
	11/17	11/20	France		564.00						564.00
	11/20	11/22	England		360.00						360.00
Commercial transportation							4,359.00				4,359.00
	12/14	12/16	India		315.50						315.50
	12/19	12/20	India		164.00						164.00
	12/16	12/19	Sri Lanka		276.00						276.00
	12/20	12/22	Pakistan		189.00				24.82		213.82
	12/22	12/23	Indonesia		276.50						276.50
	1/2	1/4	Philippines		390.00						390.00
Commercial transportation							6,211.52				6,211.52
Spalatin, I	10/18	10/20	Spain		328.50						328.50
	10/20	10/23	Greece		324.00						324.00
	10/23	10/26	Turkey		608.00		40.27				648.27
	10/26	10/28	Turkey								
	10/28	10/30	England		372.00						372.00
Commercial transportation							4,014.00				4,014.00
Sprunger, C.D	11/30	12/9	Taiwan		[3] 959.22						959.22
	12/9	12/12	Hong Kong		[3] 89.29						89.29
Commercial transportation							2,151.89				2,151.89
Torricelli, R.G	12/10	12/15	Korea		820.00						820.00
No transportation cost.											
Van Dusen, M	10/15	10/17	Portugal		284.00						284.00
	10/17	10/20	Spain		474.50						474.50
	10/20	10/23	Greece		324.00						324.00
	10/23	10/28	Turkey		608.00						608.00
	10/28	10/30	England		372.00						372.00
Commercial transportation							4,014.00				4,014.00
	11/12	11/13	Egypt		115.00				13.29		128.29
	11/13	11/14	Israel		136.00						136.00
	11/14	11/16	Jordan		276.00						276.00
	11/16	11/18	Turkey		278.00		11.07		93.31		382.38
Military construction							5,834.67				5,834.67
Commercial transportation							1,766.39				1,766.39
Verstandig, T.G	11/15	11/17	France		376.00						376.00
	11/17	11/22	Tunisia		540.00						540.00
	11/22	11/25	France		564.00						564.00
Commercial transportation							3,964.00				3,964.00
Weber, J	11/11	11/17	Turkey		695.00						695.00
	11/17	11/22	Tunisia		540.00						540.00
	11/22	11/25	France		564.00						564.00
Commercial transportation							4,906.00				4,906.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Weinberg, H.	11/1	11/4	Greece		324.00						324.00
	11/4	11/7	Cyprus		299.75				16.55		316.30
	11/7	11/13	Egypt		690.00				13.29		703.29
	11/13	11/14	Israel		136.00						136.00
	11/14	11/16	Jordan		276.00						276.00
	11/16	11/18	Turkey		278.00		11.07		93.31		382.38
	11/18	11/23	Austria		785.00						785.00
Commercial transportation							4,906.00				4,906.00
Military transportation							1,863.67				1,863.67
Weissman, S.	11/16	11/17	France		188.00						188.00
	11/17	11/22	Tunisia		540.00						540.00
	11/22	11/24	France		376.00						376.00
Commercial transportation							4,008.00				4,008.00
Wright-Rutan, J.	10/7	10/13	France		650.00						650.00
Commercial transportation							2,064.00				2,064.00
Committee total					63,751.63		212,847.02		1,191.36		281,870.35

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

DANTE B. FASCELL, Chairman, Jan. 29, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Joseph F. Grimes	11/12	11/17	Turkey	517,393	695.000					517,393	695.00
Commercial transportation							1,895.52				1,895.52
Margaret Mathna	11/12	11/17	Turkey	517,393	695.000					517,393	695.00
Commercial transportation							1,895.52				1,895.52
William Danvers	11/13	11/18	Turkey	516,871	695.000					516,871	695.00
	11/18	11/21	Austria	6,678.78	471.00					6,678.78	471.00
Military transportation							[3] 305.14				305.14
Hon. William D. Ford	11/22	11/26	Italy	906.280	652.00						652.00
	11/28	12/4	England	1,084.55	1,080.00	63.50	90.71				1,170.71
	12/4	12/6	Scotland	1,084.55	274.00						274.00
	12/6	12/7	England	1,084.55	180.00						180.00
Commercial transportation							4,442.00				4,442.00
Hon. William (Bill) Clay	11/29	12/4	England	947.84	900.00	63.50	90.71				990.71
	12/4	12/6	Scotland	947.84	274.00						274.00
	12/6	12/7	England	947.84	180.00						180.00
Commercial transportation							4,009.00				4,009.00
Patricia F. Rissler	11/29	12/4	England	947.84	900.00	63.50	90.71				990.71
	12/4	12/6	Scotland	947.84	274.00						274.00
	12/6	12/7	England	947.84	180.00						180.00
Commercial transportation							4,009.00				4,009.00
Committee total					7,450		16,828.31				24,278.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Partial.

WILLIAM D. FORD, Chairman, Jan. 30, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Savage, Hon. Gus	11/7	11/10	Japan		711.00						711.00
	11/10	11/17	China		576.00						576.00
	11/17	11/20	Hong Kong		507.00				515.59		1,022.59
	11/20	11/22	Korea		294.00		4,128.00				4,422.00
Towns, Hon. Edolphus	11/20	11/22	Korea		294.00						294.00
Glenn, Wanda	10/22	10/25	England		371.00		728.00				1,099.00
Committee total					2,753.00		4,856.00		515.59		8,124.59

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES J. HOWARD, Chairman, Jan. 21, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Lillian Trippett	10/4	10/10	Austria		620.00		1,568.00		330.00		2,518.00
Hon. James H. Scheuer	11/11	11/20	China		1,472.00		3,819.00				5,291.00
Hon. Manuel Lujan, Jr	11/11	11/22	China		1,601.00		4,057.00				5,658.00
	11/22	11/23	Hong Kong		338.00						338.00
George S. Kopp	11/10	11/22	China		1,776.00		4,150.00				5,926.00
	11/22	11/23	Hong Kong		338.00						338.00
Robert Palmer	11/10	11/22	China		1,776.00		3,819.00				5,595.00
	11/22	11/23	Hong Kong		338.00						338.00
Harriet Smith	11/10	11/22	China		1,776.00		3,819.00				5,595.00
	11/22	11/23	Hong Kong		338.00						338.00
David Clement	11/10	11/22	China		1,776.00		3,805.00				5,581.00
	11/22	11/23	Hong Kong		338.00						338.00
	11/24	11/26	Japan		711.00						711.00
Thomas N. Tate	11/30	12/3	France		470.00		2,282.00				2,752.00
	12/4	12/6	Spain		113.00						113.00
	12/6	12/6	England		147.00						147.00
Committee total					13,928.00		27,319.00		330.00		41,577.00

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. ROE, Chairman, Jan. 28, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Major L. Clark III	10/16	10/22	England	533.02	765.00		4,440.00	537.70	809.84		6,014.84
George M. Grant	10/16	10/22	England	533.02	765.00		4,440.00	537.69	809.84		6,014.84
Major L. Clark III	11/5	11/11	China	2,928.7	788.81		3,954.00	196.8	53.00		4,795.81
Thomas G. Powers	11/5	11/20	China	7,661.1	2,063.43		3,897.00	334.00	89.96		6.050.39
Committee total					$4,382.24		$16,731.00		$1,762.64		22,875.88

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN L. LaFALCE, Chairman, Jan. 28, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dan Rostenkowski	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Hon. Sam Gibbons	11/19	11/21	England		372.00						372.00
	11/21	11/23	Belgium		320.00		123.00				443.00
	11/23	11/26	Germany		324.00						324.00
	11/26	11/30	Italy		532.00						532.00
	11/30	12/1	Switzerland		330.00						330.00
	12/1	12/4	France		366.00						366.00
	12/4	12/5	England		180.00		123.60				303.60
Commercial roundtrip transportation							2,204.00				2,204.00
Hon. Charles B. Rangel	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Hon. Ed Jenkins	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Hon. Marty Russo	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Hon. Ronnie Flippo	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Hon. Barbara Kennelly	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Hon. John Duncan	11/12	11/13	Japan	77,262	474.00						474.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Hon. Guy Vander Jagt	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							11,992.25				11,992.25
Hon. Bill Frenzel	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Hon. Dick Schulze	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Hon. Bill Gradison	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Thelma Askey	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Ken Bowler	10/23	11/25	England	259.63	372.00						372.00
	10/26	10/28	France	3,750.60	564.00						564.00
Commercial air transportation							2,417.00				2,417.00
Commercial train transportation							36.11				36.11
	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Charles M. Brain	10/23	10/25	England	259.63	372.00						372.00
	10/26	10/28	France	3,750.60	564.00						564.00
Commercial air transportation							2,417.00				2,417.00
Commercial train transportation							36.11				36.11
Joseph K. Dowley	10/23	10/25	England	259.63	372.00						372.00
	10/26	10/28	France	3,750.60	564.00						564.00
Commercial air transportation							2,417.00				2,417.00
Commercial train transportation							36.11				36.11
	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Virginia Fletcher	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Beth Kuntz Vance	11/13	11/16	Costa Rica	19,854.75	345.00						345.00
	11/16	11/19	Dominican Republic	841.80	276.00						276.00
	11/19	11/20	Haiti	1110.00	220.00						220.00
	11/20	11/21	Jamaica	165.00	165.00						165.00
Commercial roundtrip transportation							1,214.00				1,214.00
George Weise	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							7,456.35				7,456.35
Commercial air transportation							2,385.00				2,385.00
Rufus Yerxa	10/23	10/25	England	259.63	373.00		38.00				410.00
	10/26	10/28	France	3,750.60	564.00						564.00
Commercial air transportation							2,417.00				2,417.00
Commercial train transportation							36.11				36.11
	11/12	11/13	Japan	77,262	474.00						474.00
	11/14	11/16	Korea	254,900	294.00						294.00
	11/16	11/17	Hong Kong	2,629.60	338.00						338.00
	11/18	11/20	Thailand	6,590	252.00						252.00
Transportation by Department of Defense							15,216.27				15,216.27
Vanessa Clark	11/14	11/16	Costa Rica	13,236.50	230.00						230.00
	11/18	11/20	Haiti	1,665.00	333.00						333.00
	11/20	11/21	Jamaica	862.68	158.00						158.00
	11/21	11/22	Barbados	308.30	153.00						153.00
	11/22	11/24	Saint Lucia		245.00						245.00
	11/24	11/25	Barbados	368.75	183.00						183.00
Commercial roundtrip transportation							1,600.00				1,600.00
Committee total					31,562.00		265,192.69				296,754.69

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Jan. 30, 1987.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

548. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to provide for the assessment and collection of fees to cover the cost of the administration and enforcement of the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act; to the Committee on Agriculture.

549. A letter from the Director, the Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority as of February 1,

1987, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-32); to the Committee on Appropriations and ordered to be printed.

550. A letter from the Acting Deputy Assistant Secretary (Installations), Department of Defense, transmitting a copy of the first year 1988 base structure report, pursuant to 10 U.S.C. 138(C); to the Committee on Armed Services.

551. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to prohibit the use of Federal funds for abortions except where the life of the mother would be endangered, and to prohibit the provision under title X of the Public Health Service Act of Federal family planning funds to organizations that perform or refer for abortions, except where the life of the mother would be endangered, and for other purposes; to the Committee on Energy and Commerce.

552. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a report on the Board's review of its compliance with the requirements of the internal accounting and administrative control systems, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

553. A letter from the Secretary of Agriculture, transmitting the Department's second annual report of actions taken to increase competition for contracts, fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

554. A letter from the Records Officer, U.S. Postal Service, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AKAKA (for himself, Mr. Kildee, and Mrs. Saiki):

H.R. 1081. A bill to improve the education status of Native Hawaiians, and for other purposes; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska (for himself, Mr. Marlenee, Mr. Craig, Mr. Cheney, Mr. Lott, Mr. Huckaby, Mr. Fields, Mr. Skeen, Mr. DeLay, Mr. Archer, Mr. Hansen, Mrs. Vucanovich, Mr. Pashayan, Mr. Barton of Texas, Mr. Rhodes, Mr. Baker, Mr. Armey, Mr. Montgomery, Mr. Dannemeyer, Mr. Blaz, Mr. Lujan, Mr. Shumway, and Mr. Dornan of California):

H.R. 1082. A bill to authorize the Secretary of the Interior to lease, in an expeditious and environmentally sound manner, lands in the coastal plain of the Arctic National Wildlife Refuge for oil and gas exploration, development, and production; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. ALEXANDER:

H.R. 1083. A bill to amend the Food Security Act of 1985 to clarify law regarding application of payment limitations regulations to two or more family members engaged in farming and to landlords and tenants, to improve stability of approvals made by county committees, to provide better information to farmers, and for other purposes; to the Committee on Agriculture.

By Mr. APPLEGATE (for himself, Mr. McEwen, Mr. Montgomery, Mr. Solomon, Mr. Penny, Mr. Wylie, Mr. Robinson, Mr. Bilirakis, Mr. Johnson of South Dakota, Mr. Smith of New Hampshire, Mr. Mica, and Mr. Evans):

H.R. 1084. A bill to amend title 38, United States Code, to provide a 3.5 percent increase in the rates of compensation and of dependency and indemnity compensation [DIC] paid by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself, Mr. Solomon, Mr. Dowdy of Mississippi, Mr. Smith of New Jersey, Mrs. Patterson, Mr. Wylie, Mr. Jontz, Mr. Ridge, Mr. Evans, Mr. Dornan of California, Ms. Kaptur, Mr. Stenholm, Mr. Kennedy, Mr. Edwards of California, Mr. Hammerschmidt, Mr. Applegate, Mr. Stump, Mr. Mica, Mr. McEwen, Mr. Penny, Mr. Burton of Indiana, Mr. Staggers, Mr. Bilirakis, Mr. Rowland of Georgia, Mr. Rowland of Connecticut, Mr. Bryant, Mr. Smith of New Hampshire, Mr. Florio, Mr. Davis of Illinois, Mr. Gray of Illinois, Mr. Kanjorski, Mr. Robinson, Mr. Harris, Mr. Johnson of South Dakota, Mr. Price of Illinois, Mr. Dickinson, Mr. Bennett, Mr. Spence, Mr. Stratton, Mr. Badham, Mr. Nichols, Mr. Hopkins, Mr. Daniel, Mr. Davis of Michigan, Mr. Dellums, Mr. Hunter, Mrs. Schroeder, Mr. Martin of New York, Mrs. Byron, Mr. Kasich, Mr. Mavroules, Mr. Bateman, Mr. Hutto, Mr. Sweeney, Mr. Skelton, Mr. Blaz, Mr. Leath of Texas, Mr. Ireland, Mr. McCurdy, Mr. Hansen, Mr. Foglietta, Mr. Weldon, Mr. Dyson, Mr. Kyl, Mr. Hertel, Mr. Ravenel, Mrs. Lloyd, Mr. Sisisky, Mr. Ray, Mr. Spratt, Mr. McCloskey, Mr. Ortiz, Mr. Darden, Mr. Bustamante, Mrs. Boxer, Mr. Hochbrueckner, Mr. Brennan, Mr. Pickett, Mr. Quillen, Mr. Jenkins, Mr. Hefner, Mr. Lancaster, Mr. Rahall, Mr. Perkins, Mr. Huckaby, Mr. Valentine, Mr. Hubbard, Mr. Roemer, Mr. Hall of Texas, Mr. Rodino, Mr. Boner of Tennessee, Mr. Lent, Mr. Lagomarsino, Mr. Lujan, Mrs. Smith of Nebraska, Mr. Coleman of Texas, Mrs. Collins, Mr. de la Garza, Mr. Stangeland, Mr. Jacobs, Mr. Gaydos, Mr. Gonzalez, Mr. Mollohan, Mr. Derrick, Mr. Lipinski, Mr. Pepper, Mr. Nowak, Mr. Atkins, Mr. Morrison of Connecticut, Mr. Mack, Mr. Baker, Mr. Boucher, Mr. Oxley, Mr. Myers of Indiana, Mr. Martinez, Mr. Lowery of California, Mr. Wolf, Mr. Young of Florida, Mr. Richardson, Mr. Kostmayer, Mr. Grandy, Mr. Sensenbrenner, Mr. Frank, Mr. Downey of New York, Mrs. Boggs, Mr. Bevill, Mr. Wortley, Mr. Manton, Mr. Daub, Mr. Hughes, Mr. Traxler, Mr. Coelho, Mrs. Kennelly, Mr. McGrath, Mr. Fish, Mr. Rose, Mr. Parris, Mr. Smith of Florida, Mr. Lehman of Florida, Mr. McHugh, Mrs. Bentley, Mr. Thomas A. Luken, Mr. Glickman, Mr. Williams, Mr. Emerson, Mr. Dwyer of New Jersey, Mr. Cardin, Mr. Regula, Mr. Kleczka, Mr. Yatron, Mr. Nielson of Utah, Mr. Visclosky, Mr. Frost, Mr. Schumer, Mr. Torres, Mr. Fazio, Mr. Murphy, Mr. Scheuer, Mr. Feighan, Mr. Panetta, Mr. Vento, Mr. Thomas of Georgia, Mr. Howard, Mr. Roe, Mr. Eckart, Mr. Dixon, Mr. Roybal, Mr. Sundquist, Mrs. Johnson of Connecticut, Mr. Molinari, Mr. Gallo, Mr. Wolpe, Mr. Towns, and Mr. Kildee):

H.R. 1085. A bill to amend title 38, United States Code, to make permanent the new GI bill educational assistance programs established by chapter 30 of such title, and for other purposes; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. BARNARD:

H.R. 1086. A bill to provide for the protection of users of consumer credit and charge cards, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARNARD (for himself, Mr. Thomas of Georgia, and Mr. Bustamante):

H.R. 1087. A bill to reduce the growing costs imposed on State and local governments by unfunded Federal mandates; jointly, to the Committees on Government Operations, the Judiciary, and Rules.

By Mr. BIAGGI:

H.R. 1088. A bill to amend the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

By Mr. CHENEY:

H.R. 1089. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, to permit the use of park entrance, admission, and recreation use fees for the operation of the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. COLLINS (for herself, Mr. Leland, Mr. Swift, Mr. Waxman, Mr. Bryant, Mr. Martinez, Mrs. Schroeder, Mr. Gray of Pennsylvania, Mr. Rangel, Mr. Torres, Mr. Crockett, Mr. Hayes of Illinois, Mr. Towns, Mr. Owens of New York, Mr. Stokes, Mr. Fauntroy, Mr. de Lugo, and Mr. Dymally):

H.R. 1090. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to continue and improve efforts to promote diversity in media ownership, management and programming, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DELLUMS (for himself and Mr. Martin of New York) (by request):

H.R. 1091. A bill to authorize additional construction at certain military installations for fiscal year 1987, and for other purposes; to the Committee on Armed Services.

By Mr. DELLUMS (for himself and Mr. Martin of New York) (by request):

H.R. 1092. A bill to authorize certain construction at military installations for fiscal years 1988 and 1989, and for other purposes; to the Committee on Armed Services.

By Mr. DUNCAN:

H.R. 1093. A bill to amend the Internal Revenue Code of 1986 to allow certain associations of football coaches to have a qualified pension plan which includes a qualified cash or deferred arrangement; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself and Mr. Quillen):

H.R. 1094. A bill to require the Administrator of General Services to transfer certain land and improvements of the city of Knoxville, TN; to the Committee on Government Operations.

By Mr. GEKAS (for himself, Mr. Shaw, Mr. Lagomarsino, Mr. Dannemeyer, and Mr. Regula):

H.R. 1095. A bill to amend the Controlled Substances Act to provide a death penalty for certain serious crimes; jointly to the Committee on Energy and Commerce and the Judiciary.

By Mr. GRANDY:

H.R. 1096. A bill to amend the Food Security Act of 1985 to provide that if the Secretary of Agriculture creates a bonus rental incentive with respect to the placing of land used to produce a commodity into the conservation reserve, all previous contracts for placing land producing that commodity into the reserve must be renegotiated to provide the same increase in rental; to the Committee on Agriculture.

By Mr. JONES of North Carolina:

H.R. 1097. A bill to amend Public Law 97-360, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. JONES of North Carolina (for himself, Mr. Biaggi, Mr. Davis of Michigan, and Mr. Lent)

H.R. 1098. A bill to amend the Merchant Marine Act of 1928, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. LLOYD:

H.R. 1099. A bill to revoke the recent increase in rates of pay for Members of Congress under the Federal Salary Act of 1967, to provide that future adjustments in Members pay under that act may not take effect without a recorded vote, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. MICHEL:

H.R. 1100. A bill to authorize an affiliated status with the National Park Service for the Wildlife Prairie Park, in the State of Illinois; to the Committee on Interior and Insular Affairs.

By Mr. MINETA (for himself, Mr. Anderson, Mr. Hammerschmidt, Mr. Roe, Mr. Stangeland, Mr. Oberstar, Mr. Gingrich, Mr. Nowak, Mr. Clinger, Mr. Rahall, Mr. Molinari, Mr. Applegate, Mr. Sundquist, Mr. de Lugo, Mrs. Johnson of Connecticut, Mr. Savage, Mr. Packard, Mr. Bosco, Mr. Boehlert, Mr. Borski, Mrs. Bentley, Mr. Kolter, Mr. Towns, Mr. Wise, Mr. Gray of Illinois, Mr. Visclosky, Mr. Traficant, Mr. Chapman, Ms. Slaughter of New York, Mr. DeFazio, Mr. Cardin, Mr. Skaggs, Mr. Perkins, Mr. Hayes of Louisiana, and Mr. McEwen):

H.R. 1101. A bill to amend section 408 of the Federal Aviation Act of 1958 to ensure fair treatment of airline employees in airline mergers and similar transactions; to the Committee on Public Works and Transportation.

By Mr. MURTHA (for himself, Mr. Visclosky, Mr. Kolter, Mr. Schulze, Mr. Yatron, Mr. Lipinski, Mr. Murphy, Mr. Nielson of Utah, Mr. Applegate, Mr. Walgren, Mr. Donald E. Lukens, Mr. Hayes of Illinois, Mr. Davis of Illinois, Mr. Chapman, Mr. Kostmayer, Mr. Russo, Mr. Ritter, Mr. Gaydos, and Mr. Gray of Pennsylvania):

H.R. 1102. A bill to amend the Steel Import Stabilization Act, to the Committee on Ways and Means.

By Mr. NEAL:

H.R. 1103. A bill to repeal the provisions of the Tax Reform Act of 1986 which require partnerships, S corporations, and personal service corporations to adopt certain taxable years; to the Committee on Ways and Means.

H.R. 1104. A bill to amend the Solar Energy and Conservation Bank Act to authorize appropriations for the provision of financial assistance through fiscal year 1993, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, and Energy and Commerce.

By Mr. OLIN (for himself, Mrs. Bentley, Mr. Ridge, Mr. Gray of Illinois, Mr. Atkins, Mr. Parris, Mr. Murphy, Mr. Synar, Mr. Bliley, and Mr. Stallings):

H.R. 1105. A bill to modify the authority of the Small Business Administration to make disaster loans under section 7(b) of the Small Business Act by providing for a disaster loan program involving guaranteed loans made by private financial institutions; to the Committee on Small Business.

By Mr. PICKLE (for himself, Mr. Duncan, Mr. Anthony, Mr. Archer, Mr. Flippo, Mr. Andrews, Mr. Dicks, Mr. Barton of Texas, Mr. Jenkins, and Mr. Leath of Texas):

H.R. 1106. A bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction for certain amounts paid to or for the benefit of an institution of higher education; to the Committee on Ways and Means.

By Mr. Regula (for himself and Mr. Ritter):

H.R. 1107. A bill to authorize the President to impose a tariff surcharge on the products of certain countries in order to offset the expense of providing United States defense assistance to such countries; to the Committee on Ways and Means.

By Mr. RITTER (for himself, Mr. Yatron, Mr. Courter, Mr. Kostmayer, Mr. Murphy, Mr. Murtha, Mr. Ridge, Mr. Towns, and Mr. Gilman):

H.R. 1108. A bill to amend the Internal Revenue Code of 1954 to allow an individual a credit against income tax for certain expenditures for the purpose of reducing radon levels in the principal residence of the individual; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 1109. A bill relating to the duties on jacquard cards; to the Committee on Ways and Means.

By Mr. DORNAN of California:

H.J. Res. 146. Joint resolution expressing the sense of the Congress with respect to the freedom and independence of the people of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina:

H.J. Res. 147. Joint resolution authorizing establishment of a memorial in the District of Columbia; to the Committee on House Administration.

By Mr. MOODY (for himself and Mr. Porter):

H.J. Res. 148. Joint resolution to designate the week beginning April 20, 1987, as "World Population Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. NATCHER:

H.J. Res. 149. Joint resolution designating the week of March 8, 1987, through March 14, 1987, as "Girl Scouts of the United States of America Week"; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.J. Res. 150. Joint resolution to designate the month of May 1987 as "National Digestive Diseases Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself and Mr. Garcia):

H. Con. Res. 46. Concurrent resolution concerning the 75th anniversary of the founding of Hadassah, the women's Zionist Organization of America; to the Committee on Post Office and Civil Service.

By Mr. DORNAN of California:

H. Res. 81. Resolution to express the sense of the House of Representatives that the leaders of the Soviet Union should permit the emigration of Jews and other individuals wishing to emigrate from the Soviet Union, should remove restrictions in the Soviet Union on the practice of religion and the observation of cultural traditions, should remove restrictions surrounding individuals who undertake scientific and intellectual endeavors, and should stop the official harassment of individuals who wish to emigrate, practice their religion, or observe their cultural traditions; to the Committee on Foreign Affairs.

H. Res. 82. Resolution expressing the sense of the House of Representatives with respect to the strategic importance of Israel to the United States; to the Committee on Foreign Affairs.

H. Res. 83. Resolution expressing the sense of the House of Representatives that the President should express to the Government of the Soviet Union the disapproval of the American people concerning that Government's systematic nondelivery of international mail addressed to certain persons residing within the Soviet Union, that the Department of State should pursue this matter at the diplomatic level with the Soviet Union and other countries, and that the United States delegation to the next Congress at the Universal Postal Union seek the compliance of the Government of the Soviet Union with the Acts of the Universal Postal Union; jointly, to the Committees on Foreign Affairs, and Post Office and Civil Service.

By Mr. MONTGOMERY (for himself and Mr. Solomon):

H. Res. 84. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Veterans' Affairs in the first session of the 100th Congress; to the Committee on House Administration.

By Mr. RANGEL (for himself and Mr. Gilman):

H. Res. 85. A resolution providing amounts from the contingent fund of the House for expenses of investigation and studies by the Select Committee on Narcotics Abuse and Control in the first session of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEMP:

H.R. 1110. A bill to direct the Administrator of Veterans' Affairs to release a reverter interest of the United States in certain real property in Canandaigua, NY, previously conveyed by the United States to Sonnenberg Gardens, a nonprofit educational institution of the State of New York; to the Committee on Veterans' Affairs.

By Mr. LANTOS:

H.R. 1111. A bill for the relief of Peter Wai Kuen Pong; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 1112. A bill for the relief of Pablo Cruz Patag; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 1113. A bill for the relief of Elliott Roosevelt; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. ROWLAND of Georgia and Mrs. LLOYD.

H.R. 25: Mr. PEASE.

H.R. 78: Mr. FAUNTROY.

H.R. 80: Mr. DYSON, Mr. NEAL, Mr. YOUNG of Florida, and Mr. HAWKINS.

H.R. 84: Mr. MINETA, Mr. BOLAND, Mr. YATES, Mr. RUSSO, Mr. EDWARDS of California, Mrs. COLLINS, Mr. FRANK, Mr. FAWELL, Mr. HAYES of Illinois, Mr. BEILENSON, Mr. MORRISON of Connecticut, Mr. SCHEUER, Mr. ROE, Mr. LIPINSKI, Mr. SMITH of Florida, Mr. GREEN, Mrs. BENTLEY, Mr. MFUME, Mr. LEVINE of California, Mr. LEVIN of Michigan, Mr. ATKINS, Mr. ACKERMAN, Mr. TOWNS, Mr. GRAY of Pennsylvania, Mr. MAVROULES, and Mr. SOLARZ.

H.R. 260: Mr. VISCLOSKY, Mr. RIDGE, Mrs. BOXER, Mr. ANDREWS, Mr. CHANDLER, and Mr. CARPER.

H.R. 339: Mr. LIPINSKI.

H.R. 351: Mr. KANJORSKI and Mr. KOSTMAYER.

H.R. 371: Mr. WAXMAN, Mr. ROYBAL, Mr. MARTINEZ, and Mr. TORRES.

H.R. 376: Mr. PEPPER and Mr. APPLEGATE.

H.R. 459: Mr. OWENS of New York, Mr. TRAFICANT, and Mr. PEPPER.

H.R. 461: Mr. NEAL, Mr. MAVROULES, and Mr. TOWNS.

H.R. 533: Mr. PETRI.

H.R. 534: Mr. DELAY and Mr. KEMP.

H.R. 541: Mr. FROST, Mr. NEAL, Mr. MFUME, Mr. DIOGUARDI, Mr. RAHALL, Mr. MAVROULES, Mr. SMITH of Florida, and Mr. TOWNS.

H.R. 543: Mr. TORRICELLI and Mr. BARNARD.

H.R. 574: Mr. OWENS of New York, Mr. EVANS, Mr. TRAFICANT, Mr. LEHMAN of California, and Mrs. KENNELLY.

H.R. 592: Mr. ARMEY, Mr. FRENZEL, Mr. GRAY of Illinois, Mrs. BYRON, Mr. MCKINNEY, Mr. GARCIA, Mr. EDWARDS of Oklahoma, Mr. MFUME, Mr. YOUNG of Alaska, Mr. LIVINGSTON, Mr. WOLF, Mrs. VUCANOVICH, and Mr. WELDON.

H.R. 627: Mr. GARCIA.

H.R. 633: Mr. HENRY.

H.R. 693: Mr. BILIRAKIS, Mr. MCKINNEY, Mr. DELAY, Mr. WORTLEY, Mr. YOUNG of Alaska, Mr. COATS, and Mr. HALL of Texas.

H.R. 722: Mr. BERMAN, Mr. COYNE, Mr. DELLUMS, Mr. MINETA, and Mr. TRAFICANT.

H.R. 758: Mr. BERMAN, Mr. DIXON, Mr. BEILENSON, Mr. DERRICK, Mr. FOLEY, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Ms. OAKAR, Mr. SENSENBRENNER, Mr. EDWARDS of California, Mr. LANTOS, Mr. TORRES, Mr. WOLPE, Mr. BOSCO, Mr. CARR, Mr. BILBRAY, Mr. RANGEL, and Mr. MATSUI.

H.R. 810: Mr. NIELSON of Utah, Mr. LEWIS of Florida, Mr. BATES, Mr. FRANK, Mr. SMITH of Florida, and Mrs. BENTLEY.

H.R. 898: Mr. CARDIN, Mr. TOWNS, and Mr. WYDEN.

H.R. 904: Mr. ROBERTS.

H.J. Res. 2: Mr. AKAKA, Mr. BENNETT, Mr. BEREUTER, Mr. BONIOR of Michigan, Mr. CARDIN, Mr. DEFAZIO, Mr. DELLUMS, Mr. DICKS, Mr. DORGAN of North Dakota, Mr. DOWNEY of New York, Mr. DURBIN, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FOLEY, Mr. FROST, Mr. GARCIA, Mr. HAYES of Illinois, Mr. HENRY, Mrs. KENNELLY, Mr. LEACH of Iowa, Mr. MCCLOSKEY, Mr. MCCURDY, Mr. MANTON, Mr. MARKEY, Mr. MATSUI, Mr. MAVROULES, Mr. MINETA, Mr. MOODY, Mr. NEAL, Mr. NELSON of Florida, Mr. PEASE, Mr. RANGEL, Mr. RICHARDSON, Mr. RODINO, Mr. ROWLAND of Connecticut, Mr. RUSSO, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SMITH of Florida, Ms. SNOWE, Mr. STRATTON, Mr. TRAXLER, Mr. UDALL, Mr. WAXMAN, Mr. WILLIAMS, Mr. WYDEN, Mr. FLORIO, Mr. BORSKI, Mr. COYNE, Mr. MFUME, Mr. OWENS of New York, Mr. SAWYER, Mr. TOWNS, Mr. LEHMAN of California, Mr. MCMILLEN of Maryland, Mr. HERTEL, Mr. BERMAN, and Mr. ORTIZ.

H.J. Res. 32: Mrs. LLOYD, Mr. CHAPMAN, Mr. MATSUI, Mr. LIVINGSTON, Mr. BIAGGI, Mr. PARRIS, Mr. WOLF, Mr. MFUME, Mr. MARTINEZ, Mr. SMITH of Florida, Mr. LAGOMARSINO, Mr. NEAL, Mr. LEVIN of Michigan, Mr. GRAY of Illinois, and Mr. OWENS of New York.

H.J. Res. 52: Mr. APPLEGATE, Mr. BEVILL, Mr. LEVIN of Michigan, Mr. DYMALLY, Mr. CHAPPELL, Mr. DAUB, Mr. JENKINS, Mr. SUNIA, Mr. MCGRATH, Mr. CONYERS, Mrs. JOHNSON of Connecticut, Mr. LEVINE of California, Mr. ANNUNZIO, Mr. FROST, Mr. EARLY, Mr. VOLKMER, Mr. DARDEN, Ms. KAPTUR, Mr. BONIOR of Michigan, Mrs. BENTLEY, Mr. OWENS of Utah, Mr. KASICH, Mr. DENNY SMITH, Mr. MANTON, Mr. HUTTO, Mr. WYLIE, Mr. DAVIS of Michigan, Mr. GREEN, Mr. OWENS of New York, Mr. PEPPER, Mr. VANDER JAGT, Mr. FRENZEL, Mr. TRAFICANT, Mr. BROOKS, Mr. GALLO, Mr. ESPY, Mr. RICHARDSON, Mr. SAVAGE, Mr. WILSON, and Mr. MARTINEZ.

H.J. Res. 129: Mr. WILSON, Mrs. BYRON, Mr. CLINGER, and Mr. TRAFICANT.

H. Con. Res. 15: Mr. DERRICK, Mr. MYERS of Indiana, Mr. FROST, Mr. DONNELLY, Mr. JOHNSON of South Dakota, Mr. VALENTINE, Mr. ROTH, Mr. BIAGGI, Mr. MAVROULES, Mr. MCEWEN, Mr. TOWNS, Mr. MOLINARI, Mr. PETRI, and Mr. LAGOMARSINO.

H. Res. 16: Mr. MARTINEZ, Mr. ROWLAND of Connecticut, and Mr. UPTON.

PETITIONS, ETC.

Under clause 1 of rule XXII:

22. The SPEAKER presented a petition of the Chamber of Deputies of the Republic of Bolivia, South America, relative to a resolution adopted by the Chamber of Deputies regarding the sale of strategic mineral reserves; which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

THE SOVIET DISINFORMATION CAMPAIGN AGAINST THE UNITED STATES, FROM A EUROPEAN PERSPECTIVE, PART 1

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. YOUNG of Florida. Mr. Speaker, Soviet active measures and disinformation campaigns are among the most effective Soviet foreign policy tools against our Nation. The principal aim of these activities is to discredit the United States and our allies.

Forgeries are primary weapons used by the Soviets in these efforts. For many years, our Nation chose not to respond to or rebut forgeries that were uncovered by our intelligence community or State Department.

In 1980, however, through my efforts and those of our late colleague from Ohio, John Ashbrook, we were successful as members of the Permanent Select Committee on Intelligence in convening hearings with the Central Intelligence Agency to discuss detailed information about the Soviet forgery campaign. Two years later, at my request, the committee scheduled additional hearings on Soviet disinformation activities and received testimony from the Federal Bureau of Investigation detailing Soviet propaganda operations here in the United States. The primary witness for these hearings was Stanislav Levchenko, a former high-ranking officer in the KGB who prior to his defection to the United States was primarily responsible for Soviet active measures operations in Japan. The information he provided the committee, and his subsequent work over the years with United States intelligence officers, scholars, and journalists has helped make all aware of the methods and objectives of these types of Soviet operations.

In response to our growing understanding of Soviet disinformation programs, the State Department established in 1981 an interagency working group to study Soviet active measures. At the urging of Congress, the President last year established a permanent State Department office to support the work of this group.

As a result of these many efforts, we have seen a significant growth in the study, research, and reporting of information about Soviet disinformation. Numerous books on the subject, including "Dezinformatsia"—a leading work in the field by Richard Shultz and Roy Godson, and a number of newsletters here and abroad, have been published to broaden studies in this area.

It is through public awareness that the United States and our allies will be able to uncover Soviet forgeries and diminish their effectiveness. U.S. scholars and journalists are becoming more and more aware of potential forged documents and are to be commended for taking great care in verifying their authenticity. Similar caution is being exercised in Europe, a favorite target for the Soviets to launch their disinformation efforts. The first part of a December 1986 article entitled "Experts in Forgery" published by Pierre Lorrain in the French magazine Le Spectacle du Monde follows my remarks and provides us with a European perspective on Soviet active measures. The second and concluding part of this article will appear with my remarks tomorrow.

Mr. Speaker, our Nation and our allies are making great strides in the battle against Soviet disinformation. We have, however, a long way to go in attempting to uncover and expose the thousands of Soviet forgeries that damage U.S. credibility throughout the world. Through our efforts, and those of our allies, we can successfully reduce the effectiveness of the Soviet Union's multibillion-dollar-a-year active measures campaign against the United States and our interests.

[From Le Spectacle du Monde magazine, December 1986]

EXPERTS IN FORGERY, PART 1

(By Pierre Lorrain)

Disinformation wears a thousand faces.

The most effective is not the most spectacular.

The Soviets are the only true masters of the game.

Every generation has its "in" words. Today, "disinformation" is one of those ("dezinformatsia" in Russian). This fall, two books in French were published on the subject—"La guerre du mensonge. Histoire secrete de la desinformation" ("The War of Lies. The Secret History of Disinformation"), by Roland Jacquard (Plon, Ed.) and "Le temps de la desinformation" (The Age of Disinformation") by Henri-Pierre Cathala (Stock, Ed.)—in addition to numerous press reports.

The two works limit themselves to a few exemplary and well-publicized cases, giving little or no attention to lesser operations, even though these represent the essential part of what the Soviets call "aktivnyie mieropriatia" (active measures) and the daily reality of disinformation. In addition, trying to equate disinformation with "lies", as does Jacquard, constitutes a dangerous deviation.

For Jacquard, disinformation encompasses all human activity designed to deceive an opponent. Thus, he shows us how cavemen used disinformation by imitating animal sounds to attract game. It is, however, difficult to see the link between this necessary human activity and "active measures."

A neurologist, Cathala presents us with a better, although somewhat theoretical, typology of disinformation and disinformers. But the authoritative work in this matter is Richard Shultz's and Roy Godson's "Dezinformatsia" (Anthropos Publications, 1984), which provides the first complete and best-documented study on disinformation.

Disinformation can start in any newsroom in Paris, London, or Rome, as a plain white envelope discreetly placed on an editor's desk.

On July 3, 1985, an Italian journalist of the Roman press agency ADN-Kronos found one such letter on his desk. The document he found inside appeared to him, on first sight, a most explosive one. It was a photocopy of a letter by an American general, Robert L. Schweitzer, to Chilean General Augusto Pinochet, concerning a promise of U.S. arms to be supplied to Chile in exchange for the sending of Chilean troops to El Salvador and Honduras. The letter (document A) with a letterhead titled "Inter-American Defense Council", was written in Spanish and dated February 25.

The Roman journalist knew the Soviets, and acted as most Western newspeople would in a similar circumstance: he endeavored to verify the authenticity of the document. To do this, he got in touch with the American Embassy in Rome, which immediately phoned the United States Information Agency (USIA). Schweitzer was contacted; he denied ever having sent such a letter. An examination revealed the document to be a pure fabrication.

The person in charge of coordinating research at USIA on Soviet "active measures" is Herbert Romerstein, a small man of about fifty, with a bristly moustache and a twinkle in his eye. Not only is he a premier expert in identifying forgeries, but he is also a brilliant specialist of Soviet affairs and international communism.

"The method used in Rome," he explains, "is often used by the Soviets to put forgeries into circulation. It appears, in this precise case, that the forgers needed to give this letter some credibility. This is why they attempted to have it surface in Europe. Europeans are generally more skeptical of this kind of thing; therefore, if the letter had been published, it would have gained a lot of credibility."

Since the operation backfired in the Old Continent, another copy surfaced in Mexico City a few days later. This time, it was personally handed over to the Mexican correspondent of the same Italian press agency by a Guatemalan journalist known to be an unofficial spokesman for guerrilla forces in his country.

Contrary to his Italian colleague, the Mexican journalist did not verify the origin of the letter and had it published. Two days later, officials of the press agency refuted the authenticity of the document and did not hesitate to admit that they had been deceived. But the harm was done. Several Latin American newspapers with overt or covert communist leanings republished the information, citing the source but not the accompanying denial. These articles, crediting a European press agency which could hardly be accused of communist sympathy, were then ready to be quoted by still other newspapers, in South America and the rest of the world.

"The method used in this case is a Soviet one," adds Romerstein, "but the geographic location leads us to believe that the operation may have been launched by someone else. We are thinking about the intelligence services of Cuba or Nicaragua, acting on behalf of the KGB."

On August 16, 1985, a month and a half after the case began, Romerstein wrote

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

General Schweitzer to inform him of the conclusions of the study made on the document attributed to him (document B). Several copes of his letter were distributed to various agencies of the U.S. Government. The case was brought before the Senate Foreign Affairs Committee and the two documents, the forgery and Romerstein's analysis, appeared in the "Hearings of the Committee on Foreign Relations of the United States Senate" published at the beginning of this year (1986) by the U.S. Government.

Maybe there was one copy too many. For last May, another document appeared—again in an anonymous way—in the newsroom of the Washington Post. A reporter found in his mail a poor photocopy of a letter by Romerstein to Senator David Durenberger dated 29 April 1986 and bearing the letterhead of USIA (document C). The letter suggested that the United States had used the pretext of the meltdown of a reactor at the Chernobyl nuclear plant to launch a vast propaganda effort against the Soviet Union that exaggerated the consequences of the accident.

Here are the different steps that were to be taken in the propaganda campaign, according to the letter:

"Reports should be issued by our correspondents in the European media, providing the public with the following details:

"The purported number of victims should be between 2,000 and 3,000.

"Mass evacuation of people in a radius of 100 miles.

"Transportation problems, lack of various goods, and scenes of chaos and panic should also be stressed.

"Appropriate illustrations and texts should be provided.

"The campaign could be organized by USIA officials, who would also produce necessary documents.

"In view of the forthcoming Tokyo summit, information would be provided for the official statement on the Chernobyl disaster to be issued by the seven leaders.

"Considering the increased air pollution, we should advise our allies to cease importing food and other goods from the Eastern bloc.

"Our allies should be urged to claim compensation for the contamination of their territories."

Had this letter been published, all non-Soviet originated information on the Chernobyl disaster would have been branded as American provocation.

The nuclear accident threatened to tarnish the Soviet Union's image with the European "Green" movements, which are (consciously or not) Soviet propaganda's main allies, and to arouse their distrust. The letter attributed to USIA could divert attention and cause doubt.

Romerstein's letter to Senator Durenberger was a forgery. The Washington Post reporter contacted USIA, and the document was not published. Its letterhead and signature were obviously reproduced from "document B" (Romerstein's response to General Schweitzer). Proof of this photocopy is the word "copy" handwritten at the top of the page, and which is identical on both documents. The forgers simply erased the line that underlines the word on the authentic letter. On the forgery, the signature bloc was typed in different type, but following the exact same pattern as on the real letter.

Yet the forgers committed several mistakes. The first is found in the presentation of the document: the address of the recipient of the letter was placed at the top left, just under the letterhead, unlike usual U.S. Government correspondence which sets the addressee at the bottom left of the first page. Secondly, the auxiliary paragraphs have no indentation and start right at the left margin. Thirdly, Romerstein's staff is in charge of detecting Soviet active measures, not of preparing such operations against the Soviet Union.

"My job is to fight disinformation with information", says Romerstein, "to study active measures, to unravel them and to expose them, explaining how they work and how best to counter them."

Forged documents implicating the U.S. administration or Western agencies appear regularly and just about everywhere. Since February 1980, three reports of some three hundred pages each have been made by the Senate and the House of Representatives of the United States on the subject of "active measures" and forgeries. And even these deal only with those cases that have been solved.

TRIBUTE TO THE KALAMAZOO GAZETTE

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. WOLPE. Mr. Speaker, I want to pay special tribute to the Kalamazoo Gazette on the occasion of its sesquicentennial celebration. The paper, established in 1833 as the Michigan Statesman, was printed under the Kalamazoo Gazette banner for the first time on January 23, 1887, thereby beginning a proud tradition of news reporting in Kalamazoo, MI.

There are many dates and events important to the Kalamazoo Gazette's history: 1872, when the weekly newspaper became a daily; 1900, when the Gazette acquired the Kalamazoo Evening News, and became a member of the Associated Press; 1916, when the Gazette became the only daily newspaper in the city of Kalamazoo after acquiring the Kalamazoo Telegraph-Press; 1922, when the Gazette was purchased by Booth Newspapers; 1925, when the paper moved into its present home at the corner of Lovell and Burdick Streets in Kalamazoo; and 1972, when Newhouse Newpapers purchased Booth Newspapers, Inc., and the Gazette became a Newhouse publication. During its past 25 years, the Gazette has undergone several technological changes in typesetting and printing, new construction, and remodeling—all in an effort to modernize its facilities, expand its coverage, and increase its readership.

Today, under the able and dedicated leadership of Publisher Dan Ryan and Editor-in-Chief James Moseby, the Kalamazoo Gazette is the seventh largest newspaper in the State of Michigan.

The Gazette has been going strong for 150 successful years, and it's looking forward to another 150 years of progress. I wish the owners and the employees of the Kalamazoo Gazette many years of happiness and prosperity.

RESTORING U.S. COMPETITIVENESS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues, an editorial that appeared in the January 12, 1987, edition of the Los Angeles Times, entitled "Boosting America's Competitiveness—Investment Pressures for Short-Term Gains Must Be Changed."

This article addresses the most talked about economic issue facing our country: How to restore the international competitiveness of U.S. industry. The writer attrlbutes a large share of the responsibility for our competitiveness decline to the demand for short-term investment gains by pension funds, insurance companies and other institutional investors. He says the rush to make quick profits is occurring at the expense of long-term investment in research and technological advances on which future profitability clearly depend.

As the chairman of the Subcommittee on Commerce, Consumer Protection and Competitiveness, I believe we can no longer afford to sacrifice our country's economic future, to the present. In the final analysis, the strength of our economy rests on the ability of our businesses and industries to anticipate, and to produce goods and services that will serve, the needs of the future.

Mr. Speaker, at this time I request permission to insert in the RECORD the text of the article:

BOOSTING AMERICA'S COMPETITIVENESS—INVESTMENT PRESSURES FOR SHORT-TERM GAINS MUST BE CHANGED

(By Ernest Conine)

Not long ago a well-informed executive listened to still another discourse on the damage that short-term managerial thinking is doing to the U.S. economy and its ability to continue generating jobs and decent living standards for Americans.

"I think we all know by this time what the problem is," he commented. "What we should be talking about now are solutions."

The new Democratic-controlled Congress is acutely aware of growing concern over the huge trade deficit and what it says about the American economy's seeming inability to compete with foreign producers, either at home or abroad.

There is a built-in temptation toward protectionist legislation limiting foreign access to the U.S. market. But both the Reagan Administration and responsible Democratic leaders believe that such an approach would do more harm than good. So the buzzword in Washington these days is competitiveness.

It remains to be seen, though, whether elected officials are ready to do what's necessary to deal with one of the major sources of this country's eroding ability to compete: the short-term focus of many U.S. business executives.

As Congress and the Administration cast about for concrete means of making America more competitive, the ideas propounded by Pat Choate, a Washington-based corporate economist with strong ties to influential people in government, are getting a lot of attention. Most of his proposed correctives make sense.

In "The High-Flex Society" (Knopf, 1986), co-authored with J.K. Linger, Choate allies himself with those who, while bemoaning the barriers facing U.S. exporters in Japan and many other foreign markets, are convinced that America's lack of competitiveness is to a major extent self-inflicted.

Choate has a number of interesting proposals for reform of the antitrust, copyright and patent laws, tax incentives for research and development, retraining of displaced workers, financial help for small business and timely penalties against foreign exporters and governments that won't abandon unfair trade practices.

But the TRW economist's most intriguing contributions are his proposals for dealing with the short-term thinking that prevails in corporate America these days.

There is widespread agreement that a major culprit is the power wielded by institutional investors, especially pension funds, which demand high quarterly earnings with little or no regard for a company's long-term competitiveness and profitability. Companies that don't pay attention find their stock dumped by the funds or, worse, find themselves the targets of unfriendly takeovers by raiders who promise stockholders an immediate profit.

Choate observes that institutional investors now hold more than 35% of all equities listed on the New York Stock Exchange, double their share in 1960, and the figure is still going up.

The harmful effect is suggested by the findings of a 1985 survey of 308 large institutional investors; only 4% reported that the quality of a company's products, normally a sound gauge of its long-term competitiveness, was a factor in their selection of stocks for investment.

The speculative bent of the big funds is further reflected in the constant churning of their stock holdings. They turn over 40% to 50% of their portfolios each year, compared with a turnover rate of 10% to 15% for individual investors.

In their compulsion to produce short-term results that will please fund managers and help to fend off takeover attempts, many companies are crimping their future ability to compete—even to survive—against Japanese and European producers who think in long-range terms.

In both 1984 and 1985, U.S. firms spent more than $100 billion to finance buybacks of their own stock. To quote Choate, "If these funds had been used to modernize plant and equipment, total capital investment would have been 25% higher."

Anti-takeover strategies have included the abandonment or avoidance of product areas that might pay off in the long run but are unprofitable in the short term, and shying away from heavy spending to develop new markets.

As Ruben F. Mettler, chief executive of TRW Inc., told the Wall Street Journal the other day, another sure yet deplorable way to "pump up earnings very dramatically is to cut research and development spending." Many firms are doing it.

The challenge is to change the decision-making environment in which business operates.

Choate's most sensible-sounding proposal is the imposition of a sliding-scale tax on short-term gains from stock trades by pension funds. The longer a stock was held, the lower the tax would be until, at some point, it would be zero. This approach would penalize short-term speculation while rewarding funds that emphasized long-term investment.

Choate also observes that the present compensation system for fund managers has the effect of rewarding them for rapid stock turnovers. He proposes that federal regulations be modified to require that compensation be tied in some way to the long-term performance of the funds that they manage.

(Business consultant Peter F. Drucker noted recently that managers of corporate pension funds are often under unhealthy pressure themselves from the companies involved to produce immediate gains so that the firms' pension-fund contributions that year can be reduced and their reported profits enhanced. The answer here obviously lies in legislation making clear that the primary fiduciary responsibility of pension-fund managers is to the workers whose retirement money is involved, not to the companies that have already taken tax write-offs for pension contributions.)

Reform won't come easily. Too many stockbrokers and fund managers have become accustomed to the big fees generated by the rapid turnover in stocks; simple greed will lead them to oppose corrective measures. Corporate managers will resist any plugging of the loopholes that now allow them to raid pension funds for their own purposes.

In short, the challenge that is facing the Democratic-run Congress is to prove that the expansive talk about enhancing U.S. competitiveness is not just a lot of hot air.

JOSEPH S. BROCCO

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. COELHO. Mr. Speaker, it is my privilege to commend Joseph S. Brocco, a dedicated public servant, on his 30 years of outstanding work in the U.S. Postal Service.

Mr. Brocco's service to this country began in the U.S. Army, where he was a highly decorated soldier honored for his actions in World War II.

Mr. Brocco began his career in the Ceres Post Office as a substitute mail carrier in 1958. His hard work and dedication quickly lead to a series of promotions and positions of increased responsibility. Mr. Brocco has competently and capably served in his current position as supervisor of postal operations since 1973. His many years of service are much appreciated and, upon his retirement, the U.S. Postal Service will certainly miss this loyal and talented employee.

INTRODUCTION OF THE MERCHANT MARINE EQUITY ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. BIAGGI. Mr. Speaker, I rise to introduce legislation to halt the devastation of our merchant marine.

Starting with the American Revolution, the maritime industry has been essential to preserving our freedom and meeting our international goals and obligations. The merchant marine has transported the troops and supplies needed in every major overseas military operation. It has transported the raw materials that support war production at home. Now, the industry that has helped our Nation to overcome adversity is itself facing unprecedented adversity.

Because of the important defense role played by the merchant marine, nations throughout history have provided extensive subsidies to their maritime industries. We in the United States have unilaterally decided that our maritime industry should not be assisted through Government subsidy. This approach is ill-advised.

The legislation I am introducing—the Merchant Marine Equity Act—is aimed at reversing this administration's policy, a policy that we in Congress have accepted through inaction. The Merchant Marine Equity Act will eliminate bureaucratic and statutory barriers that burden U.S.-flag shipping companies and will provide incentives for our maritime industry to offset some of the subsidies received by their foreign competitors.

Among the important barriers that will be eliminated are the requirements that subsidized operators build vessels in the United States and that they operate on certain restricted trade routes. This administration's policy of refusing to provide subsidy to qualified operators will be reversed by requiring the Secretary of Transportation to enter into contracts with operators meeting strict criteria.

I feel obligated to discuss the budgetary implications of this legislation. Currently, the Federal Government is providing subsidy to six operators. Under the Merchant Marine Equity Act, an additional three or four operators could choose to receive subsidy. The cost may be somewhat greater, but this small additional expenditure could reverse the rapid decline of our merchant fleet.

The administration asserts that the present system is expensive and that promotional reform must include reductions in crew size and expenditures for wages and fringe benefits. The industry has been slow to accept any restrictions in these areas. In the last Congress, I proposed limiting wage subsidy to the crew found necessary for the safe operation of the vessel. I suspect that, in the end, labor and management may have to accept limitations far more drastic than I proposed.

However, a necessary first step is for the Department of Transportation—the agency having the greatest experience with the subsidy program—to present concrete recommendations to reduce expenditures on operating-differential subsidy. After 6 years, this administration has failed to present any promotional program.

Unfortunately, this has led me to the inescapable conclusion that this administration is motivated by politics and a misguided philosophy. It is this administration's policy, and it is no secret, that Government should get out of private business—no matter what the cost. They believe that our merchant marine can compete in an international environment where countries provide tax credits, construction subsidies, and wage subsidies, and impose nontariff trade barriers on U.S. shipping companies.

This administration believes that, if the U.S. Government gets out of shipping, foreign governments will follow our lead. This is a naive and destructive policy. I, for one, have had enough.

Fortunately, there are Members in both Houses and both parties that will work to reverse the current policy. I strongly invite and encourage the Department of Transportation to join us in passing this low-cost, high-return Merchant Marine Equity Act.

The section-by-section analysis of the Merchant Marine Equity Act follows:

SECTION-BY-SECTION ANALYSIS OF THE MERCHANT MARINE EQUITY ACT

SECTION 1

Section 1 provides that the Act may be cited as the Merchant Marine Equity Act.

SECTION 2

Section 2 amends title IV (Mail Contracts) of the 1936 Merchant Marine Act by eliminating obsolete provisions and establishing a preference for privately-owned U.S.-flag commercial vessels in the transportation of mail.

Subsection (a) defines "privately-owned U.S.-flag commercial vessel" as one meeting the criteria established by section 901 of the Merchant Marine Act. (See the discussion of section 5, since this Act establishes new 901 standards.)

Subsection (b) requires the U.S. Postal Service whenever it arranges for transportation of mail to use privately-owned United States-flag commercial vessels, if available at fair and reasonable rates. The Secretary of Transportation shall determine fair and reasonable rates and may take into consideration the rates charged for comparable cargo shipped by private persons.

Subsection (c) permits the Postal Service to use foreign-flag vessels or U.S.-flag vessels not meeting the section 901 criteria if qualified to transport preference cargo if qualified vessels are not available or if the level of service provided by qualified vessels is inadequate.

Subsection (d) provides for the awarding of contracts based on competitive bidding among qualified operators.

SECTION 3

Section 3 amends title VI (Operating-Differential Subsidy) (ODS) of the Merchant Marine Act of 1936.

Subsection (1) amends section 601(a) of the Merchant Marine Act. The amendment eliminates the requirements that subsidized operators construct their vessels in the U.S. and provide service on "essential trade routes". In addition, it extends subsidy payments to U.S.-flag vessels engaged in trade between two foreign points. Currently, subsidy is paid only for vessels engaged in commerce between U.S. and foreign points.

The current requirements—by imposing additional regulatory and financial burdens on U.S. operators—severely limit their ability to compete. The 1936 Act was based on the theory that Government would support the shipbuilding base by requiring ODS operators to purchase vessels in the U.S. However, with the abandonment of the construction-differential subsidy (CDS) program, it is economically unfeasible to continue to require U.S.-flag operators to build in the U.S. at two-to-three times the cost of foreign construction. The elimination of the trade route system and the granting of authority to engage in the foreign-to-foreign commerce is a recognition that it is more important that U.S. operators have the flexibility to seek cargo where available than to require operation on certain routes.

Section 601 directs the Secretary to consider applications for ODS from U.S. citizens meeting certain criteria. A U.S. operator must either own or lease a vessel capable of participating in international trade or be able to obtain a vessel capable of participating in international trade. Further, the applicant must possess the ability, experience, financial resources, and other qualifications necessary to assure competitive operation of the vessel.

In arriving at a decision as to whether an applicant is able to meet competitive conditions, the Secretary is required to take into account the financial assistance the operator would be entitled to under section 603 of the Act.

Subsection (2) amends section 602 of the Merchant Marine Act. Section 602 currently provides for an investigation and hearing before an applicant may receive operating-differential subsidy. The change made by this new language would eliminate the requirement for an investigation and hearing for liner vessels, but would continue the requirement for bulk vessels. This section, coupled with amendments to sections 601 and 603, eliminates Secretarial discretion in the granting of subsidy to operators of liner vessels.

The elimination of Secretarial discretion is aimed at correcting a misinterpretation of Congressional intent by the current Administration. Historically, ODS has been viewed as an entitlement so that, once an operator met the Act's criteria, the Secretary's approval was almost pro forma. The current Administration has adopted the position that the granting of new contracts is discretionary, and that an entitlement is only created after the Secretary has chosen to enter into a contract. The new language also assures the Secretary does not arbitrarily reject a qualified applicant.

Subsection (3) amends section 603 of the Merchant Marine Act. Section 603(a) empowers the Secretary to enter into an ODS contract covering bulk vessels. The Secretary has discretion to determine how much subsidy is necessary to make the vessel competitive with similar foreign-flag vessels. The remainder of section 603 deals with the payment of ODS on vessels other than bulk carriers. Currently, section 603(b) provides for the payment of subsidy for a 20-year period based on the difference between U.S. and foreign: (1) wages and collective-bargaining costs, (2) insurance, and (3) maintenance and repair.

The new section 603(b)(1) requires the Secretary of Transportation to enter into a contract to pay subsidy for vessels owned or chartered by a U.S. citizen if the vessel:

(A) is engaged in foreign commerce;

(B) is suitable for national defense;

(C) is documented under U.S. law or is a qualfied feeder vessel (see discussion below on feeder vessels);

(D) is owned or chartered and operated during the contract period by a U.S. citizen;

(E) is at least 5,000 deadweight tons; and

(F) is less than 25 years of age.

Section 603(b)(2) provides that vessels owned by U.S. citizens on January 1, 1987, which are or will become 25 years old prior to January 1, 1992 (some of which are currently under ODS contracts), may continue receiving subsidy during that period.

Since vessels over 25 years of age are less capable of competing in the international marketplace and also represent a higher percentage of vessels involved in maritime accidents, only vessels less than 25 years of age will be eligible for subsidy. However, since the Maritime Administration has already granted subsidy to some liner vessels exceeding the 25-year-age limit, to avoid giving those vessels an unfair advantage all older liner vessels will be entitled to subsidy during the transition period provided in section 603(b)(2).

Contracts made under this section expire on September 30, 1998. In the event an operator is unable to perform his contractual obligation or no longer qualifies for subsidy, the ODS contract between the operator and the Government would be unenforceable. Subsidy payments are limited to the difference between wages and fringe benefits paid by U.S. operators and their foreign competitors.

Section 603(b)(3) provides that the Secretary may pay operating-differential subsidy on foreign-flag feeder vessels for the difference attributable to the use of U.S. crews on those vessels if:

(A) the vessel meets the requirements governing subsidized vessels set forth in section 603(b)(1) (see six points bulleted above)—except subparagraph (C) requiring documentation under U.S. law;

(B) the goods transported on the vessel move under a bill of lading or contract of affreightment covering a subsidized vessel; and

(C) the ODS contract provides the vessel will be made available in time of national emergency or war.

The granting of ODS to foreign-flag feeder vessels is based on the recognition that a foreign-flag vessel—suitable for national defense, owned or chartered and operated by a U.S. citizen, crewed by U.S. citizens (as provided in section 6), and available in time of national emergency—is a valuable defense asset. Further, since subsidy could only be available to pay for the higher cost of training and maintaining a U.S.-citizen crew (see section 6), the subsidy would flow back into the U.S. economy and would help assure an adequate number of American seamen trained to meet our maritime needs in a national emerency.

The requirement currently contained in section 603 that vessels operate in an "essential service" has been eliminated.

The amendments to section 603(c) do not make any substantive changes in the procedures currently followed by the Secretary of Transportation and currently mandated in sections 603(c) and 603(d).

The new section 603(d) clarifies that ODS contracts are legal obligations of the Government and that the Government's liability is not dependent on the authorization or appropriation of funds by Congress. The section also establishes that the obligation of the Secretary of Transportation to enter into contracts with operators meeting the statutory criteria is not dependent on the authorization or appropriation of funds.

Subsection (4) amends section 604 of the Merchant Marine Act. The new section 604 provides that the Secretary of Transportation may pay additional subsidy to an operator if, after consultation with the Secretary of State, and Secretary of Transportation finds the subsidy paid under the contract is inadequate to offset the effect of government aid paid to foreign competitors or to make it economically viable for a subsidized vessel to provide specific service not being provided by a U.S.-flag vessel and it is in the national interest to provide that service.

Subsection (5) amends section 605(b) of the Merchant Marine Act. Current law permits the payment of operating-differential subsidy on a vessel older than 25 years of age if the Secretary of Transportation finds it is in the public interest to grant continued financial aid. The amendment would eliminate the Secretary's authority to waive the age limitation.

Subsection (6) amends section 606 of the Merchant Marine Act. It eliminates references to essential trade routes currently in section 606.

Subsection (7) amends section 610 of the Merchant Marine Act. This section now applies only to bulk vessels.

Subsection (8) amends section 615 of the Merchant Marine Act. Currently, section 615 contains the build-foreign provision that permitted subsidized operators to acquire vessels overseas for a one-year period. Subsection (8) eliminates this language and establishes procedures to amend existing contracts and authority to operate on an essential trade route.

Section 615(a) provides that an operator currently a party to a contract shall amend the contract to come under the subsidy system established by section 3 of this bill, or enter into a new contract under section (3) of this bill. An operator currently having more than one ODS contract may amend all or none of those contracts but may not amend some of those contracts. This prohibition extends to affiliated companies.

Section 615(b) provides that an operator or charterer of fewer than 10 vessels may continue to provide service on an essential trade route or a portion of an essential trade route if the operator was providing service on that route on January 1, 1987. The level of service the operator is entitled to provide on that route is limited to the level provided in 1986. (See, however, discussion of section 616 below.)

This protection would extend to no more than three liner operators. These small operators relied on the trade route system in current law and established service on those routes. In an effort to prevent displacement and undue harm to these operators, this section provides that these operators will not be subject to new U.S.-flag competition on those routes.

Section 615(c) establishes the absolute parity of contracts entered into under current law and contracts entered into under this legislation.

Subsection (9) adds new sections 616 and 617 to title VI of the Merchant Marine Act. These sections deal with the continuation or expansion of service on essential trade routes served by operators choosing to exercise their rights under new section 615.

Section 616(a)(1) provides that an operator receiving ODS that provided service on an essential trade route between 1982 and 1986 may operate on all or part of an essential trade route served by another operator that chooses to continue operating on all or part of a route under section 615.

Section 616(a)(2) limits the service permitted under this subsection to the maximum service provided in any one year during that period.

Section 616(b) provides that the Secretary may authorize increased service on the route if the Secretary determines, according to the procedures contained in section 605(c) of the Merchant Marine Act, that there is a need for increased service. Section 605(c) monitors the essential trade route system. The Secretary may terminate the increased service, without the necessity of a 605(c) proceeding, when the Secretary determines there is no longer a need for increased service.

Section 616(c) provides that, except in the case outlined above, no operator would be subject to a 605(c) proceeding.

Together, section 615(b) and section 616 (a) and (b) establish a system under which a small operator may continue operating on a trade route and another U.S.-flag operator may provide the same level of service on the route it provided in any year between 1982 and 1986. The second operator may be either an operator that was subsidized in the 1982-1986 period or one that was not subsidized. If additional service appears necessary, the Secretary of Transportation is required to conduct a 605(c) proceeding and may permit increased service by an appropriate operator. If it later appears the additional service established as a result of the 605 proceeding is unnecessary, the Secretary may terminate the service without another 605 proceeding.

Section 616(d) directs the Secretary to enter into a contract within 60 days after an applicant has applied for a contract or a contract amendment. All contracts or contract amendments will take effect October 1, 1988—unless the application is received after August 1, 1988. For applications received after August 1, 1988, the Secretary shall enter into a contract and commence paying subsidy within 60 days following receipt of an application for contract or contract amendment.

Nothing in this section shall be deemed as granting the Secretary discretion to deny ODS to an applicant meeting the criteria of section 601 and applying for subsidy on a vessel meeting the criteria of section 603.

Section 617 limits the number of vessels on which an operator may receive subsidy to 23 vessels—or the number of vessels in actual operation in 1986 plus one-third. This vessel limitation does not require the use of any specific vessel or operation during a specific time but, rather, places a limit on the amount of subsidy an operator may receive. Accordingly, an operator eligible for subsidy on 23 vessels could vary the vessels receiving subsidy during the year so long as the total subsidized fleet did not receive subsidy exceeding that payable during the year on a 23-ship fleet. In addition, an operator may receive subsidy on vessels acquired through merger or purchase from an unrelated entity that is a party to an ODS contract.

SECTION 4

Section 4 amends sections 804 and 805 of the Merchant Marine Act of 1936.

Subsection (1) amends section 804. Section 804(a) continues the prohibition in current law prohibiting an ODS operator from owning, chartering, or operating a foreign-flag vessel that provides service between the U.S. and a foreign country. However, if the operator owned, chartered, or operated a foreign-flag vessel on January 1, 1987, the operator may continue to provide service to and from the U.S. until October 1, 1988. This transition period takes into account the position of currently unsubsidized operators who use foreign-flag vessels to provide service to the U.S. and would have to reflag those vessels or procure other vessels to meet the demand.

Section 804(b) changes existing law by permitting subsidized operators to own, charter, or operate foreign-flag vessels that do not transport goods to or from the United States. However, the number of foreign-flag vessels owned, chartered, or operated by a subsidized operator may not exceed two times the number of vessels receiving ODS. Permitting subsidized operators to utilize foreign-flag vessels will improve their ability to compete in areas where foreign government regulations or economic conditions impose burden on U.S.-flag operators.

Section 804(c) provides that ODS operators would also be permitted to use foreign-flag vessels to provide service between U.S. territories and possessions and foreign ports located in the Atlantic Ocean or in the Caribbean. Vessels used in this type of service would count toward the limitation on foreign-flag vessels contained in this subsection.

Section 804(d) provides that the Secretary may authorize subsidized operators to enter into voyage-charter arrangements with foreign-flag operators subject to whatever conditions and limitations the Secretary deems appropriate. Space-charter agreements between subsidized operators and foreign-flag operators are not subject to Secretarial approval.

Subsection (2) amends section 805 of the Merchant Marine Act. It strikes an obsolete provision and permits an operator of a nonbulk vessel that provided domestic, intercoastal, or coastwise service in 1986 and did not receive subsidy in 1986 to continue to provide a level of service no greater than the operator provided in 1986. Vessels under construction prior to January 1, 1987 as replacements for vessels in the domestic, intercoastal, or coastwise service do not require approval under this section and would be in addition to the level of service provided in 1986.

This "grandfather provision" is aimed at protecting unsubsidized operators that have been participating in the domestic trade or have begun to construct vessels in the U.S. for use in that trade. Any increase in service by a currently unsubsidized operator would require approval under a section 804 proceeding.

The amendment adds a new section 805(g), which require a subsidized operator seeking to provide new or increased domestic, intercoastal, or coastwise service above 1986 levels to disclose the nature and scope of the proposed service. The Secretary is directed to consider the impact of the proposed operation on operators providing exclusively domestic service.

SECTION 5

Section 5 amends section 901 of the Merchant Marine Act of 1936, the Cargo Preference Act.

Subsection (1) amends section 901(b)(1). It strikes the current eligibility standards for vessels carrying the U.S.-flag portion of preference cargo. New standards are established in section 901(d).

Subsection (2) amends section 901(c). It requires the use of U.S.-flag vessels for the transportation of motor vehicles owned by Government personnel and transported at Government expense.

Subsection (3) adds new sections 901 (d), (e), (f), and (g). Section 901(d) requires an owner or operator to reimburse the appropriate Government agency when the rate the owner or operator has been paid for transporting cargo preference includes compensation for a return voyage in ballast, and the vessel transports cargo on a return voyage or is scrapped or sold overseas. The amount of reimbursement is determined by the Secretary of Transportation.

Section 901(e) requires the owner or operator to notify the Secretary of Transportation when the vessel transports cargo on its return voyage or is scrapped or sold overseas.

Section 901(f) directs the Secretary to maintain a list of vessels that may be scrapped abroad and to provide a copy of this list on a monthly basis to agencies using U.S.-flag vessels to transport preference cargo.

New sections 901 (d), (e), and (f) are aimed at correcting abuses in the cargo preference system—such as the case when an operator is paid a rate that includes compensation for an empty return voyage, but the operator carries cargo on the return voyage or the vessel is scrapped or sold.

Section 901(g) changes the standards for eligibility to carry the U.S.-flag portion of preference cargo to allow foreign-built liner vessels less than five years old at the time of documentation to be immediately eligible to carry preference cargo. A vessel less than ten years old but greater than five years old would be immediately eligible if the Secretary of Transportation—in consultation with the Secretary of Defense—determines the vessel is suitable for national defense or for use in a national emergency. A vessel over five years old at the time of documentation would be eligible to carry preference cargo three years after documentation under U.S. law. Immediate eligibility would also be extended to roll-on/roll-off vessels documented before May 1, 1986 and vessels that have already met the three-year waiting requirement.

SECTION 6

Section 6 amends section 8103 of title 46, United States Code by providing that, on each departure from the U.S., a documented vessel that was granted ODS or construction-differential subsidy all seamen must be U.S. citizens; and that on a foreign-flag vessel receiving ODS all seamen must be U.S. citizens. The new provision for foreign-flag vessels will help assure these vessels are, in fact, available in a national emergency and will also increase the pool of merchant seamen that would be available to our Nation in a national emergency.

H.R. 1098—A BILL TO REPAIR GOVERNMENT VESSELS IN U.S. SHIPYARDS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. JONES of North Carolina. Mr. Speaker, according to a recent GAO report, the Military Sealift Command [MSC] has awarded eight contracts to Canadian shipyards for vessel repair since fiscal year 1980, accounting for about $10 million of work. In 1985, five contracts went to Canadian yards, amounting to 6 percent of the total number that year and over $7.8 million in value—approximately 15 percent of total expenditures.

The MSC does not view itself as being bound by the "Buy America" Act. It bases its ship repair decisions on either the need to make emergency repairs or price competition with U.S. yards. It obviously does not look at all the factors that go into the competitive pricing practices of our foreign counterparts. Of the eight contracts, four were awarded because of price competition, and four because emergency repairs were needed.

This administration has suggested precious little in terms of support for the commercial shipbuilding industry. We have seen a 24 percent decline in shipyard capacity since 1982. American yards have not taken an order for a ship for the foreign trade since 1981, the year construction-differential subsidies were eliminated. The parade of unfortunate statistics is a long and dismal one, and it should be quite clear that relief for this vitally important industry must be made a top priority.

I have, along with Mr. BIAGGI, Mr. DAVIS, and Mr. LENT, introduced a bill that would mandate that Government ships be repaired in the United States, except in an emergency or when the U.S. Government operates an overseas yard, such as at Subic Bay in the Philippines. The purpose of this measure is to guarantee the retention of a ship repair capability in the United States—a capability that cannot be furthered under the auspices of questionable competitive pricing practices. In addition to the MSC using foreign commercial yards for repair work, the Navy uses them as well. Considering the support generated by foreign governments for their own shipyards, price comparison between United States and foreign yards is a ludicrous proposition.

The bill amends the Merchant Marine Act of 1928, a law that allows the Secretary of Transportation to remodel and improve Government-owned ships, and that recognizes the need for the rebuilding and replacement of merchant vessels operated under Government account. Construction of ships for the Navy and the Secretary of Transportation must be done in the United States under present law. The fact that repairs are done in foreign yards is a gross violation of the spirit—if not the letter—of the 1928 and the 1936 Merchant Marine Acts. This legislation will correct that violation.

BOY SCOUTS OF AMERICA PRESENT REPORT TO THE NATION

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. BRYANT. Mr. Speaker, it was my great privilege this week to host the Boy Scouts of America's 1986 Report to the Nation presentation at the U.S. Capitol.

As a former Eagle Scout, I know well the immense value of this organization and its contributions to our Nation. Scouting was an important factor in my life, as it has been in millions of other young lives, and I was grateful for this opportunity to help recognize and honor some of the outstanding participants in and accomplishments of scouting.

Thirty-three other incumbent Members of the House and Senate also attained the rank of Eagle Scout, and many others participated in scouting. Joining me in the presentation ceremony were these former Eagle Scouts: Congressmen CHARLES BENNETT of Florida, WILLIAM DANNEMEYER of California, HAL DAUB of Nebraska, JIM OLIN of Virginia, J.J. "JAKE" PICKLE of Texas, ROY ROWLAND of Georgia, RICHARD SCHULZE of Pennsylvania, and RICHARD STALLINGS of Idaho. Congressman SANDER LEVIN of Michigan also participated.

The delegation of outstanding scouts included: David C. Thomasson, Cub Scout representative from Tacoma, WA; Bennie G. Jones, Boy Scout representative from Jacksonville, FL; John Troiana, Explorer president and Exploring representative from Kokomo, IN; David A. Erb, national chief, Order of the Arrow, from Lancaster, MA; Melissa A. Marenka, Sea Exploring representative from Huntsville, AL; Belinda Ramirez, law enforcement representative; and Louis P. Sugarman, outstanding scholar, Boy Scouts of America/National Science Foundation.

Participating, too, were Delegation Director G. Allen Mossman, advisers James T. Widmaier and Laura C. Widmaier, Cub Scout parents Mr. and Mrs. William B. Thomasson, and Ben H. Love, Chief Scout Executive.

The presentation of the Report of the Nation is a part of the Boy Scouts of America's obligation under its congressional charter. I am pleased to share with my colleagues and the people of the United States the following 1986 Report to the Nation, which I was honored to accept on behalf of Congress and the Nation.

1986 REPORT TO THE NATION—BOY SCOUTS OF AMERICA

The Boy Scouts of America ended 1986 with a 7.5 percent increase, its seventh consecutive year of membership increase and the largest in 30 years. At year end, there were 4,036,817 Tiger Cubs, Cub Scouts, Boy Scouts, Varsity Scouts, and Explorers and 1,134,162 adult leaders registered in 132,126 packs, troops, teams, and posts.

A new and dramatic step to serve boys in all school grades was taken by the Boy Scouts of America on September 1. Membership requirements for Tiger Cubs and Cub Scouts became primarily based on grade in school, rather than age. The plan was expanded to include first-grade boys as Tiger Cubs and second-grade boys as Wolf Cub Scouts. The program includes plans for expanding Webelos Scouting to 2 years for fourth- and fifth-graders. This phase-in will begin in 1988. In the first 4 months of the expanded program, Cub Scout membership increased by 14.3 percent compared to the previous year.

The Boy Scouts of America was touched by the tragic *Challenger* disaster. Two of the crew members were active in Scouting as youths. Lieutenant Colonel Ellison S. Onizuka attained the Eagle rank in 1964 in Holualoa, Hawaii. Dr. Ronald E. McNair reached Star rank as a youth in Lake City, S.C.

Boys' Life magazine celebrated its 75th anniversary in 1986. Since the first issue rolled off the presses in March 1911, Boys' Life has brought the spirit of Scouting to boys through the printed word. In addition, Boy's Life is a teacher of life. It is an invaluable resource for unit leaders to help youth make ethical choices. Today, Boys' Life is among the 50 largest magazines in the nation.

The National Council of Boy Scouts of America held its biennial meeting in Louisville, Ky., May 21-23. The meeting brought some 2,600 key volunteer and professional leaders in Scouting together for intensive seminar-type sessions covering BSA's operations, idea swapping, and special events designed to provide training, inspiration, and the latest information about the programs of Scouting. Charles M. Pigott, president of PACCAR, Inc., Bellevue, Wash., was elected President of the Boy Scouts of America.

The Silver Buffalo Award for distinguished service to youth was presented by the National Court of Honor to 13 individuals. The 1986 recipients were: Robert L. Backman, Salt Lake City; Harry E. Bovay, Jr., Houston, Texas; J.R. Davidsmeyer, Springfield, Ill.; Burl Ives, Montecito, Calif.; Ted L. Johnson, Fremont, Mich.; William P. McCahill, Arlington, Va.; Charles J. Merlin, Hudson Heights, N.J.; Thomas L. Parker, Columbus, Ohio; Roger Tory Peterson, Old Lyme, Conn.; Charles M. Pigott, Bellevue, Wash.; Betty F. Pilsbury, Laurens, S.C.; Jack B. Riffle, Utica, N.Y.; Eddie G. Robinson, Grambling, La.

The National Court of Honor also presented the following to recognize acts of bravery for lifesaving and meritorious action: 19 Honor Medals, 71 Heroism Awards, and 189 Medals of Merit. There were 26,840 youths advanced to the rank of Eagle Scout and 13 Sea Explorers who received the Quartermaster Award. The Distinguished Eagle Scout Award was presented to 58 outstanding men who had earned the Eagle Scout Award at least 25 years earlier, have excelled in their business or profession, and are exemplary citizens.

In response to a request by President Reagan last February, the Boy Scouts of America conducted a nationwide Donor Awareness Good Turn to inform American families of the urgent need for donated human organs and tissue. Families were encourged to discuss their wishes related to providing "a gift of life" when a member dies suddenly. Some 597,823 Scouts across the country distributed more than 14 million brochures to families in their local neighborhoods and communities. More than 2 million mailing inserts were distributed to constituents or customers by 125 public service institutions. The Good Turn message was delivered by 346 newspapers to an estimated audience of more than 21 million readers.

CHARLES M. PIGOTT,
President.
BEN H. LOVE,
Chief Scout Executive.

TALISMAN SUPPORTS FUNDING FOR HOMELESS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. GILMAN. Mr. Speaker, last week, on February 4, 1987, I had the opportunity to appear before the Subcommittee on Housing and Community Development in support of H.R. 558, a bill providing $500 million in assistance to our Nation's homeless. Many distinguished leaders throughout the country either testified or submitted testimony in regard to this important measure. One such impressive witness was Mark E. Talisman, the director of the Washington Action Office of the Council of Jewish Federations.

Mr. Speaker, I request that Mr. Talisman's testimony be printed in full at this point in the CONGRESSIONAL RECORD, so that all of my colleagues may have the benefit of reviewing his remarks.

TESTIMONY OF MARK E. TALISMAN, DIRECTOR, WASHINGTON ACTION OFFICE, COUNCIL OF JEWISH FEDERATIONS

Mr. Chairman and members of the Subcommittee, I am Mark E. Talisman, Director of the Washington Action Office of the Council of Jewish Federations and a member of the National Board of the Federal Emergency Food and Shelter Program. I am very pleased to be here this morning to testify in support of HR 558, the Urgent Relief for the Homeless bill.

We have known each other for many years, Mr. Chairman, and as you know, I have sat in this chair in previous years, at previous hearings, talking with this subcommittee about homelessness and hunger in America. Each time I testified, I unfortunately had to report to you that the number of homeless is growing rapidly, that resources available to provide food and shelter are woefully inadequate, and that the issue of deinstitutionalization has been totally ignored. Last year, I told you that I would rather see the Federal Emergency Food and Shelter Program abolished than have Congress view it as the solution to this crisis.

The Speaker and Mr. Foley should be clearly recognized for their leadership of this vital issue! Everyone is deeply indebted to you and your colleagues and staff, Mr. Chairman, for moving so quicky in this 100th Congress to address the problems of homeless people by offering HR 558. While $500 million will not alleviate all of the suffering of the hungry and homeless in our midst, it is a positive and essential step in dealing with the continuing emergency that is literally life threatening in this cold and killing winter.

My remarks this morning will deal first with the Federal Emergency Food and Shelter Program (sometimes referred to as the FEMA program) and, secondly, with the needs of the homeless that this small program does not and cannot address.

I have had the privilege of serving as a member of the National Board of the Federal Emergency Food and Shelter Program since its creation in 1983. Congress established the program in Public Law 98-8, the fiscal year 1983 Urgent Supplemental Appropriations bill. It is now in its fifth round of funding and, assuming the $50 million that you voted on last week is approved, will soon go into a sixth round. The additional $50 million will bring the total amount appropriated to $370 million.

In many ways this is a remarkable program. It has surpassed the hopes of a number of us who are involved in its formulation and has brought benefits we did not anticipate. To date, the National Board has distributed over $320 million to 2000 local jurisdictions. These funds have supported more than 7000 voluntary and public agencies providing emergency services to those in need of food and/or shelter. If you have any doubt that the spirit of voluntarism is alive and well in the hearts of Americans, just listen to what has happened as a result of this extraordinary example of a real public-private partnership.

At the national level, the agencies represented on the National Board have contributed significant resources to see that their member agencies are informed about the program and participate in the fullest possible way. Five of the six national agencies have taken no administrative funds for any of their expenses or for the cost of providing staff to serve on the National Board. Only United Way of America, in its role as secretariat for the Board, is given some reimbursement for its services, but the .75% (that is, 3/4 of 1 percent) of the award amount does not begin to cover the cost of computer time, six indispensable full-time staff people led by Mr. Ike Fields, the rental of separate office space just to house the paper work for this program, and the processing of all checks sent to the agencies.

The voluntary agency representatives on the National Board—Robert Beggan, senior vice president at United Way of America, Col. Ernest Miller, national affairs director for Salvation Army, Brother Joseph Berg, associated director for special programs at National Conference of Catholic Charities, Mary Anderson Cooper, assistant director of the Washington Office of the National Council of Churches, Enzo Biginatti of the American Red Cross, and myself of the Council of Jewish Federations—have made an enormous time commitment to this program and have made it a priority on our agendas. We join Dennis Kwiatkowski, who is the Chief of Individual Assistance at the Federal Emergency Management Agency (FEMA) and Chairman of the National Board, to make decisions about the allocation of funds and the administration of the program, sometimes meeting several times a week.

Here I must say a few words about the incredible job that FEMA is doing. I cannot say enough about the dedication of these models of civil service. We live in an era in which Federal employees are frequently the focus of our frustrations with government and bureaucracies of all kinds. In this case, nothing could be further from the truth. Dennis Kwiatkowski has been a superb chair of the National Board for nearly four years. No one could do a more competent or compassionate job than he is doing. He is ably assisted by a staff, some of whom you see sitting here today, that is absolutely first rate, from the program experts, to the auditors, to the Inspector General, to the Congressional liaison, to the clerical staff.

I make this point not only to praise people who dearly deserve it, but also to impress upon you the importance of continuity in a program like this one. The institutional memory is not replicable. What these people know about changes in the program guidelines, precedents that were set in round 1 or round 3, audit exceptions, etc. cannot be transferred. It is the view of the National Board that if Congress decides to continue this program, it should enact legislation authorizing FEMA to continue its leadership role in chairing the National Board and providing the staff support required.

The most critical action is not at the nation level of the Emergency Food and Shelter Program, however, it is at the local level. Local boards now exist in most of the civil jurisdictions across the country. They are responsible for selecting local voluntary and public agencies that are serving the homeless, determining the level of funding for each agency, and monitoring expenditures to assure that all program requirements are met. There are now also state boards in all 50 states that work with the governors to fund pockets of need that did not qualify under the regular national formula.

In addition to these functions, many of the local and state boards have been extremely effective in using the federal funds to leverage matching grants or in-kind donations from businesses and restaurants. Partnerships between state and local governments, the corporate sector and the voluntary sector have been strengthened, and cooperation among service providers themselves is better than ever.

Of course, it is the service provider agencies that are on the front line. The local voluntary organizations, thousands of them, are putting out every possible effort to assist those with nowhere else to turn. From large established agencies to small neighborhood groups, from the basements of churches and synagogues to large food bank operations, all of these agencies have miraculously stretched nickels into dollars. Countless hours of volunteer work have been the lifeblood of these agencies, many of which operate 24 hours a day, seven days a week.

We have asked a great deal of the agencies involved in this program and they have delivered. Year after year they have performed incredibly well. But there are difficulties with this program that Congress can easily fix. They are problems that we did not anticipate in the early rounds because no one knew how long the emergency would continue. But it does continue.

First, we placed an unprecedented 2% cap on administrative costs to assure that every possible dollar went into service delivery. A study done for the National Board by the Urban Institute showed actual administrative cost to be 9.6%. We are now going into the fourth year of this program and we are unfairly asking local community agencies to continue stretch their budgets to expand services and to pick up the administrative costs as well. The National Board recommends that the cap be increased to 5%, not the full cost, but a fairer sharing of the burden.

It is also recommended that any authorizing legislation be multi-year so that we do not have the long gaps in funding that have plagued local provider agencies. To this end, it would also be helpful if there were a rollover provision to allow any funds that are returned or repaid at the end of the fiscal year to be carried over into the next year. It seems wrong, when the need is clearly so great, that over a million dollars has gone back to the Treasury at the end of program periods while agencies struggle to keep doors open between funding cycles.

At all levels of this program it is the word "emergency" that stands out. The reason for using voluntary organizations and the Federal Emergency Management Agency was that both are experienced at getting help to people in need fast. Congress mandated that this program operate with as little bureaucracy and as much speed as possible. A look at this last round will show you that we have heeded your instructions.

The Continuing Resolution was signed into law on October 18, 1986. The Treasury had 30 days to give a letter of credit to FEMA. It came on the 18th of November. The National Board met several times to make allocations decisions and by the first week of December all jurisdictions were notified of their award amount. Local boards had 25 working days to return local plans listing agencies to receive checks. The vast majority of the plans, over 70%, came in before the deadline even though the Thanksgiving, Christmas and New Year holidays interfered. Less than 60 days elapsed between the time FEMA was given permission to spend the money and the time those funds were in local agencies providing services. We expect to be able to move even more rapidly with the next appropriation.

Mr. Chairman, attached to my testimony is a fact sheet that lists the statistics on this program. I won't read all of the numbers because you can see them for yourselves, but I think you will agree that the average per meal figure of $.71 and the average per night lodging figure of about $2.50 are pretty remarkable. By the time this fiscal year ends, approximately 300 million additional means will have been served and nearly 100 million nights of shelter provided in addition to those that would have been provided by the agencies' own resources without this program.

It is clear that I am proud of the assistance that is made possible by the efforts of so many caring people involved with the Federal Emergency Food and Shelter Program. However, I do not want to be misunderstood. This program is not—I repeat, not—a sufficient response to the massive problems of homelessness, hunger and poverty. Providing shelter for $2.50 per night is an amazing feat, but for how long? How many nights must a family with small children share a single run down hotel room without kitchen facilities to even heat a bottle or store milk? How many meals should an old woman have to eat at a soup kitchen even if they only cost 71 cents apiece?

For all our best efforts, Mr. Chairman, this program is a single drop in a rather empty bucket. The states and cities have become very actively involved, as they must, in finding shelters, transitional housing, and food for the homeless; but much more needs to be done by all levels of government including the federal government.

I do not pretend to know all of the facts and figures on homelessness in America. I don't want to argue about whether the HUD study or the GAO study or somebody else's study is more accurate. What I know, what I came here to tell you, is that the number of homeless men, women and children is growing faster than the number of available shelter beds. Food runs out while hungry people are still waiting in line at soup kitchen doors. As the debate rages over the actual number of homeless people—a number we will never accurately determine—thousands of men, women and children are desparately trying to stay alive on the freezing, snow covered streets of this bountiful land. Does it matter if there are 350,000 or 3 million homeless? If only 10 people freeze to death this winter is that okay because it's less than 20?

The National Board has anguished over Solomonic decisions we have had to make about allowable expenditures. There are so many legitimate needs and so little money. Can the funds be used to buy pharmaceuticals for people who cannot digest food without them? Can a rural county buy seeds to grow food instead of buying fruits and vegetables in a store? What about necessary clothing for homeless people who spend their daytime hours outside? We struggle mightily with these questions knowing there is no right or wrong answer only a small amount of money that does not come close to being enough.

These are the real questions. They need real answers. In the Jewish religion there is no word for charity. The word we use is "Tzedakah" which means righteousness and justice. That is what we are talking about here.

Last week I testified before the Senate Housing Subcommittee. It was the first hearing on homelessness the U.S. Senate had held in 40 years. Every witness, including a panel of mayors, spoke of the three major causes of homelessness: the lack of affordable housing for low and moderate income people; deinstitutionalization; and unemployment or underemployment.

HR 558 will help to address these problems by providing funds for health and mental health services, additional Section 8 certificates, surplus property, and expansion of the tiny demonstration programs for shelter rehabilitation and transitional housing. It is not the complete answer; but it is a vital first step.

In the past six years, nearly every major housing program has been cut or eliminated. The important emphasis we have rightly placed on homelessness and temporary shelter relief has kept us from focusing on long-term solutions. We are facing a crisis in low and moderate income housing in this country. People who have no place to live need a place to live, not just a place to sleep for the night. Even the best homeless shelter is no place to raise a family.

Every study that has been done on the subject shows that large numbers of the homeless are deinstitutionalized mental patients. Where are the promised community based services, group homes, counseling centers that were supposed to accompany the policy of deinstitutionalization? I know that fulfilling this promise will cost money. Not fulfilling it will cost lives.

I spent 20 years working on Capitol Hill and I know the myriad demands that are made on your time, your energy, and your consciences. I know, too, that the budget deficit must be brought under control and that caring for those in need costs money. Believe me, I do not envy you the decisions you must make in this august body.

What I ask is that in all of your deliberations you put people first. The basic necessities of maintaining human life—food, shelter, mental and physical care—must always come first.

The more I learn about the magnitude of the homeless problem, the more troubled I am that we are putting bandaids on cancers. It will not work. We must find the national resolve to face the underlying issues and address them. We can, I believe, find solutions if we put the creative talents of this generous nation to work.

Mr. Chairman, I am grateful for the opportunity to testify and, again, I applaud this subcommittee for the invaluable work you do for us all. I will be happy to answer any questions.

EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM

Characteristics

	Phase I	Phase II	Phase III	Phase IV [1]	Phase V [2]	Total
Public Law	PL 98-8	PL 98-151, PL 98-181	PL 98-396	PL 99-88, PL 99-160	PL 99-500	
Allocation	$50 million.	$40 million.	$70 million.	$90 million.	$70 million.	$320 million.
Civil jurisdictions funded	961	839	1,341	1,800	1,393	
Agencies funded	3,460	3,627	6,003	6,698	5,391	
Additional meals provided	50 million.	33.7 million.	60 million.	74.7 million.	60 million.	279.4 million.
Per capita meals	$.70	$.75	$.71	$.60	$.71	
Additional nights lodging provided	6.9 million.	6.3 million.	18 million.	27 million.	18 million.	76.2 million.
Per captia shelter	$3.15	$2.17	$2.24	$1.64	$2.24	

[1] Phase IV figures are based on estimates and are changing as final reports are audited.

[2] Phase V figures are projections based on results from previous $70 million allocation (Phase III).

EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM

Timeframe

	Public law	Allocation	Date signed	Date awarded	Time elapsed
Phase I	98-8	$50 million	March 24, 1983	May 9, 1983	6 weeks.
Phase II	98-151	10 million	November 14, 1983	December 16, 1983	5 weeks.
	98-181	30 million	November 21, 1983	do	
Phase III	98-369	70 million	August 22, 1984	October 15, 1984	8 weeks.
Phase IV	99-88	20 million	August 15, 1985	October 21, 1985	5 weeks.
	99-160	70 million	November 25, 1985	January 31, 1986	10 weeks.
Phase V	99-500	70 million	October 18, 1986	December 8, 1986	7 weeks.

CONGRESSIONAL TRIBUTE TO B.E. PHILLIPS

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. ROSE. Mr. Speaker, I rise today to pay tribute to B.E. "Bernie" Phillips. Mr. Phillips has had a distinguished career in public service that has culminated with 11 years as the Director of the Veterans' Administration Medical Center in Fayetteville, NC. After 45 years of Federal service, Mr. Phillips has made the decision to retire. His leadership will be sorely missed.

Mr. Phillips holds a BS degree in physical education and a MA degree in education from George Washington University. He also has earned a Ph.D. in physical education and psychology from Penn State University—this season's NCAA football champions; a fact in which Bernie must take great pleasure. During World War II, Mr. Phillips served in the U.S. Army and the U.S. Air Force. Later, he joined the U.S. Air Force Reserve and retired as a colonel in 1971.

In 1946, he began his distinguished career in the Veterans' Administration as the Chief of the Adapted Sports Program in VA hospitals. Serving in this capacity, Mr. Phillips initiated the highly successful Bowlers' Victory Legion. Throughout the years, this cooperative effort by America's bowlers and the Veterans' Administration has contributed millions of dollars to aid the VA system in the rehabilitation of its hospitalized veterans. Before coming to the Fayetteville VA Medical Center in 1975, Bernie held increasingly responsible Associate Director and Director positions at VA medical centers in West Virginia, Ohio, New York, Iowa, and Pennsylvania.

During his tenure as Director of Fayetteville Center, Mr. Phillips has proven to be a dedicated and highly responsive administrator. He has been of great service to me and my staff, as well as the staff and patients under his charge in Fayetteville. The nearly completed $10.3 million clinical addition to the Fayetteville Medical Center attests to Bernie's excellent leadership and is a fitting close to a benevolent career.

DR. JAMES DOBSON AND FOCUS ON THE FAMILY HELP LEAD THE FIGHT AGAINST PORNOGRAPHY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. KEMP. Mr. Speaker, Dr. James Dobson is an inspiring and dedicated leader of the profamily movement in America. He has applied his considerable talents and energies to the crusade against the proliferation of pornography in this Nation; his insights and ideas about the moral and legal solutions to the problem of pornography are valuable to all of us who are concerned about this issue. Dr. Dobson shared some of his considerable knowledge about the legal and moral dimensions of the pornography problem with the readers of Focus on the Family magazine. I am including Dr. Dobson's article, which was written in response to a letter from Senator JOHN GLENN to one of his constituents, in the RECORD; I hope my colleagues will take the time to read it and consider Dr. Dobson's arguments as Focus on the Family is one of the fastest growing magazines and movements in America today:

It is difficult to describe the emotions evoked in me by Sen. Glenn's reply. I have heard similar rhetoric from other libertarian congressmen and from the ACLU, of course, but it never ceases to stir something deep within me.

Contained in his argument is the familiar rationalization that has paralyzed our government and enabled organized crime to flood the landscape with hardcore pornography. In 1983, for example, there was not a single indictment of a pornographer by the federal government, despite the sale of $8 billion worth of materials depicting intercourse with children, sex with the dead, scenes of urination, defecation, multilation, sado-masochism and copulation between humans and animals. None! How then can the Senator say with a straight face that the problem is one of "definition"? He must know better than that.

Specifically, the Glenn letter contained at least two distortions that have been offered to the American people during the past 15 years. First is the implication that the Supreme Court has labored to define illegal pornography and has been unsuccessful in doing so. Read the Senator's letter again and see if he didn't say just that! In truth, the Supreme Court ruled emphatically in 1973 (*Miller vs. California*) that hard-core pornography is not protected by the First Amendment, and those who produce it can be prosecuted.

Furthermore, and in contradiction to the Glenn letter, the Supreme Court Justices prepared a workable definition of obscenity. Material can be declared illegal, they said, if it meets a three-prong test as follows:

(1) The average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the purient interest;

(2) The work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state (or federal) law;

(3) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

More specifically, the Supreme Court defined hard-core materials as "patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; and patently offensive representations or descriptions of masturbatory, excretory functions, and lewd exhibition of the genitals."

It is regrettable that Sen. Glenn didn't tell his constituents that the Supreme Court has crafted such a concrete statute. He merely implied that it had floundered in its inability to define what is obscene, leaving the federal government powerless to act. It is no wonder most American people believe all pornography is protected by the First Amendment.

Secondly, the Glenn letter stated that new legislation to control pornography is impractical because of the above-mentioned problems with definitions. He did not say, you will notice, that laws to inhibit pornographers are already on the books. Those laws do need to be tightened and loopholes closed, but the basic legal structure is in existence. Legislation was passed by both houses of Congress, signed by the President and declared constitutional by the Supreme Court.

I wish Sen. Glenn would tell us why these laws are not being enforced. Why does he not mention them when he writes about the problems of pornography? Doesn't it concern him that every branch of the federal government is ignoring its obligations to apply the laws enacted by representatives of the people? Why does he hide behind the inability to enact "broad new laws," when, in fact, the problem is one of enforcement?

Sen. Glenn has said, in essence: "The fight against pornography is a local problem. The federal government can't get involved." His philosophy explains why the Postal Service will do nothing to protect you, Mr. and Mrs. Citizen, when unsolicited homosexual material is sent to your home. It explains why the Federal Trade Commission and Interstate Commerce Commission take no action when hard-core pornography is transported across state lines—an everyday occurrence. It explains why the Federal Communications Commission looks the other way when obscenity flows into your home via cable television or directly to your children through telephone dail-a-porn. It explains why only two—count them—two FBI agents are assigned to investigate obscenity cases from a force of 8,000 men and women. You talk about David and Goliath! Two lonely agents are asked to do battle against organized crime, which generates $8 billion in profit from pornography each year. And this situation exists, says Sen. Glenn, because we're hung up on a definition!

The heart of the matter, of course, concerns real live (and dead) victims of pornography. During my term of service on the Attorney General's Commission on Pornography, I heard from pitiful individuals who wept as they testified of the horrors they had experienced. I can hear their cries today. Little children whose fathers used explicit materials to soften their defenses against abuse. Wives who described the obsessions of their husbands, and of the demands made on them to perform what was depicted in obscene photographs. Young girls who became caught up in the pornography business, who were raped by pornography addicts, speak to me today in a great chorus, saying, "Don't let it happen to other innocent victims!"

By God's grace, we will not ignore their pleas. With the participation of millions of American citizens, who are also sickened by the moral depravity that has swept our land, we will rid this country of violent and degrading pornography, and that which is abusing to children.

Speaking directly, in conclusion, to Sen. Glenn and his colleagues, we beg you to reevaluate your position. It's not too late to stand boldly for morality, decency and human dignity. If you will, the American people will certainly honor you for your courage.

SUPPORTING OUR INDUSTRIES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. TRAFICANT. Mr. Speaker, today I would like to again call attention to the plight of U.S. auto makers. According to a Wall Street Journal article published last week, U.S. auto sales plunged 26 percent in late January, despite the best efforts of the industry itself to increase sales through creative low-interest financing and other incentive measures.

What this inevitably spells for the American work force is more layoffs—a hard to swallow reality to the thousands of individuals affected. What it spells for the American economy in general is yet another example of how we are allowing an emphasis on imports to undermine the strength of an entire industry. It is certainly a sad state of affairs when an entire domestic industry is injured by an ill-advised economic policy laid down by this Government.

I am referring specifically to a provision in the new tax law enacted this year which no longer allows the consumer to deduct the sales tax on the purchase of a new automobile when filing his 1987 Federal income tax with the IRS. According to the Wall Street Journal article, while January saw the worst sales month for the auto industry in 4 years, sales "surged" the month before as "consumers took final advantage of the sales tax deduction before it expired."

Directly because of the lagging sales, the auto industry is now faced with a serious problem: they are overstocked to such a degree that analysts are predicting large layoffs to counter the foregone future profits. For example, General Motors, who was forced to temporarily lay off 23,700 employees and 7,000 more employees indefinitely last month, may have to go further according to some analysts quoted in last week's article.

Mr. Speaker, GM has its largest assembly plant in Lordstown, OH. And as GM will need to cut its production in about a dozen of its plants, I feel that I have an obligation to speak out for the constituents in my district who will likely feel the brunt of these layoffs. Just as important though, I feel that I have an obligation to speak out for any American worker and any American industry which suffers at the inadequacy of our Federal economic policies.

I believe that a way to aid these thousands of employees and the American auto industry lies easily within our grasp. On January 29 I introduced legislation, H.R. 905, that would provide consumers the opportunity to once again deduct the sales tax on the purchase of an American-made automobile. Obviously, the intent of this legislation is to provide incentive to the consumer to "Buy American" and therefore it stipulates that the automobile covered must be assembled in America and contain at least 65 percent American-made parts. The result would be to strengthen the industry by providing the consumer an additional incentive to acquire high quality automobiles without looking to imports.

There is no question about the quality of work and design that go into American-made automobiles. The idea a few years ago that the best quality in automobiles came from foreign countries is no longer heard, even in whispers, today. The American auto industry took up the challenge to become even more innovative and quality conscious. The American consumer now is hard pressed to find an automobile of superior quality anywhere in the world.

The new political coin-word today is "competitiveness." When lawmakers have the opportunity to spur on this enthusiasm through means such as tax credits, they should employ them.

On February 3 I also introduced a bill to amend the Internal Revenue Code of 1986 to reinstate the investment tax credit. It would then deny an investment tax credit and accelerated cost recovery on property made outside the United States with less than 65 percent U.S. content, as long as there is a substitute product having 65 percent U.S. content. The result would be to instill a greater tendency toward investing in American industry.

The new tax laws that went into effect on January 1 were first envisioned to address broad themes and inequities in the American economy. Certainly there was no general intention to force the American manufacturing and industrial base of this country to suffer. But in fact, by certain results in the final tax law, these sectors will suffer. As long as the incentive of tax credits for domestic investment is unavailable, so too will be the principal modum by which we can guarantee strength in our industries through modernization.

This bill, like H.R. 905, addresses important issues concerned with the foundation of our economy—the strength of our industries. When America is asked to compete it does so with a feverish pitch of pride and enthusiasm. The industrial revolution first proved that to the world. World Wars I and II reaffirmed it. Since, we have prided ourselves on our industrial strength even, and especially, in the face of constant competition. Preserving a strong industrial base necessarily means looking for ways to help our industries help themselves.

It does not take much to convince the American consumer to buy products that are made in America. He already assumes that he will be getting the best quality available. But, in the face of often unfair competition, we should be willing to provide that small extra incentive. The American consumer should come to realize that he not only gets the best product when he buys American, but that he significantly contributes to the strength of his economy. American industry has taken the responsibility of assuring consumer confidence in its products, as it should. American Government should share in the responsibility of appreciating the consumer's interest in contributing to the strength of the American economy. There can be no losers in a process where the American consumer reaps benefits by buying from, and investing in his own economy.

Both of these bills encompass a realistic approach of rewarding both the investor in, and the producer of American goods. It is sound policy to once again use the term "Made In America" to serve as testament not only to a worker's pride in his work, but to the consumer's assurance that he has acquired the finest made product in the world. By further encouraging the consumer and the investor to shop at home we are taking a long-term approach at helping our industries. Today when American consumers and American industry are expressing a renewed spirit of competitiveness, we must support that spirit. We have the opportunity to show our support, and to prove to the American people that we too want to be in on it.

COMMERCE SECRETARY MALCOLM BALDRIGE—EASING OF EXPORT CONTROL PROCEDURES

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. FISH. Mr. Speaker, I think the statement by Commerce Secretary Malcolm Baldrige at his press conference on February 9, with respect to modifications in the export control system, should be interest to all my colleagues.

STATEMENT BY SECRETARY OF COMMERCE MALCOLM BALDRIGE, FEBRUARY 9, 1987

Competitiveness is a long word with an even longer definition. Today, I want to deal with just one of its many elements—export controls.

Six years ago, the Reagan Administration inherited an export control system that was simply not effective. That system has been successfully restored and improved. Now our problem is not to overshoot the mark.

I don't consider the reform of the export control system we will be talking about to be an international trade off between trade and national security. I believe the reform of the system will improve both the level of U.S. competitiveness and the level of U.S. security. This is not a zero sum game. The overall security of this country is comprised of both economic and military security. One goes with the other.

Yet, in too many cases, we have seen export controls damaging the defense industrial base. We are hurting those high tech industries that we depend upon to keep our military efforts technologically superior to the Soviet Union. It is the freedom of our system that promotes research and development and we must work to keep that system as free as possible.

Our companies cannot afford to lose a contract because of bureaucratic slowdown; bureaucratic logjams or bureaucratic infighting. American companies will abide and abide patriotically by a decision to stop a shipment that may endanger our national security. We have seen this happen thousands of times. What a businessman cannot tolerate is indecision and uncertainty. With the passage of every day, foreign competitors gain advantage because they do not have the same restrictions as we do. If a U.S. exporter cannot assure his clients that he can deliver his product reliably and in a timely fashion, he simply loses his credibility and future orders.

What is happening in the international market place is a significant and growing shift away from the use of American products—a De-Americanization of sorts. Between unilateral restrictions placed on U.S. products and bureaucratic indecision in Washington, foreign companies are moving away from purchasing current U.S. parts or designing U.S. components into future products. I have seen letters written by CEO's of major foreign companies instructing their managers to "design out" U.S. parts from their product. This is being done to eliminate these companies from being bound by U.S. reexport regulations and other unilateral restrictions that accompany our products throughout the world.

Over the years, the costs imposed on U.S. industries have become excessive and the burden too much to overcome in too many cases. As the department in charge of balancing U.S. security needs and export controls, the Commerce Department in undertaking some major reforms and improvements to the process, and has forwarded to the White House significant legislative and administrative changes to carry them out. We have also taken major internal steps to assure more timely and efficient review of export licenses.

First, on January 20, 1987, we eliminated foreign policy controls on exports of oil and gas equipment to the Soviet Union. The economic burden of these controls clearly outweighed their intended benefits. This action indicated to the exporting community that we will not allow controls to be continued that impose excessive and unnecessary costs on U.S. industry.

Second, we are proposing two new general licenses that reduce the licensing burden for U.S. exporters. I am today sending appropriate agencies and Congressional leaders draft regulations to go forward with elements of the certified end user plan proposed earlier. As a first step, we made available a broadened general license G-CEU available for enterprises controlled by Coordinating Committee on Export Controls (CoCom) governments. We expect to expand this in the future to other enterprises in CoCom countries. We will also be recognizing the trust and shared responsibility in CoCom by introducing a new general license that removes virtually all restrictions on exports to governmental agencies in these countries.

Third, in the future we will extend this general license, and other procedures now reserved for our CoCom partners, to other free world countries that establish adequate export control programs.

Fourth, these actions will be followed within the next few weeks by signficant revisions in our parts and components regulations—which we hope will address the De-Americanization concern I mentioned.

Fifth, we will eliminate licensing requirements for low-level exports to our non-CoCom trading partners in the free world.

Sixth, we are developing regulations to remove or eliminate prior U.S. authorization for reexports into CoCom countries.

Seventh, on foreign availability we have proposed legislation to the White House to provide specific deadlines for foreign availability determinations and provide a more precise definition of foreign availability. Other agencies will be consulted, but the proposed legislation makes clear that the Secretary of Commerce does not need other agencies' approval to make a decision.

Eighth, we are also proposing legislation that when a product or technology similar to a U.S. product is available to a free world country without restrictions, that U.S. product qualifies for a license to a free world country. This license will be granted in 20 days unless an unacceptable risk of diversion is demonstrated.

Ninth, in a separate provision in our legislative package, we will provide authority to allow for exports to the People's Republic of China under the distribution license.

Tenth, this year we will meet the President's goal of reducing license times by one third—from 20 to 14 days. From 1985 to 1986 we reduced licensing times from 30 days to 20 days. Licenses for our major trading partners (CoCom) are processed in about 7 days.

Eleventh, we are working with other agencies to improve the way we manage the process. We clearly need to do more to settle interagency disputes. For too long the bickering in Washington has been one more unfair trade barrier interferring with the flow of legitimate trade. Temporary swings of mood in organizations or individuals should not be allowed to impede the long-term decision making of our business leaders. We know controls have costs, and when national security is truly at stake, industry is willing to bear those costs. But as our business leaders fight it out in international markets, they have to know that Washington is there to support them—not cut them off at the knees. The controls must be rational and predictable and the decision making process must be managed constructively, not destroyed through bureaucratic obstructionism.

And, finally, we should always recognize that no export control program will be successful without international cooperation. For this reason, we have been hard at work with CoCom. They desire a shortening of the list to eliminate insignificant items; we want more effective controls on the more important items. I feel sure we will be able to work out these objectives successfully.

The recent National Academy of Sciences report, written by a panel comprised of a former secretary of defense, two former National Security Agency directors, a former secretary of the Air Force, and other defense and production experts and business leaders, backs Commerce's conclusions, laying out the issues in a straightforward manner. Most importantly, the President has recognized the importance of improving the export control program as one of his goals in the State of the Union message.

There is no one key to opening the door marked "Competitiveness"—there are a great many keys and a great many doors. In taking the steps I've outlined today, we will have cut our license applications by 20 percent. And we have also greatly improved another very important key—the reliability that the U.S. government and its companies have as we compete in international markets.

FREEDOM FOR THE UKRAINE

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. NOWAK. Mr. Speaker, I would like to join Ukrainian-Americans of western New York and other western New Yorkers in remembrance of the 69th anniversary of the Declaration of Ukrainian Independence.

On January 22, ceremonies in Buffalo, sponsored by the Ukrainian Congress Committee of America, commemorated the declaration of a Ukrainian National Republic in Kiev on January 22, 1918.

I would also like to point out that the main speaker during these ceremonies was retired Buffalo Congressman Thaddeus J. Dulski, a strong supporter of the Captive Nations movement.

It is important that we remember this historical event.

To some, a free Ukraine seems nothing more than an unattainable dream. Ukrainian-Americans however, refuse to forget their native land and will keep the dream of independence alive.

I am inserting the following proclamation signed by Erie County Executive Edward J. Rutkowski and Buffalo's mayor, James D. Griffin, proclaiming Thursday, January 22, 1987, as Ukrainian Independence Day, and a copy of a related article which appeared in the Buffalo News.

The material follows:

PROCLAMATION

Whereas when our forefathers envisioned the founding of our great Nation, they hoped for a peaceful world with justice which would ensure the future of all nations; and

Whereas since the founding years, the United States has guarded these inalienable rights for our people and others who yearn to lead sovereign life in order to pursue their own national destiny; and

Whereas the Ukrainian nation has declared independence on January 22, 1918 and formed a free Ukrainian National Republic which was subsequently invaded by the Russian Communists and incorporated into the USSR; and

Whereas the Ukrainian people have continued to wage a determined struggle to regain freedom and sovereignty by various forms of resistance, joining forces with other enslaved nations; and

Whereas the recent tragedy of the nuclear holocaust of Chernobyl once again underscores the gross disregard of the regime for basic safeguards for Ukraine; and

Whereas it is imperative that free people everywhere, and Americans in particular, keep the aspirations for freedom alive by rendering moral and spiritual support to all subjugated nations; and

Whereas the enslaved nations form a powerful third force in the world and this force is closely bound to our political convictions as an unbreakable bond of ideals that freedom is indivisible and a birthright to all,

Now, therefore, I, James D. Griffin, Mayor of the City of Buffalo, and I, Edward J. Rutkowski, Erie County Executive, do hereby proclaim Thursday, January 22, 1987 as Ukrainian Independence Day in the City of Buffalo and the County of Erie and urge all our citizens to give renewed devotion to the just aspirations of the people of Ukraine who seek to regain national independence and individual liberty.

In witness whereof, we have caused the Seals of the City of Buffalo and the County of Erie to be affixed this 22nd day of January, 1987.

EDWARD J. RUTKOWSKI,
Erie County Executive.
JAMES D. GRIFFIN,
Mayor of Buffalo.

UKRAINIAN-AMERICANS KEEP A DREAM ALIVE

It is, in fact, a paradox—the celebration of independence, for nations that have none.

Here in America, the celebrations are staged by those whose forebears came from lands where the flame of liberty flickered, and died. Some of the nations still exist, in the shadow of foreign domination; others have been absorbed, as member republics of the Soviet Union.

Many of the lands had, briefly, Western-style democracies—republics for the people, in more than name only. There were documents—declarations of independence, constitutions—that serve now as mere historical records, and reminders of how fragile a thing true liberty is.

For many of the lands, independence came in the chaos that followed the First World War and died in the sweep of Bolshevik imperialism. Libertarian ideals are anathema to the Soviet system; power shifted from the people to The People, as the People's Republics found a focus in collective rather than individual rights.

There remain documents—but in most of the lands, the rule of law has been replaced by a ruling class.

Still, some remember the hopes of the past—and refuse to let them go.

Such a remembrance is staged each January by a small but active ethnic community in Western New York. Ukrainian-Americans active in events sponsored by the emigre-founded Ukrainian Congress Committee of America will observe the 69th anniversary of their homeland's declaration of independence with ceremonies at 11 a.m. Thursday in the mayor's office and 2 p.m. Sunday in the Common Council chambers.

The Sunday program carries special meaning this year, because the main speaker will be retired Buffalo congressman Thaddeus J. Dulski—a man who used his terms in Congress to back the Captive Nations movement.

With attorney Andrew Diakun acting as master of ceremonies, the program also will include remarks by Ukrainian-American community leaders and performances by Ukrainian choirs and instrumental groups.

The observance centers on the declaration of a Ukrainian National Republic in Kiev on Jan. 22, 1918—a declaration that pounced on the opportunity opened by the collapse of the Russian Empire after World War I. The newly formed republic, though, proved to be only an interval between czarist and Bolshevik domination.

The deeper chaos of World War II brought insurgent struggles for independence, but those too failed. In more recent times, Chernobyl has only deepened the pain for those who fled the rich Ukrainian fields and the ancient cities.

To many of us, the hope for a non-Soviet Ukraine seems impossible. But those who know the land refuse to surrender the dream and point to the tides of history to bolster their hopes for change.

Eastern Europe's political landscape has been convulsed, through the centuries, by the westward push of nomadic tribes and the clash of western and Asiatic civilizations. It has been a cultural crossroads, and a battlefield for armies—a place defined by the sword and the sweep of history.

The Ukraine itself boasted one of the first Slavic peoples to achieve national life, through the state known as Kievan Rus' and the codified legal system known as the Rus'ka Pravda 12 centuries ago. But the state fell to the Mongols in 1240 and Kiev was sacked; the occupation lasted centuries, lifted briefly in the 17th century and then fell again when struggles against Poland, Turkey and Russia ended in czarist control.

The cultural history of Eastern Europe is complex, and differences of blood and politics run deep. Some survive to the present day—but the emigre groups from different lands still hold a common dream, and the name of the dream is liberty.

THE 100TH CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 11, 1987, into the CONGRESSIONAL RECORD.

The report follows:

THE 100TH CONGRESS

The 100th Congress has convened in an atmosphere dramatically changed from the 99th Congress that ended only a few months ago. The November elections and the Iran/Contra arms affair have transformed the political world. President Reagan remains popular, but he is suddenly on the defensive and his standing in the polls has slipped. He confronts a Congress in which both houses are controlled by the Democrats for the first time during his presidency. New leaders are in charge in both the Senate and the House, and both parties are trying to persuade the country that they are worthy of the presidency in 1988.

The new Congress will be marked by the struggle of power between a Congress controlled by Democrats and an administration led by a Republican president with only two years left in office. The Democrats will try to show voters that they can govern responsibly on an array of issues ranging from budget and trade deficits to welfare reform and arms control. But Democrats are still far from united on precise strategies for dealing with the major issues or with the Reagan Adminstration.

Although it is a new atmosphere, the problems facing the Congress are depressingly familiar. Among the most important is the budget deficit. The Gramm-Rudman law requires the deficit, now more than $174 billion, to shrink to $108 billion by October 1987. Our budget becomes more difficult to resolve with each new session of the Congress. Allocating spending cuts among defense and domestic programs will produce sharp disputes, while a major tax increase is unlikely without the President's endorsement. The Congress will also want to examine ways to keep the economy growing.

Several foreign policy issues await attention. Additional aid requests for the Contras in Nicaragua are likely to face stiff opposition in both houses. House and Senate committees are prepared to examine thoroughly the implications of the Reagan secret arms sales to Iran and the diversion of proceeds from those sales to the Nicaraguan guerrillas. There is great dissatisfaction with the pace of arms control. The Congress will be pushing the President to adopt a posture more conducive to reaching an arms control agreement. Military spending will certainly be a major issue. Aside from the size of the defense budget, key defense issues to be debated are the balance of funding between strategic and conventional forces, the pace of SDI ("Star Wars") research, and continued funding of both the MX and Midgetman missiles. Careful scrutiny will be given to the President's requests for large increases in U.S. foreign aid.

Improving trade and competitiveness has been identified as a high priority of the new Congress, and a comprehensive trade bill is already under active discussion. Both the Congress and the President have announced their support for reform of U.S. trade laws and for measures to improve education and job training programs, to encourage more savings and investment, and to expand research and development. Where they disagree is on how many federal dollars should be spent on the effort. There is also disagreement on the question of whether protectionist measures, such as tariffs and import quotas, should be used to lower the U.S. trade deficit.

Two key domestic issues will be health care and welfare reform. Efforts to decrease welfare dependency will stress job-training designed to make employment more attractive than federal aid programs. Serious consideration will be given to an insurance plan to protect older persons from catastrophic health care expenses. The Congress will review proposals to reform physician payments under Medicare, curb rising health care costs, and help the estimated 37 million Americans who have no health insurance at all.

Legislators will grapple with a host of other issues. Both houses of the Congress are moving to release urgently needed highway funding. A review of the structure of the banking system, including the weakened condition of the Federal Savings and Loan Insurance Corporation (FSLIC), is a top priority. A vigorous debate will certainly take place over federal farm policy. Farmers are suffering declining export sales and low commodity prices, and federal farm programs are costing record amounts. Environmental challenges include acid rain control, groundwater pollution, and overhaul of the pesticide safety law. Concerns about the high costs of election campaigns and the influence of political action committees (PACs) have generated interest in campaign finance reform. Other items on the domestic agenda include the liability insurance crisis, the pace of financial deregulation, the corporate merger frenzy, future plans for the space program, plant closing notification, and federal air safety responsibilities.

My impression is that President Reagan has pared his agenda for his final two years in office. He will focus on protecting the gains he has made in past years more than on promoting new programs. He will be playing more defense than offense with the Congress in the months ahead. Even so, the President maintains enormous appeal with the voters, and he can talk about issues directly to the American people in order to force the process to follow.

I am impressed by the assertiveness of the 100th Congress, at least in its early days. It has overriden the President's veto of the clean water bill. It is moving ahead with its own plans on welfare, catastrophic illness, trade, and arms control without waiting for the President to take the lead. This Congress is acting in a different manner from only a few years ago when it largely did what the President wanted. For the moment, at least, the President is weaker and the Congress is stronger. But a long road lies ahead for the 100th Congress, and it must deal with the toughest of all the questions: how to pay for what it wants to do. Congress, like the rest of the government, is crippled by the lack of funds. As long as the huge deficits remain and no agreement can be reached on tax increases or spending cuts, the Congress has very little room to maneuver.

COLOMBIA: A BRAVE EXAMPLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. RANGEL. Mr. Speaker, I would like to share a Washington Post editorial concerning the recent arrest and extradition of the notorious Colombian drug trafficker Carlos Lehder Rivas. The editorial commends Colombia for its bravery in taking this action in the face of almost certain retaliation by other drug traffickers.

Let the Colombian action be an example to us all. It takes much courage and a serious commitment to fight drugs. For us in Congress, this means we must stand by the promise we made in the 99th Congress when we enacted the Antidrug Abuse Act of 1986, an earnest attempt to structure and provide resources for a comprehensive national drug control strategy.

The article follows:

COLOMBIA: A BRAVE EXAMPLE

In the war against drugs, Colombia has just set a very brave example. It arrested and extradited to the United States a man named Carlos Lehder Rivas, who is accused of being one of the great cocaine traffickers in his country. Drug dealers there have used their immense riches and their command of armed men to practice an arrogance unheard of in more fortunate places. Of the police, officials, judges, editors and others who have resisted their vast criminality, those they cannot buy they have sought to murder or intimidate, reaching out even to attack a conscientious justice minister who had been sent off for his safety as ambassador to Hungary.

Americans know the menace of drugs at home, but in such a country as Colombia, where the institutions of law enforcement and administration are weaker, the very integrity of the nation comes to be at stake. There is actually a proposal that the leading drug dealers, in exchange for a presumably friendly prosecution in Colombia, pay off the country's $13 billion foreign debt.

The extradition process in Colombia is infinitely delicate. It provides Colombians with a way to bring to justice and to send out of the country suspects who may be more dangerous when they are in official hands—because of the violence their thugs take to reclaim or avenge them—than when they are at large. Yet retaliation against those who take part in extradition is always a threat—see what happened to the ambassador in Hungary. There also seems to be a feeling, halfway between shame and nationalism, that makes Colombians hesitate to hand off these desperadoes to others, especially to the United States. The newly arrested Mr. Lehder had been known to characterize cocaine as a weapon against "American imperialism." He is only the first of the accused kingpins to be extradited. Florida has him now.

Cooperation in law enforcement with Colombia and other source countries is increasingly central to American drug policy. Colombians who look at the comparative costs to the two countries, however, can be forgiven for asking whether the United States yet does its full share. American diplomacy stresses the idea that drugs are a shared hemispheric concern; this is the basis for common action. This is so, but it is also so that many Latins see the United States, with its huge demand for drugs, as the principal cause of their terrible drug costs, including increasing rates of addiction among their young. The readiness of such a country as Colombia to take the risks of cracking down on the biggest traffickers deserves appreciation in this country—and matching seriousness.

THE SOVIET DISINFORMATION CAMPAIGN AGAINST THE UNITED STATES FROM A EUROPEAN PERSPECTIVE, PART 2

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. YOUNG of Florida. Mr. Speaker, during this time yesterday I discussed our Nation's continuing battle against Soviet active measures and disinformation campaigns that are aimed at undermining our credibility in the eyes of our allies throughout the world. A primary Soviet weapon in this regard is the use of forgeries that call into question United States policies and motives.

Following my remarks, I included the first part of a December 1986 article entitled "Experts in Forgery" published by Pierre Lorrain in the French magazine Le Spectacle du Monde that gives us a European perspective on these types of Soviet activities. Today, I would like to provide for my colleagues the second and concluding part of this article.

[From Le Spectacle du Monde, December 1986]

"EXPERTS IN FORGERY"—PART 2

(By Pierre Lorrain)

In a general way, Soviet "active measures" based on forgeries are more effective in the developing world than in the West. Not only are verification procedures concerning the authenticity of documents at best unreliable and sometimes non-existent, but the KGB easily finds the necessary contacts to orchestrate propaganda campaigns that ultimately take on a worldwide dimension.

"When a forgery surfaces in India and, a few days later, appears in a Mexican daily", explains Romerstein, "We know that the Mexican editor did not read the Indian press, so that was not how he got the information. It is usually a KGB agent who takes the information printed in an apparently non-communist publication of one country, and brings it to another apparently non-communist publication where it will be reprinted. When we find the same disinformation piece in several parts of the world, the CIA (Central Intelligence Agency) is often capable of showing us the mark of the KGB. Sometimes the CIA can even tell us which KGB official handled the case. But at times, even when we know the KGB is behind it, we cannot reveal this, in order to protect our sources and methods."

The press is the main target of disinformation. By its very nature, it can influence entire sectors of public opinion. And it is very difficult, at times, to tell the difference between true information and "active measures." This was most recently experienced by the French Weekly "Journal du Dimanche" and the Italian daily "Corriere della Sera".

Last February 16 (1986), the "Journal du Dimanche" published an interview with Soviet dissident Anatoli Shcharansky, who had just been released and given permission to emigrate to Israel. The text was supposedly the verbatim transcription of Shcharansky's statements to Israeli government officials who questioned him upon his arrival.

Shcharansky was explaining the living conditions in the labor camp near Perm where he was incarcerated. The account was, for the most part, credible, except for a few statements that completely distorted the testimony, such as his description of the main meal of the day in the prison—meat, bread and rice ("the food was good and plentiful")—or of his ability to phone his mother in Moscow.

The evening before, the "corriere della Sera" had published the same text.

In an interview broadcast five days later on Italian television, Shcharansky denied having ever made those statements. On February 23, the "Journal du Dimanche" published an editorial titled "Victims of the KGB," refuting the Shcharansky article and recognizing it had been the object of a disinformation operation. The editorial staff of the "Corriere" did not issue quite so firm a denial.

It was a small London press agency, the London News Service, that had provided the text, edited by a certain Nicholas Benefict, to the editors of the French weekly. The transaction was apparently made through "an absolutely trustworthy intermediary." Another journalist, Stephan Ivanov, tried to investigate further and follow whatever lead he could find. He discovered that Nicholas Benefict is unknown in press circles both in London and Tel Aviv, where the interview purportedly originated. The press agency itself is also unknown in professionaal circles, although it does have offices in London. As for the "absolutely trustworthy intermediary," he has eluded all contacts.

While the press is the ideal vehicle for spreading disinformation, the journalist is the necessary link, as conveyor of the message to be transmitted. So naturally, in order for an operation to be successful, the news organization which is to carry the information must in no way be suspected of any sympathy toward the disinformation agent. A message potentially damaging to the policies of the United States is more credible if it is conveyed by a non-partisan paper rather than "L'Humanité."

To gain access to independent press organizations, it is necessary either to deceive journalists, as in the case of the "Journal du Dimanche," or to be able to manipulate them by appealing to their ideals or by preying on their weaknesses. They then become willful "agents of influence." These agents are not necessarily journalists, they can be "influential" people in any sphere.

In this regard, the Pierre-Charles Pathé affair is significant. Approached by the KGB as early as the late fifties, his role was to filter into French media information that was favorable to Soviet interests. In 1976, Pathé launched a semi-monthly newsletter called "Synthèse," funded by the Soviets. He managed to find some 500 subscribers, including 299 deputies of the National Assembly, 139 senators, 41 journalists and 14 ambassadors. He was arrested by the DST ("Direction de la Surveillance du Territoire") as he was exchanging documents and money with his agent, and he was tried and sentenced to five years in prison for undermining national security.

The editors of certain confidential newsletters such as "Synthèse" enjoy great prestige among their colleagues in the media at large. Thanks to their reputation as trustworthy sources, they can easily distort certain articles by skillfully providing partial or false information, or simply an "informed" opinion on various subjects. The journalists who are manipulated in this way without even knowing it become "sounding boards."

In his novel "Le Montage", Vladimir Volkoff portrays in a very realistic and at the same time humorous way the role of agents of influence and their "sounding boards". As an addition to his analysis, the author has gathered a few fundamental papers on disinformation and published them recently under the title "La desinformation, arme de guerre" ("Disinformation as a Weapon of War") (Julliard/L' âge d'homme, Ed.)

While freedom of the press allows for all sorts of manipulation, it is also the best and most efficient weapon against disinformation, because it authorizes contradictory debate. For this reason, the KGB strives to discredit all journalists who oppose its aim.

This was the objective of a brochure issued in Switzerland, titled "CIA Interpress". Officially, it had been written by seven voluntary "journalists" who had accomplices in the U.S. intelligence agency and had as a goal to "end the CIA's perverse use of the press and of freedom of information."

Published in 1978, the brochure was in fact a list of journalists and press organizations purportedly funded by the CIA throughout the world. For France, under the heading "Appointed CIA agents, sources of information and assistance in world media", the list included Raymond Aron, Kosta Christitch, Pierre Daix, Roland Faure, Jean Grandmougin and Jean-François Revel. The heading "Medias used as cover, funded, or otherwise influenced by the CIA" featured Agence France-Presse, "Le Quotidien de Paris," "Le Figaro," "L' Express," "Le Point" and Radio Monte-Carlo. "CIA interpress" was in fact the first issue of a confidential magazine subsequently titled "CIA Insiders" and which continued to reveal the names of purported CIA agents in the press community.

Stanislav Levchenko knows "CIA Insiders." A former major of the KGB who defected to the West, he worked in Japan under cover as a correspondent for the Soviet magazine "New Times". A middle-sized and middle-aged man, Levchenko frequently changes his residence as well as his physical appearance. For him, life in the West is not altogether restful.

"I read this brochure at the KGB residence in Tokyo," he explains, "and to my knowledge, it is produced by the counter-espionage staff in the senior Director's office of the KGB, with the help of the active measures staff."

Levchenko's job was to recruit and manipulate "agents of influence", whether they were political people or journalists. He is intelligent, well-read, and he knows how to be charming. While at the KGB, he must have been formidable. Now, he is an intelligence adviser to the U.S. authorities.

In fact, it is in developing world countries that "CIA Insiders" is most useful to the KGB. It represents an easy way to discredit certain journalists and media whose ideas and arguments are difficult to contradict and who represent, therefore, obstacles to the Kremlin's plans. While the accusation of being "an agent for the CIA" elicits smiles in Western Europe, it remains a crippling charge in many countries that are strongly influenced by nationalist and progressivist theories.

One of the Soviets' favorite themes is to attribute their own methods to the United States.

"It is a question I am often asked," says Romerstein. "Doesn't the United States use the same methods? I answer by saying that you may often have seen forgeries signed by President Reagan or President Carter or President Ford, but no one has ever seen a forged letter bearing the signature of Gorbachev, Andropov, or Chernenko."

Moreover, while Western newspapers may be susceptible to attempts at infiltration, this is not the case of press organizations in the Eastern bloc, which deliver a monolithic type of information. Likewise, the confrontation of ideas is the rule in the West, but the exception in communist countries; the most one can ever expect to hear is the echo—most likely a deceitful one—of supposed debates within the Politburo.

In the Eastern bloc, public opinion does not exist. The disinformation war is one that is fought exclusively on our own territory.

TRIBUTE TO THE FIRST BAPTIST CHURCH OF ALBION, MI

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. WOLPE. Mr. Speaker, I want to pay special tribute to the First Baptist Church of Albion, MI, on the occasion of its sesquicentennial celebration.

On March 4, 1837, the Articles of Faith and Practice of the Baptist Church and the church covenant were adopted by the Baptist brothers and sisters of Albion. At this time 11 members were received, and Rev. T.Z.R. Jones became the church's pastor on a part-time basis. Since that time, the church has served the Albion community and has endeavored to reach out to the world through its foreign missions.

There are many dates and events important to the history of the Albion First Baptist Church; 1846, when the first Sunday school was organized; 1851, when the first frame wood building was completed to house the church; 1854, when the First Baptist Church passed a resolution denouncing slavery; and 1987, when the church celebrated paying off the 15-year mortgage on its present facilities.

Mr. Speaker, the members of the Albion First Baptist Church take understandable pride in their history and in the strength of their faith. The sesquicentennial celebration commemorates the church's founding and serves to demonstrate its sense of history and its confidence in its future.

Mr. Speaker, I am privileged to represent the members of the Albion First Baptist Church.

EXPECTED MISSION INSURANCE INSOLVENCY CAUSES CONCERN

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. FLORIO. Mr. Speaker, it is expected that a court order to liquidate Mission Insurance will be issued soon. This may be the largest such insolvency of a property-casualty insurer, and thousands of claimants in States across the country might be affected. Unfortunately, the Mission difficulties come in the wake of a rising number of insurer insolvencies. The potential for ripple effects from an insolvency the size of Mission is raising widespread concern.

Mr. Speaker, last year, in a series of hearings examining the liability insurance crisis, my subcommittee held a hearing on insurance company insolvencies. (See July 17, 1986, CONGRESSIONAL RECORD, p. E2460, for a summary of the hearing.) As we continue to address the insurance crisis in the present Congress, a top priority will be the financial soundness of the insurance industry. This is why examination of the Mission Insurance situation is so important. An article from the Los Angeles Times regarding Mission follows:

[From the Los Angeles Times]

POOL FUND TO PAY DEFUNCT MISSION CLAIMS

(By Bruce Keppel)

State regulators who took over Mission Insurance 13 months ago with the goal of reviving the foundering Los Angeles firm—once one of the nation's largest writers of workers' compensation insurance—knew they were embarking on a virtual mission impossible.

"This is the worst one we've ever had," Ansel Shapiro, chief examiner of the Department of Insurance, said at the time. "There's no way in the world that this company can be rehabilitated."

Shapiro's prophecy was fulfilled Monday, when Insurance Commissioner Roxani Gillespie asked Los Angeles County Superior Court to let her liquidate Mission. The liquidation order is expected to be issued Feb. 24.

Gillespie named William S. Price, former executive vice president of Crum & Forster Insurance, to liquidate Mission. Once the anticipated liquidation order is issued and Price begins work, he will inform policyholders how to proceed in making claims.

The claims—more than two-thirds of which are expected to be on workers' compensation policies, the rest on commercial liability policies—will be processed and paid by the California Insurance Guarantee Assn, which was created by state law in 1969 to honor claims of insolvent insurers.

"I'm trying to make sure that the impact to the public is the smallest we can possibly make it," Gillespie said Tuesday in an interview. A special effort is being made to assure continuation of existing workers' compensation payments, she said. "I feel that that part is going to go well."

CAN BE ASSESSED

Under state law, insurance-companies doing business in California can be assessed to pay claims of failed insurers. The maximum assessment, which has never had to be levied, is 1% of the value of the premiums each company sold in the state. That would create an annual insurance pool of about $200 million, according to John Gates, the association's executive director. The association currently is paying claims against seven insolvent insurers with a fund of $58 million, he said.

Gates urged claimants to remain patient in the case of Mission's liquidation.

"This is a major insolvency, with some 13,000 claims pending in California alone," he said. "It will take some time for us to work through the files. I urge all claimants to wait for notice from the liquidator."

The association is not responsible for the first $100 of each claim, Gates said, and the maximum claim is $500,000, except in the case of workers' compensation, in which terms are fixed by state law.

The Department of Insurance does not yet know the full extent of Mission's claims liabilities but believes that the guarantee association's resources will be adequate, Gillespie said. Although Mission Insurance operated in other states, the "overwhelming" bulk of its business was conducted in California, Gillespie said. The other states have guarantee funds similar to California's.

The state guarantee funds do not, however, cover reinsurance policies, under which one insurer takes on a share of the risk in policies written by another company in exchange for a share of the premium collected.

Mission subsidiaries both bought and sold reinsurance, and the state has sued reinsurers that it claims owe Mission Insurance $700 million. If recovered, those funds will be used to pay claims or reimburse the guarantee fund, since the insurance assessments that feed it are ultimately passed on to the public.

On the other hand, a group of reinsurers has charged in a lawsuit that Mission fraudulently portrayed its financial situation in doing business with them. That case is pending in federal court in Los Angeles.

Only in recent years did Mission veer into the arcane world of reinsurance from its relatively secure base in workers' compensation. It entered the new field at a time when companies were in a frenzy of rate slashing in increasingly wild efforts to generate premium income that could be invested at the double-digit interest rates then prevailing, according to James M. Shamberger, senior vice president of the Washington-based Reinsurance Assn. of America.

Along with similar reinsurers, Mission's reinsurance subsidiaries inevitably took on increasingly speculative risks in such high-cost areas as liability coverage for asbestos removal and day-care centers without being able to balance them with more stable reinsurance coverages. Inevitably, claims mounted, and Mission, whose stock was traded on the New York Stock Exchange, began its dramatic plunge into red ink.

One question intriguing the insurance industry is whether Mission's sinking will create a "ripple effect" that could submerge other insurers that had ties with Mission. Gillespie, for one, thinks not.

"We looked at the Mission situation," she said, "and the only company clearly in trouble was Integrity Insurance"—and that company has already been closed in California and is in conservatorship in its home state of New Jersey. "Other companies involved with Mission had either written it off or established [financial] reserves. So we do not see this insolvency bringing down other companies," Gillespie said.

Among the losers already is Cincinnati-based investor Carl H. Lindner, whose American Financial Corp. owns 49.9% of Mission's stock. AFC has already written that investment off its books, according to a source within the company, who asked not to be identified.

The source disputed claims by the state of California that American Financial had failed to honor agreements to inject fresh capital into Mission Insurance. "There was lots of discussion but no commitments," the source said. However, he added, AFC itself invested $75 million on its own in an attempt to keep the company alive.

On Monday, the state took over Mission American Insurance, Mission Insurance's immediate parent, which was created by Lindner to take over Mission Insurance's business. The commissioner said she sought the conservatorship to protect Mission American's assets from the involuntary bankruptcy proceedings now pending against the subsidiary's holding company, Mission Insurance Group.

Gillespie said she has not yet determined whether it will be necessary to liquidate Mission American, which was Lindner's last hope to recoup his investment.

A spokesman for Mission Insurance Group said Tuesday that the company would agree to the proceedings under Chapter 11 of the U.S. Bankruptcy Code, under which it receives protection from creditors while attempting to work out a reorganization plan.

DR. MARTIN LUTHER KING

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. COELHO. Mr. Speaker, I would like to take this opportunity to share with my colleagues the following poem prepared by a young constituent of mine, Mr. Ray BeJarano, Jr. I believe that in light of the recent birthday of Dr. Martin Luther King, Jr., this literary work does a fine job of expressing the emotions which so many Americans felt during their own celebrations of this special day. It is with pride that I offer this poem for individual reflection.

The poem follows:

DR. MARTIN LUTHER KING

EULOGY

You have planted many flowers.
And they've cut them at the stem
But your gift keeps reproducing
And someday they're gonna cover all the land.

Oh Martin, I know you hear
The changes in the air
For your people have found a new dream
And you helped to guide them there.

All you wanted was equality
For every creed of man
And your life was a sacrifice
For the freedom of all men.

I know you won't be leading
But the March will carry on
From the roads of Alabama
To the streets of the promised land.

The bullet that struck you down
Had no impact on your Master Plan
For the dream of one child
Is greater than the deeds of all the selfish men.

I can't deny, I didn't cry when I heard the news that day
But the strength you gave us
Will make us carry on
Even if you aren't there.
"Happy Birthday Martin Luther King
Today the Nation Honors your Dream."

By Ray BeJarano.

TRIBUTE TO VINCENT R. IMPELLITTERI—A TRUE SERVANT OF THE PEOPLE OF NEW YORK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. BIAGGI. Mr. Speaker, I rise today to pay tribute to a good friend of mine, a good friend of law enforcement and a good friend of New York, Vincent R. Impellitteri. On January 29, we lost a great champion when Vincent passed away. Vincent was born in Sicily, immigrating to New York with his family as a small child. He served in the U.S. Navy during World War I and returned to New York to complete his Fordham Law School degree, while working at night. After serving as assistant district attorney, and maintaining a thriving private practice, Vincent became a law secretary for several New York State Supreme Court justices. In 1945, he was elected as president of the New York City Council.

From 1950 to 1953, Vincent served as mayor of New York, winning the election without the endorsement of any of the major political parties and with the opposition of Tammany Hall, at that time New York's major political machine. He went on to serve as a New York criminal court judge and retired in 1965.

I first met Vincent back in 1948, when I was a member of the New York Police Department. At that time he was president of the New York City Council, under then-Mayor William O'Dwyer. In 1950, O'Dwyer resigned to become Ambassador to Mexico, leaving Vincent as acting mayor, until the outcome of a special election was determined. Vincent decided to run for mayor in the special election. However, Tammany Hall, the New York Democratic organization, was not supportive of his bid. When he was denied regular organization nominations, Vincent started a volunteer effort.

I attended the first meeting of his campaign for mayor, held in Sammy's Bowery Follies on a Sunday afternoon. Sammy Fuchs, the proprietor of Sammy's, Sal Minisale, then a sergeant in the New York Police Department and the half-dozen others at the meeting were among the primary movers in his campaign. This small group mushroomed into a citywide drive, which formed the Experience Party and delivered Vincent Impellitteri a victory.

Under his administration, police and law enforcement officers gained significant legislative victories. Vincent was a true servant of the people. I am proud to have known Vincent and to have been able to call him my friend.

That was another time, another city and another generation. I was privileged to be part of it.

Vincent's obituary as it appeared in the New York Times follows:

VINCENT IMPELLITTERI IS DEAD; MAYOR OF NEW YORK IN 1950's

(By Robert D. McFadden)

Vincent R. Impellitteri, an immigrant cobbler's son who defied the Democratic machine of Tammany Hall and became Mayor of New York from 1950 to 1953, died of heart failure yesterday at Bridgeport (Conn.) Hospital. He was 86 years old.

Mr. Impellitteri, who retired as a Criminal Court judge in 1965, had been ill with Parkinson's disease for the last four years and, though he maintained a residence at the New York Athletic Club, had stayed in convalescent homes, most recently the Carolton Convalescent Hospital in Fairfield, Conn. He entered Bridgeport Hospital early this week with an infection and died at 2:40 P.M. yesterday.

In an era of flamboyant politicians and corruption scandals, Mr. Impellitteri—deliberate, scholarly, mild to the point of shyness—struck a responsive chord with New York voters and became the first person ever to become mayor of New York without the support of a major political party.

The stage was set in September 1950 when, with a political scandal about to break William O'Dwyer resigned as Mayor to accept President Truman's appointment as Ambassador to Mexico, and Mr. Impellitteri—an O'Dwyer protégé who had been City Council president since 1946—became Acting Mayor.

AN UPSET VICTORY

A special election was called to fill the three remaining years of Mr. O'Dwyer's term, and Mr. Impellitteri, who had been squabbling off and on with Manhattan Democratic machine known as Tammany Hall, did not get his party's nomination.

Defying the Tammany Tiger, Mr. Impellitteri—who had been Acting Mayor during Mr. O'Dwyer's frequent vacations—ran as an independent under the banner of the Experience Party.

He was a slightly built, courteous man with little of the turbulent energy or whimsical humor of former Mayor Fiorello H. La Guardia or Mr. O'Dwyer. His speech was devoid of colorful language and his gestures seemed limited to clasping his hands or slowly twisting one of the dozen cigars he smoked daily.

Even astute political observers gave him little chance to win, but a volunteer organization sprang up almost overnight, and his fight against the machine captured the imagination of New Yorkers, who gave him a 225,000-vote plurality in a three-way race to become the city's 101st mayor.

After the election, he made peace with Democratic leaders in all the boroughs except Manhattan, but he continued to deny patronage to the Tammany leader, Carmine G. DeSapio, and this contributed to his political downfall.

PROPOSED TRANSIT AGENCY

Though not of his own making, a series of inherited scandals—most of them involving payoffs by gamblers to the police and shakedowns of businesses by firefighters—beset the Impellitteri administration, along with postwar inflation and fiscal worries stemming from entrenched budgets based on stop-gap measures.

Mayor Impellitteri instituted plans to cut costs and to create long-term financial stability for the city government, proposed what was to become an independent Transit Authority to take transit affairs out of politics and named a former United States Attorney, Thomas F. Murphy, as police commissioner with a widely acclaimed mandate to root out corruption.

But the brush of scandal touched some members of his staff and, though Mr. Impellitteri himself was never accused of wrongdoing, his administration was hurt by it. What political observers called his lack of forefulness in dealings with Gov. Thomas E. Dewey and the Republican-dominated legislature also raised doubts.

DEFEATED BY WAGNER

And when he sought re-election in 1953, the opposition of Tammany Hall proved decisive. He was easily defeated by the Manhattan Borough President, Robert F. Wagner, who went on to serve three terms as mayor. Mr. Impellitteri stepped down on Dec. 31, 1953, and two days later was named to a judgeship by Mayor Wagner.

To say that Vincent Richard Impellitteri rose from obscurity would be an understatement of the first magnitude. He was born on Feb. 4, 1900, in the village of Isnello, Sicily. His father, Salvatore Impellitteri, was a shoemaker who brought the family to the Lower East Side when Vincent was a child. The family later moved to Ansonia, Conn.

The boy graduated from Ansonia High School in 1917. He joined the Navy and served in World War I as a radioman on a destroyer. After the war, he attended the Fordham Law School, going to classes by day while serving successively as a night bellboy and manager at a Broadway hotel.

He became a United States citizen in 1922 and earned his law degree in 1924.

After admission to the bar, he joined a law firm in which Martin Conboy, an influential Democratic figure, was a member. From 1929 to 1938, Mr. Impellitteri served as an assistant district attorney in Manhattan. He then returned to private law practice, mainly handling criminal cases.

Since his college days, he had been active in Democratic politics, and, through these associations, was named in 1941 as law secretary to Justice Peter Schmuck of the State Supreme Court. Later, he became secretary to Justice Joseph Gavagan.

A REPUTATION FOR HONESTY

A modest, unassuming man, Mr. Impellitteri was virtually unknown to New Yorkers when he was elected president of the City Council, the No. 2 position at City Hall, in 1945.

It was said that when Democratic leaders were looking for a likely candidate for the Council presidency, they thumbed through the "Green Book," the city's official directory, until they came upon the name Vincent Impellitteri, then a judicial clerk. He had a reputation for honesty, ability and party loyalty, and it was thought that as an Italian-born Roman Catholic he could help the O'Dwyer ticket.

Mr. Impellitteri had one drawback. As a report in The New York World Telegram put it, he had had "the injudicious good taste to snub Frank Costello, the gambler and racketeer who often has been called the czar behind the scenes of Tammany."

Tammany Hall opposed Mr. Impellitteri's selection, but Mr. O'Dwyer insisted upon it, and the ticket won handily in 1945.

In the next four years, Mr. Impellitteri worked quietly, overshadowed by Mr. O'Dwyer, and was rewarded in 1949 by being named to the ticket again. While they were re-elected, the effects of the growing scandal were already being felt, and Mr. O'Dwyer polled only 1.2 million votes to Mr. Impellitteri's 1.3 million.

Mr. O'Dwyer, who was increasingly preoccupied with the scandal, resigned on Sept. 2, 1950, and Mr. Impellitteri succeeded him as Acting Mayor. Two days later, he announced that he would run in the special election.

WON MANY ENDORSEMENTS

Though he lacked Tammany support, he won endorsements from citizens' groups and newspapers, who called him "Impy," and he attracted a wide following. The New York Times, in an editorial, said:

"He doesn't jump into decisions; in fact, he seems to make up his mind very deliberately, especially on financial matters. He does not create emergencies. He gives the impression of dogged earnestness and good intentions."

In those times of upheaval, he seemed to be just what the voters wanted.

In an interview in 1965, when he retired from the Criminal Court bench, he recalled having been "keenly disappointed" at not being re-elected Mayor. But, he added, "I never became bitter."

He also noted that fame was fleeting. He often walked through the streets of New York, he said, and people smiled at him and called him "Impy" or "Judge." But many others did not recognize him and had no idea that he had been mayor.

Mr. Impellitteri married the former Elizabeth Agnes McLaughlin in 1926. The couple had no children. Mrs. Impellitteri died in 1967. He is survived by a sister, Mrs. Rose Concowich of Derby, Conn.

A funeral will be held Monday at 9:15 A.M. at Spinelli-Malerba Funeral Home in Ansonia, Conn., followed by a Mass of Christian Burial at 10 A.M. at Holy Rosary Church in Ansonia. Burial will be in Mount Saint Peter's Cemetery in Derby.

JOINT RESOLUTION AUTHORIZING ESTABLISHMENT OF A MEMORIAL FOR AMERICAN MERCHANT SEAMEN

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. JONES of North Carolina. Mr. Speaker, I am introducing a joint resolution (H.J. Res. 147) to establish a memorial dedicated to some unsung American heroes. Over the past several years I have received countless letters from individuals who served aboard U.S. merchant vessels in wartime—a service which was absolutely critical to our success in most, if not all, conflicts.

These letters recount, in painful detail, stories of hardship, fear, and death during the supply missions to American soldiers and allies around the globe. During their service to our country American seamen were torpedoed and left to drown. They were incarcerated with military personnel. They were subject to the same regimen and punishment of the Armed Forces. And yet they are denied the simple benefits accorded to military veterans.

Mr. Speaker, a few of us here in Congress have long sought to extend in some small way the gratitude of our Nation for the bravery of merchant sailors who served our Nation in wartime. Their actions should stand as a shining example to us all.

Though more ought to be done, I am proposing that we take a small step in the right direction now. My joint resolution will provide, at no expense to the Federal Government, a memorial dedicated to those seamen who died while serving on American ships in wartime. It is the very least we can do and I urge my colleagues to give this measure rapid and favorable consideration.

AWARD HONORS TODD WESTBROOK OF LANCASTER, TX

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. BRYANT. Mr. Speaker, Todd Westbrook, a junior at Lancaster High School, scored a field goal in a basketball game last month against Cedar Hill High School, and that led to my recognition of him as the first winner of my "Congressional Citizenship Award."

The award will be given monthly to Dallas County residents for outstanding achievements, and Todd Westbrook's first basketball goal in almost a year ranks as an outstanding achievement in any league.

A standout member of Lancaster High's 1986 basketball team as a sophomore, Todd was found in March to have a malignant tumor behind his right eye. The 6-foot, 3-inch student lost 25 pounds from his already lanky frame to 135 pounds, and it was feared that his athletic endeavors, which had given him and his fellow students so much pleasure, were at an end. But he fought back with determination and was able to make brief appearances in games by mid-January.

Todd's strong spirit and optimistic outlook are two assets that will make him a winner in life. His courage and determination, as well as the encouragement of his family and friends, prove that the strongest odds can be overcome.

Todd, selected by a panel of citizen advisers from among dozens of worthy nominees to be presented with the first monthly award, was the star player of the Lancaster Tigers last year, leading the team in scoring, rebounding, and steals en route to being named the District 7-AAAA sophomore of the year.

Recurring headaches and swelling around his right eye led to a medical examination after the 1986 basketball season, and cancer was diagnosed. By last Chirstmas, radiation treatment had reduced the size of the tumor, and he was judged to be not in immediate danger; so he was allowed to rejoin his team and attempt to regain his basketball skills.

As his mother, Camelia Smart, noted, "He's back in school and playing basketball as hard as he can."

It hasn't been easy. After working out for a month, Todd saw his first game action against Cedar Hill and played 5 minutes 2 nights later against Ennis. The chemotherapy, however, left him susceptible to infection, and he has since missed some classes and workout time with a heavy cold. But a cold is something Todd Westbrook and his family consider just another minor problem.

Todd Westbrook is one tough fellow, a citizen who is an inspiration to others.

THE DEBT OF IWO JIMA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. GILMAN. Mr. Speaker, this month marks the 42d anniversary of one of the most celebrated battles in U.S. military history.

In 1945, 6,821 American marines and sailors gave their lives and over 19,000 were wounded in an effort to secure the island of Iwo Jima as an American foothold in the Pacific conflict.

Before World War II, Iwo Jima was noted only for it's sulphur deposits and for the remnants of ancient volcanic activity. In the years to follow, it became known as an island where thousands of men fought so valiantly, and died so bravely, for such a seemingly paltry piece of land.

Despite its geographic insignificance, Iwo Jima became one of the most strategically important areas in the Pacific basin. Its ultimate control became a decisive factor in the struggle for victory in the Pacific conflict.

The Japanese had made the island of Iwo Jima a major base from which air attacks on American-held Saipan were frequently launched. Two airfields were fully operational and a third was being built at the time of the U.S. invasion. By taking control of Iwo Jima, our forces eliminated a staging area for Japanese attacks and at the same time provided an emergency landing station only 660 miles from Japan's home islands for our bombers and fighter escorts.

The courageous efforts of our men are of personal and direct importance to me. As a staff sergeant in the 19th Bomb Group of the 20th Air Force, my crew were forced to come down several times on Iwo Jima, en route from the home islands. In fact, the island provided refuge for over 24,000 American airmen before the war ended.

Mr. Speaker, a great debt is owed to those men who secured Iwo Jima for the United States. Men whose heroism earned 24 Medals of Honor, and whose valor far transcended the call of duty. Adm. Chester Nimitz once said, "On Iwo Jima, uncommon valor was a common virtue." Well, these uncommon men shared a love and a feeling of patriotism for this country which drove them to victory. Their efforts cannot and will not be forgotten.

Perhaps our clearest memory of Iwo Jima is an unforgettable picture of six young marines raising the flag at Mount Suribachi, which was taken by an Associated Press photographer. Three of these brave soldiers did not survive the battle, but our memories of them, along with all of the others who served their country so selflessly, will undoubtedly live on forever. This famed photo—memorialized for all time as the basis for the Marine Corps Monument at Arlington National Cemetery—serves as a candid and fitting symbol of marine bravery and heroism.

Mr. Speaker, this heroism, coupled with Iwo Jima's strategic importance—an importance for which so many offered and gave their lives—are two important reasons why I have, in the past, voiced objection to proposals that would have our Nation return Iwo Jima to the Japanese.

Mr. Speaker, as we again approach the anniversary of the battle of Iwo Jima, let us not forget those who gave so much and asked so little. I invite my colleagues to join with me and the many survivors of Iwo Jima in commemorating this military campaign and in saluting these valiant veterans, and offering them our Nation's heartfelt thanks.

STATEMENT SUPPORTING A MUTUAL NUCLEAR TEST MORATORIUM

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. ROSE. Mr. Speaker, I stand before the House of Representatives today to affirm my support for H.R. 12, the Mutual Nuclear Warhead Testing Moratorium Act, I believe this legislation is an essential step toward reaching stability in an increasingly dangerous and complex environment.

Every United States President since Dwight D. Eisenhower has recognized the need to secure an arms control agreement, and each has successfully negotiated at least 1 of the 20 arms control treaties signed by the United States and the Soviet Union. Unfortunately, the current administration has been unable to achieve such an agreement and has, actually, engaged in defense initiatives that are contrary to the President's expressed intent to decelerate the arms race.

Over the past 18 months, the Soviet Government has exercised a unilateral nuclear testing moratorium and, recently, has allowed American scientists to operate seismic monitoring stations around the major Soviet nuclear test site. During the same period, our leader has abandoned some provisions of past arms control agreements and conducted more than 20 nuclear tests. Unfortunately, the President has winked at the Soviets' threat to resume nuclear testing immediately following the first United States nuclear test in 1987. Last week's Hazebrook test has more certainly set the stage for an escalation in the arms race and has acted against the expressed will of the American public and the United States Congress to establish an environment that is conducive to entering arms control negotiations with the Soviet Union.

Although I have always supported, and will continue to support, efforts to maintain a strong defense in the interest of national security, I do not believe that the current situation ensures a safe and secure future for our Nation. For this reason, I feel compelled to reassure the President of our Nation's sincere commitment to reverse the arms race, and I believe that H.R. 12 is the appropriate vehicle for this task. I hope that my colleagues will join me in supporting the Mutual Nuclear Warhead Testing Moratorium Act and in setting the groundwork for a mutual nuclear test ban agreement with the Soviet Union.

THE SONNENBERG GARDENS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. KEMP. Mr. Speaker, once again, I am introducing legislation to remove a reverter clause from the Sonnenberg Gardens, in Canandaigua, NY. Unfortunately, a reverter clause in their deed prevents this beautiful attraction from taking advantage of beneficial long-term financing for capital improvements and more importantly from carrying the considerable value of their real estate as an asset. The financial hand-tying imposed by the reverter clause is unnecessary, because there was never any intention but to use Sonnenberg Gardens as a nonprofit educational facility.

Sonnenberg is one of the most magnificent late victorian gardens ever created in America and is a great cultural and educational asset to the Finger Lakes region. The gardens are a picturesque look into life at the turn of the century. The 50 acres of beautiful gardens, as well as the 40-room mansion and conservatory they surround are open to the public for tours. Eight formal gardens feature outstanding classical statuary, waterways, and fountains. The mansion rooms—ranging from renaissance to 19th century—the decorative arts collection, and the mansion itself present a unique view of victorian era architecture and lifestyle. The facilities extend themselves to summer educational workshops in everything from horticulture and landscape design to art, science, and drama.

In addition, 1987 is Sonnenberg's centennial year and it would be wonderful to give this treatment landmark a needed present by removing the reverter clause. In this case, the reverter clause is an unreasonable burden, and today, in this the centennial year of the Sonnenberg Gardens, I am introducing legislation to remove the reverter clause and allow the gardens to be developed to their fullest potential as an educational and cultural facility.

TRIBUTE TO JOHN A. CAFARO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. TRAFICANT. Mr. Speaker, at ths time I would like to insert into the RECORD the biography of Mr. John A. Cafaro, who passed away on January 2, 1987.

John A. Cafaro was the vice-chairman and cofounder of the Cafaro Co. of Youngstown, OH, which is located in my district. All of us in the Youngstown community mourn the loss of such a dedicated individual. Not only was Mr. Cafaro an outstanding businessman, he was also committed to helping his community and was a dedicated family man. His leadership and vision will be sorely missed. Mr. Speaker, I am honored to insert into the RECORD Mr. Cafaro's biography:

JOHN A. CAFARO

John A. Cafaro was born June 24, 1911 in Youngstown, Ohio, the son of immigrant parents, Antonio Cafaro and Flora Diana Cafaro. Mr. Cafaro spent his boyhood years growing up on Youngstown's East side, where he resided at his parent's home on McHenry Street. He attended McGuffey and Madison Elementary Schools and Youngstown's East High School where he graduated in 1929. Following his graduation from East High, he attended Hall's Business College, where he undertook a number of business courses.

In his early adult years, he was employed by Republic Steel Corporation as an inspector. In the mid 1930's he, along with his father and his brother William, established the Ritz Bar Supper Club, which was to become Youngstown's most popular night spot throughout the 1940's.

On August 13, 1942, John was inducted into the U.S. Army where, during World War II, he served as a Sergeant in Africa and Europe. He was awarded the Purple Heart and two Bronze Stars for valor. In addition, he received a campaign medal with five Bronze Stars, a World War II Victory Medal and The Good Conduct Medal. He was honorably discharged on November 29, 1945.

He returned to Youngstown and resumed an active role in the operation of the supper club. In 1950 he, and his brother William founded William M. Cafaro and Associates, which would be the predecessor of what is now known as The Cafaro Company, which is one of America's five largest shopping center and shopping mall operators, developers and managers.

He served as Vice-Chairman of the Cafaro Company. Among his many responsibilities, he headed the Construction Division of the Company, and in that capacity, directed the construction of 28 million square feet of shopping malls and other commercial properties. He served as an officer and was on the Board of Directors of over 60 real estate organizations. In the Mahoning Valley, he personally oversaw the construction of the Company's Corporate Offices at 2445 Belmont Avenue, Youngstown; the Eastwood Mall and Great East Plaza, both in Niles; Ridgeview Plaza and the Murphy Mart Plaza, both in Warren; the Fifth Street Plaza and the Struthers Plaza Annex, both in Struthers; and the Lincoln Knolls Plaza, McGuffey Mall and Garland Plaza, all in Youngstown, Ohio. He was also the President of Garland Lanes, Inc., owning and operating the McGuffey Lanes Bowling Alley until 1985.

He was an active member of Our Lady of Mount Carmel Parish where he was a founding and honorary member of the Parish's Vestibule Club. Along with his brother and other members of his family, he contributed substantially to the expansion of the Church's facilities. He was a special supporter and devotee of a Shrine to St. Anthony, which is located adjacent to the Church Building. For a number of years he served as a Trustee of the Parish. He was a longtime member of both the Order of Sons of Italy in America, Italia Lodge 2539 and the Veterans of Foreign Wars Post 8841. He was a Charter Member of the Arco Veterans Club and a member of the V.I.P. Scholarship Committee for the benefit of Youngstown State University. He was also an advocate and supporter of the Missionaries of the Sacred Heart from the time of their establishment in the Youngstown area. He was an original member of the Century Club for the benefit of the Ursuline Sisters as well as being an original member of the Cinquanta Club, which was established for the benefit of the Oblate Sisters of The Sacred Heart.

John A. Cafaro died of cancer at St. Elizabeth Hospital Medical Center on January 2, 1987. He left behind a daughter, Mrs. Mary Ann Braun of Youngstown; his brother William M. Cafaro of Hubbard, Ohio; along with four sisters, Mrs. Margaret Bell of Boardman, Ohio, Mrs. Phyllis Del Boca of Hubbard, Ohio, Mrs. Mary Napoli of Liberty Township, Ohio, and Mrs. Helene Griffith of San Diego, California. He is also survived by four grandchildren and two great-grandchildren. He was predeceased by a brother, Joseph S. Cafaro of Youngstown, Ohio.

During his lifetime, Mr. Cafaro was affectionately known as "J.C." by his many friends and employees. Upon his death, the Vindicator, Youngstown's daily newspaper, published an editorial which was headed, "Youngstown Loses A Pillar in John A. Cafaro" describing the valuable contributions and achievements made by John during his lifetime. The Italian Scholarship League established a special fund titled, "The John A. Cafaro Scholarship Fund".

The eulogy delivered at his funeral on January 5, 1987 at Our Lady of Mount Carmel Church described John as one who was always concerned for the welfare of others and who was responsible and caring and who always fulfilled his obligations to others. He was further recognized as one who always believed in and lived a policy of fair play.

He was an extraordinary human being who will never be forgotten.

LITHUANIAN INDEPENDENCE DAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. VISCLOSKY. Mr. Speaker, February 16, 1987, marks the 69th anniversary of the establishment of the independent Republic of Lithuania. For the next 22 years the Lithuanian people experienced freedom. During this time, the Lithuanians took advantage of their independence. A land reform program was successfully instituted, industrialization progressed and education became available to the masses. Additionally, Lithuanian culture flourished. Writers found inspiration in the national folklore of their country and achievements were made in opera and music.

We are all painfully aware, however, that this independence was short-lived. In 1940, Soviet troops marched in, forced the coalition government to resign and in its place empowered a Soviet monitored government. Today, Lithuania remains under the control of the Soviet Union.

Our Nation has never recognized the forced incorporation of Lithuania into the Soviet Union; instead, we maintain diplomatic relations with representatives of the former independent government. It is important that the Lithuanian peope know that we support their struggle to achieve basic, fundamental human rights.

As we pause to mark a grave injustice that is perpetuated across the ocean, we must also recognize the hundreds of thousands of Americans of Lithuanian descent who have made important contributions to their adopted homeland. I am fortunate to have in my district a proud and active Lithuanian community which yearns for the day when their brothers and sisters can again enjoy the freedoms that we cherish. I known I speak for all of Congress when I say that we share this dream.

LABOR PROTECTIVE PROVISIONS FOR AIRLINE EMPLOYEES

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. MINETA. Mr. Speaker, today I am introducing legislation to require the Department of Transportation to impose labor protective conditions [LPP's] in airline merger cases to ensure that the merger is fair to employees. The legislation is cosponsored by 32 of my colleagues on the committee on Public Works and Transportation. Similar legislation was passed by the House last September by an overwhelming vote of 329 to 72.

LPP's were routinely imposed by the Civil Aeronautics Board for many years to ensure that the seniority lists of merging airlines would be integrated in a fair and equitable manner and that some financial benefits would be provided to relieve the burdens on employees who lost their jobs or suffered a reduction in wages as a result of the merger. When the Civil Aeronautics Board announced in the early 1980's that it intended to abandon its policy of imposing LPP's, Congress responded by directing, in the legislative history of the Civil Aeronautics Board Sunset Act of 1984, that LPP's should continue to be imposed. Regrettably, the Department of Transportation, which now has this responsibility, has failed to follow this directive and for this reason it has been necessary to go forward with legislation mandating that LPP's be imposed.

Adequate protection of airline employees is a critical part of airline deregulation. When we passed the Airline Deregulation Act of 1978, we recognized that deregulation would impose penalties on companies which were inefficiently managed or companies which misjudged what the public wanted. At the same time, we wanted to be sure that airline employees would not be required to carry too great a portion of the penalties or burdens of deregulation. For this reason, the 1978 Airline Deregulation Act included labor protective provisions providing, first, that dislocated employees are entitled to financial benefits if there is a finding by the Civil Aeronautics Board—or since 1985, by the Department of Transportation—that the employees lost his or her job because of deregulation. The second labor protection contained in the 1978 law provided that dislocated airline employees have the right of first hire on other airlines.

The LPP's which were included in the Deregulation Act of 1978 have been of almost no value to airline employees. One reason for this problem has been substantial delays by the Department of Labor in adopting implementing regulations. Under the 1978 act, the Secretary of Labor was supposed to adopt these regulations 6 months after the bill was enacted. This deadline was not met. The Department of Labor has never adopted regulations to implement the financial benefits of LPP's. Regulation on the right-of-first-hire were not adopted until 1983 and, until recently, these regulations have been tied up in litigation.

In short, airline employees have never received the protections which were an essential part of the deregulation package.

Besides providing for flexible market entry and fare setting, the Deregulation Act also facilitated the ability of airlines to merge. However, we made it clear that we did not intend for liberal merger policies to be used to unfairly treat airline employees. In the past year, it has become increasingly obvious that the Department of Transportation is ignoring the congressional intent on this issue as well.

In directing that employees be protected in the mergers, Congress was only directing a continuation of historic practice. Before deregulation, the Civil Aeronautics Board always imposed LPP's when it approved mergers of major and national airlines.

After deregulation in 1978, CAB imposed LPP's in the first merger cases. CAB then announced that it intended to change its past, historic policy and not impose LPP's. Congress did not agree with this change. In 1984, when the Civil Aeronautics Board was terminated and its remaining regulatory and consumer protection responsibilities transferred to the Department of Transportation, Congress clearly and explicitly indicated—in the House committee report on the CAB Sunset Act (House Report No. 98-793)—that we intended DOT to continue to impose LPP's in merger cases. Despite this directive, DOT's recent decisions in airline mergers and similar cases indicates a continuing unwillingness to impose LPP's.

The basic policy DOT has repeatedly announced in the merger and acquisition decisions it has rendered to date is that LPP's will not be imposed "unless it is necessary to prevent labor strife that could disrupt the national air transportation system." In a deregulated system, it is unlikely that labor strife arising out of a merger would disrupt the national air transportation system since other carriers are free to provide any domestic services affected by a strike. DOT has stated that it will decide whether to impose LPP's on a case-by-case basis. However, in reality, the standard DOT is using is highly unlikely to result in LPP's ever being imposed.

Thus, the Departments of Labor and Transportation have refused to follow existing statutes and explicit congressional directives designed to ensure that airline employees would not be required to bear an unfair share of the costs of deregulation. The bill I am introducing today will help restore the balance which Congress thought it had previously established between management freedom and employee rights.

This bill requires the Department of Transportation to impose LPP's when it approves airline mergers or similar transactions. Imposition of LPP's would be required in any case in which the transaction would tend to cause reductions in employment or adversely affect working conditions, including seniority. It is important to note that LPP's will not be required if DOT finds that the projected cost of LPP's would outweigh the benefits of the merger or acquisition.

When this bill was considered in the 99th Congress some airlines argued that because the airlines have been deregulated it is unfair to subject the airlines to special labor relations requirements different from those governing other industries. However, although our general approach has been to treat the deregulated airlines in the same manner as other industries, we have not been rigid or ideological and we have made exceptions where special circumstances exist. In many instances the airlines have supported these decisions. For example, under the CAB Sunset Act, the antitrust implications of airlines agreements and mergers are reviewed by the Department of Transportation rather than the Department of Justice which handles antitrust issues for other industries. Additionally, DOT may authorize airlines to implement an agreement or merger that violates the antitrust laws in cases where there are overriding transportation needs to be met.

Furthermore, the Department of Transportation has given the airlines the right to sell operating rights, sometimes worth millions of dollars, at four major airports. These operating rights were given to the airlines at no cost. Few airlines have objected to the DOT regulations allowing them to sell these rights. Legislation will be introduced to reverse the DOT policy, but even if this legislation passes, it is not likely to be retroactive and thus, will not recapture windfall profits already realized from the sale of slots.

In short, when it has been required for national transportation policy, we have been willing to treat the airlines differently than other industries. We should follow the same approach in dealing with the special problems created for airline employees by the wave of mergers which deregulation has encouraged.

I also believe that airlines opposing LPP's have greatly exaggerated the costs and burdens which LPP's are likely to impose. One important labor protection provision provides that integration of seniority lists should be accomplished by agreement between the carriers and employees, or if this cannot be accomplished, by binding arbitration. This provision only establishes fair and objective procedures for the integration of seniority lists and should not be burdensome to the airlines.

Other LPP's provide financial relief for displaced employees. Some airlines have claimed that these requirements would impose astronomical costs. However, I am not aware of any evidence showing that the LPP's routinely imposed by the Civil Aeronautics Board ever resulted in any substantial cost to the airlines. The airlines' exaggerated estimates of the costs of LPP's were developed by using the salaries of the most senior and highly paid airline employees. In reality, if any airline employees lost jobs as a result of a merger—and in most mergers the carriers promise that there will be no loss of jobs—it would be the most junior, lowest paid employees, since in the airline industry furloughs are based on seniority. Under the LPP's historically imposed by CAB, employees in their first year of service do not receive any financial benefits and employees with between 1 and 2 years of seniority receive 6 months compensation. If any financial benefit payments are required by a merger, they would be likely to go to these less senior employees.

The benefits which employees are likely to receive from LPP's are insignificant compared to the "Golden Parachutes" which protect top airline management. Many of these executive level contracts provide several years pay for executives whose annual salaries are well in excess of $100,000. In some cases, these benefits are available even if an executive leaves the company voluntarily. Nonmanagement employees are certainly entitled to benefits which are a mere fraction of those paid to top executives.

In sum, the bill I have introduced would require the continuation of a merger LPP policy which was followed by the CAB for many years and which Congress directed the Department of Transportation to continue. Requiring merger LPP's is the least we can do to reverse the refusal of the Departments of Labor and Transportation to afford airline employees the protections which Congress intended them to have. These protections are particularly needed to mitigate the sometimes harsh effects on employees on mergers. We must do everything possible to reverse the disregard of the Departments of Transportation and Labor of the interests and future livelihood of employees and the refusal of these Departments to carry out the clear legislative intent now on the books.

OUR TROUBLED FARM ECONOMY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. BEREUTER. Mr. Speaker, the large decline in U.S. agricultural exports since 1981 has been one of the major factors contributing to our troubled farm economy. A recent USDA study emphasizes how rural areas in the United States have been severely affected by the deterioration of the market for U.S. agricultural exports. According to the USDA, at least eight counties in my State of Nebraska have 50 percent or more of their total farm sales geared directly toward export oriented crops such as corn, wheat, and soybeans. A majority of Nebraska farmers depend on farm exports and the condition of the export market can make the difference between having a viable or nonviable rural economy.

As this body considers trade legislation this year, it is important to develop initiatives that are proagriculture and proexport in order to assist our troubled farm economy. The following editorial from the Omaha World-Herald enumerates several factors that have caused our export problem and indirectly suggests the need for a strong U.S. policy to maintain and expand agricultural exports. I commend this editorial to the attention of my colleagues.

The editorial follows:

[From the Omaha (NE) World-Herald, Feb. 3, 1987]

WORLD SURPLUS OF GRAIN REMAINS A MAJOR BARRIER

Even with the weaker dollar, which makes U.S. products more affordable in some other countries, relatively few indicators support the hope of an imminent export-driven agricultural recovery.

Terry Holmes, an Omaha commodities broker, said recently that the world grain surplus is a bigger factor in the export outlook than the weaker dollar.

"The world is awash in grain," he said. "Everybody's looking for export markets. The value of the currency is not such a driving factor as is the terrific supply that exists around the world."

Furthermore, not every other country can afford to buy U.S. grain. The dollar has declined against the West German mark and the Japanese yen, but it remains relatively high against the currencies of most Third World countries. Some of the countries that need grain can't afford it.

Favorable weather and high export subsidies in the past few years have been among the factors in the increasing stockpiles of some grain-exporting nations. In addition, Third World nations such as China, India and Saudi Arabia, using improved plant varieties and techniques, have dramatically reduced their dependence on foreign suppliers.

Nebraskans who toured Europe recently as part of the Leadership Education Action Development program had an opportunity to see the grain trade issue from a different perspective. Nearly everywhere the Nebraskans went in Europe, they encountered evidence of a desire to reduce grain purchases from the United States.

Becoming agriculturally self-sufficient, they were told, is a goal for Communist countries. The Common Market like the United States, has problems finding ways to market its agricultural surpluses.

Doug Fritz of Verdon, Neb., was one member of the group that toured Europe. After talking with officials in the Common Market, Poland and the Soviet Union, Fritz said, he reached the conclusion that U.S. farmers can't "export ourselves out of a grain reserve problem."

Things can change, however, crop failures have been known to occur in the Ukraine. Drought is a chronic problem in parts of sub-Saharan Africa. Wars, depressions, storms, untimely frosts, plant epidemics and poor management in other countries have caused demand for U.S. grain to increase at various times in the past and could do so again. Economic changes and government policies can affect price and demand here and abroad.

For now, reality is that a number of former grain-buying nations have displayed both the desire to become agriculturally self-sufficient and the ability to achieve that goal. Their success is profoundly affecting the conditions under which U.S. farmers must operate.

GOVERNOR DEUKMEJIAN SPEAKS OUT ON BEHALF OF ARMENIANS

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. LEHMAN of California. Mr. Speaker, I would like to take this opportunity to share with my colleagues excerpts from an interview by Harut Sassounian, the editor of the California Courier, with the distinguished Governor from the State of California, the Honorable George Deukmejian. I know I am speaking on behalf of many Armenians living in this country when I say I am grateful for Governor Deukmejian's dedication to seeing that the Armenian genocide is one day recognized by the U.S. Government.

On February 4, I introduced House Joint Resolution 132 which commemorates the Armenian Genocide of 1915 and designates April 24, 1987, as a national day of remembrance of this tragic event. House Joint Resolution 132 honors those who lost their lives as a result of the atrocities and pays respect to the survivors. I hope Governor Deukmejian's comments shed light on the importance of our cause.

SASSOUNIAN. Governor, let's begin with a few questions about your father's background. We understand that your father was an Armenian nationalist back in the old country. Where were your parents born?

DEUKMEJIAN. My father was born in Aintab and my mother was actually born in Erzeroum although her family was Arapkertsi. They came to this country separately. They were not married when they came to this country. My father, you say, has a reputation of a strong nationalist. He certainly favored the concept and the idea of an independent Armenian nation. I wouldn't say he was one of the stronger leaders that have been recognized in recent Armenian history, but certainly, that was the direction, the leanings that he had.

He was, as most men at the time that came here and who didn't know the language here, didn't know the American customs and culture, went through that period of making that adjustment. He had to work hard. It was quite a struggle. Also, at that same time, this country was going through the depression period. That made it more difficult. He and then my mother went to work when I was six years of age. So in order to support the family, the two together did have to work and struggle very, very hard. They, of course, did that for their children.

SASSOUNIAN. You have demonstrated a strong feeling on the issue of the Armenian Genocide. In your opinion, what should the United States Government do to bring Turkey to recognize the Genocide?

DEUKMEJIAN. I think the United States Government should make an active effort to open direct discussions with the Turkish Government on this issue. It's been a big disappointment to me that our own Government has failed to do that, especially recognizing that there are leaders in our Federal Government, including the President himself, who are very much aware of the Armenian Question.

Apparently, what has dominated our policy in the United States has been the strong desire of the United States to have a friendly location, strategic location, in that part of the world for us to maintain our military and other presence in that part of the world. So that desire, apparently, of our Government to want to maintain as strong of a relationship with Turkey as possible, I think, has been the barrier, the roadblock to the United States taking a stronger position and working, seeking to open up what would be substantive types of discussions and negotiations with the Government of Turkey.

I also know that our friends in the Greek community feel the same way, and they are very disappointed again because of current policy in the current stand of the United States Government as it relates to Turkey.

SASSOUNIAN. Almost two years ago, in April of 1985, you wrote a letter to President Reagan asking him to make a statement recognizing the Armenian Genocide. He promised to look into it, but nothing has happened. Will you follow up with him on this?

DEUKMEJIAN. I will try at every opportunity that I have to continue to make the President and others in the Federal Government aware of the necessity that, whether it is involving Armenians or any other nationality, that the policy of this country should always be that there must be recognition given to the human rights of people around the world and there must be a recognition that we cannot allow the world to forget what has happened in the past when instances in history have shown us that there are unfortunately people and governments that have been from time to time in power that have subjugated thousands, sometimes millions of people, and have carried out unheard of types of atrocities and that this can be repeated, and it is being repeated, even today in some parts of the world, in Cambodia, Afghanistan, and other places.

So, the policy of our country—because our Nation is based on freedom and liberty—has constantly got to be that we have to make the world aware that these things happened, they are continuing to happen and we should take a strong, strong stand against that.

SASSOUNIAN. If you were in the position of President Reagan, how would you handle the Armenian-Turkish issue?

DEUKMEJIAN. I would certainly open discussion. Here we have a nation that we have diplomatic relations with. They are an ally in the NATO alliance. And they, of course, look to the United States also for a tremendous amount of support. So I think that they would not be able to refuse to open those kinds of discussions. I think it would be, in the course of things, the policy of this government to get Turkey to recognize what their obligation is in terms of the Armenian question.

SASSOUNIAN. As you know, Governor, many Armenians hope or look forward to one day to see the establishment of their historic homeland. Do you support the notion of an independent Armenian Republic?

DEUKMEJIAN. I certainly feel that if the Armenian people in that part of the world, if they want to have a homeland, and I would assume that they do, certainly, I think they should be permitted to have their own independent nation. I feel the same about any nationality. There is no substitute for freedom, liberty, and independence. It was not meant to be that free men and women should be under the control and domination, especially that of a government that has oppressed the people and a government that has carried out such atrocious types of massacres and genocide.

DR. DONALD MACDONALD NAMED DIRECTOR OF WHITE HOUSE DRUG ABUSE POLICY OFFICE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. YOUNG of Florida. Mr. Speaker, President Reagan has appointed Dr. Donald Macdonald to be his special assistant for drug abuse policy and director of the White House Drug Abuse Policy Office.

There is no more fitting individual to head our Nation's war against drugs. Dr. Macdonald is a personal friend and constituent of mine and I know of his lifelong work and dedication to educate our Nation's youth and adults about the serious threat drugs pose to our Nation and our society. Prior to this appointment, he has served our Nation as Administrator of the Alcohol, Drug Abuse, and Mental Health Administration.

The 99th Congress dealt decisively with the issue by enacting landmark legislation that provides more than $3 billion to finance a multifaceted approach to combat drug abuse. It was a tough response to a difficult problem.

In naming Dr. Macdonald to set our Nation's course in this battle, President Reagan has provided an equally tough response by selecting a distinguished leader who is up to the challenge and responsibility of standing at the forefront of our Nation's effort to rid our homes, our schools, and our streets of the deadly scourge caused by illegal drugs.

Mr. Speaker, in Dr. Macdonald, we have a willing and capable partner in our efforts to combat drug abuse and I can say on behalf of my colleagues that we welcome the opportunity to work together in this regard with such a qualified and dedicated public official.

FIGHTING ADULT ILLITERACY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. BIAGGI. Mr. Speaker, an article recently appeared in the New York Daily News regarding New York City's efforts to combat adult illiteracy. I believe the first paragraph accurately reflects this widespread problem. "The good news is that Johnny can read. The bad news is that Johnny's mom and dad can't."

This statement dramatically illustrates the problem of adult illiteracy. While estimates vary as to the number of adults who are illiterate, functionally illiterate, or marginally illiterate, one fact remains clear: The low level of adult literacy is a serious problem which negatively impacts the lives of tens of millions of adults.

We, as a Nation, can no longer afford to ignore the enormous potential of this population. The costs to society, in terms of public assistance programs, loss of productivity, and a weakened economy, are astounding. Consider for example that we are spending more than $6 billion annually on welfare and unemployment compensation due to illiteracy. Consider that the percentage of people with less than 6 years education on public assistance is twice that of people with 6 to 8 years of schooling and is four times that of people with at least some high school. In my home State of New York for example, figures show us that the total financial impact of literacy programs would provide a net gain of over $24 million when considering the number of adults removed from public assistance programs and the taxable income generated from these adults who become employed, or receive salary increases.

Yet I firmly believe that financial motivation should not determine our Government's responsibility to educate these citizens. Our Government, this Nation, desperately needs the contributions these people can give us. We must be prepared to concentrate our efforts on enabling our citizens to become literate, and rely on the minds of our people to lead us from the many and varied problems facing this country today. Education and our Nation's future are synonymous—and everyone's responsibility.

I urge all of my colleagues to join in efforts to educate the people of this Nation. The health of our Nation, and our economy, is dependent on people like Johnny's mom and dad. And Johnny's mom and dad can't read.

A NOTE OF APPRECIATION TO THE GOVERNMENT OF COLOMBIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. GILMAN. Mr. Speaker, I rise to express my gratitude and congratulations to the Government of Colombia on its role in the recent capture and extradition to the United States of cocaine kingpin Carlos Lehder Rivas. Lehder, who has amassed a fortune as one of the three major cocaine traffickers in the world, will stand trial in Florida where he is currently under indictment for numerous drug trafficking and racketeering violations. For years he has played a central role in the Medellin cartel which is said to be responsible for 80 percent of the cocaine currently smuggled into the United States. Lehders' capture and extradition to the United States was made possible because of the tremendous courage of Colombian President Virgilio Barcos Vargas, as well as the courage demonstrated by the Colombian police and military forces.

The capture and extradition of Lehder could well prove to be a major step in helping to break the producer-to-user chain which has seen cocaine, in all of its varied forms, become the drug of choice for drug abusers around the world. This type of cooperation between our two Governments is crucial to the success of our mutual fight against drug trafficking and drug abuse. Colombia's action in this matter is all the more courageous when we consider the fact that the drug traffickers in Colombia have murdered anyone who dares to speak out or take direct action against their drug trafficking activities. Such actions began in April 1984, when the Minister of Justice, and antidrug crusader Rodrigo Lara Bonilla was murdered. Since that time numerous judges, a supreme court judge, over 300 police officers and dozens of newspaper reporters have been killed as they sought to rid Colombia of the power and influence of the drug traffickers.

The Government of the United States must continue to work with the Government of Colombia in seeking to end the menace of drug trafficking from that region of the world. We can do so by continuing to provide the technical and financial resources so desperately needed by the Colombian Government at this crucial time, and by taking forceful actions at home both through increased law enforcement and interdiction and increased emphasis on drug education and prevention programs. The Antidrug Act of 1986, provided us with a blueprint for action, and Congress must work to ensure that recently proposed reductions for fiscal 1988, in the areas of education, law enforcement, interdiction, treatment and rehabilitation, and the international programs of the Department of State's Bureau of International Narcotics Matters [INM] are quickly restored.

Cooperation in the war against drugs is a two-way street. The tribute we pay to the Government of Colombia must not be jeopardized by our failure to do all that we can here at home.

EFFECTIVENESS OF THE PIC PROGRAM

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. PEPPER. Mr. Speaker, in recent years many people in Government have advocated the cutback or termination of valuable social service programs. This indiscriminate curtailment of valuable programs will come back to haunt us in the future. I understand that foolish spending will not solve national problems. On the other hand, neither will spending little or no money. As policymakers we must be willing to fund the programs which have proven their cost effectiveness. Job training programs can be developed which generate more tax receipts than they cost. Take for instance the PIC Program which operates job training and placement services in my congressional district. This program has been tremendously successful. In existence for only the past 3 years it has placed over 12,000 individuals with over 4,700 employers. This outstanding feat was done while returning to the Government $1.26 in taxes for every dollar it spent. We must always look at the long term impact of our decisions on society when examining which programs to cut for short-term expediency.

Mr. Speaker, please allow me to commend to my colleagues a speech given by Mr. David Ziska, an employee of IBM on the effectiveness of the PIC Program.

The speech follows:

EFFECTIVENESS OF THE PIC PROGRAM

Our program year 1985 which ended on June 30th was an exciting year for all of us at the PIC. We experienced an unprecedented growth in the number of trainees placed in private sector jobs and in the number of employers hiring personnel from PIC training programs.

Last year at this luncheon we reported to you that we had placed 4,100 trainees during our second year of operation and we set a goal of 4,500 placements for the new year. I am very pleased to report to you today that we significantly exceeded that goal by placing 5,220 trainees in private sector jobs throughout Dade and Monroe Counties. Another significant achievement is the phenomenal expansion of our employer base which was increased by 38% as more than 2,000 employers turned to the PIC to help them meet their diverse personnel needs.

In the short three years in which the PIC has been in operation, 4,700 employers have hired more than 12,000 trainees. Today, the majority of these individuals are leading productive lives, earning a good living with opportunities for advancement. We're very proud of the PIC's significant impact on the community and we're equally proud of the private sector's commitment to this vital and important effort. You have come through for us and your presence here today proves it.

We on the board of the PIC and our administrative staff work to ensure that the PIC serves important dual purposes for this community: First, as an effective provider of employment and training services for economically disadvantaged south Floridians, and secondly, as an effective provider of trained, motivated and dedicated entry-level workers. We have also continued to offer hiring incentives to employers who opted to provide on-the-job training. These wage reimbursements totaled more than $3.3 million during the past year.

Another significant PIC achievement designed to meet the needs of our business community is expansion of the existing job assistance center in Homestead and the opening of new JAC's in Little Havana and just last month, in Opa-Locka. The JAC's are a one-stop employment and training service centers which thoroughly evaluate the job readiness of applicants, and if needed, provide them with appropriate employability skills training, and then make referrals to either direct placement services with the Job Service of Florida or to one of our training programs.

In addition to serving the needs of employers we have also addressed the vital employment and training needs of youth in this community. This year we provided 5,600 economically disadvantaged youth with meaningful summer jobs in the public and private sectors. We also joined with the Job Service of Florida, partners for youth and jobs for Miami in spearheading "Summer Jobs for Youth '86," a private sector initiative sponsored by my company, IMB and by Citicorp savings which netted an additional 2,100 employment opportunities for youth with private sector employers. This gave us a total of 7,700 summer jobs for youth.

1985 was a year of bold initiatives for the PIC. This spring we began to operate as part of our summer youth initiatives an innovative dropout prevention program that will span as many as four years.

Current figures show that in Dade County nearly 30% of eighth graders will drop out of school before reaching high school graduation. This new PIC Program initiative is designed to pilot-test an approach to reduce this high dropout rate while also reducing the alarmingly high unemployment rate for out-of-school youth, which is put at over 60% in many depressed south Florida neighborhoods.

Working closely with Edison, Miami, Jackson and Key West Sr. High Schools, we identified approximately 1,000 economically disadvantaged potential dropouts, using the school criteria we made them aware of the benefits available to them if they remained in school through graduation. Incentives were offered in the form of guaranteed summer employment, a permanent private sector job upon graduation, part-time employment during the school year when needed, and academic assistance. In addition through our implementing cities in schools, we have been able to reduce the counseling load for our participants to 1 counselor per 30-40 young people from the 1 counselor per 300 to 400 normally in the school. We have already seen this have a significant impact.

Earlier in the year another innovative program serving high school graduates and dropouts from the Larchmont Gardens public housing project was operated on a pilot basis.

The program was designed to reduce youth unemployment among blacks which has reached crisis proportions in Dade County. This was accomplished by locating our staff and training programs in the housing project itself. We enhanced the employability of participating youth, developed private sector employment opportunities for them, and provided them with much needed support during and after training. The success achieved by this pilot program prompted us to operate a similar program in Miami's Liberty Square. We found that we were—outgunned, outmanned, out muscled by thieves, vandals, and drug pushers—operating just outside Liberty Square. So we are now involved with many other organizations—United Way Citizens against Crime, State attorney's office and others to develop a program—that will through a coordination of all of these resource substantially impact the environment in a housing development. We plan to go back to inner city.

The PIC has also assumed responsibility for the Job Service of Florida in Dade and Monroe Counties. We have developed a joint plan for coordinating JTPA programs and the job service. Our objective is to increase the efficiency and effectiveness of both programs to better serve all the employment needs of you—the employers of Dade and Monroe Counties.

We're proud of these and many other accomplishments achieved during the past year. This fall the National Alliance of Business named Florida the national leader in JTPA programs. As the State's largest private industry council, we believe our PIC greatly contributed to Florida's nationwide leadership status. This is particularly evident in the awarding of $451,704 in incentive funds by the State to the PIC of south Florida for not only meeting, but exceeding all performance standards, and an important footnote, this was the largest amount of incentive funds awarded by the State to any PIC in Florida.

We view job training as an investment in human resources resulting in long term savings to taxpayers. Our basic premise is that when funds are invested to develop the necessary skills to increase the productivity of the labor force, this will result in greater profit margins for employers, increased earnings for workers, increased taxes paid to the Treasury and decreased dependency on public assistance.

The successes achieved during this past year are indicative of this kind of return on investment. For every dollar invested taxpayers in PIC training programs in Dade/Monroe Counties in PY 1985—$1.26 was generated. That equals a total of $3.2 million net gained to taxpayers. I am sure you will agree, that represents an excellent return on investment.

This past year 1985, the PIC continued to invest its resources to not only effectively serve our community by providing special training programs targeted at youth but also older workers, and the handicapped.

To serve the employment and training needs of a community as diverse and dynamic as south Florida is a great challenge. I believe that in our first three years under the Job Training Partnership Act, the PIC has been meeting that challenge head-on. The success achieved is in large measure due to the support that you, our employer community, has demonstrated during these years. I would also like to recognize our great working relationship with our partners, the members of the board of the South Florida Employment and Training Consortium. And last, but not least, our success is in large part due to the expertise of business and community leaders who comprise the PIC board and who have contributed countless hours providing guidance in ensuring that our programs continue to serve the interest of the entire community.

Our public/private sector partnership is working well for all south Floridians. With three successful years under our belts, we now look with confidence to meeting the challenges of the new years to come. You've given us that confidence, your support has made it all possible. Thank you.

COMMEMORATING KIM AND GEORGE GERRINGER UPON THEIR INCLUSION INTO THE ORDER OF THE GAEL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. BILBRAY. Mr. Speaker, I rise today with great admiration and respect to pay tribute to my good friends, Kim and George Gerringer. On Tuesday, February 24, Kim and George will be included in the Order of the Gael during ceremonies conducted by Bishop Gorman High School.

During the fifth annual "Knight of the Gael" ceremonies, Kim and George will receive a well-deserved honor for their many contributions as outstanding citizens of Nevada and Las Vegas. Kim and George are a rare find, dedicating themselves to serving Nevada's youth. They have given of their time, of their energy, and of their resources toward the betterment of youth in a measure beyond the call of duty.

Mr. Speaker, I indeed am fortunate to have the distinct privilege and rare honor to call Kim and George my friends.

Mr. Speaker, I include the following citation in the RECORD of today's proceedings:

Whereas George is one of four children born to Scott & Georgina Gerringer. Kim, the youngest of two children, was born to Gerald & Thais Stoddard.

Whereas shortly after meeting Kim in Pueblo, Colorado George left town in pursuit of the American dream. He arrived in Las Vegas in October 1961. Having fourteen years experience as a carpet mechanic, it was natural for George to seek work in that field. He worked with Carrington Carpet as a retail installer. The death of Mr. Carrington resulted in George's promotion to foreman and Director of Sales. Success in these endeavors led to the establishment of Gerringer Carpet Service in 1963.

Whereas in the interim, a long distance romance ensued resulting in George and Kim's marriage on February 14, 1962.

Whereas through hard work and presistance the Gerringer operation flourished and this company has carpeted all of the major hotels in the state of Nevada as well as some of the most prestigious hotels throughout the world.

Whereas Kim has always gravitated toward the medical profession. Over the years she has been employed as a dental assistant, a hospital admission clerk, and a nurses' aid at Sunrise Hospital. Kim was the first president of the Student Nursing Association at UNLV, graduating in the University's School of Nursing's initial class. Kim is currently pursuing her masters degree in counseling.

Whereas the Gerringer's children were educated at Bishop Gorman. Sabrina is currently a senior. Their son, Lynn, died as a result of an automobile accident in April 1983, while he was junior at Gorman. A memorial scholarship has been established in his memory to fund post-high school educational expenses of Gorman graduates who demonstrate financial need.

Whereas the Gerringers have been active members of the Bishop Gorman High School Community. Kim served as the Vice President of the Booster Club (1981-82), and has been involved in orchestrating major school dances and a myriad of other activities. In addition to her involvement at Gorman, Kim is on the Speakers Bureau of MADD and is the co-leader and editor of the newsletter for Compassionate Friends, an organization that is attentive to the needs of grieving parents and siblings. George has served on the Bishop Gorman Advisory Board, as well as a two year term as president of the Booster Club (1982-1984).

Resolved, we salute George and Kim Gerringer for their generous support of Bishop Gorman High School, their caring and generosity that they have shown to the students who have passed through this campus. Thank you for being a part of our community.

MAJ. GEN. DONALD D. BROWN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. FAZIO. Mr. Speaker, I rise today to share with my colleagues the achievements of Maj. Gen. Donald D. Brown, commander of the 22d Air Force, Military Airlift Command at

Travis Air Force Base, who will retire on May 1, 1987, after almost 32 years of accomplished military service. I am proud to pay tribute to a man who has honored this great country with over three decades of dedication and achievements, in what has been a truly distinguished military career.

General Brown was born August 1, 1931, in Montreal, Canada. He earned his bachelor of arts degree from Columbia University, and it was there that he was commissioned through the Reserve Officer Training Corps Program in 1955. His further scholastic endeavors included a master degree in business administration from Syracuse University through the Air Force Institute of Technology in 1965; Squadron Officer School, Air War College, Advanced Management Program at the University of Pittsburgh; and in 1981 he attended the Executive Program in National and International Security at Harvard.

Upon graduation from pilot training in 1956 at Reese Air Force Base, TX, General Brown was given his first operational assignment in the 18th Air Transport Squadron of the Military Air Transport Service at McGuire Air Force Base. It was during this time in New Jersey that General Brown flew North Atlantic routes in C-118's. Since then, General Brown has served as an instructor with the 1707th Air Transport Wing from 1962-64 and base supply officer in the years 1966-68. Upon completion of transition training in C-123's, he was assigned to the 315th Operations Wing at Phan Rang Air Base, Republic of Vietnam where he served as both squadron chief and wing chief of aircrew standardization through 1968 and 1969.

In the years that followed his tour of duty in Southeast Asia, General Brown returned to McGuire AFB as a C-141 pilot as well as serving as commander of the 30th Military Airlift Squadron. In 1973, the general transferred to Military Airlift Commander Headquarters as Chief of the Weapon System Support Division in the Directorate of Supply and finished his duty at Scott Air Force Base as director of logistics plans. General Brown's accomplishments continued to mount, when in 1976 he was assigned as vice commander of the 62d Military Airlift Wing, McChord AFB, and promoted to commander in July 1977. In 1979 he returned to Scott AFB, where he saw service as Military Airlift Command's assistant deputy chief of staff for operations and deputy chief of staff for plans, responsible for all long-range planning for the command. General Brown received a promotion to deputy chief of staff for operations in September 1983, and in this capacity was responsible for all flying operations worldwide.

Among other things General Brown is an accomplished pilot with over 10,000 flying hours and 146 combat missions in the Republic of Vietnam to his record. His most recent achievement is as commander of the 22d Air Force, Military Airlift Command, Travis AFB, CA. General Brown's superb foresight and determination has enabled MAC to develop a long-range plan to identify the requirements for airlift to support the national defensive strategy through to the 21st century.

On May 1, 1983, General Brown was promoted to major general. For these accomplishments, his skill and strength of character, Major General Brown has received numerous distinctions and awards. He has been decorated with the Distinguished Service Medal, Legion of Merit with one oak leaf cluster, Distinguished Flying Cross with one oak leaf cluster, Bronze Star Medal, Meritorious Service Medal, Air Medal, Air Medal with four oak leaf clusters, Air Force Outstanding Unit Award Ribbon with "V" device and two oak leaf clusters and Republic of Vietnam Gallantry Cross with palm.

Major General Brown and his wife Joan have three children: Cathy, Jim, and Nancy.

I am honored to have had this chance to pay tribute to Maj. Gen. Donald D. Brown, and to share with you the achievements of an outstanding officer and exemplary citizen.

ARCTIC COASTAL PLAIN LEASING ACT OF 1987

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. YOUNG of Alaska. Mr. Speaker, today I and a number of my colleagues who are concerned about economic growth, energy security and American jobs are introducing legislation which would authorize and direct the Secretary of the Interior to competitively lease the enormous oil and gas resources of the Coastal Plain area of the Arctic National Wildlife Refuge in my State of Alaska. Our actions when successful will yield billions of dollars of new economic opportunity for American workers throughout Alaska and the United States, reduce future needs for insecure energy sources, have a sustained positive influence on our national balance of trade problem and increase U.S. national security.

In 1980, as part of the Alaska National Interest Lands Conservation Act [ANILCA], the Congress directed the Secretary of the Interior to study the Coastal Plain of the Arctic National Wildlife Refuge located just east of Prudhoe Bay on the North Slope of Alaska, for its fish and wildlife values as well as it oil and gas potential. The draft study has concluded that the Coastal Plain may contain as much as 29 billion barrels of oil, clearly making it the largest potential oil field in the United States. As a point of reference, if such reserves are found in the area, the field size would exceed that of adjacent Prudhoe Bay, which is now the single largest oil field ever discovered in North America.

At $30 per barrel (a perfectly reasonable projected price for the late 1990's, the soonest this oil could be brought to market), this represents an infusion of close to $1 trillion in new wealth to the U.S. economy in oil alone. Without development, this same amount would be required to buy imported foreign oil, which may come with a political pricetag, as well. In addition, the Fish and Wildlife Service concluded that the extraction of this enormous resource could take place without serious degradation of the habitat of the Coastal Plain. This fact is especially important, because of the importance of the Coastal Plain to indigenous fish and wildlife populations which are important to the people of Alaska and North America. As Alaska's sole representative in the House of Representatives, I remember the battle over the construction of the Trans-Alaskan Pipeline, now supplying over 20 percent of America's domestic production of oil daily. It was said that wildlife populations would suffer and environmental degradation would occur. In fact, after billions of barrels of oil and tens of billions of dollars in development investments, the caribou population on the North Slope of Alaska has tripled, and other wildlife species have been thriving. Truly, the adjacent Prudhoe Bay experience has proven to those interested in balancing fish and wildlife protection with economic activity that economic activity can coexist and in fact, enhance the environment, if adequate environmental standards are required. Our bill would ensure the standards for environmental protection would remain high.

Some would argue that there is no need to develop this area now; that we should wait until we need this resource. The truth is that this oil will not come to market until the late 1990's because of the severe operating conditions associated with the Arctic and the long lead times required to adequately insure the environment is protected as the oil is developed. To wait until the public is clamoring for oil supplies is to ensure that the Coastal Plain will become an environmental "cost of doing business" for complying with public pressure. We in Alaska have seen in the past the consequences of rapid development responding to national emergency—the scars from just such a program during World War II stand in sharp contrast today to the minimal environmental impact of the logical and environmentally-sound development of Prudhoe Bay. Additionally, this country is in serious need of new energy sources, despite the effect of the current oil oversupply in the world market, and there is every reason to believe that it is not going to get better as we approach the 1990's.

Mr. Speaker, the facts are clear. For the past 20 years, the United States has been using more oil than it produced. Three-quarters of the oil we must have by the year 2000 still has to be found. Despite this, domestic production will decline by a million barrels per day or more by the end of this year. A continued decline in production, accompanied by even moderate increases in consumption, will drive imports up substantially. In 1985, imports of crude oil and petroleum products accounted for only 27 percent of domestic consumption. Projections indicate that the United States could be importing almost 50 percent of its oil in as little as 3 years and as much as 70 percent by the year 2000. According to the American Petroleum Institute, U.S. oil imports from the Persian Gulf have increased by 400 percent since last year. American oil reserves—resources for future development—have been steadily shrinking and are expected to hit their lowest level since World War II in 3 years. Employment would be boosted nationwide because supplies and services for operations would come from throughout the United States. Depending upon the amount of oil and gas discovered on the Coastal Plain, the American Petroleum Institute predicts that national employment gains could be as many as

1,021,000 jobs. Petroleum imports represent a significant component of all U.S. imports, costing Americans an average of $1 billion per week. Last year, payments for oil imports amounted to about one-third of the trade deficit. According to the Fish and Wildlife Service, production from the Coastal Plain could reduce dependence on foreign oil and gas by almost 9 percent in the year 2005 and save Americans billions of dollars per year.

Mr. Speaker, I anticipate great national interest in the nearly $1 trillion in increased economic activity which will come to the United States if this legislation is adopted. For that reason I urge my colleagues to join with us in this effort to produce new wealth while protecting the environment. This may be the largest jobs bill upon which this Congress will act.

IN MEMORY OF INNA KITROSSKAYA-MEIMAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. GILMAN. Mr. Speaker, the passing of a friend or loved one is always difficult. On Monday, February 9, 1987, Inna Kitrosskaya-Meiman, a Soviet Jewish human rights activist, died in Washington, DC, of a heart attack brought about by complications from cancer at the age of 54. Her death came less than 3 weeks after her arrival in the United States for specialized treatment unavailable in the Soviet Union. Inna's cancer had progressed over the past several years, and all requests for permission to travel to the West for treatment were denied until recently. She suffered through four operations in the Soviet Union, designed to remove the cancerous tissue at the base of her neck. None was completely successful, and treatment here was her only hope.

Inna Meiman, and her husband, Naum Meiman, were long-term refuseniks active in the Jewish community in Moscow. Each time they sought permission for Inna to be treated in the West, their request was refused on the grounds that Naum was privy to state secrets, brought about by his work as a mathematician decades earlier. Naum Meiman, also a member of the Moscow Helsinki Monitoring Group, was not allowed to accompany Inna to the United States, and so, she made the journey alone.

Upon her arrival in Washington on January 19, 1987, Inna said, "I haven't come to America to die. I have come to America to recover, though if I'd been allowed to come 3 years ago, my chances would have been better."

Mr. Speaker, we are all pained and saddened at this untimely loss. Several colleagues and I have requested Soviet Ambassador Dubinin to ensure that Naum Meiman and their son are allowed to attend the funeral here. We pray that this request will be granted. No one can know whether Inna would have been treated successfully had she been allowed to come to the United States after her first request. But we do know that she and Naum will never again be together.

There are other men and women in the Soviet Union who suffer from various illnesses untreatable there. If they desire treatment in the United States, it should not be denied them for years on end. Inna Meiman's death is yet another reminder of our need to continue to work on behalf of the human rights of all individuals, whether it be religious, social, cultural, or medically related.

I want to extend my sincerest sympathies to Naum and Inna's family, both here and in the Soviet Union, and to assure them that Inna will not be forgotten.

JOHN TRAVER HONORED AT RETIREMENT DINNER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. LEWIS of California. Mr. Speaker, I am most pleased to have this opportunity today to recognize a truly remarkable individual, Mr. John A. Traver. After 30 years of dedicated service to the California Highway Patrol, Mr. Traver has decided to retire. Appropriately, he will be honored at a dinner on February 27, of this year.

Mr. Traver's years with the highway patrol have been highlighted by many noteworthy achievements. In 1977, he received his bachelor of arts in public service management from the University of Redlands. He has been awarded his certificate in management by the State of California Personnel Board. He also earned his certificate in law enforcement photography, which was given to him by the Kodak Co. Mr. Traver is specially trained in riot and guerrilla warfare and holds the distinction of having specialized training with the Federal Bureau of Investigation. In addition to these commendable efforts to learn and grow in order to better serve the public, John Traver also received terrorist tactic training through the California Specialized Training Institute.

Not only has John performed diligently in a professional capacity, but he has consistently contributed to his community through volunteer efforts as well. The San Bernardino Chamber of Commerce has especially benefited from his talents, having served as their ambassador by representing the organization at various meetings and functions in the area. Also, he has contributed to the chamber by serving on its transportation and beautification committees. John held the honorable position of vice president of the War on Crimes Commission.

The Young Mens' Christian Association, known as the YMCA, has also profited from Mr. Traver's talents. He has been a member of the board of directors for 8 years and is the current president of the San Bernardino area's six branches. From 1978 to 1980 he acted as the charter chairman of the board for the YMCA's downtown San Bernardino branch. Currently, he serves as the president of the Centurians chapter of the Good Sam Club. In addition, John also served as the assistant State director for this fine organization. He also manages to find time to be a member of the noted Masonic Lodge, the California Peace Officers Association, and the San Bernardino Shrine Club. And while John certainly keeps busy with these varied and important community activities, I must not fail to mention his penchant for a round of golf when time allows.

Mr. Speaker, I ask that you join me in saluting John Traver. His immense dedication to his noble profession is a fine example for all public servants, and it is with great respect that I have this opportunity to commend his many outstanding achievements in both his professional and private life, here in the Chamber of the House of Representatives.

U.S. EXPORT CONTROLS: A COMPETITIVENESS ISSUE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. OXLEY. Mr. Speaker, I welcome the debate likely to result from Monday's announcement by Secretary of Commerce Malcolm Baldrige that the Reagan administration will be moving to ease U.S. export controls.

There is no question that we must proceed carefully in this area, so as not to threaten our national security interests by relaxing controls too much in the name of competition, but this important question deserves our consideration in the context of deliberations on trade or competitiveness legislation in this session of the Congress.

Although some of the administration's proposed export control reforms do not require congressional approval or review, Monday's announcement virtually ensures that export controls will receive considerable attention in the Congress because other proposed reforms may require legislative action.

It is vitally important to protect our national security interests, but it seems equally important that American exporters are viewed as reliable suppliers of goods and services abroad, and that they are able to compete freely and aggressively in foreign markets.

According to Secretary Baldrige, some 40 percent of all exported American products require export licenses. Is that amount excessive? What are the long- and short-term national security implications of such an export control policy?

Clearly, in my view, the time has come for us to closely review and consider U.S. export control policy and goals. In light of Secretary Baldrige's announcement Monday and the competitiveness drive in the Congress, I suspect that many of my colleagues share this view and look forward to continued discussion of this important national security and American competitiveness issue.

A HOUSE OF REPRESENTATIVES CLASSIFIED INFORMATION SECURITY OFFICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. SOLOMON. Mr. Speaker, the Congress is a vital part of the Government of the American people, and as such it is a tempting target for foreign espionage agencies, particularly those of the Communist states. The FBI has long known of efforts by Communist countries to gain access to those classified materials provided to the Congress. Although the agency is unable, for security reasons, to publicly report on most of those cases of coerced recruitment of congressional employees, we are aware of several cases in the last few years in which East German and Soviet espionage agencies have attempted to penetrate the Congress. In one case, an American citizen seeking employment with a Foreign Affairs subcommittee was found to be working for Communist German intelligence. In 1980, an American citizen working with the KGB attempted unsuccessfully to obtain employment with a congressional Intelligence Committee. In 1982, a congressional employee reported to the FBI an attempt by Soviet intelligence to recruit him as an agent. Fortunately, in the last case the employee worked with the FBI to thwart the Soviets' efforts.

No one has any way of knowing how many of our Nation's most valuable secrets may have been divulged right here in the Halls of Congess. Do we really know how many secrets may be escaping our grasp even as we debate here today?

There is an action that this Congress can take to immediately respond to this problem, an action that would better educate our staffs and employees at all levels about the quiet threat they may face, and that would also educate them on their responsibilities to our Nation and its security. This would be the creation of a House of Representatives Classified Information Security Office. After the Members' return from the Lincoln/Washington district work period, I will be offering a proposal for such an office, which would assist all of us in the handling of sensitive documents, in assuring that all of our employees have received appropriate security briefings, and in preparing for our employees' use a manual outlining appropriate security procedures that we as a body have approved.

The Members of this House rely on their staffs, both in their personal offices and committee offices, to assist and advise them daily in addressing the vital issues that face our Nation and its security. It is only fair that we, the Members of this House, ensure that these assistants and advisers are aware of the threat they may face as they work to fulfill their duties in this House. I invite my colleagues to join me in sponsoring this resolution.

TRIBUTE TO HON. CLAIR W. BURGENER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. THOMAS of California. Mr. Speaker, on behalf of the California Republican congressional delegation, it is my distinct honor today to pay tribute to a former Member of this body who has served his State and Nation with the utmost responsibility and integrity.

Clair W. Burgener can be described in three simple, yet meaningful words, "A Great American." He served his country in World War II and again in Korea. During World War II, 2d Lieutenant Burgener was a navigator in the U.S. Air Corps serving in the Pacific theater. In 1945, he was awarded the Air Medal.

From 1947 through 1975, he owned the Clair W. Burgener Co. in San Diego. He maintained 10 offices with 100 employees in his real estate business.

In spite of the time demand from his business, Clair Burgener served 24 years in elected public office. From 1953 to 1957, he was a city councilman in San Diego. He served as vice mayor for that city in 1955 to 1956. He was a California State assemblyman from 1963–66, and a State senator from 1967 to 1972. And from 1973 to 1983, Clair Burgener served as a Member of the U.S. House of Representatives.

And again, in spite of enormous demands on his time, Clair Burgener was involved in his community. The list of his civic and community activities is too long to name here today.

So, no one could have faulted him had he chosen to rest after such a long record of service. But that simply is not his nature. Clair Burgener was called to serve his party again last year by Governor Deukmejian in the middle of an election cycle. He answered that call to serve as chairman of the California Republican Party.

During his term as chairman, Republican voter registration increased in California. California Republicans picked up seats in the assembly and senate under his party leadership. All seats held by California Republicans in Congress are still in the Republican column. And we reelected Governor Deukmejian by a record margin.

Being the chairman of the California Republican Party is a tough, time consuming, and often thankless job. Those of us who hold elective office could hope for no better, more understanding chairman than Clair Burgener, a former elected official himself.

Mr. Speaker, Clair W. Burgener will formally step down as the chairman of the California Republican Party on February 22, 1987, when his successor is elected. Clair W. Burgener has answered the call of his community, his party, his State, and his country on each and every occasion. He has truly been an inspiration to all who have come in contact with him. He has set an example for all who follow. Mr. Speaker, I proudly ask this distinguished body to join us in saluting one of this country's most able public servants, Clair W. Burgener.

A TRIBUTE TO AUSTIN J. WELCH

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. DIOGUARDI. Mr. Speaker, I rise today to pay special tribute to a distinguished and dedicated public administrator, Austin J. Welch, who passed away last December 28, 1986.

Austin J. Welch was a 25-year resident of the village of Pleasantville, NY, where he served with numerous national, State and local governmental organizations. He was appointed village manager/clerk of the village of Pleasantville in 1961, where he demonstrated a profound concern for the welfare of the community.

Even though retired from the village of Pleasantville in 1971, Austin Welch remained active in the community. As a dedicated advocate for senior citizens, he continued to write a column called "Senior Forum" in the local newspaper.

Despite being afflicted with blindness and suffering a stroke, Mr. Welch displayed his continued courage and dedication over the last 2½ years of life by working and writing up until his death.

On Friday, February 20, the northeast council of Senior Citizens of Westchester will honor the memory of Mr. Welch. I would like my colleagues in the House to join me in recognizing Austin J. Welch's faithful dedication and contributions to his country and community, and to express our profound sympathy and condolences to his wife, Frieda, and surviving family.

NONSMOKERS HEALTH PROTECTION ACT OF 1987

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. RITTER. Mr. Speaker, I am proud to have introduced the Nonsmokers Health Protection Act of 1987 with Congressman JAMES SCHEUER. This is an idea whose time has come and may even be overdue. If you care about clean air and worry about air pollution, then you must be concerned about exposure to tobacco smoke. It's probably the most polluted air we breathe.

This year, the Surgeon General's annual report was devoted entirely to informing the public about the damage done by passive smoking. Dr. C. Everett Koop provided the most exhaustive justification yet from a Government agency for avoiding secondhand smoke and urged Congress to pass tougher restrictions on smoking in public places. Dr. Koop has stated that there is all the medical evidence necessary to support reasonable protections for the nonsmoker from the irritation and potential harm of secondhand smoke. We have ceased wondering whether a health risk exists, and are now asking what we can do to minimize this risk. This question finds its answer in the legislation that we have introduced to restrict smoking to designated areas in all U.S. Government buildings.

More than three dozen States, hundreds of municipalities, and numerous private companies already have enacted policies to limit smoking both in public places and in the workplace. In my own congressional district, there are several institutions that have smoking policies. The city of Allentown has one. The Lehigh Valley Hospital Center and Allentown Hospital both initiated smoking policies just last week. Also in my district, the Good Shepherd Rehabilitation Center, Easton Hospital, Metz Mechanical, Inc., Air Products and Chemicals Inc., and Rodale Press are among the many institutions that have smoking policies. We are not breaking new ground with this legislation; rather, we are playing catchup. It is time we acknowledge that involuntary smoking is a public health hazard and that it is appropriate for the Federal Government, following the lead of States, municipalities, and private companies, to do something about it in its own backyard.

A recent report by the National Academy of Sciences reported that there is enough evidence of health risks from passive smoking to warrant considerable concern. For example, data show that separation by distance in the same room or workplace from secondhand smoke is not enough. Exposure is still a significant health hazard.

Recent moves by Government agencies such as DOD, GSA, private employers, and State and municipal governments to restrict smoking to designated areas in public places and in the workplace are admirable. But millions of workers and visitors who occupy Federal buildings are still exposed.

The bill that Representative SCHEUER and I introduced:

Requires the designation of specific smoking and nonsmoking areas in all Federal buildings, including congressional buildings and courthouses.

Requires signs to designate smoking and nonsmoking areas.

Permits individual agencies to enact rules that are more stringent than those required by this bill.

My background and my work on the key environmental committees in the House has prompted me to review the major studies on involuntary smoking before proposing this legislation. I have met with several of the scientific investigators. I have a reputation in this field as a hardnose on the facts and a stickler for providing the scientific and health reasons for regulation. As in all science, conclusions about the adverse health effects of exposure to secondhand smoke are not nailed shut, and those who have an interest in disputing these findings will probably find ways to do so. But, like the Surgeon General and the committee of the National Research Council of the National Academy of Sciences, I am convinced that there exists a sufficient and growing body of evidence linking involuntary smoking with elevated risk for respiratory dysfunction, lung cancer, and, potentially, heart disease. Such evidence merits the Federal Government taking steps of its own to protect nonsmokers in Federal buildings. Allow me to quickly run through what we know about secondhand smoke and what involuntary smoking can do to the nonsmoker's health.

Tobacco smoke has approximately 4,000 chemical constituents. Some 40 or so of these are known carcinogens, or tumor initiators. In addition, every air polluting substance as defined and regulated by EPA is contained in tobacco smoke. Several investigators have shown that certain hazardous chemical constituents are present in much greater concentrations in the—passive smoke—smoke inhaled by the nonsmoker than in the filtered smoke—mainstream smoke—inhaled by the active smoker. Nonsmokers who are exposed to tobacco smoke absorb nicotine, carbon monoxide, and other constituents of tobacco smoke, as do smokers.

Scientific studies linking involuntary smoking and cancer are the most numerous. In the past 7 years, 17 studies have been published, all but three of them showing a positive relationship between tobacco smoke exposure and cancer. Studies in both Japan and Greece revealed that women married to smokers have higher risks of lung cancer. In the Japanese study, nonsmoking wives of heavy smokers had an 80 percent higher risk of acquiring lung cancer. The Greek study showed nonsmoking wives of heavy smokers had a risk of developing lung cancer three times higher.

In a case-control study by the American Cancer Society involving 134 lung cancer cases and 402 controls, which used four different methods to measure exposure to tobacco smoke, involuntary smoking increased the risk of lung cancer from 13 to 31 percent. This overall risk was comparable to that shown by an earlier American Cancer Society prospective study, although the earlier study did not show a relationship between an increased risk of lung cancer in the nonsmoking wife and the number of cigarettes smoked per day by her husband. The latest American Cancer Society study did show a dose response relationship between the number of cigarettes smoked by the husband. The risk of lung cancer doubled in nonsmoking women whose husbands smoked 20 or more cigarettes a day at home.

Another area of significant study is the association of exposure to tobacco smoke with respiratory disease and impaired pulmonary function. Several studies focusing on exposure to tobacco smoke at home have shown the susceptibility of children to the adverse health effects of involuntary smoking. Maternal smoking has been linked to impaired pulmonary function in children, and other studies have revealed an increased incidence of pneumonia and bronchitis during the first year of life as a result of parental smoking.

The final link in the chain of adverse health effects resulting from involuntary smoking is its effect on individuals suffering from symptomatic coronary heart disease. Although these reports are preliminary, the initial findings—that exposure to tobacco smoke increases the risk for death from coronary heart disease—are particularly troubling. If these findings are confirmed, it would greatly increase the magnitude of the public health problem posed by involuntary smoking, as many more deaths would be involved in the scenario than with lung cancer alone.

On a more personal level, above and beyond the serious disease, is the irritation—itching-burning eyes, coughing, headaches and general feeling of discomfort—that can result from exposure to tobacco smoke. A scientific study of this issue revealed that nearly 70 percent of nonallergic persons exposed to environmental tobacco smoke experienced eye irritation, 30 percent indicated nasal discomfort, 30 percent got headaches, and 25 percent developed a cough. It is not surprising, then, that a Gallup poll released by the American Lung Association found that 75 percent of all adults—including both smokers and nonsmokers—feel that smokers should refrain from smoking in the presence of nonsmokers, and that 79 percent—again, of all adults, including smokers—support the concept of designated smoking areas in the workplace.

I would like to thank the Coalition on Smoking OR Health, which includes the American Heart Association, the American Lung Association, and the American Cancer Society. Those organizations, along with others, have endorsed our bill.

I am providing a summary of the Surgeon General's report, "The Health Consequences of Involuntary Smoking," as well as excerpts from the summary of the National Academy's report on "Environmental Tobacco Smoke" to be inserted into the RECORD after my statement.

I encourage my colleagues who are interested in environmental quality to cosponsor this important legislation and help ensure the protection of nonsmoking workers and visitors in Federal buildings from the health risks of involuntary smoking.

I am sure that millions of Federal Government workers, as well as visitors, will be well served by this legislation. You've heard about important political decisions being made in smoke-filled rooms. Well, if our bill is successful, some of those decisions will have to be made in designated smoke-filled rooms.

THE HEALTH CONSEQUENCES OF INVOLUNTARY SMOKING—A REPORT OF THE SURGEON GENERAL

SUMMARY AND CONCLUSIONS OF THE SURGEON GENERAL

SUMMARY AND CONCLUSIONS OF THE 1986 REPORT

The three major conclusions of this report are the following:

1. Involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers.
2. The children of parents who smoke compared with the children of nonsmoking parents have an increased frequency of respiratory infections, increased respiratory symptoms, and slightly smaller rates of increased lung function as the lung matures.
3. The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke.

ENVIRONMENTAL TOBACCO SMOKE—MEASURING EXPOSURES AND ASSESSING HEALTH EFFECTS

EXECUTIVE SUMMARY

Introduction

A Committee of the National Research Council's (NRC's) Board on Environmental

Studies and Toxicology prepared this report in response to requests from two federal government agencies, the Office Air and Radiation of the Environmental Protection Agency (EPA) and the Office of Smoking and Health of the Department of Health and Human Services. The report evaluates methodologies in epidemiologic and related studies for obtaining measurements of exposure to environmental tobacco smoke (ETS) by nonsmokers and also outlines the possible health effects of such exposures as reported in the published literature. This committee was asked to review original research data and identify research needs but was not charged with preparing policy statements or recommendations for public health actions. In particular, the NRC was asked to:

Review the chemical and physical characterizations of the constituents of ETS;

include a toxicological profile of sidestream and environmental tobacco smoke;

review the epidemiologic and related literature on the health effects of exposure to ETS; and

recommend future exposure monitoring, modeling, and epidemiologic research.

To address these and related issues, the NRC formed the Committee on Passive Smoking in the Board on Environmental Studies and Toxicology of the Commission on Life Sciences. The committee consists of professionals in a variety of fields, including epidemiology, toxicology, biochemistry, atmospheric science, biostatistics, and pulmonary physiology.

The subject of the committee's report is the use of epidemiology and related disciplines for the study of possible health effects of exposure to ETS by nonsmokers. Smokers are also exposed to ETS, but the health effects of this exposure, which are likely to be less intense than those of active smoking, are not the subject of this report. The primary goal of the studies reviewed in this report is to determine whether there is a relationship between health outcomes in human populations and ETS-exposure of nonsmokers. It is a formidable task to assess exposure to the complex mixture of ETS with enough precision to permit use in analytic studies, including quantitative risk estimation. For some health outcomes the relevant duration of exposure may be minutes, for others it may be decades. Numerous factors, in addition to exposure to smoke, can influence the risk of illness. These other factors must be taken into account if the magnitude of the effects of exposure to ETS is to be evaluated.

Environmental Tobacco Smoke

More than 3,800 compounds have been identified in cigarette smoke. The major source, by far, for ETS is sidestream smoke (SS) which is emitted from the burning end of a cigarette in between puffs. The remainder of ETS consists of exhaled mainstream smoke (MS), smoke which escapes from the burning end during puff-drawing, and gases which diffuse during smoking through the cigarette paper. Each of the mixtures, MS, SS, and ETS, is an aerosol consisting of a particulate phase and a vapor phase. However, the smokes of MS, SS, and ETS differ, as the result of changes in the concentrations of individual constituents, the phase (particulate or vapor) in which the constituents are present, and various secondary reactions that chemically and physically alter ("age") the composition of the smoke. Undiluted SS contains higher concentrations of some toxic compounds that undiluted MS, including ammonia, volatile amines, volatile nitrosamines, nicotine decomposition products, and aromatic amines. However, concentrations of these SS emissions are considerably diluted in the indoor space where ETS exposures take place. The hydrophobic vapor phase constituents of ETS are likely to enter the lung of the exposed individual, while the hydrophilic vapor phase constituents are likely to be absorbed in the upper respiratory tract. Particles <2.5 μm (in this report referred to as respirable suspended particulates [RSP]) dominate the particulate phase of ETS and can be inhaled deeply into the lung.

Standard laboratory procedures have been established to assess the physicochemical properties of SS and MS.

The changes in distribution of particular constituents of ETS as the smoke ages in the indoor environment are largely unknown. For example, it is known that almost all of the nicotine shifts from the particulate phase in MS and fresh SS to the vapor phase in ETS. Consequently, indoor air-cleaning systems designed to remove particles will not greatly alter the nicotine exposure, but may alter the concentrations of other noxious or toxic components.

Indoor radon comes from sources in the environment and decays to short-lived radon daughters, which may become bound to the RSP and ETS. However, some long-lived radon daughters came from tobacco itself.

Measures of Exposure

There are currently no direct measures of the dose absorbed of ETS in a population under study. Exposures to ETS, however, can be assessed by questionnaires, air monitoring, modeling of concentrations, or biological markers.

Questionnaires

The simplest measure of ETS exposure is contained in the reply to the questions: "Are you a cigarette smoker?" and "If you are a nonsmoker, do you live with, or work with, or have regular contact with persons who are smokers?" There are great difficulties in developing uniform questions that elicit unambiguous replies and, more particularly, in using these replies to make firm quantitative estimates of exposure. They can be used, however, as a basis for classifying individuals into broad categories of exposure, recognizing the problems such as incorrectly estimating exposure through errors in reporting of current smoking habits, neglecting exposure to ETS in other environments like workplaces or public places, and reporting an exsmoker as a nonsmoker. Reports of whether or not the subject has smoked can be obtained with reasonable reliability from surrogate respondents. However, quantification of integrated exposure over many years is not likely to be fully reliable or precise. At best, such quantification provides an approximation of exposure, whether the information is obtained from the individual himself or from a surrogate.

Monitoring

The use of air monitoring (personal or indoor space) is handicapped by the lack of a clear definition of the physicochemical nature of ETS and the identification of the individual, or target, constituents of ETS associated with the health or comfort effects under study. Proxy, or surrogate, constituents have been measured in a number of studies as indicators of ETS exposure in both personal and indoor space monitoring. RSP, carbon monoxide, nicotine, nitrogen oxides, acrolein, nitroso-compounds, and benzo[*a*]pyrene are some of the compounds or classes of air contaminants that have been measured under field conditions as indicators of ETS exposure. While some of the ETS constituents, particularly nicotine and RSP, have proved to be useful surrogates for ETS, no single measure has completely met all the criteria for an ideal ETS surrogate. To facilitate the study of the health effects of ETS exposure, an ideal marker or tracer of exposure to ETS should be unique (or nearly unique) to tobacco smoke, should be a constituent of tobacco smoke that is present in sufficient quantity so it can be measured even at low ETS levels, and should stand in a fairly constant ratio across brands of cigarettes to other tobacco smoke constituents (or contaminants) of interest.

A majority of field studies have used RSP as an indicator of exposure to ETS because of the substantial emission of RSP in indoor spaces from tobacco combustion. ETS is the dominant contributor to the indoor levels of RSP. The total RSP, as measured by personal monitors, has been found to be substantially elevated for individuals who reported being exposed to ETS as compared with those who reported no such exposure. Both air monitoring and modeling clearly indicate that RSP concentrations will be elevated over background levels in indoor spaces when even low smoking rates occur. The importance of variation in the input parameters such as room size, temperature, humidity, air exchange rate, and numbers of cigarettes smoked—should be noted when interpreting the data on the constituents of ETS obtained from personal monitors and indoor space monitors.

Biological Markers

In theory, dose of ETS to the tissues or organs could be measured directly through the use of biological markers that accurately indicate intake in the tissues of organs. Optimal assessment of exposure to ETS should derive from measures made on physiological fluids of exposed persons. Several chemicals found in such fluids may be able to serve as biological markers of recent exposures. The criteria for acceptable biological markers are similar to those for measuring ETS in the external environment.

The biological markers that have been most useful for assessing recent exposures to ETS are nicotine and its metabolite, cotinine. Nicotine and cotinine derive virtually exclusively from tobacco products, of which tobacco smoke is the most important direct source. They can be identified and quantified in saliva, blood, or urine. Generally, the mean concentrations of nicotine and cotinine in the plasma or urine of nonsmokers exposed to ETS are about 1 percent of the mean values observed in active smokers. Several studies have indicated that urinary cotinine concentrations in infants and children increase as the numbers of reported smokers increase in the home. At present, there may be difficulty in interpreting the relative cotinine levels in nonsmokers compared with smokers because of the reported slower clearance of cotinine in nonsmokers.

Thiocyanate, as measured in saliva, serum, or urine, does not appear to be sufficiently sensitive as an indicator of ETS exposure. Similarly, exhaled carbon monoxide and carbosyhemoglobin are not sufficiently sensitive to moderate or low levels of ETS exposure and thus are not particularly useful biological markers for exposure to ETS, except in experimental, acute exposure situations. There are several other sources of carbon monoxide in the environment that equal or exceed the concentrations of carbon monoxide attributable to ETS.

Other suggested biological markers of exposure are *N*-nitrosoproline, nitrosothioproline, and some of the aromatic amines that are present in high concentrations in SS. However, data on sensitivity and reliability of laboratory procedures for these markers are not sufficient to recommend their use at this time in epidemiologic studies of ETS.

Laboratory assays have shown mutagenic activity in the urine of smokers and ETS-exposed nonsmokers. The mutagenicity of urine is a function of many factors—such as dietary constituents, occupational exposures, and other environment factors—which render any findings of mutagenicity nonspecific.

DNA adducts derived from tobacco-related chemicals can be measured in the blood. However, these chemicals, such as benzo[*a*]pyrene, are not unique to ETS.

In Vivo and In Vitro Studies

Laboratory studies can contribute to a better understanding of the factors and mechanisms involved in the induction of disease by environmental agents. There have been numerous bioassays conducted on MS. In examining the effects of MS, many research workers have used condensates of the smoke painted on the shaved skin of mice. This contrasts with the human exposure that is mainly in the respiratory tract. Nonetheless, these skin-painting studies have been useful in examining the carcinogenicity of different tobacco constituents and thus advancing knowledge of the actions of MS on a gross exposure level.

In constrast to MS exposure, ETS exposure involves proportionately more exposure to gas phase than to particulate phase constituents. There have not, however, been studies of the effects of exposure to aged ETS.

Some studies have attempted to evaluate the gas phase of MS, SS, and ETS in short-term, in vitro assays. A solution of the gas phase of MS has been shown to induce dose-dependent increases in sister-chromatid exchanges in cultured human lymphocytes. Mutagenic activity has been found in the particulate matter of SS and in condensates of ETS. However, the work done to date is too sparse to permit any estimates of the mutagenicity of ETS per se, even though most of ETS consists of SS.

Health Effects

This report reviews both chronic and acute health affects associated with ETS exposure in nonsmokers. Most epidemiologic studies of chronic health effects have been conducted on persons who have had long-term exposures to ETS from household members. The studies do not directly address chronic health effects in individuals who are exposed at work or have occasional exposures in the home or elsewhere.

Because the physicochemical nature of ETS, MS, and SS differ, the extrapolation of health effects from studies of MS or of active smokers to nonsmokers exposed to ETS may not be appropriate. However, chemicals known to be toxic and carcinogenic in MS are also present in ETS.

Acute, Noxious Effects

The most common acute effects associated with exposure to ETS are eye, nose, and throat irritation, and objectionable smell of tobacco smoke. Tobacco smoke has a distinct and persistent odor, making control through ventilation particularly difficult. In closed rooms where smoking is allowed, a ventilation rate of greater than 50n cubic feet per minute per occupant is necessary to achieve air quality that is acceptable to more than 80% of adults entering the room as contrasted with rates of less than 10 cubic feet per minute per occupant when there is no smoking or other pollution. Annoyance with noxious tobacco odor largely governs the reactions of visitors, while occupants of smoky rooms are more likely to complain about irritating effects to the eye, nose, or throat. Particle filtration appears to lead to little or no decline in odor and irritation, suggesting that the effects are produced by gas-phase constituents. During exposure to ETS, eye blink rate is correlated with sensory irritation, such as burning eyes and nasal irritation. For some persons, eye tearing can be so intense as to be incapacitating. There is some evidence that nonsmokers are more sensitive to the noxious qualities of cigarette smoke than are smokers.

Smoke contains immunogens, that is, substances that can activate the immune system. Approximately half of atopic (allergy prone) individuals react to various extracts to tobacco leaf or smoke presented in skin tests. However, the components of the extract that are responsible for this reaction have not been isolated. There is little correlation between positive reactions to skin tests and self-reported complaints to tobacco smoke sensitivity.

Respiratory Symptoms and Lung Function

Respiratory symptoms, such as wheezing, coughing, and sputum production, are increased in children of smoking parents. These symptoms are more common in children of smokers than children of nonsmokers. The largest studies place the increased risk of 20 to 80%, depending on the symptom being assessed and number of smokers in the household. Also, respiratory infections manifested as pneumonia and bronchitis are significantly increased in infants of smoking parents. Some studies have reported that infants of smoking parents are hospitalized for respiratory infections more frequently than children of nonsmokers. Among children aged under 1 year, studies are remarkably consistent in showing an increased risk of respiratory infections among children living in homes where parents smoke. There is a dose-response relationship that relates more to maternal smoking than paternal smoking. The association persists after allowing for possible confounding factors such as occupational data, respiratory illness in the parents, and birthweight. The mechanisms of the increased risk may either be a direct effect of ETS or due to a higher risk of cross-infection in such homes. Regardless of the mechanism, the exposure of small children to smoking in the home appears to put them at risk of respiratory illness.

Since children exposed to ETS from parental smoking have an increased frequency of pulmonary symptoms and respiratory infections, *it is prudent to eliminate ETS exposure from the environments of small children.*

There is some evidence that parental smoking may affect the rate of lung growth in children. In children with one or more parents who smoke, lung function increase, which is a normal growth phenomenon, shows a small decrease in the rate of growth. An important issue currently unresolved is whether a child who is affected by exposure to ETS from parental smoking may be at an increased risk for the development of chronic airflow obstruction in adult life. In all studies of children, it is difficult to distinguish between the role of ETS exposure in utero and postnatally.

Three studies have shown a small reduction in pulmonary function in normal adults exposed to ETS. Interpretation of these findings is difficult because pulmonary effects in normal adults are likely to reflect the cumulative burden of many environmental and occupational exposures and other insults to the lung. Thus, the effects of ETS on the lungs of adults are likely to be confounded by many other factors, making it difficult to attribute any portion of the effect solely to ETS.

In some studies of asthmatics, in whom pulmonary reactions to ETS should be more readily produced, no effects on lung function were reported. In other studies, asthmatics reported complaints upon exposure to ETS and showed significant pulmonary function changes after experimental smoke exposure.

Lung Cancer

Considering the evidence as a whole, exposure to ETS increases the incidence of lung cancer in nonsmokers. Estimates of the magnitude of the increased risk vary. Among studies of various populations in Europe, Asia, and North America, the risk of lung cancer is roughly 30% higher for nonsmoking spouses of smokers than it is for nonsmoking spouses of nonsmokers. There is consistency among the studies in that all of the studies individually include the 30% increased risk within the 95% confidence intervals. Patterns and extent of exposure may vary in different communities and countries. Based on presently available epidemiologic data, the estimate of the increase risk from the American studies is lower than the average for all the studies, though not significantly so. These estimates are almost exclusively derived from the comparison of persons identified as exposed, or unexposed, on the basis of their spouse's smoking habits.

Certain errors in the reporting of smoking habits have probably contributed to the risk observed in the epidemiologic studies. Misclassification of current or exsmokers as nonsmokers would tend to produce an observed relative risk that is larger than the true risk. This effect was studied in detail using estimates of the extent of the errors involved and judged to contribute only a portion of the excess risk. Underestimation of the increased risk might also be introduced because the supposedly unexposed population had some exposure to ETS, although they were classified as unexposed in the studies. Taking both types of errors into account produces an estimate of the excess cancer risk for nonsmokers married to smokers compared with completely unexposed individuals that is similar to the relative risk observed in the epidemiologic studies considered.

Since carcinogenic agents contained in ETS are inhaled by nonsmokers, in the absence of a threshold for carcinogenic effects, an increased risk of lung cancer due to ETS exposure is biologically plausible.

Other Cancers

There have been few studies of risk for cancers other than lung in nonsmokers exposed to ETS. Some of the sites considered have been brain, hematopoetic, and all sites combined. The results of these studies have been inconsistent.

Cardiovascular Disease

Since active smoking has an adverse effect on cardiovascular disease morbidity and mortality, ETS exposure has also become suspect. Reports have noted an excess risk of cardiovascular disease in ETS-exposed nonsmokers; however, methodologic problems in the designs and analyses of these studies preclude any firm conclusions about the results. Studies reporting that ETS can precipitate the onset of angina pectoris among people who already have this condition are subject to the same precautionary note. Exposure to ETS produced no statistically significant effects on heart rate or blood pressure in school-aged children or healthy adult subjects, either during exercise or at rest. Data are not available as to possible adverse cardiovascular effects in susceptible populations, such as infants, elderly, or diseased individuals.

Other Health Considerations in Children

Several other health outcomes have been studied that relate to the growth and health of children. For all postnatal outcomes, it is often not possible to differentiate the effect of in utero exposure to ETS from subsequent childhood exposure to ETS.

Nonsmoking pregnant women exposed to smoking spouses have been reported to produce babies of lower birthweight than nonsmoking women with nonsmoking spouses. Some studies have noted a dose-response relationship between the number of cigarettes smoked by fathers and birthweight of the offspring.

Several studies have examined possible relationships between chronic exposure to ETS by children and parameters of growth and development. Growth is an especially difficult phenomenon to study since many factors—such as genetics, nutrition, social class, and ethnicity—play important roles. It is difficult to assign proportional causality to each factor. Moreover, height and weight ratios and other growth measures are not reliably obtained in standard pediatric surveys. A few studies have shown that children of smokers have reduced growth and development, and study reported a dose-response relationship between reduced height and increasing numbers of cigarettes smoked in the home by either the mother or the father.

Otitis media is a common occurrence in young children. In several studies, parental smoking, along with several other risk factors, has been linked to increased risk of chronic ear infections in children.

THE 75TH ANNIVERSARY OF THE UNIVERSITY OF HEALTH SCIENCES/CHICAGO MEDICAL SCHOOL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. PORTER. Mr. Speaker, it is a privilege for me today to pay tribute to the University of Health Sciences/Chicago Medical School as they celebrate their 75th anniversary year.

The Chicago Medical School was founded in 1912 by a group of distinguished physicians and citizens.

In 1967, the board of trustees established the first University of Health Sciences in the Nation, creating a School of Graduate and Postdoctoral Studies and a School of Related Health Sciences. This university has had a 75-year unbroken record of educating and training physicians, and furthering biomedical research with a highly skilled and dedicated faculty.

In the true spirit of our country, this institution opened its doors to professors of great distinction who fled the Nazi dominated Europe. Their policy resulted in a faculty and student body of the highest caliber.

Graduates of the University of Health Sciences/The Chicago Medical School are now serving our people throughout the Nation—many occupying top positions as physicians, teachers, and researchers.

The university has teaching and service affiliations with a significant number of hospitals, colleges, and other health related and civic organizations. It shares its physical and human resources with the community at large, providing valuable services and filling previously unmet needs. These resources include an outpatient clinic which provides a full range of medical services of the highest quality for everyone who enters its doors.

Therefore, I wish to draw the attention of all Members to the 75th year of the University of Health Sciences/The Chicago Medical School, and I extend my heartiest congratulations and grateful appreciation to this distinguished institution for its important contributions to the increased longevity, health, and well-being of our people.

SOVIETS RELEASE YOSYP TERELIA FROM PRISON

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Ms. SLAUGHTER of New York. Mr. Speaker, I am sure my colleagues will join me in welcoming the release of Yosyp Terelia, a prisoner of conscience and champion of religious freedom in his native Ukraine who was recently released from Soviet prison.

Mr. Terelia has been persecuted since 1962 for his efforts to restore the Ukrainian Catholic [Uniate] Church which the Soviets liquidated in 1946. In September 1982, he and four others formed the "Initiative Group for the Defense of the Rights of Believers and the Church" which actively sought the legalization of the Ukrainian Catholic Church and published several "samvydav" or underground journals for followers of the church. The Ukrainian Catholic Church has over 4 million adherents and constitutes the largest single banned religious group in the Soviet Union.

For his efforts on behalf of religious freedom and the Ukrainian Catholic Church, Yosyp Terelia at 43, has spent almost half of his life in Soviet prisons, forced labor camps, and psychiatric institutions serving sentences for various charges from "parasitism" to "anti-Soviet agitation and propaganda." He was most recently arrested on February 8, 1985 and sentenced on August 20 to 7 years in a labor camp and 5 years of internal exile which he was serving at the time of his release.

Last week's release of 42 political prisoners including Mr. Terelia has been heralded by the Soviets as evidence of Mr. Gorbachev's new *glasnost* or openness. A true test of the Soviet Union's "openness" will come when Yosyp Terelia, a man whose spirit has not been broken by years of imprisonment and torture, resumes his activity on behalf of the Ukrainian Catholic Church.

TO IMPROVE THE EDUCATION STATUS OF NATIVE HAWAIIANS

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. AKAKA. Mr. Speaker, today I rise to draw your attention to a matter of extreme importance to all who support the fulfillment of human potential.

I am speaking of a problem that has gnawed at our country for longer than any of us would be inclined to admit: The severe educational status of our native Hawaiians.

That persons of native Hawaiian ancestry have suffered disproportionately from educational inequality for some time has been clearly documented. Six years ago, Congress authorized the creation of a commission to study and identify the educational needs of native Hawaiians. The Native Hawaiian Educational Assessment project which resulted was generously completed by the Kamehameha Schools/Bernice Pauahi Bishop Estate at no public expense, and by 1984 had been submitted to both the Department of Education and the Senate Select Committee on Indian Affairs.

The study revealed some devastating findings:

Overall, native Hawaiians score below parity with national norms on standardized achievement tests. Furthermore, while native Hawaiian students in general continue to score below parity with national groups, the disparity with other local groups is even greater;

Native Hawaiians are disproportionately represented in many negative social and physical statistics, indicative of special educational needs. Lower educational achievement among native Hawaiians has been found to relate to lower social-economic outcomes. Indeed, educational needs of native Hawaiians are inextricably interwoven with other social and physical needs. Many of these have either direct educational spinoff effects or are themselves conditions which could be alleviated through educational means; and,

Native Hawaiian students have educational needs which are related to their unique cultural situation.

My colleagues will be pleased to know that the Kamehameha Schools/Bernice Pauahi Bishop Estate's interest in the education needs of native Hawaiians did not end with the completion of the assessment project. Indeed, since its earlier study, the institution has continued to monitor educational indexes, further confirming the findings of that study. Briefly, the following have been noted:

Students who are identified as Hawaiian constitute 21.7 percent of the student population in the Hawaii Department of Education—the second largest group. The total number of native Hawaiian students in all schools, public and private, is now estimated at 58,900 and is projected to increase through the year 2000;

Native Hawaiian students continue to score well below national norms in achievement tests of basic skills. An estimated 37 percent of Hawaiian elementary students register in the lowest scoring groups, compared with a meager 12 percent in the uppermost groups—versus 23 percent nationally in each class;

Native Hawaiian students are at risk from birth. Thirty-one percent of all low birth-weight babies are native Hawaiian. Forty-two percent of all teenage mothers are native Hawaiian;

Hawaiian students are continuously overrepresented in special education programs; 35 percent of students displaying learning disabilities are native Hawaiian;

Native Hawaiian children at the preschool level display weak verbal skills—over 67 percent occupy the lowest stanines in a test given by the Department of Education at kindergarten entry compared to the national norm of 23 percent;

As ninth graders, only one-third of native Hawaiian public school students hope to complete 4 or more years of college. Fifty to 75 percent of their peers in other ethnic groups aspire to complete college. Native Hawaiians remain underrepresented in enrollment at institutions of higher learning;

Severe health problems—most notably, heart disease—continue to plague many native Hawaiian families. An Office of Technology Assessment Study has even found that mortality rates for native Hawaiians are 34 percent higher than the national average.

Clearly, the attention of Congress, and the assistance of the United States are determining factors in the educational performance of native Hawaiians. We must recognize the special needs of this native group, and we must stand ready to work with them to ensure that those needs are effectively addressed.

Today, with the gracious support of Congressman KILDEE, and Congresswoman SAIKI, I am introducing legislation which provides a promising option in addressing the needs of native Hawaiians. This measure is comprehensive, innovative, prudent and most importantly, responsive. And, it is fundamentally sound in its efforts to ensure that existing native programs remain undisturbed.

Mr. Speaker, at a time when our Nation's competitive power is on the decline, our attention should be focused on strengthening our domestic base. Surely, our people can compete only if they have been provided with the means to achieve. A sound education is perhaps the most fundamental tool that America can offer its citizens. Native Hawaiians, as citizens of this great Nation, are in desparate need of that tool. In forsaking them, we simply forsake ourselves.

I urge my colleagues support for this measure.

The text of the bill reads as follows:

H.R. 1081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Congress finds and declares that—

(1) the Federal Government retains the legal responsibility to enforce the administration of the State of Hawaii's public trust responsibility for the betterment of the conditions of Native Hawaiians;

(2) in furtherance of the responsibility for the betterment of the conditions of Native Hawaiians, Congress has the power to specially legislate for the benefit of Native Hawaiians;

(3) the attainment of educational success is critical to the betterment of the conditions of Native Hawaiians;

(4) it is the policy of the Federal Government to encourage the maximum participation of Native Hawaiians in the planning and management of Native Hawaiian Education Programs;

(5) Native Hawaiian students score below national norms on standardized education achievement tests;

(6) both public and private schools show a pattern of low percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

(7) Native Hawaiian students are over-represented among those qualifying for special education programs provided to learning disabled, educable mentally retarded, handicapped, and other such students; and

(8) Native Hawaiians are disproportionately represented in many negative social and physical statistics, indicative of special educational needs—

(A) lower educational attainment among Native Hawaiians has been found to relate to lower socioeconomic outcomes;

(B) Native Hawaiian students are disproportionately under-represented in Institutions of Higher Education;

(C) Native Hawaiians are under-represented in both traditional white collar professions, health care professions, and the newly emerging technology based professions and are over-represented in service occupations;

(D) Native Hawaiians are beset with multiple health problems;

(E) Native Hawaiian children are disproportionately victimized by child abuse and neglect, a signal of family stress; and

(F) there are and will continue to be geographically rural isolated areas with a high Native Hawaiian population density.

(9) Special efforts in education recognizing the unique cultural and historical circumstances of Native Hawaiians are required.

PURPOSE

SEC. 2. It is the purpose of this Act to—

(1) authorize and develop supplemental educational programs to benefit Native Hawaiians,

(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including those made available by this Act on the problem of Native Hawaiian education, and

(3) supplement and expand existing programs and authorities in the area of education to further the purposes of this Act.

NATIVE HAWAIIAN MODEL CURRICULUM IMPLEMENTATION PROJECT

SEC. 3. (a) In order to implement the Kamehameha Elementary Education Program (KEEP) model curriculum developed by the Kamehameha Elementary Demonstration School in appropriate public schools, the Secretary shall make direct grants to—

(1) the State of Hawaii (University of Hawaii) for comprehensive teacher training;

(2) the State of Hawaii (Department of Education) for educational support services;

(3) the Kamehameha Schools/Bernice Pauahi Bishop Estate for continued research and development; and

(4) the Kamehameha Schools/Bernice Pauahi Bishop Estate and the State of Hawaii for the establishment of long-term followup and assessment activities.

(b) By no later than school year 1992-1993, the Secretary shall assure that the State of Hawaii (Department of Education) has implemented the KEEP model curriculum in a minimum of twenty public schools.

(c) There is authorized to be appropriated $3,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989 through 1993. Of the amounts appropriated, no more than 10 per centum may be used for administrative purposes. Such sums shall remain available until expended.

NATIVE HAWAIIAN FAMILY BASED EDUCATION CENTERS

SEC. 4. (a) The Secretary shall make direct grants to Native Hawaiian Organizations (including Native Hawaiian Educational Organizations) to develop and operate a minimum of eleven Family-Based Education Centers throughout the Hawaiian Islands; such centers shall include—

(1) Parent-Infant programs (prenatal through age 3);

(2) Preschool programs for four and five year-olds;

(3) continued research and development; and

(4) a long term followup and assessment program.

(b) In addition to any other amount authorized for such centers, there is authorized to be appropriated $2,400,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989 through 1993. Of the amounts appropriated, no more than 10 per centum may be used for administrative purposes. Such sums shall remain available until expended.

NATIVE HAWAIIAN HIGHER EDUCATION DEMONSTRATION PROGRAM

SEC. 5. (a) The Secretary shall make grants to the Kamehameha Schools/Bernice Pauahi Bishop Estate for a demonstration program to provide Higher Education fellowship assistance to Native Hawaiian students. The demonstration program under this section may include—

(1) full or partial fellowship support for Native Hawaiian students enrolled at an accredited two or four year degree granting institution of higher education with awards to be based on academic potential and financial need;

(2) counseling and support services for such students receiving fellowship assistance pursuant to subsection (a)(1) of this section;

(3) college preparation and guidance counseling at the secondary school level for students who may be eligible for fellowship assistance pursuant to subsection (a)(1) of this section; and

(4) appropriate research and evaluation of the activities authorized by this section.

(b) The Secretary shall make grants to the Kamehameha Schools/Bernice Pauahi Bishop Estate for a demonstration project of fellowship assistance for Native Hawaiian students in post-bachelor degree programs. Such project may include—

(1) full or partial fellowship support for Native Hawaiian students enrolled at an accredited post-bachelor degree granting institution of higher education, with priority given to professions in which Native Hawaiians are under-represented and with awards to be based on academic potential and financial need;

(2) counseling and support services for such students receiving fellowship assistance pursuant to subsection (b)(1) of this section; and

(3) appropriate research and evaluation of the activities authorized by this section.

(c) For purposes of subsection (b) fellowship conditions shall be established whereby recipients obtain an enforceable contract obligation to provide their professional services, either during their fellowship or upon completion of post-bachelor degree program, to the Native Hawaiian community within the State of Hawaii.

(d) There is authorized to be appropriated $1,250,000 for fiscal year 1988 and for each succeeding fiscal year through 1993 for the purpose of funding the fellowship assistance demonstration project under subsection (a). There is authorized to be appropriated $750,000 for fiscal year 1988 and for each succeeding fiscal year through 1993 for the purpose of funding the fellowship assistance demonstration project provided under subsection (b). Of the amounts appropriated no more than 10 per centum of the funds may be used for administrative purposes. Such sums shall remain available until expended.

NATIVE HAWAIIAN GIFTED AND TALENTED DEMONSTRATION PROGRAM

SEC. 6. (a) The Secretary shall make grants to and enter into contracts with the State of Hawaii, including its junior or community colleges, and/or the Kamehameha Schools/Bernice Pauahi Bishop Estate for demonstration projects designed to address the special needs of Native Hawaiian gifted and talented elementary and secondary school students.

(b) Demonstration projects under this section may include—

(1) the identification of the special needs of gifted and talented students who are eligible for assistance under this Act, with a priority for early identification, particularly at the elementary school level;

(2) the conduct of educational activities which hold reasonable promise of making substantial progress toward meeting the eductional needs of such gifted and talented children;

(3) the use of public television in meeting the special educational needs of such gifted and talented children;

(4) leadership programs designed to replicate programs for such children throughout the State of Hawaii, including the dissemination of information derived from the demonstration projects conducted under this section; and

(5) appropriate research, evaluation and related activities pertaining to the needs of such children.

(c) In addition to any other amount authorized for such project, there is authorized to be appropriated $1,000,000 for fiscal year 1988 and for each succeeding fiscal year through fiscal year 1993. Of the amounts appropriated, no more than 10 per centum shall be used for administrative purposes. Such sums shall remain available until expended.

NATIVE HAWAIIAN SPECIAL EDUCATION PROGRAM

SEC. 7. (a) The Secretary shall make grants to and enter into contracts with the State of Hawaii, and/or Native Hawaiian Organizations, to operate projects to address the special education needs of Native Hawaiian students. Such projects may include—

(1) the identification of Native Hawaiian children who are learning disabled, mentally or physically handicapped, educable mentally retarded, or otherwise in need of special educational service;

(2) the conduct of educational activities which hold reasonable promise of making substantial progress toward meeting the educational needs of Native Hawaiian children who are identified as being learning disabled, mentally or physically handicapped, educable mentally retarded, or otherwise in need of special educational services; and

(3) appropriate research, evaluation and related activities pertaining to the needs of such children.

(b) In addition to any other amount authorized for such project, there is authorized to be appropriated $1,500,000 for fiscal year 1988 and for each succeeding fiscal year through 1993. Of the funds appropriated, no more than 10 per centum shall be used for administrative purposes. Such sums shall remain available until expended.

MISCELLANEOUS

SEC. 8. (a) No grant may be made, nor any contract be entered into under this Act, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this Act.

(b) Each application shall be accompanied by the comments of each local educational agency serving students who will participate in the project for which assistance is sought.

DEFINITIONS

SEC. 9. For purposes of this Act—

(1) the term "Native Hawaiian" means any individual who is—

(A) a citizen of the United States,

(B) a resident of the State of Hawaii, and

(C) a decedant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

(i) genealogical records,

(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification, or

(iii) birth records of the State of Hawaii;

(2) the term "Secretary" means the Secretary of Education;

(3) the term "Native Hawaiian Educational Organization" means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians,

(B) has a demonstrated expertise in the education of Native Hawaiian youth, and

(C) has demonstrated expertise in research and program development;

(4) the term "Native Hawaiian Organization" means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians, and

(B) is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or portion of programs) for the benefit of Native Hawaiians;

(5) the term "elementary school" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act;

(6) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act; and

(7) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act.

MONTANA ECONOMY CANNOT ABSORB LOSS OF JOBS

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. MARLENEE. Mr. Speaker, today I'm introducing legislation which proposes to put a hold on the sale of any railroad track that passes through the State of Montana.

Burlington Northern Railroad is considering selling 450 miles of track running from Laurel, MT, to Sandpoint, ID. This route is called the southern route and it's sale could jeopardize up to 900 jobs. Burlington Northern's pursuit of profit at any cost has meant the loss of 435 jobs within the past year, and now we are faced with an additional loss of 900 jobs. Last year BN shut down a shop in Livingston and they consolidated their regional headquarters closing the office in Billings—this meant the loss of a payroll in excess of $10 million.

The economy in Montana is in no shape to absorb the loss of another 900 jobs. I met with railroad workers in my district recently to discuss the labor problems caused by the Laurel to Sandpoint route sale. At that meeting, it became apparent legislation was needed that would put on hold the sale of the southern line until Congress has decided the issue of employee protection.

Last session, Congress came very close to approving legislation which would offer employee protection for railroad workers whose jobs are adversely affected by the sale of branch lines by major rail carriers. This provision was part of the Conrail bill but was later dropped in the conference committee.

There is a nationwide trend of class 1 carriers to sell off their branch lines. Before the whole railroad industry is restructured, I think we need to look at the system wide repercussions of the branch line sales and their affect on rail labor. The numbers of railroad workers in the work force has dropped off dramatically bringing to light many changes for the railroad and its workers.

The sale is still speculative at this point, and before any sale is completed I feel certain criteria must be met, including specific assurances for employee protection, assurances for shippers that their products will be moved at a reasonable price, and assurances that normal rail operations will not be disrupted. The track has been designated as a national defense route, which is one reason why it is especially important that if a sale is consummated, we must be guaranteed that the new owner is able to maintain a solvent railroad.

The Interstate Commerce Commission's role in this sale is basically nonexistent. No single Government agency has the jurisdiction over all the considerations that these shortline sales bring up. As a remedy to at least part of the problem—employee protection—I feel it is up to Congress to accept the obligation to put a hold on any rail sales in Montana until Congress can make a final decision on employee protection.

ISSUANCE OF A STAMP HONORING MARY LYON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. CONTE. Mr. Speaker, on February 28, the U.S. Postal Service will hold first day of issuance ceremonies for the Mary Lyon 2-cent stamp at Mount Holyoke College in South Hadley, MA. The Postal Service has fittingly chosen to honor one of our Nation's greatest educators. It is especially proper that the Postal Service has chosen the year of the 150th anniversary of Mount Holyoke College to honor Mary Lyon.

Born on February 28, 1797 in Buckland, MA, Mary Lyon overcame personal hardship to become a teacher at the age of 17. She devoted her entire life to education. Mary Lyon's main goal was to found a women's college which would be both affordable and provide quality education. It took much hard work to raise the necessary funds, but the many people whose lives have been influenced by Mount Holyoke College know that she was successful. Mary Lyon founded Mount Holyoke College in 1837, and her 12 years of serving as president of the college saw it through its formative years, and when Mary Lyon died in 1849 she left behind a Mount Holyoke College which was financially sound and had achieved scholastic excellence.

The Postal Service does not issue many commemorative stamps, and any stamp proposal must go through a difficult screening process. Well, the Mary Lyon stamp successfully made it through that tough process, and on February 28, we will not only be celebrating the issuance of a new stamp, but we will be paying tribute to Mary Lyon and the contributions she made to American education.

ARMS CONTROL AFTER REYKJAVIK

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. FASCELL. Mr. Speaker, on January 29 the Arms Control, International Security and Science Subcommittee of the Foreign Affairs Committee held a hearing on the Reykjavik talks. The purpose of the hearing was to examine the substance of the arms control proposals tabled at Reykjavik last October by the United States and the Soviet Union. A subcommittee staff report entitled, "The Reykjavik Talks: Promise of Peril," has set forth a comprehensive overview of the American and Soviet positions prior to Reykjavik, the understandings and unresolved issues which emerged from the Reykjavik talks, and areas of concern following the summit. My comments on that report can be found on page E150 of the January 8 issue of the CONGRESSIONAL RECORD.

At the hearing, members of the subcommittee heard from four distinguished experts in the field of arms control: the Honorable Robert S. McNamara, former Secretary of Defense, the Honorable Gerard Smith, former chief of the U.S. delegation to the ABM Treaty negotiations, the Honorable Jonathan Dean, arms control adviser to the Union of Concerned Scientists and former MBFR negotiator, and Dr. Keith Payne, director of research at the National Institute for Public Policy and professor of national security studies at Georgetown University.

These experts provided the subcommittee with an excellent analysis of the arms control agenda following Reykjavik. In stark contrast to Secretary of Defense Caspar Weinberger's description recently that, "I don't think anything happened at Reykjavik," all of the witnesses saw potential in the Reykjavik talks. Mr. Dean aptly testified: "I don't believe there was a tragedy at Reykjavik, because I believe the positive elements in that discussion far outweighed the negative ones * * *. The tragedy is that [an agreement on INF and even strategic reductions] may not be achieved in this administration because of the lack of persistent effort and determined effort to get it." The problem now is how best to transform the potential of Reykjavik into negotiated arms control agreements.

What follows are some of the key points made at the hearing which, from my perspective, highlight not only concerns that arose immediately following the Reykjavik talks, but also new concerns which have arisen in the last 2 weeks over the administration's review of the ABM Treaty and its consideration of a premature deployment of a strategic defense system.

First. Were the Soviet proposal for elimination of all strategic nuclear weapons within 10 years and the American proposal for elimination of all offensive strategic ballistic missiles within 10 years flawed?

Mr. McNamara found both proposals "fundamentally flawed." He described the Soviet proposal as "infeasiable under foreseeable circumstances. Unless we can develop technologies and procedures to detect steps toward building nuclear weapons by our adversaries, an agreement for total nuclear disarmament could degenerate into an unstable rearmament race." Of both proposals, Mr. McNamara stressed that they "must be discussed with our [Joint] Chiefs [of Staff], which neither one was; discussed with our allies, which neither one was; and ultimately must lead to some change in the existing conventional balance."

Mr. Smith was skeptical about proposals to eliminate whole classes of weapons. He said, "Back in the 1950's, I spent hundreds of hours working on something called general and complete disarmament, which is just the same thing; we were going to eliminate all weapons. Everybody working on it then knew that it was nonsense, but it was important for public relations reasons, and I think that is the main motivation for the present thrust."

Mr. Dean considered the elimination of all nuclear weapons "a particularly dangerous and difficult process. This is because of the risk that the Soviet Union or some other country may conceal nuclear weapons—even a few—which would have great military and political significance in such a situation, and because of the heightened risk of conventional warfare in the absence of a threat of nuclear escalation. Consequently, it would be necessary to have a lengthy trial period with a minimum deterrent before proceeding further."

In explaining his position that the American proposal would not necessarily undercut the United States extended deterrence commitment to its NATO allies and to Japan, Dr. Payne said that, "other forces not scheduled for elimination could provide an extended deterrent capability * * *."

Second. Was the Soviet demand that research on SDI be limited to the "laboratory" reasonable and in accordance with the ABM Treaty?

Mr. McNamara stressed, "that preserving the integrity of the ABM Treaty does not mean that we must agree to the Soviets' demand that our SDI research be carried out within what they call the walls of the laboratory. We can continue, as the President has proposed, to probe the technological potential of defensive systems. But we must not move into unrestricted development and testing; that would be a clear violation of the treaty, it would serve to fuel the Soviet fears that we mean to deploy the strategic defense system at a time of our choosing in violation of the treaty, and it would confirm their belief that we were seeking to achieve a first strike capability * * *. [T]he Soviets can be moved off the position they put forward at Reykjavik—that is to say, limit SDI research to the walls of the laboratory. I am absolutely positive of that, and I think it is incumbent upon us to say what we think would be in our interests to do beyond the walls of the laboratory, and I would urge we give that considerable thought."

Mr. Smith stated that "the Soviet proposal limiting research to laboratories was a direct reflection of our earlier proposal to change the ABM Treaty." He said, "I think—the Soviets—were trying to set up a possibility for a bargain there that if we receded from the new version—of the ABM Treaty—they would recede from this restrictive notion of where research can take place, and I gather that indications since Reykjavik suggested that they would be willing to go much further about where and what kind of research could take place."

Dr. Dean criticized the Soviets for their position at Reykjavik. He noted that Soviet negotiators later explained "their definition of the testing permissible under the ABM Treaty went far beyond closed laboratories to include a full spectrum of ground-based testing of ballistic missile defenses, including the new directed-energy technology, from the testing ranges designated in the ABM Treaty." Mr. Dean also criticized the American delegation "for not having asked what the Soviets meant in detail with their concept of restricting testing to the laboratory and for insisting that no solution could be accepted which did not permit full SDI testing and development—such an approach, if followed literally, would make meaningless the agreement the two leaders reached at Reykjavik to maintain the ABM Treaty, with its limits on space-based testing of missile defense components, for at least 10 years."

Third. Is the administration's strategic defense initiative (as it is envisaged under the administration's revisionist interpretation of the ABM Treaty) a credible alternative to the practice of mutual deterrence?

Mr. McNamara emphatically said no: "Until there are inventions that have not yet been imagined, a defense robust and cheap enough to replace deterrence will remain a pipe dream. Given that harsh reality, President Reagan's claims that defensive forces are 'morally preferable' to offensive forces and that we have a 'moral obligation' to pursue them are dangerously deceptive, if not irresponsible. Mutual assured destruction—the vulnerability of both superpowers to the destructive power of the nuclear weapons of the other—is not a policy. It is a grim fact of life in the nuclear age. To have rejected offers at Reykjavik which could open the door to historic breakthroughs in arms reductions on the grounds that they would slow the deployment of SDI is tragically contrary to our security interests."

Mr. Dean explained how proposal to reduce strategic weapons are incompatible with the building of an unlimited strategic defense system. He testified, "No country, including the United States, would enter an agreement to reduce its strategic weapons without at the same time insisting on agreed limits on defense against strategic missiles. There are two reasons for this: First, increasing one's own offensive weapons is a major means of overcoming antimissile defenses and thus maintaining a nuclear deterrent. Second, if one country has even a rudimentary, nationwide missile defense and the other does not, and is also prevented by agreement from increasing its offensive weapons, the country with the defensive system has a great advantage: it can launch a first strike against the unprotected country in the knowledge that even its partially effective defenses will be of some value in coping with the weakened response of the victim.

Paradoxically, given administration support of SDI, if the Soviet Union were no longer bound by the ABM Treaty, the Soviet Union would be in a position to deploy a rudimentary ground-based, nationwide defense system giving partial protection to its missile bases well before the United States is in a position to do so. The only alternative to limiting both types of weapons by agreement is costly and dangerous competition in both.

Fourth. Is "early deployment" of SDI practical and advisable? How would a decision for "early deployment" of SDI affect the arms control negotiations?

Mr. McNamara starkly warned about the adverse implications of "early SDI deployment." He described the proposal for "early deployment" of SDI "the biggest threat to arms control on the horizon." He added: "[T]he kinds of weapons being proposed are the very kinds of technologies which have been rejected in the past because they simply cannot be deployed in a cost-effective and survivable manner." Mr. McNamara said that "early deployment" would "confirm the existing Soviet suspicions that we are seeking to develop a first strike capability. Why will the Soviets suspect that deployment of a partially effective defense supports a first strike strategy? Because a leaky umbrella offers no protection in a downpour that is quite useful in a drizzle. That is, such a defense would collapse under a full-scale Soviet first strike but might cope adequately with the depleted Soviet forces that survived a U.S. first strike. President Reagan recognized this dilemma in a little-noted sentence in this March 1983 speech: 'If paired with offensive system, [defensive systems] can be viewed as fostering an aggressive policy, and no one wants that.' "

Mr. McNamara continued, "It would be foolhardy to dismiss as mere propaganda the Soviets' repeated warnings that deployment of even a partially effective defense would be highly provocative. Their promise to respond with a large offensive buildup is not an empty threat. In a letter to President Reagan on November 13, 1985, regarding Soviet compliance, Secretary of Defense Weinberger explained that we would react to a Soviet defense in much the same way they have said they would respond to ours: 'Even a probable territorial defense would require us to increase the number of our offensive forces and their ability to penetrate Soviet defenses to assure that our operational plans could be executed.'

"As far as the Geneva talks are concerned, an 'early deployment' decision simply underscores the bankruptcy of the administration's 'strategic concept' for a cooperative shift to a star wars world. Although Paul Nitze and others have said that strategic defensive forces should not be deployed other than in accordance with the terms of an arms control agreement, it is wholly impossible to draft and negotiate such an agreement. Without such an agreement, it is simply inconceivable that either side would ultimately agree to reduce offensive forces at the same time that unlimited defense are permitted their opponent. Under such circumstances, neither side would have confidence in ensuring its most important national security goal: Maintaining an effective deterrent against nuclear attack. It can be said without qualification that we cannot have both deployment of star wars and arms control.

"The most immediate result of an 'early deployment' of the kind being proposed will be the destruction of the ABM Treaty. Even under the administration's unjustified 'broad' interpretation of the ABM Treaty, the development and testing of kinetic energy-based ABM systems and components in space is unequivocably prohibited and would put the United States in violation of the treaty very soon after a decision was made. Furthermore, deployment of this type of area defense would violate not only the specific constraints in article III and article V but would also be a material breach of the parties' fundamental obligation in article I 'not to deploy ABM systems for a defense of the territory of this country and not to provide a base for such a defense.' If the ABM Treaty were terminated, the United States will face a spiralling arms race in both defensive and offensive systems, a competition that will seriously jeopardize our national security and will require major increases in the military budget."

Fifth. How practical is the rationale for SDI as it was envisaged at Reykjavik, that is, as a shield deployed after elimination of all offensive strategic ballistic missiles to protect against Soviet cheating and the "madman" who could create nuclear weapons?

Mr. McNamara argued that the new rationale for SDI presented at Reykjavik "is technologically, strategically, financially a totally different system" from previous rationales for SDI. He said, "nobody had discussed what it means. . . . [W]hereas I strongly believe we must have some recognition of possible cheating and we must have a deterrent to cheating, that strikes me as the least likely form of deterrence in terms of cost and technology and effectiveness."

Mr. Dean said that more stress should be placed on reduction of conventional weapons, verification, strengthening of nonproliferation, and other parallel actions rather than on strategic defense. He noted that "if there are only few missiles left, it does not seem to me that a space-based component of uncertain validity against boosters is needed. I suppose that if you really insisted on a thing of that kind, it could be done with ground-based defense for this minor residual function."

Mr. Smith succinctly commented, "I think the whole notion of deploying a ballistic missile defense after ballistic missiles have been eliminated is Alice in Wonderland. I can't conceive of the American taxpayer being willing to spend hundreds of billions of dollars for this type of insurance policy against cheating."

Dr. Payne said that the recent proposals, "if they are serious, suggest that we may be able to move in the arms control direction without ballistic missile defense. * * * [and that] lots of questions that would have to be reviewed before you know whether you have to have a space-based component to that [defense] architecture."

Sixth. Is there a compromise position on SDI research and testing that should be pursued by the arms negotiators?

Mr. Dean believed that one possible compromise would be for the two governments to "agree to distinguish between testing of first, space-based sensors and optical systems, whose development could benefit both countries through improved knowledge of existing forces and early warning, and second, testing space-based devices which have the potential to destroy or damage other objects—kill mechanisms and devices which could provide power for such mechanisms. During the 10-year period in which the ABM Treaty would be maintained, both countries would be permitted to test the first category, but not the second. Testing active space-based sensors like lasers at destructive strength would be prohibited, as would simultaneous testing of sensors and ground-based ABM kill devices."

Seventh. Should both sides pursue an approximate 50-percent reduction in strategic nuclear weapons during an initial 5-year period, as discussed at Reykjavik?

Mr. McNamara called for deep reductions on the order of 50 percent, with sublimits designed to enhance crisis stability. He said, "Both sides should move to reduce their dependence on threatening multiple warhead delivery systems and vulnerable basing modes."

Mr. Smith embraced the goal of a 50-percent reduction, but said that a 5-year period to achieve it is "probably too short." He explained, "Confidence in controls has been shaken by exaggeration of the existence of, and significance of past Soviet treaty violations, and by United States unilateral breach of SALT II. It will take some time to restore mutual confidence in the arms control process."

Mr. Dean urged extending the time period to 10 years, thereby "giving a smoother transition for this large reduction and a longer period to install a complex verification system, and to keep the ABM Treaty in force for the full 10 years."

Eighth. Should the ABM Treaty be terminated? If not, should the traditional interpretation of the ABM Treaty be enforced?

None of the witnesses called for terminating the ABM Treaty. Mr. Smith called upon Congress to "take steps to preserve the ABM Treaty." Mr. McNamara said, "First and foremost, we must preserve the integrity of the ABM Treaty, without which we will be unable to even begin the process of control * * *. It is painfully obvious that the key to unlocking the current stalemate in arms control is to get the administration to reaffirm the ABM Treaty as it has traditionally been interpreted. I cannot overemphasize the importance of this issue to the prospect for arms control under this and future administrations."

While Dr. Payne said that the United States should conclude yet that it needs to withdraw from the ABM Treaty, Mr. Dean recommended an agreement to keep the ABM Treaty in force for 10 years.

Ninth. What are the most important things Congress should do in relation to arms control following the Reykjavik talks?

Messrs. Smith and Dean called on Congress, through its funding power, to ensure that the United States maintains its strategic forces at levels which comply with the SALT II Treaty sublimits. Mr. McNamara argued that, "the United States should move to reinstate U.S. compliance with the critical SALT II sublimits so long as the Soviet Union remains in compliance."

Mr. Smith urged Congress to "take steps to preserve the ABM Treaty." He said, "Surely there must be some way to get the congressional will across to the executive branch that the treaty did mean what the Senate was told it meant in 1972." Mr. McNamara urged Congress to "limit the authorization for the appropriation of funds for the SDI to activities that are consistent with the ABM Treaty as it was interpreted by the Senate when they approved it." Mr. Dean agreed, recommending that Congress "refuse to fund SDI activities which could violate the existing agreement and certainly not [fund] a premature deployment scheme * * *" Dr. Payne said that Congress should "fully fund SDI research".

Mr. McNamara recommended that Congress "explore more fully than it has yet had an opportunity to do the pros and cons of the respective positions." He said, "One says that it is contrary to our interest to restrict the offense and permit deployment of the defense in strategic systems, and the other says, on the contrary, that's very much in our interest. * * * This is a critical problem. * * * [T]he difficulty of it is the reason why the President has put forward such an absurd suggestion as that we will transfer our SDI technology to the Soviets. I understand why he put it forward; it's logical in relation to his objective, which is to deploy defense with offense. It is totally irrational in relation to our interest. The SDI technology is on the cutting edge not only of technology that will support strategic defense but also strategic offense, conventional offense, conventional defense, and commercial advantage in the next two to three decades."

The subcommittee hearing made it abundantly clear that Congress must continue to examine "the pros and cons of the respective positions" covering the whole range of issues arising from the Reykjavik talks. It is my intention, as chairman of the Committee on Foreign Affairs and its Subcommittee on Arms Control to continue that effort.

BLACK HISTORY MONTH

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. CARR. Mr. Speaker, Black History Month holds special meaning for all of us, in Michigan and throughout the United States. It enables Americans of all races to learn more about the contribution of black Americans to our history. I am pleased to take part in recognizing that contribution.

This Nation's black heritage is rich in tradition, much richer than most realize. For example:

When Christopher Columbus discovered the New World, a black man, Alonzo Nino was with him.

Crispus Attucks was killed in the Boston massacre while defying British soldiers, one of the first blacks to die for the young democracy.

James Armistead risked his life behind enemy lines, providing Marquis de Lafayette with valuable information, enabling the French to check the troop advancement of British General Cornwallis.

Of the original 44 settlers of the city of Los Angeles, half were black.

Frederick Douglass, an ex-slave and black abolitionist, delivered powerful speeches persuading many Northerners that slavery was wrong.

Harriet Tubman, the famous conductor of the underground railroad, Booker T. Washington, educator at Tuskeege Institute, are others.

Matthew A. Henson, a black explorer accompanied Lt. Robert Peary on the historic first expedition to the North Pole in 1909 and place the American flag there on behalf of the United States.

And, of course, there was Martin Luther King, Jr., Rosa Parks, Jesse Owens, and a host of others who have played an important part in the history of our country.

Black History Month gives us a chance to look back on what we have accomplished: The gains we have made to ensure equal status in this country. But it is also a time to focus on what has to be done in the future. The freedoms we have now are not as full or as rich or as complete as we would like them to be. We must work within the political and social systems to keep that fight going.

February is Black History Month and I welcome this opportunity to recognize this important month.

A CONGRESSIONAL PAY RAISE IS UNACCEPTABLE

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. LIGHTFOOT. Mr. Speaker, I wish to take this opportunity to express my strong opposition to the recommendation by the Commission on Executive, Legislative, and Judicial Salaries and in the administration's budget to increase the pay of senior Federal officials and to the action taken by this body last week to allow a congressional pay raise to go into effect.

In addition, I object to the fact that there was no recorded vote allowed on the resolution to disapprove this pay increase.

Under the administration recommendation, Members of Congress will receive a $12,100 pay increase, equal to a 15.6 percent raise. A number of concerns lead me to oppose this pay raise. For one, the Federal budget remains disastrously out of balance, with an accumulating public debt of close to $2.8 trillion.

Many of my constituents, particularly those who farm, have suffered dramatic reductions in income, with no opportunity on the horizon for improving their standards of living. They do not have the opportunity to vote themselves a pay raise.

Furthermore, Social Security recipients on a fixed income received only a 1.3 percent cost-of-living adjustment—the lowest COLA ever. Social Security recipients also don't have the opportunity to vote themselves a pay raise.

I am a cosponsor of legislation which requires a separate vote on any pay raise proposal and requires that each Member first stand for reelection prior to receiving a raise. This method is similar to that used by many States in determining pay for their State legislatures and is the fairest way to handle congressional pay. Had this legislation been enacted, the de facto approval of a pay raise could not have happened.

I also have signed a pledge to vote against any pay raise and today I am abiding by that pledge. But unfortunately it is too late. The House leadership wrongly prevented us from voting against this pay raise and I object to that procedural maneuver in the strongest possible terms.

CONGRESS MUST STOP SELLING SHORT AMERICA'S NATIONAL PARKS

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. CHENEY. Mr. Speaker, the closing days of the 99th Congress redressed one of the serious shortcomings of the law governing America's national parks: the bill that continued Federal appropriations ended the 7-year freeze on park entrance fees. But because that action was taken in the continuing resolution, the authority to charge reasonable fees will expire later this year. Now is the time for Congress to work deliberately and carefully toward a permanent nationwide system of park entrance fees.

Even if the continuing resolution represented the perfect solution, Congress would have to act anyway, because it established new entrance fees only during fiscal year 1987. If Congress takes no action, the parks would be back to the outdated 1979 rates by the end of September. But the fees now in effect, while a good start, aren't nearly high enough to reflect the present and future needs of America's national parks, recreation areas, and historic sites. No matter how you look at the fee problem, whether by the calendar or by the fees themselves, Congress must enact a permanent fee solution.

Some of the features of the current system should be preserved by permanent legislation. Paramount among these is authority for the National Park Service to retain every cent that is collected in entrance fees. The old system was at best deceptive. Most park visitors must have thought that the money they handed to the ranger at the entrance station would somehow be spent at the park where it was collected.

But it wasn't. The money went into the Land and Water Conservation Fund, which makes possible many worthwhile municipal park projects around the country. But the General Treasury ought to be the source for the fund, not the Nation's national park visitors. Paramount legislation must be enacted to guarantee that the revenue collected in fees is kept by the Park Service.

There are further problems that demand new legislation. The stopgap now in effect limits park entrance fees to $5 per car or $3 per person for visitors not entering by car. It limits the charge for the annual Golden Eagle pass to $25 and imposes no charge for the Golden Age pass. And it sets low limits for the portion of fees collected at each park that is earmarked to stay with the park of collection.

A fee of $5 for a family of four entering Yellowstone or Grand Teton National Park is an improvement from the old fee of $2, but it is still ridiculously small. The Nation's national parks must be preserved and maintained as first-class tourist facilities. We owe it to the visitors of today, and we owe a promise to tomorrow's visitors that the parks they see will be more than merely tarnished versions of what their grandparents experienced.

And if national parks are to be more than snack bars in a pretty setting, we must be responsible enough to provide the professional park managers with the wherewithal to protect and maintain the natural resources that are the pride of America's remarkable National Park System. A $5 entrance fee for a carload of visitors is simply insufficient for the job.

The bill I am introducing today incorporates both the imperatives of permanent authority and realistic fees. It establishes a limit of $10 per car, or $5 per person for those who enter in some way other than in a car. The $10 charge for the average family of four is still reasonable, especially if you compare it to the cost of lunch at a fast food restaurant or the price of a movie. And the $10 charge is exactly what it cost to enter Yellowstone in 1916.

This bill raises the cost of the Golden Eagle passport to $40, which will still represent one of America's biggest bargains. The Golden Eagle pass allows unlimited visits to all national park areas for 1 year. If a family used the pass only five times a year, it would represent a saving over paying an entrance fee at each park.

The bill introduces a once-in-a-lifetime charge of $10 for the Golden Age passport, a special version of the Golden Eagle that is available to seniors. They would pay for it only once and could then use it indefinitely. And the bill establishes a special $15 single park fee for annual admission into a specific park or several specific parks in a single area. For example, the $15 fee would allow unlimited visits to both Yellowstone and Grand Teton National Parks for 1 year.

The bill further authorizes volunteers to help collect fees. Such a procedure could reduce the cost of collecting fees and would enhance a visitor's experience by allowing park volunteers to collect fees instead of having to say, "Sorry, but I can't help you." And the legislation requires the Park Service to notify the appropriate committees of Congress 60 days before making any changes in park entrance fees.

The bill preserves the system now used at Grand Teton and Yellowstone National Parks. Payment of a single fee allows visitors to enter either park or both parks. The $15 annual park pass would similarly admit its holder into both parks. The legislation would raise entrance fees to a maximum of $10 at Yellowstone and Grand Teton. And the National Park Service would be authorized to raise fees at Fort Laramie National Historic Site and Devil's Tower National Monument.

Finally, the legislation I am introducing today would allow the parks collecting fees to keep 40 percent of the revenue they collect. The Director of the National Park Service would have the authority to distribute the remaining 60 percent of fee revenue to all parks, both collecting and noncollecting, as he sees fit.

Since the higher entrance fees authorized by the continuing resolution went into effect on February 1, the charges at some national park units have become lightning rods for criticism of the entrance fee concept. I sincerely hope that the early reaction to charging $1 at the Statue of Liberty will not color the entire debate over park fees. Congress and the Park Service are capable of fine-tuning the fee structure without tossing out the entire concept.

Mr. Speaker, it is essential that we preserve the natural resources of our parks. It is equally important that we maintain park visitor facilities. There can be no doubt that Yellowstone, Grand Teton, and the other parks in the Nation desperately need the money. I urge my colleagues to enact permanent fee legislation before the current temporary system expires.

INTERGOVERNMENTAL MANDATE RELIEF ACT OF 1987

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. BARNARD. Mr. Speaker, it is my pleasure today to reintroduce my bill from the 99th Congress, the Intergovernmental Mandate Relief Act of 1987, which Mr. DURENBERGER will be introducing in the Senate after the Lincoln/Washington district work period.

This bill addresses the problem of the growing burden placed on State and local governments to carry out federally mandated regulations without offsetting receipts. Though there are no concrete figures, rough estimates indicate costs to State and local governments may be as high as $200 billion a year. In all, the actual level of Federal assistance to States and localities has declined from 15.5 percent of total budget outlays and 3.4 percent of the GNP in 1980 to 11.4 percent and 2.7 percent respectively in 1986. The President's fiscal year 1988 budget would further reduce Federal assistance to 10.4 percent of outlays and 2.2 percent of the GNP. I believe this bill is especially needed in view of the termination of the General Revenue Sharing Program and the passage of the new tax bill which eliminates deductibility of sales tax and restricts municipal bonds.

In a nutshell, the bill I am introducing with Senator DURENBERGER requires the Federal Government to reimburse State and local governments for costs imposed by new Federal mandates which exceed $25 million. Where it is inappropriate for Congress to share such costs, Congress can exempt a regulation from reimbursement upon a two-thirds vote of both Chambers.

Let me stress that this bill by itself does not add a penny to the Federal deficit because it does not affect laws already on the books. But it will force the Federal Government to act responsibly when enacting future regulations. This bill is endorsed by the National League of Cities, the National Governors' Association, the National Conference of State Legislatures, the U.S. Conference of Mayors, and the National Association of Counties, and I hope you will be able to support it.

A TRIBUTE TO EVERETT "ELLIE" CONWAY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1987

Mr. SHUMWAY. Mr. Speaker, at this time I ask that my colleagues join with me in paying tribute to Everett "Ellie" Conway, an outstanding individual who recently retired from the position of executive secretary and manager of the San Joaquin County (California) Farm Bureau.

A lifelong resident of the county, Ellie has devoted his working career to agriculture. Not only have his able efforts resulted in personal success—he has also used his experience and knowledge for the betterment of farmers throughout the area. In addition to his service with the farm bureau, which began in 1965 as a field representative, Ellie has been extremely active with the San Joaquin County Agricultural Advisory Board, the Hall of Fame Committee of the Stockton Ag Expo, and the Collegeville Farm Center. For years, he farmed with a family partnership, and he helped organize the Linden-based Grain Growers Association of California.

Agriculture is quite literally the backbone of San Joaquin County, and Ellie Conway has contributed greatly to the health and prosperity of that vital industry. His contributions are numerous and invaluable, and he will be sorely missed. However, I am confident that he will continue to serve the community and the county in numerous ways, and that the mark he has made will not be forgotten.

Congratulations on a job well done, Ellie, and every best wish to you and your family for enjoyable retirement years.

SENATE—*Monday, February 16, 1987*

The Senate met at 12 noon and was called to order by the Honorable William Proxmire, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Our prayer today is George Washington's "Prayer for the United States of America," preserved in the chapel at Valley Forge.

Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to the government, and entertain a brotherly AFFECTION AND LOVE FOR ONE ANOTHER and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things, we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore (Mr. Stennis). The first order of business today will be the reading of George Washington's Farewell Address, which will be done by the Senator from Arizona [Mr. McCain].

(Mr. McCAIN, at the rostrum, read the Farewell Address, as follows:)

To the people of the United States.

Friends and Fellow Citizens: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern—Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiations by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of factions, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by unsurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, but ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation within its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defense posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of may administration, I am unconscious of intentional error, I am nevertheless too sensible to my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

The PRESIDENT pro tempore. Under the previous order, the reading having been concluded, the Senate stands in adjournment until Tuesday, February 17, 1987, at 11 a.m.

Thereupon, the Senate, at 12:45 p.m., adjourned until tomorrow, Tuesday, February 17, 1987, at 11 a.m.

SENATE—*Tuesday, February 17, 1987*

The Senate met at 11 a.m. and was called to order by the Honorable GEORGE J. MITCHELL, a Senator from the State of Maine, the Deputy President pro tempore.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

O Lord our Lord, how excellent is Thy name in all the Earth! Who hast set Thy glory above the heavens.

When I consider Thy heavens, the work of Thy fingers, the Moon and the stars, which Thou has ordained.

What is man, that Thou art mindful of him? and the Son of Man, that Thou visited him?

For Thou has made him a little lower than the angels, and hast crowned him with glory and honor.

Thou madest him to have dominion over the works of Thy hands; Thou hast put all things under his feet.—Psalm 8.

God of truth, it is not the person who believes God does not exist that is the challenge—it is the one who professes faith in God and lives as though he is nonexistent. Intellectual atheism has some defense—practical atheism is a contradiction.

You have created us to have dominion over all the Earth but only as we acknowledge Your sovereignty and our accountability to You do we master our environment. Abandoning You we become the victims of our environment.

In the spirit of the psalmist help us to worship, serve, and love You. To the glory of Your name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The DEPUTY PRESIDENT pro tempore. Under the standing order, the acting majority leader is recognized.

THE JOURNAL

Mr. MELCHER. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MELCHER. Mr. President, for the accommodation of the Senate, I would like to announce the schedule for today.

Following the leaders' time and three special orders, there will be a period for the transaction of routine morning business until no later than 12 noon with Senators permitted to speak therein for not more than 5 minutes each. At 12 noon, the Senate will stand in recess until 2 p.m. At 2 p.m., the Senate will consider Senate Resolution 94, a resolution relating to arms control under a 40-minute time agreement. A rollcall vote will occur on this resolution.

Following the vote on Senate Resolution 94, the Senate will resume consideration of S. 83, the National Appliance Efficiency Standards Act. Senator GRAMM of Texas will be recognized to offer an amendment. A cloture motion has been filed on S. 83, and the cloture vote will take place tomorrow. The time for that vote will be announced later today.

Mr. President, that is the schedule as far as we know at this time.

FOOD EXPORTS THWARTED BY "PRIVATIZATION" DOCTRINE

Mr. MELCHER. Mr. President, the Reagan doctrine, in promoting loose and hidden exportation of armaments, should by now have run its course, crashing on the rocks of the Iranian-Contra fiasco. This "doctrine" picked out countries in which to fight Communists, but there is a smaller portion of it, a little known portion of it with little public knowledge of the doctrine, which has also evaluated all developing country food shipments on the basis of "privatization." That policy of the State Department has pressured the developing countries' governments to use private enterprise in storing and distributing U.S. food shipments to developing countries from the United States, and the results have greatly increased U.S. grain surpluses and has caused the inevitable chain reaction of pressing farm commodity prices lower and lower and U.S. farm support payments higher and higher. Last year it was a record $25 billion plus in Treasury payments to farmers and to pay Government storage costs.

Only narrow ideologues could bless this attempt to use food supplies as a political club to dictate government reorganization and reforms in developing countries. But State Department's Agency for International Development has been both iron fisted and iron headed in its quest.

But if food shipments were not stymied, decreased, or delayed by the AID mission in the developing country there is a second maze for U.S. approval by Washington-based joint committee involving representatives of the State, Agriculture, Commerce, and Treasury Departments plus the Office of Management and Budget. If one of them vetoes a shipment, that either cancels it or the proposal for the food shipment goes back to the drawing board.

Congress is left out of these involvements and the agricultural export programs both before and since the enactment of the 1985 farm bill have been sifted through this process of the Reagan doctrine. The provisions of these surplus food export programs are generally triggered by the Secretary of Agriculture, but neither Block nor Lyng have been allowed to bypass the doctrine's process.

If President Reagan is to rescue the declining agriculture exports, he must revamp his "doctrine." There is broad bipartisan support in Congress to use U.S. surplus commodities in food programs. There is little or no support for using these shipments as a political club for developing country "privatization." First, developed and developing foreign countries from Japan to Guinea use government agencies in food purchases. Further, many developing countries have limited infrastructure of private enterprise for food shipping and distribution.

The real value of U.S. food shipments to developing countries is to help invigorate their economies so they can progress. Each country has separate needs and separate problems, but there is broad spectrum of U.S. food export programs available ranging from donations to long-term credit sales and also permits the developing countries to receive U.S. donations shipments without charge. There is also permission to sell the food at reduced prices in their country and use the funds to capitalize grassroots cooperative economic recovery programs for their people.

Overall the food programs that have been thwarted by the "doctrine" would, if permitted, provide for 80 friendly countries positive actions that builds good will and U.S. trade. That is a policy that works. The Reagan doctrine of "privatization" has been regression for friendly developing countries in need of U.S. food shipments and has resulted in agricultural recession in the United States.

Mr. President, I reserve the balance of the leader's time on this side.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The DEPUTY PRESIDENT pro tempore. Under the standing order the Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer.

THE CLOTURE VOTE

Mr. DOLE. Mr. President, first let me indicate that it is my understanding it may not be necessary to have the cloture vote. But I will discuss that with the distinguished majority leader. It may be that we can finish work on the so-called appliance bill without cloture maybe today. So as soon as we have that determined I will be in touch with the distinguished majority leader, Senator BYRD.

BICENTENNIAL MINUTE

FEBRUARY 17, (1888): WASHINGTON'S FAREWELL ADDRESS

Mr. DOLE. Mr. President, yesterday when the distinguished Senator from Arizona, Senator MCCAIN, read Washington's Farewell Address, he continued a tradition that began in the Senate 99 years ago this week.

On February 22, 1888, Senator John Ingalls of Kansas became the first Senator to read George Washington's Farewell Address before the Senate. By 1896, the reading had become a regular annual event. Ninety-five Senators have delivered the address, with the assignment alternating between two political parties. At the conclusion of each reading, the appointed Senator inscribes his or her name in a black, leather-bound book maintained by the Secretary of the Senate.

President Washington did not publicly deliver his farewell address. Dated September 17, 1796, shortly after his decision not to seek a third term, it first appeared 2 days later in the Philadelphia Daily American Advertiser. Prepared with the assistance of Alexander Hamilton and James Madison, the document was intended as the first President's political testament to the Nation. Although written ostensibly to inspire and guide future generations, the address actually set forth Washington's defense of his administration's record, and embodied a classic statement of Federalist Party doctrine.

Worn-out by the burdens of the Presidency and the attacks of political foes, Washington feared for the safety of the 8-year-old Constitution. He believed that the stability of the Republic was threatened by the forces of geographical sectionalism, political factionalism, and interference by foreign powers in the Nation's affairs. He urged Americans to subordinate sectional jealousies to common national interests. He also advised against permanent alliances with foreign powers, fearing that such connections would inevitably be subversive of America's national interest.

THE SENATE NEEDS RULES TO GO BY

Mr. DOLE. Mr. President, the Senate is a very unique and special institution. The Senate has often been called the most exclusive club in the world. It is exclusive because the only way to gain membership is to have the men and women in your State elect you. But it is a club, because we operate in a spirit of comity and good will—no matter what our political party.

Mr. President, on Thursday, February 5, the day the Senate prepared to adjourn for the Lincoln Day break, a series of events occurred on the Senate floor that are extremely troubling. That is why I have carefully reviewed what transpired that day—indeed I have reviewed the official transcripts as well as the video tapes several times.

For many observers, it seems, that when the Senate convened on Thursday it had one set of rules, and when it adjourned it seemed to have another.

When the Senate convened on Thursday it had become accustomed to a Chair ruling on points of order, which were clearly not in accord with Senate procedures; and not having these points of order submitted to the Senate, and a vote forced upon them, without debate and without recognizing a Senator legitimately seeking recognition.

When the Senate adjourned on Thursday a new way of proceeding had been established. A point of order, crafted in a novel fashion, had been submitted to the Senate and the Senate had been forced to vote on the point of order in spite of the fact that in order to do this, Senate procedures had to be ignored. A unanimous-consent agreement to vote "forthwith," couched in the form of a point of order, was put to a majority vote.

A mistake was made on February 5, indeed several mistakes were made on February 5. I am certain that none of them was an intentional mistake. But the person who tried to return order and fairness to the day's proceedings—the distinguished presiding officer, the Vice President of the United States—owes no apology for those mistakes. It was in fact, the Senator from Texas who was ignored—by mistake—when he was seeking recognition. In fact—by mistake—the Senate was forced to vote on a proposition that can only be put into effect by unanimous consent.

I am certain that this was an isolated incident. And I am confident, that in the future the presiding officer will not begin votes when a Senator is seeking recognition. I would hope, and expect, that rulings of the Chair that are appealed in a timely manner, will not be enforced, but rather that the Senate will be allowed to vote on the appeal. And finally, I would expect and hope that the rights of the minority to delay—and delay is often the only right that accrues to the minority—not be abridged.

In conclusion, it is very understandable that the newest Members may still be unfamiliar with our rules. Each of us was there once. And we ask understanding of them. But the rules exist for a reason. And we cannot, should not, tolerate end-runs around the rules. We want to establish—now, upfront—that the rules of the Senate will be upheld—for the majority—and the minority.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF SENATOR PROXMIRE

The DEPUTY PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

TECHNICAL FEASIBILITY OF SDI NOWHERE NEAR ESTABLISHED

Mr. PROXMIRE. Mr. President, the supporters of SDI include some of the most respected leaders of informed public opinion on national issues in the country. Exactly because they are respected they are getting away with one of the great scams of our time. For instance, the Wall Street Journal asserted in its lead editorial on February 10 that the President has now learned that missile defense is technically feasible. Is this true? If it is true, the ball game is over. If it is true, every reasonable American will support SDI or star wars. If it is true, the Congress should and would vote to appropriate whatever amount is necessary—hundreds of billions, trillions—whatever, to complete the research, the development, the construction of the hardware, and the deployment of the hardware. If SDI is technically feasible, the Congress will and should prepare to assume the annual $150 billion a year cost in perpetuity to maintain, modernize, and operate SDI. After all, there is certainly no cost so great that it is not worth paying to ensure that this country will be safe from a Soviet nuclear attack that would totally demolish our country, kill most Americans and leave this bright and beautiful land a smoldering, radioactive garbage heap.

Keep in mind that the Wall Street Journal has the biggest national circulation in the country. It also has far and away the most potent circulation. Who reads this paper? Answer—the Nation's most affluent and influential people—in every part of our country. This paper is an opinion powerhouse—a respected and influential powerhouse.

But is it right?

Does this great paper have the editorial expertise to judge the "technical feasibility" of the most complex scientific military technology ever attempted? Here is a project whose feasibility calls for the best judgment of the Nation's most knowledgable physicists, mathematicians, and engineers. Even the highly intelligent pundits who work for this paper are not significantly better qualified to assess SDI's feasibility than your neighborhood bartender. So what expert opinion does the Wall Street Journal cite for its pronouncement of SDI feasibility? The answer is: None. Their editorial does not mention a single physicist, engineer, or mathematician. No one.

Since it cites no expert opinion, on what documentation of feasibility does it rely for this assertion of SDI's feasibility? The answer again is none—not a paragraph, not a sentence, not a single word. The Journal rests on the bald assertion that SDI is feasible.

So why should this Senator contradict the unsupported opinion of this immensely influential media giant? Can this Senator cite any convincing authority to show that the Wall Street Journal is wrong? This Senator can do exactly that, and in spades.

Mr. President, what is the most prestigious and authoritative scientific organization in the world? The answer is easy. It is the National Academy of Science. This awesome assemblage of scientific talent enjoys worldwide recognition for its excellence. A few months ago Cornell University's widely respected public opinion polling authorities announced the findings of a meticulously constructed poll that sought the opinion on SDI feasibility of all those members of the National Academy of Science who were qualified to evaluate SDI by virtue of their professional training and scholarship. The Cornell poll sought the opinion of every physicist, engineer, and mathematician who had been elected to the academy. A remarkable 74 percent responded. I will attach each of the questions and the summary of the responses by the academy experts to the questions. In brief, what did these preeminent experts say about the feasibility of SDI? Mr. President, by an overwhelming majority, these distinguished experts declared that they did not believe SDI is feasible. So the best scientific minds in the disciplines required to evaluate SDI tells us that this immensely costly project would be an enormous waste of money. The ultimate question is this: Who do you believe on the feasibility of SDI—the anonymous editorial writers for the super influential Wall Street Journal or the country's most respected scientific experts?

Mr. President, this issue is so vital that tomorrow I will discuss on the floor what I believe is a tragic fallacy about SDI's value promulgated by the man who may be the country's most influential columnist, George Will. Mr. Will argues that strategic defense could confront Soviet war planners with unacceptable uncertainty. Mr. Will is wrong. Tomorrow I will say why.

Mr. President, I ask unanimous consent that the editorial to which I have referred from the Wall Street Journal be printed in the RECORD at this point. I also ask unanimous consent that a statement by Peter Stein of the Laboratory of Nuclear Studies at Cornell University on the survey of the National Academy of Science be printed in the RECORD, and that the outline of the survey procedure be printed in the RECORD. I ask that the questions posed to the members of the National Academy who are physicists, engineers, and mathematicians, be printed in the RECORD. I also ask that a summary of significant results of the survey also be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 10, 1987]

THE ABM DECISION

Ronald Reagan is fast approaching one of the seminal decisions of his presidency. He must either order the deployment process for strategic defense technologies to go forward, or he must leave that decision to the next president. Mr. Reagan discussed this matter last week with Secretary of State Shultz, Defense Secretary Weinberger and National Security Adviser Frank Carlucci. A second meeting is reportedly scheduled for today.

If the president opts for deployment of antimissile systems, he will most likely set in motion a great debate over the meaning of the Anti-Ballistic Missile treaty that was signed back in 1972 by Leonid Brezhnev and Richard Nixon. In Washington, opponents of the Strategic Defense Initiative are already saying the treaty's language forbids deployment and much testing, and SDI supporters are saying that an expansive interpretation of the treaty permits these actions. Sen. Sam Nunn (D., Ga.) recently raised the specter of a "constitutional crisis" if Mr. Reagan tries to push SDI through the cracks in the treaty's prose.

While much intellectual firepower is being brought to bear on who said what to whom from 1969 to 1972 and what they meant when they said it, the treaty's own language provides the means for resolving this ambiguity. Surely the president, Sen. Nunn and all the rest could agree on the meaning of Article XV:

"1. This Treaty shall be of unlimited duration.

"2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests."

President Reagan should grasp this nettle now, rather than get into arguments over the treaty's wording, an interminable, no-win game that will roll the real decision onto the desk of his successor. The provisions of the treaty are in any event already notoriously fuzzy; little details such as what counts as a "heavy" missile were somehow left unresolved, for example. There have been endless arguments over whether its provisions prohibit such Soviet activities as the encryption of telemetry. The Soviets even defend their Krasnoyarsk radar, which even dovish U.S. analysts agree is a blatant violation of the treaty.

Specific wording aside, the treaty's political bargain was clear enough. Agreement to limit ABM defenses was a trade-off for limiting offensive missiles, covered in the accompanying "Interim Agreement." U.S. negotiator Gerard Smith solemnly announced at the time that further limitations on offensive missiles would be necessary to contain threats "to the survivability of our respective retaliatory forces," that if this were not achieved within five years "U.S. supreme interests could be jeopardized" and that this would constitute "a basis for withdrawal from the ABM treaty."

THE STRATEGIC DEFENSE INITIATIVE: A SURVEY OF THE NATIONAL ACADEMY OF SCIENCES

What do the best scientists in America think about the technical feasibility of SDI? In order to answer this question, we commissioned a professional scientific opinion survey of all 673 members of the prestigious National Academy of Sciences (NAS) who work in the physical and mathematical sciences relevant to SDI.

The NAS was chosen for the survey because its members represent the pre-eminent leaders of American science. Membership is by invitation only, in recognition of distinguished and continuing contributions to science and engineering, and is regarded by many American scientists as an honor second only to the Nobel Prize. The NAS was chartered by Congress in 1863 to advise the Federal government on matters of science and technology, and NAS members frequently serve on review panels to give advice on general scientific and technical priorities outside their immediate areas of expertise.

The survey found that NAS members believe by a margin of more than 20-to-1 that an SDI system could not be made survivable and cost-effective in the next 25 years; they believe by more than 36-to-1 that it could not destroy enough missiles to defend our population if the Soviets try to overwhelm it; and they believe by 11-to-1 that SDI research does not merit the $3.5 billion per year just appropriated by Congress. Complete results of the survey are attached.

The survey was conducted by mail during September/October 1986 by the Cornell Institute for Social and Economic Research, a research center in Cornell University. The response rate for the survey was 74% of the NAS members contacted, an unusually high return for a survey of this sort. About one fourth of the 469 scientists who responded added written comments about SDI in a space provided on the questionnaire, and all the substantive comments are included.

This report contains: (1) Summary of Significant Results, (2) Survey Questionnaire with Tabulated Responses, (3) Survey Procedures, and (4) Written Comments from NAS Members.

PETER STEIN,
Professor of Physics.

SURVEY PROCEDURE

The survey was conducted in order to gauge opinions of leading American scientists regarding SDI, with an emphasis on questions of technical feasibility. The entire membership of the National Academy of Sciences in the disciplines relevant to SDI (mathematics, astronomy, physics, chemistry, geophysics, engineering, and applied physical and mathematical sciences) was chosen for the sample population. Only U.S. Members of the Academy in these fields were included; biological and social scientists, foreign associates and emeritus members were excluded.

The survey was conducted by Dr. Warren Brown, Survey Research Facility, Cornell Institute for Social and Economic Research (CISER), under the supervision of Prof. Robert McGinnis, Director of CISER. The survey was not conducted by the National Academy of Sciences and its results are not in any way to be regarded as reflecting positions taken by the Academy.

The questions were first pretested by submitting them to a number of scientists, both proponents and opponents of SDI, in order to remove ambiguities and to assure objectivity and balance. Questionnaires accompanied by business reply envelopes were mailed on September 5, 1986 to all 673 of the National Academy members listed in the fields relevant to SDI. A second mailing was sent to non-respondents on September 26, a third by certified mail on October 14. Following that, an attempt was made to telephone all non-respondents on October 20–22 to determine whether they had received the mailing. November 4 was the cutoff date for receipt of data included in this report.

The information gathered by telephone and in letters responding to the mailings was used to classify non-respondents as (1) ineligible to participate (due to death, serious health problems, travelling and not getting mail forwarded, participating on a special committee and not giving opinions regarding SDI), (2) declining to participate, and (3) not responding. From the initial list of 673 scientists, 41 were removed as ineligible for the reasons given above, leaving 632 individuals in the effective survey population, of whom 59 declined to participate, 104 did not respond, and 469 returned completed questionnaires, for an effective response rate of 74.2% (469/632).

SDI QUESTIONNAIRE AND RESPONSES

(11/4/86)

The ten questions of the survey are reproduced below; each answer is followed by the number of responses it received and by the corresponding percentage of the total number of answers.

Question 1. It is —— that an integrated SDI system can be tested sufficiently to provide confidence that it would work as intended the first time it had to defend against a full-scale attack.

		Percent
Highly probable	8	1.7
Probable	31	6.8
Improbable	83	18.1
Highly improbable	315	68.6
No opinion	22	4.8
Did not answer	10	

Question 2. Currently, the Soviet Union appears to be —— the United States in most of the technologies critical to an SDI system.

		Percent
Significantly ahead of	5	1.1
Somewhat ahead of	20	4.4
About equal with	56	12.3
Somewhat behind	164	36.0
Significantly behind	122	26.8
No opinion	89	19.5
Did not answer	13	

Question 3. Current Administration policy on SDI holds that "we will judge defenses to be desirable only if they are survivable and cost effective at the margin." [1] The prospects that an SDI system will be able to meet these criteria in the next 25 years are:

		Percent
Extremely good	5	1.1
Good	12	2.6
About even	35	7.6
Poor	121	26.4
Extremely poor	248	54.1
No opinion	37	8.1
Did not answer	11	

Question 4. Assume that the Soviet strategic nuclear forces remain frozen (no improved or additional launchers or warheads) and that no countermeasures are added (no decoys, penetration aids, or weapons specifically designed to attack the defense). Under these conditions, an SDI system which could be built in the next 25 years might reasonably be expected to destroy —— of incoming missile warheads in an all-out attack.

		Percent
Less than 1 percent	13	2.9
Between 1 and 10 percent	50	11.0
Between 10 and 50 percent	114	25.1
Between 50 and 90 percent	114	25.1
Between 90 and 99 percent	47	10.3
More than 99 percent	10	2.2
No opinion	107	23.5
Did not answer	14	

Question 5. Assume that the Soviets increase and modernize their strategic nuclear forces and countermeasures without restraint. Under these conditions, an SDI system which could be built in the next 25 years might reasonably be expected to destroy —— of incoming missile warheads in an all-out attack.

		Percent
Less than 1 percent	53	11.6
Between 1 and 10 percent	118	25.9
Between 10 and 50 percent	119	26.1
Between 50 and 90 percent	51	11.2
Between 90 and 99 percent	10	2.2
More than 99 percent	4	0.9
No opinion	101	22.1
Did not answer	13	

Question 6. Suppose the Soviet Union launched an all-out attack with its present force of approximately 9,000 strategic missile warheads. In order to provide an effective defense of the U.S. civilian population, an SDI system would have to destroy —— of the attacking warheads.

		Percent
More than 50 percent	6	1.3
More than 90 percent	16	3.6
More than 95 percent	68	15.1
More than 99 percent	332	73.8
No opinion	28	6.2
Did not answer	19	

Question 7. Scientific review has not played a sufficiently important role in structuring the current SDI program.

		Percent
Strongly agree	276	59.6
Agree	115	24.8
Disagree	26	5.6
Strongly disagree	10	2.2
No opinion	36	7.8
Did not answer	6	

Question 8. Before President Reagan's speech of March 1983 announcing the SDI program, the annual funding level for research on ballistic missile defense technology was roughly $1.0 billion. The SDI funding level this year (FY 1986, DOE and DOD) is $3.1 billion, and the administration has requested a budget of $5.4 billion for next year. In your opinion, what is the appropriate funding level for next year (FY 1987, DOE and DOD) for research on ballistic missile defense technology?

		Percent
Less than $0.5 billion	68	14.9
Between $0.5 and $1.5 billion (pre-SDI level)	204	44.8
Between $1.5 and $2.5 billion	62	13.6
Between $2.5 and $3.5 billion (includes fiscal year 1986 level)	41	9.0
Between $3.5 and $4.5 billion	12	2.6
Between $4.5 and $5.5 billion (includes administration request)	14	3.1
More than $5.5 billion	7	1.5
No opinion	47	10.3
Did not answer	14	

Question 9. What is your overall attitude toward the current SDI program?

		Percent
I strongly support it	11	2.4
I support it	36	7.9
I am neutral	48	10.6
I oppose it	117	25.8
I strongly oppose it	242	53.3
Did not answer	15	

Question 10. I am —— with the general technological issues relevant to SDI.

		Percent
Very familiar	63	13.6
Familiar	215	46.3
Slightly familiar	148	31.9
Not familiar	38	8.2

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[1] "If a defensive system were not adequately survivable, an adversary could very well have an incentive in a crisis to strike first at the vulnerable elements of the defense . . . Our cost effectiveness criterion will ensure that any deployed defensive system would create a powerful incentive not to respond with additional offensive arms, since those arms would cost more than the additional defensive capability needed to defeat them." The Strategic Defense Initiative, Special Report No. 129, United States Department of State, June 1985.

	Percent
Did not answer	5

SUMMARY OF SIGNIFICANT RESULTS

[Refer to pages 5-7 for the exact wording of the questions and for the tabulated results.]

The scientists who believe the prospects are "poor" or "extremely poor" that an SDI system can be made survivable and cost-effective (Question 3) outnumber by more than 20-to-1 those who believe the contrary. This is significant because survivability and cost-effectiveness (with respect to possible Soviet countermeasures) are the performance criteria for SDI deployment, as formulated by Ambassador Paul Nitze and approved by President Reagan in National Security Decision Directive No. 172, issued on May 30, 1985.

The crucial technological question about an SDI system for population defense is "Will it work?" An answer can be derived by comparing each scientist's response to Question 4 (How many Soviet warheads could be destroyed by an SDI system?) with his or her response to Question 6 (How many warheads must be destroyed in order to provide effective population defense?). We found that 22 of the scientists who answered both questions believe an SDI system could destroy the number of warheads in the present Soviet arsenal that they said it must destroy for effective population defense, while 312 believe the contrary. Similarly, by comparing responses to Questions 5 and 6, we found that 9 of the scientists who answered both questions believe an SDI system could destroy the number of warheads in an unconstrained Soviet arsenal that they said it must destroy for effective population defense, while 331 believe the contrary, almost 37-to-1.

While this survey was in progress, Congress appropriated $3.53 billion for SDI research in FY 1987. The response the Question 8 shows that those scientists who believe this allocation is excessive outnumber those who do not, by 11-to-1. Sixty percent of the scientists believe the SDI research budget should be less than half the amount just appropriated. It is unusual for scientists to say that too much money is being spent for research in their own fields of science and technology.

The scientists who believe it unlikely that an integrated SDI system can be adequately tested outnumber those who believe the contrary, by 10-to-1 (Question 1). This is an important result because it is generally acknowledged that an SDI system would not be reliable unless it could be tested.

Those scientists who said the Soviet Union appears to be "behind or significantly behind" the U.S. in critical SDI technologies outnumber by 11-to-1 those who said it appears to be "ahead or significantly ahead" of the U.S. (Question 2).

The scientists who say that "scientific review has not played a sufficiently important role in structuring the current SDI program" outnumber those who disagree, by 11-to-1 (Question 7).

Sixty-four percent of the scientists believe an SDI system could not destroy more than 90 percent of the warheads in an all-out attack by the existing Soviet strategic nuclear force (Question 4). This means they believe an SDI shield could be penetrated by at least 900 nuclear warheads (10 percent of the existing Soviet strategic arsenal).

Seventy-four percent of the scientists said that an SDI system would have to destroy more than 99 percent of the warheads in an all-out attack by the present Soviet arsenal in order to provide an "effective defense" of the U.S. population (Question 6). This means they believe an SDI system with more than 1 percent "porosity" (allowing more than 90 of the 9,000 Soviet warheads to get through) could not provide effective population defense.

The scientists in the survey who said they oppose SDI outnumber by 7.6-to-1 those who said they support it (Question 9).

Cross-correlations between Question 10 and the other questions showed the balance of opinion to be roughly the same for scientists at all levels of familiarity with the technical issues of SDI, except that those who describe themselves as "very familiar" are more intense in their judgments, both pro and con, of SDI.

GOLDEN FLEECE AWARD FOR FEBRUARY GOES TO APHIS

Mr. PROXMIRE. Mr. President, I am giving my Golden Fleece Award for February to the Animal and Plant Health Inspection Service [APHIS] of the U.S. Department of Agriculture for organizing a song contest for its employees. It may be OK to whistle while you work, but I think this is going too far. It does not make any sense to have APHIS employees warbling their new agency song while our farmers are singing the blues in these dire economic times for American agriculture.

As Senators know, I award a Golden Fleece monthly to the most wasteful, ridiculous, or ironic use of the taxpayers' money for that period. Whatever the amount of money spent on the APHIS song contest turns out to be, it will be too much. But this is a prime example of a ridiculous expenditure of Federal dollars, and that is what makes it a fleece winner.

The notice announcing the APHIS song contest indicates that the winning song "will be sung on occasions both great and small." This raises all sorts of interesting possibilities. Imagine the workday at a given office within APHIS being interrupted by a loud and boisterous rendering of the agency song. If asked about such a bellowing interlude by his supervisor or colleagues, the APHIS songbird might well defend his vocal efforts by saying he was merely choosing to sing the agency song on a "small occasion"—a typical day at work—as set forth in the Administrator's notice announcing the song contest.

There are numerous other scenarios that come to mind when the famous APHIS song might well fill the rafters. But would any work get done on behalf of America's farmers; the supposed beneficiaries of APHIS? Instead of singing for their supper, I think the APHIS employees should work for it. That would be doing it the old-fashioned way—earning it.

The APHIS song contest notice also points out that—

> A committee comprised of top management officials will judge all entries and determine an appropriate award.

It is amazing to learn that the upper echelon of APHIS management can find the time to take on this challenging assignment. I always assumed that there was other more pressing business to fill their day. And I wonder what that award might turn out to be and who will pay for it. Needless to say, hard-earned tax dollars should not go for such a purpose.

I learned about the APHIS song contest from a Federal employee. That employee wrote the following comment on the administrative notice announcing the song contest:

> This is an absurd waste of time, a classic example of administrative waste!

I could not agree more. With a song in my heart but not on my lips, I must say that I think APHIS has hit a sour note with this ill-conceived project.

Mr. President, I ask unanimous consent that a copy of the APHIS administrative notice announcing the song contest be printed at this point in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

APHIS SONG CONTEST

I. PURPOSE

This Notice is being issued to announce the APHIS Song Contest. This song, which will be sung on occasions both great and small, is to remind us of the team spirit that guides us in our job of protecting U.S. Agriculture.

II. PROCEDURES

Simply jot down some spirit-building words and a tune to which they can be sung. A committee comprised of top management officials will judge all entries and determine an appropriate award.

Entries should be submitted to the Employee Conduct and Labor Relations, Programs, Human Resources Division 6505 Belcrest Road, Room 205, Federal Building, Hyattsville, MD 20782, by February 9, 1987.

BERT W. HAWKINS,
Administrator.

THE ADMINISTRATION'S FORMULA FOR DEFICIT REDUCTION: DREAM IT AWAY!

Mr. PROXMIRE. Mr. President, in a recent hearing before the Joint Economic Committee, Treasury Secretary James Baker testified that this country has turned the corner on the fiscal deficit. Is Baker right? Have we? That depends on whether we are talking about dreams or realities. In the administration's always happy dreams, yes, we have turned the fiscal corner. In terms of the hard, cold figures, the record, what we know—not predict, but know—we have not come within a mile of turning the corner. When we look at the record, the fiscal deficit, in spite of all the happy talk in the administration, the Congress, and the press, has not turned the corner. As I have said many times and will repeat once again, in 1986—the most recent full year the deficit broke all records—it soared to $221 billion. And keep in mind two facts about the deficit, Mr. President. That deficit occurred when the country was not in recession but was still in a recovery phase. And especially keep in mind that this deficit occurred when the Gramm-Rudman-Hollings Deficit Reduction Act—sequestration and all—was in full effect. Once again, Mr. President, the administration's reaction was that same old Chicago Cubs' refrain: "Wait 'til next year." Well, next year, fiscal 1987, is here. In fact, the first quarter of fiscal year 1987 is history. It is reality. So, what is the reality about the first quarter of 1987? That quarter ended on December 31, 1986. And what happened to the deficit in that first quarter? It came in at more than $63 billion. That, Mr. President, is just a 3-month figure. Now you multiply that 3 months—one-quarter of the year—by 4, for a full year projection. And what do you get? You get a deficit for all of 1987 of more than $250 billion.

A few years ago the administration confidently predicted the deficit for fiscal 1987 would hit the Gramm-Rudman target of $144 billion. Now they have amended that. They say the deficit will miss the target—but only by "a little." They say it will not be $144 billion, but about $174 billion. It will only miss the target by $30 billion. So, Secretary Baker said the administration should take credit for reducing the deficit by nearly $50 billion in the current year. What is wrong with that, Mr. President? The first thing that is wrong is that no one should take credit for a budget deficit of $174 billion, especially in a year of continuing recovery. The second thing is that the administration is dreaming again. The deficit has not fallen to $174 billion. That is a dream. That is like the administration's dream of a few weeks ago that the deficit would be $144 billion. It is a projection, a guess. Well, so what? Is not every forecast of the deficit for the coming year only that? All any of us can do is guess, or dream.

Why is not the administration dream of a $50 billion drop in the deficit this year as realistic as anyone else's dream? There are three reasons. The first, I have already given. The first quarter of the year is in. We already have a deficit of $63 billion in 3 months. Taking that reality of the first 3 months and projecting it gives us a deficit of $250 billion. It also means that since the 1987 budget is already in deficit by $63 billion in the first quarter, it can only hit the $174 billion forecast by dropping to an average of $37 billion for each of the three remaining quarters or a total of $111 billion. From now on for the rest of the year the deficit will have to drop to only a little more than half its rate for the first quarter.

The second reason the administration's forecast of a $50 billion drop in the deficit in 1987 is a dream is that the administration bases its rosy forecast on a projection of economic growth that depends on a major drop in this country's record $169 billion adverse trade balance. In fact, the administration attributes about a fifth of the economy's growth and about $10 billion in deficit reduction to this trade improvement. Will it materialize? The Chairman of the President's Council of Economic Advisers, Dr. Sprinkel, says it will. And why does he make this prediction? Because, says Sprinkel, the spectacular 40-percent fall in the dollar relative to such foreign currencies as the Japanese yen and the German mark make it a certainty. But Dr. Sprinkel overlooks the fact that the dollar has not fallen very much with respect to the currencies of all of our trading partners in aggregate. The Dallas Federal Reserve has compared the change in the value of the dollar to our 120 trading partners on a weighted basis. What did they find? They found that the dollar had not dropped 40 percent. It had only dropped about 5 percent from its peak in 1985. So, the turnaround in the trade deficit for 1987 is still only a dream.

The third reason the deficit is unlikely to fall $50 billion is that the administration is counting the Federal spending scheduled for 1987 as "in the bag." Well, it is not. This year as in every year, there will be supplementals. As in every past year we will spend substantially more than expected on our agricultural program. Indeed, the Government is already beginning to make farm deficiency payments. One of the first acts of this body in January was to waive the budget act by an overwhelming vote so we could spend more. The Senate waived the act at the very first opportunity. As this year progresses, we will do the same thing again and again as we have in every 1 of the 30 years this Senator has served in this body.

So, Mr. President, has this country really turned the corner on the deficit as Secretary of the Treasury Baker contends? The answer is, sure we have—but only in the administration's dreams. In reality the Congress is still slogging along unable to move the deficit much below $200 billion even in this long economic recovery. Come the inevitable next recession, we are going to be in real trouble.

Mr. President, I suggest the absence of a quorum.

The DEPUTY PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered.

USE OF SPECIAL ORDER TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I am advised that Mr. ARMSTRONG will not be utilizing his time under the special order. I ask unanimous consent that that time be utilized for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed now in morning business under that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR GORE ON SDI

Mr. BYRD. Mr. President, I call my colleagues' attention to an article on the Strategic Defense Initiative by the distinguished junior Senator from Tennessee, Mr. GORE. It appeared in the New York Times on February 1, 1987.

Senator GORE is recognized as an expert in arms control. Two years ago, I named him as a member of the Senate Arms Control Observer Group to monitor negotiations in Geneva. He is one of the Senate's most innovative thinkers in these matters.

I commend the Senator from Tennessee for his insight, and ask unanimous consent that the text of his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEWARE PHASE 1 OF S.D.I.

(By Albert Gore, Jr.)

WASHINGTON.—Today, as before, the single most marked characteristic of the Reagan Administration is the mismatch between its words and reality—a gap that is hard to explain except by incompetence or duplicity.

In 1981, an enormous tax cut was sold as the first phase in a larger plan to balance the budget through the miracle of supply-side economics. More recently, the public was told that what appeared to be a swap of weapons for hostages was really the first phase of a much grander policy to re-establish a geostrategic alliance with Iran. Secretary of Defense Casper W. Weinberger's proposal that we immediately begin a phased deployment of the Strategic Defense Initiative is the latest case in point.

In each past case, Congress and the country failed to adequately evaluate the first phase of a proposed policy on its own merits and were led to swallow heavy risks in return for promises of much larger future benefits. And in each case, the country has paid a high price for the absence of candid debate.

Now, before we go down the road of phased deployment, it is absolutely vital that we pause long enough to consider the costs of the full Strategic Defense Initiative—not only the enormous financial costs but the sacrifice of common sense and sound judgment.

Many Americans think that in pursuing the strategic defense program the President is trying to build a leak-proof shield. In fact, his Administration has been working on a very different S.D.I. program: instead of defending our population, it is intended to defend our missiles.

Instead of making deterrence through the threat of retaliation unnecessary, it is designed to enhance our offensive capabilities. Instead of making the world a safer place, it could well create instability and a greater risk of nuclear confrontation.

Many experts had doubts about the program as early as 1983, when the President first proposed making nuclear weapons obsolete. Knowing the extreme difficulty and implausibility of such a feat, they suspected a classic "bait and switch" ruse.

The "bait" to attract support for an extensive strategic defense buildup was the promise that the system would defend every American against the threat of nuclear weapons. Many Americans, bone weary after four decades of nuclear anxiety, were ready to buy the President's vision, and the country has already made the first down payments.

Secretary Weinberger is still holding out that bait: even as he proposes a phased deployment, he strains to preserve the illusion that the purpose of the program is still population defense. And he insists that the risks of such a deployment should still be measured against the grand benefits promised by the President's sweeping vision.

But in fact what we are seeing now is the beginning of the "switch": Secretary Weinberger has told us openly that when he delivers the product we have purchased it will look quite different from what was advertised. Not to worry, however, he says, because it is only the first phase of the full system we ordered.

He and other hardliners want to implement the switch quickly, while President Reagan is still in office: they hope to lock in the program and foreclose arms control options for his successors. But Congress and the American people must not be fooled. We must evaluate phase one on its own merits, and we must have no illusions about the costs—the military implications for the Soviet Union, Moscow's likely response, the destabilizing effect on the arms race and the likelihood that a defense will be both highly vulnerable to attack and more expensive than countermeasures designed to render it ineffective.

The first cost would surely be to our own rational thinking and our standards for defense spending. The so-called Nitze criteria—that a defense must be cost-effective, able to protect itself against attack and stabilizing in its effects—are our soundest, most intellectually honest standards. Yet they have been opposed by advocates of the Strategic Defense Initiative and would clearly go by the boards if we were to move ahead with the first phase of the program before establishing the feasibility of its latter stages.

Next to go would be any remaining prospects for serious reduction in offensive weapons during the rest of the President's term, and perhaps beyond. The most logical Soviet response to a phased deployment would be to develop the capacity to attack space-based defenses with antisatellite weapons and to saturate ground defenses with large numbers of warheads and decoys. The President's abandonment of the second strategic arms limitation accord's constraints on offensive weapons and his refusal to work out limits on antisatellite weapons give the Soviet Union a free hand in both areas.

A phased defensive deployment would also ruin the few remaining chances of forming some measure of domestic consensus in support of the President's approach to strategic affairs. A Democratic Congress is simply not going to follow the President down the road to early deployment of strategic defenses and to its inescapable corollary, early abrogation of the Anti-Ballistic Missile Treaty.

An early deployment would also seriously erode the moral and political support of our allies. Out of deference to the President's role as the central figure in alliance affairs, our friends abroad have tried to mute their concerns about S.D.I.—in public at least. But if the President embraces a phased deployment, those and other concerns about American leadership will surely break out of diplomatic channels, to become matters of public acrimony and division.

Perhaps most important, we would lose the chance to move toward nuclear stability at much lower numbers of weapons. The opportunity exists to combine reductions and more stable deployments with highly survivable and stabilizing mobile missiles with a single warhead. At Reykjavik, and even before, there were indications of an emerging parallelism between American and Soviet thinking in this area. Should we move toward phased deployment of S.D.I., however, the financial costs are likely to slow down the single-warhead program. Deployment would also give the Soviet Union an incentive to build up its first-strike forces rather than sharply cutting them back.

We are at a turning point. The President ought to pick up some of the threads that were dropped at Reykjavik by pursuing deep reductions and by exploring areas of compromise relating to S.D.I. No one expects him to believe the Soviet Union's hypocritical claims about its major investments in defensive research—efforts that it fully intends to continue. It is perfectly responsible, as a hedge, for the United States to have a vigorous research program of our own.

But the Administration should use that program as a source of leverage in negotiations. Above all, it must not insist, as the President did in his confusion at Reykjavik, on passing up greater reductions in strategic offensive weapons—as it surely would if it decided to support phased deployment.

Once again, the President has been too willing to serve as a salesman for a dubious product—and too reluctant to ask questions that would illuminate the true nature of what he is selling. But once again, many absolve him of personal responsibility on the assumption that he just didn't understand what he was doing. Is it credible that the President does not now know that S.D.I.—his proposal for a leakproof defense of American cities—is being transformed into little more than a destabilizing defense of missile silos? Will the President again sanction a glaring contradiction between public utterance and private action?

He has publicly committed himself to progress in arms control, but he has little time left to match his actions to his words. The Strategic Defense Initiative must not become another grand and fraudulent scheme sold to the American people on the installment plan.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR HEINZ

The PRESIDING OFFICER. The erudite Senator from Pennsylvania is recognized.

Mr. HEINZ. The Senator from Pennsylvania thanks the articulate Chair.

S. 524—WORKER ADJUSTMENT IMPROVEMENT ACT

Mr. HEINZ. Mr. President, this year we have been hearing a lot about the word "competitiveness." We all know what that word means. Yet, we are not going to realize the goal of competitiveness in this country while large segments of our work force are underutilized or displaced. We cannot begin to address our trade imbalance along with our skilled workers if human resources, truly the power of this country, are unable to find jobs.

The plain fact of the matter is that our Nation's displaced workers' programs—the Job Training Partnership Act and the Trade Adjustment Assistance Program—are simply not doing the job. According to the Office of Technology Assessment, in a study I requested about 2 years ago, 11.5 million American workers lost their jobs in the last recession. Of those who were considered displaced, fully two-fifths, almost one out of three, never found any new job. At the same time, a little over 5 percent of displaced workers, about 1 in 20, receive any assistance at all of any kind, from the Job Training Partnership Act. The services which are provided generally do not emphasize retraining or basic skills education. Instead, our job training services are skimming the most job ready of the displaced off the top, and leaving the bulk of these workers to fend for themselves.

Let us make no mistake about it, therefore, Mr. President, retraining our displaced workers is not going to be done by the States alone and it will not be accomplished without Federal Government involvement. Our active participation in worker reentry is critical and, after all, it is only fair. Dislocation results from unfair trading practices, shifting world markets, rapidly changing economics, issues which are beyond the control of State and local governments.

For that reason, the Federal Government, which guides our international policies, bears a special responsibility.

Last year, the Office of Technology Assessment provided many of the answers we need. Their analysis, entitled "Technology and Structural Unemployment" is considered among the best in its field.

Although I sent a summary of that study to all Senators nearly a year ago, I ask unanimous consent that the summary be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

POLICY ISSUES AND OPTIONS

Adjustment to structural economic change has been a major issue in the 1980s. In public debate, attention has focused on a broad range of policies that affect both the rate of structural change and the need for adjustments on the part of American business and workers. The debate encompasses alternative macroeconomic strategies designed to stimulate economic growth and employment, trade policies responding to major changes in U.S. trade balances and international trading practices, and proposed industrial policies that affect the conduct and performance of different sectors of the U.S. economy. Actions taken in these policy areas affect the need for worker adjustment, but have much broader implications for economic performance and industrial structure. This study focuses specifically on policies to facilitate worker adjustments or transitions between jobs and industries as those jobs and industries change.

In recent years, assistance to workers who have lost jobs due to structural changes in the economy has been debated at some length in Congress. Congressional actions on the issue include establishing JTPA in 1982, with its national program to provide training and reemployment assistance to displaced workers under Title III. Also, under the Carl D. Perkins Vocational Education Act of 1984, Congress expanded vocational education opportunities for single parents and homemakers (including displaced homemakers) and for adult workers displaced by technological change or in need of training to remain employed. These recent initiatives, together with the TAA program, which has existed since the early 1960s, emphasize the need for assistance to displaced workers as a specific component of U.S. training and employment policy.[16]

However, taken together, these initiatives reach only a minority of displaced workers; JPTA Title III, the largest program, probably serves less than 5 percent of the eligible population. Whether policymakers see additional efforts for displaced workers as needed will depend on how the issue is viewed in a broader context, which includes current budget deficits and the needs of other groups for employment and training assistance. Specific actions and short-term funding levels chosen depend largely on whether Congress views support for workers adjustment as an emergency response to high unemployment during economic downturns or a continuing national commitment. Regardless of the way worker adjustment policies are viewed, displacement is a continuing problem, affecting millions of workers every year. If Congress does wish to strengthen adjustment assistance to displaced workers, OTA's assessment of the experience to date with such assistance suggests a number of options that merit consideration.

These options have been divided into 11 issue areas. Issue areas 1 through 4 deal with improvements in delivery of assistance to displaced workers, or workers who have received notice of layoff. Issue area 5 contains options for improving services to displaced homemakers. Issue areas 6 and 7 deal with options to improve research on occupational skills, occupational forecasting, and labor market information. Issue areas 8, 9, and 10 include options to improve adult basic skills, or proactive strategies to improve both the quality of the existing work force and the ability of individual workers and homemakers to make career transitions if they are displaced. Issue area 11 deals with options to develop, improve, and disseminate new instructional technologies for adult basic and vocational education.

ISSUE AREA 1: IMPROVING RAPID RESPONSE TO DISPLACEMENT

Experience in existing programs clearly shows the benefits of making retraining and reemployment services available to workers before they are laid off. JTPA permits prelayoffs assistance for workers who have received notice of termination or layoff, but many states offer very little pre-layoff assistance. In some cases, this is because there are no institutions designed to respond rapidly to an announced plant closing or mass layoff. Only a few States have designated personnel to respond to plant closings. Congress might wish, through oversight or legislative directives, to encourage more States to establish early-response institutions, or it may wish to establish a federally supported service, possibly like Canada's IAS, to deliver pre-layoff assistance.

Even when effective institutions exist to deliver pre-layoff assistance, they operate best when there is advance notice of plant closings or mass layoffs. Thus, Congress might wish to provide incentives for advance notification of plant closings or mass layoffs, or to require some form of advance notice.

ISSUE AREA 2: ENCOURAGING RAPID REEMPLOYMENT

The emphasis of JTPA Title III is on placement in new jobs, and most projects have reported a fair degree of success in placing their clients, largely through job search assistance, job development, and finding on-the-job training positions. Performance in placing workers in new jobs could be improved with additional measures to offer more effective relocation assistance, and to provide temporary wage supplements for displaced workers taking jobs that pay less than the old job, thus easing the adjustment.

Many displaced workers cannot find new jobs at comparable wages to those of the jobs they lost. Temporary wage subsidies could be offered, limited to a fixed transition period during which workers could get experience on the new job and recoup some of their earning power. One proposal would allow displaced workers to receive up to 80 percent of their remaining UI benefits over the course of a year if they took a lower wage job before exhausting benefits. This might help some displaced workers get back to work earlier than they otherwise would. The wage supplement is a new concept. One approach would be to try it first on a small scale in a pilot project.

Some displaced workers—especially those in communities where job prospects are poor—might be able to find jobs more comparable to the ones lost, if they had sufficient information and resources to relocate. Relocation assistance is allowed under JTPA, but most States were making little use of it in their Title III programs in 1984-85. Greater relocation assistance funds are available under TAA, which technically expired in late 1985. Continuation of the TAA program and legislative directives encouraging greater emphasis on relocation assistance, in appropriate circumstances, under JTPA might be considered.

Another way to facilitate relocation is through improving intrastate or interstate job banks to provide jobseekers with lists of current job openings throughout the State, region, or Nation. This would require computerization of the job banks. JTPA authorized a nationwide computerized job bank and job matching system. A limited interstate job bank has been set up, but it covers only a small number of jobs, and is only partially automated. Most State systems—which are the basis for an interstate bank—are not fully computerized either.

Good estimates of the costs of computerizing State job banks and linking them in an interstate system are not available, but preliminary indications are that fully automated systems within each State might require capital spending of at least $240 million over a period of 5 years or so. [This does not count the costs of telecommunication equipment, software, and staff training time.] Benefits of a more comprehensive and fully automated interstate job bank are uncertain as well. It is not clear that workers would use the information in the job bank to relocate, since many of the jobs listed by Employment Service offices are low skill and low pay, and probably would not attract workers from other communities. However, improvement of the system might encourage employers to list more and better jobs.

In light of the uncertainties, a thorough investigation of the costs and potential benefits of automating either intrastate job banks or a centralized interstate job bank would be prudent before moving ahead. Any such study should compare a centralized, on-line system with several ways of linking individual automated State systems. Even without automated job banks, greater emphasis on relocation assistance through JTPA could be effective for a minority—possibly 5 to 10 percent—of displaced workers.

ISSUE AREA 3: ENHANCING EDUCATION AND TRAINING OPPORTUNITIES IN TITLE III PROJECTS

A substantial minority of participants in displaced workers projects—as many as 20 to 30 percent in well-run projects—view training as the best route to a new job with potential for advancement. This percentage fluctuates, depending on the availability of job opportunities in the community. During recessions, more workers choose training, while during periods of prosperity, the number of workers seeking training tends to fall because prospects for reemployment are better.

Regardless of the condition of the local economy, few workers can afford to undertake training without some income support. For many workers, the principal source of income support is unemployment insurance, which is generally limited to 26 weeks. JTPA specifically directs States to excuse workers in Title III projects from UI work search requirements while they participate in training courses.

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[16] Several other measures authorizing adjustment assitance to workers who have lost their jobs due to changes in public policy have also been adopted over the years. These special programs have not been addressed in this report.

Reflecting the 26-week constraint of UI income support, some vocational training institutions have developed compressed courses that run for 22 weeks. Some courses also have flexible entry times. However, only the workers who enter training before or shortly after layoff would be able to complete a 22-week course while still receiving UI. Many workers prefer to search for new jobs before undertaking training, and many displaced worker projects encourage this approach. For these workers, opportunities for skills training are limited or possibly foreclosed. Moreover, although short courses may be sufficient for some kinds of training, workers who could benefit from longer training courses may have to forgo them because of lack of income support. Loss of health insurance is another reason that some displaced workers chooses not to undertake training, but instead try to get a new job as soon as possible.

For workers interested in intensive skills training, additional income support may be needed. JTPA Title III does not prohibit stipends to workers in extended training or education, but stipends are very seldom provided. Various ways of providing such income support might be considered. Recent legislative proposals include enlarging the access of displaced workers to Federal student aid assistance, providing an additional 26 weeks of Federal unemployment compensation to workers in intensive training or remedial education, and permitting displaced workers to use penalty-free disbursements from Individual Retirement Accounts as income support while training. These kinds of assistance, which could be implemented singly or in a package, could be targeted to workers who have demonstrated a commitment to extended training or education, rather than permitting all workers to take advantage of extended income support.

In addition, some congressional bills have proposed to fund extended health insurance benefits for unemployed workers, and others would provide it for workers affected by closure of a defense-facility or defense-related business. Congress might consider providing some form of extended health benefits for displaced workers who are enrolled in vocational skills training courses as part of an income support package as described above.

Up to 20 percent of the participants tested in displaced worker projects have shown deficiencies in basic educational skills; some of these workers require fairly intensive remedial education before they can benefit from vocational skills training courses. Many other workers have less severe basic skills deficiencies, but still may need some help with basic skills. Remedial education currently is a clear but unmet need in the Title III program. As shown by some exemplary projects, displaced worker projects can deliver remedial education very effectively. However, most States give little or no attention to remedial education in their Title III programs, and even those that do fall short of the need (assuming that roughly 20 percent of displaced workers need the service).

Remedial education might be encouraged if States were directed to certify remedial education programs as approved JTPA training for UI recipients, and excuse those recipients from work search requirements while enrolled. Basic educational achievement could be included as a performance standard in JTPA Title III programs, as it is in Title IIA programs. Finally, Congress might consider earmarking a portion of JTPA funds for remedial education.

The estimated cost of providing remedial education for approximately 20 percent of JTPA Title III participants is about $6 million per year—about 3 percent of Title III appropriations in fiscal year 1985. Since Title III has probably served less than 5 percent of the eligible population, however, this $6 million would not go very far toward solving the basic skills problem in the work force.

ISSUE AREA 4: IMPROVING INFORMATION AND REPORTING ON JTPA

Current information and reporting under JTPA and related programs does not adequately support congressional needs. The most pressing needs are for current information on the numbers of people affected by permanent layoffs and plant closings, on the demand for JTPA services overall, and on the demand for different types of services offered in JTPA programs. Without this information, Congress lacks adequate guidance in establishing yearly funding for Title III, or for determining the effectiveness of the program.

Reporting on the demand for services in displaced workers programs is out of date. Congress was considering the fiscal year 1986 budget, which will determine JTPA funds for the program year beginning July 1, 1986, in the summer of 1985. At that time, the most recent report on the numbers of workers served and program spending was over a year old. Brief quarterly or semiannual reports showing current levels of spending and demands for services might serve better as a guide for congressional appropriations.

Moreover, information on the mix of services offered in Title III programs—including vocational skills training, on-the-job training, remedial education, relocation assistance, and job search assistance—is incomplete and uncertain. More detailed reports, at least on an annual basis on the service mix, outcomes by different type of service, and characteristics of participants receiving various kinds of service could help Congress determine the benefits of this federally funding program, and signal needs for changes in direction.

JTPA directs the Secretary of Labor to collect data on the number of permanent layoffs and plant closings, the number of workers affected, the geographical location of closings, and the types of industries. Money for an initial 8-State pilot study was not appropriates until 1984. In fiscal year 1985, Congress appropriated funds for a nationwide survey, which is now being done; funds were again appropriated for this purpose in fiscal year 1986. Annual updating of this information may require specific appropriations in the future.

ISSUE AREA 5: IMPROVING SERVICES FOR DISPLACED HOMEMAKERS

In 1984, the Carl D. Perkins Vocational Education Act authorized spending of up to $86 million per year on grants specifically designated for services to single parents and homemakers, including displaced homemakers. In mid-1985, about $63 million had been appropriated for grants serving this targeted group in the year beginning July 1, 1985. An undetermined but probably sizable portion of these grants will be spent for assistance to displaced homemakers. In the past, Federal spending targeted to displaced homemakers was comparatively small, never exceeding about $8 to $10 million per year.

Yet even the increased Voc Ed grants are still very modest in relation to the eligible population. No estimate has been made of the numbers of single parents and homemakers, but displaced homemakers alone probably number 2 to 4 million. If all of these people were to participate in the new Voc Ed program—and two-thirds of the Voc Ed set-aside grants for single parents and homemakers went to displaced homemakers—$11 to $22 per person would be available. A roughly comparable figure for displaced workers eligible for JTPA Title III assistance in the transition year 1983-84 was $74. Under the Comprehensive Employment and Training Act of 1980, the comparable figure for disadvantaged workers eligible for general employment and training programs was $250 per eligible person. These figures are given only for purposes of comparison; actual uptake of services by eligible people is never 100 percent, and participation varies among groups.

Voc Ed programs under the Perkins Act were just gearing up in 1985. It is too early to identify all the policy issues that might arise under the new law, but one that is already under debate is whether and how to amplify the very sparse data about displaced homemakers. Very little information has been collected on existing programs. The Perkins Act authorizes, but does not require, the Department of Education to develop data on provision of vocational education opportunities for single parents and homemakers, including displaced homemakers. This information, as well as data on provision of other services such as outreach and counseling, job development, job search assistance, and basic education, would be useful to States in using existing funds efficiently, and to Congress in making appropriations for these purposes in the future.

A potential topic for oversight is whether the State Sex Equity Coordinators are able to wield the authority the law gives them to administer the single parents and homemakers programs, and whether the set-aside funds are reaching their intended beneficiaries through programs designed to meet their special needs. The Perkins Act places substantial emphasis on set-asides, or targeting portions of the grants to special populations. These set-asides, including the 8.5 percent for single parents and homemakers, were opposed by many in the vocational education establishment. As implementation of the act gets underway, Congress may wish to focus oversight attention to how the set-aside provisions are being met.

JTPA is a potentially important source of employment and training services to displaced homemakers. Although there is some overlap in services with those that Voc Ed grants can provide, JTPA emphasizes job placement more heavily, while the focus on the Voc Ed act is on training. Congress did not define displaced homemakers as a principal target group for JTPA programs, although they are specifically mentioned in the law as one of the groups facing employment barriers and therefore eligible for some services. Because of income eligibility criteria, it can be difficult to use JTPA funds in projects designed to serve displaced homemakers. Congress may wish to provide legislative guidance on whether projects serving the special needs of displaced homemakers can be funded under JTPA, and whether JTPA services (either under Title IIA or Title III) should be more readily available to displaced homemakers.

For displaced homemakers, the barriers to training and education are probably greater than they are for workers displaced from paid jobs, because few displaced homemakers have either unemployment insurance or income from another family member to sustain them during training. According to directors of displaced homemaker projects, many of these women need remedial education in order to get an adequate job, and many could benefit from vocational skills training to improve their earning power and possibilities for advancement. Congress provided for only very limited income support in both the Perkins Act and JTPA, and training allowances are seldom provided. Another possible source of income, guaranteed student loans, are more readily available to young students than to displaced adults. Congress may wish to consider whether to encourage or provide more income support for displaced homemakers in training. Better information on services provided to displaced homemakers, and numbers of women receiving the services, would provide an improved basis for consideration of this issue.

ISSUE AREA 6: IMPROVING LABOR MARKET AND OCCUPATIONAL INFORMATION

Whether displaced workers and homemakers choose training or an immediate job search, they can benefit from detailed, up-to-date information on the kinds of jobs available in the local labor market. The same is true of projects that offer reemployment, education, and training services to displaced workers and homemakers. In many States the information provided to displaced workers projects is neither current nor detailed enough to give an adequate picture of what occupations are in demand locally. As a result, many projects are forced to operate with little information or initiate more extensive job development efforts than would be necessary if good local information existed.

In various surveys, BLS collects a great deal of information on local unemployment rates, levels of employment and earnings by industry, and on occupations within industries. Much of this information is funneled into national employment estimates and occupational forecasts. Some, but not all, States collect additional data to provide more detail on the occupational patterns of local industries. In these States, ES analysts put together various sets of information, from the local to the national level, and thus provide a rough picture of growing, static, and declining occupations within the State or, in some cases, local areas. With the sharp drop in Federal funding and staffing levels in the ES system since fiscal year 1982, however, the ability of many States to collect additional information on local employment has been weakened. If Congress wishes to place more emphasis on the provision of detailed local labor market information, several options are available, including: 1) legislative guidance through JTPA oversight to focus attention on providing better information at the local level and on more informed use of existing data, and 2) appropriation of funds for the specific purpose of developing local labor market information.

ISSUE AREA 7: CONDUCTING RESEARCH ON THE EFFECTS OF TECHNOLOGY ON JOBS

Technological change affects both the number of job opportunities and the skills and education needed to perform jobs. BLS long-range forecasting specifically attempts to incorporate the effects of technological change on the numbers of occupations in different industries. Forecasting the effects of technological change on the numbers of jobs will, inescapably, result in inaccuracies, simply because the effects of technologies on jobs are influenced by a variety of factors that are difficult to predict, including overall socioeconomic changes and domestic and international competition. These forecasts would be more useful if additional resources were devoted to sensitivity analyses of the effects of major changes, including changes in technologies. Sensitivity analyses might help jobseekers and people making career choices to understand how the requirements of given careers might change in the future, but the analyses would be unlikely to improve significantly the overall accuracy of the forecasts.

How new technologies will affect skills and education needed in the work force is not completely determined by the technologies alone. Management, workers, and society in general make decisions which influence how technologies affect jobs. The characteristics of the machines or technologies, however, do limit available choices. Therefore, if American businesses are to create jobs that build on the current and potential skills of American workers, those skills must be taken into account when the technologies are designed. There is a tendency to design skills and humans out of new, automated production processes; there do not seem to be many deliberate efforts to design new technologies that create new, skilled jobs or enhance the skills of existing workers, although such efforts could pay dividends not only in providing better jobs, but in using the technologies themselves more effectively.

Congress might wish to encourage systematic evaluation of the employment impacts—both quantitative and qualitative—of new technologies by requiring evaluation of employment impacts in major federally supported technology development efforts of the Department of Defense, the National Science Foundation, and the National Bureau of Standards. In addition, Congress might wish to direct the National Science Foundation or other agencies to fund one or more centers for engineering research in alternative work organization or job design areas, aimed at finding ways to design skilled jobs in conjunction with new or existing technologies.

ISSUE AREA 8: IMPROVING BASIC SKILLS IN THE WORK FORCE

While it is clear from evidence gathered in displaced worker and homemaker projects that basic skills deficiencies are widespread, the exact magnitude of the problem is unknown. A better understanding of the dimensions of the basic skills problem of young adults (21 to 25 years old) is expected in the spring of 1986, when a national survey of functional literacy levels among this age group is scheduled for completion. This is the first national survey of adult basic educational skills in more than a decade. Regular, systematic surveys of basic skills performance levels among adults (not just young adults) could held provide guidance to Congress in funding programs to combat adult functional illiteracy.

Even without more exact information on the numbers of adults with basic skills deficiencies, Congress may wish to consider expanding support for basic educational programs for adults. This could be accomplished through Federal support of adult basic education through increased outreach and provision of services under the Adult Education Act (AEA), together with development of a long-term strategy to increase participation in AEA programs. Encouraging employed adults with poor basic skills to upgrade those skills while still employed can help improve the competitiveness of their employers, as well as help them to make career changes if they do become displaced. Displaced workers with good basic skills are more likely to find new jobs quickly after being displaced, and there are more job and training options open to them (see Issue Area 3, above).

ISSUE AREA 9: ENCOURAGING GREATER USE OF ADULT EDUCATION TO EASE WORKLIFE TRANSITIONS

Many unskilled or semiskilled workers are unaware that adult education can reduce their vulnerability to displacement, or that training programs are available within their communities. While skilled workers, professionals, and managers are more likely to take advantage of educational and training facilities in their communities or workplaces, these people, too, may not know about all the options open to them. Congress may wish to consider authorizing outreach programs to inform adult workers of the postsecondary educational opportunities in their communities, to encourage their participation. This kind of program also could be used to inform people with basic skills deficiencies about remedial education opportunities that would prepare them for postsecondary programs.

Another option is a program of educational financial assistance targeted to workers most likely to be displaced. Under existing policies, tax deductions for training generally extend only to courses related to a worker's current job, and part-time adult students who are employed have difficulty competing for Federal financial assistance. Workers in industries or occupations that are considered particularly vulnerable to displacement might be given preferences in access to Federal financial assistance. Eligibility for the assistance could be determined by State or Federal labor and employment agencies.

ISSUE AREA 10: ENCOURAGING TRAINING AND RETRAINING OF ACTIVE WORK FORCES

The impact of displacement on the work force can be reduced if workers in displacement-prone industries or occupations begin to make transitions to different careers while they are still employed. Often, factors leading to displacement develop over a long time, sometimes over several years. While some workers may make effective use of this time to find a new job or develop different job skills, most do not. This is especially true of the workers most vulnerable to displacement, that is, unskilled or semiskilled workers.

One of the most effective ways to deliver education and training to workers is at the workplace, with the support of employers. Estimates very greatly, but American business probably spends tens of billions of dollars a year on worker education and training—much more than the Federal Government. However, with the exception of on-the-job training (which is not usually counted as a training expenditure), most of this assistance is heavily weighted toward professionals, technicians, managers, and other highly skilled people. The workers most vulnerable to displacement—low-skilled, nonsupervisory or production workers—are probably the group least served by employer-provided education and training. In addition, many small businesses do not have the resources to provide the kind of education and training many larger businesses offer.

Measures Congress could consider to broaden employers' support for employee education and training include: 1) continuing the exclusion from taxable income of employee benefits under qualified employer-provided continuing education programs, an exclusion which will not apply to the 1986 tax year unless it is extended by Congress; 2) developing an improved information base on employer-provided training and education to better judge its adequacy, and to help identify public policies encouraging these services; and 3) adopting new incentives to encourage employers to extend training and education opportunities to under-served groups of workers, possibly by allowing employers to use such expenses as tax credits. An alternative to the third option might be a small additional payroll tax to finance retraining of either active or displaced workers from businesses that do not choose to provide such services themselves. Employers who do provide education and training to low-skilled production and nonsupervisory workers could be exempted from such a tax.

ISSUE AREA 11: ENCOURAGING RESEARCH, DEVELOPMENT, AND TRANSFER OF INSTRUCTIONAL TECHNOLOGY

New instructional technologies, including computer-aided instruction (CAI) and interactive videodisk systems, have great promise in adult training and education. These systems can improve access to training and education since they can be made available at times and places that are convenient for adults. They also can reduce the amount of time it takes to learn—an important advantage given the limited amount of time most adults have available for education. Some studies have found that adults in computer-based training achieved the same competencies as adults in conventional training in less than three quarters the time. Although the initial costs of these technologies are often viewed as a barrier to their adoption, the costs are decreasing, and operating costs can be very low when high use levels are achieved. New educational technologies are especially promising for teaching basic skills, where a large clientele and relatively unchanging curriculum offer the potential for very cost-effective instruction.

New educational technologies, despite their promise, are not yet widely used in adult education. One reason is that few teachers and administrators have much experience with these technologies, and potential users have trouble judging the quality of the courseware that is available. Most courseware was not specifically designated for adults, and information on the performance of courseware packages is seriously lacking. Potential users need data on how well different systems work, as a basis for investment.

If Congress wishes to encourage greater use of instructional technologies, the Federal role could be expanded through more effective measures to transfer federally developed training technologies to education and training institutions, and the private sector; greater support for development of new adult basic and vocational training materials for instructional technologies; and establishment of one or more national centers to focus research on how adults learn.

Many instructional technologies in current use were developed or supported by Federal agencies—mainly the Department of Defense but to some degree the Department of Education and the National Science Foundation. Systems developed for the specific needs of the Department of Defense can often be adapted to civilian adult education, but information frequently is not available to potential users. Moreover, the expense of modifying them may inhibit adoption. Congress might wish to consider establishing a training technology transfer office to keep a descriptive inventory of training technologies developed under Federal agencies, together with information on the capabilities of the technologies. Such an office could also encourage adaptation of the courseware for civilian use by allowing commercial enterprises to lease or buy federally developed technologies, modify them, and sell them to end users.

Much of the courseware used in basic skills education was developed for high school students—not the mature population of adults that have basic skills deficiencies. Support for research and development of new courseware specifically designed for adults could enhance the potential contribution of instructional technology in the adult education system. Such activities could be funded through the Adult Education Act. To avoid competition for the limited funds available for delivery of remedical education services under AEA, it may well be that a separately funded mechanism would be needed.

Congress may also wish to encourage more research on the nature of the adult learning process. Currently, little research is conducted on such questions as how to design curricula and instructional approaches so that they are appropriate for adults, how to measure functional literacy levels among adults, and how to evaluate adult performance in educational programs. Also, little attention has been given to the adult learner in evaluations of instructional courseware. Such issues could be addressed through a research program focused on the adult learner. One option would be for Congress to direct the Department of Education to charter one or more national research centers for adult learning and basic skills.

Mr. HEINZ. Mr. President, the OTA first raises the issue of rapid response to displacement. Trade adjustment assistance benefits are not geared to rapid response. Because of the need for certification of trade impact, many workers face a very long waiting period before receiving any of those benefits.

As to the Job Training Partnership Act, it authorizes early intervention in plant closing but when many States require JTPA service providers to file applications or proposals there often is not only a lack of rapid response but often a period of prolonged delay before services reach those displaced workers.

The second issue I want to address is that of education and training activities under the Job Training Partnership Act. According to the OTA, few workers can afford to undertake training without some income support, or as one of my constituents put it, Charles Kisner of North Versailles township, "this program doesn't work for people with no income."

One cannot ask the unemployed to put the welfare of their family aside in order to enter training. Twenty-six weeks of unemployment compensation are provided under law, but because of bureaucratic delays in starting up training programs, many workers receive only a few weeks of training before those benefits run out. What do they do then? Where can they go? The Job Training Partnership Act, in spite of good intentions, provides little or no support. Many must drop out of training to take whatever part-time work can be found.

For example, many of my constituents were given less than $3 a day to live on while enrolled in the JTPA training program. That assistance does not even cover the cost of bus fare to and from the program let alone a single book.

Clearly, education and training courses need improved design and management. At present, many localities simply lack the necessary skills and expertise to design effective training and education programs. There is no Federal office specifically designed to help State and local governments or JTPA service providers to develop effective retraining programs, and there is also no specific State entity which is ultimately responsible for designing JTPA service delivery, and monitoring the effectiveness of displaced worker assistance. All of these activities cry out for our attention.

Basic skills education, Mr. President, is needed by at least 20 percent of all our displaced workers. Yet basic skills education has received little or no attention from JTPA service-providers, and here again Federal involvement can help.

Last, as OTA points out, there is just too little information available on the services provided to displaced workers. We don't know what help, if any, these people have received, or what funds have been spent on each activity. No State is required to certify its activities to the Department of Labor, and thus we are not quite certain what is really going on in the field. All we can be certain of is that a great majority of displaced workers are not being helped.

How then, must we proceed? There is no question that JTPA can provide rapid response to large-scale layoffs and closings. Our unemployment compensation system can provide support to unemployed workers in approved training programs. We can certainly assist the States in designing effective retraining, and we can provide resources for remedial education. The Department of Labor is more than capable of compiling the necessary information to determine what services are and are not being provided. The fact of the matter is that we are not providing the necessary assistance, or the needed resources, to make all of this come about.

All we can be certain of is that a great majority of displaced workers, formerly self-supporting, very proud Americans, are not being helped at all.

For that reason my colleague and friend from West Virginia, Senator ROCKEFELLER, and I are introducing legislation which will accomplish this goal.

It is a real pleasure to be joined in the efforts by the distinguished Senator from West Virginia who was Governor of the State of West Virginia until January 1985 and had really hands-on experience in designing and helping administer these programs.

I might add that this bill does something a lot of other proposals usually do not do, Mr. President. We provide a financing mechanism to pay for the costs of the changes that we propose in the Job Training Partnership Act and for the cost of the Trade Adjustment Assistance Program, a single, stable source of revenue.

The 1985 reconciliation bill contained authority for an ad valorem fee on imports, capped at 1 percent. The funds generated by that source would more than provide for our retraining programs. This legislation passed the Senate over a year ago, but was dropped, I am sorry to say, in conference. But the legislation is nonetheless valid because it rests on the principle that those who use our Nation's markets to their advantage have an obligation to help fund the adjustment of those they dislocate.

Second, the legislation provides 10 weeks additional unemployment compensation to workers enrolled in an approvable training program under JPTA title III. In this way, workers can complete classroom training, or undertake remedial education, without fear of becoming destitute.

Most importantly, our legislation would require the establishment of a dislocated worker unit in each State and in the Department of Labor. This unit would be responsible for designing and overseeing worker retraining and job search assistance, for compiling accurate information on services provided, and for providing immediate response to plant closings and mass layoffs.

I cannot emphasize sufficiently the importance of a rapid response capability. The participation rate of workers in training programs tends to drop precipitously when services are not provided at time of layoff or plant closing. The workers we lose as a result, we may never get back.

In order to be certain that funds are available for rapid response to plant closings, the bill requires a 5-percent set-aside in each State's formula funds for rapid response. In addition, in order to be certain that remedial education receives the priority it deserves, an additional 3-percent set-aside is required for remedial education funding.

By enacting this legislation, we will demonstrate that Federal efforts to retrain workers and return them to productive employment is not an emergency program—utilized only in times of extreme high unemployment—but an enduring commitment to domestic competitiveness. We will not continue as a great nation when we allow skilled workers to fall into underemployment. We will not be effective competitors in the world marketplace if we allow our human resources to lie fallow.

Mr. President, I ask unanimous consent that the bill and a section-by-section summary of its contents be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

[See exhibit 1.]

Mr. HEINZ. I urge my colleagues to join me in cosponsoring this sensible, cost-efficient method to restore our best asset, or workers, to full employment.

EXHIBIT 1

S. 524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This title may be cited as the "Worker Adjustment Improvement Act of 1987".

TITLE I—FINANCING THROUGH THE IMPOSITION OF SMALL UNIFORM DUTY ON ALL IMPORTS

SEC. 101. IMPOSITION OF SMALL UNIFORM DUTY ON ALL IMPORTS.

(a) NEGOTIATIONS.—

(1) The President shall undertake negotiations necessary to achieve changes in the General Agreement on Tariffs and Trade that would allow any country to impose a small uniform duty on all imports to such country for the purpose of using the revenue from such duty to fund any program which assists adjustment to import competition.

(2) On the date that is 6 months after the date of enactment of this title, the President shall submit to the Congress a report on the progress of negotiations conducted under paragraph (1).

(3) On the first day after the date of enactment of this title on which the General Agreement on Tariffs and Trade allows any country to impose a duty described in paragraph (1), the President shall submit to the Congress a written statement certifying that the General Agreement on Tariffs and Trade allows such a duty.

(b) IMPOSITION OF DUTY.—Chapter 5 of title II of the Trade Act of 1974 (19 U.S.C. 2391, et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 286. IMPOSITION OF ADDITIONAL DUTY.

"(a) In addition to any other duty imposed by law, there is hereby imposed a duty on all articles entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

"(b) The rate of the duty imposed by subsection (a) shall be a uniform ad valorem rate proclaimed by the President at least 30 days prior to the date such rate takes effect which is equal to the lesser of—

"(A) 1 percent, or

"(B) a percentage that is sufficient to provide the funding necessary to carry out the provisions of chapters 2 and 3.

"(c)(1) Except as otherwise provided in this subsection, duty-free treatment provided with respect to any article under any other provision of law shall not prevent the imposition of duty with respect to such article by subsection (a).

"(2) No duty shall be imposed by subsection (a) with respect to—

"(A) any article (other than an article provided for in item 870.40, 870.45, 870.50, 870.55 or 870.60 of the Tariff Schedules of the United States) that is treated as duty free under schedule 8 of the Tariff Schedules of the United States, or

"(B) any entry which has a value of less than $1,000.".

SEC. 102. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of section 101(a), shall take effect on the date of enactment of this title.

(b) ADDITIONAL DUTY AND TRUST FUND.—

(1) the amendment made by section 101(b) shall apply to any article entered, or withdrawn from warehouse, for consumption after the earlier of—

(A) the date that is 2 years after the date of enactment of this title, or

(B) the date that is 30 days after the date on which the President submits to the Congress the written statement described in section 101(a)(3).

TITLE II—UNEMPLOYMENT COMPENSATION FOR DISLOCATED WORKERS

SEC. 201. SHORT TITLE.

This title may be cited as the "Unemployment Compensation for Dislocated Workers Act".

SEC. 202. FEDERAL-STATE AGREEMENTS.

(a) Any State which desires to do so may enter into and participate in an agreement with the Secretary of Labor (hereinafter in this title referred to as the "Secretary") under this title. Any State which is a party to an agreement under this title may, upon providing thirty days' written notice to the Secretary, terminate such agreement.

(b) Any such agreement shall provide that the State agency will make payments of Federal unemployment compensation for dislocated workers—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law;

(B) have no rights to compensation (including regular compensation, extended compensation, and Federal supplemental compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (and is not paid or entitled to be paid any additional compensation under any such State or Federal law);

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are participating in a job training program for dislocated workers under title III of the Job Training Partnership Act;

(2) for up to ten weeks of unemployment which begin in the individual's period of eligibility,

except that no payment of Federal unemployment compensation for dislocated workers shall be made to any individual for any week of unemployment which begins more than two years after the end of the benefit year for which he exhausted his rights to regular compensation.

(c) For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted his rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period; or

(2) his rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) For purposes of any agreement under this title—

(1) the amount of the Federal unemployment compensation for dislocated workers which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to him during his benefit year under the State law for a week of total unemployment; and

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for Federal unemployment compensation for dislocated workers and the payment thereof; except that the compensation shall not be terminated or reduced because of the individual's participation in the job training program or because of the application of any provision of law relating to availability for work, active search for work, or refusal to accept work.

(e)(1) Any agreement under this title with a State shall provide that the State will establish, for each eligible individual who files an application for Federal unemployment compensation for dislocated workers, a Federal unemployment compensation for dislocated workers account with respect to such individual's benefit year.

(2) The amount established in such account for any individual shall be equal to ten times his average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year. The total amount of compensation payable to an individual under an agreement entered into under this title shall not exceed the amount in such individual's account.

(f) No Federal unemployment compensation for dislocated workers shall be payable to any individual under an agreement entered into under this title for any week beginning before the week following the week in which such agreement is entered into.

SEC. 203. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF FEDERAL UNEMPLOYMENT COMPENSATION FOR DISLOCATED WORKERS.

(a) There shall be paid to each State which has entered into an agreement under this title an amount equal to 100 per centum of the Federal unemployment compensation for dislocated workers paid to individuals by the State pursuant to such agreement.

(b) No payment shall be made to any State under this section with respect to compensation to the extent the State is entitled to reimbursement with respect to such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5 of the United States Code. A State shall not be entitled to any reimbursement under such chapter 85 with respect to any compensation to the extent the State is entitled to reimbursement under this title with respect to such compensation.

(c) Sums payable to any State by reason of such State's having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of statistical sampling or any other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 204. FINANCING PROVISIONS.

(a)(1) Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this title.

(2) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, to the extended unemployment compensation account, such sums as may be necessary to carry out the purposes of this title. Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

(c) There are authorized to be appropriated from the general fund of the Treasury, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this title.

SEC. 205. DEFINITIONS.

For purposes of this title—

(1) the terms "compensation", "regular compensation", "extended compensation", "base period", "benefit year", "State", "State agency", "State law", and "week" shall have the meanings assigned to them under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970; and

(2) the term "period of eligibility" means, with respect to any individual, any week which begins on or after the date of the enactment of this title, except that an individual shall not have a period of eligibility unless—

(A) his benefit year ends on or after June 1, 1984, or

(B) such individual was entitled to extended compensation for a week which begins on or after June 1, 1984.

SEC. 206. FRAUD AND OVERPAYMENTS.

(a)(1) If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of Federal unemployment compensation for dislocated workers under this title to which he was not entitled, such individual—

(A) shall be ineligible for further Federal unemployment compensation for dislocated workers under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

(2)(A) In the case of individuals who have received amounts of Federal unemployment compensation for dislocated workers under this title to which they were not entitled, the State is authorized to require such individuals to repay the amounts of such compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(i) the payment of such compensation was without fault on the part of any such individual, and

(ii) such repayment would be contrary to equity and good conscience.

(B) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any Federal unemployment compensation for dislocated workers payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the three-year period after the date such individuals received the payment of the compensation to which they were not entitled, except that no single deduction may exceed 50 per centum of the weekly benefit amount from which such deduction is made.

(C) No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(3) Any determination by a State agency under paragraph (1) or (2) shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

TITLE III—STRENGTHENING THE DISLOCATED WORKERS PROGRAM

SEC. 301. MINIMUM NUMBER OF DISLOCATED WORKERS REQUIREMENT.

Section 302(a) of the Job Training Partnership Act (hereafter in this title referred to as the "Act") is amended by adding at the end thereof the following new sentence: "In establishing procedures under this subsection each State shall include any termination or layoff which involves 100 or more employees in any place of employment in the identification of dislocated workers for the purpose of this title .".

SEC. 302. FEDERAL DISLOCATED WORKERS UNIT.

(a) Part D of title I of the Act is amended by adding at the end thereof the following new section:

"FEDERAL DISLOCATED WORKERS UNIT

"SEC. 172. (a) The Secretary shall establish a Federal Dislocated Workers Unit in the Department which shall—

"(1) receive an annual plan from the States for providing services under title III;

"(2) receive the reports required under section 310 of this Act;

"(3) establish performance guidelines for State programs under title III, and report annually to Congress on State performance; and

"(4) provide technical assistance, required under section 310 of this Act, to the States and to local service providers, utilizing the regional offices of the Department of Labor.

The report required by clause (3) of this subsection shall include recommendations to improve program performance, including but not limited to improved skills training and education.

"(b) The Secretary shall enter into an agreement with the National Commission for Employment Policy to conduct research and evaluation of methods for effective worker adjustment. The Secretary shall report annually to the Congress on the findings resulting from the agreement entered into under this section.".

(b)(1) Section 305 of the Act is amended by—

(A) striking out "SEC. 305." and inserting in lieu thereof "(b)"; and

(B) by inserting after the section heading the following:

SEC. 305. (a) Each State shall prepare and submit to the Secretary a State plan of the activities which the State will carry out in the succeeding fiscal year. The plan required by this subsection shall be submitted at such time as the Secretary specifies, and shall contain such information as the Secretary may reasonably require.".

(2)(A) The heading of section 305 of the Act is amended to read as follows:

"PROGRAM PLANS AND REVIEW"

(B) Item "Sec. 305." of the table of contents of the Act is amended to read as follows:

"Sec. 305. Program plans and review.".

(c) The table of contents of the Act is amended by adding after item "Sec. 171." the following new item:

"Sec. 172. Federal dislocated workers unit.".

SEC. 303. ESTABLISHMENT OF STATE DISLOCATED WORKERS UNIT.

Section 303(a) of the Act is amended by striking out "Financial" and inserting in lieu thereof "Subject to the reservations under the provisions of subsections (c) and (d), financial".

"(c)(1) Each State shall from financial assistance provided to that State in any fiscal year reserve an amount not to exceed 5 percent of the amount available to the State under this title for that fiscal year to establish and operate a State dislocated workers unit.

"(2) The unit established and operated from the amount available for this subsection shall have general authority to—

"(A) respond immediately to large scale layoffs, terminations, and including especially terminations of employment resulting from permanent closure of a plant or facility;

"(B) establish and operate an information gathering and notification system designed to facilitate the notification by employers of permanent closure of any plant or facility within the State;

"(C) provide appropriate information and assistance to both employers and employees subject to such a permanent closure; and

"(D) facilitate rapid and necessary services to dislocated workers affected by such a closure.

"(3) Each State unit assisted under this subsection shall coordinate activities conducted by the unit with the State job coordinating council established in that State pursuant to section 122 and with the appropriate regional office of the Department of Labor.".

SEC. 304. BASIC SKILLS EDUCATION.

Section 303 of the Act is amended by adding at the end thereof the following new subsection:

"(d) From the amounts available to each State under this title for each fiscal year each State shall reserve, in addition to amounts reserved pursuant to subsection (c) of this section, an amount not to exceed 3 percent of such amount in each fiscal year in order to carry out the provisions of this paragraph, relating to the furnishing of basic skills education. From the amount reserved by each State and available under this subsection the State shall conduct basic skills education programs for displaced workers assisted under this title.".

SEC. 305. JOINT LABOR-MANAGEMENT TRAINING PROGRAMS.

(a) Title III of the Act is amended by adding at the end thereof the following new section:

"JOINT LABOR-MANAGEMENT TRAINING PROGRAMS

"SEC. 309. (a) From amounts allotted to a State in each fiscal year under section 301, or otherwise available to a State under this title, the State, through the State dislocated workers unit, may establish joint labor-management training programs.

"(b)(1) Funds available under this section may be used for grants to labor-management committees. Each such committee, desiring to receive a grant from a State's dislocated workers unit shall submit an application to that unit.

"(2) Each such application shall provide assurances that—

"(A)(i) the committee was established by a voluntary cooperative agreement, between the employer and the employees employed at or operating out of a single site, and

"(ii) the employer has certified that it will comply with the terms of such agreement;

"(B) the committee does not have, as one of its purposes, the discouragement of the exercise of rights contained in section 7 of the National Labor Relations Act (29 U.S.C. 157) or the interference with collective bargaining in any plant or industry;

"(C) a description of any arrangements that have been made with the administrative entity for a service delivery area in the vicinity for the purpose of—

"(i) obtaining information concerning (and improved access to) educational and training services available in the locality, such as institutional skill training, on-the-job training, training programs operated by employers or labor organizations, or on-site, industry-specific training supportive of industrial or economic development;

"(ii) providing, through the service delivery area, local providers of education and training with information concerning the needs of the committee for their services; and

"(iii) assessing such training and educational needs, providing information and recommendations regarding such needs to local educational and training service providers, and matching such training needs to the programs available.

"(3) For purpose of programs under this section, an eligible worker is a worker who is or may be at risk of losing employment because of skill obsolescence or because of a modernization or other production adjustment program which his or her employer is undertaking in order to remain or become competitive in international markets, or because of plant closing or large-scale lay-off.

"(c) A labor-management committee may use funds under this section to provide to or obtain for eligible workers any one or more of the following services:

"(1) early warning adjustment services in the event of mass layoffs or plant closings including such services as personal and financial counseling, referral to community services, career counseling, job search assistance, job development, retraining, and relocation assistance;

"(2) aptitude testing and career counseling;

"(3) on-the-job training;

"(4) institutional training;

"(5) tuition assistance;

"(6) upgrading of skills; and

"(7) education, including basic skills and literacy training as well as more advanced education intended to increase the proficiency and adaptability of workers in a changing work environment.

"(d)(1) Nothing in this section shall be construed to affect the terms or conditions of any collective bargaining agreement, whether entered into before or after the date of entry into an agreement under subsection (b).

"(2) No money or other things of value provided by an employer to a committee pursuant to this section shall be held to be a violation of paragraph (1) or (2) of section 302(a) of the Labor Management Relations Act, 1947, or section 8(a)(2) of the National Labor Relations Act.".

(b) The table of contents of the Act is amended by adding after item "Sec. 308." the following new item:

"Sec. 309. Joint labor-management training programs.".

SEC. 306. STATE REPORTING REQUIREMENTS.

(a) Title III of the Act (as amended by section 305) is further amended by adding at the end thereof the following new section:

"STATE REPORTING REQUIREMENTS; TECHNICAL ASSISTANCE

"SEC. 310. (a) No later than October 1 of each year, each State administering programs pursuant to this title shall submit a report to the Secretary of the activities of such programs performed in the preceding fiscal year which shall include—

"(1) a summary of the activities such State engaged in pursuant to section 303;

"(2) the relative amount of resources and funds which were used for each such activity from the available resources and funds for all such activities; and

"(3) recommendations and procedures to provide for a more equitable use of funds for vocational skills training.

"(b) The Secretary shall, upon application by a State, furnish technical assistance to that State in the implementation of the employment and training assistance program authorized by this title, designed to assure a more successful placement record for dislocated workers.".

(b) The table of contents of the Act is further amended by adding after item "Sec. 309." (as added by section 305) the following:

"Sec. 310. State reporting requirements; technical assistance.".

SEC. 307. STUDY ON BENEFIT PORTABILITY.

The Secretary of Labor shall, within 6 months after the date of enactment of this Act, commence a study of methods of implementing portability for pensions and health benefits for dislocated workers. Such study shall also evaluate the benefits of providing early retirement benefits without penalty for older dislocated workers. A report on the study conducted under this section shall be submitted to the Congress not later than 18 months after such date of enactment.

SUMMARY OF DISLOCATED WORKERS IMPROVEMENT ACT OF 1987, SENATOR HEINZ, SENATOR ROCKEFELLER

1. Financing: Imposition of a small, uniform duty on all imports, capped at one percent of value, to fund worker readjustment programs (Trade Adjustment Assistance, Dislocated Workers Assistance). Fee must provide sufficient funding for the programs—anticipated at $1 billion.

2. Unemployment Compensation for Dislocated Workers: Workers enrolled in job training shall be eligible for ten weeks additional unemployment compensation, above the normal 26 weeks' of state-paid compensation, payable from the Federal Unemployment Compensation Trust Funds.

3. Improved Services to Dislocated Workers: The states shall establish Dislocated Workers Units (DWU) which shall set aside funds to respond immediately to plant closings and mass lay-offs, to provide improved basic skills training to displaced workers, and to assist in the design and implementation of state-wide worker assistance programs; States may fund labor-management committees to assist workers with retraining and skills development in plants which are threatened or are modernizing; The Department of Labor shall establish a Dislocated Workers Unit to provide technical assistance to the states in improving skills training and response to plant closings. The Federal Dislocated Workers Unit shall establish performance guidelines for state programs, and report annually on methods to improve worker skills.

The PRESIDING OFFICER. The gifted and talented Senator from West Virginia, Senator ROCKEFELLER, is recognized.

Mr. ROCKEFELLER. I thank the Chair.

Mr. President, I join my distinguished colleague from Pennsylvania, Senator HEINZ, in introducing the Worker Adjustment Improvement Act of 1987. I would point out that Senator HEINZ has been working on this and other matters related to this problem now for many years. His and my bill proposes to speed up, strengthen and reform the major Federal program to assist dislocated workers.

Our country is sadly neglecting an important segment of our population: men and women who have lost their jobs due to factors far beyond their control such as competition from imports, mechanization, and other economic changes. These displaced workers have frequently been with the same company or in the same industry for many years. They have been supporting families, paying mortgages, and hoping to send their children to college. Most importantly of all they want to work again and remain productive, tax-paying citizens.

The problem is that the demands of today's employers are very different from the time when many dislocated workers entered the work force. Fifteen or twenty years ago, when a young West Virginian looked for a job, his options were the coal mines, the steel plants, the glass companies, and other forms of manufacturing throughout the State. That worker did not necessarily need to know how to read with particular skill, and he certainly did not have to be "computer literate." Now, when the mine shuts down or the steel mill closes, he may find himself with skills that are no longer wanted or useful. With 94 percent of America's new jobs being created in the service sector, many displaced workers must have additional education or training if they stand any chance to qualify for positions which pay at anywhere near the salaries to which they have been accustomed.

Mr. President, we must act quickly and forcibly to enable our experienced but displaced workers to reenter the work force. As it is now, the two major Federal programs for dislocated workers serve only 5 percent of this population. With $30 million allocated for training under the Trade Adjustment Assistance Program and $200 million for title III of the Job Training Partnership Act this fiscal year, the resources don't exist to equip dislocated workers with the education, skills, or training they need to become productively reemployed. Out of an estimated 1.7 million dislocated workers, only about 220,000 were helped last year through these programs.

This is not a time when we can dramatically expand a Federal program out of general revenues. In the Worker Adjustment Improvement Act, Senator HEINZ and I, instead, propose an import surcharge of less than 1 percent—more likely to be 0.3 percent—to generate at least $1 billion for dislocated workers assistance. The same idea has been proposed for the Trade Adjustment Assistance Program, and in that context, received widespread support in both the Senate and the House during the 99th Congress. Senator HEINZ and I hope to convince our colleagues that if we are to approve the import fee as a source of revenue for TAA, we should raise enough funds to assist all workers who have lost their jobs as a direct or indirect result of changes in trade, international competition, or other factors that they cannot help.

The Worker Adjustment Improvement Act draws on recommendations made by business, labor, and government leaders concerned about this problem. Rather than call for the creation of a new government program, we propose additions and reforms in JTPA's Dislocated Workers Program—title III—to make the program more effective. Our bill has provisions for Federal and State "rapid response teams," as the Senator from Pennsylvania pointed out, in order to reach workers before, or right after losing their jobs, not 6 months later or 1 year later when it might be too late; for supporting labor-management committees to coordinate the full array of adjustment services at or near the plant site; for providing 10 weeks of extended unemployment benefits after their State benefits have been exhausted, to enable workers to afford to complete their classes or job training programs; and for targeting a portion of each State's funds for basic skills instruction, in order to ensure that those who need help in reading, writing, and computation get it.

As Senator from a State with a disproportionate amount of the Nation's displaced workers, I hope Congress will act swiftly and boldly to address the needs of this segment of our population. We owe displaced workers more and better assistance in becoming reemployed, and we should face up to the fact that the United States doesn't come close to matching the efforts of other industrial countries in this area.

Mr. President, assistance to dislocated workers will not solve our trade and competitiveness problems. Comprehensive trade legislation is needed to open foreign markets, crack down on unfair trade practices, and provide our industries trade relief that will keep them modern and competitive. Key investments in education at all levels and in research and development must be made now to prepare for the future. But, in my view, and that of the Senator from Pennsylvania, one of the components of sound trade and competitiveness legislation must be a broad, adequate funded worker adjustment program.

Finally, knowing that others are developing proposals to deal with the problem of dislocated workers, I want to express my desire to work with all interested parties inside and outside of Congress in enacting final legislation in this area. Today, Senator HEINZ and I are presenting what we think is an approach that would solve the major problems in the existing dislocated workers program, and provide far better services to workers who have been, or will be displaced. There are other ideas that will emerge and deserve support. I hope my colleagues will seriously consider the Worker Adjustment Improvement Act, and join us by cosponsoring this bill and by enacting a major effort to put the country's displaced workers back to work.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, with statements therein limited to 3 minutes each.

The **PRESIDING OFFICER.** The highly respected Republican leader is recognized.

Mr. **DOLE.** I thank the distinguished Presiding Officer.

BRYCE HARLOW

Mr. **DOLE.** Mr. President, I take this time because I have just learned this morning that we have lost one of the most dedicated public servants that I have ever known—Bryce Harlow. He passed away this morning at Arlington Hospital after a lengthy illness.

Bryce Harlow was quite a man—a political activist who spent a lifetime in service to his country. He was an adviser to Presidents—both Republican and Democrat. In fact, they tell me the story about Bryce that one day he had the President on the phone and there were two former Presidents holding, waiting to talk with Bryce Harlow. He was an outstanding public servant who came from the State of Oklahoma. Bryce Harlow never hesitated to offer his services when problems on Capitol Hill or the White House seemed too big to solve.

Bryce was a lifelong Republican who understood that the good of the country always came first. And he practiced what he preached throughout his brilliant career in Washington: He was a bright and skilled professional, a superb writer, a gifted speaker, and a trusted friend to the many people who were lucky enough to have known him; and that includes this Senator.

In fact, I could recite a number of cases where I had a particularly difficult dilemma when I turned to Bryce Harlow for his counsel and advice. And, on every occasion, he was more than willing. In fact, the record will show some day precisely what he did in many areas just to help this one Senator.

I know that my colleagues join me today in mourning the passing of this good man and in sending our prayers and thoughts to his family.

Mr. **MOYNIHAN.** Mr. President, will the Senator yield?

Mr. **DOLE.** I yield.

Mr. **MOYNIHAN.** Mr. President, I ask unanimous consent that the period of morning business might be extended for approximately 7 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

BRYCE HARLOW

Mr. **MOYNIHAN.** Mr. President, the distinguished minority leader spoke of Bryce Harlow as a lifelong Republican and with affection, but with a fierce determination to set this matter right I rise to report that until the late 1940's he was a most vigorously assertive and loyal Oklahoma Democrat. But Democrat or Republican, he was in every sense an American, and an American whose special grace it was to provide advice and counsel to every President of the United States from Dwight D. Eisenhower forward, and did so with the deepest understanding of the responsibility which his particular openness and sweetness of character gave him, and imposed upon him, since the characteristic of kindness and sweetness drew Presidents to him to seek his advice. And he did not take that opportunity to avoid responsibility in what he said.

I recall the occasion—would it be, yes, 18 years ago—when he and I were, on the same morning, sworn into the Cabinet of President Nixon. He came to the podium in what we have come to know as the Roosevelt Room. He looked out at the press corps, watching, waiting, he paused a moment and said, "I was born in a drought."

And indeed, that sort of nice sense of self-deprecation and place, Oklahoma in 1916, never lost him as did the understanding in a sense that it reflected the recurrence of adversity in the world, and indeed, to prevail—not always to triumph, but simply to prevail. Triumph was never his concern. Principles were his concern, and the principles of self-government and the responsibility of those in power.

I have seen him in the cabinets that we served in together. And in circumstances of great privacy, great strain, great drama and trauma, I never heard him utter a dishonorable or mean thought. He had very simple notions about the Presidency. He served best when he served most openly, and it was most open when he best understood the issues before him. And Bryce Harlow would begin with what did the President know and how much more does he need to learn before he can feel free to be open, and when he is, will he have some sense of the response from the Congress?

He was very much in demand in Congress. After service in the Second World War, he was on the staff of the Armed Services Committee, having earlier been an assistant librarian of the House of Representatives. He went from the Congress to President Eisenhower's staff. Such was his quality, he was the first person President Nixon appointed when becoming President-elect. President Ford brought him back. He continued, with ever greater affection, with an ever relevant sense of how special a person he was.

The Senate does, through our majority leader, express our sense of laws to that man whose personal calling, as it were, was to bring the views of the President to the Congress and those of the Congress to the President. That is what he did under President Eisenhower, President Nixon, President Ford, President Carter, and marginally, because of his health, in the present administration. But in that case he was very handsomely succeeded by his son, who evidently was also born in a drought and who is to be seen faithfully in our corridors in much that position of gentle form, to certainly let him know what we think and on occasion let us know what the President thinks.

With respect to the party system, Bryce Harlow had that great binding sense of stability of it all, that we just were not too entirely serious.

Shortly after President Reagan's triumphant victory in 1980, he was asked did he think the Democrats were finished. No, he said, "Both parties will win again in spite of themselves."

Mr. President, with his passing, we are very much left to ourselves, but largely because of his time with us we know better our duties and perhaps can better perform them.

I might close by giving a line of Yeats who once said of a man that he was blessed and had power to bless. So I will describe Bryce Harlow. May he rest in peace.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER.** The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the Senator from Ohio [Mr. METZENBAUM] to the Select Committee on Intelligence, in lieu of the Senator from Vermont [Mr. LEAHY], resigned.

SENATOR BILL BRADLEY

Mr. **BYRD.** Mr. President, tomorrow, February 18, will mark the third anniversary of the day the professional basketball team, the New York Knicks, honored our colleague, the senior Senator from New Jersey, BILL BRADLEY, by retiring his uniform in a special ceremony at Madison Square Garden.

Being from a State that has produced outstanding professional basketball players such as Jerry West and Hal Greer, I can appreciate the significance of such an occasion. I know it must have meant a lot to the Senator personally, and to his family.

But I would like to point out that the Senator's skills were recognized long before he played professional basketball.

Twenty-two years ago, the widely read and respected sports magazine, Sports Illustrated, carried a story on the Senator while he still was an undergraduate at Princeton University. Permit me to read from that article which appeared in 1965:

> Bill Bradley seems too good—and too much—to be true. He is the best college basketball player in the world * * * he is studious, religious, ambitious, popular and respected by his peers; he is trustworthy, loyal, helpful, courteous—he is in short,

Jack Armstrong and might also be Horatio Alger.

Those of us who have worked with the senior Senator from New Jersey for the past several years have witnessed his admirable qualities at close range.

But what we might not have known was that this article which appeared 22 years ago also said the following about of the person it called the "best basketball player in the country":

> Because of his forensic aptitude and his qualities of leadership, it has been suggested that he already has his dark eyes on * * * (A) Senate seat.

Perhaps he did, but 2 years as a Rhodes Scholar at Oxford, and then 10 years as an outstanding professional basketball player for the New York Knicks, came first.

Sports Illustrated, however, sure scored a basket itself in that article when it went on to say:

> They are going to be writing about this young man for years to come—and not just about the way he dribbles a basketball.

I want to congratulate the senior Senator from New Jersey on his well deserved sports honors, and acknowledge that if professional sport is poorer for his departure, the Senate is richer.

RECESS UNTIL 2 P.M.

Mr. MOYNIHAN. Mr. President, I suggest that time for morning business having expired, the Senate might stand in recess until the hour of 2 o'clock, if there is no further business of the Chair.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will stand in recess until the hour of 2 p.m.

(Thereupon, at 12:07 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SIMON).

ARMS CONTROL NEGOTIATIONS WITH THE SOVIET UNION

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will now proceed to the consideration of Senate Resolution 94 which the clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 94) concerning arms control negotiations with the Soviet Union.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The time on the resolution is limited to 40 minutes to be equally divided and controlled by the Senator from Rhode Island (Mr. PELL), and the Senator from North Carolina (Mr. HELMS).

Who yields time? Does the Senator from Iowa seek recognition? Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the distinguished Senator for yielding his time to me to make a couple of comments on the pending resolution, Senate Resolution 94, concerning arms control negotiations with the Soviet Union.

I have decided to support this resolution for two reasons: It reminds the Soviet Union about the kind of nuclear arms reduction agreement which the U.S. Senate would like to see negotiated; and it reminds President Reagan of his need for close consultation with this body on constructing such an agreement. However, my vote for this bill will be a reluctant vote and I want to explain why.

Paragraph 5 of this resolution makes the point that Soviet violations of existing arms control agreements—such as their construction of a large, phased-array radar at Krasnoyarsk—are "an important obstacle" to achieving new agreements. Most experts agree that this radar is a clear violation of the ABM Treaty and I think we all agree that the Soviets should be held accountable and that dismantlement of the radar would improve prospects for arms control. There is disagreement, however, over the potential military significance of Krasnoyarsk.

Can there be any disagreement about the significance of the President's star wars plans for the ABM Treaty? The treaty explicitly banned that which star wars seeks to make possible. Yet, Senate Resolution 94, "concerning arms control negotiations with the Soviet Union," offers loud silence on the most obvious threat to the most significant arms control agreement ever achieved between our country and the Soviet Union.

The 1972 ABM Treaty was negotiated by a Republican administration and ratified by a Democratic Senate. A two-thirds majority of this body felt then that the treaty would prevent a destabilizing arms race in strategic defensive systems. History has so far vindicated that judgment. Nonetheless, the Reagan administration seems bound and determined to wriggle out of the ABM Treaty.

First, President Reagan said that star wars was just a research program that would allow some future President to decide on whether to proceed to deployment. Then he said that a 2-week review of the treaty record had revealed that we could actually develop and test space-based ABM systems based on exotic technologies right now, reversing the collective wisdom of 13 years. Now we learn from the Secretary of Defense that we can deploy star wars much earlier than we thought possible, even though Congress has cut $2.7 billion from administration requests and in spite of the setback to United States space-lift capabilities from the *Challenger* tragedy.

If the 100th Congress wishes to send a signal concerning arms control, I think it should include a reminder that the ABM Treaty is the law of the land, that the ABM Treaty is of indefinite duration, and that article XV of that treaty provides for unilateral withdrawal only if a party "decides that extraordinary events * * * have jeopardized its supreme interests." This is a message which needs to be understood at the White House as well as at the Kremlin.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I yield myself 2 minutes.

Mr. President, I support this resolution, which was initiated by the distinguished majority leader Mr. BYRD and the distinguished minority leader Mr. DOLE, in consultation with the leadership of the Committee on Foreign Relations and others.

I believe that the resolution represents a strong statement of Senate support for success in the Geneva negotiations. At the same time, it underscores the importance of efforts by each side to try to resolve differences and achieve an agreement that will stand the test of Senate and public scrutiny.

As the resolution states, the Senate does not want "agreements for agreements' sake." I trust that the President and his advisers will avoid such a pitfall. At the same time, however, we should not let prudent caution be used as an excuse for lack of achievement. We need to be both prudent and alert, so that we can seize those opportunities which arise. While pressures of time must not force a bad agreement, we should be mindful of the threat that time will continue to pass with no agreement. The lack of new arms control agreements is a problem of increasing urgency as time passes.

Mr. President, I was recently looking over a copy of Arms Control and Disarmament Agreements. I was struck by the fact that I was reading a 1982 edition. It is a sad, sad commentary on the present state of affairs that the 1982 edition remains up to date. I hope that the administration appreciates the bleak fact that every administration of the modern era except this one has carefully constructed arms control agreements to its credit.

No administration wants to achieve bad agreements. But fear of failure should never be allowed to thwart honest, dedicated efforts. Working in united effort, as I believe this resolution envisages, it should be possible to bring about successes in Geneva which will be seen as significant. We do not want to set our sights on anything less.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, how much time does the distinguished Senator from Wisconsin wish?

Mr. PROXMIRE. Mr. President, will each leader yield me 6 minutes?

Mr. HELMS. Certainly.

Mr. PELL. Yes.

Mr. PROXMIRE. Mr. President, I thank the distinguished leaders.

WHY THE SENATE SHOULD NOT APPROVE THE REAGAN ARMS CONTROL POLICY

Mr. President, this Senator may be the only Member of this body to oppose this resolution. The resolution has the support of both the majority leader and the minority leader and the chairman and ranking member of the Foreign Relations Committee. I respect and admire each of these distinguished leaders. They are not only fine Senators. They are strong and effective leaders. But on this resolution they are wrong, wrong, wrong. I ask my colleagues to read this resolution before we vote on it. What does the resolution provide? In its very first resolved clause it expresses full support for the President's arms control negotiations with the Soviet Union.

What is wrong with that? Everything. Mr. President, let us face it. As I have said before, this administration is to arms control what Mayor Marion Barry is to snow removal. This administration is the Chicago Cubs of arms control. Think of it. In more than 6 years the administration has not negotiated a single, significant agreement with the Soviet Union to advance arms control. Here is the first administration since the dawn of the nuclear age that has made no progress on nuclear arms control. It is worse, much worse. This is the administration that has gutted the limited but constructive progress in arms control made over the past 30 years. Back in 1963 our country signed and this body overwhelmingly ratified a treaty that promised to negotiate a comprehensive future treaty with the Soviet Union to stop nuclear test explosions. This administration has flatly refused even to begin such negotiations. It has refused in the face of abstention from nuclear weapons testing by the Soviet Union since August 6, 1985. That is not all. It is still worse. When this administration took office there were two major treaties between the two superpowers that effectively limited nuclear weapons. One was the ABM Treaty signed by President Nixon in 1972 and ratified by this body by an overwhelming 89-to-2 vote. It was a permanent treaty. The Nixon administration achieved this agreement after years of strenuous efforts to persuade the Soviet Union to change its long-term commitment to an antiballistic system. The treaty was specially vital because it not only stopped a defensive nuclear arms race. It halted an offensive nuclear arms race that would be the sure and certain product of the deployment of antimissile system, that is, the SDI. So what has the Reagan administration done to the ABM Treaty? It has made the ABM Treaty target No. 1. The No. 1 military priority of this administration as we all know is the strategic defense initiative, or star wars. And what would SDI do? It would create the very ABM system that the ABM Treaty was negotiated to stop.

Where does that leave arms control? It leaves SALT II. The Second Strategic Arms Limitation Treaty of 1979 is the one remaining major treaty restraining the offensive nuclear arms race. It was never ratified. It expired on December 31, 1986. The President could have kept it alive by Executive order. He could have renegotiated it. But has chosen to explicitly and consciously give it the coup de grace by deliberately exceeding the limits specified in the expired treaty. SALT II is on the way to the cemetery.

And what is left of arms control negotiations?

The specter of SDI haunts any future negotiations for arms control that means anything between the superpowers. As long as we proceed sled length to deploy SDI as the administration has declared it intends to do, there can be no negotiations that have any meaning in restraining arms.

So, Mr. President, there is no way this Senator can vote to approve this resolution commending President Reagan on his arms control stance. Oh sure, the resolution has some honeyed words calling for the achievement of nuclear arms reduction. But it puts this body on record in favor of the arms control record of an administration that has destroyed the only significant agreements between the two superpowers. So the United States and the Soviet Union face each other, with our two massive arsenals, in the most dangerous age in human history. Can we approve a resolution that approves this appalling policy? Here is an emphatic and fervent: No.

Mr. President, I thank my good friends, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I yield myself such time as I may require, with the understanding that if other Senators come to the Chamber and seek time, I will interrupt my remarks.

WHY ARMS CONTROL NEGOTIATIONS WITH THE SOVIETS ARE A DELUSION

Mr. President, I sincerely wish that equitable, balanced, stabilizing effectively verifiable arms control treaties with the Soviet Union are possible. All the world yearns for international stability and peace.

All of us do. All the world yearns for international stability and peace. I am in that category. I, too, seek a more peaceful and secure world, where our freedoms and liberties are assured, and we can all worship God in our own diverse ways.

But I am opposed to this well-meaning Resolution On Arms Control Negotiations with the Soviet Union for several reasons. The resolution perpetuates the unreasonable delusion that the arms control negotiations process so far has increased American national security. The overwhelming weight of evidence in our historical experience with arms control is that the negotiating process and the resulting treaties have harmed American security and endangered world peace. The main reason that arms control has not served American security interests is that atheistic Soviet Marxist-Leninist ideology is totally incompatible with the equitable, balanced, stabilizing, effectively verifiable arms control Americans so earnestly and rightly seek.

I am opposed to this resolution because it condones Soviet SALT violations, it does not call for equal levels of forces, and it fails to preserve the survivability of United States forces.

Mr. President, I will present my detailed objections to this resolution, more as a matter of record than anything else. I want to to be understood why I am taking the position that I am taking.

THE SOVIET SALT BREAK OUT BUILDUP VIOLATIONS

First, Mr. President, it is my opinion that this resolution actually condones Soviet violations. In section 4 the resolution declares that "an important obstacle to the achievement of acceptable arms control agreement with the Soviet Union has been its violations of existing agreements. . ." This statement, while entirely accurate, does not go nearly far enough in addressing the military and diplomatic implications of the Soviet SALT violations. It only calls them an "important obstacle." They are more than that.

The Soviet violations of the SALT and other arms control treaties have been expanding before our very eyes in scope, scale and seriousness over the last 4 years. This expanding pattern of Soviet SALT violations has been confirmed in five reports to the Congress by the President, and another report is over due and I understand will soon be forthcoming.

The first report contained only 7 Soviet violations, while the fifth report contained 22 violations, or over 50 violations, depending on how categories are counted. Hence, there was an expanding pattern. By my count, the President has confirmed 37 Soviet SALT violations alone, and he has also confirmed 124 Soviet nuclear weapons test ban violations. Including Presidential confirmation of Soviet violations of the Kennedy-Khrushchev agreement and chemical and biological warfare bans and the United States-Soviet Summit agreements since World War II, there have been over 175 Soviet violations.

And this total does not even include the 250 Soviet security treaty violations confirmed in 1957, 1959, and 1962 by the United States Senate Judiciary Committee, which occurred since the 1917 Bolshevik Revolution.

This expanding pattern of Soviet SALT violations can only be characterized as a Soviet break out from SALT and arms control. A break out from arms control constraints means a Soviet casting aside of the obligations and the appearance of compliance with arms control treaties. Even before the first Presidential Report on Soviet SALT violations of January 1984, I stood on this floor and pointed out Soviet SALT break out, time and time again. This was as long ago as September 1983, just after KAL flight 007 was premeditatively, intentionally, and murderously shot down to mask a Soviet SALT violation.

Mr. President, the Chairman of the Joint Chiefs of Staff reported to Congress on October 17, 1986, that:

> The most insidious impact of Soviet violations is that we now have an asymmetrical arrangement; Moscow can violate when it chooses, but Washington is expected to abide by the letter of the agreement. This seems to me to destroy any incentive for the Soviets to comply with future arms control regimes or for that matter to negotiate a new agreement unless the United States makes inequitable concessions.

Mr. President, those are not the words of JESSE HELMS. Those are the words of the Chairman of the Joint Chiefs of Staff as of last October 17.

I strongly agree with Admiral Crowe that because the United States has so far condoned the Soviet SALT violations—and that is what it amounts to—this United States tolerance has destroyed any Soviet incentive for negotiating a new treaty.

Why don't the Soviets have any incentive to agree to a new treaty? I will tell you why. Because the Soviets seek strategic superiority over the United States. The Soviets have used their SALT break out violations to achieve overwhelming strategic offensive and defensive superiority over the United States. This superiority was the direct purpose and result of the Soviet violations.

President Reagan has acknowledged this Soviet military supremacy at least eight times since 1982, and the Joint Chiefs of Staff and the Strategic Air Command have testified to Congress that the United States lost parity to the Soviets in 1980. Despite our rhetoric, we have been getting further behind ever since.

Therefore, Mr. President, I believe that all arms control negotiations should focus first upon reversing these Soviet SALT break out violations. Until these violations are reversed and corrected, the United States should refuse to discuss reductions with the Soviets. This is because reductions will be impossible for the Soviets to agree to anyway, unless they first stop their break out offensive and defensive buildups in violation of SALT. American willingness to discuss reductions with the Soviets in the face of their SALT break out strategic buildup is not only unreasonable, but it is dangerous because it condones and thereby encourages the Soviets to continue their violations.

U.S. RETREAT FROM THE JACKSON AMENDMENT: EQUAL LEVELS OF FORCES

Second, Mr. President, this resolution does not call for equal levels of forces. The resolution calls for negotiations leading only to a new "equitable" arms control treaty. This is fine as far as it goes. But the law of the land on American arms control objectives is the Jackson amendment to SALT I in 1972, in Public Law 92-448, enacted overwhelmingly by Congress under the leadership of our late able and distinguished colleague Senator Henry "Scoop" Jackson, of Washington. The Jackson amendment explicitly calls for "equal levels of forces" with the Soviets in any new arms treaty.

I must point out that it will be very difficult indeed to achieve the Jackson amendment's objective of "equal levels of forces" with the Soviets in any new treaty. This is because the Soviets have already achieved massive superiority through their SALT break out buildup violations. The Soviets have used the arms control negotiating process to restrict American strategic forces, while at the same time deceptively masking their thrust to strategic superiority. The Soviets achieved their offensive first strike capability and their emerging nationwide ABM capability under the guise of SALT I and SALT II and the ongoing arms control negotiating process. Their negotiating deception coupled with their operational camouflage, concealment, and deception, and their SALT break out buildup violations, all combined to enable the Soviets to achieve overall strategic superiority even with and despite "arms control."

As Defense Secretary Weinberger has stated, "we now confront precisely the situation that the SALT process was intended to prevent." The Soviets will therefore indeed be reluctant to give up their strategic advantages in any new arms treaty, which they have already achieved using the SALT process for their own unilateral strategic advantage.

These strategic advantages are the only means by which such a backward, atheistic, and totalitarian state as the Soviet Union has achieved superpower status. Under the current SALT I ABM Treaty and the expired SALT I and SALT II arms control agreements, the Soviets have achieved precisely the objectives that we had sought to prevent by entering into the treaties in the first place. No one can seriously argue that the Soviets will willingly abandon the capability to disarm the United States in a counterforce first strike, and blackmail us with this awesome threat. The Soviets have invested such enormous economic and political capital in just this massive offensive first-strike and nationwide ABM defense capability that they will not reduce it or give it up easily.

I do not always agree with Secretary of State Shultz, but he correctly stated that "arms control simply will not survive in conditions of inequality."

It is therefore a delusion for the West to believe that the Soviets will agree to reductions in their nuclear armaments, without first reversing or correcting their SALT violations. It is even more of a delusion to believe that the Soviets would agree to reductions to "equal levels of forces," because to do so would require them to give up the massive advantages they have achieved through their SALT break out buildup violations. Equality, stability, and balance is contradicted by their Marxist-Leninist ideology, and by the military doctrine and diplomacy that is dictated by this ideology. Soviet military doctrine requires absolute superiority over the United States, and Soviet foreign policy and diplomatic activity relentlessly seeks to achieve this superiority. Thus a new agreement with "equal levels of forces" would require unequal reductions by the Soviets. The Soviets would have to give up many more weapons than the United States. Hence such a new treaty is virtually nonnegotiable. This fact shows just why we must first focus the negotiations on the reversal and correction of the Soviet violations, so as to try to achieve a more equal basis from which to begin reduction to equal levels.

I agree with President Reagan, who stated on March 31, 1983, that:

> The chances for real arms control depend on restoring the military balance. We know that the ideology of the Soviet leaders does

> not permit them to leave any Western weakness unprobed, any vacuum of power unfilled. It would seem that to them negotiation is only another form of struggle.

There is yet another impediment to the achievement of equal levels of forces in any new agreement. The Soviets also know that the United States has already conceded to them the crucial American principle of equal levels of forces, not only through our long coverup and toleration of their SALT violations, but also by explicit American agreement to unequal levels of forces. In September 1982, the United States and the Soviet Union exchanged secret diplomatic notes which granted the Soviet Union the right to have 2,504 intercontinental missiles and bombers, under the SALT II "interim restraint, no undercut" regime.

It is noteworthy that 2,504 was the number that the Soviets had when they signed SALT II in June 1979. In consummating this secret agreement, however, the United States did not insist upon or achieve Soviet agreement to the reciprocal American right to have an equal level of forces, that is, 2,504 intercontinental missiles and bombers for the United States. We retained only the right to keep our existing level of approximately 1,850.

Thus the United States forfeited equal levels of forces in 1982. This unreported, secret agreement was, in my judgment, a violation of the Case Act that all executive agreements be reported to the Senate, and also a violation of the Jackson amendment. By explicitly agreeing to unequal levels of forces we may have forfeited equality in arms control for all time, because so tenacious an adversary as the Soviets will never give us back something once we have given it up. The Soviets well understand our concession to them of such a fundamental principal as a clear sign of our weakness. Indeed, it is a sign to them that their strategic advantages pay off and give them the ability to engage successfully in nuclear blackmail. This American concession was a grave setback for our national security, and also for arms control or reductions based on equality. This perhaps explains why the State Department did it in secret.

But the Soviets have gone on to deploy even more forces since 1982. The Soviets are 69 to 225 to almost 2,000 intercontinental missiles and bombers above even the 2,504 unequal level they had in 1979 and 1982, depending on which categories of violations and forces are counted.

Mr. President, I ask unanimous consent that a table of Soviet and United States strategic forces, compiled from official, unclassified sources, be printed at the end of my remarks.

Thus the Soviet buildup provides even more evidence that the Soviets will be extremely unlikely to ever agree to an "equitable" arms control treaty, since the United States long ago formally conceded superiority to them.

ARMS CONTROL MUST RESTORE THE SURVIVABILITY OF U.S. FORCES

Mr. President, a third and related reason why I oppose this resolution is the fact that it raises false hopes with the word "stabilizing." Now we all agree that strategic stability—the absence of a first-strike capability or a nationwide ABM defense on either side—would be beneficial to world peace and security. But now the Soviets have both an overwhelming offensive first strike capability, and also an emerging nationwide ABM capability. It is important to remember the United States SALT I unilateral statement of May 9, 1972, expressing American policy on future arms negotiations:

> The United States Delegation believes that an objective of the follow-on [SALT II] negotiations should be to constrain and reduce on a long term basis threats to the survivability of our respective strategic retaliatory forces . . .

Moreover, the Jackson amendment to SALT I was designed by Congress to embrace and reaffirm the U.S. unilateral statement of May 9, 1972. The Jackson amendment, passed overwhelmingly by both the House of Representatives and the Senate by September 30, 1972, reemphasized that the paramount, most fundamental United States objective in SALT II negotiations was to constrain the Soviet threat to the survivability of American strategic forces. We have strayed a long way from this objective as well.

Despite this American concern over the survivability of our forces, the Soviets have deployed just such a first strike, counterforce offensive capability which gravely threatens the survivability of our deterrent retaliatory forces, according to many authoritative administration and military statements. The Soviets have a 4-to-1 numerical advantage over the United States in ICBM warheads. They have over 8,000 ICBM warheads capable of destroying U.S. hard targets, compared to only 2,000 ICBM warheads for the United States. But when their accuracy and yield advantages are added, they have a 6-to-1 first strike advantage. And when one compares the Soviet force of 8,000 ICBM warheads to the much smaller and much less hardened American target base, the Soviets have an 8-to-1 advantage. This is because there are only about 1,100 United States hard targets for the 8,000 Soviets ICBM warheads to attack.

In contrast, the 2,000 United States ICBM warheads are less accurate and much less explosive than those of the Soviets, but they must try to hold at risk over 3,000 extremely hardened and even deeply buried Soviet targets. This comparison does not even count the Soviet rapid refire and covert soft launch and strategic reserve capabilities, which doubles the Soviet ICBM force.

Mr. President, the Soviets can thus use only a small fraction of their 8,000 plus ICBM warheads online to almost completely destroy almost all but a tiny number of the United States ICBM force, half of the United States force of SLBM submarines in port at any one time, and three-fourths of the United States strategic bomber force.

Thus, the United States retaliatory deterrent resides in about 60 United States bombers on alert at any one time, which must penetrate the world's most capable air defense system, and about 3 of the 15 or so SLBM submarines on patrol at any one time capable of receiving the launch order from the President, whose 48 missiles must penetrate the emerging Soviet nationwide ABM defense. The survivability of our deterrent of about 1,000 rapid-launch-capable warheads has indeed seriously eroded.

As President Reagan correctly stated last June, "We come now to one of those unique crossroads of history where nations decide their fate. Our choices are clear." The failure of arms control to achieve international security and peace is finally being recognized by American leaders, because of the Soviet SALT breakout buildup.

The resolution in question does not recognize the illogical delusion of arms control, which the Soviets have exploited to achieve their overwhelming superiority. The arms control process so far has not served American national security interests. The process has resulted in a dangerous Soviet superiority, a reversal of the relative United States-Soviet strategic positions since SALT began in 1969, and it has done a positive disservice to American national security.

Mr. President, I agree with the Chairman of the Joint Chiefs of Staff, who reported to Congress on October 17, 1986, that:

> Our best estimates are that, with or without SALT, the qualitative modernization of the Soviets' strategic nuclear attack forces will continue through . . . replacement of virtually all currently deployed land and sea based ballistic missiles and heavy bombers. This Soviet commitment to force modernization will increase the survivability, accuracy, and flexibility of their forces. It was planned and put into action by the Soviet authorities many years ago, long before the President made his 27 May decision" to abandon SALT II as a proportionate response to the Soviet violations.

THE PRESENT DANGER

The strategic situation of the West now is grim indeed. Winston Churchill II stated in 1980 that:

> Viewed from the Kremlin, detente, far from being a process for relaxing tension in

the world, was nothing more than a skillfully, albeit thinly, disguised offensive of Soviet diplomacy, designed to persuade the West to lower its guard, reduce its armaments and accept that the Kremlin's intentions were peaceful and benign while, in reality, they were engaged in the biggest military buildup the world has ever seen. That they were so successful in getting away with their trickery was due in large measure to the lamentable weakness of Western leaders at this time and to their tacit connivance with the Soviets by their failure to tell their own peoples the truth and gravity of the situation for fear it might prove electorally unpopular.

Mr. President, that is why I feel it is better to reject this resolution. Instead of passing nice hortatory resolutions, we need to wake up as a nation and soberly face this grim reality of the Soviet nuclear blackmail capability. The best arms control measure we could pass would be the funding of offensive forces that could be made more survivable, and our own nationwide ABM defense in the form of the President's strategic defense initiative, deployed in the very near term. We must bolster our nuclear deterrent forces in order to preserve peace through strength. As Winston Churchill the senior warned gravely after World War II, which he sought to prevent by deterrence of the Nazis:

> Sometimes in the past we have committed the folly of throwing away our arms. Under the mercy of Providence, and at great cost and sacrifice, we have been able to recreate them when the need arose. But if we abandon our nuclear deterrent, there will be no second chance. To abandon it now would be to abandon it forever.

Until we can convince Soviet leaders to abandon their Marxist-Leninist ideology, there can be no hope for arms control. Perhaps in recognition of this fact, President Reagan stated correctly on March 8, 1983, that:

> The struggle now going on for the world will never be decided by bombs or rockets, by armies, or military might. The real crisis we face today is a spiritual one—at root it is a test of moral will and faith.

Mr. President, I ask unanimous consent that a tabulation entitled Soviet And United States Strategic Nuclear Forces As Of February 1987 be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE: SOVIET AND US STRATEGIC NUCLEAR FORCES AS OF FEBRUARY, 1987

Sources: JCS FY 1988 Military Posture Statement, DOD Annual Report to Congress FY 1988, DOD Defense Almanac '86, Congressional Record, various press reports.

I. Soviet Strategic Nuclear Delivery Vehicles (SNDVs)

ICBM's	1,398
Training SS-25's at Plesetsk	20
Newly operational SS-25's	28
Total	1,446
SLBMs	944
Bombers:	
Bear A/B/C	100
Bison	15
Bear H	60
Blackjack	8
Total	183
Totals:	
ICBM's	1,446
SLBM's	944
Bombers	183
Total	[1] 2,573

[1] Soviets are exceeding 3 SALT II overall SNDV ceilings: 2504 (de facto), 2400, and 2250.

Plus:	
4th Delta IV SSBN recently launched	16
5th Typhoon SSBN recently launched	20
Total	2,609
Railmobile SS-24 ICBM's	+5
Total	2,614
Mobile SS-16's	200
Intercontinental Backfire bombers equipped with long range AS-15's covertly	300
DOD Annual Report to Congress fiscal year 1988 p. 55: The Soviets have "the ability to refire many of their ICBMs, and the reloading exercises and procurement of spares to support them" for rapid refire	3,114
SS-25 refires	100
SS-24 refires	+5
SS-16 refires	200
SS-11 refires (estimated)	200
SS-19/18/17 refires (estimated)	400
Total estimated Soviet SNDV's	4,019

SOVIET VIOLATION OF ALL THREE SALT II SUBLIMITS

1. Soviet sea-trials of the 4th Delta IV SSBN and the 5th Typhoon SSBN reportedly may begin in March or April, 1987, which will put the Soviets at 1,211 MIRVed ICBM's/SLBM's. This exceeds the SALT II sublimit of 1,200 on MIRVed ICBM's/SLBM's.

2. Soviet deployment of 5 plus railmobile MIRVed SS-24 ICBMs puts the Soviets at 823+ MIRVed ICBM launchers, exceeding the SALT II sublimit of 820 MIRVed ICBM launchers. This Soviet deployment occurred in early October, 1986, a month and a half before the U.S. exceeded a SALT II sublimit.

3. Soviet covert Break Out deployment of 3 or more AS-15 long range ALCMs on each 300 intercontinental Backfire bombers puts the Soviets at 1,511 MIRVed missiles and bombers equipped with long range ALCM's, exceeding the SALT II sublimit of 1,320 MIRVed missiles and bombers equipped with long range ALCM's. Alternatively, Soviet deployment of long range (650 kilometers) AS-3 ALCM's on 100 Bear A/B/C bombers, plus 60 Bear H bombers with AS-15 long range ALCMs and 8 Blackjack bombers with AS-15's, would put the Soviets at 1,379, also exceeding the SALT II sublimit of 1,320.

II. U.S. Strategic Nuclear Delivery Vehicles

[Source—DOD Defense 1986 Almanac]

ICBM's	963
Do	10
Total	973
SLBM's	336
Do	192
Total	528
Intercontinental bombers	234
Do	18
Total	252
Total:	
ICBM's	973
SLBM's	528
Intercontinental bombers	252
Total	[1] 1,753

[1] This is the lowest level of U.S. SNDV's since SALT began in 1969.

U.S. VIOLATION OF ONE SALT II SUBLIMIT

With 1,213 MIRVed missiles and bombers equipped with long range ALCM's, the U.S. exceeded the SALT II sublimit of 1,200 MIRVed ICBM's/SLBM's on November 28, 1986, as a proportionate response to 23 Soviet SALT II violations. The U.S. action occurred a month and a half after the Soviets exceeded the main SALT II sublimit, which occurred in early October, 1986.

III. Soviet intercontinental strategic nuclear warheads: 16,522 to 17,225, including refires and reserves.

IV. U.S. intercontinental strategic nuclear warheads: 9,200.

V. ICBM warheads for first strike:
Soviet—8,000 plus.
U.S.—2,000.
U.S. hard targets—1,100.
Soviet hard targets—3,000.

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. HELMS. I thank the Chair.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. ROCKEFELLER. Mr. President, I am pleased to be a cosponsor of Senate Resolution 94 concerning arms control negotiations with the Soviet Union. Few issues come before the Senate which are more critical than controlling the nuclear arms race. This resolution addresses that challenge.

Regrettably, the prospect for superpower progress on nuclear arms control does not appear very bright at present. While we were treated to bold disarmament proposals at Reykjavik, there has been little evident progress in following up on the positive and realistic aspects of the Iceland summit. Instead, we have seen continuing erosion of previous arms control agreements: The SALT and ABM accords.

The broad framework broached in Reykjavik—deep cuts in strategic offensive forces coupled with a 10-year extension of the Anti-Ballistic Missile [ABM] Treaty—formed the basis for a sound agreement. Unfortunately, recent developments concerning the ABM Treaty threaten to undermine the promise of that framework.

The Reagan administration's interpretation of the 1972 ABM Treaty to allow testing of "exotic" defensive technologies has been disputed by most experts and former negotiators of the treaty. Yet this broad interpretation is necessary if SDI is to be put on a fast track for deployment. Rather than taking the politically contentious path of abrogating or modifying the ABM Treaty, the administration has chosen instead to reinterpret key aspects of that treaty to achieve the same result with less controversy. The real issue is the continuing validity of the ABM Treaty.

Resolution of this dispute will not be achieved by painstaking exegesis of treaty text—it is a political matter that goes to the heart of our national strategic policy. At issue is the fundamental premise of the ABM Treaty: That limitations on offensive weapons require parallel limits on antimissile defenses. The logic behind this premise is that nuclear weapons will not be abolished in a mistrustful world, yet their deterrent role can and must be stabilized through mutual restraint.

Rather than unilaterally weakening the ABM Treaty, the United States should be prepared to clarify ambiguities and allegations of noncompliance at this year's bilateral 5-year review of the ABM Treaty. The Soviet phased array radar at Krasnoyarsk is a clear violation of the ABM Treaty. This resolution rightly urges the Soviet Union to continue adherence to the ABM Treaty by dismantling the Krasnoyarsk radar. But we cannot credibly denounce Soviet violations if we are in the process of unilaterally redefining the treaty's terms to accommodate a fast track SDI.

While we attempt to reach agreement in Geneva on verifiable and stabilizing reductions of nuclear weapons, we should at the same time maintain the modest but important constraints embodied in the SALT accords. Until just a few months ago, the core limits of the SALT II accord has been respected by both sides. But last November the Reagan administration exceeded the aggregate limit of 1,320 MIRV'd launchers and cruise missile-equipped bombers. That decision was ill-advised and should be reversed.

The military advantage in maintaining mutual adherence to the core SALT limits is clear. Under SALT, the Soviets have been required to dismantle 541 missile launchers since 1972, while we have had to dismantle only 48. According to an analysis by the Congressional Research Service, by the end of this year the Soviets would have to dismantle another 306 strategic launchers, while we would have to dismantle 32. Without SALT, the Soviets would be in a position to increase nuclear warheads at a faster rate than the United States.

While imperfect, the SALT agreements offer a modest brake on the arms race. We should continue to abide by the key SALT limits as long as the Soviets do. At the same time, we should be working in Geneva to construct equitable and verifiable reductions to lower levels of strategic nuclear weapons. This resolution resolves just that, and I urge its immediate adoption.

ARMS CONTROL: A MATTER OF THE HIGHEST PRIORITY

Ms. MIKULSKI. Mr. President, I rise in favor of Senate Resolution 94, a resolution expressing the Senate's support for mutual, verifiable, and stabilizing arms control agreements betweeen the United States and the Soviet Union.

The United States has many responsibilities in today's world. America must have adequate defenses to protect Americans from every conceivable threat, whether that threat comes from the Soviet Union or terrorists. The United States also shares much of the responsibility for defending the free world.

But our biggest responsibility as a nation is to make this world safer for all people. The best way to achieve that safety is by reducing the threat of a nuclear holcaust. This resolution expresses this body's relization that arms control agreements are in the best interests of this Nation and the world.

We already have many important arms control treaties on the books. The two that have done the most for our security, the ABM Treaty and SALT II, have been under attack by the current administration.

The ABM Treaty restricts the development of costly, destabilizing defensive systems. Fifteen years ago the leaders of this Nation made the rational decision that limiting the arms race to only offensive weapons was a safer, less expensive path to follow. For the last 4 years, the current administration has been trying to undermine this logic by promoting an ill-conceived, unrealistic strategic defense plan that gives Americans a false sense of hope and a false sense of security.

The ABM Treaty makes this world safer. It limits the arms race, it prohibits destablizing defensive systems, and it saves this Nation's taxpayers billions of dollars. It should be reaffirmed.

SALT II restricts the buildup of offensive weapons. It has in the past limited the growth of Soviet strategic forces. It will in the future require the Soviets to dismantle more strategic nuclear systems than the United States.

The administration condemns SALT II, but offers nothing to replace it. As long as no new agreements are reached, the SALT II numerical limits are the best we've got because they work to our advantage. SALT II make this country safer, and it makes this world safer. Its numerical limits should be reaffirmed.

We must also demand strict compliance with treaty obligations. In this regard, I support the provision in Senate Resolution 94 that calls upon the Soviets to dismantle the Krasnoyark radar, a clear violation of the ABM Treaty.

Mr. President, this Nation has a great many responsibilities. But none are as crucial as ensuring the survival of this planet. I urge the President to acknowledge this reality by making a sincere effort to reach mutual, balanced, stabilizing, and verifiable arms control agreements. Such agreements provide hope for this Nation's future, and the future of the world.

Mr. DODD. Mr. President, 1986 was a checkered year for arms control, but it gave us reason for considerable hope, hope properly expressed in the resolution before us today.

Last September, the chance for a summit seemed as elusive as ever. Following in the tradition of bad timing in superpower negotiations—a tradition that boasts the U-2 incident, the invasions of Czechoslovakia and Afghanistan, and the downing of KAL-007—the provocative frameup of Nicholas Daniloff came at a time when year-old Geneva promises to reconvene should have been bearing fruit.

So it was a welcome and startling surprise when we learned that the President and Mr. Gorbachev had undertaken to meet in Iceland to continue their dialog. It still remains unclear whether Reykjavik represents progress or setback in arms control. The evaluation of that will depend on the way the two leaders can build on the results of Reykjavik, pruning out what was confusing and impulsive and strengthening what was well founded in the initiatives presented there.

But at least the large questions—deep cuts in or the elimination of all ballistic missiles or of all nuclear weapons—had begun to be asked. These are the sort of questions the American people want our leaders to face. These are the questions we as Senators must urge them to explore.

Mr. President, the resolution before us tells our President to keep going, to stay on the path embarked upon in Geneva and advanced along in Reykjavik. It represents a significant national consensus and a well of great negotiating strength. If he decides to pursue arms control with vigor and imagination, he will find great support from both the American people and the U.S. Congress during the closing years of his Presidential service. I do not know of a single Member in this body who would like to regard the President as a lameduck when it comes to arms control negotiations. This resolution is primarily a pronouncement of support. Second, it is one of encouragement. And third, it is a caveat—a warning to the Soviet Union that questions about violations of current arms control accords, including the ABM Treaty, must be resolved, and that their attempts to divide the United States from her European allies will be neither successful nor wise.

Mr. President, I support this resolution and hope it will receive the support of the full Senate here today. Given the importance of these issues, however, I would add to it my encouragement that the President utilize to the fullest extent all his available bargaining chips in a judicious and constructive way. The resolution appropriately urges the Soviet Union not to condition progress on all arms control to its goals vis-a-vis the strategic defense initiative. However, a rigid posture on President Reagan's part could be equally counterproductive and equally disappointing for all whose hopes so earnestly rest on the success of such talks. As noted by ABM negotiator Gerard Smith, we must search for a way to accommodate both Mr. Gorbachev's fear and President Reagan's dream.

In the past, there has been concern among the American people as well as our allies that this administration has not been dedicated to the cause of arms control. That perception need not persist.

We must never permit our national security to depend solely on outspending our adversaries, or outdeploying our adversaries, or outdoing our adversaries with the kind of technology that only serves to escalate the arms race. By far the most vital and powerful security asset we as a nation have is the vision and courage of our leaders and our capacity to inspire them to pursue that vision in the field of arms control. That is the message the Senate must send to the President by this resolution today. I urge my colleagues to vote for its approval.

Mr. PELL. I yield such time as I may have to the Senator from West Virginia [Mr. BYRD], who is the one who initiated the resolution.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee [Mr. PELL].

ARMS CONTROL IN 1987

Mr. BYRD. Mr. President, the resolution before us reaffirms the strong support of the Senate for the President's commitment to arms control, and for the vigorous pursuit of a tough but fair and verifiable treaty with the Soviets. Negotiations have been underway for nearly 2 years now in Geneva and both sides have put forward a series of complex proposals in a number of areas.

The Senate has been undertaking a continued and indepth review of the negotiations, and consulting regularly with the executive branch. During the 99th Congress, we established a special group of Senators, the arms control observer group, to keep abreast of events and to meet regularly with our negotiators, both here in Washington and in Geneva. That activity is continuing in the 100th Congress. The observer group has been reauthorized and is functioning.

Mr. President, there can be no dispute that the American people and America's allies want this President to succeed in bringing the Soviets into a new arms control regime. It is undeniable that it would be useful to limit the further addition of expensive, redundant, strategic weaponry to our arsenal. We already have two new strategic bombers under development and deployment, and two new strategic missiles—the MX and Midgetman. It is clear that neither power has unlimited resources to pursue further accelerations of the arms race across the board. It is certain that our European allies wish to be frugal, within the bounds of safety and security, on alliance spending on strategic weapons. The predictability and the leveling off of purchases are goals worth pursuing—goals our constituents expect us to fulfill, if it is at all possible to do so while assuring our continued security.

The President, of course, as our full support for these efforts on a bipartisan basis. We want him to succeed.

The President went to Reykjavik. There was no dividing aisle between our parties. When our President sits down with the Soviets, it is as though 100 Senators were sitting behind him with no division among us along party lines.

But there is something we want even more, and that is a continuation of effective American security. A bad agreement, is by definition, far worse than no agreement. And an agreement which is cosmetic in nature is also worse than no agreement, because it lulls our people and our allies into a false sense of security. Either we make substantial progress, or we do not. There is no halfway house where we can comfortably reside.

I do not know what Mr. Gorbachev's reaction is, or how he and his associates evaluate the change in the Senate to the control of a new democratic majority. It would be very dangerous and foolish for the Soviets to try to play politics, for the purpose of leverage in the arms talks, on the basis of misperceived differences between our two parties on arms control. Such differences, to the extent they exist at all, are minor in comparison to the things which unite us. So I would caution the Soviet leadership, and this resolution urges such caution, not to fashion strategies for advancing their position based on misperceived differences in our system. This tactic will fail.

Mr. President, it would be unfortunate if efforts to produce a major arms control agreement with the Soviet Union were to be abandoned at this time. I was, frankly, disappointed that the President did not focus on any renewed initiative in his State of the Union Address some few evenings ago and did not seem to put arms control anywhere near the top of the Nation's agenda. He did not focus his attention on this question—indeed, his address was notable for the lack of emphasis placed on this question. Is there to be any new initiative by the United States in Geneva to get the talks off dead center? Is the idea of a summit meeting in the United States dead? Are we going to put arms control on the back burner for the next 2 years? Arms control should be a top priority, and the President must finally put together the warring factions of his administration, build a cohesive team of arms control and defense advisers, and fulfill the commitment he has stated on past occasions to pursuing fair and tough agreements with the Soviets.

I encourage him to do all that. I will support those initiatives and agreements which meet the standards of balance, verifiability, and reduced levels of arsenals, and which are in our national security interests and those of our allies.

Mr. Gorbachev has been very busy in a longstanding propaganda campaign designed to portray the Soviet Union as the superpower—the superpower—which most desires peace and meaningful arms control. He has used his nuclear testing moratorium for this purpose, particularly in Europe, in an attempt to divide us from our allies and to influence European public opinion. The latest installment in this campaign is his staging of a major international conference in Moscow over the last few days—a major peace offensive called a forum for a nuclear-free world and the survival of mankind. The implication is a new Soviet openness, reasonableness, enlightenment, conciliation within Soviet society, and conciliation with the West. The ideal of a peace offensive cannot be criticized, as far as such meetings go, but it is practical results the world is looking for.

What are the practical results? If the message of such an offensive is right, the address is wrong. It is not in Moscow, but in Geneva and, for that matter, Kabul, Afghanistan, that the delivery must be made. The test of Mr. Gorbachev's commitment to peace, the test of his political will, a favorite phrase of his, is practical results.

What are the practical results? What are the results in Geneva at the negotiating forum on arms control? What are the results in Kabul and the countryside of Afghanistan where over 120,000 Soviet fighters have been deployed? I believe it is important for the President to vigorously rebut this campaign with vigorous challenges to the Soviet leadership based on sound and creative arms control positions and proposals.

Mr. President, arms control agreements can be very useful—very important to our security and to our economy—and they are perceived by our people and our allies to be essential to a more stable and predictable world and a better relationship between the superpowers. The President has a deep obligation, in my judgment, to pursue this matter as vigorously and as intensely as any other matter that concerns the Nation—as any other matter on our agenda. I hope he will do so.

I think Members in this body have an equally great responsibility to pursue the matter, to support the President in achieving what I would call a good agreement, an agreement that is verifiable, sound, effective, in the best interests of our mutual selves, and also to do what we can to emphasize that Mr. Gorbachev bears an equally heavy obligation. It is in the Soviet Union's mutual and good interest, also, that there be workable, effective, verifiable agreements. So we look for clear indications that both Mr. Reagan and Mr. Gorbachev are undertaking this matter with the appropriate vigor and priority that it deserves.

It seems to me that this resolution, Mr. President, speaks clearly and loudly and sends the message that we do support the President. We urge him to renew his efforts to achieve reasonably effective verifiable agreements.

We also urge upon the Soviet leader the recognition that a propaganda effort alone is not going to bring the two nations together and preserve peace in the world and spare us all the dangers of nuclear accidents. But what will really count is the shouldering of a responsibility to go forward in good faith and to work in good faith to achieve arms control agreements; and to that extent, I think the Senate would do well to support overwhelmingly this resolution, to show where the U.S. Senate stands.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield the distinguished minority leader such time as he may require.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I thank the distinguished ranking Republican member of the Foreign Relations Committee, and I thank the distinguished majority leader, the Senator from West Virginia [Mr. BYRD] for letting me cosponsor this resolution.

I believe a careful reading of the resolution will indicate that we are serious about arms control.

I also congratulate members of various Senator's staffs on both sides of the aisle. We started this effort on the first or second day of the session. It is now about to come to fruition, and I hope the vote will be unanimous. It may only be a sense-of-the-Senate resolution, but it is a clear indication of the importance we place upon arms control and the fact that we recognize that one of the impediments has been Soviet violations in the past.

The distinguished majority leader has just indicated that there is an equal burden if we are going to accomplish meaningful arms control, and therefore I believe that this resolution can be very helpful.

As I recall the President's State of the Union Message, I think he made it clear that arms control is a matter of highest priority with the administration. I have believed for some time that the President of the United States would like to achieve an arms control agreement in his second term, and I still believe that. I believe it not because, as some would say, the President has been weakened by the Iranian controversy and is looking for some way to put that to rest and to do something that may be highly visible.

I would not suggest for 1 moment that Ronald Reagan, the President of the United States, would do anything that was not in our own national interest. That is where he comes from, and that is where he will come from. It will be at the top of the agenda.

BIPARTISAN ARMS CONTROL RESOLUTION

Mr. President, I am pleased to join the majority leader in offering this resolution, underscoring the Senate's support for the President's efforts to achieve a significant, equitable, and fully verifiable nuclear arms reduction agreement with the Soviet Union.

PRESIDENT'S STRATEGY HAS YIELDED GREAT PROGRESS

Indeed, the arms control progress already achieved in the first 6 years of this administration has been remarkable. And there has been far too little credit given for that achievement.

When he took office, this President understood that the first prerequisite for getting the Soviets engaged in serious arms control talks was demonstrating that the United States had the will and resources to meet any Soviet military challenge. With the help of the Congress, the President has engineered a critically needed program to upgrade our military—and particularly our strategic—forces. He has also put behind us the dangerous concept of unilateral adherence to the fatally flawed Salt II Treaty, which has permitted a massive, one-sided buildup by the Soviets.

The next prerequisite was giving the Soviets specific incentives to bring them back to the negotiating table. That has been done in many ways, but especially through two efforts. First, by insuring the unity of the Western alliance—a unity critically manifest in the decision to go forward with INF deployments in Europe. And second, by launching the strategic defense initiative, which simultaneously has served as stick and carrot for negotiations—stick, in the sense of a Soviet realization that the United States was prepared to move our strategic competition into high technology areas where we have a natural advantage, and carrot, in offering a new vision for the security of both the United States and the Soviet Union. Security based not on the hazardous doctrine of "mutually assured destruction," but based instead on the potential ability of each nation to defend itself against attack from other nations.

Finally, the President led and directed an aggressive and creative diplomacy, in Washington and Moscow; in Geneva and Reykjavik. And the result of that diplomacy has been major steps forward toward a more secure America and a safer world.

ADVANCES AT REYKJAVIK

At Reykjavik, for the first time, the Soviets engaged in serious, detailed talks on nuclear arms reduction—not just limits in growth. We agreed—at least until the Soviets scuttled the agreement—on the elimination of intermediate range nuclear forces in Europe, and their strict control around the world. We broke the artificial linkage the Soviets have long sought to portray between our forces and those of Great Britain and France. We reached tentative agreement which could have led to a 50-percent reduction in overall strategic nuclear forces in as little as 5 years. And we demonstrated, once and for all, that it is Soviet obstinance—and not SDI—which is preventing real breakthroughs on arms control.

THE ROAD AHEAD

So we have come a long way. But we have a long way still to go, too. And we are not going to get there unless all of us—President and Congress, America and its allies—unless we all pull together, and in the same direction. We are most assuredly not going to get there if we hand the Soviets on a silver platter any of the arms control victories they crave so badly.

This resolution expresses our determination to go forward on the road to real nuclear arms reductions together. If we pass it—and, far more important, if we follow through and act in accordance with its spirit—then we have the best chance we have ever had of getting to the goal we all want: A world where nuclear stockpiles are drastically reduced; where America's security is more assured; and where peace can be achieved.

Mr. President, I urge all my colleagues to join in supporting this resolution, and in acting, voting and speaking throughout this Congress in a way which will strengthen the President, and the country, as we seek real progress on arms control.

Mr. BYRD. Mr. President, will the distinguished Republican leader yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader for his cosponsorship of the resolution. I congratulate him on his very eloquent and supportive and persuasive statement. I also thank him for his contributions to the language of the resolution.

I hope that the Republican leader will have printed in the RECORD at this point the verbiage of the resolution, so that it might accompany his remarks and mine.

Mr. DOLE. That is an excellent suggestion.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD following my remarks.

I thank the distinguished Senator.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 94

Whereas the reduction and control of nuclear weapons arsenals through mutual, equitable, balanced, verifiable, and stabilizing treaties between the United States and the Soviet Union are a matter of the highest priority and should be pursued vigorously, without regard for partisan considerations;

Whereas the United States and the Soviet Union have been negotiating a full range of nuclear arms issues under discussion at Geneva and in other fora, and a number of detailed proposals have been tabled;

Whereas President Ronald Reagan and General Secretary Mikhail Gorbachev have engaged in serious discussions and negotiations on arms reduction matters twice in the last sixteen months, and have both expressed their resolve to build upon the results of the negotiations thus far engaged in;

Whereas the pace of technological change and strategic modernization will be a factor in the prospects for the successful negotiation of future arms reduction agreements; and

Whereas the Congress, the American people, and America's allies and friends overwhelmingly support the vigorous continuation of efforts by President Reagan to pursue a negotiated resolution of the major issues in contention with the Soviet Union: Now, therefore, be it

Resolved, That the Senate hereby—

(1) expresses its full support for the commitment by the President to achieve mutual, equitable, balanced, verifiable and stabilizing nuclear arms reduction agreements with the Soviet Union which serve to meet the national security interests of the United States and its allies;

(2) encourages both nations to use determined and creative diplomacy at the Geneva negotiations to resolve their remaining differences;

(3) cautions the Soviet Union against pursuing strategies designed to exploit American domestic politics or divide the United States from its allies in an effort to secure advantages on arms reduction matters, and rejects the concept of reaching agreements for agreements' sake;

(4) urges the Soviet Union not to condition progress on all arms control matters to the satisfaction of its negotiating position on issues relating to strategic defense technologies;

(5) declares that an important obstacle to the achievement of acceptable arms control agreements with the Soviet Union has been its violations of existing agreements, and calls upon it to take steps to rectify its violations of such agreements and, in particular, to dismantle the newly-constructed radar sited at Krasnoyarsk, Union of Soviet Socialist Republics, since it is a clear violation of the terms of the Anti-Ballistic Missile Treaty; and

(6) urges the President to closely consult with America's allies and the Senate in the construction of sound arms reduction agreements, so as to build the greatest possible understanding and consensus in the event that the Senate is asked to provide its advice and consent to the ratification of such agreements.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minutes and 30 seconds.

Mr. HELMS. I yield such time as he may require to the distinguished Senator from Iowa.

Mr. PELL. Mr. President, I ask unanimous consent that the name of the senior Senator from New Mexico [Mr. DOMENICI] be added as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. I yield the remainder of my time to the ranking minority member of the committee.

Mr. HELMS. I thank the distinguished Senator.

Mr. President, I yield 2 minutes to the distinguished Senator from Idaho.

Mr. McCLURE. Mr, President, I thank the Senators for yielding the time, and I rise in support of the resolution.

However, I want to call attention to a couple of matters that are contained within the bounds of the resolution but which need to have some further understanding.

I refer to subsection (5) on page 3 of the resolution, which reads:

> declares that an important obstacle to the achievement of acceptable arms control agreements with the Soviet Union has been its violations of existing agreements, and calls upon it to take steps to rectify its violations of such agreements

It goes on further to say:

> and, in particular, to dismantle the newly-constructed radar sited at Krasnoyarsk, Union of Soviet Socialist Republics, since it is a clear violation of the terms of the Anti-Ballistic Missile Treaty;

Mr. President, I take the time to read that because I want that to be considered and understood by all parties as not being an exclusive list of the actions which the Soviet Union could take to come into compliance with existing treaties.

This Senate has upon more than one occasin asked the administration to certify to us the violations of existing agreements with the Soviet Union, and those violations reports have been made a matter of public record and have been nearly unanimously supported by the Senate on each of the times of such statements.

The Krasnoyarsk radar is an important violation of the ABM Treaty, but it is only one of a long list of violations which we should certainly insist should be rectified by the Soviet Union.

Finally, Mr. President, in addition to that, I want to suggest that while I have heard some suggestion on the floor that the SDI is a violation of the ABM Treaty, I want to say in most emphatic terms that is nonsense, absolute nonsense.

Let us get the facts on the record with respect to what SDI is and is not. Certainly at some point in some hypothetical deployment of some system yet to be developed it might become a violation of the terms of the ABM Treaty, but it is not yet such a violation and is not proposed by the administration to be.

Even though we have the right again under actions taken by the administration and approved by the Senate of the United States, we should feel free to take proportionate response to any Soviet treaty violation. It seems to me if we recognize that they violated the ABM Treaty, it is again, Mr. President, nonsense—and I repeat "nonsense"—to suggest that we are held to a literal compliance with every term of the agreement which we allege they are violating.

We are permitted by our policy statement by the administration and by the Senate to take proportionate actions, proportionate to the threat to the security of the United States by the violations of the Soviet Union.

I thought it might be helpful to us to at least get that much on the record with respect to the statements contained in the resolution with respect to violations.

Mr. President, again I commend the Senator from West Virginia, the Senator from Kansas, and others who are sponsors of this resolution for bringing it to the floor, but I think the American public needs to understand that we do so with a firm commitment to the expectation the Soviet Union will comply with the existing agreements before we go forward and as we go forward with the negotiation to further agreements with that country.

I thank both Senators for yielding time.

The PRESIDING OFFICER. The Senator from North Carolina has 2 minutes remaining.

Mr. HELMS. Mr. President, I see no other Senator seeking time. If aggreeable to the Senator from Rhode Island, I will yield back the remainder of the time.

The PRESIDING OFFICER. The question then is on the adoption of the resolution.

The yeas and nays have not been ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Arkansas [Mr. BUMPERS] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO] and the Senator from Washington [Mr. EVANS] are necessarily absent.

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—93

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth
Zorinsky

NAYS—2

Helms
Proxmire

NOT VOTING—5

Biden
Bumpers
D'Amato
Evans
Pryor

So the resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 94

Whereas the reduction and control of nuclear weapons arsenals through mutual, equitable, balanced, verifiable, and stabilizing treaties between the United States and the Soviet Union are a matter of the highest priority and should be pursued vigorously, without regard for partisan considerations;

Whereas the United States and the Soviet Union have been negotiating a full range of nuclear arms issues under discussion at Geneva and in other fora, and a number of detailed proposals have been tabled;

Whereas President Ronald Reagan and General Secretary Mikhail Gorbachev have engaged in serious discussions and negotiations on arms reduction matters twice in the last sixteen months, and have both expressed their resolve to build upon the results of the negotiations thus far engaged in;

Whereas the pace of technological change and strategic modernization will be a factor in the prospects for the successful negotiation of future arms reduction agreements; and

Whereas the Congress, the American people, and America's allies and friends overwhelmingly support the vigorous continuation of efforts by President Reagan to pursue a negotiated resolution of the major issues in contention with the Soviet Union: Now, therefore, be it

Resolved, That the Senate hereby—

(1) expresses its full support for the commitment by the President to achieve mutual, equitable, balanced, verifiable and stabilizing nuclear arms reduction agreements with the Soviet Union which serve to meet the national security interests of the United States and its allies;

(2) encourages both nations to use determined and creative diplomacy at the Geneva negotiations to resolve their remaining differences;

(3) cautions the Soviet Union against pursuing strategies designed to exploit American domestic politics or to divide the United States from its allies in an effort to secure advantages on arms reduction matters, and rejects the concept of reaching agreements for agreements' sake;

(4) urges the Soviet Union not to condition progress on all arms control matters to the satisfaction of its negotiating position on issues relating to strategic defense technologies;

(5) declares that an important obstacle to the achievement of acceptable arms control agreements with the Soviet Union has been its violations of existing agreements, and calls upon it to take steps to rectify its violations of such agreements and, in particular, to dismantle the newly-constructed radar sited at Krasnoyarsk, Union of Soviet Socialist Republics, since it is a clear violation of the terms of the Anti-Ballistic Missile Treaty; and

(6) urges the President to closely consult with America's allies and the Senate in the construction of sound arms reduction agreements, so as to build the greatest possible understanding and consensus in the event that the Senate is asked to provide its advice and consent to the ratification of such agreements.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL APPLIANCE ENERGY CONSERVATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 83, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 15, S. 83, a bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas, Mr. GRAMM, is recognized.

The Senator from Texas.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me without losing his right to the floor?

Mr. GRAMM. I am happy to yield to the distinguished Democratic leader.

Mr. BYRD. I thank the able Senator for his courtesy in yielding.

Mr. President, I inquire of the distinguished manager of the bill as to what the situation may be this afternoon with respect to possible rollcalls so that Senators will be on notice. Are there any other rollcalls expected today?

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BYRD. Yes.

Mr. JOHNSTON. Mr. President, I expect one rollcall vote on the appliance standards bill, and that ought to come within 5 or 10 minutes after we get to it. We have worked all of the matters out. It will be a very quick matter to get to one rollcall vote.

Mr. President, I ask for the yeas and nays on final passage of the appliance standards bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill [Mr. JOHNSTON], and I thank the distinguished Senator from Texas [Mr. GRAMM] for their courtesies.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 31

(Purpose: To substitute extended schedules for amending appliance energy efficiency standards with a provision allowing persons to petition to have the standards amended)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 31.

Mr. GRAMM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 16, strike "every".

On page 17, line 18, strike "every".

On page 19, strike line 22 and all that follows through page 20, line 20.

On page 22, strike line 6 and all that follows through page 23, line 3.

On page 25, strike line 3 and all that follows through line 24.

On page 26, line 19, strike "every".

On page 27, strike line 23 and all that follows through page 28, line 13.

On page 29, line 21, insert the following and redesignate subsections (j), (k), (l), (m), (n), and (o), accordingly:

"(j) FURTHER RULEMAKING.—After issuance of the last final rules required under subsections (b) through (h) of this section, the Secretary may publish final rules to determine whether standards for a covered product should be amended. An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment made pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct hearing equipment and furnaces) after publication of the final rule establishing a standard.

"(k) PETITION FOR AN AMENDED STANDARD.—(1) With respect to each covered product described in paragraphs (1) through (11) of section 322(a), any person may petition the Secretary to conduct a rulemaking to determine for a covered product if the standards contained either in the last final rule required under subsections (b) through (h) of this section or in a final rule published under this section should be amended.

"(2) The Secretary shall grant a petition if he finds that it contains evidence which, assuming no other evidence were considered, provides an adequate basis for amending the standards under the following criteria—

"(A) amended standards will result in significant conservation of energy;

"(B) amended standards are technologically feasible; and

"(C) amended standards are cost effective as described in subsections (l)(2)(B)(i)(II).

The grant of a petition by the Secretary under this subsection creates no presumption with respect to the Secretary's determination of any of the criteria in a rulemaking under this section.

"(3) An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct hearing equipment and furnaces) after publication of the final rule establishing a standard.

On page 55, strike lines 13 through 15 and insert "of the United States over actions brought by—

"(1) any adversely affected person to determine whether a State or local government is complying with the requirements of this part; and

"(2) any person who files a petition under section 325(k) which is denied by the Secretary.".

On page 2, line 21, delete "(m)" and insert "(o)" in lieu thereof,

On page 28, line 18, delete "(j) and (k)" and insert "(l)) and (m)" in lieu thereof,

On page 29, line 18, delete "(j) and (k)" and insert "(l) and (m)" in lieu thereof,

On page 34, lines 24 and 25, delete the "(j)" the two places it appears and insert "(l)" in lieu thereof, and

On page 9, line 9; page 39, line 19 and page 40, line 12 delete "1986" and insert "1987" in lieu thereof,

Mr. GRAMM. Mr. President, as Members of the body are aware, the President objected to this bill in its original form for several reasons. The major reason was the mandate that every 5 years there be a professional rulemaking whereby the Department of Energy would have to propose new appliance energy efficiency standards. The administration felt that that was bad policy for several reasons.

First, it was obviously a clear burden on the Department of Energy in terms of its resources and its budget.

Second, such a requirement created uncertainty in the marketplace, whereas a clear objective of this bill is to try to provide an environment in which producers of appliances have some degree of certainty concerning the standards that will be imposed, as it preempts State standards and provides an overall standard for the 50 States and the District of Columbia.

What I am doing here is offering an amendment which will put the bill into a form where the President's senior advisers will recommend that he sign it.

The amendment is a very simple one, Mr. President. First, it deletes the mandated rulemaking which was to occur every 5 years in perpetuity.

Second, it reaffirms the fact that the Secretary has the ability to promulgate rules.

Third, it assures that any individuals can petition for a rulemaking, but it requires the Secretary, in deciding on such a rulemaking, to look at two factors that were very important in the original bill. Those factors are technological feasibility and cost effectiveness.

Finally, it allows judicial review of a decision made on a petition.

Mr. President, I do not believe for a moment that this amendment makes this bill a perfect bill. I think, however, that it does deal with an important problem. And while I will ask to be recognized briefly to speak against the bill, I at this point would yield the floor, asking my colleagues to accept the amendment. And I thank the distinguished Senator from Louisiana for working with me to help work out this compromise that will assure that the President's senior advisers will recommend that this bill be signed.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, retreat in the face of withering fire is not necessarily a fault. Indeed, I think the administration is not only not at fault by offering this amendment but is to be praised by recognizing the obvious, recognizing that the votes on this bill were overwhelmingly against them, with 68 cosponsors; recognizing that they were going to lose. Therefore, they have come up with an amendment which some have characterized as a fig leaf but I would characterize as a sensible compromise because it is an amendment which is acceptable to us, acceptable to the broad coalition, the environmentalists, the consumers, the manufacturers. All parties concerned are agreeable to take this amendment.

The important thing is what it preserves. It preserves all of the standards written into law with the statutory directions to carry out those standards. It still requires an initial rulemaking to enforce the standards. It still requires a second rulemaking 5 years from the first rulemaking. Thereafter, it is within the discretion of the Department as to whether they will have an additional rulemaking, and they shall, if they deem it feasible, if it will save energy, if it is technologically feasible and is cost effective, factors which always ought to be considered.

So, Mr. President, it is with pleasure that I join with my friend from Texas. This really is the way to get our work expedited. If we can do this every time, Mr. President, we will be out of here by April Fool's Day.

I support the amendment.

● Mr. EVANS. Mr. President, as most of my colleagues will remember, both the House and Senate last year passed, unanimously, legislation almost identical to that which is now before the Senate. The administration, however, chose not to sign that bill, employing the pocket-veto.

I was extremely disappointed with that decision, as I know many of my colleagues were, but I was encouraged that the members of the coalition of manufacturers, environmentalists, and other groups interested in energy conservation agreed to maintain their strong support of the legislation this year, and pledged themselves to giving active consideration to any proposals which might make the bill acceptable to the administration. Yet up to this point, we have heard very little in the way of constructive suggestions from any source which would make the bill more palatable to the administration, and allow the President to sign it.

I am pleased, however, that an agreement appears to have been reached which should satisfy much of the administration's problems with the bill. Briefly, the amendment would eliminate the provisions in S. 83 which require the Secretary of Energy to review the energy efficiency standards set forth in the bill beyond the second scheduled review. To ensure that the standards continue to be current with technological and economic changes, persons would be permitted to petition the Secretary for a review and a rulemaking to determine if a standard should be amended. Finally, a provision is made for judicial review of the Department's decision if the petition is denied.

The amendment would alleviate much of the administration's concern that the legislation would be too costly and time-consuming for the Department of Energy to administer, while ensuring that there will be sufficient opportunity to update the standards when such a change is technologically feasible and economically justified. Most importantly, it leaves the fundamental principles of the bill—tough energy efficiency standards in exchange for Federal preemption of State standards—intact.

I recognize that the amendment does weaken the bill to a certain extent by doing away with the mandatory regular review of the efficiency standards, but I also understand that the legislative process requires compromise. I think this is a case where all parties have been reasonable, and have developed an agreement which is workable. Many of my colleagues may also know that the coalition of industry and environmental groups have been active in the process of coming up with this amendment, and join in supporting its passage.

Mr. President, I again applaud the true bipartisan support which has been the outstanding characteristic of this legislation. We now have 69 cosponsors in the Senate, and it is most pleasing to me that the administration has come to recognize this broad support the bill has received and has chosen to work with us to develop this amendment. With the understanding that with the adoption of this amendment, the administration will drop its opposition to the bill, I urge my colleagues to join in supporting its passage.●

The PRESIDING OFFICER. Does any other Senator seek recognition?

If not, the question is on agreeing to the amendment numbered 31 by the Senator from Texas [Mr. GRAMM].

The amendment (No. 31) was agreed to.

Mr. McCLURE. Mr. President, I am delighted to see this amendment offered, for it has the potential of greatly reducing the regulatory burden that the bill would have imposed on the Department of Energy, absent this amendment. By making the Department's 5-year rulemakings in the outyears discretionary, and subject to third-party petitioning under well-defined procedures, the bill now becomes much less cumbersome to the regulators, and significantly more palatable to those of us who strongly object to Federal intrusion into State and local affairs on a philosophical basis.

While I still believe that the best way to avoid the problems inherent in federally imposed appliance standards is a simple repeal of the existing statute, I recognize that this may not be an option that is available. And so I welcome wholeheartedly this amendment, which will greatly soften the blow of increased Federal regulatory responsibilities that would otherwise ensue from this piece of legislation.

Mr. GRAMM. Mr. President, we have had a long and drawn out deliberation concerning when this bill was going to come up. I know our colleagues are eager to get beyond this bill, and so am I. I think we have achieved an objective here: that is, coming up with a bill which is more acceptable to everybody. I would have to say, however, Mr. President, that I do not believe the amendment which has been offered, and that makes the bill acceptable to the President's senior advisers, makes the bill acceptable to me.

I am not going to go into a long harangue about my concern with the bill. I would simply like to point out a couple of concerns that I have.

First of all, Mr. President, by raising standards to a level which exceeds all the State standards, save a standard in one State concerning refrigerators, we may have achieved the objectives sought by the appliance manufacturers in eliminating differences among States. But had any manufacturer built appliances that met the standards, they would have escaped all the State regulations in the first place.

What this amendment does, in effect, is to deny the consumer access to numerous appliances that are currently on the market.

For example, and I will not go through many as I think I can make my point with just a couple. Take heat pumps. There are currently 2,492 heat pumps that are on the market as listed by the Air-Conditioning and Refrigeration Institute. Of those 2,492 heat pumps currently for sale, some 2,193, or 88 percent, will no longer be marketable when this bill is fully in effect.

In terms of air-conditioners, there are 7,255 central air-conditioning unit types available for sale. Of these, 5,897 of them, or 81 percent, will not meet the standards set by this bill.

In terms of gas furnaces, a similar number is available, and over 70 percent will not meet the standards.

The relevance of this point is that the effect of this bill is not that it allows manufacturers to have one standard for appliances. They could have had this standard simply by choosing to produce products to the standard set out in this bill, and as a result, they would have exceeded all the State standards, though only 10 States have promulgated standards. What this bill does is prevent manufacturers who wanted to sell in the other 40 States from having the right to do that without meeting the higher standards set in these 10 States.

The net result is going to be eliminating many of the lower cost appliances in the market. If we had more time, Mr. President, I could go through the Sears catalog and show our colleagues what models would be knocked out by this standard. But the bottom line is that the lower priced models of home appliances are going to be knocked off the market. That result is going to produce a situation where many low-income citizens who currently are able to go out and buy a frost-free refrigerator will not be able to do that under the new standards. Many of us remember growing up as children when refrigerators were advertised as being energy saving. They were not talking about electricity; they were talking about the energy of people who used the appliances.

I think one of the unhappy results of this bill will be that many lower priced appliances will be placed in jeopardy, and the products that replace them may be priced beyond the reach of the low-income citizens.

Also, many other problems will be greatly exacerbated for people who live in extreme climates. Under this bill, a retired citizen from Brownsville, TX, will be forced to buy a heating unit which makes sense in Alaska but which makes absolutely no sense in Brownsville, TX. The question of why they have to buy a heater that makes sense in Alaska but that makes no sense in Brownsville, I think deserves consideration. By the same token, if someone in Alaska wants an air-conditioner he will use for about 20 days each year, he will not have the option to go out and buy a lower efficiency, low-cost unit, but he will have to buy an air-conditioner suitable to Texas. The net result will be a tremendous cost to the consumer.

Finally, I cannot pass up making note of the fact that while the industry has gone to great lengths to demonstrate consumer benefits, their study is based on a lot of unrealistic assumptions. One of those is that the consumer, buying appliances, can borrow the money at 5 percent or that the discount rate that would be used in measuring the future flow of saving on the appliances would be 5 percent. I submit there is no consumer in the country who can go out and borrow money to buy appliances at 5 percent and those we should be most concerned about, those who are going to buy the appliances under this bill, are not able to borrow money at that rate, but pay 3 to 4 times that rate.

We should be concerned about this bill. I am concerned that by eliminating from the U.S. market the lower-efficiency appliances, those attractive for export to much of the Third World, we are going to affect the competitiveness of American industry. It is not clear that anyone has looked at what the appliance market in the Third World looks like, how many American-made appliances sold today in Mexico, Central and South America, Africa and Asia will not be sellable on the domestic market. Therefore, if manufacturers want to produce those appliances which they can no longer sell at home, might they not decide to produce them somewhere else rather than here?

I want to make note of the fact, in case we are back debating this 2 or 3 years from now, that by narrowing the American market, by setting very high efficiency standards, we eliminate the necessity of a manufacturer to carry a broad line of appliances in order to establish a position in our market. That may be advantageous to people who want to eliminate competition for themselves but it is also advantageous to foreign manufacturers who want to get in the domestic market. So I think we give up a lot of advantages in this bill. That is why many are opposed to it.

Finally, I make note of the fact that to some extent, I think this bill is an example of how laws should not be made. Two special interest groups, manufacturers and environmentalists, were primary, driving elements behind this bill. They worked out a compromise that suits their relative needs. The manufacturers wanted to preempt State standards. Even though only 10 States had set standards, obviously it had a cost to the appliance dealers that wanted to sell the same units all over the country. Some appliance manufacturers did not want to compete against smaller producers, who were focusing on a single area, because they did not want to meet the different standards. I understand that. That is perfectly logical.

The environmentalists had another agenda, to lower energy consumption, to eliminate the necessity of producing more energy and all of the impacts that produced that they objected to. The problem is that the coincident interest of the appliance manufacturers, who ended up accepting a standard higher than virtually all the State standards set, and the interest of the environmentalists does not happen to coincide with the interest of the people who do the work and pay the taxes and pull the wagon in this country. As a result, I do not believe this bill meets their interest.

A final paradox. We have made great progress in energy conservation by requiring labeling of appliances, we have seen a tremendous increase in efficiency. I have never seen any evidence anywhere to substantiate the claim that the consumer is not responsive to energy efficiency. I have heard a lot of sloganeering by people who want to have mandatory standards, but the plain truth is that, since the Arab oil embargo in 1973, we have had, without the driving force of Government, the greatest energy conservation movement in the history of mankind. It all resulted because people made individual decisions based on energy efficiency and cost to maximize their own welfare. I personally believe that is the way things ought to be done. In the Soviet Union, the producers decide what is going to be produced. In the United States, the consumer decides based on the consumer's interest, what is going to be produced. That is the salient difference in our two economic systems. I think our system works better because it takes into account the unique circumstances of all our people.

I think that is the problem with the bill. I thank my distinguished colleague from Louisiana for allowing us to work out this amendment which I do think is an improvement in terms of makeup of the bill and in terms of procedure. I yield the floor.

Mr. JOHNSTON. I submit that the case behind this bill is absolutely irresistible from a standpoint of conservation because it conserves large amounts of energy. The environmentalists therefore are united and very strong behind the bill. For a country in which oil imports went up by 1.2 million barrels a day in the last 12 months, where consumption and imports increased by almost 25 percent in 1 year, conservation is a very important, that is to say essential, a matter of first priority for this country. Conservation alone is an overwhelming reason to support this bill.

Consumers are very strongly behind this bill. Why? Because consumers save money, because better energy efficiency means lower cost of fuel and, as the cost of fuel continues to creep up, particularly electricity, then these consumers save a great deal.

Consumers also save in another way, which is the same reason the manufacturers are so strongly for the bill. That is, it does away with the proliferation of different State standards. The Department of Energy had either granted or proposed waivers for 26 different State standards covering some 87 different appliances.

You can imagine if an appliance manufacturer has to meet 26 different standards with all of his line of appliances, the cost goes up immensely for consumers. He may want to do it in a more energy-efficient way but be prevented from doing so because of the proliferation of State standards. It is therefore no wonder that, for example, the president of the Association for Home Appliance Manufacturers, the president of the Gas Appliance Manufacturing Association, as well as the president of the Air-Conditioning and Refrigeration Institute all have cosigned a letter dated February 17, 1987, a copy of which I shall ask unanimous consent to have printed in the RECORD, supporting this bill.

Mr. President, I could overwhelm this RECORD with members of the broadest coalition I have seen, all supporting the bill. The case is irresistible.

One final point: Are the standards reasonable, recognizing that the case for standards is overwhelming? Are they reasonable? I can tell you that the Department of Energy, in testimony, said that the standards were either "reasonable or nonsubstantive, meaning that in a few cases they really have very little meaning, but they are reasonable."

In addition, the views of the Department of Energy provided to OMB stated that "the standards are relatively realistic and are achievable and will not unduly burden the appliance industry." This was the same Department of Energy, of course, that was giving advice to the President on this matter.

So, Mr. President, the case is overwhelming.

I appreciate the cooperation of the distinguished junior Senator from Texas in putting together what is now a broad coalition between the White

House and Congress in passing this legislation.

I ask unanimous consent to have printed in the RECORD the letter to which I referred previously.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 17, 1987.

DEAR SENATOR: Our associations represent nearly all manufacturers of major home appliances, central heating and cooling equipment, room heaters and water heaters. The overwhelming majority of our members, including both large and small manufacturers, support the standards proposed in S. 83, the National Appliance Energy Conservation Act, for the following principal reasons:

The manufacturers would not have agreed to standards they could not meet. Though the standards are demanding, their delayed effective dates afford manufacturers sufficient lead time to design and produce complying products. Virtually all manufacturers have some models currently in production or already in development which would meet the standards.

An increasingly complex and costly kaleidoscope of state standards will be avoided, permitting all manufacturers to compete on equal terms in a broad, open national market. Uniform national standards will also preserve manufacturers' production and distribution efficiencies with substantial price benefits for consumers.

With very few exceptions consumers will achieve long-term savings by purchasing products meeting these standards. Most consumers will achieve savings in total purchase and operating costs in just a few years.

The standard levels in S. 83 are closely related to other provisions in the legislation as part of a compromise that was carefully crafted in negotiations. Changing the standard levels will almost certainly prove fatal for the entire bill. Therefore, we respectfully urge you to oppose all amendments affecting the standard levels in S. 83. We also urge you to oppose all other amendments—unless supported by the Coalition for Federal Appliance Efficiency Standards—and to fully support the National Appliance Energy Conservation Act of 1987.

Respectfully,

Robert L. Holding, President, Association of Home Appliance Manufacturers; Harry A. Paynter, President, Gas Appliance Manufacturers Association; Arnold W. Braswell, President, Air-Conditioning and Refrigeration Institute.

Mr. CRANSTON. Mr. President, I am delighted that today the Senate will pass legislation establishing national energy conservation standards for major household appliances, an idea I first authored and introduced in the 99th Congress.

I was one of the leaders in the effort which resulted in unanimous passage of the National Appliance Energy Conservation Act of 1986. This measure was passed in the closing days of the 99th Congress. I was disappointed that President Reagan chose to kill it by pocket veto last November 1. This Congress I am cosponsoring S. 83—an identical version of the previously passed bill.

I have been actively involved with the appliance efficiency issue since the energy crisis in the early 1970's. I believe that increased efficiency of our energy resources is imperative to the future of our Nation. This bill will result in substantial national energy savings.

S. 83, the National Appliance Energy Conservation Act of 1987, will eliminate the least efficient appliances in the marketplace. By 1993, this bill will cause major appliances to be at least 15 to 25-percent more efficient than the average appliance sold in 1985.

This legislation will benefit consumers, who will save money on their electric bills as a result of new efficiency of their household appliances.

Before California adopted its efficiency standards for refrigerators and refrigerator-freezers in 1976, those appliances consumed 12 billion kilowatthours of electricity each year, according to the California Energy Commission. In 1987 alone, as a result of the efficiency standards on refrigerators and refrigerator-freezers, residential users will save approximately 461 million kilowatthours of electricity. That means California consumers will save $39 million this year for their foresight in enacting State appliance standards.

The entire country can take advantage of similar savings with this legislation. According to the American Council for an Energy Efficient Economy, this bill will enable the average American household to save over $300—a net savings of over $28 billion—based on appliances sold through the year 2000. The energy savings over this period is equivalent to over 2 years of energy imports at America's current import rate. Furthermore, the standards will produce electricity savings of 22,000 megawatts—the equivalent of the peak output of 22 larger powerplants—between now and the year 2000.

This legislation will also benefit utility ratepayers and shareholders because utilities won't be forced to build expensive new powerplants to meet anticipated demand increases. DOE now estimates that new powerplants—which will be needed unless projected electric demand is reduced—could cost utility ratepayers upwards of $1.8 trillion by the end of the century.

S. 83 has the complete support of the trade associations representing the appliance industry, as well as the National Resources Defense Council and other groups primarily interested in conserving energy and other precious natural resources. Manufacturers will be able to meet the standards without undue hardship, and consumers, utilities, industry and the environment all will benefit.

National use of efficient electric appliances will save consumers billions of dollars, ease utility load management problems—especially during peak periods—hold down future energy costs, free capital for other purposes, and permit the rapid and least costly reduction of emissions from coal-fired plants responsible for so much acid rain damage. We can provide for our future energy needs without endangering our environment.

I'm very proud of the role I've played in the development of this important legislation. I commend Chairman JOHNSTON for his prompt action on this bill, and want to thank my distinguished colleague from Washington [Mr. EVANS] and the other Senators who have worked so hard for passage of this important legislation.

Mr. JOHNSTON. I am ready for the vote, Mr. President.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Arkansas [Mr. BUMPERS] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO] and the Senator from Washington [Mr. EVANS] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. EVANS], would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 6, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—89

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin

Heinz
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Proxmire
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Weicker
Wilson
Wirth
Zorinsky

NAYS—6

Gramm
Helms
McClure
Nickles
Symms
Wallop

NOT VOTING—5

Biden
Bumpers
D'Amato
Evans
Pryor

So the bill (S. 83) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "National Appliance Energy Conservation Act of 1987".

SEC. 2. DEFINITIONS.

(a) ENERGY CONSERVATION STANDARD.—Section 321(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)(6)) is amended to read as follows:

"(6) The term 'energy conservation standard' means—

"(A) a performance standard which prescribes a minimum level of energy efficiency or a maximum quantity of energy use for a covered product, determined in accordance with test procedures prescribed under section 323; or

"(B) a design requirement for the products specified in paragraphs (6), (7), (8), (10), and (13) of section 322(a); and includes any other requirements which the Secretary may prescribe under section 325(o)."

(b) NEW DEFINITIONS.—Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended by adding at the end the following paragraphs:

"(19) The term 'AV' is the adjusted volume for refrigerators, refrigerator-freezers, and freezers, as defined in the applicable test procedure prescribed under section 323.

"(20) The term 'annual fuel utilization efficiency' means the efficiency descriptor for furnaces and boilers, determined using test procedures prescribed under section 323 and based on the assumption that all—

"(A) weatherized warm air furnaces or boilers are located out-of-doors;

"(B) warm air furnaces which are not weatherized are located indoors and all combustion and ventilation air is admitted through grills or ducts from the outdoors and does not communicate with air in the conditioned space; and

"(C) boilers which are not weatherized are located within the heated space.

"(21) The term 'central air conditioner' means a product, other than a packaged terminal air conditioner, which—

"(A) is powered by single phase electric current;

"(B) is air-cooled;

"(C) is rated below 65,000 Btu per hour;

"(D) is not contained within the same cabinet as a furnace the rated capacity of which is above 225,000 Btu per hour; and

"(E) is a heat pump or a cooling only unit.

"(22) The term 'efficiency descriptor' means the ratio of the useful output to the total energy input, determined using the test procedures prescribed under section 323 and expressed for the following products in the following terms:

"(A) For furnaces and direct heating equipment, annual fuel utilization efficiency.

"(B) For room air conditioners, energy efficiency ratio.

"(C) For central air conditioning and central air conditioning heat pumps, seasonal energy efficiency ratio.

"(D) For water heaters, energy factor.

"(E) For pool heaters, thermal efficiency.

"(23) The term 'furnace' means a product which utilizes only single-phase electric current, or single-phase electric current or DC current in conjunction with natural gas, propane, or home heating oil, and which—

"(A) is designed to be the principal heating source for the living space of a residence;

"(B) is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 Btu per hour;

"(C) is an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low pressure steam or hot water boiler; and

"(D) has a heat input rate of less than 300,000 Btu per hour for electric boilers and low pressure steam or hot water boilers and less than 225,000 Btu per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces.

"(24) The terms 'heat pump' or 'reverse cycle' mean a product, other than a packaged terminal heat pump, which—

"(A) consists of one or more assemblies;

"(B) is powered by single phase electric current;

"(C) is rated below 65,000 Btu per hour;

"(D) utilizes an indoor conditioning coil, compressors, and refrigerant-to-outdoor-air heat exchanger to provide air heating; and

"(E) may also provide air cooling, dehumidifying, humidifying circulating, and air cleaning.

"(25) The term 'pool heater' means an appliance designed for heating nonpotable water contained at atmospheric pressure, including heating water in swimming pools, spas, hot tubs and similar applications.

"(26) The term 'thermal efficiency of pool heaters' means a measure of the heat in the water delivered at the heater outlet divided by the heat input of the pool heater as measured under test conditions specified in section 2.8.1 of the American National Standard for Gas Fired Pool Heaters, Z21.56-1986, or as may be prescribed by the Secretary.

"(27) The term 'water heater' means a product which utilizes oil, gas, or electricity to heat potable water for use outside the heater upon demand, including—

"(A) storage type units which heat and store water at a thermostatically controlled temperature, including gas storage water heaters with an input of 75,000 Btu per hour or less, oil storage water heaters with an input of 105,000 Btu per hour or less, and electric storage water heaters with an input of 12 kilowatts or less;

"(B) instantaneous type units which heat water but contain no more than one gallon of water per 4,000 Btu per hour of input, including gas instantaneous water heaters with an input of 200,000 Btu per hour or less, oil instantaneous water heaters with an input of 210,000 Btu per hour or less, and electric instantaneous water heaters with an input of 12 kilowatts or less; and

"(C) heat pump type units, with a maximum current rating of 24 amperes at a voltage no greater than 250 volts, which are products designed to transfer thermal energy from one temperature level to a higher temperature level for the purpose of heating water, including all ancillary equipment such as fans, storage tanks, pumps, or controls necessary for the device to perform its function.

"(28) The term 'weatherized warm air furnace or boiler' means a furnace or boiler designed for installation outdoors, approved for resistance to wind, rain, and snow, and supplied with its own venting system."

SEC. 3. COVERAGE.

Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended to read as follows:

"COVERAGE

"SEC. 322. (a) IN GENERAL.—The following consumer products, excluding those consumer products designed solely for use in recreational vehicles and other mobile equipment, are covered products:

"(1) Refrigerators, refrigerator-freezers, and freezers which can be operated by alternating current electricity, excluding—

"(A) any type designed to be used without doors; and

"(B) any type which does not include a compressor and condenser unit as an integral part of the cabinet assembly.

"(2) Room air conditioners.

"(3) Central air conditioners and central air conditioning heat pumps.

"(4) Water heaters.

"(5) Furnaces.

"(6) Dishwashers.

"(7) Clothes washers.

"(8) Clothes dryers.

"(9) Direct heating equipment.

"(10) Kitchen ranges and ovens.

"(11) Pool heaters.

"(12) Television sets.

"(13) Any other type of consumer product which the Secretary classifies as a covered product under subsection (b)."

SEC. 4. TEST PROCEDURES.

Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended to read as follows:

"TEST PROCEDURES

"SEC. 323. (a) GENERAL RULE.—All test procedures and related determinations prescribed or made by the Secretary with respect to any covered product (or class thereof) which are in effect on the date of enactment of the National Appliance Energy Conservation Act of 1987 shall remain in effect until the Secretary amends such test procedures and related determinations under subsection (b).

"(b) AMENDED AND NEW PROCEDURES.—(1)(A) The Secretary may amend test procedures with respect to any covered product if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3).

"(B) The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

"(C) The Secretary shall direct the National Bureau of Standards to assist in developing new or amended test procedures.

"(2) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the Federal Register proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period shall not be less than 60 days and may be extended for good cause shown to not more than 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved.

"(3) Any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use, as determined by the Secretary, and shall not be unduly burdensome to conduct.

"(4) If the test procedure is a procedure for determining estimated annual operating costs, such procedure shall provide that such costs shall be calculated from measurements of energy use in a representative average use cycle or period of use, as determined by the Secretary, and from representative average unit costs of the energy needed to operate such product during such cycle. The Secretary shall provide information to manufacturers with respect to representative average unit costs of energy.

"(c) RESTRICTION ON CERTAIN REPRESENTATIONS.—(1) No manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to the energy use or efficiency of a covered product to which a test procedure is applicable under subsection (a) or the cost of energy consumed by such product, unless such product has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.

"(2) Effective 180 days after an amended or new test procedure applicable to a covered product is prescribed under subsection (b), no manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to energy use or efficiency of such product or cost of energy consumed by such product, unless such product has been tested in accordance with such amended or new test procedures and such representation fairly discloses the results of such testing.

"(3) On the petition of any manufacturer, distributor, retailer, or private labeler, filed not later than the 60th day before the expiration of the period involved, the 180-day period referred to in paragraph (2) may be extended by the Secretary with respect to the petitioner (but in no event for more than an additional 180 days) if the Secretary determines that the requirements of paragraph (2) would impose an undue hardship on such petitioner.

"(d) CASE IN WHICH TEST PROCEDURE IS NOT REQUIRED.—(1) The Secretary is not required to publish and prescribe test procedures for a covered product (or class thereof) if the Secretary determines, by rule, that test procedures cannot be developed which meet the requirements of subsection (b)(3) and publishes such determination in the Federal Register, together with the reasons therefor.

"(2) For purposes of section 327, a determination under paragraph (1) with respect to any covered product or class shall have the same effect as would a standard prescribed for a covered product (or class).

"(e) AMENDMENT OF STANDARD.—(1) In the case of any amended test procedure which is prescribed pursuant to this section, the Secretary shall determine, in the rulemaking carried out with respect to prescribing such procedure, to what extent, if any, the proposed test procedure would alter the measured energy efficiency or measured energy use of any covered product as determined under the existing test procedure.

"(2) If the Secretary determines that the amended test procedure will alter the measured efficiency or measured use, the Secretary shall amend the applicable energy conservation standard during the rulemaking carried out with respect to such test procedure. In determining the amended energy conservation standard, the Secretary shall measure, pursuant to the amended test procedure, the energy efficiency or energy use of a representative sample of covered products that minimally comply with the existing standard. The average of such energy efficiency or energy use levels determined under the amended test procedure shall constitute the amended energy conservation standard for the applicable covered products.

"(3) Models of covered products in use before the date on which the amended energy conservation standard becomes effective (or revisions of such models that come into use after such date and have the same energy efficiency or energy use characteristics) that comply with the energy conservation standard applicable to such covered products on the day before such date shall be deemed to comply with the amended energy conservation standard.

"(4) The Secretary's authority to amend energy conservation standards under this subsection shall not affect the Secretary's obligation to issue final rules as described in section 325."

SEC. 5. ENERGY CONSERVATION STANDARDS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended to read as follows:

"ENERGY CONSERVATION STANDARDS

"SEC. 325. (a) PURPOSES.—The purposes of this section are to—

"(1) provide Federal energy conservation standards applicable to covered products; and

"(2) authorize the Secretary to prescribe amended or new energy conservation standards for each type (or class) of covered product.

"(b) STANDARDS FOR REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—(1) The following is the maximum energy use allowed in kilowatt hours per year for the following products (other than those described in paragraph (2)) manufactured on or after January 1, 1990:

	Energy Standards Equations
"Refrigerators and Refrigerator-Freezers with manual defrost	16.3 AV+316
Refrigerator-Freezers—partial automatic defrost	21.8 AV+429
Refrigerator-Freezers—automatic defrost with:	
Top mounted freezer without ice	23.5 AV+471
Side mounted freezer without ice	27.7 AV+488
Bottom mounted freezer without ice	27.7 AV+488
Top mounted freezer with through the door ice service	26.4 AV+535
Side mounted freezer with through the door ice	30.9 AV+547
Upright Freezers with:	
Manual defrost	10.9 AV+422
Automatic defrost	16.0 AV+623
Chest Freezers and all other freezers	14.8 AV+223

"(2) The standards described in paragraph (1) do not apply to refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet or freezers with total refrigerated volume exceeding 30 cubic feet.

"(3)(A)(i) The Secretary shall publish a proposed rule, no later than July 1, 1988, to determine if the standards established by paragraph (1) should be amended. The Secretary shall publish a final rule no later than July 1, 1989, which shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1993. If such a final rule is not published before January 1, 1990, any amendment of such standards shall apply to products manufactured on or after January 1, 1995. Nothing in this subsection provides any justification or defense for a failure by the Secretary to comply with the nondiscretionary duty to publish final rules by the dates stated in this paragraph.

"(ii)(I) If the Secretary does not publish a final rule before January 1, 1990, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, the regulations which established standards for such products and were promulgated by the California Energy Commission on December 14, 1984, to be effective January 1, 1992 (or any amendments to such standards that are not more stringent than the standards in the original regulations), shall apply in California to such products, effective beginning January 1, 1993, and shall not be preempted after such effective date by any energy conservation standard established in this section or prescribed, on or after January 1, 1990, under this section.

"(II) If the Secretary does not publish a final rule before January 1, 1992, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, State regulations which apply to such products manufactured on or after January 1, 1995, shall apply to such products until the effective date of a rule issued under this section with respect to such products.

"(B) After the publication of a final rule under subparagraph (A), the Secretary shall publish a final rule no later than five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for the products described in paragraph (1).

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which the previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(c) STANDARDS FOR ROOM AIR CONDITIONERS.—(1) The energy efficiency ratio of room air conditioners shall be not less than the following for products manufactured on or after January 1, 1990:

"Product Class:	Ratio
Without Reverse Cycle and With Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	9.0
14,000 to 19,999 Btu	8.8
20,000 and more Btu	8.2
Without Reverse Cycle and Without Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	8.5
14,000 to 19,999 Btu	8.5
20,000 and more Btu	8.2
With Reverse Cycle and With Louvered Sides	8.5
With Reverse Cycle, Without Louvered Sides	8.0

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) After January 1, 1992, the Secretary shall publish a final rule no later than five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for room air conditioners.

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(d) STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—(1) The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps shall be not less than the following:

"(A) Split Systems: 10.0 for products manufactured on or after January 1, 1992.

"(B) Single Package Systems: 9.7 for products manufactured on or after January 1, 1993.

"(2) The heating seasonal performance factor of central air conditioning heat pumps shall be not less than the following:

(A) Split Systems: 6.8 for products manufactured on or after January 1, 1992.

(B) Single Package Systems: 6.6 for products manufactured on or after January 1, 1993.

"(3)(A) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1999. The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (2) shall be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 2002.

"(B) The Secretary shall publish a final rule after January 1, 1994, and no later than January 1, 2001, to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2006.

"(e) STANDARDS FOR WATER HEATERS; POOL HEATERS; DIRECT HEATING EQUIPMENT.—(1) The energy factor of water heaters shall be not less than the following for products manufactured on or after January 1, 1990:

"(A) Gas Water Heater:	.62–(.0019 x Rated Storage Volume *in gallons*)
"(B) Oil Water Heater:	.59–(.0019 x Rated Storage Volume *in gallons*)
"(C) Electric Water Heater:	.95–(.00132 x Rated Storage *in gallons*)

"(2) The thermal efficiency of pool heaters manufactured on or after January 1, 1990, shall not be less than 78 percent.

"(3) The efficiencies of gas direct heating equipment manufactured on or after January 1, 1990, shall be not less than the following:

"Wall	
Fan type	
Up to 42,000 Btu/hour.	73% AFUE
Over 42,000 Btu/hour..	74% AFUE
Gravity type	
Up to 10,000 Btu/hour.	59% AFUE
Over 10,000 Btu/hour up to 12,000 Btu/hour	60% AFUE
Over 12,000 Btu/hour up to 15,000 Btu/hour	61% AFUE
Over 15,000 Btu/hour up to 19,000 Btu/hour	62% AFUE
Over 19,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour..	65% AFUE
"Floor	
Up to 37,000 Btu/hour.	56% AFUE
Over 37,000 Btu/hour..	57% AFUE
"Room	
Up to 18,000 Btu/hour.	57% AFUE
Over 18,000 Btu/hour up to 20,000 Btu/hour	58% AFUE
Over 20,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour..	65% AFUE

"(4)(A) The Secretary shall publish final rules no later than January 1, 1992, to determine whether the standards established by paragraph (1), (2), or (3) for water heaters, pool heaters, and direct heating equipment should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 2000, to determine whether standards in effect for such products should be amended. Such rule shall provide that any such amendment shall apply to products manufactured on or after January 1, 2005.

"(f) STANDARDS FOR FURNACES.—(1) Furnaces (other than furnaces designed solely for installation in mobile homes) manufactured on or after January 1, 1992, shall have an annual fuel utilization efficiency of not less than 75 percent, except that—

"(A) boilers (other than gas steam boilers) shall have an annual fuel utilization efficiency of not less than 80 percent and gas steam boilers shall have an annual fuel utilization efficiency of not less than 75 percent; and

"(B) the Secretary shall prescribe a final rule not later than January 1, 1989, establishing an energy conservation standard—

"(i) which is for furnaces (other than furnaces designed solely for installation in mobile homes) having an input of less than 45,000 Btu per hour and manufactured on or after January 1, 1992;

"(ii) which provides that the annual fuel utilization efficiency of such furnaces shall be a specific percent which is not less than 71 percent and not more than 78 percent; and

"(iii) which the Secretary determines is not likely to result in a significant shift from gas heating to electric resistance heating with respect to either residential construction or furnace replacement.

"(2) Furnaces which are designed solely for installation in mobile homes and which are manufactured on or after September 1, 1990, shall have an annual fuel utilization efficiency of not less than 75 percent.

"(3)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine whether the standards established by paragraph (2) for mobile home furnaces should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1994.

"(B) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established by this subsection for furnaces (including mobile home furnaces) should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2002.

"(C) After January 1, 1997, and before January 1, 2007, the Secretary shall publish a final rule to determine whether standards in effect for such products should be amended. Such rule shall contain such amendment, if any, and provide that any amendment shall apply to products manufactured on or after January 1, 2012.

"(g) Standards for Dishwashers; Clothes Washers; Clothes Dryers.—(1) Dishwashers manufactured on or after January 1, 1988, shall be equipped with an option to dry without heat.

"(2) All rinse cycles of clothes washers shall include an unheated water option, but may have a heated water rinse option, for products manufactured on or after January 1, 1988.

"(3) Gas clothes dryers shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1988.

"(4)(A) The Secretary shall publish final rules no later than January 1, 1990, to determine if the standards established under this subsection for products described in paragraphs (1), (2), and (3) should be amended. Such rules shall provide that any amendment shall apply to products the manufacture of which is completed on or after January 1, 1993.

"(B) After January 1, 1990, the Secretary shall publish a final rule no later than five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(C) Any such amendment shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, the earliest date by which a previous amendment could have been in effect;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such standard.

"(h) Standards for Kitchen Ranges and Ovens.—(1) Gas kitchen ranges and ovens having an electrical supply cord shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1990.

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established for kitchen ranges and ovens in this subsection should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 1997, to determine whether standards in effect for such products should be amended. Such rule shall apply to products manufactured on or after January 1, 2000.

"(i) Standards for Other Covered Products.—(1) The Secretary may prescribe an energy conservation standard for any type (or class) of covered products of a type specified in paragraph (13) of section 322(a) if the requirements of subsections (l) and (m) are met and the Secretary determines that—

"(A) the average per household energy use within the United States by products of such type (or class) exceeded 150 kilowatt-hours (or its Btu equivalent) for any 12-month period ending before such determination;

"(B) the aggregate household energy use within the United States by products of such type (or class) exceeded 4,200,000,000 kilowatt-hours (or its Btu equivalent) for any such 12-month period;

"(C) substantial improvement in the energy efficiency of products of such type (or class) is technologically feasible; and

"(D) the application of a labeling rule under section 324 to such type (or class) is not likely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) which achieve the maximum energy efficiency which is technologically feasible and economically justified.

"(2) Any new or amended standard for covered products of a type specified in paragraph (13) of section 322(a) shall not apply to products manufactured within five years after the publication of a final rule establishing such standard.

"(3) The Secretary may, in accordance with subsections (l) and (m), prescribe an energy conservation standard for television sets. Any such standard may not become effective with respect to products manufactured before January 1, 1992.

"(j) Further Rulemaking.—After issuance of the last final rules required under subsections (b) through (h) of this section, the Secretary may publish final rules to determine whether standards for a covered product should be amended. An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment made pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct hearing equipment and furnaces) after publication of the final rule establishing a standard.

"(k) Petition For An Amended Standard.—(1) With respect to each covered product described in paragraphs (1) through (11) of section 322(a), any person may petition the Secretary to conduct a rulemaking to determine for a covered product if the standards contained either in the last final rule required under subsections (b) through (h) of this section or in a final rule published under this section should be amended.

"(2) The Secretary shall grant a petition if he finds that it contains evidence which, assuming no other evidence were considered, provides an adequate basis for amending the standards under the following criteria—

"(A) amended standards will result in significant conservation of energy;

"(B) amended standards are technologically feasible; and

"(C) amended standards are cost effective as described in subsection (l)(2)(B)(i)(II).

The grant of a petition by the Secretary under this subsection creates no presumption with respect to the Secretary's determination of any of the criteria in a rulemaking under this section.

"(3) An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct heating equipment and furnaces) after publication of the final rule establishing a standard.

"(l) Criteria for Prescribing New or Amended Standards.—(1) The Secretary may not prescribe any amended standard which increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

"(2)(A) Any new or amended energy conservation standard prescribed by the Secretary under this section for any type (or class) of covered product shall be designed to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

"(B)(i) In determining whether a standard is economically justified, the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed its burdens by, to the greatest extent practicable, considering—

"(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard;

"(II) the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

"(III) the total projected amount of energy savings likely to result directly from the imposition of the standard;

"(IV) any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard;

"(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

"(VI) the need for national energy conservation; and

"(VII) other factors the Secretary considers relevant.

"(ii) For purposes of clause (i)(V), the Attorney General shall make a determination of the impact, if any, of any lessening of competition likely to result from such standard and shall transmit such determination, not later than 60 days after the publication of a proposed rule prescribing or amending an energy conservation standard, in writing to the Secretary, together with an analysis of the nature and extent of such impact. Any such determination and analysis shall be published by the Secretary in the Federal Register.

"(iii) If the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure, there shall be a rebuttable presumption that such standard level is economically justified. A determination by the Secretary that such criterion is not met shall not be taken into consideration in the Secretary's determination of whether a standard is economically justified.

"(3) The Secretary may not prescribe an amended or new standard under this section for a type (or class) of covered product if—

"(A) for products other than dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens, a test procedure has not been prescribed pursuant to section 323 with respect to that type (or class) of product; or

"(B) the Secretary determines, by rule, that the establishment of such standard will not result in significant conservation of energy or that the establishment of such standard is not technologically feasible or economically justified.

For purposes of section 327, a determination under subparagraph (B) with respect to any type (or class) of covered products shall have the same effect as would a standard prescribed for such type (or class).

"(4) The Secretary may not prescribe an amended or new standard under this section if the Secretary finds (and publishes such finding) that interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of the Secretary's finding. The failure of some types (or classes) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a standard for other types (or classes).

"(m) Procedure for Prescribing New or Amended Standards.—Any new or amended energy conservation standard shall be prescribed in accordance with the following procedure:

"(1) The Secretary—

"(A) shall publish an advance notice of proposed rulemaking which specifies the type (or class) of covered products to which the rule may apply;

"(B) shall invite interested persons to submit, within 60 days after the date of publication of such advance notice, written presentations of data, views, and arguments in response to such notice; and

"(C) may identify proposed or amended standards that may be prescribed.

"(2) A proposed rule which prescribes an amended or new energy conservation standard or prescribes no amendment or no new standard for a type (or class) of covered products shall be published in the Federal Register. In prescribing any such proposed rule with respect to a standard, the Secretary shall determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for each type (or class) of covered products. If such standard is not designed to achieve such efficiency or use, the Secretary shall state in the proposed rule the reasons therefor.

"(3) After the publication of such proposed rulemaking, the Secretary shall, in accordance with section 336, afford interested persons an opportunity, during a period of not less than 60 days, to present oral and written comments (including an opportunity to question those who make such presentations, as provided in such section) on matters relating to such proposed rule, including—

"(A) whether the standard to be prescribed is economically justified (taking into account those factors which the Secretary must consider under subsection (l)(2)) or will result in the effects described in subsection (l)(4);

"(B) whether the standard will achieve the maximum improvement in energy efficiency which is technologically feasible;

"(C) if the standard will not achieve such improvement, whether the reasons for not achieving such improvement are adequate; and

"(D) whether such rule should prescribe a level of energy use or efficiency which is higher or lower than that which would otherwise apply in the case of any group of products within the type (or class) that will be subject to such standard.

"(4) A final rule prescribing an amended or new energy conservation standard or prescribing no amended or new standard for a type (or class) of covered products shall be published as soon as is practicable, but not less than 90 days, after publication of the proposed rule in the Federal Register.

"(n) Special Rule for Certain Types or Classes of Products.—(1) A rule prescribing an energy conservation standard for a type (or class) of covered products shall specify a level of energy use or efficiency higher or lower than that which applies (or would apply) for such type (or class) for any group of covered products which have the same function or intended use, if the Secretary determines that covered products within such group—

"(A) consume a different kind of energy from that consumed by other covered products within such type (or class); or

"(B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard from that which applies (or will apply) to other products within such type (or class).

In making a determination under this paragraph concerning whether a performance-related feature justifies the establishment of a higher or lower standard, the Secretary shall consider such factors as the utility to the consumer of such a feature, and such other factors as the Secretary deems appropriate.

"(2) Any rule prescribing a higher or lower level of energy use or efficiency under paragraph (1) shall include an explanation of the basis on which such higher or lower level was established.

"(o) Inclusion in Standards of Test Procedures and Other Requirements.—Any new or amended energy conservation standard prescribed under this section shall include, where applicable, test procedures prescribed in accordance with section 323 and may include any requirement which the Secretary determines is necessary to assure that each covered product to which such standard applies meets the required minimum level of energy efficiency or maximum quantity of energy use specified in such standard.

"(p) Determination of Compliance With Standards.—Compliance with, and performance under, the energy conservation standards (except for design standards authorized by this part) established in, or prescribed under, this section shall be determined using the test procedures and corresponding compliance criteria prescribed under section 323.

"(q) Small Manufacturer Exemption.—(1) Subject to paragraph (2), the Secretary may, on application of any manufacturer, exempt such manufacturer from all or part of the requirements of any energy conservation standard established in or prescribed under this section for any period not longer than the 24-month period beginning on the date such rule becomes effective, if the Secretary finds that the annual gross revenues of such manufacturer from all its operations (including the manufacture and sale of covered products) does not exceed $8,000,000 for the 12-month period preceding the date of the application. In making such finding with respect to any manufacturer, the Secretary shall take into account the annual gross revenues of any other person who controls, is controlled by, or is under common control with, such manufacturer.

"(2) The Secretary may not exercise the authority granted under paragraph (1) with respect to any type (or class) of covered product subject to an energy conservation standard under this section unless the Secretary makes a finding, after obtaining the written views of the Attorney General, that a failure to allow an exemption under paragraph (1) would likely result in a lessening of competition.".

SEC. 6. REQUIREMENTS OF MANUFACTURERS.

Section 326(d) of the Energy Policy and Conservation Act (42 U.S.C. 6296(d)) is amended to read as follows:

"(d) Information Requirements.—(1) For purposes of carrying out this part, the Secretary may require, under this part or other provision of law administered by the Secretary, each manufacturer of a covered product to submit information or reports to the Secretary with respect to energy efficiency or energy use of such covered product and the economic impact of any proposed energy conservation standard, as the Secretary determines may be necessary to establish and revise test procedures, labeling rules, and energy conservation standards for such product and to insure compliance with the requirements of this part. In making any determination under this paragraph, the Secretary shall consider existing public sources of information, including nationally recognized certification programs of trade associations.

"(2) The Secretary shall exercise authority under this section in a manner designed to minimize unnecessary burdens on manufacturers of covered products.

"(3) The provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 shall apply with respect to information obtained under this subsection to the same extent and in the same manner as they apply with respect to energy information obtained under section 11 of such Act.".

SEC. 7. EFFECT ON OTHER LAW.

Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended to read as follows:

"EFFECT ON OTHER LAW

"Sec. 327. (a) Preemption of Testing and Labeling Requirements.—(1) Effective on the date of enactment of the National Appliance Energy Conservation Act of 1987, this part supersedes any State regulation insofar as such State regulation provides at any time for the disclosure of information with respect to any measure of energy consumption of any covered product if—

"(A) such State regulation requires testing or the use of any measure of energy consumption or energy descriptor in any manner other than that provided under section 323; or

"(B) such State regulation requires disclosure of information with respect to the energy use or energy efficiency of any covered product other than information required under section 324.

"(2) For purposes of this section, the term 'State regulation' means a law, regulation, or other requirement of a State or its political subdivisions.

"(b) GENERAL RULE OF PREEMPTION FOR ENERGY CONSERVATION STANDARDS BEFORE FEDERAL STANDARD BECOMES EFFECTIVE FOR A PRODUCT.—Effective on the date of enactment of the National Appliance Energy Conservation Act of 1987 and ending on the effective date of an energy conservation standard established under section 325 for any covered product, no State regulation, or revision thereof, concerning the energy efficiency or energy use of the covered product shall be effective with respect to such covered product, unless the State regulation or revision—

"(1) was prescribed or enacted before January 8, 1987, and is applicable to products before January 3, 1988;

"(2) is a State procurement regulation described in subsection (e);

"(3) is a regulation described in subsection (f)(1) or is prescribed or enacted in a building code for new construction described in subsection (f)(2);

"(4) is a regulation prohibiting the use in pool heaters of a constant burning pilot;

"(5) is a regulation described in subsection (d)(5)(B) for which a waiver has been granted under subsection (d); or

"(6) is a regulation effective on or after January 1, 1992, concerning the energy efficiency or energy use of television sets.

"(c) GENERAL RULE OF PREEMPTION FOR ENERGY CONSERVATION STANDARDS WHEN FEDERAL STANDARD BECOMES EFFECTIVE FOR A PRODUCT.—Except as provided in section 325(b)(3)(A)(ii) and effective on the effective date of an energy conservation standard established in or prescribed under section 325 for any covered product, no State regulation concerning the energy efficiency or energy use of such covered product shall be effective with respect to such product unless the regulation—

"(1) is a regulation described in paragraph (2) or (4) of subsection (b);

"(2) is a regulation which has been granted a waiver under subsection (d); or

"(3) is in a building code for new construction described in subsection (f)(3).

"(d) WAIVER OF FEDERAL PREEMPTION.—(1)(A) Any State with a State regulation which provides for any energy conservation standard or other requirement with respect to energy use or energy efficiency for any type (or class) of covered product for which there is a Federal energy conservation standard under section 325 may file a petition with the Secretary requesting a rule that such State regulation become effective with respect to such covered product.

"(B) Subject to paragraphs (2) through (5), the Secretary shall, within the period described in paragraph (2) and after consideration of the petition and the comments of interested persons, prescribe such rule if the Secretary finds (and publishes such finding) that the State has established by a preponderance of the evidence that such State regulation is needed to meet unusual and compelling State or local energy interests.

"(C) For purposes of this subsection, the term 'unusual and compelling State or local energy interests' means interests which—

"(i) are substantially different in nature or magnitude than those prevailing in the United States generally; and

"(ii) are such that the costs, benefits, burdens, and reliability of energy savings resulting from the State regulation make such regulation preferable or necessary when measured against the costs, benefits, burdens, and reliability of alternative approaches to energy savings or production, including reliance on reasonably predictable market-induced improvements in efficiency of all products subject to the State regulation.

The factors described in clause (ii) shall be evaluated within the context of the State's energy plan and forecast.

"(2) The Secretary shall give notice of any petition filed under paragraph (1)(A) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, thereon. The Secretary shall, within the 6-month period beginning on the date on which any such petition is filed, deny such petition or prescribe the requested rule, except that the Secretary may publish a notice in the Federal Register extending such period to a date certain but no longer than one year after the date on which the petition was filed. Such notice shall include the reasons for delay. In the case of any denial of a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, such denial.

"(3) The Secretary may not prescribe a rule under this subsection if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that such State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of the covered product on a national basis. In determining whether to make such finding, the Secretary shall evaluate all relevant factors, including—

"(A) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

"(B) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State;

"(C) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

"(i) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

"(ii) in the current or projected sales volume of the covered product type (or class) in the State and the United States; and

"(D) the extent to which the State regulation is likely to contribute significantly to a proliferation of State appliance efficiency requirements and the cumulative impact such requirements would have.

"(4) The Secretary may not prescribe a rule under this subsection if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that the State regulation is likely to result in the unavailability in the State of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the State at the time of the Secretary's finding, except that the failure of some classes (or types) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a rule for other classes (or types).

"(5) No final rule prescribed by the Secretary under this subsection may—

"(A) permit any State regulation to become effective with respect to any covered product manufactured within three years after such rule is published in the Federal Register or within five years if the Secretary finds that such additional time is necessary due to the substantial burdens of retooling, redesign, or distribution needed to comply with the State regulation; or

"(B) become effective with respect to a covered product manufactured before the earliest possible effective date specified in section 325 for the initial amendment of the energy conservation standard established in such section for the covered product; except that such rule may become effective before such date if the Secretary finds (and publishes such finding) that, in addition to the other requirements of this subsection the State has established, by a preponderance of the evidence, that—

"(i) an energy emergency condition exists within the State which—

"(I) imperils the health, safety, and welfare of its residents because of the inability of the State or utilities within the State to provide adequate quantities of gas or electric energy to its residents at less than prohibitive costs; and

"(II) cannot be substantially alleviated by the importation of energy or the use of interconnection agreements; and

"(ii) the State regulation is necessary to alleviate substantially such condition.

"(6) In any case in which a State is issued a rule under paragraph (1) with respect to a covered product and subsequently a Federal energy conservation standard concerning such product is amended pursuant to section 325, any person subject to such State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (1) with respect to such product in such State. The Secretary shall consider such petition in accordance with the requirements of paragraphs (1), (3), and (4), except that the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (1) should be withdrawn as a result of the amendment to the Federal standard. If the Secretary determines that the petitioner has shown that the rule issued by the State should be so withdrawn, the Secretary shall withdraw it.

"(e) EXCEPTION FOR CERTAIN STATE PROCUREMENT STANDARDS.—Any State regulation which sets forth procurement standards for a State (or political subdivision thereof) shall not be superseded by the provisions of this part if such standards are more stringent than the corresponding Federal energy conservation standards.

"(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—(1) A regulation or other requirement enacted or prescribed before January 8, 1987, that is contained in a State or local building code for new construction concerning the energy efficiency or energy use of a covered product is not superseded by this part until the effective date of the energy conservation standard established in or prescribed under section 325 for such covered product.

"(2) A regulation or other requirement, or revision thereof, enacted or prescribed on or after January 8, 1987, that is contained in a

State or local building code for new construction concerning the energy efficiency or energy use of a covered product is not superseded by this part until the effective date of the energy conservation standard established in or prescribed under section 325 for such covered product if the code does not require that the energy efficiency of such covered product exceed—

"(A) the applicable minimum efficiency requirement in a national voluntary consensus standard; or

"(B) the minimum energy efficiency level in a regulation or other requirement of the State meeting the requirements of subsections (b)(1) or (b)(5),

whichever is higher.

"(3) Effective on the effective date of an energy conservation standard for a covered product established in or prescribed under section 325, a regulation or other requirement contained in a State or local building code for new construction concerning the energy efficiency or energy use of such covered product is not superseded by this part if the code complies with all of the following requirements:

"(A) The code permits a builder to meet an energy consumption or conservation objective for a building by selecting items whose combined energy efficiencies meet the objective.

"(B) The code does not require that the covered product have an energy efficiency exceeding the applicable energy conservation standard established in or prescribed under section 325, except that the required efficiency may exceed such standard up to the level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d).

"(C) The credit to the energy consumption or conservation objective allowed by the code for installing covered products having energy efficiencies exceeding such energy conservation standard established in or prescribed under section 325 or the efficiency level required in a State regulation referred to in subparagraph (B) is on a one-for-one equivalent energy use or equivalent cost basis.

"(D) If the code uses one or more baseline building designs against which all submitted building designs are to be evaluated and such baseline building designs contain a covered product subject to an energy conservation standard established in or prescribed under section 325, the baseline building designs are based on the efficiency level for such covered product which meets but does not exceed such standard or the efficiency level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d).

"(E) If the code sets forth one or more optional combinations of items which meet the energy consumption or conservation objective, for every combination which includes a covered product the efficiency of which exceeds either standard or level referred to in subparagraph (D), there also shall be at least one combination which includes such covered product the efficiency of which does not exceed such standard or level by more than 5 percent, except that at least one combination shall include such covered product the efficiency of which meets but does not exceed such standard.

"(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be calculated from energy loss- or gain-based codes) utilizing an equivalent amount of energy (which may be specified in units of energy or its equivalent cost).

"(G) The estimated energy use of any covered product permitted or required in the code, or used in calculating the objective, is determined using the applicable test procedures prescribed under section 323, except that the State may permit the estimated energy use calculation to be adjusted to reflect the conditions of the areas where the code is being applied if such adjustment is based on the use of the applicable test procedures prescribed under section 323 or other technically accurate documented procedure.

"(4)(A) Subject to subparagraph (B), a State or local government is not required to submit a petition to the Secretary in order to enforce or apply its building code or to establish that the code meets the conditions set forth in this subsection.

"(B) If a building code requires the installation of covered products with efficiencies exceeding both the applicable Federal standard established in or prescribed under section 325 and the applicable standard of such State, if any, that has been granted a waiver under subsection (d), such requirement of the building code shall not be applicable unless the Secretary has granted a waiver for such requirement under subsection (d).

"(g) No Warranty.—Any disclosure with respect to energy use, energy efficiency, or estimated annual operating cost which is required to be made under the provisions of this part shall not create an express or implied warranty under State or Federal law that such energy efficiency will be achieved or that such energy use or estimated annual operating cost will not be exceeded under conditions of actual use.".

SEC. 8. CITIZEN SUITS.

Section 335(a) of the Energy Policy and Conservation Act (42 U.S.C. 6305) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or";

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary in any case in which there is an alleged failure of the Secretary to comply with a nondiscretionary duty to issue a proposed or final rule according to the schedules set forth in section 325."; and

(4) by adding after the last sentence the following:

"The courts shall advance on the docket, and expedite the disposition of, all causes filed therein pursuant to paragraph (3) of this subsection. If the court finds that the Secretary has failed to comply with a deadline established in section 325, the court shall have jurisdiction to order appropriate relief, including relief that will ensure the Secretary's compliance with future deadlines for the same covered product.".

SEC. 9. ADMINISTRATIVE REVIEW AND JUDICIAL REVIEW.

Section 336 of the Energy Policy and Conservation Act (42 U.S.C. 6306) is amended to read as follows:

"ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"Sec. 336. (a)(1) In addition to the requirements of section 553 of title 5, United States Code, rules prescribed under section 323, 324, 325, 327, or 328 of this part shall afford interested persons an opportunity to present written and oral data, views, and arguments with respect to any proposed rule.

"(2) In the case of a rule prescribed under section 325, the Secretary shall, by means of conferences or other informal procedures, afford any interested person an opportunity to question—

"(A) other interested persons who have made oral presentations; and

"(B) employees of the United States who have made written or oral presentations with respect to disputed issues of material fact.

Such opportunity shall be afforded to the extent the Secretary determines that questioning pursuant to such procedures is likely to result in a more timely and effective resolution of such issues.

"(3) A transcript shall be kept of any oral presentations made under this subsection.

"(b)(1) Any person who will be adversely affected by a rule prescribed under section 323, 324, or 325 may, at any time within 60 days after the date on which such rule is prescribed, file a petition with the United States court of appeals for the circuit in which such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be transmitted by the clerk of the court to the agency which prescribed the rule. Such agency shall file in the court the written submissions to, and transcript of, the proceedings on which the rule was based, as provided in section 2112 of title 28, United States Code.

"(2) Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. No rule under section 323, 324, or 325 may be affirmed unless supported by substantial evidence.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(4) The remedies provided for in this subsection shall be in addition to, and not in substitution for, any other remedies provided by law.

"(5) The procedures applicable under this part shall not—

"(A) be considered to be modified or affected by any other provision of law unless such other provision specifically amends this part (or provisions of law cited herein); or

"(B) be considered to be superseded by any other provision of law unless such other provision does so in specific terms by referring to this part and declaring that such provision supersedes, in whole or in part, the procedures of this part.

"(c) Jurisdiction is vested in the Federal district courts of the United States over actions brought by—

"(1) any adversely affected person to determine whether a State or local government is complying with the requirements of this part; and

"(2) any person who files a petition under section 325(k) which is denied by the Secretary.".

SEC. 10. ANNUAL REPORT.

Section 338 of the Energy Policy and Conservation Act (42 U.S.C. 6308) is amended by adding at the end the following: "Nothing in this section provides a defense or justification for a failure by the Secretary to comply with a nondiscretionary duty as provided for in this part."

SEC. 11. CONFORMING AMENDMENTS.

(a) In General.—Part B of title III of the Energy Policy and Conservation Act is amended as follows:

(1) Section 324 is amended—

(A) in subsection (a)(1), by striking out "paragraphs (1) through (9)" and inserting in lieu thereof "paragraphs (1), (2), (4), (6), and (8) through (12)";

(B) in subsection (a)(2), by striking out "paragraphs (10) through (13)" and inserting in lieu thereof "paragraphs (3), (5), and (7)"; and

(C) in subsection (a)(3)—

(i) by striking out "paragraph (14)" and inserting in lieu thereof "paragraph (13)";

(ii) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) the Commission or the Secretary has made a determination with respect to such type (or class thereof) that labeling in accordance with this section will assist purchasers in making purchasing decisions,"; and

(iii) by striking out "section 323(a)(5)" in subparagraph (B) and inserting in lieu thereof "section 323(b)(1)(B)";

(D) by striking out subsection (b)(1) and inserting in lieu thereof the following:

"(b) Rules in Effect; New Rules.—(1)(A) Any labeling rule in effect on the date of the enactment of the National Appliance Energy Conservation Act of 1986 shall remain in effect until amended, by rule, by the Commission.

"(B) After the date of the enactment of the National Appliance Energy Conservation Act of 1986 and not later than 30 days after the date on which a proposed test procedure applicable to a covered product of any of the types specified in paragraphs (1) through (13) of section 322(a) (or class thereof) is prescribed under section 323(b), the Commission shall publish a proposed labeling rule applicable to such type (or class thereof).";

(E) in subsection (b)(3)—

(i) by striking out "section 323" both places in which it appears and inserting in lieu thereof "section 323(b)";

(ii) by striking out "(13)" and inserting in lieu thereof "(12)"; and

(iii) by striking out "(14)" and inserting in lieu thereof "(13)";

(F) in subsection (b)(5)—

(i) by striking out "(10) through (13)" and inserting in lieu thereof "(3), (5), and (7)"; and

(ii) by striking out "(14)" and inserting in lieu thereof "(13)"; and

(G) in subsection (f), by striking out "or (2)" in the second sentence.

(2) Section 326(b)(3)(A) is amended by inserting "established in or" before "prescribed under".

(3) Section 332(a)(5) is amended by striking out "energy efficiency standard prescribed under" and inserting in lieu thereof "energy conservation standard established in or prescribed under".

(b) Stylistic Conforming Amendments.—Part B of title III of the Energy Policy and Conservation Act is amended as follows:

(1) Section 322(b)(1) is amended by striking out "(b)(1)" and inserting in lieu thereof "(b) Special Classification of Consumer Product.—(1)".

(2) Section 324 is amended—

(A) by striking out "Sec. 324. (a)(1)" and inserting in lieu thereof "Sec. 324. (a) In General.—(1)";

(B) in subsection (c)(1), by striking out "(c)(1)" and inserting in lieu thereof "(c) Content of Label.—(1)";

(C) in subsection (d), by striking out "(d)" and inserting in lieu thereof "(d) Effective Date.—";

(D) in subsection (e), by striking out "(e)" and inserting in lieu thereof "(e) Study of Certain Products.—";

(E) in subsection (f), by striking out "(f)" and inserting in lieu thereof "(f) Consultation.—"; and

(F) in subsection (g), by striking out "(g)" and inserting in lieu thereof "(g) Other Authority of the Commission.—".

(3) Section 326 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) In General.—";

(B) in subsection (b)(1), by striking out "(b)(1)" and inserting in lieu thereof "(b) Notification.—(1)"; and

(C) in subsection (c), by striking out "(c) Each" and inserting in lieu thereof "(c) Deadline.—Each".

(4) Section 329 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) In General.—"; and

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) Confidentiality.—".

(5) Section 332 is amended—

(A) in subsection (a), by striking out "Sec. 332. (a)" and inserting in lieu thereof "Sec. 332. (a) In General.—"; and

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) Definition.—".

(6) Section 333 is amended—

(A) in subsection (a), by striking out "Sec. 333. (a)" and inserting in lieu thereof "Sec. 333. (a) In General.—";

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) Definition.—";

(C) in subsection (c), by striking out "(c) It" and inserting in lieu thereof "(c) Special Rule.—It"; and

(D) in subsection (d)(1), by striking out "(d)(1)" and inserting in lieu thereof "(d) Procedure for Assessing Penalty.—(1)".

(7) Section 335 is amended—

(A) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) Limitation.—";

(B) in subsection (c), by striking out "(c)" and inserting in lieu thereof "(c) Right to Intervene.—";

(C) in subsection (d), by striking out "(d)" and inserting in lieu thereof "(d) Award of Costs of Litigation.—";

(D) in subsection (e), by striking out "(e)" and inserting in lieu thereof "(e) Preservation of Other Relief.—"; and

(E) in subsection (f), by striking out "(f)" and inserting in lieu thereof "(f) Compliance in Good Faith.—".

(8) Section 339 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) Authorizations for the Secretary.—";

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) Authorizations for the Commission.—"; and

(C) in subsection (c), by striking out "(c)" and inserting in lieu thereof "(c) Other Authorizations.—".

Mr. **DOLE**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **HELMS**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. **BYRD**. Mr. President, I ask unanimous consent that there may be a period for the transaction of morning business, that Senators may speak therein up to 10 minutes each, and that the time not extend beyond 5 p.m. today.

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 11 and February 13, 1987, received messages from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

(The nominations received on February 11 and February 13, 1987, are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 15

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 9, 1987, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with Section 1011 of the Alaska National Interest Lands Conservation Act (P.L. 96-487; 16 U.S.C. 3151), I transmit herewith the fifth annual report on Alaska's mineral resources.

Ronald Reagan.

The White House, *February 9, 1987.*

ANNUAL REPORT OF THE ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 16

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate on February 9, 1987, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

This 1986 United States Arms Control and Disarmament Agency Annual Report reviews all the government's 1986 arms control activities as well as ACDA's role in them. This relatively small agency plays a key role in the evolution and implementation of arms control policies that contribute importantly to our Nation's security. I know that you share my enthusiasm for ACDA, which celebrated its twenty-fifth anniversary in 1986.

You will find in the pages of the Report detailed material on the three rounds of Nuclear and Space Talks and on the talks that General Secretary Gorbachev and I had in Reykjavik, October 11-12. Details on progress made at the Conference on Disarmament, the Conference on Security and Cooperation in Europe, and the Mutual and Balanced Force Reduction talks are also included. Our efforts to control the proliferation of nuclear weapons are discussed and the many details of arms control research are highlighted. This Report, as well as previous ACDA reports, contains a great deal of useful and informative historical material.

I am pleased to forward the Report to the Congress.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1987.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 6, 1987, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled joint resolution:

H.J. Res. 131. Joint resolution congratulating Dennis Conner and the crew of *Stars & Stripes* for their achievement in winning the America's Cup.

Under the authority of the order of the Senate of February 3, 1987, the enrolled joint resolution was signed on February 6, 1987, during the adjournment of the Senate by the President pro tempore [Mr. STENNIS].

MESSAGES FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that pursuant to the provisions of section 3 of Public Law 94-304, as amended by section 1 of Public Law 99-7, the Speaker appoints as members of the Commission on Security and Cooperation in Europe the following members on the part of the House: Mr. HOYER, chairman, Mr. FASCELL, Mr. MARKEY, Mr. RICHARDSON, Mr. RITTER, Mr. KEMP, Mr. PORTER, and Mr. SMITH of New Jersey.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-445. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the buildings and structures functions at Naval Support Activity, New Orleans, Louisiana, to performance by contract; to the Committee on Armed Services.

EC-446. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Korea for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-447. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, purusant to law, the annual report on transactions under the North Atlantic Treaty Organization Mutual Support Act for fiscal year 1986 and projections on transactions for fiscal year 1987; to the Committee on Armed Services.

EC-448. A communication from the Secretary of Energy, transmitting, purusant to law, the annual report on all compensatory royalty agreements for oil and gas entered into during the previous fiscal year that involve unleased government lands; to the Committee on Energy and Natural Resources.

EC-449. A communication from the Chairman of the United States International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 1988; to the Committee on Finance.

EC-450. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-451. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to Committee on Governmental Affairs.

EC-452. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1987; to Committee on Governmental Affairs.

EC-453. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on the implementation of the Federal Equal Opportunity Recruitment Program for fiscal year 1986; to the Committee on Governmental Affairs.

EC-454. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-455. A communication from the controller of the Washington Gas Light Co., transmitting, pursuant to law, a certified copy of the balance sheet of the company as of December 31, 1986; to the Committee on Governmental Affairs.

EC-456. A communication from the comptroller of the American Council of Learned Societies, transmitting, pursuant to law, the audited financial statement of the council for fiscal year 1986; to the Committee on the Judiciary.

EC-457. A communication from the Deputy Assistant Secretary of the Air Force (Supply and Maintenance), transmitting, pursuant to law, a report on the conversion of the base supply function at the U.S. Air Force Academy, CO, to performance by contract; to the Committee on Armed Services.

EC-458. A communication from the Assistant Secretary of Defense (Acquisition and Logistics), transmitting, pursuant to law, a report on the performance of Department of Defense commercial activities for fiscal year 1986; to the Committee on Armed Services.

EC-459. A communication from the chairman of the Marine Mammal Commission, transmitting, pursuant to law, the 14th annual report of the commission covering calendar year 1986; to the Committee on Commerce, Science, and Transportation.

EC-460. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Performance Profiles of Major Energy Producers, 1985"; to the Committee on Energy and Natural Resources.

EC-461. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1988 and 1989, and for other purposes; to the Committee on Environment and Public Works.

EC-462. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-463. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-464. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-465. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-279 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-466. A communication from the chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-467. A communication from the Postmaster General, transmitting, pursuant to law, the annual report of the Postmaster General for fiscal year 1986; to the Committee on Governmental Affairs.

EC-468. A communication from the Chairman of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the annual report of the Commission for calendar year 1986; to the Committee on Governmental Affairs.

EC-469. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-470. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-471. A communication from the Assistant Secretary of Health and Human Services (Management and Budget), transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-472. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report on the review of the accounting systems in use during fiscal year 1986; to the Committee on Governmental Affairs.

EC-473. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1986; to the Committee on Governmental Affairs.

EC-474. A communication from the Administrator of General Services, transmitting, pursuant to law, a report entitled "Donation of Federal Surplus Personal Property, Fiscal Year 1986"; to the Committee on Governmental Affairs.

EC-475. A communication from the Administrator of General Services, transmitting, pursuant to law, a report on the cost of operating privately owned vehicles to Government employees while engaged on official business; to the Committee on Governmental Affairs.

EC-476. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Bi-Annual Audits of the Advisory Neighborhood Commissions for the period October 1, 1983 through September 30, 1985"; to the Committee on Governmental Affairs.

EC-477. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-478. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a proposed new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-479. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on waivers of certain grounds of admissibility for certain aliens under section 207(c)(3) of the Immigration and Naturalization Act; to the Committee on the Judiciary.

EC-480. A communication from the Chairman of the Copyright Royalty Tribunal, transmitting, pursuant to law, the annual report of the Tribunal for fiscal year 1985; to the Committee on the Judiciary.

EC-481. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to terminate the State Justice Institute; to the Committee on the Judiciary.

EC-482. A communication from the Executive Secretary of the National Security Council, transmitting, pursuant to law, the annual report of the Council under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-483. A communication from the Secretary of Edcuation, transmitting a draft of proposed legislation to improve the quality of teaching in American schools and enhance the competence of American students and thereby strengthen the economic competitiveness of the United States, and for other purposes; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 523. A bill to amend title 39, United States Code, to extend to certain officers and employees of the Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded to Federal employees under title 5, United States Code; to the Committee on Govermental Affairs.

By Mr. HEINZ (for himself and Mr. Rockefeller):

S. 524. A bill to provide financing for adjustment to international competition, to provide additional weeks of unemployment compensation for individuals participating in a job training program for dislocated workers; and to strengthen the job training program for dislocated workers under title III of the Job Training Partnership Act; to the Committee on Finance.

By Mr. McCONNELL:

S. 525. A bill to amend the Food Security Act of 1985 to streamline the procedure for use of conservation plans to comply with the prohibition on production on highly erodible lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DeCONCINI (for himself and Mr. McCain):

S. 526. A bill to designate the Salt-Gila aqueduct of the central Arizona project as the "Fannin-McFarland Aqueduct"; to the Committee on Energy and Natural Resources.

S. 527. A bill to designate the Tuscon aqueduct, phase A, of the central Arizona project as the "Stewart Udall-Barry Goldwater Aqueduct"; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself and Mr. DeConcini):

S. 528. A bill to designate the Granite Reef Aqueduct of the central Arizona project as the "Hayden-Rhodes Aqueduct"; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. Roth, Mr. Rockefeller, Mr. Heinz, Mr. Lautenberg, Mr. Pressler, Mr. Bentsen, Mr. Danforth, Mr. Moynihan, Mr. Bradley, and Mr. Baucus):

S. 529. A bill to amend the Trade Expansion Act of 1962 to improve the President's ability to prevent importations that impair national security; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. Matsunaga, Mr. Wallop, Mr. Boren, Mr. Danforth, Mr. Pryor, and Mr. Durenberger):

S. 530. A bill to delay for 1 year the changes made by the Tax Reform Act of 1986 in the taxable years of certain entities, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. Cranston, Mr. Garn, Mr. D'Amato, Mr. Riegle, Mr. Sarbanes, Mr. Heinz, Mr. Dixon, and Mr. Sasser):

S. 531. A bill to repeal the sunset provisions in FHA and related laws; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SASSER:

S. 532. A bill for the relief of Joseph Keusch; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. Murkowski, Mr. Hecht, Mr. Cranston, and Mr. Pressler):

S. 533. A bill to establish the Veterans' Administration as an executive department; to the Committee on Governmental Affairs.

By Mr. Chafee (for himself, Mr. Stafford, Mr. Baucus, and Mr. Pell):

S. 534. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the measures available to reduce the adverse effect discarding or dumping of plastic on land and in the waters have on the environment, including the effects on fish and wildlife; to make recommendations for eliminating or lessening such adverse effects; and to require the Administrator of the Environmental Protection Agency to control the pollution of the environment caused by the discarding of plastics on the land and in water; to the Committee on Environment and Public Works.

By Mr. Chafee (for himself, Mr. Stafford, Mr. Baucus, and Mr. Pell):

S. 535. A bill to implement the provisions of Annex to the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978; to the Committee on Environment and Public Works.

By Mr. NICKLES:

S. 536. A bill to eliminate artificial distortions and enhance competition in the natural gas marketplace; to the Committee on Energy and Natural Resources.

By Mr. ARMSTRONG (for himself, Mr. Dole, Mr. Humphrey, and Mr. Gramm):

S. 537. A bill to amend the United States Housing Act of 1937 to encourage resident management of public housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ZORINSKY (for himself and Mr. Exon):

S.J. Res. 51. Joint resolution to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. QUAYLE (for himself, Mr. KASTEN, Mr. MCCAIN, Mr. DURENBERGER, Mr. DANFORTH, Mr. LUGAR, Mr. SYMMS, Mr. NICKLES, Mr. DOMENICI, Mr. ROTH, Mr. HUMPHREY, Mr. BOSCHWITZ, and Mr. WARNER):

S. Res. 104. Resolution calling on the Internal Revenue Service to revise Form W-4; to the Committee on Finance.

By Mr. CRANSTON:

S. Con. Res. 17. Concurrent resolution regarding the promotion of democracy and security in the Republic of Korea, and for purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS:

S. 523. A bill to amend title 39, United States Code, to extend to certain officers and employees of the Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded to Federal employees under title 5, United States Code; to the Committee on Governmental Affairs.

RIGHT TO APPEAL CERTAIN ADVERSE PERSONNEL ACTIONS BY CERTAIN POSTAL SERVICE EMPLOYEES

Mr. HELMS. Mr. President, prior to the Postal Reorganization Act of 1971, non-bargaining-unit employees had the option of appealing an adverse personnel action to the U.S. Civil Service Commission. Since the creation in 1971 of the U.S. Postal Service as an independent establishment of the executive branch, only postal employees who are veterans, called preference eligibles, or who are covered by collective bargaining agreements providing for binding arbitration, may appeal adverse personnel actions to an outside entity; that entity is the Merit Systems Protection Board [MSPB]. This is the same appeal right available to veterans employed by other executive branch entities.

Other Postal Service employees—supervisors, Postmasters, Postal Inspectors, and clerical personnel—can appeal adverse personnel actions only through an internal appeals system. If one of these employees disagrees with the final decision of the Assistant Postmaster General for Employee and Labor Relations, the employee's only recourse is to sue in Federal court. Veterans and union members, as I previously mentioned, may appeal the final Postal Service decision to the Merit Systems Protection Board for an additional review outside the Postal Service system.

Mr. President, last Congress my distinguished colleagues on the Governmental Affairs Committee determined that the current internal disciplinary process employed by the Postal Service gives the appearance of unfairness and should be modified. The National League of Postmasters called this lack of outside review a lack of basic due process rights regarded as essential in the American legal system. My good friend and distinguished colleague from Alabama, Senator HEFLIN, introduced a bill last Congress—S. 2134—to expand MSPB appeal rights, he explained that in his judgment, "it is inherently unfair for an employee to defend against a serious disciplinary action through a strictly internal review process."

Although the bill introduced last Congress would have extended the right to appeal to the MSPB, it would have extended the right only to Postmasters and other managerial personnel—not to Postal Inspectors and clerical employees.

Perplexed by this omission, I tried to find the rationale behind it. Ultimately, I discovered that there was no good reason to exclude Postal Inspectors and clerical employees from coverage under the bill. That's why I offered an amendment to the bill last year.

Unfortunately, after my amendment was agreed to by the bill's sponsors in both the Senate and the House, the bill was blocked in the closing hours of the session. Otherwise, all Postmasters and other Postal Service employees would currently be enjoying the right to appeal adverse personnel actions to the Merit Systems Protection Board.

Rather than rely on amending the bill again this year, I decided simply to take the bill as reported last year by the Subcommittee on Civil Service, Post Office and General Services, incorporate my amendment, and reintroduce it, which I do today.

Like the bill reported last Congress by the Subcommittee on Civil Service, Post Office, and General Services, the bill I introduce today has two parts. The second part provides that the Office of Personnel Management may, at the request of the U.S. Postal Service, appeal an MSPB decision to the U.S. Court of Appeals if either OPM or the Postal Service determines that: First, the Board erred in interpreting a civil service or Postal Service law, rule, or regulation affecting personnel management; and second, the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. This will make the Postal Service procedures consistent with the procedures followed by other Federal agencies.

Mr. President, so that all employees of the Postal Service may soon enjoy the right to appeal adverse personnel action to the Merit Systems Protection Board, I urge expeditious consideration and passage of this bill.

By Mr. McCONNELL:

S. 525. A bill to amend the Food Security Act of 1985 to streamline the procedure for use of conservation plans to comply with the prohibition on production on highly erodible lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SODBUSTER CLARIFICATION ACT

Mr. McCONNELL. Mr. President, in order to meet an urgent need among small family farmers in Kentucky and other States, I rise today to introduce the Sodbuster Clarification Act of 1987. This legislation is indeed but a clarification of the conservation title of the 1985 farm bill and will spare many small family farmers from facing a maze of bureaucratic redtape just to plant a crop in 1987.

Title 12 of the Food Security Act of 1985 mandated that farmers, as a condition for price support eligibility for program crops, must execute a farm conservation plan for their farm by 1990. Furthermore, any farmer who is bringing farmland into production for the first time since 1981, must complete his farm conservation plan prior to planting a crop in 1987 in order to receive price support for the 1987 crop year. I might remind my colleagues that the conservation title was virtually the only part of the farm bill which enjoyed anything like unanimous approval and I have no intention of dismantling this historic legislation.

However, many small family farmers, including thousands in my State, may be forced to submit themselves to an unreasonable bureaucratic burden to maintain their price support eligibility on the 1987 tobacco crop unless the farm bill's conservation title is clarified. Unless changed, tobacco growers will be forced to furnish documentation as to planted acreage of tobacco since 1981 before a farm conservation plan can be completed. This in and of itself causes an awesome administrative task for ASCS—not to mention the aggravation to the farmer—upon which I will expand later. But it may be impossible for the Soil Conservation Service to write farm plans for small tobacco farms before the tobacco is planted later on this year. The law states that a farm plan must be in place before new acreage is plowed in 1987.

The particular problem facing small tobacco growers, and I speak of planted acreages often less than 1 acre, is that cultural practices for burley tobacco are not compatible with practices used by corn growers who plant hundreds of acres in one field. It is not uncommon for a tobacco farmer to plow a small section of a field in permanent grass to plant his tobacco crop, and occasionally, this land may not have been cultivated since 1981. This incompatibility of cultural practices has skewed the Soil Conservation Service's ability to administer this provision. By law, SCS must write a farm plan for a farm in this category before his 1987 tobacco crop is planted or the farm is ineligible for price support on program crops.

In a county like Shelby County, KY, with 2,500 to 3,000 farms growing tobacco, I think my colleagues can begin to see why SCS probably cannot complete its mandate in a timely fashion and why farmers are becoming very uneasy. As a member of the Senate Agriculture Committee during deliberations on the conservation provisions of the farm bill, I can say it was clearly never our intention to make administrative management of the sodbuster provision so rigid that it created an unfair burden for farmers. In my view, this provision creates a potential nightmare for many Kentucky tobacco growers.

My legislation would clarify and simplify the process for establishing a farm conservation plan. The bill would give SCS authority to allow a producer certification, with the approval of an SCS representative and the chairman of the local soil and water conservation district, to suffice as a farm plan under the act.

For example, a farmer who will plow new ground for the 1987 crop year only could certify as to his intent, including his planting plans for 1988 and beyond. If SCS determines the farmer's intended efforts meet the conservation needs for that farm, then his certification will constitute his farm conservation plan. No further follow-up or expenditure of taxpayer money would be required. Should the SCS for some reason question the certification, my legislation in no way precludes SCS from making an onsight evaluation of the conservation needs of the farmer. The Soil Conservation Service would then be freed to carry out its congressionally mandated objective of treating much larger acreages of highly erodible cropland.

In addition, I think it should be clear that ASCS must be a little more concerned about the implications of its own administrative decisions on the sodbuster provision. I have been made aware of a perfect example of the kind of administrative interpretation which makes USDA look inept and forces farmers to furnish historical data for small acreages of corn planted years ago.

ASCS is currently requiring all farmers, regardless of the acreage of corn planted in the last 6 years, to document plantings. What makes this requirement so onerous is that many farmers plant small acreages for their own use and do not report their planted acreage. These producers had no intention of applying for farm program benefits—indeed, we should be grateful to them for playing a small role in reducing the costs of Federal farm spending. But for sodbuster purposes, ASCS is requiring these farmers to completely reconstruct their history of planted acreage—no matter the size of the acreage—before they will be eligible to receive price support on tobacco.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. McCONNELL. Mr. President, I ask unanimous consent to speak for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, there are counties in Illinois, where farmers will plant more corn than all of the tobacco farmers in Kentucky combined. This is further evidence that the sodbuster provisions—when strictly interpreted—present an unfair bureaucratic burden on small farmers. I might remind my colleagues that report language of the farm bill specifically states that "It is not the intent of the conferees to cause undue hardship on producers to comply with these provisions." I submit, Mr. President, that forcing farmers to spend 2 hours in the ASCS Office to report a total of 20 acres of corn over 6 years is an undue hardship.

Enactment of this legislation will mean my small farmers would be free to plant their 1987 crop without fear of losing price support because of the Government's inability to timely complete its work. I see no reason why this legislation should be controversial and it would be my hope that it can be considered by the Agriculture Committee and the full Senate as soon as possible. Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sodbuster Clarification Act of 1987".

SEC. 2. CONSERVATION PLAN EXEMPTION TO HIGHLY ERODIBLE LAND USE PROHIBITION.

Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(1) by inserting "conservation plan" the following: "that documents the decisions of the person with respect to land use, tillage, and conservation treatment measures and that is"; and

(2) by adding at the end thereof the following new sentence: "In carrying out this subsection, the Secretary, Soil Conservation Service, and local soil conservation districts shall minimize the quantity of documentation a person must submit to obtain an exemption under this paragraph.".

By Mr. DECONCINI (for himself and Mr. McCAIN):

S. 526. A bill to designate the Salt-Gila Aqueduct of the Central Arizona Project as the "Fannin-McFarland Aqueduct"; to the Committee on Energy and Natural Resources.

S. 527. A bill to designate the Tucson Aqueduct, Phase A, of the Central Arizona Project as the "Stewart Udall-Barry Goldwater Aqueduct"; to the Committee on Energy and Natural Resources.

DESIGNATION OF CERTAIN SEGMENTS OF THE CENTRAL ARIZONA PROJECT

Mr. DECONCINI. Mr. President, I am introducing legislation today to redesignate two segments of the Central Arizona Project aqueduct system for former Senators Paul Fannin and Ernest McFarland, and former Interior Secretary Stewart Udall and Senator Barry Goldwater. Under the legislation I am proposing, the Salt-Gila Aqueduct will be renamed the Fannin-McFarland Aqueduct and the Tucson Aqueduct, Phase A, will be renamed the Stewart Udall-Barry Goldwater Aqueduct.

For my colleagues in the Chamber who are not familiar with the Central Arizona Project, I would like to take a few minutes to explain the purposes of the project and its importance. The Central Arizona Project was authorized by the Congress in 1968. Its purpose was to bring Arizona's allocation of Colorado River water to the rural and metropolitan communities of central and southern Arizona. Arizona's water supply in this desert region of the Southwest is almost exclusively supported by ground water. As a result of continuing growth, serious problems of ground water overdraft have been nearing critical stages in some areas. We have been the forerunner among States in water conservation but our efforts are simply not enough. The CAP will enable Arizona to put its allotment of Colorado River water to beneficial long-term use. The CAP is the most important Federal project in Arizona. It is indeed our "lifeblood."

Getting the Central Arizona Project authorized and getting it sufficiently funded throughout these lean budget years has been no easy feat. Many prominent individuals in Arizona and at the national level have contributed generously over the years to the CAP. Men like Paul Fannin, Ernest McFarland, Stewart Udall, and Barry Goldwater had the wisdom and foresight to support this work for the success of the CAP when many referred to it as a "Mad Man's Dream." At the very least, the long and arduous efforts of these four national leaders from Arizona should be honored though the naming of portions of this project for their steadfast contributions. Now is an appropriate time for such actions. Today, the CAP is 49 percent complete and water is flowing through the massive aqueduct and canal system to communities in the Phoenix area and central Arizona. My distinguished friend and colleague, Mr. McCAIN, is introducing legislation today, S. 528, to commemorate the contributions of Carl Hayden, the "father" of the CAP, and former House minority leader, JOHN J. RHODES.

Barry Goldwater has been an ardent supporter of the CAP since 1948 when he was a member of the Arizona Interstate Stream Commission. As a member of this commission he warned the Governor of Arizona and the Congress of the serious economic consequences that would face Arizona without the CAP. In 1952, he was elected to the Senate and continued his struggle to win congressional approval of the CAP. After the CAP's authorization in 1968, Arizonans could rest assured of its continued progress as long as Barry Goldwater sat in the Senate. Barry Goldwater has since retired from the Senate knowing that the dream he has shared with millions of Arizonans is nearly complete.

Stewart Udall shares that dream as well and has played a vital role in its implementation. Stewart Udall's family has been a pioneer of modern irrigation in the Southwest for more than a century and Stewart has kept that tradition alive. As a Member of the House of Representatives, Stewart Udall was a strong supporter of CAP legislation. As Interior Secretary he continued to support the CAP and advised Arizona legislators and Congress on matters pertaining to the CAP. As Interior Secretary he was known for his fairness in considering the interests of all affected parties: agriculture, environmental groups, and the Navajo Indians. His advice and support guided this legislature's decision to approve the CAP.

As Governor of Arizona, Paul Fannin supervised State water agencies in their relations to the CAP and advised them in decisions that shaped Arizona water policy. He called for an information and education campaign on the CAP to help Arizonans realize the great importance of the project to Arizona's future. After being elected to the U.S. Senate he cosponsored and actively pressed for passage of the legislation that finally authorized the CAP after over half a century of diligent efforts by Western lawmakers.

Ernest McFarland, former Governor of Arizona and U.S. Senator from Arizona, supported the CAP as a Senator by sponsoring the first bill calling for its authorization in 1947 and continued his struggle as Governor of Arizona. He was known as the "chief strategist" for CAP legislation while he served on various Senate committees. Ernest McFarland attended the groundbreaking ceremonies for the CAP in 1973 satisfied that his efforts and those of his colleges had been successful in making the CAP a reality for Arizona.

It is only appropriate that we in Arizona attempt to honor these men for their great contributions to Arizona and the CAP.

Mr. President, I ask unanimous consent that the text of the bills be printed at this point in the RECORD, and I urge my colleagues on the Senate Energy and Natural Resource Committee to take timely action on this legislation.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) The Salt-Gila aqueduct of the Central Arizona project, constructed, operated, and maintained under section 301(a)(7) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(7)), hereafter shall be known and designated as the "Fannin-McFarland Aqueduct".

(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in subsection (a) hereby is deemed to be a reference to the "Fannin-McFarland Aqueduct".

S. 527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) The Tucson Aqueduct, Phase A, of the Central Arizona project, constructed, operated, and maintained under section 301(a)(6) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(6)), hereafter shall be known and designated as the "Stewart Udall-Barry Goldwater Aqueduct".

(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in subsection (a) hereby is deemed to be a reference to the "Stewart Udall-Barry Goldwater Aqueduct".

By Mr. McCAIN (for himself and Mr. DECONCINI):

S. 528. A bill to designate the Granite Reef Aqueduct of the Central Arizona project as the "Hayden-Rhodes Aqueduct"; to the Committee on Energy and Natural Resources.

DESIGNATION OF "HAYDEN-RHODES AQUEDUCT"

Mr. McCAIN. Mr. President, I am pleased to join with my distinguished colleague from Arizona, Mr. DECONCINI, in sponsoring three bills which will rename the Central Arizona project aqueduct after six dedicated and committed Arizonans.

Mr. President, on November 15, 1985, the first major portion of the central Arizona project, the Granite Reef Aqueduct was completed. On that day, Arizona history was written. Colorado River water began flowing into the Phoenix metropolitan area. The occasion was marked by celebrations of this long-awaited triumph over time and nature as well as many engineering, funding, and political obstacles. That date marked the culmination of the tireless efforts of an untold many; however, the names of Carl Hayden and John Rhodes, whose public service careers spanned over 70 years, are among those names that we must honor for their individual efforts to see this dream become a reality.

Carl Hayden and John Rhodes were truly dedicated to seeing the CAP deliver water not only to the Phoenix area, but ultimately to Tucson. Senator Hayden, as the long-time chairman of the Senate Appropriations Committee, was in the unique position to transform the concept of delivering Colorado River water to central and southern Arizona into a reality. His efforts culminated in September 1968 when legislation was signed into law authorizing the central Arizona project.

Senator Hayden's work in the Senate was matched by John Rhodes' contributions in the House of Representatives. During his 30 years in the service of the people of Arizona, John Rhodes displayed the leadership and the statesmanship necessary to forge the alliance that would ensure funding for the central Arizona project.

Arizona owes a tremendous debt of gratitude to Carl Hayden and John Rhodes. Designating the Granite Reef portion of the central Arizona project as the Hayden-Rhodes Aqueduct is only a small token of the appreciation that all Arizonans feel toward these two great Americans. It is only appropriate that the aqueduct which carries the waters of the Colorado River to the district that these men once represented be named in their honor.

Mr. President, I urge my colleagues' support for this legislation as well as for the two measures introduced by Mr. DECONCINI to honor Senator Fannin, Senator McFarland, Senator Goldwater and former Secretary of the Interior Stewart Udall, four other Arizonans who equally merit this honor and distinction.

By Mr. HEINZ (for himself, Mr. MATSUNAGA, Mr. WALLOP, Mr. BOREN, Mr. DANFORTH, Mr. PRYOR, and Mr. DURENBERGER):

S. 530. A bill to delay for 1 year the changes made by the Tax Reform Act of 1986 in the taxable years of certain entities, and for other purposes; to the Committee on Finance.

ONE-YEAR DELAY IN CERTAIN TAX CHANGES

● Mr. HEINZ. Mr. President, the legislation that I am introducing today changes the Tax Reform Act in two ways. It postpones for 1 year the effective date of a provision requiring partnerships, S corporations, personal service corporations and trusts to adopt calendar year-end reporting for Federal income tax purposes. It also shortens from 4 to 3 years the period in which most taxpayers can spread taxes owed as a result of this change. I appreciate the interest and support of my fellow cosponsors, my distinguished Finance Committee colleagues Senators MATSUNAGA, WALLOP, BOREN, DANFORTH, PRYOR, and DURENBERGER.

We are introducing this legislation because the new tax reform provision will impose an extreme hardship on many CPA's and accountants.

The beginning of the year through April 15 is known as the tax season. Most accountants are working 7-day weeks. The provision asks them to bunch required information reporting early in the calendar year during the tax season. Every CPA and accountant I've met has said there is no way they can perform these added duties during the tax season.

It's likely that to comply with these new rules, they and their clients will have to file extensions. That means increased interest, tax compliance costs, and frustration for individual taxpayers, plus the threat of potential penalties and higher professional costs in obtaining assistance during what will be an incredibly difficult time of the year.

The compression of all of these returns being filed in the various Internal Revenue Regional Service centers could bring back a recurrence of the processing nightmare 2 years ago in IRS service centers across the Nation. We don't want a repeat of what happened during 1985. Many can recall very vividly, that many tax returns were disposed of or incorrectly processed because the Philadelphia personnel did not have sufficient time to process the paper work in the first 3½ months of the year. We may find that the revenue raised by this provision is not worth the trouble and expense of correcting the administrative problems it creates, let alone the loss of taxpayer confidence in our self-assessment system of taxation. I am not predicting a repeat of the 1985 problems, but I believe we should carefully study the impact of this provision before lumping a great deal of work into a very brief period for the IRS.

Those affected by this provision will be required to close their books twice and file two sets of Federal and State tax returns for each of the two periods ending in calendar year 1987. Many of those affected are small businesses in this country which are organized as partnerships, S corporations, or personal service corporations. We should carefully weigh the impact of this burden on them.

In addition to the increased tax compliance efforts and costs, the provision is disruptive to business and the economy in other ways. There are important business considerations involved in selecting a fiscal year, rather than a calendar year. Most entities select a fiscal year ending date which coincides with the slow time in their business, to allow personnel to work on closing the books and to facilitate taking inventories. For instance, a ski resort would prefer to close its books after the end of the season, an automobile dealership might want a year which coincides with the model year, and a farmer might want to close the books just prior to a year's planting after receiving all revenue and paying all expenses of the prior year. The calendar yearend requirement means businesses must close the books and take inventory on December 31, regardless of where in the business cycle that date may fall. Contracts, compensation arrangements, retirement and employee benefit plans which are now on a fiscal year will have to be renegotiated and amended.

Because most businesses will want to conform their financial reporting period to their tax accounting period, this provision requires even more work and has even broader implications than compliance with the tax law, since financial reporting will also be adjusted. Owners will have difficulty comparing the results of operations as the length of the accounting periods and the months included will be different. CPA services will be more difficult and costly for businesses and individuals to obtain, as CPA's strive to serve the accounting, auditing, and yearend tax planning needs of their clients within a brief period at the end of the calendar year.

Many more small businesses have elected to be taxed as subchapter S corporations for limited shareholder liability and to avoid double taxation of corporate earnings. In recent years, we have changed the tax laws to make this election more available to small business. The yearend provision automatically would require a corporation which elects subchapter S to have a calendar yearend, and this new restriction may discourage some making the election.

The calendar yearend provision was added in the final stages of the tax bill's development, without any benefit of discussion or committee hearings. I hope that my colleagues' support for this bill will send a strong message of concern and result in the early scheduling of hearings. We must develop a better solution before the end of this year. If that is not possible, then I hope as a last resort that we will postpone the effective date of this potentially troublesome provision for at least a year, both to mitigate as well as to provide more time to study its impact.

Also, under the legislation we are introducing today the provison which now allows many of the affected taxpayers to spread the additional income which will result from this change over 4 years would be reduced to 3 years. Such a 1-year deferral, coupled with a 3-year spread period would not significantly affect the revenue estimates which were apparently an important reason for the change made last year. Above all, we need early hearings on the problems and issues I have discussed to try to identify a long-term solution that will result even with the adoption of our delay legislation.

In conclusion, Mr. President, we must enact a delay early this year to avoid unnecessary changes in yearends and to avoid problems in 1987 estimated tax payments. The calendar yearend provision affects millions of taxpayers, and I urge my colleagues to cosponsor this bill.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 1-YEAR DELAY IN TAXABLE YEAR CHANGES.

(a) PARTNERSHIPS, S CORPORATIONS, AND PERSONAL SERVICE CORPORATIONS.—Paragraph (1) of section 806(e) of the Tax Reform Act of 1986 is amended by striking out "1986" and inserting in lieu thereof "1987".

(b) TRUSTS.—Paragraph (1) of section 1430(c) of the Tax Reform Act of 1986 is amended by striking out "1986" and inserting in lieu thereof "1987".

SEC. 2. 1-YEAR REDUCTION IN ADJUSTMENT PERIOD FOR ACCOUNTING CHANGE.

(a) PARTNERSHIPS, S CORPORATIONS, AND PERSONAL SERVICE CORPORATIONS.—

(1) IN GENERAL.—Paragraph (2)(C) of the Tax Reform Act of 1986 is amended by striking out "first 4 taxable years" and inserting in lieu thereof "first 3 taxable years".

(2) CONFORMING AMENDMENT.—Paragraph (2)(C) of the Tax Reform Act of 1986 is amended by striking out "1986" and inserting in lieu thereof "1987".

(b) TRUSTS.—

(1) IN GENERAL.—Paragraph (2) of section 1403(c) of the Tax Reform Act of 1986 is amended by striking out "4-taxable year period" and inserting in lieu thereof "3-taxable year period".

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 1403(c) of the Tax Reform Act of 1986 is amended by striking out "December 31, 1986" and inserting in lieu thereof "December 31, 1987".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the Tax Reform Act of 1986.●

● Mr. WALLOP. Mr. President, I am pleased to join my colleague from Pennsylvania [Mr. HEINZ] in sponsoring this bill which would postpone for 1 year the yearend requirement of the Tax Reform Act of 1986. The Tax Reform Act of 1986 was a major rewrite of a Tax Code that has been in place for many, many years. Indeed, it took a bill that was 925 pages long to revise the 1954 Tax Code. Certainly a bill of such magnitude will not be without its errors or its oversights. The yearend requirement is such an oversight. And those that stand to lose the most from this oversight are small businesses, the ones least equipped to deal with this accounting change. My State of Wyoming has been built on the small business, Mr. President, and I am hearing from them now that something must be done to alleviate their burdens in complying with this new rule.

What are the burdens in complying with this requirement? First, it will make it difficult, if not impossible, for returns to be completed by the original due date which will necessitate costly and inconvenient extensions of time to file returns. Second, all affected taxpayers would be required to incur the costs of closing their books two times and filing two sets of tax returns for each of the two periods ending in calendar year 1987. Third, it will be disruptive and counterproductive to the economy. The requirement fails to recognize that there are many legitimate business reasons to select a fiscal year rather than a calendar year. The list goes on.

The yearend requirement is one of the accounting changes put in the tax bill to raise revenue in order to meet the goal of revenue neutrality. But it is a one-time revenue raiser only. Is it worth imposing this hardship on taxpayers and return preparers, and the IRS for that matter, for revenue that will cease to exist? I think not. Frankly, I question whether the bill we are introducing today goes far enough. Grandfathering fiscal year partnerships, S corporations, and personal service corporations may well be the best solution.

But because of the deficit problem, for now, this is a reasonable compromise. Postponing the requirements for 1 year will result in a negligible revenue impact, and it will give us the opportunity to fully examine the ramifications of this change. I hope the Members of this body will join Senator Heinz and me in supporting this legislation so that we have a chance to determine if the yearend requirement really is necessary, and if it is, come up with an equitable and workable solution to assist taxpayers in complying with the requirement.●

By Mr. DODD (for himself, Mr. Cranston, Mr. Garn, Mr. D'Amato, Mr. Riegle, Mr Sarbanes, Mr. Heinz, Mr. Dixon, and Mr. Sasser):

S. 531. A bill to repeal the sunset provisions in FHA and related laws; to the Committee on Banking, Housing, and Urban Affairs.

REPEAL OF SUNSETS IN FHA PROGRAMS

● Mr. DODD. Mr. President, today I am introducing legislation which would make permanent the insuring authority of the Federal Housing Administration.

The Federal Housing Administration [FHA] was created in 1934 to insure mortgages for low- and moderate-income Americans who might not otherwise qualify for mortgages in the conventional mortgage market. One of the most successful partnerships ever created between the public and private sectors, the FHA is not only an emblem of our Nation's commitment to the American dream of home ownership, but is the bedrock of our Nation's housing finance system.

Since its inception 53 years ago, the FHA has helped over 15 million Americans fulfill their dream of home ownership and has helped raise the Nation's home ownership rate from about 40 percent in the 1930's to more than 63 percent today.

Yet, in spite of its immense success and despite its zero cost to the American taxpayer, the present administration has made it clear over the years that its goal is to eliminate or severely curtail the FHA insurance programs. The administration believes that the FHA's insurance functions should be shifted in large measure to the private sector.

It was nearly 2 years ago that President Reagan tentatively approved selling the FHA to private industry and authorized a study of such a proposal. Last week, the HUD FHA task force released the study and recommended, somewhat surprisingly, against selling the FHA. That was good news. The administration realized at long last that there is not a willing buyer or an attractive sales price for the FHA. The administration realized at long past that no private mortgage insurers can or want to usurp the FHA's true role—that the FHA has a singular and irrefutable function in an evolving mortgage and housing market.

Now it is time for those of us in Congress to spread the good news and make permanent the insuring authority of the Federal Housing Authority. That is the intent of my legislation.

While administration threats to privatize the FHA have undoubtedly destabilized the mortgage and housing markets and threatened the plans of thousands of low- and middle-income Americans, we in Congress have exacerbated the situation by continuing to haggle over our periodic function to renew the FHA's insuring authority and set a credit cap. In fiscal 1986 alone, FHA insuring authority lapsed six times; six times threatening to derail the plans of thousands and thousands of American homeowners. And each time, as Congress extended the authority by degrees, it was not the role or effectiveness of the FHA that was at issue. Rather, it was that players on all sides of every housing issue used the FHA extension issue as a political football wielded to gain political advantage in the broader context of housing policy. The only losers in this obdurate game have been prospective homebuyers.

By making permanent the insuring authority of the Federal Housing Administration, my legislation will permanently redress the administration's mistaken intention of weakening or eliminating the FHA. It will also clarify the intent of the Congress toward FHA by removing the issue of FHA insuring authority from the political arena altogether and at long last remove the distortive role that such discussion has played in establishing—or not establishing—sound housing policies. Most importantly, by making permanent the insuring authority of the FHA, we return to prospective homebuyers their right to do business with the FHA honestly and reliably.

I urge my colleagues to support this critical legislation.

Mr. President, I ask unanimous consent that the full text of this legislation appear in the Record at the close of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF SUNSETS OF FHA PROGRAMS.

(a) Repeals.—Each of the following provisions of law is repealed:

(1) Section 217 of the National Housing Act.

(2) The fifth sentence of section 221(f) of the National Housing Act.

(3) Section 244(d) and the last sentence of section 244(h) of the National Housing Act.

(4) The last sentence of section 245(a) of the National Housing Act.

(5) The second sentence of section 809(f) of the National Housing Act.

(6) The second sentence of section 810(k) of the National Housing Act.

(7) The second sentence of section 1002(a) of the National Housing Act.

(8) The second sentence of section 1101(a) of the National Housing Act.

(9) Section 312(h) of the Housing Act of 1964.

(10) Section 515(b)(4) and section 523(f) of the Housing Act of 1949.

(11) Section 1319 of the National Flood Insurance Act of 1968.

(b) Amendments.—

(1) The first sentence of section 2(a) of the National Housing Act is amended by striking out "and not later than September 30, 1987".

(2) Section 1336(a) of the National Flood Insurance Act of 1968 is amended by striking out "during the period ending September 30, 1987,".●

● Mr. D'AMATO. Mr. President, I rise today to join with my distinguished colleague from Connecticut, Senator Dodd, introducing legislation that would make permanent the insuring authority of the Federal Housing Administration [FHA] of the U.S. Department of Housing and Urban Development.

This bill would allow the FHA to continue, without interruption, its operating authority for numerous mortgage insurance programs. Last year the FHA insuring authority was allowed to expire a shocking six times. FHA shut down its operation a total of 51 days. This caused confusion and frustration among many prospective homebuyers. Under the legislation being introduced today, this will never happen again.

Congress established the Federal Housing Administration in 1934 in the wake of the Great Depression. The private mortgage insurance market had ceased to exist. Substandard housing was commonplace. Only 40 percent of Americans were homeowners. Essentially, the Nation's housing financing system was in disarray.

During its illustrious 53-year history, FHA has assisted more than 15 million American families realize the dream of homeownership. Prior to FHA, this dream was restricted to a minority of wealthy individuals due to the stiff mortgage terms required. Under FHA, many low-, moderate-, and middle-income families have become homeowners. FHA insures low-downpayment mortgages with interest rates and terms that are more attractive than those available in the conventional mortgage market. Today, approximately two-thirds of our Nation's households own their home. In addition, millions of renters have benefited from decent and affordable housing.

Besides single-family and multifamily housing programs, FHA administers insurance programs for disaster victims, rural home purchases, housing rehabilitation, hospital construction, cooperative housing development, and inner-city high-risk areas. Many individuals benefit from the FHA programs. FHA is one of the most successful partnerships ever created between the public and private sectors.

Mr. President, I trust that my colleagues will join us and support this very important piece of legislation that will allow us to preserve our Nation's housing financing structure.●

By Mr. THURMOND (for himself, Mr. MURKOWSKI, Mr. PRESSLER, Mr. CRANSTON, and Mr. HECHT):

S. 533. A bill to establish the Veterans' Administration as an executive department; to the Committee on Governmental Affairs.

ESTABLISHMENT OF THE VETERANS' ADMINISTRATION AS AN EXECUTIVE DEPARTMENT

Mr. THURMOND. Mr. President, I rise to introduce legislation which would upgrade the Veterans' Administration to a Cabinet-level department and would provide for a Secretary of Veterans' Affairs within the President's Cabinet. I am pleased that the distinguished ranking member of the Veterans' Affairs Committee, Senator FRANK MURKOWSKI, has endorsed this legislation and is the first original cosponsor. Senator MURKOWSKI has historically provided strong support for this legislation. With his commitment to veterans issues and his outstanding leadership in this area, I am hopeful of expedient Senate passage of this important bill. No Member of the Senate has worked more diligently in behalf of our veterans than Senator MURKOWSKI.

In recognition of the contributions to freedom and liberty made by servicemen and women, our Government has placed a high priority on the welfare of its veterans. It is the highest obligation of citizenship to defend the Nation in time of need, and this obligation creates an equal responsibility on the part of our Nation to care for the men and women who have worn the uniform. It is most appropriate that the principal Federal agency charged with providing benefits and services to veterans, and their dependents and survivors, have Cabinet-level status. The honor and respect due our veterans requires no less.

Mr. President, many factors warrant upgrading the Veterans' Administration to a Cabinet-level department and establishing the position of Secretary of Veterans' Affairs within the President's Cabinet. Significantly, the unique nature of veterans benefits must be taken into account and distinguished from the many social programs provided to others. Veterans benefits are not handouts; they have been earned through great pain and sacrifice, and oftentimes, by the loss of lives.

In addition, the size and importance of the Veterans' Administration in our system of government justifies establishing the Veterans' Administration as a Cabinet-level department. The Veterans' Administration is the largest independent agency of the Federal Government. Its budget authority of $27.1 billion for fiscal year 1986 ranks among the largest of the Federal departments and agencies. Furthermore, the 222,000 employees of the Veterans' Administration outnumber the employees in any other Federal department or agency except the Department of Defense.

Mr. President, it is important to emphasize that today there are some 28 million veterans, and about 51 million dependents and survivors of veterans in the United States. The programs administered by the Veterans' Administration touch virtually every family in America in some way. The Veterans' Administration operates the largest, centrally managed health care system in the United States. In fiscal year 1986, the Veterans' Administration distributed $14.3 billion in compensation and pension benefits, and approximately $962 million in education, training, and rehabilitation assistance payments.

Moreover, the VA Home Loan Guaranty Program has provided millions of veterans with an opportunity for home ownership. Over 11 million VA guaranteed home loans have been made since institution of the program. The Veterans' Administration also operates 111 national cemeteries. It provided burial assistance to nearly 116,000 deceased veterans' families in fiscal year 1986.

In addition to having the enormous responsibility for administering these diverse programs, the Administrator of Veterans' Affairs must address some unique issues which further emphasize the great importance of his position. Providing effective, innovative readjustment programs for our Vietnam-era veterans most certainly remains a high priority matter. Additionally, we are faced with meeting the demands placed upon our hospital and health care system by the aging veteran population. Today, over 36 percent of U.S. males 65 and over are veterans. This percentage is expected to almost double to approximately 62.5 percent by the year 2000.

Mr. President, in light of the commitment of our Nation to care for our deserving veterans, not to mention the size and importance of the Veterans' Administration in our Government, I believe it is imperative that the Veterans' Administration be a Cabinet-level agency. I have offered legislation to effect this change on several occasions in the past, and I do so again today.

In a time of large budget deficits and great pressures to restrain the growth of Federal spending, it is most important that the Veterans' Administration be involved closely in Government planning at the highest level. The legislation I am introducing today would ensure this involvement, and I urge my Senate colleagues to join Senator MURKOWSKI, the other distinguished cosponsor of this bill, and me in working toward its early enactment.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the independent establishment in the executive branch of the Government known as the Veterans' Administration is hereby redesignated as the Department of Veterans' Affairs and shall be an executive department in the executive branch of the Government.

(b) The positions of the Administrator of Veterans, Affairs and the Deputy Administrator of Veterans' Affairs are hereby redesignated as the Secretary of Veterans' Affairs and the Deputy Secretary of Veterans' Affairs, respectively.

AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 2. (a) Title 38, United States Code, is amended by striking out "Veterans' Administration" and "Administrator" each place the terms appear in such title and inserting in lieu thereof "Department" and "Secretary", respectively.

(b)(1) Section 101 of such title is amended by adding at the end thereof the following:

"(33) The term 'Department' means the Department of Veterans' Affairs.".

(2)(A) Section 201 of such title is amended to read as follows:

"§ 201. Department of Veterans' Affairs an executive department

"The Department of Veterans' Affairs is an executive Department in the executive branch of the Government, especially created for or concerned in the administration of laws relating to the relief and other benefits provided by law for veterans, their dependents, and their beneficiaries.".

(B) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"201. Department of Veterans' Affairs an executive department.".

OTHER AMENDMENTS

SEC. 3. (a) Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of Veterans' Affairs".

(b) Section 101 of title 5, United States Code, is amended by adding at the end thereof the following:

"The Department of Veterans' Affairs.".

(c) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Secretary of Veterans' Affairs.".

(d) Section 5313 of title 5, United States Code, is amended by striking "Administrator of Veterans' Affairs" and inserting in lieu thereof the following:

"Deputy Secretary of Veterans' Affairs.".

(e) Section 5314 of title 5, United States Code, is amended by striking out "Deputy Administrator of Veterans' Affairs.".

(f) Section 5315 of title 5, United States Code, is amended by striking out "Inspector General, Veterans' Administration" and inserting in lieu thereof the following:

"Inspector General, Department of Veterans' Affairs.".

(g) Section 5316 of title 5, United States Code, is amended—

(1) by striking out "Associate Deputy Administrator of Veterans' Affairs" and inserting in lieu thereof "Associate Deputy Secretary of Veterans' Affairs"; and

(2) by striking out "Veterans' Administration" after "Chief Benefits Director,", after "General Counsel of the", and after "Director, National Cemetery System," and inserting in lieu thereof "Department of Veterans' Affairs".

SAVINGS PROVISIONS

SEC. 4. (a) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of Veterans' Affairs, or by a court of competent jurisdiction, in the performance of functions vested in the Administrator, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, benefits, or financial assistance pending before the Veterans' Administration at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked in accordance with law by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) The provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against the Veterans' Administration or by or against any individual in the official capacity of such individual as an officer of the Veterans' Administration, shall abate by reason of the enactment of this Act.

REFERENCE

SEC. 5. Any reference to the Veterans' Administration or to the Administrator of Veterans' Affairs in any law, rule, regulation certificate, directive, instruction, or other official paper in effect after the effective date of this Act shall be deemed to be a reference to the Department of Veterans' Affairs or to the Secretary of Veterans' Affairs, respectively.

EFFECTIVE DATE

SEC. 6. This Act and the amendments made by this Act shall take effect at such time as may be specified by the President by Executive order, but such time may not be later than six months after the date of the enactment of this Act.

Mr. MURKOWSKI. Mr. President, I rise to join with my distinguished colleague from South Carolina, Senator THURMOND, in introducing a bill to elevate the Veterans' Administration to a Cabinet-level executive department.

I would like to recognize the contribution of Senator THURMOND on behalf of our Nation's veterans. Senator THURMOND's involvement with veterans' affairs goes back to the initiation of the Veterans' Committee as a standing committee of the U.S. Senate. His tireless dedication to veterans' issues is well known to all Members of the Senate, and it is a distinct privilege for me to join with Senator THURMOND in the introduction of this very, very important piece of legislation to elevate the Veterans' Administration to Cabinet level.

I would like to point out, in addition to the comments made by my distinguished colleague, that the Veterans' Administration does have an extraordinary responsibility to the 28 million veterans of America and their families as well.

Given this very real and substantial secondary level of beneficiaries, the Veterans' Administration has the potential for affecting the health and well-being of more than 79 million Americans—approximately one-third of the population of the United States.

I think it is fair to say that this is the largest single group not represented by the direct Cabinet-level representation, veterans, their families, all the builders, the financiers, and those involved in health care, because virtually one out of every three Americans is in some way affected by the veterans of our country or the VA Administration's service.

Madam President, the Veterans' Administration is now entering its 57th year of service to the Nation's veterans. Although the Veterans' Administration's high standards of service have not changed, the range of service offered, and the logistics of administering those services have expanded almost exponentially. From its humble beginnings of a few hospitals and nursing homes, to today's network of world-class medical centers and affiliated medical schools, as well as a nationwide system which annually administers billions of dollars of Federal benefits to individuals, the Veterans' Administration plays an important and expanding role in health-care and delivery of benefits throughout this country.

The Veterans' Administration is the largest independent agency in the Federal Government, with a budget in excess of $27 billion and 218,000 full-time employees, making the number of personnel second only to the Department of Defense and the Postal Service.

I might point out, of course, that the Department of Defense is well represented at the Cabinet level.

It is the largest health-care delivery system in the world, with 172 major medical centers, 228 outpatient clinics, and 119 nursing homes. The VA's insurance program is the largest in the United States, and beneficiary payments for VA compensation, pension and benefit programs—ranging from education assistance to rehabilitation and job training—exceed $15 billion a year. The VA Home Loan Program, which has guaranteed home loans of $266 billion since the inception of the program, has had a major impact on the economic well-being of the country.

As the former chairman of the Senate Veterans' Affairs Committee, and now as the ranking minority member, I am familiar with the Veterans' Administration's broad scope of operations. It is with this knowledge—and appreciation for the tremendous burden of responsibility placed on the shoulders of any VA Administrator—that I urge my colleagues to support this bill which would elevate the Veterans' Administration to a Cabinet-level department, thereby placing the VA Administrator at a level commensurate with his responsibilities, and establishing the Administrator in a readily accessible role as counsel to the President, as a member of the Cabinet.

Controlling the deficit-plagued Federal budget has consumed vast quantities of public resources and effort in recent years. This complex process requires calm and responsible deliberation from those most directly affected by the distribution of our increasingly limited supply of funds. The men and women who sit in daily counsel with the President exercise that deliberation to the best of their abilities and do so with the greater good of the Nation foremost in their minds. In view of the Veterans' Administration's immense impact on our society, and in consideration of its size, it is essential that the Administrator of Veterans' Affairs participate in those important discussions with the President and his Cabinet.

The Administrator of Veterans' Affairs—because he oversees an agency that must maximize every available dollar—is well versed in budgets and the concept of a greater good. I believe the Administrator of Veterans' Affairs, by the very nature of the position, would be an asset to the President's Cabinet as its members work together to bring the Federal budget under some semblance of control. Clearly, Madam President, an agency that has been so much a part of this Nation, and has done so much good for veterans, has more than proven itself worthy of elevation to a Cabinet-level department.

The passage of time has brought with it larger responsibilities to the Veterans' Administration and the Administrator of Veterans' Affairs. Madam President, the increased importance and responsibilities of the Veterans' Administration warrant the Agency's elevation to a Cabinet-level department, and the time has come to acknowledge, in a meaningful way, the true importance of this Agency.

Madam President, I join America's veterans in acknowledging the longstanding commitment of my distinguished colleague from South Carolina, Senator THURMOND, and his work on behalf of veterans. His commitment to ensuring fair, reasonable, and responsible legislation for veterans is reflected in many of the benefit programs administered by the VA that came about through his efforts. It is my hope that his work to have the Veterans' Administration recognized as a Cabinet-level department will enjoy similar success. I am pleased to join him in asking for the support of the Senate in seeking the speedy adoption of this important proposal.

I have been advised that the Senator from Nevada [Mr. HECHT] asks to be added as a cosponsor. I ask unanimous consent that he be so added.

I have also been advised that Senator CRANSTON, the chairman of the Veterans' Committee, has also asked to be a cosponsor. I ask unanimous consent that he be so added.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. BAUCUS, and Mr. PELL):

S. 534. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the measures available to reduce the adverse effect discarding or dumping of plastic on land and in the waters have on the environment, including the effects on fish and wildlife: To make recommendations for eliminating or lessening such adverse effects; and to require the Administrator of the Environmental Protection Agency to control the pollution of the environment caused by the discarding of plastics on the land and in water; to the Committee on Environment and Public Works.

S. 535. A bill to implement the provisions of Annex to the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978; to the Committee on Environment and Public Works.

PLASTIC WASTE LEGISLATION

Mr. CHAFEE. Mr. President, I am pleased to introduce today two bills which address the adverse effects of plastic waste on the environment, especially its effect on fish and wildlife.

Over the last decade, there has been growing concern among conservationists and scientists over discarded plastic in our Nation's waters and on land. Entrapment in plastic debris such as six-pack holders, packing bands, lost or discarded fishing nets, and ingestion of plastic materials is known to kill thousands of birds, seals, turtles, sea lions, and fish each year.

My bills will require that all plastic six-pack holders be made from degradable materials, and will require that EPA provide Congress with recommendations on how to reduce the harmful effects of plastic pollution on the environment. A separate bill will implement the terms of an international treaty which makes it illegal for ships to intentionally dump plastic garbage in U.S. waters.

The Environmental Protection Agency recently commissioned a study entitled "Use and Disposal of Nonbiodegradable Plastics in the Marine and Great Lakes Environment," which points to a growing body of evidence that plastic, when improperly disposed of, harms the oceans and its inhabitants in a multitude of ways.

After World War II, plastic materials displayed a hundredfold growth in the marketplace. Metal, glass, paper, and cloth have rapidly replaced plastic in thousands of products. In 1985 about 50 billion pounds of plastics were used.

Of the total, over 10 billion pounds were used in packaging applications, a substantial portion of which makes its way into our marine environment. Lightweight plastic products discarded in the water neither sink nor disintegrate. This debris is virtually invisible to many types of marine life, and can float for years, causing entrapment and killing marine animals before eventually washing ashore.

Plastic debris also poses a hazard to fish and wildlife through ingestion. Raw plastic particles, from which plastic products are manufactured, enter the waters from manufacturing plants or are lost from ships. Fish and wildlife eat these particles and plastic bags because of their resemblance to natural food. Autopsies of sea turtles, seals and sea birds have revealed, in some cases, several pounds of ingested plastic.

Another major problem tied to plastic debris is ghost fishing, or the tendency of lost or discarded nets to continue to catch fish indefinitely. Because these nets are made from durable plastics, they trap and kill sealife for decades.

The plastic pollution problem has grown to such a point that we cannot walk to our Nation's beaches and parks without encountering plastic litter. Beach cleanup efforts in some coastal States, including Rhode Island, have resulted in the collection of many thousands of discarded plastic products including six-pack holders, packing bands, pieces of fishing nets, and containers.

It is also reported that marine debris poses hazards to seagoing vessels. Propellers, shafts, and intakes of marine vessels have been fouled by floating nets and other plastic debris. Plastic debris also poses a threat to divers.

We cannot continue to ignore the adverse environmental impacts of these materials. Congress needs to carefully examine the environmental pollution of discarded plastics on land and in waters and take appropriate steps to correct the problem.

My bills tackle the plastics pollution problem in the following ways:

First, the EPA Administrator will be required to build upon the aforementioned study documenting the extent of plastic pollution in the environment, and recommend to Congress methods available to eliminate or lessen the adverse effects of the pollution. Specifically EPA will be required to look at the feasibility of using degradable plastics in fish nets, packing bands and other plastic products which pose a threat to the enviroment. EPA will also evaluate the use of incentives to reduce improper plastics disposal, such as recycling, bounties and rewards.

In undertaking this study, the Administrator will consult with the U.S. Fish and Wildlife Service, other Government departments or agencies doing research in this area, as well as the affected industries.

The bill provides for a ban of nondegradable plastic six-pack holders and other plastic beverage connecting devices. EPA is required to issue the regulation 18 months after the date of enactment of this act.

Mr. President, I'd like to add that 11 States, including my own State of Rhode Island, have banned the sale of nondegradable six-pack holders. Other States include Connecticut, Delaware, Maine, Massachusetts, New York, New Jersey, Oregon, Vermont, California, and Alaska.

My second bill addresses a major source of plastic pollution: plastic garbage intentionally dumped from ocean-going vessels. This bill creates domestic legislation which implements the provisions of Annex V of the International Convention for the Prevention of Pollution from Ships, commonly known as MARPOL. This approach, endorsed by the Coast Guard, would make it illegal for ships operating in U.S. waters to intentionally dump plastic garbage.

According to the EPA study, most of the plastic debris in the marine environment comes from ocean sources. That amount is estimated at 6.4 million metric tons per year. While accidental loss of plastic items from ocean sources contributes to the problem of debris, deliberate disposal at sea is a greater problem.

The United States is expected to ratify Marpol Annex V within the next few weeks. My bill will assure that domestic legislation implementing the provisions of this important annex will be enacted without delay. Companion legislation implementing Annex V has already been introduced in the House of Representatives by Mr. STUDDS. This legislation takes a giant step toward eliminating plastic waste from our ocean and coastal environment.

I hope my colleagues in the Senate will join me in this effort to reduce the plastic pollution of our land and waters.

By Mr. NICKLES:

S. 536. A bill to eliminate artificial distortions and enhance competition in the natural gas marketplace; to the Committee on Energy and Natural Resources.

NATURAL GAS REGULATORY REFORM ACT

Mr. NICKLES. Mr. President, today I am introducing the Natural Gas Regulatory Reform Act of 1987, a bill which will help assure this Nation a reliable, long-term supply of natural gas at reasonable prices.

Over the past decade, the Federal Government has seriously distorted the natural gas marketplace. Federal price controls induced producers to drill for high-cost gas when there were large volumes of "old" gas that could have been produced in the absence of the artificially low Federal price ceilings. In addition, Federal law continues to require that natural gas be set aside as a special fuel and not be permitted to be used in large industrial or utility applications despite its abundance. The partial decontrol of natural gas in 1985 has resulted in a tremendous surplus of natural gas, but continued regulation of "old" gas has caused much of this least expensive gas source to be shut in. As a result, gas end users are paying unnecessarily higher prices for gas, both when directly purchased and when used in the form of electricity produced from gas.

The legislation I am introducing today will help relieve residential, commercial, and industrial natural gas consumers from these Government-created market distortions which jeopardize future domestic supplies, and therefore, the future prices U.S. consumers will pay for natural gas.

The Natural Gas Regulatory Reform Act of 1987 will deregulate all remaining regulated natural gas by releasing the gas from Federal wellhead price controls as gas contracts are renegotiated or renewed. The act will eliminate the artificial and unnecessary restrictions imposed by the Congress in 1978 on fuel use by electric utilities and major industrial companies. In addition, the act ends the "incremental pricing" provisions of the Natural Gas Policy Act, which also distort market price signals to both residential and industrial gas consumers. These first three provisions of the bill are virtually identical to the measures that I introduced on June 13, 1985, as S. 1302. In addition, the bill provides a limited protection against antitrust action for independent producers who form cooperative associations to market natural gas.

When President Reagan removed price and allocation controls from the domestic petroleum industry in 1981, improved market efficiencies promptly brought down the price U.S. consumers paid for petroleum products, decreased our imports and increased domestic oil production. In 1978, Congress partially laid the groundwork for eventual decontrol of natural gas prices by decontrolling "new" gas supplies in the mid-1980's. Unfortunately, Congress left half of America's gas under permanent regulation. These steps to remove price controls from "new" gas in 1985, and the effort by the Federal Energy Regulatory Commission to address "old" gas pricing in Order No. 451, have already significantly increased supplies of natural gas and lowered the average price of natural gas for consumers. But by leaving half of the Nation's natural gas forever regulated, existing law continues to encourage the shutting in of gas reserves that may be economically feasible to produce at market prices. My bill would end that and thereby encourage the production of domestic gas that will otherwise never be produced.

The Natural Gas Regulatory Reform Act of 1987 will accelerate the free market process of increasing supplies and lowering prices to consumers by gradually decontrolling "old" gas supplies as contracts expire or are renegotiated. Thus, this bill enhances supply and avoids premature shutting in and abandonment of older, still productive fields without any attendant price shock to consumers. Importantly, this bill does not abrogate any existing contracts. Parties to the "old" gas supply contract are free to negotiate a new market-based price—be it higher or lower—without Federal Government interference. Under this bill, the parties are also free to elect to do nothing at all and allow the contract to run at the old price until the expiration date, at which point the contract is open for renegotiation.

The FERC has taken a major step toward revising "old" gas contract prices in its Order No. 451 by allowing gas held artificially below market prices to be renegotiated to a level closer to market values. Although I am encouraged by the steps the Commission has taken at the request of the Department of Energy to move forward to address, through existing law, the distortion in the natural gas market brought about by the price controls in the Natural Gas Act and perpetuated by the Natural Gas Policy Act of 1978. While the Commission's actions in Order No. 451 will help alleviate some of the regulation-induced distortions in the natural gas market, the Commission cannot entirely eliminate these distortions. This is because existing law does not give the Commission the authority to "deregulate" old gas.

Existing law permits setting the price of natural gas at "just and reasonable" levels. What is a "Just and reasonable" price under Federal law does not necessarily reflect the true fair market value of gas at any particular point in time. Moreover, existing law precludes both price and supply flexibility and precludes the ability of buyers and sellers of natural gas to freely enter into contract terms that inure to the interests of both parties.

I am not introducing this legislation out of dissatisfaction with the efforts of the Commission—they are doing what they can. I am introducing this legislation because I recognize that the Commission is precluded under current law from doing more. This legislation is intended to build on what the Commission has done in Order No. 451. Moreover, Order No. 451 is in litigation and the courts must rule on its validity—not because it is bad policy, but because it may, as alleged by some, be beyond the Commission's statutory authority. Order No. 451 is not a panacea, as it does not restore true supply and demand mechanisms to the natural gas market. However, Order No. 451 is a good step in the correct direction of moving natural gas pricing closer to a free market.

Finally, I remind my distinguished colleagues that "old" natural gas is the only American natural resource that is price controlled at its source. Natural gas is natural gas, irrespective of the date it was discovered. Surely, we have had sufficient recent experience in Federal intervention in oil and gas price controls to enable us to conclude that wellhead price ceilings are both economically inefficient and do not provide long-term price benefits to consumers. It is time for the Congress to enact a mechanism to eliminate the last remaining category of fossil fuel price controls. Title I of the legislation I am introducing today will provide that decontrol mechanism, and it does so without abrogating natural gas contracts.

In addition, the legislation that I am introducing will remove Federal legal barriers that prevent natural gas consumers from making prudent fuel choices. Title II, repeal of the gas use restriction provisions of the Powerplant and Industrial Fuel Use Act of 1978, and title III, repeal of the incremental pricing requirements in title II of the Natural Gas Policy Act of 1978, are similar to the same titles of S. 1302, which I introduced on June 13, 1985. The titles in the measure I am introducing today are identical in text to the bill introduced last month by Senator **Johnston**, the distinguished chairman of the Committee on Energy and Natural Resources, S. 85, of which I am a cosponsor.

Along with the natural gas pricing and consumer fuel choice measures in this bill, I am including a provision designed to facilitate the evolution of direct sales of natural gas between consumers and independent producers. Title IV permits independent produers to form cooperatives to meet the new demands of the gas marketplace for the direct marketing of their gas. This provision provides the independent producer cooperative association with a defense against Federal antitrust laws, provided that the cooperative association is voluntary, is composed only of independent producers and that the cooperative association does not take actions which are intended to reduce competition. The provision expressly exludes agreements that have "the purpose of raising prices" outside the narrowly drafted permissible activity of pooling their natural gas so that the cooperative members can bargain effectively with gas purchasers.

The term "independent producer" in this provision is defined as any person whose natural gas production does not exceed 5.6 million cubic feet per day and is not an interstate pipeline, intrastate pipeline, or local gas distribution company or an affiliate of such person. The 5.6 million cubic feet per day limitation was chosen because it approximates the Btu equivalent of the 1,000 barrel per day limitations applied to "independent" oil producers in the Internal Revenue Code with respect to the percentage depletion allowance and the special rates provisions of the crude oil windfall profit tax.

Enactment of this marketing cooperative provision will lower the price of natural gas sold directly to local gas distribution companies and industrial users, as well as to pipelines, by increasing competition among the sellers of natural gas in the gas fields. With its Order No. 436, the FERC is improving the ability of gas consumers to purchase gas at more favorable prices by selecting among competing sellers. However, in today's evolving natural gas marketplace, pipeline affiliates and major producers enjoy tremendous advantages in marketing gas to high-volume gas consumers, especially if the consumers are their traditional customers or their own affiliates. Title IV will give independent producers an opportunity to form marketing cooperatives to pool their gas reserves, in order to improve their ability to compete with pipelines and major producers for the direct sales market. Clearly, the consumer will benefit from the increased competition.

I am studying various additional legislative solutions designed to alleviate the difficulties gas producers are having in selling their gas to end users. I am particularly concerned that many gas producers are encountering difficulty in securing pipeline space for their gas sales and their need for access through non-Order No. 436 pipelines.

In summary, my bill will help relieve residential, commercial and industrial natural gas consumers from Government-created market distortions which jeopardize future supplies and prices. In addition, this bill provides an opportunity for Congress to make the changes necessary to boost the depressed natural gas industry. Consumers and the industry would both benefit from this legislation.

Mr. President, I ask unanimous consent that the text of the Natural Gas Regulatory Reform Act of 1987 be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

Section 1. (a) Short Title.—This act may be cited as the "Natural Gas Regulatory Reform Act of 1987."

(b) Table of Contents.—

Sec. 1. Short title, table of contents.

TITLE I—REMOVAL OF WELLHEAD PRICE CONTROLS AND REPEAL OF NATURAL GAS ACT JURISDICTION OVER CERTAIN FIRST SALES

Sec. 101. Removal of wellhead price controls.

Sec. 102. Repeal of Natural Gas Act jurisdiction over certain sales of committed or dedicated natural gas.

Sec. 103. Repeal of provisions allowing reimposition of price controls and report to the Congress.

TITLE II—REPEAL AND AMENDMENT OF CERTAIN SECTIONS OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

Sec. 201. Repeal of certain sections of the Powerplant and Industrial Fuel Use Act of 1978.

Sec. 202. Amendment of certain sections of the Powerplant and Industrial Fuel Use Act of 1978.

TITLE III—REPEAL OF INCREMENTAL PRICING REQUIREMENTS

Sec. 301. Repeal of incremental pricing requirements.

TITLE IV—LIMITED ANTITRUST EXEMPTION FOR INDEPENDENT PRODUCER COOPERATIVES

Sec. 401. Establish limited antitrust exemption for independent producer cooperatives.

TITLE I—REMOVAL OF WELLHEAD PRICE CONTROLS AND REPEAL OF NATURAL GAS ACT JURISDICTION OVER CERTAIN FIRST SALES OF NATURAL GAS

REMOVAL OF WELLHEAD PRICE CONTROLS

Sec. 101. Section 121 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3331) is amended by the deletion of the words "Subject to the reimposition of price controls as provided in section 122, the" and inserting in lieu thereof "The", and by the addition of a new subsection (f) to read as follows:

"(f) Special Rule.—The provisions of subtitle A shall not apply to—

"(1) gas subject to any contract for the first sale of natural gas that was executed after the date of enactment of this subsection, or

"(2) gas subject to any contract for the first sale of natural gas that was renegotiated after the date of enactment of this subsection if such renegotiated contract expressly provides that the provisions of subtitle A shall not apply, or

"(3) gas subject to any contract for the first sale of natural gas that will expire, lapse, or terminate pursuant to its own terms after the date of enactment of this subsection at such time as that contract expires, lapses, or terminates pursuant to its own terms, or

"(4) gas subject to any contract for the first sale of natural gas that expired, lapsed, or terminated pursuant to its own terms, or

"(5) gas subject to any contract for the first sale of natural gas which does not expire at the end of a fixed term of years and which contains a provision permitting redetermination of prices in the event of decontrol shall be deemed eligible for the redetermined price pursuant to such provision, and any otherwise applicable limitation of the Natural Gas Act or this act shall not apply."

REPEAL OF NATURAL GAS ACT JURISDICTION OVER CERTAIN SALES OF COMMITTED OR DEDICATED NATURAL GAS

SEC. 102. Section 601(a)(1)(B) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(a)(1)(B)) is amended by striking "or" at the end of clause (ii), by replacing the period at the end of clause (iii) with a semicolon, and by the addition of a new clause (iv) to read as follows:

"(iv) natural gas exempted from the operation of subtitle A of title I pursuant to section 121(f)."

REPEAL OF PROVISIONS ALLOWING REIMPOSITION OF PRICE CONTROLS AND REPORT TO THE CONGRESS

SEC. 103. (a) Sections 122 and 507 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3332 and 3417) are repealed.

(b) the table of contents of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301 note) is amended by striking the items relating to sections 122 and 507.

TITLE II—REPEAL OF CERTAIN SECTIONS OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1973

SEC. 201. (a) The following sections of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) are repealed:

(1) sections 103 (a)(16), (a)(18), (a)(19), and (a)(29)—42 U.S.C. 8302 (a)(16), (a)(18), (a)(19), and (a)(29));

(2) sections 201 and 202 (42 U.S.C. 8311 and 8312);

(3) section 302 (42 U.S.C. 8342);

(4) section 401 (42 U.S.C. 8371);

(5) section 402 (42 U.S.C. 8372); and

(6) section 405 (42 U.S.C. 8375).

(b) The table of contents of the Powerplant and Industrial Fuel Use Act of 1978 is amended by striking the items relating to the sections repealed by subsection (a) of this section.

CONFORMING AMENDMENTS

SEC. 202. (a) Section 102 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301) is amended by striking "and major fuel-burning installations" and "and new" wherever these phrases appear.

(b) Section 103 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8302) is amended—

(1) in subsection (a)(13)(B), by—

(A) striking clause (ii)(III);

(B) striking "; or" at the end of clause (ii)(II), and inserting a period in its place; and

(C) inserting "and" at the end of clause (ii)(I);

(2) in subsection (a)(15), by striking "or major fuel-burning installation" and "or new" wherever these phrases appear;

(3) in subsection (a)(20), by striking "or major fuel-burning installation";

(4) by redesignating subsections (a)(17), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), (a)(25), (a)(26), (a)(27), and (a)(28) as subsections (a)(16), (a)(17), (a)(18), (a)(19), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), and (a)(25);

(5) in subsection (b), by striking "or major fuel-burning installation" wherever this phrase appears;

(6) in subsection (b)(1)(D), by striking everthing after "synthetic gas involved" and inserting in its place a period; and

(7) by striking subsection (b)(3), and redesignating subsection (b)(4) as subsection (b)(3).

(c) Section 104 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8303) is amended to read as follows:

"The provisions of the Act shall apply in all the States, Puerto Rico, and the territories and possessions of the United States, except Hawaii and Alaska.".

(d) Section 303 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8343) is amended—

(1) by striking "or installation" and "or installations" wherever the phrases appear;

(2) by striking "or 302" wherever the phrase appears;

(3) by striking subsection (a)(3);

(4) by amending subsection (b)(1) to read as follows:

"(1) The Secretary may prohibit by rule, the use of natural gas or petroleum under section 301(b) in existing electric powerplants.";

(5) in subsection (b)(3), by striking "or major fuel-burning installation"; and

(6) by amending the last sentence of subsection (b)(3) to read as follows: "Any such rules shall not apply in the case of any existing electric powerplant with respect to which a comparable prohibition was issued by order.".

(e) Section 403 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8373) is amended by striking—

(1) in subsection (a)(1), "major fuel-burning installation, or other unit" and the comma immediately preceding this phrase and "installation, or unit" and the comma immediately preceding this phrase;

(2) in subsection (a)(2), "installation, or other unit" and the comma immediately preceding that phrase, and "installation, or unit" and the comma immediately preceding that phrase;

(3) in subsection (a)(2), the last sentence; and

(4) subsection (a)(3).

(f) Section 404 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8374) is amended by striking—

(1) in subsection (c), "new or" in the phrase "applicable to any new or existing electric powerplant"; and

(2) subsection (g).

(g) Section 701 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8411) is amended by striking—

(1) in the last sentence of subsection (b), "or installation";

(2) subsection (c);

(3) in the title of subsection (d), "And Exemptions";

(4) in the first sentence of subsection (d)(1), "or any petition for any order granting an exemption (or permit)";

(5) in subsection (d)(1)(B) "or in the consideration of such petition,";

(6) in subsection (f), "or a petition for an exemption (or permit) under this Act (other than under section 402 or 404,"; and

(7) subsection (g).

(h) Section 702 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8412) is amended by striking—

(1) in the title of subsection (a), "Or Exemption";

(2) in subsection (a), "or granting an exemption (or permit)";

(3) subsection (b), and redesignating subsection (c) as subsection (b);

(4) in the first sentence of subsection (b)(1) (as redesignated), "or by the denial of a petition for an order granting an exemption (or permit) referred to in subsection (b),";

(5) in the first sentence of subsection (b)(1) (as redesignated), "such rule, order, or denial is published under subsection (a) or (b)" and inserting in its place "such rule, or order is published under subsection (a)";

(6) in the first sentence of subsection (b)(2) (as redesignated), "the rule, order, or denial" and inserting in its place "the rule or order";

(7) in the second sentence of subsection (b)(2) (as redesignated), "(or denial thereof"; and

(8) in subsection (b)(3) (as redesignated), "any such rule, order, or denial" and inserting in its place "any such rule or order".

(i) Section 711 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421) is amended by striking in the first sentence of subsection (a), "or a major fuel-burning installation".

(j) Section 721 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8431) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(k) Section 723 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8433) is amended by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c).

(l) Section 731 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8441) is amended by striking—

(1) "or major fuel-burning installation" wherever the phrase appears; and

(2) "title II or" in subsections (a)(1) and (g)(3).

(m) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is amended by striking in the first sentence of subsection (a), "from new and existing electric powerplants and major fuel-burning installations" and inserting in its place "from existing electric powerplants".

(n) Section 761 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8471) is amended by striking—

(1) in subsection (a), "any existing or new electric powerplant or major fuel-burning installation" and inserting in its place "any existing electric powerplant"; and

(2) in subsection (b)—

(A) "new or" in the phrase "In the case of any new or existing facility"; and

(B) "except to the extent provided under section 212(b) or section 312(b)" and the comma immediately preceding that phrase.

TITLE III—REPEAL OF INCREMENTAL PRICING REQUIREMENTS

SEC. 301. (a) Subject to subsections (b) and (c) of this section title II of the Natural Gas Policy Act of 1978 (15 U.S.C. 3341-3348) is repealed, and the items relating to title II are stricken from the table of contents of that Act.

(b) A rule promulgated by the Commission under title II of the Natural Gas Policy Act of 1978 shall continue in effect only with respect to the flowthrough of costs incurred before the enactment of this section, including any surcharges based on such costs.

(c) The Commission may take appropriate action to implement this section.

TITLE IV—LIMITED ANTITRUST RELIEF FOR INDEPENDENT GAS PRODUCER COOPERATIVES

DEFINITIONS

SEC. 401. (a) The term "antitrust laws" shall mean the federal laws defined in section 2(37) of the Natural Gas Policy Act of 1978.

(b) The term "independent producer" means any person whose natural gas production does not exceed 5.6 million cubic feet per day, provided, however, that any person who is an interstate pipeline, intrastate pipeline or local distribution company, as defined in sections 2(15), 2(16) and 2(17) of the Natural Gas Policy Act of 1978, or who is an affiliate of such person, as defined in section 2(27) of the Natural Gas Policy Act of 1978, may not be considered an independent producer for the purposes of this title.

(c) The term "independent producer cooperative" shall mean any group of independent producers formed and operated for the purpose of pooling natural gas to enable the cooperative members to bargain effectively for the sale of the natural gas to any person, provided that such group is not formed or operated for the purpose of raising prices.

ANTITRUST RELIEF

SEC. 402. (a) In any action under the antitrust laws, the formation or operation of an independent producer cooperative shall not be deemed illegal per se, but shall be illegal only if the anticompetitive effects substantially outweigh the procompetitive effects.

(b) In lieu of the treble damages provided for in 15 U.S.C. section 15, any person who is entitled to recover damages resulting from the formation or operation of an independent producer cooperative shall recover only the actual damages sustained.

(c) Nothing in this title shall affect the ability of the United States, any State or a private party from obtaining an injunction against an independent producer cooperative for conduct that is proven to be illegal under the standard set forth in section 402(a) hereof.

By Mr. ARMSTRONG (for himself, Mr. DOLE, Mr. HUMPHREY, and Mr. GRAMM):

S. 537. A bill to amend the United States Housing Act of 1937 to encourage resident management of public housing; to the Committee on Banking, Housing, and Urban Affairs.

RESIDENT MANAGEMENT OF PUBLIC HOUSING

● Mr. ARMSTRONG. Mr. President, today, along with the Republican leader, Senator DOLE, Senator GRAMM of Texas, and Senator HUMPHREY of New Hampshire, I am introducing legislation which would help give residents of public housing the chance to manage their own housing projects. I first introduced this legislation in August 1985 during the 99th Congress. I do so again this year because I remain strongly committed to this innovative and promising idea.

Resident management of public housing is not a new concept, but one that has yet to reach its full potential. In several cities throughout America, residents of several projects have joined together to take control of their living conditions and, indeed, their lives. They have done so with a commitment, determination, and energy that is both breathtaking and heartwarming to behold.

Right here in Washington, DC, in the shadows of the Capitol Building, Kimi Gray of the Kenilworth-Parkside Resident Management Corp. has led the Kenilworth Gardens project through revolutionary changes over the past 4 years. According to a study prepared by the accounting firm Coopers and Lybrand for the National Center for Neighborhood Enterprise [NCNE], vast improvements have occurred at Kenilworth since 1982 when the residents took over. For the 1982 to 1985 period:

Rent receipts have increased 77 percent.

Welfare dependency was reduced 50 percent while income from work increased 27 percent. Many families went off welfare completely.

Crime has been reduced by 75 percent transforming a once dangerous neighborhood to one where residents work happily with police and live more safely.

Administrative costs at the project were reduced by over 60 percent for 2 consecutive years. Kenilworth is now generating enough revenues to pay its own operating expenses and the bulk of its energy costs.

But what cannot be measured in statistics is the new spirit at Kenilworth, the atmosphere of hope and success that is now part of life there. The residents have made it happen by taking matters into their own hands.

Other resident management corporations in Boston, St. Louis, New Orleans, Chicago, and elsewhere have had similar success. But the potential for resident management has yet to be fully realized, and the Federal Government can play a positive role in further encouraging this opportunity.

The legislation I am introducing would provide an opportunity for residents to manage their own public housing. First, the legislation sets forth guidelines under which residents may establish a management corporation. Second, the bill provides that resident management corporations would be eligible to enter into contracts with local public housing agencies to undertake all responsibilities for the project. In doing so, residents would not lose eligibility for comprehensive operating assistance provided under the law. Third, the legislation would allow resident management corporations to retain any income earned as a result of efficient management practices and plow that money back into project improvements. Fourth, the legislation allows the Secretary of HUD, at the request of resident management corporations, to waive prevailing wage requirements and other unnecessary regulations that significantly increase the cost of operating public housing. Finally, the legislation authorizes HUD to provide technical assistance and training to residents wishing to establish their own management corporation.

What the legislation does not do is require any public housing project in the United States to establish a resident management program. It simply seeks to facilitate such a program should residents of a project voluntarily decide to undertake it.

Mr. President, others in both the House and Senate have advanced similar resident management proposals. I commend them for doing so and look forward to working with them. I believe this will be the year a resident management program is enacted into law. I will do my best to ensure that whatever emerges from Congress is the most sensible and effective way to pursue so promising an idea.

Mr. President, in closing I simply want to note the outstanding efforts that have been made on behalf of the resident management initiative by Bob Woodson of the National Center for Neighorhood Enterprise [NCNE) here in Washington. It is largely through his labors that so many have come to embrace resident management.

Mr. President, I ask unanimous consent that two articles on the Kenilworth-Parkside project be printed at this point in the RECORD. I also ask that the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Housing Act of 1937 is amended by adding at the end thereof the following:

"RESIDENT MANAGEMENT

"SEC. 20. (a) PURPOSES.—The purposes of this section are to provide a means for improving existing living conditions in public housing projects, to encourage increased resident management of public housing projects, and to provide increased flexibility for public housing projects that are resident managed by—

"(1) waiving certain statutory and regulatory requirements;

"(2) permitting the retention and use for certain purposes of any revenues exceeding operating and project costs; and

"(3) providing funding, from amounts otherwise available, for technical assistance to promote formation and development of resident management entities.

"(b) PROGRAM REQUIREMENTS.—

"(1) RESIDENT COUNCIL.—As a condition of entering into a resident mangement program, the elected resident council of a public housing project shall approve the establishment of a resident management corporation. The resident management corporation and the resident council may be the same organization, if the organization complies with the requirements applicable to both the corporation and council. If there is no elected resident council, a majority of the households of the public housing project shall approve the establishment of a resident council to determine the feasibility of establishing a resident management corporation to manage the project.

"(2) Public housing management specialist.—The resident council of a public housing project and the public housing agency, in cooperation with the Secretary, shall jointly select a qualified public housing management specialist to assist in determining the feasibility of, to help establish, and to provide training in the daily operations of a resident management corporation.

"(3) Bonding and insurance.—Prior to assuming any management responsibilities for a public housing project, the resident management corporation shall provide fidelity bonding and insurance, or equivalent protection, in accordance with regulations and requirements of the Secretary and the public housing agency. Such bonding and insurance, or its equivalent, shall be adequate to protect the Secretary and the public housing agency against loss, theft, embezzlement, or fraudulent acts on the part of the resident management corporation or its employees.

"(4) Management responsibilities.—A resident management corporation that qualifies under this section, and that supplies insurance and bonding or equivalent protection sufficient to the Secretary and the public housing agency, shall enter into a contract with the public housing agency establishing the respective management rights and responsibilities of the corporation and the public housing agency. Such contract shall include specific terms governing management personnel, access to project records, submission of and adherence to budgets, rent collection procedures, tenant income verification, tenant eligibility determinations, tenant screening and selection, tenant eviction, the acquisition of supplies and materials, and such other matters as may be appropriate.

"(5) Annual audit.—The books and records of a resident management corporation operating a public housing project shall be audited annually by a certified public accountant. A written report of each audit shall be forwarded to the public housing agency and the Secretary.

"(c) Waiver of Federal Requirements.—

"(1) Waiver of regulatory requirements.—Upon the request of any resident management corporation, the Secretary may waive any requirement established by the Secretary (and not specified in any statute) that the Secretary determines unnecessarily increases the costs or restricts the income of a public housing project.

"(2) Waiver to permit employment.—Upon the request of any resident management corporation, the Secretary may waive the applicability of the provisions of section 12 that require the payment of prevailing wages to all persons employed in the development and operation of a public housing project.

"(3) Report on additional waivers.—Not later than 6 months after the date of enactment of the Housing Act of 1986, the Secretary shall submit to the Congress a report setting forth any additional waivers of Federal law that the Secretary determines are necessary or appropriate to carry out the provisions of this section. In preparing the report, the Secretary shall consult with resident management corporations and public housing agencies.

"(4) Exceptions.—The Secretary may not waive under this subsection any requirement with respect to income eligibility for purposes of section 16 or rental payments under section 3(a).

"(d) Comprehensive Improvement Assistance.—Public housing projects managed by resident management corporations shall be provided with comprehensive improvement assistance under section 14, to the extent budget authority is available for such section. Public housing agencies may not retain, for any administrative or other reason, any portion of the assistance provided pursuant to this subsection.

"(e) Operating Subsidy.—

"(1) Calculation.—Notwithstanding any provision of section 9 or any regulation under such section, the operating subsidy for a project managed by a resident management corporation shall not be less than the public housing agency per unit monthly amount provided in the previous year as determined on an individual project basis. Any contract for project management entered into by a public housing agency and a resident management corporation shall specify the amount of income expected to be derived from the project itself, from sources such as rents and charges and the amount of income to be provided to the project from the other sources of income of the public housing agency. The amount of income to be provided by the public housing agency and the operating subsidy established for the project under this subsection may not be reduced during the 3-year period beginning on the date of the enactment of this Act or on such later date on which a new resident management corporation is established, except that, if the total income of the public housing agency is reduced, the income provided by the public housing agency to the resident-managed project may be reduced in proportion to the total income reduction of the public housing agency.

"(2) Retention of Revenues in Excess of Expenses.—If the resident management corporation has revenues in excess of project operating costs, the resident management corporation shall be permitted to retain those excess revenues for purposes of improving the maintenance and operation of the project, acquiring ownership of the project, and for any other purpose that promotes the development, provision, and delivery of housing for low-income households. The retention of excess income in any form by the resident management corporation shall not result in diminution of operating subsidies that otherwise would be provided to the public housing agency.

"(f) Resident Management Technical Assistance and Training.—To the extent budget authority is available for section 14, the Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support.".

[From the Washington Post, May 20, 1985]

Housing Tenants Experiment With Self-Government

(By Arthur S. Brisbane)

Every weekday morning about 7:30 Gladys Roy leaves her apartment at the Kenilworth Courts public housing project and walks to work, keeping an eye out for unmowed front yards in the sprawling complex. An unkempt lawn means she'll fine the tenant.

Crossing Quarles Street, where the junkies will hang out later in the day, Roy enters the offices of the Kenilworth Parkside Resident Management Corp. and gets a whiff of the strong cleanser her staff uses to scour away the dirty residue of neglect.

She takes her seat behind the manager's desk. For two decades, the 52-year-old mother of nine was just one of the many welfare recipients living at Kenilworth. Now she runs the project and makes $17,000 a year doing it.

She and her staff have not converted Kenilworth Courts and its smaller sister project, Parkside, into anything like paradise. But they are making a case that tenants can fight poverty and perhaps run government housing better than the government can.

They are part of the District's first experiment in tenant management, in which the residents are managing and running their 25-year-old public housing complex. They appear to have halted somewhat the marked deterioration of their homes and, in so doing, have brought jobs to the project and income to its residents.

One of the fewer than 10 such operations in the country, the resident management program at Kenilworth, begun in 1982, receives mostly favorable reviews from some housing experts and federal Housing and Urban Development officials. District housing officials and some Kenilworth residents are more restrained in their assessment, however, and they suggest that claims made by the resident managers and their supporters may be overstated.

"I think it is one of the most successful in the country, in my experience of going around the country and looking at seven or eight of them," said Robert Woodson, president of the National Center for Neighborhood Enterprise, an organization that studies housing and other issues.

"Our general view is that it is working," said Ken Beirne, general deputy assistant secretary for HUD's policy development and research department. "The question of all the reasons why it is working I don't think has been resolved yet."

The District's Housing and Community Development department, which gave the management contract to tenants, appears to have adopted a wait-and-see attitude toward resident management.

"It's a concept that we do support, and it's one we do want to work with residents to expand," said Madeline M. Petty, department director. ". . . On the surface it appears that it is something that we want to do."

Directed by a board of residents, the Kenilworth-Parkside managers head a staff of 30 residents hired to prepare the budget, collect the rent and perform the maintenance on the 464 units where 2,500 persons live in the far Northeast section of the District.

Through stricter enforcement, the resident managers have increased rent collections 179 percent according to a report the American Enterprise Institute is compiling on the resident-management experiment.

On-site administrative costs have dropped 60 percent, the report says, and expenditures for routine maintenance have declined 20 percent since March 1982, when the residents took over from Central City Property

Management Co., a private firm under contract with the city to run Kenilworth.

Yet even as the residents win battles, they discover new enemies. A recent increase in drug dealers and users, rousted by police from other areas of the city, demonstrates the affinity between public housing and some of society's most intractable ills.

And inside the project, not every resident is enamored of the new management headed by Khni Gray, the 40-year-old spark plug and board chairman of the Kenilworth-Parkside Resident Management Corp.

Some residents, such as Jacqueline Robinson, think Kenilworth is much improved. "You could say it has picked up since the tenants took over," she said. But, then, her brother Gracia Robinson got a job with the resident management corporation.

Willie Mae James, who lives in a five-bedroom unit with 12 relatives, said, "I think it has gotten a little better but not too much. When they fix things, they don't stay fixed."

Her daughter, Neicy James, added. "they are too strict. They check on you. They see who's living here. They put your rent up, if you make more money. . . . If they see trash in your yard, they fine you for it—even if it's not yours."

Some tenants give the management good marks for maintenance but say they are frustrated by the crime problem. "No, they don't need those people [resident managers]," said Eleanor Farley. "They need somebody to do something about the drugs in the street."

Fred Thomas, deputy police chief for the 6th District, said his officers arrested 50 to 60 persons on drug charges last month at Kenilworth. Most of them were not residents. "They just come there to ply their trade," he said.

Thomas credits the residents with helping police discourage drug traffickers, who are attracted to the wooded areas and the sanctuary afforded by the nearby Maryland state line.

"If we didn't have help from them," he said, "it would be a heck of a lot worse situation."

Meanwhile officials at the city's housing department question whether the experiment is as successful as it is portrayed by Gray and the American Enterprise Institute.

Petty expressed doubt that the numbers cited by Gray and the institute are accurate and said her department was compiling its own statistics. She declined to release any data on rent collection, maintainance and administrative costs at Kenilworth-Parkside.

In similar experiments elsewhere, experts have reported tensions between tenant management groups and public housing authorities.

"There are some housing authorities that in fact have fear that they will lose control if they give residents more say in what's going on," said Clyde McHenry, a housing consultant who helped train the Kenilworth managers.

McHenry headed the New Orleans public housing authority and was later named an assistant secretary at HUD for public housing during the Carter administration.

Phil Abrams, a former HUD undersecretary, recalled that District housing officials in 1983 chose not to seek funds actively to completely renovate tenant-managed Kenilworth Courts. Abrams, the official responsible for doling out those funds, bypassed the city's list of priorities and designated $13.2 million for Kenilworth-Parkside.

"Mayor Barry had always been supportive [of resident management]," said Abrams, now a real estate developer in Denver, "but the bureaucracy in the housing authority was somewhat reticent and, I think, somewhat threatened by the success of tenant management. So they made the judgment, in applying for modernization funds, that there were other projects that were in worse shape than Kenilworth."

HUD has not released the funds for the modernization project, which was announced in October 1983. "The money is supposed to go to Kenilworth," a HUD spokesman said.

"But we are waiting to put in place a series of meetings that need to happen before decisions can be made."

When the rehabilitation project starts, the resident management corporation will become a partner with Gilbane/Smoot, a contractor and construction management corporation formed by the Gilbane Building Co. Gilbane/Smoot and the tenants will oversee the construction work.

The city's Housing and Community Development Department will retain the power to let contracts for the project, but Gray believes that the joint partnership will provide more jobs to Kenilworth residents.

Opened 25 years ago, Kenilworth was built to provide housing for some of the District residents displaced by the urban renewal of Southwest.

Parkside, a 42-unit housing project erected in 1940, was merged with Kenilworth Courts at the time of Kenilworth's opening.

In the years that followed, Kenilworth shared the fate of many big city public housing projects. Many welfare-dependent residents did not pay their rent regularly. The city failed to maintain the property properly, and it became run down. According to residents, there was little, if any, heat and hot water during 1979, 1980 and 1981. Rats were everywhere.

Meanwhile, Kimi Gray and her supporters were taking note of tenant groups in cities such as St. Louis, Boston and New Orleans that were experimenting in the 1970's with resident management of public housing.

Resident management, Gray came to believe, "gives residents back the responsibility of taking care of their community. It provides jobs. Maintenance calls are answered within 24 hours. The engineer lives on the grounds. When the heat goes out, he becomes cold, too."

[From the Washington Times, May 17, 1985]

A SUCCESSFUL TEST OF THE AGENDA IN THE DISTRICT OF COLUMBIA

(By Richard Vigilante)

It is no surprise that the future of American public housing policy is being decided inside Washington, D.C. But it might be a surprise that in an important sense it's being decided just barely inside Washington, D.C. not downtown, where the politicians meet the policy pros, but in a questionable neighborhood one step from the Maryland border, where sits a public housing project that three years ago was known as one of the worst in the city.

The project is called Kenilworth-Parkside, and its already famous in the policy community. Though there are others like it around the country, its phenomenal success and fortunate location have made it Exhibit A of the "housing radicals."

This merry band, mostly think-tankers and Hill staffers is convinced the solution to the disastrous state of public housing is to turn the projects over to the experts—the residents, most of whom are on welfare and some of whom have never held regular jobs or acquired marketable skills or even decent work habits. An odd choice of personnel to run, and eventually own, a multimillion-dollar piece of real estate. If Kenilworth-Parkside is a fair example, it works.

Three years ago, Kenilworth-Parkside was everything the phrase "the projects" has come to mean: Considered simply as housing, it was a disaster. Heat and hot water were the exception, not the rule. The most routine maintenace was neglected, and vandalism and tenant abuse made maintenance pointless, anyway. Rents were neither willingly paid nor vigorously collected and the project lost hordes of money.

As a community it was even worse; overrun by drugs, crime, despair, and fear; 85 percent of the residents relied chiefly on government largess for their income 30 percent were totally dependent, teen-age pregnancies were frequent.

In 1982, the residents of the project decided that living conditions had crossed into the intolerable zone. They formed their own management corporation, elected a board of directors from among the residents, and convinced the city to let them run the place.

Within two years they radically improved living conditions; restored regular heat and hot water, patched up leaky roofs and other gross physicial defects, cut operating costs 60 percent, and raised rent receipts 13 percent.

So much anyone who understands incentives might have predicted since the managers live in the project, they suffer when the heat goes off. But in those two years crime also dropped 75 percent, resident income rose substantially, and welfare dependency and teen-age pregnancies were reduced by half though essentially the same people were living there as in 1982.

The evidence indicates that over these broad social changes are directly attributable to the resident takeover.

The story of the transformational Kenilworth-Parkside could fill a book, though as told by Kimi Gray, the Kenilworth resident who heads the board of directors, it would be a novel, not a doctoral thesis. The theme would be straightforward—the end of childhood.

Current public housing programs, along with most welfare programs, assume their clients are part of an "underclass," not merely poor, but socially deranged members of a culture that attaches, as one theorist put it "no value to work, sacrifice, self-improvement, or service to family, friends, or community." But a similar description might be made of very young children—notoriously, though innocently, selfish because everything is done for them.

The Kenilworth experience suggests the "underclass" theorists who design welfare programs have it backwards. Residents of public housing and other government dependence behave irresponsibly because all responsibility has been taken from them.

According to Kimi Gray, Kenilworth residents behave responsibly because they have responsibility: they are self-governing, making their own rules and enforcing them.

Break a window? Pay a fine, enforced by the residents. Poor people can't afford to pay fines? "Wrong," says Kimi, "Poor people can't afford to break windows." Don't cut your grass? Management will cut it and send you a bill. Let your kids "hang out" all day causing trouble instead of going to school? You'll be reported to the authorities and if you don't straighten out your kid you'll be evicted. There have only been two evictions.

This is not totalitarianism—middle-class people live under similar restraints. Indeed at Kenilworth the rules are so cherished by the community they work more like the status restraints of middle-class neighborhoods than like citations from a lawbook.

One reason welfare dependency has declined is that all the work of the projects from running the furnaces to fixing the roofs, is done by resident employees. More importantly, self management has created a community, and in that community "watching soap operas all day and collecting welfare" is not acceptable behavior. Crime has dropped 75 percent because the community defends itself—one of the principal social activities at Kenilworth seems to be watching the street and calling the police.

The next step the residents hope, will be the ultimate responsibility, ownership, first by management collectively and then by those residents who wish and, with subsidies, could afford to buy their units co-op style.

Public policy analyst Cicero Wilson, who had studied Kenilworth-Parkside closely for the American Enterprise Institute, points out that as tenants public housing residents are encouraged to be irresponsible.

As their incomes rise, their rents rise, discouraging work. Indeed, income increases can eventually force them out of their homes. The current system guarantees that the most responsible residents of the community will be punished or forced to leave.

With ownership as a goal, tenants would have an incentive to raise their incomes and protect their homes—like adults in the real world, not children sentenced to the welfare nursery.

Ownership is the ultimate goal of the housing radicals. Rumor has it that mild-manner HUD Secretary Sam Pierce has radical blood in his viens. Let's hope.●

By Mr. ZORINSKY:

S.J. Res. 51. Joint resolution to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week"; to the Committee on the Judiciary.

NATIONAL CZECH AMERICAN HERITAGE WEEK

● Mr. ZORINSKY. Mr. President, on behalf of the Czech American citizens throughout the United States, I rise today to introduce a joint resolution designating the week of July 27 to August 2, 1987, as "National Czech American Heritage Week." This legislation pays tribute to the thousands of Czech Americans who live in the United States.

The first documented Czech immigrant, Augustine Herman, arrived in New Amsterdam in 1633. Czech immigrants began arriving in large numbers after 1850 seeking religious, economic, and political freedoms. By 1890, some 170,000 persons had arrived. by 1900, Czech immigrants and their descendents, had settled in particularly large numbers in the cities of New York, Cleveland, and Chicago. In addition, they were established in large numbers in farming communities throughout the breadbasket of the United States stretching from Wisconsin to Texas. Today, Czech immigrants and their descendents can be found in each and every State in the United States.

Throughout the history of the United States, Czech immigrants and their descendents have made significant and unique contributions to American culture. Czech's have been particularly active in the newspaper business, politics, and in intellectual and religious movements of the day. By involving themselves in these areas, Czech immigrants and their descendents became a significant voice in the American intellectual landscape. The most recent wave of Czech immigrants, following the implementation of the Czechoslovakian Communist regime in 1948 and the Soviet-led invasion of Czechoslovakia in 1968, continue to infuse American culture with fresh ideas and talent.

While Czech immigrants successfully integrated into the American mainstream, they have never lost touch with their heritage. Czechs formed fraternal and gymnastic societies soon after arriving in the United States. Today, ethnic pride is still manifested through these organizations as well as through the many Czech festivals held in towns throughout the midwest and nationwide.

It has been my privilege to take this time on the Senate floor to urge my colleagues to join me in recognizing July 27 to August 2, 1987, as a week to remember and reflect on the unique heritage of Czech Americans.

Mr. President, I ask unanimous consent that Senator EXON be listed as an original cosponsor of this measure. I also request unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 51

Whereas since the immigration of the first documented Czech settler, Augustine Herman, to New Amsterdam in 1633, Czechs and Americans of Czech descent have played a vital role as contributors to United States rural and urban life;

Whereas Czech immigrants, seeking religious, economic, and political freedom, have throughout the years contributed significantly to the arts, sports, education, and commerce;

Whereas Czech immigrants, fleeing the communist regime in 1948 and the 1968 Soviet led invasion of Czechoslovakia, represent the latest in the tradition of Czech immigrants seeking political freedom in the United States, and are particularly noteworthy for their impressive contributions in literature and other intellectual and professional pursuits;

Whereas in the 19th century Czech immigrants established hundreds of gymnastic clubs, known as "sokols", throughout the United States, and this dedication and aptitude for sports continues and is well embodied in the accomplishments of the recent Czech immigrant, Martina Navratilova, the number one ranked women's tennis player in the world for the past five consecutive years; and

Whereas the state of Nebraska has the largest percentage of Czech descendants per capita, and the town of Wilber, Nebraska, known as the Czech capital of the United States, celebrates its 26th Annual National Czech Festival on August 1-2, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on July 27, 1987, and ending on August 2, 1987, is designated as "National Czech American Heritage Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such period with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. BOREN, the names of the Senator from Vermont [Mr. LEAHY], the Senator from North Dakota [Mr. CONRAD], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 10

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 10, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 23

At the request of Mr. ROTH, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 23, a bill to make changes in the Trade Adjustment Assistance Program.

S. 40

At the request of Mr. MOYNIHAN, the name of the Senator from Montana [Mr. BAUCUS], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of S. 40, a bill to amend section 1 of the Atomic Energy Act to 1954, as amended, to clarify that no nuclear plant should operate without assurance from the Federal Government's experts on emergency preparedness that the public health and safety can and will be protected.

S. 51

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 51, a bill to prohibit smoking in public conveyances.

S. 52

At the request of Mr. PRESSLER, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 52, a bill to direct the cooperation of certain Federal entities in the implementation of the Continental Scientific Drilling Program.

S. 69

At the request of Mr. TRIBLE, the name of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Massachusetts [Mr. KERRY], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the basis recovery rule for pension plans.

S. 109

At the request of Mr. INOUYE, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Indiana [Mr. LUGAR], Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 109, a bill to permit the naturalization of certain Filipino war veterans.

S. 129

At the request of Mr. INOUYE, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Alaska [Mr. STEVENS], the Senator from Montana Mr. MELCHER], the Senator from South Dakota [Mr. PRESSLER], the Senator from Washington [Mr. EVANS], the Senator from California [Mr. CRANSTON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 129, a bill to authorize and amend the Indian Health Care Improvement Act, and for other purposes.

S. 181

At the request of Mr. RIEGLE, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 181, a bill entitled the "Public Safety Officers' Death Benefits Amendments of 1987."

S. 182

At the request of Mr. RIEGLE, the names of the Senator from California [Mr. WILSON], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 182, a bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections.

S. 184

At the request of Mr. DODD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 184, a bill to provide economic assistance to the Central American democracies, and for other purposes.

S. 187

At the request of Mr. MELCHER, the names of the Senator from New Jersey [Mr. BRADLEY], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 187, a bill to provide for the protection of Native American rights for the remains of their dead and sacred artifacts, and for the creation of Native American cultural museums.

S. 200

At the request of Mr. NICKLES, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 200, a bill to amend the Internal Revenue Code of 1954 to repeal the windfall profit tax on crude oil.

S. 233

At the request of Mr. BOREN, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 233, a bill to amend the Internal Revenue Code of 1986 to encourage increased production of domestic crude oil, and for other purposes.

S. 248

At the request of Mr. LAUTENBERG, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 248, a bill to amend title 10, United States Code, to permit members fo the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform.

S. 249

At the request of Mr. DODD, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 249, a bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes.

S. 268

At the request of Mr. HUMPHREY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 268, a bill to amend title 5, United States Code, to provide child adoption benefits for Federal Government employees.

S. 269

At the request of Mr. HUMPHREY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 269, a bill to amend title 10, United States Code, to provide child adoption benefits for members of the Armed Forces.

S. 270

At the request of Mr. HUMPHREY, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 270, a bill to provide a transition period for the full implementation of the nonrecurring adoption expenses reimbursement program.

S. 271

At the request of Mr. HUMPHREY, the name of the Senator from Oklahoma [Mr. NICKLES], the Senator from Mississippi [Mr. COCHRAN], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 271, a bill to amend section 1001 of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 334

At the request of Mr. PRESSLER, the name of the Senator from Idaho [Mr. SYMMS], was added as a cosponsor of S. 334, a bill amending the Food Security Act of 1985 to define alfalfa and other legumes as agricultural commodities under the conservation title of the act.

S. 336

At the request of Mrs. KASSEBAUM, the names of the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Pennsylvania [Mr. HEINZ], were added as cosponsors of S. 336, a bill to amend the Securities Exchange Act of 1934 to impose disclosure requirements on persons acquiring more than 5 percent of certain classes of securities.

S. 346

At the request of Mr. ZORINSKY, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Pennsylvania [Mr. HEINZ], were added as cosponsors of S. 346, a bill to amend the Railroad Retirement Act of 1974 to allow a worker to be employed in any nonrailroad employment and still qualify for an annuity, subject to current deductions in the tier 1 benefit on account of work and new deduction in the tier 2 benefit if the employment is for his last nonrailroad employer.

S. 347

At the request of Mr. SASSER, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 347, a bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime.

S. 350

At the request of Mr. DURENBERGER, the names of the Senator from Indiana [Mr. QUAYLE], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 350, a bill to amend the Tax Reform Act of 1986 to extend for 1 year the waiver of estimated penalties for underpayments by individuals attributable to such act.

S. 368

At the request of Mr. MATSUNAGA, the name of the Senator from Colorado [Mr. WIRTH], was added as a cosponsor of S. 368, a bill to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs in the United States, to place restrictions on drug samples, to ban certain resales of drugs purchased by hospitals and other health care facilities, and for other purposes.

S. 383

At the request of Mr. QUAYLE, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 383, a bill to amend the Bilingual Education Act to make Federal financial assistance available for children of limited English proficiency without mandating a specific method of instruction, to encourage innovation at the State and local level through greater administrative flexibility, to improve program operations at the Federal level, and for other purposes.

S. 408

At the request of Mr. KERRY, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 408, a bill to amend the Atomic Energy Act of 1954 to allow full participation by State and local governments in the licensing process for nuclear power facilities and to require that emergency planning extend to a minimum of 10 miles in radius around each nuclear power facility.

S. 457

At the request of Mr. SYMMS, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 457, a bill to amend the Tax Reform Act of 1986 to delay for 1 year the increase from 80 to 90 percent in the current year liability for estimated tax payments by individuals, and for other purposes.

S. 477

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 477, a bill to assist homeless veterans.

S. 479

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 479, a bill to amend chapter 73 of title 10, United States Code, to provide a minimum monthly annuity under such chapter.

S. 490

At the request of Mr. BENTSEN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was withdrawn as a cosponsor of S. 490, a bill to authorize negotiations of reciprocal trade agreements, to strengthen U.S. trade laws, and for other purposes.

SENATE JOINT RESOLUTION 9

At the request of Mr. SARBANES, the names of the Senator from Connecticut [Mr. DODD], the Senator from Connecticut [Mr. WEICKER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. METZENBAUM], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Washington [Mr. ADAMS], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 9, a joint resolution to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 13

At the request of Mr. SYMMS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution of the United States with respect to the English language.

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 15, a joint resolution designating the month of November 1987 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 19

At the request of Mr. WARNER, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Kansas [Mr. DOLE], the Senator from Missouri [Mr. BOND], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 19, a joint resolution to designate March 20, 1987, as "National Energy Education Day."

SENATE JOINT RESOLUTION 26

At the request of Mr. PELL, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 26, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 39

At the request of Mr. SIMON, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Oklahoma [Mr. BOREN], the Senator from Indiana [Mr. QUAYLE], the Senator from Tennessee [Mr. GORE], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 39, a joint resolution to provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day."

SENATE JOINT RESOLUTION 41

At the request of Mr. GLENN, the names of the Senator from Montana [Mr. MELCHER], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 41, a joint resolution to designate the period commencing on November 22, 1987, and ending on November 29, 1987, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 49

At the request of Mr. HATFIELD, his name was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to designate September 18, 1987, as "National POW/MIA Recognition Day."

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. HUMPHREY, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Concurrent Resolution 6, a concurrent resolution expressing the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. HATFIELD, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution to provide for the display of the National League of Families POW/MIA flag in the Capitol Rotunda.

SENATE RESOLUTION 92

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Resolution 92, a resolution rejecting the administration's recommendation to eliminate the excise tax exemption for alcohol fuels.

SENATE RESOLUTION 93

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Resolution 93, a resolution expressing the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 94

At the request of Mr. BYRD, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Resolution 94, a resolution concerning arms control negotiations with the Soviet Union.

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of Senate Resolution 94, supra.

At the request of Mr. PELL, his name was added as a cosponsor of Senate Resolution 94, supra.

SENATE RESOLUTION 98

At the request of Mr. RIEGLE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Resolution 98, a resolution expressing the sense of the Senate that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes.

SENATE CONCURRENT RESOLUTION 17—REGARDING THE PROMOTION OF DEMOCRACY AND SECURITY IN THE REPUBLIC OF KOREA, AND FOR OTHER PURPOSES

Mr. **CRANSTON** submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 17

Whereas the American people have an enduring commitment to help secure and promote democracy for the people of the Republic of Korea;

Whereas American citizens have demonstrated commitment to the freedom of the people of the Republic of Korea by our sacrifices during the Korean War, by our ongoing defense treaty relationship, including the stationing of 40,000 U.S. troops in the Republic, and our provision of more than $12 billion in economic and military aid since 1953—assistance which is advanced in furtherance of democracy, not dictatorship;

Whereas in 1988 the Republic of Korea plans the transition of presidential power and the hosting of the summer Olympic games;

Whereas these events will focus international attention on the Korean Peninsula;

Whereas a peaceful, democratic transition of governmental power could become the political landmark that will secure the path toward genuine democracy for South Korea;

Whereas the Republic of Korea's increasing role in the international economy has not been matched by a commensurate increase in the enforcement of internationally-recognized standards in civil and political rights;

Whereas genuine democracy, governmental respect for internationally recognized human rights, and internal stability best guarantee the security of the Republic of Korea against any conceivable threat of aggression from North Korea; and

Whereas large numbers of citizens of the Republic of Korea have expressed dissatisfaction with the severe limits imposed by the authorities on freedom of expression and access to the political process: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That (a) the American people reaffirm our commitment to promoting the development of democracy for all the Korean people.

(b) It is the sense of Congress that

(1) the deep interest of the United States in securing democracy and human rights in the Republic of Korea would best be served by the peaceful establishment of genuine democratic institutions;

(2) the necessary condition for achievement of a genuine democracy is an electoral system designed, by agreement among the South Korea political parties, to give the people of the Republic of Korea confidence that the outcome of those elections will reflect their will; and

(3) the necessary conditions of such elections are freedom of expression, freedom of the press, respect for due process of law, an independent judiciary, an end to the use of torture, the release of all political prisoners, the restoration of full political and civil rights; and legal implements to guarantee the proper and humane treatment of all political detainees.

Mr. CRANSTON. Mr. President, today I am submitting a concurrent resolution in support of progress toward genuine democracy for the people of South Korea.

The United States and the Republic of Korea have maintained a close friendship over the past four decades and continue to share many common concerns—for security in northeast Asia, for the promotion of international trade, and for a continuation of the mutually beneficial relations between our two nations. I know that the South Korean people have not forgotten the sacrifices of the Americans who served in Korea during the Korean war, and they are grateful for the continued assistance and security United States Forces in South Korea provide today. The Korean people have not forgotten the economic aid from the United States which helped them, in part, to build the flourishing economy they now enjoy.

Because of this historical friendship, Americans have had a large reservoir of good will to draw upon in South Korea. But that supply of good will is not limitless, and indeed, we are now confronted with a rising tide of anti-Americanism in South Korea. How can this be possible, in view of the close relationship our two countries have enjoyed? It seems the United States suffers from the perception, growing among the South Korean people, that we are allied with the tyranny, with the injustices and abuse of the Chun dictatorship. We must dispel this false perception by stating clearly to the South Korean people that United States interests lie in the furtherance of democracy, not dictatorship.

Our firm show of support will come at a crucial time in South Korea's history. The people of that nation will face a number of challenges in 1987 which will determine the political future of South Korea. Negotiations between leaders of the South Korean Government and opposition leaders over the divisive issue of constitutional reform are currently proceeding, albeit slowly. The ruling party insists on a parliamentary form of government; the opposition New Korea Democratic Party would like a system of direct presidential elections. There is serious concern among the opposition that no fair parliamentary election can be held because of severe distortions of the popular will inherent in the administration of the current electoral laws.

We must hope that a spirit of cooperation will prevail and that these negotiations will lead to a compromise that will be acceptable to the majority of South Koreans. Any such compromise must provide for a government representative of the will of the Korean people, significant electoral reform, and legal instruments which guarantee fundamental political and civil rights to all the citizens of the Republic of Korea. If a resolution to the current political impasse is not achieved, I fear we may see increased violence that could seriously disrupt not only South Korea's immediate election plans, but also the longer term prospects for a transition to democracy there.

South Korea has never, in modern times, experienced a democratic transfer of power. There is finally a chance that genuine democratic development can take place in Korea in the next year. Unfortunately, this chance grows increasingly dim as the political confrontation intensifies without a negotiated settlement in sight.

While it is not for us to dictate to the South Korean people which form of government is most appropriate for them, it is high time we lent more meaningful support to the principle of democracy there. Several weeks ago a student at Seoul National University was brutally tortured and killed in police custody. The death of Park Jong-Chul has become a rallying-point against Chun's oppression for the many students, workers, and other Korean citizens who have been struggling and demonstrating for democracy in recent months. Park's death is by no means the only example of the severe abuses of the Chun regime. Harrassment, arrest, and imprisonment of virtually all outspoken dissenters, including journalists and clergymen, has been the customary method of dealing with political opposition to Chun.

I fear that violence may become more widespread and severe if the Korean people lose hope that democratic progress can be made in the near future. The American people must do what we can to strengthen the hope by reassuring the Korean people of our enduring commitment to democracy in South Korea. As we did in our relations with the people of the Philippines, we must make clear our interest in promoting full human and political rights for all the citizens in that country. And we must demonstrate our interest in free and fair elections, freedom of press, and the release of all political prisoners there.

The resolution I am introducing today is designed to make the position of the United States clear on this issue. Its purpose is to reaffirm to those in South Korea struggling for democracy that the United States is on their side and shares their hopes. It is designed, as well, as a clear reminder and warning to South Korean authorities that American's commitment is to defend democracy, not dictatorship: our troops are in South Korea to advance freedom, not fascism.

As Chairman of the East Asian and Pacific Affairs Subcommittee of the Senate Foreign Relations Committee, it is my intention to hold hearings on the political situation in the Republic of Korea at the earliest opportunity in March, and to move any resolution forward in the committee to permit action by the full Senate.

As the South Korean people look forward to a successful 1988 Seoul Summer Olympics with justified pride, let us encourage them to hope that the Olympics will take place in a free and democratic country. Let me make clear the commitment of the people of the United States to democracy, justice, and human rights in South Korea.

SENATE RESOLUTION 104—URGING REVISION OF IRS FORM W-4

Mr. QUAYLE (for himself, Mr. Kasten, Mr. McCain, Mr. Durenberger, Mr. Danforth, Mr. Lugar, Mr. Simms, Mr. Nickles, Mr. Domenici, Mr. Roth, Mr. Humphrey, Mr. Boschwitz, and Mr. Warner) submitted the following resolution; which was referred to the Committee on Finance:

S. Res. 104

Whereas, the Tax Reform Act of 1986, Public Law 99-514, necessitated changes in wage withholding to reflect new rate schedules and changes in withholding allowances which may affect individual income tax liability; and

Whereas, title XV of the Tax Reform Act of 1986 instructed the Internal Revenue Service to issue new Forms W-4, and required that employers withhold income taxes from employees' wages consistent with employees' most recent withholding allowance certificate if the employees do not file a revised Form W-4 on or before October 1, 1987; and

Whereas, the Senate Finance Committee Report to accompany the Committee version of the Tax Reform Act of 1986, H.R. 3838, relating to Section 562 of the bill stated, "While the Committee believes that the changes in the substantive law made by this bill will permit wage withholding to approximate tax liability more closely for many taxpayers, the Committee believes that increased complexity in the current Form W-4 and wage withholding tables is not desirable, even if it were designed to permit withholding to approximate tax liability more closely. Consequently, neither Form W-4 nor the withholding tables is to be made more complex when they are revised in accordance with this provision of the bill"; and

Whereas, the revised Form W-4 issued by the Internal Revenue Service on November 18, 1986 is four pages in length, may require taxpayers to complete as many as 46 separate lines of information, refers taxpayers to a total of four different IRS publications for instructional purposes, and is unnecessarily complex and confusing; and

Whereas, the complexity of the Form W-4 has fostered a negative perception of the Tax Reform Act of 1986 by taxpayers, caused unnecessary tension in the relationship between employers and employees, and placed an inordinate burden on taxpayers, and;

Whereas, the more complex Form W-4 and the accompanying new requirement that taxpayers must have withheld 90 percent of tax liability, rather than the previous level of 80 percent, reduces the margin for unintended error and unpredictable fluctuations in income and thus may subject taxpayers to penalties and interest due under Section 6654 of the Internal Revenue Code; and

Whereas, the IRS has indicated that it is reviewing various alternatives but has made no commitment to issuing a new Form W-4, and;

Whereas, further delay in the issuance of a simpler Form W-4 may cause a great number of taxpayers to be unknowingly and unintentionally underwithheld, and thus penalized unfairly: Now, therefore, be it

Resolved, That it is the sense of the Senate that the IRS should revise the Form W-4, giving highest priority to simplicity and clarity of instructions, and that such revision should be completed in a timely manner in order to avoid undue penalty to taxpayers from underwithholding.

● Mr. QUAYLE. Mr. President, when it comes to terrifying the American people, Hollywood has its rival in Washington. Just as Hollywood has scared moviegoers across the country with Paramount Pictures' B-grade epic horror story, "Friday the 13th," and its five sequels, Washington has scared the wits out of U.S. taxpayers once again by using F-grade judgment in producing the new W-4 forms, or "Tax Horrors Part III."

The original scare came in 1982 when Congress required 10 percent withholding on all dividend and interest income. Because of the hardships this provision imposed upon withholding and financial institutions, I helped lead the successful campaign in Congress to repeal that unwieldy law in 1983.

Next came the thrill contemporaneous auto logs of 1984, a requirement that Congress included in deficit-reduction legislation that year as a means of preventing the tax avoidance that occurs when people claim business deductions for what are actually personal expenses. But the Internal Revenue Service interpreted the requirement to mean that, unless a detailed log was kept of each and every business use of a vehicle, no tax deduction or credit would be allowed. Once again an onerous burden had been imposed on American taxpayers, and once again Congress did the right thing in 1985 and passed a bill I cosponsored to repeal the new and unwarranted Federal regulations.

The latest horror story was perpetrated on November 18, 1986, when the IRS released the new form W-4.

I am proud to have been the first in the Senate to introduce a comprehensive tax reform proposal back in May 1982—the SELF tax plan—for simplicity, efficiency, low rates, and fairness. It was no coincidence that the first letter of the acronym for my bill was "S" for simplicity. It was the public's desire to simplify the maze-of-a-tax-code that provided the impetus for the early stages of Federal tax reform.

Yet that vital objective has been abandoned by the Tax Reform Act of 1986 and its accompanying regulations. Many believe that a tax code cannot be both simple and fair, but Mr. President, does not eliminating loopholes, special preferences, and tax expenditures make the system both simpler and fairer?

Mr. President, I would like to quote from a few of the letters I have received from Hoosier taxpayers about the new W-4 form:

> I have just received the new W-4 with accompanying instructions. After reading them for an hour, I called my accountant and gave them to him * * *. I have now forgotten how to spell SEMPLESITI.
>
> Can't we have forms the average citizen can fill out without having to hire an accountant or lawyer?

Not only are these forms confusing, they are a burden on businesses and are affecting the employer-employee relationship:

> Companies are having to spend lots of time and money running off explanations trying to help their employees fill out the new W-4 forms.

Another letter about the W-4 form that I received from one of my constituents asks, "Would you please have someone answer the following questions?:

> Why is it necessary to refer to four other forms to help fill out this one?
>
> Why do we need an 800 phone line to order three of these forms, one of which is not available?
>
> Why after eighteen busy signals at an IRS office was I referred to four people who gave me two different answers?
>
> How can you lawfully file this form on September 30, and yet know you won't be hit with a $500 fine plus interest for a wrong estimate?

These are telling questions indeed, and to date, the IRS has provided no satisfactory answers to them. The reviews of the new W-4 form from America's heartland are unanimous: The latest Washington horror production has bombed, and the only way to address the critics' very reasonable outrage is by sending the IRS back to the cuttingroom.

Mr. President, Hoosiers, like all Americans, enjoy a good scare for entertainment's sake now and then, but they don't like it one bit—nor should they—when Washington shocks their day-to-day lives with an unnecessarily complex tax form coupled by the threat of a penalty if they do not successfully negotiate its prohibitive maze of instructions.

To win back the faith of the American taxpayers, Mr. President, I believe Congress must take corrective action. For starters, we should enact S. 350, legislation introduced by Senator Durenberger that I am cosponsoring to extend the waiver of estimated tax penalties for another year. Under this bill, no estimated tax penalties would be imposed on individuals for taxable years 1986 and 1987 to the extent that underpayment of estimated tax is created or increased by any provision of the Tax Reform Act of 1986. Taxpayers would still be required to pay their 1986 taxes by April 15, 1987, and to pay their 1987 taxes by April 15, 1988, or they would be subject to a penalty for failure to pay tax.

Congress should also pass into law S. 457, legislation authored by Senator SYMMS that I have also cosponsored. This bill would delay for 1 year the provision of the Tax Reform Act of 1986 that increased from 80 to 90 percent the portion of the current year's tax liability that must be paid by individuals as estimated tax payments to avoid an estimated tax penalty. The first section of the bill would also extend the waiver of individual estimated tax penalties another year, while section two would enable certain individuals to elect to pay part or all of the income taxes owed for the taxable year in 1987 in three equal installments, which would be due on April 15, June 15, and September 15, 1988.

Finally, the Senate should broadcast its plan of the form W-4 by passing the measure I am introducing today. My sense of the Senate resolution calls on the IRS to "revise the form W-4, giving highest priority to simplicity and clarity of instructions." My initiative further stipulates "that such revision should be completed in a timely manner in order to avoid undue penalty to taxpayers from underwithholding."

I urge my colleagues to join me cosponsoring this resolution and calling for its prompt consideration and adoption.●

AMENDMENTS SUBMITTED

NATIONAL APPLIANCE ENERGY CONSERVATION ACT

GRAMM AMENDMENT NO. 31

Mr. GRAMM proposed an amendment to the bill (S. 83) to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances; as follows:

On page 16, line 16, strike "every".

On page 17, line 18, strike "every".

On page 19, strike line 22 and all that follows through page 20, line 20.

On page 22, strike line 6 and all that follows through page 23, line 3.

On page 25, strike line 3 and all that follows through line 24.

On page 26, line 19, strike "every".

On page 27, strike line 23 and all that follows through page 28, line 13.

On page 29, line 21, insert the following and redesignate subsections (j), (k), (l), (m), (n), and (o), accordingly:

"(j) FURTHER RULEMAKING.—After issuance of the last final rules required under subsections (b) through (h) of this section, the Secretary may publish final rules to determine whether standards for a covered product should be amended. An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment made pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct hearing equipment and furnaces) after publication of the final rule establishing a standard.

"(k) PETITION FOR AN AMENDED STANDARD.—(1) With respect to each covered product described in paragraphs (1) through (11) of section 322(a), any person may petition the Secretary to conduct a rulemaking to determine for a covered product if the standards contained either in the last final rule required under subsections (b) through (h) of this section or in a final rule published under this section should be amended.

"(2) The Secretary shall grant a petition if he finds that it contains evidence which, assuming no other evidence were considered, provides an adequate basis for amending the standards under the following criteria—

"(A) amended standards will result in significant conservation of energy;

"(B) amended standards are technologically feasible; and

"(C) amended standards are cost effective as described in subsection (1)(2)(B)(i)(II).

The grant of a petition by the Secretary under this subsection creates no presumption with respect to the Secretary's determination of any of the criteria in a rulemaking under this section.

"(3) An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct heating equipment and furnaces) after publication of the final rule establishing a standard.

On page 55, strike lines 13 through 15 and insert "of the United States over actions brought by—

"(1) any adversely affected person to determine whether a State or local government is complying with the requirements of this part; and

"(2) any person who files a petition under section 325(k) which is denied by the Secretary.".

On page 2, line 21, delete "(m)" and insert "(o)" in lieu thereof,

On page 28, line 18, delete "(j) and (k)" and insert "(l) and (m)" in lieu thereof,

On page 29, line 18, delete "(j) and (k)" and insert "(l) and (m)" in lieu thereof,

On page 34, lines 24 and 25, delete the "(j)" the two places it appears and insert "(l)" in lieu thereof, and

On page 9, line 9; page 39, line 19 and page 40, line 12 delete "1986" and insert "1987" in lieu thereof.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding the following hearings:

Oversight hearing on fiscal year 1988 budget for Indian programs on Thursday, February 19, 1987, in Senate Dirksen G-50 beginning at 9 a.m. Those wishing additional information should contact the committee at 224-2251.

S. 187, the Native American Cultural Preservation Act on Friday, February 20, 1987, in Senate Dirksen 628, beginning at 10 a.m. Those wishing additional information should contact Clara Spotted Elk at 224-2644.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Small Business Committee has rescheduled its organizational meeting and hearing on the administration's fiscal year 1988 budget for the SBA to Tuesday, February 24, 1987. The hearing will commence at 2:30 p.m., and will be held in room 428A of the Russell Senate Office Building. For further information, please call John Ball, the committee staff director at 224-5175.

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Regulation and Conservation.

The hearing will take place Thursday, March 12, 1987, 9:30 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning S. 85, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Betsy Moler at (202) 224-0612.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the information of the Senate and the public that hearings on the Department of Energy's Uranium Enrichment Program and on the status of the domestic uranium mining industry have been scheduled before the Subcommittee on Energy Research and Development.

These hearings will take place on Monday, March 9, 1987, at 2 p.m., and on Friday, March 13, 1987, at 9:30 a.m., in room SD-366 in the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning the current status of the Department of Energy's Uranium Enrichment Program and on the domestic uranium mining industry.

Those wishing to submit written testimony should address it to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information please contact Cheryl Moss at (202) 224-7569.

Mr. President, I would like to announce for the information of the Senate and the public that hearings on clean coal technology have been scheduled before the Subcommittee on Energy Research and Development.

These hearings will take place on Thursday, April 2, 1987 at 9:30 a.m., and on Thursday, April 9, 1987, at 9:30 a.m., in room SD-366 in the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning the Department of Energy's fiscal year 1988 authorization request on clean coal technologies within the Department's Fossil Energy Program.

Those wishing to submit written testimony should address it to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information please contact Cheryl Moss at (202) 224-7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce a schedule change. The full committee hearing concerning the President's proposed budget for the Department of Energy for fiscal year 1988, previously scheduled to start at 2 p.m. on Wednesday, February 18, will begin instead at 2:30 p.m. in SD-366.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, March 5, 1987, at 9:30 a.m., to receive testimony from Senators on congressional election campaign finance reform proposals referred to the committee. The committee will be focusing on the following bills: S. 2, introduced by Senators BOREN and BYRD, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; S. 50, introduced by Senator MOYNIHAN, to amend the Federal Election Campaign Act of 1971 to provide for the public financing of Senate general election campaigns, to change certain contribution limits for elections, and for other purposes; S. 179, introduced by Senators SIMON and MOYNIHAN, to amend the Federal Election Campaign Act of 1971 to provide for the public financing of Senate general election campaigns; and S. 207, introduced by Senator GORE, to provide for the partial public financing of general elections for candidates for the U.S. Senate, and for other purposes.

Senators who wish to testify or to submit a statement for the hearing record are requested to have their staffs contact Jack Sousa, elections counsel of the committee, on 224-5648.

For further information regarding this hearing, please contact Mr. Sousa.

AUTHORITY FOR COMMITTEES TO MEET

Mr. BYRD. Mr. President, I have two requests which have been cleared on the other side of the aisle by the able Republican leader. They deal with committee meetings.

I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate today, at 2 p.m., to hold hearings on the nomination of Robert Gates to be Director of the CIA.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate today, at 2 p.m., to resume hearings on proposed legislation authorizing funds for the fiscal years 1988 to 1989 for the Department of Defense focusing on U.S. military property.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JAPAN'S TRADE WITH CUBA

● Mr. CHILES. Mr. President, the issue of trade is currently at the center of the political stage—and rightfully so. The tremendous deficits which the Nation continues to mount are sapping our Economic strength and must be reduced. But there are other international trade practices which are equally damaging to America's economic and military power. Trade is blossoming, for instance, between allies of the United States and the revolutionary regime of Cuba.

This trade with Cuba directly undermines United States interests around the world. To the extent that other nations purchase export commodities from Cuba, they allow Castro to export troops and revolution to other points around the globe. Troops, in fact, are one of Cuba's major exports. They maintain a sizable presence of troops in both Angola and Nicaragua—in direct opposition to United States policy. The export of troops, however, is a drain on Cuba's economy; it must sell other commodities in order to raise much needed hard currency. Without hard currency, the Cubans could not export their revolution, nor could they purchase the technology and hardware necessary for economic growth.

Trade with Cuba also directly benefits the Soviet Union. Aside from troops, Cuba's main exports are agricultural commodities, and sugar is by far the most important. Unless a market is found for Cuban products, their economy requires ever larger subsidies from the Soviet Union. Thus, the trade which our allies conduct with Cuba assists not only the Cuban economy, but also that of the Soviet Union. The Soviets also face difficulties with hard currency, and trade with Cuba reduces the drain which the Cuban economy places on the Soviet economy.

A number of Cuban's trading partners are also nations who receive aid from the United States. But one of the heaviest traders with Cuba is Japan. According to an article published in Forbes Magazine, the Japanese purchased about $60 million in sugar and shrimp in only the first 6 months of 1986. At the same time, they exported approximately $210 million in goods to Cuba. In order to allow Cuba to purchase all these excess goods, the Japanese have also been very generous in extending credit to the Cuban economy. For a number of years, Japan has been Cuba's largest non-Communist creditor. The extent of this trade with Cuba was revealed in this Forbes article. The article suggested that the Japanese credit allows Cuba to purchase essential items like agricultural chemicals, machinery, motors, and computers—items that keep the Cuban economy afloat.

Mr. PRESIDENT, the trade our allies conduct with Cuba is worse than regrettable. It is dangerous. By propping up the Cuban economy, they are spreading revolution and violence. In addition to undermining U.S. policies they are sacrificing peace for profit. With the large surplus in trade which Japan builds each year, surely they could curtail the credit which is extended to Cuba: If not for friendship to the United States, then at least for sound Economic and political reasons. I believe it is in our allies best interests to prevent Cuba from exporting subversion, and I think they should therefore reconsider their trading practices with Cuba for their own sake. I ask that the Forbes article on Japan's trade with Cuba be entered in the RECORD.

The article follows:

[From Forbes magazine, Nov. 3, 1986]

A FRIEND IN TOKYO

(By Howard Banks)

Fidel Castro's totalitarian regime, aside from sugar, has nothing to pay with—except mercenary soldiers, whom the Japanese don't need—yet Japan has been pouring goods into Cuba at an accelerating pace. Heedless of Washington's exasperation and Cuba's total inability to pay. Tokyo's attitude toward this lopsided trade seems to defy common sense.

Official Japanese trade figures show that in 1983 Japan's exports to Cuba came to $104.7 million, not much more than Japan's imports from Cuba that year, $92.1 million. Since then exports have exploded—to $250.3 million in 1984, $300.9 million in 1985 and an annual rate of over $420 million in the first half of this year. Japanese imports from Cuba—mostly sugar and shrimp—have relatively speaking, stayed about the same: $78 million in 1984, $92.3 million in 1985 and an annual rate of around $120 million in the first half of 1986.

Nobody in Washington or Tokyo is at all eager to discuss a matter this delicate on the record. And obviously Japan's aid is nowhere near as critical as the $3 billion or more annual subsidy that Fidel gets from Moscow. Nevertheless, U.S. government officials believe that Japan's recent flood of exports is clearly preventing the Cuban economy from sliding over the edge. (Things are so bad that Fidel began rationing beer a month ago.)

To the visitor's casual eye, the only Japanese presence in the street of Havana is innocent things like Sanyo radios and tape recorders to be sold to tourists in hard currency shops in the major hotels. But the bulk of Japanese exports are believed to involve items like agricultural chemicals, simple machinery, electric motors, small computers, that keeps things going.

Who's paying? The Cubans, but with money borrowed from the Japanese. For some years now Japan has been Cuba's largests non-Communist creditor, the latest known-for-sure figure is around $500 million debt outstanding at the end of 1984. A conservative guess, based on the growing trade gap and probably unpaid interest, suggests the current number is close to $850 million and rising. Cuba's total debt to the Free World is now figured at around $3.6 billion. Of this total, $1.8 billion is owed to governments, $1.35 billion to foreign banks and the rest to suppliers, who will most likely have to whistle for their money.

For months Hector Rodriguez, Llompart, president of Cuba's central bank, the Banco Nacional de Cuba, has been touring Western capitals, cap in hand. Cuba's foreign reserves dipped below $100 million in the first quarter of this year, and he needed help. Llompart did succeed in getting his Western bankers, headed by Credit Lyonnais of France, to reschedule over a generous ten years Cuba's convertible-currency debt maturing in 1986 ($117 million plus $15 million interest). It was nothing like the $500 million in new money he had been asking for, but it was no tougher than deals granted other LDCs with a heck of a lot better chance of repaying.

So, what's in it for the Japanese to pour money into a sinking creditor—a creditor that is openly hostile to Japan's best customer, the U.S.? That's something of a mystery. Japanese largesse comes at a tough time for the Fidel dictatorship. Big Daddy in Moscow has refused to increase either of his major subsidies. Moscow has not upped the quantity of oil they give him—which he then resells on world markets for hard currency—to offset falling oil prices. And the Soviets have cut by around 10% the 21 cents a pound they were paying for Cuban sugar (way over the world price of around 6 cents a pound).

It this just the export-and-bedammed psychology carried to irrational extremes? Or is there more here than meets the eye? To American inquiries, government or private, the Japanese say only. "We must discuss this with colleagues." Meaning: We wish you wouldn't ask.●

THE 69TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

● Mr. WEICKER. Mr. President, by occupying Lithuania, the Soviet Union is breaking the basic human rights laws that the United States strongly supports. As the leader of the free world we strongly support the Lithuanians as we celebrate the 69th anniversary of the Lithuanian Independence Day. By celebrating this day we pledge our support to a people whose cultural and religious past has been ignored, and our commitment to the ideals of freedom and equality.

The Lithuanians declared themselves independent in 1918 after nearly a century of Czarist Russia occupation. Unfortunately this did not last very long for in 1939 the Soviet Union returned and took over the free country. The people of Lithuania gave a hard and long fight during which more than 300,000 people were deported to labor camps in Siberia. They suffered as a country and stayed united. They were stripped of their basic human rights, but they would never give up their religious beliefs.

As another year of their struggle begins, the people of the United States should give their support to the people of this important country who will not give up their cultural and religious heritage. We must realize the significance of Independence Day and recognize it as an example of great will. This is a lesson to us all and as such, we must learn from the Lithuanians and always remember their plight.

I salute the great courage and determination of the Lithuanians. They are still unyielding to the Soviet presence in their country and refuse to give up their national identity. We must help them restore not only religious freedom, but also political, cultural, and basic human rights. Our support and best wishes go to them once again as they continue their struggle for liberty.●

RULES OF THE SPECIAL COMMITTEE ON AGING—100TH CONGRESS

● Mr. MELCHER. Mr. President, in compliance with section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Special Committee on Aging is published the commitee's rules, which I submit for printing in the RECORD.

The rules are as follows:

I. CONVENING OF MEETING AND HEARINGS

1. *Meetings.* The Committee shall meet to conduct Committee business at the call of the chairman.

2. *Special meetings.* The members of the Committee may call additional meetings as provided in Senate Rule XXVI(3).

3. *Notice and agenda.* (a) Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least *one week* before its commencement; (b) Meetings. The Chairman shall give the members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least *5 days* in advance of such meeting; (c) Shortened notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. *Presiding officer.* The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the ranking majority member present shall preside. Any member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. *Procedure.* All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meetings or hearing may be closed by a vote in open session of a majority of the members of the Committee present.

2. *Witness request.* Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. *Closed session subjects.* A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: 1) national security; 2) Committee staff personnel or internal staff management or procedure; 3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; 4) Committee investigations; 5) other matters enumerated in Senate Rule IIVI (5) (b).

4. *Confidential matter.* No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part by way of summary, unless specifically author-

ized by the Chairman and ranking miniority member.

5. *Broadcasting.* (a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant; (b) Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. *Reporting.* A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. *Committee business.* A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority member is present. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. *Polling.* (a) *Subjects.* The Committee may poll 1) internal Committee matters, including those concerning the Committee's staff, records, and budget; 2) other Committee business which has been designated for polling at a meeting; (b) *Procedure.* The Chairman shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls; if the Chairman determines that the polled matter is one of the areas enumerated in rule II.3, the record of the poll shall be confidential. Any member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. *Authorization for investigations.* All investigations shall be conducted upon a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the ranking Minority member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the ranking Minority member agree that there exists temporary cause for more limited knowledge.

2. *Subpoenas.* Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other member of the Committee designated by him. Prior to the issuance of each subpoena, the ranking minority member, and any other member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. *Investigative Reports.* All reports containing findings of recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the members of the Committee.

V. HEARINGS

1. *Notice.* Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours' notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. *Oath.* All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. *Statement.* Any witness desiring to make an introductory statement shall file 50 copies of such statement with the Chairman or clerk of the Committee 24 hours in advance of his appearance, unless the Chairman and ranking Minority member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his prepared statement.

4. *Counsel.* (a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or deposition or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation or association; (b) A witness who is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. *Transcript.* An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact; the Chairman or a staff officer designated by him shall rule of such request.

6. *Impugned persons.* Any person who believes that evidence presented, or comment made by a member of staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may (a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record; (b) request the opportunity to appear personally before the Committee to testify in his own behalf; and (c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the Committee. The Chairman shall inform the Committee of such requests for appearance or cross-examination. If the Committee so decides, the requested questions, or paraphrased versions or portions or them, shall be put to the other witness by a member or by staff.

7. *Minority witnesses.* Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. *Conduct of witnesses, counsel and members of the audience.* If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSION

1. *Notice.* Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or be a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. *Counsel.* Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. *Procedure.* Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a member of the Committee. If the member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a member of the Committee.

4. *Filing.* The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. *Commission.* The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or accompanied by instructions from the Committee regulating their use.

VII. SUBCOMMITTEES

1. *Establishment.* The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex-officio members of all subcommittees.

2. *Jurisdiction.* Within its jurisdiction, as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. *Rules.* A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee membership, and for hearings shall be one member.

VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

IX. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.●

THE 150TH ANNIVERSARY OF THE BIRTH OF PRESIDENT GROVER CLEVELAND

● Mr. LAUTENBERG. Mr. President, I am pleased to announce that March 18 of this year will mark the 150th anniversary of the birth of President Grover Cleveland, our 22d and 24th President, and the only United States President born in New Jersey. To commemorate this special occasion, Mayor George T. Imperial and the city council of Caldwell, NJ, where President Cleveland was born, have designated the week of March 15 through 22 as "President Grover Cleveland Week."

Grover Cleveland was born the fifth child of the Rev. Richard F. Cleveland and Anna Neal Cleveland. The Cleveland family lived in Caldwell until young Grover was 4 years old, when they moved to New York State.

Grover Cleveland was the only President to win election to two nonconsecutive terms of office. His most memorable achievements included overhaul of the civil service system, handling of the national credit problem and an active foreign policy, including a role in the arbitration of the British-Venezuelan boundary dispute over British Guinea.

President Cleveland was also on hand in 1886 to accept on behalf of the American people the gift from the French Government of the Statue of Liberty. At the dedication ceremonies for the Statue of Liberty, President Cleveland said,

> We are not here today to bow before the representation of a fierce warlike god, filled with wrath and vengeance, but we joyously contemplate instead our own deity keeping watch and ward before the open gates of America and greater than all that have been celebrated in ancient song.

After he completed his second 4-year term of office in 1897, President Cleveland returned to New Jersey and settled in Princeton with Mrs. Cleveland and their children. He lectured at Princeton University and upon his death in 1908, was laid to rest at Princeton.

To commemorate this important date in American history, the township of Caldwell is planning a ceremony at President Cleveland's birthplace at 207 Bloomfield Avenue in Caldwell, which will be attended by community, State and national dignitaries, business, civic, educational, and religious leaders, citizens of New Jersey, and friends and relatives of the Cleveland family. Area schools will sponsor essay and poster contests celebrating New Jersey's only native born President. A flag dating back to the year 1837, the year of Cleveland's birth, will be displayed. Historic debates will be reenacted between Cleveland and his opponent in the elections of 1888 and 1892, Benjamin Harrison. At the close of the week, Caldwell will hold an ecumenical service at the First Caldwell Presbyterian Church, where President Cleveland's father served as pastor.

Mr. President, I commend Mayor Imperial and Jacqueline Beusse of Essex Fells, who will chair this weeklong celebration, for honoring the memory of Caldwell's native son President Cleveland.●

LITHUANIAN INDEPENDENCE

● Mr. LEVIN. Mr. President, I would like to bring to the attention of my colleagues the 69th anniversary of Lithuanian independence. As a cosponsor of the resolution proclaiming February 16, 1987, to be "Lithuanian Independence Day," I find it fitting to pay homage to the late Jonas Svoba, a Lithuanian educator. Mr. Svoba fled the Soviet Union, and came to Detroit nearly 40 years ago. An active member in several Lithuanian organizations, he was also the founder of the Lithuanian Saturday School in Detroit.

Mr. Svoba died in November 1986. He will be remembered as a historian and educator who was highly thought of in his community.●

OKLAHOMA CONGRESSMEN AND FARM LEGISLATION: 1924-28

● Mr. BOREN. Mr. President, Philip A. Grant, Jr., Professor of History at Pace University, New York City, has written a comprehensive article concerning a very significant period of agricultural history in the State of Oklahoma. His article, "Save the Farmer—Oklahoma Congressmen and Farm Relief Legislation 1924-1928," cites the activities of 10 esteemed members of Oklahoma's congressional delegation. These members devoted a considerable amount of energy in an effort to improve the economic condition of Great Plains farmers between 1924 and 1928, a time reminiscent of the situation facing many farmers today.

Mr. President, I commend Professor Grant's article to my colleagues. I ask that the article be included in the RECORD.

The article follows:

"SAVE THE FARMER"—OKLAHOMA CONGRESSMEN AND FARM RELIEF LEGISLATION, 1924-1928

(By Phillip A. Grant, Jr.)

During the years between 1924 and 1928 farm relief was widely acknowledged as the most exasperating issue facing Congress. The precipitous decline in American farm income and the failure of agriculture to share in the general prosperity of the 1920s profoundly disturbed many congressmen from rural districts and agrarian states. Forming a bipartisan farm bloc, rural congressmen offered a number of legislative initiatives to alleviate the plight of American agriculture.

Among the individuals vested with the responsibility of evaluating the various bills and resolutions were the two United States senators and eight members of the House of Representatives from Oklahoma. Between 1924 and 1928 the ten members of the Oklahoma congressional delegation devoted a substantial amount of time and attention to the task of seeking a solution to the farm crisis. As the spokesmen of a major farm state close to the geographic heart of the nation, these congressmen were quite familiar with the serious problems plaguing agriculture in the Great Plains and the nearby states of the South and West.

The most widely publicized agricultural measure pending before Congress between 1924 and 1928 was the Farm Relief (McNary Haugen) Bill. Co-authored by Senator Charles L. McNary of Oregon and Representative Gilbert N. Haugen of Iowa, the Farm Relief Bill was first proposed in February of 1924. The bill generated a spirited nationwide debate over the extent to which the federal government should intervene in the agricultural economy. Although the details of the bill varied with each succeeding session of Congress, the McNary-Haugen proposal featured the equalization principle. The bill authorized the establishment of a federal farm board to purchase specified commodities during years of large output. The board would keep farm surpluses off the market until prices increased or sell them abroad at the prevailing world figure. An equalization fee was to be paid by producers to compensate the government partially for any financial losses incurred by selling at lower world prices.

In 1924 the McNary-Haugen Bill was formally considered only by the House of Representatives. A slightly modified version of the original bill was introduced by Representative Haugen on May 2, 1924, and favorably reported by the House Committee on Agriculture on the same day. On May 20 the bill was brought before the House chamber for general debate. Although there was a consensus that the bill would not pass the House at this time, the members had ample opportunity to voice their sentiments on the issue of farm relief during the seven days of floor discussion.

Four members of the House of Representatives from Oklahoma delivered speeches on the McNary-Haugen bill. They were Democrats Charles D. Carter of Ardmore, Thomas D. McKeown of Ada, and Fletcher B. Swank of Norman, and Republican Milton C. Garber of Enid. Carter, KcKeown, Swank, and Garber were experienced public servants and were destined to spend an aggregate total of fifty-eight years on Capitol Hill.

Carter, elected to Congress immediately after Oklahoma attained statehood in 1907, lamented the "extremely deplorable" conditions to which the farmers of Oklahoma and the surrounding states had been subjected since the beginning of the 1920s. Charging that the Republican administration of President Calvin Coolidge apparently did not "even remotely realize" the desperation afflicting many of the farmers in the western half of the nation, Carter described the magnitude of the farm crisis: "Crop failure has followed crop failure, and the price of farm products has been reduced and deflated with no corresponding reduction in the price of things they have to buy until our farmers have about lost heart and courage."

Serving his fourth of eight terms in the House, McKeown complained that the farmers were "being ground between the upper stone of high prices for his necessities and the lower stone of low prices for his products." McKeown maintained that the products of the farmer in 1924 would hardly buy one-half as much as in 1919. Warning his colleagues that the farmers of Oklahoma were "not struggling for comfort but for their very existence," he declared that he was "unwilling to confess that the House of Representatives is impotent in this emergency."

Swank, a member of the House Committee on Agriculture, represented seven counties in the central part of Oklahoma. Arguing that the McNary-Haugen Bill was designed "to meet a great emergency," he stressed that farmers were leaving rural communities and migrating to the cities because they could "not long continue to produce the necessities of life at a loss." Swank, urging the House to take compassion on the farmer by approving the McNary-Haugen measure, concluded: "This bill will greatly assist him in recovering from the depression of his prices during the past four years, and will show him that we are interested in him and the welfare of his family."

Garber, whose spacious district encompassed the Panhandle and most of northwestern Oklahoma, was one of the few Republicans elected to the House from the Sooner State since statehood. Although generally sympathetic to the Coolidge Administration, Garber agreed with his Democratic colleagues that the "ills of the farmer are fundamental, demanding immediate relief." Endorsing the concept of direct federal involvement, Garber, noting that the national government had intervened in behalf of industry and transportation, asked "why should it not do as much for agriculture until it extricates itself from its present condition."

Since a majority of the key congressmen of both political parties had indicated opposition to the McNary-Haugen Bill, it seemed virtually certain that the bill would be defeated in the House. After the Speaker's gavel fell, the McNary-Haugen Bill was rejected on a 155-22 roll call. In sharp contract to the prevailing majority the members of the Oklahoma delegation voted 7-0 in favor of the bill's passage.

The Farm Relief Bill was reintroduced by Representative Haugen on April 26, 1926. On the following day the Committee on Agriculture recommended that the bill be submitted to the House for approval. Beginning on May 4, the House set aside ten days for debate on the bill. While many of the speeches were similar to those of 1924, the House members generally acknowledged that the farm crisis had become more severe during the intervening two years.

Six Oklahoma congressmen urged the House either to pass the McNary-Haugen Bill or approve some other comprehensive remedy for the misfortunes of American farmers. Voicing their opinions on the need for action were Representatives Carter, McKeown, Swank, Garber, William W. Hastings of Tahlequah, and Elmer Thomas of Medicine Park.

Carter, alarmed that the nation's agricultural problem had reached its "most acute stage," reported that many of Oklahoma's farmers had either been forced into bankruptcy or foreclosed and driven from their homes. Insisting that the American farmer was in "dire distress," McKeown implored the House to approve a bill by which the farmer "can better his condition and lift it up." According to Swank, the farmers of the United States realized that "they have been the target for unjust and unfair discrimination, while at the same time they have been engaged in our most important business." Garber, resentful that the farmers of the country had not received their proportionate share of the national income, reasoned that the national government "should be as greatly concerned in agriculture as it has been and now is in other lines of industry."

Hastings, who in 1926 was completing his fifth of nine terms in the House, surmised that the reality of a serious farm problem was conceded by everyone. Acclaiming agriculture as "our greatest basic industry," Hastings warned that to "further impoverish and destroy" the farm economy guaranteed that every type of business would be harmed. Hastings climaxed his remarks: "Legislation favorable to the farmer, therefore, benefits every citizen of the Nation and surely Congress can be depended upon to enact some sound legislation that will tend to alleviate his condition.

Elmer Thomas, a former President pro tempore of the Oklahoma Senate, was waging a vigorous campaign to win election to the United States Senate in 1926. Emphasizing that American agriculture "is in distress and needs relief." Thomas stated that the farmers of the nation were petitioning Congress to "solve the problem of their approaching bankruptcy." Advocating that the resources of the federal government be mobilized, Thomas expressed the view that "agriculture as an honorable, respectable, and prosperous occupation, can and will be saved."

On May 21, 1926, the House defeated the McNary-Haugen Bill on a 167-212 roll call. Freshman Republican Representative Samuel J. Montgomery of Bartlesville was the sole Oklahoman to cast a negative vote on the bill. Although somewhat disappointed at the bill's fate, its supporters were consoled that the measure in 1926 lost by only forty-five votes. In 1924 the losing margin had been sixty-seven votes.

Unlike 1924 and 1926, the Senate in 1927 took the initiative in expediting the McNary-Haugen Bill. On December 14, 1926, the bill was reintroduced by McNary and on January 24, 1927, it was endorsed by the Senate Committee on Agriculture and Forestry. Since both Majority Leader Charles Curtis of Kansas and Minority Leader Joseph T. Robinson of Arkansas strongly favored farm relief legislation, it was generally assumed that the Senate would pass the McNary-Haugen Bill.

The Senate deliberations on the McNary-Haugen measure began on February 2, 1927. In rather leisurely fashion the Senate debated the question of farm relief for eight days. After disposing of several substantive amendments and rejecting a motion to recommit, the Senate on February 11 passed the McNary-Haugen Bill on a 47-39 tabulation. Voting affirmatively on the bill were the two United States senators from Oklahoma, Republicans John W. Harreld of Oklahoma City and William B. Pine of Okmulgee.

On February 14 a privileged resolution was offered to bring the Senate bill to the House floor for immediate consideration. On the same day this resolution was approved by the committee on rules. According to the terms of the resolution, only two hours of general debate would be permitted in the House chamber.

Three Oklahoma congressman, Representatives McKeown, Garber, and Hastings, spoke in behalf of the McNary-Haugen Bill. As in 1926, these three gentlemen beseeched the House to pass farm relief legislation.

Acknowledging that he represented an agrarian constituency, McKeown appealed to congressmen from industrial districts to vote for the passage of a farm relief bill relief bill. McKeown, while conceding that the McNary-Haugen Bill was not a perfect proposal, emphasized that agricultural legislation "is imperative and speed in enacting a relief measure is the essence of the necessity." Alleging that since the beginning of the 1920s, the nation's farmers had "seen their earnings vanish like a mist before a newborn gale," McKeown feared that the home-owning independent farmer was "fast passing out of the picture of American life."

Garber explained that the American farmer was seeking "relief from the conditions created for prosperity for labor and industry which now operate against him and place him at a disadvantage with which he is unable to cope." Insisting that the farmer must receive prices that will yield him a reasonable profit, Garber asked the House to provide the farmer with the "machinery to successfully merchandise his products."

Noting that every member of Congress was aware of the existence of an authentic farm crisis, Hastings was convinced that farmers could not survivie under existing conditions. Urging his colleagues to "restore confidence in the justice and fairness of our Government" by approving the McNary-Haugen Bill, Hastings concluded:

"Pass this bill and you add to the prosperity of the entire citizenry of the Nation. The prosperous farmer buys more of the goods manufactured in the East, furnishes more products for transportation, spends more improving his farms, employs more men, has money in the bank, spends more money with local merchants, more generously supports schools and churches, and is better able to clothe, educate, and maintain his family. The proceeds of his products go into the channels of trade, and the result is beneficial to all."

Based on the tone of the floor discussion, it seemed likely that the McNary-Haugen Bill would be approved by the House. On February 17, 1927, the House voted 214-178 in favor of the bill's passage. As in 1926, Oklahomans were aligned 7-1 for the bill. The sole dissenter again was Representative Montgomery.

On February 25, 1927, President Calvin Coolidge vetoed the McNary-Haugen Bill. Since Coolidge had sternly warned that he was opposed to the idea of a federal farm board, the President's action had been anticipated by all the principal congressional leaders. Acknowledging the impossibility of overriding the veto, Senator McNary merely proposed that the Chief Executive's message be referred to the Committee on Agriculture and Forestry.

In 1928 the McNary-Haugen Bill received its maximum exposure on Capitol Hill. For eleven weeks the bill was the only question of consequence pending before Congress. Unlike 1927, both the House and Senate scrutinized the bill in a thorough and patient manner and without difficulty reached a consensus on its merits.

The Farm Relief Bill was reintroduced by McNary on March 7, 1928. After promptly securing the endorsement of the Senate Agriculture and Forestry Committee, the measure was placed on the Senate calendar. The Senate thereupon analyzed the McNary-Haugen Bill for eight days between March 29 and April 12.

The Senate passed the McNary-Haugen Bill on April 12, 1928, by the impressive margin of 53-23. The bill, which had been approved by a margin of eight votes in 1927, prevailed in the Senate by a thirty vote majority in 1928. The McNary-Haugen measure commanded the support of a solid majority of senators affiliated with both political parties, including Democrat Elmer Thomas and Republican William B. Pine of Oklahoma.

On April 14, 1928, the McNary-Haugen Bill received a favorable report from the House Committee on Agriculture. The House debate on the bill lasted from April 26 to May 3. Three Oklahomans, Representatives Swank, Everette B. Howard of Tulsa, and Jed Johnson of Anadarko, participated in the deliberations on the McNary-Haugen Bill and voiced sentiments similar to the ones advanced by the Oklahoma delegation in 1924, 1926, and 1927.

Swank argued that the distress pervading agriculture signified that there could be no general prosperity in the nation. Reminding his colleagues that their entire supplies of food and clothing were produced on farms, he asked the House to pass the McNary-Haugen Bill and place the farmer of the United States "upon the same plane as our other citizens." Swank, attempting to describe the magnitude of the existing situation, observed that "never in the history of this country have we seen agriculture and farming conditions so depressed as in the past eight years."

Agreeing with Swank's interpretation, Howard, a former Oklahoma State Auditor, stressed that the plight of American agriculture was "deplorable." Howard, insisting that enactment of the McNary-Haugen Bill would assure a "square deal" for the country's farm community, summarized the problem: "The farmers continue to toil from daylight to dark, as do their wives and children, and are unable to pay their interest, taxes, and other expenses and do not enjoy in full even the necessities of life."

Johnson, who served twenty years in Congress and sixteen years as a Judge of the United States Customs Court, praised the McNary-Haugen Bill as "an honest effort to help the farmer to help himself and to restore to the farmer the stabilization of farm products." Citing the McNary-Haugen plan as obviously of paramount importance to the status of agriculture, Johnson bluntly concluded: "We must give the farmer this measure or go home empty handed, as far as farm legislation is concerned."

On May 3, 1928, the House of Representatives passed the McNary-Haugen Bill by the convincing margin of 204-121. Among the 102 Republicans and 100 Democrats favoring the bill were all eight members of the Oklahoma delegation. Thus, between 1924 and 1928 the number of House members supporting the McNary-Haugen measure rose from 155 to 204, while the opponents dwindled from 222 to 121.

A conference committee was appointed on May 4 to reconcile the comparatively minor differences between the House and Senate versions of the bill. Within ten days the conferees succeeded in resolving the variations in the respective bills. With the eight Oklahomans casting affirmative votes the House on May 14 adopted the conference report on a 204-117 roll call. Two days later the Senate approved the report by voice vote.

It was absolutely certain that President Coolidge would veto the 1928 McNary-Haugen Bill. The President officially disapproved the bill on May 23. In contrast to 1927, however, the members of the Senate's farm bloc were determined to challenge Coolidge's veto. On May 25, the Senate ballotted 50-31 in favor of a motion to override. Since there were four votes short of the necessary two-thirds majority, the veto was upheld.

The President's second veto of the McNary-Haugen Bill marked the culmination of four years of spirited debate over the wisdom of farm relief legislation. Although the McHary-Haugen Bill was never enacted into law, it attracted enormous attention throughout the country and alerted millions of Americans to the plight of the nation's farmers.

There were three basic reasons explaining why all but one of the fourteen Oklahomans who served in Congress between 1924 and 1928 supported the McNary-Haugen Bill. First, there was a close identification in Oklahoma with the other states of the Great Plains. Another factor was the sustained presence of the Democratic Party as Oklahoma's dominant political force. Finally, and perhaps most important, was the solidly agricultural complexion of the Oklahoma economy.

The Great Plains, extending from the southern boundary of Oklahoma to the Canadian border, contained the nation's highest proportion of farm population and was more severely plagued by the agricultural crisis than any other region. Even under normal circumstances no section of the country was more thoroughly dependent upon agriculture for its economic survival. During the 1920s the Great Plains experienced the lowest rate of population growth in the United States, a factor largely attributable to a $2,385,000,000 (28.4%) decline in the value of farm property. In 1924 congressmen from the Great Plains voted for the McNary-Haugen Bill by the unanimous margin of 26-0, while in 1926 they favored the measure by a 27-1 ratio. In 1927 and 1928 the respective majorities in behalf of the McNary-Haugen Bill were 35-1 and 36-0. Indeed, Representative Montgomery, the sole congressman from the Great Plains who opposed the McNary-Haugen Bill, was defeated for re-election in 1926. The unwavering commitment of Great Plains congressmen to a federal farm relief program was certainly reflected by the votes of the Oklahoma delegation on the various roll calls between 1924 and 1928.

Although the McNary-Haugen Bill was coauthored by two distinguished Republicans, it was the Democratic Party which exhibited increasing enthusiasm for the bill with each passing year. In 1924 Democrats in the House opposed the McNary-Haugen Bill by a majority of 100-52, while in 1926 Democrats were aligned 89-6 against the bill. The situation changed dramatically in 1927, when the bill commanded the support of congressional Democrats by a 127-80 majority. In 1928 Democratic endorsement for the bill grew to 123-70, and in the same year the Democratic National Convention adopted a platform strongly advocating passage of the McNary-Haugen Bill. The fact that Democrats won twenty-one of twenty-six congressional elections during the period the McNary-Haugen Bill was under consideration certainly established that Oklahoma was an essentially Democratic state, and the successive tabulations on the McNary-Haugen Bill furnished evidence that Oklahoma Democrats were an important component in the growing Democratic acceptance of the McNary-Haugen Bill.

According to the Census of 1920, 72.5% of the 2,028,283 citizens of Oklahoma resided in rural communities. Five years later the Department of Commerce found that 1,045,000 (50.1%) of the people of Oklahoma lived on farms, thereby constituting the highest number of individuals engaged in agriculture of any of the states in the Great Plains. Altogether in 1925 there were 197,000 farms and 30,869,000 acres of farmland within the confines of Oklahoma. Between 1920 and 1930 the value of farm property in the Sooner State dropped by $119,000,000 (8.8%). Between 1924 and 1928 Oklahoma produced 235,492,000 bushels of wheat, 280,084 bushels of corn, 138,078 bushels of oats, and 7,207,000 pounds of cotton. In the aggregate totals for the period from 1924 to 1928 Oklahoma ranked fourth in the nation in wheat production and fifth in cotton production. An analysis of the prices commanded by such crops as wheat, corn, oats, and cotton indicated that the Oklahoma farm economy was in a precarious position. The official price statistics were:

	1924	1928
Wheat	$1.24/bushel	$1.00/bushel.
Corn	$0.89/bushel	$0.68/bushel.
Oats	$0.53/bushel	$0.47/bushel.
Cotton	$0.22/pound	$0.17/pound.

Thus, over a four-year interval farm prices dwindled as follows: Wheat 19.9%; Corn 24.8%; Oats 11.3%; Cotton 22.7%. The ominous figures for Oklahoma farmers obviously meant that congressmen from a predominantly agrarian state would be vigilant in their efforts to enact a measure such as the McNary-Haugen Bill.

Between 1924 and 1928 Congress on four separate occasions had the opportunity to review the McNary-Haugen Bill. During the same comparatively brief period the farm crisis became the paramount domestic issue facing the Nation. The numbers of the Oklahoma congressional delegation, representing a State whose economy was primarily based on agriculture, mobilized in behalf of the McNary-Haugen bill and hoped that it's passage would provide a desperately needed remedy for the frustrations and hardships of their constituents.●

LITHUANIAN INDEPENDENCE DAY

● Mr. **ZORINSKY**. Mr. President, on the 16th of February, 69 years ago, Lithuania proclaimed itself an independent nation from czarist Russia. Much like our patriots of 200 years ago, the brave Lithuanian people established a Lithuanian Republic guaranteeing freedom of speech, freedom of assembly, and freedom of religion.

However, just 22 years after Lithuania achieved independence in 1918, the Soviet Union invaded the country, along with her sister states of Estonia and Latvia. It is fitting that we should reflect on a country whose independence was brutally stolen on the day that our Nation celebrates the birthdays of our great Presidents, including George Washington, father of our free and democratic government.

In their forceful annexation of Lithuania, the Soviets sought to crush the flourishing economy, and rich cultural and religious community. Thousands of Lithuanians were slaughtered, thousands more were deported to Siberian labor camps.

Since 1940, deportation, exile, and imprisonment of the Lithuanian people continue. The U.S.S.R. supplants this drain of people with Russian citizens in an effort to dilute Lithuanian culture. As part of the russification process, the native language and cultural heritage are suppressed. Attempts to celebrate this heritage, or even the acknowledgement of Independence Day, is cause for imprisonment. Native Lithuanians continue to endure violations of basic human rights, and social, political and religious persecution.

The Soviets have succeeded in only physically repressing this proud people; they cannot crush their spirit. The struggle for their freedom continues not just in Lithuania, but in Lithuanian communities worldwide.

The Lithuanian American community is particularly strong, and I am pleased that we are joining them in efforts to free their nation and the other Baltic States. The United States refuses to recognize the Soviet annexation of the Baltic States. We demand that the U.S.S.R. abide by its verbal commitment to such treaties as the Helsinki final act which commits all parties to respect basic human rights and the principles of self-determination.

The strength and spirit of Lithuanians is inspiring, for it speaks of the struggle of peoples throughout the world to be free. The spirit of freedom cannot be destroyed. We must continue to join in solidarity against the suppression of Lithuania until its people are allowed the self-determination which they rightfully deserve.●

RULES OF PROCEDURE OF THE COMMITTEE ON RULES AND ADMINISTRATION

● Mr. **FORD**. Mr. President, I ask that pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, and Rules of Procedure of the Committee on Rules and Administration adopted on January 15, 1987, be printed in the RECORD at this point.

The rules of procedure follow:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Adopted January 15, 1987)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 10 a.m., in room SR 301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Govrnment regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committees or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising approriate non-agenda topics.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 9 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 6 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath; provided, however, that once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on the measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7 (b) and (c) or rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.●

VERIFICATION

● Mr. SIMON. Mr. President, I receive the daily report of the Foreign Broadcast Information Service about various things being said and printed in the Soviet Union.

The January 17 issue of Pravda contained an article that included an interview with A.M. Petrosyants, the head of the Soviet delegation to the talks in Geneva.

It is frankly an encouraging statement and one that should not be lightly dismissed.

One of the things he says, "I must remind you the U.S.S.R. has repeatedly declared its agreement to the establishment of any verification to ensure confidence in the compliance with these treaties, including onsite if necessary."

We have never worked out an onsite inspection agreement with the Soviets and in some areas that will be essential. For example, in the area of chemical weapons there can be no satellite inspection that is adequate and no other form of inspection other than onsite inspection.

The statement of Mr. Petrosyants is one we ought to look at carefully.

I ask that the article from Pravda on January 17 be printed in the RECORD.

PRAVDA CITES PETROSYANTS ON VERIFICATION

[Interview with A.M. Petrosyants, head of Soviet delegation to talks on ending and banning nuclear weapon tests, under the rubric "Authoritative Opinion": Not a Question of Verification"—first three paragraphs are unattributed introduction]

[Text] U.S. President Reagan has sent a letter to the Senate expressing the administration's readiness to agree in principle to the ratification of the Soviet-American 1974 treaty on the Limitation of Underground Nuclear Weapon Tests and 1976 Peaceful Nuclear Explosions Treaty. However, this is accompanied by the setting of conditions for verification of compliance with the treaties. Thus the President's letter says, in particular.

"Unfortunately . . . the treaties on the limitation of underground nuclear weapon tests and underground nuclear explosions for peaceful purposes are not effectively verifiable in their present form. Large uncertainties are present in the current method employed by the United States to estimate Soviet test yields. I have on several occasions reported to Congress on the problems with Soviet compliance with the Treaty on the Limitation of Underground Nuclear Weapon Tests. Therefore, achieving Soviet agreement to improved verification measures that would provide for effective verification of these treaties has been my highest priority in the area of nuclear testing limitations."

We asked A.M. Petrosyants, chairman of the U.S.S.R. State Committee on the Utilization of Atomic Energy and head of the Soviet delegation at the talks on ending and banning nuclear weapon tests, to comment on this statement. This is what he said:

[Petrosyants] The Soviet Union has repeatedly declared its desire to ratify the treaties named, if the United States confirms its readiness to do the same. But as you can see, the U.S. Administration took 10 years in one case and 12 years in the other to come round to the idea of submitting them to the Senate for ratification, even then stipulating it is necessary to step up verification of compliance.

In this connection I must remind you the U.S.S.R. has repeatedly declared its agreement to the establishment of any verification to ensure confidence in the compliance with these treaties, including on-site inspection [proverka na mestakh] if necessary.

I should also say that both treaties, even without being ratified, are effectively in force, although doubts, requiring appropriate explanations, have arisen more than once on both sides as to compliance with the terms of the 1974 treaty, which limits the yield of underground nuclear explosions to 150 kilotons. Incidentally, I will observe that doubts and inquiries have often come from the United States even when there were no grounds for this.

Washington extols the "Cortex" method to improve verification, although it has substantial shortcomings. American experts have evidently convinced the President of the advantages of this method without telling him what the U.S. delegation admitted at the talks, namely: The "Cortex" method determines the yield of an underground nuclear explosion with an error of plus or minus 30 percent. In other words, if the yield of the explosion is 100 kilotons, the method could record it as 70 or 130 kilotons. And that is, of course, fraught with the risk of distrust and complaints.

It has also been stated repeatedly in this context that the U.S.S.R. is prepared to discuss at the conference table, with the participation of qualified experts, and to adopt all necessary decisions to improve verification of the yield of nuclear explosions, provided this work is oriented without fail toward preparing a treaty on ending tests and banning nuclear weapons.

We would like the American delegation to come to the fourth round of the talks, which opens on 22 January, with a decision to embark on preparing such a treaty. Then the Soviet and American delegations would be able in a calm, businesslike atmosphere to discuss and adopt the necessary decisions on the organization and implementation of the best forms of verification. This could be carried out both by all technical means of national verification and with the participation of international verification, and where necessary, on-site inspections.

In any event, for our country verification is not a problem. The U.S.S.R. is no less interested than the United States in ensuring that verification is effective. We are in favor of resolving all questions of verification, on condition, I repeat, this is a stage on the path to preparing a treaty on a total end to tests and the banning of nuclear weapons.

So there is no need for the American side to "break down an open door," as the saying goes. It is even worse if the question of verification is being raised again in Washington solely to block the decision which the peoples of the world await and demand.●

THE 69TH ANNIVERSARY OF LITHUANIAN STATEHOOD

● Ms. MIKULSKI. Mr. President, I rise today to speak to the free people of the world with a resounding appeal: Never forget the plight of our friends in Estonia, Latvia, and Lithuania, who cry out for freedom Soviet domination.

Yesterday marked the 69th anniversary of Lithuanian statehood. But freedom for Lithuanians was short lived. In the early days of World War II, Soviet troops occupied the Baltic nations. When the war and the suffering it brought finally ended, the Russians remained. Since that time, Lithuanians have been persevering under the suffering brought by the Russians.

Soviet leaders are trying to wipe out the culture, heritage, traditions, and language in all the Baltic States. Thousands of Lithuanians have been sent to gulags because they love their country. They have been replaced by Russians, so that any hope for freedom will be muted.

The United States has never recognized the Soviet occupation of Lithuania. Nor should we ever.

Mr. President, when we demand freedom for Lithuania, we safeguard freedom in the United States. When we reach out to the people of Lithuania, we reach back to our principles of freedom, democracy, and self-determination. When we pledge that we will never forget, we pledge that one day freedom will come to Lithuania.●

RELEASE OF REVEREND FARISANI

● Mr. SIMON. Mr. President, as we are all happily aware, Reverend Farisani has been released from detention in Venda, South Africa.

On January 23 I introduced a resolution (S. Con. Res. 11) which called on the South African authorities to do all they could to get Reverend Farisani released. On January 30 he was allowed to return home to his wife and family.

Reverend Farisani was not tortured during his 70-day detention, but he was interrogated more extensively than ever before. He has lost about 30 pounds from his hunger strike, but in general, he is doing well. He will be in the hospital for a little while to recover from the damage done by some of the leg braces that were used for his confinement.

There are many people who worked hard to get Reverend Farisani released and I would like to express my deepest appreciation for their dedication and good efforts. I would like to give special thanks to American Ambassador Ed Perkins and his staff in South Africa and South African Ambassador Herbert Buekes here in Washington. They played a critical role in the release of Reverend Farisani.

I would also like to commend Martin Sovak and the Lutheran Council as well as Amnesty International, for effectively bringing this situation to the public's attention and for the organization which made their efforts a success. Congressman Gunderson and his able staff are also to be commended for their prompt and effective work in the House.

I appreciate all the interest my colleagues have shown in this case and I am truly happy that this resolution will not have to come to the floor of the Senate.●

FIRST NUCLEAR EXPLOSIVE TEST OF THE YEAR

● Mr. SIMON. Mr. President, on Tuesday, February 3, 1987, the Department of Energy detonated its first nuclear explosive test of the year. The test was conducted 2 days ahead of schedule, the better to keep it "under wraps." It is unfortunate that a test of this political magnitude was advanced in time, presenting Congress and the American people with a fait accompli.

Why was this test so important? It was critical because the Soviet Union had announced that it would resume its own testing program, halted by them since August 1, 1985, when the U.S. Government set off its first nuclear test of the year. We have now done this. I think we are all worse off.

We will once again have an unbridled competition between the United States and U.S.S.R. in developing newer and more dangerous nuclear weapons. We are moving backward, and we are losing valuable time.

We are moving in the wrong direction. The United States ought to be the leader in arms control, not in the arms race. We should ratify the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, and we ought to enter comprehensive test ban negotiation to end nuclear testing for all time.

We have conducted at least 200 more tests than the Soviets have sicne our testing program began. By all accounts our warheads are more reliable, safer, and more technologically advanced. We know that we can verify extremely small explosions—below 1 kiloton—and we know that the Soviets will agree to onsite monitoring. We ought to test their sincerity. We want to modernize, to develop a new generation of destabilizing nuclear weapons. And as we do that, the Soviets, of course, will do the same. We will all be losers.

We have it n our power to change directions. The Soviets have agreed to resume negotiations to end testing. We ought to take them up on their offer, and make the February 3 test the last one either of our nations conducts.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, yesterday, February 16, 1987, marked Lithuanian Independence Day. Along with Senators DONALD RIEGLE and ALAN DIXON, I introduced Senate Joint Resolution 39 to commemorate the brave struggle of the Lithuanian people.

The Lyons Township in Illinois recently passed a proclamation similar to Senate Joint Resolution 39. I commend their proclamation to my colleagues' attention, and call once again for all Americans to join with us during the week of February 16, 1987, to celebrate Lithuanian Independence Day.

I ask that the Lyons Township proclamation be printed in the RECORD.

PROCLAMATION

Whereas, the Independent State of Lithuania was declared in Vilnius in 1253 by then King Mindaugas; and

Whereas, since the year 1795, the right of Lithuanian people to enjoy freedom and independence has been interrupted by the ravages of war, having been conquered by the Russians and later liberated in World War I, and enjoyed freedom for 22 years only to be deprived of their inherent right of independence once again in World War II by Russian rule and dominated and oppressed under a communist dictatorship; and

Whereas, The United States of America has never recognized the forceful incorporation of Lithuania into the Soviet Union; and

Whereas, many Lithuanian people immigrated from their native land to the United States of America and joined friends and relatives and now enjoy the freedom and independence for which they had bravely searched for centuries; and

Whereas, the Township of Lyons can proudly acclaim that many Lithuanians-Americans have chosen the Township of Lyons as their permanent place of abode in which to live and rear their children and their citizenry has proven to be a valuable asset to this community.

Now, therefore, the Lyons Township Board/Supervisor, do hereby proclaim February 16, 1987, to be Lithuanian American's Day and direct that the Lithuanian Flag be flown on the lawn of the Township Offices from noon, Saturday, Februray 14, 1987 to February 21, 1987, and we call upon all residents of the Township of Lyons to join with others in acknowledging our special thanks to them for selecting the Township of Lyons as their home, and we offer our prayers to the American Lithuanian People for the safety and well-being of their many friends and relatives who remain in their occupied land.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, today I rise to join my colleagues in commemorating February 16, 1987, the 69th anniversary of Lithuanian independence, as Lithuanian Independence Day. I have also cosponsored Senate Joint Resolution 39, which proclaims this day formally as Lithuanian Independence Day.

On February 16, 1918, the people of Lithuania declared their independence after nearly a century of occupation by Czarist Russia. Yet that moment of independence was brief. Just 22 years later, Lithuanian independence was crushed when more than 300,000 Soviet troops marched into Lithuania under the protection of the Nazi-Soviet alliance.

During the past 48 years, the Lithuanian people have endured many hardships under Soviet occupation. Imagine waking up in a country where you have been stripped of the most basic human rights and civil liberties. Where you cannot freely practice your religion, learn you native language, or elect political leaders of your choice. The Lithuanians do not have to imagine. They have experienced these dreadful conditions firsthand since 1940.

The Soviets have steadily sought to undermine the Lithuanian Catholic Church. After World War II, the Soviets closed all remaining monasteries and convents, placed high taxes on the church and arrested half of the clergy. Today, three of Lithuania's eight dioceses lack bishops. The KGB reportedly screens and approves all clerical candidates, and restricts the number of university-educated candidates who may enter the clergy.

The Soviets pressure the Lithuanians to abolish their native language and discourage learning of Lithuanian history and literature. They prohibit the celebration of Lithuanian Independence Day.

Despite this brutal oppression, the Lithuanians continue to resist. Thousands of freedom fighters have sacrificed their lives as part of a grassroots resistance movement fighting Russification. Protests for the right of self-determination, for religious and political freedom continue to occur.

The Lithuanian people have not given up hope. The thirst for freedom remains unquenched. Lithuanians continue to struggle for the basic freedoms Americans take for granted.

On Lithuanian Independence Day, we acknowledge and pay tribute to that long and noble struggle to break free of the chains of Soviet domination. We salute the steadfast belief in the principles of independence and the deep-rooted love of freedom which have enabled the Lithuanian people to endure years of Soviet oppression. On Lithuanian Independence Day, we send a message to the Lithuanian people that we have not forgotten their struggle or their aspirations. Nor will we forget them until they are free.●

IN RECOGNITION OF SENATOR BILL BRADLEY

● **Mr. LAUTENBERG.** Mr. President, I would like to bring to the attention of my colleagues a Washington Post magazine cover story recognizing the accomplishments of my friend, the distinguished senior Senator from New Jersey, Senator BILL BRADLEY.

"Bill Bradley Takes His Shot," the magazine's February 1 cover story, profiles my colleague and his outstanding achievements in shepherding comprehensive tax reform legislation from its inception through enactment. The Post's portrait of Senator BRADLEY—a most accurate one—shows a man of integrity and vision; a dedicated, energetic, and thoughtful Senator whose "passion for perfection" has made him hold fast to his dreams even under the most trying circumstances. That same passion for perfection has continued to drive Senator BRADLEY in all his pursuits.

I am proud to represent New Jersey in the Senate with BILL BRADLEY. His work is an inspiration to all of us in the U.S. Congress. I ask that the full text of the Washington Post magazine's cover story be printed in the RECORD.

The article follows:

[From the Washington Post magazine, Feb. 1, 1987]

BILL BRADLEY TAKES HIS SHOT

(By Dale Russakoff)

After leaving the New York Knickerbockers in 1977, Bill Bradley banished basketball from his life. He stopped watching it, even on television, flatly refused to play with anyone except his daughter, turned down interviews with magazines likely to play up his past. A member of the U.S. Senate, in Bradley's mind, could not win respect in short pants.

Besides, he was a grown-up now, as he was painfully reminded on his fortieth birthday in 1983, when friends gave him films of some of his old Knick games. Bradley the senator grew nostalgic, and went to a neighborhood court to recapture the era of Dollar Bill Bradley, the all-pro forward with the high-priced contract and skinflint ways. The next day he couldn't move. "It's over," he said. "I lived the life and it ends. There's a physical end."

But in politics, unlike basketball, it's not over even when it's over. Which is why, only two years later, on a fall day in 1985, when Bradley the senator wanted to reform the federal tax system, he found himself in his shorts in the House of Representatives gym, passing, dribbling, running, shooting and yelling out plays to a team of frustrated jocks better known as congressmen.

Bill Bradley wanted tax reform so badly that he was willing to play basketball for it.

One thing must be said about Bill Bradley: He leaves very little to chance. As a celebrated player for the Knicks and the Princeton Tigers, he was known for computing kaleidoscopic possibilities in his mind with every movement of bodies or basketball, visualizing the optimal play, making it happen. "Seeing the whole court," his teammates called it. He transferred his habit of mind to the U.S. Senate, particularly in his five-year quest for a new tax system. He honed his mind and his political instincts in the most unrelentless fashion, waking up nights thinking about deductions and loopholes, brain-storming by day with tax authorities, stumping the country to debate his proposal with every conceivable interest group—"He would go to the opening of an envelope," said his press secretary, Lisbeth Pettengill—scripting so many strategies that he sometimes drove colleagues to distraction.

It was just another strategy, then, that led Bradley on that fall day of 1985, with tax reform mired in the House Ways and Means Committee, to put on his shorts and play ball with members of the tax-writing panel who had nagged him for months to show them his stuff.

"It was terrific," recalled Rep. Marty Russo (D-Ill.), a tall, blustery lawmaker who pretends he is hard to impress. "He was as great as ever. He just ran the offense and directed everybody. He shot about four times, and as I recall he made all of them. The rest of the time he just passed. Sometimes we wouldn't know he was passing to us because he wasn't looking our way. So a lot of people got hit in the head. That's how good he was and how bad we were. It was great. I'll never forget it."

Asked what he learned from Bradley, Russo said: "Keep running, keep your eyes open and hustle, always hustle. I would tell him, 'All I wanna do is shoot, I don't wanna hustle.' And he said, 'I knew that about you before.'"

For the record, the House Ways and Means Committee passed tax reform on Nov. 23, 1985, and President Reagan signed the Tax Reform Act of 1986 into law last Oct. 22. Bill Bradley's brief return to basketball will not go down in history as a turning point. But it didn't hurt.

More than a year ago, as the Senate took up tax reform, Bradley agreed to be interviewed at each turn in the bill's path, sharing strategies and thoughts on how he hoped to turn in the bill's path, sharing strategies and thoughts on how he hoped to turn his idea into legislation. In return, it was agreed that the story would not be published until after the tax bill became law or died.

For most of Bradley's 43 years, national audiences have had an interest in watching him grow and evolve, from star college athlete and role model for young boys across the country to Rhodes Scholar to professional ballplayer to senator from New Jersey. Always, there has been an expectation of a next step, and Bradley has so far obliged, but with a twist—turning down scholarships from the reigning basketball colleges to study at Princeton, turning aside pro contracts as a college athlete to study at Oxford, turning aside further studies to become a professional ballplayer, turning down advice from wiser heads who counseled more modest political beginnings than the U.S. Senate. Bradley's audience now expects that his next step will be a race for the White House, but it is also characteristic that Bradley is biding his time, even as others would hurry him.

In the tax debate, Bradley lacked the kind of power that traditionally makes things happen: He was a junior Democrat in a Republican Senate. His only hope was to win over the powerful, find the openings, see the whole court. Participants in the debate disagree over the exact role he played. Some saw a political naif, painted by circumstances as a canny strategist. Others saw a shrewd and patient player, content to be underestimated. One Republican called him a "moral force," whose credibility and reputation for honesty attracted support for the bill.

Again, his past provides a compelling metaphor. At Princeton in the 1960's, Bradley was known for throwing passes, often with his back turned, "based on nothing but theory and hope," wrote John McPhee in a New Yorker profile, later a book, *A Sense of Where You Are,* about Bradley in his college days. The coaches called them Bradley's "hope passes." Before Bradley turned his back, McPhee wrote, "he happened to notice a screen, or pick-off, being set up by two of his teammates, its purpose being to cause one defensive man to collide with another player and thus free an offensive man to receive a pass and score." If everything went as planned, Bradley's pass would hit its target, and the crowd would gasp. If not the ball would fly into the stands.

Tax reform was Bradley's hope pass. He lofted a potent idea into the political arena, but had it not been for a stable of seasoned players—from President Reagan on down—and other fortuitous circumstances, the pass might have flown into the crowd, where the notion of tax reform had languished for more than two decades.

Bradley understood this, having written in his 1976 book, *Life on the Run,* about basketball and life, "The point of the game is not how well the individual does but whether the team wins. That is the beautiful heart of the game, the blending of personalities, the mutual sacrifices for group success . . .

"The essence of the game is selectivity, knowing one's limitations and abiding by them."

It should be noted that confidential access to Bradley does not provide inside dope on the wheelings and dealings of the day, tantalizing tips about the maneuverings of adversaries, glimpses of his highs and lows. He may be the most guarded member of the Senate.

Sitting at his oversized desk—ordered by his wife, Ernestine Schlant, a professor of German and comparative literature, to accommodate her husband's 6-foot, 5-inch frame—Bradley perferred talking about the intricacies of oil depletion allowances to trading gossip. He refused on principle to talk behind a colleague's back, even one who talked behind his. He seemed placidly above it all. Through more than two dozen long and short interviews at high and low points in the tax debate, Bradley rarely displayed either frustration or great excitement. He took the long view, unusual in a business where every moment is what you make it.

For example, when the tax bill was near death in the Republican-controlled Senate early last year, Bradley professed not to be concerned. He believed that if the bill died in 1986, Republicans would pay dearly at the polls in November, and a new Congress would arrive in Washington in 1987 with tax-reform fever. It was difficult to understand how Bradley could believe this. At that time, no other lawmaker or strategist thought the bill could be resurrected beyond 1986. Maybe Bradley thought he could scare Republicans into supporting the bill; maybe it was the old jock who refused to think negatively.

Bradley enjoys being out on a limb by himself, and always has. His sense of timming is his own, governing his ambition and his legislative strategy. "He sets his own pace," said former New Jersey governor Brendan Byrne, who learned this in 1974 when he tried without success to persuade Bradley to quit the Knicks and run for Congress. "He always did, and still does. He knows exactly what it has to be."

Bradley also sets his own course on matters of substance, sometimes to the dismay of fellow Democrats. For example, he voted last year for military aid to the contra rebels, astonishing liberal colleagues by calling this the path of caution: Better to contain the Marxist government of Nicaragua by aiding rebels, he said, than to leave it unchecked and later be forced to send in troops. The vote brought unaccustomed criticism from within his party, but he has not backed down.

In a curious way, the controversy highlights a side of Bradley's appeal: He is not perceived as playing to the stands, at least in ways to which the audience is accustomed. If people disagree with him or find him plodding, they also have a feeling that what they see is what they get. Even his looks are part of this image. He towers over colleagues, but he walks like anything but a jock—a little slumped, even humble. During the tax debate, Bradley was often seen hurrying down Senate corridors with a clutch of senators and aides, bending his frame in awkward fashion to get within whispering range of their ears, or hearing range of their whispers. His black hair is thinning on top and his suits are plain, especially the olive one that his aides abhor. His Knicks teammates used to joke that Bradley would be the last person to get mugged in New York because he looked as if he already had been.

For a public man, Bradley has considerable ambivalence toward The Crowd. He will talk to a reporter in a manner as informal as to a friend, but he will stop short at odd moments, such as when he is asked what books he is reading. "It's the old problem. I encountered this in high school and I certainly encountered it in college. You tell a member of the press you're reading a book about geology and then every person you meet says, 'Hey, I saw you read this book about geology and you say, 'Yeah,' and then you've got to talk about geology all the time."

At the same time, he will go home to New Jersey for a day and relish such experiences as slow-dancing with 21 elderly women—one at a time—who crowd around him at a senior citizens center, hamming it up at a press conference with a group he cofounded known as Athletes Against Tobacco and hobnobbing with 500 Democrats who paid $300 apiece to attend his annual fundraiser.

While he guards his privacy, he has a politician's concern with image. Told that other senators had been interviewed about his role in the tax debate, Bradley asked a reporter: "What else did these senators say?"

"About the tax bill?"

"Yeah, about the tax bill and . . ." (*uncomfortable pause*) " . . . well, about me."

"Taxes intrigued me conceptually," Bradley said early last year, "because it's a closed body of knowledge you can come close to mastering with some certainty. It's not like the question, 'What is beauty?' that has an infinite number of answers to it."

Mastery has been a constant throughout Bradley's life. He grew up in Crystal City, Mo., a small town south of St. Louis, the only child of the local bank president and a mother prominent in community affairs. "As early as I can remember," Bradley wrote in *Life on the Run*, "I was programmed to become a successful gentleman." His childhood was one lesson after another—dancing, trumpet, French horn, piano, boxing, tennis, golf, swimming, canoeing, typing, French and horseback riding. Though being the banker's son at first isolated Bradley, basketball made him one of the boys.

He was not a natural as a basketball player—a suburban child in a city boy's game, he wasn't a great runner or jumper—but he made up for it with discipline and a passion for perfection that led him back to solitude. As McPhee recounted, Bradley stuffed 10 pounds of lead slivers in his sneakers to build up his legs, attached blinders to a pair of glasses to block out his lower range of vision, which forced him to dribble without looking at the ball, and arranged chairs as decoy-opponents, then practiced dribbling around them. All this by himself in the Crystal City school gym for 3½ hours a day after school and eight hours on Saturdays.

Bradley isn't a natural as a politician either. His speaking style is earnest but unexciting. When he arrived at the Senate, he was a tabula rasa to politics, having skipped such training grounds as a state legislature or city council. He was a stranger in a world ruled by seasoned, horse-trading politicians and entrenched interests—the world that created the existing tax code.

Elected largely on the strength of his celebrity as a scholar-athlete, Bradley spent his first years in the Senate in studied obscurity, struggling to shake the jock image, to establish himself as a serious lawmaker. He longed for a day when press accounts would identify him as something other than "Sen. Bill Bradley, former New York Knick." Perhaps by design, he tackled the most esoteric issues—energy security, taxes and the Third World debt—devoting days and nights to finding ways to translate them into the lexicon of politics. His first year, he spent more than 100 hours presiding over the Senate, learning parliamentary rules of the game, observing the moves of the chamber's seasoned players.

He earned a reputation as a bona fide bore.

In 1981, he began his quest to overhaul the federal income tax system. At the time, it took a certain political innocence even to broach the idea. Everyone conceded that the code was unfair, but virtually every interest group had a stake in it. The bottom line was that powerful interests enjoyed deductions that wiped out their taxes; the weak paid the freight. And there was no end in sight. That very year, Congress embraced Reagan's sweeping tax cut, greatly widening loopholes through which companies and individuals would avoid paying a total of more than $350 billion a year in taxes. Bradley cast the lone no-vote in the Senate Finance Committee.

To Bradley, the tax code was a rigged game. "I think Bill's motives were about as pure as there are in this business," said Rep. Thomas J. Downey (D-N.Y.). "I think he just thought governments fall because people lose confidence in things as fundamental as the tax system."

So here was Bradley, a political novice, suggesting that colleagues from oil states, timber states and industrial states—politicians aligned closely with unions, real estate developers, banks and other influential groups—forfeit tens of billions of dollars of tax benefits in the name of lowering tax rates for everyone. He wanted them to take up the flag of something he called the "general interest"—people who didn't lobby, didn't make political contributions didn't even write letters.

It seemed reminscent of Bradley's wide-eyed reaction when he learned, as a basketball player, of a dizzying range of ways to shelter his considerable income. "I just want to be paid well for something I love," Bradley recalled telling his tax lawyer. "It's not that simple," came the answer.

Tax policy surfaced at the start of Bradley's political life—in his 1978 election, when he faced a supply-side Republican who envisioned economic growth through large tax cuts. Bradley proposed instead a smaller cut, to be followed by a look at the entire system. When he later moved to make good on his promise, proposing a plan to close dozens of loopholes and slash tax rates—the idea that ultimately shaped the 1986 tax law—his 1978 campaign manager termed it a political dog. "I'm a crude, cynical politician, and I told him that major tax overhaul is not something that is really a catchy topic," said Susan Thomases, now a New York attorney. "With his usual patience and determination, he said to me, 'I'm going to pursue this, and what I need from you is not why it can't be done but some help in how to win.' "

Something similar happened in 1981 when Bradley raised the idea with his legislative counsel, Gina Despres. A former corporate tax attorney, Despres responded that she knew many disappointed veterans of past attempts at tax reform. But she ultimately agreed to take a second look, and said she was struck by the political opportunity: Simply closing the loopholes would make it possible to slash tax rates far lower than even Reagan contemplated without losing a cent of federal revenue. The lower you drove the rates, the more loopholes Congress would be forced to close to make up the difference, framing a stark choice between "general" and "special" interests.

Here was the Democratic answer to supply-siders that Bradley had been seeking since 1978: a way to sound his party's historic theme of fairness (closing loopholes) while tapping into the Republican hold on the theme of economic growth (cutting tax rates).

In his Hart Building office—a long, cavernous box adorned with modern art, Grant Wood prints, endless piles of books, drawings by Bradley's 11-year-old daughter, Theresa Anne, photographs of Bradley embracing fellow Knicks as they won two national championships in 1970 and 1973—Bradley tackled the tax system with the same zeal for mastery that lured him to the Crystal City school gym. Led by Despres, a group of tax economists and lawyers began drilling Bradley on one section of the tax code after another—who benefits, who pays, how changes could affect the economy—on and on for six months until he had put together a bill. Bradley recruited as cosponsor Rep. Richard A. Gephardt (D-Mo.), who separately had expressed interest in the idea and who happened to represent Bradley's native Crystal City.

The Bradley-Gephardt Fair Tax proposed to slice the top individual tax rate to 30 percent—from the existing 50 percent—with more than half of individual taxpayers paying no more than 14 percent. In exchange, a wide range of deductions would be repealed or eliminated. A similar overhaul was proposed for corporations. For all its boldness, though, the plan made a big concession to the Republican tide, proposing no increase in the corporate tax burden that Congress and Reagan had lightened so dramatically in 1981.

"He was obsessed, that I can tell you," said Bradley's wife, Ernestine. "Bill knew what he wanted to do, but he still would check with 50 people, sounding them out, getting different input." His single-mindedness reached such a pitch that one Sunday when Bradley appeared on a pretaped television show, Theresa Anne, then 7, took a friend by the hand and walked out of the room. "We are leaving the room," his daughter said. "You are on TV. You will probably only talk about loopholes."

Bradley was convinced that a sort of silent majority would clamor for this new system, if only he could spread the word. The idea was to boil down all the knowledge, numbers and theory into something seductively elementary.

He was met by stunning indifference.

A Chicago television anchor greeted Bradley in 1985 this way: "Our challenge this morning is to talk for 30 minutes about tax reform and have one viewer left." Twenty minutes into the taping, the interviewer confessed, "I can't even think of one intelligent question to ask about the tax bill. It's not irresponsible to get into other subjects, is it?" Bradley said he didn't want to talk about anything else.

"I remember going to editorial boards with him, and people would just look at him with blank stares," said press secretary Pettengill. "They'd say, 'This is such an *intellectual* issue.'"

The lack of interest of others seemed only to strengthen Bradley's resolve. Pettengill recalled one meeting with a confounded newspaper editorial board at which Bradley finally grabbed a piece of paper, drew a tall, vertical block and, like a teacher with a visual aid, explained: If you have a narrow base (he pointed to the thin base of the block) you have to raise rates very high to bring in the right amount of revenue (he pointed to the top of the tall block). Then he turned the paper on its side, so that the block was now horizontal and very short. "But if you broaden the base . . ." A look of discovery came over his listeners. Such were the victories of the early days.

Though tax reform was a bomb on the road, it nonetheless enhanced Bradley's reputation among Republican strategists. In 1983 and 1984, influential Republicans began viewing the idea as a magnet for millions of blue-collar voters who saw the tax system—like the government—as stacked against them. Rep. Jack Kemp (R-NY), a supply-side apostle, with presidential ambitions, produced his own version of Bradley-Gephardt in 1984. A year later, Reagan embraced tax reform as his No. 1 domestic policy goal, assigned it to his most respected political strategist, Treasury Secretary James A. Baker III, and forced it to the top of the congressional agenda.

"As soon as he proposed to study it [tax reform—, I knew we had hit a nerve," Bradley said. "And I knew why we had hit a nerve. They believed that lowering tax rates was an even bigger issue than it probably was. I took their issue and I took it further."

In interviews at the time, a number of Bradley's committee colleagues predicted that he would not be a "player" in the Senate tax debate. After all, Bradley was a Democrat—a junior one at that—in a chamber run by Republicans and ruled by seniority. "Bradley will be on the intellectual level," said Sen. Charles Grassley (R-Iowa), "trying to get people to see things in terms of concepts, but I don't actually see that translating into a big effect on the end product." Said a Democrat who declined to named: "He's sincere, I have no question about his intelligence, but as for shaping legislation, Bill has yet to do that. I don't see it happening."

"Bradley's strength," said a key Republican who worked on the tax bill, "is that he is a person who believes in the integrity of his ideas. There will be people who ask him for the petty favor and he says no. He doesn't build up the conventional political IOUs. So the truth of the matter is he doesn't play the kind of game that results in the ability to deliver votes, but he still has an enormous influence on the process. It's just a different kind of influence."

Bradley is uncomfortable with this image of himself as an intellectual in a chamber of tacticians. "I'm committed, but I'm also a politican," he said recently. "I take it as a high compliment that [Rep. Dan] Rostenkowski [chairman of the House Ways and Means Committee] once said of me that I know what buttons to push in a dark room. I'm not just up there in my ivory tower. That's not where I want to be and that's not where I was. There are some deals in there [the new tax code] for my state, you know."

It is ironic that Bradley nowadays is viewed as long on brain work and short on spontaneity—qualities he meshed remarkably as a basketball player. "On a basketball court, there is in a real sense an artistic moment," he said. "You're creating something. One of the things I always admired about Russell [Long] was his ability to be spontaneous on the Senate floor."

In Bradley's eyes, Russell B. Long is "the most fascinating senator I ever met." He is also Bradley's opposite in almost every visible detail. Portly and avuncular, Long retired last year after 38 years in the Senate, including more than a decade as chairman of the Finance Committee. Descended from a Louisiana political dynasty headed by his father, Huey P. Long, and his uncle, Earl Long, Russell Long elevated to an art the use of power through trading favors, collecting chits and rubbing elbows.

In a 1979 floor debate, Bradley watched the canny Louisianan offer a pro-oil amendment that got only 20 votes. Confused at first, since Long rarely offered losers, Bradley later understood. "He was testing his base strength, his core. He knew that whatever happened from then on, he started with 20 votes."

Last spring, it was Bradley's turn to test his own base. A version of tax reform had managed to pass the House only to hit the skids in the Senate Finance Committee. Day after day, committee members filed into their wood-paneled chamber, took seats on a platform above the wall-to-wall lobbyists in the audience, and approved loopholes for industry after industry. Finance Committee chairman Bob Packwood (R-Ore.) was being ridiculed in national publications as "Senator Hackwood," and respected politicans were writing off tax reform as an idea whose time would never come.

In this context, Bradley solemnly offered a series of amendments to strip away tax benefits for oil and timber, industries that dominated the home-state economies of more than half the committee. As some senators eyed each other in exasperation, Bradley delivered a lengthy history lesson on how, over many decades, political clout had produced $5.6 billion in tax breaks for the energy and timber industries. He then proposed to eliminate them, and to use the extra tax revenue to cut rates for low and middle-income Americans. None of his five amendments got more than three votes. Two got only one—Bradley's.

Bradley had found his base and it was Bradley.

The creed that best describes Bradley's approach to the tax debate is one he recited to McPhee more than 20 years ago. Picked up from Easy Ed Macauley, a 6-foot 9-inch St. Louis basketball star of Bradley's youth, it went like this: "When you are not practicing, remember, someone somewhere is practicing, and when you meet him, he will win."

After Reagan began exploring tax reform in earnest in late 1984, Bradley spent part of almost every day in his Senate office with Despres and chief of staff Marcia Aronoff, brainstorming and trading rumors of threats to the effort. He hatched so many strategies for neutralizing so many potential minefields that some of his allies used to joke about what one called "the latest Bradley scheme that was going nowhere."

Bradley launched a tireless courtship of the two chief congressional tax-writers, Rostenkowski and Packwood, knowing that nothing would happen legislatively without the commitment of both chairmen. They were unlikely comrades for Bradley: Rostenkowski, a battle-scarred veteran of Chicago ward politics, and Packwood, a maverick Republican with a flair for the unpredictable. But as the effort progressed, they came to trust Bradley more than they trusted each other.

When Bradley first requested a meeting with Rostenkowski two years ago, the chairman's aides said he didn't want visitors. They later learned that Bradley had flown to Chicago, arrived on Rostenkowski's doorstep and had gotten an audience. Whenever Rostenkowski needed him, Bradley told him, he was at his service. When Rostenkowski's bill reached an impasse in committee, Bradley crossed the Capitol to lobby committee members one-on-one in their offices—not unheard of, but a strong statement from a senator. When the liberal House Democratic Study Group balked at the bill because of low tax rates for the wealthy, Bradley went to a closed meeting to argue that liberals should support tax reform in the cause of restoring trust in government. While the shuttle diplomacy did not always succeed, it did win over Rostenkowski. "This man works more hours than an automated teller machine," Rostenkowski remarked.

As for Packwood, he initially distrusted Bradley, believing he aimed to force the Republican Senate to kill the bill, giving Democrats an issue in 1986 and Bradley a chance to play the saint in a chamber of sinners. But over time, a certain rapport developed. Early in the debate, Packwood and Bradley spent days together in seemingly interminable hearings as companies, charities, hospitals, virtually every interest group in the country, pleaded for tax breaks. Bradley responded to each plea with his gospel of a broader base and lower rates. Though a defender of the existing tax system, Packwood found himself growing exasperated with witnesses he later characterized as "trying to use this tax code to do everything for everyone who's trying to do anything in this country."

When a witness defended a tax break, Packwood would ask: If we had a zero tax rate, would you need a tax break to invest? The answer was invariably no. So if we drive the rates low enough, Packwood continued, at some point you don't need your tax break. Right?

It was a distinctly Bradleyesque line of questioning.

Nonetheless, for several months after that, Bradley watched Packwood and the Finance Committee approve a proliferation of loopholes, enough to increase the federal deficit by $100 billion. Though the bill appeared to many to be dying, Bradley called this merely "discouraging," part of a stage the committee had to go through, like children who learn lessons the hard way. The natural impulse was to give everyone a tax break, Bradley said, but that would only increase the clamor for loopholes, ensuring the death of tax reform. In Bradley's conversion scheme, you had to star into the abyss before you saw the light.

Through this period, Bradley also remained a detail man, arriving at committee sessions with legal pads filled with his own calculations regarding tax code provisions. He constructed a matrix on two pieces of legal-sized paper taped together, with 24 features of the tax system in columns across the top, every income bracket down the side, and a blizzard of numbers in the middle, showing at a glance how dozens of potential changes would affect the system. After four years of single-minded concentration, Bradley had a ready argument against challenges and a dizzying array of numbers in his head to back it up.

If brainwork failed him, Bradley could fall back on basketball. When the Finance Committee retreated to West Virginia last year for a tax debate, "We sat around and had drinks and he told us about his first two years on the Knicks when they made him a guard and he couldn't dribble and he wasn't getting to play," recalled Bill Diefenderfer, the committee staff director, now a Washington lawyer, who became Packwood's alter ego on the bill. "I'm sure he's bored talking about it, but he also understands it's a currency, an immediate opening. Members of Congress have something they know they can talk about with him: What's it like to play in the NBA?"

Bradley's ultimate opening came last April. After leading his committee to the brink of killing tax reform, Packwood scrapped the loophole-fraught bill and fashioned a last-ditch proposal to slash rates by repealing or limiting dozens of existing write-offs. His blueprint meshed elements of Bradley-Gephardt with an idea from Reagan's tax reform plan: Raising business taxes $100 billion, cutting individual taxes the same amount.

The proposal came at a time when Republicans feared the political consequences of killing tax reform. If Packwood was correct in thinking Bradley wanted to embarrass Republicans, this was an acid test. But Bradley surprised Packwood by delivering an impassioned speech for the bill when the chairman unveiled it, and offering himself as a sort of Boy Friday, ready for any task Packwood assigned. Packwood immediately began invoking Bradley's support at every opportunity. "I came around full circle to think that Bradley was right," Packwood said, describing his turnaround as a "conversion" and Bradley as his evangelist.

"Bradley deserved credit, but that wasn't the main reason Packwood lauded him," said Diefenderfer. "Bradley helped our credibility. Packwood could go to Democrats and say, 'If you vote against this bill, you vote against Bill Bradley and a Democratic idea.' He could go to Republicans and say, 'You can vote against this amendment [that would weaken the bill]. and if your Democratic opponent says anything, you can say Bill Bradley voted against it.' "

At 12:19 a.m. on May 7—less than two weeks after Packwood unveiled his last-ditch package—the Finance Committee passed it 20-0, an unheard-of mandate for a major tax bill. The low rates—the bill had a top rate of 27 percent for individuals, 33 percent for corporations—and the chance to look statesmanlike held more political allure than an army of entrenched interests. Committee members burst into spontaneous applause for their vote, hailing Packwood's courage and Bradley's vision. As members filed wearily out of the room, Packwood and Bradley met at the doorway. Spontaneously, they fell into each other's arms in a bear hug.

For a senator not prone to great highs and lows, Bradley was a fountain of excitement on the morning after the vote. Everything he had said and done for four years had come to flower. Normally a master of monotone, he was talking fast and with feeling. Normally scrupulously humble, discussing his "bold approach" and Packwood's adoption of it. "You know it takes courage to be bold in politics," he said. "You come to the bold approach because you've looked at it carefully, thought it through and said, 'Look, this is what I think is in the best interest of the country,' or you come to a bold approach because you're led there by finding the failings of the more cautious approach . . . So [Packwood] took the bold stroke, he got positive reinforcement."

When the bill reached the Senate floor, Bradley the theorist became Bradley the dealmaker. He and Packwood were convinced that to keep the bill from unraveling, they had to defeat every proposed amendment, even those that would close remaining loopholes. That meant that to protect what he liked in the bill, Bradley had to swallow what he didn't like—deals cut by Packwood to win support from the committee's factions—loopholes for banks, defense contractors, oil drillers, even a special loophole for eight well-connected investors in a western coal mine. There was also a loophole to help Bradley's home state—tax-free bonds for construction of solid waste dumps, New Jersey's most unfortunate growth industry.

Bradley did not move easily into the dealmaker's role. He made one last effort in the final hours of Finance Committee deliberations to wipe out certain oil-drilling tax shelters defended by the panel's formidable oil-state bloc. With lights from more than a dozen television cameras bathing the room in eerie yellow, Bradley recited his standard speech: "What we have here is a special provision, carved for a certain number of investors . . . The premise of tax reform is that you give people lower tax rates and that in exchange for that they give up loopholes." When the roll was called on the shelter provisions, Bradley bellowed "nay" with such force that the speakers in the committee room vibrated. He lost.

Bradley's defeat apparently was a key to the tax bill's success, because the support of the oil bloc proved crucial to victory. Had Bradley prevailed, such influential senators as Long, Majority Leader Robert J. Dole (R-Kan.), Lloyd Bentsen (D-Tex.) and others would have helped the opposition on the Senate floor. "We had nicked oil several billion dollars, which is no small amount for an industry on its knees. He seemed to want to get that last pound of flesh. He'd rather be right," remarked a Republican who worked on the bill.

It is a truism that politicians develop chits when they are perceived as doing something for others that goes against their interests. So it was that when the bill reached the Senate floor, Bradley found himself with a bit of clout over the oil bloc. His distaste for oil loopholes being well established, Bradley proposed to swallow the shelters if oil-state senators would rally opposition to amendments aimed at weakening the bill. In case they reneged, Bradley announced on the Senate floor, he had in his pocket four amendments designed to close down oil tax shelters. Given Bradley's status, conferred by Packwood, as the credibility seal on the tax bill, this was no small threat.

When another senator did make a run at the shelters, Bradley rose uncomfortably to defend the oil bloc and to make a bow to the powers that be. "This is a good bill," he said. "For this good bill to become law, we are going to need the leadership of Senator Long, Senator Bentsen, Senator Dole, Senator [David] Boren [D-Okla.] and others." Like Bradley, the oil bloc honored its half of the bargain, delivering crucial votes against every threat to the bill. "I think for the first time, he actually earned a chit," said a Republican.

The Senate floor was almost empty last June 24 when Bradley rose for his final speech on the Finance Committee bill. He was hoarse and his eyes were half-closed from exhaustion. Bradley was known as a sleep-inducer, but this time he decided to talk without a text, to express feelings as well as thoughts. He said he believed the unfairness of the tax system, which touches 100 million Americans—more than had voted in the 1984 presidential election—was eroding trust in government. With sadness in his voice, he told of a New Jersey man whose 26-year-old son could think of nothing but how to avoid paying taxes. The young man's father had told Bradley. "I am worried there is a whole generation of young Americans out there who believe they have no obligation whatsoever to support the legitimate functions of government." For Bradley, who had devoted himself in two careers to hard work and playing by the rules, the young man's attitude constituted a personal affront. "A tragedy," he called it. "Ultimately tax reform is not just about money," he said. "It is about personal dignity and individual security. It is about being in control of our lives while having a government that is sensitive to our needs. Most important, it is about hope."

Bradley had just ad-libbed his way through one of the best speeches of his career—vintage Bill Bradley playing Jimmy Stewart playing "Mr. Smith Goes to Washington." In the visitor's gallery, his wife Ernestine found that her eyes were watering. "He felt it so much," she said, "and he said it with such simplicity."

In the last hours of the last crisis over the tax bill, Bradley's years of thinking, calculating and midwifing landed him in a position to save the game. A conference committee of the House and Senate, seeking to meld the two chambers' versions of the bill, hit an impasse because its compromise measure would deliver few or no tax cuts to certain people with upper-middle-range incomes while giving the wealthy a windfall and removing 6 million low-income people from the tax rolls. The House demanded a 29 percent top tax rate for individuals to shuffle the benefits; senators refused to go beyond 28.

Poring over his matrix, Bradley devised a sleight-of-hand to solve the crisis. By phasing out some tax benefits for upper-income taxpayers, and reconfiguring certain features for lower- and middle-income people, the bill could retain a nominal top rate of 28 percent while taxing families with incomes from $100,000 to $200,000 at a higher, "phantom" rate. Outrageous in the view of tax policy purists, this constituted a deft dodge in the view of politicians. Packwood signed off on it, and now it was all up to Rostenkowski.

Throughout the conference, Bradley had operated as a back channel between the two chairmen, giving Rostenkowski hourly "weather reports" on the leanings of key senators, then ferrying intelligence on House conferees back to the Senate. Bradley was secretive about this role. When calling Rostenkowski from the Senate, he often whispered his tips.

With Packwood on board, Bradley called Rostenkowski to alert him that the Senate chairman wanted to meet and propose a compromise. Rostenkowski, skeptical, said he wanted Bradley to come too. Packwood, well aware of Bradley's rapport with Rostenkowski and eager to reach agreement, already had put in the request. With only Bradley and their top aides looking on, the two chairmen met in Rostenkowki's Capitol office, and called it a deal.

"It was," Bradley said later of the moment, "like getting to take the last-second shot. You know, somebody threw you the ball, now are you going to shoot or not? Or is it going to go in or not? It goes in, you get the game."

"I thought it would feel like winning a championship," Bradley said. "But it didn't. It was like winning an election. It's the question of whether politics is the same kind of release as basketball, and the answer is no. It is never as clear cut, it is never as resolved, it is never that one is clearly recognized as the world champion—if only for another year."

Even as he spoke, economists were denouncing the new tax law as a threat to jobs and certain industries, Democrats were denouncing his contra vote and some colleagues were asking leading questions, such as: How much in life is subject to mastery, anyway? What happens when this rational method of breaking tasks into component parts, and turning each part inside out, yields wrong answers, or none at all?

Bradley, for his part, appears untroubled by the scrutiny. He has a new obsession, the Third World debt, an issue with less play in Peoria than tax reform ever had, which is fine with him. With the Democrats' return to power in the Senate, he has charge of two influential subcommittees, and says this is all he wants for now. He is not—repeat not—interested in the presidency, he keeps saying to those who keep asking.

Of course many people expect something more from the only man on earth with an Olympic gold medal and a presidential pen from the signing of the Tax Reform Act of 1986. A recent poll of voters in Iowa, scene of the first presidential caucuses in 1988, showed Bradley running third among Democratic prospects. Last year, White House pollster Richard Wirthlin named him as one of two Democrats who posed a serious threat to the GOP in 1988. Suffice it to say that if the tax debate made Bradley a player, it also upped the stakes.

When it was all over, and Bradley was a player in a new arena, a reporter wondered: Why these recurring allusions to the life he left behind? Why would he spurn it, then flirt with it? Was he pining for that old peak moment?

"No, no, I'm not looking for it, I've come to terms with it," he said. "That is over, just like I'm not constantly jumping to touch the ceiling in every room I go in just to show that I can jump. Those days are over."

He used to do that?

"Sure, jump up and touch the ceiling.

Anyway . . . " Suddenly, Bradley was laughing uncontrollably. He got out a few words ("This was a kid . . . "), then cracked up laughing again. The very idea: A serious senator having once been a kid who got his kicks touching ceilings. "And, of course, here it would be absurd," Bradley said, looking up at a 16-foot ceiling in his Senate office, doubling over in more laughs.

"No, no, no, no, but my point is that you don't want to jump up to touch the ceiling not because you don't feel like it, but because you can't. You know, it's over. That part of your life is over. Basketball is over. It's over! I'm not seeking to return to that, you see? And that is why I can feel so positive about it, in a way, because it was a special moment."

(Dale Russakoff covered the Tax Reform Act of 1986 for The Post's national staff.)●

SENATOR JOHN EAST: THE TRIBUTES CONTINUE FOR A STATESMAN WHO IS SORELY MISSED

Mr. HELMS. Mr. President, more than 7 months have passed since the tragic death of Senator John P. East, but the tributes to this great American continue. In fact, Mr. President, I have not appeared anywhere in the country since that time without people in all walks of life coming to me to express their sadness that John's brilliance and integrity are no longer a part of the process of the U.S. Senate.

The affection and respect in which he will always be held constitute a splendid monument for the life and career of John East, because John East was a dedicated statesmen who held firm to the principles of constitutional government and to the defense of the free world. He was a distinguished member of the academic community before he came to the U.S. Senate and he remained an active member of the board of directors of the University Professors for Academic Order, a group of dedicated conservative professors supportive of excellence, freedom, and accountability in higher education.

During the organization's annual convention in Washington, DC in December of 1986, tribute was paid to Senator East by a friend, Dr. Donald J. Senese, former Assistant Secretary for Educational Research and Improvement in the U.S. Education Department.

The tribute to Senator East captured the spirit of his career and contribution to our Nation. I ask unanimous consent that the remarks by Dr. Senese be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TRIBUTE TO THE LATE SENATOR JOHN EAST

(By Dr. Donald J. Senese, University Professor for Academic Order Meeting, Washington, DC)

We pause here to remember one of our own who is no longer with us this year—the late Senator John East of North Carolina.

John East not only shared our philosophical orientation in education and politics but he was an interested and dedicated member of this organization, the University Professor for Academic Order. He subscribed to our principles and from his positions as professor and United States Senator lent his support and encouragement to us in seeking new members. We relied on the respect and fame he enjoyed—"If UPAO is good enough for John East, it must be a fine group and I will join" was our hope as we sent out his letter of endorsement.

I am sure most of you are familiar with the specifics of the career of John East. He was born in Illinois, attended college, suffered an attack of polio which left him confined in a wheelchair, attained advanced degrees, taught political science at East Carolina University, and in a very narrow but significant election won a seat in the United States Senate in 1980. During that campaign not many people gave John East much of a chance to reach that lofty position. If one was familiar with John East's determination, you knew he was going to try his best as he always did. He won that seat.

We now know that his potential effectiveness in that position was limited by health problems. Nevertheless, he made a serious effort toward accomplishment. As a freshman Senator, he was in a unique position entering the Senate at a time when his party, the Republican Party, had captured their first Senate majority in 28 years. He refused to be the silent freshman Senator. He began hearings with his subcommittee on one of the most crucial issues of our generation and he utilized his position in the U.S. Senate to call for a politics of commonsense and constitutional government.

Senator John East did something rare in our day. He did not rely upon the cliches and popular political terminology of the moment. He called forth the cultural tradition of the West—Plato, Aristotle, Acquinas—to give substance and basis for his political utterances. He did appeal to the higher nature in the individual in trying to make political discussion a lofty and worthy enterprise.

Another one of our favorites, Russell Kirk, made this comment about John East in paying final tribute to him: John East knew that politics is the art of the possible; but also he knew that a decent political order cannot long subsist without moral imagination and intellectual power. Not many senators seem to apprehend so well that hard truth. Sen. East lived that truth.

Those of us who are students of political science and history know how the substance and the flourish of rhetoric has declined from the early days of our history, even in the early days of this century. The popular election of Senators, the thirty second analysis of critical issues demanded by the television media, and our fast-paced life has eliminated the thoughtful consideration of ideas and the carefully constructed paragraph in presenting a case. We can only read some of those great speeches of the past.

One of these orators lived in this century, Senator George Moses of New Hampshire, and I would like to borrow the words of Senator Moses who paid tribute to a friend of his, another Senator from North Carolina Senator Overton. These words of another era fit the service of John East. Senator Moses noted: It was but natural that the tremendous tasks which he was then laying down should have left their mark upon him, and that his slackening powers should have found thereafter only those occasional bursts of fiery zeal with which he sometimes roused himself to action which electified the Senate. He was passing into the evening of his life—an evening destined to be long and golden, warmed with the color of an autumn day. He was surrounded by the solicitude of an adoring family—and we shared that solicitude with them. He fell to sleep and we saw him laid to his rest, our grief tempered by the reflection that we had been privileged to know him and to love him.

The pain and agony endured by John East must have been great—and we now know overwhelming—that he by choice left this world he had worked so hard to make better. He left to us like many other great men an enduring legacy. He was not only an activist but also a philosopher and scholar for our causes. Out of his many public statements, he left us much to read and to reflect upon.

One of his comments I believe show the enduring quality of the man because he helps to set the tone on how politics and the art of governing should be approached. The comment was contained in an article he did for the Intercollegiate Review (Spring/Summer, 1982) entitled "Political Theory and Public Policy." John East wrote: An understanding of theory must precede the development of sound public policy, for it sets the tone, direction, and parameters of public discussion. In addition, it affords depth and substance to an analysis of public issues. Absent theory, there is no direction, depth or substance to dialogue over public policy, and the result is the politics of drift. Democratic politics degenerates into little more than the push and pull of interest group competition. As there are no points and reference, we are soon back to Plato's antagonists, the Sophists, who looked upon politics as merely the pursuit of power per se and success. If the goal is a healthy body politic without theory, it is impossible of attainment. Theory instructs us concerning the nature of things and the nature of man. Theory is the only avenue to the deepest and fullest understanding, and it affords the foundation for developing the most mature and enduring public policy.

We lost a great man with the departure of Senator John East but he gave us an enduring legacy. We can only say thank you to him and work to continue to build on the foundation he established. Let us remember him fondly in a moment of silence.

COMMUNIST CHINA EMERGENCY HUMAN RIGHTS SITUATION

Mr. HELMS. Mr. President, on January 29 I informed the Senate of the developing human rights emergency in the People's Republic of China. At that time I noted that a number of Chinese intellectuals had been dismissed from their positions for advocating the principles of freedom and democracy. I also raised the question of what might happen to Chinese students in the United States who return with some understanding of these same principles.

It is my sad duty, Mr. President, to inform the Senate that my worst fears have been realized. The purges have continued and the first returned student, Mr. Yang Wei, has been arrested.

The vice president of the Chinese Writers Association, Mr. Liu Binyan, has become the target of a campaign of vilification and abuse. According to the Washington Post, Mr. Liu is best known to Chinese readers as an investigative reporter who uncovered abuses of power by local Communist Party secretaries, extortion, bribery, intimidation of intellectuals and persecution of ordinary people.

The Shenzhen Youth News and the Society newspaper of Shanghai have been closed for advocating Western democratic ideals. Radical elements within the Chinese Communist Party are reportedly targeting the World Economic Herald of Shanghai.

The editor of the Jianan Literature and Art Journal has been imprisoned for 7 years by the People's Republic of China Ministry of State Security. He has been accused of advocating "freedom and democracy" for his native country.

The former deputy editor of People's Daily, Wang Ruowang, has been dismissed from his position and has become the subject of a public campaign of vilification and abuse. Mr. Wang, a Communist Party member for 50 years, was accused of having spoken out for freedom.

Mr. President, the Communists have not stopped with attacks on their own journalists and press. In a most ominous turn of events, they have arrested and expelled Mr. Lawrence MacDonald, an American reporter for Agency French Press. He was accused of espionage, charge he and his agency categorically denied. His expulsion came 6 months after the expulsion of New York Times reporter John Burns, also on a trumped-up charge of espionage. In Burns' case the espionage amounted to photographing a 1,000-year-old bridge.

Mr. President, it appears to this Senator that the United States Government has not raised the issue of freedom of the press at a high enough level to properly catch the attention of Chinese officials. We seem not to react with the same vehemence to Chinese actions, no matter how wrong they may be perceived to be, as we do to similar actions taken by the Soviet Union and East European countries.

Mr. President, I have been informed that the U.S. Ambassador to Beijing regards this as a low-level consular issue. This is far more than a consular issue and should be treated as such. It is time this is treated at the highest level. Secretary of State Shultz will be in Beijing the first week in March and the freedom of American reporters to operate in the Peoples' Republic of China should lead the agenda. We ask no more than what we grant to Chinese reporters operating in this country.

These cases of alleged espionage never seem to be cleared up. The Chinese are never specific about the charges against journalists. A vacuum is created that tends to be filled with rumor and innuendo about journalists that are expelled. The excuse is made too often that there is a bureaucratic problem in China—an excuse that defuses responsibility and prevents the Embassy from dealing directly with the Chinese authorities most directly involved.

As one who spent most of my life in the news business prior to coming to the Senate, I suspect that American newsmen in Beijing must be fed up with being pawns in internal Chinese power struggles.

At the same time I am deeply concerned about the fate of Chinese students who return to their native land full of hope that the functioning system of basic liberties which we have in the United States might be transfered, at least in part, to mainland China.

Mr. President, I will circulate a Dear Colleague letter later today with two concurrent resolutions attached. The first resolution deals with the issue of press relations between the United States and the Peoples' Republic of China. The operative provision calls for the United States Government to retaliate against the expulsions of Mr. Burns and Mr. MacDonald by expelling at least one Chinese reporter. The resolution points out that Chinese reporters are Chinese Government officals and not private citizens as are American journalists.

The second resolution addresses the overall human rights emergency in the Peoples' Republic of China. The operative provisions call upon the administration to raise the issue before the U.N. Commission on Human Rights now meeting in Geneva. It also calls on the administration to give some measure of protection to Chinese students now in the United States who might fear for their personal safety when they return. Unfortunately, such fears have proved to be well founded.

Mr. President, it is not often that I agree with the editors of the Washington Post. However, they were right on target with their subheadline on January 26: "Charges, Arrest of Student Seen as Official Effort To Intimidate." The People's Republic of China is trying to intimidate our journalists. They chose to make an example of the American reporter with the best command of Chinese in Beijing and consequently the best Chinese contacts.

The question is whether we are going to appease the Communists yet another time, or are we going to draw the line on the fundamental issue?

Mr. President, I ask unanimous consent that two articles from the Washington Post and one from the New York Times be included in the Record; also, I ask unanimous consent that these two resolutions be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 26, 1987]

Chinese Accuse U.S. Reporter

(By Daniel Southerland)

Beijing, Jan. 25.—Chinese authorities have accused an American reporter of obtaining secret intelligence information from a Chinese student, the official New China News Agency said today.

Lawrence MacDonald, a U.S. citizen working for the French news service Agence France-Press, was quoted by colleagues at the agency's bureau here as saying that he knew nothing of the affair described in the accusation.

The New China News Agency said in a two-paragraph report today that according to the government authorities, a Chinese student at Tianjin University, Lin Jie, was arrested for his "secret collusion with and providing intelligence to Lawrence MacDonald."

Western diplomats said that the accusation made against MacDonald, 32, and the arrest of the Chinese student appeared to be designed to intimidate both Chinese sources and western journalists. The aim, they said, would be to disrupt contacts that have produced stories unfavorable to the Chinese government.

The authorities leveled their accusation against MacDonald, of San Louis Obispo, Calif., at a time when they are conducting a campaign against western democratic influences.

Three intellectuals have been expelled from the Chinese Communist Party over the past two weeks as a result of the campaign against "bourgeois liberalism."

It was announced yesterday that the latest of the three, Liu Binyan, China's best-known living journalist, was expelled from the party for attacking Marxism and vilifying the party.

The Chinese news agency said that the Tianjin bureau of the State Security Ministry had obtained "conclusive evidence" against MacDonald and Lin Jie through an investigation.

The security ministry referred to in the news agency report is responsible for counterespionage and surveillance of foreigners and appears to be organized along the lines of the Soviet KGB.

The Beijing bureau of AFP issued a statement saying it knew nothing of the accusation against MacDonald and learned of it only today through the Chinese news agency dispatch.

MacDonald was in Hong Kong following a vacation in Thailand. He had planned to take a plane to Beijing this afternoon but was apparently warned by friends of the accusation made against him and decided to stay in Hong Kong.

A western diplomat speculated that the Chinese authorities issued the report on MacDonald this afternoon with the intention of alerting his Beijing bureau before his return and having him stay in Hong Kong.

The diplomat said that in this way, the authorities could hope to achieve the intimidating effect they wanted without having to make a difficult and no doubt heavily publicized case against MacDonald.

"The idea would be to intimidate people without having an embarrassment or crisis on their hands," the diplomat said.

The Chinese authorities knew exactly when MacDonald intended to return to Beijing because he had applied for a visa in Hong Kong and provided them with his travel plans. He had also informed his Beijing bureau of his plans.

The Chinese news report on the case, which was repeated by an announcer on the national television evening news tonight, gave few details of what was said to have occurred between MacDonald and Lin Jie in Tianjin.

A prodemocracy demonstration took place at Tianjin University in late December, but MacDonald was covering demonstrations in Shanghai at the time.

Although the Chinese report was short on details, it did say just enough to give the average Chinese the message that journalists might be spies and that dealing with them could prove to be dangerous.

MacDonald is respected by his colleagues as an aggressive, hardworking reporter. His ability to speak Chinese is superior to that of most of the foreign correspondents based here, making it easier for him to establish contacts with a variety of Chinese at all levels of society.

Most observers think that MacDonald's ability to speak fluent Chinese is one reason why the State Security Ministry selected him as a target.

Created four years ago, the ministry is believed to have grown in influence over the past year or two.

The explusion of New York Times correspondent John Burns last July followed an accusation by the ministry that he had entered a restricted zone to gather intelligence.

MacDonald had reported last year on a case involving the State Security Ministry. According to the AFP story published last Sept. 1, an intelligence officer named Yu San, described as director of foreign affairs for the ministry, had fled to the West last January.

China's Foreign Ministry declined at the time to comment on the reported defection.

[From the Washington Post, Feb. 8, 1987]

My Expulsion from China

(By Lawrence MacDonald)

The last phone call I got in Peking came at 7 on Friday morning, Jan. 30.

In winter in north China it is still dark at that hour and I recall my wife saying as I climbed from bed to answer the phone that it was probably family calling from the States.

Instead, a stern male voice asked for me by my Chinese name. He said he was an officer of the Peking State Security Bureau and he ordered me to report in one hour to the Peking police station that deals with foreigners. A woman repeated the order in English, asked if I understood and hung up.

The call was disturbing but not entirely a surprise. Five days before, the New China News Agency said a Chinese college student named Lin Jie had been arrested for "secret collusion" with me and the passing of unspecified "intelligence information." The next day, Foreign Ministry officials alleged I had engaged in activities "incompatible" with my status as a journalist during recent student demonstrations. By Wednesday, the Chinese government had dismissed my denials and the protests from my employer, Agence France-Presse, and had presented an ultimatum: I must leave China within several days. I began preparing to leave the following Tuesday, four days away.

Now my wife and I had to report to the police headquarters dealing with foreigners in the Chinese capital—officially known as the Peking Public Security Bureau Foreign Affairs Section. Along with AFP's Peking bureau chief, we arrived at an old-fashioned courtyard house in the shadow of the Forbidden City, the former imperial palace. It was 8 o'clock. I was shown alone to a small room where several uniformed security officers stood about. A senior officer entered, removed a vast green coat he wore over his shoulders like a cape, and stood opposite me to read an expulsion order. One of the uniformed men took photographs, while another taped the proceedings with a video camera.

I was then led to a black Mercedes with heavy curtains. They put me in the back between two young security guards and we sped to the airport in a six-vehicle motorcade. It took half an hour. Nobody spoke. At the airport the Mercedes parked in a garage beneath the terminal to wait for the flight.

The minutes ticked by. I realized this was my only opportunity to speak to representatives of the State Security Ministry about the charges laid against me.

I spoke in Chinese, slowly and quietly. I said: "You may believe that I actually gathered intelligence and engaged in activities incompatible with my status as a journalist. I did not. I am being expelled because there are people in China who don't want foreigners and Chinese to have too many contacts. I am being made to serve as an example, to frighten Chinese people and foreign journalists.

"Why is China so poor? Why can't China become strong and rich? Why must China be so frightened of ideas from the outside? People talk about feudalism holding China back. This is feudalism. People talk about the need for the rule of law. Where is the rule of law that a Chinese student can become the victim of this sort of political campaign?"

The guards on either side of me and the driver and officer in the front seat stared straight ahead. They said nothing. I looked for long moments at the guards. I saw their eyes grow moist, whether from anger, regret or simple fatigue I will never know.

I was sad to leave China. My assignment to Peking two years before had culminated a dream that reached back to childhood, when my maternal grandparents, who had themselves spent 30 years in China as missionaries, captured my imagination with stories of valor, suffering, cruelty and kindness that represented for me lives fully lived. In the more than 10 years that I lived in Taiwan, Hong Kong and the mainland my respect and admiration for the Chinese people have grown. Being unable to go to China is like being unable to go home.

Expelling a foreign reporter and arresting a Chinese student fit nicely into the current campaign against "bourgeois liberalization." Student demonstrators' demands last December for "press freedom" were deeply disturbing to China's rulers. I never sought or obtained any intelligence information. But I did write several stories that were embarrassing to individual Chinese officials.

I do not know what will happen to Lin Jie. As I write, another young man in China is reported to have been sentenced to seven years in prison for advocating the overthrow of the Communist Party. I carry the burden of knowing that nothing I can do or say would help Lin Jie and that virtually anything could be twisted against him.

His arrest brings into focus a dilemma that confronts foreign journalists working in any authoritarian society, particularly China, where abrupt ideological shifts have been commonplace since the Communists came to power in 1949. A gifted former journalist who left China last year in despair at the State Security Ministry's monitoring of her activities, has written that a Western journalist who continued to work in China had two options: disappointing editors by writing superficial stories that mirror China's official view of itself, or seeking "truth from facts" and thereby risking the safety of Chinese friends and contacts.

Like most foreign journalists working in China, I sought a middle road, but recent events suggest that it is more difficult than most of us had imagined.

After about 40 minutes in the garage, the Mercedes pulled onto the cold, bright tarmac. State Security Ministry photographers and a video cameraman, this time in plainclothes, again recorded the scene as I was led aboard a special flight to Hong Kong moments before the plane began to taxi for takeoff. The sky was unusually clear. As the aircraft rose, I saw below the hard, brown earth of the north China plain, the shimmering ice of ponds and canals, tight villages huddled close to the earth.

I may never know the full reasons I was expelled. Perhaps it had been the work of the same conservatives who had forced the sudden resignation of Chinese Communist Party General Secretary Hu Yaobang less than two weeks before. The strength of these forces is difficult to estimate, but there is little doubt that they are currently on top in the power struggle to see who will succeed Deng Xiaoping. Should they succeed, many of the reforms China has embarked upon in recent years may be slowed or brought to a halt.

[From the New York Times, Feb. 8, 1987]

A REPORTER'S ODYSSEY IN UNSEEN CHINA

(By John F. Burns)

Tired and dusty after a day's driving from the north, three men on a Yangtze River motorcycle pulled into the courtyard of the inn at Guanduping, a village in China's heartland province of Shaanxi. They stowed their helmets in the cycle's sidecar and moved toward a group of villagers seated at tables of hand-hewn slate.

An old man paused as he ferried bowls of steaming noodles to the bare-chested villagers. Although Tian Binggao, the innkeeper, had not seen a foreigner since Japanese troops passed through the village in 1938, he showed little surprise at finding an American and an Englishman outside his inn on a balmy evening last June, nearly 200 miles from the closest of the country's officially "open" cities.

He settled the foreigners and their Chinese companion at a table and listened attentively to the conversations that developed between them and the villagers. Later, after dusk settled on Shaanxi's dust-brown hills, he put the visitors to bed on his own k'ang, a traditional sleeping platform of stacked bricks.

The hospitality of that first night on the open road proved a fitting prologue for the experiences that the three travelers—Edward E. McNally, an American lawyer, Zhang Daxing, a Chinese recently returned from studies in the United States, and this writer, then The New York Time's correspondent in Beijing—had as we traveled unescorted across the mountains and plains of Central China, from the industrial city of Taiyuan to the semitropical bamboo forests along the border of Sichuan.

With this article, the story of that unauthorized 1,000-mile journey, and of my subsequent arrest, imprisonment and expulsion from China, is told publicly for the first time. As it happens, the six months since I was pulled from a prison cell in central Beijing and deported for having allegedly used the motorcycle journey for "spying" on military installations have also seen a dramatic swing in the political mood in China, one that may, in retrospect, help to explain why the authorities reacted to our trip as they did.

More important, if the conservative attack on the reforms in China gathers pace, our journey may serve as a benchmark of how things stood in a brief interlude of the mid-1980's, when the country seemed more relaxed than at any other time in its modern history. Just as our experiences provided us with a heady but elusive sense of freedom, so the Chinese people, once more facing a crackdown by Communist Party hardliners, may be in danger of losing their new-found liberty.

Our trip exposed us to a back-roads China that war and revolution have made inaccessible to foreigners since the 1930's, the China that has benefited most from the reforms initiated by the country's 82-year-old paramount leader, Deng Xiaoping.

Moving far beyond the "open cities" to which foreigners are normally restricted, we saw how Mr. Deng's reforms have fostered a well-being rural China has not known in generations. We saw a country where politics had virtually disappeared from everyday life, rural dwellers were exploiting the climate of broadening tolerence to make money, to laugh, to concentrate on family and personal contentment instead of the millenial social and political goals that were the dominating factors in rural life under Mao Zedong.

At a personal level, the journey was my most rewarding in more than six years of reporting from China, for The Globe and Mail of Toronto in the early 1970's and for The New York Times from 1984 to 1986. Until the night at Mr. Tian's inn, my China had been the one seen by the overwhelming majority of foreigners, one of polite but wary officials, of ever-watchful guides, of official guest houses and banquets and "brief introductions" at factories and hospitals that compensated in length for what they lacked in candor.

On our journey south, I felt for the first time that I was seeing an unrehearsed China, the one I had read about in the chronicles of earlier 20th-century travelers. Away from the planes and trains and buses that channel most visitors from one major center to another, aboard a motorcycle that gave us freedom to travel at will and to talk to whom we pleased. I felt an enormous fulfillment as if all my years in the country had been but a preparation for this one extraordinary ride.

The decision to travel beyond the open areas without official permission evolved over several months. Like many Westerners living in China in recent years, I had become impatient with an official policy that proclaimed an "openness" toward foreigners while maintaining many of the constraints familiar from my earlier assignment.

My frustrations may have been greater than those of others seeing the country for the first time. On my return to Beijing in 1984, senior officials greeted me with intimate dinners in out-of-the-way restaurants, whispering apologies for out less-pleasant encounters during the Cultural Revolution and pledging that they would do all in their power to help.

The promises went unfulfilled. The working environment was more relaxed than a decade earlier, but few of my requests for assistance in obtaining interviews or trips were answered, much less granted. There were other unpalatable reminders of the suspicions that attach to Westerners. Staff members assigned to us by the Government rifled through our personal papers and reported regularly to their superiors on our private lives as well as on work-related matters.

Meanwhile, I was meeting more and more Western visitors, many of them Americans, who were venturing without permits into remote regions of the country and returning with accounts of a climate in which suspicion seemed absent. In every case I heard of, local authorities who stopped the travelers reacted to their presence in restricted areas either by asking them to move on to the closest "open" area or, at worst, by imposing a fine equivalent to $31.25.

The sense that it was time for me to test the possibilities was strengthened when a friend who works as a foreign correspondent for the French news magazine L'Express arrived in Beijing and regaled Foreign Ministry officials in my presence with accounts of a monthlong bus trip he had taken across southern China without a permit. The senior official present merely laughed and said "This is a new style of travel."

The spirit of adventure was also encouraged by Mr. Deng, who repeatedly told visiting statesmen, investors and others that they should not take his word for the progress the country was making under the "open door" reforms. "You must go and see for yourselves," he said

Mr. McNally and I had envisaged a journey that would begin in the central China city of Xi'an and traverse Sichuan province to reach the southern city of Kunming. But a Chinese friend whose father had worked in southern Sichuan warned us that the area was heavy with sensitive installations, including the rocket base at Xichang. Moving our starting point father north, to the industrial city of Taiyuan, we plotted a course that would sweep southwestward across Shanxi province to the Yellow River boundary with Shaanxi, thence to the Communists' wartime sanctuary at Yanan, southward again to Xi'an, and from there up through the Qin Ling Mountains to Sichuan, where our last call was to have been at Mr. Deng's birthplace in Guangan county.

Our departure from Taiyuan coincided almost exactly with the 50th anniversary of the journey made by Edgar Snow, the Missouri-born journalist who left Beijing on his way to the encounters with Mao and Zhou Enlai that resulted in his classic account of the Communists' beginnings, "Red Star Over China." For several hundred miles, we would be re-tracing Snow's footsteps. There was comfort in the thought that he, too, had set off without the Government's blessing.

From the moment we left the built-up area of Taiyuan, a steel city that sits in the lee of the Great Wall, we began experiencing the unscripted pleasures other unlicensed travelers had reported.

For one week, we spoke to whom we pleased. We slept in smoky inns, in truck-drivers' rest houses, in a mountain cave. We bathed in mountain rivers, ate in peasant restaurants and hauled our motorbike onto the flatbed of a truck to drive for hours through a summer storm. Time and again, we laughed with curious villagers who gathered about us as we repaired the bike's fragile spokes.

Whether it was a bed for the night, fuel for the motorbikes, or an escorted journey into the hills to see an ancient Buddhist temple, no effort seemed too much for the villagers we met along the way.

The remoteness of many of the mountain villages we passed through was brought home to me when we stopped late one evening in a village in southern Shaanxi. As I crouched by the rear wheel of our cycle to repair some broken spokes, a hand from the crowd began running through my curly hair. "Excuse me," said the owner of the hand, "with regard to your hair, did you suffer an electric shock?" Elsewhere, peasants kneeled to measure my feet, marveling like Lilliputians at my size 11 shoes.

In the town of Zhenba, about 20 miles from the Sichuan border, the county party secretary dispatched the local historian to meet with us. He told us we were only the second foreign visitor in the town's 2,000-year history, the first being an American fighter pilot shot down by the Japanese in 1943. With no roads out of the mountains at the time, the pilot was carried from the region in a sedan chair.

Among the ordinary people with whom Mr. Zhang and I conversed in Chinese, there was a widespread curiosity about the outside world. A truck driver encountered in a village south of Xi'an told us that he had seen an American film about trucking, "Convoy," and wanted to know if American truckers really tangled so frequently with the police.

"Quite a bit, I suppose," I said.

"It's no different here," he replied.

Politics were not mentioned unless we raised the subject. More than once, we found villagers who could not name the local party boss. Outside the inn in Guanduping, I asked a group of young men who was in charge of matters in Beijing. "Who cares?" one of them said, laughing. Mr. Tian told us that the decline in the power of the local party secretary, a petty tyrant under Mao, was the most important of all the changes under Mr. Deng. "Nobody's looking over our shoulders now," he said.

A thriving spirit of enterprise greeted us wherever we went. Wheat fields and rice paddies were dotted with families working their private plots. From early morning to past dusk it was hard to find anybody of working age who was not busy, a contrast with the lethargy characteristic of the state-owned economy of the cities.

We traveled down an unbroken chain of private inns to private restaurants, in private motorcycle shops and private coal mines, we saw how people indoctrinated against the evils of capitalism had turned their skills and energies to profit. What we observed in two provinces made nonsense of official figures that claim only 20 million people are self-employed, out of a population of 1.1 billion.

Mr. Tian, the innkeeper, had tilled the rocky hillsides near his home for more than half a century before the reforms spurred him to start gathering wild apples and pears to sell in a nearby town. It took him five years to amass the equivalent of $300, the first cash his family had ever had. With another $600 borrowed from relatives and friends, he built his three-room inn beside the main road to Yanan. With a general store selling grain, bicycle seats and shoelaces built onto the inn, his first year generated $750 in profit, more than he had earned in a lifetime of farming.

"We do not ask for much," he told us as his wife stirfried noodles for our breakfast. "But if we can make a small profit, my children can do better. One day, they can each have a house of their own."

Outside Yanan, blackened tunnel entrances began appearing in the hills. Turning down a side road, we came on a granite-lined shaft sunk 50 feet into the ground. This was our first look at the new industry of private coal-mining, which was to produce about 20 million of the output of 870 million tons China produced in 1986. An aging watchman told us that groups of men, sometimes 1 or 2, in the bigger mines 10 or 12, pool their labor and capital. After the local utilities bureau approves a site, they work 16 hours a day with hand shovels sinking shafts and digging tunnels. The coal is dug by hand, loaded onto tractors and hauled to neighboring power stations.

In a province in which millions of people were outside the cash economy until a few years ago, the miners are earning an average of $750 a year, three times the income of prosperous local peasants. Looking at a charcoal-stained flue through which deadly coal gas is burned off, we wondered how many men died in the process. "There are risks," the watchman said. "But this way a man can build a new life."

Those forsaking the "iron rice bowl" of guaranteed employment run the risks of entrepreneurs everywhere. In Yanan, we befriended Zhang Yuanxin, a factory worker who had borrowed $2,250 to buy a battered, 20-year-old Liberation truck. Twice a week, he drives the 230 miles to Xi'an, ferrying freight. The journey, normally 12 hours, has been taking up to two days, because of breakdowns.

Over dinner at the Shanghai Restaurant in Yanan, other drivers laughed at his travails. "You're having a hard time now, admit it," the driver of a factory truck said. He drew an imaginary roof over his head and added: "I like to keep things nice and safe. Why risk my head?"

Many of the simple joys and traditions of country life have been revived. In Fenyang, a market town in Shanxi, we saw a funeral procession of a kind proscribed by Mao, who condemned all "superstition." A musical ensemble playing a dirge preceded a procession bearing a portrait of the deceased, an elderly lady. Behind, came trays of steamed dumplings, an offering for the afterlife. At the rear, a dozen young people were cloaked head to toe in the traditional funeral white, inscriptions of filial piety pinned to their backs.

Driving into the night in the Bashan Mountains near Sichuan, we passed lovers leaning against haystacks, youths using a remote stretch of road for motorcycle races, and three men who seemed to be busy stealing bags of road builders' concrete.

On our last night, in the Qin Ling Mountains, we came across a cave above a churning alpine river. Needing firewood, blankets and straw, we drove half a mile to a peasant's house, borrowed what we needed, then set up in the cave for the night. It was the eve of the Fourth of July, and Mr. NcNally produced glasses for a toast. Mr. Zhang reached into his pack for a harmonica, then treated us to an impromptu concert of American ballads, including a rousing version of "Oh! Susanna."

In the morning, the young peasant who had lent us the blankets, Yang Chaojin, took us on a hike into the mountains, to a village with a recently-restored Buddhist temple. The villagers' pride, and their religious commitment, were affecting. As we walked, Mr. Yang spoke of his sadness in having completed only a year of primary school. "When I dream at night," he said, "it is of being in a classroom. I am an illiterate man. I have no skill."

The incident made a strong impression on Mr. Zhang, only recently returned from four years of study at Middlebury College in Vermont. Disillusioned with his prospects when we left Beijing, he appeared to have found a new faith. "I wasn't sure there was a place for me in China," he said. "People have been away too long, that I've picked up too many 'American' ways. Out here, I feel as though I belong."

Our adventure ended a few hours later, outside a guest house in Zhenba, in the small hours of the morning. Unaware that we were next door to the county police headquarters, we sounded the motorcycle horn in an attempt to rouse a napping desk clerk. Awakened by the noise, a policeman came out to admonish us, then asked for our travel permit.

Mr. McNally carried a letter from Beijing University, endorsing our journey. He had spent the 1985-86 academic year there, on leave from the United States Justice Department, teaching American constitutional law. But neither of us carried an official voucher for travel outside "open" areas—the 244 cities and towns that then constituted the tourists' China.

After two days of back and forth with authorities in Beijing, the local police commander said that he had been instructed to have us write a "self-criticism" acknowledging our breach of the travel regulations, which we supplied, and to send us back to the capital by train. Back in Beijing, I had a brief session at the Foreign Ministry that concluded with officials assuring me that the matter had been resolved.

Ten days after our departure from Zhenba, on July 17, I drove to the Beijing airport with my wife, Jane, and two small children, en route to a vacation in the United States. In the customs hall, we were surrounded by uniformed officers from the Security Ministry, who led us into a small room of the departures hall, where a police videocamera crew awaited us. With my 5-year-old son clinging to my waist, the initial interrogation, which would last for 15 hours, began. Past midnight, long after the children had returned to the city with their nanny, Gen. Xilian Zhang, the officer in charge, returned to the terminal from a meeting in the city and told me that I was to be taken to my apartment for a search and from there to a prison. "You should prepare for the worst, and hope for the best," he said.

The first sight of Pao Ju jail was depressing. Situated off a busy residential lane about two miles from Beijing's Tian An Men Square, it is a maze of grimy red-brick buildings, windows gaping with broken glass, rusting bars and shades of rotting rattan. I was led to a cell in a section that appeared to be reserved for privileged prisoners.

Downstairs, Chinese prisoners clustered 14 to a cell, with no furniture and a privy beneath a trapdoor. Upstairs, I had the same space—8 feet by 14—to myself, with a low cot. Heavy padding covered the walls. Ceiling lights burned 24 hours a day, a precaution against suicides.

The only book I was allowed to keep from the collection I had brought from home, a volume of Mr. Deng's collected works, gave me food for thought. Reading with an eye to my own situation, I found frequent reference to an old Chinese idiom, "patting the tiger's backside," a reference to those who misjudge the tolerance of the powerful. It seemed well-tailored to my case.

After awhile, General Zhang relaxed the detention rules. My wife and I were allowed to exchange letters, and meetings were arranged with United States and British diplomats, with my wife, and with A.M. Rosenthal and Warren Hoge, the Times editors who had flown to Beijing. After I had eaten virtually nothing for the first two days, the prison cook was dispatched to ask me what I would like. Soon fresh vegetables were showing up in the tin bowls the guards brought to me three times a day.

General Zhang, an oval-faced man in his 50's with the manner of a country schoolmaster, told me that he had been an espionage investigator "for many years," but there were anomalies in his technique. Facing me across a rough-hewn table in a dingy, cramped room at the rear of the jail complex, he took few notes and seemed to forget, or ignore, much that I told him. He was generally pleasant, even apologetic. "It is a legacy of the Cultural Revolution," he said when I complained of the bullying manner of one of his juniors. "The younger generation does not have any manners."

When I rejected his offer of a peach during one post-midnight session, saying it seemed inappropriate for us to be friendly when I was being held on a capital charge, he flashed a smile. "No, no, not so serious, not so serious," he said. "We have many penalties for spying. For example, 20 years in prison. Do not fear to be shot."

Under China's travel law, the three of us could have been punished with a warning or a fine. But because the State Security Bureau insisted throughout that the issue was not unauthorized travel, but espionage, we had to wonder whether we had inadvertently approached a sensitive military installation. If so, it was in innocence.

I challenged General Zhang to tell me what he meant by the "classified military objects" we were supposed to have photographed. "Think hard," he said, "did you not photograph a bridge?" I remembered that we had—a 1,000-year-old marble structure in a village in southern Shaanxi. I had snapped Mr. McNally on the bridge, seated on the motorcycle and surrounded by local children. "Ah ha," the general said. "So you admit photographing strategic installations."

In Beijing, some weeks later, Foreign Ministry officials told colleagues of mine privately that they opposed my arrest and subsequent expulsion but had been overruled by the security apparatus. The officials hinted that the affair was linked in some way to other problems that have dogged the Ministry of State Security in the last year, including the spying conviction of one of its agents, Larry Wu-Tai Chin, in a United States court, and the defection of a senior official of the ministry, Yu Zhenshan, to the United States.

Among United States and British diplomats involved in securing my release, there was a feeling that internal politics had played at least some part in the affair. One theory was that the State Security Ministry, institutionally wary of foreigners, had seized an opportunity to show how dangerous the broadening contacts with outsiders can be—and in so doing, to strike a blow against the policy of the "open door."

Whatever the motive, Mr. Zhang, our Chinese companion, who had been arrested 16 hours before me, briefly released, then re-arrested, was kept in jail for two months. When he was finally released, it was on the face-saving basis that his four years as a student in the United States had "disoriented him" and made him susceptible to the wiles of foreigners. Mr. McNally, who was in Hong Kong at the time of the arrests, canceled plans to return to Beijing.

At breakfast time on the sixth day of my imprisonment, one of General Zhang's aides came bounding up the stairs with a bag containing my clothes. I was given five minutes to dress and was then taken to the prison reception room. Inside, another officer awaited me with a written statement and a videocamera crew. The officer told me to stand at attention. I refused.

"John Fisher Burns, correspondent of The New York Times, born 1944, citizen of Great Britain, male, resident of Beijing, the State Security Bureau has investigated your activities. You have broken into restricted military areas and committed espionage. The facts are clear and proven. You have endangered the security of the People's Republic of China. You are ordered deported."

I was marched outside to a security wagon. It passed slowly out of the steel gates, threaded its way through the early morning crush of bicyclists and onto the airport road. I gazed through the tinted windows at roadside vegetable sellers, horse-drawn carts and mud-walled homes, the commonplaces of everyday Chinese life that I might never see again. The wagon parked on the airport tarmac, beside a Chinese airliner.

A uniformed officer asked me to sign for my passport, handed me a ticket and a boarding card, and ordered me up the service stairs onto the covered ramp leading to the aircraft's forward door. The officer turned on his heel and descended the way he had come. I glanced at the ticket. The destination was Hong Kong.

Concurrent Resolution

(Calling for the attention of the United States Congress to the human rights situation in the People's Republic of China)

Whereas Mr. Liu De, Editor of the Jianan Literature and Art Journal has been imprisoned for seven years by the People's Republic of China Ministry of State Security;

Whereas the principal charge against Mr. Liu was his advocacy of "democracy and freedom" for his native country;

Whereas Mr. Liu Binyan, Vice Chairman of the Chinese Writers Association has been dismissed from his position and has become the target of a public campaign of vilification and abuse;

Whereas the said Mr. Liu Binyan is best known to Chinese readers as an investigative reporter who uncovered abuses of power by local Communist Party secretaries, extortion, bribery, intimidation of intellectuals and persecution of ordinary people;

Whereas the Shenzhen Youth News has been ordered closed by officials of the People's Republic of China;

Whereas the said Shenzhen Youth News was accused by Chinese officials of promoting Western democratic ideals;

Whereas the Society newspaper of Shanghai has been ordered closed by officials of the People's Republic of China;

Whereas the Society newspaper of Shanghai was accused of advocating Western democratic ideals;

Whereas a new bureau has been established directly under the Chinese State Council to tighten control and censorship of the press;

Whereas radical elements within the Chinese Communist Party are reported to be targeting the World Economic Herald of Shanghai, a newspaper that has published a wide variety of views over the past year;

Whereas Mr. Wang Ruowang, the former Deputy Editor of People's Daily, has been dismissed from his position and has become the subject of a public campaign of vilification and abuse;

Whereas the said Mr. Wang, a Communist Party member of fifty years, was accused of having said, "If I am not given freedom, I will fight for it";

Whereas Mr. Fang Lizhi, the Vice President of the University of Science and Technology at Hefei, Anhui, has been dismissed from his position and has become the subject of a public campaign of vilification and abuse;

Whereas the said Mr. Fang has been accused of arguing that "the starting point of democratic ideology is from the lower levels to higher";

Whereas Mr. Guan Weiyan, the President of the University of Science and Technology at Hefei, Anhui, has been dismissed from his position for not having censored the said Mr. Fang;

Whereas Mr. Lu Jiaxi and Mr. Yan Dengsheng, the President and Vice President, respectively, of the Chinese National Academy of Sciences, have been dismissed from their positions for having advocated freedom of scientific inquiry;

Whereas Mr. Yang Wei, a 1983 graduate of the University of Arizona has been imprisoned and charged with unspecified counter-revolutionary activities by officials of the Shanghai Public Security Bureau;

Whereas the principal accusation against the said Mr. Yang is advocacy of political freedom in China;

Whereas Mr. Yang's wife, a student at Baylor University in Waco, Texas, has been refused information about her husband's whereabouts by Chinese authorities;

Whereas the treatment of Mr. Yang and his family is frightening to all Chinese students now studying in the West and meant to be so by Chinese authorities;

Whereas Mr. Zhu Houze, the Chief of Propaganda for the Chinese Communist Party has been dismissed from his position for advocating freedom of expression in ideological debate;

Whereas the People's Republic of China is a member state of the United Nations,

Whereas the People's Republic of China has adopted the United Nations Charter and accepted its principles in authoritative declarations and resolutions including the Universal Declarations of Human Rights;

Whereas the activities of the People's Republic of China authorities described above violate such principles in the United Nations Charter as are presented in the Preamble (emphasizing fundamental human rights); Article 2 (2) [pledging all members to a good faith commitment to Charter obligations]; Article 55 (a)(b)(c) [promotion of human rights and fundamental freedoms]; and Article 56 [pledge to carry out said principles];

Whereas the activities of the People's Republic of China authorities described above violate the basic standards found in the Universal Declaration of Human Rights via the Preamble [pledge of respect for human rights and fundamental freedoms]; Article 2 [guarantee of all rights to every citizen of signatory member state]; Article 3 [guarantee of life, liberty and security of the person]; Article 7 [equal protection before the law]; Article 8 [trial by competent tribunal]; Article 9 [prohibition against arbitrary arrest or detention]; Article 10 [fair public trial]; Article 18 [freedom of thought and conscience]; Article 19 [freedom of speech and expression]; Article 20 [freedom of peaceful assembly and association]; and Article 29 [limitation of state intrusion on individual rights];

Whereas the People's Republic of China by the action of its Government and Communist Party authorities violated Article 13 (1)(b) [promoting international education and assisting human rights] of the United Nations Charter;

Whereas the People's Republic of China has violated the Universal Declaration of Human Rights in Article 26 [right to an education directed at full development of personality] and Article 27 (1)(2) [right to participate in cultural life with protection of moral and material interests resulting from one's own intellectual labors];

Whereas cultural relations between the United States and the People's Republic were established by the United States/People's Republic of China Cultural Agreement signed in Washington on January 31, 1979;

Whereas under the terms of the said Cultural Agreement the People's Republic of China guaranteed the encouragement and facilitation of the exchange of information and cooperative programs (Articles I, II, and III);

Whereas exchanges of scholars and students between the United States and the People's Republic of China were established by the Understanding on the Exchange of Students and Scholars reached in Washington in October 1978 and the United States/People's Republic of China Agreement in Science and Technology signed in Washington January 31, 1979;

Whereas under the terms of the said agreement on the exchange of students and scholars, the People's Republic of China guaranteed a two-way scientific and scholarly exchange for students, graduate students and scholars, offering full study support and research opportunities for the purpose of improving contacts in science, technology and education;

Whereas under the terms of the said agreement on Science and Technology the People's Republic of China promised cooperation, exchange of information and documentation, joint research, contacts between scientific entities and cooperation among the scientific communities of each nation;

Whereas the Government and Communist Party officials of the People's Republic of China are in violation of the aforesaid Cultural, Scientific and Technology and Exchange of Students and Scholars Agreements by the arrest and continued detention without trial of returned University of Arizona student Yang Wei: Now, therefore, be it

Resolved by the Senate, (The House of Representatives concurring), That it is the sense of the Congress that the current urgent situation in human rights in the People's Republic of China should be placed on the agenda of the United Nations Commission on Human Rights now meeting in Geneva, Switzerland.

Be it further resolved, That it is the sense of the Congress that the United States Government should reexamine its policy towards permitting Chinese students to study at American colleges and universities.

Be it further resolved, That it is the sense of the Congress that the United States Government should reexamine its technology (including nuclear) and arms transfer policies towards the People's Republic of China.

Be it further resolved, That until the human rights situation in the People's Republic of China clarifies, the United States Government should offer Chinese students studying in the United States participation in the Extended Voluntary Departure Program.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the chief of the diplomatic mission of the People's Republic of China to the United States.

CONCURRENT RESOLUTION

(Calling for the President to uphold American rights under the United States/People's Republic of China Cultural Agreement and other matters.)

Whereas Mr. John Fisher Burns, a British subject and Beijing correspondent for the *New York Times* was accused of espionage by officials of the People's Republic of China Ministry of State Security;

Whereas the said espionage consisted of having photographed a thousand years-old marble bridge;

Whereas Mr. Burns was expelled from China on July 23, 1986;

Whereas Mr. Lawrence MacDonald, an American citizen and Beijing correspondent for the Agency French Press was accused of espionage by officials of the People's Republic of China Ministry of State Security;

Whereas Both Mr. MacDonald and Agency French Press formally denied the accusations of espionage;

Whereas the charges against Mr. MacDonald were totally unfounded and Mr. MacDonald had never transcended the standards of professional ethics;

Whereas these actions taken by the People's Republic of China Ministry of State Security were intended to intimidate both Chinese sources and Western Journalists;

Whereas the expulsion of Mr. MacDonald came in retaliation for legitimate broadcasting by the Voice of America, an agency of the United States Government;

Whereas press relations between the United States and the People's Republic of China were established by the United States/People's Republic of China Cultural Relations Agreement signed in Washington January 31, 1979;

Whereas Article II of the said agreement commits the Chinese Government to encourage and facilitate the development of contacts and exchanges between the two countries including news organizations;

Whereas the United States Information Agency is the lead agency on the said cultural agreement for the United States Government;

Whereas the expulsions of Mr. Burns and Mr. MacDonald were contrary to the spirit and intent of the said cultural agreement;

Whereas the expulsions of Mr. Burns and Mr. MacDonald were meant to discourage the development of contacts and exchanges between the two countries and, thus, specifically contrary to Article II of said cultural agreement;

Whereas Chinese reporters and correspondents are not private citizens but rather officials of the Government of the People's Republic of China; Now, therefore, be it

Resolved by the Senate, (The House of Representatives concurring), That it is the sense of the Congress that the Government of the United States should expel one reporter of the People's Republic of China from the territory of the United States.

Be it further resolved That the Secretary of State should personally inform appropriate officials of the Government of the People's Republic of China that if another American reporter or another reporter for an American news organization should be expelled under like circumstances, the United States would be forced to consider the said cultural agreement null and void.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Alabama.

CONSTITUTIONAL AMENDMENT TO LIMIT CAMPAIGN SPENDING

Mr. HEFLIN. Madam President, I rise, today, in strong support of Senate Joint Resolution 21, a constitutional amendment proposed by my colleague from South Carolina Senator HOLLINGS, which would provide Congress with authority to enact laws regulating campaign spending for Federal elections.

At no other time in the history of our Nation has money played a greater role in the elections process. Because the political battlefield has moved from the tree stump or stage in the center of the town square to the costly arena of mass communications, the candidate who possesses the greatest funds with which to advertise his own merits, or, increasingly, to expose the inadequacies of his opponent, stands the greatest chance of winning election. I believe that this emphasis on the almighty campaign dollar is harmful to our present political system, and unfairly discriminates against candidates who may be better qualified and better able to serve, but who are unable to raise the astronomical sums needed to wage a political campaign.

Finances have even played an increasing role in the way elected officials spend their time and efforts. Fundraising events and dinners, which are more frequent occurrences than ever before, are occupying more and more of the valuable attention and energies of all Members of Congress at the expense of those we have been elected to represent. I believe that something must be done to put an end to the disproportionate role that finances play in politics, today, and in every election. Some action needs to be taken to make ideas, not money, the most important issue in a campaign, and the determinant factor on election day.

There are many efforts in the 100th Congress which are designed to lessen the emphasis which politicians place on election finances. One measure would decrease the amount of contributions a candidate would be able to receive from special interest groups and political action committees [PAC's]. While I have favored such legislation in the past, I do not believe that provisions should be adopted which would infringe on the ability of individuals to participate in political campaigns. Contributors are not the culprits in this issue—not even special interest groups and PAC's. These organizations are, after all, primarily comprised of or obtain their funding from individual citizens who are supporting an entity which they consider to be pursuing worthy goals. I have always encouraged the participation of the public in both the elections process and in Government. I do not believe that we should inhibit the ability of individuals to participate in the political process. Rather, I believe that we should attack the true culprit which exists in our political system—out of control campaign spending.

However, Mr. President, congressional efforts to limit campaign spending were declared unconstitutional by the U.S. Supreme Court in 1975. In the case of Buckley versus Valeo, the Court equated spending with the freedom of speech and ruled that limitations placed on campaign spending by the Federal Election Campaign Act of 1974 violated the first amendment. Given that decision, only a constitutional amendment would allow Congress to impose legal limits on the amount of money a candidate for Federal office could spend in an election. I believe that the adoption of such a constitutional amendment is exactly the path that Congress should pursue.

Our Federal campaign laws now contain piecemeal and incomplete provisions where some aspects of the Campaign Reform Act of 1974 were declared unconstitutional by the Supreme Court. If adopted, this constitutional amendment would enable Congress to address the issue of election reform without constraint. It would clear the way for a complete overhaul of our campaign laws. I believe that, for the sake of the elections process, for the sake of renewed confidence in the integrity of elected officials, we need to eliminate the effect of the dollar in the political campaign. I urge each of my colleagues to join in this very important effort.

S. 181: PUBLIC SAFETY OFFICERS' DEATH BENEFITS AMENDMENTS OF 1987

Mr. HEFLIN. Madam President, I rise today to join my colleague from Michigan [Mr. RIEGLE] in cosponsoring Senate bill 181, the Public Safety Officers' Death Benefits Amendment of 1987.

The public safety officers of our Nation—Law Enforcement officers, firefighters, and corrections officers, face life-threatening challenges. For these individuals, danger is a way of life. These public safety officers should be highly commended for their determination, courage and commitment. I believe that for their services, the public safety officers and their survivors should be given every consideration we as a nation can possibly give.

Senate bill 181 would accomplish two important goals. First, it would increase the amount of death benefits available to the survivors of a public safety officer who died in the line of duty. Second, it would enable a parent to receive death benefits.

Benefits would be increased from $50,000 to $100,000. The proposed increase would be funded from a trust created by payments of $500 paid to the U.S. Treasury by each convicted Federal felon. According to the Administrative Office of the U.S. Courts, in the past 6 years, there have been 154,489 convicted felons. Because of this large number, the trust fund would provide the additional money needed to increase the death benefits.

In addition to added benefits and parent eligibility, the public safety officers benefits legislation would streamline the procedures for payments to survivors of those public safety officers killed in the line of duty. The program's objectives are to: First, pay eligible claims within 2 weeks of the filing of a fully documented claim; second, issue a determination on a ineligible claim within 4 weeks of filing a fully documented claim; three, conduct an appeal hearing within 60 days of an appellant's request; and four issue a determination on an appeal within 30 days of the official close of the appeal hearing.

Each day, public safety officers face certain danger while serving the people of this Nation. I believe that our public safety officers should be able to face these threats with the knowledge that their families would be provided for in the event of some tragedy. This is a responsibility for which our society should be accountable.

I urge my colleagues to support S. 181.

BEN HALEY—ATMORE'S 1986 CITIZEN OF THE YEAR

Mr. HEFLIN. Madam President, I rise today to congratulate my good friend, Ben Haley, who was recently named as the Citizen of the Year for the city of Atmore, AL. Throughout his life, Ben has demonstrated a genuine concern for his fellow citizens, and a selfless desire to contribute to his community and to our State. I believe that he is an outstanding recipient of this award.

Ben Haley has been a tremendous asset both to Atmore and to the State of Alabama. The work that he has done has always been motivated by a desire to help his fellow man and to improve the conditions of all. He has offered his talents and his services to lend a helping hand and provide a needed contribution in many different ways, in numerous positions and as a participant of many organizations. It would be impossible to mention them all, but I will name a few. He has served as drive chairman of the Budget and Admissions Committee of the Atmore United Fund, Inc. He has been the secretary-treasurer of Escambia Industries, Inc., and was instrumental in bringing Vanity Fair to Atmore. He served as president of the Atmore Rotary Club during 1960 and 1961. He served for 12 years as disaster chairman of the American Red Cross. He served as president of the Atmore Area Chamber of Commerce, and also served as a member of the Atmore Chamber of Commerce Board of Directors. He served on the Atmore City Council for 12 years, and served for three terms on the Atmore City School Board. Finally, he was director of the We Care Foundation, which helped to promote crime prevention.

Mr. Haley possesses the full confidence of all the people of Atmore for his efforts in placing other people before himself. His work and his attitude is a great example to people throughout his community, and his State. He has taken the active interest in the Government, and in civic duties, which every citizen should. I believe that this is a very appropriate honor to be given to Ben Haley, and know that he will continue to serve his fellow citizens in the future. He is a man who has many friends, and whose efforts have touched many lives. He has demonstrated a care and a concern for the well-being of his community that should be emulated. I congratulate him on this honor, and salute the citizens of Atmore for making such a fine choice.

Madam President, I ask unanimous consent that the attached article from the Atmore Advance be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEN HALEY NAMED ATMORE'S 1986 CITIZEN OF THE YEAR

(By Mike Scogin)

Realtor Ben Haley was named Atmore's "Citizen of the Year" at the Atmore area Chamber of Commerce's annual meeting Thursday night.

A crowd of more than 300 attended the meeting, giving Haley a standing ovation.

Haley was visibly surprised by the announcement.

"I told my wife, let's go to the banquet and see who gets the award and act surprised when he is named," Haley said accepting the award, "Well, I'm surprised."

The award was presented by Brad Byrne who said Haley was a most deserving recipient.

"He has touched the lives of people in all walks of life," Byrne said. "The nominations for him came from people of diverse backgrounds. I know of times when he would drive people to the doctor and not ask anything in return.

"He loves people. He loves Atmore."

Byrne then read off a list of Haley's accomplishments which include:

Being a record blood donor. Haley has given blood 99 times which amounts to 12 gallons and three pints.

Past drive chairman of the Budget and Admissions Committee of the Atmore United Fund, Inc.

Past secretary-treasurer of Escambia Industries, Inc., and was instrumental in bringing Vanity Fair to Atmore.

President of the Atmore Rotary Club during 1960-61.

Served for 12 years as disaster chairman of the American Red Cross.

President of the Atmore area Chamber of Commerce for the 1967-68 year and also served as a member of the Atmore Chamber of Commerce Board of Directors.

Atmore city council member for 12 years, from 1968-1980.

Appointed to First National Bank Board of Directors.

In 1985 was appointed to a one-year term on the Alabama Real Estate Commission representing the First Congressional District. In 1986, he was appointed as one of seven commissioners to a five-year term on the Alabama Real Estate Commission.

Served three terms on the Atmore City School Board.

Director of the We Care Foundation, helping to promote crime prevention.

Responsible for planning the recent Herbert Barnes Honor day, which brought more than 90 classmates from the 1940s together to pay respect to Barnes for his service to Escambia County High School and the youth of Atmore.

Went into the United States Navy at 15-years-old.

"I'm overwhelmed," Haley said after the presentation. "There are people more deserving than me. I've always felt it was better to give than to receive but I have been rewarded by every endeavor I have taken.

"It seems that I've always been the recipient. I'm surprised and I don't deserve this, but I assure you I'm going to accept it. It will always have a prominent place in my heart and office.

"I appreciate the confidence the people in Atmore have shown in me by giving me this."

Before the award ceremony, master of ceremonies Robert Maxwell asked the crowd to pause for a moment in honor of the late Floyd Currie, who died last week after a long battle with cancer.

Currie, a noted historian, had written several papers on the history of Atmore and Escambia County. He had also been active with the Chamber of Commerce.

"Floyd was a most kind and gentle person," Maxwell said. "We will miss him."

The meeting was the closing event for David Swift as the chamber's two-term president. Jim Kizer, the 1987 president, was introduced and praised Swift's efforts. He said Swift did a magnificent job for Atmore.

The guest speaker was humorist Shearen Elebash who entertained the crowd with songs and skits. The audience responded with a standing ovation.

Mr. HEFLIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. RES. 103

TIME LIMITATION

Mr. BYRD. Madam President, I ask unanimous consent that on Calendar 17, Senate Resolution 103, a resolution dealing with relations with the Philippines, there be an overall time limitation of not to exceed 50 minutes, the time to be equally divided as follows: 10 minutes for Mr. Pell, 10 minutes for Mr. Helms, 10 minutes for Mr. Kennedy, 10 minutes for Mr. Dole, and 10 minutes for myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS AND MOTIONS

Mr. BYRD. Madam President, I ask unanimous consent also that when Senate Resolution 103 is called up and made the pending business before the Senate, no amendments be in order thereto, and no motions to recommit with instructions be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME FOR DEBATE

Mr. BYRD. Madam President, I ask unanimous consent that there be no additional time for debate thereon over and above the names listed and the times for each, and that there be no time for debate on a motion to reconsider.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 18, 1987

ADJOURNMENT UNTIL 2 P.M.

Mr. BYRD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until Thursday, February 19, until the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask unanimous consent that there be no call of the calendar under rule VIII, on Thursday, and that no resolutions over under the rule come over on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS AND CONSIDERATION OF S. RES. 103

Mr. BYRD. Madam President, I ask unanimous consent that at the conclusion of the orders that have been entered into for Thursday for the recognition of Senators there be a period not to exceed 2 minutes for morning business, after which the Senate proceed to the consideration of Calendar Order No. 17, Senate Resolution 103, relations with the Philippines.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROLL CALL VOTE

Mr. BYRD. Madam President, there will be a rollcall vote on the final adoption of that resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I ask for the yeas and nays on the passage of the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Madam President, I ask unanimous consent that on Thursday the following special orders obtain: Senators Proxmire, Armstrong, Heinz, and McConnell, each for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask unanimous consent that the special orders that I have just gotten immediately follow the recognition of the two leaders under the standing order on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from annex V, Regulations for the Prevention of Pollution by Garbage from Ships (Treaty Document No. 100-3), which was transmitted to the Senate on February 9, 1987, by the President of the United States.

I further ask that the annex be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate, Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). I also transmit for the information of the Senate the report of the Department of State on this Annex.

The MARPOL Protocol entered into force for the United States on October 2, 1983. Annex V and the other two Optional Annexes III and IV, which deal with pollution from packaged harmful substances and sewage, were transmitted only for the information of the Senate when the original MARPOL Convention was transmitted to the Senate on March 22, 1977, for its advice and consent to ratification.

Annex V prohibits (subject to limited exceptions) the disposal from ships into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, and plastic garbage bags. It also restricts the discharge at sea of other types of garbage to specified distances from the nearest land.

The entry into force of Annex V of MARPOL 73/78 will be an important step in controlling and preventing pollution from discharges of ship generated garbage. I recommend that the Senate give early consideration to Optional Annex V of MARPOL 73/78 and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1987.*

ORDER FOR STAR PRINT—S. 2

Mr. BYRD. Madam President, on behalf of Mr. BOREN, I ask unanimous consent that a star print be made of S. 2, the Senatorial Election Campaign Act of 1987, for the purpose of making minor technical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

HISTORY OF UNITED STATES SENATE

Mr. BYRD. Madam President, I inquire of the distinguished acting Republican leader if he has any further business to transact today or if he knows of any Senators on his side who wish to be recognized before the close of business today and finally, in any event, upon the conclusion of my statement on the history of the U.S. Senate today, whether he would have any objection to adjourning over until Thursday under the previous order, or I could put in a quorum call at that time and alert him to the fact that I have completed my statement and if he has further business at that time, I will be glad to await his arrival on the floor.

Mr. SIMPSON. Madam President, I thank the majority leader. There are no objections to any of the expressions of the majority leader from this side of the aisle.

I commend Senator BYRD for his continuing compilation of an extraordinary history, which I have been privileged to note both from the chair and from this side of the aisle. It is indeed something that will be of great interest to this country for many years to come. I commend him on it.

One of the great tributes paid to me when I had these awesome powers in my hand before, in unknown days—heavens, to think of it now, it just excites me—but you would say to me, "You go ahead and close up. If you need me, I will be there; but, if not, just go right ahead." And I always appreciated that trust and confidence. It is the same trust and confidence I repose in you.

So when you have completed that interesting bit of history, I shall be absent from my chambers and you may go forward, sir.

Mr. BYRD. Madam President, I thank my friend, the very able Senator from Wyoming, the acting Republican leader.

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask unanimous consent, then, that, upon the conclusion of my statement, unless another Senator appears on the floor and wishes to be recognized at this time, the Senate then stand in adjournment over until Thursday next at the hour of 2 p.m.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

(Mr. GRAHAM assumed the chair.)

THE UNITED STATES SENATE

THE SENATE AND WATERGATE

Mr. BYRD. Mr. President, historians are constantly rewriting our history. The passage of time helps them better assess the impact of events. New research reveals previously unknown information that changes our views of the past. New interests stimulate us to examine groups and issues we previously overlooked. Primarily, however, history is rewritten to make the past more meaningful to the present. Seeking to explain current events—bewildering as they can be and often are—we turn to the past to uncover the roots of present problems and to reexamine the historical players and the decisions they made. Thus, different generations form different opinions about the past. Such constant reevaluation may frustrate those who search for "definitive" or "objective" history, but it is exactly what brings history to life and makes it so fascinating.

Take the history of congressional investigations., Were I speaking in the 1950's, I would undoubtedly draw my text from Alan Barth's *Government by Investigation* and Telford Taylor's *Grand Inquest,* two intensely critical studies of investigations by Congress. These books were the product of their time. When Telford Taylor damned congressional investigations as "a most potent and versatile engine of destruction," he had in mind recent activities by Senator Joseph McCarthy, the Senate Internal Security Subcommittee, and the House UnAmerican Activities Committee.[1] Thirty years later, scholars have reached vastly different, more respectful attitudes towards investigations, as demonstrated by the essays presented in a five-volume series, *Congress Investigates,* edited by Arthur Schlesinger, Jr.[2] What accounted for this change? Clearly it was the Watergate investigations by the Ervin Committee in the Senate and the Judiciary Committee in the House. Watergate showed the vital necessity of congressional investigations, and it stimulated historians to reinterpret past investigations under this new light.

These days, more than a decade after that investigation, *Newsweek* magazine informs us that Richard Nixon is back, and Hofstra University is sponsoring a retrospective conference on Nixon's presidency. For a whole generation of young Americans, Watergate has recessed into the mists of history, back along with the Tweed Ring, *Credit Mobilier,* Teapot Dome, and other events of which they have heard but would be hard pressed to define. Recently, a history professor and his family went to see the movie "Heartburn." As they were leaving the theater, his wife mentioned that one of the characters was based on Carl Bernstein of "All the President's Men." Their 20-year-old son asked, "Who is Carl Bernstein, and what was 'All the President's Men'?" He remembered Watergate in general, but the details escaped him.

Under such circumstances, it seems appropriate to devote one of the speeches in my continuing series on the history of the United States Senate to Watergate. No matter what one thinks of Richard Nixon, he implanted his name on the history of his time. Between 1952 and 1972, he appeared on all but one of the presidential ballots, a record unmatched by any other individual in American History. Much of his long and controversial career was associated with the Senate. Although he served just two years as a United Staes senator from California, he spent eight vice presidential years as president of the Senate.

When I came to the Senate in 1959, I was sworn in by Vice President Nixon. Later, during his five years as president, he sparred frequently with the

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Footnotes at end of article.

members of this body, and it was the Senate investigation into Watergate that led to his resignation.

Ironically, Richard Nixon's political career was begun and ended by congressional investigations. When he arrived here in 1947 as a freshman member of the House of Representatives, Nixon was appointed to the House UnAmerican Activities Committee. It was during that committee's investigation of accusations brought by Whittaker Chambers against Alger Hiss, that Nixon had become convinced of Chambers' truthfulness, had stuck with him even after others had given up. Nixon's persistence seemed ultimately vindicated when Hiss was convicted of perjury. The Hiss case propelled the young congressman into a race for a Senate seat, which he won after a memorably rancorous campaign. Two years later, at the age of thirty-nine, Nixon was chosen to run for vice president on Eisenhower's ticket—only six years after his first race for public office.

There was something strangely addictive about Richard Nixon, something which drew the press, politicians and voters back to him time after time, no matter how often they swore him off. He survived one crisis after another, fending off accusations and embarrassments that would have destroyed other politicians. Not for nothing did he name his first memoir *Six Crises.* After losing the presidency in 1960 and the governorship of California in 1962, he announced to the press that they would not have Richard Nixon to kick around any more because he was retiring from politics. then, remarkably, he rose from the ashes, fashioned a "New Nixon," and won the presidency in 1968. A man of breath-taking political boldness, Nixon was reminiscent of some of the earlier American political leaders whom I have discussed in this series, particularly Aaron Burr and James G. Blaine. Brilliant, ambitious, immensely capable, but hardly scrupulous men, each came close to mastering the political scene of his era by breaking the established rules of the game. Each in turn was brought down largely by his own doings.

Watergate was Nixon's Waterloo, although he never gave much evidence of fully comprehending the magnitude of that scandal. Not long ago, the National Archives released a tape recording of one of President Nixon's conversations with Rabbi Baruch Korff in 1974. In this tape, the president dismissed Watergate as "the thinnest scandal in American history." [3] Just three months later Mr. Nixon became the first president in our history to resign from office. He realized that the House would impeach him, and that the great majority of Senators, Republicans and Democrats alike, would convict him and remove him from office. Nixon was not alone in his confusion. Almost everyone found it hard to fathom the motivations behind Watergate. Why would a President on the brink of a landslide reelection gamble it all with a "third-rate burglary?" What could the Watergate conspirators have hoped to have accomplished that night at the Democratic National Committee? Did Nixon know of the scheme, or was it something concocted by his subordinates? Hence, the familiar question which Senator Howard Baker asked: "What did the president know, and when did he know it?"

Mr. President, to understand Watergate and to be fair to Richard Nixon, I would like to review the larger social and political scene in America during the years immediately prior to that ill-fated burglary. The Vietnam war was still raging, a terrible war that transformed Lyndon Johnson from a popular president to somewhat of a national outcast. The war divided Congress and the society as a whole into "hawks" and "doves." Anti-war sentiments spread widely, especially on the college campuses where students and faculty held teach-ins, seized ROTC buildings, and occupied the offices of college presidents. Rioters burned our cities. Assassinations deprived us of some of our inspirational leaders. A disillusioned generation of young people, once excited by John F. Kennedy's call to national and international service, now "dropped out" and "turned on." A Counter-Culture escaped into drugs, rock music, and communal living. In the meanwhile, a conservative backlash developed in response to the campuses disturbances, Black Power movement, and hippie lifestyles. Confrontations took place between anti-war demonstrators and "hard hats," between flag burners and flag wavers. The nation seemed to be unraveling.[4]

Against this fiery backdrop, the 1968 presidential election took place, with Richard Nixon, Hubert Humphrey, and George Wallace as the major contenders. Although Nixon ran well ahead in the polls for most of the campaign, Humphrey closed the gap during the final weeks. Election night was a cliff hanger, and not until the next morning when the final results from Illinois came in did he know for sure that Richard Nixon had been elected. In his moment of triumph, Nixon recalled a sign held by a small girl at one of his rallies, a sign that read: "Bring Us Together." As a nation, we fervently hoped that he could bring us together.

During his campaign, Nixon alluded to a "secret plan" to end the war, and as president he instituted a "Vietnamization" program to withdraw American troops gradually. But not only did the war continue during Nixon's administration, it spread across the borders into Laos and Cambodia. Massive demonstrations against the war took place in Washington and across the nation. Nightly coverage on evening news broadcasts kept the war constantly before the public. Revelations of the Mylai massacre deeply shocked Americans and further undermined popular support for the war. Publication of the "Pentagon Papers" in 1971 also shook the Nixon White House, which established a special unit known as the "Plumbers" to clamp down on government leaks. In the White House, a seige mentality developed, which presidential aide William Safire described as an "us" versus "them" way of thinking.[5] The president's counsel, John Dean, saw the roots of Watergate in this attitude. In testimony before the Ervin Committee he said:

> To one who was in the White House and became somewhat familiar with its inner workings, the Watergate matter was an inevitable out growth of a climate of excessive concern over the political impact of demonstrators, excessive concern over leaks, an insatiable appetite for political intelligence, all coupled with a do-it-yourself White House staff, regardless of the law.[6]

During 1971 and 1972, Nixon aides initiated or participated in a series of break-ins, wire-taps, and "dirty tricks," all in the name of national security, but really to promote the reelection of the president. The bungled burglary at the Democratic headquarters on June 17, 1972, was not an isolated incident, but part of a whole chain of illicit episodes. In his memoirs, President Nixon insisted that he first learned of the break-in when he read the newspapers at Key Biscayne the next morning. "It sounded preposterous," he wrote. "I dismissed it as some sort of prank." However, days later the president learned from his closest aide, H.R. Haldeman, that the break-in had involved "someone who is on the payroll of the Committee to Re-Elect the President." Nixon immediately saw the situation in terms of public relations. As he recorded in his diary: "The problem here, of course, is to get somebody on the PR side who will get out some of the negatives on the other side like this, so that this story just doesn't appear to be a clumsy attempt on our part to get information illegally from the Democrats." [7]

Nixon's reaction was shared widely in Washington and across the nation. Few people could believe the president, with his commanding lead in the polls, would jeopardize his position with such an inept and bungled operation. Washington's more prestigious journalists did not see much of a story there, and it fell to two junior reporters on the *Washington Post's* local staff to make the first public connection between the Watergate burglars and the White House staff. Soon we all came to know the names of Bob

Woodward and Carl Bernstein, and avidly read their bylines in the *Post.* Senator George McGovern, the Democratic candidate for president, tried his best to make Wategate a campaign issue, but never generated much enthusiasm for it. On election day, Nixon romped to one of the greatest landslide victories in presidential history. But this strange, unhappy man found little gratification or fulfillment in either the campaign or its results. In his memoirs, Nixon described the campaign as "one of the most frustrating and, in many ways, the least satisfying of all." Recalling election night, Nixon added: "I am at a loss to explain the melancholy that settled over me on that victorious night." Perhaps he recognized more than did the rest of us how much the cloud of Watergate hung over his presidency.

After his reelection, Richard Nixon went off to Camp David to brood about the next four years. As he saw it: "At the beginning of my second term, Congress, the bureaucracy, and the media were still working in concert to maintain the ideas and ideology of the traditional Eastern liberal establishment that had come down to 1973 through the New Deal, the New Frontier, and the Great Society." Now, Nixon intended to implement the more conservative ideals of what he called the "New Majority." Congress had resisted his plan to reorganize the federal government, he believed, but during his second term he would triumph, one way or another. "I was a man of the Congress, and I was proud of the fact," Nixon wrote, "But by 1973 I had concluded that Congress had become cumbersome, undisciplined, isolationist, fiscally irresponsible, overly vulnerable to pressures from organized minorities, and too dominated by the media."

"My reading of history," Nixon explained in his memoirs, "taught me that when all the leadership institutions of a nation become paralyzed by self-doubt and second thoughts, that nation cannot long survive unless those institutions are either reformed, replaced, or circumvented. In my second term I was prepared to adopt whichever of these three methods—or whichever combination of them—was necessary." [8] Quite clearly, President Nixon set out to circumvent Congress. He impounded funds that Congress appropriated, he began dismantling the Office of Economic Opportunity, ignoring the laws that created it, and he conducted an interventionist foreign policy with minimum consultation with congressional leaders, and he denied Congress necessary information by an extensive use of executive privilege and presidential secrecy. Many members of Congress fretted over the growth of the "Imperial Presidency" during the Nixon administration, without knowing how to respond. The president seemed destined to get his way. As Professor Arthur Schlesinger has written: "Had Nixon succeeded in imposing these doctrines/of impoundment of appropriated funds and unreviewable executive privilege/on top of his amplified claims for the presidential war-making power, he would have effectively ended Congress as a serious partner in the constitutional order." [9]

When the 93rd Congress convened in January 1973, Watergate loomed at the top of its agenda. Although the scandal had not affected the president's reelection, newspaper stories during the interregnum continued to link the Committee to Reelect the President with the Watergate burglars—who were then on trial in the Court of Judge John Sirica. Senator Edward Kennedy had already been investigating Watergate through his Judiciary subcommittee, but Majority Leader Mike Mansfield felt strongly that the investigation be headed by a senator who was not a potential presidential candidate. When S. Res. 60 established a Select Committee on Presidential Campaign Activities, Mansfield persuaded the venerable Sam Ervin to serve as its chairman. Other Democratic members included Senators Herman Talmadge, Daniel Inouye and Joseph Montoya. Senators Howard Baker, Edward Gurney and Lowell Weicker represented the Repubicans. Senator Ervin selected Georgetown law professor Sam Dash as chief counsel, and Senator Baker appointed Tennessee attorney Fred Thompson as the minority counsel. Both of these counsels, by the way, have written useful memoirs of their experiences on what became known as the Ervin Committee, or Watergate Committee.[10]

By all accounts, the choice of Sam Ervin to chair the investigation was an inspired one. Senator Ervin had deep respect from both sides of the aisle in the Senate as a defender of the Constitution. As his biographer later wrote: "In a few short weeks, this self-proclaimed country lawyer with his bottomless barrel of aphorisms from Shakespeare, the Bible, and the North Carolina mountains, became a national symbol of decency and fairness in politics, the embodiment for many of wisdom, a genuine American folk hero." Senator Ervin was not afraid to follow any lead, to go anywhere the investigation led. "A lot of people say, well the government is coming to a standstill and you'd better be careful about how much truth you find out; you don't want to wreck the government," he conceded. "They say if you find the truth is leading too close to the president, you must suppress the truth because it's necessary to have a stable government. In reply to that, I would say that I don't think you can found a government on the suppression of truth; I don't think a government or an institution of that nature will endure very long" [11]

When the Watergate Committee began its work, it faced the ominous hurdle of "executive privilege." President Nixon gave every intention of using this murky prerogative to prevent the Senate committee from examining relevant documents and questioning administration officials. As Professor Philip Kurland has written: "The White House was convinced, and with good reason, that the greatest threat to any disclosure of malfeasance was to be found in the committee. And so President Nixon and his staff made every effort to frustrate and undermine the committee's activities."

"I'm satisfied that executive privilege does not cover wrongdoing," said Senator Ervin. "The only thing in the Constitution that covers wrongdoing is the self-incrimination clause, and if any of the White House aides wish to come down and plead the Fifth Amendment, why the committee will honor the plea." [12]

On March 2, 1973, President Nixon announced that he would exert executive privilege to prevent White House Counsel John Dean from appearing before the Ervin Committee. The Senate Judiciary Committee, which was then holding hearings on the nomination of L. Patrick Gray to succeed J. Edgar Hoover as director of the FBI, suggested that it would delay Gray's confirmation until Dean testified. The White House refused to comply. They decided that Mr. Gray was dispensable, and so they let him hang there and "twist slowly, slowly in the wind," as John Erhlichman later so chillingly testified.

Mr. President, I was not a member of the Watergate Committee, but I did serve on the Senate Judiciary Committee. I felt, as I said at the time, that the Watergate cloud hung heavily over Mr. Gray, and that he did not deserve such an important post until he had made a full accounting of his relationship with the White House and with the Watergate inquiry. On February 28, 1973, I got Mr. Gray to admit that the records of the FBI's probe into Watergate had been turned over to the president's counsel, Mr. Dean, and that Dean had been present when FBI agents interrogated other White House staffers. But, as I pointed out, Mr. Gray had previously testified that, after the Watergate break-in, two of Dean's aides had searched E. Howard Hunt's office in the Old Executive Office Building (which is located next to the White House and used as an extension of the White House offices) and had turned the contents from Hunt's safe over to Dean—and, yet, two days later, during an FBI interview, Dean denied knowing whether Hunt had an office at the White

House. I asked Mr. Gray if Dean had lied to the FBI agents, and he answered: "that judgment probably is correct." The FBI director's admission in turn made John Dean decide that he must testify before the Ervin Committee, which I believe was the major turning point in the investigation. (President Nixon later withdrew Mr. Gray's nomination as FBI director).

Other circumstances also convinced Dean to cooperate with the committee. On March 23, Judge John Sirica handed down maximum sentences to the Watergate burglars. However, Judge Sirica shrewdly made these sentences provisional to encourage the defendants to cooperate with the Federal grand jury investigating the larger implications of Watergate. One of the defendants, John McCord met with Ervin Committee Special Counsel Sam Dash to provide evidence of White House complicity, specifically against John Dean and Jeb Stuart Magruder, deputy director of the Committee to Reelect the President (known by its appropriately ominous acronym of CREEP). Days later, McCord testified before a closed session of the Ervin Committee, providing significant information about payoffs from CREEP to the Watergate burglars for their silence.[13]

But before Dean and Magruder would testify, they demanded immunity from prosecution, or else they would exercise their constitutional rights under the Fifth Amendment. Special Prosecutor Archibald Cox would have preferred that the committee postpone its hearings until judicial proceedings could begin. But the Ervin Committee voted to continue hearings, on the grounds that informing the Nation took precedence over courtroom needs. Cox then asked that the courts grant immunity only on the condition that Dean and Magruder be prohibited from testifying at a televised session. The committee responded that the court had no such authority, under separation of powers. Judge Sirica ruled on behalf of the committee. "In hindsight, perhaps even Cox would agree that the televised testimony of Dean and Magruder produced far more good than harm," wrote James Hamilton in his study of congressional investigations, *The Power to Probe*. "It was the testimony of these two men that first helped the nation understand the extent of the Watergate affair and the moral rot in the White House." [14]

With Dean and Magruder prepared to testify, the White House made a dramatic attempt at "damage control." On April 30, in a nationally televised address, President Nixon announced that he was accepting the resignations of his closest aides, H.R. Haldeman and John Ehrlichman, as well as Attorney General Richard Kleindiest, and implied that he had fired John Dean. These moves hardly ended the Watergate inquiry. Instead, they revealed the significance of the charges and made the press and public even more eager for full disclosure. In this highly-charged atmosphere, the Ervin Committee opened its public hearings on May 17, in the Caucus Room of the Russell Senate Office Building. Senate staff, the press, and the public vied for space in that normally spacious room, while at home the nation watched on television.

Senator Ervin opened the proceedings, solemnly. "If the many allegations to this date are true, then the burglars who broke into the Democratic National Committee at the Watergate were, in effect, breaking into the home of every citizen of the United States," he said. "And if these allegations prove to be true, what they were seeking to steal were not the jewels, money or other property of American citizens, but something more valuable—their most precious heritage: the right to vote in a free election." The committee then heard startling evidence from a string of witnesses. James McCord produced the first "bombshell" by telling of a series of clandestine meetings with Jack Caulfield, an administration official, who had sought his silence with promises of executive clemency. A former New York policeman, Tony Ulasewicz, provided some comic relief with his own version of secret meetings and anonymous telephone calls, but Ulasewicz confirmed that the offer of executive clemency had been made on the instructions of the president's counsel, John Dean. The committee also heard how Hugh Sloan, treasurer of CREEP, had been pressured to cover up the cash payments he made to the Watergate defendants.[15]

By now it was clear that Dean would be a star witness, and that the success or failure of the hearings might depend upon his candor and credibility. On the advice of counsel, Dean had prepared a 246-page statement recalling all that he could about Watergate and its cover-up. Dean admitted his own role, and his personal use of campaign finances, but more significantly he outlined the inner history of the White House response to Watergate. Dean began his public testimony on June 25, and it took him a full day to read his statement.[16]

Although Dean was simply reading a statement, without cross-examination from the committee, his testimony was riveting and his revelations shocked the country. According to Sam Dash, "It presented a devastating mosaic of intrigue, illegality and abuse of power participated in by the highest officials in government, including the President of the United States." And the criminal activity was more serious than the Watergate burglary. The president had "authorized illegal police-state methods and had abused the power of executive law enforcement agencies to crush dissent and to destroy his enemies." In his statement and testimony, Dean specifically implicated Attorney General John Mitchell, and Haldeman and Ehrlichman in the cover-up attempts to buy the Watergate burglars' silence. Sam Dash asked him: "Frankly and honestly, Mr. Dean, when you left the president on September 15 [1972], did you just have an impression as to his knowledge of the cover-up, or did you have a conviction concerning that?" Dean quietly replied: "Mr. Dash, there was no doubt in my mind that the president was aware of it."

Public opinion polls showed that seventy percent of the American people believed that John Dean was telling the truth, but the committee still needed to find corroborating evidence, especially as it faced more hostile witnesses, notably former Attorney General John Mitchell, H.R. Haldeman, and John Erhlichman. In a closed-door session, Sam Dash reported to the committee that the president had exerted executive privilege and denied his request for relevant documents. Several senators recommended issuing the president a subpoena. Senator Howard Baker, the ranking Republican, objected and suggested that the committee arrange a meeting with the president. "I think if you explain the committee's need of these papers to the president, he's going to give them to us," and added that the chairman should call the president and urge such a meeting. With all of the committee members gathered in Senator Ervin's office, the chairman put through the call. The others could hear only the chairman's side of the conversation, but when he hung up, his faced flushed, Ervin told them: "You know, the president was shouting at me on the other side of that telephone that all we wanted to do is to get him. He kept repeating it, and I could hardly talk to him. But he did agree to a meeting next week." That same day, they learned that Nixon had entered the hospital; his doctors reported he was suffering from pneumonia.[17]

The next day, the Watergate investigation took another dramatic, unexpected turn. The staff had been conducting painstaking interrogations of subordinates in the Nixon White House and the Committee to Re-Elect the President, checking one set of testimony against another for inconsistencies. Two young majority staff members, Scott Armstrong and Gene Boyce, were questioning Federal Aviation Administrator Alexander Butterfield, a former White House official. Howard Liebengood, then one of Senator Baker's staff on the committee, felt the minority should have someone present during the interrogation, and sent Don Sanders. After Armstrong completed some three hours of questioning, Sanders added one of his own: "John Dean has testified that at the end of one conversation with the president he was taken to a side of the Oval Office and addressed by the president in a very low voice concerning a presidential exchange with /Charles/ Colson about executive clemency. Do you know of any basis for the implication in Dean's testimony that conversations in the Oval Office are recorded?" Butterfield surprised the three men by responding that he had worried that this question would be asked, and then proceeded to tell them of an elaborate recording system in the president's office and other White House locations. Thus, ironically, a question from a Republican staff member uncovered the most important piece of evidence, the White House tapes, that would implicate Richard Nixon in the Watergate cover-up and end his presidency.[18]

While Butterfield's admission made the committee's case, it also diverted attention from the hearings to the efforts of obtain the tapes, and to learn what was on them. As Professor Kurland has noted, the tapes made even the testimony of Haldeman and Ehrlichman seem "anticlimactic." Both men disclaimed knowledge of or responsibility for the events surrounding Watergate, but nobody believed them; nor did many believe their claims that the president was innocent of knowledge or involvement in the affair. The Senate Watergate Committee hearings recessed in August and resumed again in September, but they never again captured the attention they had during John Dean's testimony. Other events predominated: the "Saturday Night Massacre," in which Attorney General Elliot Richardson resigned rather than carry out President Nixon's order to fire Special Prosecutor Archibald Cox (Nixon objected to Cox's persistent efforts to obtain the White House tapes); the resignation of Vice President Spiro Agnew, over an unrelated case of bribery and income tax evasion; Nixon's release of an edited version of the tapes (one with a mysterious eighteen-and-a-half minute gap); the efforts of the new Special Prosecutor, Leon Jaworski, to see the *unedited* tapes; and on July 24, 1974, the Supreme Court's unanimous decision in *United States v. Nixon*, that "executive privilege" did not entitle the president to withhold his tape recordings from a criminal proceeding. That same day, the House Judiciary Committee took up articles of impeachment against President Nixon.

The opening of the White House tapes provided the "smoking gun" that had long been missing from the Watergate investigation: the direct link between the president and the cover-up. A tape recording on June 23, 1972, six days after the Watergate break-in, revealed that Nixon and Haldeman conspired to use the Central Intelligence Agency to head off an FBI investigation of the burglary. This revelation eroded what little was left of the president's support on Capitol Hill, and his impeachment and removal seemed a foregone conclusion. Nixon chose to resign instead, on August 9, 1974.

In contrast to these momentous events, publication of the Watergate Committee's final report in June 1974 was a modest happening, but the 1250-page report became the most detailed chronicle of the wrongdoing in the Nixon administration. The report also proposed certain reforms to avoid—or at least to deal with—future Watergates. One of these reforms was the law which currently permits the attorney general to request appointment of an "independent counsel"—in effect, a special prosecutor. This provision has gone into effect several times subsequently, during the Carter and Reagan administrations. Several other important reforms grew out of the Watergate investigation, even though they were not directly the product of the Ervin Committee. The War Powers Act of 1973, which Congress passed over President Nixon's veto, required the president to consult with Congress within forty-eight hours of sending combat troops abroad or engaging in military action. The Congressional Budget and Impoundment Act of 1974 provided that Congress, by a majority vote, could force the spending of appropriated monies which the president tried to impound. These bills significantly advanced the reassertion of congressional power and authority, but neither bill would have been possible without the revelations of Watergate.

While the Watergate investigation destroyed many reputations, it also drew national attention to the purposes and positive accomplishments of congressional investigations, and to the ability of the committee members. Senator Sam Ervin became a national hero, a new "Uncle Sam," who stood for honesty and principle.[19] The ranking Republican, Howard Baker, also emerged from his difficult assignment with deep respect, both in the Senate and the nation, which launched his later career as both minority and majority leader of the United States Senate, and as a candidate for the presidency of the United States.

At the height of the Watergate scandal, some of President Nixon's defenders warned that such intense congressional scrutiny would destroy not only Richard Nixon but the presidency as well. Those fears did not materialize. Few scholars have done more to promote the concept of a strong presidency in their writing than has Arthur Schlesinger, Jr., but as Professor Schlesinger reminds us in his most recent book, *The Cycles of American History*, "the Constitution intends a strong Presidency with an equally strong system of accountability."[20] Accountability is the very heart of our system of checks and balances, and congressional investigations provide an important mechanism for its achievement, by checking the abuses of executive power and proposing legislative remedies. The Watergate Committee, through its seriousness, diligence, and ultimate success, reminded us of this truth, and continues to serve as a model for our times.

Mr. President, I ask unanimous consent to have printed in the RECORD footnotes to "The Senate and the Watergate" and "Watergate: Chronology of the Crisis."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOOTNOTES TO "THE SENATE AND WATERGATE"

[1] Alan Barth, *Government By Investigation* (New York, 1955); Telford Taylor, *Grand Inquest, The Story of Congressional Investigation* (New York, 1955).

[2] Arthur M. Schlesinger, Jr. and Roger Bruns, eds., *Congress Investigates: A Documented History, 1792-1974* (New York, 1975), 5 vols.

[3] *Washington Post*, 4 September 1986.

[4] See Allen J. Matusow, *The Unraveling of America: A History of Liberalism in the 1960s* (New York, 1984), and James Gilbert, *Another Chance: Postwar America, 1945-1968* (New York, 1981).

[5] William Safire, *Before the Fall* (Garden City, 1975).

[6] U.S. Senate, Select Committee on Presidential Campaign Activities, *Presidential Campaign Activities of 1972*, 93rd Congress, 1st sess., Book 3, 957-9.

[7] Richard M. Nixon, *RN: The Memories of Richard Nixon* (New York, 1978), 625-8.

[8] Ibid., 665, 717, 763.

[9] Arthur M. Schlesinger, Jr., *The Cycles of American History* (Boston, 1986), 280.

[10] Samuel Dash, *Chief Counsel, Inside the Ervin Committee—The Untold Story of Watergate* (New York, 1976); Fred D. Thompson, *At That Point In Time: The Inside Story of the Senate Watergate Committee* (New York, 1975).

[11] Paul R. Clancy, *Just a Country Lawyer: A Biography of Senator Sam Ervin* (Bloomington, 1974), 5, 13.

[12] Philip B. Kurland, "The Watergate Inquiry, 1973," in Schlesinger and Bruns, *Congress Investigates*, V:201; Sam J. Ervin, Jr., *The Whole Truth: The Watergate Conspiracy* (New York, 1980), 32-6.

[13] Dash, *Chief Counsel*, 27-48.

[14] James Hamilton, *The Power to Probe: A Study of Congressional Investigations* (New York, 1976), 22.

[15] Dash, *Chief Counsel*, 125-35.

[16] Kurland, "The Watergate Inquiry," 212.

[17] Dash, *Chief Counsel*, 162-75.

[18] Thompson, *At That Point in Time*, 81-5.

[19] Clancy, *Just a Country Lawyer*, 300.

[20] Schlesinger, *The Cycles of American History*, 277-336.

WATERGATE: CHRONOLOGY OF THE CRISIS

1972

June 17. Five men carrying electronic surveillance equipment were arrested in the Democratic National Committee Headquarters in the Watergate office building in Washington, D.C.

July 1. Former Attorney General John N. Mitchell resigned as manager of President Nixon's re-election campaign.

Aug. 1. The FBI and the General Accounting Office (GAO) began investigations of the finances of the Committee to Re-elect the President after *The Washington Post* reported that a $25,000 check intended for President Nixon's campaign had been deposited in the account of one of the five Watergate burglars.

Aug. 29. At a news conference, President Nixon said that after a complete investigation of the June 17 incident by White House Counsel John W. Dean III, Nixon could declare "categorically" that "no one in the White House staff, no one in this administration, presently employed, was involved in this very bizarre incident."

Sept. 15. A federal grand jury indicted the five men caught in the Democratic headquarters—James W. McCord Jr., Bernard L. Barker, Frank A. Sturgis, Eugenio R. Martinez, and Virgilio R. Gonzalez—and two former Nixon aides: G. Gordon Liddy, counsel to the Finance Committee to Re-elect the President and E. Howard Hunt, Jr., a former White House consultant. The seven were charged with conspiracy, burglary and violation of federal wiretapping laws in connection with the June 17 break-in.

Oct. 19. *The Washington Post* reported that the Committee to Re-Elect the President had directed a network of political espionage, financed by a secret committee fund controlled by former Nixon campaign manager John N. Mitchell.

Oct. 15. *The Washington Post* reported that Donald H. Segretti, recruiter of undercover agents for the political espionage campaign, named Dwight L. Chapin, Nixon's appointments secretary as one of his contacts in the operation.

Oct. 23. *Time* magazine reported that Segretti was hired by Chapin and White House aide Gordon Strachan and was paid by Herbert W. Kalmbach, Nixon's personal attorney.

Oct. 25. *The Washington Post* named H.R. Haldeman, White House chief of staff, as one of the five men authorized to approve payments from the secret cash fund financing the political intelligence operation.

Nov. 7. Nixon was re-elected President with more than 60 percent of the popular vote.

1973

Jan. 8. The trial of the seven men accused in connection with the June 17 break-in began.

Jan. 11. U.S. District Court Judge John J. Sirica accepted a guilty plea from defendant Hunt.

Jan. 15. Four more of the Watergate break-in defendants—Barker, Sturgis, Martinez and Gonzalez—pleaded guilty.

Jan. 30. The remaining defendants in the Watergate break-in trial—Liddy and McCord—were found guilty of conspiracy, burglary and wiretapping.

Feb. 7. The Senate approved by a 77-0 vote a resolution creating the Senate Select Committee on Presidential Campaign Activities (known as the Senate Watergate Committee), to investigate and study "the extent . . . to which illegal, improper, or unethical activities" occurred in the 1972 Presidential campaign and election.

March 5. An FBI memorandum, disclosed during Senate Judiciary Committee hearings on the nomination of L. Patrick Gray III as director of the FBI, said that officials of the Nixon re-election committee had tried to impede the FBI investigation of the Watergate incident.

March 23. Judge Sirica sentenced six of the seven Watergate defendants. Liddy, who was described as the mastermind of the break-in and bugging, was sentenced to a term of six years and eight months to 20 years in prison. Hunt, Barker, Martinez, Sturgis and Gonzalez were sentenced provisionally to the maximum sentence of 35 years for Hunt and 40 years for the other four.

Judge Sirica postponed sentencing McCord and read a letter sent him by McCord on March 19. It said, in part: "There was political pressure applied to the defendants to plead guilty and remain silent. Perjury occurred during the trial in matters highly material to the very structure, orientation and impact of the government's case and to the motivation and intent of the defendants. Others involved in the Watergate operation were not identified during the trial when they could have been."

March 24. Samuel Dash, counsel to the Senate Watergate Committee, said that McCord has begun giving him "a full and honest account" of the Watergate affair.

The Los Angeles Times reported that McCord had told Dash that White House Counsel Dean and former Nixon campaign aide Jeb Stuart Magruder knew of the plans to break into the Democratic headquarters and bug it.

March 29. *The Washington Post* reported that McCord told the Senate Watergate Committee that Liddy told him the bugging plans had been approved by Mitchell—and were known in advance by Charles W. Colson, former special counsel to President Nixon.

April 5. At the nominee's request, President Nixon withdrew the nomination of Gray as permanent FBI director. Confirmation of Gray became unlikely after he revealed to the Senate Judiciary Committee during hearings on his nomination that he had turned over FBI files of the Watergate investigation to White House Counsel Dean.

April 17. At a news conference, President Nixon said that there had been "major new developments" in the Watergate case and that he had begun "intensive new inquiries" into the affair "as a result of serious charges which came to my attention."

April 19. Attorney General Richard G. Kleindienst removed himself from further involvement in the Watergate case, citing his earlier working relationships with Nixon administration officials now implicated in the matter.

April 27. At the trial of two men charged with stealing and publishing the Pentagon Papers—Daniel Ellsberg and Anthony Russo—U.S. District Court Judge W. Matthew Byrne Jr. read a secret memorandum in court saying that E. Howard Hunt and G. Gordon Liddy had burglarized the office and files of Ellsberg's former psychiatrist, Daniel Fielding.

April 30. President Nixon announced the resignations of his chief of staff Haldeman, his chief domestic advisor John D. Ehrlichman, Dean and Attorney General Kleindienst. He announced that he was nominating Secretary of Defense Elliot L. Richardson as the new attorney general.

After the resignations were announced by White House press secretary Ronald L. Ziegler, Nixon addressed the nation via television, taking full responsibility for any improper activities connected with his 1972 campaign. Nixon said he did not learn of the true proportions of the Watergate case until March 1973 when "new information" suggested "there had been an effort to conceal the facts both from the public and from me. As a result," he continued, "on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter."

"There can be no whitewash at the White House," Nixon asserted.

May 1. A summary of an interview on April 27 by FBI agents with Ehrlichman, released by Judge Byrne to defense counsel in the Pentagon Papers case, disclosed that Nixon had directed Ehrlichman to undertake an independent investigation of that case which had led to the Fielding burglary by Hunt and Liddy.

The Senate by voice vote approved a resolution asking Nixon to appoint a special prosecutor for the Watergate case.

May 5. Egil Krogh Jr., a former White House aide now undersecretary of transportation, took full responsibility for the Fielding break-in in an affidavit filed in the Pentagon Papers case. Krogh was part of a special White House investigative unit working to stop leaks of government information to the press; the group was nicknamed the White House "plumbers." Krogh resigned as transportation undersecretary May 9.

May 10. Four men, including two former Nixon cabinet officers, Mitchell and Maurice H. Stans, former commerce secretary and Nixon campaign finance chairman, were indicted by the federal grand jury in New York on charges of conspiring to arrange a secret $200,000 contribution to the President's 1972 re-election campaign.

May 11. The Pentagon Papers trial ended abruptly, as Judge Byrne dismissed all charges of espionage, theft and conspiracy against Ellsberg and Russo and declared a mistrial because of government misconduct.

May 14. William Ruckelshaus, acting FBI director, reported that records of 17 wiretaps of newsmen and government officials from May 1969 to February 1971 had been found in the White House safe of former presidential adviser Ehrlichman.

May 17. The seven-member Senate Select Committee on Presidential Campaign Activities, chaired by Sen. Sam J. Ervin Jr. (D. N.C.), opened its hearings on the Watergate case.

May 18. Attorney General-designate Richardson said he would appoint Harvard Law School professor Archibald Cox as the special prosecutor for the Watergate case.

Convicted Watergate conspirator McCord began testifying before the Senate committee describing White House pressure to get him to keep silent and plead guilty in return for eventual executive clemency.

May 22. President Nixon released a 4,000-word statement in which he conceded for the first time that there had been "wide-ranging efforts" in the White House to cover up aspects of the Watergate case but denied that they took place with his approval or knowledge. The White House coverup efforts, Nixon asserted, were linked to his desire to protect national security by preventing disclosure of intelligence operations.

June 6. Hugh W. Sloan Jr., who resigned as treasurer of the Finance Committee to Re-elect the President shortly after the June 17, 1972, break-in, told the Senate Watergate Committee of Dean's efforts to persuade him to plead the Fifth Amendment at the Miami trial of Watergate break-in conspirator Barker and attempts by Nixon campaign officials Magruder and Frederick C. LaRue to get him to falsify financial transactions between campaign officials and the bugging team.

He said he had resigned rather than perjure himself.

June 14. Magruder, testifying before the Senate Watergate Committee, admitted his own complicity in the scheme to spy on the Democrats and acknowledged that he had perjured himself before the grand jury. He also testified that Mitchell had approved plans for the break-in and had participated in a coverup of the incident.

June 25. Dean appeared before the committee, testifying under a grant of limited immunity. He said that the President was aware of the coverup as early as September 1972, citing a number of specific conversations he had with the President in which he found presidential knowledge of the coverup. These conversations included ones taking place on Sept. 15, 1972, Feb. 27 and 28, 1973, March 13 and 21, 1973, and April 15, 1973.

During the April 15 conversation Dean said he told Nixon he had been telling his story to federal prosecutors. Nixon, he said, then began asking "leading questions which made me think that the conversation was being taped." Dean said they discussed the Watergate affair, and during the conversation Nixon told him he had been joking when he made the comment about how easy it would be to get the $1-million for Watergate hush money.

July 10. Former Attorney General Mitchell, once Nixon's closest political adviser, appeared before the Senate committee and admitted that he never had warned the President of the Watergate scandal because he wanted to "keep the lid on through the election," and later because the knowledge "would affect his (Nixon's) presidency."

According to Mitchell, the President, if informed of the coverup, would have "lowered the boom" on his aides, and a whole catalog of White House "horror stories" would have been revealed.

Contradicting the sworn testimony of former White House and campaign officials, Mitchell denied he approved in advance the 1972 bugging operations against the Democrats. He said he had attended meetings where there was discussion of the plan, but had never approved it.

July 16. Alexander P. Butterfield, administrator of the Federal Aviation Administration and former aide to Haldeman, was a surprise witness before the Senate committee. Butterfield revealed that beginning in the spring of 1971 devices were installed in the President's White House and Executive Office Building offices which automatically taped all of Nixon's conversations.

Later in the afternoon, the White House acknowledged that all of Nixon's conversations since early 1971 had been recorded.

Following Butterfield's appearance, Kalmbach, one of President Nixon's personal lawyers, began testifying before the committee. Kalmbach's name had been mentioned in connection with the raising of hush money for the seven convicted Watergate conspirators, Kalmbach admitted that he had raised $150,000 but denied knowledge of the coverup. He said he thought the money was for family support and lawyers' fees.

July 17. Claiming executive privilege, Nixon ordered the Secret Service to withhold from the Senate investigating committee all information about secretly made recordings of the President's White House conversations. In response, the committee sent a letter to Nixon asking his "cooperation in making available to the committee records and tapes which are relevant" to its investigation.

July 23. President Nixon refused to allow either the Senate committee or the special prosecutor access to relevant White House tapes. In a letter to Sen. Ervin, Nixon said that to allow such access would violate the constitutional doctrine of separation of powers.

The Senate committee voted unanimously to subpoena relevant tapes and White House documents. Special Prosecutor Cox announced he too would seek a subpoena. Three subpoenas—two from the committee and one from the Watergate special prosecutor—were accepted at the White House late in the afternoon.

July 24. Ehrlichman appeared before the Senate Watergate Committee, saying that he welcomed the opportunity to "refute every charge of illegal conduct on my part."

July 26. Nixon rejected the subpoenas from the Senate committee and the special prosecutor, both of whom then went to federal court to ask that their subpoenas be enforced. (White House deputy press secretary Gerald Warren said that Nixon would abide by a "definitive" Supreme Court decision on the issue.)

July 30. Former White House Chief of Staff Haldeman began his appearance before the Senate Watergate Committee, denying that he had any role in the coverup or that the President had any knowledge of the coverup but admitting that he had disbursed cash for political "dirty tricks."

Aug. 2. Richard M. Helms, former director of the Central Intelligence Agency (CIA), told the Senate committee of White House efforts to involve the CIA in the coverup, and to use the CIA to head off FBI investigations of Watergate.

Aug. 3. L. Patrick Gray III told the Senate committee that he had destroyed documents from E. Howard Hunt's office safe which he was given by Dean and Ehrlichman with the admonition that they "clearly should not see the light of day."

Aug 15. President Nixon, in a televised address, again denied any prior awareness of the Watergate break-in or the coverup.

Aug. 29. Judge Sirica ordered Nixon to turn over to him the tape recordings subpoenaed by the Watergate special prosecutor for use before the grand jury. Sirica ruled that he could only decide the validity of Nixon's claim of executive privilege to protect the tapes from this use if he himself inspected the tapes.

Aug. 30. Nixon and his lawyers decided to appeal Sirica's ruling as inconsistent with the separation of powers and the need to preserve the confidentiality of private presidential conversations.

Sept. 4. Ehrlichman, Krogh, Liddy and David R. Young, a former aide to Henry A. Kissinger, presidential assistant for national security affairs, were indicted by a Los Angeles county grand jury for the burglary of the office of Ellsberg's psychiatrist.

Sept. 24. Hunt testifed before the Senate Watergate Committee, alleging that Colson was aware early in 1972 of the large-scale intelligence plan which led to the June 17 break-in. Hunt described his work for the White House as one of the "plumbers" and his involvement in the Watergate break-in.

Oct. 1. Segretti pleaded guilty to three misdemeanor charges for his "dirty tricks" activity during the 1972 presidential election campaign.

Oct. 3. Appearing under a limited grant of immunity, Segretti told the Senate Watergate Committee about the "dirty tricks" he had engaged in during the 1972 campaign. He said he reported regularly to Chapin, then the President's appointments secretary.

Oct. 10. Vice President Spiro T. Agnew, virtually untouched by the Watergate scandal, resigned his office after pleading no contest to a charge of income tax evasion. Agnew entered his plea before U.S. District Court Judge Walter E. Hoffman in Baltimore. He was sentenced to three years of unsupervised probation and a $10,000 fine.

Oct. 12. President Nixon announced that House Minority Leader Gerald R. Ford (R. Mich.) was his choice to fill the vice presidential vacancy.

In a 5-2 decision, the U.S. Circuit Court of Appeals for the District of Columbia upheld Judge Sirica's Aug. 29 ruling that President Nixon should surrender to the court subpoenaed tape recordings relevant to the Watergate case.

Oct. 19. Nixon released a statement saying he would not seek Supreme Court review of the appeals court ruling. Instead, he offered to supply Judge Sirica and the Senate committee with a statement of the contents of the tapes, which he would prepare. Sen. John C. Stennis (D Miss.) would be given full access to the tapes in order to verify the accuracy of the statement. The special prosecutor was to make "no further attempt . . . to subpoena still more tapes or other presidential papers of a similar nature."

Cox explained that he could not comply with the proposal because it would "defeat the fair administration of justice."

Oct. 20. Cox, at an afternoon press conference said he had no intention of resigning.

To accept Nixon's proposal would create "insuperable difficulties" for him as prosecutor, Cox said. He complained of "repeated frustration" in his attempts to get information from the White House about Watergate, the alleged coverup, and the "White House plumbers."

White House press secretary Ziegler announced that Nixon had ordered Richardson to dismiss special prosecutor Cox, that Richardson had resigned rather than comply and that Nixon then had fired Deputy Attorney General Ruckelshaus, who also refused the order. (Ruckelshaus said later he had resigned before being fired.) Ziegler explained that Solicitor General Robert H. Bork, next in line of authority at the Justice Department, had become acting attorney general and had fired Cox. The actions later became known as the "Saturday night massacre."

Several hours after Ziegler's announcement, FBI agents sealed off the offices and files of the special prosecution team headed by Cox, as well as those of Richardson and Ruckelshaus. U.S. marshals replaced the FBI agents at the special prosecution offices the next day, and the guards were removed from the Justice Department offices.

Oct. 22. House Democratic leaders tentatively agreed to have the House Judiciary Committee begin an inquiry into the grounds for impeaching Nixon.

Oct. 23. White House attorney Charles Alan Wright announced at U.S. District Court that because of "the events of the weekend," Nixon has decided to abide by the appeals court ruling that he must turn over to the court subpoenaed tapes and documents.

A letter to Nixon promising a $2-million 1972 campaign contribution from a dairy industry group in return for action to curb dairy imports was leaked to the press. Signed by a representative of Associated Milk Producers Inc. of San Antonio, Texas, the letter was dated Dec. 16, 1970. Two weeks after that, Nixon imposed quotas on certain dairy products.

Oct. 26. President Nixon announced at a nationally televised news conference that Acting Attorney General Bork would appoint a special Watergate prosecutor.

Oct. 30. The New York Times reported that former Attorney General Kleindienst had told prosecutors that in 1971, President Nixon personally ordered him to halt a Justice Department appeal of an antitrust ruling favorable to the International Telephone and Telegraph Corporation (ITT), Kleindienst had told the Senate Judiciary Committee in 1972 that there were no White House attempts to influence the case, which was settled out of court.

The House Armed Services Subcommittee on Intelligence issued a report on its investigation of Central Intelligence Agency involvement in the Watergate scandal. It concluded that the agency had been used by top White House officials to obstruct an FBI investigation of the Watergate break-in.

Oct. 31. J. Fred Buzhardt Jr., a White House attorney, told Judge Sirica that two of the nine tape recordings the President had been ordered to turn over to the court did not exist. He said that one conversation had been conducted on a phone that was not hooked into the White House recording system. The other, between Nixon and his counsel, Dean, April 15, 1973, had not been recorded because the recorder had run out of tape.

Nov. 1. Bork appointed Houston attorney Leon Jaworski as the new Watergate special prosecutor, and Nixon named Sen. William B. Saxbe (R Ohio) as attorney general.

Nov. 9. Judge Sirica gave final sentences to the six Watergate conspirators who had been given provisional sentences in March. Hunt received 2½ to eight years in prison and a $10,000 fine; Barker, 1½ to six years; McCord, one to five years; Martinez, Sturgis and Gonzalez, one to four years.

Nov. 17. President Nixon reasserted his innocence during a question-and-answer session with Associated Press managing editors. During the television session, Nixon stated, "People have got to know whether or not their President is a crook. Well, I'm not a crook."

Nov. 21. White House Counsel Buzhardt told Judge Sirica that an 18-minute section of the subpoenaed tape of a June 20, 1972, conversation between Nixon and Haldeman consisted only of an "audible tone" and no conversation.

Nov. 26. The White House turned over to the court the existing subpoenaed tapes, with an analysis of the tapes listing claims of executive privilege to protect portions of them for disclosure to the special prosecutor.

Testifying at a session concerning the 18-minute gap in the June 20 tape. Rose Mary Woods, Nixon's personal secretary, said that she apparently had accidently caused at best part of the gap while transcribing the tape for the President on Oct. 1, 1973.

Dec. 6. Ford was sworn in as the nation's 40th vice president, after the Senate and House had approved his nomination.

Dec. 8. Nixon released documents concerning his personal finances, including his federal income tax returns for 1969-1972. He asked the Joint Committee on Internal Revenue Taxation to decide whether he owed additional taxes. Earlier it was revealed that President and Mrs. Nixon had paid only minimal federal income taxes in 1970 and 1971. Nixon said he would abide by the judgment of the committee.

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Jan. 2. The Internal Revenue Service said that it would audit Nixon's recent income tax returns.

Jan. 5. The White House announced that James D. St. Clair, a Boston attorney, would replace Buzhardt as head of the White House Watergate legal team. Buzhardt would remain at the White House as counsel to the President.

Jan. 8. The White House released two lengthy documents rebutting charges that Nixon had granted favors to the dairy industry and to the International Telephone and Telegraph Corp. (ITT) in exchange for large campaign contributions.

Jan 15. A panel of experts appointed by Judge Sirica reported that the 18-minute gap on the June 20, 1972, tape was caused by at least five separate erasures and rerecordings.

Jan. 18. After four days of hearings concerning the gap in the tape, Sirica recommended that a grand jury investigate the possibility that someone had intentionally destroyed evidence.

Jan. 24. Krogh, who pleaded guilty Nov. 30 to violating the civil rights of Daniel Ellsberg's former psychiatrist, by burglarizing his office, was sentenced to six months in prison.

Jan. 30. Nixon, in his state of the union message, said he had "no intention whatever" of resigning. On the subject of Watergate the President said: "As you know, I have provided to the special prosecutor voluntarily a great deal of material. I believe that I have provided all the material that he needs to conclude his investigations and to proceed to prosecute the guilty and to clear the innocent. I believe the time has come to bring that investigation and the other investigations of this matter to an end. One year of Watergate is enough."

Feb. 6. With only four dissenting votes, the House gave the Judiciary Committee broad power to conduct its inquiry into the possible impeachment of President Nixon.

Feb. 19. By unanimous vote, the Senate Watergate Committee ended public hearings.

The trial of former cabinet secretaries Mitchell and Stans on charges of perjury, conspiracy and obstruction of justice opened in New York.

March 1. Seven former Nixon aides—Mitchell, Haldeman, Ehrlichman, Colson, Robert C. Mardian, Kenneth W. Parkinson and Strachan—were indicted by a federal grand jury for conspiring to hinder the investigation of the Watergate burglary.

At the same time, the grand jury gave Judge Sirica a bulging briefcase and a sealed envelope. (Later it was revealed that the envelope contained a grand jury report on the evidence implicating Nixon in the coverup.)

March 7. A federal grand jury indicted six men for violating the civil rights of Ellsberg's psychiatrist: Ehrlichman, Colson, Liddy, Barker, Martinez and Felipe De Diego.

March 18. Sirica ruled that the House Judiciary Committee could obtain the Watergate grand jury report and related material.

March 21. Sirica's decision to turn over the grand jury's report to the House impeachment inquiry was upheld, 5-1, by the U.S. Court of Appeals for the District of Columbia.

April 3. The staff of the Joint Committee on Internal Revenue Taxation found that Nixon owned $476,431, including interest, on back taxes for 1969 through 1972. Nixon said he would pay $467,000 in back taxes and interest in compliance with a similar report from the Internal Revenue Service.

April 11. The House Judiciary Committee voted to subpoena the tapes of more than 40 presidential conversations and set April 25 as the deadline for compliance. The deadline was later extended to April 30.

April 18. Judge Sirica, at the request of Jaworski, issued a subpoena for tapes and documents of 64 presidential conversations with Dean, Ehrlichman, Haldeman and Colson.

April 28. Mitchell and Stans were acquitted on all 15 counts by the New York jury trying the criminal conspiracy case.

April 29. In a nationally televised speech, Nixon responded to the House Judiciary Committee's subpoena for 42 tapes by announcing he would make public the edited transcripts of White House Watergate conversations.

April 30. The White House released a 1,308-page document containing the edited transcripts.

St. Clair said the President would refuse to yield tapes and documents sought by Jaworski.

May 1. The Judiciary Committee voted 20-18 to send a letter to the President formally notifying him that he had failed to comply with the committee's subpoena.

St. Clair said that Nixon would resist the Judiciary Committee's requst for additional materials.

May 2. The Judiciary Committee voted to allow St. Clair to participate in certain phases of the impeachment inquiry.

May 9. The House Judiciary Committee formally opened its impeachment hearings.

May 13. In an April 30th letter from Nixon to U.S. District Judge Gerhard A. Gesell, Nixon declared that the White House "plumbers" unit was operating under a general delegation of his presidential authority when its members broke into the office of Ellsberg's former psychiatrist, according to The New York Times.

May 15. The House Judiciary Committee voted 37-1 to issue a subpoena demanding that Nixon turn over tapes of 11 Watergate-related conversations by May 22.

Judge Gesell sentenced Chapin, Nixon's former appointments secretary, to a prison term of from 10 to 30 months. Chapin was convicted April 5 on two counts of perjury for lying to a federal grand jury that was investigating the activities of political saboteur Segretti.

May 20. Judge Sirica rejected a White House request that he quash the special Watergate prosecutor's April 18 subpoena of 64 Watergate-related tapes.

May 21. Judge Sirica sentenced Magruder to a four-month to ten-year prison term for his involvement in the Watergate conspiracies. Magruder had pleaded guilty Aug. 16, 1973, to one count of conspiracy to obstruct justice, to unlawfully intercept wire and oral communications and to defraud the United States.

May 22. President Nixon wrote House Judiciary Committee Chairman Peter W. Rodino Jr. (D N.J.) saying that he would not comply with the two pending committee subpoenas for White House tapes and materials nor with any future subpoenas for Watergate-related materials.

May 23. Responding to a defense motion to dismiss the charges resulting from the "plumbers" burglary of Fielding's office, Judge Gesell ruled that the President had no constitutional authority to authorize break-ins and searches without warrants—even when matters of national security and foreign intelligence were concerned.

May 24. Watergate Special Prosecutor Jaworski asked the Supreme Court to rule on the President's privilege to withhold subpoenaed White House tapes.

May 30. The House Judiciary Committee voted 28-10 to inform Nixon, by letter, that his refusal to surrender evidence to the committee could be construed as impeachable conduct. The committee issued a third subpoena for White House tapes, 37-1.

The White House told the Supreme Court that it should not review the question of the President's right to refuse to comply with the special prosecutor's subpoena.

May 31. The Supreme Court agreed to hear arguments on the question of the President's privilege to refuse to comply with the subpoena.

June 3. Former White House Counsel Colson, a defendant in the coverup and the Ellsberg break-in cases, in a surprise appearance in federal district court, pleaded guilty to charges that he had worked to defame and degrade the credibility and public image of Daniel Ellsberg in the press and with the public after the Pentagon Papers publication.

June 5. The Los Angeles Times reported that the Watergate grand jury had voted unanimously in February to name Nixon an unindicted co-conspirator in the coverup case.

June 7. Former Attorney General Kleindienst received a one-month suspended sentence and a suspended $100 fine for refusing to testify accurately to a Senate committee in 1972 concerning White House pressure on him to drop an appeal of a ruling in the antitrust case against International Telephone & Telegraph Corp. (ITT). Kleindienst had pleaded guilty to the charge May 16.

June 10. Nixon refused to comply with the House Judiciary Committee's May 31 subpoena, saying that he would do nothing which "would render the executive branch forevermore subservient to the legislative branch."

Nixon's lawyers asked the Supreme Court to rule that the grand jury had exceeded its authority in voting to name Nixon, a sitting President, an unindicted co-conspirator.

June 17. Kalmbach, Nixon's former personal attorney, was sentenced to a minimum of six months in prison and was fined $10,000 for illegal fund-raising activities. Kalmbach had pleaded guilty Feb. 25 to a charge that he had promised a campaign donor an ambassadorship in exchange for a $100,000 campaign contribution to the 1972 Nixon reelection campaign.

June 21. Former Nixon aide Colson was sentenced to one to three years in prison and fined $5,000.

June 24. The House Judiciary Committee issued four more subpoenas to the White House.

June 26. Ehrlichman, Liddy, Barker and Martinez went on trial for the Fielding break-in.

July 1. In a brief filed with the Supreme Court, Jaworski said that the grand jury had substantial evidence of Nixon's involvement in the Watergate coverup.

July 2. The House Judiciary Committee began hearing testimony from witnesses in closed sessions.

July 8. Jaworski and St. Clair argued before the Supreme Court on the question of the President's privilege to withhold subpoenaed evidence.

July 9. The House Judiciary Committee published its own transcripts of eight tapes of Nixon's Watergate conversations which differed from the edited transcripts made public by the White House in May.

July 12. Ehrlichman, Barker, Liddy and Martinez were found guilty of conspiring to violate the civil rights of Ellsberg's former psychiatrist by breaking into his office.

July 16. Nixon refused to comply with the House Judiciary Committee's last four subpoenas.

July 18. St. Clair presented to the committee his final argument on the President's innocence of involvement in the Watergate coverup.

July 19. John M. Doar and Albert E. Jenner Jr., counsel to the House impeachment inquiry, urged the House Judiciary Committee to recommend impeachment of Nixon.

July 23. Rep. Lawrence J. Hogan (R Md.) became the first Republican member of the Judiciary Committee to announce he would vote to recommend impeachment.

July 24. The Supreme Court ruled 8-0 that Nixon did not have the absolute authority to withhold subpoenaed tapes, but must in this case turn them over to the special prosecutor. Late in the day St. Clair announced that Nixon would comply with the decision.

In a televised evening session, the House Judiciary Committee began the final phase of its impeachment inquiry, debating articles of impeachment.

July 25-26. The committee continued its debate.

July 27. By a vote of 27-11, the House Judiciary Committee approved an article of impeachment charging Nixon with obstructing justice in the Watergate coverup.

July 29. By a vote of 28-10, the committee approved a second article of impeachment charging Nixon with misuse of his presidential powers in violation of his oath of office.

Former Treasury Secretary John B. Connally was indicted on charges that he accepted a pay-off for recommending an increase in milk price supports and that he thwarted an investigation into the pay-off.

July 30. By a vote of 21-17, the committee approved a third article of impeachment charging Nixon with defying committee subpoenas. The committee rejected two other articles of impeachment concerning the bombing of Cambodia and Nixon's personal finances.

Nixon surrendered some of subpoenaed Watergate tapes to Judge Sirica, in compliance with the Supreme Court decision.

July 31. Ehrlichman was sentenced to 20 months to five years in prison for his role in the Ellsberg break-in.

Harold S. Nelson, former official of the Associated Milk Producers Inc., pleaded guilty to authorizing $10,000 to Connally for Connally's help in obtaining high milk price supports.

Aug. 2. Dean was sentenced to one to four years in prison for his role in the Watergate coverup; he had pleaded guilty Oct. 19, 1973, to one count of conspiracy to obstruct justice.

Aug. 3. A GAO report said that President Nixon would lose his $60,000 annual pension if he were impeached and convicted, but not if he resigned from office.

Aug. 5. Releasing the transcripts of three June 23, 1972, conversations with Haldeman, President Nixon admitted that he then attempted to halt the investigation of the Watergate break-in for political as well as national security reasons—and that he had withheld evidence of his role in this coverup from his lawyers and supporters on the House Judiciary Committee.

Calling his impeachment by the House "virtually a foregone conclusion," Nixon said he hoped that the Senate would see the evidence in perspective and vote to acquit him.

Aug. 6. Support for the President almost totally collapsed in the House. Minority Leader John J. Rhodes (R Ariz.) announced he would vote for the first article of impeachment (obstruction of justice). All 10 members of the House Judiciary Committee who had voted against the articles of impeachment reversed themselves and supported the President's impeachment on the obstruction of justice charge.

Aug. 8. Nixon announced in an evening television speech that he would resign, effective at noon Aug. 9.

Special Prosecutor Jaworski said after Nixon's resignation speech that no deals had been either made or offered that would have given Nixon immunity from prosecution.

Aug. 9. Vice President Ford was sworn in at 12:03 p.m. as the 38th President of the United States.

Former Treasury Secretary Connally pleaded not guilty to charges of accepting a bribe, committing perjury and conspiring to obstruct justice.

Aug. 20. Nelson A. Rockefeller, former Republican governor of New York, was nominated by President Ford as the 41st Vice President, filling the vacancy created when Ford became President Aug. 9.

The House, by a 412-3 vote, accepted the final report of the House Judiciary Committee on its impeachment inquiry, concluding the inquiry into the conduct of Richard Nixon as President. The report, published Aug. 22, provided for history the official record upon which Nixon would have been accused in the House, had he not resigned.

Sept. 8. President Ford unconditionally pardoned former President Nixon for all federal crimes that he "committed or may have committed or taken part in" during his time in office. The White House disclosed a Sept. 7 agreement between Nixon and the government giving Nixon control over access to and the eventual destruction of White House tapes and documents of his administration.

From San Clemente, Calif., Nixon accepted the pardon saying that he could see he was "wrong in not acting more decisively and more forthrightly in dealing with Watergate."

Sept. 23. Nixon entered Long Beach (Calif.) Memorial Hospital for treatment of phlebitis.

Oct. 1. The trial of Watergate coverup defendants Mitchell, Haldeman, Ehrlichman, Mardian and Parkinson began in Washington, D.C. Former Haldeman aide Gordon C. Strachan was granted a separate trial Sept. 30.

Oct. 2. Former California Lieutenant Governor Ed Reinecke (R) was given a suspended 18-month sentence only minutes after resigning his state post. Reinecke was convicted July 27 of lying to the Senate Judiciary Committee during its inquiry into the settlement of the ITT case.

Oct. 4. Nixon was discharged from the hospital.

Oct. 11. After the jury was sequestered for the coverup trial, Special Prosecutor Jaworski announced that he was resigning as special prosecutor Oct. 25.

Oct. 17. President Ford went to Capitol Hill to testify before a House Judiciary subcommittee investigating questions surrounding his decision to pardon Nixon. Ford told the subcommittee members that there was "no deal" involved in his decision, that he had done it because he felt it was best for the nation.

Oct. 18. A tape of a March 17, 1973, meeting between Nixon and Dean was played as evidence at the coverup trial. In the meeting Dean gave Nixon a detailed report on the criminal "vulnerabilities" of his top White House aides, four days before Nixon had said he was first told about the coverup.

Oct. 23. Attorney General Saxbe named Henry S. Ruth, deputy special Watergate prosecutor, to succeed Jaworski. Ruth was sworn in Oct. 26.

Oct. 29. Nixon was operated on at Long Beach Memorial Hospital in an effort to remove an obstruction in his left leg; he was listed in critical condition after going into post-operative shock.

Nov. 1. Nelson, former Associated Milk Producers Inc. (AMPI) general manager, and David L. Parr, former AMPI special counsel, were sentenced to four months in jail and a $10,000 fine for conspiring to make illegal campaign contributions.

Nov. 8. Edward L. Morgan, former White House aide, pleaded guilty to participating in a criminal conspiracy to create a fraudulent $576,000 tax deduction for Nixon in return for Nixon's donating his pre-presidential papers to the National Archives.

Nov. 14. Nixon was released from the hospital.

Nov. 25. The prosecution completed its case at the coverup trial.

Three court-appointed doctors chosen by Judge Sirica examined Nixon in San Clemente to determine Nixon's fitness to testify at the coverup trial where he was sought as a defense witness.

Nov. 29. The doctors told Sirica they felt Nixon would not be physically able to testify at the trial until February 1975—and that he would not be able to give a deposition in San Clemente until early January.

Dec. 4. The Watergate grand jury, impaneled June 5, 1972, was dismissed. Its 30-month life—almost twice the normal grand jury lifespan—had been authorized by Congress during the long Watergate inquiry.

Dec. 5. Judge Sirica ruled that it was not necessary for Nixon to testify at the coverup trial.

Judge Gesell ruled that the White House tapes played at the trial could be publicly broadcast after the trial was completed.

Dec. 9. Congress sent to President Ford for his signature a bill giving the federal government custody of Nixon's White House tapes, nullifying the Sept. 7 agreement giving Nixon control of them. Ford signed the bill Dec. 19.

Dec. 15. President Nixon's attorney, Herbert J. Miller Jr., said that Nixon intended to challenge the constutionality of the bill taking from him control of his presidential records without due process.

Dec. 26. The coverup case went to the jury.

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Jan. 1. Mitchell, Haldeman, Ehrlichman and Mardian were convicted of the charges against them in connection with the Watergate coverup. Parkinson was acquitted.

PROGRAM

Mr. BYRD. Mr. President, on Thursday, February 19, the Senate will convene at 2 p.m.

After the prayer, and the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 5 minutes: Messrs. PROXMIRE, ARMSTRONG, HEINZ, and MCCONNELL.

At the conclusion of these orders, there will be a period for the transaction of routine morning business for not to exceed 2 minutes, at the expiration of which the Senate will proceed to the consideration of Calendar No. 17, Senate Resolution 103, a resolution expressing United States support for the Government of the Philippines.

A rollcall vote has been ordered on the adoption of the resolution. No amendments are in order. There is a brief time limitation amounting to about 50 minutes on the resolution. Consequently, at some time circa 3:30—give a little or take a little—there will be a rollcall vote on the adoption of the resolution.

Mr. President, I hope the committees will take the opportunity tomorrow, when the Senate will not be in session, to conduct hearings and make as much progress as possible. There will be no Senate quorum calls or rollcalls to interupt the activities of committees.

It is important that committees work diligently to meet the budget deadlines and the appropriations deadlines in the coming months; also to report measures to the calendar, nominations to the calendar, and treaties to the calendar.

ADJOURNMENT UNTIL 2 P.M. ON THURSDAY, FEBRUARY 19, 1987

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until 2 p.m. on Thursday, February 19, 1987.

Thereupon, at 5:36 p.m., the Senate adjourned until Thursday, February 19, 1987, at 2 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 9, 1987, under authority of the order of the Senate of February 3, 1987:

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

Van B. Poole, of Florida, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1989, vice Carl W. Salser, term expired.

IN THE COAST GUARD

The following officer of the U.S. Coast Guard Reserve for promotion to the grade of captain:

Thomas R. Pike

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of commander:

Stephen J. Corcoran
Margaret E. Cicirelli
Kenneth D. Appleton
Thomas M. Kulick
Douglas E. Clapp

The following Regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade):

Arthur J. Dininno
Guy A. McArdle
Timothy D. Dioquino
John A. Meehan
William J. Ziegler
Tom J. Blinkinsop
Joseph B. Favero
Michael R. Stalker
Roger V. Bohnert
George J. Bowen II
Clifton D. Marsh, Jr.
Carolyn M. Deleo
Brian L. Dunn
Kenneth J. Reynolds

IN THE ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be brigadier general

Brig. Gen. Martin E. Lind, Jr., [redacted]

Col. Gregory P. Barlow, [redacted].
Col. James A. Barney, Jr., [redacted].
Col. John W. Cudmore, [redacted].
Col. Stephen M. Wyman, [redacted].
Col. Roger D. Delgehausen, [redacted].
Col. Jerry M. Keeton, [redacted].
Col. Charles R. Lindsay, [redacted].
Col. John R. Paulk, [redacted].
Col. William F. Sherman, [redacted].
Col. Lomer R. Chambers, [redacted].
Col. Philip A. Floyd, [redacted].
Col. Larry E. Lee, [redacted].
Col. Donald H. Marden, [redacted].
Col. Robert C. Watling, [redacted].
Col. Julius L Berthold, [redacted].
Col. Joseph C. Boyersmith, [redacted].

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

Acevedo, Felipe, [redacted].
Acker, Harry L., [redacted].
Acherman, James R., [redacted].
Adams, David H., [redacted].
Adams, Lewis D., Jr., [redacted].
Adamson, Orville B., [redacted].
Adamson, Robert S., [redacted].
Adkins, Charles P., [redacted].
Adkins, Henry G., [redacted].
Agosti, William B., [redacted].
Aitken, David P., [redacted].
Akins, James L, [redacted].
Alaman, Louis G., [redacted].
Alanis, John L., [redacted].
Albanese, Vincent J., [redacted].
Allessandro, Peter P., [redacted].
Alexander, Henry C., [redacted].
Alexander, James B., [redacted].
Alexander, Joe R., [redacted].
Alexander, John D., [redacted].
Alfano, John J., [redacted].
Alix, James J., [redacted].
Allardyce, Burnis G., [redacted].
Allen, Danny, [redacted].

Allen, Ervin, Jr., [redacted]
Allen, William L., [redacted]
Allison, Forrest H., [redacted]
Allison, Sidney L., [redacted]
Amendola, Richard A., [redacted]
Anderson, Everett P., [redacted]
Anderson, Phillip D., [redacted]
Anderson, Robert E., [redacted]
Anding, Maurice W., [redacted]
Angeli, Michael J., [redacted]
Ansell, Barry R., [redacted]
Anthony, Paul A., [redacted]
Antoniuc, Robert P., [redacted]
Anzalone, Gerald J., [redacted]
Apgar, William I., [redacted]
Arce, Charles M., [redacted]
Arch, Roy C., [redacted]
Archer, William E., [redacted]
Archibald, Walter D., [redacted]
Armand, Dennis L., [redacted]
Arthur, Jervis J., [redacted]
Ash, James R., [redacted]
Ashbeck, William H., [redacted]
Atcher, Randall F., [redacted]
August, Robert L., [redacted]
Ault, Samuel W., [redacted]
Ausdemore, James L., [redacted]
Austin, Brian S., [redacted]
Averill, George E., [redacted]
Avitabile, Peter V., [redacted]
Awtrey, John F., [redacted]
Ayala, Edward F., [redacted]
Ayers, Anthony, [redacted]
Aylward, William G., [redacted]
Bachrach, Franklin, [redacted]
Backus, James, [redacted]
Baggett, Jimmy D., [redacted]
Bailey, Thomas C., [redacted]
Bair, Larry F., [redacted]
Bakmaz, Milm, [redacted]
Balentine, Joanne F., [redacted]
Ball, George W., [redacted]
Balogh, Julius W., [redacted]
Balon, Robert J., [redacted]
Banker, David K., [redacted]
Banner, David A., [redacted]
Bannister, Jimmy R., [redacted]
Barbary, Miriam B., [redacted]
Barbee, Elmer R., [redacted]
Barloco, Gerard H., [redacted]
Barnard, Robert L., [redacted]
Barnett, Phillip G., [redacted]
Barnett, Robert C., [redacted]
Barr, James R., [redacted]
Barr, Robert W., [redacted]
Barry, William F., [redacted]
Barta, John, Jr., [redacted]
Bartel, William C., [redacted]
Bartelt, Charles E., [redacted]
Bartlett, Don D., [redacted]
Barton, Bruce R., [redacted]
Barton, George T., [redacted]
Barton, John W., [redacted]
Basara, Ronald F., [redacted]
Bassler, Timothy B., [redacted]
Bassman, Theodore J., [redacted]
Bates, Dale I., [redacted]
Bauer, Wolfgang, [redacted]
Baugh, Jerry C., [redacted]
Baxter, George D., [redacted]
Bayer, William C., [redacted]
Beauregard, Gary C., [redacted]
Beck, Laurance A., [redacted]
Beck, Myles K., [redacted]
Becker, Wayne J., [redacted]
Behel, Reeder D., [redacted]
Belanger, Fred M., [redacted]
Belton, Brenda H., [redacted]
Bender, Ralph J., [redacted]
Benkosky, David, [redacted]
Bennett, Robert C., [redacted]
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Benoit, William L., [redacted]
Benton, Kenneth L., [redacted]
Bares, Charles E., [redacted]
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Berry, Dane E., [redacted]
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Blakely, Jimmie L., [redacted]
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Day, James F., [redacted]
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Ellis, Joseph M., [redacted]
Else, Larry W., [redacted]
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Emerick, Morris E., [redacted]
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Endicott, Ronald L., [redacted]
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Ernstrom, Edward K., [redacted]
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Fadell, Gary V., [redacted]
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Schottenhamel, Paul, [redacted]
Schraml, Gary C., [redacted]
Schulte, Paul H., [redacted]
Schwieder, Robert C., [redacted]
Scialdo, Claudio J., [redacted]
Scott, George R., [redacted]
Seaman, Robert D., [redacted]
Seargeant, Thomas D., [redacted]
Seely, Michael L., [redacted]
Segrages, Clinton L., [redacted]
Senosk, Ronald C., [redacted]
Setikas, Algimantas, [redacted]
Sexton, Heyward E., [redacted]
Shamblen, James F., [redacted]
Sharkness, Edward J., [redacted]
Sharp, Douglas K., [redacted]
Sharp, Ronald L., [redacted]
Shaw, Daniel L., [redacted]
Shaw, Edward F., [redacted]
Shean, Arthur R., [redacted]
Shehane, Jimmie L., [redacted]
Sheldahl, Baron C., [redacted]
Shelton, Clarence A., [redacted]
Shepard, Edward P., [redacted]
Sheridan, Philip A., [redacted]
Sherry, Michael J., [redacted]
Shewitz, Kenneth M., [redacted]
Shields, Leonard J., [redacted]
Shimada, Ernest N., [redacted]
Shockley, Richard H., [redacted]
Shotton, Lewis R., [redacted]
Showstead, Paul C., [redacted]
Siepierski, Daniel, [redacted]
Silverthorn, Robert, [redacted]
Simmons, Sammie D., [redacted]
Simon, Gary J., [redacted]
Simons, Kenneth J., [redacted]
Simpson, David Jr., [redacted]
Simpson, Harry O., [redacted]
Singer, Carl A., [redacted]
Sinn, James E., [redacted]
Sinor, James P., [redacted]
Sipe, Nicholas P., [redacted]
Sklenar, Leslie J., [redacted]
Skolochenko, Steven, [redacted]
Skrove, Donald J., [redacted]
Slater, Francis G., [redacted]
Sligh, Louis H., [redacted]
Sloan, Francis J., [redacted]
Sloan, Jerry A., [redacted]
Slusarski, Ronald S., [redacted]
Smaczniak, Stanley [redacted]
Small, Theodore R., [redacted]
Smasal, Jean P., [redacted]
Smiley, James T., [redacted]
Smith, Arthur C., [redacted]
Smith, Byron L ., [redacted]
Smith, Charles F., [redacted]
Smith, Donald P., [redacted]
Smith, Harold L., [redacted]
Smith, Harold L., [redacted]
Smith, James G., [redacted]
Smith, James P., [redacted]
Smith, Lunsford M., [redacted]
Smith, Ronald E., [redacted]
Smith, Tom J., Fr., [redacted]
Smith, William K., [redacted]
Smyers, John D., [redacted]
Snoddy, James E., [redacted]
Snyder, Jay R., [redacted]
Snyder, Ralph, [redacted]
Soper, Stanley M., [redacted]
Soule, Philip P., [redacted]
Southworth, Kenneth, [redacted]
Spath, John J., [redacted]
Spear, Robert K., [redacted]
Spooner, Kendall E., [redacted]
Spurgeon, Dennis A., [redacted]
St. John, Bruce, Jr., [redacted]
Staadt, Thomas A., [redacted]
Stachowski, James, [redacted]
Staiano, Joseph V., [redacted]
Staiti, Peter F., [redacted]
Stall, Klyle N., [redacted]
Stanfill, Gerald W., [redacted]
Stankow, David G., [redacted]
Stanley, David T., [redacted]
Stanley, Gordon B., [redacted]
Stanton, Henry V., [redacted]
Stark, Richard J., [redacted]
Starling, James M., [redacted]
Staszak, David J., [redacted]
Statz, Stephen B., [redacted]
St. Clair, Walderne, [redacted]
Stearns, Harold J., [redacted]
Stee, Ronald L., [redacted]
Steele, Charles H., [redacted]
Steen, Tracy M., [redacted]
Stephens, John C., [redacted]
Stephens, Marcia J., [redacted]
Stevens, Jack N., [redacted]
Stevens, James L., [redacted]
Stevens, Thomas J., [redacted]
Stewart, Bobby G., [redacted]
Stewart, Donald K., [redacted]
Stewart, Larry W., [redacted]
Stewart, Tommy C., [redacted]
St. John, Richard F., [redacted]
Stokes, Ronald J., [redacted]
Stokes, William C., [redacted]
Stone, David M., [redacted]
Stone, George E., [redacted]
Stone, Steven C., [redacted]
Stougard, Larry D., [redacted]
Stovall, Larry D., [redacted]
Strack, Michel M., [redacted]
Strain, Marvin J., [redacted]
Strange, Donald J., [redacted]
Straw, Dale E., [redacted]
Street, George L., [redacted]
Strickland, William, [redacted]
Stromberg, Robert N., [redacted]
Suchan, Robert L., [redacted]
Suddeth, Dan T., [redacted]
Sulentic, John D., [redacted]

Sullivan, Brain D., [redacted]
Sullivan, Robert A., [redacted]
Sullivan, William T., [redacted]
Sutcliffe, John H., [redacted]
Suter, John L., [redacted]
Sutton, John P., [redacted]
Swaim, Kenneth R., [redacted]
Swart, Michael J., [redacted]
Swartz, William H., [redacted]
Swenie, Denis J., [redacted]
Swenson, Robert K., [redacted]
Swinney, James R., [redacted]
Swinsburg, Lee D., [redacted]
Sykes, Melvin F., [redacted]
Szymanowicz, Charles, [redacted]
Tanijo, Wilfred M., [redacted]
Tanner, John S., [redacted]
Tanner, Raymond E., [redacted]
Tanner, Richard B., [redacted]
Tappella, Denis J., [redacted]
Tate, Patrick H., [redacted]
Taylor, Charles R., [redacted]
Taylor, David W., [redacted]
Taylor, Eric T., [redacted]
Taylor, Ernest N., [redacted]
Taylor, James L., [redacted]
Taylor, Michael W., [redacted]
Tedder, Ronald M., [redacted]
Tewalt, William J., [redacted]
Theis, Joseph C., [redacted]
Theiss, Richard R., [redacted]
Thiel, Christopher, [redacted]
Thiesing, Robert A., [redacted]
Thole, Alexander A., [redacted]
Thomas, David E., [redacted]
Thompson, Roger D., [redacted]
Thompson, William J., [redacted]
Thornburg, Bobby J., [redacted]
Thorne, Dennis W., [redacted]
Thorne, William H., [redacted]
Thornhill, Wade E., [redacted]
Thorp, Ronald D., [redacted]
Thurston, James R., [redacted]
Tice, Gary L., [redacted]
Tildon, Ralph B., [redacted]
Timm, Timothy G., [redacted]
Tingle, Richard W., [redacted]
Tiritilli, Phillip, [redacted]
Tissler, John G., [redacted]
Todd, John C.I., [redacted]
Todd, William G., [redacted]
Toensmeier, David L., [redacted]
Tomchek, Dennis R., [redacted]
Tomczak, Gerard S., [redacted]
Tonegato, Ronald J., [redacted]
Toll, David N., [redacted]
Topor, Richard S., [redacted]
Tordillos, Francis, [redacted]
Torgerson, Alton D., [redacted]
Totten, James P., [redacted]
Trask, Milton R., [redacted]
Tuck, John W., [redacted]
Tucker, Fred C., [redacted]
Tucker, Ralph G., [redacted]
Tugwell, Robert C., [redacted]
Tunks, Michael D., [redacted]
Turnbull, John R., [redacted]
Tuyn, Robert C., [redacted]
Underwood, Gene K., [redacted]
Unwin, Jerry L., [redacted]
Urban, Frank, [redacted]
Urlocker, Arnold L., [redacted]
Vanderburg, Anthony, [redacted]
Vandyke, Sherwood A., [redacted]
Vankuiken, Phillip, [redacted]
Vann, Thad I., [redacted]
Vannett, Lilia M., [redacted]
Vaughan, Thomas A., [redacted]
Velasquez, Albert, [redacted]
Villarreal, Victor, [redacted]
Viola, Paul D., [redacted]
Virag, Wayne F., [redacted]
Von Haden, Robert L., [redacted]
Vukusic, Steve, [redacted]
Wade, Earl T., [redacted]
Waggoner, Chester M., [redacted]
Wainio, David E., [redacted]
Wajszczuk, Robert K., [redacted]
Walker, Ernest J., [redacted]
Walker, Michael W., [redacted]
Walker, Richard M., [redacted]
Wallace, Keith W., [redacted]
Wallace, Paul L., [redacted]
Wallace, Richard H., [redacted]
Walser, Jack A., [redacted]
Walsh, James D., [redacted]
Walter, Alfred K., [redacted]
Walters, Charles E., [redacted]
Waltner, John C., [redacted]
Walton, Keith V., [redacted]
Ward, Frederic L., [redacted]
Ward, James R., [redacted]
Warren, John W., [redacted]
Washispack, Calvin, [redacted]
Waters, Thomas F., [redacted]
Watkins, Richard D., [redacted]
Watson, Thomas D., [redacted]
Watters, George W., [redacted]
Wayne, Larry, [redacted]
Weatherly, Don E., [redacted]
Weatherly, Merle A., [redacted]
Weaver, Russell G., [redacted]
Weaver, William H., [redacted]
Webb. John D., [redacted]
Weber, David L., [redacted]
Weisenberger, Paul, [redacted]
Weisenbloom, Mark V., [redacted]
Welch, Charles W., [redacted]
Welch, Stephen H., [redacted]
Wells, Gary E., [redacted]
Wessels, Thomas A., [redacted]
West, James M., [redacted]
West, Lowell D., [redacted]
Westbrook, Thomas H., [redacted]
Wester, Dexter L., [redacted]
Wetmore, John F., [redacted]
Whalen, Francis D., [redacted]
Whaley, David L., [redacted]
Wheeler, Louis L., [redacted]
Wheelock, William I., [redacted]
Wheelwright, Roger, [redacted]
White, Donald, [redacted]
White, Edward F., [redacted]
White, Edward T., Jr., [redacted]
White, Marshall E., [redacted]
Whitehouse, William, [redacted]
Whitlow, Thomas C., [redacted]
Whitten, Elmer C., [redacted]
Whitworth, Jeffrey, [redacted]
Wicker, Andrew W., [redacted]
Wiemer, Douglas L., [redacted]
Wilcok, Reginald B., [redacted]
Wilder, James C., [redacted]
Wildman, Robert W., [redacted]
Willard, Thomas G., [redacted]
Willey, Lloyd J., [redacted]
Williams, Arthur L., [redacted]
Williams, David N., [redacted]
Williams, Gary L., [redacted]
Williams, Harold W., [redacted]
Williams, James N., [redacted]
Williams, Joseph D., [redacted]
Williams, Mahlon P., [redacted]
Williams, Mikel H., [redacted]
Williams, Richard W., [redacted]
Williams, Thomas R., [redacted]
Wilmes, Stephen J., [redacted]
Wilson, Albertis C., [redacted]
Wilson, David T., [redacted]
Wilson, James A., [redacted]
Wilson, James M., [redacted]
Wilson, Roy R., [redacted]
Wilsted, Harold G., [redacted]
Windberg, Thomas W., [redacted]
Winefordner, Cliff, [redacted]
Wingate, Vincent E., [redacted]
Winkley, Douglas C., [redacted]
Winstead, Edward D., [redacted]
Winstead, James R., [redacted]
Winter, Brian D., [redacted]
Winter, William E., [redacted]
Wirtz, Richard R., [redacted]
Witmer, Lesley A., [redacted]
Wolfe, James B., [redacted]
Wolfe, John M., [redacted]
Wolfe, Joseph R., [redacted]
Wood, James H., [redacted]
Woodard, Ronald D., [redacted]
Woodbury, Charles E., [redacted]
Woodring, William B., [redacted]
Woods, Michael L., [redacted]
Woodwroth, Stephen, [redacted]
Woodridge, Robert, [redacted]
Woolsey, Samuel A., [redacted]
Woolston, Grant E., [redacted]
Wormhoudt, John N., [redacted]
Wynne, William L., [redacted]
Yamasaki, Dennis T., [redacted]
Yarbrough, Cecil M., [redacted]
Yarbrough, William, [redacted]
York, Banta M., [redacted]
Young, Christian E., [redacted]
Young, James A., [redacted]
Youngclaus, Ronald, [redacted]
Zak, Leo P., [redacted]
Zawacki, David A., [redacted]
Zendt, Harold L., [redacted]
Zimmerman, Donald B., [redacted]
Zleit, William E., [redacted]
Zophy, F. Gordon, II, [redacted]
Zornig, John G., [redacted]

Executive nominations received by the Secretary of the Senate February 11, 1987, under authority of the order of the Senate of February 3, 1987:

THE JUDICIARY

Morton I. Greenberg, of New Jersey, to be U.S. circuit judge for the third circuit vice Leonard I. Garth, retired.

Executive nominations received by the Secretary of the Senate February 13, 1987, under authority of the order of the Senate of February 3, 1987:

CENTRAL INTELLIGENCE

Robert M. Gates, of Virginia, to be Director of Central Intelligence, vice William J. Casey, resigned.

FEDERAL HOME LOAN BANK BOARD

Lee H. Henkel, Jr., of Georgia, to be a member of the Federal Home Loan Bank Board for the term of 4 years expiring June 30, 1989, vice Donald I. Hovde, resigned, to which position he was appointed during the recess of the Senate from October 18, 1986, until January 6, 1987.

Lawrence J. White, of New York, to be a member of the Federal Home Loan Bank Board for the term of 4 years expiring June 30, 1990, vice Mary A. Grigsby, resigned, to which position he was appointed during the recess of the Senate from October 18, 1986, until January 6, 1987.

IN THE COAST GUARD

Pursuant to the provisions of 14 U.S.C. 729, the following-named lieutenant commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of commander.

Peter M. Tennis
Richard R. Davis
Jaak E. Rannik
Hugh D. Wear II
John E. Sineath
James E. White
James B. Clarke
Arland B. Wasell
Edwin M. Quinn, Jr.

Howard Silverman
Ronald T. White
Paul W. Ljunggren
Richard A. Burgdorf, Jr.
Rand D. Lymangrover
Lewis W. Combs, Jr.
Daniel J. Goggins
Conrad J. Dewitte
Duncan C. Smith III
Evans W. Vanburen, Jr.
John W. Bohler
Robert E. Thibodeau
John A. Mahoney
Thomas A. Dunwoody
Ernest H. Vanhooser
Thomas H. Martin
William C. Griswold
Darrel W. Floyd
Michael J. Ferriola
Ignacio Rivera-Cordero
Thomas E. Polakiewicz
Thomas L. Herbert
Anthony K. Kranitz
Jan T. Riker
Richard J. Barrett
Roger K. Wiebusch
Scott W. McCone
Kenneth T. White
Allen R. Thuring
Charles H. Maguire, Jr.
Joseph R. Cherry
Robert A. Case
Gordon N. Hanson
Robert J. Callies
David B. Predmore
Walter J. Pracejus, Jr.
Raymond A. Little
Allan D. Haas
Gerald A. Walters
William D. Herster
Benjamin A. Governale
George L. Mehaffy
Henry D. Legere
John M. Stott
Gregory G. Evans
Robert S. Babcock
George E. Kane
John E. Kircher, Jr.
William F. Albanese
Angelo A. Haddad

IN THE MARINE CORPS

The following-named colonel of the Marine Corps Reserve for promotion to the permanent grade of brigadier general, under title 10, United States Code, section 5912:

John F. Cronin

Executive nominations received by the Senate February 17, 1987:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Sally Brayley Bliss, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 1992, vice Martha Graham, term expired.

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be lieutenant colonel

Robert D. Beland, [redacted]
Como Bartholomew, [redacted]
James V. Cross, [redacted]
Gene C. Detwiler, [redacted]
Ronald M. Hamrah, [redacted]
Ernest F. Hasselbrink, [redacted]

To the major

Robert Breland, [redacted]
Jerry E. Bjornstad, [redacted]
Robert W. Burnett, [redacted]
Roger P. Houck, [redacted]
Donald A. Loucks, [redacted]
Dennis R. Sears, [redacted]
John R. Tapp, [redacted]
Johnston H. Wickham, [redacted]

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

JUDGE ADVOCATE

To be lieutenant colonel

Gerald J. Brentnall, Jr., [redacted]
Robert M. Brown, II, [redacted]

The following Air National Guard of the U.S. officers for promotion in the Reserve of the Air Force, under the provisions of sections 593 and 8379, title 10, of the United States Code. Promotions made under section 8379 and confirmed by the Senate under section 593 shall bear an effective date established in accordance with section 8374, title 10 of the United States Code (effective dates in parentheses).

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Robert A. Balslev, [redacted] (10/19/86).
Maj. Jeffrey D. Bubar, [redacted] (10/30/86).
Maj. Donald G. Buttron, [redacted] (9/21/86).
Maj. Richard F. Cora, [redacted] (10/27/86).
Maj. Alan L. Cowles, [redacted] (11/1/86).
Maj. Curtis C. Lindholm, [redacted] (10/31/86).
Maj. Herman G. Macormic, [redacted] (10/18/86).
Maj. Jay W. Middagh, [redacted] (11/1/86).
Maj. Matthew J. Musial, [redacted] (11/1/86).
Maj. Victor S. Natiello, [redacted] (8/28/86).
Maj. Leonard Olson, Jr., [redacted] (10/10/86).
Maj. John L. Potts, [redacted] (11/24/86).
Maj. Dean D. Rienstra, [redacted] (11/16/86).
Maj. Jeffrey D. Stuard, [redacted] (11/10/86).
Maj. Robert W. Sullivan, [redacted] (11/21/86).
Maj. Walter D. Wilmarth, [redacted] (11/7/86).
Maj. Wayne R. Woodruff, [redacted] (11/14/86).

CHAPLAIN

To be lieutenant colonel

Maj. Franklin M. Biles, [redacted] (10/22/86).
Maj. Louis A. Manzo, [redacted] (11/2/86).

MEDICAL SERVICE CORP.

To be lieutenant colonel

Maj. Fred T. Brown, Jr., [redacted] (10/19/86).

MEDICAL CORP

To be lieutenant colonel

Maj. Stanley W. Chapman, [redacted] (11/1/86).

NURSE CORP

To be lieutenant colonel

Maj. Benita L. Lynch, [redacted] (11/1/86).

The following persons for Reserve of the Air Force appointment, in grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

DENTAL CORPS

To be lieutenant colonel

Wyeth H. Worley, [redacted]

MEDICAL CORPS

To be lieutenant colonel

James C. Dinneen, [redacted]
William E. Frank, [redacted]
Bertram Grapin, [redacted]
Theodore E. Lefton, [redacted]
John W. Patton III, [redacted]

The following officer for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Codes, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be captain

Paula J. Loomis, [redacted]

IN THE NAVY

The following-named Navy Enlisted Commissioning Program candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

John S. Norton
David M. Wegman

The following-named Naval Reserve officers to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Matthew P. Ahern
David W. Bentley
Phillip M. Burrow
Michael J. Cerneck
Kevin L. Duggan
John G. Eden
Timothy X. Glaser
Thomas H. Hardin
Jeff S. Haupt
Richard H. Howarth
Joseph G. Jerauld
Charles E. Kessler
Gilbert E. Knotts
Paul S. Mackley
Scott F. McCollum
Franklin D. Mellott
James D. Panigall
Stuart D. Paselk
Timothy F. Rozan
Timothy P. Sheridan
Grant J. Silvernale
John W. Willoughby
Barry E. Wilmore

The following-named U.S. Navy officers to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593:

Neil T. Choplin
Julia T. Donovan
Leonard W. Hess
Norbert D. Scharff
Robert W. Smith
Marina N. Vernalis

HOUSE OF REPRESENTATIVES—*Wednesday, February 18, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to be the people You would have us be; remind us, O God, to treat our neighbors as fellow citizens of Your creation; absolve us, O God, of the selfishness and envy that too often mar our thoughts and actions; encourage us each new day, O God, to give You our thanks and praise for all the good gifts of life. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

A TRIBUTE TO THE LATE BRYCE HARLOW

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, we were all saddened to learn that a beloved and admired veteran of the Washington scene, Bryce Harlow, passed away yesterday. Bryce was a well-known counselor to Presidents, former congressional staffer, former congressional liaison for the White House, universally respected Washington representative for Procter & Gamble, and political professional par excellence.

In all my experience in Washington of more than 38 years I cannot think of another individual for whom there was such genuine bipartisan support and respect. Bryce was the very soul of integrity, a gentleman of ready wit and deep understanding, at home here on the Hill and in the White House.

During his years as congressional liaison, he set an example for excellence in that position and demonstrated that when it comes to dealing with the Congress, a combination of honesty, forthrightness, willingness to listen, and willingness to communicate are essential.

We all know the story of President Eisenhower, after being presented with a complex speech draft, saying he wanted a "meat-and-potatoes" speech. It was Bryce Harlow to whom the President turned for such a speech. Bryce, for all his political sophistication, never lost sight of the fact that it is the first task of politics to communicate, and communication is impossible if it is disguised in academic or political jargon. Bryce got to the heart of the matter in speech drafts and in discussions, never camouflaging his message in fancy rhetoric and always playing the game the only way he knew how, straight and aboveboard.

He was born in Oklahoma City, served as a member of Gen. George C. Marshall's staff during World War II and was director of the professional staff of the Armed Services Committee here on the Hill after the war.

He joined the Eisenhower administration and it was there that most of us got to know him as he went about his work as liaison to the Hill. He worked quietly, without trying to attract attention—in fact he shunned it—the very model of those legendary aides who have, in the old phrase, "a passion for anonymity."

But soon Bryce became known among political insiders and journalists as the consummate pro, the one to whom leaders turned in times of crisis.

He liked to joke about his short stature. But to those lucky enough to have know him he was indeed a giant.

I know I speak for so many of our Members who knew and loved him when I say: "We will miss you, Bryce. You were a public servant in the highest tradition of service to our country."

I know that his family has suffered a grievous loss and our heart goes out to them. There was something extra special about Bryce Harlow, something positive, something fine, that makes us remember him with warm affection and high regard as we mourn his passing.

HOUR OF MEETING ON TOMORROW

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

INTRODUCTION OF LEGISLATION REGULATING RECEIPT OF WELFARE BENEFITS

(Mr. PETRI asked and was given permission to address the House for 1 minute.)

Mr. PETRI. Mr. Speaker, our current Federal welfare laws are notorious for the ways they help to disrupt the families of recipients. For example, the Government actually encourages minor unmarried parents to move away from home by providing substantially higher welfare benefits if they do so.

In Wisconsin, for instance, if a 13-year-old girl in a three-person welfare family has a baby, but remains at home with a parent, the family gets 131 more dollars per month in AFDC benefits and food stamps.

But if that young mother moves away from home, all of a sudden she gets, in her own name, $564 per month in AFDC, food stamps, and energy assistance.

In effect, Uncle Sam is saying to these girls, "We'll give you all sorts of benefits, coming to you directly. All we ask is that you have a baby, don't marry the father, and move away from the guidance and supervision of your parents."

Mr. Speaker, I am introducing legislation today which will require unmarried minor parents to stay with their parents or legal guardian in order to receive welfare benefits, unless there is a justifiable reason not to.

Similar legislation has passed the Senate several times in recent Congresses. It's high time we acted here in the House to bring this reform into effect.

□ 1210

ECONOMIC DISLOCATION AND WORKER ADJUSTMENT ASSISTANCE ACT

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Michigan. Mr. Speaker, today, joined by Representatives BILL CLAY, SILVIO CONTE, MATTHEW MARTINEZ, and LANE EVANS, I am introducing legislation to overhaul and expand our Nation's system of providing reemployment assistance to dislocated workers. For the last 6 years, as our trade deficit skyrocketed and millions of jobs were lost, Congress and the administration have looked away and ignored the workers and families who have suffered economic ruin.

When the administration did act, it was to slash whatever assistance was being provided: Trade adjustment assistance was cut from almost $2 billion to less than $100 million; Federal supplemental unemployment compensation was eliminated; extended benefits

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

were severely restricted; and title III of the Job Training Partnership Act was underfunded and then cut 55 percent in 1985.

The results have been terrible. Each year, 2 million workers have their jobs eliminated by plant closings and other dislocations. Half of them do not receive unemployment compensation; only 4 percent receive training or job search assistance from the JTPA. These displaced workers suffer long periods of unemployment; many leave the labor force altogether; and most are unable to find full-time work or a job paying wages comparable to the job they lost. Blue-collar workers are hit the hardest: one-third of those who find jobs take pay cuts of 25 percent or more.

It doesn't have to be that way. We can improve on this dismal record, and we will.

The bill I am introducing today will triple the availability of assistance for displaced workers. Equally important, the bill draws on the lessons learned and the recommendations made by the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation to make that assistance more effective.

After a year of study, the task force, which was composed of 21 top business, labor, government, and academic leaders, made the following findings and recommendations:

The Department of Labor should create a Dislocated Worker Unit to oversee programs of assistance to dislocated workers.

The States should establish lead agencies to coordinate the delivery of services to dislocated workers.

Services are best delivered at the plant site by a joint labor-management committee with operations funded 50-50 by management and the government.

Advance notice of closings and large layoffs is essential for effective adjustment programs; assistance should begin prior to layoff.

Income support should be provided if needed to permit enrollment in long-term training and education.

Governors should be given flexibility to determine the mix of services to be delivered and the choice of service deliverers.

Annual carry-over of funds should be limited to 25%.

A Federal tripartite advisory committee and State tripartite committees should be established to review program operations.

Opportunities should be made available to identify and remediate basic educational deficiencies if workers so choose.

Job preservation should be addressed by making technical assistance available to employers to help them resolve human resource and other problems.

I endorse every one of these recommendations, and we have made them part of this bill.

It is important to point out that the excellent work of the task force would have been impossible without the active support of Secretary of Labor Bill Brock. He appointed the chairman of the task force and its members; he provided them staff, research services and moral encouragement; and when they came forward with a program diametrically opposed to this administration's laissez-faire attitude he didn't bury the task force's report or denounce it—he worked to make it part of the President's budget and State of the Union Message.

And so today I find myself in the happy situation of introducing a bill to reverse the neglect of the last 6 years that has the general support of the administration and the complete support of the leadership of the Senate Labor Committee, Chairman KENNEDY, Senator METZENBAUM, and Senator SIMON.

My bill and the Senate bill differ from the administration's program in only one fundamental way. While we all agree that advance notice of plant closings and mass layoffs is essential to an effective adjustment assistance effort, the administration does nothing to ensure that adequate notice is provided.

Experience shows that without a legal requirement, employers will not give their employees fair notice of plant closings and other major dislocations. GAO found last year that the average blue-collar worker gets only 7 days' notice that his or her job will be lost. Nonunion workers get only 2 days' notice.

We, therefore, take the logical step and mandate that whenever it is possible to do so, businesses must notify the affected employees and local governments of their intent to eliminate large numbers of jobs. Specifically—

If more than 500 jobs will be eliminated, 180 days' notice is required;

If 101 to 500 jobs will be eliminated, 120 days' notice is required; and

If 50 to 100 jobs will be eliminated, 90 days' notice is required.

These periods of advance notice are premised on two factors: First, larger layoffs require more time to prepare and deliver the prelayoff assistance that is most effective; and second, larger employers are usually better able to predict layoffs and plant closings. For all employers, however, if the need for layoffs cannot reasonably be foreseen, the notice requirement is reduced or eliminated. The bill does not ask employers to do the impossible.

Finally, our bill requires that the employer—if requested—meet with representatives of the employees and the local government to discuss the proposed closing and any alternatives that are suggested to avert it.

It is crucial that business decisionmakers take into account the needs of employees and the communities they affect. Larger public interests have often been ignored because of the lack of any forum to ensure their consideration.

Consultation with employees and local government representatives also serves the goal of economic efficiency. When an entire community works to find ways to improve productivity and make a facility financially viable, the chances of success are greatly increased. You need look no further than the pages of yesterday's New York Times for a perfect example of how this process can succeed—Buffalo's efforts to keep Trico Products, Inc., from moving to Mexico.

I feel strongly that the bill we are introducing today is a balanced program that will give new hope to dislocated workers and their families while simultaneously improving our economic competitiveness by making the best use of our Nation's most important asset—experienced workers.

SOVIETS PROTEST "AMERIKA"

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, "Amerika" with a "k" has brought out such cries of anguish from the Soviet Union that I propose that we develop a new series to make amends for this grievous error. The new series would be the "Kremlin" with a "C." It would have as its story theme a tremendous turnabout on the part of the Soviet Union where there would be an open society and abandonment of world communism as its goal.

I think that we would have to do one additional thing however. We would have to submit the script ahead of time to the Politburo for final approval. That is the difference. America with a "c" would allow Amerika with a "k." Would Kremlin with a "K" allow Kremlin with a "C?"

IN TRIBUTE TO BRYCE HARLOW

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, I should like to add my voice to that of the distinguished minority leader, Mr. MICHEL, in expressing our sadness at the passing of a true professional, Bryce Harlow. Bryce Harlow began his public career as an employee of the House of Representatives. He worked in and managed this tiny room that you see to my right and to the left of the Members, where they sit, which was for many years the House Library.

After that, of course, he rose to such worldwide recognition, visiting foreign countries in the presence of President Eisenhower, writing speeches and other documents and messages for Presidents and heads of state.

Bryce Harlow, as was commented by the minority leader, always gave a sense of concern, of interest, of respect for our institution, the Congress and particularly the House of Representatives. He never had a sense of being partisan, though he was deeply dedicated and totally loyal and fully committed to his President, Mr. Eisenhower, and to others with whom he worked.

Bryce Harlow was, in every sense of the word, an American; a public servant and a professional who reflected credit upon this profession of public service. I surely want to join the minority leader in expressing our sorrow over his passing; our joy in the traditions that he has left and set for our country and our sympathy to his loved ones.

MASS DEPORTATION IN ETHIOPIA

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH Mr. Speaker, in just a few weeks, Ethiopia's Armed Forces will begin surprise attacks on rural villages to round up upwards of 300,000 men, women, and children at gunpoint. They will use Soviet military aircraft and trucks to transport Ethiopian peasants from their homelands to collectivized farms hundreds of miles away.

Already, Ethiopia's brutal regime has transported over 600,000 people to these farms, forcibly separating husbands from wives, mothers from their children, and shooting those who resisted.

The Ethiopian people have suffered so much over the last 12 years under Mengistu's bloody, Marxist dictatorship. Hundreds of thousands have perished or simply disappeared. Let us send a clear message that the West cares and that they have not been abandoned.

I ask my colleagues to join me and Congressman BILL GRAY in cosponsoring H.R. 588. The bill condemns the Ethiopian regime for its brutality and calls for selected sanctions against that government. Let it be clear that this Congress stands for human rights, freedom, and justice.

LET US ACT TO SAVE OUR CHILDREN

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, to many of us who have enjoyed watching football over the years we have seen a lot of different changes take place. We have seen us move from turf to artificial turf; we have seen all sorts of sophisticated types of communications. We even watch football now indoors, in domed stadiums.

Yet, some of the changes that we have seen recently are not all that good. I think when those of us watch games today we marvel at the physical ability and the size of individuals, but now we sometimes have to ask ourselves are we admiring people because of their athletic ability or because of the chemicals that they have injected into their bodies to allow them to be bigger and to run faster.

Maybe it would not be a concern to us if it were just the individuals involved. If they want to ruin themselves, part of society says let them go ahead and do so. But sports figures today are role models for our children, and as the father of three children who do look up to athletes, I have to ask: When are we going to stop this terrible scourge of steroid use in this country?

The NCAA has begun to take action on that. Their most recent action, direct action in the bowl games is a great start. But where is the NFL in this? Where are professional football players in this? Where is the Professional Football Players Association?

When youngsters 13, 14, 15, even 10 and 11 now, are concerning themselves with the possibility of taking steroids in order to be able to compete because the influence they see or that they get from professional football players, is it not time for us to act?

Why do we not act to save the players who are using this stuff right now? But more importantly, why do we not act to save our children?

CATASTROPHIC ILLNESS COSTS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I want to join the Republican minority leader in expressing our sorrow over the death of Bryce Harlow; a super friend of so many of us for so many years, and indeed, he was a great American.

Mr. Speaker, I am pleased that the administration is so concerned about catastrophic illness, which can debilitate individuals and families emotionally, physically, and financially, that the President has endorsed Secretary Bowen's catastrophic illness insurance proposal.

I believe it to be an excellent first step. I do not believe it to be the comprehensive solution to the broad problem of catastrophic illness.

As the President stated:

> A catastrophic illness can be a short-term condition requiring acute care services or a lingering illness requiring many years of care.

The Bowen plan does specifically deal with acute hospital care but it does not come to grips with any broadened coverage for either home health or nursing home care.

The failure to address this urgent issue of long-term care in the Bowen plan is sad. We must realize that by the year 2030, an estimated 8.6 million Americans will be over the age of 85, compared to 2.7 million in 1985.

Today, approximately 1.4 million elderly Americans now receive care in nursing homes at an average expense of $22,000 a year. $22,000 a year—this is an astonishing figure. Contrary to many elderly Americans' impressions, these costs are not covered by Medicare or most private insurance.

In 1985, of the $32 billion spent in nursing homes, less than 2 percent was paid by private insurance. Approximately 49 percent of this $32 billion was paid out of the patients' or families' savings. The remaining 49 percent was paid by Medicaid.

My main concern is that the elderly of our Nation not be led to believe that their long-term health care costs will be covered by the additional monthly Medicare premium of $4.92. We must educate our elderly about exactly what will and will not be covered by the Bowen plan.

I am all for the Bowen plan. I just want the plan to be understood as a first step in the comprehensive solution that is desperately needed to cover all catastrophic illness.

□ 1220

BERNIE BANKS RETIRES FROM HUD

The SPEAKER pro tempore (Mr. CARDIN). Under a previous order of the House, the gentleman from Connecticut [Mr. MCKINNEY] is recognized for 5 minutes.

Mr. MCKINNEY. Mr. Speaker, too often Federal employees go unrecognized for their accomplishments. Today I would like to give recognition to an individual who devoted 40 years of his life in service to the American people.

Bernie Banks, the director of legislative reference at HUD, retired this past January 2 after 40 years of Federal service. Bernie has long been an institution at HUD. Everyone who knew Bernie will miss him dearly and will join in wishing him well in his retirement.

Bernie attended Kittrell College, and received his bachelor of arts degree in 1942. From 1943 through 1946, he served in the Army Air Force. After his discharge from the military, Bernie held positions with the Department of the Army, the Veterans' Administration, the Census Bureau, and the U.S. Postal Service, before coming to HUD and the legislative reference office in 1954. Bernie served his apprenticeship in legislative reference until 1968, when he became its director—a position he held until his retirement.

The legislative reference office is the headquarters for all legislative and regulatory materials—current and several years old—that pertain to HUD. Although Bernie's ability to maneuver deftly and swiftly through seas of paper to retrieve requested committee reports from Congresses past is legendary in the halls of HUD, he has three attributes that combined to truly raise his position and performance to an art form—voluminous knowledge of the legislative process, HUD's basic laws and authorities, and how to find and work with legislative materials; a detective's pride in pursuing even the barest of leads to successful resolution; and a superabundance of patience for all with whom he dealt.

Whether it is literally true, as some have said, that Bernie has not forgotten any of the millions of pieces of paper he has ever touched, there are few skeptics among the legions over the years who have sought his help in locating legislative or regulatory materials. Bernie was able—almost unfailingly and often instantly—to recall legislative and regulatory items, no matter how old, convoluted, or obscure. Bernie could produce, however, far more than the written word. He could frequently recall important or interesting aspects of a bill's legislative history; whether a given amendment was adopted in conference, on the floor, or in committee; and how far an unenacted measure proceeded in the Congress and why it did not go farther—information that often is of critical importance to the legislative analyst. Perhaps most importantly, Bernie was able to use his vast knowledge to identify other bills and legislative materials needed to complete his client's knowledge. Indeed, if Bernie's clients had the good sense to stay with him until he exhausted his knowledge on their area of inquiry—and most did—they were treated to an informed discourse from a true expert, and could return to their assignments with many hours saved and a full reservoir of information upon which to draw.

A former HUD official said, "One doesn't have to ask Bernie a good question to get a good answer." Bernie always approached his work as if he were a master detective. Clients would frequently have only a vague notion of what they wanted, and would give him the thinnest clues with which to work. Bernie's expression was one of total absorption and pure enjoyment, as he methodically reasoned and questioned his way through the maze that so often attends legislative research, and produced a full response that was precisely what the client ordered. Bernie also had an uncanny way of sensing what clients really wanted before they knew it themselves. Needless to say, these abilities made Bernie a constant source of information for those at HUD, and even some congressional staffers, who needed to get the story right and in full the first time.

Thoughout his entire 33 years in legislative reference, Bernie remained consummmately patient in his work. He was always willing to take the time—in an informative, never condescending way—to ensure that his message was understood, irrespective of the client's rank or position. He also worked at a deliberate, thoughtful pace that didn't vary in the face of a rush assignment, but continually produced results faster than anyone expected. Remarkably, no one can recollect even a single incident in which he lost his temper, although surely he must have been sorely tested in his long career of serving the public.

Bernie genuinely understood that the hallmark of his profession was to ensure that each client left his office with the information necessary to do his or her job better. This was the principle that guided Bernie's many years at HUD. Indeed, it is one to which all of us would do well to aspire. Each of us, I am sure, echoes the words former HUD Secretary Moon Landrieu wrote about Bernie, "I am proud to be associated with a civil servant as dedicated and competent as Mr. Banks." We wish Bernie all the best wishes and health in his retirement.

SUPPORT AN INTERNATIONAL AGREEMENT ON THE OZONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 15 minutes.

Mr. RICHARDSON. Mr. Speaker, today a group of us in the House and Senate introduced a strong resolution urging an international agreement on the ozone, the most important environmental issue in this session of Congress.

Mr. Speaker, there remains little doubt within the scientific community that the release of chlorofluorocarbons into the atmosphere can lead to a depletion of the Earth's ozone layer—the layer which protects us from the most dangerous of the Sun's rays. Without substantial reductions in the release of chlorofluorocarbons [CFC's], the admonition that "the sky is falling" might need to be changed to "the sky is disappearing."

While fears about the sky falling were based on faulty data, there is no room for misinterpreting the disturbing data on the effects of ozone depletion. Based on preliminary estimates by the EPA, without further efforts to reduce CFC production and use, we can expect many more cases of skin cancer and dramatic increases in the numbers of cataracts worldwide. Specifically, Mr. Speaker, we are talking about 40 million cases of skin cancer in the next 80 years unless something is done, and 12 million cataract afflictions, too, within that period. Additional CFC's in the atmosphere also contribute to global climate changes, including a serious increase in global temperatures, the "greenhouse effect." Resulting heatwaves could bring about additional health problems, especially for the elderly. In addition, an altered climate could have grave consequences for crops, forests, and marine ecosystems.

The United States has taken encouraging steps to reduce its use of CFC's. In 1978, we banned the use of CFC's in aerosol sprays, and more recently, our Government took the lead at the UN-sponsored Conference on the Protection of the Ozone Layer in Geneva in December.

United States efforts to obtain an international protocol on CFC reductions share the support of environmentalists and industry here at home, but it is essential that other CFC-producing countries—the members of the European Economic Community and Japan in particular—join with us. They have been dragging their feet.

While unilateral reductions on the part of the United States could make an important difference, reducing or banning CFC production in the United States alone will not eliminate the threat to the ozone nor does anyone want to simply shift CFC-related jobs from the United States to countries that continue to produce CFC's. Any international agreement we reach must accomplish two important goals—the protection of the environment and the protection of American jobs. Absent such an agreement, the United States could be forced to act unilaterally to protect both the environment and American competitiveness.

We would like to urge the support in the Congress of Members on both sides of the aisle for this resolution, which urges that the United States seek to obtain a protocol with all CFC-producing nations. This is a resolution that is supported by the administration and that has strong support throughout the country.

We have drafted a concurrent resolution, principally the gentleman from California [Mr. BATES] and I, that will take effect immediately. Negotiations are taking place in Vienna in the next week. There is discussion of the protocol to be discussed among the EEC and Japan and the United States, and we would like to see this resolution give impetus to our negotiators.

Once again, Mr. Speaker, the scientific consensus is that CFC's deplete the ozone. We have already recognized this by banning aerosol propellants in 1978.

A huge hole in the ozone has been discovered over the Antarctic. While there is dispute that this is caused by CFC's, it illustrates just how fragile the ozone is.

In 1974, it was determined that CFC's deplete the ozone. Researchers Sherwood Rowland and Mario Molina were scientists who developed this hypothesis, and a huge body of scientific data now exists to support this contention.

International agreement is the best way to go. We are talking about 70 percent of this problem of the ozone produced outside of the United States. It will provide the best protection for the ozone, this international agreement, and ensure that non-CFC-producing nations are not unduly penalized jobswise while CFC producers continue to produce harmful products.

We are doing this once again to support the administration in its efforts to get a short-term freeze and long-term phaseout of CFC emissions. We hope once again that the EEC nations, principally Japan and the leaders of the EEC nations, will join with us in making this a worldwide effort, not just a unilateral action.

Once again, based on those EPA estimates, we are talking about, without further efforts to reduce CFC production, an expected 40 million more cases of skin cancer, 800,000 more deaths, and 12 million more cataract cases over the next 80 years. This is only for the United States.

In addition, as we have learned, CFC's in the atmosphere produce this "greenhouse effect" which causes heat waves, health problems, and grave consequences for crops, forests, and marine ecosystems.

It is our hope that these international agreements will be pursued vigorously by our negotiators. Should that not work, there are several of us—once again, the gentleman from California [Mr. BATES] and I—working with the gentleman from California [Mr. WAXMAN] and others on a bipartisan basis to develop legislation that calls for the phaseout of CFC's within the United States in the next 5 years.

We are also looking at legislation that imposes trade restrictions on those nations that do not observe this 5-year phaseout. We will be introducing this legislation shortly, but the main objective of the legislation today is to get the entire world community, namely our allies, to act in concert to deal with freezing and ultimately phasing out CFC's before our international ecosystem and before health problems afflicting every human being reach a point where they cannot be controlled.

Mr. Speaker, I would like to once again stress the importance of this resolution and urge my colleagues on both sides of the aisle to support this resolution, which is House Concurrent Resolution 47, which hopefully will get a substantial number of cosponsors, to send a signal to the world that the United States wants to act in concert with our allies, not unilaterally. Our European allies are constantly telling us that we act without consulting them. This is not mandatory. This expresses the will of the Congress and the American people for action on this matter.

□ 1230

We recognize the difficulties we have had with our allies, whether it is in dealing with terrorism or trade issues. These are issues, however, international environment issues, that affect us all, that should not be controversial, that we should work together on. If we cannot work on some of these issues together that affect all mankind, then it is going to be difficult to justify to the American people that it is in our interest to continue the huge expenditures we have with our European allies and some of the other nations we are trying to work together with.

Once again, Mr. Speaker, I urge all of my colleagues to cosponsor House Concurrent Resolution 47, and I yield back the balance of my time.

KOREAN WAR'S POW MYSTERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 30 minutes.

Mr. MONTGOMERY. Mr. Speaker, there are more than 2,400 Americans listed as missing in action from the Vietnam war. Our Government continues to press for the fullest possible accounting of our MIA's in Southeast Asia. I totally support those efforts.

But many Americans may not realize that there are still 8,177 United States servicemen listed as missing in action from the Korean war. Last fall, the Army Times published a three part investigative series on American MIA's from the Korean war. It was written by Army Times staff writer Daniel Greene.

Today I am inserting an excerpt from this excellent series and I commend it to my colleagues:

KOREAN WAR'S POW MYSTERY—ARE MORE AMERICANS WAITING TO COME HOME?

While the debate simmers over whether any Americans taken prisoner in the Vietnam War still are being held, Korean War veterans and supporters are charging that some Americans captured more than three decades ago in the Korean War still are in Communist custody. In this, the first in a series of special reports, Army Times staff writer Daniel Greene explores the question.

Eleven years after the chaotic fall of Saigon, the specter is as haunting as ever: U.S. servicemen, gaunt and abandoned, rotting away in Communist cells or slave labor camps.

Across the land, the wrenching image glares, in ghostly silhouette, from black and white flags vowing, "You are not forgotten."

It goads an aggressive movement of organizations determined to resolve the fate of Americans still officially listed as "missing in action" or as "prisoner of war" in Southeast Asia.

It has inspired books and a number of movies, including those that gave the hero-starved pop culture a machine-gun-wielding Vietnam vet named Rambo.

And, inevitably, it evoked a service industry and a new breed of hustler: self-styled POW-MIA hunters exploiting the desperation of families clinging to hope that long-missing relatives are still alive.

To many military veterans over 50, however, the legendary Rambo and the real crusaders seeking to find out what happened to the 2,430 Americans who vanished in Indochina seem to have forgotten or ignored that 8,177 Americans were never accounted for after the Korean War.

More to the point, 2,233 missing members of the United Nations Command—including 389 Americans—were known to have been alive, in Communist custody, before the 1953 ceasefire and repatriation of POWs, but were not among repatriated POWs, according to Defense Department figures. North Korea and the People's Republic of China have insisted for decades that they know nothing of their fate.

"Where were all the activists after Korea?" asks Robert Dumas, who knows the answer better than anybody else. "Where were all the politicians who've suddenly discovered how to get votes with the MIA issue?"

On the other hand, Dumas concedes, he has good reason to empathize with groups that have badgered four consecutive administrations to answer the last lingering question of America's last Asian war: Do any Americans captured in Southeast Asia remain in Communist captivity?

For more than three decades, Dumas himself has been pestering the administrations of seven presidents to answer the same question minus one word—"Southeast."

His was a line, incongruous voice saying things Washington officialdom did not want to hear and the U.S. public would not believe.

Even after the POW-MIA issue was conspicuously revived in the wake of the Vietnam War, Dumas' dogged pleas on behalf of prisoners lost in Korea remained unheeded. An obstinate, middle-aged gadfy living on retirement and disability benefits doesn't have the glamor of a Rambo.

While he often has turned to the news media for help in his quest, Dumas says he never wanted to become a celebrity—he just wanted to find out what happened to his brother Roger, one of the POW's who never came back from Korea.

Over the years, that singly-minded pursuit grew to an obsession, and eventually led Dumas to a chilling conviction—that North Korea, China, or the Soviet Union secretly has imprisoned Americans since the Korean War.

"Call them the legion of lost souls—hundreds of American prisoners of war who today are scattered throughout the Communist world: Russia, North Korea, Vietnam and Laos," declared an editorial page commentary in *The Wall Street Journal* in August. "The U.S. government knows they're there but it doesn't want the American people to know because they might demand their return, even if it meant paying for them."

Journal reporter Bill Paul, who wrote the column, reached this controversial conclusion after an extensive investigation of the POW-MIA issue. "The American people can't allow their government to continue lying that there is no proof these prisoners exist," he wrote. "They do exist, and . . . Washington knows they do."

The Defense Department maintains there is no proof that any Americans now classified as MIA or POW actually survived either the Korean War or the Vietnam War. Yet an accumulation of historic, circumstantial, and eyewitness evidence—compelling to some, tantalizing to others—keeps the mystery alive. Consider a few items:

Imprisoning military and political prisoners incognito, in violation of international law, is a standard Communist practice.

A 1972 Senate Judiciary Committee study on Communist treatment of POWs disclosed that captives freed by the Soviet Union had provided evidence "that several hundred thousand of the missing persons [from World War II] were still being held as forced laborers or prisoners" in the 1950s.

Of nearly 37,000 French Union troops listed as missing or captured in the first Indochina War, fewer than 11,000 were released by the victorious Communist Vietnamese in 1954. A dozen or so Spaniards who had fought for the French Foreign

Legion were held by the Viet Minh another 16 years.

Since the Korean War, there have been many reports, both credible and dubious, of American captives seen in Communist Asia.

Dumas has amassed a huge personal archive documenting his 33-year campaign to corrobate such reports and prove that his brother is one of the reported survivors.

Eventually, he had to sue the Secretary of the Army, among others, just to get his brother's classification changed from "MIA/presumed dead" to "POW." After a three-day trial in Hartford, Conn., during which two Army veterans provided testimony that they had known Roger Dumas in a POW camp, a federal judge ordered the Army to grant Dumas a full hearing.

Three days after the trial, on July 26, 1983, the Pentagon commemorated the 30th anniversary of the signing of the Korean War armistice with a reminder that the Communists never had accounted for 389 Americans known to have been captured.

A year later, the Army at last officially acknowledged that Roger A. Dumas was one of them.

THE CHOSEN FEW

Since then, Bob Dumas has been hard to ignore. More important, encouraged by Vietnam's recent cooperation in joint efforts to recover remains of U.S. MIAs in Indochina, a group of Korean War veterans has expanded what was long a one man struggle into a growing cause.

Last year, Secretary of Defense Casper Weinberger received a letter from the Chosen Few, an association of 2,300 survivors of the epic battle at the Chosin Reservoir, where Chinese Communist forces launched a devastating counteroffensive against U.N. forces moving toward the Manchurian border in November 1950.

The letter asked for an accounting of DoD's efforts "to resolve the limbo status of those American POWs reportedly alive but never returned after the [Korean War] armistice. . . . We are especially haunted by the possibility that any might still be alive.

The letter closed with a definant tone more characteristic of the Vietnam War generation than of those who came of age in the 1950s: "We have been termed the silent veterans of the forgotten war, but we will not stand silent so long as those 8,177 Americans missing in action and in 389 presumed alive remain forgotten."

True to their vow, the group has been outspoken. It established a POW-MIA committee, chaired by Thomas Gregory of Jacksonville, Fla., who was an Army corporal when he went to Korea and a major when he left. Members have discussed the prickly issue with other veterans groups, congressmen, and POW-MIA specialists at the State Department and the Pentagon.

At first, Frank Kerr, a Marine veteran and cofounder of the Chosen Few, just wanted to float the idea of a reunion at the Chosin Reservoir. Since the United States does not have diplomatic relations with North Korea, he contacted sources with connections to the Communist government in Pyongyang. Somehow, these contacts led to a series of letters and phone calls between Kerr and intermediaries in other countries, and eventually to an unexpected breakthrough: two private meetings in New York City with high officials of the North Korean government to discuss the fate of missing Americans and the possibility of recovering remains of war dead.

According to Kerr and Gregory, the Communist officials tersely denied that any American prisoners remained in their country. More emphatically, they said that the Democratic People's Republic of Korea would cooperate in efforts to locate and return remains of American war casualties if the United States officially requested it and helped in the search.

The North Koreans also told the American veterans that the Pyongyang government would be willing to discuss the POW-MIA issue and any other pertinent matters in tripartite meetings with the U.S. and the Republic of [South] Korea.

The State Department's response: The United States will not deal directly with North Korea, because the 1953 truce agreement requires that all unresolved issues of the inconclusive war must be handled by the Military Armistice Commission, which has been haggling at Panmunjom ever since the war ended. The commission's United Nations component represents 16 nations that sent troops to fight under the U.N. flag.

A month after Kerr met with North Korea's foreign-affairs minister last October, however, the senior U.N. member of the Military Armistice Commission—a U.S. rear admiral—did write to his North Korean counterpart, specifically requesting that his side search for and repatriate remains of U.N. war casualties.

To describe North Korea's reply to this as "hopeful" would be an exaggeration, a DoD spokesman said. Prodded, however, he did suggest that it was somewhat more encouraging than the routinely negative replies the U.N. has received over the years to all its other demands for POW-MIA accountings.

Governments, of course, do not bend easily. Still, there are other hopeful signs.

Earlier this year, North Korea—historically one of the world's least hospitable places—started welcoming tourists from some noncommunist societies, including South Korea but not the United States.

The International Olympic Committee is trying to mediate an agreement to let North Korea host a few events of the 1988 summer Olympic Games, which are scheduled to be held in Seoul, the South Korean capital.

And after a long spell of what seemed to be government amnesia about the fate of Korean War prisoners, nowadays federal sopkesmen from President Reagan on down pointedly acknowledge that POW-MIA accountability is an ongoing issue that predates the fall of Saigon by 22 years.

For instance, in response to a U.S. senator's 1985 query about Korean War prisoners who never came home, the Defense Department said, "The U.S. government is continuing to seek the fullest possible accounting for these men and the return of any recoverable remains of Americans who failed to return from Korea."

More recently, during a "study mission" to the Far East last February, a delegation of the House of Representatives' Task Force on American Prisoners and Missing in Southeast Asia spent a day in Seoul. In a briefing on military matters there, the old subject of Korean War POWs came up. The "extended discussion" is summarized in two paragraphs in the 52-page mission report to the House Committee on Foreign Affairs.

"Members were told that no live sightings have been reported and that there is nothing to indicate that any of the men are still alive," the report says. "However, what may be deemed pro forma activities aimed at obtaining their release still continue.

"North Korea has recently indicated a willingness to work to turn over the remains of missing Americans, but on a bilateral basis. It is apparent that North Korea, in doing this, seems to be trying to create divisions between the U.S. and the Republic of Korea to obtain a political advantage, manipulate public opinion, and improve its international image."

The summary concludes: "The delegation was dismayed to learn about the low-keyed nature of the efforts to obtain an accounting for American POW-MIAs, and urges the Task Force to take up this matter with the Departments of Defense and State for further action."

"That's what they were all saying 30 years ago," grumbles Dumas.

America's costly involvement in the Korean War (more than 54,000 deaths and $18 billion spent in three years), so soon after World War II, never had been fully understood or supported by the public and many political leaders. They had been shocked by the U.N.'s bloody 1950 retreat from northern Korea and President Truman's subsequent dismissal of Gen. Douglas MacArthur as commander of U.N. forces. Public patience was strained further by two years of truce talks while, in the background, bodies piled up in seesaw battles over barren hills.

Congress held hearings and adopted a resolution demanding that the Eisenhower administration make the return of American POWs "the foremost objective of the foreign policy of the United States."

Nevertheless, the Communists remained unmoved.

Rep. John Vorys of Ohio expressed the nation's frustration in a 1957 hearing by the House Foreign Affairs Committee: "We have an embargo on Red China. We have been successful in keeping them out of the United Nations. The pressures short of military force seem to me to be about all the pressures that we could use." Yet even those limited actions, he noted, were "highly criticized by many of our own people. They want us to quit."

As time went by, the mystery of the lost prisoners was all but forgotten by official Washington, by the press, by the public. Histories of the war barely mention the issue. For example, in "Korea: The Untold Story of the War," published in 1982, author Joseph C. Goulden concludes: "Only one portion of the armistice agreement was fulfilled, that of the disposition of POWs."

Through the years, then, intermittent reports of Americans seen in Communist custody were filed away or ignored.

To this day, Air Force Col. (Ret) Delk Simpson doesn't know whatever happened to a "top-secret" report he said he cabled to the Pentagon in 1955, when he was an air attaché in Hong Kong. It was about a Polish emigre who told him he had seen about 700 military prisoners, many of them black, getting off a train en route from China to Siberia. The Pole, who was emigrating to Australia, thought the soldiers were Americans, and Simpson believed him.

Last year, Simpson told Pentagon intelligence officers that he promptly reported the interrogation of the Pole in a cable to the Pentagon, but had been unable to learn what, if anything, resulted. The Pentagon says it has been investigating the matter—but frankly doesn't have much hope of tracking down a nameless Pole who left China 31 years ago.

Then there was the 1957 letter received by Tulsa attorney Harry Moreland, in response to a query he wrote to a Hong Kong newspaper asking for information about his missing son, who had been in a Chinese military hospital.

The reply was from a Hong Kong editor and writer who said he had been interned after World War II in Communist Chinese concentration camps at Chiamussu, near the Soviet border. "It is said about 3,500 American prisoners are now still being kept there," the letter said.

This letter wound up with others in the record of the 1957 congressional hearing on POWs. The Communist Chinese, Harry Moreland testified, "have adopted a policy of outwaiting us."

To Army Maj. Gen. (Ret) John Singlaub, who fought in Korea and later served as chief of staff of U.S. forces there, all this added up to a shocking conclusion. Four years after being relieved of his position in Korea for publicly criticizing the Carter administration's plan to gradually withdraw U.S. ground forces from South Korea, Singlaub wrote:

"I was reluctant to accept the idea that our government would abandon any prisoners of war. However . . . there is now what I consider to be adequate evidence from a variety of sources that we did in fact 'write off' some of our men. . . . All those ex-POWs who through the years have remained silent on the subject, on the advice of the State Department, should be asked to come forward now and to give the information that they know. . . .

"Has there been a 'cover'? I only know that there are just too many instances of former POWs being told to 'cool it' and to stop talking about prisoners left behind."

THE RELATIONSHIP BETWEEN MANUFACTURING AND SERVICE JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, one of the most mistaken ideas that I have heard recently is the notion that America's transition from a manufacturing economy to a service economy is a healthy economic evolution. My reaction is, to quote President Theodore Roosevelt, "Bullfeathers!"

According to figures just released by the Bureau of Labor Statistics, last month the number of goods-producing jobs was 24.4 million. This is a decrease of 63,000 jobs from January 1986. The number of service jobs last month was 75.8 million, an increase of 2.5 million jobs from January 1986. Thus, practically all of the new jobs in the past 12 months were in the service sector.

Service providers and goods producers are both directly and indirectly linked. This fundamental relationship needs to be examined and evaluated. One will soon discover that service sector jobs intrinsically depend upon manufacturing.

Millions of workers in service jobs cannot expect to maintain their jobs if manufacturing goes down the tubes. For example, if America's steel industry is allowed to rust away, then the service provider directly linked with steel manufacture will also suffer. These services include banks, computer companies, lawyers, accountants, stock brokers, financial consultants, insurance companies, shipping and trucking companies, and many, many others.

The steel industry is but one instance of the mutual dependence of the manufacturing and service sectors. We could also talk about the manufacture of automobiles, textiles, semiconductors, shoes, carpet, gloves, consumer electronics, bicycles, et cetera.

Mr. Speaker, the list of troubled American industries is long and getting longer. We can no longer just say, "Oh well, the ERA of manufacture is past, let's focus on service jobs." Service jobs will disappear without manufacturing.

Mr. Speaker, I read an article in this month's Technology Review which does a good job of explaining the relationship between manufacturing and service jobs. I am including it in the CONGRESSIONAL RECORD for the benefit of all of my colleagues in the House:

THE MYTH OF A POST-INDUSTRIAL ECONOMY

(By Stephen S. Cohen and John Zysman)

Manufacturing matters mightily to the wealth and power of the United States and to our ability to sustain the open society we have come to take for granted. But this contention is a distinctly minority view in the United States today. In part this is due to the power of a central tenet of American economic thought: government policy should be indifferent to what makes up the gross national product.

This conventional view is supported by numerous authors in books, journal articles, op-ed pieces, and expert testimony. They point to the relentless decline in manufacturing employment—from 50 percent of all jobs in 1950 to 20 percent now—and the increase in service jobs, which now constitute about 70 percent of all employment. These figures underwrite the mainstream view that economic development is a never-ending shift from activities of the past up into newer, more profitable activities. The United States shifted from farming to industry. Now we are shifting from industry to services and high technology.

The lesson for government is clear: keep hands off. For example, in his latest Report to the Congress on Trade Agreements, President Reagan sets out the following framework for understanding a troubling trade imbalance. "The move from an industrial society toward a 'postindustrial' service economy has been one of the greatest changes to affect the developed world since the Industrial Revolution. The progression of an economy such as America's from agriculture to manufacturing to services is a natural change."

The New York Stock Exchange, in a recent report on trade, industrial change, and jobs, put it more pointedly: "A strong manufacturing sector is not a requisite for a prosperous economy."

Or, in the words of a *Forbes* editorial, "Instead of ringing in the decline of our economic power, a service-driven economy signals the most advanced stage of economic development. . . . Instead of following the Pied Piper of 'reindustrialization,' the U.S. should be concentrating its efforts on strengthening its services."

In this view, America's loss of market share and employment in industries such as textiles, steel, apparel, autos, consumer electronics, machine tools, random-access memories, computer peripherals, and circuit boards is neither surprising nor bad. It is not a sign of failure but part of the price of success. The United States should be shedding sunset industries and moving on to services and high tech, the sunrise sectors. Such a change is part of an ever-evolving international division of labor from which everyone benefits.

This view is soothing in its message, calm in tone, confident in style, and readily buttressed by traditional economic theory. We believe it is also quite possibly wrong. At the heart of our argument is a notion we call "direct linkage:" many service jobs are tightly tied to manufacturing. Lose manufacturing and you will lose—not develop—those high-wage services. Nor is the relationship between high tech and manufacturing, like that between services and manufacturing, a simple case of evolutionary succession. High tech is intimately tied to manufacturing, not a free-floating laboratory activity.

Our argument takes issue—fundamentally—with the widely articulated view that a service-based, "post-industrial" economy is the natural successor to an industry-based economy, the next step up a short but steep staircase consisting of "stages of development." Because the traditional view justifies economic policies that risk the wealth and power of the United States, it is, for all its conventionality, a terribly radical guide for policy. If the United States wants to stay on top—or even high up—we can't just shift out of manufacturing and into services.

Nor can we establish a long-term preserve around traditional blue-collar jobs and outmoded plants. If the United States is to remain a wealthy and powerful economy, American manufacturing must automate, not emigrate. Moreover, it must automate in ways that build flexibility through the imaginative use of skilled labor. In a world in which technology migrates rapidly and financial services are global, the skills of our workforce and the talents of our managers together will be our central resource.

LINKAGES AND WEALTH

Most celebrations of the shift from industry to services construct a parallel to the shift from agriculture to industry. According to that argument, the shift from low-productivity, low-paid farm labor to higher-productivity, hence higher-paid employment in industry is precisely what economic development is about. The same developmental movement, the same "creative destruction," is now being repeated in the shift out of industry and into services and high tech.

This view of economic history, although familiar and reassuring, is misleading. It confuses two separate transitions: a shift out of agricultural production and a shift *of labor* out of agriculture.

The first shift never occurred. U.S. agricultural production did not go offshore or shrivel up. To the embarrassment of those who view the cultivation of large quantities of soybeans, tomatoes, and corn as incompatible with a high-tech future, agriculture has sustained the highest long-term productivity of any sector of the economy. We automated agriculture; we did not send it offshore or shift out of it. As a result we developed massive quantities of high-value-added, high-paid jobs in related industries and services such as agricultural machinery and chemicals. These industries and services owe their development, scale, and survival to a broad and strong American agricultural sector.

Even the employment shift from agriculture merits a second look. The generally accepted figure for U.S. agricultural employment is about 3 million, or 3 percent of the workforce. But this figure arbitrarily excludes many categories of employment. Are crop dusters and large-animal veterinarians employed in agriculture? The 3 million figure is blind to such important economic realities. If we ask what would have happened to employment (and wealth) if the United States had shifted out of agriculture instead of moving labor off the farm, we encounter the notion of linkage: the relationship of agricultural production to employment in tractor repair, ketchup making, and grape crushing.

The more advanced a production process, the longer and more complicated the linkages. Primitive farmers scratch the ground with sticks. They need very little from outside. Their productivity is also very low. Modern farmers head a long, elaborate chain of specialists, most of whom don't often set foot on the farm, yet all of whom are vital to its successful operation and directly depend on it.

Such linkage is not a new notion. But conventional economics does not like linkages to be used as evidence of some special economic importance for particular sectors. Linkage has no place in a discussion of a subject like why manufacturing matters, critics say. Their objection is not that linkages are dubious or rare, or impossible to demonstrate. Rather, it is that they are ubiquitous. In economics, everything is linked to everything else.

The linkages admitted in traditional economics are all of the same special kind: they are loose couplings. Each is a simple market relationship between a buyer and a seller, and each involves a traded good. The United States can, in principle at least, make cars or textiles with imported machines. We do it every day, though at a steadily shrinking volume. These are the loosest linkages imaginable.

They are, however, tighter linkages such as those between agricultural production and the food-processing industry, which employs about 1.7 million Americans. Here the linkages are tight and concrete. Move the tomato farm offshore and you close the ketchup plant or move it offshore also. It is technically possible but economically difficult to mill sugar cane in a country far from the sugar fields, or to process tomatoes far from the tomato patch, or to dry grapes into raisins far from the vineyard. An economy like ours is based on an enormous number of such tight bonds. It is not simply a system of loose linkages like those that dominate the models from which conventional economics produces its conventional prescriptions.

It is extremely implausible that the United States would sustain a major agricultural-chemicals industry if it were not the world's largest and most advanced market for those products. It is not likely that we would have developed the world's largest agricultural-machinery industry in the absence of the world's largest agricultural sector. Were the wheat fields to vanish from the United States, the machinery makers would shrink and so would their suppliers of parts, computers, trucking, and janitorial services.

The Department of Agriculture provides estimates of agriculture-dependent employment, but they outrageously overstate the case by tracing the food and fiber chain up through textile mills and food stores. Their 1982 estimate was 28.4 million jobs dependent on agriculture. Using rather conservative assumptions, we found that 3 to 6 million jobs—in addition to the 3 million traditionally classified as agricultural—can be considered part of this sector.

MANUFACTURING LINKAGES

If we turn from agriculture to industry—where direct employment is 21 million jobs—we find that even a remotely similar "linkage rate" would radically alter the place of manufacturing in the U.S. economy. The employment of another 40, 50, or even 60 million Americans, half to three-quarters of whom are counted as service workers, depends directly upon manufacturing production. If manufacturing goes, those services jobs will go with it.

If we lose control and mastery of manufacturing production, the problem is not simply that we will be unable to replace the jobs lost with service jobs, or simply that those service jobs will pay less, or that the scale and speed of adjustment will shock the society—and polity—in potentially dangerous ways. It is that the high-paying service jobs that are directly linked to manufacturing will, after a few short rounds of industrial innovation, whither away, only to sprout up offshore.

Many service jobs that follow manufacturing, such as wholesaling, retailing, and advertising, would not be directly affected if manufacturing were ceded to offshore producers. The same sales effort is involved in selling a Toyota as in selling a Buick.

The services that are directly linked to manufacturing are concentrated in that relatively narrow band of services that precedes it. Examples of such activities include design and engineering services; payroll, inventory, and accounting services; finance and insurance; repair and maintenance of plant and machinery; training and recruitment; testing services and labs; industrial waste disposal; and the accountants, designers, publicists, payroll, transportation, and communication firms who work for the engineering firms that design and service production equipment.

Two questions pose themselves. The first concerns the nature of the linkages. How can we go about determining how many jobs would vanish from the U.S. economy if manufacturing were lost? The second involves scale: do services to manufacturing constitute a scale of employment sufficient to justify a new set of concerns, a rethinking of theory, and a recasting of policy?

The President's Report on the Trade Agreements Program provides an approximate answer for the second question: "25 percent of U.S. GNP originates in services used as inputs by goods-producing industries—more than the value added to GNP by the manufacturing sector."

But charting how much of this service employment is tightly linked to manufacturing is difficult. It should be right at the top of the economics research agenda, so that it can get to the top of the policy debate. Unless it can be shown that the overwhelming bulk of those services are weakly linked to manufacturing, we must quickly reformulate the terms of that policy debate.

Some of those services that precede are so tightly linked to manufacturing that they are best understood as direct extensions of it. These would include truckers who specialize in shipping raw materials, components, and semi-finished goods. The U.S. textile industry, for example, is a major employer of trucking services. The category of services tightly linked to manufacturing is real, and it is peopled. But unfortunately we do not yet know how big it is.

IS EXPORTING SERVICES AN ANSWER?

If, indeed, many services are tied to manufacturing, can the United States significantly offset its trade deficit in merchandise by running a surplus in trade of services? Recent experience provides no reason for assuming—wishing is a better word—that the United States is better at exporting services than it is at exporting manufactured goods. The total volume of service trade is an order of magnitude less than trade in goods. Consequently, only a sudden multiplication of service exports could compensate for the present deterioration in traded goods.

There are a number of problems with counting on an expansion in American service exports. First, almost all the current trade surplus in service stems from interest on old loans abroad. These loans are not very bankable since Third World nations threaten to default. Indeed, our obligations to foreign countries now exceed theirs to us. The United States is a debtor nation.

Second, as with domestic services, large segments of trade in international services are directly tied to a strong and technologically advanced manufacturing sector.

Consider U.S. exports of engineering services. These top-of-the-line services are knowledge-intensive and employ highly paid professionals who in turn purchase significant amounts of other services, including telecommunications, data processing, computer programming, and legal advice. Competitive advantage in engineering services depends upon mastery and control of the latest production technology by U.S. producers. Not very long ago we exported such services in the steel industry. Then U.S. steel producers fell behind in the design and operation of production technologies and facilities. When leadership in production changed hands, the flow of services for this industry also reversed. Now we import those services from our former customers in Europe and Japan, and might soon obtain them from Korea and Brazil.

Third, it is not only engineering services that go through this development cycle. Financial services—a sector in which the United States is said to have a strong competitive advantage—are often cited as an area where export earnings could offset deficits in the merchandise account in a big way. Financial services are high in knowledge and technology, and are supposedly located within the most advanced economy: ours.

But the situation in banking services may be less rosy than we like to think. There is no compelling reason to assume a special advantage for U.S. banks compared with their competitors. Foreign banks are bigger, and they are growing faster than U.S. banks. A recent listing of the world's largest banks included 23 Japanese banks, 44 European banks, and only 18 U.S. banks.

U.S. banks are not even particularly succeeding in holding on to their home market. For example, foreign banks are doing as well in California as foreign auto producers. Six of the ten largest banks in California are now foreign owned, up from two of ten five years ago. Foreign banks now account for about 40 percent of the big commercial loans—the high end of the business—made in New York and San Francisco. Service trade is not an alternative to trade in goods.

THE HIGH-TECH LINK

Some analysts, such as Robert Z. Lawrence of the Brookings Institution, take comfort in the fact that high-technology exports have grown in importance for the United States. They see that as a sign of a healthy, normal development process. But the supposed U.S. advantage in high-technology goods is also deeply misleading. It suggests less a distinctive international advantage than a deep incapacity to compete with our industrial partners even in more traditional sectors. A failure by American firms to remain competitive in manufacturing processes seems to underlie this weakness. Moreover, the U.S. position in high-technology trade is quite narrow and fragile.

In the early eighties the range of high-technology sectors from which a surplus was generated was actually quite narrow: aircraft, computers, and agricultural chemicals. The overall high-tech surplus disappeared by 1983, and in 1984 and 1985 high technology, too, ran a growing deficit. Moreover, a substantial portion of U.S. high-tech exports are military goods, which indicates more about the character of America's strategic ties than about its industrial competitiveness. At a minimum, military sales reflect such factors as foreign policy far more than simple commercial calculus.

Like the service industries, much of high tech is tightly linked to traditional manufacturing. Most high-tech products are producer goods, not consumer items, despite the popularity of home computers and burglar alarms. They are bought to be used in the products of other industries (such as microprocessors in cars) or in production processes (such as robots, computers, and lasers). If American producers of autos, machine tools, telephones, and trousers don't buy American-made silicon chips, who will?

A second tie to manufacturing is even tighter. If high tech is to sustain a scale of activity sufficient to matter, America must control the production of those high-tech products it invents and designs—and it must do so in a direct and hands-on way. Unless R&D is closely tied to manufacturing—and to the innovation required to maintain competitiveness—it will lose its cutting edge. For example, by abandoning the production of televisions, the U.S. electronics industry quickly lost the know-how to design, develop, refine, and competitively produce the VCR, the next generation of that product.

DEFENSE: A FOOTNOTE

Until now, we have treated military needs in parenthesis, as they are treated in conventional economics. However, it is not easy to make exceptions for something as big as the U.S. military effort. Exceptions of that scale are never without consequences for the rest of the system.

A strong domestic manufacturing capability greatly reduces the costs of our defense effort. Diverse and leading-edge production of technologies such as semiconductors, computers, telecommunications, and machine tools makes the costs of advanced weaponry much lower than if we had to create an industrial structure exclusively for military use.

If U.S. commercial semiconductor manufacturers, say, fall behind foreign competitors, the military might not even be able to produce the components for its own use. Domestic capability in critical links in the production chain—for example, mask-making, clean rooms, and design and production tools for semiconductors—could quickly disappear.

Such an erosion of our ability to produce critical technologies would massively reduce our strategic independence and diplomatic options. Whatever the ups and downs of military spending and the changes in defense strategies, our basic security is built on the assumption that the United States will maintain a permanent lead in a broad range of advanced industrial technologies. Loss of leading-edge capacity in chip making would quickly translate into a loss of diplomatic and strategic bargaining chips.

This argument suggests that commercial development often drives military capability. It is the reverse of the common notion that military needs drive commercial development. If the United States had to support the full weight of a vast arsenal economy, we would become vis à vis Japan not so different from the arsenal Soviet economy vis à vis that of the United States.

MANUFACTURING AND WEALTH

Sometimes new notions capture the public fancy, resonate to some element of our experience, and color the way we see the world. The concept of a "post-industrial" society is such a notion. But it also obscures the precise nature of changes in the U.S. economy and what they mean.

Things have changed: production workers go home cleaner; more and more workers leave offices rather than assembly lines. And the organization of society has changed along with the technologies of product and production.

But the relationship of changes in technology and society to changes in the fundamentals of economics—the process of creating wealth—is less clear. There is not yet, nor is there likely to be in the near future, a post-industrial economy. The division of labor has become infinitely more elaborate and the production process far less direct—involving ever more specialized services as well as goods and materials located far from the traditional scene of production. However, the key generator of wealth for this vastly expanded division of labor remains production. The United States is shifting not out of industry into services but from one kind of industrial economy to another.

Insisting that a shift to services or high technology is "natural" is irresponsible analysis and perverse policy. The competitiveness of the U.S. economy—the ability to maintain high and rising wages—is not likely to be enhanced by abandoning production to others. Instead of ceding production, public policy should actively aim to convert low-productivity, low-wage, low-skill production processes into high-technology, high-skill, high-wage activities—whether they are included in the manufacturing unit itself or counted largely as service firms.

America's declining competitiveness is troubling precisely because emerging fundamental changes in production technologies and the extent and forms of international competition are likely to prove enduring. The international hierarchy of wealth and power is being reshuffled, and it is happening fast and now.

SUBMISSION OF RULES OF THE COMMITTEE ON AGRICULTURE OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD pursuant to the Rules of the House a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting on February 3, 1987. The rules were agreed to by a unanimous voice vote.

RULES OF THE COMMITTEE ON AGRICULTURE—U.S. HOUSE OF REPRESENTATIVES

I. GENERAL PROVISIONS

a. *Rules of the U.S. House of Representatives.*—The Rules of the House shall govern the procedure of the Committee so far as applicable, and the rules of the Committee shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees. (See Appendix B for the applicable Rules of the U.S. House of Representatives.)

b. *Applicability to Subcommittees.*—The following rules shall apply to meetings, hearings, and other activities of Subcommittees, which are part of the Committee and subject to its authority and direction, only when specifically so stated.

II. COMMITTEE OR SUBCOMMITTEE BUSINESS MEETINGS

a. *Regular and Additional Meetings.*—The Committee shall meet on the first Tuesday of each month while Congress is in session. The Committee also shall meet at the call of the Chairman at such other times as he considers to be necessary, subject to advance notice to all Committee members. Insofar as practicable, an agenda for all regular and additional Committee meetings, setting forth all the measures and matters to be considered, shall be furnished each Committee member prior to the meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman determines that any meeting convened by him need not be held, he shall give all members of the Committee notice to that effect as far in advance of the meeting day as practicable, and no meeting shall be held on such day. See Rule VI. e. for provisions which apply to meetings of Subcommittees.

b. *Special Meetings.*—If at least three members of the Committee file a written request in the Committee offices that a special meeting be called by the Chairman to consider a specific measure or matter, the Chief of Staff shall immediately notify the Chairman of the filing of such request. If, within three calendar days after the filing of such request, the Chairman does not call the requested special meeting to be held at a time within seven calendar days after the filing of such request, a majority of the members of the Committee may file in the Committee offices their written notice that a special meeting will be held at a specified date and hour to consider a specified measure or matter. If such a notice is filed, the Committee shall meet on that date and hour. Immediately upon the filing of such a notice, the Chief of Staff shall notify all members of the Committee that such special meeting will be held at the specified date and hour to consider the specified measures or matters. Only the measures or matters so specified in the meeting notice as filed by the majority of Committee members and transmitted to all Committee members may be considered at a special meeting.

c. *Presiding Member.*—If the Chairman is not present at any Committee meeting or hearing, the ranking member of the majority party on the Committee who is present shall preside. If the Chairman is not present at any Subcommittee meeting or hearing, the ranking member of the majority party who is present shall preside.

d. *Committee and Subcommittee Meetings Prohibited.*—The Committee or any of its subcommittees may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

e. *Open Business Meetings.*—Each Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than members of the Committee or Subcommittee and such congressional staff and departmental representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session that has been closed to the public. This clause does not apply to Committee or Subcommittee hearings or to any meeting that, as announced by the Chairman of the Committee or Subcommittee, relates solely to internal budget or personnel matters.

f. *Records and Rollcalls.*—A complete record of all Committee or Subcommittee action shall be kept in the form of written minutes, including a record of the votes on any question as to which a rollcall is demanded. A rollcall vote shall be ordered on demand by one-fifth of the members present. The record of such action and the results of the rollcall votes during each session of Congress shall be made available by the Committee, on request, for public inspection during regular office hours in the Committee offices and on telephone request. The information so available on rollcall votes shall include a brief description of the amendments, motion, order, or other proposition; the name of each member voting for and each member voting against such amendment, motion, order, or other proposition; whether such vote was by proxy or in person; and names of those members present but not voting. A stenographic record of a business meeting of the Committee or Subcommittee may be kept and thereafter may be published if the Chairman of the Committee determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting other than rollcall votes shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee. See Rule IV. f. for publication of the minutes of meetings.

g. *Quorums.*—A majority of the members of the Committee or Subcommittee shall constitute a quorum of the Committee or Subcommittee for the purpose of convening meetings, conducting business, and voting on any matter: *Provided,* That the Chairman of the Committee may determine that one-third of the members of the Committee shall constitute a quorum of the Committee at any meeting for such purpose (other than for the reporting of any measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public) if he gives written notice to that effect to the members prior to the meeting.

h. *Proxy Voting.*—A member may vote by proxy on any matter before the Committee or Subcommittee other than the issuance of a subpoena pursuant to Rule III. c. The proxy authorization shall be in writing, shall assert that the member is absent on official business or otherwise is unable to be present at the Committee or Subcommittee meeting, shall designate the member who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning the vote and shall contain the date and time of day the proxy is signed as well as the date or dates during which it is to be effective. The proxy form required by the Committee or Subcommittee is appended to these rules as Appendix A. In order to be cast in a vote, a proxy shall be filed with the Committee or Subcommittee during such vote and must be placed on file with the Chief of Staff. Proxies shall not be counted toward a quorum.

i. *Location of Persons at Meetings.*—No person other than a Member of Congress or Committee or Subcommittee staff may walk in or be seated at the rostrum area during a meeting of the Committee or Subcommittee unless the Chairman or a majority of the Committee or Subcommittee determines otherwise.

j. *Consideration of Amendments and Motions.*—A member, upon request, may be recognized by the Chairman to address the Committee or Subcommittee at a meeting for not more than five minutes on behalf of an amendment or motion offered by himself or another members, or upon any other matter under consideration, unless he receives unanimous consent to extend the time limit. Every amendment, substitute amendment, amendment to an amendment, or amendment in the nature of a substitute made in Committee or Subcommittee that is substanial as determined by the Chairman shall, upon the demand of any member present, be reduced to writing, and a copy thereof shall be made available to all members present: *Provided,* That such amendment shall remain pending before the Committee or Subcommittee and may not be voted on until the requirements of this section have been met.

k. *Point of Order.*—No point of order, other than a point of order that a quorum is not present, against the hearing or meeting procedures of the Committee or Subcommittee shall be sustained unless it is made in a timely fashion either at the commencement of the hearing or meeting or at the time such occasion for a point of order first occurs.

III. COMMITTEE OR SUBCOMMITTEE HEARINGS

a. *Power to Hear.*—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. See Rule VI. e. for provisions relating to Subcommittee hearings and meetings.

b. *Announcement of Hearings.*—The Chairman of the Committee or Subcommittee shall publicly announce the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or Subcommittee or the Chairman of the Committee or Subcommittee, after consultation with the Ranking Minority Member of the Committee or Subcommittee, as applicable, determines that there is good cause to begin such hearing at an earlier date, in which case the announcement of the hearing shall be made by the Chairman of the Committee or Subcommittee at the earliest possible date. The Chief of Staff shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement has been made and enter the announcement into the Committee scheduling service of the House Information Systems.

c. *Power to Subpoena.*—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Committee or by a Subcommittee when authorized by a rollcall vote of the majority of the members of the Committee, a majority being present, except that no proxies may be used to vote on the authorization and issuance of such a subpoena. Authorized subpoenas shall be signed by the Chairman of the Committee or by any other member the Committee may designate. Notice of a meeting to consider a motion to authorize and issue a subpoena shall be given to all members of the full Committee by 5 p.m of the day preceding the day of such meeting. Compliance with a Committee or Subcommittee issued subpoena may be enforced only as authorized or directed by the House.

d. *Scheduling of Hearings and Witnesses.*—Except as otherwise provided in this clause, the scheduling of hearings and witnesses and determination of the time allowed for the presentation of testimony and interrogation shall be at the discretion of the Chairman or a majority of the Committee or Subcommittee. Whenever any hearing is conducted by the Committee or Subcommittee on any measure or matter, the Committee's or Subcommittee's minority party members shall be entitled, on request by a majority of them to the Chairman of the Committee or Subcommittee before the completion of the hearing, to call witnesses selected by them to testify with respect to that measure or matter during at least one day of hearing.

e. *Witnesses' Statements in Advance.*—Each witness who is to appear before the Committee or Subcommittee shall, insofar as practicable, file with the Chief of Staff a written statement of the witness's prepared testimony at least two working days in advance of the witness's appearance in order to permit the testimony to be distributed to and reviewed in advance by Committee or Subcommittee members. Witnesses shall provide sufficient copies of their statement for distribution to Committee or Subcommittee members, staff, and the news media. The Committee or Subcommittee staff shall distribute such written statements to all members of the Committee or Subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter.

f. *Testimony of Witnesses.*—The Chairman of the Committee or Subcommittee or any member designated by him may administer an oath to any witness. Each witness who has been subpoenaed, on the completion of the witness's testimony, may report in person or in writing to the Chief of Staff and sign appropriate vouchers for travel allowances and attendance fees. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or Subcommittee in light of the nature of the testimony and the length of time available.

g. *Questioning of Witnesses.*—Committee or Subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or Subcommittee for that purpose. Each member so recognized shall be limited to questioning a witness (or panel of witnesses) for five minutes until such time as each member of the Committee or Subcommittee who so desires has had an opportunity to question the witness (or panel of witnesses) for five minutes, and, thereafter, the Chairman of the Committee or Subcommittee may limit the time of further questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless the Chairman or a majority of the Committee or Subcommittee determines otherwise, no person shall interrogate witnesses other than members and Committee or Subcommittee staff.

h. *Open Hearings.*—Each hearing conducted by the Committee or Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided,* That the Committee or Subcommittee may, by the same procedure, vote to close one subsequent day of hearing. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule III. k. or (2) may vote to close the hearing, as provided in Rule III. k. In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to members by means of the above procedure.

i. *Quorum.*—The quorum for taking testimony and receiving evidence shall be two members of the Committee or Subcommittee.

j. *Record of Hearing.*—An accurate stenographic record shall be kept of all testimony taken at public hearings. Any public witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may examine the transcript of his or her own testimony and make such grammatical or technical changes as will not substantially alter the nature of testimony given. Members of the Committee or Subcommittee shall receive copies of transcripts for their prompt review and correction for return to the Committee. The Chairman of the Committee may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is the subject of the hearing. The record of a hearing closes ten calendar days after the last oral testimony, unless the Chairman of the Committee or Subcommittee otherwise determines. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record closes. No written statement becomes part of the record and thus publicly available until such time as it has been approved by the Chairman of the Committee or any Committee staff he designates, and the Chairman of the Committee or Subcommittee or his designee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

k. *Investigative Hearings.*—The Chairman of the Committee or Subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provision of the House Rules set forth in Appendix B) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or Subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt. Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(1) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of Rule III. h., if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or Subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; or

(2) the Committee or Subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the Committee or Subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the Committee or Subcommittee shall afford such person an opportunity voluntarily to appear as a witness; and the Committee or Subcommittee shall receive and the Committee shall dispose of requests from such person to subpoena additional witnesses.

Except as provided above, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or Subcommittee. In the discretion of the Committee or Subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or Subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee or Subcommittee.

l. *Broadcasting and Photography.*—Television, film making, and live radio broadcasting of all or part of any Committee hearing or meeting shall be permitted only when the Committee by a majority vote agrees or, if the Committee cannot be polled in a timely manner, when approved by the Chairman of the Committee after consultation with the Ranking Minority Member. Except as otherwise determined by the Committee, television, film making, and live radio broadcasting of all or part of any Subcommittee hearing or meeting shall be permitted only when the Subcommittee by a majority vote agrees or, if the Subcommittee cannot be polled in a timely manner, when approved by the Chairman of the Committee or the Chairman of the Subcommittee after consultation with the Ranking Minority Member of the Committee or Subcommittee. Radio broadcasting that is not live and still photography are permitted of any Committee or Subcommittee meeting or hearing unless otherwise determined by the Chairman of the Committee or applicable Subcommittee after consultation with the Ranking Minority Member of the Committee or Subcommittee: *Provided.* That when such radio broadcasting is conducted, written notice to that effect shall be placed on the desk of each Member. Each Committee or Subcommittee Chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room. Any broadcasting, electronic recording, film making, or still photography of all or part of a hearing or meeting shall be subject to the provisions of House Rule XI, clause 3(f), which appear in Appendix B.

IV. THE REPORTING OF BILLS AND RESOLUTIONS

a. *Filing of Reports.*—The Chairman shall report or cause to be reported promptly to the House any bill or resolution approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill or resolution to a vote. A Committee report on any bill or resolution approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Chief of Staff of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Chief of Staff of the Committee shall notify the Chairman immediately when such a request is filed.

b. *Content of Reports.*—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) the results of the rollcall vote on the motion to report such bill or resolution, including the total number of votes cast for and total number of votes cast against such reporting;

(4) the detailed statement described in section 308(a)(1) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures;

(5) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 403 of the Congressional Budget Act of 1974 and submitted in timely fashion to the Committee;

(6) any oversight findings and recommendations made by the Committee or the Committee on Government Operations or both to the extent such were available during the Committee's deliberations on the bill or resolution;

(7) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy;

(8) an estimate of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year of reporting, whichever period is less, together with a comparison of these estimates with those made and submitted to the Committee by any Government agency (the provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(9) the changes in existing law (if any) shown in accordance with Rule XIII, clause 3, of the House Rules;

(10) the determination required pursuant to section 5(a) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(11) such other matter as the Chairman of the Committee determines to be useful for public understanding of the intent and effect of the bill or resolution.

c. *Supplemental, Minority, or Additional Views.*—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the Chief of Staff of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee on that measure or matter shall be printed in a single volume, which shall:

(1) include all supplemental, minority, or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of paragraph (1)(3) of House Rule XI, clause 2) are included as part of the report.

This clause shall not preclude the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental minority, or additional views has been made as provided by this clause or the filing by the Committee of any supplemental report clause on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

d. *Availability of Printed Hearing Records.*—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House.

e. *Committee Prints.*—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

f. *Publication of Minutes.*—The Chairman of the Committee, in consultation with the Ranking Minority Member, shall cause to be published as a Committee Print on a periodic basis (and insofar as practicable on a semiannual basis) the minutes of all business meetings and hearings of the Committee and any of its Subcommittees; and such minutes shall include a record of the attendance of members, all recorded votes, and the action on all amendments and motions relating to legislation.

V. OTHER COMMITTEE ACTIVITIES

a. *Annual Appropriations.*—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

b. *Budget Act Compliance:* February 25 (See Appendix C).—The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuring fiscal year (under section 301 of the Congressional Budget Act of 1974) that are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

c. *Budget Act Compliance: Subdivision of Allocations* (See Appendix C).—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

d. *Budget Act Compliance: Recommended Changes* (See Appendix C).—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

e. *Conference Committees.*—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall determine the number of conferees he deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be chosen, the names of those members of the Committee who were primarily responsible for the legislation and, to the fullest extent feasible, those members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee members of the majority party as the Chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the Committee. In making recommendations of minority party members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

f. *Committee Records.*—All Committee or Subcommittee hearing records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman, and such records shall be the property of the House with all Members of the House having access thereto. The Chief of Staff shall promptly notify the Chairman and Ranking Minority Member of any request for access to such records.

VI. SUBCOMMITTEES

a. *Number and Composition.*—There shall be such Subcommittee as specified in clause b of this rule each of which shall be composed of the number of members set forth in such clause, including ex officio members.[1] The Chairman may create additional Subcommittees of an ad hoc nature as he determines to be appropriate.

b. *Jurisdiction.*—The Subcommittees shall have the following general jurisdiction and number of members.

Commodity subcommittees

Cotton, Rice, and Sugar (18 members, 11 majority and 7 minority).—Cotton, cottonseed, rice, and sugar matters, generally.

Livestock, Dairy, and Poultry (18 members, 11 majority and 7 minority).—Livestock, dairy, poultry, and bees, generally.

Tobacco and Peanuts (13 members, 8 majority and 5 minority).—Tobacco and peanut matters, generally.

Wheat, Soybeans, and Feed Grains (20 members, 12 majority and 8 minority).—Wheat, soybeans, feed grains, oilseeds not otherwise assigned, dry beans, peas, and lentils, generally.

Operational subcommittees

Conservation, Credit, and Rural Development (18 members, 11 majority and 7 minority).—Soil and water conservation, small watershed program, commodity futures, agricultural credit, and rural development matters, generally.

Department Operations, Research, and Foreign Agriculture (15 members, 9 majority and 6 minority).—Foreign agricultural programs, agency review and analysis, research, and pesticides, generally.

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[1] The Chairman and Ranking Minority Member of the Committee (See clause d. of this Rule).

Domestic Marketing, Consumer Relations, and Nutrition (13 members, 8 majority and 5 minority).—Marketing orders, domestic marketing, food stamps, nutrition, and consumer programs, generally.

Forests, Family Farms, and Energy (18 members, 11 majority and 7 minority).—Family farming, forestry, and energy matters, generally.

c. *Referral of Legislation.*—In the case of any measure or matter not specifically described above, or that includes the jurisdiction of two or more Subcommittees, the Chairman may, unless the Committee by a majority vote decides otherwise, refer such measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts reflecting different subjects and jurisdiction and refer each part to a different Subcommittee, or refer the matter to an ad hoc Subcommittee appointed by him for the specific purpose of considering that matter and reporting to the Committee thereon, or make such other provisions as may be appropriate. The Chairman, with the approval of a majority of the Committee, shall have authority to discharge a Subcommittee from further consideration of any bill, resolution, or other matter referred thereto and have such bill, resolution, or other matter considered by the Committee. All legislation and other matters referred to the Committee shall be referred to all Subcommittees of appropriate jurisdiction within two weeks unless, by majority vote of the members of the Committee, consideration is to be by the Committee.

d. *Service on Subcommittees.*—The Chairman and the Ranking Minority Member shall serve as ex officio members of all Subcommittees and shall have the right to vote on all matters before such Subcommittees, but shall not be counted for the purpose of establishing a quorum. Any member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any Subcommittee action, nor, except as the Subcommittee Chairman or a majority of the Subcommittee may permit, participate in questioning of witnesses under the five-minute rule, nor raise points of order unless such member is a member of such Subcommittee.

e. *Subcommittee Hearings and Meetings.*—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairmen shall set dates for hearings and meetings of their Subcommittees, after consultation with the Chairman of the Committee and one another, with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings whenever possible. Notice of all such meetings shall be given to the Chairman and the Ranking Minority Members of the Committee by the Chief of Staff. No Subcommittee shall hold meetings or hearings outside of the House unless permission to do so is granted by the Chairman, or a majority, of the Committee. If a vacancy should occur in a Subcommittee chairmanship, the Chairman of the Committee may set the dates for hearings and meetings of the Subcommittee during the period between the date of the vacancy and the date the vacancy is filled. The provisions of Rule II. a. regarding notice and agenda of Committee meetings and of Rule II. b. regarding special meetings shall apply as well to Subcommittee meetings.

f. *Subcommittee Action.*—Any bill, resolution, recommendation, or other matter ordered reported to the Committee by a Subcommittee shall be promptly reported by the Subcommittee Chairman or any Subcommittee member authorized to do so by the Subcommittee. Upon receipt of such report, the Chief of Staff shall promptly advise all members of the Committee of the Subcommittee action. The Committee shall not consider any matters reported by Subcommittees until two calendar days have elapsed from the date of reporting, unless the Chairman or a majority of the Committee determines otherwise.

g. *Subcommittee Investigations.*—Except for the Subcommittee on Department Operations, Research, and Foreign Agriculture, no investigation shall be initiated by a Subcommittee without the approval of the Chairman of the Committee or a majority of the Committee.

VII. COMMITTEE BUDGET, STAFF, AND TRAVEL

a. *Committee Budget.*—The Chairman, in consultation with the majority members of the Committee, shall for each session of the Congress prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and Subcommittees thereof. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

b. *Committee Staff.*—The staff of the Committee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman. Staff assigned to each Subcommittee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman of the Committee and the Chairman of the Subcommittee. Committee members seeking assistance from the staff shall make their request through the Chairman or Ranking Minority Member. The Chairman shall ensure that each Subcommittee is adequately funded and staffed to discharge its responsibilities.

c. *Committee Travel.*—Funds authorized for the Committee under clause 5 of House Rule XI are for expenses incurred in the Committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(2) Each member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

VIII. AMENDMENT OF RULES

These rules may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each member of the Committee prior to the meeting date on which such changes are to be discussed and voted upon.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HERGER) to revise and extend their remarks and include extraneous material:)

Mr. HASTERT, for 60 minutes, on March 4.

Mr. LUNGREN, for 60 minutes, on February 24 and 25.

Mr. WOLF, for 60 minutes, on February 19.

Mr. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. BONER of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 15 minutes, today.

Mr. MONTGOMERY, for 30 minutes, today.

Mr. GAYDOS, for 60 minutes, today.

Mr. RICHARDSON, for 5 minutes, on February 19.

Mr. EDWARDS of California, for 60 minutes, on February 24.

Ms. OAKAR, for 60 minutes, on February 24.

Mr. ANNUNZIO, for 60 minutes, on February 25.

Mr. ESPY, for 60 minutes, on February 25.

Mr. BRUCE, for 60 minutes, on March 4.

Mr. OWENS of New York, for 60 minutes, on April 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HERGER) and to include extraneous matter:)

Mr. DANNEMEYER in two instances.

Mr. GILMAN in two instances.

Mr. MOORHEAD.

Mr. BADHAM in three instances.

Mr. MCEWEN.

Mr. Henry.

Mr. Duncan.

Mr. Broomfield in six instances.

Mr. Lowery of California.

Mr. Vander Jagt.

Mr. Lent.

(The following Members (at the request of Mr. Boner of Tennessee) and to include extraneous matter:)

Mr. Anthony.

Mr. Lantos.

Mr. Lipinski.

Mr. Richardson.

Mr. Clay.

Mr. Torres.

Mr. Montgomery.

Mr. Alexander.

Mr. Mineta.

Mr. Pepper.

Mr. Swift.

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Borski.

ADJOURNMENT

Mr. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 19, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

555. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Plant Variety Protection Act to provide for the credit of fees collected to the account that incurs the cost of carrying out the act; to the Committee on Agriculture.

556. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of carrying out the export inspection and certification programs for apples, pears, and plums; to the Commmittee on Agriculture.

557. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover the costs of carrying out the wholesale market development program; to the Committee on Agriculture.

558. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services to producers, and for other purposes; to the Committee on Agriculture.

559. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of establishing standards and specifications for agricultural products; to the Committee on Agriculture.

560. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Seed Act to require persons to be licensed who transport or deliver for transportation in interstate commerce agricultural or vegetable seeds; to authorize the Secretary of Agriculture to recover the costs of carrying out the provisions of the act; and to provide additional penalties for violations; to the Committee on Agriculture.

561. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to repeal the mandatory timetable for implementation of marketwide service payments under Federal milk marketing orders; to the Committee on Agriculture.

562. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 155 of the Omnibus Budget Reconciliation Act of 1981 and the United States Grain Standards Act to recover the costs of carrying out the provisions of the United States Grain Standards Act, and for other purposes; to the Committee on Agriculture.

563. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of carrying out Federal marketing agreements and orders; to the Committee on Agriculture.

564. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of carrying out Federal marketing news program; to the Committee on Agriculture.

565. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of providing technical assistance to farmer cooperatives and groups of producers; to the Committee on Agriculture.

566. A letter from the Secretary of the Army, transmitting notification of the determination that the Army Helicopter Improvement Program has exceeded the program acquisition unit cost baseline by more than 25 percent due to termination of the program for affordability reasons, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

567. A letter from the Secretary of Defense, transmitting the fiscal year 1986 annual report of the Reserve Forces Policy Board, pursuant to 10 U.S.C. 113(c); to the Committee on Armed Services.

568. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of the Strategic Defense Initiative Organization's intent to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General from three proposed Government-to-Government agreements with the Ministry of Defense of the United Kingdom Government, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

569. A letter from the Assistant Secretary of Education, transmitting the annual report for fiscal year 1984 on activities pertaining to the Asbestos Hazards School Safety Task Force, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

570. A letter from the Chairman, United States Department of Education, transmitting the committee's annual report on accreditation and institutional eligibility for fiscal year 1985, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and Labor.

571. A letter from the Presiding Officer, Advisory Council on Education Statistics, Department of Education, transmitting the 11th annual report of the council for fiscal year 1985, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

572. A letter from the chairman, National Board of the Fund for the Improvement of Postsecondary Education, Department of Education, transmitting the annual report of the board's activities during fiscal year 1985, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

573. A letter from the Chairman, National Advisory and Coordinating Council on Bilingual Education, Department of Education, transmitting the council's 10th annual report, pursuant to 20 U.S.C. 3262(c); to the Committee on Education and Labor.

574. A letter from the Office of the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting the annual report of the National Center for Research in Vocational Education Advisory Committee for Fiscal Year 1985, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

575. A letter from the Chairman, National Advisory Board for International Education Programs, Department of Education, transmitting the board's annual report for fiscal year 1985, pursuant to 20 U.S.C. 1233b(q)(2); to the Committee on Education and Labor.

576. A letter from the Chairperson, Federal Education Data Acquisition Council, transmitting the annual report of the council's activities for fiscal year 1985, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

577. A letter from the Acting Executive Director, Intergovernmental Advisory Council on Education, transmitting the council's biennial report, 1984-1985, pursuant to 20 U.S.C. 3423(b)(i)(D); to the Committee on Education and Labor.

578. A letter from the Chairperson, National Advisory Council on Adult Education; transmitting the council's fiscal year 1984 annual report, pursuant to 20 U.S.C. 1209(d); to the Committee on Education and Labor.

579. A letter from the Chairperson, National Advisory Council on Adult Education, transmitting the council's fiscal year 1985 annual report, pursuant to 20 U.S.C. 1209(d); to the Committee on Education and Labor.

580. A letter from the Chairman, National Advisory Council on Continuing Education, transmitting the 19th annual report of the council entitled, "Continuing Education Is Work," pursuant to HEA, section 117(d) (94 Stat. 1382); to the Committee on Education and Labor.

581. A letter from the Chairperson, National Advisory Council on Indian Education, transmitting its 11th annual report entitled, "Meeting the Challenges of Educational Changes for Indian People," pursuant to 20 U.S.C. 1221g(b)(6); to the Committee on Education and Labor.

582. A letter from the Chairperson, National Advisory Council on Indian Education, transmitting the preliminary 12th annual report of the council's activities for fiscal year 1985, pursuant to 20 U.S.C. 1221g(b)(6); to the Committee on Education and Labor.

583. A letter from the Chairperson, National Advisory Council on Indian Education, transmitting the final version of the 12th annual report of the council's activities for fiscal year 1985, pursuant to 20 U.S.C. 1221g(b)(6); to the Committee on Education and Labor.

584. A letter from the Chairman, National Advisory Council on Women's Educational Programs, transmitting the 10th annual report of the council's activities for fiscal year 1984, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

585. A letter from the Chairman, National Advisory Council on Women's Educational Programs, transmitting the 11th annual report of the Council's activities for fiscal year 1985, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

586. A letter from the Chairman, National Council on Vocational Education, transmitting the Council's annual report, fiscal year 1985, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

587. A letter from the Secretary of Education, transmitting the annual report on the activities of the Department for fiscal year 1985, pursuant to 20 U.S.C. 3486; to the Committee on Education and Labor.

588. A letter from the Commissioner, Administration on Aging, Department of Health and Human Services, transmitting a report concerning State policy and practice related to abuse to older individuals, pursuant to 42 U.S.C. 3018(b); to the Committee on Education and Labor.

589. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the third annual report on affirmative employment programs for minorities and women and the ninth annual report on affirmative action for hiring, placement and advancement of handicapped individuals in the Federal Government for the period October 1, 1983 through September 30, 1984; to the Committee on Education and Labor.

590. A letter from the Secretary of Education, transmitting the annual report of the International Research and Studies Program, fiscal year 1986; to the Committee on Education and Labor.

591. A letter from the Secretary of Health and Human Services, transmitting the report on analysis of financial disincentives to career choices in health professions, pursuant to 42 U.S.C. 292h nt.; to the Committee on Energy and Commerce.

592. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting economic conditions prevailing in Portugal which may affect its respective ability to meet international debt obligations and to stabilize its economies, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

593. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting economic conditions prevailing in Egypt which may affect its respective ability to meet international debt obligations and to stabilize its economies, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

594. A Communication from the President of the United States, transmitting U.S. adherence to obligations undertaken in arms control agreements, pursuant to 22 U.S.C. 2592; to the Committee on Foreign Affairs.

595. A letter from the Secretary of State, transmitting an arms sales proposal covering all sales and licensed commercial exports of major weapons or weapons-related defense equipment for $25 million or more, which are considered eligible for approval during calendar year 1987, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

596. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of terrorism related travel advisories for U.S. citizens in Zimbabwe, pursuant to 22 U.S.C. 2656e; to the Committee on Foreign Affairs.

597. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of terrorism related travel advisories for U.S. citizens in Chad, Chile, Lebanon, and Sri Lanka, pursuant to 22 U.S.C. 2656e; to the Committee on Foreign Affairs.

598. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

599. A letter from the Secretary of State, transmitting the 10th annual report on Americans incarcerated abroad, fiscal year 1986, pursuant to 42 U.S.C. 2151n-1; to the Committee on Foreign Affairs.

600. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a draft of proposed legislation to authorize supplemental appropriations for the fiscal year 1987 for international security and disaster assistance programs, the Peace Corps, and for other purposes, pursuants to 31 U.S.C. 1110; to the Committee on Foreign Affairs.

601. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a copy of the President's determination that the furnishing, sale and/or lease of defense articles and services to Gambia and the Central African Republic will strengthen the security of the United States and promote world peace, together with the justification for this determination (Presidential Determination No. 87-8); to the Committee on Foreign Affairs.

602. A letter from the Chairman, Japan-United States Friendship Commission, transmitting the ninth annual report of the Commission's activities covering fiscal years 1985-86, pursuant to 22 U.S.C. 2904(b); to the Committee on Foreign Affairs.

603. A letter from the Secretary of Energy, transmitting a study of domestic crude oil production and petroleum refining capacity and the effects of imports thereon; to the Committee on Energy and Commerce.

604. A letter from the Secretary of State, transmitting a report on a proposed plan to eliminate the financial deficit involved with the amounts allocated for the United Nations Force in Cyprus (UNFICYP); to the Committee on Foreign Affairs.

605. A letter from the Comptroller General of the United States, transmitting the Comptroller General's list of General Accounting Office reports issued or released in January 1987, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

606. A letter from the Acting Director, Selective Service System, transmitting notice of any proposal for new or altered Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

607. A letter from the Acting Director, Selective Service System, transmitting notice of any proposal for new or altered Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

608. A letter from the Administrator, United States Environmental Protection Agency, transmitting the 1986 report on competition advocacy, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

609. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the Commission's report for fiscal year 1985, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

610. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a review of the Board's accounting system during the fiscal year ending September 30, 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

611. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's report under the Government in the Sunshine Act during calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

612. A letter from the Chairman, National Endowment for the Humanities, transmitting activities under the Freedom of Information Act for 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

613. A letter from the Comptroller General, transmitting the annual report of the activities of the U.S. General Accounting Office during the fiscal year ended September 30, 1986, in accordance with section 312(a) of the Budget and Accounting Act of 1921; to the Committee on Government Operations.

614. A letter from the Director, Peace Corps, transmitting the corps second annual fiscal 1986 competition advocacy program report, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

615. A letter from the Acting Archivist, National Archives, transmitting the 1986 annual report by the National Archives and Records Administration, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

616. A letter from the President, National Endowment for Democracy, transmitting a report of activities under the Freedom of Information Act for calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

617. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a summary of the activities and accomplishments of the agency competition advocate in the format recommended by the Office of Federal Procurement Policy, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

618. A letter from the Chairman, Board of Directors, Tennessee Valley Authority Agency, transmitting a revised 1985 report for the TVA retirement system, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

619. A letter from the Chief Judge, United States Tax Court, transmitting the actuarial reports for the U.S. Tax Court Judges' Retirement and Survivor Annuity Plans for the year ending December 31, 1985, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

620. A letter from the Acting Attorney General, transmitting a report describing the type of equipment, physical structures, and personnel resources required to improve the capabilities of the Immigration and Naturalization Service so that it can adequately carry out services and enforcement activities; to the Committee on the Judiciary.

621. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a copy of a report of the Administrator of the Panama Canal Commission of the findings and conclusions into allegations

of widespread use and sale of drugs and excessive use of alcohol by linehandling crews of the Commission, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

622. A letter from the Administrator, General Services Administration, transmitting the fiscal year 1988 General Service Administration's Public Buildings Service Capital Improvement Program, which includes a prospectus for site acquisition and the design of four Federal construction projects, a prospectus for construction of a border station project, and prospectuses for repair and alteration projects in various Federal buildings, plus two additional prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

623. A letter from the Deputy Assistant Secretary for Natural Resources and Environment, Department of Agriculture, transmitting the annual report covering major accomplishments of the Forest Service for fiscal year 1986, pursuant to 16 U.S.C. 1674(c); jointly to the Committees on Agriculture and Interior and Insular Affairs.

624. A letter from the Secretary, Department of Health and Human Services, transmitting a report concerning waivers of reduction in Federal financial participation for States whose Medicaid management information systems were unable to comply with certain requirements of the Social Security Act, pursuant to SSA, section 1903(r)(8)(B) (94 Stat. 1609); jointly to the Committees on Appropriations and Energy and Commerce.

625. A letter from the Secretary of Defense and the Administrator of the Veterans' Administration, transmitting jointly, recommendations and guidelines to promote the sharing of health care resources, pursuant to 38 U.S.C. 5011(f); jointly, to the Committees on Armed Services and Veterans' Affairs.

626. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the Department of the Treasury for unforeseen emergencies of a confidential nature, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

627. A letter from the Chairperson, Architectural and Transportation Barriers Compliance Board, transmitting a report of the Board's activities covering fiscal year 1986, pursuant to 29 U.S.C. 792(g); jointly, to the Committees on Education and Labor and Public Works and Transportation.

628. A letter from the Chairman, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting the Committee's comments on the Nuclear Regulatory Commission's safety research for fiscal year 1988, pursuant to 42 U.S.C. 2039; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY:

H.R. 1114. A bill to amend the Agricultural Act of 1949 to permit the assignment of payment-in-kind certificates, and for other purposes; to the Committee on Agriculture.

By Mr. RICHARDSON (for himself and Mr. Thomas A. Luken):

H.R. 1115. A bill to amend the Consumer Product Safety Act to establish uniform safety standards; to the Committee on Energy and Commerce.

By Mr. ANTHONY (for himself, Mr. Frenzel, Mr. Gibbons, Mr. Pickle, Mr. Jacobs, Mr. Jenkins, Mr. Gephardt, Mr. Matsui, Mr. Flippo, Mrs. Kennelly, Mr. Andrews, Mr. Moody, Mr. Duncan, Mr. Archer, Mr. Vander Jagt, Mr. Crane, Mr. Schulze, Mr. Gradison, Mr. Thomas of California, Mr. McGrath, Mr. Daub, Mr. Gregg, Mr. Brown of Colorado, Mr. Ford of Tennessee, Mr. Dorgan of North Dakota, Mr. Chandler, Mr. Downey of New York, and Mr. Mineta):

H.R. 1116. A bill to amend the Internal Revenue Code of 1986 with respect to the allocation of research and experimental expenditures; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 1117. A bill to repeal the provision of the Tax Reform Act of 1986 which increases the current year liability test for estimated tax payments from 80 to 90 percent; to the Committee on Ways and Means.

By Mr. DOWNEY of New York:

H.R. 1118. A bill to extend the suspension of duties on certain small toys; to the Committee on Ways and Means.

By Mr. FRANK (for himself, Mr. Ackerman, Mr. Atkins, Mr. Beilenson, Mr. Berman, Mr. Biaggi, Mr. Crockett, Mr. DeFazio, Mr. Dellums, Mr. Dymally, Mr. Edwards of California, Mr. Fauntroy, Mr. Fazio, Mr. Gray of Illinois, Mr. Hayes of Illinois, Mr. Hoyer, Mr. Kastenmeier, Mr. Leland, Mr. Levin of Michigan, Mr. Levine of California, Mr. Lowry of Washington, Mr. Thomas A. Luken, Mr. Markey, Mr. Martinez, Mr. Moakley, Mr. Mrazek, Mr. Neal, Mr. Oberstar, Mr. Owens of New York, Mr. Pease, Mr. Roybal, Mr. Savage, Mr. Scheuer, Mrs. Schroeder, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Synar, Mr. Torres, Mr. Towns, Mr. Udall, Mr. Waxman, Mr. Weiss, Mr. Williams, Mr. Morrison of Connecticut, Mr. Mineta, and Mrs. Collins):

H.R. 1119. A bill to amend the Immigration and Nationality Act with respect to the grounds for exclusion and deportation of aliens; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. Bates, Mrs. Collins, Mr. Dymally, Mr. Fauntroy, Mr. Hayes of Illinois, Mr. Leland, Mr. Neal, Mr. Torres, and Mr. Towns):

H.R. 1120. A bill to amend the Immigration and Nationality Act to provide religious sanctuary as a defense to the criminal offense of harboring or transporting aliens; to the Committee on the Judiciary.

By Mr. GRADISON:

H.R. 1121. A bill to suspend for a 3-year period the duty on 1-(4-(1,1-dimethylethyl) phenyl)-4-(hydroxydiphenylmethyl-1-piperidinyl)-1-butanone; to the Committee on Ways and Means.

By Mr. FORD of Michigan (for himself, Mr. Clay, Mr. Martinez, Mr. Conte, and Mr. Evans):

H.R. 1122. A bill to implement the recommendations of the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation, and for other purposes; to the Committee on Education and Labor.

By Mr. GUNDERSON (for himself, Mr. Stenholm, Mr. Jeffords, Mr. Stangeland, Mr. Lewis of Florida, Mr. Olin, Mr. Harris, Mr. Campbell, Mr. Rose, Mr. Coelho, Mr. Volkmer, Mr. Johnson of South Dakota, Mr. Jones of Tennessee, and Mr. Nagle):

H.R. 1123. A bill to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy; to the Committee on Agriculture.

By Mr. JENKINS:

H.R. 1124. A bill to suspend temporarily the duty on 3-nitro phenly-4-beta-hydroxy sulfone (also known as nitro sulfon B); to the Committee on Ways and Means.

H.R. 1125. A bill to suspend temporarily the duty on 4-chloro-2,5-dimethoxy aniline (also known as chlor amino base); to the Committee on Ways and Means.

By Mr. LANTOS:

H.R. 1126. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H.R. 1127. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

By Mr. MARLENEE:

H.R. 1128. A bill to suspend for 18 months the sale of branch lines owned by certain rail carriers; to the Committee on Energy and Commerce.

By Mr. PETRI:

H.R. 1129. A bill to amend part A of title IV of the Social Security Act to prohibit AFDC payments to unmarried minor parents who are living away from home; to the Committee on Ways and Means.

By Mr. REGULA (for himself, Mr. Bevill, Mr. Henry, Mr. Thomas A. Luken, Mr. Eckart, and Mr. Applegate):

H.R. 1130. A bill to make improvements in the administration of the laws providing for import relief and antidumping duties; to the Committee on Ways and Means.

By Mr. STOKES:

H.R. 1131. A bill to require that fiscal year 1987 intelligence funds be specifically authorized by the Congress; to the Committee on the Permanent Select Committee on Intelligence.

By Mr. VANDER JAGT:

H.R. 1132. A bill to amend title 14, United States Code, to provide for an increase in retired pay for officers of the regular Coast Guard who are cited for extraordinary heroism; to the Committee on Merchant Marine and Fisheries.

By Mr. STOKES (for himself and Mr. Hyde):

H.J. Res. 151. Joint resolution to designate the week of May 31, 1987, through June 6, 1987, as "National Intelligence Community Week"; to the Committee on Post Office and Civil Service.

By Mr. ATKINS (for himself, Mr. Lehman of Florida, Mr. Frenzel, Mr. Howard, Mr. Manton, Mr. Frank, Mr. Volkmer, Mr. Fauntroy, Mr. Kildee, Mr. Mrazek, Mr. Gray of Illinois, Mr. Hefner, Mr. Leath of Texas, Mr. Smith of Florida, Mrs. Kennelly, Mr. Fuster, Mr. Levine of California, Mr. Wilson, Mr. Scheuer, Mr. Whittaker, Mr. Roe, Mr. Livingston, Mr. Coelho, Mr. Dymally, Mr. Levin of Michigan, Mr. Leach of Iowa, Mr. Rodino, Mr. Towns, Mr. Moorhead, and Mr. Savage):

H.J. Res. 152. Joint resoluton designating the first Sunday of August as "National Day of Peace"; to the Committee on Post Office and Civil Service.

By Mr. RICHARDSON (for himself, Mr. Bates, Mr. Rinaldo, Mr. Edwards of California, Mr. Waxman, Mr. Rodino, Mr. Scheuer, Mr. Martinez, Mr. Hamilton, Mr. Mrazek, Mr. Sikorski, and Mr. Berman):

H. Con. Res. 47. Concurrent resolution urging the President to take immediate action to reduce the depletion of the ozone layer attributable to worldwide emissions of chlorofluorocarbons; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

By. Mr. FEIGHAN (for himself and Mr. Udall):

H. Con. Res. 48. Concurrent resolution regarding the promotion of democracy and security in the Republic of Korea; to the Committee on Foreign Affairs.

By Mr. YATES (for himself and Mr. Green):

H. Con. Res. 49. Concurrent resolution authorizing use of the rotunda of the Capitol on April 28, 1987, for ceremonies to observe the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. ASPIN (for himself and Mr. Dickinson):

H. Res. 86. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Armed Services in the first session of the 100th Congress; to the Committee on House Administration.

By Mr. BROOKS (for himself and Mr. Horton):

H. Res. 87. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Government Operations in the first session of the 100th Congress; to the Committee on House Administration.

By Mr. STOKES:

H. Res. 88. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Permanent Select Committee on Intelligence in the first session of the 100th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

10. The SPEAKER presented a memorial of the legislature of Minnesota, relative to legislation to restore profitability to agriculture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DYMALLY:

H.R. 1133. A bill for the relief of Thomas Nelson Flanagan; to the Committee on the Judiciary.

H.R. 1134. A bill for the relief of Whiteworth Inc. of Gardena, CA; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. Combest, Mr. Sensenbrenner, Mr. Ballenger, Mr. DeLay, and Mrs. Vucanovich.

H.R. 87: Mr. Obey, Mr. Jontz, Mr. Traxler, Mr. Carper, Mr. Sawyer, Mr. Chandler, Mr. Studds, Mr. Lehman of California, Mr. MacKay, Mr. Mazzoli, Mr. Owens of Utah, Mr. Morrison of Washington, Mr. Pease, Mr. Saxton, Mr. Lancaster, Mr. Yatron, Mr. Berman, Mr. Derrick, Mr. Jacobs, Mrs. Lloyd, Mr. Lehman of Florida, Mr. Scheuer, Mr. Gray of Pennsylvania, Mr. Biaggi, Mr. Barnard, Mr. Ackerman, and Mr. Price of North Carolina.

H.R. 93: Mr. Weldon, Mr. Armey, Mr. McCollum, Mr. Wolf, Mrs. Vucanovich, Mr. Hiler, Mrs. Collins, Mr. Bilirakis, Mr. DeWine, Mr. Shumway, Mr. Hastert, Mr. Hyde, Mr. Nielson of Utah, and Mr. Edwards of Oklahoma.

H.R. 94: Mr. Towns, Mr. Weldon, Mr. Armey, Mr. McCollum, Mr. Wolf, Mrs. Vucanovich, Mr. Hiler, Mrs. Collins, Mr. Bilirakis, Mr. Shumway, Mr. Hastert, Mr. Hyde, Mr. Nielson of Utah, and Mr. Edwards of Oklahoma.

H.R. 120: Mr. Weber.

H.R. 122: Mr. Dorgan of North Dakota and Mr. Weber.

H.R. 222: Mr. Garcia and Mr. Dixon.

H.R. 311: Mr. Pease, Mr. Chandler, and Mr. Neal.

H.R. 312: Mr. McMillen of Maryland, Mr. Jontz, and Mr. Stark.

H.R. 313: Mr. Boehlert and Mr. Gray of Illinois.

H.R. 628: Mr. Rangel and Mr. Biaggi.

H.R. 637: Mrs. Boxer.

H.R. 727: Mr. Coleman of Missouri, Mr. Schuette, Mr. McEwen, Mr. Emerson, and Mr. Eckart.

H.R. 729: Mr. Panetta.

H.R. 758: Mr. Weber and Mr. Vento.

H.R. 762: Mr. Vento, Mr. Towns, Mr. Manton, Mr. Mrazek, Mr. Feighan, Mr. Hawkins, Mr. Schumer, Mr. Nielson of Utah, and Mr. Fauntroy.

H.R. 778: Mr. Gray of Illinois, Mr. Studds, Mr. Hyde, Mr. Goodling, Mr. Fauntroy, Mr. Ackerman, Mr. Hochbrueckner, Mr. Mavroules, Mr. Owens of New York, Mr. Atkins, Mr. Pepper, Mr. Levin of Michigan, and Mr. Gallo.

H.R. 779: Mr. Durbin, Mr. Vento, Mr. Goodling, Ms. Kaptur, Mr. Mavroules, Mr. Feighan, Mr. Morrison of Connecticut, Mr. Schumer, and Mr. Borski.

H.R. 782: Mr. Coleman of Texas, Mr. Kleczka, Mr. Gray of Illinois, Mr. Fauntroy, Ms. Snowe, Mr. Bonker, Mr. Towns, and Mr. Olin.

H.R. 792: Mr. Dymally, Mr. Moakley, Mr. Gilman, Mr. Frenzel, Mr. Lowery of California, Mr. Mavroules, Mr. Armey, Mr. Dannemeyer, and Mr. Young of Alaska.

H.R. 820: Mr. Davis of Illinois and Mr. Leath of Texas.

H.R. 904: Mr. Crockett.

H.R. 906: Mr. Edwards of California, Mr. Fascell, Mr. Pepper, Mr. Ackerman, Mr. Penny, Mr. Waxman, Mr. Atkins, Mr. Cardin, Mr. Hayes of Illinois, Mr. Pease, Mr. Thomas of Georgia, Mrs. Kennelly, Mr. Williams, Mr. Mavroules, and Mr. Bevill.

H.R. 916: Mr. Walker, Mr. Gingrich, Ms. Kaptur, Mr. Dreier of California, Mr. Applegate, Mr. Lewis of Florida, Mr. Chapman, Mr. Stallings, Mr. Smith of New Hampshire, Mr. DeLay, Mr. Oxley, Mr. Young of Florida, and Mr. Buechner.

H.R. 926: Mr. Vento.

H.R. 935: Mr. Price of Illinois, Mrs. Bentley, and Mr. Nielson of Utah.

H.R. 951: Mr. Horton, Mr. Kastenmeier, Mr. Lewis of Florida, Mr. Garcia, Mr. Wortley, Mrs. Vucanovich, Mr. Young of Alaska, Mr. Bevill, Mr. Pashayan, Mr. Armey, Mr. Petri, Mr. Dyson, and Mr. Swindall.

H.R. 967: Mr. Mavroules, Mr. Owens of New York, Mr. Mfume, Mr. Edwards of California, Mr. Oberstar, Mr. Matsui, and Mr. Espy.

H.R. 1002: Mr. Sawyer, Mr. Foglietta, Mr. Gray of Pennsylvania, Mr. Manton, Mr. Mineta, Mr. Hawkins, Mr. Owens of New York, Mr. Fauntroy, Mr. Frost, Mr. Gejdenson, and Mr. Vento.

H.R. 1014: Mr. Hayes of Illinois, Mr. Mavroules, and Mr. Savage.

H.R. 1038: Mr. Wortley, Mr. Swindall, Mr. Shaw, and Mr. Lagomarsino.

H.R. 1050: Mr. Eckart, Mr. Pease, Mr. Traxler, Mr. Johnson of South Dakota, Mr. McDade, Mr. Mfume, and Mr. Applegate.

H.R. 1073: Mr. Mrazek, Mr. Gray of Illinois, Mr. Atkins, Mr. Moakley, Mr. Scheuer, Mr. Ackerman, Mr. Brennan, Mr. Towns, Mrs. Collins, and Mr. Frank.

H.R. 1085: Mr. Biaggi, Mr. Lott, and Mr. Edwards of Oklahoma.

H.J. Res. 79: Mr. Akaka, Mr. Anderson, Mr. Applegate, Mr. Atkins, Mrs. Bentley, Mr. Berman, Mr. Blaz, Mr. Boland, Mr. Bonior of Michigan, Mr. Borski, Mr. Bosco, Mr. Boucher, Mr. Brown of California, Mr. Bryant, Mr. Bustamante, Mrs. Byron, Mr. Campbell, Mr. Cardin, Mr. Carper, Mr. Coelho, Mr. Coleman of Missouri, Mr. Coleman of Texas, Mr. Conte, Mr. Conyers, Mr. Dellums, Mr. Dixon, Mr. Dorgan of North Dakota, Mr. Downey of New York, Mr. Dwyer of New Jersey, Mr. Erdreich, Mr. Espy, Mr. Fascell, Mr. Fauntroy, Mr. Feighan, Mr. Fish, Mr. Florio, Mr. Foley, Mr. Frenzel, Mr. Frost, Mr. Gephardt, Mr. Gray of Illinois, Mr. Green, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Hertel, Mr. Hochbrueckner, Mr. Horton, Mr. Howard, Mr. Hughes, Mr. Jenkins, Mr. Jones of North Carolina, Mr. Jontz, Ms. Kaptur, Mr. Kastenmeier, Mr. Kennedy, Mr. Kolter, Mr. Lagomarsino, Mr. Lantos, Mr. Leach of Iowa, Mr. Lipinski, Mr. Livingston, Mrs. Lloyd, Mr. McCloskey, Mr. McDade, Mr. McEwen, Mr. McHugh, Mr. Martin of New York, Mrs. Martin of Illinois, Mr. Martinez, Mrs. Meyers of Kansas, Mr. Mfume, Mr. Miller of Ohio, Mr. Miller of California, Mr. Mineta, Mr. Moakley, Mrs. Morella, Mr. Morrison of Connecticut, Mr. Murphy, Mr. Neal, Mr. Nichols, Mr. Nielson of Utah, Ms. Oakar, Mr. Ortiz, Mr. Owens of Utah, Mr. Panetta, Mr. Pashayan, Mrs. Patterson, Mr. Pepper, Mr. Perkins, Mr. Rahall, Mr. Rangel, Mr. Ray, Mr. Regula, Mr. Rinaldo, Mr. Ritter, Mr. Rodino, Mr. Rose, Mr. Sabo, Mrs. Saiki, Mr. Savage, Mrs. Schroeder, Mr. Sisisky, Mr. Skaggs, Ms. Slaughter of New York, Mr. Smith of Iowa, Mrs. Smith of Nebraska, Mr. Solarz, Mr. Spence, Mr. Stallings, Mr. Stark, Mr. Stokes, Mr. Stratton, Mr. Studds, Mr. Sunia, Mr. Synar, Mr. Tallon, Mr. Torricelli, Mr. Traficant, Mr. Traxler, Mr. Udall, Mr. Volkmer, Mrs. Vucanovich, Mr.

Walgren, Mr. Waxman, Mr. Weber, Mr. Weiss, Mr. Wheat, Mr. Wolpe, Mr. Wyden, Mr. Yates, Mr. Yatron, Mr. Young of Florida, and Mr. Miller of Washington.

H.J. Res. 104: Mr. DeLay, Mr. Mavroules, and Mr. Sweeney.

H.J. Res. 108: Mr. Traficant, Mr. Wilson, Mr. Upton, Mr. Coats, Mr. Espy, Mr. Lipinski, Mr. Mfume, Mr. Rose, Mr. Tallon, Mr. Pepper, Mr. Scheuer, Mr. Ortiz, Mr. Murphy, Mr. Miller of Washington, Mr. MacKay, Mr. McKinney, Mr. McCloskey, Mr. Kolter, Mr. Jones of North Carolina, Mr. Jones of Tennessee, Mr. Nelson of Florida, Mr. Valentine, Mr. Schumer, Mr. Howard, Mr. McDade, Mr. Hunter, Mr. Neal, Mr. Dowdy of Mississippi, Mr. Horton, Mr. Young of Florida, Mr. Thomas of Georgia, Mr. Towns, Mr. Sunia, Mr. Rodino, Mr. Solarz, Mr. Lewis of California, Mr. Hyde, Mr. Hatcher, Mr. Oberstar, and Mr. Rangel.

H.J. Res. 129: Mr. Courter, Mr. Crane, and Mr. Dornan of California.

H.J. Res. 132: Mr. Thomas A. Luken, Mr. Frost, Mr. Biaggi, Mr. Atkins, Mr. Kennedy, Mr. Young of Alaska, Mr. Hoyer, Mr. Pursell, Mr. Hawkins, Mr. Donnelly, Mr. Brown of California, and Mr. McCloskey.

H.J. Res. 135: Mr. Horton, Mr. Fuster, Mr. Waxman, Mr. McKinney, Mr. Boland, Mr. Levin of Michigan, Mr. Martinez, Mr. Volkmer, Mr. Bryant, Mr. McMillen of Maryland, Mr. Lungren, Mr. Gray of Illinois, Mr. Roe, Mr. Rodino, Mr. Scheuer, Mr. Solarz, Mr. Murphy, Mr. Frost, Mr. Jenkins, Mr. Howard, Mr. Dyson, Mr. Wolpe, and Mr. Hughes.

H. Con. Res. 5: Mr. Mineta.

H. Res. 62: Mr. Horton, Mr. Bevill, Mrs. Boxer, Mr. Sawyer, Mr. Moorhead, Mr. Wortley, Mr. Martinez, Mr. Badham, Mr. Thomas A. Luken, Mr. Boulter, Mr. Hastert, Mr. Hertel, Mr. Erdreich, Mr. Owens of New York, Mr. Smith of New Hampshire, Mr. Levine of California, Mr. Livingston, Mr. Dannemeyer, Mr. Gallo, Mr. Weiss, Mr. Garcia, Mr. DeWine, Mr. Kolbe, and Mr. Buechner.

H. Res. 68: Mr. Roberts, Mr. Watkins, Mr. Levin of Michigan, Mr. Bevill, Mr. Owens of New York, Mr. Bereuter, and Mr. Roe.

PETITIONS, ETC.

Under clause 1 of rule XXII,

23. The SPEAKER presented a petition of the Ambassador of Nicaragua, Washington, DC relative to issues in Central America; which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

INCONCLUSIVE EVIDENCE ON THE HARMFUL EFFECTS OF SMOKING

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. JONES of North Carolina. Mr. Speaker, On February 10, I celebrated my 21st anniversary as a Member of Congress proudly representing the First District of North Carolina. My district is predominantly rural with tobacco being the catalyst of our economy. During my tenure, I have consistently fought for tobacco, and there have been many tough fights. However, I believe that my district faces its toughest fight ever during the 100th Congress, and I am confident that we will prevail as we have in the past.

Over the past several years, there have been increasing efforts to restrict smoking in the Federal workplace, increase the cigarette excise tax, ban smoking on airlines, ban advertising or eliminate the business deduction for advertising of tobacco products and on and on. The oft-stated goal of those supporting these efforts is a smoke-free society by the year 2000. To me, that means economic ruin for the First District of North Carolina by the year 2000.

Leading the charge against smoking and thus, against my tobacco growers, is the Surgeon General. Two years ago, the antismoking efforts reached somewhat of a plateau; they needed a new issue, a new harm from smoking which would polarize smokers and nonsmokers and more importantly, convert nonsmokers into antismokers. What they came up with was environmental tobacco smoke [ETS]. This would be their ticket for eliminating tobacco use in our society.

There was one major problem. The existing scientific evidence did not begin to support the position that ETS was a health hazard. But this did not deter the Surgeon General from releasing his December 16, 1986, report which stated ETS was a health hazard to nonsmoking, healthy adults.

The Surgeon General, like myself, is a politician. I have learned that when dealing with politicians it is better to watch what they do as opposed to listening to what they say. This is as true for the Surgeon General as it is for me. The simple fact of the matter is that the conclusions in the Surgeon General's report are not supported by the research in his own report.

Here are some examples:

EXAMPLE 1

SG's conclusion: "Involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers." (SG's report, Dec. 16, 1986, p. vii).

LUNG CANCER

SG's research: "Risk associated with involuntary smoking exposure is uncertain. Important questions related to (ETS) exposure require further research. More accurate estimates for the assessment of exposure in the home, workplace, and other environments are needed." (SG's report, Dec. 16, 1986, p. 101).

"(L)ittle is known about the magnitude of the (ETS) exposures that occur in different segments of the U.S. population. A better understanding of the exposures that are actually occurring in the United States, and of past exposures, would be needed to accurately assess the risk for the U.S. population." (SG's report, Dec. 16, 1986, pp. 96-97).

ACUTE RESPIRATORY ILLNESS

"There are no studies of acute respiratory illness experience in adults exposed to environmental cigarette smoke." (SG's report, Dec. 16, 1986, p. 60).

PULMONARY FUNCTION

"The physiological and clinical significance of the small changes in pulmonary function found in some studies of adults remains to be determined. The small magnitude of effect implies that a previously healthy individual would not develop chronic lung disease solely on the basis of involuntary tobacco smoke exposure in adult life." (SG's report, Dec. 16, 1986, p. 62).

BRONCHOCONSTRICTION

"The magnitude of these changes is quite small, even at moderate to high exposure levels, and is unlikely that this change in airflow, per se, results in symptoms." (SG's report, Dec. 16, 1986, p. 63).

ASTHMATICS

"Pulmonary function was not influenced by (ETS) exposure. Nonspecific bronchial responsiveness decreased significantly, rather than increasing, as would be anticipated following an irritant exposure. . . . Studies of large numbers of individuals with measurement of the relevant physiologic exposure parameters will be necessary to adequately address the effects of environmental tobacco smoke exposure on asthmatics." (SG's report, Dec. 16, 1986, p. 65).

EAR, NOSE, AND THROAT

"There are no studies of chronic ear, nose, and throat symptoms in adults with involuntary smoking exposure." (SG's report, Dec. 16, 1986, p. 65).

EXAMPLE 2

SG's conclusion: "Simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, exposure of nonsmokers to environmental tobacco smoke." (SG's report Dec. 16, 1986, p. 318).

SG's research: "There are no controlled studies in which smoking behavior has been tracked over time in the states or communities that have enacted smoking legislation." (SG's report, Dec. 16, 1986, p. 14).

"Validated questionnaires are needed for the assessment of recent and remote exposure to environmental tobacco smoke in the home, workplace, and other environments." (SG's report, Dec. 16, 1986, p. 14).

"To the present, there has been relatively little systematic evaluation of policies restricting smoking in public places or at the workplace." (SG's report Dec. 16, 1986, p. 16).

In addition, there are serious concerns over the method in which these studies were conducted. Again, let's look at some examples for the report which acknowledge these concerns:

SG's research: "Misclassification of exposure to environmental tobacco smoke is inherent in epidemiological studies of involuntary smoking." (SG's report, Dec. 16, 1986, p. 72).

"Misclassification of smokers or ex-smokers as nonsmokers may produce the appearance of an involuntary smoking effect when, in fact, the true relationship is with active smoking." (SG's report, Dec. 16, 1986, p. 66).

"Most studies of lung cancer to date have used the number of cigarettes smoked by spouses as a measure of exposure to involuntary smoking, and thus have disregarded duration of exposure, exposure from other sources, and factors that influence exposure, such as proximity to the smoker of size and ventilation of the room where the exposure occurred. Moreover, all of the published studies have based involuntary smoking exposure measures on questionnaires without validation of these data with biochemical markers or environmentally measured concentrations of tobacco smoke constituents. Misclassification of involuntary smoking exposure is likely to be random and to bias the effect measures toward the null. (SG's report, Dec. 16, 1986, pp. 67-72).

"The exposure variables employed in epidemiological studies do not separate nonexposed from exposed subjects; instead they discriminate more exposed groups from less exposed groups." (SG's report, Dec. 16, 1986, p. 72).

"Information bias is an added concern in case-control studies since neither interviewer nor respondent bias can be ruled out." (SG's report, Dec. 16, 1986, p. 73).

"The direction of the information bias may be dependent on the type of respondent. Self-respondents may be more apt to interpret their disease as related to exposure to tobacco and thus overreport the exposure." (SG's report, Dec. 16, 1986, p. 73).

"Surrogate respondents may minimize the reporting of their own smoking because of guilt, involuntary smoking exposure in an attempt to explain their relative's illness." (SG's report, Dec. 16, 1986, p. 73).

"Relative risks ranging from 2 to 3 were generally reported for the highest level of exposure based on the spouses' smoking habits, but since sample sizes in most studies are not large, the point estimates of effect are unstable, and confidence limits are broad and generally overlap from one study to another. An index of involuntary smoking based on the smoking habits of the spouse is simplistic and convenient measure." (SG's report, Dec. 16, 1986, p. 101).

"Misclassification of the lung as the primary site and the lack of pathological confirmation are repeated concerns. Misclassification of exposure to ETS cannot be dismissed, since an index based solely on the smoking habits of a current spouse may not be indicative of past exposure, cumulative exposure, or the relevant dose to the respiratory tract." (SG's report, Dec. 16, 1986, p. 101).

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Finally, I have to ask the question, "What are the real causes of indoor air pollution?" Professional investigations in hundreds of workplaces indicate that complaints often attributed at first to ETS—such as headache, nausea, coughing, and eye irritation—are in approximately 95 percent of cases the result of inadequate or dirty ventilation systems or exposure to one of numerous other, less visible, pollutants, of indoor air.

AVCA Atlantic Inc., was formed in 1981 and is devoted exclusively to the identification and control of internal pollution problems in public and commercial buildings. AVCA has diagnosed problems and specified solutions in some 30 million square feet of occupied space including the Longworth House Office Building and the Supreme Court. Listed below are its findings:

Fact 1: Between 1971 and 1985 the National Institute for Occupational Safety and Health (NIOSH) inspected 356 buildings due to staff complaints of respiratory symptons or poor air quality. NIOSH found that 50 percent of the problems were directly due to inadequate ventilation alone.

Fact 2: To date, over 30 percent of buildings, inspected by ACVA have shown grossly inefficient air filtration systems.

Fact 3: In 1985 alone, in 35 percent of the ACVA-inspected buildings, fresh air intake dampers had been closed completely as an energy conservation measure. These buildings were operating with 100 percent recycled air, in violation of building ventilation codes.

Fact 4: In 95 percent of the cases, the visible presence of environmental tobacco smoke were not found to be the culprit in poor air quality. Normally, the noticeable presence of ETS proved to be only a symptom of ventilation problems.

Fact 5: Over 38 percent of the buildings had excessively dirty air-conditioning ductwork; another 32 percent had moderate-to-heavy dirt contamination.

Fact 6: Over 31 percent of the buildings contained significant levels of potentially allergenic fungi in their ductwork. More than two dozen separate species of fungi were isolated.

Fact 7: Over 9 percent of the buildings—nearly one out of 10—contained significant levels of potentially allergenic bacteria in their ductwork. A dozen different varieties of bacteria were isolated, including "Staph," Streptococcus and Legionella pneumophila, the germ that causes Legionnaires' Disease.

Fact 8: About 6 percent of the buildings had high concentrations of glass fiber particles spilling out of the ductwork. Various types of fibers, usually from insulation material, can produce lung disease in humans.

Fact 9: Up to 85 percent of the buildings constructed before 1975 still contain materials made of asbestos. Many of these products have deteriorated to the point where they are releasing asbestos fibers into the building environment.

Fact 10: All air-conditioning ventilation systems get dirty over time. The systems are composed of many mechanical parts, reservoirs, and often literally miles of twisting ductwork, all of which collect grime. Dirt in ductwork may include dead insects, dead animals such as birds and rodents, rotting leaves, dust and soil.

Fact 11: Air-conditioning ductwork is a perfect breeding ground for germs: an enclosed space, constant temperature, humidity, and dirt to provide food.

Fact 12: Studies have shown that most people spend 75-90 percent of their time indoors, so exposure to indoor air pollution is considerable.

Fact 13: Virtually all "sick building" programs are curable once diagnosed. Ventilation rates can be increased, ductwork cleaned and sanitized, microbial contamination controlled, and filtration systems upgraded. The result can be dramatic improvements in air quality.

Fact 14: The economic benefits of curing "sick buildings" can be enormous. Eliminating these air quality problems, and the health effects they so often cause, can cut down on worker absenteeism and increase productivity. The Federal Government estimates that absenteeism costs over $100 billion per year in lost productivity and medical costs, and up to 50 percent of absenteeism is due to upper respiratory problems—common symptoms in sick buildings.

ETS is not a new phenomenon. It has existed as long as tobacco products have been used. It has been over 20 years since the Surgeon General concluded that primary smoking was hazardous to one's health. It is curious to me that now we have this sudden uproar over the alleged health hazards of ETS.

More to the point, the Surgeon General is charged with the responsibility of reporting annually to Congress on the state of scientific research in this area. In 1979, the Surgeon General reported that any health reactions to ETS were the result of psychological factors, not medical factors. His most recent report obviously changes that position. However, as the examples clearly illustrate, the science on this subject does not support his conclusions. In this respect, I believe the Surgeon General is, intentionally or not, misleading Congress and the American public. He is stoking the fires of the antismoking forces and his success in doing so is evidenced by the flood of legislation introduced in both Houses. What the Surgeon General and the antismoking forces cannot accomplish through scientific evidence will be attempted by creating a society which causes embarrassment and scorn to the smoker. That is the real purpose behind the most recent report regardless of what the state of the science may be.

In the past, the major battlefield for tobacco was the price support program. I truly believe that the ultimate goal of the Surgeon General and antismoking groups is the elimination of our program. But their failures in this effort have necessitated a change of battlefields, thus, the onslaught of legislation to ban smoking, and so forth. The Surgeon General wants to divert the public attention away from the economic well-being of my tobacco farmers, their families and communities by focusing on ETS. I cannot let my district suffer the economic consequences of these efforts and I call on other Members to openly oppose this type of legislation and administrative action.

COSTA MESA, CA, CHAMBER OF COMMERCE HONORS GEORGE L. AND JUDIE A. ARGYROS

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. BADHAM. Mr. Speaker, The Costa Mesa, CA, Chamber of Commerce honors one of the residents of the Orange County community who has made an extraordinary gift of time and money for the benefit of Orange County's citizens.

The list of those who have received this honor, called the Heart Award, is long and distinguished. This year, for the first time, two citizens, a husband and wife team, will be honored for their outstanding contributions to the community.

They are George L. Argyros and Judie A. Argyros, both long-time friends of mine, whose words, deeds, and financial contributions have greatly enhanced all of Orange County and particularly that portion which I have the honor to represent in this body.

George Argyros is an interesting mixture of business acumen, sports fanatic, supporter of higher education, one-time airline owner, and a man who has even tread tenderly around the edges of the world of politics.

George must be a baseball fanatic, as an example, to be the owner of the Seattle Mariners of the American League. And to show his dedication, he joined with a business friend to buy an airline so he could travel back and forth to Seattle to watch his team's regular lack of singular accomplishments.

When I asked George one time how he liked owning a major league baseball team, he said with a smile, "Thank goodness for the apartment business." For those who don't know George Argyros, he built thousands of apartments in Orange County during its great growth period and had the good judgment to keep most of them.

As the owner of Arnel Development Co. and Arnel Management Co., George Argyros has shown that he is a man of good heart by putting his time and money back to work in the community that has been so good to him.

He is chairman of the board of trustees of Chapman College in Orange County—of which he is a graduate—is vice chairman of the Council of Independent Colleges, a director of the Independent Colleges of Southern California, member of the executive board of the Orange County Council of Boy Scouts of America, a director of Childrens' Home Society of California, helped the Orangewood Leadership Council raise $7.5 million for an emergency center for abused and neglected children, is a trustee of the Orange County Performing Arts Center and a director of Orange County Business Committee for the Arts.

In addition to his half ownership of AirCal, which recently was sold to American Airlines, George is active in many business endeavors and on the board of several companies, in addition to those which he owns.

His wife, Judie, similarly is an involved person, as a director of the Angels of the Arts, a support group for the Orange County Performing Arts Center, a director of Orangewood, a member of the Fashionables at Chapman College and a member of Town & Gown at Chapman.

Past activities by Judie Argyros include membership of the Gala Ball Committee for 2 years of the South Coast Repertory Theatre, a member of the Santa Ana Auxiliary of Childrens' Home Society, and the auxiliary of the Orange County Philharmonic Society.

Truly no two people could be more worthy of the high honor to be bestowed on them by the Costa Mesa Chamber of Commerce at their annual Heart Award dinner on February 25 and I take this opportunity to add my thanks to them both for their many years of dedicated service to our community.

THE ONGOING TRAGEDY OF CYPRUS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. BROOMFIELD. Mr. Speaker, I recently received a touching Christmas card from a young Greek girl obviously proud of her ancient heritage and concerned about the many Greek Cypriots on the island of Cyprus who disappeared after the Turkish invasion of that country. In that card, Miss Maria Magripli asked me to "please remember this Christmas that 1,619 Greeks and Greek-Cypriots are bring held hostage by Turkey and that they are missing since 1974. * * * Restore Human Rights in Cyprus." She raises a critical question. Why haven't Turkish officials provided information about the whereabouts of the innocent victims of the Turkish invasion? Has Turkey, a country which generally respects human rights, forgotten about the humanitarian aspect of the tragic 1974 clash?

For 13 years, the United States Government has worked closely and patiently with Turkish officials and encouraged them to resolve quickly the issue of the many missing people whose families suffer the pain of not knowing what happened to their loved ones, whether they are alive or dead. Our Government has encouraged the Turkish Government to commit the needed resources to a final resolution of the status of the 1,619 unaccounted-for souls. If Turkish officials cannot uncover any facts regarding this tragic situation, they should say so publicly. If they do possess information, they should tell the bereaved families the truth.

Among the 1,619 missing Greeks and Greek Cypriots is Andrew Kassapis, a young Michigan resident, who was taken away from his family's home during the fighting and never returned. I have a deep personal interest in learning of his whereabouts. The Turkish Government, however, as well as the Turkish-Cypriot leader, Mr. Denktash, have been unwilling or unable to provide me with any information about Andrew.

In 1974, Turkey launched a massive invasion of Cyprus. The savage fighting took many lives. In the aftermath of the invasion, over 200,000 Greek Cypriots fled to the southern part of the island where they have remained in temporary refugee camps. Today, 38 percent of the island is occupied by nearly 30,000 heavily armed Turkish troops. Although the island is peaceful at the moment, those soldiers are still there.

We all know that a just settlement on Cyprus must include the withdrawal of Turkish military forces from that island. The United States cannot fail to take into account the size of Turkish occupation forces on Cyprus in determining the content and scope of United States military assistance to Turkey.

The Turkish Government has used United States military assistance to Turkey to modernize the military equipment of the Turkish forces on Cyprus. While Turkish troops in Turkey merit United States assistance to enable them to fulfill their important NATO role, Turkish units on Cyprus deserve no United States assistance. Those forces serve only as an instrument to enforce the will of the Turkish Government in denying the Cypriot people the right to self-determination.

As an expression of my continuing concern about Turkey's unwillingness to account for the many missing Greek Cypriots and the presence of Turkish Armed Forces on Cyprus, I have introduced legislation, H.R. 957, which would prohibit the use on Cyprus of military equipment provided to Turkey by the United States and would require the Department of State to include certain information regarding the activities on Cyprus of the Turkish Armed Forces in its periodic reports on Cyprus to Congress. No member of NATO should be allowed to use U.S.-furnished military equipment provided for NATO purposes to fight their own regional conflicts.

The achievement of a just and lasting peace in the eastern Mediterranean is a goal that all of us in Congress share. The United States is a close ally of both Greece and Turkey, and it is United States policy to support an early and just resolution of regional disputes involving Greece and Turkey. Both Turkey and Greece are key NATO members with the formidable task of protecting NATO's southern flank. We encourage both countries to work together militarily, and we hope that they will cooperate in resolving humanitarian concerns on Cyprus. I hope that H.R. 957 will move the concerned parties in the Cyprus conflict closer together in the effort to achieve a just peace on that island.

PROMOTION OF DEMOCRACY IN THE REPUBLIC OF KOREA

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. FEIGHAN. Mr. Speaker, I rise today to introduce legislation regarding the promotion of democracy and security in the Republic of Korea.

President Chun Doo Hwan has promised to step down from office when his term expires in February of 1988. The Chun government and opposition forces have disagreed strongly, however, over how to restructure their Constitution before Chun leaves office. President Chun wants an indirect, parliamentary system headed by a Prime Minister, but opposition leaders charge that Chun could control such an election and have called for direct elections instead. Meanwhile, contradictory reports are coming from South Korea about the timing of the elections. The Chun government may hold elections in the fall of 1987, well in advance of the summer Olympics of 1988, so that any disputes surrounding the election would not disturb the Olympics. More disturbing though are some reports that the Chun government may postpone elections indefinitely.

It is in the deep interest of both the Republic of Korea and the United States that genuine, democratic elections take place in South Korea. The conditions necessary for democratic elections include respect for due process of law, an independent judiciary, an end to the use of torture, and the restoration of full political and civil rights for all people in South Korea, including opposition leaders such as Kim Dae Jung and Kim Young Sam. Continued repression and disregard for civil and political rights will only serve to undermine democracy in South Korea even further.

The Reagan administration recently has been signaling the Chun government to allow a more open and legitimate political system and to seek common ground with opposition leaders. Indeed, the new United States Ambassador to South Korea, James R. Lilley, met last week with Kim Young Sam and reportedly may meet with Kim Dae Jung.

The Congress of the United States also must continue to call upon the Chun government to hold fair and democratic elections as promised and to end repressive practices which result in tragedies such as the recent murder of a student, drowned by police during interrogation. To this end, I am introducing today a concurrent resolution on South Korea, which Senator ALAN CRANSTON of California introduced in the Senate yesterday. I hope that my colleagues in the House will give it their full and early support in this year of 1987 which will prove to be crucial to the Republic of Korea. I ask that the resolution be printed below in full:

H. CON. RES. 48

Concurrent resolution regarding the promotion of democracy and security in the Republic of Korea

Whereas the American people have an enduring commitment to help secure and promote democracy for the people of the Republic of Korea;

Whereas American citizens have demonstrated commitment to the freedom of the people of the Republic of Korea by our sacrifices during the Korean war, by our ongoing defense treaty relationship, including the stationing of 40,000 U.S. troops in the Republic, and our provision of more than $12 billion in economic and military aid since 1953—assistance which is advanced in furtherance of democracy, not dictatorship;

Whereas in 1988 the Republic of Korea plans the transition of presidential power and the hosting of the summer Olympic games;

Whereas these events will focus international attention on the Korean Peninsula;

Whereas a peaceful, democratic transition of governmental power could become the political landmark that will secure the path toward genuine democracy for the Republic of Korea;

Whereas the Republic of Korea's increasing role in the international economy has not been matched by a commensurate increase in the enforcement of internationally-recognized standards in civil and political rights;

Whereas genuine democracy, governmental respect for internationally-recognized human rights, and internal stability best guarantee the security of the Republic of Korea against any conceivable threat of aggression from the Democratic People's Republic of Korea; and

Whereas large numbers of citizens of the Republic of Korea have expressed dissatisfaction with the severe limits imposed by the authorities on freedom of expression and access to the political process: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) the Congress reaffirms the commitment of the American people to promoting the development of democracy for all the Korean people.

(b) It is the sense of Congress that—

(1) the deep interest of the United States in securing democracy and human rights in the Republic of Korea would best be served by the peaceful establishment of genuine democratic institutions;

(2) the necessary condition for achievement of a genuine democracy is an electoral system designed, by agreement among the political parties in the Republic of Korea, to give the people of that country confidence that the outcome of those elections will reflect their will; and

(3) the necessary conditions of such elections are freedom of expression, freedom of the press, respect for due process of law, an independent judiciary, an end to the use of torture, the release of all political prisoners, the restoration of full political and civil rights for all people including Kim Dae Jung and Kim Young Sam, and legal implements to guarantee the proper and humane treatment of all political detainees.

R&D COST ALLOCATIONS—SECTION 1.861.8

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. ANTHONY. Mr. Speaker, there is no more important task facing this Congress than that of advancing our Nation's competitive position in the international marketplace. Our leaders are devoting a great deal of their time and resources to develop new initiatives in this area. While new ideas and new programs are certainly appropriate, I believe we must get our existing regulations in order before we begin writing new ones. It is for this reason that a majority of my colleagues on the Ways and Means Committee have joined me today in proposing legislation to remove permanently the most serious threat to American competitiveness in the critical area of research and development.

This threat is posed by provisions of Treasury regulation section 1.861.8 that would require U.S. companies with foreign operations to allocate a portion of their domestic R&D expenditures to income earned abroad. The net effect of this section is to deny U.S. firms a full deduction for domestic R&D expenses.

By treating U.S. R&D as if it were performed overseas, the regulation encourages companies to actually move R&D overseas, where foreign governments offer more favorable tax treatment. We must recognize that when we export research and development, we not only export jobs, we export a vital component of our strategy to achieve economic competitiveness.

Ours is the only nation in the world that provides this disincentive for domestic R&D. Therefore, whatever the intent of the regulation may be, its effect is to put research intensive American companies at a competitive disadvantage in the international marketplace. The bill I am introducing today provides a permanent solution to the longstanding controversy surrounding this issue by requiring expenses related to research and development activities conducted in the United States to be allocated to U.S. source income. This would bring U.S. tax regulations into line with international tax practices. Rather than providing an incentive for domestic R&D, this bill merely removes a pernicious disincentive.

This body has recognized the disincentive effect of section 1.861.8 again and again since it was first promulgated in 1977. First, in 1981, this House voted for a full repeal of the regulation. In the end, however, the Economic Recovery Tax Act provided a 2-year moratorium of the regulation to allow more time for Treasury to study the matter. The disincentive effect of section 1.861.8 was then confirmed by Treasury in a subsequent 1983 report, and by an independent study by Arthur Andersen & Co. The 2-year moratorium imposed under ERTA was therefore extended for an additional 2 years by the Deficit Reduction Tax Act of 1984, and for another year by the Consolidated Omnibus Budget Reconciliation Act of 1985. Finally, a "partial moratorium" was provided by the Tax Reform Act of 1986. This latest moratorium expires on August 1, 1987, making this a current-year tax issue.

The conference report accompanying the Tax Reform Act directed Treasury to "reexamine its regulations in light of concerns expressed by the tax-writing committees of both Houses," and called for a permanent resolution of the allocation issue. This bill would provide the permanent solution that has eluded Treasury for these many years: Removal of the section 1.861.8 disincentive.

Mr. Speaker, it is time this Government and this country recognized the important steps that must be taken to regain our competitive position among industrialized nations. Enacting this permanent solution to the problem created by section 1.861.8 is but one of the steps that we should be taking to realize these goals, but it is a very important step. We must move quickly to eliminate such a significant disincentive to domestic research and development activities this year.

Our legislation has strong bipartisan support in both Chambers, and it is my sincere hope that it will also have the endorsement of the administration. I wish to thank my colleagues who have cosponsored this legislation with me today and pledge to work with them toward its early enactment.

GEN. THADDEUS KOSCIUSZKO DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Thaddeus Kosciuszko, the Polish general who helped the American revolutionaries win the crucial battle of Saratoga during our War of Independence. As cochairman of the Democratic Council on Ethnic-Americans, whose goal is to bring traditional values to the forefront of the Democratic Party agenda, I believe General Kosciuszko is testimony to the important position Poles have attained in our country and is representative of what is best in our varied, ethnic tradition.

Born in Poland on February 12, 1746, Kosciuszko attended the prestigious military academy in Warsaw where he distinguished himself in military studies, especially those dealing with engineering. In 1776, along with his knowledge and skill of combat, Kosciuszko brought his passion for freedom and equality to America where he became colonel of engineers in the Revolutionary Army. In that position, the general built fortifications that made West Point virtually impregnable and enabled the American Revolutionaries to defeat a larger and better equipped British force at Saratoga. For these activities, Kosciuszko gained American citizenship soon after the war.

Kosciuszko did not long remain in America, but returned to his native country to attempt to introduce the same "radical" ideas of freedom and equality. In 1784, he freed his serfs from the rest of their required service and urged other landowners to follow his lead. His belief in the ultimate equality of men impelled Kosciuszko to use his American property to buy the freedom of Thomas Jefferson's slaves and pay for their education so that they might support themselves. Jefferson was made the executor of his will.

In his later years, Kosciuszko fought hard to liberate Poland from its oppressors. In 1794, he led an uprising against Russia and Prussia, Poland's occupying powers, but was unable to defeat them. Later, he attempted to work with Napoleon to secure freedom for his country, yet Poland still remained under foreign domination. It is a sad state of affairs that the land of Kosciuszko's birth still remains beholden to a foreign power and that the general's dream of freedom and equality for his own people has not become reality. Let us never forget this indisputable fact.

Mr. Speaker, this year Polish-Americans and all Americans celebrate the ideals of freedom and justice as embodied in the person of Gen. Thaddeus Kosciuszko. He was a man with sincerely held beliefs who had the courage to put those beliefs in action. We honor on this day the man but also the spirit and determination that set General Kosciuszko apart from the others of his day.

A CONGRESSIONAL SALUTE TO THE FOUNDING MEMBERS OF THE SENIOR CARE ACTION NETWORK [SCAN]

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. ANDERSON. Mr. Speaker, on Thursday, March 12, 1987, a special tribute will be held at the Hyatt Regency Hotel in Long Beach, CA, to honor the founding members of the Senior Care Action Network. I take this opportunity to commend and congratulate those individuals who had the vision 10 years ago to establish SCAN.

Those to be honored include: Edmundo Alvillar, Lillian Anakin, Max Blum, Cora Cocks, Dorothy Fornia, John Grigsby, Edith Klein, Ray Minnich, Herb Nalibow, Alice Rose, Lucy Still, Neil Tilton, George Toll, and Ethel Young.

Mr. Speaker, SCAN was established after a year of planning by the University of Southern California's Gerontology Center, the city of Long Beach and numerous medical and human service organizations. Most importantly, however, it was the individuals previously mentioned who made the greatest impact in getting SCAN established.

In the decade in which SCAN has been in operation, over 12,000 seniors have benefited from their comprehensive health care facilities and badly needed social service programs.

In conclusion, Mr. Speaker, let me just say that SCAN is truly one of our community's most important senior programs. And without the foresight and vigilance of SCAN's founding members, it would never have grown to become the great institution it is today. My wife, Lee, joins me in saluting these in helping make Long Beach a better place to live.

HEALTH SERVICES ACT OF 1987

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. GALLO. Mr. Speaker, I am pleased to join with my distinguished colleague from Ohio [Mr. REGULA], as an original cosponsor of the Health Services Act of 1987.

This bill is a vital step forward in addressing the need to protect the elderly and others from catastrophic health expenses, to address the needs of the underinsured or the uninsured, and to encourage individuals to save for future health care needs.

Congressman REGULA has been on the forefront of this issue since President Reagan proposed the idea in his 1986 State of the Union Address. I believe that the Health Services Act of 1987 meets the objectives of the catastrophic health care plan recently proposed by Secretary Bowen and endorsed by the President.

First, this legislation would create a personal savings account—Health services account—which would be treated much in the same way as traditional individual retirement accounts. This would provide a necessary incentive for a large sector of the population to start planning ahead for future health care needs and thereby, avoiding costly gaps in their health care coverage.

Second, this bill proposes a limited enlargement of Medicare to include catastrophic coverage on a voluntary basis. For an additional premium of less than $5 a month, a Medicare beneficiary would be permitted an unlimited number of days for inpatient hospital care and there would be a maximum of two part A deductibles in a year. This plan would also eliminate coinsurances added to the part A deductible and the one-eighth coinsurance required in skilled nursing facilities.

Third, this bill would enable States to develop a State pool to provide insurance coverage and direct health services to low-income persons who do not have public or private health insurance.

Finally, this plan is budget neutral and does not create any new entitlement programs.

All of these provisions are crucial in addressing the health care needs of the increasing elderly population, of persons approaching retirement age, and of persons who lack insurance coverage for basic health care needs.

I commend Congressman REGULA for introducing this vital legislation and I urge my colleagues join me in support of this bill.

JACKIE HEATHER PRAISED

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. BADHAM. Mr. Speaker, today, I would like to honor one of my longtime friends, Jackie Heather, who recently retired from 8 years of service to the city of Newport Beach as city councilwoman and mayor.

She has been honored by her community by receiving the "Citizen-of-the-Year" award for 1986 by the Newport Harbor Area Chamber of Commerce. Her public service work goes back to 1971 when she was appointed a member of the planning commission, serving as its chairman from 1976 to 1978. She later served as president of the League of California Cities Planning Department.

I have worked with Mrs. Heather on many projects involving the community over the years in her various capacities, as mayor from 1980 to 1982, member of the California Coastal Commission, Orange County Sanitation District, Southern California Association of Governments, and Upper Newport Bay Ecological Reserve Public Advisory Committee.

In this capacity she helped unify support for the Upper Newport Bay cleanup project and lobbied on its behalf for State funding. She was instrumental in implementing a gravity flow sewer line which saved the city $40,000 a year, established the city's paramedic program and many other projects too numerous to mention today.

She is a former member of the board of the Orange County chapter of the American Heart Association and had been honored as the Athena Woman of the Year in 1974, community service award for AAUW, YWCA, Community Service Leadership Award in 1982, and Woman of the Year in 1983 for Charter 100.

A 30-year resident of Newport Beach, she holds a BS degree in journalism from the University of Cincinnati. She and her husband, Loren, have four sons.

As you can see, Jackie Heather is one of those rare women who spend their life in public service and is a true leader. I am so proud of her and her achievements and know that she will not be idle during her retirement years.

VICE PRESIDENT BUSH SPEAKS ON THE ROLES OF THE PRESIDENT AND THE CONGRESS IN FOREIGN AFFAIRS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. BROOMFIELD. Mr. Speaker, on January 30, 1987, Vice President GEORGE BUSH addressed the Federalist Society in Washington, DC. The society's membership includes the best and the brightest of the Nation's judges, lawyers, and law students. The Vice President's remarks addressed the role of the President and the Congress in the conduct of the Nation's foreign relations. I draw my colleagues' attention to the following excerpt from the Vice President's remarks:

EXCERPT FROM VICE PRESIDENT BUSH'S REMARKS TO FEDERALIST SOCIETY, WASHINGTON, DC, JANUARY 30, 1987

Now let me just take the opportunity to pose a question here at the end, about how the framers intended the executive branch to interact with the legislative branch with the conduct of foreign policy. As much as I would argue for the primacy of the executive in foreign affairs, especially covert operations, I recognize that foreign policy is a shared power. But there's got to be a better way than we now have to share that power. In the last 20 years we've witnessed a departure from the way in which this nation has conducted its foreign policy for nearly two centuries. Congress has asserted an increasing, influential role in the day to day micromanagement of foreign policy, of foreign operations if you will. And at the same time, Congress, through its use of law rather than the executive's traditional tools of diplomacy and negotiation, has ushered the courts and lawyers into an uncomfortable but very visible role in the development of our foreign policy.

I don't believe that the founders intended that our foreign policy should be conducted or reviewed by grand juries. And I know that de Toqueville observed 150 years ago that we Americans have a great tendency to convert difficult political issues into legal ones. But this can go too far, and I don't believe the founders anticipated or intended judicial intervention into foreign policy. My understanding is that Hamilton and the founders fought to focus the conduct of our foreign policy in one man, the president, so that we as a nation would be able to act quickly, decisively, and where necessary, secretly to achieve his goals abroad. The envisioned role for Congress was political, not regulatory. There was no role envisioned for the courts. And my own feeling is that we must simplify, deregulate, if you will, the conduct of foreign policy generally, and covert actions particularly.

In our anti-terrorist report a year ago, that Attorney General Meese had such a fruitful hand in formulating, and that I chaired, we suggested a joint intelligence committee as a way of building mutual confidence and reducing tensions, reducing leaks, getting rid of the inefficiencies in the conduct of foreign policy. Establishing such a single committee might make it possible to ensure that covert activity is confined to the CIA, subject to appropriate but disciplined executive and legislative oversight that is based on mutual trust, not complicated regulations that frustrate the development of the trust.

I believe it would be consistent with the theme of your conference then, to enquire whether the founders have anything to teach us about the shared nature of the conduct of foreign policy. What role, if any, for the lawyers and the judiciary, and as for the two political branches, what is the proper role for each? I guess when you're in Congress as I was some years ago, you want Congress to have more of a say in foreign policy. And when you're in the executive branch and you see an erosion of the President's ability to conduct foreign affairs—I'm not talking about just this President—an erosion of presidential authority, and I think it has taken place, you understandably look at it from the executive's standpoint.

Yours is an exceptional group. And can't you help to find a way to establish, under the law, with objectivity, what the proper balance is? For example . . . did the War Powers Act encroach too far on presidential power? Are the proliferating congressional committee hearings compatible with the view of the founding fathers? Can the Congress properly dictate the micromanagement of foreign policy by an increased use of subcommittees and the use of the appropriations process? Or, to shift the focus now from the other side, should an administration be required in advance of operations to consult or advise Congress?

These are key questions, and if there ever was a group that has the intellectual facility to address them, it's this one. And I hope that somewhere along the line, maybe not at this particular conference, as time goes by that you'll find a way to help us. Not just the Administration, not just the Congress, but I'd say America as a whole, by finding the answers to these very complex questions.

This was supposed to be not a lecture—I saw it billed as a lecture, that's awfully awesome—and it's certainly not a speech. In the trade it's called a "cameo appearance" or a "drop by," but I'm sure glad you asked me over. Thank you very, very much.

HUMAN RIGHTS IN SOUTH KOREA

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. FEIGHAN. Mr. Speaker, yesterday I sent a letter to Secretary of State George Shultz signed by 35 of my colleagues in the House, expressing our deep concern about the murder of Park Jong Chol last month. Park Jong Chol was a 21-year-old linguistics student at Seoul National University. Mr. Park had not been arrested or charged with any crime. While police questioned him, however, they pushed his head repeatedly under a tub of water, causing him to suffocate.

The South Korean Government originally said that Mr. Park had fainted during interrogation and later died of shock. Within 1 week, however, the Chun government had formally apologized for the death, charged two policemen with Park's murder, and dismissed its chief of police and Interior Minister. These actions were both correct and encouraging to those who care about human rights and democracy in South Korea.

At the same time, however, it is important to note that the new Interior Minister is Chung Ho Yong, the former commander of the South Korean Special Forces which brought President Chun Doo Hwan to power through a coup and which later massacred hundreds of civilians in Kwangju in 1980. Moreover, Korean church sources have reported six other deaths due from police beatings since 1985 which have never been prosecuted. Last Saturday, the Chun government attempted to block a Day of Mourning to honor Mr. Park, by detaining opposition leaders before the rally, raiding campus offices, beating protesters, and hurling tear gas at them, and placing opposition leaders, Kim Dae Jung and Kim Young Sam, under house arrest.

In our letter to Mr. Shultz, we have urged the administration to condemn publicly any gross violations of human rights in South Korea. We have asked Secretary Shultz to seek opportunities to convey our concern to President Chun about these abuses and to investigate and prosecute deaths and allegations of police brutality. Indeed, as former Ambassador Robert White very persuasively argued in a recent Christian Science Monitor article, the United States must give strong signals to the Chun government that it must not continue along this increasingly repressive and dangerous pathway.

In memory of the death of Park Jong Chol and with the hope that the United States Government will press for change in South Korea, I would like to call the attention of my colleagues in the House to Ambassador White's important article:

The article follows:

TAIWAN'S LESSONS FOR SOUTH KOREA—AND THE UNITED STATES

(By Robert E. White)

Sturdy, cohesive, democratic movements are challenging closed political systems in Taiwan and South Korea. The United States has a legitimate role in urging these Asian allies toward democracy if only to avoid the instability that inexorably arises when basic rights of citizens are denied.

On Taiwan, with US encouragement, the ruling Kuomintang is moving hesitantly toward the modernizing of that country's archaic political structure. Yet in South Korea, where the presence of 40,000 US troops gives us enormous leverage, the Korean people see our policy as lending uncritical support to a military regime determined to keep power through intimidation and manipulation of the electoral process.

In 1971, President Richard Nixon's recognition of Communist China erased the Republic of China from the political map of the world. The logical consequence of this action should have been the emergence of a free and independent Taiwan. This has not happened, in good part because the aging clique of leaders who fled the mainland with Gen. Chiang Kai-shek and occupied Taiwan cling stubbornly to the illusion that they represent the only true government of China. The fiction that Taiwan forms only a small portion of the Kuomintang's domain impedes the Taiwanese from exercising their right of self-determination.

Nevertheless, an unspoken and commonsense accord is in the making between progressive forces in the government and the opposition. The dissidents play down the ultimate question of independence and instead concentrate on issues such as an end to martial law and respect for human rights. In exchange, the younger, more progressive forces inside the Kuomintang are moving to open up the political process. Both groups know that within a few years those born on Taiwan will assume complete control of the country.

One month ago, the citizens of Taiwan voted in legislative elections. Opposition candidates received an encouraging 35 percent of the vote.

Dr. You Ching, a founder of the newly formed Democratic Progressive Party, believes people will begin to give massive support to antigovernment candidates because they know their best protection against abuses of power by the Kuomintang depends on the emergence of an opposition force with enough popular backing to enable it to stand up to the government.

The American Institute on Taiwan, which functions as our embassy in everything but name, gives clear, unambiguous support to progressive forces both of the government and the opposition. At least partially in response to US influence, the Kuomintang appears ready to grant official recognition to the Democratic Progressive Party, to lift martial law, and to advance its timetable for an overhaul of the entire political system.

No such sense of purpose and direction is evident in our relations with South Korea. Whenever popular forces try to demonstrate the mass support their movement enjoys, Seoul responds with wild charges, riot-control squads, arrests, beatings, and torture. In October, President Chun Doo Hwan attacked those agitating for democratic change as "radical leftists" and falsely accused the leaders of having links to North Korean communism. In later November, the government was forced to put 70,000 military police into the streets of Seoul to prevent the opposition from staging a massive peaceful rally in favor of direct presidential elections. Responding to these frequent and flagrant violations of human dignity and respect for law, Stephen Cardinal Kim stated that in South Korea today "political power is so abused, our constitution so disregarded, that we must define the situation as an emergency."

Cardinal Kim does not exaggerate. An odious military regime with no claim to legitimacy and a popular well-led opposition are on a collision course. The people of Korea are fed up with military rule. In 1988, they want to elect as president a political leader who can guarantee respect for law, freedom of press, freedom of assembly, and the right of citizens to form labor unions and other associations. Mr. Chun's military clique appears determined to retain control by imposing a concocted parliamentary system that would frustrate the popular will.

In Taiwan, both the government and the democratic opposition believe US policy advances their interests. In South Korea, however, the Reagan administration ignores a cardinal rule of diplomacy: "Always stay in with the outs." The two most popular democratic leaders in Korea, Kim Dae Jung and Kim Young Sam, have repeatedly expressed their willingness to sit down with President Chun and his policymakers to try to seek a solution. In many countries where the US exercises important influence, our ambassadors have provided a neutral meeting ground, where, under the cover of large diplomatic receptions, government and opposition figures can talk to each other.

Not in South Korea. James Lilly, the new US ambassador, has carried on the lamentable policy of his predecessor and has not met with the two Mr. Kims.

If the US expects the Korean people to value our concern for their security, then, in the words of Kim Dae Jung, "they must have something to secure, to defend: democracy, freedom, justice, and human dignity."

In its present isolation, the Chun regime can be counted on to continue its dangerous and mistaken course of heightening tensions in order to justify repression.

This course will inexorably lead to confrontation and violence that could yield targets of opportunity for our enemies. A strong signal from the US that the government must restore freedom of the press and assembly and establish dialogue with the opposition is long overdue.

FARM CREDIT CRISIS

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. ANTHONY. Mr. Speaker, today I am introducing legislation to correct a problem that the administration has refused to address, one which they have created, and one which threatens the availability of farm credit in rural America.

Farmers across this country are facing an economy which allows them extremely slim margins of profit in their operations. Regardless of the commodity, participation in USDA programs has become vital for the average farm to show a positive cash-flow. This must be done through the mechanism of USDA price supports and deficiency payments.

In 1986, the administration began using commodity certificates to supplement cash deficiency payments. As long as the payments were in cash, they were assignable, and farmers and lenders could use them as collateral so that the farmer could secure a farm loan. Since the certificates are not assignable, lenders are experiencing an evaporation of their security, and the farmer, in effect, has lost a valuable asset in his credit portfolio.

My legislation would require that notice be given to a secured lender at the time the farmer conveyed his or her certificate to a third party. In no way will this bill restrict the option which the farmer has to market the certificate in the manner best suited to the market conditions at that time.

I believe this compromise legislation will not only protect the lender and the farmer, but actually increase the value of the certificate by expanding its use. Farm commentators around this country recognize that we are in a farm credit crisis. It makes little sense now to support a policy which actually puts a freeze on credit when, with a little adjustment, we can turn an obstacle into a tool for progress.

AMERICAN SOKOL FOUNDING

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. LIPINSKI. Mr. Speaker, I rise today to salute the Czechoslovak-American Sokol gymnastic, educational, and cultural organization and point out to my fellow Members that last Sunday marked the 122d year this great institution has been in existence.

Founded in 1865 by Czech immigrant Miroslav Tyrs, the American Sokol movement has and continues to be dedicated to physical fitness and a staunch belief in democracy and freedom. Today, 59 active units in 22 States with 16,500 members age 3 to 60 not only take part in gymnastic exercises and competitions but share a common Czech heritage through historical and cultural events. As a testimony to the excellence in training the Sokol affords, Jim Hartung and Phil Cohoy, from Sokol Omaha, were members of the gold medal-winning 1984 U.S. Olympic gymnastic team.

One of my staff members belonged to Sokol Slavsky located in Berwyn, IL, and told me of the healthy feeling of competition, camraderie, and patriotism the organization instilled in its members. As cochairman of the Democratic Council on Ethnic-Americans, I am proud to represent the national headquarters of the Sokol and can bear witness to the strong sense of community it has brought to Berwyn, Cicero, and other towns in my district.

A CONGRESSIONAL SALUTE TO GUS WALKER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. ANDERSON. Mr. Speaker, it is an honor for me to pay tribute to Gus Walker, a lifetime resident of Long Beach, who is being honored on March 12, 1987, by the Senior Care Action Network Foundation [SCAN].

Gus was born June 25, 1899, to a family who had settled in Long Beach in 1885 when Pine Avenue, where the Walker family's bank now stands, was still an unoiled street lined with hitching posts and a public horse trough. A graduate of Long Beach Poly High School, Gus started working at Farmers and Merchants Bank, the family's bank, filling in for the vacationing janitor.

During World War I, Gus served in the United States Army and later majored in agriculture and engineering at the University of Southern California.

Over the course of 64 years as a Long Beach banker, Gus has served as the president of the California Banker's Association and the Rotary Club of Long Beach, has been an active member of many civic and corporate boards, and has been a strong supporter of the Long Beach YMCA.

Mr. Speaker, Gus Walker has given much to the business and philanthropic life of this city. He believes strongly in the strength and future of the community, and Long Beach is fortunate to have such a man as its citizen.

My wife, Lee, and I join in commending and congratulating Gus Walker on this special occasion. We wish him, his four sons, Richard, Kenneth, Donald, and David; his daughter, Beverly; and his grandchildren and great-grandchildren continued success and happiness in the years ahead.

THE END OF AN ERA

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. GALLO. Mr. Speaker, when an individual dedicates his entire life to public service, his decision to withdraw from the public arena is an event worthy of note.

When that period of public service extends from its beginnings in 1911 to the current year of 1987, then the individual deserves the recognition of his peers on a national scale.

Fourteen Presidents have occupied the Oval Office since that time.

Henry Sperling first entered the public arena as an organizer of political torchlight parades at the age of 8.

Morris County was a rural county with several historic communities when Henry Sperling entered public life. During his active life of public service, our county has grown and prospered.

Henry Sperling began his service to Morris County in 1923 when he joined the sheriff's department.

During his 27-year career within the sheriff's department, Henry Sperling served two stints in each of two positions—sheriff and undersheriff.

His law enforcement career spanned the Roaring Twenties, the Great Depression and World War Two. These were times of labor unrest, prohibition and national emergencies.

In 1950, Henry Sperling was elected to the Morris County Board of Chosen Freeholders, and served the people of Morris County for 24 years, until 1974.

Since that time, Henry Sperling has remained active in governmental and political activities, offering his experiences from his years of public life as an example to others.

With his retirement from the Morris County Municipal Utilities Authority, Henry Sperling has retired from public office, but he will never retire from his commitment to public service.

His retirement from the MUA truly marks the end of an era.

A 60-YEAR ERA ENDS AS SPERLING RETIRES

(By Fred Snowflack)

From public hangings to routine meetings of the Morris County Municipal Utilities Authority. Henry Sperling hasn't missed much.

Stay around for more than six decades that's what happens.

Sperling's county career, which began when be joined the sheriff's department in 1923, quietly ended last Sunday when he resigned as a member of the MUA.

"An end of an era," is how Freeholder Alex DeCroce termed Sperling's departure from county affairs.

"Sure it makes me sad," said the 84-year-old Sperling, who left the MUA for health reasons. Despite his age and a stroke that makes it a bit difficult for him to get around, Sperling's humor and memory remain keen.

A freeholder from 1950 to 1974, Sperling speaks bluntly about today's politicians. "I like the old days better," he said in an interview last week in his Mine Hill home. "There was not so much jealousy."

"Today, everybody wants to be a big shot. They throw the bull."

Sperling's civil career began when he secured torches from the railroad for political torch-light parades in his native Boonton.

That was in 1911. At the time, Sperling was 8 years old.

In 1923, he was appointed a sheriff's officer and during a 27-year career with the department, Sperling served two stints each as county sheriff and undersheriff.

The colorful recollections of law enforcement in the Roaring '20s seem to delight Sperling the most.

He says he saw a handful of public hangings on the Green in Morristown. "The people would come with their horses and wagons, bring their lunch, and watch the hanging," Sperling said.

During labor strikes in the '20s and '30s, Sperling said average citizens had to be deputized to help keep the peace.

Most were merchants whose businesses were near the courthouse.

"Although it was ridiculous, we gave them guns," Sperling said. Luckily, nobody got shot."

A lifelong Republican, Sperling doesn't carry politics too far. One of his closest friends is James Milonas, a Democaratic councilman in Dover and the owner of Three Brothers Restaurant, where Sperling has breakfast every day.

Sperling recalls when as a freeholder, some county Republicans told him he shouldn't spend so much time socializing with a Democrat.

"I told them to go to hell," Sperling said.

Milonas was a boy when he met Sperling in the 1930s. When Sperling ran for sheriff, Milonas rode a bike to distribute Sperling's campaign literature.

"He's got a dry sense of humor," Milonas said. "Sometimes you think he's serious, but he's not."

Sperling declined to highlight any single accomplishment while a freeholder, saying he was proud of his entire record.

During Sperling's term, the country acquired much of what is now parkland. As he looks to the future ("There'll be houses and condominiums and apartments all over the place"), he says, "At least, there'll be parks to go to."

One disappointment of his tenure was an inability to provide a new reservoir for the county.

"We went down to Washington every year and nothing happened," he said. "Here it is, 1987, and they're still shaking their heads."

TRIBUTE TO ANTHONY A (TONY) ALLEN

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. BADHAM. Mr. Speaker, today I would like to take note of an occasion by that great institution of Southern California, the city of Hope, which will honor Anthony A. (Tony) Allen on March 19, when the Orange County Construction Industries Alliance takes official recognition of the many fine services performed by Tony Allen for his community.

Tony Allen, who during his 11 years as partner with Citation Builders, has seen the Tustin-based home building firm become one of Southern California's leading builders, is engaged in home building in 12 locations in Los Angeles, San Bernardino, and Riverside Counties.

Allen is past president of both the Orange County chapter of the Building Industry Association and the Home Builders' Council, is a director of the Building Industry Association of Southern California and a trustee of their Consortium Trust. Allen also serves on the Advisory Committee for Saddleback College Construction Technology.

In addition to the outstanding record which Tony Allen has made in the building industry, he has served his community in other ways. He is a member of the special gifts committee and Center Corps for the Orange County Performing Arts Center, the Center Club, the fraternity of the PAC, the 552 Club of Hoag Hospital of Newport Beach, the Newport Beach Art Museum, the Associates and the Cardinal and Gold at the University of Southern California.

Tony Allen has a business administration degree from USC, is a life member of Sigma Chi social fraternity. He makes his home in Corona del Mar, CA, which is in the 40th Congressional District, which I have the honor to represent. Tony's wife, Ginger, and their daughter, Tracy join him there, while a son and daughter-in-law, Scott and Janis Allen, live in nearby Irvine.

As I have said so many times from this House floor, I have the greatest admiration and respect for those who serve their community and return to their fellow citizens a part of what they have gained from their own community. Such a person is Tony Allen.

MR. GORBACHEV, DO YOU REALLY WANT PEACE?

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. BROOMFIELD. Mr. Speaker, if Mr. Gorbachev truly wants peace, why does he oppose SDI, a purely defensive system? Why is he trying to stop a clearly protective effort? Why is he critical of a project that can free the planet of nuclear weapons? Why use clever propaganda ploys to undermine a program that can rid the world of mutually assured destruction?

Recently, the Kremlin launched another public relations offensive in Moscow at the Moscow Forum for a Nuclear-Free World. Hundreds of peace activists and others were invited to hear the Soviet leader attack SDI. Few of the guests noted, however, that Mr. Gorbachev failed to mention that the Soviet Union has its own Strategic Defense Program. While he criticized a broader interpretation of the ABM Treaty, he forgot to note that the Soviets may have violated that treaty. The Krasnoyarsk radar site apparently slipped his mind. When that unit was built, the Soviets must have had in mind a very broad interpretation of that treaty.

Now is the time for Mr. Gorbachev to stop the public relations offensive. Peace cannot be won by Hollywood showmanship or a media blitz. Progress can only be made by serious negotiations far away from the bright lights of the media. This, Mr. Gorbachev, is how we will have peace.

NEW MEXICANS TO IMPROVE HEALTH BY REDUCING WEIGHT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. RICHARDSON. Mr. Speaker, I rise today to highlight the important efforts of an organization in my district, HealthNet. HealthNet is comprised of thousands of New Mexicans that are trying to pull together to lose weight and help reduce heart disease through health education. This group is an excellent example for the rest of the country and I would encourage my colleagues to read the attached article from the New York Times on HealthNet. I am sure that my colleagues will want to join me in giving our full support to their efforts to lose weight and improve the health of thousands of New Mexicans.

NEW MEXICANS SEEKING HEALTH THROUGH THINNESS

ALBUQUERQUE, NM, January 17.—New Mexicans are trying to shed as much as 200,000 pounds by the end of March as part of the nation's first statewide campaign to reduce heart disease through health education.

The project, Eat Right New Mexico, is the start of a 10-year effort to alter the eating, exercise and smoking habits of the state's residents. The program is sponsored by HealthNet, a non-profit New Mexico health education organization.

In a registration drive that began Monday for the program, HealthNet enrolled about 10,000 people. Bruce Leonard, executive director of HealthNet, said that the major winter storm that hit the region Thursday held down the number of participants. He said registration would continue at some sites into next week, with the hope of gaining about 10,000 more participants.

The program opened this week with weigh-ins at more than 200 registration sites in schools, workplaces, an Albuquerque supermarket chain and on all Indian reservations. Another weigh-in at the sites in the week of March 23-29 will end the program.

Participants can expect to lose 5 to 10 pounds if they follow the program's guidelines, says Sally Moore, HealthNet's assistant director. When participants registered and weighed in, they received tips on avoiding fatty meats and eating more fruits and vegetables as well as increasing their amount of exercise.

Although weight loss is an incentive, the primary objective of Eat Right New Mexico is to reduce cholesterol levels. "We're asking people to make a life style change in the way they eat," said Ms. Moore. "If they follow the diet, it will help them prevent heart disease."

In response to the Eat Right program, weight-loss competitions have been organized around the state. At Zuni Pueblo, in western New Mexico, eight teams of 50 members each will square off in a competition that combines Eat Right New Mexico with a project to control diabetes, which is a particular problem among native Americans Cassio Inc., a New Jersey watch company, has donated 50 watches for the winners.

COMPETITION GREAT MOTIVATOR

"Many people who have done weight control have found that competition is a great motivator," said Bob Wilson, a doctor who is director of the diabetes control program for the Zuni Public Health Service Hospital.

On Monday, at Sandia National Laboratories here, a steady stream of employees stepped on the scales of employees stepped on the scales, some grumbling about how they had overeaten over the holidays. HealthNet chose this week to begin the campaign because people tend to gain weight over the Christmas season.

Connie Soto, a 53-year-old secretary who said she was 30 pounds overweight, said she would try to change a lifelong habit of eating at irregular times. "Right now, I eat whenever I get around to it," she said. "Also, when I skip meals, I eat more."

Nancy Pruett needs to take off 11 pounds. The 38-year-old systems analyst said she signed up for Eat Right New Mexico because "these kinds of structured things help," adding, "I like to have forms to fill out to show me to be careful about what I am eating."

INTRODUCE VARIETY TO DIET

New Mexico has some barriers to its efforts to lower heart disease. For instance, while nutritionists recommend eating less red meat, eastern New Mexico is cattle country and beef is an important part of the diet.

"We're not saying, 'don't eat beef,'" said Ms. Moore. "We're saying, 'Look at the portion size and introduce variety to your diet.' We need to be more sensitive to their industry and their way of life.

Also Hispanics, who made up one-third percent of the state's population, are more obese than the general population according to a recent study at the University of San Antonio. Another San Antonio study shows that Hispanics use preventive health services less than the general population, according to Mr. Leonard.

GOOD FACILITIES NEGATED

New Mexico has good health care facilities, according to Ms. Moore, but she said such facilities were negated by bad health habits that resulted from a lack of education about nutrition.

Ms. Moore said Eat Right New Mexico was the first statewide application of findings from the Stanford Heart Disease Prevention Program, which in the 1970's conducted a five-year study in five California cities to reduce heart disease through health education. While the results of the study are still being monitored, the program did achieve a 15 percent reduction in the risk of cardiovascular disease in three California communities, according to an official of the program.

The Stanford Center for Research in Disease Prevention has provided HealthNet with technical assistance and educational materials for Eat Right New Mexico.

The Eat Right program is HealthNet's opening campaign in a long-term coronary health project, according to Mr. Leonard. In addition to the nutrition campaign, HealthNet will sponsor a 10-week fitness program in the spring and a no-smoking campaign that will begin in the fall.

HealthNet, which obtains its financing from corporate contributions and grants, plans to repeat the nutrition, fitness and antismoking campaigns at the same time of year, every year for the next nine years.

HAZARDOUS TO YOUR HEALTH

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. DANNEMEYER. Mr. Speaker, I commend the following article to my colleagues.

[From the National Review, Jan. 30, 1987]

Hazardous to Your Health

(By Wayne Lutton)

Recent developments on the AIDS front are not encouraging. In late October, *The New England Journal of Medicine* reported that the AIDS virus can cause new types of fatal diseases by infecting patients already carrying a related virus. In November, the discovery of two new AIDS-causing viruses was revealed, both of which can escape detection by the existing AIDS blood test (*New York Times*, Nov. 7 and Nov. 30, 1986). And the *Journal of the American Medical Association* reported that, despite explicit notification that they should not donate blood, some "high-risk" AIDS carriers are still doing so.

Strictly speaking, it is no longer accurate to refer to AIDS as simply an "immune-deficiency" disease, since the viruses can attack not only immune-system (T) cells, but also neural cells in the brain. As the AIDS virus mutates, it will be able to infect *any* cell in the body where a specific surface receptor protein is present (*Cell*, Nov. 7, 1986).

And while the public is being assured that an AIDS vaccine may be only five years away, medical researchers believe that if therapeutic drugs are developed, drug-resistant strains of the AIDS viruses will emerge. Dr. David Cohn of Denver Disease Control advises that "it's basically unrealistic" to talk about a cure for AIDS: "Because of the unusual way the AIDS virus multiplies within the lymph cells, every case can potentially be a different strain."

The Surgeon General's Report on AIDS was released on October 22, 1986, and immediately elicited warm praise from the *New York Times, Time*, and *Newsweek*. It was met by a chorus of approval from *The Advocate* and other leaders of the homosexual "community." Jeff Levi, executive director of the National Gay and Lesbian Task Force, gushed, "I thought it was very good. It takes a responsible and important position in favor of education . . . It is not homophobic." And Gil Gerald, director of the National Coalition of Black Lesbians and Gays, admitted that he was "very, very pleasantly surprised."

Conservatives who have applauded Dr. Koop's previous public stands on abortion, Baby Doe, and cigarette smoking are likely to experience a deep sense of dismay—indeed of betrayal—once they become familiar with his work on AIDS. The *Report* contains a number of serious factual errors and omissions. Koop's so-called strategy for containing AIDS—a combination of sex education for children and the use of condoms—has the potential for causing incalculable harm. Limitations of space permit the citation of only a few instances:

"Although the AIDS virus has been found in tears and saliva, no instance of transmission from these body fluids has been reported."

Dr. Jerome Groopman of Harvard and Dr. Robert Gallo of the National Cancer Institute (and the codiscoverer of the original AIDS virus) reported in a leading British medical journal, The Lancet (Dec. 22/29, 1984 [!]) that saliva was the mode of transmission from a man with transfusion-acquired AIDS to his wife. Dr. William Haseltine of Harvard Medical School remarked: "Anyone who tells us categorically that AIDS is not contracted by saliva is not telling you the truth" (*New York Times*, March 18, 1986).

"There is no danger of AIDS-virus infection from visiting a doctor, dentist, hospital, hairdresser, or beautician. . . . You may have wondered why your dentist wears gloves and perhaps a mask when treating you. This does not mean that he has AIDS or that he thinks you do. He is protecting you and himself from hepatitis, common colds or flu" (pp. 22-23).

A definite danger exists of AIDS infection from any health-care provider engaging in invasive procedures. On November 15, 1985, and again on April 11, 1986, the federal Centers for Disease Control (CDC) issued recommendations for preventing transmission of AIDS between dentists and their patients, including the wearing of gloves and masks. These recommendations have been widely adopted.

"Everyday living does not present any risk of infection. You cannot get AIDS from casual social contact" (p. 21). *"We know that family members living with individuals who have the AIDS virus do not become infected except through sexual contact"* (p. 13).

Dr. Koop issued the above statement more than a month after the second documented case of non-sexual within-family transmission of AIDS was reported in *The Lancet* (Sept. 20, 1986).

"The first cases of AIDS were reported in this country in 1981. We would know by now if AIDS were passed by casual, non-sexual contact" (p. 5).

"Couples who maintain nutually faithful monogamous relationships are protected from AIDS through sexual transmission. If you have been faithful for at least five years and your partner has been faithful, too, neither of you is at risk. . . . This is true for both heterosexual and homosexual couples" (p. 16).

Elsewhere in his own *Report*, Koop concedes that "It is difficult to predict the number who will develop ARC [AIDS-related complex] or AIDS because *symptoms sometimes take as long as nine years to show up*" (p. 12; emphasis added). Medical researchers agree that the AIDS virus appeared in the U.S. about 11 years ago, which is why the CDC in 1985 asked all males who had had even one homosexual encounter within the previous ten years not to donate blood. Researchers also believe that the AIDS virus may incubate 15 years, or longer, before the onset of clinical manifestations of disease. As Washington, D.C. neurologist Richard Restak cautioned, "The incubation period is sufficiently lengthy to cast doubt on any proclamations, no matter how seemingly authoritative, in regard to the transmissibility of the illness."

"Some personal measures are adequate to safely protect yourself and others from infection by the AIDS virus. . . . If you test positive or if you engage in high-risk activities . . . you must protect your partner by always using a rubber (condom) during (start to finish) sexual intercourse (vagina or rectum)" (p. 17).

For anyone taking his advise, the consequences may be fatal. Condoms can break. They fail approximately 10 per cent of the time in vaginal intercourse. During rectual intercourse, condoms may rupture up to half the time. Such devices are not even guaranteed to prevent pregancy. By advising people that sex is safe where AIDS is present—if only they use condoms—Dr. Koop may be guilty of inducing people to engage in dangerous—perhaps lethal—behavior. Whether or not Koop's utterances constitute criminal negligence, or even implicate him as an accessory to murder, is an intriguing legal question.

"Education of those who risk infecting themselves or infecting others is the only way we can stop the spread of AIDS" (p. 14).

"Education about AIDS should start in early elementary school. There is now no doubt that we need sex education in schools and that it include information on heterosexual and homosexual relationships" (p. 31).

"We are fighting a disease, not people . . . The country must face the epidemic as a unified society. We must fight the spread of AIDS while at the same time preserving our humanity and intimacy" (p. 6).

It is lunacy to suggest that the AIDS epidemic will be stopped by educating little children in the exotica of homosexual practices. That's on a par with combatting the drug scourge by acquainting children with all the "safe" tactics for administering narcoics to oneself.

Homosexuals, the major source of the AIDS infection, are still engaging in "unsafe" sexual practices and still attempting to make blood donations (JAMA, Sept. 12, 1986). The McKusick Study of homosexual males in San Francisco reported that of the 24 per cent engaged in the least promiscuity, 33 per cent admitted to oral/anal contact, 41 per cent to accepting semen in their rectum, and 52 per cent to ingesting semen in the last thirty days. A report on the sexual activities of homosexuals in London revealed that 38 per cent are ingesting feces, 24 per cent are engaging in sadomasochism, and 53 per cent are engaging in rectal intercourse with an average of about three partners a month (The Lancet, Nov. 1, 1986)—and this despite thousands of deaths and intensive education efforts.

Psychologist Paul Cameron, who chairs the Institute for the Scientific Investigation of Sexuality, wonders, "Why would anyone believe that 'education only' will accomplish the task? Every study has shown homosexuals exceptionally well informed about how not to get AIDS. . . . If we pursue the 'education only' option, then we have to bank on the social responsibility and self-control of the very ones who have shown no social responsibility or self-control."

A British expert on venereal diseases, Dr. John Seale, has called AIDS "the molecular biological equivalent of the nuclear bomb" and warns that "the genetic information contained in its tiny strip of RNA has all that is needed to render the human race extinct within fifty years." In the face of such a threat, the Reagan Administration's medical specialist has issued a report that obscures the true dimensions of this disease and offers no real program for effectively dealing with it. AIDS has thus become the first politically protected disease in history. Koop's study should have emblazoned across its cover: "Warning! the surgeon general's report on AIDS may be hazardous to your health."

EXPORT OPPORTUNITY IS MISSING FROM TRADE DEBATE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. GALLO. Mr. Speaker, every Member of this body seems to agree that fair trade, under the banner of competitiveness, is the goal of trade legislation now being considered by various committees of the House.

This is an issue of critical importance to every American who is currently employed and to those of our constituents who depend upon job creation as their best hope for employment in the future.

We are now hearing from our leadership that speed of action is the most important consideration with regard to trade legislation. I feel that well thought out reform is more productive than the speedy passage of legislation that does not address our real needs for job creation.

I believe the trade debate has failed to focus on an important aspect of our position in international trade. The debate has so far focused on the actions of our trading partners rather than on our own performance.

We have not put enough emphasis on what we can do to expand our own exports. Our export potential in America is tremendous. In New Jersey alone we have thousands of small to medium sized businesses that are ripe to enter the international market. Historically, however, these firms have lacked the necessary expertise and financial resources to export. In 1982, Congress passed the Export Trading Company Act to encourage the formation of export trading companies. An export trading company would provide export trading services to U.S. businesses and assume the risk associated with international trade. We need to expand on these efforts.

The causes of the trade deficit run deeper than closed markets or other discriminatory actions by our trading partners. The trade deficit is the result of a wide range of factors, including the value of the dollar and the growth of the less developed countries, as well as our own attitudes about international trade. For too long American businesses have relied on the domestic market for their own expansion. It is evident that we need to change our attitudes. We need to broaden our horizons to include the international marketplace.

I believe there is some merit to the concern that we have been lax in enforcing our unfair trade laws. During the last 2 years, however, the Reagan administration has begun to forcefully protect our trading position through tough negotiations with other nations that have not afforded us a level playing field in the area of trade. His administration's recent successes against the unfair trade action by the European Common Market and other trading partners provide evidence of this tough stand.

We need to backstop the President's efforts by creating an environment that is helpful and healthy for small businesses that would like to expand to the international marketplace.

For this reason I have created the Small Business Export Opportunity task force made up of Federal and State government trade experts and business leaders from the 11th District of New Jersey to propose congressional actions to encourage exports.

The first challenge for task force members will be to review various trade bills now being debated here in Washington. In addition, I will work with members of my task force over a period of 2 to 3 months to develop broad-based initiatives to meet the needs of our small businesses who would like to export.

As 1 of 12 Republican House Members drafting the House Republican trade bill, I am committed to passage of a trade bill that meets these goals.

Small business is the backbone of our economy and creates the most new jobs. We have experienced a record level of expansion by small businesses in many parts of the country during the last several years.

We need to build on this enthusiasm.

In December, I sponsored a seminar at the Picatinny Arsenal to help small businesses compete in world markets and in efforts to win Government contracts—340 business leaders attended.

This record turnout convinced me of two things—we must expand our efforts to give small businesses the tools they need to compete and we must redouble our efforts to draft a realistic trade bill in Congress that promotes the goals of competitiveness and fairness.

These two elements—competitiveness and fairness—must be the cornerstones of our future trade policies. Cutting through redtape is just one of our challenges. We must also cut through the rhetoric and get to the facts on the trade issue.

We must constantly remind ourselves that issues being debated in Washington directly affect the future of our economic growth potential for years to come. In the area of trade, as with the protection of our environment, our decisions are going to make a great deal of difference in our lives and in the lives of our children, as well.

I urge my colleagues to consider a similar approach to my Export Opportunity task force in their own districts. To change our attitudes about international trade we need to change attitudes at the grass roots level.

And, development of a positive grass roots campaign to promote exports must begin with positive trade legislation in Congress.

TRIBUTE TO HORACE HINSHAW

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. LANTOS. Mr. Speaker, for the past 17 years, the city of Pacifica, CA, has greatly benefited from the sensitivity, devotion, and public service of Horace Hinshaw. A dedicated man who has been recognized on many occasions for outstanding community service, Horace retired recently as sports editor of the weekly Pacifica Tribune.

Mr. Speaker, I would like to call to your attention and to the attention of this House some of the accomplishments of this remarkable man. In 1975, while covering the sporting events of the region, Horace helped develop a soccer program for Pacifica. Initially it began with an enrollment of 250 boys and girls, but over the years it has grown to the point that now over 1,000 participate. Mr. Hinshaw also served on the executive board of the Little League, and he has played key roles in the Bobby Sox Program and the Catholic youth organization.

The annual Pacifica Fourth of July 10 kilometer run owes much of its continued success and vitality to Horace Hinshaw. He has used his weekly column in the Pacifica Tribune to spark interest in the event, and he has helped organize the annual race, which benefits the Pacifica Parks and Recreation Department.

Horace came to the bay area when he was stationed at the Presidio by the U.S. Army, and he married a native of San Francisco. At the completion of his military service, Horace took a position with the U.S. Postal Service. He has continued in that profession, and at present serves as manager of communications for the bay area Postal Service.

In 1969 Horace and his wife, Marion, moved to Pacifica. They became community leaders during a period when Pacifica was beginning to emerge. In recognition of his efforts, Horace Hinshaw was named "Volunteer of the Year" in 1979. Earlier this year, he received the highest honor of the Bay Area Parks and Recreation Commissioner's and Board Member's Council—a special citation.

Mr. Speaker, Horace Hinshaw is a truly dedicated, committed, and public-spirited citizen. The community of Pacifica is fortunate, indeed, to have benefited from his long and devoted service to sports and to community recreation programs. I am delighted to join in paying tribute to him on the occasion of his retirement as sports editor of the Pacifica Tribune.

UNITED STATES ADJUSTS FOREIGN POLICY TO REFLECT NEW ZEALAND CHOICE TO REDUCE STATUS FROM ALLY TO FRIEND

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. BROOMFIELD. Mr. Speaker, despite New Zealand's security obligations to the United States under the Australia-New Zealand-United States [ANZUS] Security Treaty which entered into force in 1952, New Zealand has refused to permit United States Navy ships to enter New Zealand ports. Since February 1985, New Zealand has banned such ships because they might carry nuclear weapons.

As necessary and proportionate response to New Zealand's breach of its security obligations to the United States by the port ban, the United States suspended its security obligatons to New Zealand in August 1986. Recently, the United States notified New Zealand that, in consequence of New Zealand's ban on United States Navy ships, the United States will not renew the soon-to-expire military logistical support agreement between the two countries.

Although the United States and New Zealand enjoy, and will continue to enjoy, close economic and cultural ties, the two countries no longer enjoy close security ties, by New Zealand's choice. The United States is in the process of adjusting its foreign policy and its law to reflect New Zealand's decision to abandon the obligations of an ally and instead to assume the lesser obligations of a friendly country.

On February 2, 1986, the United States informed New Zealand that the United States will neither renew nor renegotiate the agreement known as the Memorandum of Understanding on Logistical Support which provides for mutual military logistical support. That agreement expires on June 21, 1987. Since New Zealand and the United States no longer have security obligations to each other, there is no longer a need for a logistical support agreement designed to implement such obligations.

The U.S. Government explained its decision on ending the logistical support arrangement as follows:

> Allowing the "Memorandum of Understanding" to lapse will bring the logistics arrangements into accord with the suspension of the U.S. security commitment to New Zealand. The U.S. regrets having to take this action. However, the continuation of the Government of New Zealand's policy of denying normal access to U.S. ships and aircraft left the U.S. with no acceptable alternative.

In making the decision on the logistics agreement, the United States Government also emphasized New Zealand's new, lesser status as a friend, but not an ally:

> Consistent with the current defense relationship between the U.S. and New Zealand, New Zealand will continue to be offered those foreign military sales customer rights normally accorded by the U.S. to friendly, non-allied nations.

On the opening day of the current Congress, I introduced the New Zealand Military Preference Elimination Act (H.R. 85) to adjust New Zealand's status under the Arms Export Control Act and the Foreign Assistance Act of 1961 from that of an allied country to that of a friendly country. The legislation strikes New Zealand from the list of allies—NATO countries, Japan, Australia, and New Zealand—entitled to preferential treatment under those acts. Like the United States decision to let the logistics arrangement expire, the legislation reflects the change in the relationship of the United States to New Zealand effected by New Zealand's decision to abandon its security obligations.

I urge my colleagues to support H.R. 85, the New Zealand Military Preference Elimination Act. The legislation will adjust United States law to reflect the changed United States-New Zealand relationship and will make clear that nations seeking to enjoy the benefits of close security alliance with the United States must accept the burdens that go with it.

TRIBUTE TO MARTIN LUTHER KING

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. LOWERY of California. Mr. Speaker, in this month of February, Black History Month, it is appropriate to honor one of the great citizens in U.S. history—Dr. Martin Luther King, Jr., By devoting his life to equal opportunity and justice for blacks and minorities, Dr. King earned the respect and honor of all Americans. By succeeding in his endeavors, Dr. King bettered the lives of blacks and enriched the lives of whites who have benefited from the contributions of black Americans.

Mr. Speaker, a constituent of mine has composed a fine tribute to Martin Luther King and I would like to share his comments with my colleagues. Daniel A. Young of San Diego states:

> DR. MARTIN LUTHER KING, JR.
>
> None has so eloquently, so humbly, so diligently served the plight of blacks as the late Reverend Dr. Martin Luther King.
>
> Dr. King, along with other black leaders, gave his living and his life to correcting years of social unrest and injustice for blacks and minorities in our society. It is therefore fitting and proper that we should honor Dr. King, in this great land, on this solemn occasion.
>
> The world's a farm, and Dr. King was a gentle farmer who tilled hearts and souls to weed out injustice, weed out hatred of one man to another, while stoically planting the seed of love and understanding.
>
> Dr. King felt the oppressed and been oppressed . . . too long; the homeless . . . alone too long; the jobless . . . unemployed too long. He dreamed only that blacks could be transported peacefully, would be free to dine respectably, able to live among the nation's people comfortably.
>
> Slowly, the walls of hatred eroded as new generations of people learned that a black

heart can beat in a white chest, black blood does save lives, and that the sting of death still grieves the heart and souls of those left to carry on, and carry on we must.

In the name of God, and the memory of the late Reverend, Dr. Martin Luther King, Jr. we salute.

AMERICA'S PEOPLE IN PROFILE—BLACK AMERICA, 1987

Achievements by blacks in America are significant and noteworthy, since blacks were for many years deliberately and systematically denied the basic tool necessary for employment opportunities and job security: education.

And yet, for the most part, today's blacks enjoy a new standard of living made possible by black leaders, scholars, educators and the clergy. While the walls of discrimination slowly crumble under the iron ball of determination and justice, blacks continue to become better and better educated. Earlier generations of blacks excelled in sports and entertainment. But today's blacks emerge from such prestigious institutions as Yale, Harvard and West Point, armed with degrees and a new ambition to succeed.

In the world of sports, entertainment, the military, and the political arena, blacks have distinguished themselves—from the first black killed in defense of America, Crispus Attucks, to the death of Ronald McNair, America's first black astronaut who perished along with the crew of the spaceship Challenger January 28, 1986.

With such precedents as these, it becomes more and more difficult to evaluate the real significance of the accomplishments of blacks, for black achievements benefit not only blacks, but the nation as a whole, more specifically, a rainbow of nations. We are a nation dedicated towards growth and appreciation of all America's peoples and their differing customs, ethnic backgrounds, experiences, talents, personalities and contributions made to our society.

No longer are we a nation so separated by custom, language barriers, or misunderstanding, but a nation determined to grow towards brotherhood and peaceful coexistence. As a nation of Americans, we reap what we sow. They reap trust who sow the seeds of understanding.

In recognition of black history month, we reflect and recognize those who have helped enhance the quality of life for all mankind. For black achievement benefits not only blacks but America's bond in democracy.

H.R. 390

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. PEPPER. Mr. Speaker, I rise to urge my colleagues' support for H.R. 390, which I introduced on January 6, 1987. This bill would award the Congressional Gold Medal, the Congress' highest award for noncombat service, to Mrs. Mary Lasker of New York, NY.

To chronicle all of Mary Lasker's good works and charitable deeds is indeed a challenge, for this outstanding woman has lent her talent and energy to a wide variety of causes.

Mrs. Lasker is cofounder and current president of the Albert and Mary Lasker Foundation, named for her late husband and herself. The Lasker Foundation has made major contributions in medical research and public health administration. She has long been the driving force behind the foundation, demonstrating intelligence, vigor and most important of all imagination in her work in the foundation's service.

The Albert and Mary Lasker Foundation's annual award is recognized as one of the most important in the world health community. The Lasker Award is credited with changing the course of medical research in this country, as well as arousing public and professional interest in supporting scientific inquiry in the health field.

Mary Lasker has also participated actively in the National Committee for Mental Hygiene, an organization dedicated to removing the stigma of mental illness by educating the public and establishing facilities for treatment, and granting funds for research.

Mary Lasker has served on the Menninger Foundation and the Institute of Psychoanalysis, a teaching and research organization in Chicago. She has been a member of the advisory council of the American Heart Association and is currently an honorary member of the board and the executive committee of the American Cancer Society.

Mrs. Lasker currently holds the post of vice president of the Research to Prevent Blindness Committee and vice chairman of the board of the United Cerebral Palsy Research and Education Committee.

In addition, she currently chairs the National Health Education Committee, whose goal it is to study and analyze health problems in American life today and disseminate information to the public.

Mary Lasker's achievements are in no way confined to the private sector. She has performed invaluable service for the Federal Government in the area of health, holding posts on the advisory council to the Director of the National Institutes of Health (1980–84), the advisory council of the National Cancer Institute and the National Advisory Heart Council of the National Institutes of Health.

In keeping with her deep interest in overcoming the major causes of death and disability, Mrs. Lasker was active in urging the passage of legislation to expand the Federal research effort to hasten the conquest of cancer, and to make this conquest a national goal. The bill was passed by Congress in 1971.

Mary Lasker has been much decorated for her excellent work. She has received 10 honorary degrees and the Presidential Medal of Freedom (1969). In May 1984, Congress passed legislation honoring Mary Lasker by naming a center for her at the National Institutes of Health in Bethesda, MD. It will be known as the Mary Woodard Lasker Center for Health Research and Education. However, we of the Congress have to date not awarded her the richly deserved honor, the Congressional Gold Medal.

I strongly urge my colleagues in the House to lend their support to this bill. Mrs. Lasker's glorious career of generosity and activism is most worthy of the honor.

FREEDOM FOR THE UKRAINE

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. NOWAK. Mr. Speaker, I would like to join Ukrainian-Americans of western New York and other western New Yorkers in remembrance of the 69th anniversary of the Declaration of Ukrainian Independence.

On January 22, ceremonies in Buffalo, sponsored by the Ukrainian Congress Committee of America, commemorated the declaration of a Ukrainian National Republic in Kiev on January 22, 1918.

I would also like to point out that the main speaker during these ceremonies was retired Buffalo Congressman Thaddeus J. Dulski, a strong supporter of the captive nations movement.

It is important that we remember this historical event.

To some, a free Ukraine seems nothing more than an unattainable dream. Ukrainian-Americans however, refuse to forget their native land and will keep the dream of independence alive.

I am inserting the following proclamation signed by Erie County Executive Edward J. Rutkowski and Buffalo's Mayor James D. Griffin, proclaiming Thursday, January 22, 1987, as Ukrainian Independence Day, and a copy of a related article which appeared in the Buffalo News.

PROCLAMATION

Whereas when our forefathers envisioned the founding of our great Nation, they hoped for a peaceful world with justice which would ensure the future of all nations; and

Whereas since the founding years, the United States has guarded these inalienable rights for our people and others who yearn to lead sovereign life in order to pursue their own national destiny; and

Whereas the Ukrainian nation has declared independence on January 22, 1918 and formed a free Ukrainian National Republic which was subsequently invaded by the Russian Communists and incorporated into the USSR; and

Whereas the Ukrainian people have continued to wage a determined struggle to regain freedom and sovereignty by various forms of resistance, joining forces with other enslaved nations; and

Whereas the recent tragedy of the nuclear holocaust of Chernobyl once again underscores the gross disregard of the regime for basic safeguards for Ukraine; and

Whereas it is imperative that free people everywhere, and Americans in particular, keep the aspirations for freedom alive by rendering moral and spiritual support to all subjugated nations; and

Whereas the enslaved nations form a powerful third force in the world and this force is closely bound to our political convictions as an unbreakable bond of ideas that freedom is indivisible and a birthright to all,

Now, therefore, I, James D. Griffin, Mayor of the City of Buffalo, and I, Edward J. Rutkowski, Erie County Executive, do hereby proclaim Thursday, January 22, 1987 as Ukrainian Independence Day in the City of Buffalo and the County of Erie and urge all our citizens to give renewed devotion to the just aspirations of the people of Ukraine who seek to regain national independence and individual liberty.

In witness whereof, we have caused the Seals of the City of Buffalo and the County of Erie to be affixed this 22nd day of January, 1987.

EDWARD J. RUTKOWSKI,
Erie County Executive,
JAMES D. GRIFFIN,
Mayor of Buffalo.

UKRAINIAN-AMERICANS KEEP A DREAM ALIVE

It is, in fact, a paradox—the celebration of independence, for nations that have none.

Here in America, the celebrations are staged by those whose forebearers came from lands where the flame of liberty flickered, and died. Some of the nations still exist, in the shadow of foreign domination; others have been absorbed, as member republics of the Soviet Union.

Many of the lands had, briefly, Western-style democracies—republics for the people, in more than name only. There were documents—declarations of independence, constitutions—that serve now as mere historical records, and reminders of how fragile a thing true liberty is.

For many of the lands, independence came in the chaos that followed the First World War and died in the sweep of Bolshevik imperialism. Libertarian ideals are anathema to the Soviet system; power shifted from the people to The People, as the People's Republics found a focus in collective rather than individual rights.

There remain documents—but in most of the lands, the rule of law has been replaced by a ruling class.

Still, some remember the hopes of the past—and refuse to let them go.

Such a remembrance is staged each January by a small but active ethnic community in Western New York. Ukrainian-Americans active in events sponsored by the emigre-founded Ukrainian Congress Committee of America will observe the 69th anniversary of their homeland's declaration of independence with ceremonies at 11 a.m. Thursday in the mayor's office and 2 p.m. Sunday in the Common Council chambers.

The Sunday program carries special meaning this year, because the main speaker will be retired Buffalo congressman Thaddeus J. Dulski—a man who used his terms in Congress to back the Captive Nations movement.

With attorney Andrew Diakun acting as master of ceremonies, the program also will include remarks by Ukrainian-American community leaders and performances by Ukrainian choirs and instrumental groups.

The observance centers on the declaration of a Ukrainian National Republic in Kiev on Jan. 22, 1918—a declaration that pounced on the opportunity opened by the collapse of the Russian Empire after World Ware I. The newly formed republic, though, proved to be only an interval between czarist and Bolshevik domination.

The deeper chaos of World War II brought insurgent struggles for independence, but those too failed. In more recent times, Chernobyl has only deepened the pain for those who fled the rich Ukrainian fields and the ancient cities.

To many of us, the hope for a non-Soviet Ukraine seems impossible. But those who know the land refuse to surrender the dream and point to the tides of history to bolster their hopes for change.

Eastern Europe's political landscape has been convulsed, through the centuries, by the westward push of nomadic tribes and the clash of western and Asiatic civilizations. It has been a cultural crossroads, and a battlefield for armies—a place defined by the sword and the sweep of history.

The Ukraine itself boasted one of the first Slavic peoples to achieve national life, through the state known as Kievan Rus and the codified legal system known as the Rus'ka Pravda 12 centuries ago. But the state fell to the Mongols in 1240 and Kiev was sacked; the occupation lasted centuries, lifted briefly in the 17th century and then fell again when struggles against Poland, Turkey and Russia ended in czarist control.

The cultural history of Eastern Europe is complex, and differences of blood and politics run deep. Some survive to the present day—but the emigree groups from different lands still hold a common dream, and the name of the dream is liberty.

MAURICE CARTHON OF OSCEOLA—FOOTBALL STAR AND ROLE MODEL

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. ALEXANDER. Mr. Speaker, in sports, as in every field of endeavor, there are unsung heroes who may not always receive tremendous acclaim for their work, but who are absolutely indispensable to the success of an enterprise. One such hero is a young man from my hometown of Osceola, AR—Maurice Carthon of the Super Bowl Champion New York Giants.

Maurice Carthon may not have received as much publicity as the Giants' quarterback Phil Simms, or their famous running back, Joe Morris, but he was just as important to their triumph over the Denver Broncos in this year's Super Bowl. Maurice Carthon is recognized as one of the greatest blocking backs in the history of the game.

Joe Morris has often praised Maurice Carthon, saying many of his best runs from scrimmage would not have been possible without the pulverizing blocking of the young man from Osceola.

As the New York Times observed after the Super Bowl, Maurice Carthon paved the way for the Giants' victory with his crushing blocks.

I have followed the career of Maurice Carthon since his days as a player for Osceola High School, the same school where I once played football. I am an avid football fan, and I have observed his progress from high school to the college game, where at Arkansas State University he was a star football player. He later starred as a blocking back for the New Jersey Generals, blasting holes in opposing defenses for Herschel Walker in the same way he now does for Joe Morris and the Giants.

Mr. Speaker, we should honor those who attain national recognition in athletics, which is an important field for America's recreation and health. Maurice Carthon is an excellent role model for the youth of the First Congressional District and for America. He works hard and he has risen to the pinnacle of achievement in the football world, yet he is still an easy-going, down-to-earth person.

Maurice Carthon's success story shows our youth that a man who perseveres can attain national fame, and that someone who started out on the playing fields of Osceola can one day be a star in the Super Bowl.

MAULING INNOCENT DEMONSTRATORS IN MOSCOW: THE SEAMY SIDE OF THE SOVIET UNION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. BROOMFIELD. Mr. Speaker, we have all heard about glasnost, the so-called open Soviet society. Mr. Gorbachev ushered it in with much fanfare. Television coverage of beatings in the streets of Moscow, however, tell the truth about human rights in that closed society. Men, women and reporters are still abused for peaceful demonstrations. This is the reality of the Soviet Union.

Just last week, demonstrators protesting on behalf of an imprisoned Jewish dissident were shoved and punched by plainclothesmen. Mr. Josef Begun had been imprisoned for anti-Soviet writings. Although Soviet authorities offered to release him if he would sign an admission of guilt, he refused. His family members and friends protested and they were attacked. Later, a Soviet official said that the Jewish activist had been released. In spite of that claim, he remains in the infamous Chistopol prison. He may have gone on a hunger strike.

Mr. Begun is a 56-year-old mathematician who applied to emigrate to Israel in 1971. Twelve years later, he was sentenced on charges of anti-Soviet slander to 7 years in a work camp and 5 in internal exile. We can all understand why his family wanted to win his freedom.

Soviet officials took a hard line against those peaceful demonstrations. Punching innocent people and mauling Western reporters are flashbacks to the days of Stalin. It is obvious that the Kremlin still cannot accept independent political expression. Mr. Gorbachev, you have a long way to go.

NOISE FROM OVERFLIGHTS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. COELHO. Mr. Speaker, an excellent article was recently brought to my attention regarding overflights of our national parks and wilderness areas. The author, Dennis Brownridge, speaks from his personal experience after having spent 2 months with his wife backpacking and camping in our Nation's public lands. While they were able to escape from most everything that one finds in our urban existence, the one thing from which they could not escape was the noise of aircraft flying overhead.

I encourage all of you to read this article and learn firsthand exactly how many disturbances one can have in a short period of time. It once again points out the need to preserve our national parks from those who wish to assault them from the air.

I include the text of "Covering the Land With Noise" in the RECORD:

COVERING THE LAND WITH NOISE

(By Dennis Brownridge)

Last summer, my wife and I spent two months rambling leisurely around the West, seeking respite from the wearying pace and din of the city. Each night, we car-camped or sometimes backpack-camped—always alone, always for free, and usually with some glorious panorama of unspoiled mountain, forest, desert, or canyon. In the great public lands of the West, it is easy to escape people, cars, campgrounds, dirt-bikes, and the clutter of man-made landscapes. What is not easy to escape is the sight and especially the sound of aircraft.

In the magnificant wilderness of California's Sierra Nevada we kept count one day: 35 jetliners echoed overhead; 14 fighter jets roared by—sometimes three or four abreast (twice an F-16 screamed up the gorge below us, careening through the arêtes and matterhorns); 28 "flightseeing" planes flew by—one audible for nearly an hour as it wove among the peaks. On a day when we saw no one in the ground, aircraft shattered the solitude 77 times in seven hours.

Of all the things we seek in wilderness, natural silence has surely become the hardest to find. There are still thousands of square miles of America that look as they did centuries ago, but there seems to be no spot that sounds as it did even a generation ago.

Gordon Hempton, a Seattle acoustics expert who produces high-quality recordings of natural sounds, spent five years searching for a place unadulterated by man-made noise. He estimates that in Washington State there are now only about 20 areas where one can find pure, natural sound, uninterrupted for even 15 minutes. "My grandmother talks quite freely about the wonderful sounds of nature, because she had noise-free natural experiences in her life. But my son will never know them, except through my recordings," says Hempton sadly.

People have been complaining about the rising clamor in the cities since the industrial revolution began, but noise in the wildlands and countryside is a relatively recent phenomenon. It's crept up on us insidiously, often without our realizing it.

PROTECTING OUR UPPER BOUNDARIES

"The long silence lies at the core of the wilderness experience," writes sociologist Ira Winn of California State University, "but in their headlong rush to 'do the parks' people have forgotten—or simply do not know—how to greet nature in quiet reverence."

Naturalist John Muir, the father of our national parks, wrote of the "silent, serene wilderness where the weary can gain a heart-bath in perfect peace." In Muir's day, railroads were the main source of noise outside cities and they were deliberately kept out of the national parks. When automobiles appeared they too were banned from the parks, though pressure from auto clubs and local merchants later forced a partial retreat. The Park Service may regret the change, for cars and the myriad problems they bring are the biggest headache and the main expense of managing the parks. Nevertheless, cars must stay on the roads, and perhaps 90 percent of our park lands are well out of sight and sound of any land-bound machines.

The intrusion of roads and motor vehicles into the parks and national forests spawned a second wilderness movement in the 1920's, led by Aldo Leopold and Bob Marshall, to "save from invasion that extremely minor fraction of outdoor America which yet remains free from mechanical sights and sounds and smells." That movement culminated in the 1964 Wilderness Act, the main function of which is to keep motors and mechanical vehicles—even bicycles—out of areas designated as Wilderness.

Yet no one foresaw the tremendous proliferation of aircraft, the noisiest and, in many ways, the most intrusive motor vehicles of all—able to go anywhere and audible miles away even when far out of sight. Aircraft had scarcely been invented when most of our natural preserves were established, so no one thought to define their upper boundries.

In English common law, "he who owns the soil owns upward unto the heavens," but as so often happens, technology left the courts in a quandary. The landholder must have some rights to the airspace, said the Supreme Court, or he couldn't even erect a building. But "aircraft are part of the modern environment of life," they added, and we can't be having lawsuits every time a plane flies over. Yes, they agreed, aircraft are trespassing on your land and can be held liable if their flight is so loud, low, or frequent as to "directly interfere with the enjoyment and use of the land," but just how loud, low, or frequent, the court couldn't say.

As air travel grew, Congress declared the air a public highway and in 1958 created the Federal Aviation Administration (FAA), awarding it the chicken-and-fox tasks of regulating and promoting air travel.

Perhaps caught up in the technological euphoria of those times, no one seems to have considered the impact that thousands of flying machines would have on the land and people below. Today, flying a plane or helicopter is the only thing you can do in a national park or wilderness area without limitations or restrictions of any kind.

The FAA, wearing its promotional hat, adamantly opposes restrictions of airspace (except those requested by the military) and believes it has exclusive jurisdiction over any aircraft not physically touching ground. Park Service lawyers disagree, citing the agency's authority to protect park resources, including solitude and silence. Whether to restrict low-level flights is a policy decision, they say, not a legal one.

The land-managing agencies have not pursued the issue aggressively, although there have been recent attempts (unsuccessful) to restrict the airspace over Grand Teton National Park and the BLM's Snake River Birds of Prey Area. At the request of the Fish and Wildlife Service and the National Park Service, the FAA does "advise" pilots to remain a modest 2,000 feet above the ground over designated natural areas. The equivalent of about three city blocks, 2,000 feet is hardly enough to have any mitigating effect on noise or visual intrusion. That limit was apparently chosen to minimize harassment of wildlife without inconveniencing pilots, who normally fly about that high anyway. Even so, the FAA's advisory is not binding and is widely ignored.

THE AIR TOUR BONANZA

Yosemite Valley must be the most crowded piece of land in our entire park system. On a busy summer day 4,000 cars and 12,000 people jam into two or three square miles on the valley floor. Perched on the rim of the valley last summer, we could hear the shifting gears of tour buses and garbage trucks four thousand feet below.

But even in Yosemite it was easy to get away from people and auto traffic; it was impossible to escape the droning aircraft overhead. Lunching one day in Tenaya Canyon we heard 15 planes in 45 minutes. A procession of small planes buzzed up and down the valley, banking over El Capitan, Half Dome, and the various falls. Higher but just as loud was a parade of jetliners, resounding off the granite cliffs.

Commercial aircraft rides in parks and wilderness are a relatively new phenomenon which began to explode in the late 1970s. Operators with agents in dozens of countries have discovered they can circumvent park and wilderness laws with impunity as long as they don't touch earth. (They are not concessionaires and have no licenses or permits from the land-managing agencies). Charging $90 to $150 an hour per person, air tours are a lucrative enterprise and new companies are rushing to get in on the bonanza. The rides are marketed primarily to affluent foreign tourists who, environmentalists note, may not appreciate what national parks and wilderness areas are all about, having long since lost such natural places in their own countries.

In the Hawaiian parks helicopters have grown so irksome that residents are talking seriously about "getting their shotguns." In Alaska, choppers fly off cruise ships to hover over the glaciers and wildlife. In Glacier National Park, they are harassing critical grizzly bear populations. In Mesa Verde National Park, the Ute Mountain Indians have begun hawking helicopter rides over the park's cliff dwellings, soliciting customers on a section of park road that loops briefly into their reservation. All told, more than 50 units of the National Park System report significant aircraft problems of one kind or another.

Surprisingly perhaps, the most widespread problem is military aircraft, which many park and wilderness officials regard as their most serious aerial threat. Bombers, fighters, and helicopter gunships are orders of magnitude louder and faster than their civilian counterparts and often fly just yards off the ground. They not only have a devastating impact on anyone or anything underneath but also pose a serious safety hazard for other aircraft. There have been a number of recent near-misses between military craft and Park Service helicopters.

The military owns 25,000 square miles of the West outright (more than all the western parks and monuments combined), but these vast reservations are used primarily for live firing, bombing, and ground training. Most of the aerial training takes place over national parks, forests, wildlife refuges, and other public lands, allowing the military to avoid lawsuits from private landowners. However, most of the flights which anger park visitors and worry officials are unauthorized joyrides, well outside or below any designated military operating areas or military training routes. Park officials say they've had no cooperation from the military in controlling these flights.

When environmentalists complained about the military aircraft which roar daily through the depths of the Grand Canyon, an Air Force officer told them that the planes must be "foreign nationals" since the canyon is a "no fly zone" for Air Force pilots. When National Park Service Director William Mott protested to the Pentagon about noisy park overflights, he said an Air Force general told him to "consider it the sound of freedom." Navy officials, responding to numerous complaints of violations by military aircraft in Sequoia National Park, said they were necessary to "combat worldwide terrorism." By that logic, it seems we must violate our own national treasures—the parks—in order to save them.

100,000 FLIGHTS OVER THE GRAND CANYON

On our way to the Grand Canyon, we drove slowly through the ancient virgin forest of the Kaibab Plateau. Ponderosa pines two fathoms around and older than America lined the simple dirt road. Lupines carpeted the ground, filling the air with an Elysian perfume. Every now and then a buck loped across the meadows. We saw no one. When geologist Clarence Dutton followed our route a hundred years ago he marveled at how suddenly one came upon the canyon, almost without warning. Nowadays, you can tell you're getting close to the rim by the unmistakable drone of aircraft.

To Dutton, the view of the canyon from the end of our road was "the most sublime and awe-inspiring spectacle of the world," and so he named it—Point Sublime. It was not far off the point that 25 people died last June in the fiery collision of two tourist aircraft. As we watched the air traffic from that rim it was easy to imagine how the crash might have occurred. Every minute or two, in busy times, helicopters flew in to give their customers a six-second glimpse of some Indian ruins nearby. As they roared back for another load of tourists, they crossed the path of the fixed-wing tours coming down the main canyon.

Indeed, Grand Canyon National Park suffers the distinction of having the oldest and worst aircraft problem of any natural area. More than 100,000 tourist planes, helicopters, jets, and military aircraft a year fly in and over it—more traffic than many urban airports. In otherwise unspoiled spots, the racket sometimes continues for several hours without letup, the machines reverberating off the cliffs like so many flying chain-saws.

One lone entrepreneur started flying tourists in the canyon back in the 1930s (over the objections of Park Service Director Horace Albright), but aircraft didn't become a noticeable problem until the late 1960s when a large airport was built just outside the park. By 1971, an EPA study concluded that aircraft were "clearly degrading the canyon experience for most people."

The park's answer was a 1972 "Gentlemen's Agreement" with air tour operators which encouraged them to avoid certain heavily developed areas around the rim towns (about 5 percent of the park) and to concentrate their flights in the wilderness. Predictably, complaints from casual tourists fell, while the problem grew in the rest of the park. In 1975, Congress was alarmed and ordered the Park Service to formulate rules and regulations for aircraft whenever they were causing "a significant adverse impact on the natural quiet and experience of the park." But the Park Service took little or no action and in the next decade air traffic nearly quintupled.

Air tour operators and some park officials argue that flight restrictions would "deny public access" and "lock up" the parks. At the Grand Canyon, a 1985 media blitz asserted that aircraft were the "only way the elderly, handicapped, and very young could see the canyon" and that only "hikers" complained about aircraft. That unleashed a storm of protest from the handicapped and older citizens. The president of the local Spinal Cord Society, a quadriplegic, testified that she had been refused a helicopter tour of the canyon because of her disability but had no trouble getting on a raft trip. As for the elderly, an independent opinion pollster found that twice as many Arizona retirees favored a total ban on flights than did people in their 20s and 30s. Environmentalists pointed out that all of the Grand Canyon can be seen by automobile from overlooks spaced along its whole 277 mile length (one road leads all the way to the bottom), that easy float trips carry tourists through the heart of the canyon, and that every inch of the park is accessible on foot.

Perhaps embarrassed by all these revelations, aircraft supporters have changed their tack. Industry spokesmen now say that air tours are the only way that people in a hurry—"busy businessmen" and foreign visitors—can see the park. One executive says foreigners are "culturally handicapped" and can't get to the part any other way. Chamber of Commerce officials add that air tours are a "strong marketing tool," attracting many conventioneers to Las Vegas and Phoenix.

Obviously, there is a market for air tours, and many people enjoy them. The same could be said for aerial tramways, elevators, scenic railroads, and terraced hotels cascading into the canyon—all of which have been seriously proposed at one time or another, though none would have nearly so pervasive an impact as aircraft. But as Ed McKee, the park's longtime chief naturalist, once said: "Do you do something in a national park because people like it or want it? If so, then you ought to put up rollercoasters; a lot of people like them very much."

MOVING TOWARD PUBLIC ACTION?

The Grand Canyon is the test case which will no doubt determine the fate of other preserves suffering aircraft problems. In early 1985, officials told me that they were hoping to avoid public involvement and to resolve the situation through private discussions with the air tour operators. That effort failed, and the issue has attracted nationwide media attention. At public hearings in 1985 and 1986, testimony urging a ban or severe restrictions on flights was almost unanimous, if one discounted speakers with a financial interest in the air tours.

In the spring of 1986 the park service released six aircraft management proposals, ranging from continued inaction to low-level and apparently non-binding aircraft restrictions covering (in the peak season) about 11 percent of the park, mainly in developed areas already avoided by air tours.

Conservation groups were outraged. The Sierra Club and Wilderness Society filed suit while a coalition of six environmental groups released a detailed plan of their own, the "Quiet Canyon Proposal." In that plan, air tours could still fly through parts of the canyon, a large proportion of which lies outside the park. They could even land in the bottom of the canyon, as they do now, outside park boundaries. "Busy businessmen" and "culturally handicapped" foreign tourists could still visit Las Vegas and the Grand Canyon in the same afternoon. Legitimate administrative and emergency flights would continue.

In late 1986, Congress again got into the act. Showing impatience with both the Park Service and the FAA, the House of Representatives passed a bill in September 1986 which would require the Park Service to study the aircraft problem in some 10 parks and recommend a solution forthwith, which the FAA must accept unless there are clear safety concerns.

Just why the Park Service and other land-managing agencies have been so slow to act on the aircraft issue is something of a bewilderment. One answer, perhaps, is that park personnel spend little time these days in the hinterland of their parks, where they might become sensitive to the problem. When they do sally into the backcountry—you guessed it—it's often in a helicopter.

A Grand Canyon official, while acknowledging that aircraft are the "number one resource issue" at the park, says that parks must change to fit a changing market. They are trying, he says, to determine the threshold—the decibel volume and frequency of flights—that most visitors can tolerate without complaining. His office is filled with books on plants, rocks, wildlife—physical things that can be counted, inventoried, entered in the data base—and things, by and large, that the Park Service protects with admirable care. But peace, quiet, and solitude are not values he's been trained to consider.

So, what are we to do? Perhaps it's futile to hope to preserve quiet and solitude in most of the country. The din will inevitably increase as long as air travel and population expand. But surely it is not unreasonable to set aside as reservoirs of natural silence and serenity that small fraction of the country we've already protected as sanctuaries—the national parks, monuments, wilderness areas, and wildlife refuges.

Unlike other vexing environmental problems—acid rain or the destruction of the ozone layer—noise pollution from aircraft is easy to solve, at least in parks and wilderness areas. Noise, as aircraft supporters love to point out, goes away when you stop making it. Damage is rarely permanent (although aircraft noise has knocked down Indian ruins and killed wildlife). Someone with the authority could solve the problem with the stroke of a pen. President Truman did that in 1949 by proclaiming Minnesota's Boundary Waters Canoe Area a prohibited airspace.

Americans cherish their parks and wilderness preserves. They expect those entrusted with their care to protect these treasures, and will support them in doing so. It's time for the Park Service to take leadership in that action.

(Dennis Brownridge is a writer and geographer living in Tucson, Arizona who has traveled widely in the West.)

THE KEY TO THE HOMELESS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. LEVINE of California. Mr. Speaker, there are currently 40,000 to 50,000 homeless individuals in Los Angeles County, making L.A. the homeless capital of the United States, according to Derek Shearer, director of urban studies at Occidental College in Los Angeles.

Dr. Shearer also points out that homeless and hungry people are neither inevitable nor necessary. In his article in the Los Angeles Herald Examiner, Derek Shearer emphasizes the need for Congress to act on the Homeless Persons Survival Act, H.R. 286, and the Urgent Relief for the Homeless, H.R. 558.

I submit Dr. Shearer's article to be included in the RECORD and urge my colleagues to take the time to read it.

THE KEY TO THE HOMELESS

(By Derek Shearer)

It's morning again in Reagan's America.

As the sun comes up over our middleclass neighborhood in Santa Monica, homeless and hungry men and women rummage through the trash bins behind the Safeway a few blocks from our house. In the store's parking lot, 20 people, including some families, are sleeping in battered-looking cars.

I pour my morning coffee and glance at the newspaper headlines: The Los Angeles City Council, over the objections of Mayor Tom Bradley, has temporarily opened City Hall areas to the homeless and 100 people are bedded down in the aisles of the marble-columned council chamber. Police Chief Daryl Gates criticizes the council's action, saying these people "are homeless because they choose to be homeless." Temperatures are still abnormally cold for L.A. Four homeless people have died of exposure in recent days.

Lunches for the kids made, I stuff my briefcase with notes and studies for a lecture on the economy. One study titled "The Continued Growth of Hunger, Homelessness and Poverty in America's Cities: 1986," compiled by the United States Conference of Mayors, reports that the demand for emergency shelter across the country has increased by an average of 20 percent. Los Angeles reported the greatest increase in need—up 50 percent. In Los Angeles County, there are 40,000-50,000 homeless, making L.A. the homeless capital of the nation.

Nationwide, requests for food assistance are up by 25 percent and the demand for low-income housing has jumped 40 percent. This is not surprising, given that the poverty rate is back up to almost 15 percent. A new report from the Joint Economic Committee of the U.S. Congress—"The Growth in Poverty: 1979-85," that I also put in my briefcase, shows that the greatest increase in poverty has been for married-couple families. In Los Angeles, more and more families with children are homeless. One half of the homeless in the country are under 35.

Weekday mornings I walk my 8-year-old to school, which is five blocks away. He wants to walk alone now that he's "big," but I still refuse to let him, afraid and uncertain about the homeless and mentally disturbed individuals who walk the streets. Arriving at school, we wave good morning to a classmate who merges from the back of the van in which he lives with his single parent.

A few blocks from school, 30 or 40 homeless persons are camped out in front of a community center that provides free meals. Some nearby residents are upset about the center. One of my son's friends caught a homeless person taking clothes from the dryer in the basement of the apartment. Our family had a sleeping bag that we'd been airing out taken from our back porch.

On my way toward the freeway, I see one of our local "characters," a middle-aged mentally disturbed woman who pushes a shopping cart filled with rags through the downtown streets. Some nights she sleeps in the bushes in front of the post office. The tour buses that come to the beach regularly stop at Palisades Park, overlooking the Pacific. Japanese tourists have requested to see the homeless Americans who sleep there.

Is America back? To what . . . the Thirties—or are we back to our future?

Where did these homeless persons come from? They didn't seem to be here 10 years ago. Who's responsible? What should be done or is survival of the fittest the ethic for the Age of Reagan?

I've read numerous studies and talked to lots of experts. The best answer as to where the two million to three million homeless come from is that American society is producing them, at a faster and faster rate. A combination of social Darwinist government policies and rapid economic restructuring is increasingly forming an "hourglass society" in the U.S.—one that is fat at both ends and thin in the middle. The upper third to a quarter of the population is getting richer; the middle class is being squeezed; and the working class and poor are stagnating or getting worse off.

Those at the bottom of hourglass America find that the supply of low-income housing in cities has shrunk because of urban renewal, gentrification and arson for profit. Federal cuts in low-income housing programs, beginning with Nixon and worsening under Reagan, have meant little new addition to the low-income housing stock. The unemployment rate for the past decade has barely inched below 7 percent. Millions of jobs have been lost in basic industries as the economy has become more service-oriented and world competition has stiffened. The mentally ill have been emptied from the mental hospitals, but with no community based system available to provide treatment.

As the plight of those on the bottom has grown, government support for those in need of assistance has diminished. The Reagan administration has done everything politically possible to tear huge holes in society's safety net. I see the president's handiwork every morning.

But perhaps things have come to a turning point. Reagan is no longer riding so high. Public opinion polls show that there is majority support for government assistance for the homeless and the hungry. The new House Majority Leader, Democrat Jim Wright of Texas, has been visiting shelters for the homeless in Washington, D.C., and has pledged to increase federal assistance to the homeless this year by $500 million. Congressman Mickey Leland (D-Texas) is carrying an omnibus bill, "The Homeless Persons Survival Act" drawn up by a coalition of low-income housing and poverty-action groups. If passed, although it could face veto by President Reagan; the bill would significantly increase funds for low-income housing, food stamps and other elements of the social safety net.

Locally, Santa Monica spends almost a million dollars a year to fund churches, missions and social agencies that assist the homeless—but it is not enough. The city attorney, a former legal aide lawyer, has sued the county—which is legally responsible for relief and mental care for the indigent—to meet its statutory obligations by providing adequate medical care for all mentally ill indigent persons. Lawsuits also have been filed by the Inner City Law Center and Los Angeles Legal Aid against the county to raise the level of general relief—individuals currently receive $247 a month, scarcely enough to rent a room, let alone buy food—and against the state to require that families in need of housing not have children taken from the parents and that housing be provided.

These court actions are opposed by the Republican state and county administrations—and it is likely that Reagan will veto much of the new assistance legislation that Congress might pass. Other specific, immediate action is thus needed locally.

The most immediate need in Los Angeles is for emergency shelter. The county's 85 shelters contains only 3,500 beds. Unlike New York, Los Angeles has no public shelters, relying instead on nonprofit missions, churches and social-service agencies to organize help for the homeless. As Councilman Ernani Bernardi, as well as homeless advocates, have pointed out, the city has public buildings that it can turn into shelters—abandoned buildings downtown, closed fire stations and some recreation buildings. Indeed, late last week, the council ordered a vacant city warehouse to be opened to the homeless. Councilmembers also planned to shift the City Hall shelter to a former city print-shop warehouse, which could accommodate up to 600 homeless. But these measures are only temporary, a response to L.A.'s cold spell.

A study by the Inner City Law Center of recent deaths in Los Angeles found that at least 200 people in the past have died of medical conditions most likely resulting from exposure—from being homeless. More people will surely die in 1987 if the city doesn't act to create additional shelters.

An intermediate step is for the city to strengthen its support for permanent low-income housing. The Community Redevelopment Agency has indicated that it will increase its budget for assisted housing, but more can be done. The city should create a permanent low-income-housing trust fund, with contributions from developer fees, as Santa Monica and San Francisco have already done. In Santa Monica, for example, developers' fees and agreements have led to construction of 500 units of affordable housing in recent years.

The city should also seek loans and contributions to the trust fund from the area's major banks, insurance companies and entertainment business. The Community Corporation of Santa Monica, a non-profit housing agency charged with overseeing the construction of low-income housing in the city, recently received a million-dollar grant from the Bank of America Foundation.

In the near term, city officials should at least join the legal efforts to force more resources from the state and the county. That would certainly attract the kind of attention the homeless issue deserves. And the City Council should pass a resolution endorsing Rep. Leland's bill for the homeless.

Of course, local efforts must be supplemented by a stronger national social safety net. Homeless and hungry people are neither inevitable nor necessary. Visitors to cities in Sweden, Holland, Denmark and West Germany rarely, if ever, see a single homeless person on the streets or in the parks. These countries, while certainly not perfect, do have policies that provide a decent supply of low-income housing, universal health care, income maintenance and employment, and humane mental health care. Can the United States, which prides itself on being No. 1, do any less?

The processes and policies that have contorted America into an hourglass society have been at work for a decade and cannot be reversed overnight. Fortunately, compassion appears to be returning in the country—it is in vogue again to be socially concerned—and it is possible that with new leadership in Washington after 1988, serious efforts can be made to reweave the social safety net and to make morning in America a time in which no human being wakes up without a roof overhead.

THE URGENT NEED FOR A NEW COMPREHENSIVE ENERGY POLICY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. FIELDS. Mr. Speaker, today I am beginning a series of speeches on the need for, and the components of, a comprehensive energy policy for this Nation.

While many Americans now are enjoying the benefits of low energy prices, the collapse of the international oil market has created some very serious problems for our country—problems which will become obvious to a majority of Americans in the years ahead.

I urge my colleagues, and all Americans, to reflect upon what has transpired recently in our Nation's energy situation:

First, during the past 12 months, foreign oil imports have increased from 27 percent to over 40 percent of our energy supplies. By the year 2000, our dependence may well exceed 70 percent.

Second, our Nation's foreign oil bill is growing at the rate of $1 billion a month. These imports represent nearly one-third of our total trade deficit.

Third, our domestic energy production is declining. By the end of this year, it is anticipated that our domestic production will be at least 1 million barrels per day less than current levels.

Fourth, during the first 9 months of last year, investments by the 13 largest U.S. oil companies declined by $19.2 billion, or 25.2 percent, from investment levels of 1985.

Fifth, while total business failures for 1985 and the first 6 months of 1986 increased by only 8.1 percent from the previous year, oil industry related business failures rose by 53 percent during that same period.

Sixth, our energy reserves—those resources needed for future development—have steadily declined and are expected to reach the lowest level since World War II within 3 years.

Seventh, since the downturn in crude oil prices, 144,000 Americans have lost their jobs in the domestic energy industry. Regions of our country, including my own State of Texas, have been decimated by free-falling energy prices.

Eighth, and, oil imports from the Persian Gulf countries, particularly Saudi Arabia, have increased by 400 percent since last year.

In short, the decline in energy prices has resulted in a staggering increase in our dependence on foreign crude oil, enhanced the power of the OPEC cartel, created widespread economic dislocations and misery for tens of thousands of Americans, depressed offshore energy exploration, and made it likely, if we do not act, that we could soon face a serious energy supply disruption.

Mr. Speaker, history need not repeat itself. We can avoid the nightmares of the 1973 and 1979 oil embargoes by enacting in this 100th Congress a new comprehensive energy policy for this Nation.

In the coming days, I will suggest certain components which I believe must be included in such a policy.

BUSINESS AND THE PUBLIC POLICY IMPERATIVES

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. VANDER JAGT. Mr. Speaker, I would like to commend to my colleagues an article written by Mr. Norman L. Dobyns and published in the February 1987 issue of American Politics magazine. It is entitled, "Business and the Public Policy Imperatives."

As vice president of public affairs for Northern Telecom, Inc., Mr. Dobyns has an outstanding reputation as a Washington business representative. He is a former Capitol Hill staffer, having worked within the Virginia congressional delegation.

Mr. Dobyns' excellent article dramatically focuses our attention on the need of America's business leaders to become active participants in our Nation's political process, not only for their individual business interests, but for the benefit of American business nationwide.

"We are in desperate need of business leaders who recognize the importance of government in the global marketplace and who are willing to get close enough to the process to become a part of it," Mr. Dobyns says.

This article deserves a careful reading by my colleagues and, in fact, all Americans.

[From American Politics, February 1987]

BUSINESS AND THE PUBLIC POLICY IMPERATIVES

(By Norman L. Dobyns)

It has become something of a cliché in Washington these days to talk about the global economy. And the current opinion held by some Washington insiders that American business may be incompetent to compete in a global economy is an important motivating factor in American politics. Such criticism should provide American business with a useful lesson about government and prompt the development of strategies for working more effectively in the governmental process.

For many in the corporate world, politics is a chaotic system fueled by constant turmoil. Similarly, the global marketplace is seen as a chaos of market and language barriers that makes success impossible for the novice entrant. Governments magnify this chaos by giving their national companies all known forms of preferential treatment, making the global marketplace a maze of restrictive policies, regulations and laws. Protectionism is everywhere, because politicians believe that they are supposed to protect their constituent companies. Indeed, in many countries, politicians are the companies because the government owns and operates the producers and marketers. The global economy and nearly all global markets are dominated by governments, which means that politicians and bureaucrats obviously have more impact on the global marketplace than does U.S. corporate management.

The companies that succeed in this new world, a marketplace that is increasingly dominated by government, therefore, will be those that develop an expertise in dealing with the chaos created by governments and that have effective government communications programs. A distinguishing characteristic of successful global competitors of the future will be the quality of their government relations programs, both in the United States and overseas.

American corporate executives already have the technology at hand to revolutionize industry in almost every global market in the near future. Basic technologies are already known and ready to be applied around the globe by American companies and their foreign business associates. Furthermore, because changes in the product and commercial markets will be evolutionary, American business management has a good picture of what global markets should look like and how American business should respond in the short term. But what we do know, however, is what impact actions taken by governments will have on our products and our global markets. Product timing and market development are complex undertakings even in an open marketplace. They can become incomprehensible in an environment dominated by government decision makers.

Nonetheless, American corporate management recently has been criticized by the Reagan administration for failing to prepare adequately for "what is on or over the horizon" and for becoming "like the government bureaucracy . . . bloated, risk-averse, inefficient and unimaginative." The administration's criticism is harsh: Corporate executives in the United States are responsible for America's loss of competitive status in the global marketplace. It is our business school graduates, not our bureaucrats, who stand accused of creating the nation's $170 billion trade imbalance.

DRAG COEFFICIENTS

Generally, the forces that drive a market are demand and technology, but that is true only if government permits the market to be pushed by technology and pulled by demand. Government drag can hinder both forces. Law and regulation usually cannot create new products or services, but government can determine who gets the revenues from new offerings. And that is the critical, determining element in the world's markets, both here and abroad.

Since market success requires revenues from the marketplace, and since governments determine who gets the revenues from their national marketplaces, such success necessarily depends on strategies that take into account the probable impact of government decisions on products, services and technology. Today's successful global executive must know as much about government relations as he knows about business marketing. The modern business executive confronts a far more complex world than his predecessors precisely because the world he confronts is one dominated by public policies and public goals. Moreover, in the crucible of global public-policy formulation, each policy maker perceives his decisions as protecting and promoting his own countrymen and their interests. That's what politics is all about, in the United States and elsewhere.

Today, the vastness of the government policy-making machine in the United States dwarfs individual perspective, forcing individuals to protect themselves by grouping together to promote their special interests. It cannot be assumed that a corporate executive can be influential in Washington, because he is competing with thousands of other individuals for the opportunity to be heard. There is no form of human activity so bizzare that it is not represented in Washington. Interests representing labor, business, nurses, beekeepers, schoolteachers, farmers, consumers and producers are there. Everyone has a lobbyist and everyone is lobbying, from General Motors to the Mattachine Society.

The Federal government's 50-year intervention into society is now being balanced by society's intervention into Federal government. Thousands of special interests are pursuing conflicting dreams and goals. And, while everyone pays lip service to the spirit of cooperation, the daily routine in Washington is confrontation and conflict.

Business has known since the 1950's that it had an essential role to play in public-policy formulation. But it is my perception that much of the business community's participation in Washington policy-making is ineffective. Business has yet to realize that its success in the 1980's will depend in large part on its political skills. The business community needs to articulate its goals clearly and to unite on issues of common interest.

Those of us in the American business community tend to think of ourselves as having the private sector role in a free enterprise economy. But in today's political arena, every special interest group, every stratum of society is a part of the awesome competition for society's resources. We are not alone in competing for raw material and market access. We are not alone in competing for access to the leaders of our governments and for understanding of our needs. To effectively communicate our views on public politics as well as our own objectives, we in the business community must increase our knowledge of the political world and sharpen our political skills.

In colonial America, our leaders were citizen-legislators and landowners who felt compelled to make laws for the public good. Today, we again need business executives who are willing to become politicians and active participants in the formulation of public policy. We need business leaders who can meet payroll and organize a precinct.

America has a $200 billion budget deficit and a nearly $170 billion merchandise trade deficit. We may be moving rapidly away from the open trading system that created our prosperous world, and we are faced with a drastic imbalance in our fiscal and monetary policies. Given these circumstances, the private sector cannot afford to leave public-policy formulation in the hands of legislators and regulators. The regulatory and legislative process of the U.S. government is neither predictable nor easy to understand. But we who are in the business must endeavor to understand the processes of government more clearly. Our business leaders must become a part of the process and contribute to government decision-making by effectively articulating, just as a politician would, what our policy needs are and what our view of the public interest is.

It is no longer sufficient for the business community to rely solely on its government relations specialists or lobbyists. Corporate lobbyists have been astonishingly successful on the business community's behalf in recent years, but the scope and magnitude of today's global public-policy problems demand the personal participation of our most senior executives.

I have seen Washington grow from a place avoided by business to a community widely recognized for the pervasiveness of its influence on business. Most of our business leaders today recognize the importance of the U.S. government to their corporate goals. But we are in desperate need of business leaders who recognize the importance of government in the global marketplace, and who are willing to get close enough to the process to become an effective part of it.

STEPS IN THE RIGHT DIRECTION IN THE FIGHT AGAINST TERRORISM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. BROOMFIELD. Mr. Speaker, let me take this occasion to commend the Secretary of State for two recent decisions concerning terrorism and the protection of U.S. citizens.

In recent weeks, the Department of State announced a reward offer of $250,000 for information leading to the apprehension, effective prosecution, and punishment of those persons responsible for the terrorist bombing of TWA flight 840. All of us recall that tragic incident in which an unknown terrorist planted an explosive device under the seat of a TWA passenger aircraft on April 2, 1986. Just before the plane landed in Athens, the device exploded and four United States citizens were pulled out of the aircraft through a hole in the fuselage. Initial suspicion in the bombing focused on a Lebanese woman named May Elias Mansour, and our Government continues to look into her possible involvement in that tragedy.

I have always believed that our Government must have a series of options available in dealing with international terrorism. Diplomatic and economic pressures can be brought to bear on terrorist-supporting states. The military option, as well as the payment of rewards for the apprehension and prosecution of a terrorist, are also viable options to have as tools in the fight against terrorism. The offering of rewards is a well-established practical tool for facilitating the investigation of criminal activities.

The Department of State is also to be commended for its recent decision to invalidate the passports of Americans who choose to travel to, in, and through Lebanon. Since hostage taking became an art form in that war-torn country, the United States Embassy in Beirut and the Department of State have warned United States citizens about the imminent dangers involved by their remaining in that country. Given the current level of internal instability in Lebanon, the United States Government obviously has limited liability in the protection of the many Americans who remain there. It is obvious that Americans remaining there will continue to be threatened and targeted by the many warring factions in that country. Their continuing presence can only encourage future acts of terrorism and further complicate an already difficult hostage situation.

I am gratified to know that the Department of State has prudently chosen to use the legislative initiative that the House Foreign Affairs Committee sponsored a few years ago, and concur with the Secretary's decision to restrict the number of Americans who travel to and live in Lebanon. We all know that terrorism will continue to be a challenging problem which America will have to deal with now and in future years.

ENSMINGERS CELEBRATE 50TH

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. DUNCAN. Mr. Speaker, two good friends of mine celebrated their 50th wedding anniversary on Valentines Day. J. Neal Ensminger married Maggie Beaver on February 14, 1937, in Tunnel Hill, GA. The couple was honored by their sons, and Neal's sister, Effie Mae, with a reception.

The Ensmingers have lived in Athens, TN, for many years, and have contributed greatly to the community. Maggie recently retired from Tennessee Wesleyan as a research librarian after 20 years, and Neal is celebrating his 50th year with the Daily Post Athenian.

Neal also served the Keith United Methodist Church, and the surrounding community, through his weekly Sunday school lessons which are broadcast over the local radio station. He was Athens Man of the Year in 1953, and is an honorary lifetime member of the Rotary Club.

I congratulate the Ensmingers on their wedding anniversary, and their service to the community of Athens.

ST. LOUISAN HONORED AT FAMILY REUNION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. CLAY. Mr. Speaker, I am very pleased to take this opportunity to pay tribute to Mrs. Hattie Shoto House, a distinguished member of the St. Louis community for 49 years. Mrs. House is also the oldest member of the Shoto family and will be honored at a special Shoto family reunion in Jackson, MS. in July of this year.

I commend Mrs. House on her dedication to her family and her community and I congratulate her on the special position she has attained in the Shoto family. I wish Mrs. House and her family a warm and wonderful reunion.

TRIBUTE TO MARCOS MEDINA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. TORRES. Mr. Speaker, I would like to bring to the attention of my colleagues an individual that has worked tirelessly on behalf of bilingual education for the children of California, Mr. Marcos Medina of Los Angeles, CA.

He has served as chairman of the Early Education Program at Albion Elementary School and the Lincoln High School Advisory Council. He has also served as vice chairman of committee D, title I, Citizens Compensatory Education Advisory Committee and of the Los Angeles Unified School District's Bilingual Advisory Committee. Since 1980 he has served on the California Advisory Committee on Mexican American Education appointed by the State Superintendent of Public Instruction.

Marcos and his wife, Consuelo, have six children and three grandchildren. The family reside in the Lincoln Heights area of Los Angeles. As a parent and concerned citizen, Mr. Medina has provided many hours of volunteer time to help improve public education for children in California. Mr. Medina is often found at school board or community meetings to emphasize the importance of quality education and the need for parental support and assistance for our public schools.

Last year Mr. Medina was honored by resolution of the California State Legislature and by the Los Angeles County Board of Supervisors for his exemplary display of community leadership and support for education.

Mr. Speaker, I ask that my colleagues join me in commending Marcos Medina on his outstanding contributions to advancing public education and extend him best wishes for continued success in future endeavors.

BILL FIFE—A MAN OF PUBLIC SERVICE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. McEWEN. Mr. Speaker, later this month Clinton County citizens will be honoring a man whose public service career has spanned four decades. William "Bill" Fife is a man who has dedicated his life to the betterment of Clinton County and Ohio.

Bill began his illustrious career of public service as a Union township trustee in 1957, a post he held until he became Clinton County Commissioner in 1965. He served 3 years as commissioner and then became Clinton County auditor in 1968, a position he held for 20 years. During his career as a public servant, Bill demonstrated his strong commitment to his neighbors and community by his endless capacity to give of his time and energy.

Bill's service in defense of our Nation is equally as admirable. Bill Fife is a veteran of World War II, a former VFW commander, and a member of the American Legion. In this regard, he has always been willing to put forth the extra effort to reach out to those around him and enrich their lives.

As a member of the Ohio County Auditors Association and an honorary member of the Ohio Township Trustees Association, Bill Fife has played an important role in improving local government.

Bill Fife is a compassionate and concerned community-minded citizen who is a member of the Clinton County Farm Bureau, B.P.O.E. Elks 797, the Fraternal Order of Eagles, and the First Christian Church.

Mr. Speaker, I ask my colleagues to join with me in congratulating and extending our warmest wishes to Bill for his distinguished career, and wish his wife, Sarah, and their children, David and Jim, the best for the future.

DONALD R. VON RAESFELD

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. MINETA. Mr. Speaker, my distinguished colleague, Mr. EDWARDS, and I would like to take this opportunity to salute Mr. Donald R. Von Raesfeld—a great American, a good friend, and a tireless public servant. Von Raesfeld, former city manager of the city of Santa Clara, has recently retired after more than a quarter century of distinguished service to his city.

Educated at Santa Clara University, Von Raesfeld set his roots in the community early on. He began his service with the city of Santa Clara 30 years ago, and was named city manager in 1962. During his tenure, he guided Santa Clara into a well-balanced, active community with a strong industrial base.

Overseeing a community whose population has increased by more than 50 percent, Von Raesfeld was instrumental in making Santa Clara a modern city set in the heart of Silicon Valley, while maintaining the heritage and charm for which the Mission City is known.

Under his leadership, Santa Clara obtained a Federal grant to incorporate a solar heating and cooling system in the city's community recreation center. Von Raesfeld stressed the importance of lessening the community's dependence on purchased power and concentrating on the generation of its own electric power. Von Raesfeld was instrumental in the development of a 205-megawatt hydroelectric complex and a 130-megawatt geothermal powerplant, two major energy sources that now enable Santa Clara to produce 35 percent of its own power.

He oversaw the construction of the International Swim Center, the building of the city's municipal complex, the revitalization of the city's North of Bayshore area, and the development of the Santa Clara Trade and Convention Center.

A lifelong resident of Santa Clara County, Von Raesfeld is closely involved in both civic and community affairs. He has a perfect 22-year attendance record as a member of the Santa Clara Rotary Club, and he currently serves on the Board of Fellows of Santa Clara University.

Mr. Speaker, Don Von Raesfeld has devoted his lifetime to the pursuit of creating a better community. His efforts serve as an example for all public servants. In light of his achievements, Mr. EDWARDS and I respectfully request that our esteemed colleagues in the House of Representatives join us in saluting Donald R. Von Raesfeld on the occasion of his retirement, and to extend to him, his wife Celine, and their family our best wishes for happiness and good health.

LITHUANIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. GILMAN. Mr. Speaker, earlier this week, on February 16, 1987, Americans of Lithuanian descent celebrated the 69th anniversary of Lithuanian Independence Day. Yet, in so doing, we were harshly reminded that today, Lithuania is not the free and independent nation it once was, but rather, a country forcibly annexed by the Soviet Union in 1940.

Founded in 1918 by the Council of Lithuania, the Lithuanian people proceeded to stave off the Soviet Bolsheviks in battle for 2 long years. From 1920–40, Lithuania enjoyed the status of a sovereign nation, and her people were free to express their cultural heritage, practice their faith, and take pride in their national identity on their own soil. Today, however, the Lithuanian people are under the shackles of Soviet domination, and are denied the cultural freedoms that we in the West take so much for granted.

It is this pride in one's heritage which was revealed all across the Nation this past Monday, as Americans of Lithuanian descent refused to allow their national identity to be erased. Though the Soviet Union persists in its attempts to russify Lithuania, it will not succeed, because one cannot eradicate national origin and pride in one's heritage.

I join my colleagues in commemorating Lithuanian Independence Day, and in acknowledging the great contribution Lithuanian Americans have made to this Nation over the years.

BIAGGI PRAISES BERSAGLIERI BAND AS ITALY'S BEST

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. BIAGGI. Mr. Speaker, it is my privilege and pleasure to commend the world renowned Bersaglieri Band of Italy and to extend my heartiest gratitude for their recent visit to this country, to join in our Columbus Day celebration and festivities. I am especially honored that they chose to share their distinctive talent with the residents of New York, and particularly my congressional district of Bronx and Yonkers.

The Bersaglieri Band is truly a sight to behold. Dressed in brightly colored costumes, topped with a dramatic plumed hat, they were a feast for the eyes. However, the eyes are not the only sense the band stimulated. The Bersaglieri Band delighted and amazed the tens of thousands of onlookers who were fortunate enough to have enjoyed their Columbus Day performances, as they marched, leapt, and made lengthy runs, while performing a variety of musical selections. This stunning spectacle of magical color, music, and movement awed and overwhelmed New York. Their families and friends, and the entire nation of Italy, can be proud of their performance.

The members of the Bersaglieri Band, who are active and retired Bersaglieri, crack Italian troops, comparable to the U.S. Marines, were led by their President Achile Bertolli, Honorary President Colonelo Scuderi and Bandmaster Carlo Cortellezzi. They were accompanied by the Honorable Gerolamo Bergasmaschi, the mayor of Lonate Pozzolo. In New York, the band regaled New Yorkers during the New York City Columbus Day parade, and both the Bronx and Yonkers Columbus Day parades. Special recognition goes to Rudy Macina, chairman of the Bronx Columbus Day Parade Committee and Luciano Martirano, chairman of the city of Yonkers Columbus Day Parade for their efforts ensuring successful and entertaining parades. I would also like to commend Joseph Martorana, the executive director of the Coalition of Italo-American Associations for his invaluable efforts as general coordinator of the band's visit. The members of the Bersaglieri Band were guests of honor at a testimonial dinner on Columbus Day, hosted by the Italian Bersaglieri Association of New York and their president, Mario Terzolo. Domenick Procopio, president, and the entire Calabria Society of New Rochelle, welcomed the band at another dinner-dance in City Island of the Bronx. During their entire visit, the Bersaglieri Band impressed us with their style and talent. They filled Americans of Italian descent with pride in their heritage.

I would like to extend a special thanks to the members of the Bersaglieri Band for their enthusiasm and entertainment. To Giorgio Annoni, Mario Belloli, Mario Belloli, Davide Bettinelli, Luca Biasio, Luigi Blini, Sergio Boni, Renato Bovolenta, Enrico Caimi, Giovanni Carraro, Giavonni Castelli, Marco Cavalli, Renzo Cavalleri, Augusto Da Ru, Verginio Del Prato, Mario Ferrario, Tiziano Giaretta, Enrico Lazzati, Marco Marinello, Filippo Marino, Davide Mattiello, Lorenzo Mignacca, Salvatore Mignacca, Domenico Modugno, Adalberto Pagliari, Lucio Pasotto, Andrea Perencin, Bruno Pianarosa, Gianfranco Porrini, Luigi Pozzi, Davide Previdi, Cosimo Pulignano, Davide Roncolato, Terenzio Roncolato, and Riccardo Testa, all who witnessed your performances join with me in professing our heartfelt appreciation. You did your families and your country proud. We hope you will bless us with another visit in the very near future.

BALANCE THE BUDGET BEFORE PAY INCREASE

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. ARMEY. Mr. Speaker, I rise to express my opposition to a pay increase for Members of Congress and to express my concern for the way the whole pay raise issue has been handled. The parliamentary maneuvering and heavy handedness surrounding pay raises for Members of Congress, judges, and senior executive branch employees has left the American people angry and confused and has done nothing to increase public esteem for the Congress as a whole.

In the private, productive sector of our country there is one clear criteria used to justify a pay increase: merit. Can any Member of Congress argue that we deserve a pay increase. Before attempting to do so I'd hope they would reflect on our chronic $200 billion deficits and our $2.3 trillion national debt.

These deficits can be laid squarely at Congress' doorstep for it's Congress which must appropriate every dime the Federal Government spends. For 25 of the last 26 years, Congress has been unable to do what every American family must do. Namely, reconcile wants and desires with the means to pay for an assortment of goods and services. The tragedy of today's fiscal irresponsibility is that it imposes an unconscionable burden on future generations of Americans.

Mr. Speaker, we don't deserve a pay increase and I've introduced legislation to see that we don't get one until we've put our Federal budget in balance without resorting to increases in tax rates.

My bill, H.R. 949, would freeze congressional pay at 1986 levels until we balance the budget. And that doesn't mean an illusory balanced budget using smoke and mirror tactics so common to the congressional budget process. My bill does not grant a pay raise until we finish the year with no deficit and the chairman of the Budget Committee can certify that the budget for the next fiscal year will be balanced as well.

The American people have sent us here to do a job and that job won't be complete until America's fiscal house is in order. Let's put any thoughts of a pay raise aside and get down to the business at hand.

NEGATIVE CAMPAIGN ADS

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. SWIFT. Mr. Speaker, much concern has been expressed during the last several election cycles, including 1986, about dirty campaigns. Here in Congress we periodically contemplate legislative ways to address concerns about such campaigns. Given important first amendment rights, however, there is probably relative little Congress can do about negative ads. And even if there were, there are difficult questions about whether we should intrude into a free and vigorous exchange in election campaigns.

Yet, even without legislation, there are forces that can and should be brought to bear on the negative tone of election campaigns.

First, the public should refuse to respond to negative ads. It should be noted that politicians are among the most pragmatic people in the world; they use negative campaign ads because they work. Tracking polls consistently demonstrate movement in public opinion, at least in the short term, in response to such ads. If the public refused to respond—or even responded negatively to such ads, they would very soon disappear.

Yet I have seen some of the very people who most loudly complained about the negative approach turn around and confess that they voted against a candidate "because of all the things brought up about him."

In short, the problem is that, while the public claims to object to negative ads, they respond to them. If the public is truly revolted, they should simply refuse to be persuaded. The use of negative ads would stop immediately.

Second, the media that has been bemoaning negative ads has a role to play as well: they should investigate and report facts.

Obviously, where election opponents exchange criticisms in which epithets are essentially a matter of opinion—"my opponent uses bad judgment"; "my opponent hasn't worked hard enough for world peace"—there is little the media can do but report the charges. But where the charges involve matters of fact—"my opponent has a poor attendance record"; "he supported *x*" and "opposed *y*"—the media too frequently report the charges and do not take the additional steps necessary to report the facts. They should. If a candidate willing to distort the truth knew the truth would be widely disseminated by the media, such distortions would be restrained. Likewise, if the charges are accurate, that information is useful to the public.

Third, the media can help build a climate in which irresponsible criticism in campaigning is perceived and rejected. Articles concerning the phenomenon help inform the public and can, in fact, inoculate the citizens against some of the sleazier types of political attacks. Such an effort, especially if printed or aired just prior to the election season, could do much to not only inform and help the public make the appropriate response to irresponsible negative campaigning, but would also put candidates on notice that both the media and the public are aware and concerned about the problem.

All of these approaches can be used without the need for legislation and without jeopardizing the Constitution. These remedies exist and are there to be used. We all hope that candidates will refrain from negative campaigns. But the fact is that those who are disturbed about them have an important role to play—to reward those whose campaigns are clean, and to hold accountable those whose are not.

RECOGNITION OF BERNARD HULL

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. HENRY. Mr. Speaker, it is with great honor that I stand today and recognize the reelection of Bernard Hull, a resident of Michigan's Fifth Congressional District, as president of the Michigan Association of Home Builders [MAHB], which represents over 5,600 businesses related to the residential and commercial construction industry in Michigan.

Mr. Hull has an impressive background which qualifies him as an excellent choice for this position. He graduated from Western Michigan University and attended Princeton and Northwestern Universities, as well. He was a recipient of a U.S. Navy commission from Northwestern in 1945, and served more than 3 years active duty in World War II. He was recalled to active duty during the Korean war, to serve at the Pentagon under the Chief of Naval Operations. He began his career as a homebuilder in 1947, upon his return to Grand Rapids. He has since held positions as the president of the Grand Rapids Home Builders Association, director of the National Association of Home Builders, and several positions in the MAHB.

Mr. Hull's vast amount of experience and contributions to the field have led to his election and re-election as president of the Michigan Association of Home Builders. I am confident that his continued service to the MAHB will be beneficial to the association, and to the State of Michigan, and I would like to commend him for his achievements.

TRIBUTE TO JOE B. SCATCHARD

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. MOORHEAD. Mr. Speaker, on February 27, Joe B. Scatchard will retire after 16 productive years with the Southern California Rapid Transit District.

As a constituent and a resident of Glendale, I am especially proud of Joe Scatchard's national reputation. As a financial officer for SCRTD, he is widely respected for his intergrity and innovation.

Mr. Scatchard was instrumental in developing a unique financial plan that protects the district from the unpredictable oil market. He is also one of the principal developers of equipment trust certificates, which permit the transit district to spread the cost of a new bus over several years.

Another testament to Joe Scatchard's skill as a financial officer is the district's pension plan, which in 1985 was rated in the top 10 percent of pension plans in the State of California.

Mr. Speaker, throughout his career Joe Scatchard has always given his best. In his retirement, I wish for him the very best.

YOUTH ENDING HUNGER WEEK APRIL 26 THROUGH MAY 2

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. BORSKI. Mr. Speaker, I rise to bring the attention of my colleagues to an important resolution which I have introduced designating the week of April 26 through May 2 as Youth Ending Hunger Week.

Youth Ending Hunger [YEH] is a network of students committed to ending hunger by the turn of the century. The group is sponsored by the hunger project, an organization which works to educate people throughout the world about the tragedy of hunger.

Raising public awareness is critical to ending hunger worldwide. Every day, 35,000 people die of hunger while 24 persons die from starvation every minute—18 of these are children. Furthermore, every major commission on world hunger has determined that mankind already possesses the resources and technology to eliminate the strife caused by hunger, however, both the political and social will is lacking.

The YEH network recognizes that the youth of American can make a difference by promoting the education and awareness of the problem of hunger. The YEH manifesto has been signed by students all over the Nation and expresses their commitment to ending hunger. The manifesto states:

> Nothing springs more directly and more sincerely from our souls than a commitment to end altogether the horror and injustice of world hunger * * * Under the shadow of persistent suffering we declare our responsibility to the pure ideal of a world without hunger.

Many of the members of the House Select Committee on Hunger have already joined me as cosponsors of Youth Ending Hunger Week. I ask my collegues to join me in commending these youths for their commitment to ending hunger by cosponsoring this important resolution.

TRIBUTE TO NORMAN S. GAINES

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. DIXON. Mr. Speaker, it is a privilege for me to bring to the attention of my colleagues the distinguished career of Norman S. Gaines on the occasion of his retirement from RJR Nabisco. It has been my pleasure in recent years to work with Norm, who has been with RJR Nabisco since 1976 and served as director of Federal public affairs there since 1980.

Upon graduation from Rutgers College and serving in the U.S. Navy, Norm held a series of management positions in the shipping industry in Puerto Rico, where he lived for 13 years. Since coming to Washington in 1976 Norm has represented RJR Nabisco's interests in diverse areas, including maritime issues, energy issues, employment issues and tax legislation. He has worked actively to promote a cooperative working relationship between business and minority and women's groups by working closely with the Congressional Black Caucus and Black Caucus Foundation, where he helped make RJR Nabisco a major sponsor of the foundation's fellows program; the congressional Hispanic caucus; and the congressional caucus for women's issues, where he serves as a member of the board of the caucus-affiliated Women's Research and Education Institute. He has been active on foreign trade issues and is a member of the board of the National Foreign Trade Council. Most recently he served as a member of the Democratic National Committee's 1988 convention site selection committee.

Though Norm is retiring from RJR Nabisco, he has already made plans to form his own Washington consulting firm. I join his family, coworkers, and other Members of Congress who have had the pleasure of working with him in congratulating him on a job well done and wishing him well in his plans for the future.

THE 35TH ANNIVERSARY OF LOS PADRES CHAPTER OF THE SIERRA CLUB

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. LAGOMARSINO. Mr. Speaker, it gives me great pleasure to have this opportunity to recognize the Los Padres chapter of the Sierra Club on their 35th anniversary.

This chapter, located in my congressional district in California, has been extremely active and successful in protecting some of our Nation's most unique and beautiful natural, scenic, and cultural resources. This organization has tackled many complex conservation issues facing the Los Padres area and their accomplishments over the past 35 years have been numerous and beneficial. Not only were they active in the creation of the Channel Islands National Park and the Dick Smith Wilderness, but since their establishment have monitored these national treasures and, in fact, the entire Los Padres National Forest, to insure the continued preservation of their valuable resources.

The Los Padres chapter of the Sierra Club has also been helpful in providing me with the views of conservation-oriented individuals in my district on critical environmental issues. They have served as a vital link between the conservation community in my district and my congressional office and I have enjoyed working with them over the years to attain their goals.

The members of the Los Padres chapter are to be commended for volunteering their time and efforts to protect the outstanding natural resources of the 19th Congressional District in California. They should be proud of the accomplishments they have achieved since their establishment as a Sierra Club chapter.

Again, I offer my personal congratulations to the Los Padres chapter on its 35th anniversary and I wish them many more successful years in the good work that they do.

REFORMED CHURCH OF AMERICA

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. HENRY. Mr. Speaker, it often comes as a surprise to many to learn that the oldest, continuously organized Protestant denomination in the United States is the Reformed Church of America. Founded by the earliest Dutch settlers to New Amsterdam, it was the first of several "Dutch Reformed" denominations which are a part of the American religious heritage.

About 150 years ago, a significant second wave of Dutch immigrants came to the country. They settled predominantly in the New York/New Jersey area and in the upper Midwest, particularly the States of Michigan, Wisconsin, Minnesota, and Iowa. While the doctrinal beliefs of this second wave of immigrants were substantively the same as those earlier settlers to New Amsterdam, the cultural problems of resettlement combined with different matters of religious practice led to the founding of what is now the second largest of the "Dutch Reformed" religious bodies in our midst, the Christian Reformed Church.

As was true of many other immigrant groups in our history, they continued to express their religious life in their native tongue for many years. This year, however, marks the 100th anniversary of LaGrave Avenue Christian Reformed Church in Grand Rapids, MI, which was the first English-speaking church within this denomination.

The decision to switch to English-speaking services was obviously a very contentious issue within the Christian Reformed community at the time. It meant, for example, that songs of worship would increasingly utilize English hymns, as opposed to the Dutch psalter of traditional worship. And with that, LaGrave Avenue Christian Reformed Church also became the first in its denomination to use a choir for the purpose of instructing the congregation in the English hymns.

Over the years, the Christian Reformed Church has, of course, made the cultural adaptations to its new American and Canadian soil. But the most significant step took place 100 years ago at LaGrave Avenue Christian Reformed Church with its decision to worship in English. And with that step, the Christian Reformed Church denomination began the process of adaptation which not only has insured this relevancy to the new land to which its pioneer forefathers came, but through which it has been able to minister to the needs of our entire Nation as well as to those of its own household.

I invite you, Mr. Speaker, and my colleagues, to join with me in acknowledging this centennial observance of the LaGrave Avenue Christian Reformed Church, and to wish that congregation and the denomination of which it is a member many years of continued success in service to the Lord it seeks to honor in word and deed.

FISCAL POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 18, 1987, into the CONGRESSIONAL RECORD:

FISCAL POLICY

The federal government today has a frozen fiscal policy, with federal spending and taxation locked up to an unusual degree. Gone are the days when there was sufficient revenue on hand to create new programs. A review of the nation's fiscal situation is sobering.

The federal government this year will, for the first time, spend over $1 trillion dollars. Even if all goes well, we will being in only $840 billion in revenues, for a deficit of $170 billion. In 1981, we had a $1 trillion national debt, the combined total of all the previous 200 years' deficits. Since 1981, we have added another $1.3 trillion to the national debt. The tax and spending policies we thought would lead to economic growth and employment have not only created record budget deficits, they did not deliver the promised surge in growth.

There are several adverse consequences from these large federal deficits and our rapid accumulation of debt. First, even if we miraculously balanced the federal budget tomorrow, we would still have to pay an enormous amount of interest to service the past national debt. Federal spending on interest ($136 billion last year) has been the fastest growing item in the budget, outstripping even the growth in military outlays. The huge national debt will burden our children with interest payments which buy absolutely nothing of value. Second, the budget deficits of the past six years have absorbed a substantial share of our national savings, claiming almost 60% of savings by U.S. households, business, and state and local governments, compared to about 20% in the preceding decade. That reduces the savings pool available to finance productive investment. Third, the budget deficits have had a severe impact on trade, as they have driven up the value of the dollar, pricing many U.S. exports out of international markets. Fourth, foreigners now lend us enormous sums to finance our deficits. We have gone from the world's largest creditor in 1982 to its largest debtor today, a swing of about $½ trillion. Our dependence on foreign capital poses a potential danger to economic stability. If foreign investors are no longer willing to extend large amounts of credit to us, the value of the dollar could fall sharply. That would lead to increased inflation, monetary restraint, and higher interest rates that could cause recession.

In our federal budgetary decisions of recent years we have basically chosen to borrow to increase today's consumption at the expense of investment for tomorrow. The resultant reduced standards of living will be the legacy of the 1980s. Despite the talk in recent years about redefining and reducing the role of government, the spending has created a federal government today that is bigger than at any time in the post-War era. Decision-makers have engaged in the politics of joy, spending far more than we had, and have refused to engage in the politics of hard choices.

During this period, large portions of the budget have simply been untouchable. In dollar terms, the military was the biggest winner, though support for military spending has weakened lately. The major entitlement programs, such as social security, medicare, and civil service and military pensions, have also fared well in recent years. Such programs, which fuel present consumption, have generally been untouchable, while investments in the future have been hit hard. We have sharply trimmed funds that should have been invested in infrastructure (highways, airports, transit systems, and water projects), civilian research and development, and education.

There is little argument about the bottom line of all of this. It is a lower future standard of living because of the burden of federal debt placed upon future taxpayers and also because government borrowing absorbs savings that otherwise would have been available for investment today. Consequently, we leave less of a legacy to future generations.

These policies have now forced upon the government a fiscal ice age. The government is stuck in the current spending priorities, with the Congress more or less freezing spending across-the-board year after year. The next period in our political history will, under any leadership, be austere. The large deficits guarantee that. So far as I can judge, the federal government is sharply constrained for the near future.

The fiscal flexibility of the country has been limited for several reasons. First, economic growth has slowed dramatically in the 1980's, reducing the amount of new revenues coming into the government. Second, spending for national defense has risen sharply, today accounting for 27% of all federal spending. Third, the government is committed to massive spending on entitlements, with, for example, spending for social security and medicare equalling spending for defense. The budget "uncontrollables" of entitlements, prior-year contracts, and interest on the national debt, combined with defense spending, comprise some 90% of all federal spending. Finally, the tax code has been indexed for inflation. A major source of money for the federal government before 1981 was the so-called "bracket creep" of inflation pushing people into ever higher tax brackets. Indexing the tax rates to keep up with inflation almost ensures that the government will go for years without any fiscal cushion.

As one looks ahead, it is hard to see where fiscal flexibility will come from. On the spending side, if defense isn't likely to go up much in real terms, it is not likely to go down very far either. Entitlements appear more sacred than they have ever been. Raising taxes is politically difficult to achieve, and all the easy ways to raise taxes are gone. The byword of the 1990's may well be "management"—examining every function of government to see if we can do it more efficiently.

For the present, fiscal policy is dead in the water. The consensus on what is important and what is frivolous seems to me to be at least as distant as it has been in the recent past. The government's lean years appear far from over.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a

system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 19, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 20

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 362 and S. 356, bills to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft and railroads.

SR-253

Finance

Social Security and Family Policy Subcommittee

To resume hearings on how to improve the existing family welfare system and how to promote the well-being of families with children.

SD-215

10:00 a.m.

Appropriations

District of Columbia Subcommittee

To hold hearings to review the snow removal procedures in the District of Columbia.

SD-138

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the American Battle Monuments Commission, Cemeterial Expenses (Army), Selective Service System, and the National Credit Union Administration.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Park Service, Department of the Interior.

SD-192

Governmental Affairs

To hold hearings on federal licensing procedures for international arms dealers.

SD-342

Select on Indian Affairs

To hold hearings on S. 187, to provide for the protection of Native American rights for the remains of their dead and sacred artifacts, and for the creation of Native American cultural museums.

SD-628

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Edward J. Derwinski, of Illinois, to be Under Secretary of State for Coordinating Security Assistance Programs, and Arnold L. Raphel, of New Jersey, to be Ambassador to the Islamic Republic of Pakistan.

SD-419

FEBRUARY 23

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Customs Service, Department of the Treasury.

SD-116

Finance

Social Security and Family Policy Subcommittee

To resume hearings on how to improve the existing family welfare system and how to promote the well-being of families with children.

SD-215

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture.

SD-124

Armed Services

To hold hearings on U.S. military strategy in the areas of responsibility of the U.S. Southern and Atlantic Commands.

SR-222

2:30 p.m.

Finance

To hold hearings on those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1988, focusing on Medicare, Medicaid, Maternal and Child Health Block Grant, Aid to Families with Dependent Children, Child Support Enforcement, and other social service and income maintenance programs.

SD-215

FEBRUARY 24

9:30 a.m.

Armed Services

Closed business meeting, to consider those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal years 1988 and 1989 with a view towards making its recommendations to the Committee on the Budget, and to consider the committee rules of procedure for the 100th Congress.

SR-222

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold oversight hearings on the activities of the securities industry and the Securities and Exchange Commission.

SD-534

Commerce, Science, and Transportation

To hold hearings on science and technology, and U.S. industrial competitiveness.

SR-253

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.

345 Cannon Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain international activities of the Department of the Treasury.

SD-138

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Ohio River Division, Missouri River Division, and the South Pacific Division.

SD-192

Finance

Health Subcommittee

To hold hearings to examine long-term health care, types of long-term care services available, current programs for providing and financing long-term care, and problems with access to services.

SD-215

Foreign Relations

To hold hearings on proposed legislation authorizing funds for the Department of State, and proposed legislation authorizing funds for certain foreign assistance programs.

SD-419

11:00 a.m.

Veterans' Affairs

Business meeting, to consider the President's proposed budget requests for fiscal year 1988 for veterans' programs, S. 12, to remove the expiration date of eligibility for the educational assistance programs for veterans of the All-Volunteer Force, and Sec. 4(b) of S. 6 (Veterans' Health Care Improvement Act of 1987) and S. 279, measures to provide a 1-year extension of the date by which the VA's readjustment counseling program for Vietnam-era veterans is to begin a 2-year transition to a program providing counseling services through the VA's general medical facilities, and S. 477, to assist homeless veterans.

SR-418

2:30 p.m.

Small Business

To hold an organizational business meeting to adopt committee rules of procedure for the 100th Congress, and to consider subcommittee organization and assignments, to be followed by hearings on the President's proposed budget request for the Small Business Administration.

SR-428A

FEBRUARY 25

9:30 a.m.

Appropriations

Defense Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.

SD-192

Armed Services

To hold hearings on the nomination of Robert B. Costello, of Michigan, to be Assistant Secretary of Defense for Acquisition and Logistics.

SR-222

Energy and Natural Resources

Business meeting, to consider those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1988 with a view toward making its recommendations to the Committee on the Budget.

SD-366

Finance

To hold hearings on management of the U.S. Customs Service.

SD-215

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, World War I Veterans, and the Military Order of the Purple Hearts.

334 Cannon Building

10:00 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to mark up proposed legislation relating to Federal Savings and Loan Insurance Corporation recapitalization, emergency bank acquisitions, nonbank banks, securities powers for bank holding companies, and bank check holds.

SD-534

Foreign Relations

To hold hearings on proposed legislation authorizing funds for multilateral development banks.

SD-419

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.

SD-138

FEBRUARY 26

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on international telecommunications.

SR-253

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Credit Subcommittee

To hold oversight hearings on the status of the farm credit system.

SR-332

Appropriations

To resume hearings on the President's proposed budget for fiscal year 1988.

SD-192

Finance

To continue hearings on management of the U.S. Customs Service.

SD-215

10:00 a.m.

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To resume hearings on proposed authorizations of housing and community development programs administered by the Department of Housing and Urban Development and the Department of Agriculture.

SD-538

1:30 p.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, on behalf of funds for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.

SD-116

2:00 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Credit Subcommittee

To continue oversight hearings on the status of the farm credit system.

SR-332

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1988 for certain international activities of the Department of the Treasury.

S-126, Capitol

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Naval Petroleum Reserve, and the Office of Emergency Preparedness.

SD-192

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Southwestern Division, North Pacific Division, and the North Central Division.

SD-138

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Trade Representative, and the International Trade Commission.

S-146, Capitol

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume harings on the President's proposed budget for fiscal year 1988 for the National Aeronautics and Space Administration, focusing on aeronautics and space technology.

SR-253

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Labor, focusing on the Office of the Secretary, Employment and Training Administration, and departmental management.

SD-124

FEBRUARY 27

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Labor, focusing on the Mine Safety and Health Administration, Pension Benefit Guaranty Corporation, Employment Standards Administration, Bureau of Labor Statistics, Occupational Safety and Health Administration, and the Labor-Management Services.

SD-192

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.

SD-124

Finance

International Trade Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the Office of the U.S. Trade Representative and the U.S. International Trade Commission.

SD-215

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for ACTION, Corporation for Public Broadcasting, Prospective Payment Assessment Commission, Railroad Retirement Board, Federal Mediation and Conciliation Service, National Mediation Board, National Labor Relations Board, and the Occupational Safety and Health Review Commission.

SD-192

MARCH 2

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Administrative Conference of the United States, U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.

SD-116

Finance

Social Security and Family Policy Subcommittee

To resume hearings on how to improve the existing family welfare system and how to promote the well-being of families with children.

SD-215

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Animal and Plant Health Inspection Service, Agricultural Cooperative Service, Packers and Stockyards Administration, and the Office of Transportation.
SD-138

MARCH 3

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office for Human Development Services, and the Health Care Financing Administration.
SD-116

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Lower Mississippi Valley Division, and the New England Division.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Gallery of Art, Commission of Fine Arts, Pennsylvania Avenue Development Corporation, and the Advisory Council on Historic Preservation.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Physician Payment Review Commission, Commission on Education of the Deaf, Federal Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, National Council on the Handicapped, Soldiers' and Airmen's Home, and the U.S. Institute of Peace.
SD-124

MARCH 4

9:30 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.
SD-192

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office of Assistant Secretary for Health, and the Centers for Disease Control.
SD-116

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Extension Service, Economic Research Service, and the National Agricultural Statistics Service.
SD-138

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Alcohol, Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration.
SD-116

Rules and Administration
To hold hearings on S. 2, S. 50, S. 179, and S. 207, bills to provide for spending limits and public financing for Senate general elections.
SR-301

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Veterans' Administration.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the North Atlantic Division, and the Pacific Ocean Division.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Commerce.
S-146, Capitol

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
SD-430

MARCH 6

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, on behalf of funds for the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.
SD-116

MARCH 9

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the General Services Administration, National Archives and Records Administration, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Research Service, and the Cooperative State Research Service.
SD-138

Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on uranium mining, reclamation, and enrichment.
SD-366

MARCH 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Management and Budget.
SD-116

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Minerals Management Service, Department of the Interior.
SD-192

MARCH 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Family Support Administration.
SD-192

Energy and Natural Resources
To resume oversight hearings on the world oil outlook.
SD-366

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Farmers Home Administration.
SD-138

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Marine Mammal Commission.
S-146, Capitol

MARCH 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office of the Secretary, Departmental Management, Office for Civil Rights, Policy Research, and the Office of the Inspector General.
SD-116

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 85, to repeal the end use constraints on natural gas and to repeal the incremental policy requirements.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Science Foundation.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Tennessee Valley Authority, and the Appalachian Regional Commission.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Indian Education.
SD-192

MARCH 13

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Forest Service, Department of Agriculture.
SD-192

Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on uranium mining, reclamation, and enrichment.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Science Foundation, and the Office of Science and Technology.
SD-124

MARCH 16

10:00 a.m.
Labor and Human Resources
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
2175 Rayburn Building

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on reclamation programs of the Department of the Interior.
SD-192

MARCH 17

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy conservation, and the National Capital Planning Commission.
SD-192

MARCH 18

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Information Agency, and the Board for International Broadcasting.
S-146, Capitol

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on solar and renewables, energy research, and environment.
SD-138

MARCH 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Marketing Service, Federal Grain Inspection Service, and the Food Safety and Inspection Service.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Endowment for the Arts, National Endowment for the Humanities, and the Institute of Museum Services.
SD-192

MARCH 20

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, focusing on the Office of the Secretary.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Emergency Management Agency.
SD-124

MARCH 23

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to review the Department of the Interior's proposed 5-year Outer Continental Shelf leasing plan.
SD-366

10:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Personnel Management, and the Federal Election Commission.
SD-116

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Stabilization and Conservation Service, Com-

modity Credit Corporation, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192

MARCH 24

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Land Management, Department of the Interior.
SD-192

MARCH 25

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Rural Electrification Administration.
SD-138

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of State.
S-146, Capitol

MARCH 26

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Federal Energy Regulatory Administration, and the Nuclear Regulatory Administration.
SD-192

MARCH 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD-124

MARCH 30

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

MARCH 31

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Foreign Agricultural Service, Food for Peace Program (P.L. 480), and the Office of International Cooperation and Development.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 1

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.
334 Cannon Building

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for international organizations of the Department of State.
S-146, Capitol

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 2

9:30 a.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on the clean coal technology program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water developmnent programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Indian Health Service of the Department of Health and Human Services, and the Navajo and Hopi Indian Relocation Commission.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 3

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the United States Postal Service.
SD-116

APRIL 6

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 7

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

APRIL 8

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on nuclear fission, uranium enrichment, and the nuclear waste management.

SD-192

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Small Business Administration, Securities and Exchange Commission, and the Federal Trade Commission.

S-146, Capitol

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Fish and Wildlife Service, Department of the Interior.

SD-192

APRIL 9

9:30 a.m.

Energy and Natural Resources

Research and Development Subcommittee

To resume oversight hearings on clean coal technology program.

SD-366

1:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.

SD-192

APRIL 10

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, U.S. Postal Service, and general government.

SD-192

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.

SD-124

APRIL 21

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Indian Affairs, Department of the Interior.

SD-192

APRIL 22

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on the Office of the Secretary, and salaries and expenses.

SD-192

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Office of the Attorney General, Immigration and Naturalization Service, and the Federal Prison System.

S-146, Capitol

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Geological Survey, Department of the Interior.

SD-192

Appropriations

Energy and Water Development Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Department of Energy national laboratories.

SD-116

APRIL 23

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on compensatory education for the disadvantaged, special programs, impact aid, bilingual education, immigrant and refugee education, education for the handicapped, rehabilitation services and handicapped research, special institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet College), and vocational and adult education.

SD-192

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on Atomic Energy Defense activities.

SD-116

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Office of the Secretary and the Office of the Solicitor.

SD-192

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on student financial assistance, guaranteed student loans, higher education, higher education facilities loans and insurance, college housing loans, Howard University, education research and statistics, and libraries.

SD-138

APRIL 24

10:00 a.m.

Appropriations

HUD—Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.

SD-124

APRIL 27

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development, focusing on certain activities of the Department of Energy.

SD-192

APRIL 28

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Bureau of Mines, and the Office of

Surface Mining, Reclamation and Enforcement.

SD-192

APRIL 29

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Federal Bureau of Investigation, Drug Enforcement Administration, and the U.S. Marshals Service.

S-146, Capitol

APRIL 30

9:30 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial governments.

SD-192

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial affairs.

SD-192

MAY 4

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

MAY 5

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Holocaust Memorial Council.

SD-138

MAY 6

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Supreme Court of the United States, Equal Employment Opportunity Commission, and the Commission on Civil Rights.

S-146, Capitol

2:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

MAY 7

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for fossil energy, and clean coal technology programs.

SD-192

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

MAY 8

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

MAY 12

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Legal Services Corporation.

S-146, Capitol

MAY 13

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Commerce, Justice, State, the Judiciary, and related agencies.

S-146, Capitol

MAY 15

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

MAY 20

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Judicial Conference, Commission on the Bicentennial of the Constitution, U.S. Sentencing Commission, and the State Justice Institute.

SD-146, Capitol

HOUSE OF REPRESENTATIVES—*Thursday, February 19, 1987*

The House met at 12 noon.

The Reverend Charles Mallon, permanent deacon, Holy Family Church, Mitchellville, MD, offered the following prayer:

Truly God is good to the upright, to those who are pure in heart. But as for me, my feet had almost stumbled, my steps had well nigh slipped. For I was envious of the arrogant, when I saw the prosperity of the wicked. Psalm 73:1-3.

Father, You give us free will to choose between right or wrong, give us clarity of mind that we might recognize the difference.

Our life experience reveals the inherent reward of virtue. Strengthen us in the pursuit of virtue and allow its resulting wisdom to protect us from destruction.

We ask this through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mrs. Emery, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 83. An act to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

SELECTION OF MEMBERS TO BE ACCREDITED BY THE PRESIDENT AS OFFICIAL ADVISERS TO U.S. DELEGATIONS TO INTERNATIONAL CONFERENCES, MEETINGS, AND NEGOTIATION SESSIONS RELATING TO TRADE AGREEMENTS

The SPEAKER. Pursuant to the provisions of 19 U.S.C. 2211, and upon recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 1st session of the 100th Congress:

Mr. ROSTENKOWSKI of Illinois;
Mr. GIBBONS of Florida;
Mr. JENKINS of Georgia;
Mr. CRANE of Illinois; and
Mr. FRENZEL of Minnesota.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 85-874, as amended, the Chair appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members on the part of the House:

Mr. YATES of Illinois;
Mr. WILSON of Texas; and
Mr. MCDADE of Pennsylvania.

APPOINTMENT AS MEMBERS OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of 20 U.S.C. 42 and 43, the Chair appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House:

Mr. MINETA of California;
Mr. BOLAND of Massachusetts; and
Mr. CONTE of Massachusetts.

APPOINTMENT AS AN ADDITIONAL MEMBER OF SELECT COMMITTEE ON HUNGER

The SPEAKER. Pursuant to the provisions of section 103 of House Resolution 26, 100th Congress, the Chair appoints as an additional majority member of the Select Committee on Hunger the gentlewoman from South Carolina [Mrs. PATTERSON].

PROTECTION OF THE OZONE LAYER

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, the depletion of the ozone layer endangers not only this country, but the entire planet. The ozone layer protects us from the most harmful of the Sun's rays. Its depletion by chlorofluorocarbons, or CFC's, poses a grave threat to human health and global climatic patterns. It requires an immediate solution.

The first step is to reduce the emissions of CFC's into the atmosphere worldwide. I will be working with Congressman RICHARDSON on legislation that will require the elimination of CFC's in this country within 5 years, and restrict their import.

We must also urge other nations to join in an international effort to reduce these harmful emissions. To that end, I joined Congressman RICHARDSON in introducing House Concurrent Resolution 47, to urge the President to continue the U.N.-sponsored negotiations on a protocol to protect the ozone layer.

I urge my colleagues to support the tough measures required, both here and abroad, to protect the ozone layer.

TEXTILE AND APPAREL TRADE ACT OF 1987

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, the Textile and Apparel Trade Act of 1987 will be introduced today. Opponents of our textile and apparel bill that both Houses of the 99th Congress approved accused us of promoting protectionism. They no doubt will repeat that accusation today.

We are not promoting protectionism. We are promoting controlled growth; we are discouraging the disruption of our market by our trading partners.

Free trade was the byline uttered by our opponents last year, but free trade is not practiced as a practical matter in the arena of international trade. Since free trade is not practiced, what is wrong then with encouraging fair trade. If fairness and equity are given more than mere lipservice, all who engage in trade will be encouraged to compete, and this competition will be governed by rules that are fair and evenhanded.

THE FREEZE ASSISTANCE ACT OF 1987

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, we are all concerned about the plight of our

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

farmers, especially those who were hit by natural disasters last year.

In addition to farmers hurt by drought, flooding and hail, many fruit growers suffered severe losses due to frost and freeze. An estimated 100 U.S. counties were declared primary disaster counties due to frost and freezes last year. In my own western North Carolina district many apple growers lost nearly all their crops due to severe freeze. Yet they cannot obtain help from the Emergency Disaster Assistance Program of 1986 which does not include "frost" as a cause of farm disaster.

Therefore I am introducing the Freeze Assistance Act of 1987 which amends the provisions of Public Law 99-591 to include damage caused by "frost" and "freeze." The bill provides an extended deadline for these farmers who have not had the opportunity to apply. I hope the House will act quickly to remedy this unfair situation.

□ 1210

THE PRESIDENT'S TRADE BILL

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I am today introducing the President's comprehensive proposal to improve America's competitive position in the world marketplace.

Joining me in sponsoring the Trade Employment Productivity Act of 1987, are the Republican leadership, and our key members on trade related committees and task forces.

The President's proposal recognizes that reduction of our trade deficit is not going to be accomplished through a "fortress America" mentality but requires action on many fronts. And I am very gratified by the administrations new aggressiveness in this area. This administration is now our toughest enforcer of trade laws in history, and much of the credit goes to our trade Ambassador Clayton Yeutter.

Those of us sponsoring this legislation may not endorse every provision included therein, just as, I'm sure, all the sponsors of H.R. 3 may not agree with every single item in that bill.

It is a good point of departure. A good beginning.

The administration and those of us on our side of the aisle are willing to sit down and try to craft legislation we can all support I hope the same willingness exists on the other side, given the very confrontational and partisan remarks delivered before labor leaders that I read about the other day.

We must have a consensus. We have to work together. We owe it to ourselves and our Nation to make the effort.

LEGISLATIVE ACTION ESSENTIAL IN SOLVING IMPORT PROBLEM

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, no one is more aware of the traumatic affect foreign imports are having on our domestic textile and apparel industry than this Member of Congress. Every few weeks, when I travel back to my congressional district, I pass mills that were once the lifeblood of their respective communities, but whose doors are now closed due to the flood of imports.

As Americans, we have bent over backward to be fair to our trading partners by freely allowing them access to our markets, but we have received little openness in return.

The current policy of this administration is a closeminded, one-way approach to trade, that is destroying the slight manufacturing edge that America has maintained during the past decade. I do not believe that there is anything wrong with this Nation standing up for its people and for the protection of their jobs. As a body of elected officials, it is our responsibility to work toward policies that will best achieve these goals. Regarding the textile and apparel industry, we are no longer working for prosperity, but simply livelihood.

Now is a critical time for Congress to send a clear message of support to our Nation's industrial base, so that the business community will continue to have the confidence necessary to make the major investments that are essential in maintaining our technological and modernizational edge.

I urge my colleagues to support the textile and apparel legislation introduced today. It is obviously necessary for Congress to take the lead in crafting a realistic trade policy that will preserve those workers whose jobs are on the line.

AIDS AND SAFE SEX

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, last night and this morning I was very disturbed when I saw on television an organization in Florida telling young people that there was such a thing as safe Sex. Down in Florida today they are passing out packets of information and condoms and the label says, "Safe Sex."

The fact of the matter is there is no such thing. The AIDS virus, which is lethal, cannot be stopped by using condoms alone. It can reduce the possibility of getting it, but it certainly is not going to stop it.

The only safe sex is within a monogamous relationship, a husband and wife, or two people that do not touch anybody else but their mate. Anybody who tells an individual the opposite of that is misleading them and may cause their death.

The fact of the matter is there are 240 million AIDS viruses that will fit on a period at the end of any sentence, and any type of contraceptive that you use will not prevent one of those viruses from touching your person. So people who use any method other than abstention outside of monogamous relationships risk their very lives, and those who are married and have relationships outside the marriage circle are playing Russian roulette not only with themselves but with their mate, and possibly their own children.

I think the American people should get the facts very straight on this issue from the Surgeon General of the United States, and because of that, Mr. Speaker, later on this afternoon I will be reading into the RECORD and for the people of this country some scientific reports that bear on this subject.

SUPERCONDUCTING SUPER COLLIDER

(Mr. BRUCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRUCE. Mr. Speaker, I would like to insert in the RECORD last Sunday's column by a native of my district, George Will.

The article calls attention to an exciting new scientific project called the superconducting super collider or the "SSC." Mr. Will described the SSC as, "the future of elementary particle physics."

When complete, the SSC will be the world's most powerful scientific instrument. And its funding is essential if the United States is to hold its lead in basic scientific research. The Soviet Union has already committed itself to a similar project.

Knowledge gleaned from the SSC will result in a superboost for science and the United States. Just as Mr. Will points out: Applications of the two intellectual revolutions of the 20th century—quantum theory and relativity—account for a significant portion of today's gross national product.

I would like to ask my colleagues to join me in supporting this project by participating in a special order I will host on Wednesday, March 4, on the need to fund the superconducting super collider.

Mr. Speaker, the text of Mr. Will's column is as follows:

THE SUPER COLLIDER

(By George F. Will)

After hearing scientific arguments for, and budgetary complaints about, the proposed $4.4 billion atom smasher, President Reagan swerved the discussion into an anecdote. He recalled Jack London's personal credo;

I would rather be ashes than dust,
I would rather my spark should burn out in a brilliant blaze,
Than it should be stifled in dry rot,
I would rather be a superb meteor,
With every atom of me in magnificent glow,
Than a sleepy and permanent planet.

Then Reagan said that London's credo was once read to Ken Stabler, the pro quarterback, who was asked what it meant, Stabler said: "Throw deep." Stabler was right. So was Reagan in endorsing the Superconducting Super Collider (SSC). Now the future of elementary particle physics is in the hands of Congress.

Congress willing, the SSC will be a tunnel in a circle with a 52-mile circumference. Atom smashers are, in effect, gigantic microscopes for peering into the heart of matter. In the SSC, counter-rotating beams of protons, each beam traveling at nearly the speed of light, will be steered by magnets into collisions. Only a few of these protons will collide, producing a shower of other subatomic particles. The characteristics of the resultant particles will be measured, often in intervals of billionths of seconds.

In order to probe into nature's smallest simplicities, progressively more gigantic and complex devices must employ progressively higher energy. The higher the energy, the finer the scale of investigation. In this century, we have progressed downward in scale, from atoms to nuclei to protons and neutrons and electons, then to quarks and leptons, which seem—so far—to be the elemental constituents of matter.

The more energy is contained in the space where particles collide, the better the chance the energy will be transformed into new forms of matter. Fermilab, a particle accelerator in Batavia, Illinois, can create collisions yielding 2 trillion electron volts. The SSC will yield 40 trillion.

The collisions in the SSC should replicate energy and temperature conditions in the first fraction of a second at the creation of the universe. This should yield knowledge about the four known basic forces of nature: gravity, electromagnetism, the weak nuclear force responsible for certain radiation decays and the strong nuclear force that binds atomic nuclei. And perhaps the SSC will yield evidence about the Grand Unified Theory, the theory that the four forces form a single unified force.

Fundamental science such as high-energy physics inevitably has large economic and, more important, cultural effects, including effects on mankind's moral sensibility. And the SSC, the largest and costliest experimental device ever, will have a profound effect on science.

When Congress comes to consider approval of the SSC, it should bear in mind that many of America's foremost scientists were born elsewhere and came here to be on the moving frontiers of science. The sociology of scientific enterprise is complex, but this is clear: the momentum generated by synergism among scientists, spanning generations, can be quickly dissipated. It can be forfeited by government negligence and philistine parsimony in scientific investment.

The first cyclotron was at Berkeley in 1930. It was five inches in diameter. Until recently, America clearly led the world in high-energy physics research. In this decade, Europe has secured the lead, with the Soviet Union rising rapidly. The SSC will make America's particle physicists preeminent in the competition to understand the ultimate constituents of matter and the forces that bind those constituents to form the universe.

Roy Schwitters, Harvard physicist, says: "High-energy physics is the ultimate extension of man's curiosity about what things are made of and how they work." Such physics is increasingly interwoven with cosmology because of the "big bang" theory of the origin of the universe.

Approximately 15 billion years ago, when the universe was a nanosecond old, hitherto unapproachably high temperatures decomposed matter into its most primitive constituents. As the universe cooled, matter resulted. Understanding the nature of these constituents and processes is essential to understanding the history of the universe since creation.

Given the grandeur of this intellectual understanding, it is demeaning to justify the SSC in terms of economic benefits. Suffice it to say there will be benefits and we cannot now know what they will be.

Who in the 1860s thought the synthesis of electricity and magnetism, and discovery of the laws of electromagnetic waves, would produce today's communication technologies? Who in the 1920s could imagine that quantum mechanics would produce the semiconductor industry? Applications of the two intellectual revolutions of the 20th century—quantum theory and relativity—account for a significant portion of today's gross national product.

When Reagan ended the meeting by saying. "Throw deep," thereby signaling his support for the SSC, James Miller, head of the Office of Management and Budget said: "You're going to make a lot of physicists ecstatic." Reagan replied, "That's probably fair, because I made two physics teachers in high school very miserable." Reagan likes to say, "You ain't seen nothing yet." The human race has never seen a project of any sort as ambitious as the SSC. But, then, the human race is designed to "throw deep."

REAGAN IS NOT TO BLAME FOR BUDGET DEFICIT

(Mr. BADHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BADHAM. Mr. Speaker, once again, the majority leaders of Congress have pronounced the President's budget "dead on arrival." And once again these same leaders are placing the responsibility for the size of the Federal budget and deficit on the President.

However, what these Members are failing to acknowledge is that the $1 trillion budget is not the fault of the President, but rather the fault of Congress. As stated by my colleague, JIM WRIGHT, Speaker of the House: "The President cannot legislate nor appropriate." "We—Congress—alone can legislate. Only we can appropriate." Mr. Speaker, this is precisely why we are currently faced with $1 trillion budget. If the proposals submitted by our President had been enacted, and Congress had not tacked on its many unnecessary and wasteful spending increases, this trillion-dollar budget would have been trimmed by 25 percent.

At this time, I would like to submit to my colleagues, an article that appeared in the Orange County Register on February 1, 1987. This commentary clearly points out that the size of the Federal budget and deficit should be attributed to Congress, not the President, as many of my colleagues have charged. The article follows:

REAGAN IS NOT TO BLAME FOR BUDGET DEFICIT

(By Charles D. Van Eaton)

Any time one hears that this president has created our massive federal deficits, it should be remembered that every budget he has designed and submitted to Congress has been called "dead-on-arrival" and ignored. In place of the budgets he has submitted, Congress has created its own, calling for more spending than the president sought. The same "dead-on-arrival" pronouncement has been giving to his current budget and, one can safely bet, Congress will spend more. The federal deficit should, if there is an ounce of honesty left in Washington, be labeled "Compliments of the U.S. Congress."

But there is no intellectual honesty in Washington. Despite the fact that there is a conservative in the White House, Washington is still very much a left-liberal city within which the so-called Iron Quadrangle.—consisting of the media, the bureaucracy, the congressional staffs and the special interests—sets the agenda. This agenda requires continual increases in the level of federal spending. For anyone in this community to charge that this president has been the engine behind the growth of deficits is beyond moral comprehension.

The president's fiscal-year 1988 budget calls for budget authorizations totaling $1.024 trillion. The fact that the budget calls for more than a trillion dollars has attracted considerable attention in the media. Ronald Reagan, we are constantly told, is the first president to ask for more than a trillion dollars in federal spending, as if this number would never have been reached had someone other than Ronald Reagan been in office. The truth is that more than a trillion dollars will be spent in the fiscal year currently under way as a result of the budgets Congress has given us over the last six years.

If Ronald Reagan had not been in office, when would total federal spending have hit a trillion dollars? That's a fair question for the simple reason that while Reagan has yet to succeed in getting the budgets he wants, he has succeeded in putting enough pressure on Congress to yield a near 50 percent reduction in the growth rate of federal spending compared to what that annual rate had been over the six years prior to his entering the White House. Remember that the issue before us now is total spending, not the deficit. Spending is the measure of the federal governments absorption of production, not the deficit. When would the federal government's absorption of the labor and production of the American people have first hit a trillion dollars as it is currently doing in this fiscal year and as it is programed to do in the next fiscal year?

If federal spending had continued at the 13.6 percent compound annual average that prevailed through the 1970's the level of appropriations would have topped a trillion dollars four years earlier than they actually have. This is clear evidence that this administration has, while not getting all the spending reductions it has sought, succeeded in reducing the expansion of federal spending and delaying for a few years the time when the magic trillion-dollar mark was reached.

But that's not the end of the matter. Had Reagan's budgets been accepted, federal spending would have been increasing at a compound annual rate of only 2.5 percent over the past six years and the current budget would have been some 25 percent less than it currently is $775 billion instead of $1.024 trillion. Forty federal programs which currently exist would have been eliminated, federal spending as a percent of gross national product (a measure of the total dollar value of national output) would have fallen, instead of risen, and the budget deficit would have been, if not totally eliminated, only a modest fraction of GNP.

The great tragedy of Reagan's current budget proposal is that it appears to indicate that his administration has virtually given up the fight to eliminate wasteful and ineffective programs. In place of a continuing fight to displace programs, Reagan has simply called for less spending all around. While that's an improvement compared to the spending patterns that characterized the administration which proceeded his, it's still not enough.

Perhaps Reagan can be blamed for not continuing to fight for radical cuts. I am, in fact, expressing my displeasure on that score now. But he cannot be blamed for being the father of the trillion-dollar budget. That so-called "honor" belongs to Congress.

IN SUPPORT OF URGENT RELIEF FOR THE HOMELESS ACT

(Mr. MFUME asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MFUME. Mr. Speaker, Margaret Meinl died earlier this week. She succumbed to hyperthermia. Not many people knew Margaret. She was no one of fame. Margaret's home was the street. There was nowhere else for her to go.

When the temperature dropped low earlier this week, Margaret froze to death.

Homelessness is a serious problem in Baltimore. In 1986, 35 Maryland centers sheltered 17,580 different people. The shelters reported turning away 26,604 others.

The Urgent Relief of the Homeless Act (H.R. 558) is an important bill which I have cosponsored. It is expected that this $500 million initiative will begin to provide the kinds of additional shelter and help needed by people who find themselves without a home.

I urge my colleagues to support this bill. To further solidify efforts to help the homeless, the Select Committee on Hunger will, this month, undertake hearings to investigate hunger among the homeless and changes needed in the Federal Food Assistance Program. We must assure that this aid reaches the homeless. I hope all my colleagues will be equally committed to the efforts of the Select Committee on Hunger.

□ 1220

THE NORTHWEST ORDINANCE OF 1787

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, it was the first civil rights document ever approved by Congress. It guaranteed trial by jury. It provided for free public education. It outlawed servitude and guaranteed freedom of religion and worship.

It provided for the orderly expansion of our Nation in 1787 and it preceded the Constitution and the Bill of Rights.

It is the Northwest Ordinance of 1787. Such law, commonly known as the Northwest Ordinance, provided civil government for and opened to settlement the Northwest Territory from which all or part of the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota were formed; and 1987 marks the 200th anniversary of this landmark document.

Daniel Webster said that no other single law has produced effects more distinct or lasting in character.

I will soon introduce a resolution honoring the Northwest Ordinance. I hope the House which represents all that is good in the ordinance will join in supporting all that is proper and appropriate in this measure.

You can be a pioneer. You can do something historic. Become a cosponsor.

INTRODUCTION OF CONCURRENT RESOLUTION EXPESSING SENSE OF THE CONGRESS IN OPPOSITION TO PROPOSED TAX ON CERTAIN FATS AND OILS

(Mr. GLICKMAN asked and was give permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, today, along with my distinguished colleague and ranking member of the House Agriculture Committee, Mr. MADIGAN, and 40 of our colleagues, I am introducing a concurrent resolution expressing the opposition of the House to a proposal of the European Economic Community to impose a tax on vegetable and marine fats and oils. Further, the resolution calls on the President to take strong and immediate countermeasures should such a tax be imposed.

Mr. Speaker, the European Community is our most important market for soybeans. It represents approximately 45 percent of our total U.S. exports, and represents over $2 billion in foreign trade annually. If the EC proceeds with this new tax, it will effectively increase the price of U.S. soybeans and soybean oils 90 percent in that market; it will, effectively price us out of that market and could well mean a loss of a very significant market for American farmers and a loss to our foreign trade balance, at a time when we can least afford it.

As troubling is the fact that this tax violates the provisions of the GATT and is counter to the agreements reached last fall to guide the new round of GATT negotiations. It also violates the spirit of negotiations just concluded between the EC and the United States concerning trade with the EC following the expansion of the Community.

This proposal undermines the principles of fair trade and it is vital that this House take a strong, unequivocal and immediate position on this issue. We insist on fair trade and equal access to markets. This resolution firmly sends that signal and I urge my colleagues' support.

LEGISLATION TO PROTECT AMERICAN CONSUMERS FROM FALSE OR MISLEADING LABELING OF IMPORTED FOOD PRODUCTS

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, today I will be introducing two bills to protect American consumers and industry from the false or misleading labeling of imported food products.

These bills, which amend the Perishable Agricultural Commodities Act of 1930, and the Tariff Act of 1930, will close loopholes that allow unmarked imported agricultural products to be sold in the United States. My legislation also provides increased penalties for violators who sell unmarked goods.

In the early part of this century, Congress acknowledged the importance of providing clear and accurate labeling on food products. It's purpose was to provide the American consumer with an informed choice on the size, quantity, quality, and origin of their purchase. The goals were worthy. Today, however, as international markets have expanded and agricultural products routinely cross our borders, labeling requirements have taken on added importance.

Most countries throughout the world do not have the United States strict pesticide and insecticide control laws, yet their products may be found daily in markets across our Nation. Some may be perfectly safe, but others harbor illegal and potentially harmful pesticides. The labeling requirements which I am proposing would simply close loopholes which allow unmarked imports. They would offer American consumers the chance to choose their food on the basis of country of origin, and protect themselves from unknown and unwanted foreign pesticides.

APPOINTMENT AS MEMBERS FROM PRIVATE LIFE TO COMMISSION ON EDUCATION OF THE DEAF

The SPEAKER. Pursuant to section 301 of Public Law 99-371, the Chair appoints as members of the Commission on Education of the Deaf, the following members from private life on the part of the House:

Ms. Patricia A. Hughes of Seattle, WA;

Mr. David J. Nelson of Washington, DC;

Mr. William Page Johnson of Jacksonville, IL; and

Ms. Nanette Fabray of Pacific Palisades, CA.

CONSIDERING H.R. 3

(Mr. GIBBONS asked and was given permission to address the House for 1 minute.)

Mr. GIBBONS. Mr. Speaker, just to report briefly on the progress that the Committee on Ways and Means is making on a trade bill. As you know, earlier this session you designated H.R. 3 as one of the primary bills that we should enact this year, and I want to report that we are having hearings on that right now; we are working as closely as we can with all the people that are involved in this gigantic piece of legislation, but I want to point out, Mr. Speaker, that it is time for the Members of the House to stop, look, listen, and reason before they become cosponsors of the textile bill.

Mr. Speaker, as you know as a student of history of this House, no song has been sung louder and longer in this Chamber than the protection of the textile and garment industry.

If we stop and look, we will see that the textile and garment industry last year was one of the most productive industries in America; it operated at about 95 percent of capacity; it gained economic ground, and it has as a result of its constant petitioning of Congress for protection received the highest degree of protection in the United States.

The tariffs on textiles and garments are higher than in any other industry in the United States. In addition to that, we have just finished completing a round of international agreements in which we have asked 42 nations, and 42 nations have joined us in bilateral arrangements.

Please do not sign on the textile bill and believe you can do anything other than harm to the rest of American industry.

REFORMING TAX REFORM

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the time to reform tax reform has come already. Many of us predicted when the time came for the debate on the recently enacted tax reform, that there are a tremendous number of flaws that we would have to correct in the 100th Congress; and that has already occurred.

I am not just talking about IRA's and investment tax credits and Federal employees' retirement and a whole host of others, but even such invisible things as the change of the calendar year that tax reform brought for subchapter S corporations and other small businesses that would wreak havoc in their business practices.

I am issuing today a letter to Chairman ROSTENKOWSKI to bring up the technical corrections bill, which is still unfinished business from tax reform, so that it will give us a vehicle for amending the tax reform which needs to be reformed itself.

It is time to bring the process of untangling the entanglements that tax reform brought upon us. We all favor lower tax rates, but we all need reform of tax reform.

ADMINISTRATION ATTACKING PRIVACY RIGHTS OF FEDERAL EMPLOYEES

(Mr. HOYER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I would like to read the first paragraph of an article from the Washington Post entitled: "U.S. Acts to Bar Drug-Test Cheating."

> The government, trying to prevent cheating by federal employees on drug tests, will announce an extraordinary set of guidelines today that include rigid monitoring of employees, testing temperatures of urine samples and placing blue dye in designated federal toilets.

This Orwellian plan, Mr. Speaker, to have drug testing monitors in bathrooms, blue toilet water and instant temperature taking has been confirmed this morning at a press conference attended by Attorney General Ed Meese and OPM Director Connie Horner.

Mr. Speaker, Carl Sandburg wrote, and I quote: "Fog coming in on little cat feet." Stealthily, on little cat feet, this administration is eroding not only the rights of Federal employees, but the rights of all Americans.

□ 1230

In the quest to get at the national drug problem, the administration is attacking the fundamental privacy rights of Federal employees. There is no indication that the drug problem will be lessened by testing 1.1 million Federal employees in "sensitive" positions.

There is no evidence that Federal employees are drug users. A chink is being made, however, Mr. Speaker, in the constitutional armor that protects all Americans from the State.

Attorney General Meese, the head of the Department of Justice, is heading this effort.

I urge each and every one of my colleagues to look closely at this provision and to join with me in efforts to stop this incursion on the constitutional right of Federal employees, and much more broadly, the constitutional rights of all Americans.

REFORM OF LAST PERSON SERVICE RULE

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, for several years now, my colleague, BEVERLY BYRON, and I have been trying to secure passage of legislation addressing the discriminatory last person service rule affecting a small number of railroad retirees.

During the 99th Congress, we were almost successful when the House Energy and Commerce Committee reported H.R. 5501, the Railroad Unemployment Insurance Solvency and Benefit Increase Act of 1986 with a provision very similar to our bill. Unfortunately, this legislation was not considered by the House Ways and Means Committee before the 99th Congress adjourned.

Under the current provisions of the last person service rule, an individual must leave his last place of employment before he can begin receiving his railroad retirement benefits. This would make sense if the rule applied only to railroad employment. It does not. Marlyn Dellinger, one of my constituents, had been laid off from Conrail after 22 years of service and secured employment as a housekeeper at York Hospital. Shortly thereafter he became eligible for his railroad pension. However, he was informed he would have to quit his job at York

Hospital or he would not receive his retirement benefits. Mr. Dellinger was not told that he could not work and receive benefits; he was told he could not work at his present place of employment and receive benefits. Given the fact that he was almost 60, the prospects of his finding another job were not encouraging. This took place in 1983. York Hospital still wants to hire back Mr. Dellinger. He was a good employee.

Although there are not a large number of individuals affected by this law, I imagine each of my colleagues in the House has at least one constituent who has an experience similar to Mr. Dellinger's.

The legislation introduced by myself and Mrs. BYRON would allow an individual to continue working at his last place of nonrailroad employment and receive retirement benefits. His benefit, however, would be reduced $1 for every $2 of earnings. Current Social Security limitations would be applied to tier I and windfall benefits. We believe our solution is a fair one and encourage our colleagues to join us in securing early passage of this legislation.

CALLING FOR A PROGRAM OF ACTION WITH REGARD TO SOUTH AFRICA

(Mr. CROCKETT asked and was given permission to address the House for 1 minute.)

Mr. CROCKETT. Mr. Speaker, I commend to the attention of my colleagues the recent report issued by the Secretary of State's Advisory Committee on South Africa. The 12-member committee, appointed at the suggestion of President Reagan, took a long look at this administration's failed policy of "constructive engagement" with South Africa and concluded that leadership is needed now to convince South Africa, in no uncertain terms, that the American people oppose apartheid and that the time is now for the Pretoria government to begin genuine, open-ended negotiations with its truly representative black leaders.

The committee's message amplifies the sanctions the 99th Congress passed against South Africa and reinforces the objectives of our Mandela resolution which was approved by a majority of the House Foreign Affairs Committee last year.

In calling for a program of action, the Secretary's advisory committee said that only President Reagan can communicate, and I quote: "The sense of purpose and will that is necessary for effective action." And a majority of this distinguished panel further asserted that the President should enlist the aid of our allies in placing broader sanctions if South Africa fails to end apartheid.

Mr. Speaker, this report says what this House has been saying to the President for the past 6 years. I can only hope that Mr. Reagan and Mr. Shultz will listen to the advice of their own committee. The future of South Africa may well depend on it.

A BILL TO LIMIT GROWTH RATE OF TEXTILE IMPORTS

(Mr. HEFNER asked and was given permission to address the House for 1 minute.)

Mr. HEFNER. Mr. Speaker, as a member of the steering committee of the Congressional Textile Caucus and the Representative of the Eighth District of North Carolina, I am proud to be an original cosponsor of current legislation which we believe is more than fair to our trading partners.

The legislation which was adopted by Congress and vetoed by the President in the 99th Congress was much more restrictive. It had a rollbacks feature to accommodate the tremendous growth in imports since 1980. This new bill does not roll back the import levels. It starts with 1986 and allows a 1-percent growth in 1987 and each year thereafter in each category from all sources.

This bill does not set limits on special countries. This global quota approach gives the administration the flexibility to determine where the quotas can best be applied.

The third important aspect of this bill is that it provides authority to the President to negotiate lower tariffs on textiles with those foreign suppliers who might be affected by import quotas.

We believe this is a reasonable approach to the flood of textile and apparel imports which have forced domestic procedures out of business, closed plants and cost 700,000 American jobs in this industry.

This bill seeks to slow the long-term growth rate of imports to that of the domestic market in order to preserve this traditional American industry.

It deserves the consideration of this body and of the President.

LEGISLATION TO AMEND LAST PERSON SERVICE RULE UNDER RAILROAD RETIREMENT ACT

(Mrs. BYRON asked and was given permission to address the House for 1 minute.)

Mrs. BYRON. Mr. Speaker, today I am introducing a bill, along with Mr. GOODLING, Mr. RAHALL, and Mr. DAUB, to amend what is an outdated provision of the Railroad Retirement Act.

This legislation would amend the last person service rule. In its present state, this rule creates unnecessary hardships for railroad workers who are eligible to receive retirement benefits, but wish to retain low-paying part-time jobs they have held over the years.

According to the last person service rule, a railroad worker must cease working for his or her present employer in order to receive railroad retirement benefits.

For example, an elderly lady from western Maryland worked for the railroad on a full-time basis and for a small dress shop on a part-time basis. She became eligible for her railroad annuity but was required to leave her job at the dress shop in order to receive it. She was informed that once she retired she could find employment with some other dress shop but not with the same one she worked for immediately preceding retirement. As you can see, there is no logic to this type of policy.

Why should we penalize these older Americans just trying to keep their heads above water?

I hope that my colleagues will lend their support and cosponsorship to this much needed legislation.

TEXTILE AND TRADE BILL OF 1987

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, today, I am joining my colleagues in introducing the textile and trade bill of 1987. I am sure that this issue will be hotly debated when the bill is finally brought to this floor for consideration.

But the textile industry in my district is not threatened; it is already dead. In the last 6 years, 24 textile plants have closed down in the First Congressional District of Arkansas, and 5,000 jobs are gone, all good citizens, all taxpayers, and the human tragedy that is left in the wake of the demise of the textile industry lingers on as the communities in northeast Arkansas look for and search for new jobs to take their places.

The least that the Congress of the United States can do is to save those remaining textile mills that exist in our country so that all of our apparel will not be produced overseas.

I urge my colleagues to join in support of this legislation.

NEW LEGISLATION WOULD COUNTER EFFECTS OF UNFAIR IMPORTS

(Mr. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JENKINS. Mr. Speaker, we do not need a new buzzword or catchphrase, such as "competitiveness" or "level playing field" to describe the trade scene. We need action. The new textile/apparel/footwear legislation is a working solution for our Nation's import-weary industries.

Legislation has been carefully crafted to meet the questions raised during the debate on H.R. 1562, last year's textile and apparel legislation. The new bill is a prospective bill, and contains no rollbacks or trade. A global quota provides maximum flexibility for implementation by the administration while also containing authority to negotiate compensation for the global quota through tariff cuts on textiles and apparel. The new bill is GATT consistent and does not mandate restrictions on any individual country.

You are aware that H.R. 1562 overwhelmingly passed the House of Representatives on three different occasions. While we fell just eight votes short of overriding the President's veto of H.R. 1562, the message was clear and is still clear that the only solution to our problem is a legislative remedy. We have carefully drafted a legislation product that is more generous to our trading partners than last year's bill.

The necessity for textile/apparel/footwear bill is abundantly clear. Imports continue to break record levels and thousands of jobs in these sectors continue to be threatened if action is not taken. These recordbreaking increases in imports are not merely percentages or numbers on paper, they represent real people and real job losses.

Textile and apparel imports for 1986 rose to an alltime high of 12.7 billion square yard equivalents, making 1986 the sixth successive year of record levels of textile and apparel imports. Our Nation's footwear industry continues to face severe decline. Domestic production fell to its lowest levels in history and 70 plants have shut down in 1986. These industries do not sit idly by and watch their plants close down. Efforts are being made to reorganize and revitalize their operations. Technology continues to improve.

We need a fair and square chance to combat unfair imports in the U.S. market. Our Nation's basic manufacturing industries can be competitive with their foreign counterparts when given a fair chance. In order to be competitive, one must be given a chance to compete. That is all we are asking for, a fair chance to compete with other nations.

The new textile/apparel/footwear legislation offers those industries a fighting chance to compete. Further disruption and erosion of our domestic industries can not continue. I am confident that our new bill is offered in the spirit of compromise and shows our commitment to the survival of these vital industries.

I am hopeful that you will join me and the workers of the textile/apparel and footwear industries in support of this important legislation.

Voice your support by cosponsoring the new bill.

□ 1240

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. HOYER. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 89) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 89

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Rules: Bart Gordon, Tennessee.

Committee on Standards of Official Conduct: Julian C. Dixon, California, Chairman; Vic Fazio, California; Bernard J. Dwyer, New Jersey; Alan B. Mollohan, West Virginia; Joseph M. Gaydos, Pennsylvania; and Chester G. Atkins, Massachusetts.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2, SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MOTION OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Shuster moves that the managers on the part of the House, at the conference on the disagreeing votes of the Houses on the bill H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987, be instructed to disagree to Section 126 of the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania [Mr. Shuster] is recognized for 1 hour.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a $500,000 threshold would have dire consequences to the U.S. Steel Industry. As a direct result of the 1982 Highway Act, $2 million tons of steel were produced each year which kept 6,000 U.S. steelworkers employed. If a threshold had existed since the 1982 highway bill, 210,000 tons of steel per year would not have been covered by "Buy American" requirements. That's 210,000 tons of steel and 600 American jobs that would have been needlessly diverted to foreign steel producers.

Over the past years, the steel industry in America has struggled to modernize and upgrade their facilities and return to profitability. Despite these efforts to modernize and cut costs, the industry has lost $12 billion due to unfair trade policies. Every ton of steel produced for the highway market is extremely important. Every ton represents jobs for Americans that would otherwise be jobs in foreign countries.

The American steel industry, as well as the American steelworkers, do not need the burden of a $500,000 threshold for highway projects which use Federal funds. I urge my colleagues to cast their vote for America and American steel and support my motion.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to my friend, the distinguished gentleman from New Jersey, chairman of the full committee, for debate purposes only.

Mr. HOWARD. Mr. Speaker, I rise in support of the motion offered by the gentleman from Pennsylvania for the following reasons: First, the Senate amendment weakens existing Buy America provisions by establishing a $500,000 minimum threshold on contracts thereby effectively removing up to 60 percent of existing contracts and 10 percent of the dollar value of contracts from Buy America coverage; this translates into $1.7 billion and nearly 210,000 tons of steel which would not be covered by the Buy America provisions each year; under existing law, all contracts, regardless of their size, are covered. Second, the Senate provision jeopardizes thousands of jobs in the domestic steel and other related industries at a time when these industries are sustaining huge losses in both production and jobs; the Senate provision would only worsen a bad situation that already exists. Finally, Mr. Speaker, the elimination of the Buy America provision for 10 percent of the highway and bridge contracts would be counterproductive to another important national goal—and that is reducing the trade deficit.

Mr. Speaker, for all of these reasons, I urge the adoption of the motion.

Mr. Speaker, I thank the gentleman for yielding.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. Mr. Speaker, for debate purposes only, I yield to the distinguished gentleman from Arkansas, the ranking minority member of the full committee.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of the motion offered by the distinguished gentleman from Pennsylvania.

Mr. Speaker, I believe we are all very aware of the trade problem facing this country. Over the past several years, the foreign trade deficit has grown from $64 billion in 1983 to nearly $170 billion in 1986. Simply stated, that nearly threefold increase in the trade deficit is costing American jobs.

In order to curb this problem in the transportation construction industry. Buy America provisions have been a part of highway and transit legislation since 1978. Among the various Buy America requirements, an important provision in current law requires that every highway and transit project involving Federal funds must utilize American-made steel.

Section 126 of the Senate amendment would significantly reduce the effectiveness of current Buy America provisions. It would require Buy America provisions only for projects costing more than $500,000. Based on recent statistics, that threshold would exclude approximately 48 percent of all highway projects from the Buy America provisions. This would mean that up to $1 billion in highway and bridge projects utilizing nearly 125,000 tons of steel would be exempt from Buy America requirements.

In terms of American jobs, this provision would have a negative impact on an already ailing industry. Since 1982, the losses in the steel industry have exceeded $12 billion, due in large measure to unfair trade practices. I believe it unwise at this time to weaken Buy America provisions which would further distress an important segment of this Nation's economy.

Therefore, Mr. Speaker, I urge my colleagues to support this motion.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. Mr. Speaker, for debate purposes only, I yield to my good friend, the gentleman from California, the chairman of the subcommittee.

Mr. ANDERSON. Mr. Speaker, I rise in strong support of the motion offered by my good friend, the gentleman from Pennsylvania.

H.R. 2, as passed by this body, maintains current law with respect to the use of foreign-produced steel and manufactured products for projects funded with the assistance of Federal highway, highway safety, and public transit programs. Specifically, all such projects must use domestically produced steel and manufactured products unless they are not available in sufficient quality or quantity, if doing so is inconsistent with the public interest, or if inclusion of the domestic materials would increase the cost of the overall project contract by more than 25 percent.

The legislation which passed the Senate recently would exempt projects the total cost of which is $500,000 or less.

I don't think I need to stand here, Mr. Speaker, and inform my colleagues of the condition of our domestic steel industry. This industry, the well-being of which has traditionally been the strong underpinning of a sound American economy, is on the ropes. Today, we are saying that this body wants to refrain from delivering the knockout punch.

In fiscal year 1985, 48 percent of all highway contracts were for under $500,000, representing about 5.3 percent of the total Federal-aid Highway Program. Up to $1 billion in Federal funds, paying for 123,000 tons of steel, could be lost to the domestic industry under the Senate provision.

So, in adopting this motion today, we are helping to preserve hundreds of American jobs which directly or indirectly are related to the production of domestic steel used in our Nation's transportation systems.

And in adopting this motion, we are helping not only an ailing industry and its employees, but we are helping the Federal deficit. Every $1,000 of steel procured from our domestic industry, produces $473 in Federal, State, and local tax revenues.

Mr. Speaker, the American steel industry and its work force want to be productive partners to a healthy U.S. economy. This motion will help them achieve that goal, and help them to be contributors to, rather than recipients of, Federal largess.

Mr. SHUSTER. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. Alexander). The question is on the motion offered by the gentleman from Pennsylvania [Mr. Shuster].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of all provisions except title V of the House bill and title II of the Senate amendment: Messrs. Howard, Anderson, Roe, Hammerschmidt, and Shuster.

As exclusive conferees on title V of the House bill and title II of the Senate amendment: Messrs. Rostenkowski, Pickle, Jenkins, Guarini, Matsui, Anthony, Flippo, Duncan, Frenzel, Schulze, and Thomas of California.

There was no objection.

□ 1250

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. Alexander). Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO MONDAY, FEBRUARY 23, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION FOR COMMITTEES TO HAVE UNTIL FEBRUARY 26, 1987, TO FILE ADOPTED COMMITTEE RULES FOR PRINTING IN THE CONGRESSIONAL RECORD

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the committees may have until February 26, 1987, to file adopted committee rules in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Ways and Means:

Committee on Ways and Means,
Washington, DC, January 6, 1987.

Hon. Jim Wright,
The Speaker, House of Representatives, H-205, The Capitol, Washington, DC.

Dear Mr. Speaker: This is to advise you that, pursuant to sec. 8002 of the Internal Revenue Code, the following members of the Committee on Ways and Means have been designated to serve on the Joint Committee on Taxation during the 100th Congress: Dan Rostenkowski, Sam M. Gibbons, J.J. Pickle, John J. Duncan, Bill Archer.

Sincerely yours,

Dan Rostenkowski,
Chairman.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 18, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:20 p.m. on Wednesday, February 18, 1987 and said to contain a message from the President whereby he transmits the Sixteenth Annual Report on Hazardous Materials Transportation for calendar year 1985.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION FOR CALENDAR YEAR 1985—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce, the Committee on Merchant Marine and Fisheries, and the Committee on Public Works and Transportation:

(For message, see proceedings of the Senate of today, Thursday, February 19, 1987.)

ANNUAL REPORT OF DEPARTMENT OF EDUCATION, FISCAL YEAR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Thursday, February 19, 1987.)

TRADE EMPLOYMENT, AND PRODUCTIVITY ACT OF 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-33)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, February 19, 1987.)

IS THE TELEVISION MINISERIES "AMERIKA" REALISTIC?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, is the television miniseries "Amerika" realistic? It is deeply disturbing to me that some in our country claim that this portrayal of the United States under Soviet occupation in no way represents reality. "The Soviets just are not like that," is the complaint we hear. "Why are they portrayed in such a negative light?"

If "Amerika" is unrealistic, it is not because the Soviets are portrayed as brutal ogres. The reality of an America occupied by a foreign power would be far worse than is presented to us in the fictional television program.

All in all, "Amerika" treats the Soviets gently, so gently that I cannot understand the complaints about their portrayal. For those concerned about reality, I suggest they turn off their television sets and open a history book. It is there that they will find reality.

Reality in the fact that the Soviet Union brutually stamped out the flames of freedom when they briefly flickered in Hungary in 1956 and in Czechoslovakia 12 years later with Soviet troops. Or the brutal Communist treatment of Solidarity leaders in Poland.

Reality in the fact that despite recent noises to the contrary, well over 100,000 Soviet troops remain in Afghanistan. It is here that the Soviets have brought a new dimension to the terror of warfare. Among other things, they have used booby-trapped toys to maim innocent children. Booby-trapped toys to maim innocent children, all in an attempt to dominate and demoralize the civilian populace.

□ 1300

About one-third of the country's 14.2 million people have become refugees, thanks to the Soviets. How different the reality of "Afkanistan" is from the fiction of "Amerika!"

Reality in the manner in which KAL 007 was shot down without warning when it strayed over Soviet airspace in 1983 and killed 269 innocent people, including a Member of this House of Representatives.

Reality in the shooting of Maj. Arthur Nicholson in East Germany 2 years ago. You know, Nicholson was allowed by treaty between the United States and the Soviet Union to inspect military installations and to observe maneuvers. He was doing just that when he was shot by Soviet soldiers. The very grim reality in this case was that Major Nicholson bled to death because the Soviets refused to allow one of Nicholson's fellow soldiers to come to his aid.

Reality in the fact that the Soviets treat many of their own citizens far worse than the fictionalized Soviet occupation forces treat "Amerikans" in the television program. Thousands of people are confined to concentration camps or locked up in psychiatric wards because they dared ask permission to leave the country or sought to worship God or disagreed with government policies. Despite the Soviets' recent public relations offensive in the area of human rights, the reality of a television newscast still shows the secret police roughing up protestors and foreign reporters alike on Moscow streets and still not letting the people who want to leave go.

I would suggest that everyone have a conversation with Avital Shcharansky or Anatoly Shcharansky, who was in solitary confinement for a great number of years because he dared object to Soviet policies on human rights.

Reality in the way the Soviets withheld from the rest of the world news about the Chernobyl nuclear disaster.

Keeping all of this in mind, along with what could be chapter and verse virtually all day long talking about what the Soviet record truly is, we should be less concerned about how the Soviets look in "Amerika" and concentrate far more on how we as Americans look in "Amerika." Thank God this program is fiction and does not represent reality. Although the program never states how the Soviets were able to occupy the United States, it appears sadly that they did so without much difficulty.

How could that happen? Would we, as Americans, ever give up our freedoms with so little struggle? I certainly hope not, but the reality of America today is that all too many of us seem to forget that the rights that we are afforded were not handed to us. We had to fight to earn them, and we have had to fight to keep them. To forget the reality of our past struggles, or to take our rights for granted, is the first step toward losing our freedoms.

As the fiction of "Amerika" comes to an end this week, let us face reality. The Soviets are not going to come sailing into New York or Seattle tomorrow, but they do have goals that we disagree with, and they are here to stay. While we must live with them, we have to look at them realistically, not with rose-colored glasses. You can bet that when we sit down to discuss nuclear arms or any other issue, they are looking out for their own interests. We must do the same. If we come away with one lesson from this week's television miniseries, it should be that

America (with a "c") will become Amerika (with a "k") only if we let it.

STOPPING AIRLINE DISASTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Madam Speaker, today I am introducing a simple and prudent measure to improve the safety of commercial aviation. The bill would make it a felony to intentionally falsify safety records or reports required to be filed with the FAA. Currently a knowing falsification of critical safety records is only a misdemeanor. Last Congress the Department of Transportation testified in favor of a similar bill.

Most people who board a plane expect some level of risk. We cannot avoid that. However, most assume the risk has been minimized to the greatest extent possible by the operator of the aircraft. Unfortunately in some cases this just is not true. John Gaulipaullt of the Aviation Safety Institute in testimony before the Judiciary Committee last session cited nine cases in which records relating to safety had been falsified. Just last week he informed me of at least two more recent incidents. This information is particularly troubling in light of the fact that the FAA, because of limited funds for staffing, is forced to rely on these records as a means of overseeing the safe operation of commercial aircraft.

Our constituents need to know that we are responding to the problems of air safety. While working to improve technological factors impacting air safety and the air traffic control system itself, we cannot ignore the need to ensure compliance with safety standards by those who use the system. I urge you to join me as an original cosponsor of this bill.

EL SALVADOR: 1,596 VICTIMS OF GUERRILLA LAND MINE WARFARE AWAITING TREATMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Madam Speaker, I have recently returned from El Salvador where I witnessed the tragic results of land mine explosions upon the civilian population. The plight of peasants of El Salvador is especially grim due to the war which has ravaged their country and the displacement caused by the war and overpopulation. Dealing with land mines only adds greater terror to their existence.

I would like to share the stories of a few children who are the victims of this tragedy. Angela Agustina Moreno Bonilla was 7 years old when she lost her left leg to a land mine explosion. She was going to a funeral with her mother when she stepped on a mine. Marion Argueta Ortiz was 15 years old when he lost both arms and his sight because of a land mine. He was simply doing an errand on a Sunday afternoon when he picked up what appeared to be a juice can. He felt extreme pain and woke up in a hospital where the Red Cross had taken him. Maria Encarnacion Lopez Vasquez was 14 years old when she lost her left leg due to an exploding land mine. She was picking mangos with her friends when the land mine explosion occurred.

The Communist guerrillas in El Salvador continue to plant land mines throughout the countryside. Every month mines have blown one or more limbs off some 20 to 25 civilians, while 50 to 60 military personnel each month lose one or more limbs. To date these mines have blown one or more limbs off about 1,600 people—950 military and 650 civilians. By the end of 1987, 1,200 Salvadorans will be in need of prosthetic and/or orthotic devices.

The Salvadoran guerrillas united in the Farabundo Marti National Liberation Front [FMLN], have joined politically with the Democratic Revolutionary Front [FDR] in indiscriminately using land mines in what has been described as a dirty war in Central America.

The 1,596 individuals who have lost limbs are currently awaiting rehabilitation assistance from private and/or military sources—some 250 have already been fitted with protheses. Of the approximately 653 civilians who have survived land mine explosions, it is estimated that between one-quarter to one-third are children under the age of 15. Many of these children live in rural areas and have not received medically appropriate amputations.

In the first 7 months of 1986, nearly 400 soldiers and 175 civilians lost one or more limbs. The rate is triple that for the same period in 1985 and is, to date, double the total for all 1985 as well. In June and July of last year, 48 civilians—including 15 children—died as a result of land mines. The military estimated that there had been 768 mine incidents involving military personnel through September 10, 1986. On the average, one of every four soldiers wounded in action is wounded as a result of contact with a land mine. And some 50 percent of all military land mine casualties lose a limb.

In addition to the nearly 1,600 individuals in need of rehabilitative treatment, each day a greater number of individuals are added to the waiting lists.

While the Government of El Salvador has issued strict rules of engagement regulating protection of the civilian population from aerial bombardment, no similar restrictions are being exercised by the FMLN/FDR. Mines are being deliberately placed in farm areas and in places frequented by civilians. At this point, I am submitting an article from the Washington Post entitled, "A Dirty War in Central America, the Salvadoran Communists Are Using Land Mines," for insertion into the RECORD. In the article, guerrilla leader Shafik Handal stated,

> The use of land mines is a very important weapon for us. The mines cripple rather than kill their victims * * *. They leave the soldier in a condition so he can live and take up another line of work.

This maiming of civilians is meant to demoralize and erode the faith of the people in the Government's ability to protect them and provide care for them. Guerrilla radio broadcasts openly acknowledge responsibility for indiscriminate land mine warfare declaring it to be an integral part of their revolutionary strategy.

The recently established military rehabilitation facility—the Center for Professional Rehabilitation of the Armed Forces, [CEFPROFA] produces 45 prosthetic devices per month (540) per year. The Salvadoran Civilian Rehabilitation Institute [ISRI], which produces only 12 to 15 devices per year, is overwhelmed by the increasing numbers of civilian amputees. For those civilians who are part of the ISRI rehabilitation program and are able to pay the $120 to $300 necessary for the procedure, the wait will be 3 to 4 years at a minimum. For many, however, the cost is too great, and they will continue to walk only with the use of crutches and homemade wooden or plaster legs.

The U.S. Agency for International Development [AID] has recently signed a $280,000-grant agreement with ISRI to begin developing a rehabilitation infrastructure for civilian land mine victims. The AID Program will assist ISRI in establishing a vocational training program.

A team sent by AID recently spent 3 weeks in El Salvador studying the amputee problem in order to develop recommendations and propose solutions. Their recommendations include a short-term and a long-term solution to the amputee problem in El Salvador.

The short-term solution involves fitting every amputee in El Salvador with a preliminary prosthetic limb within the next few months. This type of preliminary fitting program will be a first in the history of the world. It will be accomplished through a private voluntary organization which operates in El Salvador and the United States, the Order of the Knights of Malta. AID will be supporting the Knights of Malta in this humanitarian effort.

The long-term solution involves building and equipping a prosthetic/orthotic laboratory and training El Salvadorans to become prosthetists/orthotists. AID is supporting and coordinating this effort.

Americans have always been generous with their time and resources in efforts to assist the oppressed and those in need, whether in our own country or in nations around the world. The need today in El Salvador is great and I am working to identify doctors and hospitals which will cooperate in a program whereby United States doctors would perform stump preparation surgery in El Salvador on children and civilians. A plastic surgeon from my district will be going down to San Salvador in April to operate on women and children at San Rafael Hospital. In some of the more complicated cases, it may be necessary for children to be flown to U.S. hospitals for this surgery. Arlington Hospital in my district has already committed to accepting some of these children, and I hope that other hospitals in my district and throughout the country will cooperate. I urge my colleagues to consider becoming involved in this humanitarian project.

The article referred to follows:

[From the Washington Post, Jan. 18, 1987]

A DIRTY WAR IN CENTRAL AMERICA

(By Frederick Downs, Jr.)

The Government of El Salvador has been winning the war against its communist guerrillas. In desperation, the communists have indiscriminately used land mines against both the military and civilian population.

I recently returned from El Salvador, where I helped set up a program for amputees. Communist mines have blown one or more limbs off about 1,600 people, 950 military and 650 civilian. Of the civilians, it's estimated that a quarter to a third are children.

This catastrophe results from a guerrilla program of deliberately mining farm areas and places frequented by civilians. Guerrilla radio broadcasts acknowledge responsibility for indiscriminate land-mine warfare, declaring it an integral part of their revolutionary strategy.

The guerrillas intend to continue this strategy, as evidenced in a New York Times article headlined "Salvador Rebel Defends the Use of Land Mines." Guerrilla leader Shatik Handal said: "The use of land mines is a very important weapon for us." He added: "The mines cripple rather than kill their victims. . . . They leave the soldier in a condition so he can live and take up another line of work."

Contrast this with the situation in Nicaragua. Last July, articles in The New York Times and The Washington Post recounted a land-mine incident in which civilians were killed in Jinotega Province, and charges by the Sandinistas that civilians had been killed by mines in other parts of the country. Boths sides blamed each other. While skepticism rages about these incidents, it is important to point out that neither side has an avowed policy to kill and maim civilians with land mines. Tragically, this is not the case in El Salvador.

Estimates are that 20 to 25 civilians and 50 to 60 soldiers per month survive land-mine explosions with the loss of one or more limbs. They sometimes must wait for years to get an artificial limb under the country's minimal prosthetic program.

This violence is significant for two major reasons. First, the maiming and terrorizing of civilians is specifically aimed at demoralizing the government and eroding the people's faith in its ability to protect them and to provide care for them—a tactic used very effectively by the communists in Vietnam. Second, military strategists know it is better to severely wound an enemy than to kill him, because a wounded man draws many more resources from his country. I had some experience with this in Vietnam and as an amputee in an Army hospital for a year.

Both of these points became much more meaningful to me as I went through the routine of a day in El Salvador.

The U.S. Army Mobile Medical Training Team had helped the El Salvadoran military build a modern prosthetic laboratory and was training the El Salvadorans to be self-sufficient as prosthetists. We were asked to see if we could find ways to speed up the fabrication of artificial limbs.

A tour of the military hospital in San Salvador provided an excellent refresher of what war wounds do to people and to the health-care system.

In the emergency operating room, we saw a soldier who had been shot in the abdomen while on patrol. He had been in the emergency room for over a half hour but the resident had not been able to do anything. He did not want to start surgery without a surgeon to back him up, and none was available. When we left the hospital after about 45 minutes, a backup physician had yet to show up. (In 1983 El Salvador had about three doctors for every 10,000 people; the ratio is presumed to be even lower now.)

There were 450 patients in this 375-bed hospital. Sanitary conditions were primitive. The hospital had a 50 percent surgical infection rate.

We saw soldiers who had been blinded by booby-traps and mines being led by friends to a clock on the wall. One solider who had been blinded the longest was teaching the others how to tell time by feeling the clock's hands.

There was no program to rehabilitate the blind and no equipment to help them regain a degree of mobility and independence. There were no white canes, braille writers or braille watches.

There were large numbers of amputees. The probable reasons were delays in being taken to care stations, contamination of wounds and faulty surgical techniques. Of course, the biggest reason of all was the guerrillas' increased use of land mines.

What we did not see were the casualties who had not made it back to the hospitals—those who had died. Out in the rural areas where the guerrillas hit the people the hardest, the system for evacuating civilian casualties is pathetically inadequate or nonexistent. A casualty is dependent on family or friends to carry him to a road where transportation can be gotten to a hospital.

The guerrillas have taken a toll other than combat injuries. Medical facilities have been closing, and health personnel fear for their lives. In 1983, the guerrillas assassinated the director and head nurse of Chalatenango Hospital. At Usulaton Hospital the guerrillas assassinated two residents, leaving the other four to wonder if they would be next.

Assassination of government officials or anyone connected to the government is an acceptable guerrilla tactic. Many wounded soldiers are afraid to return home for fear they will be killed.

The lack of support systems in such critical areas as pharmaceutical and medical supplies, including drug quality control, maintenance (buildings, vehicles, biomedical equipment) and information is increasingly debilitating.

When all of this is taken into account, it becomes easier to understand how the indiscriminate use of land mines adds a terrible drain to the resources of an already poor country. The comment that by crippling rather than killing, mines "leave a soldier in a condition so he can live and take up another line of work" becomes hideously ridiculous.

□ 1310

I yield to the gentleman from Indiana [Mr. COATS] who was also with this group on the trip.

Mr. COATS. Madam Speaker, I thank the gentleman for yielding and I will not attempt to be repetitious here. The gentleman from Virginia [Mr. WOLF] gave a comprehensive statement about the problem that we face in El Salvador and some of the proposed solutions that a number of us have investigated and looked at in terms of how we can be of assistance to these unfortunate victims.

As the gentleman from Virginia [Mr. WOLF] said, the four of us traveled to Central America, and while there we visited four countries: Honduras, Costa Rica, El Salvador, and Nicaragua. We met with the heads of state and we met with business people. We met with labor people, we met with those in favor of government policies, opposed to government policies. We met with the rich, the poor, the happy, the sad, the free, and the oppressed. But I think I come away with one memory more vivid than any other memory, and that is the memory of those children that we came in contact with whose arms and legs had been blown away by indiscriminate use of land mines by the Communists in El Salvador.

We visited a refugee camp in a town called San Francisco Gotera in the northern part of El Salvador. El Salvador has a serious refugee displacement problem. Nearly 400,000 people have been displaced, many of whom have been driven from their homes and hillside farms to refugee camps throughout the country. The camp we visited, we were told, was one of the better camps, and I cannot imagine what some of the worst camps must look like. The homes there were constructed of mud and sticks, pieces of tin, sugarcane, scrap wood or whatever else could be thrown together to assemble an approximately 10-by-12-foot room, and often you would find 8, 10, 12, or more people from a particular family or more than one family living in one of those so-called homes.

But one of the bright spots in these camps are the children who seem to be everywhere. They are excited to see visitors. They crowded around us, and like children everywhere, were quick to laugh and smile. Some are barely dressed. All of them are barefoot, and unfortunately, many are missing arms and legs.

The medical dispensary there in this refugee camp outside of San Francisco Gotera is a crude wooden building.

Sanitary conditions are marginal at best. Volunteers and health officials from the Government give vaccinations and attempt to treat the sick with the limited amount of medical supplies that they have. Obviously they do not have the ability to perform any kind of complicated surgery, and so many of these children who have lost limbs really do not have available to them the kind of medical care that they ought to have.

Current estimates, as the gentleman from Virginia [Mr. WOLF] said, are that between 20 and 25 civilians a month survive land mine explosions with the loss of one or more limbs, and so we are dealing with a significant problem and a government that is under tremendous internal pressure at home without the resources to adequately address this problem.

Before we left the refugee camp, the four of us made a resolution to do what we could to help these victims. We talked about the possibility with our American Ambassador, Ed Corr. We talked with the director of Project Hope and the Knights of Malta. Because I come from an area where prosthetic devices are manufactured, I have begun investigating the possibility of involving our manufacturers of prosthetic devices in the process of training Salvadorans and assisting in the process of fitting artificial limbs for these children.

I was intrigued by an article I saw in the Washington Post on January 18. The article was entitled, "A Dirty War in Central America," and is written by Frederick Downs, Jr., a Vietnam veteran who recently visited El Salvador. Downs comments that the tactic of maiming soldiers and civilians was used very effectively by the Communists in Vietnam, and it is widely recognized that it is better to severely wound an enemy than to kill him, because the wounded draw many more resources away from the government.

□ 1320

Well, right now El Salvador has limited resources, and they really don't have the resources to deal with the problems caused by these land mines. They are making a valiant effort, but they need help.

We do have some resources, and the four of us have pledged our efforts in trying to match the resources with the need. We are working with the Agency for International Development, Project Hope, and other volunteer organizations, and each of us are committed to reaching out and working with those individuals in our districts who might want to contribute and help in this project.

We want to bring this to the attention of our colleagues, and that is the reason for the special order because very little is ever read or heard about the war in El Salvador. What was once on the front pages a couple of years ago has now been submerged in the news of the region, and what is going on in Nicaragua.

An untold story is the fact that Communist guerrillas in El Salvador are trying to undermine the democratically elected government of President Duarte. They are trying to undermine a very fragile democracy which exists in El Salvador; a government which is attempting to bring about social reform. This is happening in all the countries in Central America, but is entirely different from what has been happening in Nicaragua.

The social reform that is under way in El Salvador is being undertaken through the democratic process. Members of government are elected freely. Opposition parties have the right to freely express their opposition. Free press exists. Free church exists. Freedom of political opposition exists.

President Duarte is daily bombarded with criticism over his policies. But what struck me in El Salvador as opposed to what we found in Nicaragua was the fact that in El Salvador, a democracy is at work; and democracy, in my opinion, is the best hope of bringing meaningful reforms to Central America, and bringing about the kinds of changes we need in that region.

We contrasted this with what we saw in Nicaragua. We have, in El Salvador, a democratically elected government trying to bring about improvements for its people through a democratic process.

I hope that our colleagues, whatever their positions are on aid to the Contras or our involvement in Nicaragua, will not ignore the plight of El Salvador, will continue the support that has been given on a bipartisan basis to President Duarte and the Government of El Salvador, and will be sensitive to the fact that a war is going on there, also. This is a war against the democratic process, it is a war conducted by the Communist guerrillas, and that war includes indiscriminate use of land mines, not placed for strategic military purposes, but placed for the purpose of intimidating the local civilian population into believing that their government cannot protect them, and that they are placed in such a way so that resources will be drained from the government.

It is a sad situation, Mr. Speaker, a situation to which I think we should respond; and those of us that made this trip are pledging our efforts to work with whatever resources we can find to address this particular need, and we hope our colleagues can join us.

That is all I wanted to say at this point, Mr. Speaker. I know that Congressman MOLINARI wants to speak.

Mr. WOLF. Mr. Speaker, I thank the gentleman from Indiana [Mr. COATS] for his poignant reference to what is going on with regard to the kids, and for the fact that we are all committed to seeing this problem through to the end, and make sure that we can develop a program with Knights of Malta, with Project Hope, with AID, whoever, to make sure that we can solve this.

Mr. Speaker, I now yield to the gentleman from New York [Mr. MOLINARI].

Mr. MOLINARI. Mr. Speaker, I thank the gentleman from Virginia [Mr. WOLF] for yielding, and let me begin by telling everybody that this gentleman from Virginia has embarked on a humanitarian program that makes me proud, makes me proud as an American, makes me proud as a colleague of this House.

We talked about the refugee camps. I just wish that I could recreate one scene, a camp where there were thousands and thousands—we are now talking about in El Salvador—of displaced persons. Mostly children and women, but the predominance is children.

Oh, they were excited because there were four Members of Congress that went to this very outlying area, and I was playing with the children, and somebody said, "You must come and see our clinic."

We did not have a great deal of time and did not know where the clinic was, and they kept insisting that I see the clinic; and I found that indeed it was not very far from them; it was maybe a couple hundred feet.

I walked to the clinic and I saw what we might call a pigeon coop—equivalent to what we would know as a pigeon coop, or a coop that we might use for animals in our country. It was a very meager, small building; three little rooms. In one room they had but a refrigerator, and they opened it to show me the insides, and they had Tylenol in there, some bandages. The second room contained but a closet with some very meager medical supplies—they really had nothing, but they were so proud of their clinic. This was their medicine.

We were struck by the plight of the children, and it is not unique to El Salvador, certainly; but we saw it in El Salvador. We went to the hospital in San Salvador, Santa Tecla Hospital, where we saw hospital conditions that we would not see in this country. We saw blood in the corridors on the floor, and we saw a hospital with people that had a lot of heart, wanting to help, but very little in the way of medical people, medicine, and certainly they did not have the ability to provide the prosthetic devices that are the purpose of this special order.

The incidence of civilians losing limbs is increasing, increasing by very large numbers; and we find many cases where the amputations that were performed were performed in a manner that well, you might say, were botched up. They need further amputations in order to correct the conditions before some of these youngsters can be fitted with prosthetic devices.

What I would like to do for a minute or two, Mr. Speaker, is to make an appeal to those out there who might be watching, to those who are affiliated with orthopedic surgeons, or with some of the orthopedic hospitals that we have.

What we are doing, the four of us that went on that trip is, we are embarking on a program to contact the hospitals in our area. Indeed, Congressman WOLF has one or two teams, surgical teams; surgeons and people that will, together with others, perform the operation and then fit the youngsters with prosthetic devices so they can go out into the world such as it is and be able to work, at least, and to go from place to place.

The Knights of Malta have done an extraordinary job in making medical supplies that our country, corporations in our country have generously provided to them. It made me proud to see some of the major corporations sending material in very large numbers, and Congressman WOLF again, and Congressman MCCOLLUM, were responsible for millions of dollars' worth of equipment, and it is getting to the places where it belongs; where it is needed.

We need help, and I think Americans want to extend my experiences whenever there is a famine or a flood or a disaster, earthquakes. Our country comes forward with great generosity. We need here, we need money, yes, but more than that, what we are appealing to today is to the many men and women out there who are specialists, who are surgeons, who have the facilities to reach out and are willing to go down but for a limited period of time. It can be for as short as 1 or 2 weeks. In that period of time they will do a lot of good for the innocent people of war.

Mr. WOLF. I thank the gentleman very much for his comments, and want to thank both Congressman COATS from Indiana and the gentleman from New York [Mr. MOLINARI] and the gentleman from North Carolina [Mr. MCMILLAN] for their help and work.

As a result of that trip, clearly I think we can report that in 4 or 5 months, hopefully every young person in El Salvador who needs a limb will have a limb.

I want to thank these gentlemen, and I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

□ 1330

Mrs. BENTLEY. I thank the gentleman for yielding.

I want to comment my colleagues for the program on which they are embarked. I will say that I will present the program to the medical staff at Johns Hopkins Hospital which is in my area, and the University of Maryland, and ask them to join in.

Mr. WOLF. I thank the gentlewoman from Maryland. That would be great. Johns Hopkins is one of the finest hospitals in the country. There are a number of these youngsters that they really cannot do the work on down in El Salvador because of the conditions there. There will have to be some hospitals up here. If Johns Hopkins would agree to take one or two, that would be outstanding.

I thank the gentlewoman.

In closing on behalf of the four of us, I want to thank Ambassador Corr and his entire staff. We were extremely impressed and I think the American people can be proud of the people representing us in El Salvador.

Second, we want to go on record clearly to condemn the use of the mining by the Communist guerrillas in El Salvador and would hope that they would cease and desist that, and, if not, there would be perhaps some effort in the United Nations to condemn this and perhaps put the Congress on record in condemnation of this activity.

THE CONSUMER SERVICES BANK ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 15 minutes.

Mr. LAFALCE. Madam Speaker, today I am introducing legislation that will go a long way toward improving the delivery of financial services for individual consumers, particularly lower income consumers. This bill, the Consumer Services Bank Act of 1987, will provide for the establishment and regulation of national banking associations, commonly known as consumer banks, the purpose of which will be to provide banking services to individuals and families. These consumer banks could be owned by banking organizations as well as other types of institutions.

The concept of consumer banks is not a new one; it is, however, a controversial one. While no one would quarrel with the proposition that consumers will be better served by increased access to financial services, there is considerable and continuing argument on how this can best be accomplished.

Under this legislation, banks and other institutions would be allowed to establish separate consumer bank subsidiaries to provide consumer-oriented financial services to their local communities. These institutions, which could be owned by companies not traditionally involved in banking, would be fully regulated by the Comptroller of the Currency, be federally insured, and would be restricted in the types of loans and financial services they could provide. Moreover, consumer banks that are owned by larger financial institutions would be isolated from those institutions and subject to strict antitying provisions. In addition, these consumer banks would be subject to specific community reinvestment requirements.

LOWER AND MODERATE-INCOME CONSUMERS HAVE BEEN LEFT BEHIND

While some consumers have benefitted from the changes that have occurred in our financial system through increased convenience and speedier access to certain financial services, lower and moderate income have been left behind in the financial services revolution. A 1983 Federal Reserve Board study revealed that a full 21 percent of all American families do not have checking accounts, and that 47 percent of families with incomes below $10,000 have no checking account.

Moreover, a 1986 survey by the Consumer Federation of America indicates that only 27 percent of the banking institutions offer basic lifeline banking, and that these accounts are not available in some parts of the country. If they are available, they are often too costly to help low- and moderate-income consumers reduce their fees. The average annual cost for moderate usage of these accounts was found to be over $75. Consumers with small balances and moderate account activity now pay an average of $83 for NOW accounts, even allowing for interest income from the accounts. In addition, requirements that people opening accounts hold major credit cards as a condition of opening the account are imposed on 13.5 percent of all NOW accounts and 11.6 percent of all noninterest-bearing checking accounts. This practice may well be increasing across the country, despite the fact that only 42 percent of all families have major credit cards.

CONSUMER BENEFITS UNDER CONSUMER SERVICES BANK ACT OF 1987

Under my bill, consumer banks would be required to provide the following services to individuals and families: consumer loans, the financing of sellers or dealers through inventory floor planning would be considered a commercial loan; basic lifeline banking accounts for lower-income consumers; cashing of Government checks at no fee to lifeline account holders and at reasonable fees for other account holders. In addition, consumer banks would be required to: commit at least 65 percent of their deposits to reinvestment in the State from which the deposits were received; comply with truth in savings disclosure requirements; maintain a 9-percent capital ratio; disclose orally and in writing affiliations with other companies, and that a customer is not obligated to purchase one product in order to obtain another. Finally, and importantly, my legislation would require all existing limited purpose—or nonbank—banks that provide consumer loan services to convert to consumer banks within 2 years of enactment.

The consumer bank concept is one that is supported by a large number of consumer-oriented interest groups, including the American Association of Retired Persons, the National Urban Coalition, the National Urban League, the National Home Economics Association, the National Alliance of Senior Citizens, the U.S. Jaycees, and many more. The consumer banks authorized under my legislation will increase consumer access to financial services and improve efficiency in the marketplace by generating more competition. They will respond to a genuine need in our banking system for more affordable and accessible consumer banking services.

THE NEED TO MODERNIZE OUR BANKING LAWS

This legislation not only makes available needed services to the consumer, but it does so in a way that is consistent with the underlying goals of our banking laws, including the objective of preserving the safety and soundness of the banking system. The legislation does, however, adapt our banking laws to the modern context, which bears very little resemblance to the financial environment of the 1930's that led to the enactment of the Glass-Steagall Act in 1933 and the separation of banking from commerce.

Congress enacted the Glass-Steagall Act to respond to the severe economic problems of the Great Depression, including the increasing number of bank failures that threatened to undermine public confidence in the entire banking system. It was essential that lawmakers restore confidence in the Nation's banks by protecting depositors' funds and by ensuring the safety and soundness of depository institutions. Among other things, the Glass-Steagall Act established the Federal depository institutions insurance system and provided for the separation of commerce and banking, thereby limiting the types of activities in which banks could become involved.

The Glass-Steagall Act was a landmark in our system of bank regulation. It restored confidence in the Nation's financial institutions, primarily through the enactment of a Federal deposit insurance system. In addition, it provided a framework for the conduct of financial activities. For over the past 50 years, this act—and its later companion, the Bank Company Holding Act of 1956—have determined the basic legislative framework for our financial system.

However, since the enactment of these laws, our financial institutions, as well as the domestic and world economy, have changed dramatically, and advances in technology have created an entirely new financial environment that would have been inconceivable to the lawmakers who drafted that legislation during the dark days of the Depression.

In the last few years, automated teller machines, split second transfer of funds, new money market instruments, increased securitization of loans, and the growth of global financial conglomerates, have revolutionized the banking world, blurring the distinctions between different types of financial institutions.

In today's financial world, we see securities firms involved in many bank-type loan and deposit activities, including the underwriting of commercial paper and the offering of money market accounts that compete with traditional bank deposit accounts. Similarly, banks are themselves involved in certain securities activities, including discount brokerage and the provision of investment advice. Moreover, our domestic banks can engage overseas in virtually any activity, even ones not permitted for them in the United States. These activities include securities underwriting, insurance brokerage and underwriting, and many others.

Because of these many changes, it is essential that we modernize the fundamental regulatory structure governing our financial system. Unfortunately, these changes have been slow in coming. We in Congress have not kept pace with the overwhelming changes that have taken place. Our current system of bank regulation is neither the old system of fixed regulation under Glass-Steagall and the Bank Holding Company Act, nor a new system of reasoned and moderate deregulation. It is somewhere in that grey area between. And, we have drifted passively and unevenly into this morass. We literally find ourselves with a system of bank regulation that treats providers of the same financial service unequally, that permits some institutions to provide a service, while prohibiting others from offering a functionally equivalent product.

ADDITIONAL CHANGES NEEDED IN OUR BANKING LAWS

I recognize that this bill addresses only one aspect of a much larger problem that is facing our Nation's financial services system: an outmoded regulatory and legal structure that is inadequate to meet the needs of today's changing marketplace. Indeed, I plan to introduce legislation in the near future that will address other important issues in the controversy surrounding nonbank banks and the separation of banking and commerce.

For example, I am currently examining the question of how and to what extent the Federal Reserve should be permitted to regulate the alleged abuses that could occur from the ownership of financial institutions by diversified commercial firms. In addition, I am exploring the question of legislation that would establish a comprehensive regulatory structure over diversified financial services holding companies.

Congress, and most especially the House Banking Committee, must explore all these issues in depth before a decision is made either to update our banking system to respond to the many changes that have occurred, or to attempt to roll back these changes in an effort to perpetuate a regulatory regime that is the product of the 1930's and not the 1980's.

I am introducing the Consumer Services Bank Act of 1987 as a first step in this process. I hope that it will refocus debate in Congress away from narrow, parochial, loophole-closing legislation and toward a more positive examination of changes needed in our financial institutions laws. Improving consumer access to banking services, especially for lower income consumers, is one such positive approach.

I look forward to hearing the comments of my colleagues and other interested persons on the efficacy of this legislation and on how it might be approved. By focusing public debate on the question of consumer banking services in the context of banking law reform, I am optimistic that we will begin to derive workable legislative solutions to the current crisis in our banking system. I hope that after reviewing this important legislation my colleagues will cosponsor the Consumer Services Bank Act. It fills a genuine vacuum in the delivery of financial services to consumers and represents a positive step toward banking law reform.

BUSINESS PAGES READ LIKE OBITUARY NOTICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Madam Speaker, as a rule, when driving here from my district, I take the opportunity to read the morning papers—everything from the business page to the obituaries. And, I can no longer tell the difference. Tuesday a week ago, I could not believe what I was reading: article after article on the loss of American industry and jobs. But this is nothing new, I read similar news almost daily.

What frightens me is not that these articles are appearing more and more frequently, but rather that fewer and fewer people seem to take notice—or even care.

We are awash in an endless sea of information, drowning in economic data, leading indicators, and indices. Yet, everyone simply shrugs their shoulders, accepts the news passively, and takes a "what can I do about it?" attitude.

What can we do about it? Sit up, take notice, and understand the full implications in the articles that have been written.

That newspaper from a week ago Tuesday provides an excellent example. In the International section of that Wall Street Journal, one article was entitled "Pentagon Turns More to European Arms."

Interestingly, it read:

> Indeed, the list of Pentagon offshore purchases is lengthening. The Navy to the dismay of U.S. yards, has placed an order for a new minesweeper design with Italy. The Air Force has bought chemical proof plane shelters from France and C-23 Sherpa cargo planes from Short Brothers PLC of Britain. The Army is buying 81-mm mortar and 105-mm howitzers from Britain, fox hole digging equipment from West Germany, and a $4.3 billion communications system designed by Thomson-CSF of France * * *.
>
> William Howard Taft IV, the deputy defense secretary, says the Pentagon is investing $2.9 billion in joint weapons development * * *.

Joint weapons development. Remember, that's when American taxpayers pay for it, Americans design it, and our allies build it, and then our taxpayers buy it to defend our allies.

> In fiscal 1985, U.S. defense purchases * * * up 33 percent from the year before and up 65 percent from fiscal 1982 * * *.
>
> The Navy figures it saved about $600 million by ordering $4.5 billion of the off-the-shelf jet trainers from the McDonnell Douglas-British Aerospace partnership rather than developing one of the designs submitted by General Dynamics Corp., Northrup Corp. and Grumman Corp.

At least the minesweepers will be constructed in this country, Navy officials have told me. They contend the Italian design is superior.

When questioned about most of the purchases abroad. DOD officials relate how cheap it is to buy overseas. For the Government, this is an exercise of obfuscating with statistics. Quite simply, 46 cents out of every dollar the U.S. Government spends on procurement from an American firm in the United States is returned to the Federal, State, or local governments by way of taxes—those very taxes, I might add, that help pay for the purchases in the first place.

We delude ourselves when we say that it is cheaper overseas. Foreigners do not pay our taxes, but we continue to buy from them. Last year, the Department of Defense had over 16,000 contracts with foreign companies. Of these, 888 exceeded $1 million and 102 exceeded $10 million.

Billions and billions spent overseas while companies in my district—and others—are closing for lack of business.

And yet, DOD last year negotiated on a noncompetitive basis with foreign firms. In other words, American companies never had a chance at these contracts; 139 of these contracts that American companies could not even bid on exceeded $1 million.

But remember it's cheaper over there—and yet, I have not heard an offer from our allies to pay for American unemployment. And will these same allies offer to pay the pensions of workers when the large American companies go bankrupt. There are untold billions in unfunded pension liabilities. Who will pay these pensions?

Our Government's answer in last year's tax bill was to give Toyota and Mazda each $100 million tax breaks while doing away with investment tax credit. Every other country in the world helps its industry. We seem determined to put ours out of business.

In another article in that same Wall Street Journal, "U.S. Chip Firms Ask President Reagan To Penalize Japanese Makers." Remember, it was only last July 31 that the administration signed its historic accord with the Japanese. Remember how it was going to help our slumping microchip industry?

We can trust the Japanese. They are our allies. The same allies that last year exported only 2.3 million vehicles to the United States while importing a record 2,500 from the United States.

In the article it says:

> Upon signing the accord, the U.S. agreed to waive punitive duties—

Have you noticed that in all of our trade agreements the United States agrees to waive penalties in exchange for mere assurances. So what happens? We have actions against foreign cheaters, or in this case—

> against various Japanese producers for illegally "dumping" semiconductors in the U.S. at prices lower than it cost them to make them. U.S. chipmakers asserted at the time that Japanese "predatory pricing" was endangering the financial health of the entire U.S. industry * * *. In recent weeks, however, even U.S. officials have hinted that harsher penalties might be in store * * * if the Japanese companies didn't "begin to work and work fast" at making the accord work.

I am sure those unemployed in silicon valley will take heart at the backbone our trade representatives are taking. It's the same backbone that has reassured the steel, fruit, coal, and tobacco industries when dealing with the European Economic Community and Japan.

When I read articles like the one in the Wall Street Journal on the microchip industry, I also take heart that the Department of Defense had—last year—only 107 contracts with our allies for electrical components, 107 contracts that represented millions overseas and thousands of jobs lost here in this country.

I am of the opinion that there is nothing wrong with American industry that could not be cured if our Government took a more realistic attitude toward our friends.

I do not share the opinion of one of my colleagues who said last year that Japan was No. 1, and we should accept it; that, after World War II, if we had set out to enslave the Japanese, we could not have done a better job—that they make us better products for less money, and then loan us the money to buy them—and, then are nice enough to take a beating on the exchange rate.

I would like to remind my colleagues that the money the Japanese are loaning us is ours—money that our Government has encouraged to go off shore. It is the money that made up our $52 billion trade deficit in 1986 with Japan.

It is also the same money that we are spending to defend them while they have impregnable trade barriers to American goods. It is time for a more realistic policy of fair trade.

The Trade Adjustments Act of 1979 merely opened our markets to others, not vice versa. That Trade Agreements Act passed by the 96th Congress opened the doors for all Federal agencies. Not just DOD—to spend taxpayer dollars for purchases overseas. It is wrong. And our Government is far too concerned with making sure that the American marketplace lives up to that agreement—so that market forces can be allowed to take their course.

And what is ludricrous, we are spending billions upon billions to defend our allies. The amount we have spent in the last 20 years alone would probably be equivalent to our total national debt. And yet, what do we receive? The lowering of trade barriers? No! Just requests to lower our deficit by cutting other "nonessential services," which I guess means those services not meant to support our allies.

Some allies—some friends. With friends like this, who needs enemies? Why are we spending billions to defend them? What are our allies giving us in exchange? They want defense, let them pay for it—let them pay their fair share by dropping any and all trade barriers to American products.

This last Tuesday, in the TV show "Amerika" with a "k," the Russians said we had lost our spirit, that we had allowed our industries to go offshore. That, in fact, we had lost the war before it had started.

The Constitution charges the U.S. Government and the Department of Defense with defending this country—the body politic of the United States. By sending our technology, industry, and jobs overseas, DOD has been driving a stake through the heart of American industry.

It is a stake made in Japan, driven by a German hammer, and delivered to American shores by ships built in Korea.

Let us hope this body politic DOD is charged to protect does not become a corpse.

Does it take a TV show to point up what is in the business page every day? We are losing out, but it isn't to the Russians; it's to our allies. Business publications state that the Japanese own outright—or the controlling interest—in 7 of the 10 largest banks in the world. In other words, Americans do not even own the "paper" that keeps the credit economy going in this country. I can imagine telling a collection agency in Tokyo the check is in the mail, and I can imagine their response.

Where is it all leading? To disaster unless something is done now. We have the opportunity in this historic 100th Congress to begin the restoration of our economic base. It is time to refresh our memories that we are sent here by American taxpayers not to provide for the economic strength of others, but to see to the interests of Americans.

And we had better start now, because our economy is failing and something needs to be done before "Amerika" with a "k" or "Japanimerika" becomes a reality.

□ 1340

ACQUIRED IMMUNE DEFICIENCY SYNDROME [AIDS]

The SPEAKER pro tempore (Ms. SLAUGHTER of New York). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Madam Speaker, earlier today, I took a 1 minute and talked about the misinformation that I believe is being given to the American people regarding the AIDS issue.

In Florida today, and in other parts of the country, some religious organizations and other organizations are giving out information and condoms, telling people that there is such a thing as safe sex.

The fact of the matter is that the AIDS virus, the AIDS epidemic that we are facing right now in this country and around the world, does not give us much latitude. There is no such thing, outside a monogomous relationship, such as safe sex any longer.

Any young person, any married person, any old person who involves themselves with another person that they do not have a life-long experience with, runs the risk of getting AIDS. It is like playing Russian roulette.

There has been a lot of information given out by the media, by the Surgeon General and others, regarding the AIDS virus. In fact, the Surgeon General and others have advocated the use of condoms as a step toward controlling the AIDS virus.

The fact of the matter is there is no foolproof method. I said earlier today there are approximately 240 million AIDS viruses that can fit on a period at the end of a sentence. So if you have contact with someone who has that AIDS virus, you run the risk of getting it, no matter what preventative measure you may employ.

I am not the only one who is saying this. In fact, I have gleaned the information I have from a number of sources. I would like to read to you a letter that I received from Dr. Robertson, who is with the Research and Development Corp. in Lexington, GA. He has done extensive research on the acquired immune deficiency syndrome, and I think everybody in America ought to know about this so that there is no misinformation.

□ 1350

Madam Speaker, as we gain more information as time goes by, it is going to be important that we take the steps that are necessary to protect the vast majority of the population from this epidemic, this dread disease. Dr. Bowen, the head of HHS, said not long ago in a speech that tens of millions of people are going to die from AIDS. The way it is going, it could be more than that. It is the worst plague to hit the world since the black plague, and it may be the worst ever.

It is estimated right now that 4 million people in the United States alone have the virus within their systems. It is doubling every 8 to 12 months, which means that the attitudes of the American people do not change rapidly. So next year there will be 4 to 8 million, the following year there will be 8 to 16 million, and the year after that there will be 16 to 32 million who are infected with the disease or who at least have the virus within their systems, and so on.

There have been articles written saying that sometime within 12 years one-fourth of the U.S. population would have the virus within their systems, and that may be conservative.

Madam Speaker, I would like to read this letter now. It gets a little technical, but I think most people, if they will listen closely, will glean from this letter what it really means. The text of the letter is as follows:

DEAR MR. BURTON: I am writing in response to your telephone call today when you asked whether there might be a risk of transmission of the AIDS virus [HIV] other than by sexual intercourse, homosexual acts, the use of blood or blood products or during pregnancy and birth. The answer to this question is "Yes"; the most pressing problem is that we cannot measure the risk, though we can set some limits. I will expand my answer in two ways—first by telling you why one must be cautious in reaching any conclusions about the disease or its transmission and second by telling you why there is cause for concern about transmission by the "non-traditional" routes.

The most important source of information is the tabulation of AIDS cases reported to the Centers for Disease Control. These reports must be interpreted carefully since they represent disease diagnosed a long time after infection with HIV. Since there is no mechanism for collecting or reporting information about the development of antibodies to HIV or knowledge of infection and its routes is limited. For example, the majority of those coming down with AIDS (male homosexuals in California, drug addicts in New York) come from the population first infected in this country, but their proportions in the epidemic do not represent the proportions in the same groups infected now. In contrast, recent Army data show that in some parts of New York there is an equal rate of infection amongst male and female applicants. This will be reflected in AIDS cases reported in several years' time. These delays led many people to assume that AIDS would remain a disease exclusively or largely of homosexuals. Heterosexual spread of HIV in the United States has only recently been generally accepted with the publication of clear case reports, although the epidemiological evidence has been strong for some time. There have always been cases which could not be classified into the known risk groups; these represent a roughly constant 3% of the total when other categories of risk (e.g. consorting with a prostitute) are excluded. This is not to say that these 3% acquired the virus casually, but it does say that the "unknown" category is increasing roughly in step with the epidemic as a whole. Obviously, there could be several explanations for this, none of which can be excluded without considerable further study. In particular, if "casual transmission" were possible it would be difficult to prove without large-scale prospective studies of the risks of associating with infected individuals. Studies to date are too small to exclude a risk, though they may set limits on it. Indeed, some appear to demonstrate a risk, but again they are too small for us to be sure. In this context it is important to remember that it is only recently that it has become clear that the risk, of heterosexual transmission is roughly equal to the risk of homosexual transmission, as is the risk of transmission from man to woman and from woman to man. The early apparent differences in the risk of transmission by these routes appear to be accounted for by the delays in infection spreading to each group; they are not real differences. Thus, if transmission by non-traditional methods is either possible or likely it is only now, with the virus quite widespread, that we are likely to obtain good epidemiological evidence.

As was true for the traditional routes of transmission the first acceptable evidence of non-traditional transmission will come from case reports in which all other routes have been eliminated. It is disturbing that we do, in fact, have several such case reports. These include transmission without sexual intercourse between an elderly couple whose only intimate contact was kissing, transmission from a nursing mother to her child (possibly in breast milk), transmission between two young brothers by an unknown route and transmission between a patient and a neighbor who was nursing him. It is likely that case reports of this kind will become more frequent as the general population becomes more heavily infected with the virus; on the other hand, without knowledge of the prevalence of seropositivity—that is, of the number of infectious people—in an environment it will be hard to detect transmission in say, the workplace until the virus is quite prevalent, as it will be in several years unless transmission is reduced now. Here we must, for the moment, rely on our theoretical knowledge of HIV and similar viruses, as well as on what information we can glean from the case reports to hand.

HIV belongs to the family of retroviruses and the subfamily Lentivirinae. The Lentiviruses are known to infect ungulates and primates by several routes, including aerosols and even HIV has apparently spread from one chimpanzee to its cage-mate without sexual contact. In addition, all the lentiviruses evolve rapidly so that their envelope proteins, which contain the sites that recognise and blind to receptors on the cells they infect are very variable, leading to the possibility of variation in infectiousness, as is found in HIV as well as in specificity which might also lead to a variation in the efficiency of different routes of infection. It is prudent, therefore, to assume that HIV can share these properties since it is extremely closely related to the other lentiviruses, particularly in view of the fact that HIV can be found in most bodily secretions and excretions, including urine, tears and saliva, as well as breast milk, blood and semen. HIV is also much tougher than had been thought, being capable of surviving with undiminished infectiousness for at least two weeks at room temperature if damp. There are, therefore, strong theoretical grounds for caution. These grounds supply a possible basis for the transmission of the virus in those cases of non-traditional infection already reported and are cause for growing caution as the virus becomes more prevalent, leading to an increasing number of contacts with infected people. In the traditional modes of transmission it appears to be the case that risk per exposure is constant, with infection becoming increasingly likely with an increasing number of exposures.

The analogy between the transmission of Hepatitis-B and AIDS has often been drawn; the CDC recommend that "Hepatitis-B" precautions be taken to minimize the spread of HIV in the health care setting. It seems that the routes of transmission are very similar, but that the Hepatitis-B virus is more infectious than HIV. In other words it is reasonable to expect that more cases of HIV transmission between household members will occur as prolonged exposure to

HIV carriers becomes more common. It will be much more difficult to detect transmission by these means outside the household without well-designed prospective epidemiological studies. The studies reported to date have been too limited to allow any conclusion other than that casual transmission is probably not easy. We should remember, however, that this was said at first for heterosexual transmission of the virus, though now we know that it is easy. Indeed, the case reports we have are extremely strong evidence of transmission within the household and cannot be rebutted by the limited epidemiological studies of household transmission. Even amongst trained health-care personnel there are cases of transmission that cannot be accounted for by risk-group membership. Again, all we can say is that transmission in the health-care setting is not very likely at the moment; we cannot say that it is impossible.

In an attachment to this letter I list the main points and give references to the most important papers, copies of which are also attached. My considered opinion is that transmission by contact within the family happens and that "casual" transmission is possible, but that we have too few data to determine how efficient each casual route is. Some routes of transmission are not likely at all. For example, it does not seem possible for enough virus to be transmitted by mosquito, though it is possible that other insect vectors in warm climates could play a role; we simply have no direct evidence of insect transmission and what evidence we have suggests that, if it plays a role at all in the tropics it is a very limited one. Transmission by coughing or sneezing is clearly possible in theory, but does not yet seem to be likely. If it were likely then we would expect to see a "filling-in" of the age distribution of those infected with the virus. This could be happening since we have little information about the prevalence of infection by age group, but, if it is it has not yet affected the age-distribution of AIDS cases in the United States. Again, this tells us the population at large, the traditional routes are more efficient transmitters than the "casual" routes.

However, I believe that there are more serious issues than the question of casual transmission. One statistic illustrates this well. It is likely that at least 4 million Americans are infected by the virus; we will not know the true number unless we perform widespread blood testing or until those infected begin to develop AIDS. Study of relatively small groups here and abroad shows that infection spreads rapidly through a population, saturating it in about 5-8 years. Very roughly there is a doubling time for prevalence of infection of no more than a year. If we accept this (conservative) estimate then there will be 4 million new infections in the United States in 1987. This is a daily rate of over 10,000 and just exceeds the annual number of live births in the United States. Even if only 2 million are now infected this statistic will be true in a year's time; if more are in fact infected now then we are already exceeding the number of live births with the number of new HIV infections. Since we now know that at least 50% of those infected will develop AIDS and then die, and in fact have no reason to assume that this will not be the case for all, or nearly all of those infected, the situation is already extremely grave. This is particularly true because what evidence we have suggests that no actions taken to date have had any measurable effect on the spread of the epidemic and because actions that are likely to be taken in the near future depend solely on changes in behavior in people who do not even know that they are infected with HIV and do not consider themselves at risk. Such behavioral change has not occurred in the past under these or any other circumstances without regulatory force to back it up. The prognosis is therefore grim and relatively little time is left if we are to have any hope of controlling the epidemic in the United States. We certainly cannot afford to wait for an hypothetical cure of the development of a vaccine.

Yours sincerely,

A.D.J. Robertson.

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The reason I wanted to read this letter, and I will be reading reports of this type in the weeks and months to come is because the American people have a right to know what is at risk here. It is their lives.

The word should go out from this Chamber and from every pulpit in the country and from every medical person in the country that promiscuous sex has to end. If it does not, the human species is at risk. We have to get back to a monogamistic lifestyle. If we do not, this disease is going to continue to spread even more rapidly than it has and the entire American population is going to be at risk.

This is not a religious or moral speech I am giving here today, it is a health speech. But it does parallel things that we read in the Bible and other books. The American people really ought to take this to heart.

I hope those who are here today and those who may be watching across the country realize the gravity of the situation and alter their lifestyles so that they will protect themselves and their loved ones.

RESIGNATION OF MEMBER FROM CERTAIN STANDING COMMITTEES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Banking, Finance and Urban Affairs and the Committee on Science and Technology:

House of Representatives,
February 19, 1987.

Hon. Jim Wright,
House of Representatives, H-209, The Capitol, Washington, DC.

Dear Mr. Speaker: I do hereby resign from the Committees on Banking, Finance and Urban Affairs and Science and Technology to accept my appointment by The Speaker to serve on the Committee on Rules.

Sincerely,

Bart Gordon,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO U.S. NAVAL ACADEMY

The SPEAKER pro tempore. Without objection and pursuant to the provisions of title 10, United States Code, section 6968(a), the Chair announces the Speaker's appointment as members of the Board of Visitors to the U.S. Naval Academy of the following Members on the part of the House:

Mr. Wilson of Texas;
Mr. McMillen of Maryland;
Mr. Skeen of New Mexico; and
Mrs. Bentley of Maryland.

There was no objection.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER pro tempore. Without objection and pursuant to the provisions of 46 U.S.C. 1295B(h), the Chair announces the Speaker's appointment as members of the Board of Visitors to the U.S. Merchant Marine Academy of the following Members on the part of the House:

Mr. Manton of New York; and
Mr. DioGuardi of New York.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER pro tempore. Without objection and pursuant to the provisions of section 194(a), title 14 of the United States Code, the Chair announces the Speaker's appointment as members of the Board of Visitors to the U.S. Coast Guard Academy of the following Members on the part of the House:

Mr. Gejdenson of Connecticut; and
Mrs. Johnson of Connecticut.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. AIR FORCE ACADEMY

The SPEAKER pro tempore. Without objection and pursuant to the provisions of section 9355(a) of title 10, United States Code, the Chair announces the Speaker's appointment as members of the Board of Visitors to the U.S. Air Force Academy of the following Members of the House:

Mr. Dicks of Washington;
Mr. Barnard of Georgia;
Mr. Lewis of California; and
Mr. Hefley of Colorado.

There was no objection.

MALT BEVERAGE INTERBRAND COMPETITION ACT OF 1987

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROOKS. Mr. Speaker, today I am introducing the Malt Beverage Interbrand Competition Act of 1987.

My bill merely clarifies existing Federal law by stating that, as long as there is "substantial and effective competition in the relevant market" nothing in the Federal antitrust statutes shall be construed to make unlawful the traditional practice of brewers and wholesalers entering into territorial agreements. These agreements give wholesalers the exclusive right to sell a particular brand of malt beverage within a particular territory. My bill is completely consistent with Supreme Court antitrust rulings regarding territorial agreements. Statutory codification is needed to prevent the ambiguities attendant with judicial rulemaking.

I emphasize that this legislation does not legalize the enforcement of price-fixing agreements, horizontal restraints of trade, or group boycotts. It does not mandate anything. It merely allows, as a matter of Federal law, territorial arrangements which have customarily been used in the industry as long as healthy competition exists. The States, however, as matter of their own law, may provide otherwise. If any State finds these arrangements offensive or counter competitive, they are free to outlaw them.

Contrary to past assertions, this bill is consistent with antitrust policy. It is likely to enhance competition in the malt beverage industry. Without the protection of these traditional territorial agreements which have characterized the industry, many feel that large distributors could easily skim off the most profitable and easily served retail outlets, leaving nothing of value to be handled by small local distributors. The result would be increasing concentration of market power in the few large distributorships at the expense of their smaller competitors.

This bill is identical to legislation—H.R. 3793—which I introduced in the last Congress. Given the extensive review already given that legislation, I hope that the bill will receive expeditious consideration and I look foward to the support of my colleagues.

UNITED STATES-MEXICO BORDER HEALTH EDUCATION AND TRAINING ACT OF 1987

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROOKS. Mr. Speaker, today I am introducing the United States-Mexico Border Health Education and Training Act of 1987, legislation which I was pleased to sponsor in the last Congress.

The purpose of this bill is to establish health education and training centers in close proximity to the United States-Mexican border in the States of Arizona, California, New Mexico, and Texas. This is an area of rapidly growing population and one where the lack of adequate health services and education has long been a major problem. The border area is also a region which has a substantial impact on the social, economic, and health interests not only of those States but also of our Nation as a whole. I believe we must make greater efforts to improve the quality of life along the border, and the first step in achieving this goal is to provide adequate health services to our citizens there.

Under this act, the Secretary of Health and Human Services is required to enter into contracts with schools of medicine and osteopathy to improve the supply, distribution and efficiency of personnel providing health services in the States along the border and to encourage health promotion and disease prevention through public education in these areas.

To achieve these goals, the measure calls for the establishment of a number of health education and training center programs in States along the border. Each program would involve the active participation of qualified schools of medicine and osteopathy, as well as that of other sectors of the health training and education communities, including nursing, public health, and dentistry. Finally, each program established under the legislation would require a strong role for health service providers, educators and consumers from the area to be served.

The United States-Mexican border area is in dire need of programs and assistance to improve the overall quality of life in this portion of our Nation that has been too long neglected. One significant way of bringing relief to these citizens is by a cooperative effort of this nature. Better awareness of health standards, increased access to trained professionals, and adequate health facilities—all major goals of this bill—cannot help but raise the overall standard of living in the region and add to increased economic activity. The plan established under this act has the added advantages of relatively little investment in Federal dollars and active local participation, both of which help ensure a long-term commitment to these important goals at the community level.

Given the broad scope of the problems facing this section of our country and the need for sensible, effective means of combating them, I hope that the bill I am introducing today will receive quick and serious attention by Congress, and I look forward to the support of my colleagues for the act.

SUBMISSION OF RULES OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, as chairman of the Committee on Interior and Insular Affairs, pursuant to rule XI, I submit the Rules for the Committee on Interior and Insular Affairs for printing in the CONGRESSIONAL RECORD:

RULES OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

A. RULES OF GENERAL APPLICATION

Rule 1. Rules of the House.—The Rules of the House of Representatives are the rules of its Committees and Subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in Committees and Subcommittees. Written rules adopted by the Committees, not inconsistent with the Rules of the House, shall be binding on each Subcommittee. Each Subcommittee of a Committee is a part of that Committee and is subject to the authority and direction of that Committee, Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the Rules of the Committee which are supplementary to the Rules of the House.

Rule. 2. Time, Place of Meetings.—(a) While Congress is in session, regular business meetings of the Committee shall be held in the regularly assigned committee room, Longworth House Office Building, beginning at 9:45 a.m. on each Wednesday, except that whenever any regularly scheduled party caucus or conference conflicts with such meeting of the Committee, then the Committee shall meet at a later time or on Thursday or on such other day as may be mutually agreed upon by the Chair and the Ranking Minority Member. Such meeting shall be called to order and presided over by the Chair, or in the absence of the Chair, by the ranking majority member of the Committee present.

(b) Special meetings shall be held at the call of the Chair or upon written request of Members of the Committee as provided in Rule XI, Clause 2, of the Rules of the House. When a regularly called party caucus or party conference is scheduled to be in session after 10 a.m. on any day, and the Chair is so advised not later than 12 noon on the preceding day, the regularly scheduled Committee meeting for that day shall be rescheduled at a later time or as provided in paragraph (a) of this rule.

(c) Each meeting of the Committee or any of its Subcommittees for the transaction of business, including the mark-up of legislation, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law of rule of the House of Representatives: *Provided however,* That no person other than Members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or mark-up session which has been closed to the public. This paragraph does not apply to any meeting that relates solely to internal budget or personnel matters.

Rule 3. Agenda for Meetings.—The agenda for Committee meetings, setting out all items of business to be considered, shall be available and delivered to the office of each Member at least 48 hours in advance of the meeting: *Provided,* that this requirement may be waived by a majority vote, a quorum being present.

Rule 4. Adjournment of Meetings.—A motion to adjourn shall not be approved unless the Chair, in his discretion, recognizes a Member for the purpose of making such motion and the motion is approved by a majority of the Members present and voting.

Rule 5. Committee Procedure.—(a) The date, time, place and subject matter of all public hearings of the Committee or any of its Subcommittees shall be announced at least 1 week in advance of the commencement of such hearings. If the Committee, or any of its Subcommittees, determines that there is good cause to expedite the hearing, it shall make the announcement at the earliest possible date. Any such announcement shall be promptly published in the Daily Digest.

(b) Each hearing conducted by the Committee or Subcommittee thereof shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided*, That the Committee or Subcommittee may by the same procedure vote to close one subsequent day of hearing: *Provided further*, That two or more Members at a meeting held for the purpose of taking testimony may determine, by a majority vote.

(i) to close such hearing for the purpose of discussing whether testimony or evidence to be received would endanger national security or tend to defame, degrade, or incriminate any person in violation of rule XI, 2(k)(5) of the Rules of the House; or

(ii) to close the hearing as provided in rule XI2(k)(5) of the House.

(c) No Member may be excluded from nonparticipatory attendance at any hearing of the Committee, or its Subcommittees unless the House, by majority vote, authorizes the Committee or its Subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close such meetings to Members by the same procedures designated in this rule for closing meetings to the public.

(d) Each witness who is to appear before the Committee or one of its Subcommittees shall file with the Committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement is waived by the Committee.

(e) The right to interrogate witnesses before the Committee or any of its Subcommittees shall alternate between the Majority Members and the Minority Members. In recognizing Members to question witnesses, the Chair may take into consideration the ratio of Majority and Minority party Members present and may recognize two Majority party Members for each Minority party Member recognized. Each Member shall be limited to 5 minutes in the interrogation of witnesses until such time as each Member of the Committee who so desires has had an opportunity to question the witness.

(f) No bill, recommendation, or other matter reported by a Subcommittee shall be considered by the Committee until 2 calendar days have elapsed from the time of the action of the Subcommittee and such action has been reported by the Committee Clerk to all Members of the Committee and, in the case of a bill, a copy has been delivered to the office of all Members so requesting the same, together with a section-by-section explanation and, if a change in present law is involved, a section-by-section comparison with the present law: *Provided*, That this requirement may be waived by a two-thirds vote of a quorum of the Committee Members.

Rule 6. Quorum.—No measure or recommendation shall be reported from the Committee unless a majority of the Members of the Committee are present, but for the purpose of transacting any other Committee business one-third of the Members shall constitute a quorum. Testimony and evidence may be received at any meeting at which there are present two or more Members of the Committee. A quorum, once established, shall be deemed present unless a Member objects to the transaction of business due to the lack of a quorum. When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be so notified and the Members shall have not less than 10 minutes to prove their attendance. The Chair shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Clerk to note the names of all Members present within the 10 minute period.

Rule 7. Proxies.—A vote by any Member in the Committee or in any Subcommittee may be cast by proxy, but such proxy must be in writing. Each proxy shall designate the Member who is to execute the proxy authorization, shall assert that the Member is absent on official business or otherwise unable to attend, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Rule 8. Subpenas and Oaths.—(a) A subpena may be issued by a Committee or Subcommittee in the conduct of any investigation or series of investigations or activities when authorized by a majority of the Members of the Committee or Subcommittee and approved by the Chair of the Full Committee and signed by his or her designee.

(b) The Chair of the Committee, the Chair of any of its Subcommittees, or any Member designated by either, may administer oaths to any witness.

Rule 9. Journal, Rollcalls.—(a) The proceedings of the Committee shall be recorded in a journal which shall, among other things include a record of the votes on any question on which a record vote is demanded. A copy of the journal shall be furnished the Ranking Minority Member through the Minority Counsel. A record vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member. No demand for a rollcall shall be made or entertained except for the purpose of securing a record vote or in the apparent absence of a quorum.

(b) At the beginning of any meeting of the Committee, the Chair may announce to the Committee, in its discretion, that further proceedings will be postponed on any motions on which a recorded vote is ordered or on which the vote is objected to under Rule 6 until immediately preceding the conclusion of the meeting. In such instances, the Committee shall proceed with the consideration of the next regularly scheduled measures or matters until all such business is disposed of or until such time as the Chair announces that the question will be put on the matter deferred. The question on any motion so postponed shall be put by the Chair and shall be disposed of by the Committee, without further debate, as expeditiously as possible. If the Committee adjourns before the question is put and determined on such motion, then the first order of business at the next meeting shall be the disposition of such motion.

(c) The result of each rollcall vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public. Such records shall constitute the official attendance records of the Committee.

Rule 10. Filing of Committee Reports.—(a) All members of the Committee shall be given an opportunity to review each proposed Committee report for at least 2 days (excluding Saturdays, Sundays, and legal holidays) prior to filing.

(b) If, at the time of approval of any measure or matter by this Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) after the copy of the Committee report in substantially final form is completed, excluding formal or technical changes, in which to file such views, in writing and signed by that Member or Members, with the Clerk of the Committee. In the event that substantial or significant changes are made in the Committee report, such Member shall have not more than one calendar day to review such changes and alter his or her views in responding thereto. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of the report filed by the Committee with respect to that measure or matter.

(c) The time requirements of paragraphs (a) and (b) of this rule shall run concurrently and shall not operate to delay the filing of Committee reports.

Rule 11. Record of Committee Proceedings.—(a) Evidence, testimony, and information relevant to any measure or matter before the Committee will be received for inclusion in the record of proceedings as determined appropriate. A formal transcript need not be made in all instances and the Chair may exercise discretion as to content of the record. A complete record of all Committee action, which shall include a record of the votes on any question on which a rollcall vote is demanded, shall be kept and retained in the permanent files of the Committee. All printing of proceedings or of other matter shall be subject to general principles promulgated by the Chair as well as by approval in each instance not only by the Chair of the appropriate Subcommittee but also by the Chair of the Committee.

(b) All transcripts of public meetings and hearings shall be available for review in the offices of the Committee. Unrevised and unedited hearing transcripts shall not be reproduced in any form without the written consent of the Chair or of the Member involved. Transcripts of other public meetings of the Committee and its Subcommittees shall not be reproduced in any form without the written consent of the Chair of the Committee or, as appropriate, of the Chair of the Subcommittee involved, in his or her discretion. Records and transcripts of public meetings of the Committee, conducted during any prior Congress, may be made available for review in the offices of the Committee, but such records and transcripts shall not be reproduced except as permitted by the House of Representatives.

(c) No records or transcripts of Committee meetings held in executive session shall be released unless the Committee directs otherwise. All classified documents, transcripts, or other materials shall be maintained in an appropriately secured location and shall not be released for review by any unauthorized person. Authorized persons must review such classified materials at an appropriate location in the Committee offices, but such material shall not be removed from the Committee offices for any reason without the written permission of the Chair and, as appropriate, of the Chair of the Subcommittee involved.

Rule 12. Broadcasting of Committee Hearings.—(a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which Committee hearings, or Committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its Committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the Committee members and staff, other Government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objectives and purposes of the hearing or other meeting or the activities of Committee members in connection with that hearing or meeting or in connection with the general work of the Committee or of the House; or

(2) cast discredit or dishonor on the House, the Committee, or any Member or bring the House, the Committee, or any Member into disrepute.

(d) The coverage of Committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause. No recording of Committee or Subcommittee proceedings shall be permitted except as authorized pursuant to these rules:

(1) Accredited press must obtain advance clearance for coverage of committee meetings from the appropriate gallery.

(2) Unaccredited press will be permitted to cover meetings only—

(a) After presentation of bona fide press credentials to the Director of Public Affairs of the Committee, and

(b) Approval of such coverage by the Committee, or Subcommittee, at the request of the Chair.

(3) All other media seeking to record all or any part of any Committee or Subcommittee meeting by means of audio or video recording must—

(a) Agree, in writing, to comply with all House and Committee Rules pertaining to recording and taping of Committee and Subcommittee meetings and hearings, and

(b) Obtain advance clearance of the Chair of the Committee or Subcommittee through the Director of Public Affairs of the Comittee.

(4) When space limitations prohibit accommodation of all acccredited press, unaccredited press and other media seeking to record part or all of any Committee or Subcommittee meeting or hearings, space will be allotted first to accredited press, then, if space permits, to the unaccredited press and other media.

(e) Whenever any hearing or meeting conducted by any Committee of the House is open to the public, that Committee may permit, by majority vote of the Committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the Committee may adopt in accordance with the purposes, provisions, and requirements of this clause.

(f) The following rules shall apply to the Committee and its Subcommittees:

(1) If the televison or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that Member to each other.

(5) Television cameras shall not be placed on the Committee rostrum or in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, on the Committee rostrum or between the witness stand and the Members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Rule 13. Committee Staffs.—(a) Pursuant to Rule XI, Clause 6, of the Rules of the House, the permanent staff of the Committee shall consist of not more than 30 staff members who shall be selected on the basis of fitness to perform the duties of their respective positions as follows:

three shall be chosen by the Committee from nominations approved by a majority of the Members of the Minority party of the Committee;

one shall be chosen by the Committee from nominations submitted by the Chair of each of the standing Subcommittees of the Committee;

one shall be chosen by the Committee from nominations submitted by the ranking Minority party Member of each standing Subcommittee of the Committee; and

the balance of any unfilled positions shall be chosen by the Committee from nominations approved by a majority of the Members of the Majority party Members of the Committee;

The staff members selected by the Majority party shall be assigned such legislative, oversight, and administrative duties and responsibilities as the Chair of the Committee may prescribe and shall assist Committee Members in connection with matters related to Committee business. Each staff member nominated by a Subcommittee Chair shall be under the general supervision and direction of that Subcommittee Chair. The staff members selected by the Minority party shall be under the general supervision and direction of the Minority party Members of the Committee who may delegate such authority as they determine appropriate.

(b) A Subcommittee Chair shall be entitled to select and designate additional staff members, subject to the approval of a majority of the Majority party Members of the Committee, to assist the Subcommittee in carrying out its legislative, investigative and oversight responsibilities. The Minority shall be accorded fair and equitable consideration with respect to the appointment of additional staff, but Minority staffing shall continue to be approximately one-third Minority representation on the Committee. Such staff members shall be assigned such duties pertaining to Subcommittee business as the Subcommittee Chair or the Minority, respectively, deem advisable and shall be compensated at a salary commensurate with the responsibilities prescribed by such Subcommittee Chair or by the Minority.

(c) Notwithstanding paragraphs (a) and (b) of this rule, the Committee may employ such additional nonpartisan staff as it deems necessary to conduct the administrative and clerical functions of the Committee. Such staff shall be in addition to any staff designated exclusively for the Majority or Minority party and shall be appointed only with the approval of a majority of the Members of the Majority party and with the approval of a majority of the Members of the Minority party. The Chair of the Committee shall establish and assign the duties and responsibilities of such members of the staff and they shall be compensated at a salary commensurate with the responsibilities prescribed.

(d) In the event that staff is not otherwise available pursuant to paragraphs (a) and (b) of this rule, from the funds provided for the appointment of Committee staff pursuant to any primary and additional expense resolution:

(1) The Chair of each standing Subcommittee is authorized to appoint at least one staff member who shall serve at the pleasure of the Subcommittee Chair.

(2) The ranking Minority party Member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the ranking Minority party Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (a) and (b) shall be compensated at a rate determined by the Subcommittee Chair pursuant to Rule XI, Clause 5(d) of the House of Representatives.

(4) The staff positions made available to the Subcommittee Chair and ranking Minority party Members pursuant to subparagraphs (1) and (2) of this paragraph shall be made available from the staff positions provided under Rule XI, Clause 6 unless such staff positions are made available pursuant to a primary or additional expense resolution.

(e) All staff selected pursuant to this rule shall be approved by the Committee and shall not be assigned any duties other than those pertaining to the business of the Committee and its Subcommittees. The staff of a subcommittee shall be under the general supervision and direction of the Chair of that Subcommittee. The staff assigned to the Minority shall be under the general supervision and direction of the Minority party Members of the Committee who may delegate such authority as they determine appropriate. The staff of the Committee not assigned to a Subcommittee or to the Minority shall be under the general supervision and direction of the Chair of the Committee, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as determined appropriate.

B. SUBCOMMITTEES: JURISDICTION, COMPOSITION, AND POWERS

Rule 14. Subcommittees Rules.—The Rules of the Committee, where applicable, shall be the Rules of its Subcommittees.

Rule 15. Reference of Legislation.—(a) Except for bills, resolutions, or matters involving Indians and Indian Tribes and the Commonwealths and Territories of the United States which shall be retained for consideration by the Committee unless referred by the Chair to an appropriate standing, select, or special Subcommittee, every bill, resolution, or other matter referred to the Committee shall be referred to subcommittee within 2 weeks from the date of its referral to the Committee unless the Chair, with the approval of a majority of the Majority Members of the Committee, orders that it be retained for consideration by the Committee or that it be referred to a select or special Subcommittee.

(b) A bill, resolution, or other matter referred by the Chair to a Subcommittee may be recalled therefrom by him or her with the approval of a majority of the Members of the Committee for the Committee's direct consideration or for referral to another Subcommittee. The Chair shall so inform the Members of this recommendation, in writing, and such recommendation shall be effective within 1 week if approved by a majority of the Members of the Committee.

(c) A bill, resolution, or other matter referred by the Committee to a Subcommittee may be recalled from such Subcommittee at any time by majority vote of a quorum of the Committee for its direct consideration or for reference to another Subcommittee.

Rule 16. Subcommittees.—There shall be the following six standing Subcommittees of the Committee: Subcommittee on Energy and the Environment; Subcommittee on Water and Power Resources; Subcommittee on Mining and Natural Resources; Subcommittee on National Parks and Public Lands; and Subcommittee on Insular and International Affairs; and Subcommittee on General Oversight and Investigations. Additional standing Subcommittees may be created by resolution of the Committee.

Rule 17. Jurisdiction of Subcommittees.—(a) The jurisdiction, including legislative, investigative, and oversight responsibilities, of the six standing Subcommittees shall, subject to alteration as other Subcommittees are created, be as follows:

Subcommittee on Energy and the Environment

(a) Recommendations with respect to laws and programs under the jurisdiction of the Committee made by the Council on Environmental Quality in its annual Environmental Quality Report to the Congress.

(b) Selected matters and proposals, as referred by the Chairman, involving the environmental impacts of impacts of any laws or programs under the jurisdiction of the Committee.

(c) Regulation of the domestic nuclear energy industry, including regulation of research and development of reactors and nuclear regulatory research and special oversight functions with respect to nonmilitary nuclear energy and research and development including the disposal of nuclear waste.

(d) Petroleum conservation on the public and other Federal lands, and conservation of the uranium supply in the United States.

(e) Legislation concerning the transportation of natural gas from or within Alaska or concerning the disposition of oil transported by the trans-Alaska oil pipeline.

(f) Forestry and forest management issues in Alaska.

Subcommittee on Water and Power Resources

(a) All measures or matters pertaining to irrigation and reclamation projects and other water resources development programs, including policies and procedures relating thereto.

(b) Compacts relating to the use and apportionment of interstate waters.

(c) Water rights, including Federal reserved water rights on public lands, and water related programs of the Geological Survey.

(d) Saline water research and development program and water resources research program.

(e) Water resources planning conducted pursuant to the Water Resources Planning Act.

(f) Programs involving major interbasin movement of water or power.

(g) Measures and matters relating to public lands in Alaska, except those within the jurisdiction of the Subcommittee on Energy and the Environment and National Parks and Public Lands.

Subcommittee on Mining and Natural Resources

(a) Mining interests generally, including deep seabed mining and matters involving the Law of the Sea Treaty.

(b) Mineral resources of the public lands, except matters involving the Outer Continental Shelf.

(c) Mineral land laws, and claims and entries thereunder.

(d) Geological survey, except water related programs.

(e) Mining schools and experimental stations.

(f) Proposed long-range domestic minerals programs, including availability of domestic minerals to fulfill all domestic requirements.

(g) All measures and matters affecting geothermal resources.

(h) Special oversight functions related to the collection of fees, operation and use of funds under the Abandoned Mine Reclamation Fund, and cooperative programs with State and Federal agencies authorized by Title IV of the Surface Mining Control and Reclamation Act of 1977.

Subcommittee on National Parks and Public Lands

(a) Measures and matters related to the National Park System and all of its units.

(b) National Wild and Scenic Rivers System; National Trails System; national recreation areas; and other national units established for protection, conservation, preservation, or recreational development administered by the Secretary of the Interior or the Secretary of Agriculture, and such military parks, battlefields, national cemeteries, and parks as the Secretary of the Interior may administer within the District of Columbia.

(c) National outdoor recreation plans, programs, and administration, including the Land and Water Conservation Fund and the Pennsylvania Avenue Development Corporation.

(d) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including programs for international cooperation in the field of historic preservation.

(e) Except for public lands in Alaska, public lands, generally, including measures or matters related to entry, easements, withdrawals, and grazing.

(f) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(g) Forest reserves, including management thereof, created from the public domain, except in Alaska.

(h) Except for Alaska, National Wilderness Preservation System, generally, and all matters relating to wilderness in the national park system.

Subcommittee on Insular and International Affairs

(a) Except for matters within the jurisdiction of other Subcommittees, all measures or matters involving the insular areas of the United States.

(b) All measures or matters involving the Trust Territory of the Pacific Islands, the Freely Associated States and Antarctica.

(c) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources within the jurisdiction of the Committee.

Subcommittee on General Oversight and Investigations

(a) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Committee as may be referred to the Subcommittee by the Chair of the Full Committee, after consultation with the chair of the principal standing legislative Subcommittee involved.

(b) Such remedial legislation resulting from the findings or recommendations of the Subcommittee as may be referred to the Subcommittee by the Chair of the Full Committee, after consultation with the Chair of the principal legislative Subcommittee involved.

(d)(1) In order to enable the Committee to carry out its responsibilities under Rule X, Clause 2 of the Rules of the House, each Subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that Subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such Subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that Subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that Subcommittee.

(2) Pursuant to Rule X, Clause 2, of the Rules of the House, the Chair of the Committee and the Chair of the Subcommittee having jurisdiction over the matter involved or their respective designees, shall meet with representatives of the Committee on Government Operations to discuss and to assist in coordinating oversight plans of their respective Committees.

Rule 18. Party Ratios.—The Chair shall negotiate with the Minority with respect to the size of each Subcommittee, with due regard for the preference of Members for Subcommittee assignments, except that party representation on each Subcommittee shall be no less favorable to the Majority party than the ratio for the Committee.

The Chair, if approved by a majority of the Members of the Majority party, and the Ranking Minority Member, if approved by a majority of the Members of the Minority party, may serve as Members of each Subcommittee.

The size and party representation for each Subcommittee during the 100th Congress shall be as follows:

Subcommittees [1]	Total members	Majority party [2]	Minority party [2]
Energy and the Environment	21	13	8
Water and Power Resources	23	14	9
Mining and Natural Resources [3]			
National Parks and Public Lands	26	16	10
Insular and International Affairs	9	6	3
General Oversight and Investigations [3]			

[1] The Chair and ranking minority member of the full committee serve as ex officio members of all subcommittees, but are voting members only on the subcommittees in which they are assigned pursuant to rule 18.

[2] The Delegates from the Virgin Islands, American Samoa, and Guam and the Resident Commissioner from Puerto Rico do not count for purposes of the ratio between the majority and minority parties.

[3] Waivers pending at Democratic caucus.

Rule 19. Special or Select Subcommittee.—The Chair is authorized, after consultation with the Ranking Minority Member of the Committee, to appoint such special or select Subcommittees as he deems advisable for carrying out the responsibilities and functions of the Committee. Party representation on each such Subcommittee shall be in the same proportion as that on the Committee.

Rule 20. Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. The Chair of each Subcommittee shall set dates for hearings and meetings of their respective Subcommittees after consultation with the Chair of the Full Committee and of other Subcommittees with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

Rule 21. Travel.—(a) Subcommittee hearings outside of Washington, D.C., and travel by Members and staff shall be subject to approval by the Chair of the Committee pursuant to regulations promulgated by the Committee on House Administration. Each Subcommittee Chair may, for the purposes of field trips or hearings outside of the District of Columbia, assign any Members of the Committee to that Subcommittee.

(b) Staff members assigned to any Subcommittee may travel in connection with their respective duties only with the approval of the appropriate Subcommittee Chair and with the approval of the Chair of the Committee. Prior to submitting such travel requests to the appropriate Subcommittee Chair, all Minority staff travel shall be subject to such approval as the Minority Members of the Committee deem appropriate. All such travel shall be subject to the regulations promulgated by the Committee on House Administration.

Rule 22. Subcommittee Chair.—(a) The Majority Members of the Committee shall have the right, in order of Full Committee seniority, to bid for Standing Subcommittee Chairs. Any such bid shall be subject to approval by a majority of the Majority Members of the Committee. The Minority shall select a counterpart to the Subcommittee Chair for each of the Subcommittees. The Chair of select and special Subcommittees shall be appointed by the Chair of the Committee, subject to approval by a majority of the Majority Members of the Committee except that no Subcommittee Chair shall be Chair of another legislative Subcommittee of the House.

(b) Members chosen to Chair a Subcommittee shall retain a ranking position on not more than one other retained Subcommittee. Any Subcommittee Chair serving on more than two Subcommittees shall be assigned positions on additional Subcommittees only after all other Members are assigned to Subcommittees and their ranking established on such Subcommittee, then the Subcommittee Chair may serve in the order of their ranking on the Committee.

Rule 23. Duties of Chair Upon Favorable Action by Committee.—Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee, the Chair shall report the same or designate some Member of the Committee to report the same to the House and shall use or cause to be used all parliamentary methods to secure passage thereof, without such additional authority being set forth particularly in the motion to report each individual bill or resolution. Without limiting the generality of the foregoing, the authority contained herein extends in appropriate cases to moving in accordance with Rule XXIV, Clause 5, of the said rules that the House go into the Committee of the Whole House on the State of the Union to consider the bill or resolution; and to moving in accordance with Rule XXIV, Clause 2, of said rules for the disposition of a Senate bill or resolution that is substantially the same as the House bill or resolution as reported.

Rule 24. Committee Budget and Expenses.—(a) Each Subcommittee Chair and the ranking Minority Members of the Committee shall submit to the Chair a budget for each session of the Congress covering the funding required for staff, travel, and miscellaneous expenses. The Chair shall prepare a consolidated budget for each session of Congress which shall include amounts required for all activities and programs of the Committee and the Subcommittees, except those Committee expenses to be paid from appropriations provided for by statute.

(b) Upon approval by the Committee of each such budget, the Chair, acting pursuant to Rule XI, Clause 5, of the Rules of the House, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House.

(c) The Chair shall report to the Committee any amendments to each expense resolution and any changes in the budget necessitated thereby.

(d) Authorization for the payment of additional or unforeseen Committee and the Subcommittee's expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(e) Committee members shall be advised of the availability of each monthly report, prepared by the Chair for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel.

Rule 25. Recommendation of Conferees.—Whenever in the legislative process it becomes necessary to appoint conferees, Majority Members shall be recommended to the Speaker as conferees as determined by the Majority, and Minority Members shall be recommended to the Speaker as conferees as determined by the Minority. Recommended party representation shall be in the same proportion as that in the Committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hastert) to revise and extend their remarks and include extraneous material:)

Mr. Rhodes, for 10 minutes, on February 23.

Mrs. Bentley, for 60 minutes, today.

Mr. Burton of Indiana, for 60 minutes, today.

Mr. Kasich, for 5 minutes, today.

(The following Members (at the request of Mr. Wolf) to revise and extend their remarks and include extraneous material:)

Mr. Dingell, for 5 minutes, today.

(The following Members (at the request of Mr. Campbell) to revise and extend their remarks and include extraneous material:)

Mr. Boucher, for 5 minutes, today.

Mr. Glickman, for 5 minutes, today.

Mr. LaFalce, for 15 minutes, today.

Mr. Visclosky, for 60 minutes, on February 25.

Mrs. Collins, for 60 minutes, on March 4 and March 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Hastert) and to include extraneous matter:)

Mr. Courter.

Mr. McKinney.

Mr. Dornan of California.

Mr. Broomfield in two instances.

Mr. Lowery of California.

Mr. Petri.

Mr. Madigan.

Mr. Daub.

Mr. Tauke.

Mr. Lent.

Mr. Hammerschmidt.

Mr. Boehlert.

Mr. Regula.

Mr. Michel.

Mrs. Bentley.

Mr. Gradison in two instances.

Mr. Thomas of California.

Mr. Smith of New Jersey.

(The following Members (at the request of Mr. Campbell) and to include extraneous matter:)

Mr. Guarini in two instances.

Mr. Hamilton.

Mr. Smith of Florida in three instances.

Mr. Berman in two instances.

Mr. Lancaster.

Mr. Coelho.

Mr. Markey.

Mr. Swift.

Mr. Murtha.

Mr. Traficant.

Mr. Akaka.

Mr. Leland.

ADJOURNMENT

Mr. BURTON of Indiana. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 6 minutes p.m.) under its previous order, the House adjourned until Monday, February 23, 1987, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

629. A letter from the Comptroller General of the United States, transmitting information concerning the President's second special message for fiscal year 1987, pursuant to 2 U.S.C. 685 (H. Doc. No. 100-34); to the Committee on Appropriations and ordered to be printed.

630. A letter from the Secretary of the Army, transmitting notification of the determination that the AH-64 Program has exceeded the fiscal year 1987 current procurement unit cost baseline by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

631. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on the competitive impact of railroad contract rates on agricultural shippers, pursuant to Public Law 99-509; to the Committee on Energy and Commerce.

632. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting notification involving the amendment of a manufacturing license agreement for the production of T-53 series gas turbine engines in Italy to include additional countries within the specified sales territory, pursuant to 22 U.S.C. 2753(d)(3) (AECA sec. 3(d)(3), 94 Stat. 3131; 95 Stat. 1519); to the Committee on Foreign Affairs.

633. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting the semiannual reports for the period April 1986—September 1986 listing voluntary contributions made by the U.S. Government to international organizations, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

634. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting the sixth 90 day report on the Camarena investigation, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

635. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing the status of DOD guaranty loans as of September 30, 1986; to the Committee on Foreign Affairs.

636. A letter from the President, Inter-American Foundation, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal years 1988 and 1989 for the Inter-American Foundation, pursuant to 31 U.S.C. 1110; to the Committee on Foreign Affairs.

637. A letter from the Assistant Secretary of the Treasury (Management), transmitting notification of a proposed new system of Federal records submitted by the Comptroller of the Currency, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

638. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

639. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

640. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting a report of its activities under the Government in the Sunshine Act during calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

641. A letter from the Secretary of Labor, transmitting a report of actions taken to increase competition for contracts during fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

642. A letter from the Director, Office of Management and Budget, transmitting certification that the Federal agencies listed in the enclosure have certified to him that no funds were obligated or expended in fiscal year 1986 for purposes prohibited by the Coastal Barrier Resources Act, pursuant to Public Law 97-348, section 7; to the Committee on Merchant Marine and Fisheries.

643. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled the "Airport and Airway Enhancement Act of 1987"; to the Committee on Public Works and Transportation.

644. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1988 and 1989 for the Office of Commercial Space Transportation of the Department of Transportation, pursuant to 31 U.S.C. 1110; to the Committee on Science, Space and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. de la GARZA. Committee on Agriculture. H.J. Res. 3. Joint resolution to recognize the 100th anniversary of the enactment of the Hatch Act of March 2, 1887, and its role in establishing our Nation's system of

State agricultural experiment stations. (Rept. 100-6). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN:

H.R. 1135. A bill to amend the Atomic Energy Act of 1954 to prohibit the conversion of certain nuclear facilities from civilian nuclear purposes to military purposes; jointly, to the Committees on Interior and Insular Affairs, and Energy and Commerce.

By Mr. AKAKA (for himself and Mrs. Saiki):

H.R. 1136. A bill to improve the health status of Native Hawaiians, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDERSON (for himself and Mr. Sunia):

H.R. 1137. A bill to amend the Native American Programs Act of 1974 to authorize the provision of financial assistance to agencies serving Native American Pacific Islanders (including American Samoan Natives); to the Committee on Education and Labor.

H.R. 1138. A bill to amend the Job Training Partnership Act to include American Samoans in Native American Employment and Training Programs; to the Committee on Education and Labor.

By Mr. APPLEGATE:

H.R. 1139. A bill to deny beneficiary developing country designations under the generalized system of preference to countries that aid other countries to circumvent certain trade obligations to the United States; to the Committee on Ways and Means.

By Mr. TAUKE (for himself and Mr. Tauzin):

H.R. 1140. A bill to amend the Communications Act of 1934 to eliminate the comparative renewal process and to specify public interest responsibility requirements for the renewal of radio and television broadcast stations; to the Committee on Energy and Commerce.

By Mr. AuCOIN (for himself, Mr. Frenzel, Mr. Mineta, Mr. Edwards of California, Mrs. Johnson of Connecticut, Mr. Hamilton, Miss Schneider, Mr. Gradison, and Mr. Mica):

H.R. 1141. A bill to amend the Export Administration Act of 1979 with respect to the export of goods and technology subject to export controls for national security purposes; to the Committee on Foreign Affairs.

By Mr. BADHAM:

H.R. 1142. A bill to terminate the effect of provisions of the Voting Rights Act of 1965 that require bilingual ballots and election materials and to permit the States to determine whether such ballots and materials are necessary; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. Rangel, and Mr. McGrath):

H.R. 1143. A bill to permit the exclusion from gross income of certain work-related sick pay received by New York City police officers and firefighters; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 1144. A bill to provide for health education and training in States along the border between the United States and Mexico; to the Committee on Energy and Commerce.

H.R. 1145. A bill to clarify the application of the antitrust laws to certain agreements imposing territorial limitations on the distribution of trademarked malt beverages for resale; to the Committee on the Judiciary.

By Mr. BROWN of Colorado:

H.R. 1146. A bill to revise the provisions relating to the 1986 agricultural disaster program under Public Law 99-591, the Continuing Appropriations Act for fiscal year 1987; to the Committee on Agriculture.

By Mrs. BYRON:

H.R. 1147. A bill to amend title 5, United States Code, to allow withholding of State and local income taxes from the drill pay of members of the Reserves and National Guard; to the Committee on Armed Services.

By Mrs. BYRON (for herself, Mr. Goodling, Mr. Daub, and Mr. Rahall):

H.R. 1148. A bill to amend the Railroad Retirement Act of 1974 to allow a worker to be employed in any nonrailroad employment and still qualify for an annuity, subject to current deductions in the tier one benefit on account of work and new deductions in the tier two benefit if the employment is for his last nonrailroad employer; to the Committee on Energy and Commerce.

By Mr. CARDIN:

H.R. 1149. A bill to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction; to the Committee on the Judiciary.

By Mr. CARPER:

H.R. 1150. A bill to provide for the temporary suspension of duty on flauzifop-p-butyl until December 31, 1990; to the Committee on Ways and Means.

By Mr. CLARKE (for himself, Mr. Rose, and Mr. Jones of North Carolina):

H.R. 1151. A bill to provide that the emergency assistance made available to certain agricultural producers by Public Law 99-591 shall be made available to apple producers for losses resulting from excessive cold; to the Committee on Agriculture.

By Mr. COELHO (for himself and Mr. Synar):

H.R. 1152. A bill to make certain bankruptcy amendments relating to family farmers applicable to cases under title 11 of the United States Code that were commenced before November 26, 1986, and that are either pending or reviewable; to the Committee on the Judiciary.

By Mr. DELLUMS (for himself, Mr. Ackerman, Mr. Bates, Mr. Bonior of Michigan, Mr. Brown of California, Mr. Berman, Mr. Clay, Mrs. Collins, Mr. Conte, Mr. Conyers, Mr. Crockett, Mr. de Lugo, Mr. Downey of New York, Mr. Dymally, Mr. Edwards of California, Mr. Espy, Mr. Fauntroy, Mr. Flake, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frank, Mr. Garcia, Mr. Gray of Illinois, Mr. Hoyer, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Jacobs, Mr. Kastenmeier, Mr. Kostmayer, Mr. Leland, Mr. Lowry of Washington, Mr. Levin of Michigan, Mr. Thomas A. Luken, Mr. Martinez, Mr. Markey, Mr. Mfume, Mr. Morrison of Connecticut, Mr. Oberstar, Mr. Owens of New York, Mr. Rangel, Mr. Rahall, Mr. Rodino, Mr. Savage, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Weiss, and Mr. Wheat):

H.R. 1153. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; jointly, to the Committees on Foreign Affairs, Ways and Means, Banking, Finance and Urban Affairs, Public Works and Transportation, Armed Services, and the Permanent Select Committee on Intelligence.

By Mr. DERRICK (for himself, Mr. Ackerman, Mr. Alexander, Mr. Anthony, Mr. Applegate, Mr. Ballenger, Mr. Barnard, Mr. Bevill, Mr. Biaggi, Mr. Boland, Mr. Boner of Tennessee, Mr. Boucher, Mr. Clarke, Mr. Coble, Mr. Coelho, Mr. Coughlin, Mr. Daniel, Mr. Darden, Mr. Dickinson, Mr. Dowdy of Mississippi, Mr. Duncan, Mr. Flippo, Mr. Florio, Mr. Foglietta, Mr. Ford of Michigan, Mr. Frank, Mr. Gaydos, Mr. Gilman, Mr. Gingrich, Mr. Goodling, Mr. Gray of Pennsylvania, Mr. Guarini, Mr. Hall of Ohio, Mr. Harris, Mr. Hatcher, Mr. Hefner, Mr. Horton, Mr. Hubbard, Mr. Huckaby, Mr. Jenkins, Mr. Jones of North Carolina, Mr. Jones of Tennessee, Mr. Lancaster, Mr. Lewis of Georgia, Mrs. Lloyd, Mr. Lott, Mr. Manton, Mr. McDade, Mr. McCloskey, Mr. McMillan of North Carolina, Mr. Moakley, Mr. Montgomery, Mr. Mrazek, Mr. Murtha, Mr. Neal, Mr. Nichols, Ms. Oakar, Mr. Olin, Mr. Owens of New York, Mrs. Patterson, Mr. Pashayan, Mr. Price of North Carolina, Mr. Quillen, Mr. Rangel, Mr. Ravenel, Mr. Ray, Mr. Roe, Mr. Ritter, Mr. Rinaldo, Mr. Rose, Mr. Rowland of Georgia, Mr. Rogers, Mr. Shuster, Mr. Sisisky, Mr. Spence, Mr. Spratt, Mr. St Germain, Mr. Studds, Mr. Sundquist, Mr. Swindall, Mr. Tallon, Mr. Thomas of Georgia, Mr. Towns, Mr. Traficant, Mr. Valentine, Mr. Walgren, Mr. Whitten, and Mr. Yatron):

H.R. 1154. A bill to remedy injury to the United States textile and apparel industries caused by increased imports; to the Committee on Ways and Means.

By Mr. MICHEL (for himself, Mr. Lott, Mr. Lewis of California, Mrs. Martin of Illinois, Mr. Lagomarsino, Mr. Vander Jagt, Mr. Fish, Mr. Broomfield, Mr. Lujan, Mr. Lent, Mr. Frenzel, Mr. Gradison, Mr. Moorhead, Mr. Archer, Mr. Chandler, Mr. Roth, Mr. Nielson of Utah, Miss Schneider, Mr. Oxley, Mr. Coats, Mr. Schaefer, Mr. Ireland, Mr. Jeffords, Mr. Wylie, Mr. Madigan, and Mr. Daub):

H.R. 1155. A bill entitled, "The Trade, Employment, and Productivity Act of 1987"; jointly, to the Committees on Education and Labor, Ways and Means, Science, Space, and Technology, the Judiciary, Government Operations, Energy and Commerce, Public Works and Transportation, Merchant Marine and Fisheries, Banking, Finance and Urban Affairs, and Foreign Affairs.

By Mr. DWYER of New Jersey:

H.R. 1156. A bill to permit citizens of any State to bring a Federal civil action against persons creating a public nuisance through the improper management of medical waste in another State; to the Committee on Energy and Commerce.

By Mr. ENGLISH:

H.R. 1157. A bill to provide for an acreage diversion pilot program applicable to the Wheat Program for the 1987 and 1988 crops; to the Committee on Agriculture.

By Mr. FISH (for himself, Mr. Edwards of California, Mr. Rodino, Mr. Green, Mr. Fuster, Mr. Kastenmeier, Mr. Towns, Mr. Levin of Michigan, Mr. Lehman of Florida, Mr. Panetta, Mr. Fauntroy, Mr. Frank, Mr. Evans, Mrs. Morella, Mr. Mfume, Mr. Atkins, Mrs. Collins, Mr. Markey, Mr. Mavroules, Mr. Dwyer of New Jersey, Mr. Dixon, Mr. Levine of California, Mrs. Kennelly, Mr. Sawyer, Mr. Fascell, Mr. Weiss, Mr. Hayes of Illinois, Mr. Nowak, Mr. Berman, Mr. McKinney, Mr. Gradison, Mr. Garcia, Mr. Glickman, Mr. Owens of New York, Mr. Mineta, Mr. Sunia, Mr. Rangel, Mr. Solarz, Mr. Foglietta, Mr. Ackerman, Mr. Richardson, Mrs. Boxer, Mr. Hawkins, Mr. Bustamante, Mr. Akaka, Mr. Conyers, Mr. Torres, Mr. Crockett, Mr. Downey of New York, Mr. Hoyer, Mrs. Kaptur, Mr. Leland, Mr. Lowry of Washington, Mr. Martinez, Mr. Morrison of Connecticut, Mr. Oberstar, Mr. Sabo, Mr. Stokes, Mrs. Schroeder, Mr. Traficant, Mr. Gonzalez, and Mr. Wyden):

H.R. 1158. A bill to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes; to the Committee on the Judiciary.

By Mr. GEJDENSON:

H.R. 1159. A bill to lower for a 3-year period the rate of duty on glass inners designed for vacuum flasks; to the Committee on Ways and Means.

By Mr. GEPHARDT:

H.R. 1160. A bill relating to the tariff treatment of lithotripters; to the Committee on Ways and Means.

By Mr. GEPHARDT (for himself, Mr. Atkins, Mr. Biaggi, Mr. Bryant, Mr. Bustamante, Mrs. Collins, Mr. Dwyer of New Jersey, Mr. Fauntroy, Mr. Gray of Illinois, Mr. Hughes, Mr. LaFalce, Mr. McKinney, Mr. Natcher, Mr. Price of Illinois, Mr. Richardson, Mr. Robinson, Mr. Roe, Mr. Savage, Mr. Scheuer, Mr. Smith of Florida, Mr. Solarz, and Mr. Wolpe):

H.R. 1161. A bill to amend title XVIII of the Social Security Act to provide for community nursing and ambulatory care to Medicare beneficiaries on a prepaid, capitated basis; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. GLICKMAN:

H.R. 1162. A bill to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself, Mr. Boland, Mr. Slattery, Mr. Chapman, Mr. Mrazek, Mr. Regula, Mr. Scheuer, and Mr. Smith of Florida):

H.R. 1163. A bill to amend chapter 101 of title 18, United States Code, to impose criminal penalties for offenses relating to certain aviation reports and records; to the Committee on the Judiciary.

By Mr. GUARINI:

H.R. 1164. A bill to extend the effective period of the International Coffee Agreement Act of 1980 until October 1, 1989; to the Committee on Ways and Means.

By Mr. GUARINI (for himself, Mr. Daub, and Mr. Dorgan of North Dakota):

H.R. 1165. A bill to implement the United States-European Communities Agreement on Citrus and Pasta, and for other purposes; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 1166. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

H.R. 1167. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to education savings accounts and to provide that amounts paid from such an account for educational expenses shall never be subject to income tax; to the Committee on Ways and Means.

H.R. 1168. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to provide that appropriations of funds for congressional pay be considered separately from appropriations for other purposes, to require a recorded vote in each House on such appropriations, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. JACOBS:

H.R. 1169. A bill to nullify the recent increases in certain executive, legislative, and judicial salaries; to the Committee on Post Office and Civil Service.

By Mrs. JOHNSON of Connecticut (for herself, Ms. Snowe, Mrs. Schroeder, Mr. Green, Mr. Leach of Iowa, Mr. Wolpe, Mr. Porter, Mr. Beilenson, Mr. Roybal, Mr. Towns, Mr. Berman, Mr. Frank, Mr. Leland, Mr. Ackerman, Mr. Rodino, Mr. Brown of California, Mrs. Roukema, Mrs. Collins, Mr. Dymally, Mr. Savage, Mr. Scheuer, Mr. Mrazek, Mr. Bustamante, Mr. Pepper, Mr. Levine of California, Mr. Edwards of California, and Mr. Moody):

H.R. 1170. A bill to amend the Foreign Assistance Act of 1961 to require that support by the Agency for International Development for family planning service programs be based on the fundamental principles of voluntarism and informed choice; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina (for himself, Mr. Fascell, Mr. Davis of Michigan, Mr. Lent, Mr. Studds, Mr. Manton, Mr. Lipinski, and Mr. Pickett):

H.R. 1171. A bill to establish the National Oceans Policy Commission, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, and Foreign Affairs.

By Mr. LaFALCE:

H.R. 1172. A bill to establish a system for regulating national banking associations to be known as consumer services banks, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEHMAN of California:

H.R. 1173. A bill to provide for certain restrictions on the use of lands within boundaries of national parks and monuments; to the Committee on Interior and Insular Affairs.

By Mr. LELAND:

H.R. 1174. A bill to amend title 5, United States Code to establish a pay schedule and to revise the rates of pay for Federal fire service personnel; to the Committee on Post Office and Civil Service.

By Mr. LIGHTFOOT (for himself and Mr. Daub):

H.R. 1175. A bill to direct the Secretary of the Army to construct a flood control project for Carter Lake, NE; to the Committee on Public Works and Transportation.

By Mr. McCANDLESS:

H.R. 1176. A bill to amend the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499b) to require clear country of origin labeling on imported perishable agricultural products; to the Committee on Agriculture.

H.R. 1177. A bill relating to criminal penalties for violations of the country-of-origin marking provisions of the customs laws; to the Committee on Ways and Means.

By Mr. McKINNEY (for himself, Mr. Bustamante, Mr. Dorgan of North Dakota, Mr. Garcia, Mrs. Johnson of Connecticut, Mr. Barnard, Mr. Whittaker, Mr. Williams, Mr. Owens of New York, Mr. Kolter, Mr. Martinez, Mr. Walgren, Mr. Scheuer, Mr. Swift, Mr. Robinson, Mr. Pease, Mr. Brown of California, Mr. Evans, Mr. Lipinski, Mr. Gray of Pennsylvania, Mrs. Bentley, Mr. Clinger, Mr. Fazio, Mr. Kanjorski, and Mr. Gejdenson):

H.R. 1178. A bill to amend the Internal Revenue Code of 1986 to impose a 50-percent nondeductible excise tax on certain profits realized in connection with corporate takeover attempts, and for other purposes; to the Committee on Ways and Means.

By Mr. MOORHEAD (for himself and Mr. Fish):

H.R. 1179. A bill to amend the copyright law, title 17 of the United States Code, to provide for protection of industrial designs of useful articles; to the Committee on the Judiciary.

By Mr. MORRISON of Connecticut (for himself, Mr. McKinney, and Mr. Gejdenson):

H.R. 1180. A bill to provide economic assistance to the Central American democracies, and for other purposes; jointly, to the Committees on Foreign Affairs, Armed Services, and the Permanent Select Committee on Intelligence.

By Mr. MORRISON of Connecticut (for himself, Mr. Schumer, Mrs. Boxer, Mr. Lowry of Washington, Mrs. Kennelly, Mr. Levin of Michigan, Mr. St Germain, Mr. Frank, Mr. Gonzalez, Mr. Vento, Mr. Garcia, Mr. Lehman of California, Ms. Kaptur, Mr. Kanjorski, Mr. Gejdenson, Mr. Fauntroy, Mr. Fuster, Mr. Oberstar, Mr. Stark, Mr. Ford of Michigan, Mr. Scheuer, Mr. Dellums, Mr. Hayes of Illinois, Mr. Bates, Mr. Towns, Mr. Torres, Mr. Walgren, Mr. Ackerman, Mr. Conyers, Mr. Markey, Mr. Dymally, Mr. Matsui, Mr. Lipinski, Mr. Wise, Mr. Donnelly, Mr. Clay, Mr. Miller of California, Mr. Gray of Pennsylvania, Mr. Evans, Mr. Murphy, Mr. Martinez, Mr. Edwards of California, Mr. Savage, Mr. Barnard, Mr. Green, Mr. Smith of Florida, Ms. Oakar, Mr. Florio, Mr. Owens of New York, and Mr. Boucher):

H.R. 1181. A bill to amend the Impoundment Control Act of 1974 to provide that deferrals of budget authority proposed by the President shall not take effect unless within

45 legislative days Congress completes action on an impoundment bill, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. REGULA (for himself and Mr. Gallo):

H.R. 1182. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction from gross income for contributions to a health services savings account, to amend title XVIII of the Social Security Act to establish a limited Medicare option for catastrophic care, to amend title XIX of the Social Security Act to establish a public/private program to provide health services to the medically uninsured, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. SMITH of Nebraska:

H.R. 1183. A bill to amend title 38, United States Code, to provide a presumption of service connection for purposes of veterans benefits for a certain disability suffered by former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey:

H.R. 1184. A bill to reauthorize and expand appropriations for fiscal years 1988 and 1989 to carry out the Peace Corps Act; to the Committee on Foreign Affairs.

By Ms. SNOWE (for herself, Mr. Stangeland, Mr. Smith of New Hampshire, Mr. Weber, Mr. Sensenbrenner, Mr. Moakley, Mr. Gregg, Mr. Penny, Mr. Roth, Mr. Kastenmeier, Mr. Oberstar, Mr. Frenzel, Mr. Dorgan of North Dakota, Mr. Sabo, Mr. Obey, Mr. Mavroules, and Mr. Aspin):

H.R. 1185. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for the disposal of high-level radioactive waste and spent nuclear fuel in a single repository, and for other purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. STOKES (for himself, Mr. Bevill, Ms. Oakar, Mr. Frost, Mr. Regula, Mr. Oberstar, Mr. Brown of California, Mr. LaFalce, Mr. Eckart, Mr. McCloskey, Mr. Boland, Mrs. Collins, Mr. Walgren, Mr. Roe, Mr. Visclosky, Mr. Gaydos, Mr. Traficant, and Mr. Feighan):

H.R. 1186. A bill to amend title 11, United States Code, the Bankruptcy Code, regarding benefits of certain retired employees; to the Committee on the Judiciary.

By Mr. SWIFT (for himself, Mr. Dingell, Mr. Markey, Mr. Leland, Mr. Bryant, and Mrs. Collins):

H.R. 1187. A bill to require the Federal Communications Commission to repromulgate certain regulations prohibiting trafficking in station licenses; to the Committee on Energy and Commerce.

By Mr. THOMAS of California:

H.R. 1188. A bill relating to the tariff treatment of kiwi fruit under the perishable product provisions of the Caribbean Basin Economic Recovery Act and the United States-Israel free trade area arrangement; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 1189. A bill to amend the Fair Labor Standards Act of 1938 to provide an increase in the minimum wage under that Act and to adjust that wage to equal one-half the average private hourly wage and to establish a lower wage for employees under age 22; to the Committee on Education and Labor.

By Mr. FLORIO (for himself, Mr. Thomas A. Luken, Mr. Lent, Mr. Dingell, Mr. Ritter, and Mr. Vento):

H.J. Res. 153. Joint resolution to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1984 to ensure that eligible local educational agencies can complete asbestos abatement work in school buildings during the 1987 summer school recess; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself and Mr. Gilman):

H.J. Res. 154. Joint resolution to designate March 11, 1987, as "National Prom Graduation Kickoff Day"; to the Committee on Post Office and Civil Service.

By Mr. DINGELL (for himself and Mr. Lent):

H. Con. Res. 50. Concurrent resolution concerning the encouragement and support for international negotiations, pursuant to section 156 of the Clean Air Act, by the President to develop a protocol to the Vienna Convention for the Protection of the Ozone Layer setting forth standards and regulations to protect the stratosphere from the adverse effects of chlorofluorocarbons; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

By Mr. GLICKMAN (for himself, Mr. Madigan, Mr. Jones of Tennessee, Mr. Jeffords, Mr. Huckaby, Mr. Coleman of Missouri, Mr. Coelho, Mr. Emerson, Mr. Hatcher, Mr. Volkmer, Mr. Michel, Mr. Tallon, Mrs. Smith of Nebraska, Mr. Thomas of Georgia, Mr. Grandy, Mr. Nagle, Mr. Roberts, Mr. Jontz, Mr. Stangeland, Mr. Espy, Mr. Marlenee, Mr. Johnson of South Dakota, Mr. Hopkins, Mr. Carper, Mr. Bereuter, Mr. Herger, Mr. Holloway, Mr. Myers of Indiana, Mr. Daub, Mr. Whittaker, Mr. Frenzel, Mr. Morrison of Washington, Mr. Gunderson, Mr. Lewis of Florida, Mr. Schuette, Mr. Tauke, Mr. Leach of Iowa, Mr. Oxley, Mr. Houghton, Mr. Lightfoot, Mr. Combest, Mr. Coats, and Mr. Stenholm):

H. Con. Res. 51. Concurrent resolution expressing the sense of Congress in opposition to the proposal by the European Community for the establishment of a tax on vegetable and marine fats and oils and urging the President to take strong and immediate countermeasures should such a tax be implemented to the detriment of U.S. exports of oilseeds and products and inconsistently with the European Community's obligations under the General Agreement on Tariffs and Trade; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. GREEN:

H. Con. Res. 52. Concurrent resolution to request the President to take appropriate actions toward the establishment of a cooperative international research program with respect to the greenhouse effect; jointly, to the Committees on Science, Space, and Technology and Foreign Affairs.

By Mr. QUILLEN:

H. Con. Res. 53. Concurrent resolution expressing the sense of Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STALLINGS (for himself, Mr. MacKay, Mr. Henry, Mr. Lungren, Mr. Stenholm, and Mr. Murphy):

H. Con. Res. 54. Concurrent resolution limiting the amounts available to Members of Congress for official mail costs; to the Committee on House Administration.

By Mr. HOYER:

H. Res. 89. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. SOLARZ (for himself and Mr. Leach of Iowa):

H. Res. 90. Resolution congratulating the Filipino people on the ratification of a new constitution in a free and fair plebiscite; to the Committee on Foreign Affairs.

By Mr. UDALL:

H. Res. 91. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Interior and Insular Affairs; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MFUME:

H.R. 1190. A bill for the relief of Egya Quaison-Sackey; to the Committee on the Judiciary.

By Mr. ROWLAND of Connecticut:

H.R. 1191. A bill for the relief of Maria Helena Vas and Jose Maria Vas; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 1192. A bill for the relief of Harold N. Holt; to the Committee on the Judiciary.

By Mr. STALLINGS:

H.R. 1193. A bill for the relief of Esmeralda Martinez-Hernandez, Evangelina Hernandez de Martinez, Manuel Martinez-Hernandez, and Morayma Martinez-Hernandez; to the Committee on the Judiciary.

H.R. 1194. A bill for the relief of Rollins H. Mayer; to the Committee on the Judiciary.

By Mr. SAXTON:

H. Res. 92. Resolution referring the bill (H.R. 1192) for the relief of Harold N. Holt to the chief judge of the U.S. Claims Courts; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. Andrews, Mr. Aspin, Mr. Darden, Mr. Davis of Michigan, Mr. Dixon, Mr. Dyson, Mr. Espy, Mr. Gordon, Mr. Hatcher, Mr. Howard, Mr. Montgomery, Mrs. Patterson, Mr. Pickett, Mr. Price of Illinois, Mr. Rowland of Georgia, Mr. Sikorski, Ms. Slaughter of New York, Mr. Spratt, and Mr. Wilson.

H.R. 28: Mr. Feighan, Mr. Berman, Mr. Richardson, Mr. Kolter, Mr. Carper, Mr. Bilbray, Mrs. Boxer, Mr. Gallo, Mr. Morrison of Washington, Mr. Shaw, Mr. Stratton, Mr. Young of Alaska, Ms. Snowe, Mr. Bennett, Mr. Dyson, Mr. Savage, and Mr. Clay.

H.R. 45: Mr. Armey, Mr. Young of Alaska, and Mr. Rowland of Georgia.

H.R. 50: Mr. Rose, Mr. Bilbray, Mr. Frank, and Mr. Tallon.

H.R. 67: Mr. Jontz, Mr. Weiss, Mrs. Patterson, Mr. Scheuer, Mr. Towns, and Mr. Smith of Florida.

H.R. 161: Mr. Towns.

H.R. 176: Mr. Ackerman, Mr. Bilbray, Mr. Coelho, Mr. Fascell, Mr. LaFalce, Mr. Manton, Mr. Mineta, Mr. Panetta, Mr. Sabo, Mr. Smith of Florida, Mr. Solarz, Mr. Studds, Mr. Weiss, Mr. Wise, and Mr. Yates.

H.R. 274: Mr. Traxler, Mr. Gray of Pennsylvania, Mrs. Byron, Mr. Williams, and Mr. Vento.

H.R. 280: Mr. Dwyer of New Jersey, Mr. DeFazio, Mr. Martinez, Mr. Hayes of Illinois, and Mr. Boucher.

H.R. 331: Mr. Espy, Mr. Fauntroy, Mr. Frost, Mr. Howard, Mr. Mfume, Mr. Owens of New York, Mr. Savage, Mr. Stark, Mr. Towns, Mr. Garcia, Mr. Hayes of Illinois, and Mr. Rangel.

H.R. 348: Mr. Hayes of Illinois, Mr. Hochbrueckner, Mr. Feighan, Mr. Kildee, Mr. Boner of Tennessee, Mr. Dorgan of North Dakota, Mr. Boucher, Mrs. Smith of Nebraska, Mr. Dowdy of Mississippi, Mr. Oberstar, and Mr. McEwen.

H.R. 372: Mr. Ballenger.

H.R. 374: Mr. Fields.

H.R. 377: Mrs. Bentley.

H.R. 390: Mr. Akaka, Mr. Annunzio, Mr. Anthony, Mr. AuCoin, Mr. Bosco, Mr. Conyers, Mr. Crockett, Mr. DeFazio, Mr. Dellums, Mr. Dicks, Mr. Downey of New York, Mr. Dymally, Mr. Eckart, Mr. Espy, Mr. Feighan, Mr. Fish, Mr. Frank, Mr. Garcia, Mr. Gilman, Mr. Kastenmeier, Mr. Leland, Mr. Lent, Mr. Lewis of Florida, Mr. Lowry of Washington, Mr. HcHugh, Mr. Martinez, Mr. Matsui, Mr. Mica, Mr. Mineta, Mr. Murphy, Mr. Natcher, Mr. Ortiz, Mr. Owens of New York, Mr. Porter, Mr. Richardson, Mr. Rodino, Mr. Savage, Mr. Scheuer, Mr. Schumer, Mr. Stokes, Mr. Traficant, Mr. Walgren, and Mr. Weiss.

H.R. 432: Mr. Gibbons.

H.R. 437: Mr. Gray of Pennsylvania, Mr. de Lugo, Mr. Kolter, and Mr. Dymally.

H.R. 459: Mr. Richardson, Mr. Fauntroy, Mr. Young of Alaska, and Mr. Rangel.

H.R. 461: Mr. Crockett, Mr. Mineta, and Mr. Garcia.

H.R. 478: Mr. Goodling.

H.R. 541; Mr. Mineta, Mr. Espy, and Mr. Garcia.

H.R. 543: Mr. Gejdenson, Mr. Garcia, and Mr. Hughes.

H.R. 544: Mr. Yatron, Mr. Gray of Illinois, Mr. Martinez, Mr. Fields, Mr. Duncan, Mr. Nowak, Mr. Quillen, Mr. McMillen of Maryland, Mr. Lent, Mr. Borski, Mr. Mrazek, Mr. Hefner, Mr. Combest, Mr. Kostmayer, Mr. Herger, Mr. Darden, Mr. Price of Illinois, Mr. Kolter, Mr. Petri, Mr. de La Garza, Mrs. Meyers of Kansas, Mrs. Byron, Mr. Bonior of Michigan, Ms. Kaptur, Mr. Roth, Mr. Bryant, Mr. Armey, Mr. Williams, Mr. Robinson, Mr. Wyden, Mr. Inhofe, Mr. Ridge, Mr. Coughlin, Mr. Buechner, Mr. Rahall, Mr. Whittaker, and Mr. Tallon.

H.R. 558: Mr. Clay, Mr. Bruce, Mr. Rahall, Mr. Wolpe, Mr. Boner of Tennessee, Mr. Smith of Florida, Mrs. Johnson of Connecticut, Mrs. Schroeder, Mr. Feighan, Mr. Neal, Mr. Atkins, Mr. Richardson, Mr. Ortiz, Mr. Gejdenson, Mr. Rinaldo, and Mrs. Patterson.

H.R. 560: Mr. Kolter.

H.R. 561: Mr. Kolter.

H.R. 575: Mr. McEwen and Mr. Weber.

H.R. 607: Mr. Fascell, Mr. Thomas of Georgia, Mr. Biaggi, Mr. Mfume, Mrs. Schroeder, Mr. Bustamante, Mr. Yatron, Mr. Thomas A. Luken, and Mr. Garcia.

H.R. 630: Mr. Kolter, Mr. Clinger, Mr. Regula, Mr. Young of Alaska, and Mr. Whittaker.

H.R. 637: Mr. Rangel.

H.R. 645: Mr. Davis of Michigan.

H.R. 653: Mr. Owens of New York, Ms. Kaptur, Mr. Price of Illinois, and Mr. Applegate.

H.R. 661: Mr. Sensenbrenner.

H.R. 670: Mr. Frank, Mr. Davis of Illinois, Mr. Parris, and Mr. Crane.

H.R. 693: Mr. Dannemeyer, and Mr. Shumway.

H.R. 719: Mr. McCollum, Mr. Livingston, Mr. Young of Alaska, Mr. Shumway, and Mr. Burton of Indiana.

H.R. 720: Mr. McCollum, Mr. Burton of Indiana, Mr. Livingston, Mr. Young of Alaska, and Mr. Shumway.

H.R. 729: Mr. Dixon.

H.R. 758: Mr. Hughes.

H.R. 760: Mrs. Lloyd.

H.R. 778: Mr. Murphy.

H.R. 779: Mr. Wise, Mr. Scheuer, Ms. Slaughter of New York, and Mr. Murphy.

H.R. 789: Mrs. Vucanovich and Mr. Gekas.

H.R. 791: Mr. Hughes, Mr. McHugh, Mr. Murtha, Mr. DeFazio, Mr. Sharp, Mr. Weldon, Mr. Spratt, Mr. Dyson, Mr. Kanjorski, Mr. McMillen of Maryland, Mr. Torres, Mr. Campbell, Mr. Bilbray, Mr. Levine of California, Mr. Traficant, Mr. Weiss, Mr. Biaggi, Mr. Vento, Mr. Dixon, and Mr. Foglietta.

H.R. 793: Mr. Kolter.

H.R. 898: Mr. Schumer, Mr. Evans, and Mr. Mavroules.

H.R. 904: Mr. Towns.

H.R. 1002: Mr. Savage.

H.R. 1008: Mrs. Collins, Mr. Walgren, Mr. Dellums, Mr. Lehman of Florida, Mr. Fauntroy, Mr. Edwards of California, Mr. Sunia, Mr. Lipinski, Mr. Wilson, Ms. Kaptur, Mr. Frost, Mr. Atkins, Mr. Weiss, Mr. Packard, Mr. Boehlert, Mr. Murphy, Mr. Chandler, Miss Schneider, Mr. Stark, Mr. Anderson, Mr. Garcia, Mr. Goodling, Mrs. Boxer, Mr. Crockett, Mr. Ackerman, Mr. Whittaker, and Mr. Gibbons.

H.R. 1038: Mr. Gekas.

H.R. 1054: Mrs. Schroeder, Mr. Fascell, Mr. Gejdenson, and Mr. Bustamante.

H.R. 1081: Mr. Richardson.

H.R. 1085: Mr. Gejdenson, Mr. Kastenmeier, and Mr. Wise.

H.R. 1087: Mr. Ridge, Mr. Penny, Mr. Kanjorski, and Mr. Tallon.

H.R. 1103: Mr. Coelho, Mr. Smith of Florida, Mr. Gunderson, Mr. Roe, Mr. Gekas, Mr. McEwen, Mrs. Bentley, Mr. Kanjorski, Mr. Murphy, and Mr. Frank.

H.R. 1105: Mr. Martinez and Mr. Sisisky.

H.J. Res. 39: Mr. Fuster, Mr. Martinez, Mr. Montgomery, Mr. Levin of Michigan, Mr. Livingston, Mr. Fazio, Mr. Murphy, Mr. Hansen, Mr. Owens of Utah, Mrs. Boxer, Mr. Roe, Mr. Panetta, Mr. Wilson, Mr. Wortley, Mr. Gray of Illinois, Mr. Atkins, Mr. Hopkins, Mr. Anthony, Mr. Blaz, Mr. Kasich, Mr. Dornan of California, Mr. Campbell, Mr. Lagomarsino, Mr. Frost, Mr. McEwen, Mr. Sunia, Mr. Moorhead, Mr. Dyson, Mr. Nichols, Mr. Akaka, Mr. Horton, Mr. Smith of Florida, Mr. Russo, Mr. Howard, Mr. Mrazek, Mr. Bateman, Mr. Frenzel, Mrs. Bentley, Mr. Hoyer, Mr. Clinger, Mr. Lancaster, Mr. Nielson of Utah, Mr. Darden, Mr. Fauntroy, Mr. Conte, Mr. Thomas A. Luken, Mr. Vento, and Mr. Crockett.

H.J. Res. 40: Mr. Atkins, Mr. Bryant, Mr. Daub, Mr. de la Garza, Mr. Boner of Tennessee, Mr. Dymally, Mr. Sunia, Mr. Regula, Mr. Badham, Mr. Livingston, Mr. Wilson, Mr. Weiss, Mr. Martinez, Mrs. Meyers of Kansas, Mrs. Patterson, Mr. Owens of New York, Mr. Shumway, Mr. Young of Florida, Mrs. Boxer, Mr. Jeffords, and Mr. Dwyer of New Jersey.

H.J. Res. 54: Mr. Annunzio, Mr. Anthony, Mr. Bilbray, Mrs. Boxer, Mr. Brooks, Mr. Broomfield, Mr. Chapman, Mr. Coleman of Missouri, Mr. Courter, Mr. de la Garza, Mr. Dixon, Mr. Duncan, Mr. Feighan, Mr. Flippo, Mr. Foley, Mr. Ford of Tennessee, Mr. Frank, Mr. Garcia, Mr. Gaydos, Mr. Green, Mr. Hyde, Mr. Johnson of South Dakota, Ms. Kaptur, Mr. Kolbe, Mr. Lantos, Mr. Lehman of California, Mr. Lent, Mr. Livingston, Mr. Lowery of California, Mr. McHugh, Mr. McKinney, Mr. Matusi, Mr. Morrison of Connecticut, Mr. Natcher, Mr. Nelson of Florida, Mr. Ortiz, Mr. Owens of New York, Mr. Owens of Utah, Mrs. Patterson, Mr. Porter, Mr. Richardson, Mr. Saxton, Mr. Schulze, Mr. Stokes, Mr. Traficant, Mr. Walgren, Mr. Weiss, Mr. Whitten, Mr. Wylie, and Mr. Yates.

H.J. Res. 90: Mr. Weber, Mr. Spence, and Mr. Ravenel.

H.J. Res. 101: Mr. Fuster, Mr. Martinez, Mr. Murphy, Mr. Hansen, Mr. Owens of Utah, Mrs. Boxer, Mr. Roe, Mr. Panetta, Mr. Wortley, Mr. Gray of Illinois, Mr. Atkins, Mr. Hopkins, Mr. Anthony, Mr. Blaz, Mr. Kasich, Mr. Dornan of California, Mr. Campbell, Mr. Lagomarsino, Mr. Nichols, and Mr. Akaka.

H.J. Res. 103: Mr. Young of Alaska, Mr. Shumway, and Mr. Burton of Indiana.

H.J. Res. 106: Mr. Gray of Illinois, Mr. Savage, Mr. Howard, Mr. Coelho, Mr. Hansen, Mr. McMillen of Maryland, and Mr. Henry.

H.J. Res. 111: Mr. Traficant, Mr. Lehman of Florida, Mr. Feighan, Mr. Roe, Mr. Rowland of Georgia, Mr. Henry, Mr. Lewis of Florida, Mr. Young of Alaska, Mr. Towns, Mr. Mrazek, Mr. Espy, Mr. Bryant, Mr. Smith of Florida, Mr. Scheuer, and Mr. Kostmayer.

H.J. Res. 138: Mr. Boner of Tennessee, Mr. Lehman of Florida, Ms. Oakar, Mr. Frank, Mr. Ritter, Mr. Huckaby, Mr. Bryant, Mr. Henry, Mr. Morrison of Connecticut, Mr. Gray of Illinois, Mr. Towns, Mr. Atkins, Mr. Chapman, Mrs. Kennelly, Mr. Fuster, Mr. Fauntroy, Mr. Howard, Mr. Levin of Michigan, Mr. Fascell, Mr. Espy, Mr: Levine of California, Mr. Solarz, Mr. Savage, Mr. Wilson, Mr. Daub, Mr. Schuette, Mr. Rodino, Mr. Leland, Mr. Roe, Mr. Jenkins, Mr. Young of Alaska, Mr. Mrazek, Mr. DeWine, Mr. Hutto, and Mrs. Collins.

H. Con. Res. 10: Mr. Upton.

H. Con. Res. 27: Mr. Edwards of California, Mr. Hammerschmidt, Mr. Applegate, Mr. Wylie, Mr. Mica, Mr. Stump, Mr. Dowdy of Mississippi, Mr. McEwen, Mr. Evans, Mr. Smith of New Jersey, Ms. Kaptur, Mr. Burton of Indiana, Mr. Penny, Mr. Bilirakis, Mr. Staggers, Mr. Ridge, Mr. Rowland of Georgia, Mr. Rowland of Connecticut, Mr. Bryant, Mr. Dornan of California, Mr. Florio, Mr. Smith of New Hampshire, Mr. Gray of Illinois, Mr. Davis of Illinois, Mr. Kanjorski, Mr. Robinson, Mr. Stenholm, Mr. Harris, Mr. Kennedy, Mrs. Patterson, Mr. Johnson of South Dakota, Mr. Jontz, and Mr. Richardson.

H. Con. Res. 30: Mr. Neal, Mr. Hyde, Mr. Smith of Texas, Mr. Callahan, Mr. Henry, Mr. Quillen, Mr. Chapman, Mr. Smith of New Hampshire, Mr. Fields, Mr. Mica, Mr. Coats, Mr. Oxley, Mr. Ravenel, Mr. Bunning, Mr. Schuette, Mr. Glickman, Mr.

Baker, Mr. Mack, Mr. Darden, Mr. Shaw, Mr. Tallon, Mr. Johnson of South Dakota, Mr. Derrick, Mr. Jones of North Carolina, Mr. Murtha, Mr. Daniel, Mr. Frenzel, Mr. Hefner, Mr. Dicks, Mr. Parris, and Mr. DeLay.

H. Res. 44: Mr. Clinger and Mr. Upton.

H. Res. 68: Mr. Neal, Mr. Stangeland, and Mr. Udall.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the fourth calendar quarter 1986:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19..... ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have

☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report." ◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1 ◆

Organization or Individual Filing	Employer/Client
A-K Associates, Inc, 1225 8th Street, #590 Sacramento, CA 95814	Tobacco Institute
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co
Sandra Lee Adamson, P.O. Box 44026 Washington, DC 20026	American Space Foundation
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Drexel Burnham Lambert, Inc
Do	Population Services International
Do	W. B. Voss
Americans for Nonsmokers' Rights, 2054 University Ave., #500 Berkeley, CA 94704	
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Feather & Down Assn
APCO Associates, 1200 New Hampshire Ave., NW Washington, DC 20036	Advanced Center for Technology Training
Do	CEL Educational Resources
Do	Tulane University
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Magid Glove & Safety Mfg Co
Barrett Smith Schapiro Simon & Armstrong, 26 Broadway, 14th Floor New York, NY	Bowery Savings Bank
Do	Empire of America Savings Bank
Howard Bedlin, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons
Alan R. Bennett, 1575 Eye St., NW, #1150 Washington, DC 20005	Fox Weinberg & Bennett (For:Bristol-Myers Co)
Carol Lee Berlinsky, 1001 Prince Street Alexandria, VA 22314	John R. Zagame Assoc, Inc (For:City University of New York)
Berman Bergner & Boyette, 1016 16th Street, NW, #700 Washington, DC 20036	Kasnar Imports, Inc
Craig A. Berrington, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn
Cheryl Beversdorf, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20036	American College of Surgeons
Birch Horton Bittner Pestinger & Anderson, 12th Floor 1155 Connecticut Ave., NW Washington, DC 20036	Tanadgusix Corporation
Bishop Liberman Cook Purcell & Reynolds, 1200 17th Street, NW, 7th Fl. Washington, DC 20036	City of St. Paul
Beatrice K. Bleicher, 1700 K Street, NW, #1107 Washington, DC 20006	Owens-Illinois, Inc
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn
James J. Boulet Jr., 1420 West Abingdon, #341 Alexandria, VA 22314	Moral Majority
Bracewell & Patterson, 1825 Eye Street, NW, #1200 Washington, DC 20006	Massachusetts Mutual Life Insurance
Do	Star-Kist Foods, Inc
Do	Texas Funeral Directors Assn, Inc
Raymond F. Bragg Jr., 50 F Street, NW, #1040 Washington, DC 20001	National Hydropower Assn
Bregman Abell Kay & Simon, 1156 15th St., NW, #1212 Washington, DC 20005	Committee to Eliminate Equipment Giveaways
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Legal Aid & Defender Assn
E. Bernard Brogan, 919 18th St., NW, #600 Washington, DC 20006	Toyota Motor Sales, USA, Inc
James K. Brown, 2590 Shiloh Springs Rd., #208 Dayton, OH 45426	National Assn for Middle Class Americans
Brown & Finn, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Cincinnati Microwave, Inc
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.
Burr & Forman, 3000 Southtrust Tower Birmingham, AL 35203	Investment Company Institute
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Health Policy Agenda
Busby Rehm and Leonard, P.C., 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Maurice Pincoffs Co, Inc, et al.
Bruce Butterfield, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufacturing Housing Institute
John D. Cahill, 444 N. Capitol Street, NW Washington, DC 20001	Massachusetts Water Resources Authority
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Cystic Fibrosis Foundation
Do	Illinois Collaboration on Youth
Caplin & Drysdale, Chtd, One Thomas Circle, NW Washington, DC 20005	National Council of YMCA of the USA
Carmen & Muss, 1901 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Carmen Carmen & Hugel (for CareerCom)
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Applachian Power Co
Cassidy and Associates, Inc, Metropolitan Square 655 15th St., NW, #1100 Washington, DC 20005	Children's Hospital
Do	Crane Co Resistoflex
Do	Crane Hydroaire
Do	Crane National Vendors
Do	Medusa Cement
Cavenham Forest Industries, Inc, 1500 S.W. First Avenue Portland, OR 97201	
Cendrowski & Selecky, P.C., 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc
Chadbourne & Parke, 1101 Vermont Avenue, NW Washington, DC 20005	ENCOA
Do	Ruan Transportation Management Systems
Robert W. Charlton, 1800 M St., NW, #700 S. Washington, DC 20036	Dow Chemical USA
Michael S. Clark, 218 D St., SE Washington, DC 20003	Environmental Policy Institute
Jacqueline Abelman Cohen, 1199 N. Fairfax St., #701 Alexandria, VA 22314	National Assn of Tobacco Distributors
George T. Coldeway, 8245 NW 53rd Street Miami, FL 33166-4609	South Florida Hospital Assn
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007	North American Phillips Corp
Terese Colling, 2000 Pennsylvania Ave., NW, #3700 Washington, DC 20006	Jaeckle Fleischmann & Mugel
David Conover, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn
Samuel Cooper, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041	
Bill Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations
Bradley D. Curl, 49 Whitman Drive New Providence, NJ 07974	Morality in Media, Inc
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	CIGNA Corporation
Davis Wrighte & Jones, 1752 N St., NW, #800 Washington, DC 20036	Star-Kist Foods, Inc
James L. Deger, 719 D St., NE, #105 Washington, DC 20002	
Detroit Tooling Assn, P.O. Box 338 Dearborn, MI 48121	
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc
Dale P. Dirks, 400 First St., NW, #712 Washington, DC 20001	Health & Medicine Counsel of Washington
Do	Professional Services Counsel
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Government of the Republic of Panama
Stan Dublinski, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn
Jane McPike Dudley, 888 17th Street, NW, #901 Washington, DC 20006	Whiteford Taylor & Preston
Dunnells Duvall Bennett & Porter, 1220 19th Street, NW, #400 Washington, DC 20036	National Assn of Aircraft & Communications Suppliers, Inc
Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003	Lightnet
Mark M. Ellison, French & Company 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Hong Kong Trade Development Council
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers
Elizabeth Fayad, 1033 Union Church Road, McLean, VA 22102	National Parks & Conservation Assn
Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1120 Connecticut Ave., NW, 10th Floor Washington, DC 20036	Edmund Gann
Do	IBM Corp
Do	Sir William Lithgrow
Do	Nordisk-USA
Do	U.S. Telephone Assn
Robert B. Flagg, 1575 Eye St., NW, #525 Washington, DC 20005	Mining & Reclamation Council of America
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute
Allan M. Fox, 1575 Eye St., NW, #1150 Washington, DC 20005	Fox Weinberg & Bennett (For:Bristol-Myers Co)
Do	Fox Weinberg & Bennett (For:National Coalition for Cancer Research)
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	Bristol-Myers Co
Do	International Medical Centers
Do	Johnson & Johnson
Do	National Coalition for Cancer Research
Cheryl Gannon, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters
Michael S. Gelacak, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)
Gerard Byler & Associates, Inc, 1100 17th Street, NW, #1000 Washington, DC 20036	Siletz Tribal Council
Global USA, Inc, Global House 1823 Jefferson Place, NW Washington, DC 20036	All Nippon Airways Co, Ltd
Gold & Liebengood, Inc, The Willard Office Building 1455 Pennsylvania Avenue, NW, #950 Washington, DC 20004	American Blood Commission
Do	Federal Express Corp
Do	National Assn of Homes for Children
Do	National Restaurant Assn
Rick Grafmeyer, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp
Howard W. Greene, 205 E. 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Paine Webber Group, Inc
Mary M. Hamilton, 901 31st Street, NW 3255 Grace Street, NW Wasbington, DC 20007	Hill and Knowlton, Inc (For:Republic of Turkey)
Teena Harris, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn
Arnold I. Havens, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellot (For:Armstrong World Industries, Inc)
Laurie L. Hawkins, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce
Peter M. Hayes, 214 Massachusetts Ave., NE Washington, DC 20002	Salt River Project
Edward D. Heffernan, 1513 16th St., NW, 4th Fl. Washington, DC 20036	Delaware-Otsego Corp
Do	Mark Air, Inc

Organization or Individual Filing	Employer/Client
DeWitt F. Helm Jr., 155 East 44 St. New York, NY 10017	Assn of National Advertisers, Inc
Robert Herman, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	California Kiwi Commission
Do	International Gaming Managers
Do	Pacific Mutual Life Insurance Co
Vern F. Highley, 1735 I Street, NW, #716 Washington, DC 20006	
Hogan & Hartson, 815 Connecticut Ave., NW Washington, DC 20006	Merck & Co, Inc
Niels C. Holch, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Borg-Warner Corp)
Mark Huber, 718 N. Carolina Avenue, SE Washington, DC 20003	Americans for Tax Reform
Jean E. Hungiville, 1111 14th St., NW Washington, DC 20005	American Dental Assn
Kenneth Hunter, 218 D Street, SE Washington, DC 20003	Coalition for Scenic Beauty
Steven M. Hyjek, One Thomas Circle, NW, #900 Washington, DC 20005	Sinnott & Co., Richard L. (For:Oakland Colliseum)
Do	Sinnot & Co., Richard L. (For:Port of Oakland)
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Borg-Warner Corp)
Kevin J. Igli, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc
Jellinek Schwartz Connolly & Freshman, Inc, 1350 New York Avenue, NW, #400, Washington, DC 20005	New York Power Authority
Jones & Winburn, 50 E Street, SE Washington, DC 20003	American Financial Service Assn
Do	American Resort & Residential Development Assn
Do	Beneficial Management Corp
Do	Commercial Union Capital Corp
Do	Connell Rice & Sugar
Do	Leggett & Platt, Inc
Do	Mall Properties, Inc
Do	McClouth Steel Products Corp
Do	Michigan Council of Self-Insured Group Administrators
Do	Pennzoil Co
Do	Ruan Transportation Management Systems
Do	Standard Oil Co
Do	U.S. Air, Inc
Do	U.S. Cane Sugar Refiners' Assn
Do	Charls E. Walker Associates, Inc
Jones Day Reavis & Pogue, 655 15th St., NW Washington, DC 20005-5701	Litel Telecommunications Corp
Do	National Beer Wholesaler's Assn, Inc
Do	Teleconnect Co
Anthony K. Karwoski, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute
Kelley Drye & Warren, 1330 Connecticut Ave., NW Washington, DC 20036	Alaska Surimi Products, Inc
Elizabeth Kepley, 122 C St., NW, #800 Washington, DC 20001	Concerned Women for America Education & Legal Defense Found.
Kirkpatrick & Lockhart, 1800 M St., NW, South Lobby, 9th Fl. Washington, DC 20036	Capitol Markets Group
Jerry D. Klepner, 1020 19th St., NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:Blue Cross & Blue Shield of Florida)
Thomas S. Kleppe, 1155 15th St., NW, #504 Washington, DC 20005	Professional Bancorp
Patrick C. Koch, 900 19th St., NW, #800 Washington, DC 20006-2102	U.S. Telephone Assn
Kogovsek & Associates, Inc, 3600 S. Yosemite, #830 Denver, CO 80237	Animas-La Plata Water Conservancy District, Durango County
Do	City of Pueblo, Pueblo County
Do	Colorado State University
Do	Colorado-Ute Electric Assn
Do	Public Employees Retirement Assn of Colorado
Do	Southern Ute Indian Tribe
Do	Southwestern Water Conservation District, Durango County
Do	St. Mary Corwin Hospital, Pueblo County
Do	Upper Yampa Water Conservation District
Do	Ute Mountain Ute Indian Tribe
Kominers Fort Schlefer & Boyer, 1401 New York Ave., NW, 12th Fl. Washington, DC 20005	Lykes Bros Steamship Co, Inc
Do	LASCO Shipping
Do	Ocean Transportation Coalition
Do	Riedel International
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Marine Engineers' Beneficial Assn, Pacific Coast Dist. #1
Do	Marine Transport Lines, Inc
Valerie W. Kurylo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists
Robert C. Larson, 200 E. Long Lake Rd., #200 P.O. Box 200 Bloomfield Hills, MI 48013-0200	
Roger N. Levy, 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies
Jack W. Lewis, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn
Susan Liss, 600 New Jersey Avenue, NW Washington, DC 20001	People for the American Way
Stephen G. Lodge, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.
Charles Emmet Lucey, 1200 New Hampshire Avenue, NW, #200 Washington, DC 20036	Manatt Phelps Rothenberg Tunney & Evans
Sylvester Lukis, 1155 15th Street, NW, #504 Washington, DC 20005	Cassidy & Associates, Inc
Do	Cybernectics & Systems, Inc
Do	Washington Consulting Group
Daniel C. Maldonado, 10000 Falls Rd., #306 Potomac, MD 20854	Samaritan Health Services
Conrad L. Mallett Jr., 1800 First National Bldg Detroit, MI 48226	Jaffe Snider Raitt & Heuer
Manatt Phelps Rothenberg Tunney & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Bowling Proprietors' Assn of America
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Borg-Warner)
Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons
Sandra McDonough, 920 SW 6th Ave., 1400 PSB Portland, OR 97204	Pacific Power & Light Co
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc
Eileen F. Michaels, 1317 F Street, NW, #202 Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)
Michigan Council of Self-Insured Group Administrators, 332 Townsend St. Lansing, MI 48933	
Charles R. Miller, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc
Miller & Chevalier, Chtd, Metropolitan Square 655 15th Street, NW Washington, DC 20005	FMC Corp
Do	Ideal Basic Industries, Inc
Do	May Department Stores Co
Jeanne Milliken, 2000 Pennsylvania Ave., NW, #3700 Washington, DC 20006	Jaeckle Fleischmann & Mugel
Miro Miro & Weiner, P.C., 500 N. Woodward Ave., #200 P.O. Box 908 Bloomfield Hills, MI 48303-0908	Michigan Council of Self-Insured Group Administrators
Do	Taubman Company, Inc
Robert H. Mollohan, 912 Sylvan Avenue Fairmount, WV 26554	Airspace Technology, Inc
Do	Austin Powder Co, Inc
Do	Lynch Associates
Richard L. Moore, P.O. Box 338 Dearborn, MI 48121	Detroit Tooling Assn Worker's Compsensation Fund
Vincent L. Morelli, 2361 Jefferson Davis Highway, #624 Arlington, VA 22202	Lockheed Shipbuilding Co
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co
James Brian Munroe, 1747 Pennsylvania Ave., NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp
National Independent Automobile Dealers Assn, 600 E. Las Colinas Blvd., #314 Irving, TX 75039	
Joshua E. Neiman, 815 16th St., NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept., AFL-CIO
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc
Michael P. O'Brien, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Independent Computer Consultants Assn
Do	National Assn of Portable X-Ray Providers
Ohio Committee on Educational Responsibility, 4410 Chesapeake St., NW Washington, DC 20016	
Muhammad Idris Oke, 2041 Pennsylvania Avenue Baltimore, MD 21217	
Karl Ottosen, 1001 Prince St., #100 Alexandria, VA 22314	U.S. Federation of Small Businesses, Inc
Pagonis & Donnelly Group, 1620 I Street, NW, #603 Washington, DC 20006	Burroughs Wellcome Co
Do	Fox Technology, Inc
Do	Management Compensation Group
Alejandro J. Palacios, 110 Maryland Avenue, NE Washington, DC 20002	U.S. Committee for UNICEF
Tom V. Parker, Arkansas Petroleum Council 460 Twin City Bank Bldg. North Little Rock, AR 72114	American Petroleum Institute
Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037	Atacra Trustees
Margaret Pena, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators
Dell E. Perelman, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air-Conditioning & Refrigeration Institute
Mark Pertschuk, 2054 University Ave., #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	D. L. Berger Associates, Inc
Jean S. Polatsek, 50 F St., NW Washington, DC 20001	American Hospital Assn
Susan Pollack, 900 Minnesota Street San Francisco, CA 94107	Esprit de Corp
Harlan Pomeroy, 1050 Connecticut Avenue, NW, #1100 Washington, DC 20036	Baker & Hostetler (For:North Coast Cable, Ltd)

Organization or Individual Filing	Employer/Client
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Meat Institute
Do	Kellogg Company
Alex Radin, 2301 M St., NW Washington, DC 20036	Tennessee Valley Public Power Assn
Robert A. Rapoza Associates, 2001 S Street, NW, #500 Washington, DC 20009	Community Enterprise Development Corp of Alaska
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
William J. Richardson Jr., 1819 H Street, NW, #1100 Washington, DC 20006	
Carole T. Roberts, 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies
Robinson Lake & Lerer, Inc, 1025 Thomas Jefferson St., NW, #800 Washington, DC 20007	Grocery Manufacturers of America
Do	Sun-Diamond Growers of California
Arthur P. Rogers, 888 17th St., NW, #901 Washington, DC 20006	Whiteford Taylor & Preston
James Roosevelt, 201 East Sand Point, #250 Santa Ana, CA 92715	National Committee to Preserve Social Security
Rose Schmidt Chapman Duff & Hasley, 1825 Eye St., NW, #300 Washington, DC 20006	Social Security Protection Bureau
Phillip T. Ross, 198 Macdougal Street, #3L Brooklyn, NY 11233	Grady O'Cummings and O'Cummings
Henry C. Ruempler, 1200 New Hampshire Avenue, NW, #350 Washington, DC 20036	American Bankers Assn
RBC Associates, 324 Fourth Street, NE Washington, DC 20002	Ann Arbor Railroad
G. J. Thomas Sadler Jr., 3521 Valley Drive Alexandria, VA 22302	Communications Satellite Corp
Suzanne M. Sawyer, 6001 Old Hickery Blvd., #397 Hermitage, TN 37076	Archiever Corp
Herbert K. Schmitz, ICI Americas Inc Wilmington, DE 19897	ICI Americas Inc
Schwabe Williamson Wyatt Moore & Roberts, Suite 302 1000 Potomac St., NW Washington, DC 20007	Investment Co Institute
William C. Sellery, 1700 K Street, NW, #1107 Washington, DC 20006	Owens-Illinois, Inc
Sentinel, 1331 Pennsylvania Avenue, NW, #350 Washington, DC 20004	
Shaw Pittman Potts & Trowbridge, 1800 M Street, NW, (900-S) Washington, DC 20036	Taiwan Power Company
Kathy Shulman, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.
William A. Signer, 444 North Capitol St., NW, #711 Washington, DC 20001	Keefe Company (For:A.P.G. Corp)
Steve Silver, Robertson Monagle & Eastaugh 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Alaska Loggers Assn
David C. Simonson, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn
William G. Simpson, 1155 15th St., NW Washington, DC 20005	Food Marketing Institute
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc
Paul A. Skrabut Jr., 1629 K Street, NW Washington, DC 20006	Palumbo & Cerrell, Inc (For:Business Executives for National Security)
Jeffrey C. Smith, 902 Pennsylvania Ave., SE Washington, DC 20003	Dudek & Company
Patricia Smith, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons
Smith Anderson Blount Dorsett Mitchell & Jernigan, P.O. Box 12807 1300 St. Mary's Street Raleigh, NC 27605	Investment Company Institute
Gene Snyder, 140 Chenoweth Lane Louisville, KY 40207	Cincinnati Microwave, Inc
Do	Norfolk Southern Corp
Spriggs Bode & Hollingsworth, 1015 15th St., NW Washington, DC 20005	U.S. Resources & Chemicals, Inc
Alan J. Statman, 1050 17th St., NW, #600 Washington, DC 20036	Tennessee Gas Transmission Co
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Caltex Petroleum Corp
Raymond L. Strassburger, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc
George Strumpf, 624 9th St., NW, #700 Washington, DC 20001	Health Insurance Plan of Greater New York
Edward L. Sullivan, 1120 20th St., NW, Suite S-720 Washington, DC 20036	Peabody Holding Co, Inc
T. Boone United Shareholders Assn, 1667 K St., NW, #990 Washington, DC 20006	
William E. Tanner, 10803 Norman Ave. Fairfax, VA 22030	Coalition for Environmental-Energy Balance
A. Alfred Taubman, 200 E. Long Lake Rd., #200 P.O. Box 200 Bloomfield Hills, MI 48013-0200	
Taubman Company, Inc, 200 E. Long Lake Rd., #200 P.O. Box 200 Bloomfield Hills, MI 48303-0200	
Sara Thomasson, 1200 15th St., NW Washington, DC 20005	American Health Care Assn
Tighe Curhan & Piliero, 1750 Pennsylvania Avenue, NW Washington, DC 20006	Sharp Manufacturing Co of America
Jeffrey B. Trammell, 1020 19th Street, NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:Blue Cross & Blue Shield of Florida)
Peter James Tsakanikas, 1955 Seminary Rd. Silver Spring, MD 20910	
Utah Power & Light Co, P.O. Box 899 Salt Lake City, UT 84110	
Verner Liipfert Bernhard Mcpherson & Hand, Chtd, 1660 L Street, NW, #1000 Washington, DC 20036	Morgan Stanley, Inc
Melanne Verveer, 1424 16th St., NW Washington, DC 20036	People for the American Way
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Consolidated Rail Corp
Do	Goldman Sachs & Co
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Hershey Foods Corp
Charles M. Walden, 2590 Shiloh Springs Rd., #208 Dayton, OH 45426	National Assn for Middle Class Americans
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Leucadia National Corp
Frank J. Walter, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute
Nancy Weinberg, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc
Wellford Wegman & Hoff, 1775 Pennsylvania Ave., NW, #450 Washington, DC 20006	YMCA of the USA
Wexler Reynolds Harrison & Schule, Inc, Suite 600 1317 F Street, NW Washington, DC 20004	Health Policy Agenda for the American People
Do	National Assn of Business Political Action Comm
Do	Radio Assn Defending Airwave Rights, Inc
Do	Spanish Int'l Communications Corp
Scott Widmeyer, 1901 L St., NW Washington, DC 20036	Ogilvy & Mather
Andrew F. Wiessner, Kogovsek & Associates 3600 S. Yosemite, #830 Denver, CO 80237	Page Land & Cattle Co
Williams & Jensen, P.C., 1101 Connecticut Ave., NW Washington, DC 20036	Techworld
Chapin E. Wilson Jr., Rm. 1-J-21 Operations Bldg. 6401 Security Blvd. Baltimore, MD 21235	Local 1923 American Fed of Government Employees
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	Penox Technologies
G. Kent Woodman, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Norfolk Southern Corp)
Harold Woods Jr., 301 Maple Ave. West, 6th Fl. Vienna, VA 22180	Northern Capitol Corp
Tracey C. Wright, 1025 Connecticut Avenue, NW Washington, DC 20036	Reinsurance Assn of America
Wunder Thelen & Forgotson, 1615 L St., NW, #720 Washington, DC 20036	Chesebrough-Pond's, Inc
Do	Colt Industries, Inc
Do	Ensearch Corp
Do	Grocery Manufacturers of America, Inc
Do	Hospital Corp of America
Do	Marriott Corp
Do	Metropolitan Insurance Co
Do	National Assn of Life Underwriters
Do	Northwestern Mutual Life Insurance Co
Do	Pacific Mutual Life Insurance Co
Do	Sony Corporation of America
Do	Texas Oil & Gas Corp
Eugene S. Young, 955 L'Enfant Plaza, SW, #905 Washington, DC 20024	American Honda Motor Co, Inc
Robert A. Young, 10113 Wood Green Way Burke, VA 22015	Brown & Associates
Do	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry
Laurence E. Zabar, 11 Mystic Road Marblehead, MA 01945	Warren H. Suss Associates
John R. Zagame Associates, Inc, 1001 Prince Street, #116 Alexandria, VA 22314	City University of New York

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1986:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense Money” and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
    Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1225 8th Street, #590 Sacramento, CA 95814	American Ambulance Assn	20,790.00	15,833.89
Do	Director of Timber Counties Coalition	8,250.00	9,740.59
Do	Golden Gate Bridge Highway & Transportation District	4,200.00	12,766.70
Do	Hemet Valley Flying Service		
Do	International Fire Management		
Do	Stratos Tanker, Inc		
Do	Unitary Tax Campaign		90.00
Robert J. Aagre, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	140.00	18.00
Julie Abbot, 2030 M Street, NW Washington, DC 20036	Common Cause	5,840.04	1,060.91
Christian M. Abeel, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Thomas G. Abernethy Sr., 3973 Stuart Place Jackson, MS 39211	U.S. Cane Sugar Refiners' Assn		
Burt J. Abrams, Milbank Tweed Hadley & McCloy One Chase Manhattan Plaza New York, NY 10005	Rockefeller Group, Inc		
Matthew J. Abrams, CANAMCO 1828 L Street, NW, #660 Washington, DC 20036	Dominion Marine Assn	10,000.00	206.25
Elaine Acevedo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	8,000.00	
Charles A. Acquard, 1400 K Street, NW, #500 Washington, DC 20005	Handgun Control, Inc	7,690.00	
Action for Children's Television, 20 University Road Cambridge, MA 02138		39,617.85	553.96
Charles Adams, 9749 Independence Ave., Chatsworth, CA 91311	Chad Therapeutics, Inc		
John J. Adams, 2000 Pennsylvania Ave., NW, #900 Washington, DC 20006	Ethyl Corporation		
Do	Vepco		
Sam Adams, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business		
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	U.S. Capital Corporation		
Sandra Lee Adamson, P.O. Box 44026 Washington, DC 20026	American Space Foundation	500.00	
Do	L/5 Society		
Hobson H. Adcock, 700 Anderson Hill Rd. Purchase, NY 10577	PepsiCo, Inc		
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Terrance M. Adlhock, 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	2,000.00	1,500.00
Aerospace Industries Assn of America, Inc, 1725 Desales St., NW Washington, DC 20036		17,513.84	17,513.84
Agendas International, 820 Second Avenue, #1302 New York, NY 10017	Ministerio del Exterior, Republic of Nicaragua		
Robert S. Agman, 100 Indiana Ave., NW Washington, DC 20001	Labor Management Maritime Committee, Inc	50.28	146.24
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter Travenol Laboratories, Inc	2,000.00	180.00
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp.		70.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209		257.25	257.25
Air Products & Chemicals, Inc, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006			3,925.51
Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201			
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	1,500.00	99.07
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600 Washington, DC 20004	Digital Equipment Corp	14,950.00	
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Ad Hoc Coalition to Prevent Employee Leasing Abuses		
Do	Adler & Shaykin		
Do	Amerada Hess Corporation		
Do	American Telephone & Telegraph Co	550.00	
Do	Archer Daniels Midland Company		
Do	Bear Stearns		
Do	Beneficial Corporation	3,188.00	57.00
Do	Capital Markets Group	531.00	
Do	Celanese Corp	210.00	
Do	Clark Enterprises, Inc	1,587.00	19.00
Do	Coalition for Fair Capital Reimbursement	980.00	
Do	Coalition of Service Industries, Inc		
Do	Commercial Metals Co	5,808.00	95.00
Do	Continental Airlines, Inc		
Do	Dallas Area Rapid Transit	280.00	
Do	Dash Trading Co		
Do	E & J Gallo Winery		
Do	Electronic Processing, Inc		
Do	Embassy of the People's Republic of China		
Do	Fair Marketing Coalition		
Do	First Union Bank		
Do	Geico Corporation		
Do	General Motors Corp	897.00	
Do	General Space Corp	4,320.00	76.00
Do	Goldman Sachs & Co		
Do	W. R. Grace & Co		10,000.00
Do	Guardian Industries	4,190.00	76.00
Do	Gulf & Western Industries, Inc	1,679.00	19.00
Do	GTE Corporation		
Do	Hall Real Estate Group		
Do	Houston Oilers		
Do	International Assn of Auditorium Managers		
Do	Ivan Boesky & Co		
Do	Peter Kiewit Sons', Inc	8,982.00	152.00
Do	Kohlberg Kravis Roberts & Co		
Do	Levi Strauss & Co		
Do	Lone Star Steel Co		
Do	Marriott Corporation		
Do	Mesa Petroleum Co		
Do	Metropolitan Transit Authority of Harris County	3,166.00	57.00
Do	Military Accessories Service Assn, Inc		
Do	Morgan Stanley & Co, Inc	2,588.00	38.00
Do	Motion Picture Assn of America, Inc	2,760.00	38.00
Do	Mt. Sinai Medical Center		
Do	Mutual Fairness Taxation Assn	1,250.00	19.00
Do	National Football League		
Do	Nederlander Theatres	43.00	
Do	New York Air		
Do	News America		
Do	Prairie Producing Co		
Do	Purolator, Inc	4,029.00	76.00
Do	Research Corporation	230.00	
Do	Ringling Bros Barnum & Bailey Combined Shows, Inc		
Do	RJR Nabisco, Inc	2,490.00	38.00
Do	Sea Alaska		
Do	Southern California Edison Co	520.00	
Do	St. Luke's Roosevelt Hospital Center		
Do	Texas Air Corp	242.00	
Do	Wertheim & Co		
Do	Western Governors Policy Office		
Alaska Pulp Corp, c/o James F. Clark 240 Main St., #800 Box 1211 Juneau, AK 99802			1,000.00
James J. Albertine, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Frederick K. Alderson, 1730 M Street, NW, #607 Washington, DC 20036	Arizona Public Service Company	1,450.00	430.00
Donald C. Alexander, Cadwalader Wickersham & Taft 1333 New Hampshire Ave., NW Washington, DC 20036	Air Transport Assn of America		
Do	American Financial Corp		
Do	ALIGNPAC	13.75	
Do	Baldwin-United Corporation		
Do	Bechtel Group, Inc		
Do	Disabled American Veterans		
Do	Eastern Air Lines, Inc		
Do	Family Life Insurance Co		
Do	GSF Energy, Inc		
Do	Mortgage Guaranty Insurance Corp		
Do	PepsiCo, Inc		
Do	Scott Paper Co		
Do	Texas Industries, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Karen D. Alexander, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	GATX Corp		
Richard F. Ali, Suite 808 1901 North Moore Street Arlington, VA 22209	National Assn of the Remodeling Industry	2,500.00	
John D. Allan, c/o Doh Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Stelco, Inc.		
Maxton Allcox, 400 First St., NW, Rm 801 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,373.81	
Alexandra Allen, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	3,769.22	
Dorothy D. Allen, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		15,500.00	700.49
Alliance for Capital Access, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006		95,000.00	27,460.53
Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60195			18,231.50
Alliance to Save Energy, 1925 K Street, NW, #206 Washington, DC 20006			1,207.39
Allied Acid Rain Prohibition, 11573 Embers Court Reston, VA 22091			
Joseph C. Allwarden, 220 Daniel Webster Hwy South Merrimack, NH 03054	Kollsman Instrument Co		
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	3,200.00	
Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	250.00	20.00
Thomas H. Altmeyer, 1575 I Street, NW, #525 Washington, DC 20005	Mining & Reclamation Council of America	3,000.00	70.00
Irwin P. Altschuler, Brownstein Zeidman & Schomer 1401 New York Ave., NW, #900 Washington, DC 20005	Camara de la Industria de Transformacion de Nuevo Leon		
Ricardo R. Alvarado, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal Inc.	3,702.86	
Robert Alvarez, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	312.30	
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
Amalgamated Transit Union, Natl Cap Div. 689, 2001 9th Street, NW, #300 Washington, DC 20001			
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	4,000.00	38.61
American Academy of Family Physicians, 1740 West 92nd St. Kansas City, MO 64114		13,441.10	13,441.10
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			3,604.00
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182		82,826.52	88,332.33
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		1,250.00	1,250.00
American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		1,073.46	971.93
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		14,767.00	33,417.98
American Automobile Assn, 8111 Gatehouse Rd. Falls Church, VA 22047			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		30,614.41	30,614.41
American Camping Association, Bradford Woods Martinsville, IN 46151			
American Cement Trade Alliance, Inc, 1331 Pennsylvania Ave., NW Washington, DC 20004			
American Chamber of Commerce of the Dominican Republic, P.O. Box 95-2 Santo Domingo Dominican Republic			
American Council for Capital Formation, 1850 K Street, NW, #520 Washington, DC 20006			
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		114,893.00	114,893.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			145,090.03
American Feed Industry Assn, 1701 N. Ft. Myer Dr. Arlington, VA 22209		3,240.00	3,240.00
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			500.00
American Frozen Food Institute, 1700 Old Meadow Rd., #100 Mclean, VA 22102		6,000.00	6,000.00
American Health Care Assn, 1200 15th Street, NW Washington, DC 20005		230,132.40	21,364.11
American Hellenic Institute Public Affairs Committee, Inc, 1730 K St., NW Washington, DC 20006		2,500.00	
American Honey Producers Assn, P.O. Box 368 Minco, OK 73059		3,001.34	5,379.21
American Hotel & Motel Assn, 888 Seventh Ave. New York, NY 10019		22,114.33	12,241.25
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			2,258.40
American Insurance Assn, 85 John St. New York, NY 10038		2,291.00	2,291.00
American International Group, Inc, 70 Pine Street New York, NY 10270			145,697.33
American Israel Public Affairs Comm, 500 N. Capitol St., NW, #300 Washington, DC 20001		136,625.00	126,933.26
American Land Title Assn, 1828 L St., NW Washington, DC 20036			2,090.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		190,000.00	10,610.22
American Logistics Association, 1133 15th Street, NW, #640 Washington, DC 20005			
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202			3,696.41
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			41,000.71
American Medical Care & Review Assn, 5410 Grosvenor Lane, #210 Bethesda, MD 20814			
American Medical Student Assn, 1890 Preston White Drive Reston, VA 22091			5,020.73
American Metal Detectors Manufacturers' Assn, 2814 National Dr. Garland, TX 75401			
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			4,885.00
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		6,928.08	6,928.08
American Nurses' Assn, 2420 Pershing Rd Kansas City, MO 64108		31,179.75	31,179.75
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			6,116.95
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		24,810.37	196,216.85
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		6,253.18	6,253.18
American Podiatric Medical Assn, 20 Chevy Chase Circle Washington, DC 20015			17,314.75
American Postal Workers Union, AFL-CIO, 817 14th St., NW Washington, DC 20005		77,223.75	97,657.02
American Public Transit Assn, 1225 Connecticut Ave., NW Washington, DC 20036		78,514.00	78,514.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			
American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217		500.00	500.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			14,756.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			
American Soc for the Prevention of Cruelty to Animals, 441 E. 92nd Street New York, NY 10128			5,227.00
American Soc of Anesthesiologists, 1111 14th Street, NW, #501 Washington, DC 20005			27,755.00
American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814			1,275.00
American Soybean Association, 600 Maryland Avenue, SW, #510 Washington, DC 20024		12,600.00	
American Space Foundation, 111 Massachusetts Ave., NW, #200 Washington, DC 20001		7,368.00	500.00
American Textile Machinery Assn, 7297 N. Lee Hwy. Falls Church, VA 22042		950.00	950.00
American Textile Manufacturers Institute, Inc, 1101 Connecticut Avenue, NW, #300 Washington, DC 20036		30,612.41	41,543.82
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706		6,950.47	6,950.47
American Veterinary Medical Assn, 1522 K Street, NW, #828 Washington, DC 20005			
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209			
Americans for Immigration Control, Inc, P.O. Box 738 Monterey, VA 24465		10,059.54	10,059.54
Americans for Tax Reform, 2300 N Street, NW Washington, DC 20037		1,000.00	22,326.78
David R. Amerine, Brownstein Zeidman & Schomer 1401 New York Ave., NW, #900 Washington, DC 20005	Camara de la Industria de Transformacion de Nuevo Leon		
Ameriserv, Inc, The Paragon Center 2400 East Commercial Blvd., #500 Fort Lauderdale, FL 33308			5,611.00
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Feather & Down Assn	2,500.00	
Do	Nathan Lewin (for 47th Street Photo)	7,500.00	
Do	Northrop Corp	3,000.00	
Do	Pan American World Airways, Inc	3,000.00	
Do	Thompson Medical	3,000.00	
Joel E. Amkraut, P.O. Box 2247 Santa Cruz, CA 95063	National Right to Mail Committee		
Jan S. Amundson, 1331 Pennsylvania Ave., #1500 N. Washington, DC 20005	National Assn of Manufacturers		
Christopher E. Anders, 1667 K Street, NW, #660 Washington, DC 20006	Marlowe & Co (For:Graphic Communications Int'l Union)	250.00	250.00
Edward Andersen, 1616 H St., NW Washington, DC 20006	National Grange	8,750.00	
Stephen O. Andersen, 2000 L Street, NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Bette Anderson, 1020 19th Street, NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:U.S. Banknote Corp)		
Byron Anderson, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	541.98
Desiree C. Anderson, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council		
H. Kim Anderson, Virginia Petroleum Council 1001 E. Broad Street Richmond, VA 23219	American Petroleum Institute		
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Romilda R. Anderson, 10 Westport Road Wilton, CT 06897	Richardson-Vicks, Inc.	400.00	828.63
Steven C. Anderson, 1700 Old Meadow Rd. Mclean, VA 22102	American Frozen Food Institute	5,000.00	
William C. Anderson, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		49.00
Anderson & Pendleton, 1000 Connecticut Avenue, NW, #707 Washington, DC 20036	Military Mission of Chile		
Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Oil Corp	500.00	
Jack R. Angell, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	United Gas Pipe Line Co		
Owen W. Anglum, 1667 K Street, NW, #650 Washington, DC 20006	Armco	1,200.00	710.61
J. Donald Annett, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc.	500.00	
Philip H. Anns, 1101 Vermont Avenue, NW, #405 Washington, DC 20005	A. H. Robins, Inc.	1,600.00	770.74
Patrick S. Antrim, 1800 K Street, NW Washington, DC 20006	Bank of America		
Apartment & Office Building Assn, 1413 K Street, NW, #600 Washington, DC 20005			
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	2,475.00	
John Archer, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp		
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Avenue, NW Washington, DC 20036	Breed Corporation	5,000.00	39.71
Do	Central States SE & SW Areas Health Welfare & Pension Funds	62,788.05	734.38
Do	Guardian Life Insurance Co of America	71,754.47	314.84
Do	Motor and Equipment Manufacturers Association		
Do	Toshiba America, Inc	2,511.01	849.46
Do	Toyota Motor Corporation	215.13	12.63
Do	Tubular Corp of America, Inc		16.73
Arkansas Assn of Bank Holding Companies, 114 E. Capitol Little Rock, AR 72201			
Olin F. Armentrout, 1448 Duke Street Alexandria, VA 22314	National Rural Letter Carriers Assn	13,276.00	
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	1,950.00	
Do	Corporate Property Investors	2,000.00	
Do	Quintana Petroleum Corp	2,250.00	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	EXEL Limited	1,700.00	
Do	Fluor Corporation		
Nan Aron, 600 New Jersey Avenue, NW Washington, DC 20001	Alliance for Justice		
Asbill Junkin Myers & Buffone, 1607 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	18,650.00	14,677.42
Lud Ashley, P.C., 1735 New York Avenue, NW, 6th Fl. Washington, DC 20006	American International Group, Inc	20,795.00	
Do	Central States of Omaha	7,500.00	
Do	Federal Home Loan Mortgage Corp		
Do	Grocery Manufacturers of America, Inc	11,000.00	
Do	Irving Trust Co	1,000.00	
Do	ISFA Corporation		
Do	Manville Corporation	10,000.00	
Do	National Assn of State Savings & Loan Supervisors		
Do	J. C. Penney Co, Inc	7,210.00	
Joseph Ashooh, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nicholas J. Ashooh, 1000 Elm Street P.O. Box 330 Manchester, NH 03105	Public Service Co of New Hampshire	800.00	562.16
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Asphalt Roofing Manufacturers Association, 6288 Montrose Road Rockville, MD 20852			
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		17,500.00	
Associated Employers, Inc, 1222 N. Main, #315A San Antonio, TX 78212			
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			
Association for a Better New York, 355 Lexington Avenue New York, NY 10017		10,000.00	127,134.35
Association for the Improvement of the Mississippi River, 10 Broadway St. Louis, MO 63102			
Association of American Foreign Service Women, P.O. Box 8068 Washington, DC 20024			
Association of American Publishers, 2005 Massachusetts Ave., NW Washington, DC 20036		7,955.11	7,955.11
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		84,023.17	84,023.17
Association of American Veterinary Medical Colleges, 1522 K Street, NW, #834 Washington, DC 20005			
Association of Data Processing Service Organizations, 1300 North 17th Street, #300 Arlington, VA 22209			40.00
Association of Government Accountants, 727 South 23rd Street, #100 Arlington, VA 22202			
Association of Thrift Holding Companies, 900 17th Street, NW, #500 Washington, DC 20006		4,511.00	4,511.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		9,197.50	9,197.50
Association of Urban Universities, 1225 Connecticut Ave., NW, #300 Washington, DC 20036		60,000.00	10,765.86
George J. Aste, 1825 K St., NW, #607 Washington, DC 20006	United Airlines, Inc	500.00	
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,163.90
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Audio Recording Rights Coalition, P.O. Box 33705 1145 19th Street, NW Washington, DC 20033		173,000.00	127,853.31
Claire H. Austin, 214 Massachusetts Ave, NE, #350 Washington, DC 20002	Russell Corporation	1,000.00	68.00
Richard E. Austin, 2550 M Street, NW, #770 Washington, DC 20037	RJR Nabisco, Inc	702.00	31.48
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101			
John S. Autry, 2000 L Street, NW, #810 Washington, DC 20036	Unisys Corp	3,500.00	1,500.00
Avon Products, Inc, 9 West 57th St. New York, NY 10019		750.00	30.00
William H Axtman, 950 N. Glebe Rd., Rm. 160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Versatile Davie, Inc		
Merribel Symington Ayres, Suite 540 1875 Eye Street, NW Washington, DC 20006	Champion International Corp		
Azanian Coalition, P.O. Box 76615 Washington, DC 20013-6615			
APCO Associates, 1200 New Hampshire Ave., NW Washington, DC 20036	Amok, Ltd, et al.	357.50	
Do	ASEA AB	670.00	
Do	Canadian Forest Industries Council	1,608.75	16.00
Do	Canadian Meat Council	1,000.00	
Do	Outboard Marine Corp		
Do	Recording Industry Assn of America	126.25	4.70
Do	Sacramento Public Utility District, et al.		
Do	Tulane University		
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	3,500.00	367.50
Dale R. Babione, 1700 N. Moore St. Rosslyn, VA 22209	Boeing Company	8,450.00	
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
William T. Bagatelas, 1730 K Street, NW, #319 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Carl E. Bagge, Coal Building Washington, DC 20036	National Coal Assn	3,310.00	237.52
Joan N. Baggett, 815 15th St., NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	8,000.00	133.65
Brent A. Baglien, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
George F. Bailey Jr., P.O. Box 21 Montgomery, AL 36101	CSX Transportation		
Paul C. Bailey Jr., 108 Columbus St. Arlington, VA 22204	Southern Company Services, Inc	203.10	339.82
William W. Bailey, 1050 17th Street, NW, #650 Washington, DC 20036	Merck & Co, Inc	2,000.00	211.13
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	150.00	
John Baize, Capitol Gallery Bldg., #510 600 Maryland Avenue, SW Washington, DC 20024	American Soybean Association		
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	400.00	
Emil F. Baker, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	355.00
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	976.25	134.04
Quinter S. Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Baker & Botts, 1701 Pennsylvania Ave., NW Washington, DC 20006	Gerald D. Hines Interests	7,560.00	
Do	Natural Resource Management Corp		
Baker Worthington Crossley Stansberry & Woolf, P.O. Box 2866 Nashville, TN 37219	Conwood Corporation		
S. Eason Balch, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)	4,800.00	361.19
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Catherine A. Ball, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	8,438.00	205.00
Christian Ballantyne, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	1,145.81	479.78
Ballard Spahr Andrews & Ingersoll, 555 13th St., NW, #900 East Washington, DC 20004	Arthur Andersen & Co		
Do	U.S. Committee for UNICEF		
Debra T. Ballen, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036	American Insurance Assn		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs		
Philip A. Bangert, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Charles E. Bangert, P.C., 1825 Eye Street, NW, #300 Washington, DC 20006	Business Roundtable		
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	1,577.50
Samuel J. Baptista, 1101 14th St., NW Washington, DC 20005	American Financial Services Assn	250.00	
E. W. Baragar, 1700 North Moore St., 20th Fl. Rosslyn, VA 22209	Boeing Company	933.88	534.95
Robert O. Barker, 4000 Town Center, #540 Southfield, MI 48075-1406	National Assn of Manufacturers	1,500.00	
William J. Barnds, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	American Int'l Knitters Corp	1,499.47	21.22
Do	Commonwealth Garment Manufacturing Co		
Do	Dow Chemical Co	2,428.00	22.76
Do	EHA Ventilfabrik Wilhelm Fritz KG		
Do	Florida Citrus Mutual		37.55
Do	Italy-America Chamber of Commerce, Textile & Apparel Comm		
Do	Magid Glove & Safety Mfg Co	3,259.50	85.55
Do	Rukert Marine Corp		
Do	Stratton Hats, Inc		9.60

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Texas Citrus and Vegetable Import Association		66.20
Do	Uniroyal Chemical Co.	1,240.00	123.55
Barnett & Alagia, 250 South County Rd. Palm Beach, FL 33480	Cuban American Freedom Coalition, Inc.		
Do	Dairymen, Inc	10,780.00	2,057.72
Barnett Sivon Schott & Shay, P.C., 1090 Vermont Ave., NW, #810 Washington, DC 20005	Citibank, N.A.		
Neil D. Baron, Booth & Baron 122 East 42nd Street, #1507 New York, NY 10168	Standard & Poor's Corporation		
Robert E. Barrett, 69844 Highway 111, Suite C Rancho Mirage, CA 92270	Rockwell International Corp	15,000.00	
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co.	800.00	
Roger V. Barth, 1735 Eye St., NW, #715 Washington, DC 20006	American Assn for Clinical Chemistry Inc		
Linda L. Bartlett, 1100 17th Street, NW, #601 Washington, DC 20036	Kraft, Inc	750.00	
James E. Bartley, 1090 Vermont Avenue, NW, #410 Washington, DC 20005	National Industrial Transportation League	7,000.00	
Do	Procompetitive Retail Steering Committee		
Mark A. Bartner, 100 Maryland Avenue, NE Washington, DC 20002	Religious Coalition for Abortion Rights, Inc	5,749.98	9.00
Robin Bass-Garnto, 1222 N. Road Street, #2 Elizabeth City, NC 27909	Nansemond Indian Tribe		
Diane Bateman, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	11,000.00	2,206.71
Douglas P. Bates, 1615 L Street, NW, #1350 Washington, DC 20036	Business Roundtable		
Robert E. Bates Jr., 1100 Connecticut Ave, NW Washington, DC 20036	Mobil Oil Corp	1,125.00	
Catharine R. Batky, 1050 Connecticut Avenue, NW Washington, DC 20036	Burlington Northern, Inc	750.00	112.91
Davis M. Batson, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	700.00	
Laurie C. Battle, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	1,563.00	
John F. Battles, Massachusetts Petroleum Council 11 Beacon St., #515 Boston, MA 02108	American Petroleum Institute		
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,700.00	924.06
Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company	450.00	25.00
Barry H. Bauman, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	1,600.00	112.73
Ann F. Bavaria, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		
James R. Baxter, 1101 15th St., NW, #1040 Washington, DC 20005	National Construction Employers Council		
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700 Washington, DC 20004	General Electric Co.	372.00	
Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	243.01	266.28
Bear West Company, Inc, 9 Exchange Place, #1000 Salt Lake City, UT 84111	Rocky Mountain Energy Co	1,100.00	412.50
Michael K. Beard, 100 Maryland Ave., NE Washington, DC 20002	National Coalition to Ban Handguns		
Donald S. Beattie, 400 First St., NW #804 Washington, DC 20001	Railway Labor Executives' Assn	3,161.57	
Barbara F. Beatty, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Orren Beaty Jr., Magruder Building 1625 M St., NW Washington, DC 20036	Western Fuels Association, Inc	4,070.00	402.03
Gerald F. Beavan, 190 Highland Drive Centerville, MA 02632	Capital Holding Corp	15,000.00	2,094.00
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	12,542.00	204.38
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	7,235.81	15.00
William W. Beddow, 1101 15th St., NW, #1000 Washington, DC 20005	National Constructors Association	1,750.00	
Howard Bedlin, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	461.54	93.15
Jon Charles Bednerik, 11 Embarcadero West, #202 Oakland, CA 94607	Western Independent Bankers	500.00	
Robert M. Beers, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	5,181.00	210.00
James Beizer, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
M. Wendell Belew Jr., 2100 M Street, NW, #603 Washington, DC 20036	American Electronics Laboratories, Inc		
Do	Crowley Maritime Corp		
Do	Griffin Corp		
Do	Long Lake Energy Corp		
Do	Massachusetts Mutual Life Insurance Co		
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	381.11
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
Matt Langley Bell III, P.O. Box 1312 Pensacola, FL 32596			
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Mary K. Bellamy, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
James P. Bellis Sr., 1629 K St., NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	9,600.00	
Do	Palumbo & Cerrell, Inc (For:European Community)	9,600.00	
Do	Palumbo & Cerrell, Inc (For:NutraSweet Co)	9,600.00	
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	9,600.00	
Benchmarks, Inc, 3248 Prospect Street, NW Washington, DC 20007	Campania Minera de las Cuevas S.A. de C.V.		
Bruce Benefield, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	200.00	
Benner Burnett & Coleman, 1401 New York Avenue, NW, #740 Washington, DC 20005	Messerschmitt Bolkow-Blohm Gmbh, et al.	5,025.00	
Do	Omninet Corporation		
Do	Schnitzer Steel Products Co		
Daniel Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
David E. Bennett, 740 Hillgrove Avenue Western Springs, IL 60558	West Central Municipal Conference		
Douglas P. Bennett, 3236 Prospect Street, NW Washington, DC 20007	Corning Associates		
John C. Bennison, 4400 Macarthur Blvd., NW Washington, DC 20007	American Soc of Travel Agents	8,000.00	
Benoit Smith & Laughlin, 2001 Jefferson Davis Highway, #501 Arlington, VA 22202	Econopure		
Do	Hughes Aircraft Company		
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		
James E. Benton, N. J. Petroleum Council 170 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Rebecca J. Berg, 900 17th Street, NW, #1100 Washington, DC 20006	Sea-Land Corporation	450.00	78.85
Richard Scott Berg, 1250 Connecticut Avenue, NW, #210 Washington, DC 20036	National Forest Products Assn		
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	265.00	58.30
Edwin M. Bergsmark, Three Seagate Toledo, OH 43603	Toledo Trust Company	75.00	75.00
Jane W. Bergwin, 1050 17th Street, NW, #490 Washington, DC 20036	Consumers Power Co	3,448.00	1,266.00
Dave Berick, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute		
Do	Union of Concerned Scientists	5,100.00	
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	
Berliner & Maloney, 1101 17th Street, NW, #1004 Washington, DC 20036-4798	Embassy of Belize	1,650.00	
Do	Government of Barbados, Ministry of Finance & Planning	31,141.50	1,109.26
Carol Lee Berlinsky, 1001 Prince Street Alexandria, VA 22314	John R. Zagame Assoc, Inc (For:City University of New York)	3,000.00	
Do	John R. Zagame Associates, Inc (For:National Music Publishers Assn, Inc)	6,000.00	74.25
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1133 21st Street, NW, #400 Washington, DC 20036	Warner Communications, Inc	15,000.00	12,400.00
Jay Harris Berman, 400 N. Washington St. Alexandria, VA 22314	National Assn of Professional Insurance Agents		
William R. Berman, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
Berman Bergner & Boyette, 1016 16th Street, NW, #700 Washington, DC 20036	Blaw Knox	3,000.00	1,753.30
Do	China External Trade Development Council	1,500.00	1,310.00
Do	First Atlantic Investment Corp	1,500.00	1,112.96
Do	Flo-Sun Land Corp	1,500.00	2,212.96
Do	Kingdom of Saudi Arabia		2,150.00
Do	Malone and Hyde		
Do	Natural Gas Supply Assn	3,500.00	2,859.61
Do	Okeelanta Corp	1,500.00	2,796.09
Do	Republic of Korea	1,500.00	1,135.00
Do	Salomon Brothers, Inc	3,000.00	2,514.86
Robert P. Bermingham, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036	Union Oil Co of California	6,000.00	183.03
Mary E. Bernhard, 1090 Vermont Avenue, NW, #500 Washington, DC 20005	Flexible Packaging Association		
Charles Bernhardt, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Donald C. Berno, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	7,500.00	6.00
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economic Laitiere		
Do	Committee to Assure the Availability of Casein		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Willard M. Berry, 900 17th Street, NW, #514 Washington, DC 20006	National Foreign Trade Council, Inc	5,000.00	150.00
Eve Berton, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,000.00	22.50
Better Working Environments, Inc, 3716 Scripps Way Las Vegas, NV 89103			1,500.00
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	5,250.00	184.15
Beveridge & Diamond, P.C., 1333 New Hampshire Ave, NW Washington, DC 20036	Metal Box America, Inc		
Do	Town of Oyster Bay Industrial Development Agency	440.00	456.54
Beverly Enterprises, Inc, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209			25,334.22
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	International Minerals & Chemical Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James N. Bierman, 1775 Pennsylvania Ave., NW Washington, DC 20006	Foley & Lardner (For:City of Kenosha, Wisconsin)		
Do	Foley & Lardner (For:Kohlberg Kravis Roberts & Co)		
Leon G. Billings, Inc, 1660 L St., NW, #809 Washington, DC 20036	State of Montana		
Vitina Biondo, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	244.00	
Bipartisan Budget Appeal, P.O. Box 9 Bowling Green Station New York, NY 10004			
Birch Horton Bittner Pestinger & Anderson, 12th Floor 1155 Connecticut Ave., NW Washington, DC 20036	Alascom, Inc		
Do	Alaska NOLs Coalition		
Do	Alaska Power Authority		
Do	Alaska Teamsters-Employer Pension Trust		
Do	Alaska Teamsters-Employer Welfare Trust		
Do	Amerada Hess Corp		
Do	Calista Corp		
Do	City of St. George		
Do	CP National Corp		
Do	First Federal Bank of Alaska, S.B.		
Do	North Slope Borough		
Do	Sealaska Corp		
Do	St. George Tanaq Corp		
Do	Teamsters Local 959		
Do	Westinghouse Electric Corp		
Do	Yukon Pacific Corp		
Robert J. Bird, 888 16th Street, NW Washington, DC 20006	Zachry, Inc		
Charles O. Bishop Jr., 1225 Connecticut Ave., NW Washington, DC 20036	American Public Transit Assn	6,650.00	132.00
Bishop Liberman Cook Purcell & Reynolds, 1200 17th Street, NW, 7th Fl. Washington, DC 20036	City of St. Paul	12,000.00	
Do	Consolidated Natural Gas Co		
Do	Roadway Services, Inc		
Do	Tobacco Institute	7,262.50	250.00
Dennis A. Bitz, 999 Meredith Court Sonoma, CA 95476	Bechtel Power Corporation		
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Black Manafort Stone & Kelly, P.C., 211 North Union Street, 3rd Floor Alexandria, VA 22314	Allied Signal Companies	22,500.00	275.10
Do	American Health Care Assn		
Do	Bethlehem Steel Corp	22,500.00	320.94
Do	Chicago RTA	9,000.00	209.13
Do	Derecktor Shipyards	7,500.00	255.79
Do	Diamond Star Corp	30,000.00	252.70
Do	Government of the Bahamas	45,000.00	
Do	Johnson & Johnson		421.64
Do	Kaman Aerospace	45,000.00	706.03
Do	Salomon Brothers, Inc	54,000.00	395.08
Do	Tobacco Institute	22,500.00	384.95
Do	Trans World Airlines, Inc	18,000.00	
Do	U.N.I.T.A.	75,000.00	1,374.43
Do	Union Pacific Corp	22,500.00	591.83
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	306.41	
Robert J. Blackwell, One Thomas Circle, NW, #900 Washington, DC 20005	American Trading Transportation Co, Inc		
Do	Cove Maritime Companies		
Do	Crest Tankers, Inc		
Do	Enserch Corporation	2,850.00	716.73
Do	Equity Carriers I, Inc		
Do	Equity Carriers III, Inc		
Do	Falcon Tankers, Inc		
Do	Keystone Shipping Co		
Do	Phoenix Bulkship I, Inc		
Do	Phoenix Bulkship II, Inc		
Do	Sun Transport, Inc		
Do	Trinidad Corporation		
Do	Victory Carriers, Inc		
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Bowen Blair Jr., 519 S.W. Third Ave., #810 Portland, OR 97204	Friends of the Columbia Gorge	472.50	
David A. Blair, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn		64.00
Neal B. Blair, Suite J 11244 Waples Mill Rd. Fairfax, VA 22030	Free the Eagle, et al.	9,682.15	
Richard R. Blake Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	241.97
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	779.40	
Beatrice K. Bleicher, 1700 K Street, NW, #1107 Washington, DC 20006	Owens-Illinois, Inc	2,000.00	100.00
Bryant C. Blewett, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Jerald Blizin, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, One Wall Street New York, NY 10015	Irving Trust Co	5,000.00	1,200.00
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,700.00	
Holton E. Blomgren, 1015 15th Street, NW, #1220 Washington, DC 20005	National Manufactured Housing Federation	565.00	35.00
Douglas M. Bloomfield, 500 N. Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	19,174.98	761.57
Mark Bloomfield, 1850 K St., NW, #520 Washington, DC 20006	American Council for Capital Formation		
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	7,500.00	84.95
Vera Steiner Blore, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	250.00	5.00
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	474.30
Jack A. Blum, 1133 15th Street, NW, #1100 Washington, DC 20005	Independent Gasoline Marketers Council	25,000.00	8,575.00
Jared O. Blum, 1776 K Street, NW Washington, DC 20006	Direct Selling Association	300.00	166.17
Robert A. Blum, 600 Montgomery Street San Francisco, CA 94111	Mccutchen Doyle Brown & Enersen (For:Permanente Medical Group, Inc)	3,753.75	15,132.50
Do	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)	3,171.00	
Blum Nash & Railsback, 1133 15th Street, NW, #1100 Washington, DC 20005	Animal Health Institute		
Do	Disclosure Information Group	175.00	
Do	Journal of Commerce, Inc	300.00	
Charles R. Blumenfeld, Bogle & Gates 2100 Bank of California Center Seattle, WA 98164	Coalition of Independent Timber Growers		
Do	Pacific Seafood Processors Assn		
Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20007	American Dietetic Assn		
William J. Boarman, P.O. Box 157 Colorado Springs, CO 80901	International Typographical Union		
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		38,500.00	37,750.00
Karen Bodenhorn, 1522 K Street, NW, #1120 Washington, DC 20005	American College of Nurse-Midwives		
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,312.50	
Timothy A. Boggs, 1133 21st Street, NW, #400 Washington, DC 20036	Warner Communications, Inc	14,400.00	11,228.34
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	Alaskan Factory Trawlers Assn	2,000.00	
Do	Alliance for Fair Trade	35,000.00	
Do	American Fair Trade Council		
Do	Coalition for Clean Water	1,000.00	
Do	Northwest Apparel & Textile Assn	1,000.00	
Do	Pacific Seafood Processors Assn	300.00	
Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		55.94
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Jon L. Boisclair, 1025 Thomas Jefferson Street, NW, #502E Washington, DC 20007	Transit Advertising Assn		
Do	Winston Network, Inc		
Bernadette Bolton, 400 First Street, NW, #800 Washington, DC 20001	Brotherhood of Railroad Signalmen	300.00	
Sharon E. Bomer, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,060.00	511.53
Joseph C. Bonanno Jr., P.O. Box 2624 Saratoga, CA 95070-0624			
Edward N. Bond, 1700 North Moore St. Rosslyn, VA 22209	Boeing Company	750.00	27.50
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	900.00	95.00
Sharon Lee Bonitt, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Bonsib, Inc, P.O. Box 1807 Washington, DC 20013			
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America		
W. Dan Boone, 345 Park Ave. New York, NY 10154	Union Pacific Corp and Alliance for Clean Energy		
Diane Boratyn, 1230 31st St., NW, #5 Washington, DC 20007	D Boratyn, Ltd		
Edward T. Borda, 1625 Eye St., NW, #1023 Washington, DC 20006	Association of General Merchandise Chains	4,000.00	
Patricia A. Borowski, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
G. Stewart Boswell, 1611 North Kent St., #800 Arlington, VA 22209	American Apparel Manufacturers Assn, Inc		
M. L. Boswell, 6646 Madison-McLean Drive McLean, VA 22101	Italian Advanced Industries, Inc		
Charles G. Botsford, 1730 M St., NW, #515 Washington, DC 20036		1,500.00	149.00
John E. Bouchard, 1667 K Street, NW, #350 Washington, DC 20036	Moller Steamship Co, Inc		
Mary M. Bourdette, 122 C St., NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	277.42	
James G. Bourie, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	150.47
Albert D. Bourland, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Rodney A. Bower, 8701 Georgia Avenue, #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Doug B. Bowles, 205 Spring Hill Terrace Roswell, GA 30075	Georgia Power Co	9,745.50	11,588.18
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Jim D. Bowmer, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		1,992.95
Bowmer Courtney Burleson Pemberton & Normand, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		434.06
Joan Costain Bowyer, 1015 15th St., NW Washington, DC 20005	Phelps Dodge Corp	150.00	
James H. Boyd, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
John G. Boyd, 1801 K St., NW Washington, DC 20006	International Business Machines Corp	129.00	17.00
Bracewell & Patterson, 1825 Eye Street, NW, #1200 Washington, DC 20006	American Gas Assn		
Do	American Insurance Assn		
Do	Appalachian Energy Group		
Do	Chemical Manufacturers Assn, Inc		
Do	Computer Dealers & Lessors Assn, Inc		
Do	COMDISCO, Inc		
Do	Enron Corp	925.00	369.00
Do	Liberty Bank & Trust of New Jersey		
Do	Louisiana Land & Exploration Co		
Do	Massachusetts Mutual Life Insurance		
Do	National Cable Television Assn, Inc		
Do	Pennsylvania Natural Gas Associates		
Do	Southdown/Pelto Oil Company		
Do	Star-Kist Foods, Inc		
Do	Texas Funeral Directors Assn, Inc		
Do	U.S. Tuna Foundation		
Do	Valero Energy Corporation	925.00	369.00
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	American Southwest Financial Co	30,000.00	620.00
Do	Arkla, Inc	3,000.00	150.00
Do	California Nickel Corp		
Do	City of Tucson	7,000.00	180.00
Do	Confederated Salish & Kootenai of the Flathead Reservation		
Do	CSX Corporation	9,000.00	225.00
Do	Daylight Saving Time Coalition	1,000.00	65.00
Do	Energy Absorption Systems, Inc	8,000.00	120.00
Do	Estes Company	3,000.00	315.00
Do	Pratt & Whitney Aircraft Group	5,000.00	140.00
Do	Southern Arizona Water Resources Association	3,000.00	210.00
Frank W. Bradley, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	6,000.00	
Wayne W. Bradley, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Dennis M. Bradshaw, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
John J. Brady III, 1919 Pennsylvania Ave., NW, #303 Arlington, VA 22206	International Trade & Development Agency, Inc		
Charles G. Bragg, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Sally M. Brain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	General Dynamics Corp		
Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action	2,000.00	
Do	Citizen/Labor Energy Coalition		
Richard D. Brannick, P.O. Box 550 Dexter, NY 13634	National Border Patrol Council		
William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo 1825 Eye St., NW, #1201 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc		
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,476.95	
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al		
Harold E. Brazil, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	109.25	
Noel Brazil, 600 Maryland Avenue, SW, #400 Washington, DC 20024	American Optometric Assn		
Edward T. Breathitt, 1050 Connecticut Ave., NW Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Bregman Abell Kay & Simon, 1156 15th St., NW, #1212 Washington, DC 20005	Air Transport Assn of America		
Do	American Car Rental Assn	5,000.00	
Do	American Fed of Labor & Congress of Industrial Organizations		
Do	Committee for Tax Equity		
Do	National Car Rental System, Inc		
Do	Ryder Systems, Inc		
Do	Trans World Airlines, Inc		
Do	Truck Renting & Leasing Assn	5,000.00	
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,470.07
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	247.00
Peter E. Brereton, 900 Euclid Avenue P.O. Box 5937 Cleveland, OH 44107	Ameritrust Co, Nat'l Assn		
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,000.00	
Albert E. Brewster, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	5,000.00	165.10
Belva B. Brissett, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	1,454.78
Elizabeth Y. Britton, 2550 M Street, NW Washington, DC 20037	RJR Nabisco, Inc	274.48	246.89
Stephen W. Broadie, 1629 K Street, NW Washington, DC 20006	Alliance of American Insurers	1,500.00	131.30
Marina L. Brockmann, 1025 Connecticut Ave., NW Washington, DC 20036	Society of the Plastics Industry, Inc		
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney (For:City of Detroit, Michigan)	7,500.00	174.12
Do	Plunkett & Cooney (For:Detroit Educational TV Foundation)	405.00	
Do	Plunkett & Cooney (For:Michigan Consolidated Gas Co)	6,825.00	940.12
Do	Plunkett & Cooney (For:National Bank of Detroit)		
David A. Brody, 1640 Rhode Island Ave., NW Washington, DC 20036	Anti-Defamation League of B'nai B'rith	1,000.00	
Marcia D. Brody, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
Nancy B. Broff, 600 New Jersey Ave., NW Washington, DC 20001	Alliance for Justice		
Phillip J. Broman, 919 18th Street, NW, #600 Washington, DC 20006	Toyota Motor Sales, USA, Inc		
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Brook Associates, Inc, 605 14th Street, NW, #405 Washington, DC 20005	Northern Textile Assn	7,500.00	7,500.00
E. R. Brooks, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Co		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,140.62	12.00
Philip A. Brooks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	766.00	
Mario Brossi, 1776 K Street, NW Washington, DC 20006	Direct Selling Association		
Brotherhood of Railway Airline & Steamship Clerks, 815 16th St., NW Washington, DC 20006		12,400.00	20,859.40
Donald G. Brotzman, 1400 K St., NW Washington, DC 20005	Rubber Manufacturers Assn	10,000.00	
Cheryl Brown, 1667 K Street, NW, #710 Washington, DC 20006	Baxter Travenol Laboratories, Inc	500.00	
David S. J. Brown, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co	700.00	504.65
Doreen L. Brown, 1001 Connecticut Ave., NW Washington, DC 20036	Consumers for World Trade		
Ellen B. Brown, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,400.00	669.41
George L. Brown, 1000 Wilson Boulevard Arlington, VA 22209	Grumman Corporation	1,250.00	842.30
Jesse P. Brown Jr., 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America		
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
S. M. Henry Brown Jr., 411 Fayetteville Street Mall, #1925 Raleigh, NC 27601	Carolina Power & Light Co	821.33	1,812.45
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	3,000.00	459.92
Virginia Brown, 15th & M streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William E. Brown, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	167.40	391.71
William R. Brown, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce	292.95	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	1,577.50
Brown & Finn, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Cincinnati Microwave, Inc	15,612.50	
Do	Regency Electronics, Inc		
Do	Satellite TV Viewing Rights Superfund, Inc	30,500.00	
Brown Todd & Heyburn, 1600 Citizens Plaza Louisville, KY 40202	Brown & Williamson Tobacco Corp		
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Camara de la Industria de Transformacion de Nuevo Leon	15,515.40	9,962.42

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	250.00	128.00
Kathryne M. Bruner, 1025 Connecticut Ave., NW—#704 Washington, DC 20036	GA Technologies, Inc	750.00	143.61
William K. Brunette, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	511.54	26.00
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	1,000.00	19.00
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Group	225.00	103.05
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs		
Buchanan Ingersoll, P.C., 1667 K Street, NW, 9th Fl. Washington, DC 20006	Federation of Apparel Manufacturers		
Judith A. Buckalew, 1667 K Street, NW, #500 Washington, DC 20006	International Assn for Financial Planning, Inc	16,585.00	3,883.24
Thomas L. Buckmaster, 1225 Connecticut Avenue, NW, #300 Washington, DC 20036	Citizens for Sensible Control of Acid Rain	1,250.00	
Priscilla R. Budeiri, 215 Pennsylvania Ave., SE Washington, DC 20003	Congress Watch	5,250.00	
G. N. Buffington, 2230 California Street, NW Washington, DC 20008	National Assn of Real Estate Investment Trusts, Inc	3,230.00	577.19
Building Owners & Managers Assn International, 1250 Eye St., NW, #200 Washington, DC 20005			
Douglas W. Bulcao, 1101 Connecticut Ave., NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc	1,300.00	35.45
Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,202.00	
Darrel D. Bunge, Minnesota Petroleum Council 386 N. Wabasha St., #1025 St. Paul, MN 55102	American Petroleum Institute		3.75
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Magazine Publishers Assn, Inc	3,000.00	
Do	Parcel Shippers Assn	2,000.00	
Norman D. Burch, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	5,200.00	102.80
Barbara G. Burchett, 1615 L St., NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Paul F. Burdett, Suite 700 South 1800 M Street, NW Washington, DC 20036	Merrell Dow Pharmaceuticals, Inc		82.60
Robert J. Burdick, 1126 16th Street, NW Washington, DC 20036	Oil Chemical & Atomic Workers Int'l Union	2,961.00	
Clair W. Burgener, P.O. Box 8186 Rancho Santa Fe, CA 92067	G A Technologies, Inc		
Harriet Hunt Burgesss, 82 Second Street San Francisco, CA 94105	Trust for Public Lands	6,445.00	4,132.00
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin Burke, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	785.82
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036		43,078.00	950.00
Mahlon A. Burnette III, 631 Walker Road Great Falls, VA 22066	Grocery Manufacturers of America, Inc	345.00	
Charles S. Burns, 1015 15th St., NW Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	233.47
Burr Pease & Kurtz, Inc, 810 N St. Anchorage, AK 99501	Eklutna, Inc		
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Insurance Assn		
Do	Arthur Andersen & Co	250.00	30.25
Do	Blue Cross & Blue Shield Assn		
Do	Chester Solid Waste Assn		
Do	City of Philadelphia		
Do	CBS, Inc		
Do	Hankin Management-Arsenal Business Center Associates	130.00	10.00
Do	Morgan Stanley & Co, Inc	3,750.00	37.00
Do	National Foundation for Infectious Diseases	100.00	6.00
Do	Pennsylvania Economic Development Assn		
Do	Philadelphia Industrial Development Corp		
Do	Philadelphia Port Corp		
Do	Philip Morris, Inc	1,450.00	
Do	Port of Wilmington		
Do	R. P. Scherer Corp		
Do	Sears Roebuck & Co		
Do	Softgel Assn	450.00	60.15
Do	South Jersey Port Corp	450.00	61.11
Do	Temple University		
Busby Rehm and Leonard, P.C., 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Maurice Pincoffs Co, Inc, et al.	3,020.00	20.00
Do	Universal Leaf Tobacco Co, Inc		
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
E. Philip Bush, 300 Lincoln Plaza, Lb-5 Dallas, TX 75201	Taylor & Mizell		
James J. Butera, 4th Floor 1101 15th St., NW Washington, DC 20005	National Council of Savings Institutions	10,000.00	39.94
Helen C. Butler, 1630 Connecticut Avenue, NW, #202 Washington, DC 20009	Taiwan Power Company	4,500.00	
M. Caldwell Butler, P.O. Box 720 Roanoke, VA 24004	National Conference of Bankruptcy Judges	3,720.00	
Patrick Butler, 1875 Eye Street, NW, #1110 Washington, DC 20006	Times Mirror Co		
William A. Butler, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	5,000.00	150.00
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Mary Jane Butterfield, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	938.27	22.70
John Butts, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	172.14
Cades Schutte Fleming & Wright, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Hawaii Financial Service Assn		
Do	Hawaii Sugar Planters Assn		
Do	Hawaiian Electric Company, Inc		
Do	U.S. Windpower, Inc		
John R. Cady, 1711 King Street Alexandria, VA 22314	Snack Food Assn		
C. Richard Cahoon, 1120 Vermont Ave., NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	4,000.00	318.82
Roy C. Cahoon, 6100 Knollwood Dr. Falls Church, VA 22041	National Automatic Merchandising Assn		
Morrison G. Cain, 1625 I St., NW, #1023 Washington, DC 20006	Association of General Merchandise Chains	2,000.00	
Alan Caldwell, 2550 M Street, NW, #770 Washington, DC 20037	RJR Nabisco, Inc	1,200.00	
Frank W. Calhoun, 3400 Texas Commerce Tower Houston, TX 77002	Houston Endowment, Inc		
Peter E. Callanan, 1100 Connecticut Ave., NW Washington, DC 20036	Honeywell, Inc	150.00	475.00
John C. Callihan, 299 Park Avenue New York, NY 10171	Westvaco Corporation		
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Donald L. Calvin, 11 Wall St. New York, NY 10005	New York Stock Exchange, Inc		
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Avco Lycoming	200.00	
Do	Ford Aerospace & Communications Corp	175.00	
Do	FMC Corporation	175.00	
Do	General Dynamics Land Systems	300.00	
Do	General Dynamics Valley Systems Division	200.00	
Do	Lockheed-California Co	175.00	
Do	Lockheed-Georgia Co	150.00	
Do	Norden Systems, Inc	180.00	
Arthur E. Cameron, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	Amerace Corporation, et al.	5,927.00	
Do	American Greyhound Track Operators Assn	1,667.00	
Do	Hall Signs, Inc, et al.	2,499.00	
Do	Safetran Systems Corporation	7,200.00	
Do	Signal Communications		
Do	Syro Steel Co	4,050.00	
Do	3M Company	11,999.00	
Nancy Camm, 1800 K Street, NW, #900 Washington, DC 20006	Bank of America		
Camp Carmouche Barsh Hunter Gray Hoffman & Gill, 2550 M St., NW, #275 Washington, DC 20037	BellSouth Corp		
Do	Champlin Petroleum Company		
Do	Chemical Manufacturers Assn, Inc	200.00	
Do	Goldman Sachs & Co		
Do	Mobil Oil Corp		
Do	Natural Gas Supply Assn		
Do	Occidental Petroleum Corp		
Do	Pennzoil Co		
Do	PPG Industries, Inc	350.00	
Do	Sears Roebuck & Co	4,950.00	6,011.00
Do	South Central Bell		
Do	Texaco, Inc		
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		5,667.19	8,182.58
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	2,000.00	
Carl C. Campbell, 1030 15th St., NW, Suite 700 Washington, DC 20005	National Cotton Council of America	200.00	
Charles Argyll Campbell, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers		
Charles O. Campbell, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
Thomas D. Campbell & Associates, Inc, 517 Queen Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	228.71
Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #504 Toronto, Ontario Canada M4v 2y3		759.93	4,498.71

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	8,771.00	603.00
Anne C. Canfield, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	130.00	
Edward F. Canfield, 1331 Pennsylvania Avenue, NW, #524 Washington, DC 20004	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
H. Spofford Canfield, 1015 15th Street, NW, #900 Washington, DC 20005	Enron Corp	2,000.00	
Dave Cannard, 703 Broadway, #700 Vancouver, WA 98660	Friends of the Columbia Gorge		
Laura Van Etten Cannata, 1700 Pennsylvania Avenue, NW, #525 Washington, DC 20006	Equitable Life Assurance Society of the U.S.	150.00	5.00
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
W. Dean Cannon Jr, 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	California League of Savings Institutions	3,000.00	434.17
David L. Cantor, 1133 15th Street, NW, #1200 Washington, DC 20005	Porter Wright Morris & Arthur (For:Coalition for Environmental Energy Balance)		
Anne Gavaghan Cantrel, 1667 K Street, NW Washington, DC 20005	Baxter Travenol Laboratories, Inc		
Gary Capistrant, 1200 15th Street, NW Washington, DC 20005	American Health Care Assn	3,764.50	60.00
Capital Advocates, 1127 11th Street, #950 Sacramento, CA 95814	Crowley Maritime Corp	2,500.00	31,098.88
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Albert & Diane Kaneb		
Do	Citizens Comm for Medical Research & Health Education	300.00	
Do	Cystic Fibrosis Foundation	450.00	
Do	Emory University Medical School	800.00	
Do	Endocrine Society	344.00	
Do	Joint Council of Allergy & Immunology	375.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	250.00	
Do	National Multiple Sclerosis Society	544.00	
Do	Rehabilitation Institute of Chicago	750.00	
Do	Terri Gotthelf Lupus Research Institute		
Capitol Marketing Services, 923 Riva Ridge Drive Great Falls, VA 22066			
Caplin & Drysdale, Chtd, One Thomas Circle, NW Washington, DC 20005	Ad Hoc Comm on Dual Resident Companies	12,350.70	85.59
Do	Council on Foundations, Inc	640.00	
Do	J. Paul Getty Trust	2,204.00	
Do	National Council of YMCA of the USA		
Robert Capozzi, 1015 18th Street, NW, #702 Washington, DC 20003	ISFA Corporation		
Norval E. Carey, 1025 Connecticut Ave., NW #704 Washington, DC 20036	Gulf Oil Corp (for GA Technologies, Inc)	1,218.38	435.34
Robert B. Carleson, 1201 Pennsylvania Ave., NW Washington, DC 20004	KMG Main Hurdman (For:ICC Industries, Inc)		
Do	KMG Main Hurdman (For:Mercedes Benz of North America, Inc)		
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	25,987.00	
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	450.00	
Peter Carlson, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	206.88	
Carmen & Muss, 1901 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Carmen Carmen & Hugel (for CareerCom)	200.00	
Do	LGH Venture		
Carmen Carmen & Hugel, Inc, 1667 K Street, NW, #950 Washington, DC 20006	CareerCom	200.00	200.00
Bertram W. Carp, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	4,250.00	
Chapin Carpenter Jr., 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers Assn, Inc	2,000.00	
Cy Carpenter, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	10,000.00	438.47
George D. Carpenter, 6110 Center Hill Road Cincinnati, OH 45224	Procter & Gamble Manufacturing Co		
Susan Carr, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	1,063.00	
John R. Carson, 20 Chevy Chase Circle Washington, DC 20015	American Podiatric Medical Assn	16,000.00	
David C. Carter, 1156 15th St., NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
John R. Carter, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	77.00	
Joseph L. Carter Jr., 412 First St., SE, #200 Washington, DC 20003	Association of American Railroads	1,063.62	395.33
Terrie M. Carter, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
David Cartwright, 1155 15th Street, NW Washington, DC 20005	National Small Business Assn	6,750.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,112.00	1,962.59
Eugene I. Casraiss Jr., 1757 N St., NW Washington, DC 20036	United Auto Aerospace & Agricultural Implement Workers	14,557.34	124.90
J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,937.50	
Cassidy and Associates, Inc, Metropolitan Square 655 15th St., NW, #1100 Washington, DC 20005	Alexander Graham Bell Assn for the Deaf		
Do	Alloy Technology		
Do	American Hospital in Shanghai Foundation	75.00	5.50
Do	Anatolia College Board of Trustees		
Do	Arizona State University		
Do	Atlanta University	75.00	
Do	Barry University	75.00	
Do	Boston College	375.00	5.50
Do	Boston University	75.00	
Do	Broadhead Investments, Inc		
Do	Brown University		
Do	Catholic University of America		
Do	Centex Communications, Inc		
Do	Children's Hospital		
Do	Columbia University	75.00	
Do	Crane Co Resistoflex		
Do	Crane Company	150.00	
Do	Crane Hydroaire		
Do	Crane National Vendors		
Do	Drexel University		
Do	Fudan Foundation	75.00	
Do	Global Broadcasting Group, Inc		
Do	Indiana University	150.00	
Do	Medusa Cement		
Do	Mount Sinai Medical Center		
Do	NeoRx		
Do	New England College of Optometry		
Do	Northwestern University		
Do	O'Connell Management Co		
Do	Ocean Spray Cranberries, Inc	150.00	5.50
Do	Oceanic Institute	150.00	5.50
Do	Pirelli Cable Co	300.00	14.50
Do	Polytechnic University		
Do	Pyramid Companies		
Do	Rochester Institute of Technology		
Do	Rocky Mountain Energy Co		
Do	Tufts University	600.00	
Do	U.S. Repeating Arms		
Do	United Hospitals		
Do	University of Alabama in Huntsville		
Do	University of Bridgeport		
Do	University of Southern Mississippi	75.00	
Do	University of Vermont		
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Luis Eduardo Castaneda, P.O. Box 364 Buena Vista Station Miami, FL 33137	New Generation Lobby		
John J. Castellani, 27th Floor 1000 Wilson Blvd. Arlington, VA 22209	TRW, Inc	3,000.00	
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	4,500.00	2,971.00
G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Southeastern Lumber Manufacturers Assn)		
Joseph E. Cavanagh, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC		
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc	1,200.00	
Nicholas G. Cavarocchi, 6th Floor 2010 Massachusetts Avenue, NW Washington, DC 20036			
Cavenham Forest Industries, Inc, 1500 S.W. First Avenue Portland, OR 97201			21,310.00
Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307	Grumman Corporation	200.00	
Do	Martin Marietta Corp	200.00	
Cellular Telecommunications Industry Assn, 1150 17th St., NW, #607 Washington, DC 20036			
Cendrowski & Selecky, P.C., 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	34,800.00	37,300.00
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			737.15
David Certner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	487.31	436.79
Chadbourne & Parke, 1101 Vermont Avenue, NW Washington, DC 20005	Applied Energy Services, Inc		
Do	Burnett & Hallamshire Holdings Plc		
Do	BATUS, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Catalyst Energy Development Corp		
Do			
Do	ENESCO		
Do	Fieldcrest Mills, Inc		
Do	Independent Power Systems International, Inc		
Do	Inspiration Resources Corp		
Do	Lawson Mardon Group Limited		
Do	Manufacturers Life Insurance Co & Maine Fidelity Lic		
Do	Napp Chemicals, Inc		
Do	Oxbow Geothermal Corp		
Do	Peat Products of America, Inc	500.00	
Do	PLM Power Company		
Do	Ruan Companies	1,000.00	59.81
Do	Timex Corp		
Do	Wells Fargo Leasing Corp		
Chadwell & Kayser, Ltd, 8500 Sears Tower Chicago, IL 60606-6592	Harza Engineering Co	4,500.00	
Dean S. Chalios, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Durwood Chalker, P.O. Box 660164 2121 San Jacinto Street, #2500 Dallas, TX 75266-0164	Central & South West Corp		
Mark G. Chalpin, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	1,970.00	
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Ed Chandler, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	10,340.00	500.00
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	Multinational Business Services, Inc, et al.	16,100.00	1,856.02
Richard M. Charlton, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp		
Peggy Charren, 971 Memorial Drive, #504 Cambridge, MA 02138	Action for Children's Television	150.00	
Chemical Specialties Manufacturers Assn, Inc, 1001 Connecticut Avenue, NW, #1120 Washington, DC 20036		173.37	9.80
William B. Cherkasky, 1350 New York Ave., nW, #900 Washington, DC 20005	International Franchise Assn		
Larry Chernikoff, 3734 Northampton Street, NW Washington, DC 20015	Chernikoff & Co (For:National Symphony, et al.)	7,500.00	170.54
Chesebrough-Pond's, Inc, Nyala Farm Road Westport, CT 06881-0850			4,858.48
J. Samuel Choate Jr., 1101 Connecticut Ave., NW, #405 Washington, DC 20036	J. Samuel Choate, Jr., P.C. (For:Association of Progressive Rental Organizations)		
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute		
Leslie Christensen, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	2,250.00	200.00
William T. Christian, 2211 Congress Street Portland, ME 04122	Union Mutual Life Insurance Co.		
Jack E. Christy, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	592.31	
James T. Christy, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	183.86
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			8,037.42
Donald T. Chunn, Route 2, Box 89 Columbia, TN 38401	Title Associates, Inc		
Chwat/Weigend Associates, 400 First Street, NW, #816 Washington, DC 20001	American Home Sewing Assn, Inc	500.00	500.00
Do	American Pipe & Accessories League	3,000.00	3,000.00
Do	Associated Locksmiths of America	1,200.00	1,200.00
Do	Coalition on Alcoholic Beverage Procurement	3,000.00	3,000.00
Do	National Assn of Companion Sitter Agencies & Referral Serv	375.00	375.00
Do	National Assn of Tobacco Distributors	3,000.00	3,000.00
Do	National Licensed Beverage Assn	3,000.00	3,000.00
Do	National Weather Service Employees Organization	300.00	300.00
Charisse Victoria Ciambrone, 2029 Griffith Avenue Las Vegas, NV 89104			
Donna M. Cirolia, 1518 K Street, NW, #401 Washington, DC 20005	Water Quality Association		
Citizen Action, 1300 Connecticut Ave., NW, #401 Washington, DC 20036		6,000.00	6,035.00
Citizen/Labor Energy Coalition, 1300 Connecticut Ave., NW, # 401 Washington, DC 20036		2,500.00	2,500.00
Citizens for Sensible Control of Acid Rain (CSCAR), 1225 Connecticut Avenue, NW, #300 Washington, DC 20036		291,667.00	165,780.00
Citizens for Stabilizing Corporate Taxes & Foreign Policy, P.O. Box 1036 Guthrie, OK 73044-1036			
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		277,393.04	100,555.76
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	American Continental Corp	525.00	
Do	Grocery Manufacturers of America, Inc	24,475.00	546.40
Gilbert Clark, 1117 N. 19th Street, NW, #600 Arlington, VA 22209	American Assn of Blood Banks		
James F. Clark, Robertson, Monagle, Eastaugh & Bradley 240 Main St., # 800, PO Box 1211 Juneau, AK 99802	Alaska Pulp Corp	700.00	
Jordan Clark, 15th & M streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Joseph J. F. Clark, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	10,631.25	100.00
Phillip A. Clark, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	2,867.00	
Robert Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Rudy I. Clark, 5342 Woodbury Woods Lane Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Vernon A. Clark, 1899 L St., NW, #403 Washington, DC 20036	Outdoor Advertising Assn of America, Inc	2,438.00	3,906.00
Scott Charles Clarkson, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	2,000.00	1,639.50
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	3,000.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Bear Stearns & Co		
Do	Public Securities Assn	2,000.00	51.75
Do	Refiners' Negotiating Committee	2,200.00	
Do	Synthetic Organic Chemical Manufacturers Assn, Inc	400.00	
Do	Union Oil Co of California, et al.	1,900.00	
Jacqueline W. Clements, 1015 15th Street, NW, #900 Washington, DC 20005	Enron Corp	500.00	
Ronald D. Clements, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	1,334.20	485.79
Cleveland Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113			867.66
W. M. Click, Box 719 Dallas, TX 75221	Southland Corporation		
Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006	Joint Corporate Comm on Cuban Claims	600.00	180.00
Dexanne Clohan, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,769.00	
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Coalition for Alternatives in Nutrition & Healthcare, Inc, P.O. Box B-12 Richlandtown, PA 18955		3,783.00	2,900.00
Coalition for Uniform Product Liability Law, 1330 Connecticut Avenue, NW, #336 Washington, DC 20036		27,700.00	
Coalition to Keep Alaska Oil, AFL-CIO Building 815 16th Street, NW, #309 Washington, DC 20006			
Coalition Against Double Taxation, Inc, c/o Kiernan O'brien & Larocca 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007.		35,006.00	40,264.53
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	7,500.00	641.90
Richard B. Cobb, Petroleum Council of Ga 230 Peachtree St., NW, #1500 Atlanta, GA 30303	American Petroleum Institute	500.00	887.16
Don V. Cogman, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	4,750.00	179.68
Dan Cohen, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	11,250.00	430.80
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	5,833.34	115.22
Ernest Allen Cohen, Journal Square Plaza Jersey City, NJ 07306	Radio Officers Union, Dist 3, NMEBA AFL-CIO	7,882.50	440.51
Jacqueline Abelman Cohen, 1199 N. Fairfax St., #701 Alexandria, VA 22314	National Assn of Tobacco Distributors	2,500.00	
Cohen & White, 1055 Thomas Jefferson Street, NW, #504 Washington, DC 20007	Computer & Communications Industry Assn	202.50	12.20
Linda Colancecco, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn		
Colby Bailey Werner & Associates, 2550 M Street, NW, #450 Washington, DC 20037	Companhia Siderurgica de Tubarao	20,000.00	235.43
Do	Embassy of Korea	26,000.00	22,100.00
E. William Cole, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036	Union Oil Co of California	700.00	65.00
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 1050 Connecticut Avenue, NW, #200 Washington, DC 20036	Burlington Northern, Inc	1,000.00	666.52
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp		
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007	American Frozen Food Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn	450.00	450.00
Do	Bicycle Mfgrs Assn of Amer, Inc	2,000.00	2,000.00
Do	Crop Insurance Research Bureau		
Do	Cylinder Manufacturers Association		
Do	Ferros Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America		
Do	Independent Lubricant Manufacturers Assn	100.00	100.00
Do	Inland Steel Corp	1,125.00	1,125.00
Do	Kaiser Steel Corp	5,625.00	5,625.00
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	3,500.00	3,500.00
Do	National Assn of Mutual Insurance Cos	1,000.00	1,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Broiler Council		
Do	National Coalition of Fresh Potato Processors		
Do	National Hairdressers & Cosmetologists Assn		
Do	Norris Industries	1,875.00	1,875.00
Do	North American Phillips Corp	690.00	690.00
Do	Outdoor Power Equipment Institute		
Do	Petroleos de Venezuela, S.A.	1,830.00	1,830.00
Do	Pittsburgh Corning Corporation		
Do	Secondary Lead Smelters Assn, Inc		
Do	Smokeless Tobacco Council, Inc		
Do	Society of Independent Gasoline Marketers of America	3,950.00	3,950.00
Do	Specialty Steel Industry of the United States	75.00	75.00
Paul Edward Michael Collin, 1299 Seaside Ave. P.O. Box 3007 Terminal Island, CA 90731-0207			
Terese Colling, 2000 Pennsylvania Ave., NW, #3700 Washington, DC 20006	Media General, Inc		
Mary M. Collins, 1120 20th Street, NW, #600 South Washington, DC 20036	Union Pacific Corp	1,500.00	
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	488.55
William P. Collins, 5055 Seminary Road Alexandria, VA 22311	Keefe Company (For:Budget Marketing, Inc)		
Do	Keefe Company (For:Republic of the Philippines)		
Do	Keefe Company (For:Southern Co Services, Inc)		
Do	UNIAO Nacional Para Independencia Total DeAngola		
Dominique Colon, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc	110.00	39.84
Colorado Ski Country USA, Inc, Suite A-201 1410 Grant Street Denver, CO 80203			
Kent W. Colton, 15th & M streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Columbia Gorge United, Box 328 Stevenson, WA 98648		9,429.00	8,212.71
Clark S. Colvin, 20 Cascade Key Belleview, WA 98006	Washington State Public Lands Assn		
Committee for Constitutional Integrity, 1156 15th St., NW, #1212 Washington, DC 20005			
Committee for Effective Capital Recovery, 1330 Connecticut Avenue, NW, #336 Washington, DC 20036		10,500.00	
Committee for Humane Legislation, Inc, 11 West 60th St. New York, NY 10023		9,048.92	25,185.93
Committee for Private Education, 1025 Michigan Avenue, NE Washington, DC 20017			
Committee for Production Sharing, 1629 K St., NW, #801 Washington, DC 20006			
Committee for Proposition Thirty, P.O. Box 915 Hartselle, AL 35640			
Committee to Assure the Availability of Casein, 3213 O St., NW Washington, DC 20007		23,500.00	
Committee to Support the Antitrust Laws, 1401 New York Avenue, NW, #740 Washington, DC 20005		8,000.00	900.00
Common Cause, 2030 M St., NW Washington, DC 20036		2,821,944.00	498,650.58
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			
Lance Compa, 1411 K St., NW, #410 Washington, DC 20005	United Electrical Radio & Machine Workers of America	6,209.48	
Competitive Enterprise Institute, 611 Pennsylvania Avenue, SE Washington, DC 20003		152,840.00	
Edward C. Cone Jr., P.O. Box 1788 Forest Park, GA 30051	Southeastern Lumber Manufacturers Assn		
Congress Watch, 215 Pennsylvania Ave., SE Washington, DC 20003		62,061.29	78,759.60
Gary L. Conkling, P.O. Box 500, Y3-439 Beaverton, OR 97077	Tektronix, Inc	8,500.00	2,068.04
Robert J. Conlan, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation		
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp		
Robert J. Conner Jr., 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	500.00	1,461.05
Stephen N. Conner, Route 1, Box 506 Easton, MD 21601	Foreign Ministry of Kingdom of Saudi Arabia	50,000.00	
Susan Connolly, 1615 H St., N.w. Washington, DC 20061	U.S. Chamber of Commerce	2,500.00	
Brian L. Connor, 1420 King Street Alexandria, VA 22314	National Society of Professional Engineers	2,000.00	
Catherine Connor, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	562.50	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	1,000.00	100.00
C. Judith Conrad, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	5.20
Gregory E. Conrad, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Lori C. Consadori, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Sheila A. Consaul, 1020 19th St., NW Washington, DC 20035	Balcor Co	7,250.00	6,287.42
Consumer Energy Council of America, 2000 L St., NW, #802 Washington, DC 20036			
Consumers for World Trade, 1001 Connecticut Ave., NW Washington, DC 20036		11,440.00	13,427.00
Consumers Opposed to Secret Tax (COST), P.O. Box 93711 Milwaukee, WI 53203			621.00
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			6,990.00
John J. Contney, 1250 E. Hollandale Beach Blvd. Hollandale, FL 33009	Textile Rental Services Assn of America		
Emery S. Conyers, P.O. Box 1706 Midland, MI 48640	Dow Chemical Co		
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	128.00	
Frederck N. Cook, Vermont Petroleum Association P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute		
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	525.00	
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101, Box 54 Washington, DC 20002	American Library Assn	2,350.00	
Stoney Cooks, 433 6th Street, NE Washington, DC 20002	South/North Development Group, Ltd	3,241.59	
Brian D. Cooney, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,061.00	214.00
Benjamin Y. Cooper Jr., 1730 North Lynn St. Arlington, VA 22209	Printing Industries of America, Inc	8,500.00	
Chester L. Cooper, 1616 P St., NW, #410 Washington, DC 20036	American Academy of Arts & Sciences		
Jesse D. Cooper, 1860 Lincoln Street, #400 Denver, CO 80295	Rocky Mountain Oil & Gas Assn	2,600.00	18.81
Kathy J. Cooper, 1700 K St., NW, #1204 Washington, DC 20006	Chevron USA, Inc	100.00	
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	16,500.00	
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	769.00
Curtis B. Copeland, 2000 M Street, NW, #500 Washington, DC 20036	Wood Lucksinger & Epstein (For:CHAD Therapeutics, Inc)		
Michael J. Copps, 1660 L St., NW, #1000 Washington, DC 20036	Collins and Aikman Corp	7,900.00	4,215.57
John F. Corcoran, 1050 Connecticut Ave., NW, #740 Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Patrick H. Corcoran, 1725 K St., NW, #1205 Washington, DC 20006	Association of Oil Pipelines		
William M. Corcoran, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Alfred C. Cordon, 1920 N St., NW Washington, DC 20036	Buffalo Broadcasting Co, Inc		
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	American Bakers Assn	1,250.00	
Do	Bank Amerilease Group		
Do	Cargill Leasing Corp		
Do	Cloverleaf Group, Inc		
Do	Connell Finance Co, Inc		
Do	Connell Rice & Sugar Co, Inc		
Do	Dominion Property Company		
Do	EDS Financial Corporation		
Do	First Chicago Leasing Corp		
Do	First National Bank of Boston		
Do	First National Bank of Minneapolis		
Do	General Electric Credit Corp		
Do	Grobstein Blankstein Goldman & Co		
Do	GATX Corporation		
Do	GATX Leasing Corp		
Do	Institute of Electrical & Electronics Engineers, Inc		
Do	International Assn of Geophysical Contractors	4,800.00	
Do	Investment Partnership Assn	200.00	
Do	Kelso & Company		
Do	Manufacturers Hanover Leasing Corp		
Do	MCA, Inc	1,800.00	
Do	National Structured Settlements Trade Assn	1,000.00	
Do	Petersen Publishing Co		
Do	Republic National Bank of New York		
Do	Ryder System, Inc		
Do	Solar Energy Industries Assn		
Do	State of Michigan		
Do	Systems Leasing Corp		
Do	Texas Air Corp		
Do	U.S. League of Savings Institutions		
Do	Winn Development Co	400.00	
Corn Refiners Assn, Inc, 1001 Connecticut Ave., NW Washington, DC 20036		4,974.00	2,408.00
Larry C. Cornwell, 2203 North Lois Ave., #500 Tampa, FL 33607	North American Telephone		
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	2,194.50	63.90
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard L. Corrigan, 1201 Pennsylvania Avenue, NW, #250 Washington, DC 20004	CH2M Hill	2,000.00	
Marty Corry, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	592.31	1,058.93
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning Glass Works	1,500.00	
William R. Corson, 1707 H St., NW Washington, DC 20006	Penthouse International, Ltd		
Alfred W. Cortese Jr., 655 15th Street, NW, #1200 Washington, DC 20005	General Motors Corp	2,650.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
R. H. Cory, 1005 Congress Avenue, #795 Austin, TX 78701	Central & South West Services, Inc	580.00	861.58
Tom Cosgrove, 1218 Chestnut Street, #1003 Philadelphia, PA 19107	Sierra Club		
Cosmetic Toiletry & Fragrance Assn, Inc, 1110 Vermont Ave., NW, #800 Washington, DC 20005			
J. Daniel Costello, 1615 H St., NW Washington, DC 20006	U.S. Chamber of Commerce	1,475.00	75.00
Michael E. Costello, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		1,149.93
Council for Languages and Other Int'l Studies, 20 F Street, NW, 4th F. Washington, DC 20001		10,218.75	14,402.09
Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036		4,000.00	4,000.00
Council of Industrial Boiler Owners, 5817 Burke Centre Parkway Burke, VA 22015			
Council of State Chambers of Commerce, 122 C St., NW, #200 Washington, DC 20001		293.99	951.40
Council on Alternate Fuels, 1301 Pennsylvania Ave., NW, #325 Washington, DC 20006			
William R. Courtney, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		
James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	9,000.00	
Mark Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	100.00	
John F. Cove, 918 16th St., NW, #702 Washington, DC 20006	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Covington & Burling, 1201 Pennsylvania Avenue, NW P.O. Box 7566 Washington, DC 20044	American Assn of Oral & Maxillofacial Surgeons		
Do	American Council on Education	1,650.00	
Do	American Watch Assn	50,000.00	220.00
Do	Association of Maximum Service Telecasters, Inc		
Do	Coalition for Effective Tax Reform	11,646.59	
Do	Coalition to Preserve The Integrity of American Trademarks	24,000.00	2,160.00
Do	Commonwealth of Puerto Rico		13.50
Do	CEO Tax Group		26.86
Do	Enserch Corp		
Do	ERISA Industry Committee		
Do	General Mills, Inc		
Do	Hallmark Cards, Inc	1,950.00	
Do	International Business Machines	1,020.00	5.00
Do	Investment Company Institute	5,000.00	15.00
Do	Lutheran Brotherhood		
Do	Midwest Television, Inc		
Do	Post-Newsweek Stations, Inc		
Do	Sun Life Assurance Co of Canada (U.S.)	460.00	
Do	Telocator Network of America	2,569.58	
Do	Wesleyan University, et al.	1,500.00	
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn		60.00
Do	Municipality of Anchorage		692.66
Do	United Fishermen of Alaska	500.00	
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	5,483.76	112.77
C. Bryan Cox, PO Box 139 Kansas City, MO 64141	Kansas City Life Insurance Co		
C. Richard Cox, 800 Briar Creek Road Charlotte, NC 28232	Belk Stores Services, Inc		
Jeffrey T. Cox, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Tamara Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Evans Grain Co)		
Do	Hill & Knowlton, Inc (For:National Sunflower Assn)	50.00	
Do	Hill & Knowlton, Inc (For:Renewable Fuels Assn)		
Do	Hill & Knowlton, Inc (For:Valmont Industries)	50.00	
Donald Forsyth Craib III, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	223.00	50.35
William C. Cramer, 818 Connecticut Ave., NW Washington, DC 20006	Cramer & Haber, P.C. (For:Canaveral Port Authority)		
Do	Cramer & Haber, P.C. (For:City of Miami)		
Do	Cramer & Haber, P.C. (For:Dade County)		
Do	Cramer & Haber, P.C. (For:Dade County International Airport)		
Do	Cramer & Haber, P.C. (For:Department of Education, State of Florida)		
Cramer & Haber, P.C., 818 Connecticut Ave., NW Washington, DC 20036	Canaveral Port Authority	6,750.00	
Do	City of Miami		177.23
Do	Dade County	5,000.01	
Do	Dade County International Airport	5,000.00	
Do	Department of Education, State of Florida		
Eric F. Craven, P.O. Box 2943 Fort Worth, TX 76113	Texas-New Mexico Power Co		
William D. Crawford, 400 First St., NW Washington, DC 20001	Brotherhood of Railway Carmen of the U.S. & Canada	2,032.53	
Credit Union National Assn, Inc, 1730 Rhode Island Ave., NW, #810 Washington, DC 20036		1,200.00	669.39
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council		
Richard C. Creighton, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	9,375.02	66.00
Douglas P. Crew, 100 N.E. Adams Street Peoria, IL 61629	Caterpillar Tractor Co		
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Joseph M. Cribben, 6900 Valley Brook Dr. Falls Church, VA 22042	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	1,750.00	
P. H. Croft, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	160.00	
Charles H. Cromwell, Inc, 6709 Georgia St. Chevy Chase, MD 20815	General Electric Co		
Do	McDonnell Douglas Helicopters		
Do	Northrop Corp		
Rae E. Cronmiller, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	130.00	
David T. Crow, 1015 18th St., NW Washington, DC 20036	Fertilizer Institute	10,000.00	3,204.12
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004	Asarco Inc		
Do	Associated Gas Distributors		
Do	Avon Products, Inc	750.00	30.00
Do	Brooklyn Union Gas Co	250.00	30.00
Do	Central Nebraska Public Power & Irrigation District	1,455.00	18.00
Do	Communications Satellite Corp	545.00	20.00
Do	Contractors Liability & Indemnification Alliance	495.00	6.00
Do	Control Data Corporation		
Do	Eli Lilly & Company	625.00	10.00
Do	Emery Worldwide		
Do	National Assn of Wholesaler-Distributors	812.50	10.00
Do	Nebraska Public Power District	1,455.00	18.00
Do	Pan American World Airways, Inc, et al		30.00
Do	Regional Airline Association		
Do	Risk & Insurance Management Society	10,378.00	10.00
Do	Sterling Drug, Inc		
Do	Tiffany & Co	150.00	10.00
Do	United Cities Gas Co		
Cuba Claims Association, P.O. Box 014004 Miami, FL 33101			32.00
Cuban American Freedom Coalition, Inc, 1000 Thomas Jefferson St., NW, #601 Washington, DC 20007	Cuban American Public Affairs Council		
Herminia L. Cubillos, 20 F Street, NW, 2nd Floor Washington, DC 20001	National Council of La Raza	1,250.00	1,500.00
William E. Cumberland, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	9,950.00	
Jonathan W. Cuneo, 1401 New York Avenue, NW, #620 Washington, DC 20005	Committee to Support the Antitrust Laws	900.00	55.05
Scott S. Cunningham, 1100 15th Street, NW Washington, DC 20005	Union Carbide Corp		
John T. Curran, 815 16th St., NW, #603 Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	17,018.75	281.50
Do	National Coordinating Comm for Multiemployer Plans		
Edward P. Curtis Jr., Genesee Public Affairs, Inc 36 W. Main Street Rochester, NY 14614	Lake Ontario Cement Limited		
M. Rupert Cutler, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Everett E. Cutter, 620 SW Fifth Avenue Bldg., Suite 300 Portland, OR 97204	Oregon Railroad Assn		
CALPAC, 105 Serra Way, #210 Milpitas, CA 95035			
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CR Associates, 2010 Massachusetts Avenue, NW Washington, DC 20036	Alzheimer's Disease & Related Disorders Assn		
William D. D'Onofrio, 1800 W. 8th St. Wilmington, DE 19805	National Assn for Neighborhood Schools, Inc		
William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006	American Coalition for Flexible Exchange Rates		
Do	Coalition for Regional Banking & Economic Development	160.00	
Do	Houston Clearing House Assn	4,180.00	250.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
William Kay Daines, 1616 H St., NW Washington, DC 20006	American Retail Federation	300.00	150.00
Dairy Farmers for Responsible Farm Policy, 517 C Street, NE Washington, DC 20002		10,720.00	11,003.38
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	1,680.00	735.08
James G. Dalton, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	2,500.00	
Robert C. Daly, 919 18th Street, NW, #600 Washington, DC 20006	Toyota Motor Sales, USA, Inc		
John M. Damgard, 1825 Eye Street, NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
Damrell Damrell & Nelson, P.C., 1625 I Street Modesto, CA 95354	Turlock Irrigation District		
John E. Daniel, 1133 15th Street, NW, #1200 Washington, DC 20005	Ohio Edison Co		
David C. Daniels, 1608 K Street, NW Washington, DC 20006	American Legion	6,054.00	19.10
David S. Danielson, 600 Maryland Avenue, SW, #400-E Washington, DC 20024	American Optometric Assn		
Charles Franklin Daoust, P.O. Box 12910 Charleston, SC 29412	Kiawah Island Co Ltd		
Colleen A. Darling, 1730 Rhode Island Avenue, NW, #204 Washington, DC 20036	Japanese American Citizens League	4,163.22	
Diane Davenny Darneille, 1726 M St., NW, #300 Washington, DC 20036	Schering-Plough Corp	4,943.00	5,629.00
Craig D. Dart, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John B. Davenport Jr., 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	110.00	
Davenport & Seay, One Thomas Circle, NW, #375 Washington, DC 20005	City of Detroit, Michigan	60,748.36	7,913.23
Earl F. David, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
James H. Davidson, 1250 Connecticut Ave., NW, #650 Washington, DC 20036	American Newspaper Publishers Assn	5,075.08	
James H. Davidson & Associates, Inc, 1250 Connecticut Ave, NW, #650 Washington, DC 20036	Magazine Publishers Assn, Inc	9,514.04	
Do	National Assn of Industrial & Office Parks	22,819.74	
Do	Rouse Company	17,503.96	
David R. Davis, 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute		
Drew M Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	157.82	103.36
Fred G. Davis, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	3,061.56	1,122.15
Kenneth E. Davis, Suite 1210 1667 K St., NW Washington, DC 20006	Rohm & Haas Co	500.00	57.84
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert Davis, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	1,250.00	705.00
Susan A. Davis, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	180.30	
W. Kenneth Davis, 209 Fairhills Dr. San Rafael, CA 94901	Bechtel Group, Inc		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	American General Life Insurance Co	254.00	11.50
Do	American Horse Council		
Do	Bankers Trust Co		
Do	Bethlehem Steel Corp		
Do	Capital Holding Corp		
Do	Chicago Board of Trade	625.00	21.31
Do	Coalition Against Double Taxation, Inc		
Do	Committee of Annuity Insurers	845.70	25.50
Do	CNA Insurance		
Do	Dresser Industries		
Do	Dyna Span Corp	2,500.00	11.00
Do	Florida Power & Light		
Do	Florida Sugar Cane League, Inc	640.00	8.00
Do	Hill Country Life Insurance Co	1,504.65	
Do	ICH Corporation	2,400.00	
Do	Lincoln Life Improved Housing, Inc	89.00	
Do	Lincoln National Life Insurance Co	389.60	18.75
Do	National Assn of Life Companies	170.00	
Do	National Cattlemen's Assn		
Do	Property/Casualty Group	139.76	
Do	Stock Information Group	438.50	51.20
Do	Sunrise Company		
Do	Winthrop Financial Assn		
Davis Graham & Stubbs, 1001 22nd St., NW, #500 Washington, DC 20037	Colorado Water Congress		
Do	Municipal Subdistrict, No. Colorado Water Conservancy Dist	1,485.00	1,485.00
Do	Northern Colorado Water Conservancy District	371.25	371.25
Davis Hockenberg Wine Brown & Koehn, 2300 Financial Center Des Moines, IA 50309	E&J Gallo Winery		
Do	Northwestern Bell (Iowa Div)		4.12
Susan Davis International, 1818 N Street, NW, #350 Washington, DC 20036	Turkish Republic of Northern Cyprus	40,675.00	5,113.57
Davis Polk & Wardwell, 1575 Eye St., NW Washington, DC 20005	Ernst & Whinney	700.00	21.00
Do	Manville Corporation		
Do	Morgan Guaranty Trust Co		
Do	Norwest Corporation		
Do	U.S. Trust Corp		
Donald S. Dawson, 1155 Connecticut Ave., #700 Washington, DC 20036	Opticians Assn of America		
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gaston De Bearn, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Ralph De La Cruz, 1225 Connecticut Avenue, NW Washington, DC 20036	American Public Transit Assn	2,960.00	251.00
O. Mark De Michele, 411 North Central Avenue P.O. Box 21666 Phoenix, AZ 85014	Arizona Public Service Company		
John Russell Deane III, 1607 New Hampshire Ave., NW Washington, DC 20009	American Metal Detectors Manufacturers, Inc		
Do	Auto Internacional Assn		
Do	Coalition of Automotive Assns		
Do	Specialty Equipment Market Assn		
Debevoise & Plimpton, 1777 F St., NW Washington, DC 20006	Sony Corp of America	1,272.00	
Dechert Price & Rhoads, 1730 Pennsylvania Avenue, NW, #1100 Washington, DC 20006	Center for Civic Education	11,761.25	135.75
Do	Colorado Westmoreland, Inc	11,440.00	78.60
Do	Constitutional Rights Foundation	5,406.25	126.25
Do	Rohm & Haas Co		37.40
Do	Templeton Growth Fund, Ltd	300.00	
Do	Towers Perrin Forster & Crosby, Inc		
Do	Yonkers Racing Corp		
Mark O. Decker, 1101 17th Street, NW, #700 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc	300.00	
Do	Pension Real Estate Assn		
Winston M. Decker, 1522 K St., NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
John J. Degnan, Shanley & Fisher, P.C. 131 Madison Avenue Morristown, NJ 07960	Sharp Electronics Corp		
George K. Degnon Associates, Inc, 1311-A Dolley Madison Bldg., #3a Mclean, VA 22101	Association of State & Territorial Health Officials		1,000.00
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004	Third Class Mail Association	600.00	
Thomas J. Delaney, 1111 North 19th Street, #700 Arlington, VA 22209	National Assn of Federal Credit Unions	1,500.00	38.08
Delaney & Young, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	National Assn of Independent Insurers	12,000.00	310.02
Do	Transamerica Insurance Services	15,075.00	2,415.28
Mary C. Delmer, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	50.54	207.95
Gail Deloach, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
George B. Delta, Silverstein & Mullens 1776 K Street, NW Washington, DC 20006	Rockefeller Group, Inc		
Willard L. Demory, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Services)	5,000.00	
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)	500.00	
Bradford T. Dempsey, Dempsey Associates, Ltd 919 Pennsylvania Avenue Harrisburg, PA 17112			
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	Cruise America Line, Inc		
Do	N U S Corporation		
Do	National Office Products Assn		
Do	Westinghouse Electric Corp	300.00	
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute		
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	4,403.52	128.36
Thomas J. Dennis Sr., 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp		
Wells Denyes, 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	265.00	67.48
Martin L. Depoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	170.26
Lloyd J. Derrickson, 1828 L St., NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	6,500.00	
Detroit Tooling Assn, P.O. Box 338 Dearborn, MI 48121			
Samuel L. Devine, 170 Burning Tree Drive Naples, FL 33942	American Continental Corp	525.00	
Do	Grocery Manufacturers of America, Inc	19,800.00	2,288.40

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW Washington, DC 20006	Amax, Inc		
Do	American Can Co		
Do	American Stock Exchange, Inc		
Do	Bear Stearns & Co, Inc		
Do	Benefecial Corporation		
Do	Browning-Ferris Industries, Inc		
Do	Catholic Health Assn of the U.S.		
Do	Chase Manhattan Corp		
Do	Chrysler Corporation	250.00	
Do	Committee for Future Investment in America's Past		
Do	Dee Corporation PLC		
Do	Digital Equipment Corp		
Do	Duke Endowment		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems		
Do	General Electric Pension Trust		
Do	Hanschell Inniss, Ltd		
Do	Hershey Foods Corp		
Do	Historic Landmarks for Living		
Do	Housing Resources Corp		
Do	Integrated Resources, Inc		
Do	Labor-Industry Coalition for International Trade		
Do	Marriott Corporation		
Do	National Assn for Home Care		
Do	Nynex Corporation		
Do	Salomon Inc		
Do	Joseph E. Seagram & Sons, Inc		
Do	Semiconductor Industry Association	2,375.00	
Do	Sybedon Corporation		
Do	Teachers Insurance & Annuity Assn of America		
Do	Tobacco Row Associates		
Do	U.S. Coalition for Fair Lumber Imports	352.50	880.50
Doris J. Dewton, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc		
Jeff DeBoer, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	116.06
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,187.00	554.00
Mary Elise DeGonia, 600 Maryland Avenue, SW West Wing, Suite 300 Washington, DC 20024	70001 Training & Employment Institute	500.00	20.00
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc		
Diamond Shamrock Corp, 717 N. Harwood Dallas, TX 75201			2,200.00
John M. Dickerman, 1015 15th St., NW, #700 Washington, DC 20005	National Lumber & Building Material Dealers Assn		
Chester T. Dickerson Jr., 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		612.00
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	4,000.00	
Norman Dickinson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction	80.00	479.29
William E. Dickinson, 206 N. Washington St., #300 Alexandria, VA 22314	Salt Institute	250.00	250.00
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #250 Washington, DC 20036	Allied Signal, Inc	12,600.00	12,940.58
Do	Chicago & Northwestern Transportation	8,600.00	8,991.01
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	American Discount Stamps		
Do	American Greyhound Track Operators Assn	9,328.38	
Do	ABD Securities Corp		
Do	Bear Stearns & Co	2,200.00	
Do	Boundary Gas, Inc		
Do	Car Audio Specialists Assn (CASA)		
Do	Children's Hospital		
Do	Fairchild Industries, Inc		
Do	Federal National Mortgage Assn		
Do	Federated Cash Management Systems	8,100.00	
Do	Fiat USA	175.00	
Do	Inslaw, Inc		
Do	Iroquois Gas, Inc	156.25	
Do	Marine Engineers' Beneficial Assn	1,200.00	
Do	National Fed of Societies for Clinical Social Work	4,000.00	
Do	Ocean State Power		
Do	Paulucci Enterprises	16,526.25	
Do	Providence Hospital	382.81	
Do	Saco Defense, Inc		
Do	States of Arkansas, et al.	452.50	
Do	Symbion, Inc		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Walter E. Diercks, Rubin Winston & Diercks 1730 M Street, NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Larry L. Dildine, 1801 K Street, NW Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)		
George Dillard, 5128 Sauer, Suite A Houston, TX 77004	Kaleidoscope Research & Marketing Group		
Thomas A. Dine, 500 North Capitol St, NW, #300 Washington, DC 20001-1510	American Israel Public Affairs Comm	15,937.50	3,912.37
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			466.17
Barry B. Direnfeld, Rivkin Radler Dunne & Bayh 1575 I Street, NW, #1025 Washington, DC 20005	New Energy Co of Indiana	150.00	18.00
Dale P. Dirks, 400 First St., NW, #712 Washington, DC 20001	Health & Medicine Counsel of Washington		
Do	Professional Services Counsel		
Harley M. Dirks, 400 First Street, NW, #712 Washington, DC 20002	Health & Medicine Counsel of Washington		
Do	Professional Services Council		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		119,004.81	119,004.81
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,920.00	
Sharon Pratt Dixon, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	18.35	
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	1,875.00	
Margaret R. DiPaula, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	170.00	
Dobrovir & Gebhardt, 1025 Vermont Avenue, NW, #1105 Washington, DC 20005	New York State Ophthalmological Society	560.00	
Steven P. Doehler, 1615 L Street, NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America		
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Eileen Marie Doherty, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
James M. Dolan Jr., 220 Eye Street, NE, #210 Washington, DC 20002	Patlex Corporation	6,000.00	3,908.67
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp		
Domestic Petroleum Council Trade Association, 1627 K Street, NW, #910 Washington, DC 20006			
Brian J. Donadio, 122 C St., NW, #875 Washington, DC 20001	American Osteopathic Assn	3,503.00	
John F. Donelan, Donelan Cleary Wood & Maser, P.c. 1275 K St., NW, #850 Washington, DC 20005	Procompetitive Rail Steering Committee	1,397.50	
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Thomas E. Donley, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons		
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Sally S. Donner, 1710 Rhode Island Avenue, NW, #400 Washington, DC 20036	General Foods Corporation	1,114.58	50.00
Donohue & Associates, Inc, 11445 Isaac Newton Square So. Reston, VA 22090			
William Donovan, 1111 N. 19th St, #700 Arlington, VA 22209	National Assn of Federal Credit Unions	2,500.00	93.00
Francis X. Dooley, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	7,500.00	430.00
Kevin L. Dorn, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	7,015.00	
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Dean R. Dort II, 1667 K Street, NW, #370 Washington, DC 20006	Deere & Company	151.25	
Michael I. Dougherty, Pillsbury Center MS 3771 Minneapolis, MN 55402	Pillsbury Co	500.00	
Sally L. Douglas, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	2,250.00	200.00
Theodore Douglas, 6554 Coventry St. Louis, MO 63033			
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al.	4,827.50	5,108.49
Do	Beeman and Gould		
Do	Canadian Institute of Steel Construction	236.00	
Do	Canadian Tubular Producers Assn		
Do	Chicago City Colleges		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Cox Enterprises, Inc		
Do	Dart-M.L., Ltd	98.80	1.87
Do	Government of the Republic of Panama		
Do	Hapag-Lloyd, A.G.	141.60	
Do	Harris Steel Group, Inc	60.50	
Do	Lake Ontario Cement Limited	234.50	
Do	Laurel Steel Products, Ltd	55.00	
Do	Mediterranean/U.S.A. Freight Conference	424.80	
Do	Multimedia, Inc		
Do	National Cable Television Assn, Inc		
Do	The '8900' Lines	424.80	
Do	U.S. Atlantic & Gulf Ports/East Med & N. Africa Freight Conf	141.60	
Do	U.S. Atlantic & Gulf/Australia-New Zealand Conference	212.40	
L. Michael Dowling, Suite 320 1901 L Street, NW Washington, DC 20036	Ogilvy and Mather Public Relations		
Charles P. Downer, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	4,450.00	250.00
Jane Lind Downey, 2200 Mill Rd Alexandria, VA 22314	American Movers Conference	1,350.00	
John H. Downs Jr., 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
John C. Doyle Jr., 218 D St., SE Washington, DC 20003	Environmental Policy Institute	444.84	
John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309	J. P. Doyle Enterprises, Inc	1,000.00	
William A. Doyle, 2346 S. Rolfe Street Arlington, VA 22202	Harris Corporation	3,050.00	1,253.49
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	16,473.60	
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,000.00	1,000.00
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	Briggs & Stratton	250.00	
Do	General Dynamics Corp	250.00	
Do	Metropolitan Life Insurance Cos	250.00	
Do	Science Applications, Inc	250.00	
Joan Albert Dreux, 600 Pennsylvania Avenue, SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	3,000.00	1,801.72
Stephen D. Driesler, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	2,565.00	63.16
William B. Driggers, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	100.00	
John P. Dring, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp	1,500.00	186.41
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Fran Du Melle, 1101 Vermont Avenue, NW, #402 Washington, DC 20005	American Lung Assn		
Evelyn Dubrow, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	12,330.63	3,153.30
Morgan D. Dubrow, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	150.00	
Dudek Communications, 902 Pennsylvania Avenue, SE Washington, DC 20003	Lyonnaise des Eaux Group		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	200.00
Jane McPike Dudley, 888 17th Street, NW, #901 Washington, DC 20006	National Constructors Association		
Do	Whiteford Taylor & Preston		
Ann Anderson Duff, 1331 Pennsylvania AVenue, NW Washington, DC 20004	National Assn of Manufacturers	1,200.00	
Michael J. Duff, 1101 16th Street, NW Washington, DC 20036	Scientific Apparatus Makers Assn	1,400.00	63.00
Joseph R. Dugan, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs		
C. R. Duggan, 815 16th St., NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	1,500.00	1,500.00
Francis J. Duggan, 50 F Street, NW, #12800 Washington, DC 20001	Association of American Railroads	385.61	284.83
Evelyn Dukovic, 3 East 85th Street New York, NY 10028	Morality in Media, Inc		
Dulles Access Transit Corp, Washington National Airport Washington, DC 20001			12,113.17
Mervin E. Dullum, 1629 K St., NW, #204 Washington, DC 20006	Delta Air Lines, Inc	200.00	107.25
Amy K. Dunbar, Palmer & Dodge One Beacon Street Boston, MA 02108	National Assn of Bond Lawyers and Palmer & Dodge		1,792.03
Don R. Duncan, 1825 K St.,nw Suite 1107 Washington, DC 20006	Phillips Petroleum Co.	4,500.00	30.20
Leslie Delong Duncan, 1925 K Street, NW, #206 Washington, DC 20006	Alliance to Save Energy	129.72	
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	1,800.00	35.00
Duncan Allen & Mitchell, 1575 Eye Street, NW Washington, DC 20005	Visaflor, S.A.		
Duncan Weinberg & Miller, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Kenai Natives Assn, Inc		
Do	Mid West Electric Consumers' Assn, Inc		
Do	National Assn of State Energy Officials		
Do	State of North Dakota		
Do	Western Fuels Association, Inc		
Pauline Dunlap, 1201 McDuffie, #222 Houston, TX 77019			
Mari Lee Dunn, 1850 K St., NW, #520 Washington, DC 20006	American Council for Capital Formation		
Patrick W. Dunn, 4400 Seattle First National Bank Bldg. 1001 Fourth Ave. Plaza #4400 Seattle, WA 98154	Riddell Williams Bullitt & Walkinshaw (For:Friends of the Columbia River Gorge)		
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
James A. Dupree, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	2,625.00	1,409.00
Joseph L. Duran, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Judy C. Durand, 1120 20th Street, NW, #600s Washington, DC 20036	Union Pacific Corp	666.00	685.45
Raymond Durazo, 1625 Eye Street, NW, #500 Washington, DC 20006	Ketchum Public Relations		
B. J. Durham, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company	552.00	1,519.32
Ed Durkin, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
Duryea Murphy Davenport & Van Winkle, 711 Capitol Way Olympia, WA 98501	State of Nevada, Nuclear Waste Project Office		
Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003	Miguel H. Agosto	4,000.00	
Do	American Consumer Trade Council	18,843.75	
Do	Associates of North America		
Do	Colorado River Municipal Water District (CRMWD)	6,212.50	
Do	Communications Satellite Corp	3,931.25	
Do	D & B Wholesale Cosmetics, Inc	1,056.25	
Do	DSC Communications	20,531.25	
Do	Granger Associates		
Do	Gulf & Western Industries, Inc	22,500.00	
Do	Hart-Culp International	2,337.50	
Do	Large Scale Program Institute		
Do	Lightnet	8,000.00	
Do	MedMax		
Do	Model Imperial Supply Co, Inc		
Do	Oklahoma State University	8,000.00	
Do	PacifiCare Health Systems	13,175.00	
Do	Pitts Energy Group		
Do	R-Max		
Do	Southland Corporation	300.00	
Do	M. Stevens Cosmetics Co	156.25	
Do	US Sprint	6,168.75	
Peggy L. Duxbury, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004	National Assn of Manufacturers		
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,834.65	446.65
Duncan Dwelle, 1001 Bridgeway, #301 Suasalito, CA 94965	American Fair Trade Council		
Denis J. Dwyer, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	525.00	
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Dykema Gossett Spencer Goodnow & Trigg, 1752 N St., NW, 6th Fl. Washington, DC 20036	Total Petroleum, Inc		
Dynalectron Corporation, 1313 Dolley Madison Blvd. Mclean, VA 22101			601.00
Talis Dzenitis, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	20.45
DGA International, Inc, 1818 N Street, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation		
Do	Sofreavia		
Dennis J. Earhart, 1753 Euclid St, NW Washington, DC 20009	Bear West Co, Inc (for Rocky Mountain Energy Co)	412.50	
Earle Grovatt & Assoc, Inc, 55 W. Main Street Freehold, NJ 07728	Dickinson Business School	3,000.00	627.00
Jack D. Early, The Madison Building, #900 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn	150.00	12.00
Catherine East, 1275 K Street, NW, #750 Washington, DC 20005	National Women's Political Caucus	1,333.32	33.10
George H. Eatman, 1800 Connecticut Ave., NW Washington, DC 20009	Slurry Technology Assn	1,000.00	
Charles H. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Robert E. L. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Eaton Associates, Inc, 1725 K St., NW, #1111 Washington, DC 20006			
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	1,061.00
N. Boyd Ecker, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Oil Corp	1,500.00	17.50
Robert C. Eckhardt, 323 D Street, NE Washington, DC 20002	Central & Southwest Corp	5,000.00	
Do	Certain Claimants Lawyers		
Do	Investment Company Institute	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Western Fuels Association, Inc	6,666.66	
Patricia K. Economos, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William R. Edgar, 1620 Eye St., NW, #501 Washington, DC 20006	Gates Learjet Corporation		
Helen H. Edge, 700 N. Fairfax St. Alexandria, VA 22314	Railway Progress Institute	487.50	
Arthur B. Edgeworth Jr., 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions		
Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036		394.85	102,806.55
V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Stephen L. Edmiston, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	14,726.40	296.66
Ed Edmondson, 530 Court St., P.O. Box 11 Muskogee, OK 74402	American Inland Waterways Committee		
Do	Association of Oklahoma General Contractors		
Do	Cherokee Nation		
Do	Doss Aviation, Inc		
Do	IU International Management Corp		
Do	Oklahoma Assn of Electric Coops		
Do	U.S. Maritime Committee, Inc		
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	156.00	10.00
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
William A. Edwards, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	6,474.06	2,253.99
Paul S. Egan, 1608 K St., NW Washington, DC 20006	American Legion	9,882.00	127.01
Yvonne B. Eider, 400 First Street, NW, #800 Washington, DC 20001	Friends of Animals, Inc		298.51
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	37.38
Adelaide K. Eisenmann, 607 G St., SW Washington, DC 20024	Panamanian Comm for Human Rights		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10001	National Commercial Finance Assn		
H. J. Elam III, 1201 Maple St. Greensboro, NC 27405	Cone Mills Corp	26,000.00	2,181.00
Jane Elder, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,582.28	1,200.61
Eileen Elgin, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,600.00	
George K. Eliades, 7297-P Lee Highway Falls Church, VA 22042	Society of American Wood Preservers, Inc	2,000.00	1,350.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute		
Christine Elliott-Groves, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	2,250.00	200.00
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Nor-Cal Federal Coalition		
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	14,331.39	71.25
Emergency Committee for American Trade, 1211 Connecticut Ave. Washington, DC 20036		102,504.25	85,390.72
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Lowell J. Endahl, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868			
Ralph Engel, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
John T. Engelen, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Michael D. Engelhardt, P.O. Box 24305 Oakland, CA 94623	Clorox Co		
Joseph J. English, 1010 Vermont Avenue, NW Washington, DC 20005	Stewart-Warner Corp	10,000.00	144.19
Patricia A. English, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Christopher Engquist, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801			
Clinton W. Ensign, 2600 Virginia Avenue, NW, #901 Washington, DC 20037	Sinclair Oil Corporation	3,000.00	155.94
Kimberly Neilsen Epstein, 2626 Pennsylvania Ave., NW Washington, DC 20036	National Telephone Cooperative Assn	1,862.50	288.13
Epstein Becker Borsody & Green, P.C., 1140 19th St., NW, #900 Washington, DC 20036	National Cable Television Assn, Inc	21,487.00	
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	6,556.62	15.40
Jane B. Esterly, Karl A. Funke & Associates 729 2nd Street, NE Washington, DC 20002	United South & Eastern Tribes, et al	1,500.00	325.00
John T. Estes, 2300 N St., NW, #600 Washington, DC 20037	RJR Nabisco, Inc		
European Travel Commission, 630 Fifth Avenue New York, NY 10111			
Andreas W. Evans, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Brock Evans, 645 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,300.00	165.00
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Do	American Hoechst Corporation		
Do	Freight Forwarders Institute		
Do	Olympia & York Developments Ltd		
Do	Olympia & York Equity Corp		
Do	Stepan Corporation		
Joseph O. Evans, Apartment 21 4401 Lee Hwy. Arlington, VA 22207			
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn		
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Robert J. Evans, 2013 Canterbury Rd. Kingsport, TN 37660			
Ellen E. Eves, New Murphy Rd. and Concord Pike Wilmington, DE 19897	IC! Americas, Inc		
Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Robbie G. Exley, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Paul K. Eyer, 122 C Street, NW, #875 Washington, DC 20001	American Osteopathic Assn	1,400.00	
EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004			1,676.42
F/P Research Associates, 1700 K St., NW, #303 Washington, DC 20006	National Cable Television Assn, Inc	500.00	
Michael Faden, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists		
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill Inc	2,500.00	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
F. S. Fallon Jr., P.O. Box 600 Eglin AFB, FL 32542-7606			
Peter M. Fannon, 1818 N Street, NW, #410 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
Thomas B. Farley II, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	6,000.00	111.30
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	5,800.00	704.20
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		146,507.00	70,905.41
John W. Farquhar, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	300.00	
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	450.00	
Christopher G. Farrand, 1120 20th Street, NW, #720 Washington, DC 20036	Peabody Holding Co, Inc		181.28
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	200.00	
Dennis D. Farrell, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	1,000.00	280.00
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Marcus G. Faust, 2121 K St., NW, #880 Washington, DC 20037	Central Utah Water Conservancy District	10,826.27	1,769.77
Do	Desert Research Institute		
Do	Edison Electric Institute		
Do	Public Service Co of New Mexico	11,016.45	406.73
Do	Sierra Pacific Power Co		
Do	Standard Oil Co (Ohio)	11,250.00	
Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	20.84	
William D. Fay, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	6,430.00	4,079.11
Federal Company, 1755D Lynnfield Road, #149 Memphis, TN 38119			2,248.93
Federal Express Corp, 2990 Airways #404 Memphis, TN 38116			4,200.00
Federal Managers Assn, 1000 16th Street, NW Washington, DC 20036		10,000.00	17,593.00
Federation for American Afghan Action, 11244 Waples Mill Road, Suite J Fairfax, VA 22030		750.00	3,805.32
Federation of Aids-Related Organizations/Aids Action Council, 729 8th Street, SE, #200 Washington, DC 20003		43,998.00	49,933.47
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,633.83	1,633.83
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		9,000.00	9,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002			2,526.60
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		
Kenneth E. Feltman, 1660 L Street, NW, #715 Washington, DC 20036	Employers Council on Flexible Compensation	200.00	
Randolph Fenninger, 10,000 Falls Road, #300 Potomac, MD 20854	American Assn of Colleges of Osteopathic Medicine		
Do	American Gastroenterological Assn		
Do	American Soc for Gastrointestinal Endoscopy		
Do	American Soc of Anesthesiologists		
Do	American Urological Assn/Amer Assn of Clinical Urologists		
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	435.00	49.00
Fensterwald & Alcorn, 1000 Wilson Blvd., #900 Arlington, VA 22209	Concerned Federal Railroad Administration Employees	640.00	44.80
Do	Equity for National Guard Technicians	102.00	7.14
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	180.00	
Edward T. Fergus, 100 Gold St. New York, NY 10292	Prudential-Bache Securities, Inc	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Betsy Ferguson, 1875 Eye St., NW, #1110 Washington, DC 20006	Times Mirror Co		
Fred E. Ferguson, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce		
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Fabric & Apparel Coalition for Trade, 1101 Connecticut Ave., NW, #300 Washington, DC 20036		269,454.53	219,248.11
Fred C. Fielding, 1725 Jefferson Davis Hwy, #900 Arlington, VA 22202	AM General Corporation		
Manuel D. Fierro, 1901 N. Fort Myer Dr., #202 Rosslyn, VA 22209	Fond Du Lac Reservation		
Do	Great Lakes Indian Fish & Wildlife Commission		
Herbert A. Fierst, 610 Ring Bldg. 1200 18th St., NW Washington, DC 20036	Council of Forest Industries of B.C.	31,251.00	1,030.00
Marshall S. Filler, 2033 M Street, NW, #700 Washington, DC 20006	Air Transport Assn of America		
Do	Eastern Airlines, Inc		
Do	Texas Air Corp		
Robert E. Finch, 2400 E. Commercial Blvd., #500 Ft. Lauderdale, FL 33308	Ameriserv, inc	1,532.00	
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	125.00	
William A. Finerfrock, 1117 N. 19th Street, #300 Arlington, VA 22209	American Academy of Physician Assistants	9,250.00	175.40
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	109.89	
Nelson L. Fink, 378 Valley Oak Court Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Sheldon I. Fink, Sonnenschein, Carlin, Nath & Rosenthal 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc	1,485.00	373.25
Finkelstein Thompson Levenson & Lewis, 2828 Pennsylvania Avenue, NW, #200 Washington, DC 20007	Manivest Corporation		
Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1120 Connecticut Ave., NW, 10th Floor Washington, DC 20036.	Association of British Insurers	2,535.00	
Do	AVW Electronic Systems, Inc	3,337.50	
Do	City of Inglewood		
Do	Committee Against Retroactivity		
Do	Development Corp of Israel		
Do	FMI-Hammer Joint Venture	710.00	
Do	Edmund Gann	1,785.00	
Do	Golden Nugget, Inc		
Do	Government of Antigua & Barbuda		
Do	Group Hospitalization & Medical Services, Inc		
Do	Home Insurance Co		
Do	Sir William Lithgrow	5,200.00	
Do	Mutual Protection Trust Cooperative of American Physicians	30,173.50	
Do	National Assn of Senior Living Industries (NASLI)		
Do	National Limousine Assn		
Do	Norfolk Southern Corp		
Do	Occidental Petroleum Corp		
Do	Population Crisis Committee	1,587.50	
Do	Savoy Industries		
Do	Small Business Council of America		
Do	State of Maryland		
Do	TechAmerica Group, Inc	650.00	18.00
Do	Tel-Optik, Ltd		
Do	TRT Telecommunications Corp		
Stephen A. Finn, P.O. Box 520783 - General Mail Facility Miami, FL 33152	Burger King Corp		
Thomas D. Finnigan, 1100 15th Street, NW, 12th Fl. Washington, DC 20005	Union Carbide Corp		
M. J. Fiocco, 1090 Vermont Ave., NW, #410 Washington, DC 20005	National Industrial Transportation League	5,000.00	15.00
First Data Resources, Inc, 1900 N. Beauregard St., #110 Alexandria, VA 22311			
First National Bank of Boston, 100 Federal St. Boston, MA 02110			19,598.32
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc		
Dwight R. Fisher, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	700.00	100.00
Janet S. Fisher, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
David H. Fiske, Fiske & Associates 1776 K Street, NW, #900 Washington, DC 20006	Software Publishers Assn		
Patrick E. Fitch, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202	Gould, Inc		
Mary Clare Fitzgerald, 1025 Thomas Jefferson St., NW, #301 Washington, DC 20007	Golembe Associates, Inc		
Thomas H. Fitzpatrick, Connecticut Petroleum Council 410 Asylum Street Hartford, CT 06103	American Petroleum Institute	350.00	73.44
Alan M. Fitzwater, 3800 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad	22,500.00	9,657.33
Hilliard J. Fjord, 602 Main St., #600 Cincinnati, OH 45202	Ohio River Co	3,000.00	501.91
Daniel V. Flanagan Jr., 12 Third Street, NE Washington, DC 20002	Flanagan & Associates, Inc (For:Memorial Sloan-Kettering Cancer Center)		
Do	Virginia Power		
James J. Flanagan, 25 Research Dr. Westborough, MA 01581	New England Power Service Co	291.00	42.30
David H. Fleck, 777 East Wisconsin Avenue Milwaukee, WI 53202-5367	Foley & Lardner (For:City of Kenosha, Wisconsin)		
Fleishman-Hillard, Inc, 1225 Connecticut Ave., NW, #303 Washington, DC 20036	Ability Information Systems--Computer Software		
Frank R. Fleming, 9749 Independence Avenue Chatsworth, CA 91311	CHAD Therapeutics, Inc		
Michael Fleming, 1300 17th St., #1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Florida Business Associates, 1575 Eye Street, NW, #530 Washington, DC 20005	CSX Transportation Systems	6,966.94	
Do	General Development Corp	2,175.33	
Do	Westinghouse Electric Corp	12,720.35	
Richard A. Flye, Mckenna Conner & Cuneo 1575 Eye Street, NW Washington, DC 20005	Fertilizer Institute	741.00	
Foley & Lardner, 1775 Pennsylvania Ave., NW Washington, DC 20006	City of Kenosha, Wisconsin	2,100.00	470.76
Do	Kohlberg Kravis Roberts & Co		
Gary L. Fontana, Thelen Marrin Johnson & Bridges 2 Embarcadero Center San Francisco, CA 94111	Hawaiian Electric Co, Inc		
Do	Thermal Power Co		
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		13,791.00	13,791.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			28,087.74
Foodservice & Lodging Institute, 1919 Pennsylvania Ave., NW Washington, DC 20006			
Hubert V. Forcier, 2300 Multifoods Tower Minneapolis, MN 55402	American Lutheran Church	3,053.00	3,124.75
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
Donald D. Foreman, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
Foreman and Company, 1826 Jefferson Place, NW, #201 Washington, DC 20036	Audio Recording Rights Coalition		
Do	Camp Carmouche Barsh Hunter Gray Hoffman & Gill, P.C.	400.00	55.00
Do	Greene O'Reilly Agnew & Broillet		
Foresight Science & Technology, Inc, 2000 P St., NW, #305 Washington, DC 20036	National Coalition for Science & Technology	675.00	622.57
Do	Society for American Archaeology	2,500.00	2,487.00
Forest Industries Committee on Timber Valuation & Taxation, 1330 Connecticut Ave., NW, #336 Washington, DC 20036		40,933.00	652.15
Mark A. Forman, 345 Park Ave., 31st Fl New York, NY 10154	Union Pacific Corp	625.00	
Sallie H. Forman, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	860.00	
Carol E. Forrestel, 1015 15th Street, NW, #900 Washington, DC 20005	Enron Corp	500.00	
Larry Forrester, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Michael A. Forscey, 1735 New York Avenue, NW Washington, DC 20006	Metropolitan Life & Affiliated Cos	5,644.00	245.74
Do	Tobacco Institute	13,801.00	292.26
Bruce Foster, 1111 19th Street, NW, #303 Washington, DC 20036	Southern California Edison Co	2,940.00	1,500.00
Conrad M. Fowler, Box 71 West Point, GA 31833	West Point Pepperell	824.00	1,835.00
John P. Fowler, 1187 National Press Building Washington, DC 20045	Ad Hoc Comm in Defense of Life, Inc	2,598.00	5,718.43
Chuck Fox, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	61.64	
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Carmouche Barsh... (for Sears Roebuck & Co), et al.	4,500.00	
Donald Fraher, 633 E Street, NW Washington, DC 20004	American Symphony Orchestra League	9,831.54	925.47
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		81.50
David C. Frankil, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	562.86
Walter L. Frankland Jr., 1717 K St., NW Washington, DC 20006	Silver Users Assn, Inc	1,591.50	100.00
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
James R. Franklin, 1185 Avenue of the Americas New York, NY 10036	J. P. Stevens & Co, Inc		8,085.67
Thomas C. Franks, 5th Floor 1220 L St., NW Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	146.00
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	825.00	371.00
Charles L. Frazier, 475 L'enfant Plaza, SW, #2250 Washington, DC 20024	National Farmers Organization	3,058.00	3,838.72
Gregory W. Frazier, P.O. Box 427 Englewood, CO 80151	International Energy Brokers, Inc		
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	5,000.00	
Jay A. Fredericksen, Itt Rayonier P.O. Box C68967 Seattle, WA 98188	ITT Corporation		
Ann Todd Free, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Free the Eagle, 11244 Waples Mill Rd., Suite J Fairfax, VA 22030		286,051.79	210,119.53
D. Michal Freedman, 2030 M Street, NW Washington, DC 20036	Common Cause	8,342.02	
Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance Co	5,000.00	
James O. Freeman, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	8,095.00	5.00
Lewis R. Freeman Jr., 1025 Connecticut Ave., NW, #409 Washington, DC 20036	Society of the Plastics Industry, Inc		
Paula A. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	Marathon Oil Co		
Ronna Freiberg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Government of the Cayman Islands)		
Do	Hill & Knowlton, Inc (For:Joint Maritime Congress)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)	540.00	
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)		
Verrick O. French, French & Company 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Hong Kong Trade Development Council	2,050.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Artery Organization, Inc	1,000.00	
Do	Montgomery Ward & Co, Inc	2,000.00	
Do	Wheels, Inc	1,000.00	
Sara Hamric Freund, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	20,250.00	1,114.22
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	General Electric Co	3,667.50	56.87
Do	Lonza, Inc	2,591.50	60.37
Do	Schenley Industries, Inc		
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Cleveland Electric Illuminating Co	28,619.00	130.82
Do	Coalition for Environmental Energy Balance	8,767.00	84.00
Friends of the Columbia Gorge, 519 SW Third, #810 Portland, OR 97204		1,753.00	2,724.16
Friends of Animals, Inc, 400 First Street, NW, #800 Washington, DC 20001		2,000.00	3,826.50
Susan T. Fritschler, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	873.77	623.31
William D. Fritts Jr., 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	380.00
Jeffrey Fritzlen, 1120 20th Street, NW, #600-S Washington, DC 20036	Union Pacific Corp	2,000.00	
Catherine J. Frompovich, P.O. Box B-12 Richlandtown, PA 18955	Coalition for Alternatives in Nutrition & Healthcare, Inc		
Marcy Stephens Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	8,391.30	64.00
Claudia R. Fuquay, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,230.00	443.74
Futures Industry Assn, Inc, 1825 Eye Street, NW, #1040 Washington, DC 20006			
G-4 Children's Coalition, 2445 M Street, NW Washington, DC 20037-1420		1,166.47	46,632.83
James E. Gaffigan, 1899 L St., NW, #607 Washington, DC 20036	Travel & Tourism Government Affairs Council	1,875.00	
Deborah Gahs, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Norman S. Gaines, 2550 M St., NW, #770 Washington, DC 20037	RJR Nabisco, Inc	2,200.00	284.79
Joe H. Galis, D.C. 1, 19000 SW 377 St. Florida City, FL 33034			
Linda Parke Gallagher, 1818 N Street, NW, #350 Washington, DC 20036	Linda Parke Gallagher & Associates (For:National Corp for Housing Partnerships)		
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,000.00	105.70
Mark Gallant, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn		
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	11,791.12	729.00
William R. Ganser Jr., 4804 Folse Dr. Metairie, LA 70002	Southern Forest Products Assn	3,267.70	
Nicole Gara, 1117 North 19th Street, NW, #300 Arlington, VA 22209	American Academy of Physician Assistants		
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Life Assurance Society of the U.S.	800.00	5.00
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	50.00	
Nancy Garland, 600 Maryland Avenue, SW, #400 Washington, DC 20024	American Optometric Assn		
Mary Leslie Garmon, 1010 Massachusetts Avenue, NW Washington, DC 20001	National Food Brokers Assn		
Garrett & Company, 1630 Connecticut Avenue, NW, #202 Washington, DC 20009	Taiwan Power Company	3,000.00	4,500.00
John C. Gartland, 7575 E. Fulton Road Ada, MI 49355	Amway Corp		
Ann Lakin Garver, 1101 Connecticut Ave., NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc	30.00	25.00
E. June Garvin, Ohio Petroleum Council 88 E. Broad, #1960 Columbus, OH 43215	American Petroleum Institute	3,000.00	151.18
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	3,625.00	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Electronic Data Systems Corp	80.00	110.85
Margaret L. Gehres, 1615 L Street, NW, #1350 Washington, DC 20036	Business Roundtable		
Fred Gehringer, P.O. Box 1002 Chino, CA 91710			
Ruthann Geib, 1156 15th Street, NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Ronald L. Geigle, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Morton A. Geller, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Jose A. Gemeil, 1725 DeSales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Federacion Nacional de Cafeteros de Colombia).	500.00	15.00
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			9,357.00
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153		6,000.00	182.59
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		1,198.00	1,198.00
Fred J. Gentile, 195 Montague Street Brooklyn, NY 11201	Brooklyn Union Gas Co		
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nancy Whorton George, 499 South Capitol Street, SW, #400 Washington, DC 20003	Enron		
Do	Transco, Inc		
Geothermal Resources Assn, P.O. Box 598 Davis, CA 95617-0598			
George W. Gephart, P.O. Box 1475 Baltimore, MD 21203	Baltimore Gas & Electric Co		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,244.74
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,227.52	17.00
Daniel R. Gerkin, 1575 I Street, NW, #525 Washington, DC 20005	Mining & Reclamation Council of America	1,000.00	
Alvin J. Geske, 1016 16th Street, NW, 6th Floor Washington, DC 20036	Renewable Fuels Assn	980.00	6.00
David Troy Saxton Getty, 1857 N. Wilton Pl., #102 Los Angeles, CA 90028-5765			
Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co		
Danny Ghorbani, 10506 Cavalcade Street Great Falls, VA 22066	Association for Regulatory Reform	4,950.00	112.00
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007			
William T. Gibb, 1850 K St., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	8,032.00	149.00
Anne Marie Gibbons, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Kelso & Co		
William G. Giery, 1919 Pennsylvania Ave., NW Washington, DC 20006	Foodservice & Lodging Institute		
William L. Gifford, 100 Interpace Parkway Parsippany, NJ 07054	GPU Service Corp		
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	4,846.10	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Michael Gildea, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,329.65	
John E. Giles, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,000.00	649.93
Floyd H. Gilkey, 2111 Harbor Drive Annapolis, MD 21401	Chesapeake Industries, Inc		
Mary Ann Gilleece, 1713 Maple Hill Place Alexandria, VA 22302	Allied Defense Industries	200.00	
Michael Gilliland, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036	American Insurance Assn		
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	American Polygraph Assn	5,000.00	112.67
Do	Garrett Corporation	4,200.00	94.88
Do	Gulfstream Aerospace Corp	2,000.00	41.51
Do	Lockheed Corporation	1,500.00	35.58
Do	Lockheed-Georgia Co	5,000.00	112.67
Do	Mechanical Technology, Inc	1,750.00	33.58
Do	Rockwell International Corp		
Do	Texas Instruments, Inc	6,000.00	136.39
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn	1,000.00	23.72
Do	Watkins Associated Industries, Inc		
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	833.31
Brenda M. Girton, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co		
Francis J. Gist, 1511 K Street, NW, #809 Washington, DC 20005			
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Donna Gleason, 2000 L Street, NW, #810 Washington, DC 20036	Unisys Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Robert Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	8,958.65	515.56
Donald R. Glenn, 1627 K Street, NW, #200 Washington, DC 20006	Energy Research Corp		
Raymond A. Glennon, 1730 Pennsylvania Avenue, NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	141.65
Global USA, Inc, Global House 1823 Jefferson Place, NW Washington, DC 20036	All Nippon Airways Co, Ltd		
Do	Fanuc Ltd		
Do	Hitachi Ltd	271.00	
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Samsung Semiconductor & Telecommunication Co	300.00	
Horace D. Godfrey, 918 16th St., NW, #701 Washington, DC 20006	Godfrey Associates, Inc		
Godfrey Assoc, Inc, 918 16th St., NW, #701 Washington, DC 20006			
Stephanie R. Godley, 1611 N. Kent Street, #800 Arlington, VA 22209	American Apparel Manufacturers Assn, Inc		
James W. Godlove, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,020.00	8.43
Judith M. Goff, 375 Jackson Street St. Paul, MN 55101	Farm Credit Services	600.00	534.42
Joseph Goffman, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen's Congress Watch	5,750.00	
A. James Golato, 2300 M St., NW, #800 Washington, DC 20037	H&R Block, Inc		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, The Willard Office Building 1455 Pennsylvania Avenue, NW, #950 Washington, DC 20004	Aerojet Ordnance Co	1,500.00	1,048.00
Do	American Academy of Ophthalmology	4,628.00	1,168.00
Do	ALIGNPAC	20,032.00	1,163.00
Do	Bank of America		211.00
Do	Chemical Bank		211.00
Do	Chemical Manufacturers Assn	6,405.00	1,241.00
Do	Citicorp		211.00
Do	City of Pueblo, et al	2,250.00	865.00
Do	College of American Pathologists	5,000.00	1,241.00
Do	Conrail Acquisition Corp, Inc	5,000.00	1,241.00
Do	Electronic Data Systems Corp	12,500.00	1,097.00
Do	Energy Research Corp	8,400.00	1,072.00
Do	Equitable Life Assurance Society of the U.S	25,000.00	1,241.00
Do	Eye Bank Assn of America	625.00	936.00
Do	Federated Investors, Inc	6,250.00	1,241.00
Do	Fiat, USA	12,000.00	1,241.00
Do	First Boston Corp	15,312.00	1,241.00
Do	Ford Motor Co	737.00	869.00
Do	Investment Company Institute	2,812.00	1,140.00
Do	Marist College		841.00
Do	Martin Marietta Corp	3,750.00	1,001.00
Do	MCI Communications	29,250.00	1,241.00
Do	National Football League	5,610.00	1,241.00
Do	National School Transportation Assn	4,637.00	1,241.00
Do	National Venture Capital Assn		841.00
Do	Outdoor Advertising Assn of America, Inc	4,000.00	841.00
Do	Phillips Petroleum Co	5,000.00	1,237.00
Do	Public Securities Assn		841.00
Do	Texas Cattlefeeders Assn	1,887.00	1,147.00
Do	Texas Commerce Bank		211.00
Do	Ticor Title Insurance Co	5,000.00	1,171.00
Do	Times Mirror Co	3,000.00	1,241.00
Do	Tobacco Institute	30,000.00	1,241.00
Do	Transportation Infrastructure Advisory Group	15,000.00	980.00
Do	Washington Metropolitan Area Transit Authority	15,750.00	841.00
Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003	Washington Independent Writers, Inc		
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	5,200.00	
Benson S. Goldstein, 1010 North Fairfax Street Alexandria, VA 22314	National Soc of Public Accountants		
Linda F. Golodner, 815 15th Street, NW, #516 Washington, DC 20005	National Consumers League		
Ruth M. Goltzer, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation		46.04
John Gonella, 412 First St., SE, #200 Washington, DC 20036	Association of American Railroads	555.20	20.00
Ruth Gonze, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
David R. Goode, 8 N. Jefferson Street Roanoke, VA 24042	Norfolk Southern Corp		
Charles E. Goodell, 1818 N Street, NW Washington, DC 20036	DGA International, Inc (for Sofreavia)		
Do	DGA International, Inc (for SNECMA)		
Richard F. Goodstein, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036	Browning-Ferris Industries, Inc	125.00	106.37
Lee M. Goodwin, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW Washington, DC 20036	Kaiser Power Corp		
Do	National Hydropower Assn		
Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006	Meredith Corp	40.00	19.50
John Gordley, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Evans Grain Co)		
Do	Hill & Knowlton, Inc (For:Hyundai Motor America)		
Do	Hill & Knowlton, Inc (For:National Sunflower Assn)	1,600.00	
Do	Hill & Knowlton, Inc (For:Renewable Fuels Assn)		
Do	Hill & Knowlton, Inc (For:Valmont Industries)	1,200.00	
Randall C. Gordon, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
Stephen Gordon, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	TRW, Inc	2,015.53	2,779.47
Millicent Gorham, 600 Maryland Ave., SW, #400e Washington, DC 20024	American Optometric Assn		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	13,322.40	150.00
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	865.00	
John T. Gould Jr., One Champion Plaza Stamford, CT 06921	Champion International Corp		
Gould, Inc, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202			
Government Strategies, Inc, 1518 Walnut Street, #1600 Philadelphia, PA 19102	Lukens, Inc	11,570.00	6,233.00
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	1,000.00	500.00
John R. Graff, 4230 King Street Alexandria, VA 22302	International Assn of Amusement Parks & Attractions		
Elaine Graham, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Lawrence T. Graham, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	100.00
John K. Gram, 610 S.W. Broadway, #608 Portland, OR 97205	Public Timber Purchasers Group	1,781.25	285.00
Frances Turk Granahan, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James I. Granger, 1911 Jefferson Davis Highway, #1002 Arlington, VA 22206	Piper Aircraft Corporation	500.00	250.00
William W. Grant, 1150 Connecticut Ave., NW, #710 Washington, DC 20036	Utah International, Inc		153.00
James L. Granum, 1050 Connecticut Ave., NW Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Karla L. Graue, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	892.00	
Ruth P. Graves, 600 Maryland Ave., SW, #500 Washington, DC 20024	Reading Is Fundamental, Inc		
David C. Gray, 3728 Kanawha Street, NW, Washington, DC 20015	American Camping Association	4,500.00	865.15
Do	Portsmouth-Kittery Armed Services Committee, Inc	2,400.00	1,396.57
James A. Gray, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	942.00	25.00
Mark E. Grayson, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Great American Reserve Insurance Co, 2020 Live Oak P.O. Box 388 Dallas, TX 75221			
Greater Washington Board of Trade, 1129 20th St., NW Washington, DC 20036			
Greater Washington/Maryland Service Station Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
James R. Greco, P.O. Box 3151 Houston, TX 77001	Browning-Ferris Industries, Inc		
Donald R. Greeley, 1101 17th St., NW, #307 Washington, DC 20036	Celanese Corp	2,500.00	232.46
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NB 68102	Papillion-Lavista Nebraska School District	4,186.00	827.52
Kaylene H. Green, 2341 Jefferson Davis Highway, #1035 Arlington, VA 22202	Bath Iron Works Corp	500.00	463.57
Leon Green Jr., Energy Conversion Alternatives, Ltd 2101 Connecticut Ave., NW, #67 Washington, DC 20008	Clean Coal Coalition, Inc		
Micah S. Green, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	214.55
Randy Green, 600 Maryland Avenue, SW, #510 Washington, DC 20024	American Soybean Association		
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	7,500.00	
Marci E. Greenstein, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,330.00	424.76

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dale W. Greenwood, 612 Hoge Bldg. Seattle, WA 98104	Washington Railroad Assn		
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter Travenol Laboratories, Inc		
Saunders Gregg, PO Box 2628 Houston, TX 77252	Entex, Inc		73.00
John D. Gregory, 1330 Lady St., #606 P.O. Box 12458 Columbia, SC 29211	Multifamily Housing Association		
Do	Norfolk Southern Corp	16,677.99	
William G. Greif, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	25,000.00	
Edward F. Greissing Jr., 1660 L St., NW, #205 Washington, DC 20036	Upjohn Company		
Ginny Grenham, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	280.00	177.53
Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005	Association of Science-Technology Centers		
Mark N. Griffiths, Smith Bucklin & Associates 1101 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Metal Finishers	750.00	
Jack Grimes, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Norman E. Grimm Jr., 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Olga Grkavac, 1300 North 17th St., #300 Arlington, VA 22209	Association of Data Processing Service Organizations		20.00
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			794.81
James J. Grogan, P.O. Box 19614 Irvine, CA 92714	Lincoln Savings & Loan Assn	10,000.00	1,750.00
James N. Groninger, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	664.72
Groom & Nordberg, Chtd, 1775 Pennsylvania Avenue, NW, #700 Washington, DC 20006	Aluminum Company of America		
Do	American Petrofina, Inc		
Do	American Petroleum Institute	50.00	10.00
Do	Bankers Life Company	50.00	10.00
Do	Baxter Travenol Laboratories, Inc		
Do	Chevron Corporation	500.00	50.00
Do	Colorado-Ute	50.00	10.00
Do	Connecticut General Insurance Co		
Do	Eli Lilly & Company	200.00	20.00
Do	Equitable Life Assurance Society of the U.S.		
Do	Goldman Sachs & Co		
Do	John Hancock Mutual Life Insurance Co		
Do	Minnesota Mutual Life Insurance Company		
Do	Murphy Oil USA, Inc	50.00	10.00
Do	New York City Teachers Retirement System		
Do	Ocean Drilling & Exploration Co		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	300.00	40.00
Do	Prudential Insurance Co of America	400.00	50.00
Do	Puerto Rico, USA Foundation	400.00	6,872.00
Do	R.J. Reynolds		
Do	Reading & Bates Corporation	250.00	25.00
Do	Southern California Edison Co	75.00	10.00
Do	Union Texas Petroleum Corp	100.00	15.00
Do	Westinghouse Electric Corp		
Ed Grosswiler, 920 SW Sixth Avenue 1400 Public Service Building Portland, OR 97204	Pacific Power & Light Co	2,426.00	
Walter B. Grubbs, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John T. Grupenhoff, 10000 Falls Rd., #300 Potomac, MD 20854	American Academy of Dermatology	3,150.00	227.00
Do	American Academy of Otolaryngology-Head & Neck Surgery	400.00	174.10
Do	American Gastroenterological Assn	1,200.00	170.90
Do	American Soc for Gastrointestinal Endoscopy	1,200.00	181.00
Do	American Soc of Clinical Oncology	600.00	180.00
Do	American Urological Assn/Amer Assn of Clinical Urologists	860.00	170.70
Do	Association of American Cancer Institutes	1,110.00	190.70
Do	Cooley's Anemia Foundation	200.00	160.00
Do	National Hemophilia Foundation	400.00	199.80
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	CSX Corp	10,000.00	
Do	Dillon Reed & Co, Inc	8,000.00	
Do	LF Rothschild Unterberg Towbin, Inc	1,000.00	
Do	Michigan State Housing Development Authority	5,000.00	
Do	O'Connor & Hannan	16,000.00	
Do	Riverton Investment Corp	16,000.00	
Do	South Carolina State Family Farm Development Authority		
Clark J. Guild Jr., Guild Hagen & Clark, Ltd 102 Roff Way Reno, NV 89505	Motion Picture Assn of America, Inc		
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419-19 Washington, DC 20036	BASF Chemicals Corp	1,000.00	110.10
Do	KMS Fusion, Inc	750.00	41.85
Do	Rexnord Defense Systems, Inc	2,000.00	108.46
Do	Textron Marine Systems, Inc	2,300.00	25.00
Do	Walk-Haydel & Associates, Inc		
Jerome R. Gulan, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business Assn		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		228,751.59	203,699.63
Dan A. Gunderson, Minnesota Petroleum Council 386 N. Wabasha St., #1025 St. Paul, MN 55102	American Petroleum Institute		
David Gusky, 1016 16th Streeet, NW Washington, DC 20036	National Fed of Federal Employees	1,282.40	
Susan L. Gustafson, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Paul D. Guth, 1200 Four Penn Center Philadelphia, PA 19103	Philadelphia Stock Exchange		
Richard E. Gutting Jr., 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	6,000.00	77.42
Alvin M. Guttman, 818 Connecticut Ave., NW, #300 Washington, DC 20006	Towing & Recovery Assn of America, Inc		
Dallas E. Gwynn, Balcor Plaza 4849 Golf Road Skokie, IL 60077	Balcor Co	19,500.00	3,450.36
GA Assn of Petroleum Retailers, Inc, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083			
GFE, Ltd, 1701 K Street, NW, #705 Washington, DC 20006	Consejo Empresarial Mexicano Para Asuntos Internacionales	4,176.06	1,592.92
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	125.00	
Dana W. Haas, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Co, et al	3,000.00	5,607.16
George Hacker, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	450.00	29.00
Craig Hackler, 400 N. Capitol St., NW, #320 Washington, DC 20001	Beneficial Management Corp of America		
Do	Cadillac Fairview U.S., Inc	2,000.00	
Do	International Chiropractic Assn		
Loyd Hackler, 1616 H St., NW Washington, DC 20006	American Retail Federation	1,000.00	49.50
Charles W. Hackney Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William G. Haddeland, 1025 Connecticut Avenue, NW Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Anthony L. Hadley, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	700.00	100.00
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute		
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	3,013.20	3,464.57
Hagedorn-Cando, Inc, 1704 23rd St., So. Arlington, VA 22202	Hansen Engine Corp		
Do	Yankee Energy Co		
Ann Hagemann, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
Kenneth C.O. Hagerty, 1612 K Street, NW, #1100 Washington, DC 20006	American Electronics Assn	2,000.00	100.00
Bruce N. Hahn, 9300 Livingston Rd. Ft. Washington, MD 20744	National Tooling & Machining Assn	15,176.95	1,874.61
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	6,000.00	1,268.41
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Indian Land Claim Committee		
Do	Town of Mashpee		
Martin Haley Companies, Inc, 1015 15th St., NW Washington, DC 20005	M&M/Mars		
Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	579.51
William F. Hall, P.O. Box 803887 Chicago, IL 60680-3887	Midwest Public Affairs-Management Consulting Group		
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,385.00	2,690.13
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	266.25
Joseph Halow, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006	North American Export Grain Assn, Inc		
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company		
Paul T. Haluza, 1325 Pennsylvania Ave., NW Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	87.30
Hamel & Park, 888 16th Street, NW Washington, DC 20006	Beneficial Foundation		
Do	Estate of Helen Wodell Halbach		
Do	Graeper-Van Noy-Wagner, Inc		
Do	Grand Trunk Corp	2,592.00	89.46
Do	Skylink Corporation, Inc		
Do	Tandy Corporation		
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	228.96	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James L. Hamilton III, 818 Connecticut Ave., NW Washington, DC 20006	USX Corp	770.00	130.53
Mary M. Hamilton, 901 31st Street, NW 3255 Grace Street, NW Washington, DC 20007	Hill and Knowlton, Inc (For:Republic of Turkey)		
Philip W. Hamilton, 1825 K St., NW Washington, DC 20006	American Soc of Mechanical Engineers		
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	578.00	147.09
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Oil Corp	1,500.00	
Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	5,549.00	
James M. Hanley, 300 Metropolitan Square 655 15th Street, NW Washington, DC 20005	Alliance of Non-Profit Mailers	7,500.00	200.00
Elisabeth Hanlin, 2000 L St., NW, #810 Washington, DC 20036	Unisys Corp		
Thomas H. Hanna, 300 New Center Building Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	125.00	225.85
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	BHC, Inc		
Do	China External Trade Development Council		
Do	Ocean Shipholdings, Inc		
Do	Presidency of the Republic of Mexico		
Do	Producer's Gas Co	150.00	
Do	Rockwell International Corp		
Do	Royal Embassy of Saudi Arabia		
Do	Trans World Airlines, Inc		
Do	Triple A Shipyards		
Frederick J. Hannett, 655 15th Street, NW 300 Metropolitan Square Washington, DC 20005	American Medical International	4,500.00	68.00
Hansell & Post, 1667 K St., NW, #500 Washington, DC 20006	Risk & Insurance Management Society, Inc	8,190.00	27.57
Do	Rockwell International Corp		
Do	United Family Life Insurance Co		
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
J. E. Hansen, 400 1st St., NW Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Daniel J. Hanson Sr., 5600 Utah Avenue, NW Washington, DC 20015	American Road & Transportation Builders Assn	22,662.00	526.47
Peter J. Hapworth, 1015 15th Street, NW, #200 Washington, DC 20005	National Pork Producers Council	1,000.00	9.00
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Ralph Harding, Suite 717 Watergate 2600 Virginia Avenue, NW Washington, DC 20037	Sugar Regulatory Administration	60,000.00	26,791.10
Eugene J. Hardy, 1100 17th St., NW, #1000 Washington, DC 20036	Gerber Products Co		
James W. Harff, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	546.88	7.00
Charles N. Harkey, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp of America	970.00	
William G. Harley, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn		
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #301 Washington, DC 20003	San Diego Gas & Electric	635.00	2,651.66
Thomas C. Harper, 30 Montgomery Street Jersey City, NJ 07302	Radio Officers Union		
Wiley C. Harrell Jr., 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Toni Harrington, 955 L'Enfant Plaza, SW, #905 Washington, DC 20024	American Honda Motor Co, Inc	200.00	77.05
Crane B. Harris, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	1,000.00	
Marilyn A. Harris, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	40.00	98.00
Milton E. Harris, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Harris Steel Group, Inc		
Richard M. Harris, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	2,125.00	291.55
Sandra Zeune Harris, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	100.00	
Harris & Berg, 1101 30th St., NW, #103 Washington, DC 20007	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Do	P. L. Thomas & Co, Inc, et al		
Jim Harrison, 1225 Connecticut Ave., NW, 306 Washington, DC 20036	Association of Urban Universities	6,825.00	
Anne Harrison-Clark, 1725 H Street, NW, #814 Wsahington, DC 20006	March of Dimes Birth Defects Foundation	4,125.00	33.40
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	122.48
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Susan P. Hart, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Thomas D. Hart, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			35,800.00
Gabriel A. Hartl, 2020 N. 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc		
Arthur W. Hartmann, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Edwin Harold Harvey, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
Lewis B. Hastings, 1776 K St., NW, #300 Washington, DC 20006	Motorola, Inc	3,000.00	
Walter A. Hasty Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	3.75	
Janet Hathaway, 1412 16th Street, NW Washington, DC 20036	National Wildlife Federation	8,840.00	
Gary R. Hattal, 8701 Georgia Avenue, #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Howard M. Haug, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	17,000.00	
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036	Union Oil Co of California		2,076.51
Mary W. Haught, 1800 K St., NW, #820 Washington, DC 20006	Sun Co, Inc	725.00	67.67
Charles W. Havens III, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & Macrae		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	625.00	40.00
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
John H. Hawkins Jr., 600 N. 18th St. Birmingham, AL 35291	Alabama Power Co	14,928.90	
Laurie L. Hawkins, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce		
Paul M. Hawkins, 25 Audubon Place Hilton Head, SC 29928	Colonial Life & Accident Insurance Co		
David J. Hayes, 815 Connecticut Ave., NW Washington, DC 20006	American Electronics Assn		
Do	Hogan & Hartson (For:Semiconductor Industry Association)		
Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	2,000.00	
Do	Kalama Chemical, Inc	1,000.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	17,400.00	142.12
Holly Elisabeth Hazard, 400 First Street, NW, #800 Washington, DC 20001	Committee for Humane Legislation, Inc		
Do	Friends of Animals, Inc	3,750.00	354.75
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		9.40	9.40
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	300.00	
Keith Heard, 1030 15th St., NW, #700 Washington, DC 20005	National Cotton Council of America	10,750.00	
Charles L. Hebner, New Murphy Road & Concord Pike Wilmington, DE 19897	ICI Americas, Inc		
Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
William N. Hedeman Jr., Beveridge & Diamond, P.C. 1333 New Hampshire Avenue, NW Washington, DC 20036	Superfund Contractors Coalition, et al		5,121.85
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	10,946.82	1,292.74
Edward D. Heffernan, 1513 16th St., NW, 4th Fl. Washington, DC 20036	Camp Barsh Bates & Gray	1,000.00	
Do	CSX Corporation	5,000.00	
Do	Delaware-Otsego Corp	5,000.00	
Do	Ductile Iron Pipe Research Assn		
Do	Harza Engineering Co	7,500.00	
Do	Sealaska Corp		
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert E. Heggestad, 1331 Pennsylvania Avenue, NW, #524 Washington, DC 20004	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	18,200.00	821.50
Robert M. Heine, 1701 Pennsylvania Avenue, NW Washington, DC 20006	Conoco, Inc	1,000.00	
Richard L. Hellwege, 1911 Jefferson Davis Highway, #1002 Arlington, VA 22202	Lear Siegler, Inc		
DeWitt F. Helm Jr., 155 East 44 St. New York, NY 10017	Assn of National Advertisers, Inc		
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Alliance for Acid Rain Control	342.00	
Suzanne C. Helmick, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Co	600.00	
Thomas M. Helscher, 1101 17th Street, NW, #604 Washington, DC 20036	Monsanto Co	450.00	515.52
Carol C. Henderson, 110 Maryland Ave., NE, #101, Box 54 Washington, DC 20002	American Library Assn	1,545.00	
Kathleen M. Henderson, 1025 Vermont Ave., NW, #500 Washington, DC 20005	Miles Laboratories, Inc		
Carol Diane Hendricks, 2601 Park Center Drive, #c804 Alexandria, VA 22302	American Maritime Officers Service		
Dennis A. Henigan, 1775 Pennsylvania Ave., NW Washington, DC 20006	Foley & Lardner (For:City of Kenosha, Wisconsin)		
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Hennessy Associates, 152 Washington Avenue Albany, NY 12210		8,000.00	2,250.00
George F. Hennrikus Jr., 201 N. Washington St. Alexandria, VA 22314	Retired Officers Assn	7,037.00	
LeAnn Hensche, 2550 M St., NW, #770 Washington, DC 20037	RJR Nabisco, Inc	205.00	180.02
David A. Henson, 100 N.E. Adams Street Peoria, IL 61629	Caterpillar Tractor Co		785.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bruce Heppen, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
George B. Herbert Sr., 6601 Southpoint Drive, #245 Jacksonville, FL 32216	J M Family Enterprises, Inc		
William Hermelin, 1200 15th Street, NW Washington, DC 20005	American Health Care Assn	4,768.81	482.60
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	154.13	10.50
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	Aerojet General Corp	2,355.63	1,004.76
Do	American Grape Growers Alliance for Fair Trade		2.62
Do	Association of Floral Importers of Florida	28,621.95	199.72
Do	Bay Area Rapid Transit District	4,000.00	2,186.47
Do	Bell & Howell/Columbia Pictures Video Services, Inc	3,338.44	570.66
Do	California Almond Growers Exchange	7,576.06	463.08
Do	California Assn of Rehabilitation Professionals	254.38	0.87
Do	California Student Loan Finance Corp		
Do	Cellular Telecommunications Industry Assn	366.25	78.61
Do	Central Contra Costa Sanitary District		
Do	Central Utah Water Conservancy District	4,969.06	342.66
Do	Chicago Mercantile Exchange	5,567.31	1,887.42
Do	Clark County Regional Flood Control District		
Do	Clark County Sanitation District		
Do	Credit-Rite		24.04
Do	Desert Research Institute	357.19	101.38
Do	Farm Labor Alliance	3,066.96	5,763.99
Do	Fort Worth Stockyard Corp	815.34	1,008.38
Do	G.C. Services Corp	4,362.33	964.15
Do	Girling Health Care, Inc	3,750.00	2,388.92
Do	Granite Rock Co	2,598.13	720.84
Do	Grocery Manufacturers of America, Inc		
Do	Gulf South Engineering, Inc	56.25	
Do	GSF Energy, Inc	5,554.06	1,663.01
Do	Hughes Aircraft Co	6,425.00	3,254.47
Do	Independent Cement Corp	12,845.63	0.87
Do	International Gaming Managers		
Do	Ralph G. Martinez & Associates	1,342.67	41.76
Do	Massport/Commonwealth of Massachusetts	2,400.00	3,303.49
Do	McCarren International Airport	1,488.94	254.11
Do	Metropolitan Water District of Southern California	1,075.25	598.46
Do	Mid-Valley Water Authority	320.94	31.08
Do	National Assn of Insurance Commissioners	12,201.34	732.10
Do	National Assn of Manufacturers	27.65	0.87
Do	National Council on Teacher Retirement	5,403.69	198.00
Do	National Medical Care	6,831.25	5,281.73
Do	National Potato Council	3,309.38	1,118.05
Do	NTEC - Northeast Texas Electric Cooperative, Inc	13,240.00	310.43
Do	Oceanic Institute	1,500.00	675.86
Do	Piedmont Aviation, Inc	7,500.00	3,212.74
Do	RCA		
Do	Safecard Services, Inc	136.88	0.87
Do	Southwestern Power Resources Assn		545.09
Do	State Maritime Schools	1,342.67	257.14
Do	Sunkist Growers, Inc	38,511.19	1,299.47
Do	Tex-La	61,939.69	864.41
Do	Time Energy Systems, Inc		0.87
Do	U.S. Telephone Association	56.25	277.32
Do	University of Nevada/Las Vegas	1,816.06	2,247.06
Do	University of Nevada/Reno	3,605.00	3,206.24
Do	Westlands Water District	4,060.00	391.67
Jo-Ann T. Herrick, 1800 K Street, NW, #530 Washington, DC 20006	Tesoro Petroleum Corp	1,500.00	
William G. Herrold, 1111 19th St., NW, #608 Washington, DC 20036	Institute of Electrical & Electronics Engineers		
Fred Hervey, 2645 E. Washington P.O. Box 29021 Phoenix, AZ 85038	Reduce Our Debt Foundation		
Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	980.00	57.25
G. Brockwel Heylin, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Paul T. Hicks, Rhode Island Petroleum Assn 154 Francis St. Providence, RI 02903	American Petroleum Institute	350.00	
J. Thomas Higginbotham, One Mellon Bank Center, #2002 Pittsburgh, PA 15258	Mellon Bank N.A., et al.	2,000.00	925.90
Carol A. Higgins, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
William H. Highsmith Jr., 1620 Eye Street, NW Washington, DC 20006	Tonya, Inc (For:City of Philadelphia, PA, et al.)		
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	1,093.75	13.20
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	628.67
Edward Joseph Hillings, 1020 16th Street, NW Washington, DC 20036	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	601.00	
Heidi A. Hiltgen, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	1,000.00	500.00
John M. Himmelberg, Scott McLeod Himmelberg Matz Pires... 2501 M Street, NW, #400 Washington, DC 20037	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	5,653.83	
Sheila K. Hixson, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	1,367.32
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	500.00	
Claude E. Hobbs, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	55.00
Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601	Zalman C. Bernstein		
Do	Investment Company Institute	3,200.00	
Irvin A. Hoff, 20 N. Live Oak Rd. Hilton Head Island, SC 29928	U.S. Cane Sugar Refiners' Assn		
Thomas F. Hoffman, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Consolidation Coal Co		
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	1,684.19
Do	Bitupol, Inc	4,177.50	125.97
Walter F. Hoffmann, 418 7th Street, SE Washington, DC 20003	Campaign for U.N. Reform	2,375.00	
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Conrail Acquisition Corp, Inc	4,000.00	
Do	International Telephone & Telegraph Corporation		
Do	Marine Engineers' Beneficial Assn		
Do	Wilmorite, Inc		
Hogan & Hartson, 815 Connecticut Ave., NW Washington, DC 20006	American Electronics Assn	4,542.50	
Do	American Psychological Assn	2,305.20	9.60
Do	Caremark/Home Health Care of America	1,277.50	
Do	Control Data Corp	1,468.75	
Do	Council of European & Japanese National Shipowners' Assn	8,873.73	71.76
Do	Ecolab, Inc	1,415.00	
Do	GL International Trade, Inc		7.50
Do	International Comm of Passenger Lines (ICPL)		140.00
Do	Manufacturers Hanover Trust Co	2,872.00	224.76
Do	May Department Stores Co	540.00	25.00
Do	Meharry Medical College		
Do	Mercedes-Benz of North America, Inc	12,522.50	
Do	Merck & Co, Inc	1,800.00	
Do	Mutual Life Insurance Co of New York	4,350.00	
Do	National Hospice Organization	3,971.25	
Do	Rohn & Haas Co		
Do	Scientific Apparatus Makers Assn		
Do	SouthernNet, Inc	12,888.75	
Do	Storage Technology Corp	2,040.00	
Do	Timex Corporation	1,971.25	14.30
Do	Toyota Motor Sales, USA, Inc	5,677.50	40.00
Do	University of Pennsylvania	718.25	21.60
Richard F. Hohlt, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	8,313.00	89.00
Walter Holan, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	7,882.13	
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	17,500.00	
Michele O'Donnell Holbrook, 10 Lafayette Squrae, Rm. 900 Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.	632.00	1,123.31
Niels C. Holch, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Borg-Warner Corp)	1,200.00	
Do	Hill & Knowlton, Inc (For:Energy Security Policy)	2,000.00	
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, Inc (For:U.S. Banknote Corp)		
Holden Group, Inc, 11365 West Olympic Boulevard Los Angeles, CA 90064			17,039.05
Holden Kidwell Hahn & Crapo, P.O. Box 129 Idaho Falls, ID 83402	George Hatch, et al.	7,632.64	132.64
Philip C. Holladay, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Brigid A. Holleran, 2550 M Street, NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	86.11
Thomas L. Holloway, 1800 K Street, NW, #1018 Washington, DC 20006	Union Electric Co, et al.	2,500.00	5,294.67
Wendell M. Holloway, 815 Connecticut Ave., NW, #900 Washington, DC 20006	Ford Motor Co	1,245.00	1,409.10
E. Y. Holt Jr., 1111 North 19th St., #700 Arlington, VA 22209	National Assn of Federal Credit Unions		
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	50.00	
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		21.00
Home Recording Rights Coalition, P.O. Box 33576 Washington, DC 20033			
Pete Homer Jr., 4905 Arroyo Chamisa, NE Albuquerque, NM 87111			
Karen C. Hontz, 1875 Eye St., NW, #940 Washington, DC 20006	Gulf & Western, Inc	500.00	25.00
Edwin M. Hood, 1725 K Street, NW, #1102 Washington, DC 20006	National Steel & Shipbuilding Co	624.50	30.80
Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302	National Assn of Broadcasters		
Billy E. Hooper, 1522 K Street, NW, #834 Washington, DC 20005	Association of American Veterinary Medical Colleges		
Candice Shy Hooper, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,570.00	1,330.00
Lillie E. Hoover, P.O. Box 1085 Martinsburg, WV 25401	National Peach Council		
Virginia E. Hopkins, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Taft Broadcasting Company)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036	Detroit Edison Company	750.00	25.00
Harry J. Horrocks II, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn	10,500.00	
Robert Horvitz, 1634 15th Street, NW Washington, DC 20009	Association of North American Radio Clubs		
William J. Hotes, 919 18th St., NW, #400 Washington, DC 20006	Diamond Shamrock Corp	1,000.00	394.92
Margaret A. Houlihan, 1620 I St., NW, #703 Washington, DC 20006	Bechtel Power Corporation		
Thomas B. House, 1700 Old Meadow Rd. Mclean, VA 22102	American Frozen Food Institute	1,000.00	
Jack W. Houston, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083	GA Assn of Petroleum Retailers, Inc		
John H. F. Hoving, The Hoving Group 910 17th Street, NW, #318 Washington, DC 20006	Valsan Re-Engining, Inc	4,000.00	
Hoving Group, 910 17th St., NW, #318 Washington, DC 20006	Eagle-Picher Industries, Inc	1,000.00	
Do	Western-Southern Life Insurance	500.00	
John Howard, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	250.00	32.00
Robert M. Howard, 815 Connecticut Avenue, NW Washington, DC 20006	Ford Motor Co	835.20	1,011.88
Senga Howat, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	1,231.00	
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	600.00	
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
John B. Howerton, 3727 North Edison St. Arlington, VA 22207-1831			
John A. Howes, 1050 17th St., NW, #490 Washington, DC 20036	Consumers Power Co	6,000.00	1,266.00
Clifford T. Howlett Jr., 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	4,600.00	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Henry W. Hubbard, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Energy Security Policy)	450.00	
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Vietnam Veterans of America)		
Mark Huber, 718 N. Carolina Avenue, SE Washington, DC 20003	Americans for Tax Reform	1,000.00	
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	2,250.00	200.00
Dana Hughes, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund		
David Emery Hughes, 2211 Congress St. Portland, ME 04122	Union Mutual Life Insurance Co		
Richard H. Hughes, P.O. Box 880 Valley Forge, PA 19482	Avtex Fibers, Inc		
Sharon M. Hughes, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	
Vester T. Hughes Jr., Hughes & Hill 1000 Mercantile Dallas Building Dallas, TX 75201	Mrs. H. E. Butt		
Do	Sammons Enterprises, Inc		
William Hughes, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians		
Hughes Hubbard & Reed, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	American Institute of Certified Public Accountants	280.00	5.00
Do	Anglo American Auto Auctions, Inc		70.00
Do	Grocery Manufacturers of America, Inc		
Do	47th Street Photo		
Edward L. Huie, Wheaton Plaza North, #415 Wheaton, MD 20902	National Assn of Air Traffic Specialists	6,067.13	343.87
Thomas Humber, 499 South Capitol St., SW, #507 Washington, DC 20003	Brown & Williamson Tobacco Corp		
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Francis M. Hunt, 1800 M Street, NW, #700s Washington, DC 20036	Dow Chemical Co	550.00	274.00
Peter C. Hunt, 195 Montague St. Brooklyn, NY 11201	Brooklyn Union Gas Co		
James C. Hunter, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Cities Service Oil & Gas Corp	294.00	48.80
Kenneth Hunter, 218 D Street, SE Washington, DC 20003	Coalition for Scenic Beauty	625.00	
Michael M. Hunter, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	1,600.00	46.00
Milton F. Huntington, Maine Petroleum Assn 283 Water St. Augusta, ME 04330	American Petroleum Institute	75.00	42.95
Hunton & Williams, P.O. Box 1535 Richmond, VA 23212	American Insurance Assn		
Do	Edison Electric Institute	7,983.57	946.95
Do	Historic Ricefields Assn		
Do	Long Island Lighting Co		
Adele M. Hurley, 112 St. Clair Ave., West, #504 Toronto, Ontario Canada M4V 2Y3	Canadian Coalition on Acid Rain	1,340.99	232.02
Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006	National Club Association		
Ronald A. Hurst, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Hurt Richardson Garner Todd & Cadenhead, 1100 Peachtree Center Harris Tower 233 Peachtree Street, NE Atlanta, GA 30043.	National Assn of Pension Consultants & Administrators, Inc		3.50
Cathy Hurwit, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action	4,000.00	35.00
Do	Citizen/Labor Energy Coalition	1,000.00	
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	210.00
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	924.32
Raymond W. Hussey, 29400 Lakeland Blvd. Wickliffe, OH 44092	Lubrizol Corporation	700.00	1,211.52
Philip A. Hutchinson, 490 L'enfant Plaza, #3210 Washington, DC 20024	Volkswagen of America, Inc	200.00	
Robert E. Hutchinson, P.O. Box 29021 2645 East Washington Phoenix, AZ 85034	Reduce Our Debt Foundation		
James L. Hutchison, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Karen Hutchison, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Jean Hutter, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,485.94	46.60
Helena C. Hutton, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	9,187.52	336.67
B. F. Hyde, Tennessee Petroleum Council 211 7th Avenue, North, 4th Fl. Nashville, TN 37219	American Petroleum Institute	200.00	
Floyd H. Hyde, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates (For:Alameda, CA, et al.)	1,040.00	
Isabel E. Hyde, 1800 K Street, NW, #800 Washington, DC 20006	Goodyear Tire & Rubber Co	2,550.00	
Floyd H. Hyde Associates, 815 15th St., NW, #709 Washington, DC 20005	Alameda, California	1,025.85	472.86
Do	Clark County, Nevada	933.83	472.86
Do	Fresno City, California	1,637.82	472.86
Do	Fresno County, California	1,200.00	472.86
Do	Gary, Indiana	1,514.68	472.86
Do	San Bernardino, California	1,358.38	472.86
Do	San Leandro, California	911.69	472.86
Steven M. Hyjek, One Thomas Circle, NW, #900 Washington, DC 20005	Sinnott & Co., Richard L. (For:Oakland Colliseum)		
Do	Sinnot & Co., Richard L. (For:Port of Oakland)		
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Canadian Asbestos Information Centre)		
Do	Hill & Knowlton, Inc (For:Energy Security Policy)		
Do	Government of the Cayman Islands		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:Hitachi America Ltd)		
Do	Hill & Knowlton, Inc (For:Hyundai Motor America)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Do	Hill & Knowlton, Inc (For:Joint Maritime Congress)		
Do	Hill & Knowlton, Inc (For:Mutual of Omaha)		
Do	Hill & Knowlton, Inc (For:Rauschenberg Overseas Cultural Interchange)		
Do	Hill & Knowlton, Inc (For:Republic of Korea)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, Inc (For:U.S. Banknote Corp)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Do	Hill & Knowlton, Inc (For:Valmont Industries, Inc)		
Robert D. Hynes Jr., 1825 K St., NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	500.00	77.09
Brian M. Hyps, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	
Richard H. Ichord, 499 S. Capitol St., SW, #520 Washington, DC 20003	AAI Corporation	552.50	25.45
Do	Emerson Electric Co	630.00	1,096.69
Do	Washington Industrial Team, Inc	300.00	
Annelise Ilschenko, 120 Cameron Street, #203 Alexandria, VA 22314			
Tom Imeson, 920 S.w. Sixth Avenue 1400 Psb Portland, OR 97204	Pacific Power & Light Co	1,500.00	
Independent Consultants, Inc, 400 North Capitol St., NW, #320 Washington, DC 20001	Cadillac Fairview/California, Inc		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20004.		1,555.00	1,555.00
Independent JOA Publishers Assn, 1050 17th St., NW, #590 Washington, DC 20036		5,000.00	5,000.00
Independent Lubricant Manufacturers Assn, 1055 Thomas Jefferson Street, NW Washington, DC 20007		100.00	100.00
Independent Producers Group, 1120 KSB & T Building 125 N. Market Wichita, KS 67202		18,648.25	9,204.11
Indiana Hi-Rail Corporation, R.R. 1 Connersville, IN 47331			
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		3,983.00	3,936.00
Marie Infante, 1200 15th Street, NW Washington, DC 20005	American Health Care Assn	2,562.50	164.42
Charles E. Ing, 919 18th Street, NW, #600 Washington, DC 20006	Toyota Motor Sales, USA, Inc	1,700.00	225.96
Robert A. Ingram, 1050 17th Street, NW, #650 Washington, DC 20036	Merck & Co, Inc	1,000.00	356.28
Andrea L. Innes, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	5,562.00	568.26
Institute of Foreign Bankers, Suite 303 East, Rm. 23 200 Park Ave. New York, NY 10017			
Institute of Makers of Explosives, 1120 19th St., NW, #310 Washington, DC 20036			
Integrated Resources, Inc, 666 Third Avenue, 4th Fl. New York, NY 10017			2,000.00
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006			10,800.00
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			29,061.27
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			90,917.90
International Communications Industries Assn, 3150 Spring St. Fairfax, VA 22031		17,758.00	4,485.95
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			50,785.56
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			2,500.00
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			14,261.65
Investment Company Institute, 1600 M St., NW Washington, DC 20036			11,685.46
Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005			2,045.75
Charles C. Irions, 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	2,650.00	
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, 2081 First National Bank Bldg Saint Paul, MN 55101		9,961.33	14,993.81
Itel Container Corp, 55 Francisco Street, 6th Fl San Francisco, CA 94133			
Charles R. Jackson, 219 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
Glenn Jackson, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	300.00	
William P. Jackson Jr., Jackson & Jessup, P.C. 3426 N. Washington Boulevard Arlington, VA 22201	City of Tuscaloosa	1,525.00	1,525.00
Do	Osborne Truck Line, Inc, et al.	1,425.00	2,775.00
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	571.08
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	Farmland Industries, Inc		
Do	University of Kansas	250.00	
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers		
Jaffe Snider Raitt & Heuer, P.C., 1800 First National Building Detroit, MI 48226			
Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #713 Washington, DC 20036	PPG Industries, Inc	56.00	24.00
Raymond C. Janus, c/o Christopher L. Meyer P.O. Box 88 E Unit Ashland, KY 41101			
Do	New Generation Lobby		
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,405.81	1,405.81
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94118			
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1550N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Joseph A. Jeffrey, 1920 N St., NW, #300 Washington, DC 20036	American Mining Congress	400.00	
Jellinek Schwartz Connolly & Freshman, Inc, 1350 New York Avenue, NW, #400 Washington, DC 20005	Adolph Coors Co	22,413.00	786.23
Do	ASARCO, Inc	4,536.00	26.45
Do	California Assn of Sanitation Agencies	2,796.86	3,203.14
Do	County Sanitation Districts of Orange County	434.00	8.00
Do	East Bay Municipal Utility District	8,678.97	1,221.03
Do	IBM Corp		
Do	Las Virgenes Municipal Water District		
Do	Los Angeles County Sanitation District	6,892.00	260.73
Jonathan P. Jelling, 301 West Maple Avenue 6th Floor Tower Vienna, VA 22180	Vela, Inc		
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Linda Jenckes, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
David M. Jenkins II, 1025 Vermont Avenue, NW, #500 Washington, DC 20005	Miles Laboratories, Inc		
Kempton B. Jenkins, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	150.00	523.10
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Assn of Nurse Anesthetists		
Do	American Dental Assistants Assn		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	American Soc of Assn Executives		
Do	Association of Operating Room Nurses		
Do	Auto Glass Industry Comm		
Do	Cable TV Admin & Marketing Society, Inc		
Do	Citicorp Capital Investors, Ltd	1,720.00	81.75
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	Metropolitan Transit Authority	12,375.00	621.10
Do	MCI	1,178.75	1,063.74
Do	National Glass Association		
Do	San Francisco Public Utilities Commission	1,944.78	55.22
James C. Jennings, 3255 Grace St., NW Washington, DC 20007	Hill & Knowlton, Inc		
Jennings Strouss & Salmon, 111 West Monroe Phoenix, AZ 85003	Shamrock Foods Co		
Rusty L. Jesser, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	1,000.00	
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Guy E. Jester, 2150 Kienlen Ave. St. Louis, MO 63121	Association for the Improvement of the Mississippi River		
Ronald P. Johnsen, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas System Service Corp	175.00	302.50
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,554.07	
Carl T. Johnson, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works	700.00	
Clifford T. Johnson, 1700 North Moore Street Rosslyn, VA 22209	Boeing Military Airplane Company		
James A. Johnson, 2550 M St., NW, #520 Washington, DC 20037	Shearson Lehman Brothers, et al		
Jess Johnson Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Joel L. Johnson, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	4,000.00	116.95
John B. Johnson, Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute	743.75	
Kay Johnson, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	607.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kenneth A. Johnson, 3922 Pillsbury Center Minneapolis, MN 55402	Pillsbury Company		
L. Oakley Johnson, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	
Larry W. Johnson, P.O. Box 3000 Leesburg, VA 22075	Vocational Industrial Clubs of America, Inc		
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20036	Moller Steamship Co, Inc		
Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Conoco, Inc	1,200.00	
Nicholas Johnson, Box 1876 Iowa City, IA 52244			
Paul W. Johnson, 1225 Connecticut Ave., NW, #303 Washington, DC 20036	Fleishman-Hillard, Inc (For:Ability Information Systems--Computer Software)		
Rady A. Johnson, 200 East Randolph Drive P.O. Box 87703 Chicago, IL 60680-9978	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,274.88	137.53
Spencer A. Johnson, 1101 Vermont Ave., NW, #411 Washington, DC 20005	Paperboard Packaging Council		
Stanley L. Johnson, 5344 29th St., NW Washington, DC 20015	Texaco, Inc		
Thomas G. Johnson, One Shell Plaza P.O. Box 2463 Houston, TX 77001	Shell Oil Co		
Barbara W. Johnston, 1150 Connecticut Ave. NW #710 Washington, DC 20036	Utah International, Inc		
David Johnston, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
James D. Johnston, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,600.00	3,827.10
Joint Corporate Comm on Cuban Claims, c/o Lone Star Industries, Inc PO Box 5050 Greenwich, CT 06830			180.00
Joint Task Force on Fed Financial Assist. for Law Students, 10th St. Newton Industrial Common Newton, PA 18940			
Mary K. Jolly, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	913.75	30.85
Beverly E. Jones, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW, #500 Washington, DC 20036	American Independent Refiners Assn		
Do	Consolidated Natural Gas Co	500.00	20.00
Do	National Hydropower Assn		
Ernest W. Jones, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Gerald R. Jones, 2000 L St., NW, #810 Washington, DC 20036	Unisys Corp		
James E. Jones, 40 Franklin Rd., SW P.O. Box 2021 Roanoke, VA 24022	Appalachian Power Company		
James E. Jones Jr., 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	390.00	90.00
Wiley N. Jones, 1667 K St., NW, #600 Washington, DC 20006	Southern Pacific Transport Co	1,000.00	500.00
Jones & Winburn, 50 E Street, SE Washington, DC 20003	American Assn of Equipment Lessors	3,000.00	244.00
Do	American Automotive Leasing Assn, Inc	1,300.00	80.03
Do	Burlington Northern, Inc	1,500.00	110.26
Do	Chancellor Corporation	3,000.00	311.14
Do	City of Baton Rouge	3,000.00	816.38
Do	E&J Gallo Winery		
Do	Hartford Fire Insurance Group	1,500.00	67.50
Do	McDonnell Douglas Corp	1,300.00	99.97
Do	National Assn of ASCS County Office Employees (NASCOE)	800.00	94.40
Do	R.J. Reynolds Tobacco Co	1,500.00	968.00
Do	United Companies Life Insurance Companies	1,600.00	948.00
Jones Consulting Group, Inc, 300 Metropolitan Square 655 15th Street, NW Washington, DC 20005			
Jones Day Reavis & Pogue, 655 15th St., NW Washington, DC 20005-5701	Automotive Dismantlers & Recyclers Assn, Inc		
Do	Competitive Telecommunications Assn		
Do	Embassy of the People's Republic of China	7,465.07	
Do	Litel Telecommunications Corp	4,380.00	
Do	Los Angeles County	78,773.00	
Do	Los Angeles Memorial Coliseum Commission	9,307.00	
Do	Mississippi Chemical Corp		
Do	Morgan Grenfell & Co Ltd	25,459.75	8,164.75
Do	National Assn of State Auditors Comptrollers & Treasurers	5,000.00	
Do	National Beer Wholesaler's Assn, Inc		
Do	Pfizer, Inc	3,400.00	274.49
Do	South African Sugar Assn	15,000.00	1,047.75
Do	SCM Corp		916.00
Do	Teleconnect Co		
Do	Westinghouse Electric Corp		
De Soto Jordan, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	269.50	133.00
Linda K. Joseph, 1199 Black Horse Pike Pleasantville, NJ 08232	Atlantic Electric		8,300.00
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Robert E. Juliano, 1099 22nd Street, NW, #404 Washington, DC 20037	American Express Co	10,000.00	
Do	Hotel & Restaurant Employees & Bartenders Intl Union	21,250.02	1,697.47
Robert E. Juliano Associates, 2555 M Street, NW Washington, DC 20037	Aetna Life & Casualty Insurance Co	10,000.00	
Do	International Speedway Corp	7,500.00	
Do	ICH Corp	3,000.00	
Do	National Academies of Practice	2,500.00	
Do	Rentar Industries, Inc	4,000.00	
Justice Fellowship, P.O. Box 17181 Washington, DC 20041			
Geza Kadar, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jim Kaitz, 1667 K Street, NW, #710 Washington, DC 20006	Baxter Travenol Laboratories, Inc		
Suzanne Kalfus, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	11,749.00	79.30
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	2,770.75	2,558.31
Nancy E. Kantola, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	
Kaplan Russin & Vecchi, 1218 16th Street, NW Washington, DC 20036	American Chamber of Commerce of the Dominican Republic		
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	6,000.00	
Patricia L. Katson, 300 Independence Ave., SE Washington, DC 20003	Liberty Lobby, Inc	5,500.00	
Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Lisa E. Kazel, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Co (For:Republic of the Philippines)		
Do	Keefe Company (For:UNIAO Nacional Para Independencia Total DeAngola)		
Do	Keefe Company (For:Westinghouse Electric Corp)		
Vicki R. Keenan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Robert C. Keeney, 727 N. Washington St. Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	2,204.00	490.66
Robin E. Keeney, 1828 L Street, NW Washington, DC 20036	American Land Title Assn	1,890.00	
Keiki Kehoe, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	233.10	
Kendell W. Keith, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
William D. Kelleher, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,500.00	
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 20342	Robert H. Kellen Co (For:Calorie Control Council)		
Kelley Drye & Warren, 1330 Connecticut Ave., NW Washington, DC 20036	ITT Consumer Financial Corp		
Do	Society of the New York Hospital	3,528.75	370.10
Stephen G. Kellison, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
Carol A. Kelly, 1285 Avenue of the Americas New York, NY 10019	Equitable Life Assurance Society of the U.S	150.00	5.00
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	80.00	
Ernest B. Kelly III, 950 L'enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,500.00	237.62
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	LTV Corporation		
John F. Kelly, 1828 L Street, NW # 906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Peter M. Kelly, Bell Boyd & Lloyd 70 W. Madison, #3200 Chicago, IL 60602	Balcor/American Express, Inc		
Mark L. Kemmer, 1660 L Street, N.w. Washington, DC 20036	General Motors Corp	2,500.00	563.76
Mary Linda Kemp, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates (For:Alameda, CA, et al.)	1,148.59	
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers		
William T. Kendall, 50 E St., SE Washington, DC 20003	Alliance for Free Enterprise		
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp	300.00	
Do	Heller Ehrman White & McAuliffe		
Do	Hogan & Hartson (for Timex Group, Ltd)	500.00	
Do	Hogan & Hartson (for Volume Shoe Corp)		
Do	Manville Corporation		
Do	Rose Communications		
Do	Toyota Motor Sales, USA, Inc	500.00	
Do	Williams Technologies, Inc		
Do	Worldwide Information Resources, Inc		
Stephanie Kennan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	484.62	230.11
Joseph W. Kennebeck, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024	Volkswagen of America, Inc	250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Art Kennedy, Box 200576 Anchorage, AK 99520	Alaska Resource Analysts, Inc		
Do	Koniag, Inc		
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert P. Kennel, 3013 Leefield Drive Herndon, VA 22071	National Wood Energy Assn, Inc		
Do	Ultrasystems, Inc		
Jeremiah J. Kenney Jr., 12th Fl. 1100 15th St., NW Washington, DC 20005	Union Carbide Corp		15.65
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	355.00
J. H. Kent, Kent & O'Connor 1211 Connecticut Avenue, NW Washington, DC 20036	American Soc of Plastic & Reconstructive Surgery		
Do	American Supply Association		
Do	American Warehousemen's Association		
Do	Gould, Inc		
Do	Intermedics, Inc		
Do	International Assn of Airport Duty Free Stores	1,000.00	441.12
Do	National Customs Brokers & Forwarders Assn of America		
Do	Transportation Lawyers Assn		
Anne S. Kerman, 122 C Street, NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc	252.00	
Michael J. Kerrigan, 1925 K Street, NW, #504 Washington, DC 20006	Smokeless Tobacco Council, Inc	460.00	100.39
Dale Rodney Ketcham, 1980 N. Atlantic Ave., #918 Cocoa Beach, FL 32931			
Robert M. Ketchel, 1331 Pennsylvania Ave., NW, #895 Washington, DC 20004	General Electric Co		
Dorothy A. Keville, 2215 Constitution Ave., NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	55.00
Do	Mothers Without Custody, Inc		
Gilbert W. Keyes, P.O. Box 3999 (mail Stop 8c-68) Seattle, WA 98124	Boeing Aerospace Co	268.68	270.75
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Earline A. Keyser, 1620 I St., NW, #703 Washington, DC 20006	Bechtel Power Corporation		
Kiawah Island Co Ltd, P.O. Box 12910 Charleston, SC 29142			
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Brian D. Kidney, 444 N. Capitol Street, NW, #718 Washington, DC 20001	Pacific Telesis Group	15,450.00	
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
Ingolf N. Kiland Jr., 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	1,685.60
Gregory Kilgore, 1101 16th Street, NW Washington, DC 20036	Scientific Apparatus Makers Assn	1,100.00	384.68
William P. Killmer, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	3,437.53	309.05
Mary K. Killoris, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	1,500.00	
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chemical Fuels Corp		
Do	City of Atlanta		
Do	Clean Water Action Project		
Do	Furniture Rental Assn of America	3,000.00	
Do	PepsiCo, Inc	225.00	
Do	Sierra Club Legal Defense Fund	1,450.00	
Hee Jin Kim, 1030 15th Street, NW, #776 Washington, DC 20005	Korean Traders Assn	870.00	520.00
Roberta D. Kimball, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #730 Washington, DC 20004	Kimberly-Clark Corp	881.40	126.50
Kimberly-Clark Corp, 401 North Lake Street Neenah, WI 54956			1,077.90
James L. Kimble, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn		
Ann Ottoson King, 1620 Eye Street, NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Recordings Import Trade Committee)		
Aubrey C. King, 1625 Eye Street, NW, #609 Washington, DC 20006	National Club Association		
Edward H. King, 200 Wilmot Rd. Deerfield, IL 60015	Walgreen Co		
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran, Inc	500.00	95.00
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alabama State Docks Department		
Do	Antitrust Remedies Reform Group, et al	21,525.00	
Do	Camberent Financial Group	36,254.00	117.84
Do	Damson Oil Corp		
Do	Dorchester Partners		
Do	General Aviation Manufacturers Association	2,672.50	24.45
Do	General Electric Credit Corp		
Do	Generic Pharmaceutical Industry Assn		721.72
Do			22.95
Do	Lincoln Property Co, et al		172.61
Do	Matra S.A. Sofretu S.A. and Combustion Engineering, Inc		
Do	Milliken & Company		
Do	National Assn of Bond Lawyers		1,574.65
Do	Noro Realty Advisors, Inc		
Do	Piedmont Securities Co & Guaranty Investment Co		
Do	Robert W. Woodruff Estate		
Do	State of Georgia		
Do	SunTrust Banks, Inc		
Do	Woodruff Foundation		
Kathleen N. Kingscott, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	3,100.00	809.00
Daniel T. Kingsley, 1655 N. Ft. Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association	51,000.00	1,653.10
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Janie A. Kinney, 1050 17th Street, NW, #650 Washington, DC 20036	Merck & Co, Inc	575.00	175.00
Cecilia Anne Kirby, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	1,411.49	
Kirby Gillick Schwartz & Tuohey, P.C., 1220 L Street, NW, #310 Washington, DC 20005	America West Airlines, Inc		
Do	National Vehicle Leasing Assn		
Alan G. Kirk II, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	15.16	
John R. Kirk, Bingham, Dana & Gould 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Kirkpatrick & Lockhart, 1800 M St., NW, South Lobby, 9th Fl. Washington, DC 20036	Columbia Pictures Industries, Inc	180.00	
Do	Grocery Manufacturers of America, Inc		
Do	H. K. Porter Company, Inc		
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	8,400.00	218.73
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
Mary Brice Kirtley, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	200.00	
Ralph W. Kittle, Route 2, Box 10 Keswick, VA 22947	International Paper Co	1,200.00	1,057.00
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	2,750.00	
Richard P. Kleeman, 2005 Massachusetts Ave., NW Washington, DC 20036	Association of American Publishers		
James A. Klein, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	1,750.00	189.13
Kline Knopf & Wojdak, Inc, 355 N. 21st Street, #105 Camp Hill, PA 17011	General Public Utilities Corp		
Michael R. Klipper, 1600 I St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	620.75	238.00
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
John F. Klucsik, 955 L'Enfant Plaza, 6th Fl. Washington, DC 20024	Roy F. Weston, Inc (For:Inmont Division-BASF Corp)		99.22
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress	450.00	
Gary D. Knight, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
Peter E. Knight, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	8,000.00	185.33
Knights of Columbus, Columbus Plaza New Haven, CT 06507			
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	10.00	
Albert B. Knoll, 1800 K Street, NW, #820 Washington, DC 20006	Sun Co, Inc	1,500.00	581.88
Mark S. Knouse, 5603 Kirkside Dr. Chevy Chase, MD 20815	Batus D.C		
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906		3,000.00	500.00
Ruth E. Kobell, 600 Maryland Ave., SW, #202 Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	2,773.44	32.46
Bradley R. Koch, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	141.87	
George W. Koch, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	93.00	
Patrick C. Koch, 900 19th St., NW, #800 Washington, DC 20006-2102	U.S. Telephone Assn		
Gary J. Kohn, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	137.50	132.31
Michael S. Koleda, 1301 Pennsylvania Ave., NW, #325 Washington, DC 20004	Council on Alternate Fuels		
Daine K. Koller, 1899 L Street, NW, #403 Washington, DC 20036	Outdoor Advertising Assn of America, Inc	338.00	1,770.00
Timothy S. Kolly, 1250 Ivy Creek Drive Charlottesville, VA 22901	Worrell Enterprises, Inc		
Kominers Fort Schlefer & Boyer, 1401 New York Ave., NW, 12th Fl. Washington, DC 20005	Apex Marine Corp		
Do	Atlantic Richfield Co	7,648.20	199.21
Do	Crowley Maritime Corp & Subsidiaries	8,495.00	130.22
Do	Lykes Bros Steamship Co, Inc		
Do	LASCO Shipping	4,375.00	74.95
Do	Marathon LeTourneau Co, et al		
Do	Matson Navigation Co	4,725.00	294.76

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Oregon Economic Development Dept	8,268.75	
Do	Pacific Coast Council of Freight Forwarders	6,000.00	
Do	Portland Development Commission	11,250.00	
Nicholas Kominus, 1001 Connecticut Ave., NW Washington, DC 20036	U.S. Cane Sugar Refiners' Assn	806.25	33.83
Eugene P. Kopp, Suite 600 South 1120 20th Street, NW Washington, DC 20036	Union Pacific Corp	1,250.00	
Steven Kopperud, 1701 N. Ft. Myer Drive Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, 1875 I St., NW, #800 Washington, DC 20006	Tobacco Institute		
Kerrill K. Kornegay, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,937.00	1,843.22
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	1,200.00	
Ronald W. Kosh, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Nicholas P. Koskores, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	43,083.01
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	10,921.59	
Joan M. Kovalic, 955 L'Enfant Plaza, SW, 6th Fl. Washington, DC 20024	Roy F. Weston, Inc (For:Inmont Division-BASF Corp)		
Mylio S. Kraja, 1608 K St., NW Washington, DC 20006	American Legion	3,088.02	123.00
Joseph H. Kramer III, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Raymond R. Krause, 3771 Pillsbury Center Minneapolis, MN 55402	Pillsbury Company	1,500.00	358.00
Jeffrey Krauss, 1350 Piccard Drive, #400 Rockville, MD 20850	M/A-Com, Inc	2,500.00	230.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Hugh A. Krentz, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction	51.57	480.08
Jay Kriegel, Kriegel Communications 767 Fifth Avenue, 20th Fl. New York, NY 10153	Association for a Better New York	30,000.00	2,111.18
Robin L. Kropf, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	100.00	
Thomas A. Kube, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Philip Kugler, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers		
Lloyd R. Kuhn, 1725 Desales St., NW Washington, DC 20036	Aerospace Industries Assn of America, Inc	16,116.00	
Sara E. Kuhn, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Thomas R. Kuhn, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
Rebecca L. Kupper, 655 15th Street, NW 300 Metropolitan Square Washington, DC 20005	American Medical International	687.50	80.00
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Marine Engineers' Beneficial Assn, Pacific Coast Dist. #1	11,612.50	841.77
Do	Marine Transport Lines, Inc	14,350.00	353.24
Ester Kurz, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	14,250.00	290.53
James M. Kuszaj, 1800 M St., NW, #700 S. Washington, DC 20036	Dow Chemical USA		
Kutak Rock & Campbell, 1101 Connecticut Aven., NW, #1000 Washington, DC 20036	Citicorp Investment Bank	1,653.00	783.81
Do	Financial Security Assurance Co	4,997.14	4,049.62
Do	Municipal Bond Insurance Assn	2,792.55	1,906.29
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Management Maritime Committee, Inc, 100 Indiana Avenue, NW Washington, DC 20001		1,944.00	6,356.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			29,129.54
Joseph L. Lach, 1025 Connecticut Avenue, NW, #214 Washington, DC 20036	Manville Products Corp	500.00	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	64.00	
Bruce C. Ladd Jr., 1776 K Street, NW Washington, DC 20006	Motorola, Inc	16,500.00	68.00
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	1,325.00	610.95
Robert Lamb, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	5,000.00	146.69
David F. Lambert III, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
James E. Lamble, 1620 Eye Street, NW, #703 Washington, DC 20006	Bechtel Power Corporation		
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Virginia B. Lamp, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,400.00	132.71
Virginia A. Lampley, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Ray H. Lancaster, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	167.03
L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & Macrae		
Landis Cohen Singman & Rauh, 1019 19th St., NW, #500 Washington, DC 20036	American Soc of Composers Authors & Publishers	3,000.00	
Do	NFL Players Association	4,000.00	
Mary C. Landon, 1220 L Street, NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	
Moon Landrieu, 717 Girod Street New Orleans, LA 70130	Mainstreets Coalition		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	2,000.00	
Bruce Alan Landy, 2601 Virginia Ave., NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Albert E. Lane, P.O. Box 37152 Cincinnati, OH 45222	Media-Independence-Competition-Medcom-Mic		
Do	People Opposed to Energy Lobby - Potel		
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc		640.01
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	Council for Rural Housing and Development	4,000.00	
Do	National Leased Housing Assn	900.00	
Lane Powell Moss & Miller, 3800 Ranier Bank Tower Seattle, WA 98101-2647	Cavenham Forest Industries, Inc	18,964.00	21,310.00
Adrienne C. Lang, 1111 14th Street, NW, #501 Washington, DC 20005	American Soc of Anesthesiologists	1,300.00	
Joseph L. Lang, 1100 N Street, Suite 2E Sacramento, CA 95814	Mattco Forge, Inc		
Do	West Coast Fabricators & Steel Industry Assn	5,000.00	3,101.95
Robin W. Lanier, 1000 Connecticut Ave., NW Washington, DC 20036	National Retail Merchants Assn	250.00	20.00
Wayne R. Lapierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,276.25	
Clifford Laplante, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	1,230.00	
J. Stephen Larkin, 9225 Katy Freeway, #310 Houston, TX 77024	Petroleum Equipment Suppliers Assn	1,430.00	321.50
William L. Larsen, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036	American Insurance Assn		
Mary Ellen Larson, 1420 King Street Alexandria, VA 22314	National Soc of Professional Engineers	1,250.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Robert C. Larson, 200 E. Long Lake Rd., #200 P.O. Box 200 Bloomfield Hills, MI 48013-0200			
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Latham Watkins & Hills, 1333 New Hampshire Ave., NW, #1200 Washington, DC 20036	Driftwood Dairies		
Laughter Power Group, c/o Communications Consultants P.O. Box 23378 Washington, DC 20026-3378			
Joan H. Lavor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Kathryn M. Lavriha, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	8,250.00	60.42
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S	4,702.74	18.01
Janie L. Lawson, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Laxalt Corporation, 214 Massachusetts Ave., NE, #380 Washington, DC 20002	W. R. Grace & Co	600.00	
Do	Motion Picture Assn of America, Inc	2,000.00	
Do	Peter Kiewit Sons', Inc	500.00	
Do	Purolator Courier	650.00	
Do	R. T. Vanderbilt Co, Inc	400.00	
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	785.08
Ernest M. Le Sueur, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp of America		
Leach Biesty & McGreevy, 1619 New Hampshire Ave., NW Washington, DC 20009	Washington Psychiatric Society	5,250.00	38.45
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		48,023.47	48,023.47
League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731			
Thomas B. Leary, Hogan & Hartson 815 Connecticut Avenue, NW Washington, DC 20006	Business Roundtable	35,595.15	
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Leboeuf Lamb Leiby & Macrae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	British Insurance Assn		
Do	General Conf of the 7th Day Adventists Church Risk Mgt Svcs		
Do	Underwriters at Lloyd's London		
Thomas J. Lee Jr., P.O. Box 2628 Houston, TX 77252	Entex, Inc		
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Minerals Exploration Coalition, Inc	1,500.00	135.00
Lefevere Lefler Kennedy O'Brien & Drawz, 2000 First Bank Place West 120 South 6th Street Minneapolis, MN 55402	City of New Brighton		
Peter A. Lefkin, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036	American Insurance Assn	250.00	35.00
Legislative Studies Institute, Inc, 2400 E. Commercial Blvd., #500 Fort Lauderdale, FL 33308	Ameriserv, Inc		
Leslie A. Lehmann, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	6,765.00	329.76
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	ALPO Petfoods, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Clorox Co		
Do	Correctional Services Providers Institute		
Do	Express Foods Co, Inc		
Do	General Instrument Corp		
Do	GTE Products Corp		
Do	Johnson & Johnson		
Do	Leprino Foods, Inc		
Do	Merrick's, Inc		
Terry L. Leitzell, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	American Shrimpboat Association		
Do	Marine Construction & Design Co		
Do	Oceantrawl Corporation		
Do	Port of Seattle	2,000.00	
Joseph L. Leitzinger, 900 4th Ave. Seattle, WA 98164	Simpson Investment Co		
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Laverne Still Lemen, 1030 15th St., NW, #700 Washington, DC 20005	National Cotton Council of America		
Lynette Lenard, 2550 M Street, NW, #770 Washington, DC 20037	RJR Nabisco, Inc	2,500.00	
Donna Lenhoff, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	609.46	221.74
Betty Jane Leonard, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Burleigh C. W. Leonard, 2550 M Street, NW, #770 Washington, DC 20037	RJR Nabisco, Inc	600.00	711.34
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	572.00	600.32
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	6,585.04	30.50
Rodney E. Leonard, 2001 S Street, NW, #530 Washington, DC 20009	Community Nutrition Institute		
Charles Leppert Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co		
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.		
William Gene Lesher, 517 C Street, NE Washington, DC 20002	Lesher and Associates, Inc		
Lesher and Associates, Inc, 517 C Street, NE Washington, DC 20002	Dairy Farmers for Responsible Dairy Policy		
Daniel Lesmez, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Leva Hawes Mason & Martin, 1220 19th St., NW, #700 Washington, DC 20036	Scientific Apparatus Makers Assn		
Milton Levenson, P.O. Box 3965 San Francisco, CA 94119	Bechtel Power Corporation		
Leventhal Senter & Lerman, 2000 K Street, NW, #600 Washington, DC 20006-1809	Aeronautical Radio, Inc	750.00	8.00
Do	Pan American Satellite Corp		
S. R. Levering, Route 2 Ararat, VA 24053	U.S. Committee for the Oceans		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Do	Independent JOA Publishers Assn	5,000.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Harry Levine Jr., 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co		
Kenneth S. Levine, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	977.50	
Lawrence E. Levinson, 1875 Eye St., NW, #940 Washington, DC 20006	Gulf & Western Industries, Inc	2,750.00	80.00
David Levy, 7000 Central Avenue, NE P.O. Box 1453 Minneapolis, MN 55432	Medtronic, Inc		
Leslie Levy, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	600.00	
Michael R. Lewis, 1133 15th St., NW, #640 Washington, DC 20005	International Longshoremen's & Warehousemen's Union	9,600.00	1,101.43
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	5,000.00	10,200.00
Lewis White & Clay, P.C., 1300 First National Building Detroit, MI 48226			
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	4,187.49	
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corp		
Lynn H. LeMaster, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	1,082.07	335.11
William J. Lhota, 215 N. Front Street Columbus, OH 43215	Columbus and Southern Ohio Electric Co	1,125.00	1,371.56
Judith Lichtman, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	184.28	64.71
Richard A. Lidinsky Jr., 655 15th Street, NW, #300 Washington, DC 20005	Sea Containers America, Inc		250.00
William C. Lienesch, 238 10th St., SE Washington, DC 20003	National Parks & Conservation Association	384.60	33.25
Terry L. Lierman, 1156 15th Street, NW, #1102 Washington, DC 20005	Albert and Diane Kaneb		
Howard C. Liggett, 9916 Stone Meadow Rd Pensacola, FL 32514			
Ross W. Lillard, 920 Main Street Kansas City, MO 64105	Stinson Mag & Fizzell (For:Farmland Industries, Inc)		
Diane Palmer Lilly, 1200 Peavey Building Minneapolis, MN 55479	Norwest Corporation		
Lincoln Savings & Loan Assn, P.O. Box 19614 Irvine, CA 92714			5,242.35
Stephen R. Lindauer, 1957 E Street, NW Washington, DC 20515	Associated General Contractors of America		
Roger Lindberg, The Power House 3255 Grace Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Cayman Islands)		
Do	Hill & Knowlton, Inc (For:Energy Security Policy)		
Do	Hill & Knowlton, Inc (For:Seminole Tribe of Florida)		
Donald Lindsey, 819 Railway Labor Bldg. 400 First Street, NW Washington, DC 20001	Brotherhood of Locomotive Engineers	415.17	53.68
Kathleen M. Linehan, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	825.00	140.00
Paul E. Linet, One Devonshire Place, #1002 Boston, MA 02109	Bitupol, Inc	12,000.00	591.62
Andrew D. Lipman, Pepper Hamilton & Scheetz 1777 F Street, NW Washington, DC 20006	MCI Telecommunications Corp		
Do	Norlight, Inc		
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Lisboa Associates, Inc, 1317 F St., NW, #400 Washington, DC 20004	University of the Virgin Islands		
John M. Lison, 200 West Adams, #2015 Chicago, IL 60606	Atcor, Inc		
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,000.00	
Charles B. Little, 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	1,000.00	
Thomas W. Little, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	750.00	
William F. Little, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	487.00	704.50
Roy Littlefield, 15900 Pinecroft Lane Bowie, MD 20716	American Retreaders' Assn	500.00	
Do	Greater Washington/Maryland Service Station Assn	500.00	
E. Geoffrey Littlehale, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	481.60
Theodore M. Littman, 2230 E. Imperial Ave. El Segundo, CA 90245	Rockwell International Corp		
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Robert W. Lively, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Livestock Marketing Association, 301 E. Armour Blvd. Kansas City, MO 64111			
Franci Livingston, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen's Congress Watch	5,500.00	
Richard D. Lloyd, 600 Maryland Avenue, SW, #520 Washington, DC 20024	GPU Service Corporation		
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn		255.24
Paul Locigno, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	21,655.89	
Robert F. Lockhart Jr., 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
Karen Lockwood, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	3,991.09	130.98
Stephen G. Lodge, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Law Ofcs of Sheldon London, 1725 DeSales St., NW, #401 Washington, DC 20036	American Hardware Manufacturers Assn		
William E. Long, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Co	600.00	
John H. Lonnquist, 1025 Connecticut Ave., NW, #214 Washington, DC 20036	Manville Corporation	1,500.00	
Susan J. Loomis, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	5,000.00	500.00
Loomis Owen Fellman & Howe, 2020 K St., NW Washington, DC 20006	Association of Bituminous Contractors		
Do	Classroom Publishers Assn		
Do	Industrial Diamond Assn		
Do	Optical Manufacturers Assn		
Do	Textile Rental Services Assn of America		
Gerald D. Lore, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al	25,000.00	3,493.80
Matthew A. Low, 1607 New Hampshire Avenue, NW Washington, DC 20009	Norman D. Shutler		
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	8,250.06	26.00
James D. Lucas, 25 South Charles Street Baltimore, MD 21201	First Maryland Bancorp		
Do	First National Bank of Maryland		1,229.75
Mrs. Freddie H. Lucas, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	472.51
William L. Lucas, 2021 K Street, NW, #300 Washington, DC 20006	Primark Corporation	500.00	
Charles Emmet Lucey, 1200 New Hampshire Avenue, NW, #200 Washington, DC 20036	Catholic Press Assn		
Do	Manatt Phelps Rothenberg Tunney & Evans		
Luedtke & Demarest, 1920 N Street, NW, #400 Washington, DC 20036	Ergon, Inc		
Do	Pitts Energy Group		
Do	Southland Corporation		
Kathy K. Luhn, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn, Inc		59.00
Lukens, Inc, 50 South First Avenue Coatesville, PA 19320			
Sylvester Lukis, 1155 15th Street, NW, #504 Washington, DC 20005	City of Miami	3,750.00	
Do	City of Miami Beach	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Dade County, Florida	4,166.66	
Do	Ziff-Davis Technical Information Services Co		
J.C. Luman & Associates, 1030 15th Street, NW, #720 Washington, DC 20005	National Assn of Personnel Consultants	2,000.00	
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Milton F. Lunch, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,000.00	
Christian J. Lund, 1825 I Street, NW, #700 Washington, DC 20006	United Technologies Corporation	18,372.00	
Lund & O'Brien, 1625 Eye St., NW Washington, DC 20006	Federation of American Controlled Shipping	900.00	105.01
Do	Pennsylvania Power & Light Co	556.25	36.86
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20005	National Assn of Manufacturers		
David C. Luttrell, 1422 W. Peachtree St., NW, #612 Atlanta, GA 30309	National Assn of Manufacturers		
W. Fletcher Lutz, 727 South 23rd St., #100 Arlington, VA 22202	Association of Government Accountants		
Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209	Roadway Express, Inc	425.00	200.00
John E. Lynn, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	1,600.00	
James Lyon, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	18.26	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	5,411.00	5,763.00
M.O.A./AIOA & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
M/A-Com, Inc, 1350 Piccard Drive, #400 Rockville, MD 20850			2,500.00
James E. Mack, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		
Do	Peanut Butter & Nut Processors Assn		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	16,243.00	500.00
Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	1,505.00	
Jack A. MacDonald, 1901 N. Fort Meyer Drive, #302 Rosslyn, VA 22209	Beverly Enterprises, Inc	6,250.00	149.47
Miriam A. MacDonald, 1025 Connecticut Avenue, NW, #1010 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Wendy L. MacDonald, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S	4,500.00	
A. John Maguire, 1030 15th Street, NW Washington, DC 20005	National Cotton Council of America	18,750.00	1,308.15
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn	1,125.00	158.00
John F. Mahoney, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,378.00	
Terence P. Mahony, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	500.00	140.40
Robert L. Maier, 900 17th St., NW, #1000 Washington, DC 20006	Kaiser Aluminum & Chemical Corp	70.00	8.00
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	387.00	15.00
Daniel C. Maldonado, 10000 Falls Rd., #306 Potomac, MD 20854	American Soc of Anesthesiologists	25,600.00	2,046.61
Do	Los Angeles Alliance for Equitable Customs Staffing	1,000.00	9.40
Do	National Hemophilia Foundation	2,425.00	
Do	Research Society on Alcoholism	2,400.00	45.95
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes	9,875.00	
J. Wilson Malloy Jr., 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	650.00	65.00
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Celanese Corp		
Robert H. Maloney, 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
William R. Maloni, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn	24,250.00	1,761.27
Man-Made Fiber Producers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036		104,000.00	103,623.00
Management & Government Resources, 1305 Mt. Holly Road Burlington, NJ 08016	Burlington Coat Factory	22,197.55	10,367.95
Manatt Phelps Rothenberg Tunney & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Alliance for a Capital Access		
Do	American Bankers Assn		
Do	American Institute of Real Estate Appraisers	210.00	
Do	American Petrofina, Inc		
Do	Bowling Proprietors' Assn of America		
Do	Chronar Corporation		
Do	Coalition for Tax Reform		
Do	Coalition to Save the Polygraph		
Do	Connecticut National Bank		
Do	Empire Blue Cross & Blue Shield	210.00	
Do	First Pennsylvania Bank		
Do	Flying Tiger Line, Inc		
Do	General Instruments Corp		
Do	Government of Cyprus		
Do	Government of Jamaica		
Do	Jamaican Broadcasting Corp		
Do	Money Store	315.00	
Do	New World Pictures		
Do	Northrop Corp	315.00	
Do	Philip Morris, Inc	840.00	
Do	Rollins Environmental Services		
Do	Rollins, Inc		
Do	RLC Corporation		
Do	Security First Group		
Do	Southern California Rapid Transit District	1,260.00	
Do	State Street Development Co of Boston		
Do	Donald T. Sterling & Associates		
Do	Superior Training Services		
Do	Traweek Investment Co, Inc		
Katherine T. Mance, 1616 H Street, NW Washington, DC 20006	American Retail Federation	200.00	37.75
Manchester Associates, Ltd, 1155 15th Street, NW, #811 Washington, DC 20005	Corporacion Del Cobre (USA), Inc		
Do	Eldorado Resources, Ltd		
Do	Nissan Motor Company, Ltd		
Susan Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	11,750.04	91.80
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Systems)		
Do	Hill & Knowlton, Inc (For:Borg-Warner)	1,050.00	
Do	Hill & Knowlton, Inc (For:Government of the Cayman Islands)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	450.00	
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)		
Do	Hill & Knowlton, Inc (For:United Air Lines)		
Do	Hill & Knowlton, Inc (For:Vietnam Veterans of America)		
Richard J. Mannix, 195 Montague St. Brooklyn, NY 11201	Brooklyn Union Gas Co		
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	1,404.00	763.33
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			4,900.00
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
March for Life, Inc, PO Box 2950 Washington, DC 20013		50,123.35	40,040.95
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	2,200.00	2,200.00
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			17,520.00
Richard Mark, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	8,749.98	6,322.87
Lawrence D. Markley, P.O. Box 196300 Anchorage, AK 99519	Chugach Electric Assn, Inc	4,695.00	3,342.42
Marc L. Marks, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp		
Ronald Anthony Marks, 10 Waterside Plaza, #2b New York, NY 10010			
Luther A. Markwart, 1156 15th St., NW, #1019 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #410 Washington, DC 20036-1081	International Chemical Workers Union	5,000.00	
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	Coalition to Keep Alaska Oil		
Do	Graphic Communications International Union, AFL-CIO, CLC	780.00	780.00
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	Graphic Communications Int'l Union	1,030.00	1,030.00
Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041	National Assn of Public Television Stations	600.00	150.00
Lori A. Marsden, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
C. Travis Marshall, 1776 K St., NW, #300 Washington, DC 20006	Motorola, Inc	1,500.00	8.00
Catherine A. Marshall, 1750 K Street, NW Washington, DC 20006	U.S. Brewers Assn, Inc		
Dianne D. Marshall, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	750.00	14.50
Scott Marshall, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	592.31	
Thomas A. Martens, P.O. Box 10110 SO. Lake Tahoe, CA 95731	League to Save Lake Tahoe		
David F. Martin, 2020 14th Street, North Arlington, VA 22201	American Standard Inc	750.00	
Fred J. Martin Jr., 1800 K Street, NW Washington, DC 20006	Bank of America	117.36	52.23
J. Ross Martin, Kansas Petroleum Council 1414 Merchants Nat'l Bank Bldg. 8th & Jackson Topeka, KS 66612	American Petroleum Institute		
John M. Martin Jr., 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	383.73	145.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Larry K. Martin, 1611 North Kent Street, #800 Arlington, VA 22209	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Robert L. Martin, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,500.00	
Stephen I. Martin, Hartford Plaza Hartford, CT 06115	Hartford Fire Insurance Co		
James C. Martinelli, 1025 Connecticut Avenue, NW, #300 Washington, DC 20036	Environmental Management Consultants, Inc		
Merrill D. Marxman, 2001 Jefferson Davis Hwy Arlington, VA 22202	Marxman & Associates, Inc		
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			142.57
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	American Japanese Trade Comm		
Do	Japan Telescopes Manufacturers Assn	200.00	
Do	Nisei Lobby		
Do	Toyota Motor Sales, USA, Inc	750.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
W. A. Mason, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co		
Ned W. Massee, 299 Park Avenue New York, NY 10171	Westvaco Corporation		915.73
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Canadian Asbestos Information Centre)		
Do	Hill & Knowlton, Inc (For:Energy Security Policy)		
Do	Hill & Knowlton, Inc (For:Euromissile)	23.00	
Do	Hill & Knowlton, Inc (For:Government of the Cayman Islands)		
Do	Hill & Knowlton, Inc (For:Hitachi America Ltd)		
Do	Hill & Knowlton, Inc (For:Hoopa Valley Indian Reservation)		
Do	Hill & Knowlton, Inc (For:Hyundai Motor America)		
Do	Hill & Knowlton, Inc (For:Joint Maritime Congress)		
Do	Hill & Knowlton, Inc (For:Mutual of Omaha)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	1,169.00	
Do	Hill & Knowlton, Inc (For:Seminole Tribe of Florida)	825.00	
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)	276.00	
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	46.00	
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)	1,490.00	
Do	Hill & Knowlton, Inc (For:Waterman Steamship Corp)	4,125.00	
James D. Massie, 1730 Rhode Island Avenue, NW, #400 Washington, DC 20036	Freeport McMoran, Inc	300.00	120.50
Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	484.62	
Julie Mathews, 2030 M Street, NW Washington, DC 20036	Common Cause	4,800.00	
Richard D. Mathias, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Dawson Mathis, 2100 M Street, NW, #603 Washington, DC 20036	Dawson Mathis & Associates (For:American Electronic Laboratories, Inc)		
Do	Dawson Mathis & Associates (For:Crowley Maritime Corp)		
Do	Griffin Corp		
Do	Long Lake Energy Corp		
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)		
Do	Dawson Mathis & Associates (For:Pacific Gas & Electric Co)		
Mary Helen Mathis, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Carteret Savings & Loan)	170.00	
Do	Keefe Company (For:Cordish & Embry Associates)		
Do	Keefe Company (For:Essex County)	1,500.00	
Do	Keefe Company (For:New York University)	1,600.00	
Do	Keefe Co (For:University of the Sacred Heart)	220.00	
Do	Keefe Company (For:University of Medicine & Dentistry of New Jersey)	280.00	
Do	Keefe Co (For:University of Miami)	100.00	
Dawson Mathis & Associates, 1800 M Street, NW, #950 North Washington, DC 20036	American Electronic Laboratories, Inc		
Do	Crowley Maritime Corp		
Do	Massachusetts Mutual Life Insurance Co		
Do	Pacific Gas & Electric Co		
Peter Mattheis, 1050 Connecticut Avenue, NW Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	3,000.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,071.61	
Suzette Matthews, 1726 M Street, NW, #800 Washington, DC 20008	Air Traffic Control Assn, Inc		
Joseph M. Mattingly, 1901 North Moore Street Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Marshall L. Matz, Scott Harrison & Mcleod 2501 M Street, NW, 4th Fl. Washington, DC 20037	American School Food Service Assn	9,000.00	1,845.88
C.V. & R.V. Maudlin, 1511 K Street, NW, #535 Washington, DC 20005	Brass and Bronze Ingot Institute		
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	10,250.04	296.43
Thomas H. Maxedon, Kentucky Petroleum Council 612-A Shelby Street Frankfort, KY 40601	American Petroleum Institute		
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	2,000.00	
Jerry C. May, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Walter R. May, 7004 Park Terrace Drive Alexandria, VA 22307	Yellow Freight System, Inc	12,720.00	2,748.00
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Alliance for Philanthropy		
Do	Attorneys' Liability Assurance Society Ltd		
Do	Brunswick Corp		
Do	Business Roundtable		
Do	City of Evanston, Illinois		
Do	Comdisco, Inc		
Do	Contract Staffing of America		
Do	Copeland Companies		
Do	Goldman Sachs & Co		
Do	GATX Corporation		
Do	Hewlett-Packard Co		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp	250.00	
Do	Lasalle Partners, Inc		
Do	Lutheran General Health Care System		
Do	Merrill Lynch Capital Markets		
Do	National Assn of Broadcast Employees & Technicians		
Do	National Staff Leasing Assn		
Do	RTS Capital Corp		
Do	Sears Roebuck & Co		
Do	Shearson Lehman Brothers, Inc		
Do	Union Station Venture		
Do	Voluntary Hospital Assn		
G. Mark Mayfield, P.O. Box 7305, Dept. 77 Kansas City, MO 64116	Farmland Industries, Inc		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	450.00	23.55
Jeffrey G. Mays, 600 Maryland Ave., SW, #400e Washington, DC 20024	American Optometric Assn		
Michael J. McAdams, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	10,000.00	1,302.15
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	Kings River Conservation District		
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Douglas E. McAllister, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Jerry McAndrews, 120 Maryland Ave., NE Washington, DC 20012	Competitive Telecommunications Assn	2,300.00	386.35
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	8,548.80	
R. G. McBride, Mississippi Petroleum Council P.O. Box 42 Jackson, MS 39205	American Petroleum Institute	450.00	
Stephen C. McCaffrey, 1828 N. Meridian Street Indianapolis, IN 46202	United Way of Indianapolis		
Julie P. McCahill, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Carolyn Kim McCarthy, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	1,700.00	500.00
McCarty Noone & Williams, 490 L'Enfant Plaza East, SW, #3306 Washington, DC 20024	American Medical Technologists	900.00	135.23
Robin W. McClung, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	438.23
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Bankers Trust Co	2,000.00	2.62
Do	Coca-Cola Company	29,867.63	303.39
Do	Gulf & Western Industries, Inc	25,018.63	215.04
Do	Mobil Oil Corp	4,978.75	162.02
Do	National Assn of Small Business Investment Cos		0.08
Do	Ross Capital Corp		10.55
Mark L. McConaghy, 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:CEO Tax Group, et al.)		
Do	Price Waterhouse (For:Toyota Motor Kentucky, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John L. McConnell, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Hugh T. McCormick, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:General Conf of the 7th Day Adventists Church Risk Mgt Svcs).		
Molly McCormick, 2301 Market Street, S 13-1 Philadelphia, PA 19101	Philadelphia Electric Company		
Dennis R. McCoy, 1747 Pennsylvania Ave., NW, #300 Washington, DC 20006	United Gas Pipe Line Co		
James K. McCracken, 111 Massachusetts Avenue, NW, #200 Washington, DC 20001			
David F. McDermitt, 1235 Jefferson-Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn		
Albert L. McDermott, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	2,523.05	
Mark T. McDermott, Joseph, Powell, Mcdermott & Reiner, P.c. 1300 19th Street, NW, #400 Washington, DC 20036	Civil Pilots for Regulatory Reform		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	American Dental Hygienists' Assn	12,000.00	
Do	California Assn of Children's Hospitals	3,350.00	138.00
Do	Federation of Japan Salmon Fisheries Cooperative Assn		
Do	Juvenile Diabetes Foundation, International	3,150.00	105.00
Do	Outpatient Opthalmic Surgery Society	1,705.00	
Do	Society for Office Based Surgery	360.00	
Do	Tuna Research Foundation, Inc		
E. T. McDonald, 815 16th St., NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	2,700.00	2,700.00
Jack McDonald, 1489 Chain Bridge Road, #200 McLean, VA 22101	Jack McDonald Co (For:American Express Corp)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Michael D. McDonald, Maryland Petroleum Assn 60 West St. Annapolis, MD 21401	American Petroleum Institute	150.00	
Jack McDonald Co, 1489 Chain Bridge Road, #200 McLean, VA 22101	American Express Corp		
Do	Dow Corning Corp		
Do	Jacques Borel Enterprises, Inc		
Do	Royal Zenith Corp		
Marian E. McDowell, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	1,730.30	277.45
Dinah D. McElfresh, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates (For:National Assn for Child Care Management)		
Rick McElheny, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Hyundai Motor America)		
Do	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc		
Gale W. McGee, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	2,500.00	1,473.90
P. Anne McGhee, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,195.00	1,253.91
McGough & Associates, Inc, 65 East State Street, #1510 Columbus, OH 43215	Timken Co	12,000.00	3,735.75
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Jeanne H. McGowan, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036	American Insurance Assn		
Christopher C. McGrath, New York State Petroleum Council 156 William St. New York, NY 10038	American Petroleum Institute		
Jerome J. McGrath, 1660 L St., NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	500.00	
Richard L. McGraw, 950 L'enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp		
Joseph M. McGuire, 1501 Wilson Blvd. Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Peter E. McGuire, 1219 28th Street, NW Washington, DC 20007	Hotel Employees & Restaurant Employees Int'l Union		
McGuire Woods & Battle, One James Center Richmond, VA 23219	CSX Corporation		
Do	United Coal Co		
McHale Cook & Welch, P.C., 1100 Chamber of Commerce Building Indianapolis, IN 46204	Estate of Mabel R. Ladd		
McHenry & Staffier, P.C., 1300 19th St., NW, #408 Washington, DC 20036	Foothills Pipe Lines (Yukon) Ltd	175.00	
Do	Nova, An Alberta Corp		
Do	Novacor Chemicals, Ltd		
Do	Pan-Alberta Gas Ltd	175.00	
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	3,000.00	149.37
Clarence M. McIntosh Jr., 400 First St., NW Washington, DC 20001	Railway Labor Executives' Assn	1,468.78	
James T. McIntyre Jr., Hansell & Post 1667 K Street, NW, #500 Washington, DC 20006	Ogden Corporation	11,917.50	43.03
Jan E. McKenzie, 1111 19th St., NW, #702 Washington, DC 20036	Edison Electric Institute	1,341.90	418.35
Robert T. McKernan, 1619 Massachusetts Ave., NW Washington, DC 20036	American Paper Institute, Inc	250.00	
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	10,025.00	230.79
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)		
Thomas I. McKnew Jr., 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,500.00	
Patrick S. McLafferty, 910 Flerin Road, #209 Sacramento, CA 95831	Pacific Management Dynamics Corp		
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	300.00	
John P. McLaughlin, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Merrell Dow Pharmaceuticals, Inc		
Do	Pharmaceutical Manufacturers Assn	187.50	
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	560.00	
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	McMillan & Farrell Associates, Inc		
James D. McMillan, 1899 L St., NW, #1100 Washington, DC	Exxon Corporation	250.00	44.40
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc	2,184.00	349.70
Do	Amalgamated Clothing & Textile Workers Union	2,700.00	4,317.00
Do	American Petroleum Institute		
Do	Bear Stearns & Co, Inc		20.11
Do	Bell South Corp	11,620.60	1,212.81
Do	Beneficial Management Corp of America	2,639.03	241.83
Do	Bradley Properties		
Do	Bristol-Myers Co	770.00	443.49
Do	Business Roundtable	5,961.00	1,044.18
Do	Carolina Urocorp		
Do	Chase Manhattan Bank, N.A.		
Do	Citibank, N.A.	4,740.00	361.26
Do	Colt Industries, Inc	3,585.00	45.27
Do	Commercial Law League of America	1,212.00	97.48
Do	CBS, Inc	7,280.16	53.21
Do	Edens & Avant		
Do	Elliott & Zweben, P.C.	10,000.00	
Do	Enserch Corporation	1,130.00	20.56
Do	Food Marketing Institute	7,010.20	329.74
Do	General Mills Corporation		
Do	Georgia-Pacific Corp	4,919.62	55.33
Do	GTE Corporation	1,344.00	20.71
Do	Hospital Corp of America	5,499.00	286.49
Do	Intellectual Property Owners, Inc	400.00	
Do	Kraft, Inc	408.00	20.74
Do	Louisiana Pacific Corp	897.00	36.64
Do	Marriott Corp	41,184.04	1,225.14
Do	Merck & Co, Inc		66.07
Do	Mesa Petroleum Co		
Do	Metropolitan Insurance	5,000.00	38.61
Do	Milliken Mills	30.00	8.23
Do	Monarch Group		74.70
Do	National Assn of Realtors		
Do	National Football League		
Do	National Medical Enterprises	8,338.50	
Do	Norfolk Southern Corp	13,537.60	1,822.72
Do	Northwestern Mutual Life Insurance Co	500.00	125.69
Do	Pacific Theatres	7,840.88	0.68
Do	PalmettoNet		3.40
Do	Pharmaceutical Manufacturers Assn		
Do	R.J. Reynolds Tobacco Co	4,000.00	118.79
Do	SmithKline Beckman Corp	1,142.00	73.87
Do	Sony Corp of America	13,065.60	122.60
Do	Texas Gas Transmission Corp		
Do	Texas Oil & Gas Corp	7,887.50	496.34
Do	Times Mirror Co	11,648.00	37.81
Do	Union Pacific Corp	1,616.00	253.40
Do	US Sprint	130.00	134.35

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Variable Annuity Life Insurance Co	6,615.50	11.00
Do	Waste Management, Inc		299.77
Do	Westinghouse Electric Corp	6,313.00	283.15
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	275.00	45.00
Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Patrick H. McNamara, McNamara & Associates, Inc 450 Fifth Street, NW, #900 South Washington, DC 20001-5130	Dow Chemical USA		
Michael J. McShane, 1101 30th Street, NW, #500 Washington, DC 20007	National Computer Systems		150.00
Robert McVicker, 2001 Jefferson Davis Hwy Arlington, VA 22202	Kollsman Instrument Co		
George G. Mead, 1908 Ednor Road Cloverly, MD 20904	North American Van Lines, Inc	2,500.00	
Joseph F. Meadow, 7100 Baltimore Avenue College Park, MD 20740	United Action for Animals, Inc	1,150.00	
John K. Meagher, 1025 Thomas Jefferson Street, NW Washington, DC 20007	LTV Corporation	3,000.00	900.00
Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Medtronic, Inc, 7000 Central Ave., NE Minneapolis, MN 55432			149.84
Colise G. Medved, 1800 Diagonal Rd., #500 Alexandria, VA 22314	Penn Central Corporation		
Stephen Meeter, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Hyundai Motor America)		
William H. Megonnell, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	1,198.00	169.62
Karen A. Mehl, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Richard A. Mehler, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn		
Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801	Sierra Club	6,500.00	1,733.26
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Howard A. Menell, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Edward L. Menning, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	5,825.04	38.00
Merit Stainless Steel, Inc, 28332 Hayes Road Roseville, MI 48066			
Edward A. Merlis, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,925.00	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	7,500.00	18.30
Do	GATX Corp		
Do	National Assn of Recycling Industries, Inc	5,000.00	95.05
Do	Rolls-Royce Motors, Inc	8,606.25	57.30
Do	John Tudor		
Nancy Jo Merrill, 1725 K St., NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Merrill Lynch & Co, Inc, 1828 L St., NW, #906 Washington, DC 20036			17,500.00
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	2,435.00
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	400.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Cities Service Oil & Gas Corp	89.68	8.00
Andrea L. Methven, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Christopher L. Meyer, P.O. Box 888, E Unit Ashland, KY 41101			
Do	New Generation Lobby		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn		
Larry D. Meyers, 412 First Street, SE Washington, DC 20003	American Beekeeping Federation	1,000.00	
Do	Committee for the Production & Research of Agric Chemicals	15,000.00	
Do	CPEX Pacific, Inc	1,800.00	
Do	Hucheng International Co		
Do	National Peanut Growers Group	18,000.00	
Do	Nuclear Waste Task Force	7,500.00	
Do	Rice Belt Warehouse, Inc	4,500.00	
Do	Sam Kane Packing		
Do	Texas Cotton Marketing	5,000.00	
David R. Mica, Florida Petroleum Institute 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute		
Eileen F. Michaels, 1317 F Street, NW, #202 Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)		
Michael G. Michaels, P.O. Box 7000-E-Box 310 Texarkana, TX 75501			
James G. Michaux, P.O. Box 70297 Washington, DC 20088	Federated Dept Stores, Inc	500.00	
Laurie Michel, 1850 K Street, NW, #1100 Washington, DC 20006	Ballard Spahr Andrews & Ingersoll (For:Arthur Andersen & Co)		
Thomas A. Micheletti, 1111 19th Street, NW, #303 Washington, DC 20036	Southern California Edison Co	3,750.00	1,500.00
Kathleen Michels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,410.13	92.79
Michigan Council of Self-Insured Group Administrators, 332 Townsend St. Lansing, MI 48933			
Mid-Continent Oil & Gas Assn, 711 Adams Office Bldg. Tulsa, OK 74103		79.59	10,783.95
Roger E. Middleton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,400.00	
Paul J. Mignini Sr., 815 16th Street, NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	3,646.00	46.19
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	12.80	
Sharon Mihnovets, 2809 S. Joyce St. Arlington, VA 22202			
Milbank Tweed Hadley & Mccloy, 1825 Eye St., NW Washinton, DC 20006	Joint Task Force on Fed Financial Assist. for Law Students		
Fred Millar, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Clinton R. Miller, 5001 Seminary Road, #1330 Alexandria, VA 22311	National Health Federation	1,000.00	3,300.00
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
Deborah Imle Miller, 15th & M sts., NW Washington, DC 20005	National Assn of Home Builders of the U.S		
Grant Miller, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
Harris C. Miller, 1747 Pennsylvania Avenue, #300 Washington, DC 20006	Occidental Chemical Corp	1,330.00	88.41
Jeffrey T. Miller, P.O. Box 1933 East Hanover, NJ 07936	Nabisco Brands, Inc		1,150.00
Joseph E. Miller Jr., 1608 K Street, NW Washington, DC 20006	American Legion	7,326.00	7.50
Lawrence E. Miller, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
Linda B. Miller, 1625 Eye St., NW, #810 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Marye T. Miller, 50 F St., NW, #1040 Washington, DC 20001	Ray F. Bragg, Inc (For:American Independent Refiners Assn)	50.00	
Paul J. Miller, 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc		
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,836.64	538.18
Robert H. Miller, 490 L'enfant Plaza East, SW, #2202 Washington, DC 20024	Tenneco, Inc		
Robin Miller, 1925 K Street, NW Washington, DC 20006	Alliance to Save Energy		
Miller & Chevalier, Chtd, Metropolitan Square 655 15th Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	269.50	
Do	Browning Ferris Industries	2,947.50	197.49
Do	Hercules, Inc	34,216.25	
Do	May Department Stores Co		
Do	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Do	National Assn of Temporary Services, Inc	705.28	
Miller Hamilton Snider & Odom, 256 State St., P.O. Box 46 Mobile, AL 36601	Camp Carmouche Barsh... (for Sears Roebuck & Co)		287.33
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	3,700.00	
Jeanne Milliken, 2000 Pennsylvania Ave., NW, #3700 Washington, DC 20006	Independent Petroleum Assn of America		
John C. Milliner Jr., P.O. Box 1788 Forest Park, GA 30051	Southeastern Lumber Manufacturers Assn		
Amy J. Millman, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	600.00	130.00
Robert G. Mills, 450 Maple Ave., East, #204 Vienna, VA 22180	U.S. Defense Committee	2,400.00	
Mining & Reclamation Council of America, 1575 I Street, NW, #525 Washington, DC 20005			
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Bayamon Federal Savings		
Do	Chrysler Corporation		
Do	U.S. League of Savings Institutions	4,125.00	
Andrew E. Mishkin, Beveridge & Diamond, P.C. 1333 New Hampshire Avenue, NW Washington, DC 20036	Lower Naugatuck Valley Regional Resource Recovery Project	419.05	
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	147.15	
Thomas F. Mitchell, 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp		
Richard H. Mitman, 6520 Goodland Avenue North Hollywood, CA 91606			
John A. Moag Jr., Capitol Associates, Inc 426 C St., NE Washington, DC 20002	Prince George Center	675.00	
Do	State of Maryland, Dept. of Transportation	1,050.00	
Do	Washington Metropolitan Area Transit Authority	1,350.00	
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Robert G. Moch, Roberts & Shefelman 800 Fifth Avenue, #4100 Seattle, WA 98104	Justin E. Marshall	11,000.00	1,703.26
David T. Modi, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		
John V. Moller, 1155 15th Street, NW, #1010 Washington, DC 20005	Manchester Associates (For:Corporacion Nacional del Cobre de Chile)		
Do	Manchester Associates, Ltd (For:Eldorado Resources, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Company, Ltd)		
Robert H. Mollohan, 912 Sylvan Avenue Fairmount, WV 26554	Airspace Technology, Inc	300.00	
Do	Austin Powder Co, Inc	300.00	
Do	Lynch Associates	300.00	
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	135.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael J. Molony, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	60.00	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Peter K. Monk, KMA & Associates, Inc P.O. Box 1015 Middleburg, VA 22117	Omega Recovery Corp		
Do	Paris Savings & Loan		2,100.00
Michael Monroney, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
John C. Monsul, 923 Riva Ridge Drive Great Falls, VA 22066			
Nancy Jacks Montgomery, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	6,125.00	
Alan J. Moore, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,000.00	
Carlos Moore, 1101 Connecticut Avenue, NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc		
Francis B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	4,200.50
Richard L. Moore, P.O. Box 338 Dearborn, MI 48121	Detroit Tooling Assn Worker's Compsensation Fund	350.00	664.00
William D. Moore, Commerce Center 30 Exchange Terrace Providence, RI 02903	Greater Providence Chamber of Commerce		
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115			
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	1,148.00	
Vincent L. Morelli, 2361 Jefferson Davis Highway, #624 Arlington, VA 22202	Lockheed Shipbuilding Co	2,000.00	127.96
Dudley Digges Morgan III, 4900 Baronne New Orleans, LA 70115	Southern Forest Products Assn	11,812.50	
E. Joyce Morgan, 1920 N St., NW Washington, DC 20036	American Mining Congress		
J. Railton Morgan, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	443.27
Robert E. Morin, 600 New Hampshire Avenue, NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers		
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	237.48
Janelle Morris, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,500.00	
Loretta C. Morris, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation	1,131.25	3.20
Tessa Morris, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific National Bank		
W. Patrick Morris, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	1,500.00	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc	875.00	
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco	1,080.00	6.00
Do	Consolidated Freightways	195.00	
Do	Cowles Media Co	320.00	
Do	Mastercard International, Inc, et al.	19,482.50	22.80
Do	Miller & Schroeder Municipals, Inc		
Do	Rosenberg Real Estate Equity Fund, Inc	620.00	
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	Beneficial Management Corp of America	110.00	
Michael L. Morton, 918 16th Street, NW, #701 Washington, DC 20006	Godfrey Associates, Inc		
Frank D. Moruzzi, 1235 Jefferson Davis Highway, #500 Arlington, VA 22202	Italian Advanced Industries, Inc		
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	900.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Beth Moten, 1016 16th St., NW, Washington, DC 20036	National Fed of Federal Employees	8,814.40	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		13,080.50	13,080.50
John J. Motley, 600 Maryland Ave., SW, #695 Washington, DC 20024	National Fed of Independent Business	2,250.00	200.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical	29,960.00	
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW Washington, DC 20004			3,087.38
Motor Vehicle Manufacturers Assn of the U.S., Inc, 300 New Center Bldg. Detroit, MI 48202		3,529.85	3,529.85
Thomas O. Moulton Jr., 444 North Capitol St., NW, #718 Washington, DC 20001	Pacific Telesis Group	1,200.00	
Mudge Rose Guthrie Alexander & Ferndon, 2121 K Street, NW, #700 Washington, DC 20037	Basin Electric Power Cooperative		
Do	Japan Lumber Importers Assn		
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	3,225.00	
Albert E. Mullin Jr, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	15,000.00	
Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036	National Retail Merchants Assn	300.00	25.00
Robert J. Mullins, Suite 202-W 600 Maryland Avenue, SW Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	8,467.20	116.20
Donna T. Mundy, 2211 Congress Street Portland, ME 04122	Union Mutual Life Insurance Co		
Evelyn Fieman Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	207.70	1.60
Daniel J. Murphy, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Cote d'Azur Development)		
Do	Hill & Knowlton, Inc (For:Government of the Cayman Islands)	175.00	
Do	Hill & Knowlton, Inc (For:Greer Ingrasci, et al.)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Edward L. Murphy, 1313 L Street, NW, 2nd Floor Washington, DC 20005	National Assn of Government Employees	5,000.00	393.28
Elizabeth A. Murphy, 1901 N. Fort Myer Drive, #204 Arlington, VA 22209	Roadway Express, Inc		
Gordon L. Murray, 1911 Jefferson Davis Highway, #1002 Arlington, VA 22202	Lear Siegler, Inc/Energy Products Div	270.92	270.92
James E. Murray, One Farragut Square South Washington, DC 20006	Brown Wood Ivey Mitchell & Petty (For:National Assn of Small Business Investment Cos, et al.).		
Margaret R. Murray, Scott McLeod Himmelberg Matz Pires & Price 2501 M Street, N.W. #400 Washington, DC 20037	American Assn of Crop Insurers	960.00	
Do	Chicago Board of Trade		
Do	National Rural Telecom Assn	150.00	
Do	United Egg Producers	90.00	
Rosemary Griffin Murray, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	American Cyanamid Co	500.00	
Do	Bear Stearns & Co	500.00	
Do	Cleveland Cliffs Iron Co	250.00	
Do	Connecticut Mutual Life Insurance Co	500.00	
Do	Industry Council for Tangible Assets	400.00	
Do	Iron Ore Lessors Assn, Inc	250.00	
Do	LTV Corporation	450.00	
Do	Massachusetts Mutual Life Insurance Co	500.00	
Do	Mutual Benefit Life	500.00	
Do	Nabisco Brands, Inc	500.00	
Do	National Business Aircraft Assn	500.00	
Do	National Council of Coal Lessors	300.00	
Do	New England Mutual Life Insurance Co	500.00	
Do	Penn Mutual Life Insurance Co	500.00	
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	
Do	Shubert Organization, Inc	400.00	
Do	Swaziland Sugar Assn	400.00	
Lawrence P. Mutter, 6849 Old Dominion Dr. Mclean, VA 22102	Automotive Parts Rebuilders Assn		
Fred J. Mutz, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,000.00	
Paul J. Myer, 1150 17th St., NW, 11th Floor Washington, DC 20036	Capitol Cities/ABC, Inc		
Gary D. Myers, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	4,500.00	
Timothy D. Naegele & Associates, 1850 K Street, NW, #1280 Washington, DC 20006	Baybanks, Inc		
Do	First Independent Trust Co		
Do	Hibernia Bank		
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Stephen M. Nagler, 20415 Nordhoff St., P.O. Box 2158 Chatsworth, CA 91311	Patlex Corporation		
John Francis Nash Jr., 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	2,400.00
Frances E. Nathan, 455 Fifth Avenue New York, NY 10016	New York Public Library	6,818.90	
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	750.00	
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		5,852.40	5,852.40
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		90,475.00	10,818.32
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218		967.22	804.95
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		5,168.23	3,230.87
National Assn of Air Traffic Specialists, Wheaton Plaza North, #415 Wheaton, MD 20902			7,361.95
National Assn of Aircraft & Communications Suppliers, Inc, 23871 Madison Torrance, CA 90505			658.98
National Assn of Atomic Veterans, P.O. Box 409 Eldon, MO 65026			
National Assn of Federal Veterinarians, 1522 K St., NW, #836 Washington, DC 20005			
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703		60,971.76	60,971.76
National Assn of Mutual Insurance Cos, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		1,000.00	1,000.00
National Assn of Pension Consultants & Administrators, Inc, 359 E. Paces Ferry Rd., NE Atlanta, GA 30305			646.31
National Assn of Real Estate Investment Trusts, Inc, 1101 17th St., NW, #700 Washington, DC 20036			4,763.95

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,250.00	2,580.00
National Assn of Temporary Services, Inc, 119 South Saint Asaph Street Alexandria, VA 22314		63,200.00	705.28
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314		350.00	350.00
National Broiler Council, 1155 15th St., NW Washington, DC 20005		2,750.00	2,750.00
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		49,747.37	49,747.37
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			4,000.00
National Citizens Communications Lobby, P.O. Box 1876 Iowa City, IA 52244			
National Club Association, 1625 Eye St., NW, #609 Washington, DC 20006			
National Coalition for Fair Trade, 1718 Connecticut Avenue, NW, #310 Washington, DC 20009			
National Coalition of Fresh Potato Processors, 1010 11th Street, #300 Sacramento, CA 95814			
National Coalition to Ban Handguns, 100 Maryland Ave., NE Washington, DC 20002			
National Comm to Preserve Social Security, 1300 19th Street, NW, #310 Washington, DC 20036		646,115.00	646,115.00
National Commercial Finance Assn, 225 W. 34th St. New York, NY 10001			
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		62,497.75	36,500.00
National Consumers League, 815 15th Street, NW, #516 Washington, DC 20005			
National Cooperative Business Assn, 1401 New York Ave., NW, #100 Washington, DC 20005		27,250.00	8,564.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		36,454.80	36,454.80
National Council of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005		2,762,861.41	
National Electrical Manufacturers Assn, 2101 L St., NW Washington, DC 20037		1,504.88	1,504.88
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		205,753.00	1,710.00
National Fed of Federal Employees, 1016 16th Street, NW Washington, DC 20036		23,541.04	23,541.04
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403		24,200.00	24,200.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		5,050.00	5,050.00
National Foreign Trade Council, Inc, 100 East 42nd St. New York, NY 10017		46,877.00	46,877.00
National Grain & Feed Assn, 725 15th St., NW Washington, DC 20005			
National Grange, 1616 H St., NW Washington, DC 20006		20,700.00	20,700.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		179,653.00	24.03
National Independent Automobile Dealers Assn, 600 E. Las Colinas Blvd., #314 Irving, TX 75039			
National Industrial Transportation League, 1090 Vermont Ave., NW, #410 Washington, DC 20005		14,000.00	12,555.00
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			1,469.61
National Lottery Association, P.O. Box 13365 Las Vegas, NV 89112			
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036			6,836.85
National Organization for Women, 1401 New York Ave., NW, #800 Washington, DC 20005			
National Peach Council, P.O. Box 1085 Martinsburg, WV 25401			
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Public Affairs Corp, 900 17th Street, NW Washington, DC 20006	Westinghouse Electric Corp	300.00	
National Realty Committee, 1250 Connecticut Ave., NW, #303 Washington, DC 20036		2,975.26	2,975.26
National Retail Merchants Assn, 1000 Connecticut Avenue, NW Washington, DC 20036			4,085.00
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		6,190.00	6,190.00
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			3,066.22
National Rural Letter Carriers Assn, 1448 Duke St., #100 Alexandria, VA 22314		17,633.00	19,026.00
National Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			4,375.00
National Small Business Index, R.R. #1 Aitkin, MN 56431			
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		12,500.00	10,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			465.48
National Solid Wastes Management Assn, 10th Floor 1730 Rhode Island Ave., NW Washington, DC 20036			
National Strategies & Marketing Group, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006	Alliance for Capital Access	17,500.00	
Do	PGA Tour, Inc		2.39
Do	U.S. Sprint		359.84
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		13,560.00	1,088.32
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		5,847.00	5,847.00
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209			27,994.04
National Wood Energy Assn, Inc, 10382 Democracy Lane Fairfax, VA 22030			
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		12,000.00	12,000.00
Karen J. Neale, 2501 M Street N.w. Washington, DC 20037	Chemical Manufacturers Assn, Inc	465.00	158.15
Jeffrey Nedelman, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	220.75	
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).		
Do	Neece Cator & Associates, Inc (For:National Venture Capital Association)		
Do	Neece Cator & Associates, Inc (For:Small Business United)		
Neece Cator & Associates, Inc, 1050 17th Street, NW Washington, DC 20036	National Venture Capital Association		
Do	Small Business United		
Do	Southeastern Lumber Manufacturers Assn		
Mary Elizabeth Neese, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	102.50
Laura C. Nehf, 1101 Connecticut Avenue, NW, #405 Washington, DC 20036	J. Samuel Choate, Jr., P.c. (For:Association of Progressive Rental Organizations)		
Stanley Nehmer, 1320 19th Street, NW, #600 Washington, DC 20036	Lead-Zinc Producers Committee	500.00	350.00
Neill & Company, Inc, 900 17th St., NW, #400 Washington, DC 20006	Arab Republic of Egypt	180,000.00	9,892.28
Do	Hashemite Kingdom of Jordan	55,000.00	3,184.20
Do	Republic of Gabon		474.56
Neill Mullenholz & Shaw, 900 17th St., NW, #400 Washington, DC 20006	National Council Social Security Management Assns, Inc	2,000.00	500.00
Do	PHH Group, Inc		250.00
Do	Senior Executives Assn	5,000.00	250.00
Douglas J. Neilson, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Carolyn B. Nelson, #2 Metroplex Dr., Suite 500 Birmingham, AL 35209	Metropolitan Properties, Inc		
Donald W. Nelson, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	4,200.00	50.00
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Gordon E. Nelson, Inc, 12005 Millstream Drive Bowie, MD 20715	Kings River Conservation District	2,000.00	
Mark Nestlen, 1616 H Street, NW Washington, DC 20006	National Grange	4,500.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		28,671.00	28,854.00
E. John Neumann, 1100 Connecticut Ave., NW, #820 Washington, DC 20036	Baltimore Gas & Electric Co	1,107.14	1,833.57
New York Comm of Intl Comm of Passenger Lines, 74 Trinity Place New York, NY 10006			
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		1,085.02
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste Management Group		
James R. Nicholas, 8659 Baypine Road, #305 Jacksonville, FL 32216	Communication Planning Corp		
Robert B. Nicholas, Blum Nash & Railsback 1133 15th Street, NW, #1100 Washington, DC 20005	Animal Health Institute		
Thomas Nickels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	5,143.96	316.88
Patrick J. Nilan, 817 14th St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	12,246.40	1,975.79
Nissan Motor Corporation in U.S.A., 1919 Pennsylvania Avenue, NW, #707 Washington, DC 20006			
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn, Inc	5,365.00	76.00
Do	Bausch & Lomb		
John L. Noble, One Baxter Parkway Deerfield, IL 60015	Baxter Travenol Laboratories, Inc		
Barbara D. Nocera, 955 L'enfant Plaza, SW, #905 Washington, DC 20024	American Honda Motor Co, Inc	200.00	131.61
A. Allan Noe, 1828 L Street, NW, #710 Washington, DC 20036	Chesebrough-Pond's, Inc	1,500.00	973.21
Robert W. Nolan, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn	100.00	
Walker F. Nolan, 1111 19th St., NW, 9th Fl. Washington, DC 20036	Edison Electric Institute	3,003.00	451.06
H. Christopher Nolde, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	264.00
Grover G. Norquist, 718 North Carolina Ave., SE Washington, DC 20003	Americans for Tax Reform		
North American Export Grain Assn, Inc, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006			
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		14,670.00	14,670.00
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			710.99
Northern Telecom, Inc, 600 Maryland Avenue, SW, #605 Washington, DC 20024			
Mary Jane Norville, 600 Maryland Avenue, SW, #695 Washington, DC 20024	National Fed of Independent Business	2,250.00	200.00
Michael Novelli, 3012 Cambridge Place, NW Washington, DC 20007	Pacific Potomac Services		
P. Michael Nugent, Suite 1300, North Tower 1331 Pennsylvania Ave., NW Washington, DC 20004	EDS Corporation	64.00	69.07
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	37,851.60
Silas O. Nunn, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	1,500.00	
Ralph D. Nurnberger, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	11,763.48	346.61
Nutter McClennen & Fish, 600 Atlantic Ave. Boston, MA 02210	Merit Stainless Steel, Inc		
George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006	United Paperworkers International Union		
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	7,800.00	11.00
Mary Eileen O'Brien, 1800 M St., NW, Suite 710 South Washington, DC 20036	Dow Corning Corp		
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	200.00	48.00
Rosemary L. O'Brien, 2550 M St., NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	58.27

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas H. O'Brien, 2600 Virginia Avenue, NW, #800 Washington, DC 20037	Harris Corporation	2,500.00	
David S. O'Bryon, 7297 Lee Highway, Unit N Falls Church, VA 22042	American Textile Machinery Assn	500.00	500.00
Frank J. O'Connell, 148 South Maple Avenue Kingston, PA 18101	Pennsylvania Power & Light Co	135.00	22.40
James J. O'Connell, 1201 Pennsylvania Avenue, NW Washington, DC 20004	Control Data Corporation	296.00	275.61
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Assn of the U.S.		
Terrence M. O'Connell II, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Westinghouse Electric Corp)		
William B. O'Connell, 111 East Wacker Dr. Chicago, IL 60601	U.S. League of Savings Institutions	21,437.00	1,738.86
O'Connell & Kittrell, 1710 Rhode Island Avenue, NW, #600 Washington, DC 20036	California Legislature	10,890.00	77.18
Charles Albert O'Connor Jr., 200 N. Pickett Street, #810 Alexandria, VA 22304			
George E. O'Connor, 600 New Hampshire Avenue, NW Washington, DC 20037	New York Life Insurance Company	7,000.00	3,350.00
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	900.00	21.58
Patrick C. O'Connor, Kent & O'connor, Inc 1211 Connecticut Avenue, NW Washington, DC 20036	American Supply Association		
Do	American Warehousemen's Association		
Do	National Fleet Administrators Assn		
Do	Steel Tank Institute		
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Alliance for Capital Access	2,000.00	
Do	American Bus Assn	6,640.62	
Do	American Businesses for Int'l Trade		
Do	American Clinical Laboratory Assn	1,250.00	
Do	American Family Life Assurance Co		
Do	American Inst of Certified Public Accountants	5,627.00	
Do	American Soc of Assn Executives	1,876.56	
Do	American Soc of Cataract & Refractive Surgery	12,603.00	
Do	American Trucking Assns, Inc		
Do	Association of Investment Management Sales Executives		
Do	California Student Loan Finance Corp	1,531.39	
Do	Center for Environmental Education, Inc		
Do	Chamber of Commerce of the U.S.		
Do	ChemWaste Management, Inc	4,215.00	
Do	Children's Hospital National Medical Center		
Do	City of Minneapolis	750.00	
Do	Coca-Cola Company	2,500.00	
Do	Connaught Laboratories, Inc	10,566.56	
Do	Consolidated Rail Corporation		
Do	CNA Insurance	1,979.85	
Do	Dimensions, Inc		
Do	Distilled Spirits Council of the U.S., Inc	12,000.00	
Do	Drexel Burnham Lambert, Inc		
Do	Eastern Michigan University	211.79	
Do	Electronic Data Systems Corp	2,000.00	
Do	Embassy of Bolivia	4,000.00	
Do	Embassy of Ecuador		
Do	Glass Packaging Institute		
Do	Grocery Manufacturers of America, Inc	56.88	
Do	Health Care Financing Study Group	4,000.00	
Do	Hennepin County	800.00	
Do	Historic Landmarks for Living	2,885.00	
Do	Hules Mexicanos, S.A.		
Do	Industrias Negromex, S.A. de C.V.		
Do	Insurance Assn of Connecticut	750.00	
Do	International Racquet Sports Assn	2,169.37	
Do	Investment Company Institute	20,000.00	
Do	Journal Newspapers		
Do	Kawasaki Kisen Kaisha, Ltd		
Do	Mercedes-Benz of North America, Inc		
Do	Merrill Lynch & Co, Inc		
Do	Mexican Cement Chamber	5,000.00	
Do	Miller & Schroeder Financial, Inc	3,000.00	
Do	National Apartment Assn		
Do	National Club Association	1,000.00	
Do	Owens-Illinois	2,000.00	
Do	Pacific Telesis Group	8,037.00	
Do	J. C. Penney Co, Inc		
Do	Primark Corp	5,487.50	
Do	Prudential Insurance Co of America	890.00	
Do	Joseph E. Seagram & Sons, Inc	846.59	
Do	Securities Industry Assn	8,252.00	
Do	Small Advertisers Counsel	10,000.00	
Do	SmithKline Beckman Corp	513.12	
Do	U.S. Tuna Foundation		
Do	United American Hydropower Corp		
Do	Westinghouse Electric Corp	3,000.00	
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	2,500.00	
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	625.00	
Ashton J. O'Donnell, 50 Croydon Way Woodside, CA 94062	Bechtel National, Inc		
Daniel J. O'Grady, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept, AFL-CIO	519.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,329.65	287.33
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	788.75	175.33
Barbara E. O'Hara, 4400 Macarthur Blvd., NW Washington, DC 20007	American Soc of Travel Agents	125.00	
Kathleen O'Leary, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Distribution Companies	4,000.00	185.93
Michael A. O'Malley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	150.47
O'Melveny & Myers, 1800 M St., NW Washington, DC 20036	Amax, Inc		
Do	Dulles Access Transit Corp	11,600.00	513.17
Do	Holden Group, Inc (Public Employer Benefits Council)	15,700.00	1,339.80
Sarah E. O'Neil, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Joseph P. O'Neill, 1616 H Street, NW Washington, DC 20006	American Retail Federation	2,200.00	115.00
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Allegheny County Commission		
Do	Bank of New England		
Do	BHC, Inc		
Do	Chris-Craft Industries, Inc	2,400.00	
Do	Commercial Union Insurance Cos		
Do	Connecticut Bank & Trust Corp		
Do	Conrail Acquisition Corp, Inc		
Do	Cruise America Line, Inc		
Do	Glass Packing Institute		
Do	Housing America Foundation	7,600.00	
Do	Marriott Corp		
Do	Massachusetts General Hospital	2,200.00	
Do	Milk Industry Foundation		
Do	New England Deaconess Hospital	1,075.00	
Do	Northwestern Mutual Life		
Do	Retail Industry Trade Action Coalition		
Do	Sears Roebuck & Co	1,100.00	
Do	Texas Utilities Co		
Do	U.S. Football League		
Do	U.S. Steel	275.00	
J. Denis O'Toole, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
John E. O'Toole, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	750.00
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	5,297.24
Jana R. Oakley, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Harry R. Obley, One Mellon Bank Center Pittsburgh, PA 15258	Mellon Bank N.A. and Mellon National Corp	2,000.00	249.89
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc.	1,000.00	1,905.04
Larry A. Oday, 2000 M St., NW, #500 Washington, DC 20036	Wood Lucksinger & Epstein (For:CHAD Therapeutics, Inc)		
Thomas J. Oden, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,062.48	
Neil H. Offen, 1776 K Street, NW Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Ogilvy & Mather, 1901 L Street, NW Washington, DC 20036			
Philip M. Ola, 1919 Pennsylvania Avenue, NW, #400 Washington, DC 20006	Steel Service Center Institute		
Michael D. Oldak, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	99.00	
R. Teel Oliver, 1050 17th Street, NW, #650 Washington, DC 20036	Merck & Co, Inc.	687.50	500.00
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Gerald L. Olson, Pillsbury Center, Ms 3771 Minneapolis, MN 55402	Pillsbury Company		
Richard C. Olson, 1001 22nd St., NW, #350 Washington, DC 20037	Dynalectron Corporation	486.00	135.40
Roy E. Olson, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc.		
Clark Onstad, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp and Continental Air Lines	3,000.00	2,086.00
Oppenheimer Wolff & Donnelly, 1020 19th Street, NW, #400 Washington, DC 20035	Korean Footwear Exporters Assn		
Charles J. Orasin, 1400 K Street, NW, #500 Washington, DC 20005	Handgun Control, Inc.	7,826.00	
Michel Orban, American Express Tower World Financial Center New York, NY 10285-4705	American Express Co.		
Organ. for Protection & Advancement of Small Telephone Cos, 2301 M Street, NW, #530 Washington, DC 20037			
Abraham Orlofsky, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,315.52	
Elvira J. Orly, 1050 Connecticut Ave., NW, #800 Washington, DC 20036	Allied-Signal, Inc.		
David S. Osterhout, 1000 Wilson Boulevard Arlington, VA 22209	Allied Signal, Inc/Bendix Aerospace Sector	3,000.00	
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	1,000.00	300.00
Kevin D. Ott, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	255.00	
Karl Ottosen, 1001 Prince St., #100 Alexandria, VA 22314	U.S. Federation of Small Businesses, Inc.		
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Gene E. Overbeck, 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc.	2,125.00	49.90
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	46,117.51	12,832.99
Do	Irwin Shidler McBroom...(for Plaintiffs/WPPSS Securities...)		
William H. Owens Jr., 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn.	1,000.00	659.38
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
Joanne M. Oxley, 1228 17th Street, NW Washington, DC 20036	Air Conditioning Contractors of America	500.00	8,282.60
R. Ray Paabo, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,000.00	
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Pagonis & Donnelly Group, 1620 I Street, NW, #603 Washington, DC 20006	Algoma Steel Corp, Ltd, et al.		
Do	Brown Boveri Corp.		
Do	Dow Chemical USA	2,500.00	
Do	Fox Technology, Inc	2,425.00	
Do	Harrah's, Inc.		
Do	Holiday Corp.	965.00	
Do	Management Compensation Group	2,440.00	
Do	Nord Resources Corp.		
Alejandro J. Palacios, 110 Maryland Avenue, NE Washington, DC 20002	U.S. Committee for UNICEF		
Geri Palast, 1313 L St., NW Washington, DC 20015	Service Employees International Union, AFL-CIO, CLC	9,375.00	60.00
John M. Palatiello, 210 Little Falls Street Falls Church, VA 22046	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	12,441.90	5,354.52
Henry S. Palau, 201 N Washington St. Alexandria, VA 22134	Retired Officers Assn.		
Cindy Grant Pallatino, 1101 Vermont Avenue, NW, #405 Washington, DC 20005	A. H. Robins Co	200.00	81.00
Andrew Palmer, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	29.92	
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Business Executives for National Security, Inc.	4,500.00	
Do	European Community	18,000.00	
Do	NutraSweet Co	9,000.00	
Palumbo & Cerrell, Inc, 1629 K St., NW Washington, DC 20006	American Soc of Composers Authors & Publishers	54,000.00	
Do	R.J. Reynolds Tobacco Co.	9,000.00	
Do	Southern California Rapid Transit District	15,000.00	
Marie Pampush, 14049 NW Cornelius Pass Road Portland, OR 97231	Friends of the Columbia Gorge	288.00	
Peter J. Pantuso, 7900 Westpark Drive, #514 Mclean, VA 22102	National Confectioners Assn of the U.S.		1,900.00
Marcia Pape-Daniels, 1201 Pennsylvania Ave., NW, #250 Washington, DC 20004	CH2M Hill	750.00	
Paperboard Packaging Council, 1101 Vermont Ave., NW, #411 Washington, DC 20005			
G. Oliver Papps, N.j. Petroleum Council 170 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Nancy L. Parke, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc.	2,500.00	
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
David N. Parker, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Oil Corp.	375.00	
Kimberly C. Parker, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	9,509.88	877.67
Benjamin G. Parks III, 1919 Pennsylvania Avenue, #300 Washington, DC 20006	National Forest Recreation Assn	450.00	
Do	National Inholders Assn.	5,500.00	900.00
Carl M. Parks, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Allstate Insurance Group	700.00	44.00
Ken Parmelee, 1448 Duke Street, #100 Alexandria, VA 22314	National Rural Letter Carriers Assn	12,264.00	1,639.00
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Family Life Assurance Co.	1,500.00	
Do	Association for the Advancement of Human Rights in Japan	2,100.00	
Do	Care Enterprises	2,250.00	
Do	Generic Pharmaceutical Industry Assn	500.00	
Do	Herbalife International	3,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	2,000.00	
Do	International Brotherhood of Teamsters	2,250.00	
Do	Johnson & Johnson	5,000.00	
Do	Kirkland & Ellis	2,400.00	
Do	Knudsen Corporation		
Do	Manville Corporation	1,500.00	78.84
Do	Motion Picture Assn of America, Inc	2,400.00	252.32
Do	National Beer Wholesalers of America	1,500.00	138.05
Do	Pharmaceutical Manufacturers Assn	500.00	100.00
Do	T.I.M.E.-DC, Inc		
Do	TechAmerica, Inc	1,200.00	
Do	United Food & Commercial Workers International Union	350.00	
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,070.03	
Jack Partridge, 1014 Vine St. Cincinnati, OH 45201	Kroger Company	2,500.00	363.66
John V. Parziale, 818 Connecticut Ave., NW, 9th Fl. Washington, DC 20006	Marathon Oil Co.		
David J. Passamaneck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	150.47
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903	American Petroleum Institute		151.23
Richard M. Patterson, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical Co	500.00	239.50
William H. Patterson, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co.	274.00	
Kenton H. Pattie, 3150 Spring St. Fairfax, VA 22031	International Communications Industries Assn.	3,913.00	70.95
David J. Pattison, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037	Air Products & Chemicals, Inc.		
Do	Aiwa America, Inc	6.55	
Do	Akai America, Ltd	10.35	
Do	Aluminum Company of America		
Do	American Broadcasting Co, Inc.		
Do	American Congress on Surveying & Mapping		
Do	American Express Co.		
Do	American Insurance Assn		
Do	American International Automobile Dealers Assn		
Do	American Maritime Assn		
Do	American Public Power Assn.	40.00	
Do	Association of Trial Lawyers of America	125.00	20.00
Do	Atlantic Richfield		
Do	ALTA Technology	175.00	
Do	AT&T		
Do	B. P. North America		
Do	Bear Stearns Realty Co.		
Do	Biogen		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Brownsville Shrimp Assn		
Do	Cadawalader Wickersham & Taft		
Do	California State University		
Do	Carlson Companies, Inc		
Do	Champion International Corp		
Do	Chelsea Property Owners		
Do	Chicago Board Options Exchange		
Do	Chippendale Investment Co		
Do	Chrysler Corporation		
Do	City of Azusa		
Do	City of Banning		
Do	City of Colton		
Do	City of Riverside		
Do	City of Santa Clara		
Do	Coalition for National Airport	5,678.75	
Do	Coalition on State Use Taxes	3,000.00	
Do	Columbia, Inc	0.95	
Do	Committee of Railroad Shippers		
Do	Computerland Corporation		
Do	Consolidated Rail Corporation		
Do	Council of Graduate Schools	450.00	
Do	Crowley Maritime Corp		
Do	Dealer Action Association		
Do	Dredging Industry Size Standards Committee (DISSC)	3,881.25	23.50
Do	Duty Free Shoppers, Ltd		
Do	E. I. du Pont de Nemours & Co		
Do	EXEL Limited		
Do	Fiart Cantieri Italiani, S.P.A.	250.00	
Do	Fidelity Investors		
Do	Flint Industries		
Do	Ford Motor Co		
Do	Fuji Photo Film USA, Inc	22.45	
Do	Government of Iceland		
Do	GTE Corporation		
Do	Hitachi Sales Corp of America	299.20	
Do	Hotel Dieu Hospital		
Do	E. F. Hutton Life Insurance Company		
Do	Institute of Scrap Iron & Steel, Inc		
Do	Intermedics, Inc		
Do	Investment Partner Assn		
Do	IC Industries		
Do	Johnson & Johnson		
Do	Kaiser Aluminum & Chemical Corp		
Do	Kenwood USA Corporation	6.55	
Do	Lazard Frere & Co		
Do	Liggett Group, Inc		
Do	Litton Industries, Inc		
Do	Loan America Financial Corp		
Do	Loop, Inc		
Do	Marathon Oil Co	750.00	
Do	Mars, Inc		
Do	Mass Mutual	1,500.00	
Do	Matson Navigation Co		
Do	Matsushita Electric Corp of America	527.70	
Do	Maxell Corp of America	40.75	
Do	Metropolitan Life	600.00	
Do	Mitsubishi Electric Sales of America, Inc	109.95	
Do	Mocatta Metals Corp		
Do	MCI Telecommunications, Inc		
Do	Nakamichi USA Corp	5.75	
Do	National Assn of Independent Colleges & Universities	300.00	
Do	National Cable Television Assn, Inc	1,350.00	
Do	National Gypsum Co		
Do	National Marine Manufacturers Assn	105.00	
Do	National Soft Drink Assn		
Do	New Process Co		
Do	New York Life Insurance Co	300.00	
Do	Northern California Power Agency		
Do	Northwestern Mutual Life	600.00	
Do	NEC Electronics (USA) Inc	16.25	
Do	Onkyo USA Corp	3.55	
Do	Options Clearing Corp		
Do	Overseas Military Sales Group		
Do	OSG Bulk Ships, Inc	705.00	
Do	OTASCO, Inc	80.00	18.00
Do	Paine Webber, Inc		
Do	Pearson Investments, Ltd		
Do	Pioneer Electronics (USA), Inc	8.95	
Do	Public Utilities Department		
Do	Reader's Digest Assn, Inc		
Do	Republique D'Haiti		
Do	Retail Industry Trade Action Coalition		
Do	Retail Tax Committee	800.00	66.00
Do	Rice Millers' Assn		
Do	Sacramento Public Utility District		
Do	Sansui Electronics Corp	9.35	
Do	Sanyo Electronics, Inc	257.10	
Do	Sharp Electronics Corp	161.15	
Do	Shell Oil Co		
Do	Smokeless Tobacco Council, Inc		
Do	Sony Corp of America	163.75	
Do	Squibb Corporation		
Do	State of LA, Dept of Conservation		
Do	Sultantate of Oman	495.00	
Do	Teac Corp of America	7.95	
Do	Toshiba America, Inc	97.55	
Do	TDK USA Corp	50.45	
Do	U.S. Lines		
Do	U.S. Steel		
Do	Union Camp Corporation		
Do	Union Pacific Corp		
Do	Unitary Tax Campaign		
Do	US JVC Corporation	178.90	
Do	Yamaha Electronics Corp, USA	2.35	
Andrew R. Paul, 1875 Eye Street, NW, #940 Washington, DC 20006	Gulf & Western Management Company	2,400.00	65.15
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Associated Life Ins Group Nat'l Policyholder Advisory Comm	4,514.00	
Do	CalMat Company		
Do	GAF Corporation	6,123.50	
Do	Inter-Con Security Systems, Inc		
Do	Kawasaki Motors Corp, USA		
Do	National Business Aircraft Assn		
Do	Oglethorpe Power Corp		
Do	Philippine Sugar Regulatory Administration		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Security Life of Denver	3,124.25	
Richard A. Paysor, 1415 Elbridge Payne Rd., #135 St. Louis, MO 63017	First Capitol Associates - Gateway, Inc		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa	15,000.00	384.30
F. Colin Pease, Iron Horse Park North Billerica, MA 01862	Boston and Maine Corp, et al.		
James M. Peirce Jr., 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,819.15	
LeeAnn Pelham, 2030 M Street, NW Washington, DC 20036	Common Cause	5,237.52	595.38
Elin Peltz, 1511 K St., NW, #723 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Humberto R. Pena, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	500.00	
Rich Pennell, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,018.94	
Pennsylvania Power & Light Co, 2 N. 9th St. Allentown, PA 18101			593.11
Gregory M. Pensabene, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	2,700.00	
Pension Real Estate Assn, 1101 17th Street, NW, #700 Washington, DC 20036			
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	Tempo Enterprises, Inc	765.00	
Pepper Hamilton & Scheetz, 1777 F Street, NW Washington, DC 20006	Mutual Life Insurance Co of New York		
Do	North American Telephone Assn		
Barbara K. Pequet, 1311 Quincy St., NE Washington, DC 20017	American Soc for The Prevention of Cruelty to Animals	1,625.00	1,500.00
Victor J. Perini Jr., 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation for Safety & Mobility		
James W. Perkins, 1 Beacon Street, Rm. 2200 Boston, MA 02108	National Assn of Bond Lawyers, et al.		680.72
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Aerospace Industries Assn of America, Inc		
Do	Boeing Company		
Do	Burlington Northern, Inc		
Do	Kootznoowoo, Inc		
Do	Ormat Systems, Inc		
Gary J. Perkinson, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp of America	300.00	
Ernest Michael Perley, 112 St Clair Ave., W., #504 Toronto, Ontario M4v 2y3	Canadian Coalition on Acid Rain	191.57	59.39
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,400.00	988.54
Kate M. Perry, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation		
Susan Perry, 1025 Connecticut Avenue, NW Washington, DC 20036	American Bus Assn	2,687.50	75.00
John J. Pesch, 3422 Stoneybrae Drive Falls Church, VA 22044	Northrop Corp		
Phillips S. Peter, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	150.00	
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20004	Distilled Spirits Council of the U.S., Inc	2,000.00	400.00
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	450.00	
Mary B. Peterson, 1660 L St., NW Washington, DC 20036	General Motors Corp	1,000.00	490.75
Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	1,000.00	500.00
Sheryl L. Peterson, 122 C Street, NW, #875 Washington, DC 20001	American Osteopathic Assn	550.00	
Peterson Engberg & Peterson, 1730 M St., NW, #907 Washington, DC 20036	Federated Research Corp	22,800.00	379.81
Susan F. Petniunas, 1025 Connecticut Ave., NW, #214 Washington, DC 20036	Manville Corporation	500.00	
Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		189,495.53	19,870.94
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	120.00	
Paula J. Pettavino, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	1,100.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Annabelle Petys, 6017-141st Ave., N. Clearwater, FL 33520			21.50
Peyser Associates, Inc, 1000 Vermont Street, NW, #400 Washington, DC 20005	Basix Corp	4,750.00	103.77
Do	Department of Public Property		141.38
Do	Metro		1,008.12
Do	Metropolitan Toledo Consortium	11,862.25	341.77
Do	New York State Bridge Authority	4,500.00	24.15
Do	Regional Transit Authority	8,000.00	131.61
Do	Southeastern Pennsylvania Transit Authority	3,000.00	61.95
Sueanne Pfifferling, 1350 New York Avenue, NW, #400 Washington, DC 20005	New York Power Authority	550.00	23.50
Steven J. Pfister, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	200.00	20.00
James R. Phalen, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	3,400.00	
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW Washington, DC 20005		17,260.95	17,260.95
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,209.75	72.01
Dennis J. Phelan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	3,750.00	200.00
Do	Pacific Seafood Processors Assn	7,500.00	480.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	6,800.00	2,950.65
Barbara Phillips, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America	12,000.00	253.01
Bernard R. Phillips III, P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc	2,763.05	889.90
Deborah M. Phillips, 1155 21st Street, NW, 4th Fl. Washington, DC 20036	General Instrument Corporation		
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston		
Patricia Lynn Phillips, 12907 Melville Lane Fairfax, VA 22033	National Assn of State Agencies for Food Distribution	6,000.00	
William G. Phillips, 417 Sixth Street, SE Washington, DC 20003	Association of Univ Programs & Occupational Health & Safety	6,000.00	928.22
Do	Association of University Environmental Health Centers	4,800.00	559.73
Do	Metal Trades Department, AFL-CIO	4,375.00	512.60
Joan Piccolo, 1776 K Street, NW, #300 Washington, DC 20006	Motorola, Inc	3,000.00	
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	161.63	170.42
Theodore M. Pierce, 1300 North 17th St., #300 Arlington, VA 22209-3899	ADAPSO - The Computer Software & Services Industry Assn		
Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	24,050.00	76.98
Stuart F. Pierson, Verner, Liipfert, Bernhard, & Mcpherson 1660 L St., NW, #1100 Washington, DC 20036	LTV Corp, et al.		
Pierson Ball & Dowd, 1200 18th St., NW Washington, DC 20036	American Academy of Pediatrics	1,366.96	
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Hershey Trust Co		
Do	Mauritius Sugar Syndicate	1,800.00	862.39
Do	Oklahoma Natural Gas Company		
Do	Six Flags Corporation		
John H. Pilcher, 1331 Pennsylvania Ave.,NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	D. L. Berger Associates, Inc		
Do	Pfizer, Inc		
Do	Temis Ramires de Arellano		
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,113.00	
Piper & Marbury, 888 Sixteenth Street, NW Washington, DC 20006	Consolidated Rail Corporation		
Robert Pipkin Jr., Pearson & Pipkin, Inc 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Pirtle Morisset Schlosser & Ayer, 1500 Seattle Trust Tower 1000 Second Avenue Seattle, WA 98104	Central Council of Tlingit & Haida Tribes of Alaska	1,768.00	
Do	Colville Confederated Tribes		
Do	Confederated Tribes of the Goshute Reservation		
Do	Hoopa Valley Tribe		
Do	Makah Indian Tribe		
Do	Rosebud Sioux Tribe	472.50	
Do	Sault Ste. Marie Chippewa Tribal Council	1,680.00	
Do	Seneca-Cayuga Tribe of Oklahoma		
Do	Shoshone-Bannock Tribe-Fort Hall Reservation		
Do	Tulalip Tribes of Washington		
Do	Ukpeagvik Inupiat Corp		
Virginia L. Pitcher, 2000 L St., NW, #200 Washington, DC 20036	American College of Emergency Physicians	3,057.00	531.68
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Reuben C. Plantico, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	4,475.00	
Wyll W. Pleger, 1730 Rhode Island Ave., NW, #213 Washington, DC 20036	Brown & Root, Inc		
Ronald L. Plesser, Blum Nash & Railsback 1133 15th St., NW, #1100 Washington, DC 20005	Disclosure Information Group	175.00	
Do	Journal of Commerce, Inc	300.00	
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	605.28	5.00
John A. Poindexter, 3805 West Alabama Houston, TX 77027	Columbia Gulf Transmission Co		
Jean S. Polatsek, 50 F St., NW Washington, DC 20001	American College of Surgeons		
Nancy Polikoff, 2000 P Street, NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Susan Pollack, 900 Minnesota Street San Francisco, CA 94107	American Fair Trade Council	2,000.00	
Michele Pollak, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	508.21	718.25
Alfred M. Pollard, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific National Bank		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Harlan Pomeroy, 1050 Connecticut Avenue, NW, #1100 Washington, DC 20036	Baker & Hostetler (For:North Coast Cable, Ltd)	1,281.00	1.60
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Meadows Recovery Center		
Raymond K. Pope, 2000 L Street, NW, #200 Washington, DC 20036	AMFAC, Inc	4,063.00	
Population-Environment Balance, 1325 G St., NW #1003 Washington, DC 20005			3,530.45
Edward T. Porcaro, 1025 Connecticut Ave., NW, #1010 Washington, DC 20036	Metropolitan Life & Affiliated Cos	1,000.00	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			
Carol Alice Porter, 1000 Connecticut Ave., NW, #1002 Washington, DC 20006	Wildlife Legislative Fund of America	4,765.44	
Porter Wright Morris & Arthur, 41 South High Street Columbus, OH 43215	Coalition for Environmental Energy Balance	56,000.00	2,084.43
Donna Potemken, 50 F Street, NW Washington, DC 20001	American Hospital Assn	2,915.31	72.20
John Michael Powderly, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	9,952.59	
Powell Goldstein Frazer & Murphy, 1110 Vermont Ave., NW, #1050 Washington, DC 20005	Bayley Seton Hospital		
Do	Belz Investment Co		
Do	Council of State Housing Agencies	486.00	
Do	Federal National Mortgage Assn		
Do	Lieberman Corp		
Do	Massachusetts Housing Finance Agency	1,938.00	
Do	National Investment Development Corp		
Do	National Multi Housing Council		
Do	Starrett Housing Corp		
Do	Urban Properties		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,329.65	979.59
A. M. Powers, 256 North Thomas Street, #1 Arlington, VA 22203	Household International		
Frederick W. Powers III, 223 Perimeter Center Parkway P.O. Box 89000 Atlanta, GA 30338	Siemens Energy & Automation, Inc		
Graydon R. Powers Jr., 1101 16th St., NW Washington, DC 20036	Scientific Apparatus Makers Assn		
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Dollar Bank, Federal Savings Bank	1,200.00	176.34
Robert L. Pratt, 101 First Ave. Waltham, MA 02254	Thermo Electron Corporation	1,275.00	251.00
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Alleghany Corporation		
Do	American Nuclear Insurers		
Do	American President Lines	2,717.50	
Do	Bellingham Cold Storage		
Do	Boeing Company		
Do	Calista Corp	525.00	
Do	Coalition for the Advancement of Industrial Technology		
Do	Computer & Business Equipment Manufacturers Assn		
Do	Council of American-Flag Ship Operators		
Do	COMPACT		
Do	Data General Corp	450.00	
Do	Design Professionals Coalition	270.00	
Do	Electronic Industries Assn		
Do	Grant County Public Utility District		
Do	Hudson Waterways		
Do	Kellogg Company	2,700.00	
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp		
Do	Montana Power Co		
Do	Moore McCormack Resources, Inc		
Do	Mutual Atomic Energy Liability Underwriters		
Do	National Council on Compensation Insurance		
Do	Port of Seattle		
Do	Professional Services Council		
Do	Reinsurance Assn of America		
Do	Scientific Apparatus Makers Assn		
Do	Snohomish County Public Utility District No. 1		
Do	Spokane County		
Do	Sunmar Shipping, Inc		
Do	Templeton Growth Fund, Ltd		
Do	Tennessee Gas Pipeline Co		
Do	Transportation Institute	7,150.00	
Do	Tri-City Industrial Development Council		
Do	University of Michigan Hospitals		
Do	University of Washington		
Do	Western Airlines, Inc		
Keith A. Pretty, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,000.00	57.68
James M. Price, P.O. Box 11248 Knoxville, TN 37919	Sierra Club	3,126.25	286.05
Robert V. Price, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036	Browning-Ferris Industries, Inc	4,500.00	250.00
Patricia Pride, 1129 20th St., NW Washington, DC 20036	Financial Accounting Foundation	350.00	91.22
Gwenyth Pritchard, 600 Maryland Ave., NW, #700 Washington, DC 20024	National Fed of Independent Business		
Jerry C. Pritchett, 5410 Grosvenor Ln., #120 Bethesda, MD 20814	Mechanical Contractors Assn of America, Inc		
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		138.95	1,546.60
Pro-Life CDAC 12, P.O. Box 7145 Menlo Park, CA 94025		70.00	98.55
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	200.00
Earl Proctor, 561-2 Shelby Avenue Painesville, OH 44077	Lake County Veterans Services		
Stuart E. Proctor Jr., 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	179.25
Professional Managers' Assn, P.O. Box 7762, Ben Franklin Station Washington, DC 20044		5,392.89	4,873.96
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Project Advisory Group, 1029 Vermont Ave., NW, #860 Washington, DC 20005			
Proprietary Association, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			3,587.50
Proskauer Rose Goetz & Mendelsohn, 300 Park Avenue New York, NY 10022	Integrated Resources, Inc		
Prudential-Bache Securities, Inc, 100 Gold St. New York, NY 10292			750.00
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	32.00	
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		58,379.61	19,902.11
Public Employer Benefits Council, 1800 M Street, NW Washington, DC 20036			
Public Timber Purchasers Group, 610 SW. Broadway, #608 Portland, OR 97205		43,185.34	3,091.60
Philip N. Pulizzi Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	95.00	
David E. Pullen, 1025 Connecticut Ave., NW, #214 Washington, DC 20036	Manville Corporation	1,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
William E. Pursley, 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Sue P. Purvis, P.O. Box 14042(d2b) St. Petersburg, FL 33733	Florida Power Corp	2,300.00	801.73
Do	Florida Progress Corp	550.00	459.00
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Howard Pyle III, 4930 Quebec St., NW Washington, DC 20016	Houston Lighting & Power Company	3,600.00	
Robert N. Pyle & Associates, 1701 K St., NW, #1004 Washington, DC 20007	Ceramatec, Inc	2,750.00	75.00
Do	Elkem Metals Company	4,250.00	90.00
Do	Independent Bakers Assn	3,000.00	600.00
Do	Stratcor	6,000.00	110.00
Do	Welch Foods, Inc	3,750.00	65.00
John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036	National Environmental Development Assn		
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	National Candy Wholesalers Assn, Inc		
Do	Retail Bakers of America		
Harold P. Quinn Jr., 1575 Eye Street, NW, #525 Washington, DC 20005	Mining & Reclamation Council of America	1,500.00	150.00
George Gregory Raab, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc		
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	131.21
Clifford Raber, One McDonald's Plaza Oak Brook, IL 60521	McDonald's Corp		
Steve Rabin, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
W. A. Radziewicz, 400 First Street, NW Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
John D. Raffaelli, Law Offices of John D. Raffaelli 499 South Capitol St., SW, #407 Washington, DC 20003	Austin Industries, Inc		
Do	City of Dallas		
Do	Dean Witter Realty, Inc		
Do	Gulf Coast Waste Disposal Authority		
Do	National Council for Higher Education Loan Programs		
Do	R. Duffy Wall & Associates, Inc (For:Taylor & Mizell)		
Tanya A. Rahall, 2033 M Street, NW, #900 Washington, DC 20036	National Assn of Arab Americans	6,583.26	34.10
Roderic W. Rahe Jr., 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Railway Labor Executives' Assn, 400 First St., NW, #804 Washington, DC 20001		76,800.00	146,749.05
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Rainbow Alliance, 236 Massachusetts Avenue, NE Washington, DC 20002		1,992.00	2,042.18
Rainbow Lobby, 236 Massachusetts Avenue, NE, #409 Washington, DC 20002		127,175.85	92,885.08
Maggy H. Ralbovsky, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	1,000.00	49.00
John C. Ramig, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Fraser & Wyse (For:Association of O & C Counties)	972.83	
Do	Stoel Rives Boley Fraser & Wyse (For:Pacificorp)	2,311.83	1,125.16
Kathleen Marie Ramsey, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Craig J. Rancourt, 2000 Pennsylvania Ave., NW, #3700 Washington, DC 20006	American Assn of Classified School Employees	11,627.85	2,349.84
Donald A. Randall, P.C., 321 D Street, NE Washington, DC 20002	Automotive Service Assn	1,735.36	
Do	National Independent Dairy-Foods Assn	150.00	
Randolph & Truitt, 1752 N Street, NW, #801 Washington, DC 20036	Tanadgusix Corporation		
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	1,577.50
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	3,203.27
Magda Ratajski, One Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
John W. Rauber Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn		554.41
Carol L. Raulston, 1619 Massachusetts Ave., NW Washington, DC 20036	American Paper Institute, Inc	2,075.00	
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
Raymark Corporation, 100 Oakview Drive Trumbull, CT 06611			
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,379.00	545.50
Richard J. Razook, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131	Thomson Zeder Bohrer Werth Adorno & Razook (For:Burger King Corp)		
Julian O. Read, 1005 Congress Avenue, #500 Austin, TX 78701	Central & South West Corp		
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #500 Washington, DC 20560			
Sydney C. Reagan, 10 Duncannon Ct., Glen Lakes Dallas, TX 75225	Southwestern Peanut Shellers Assn		
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Jo Reed, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	516.92	36.80
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	27.50
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	
Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036	Burley & Dark Leaf Tobacco Export Assn	950.00	
John T. Reggitts Jr., 95 Booton Ave. P.O. Box 470 Boonton, NJ 07005			
Reichler & Appelbaum, 888 17th St., NW, #1101 Washington, DC 20006	Permanent Mission of the Republic of Seychelles		
Do	Republic of Nicaragua	6,000.00	
Charlotte Reid, 2466 Chatham Road Aurora, IL 60506	Motorola, Inc		
Michael Reid, 1300 L Street, NW, Washington, DC 20005	Alliance to Save Energy	169.35	
Do	American Postal Workers Union, AFL-CIO	3,057.98	241.17
Reid & Priest, 1111 19th Street, NW Washington, DC 20036	Associated Natural Gas Company, et al.		
Do	City of Philadelphia	22,796.00	2,152.44
Do	Connecticut Natural Gas Corp		
Do	Dillon Read & Co, Inc	23,538.75	461.95
Do	Edison Electric Institute		
Do	Kentucky Utilities Co		
Do	Pennsylvania Shipbuilding Co	49,300.00	2,008.04
Do	People Express Airlines, Inc	11,996.00	170.25
Mary Lynn Reilly, P.O. Box S708 Washington, DC 20016	Neighborhood Housing Services of America		
Kathleen Reinburg, 2000 P Street, NW, #305 Washington, DC 20036	Foresight Science & Technology, Inc (For:Society for American Archaeology)	937.00	
Harry O. Reinsch, 50 Beale St. P.O. Box 3965 San Francisco, CA 94119	Bechtel Power Corporation		
Religious Coalition for Abortion Rights, Inc, 100 Maryland Avenue, N.e. Washington, DC 20002		163,694.33	9,081.04
Zev M. Remba, 1111 14th Street, NW Washington, DC 20005	Academy of General Dentistry		
John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	Rendon Company		
Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20005			
Diane Rennert, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers	4,300.00	440.11
David M. Repass, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Eagle-Picher Industries, Inc)		
Resources Fund, Inc, 810 18th St., NW, #804 Washington, DC 20006			
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		79,780.00	33,800.28
John H. Reurs, 74 Trinity Place New York, NY 10006	New York Comm of Intl Comm of Passenger Lines		
Vincent P. Reusing, 1025 Connecticut Avenue, NW, #1010 Washington, DC 20036	Metropolitan Life & Affiliated Cos	1,000.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	United Auto Aerospace & Agricultural Implement Workers	18,636.91	144.25
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Proprietary Association	3,437.50	150.00
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,500.00	
Renee Reymond, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Mary Anne Reynolds, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Frederick W. Rhodes, 1800 K Street, NW, #800 Washington, DC 20006	Goodyear Tire & Rubber Co	3,000.00	
John J. Rhodes, Hunton & Williams 2000 Pennsylvania Avenue, NW Washington, DC 20006	Central Arizona Water Conservation District		
Do	Rocky Mountain Energy Co	3,000.00	
Rice Genocide Research, 3046 Roosevelt Street Detroit, MI 48216			272.95
James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Donna Richardson, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,932.01	
John C. Richardson, 520 Madison Avenue New York, NY 10022	Leboeuf Lamb Leiby & Macrae (For:British Insurance Assn, et al.)		
K. O. Richardson, 815 16th St., NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	3,000.00	155.54
William J. Richardson Jr., 1819 H Street, NW, #1100 Washington, DC 20006			
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	981.00	
Judy Noel Riddle, 6630 W. Broad St. Richmond, VA 23230	Lawyers Title Insurance Co		
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	632.00	
E. George Riedel, 1600 M Street, NW Washington, DC 20036	International Telephone & Telegraph Corporation	3,000.00	150.00
Norbert J. Riedy Jr., 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	1,242.92	1,163.64
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	12,507.00	467.25
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	1,250.00	
Pat Riley, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Susan Riley, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	1,921.25	
John F. Ring, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	5,535.45	
Dale P. Riordan, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
Kevin J. Riordan, 1700 K St., NW, #1204 Washington, DC 20006	Chevron USA, Inc	150.00	155.00
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	1,325.00	20.00
Riselli & Pressler, 2033 M Street, NW, #504 Washington, DC 20036	Professional Managers' Assn		
Carol A. Risher, 2005 Massachusetts Ave., NW Washington, DC 20036	Association of American Publishers	2,000.00	38.80
James E. Ritchie & Associates, 499 S. Capitol St., SW, #400 Washington, DC 20003	Gaming Industry Assn of Nevada, Inc	3,200.00	3,038.17
Do	Golden Nugget, Inc		
Do	National Assn of Off-Track Betting	1,900.00	4,997.07
Do	National Assn of Optometrists & Opticians, Inc	26,666.67	6,055.51
Do	Nevada Resort Assn	4,800.00	4,557.27
Leslie Sue Ritts, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	National Environmental Development Assn		
Valentin Riva, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Phillip W. Rivers, 1050 17th St., NW #500 Washington, DC 20036	Texaco, Inc		
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	American Can Co	15,475.83	45.00
Do	American Cancer Society		
Do	ALC Communications Corp	11,220.00	250.00
Do	Borg-Warner Corp		
Do	Dow Chemical Co	2,400.00	25.00
Do	Food Marketing Institute	15,727.54	45.00
Do	Gunnar Dana Associates		63.00
Do	National Basketball Assn	4,000.00	50.00
Do	National Soft Drink Assn		
Do	Nippon Yusen Kaisha (NYK) Line		
Do	Renewable Fuels Assn	2,300.00	50.00
Do	Sugar Users Group		
Do	Tiffany & Co	200.00	20.00
Jane Robbins, Robertson Monagle & Eastaugh 1050 Thomas Jefferson St., NW Washington, DC 20007	Crowley Maritime Corp		
Do	Ratkovich Bowers & Perez, Inc		
Do	Standard Oil Co		
Richard W. Roberts, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	500.00	
William A. Roberts, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Co (For:Capitol Metropolitan Transportation Authority)	400.00	
Do	Keefe Co (For:University of Miami)	600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Keefe Company (For:UNIAO Nacional Para Independencia Total DeAngola)	9,800.00	
Do	Keefe Company (For:Westinghouse Electric Corp)		
William F. Roberts, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	400.00	
Gordon C. Robertson, 1412 16th Street, NW Washington, DC 20036	International Assn of Fish & Wildlife Agencies	8,973.00	138.97
Betty S. Robinson, 1757 N St., NW Washington, DC 20036	United Auto Aerospace & Agricultural Implement Workers	14,646.14	67.00
Charles A. Robinson Jr., 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	124.41	
Ernestine S. Robinson, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Kenneth L. Robinson, 1111 N. 19th Street, #700 Arlington, VA 22209	National Assn of Federal Credit Unions		
Thomas E. Robinson, 1101 17th St., NW, #700 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc.	600.00	
Do	Pension Real Estate Assn		
Robinson Lake & Lerer, Inc, 1025 Thomas Jefferson St., NW, #800 Washington, DC 20007	Grocery Manufacturers of America	1,000.00	
Do	Sun-Diamond Growers of California	5,000.00	
Antoinette K. Roche, 1025 Connecticut Avenue, NW Washington, DC 20036	GA Technologies, Inc	2,000.00	350.00
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co & Washington Water Power Co	1,000.00	1,744.02
David W. Roderer, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
Quincy Rodgers, 2033 M Street, NW, #800 Washington, DC 20036	General Instrument Corporation	6,000.00	182.59
Jose Luis Rodriguez, 1000 Thomas Jefferson St., NW, #601 Washington, DC 20007			
Arthur P. Rogers, 888 17th St., NW, #901 Washington, DC 20006	Whiteford Taylor & Preston		
Bruce N. Rogers, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	4,031.52
Donald L. Rogers, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	2,387.50	
Gardiner Rogers, 105 Forrest Avenue, Suite 7 Narberth, PA 19072	Task Force on Immigration Control	18.75	94.77
Margaret Rogers, 1025 Connecticut Ave., NW, #409 Washington, DC 20036	Society of the Plastics Industry, Inc	2,500.00	
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	American Express Co	5,750.00	
Do	Associated Press	2,500.00	
Do	Candle Corp	15,000.00	
Do	Cementos Anahuac del Golfo, S.A.		
Do	Citicorp		
Do	Liz Claiborne, Inc		
Do	Dreyfus Corporation	6,500.00	132.50
Do	Franzia, Fred T. John C. & Joseph S.		
Do	Grocery Manufacturers of America, Inc		
Do	Internoor Trade, Inc		
Do	Investment Partnership Assn	8,000.00	71.00
Do	Kamehameha Schools/Bernice P. Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Bedding Manufacturers		
Do	Pan American World Airways, Inc		
Do	Pan American World Services, Inc		
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	Teachers Insurance & Annuity Assn/College Ret. Equities Fund		
Carole M. Rogin, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Do	Hauck & Associates, Inc. (For:National Assn for Child Care Management)		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	22,250.00	27.00
Stephen F. Rohrkemper, 150 S. Washington St., #100 Falls Church, VA 22046	International Technical Expertise Ltd		
Eric D. Roiter, Debevoise & Plimpton 1777 F Street, NW Washington, DC 20006	Security Pacific Corp	1,867.00	
John F. Rolph III, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Citibank, N.A.	1,500.00	
Kenneth S. Rolston Jr, 1025 Vermont Ave., NW, #1020 Washington, DC 20005	American Pulpwood Assn		
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn		
Fred B. Rooney, 1050 Connecticut Ave., NW, 12th Fl. Washington, DC 20036	American Iron & Steel Institute	1,450.00	
Do	Association of American Railroads	1,550.00	
Do	CalMat Company	1,350.00	
Do	Crawford Fitting Co	1,350.00	
Do	Denver & Rio Grande Western Railroad Co	1,400.00	
Do	Lone Star Industries, Inc	1,350.00	
Do	M Life Insurance Co	1,550.00	
Do	Paul Hastings Janofsky & Walker (For:Security Life of Denver)	1,450.00	
James Roosevelt, 201 East Sand Point, #250 Santa Ana, CA 92715	National Committee to Preserve Social Security	10,000.00	
John C. Roots, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Atlantic Richfield Co	368.90	
Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037	Amherst College; Wellesley College		
Do	Reebok International Ltd		
Rose Schmidt Chapman Duff & Hasley, 1825 Eye St., NW, #300 Washington, DC 20006	Annual Charges Policy Group		
Do	Cigar Assn of America, Inc		
Lester L. Rosen, 1025 Vermont Avenue, NW, #500 Washington, DC 20005	Miles Laboratories, Inc		
Albert B. Rosenbaum III, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Richard Rosenbaum, 666 Third Ave., 4th Fl. New York, NY 10017	Integrated Resources, Inc	2,000.00	100.00
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	2,250.00	
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	**Migrant Legal Action Program, Inc**		
Gail E. Ross, 918 16th St., NW, #503 Washington, DC 20006	Washington Independent Writers, Inc		
Joe Ross, P.O. Box 1582 Little Rock, AR 72203-1582			
Lawrence J. Ross, Ross & Duerk, P.C. 1700 K Street, NW, #1100 Washington, DC 20006			
Nancy Ross, 1830 17th Street, NW Washington, DC 20009	Rainbow Alliance	3,835.00	300.00
Phillip T. Ross, 198 Macdougal Street, #3L Brooklyn, NY 11233	Grady O'Cummings and O'Cummings		
William F. Ross, South Carolina Petroleum Council 716 Keenan Bldg. Columbia, SC 29201	American Petroleum Institute		
Barry N. Roth, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	100.00	
Rhond Rudolph Roth, 6413 Lakeview Dr. Falls Church, VA 22041	Hauck & Associates, Inc		
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,009.62	
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen/Labor Energy Coalition	1,500.00	
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	2,250.00	200.00
John H. Rousselot, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	10,000.00	
Ann M. Rowan, One Thomas Circle, NW, #900 Washington, DC 20005	National Comm to Preserve Social Security & Medicare		
Do	Oakland Coliseum		
Do	Port of Oakland		
Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037	National Assn of Chain Drug Stores, Inc	44.00	
Do	Revco D.S., Inc		
Ted Rowland, 47 W. 34th Street, #807 New York, NY 10001	International Footwear Assn		
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	150.00	
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202	Medical Identification Card		
Tobi Z. Rozen, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs		
Eugene T. Ruane, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance	1,000.00	12.80
Joseph T. Ruble, 1300 North 17th Street, #300 Arlington, VA 22209	ADAPSO - The Computer Software & Services Industry Assn		
Barbara A. Rudolph, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209	Beverly Enterprises, Inc	3,375.00	75.00
Ronald R. Rumbaugh, 5205 Leesburgh Pike, #505 Falls Church, VA 22041	National Beer Wholesalers of America		
John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209	Printing Industries of America, Inc	4,000.00	
Morgan S. Ruph, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	150.47
Domenic R. Ruscio, 6th Floor 2010 Massachusetts Avenue, NW Washington, DC 20036			
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		45.00
Dorothea L. Russell, 1120 Vermont Avenue, NW, #1120 Washington, DC 20005	National Candy Wholesalers Assn, Inc		
Nancy Russell, 4921 SW Hewett Blvd. Portland, OR 97221	Friends of the Columbia Gorge		
Randall M. Russell, 517 C Street, NE Washington, DC 20002-5809	Lesher and Associates, Inc		
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	75.00	
Herman Max Ruth, P.O. Box 1000 Otisville, NY 10963			
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American Assn of Bioanalysts/Intl Soc of Clinical Lab Techs		401.20
Do	American College of Radiology		501.10
Do	American Optometric Assn		501.50
Sheryl P. Rutledge, Charles L. Fishman, P.C. 1717 K Street, NW, #502 Washington, DC 20036	Washington Gas Light Co	20.00	
Ella Marice Ryan, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co, Inc	100.00	
Frank T. Ryan, 1400 K Street, NW Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
George J. Ryan, 915 Rockefeller Building Cleveland, OH 44113	Lake Carriers' Assn		
John F. Ryan, 1600 M Street, NW Washington, DC 20036	International Telephone & Telegraph Corporation		
Joseph Ryan, 1155 21st., NW, 4th Fl Washington, DC 20036	General Instrument Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
RJR Nabisco Washington, Inc., 1100 Reynolds Blvd. Winston-Salem, NC 27106	RJR Nabisco, Inc		11,536.60
Paul R. Sacia, Suite 202, West Wing 600 Maryland Avenue, SW Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	4,405.99	
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	6,500.00	92.23
Dean Sagar, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	341.00	21.85
John K. Sage, One Post Street, #3275 San Francisco, CA 94104	McKesson Corp		
Anthony J. Saggese Jr., 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
James H. Sammons, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn		
Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202			
David W. Sanasack, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	4,800.00	50.00
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Myron G. Sandifer III, 1489 Chain Bridge Road, #200 McLean, VA 22101	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
James D. Santini, Bible Santini Hoy Miller & Lrachok 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	Homestake Mining Co	375.00	1.64
Do	Lorimar Productions	3,000.00	4.00
Do	National Tour Assn, Inc	9,000.00	2,107.46
Do	Noranda Exploration, Inc		4.00
Charles Sapp, 3500 Texas Commerce Tower Houston, TX 77002	Houston Endowment, Inc		
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	19.35
Mary Jane Saunders, 1300 N. 17th Street, #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		20.00
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	300.00	
John D. Sawyer, 818 18th Street, NW, #940 Washington, DC 20006			
Thomas C. Sawyer, 1825 K Street, NW Washington, DC 20006	National Broadcasting Co, Inc	5,000.00	477.73
Mark S. Schacht, 1900 K St., #200 Sacramento, CA 95814	California Rural Legal Assistance, Inc		2,352.18
Laurie S. Schaffer, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	180.00	
William T. Schapaugh, 1030 15th Street, NW Washington, DC 20005	American Seed Trade Assn	5,000.00	
Mary L. Schapiro, 1825 Eye St., NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
C. M. Schauerte, P.O. Box 3247 Houston, TX 77253	American General Corporation		
Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876	American Hoechst Corporation		
Schell & Co, Inc, 1776 K Street, NW, #700 Washington, DC 20006	Fuller Co		
Do	GATX Corp		
Robert J. Schenk, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Kenneth D. Schloman, 1600 Rhode Island Avenue, N.w. Washington, DC 20036	National Rifle Assn of America	976.25	29.00
Richard M. Schmidt Jr., Suite 600 1333 New Hampshire Ave., NW Washington, DC 20036	Association of American Publishers	500.00	
Arthur C. Schmitt, 3705 S. George Mason Drive, Apt. 301 So. Falls Church, VA 22041	Oxford Group, Limited		
Robert Richard Schmitt, 1529 S.W. 32nd Street Ft. Lauderdale, FL 33315-0000			
Schnader Harrison Segal & Lewis, Suite 1000 1111 19th St., NW Washington, DC 20036	Savin Corporation		
Do	Toyota Motor Corporation	2,728.00	143.70
Matthew Schneider, 1155 Connecticut Avenue, NW Washington, DC 20036	LEGI-SLATE		
Do	Westinghouse Electric Corp		
Robert V. Schneider, 360 Herndon Parkway, #2100 Herndon, VA 22070	ACS Systems, Inc		
Theresa A. Schneider, 1120 19th Street, NW, #310 Washington, DC 20036-3605	Institute of Makers of Explosives		
Thomas J. Schneider, 1300 19th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee	1,695.00	87.80
Abraham Schneier, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	2,250.00	200.00
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nancy L. Schoenig, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	6,685.61	
Jack J. Schramm, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	1,577.50
A. Kolbet Schrichte, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Association		
H. B. W. Schroeder, 1050 17th Street, NW, #490 Washington, DC 20036	Consumers Power Co	8,000.00	1,266.00
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	150.00	
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	562.69	737.91
Mark Schultz, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	5,000.00	141.49
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	12,240.80	278.38
William B. Schultz, Suite 700 2000 P St., NW Washington, DC 20036	Public Citizen, Inc		
Robert L. Schulz, c/o Iowa Petroleum Council 1012 Fleming Bldg. Des Moines, IA 50309	American Petroleum Institute		
Ralph D. Schumack, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp		
Walter A. Schumann III, 4319 Eisenhaver Rd. San Antonio, TX 78218-2606	Potomac Overlook Associates		
James H Schuyler, 15th & M sts., NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Alan R. Schwartz, Blum Nash & Railsback 1133 15th Street, NW, #1100 Washington, DC 20005	Disclosure Information Group		
Do	Journal of Commerce, Inc		
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	7,800.00	412.63
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	4,000.00	
Steve Aaron Schwartz, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Scientific Apparatus Makers Assn, 1101 16th St., NW Washington, DC 20036		6,989.57	1,558.42
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	6,000.00	
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	6,325.00	
Gregory R. Scott, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	736.25	130.00
Hugh Scott, Scott Harrison & McLeod 2501 M Street, NW, #400 Washington, DC 20037	Federal National Mortgage Assn	7,500.00	127.58
James L. Scott, 1919 Pennsylvania Ave., NW, #703 Washington, DC 20006	American Healthcare Institute	10,500.00	1,624.01
John N. Scott, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	222.00	
Michael Scott, 1400 Eye St., NW, 10th Fl. Washington, DC 20005	Wilderness Society	1,145.54	4.55
Scribner Hall & Thompson, Suite 700 1875 Eye Street, NW Washington, DC 20006	Aetna Life & Casualty Insurance Co	6,500.00	
Do	CNA Financial Corp		12,829.30
Do	National Life Insurance Co of Vermont	1,950.00	
Do	Provident Life & Accident Insurance Co		
Do	Security Enterprises, Inc		
Do	Security Life of Denver Insurance Co		
Do	St. Paul Companies		
Do	Transamerica Corporation		
Do	Transamerica Occidental Life Insurance Co		
Do	Unionmutual Life Insurance Co		
Do	USLIFE Corporation		
Scrivens Goldstone & Co, 5857 S. Gessner, #287 Houston, TX 77036			
Thomas Andrew Scully, 950 L'enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp		
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	10,058.43	
Earl W. Sears, P.O. Box 12285 Memphis, TN 38112	National Cotton Council of America	1,370.00	37.34
Pamela Sederholm, Box 719 Dallas, TX 75221	Southland Corporation		280.00
J. Peter Segall, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Government of the Cayman Islands)	450.00	
Do	Hill & Knowlton, Inc (For:Hyundai Motor America)	1,200.00	
Do	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Do	Hill & Knowlton, Inc (For:Seminole Tribe of Florida)		
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	530.00	
George H. Seidel Jr., Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		594.33
Paul J. Seidman, Federal Bar Building, #1000 1815 H Street, NW Washington, DC 20006	National Tooling & Machining Assn	10,177.50	340.99
M. Frank Sellers, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce (For:Business Alliance on Government Competition)	5,000.00	404.32
William C. Sellery, 1700 K Street, NW, #1107 Washington, DC 20006	Owens-Illinois, Inc	2,000.00	100.00
Stanton P. Sender, 633 Pennsylvania Ave., NW Washington, DC 20004	Sears Roebuck & Co	700.00	9.00
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	500.00	
Stuart D. Serkin, 1800 Connecticut Avenue, NW Washington, DC 20009	Slurry Technology Assn	1,000.00	
Seven Months Session for Congress, 4210 Spicewood Road, #202 Austin, TX 78759			195.00
J. Richard Sewell, 1800 K St., NW, #1110 Washington, DC 20006	Florida Power & Light Co	3,000.00	929.81
Seyfarth Shaw Fairweather & Geraldson, 1111 19th St., NW Washington, DC 20036	Agricultural Producers	31,634.69	
Do	American Soc of Pension Actuaries	12,600.00	328.35
Do	Flxible Corp	2,145.30	
Do	Johnson & Higgins		
Jonah Shacknai, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Merrell Dow Pharmaceuticals, Inc		
Do	Pharmaceuticals Manufacturers Assn		
Donna S. Shaffer, 1933 Belmont Ridge Ct. Reston, VA 22091	Pride Air, Inc		
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Shamrock Foods Co, 2228 N. Black Canyon Phoenix, AZ 85009			
James R. Shanahan, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)		
Do	Price Waterhouse (For:Toyota Motor Kentucky, Inc)		
Deborah L. Shannon, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	1,325.00	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Eagle-Picher Industries, Inc)		
Do	Price Waterhouse (For:Investment Co Institute)		
Gary J. Shapiro, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn		
Daniel E. Shaughnessy, 1008 N. Randolph St., #206 Arlington, VA 22201	Western Great Lakes Maritime Assn		
Luther W. Shaw, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	5,625.00	65.40
Shaw Pittman Potts & Trowbridge, 1800 M Street, NW, (900-S) Washington, DC 20036	Association for the Improvement of the Mississippi River		
Do	Atlas Minerals Division	6,465.00	
Do	Committee for Private Education		
Do	Federal Company	1,712.50	536.43
Do	Institute of Foreign Bankers		
Do	Investment Company Institute		
Do	Investment Counsel Assn of America, Inc	187.50	
Do	Knights of Columbus		
Do	National Automobile Dealers Assn		
Do	Utility Nuclear Waste Management Group		
Shea & Gould, 1627 K St., NW, #1000 Washington, DC 20006	Park Tower Realty Corp, et al.		
Do	Park Tower Times Square Associates		
Do	Philip Morris, Inc & Affiliates		
James V. Sheahan, 223 Perimeter Ctr. Pkwy. P.O. Box 89000 Atlanta, GA 30338	Siemens-Allis, Inc		
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	12,817.83	
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	1,950.00	
Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036	Tribune Broadcasting Co	3,500.00	484.94
Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	11,762.52	687.69
C. Douglas Shelby, Florida Petroleum Council 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute		
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	200.00	
Robert G. Shepherd Jr., 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	4,200.00	
Seymour Sheriff, 1126 Woodward Bldg. Washington, DC 20005	Man-Made Fiber Producers Assn, Inc		
Dale Sherwin, 1735 I St., NW, #717 Washington, DC 20006	Staley-Continental, Inc	5,000.00	
Nelson T. Shields, 1400 K St., NW Washington, DC 20015	Handgun Control, Inc	2,754.00	
Harvey A. Shipman, 1800 Diagonal Road, #500 Alexandria, VA 22314	Penn Central Corporation		65.00
John B. Shlaes, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	2,475.00	
Sana F. Shtasel, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,041.25	66.71
John Shuey, P.O. Box 3151 Houston, TX 77253	Browning-Ferris Industries, Inc		
Kathy Shulman, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	2,721.17	95.25
Norman D. Shutler, 1607 New Hampshire Ave., NW Washington, DC 20006	Clayton Manufacturing Co		
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Donrey, Inc	53.20	
Do	Peoria Journal Star, Inc	832.00	
Elisa Siegel, 919 18th Street, NW, #400 Washington, DC 20006	Diamond Shamrock Corp		
Mark A. Siegel & Associates, Suite 368 400 North Capitol Street, NW Washington, DC 20001	Archer Daniels Midland Company		
Do	Commonwealth of Puerto Rico	76,561.58	4,127.29
Do	Money Store	5,094.70	122.70
Do	Power Authority of the State of New York	9,113.69	702.50
Siegel Mandell Davidson, P.C., One Whitehall Street New York, NY 10004	Sigallo, Ltd		
James V. Siena, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
William A. Signer, 444 North Capitol St., NW, #711 Washington, DC 20001	Keefe Company (For:Committee for Employment Opportunities)	250.00	
Do	Keefe Company (For:Dormitory Authority)	2,000.00	
Do	Keefe Company (For:Greater New York Hospital Assn)	1,500.00	
Do	Keefe Company (For:Solar Lobby)	1,000.00	
Do	Keefe Company (For:Targeted Management Consultants)	5,000.00	
Do	Keefe Co (For:Washington Public Power Supply System)		
Mark Silbergeld, 2001 S Street, SW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	3,700.00	20.00
Ronald G. Sills, 1105 Nob Hill Court Roseville, CA 95678	Geo-Seis Helicopters, et al.		
Do	Military, Federal & State Prisoner Inmates		
David Silver, 1600 M St., NW Washington, DC 20036	Investment Company Institute	210.17	
Howard J. Silver, 1200 17th St., NW, #520 Washington, DC 20036	Consortium of Social Science Assns	850.00	17.50
Steve Silver, Robertson Monagle & Eastaugh 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Alaska Pulp Corp	300.00	
Do	Amselco Minerals, Inc	1,106.00	
Do	Apex Marine Corp	1,190.00	
Do	Bollinger Machine Shop & Shipyard, Inc		
Do	Bristol Bay Native Corp	2,825.00	
Do	Crowley Maritime Corp		
Do	Moore McCormack Bulk Transport, Inc	1,530.00	
Do	Ratkovich Bowers & Perez, Inc		
Do	Standard Oil Co		
Silver Users Assn, Inc, 1717 K St., NW Washington, DC 20006		8,299.40	2,868.08
Leonard L. Silverstein, Silverstein & Mullens 1776 K Street, NW Washington, DC 20006	Rockefeller Group, Inc		
Silverstein & Mullens, 1776 K St., NW Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	GATX Corporation		
Do	Music Corp of America, Inc		
Do	National Assn of Home Builders of the U.S.		
Do	Rolls-Royce Motors, Inc		
M. P. Simmons, P.O. Box 860 Valley Forge, PA 19482	Certainteed Corp		
Gary D. Simms, 1720 EYE ST., NW Washington, DC 20006	American Academy of Actuaries		
Philip Simon, 2030 M Street, NW Washington, DC 20036	Common Cause	4,264.03	
Stanley C. Simon, Ginsberg & Forman 820 Hartford Building Dallas, TX 75201	Southland Corporation	21,931.00	6,281.01
Talmage E. Simpkins, 100 Indiana Ave., NW Washington, DC 20001	Labor Management Maritime Committee, Inc	1,508.40	282.94
C. Kyle Simpson, 9 Greenway Plaza, #714 Houston, TX 77046	Coastal Corporation		
William G. Simpson, 1155 15th St., NW Washington, DC 20005	First Mississippi Corporation	2,000.00	
Do	Mississippi Power & Light Company	2,000.00	
Do	State of Mississippi	4,000.00	
Albert M. Sims, 1935 Wilson Lane, #204 Mclean, VA 22102	Performance Engineering, Inc		
Ivan E. Sinclair, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
James W. Singer III, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Richard L. Sinnott, One Thomas Circle, NW, #900 Washington, DC 20005	National Comm to Preserve Social Security & Medicare	9,000.00	
Richard L. Sinnott & Co, Suite 900 One Thomas Circle, NW Washington, DC 20005	Oakland Coliseum	3,500.00	
Do	Port of Oakland	18,750.00	
Skadden Arps Slate Meagher & Flom, 919 18th Street, NW Washington, DC 20006	Air Products & Chemicals, Inc		
Do	Anheuser-Busch Companies, Inc	1,000.00	
Do	Baker International		
Do	Beecham, Inc		
Do	Biomass One Operating Co, Inc		
Do	California Agricultural Power Commission		
Do	Cities Service Oil & Gas Corp		
Do	Coalition Against Double Taxation, Inc		
Do	Drexel Burnham Lambert, Inc	42,500.00	
Do	Foster Wheeler Energy Corp	1,000.00	
Do	General Development Corp	2,000.00	
Do	General Oriental	1,000.00	
Do	JMB Realty Corp		
Do	Kohlberg Kravis & Roberts Co		
Do	KTI Energy, Inc		
Do	Lazard Freres		
Do	Mesa Petroleum	2,000.00	
Do	Mojave Pipeline Co		
Do	Morton-Thiokol, Inc		
Do	Ocean Thermal Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Sann - Howe		
Do	Transco Energy Company		
Cynthia Elliot Skiff, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn.		
William J. Skinner, 815 15th St., NW, #534 Washington, DC 20005	U.S. Pharmacopeial Convention, Inc.	171.43	
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Oil Corp.	1,125.00	
Paul A. Skrabut Jr., 1629 K Street, NW Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	16,500.00	
Francis J. Skrobiszewski, 100 W. Alexandria Avenue Alexandria, VA 22301	KMA & Associates (Omega Recovery Corp)		
Do	KMA & Associates, Inc (for Paris Savings & Loan)	1,000.00	
Dale D. Skupa, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Ruth L. Sky, 2211 Congress St. Portland, ME 04122	Union Mutual Life Insurance Co.		
F. Slatinshek & Associates, Inc, 1102 Belle Vista Dr. Alexandria, VA 20007	Grumman Aero Corp, et al.	300.00	
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation		
Joshua J. Slavitt, 450 Maple Ave., E., #204 Vienna, VA 22180	U.S. Defense Committee	1,500.00	
Barry S. Slevin, 1000 Potomac Street, NW Washington, DC 20007	Seifman Semo & Slevin, P.C. (For:United Food & Commercial Workers International Union).		
William T. Slider, 15th & M streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Richard S. Sloan, 1700 K Street, NW, #1100 Washington, DC 20006	Challenge America, Inc	12,000.00	
Slurry Technology Assn, 1800 Connecticut Ave., NW Washington, DC 20009		24,700.00	
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		56,570.00	53,453.00
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	American Horse Council	3,666.00	
Do	Florida East Coast Railway Co.	750.00	
Do	National Hockey League	500.00	
Do	Pennzoil Co	6,000.00	
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
James R. Smircina, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co.	293.46	373.48
Daniel T. Smith, P.O. Box 660074 Dallas, TX 75266	International Airline Passengers Assn, Inc.		
Diane E. Smith, 8881 Rosemont Detroit, MI 48228	Artists Products Celebrity Development		
Don S. Smith, The Smith Firm 1730 Pennsylvania Ave., NW, #300 Washington, DC 20006	Kern River		
Do	Northwest Pipeline Corp.		
Elizabeth M. Smith, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,356.00	1,085.27
Frederick P. Smith Jr., 1120 19th Street, NW, #310 Washington, DC 20036-3605	Institute of Makers of Explosives		
Gordon L. Smith, 1201 Pennsylvania Ave., NW, #700 Washington, DC 20004	Hill & Knowlton, Inc (For:Florists' Transworld Delivery Assn)	2,500.00	
Harold W. Smith, 208 Laurel Drive Peekskill, NY 10566	City Manager of the City of Yonkers, New York		
Hugh H. Smith, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co.		
Jeffrey A. Smith, 771 Corporate Dr., #800 Lexington,, KY 40503	Toyota Motor Sales, USA, Inc		
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Jeffrey C. Smith, 902 Pennsylvania Ave., SE Washington, DC 20003	Dudek & Company		
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co.	17,511.00	7,773.63
Michael E. Smith, 55 Public Square, Rm. 624 P.O. Box 5000 Cleveland, OH 44113	Cleveland Electric Illuminating Co.	254.00	494.18
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	400.00	399.00
Patricia Smith, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	324.62	
Ronald E. Smith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Susan Snyder Smith, 7900 Westpark Drive, #514 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	182.70
Velma Smith, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	195.52	
Wayne H. Smithey, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	2,804.80	369.80
Smokeless Tobacco Council, Inc, 1925 K Street, NW, #504 Washington, DC 20006		560.39	560.39
Clair A. Snyder, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		
David F. Snyder, 1000 Nationwide Dr. Harrisburg, PA 17105	Nationwide Insurance Co	600.00	108.20
J. R. Snyder, 400 1st St., NW, #704 Washington, DC 20001	United Transportation Union		1,200.00
John M. Snyder, 600 Pennsylvania Ave., S.e. Suite 205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	3,454.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp.	140.00	
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		22,705.86	41,744.21
Edmund T. Sommer Jr., 1627 K Street, NW, #1200 Washington, DC 20006	Council of American-Flag Ship Operators		
Edward J. Sondey, 195 Montague Street Brooklyn, NY 11201	Brooklyn Union Gas Co.		
Charles R. Sonnier, Sonnier & Hebert P.O. Drawer 1040 Abbeville, LA 70511	Coushatta Tribe of Louisiana		
Sonosky Chambers and Sachse, 1050 31st St., NW Washington, DC 20007	Assiniboine and Sioux Tribes		
Do	Mackenzie Turnipseed		
Do	Multi-Housing Laundry Assn, Inc		
Do	Shakopee Mdewakanton Sioux Community of Minnesota		
Do	Standing Rock Sioux Tribe		
Do	Yukon-Kuskokwim Health Corp		
E. Richard Soper, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Roberta Lee Sorensen, 1101 Vermont Ave., NW, #604 Washington, DC 20000	College of American Pathologists	6,360.00	55.30
Walter Larke Sorg, 1625 Eye St., NW, #204 Washington, DC 20006	Atkinson Dredging Co		
Do	Cottrell Engineering Corp		
Do	Southeastern Dredge Owners Assn Size Standard Appeal Comm		
South African Sugar Assn, Norwich Union House, 8th Floor Durban Club Place Durban 4001 Republic of South Africa			15,000.00
South/North Development Group, Ltd, 610 Fourth Place, SW Washington, DC 20002	Government of the People's Republic of Angola	6,485.50	20,554.18
Southwestern Peanut Shellers Assn, 10 Duncannon Ct. Dallas, TX 75225			
Space Services, Inc of America, 7015 Gulf Freeway, #140 Houston, TX 77087			
Sparber Shevin Shapo Heilbronner & Book, 1455 Pennsylvania Avenue, NW, #1455 Washington, DC 20004	City of East Cleveland	542.00	11.00
Do	City of Miami		
Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	110.35	
Specialized Carriers & Rigging Association, Suite 616 2200 Mill Rd. Alexandria, VA 22314			
John F. Speer Jr., 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs		
William C. Spence, 3805 W. Alabama Houston, TX 77027	Columbia Gulf Transmission Co.		
Philip Speser, 2000 P St., NW, #305 Washington, DC 20036	Foresight Science & Technology, Inc (For:National Coalition for Science & Technology).		
Do	Foresight Science & Technology, Inc (For:Society for American Archaeology)	1,100.00	
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005	Sacramento Municipal Utility District	3,325.00	
Larry N. Spiller, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
Peter A. Spina, 150 East 42nd Street New York, NY 10017	Mobil Oil Corp.	900.00	
Frances Spivy-Weber, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	2,000.00	
Earl C. Spurrier, The Madison Building, #514 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al.		
Elisabeth A. Squeglia, Bricker & Eckler 888 11th St., NW Washington, DC 20006	American Small and Rural Hospital Association, Ohio Chapter		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW Washington, DC 20004	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists	12,045.00	39.50
Do	Association of Data Processing Service Organizations		
Do	Can-Am Corporation		
Do	Chase Manhattan Bank National Assn	5,720.00	42.05
Do	Independent Data Communications Manufacturers Assn		10.00
Do	Microband Corp of America		
Do	National Collegiate Athletic Assn	27,063.75	1,892.25
Do	Public Securities Assn		
Do	Samaritan Health Services	1,705.00	
Do	Tymnet, Inc		
John W. Sroka, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Janet G. St. Amand, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	1,000.00	
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	400.00	395.83
David E. Stahl, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	3,500.00	
Melvin R. Stahl, Suite 1410 1235 Jefferson Davis Hwy. Arlington, VA 22202	Motorcycle Industry Council, Inc		
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Cassidy & Associates, Inc.		
Do	National Audubon Society		
Tyrone Stallworth, 220 North Devillers Street Pensacola, FL 32501			
David P. Stang, P.C., Suite 601 1629 K St., NW Washington, DC 20006	American Truck Dealers	764.39	
Do	Amoco Corporation	798.64	
Do	Concerned Opthamologists of Texas	868.21	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Employee Stock Ownership Assn	1,159.85	
Do	McDermott, Inc	1,401.12	
Do	National Assn of Royalty Owners, Inc	506.22	
Do	Small Business Council of America, Inc	536.91	
Joseph M. Stanton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Melvin L. Stark, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	15,000.00	750.00
Bette Anne Starkey, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn		
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
John F. Stasiowski, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers of America		
Frank M. Staszesky Jr., 1620 Eye St., NW, #703 Washington, DC 20006	Bechtel Power Corporation		
David Michael Staton, 1615 H Street, NW Washington, DC 20062	Citizen's Choice, Inc	2,000.00	
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Mick Staton Associates, Inc, 8712 Gateshead Road Alexandria, VA 22309	Delchamps, Inc		
Samuel E. Stavisky, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)		50.00
Do	Samuel E. Stavisky & Associates, Inc (For:Federacion Nacional de Cafeteros de Colombia).	1,500.00	35.00
Samuel E. Stavisky & Associates, Inc, 1725 Desales Street, NW, #804 Washington, DC 20036	Broadcast Music, Inc	100.00	85.00
Do	Federacion Nacional de Cafeteros de Colombia	2,000.00	50.00
Randolph J. Stayin, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Effective Spray Control Organization)	2,167.50	52.28
Do	Taft Stettinius & Hollister (For:James Graham Brown Foundation)		
Do	Taft Stettinius & Hollister (For:Machinery Dealers National Association)	37.50	
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)	309.00	
John Howard Stecker, 2020 Live Oak Dallas, TX 75221	Great American Reserve Insurance Co		
William N. Steele, 1700 North Moore St., Fl. 21 Rosslyn, VA 22209	Boeing Company	583.20	1,416.89
Steele Simmons & Fornaciari, 2020 K Street, NW, #850 Washington, DC 20006	K Mart Corp		
Ramona C. Stelford, 1818 N Street, NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Charles W. Stellar, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201	National Office Machine Dealers Assn		
Do			
Stephens, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Citizens Savings Financial Corp	2,500.00	
Do	Co-Operative Central Bank	247.00	
Do	Coalition for Uniform Product Liability Law		
Do	Committee for Effective Capital Recovery		
Do	CSO Company	1,952.00	
Do	Forest Industries Committee on Timber Valuation & Taxation		
Do	Primark Corporation	624.00	
Do	Trailways, Inc		
Sterling Drug, Inc, 1615 L St., NW, #920 Washington, DC 20036			
Richard W. Sternberg, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	100.00	
Michael E. Steward, 7957 Revenna Lane Springfield, VA 22153	Puget Sound Power & Light Co	2,570.00	289.21
Eugene L. Stewart, 1001 Connecticut Ave., NW, #910 Washington, DC 20036	Roses, Inc	167.70	11.87
Terence P. Stewart, Stewart and Stewart I00I Connecticut Avenue, NW, #910 Washington, DC 20036	Cabot Corp		
Warren E. Stickle, Suite 1120 1001 Connecticut Avenue, NW Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	173.37	9.80
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	1,727.69	15.00
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	1,477.00	
John J. Stocker, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 1625 Eye St., N.w. # 724a Washington, DC 20006		4,485.00	732.74
Lisa Stoltenberg, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn	250.00	
Jay Stone, Jay Stone and Associates, Inc 412 First Street, SE, #50 Washington, DC 20003	Manville Corporation	2,000.00	
Do	Massachusetts Mutual Life Insurance Co	2,000.00	502.26
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	1,000.00	
Stephen Storch, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Stovall & Spradlin, 2600 Virginia Ave., NW, #820 Washington, DC 20037	Commission on Future Political Status & Transition	5,000.00	22.00
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		
Raymond L. Strassburger, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,250.00	
Terrence D. Straub, 818 Connecticut Avenue, N.w. Washington, DC 20006	USX Corporation	250.00	351.26
W. Melvin Street, Suite 400 1627 K Street, NW Washington, DC 20006	National Newspaper Assn		
Roger J. Stroh, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
Rolf Erik Stromberg, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	16,393.32	
Albert E. Strong, Suite 1500 North 1331 Pennsylvania Avenue, NW Washington, DC 20004	National Assn of Manufacturers		
George W. Strong, 2242 Bartlett Houston, TX 77098	Enron		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Dreyfus Corporation		
Do	Dreyfus Dollar Fund		
Susan Stuebing, 311 First St., NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	1,500.00	
Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037	Northeast Utilities Service Co	351.21	359.78
Ann Sullivan, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	300.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	5,192.36	2,886.89
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	750.00	
Margaret Cox Sullivan, 1625 Eye St., NW, #724a Washington, DC 20006	Stockholders of America, Inc		
Marty R. Sullivan, P.O. Box 970 Ft. Worth, TX 76101	Texas Electric Service Co		
Patrick J. Sullivan, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	10,088.45	1,276.11
Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	300.00	
Richard J. Sullivan, 1225 Connecticut Ave., NW, #303 Washington, DC 20036	Fleishman-Hillard, Inc (For:Ability Information Systems–Computer Software)		
Sullivan & Cromwell, 1775 Pennsylvania Ave., NW Washington, DC 20006	American International Group, Inc		171.35
Do	BP North America, Inc		
Do	Esselte Business Systems, Inc		
Do	Goldman Sachs & Co		
Do	Grand Met USA, Inc		
Do	Kidder Peabody & Co, Inc		
Do	Securities Industry Assn		
John B. Summers, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	88.90
William F. Sutherland, 1400 K Street, NW Washington, DC 20005	American Advertising Federation	150.00	
Sutherland Asbill & Brennan, 1666 K Street, NW, #800 Washington, DC 20006	Committee Against Revising Staggers		
Do	Council of Industrial Boiler Owners		
Do	Industrial Oil Consumers Group		
Do	Process Gas Consumers Group		
W. Thomas Suttle, 1755 Willard St., NW, #4 Washington, DC 20009	Institute of Electrical & Electronics Engineers	2,750.00	600.00
William W. Suttle, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	540.00	11.20
Douglass W. Svendson Jr., 1730 Rhode Island AVenue, NW, #417-19 Washington, DC 20036	Hollywood Marine Service, Inc	750.00	
Do	Shell Oil Co		
Do	Union Pacific Corp		
Irving W. Swanson, 11212 Farmland Drive Rockville, MD 20852	Harris Corporation	18,000.00	2,557.52
Deborah Swartz, Economic Consulting Services, Inc 1320 19th St., NW Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	350.00
Do	National Knitwear & Sportswear Assn		
Do	Neckwear Assn of America, Inc	500.00	350.00
Do	Outboard Marine Corp	1,680.00	100.00
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	19,745.77	
William R. Sweeney Jr., 536 7th Street, SE Washington, DC 20003	American Nuclear Energy Council	687.50	2.22
Do	National Investment Development Corp	1,500.00	3.42
Robert D. Swezey Jr., 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	250.00	
Swidler & Berlin, Chtd, 1000 Thomas Jefferson St., NW #500 Washington, DC 20007	MD People's Counsel (Natl Assn of State Util. Consumer Advo)	161.25	
Tricia L. Swift, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Richard P. Swigart, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc	252.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Randall Swisher, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,500.00	
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	2,500.00	3,078.18
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute		
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,000.00	292.98
Systematics, Inc, 114 East Capitol Ave. Little Rock, AR 72201			
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	American Hungarian Federation		
Do	Embassy of the Democratic Republic of Somalia		
Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Effective Spray Control Organizatin)		
Do	Taft Stettinius & Hollister (For:Grocery Manufacturers of America, Inc)		
Do	Taft Stettinius & Hollister (For:Inmont Corp)		
Do	Taft Stettinius & Hollister (For:James Graham Brown Foundation)	6,315.00	51.66
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Machinery Dealers National Association)		
Do	Taft Stettinius & Hollister (For:Recordings Import Trade Committee)		
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).	560.00	
Do	Taft Stettinius & Hollister (For:Taft Broadcasting Company)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Taggart & Associates, Inc, 1015 15th Street, NW, #200 Washington, DC 20005	Animal Health Institute		
Do	Association of American Railroads		
Do	Marion Laboratories, Inc		
Do	Telephone & Data Systems, Inc		
Tanaka Ritger & Middleton, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	5,792.52	62.10
Augustine D. Tantillo, 214 Massachusetts Ave., NE, #350 Washington, DC 20002	Russell Corporation	4,500.00	113.00
Target, Inc, 11244 Waples Mill Road, Suite J Fairfax, VA 22030			
John F. Tate, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee		
M. Louise Tate, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee	900.00	
Susan Tatum, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,600.00	
A. Alfred Taubman, 200 E. Long Lake Rd., #200 P.O. Box 200 Bloomfield Hills, MI 48013-0200			
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,000.00	
Charles E. Taylor, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	1,300.00	825.00
Elizabeth L. Taylor, 529 14th Street, NW, #425 Washington, DC 20045	Puerto Rico Federal Affairs Administration	5,350.00	
Margaret J. Taylor, 1050 Connecticut Ave., NW, #200 Washington, DC 20036	Burlington Northern, Inc	1,750.00	
Margie A. Taylor, P.O. Box 21 Montgomery, AL 36101	CSX Transportation		
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,618.10	441.29
R. William Taylor, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Robert C. Taylor, 3000 Lincoln Plaza, Lb-5 Dallas, TX 75201	Taylor & Mizell		
William S. Taylor, 239 W. New York Avenue Las Vegas, NV 89107			
Taylor & Mizell, 3000 Lincoln Pl., Lb5 Dallas, TX 75201			
Techlaw - Aica, 12030 Sunrise Valley Drive, #200 Reston, VA 22091		1,632.50	1,632.50
Elayne L. Tempel, 1016 16th St., NW, Washington, DC 20006	National Fed of Federal Employees		
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al.		
Paul M. Tendler, 1090 Vermont Ave., NW Washington, DC 20005	Paul Tendler Associates, Inc (For:American Licensed Practical Nurses Assn)		
Do	Paul Tendler Associates, Inc (For:Bascom, Inc)		
Do	Tendler & Biggins (For:Geodesco)		
Do	Paul Tendler Associates, Inc (For:National Institute of Tenants)		
Do	Paul Tendler Associates, Inc (For:Rasch Elektronik)		
Do	Paul Tendler Associates, Inc (For:Schoeneman, Inc)		
Do	Tendler & Biggins (For:Solargistics Corp)		
Do	Paul Tendler Associates, Inc (For:Southeastern Exporters)		
Tennessee Home Medical Providers Assn, Inc, P.O. Box 421 Knoxville, TN 37901			
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	4,000.00	298.33
Michelle C. Tessier, 1818 N Street, NW, #410 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Textron, Inc, 40 Westminster St. Providence, RI 02903		2,850.00	580.00
Thacher Proffitt & Wood, Suite 512 1140 Connecticut Ave., NW Washington, DC 20036	American Resort & Residential Development Assn		
Do	Amoskeag Savings Bank	168.07	97.44
Do	Ensign Savings Bank		
Do	Maine Savings Bank	168.07	97.44
Do	Massachusetts Bankers Assn	209.10	339.07
Do	Mutual Savings Central Fund, Inc		
Do	New Hampshire Savings Bank	168.07	97.44
Do	Salomon Brothers, Inc	12,065.20	292.33
Karen E. Theibert, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Alan J. Thiemann, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc	350.00	
Douglas E. Thierwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	Marathon Oil Co		
Third Class Mail Association, 1333 F Street, NW, #710 Washington, DC 20004-1108		600.00	600.00
Edlu J. Thom, 919 18th Street, NW, #400 Washington, DC 20006	Diamond Shamrock Corp		
Diane Kay Thomas, 2727 29th St., NW, #634 Washington, DC 20008	American Assn of Minority Enterprise Small Bus. Invest Cos	6,594.00	
Doris I. Thomas, 15th & M sts., NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
James M. Thomas Jr., 2001 9th Street, NW, #300 Washington, DC 20001	Amalgamated Transit Union, Natl Cap Local 689		
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	75.00	
Meshall Thomas, Suite 400 2000 P Street, NW Washington, DC 20036	Women's Legal Defense Fund		
Patricia Thomas, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	10,077.61	
Randi Parks Thomas, 1101 17th Street, NW, #603 Washington, DC 20036	Tuna Research Foundation, Inc	918.00	
Robert L. Thomas, 1319 F St., NW Washington, DC 20004	National Assn of Private Psychiatric Hospitals	50.00	
Sarah M. Thomas, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance	2,125.00	30.40
Thomas E. Thomason, 1620 Eye Street, NW, #703 Washington, DC 20006	Bechtel Power Corporation		
Sara Thomasson, 1200 15th St., NW Washington, DC 20005	American Health Care Assn	1,791.67	805.24
Barbara Thompson, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	96.00
Bruce E. Thompson, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	7,500.00	
Frank Thompson Jr., 1020 Prince Street Alexandria, VA 22314	Boilermakers Iron Ship Bldrs Blacksmiths Forgers & Helpers	2,500.00	86.96
Do	Metal Trades Department, AFL-CIO	4,500.00	692.60
Do	Sheet Metal Workers Int'l Assn	3,000.00	
Kenneth W. Thompson, 2021 K Street, NW, #300 Washington, DC 20006	Primark Corporation	2,200.00	
Marilyn A. Berry Thompson, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Company (For:American Business Coalition, Inc)		
Do	Keefe Company (For:Carteret Savings & Loan)	850.00	
Do	Keefe Company (For:Cordish & Embry Associates)		
Do	Keefe Company (For:Dormitory Authority)	1,800.00	
Do	Keefe Company (For:Essex Company)	7,500.00	
Do	Keefe Company (For:Mutual Benefit Insurance Co)	7,500.00	
Do	Keefe Company (For:New York University)	9,400.00	
Do	Keefe Co (For:University of the Sacred Heart)	1,100.00	
Do	Keefe Company (For:University of Medicine & Dentistry of New Jersey)	1,400.00	
Do	Keefe Co (For:University of Miami)	500.00	
Nancy Thompson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
Roger G. Thompson, 117 Bellefonte Drive Ashland, KY 41101	Kentucky Power Co		
Samuel C. Thompson Jr., Schiff Hardin & Waite 1101 Connecticut Avenue, NW, #600 Washington, DC 20036	Chicago Board Options Exchange		
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson & Bussart, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	Central States SE & SW Areas Health & Welfare & Pension Fund	4,430.00	
Do	Westinghouse Electric Corp		
Parker D. Thomson, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131	Thomson Zeder Bohrer Werth Adorno & Razook (For:Burger King Corp)		
Robert N. Thomson, One Landmark Sq. Stamford, CT 06901	Moore McCormack Resources, Inc		
Thomson Zeder Bohrer Werth Adorno & Razook, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131	Burger King Corp	600.61	389.61
John A. Thorner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn		
Margo Thorning, 1850 K St., NW, #520 Washington, DC 20006	American Council for Capital Formation		
Tighe Curhan & Piliero, 1750 Pennsylvania Avenue, NW Washington, DC 20006	Ad Hoc Comm of Mutual Fund Managers	778.85	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Stock Exchange, Inc	100.00	
Do	Integrated Resources, Inc		
Do	Investment Company Institute	1,107.50	
Do	NL Industries		
Do	Prudential Lines, Inc		
Do	Sharp Manufacturing Co of America	1,500.00	
Wallace Tillman, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	150.00	
Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Inland Waterways Committee		
Do	American Petroleum Institute	698.72	
Do	American Trucking Assns	1,236.25	
Do	Amoco Corporation	537.50	
Do	Anheuser-Busch Companies, Inc	1,182.50	
Do	Association of Trial Lawyers of America	552.50	
Do	Boeing Company	215.00	
Do	Brown Group, Inc	107.50	
Do	Capital Cities/ABC, Inc	215.00	
Do	Capital Markets Group	517.50	
Do	Chrysler Corporation	537.50	
Do	Eastern Air Lines, Inc	752.50	
Do	H. J. Heinz Co	107.50	
Do	Major League Baseball	107.50	
Do	Middle South Services, Inc	210.00	
Do	Morgan Stanley & Co, Inc	115.00	
Do	National Rifle Assn of America	215.00	
Do	Northern Telecom, Inc	215.00	
Do	Northrop Corp	215.00	
Do	NutraSweet Co	600.00	
Do	G. D. Searle & Co	52.50	
Alan R. Timothy, 303 East 17th Avenue, #880 Denver, CO 80203	Adolph Coors Co	10,820.00	25,334.00
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs		
Constance D. Tipton, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs		
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs		
Eben S. Tisdale, 1550 Wilson Blvd., #600 Arlington, VA 22209	Hewlett-Packard Co	3,000.00	247.93
Title Associates, Inc, Rt.2, Box 89 Columbia, TN 38401			
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute		
Tobacco Associates, Inc, Suite 912 1101 17th St., NW Washington, DC 20036			4,229.73
James S. Todd, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn		
M. Douglas Todd, Suite 2300 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp		
David R. Toll, 2121 K Street, NW, #880 Washington, DC 20037	Public Service Co of Colorado		
Do	Western Utilities Clean Air Group		
William R. Tolley Jr., PO Box 37 Melbourne, FL 32919	Harris Corporation		183.91
Edward Tonat, 6723 Brigadoon Drive Bethesda, MD 20817	Robert Goff & Associates, Inc		
William D. Toohey, 1899 L St., NW, #600 Washington, DC 20036	Travel Industry Assn of America		
Peter W. Tooker, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Vincent G. Torrusio, 12374 Sparrow Hawk St. Louis, MO 63146	MICO, Inc		
Total Petroleum, Inc, 999 18th Street, Suite 2201 Denver, CO 80202			
Frank V. Toti Jr., 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	2,250.00	200.00
Touche Ross & Co, 1900 M Street, NW Washington, DC 20036	Heller Ehrman White & McAuliffe	6,900.00	
Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	962.00	
Joseph P. Trainor, 815 16th St., NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	2,000.00	603.86
Jeffrey B. Trammell, 1020 19th Street, NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:Moore McCormack Resources)	1,000.00	
Do	Anderson Benjamin Read & Haney (For:U.S. Banknote Corp)		
Travel & Tourism Government Affairs Policy Council, Suite 607 1899 L Street, NW Washington, DC 20036		1,885.00	1,885.00
Travel Industry Assn of America, 1899 L St., NW Washington, DC 20036			
Trilling & Kennedy, 1900 L Street, NW, #310 Washington, DC 20036	Ace Metal Fabricators, et al	4,951.07	5,951.07
Sally A. Triplett, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)		35.00
Eugene M. Trisko, 9817 Rosensteel Avenue Silver Spring, MD 20910	Stern Bros, Inc		
Vincent Trivelli, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	9,664.50	59.15
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	5,750.00	15.00
Robert C. Troup, 730 Smith Ridge Rd. New Canaan, CT 06840			
George G. Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005	Bell Helicopter Textron, Inc	150.00	
Alexander B. Trowbridge, 1776 F Street, NW Washington, DC 20006	National Assn of Manufacturers	500.00	
Thomas L. Trueblood, 401 North Michigan Ave. Chicago, IL 60611	Navistar International Corp	1,000.00	52.56
Trust for Public Lands, 82 Second St. San Francisco, CA 94105			30,710.00
Motoyuki Tsutsui, 919 18th Street, NW, #600 Washington, DC 20006	Toyota Motor Sales, USA, Inc		
Anh Tu, R.R. 1, Box 147C Queenstown, MD 21658	Project Advisory Group		
Tucker & Vaught, Western Federal Savings Bldg., #1330 718 17th St. Denver, CO 80202	Manville Corporation	500.00	
Tuna Research Foundation, Inc, 1101 17th St., NW Washington, DC 20036		747.41	2,402.39
B. Elizabeth Tunney, 124 Salem Church Road Mechanicsburg, PA 17055	Retail Wholesale & Dept Store Union		
William A. Turnage, 1400 Eye St. NW Washington, DC 20005	Wilderness Society		
J. Terry Turner, 2200 Mill Road Alexandria, VA 22314	Interstate Carriers Conference	500.00	150.00
Jane L. Turner, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Richard F. Turney, 1725 K St., NW Washington, DC 20006	Courtney McCamant & Turney	300.00	
S. Diane Turpin, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	American College of Surgeons		
St. Clair J. Tweedie, Suite 220 1575 Eye Street, NW Washington, DC 20005	American Cyanamid Co	15,000.00	250.00
Twentieth Century Enterprises, 3615 Wisconsin Avenue, NW Washington, DC 20016			
Patrick R. Tyson, Constangy Brooks & Smith 2400 Peachtree Center Bldg 230 Peachtree Street, NW Atlanta, GA 30303	National Assn of Manufacturers	282.50	282.50
U S West, Inc, 1819 L Street, NW, #900 Washington, DC 20036			
U.S. Cane Sugar Refiners' Assn, 1001 Connecticut Ave., NW Washington, DC 20036		3,656.40	1,840.08
U.S. Defense Committee, 450 Maple Avenue, E., #204 Vienna, VA 22180		7,802.95	7,802.95
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			169,632.12
U.S. Public Interest Research Group, 215 Pennsylvania Avenue Washington, DC 20003		60,936.47	54,391.80
Gilman Udell, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	4,500.00	
Jerry G. Udell, 1616 H St., NW Washington, DC 20006	American Retail Federation	100.00	43.25
Kenji Ueno, 919 18th Street, NW, #600 Washington, DC 20006	Toyota Motor Sales, USA, Inc	80.00	105.00
Philip J. Ufholz, 1025 Connecticut Avenue, NW, #1010 Washington, DC 20036	Metropolitan Life & Affiliated Cos	1,000.00	
Robert D. Umphrey Jr., 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	5,000.00	123.00
Steven W. Unglesbee, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			24,126.98
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		4,494.00	1,445.93
United Gas Pipe Line Co, PO Box 1478 Houston, TX 77001			
United International Consultants, 1800 Diagonal Road Alexandria, VA 22314	Republic of South Africa	90,000.00	
United Irish & American Society of Illinois, Box 219 3400 W. 111th Street Chicago, IL 60655			
United Services Automobile Assn, 9800 Fredericksburg Road San Antonio, TX 78288			
United Way of Indianapolis, Community Service Council of Metro Indianapolis 1828 N. Meridian Street Indianapolis, IN 46202			
A. Russell Upshaw Jr., 1030 15th Street, NW Washington, DC 20005	Eastern Airlines		
Uranium Producers of America, c/o Covington & Burling 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044		90,884.11	29,242.66
Marian S. Urnikis, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	1,050.00	
Utility Nuclear Waste Management Group, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036			
Ronald D. Utt, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Grayce K. Uyehara, 1730 Rhode Island Avenue, NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm	1,950.00	25.00
Robert E. Vagley, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036	American Insurance Assn		
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	300.00	
Van Dyk Associates, Inc, 2550 M St., NW, #300 Washington, DC 20037	American Gas Assn	6,250.00	
Do	UAL, Inc	2,000.00	
Juliane H. Van Egmond, Suite 220 1575 Eye Street, NW Washington, DC 20005	American Cyanamid Co	3,968.75	1,858.89
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage	12,939.00	
Do	Ford Aerospace	3,300.00	
Do	Marconi Electronics	4,300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nick L. Van Nelson, Suite 540 1875 Eye Street, NW Washington, DC 20006	Champion International Corp		
Daniel W. Van Ness, P.O. Box 17181 Washington, DC 20041	Justice Fellowship		
Van Ness Feldman Sutcliffe & Curtis, P.C., 7th Floor 1050 Thomas Jefferson St., NW Washington, DC 20007	Ad Hoc Group for Geothermal Energy	535.00	65.24
Do	Alaska Eskimo Whaling Commission		
Do	American Inst of Certified Public Accountants	3,210.00	8.00
Do	American President Lines	6,367.50	110.85
Do	Arctic Slope Regional Corp	1,380.00	
Do	BRAE Corporation		
Do	Chugach Electric Assn, Inc		
Do	Clean Coal Technology Coalition		
Do	Clean Energy Coalition		
Do	Collier Enterprises		
Do	Cominco Alaska		
Do	Consumers United for Rail Equity (C.U.R.E.)	5,127.50	137.06
Do	Hawaiian Electric Company, Inc	10.00	
Do	LUZ International Ltd		65.24
Do	Matthews & Wright, Inc	456.00	
Do	Recording Industry of America		
Do	Republic of Palau	940.50	
Do	State of Alaska		
Do	Texas Air Corp		
Do	Tranquillity Irrigation District		
Do	Union Carbide Corp		
Do	Washington Gas Light Co	570.00	
Norman C. VanderNoot, New Hampshire Petroleum Council 23 School Street Concord, NH 03301	American Petroleum Institute	200.00	
Martha A. Vanier, 119 Oronoco Street P.O. Box 1417-D50 Alexandria, VA 22313	Animal Health Institute		
Karl VanVeen, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Variable Annuity Life Insurance Co, 2929 Allen Parkway Houston, TX 77019			14,633.68
Theresa Varner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	537.12	
Jay N. Varon, Suite 1000 1775 Pennsylvania Avenue, NW Washington, DC 20006	Foley & Lardner (For:Kohlberg Kravis Roberts & Co)		
George F. Vary, 1667 K St., NW Washington, DC 20006	Armco, Inc	900.00	371.50
Jennifer Vasiloff, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,458.90	21.25
Donald R. Vaughan, P.O. Box 1288 Asheboro, NC 27204	Stedman Corporation		
Robyn E. Vaughan, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Alfred H. Velarde, 301 West Maple Avenue 6th Floor Tower Vienna, VA 22180	Vela, Inc		
Nicholas A. Veliotes, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers		
Jerry T. Verkler, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	198.50
Verstandig & Associates, Inc, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	John I. Haas Co, Inc		
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Inusrance Agents		
Rudolph A. Vignone, 1800 K St., NW, #800 Washington, DC 20006	Goodyear Tire & Rubber Co	4,500.00	
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	5,000.00	225.31
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Alliance of American Insurers		
Do	American Airlines, Inc	5,347.50	12.00
Do	Attorney's Liability Assurance Society Ltd		
Do	Bank of America	1,200.00	120.00
Do	Bear Stearns & Co, Inc		
Do	Capital Markets Group		
Do	Chemical Bank	1,200.00	120.00
Do	Citicorp	3,000.00	300.00
Do	Consolidated Rail Corp		
Do	Continental Health Affiliates		
Do	Charles Crowder		
Do	Dunigan Enterprises		
Do	Federal Land Bank Assns of Texas Stockholders' Defense Fund		
Do	Alfred C. Glassell Jr.		
Do	Goldman Sachs & Co		
Do	Guardian Savings & Loan		
Do	International Raw Materials, Ltd		
Do	John Hancock Mutual Life Insurance		
Do	Metropolitan Transit Authority		
Do	Pennzoil Co	160.00	
Do	Provident Life & Accident Insurance Co		
Do	Public Service Co of New Mexico	451.25	
Do	Salomon Brothers, Inc		
Do	Shearson Lehman/American Express, Inc		
Do	Southern California Edison		
Do	Southern Star Shipping Co, Inc	603.75	
Do	Texas Commerce Bank	600.00	60.00
Do	Travelers Insurance Co	7,517.50	35.20
Do	Warburg Pincus Capital Corp		
Do	Warner Amex Cable Communications, Inc		
Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	150.00	
Do	National Fraternal Congress of America	100.00	
Virginia Association of Railway Patrons, P.O.box 867 Richmond, VA 23207		30.00	79.76
George A. Viverette Jr., 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Jesse S. Vogtle, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	41,000.00	600.85
Nick J. Volcheff, 2509 E. San Miguel Phoenix, AZ 85016	AT&T		
Volkswagen of America, Inc, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024			500.00
Volpe Boskey & Lyons, Suite 602 918 16th Street, NW Washington, DC 20006	American Assn of Equipment Lessors		
Kurt Vorndran, 2030 M Street, NW Washington, DC 20036	Common Cause	362.50	
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	General Instrument Corporation	1,325.00	
Do	Grocery Manufacturers of America, Inc	775.00	82.99
R. B. Wackerle, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp		
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Kerri Wagner, 1155 15th Street, NW Washington, DC 20005	National Broiler Council	1,250.00	
Howard W. Wahl, 15740 Shady Grove Rd. Gaithersburg, MD 20877	Bechtel Eastern Power Corp		
Christine M. Waisanen, New Murphy Road & Concord Pike Wilmington, DE 19897	ICI Americas, Inc		
Herbert R. Waite, 100 Federal St. Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	9,000.00	10,598.32
Andrew B. Waldo, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,920.00	42.44
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Robert E. Waldron, Associated Petroleum Industries of Michi 930 Michigan Natl Tower, PO Box 10070 Lansing, MI 48901	American Petroleum Institute	875.00	
Jean A. Walker, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce		
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Agrico Chemical Company, et al.	3,750.00	
Do	Akin Gump Strauss Hauer & Feld		
Do	Alabama Power Co	5,000.00	
Do	Aluminum Company of America	750.00	
Do	American Telephone & Telegraph Co	750.00	
Do	Arthur Anderson & Co		
Do	Anheuser-Busch Companies, Inc	3,750.00	
Do	Broadcast Music, Inc	7,500.00	
Do	Champion International Corp	750.00	
Do	Coalition for Jobs Growth & Int'l Competitiveness		
Do	CBS, Inc	3,000.00	
Do	CSX Corporation		
Do	Dealer Bank Assn	8,375.00	
Do	Dresser Industries, Inc		
Do	E. I. du Pont de Nemours & Co		
Do	Enron Corp		
Do	Ford Motor Co	750.00	
Do	Goodyear Tire & Rubber Co	750.00	
Do	Green Bay Packaging, Inc	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GTE Corporation	750.00	
Do	Independent Refiners Coalition		
Do	Investment Co Institute	1,250.00	
Do	Korn/Ferry International		
Do	Lone Star Steel Co	1,562.50	
Do	Northwestern Mutual Life Insurance Co		
Do	Owens-Illinois	750.00	
Do	Procter & Gamble Manufacturing Co	750.00	
Do	Public Securities Assn	3,000.00	
Do	Scott Paper Co	750.00	
Do	Sharon Steel Corp		
Do	Shell Oil Co	3,750.00	
Do	U.S. Fidelity & Guaranty Co	4,500.00	
Do	Union Carbide Corp	750.00	
Do	Weil Gotshal & Manges	2,500.00	
Do	Weyerhaeuser Company		
Do	Wometco Broadcasting Corp		
Martin A. Wall, 1025 Vermont Avenue, NW, #800 Washington, DC 20005	American Osteopathic Hospital Assn	608.00	285.00
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,500.00	
Do	Allied-Signal, Inc	750.00	
Do	Balcor Co	1,000.00	
Do	Brinks, Inc	1,000.00	
Do	Cogentrix, Inc	500.00	
Do	Footwear Retailers of America	1,500.00	
Do	Henley Group	500.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	JMB Realty Corp	1,000.00	
Do	Life of Virginia	1,000.00	
Do	Morgan Guaranty Trust Co	1,500.00	
Do	New York State Bankers Assn	1,500.00	
Do	Pharmaceutical Manufacturers Assn	1,500.00	
Do	Securities Industry Assn	500.00	
Do	Torchmark Corporation	1,000.00	
Do	Wine & Spirits Wholesalers of America, Inc	1,000.00	
Raymond C. Wallace, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farm Bureau Federation	1,500.00	
Do	American Sugar Cane League of the USA, Inc	3,750.00	
Do	Cotton Warehouse Assn of America	4,550.00	
Do	Fiber Fabric & Apparel Coalition for Trade		
Do	Flue-Cured Tobacco Cooperative Stabilization Corp		
Do	Merchants Grain & Transportation, Inc	2,500.00	
Do	National Cotton Council of America	312.50	
Do	Service Corporation International	600.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Charles S. Walsh, Fleischmen & Walsh 1725 N St., NW Washington, DC 20036	National Cable Television Assn, Inc		
James P. Walsh, Davis Wright & Jones 1752 N St., NW, #800 Washington, DC 20036	American Tunaboat Assn	1,500.00	
Henry L. Walther, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee	3,000.00	
William C. Wampler, 412 First Street, SE Washington, DC 20003	Social Security Benefit Protection Service		
Do	Sterling Drug, Inc	24,000.00	
Herbert C. Wamsley, 1255 23rd Street, NW, #850 Washington, DC 20037	Intellectual Property Owners, Inc	16,277.32	
Bonnie B. Wan, 1201 Pennsylvania Avenue, #730 Washington, DC 20004	Kimberly-Clark Corp		
John F. Wanamaker, 201 N. Washington, St. Alexandria, VA 22314	Retired Officers Assn	2,481.00	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Justin R. Ward, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc		
Stephen E. Ward, 1919 Pennsylvania Avenue, NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	341.11	9.00
Thomas J. Ward, 70 N. Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Barbara F. Warden, 1710 Broadway New York, NY 10019	International Ladies Garment Workers Union	11,538.40	86.45
Richard D. Warden, 1757 N St., NW Washington, DC 20036	United Auto Aerospace & Agricultural Implement Workers	21,001.86	200.00
Jack Ware, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	7,820.00	92.00
Michael O. Ware, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Conoco, Inc	1,750.00	
William L. Warfield, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209	TRW, Inc	1,250.00	
Ernest R. Warner Jr., 1818 N St., NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)		
Do	DGA International, Inc (For:SNECMA)		
William H. Warner, 1201 Pennsylvania Avenue, NW Washington, DC 20004	Control Data Corporation		
Warner Cable Communications, Inc, 425 Metro Place North, #500 Dublin, OH 43017			
Christine M. Warnke, Suite 300 1101 Connecticut Avenue, NW Washington, DC 20036	American Textile Manufacturers Institute, Inc	400.00	177.60
Barbara J. Washburn, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	253.75	203.73
Washington Industrial Team, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Hughes Aircraft Company	1,800.00	857.17
Koichi Watanabe, 919 18th Street, NW, #600 Washington, DC 20006	Toyota Motor Sales, USA, Inc		
Waterbed Manufacturers Assn, 2500 Wilshire Boulevard, #603 Los Angeles, CA 90057			
Millie Waterman, 5656 Corduroy Road Mentor, OH 44060	National Congress of Parents & Teachers		2,600.59
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries	2,400.00	
Clarke R. Watson, 769 Detroit Street Denver, CO 80206	Westland Companies, Inc		
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	4,375.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	2,750.00	
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	50.00	
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,488.24	
George B. Watts, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,500.00	
Bruce H. Watzman, 1130 17th Street, N.w. Washington, DC 20036	National Coal Assn	6,200.00	
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	300.00	
A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201	Stephens Overseas Services, Inc		
Mary Webb, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	189.00	
Frederick L. Webber, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Beer Industry Alliance		
Do	Better Working Environments, Inc	1,500.00	
Do	International Taxicab Assn	2,500.00	
Do	Mesaba Aviation, Inc		
Do	Miller Brewing Co	1,500.00	185.00
Do	Waterbed Manufacturers Assn		
Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036	National Fisheries Institute	4,000.00	872.48
Charles W. Wegner Jr., 400 N. Washington St. Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Theodore F. Weihe, 1800 Massachusetts Avenue, NW Washington, DC 20036	U.S. Overseas Cooperative Development Committee	2,812.00	460.00
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Nancy Weinberg, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc	108.00	67.94
Weiner McCaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	Chicago Central & Pacific RR	182.00	6.00
Do	Coordinating Council on Manufactured Housing Finance		
Do	Gulf & Mississippi Railroad	266.00	
Do	MidSouth Rail Corp	5,670.00	6.00
Do	National Manufactured Housing Finance Assn		
Do	National Truck Equipment Assn	1,875.00	17.00
Donald G. Weinert, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,500.00	
Tamara Weinstein, 1830 17th Street, NW, #704 Washington, DC 20036	Rainbow Alliance	3,835.00	
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Arthur A. Weiss, 1800 First National Building Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
David Weiss, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	236.99
Joel J. Weiss, 7360 North Kendall Drive Miami, FL 33156	Burger King Corp		
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	225.00	5.00
Don Welch, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Kathleen Welch, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,307.66	
Paul S. Weller Jr., Agri/Washington 1629 K St., NW, #1100 Washington, DC 20006	American Soc of Composers Authors & Publishers	7,500.00	100.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Wellford Wegman & Hoff, 1775 Pennsylvania Ave., NW, #450 Washington, DC 20006	Canadian Embassy	2,000.00	
Do	Coalition to Save Revenue Sharing		
Do	Coalition Against Double Taxation, Inc	4,097.50	
Do	CBS, Inc		
Do	Department of Natural Resources, Province of Manitoba		
Do	Family Service America		
Do	Grants & Contracts Projects, United Way of America		
Do	Long Lake Energy Corp	2,000.00	
Do	Lukens, Inc		
Do	Manville Corporation	2,300.00	
Do	Ministry of the Environment	2,500.00	
Do	Mitex		
Do	National Assn of Counties	15,070.00	
Do	National Corp for Housing Partnerships	2,000.00	
Do	National Hydro Assn	2,000.00	
Do	VMS Realty	750.00	
Do	YMCA of the USA	1,000.00	
L. H. Wells, Suite 200 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Eleanor Wenner, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	16,450.02	120.00
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	25,000.00	762.36
W. P. West Jr., 1629 K Street, NW, #204 Washington, DC 20006	Delta Air Lines, Inc	273.00	159.39
West Coast Fabricators & Steel Industry Assn, 2324 Navy Drive Stockton, CA 95206		17,500.00	8,103.93
West Mexico Vegetable Distributors Assn, PO Box 848 Nogales, AZ 85621			1,000.00
Harry H. Westbay III, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	250.00	169.45
Western Fuels Association, Inc, 1625 M St., NW Washington, DC 20036			12,282.26
Mary Louise Westmoreland, 1400 K Street, NW, #500 Washington, DC 20005	Handgun Control, Inc	12,358.00	
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	235.19	211.01
William Wewer, 1300 19th Street, NW, #501 Washington, DC 20036	National Comm to Preserve Social Security	21,000.00	
Robert G. Weymueller, 1101 Vermont Avenue, NW, #402 Washington, DC 20005	American Lung Assn		
Brian B. Whalen Jr., 401 N. Michigan Ave. Chicago, IL 60611	Navistar International Corp		
Curtis E. Whalen, 490 L'enfant Plaza, SW, #3202 Washington, DC 20024	Transco Energy Company	5,000.00	693.42
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn		
Clyde A. Wheeler Jr., Bishop Liberman Cook Purcell & Reynolds 1200 17th Street, NW Washington, DC 20036	American Petroleum Institute	2,500.00	
Do	Kidder Peabody & Co, Inc		
June M. Whelan, Suite 600 S 1120 20th Street, NW Washington, DC 20036	Union Pacific Corp	1,250.00	
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation		
Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	45.00	
George E. White Jr., P.O. Box 61000 New Orleans, LA 70161	Middle South Services, Inc		
John C. White, 1899 L Street, NW, #500 Washington, DC 20036	Camp Carmouche Barsh Hunter Gray Hoffman & Gill, P.C.		
Do	Chicago Mercantile Exchange		
Do	Coastal Corp		
Do	Comtran, Ltd		
Do	Louis Dreyfus Corp		
John Thomas White II, Suite 2202 490 L'Enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
Margita E. White, 1730 M Street, NW, #407 Washington, DC 20036	Television Operators Caucus, Inc		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corp	3,500.00	3,584.01
Sam White, 412 First Street, SE Washington, DC 20003	American Beekeeping Federation		
Do	Committee for the Production & Research of Agric Chemicals	15,000.00	
Do	Independent Cattlemen's Assn		
Do	National Peanut Growers Group	18,000.00	
Do	Nuclear Waste Task Force	7,500.00	
Do	Sam Kane Packing		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Consolidated Rail Corporation		
Do	Council for Labor Management Cooperation		
Do	Lincoln Savings & Loan Assn		
Do	Nationwide Insurance Co		
Josiah R. Whitehead, 3030 Cornwallis Road Research Triangle Park, NC 27709	Burroughs Wellcome Co		
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,100.00	
William F. Whitsitt, 1800 K St., NW Suite 820 Washington, DC 20006	Sun Co, Inc	800.00	692.22
William E. Wickert Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	550.00	
Scott Widmeyer, 1901 L St., NW Washington, DC 20036	Ogilvy & Mather		
Mary Frances Widner, 1620 Eye St., NW Washington, DC 20006	American Inst of Certified Public Accountants	500.00	11,169.85
Judy A. Wiedemeier, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	14,699.38	11,497.93
Andrew F. Wiessner, Kogovsek & Associates 3600 S. Yosemite, #830 Denver, CO 80237	American Ski Federation	10,000.00	476.00
Do	CSX Corp		
Do	Flex, Inc	5,000.00	
Do	Page Land & Cattle Co	2,371.00	121.00
Do	Sierra Club		
Do	Western Land Exchange Co		
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Robert E. Wilbur, 3000 Lincoln Pl., Lb5 Dallas, TX 75201	Taylor & Mizell		
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	1,830.00	1,830.00
Harry G. Wiles II, 499 S. Capitol Street, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	630.00
Wiley Rein & Fielding, 1776 K Street, NW Washington, DC 20006	CBS, Inc		
Guenther O. Wilhelm, Suite 1100 1899 L Street, NW Washington, DC 20036	Exxon Corporation		
Bruce W. Wilkinson, 2203 North Lois Ave., #500 Tampa, FL 33607	North American Telephone		
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	American Assn of Presidents of Independent Colleges & Univs	381.37	23.90
Do	Bonneville International Corp	1,953.50	70.80
Do	Central States Health & Life Co of Omaha	7,410.82	89.18
Do	Grocery Manufacturers of America, Inc		
Do	Manville Corporation	46,859.41	3,570.76
Do	Mountain States Telephone & Telegraph Co	1,874.65	80.78
Do	Nana Regional Corp, Inc		
Do	National Assn of Independent Colleges & Universities	4,571.62	168.29
Do	Northwestern Bell Telephone Co	1,874.65	80.78
Do	Pacific Northwest Bell Telephone Co	1,874.65	80.78
Do	J. C. Penney Co, Inc	10,290.00	570.42
Do	Shee Atika, Inc		
Do	U.S. West, Inc	1,874.65	80.78
Annelise Williams, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Floyd L. Williams, 15th & M streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Harding Dec. Williams, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	4,000.00	
Lee Williams, 1616 H St., NW Washington, DC 20006	American Retail Federation	800.00	
Leonard B. Williams, 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	120.00	
Lucinda L. Williams, 1155 15th Street, NW, #400 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc		
Robert E. Williams, 1825 K St., NW, #607 Washington, DC 20006	United Airlines, Inc	1,500.00	
Thomas F. Williams, 6812 Old Kent Road Amarillo, TX 79109	Southwestern Public Service Co	2,800.00	825.21
Williams Myers & Quiggle, 888 17th St., NW Washington, DC 20006	Church Alliance for Clarification of Erisa	78,447.50	4,791.62
Sandra Williamson, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
David K. Willis, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Willkie Farr & Gallagher, 818 Connecticut Avenue, NW Washington, DC 20036	Companhia Siderurgica Paulista (COSIPA)		
Do	Japan Iron & Steel Exporters' Assn		
Do	Yamaha Motor Co, Ltd, et al.		
Charlotte M. Wilmer, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	130.00	
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Cyanamid Co	956.25	10.75
Do	Apache Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Citicorp		
Do	CBS, Inc		
Do	G-4 Children's Coalition	38,634.92	11,393.00
Do	People of Enewetak	1,743.75	
Do	University Patents, Inc	3,601.00	9.00
Charles D. Wilson, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation		
Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators, Inc	1,200.00	153.55
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	430.00	15.00
Dorothy Wilson, 4201 Cathedral Avenue, NW, #607-E Washington, DC 20016	Coalition of Concerned Charities		
G. Peter Wilson, 249 Maitland Avenue P.O. Box 1119 Altamonte Springs, FL 32701	Institute of Internal Auditors, Inc		
Robert C. Wilson, 499 S. Capitol St., SW, #520 Washington, DC 20003	Washington Industrial Team, Inc	300.00	
Robert Gary Wilson, 1730 Rhode Island Avenue, NW Washington, DC 20036	PPG Industries, Inc		
Thomas E. Wilson, 1111 19th Street, NW Washington, DC 20036	Seyfarth Shaw Fairweather & Geraldson (For:Independent Insurance Agents of America).		
Do	Seyfarth Shaw Fairweather & Geraldson (For:National Assn of Casualty & Surety Agents, et al.).		
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
Joseph B. Winkelmann, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	195.96
Marie Winslow, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters		
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	American Assn of Museums	290.00	
Do	Association of Seat Lift Manufacturers		
Do	Beatrice Foods Co		
Do	City of Tucson		
Do	CNA Financial Corp	32.50	
Do	Gould, Inc		
Do	Hanson Industries	227.50	
Do	International Council of Shopping Centers		551.70
Do	Lease Management Corp		
Do	National Audubon Society		
Do	National Council of Health Facilities Finance Authorities		
Do	Penox Technologies		
Do	Queen City Home Health Care		
Do	Syntex Laboratories, Inc		
Do	Terson Company, Inc		
J. Sam Winters, Clark Thomas Winters & Newton P.O. Box 1148 Austin, TX 78767	Security Life of Denver		
Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Connecticut Liquidity Investment Fund, Inc		6.00
Do	E. F. Hutton & Co, Inc		
Do	Navajo Nation	8,266.50	12.00
Do	Pentech Corp	8,348.00	10.80
Do	Singer Co	7,978.75	
Claudia A. Withers, 2000 P Street, NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Glenn P. Witte, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs		
Herman C. Witthaus, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	1,483.17
Clinton Wolcott, 1016 16th Street, NW Washington, DC 20006	National Fed of Federal Employees		
James Wolf, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy	492.41	
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard Inc	1,500.00	
Megan McGrath Wolfe, 1726 M Street, NW, #300 Washington, DC 20036	Schering-Plough Corp	213.00	513.00
Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036	Public Citizen Health Research Group	13.63	17.11
Ronald Wolsey, One North Charles St., #1520 Baltimore, MD 21201	Amoco Corporation		
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	2,575.00	142.97
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	16,125.00	2,626.00
John L. Wood, 2121 San Jacinto St. P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Wood Lucksinger & Epstein, 2000 M Street, NW, #500 Washington, DC 20036	CHAD Therapeutics, Inc		
S. Roy Woodall Jr., 655 15th Street, NW, #530 Washington, DC 20005	National Assn of Life Companies	1,287.51	170.00
Harold Woods Jr., 301 Maple Ave. West, 6th Fl. Vienna, VA 22180	Northern Capitol Corp		
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	Tesoro Petroleum Corp	3,000.00	
Howard E. Woolley, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	566.14
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	157.50	294.00
Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006	Avon Products, Inc		
Do	Equitable Life Assurance Society of the U.S		
Do	Pan American World Airways, Inc		
Do	State of Montana		
Do	Toyota Motor Sales, USA, Inc		
Do	Transportation Group, Inc		
W. Robert Worley, 1736 Creek Crossing Road Vienna, VA 22180	Southern Company Services, Inc	684.00	760.56
David A. Wormser, Pepper Hamilton & Scheetz 1777 F Street, NW Washington, DC 20006	Norlight, Inc		
Alan D. Wright, P.O. Box 5000 Cleveland, OH 44101	Centerior Energy Corp, et al	2,812.40	737.15
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Kenneth Wu, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202	Gould, Inc		
Robert Wurwarg, Milbank Tweed Hadley & McCloy One Chase Manhattan Plaza New York, NY 10005	Rockefeller Group, Inc		
Thomas L. Wylie, 1800 K Street, NW, #820 Washington, DC 20006	Sun Co, Inc	5,355.00	
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	435.00	350.00
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Debra T. Yarbrough, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc		
Edward R. Yawn, 1111 19th St., NW Washington, DC 20036	Edison Electric Institute	1,389.28	397.31
Jack Yelverton, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Paul Yestrumskas, Gate Post Lane Southbury, CT 06488	Timex Group Ltd	3,360.00	1,721.98
Mehmet Yildiz, 1559 Rockville Pike, #78 Rockville, MD 20852	Citizens Alliance, Inc		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	9.00
Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206	Grange Mutual Casualty Co		
D. Scott Yohe, 1629 K St., NW, #204 Washington, DC 20006	Delta Air Lines, Inc	390.00	174.60
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Edward A. Yopp, 1200 Golden Key Circle, #141 El Paso, TX 79925	West Texas Higher Education Servicing Corp		
John Andrew Young, 1899 L Street, NW, #500 Washington, DC 20036	Coastal Corporation		
Thomas F. Youngblood, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	1,669.50	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	6,000.00	315.17
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Ralph Zaayenga, 1800 K Street, NW, #820 Washington, DC 20006	Sun Co, Inc	300.00	
John R. Zagame, John R. Zagame Associates, Inc 1001 Prince Street Alexandria, VA 22314	Bayley Seton Hospital	2,000.00	
John R. Zagame Associates, Inc, 1001 Prince Street, #116 Alexandria, VA 22314	City University of New York	9,000.00	3,000.00
Do	National Music Publishers Assn, Inc	12,000.00	6,914.54
Lynn Zakupowsky, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	500.00	
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Janice Zarro, Suite 715-16 1660 L St., NW Washington, DC 20036	Avon Products, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn		
Vincent Justin Zecca, 315 West Cuthbert Road Westmont, NJ 08108			
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Do	Pratt & Whitney		
Denis R. Zegar, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Geoffrey Zeh, 12050 Woodward Avenue Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	634.87
Ronald L. Ziegler, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Judith Ziewacz, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	1,650.00	
Michael J. Zimmer, Wickwire Gavin & Gilbs, P.C. 1133 21st Street, NW, #500 Washington, DC 20036	Clean Coal Coalition, Inc		
Ziontz Pirtle Morrisset Ernstoff & Chestnut, Metropolitan Park, 16th Floor 1100 Olive Way Seattle, WA 98101	Confederated Tribes of the Colville Indian Reservation		
Do	Inupiat Community of the Arctic Slope		
Do	Makah Indian Tribe		
Do	Metlakatla Indian Community		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mille Lacs Band of Chippewa Indians		
Do	Northern Cheyenne Indian Tribe		
Do	Tulalip Indian Tribe		
Do	Ukpeagvik Inupiat Corporation		
Charles O. Zuver, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Kurt D. Zwikl, 702 Hamilton Mall Allentown, PA 18101	Merchants Bank		
23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1986 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have

☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report." ◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1 ◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Christian M. Abeel, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Ablondi & Foster, P.C., 1776 K Street, NW, #606 Washington, DC 20006	Taiwan Textile Federation	2,568.75	254.70
Elaine Acevedo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	8,000.00	
Action, Inc, 333 Pennsylvania Ave., SE Washington, DC 20003	American Indian Higher Education Consortium		
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	U.S. Capital Corporation		
Agency for Instructional Technology, Box A Bloomington, IN 47401			
Karen D. Alexander, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	108.40	
Nancy L. Alexander, 245 Second Street, NE Washington, DC 20002	Friends Comm on National Legislation	4,192.80	
Susan Alexander, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	1,104.79	757.21
Richard F. Ali, Suite 808 1901 North Moore Street Arlington, VA 22209	National Assn of the Remodeling Industry	2,500.00	
Dorothy D. Allen, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	68.75	
Robert G. Allen, 511 C Street, NE Washington, DC 20002	C.A.R.E.		
William E. Allen, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	173.90
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	3,200.00	
Irwin P. Altschuler, Brownstein Zeidman & Schomer 1401 New York Ave., NW, #900 Washington, DC 20005	Camara de la Industria de Transformacion de Nuevo Leon		
Ricardo R. Alvarado, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal Inc	3,718.57	
Robert Alvarez, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	1,049.97	
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	6,612.50	6,773.70
Do	County of Suffolk, New York	14,600.00	15,076.95
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201		71,978.22	71,978.22
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		1,250.00	1,250.00
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			1,830.75
American Assn of Presidents of Independent Colleges & Univs, Grove City College Grove City, PA 16124		162.50	1,741.17
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611		2,638.44	16,131.26
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			86,743.64
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			500.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		32,314.00	32,314.00
American Hospital Assn, 840 N. Lake Shore Dr. Chicago, IL 60611		66,590.93	66,590.93
American Medical Peer Review Assn, 440 First Street, NW, #510 Washington, DC 20001			
American Medical Student Assn, 1890 Preston White Drive Reston, VA 22091			8,202.36
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			3,600.00
American Orthotic and Prosthetic Assn, 717 Pendleton St. Alexandria, VA 22314-1885			
American Trucking Assns, Inc, 2200 Mill Road Alexandria, VA 22314		10,290.06	86,722.80
American Wood Preservers Institute, 1945 Gallows Road, #405 Vienna, VA 22180			8,635.59
Americans for the High Frontier, 1010 Vermont Ave., NW, #1015 Washington, DC 20005			
Americans for the National Voter Initiative Amendment, 3115 N St., NW Washington, DC 20007			
David R. Amerine, Brownstein Zeidman & Schomer 1401 New York Ave., NW, #900 Washington, DC 20005	Camara de la Industria de Transformacion de Nuevo Leon		
Ameriserv, Inc, The Paragon Center 2400 East Commercial Blvd., #500 Fort Lauderdale, FL 33308			5,508.91
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Solar Energy Industries Assn		
Joel E. Amkraut, P.O. Box 2247 Santa Cruz, CA 95063	National Right to Mail Committee		
Arne Anderson, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	8,677.86	
Scott G. Anderson, 1050 Connecticut Ave., NW Washington, DC 20036	Burlington Northern, Inc	1,900.00	1,763.60
L. J. Andolsek, 1533 New Hampshire Avenue, NW Washington, DC 20036	National Assn of Retired Federal Employees	605.00	
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)		260.00
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Lisa Andrews, 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Mutual Life Insurance Co	1,000.00	
Reynold V. Anselmo, 460 W. 42nd Street, 4th Fl New York, NY 10036	Pan American Satellite Corp		
Paul Arneson, 1701 Pennsylvania Ave., NW, #940 Washington, DC 20006	Design Professionals Coalition	1,680.00	211.59
Do	National Assn of Water Cos	2,240.00	249.86
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	2,400.00	
Do	Corporate Property Investors	2,750.00	
Do	Quintana Petroleum Corp	2,063.00	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Assn of Exporters & Importers	1,530.00	15.00
Do	Asea AB	4,762.50	
Do	Canadian Forest Industries Council	1,960.00	18.00
Do	Canadian Meat Council	2,910.00	
Do	Consejo Empresarial Mexicano Para Asuntos Internacionales		
Do	CSX Corporation		
Do	Grain & Feed Trade Assn		1.71
Do	Inter-Local Pension Fund of the Graphic Communications	735.00	18.99
Do	International Commodities Clearing House		1.71
Do	London Commodity Exchange Co, Ltd	5,162.50	1.71
Do	London International Financial Futures Exchange, Ltd		1.71
Do	Metal Market & Exchange Co, Ltd		1.71
Do	National Coordinating Comm for Multiemployer Plans	15,312.00	2,348.40
Do	Recording Industry Assn of America, Inc	4,995.00	5.10
Do	Sacramento Public Utility District, et al.	9,731.23	56.30
Do	State of Israel	4,650.00	
Do	State Farm Mutual Automobile Insurance Co	17,110.00	945.97
Do	Venezolana de Cementos Ca	1,932.50	112.40
Association for the Advancement of Historical Research, P.O. Box 15232 Washington, DC 20003		200.00	200.00
Association for the Improvement of the Mississippi River, 10 Broadway St. Louis, MO 63102			
Association of American Foreign Service Women, P.O. Box 8068 Washington, DC 20024			
Association of American Law Schools, One Dupont Circle, NW, #370 Washington, DC 20036			
Association of Maximum Service Telecasters, Inc, 1735 Desales St., NW, #400 Washington, DC 20036			429.35
Association of Private Pension & Welfare Plans, Inc, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004		10,330.69	10,330.69
Lloyd G. Ator Jr., 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:Security Pacific National Bank)		
Avon Products, Inc, 9 West 57th St. New York, NY 10019			20.00
Larry Ayres, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc	750.00	63.25
ACS Systems, Inc, 360 Herndon Parkway Herndon, VA 22070			
AFL-CIO Maritime Committee, 100 Indiana Ave., NW Washington, DC 20001		5,645.00	5,301.27
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	3,640.00	460.19
Robert A. Bacha, 2000 P St., NW, #505 Washington, DC 20036	Cook and Bacha (For:Contractors Liability & Indemnification Alliance)		
John P. Bailey, 618 S. Alfred Street Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	3,000.00	441.46
Quinter S. Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Commonwealth Edison Co		
Do	Duke Power Co		
Do	Florida Power & Light Co		
Do	National Building Granite Quarries Assn		63.95
Do	Southern Company Services		
Do	Stein Roe & Farnham		645.37
Do	Sundstrand Corp	82,276.50	1,088.41
Catherine A. Ball, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	7,313.00	351.00
Philip A. Bangert, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Robert D. Bannister, 15th & M streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Samuel J. Baptista, 1101 14th St., NW Washington, DC 20005	American Financial Services Assn	250.00	
Baraff Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #203 Washington, DC 20036	College Football Association		
Do	Major Indoor Soccer League	50.00	
Do	National Assn of Collegiate Directors of Athletics	3,550.00	
Do	National Basketball Assn	250.00	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	American Int'l Knitters Corp	477.80	18.13
Do	Commonwealth Garment Manufacturing Co		
Do	Dow Chemical Co	235.04	120.36
Do	EHA Ventilfabrik Wilhelm Fritz KG		
Do	Florida Citrus Mutual	4,000.00	132.52
Do	Italy-America Chamber of Commerce, Textile & Apparel Comm		
Do	Magid Glove & Safety Mfg Co		172.43
Do	Uniroyal Chemical Co		156.35
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,300.00	
Barrett Smith Schapiro Simon & Armstrong, 26 Broadway, 14th Floor New York, NY	Bowery Savings Bank	600.00	
Do	Coffee Sugar & Cocoa Exchange, Inc	2,970.00	
Do	Commodity Exchange, Inc		
Do	Empire of America Savings Bank	600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hugo Neu & Sons, Inc		
Do	Irving Trust Co		
Do	Metropolitan Transportation Authority		
Do	New York Cotton Exchange		
Do	New York Mercantile Exchange		
Richard A. Barton, 1101 17th St., NW, #900 Washington, DC 20036	Direct Marketing Assn	1,000.00	9,500.00
Robin Bass-Garnto, 1222 N. Road Street, #2 Elizabeth City, NC 27909	Nansemond Indian Tribe		
Davis M. Batson, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	800.00	
Robert J. Baughman, 717 Pendleton St. Alexandria, VA 22314-1885	American Orthotic and Prosthetic Assn		
Orren Beaty Jr., Magruder Building 1625 M St., NW Washington, DC 20036	Western Fuels Association, Inc	8,769.00	587.19
Matt Langley Bell III, P.O. Box 1312 Pensacola, FL 32596			
Cleve Benedict, 8400 Corporate Drive, #560 Landover, MD 20785	R/S/M, Inc		
Benner Burnett & Coleman, 1401 New York Avenue, NW, #740 Washington, DC 20005	Omninet Corporation		
Alan R. Bennett, 1575 Eye St., NW, #1150 Washington, DC 20005	Kaye Scholer Fierman Hays & Handler (For:Bristol-Myers Co)	373.00	
Diana Berardocco, 1660 L Street, NW, #915 Washington, DC 20036	Avon Products, Inc		
Dave Berick, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	2,473.44	
Do	Union of Concerned Scientists	5,100.00	100.00
Christopher Berka, 2550 M St., NW Washington, DC 20037	McCutchen Doyle Brown & Enersen (For:Castle & Cooke)		1,470.00
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Carol Lee Berlinsky, 1001 Prince Street Alexandria, VA 22314	John R. Zagame Assoc, Inc (For:City University of New York)	1,000.00	
Zalman C. Bernstein, Sanford C. Bernstein & Co, Inc 767 Fifth Avenue New York, NY 10153			226.96
Pat Billings, 1129 20th St, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	3,937.50	
Vitina Biondo, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	244.00	
Bipartisan Budget Appeal, P.O. Box 9 Bowling Green Station New York, NY 10004		135,337.05	84,972.00
Bishop Liberman Cook Purcell & Reynolds, 1200 17th Street, NW, 7th Fl. Washington, DC 20036	Aleut Corporation		
Do	Aleutian/Pribilof Islands Assn, Inc		
Do	Pipe Line Gas Transmission Coalition	1,348.35	
Do	Tanadgusix Corporation		
Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,276.17	249.95
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	1,206.66	
Bowen Blair Jr., 519 S.W. Third Ave., #810 Portland, OR 97204	Friends of the Columbia Gorge	997.50	
Kenneth T. Blaylock, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	18,729.06	5,478.98
Richard W. Bliss, 3242 Grace Street, NW Washington, DC 20007	Amax, Inc	730.00	61.03
Do	Environmental Science & Engineering		
Do	Fluor Corporation	880.00	56.31
Do	Gulf Oil Corp		
Do	National Paint & Coatings Assn, Inc	550.00	77.18
Do	Pb-Kbb, Inc	80.00	3.68
Do	St. Joe Minerals Corp		
Do	Varian EIMAC	290.00	39.48
Jack A. Blum, 1133 15th Street, NW, #1100 Washington, DC 20005	Independent Gasoline Marketers Council	5,000.00	8,575.00
Blum Nash & Railsback, 1133 15th Street, NW, #1100 Washington, DC 20005	Animal Health Institute	25,140.00	125.50
Do	Solar Energy Industries Assn		
Jon L. Boisclair, 1025 Thomas Jefferson Street, NW, #502E Washington, DC 20007	Transit Advertising Assn		
Do	Winston Network, Inc		
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	780.00	86.00
Bonner & Associates, Inc, 1625 K Street, NW, #300 Washington, DC 20006	Blue Cross & Blue Shield Assn		
John E. Bouchard, 1667 K Street, NW, #350 Washington, DC 20036	Moller Steamship Co, Inc		
Bowman Conner Touhey & Petrillo, 2828 Pennsylvania Avenue, NW, #203 Washington, DC 20007	National Assn of Aircraft & Communications Suppliers, Inc	212.50	22.16
James H. Boyd, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
John J. Brady III, 1919 Pennsylvania Ave., NW, #303 Arlington, VA 22206	International Trade & Development Agency, Inc		
Raymond F. Bragg Jr., 50 F Street, NW, #1040 Washington, DC 20001	Agrifuels Refining Corp, et al	100.00	
Do	American Independent Refiners Assn	300.00	
Do	National Hydropower Assn	200.00	
Stuart J. Brahs, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans, Inc	949.58	
Broadhurst Brook Mangham & Hardy, 1730 Pennsylvania Ave., NW, #300 Washington, DC 20006	At-Sea Incineration, Inc		
Do	Columbia Gas System Service Corp		
Do	CSX Corporation	9,187.50	314.16
Do	Louisiana Intrastate Gas Corp		
Do	Phillips Petroleum Co	1,687.50	10.00
Do	Primark Corp	9,075.00	595.75
Do	Texas Gas Transmission Corp		
Do	U.S. Conference of Mayors		
Philip A. Brooks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	660.00	
Brotherhood of Railway Airline & Steamship Clerks, 815 16th St., NW Washington, DC 20006		17,200.00	30,687.84
John J. Brown, 1125 17th St., NW Washington, DC 20036	International Union of Operating Engineers	8,500.00	780.00
Marguerite Bracy Brown, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,436.28	189.25
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
S. M. Henry Brown Jr., 411 Fayetteville Street Mall, #1925 Raleigh, NC 27601	Carolina Power & Light Co	884.51	2,296.20
Brown Todd & Heyburn, 1600 Citizens Plaza Louisville, KY 40202	Brown & Williamson Tobacco Corp		
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Camara de la Industria de Transformacion de Nuevo Leon	21,300.00	4,450.77
Do	Canadian Financial Corporation		
Do	National Corp for Housing Partnerships		
Do	National Housing Rehabilitation Assn		
Do	Roosevelt Raceway Associates Limited Partnership		
Do	Schochet Associates		
Buchanan Ingersoll, P.C., 1667 K Street, NW, 9th Fl. Washington, DC 20006	Norfolk Southern Corp	720.00	26.00
Priscilla R. Budeiri, 215 Pennsylvania Ave., SE Washington, DC 20003	Congress Watch	5,250.00	
Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,202.00	209.00
Barbara G. Burchett, 1615 L St., NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	8,892.24	173.50
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		325.18
Michael Burns, 21 Dupont Circle, NW, #401 Washington, DC 20036	Business Executives for National Security	4,022.00	89.00
Busby Rehm and Leonard, P.C., 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Automobile Importers of America, Inc	3,000.00	30.15
Do	European Confederation of the Footwear Industry	125.00	
Do	MacMillan Bloedel, Inc	1,450.00	47.10
Do	Timex Corporation		
Do	Universal Leaf Tobacco Co, Inc		
James T. Bush, 1500 Massachusetts Avenue, NW Washington, DC 20005	CDI Policy Institute		
M. Caldwell Butler, P.O. Box 720 Roanoke, VA 24004	Bradley Associates	14,258.00	
Do	National Conference of Bankruptcy Judges	1,950.00	
Do	Norfolk Southern Corp		
Butler & Binion, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Kelly Services, Inc	13,422.18	422.18
Do	National Assn of Wholesaler-Distributors		
Do	National Fed of Independent Business	10,100.00	251.38
C.A.R.E., 511 C Street, NE Washington, DC 20002			
Cades Schutte Fleming & Wright, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Hawaii Financial Service Assn		
Do	Hawaii Sugar Planters Assn		
Do	Hawaiian Electric Company, Inc		
Do	U.S. Windpower, Inc		
John D. Cahill, 444 N. Capitol Street, NW Washington, DC 20001	Massachusetts Bay Transportation Authority	3,000.00	
Do	Massachusetts Port Authority	11,625.00	
Do	Massachusetts Water Resources Authority	900.00	
Cahill Gordon & Reindel, 80 Pine Street New York, NY 10005	Exel Limited, et al	2,253.00	2,853.42
C. Richard Cahoon, 1120 Vermont Ave., NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	4,000.00	345.32
Robert P. Canavan, 1201 16th St., NW Washington, DC 20036	National Education Assn	2,948.35	410.21
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	8,156.00	641.00
William F. Canis, 1730 Pennsylvania Avenue, NW, #450 Washington, DC 20006	Caterpillar Tractor Co	3,000.00	754.57
Dave Cannard, 703 Broadway, #700 Vancouver, WA 98660	Friends of the Columbia Gorge		
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Albert & Diane Kaneb		
Do	Citizens Comm for Medical Research & Health Education	300.00	
Do	Emory University Medical School	800.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Endocrine Society	344.00	
Do	Joint Council of Allergy & Immunology	375.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	250.00	
Do	National Multiple Sclerosis Society	544.00	
Do	Rehabilitation Institute of Chicago	750.00	
Do	Terri Gotthelf Lupus Research Institute	187.00	
Ross Capon, 236 Massachusetts Ave., NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	11,792.56	
Robert B. Carleson, 1201 Pennsylvania Ave., NW Washington, DC 20004	KMG Main Hurdman (For:Mercedes Benz of North America, Inc)		
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	25,987.00	
Peter Carlson, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	818.27	
Center for Law and Education, Inc, Larsen Hall, 6th Floor 14 Appian Way Cambridge, MA 02138		851.75	1,282.88
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO	1,650.00	
Do	Apache Corporation		
Do	Belk Stores Services, Inc	345.00	
Do	Coalition of Publicly Traded Limited Partnerships	75.00	
Do	Manville Corporation	3,960.00	
Do	Metcalf & Eddy/KVB Group	7,368.75	
Do	National Assn of Retired Federal Employees		
Do	State of Idaho, Dept of Employment	170.00	
Alan C. Chase, 1025 Broad Branch Court McLean, VA 22101	Lockheed Corporation	5,850.00	3,127.42
Chlorine Institute, Inc, 2001 L Street, NW, #506 Washington, DC 20036		5,142.30	5,137.50
Donna M. Cirolia, 1518 K Street, NW, #401 Washington, DC 20005	Water Quality Association		
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		319,180.08	100,667.56
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
R. Nancy Clack, 1250 Eye St., NW, #602 Washington, DC 20005	Detroit & Mackinac Railway Co		
David A. Clanton, 1667 K Street, NW, 9th Fl. Washington, DC 20006	Buchanan Ingersoll, P.c. (For:Federation of Apparel Manufacturers)		
Gilbert Clark, 1117 N. 19th Street, NW, #600 Arlington, VA 22209	American Assn of Blood Banks		
Robert A. Clark, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	3,000.00	
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Charles M. Clusen, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	856.00	
Coalition for Uniform Product Liability Law, 1330 Connecticut Avenue, NW, #336 Washington, DC 20036		17,000.00	1,278.63
Coan Couture Lyons & Moorhead, 1625 Eye St., NW, #1015 Washington, DC 20006	National Investment Development Corp		
Do	State Street Development Co of Boston	500.00	
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	7,500.00	765.51
Colby Bailey Werner & Associates, 2550 M Street, NW, #450 Washington, DC 20037	Companhia Siderurgica de Tubarao	14,940.00	196.85
Do	Embassy of Korea	34,250.00	29,112.50
Do	Instituto Latinoamericano del Fierro y el Acero (ILFA)		604.45
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	245.00	15.00
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007	National Assn of Mutual Insurance Cos	8,000.00	8,000.00
Paul Edward Michael Collin, 1299 Seaside Ave. P.O. Box 3007 Terminal Island, CA 90731-0207			
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,012.82	
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Tim Colton, P.O. Box 498 Chester, PA 19016	Pennsylvania Shipbuilding Co	1,440.00	64.00
Carol A. Colza, Roger B. Schagrin, P.c. 1112 16th St., NW, #1000 Washington, DC 20036	Committee on Pipe & Tube Imports	9,707.75	58.50
Committee for Effective Capital Recovery, 1330 Connecticut Avenue, NW, #336 Washington, DC 20036		37,200.00	
Committee for Production Sharing, 1629 K St., NW, #801 Washington, DC 20006			
Communications Management, Inc, 1925 North Lynn Street, #1140 Arlington, VA 22209	Philip Morris USA	762,704.00	399,960.00
Concerned Women for America, c/o Carol Poulos 122 C Street, NW, #800 Washington, DC 20001		20,784.84	20,784.84
Bert M. Concklin, 1500 Planning Research Drive Mclean, VA 22102	Planning Research Corporation		1,758.78
Congress Watch, 215 Pennsylvania Ave., SE Washington, DC 20003		62,061.29	78,759.60
Robert J. Conlan, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation	153.86	153.86
Thomas L. Conrad, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn		
Consolidated Edison Co of New York, Inc, 4 Irving Place New York, NY 10003			
Consortium of Social Science Assns, 1200 17th St., NW, #520 Washington, DC 20036		14,000.00	933.00
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		119,705.00	58,865.00
Contact Systems Corp, 200 Madison Avenue, #1207 New York, NY 10016			
Richard Conti, 74 North Pearl St. Albany, NY 12207	Hospital Association of New York State	203.85	
John A. Conway, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Peter W. Coogan, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Mutual Savings Central Fund, Inc		
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Brian D. Cooney, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,061.00	386.00
Edward Cooney, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	5,400.00	
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Frederic William Corle, 4439 P Street, NW Washington, DC 20007	Interand Corporation		
Alfred W. Cortese Jr., 655 15th Street, NW, #1200 Washington, DC 20005	General Motors Corp	6,690.00	
Tom Cosgrove, 1218 Chestnut Street, #1003 Philadelphia, PA 19107	Sierra Club	866.96	425.92
Council for a Livable World, 20 Park Plaza Boston, MA 02116			23,120.49
Council of Industrial Boiler Owners, 5817 Burke Centre Parkway Burke, VA 22015			
Covington & Burling, 1201 Pennsylvania Avenue, NW P.O. Box 7566 Washington, DC 20044	Lutheran Brotherhood	1,447.50	
Do	Sun Life Assurance Co of Canada (U.S.)	1,315.00	35.20
Credit Union National Assn, Inc, 1730 Rhode Island Ave., NW, #810 Washington, DC 20036		1,200.00	669.39
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council		
Ken A. Crerar, 1611 N. Kent Street, #900 Arlington, VA 22209	Footwear Industries of America	3,000.00	55.80
Mary Dent Crisp, 21 Dupont Circle, NW Washington, DC 20036	Business Executives for National Security, Inc		
Barry M. Cullen, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co		
William E. Cumberland, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	9,950.00	
Diane Brown Cunningham, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	1,200.00	550.00
Mary Elizabeth Curry, 50 F St., NW, 1100 Washington, DC 20001	American Hospital Assn		
Richard C. Curry, P.O. BOX 66 Mclean, VA 22101	Fire Island Associates, Inc	6,750.00	1,483.73
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	5,880.00	628.00
CPT Corporation, 8100 Mitchell Road P.O. Box 295 Minneapolis, MN 55440			
Leslie Dach, 645 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	8,000.00	1,969.10
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	3,015.00	1,965.00
Dan Darling, 1426 K St., NW Washington, DC 20005	Social Security Lobby		7,700.00
Davis Graham & Stubbs, 1001 22nd St., NW, #500 Washington, DC 20037	Colorado Water Congress		
Davis Wrighte & Jones, 1752 N St., NW, #800 Washington, DC 20036	Grocery Manufacturers of America, Inc		
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Dealer Bank Assn, National Press Building, 2nd Fl. Washington, DC 20045			
Robert Debragga, 26 Flander Rd. Rfd #1, Box 239 Stonington, CT 06388	Project Cure, Inc		
John J. Degnan, Shanley & Fisher, P.C. 131 Madison Avenue Morristown, NJ 07960	Sharp Electronics Corp		
Claire L. Del Real, 655 15th Street, NW 300 Metropolitan Square Washington, DC 20005	International Medical Centers, Inc		
Gail Deloach, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Deloitte Haskins & Sells, 655 15th Street, NW, #700 Washington, DC 20005	Arkansas Electric Cooperative Corp	4,400.00	
Rene F. Demarco, 1511 K Street, NW, #923 Washington, DC 20005	Sports Fans of America		
Elizabeth C. Demato, 5210 Auth Way Camp Springs, MD 20746	Seafarers International Union	3,000.00	149.30
Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006		10,852.15	10,852.15
James T. Devine, Leonard & Mcguan, P.c. 900 17th St., NW, #1020 Washington, DC 20006	Bowling Proprietors Assn of America		
Samuel L. Devine, 170 Burning Tree Drive Naples, FL 33942	Grocery Manufacturers of America, Inc	27,975.00	5,091.29
Jeff DeBoer, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	302.09
Law Offices of Paul H. DeLaney, Jr., 1920 N Street, NW, #610 Washington, DC 20036	Continental Grain Co	352.42	
Do	General Development Utilities, Inc		
Do	Groth Air Services, Inc		
Do	Staley Continental	8,032.91	
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #250 Washington, DC 20036	Detroit Madison Company		
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	289.35	8.15
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	342.49	54.45
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	534.41	25.91
Do	Lumbermens Mutual Casualty Company	2,100.00	52.81
Barry B. Direnfeld, Rivkin Radler Dunne & Bayh 1575 I Street, NW, #1025 Washington, DC 20005	Renewable Fuels Assn		
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	2,796.00	228.00
Steven P. Doehler, 1615 L Street, NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp	2,470.00	
Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons		
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Donohue & Associates, Inc, 11445 Isaac Newton Square So. Reston, VA 22090			
May Del Rio Dorfman, 380 Second Avenue New York, NY 10010	Planned Parenthood of New York City, Inc	121.16	
Charlene Dougherty, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	8,000.00	2,420.79
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al	7,703.00	1,232.51
Do	Beeman and Gould	1,445.00	
Do	Canadian Institute of Steel Construction		
Do	Canadian Tubular Producers Assn		
Do	Dart-M.L., Ltd	90.95	0.89
Do	Government of the Republic of Panama	5,797.91	273.20
Do	Hapag-Lloyd, A.G.	313.50	5.53
Do	Harris Steel Group, Inc	658.50	137.57
Do	Laurel Steel Products, Ltd		
Do	Mediterranean/U.S.A. Freight Conference	940.50	16.59
Do	Ontario Ministry of Industry Trade & Technology	683.50	90.02
Do	The '8900' Lines	940.50	16.59
Do	U.S. Atlantic & Gulf Ports/East Med & N. Africa Freight Conf	237.90	5.54
Do	U.S. Atlantic & Gulf/Australia-New Zealand Conference	583.65	8.29
L. Michael Dowling, Suite 320 1901 L Street, NW Washington, DC 20036	Ogilvy and Mather Public Relations		
Jane Lind Downey, 2200 Mill Rd Alexandria, VA 22314	American Movers Conference	1,079.00	
John C. Doyle Jr., 218 D St., SE Washington, DC 20003	Environmental Policy Institute	570.49	
Nancy Drabble, 215 Pennsylvania Ave., SE Washington, DC 20003	Congress Watch	8,500.00	
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,000.00	
Evelyn Dubrow, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	12,330.63	3,253.25
Douglas F. Duerr, 1730 Rhode Island Ave., NW, #810 Washington, DC 20036	Credit Union National Assn, Inc	300.00	419.48
Michael F. Duffy, 1920 N St. NW Washington, DC 20036	American Mining Congress	120.00	20.00
C. R. Duggan, 815 16th St., NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	3,300.00	3,300.00
Evelyn Dukovic, 3 East 85th Street New York, NY 10028	Morality in Media, Inc		
Duncan Weinberg & Miller, P.C., 1615 M Street, NW, #800 Washington, DC 20036	State of Nevada		
Judy C. Durand, 1120 20th Street, NW, #600s Washington, DC 20036	Union Pacific Corp	666.00	1,403.62
Jean Durning, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	1,255.51	499.52
Dyer Ellis Joseph & Mills, Watergate, #1000 600 New Hampshire Avenue, NW Washington, DC 20037	Apex Marine Corp	12,215.00	578.64
Do	Crowley Maritime Corp	15,000.00	310.25
Ed Edmondson, 530 Court St., P.O. Box 11 Muskogee, OK 74402	Association of Oklahoma General Contractors		
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs		
Adelaide K. Eisenmann, 607 G St., SW Washington, DC 20024	Panamanian Comm for Human Rights		
Timothy L. Elder, 1730 Pennsylvania Ave., NW, #450 Washington, DC 20006	Caterpillar Tractor Co	2,500.00	111.81
Laurence A. Elgin, 2762 Woodley Place, NW Washington, DC 20008	Jersey Arms Works, Inc	350.00	15.86
C. M. Elkins Associates, 1100 17th St., NW, #310 Washington, DC 20036	Pittsburgh & Lake Erie Railroad Co		
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	14,331.39	189.06
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Amos S. Eno, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	2,523.50	440.11
Clinton W. Ensign, 2600 Virginia Avenue, NW, #901 Washington, DC 20037	Sinclair Oil Corporation	3,000.00	464.49
J. Barry Epperson, P.O. Box 42464 Houston, TX 77242	Associated Wire Rope Fabricators	400.00	4,153.99
Erisa Industry Committee, 1726 M Street, NW Washington, DC 20036		1,800.00	10,407.00
Mark Esherick, 1601 Connecticut Ave, NW, #400 Washington, DC 20009	Zero Population Growth, Inc	1,325.00	157.00
Brock Evans, 645 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,300.00	165.00
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Do	American Hoechst Corporation		
Do	Freight Forwarders Institute		
Do	Olympia & York Developments Ltd		
Do	Olympia & York Equity Corp		
Do	Stepan Corporation		
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn		
Robert J. Evans, 2013 Canterbury Rd. Kingsport, TN 37660			
William J. Evans Jr., 1660 L St., NW, #901 Washington, DC 20036	Pan American World Services, Inc	275.00	189.48
Fawn K. Evenson, 1611 N. Kent St., #900 Arlington, VA 22209	Footwear Industries of America	15,000.00	376.89
Frederick Fedeli, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,013.00	1,146.00
Federal Express Corp, 2990 Airways #404 Memphis, TN 38116			11,150.00
Federal Judges Association, 280 S 1st Street, #5150 San Jose, CA 95113-3002		26,070.00	20,176.48
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			329.76
Federal Managers Assn, 1000 16th Street, NW Washington, DC 20036		10,000.00	17,314.00
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036		510.00	510.00
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Manuel D. Fierro, 1901 N. Fort Myer Dr., #202 Rosslyn, VA 22209	Fond Du Lac Reservation		
Do	Great Lakes Indian Fish & Wildlife Commission		
Robert E. Finch, 2400 E. Commercial Blvd., #500 Ft. Lauderdale, FL 33308	Ameriserv, inc		
Finkelstein Thompson Levenson & Lewis, 2828 Pennsylvania Avenue, NW, #200 Washington, DC 20007	Manivest Corporation	23,738.00	705.00
Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1120 Connecticut Ave., NW, 10th Floor Washington, DC 20036.	Edmund Gann	1,071.00	
Do	Nordisk-USA	3,051.41	41.01
Do	Puerto Rico Department of Health		48.92
Do	Puerto Rico Hospital Assn	7,500.00	48.92
Madeline Fishel, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	2,024.19	76.60
Mary Clare Fitzgerald, 1025 Thomas Jefferson St., NW, #301 Washington, DC 20007	Golembe Associates, Inc		
Barry Flamm, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society		
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	4,367.49	
Veronica M. Floyd, 2001 S. Jeff Davis Highway, #1107 Arlington, VA 22202	Brunswick Corp	6,000.00	2,743.55
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	320.00
David H. Foerster, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Food Research & Action Center, 1319 F Street, NW, #500 Washington, DC 20004		7,500.00	7,400.57
Footwear Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,575.00
Foresight Science & Technology, Inc, 2000 P St., NW, #305 Washington, DC 20036	National Coalition for Science & Technology	675.00	648.44
Do	Society for American Archaeology	2,500.00	2,487.00
Forest Industries Committee on Timber Valuation & Taxation, 1330 Connecticut Ave., NW, #336 Washington, DC 20036		147,231.00	11,595.87
Richard C. Fortuna, 2916 Stephenson Pl., NW Washington, DC 20015	Hazardous Waste Treatment Council	1,500.00	1,500.00
P. Whitney Fosburgh Jr., 645 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	404.25	146.71
Conrad M. Fowler, Box 71 West Point, GA 31833	West Point Pepperell	6,592.00	4,528.00
Alan Fox, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America		
Allan M. Fox, 1575 Eye St., NW, #1150 Washington, DC 20005	Kaye Scholer Fierman Hays & Handler (For:Bristol-Myers Co)	453.00	
Do	Kaye Scholer Fierman Hays & Handler (For:National Coalition for Cancer Research)		
Chuck Fox, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	23.85	
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	1,673.84
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	American Indian National Bank		
Do	Assiniboine Tribe		
Do	Doyon, Limited		
Do	Hunt Building Corporation		440.50
Do	Klamath Tribe		
Do	Miccosukee Tribe of Indians of Florida		
Do	Pueblo of Laguna		
Friends of the Columbia Gorge, 519 SW Third, #810 Portland, OR 97204		1,051.01	6,216.51
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			26,729.35
Harry Ganderson, 2027 Lauderdale Rd., #408 Richmond, VA 23233	International Trade Services Corp		
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Life Assurance Society of the U.S.	1,000.00	10.00
John C. Gartland, 7575 E. Fulton Road Ada, MI 49355	Amway Corp		
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20006	Contractors Bonding & Insurance Co	218.50	
Do	CSX Corporation	4,061.50	
Do	Greenbriar Capital Corp	5,853.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Greenbriar Leasing	14,869.50	
Do	Japan Fisheries Association	1,365.00	
Do	Northwest Marine Iron Works	25,248.00	
Do	Port of Tillamook Bay & Tillamook County	13,617.50	
Do	Sonatrach	1,837.50	
Do	Totem Ocean Trailer Express, Inc	3,202.50	
Margaret L. Gehres, 1615 L Street, NW, #1350 Washington, DC 20036	Business Roundtable	2,000.00	11.00
Gerard Byler & Associates, Inc, 1100 17th Street, NW, #1000 Washington, DC 20036	Blackfeet Tribal Council		
Do	Colville Business Council	595.00	
Do	Commissioned Officers Assn of the U.S. Public Health Service	156.00	
Do	Leech Lake Reservation Business Committee	435.00	
Do	Minnesota Chippewa Tribe	593.00	
Do	Papago Tribe of Arizona	4,062.00	
Do	Quechan Indian Tribe	218.00	
Do	San Carlos Apache Tribe	405.00	
Do	Tulalip Tribes	3,094.00	
Do	White Earth Tribal Council	864.00	
David Troy Saxton Getty, 1857 N. Wilton Pl., #102 Los Angeles, CA 90028-5765			
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Kelso & Co		
Do	Wheeling-Pittsburgh Steel Corp	9,246.00	1,005.22
Joseph L. Gilbert, 4324 Georgia Avenue, NW Washington, DC 20024	National Business League		
Leslie Alan Glick, Duncan Allen & Mitchell 1575 I Street, NW Washington, DC 20005	Visaflor, S.A		
Horace D. Godfrey, 918 16th St., NW, #701 Washington, DC 20006	Godfrey Associates, Inc		
Godfrey Assoc, Inc, 918 16th St., NW, #701 Washington, DC 20006			
Joseph Goffman, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen's Congress Watch	5,750.00	
Allen Goldberg, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	2,522.77	172.70
Jack Golodner, 815 16th St., N.w. Washington, DC 20006	Department for Professional Employees, AFL-CIO	4,211.38	
Linda F. Golodner, 815 15th Street, NW, #516 Washington, DC 20005	National Consumers League		
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	TRW, Inc	1,472.50	1,090.45
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,151.13	5,066.86
Alan W. Granwell, Cadwalader Wickersham & Taft 1333 New Hampshire Ave., NW Washington, DC 20036	Squibb Corporation		
Graphic Communications International Union, AFL-CIO, CLC, 1900 L Street, NW Washington, DC 20036		53,427.00	53,413.00
Greater Washington Board of Trade, 1129 20th St., NW Washington, DC 20036			
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NB 68102	Papillion-Lavista Nebraska School District	3,153.80	36.44
Eldon V. C. Greenberg, Galloway & Greenberg 1835 K St., NW, #801 Washington, DC 20006	Southeastern Fisheries Assn, Inc		
Ellen F. Greenberg, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,737.50	73.00
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,013.00	2,097.82
Robert Greenstein, 236 Massachusetts Ave, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	506.22	166.27
John M. Greer, 1900 L Street, NW Washington, DC 20036	Graphic Communications International Union, AFL-CIO, CLC	53,427.00	53,413.00
Janice M. Gregory, 1726 M St., #1101 Washington, DC 20036	Erisa Industry Council	4,900.00	132.91
J.S. Griffin & Associates, 761 Kenilworth Ave. Dayton, OH 45405			
Jerome Grossman, 20 Park Plaza, #603 Boston, MA 02116	Council for a Livable World	4,396.68	
Leland M. Gustafson, 1726 M St., NW, 1100 Washington, DC 20036	Pacific Gas & Electric Co	3,016.00	2,055.46
Robert F. Guthrie, 815 16th St., NW, #608 Washington, DC 20006	Department for Professional Employees, AFL-CIO	5,317.66	
Richard E. Gutting Jr., 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	6,000.00	27.28
Hagedorn-Cando, Inc, 1704 23rd St., So. Arlington, VA 22202	Manatt Phelps Rothenberg... (for Rollins Environment Servs)		
Hale and Dorr, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Avondale Industries, Inc	2,460.00	288.95
Do	Northeastern University		538.44
Do	Town of Gay Head	5,602.20	256.42
Do	Villers Advocacy Foundation		101.08
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003		13,037.00	6,721.74
Cheryl A. Haley, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	1,829.73	325.43
John F. Hall, 1945 Old Gallows Road, #405 Vienna, VA 22180	American Wood Preservers Institute		
Jerald V. Halvorsen, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	15,000.00	1,286.92
Martin Hamburger, 100 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	2,889.87	
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	BHC, Inc		
Do	China External Trade Development Council		
Do	Ocean Shipholdings, Inc	533.30	60.89
Do	Presidency of the Republic of Mexico		
Do	Producer's Gas Co	847.50	452.96
Do	Rockwell International Corp		
Do	Royal Embassy of Saudi Arabia		
Do	Trans World Airlines, Inc		
Do	Triple A Shipyards		
Mary V. Harcar, 7004 Winslow Street Bethesda, MD 20817	Mason Perrin & Kanovsky (For:GTE Service Corp)		
Do	Mason Perrin & Kanovsky (For:Manufacturers Life Insurance Co, Inc)		
Sandra K. Harding, 7981 Eastern Avenue Silver Spring, MD 20910	National Assn of Social Workers	4,334.00	1,152.00
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S		
William G. Harley, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn		
Sunny Harris, 7981 Easter Avenue, 4th Floor Silver Spring, MD 20910	National Assn of Social Workers	6,563.00	734.00
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			35,800.00
Peter M. Hayes, 214 Massachusetts Ave., NE Washington, DC 20002	Salt River Project	3,521.00	1,876.06
Edward D. Heffernan, 1513 16th St., NW, 4th Fl. Washington, DC 20036	American Southwest Financial Corp	7,500.00	
Do	Camp Barsh Bates & Gray	1,000.00	
Do	CSX Corporation	3,000.00	530.88
Do	Delaware-Otsego Corp		
Do	Ductile Iron Pipe Research Assn		
Do	Harza Engineering Co	1,800.00	
Do	Mark Air, Inc	5,000.00	
Do	Sealaska Corp	5,000.00	
Do	Shell Oil Co	2,500.00	
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			23,951.00
Steven B. Hellem, 605 14th St., NW, 9th Fl. Washington, DC 20005	E. Bruce Harrison Co, Inc (For:NEDA/CAAP)		
Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204	Indiana Farm Bureau, Inc	6,500.00	1,212.75
Hercules, Inc, Hercules Plaza Wilmington, DE 19894			10,990.00
William G. Herrold, 1111 19th St., NW, #608 Washington, DC 20036	Institute of Electrical & Electronics Engineers		
Fred Hervey, 2645 E. Washington P.O. Box 29021 Phoenix, AZ 85038	Circle K Corporation		
Sharon L. Hildebrandt, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn		
Maureen K. Hinkle, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	3,963.96	741.52
J. D. Hittle, 3137 S. 14th St. Arlington, VA 22204	KMS Industries, Inc	1,500.00	
Do	LTV Aero-Space & Defense Co	2,500.00	83.35
Hogan & Hartson, 815 Connecticut Ave., NW Washington, DC 20006	Mercedes-Benz of North America, Inc	1,052.50	114.25
Do	Merck & Co, Inc	600.00	7.00
Do	Mutual Life Insurance Co of New York	21,637.50	81.50
Do	Tampa Bay Baseball Group, Inc	15,070.00	172.00
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	7,882.13	
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	2,948.35	112.25
Lois Holwerda-Hoyt, 600 Maryland Avenue, SW, #770 Washington, DC 20024	American Academy of Family Physicians	1,937.00	400.86
Steven Hornburg, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	187.00	44.08
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		2,569.00	2,569.00
Edward F. Howard, 1334 G Street, 3rd Fl. Washington, DC 20005	Villers Advocacy Associates	4,712.50	110.65
Allynn Howe, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	7,516.62	
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
Karl T. Hoyle, 1730 Rhode Island Ave., NW, #810 Washington, DC 20036	Credit Union National Assn, Inc	300.00	108.10
Betty Hudson, 1627 K Street, NW, #200 Washington, DC 20006	Fluor Corporation	15,000.00	533.96
Tony R. Huerta, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	9,251.62	
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	12,708.35	48.00
Kenneth Hunter, 218 D Street, SE Washington, DC 20003	Coalition for Scenic Beauty	1,875.00	
Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006	National Club Association		
Robert E. Hutchinson, P.O. Box 29021 2645 East Washington Phoenix, AZ 85034	Circle K Corporation		
Floyd H. Hyde, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates (For:Alameda, CA, et al.)	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		42,645.40	42,645.40
James E. Ingram, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	2,500.00	175.00
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			29,061.27
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		22,500.00	1,675.00
Interstate Carriers Conference, 2200 Mill Road Alexandria, VA 22314		500.00	150.00
Charles C. Irions, 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	1,818.00	
John Isaacs, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	7,786.02	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Blount, Inc	612.50	10.50
Do	Committee for Reasonable Inventory Accounting Rules	1,312.50	5.00
Do	Pechiney Corporation	525.00	8.00
Do	Rochester Tax Council	175.00	6.50
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	6,500.00	575.00
Kempton B. Jenkins, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,000.00	279.00
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Dental Gold Institute		
Do	MCI	2,985.00	292.00
David Jenness, 1200 17th Street, NW, #520 Washington, DC 20036	Consortium of Social Science Assns		
Jersey Arms Works, Inc, 13 Circle Lane Cherry Hill, NJ 08003			350.00
Guy E. Jester, 2150 Kienlen Ave. St. Louis, MO 63121	Association for the Improvement of the Mississippi River		
Michael E. Johns, 2033 M Street, NW, #900 Washington, DC 20036	National Assn of Arab Americans	590.00	71.50
Beth Johnson, 6220 Gaston Avenue, #609 Dallas, TX 75214	Sierra Club	4,579.25	3,869.62
Bruce Johnson, Law Offices of Bruce Johnson 1718 Connecticut Ave., NW, #410 Washington, DC 20009	Ad-Hoc Mortgage-Backed Securities Legis. & Regulatory Assn		
Do	Columbia Savings & Loan Assn		546.00
Do	First Boston Corp		
Do	FAIC Securities, Inc	9,000.00	275.00
Do	Kidder Peabody & Co, Inc	3,750.00	800.00
Do	Morgan Stanley & Co, Inc		
James E. Johnson, 11510 Georgia Avenue, #115 Wheaton, MD 20902	James E. Johnson & Associates, Inc		
Linda Meyer Johnson, 1801 K St., NW, #1200 Washington, DC 20006	IBM/Rolm		
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20036	Moller Steamship Co, Inc		
Nicholas Johnson, Box 1876 Iowa City, IA 52244			
Spencer A. Johnson, 1101 Vermont Ave., NW, #411 Washington, DC 20005	Paperboard Packaging Council		
Stephen M. Johnson, The Power House 3255 Grace Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Government of the Cayman Islands)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Joint Corporate Comm on Cuban Claims, c/o Lone Star Industries, Inc PO Box 5050 Greenwich, CT 06830			180.00
Cheryl L. Jones, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp		
Jones Day Reavis & Pogue, 655 15th St., NW Washington, DC 20005-5701	Litel Telecommunications Corp		91.54
Do	National Beer Wholesaler's Assn, Inc		677.00
Do	Teleconnect Co		
Linda K. Joseph, 1199 Black Horse Pike Pleasantville, NJ 08232	Atlantic Electric		8,821.00
Connie Kagan, 2200 Greenwich St. Falls Church, VA 22043	Neavs	3,800.00	531.52
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	H.N. Gorin Associates, Inc	165.00	238.53
Do	Humane Society of the U.S., et al	5,535.00	1,001.13
Do	Mutual Savings Central Fund, Inc		
Do	National Venture Capital Assn	208.00	28.22
Patricia L. Katson, 300 Independence Ave., SE Washington, DC 20003	Liberty Lobby, Inc	5,500.00	46.40
Kaye Scholer Fierman Hays & Handler, 1575 Eye Street, NW, #1150 Washington, DC 20005	Bristol-Myers Co	800.00	1,531.00
Do	Drummond Company		
Do	Hartford Fire Insurance Co		514.00
Do	International Medical Centers, Inc		
Do	Johnson & Johnson		
Do	LDX Net, Inc	3,400.00	499.88
Do	Morgan Guaranty Trust Co of New York		507.06
Do	National Coalition for Cancer Research		1,000.00
Do	Pioneer Systems, Inc		
Do	Raymark Corporation		
Do	Winfield Manufacturing Co		1,496.08
Keck Mahin & Cate, 1730 Pennsylvania Avenue, NW, #350 Washington, DC 20006	Schwinn Bicycle Co	3,238.00	
Keiki Kehoe, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	625.81	
Thomas F. Kelley III, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Deborah Marquis Kelly, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,500.00	73.00
Mary Linda Kemp, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates (For:Alameda, CA, et al.)	1,148.56	
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			396.94
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603		43.15	561.20
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,355.78	87.74
Brian M. Kilbury, 815 16th Street, NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	2,200.00	2,200.00
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	9,375.00	
Aubrey C. King, 1625 Eye Street, NW, #609 Washington, DC 20006	National Club Association		
Ruby King-Williams, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Peter C. Kirby, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	79.79	
Kirby Gillick Schwartz & Tuohey, P.C., 1220 L Street, NW, #310 Washington, DC 20005	National Vehicle Leasing Assn	750.00	
Donald R. Kirtley, Hercules Plaza Wilmington, DE 19894	Hercules, Inc		
Darrell Knuffke, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	100.69	
Paul E. Kohl, 440 West 23 Street New York, NY 10011	18th Cong Dist for Pro-Life Activities		
Kominers Fort Schlefer & Boyer, 1401 New York Ave., NW, 12th Fl. Washington, DC 20005	Apex Marine Corp		
Do	Atlantic Richfield Co	3,860.00	153.02
Do	Crowley Maritime Corp & Subsidiaries	3,860.00	153.02
Do	Lykes Bros Steamship Co, Inc	875.00	280.76
Do	LASCO Shipping		
Do	Marathon LeTourneau Co, et al		
Do	Matson Navigation Co	3,860.00	153.02
Do	Oregon Economic Development Dept	13,125.00	
Do	Pacific Coast Council of Freight Forwarders	2,606.00	394.00
Do	Portland Development Commission	3,600.60	149.40
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	955.00	
Jeffrey Krauss, 1350 Piccard Drive, #400 Rockville, MD 20850	M/A-Com, Inc	2,500.00	
Alan G. Kraut, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,000.00	73.00
Jerome Kurtz, 1615 L Street, NW, #1300 Washington, DC 20037	Paul Weiss Rifkin... (for Howard Hughes Medical Institute)		
Kutak Rock & Campbell, 1101 Connecticut Aven., NW, #1000 Washington, DC 20036	America First Federally Guaranteed Mortgage Fund II.		
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			593.96
Bruce C. Ladd Jr., 1776 K Street, NW Washington, DC 20006	Motorola, Inc	16,500.00	80.00
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Robert D. Lamson, 21 Dupont Circle, NW Washington, DC 20036	Business Executives for National Security		
Frederick Landman, 460 W. 42nd Street, 4th Fl. New York, NY 10036	Pan American Satellite Corp		
Bruce Alan Landy, 2601 Virginia Ave., NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	National Assn of Energy Service Cos		
Do	National Leased Housing Assn	900.00	
Lane & Mittendorf, 1750 K Street, NW, #1200 Washington, DC 20006	Floating Point Systems, Inc	4,655.00	
Do	Independent Producers Group	8,528.58	
Do	Nike, Inc	2,462.50	
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Dennis Lavallee, 180 S. Washington St., P.O. Box 6808 Falls Church, VA 22046	National Assn of Plumbing-Heating-Cooling Contractors	500.00	250.58
Kathryn M. Lavriha, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	8,250.00	76.75
Ira M. Lechner, 1899 L Street, NW, #800 Washington, DC 20036	National Assn of Police Organizations, Inc	16,250.00	2,105.33
Gerard Lavery Lederer, 1620 Eye Street, NW Washington, DC 20006	Tonya, Inc (For:City of Philadelphia, PA and City of Birmingham, AL)	1,000.00	
Robert F. Lederer, 1250 I Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Mary Nell Lehnhard, 1709 New York Ave., NW Washington, DC 20006	Blue Cross & Blue Shield Assn	166.00	
Cynthia R. Lenhart, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	1,413.41	378.50
Donna Lenhoff, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	644.09	335.95
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,291.30	540.54

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Bertram J. Levine, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	First Interstate Bancorp	700.00	
Do	Manufacturers Hanover Corp	1,000.00	
Do	National Bank of Detroit	700.00	
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	2,250.00	301.05
Judith Lichtman, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	414.63	30.04
Howard C. Liggett, 9916 Stone Meadow Rd Pensacola, FL 32514			
Lillick McHose & Charles, 21 Dupont Circle, NW Washington, DC 20036	Global Marine, Inc		216.90
Janice C. Lipsen, 1000 16th Street, NW, #603 Washington, DC 20036	Counselors for Management, Inc (For:Independent Zinc Alloyers Assn)		
Franci Livingston, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen's Congress Watch	5,500.00	
Karen Lockwood, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	2,817.24	47.77
Laura Loomis, 419 N. Nelson Street Arlington, VA 22203	National Parks & Conservation Association		
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,722.24	185.16
James F. Lovett, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	500.00	200.00
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			4,169.14
James Lyon, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	157.70	
M.O.A./AIOA & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
M/A-Com, Inc, 1350 Piccard Drive, #400 Rockville, MD 20850			4,900.00
Samuel A. Mabry, 1800 K St., NW Washington, DC 20006	Hercules, Inc	7,406.25	1,973.72
Joseph H. Macaulay, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	U.S. Surgical Corporation		
John Macnamara, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Sheila MacDonald, 3231 Beech Street, NW Washington, DC 20015	National Taxpayers Union	3,914.00	
Mary Mahon, 380 Second Avenue New York, NY 10010			
Michael C. Maibach, Intel Corporation, SC6-65 P.O. 58121 Santa Clara, CA 95052-8121	Intel Corporation	12,000.00	3,024.44
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Celanese Corp		
Man-Made Fiber Producers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036		8,466.00	7,650.00
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America	75.00	
Claudia Mansfield, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators		35.32
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	767.00	775.48
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	2,400.00	2,400.00
Patricia Markey, 1155 15th St., NW, #400 Washington, DC 20005	United Distribution Companies	4,863.00	163.60
Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041	Agency for Instructional Television		
Danea Kehoe Martin, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	475.00	100.00
Peggy L. Martin, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Stephen I. Martin, Hartford Plaza Hartford, CT 06115	Hartford Fire Insurance Co		
Richard D. Mathias, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Herbert S. Matthews, Rte. 3, Box 437 Mechanicsville, MD 20659	Martin Marietta Aerospace	6,000.00	16.75
Arnold Mayer, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	22,884.61	410.03
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	Kings River Conservation District	6,000.00	
Jerry McAndrews, 120 Maryland Ave., NE Washington, DC 20012	Competitive Telecommunications Assn	2,300.00	666.20
John A. McCahill, 1250 Connecticut Ave, NW Washington, DC 20036	U.S. Olympic Committee		
Ross L. McCall, 11510 Georgia Avenue, #115 Wheaton, MD 20902	St. Ella Ltd, Inc		
John L. McConnell, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Molly McCormick, 2301 Market Street, S 13-1 Philadelphia, PA 19101	Philadelphia Electric Company	3,000.00	1,498.00
David F. McDermitt, 1235 Jefferson-Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn		131.82
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	Banks of Iowa	46.25	
Do	Caterpillar Tractor Co		
Do	Federal Kemper Life Assurance Co		
Do	Kemper Investors Life Insurance Co		
Do	Lumberman Mutual Co		
Do	Public Employees Retirement Assn of Colorado	2,546.25	42.50
Do	Regional Municipal Securities Assn	4,396.25	72.00
E. T. McDonald, 815 16th St., NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	3,300.00	3,300.00
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		39.83
Joseph M. McGarry, 1250 Eye St., NW, #900 Washington, DC 20005	Heublein, Inc, et al.	10,166.00	7,450.00
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc		
McGough & Associates, Inc, 65 East State Street, #1510 Columbus, OH 43215	Timken Co	12,000.00	7,979.24
Jerome J. McGrath, 1660 L St., NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	500.00	
McGuire Woods & Battle, One James Center Richmond, VA 23219	CSX Corporation		
Do	United Coal Co		
Edward T. McMahon, 218 D Street, SE Washington, DC 20003	Coalition for Scenic Beauty	3,525.00	1,012.32
Joseph E. McMahon, 1331 Pennsylvania Avenue, NW, #909 Washington, DC 20004	Grocery Manufacturers of America	3,500.00	250.40
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	McMillan & Farrell Associates, Inc	9,650.00	256.44
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Alaska Airlines, Inc		
John Edward McNally, 11417 Orleans Way Kensington, MD 20895			
George G. Mead, 1908 Ednor Road Cloverly, MD 20904	North American Van Lines, Inc	2,500.00	
Nanine Meiklejohn, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	6,913.38	55.19
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,672.90	72.00
James T. Melville, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Sharon Mihnovets, 2809 S. Joyce St. Arlington, VA 22202			
Fred Millar, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Linda B. Miller, 1625 Eye St., NW, #810 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Marye T. Miller, 50 F St., NW, #1040 Washington, DC 20001	Ray F. Bragg, Inc (For:American Independent Refiners Assn)	50.00	
Harris Miller & Associates, 1655 N. Fort Myer Drive #700 Arlington, VA 22209	Agricultural Producers	4,500.00	
Do	Florida Fruit & Vegetable Assn	9,000.00	
Do	Home Group		
Do	National Assn for Foreign Student Affairs	180.00	
Do	U.S. English	112.50	
Do	Western Range Assn	180.00	1,174.80
Miller & Chevalier, Chtd, Metropolitan Square 655 15th Street, NW Washington, DC 20005	American Electronics Assn		
Do	Browning Ferris Industries	22,727.50	569.68
Do	Coalition for the Advancement of Industrial Technology	4,650.31	136.26
Do	Computer & Business Equipment Manufacturers Assn	2,076.56	24.00
Do	FMC Corp	9,960.00	
Do	Hercules, Inc	7,792.50	
Do	Ideal Basic Industries, Inc	27,925.00	
Do	May Department Stores Co	603.75	
Do	Motor Vehicle Manufacturers Assn of the U.S., Inc	8,335.00	78.99
Do	Semiconductor Industry Assn	700.00	20.29
Miller Canfield Paddock & Stone, Suite 1200 1015 15th St., NW Washington, DC 20005	Leelanau County Road Commission		
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	National Assn of Life Underwriters, et al	3,375.00	
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	4,100.00	287.28
John H. Miner, Room 1414-South Building, USDA Washington, DC 20250	Organization of Professional Employees of USDA	525.00	
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Houghton Mifflin Company	1,138.10	
John A. Moag Jr., Capitol Associates, Inc 426 C St., NE Washington, DC 20002	Prince George Center	1,050.00	
Do	State of Maryland, Dept. of Transportation	1,050.00	
Do	Washington Metropolitan Area Transit Authority	1,350.00	
Charles A. Monfort, 1346 Connecticut Ave., NW, #1101 Washington, DC 20036	Union of Concerned Scientists	6,737.50	
Walter K. Moore, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		326.44
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115			
Vincent L. Morelli, 2361 Jefferson Davis Highway, #624 Arlington, VA 22202	Lockheed Shipbuilding Co	2,000.00	150.00
John Morgan, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
Morgan Lewis & Bockius, Suite 800 North 1800 M St., NW Washington, DC 20036	Zalman C. Bernstein	190.00	8.45
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers, AFL-CIO	10,416.65	80.00
James Morrison, 21 Dupont Circle, NW, #401 Washington, DC 20036	Business Executives for National Security	2,188.00	48.00
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Consolidated Freightways	236.25	
Colleen T. Morrow, 222 Parker St., NE Washington, DC 20002	Americans for Tax Reform		
Michael L. Morton, 918 16th Street, NW, #701 Washington, DC 20006	Godfrey Associates, Inc		
Mudge Rose Guthrie Alexander & Ferndon, 2121 K Street, NW, #700 Washington, DC 20037	Basin Electric Power Cooperative		
Do	Japan Lumber Importers Assn		
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	3,225.00	172.19
Richard J. Muller, 1100 Connecticut Ave., NW, #930 Washington, DC 20036	Chrysler Corporation	2,000.00	105.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Evelyn Fieman Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	207.70	
Edward L. Murphy, 1313 L Street, NW, 2nd Floor Washington, DC 20005	National Assn of Government Employees	5,000.00	426.54
Jeanne Marie Murphy, 1730 Rhode Island Avenue, NW, #810 Washington, DC 20036	Credit Union National Assn, Inc	300.00	119.75
William T. Murphy Jr., Barrett Montgomery & Murphy 2555 M Street, NW, #100 Washington, DC 20037	American Cement Trade Alliance, Inc	3,000.00	
Do	Chemical Manufacturers Assn, Inc	2,500.00	
Do	Myerson/Allen & Co	2,000.00	
Do	Natural Gas Supply Assn		
Do	O'Connor & Associates		
Do	Options Policy Assn (TOPA)		
Do	Sargent & Lundy Engineers		
Rosemary Griffin Murray, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco Inc	400.00	
Sarah Muyskens, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	731.68	179.00
Timothy D. Naegele & Associates, 1850 K Street, NW, #1280 Washington, DC 20006	Baybanks, Inc		
Do	First Independent Trust Co		
Do	Hibernia Bank		
Karen J. Nardi, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
National Assn for Stock Car Auto Racing, Inc (NASCAR), 1801 Speedway Boulevard Daytona Beach, FL 32015			8,000.00
National Assn of Atomic Veterans, P.O. Box 409 Eldon, MO 65026			
National Assn of Beverage Importers, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National Assn of Energy Service Companies, 2330 M St., NW Washington, DC 20037			
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		46,342.58	111,350.25
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		4,595,979.82	505,936.31
National Assn of Margarine Manufacturers, 1625 I St., NW, #1024-A Washington, DC 20006			675.00
National Assn of Olympic Businesses, 24640 Upper Rim Rock Rd. Idyllwild, CA 92349-3337			
National Assn of Plumbing-Heating-Cooling Contractors, P.O. Box 6808 Falls Church, VA 22046		1,650.58	1,650.58
National Assn of Railroad Passengers, 236 Massachusetts Ave., NE, #603 Washington, DC 20002		52,473.04	35,491.78
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			135,234.99
National Assn of Retired Federal Employees, 1533 New Hampshire Ave., NW Washington, DC 20036		3,589.00	4,328.00
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		350.00	8,054.13
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			27,350.00
National Citizens Communications Lobby, P.O. Box 1876 Iowa City, IA 52244			
National Club Association, 1625 Eye St., NW, #609 Washington, DC 20006			
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,244,121.00	16,401.14
National Coalition for Fair Trade, 1718 Connecticut Avenue, NW, #310 Washington, DC 20009			
National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403		22,320.00	25,080.03
National Consumers League, 815 15th Street, NW, #516 Washington, DC 20005			
National Education Assn, 1201 16th St., NW Washington, DC 20036		27,959.36	27,959.36
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		205,753.00	1,710.00
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		900.00	900.00
National Lottery Association, P.O. Box 13365 Las Vegas, NV 89112			
National Low Income Housing Coalition, 1012 14th Street, NW, #1006 Washington, DC 20005		35,675.00	17,187.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		12,755.69	12,755.69
National Motorsports Comm of Accus, 1500 Skokie Boulevard, #101 Northbrook, IL 60062		22,078.26	13,532.77
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		352,858.47	290,659.47
National Rural Housing Coalition, 2001 S St., NW, #500 Washington, DC 20009		14,008.68	16,962.25
National Solid Wastes Management Assn, 10th Floor 1730 Rhode Island Ave., NW Washington, DC 20036			
National Tax Equality Assn, 321 D St., NE Washington, DC 20002		2,581.00	2,187.89
National Turkey Federation, 11319 Sunset Hills Rd. Reston, VA 22090			
National Water Resources Assn, 955 L'enfant Plaza North, SW, #1202 Washington, DC 20024		3,125.00	
Neighborhood Housing Services of America, 3805 Alton Place, NW Washington, DC 20016			
Donald W. Nelson, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	3,700.00	50.00
Gordon E. Nelson, Inc, 12005 Millstream Drive Bowie, MD 20715	Kings River Conservation District	6,000.00	
Frederick H. Nesbitt, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,148.30	450.33
Robert B. Nicholas, Blum Nash & Railsback 1133 15th Street, NW, #1100 Washington, DC 20005	Animal Health Institute	25,140.00	125.50
Nicholas John Nichols, 1620 Eye St., NW Washington, DC 20006	American Inst of Certified Public Accountants		
Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
James Norton, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	1,202.30	556.48
Cynthia H. Null, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences	510.00	
Nutter McClennen & Fish, 600 Atlantic Avenue Boston, MA 02210	Research-Cottrell, Inc		5,275.00
Rindy O'Brien, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	4,912.59	58.25
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Corcoran Mullins Jennison	1,500.00	
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	2,500.00	
Dennis R. O'Meara, 12504 E. Whitter Blvd. Whitter, CA 90602	Omega Recovery Services, Inc		
O'Melveny & Myers, 1800 M St., NW Washington, DC 20036	Santa Fe International Corp		
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	5,775.00	
Thomas J. Oden, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,062.48	346.02
Ogilvy & Mather, 1901 L Street, NW Washington, DC 20036			
Michel Orban, American Express Tower World Financial Center New York, NY 10285-4705	American Express Co		
Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250		1,905.18	1,078.33
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	1,000.00	300.00
Cathy E. Overly, 1730 K Street, NW, 1100 Washington, DC 20006	National Treasury Employees Union	10,500.00	223.75
Jack W. Owen, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	2,148.46	53.51
Katherine Ann Ozer, 1012 14th St., NW, #403 Washington, DC 20005	U.S. Student Association	3,714.00	94.00
Allen Scott Pack, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	2,491.00	105.50
Pagonis & Donnelly Group, 1620 I Street, NW, #603 Washington, DC 20006	Management Compensation Group	2,580.00	6.00
Geri Palast, 1313 L St., NW Washington, DC 20015	Service Employees International Union, AFL-CIO, CLC	9,375.00	173.50
Andrew Palmer, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	118.00	
Marie Pampush, 14049 NW Cornelius Pass Road Portland, OR 97231	Friends of the Columbia Gorge	222.22	
Pan American Satellite Corp, 460 W. 42nd Street, 4th Fl. New York, NY 10036			
Paperboard Packaging Council, 1101 Vermont Ave., NW, #411 Washington, DC 20005			
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Harriet Parcells, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	3,499.99	
Judith E. Park, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees	13,529.00	
Sara Lynn Parker, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	180.28	
Prudence H. Parks, 1100 H Street, NW Washington, DC 20080	Washington Gas Light Co	1,542.81	562.20
Tom E. Paro, 1735 DeSales St., NW Washington, DC 20036	Association of Maximum Service Telecasters, Inc	411.00	
William H. Patterson, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	274.00	
Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037	Fiart Cantieri Italiani, S.P.A.		
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW Washington, DC 20036	Korea Iron & Steel Assn		
Do	Metromedia, Inc		
Do	NEC Corp and NEC America, Inc		
Larry E. Paulick, 2111 Eisenhower Avenue Alexandria, VA 22314	National Spa & Pool Institute		
Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002			6,331.87
F. Colin Pease, Iron Horse Park North Billerica, MA 01862	Boston and Maine Corp, et al.		7,221.18
Elin Peltz, 1511 K St., NW, #723 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators		
Pension Rights Center, 1701 K Street, NW Washington, DC 20006			4,188.79
Leonard Perlman, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development		
David F. Perry, 74 North Pearl St. Albany, NY 12207	Hospital Association of New York State	403.85	
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		189,495.53	20,021.05
Evelyn A. Petschek, Patterson Beklknap Webb & Tyler 30 Rockefeller Plaza New York, NY 10112	NL Industries, Inc	22,080.00	
Annabelle Petys, 6017-141st Ave., N. Clearwater, FL 33520			
Mark W. A. Phillips, 507 2nd St., NE Washington, DC 20002	Confederated Tribes of Warm Springs		
Pierson Ball & Dowd, 1200 18th St., NW Washington, DC 20036	Genentech	42,258.72	
Do	Horovitz Testamentary Trust		
Do	Infectious Diseases Society of America	7,625.03	
Do	Lee Enterprises - Call-It-Co		
Do	National Assn for Biomedical Research	58.19	
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Oklahoma Natural Gas Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Pirtle Morisset Schlosser & Ayer, 1500 Seattle Trust Tower 1000 Second Avenue Seattle, WA 98104	Central Council of Tlingit & Haida Tribes of Alaska		
Do	Colville Confederated Tribes		
Do	Confederated Tribes of the Goshute Reservation		
Do	Hoopa Valley Tribe		
Do	Makah Indian Tribe		
Do	Red Lake Band of Chippewa Indians	80.00	
Do	Rosebud Sioux Tribe	2,970.00	
Do	Sault Ste. Marie Chippewa Tribal Council	8,855.00	
Do	Seneca-Cayuga Tribe of Oklahoma		
Do	Shoshone-Bannock Tribe-Fort Hall Reservation		
Do	Tulalip Tribes of Washington		
Do	Ukpeagvik Inupiat Corp		
Nancy Polikoff, 2000 P Street, NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Harlan Pomeroy, 1050 Connecticut Avenue, NW, #1100 Washington, DC 20036	Baker & Hostetler (For:North Coast Cable, Ltd)	585.00	
Donna Potemken, 50 F Street, NW Washington, DC 20001	American Hospital Assn	2,298.52	55.48
Powell Goldstein Frazer & Murphy, 1110 Vermont Ave., NW, #1050 Washington, DC 20005	Alliance for Medical Nutrition	34,300.00	34,300.00
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	11,100.00	182.54
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Montana Power Co	135.00	
Do	University of Michigan Hospitals		
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20014	CSX Corporation	3,000.00	394.72
Joel Pritchard, Bogle & Gates One Thomas Circle, NW, #900 Washington, DC 20005	International Telecommunications Satellite Organization	2,228.10	
Project Cure, Inc, 2020 K Street, NW, #350 Washington, DC 20006		6,801.36	101,774.00
Steve Rabin, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
John D. Raffaelli, Law Offices of John D. Raffaelli 499 South Capitol St., SW, #407 Washington, DC 20003	Austin Industries, Inc		
Do	City of Dallas		
Do	Dean Witter Realty, Inc		
Do	Gulf Coast Waste Disposal Authority		
Do	National Council for Higher Education Loan Programs		
Do	R. Duffy Wall & Associates, Inc (For:Taylor & Mizell)		
Tanya A. Rahall, 2033 M Street, NW, #900 Washington, DC 20036	National Assn of Arab Americans	6,296.10	60.35
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	1,084.69	4.00
Thomas F. Railsback, Blum Nash & Railsback 1133 15th St., NW, #1100 Washington, DC 20005	CSX Corporation	840.00	
Do	National Council of U.S. Magistrates	247.00	
Do	Walt Disney Productions	2,310.00	
John Vernon Rainbolt II, 1355 Lancia Drive McLean, VA 22102	Grain & Feed Trade Assn		
Do	International Commodities Clearing House, Ltd		
Do	London Commodity Exchange Co, Ltd		731.63
Do	London International Financial Futures Exchange, Ltd		
Do	Metal Market & Exchange Co, Ltd		
Robert A. Rapoza Associates, 2001 S Street, NW, #500 Washington, DC 20009	Campaign for Community-Based Economic Development	1,000.00	
Do	Friends of the Rural Development Loan Fund	1,000.00	
Do	National Rural Housing Coalition	11,276.04	11,276.04
Carol L. Raulston, 1619 Massachusetts Ave., NW Washington, DC 20036	American Paper Institute, Inc	2,075.00	
Recording Industry Assn of America, Inc, 888 Seventh Avenue, 9th Fl. New York, NY 10106		4,995.00	5.10
Robert E Redding, 7315 Wisconsin Ave., #325 E Bethesda, MD 20814	Shippers National Freight Claim	159.00	
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	
Robert S. Reese Jr., 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	1,129.45
Reese Communications Companies, Inc, 1925 North Lynn St., #1140 Arlington, VA 22209	Blue Cross & Blue Shield Assn	17,649.00	18,521.00
William Reffalt, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	4,663.88	
John T. Reggitts Jr., 95 Booton Ave. P.O. Box 470 Boonton, NJ 07005			
Mary Lynn Reilly, P.O. Box S708 Washington, DC 20016	Neighborhood Housing Services of America		
Kathleen Reinburg, 2000 P Street, NW, #305 Washington, DC 20036	Foresight Science & Technology, Inc (For:Society for American Archaeology)	937.00	
Stephen M. Renna, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	80.25
Edmund B. Rice, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	8,539.19	
K. O. Richardson, 815 16th St., NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	3,000.00	357.73
Steve Richardson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	4,065.34	320.67
Les Richter, 1801 Speedway Boulevard Daytona Beach, FL 32015	National Assn for Stock Car Auto Racing, Inc (NASCAR)	8,000.00	
Do	National Motorsports Comm of ACCUS, FIA, Inc		2,094.98
Riddell Holroyd & Butler, 1331 Pennsylvania Avenue, NW, #1215 Washington, DC 20004	H. F. Ahmanson & Co	6,250.00	
Do	Associates Corp of North America		
Do	Beneficial Corporation	3,000.00	
Do	W. K. Kellogg Foundation	6,250.00	
Siert F. Riepma, 1625 I St., NW, #1024-A Washington, DC 20006	National Assn of Margarine Manufacturers		
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	1,250.00	
Robin Risso, 511 C Street, NE Washington, DC 20002	Continental Assn of Resolute Employers (C.A.R.E.)		
Richard R. Roberts, 304 Pennsylvania Ave., SE, #300 Washington, DC 20003	American Council of Highway Advertisers	500.00	3,336.00
Michelle Robinson, 100 Maryland Avenue, NE Washington, DC 20002	Council for a Livable World	2,490.96	
Tom Robinson, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	1,450.07	267.48
Michael J. Rock, 50 F Street, NW Washington, DC 20001	American Hospital Assn	947.04	320.34
Bruce N. Rogers, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	2,840.96
Terrence L. Rogers, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	10,254.48	13,207.63
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco Inc	700.00	
Michael F. Rosanio, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	3,062.49	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	3,462.08
Marcus Roth, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	3,557.23	
Rhond Rudolph Roth, 6413 Lakeview Dr. Falls Church, VA 22041	Hauck & Associates, Inc		
Eric M. Rubin, Rubin Winston & Diercks 1730 M St., NW, #412 Washington, DC 20036	Commissoner of Public Lands for State of New Mexico		
James S. Rubin, Kleinfeld Kaplan & Becker 1140 19th Street, NW Washington, DC 20036	Allied-Signal, Inc	13,500.00	
Do	Great Lakes Products, Inc	4,425.00	
Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Nancy Russell, 4921 SW Hewett Blvd. Portland, OR 97221	Friends of the Columbia Gorge		
John G. Ryan, 1700 K Street, NW, #601 Washington, DC 20006	Squibb Corporation	1,000.00	
Patricia Ryan, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	1,598.00	909.47
Dean Sagar, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	341.00	18.00
David W. Sanasack, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	4,350.00	50.00
T. Irene Sanders, Sanders & Company 1815 H Street, NW, #1000 Washington, DC 20006	Technicon		
Mark S. Schacht, 1900 K St., #200 Sacramento, CA 95814	California Rural Legal Assistance, Inc		2,591.53
Roger B. Schagrin, Schagrin Associates 1112 16th St., NW, #1000 Washington, DC 20036	Committee on Pipe & Tube Imports	2,410.00	120.10
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	13,763.94	
James P. Schlicht, 1700 K Street, NW, #601 Washington, DC 20006	Squibb Corporation	1,000.00	103.61
Matthew Schneider, 1155 Connecticut Avenue, NW Washington, DC 20036	LEGI-SLATE		
Do	Westinghouse Electric Corp	5,000.00	598.50
Leonard Schneidman, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Mutual Savings Central Fund, Inc		
William B. Schultz, Suite 700 2000 P St., NW Washington, DC 20036	Public Citizen, Inc		
Walter A. Schumann III, 4319 Eisenhaver Rd. San Antonio, TX 78218-2606	Potomac Overlook Associates		
Schwabe Williamson Wyatt Moore & Roberts, Suite 302 1000 Potomac St., NW Washington, DC 20007	Investment Co Institute	416.67	
Do	Mountain States Energy, Inc		
Do	Public Generating Pool	22,690.00	2,670.40
Do	State of Oregon, City of Portland, Oregon Metro	2,334.64	2,740.26
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,644.39	
Schwinn Bicycle Co, 217 North Jefferson St. Chicago, IL 60606			3,238.00
Harold B. Scoggins, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		26.80
Law Offices of John Sears, 818 Connecticut Avenue, NW Washington, DC 20006	Embassy of the Republic of South Africa	15,000.00	941.62
Maria McCrea Segal, 2033 M Street, NW, #900 Washington, DC 20036	National Assn of Arab Americans		
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	500.00	
Shamrock Foods Co, 2228 N. Black Canyon Phoenix, AZ 85009			
Shaw Pittman Potts & Trowbridge, 1800 M Street, NW, (900-S) Washington, DC 20036	Association for the Improvement of the Mississippi River		
Shea & Gould, 330 Madison Avenue New York, NY 10017	Coast-Fed Properties		
Monica M. Sheehan, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Deborah A. Sheiman, 1350 New York Avenue, NW Washington, DC 20005	Natural Resources Defense Council, Inc	738.00	
Richard D. Shelby, 444 No. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For:Republic of the Philippines)		
Do	Keefe Co (For:UNIAO Nacional Para Independencia Total DeAngola)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Shippers National Freight Claim Council, Inc, 120 Main Street Huntington, NY 11743			159.00
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	8,062.50	80.00
Sierra Club, 730 Polk Street San Francisco, CA 94109		321,290.11	321,290.11
Stephen Silbiger, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	14,686.62	500.89
Ronald G. Sills, 1105 Nob Hill Court Roseville, CA 95678	Geo-Seis Helicopters, et al.		
Do	Military, Federal & State Prisoner Inmates		
Howard J. Silver, 1200 17th St., NW, #520 Washington, DC 20036	Consortium of Social Science Assns	850.00	33.00
Talmage E. Simpkins, 100 Indiana Ave., NW Washington, DC 20001	AFL-CIO Maritime Committee	300.00	452.56
William J. Skinner, 815 15th St., NW, #534 Washington, DC 20005	U.S. Pharmacopeial Convention, Inc	679.98	
Kathleen M. Skrabut, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	6,000.00	73.50
Dale D. Skupa, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	4,000.00	
Ruth L. Sky, 2211 Congress St. Portland, ME 04122	Union Mutual Life Insurance Co		
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Don S. Smith, The Smith Firm 1730 Pennsylvania Ave., NW, #300 Washington, DC 20006	Kern River		
Do	Northwest Pipeline Corp		
Ellen S. Smith, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,300.00	1,252.91
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Velma Smith, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	881.50	
Smith Dawson Associates, Inc, 1000 Connecticut Ave., NW, #304 Washington, DC 20036	City of Eugene, Oregon	8,499.00	
Do	Colorado Dept of Labor	4,275.00	
Do	Illinois Diversatech Corp	6,000.00	310.75
Do	N.Y. Metropolitan Transportation Agency	24,750.00	24,965.00
Do	Power Packaging, Inc	4,000.00	122.50
Do	San Francisco P.U.C.	10,998.00	10,998.00
Randall D. Snodgrass, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	2,227.34	253.35
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	Envirite Corporation		
Do	GSX Corporation		
Do	Liberty Mutual Insurance Co		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Lion Lines, Ltd)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Mass. Construction Indus. Council Truck Weight Comm).		
Do	Massachusetts Education Loan Authority	760.00	
Do	New England Education Loan Marketing Corp	1,113.40	
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)		
Edward F. Snyder, 245 2nd St., NE Washington, DC 20002	Friends Committee on National Legislation	5,516.64	
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	4,276.88	
Terry Sopher, 1400 Eye St., NW, 10th Fl. Washington, DC 20005	Wilderness Society	2,610.72	395.28
South African Sugar Assn, Norwich Union House, 8th Floor Durban Club Place Durban 4001 Republic of South Africa			31,220.00
Southern Forest Products Assn, P.O. Box 52468 New Orleans, LA 70152		17,739.72	17,739.72
Philip Speser, 2000 P St., NW, #305 Washington, DC 20036	Foresight Science & Technology, Inc (For:National Coalition for Science & Technology).		
Do	Foresight Science & Technology, Inc (For:Society for American Archaeology)	1,100.00	
Spriggs Bode & Hollingsworth, 1015 15th St., NW Washington, DC 20005	Altra Corporation	5,320.00	17.00
Do	BEH Chemical Corporation		
Do	RAJ Chemicals, Inc	2,822.50	300.00
Do	U.S. Resources & Chemicals, Inc	55,710.00	4,127.18
Robert P. St. Louis, Suite 880 555 New Jersey Ave., NW Washington, DC 20001	Congoleum Corporation	1,000.00	313.24
Linda Staheli, 100 Maryland Avenue, NE Washington, DC 20002	Council for a Livable World, et al.	1,567.33	
Bette Anne Starkey, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn		
Dean E. Steel, 1655 N. Ft. Myer Drive, #1120 Arlington, VA 22209	Varian Associates, Inc		
William N. Steele, 1700 North Moore St., Fl. 21 Rosslyn, VA 22209	Boeing Company	2,057.40	4,508.43
J. C. Steen, 412 First Street, SE, #301 Washington, DC 20003	McDonnell Douglas Corp	600.00	214.90
Do	Snyder Ball Kriser & Assocs (for Allison Gas Turbine Div)	600.00	197.00
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	9,259.25	488.53
Do	Caltex Petroleum Corp	1,453.50	63.00
Do	Cement Importers Assn	12,596.00	1,570.00
Do	Coalition for Uniform Product Liability Law		
Do	Committee for Effective Capital Recovery		
Do	Forest Industries Committee on Timber Valuation & Taxation		
Do	Outboard Marine Corp	2,120.37	157.06
Do	Rule of Law Committe		
H. Donald Stewart, 188 W. Main Street Penns Grove, NJ 08069			
S. Lynn Stewart, 3 Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	847.05
Lisa Stoltenberg, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn	250.00	
Stephen Storch, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Stovall & Spradlin, 2600 Virginia Ave., NW, #820 Washington, DC 20037	Commission on Future Political Status & Transition	10,000.00	56.00
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Fiat, S.p.A		
Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036	Marion Laboratories, Inc	5,133.00	
Sutherland Asbill & Brennan, 1666 K Street, NW, #800 Washington, DC 20006	Acacia Group	12,434.87	518.71
Do	American Land Title Assn	8,352.75	293.78
Do	Capital Holding Corp		812.76
Do	Crum & Forster Corp		
Do	Equifax, Inc	7,498.25	3,455.63
Do	Mutual of Omaha Insurance Co		
Do	National Liberty Corp	4,259.37	304.17
Do	Philip Morris, Inc	1,200.00	
Do	Southeast Compact Commission	8,479.23	
Do	State of Nevada		
Do	State of Washington	8,479.23	
Rosemarie Sweeney, Suite 770 600 Maryland Ave., SW Washington, DC 20024	American Academy of Family Physicians	3,000.00	943.87
Swidler & Berlin, Chtd, 1000 Thomas Jefferson St., NW #500 Washington, DC 20007	Finnigan Corporation		
Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc	1,254.59	
Keith Tarr-Whelan, 1901 L St., NW Washington, DC 20036	Ogilvy & Mather		
Margaret J. Taylor, 1050 Connecticut Ave., NW, #200 Washington, DC 20036	Burlington Northern, Inc	1,750.00	69.65
Techlaw - Aica, 12030 Sunrise Valley Drive, #200 Reston, VA 22091			
Riley K. Temple, Kadison Pfaelzer Woodard Quinn & Rossi 2000 Pennsylvania Avenue, NW, #7500 Washington, DC 20006	NYNEX		
Textron, Inc, 40 Westminster St. Providence, RI 02903		2,850.00	580.00
Thacher Proffitt & Wood, Suite 512 1140 Connecticut Ave., NW Washington, DC 20036	American Resort & Residential Development Assn		294.73
Diane Kay Thomas, 2727 29th St., NW, #634 Washington, DC 20008	American Assn of Minority Enterprise Small Bus. Invest Cos	5,652.00	
Meshall Thomas, Suite 400 2000 P Street, NW Washington, DC 20036	Women's Legal Defense Fund		
Richard L Thompson, 1700 K Street, NW, #601 Washington, DC 20006	Squibb Corporation	1,500.00	
Roger G. Thompson, 117 Bellefonte Drive Ashland, KY 41101	Kentucky Power Co		
Samuel C. Thompson Jr., Schiff Hardin & Waite 1101 Connecticut Avenue, NW, #600 Washington, DC 20036	Chicago Board Options Exchange		
Thompson & Bussart, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	Central States SE & SW Areas Health & Welfare & Pension Fund	5,680.00	
Do	Westinghouse Electric Corp		
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	American Tie Fabric Assn		39.60
Do	National Pork Producers Council		51.70
Do	Orkin Exterminating Co, Inc		102.54
Thompson Mann & Hutson, 1730 Pennsylvania Ave., NW, #1250 Washington, DC 20006	CSX Corporation		
Robert N. Thomson, One Landmark Sq. Stamford, CT 06901	Moore McCormack Resources, Inc		788.00
Whitney C. Tilt, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,052.43	440.12
Gary G. Timmons, 1201 16th Street, NW Washington, DC 20036	National Education Assn	2,643.40	61.00
Michael L. Tiner, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	13,461.56	871.76
Ron Tipton, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	2,519.11	366.86
Jay C. Townley, 217 North Jefferson St. Chicago, IL 60606	Schwinn Bicycle Co		
Thomas J. Trabucco, 1533 New Hampshire Avenue, NW Washington, DC 20036	National Assn of Retired Federal Employees	11,502.00	
Joseph P. Trainor, 815 16th St., NW Washington, DC 20006	Brotherhood of Railway Airline & Steamship Clerks	2,000.00	630.11
Transafrica, 545 8th Street, SE, #200 Washington, DC 20003		210,498.74	55,874.23
Jose E. Trias, 1615 L St., NW, #1300 Washington, DC 20036	Paul Weiss Rifkind... (for Howard Hughes Medical Institute)		
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Humane Soc of the U.S. and M.S.P.C.A.	67.50	14.29
Do	Leading Edge Products, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Venture Capital Assn	3,577.50	509.64
Jon R. Tumler, 1000 Vermont Avenue, NW, #800 Washington, DC 20005	Public Securities Assn	7,785.00	398.40
B. Elizabeth Tunney, 124 Salem Church Road Mechanicsburg, PA 17055	Retail Wholesale & Dept Store Union		
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	2,550.00	66.05
St. Clair J. Tweedie, Suite 220 1575 Eye Street, NW Washington, DC 20005	American Cyanamid Co	20,000.00	150.00
U.S. Committee for the Oceans, Route 2 Ararat, VA 24053			
U.S. Recreational Ski Association, P.O. Box 15486 Santa Ana, CA 92705-0486			
Gilman Udell, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	4,500.00	
Mark J. Ugoretz, 1726 M Street, NW, #1101 Washington, DC 20036	Erisa Industry Committee	2,375.00	66.00
Robert D. Umphrey Jr., 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	5,000.00	150.00
Unique Athletes, Inc, 3 Woodland Avenue Westhampton Beach, NY 11978			18,379.00
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		174,155.83	71,569.37
Lloyd N. Unsell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		30.00
Mary Uyeda, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,198.00	73.00
Juliane H. Van Egmond, Suite 220 1575 Eye Street, NW Washington, DC 20005	American Cyanamid Co	1,618.80	409.44
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	5,484.00	4,689.10
Verner Liipfert Bernhard Mcpherson & Hand, Chtd, 1660 L Street, NW, #1000 Washington, DC 20036	Associated Ferrari Dealers of North America		
Do	Brown & Root, Inc	2,895.00	
Do	GenCorp	1,983.00	
Do	John F. Kennedy Center for the Performing Arts		
Do	Mutual of America	825.00	
Do	Norfolk Southern Corp		
Do	Rayburn Country Electric Cooperative, Inc	2,797.50	
Do	Travelers Corporation	13,230.00	
Do	John Tudor		
Do	TRW, Inc	3,688.00	
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Alliance of American Insurers		
Do	Chemical Bank		161.00
Do	Consolidated Rail Corp		
Do	Continental Health Affiliates		
Do	Charles Crowder		
Do	Dunigan Enterprises		
Do	Federal Express Corp	1,040.00	
Do	Goldman Sachs & Co		
Do	H.J. Heinz Co	406.25	46.35
Do	Merrill Lynch & Co, Inc	517.50	15.00
Do	Shearson Lehman/American Express, Inc		
Volunteer Trustees of Not-For-Profit Hospitals, 1625 Eye St., NW Washington, DC 20006		4,500.00	10,237.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	SCM Corp	3,000.00	
Wagner & Baroody, Inc, 1615 L St., NW, #750 Washington, DC 20036	Alfin Fragrance	1,687.50	511.51
Do	Canadian General Electric	21,281.25	4,753.55
Do	Chicago & Northwestern Railroad		
Do	CSX Corporation	13,375.00	4,123.76
Do	Daewoo International Corp	15,593.75	5,705.95
Do	Mobil Oil Corp		
Do	National Beer Wholesalers of America	30,558.75	9,398.83
Do	National Debt Repayment Foundation		
Do	North American Bancorporation		
Do	United Nations Educational Scientific & Cultural Organ.		
Andrew B. Waldo, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	15,640.00	506.75
Kevin Walsh, P.O. Box 15232 Washington, DC 20003	Association for the Advancement of Historical Research	200.00	
G. L. 'Lew' Walts, 11319 Sunset Hills Road Reston, VA 22090	National Turkey Federation		
Warner Cable Communications, Inc, 425 Metro Place North, #500 Dublin, OH 43017			
Washington Gas Light Co, 1100 H St., NW Washington, DC 20080			24,140.36
Washington Office on Africa, 110 Maryland Ave., NE, #112 Washington, DC 20002		17,258.13	32,457.66
James D. Webb, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	412.85	
Mary Webb, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	189.00	
Andrew H. Webber, 440 First Street, NW, #510 Washington, DC 20001	American Medical Peer Review Assn		
Susan Weber, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009	Zero Population Growth, Inc	27.00	
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Beer Industry Alliance		
Do	Mesaba Aviation, Inc		
Paul Weckstein, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	836.15	
Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036	National Fisheries Institute	4,000.00	75.00
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	All-Industry Committee, et al	1,050.00	
Do	Antitrust Remedies Reform Group, et al.	10,718.00	
Do	R. H. Macy	10,550.00	
Do	Mobil Oil Corp	325.00	
Weiner McCaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	MidSouth Rail Corp	4,340.00	49.20
Do	National Truck Equipment Assn	3,570.00	58.75
Stanley A. Weiss, Suite 401 21 Dupont Circle, NW Washington, DC 20036	Business Executives for National Security		
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	225.00	
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
William B. Welsh, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	16,205.90	30.50
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn		
Roland Wesley, 1159 Quail Run Bolingbrook, IL 60439	Committee for Minor. Access to Post Second. School Ownership		
Western Fuels Association, Inc, 1625 M St., NW Washington, DC 20036			27,845.50
Curtis E. Whalen, 490 L'enfant Plaza, SW, #3202 Washington, DC 20024	Transco Energy Company	5,000.00	3,113.10
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Consolidated Rail Corporation		
Do	Council for Labor Management Cooperation		
Do	Lincoln Savings & Loan Assn		
Do	Nationwide Insurance Co		
Josiah R. Whitehead, 3030 Cornwallis Road Research Triangle Park, NC 27709	Burroughs Wellcome Co		
Dennis J. Whittlesey, Keck Mahin & Cate 1730 Pennsylvania Ave., NW Washington, DC 20006	Cowlitz Indian Tribe		
Do	Sioux, Inc		
Wickwire Lewis Goldmark & Schoor, 500 Maynard Bldg. Seattle, WA 98104	Arctic Slope Regional Corp		
Judy A. Wiedemeier, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Julian A. Wilhelm, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Burch and Bennett, P.C. (For:M.A.N. Truck & Bus Corp)		
Barrett Williams, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	6,995.95	
Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,139.74	
Williams & Jensen, P.C., 1101 Connecticut Ave., NW Washington, DC 20036	American Home Products		
Do	American Hospital Assn	3,680.00	230.03
Do	American Physical Therapy Assn	92.50	6.53
Do	American Real Estate Committee	162.50	13.07
Do	Association of Family Farmers	1,675.00	69.27
Do	Association of Progressive Rental Organizations		33.99
Do	Bato Company		
Do	Century 21 Real Estate Corp		
Do	Cigna	1,012.50	47.05
Do	Committee for Employment Opportunities		
Do	Committee for Fairness in Real Estate Taxation	262.50	13.07
Do	Echo Bay Mines, Ltd		162.13
Do	Estee Lauder, Inc		
Do	Federation for American Immigration Reform		108.48
Do	Financial Security Assurance	1,250.00	60.12
Do	First Boston Corp	1,250.00	87.50
Do	First Data	62.50	
Do	Freight Forwarders Institute		
Do	General Electric Co	260.00	10.45
Do	Goldome FSB	237.50	13.06
Do	Higher Education Assistance Foundation	625.00	67.96
Do	Houston Endowment, Inc	802.50	37.90

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	IU International Management Corp		
Do	Kellogg Company		
Do	Kelly Appleman Hart & Hallman	835.00	40.52
Do	Miller and Leher		37.90
Do	Mustang Fuel Corporation		
Do	National Assn for Home Care		
Do	National Assn of Water Companies		
Do	National Cable Television Assn, Inc	5,250.00	270.55
Do	Nationwide Insurance Co		
Do	Norfolk Southern Corp	3,275.00	175.13
Do	Paralyzed Veterans of America		
Do	Pharmaceutical Manufacturers Assn	7,067.50	100.64
Do	Prolerize-Shiabo-Neu	67.50	6.53
Do	Recording Industry Assn of America, Inc		
Do	Student Loan Marketing Assn	1,500.00	134.62
Do	Texaco, Inc	1,100.00	40.52
Do	Texas Air Corp	8,741.50	565.92
Do	U.S. Telephone Communications, Inc	787.50	40.52
Do	Universal Foods, Inc		
Do	USAA Financial Service Co		
Harriet D'Nell Williamson, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers Int'l Union	16,692.34	25.82
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Thomas H. Lee Co	300.00	7.50
David W. Wilmot, 1029 Vermont Ave., NW, #300 Washington, DC 20005	Anheuser-Busch Companies, Inc		
Thomas E. Wilson, 1111 19th Street, NW Washington, DC 20036	Seyfarth Shaw Fairweather & Geraldson (For:Independent Insurance Agents of America).		
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	593.75	67.50
James L. Winston, 1730 M Street, NW, #708 Washington, DC 20036	National Assn of Black Owned Broadcasters		
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	Association of Seat Lift Manufacturers		
Do	Beatrice Foods Co		
Do	City of Tucson		
Do	CNA Financial Corp		
Do	Gould, Inc		
Do	Hanson Industries		34.75
Do	International Boutique, Inc		
Do	International Council of Shopping Centers		1,087.27
Do	Lease Management Corp		
Do	Metrocenter Corp		
Do	National Audubon Society		
Do	National Council of Health Facilities Finance Authorities		
Do	Northeastern Power Co	65.00	
Do	Queen City Home Health Care		
Do	Syntex Laboratories, Inc		
Do	Terson Company, Inc		
Claudia A. Withers, 2000 P Street, NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Rebecca Wodder, 1400 Eye Street, NW, 10th Fl. Washington, DC 20005	Wilderness Society		
S.R. Wojdak and Associates, Inc, 1401 Walnut St., #1000 Philadelphia, PA 19102	Health America Corp	1,200.00	425.98
Do	Medical College of Pennsylvania	6,360.00	1,114.86
Do	St. Christopher's Hospital for Children	2,100.00	1,007.73
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	16,125.00	2,605.00
Hugh A. Wood, 313 Garfield Ave. Placentia, CA 92670	Atlantic Richfield Co		
Wood Lucksinger & Epstein, 2000 M Street, NW, #500 Washington, DC 20036	CHAD Therapeutics, Inc		
G. Kent Woodman, 1818 N Street, NW Washington, DC 20036	Baskin & Steingut, P.c. (For:Norfolk Southern Corp)		
Douglas A. Woodward, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc		
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	540.00	150.00
George M. Worden, 1201 Pennsylvania Ave., NW Washington, DC 20004	Hill & Knowlton, Inc		
Wyatt & Saltzstein, Suite 802 1725 Desales Street, NW Washington, DC 20036	Association of Business Publishers		
Wyman Bautzer Christensen Kuchel & Silbert, Suite 580 600 New Hampshire Ave., NW Washington, DC 20037	American Boiler Manufacturers Assn, Inc		
Do	Automotive Dismantlers & Recyclers Assn, Inc		
Do	Bristol Bay Native Corp		
Do	Eklutna, Inc		
Do	Filmways, Inc		
Simin Yazdgerdi, 514 2nd Street, SE Washington, DC 20003	FAIR	200.00	20.00
Judith A. Young, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,500.00	136.89
Harry M. Zachem, 1025 Connecticut Ave., #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John R. Zagame Associates, Inc, 1001 Prince Street, #116 Alexandria, VA 22314	City University of New York	9,000.00	1,000.00
Janice Zarro, Suite 715-16 1660 L St., NW Washington, DC 20036	Avon Products, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn		
Sharon G. Zedd, 1945 Old Gallows Road, #405 Vienna, VA 22180	American Wood Preservers Institute	5,000.00	1,111.59
Zero Population Growth, Inc, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009		5,115.00	4,839.00
Judith Ziewacz, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	1,650.00	
Barry Zigas, 1012 14th Street, NW, #1006 Washington, DC 20005	National Low Income Housing Coalition	6,250.00	557.00
Ziontz Pirtle Morrisset Ernstoff & Chestnut, Metropolitan Park, 16th Floor 1100 Olive Way Seattle, WA 98101	Confederated Tribes of the Colville Indian Reservation		
Do	Hoopa Valley Tribe	3,039.00	
Do	Inupiat Community of the Arctic Slope		
Do	Makah Indian Tribe		
Do	Metlakatla Indian Community		
Do	Mille Lacs Band of Chippewa Indians		
Do	Northern Cheyenne Indian Tribe		
Do	Rosebud Sioux Indian Tribe	3,030.00	
Do	Tulalip Indian Tribe		
Do	Ukpeagvik Inupiat Corporation		
Kurt D. Zwikl, 702 Hamilton Mall Allentown, PA 18101	Merchants Bank		
23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857			
31st Pro Life Congressional District Action Comm, 8654 Bonview Terrace Williamsville, NY 14221			

SENATE—*Thursday, February 19, 1987*

The Senate met at 2 p.m. and was called to order by the Honorable George J. Mitchell, a Senator from the State of Maine, the Deputy President pro tempore.

The DEPUTY PRESIDENT pro tempore. Our opening prayer today will be offered by the Reverend Dr. William P. Watkins, pastor of Bruen Chapel United Methodist Church of Fairfax, VA. Dr. Watkins is sponsored by Senator John Warner.

PRAYER

The Reverend Dr. William P. Watkins offered the following prayer:

Let us pray.

Almighty, and everlasting God, the Sovereign Ruler of all nations: We thank Thee for our great land and its leadership among all nations. The world towers above us with its huge problems, and as a result we have grown anxious, fearful, perplexed, and inadequate. In the midst of this confusion, contention, and uncertainty of our times we ask that You, who never changes, would continue to abide with us.

We especially pray that You would grant to the Members of the Senate of the United States of America renewal and enlightenment, which only Your presence can bring. Strengthen them in Thy spirit so that they may have insight and wisdom to serve Thy high causes of justice and peace.

Increase our faith to believe that, if we as a nation, seek first Your kingdom and its righteousness then You will preserve us as a people whose God is the Lord. Amen.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, let me briefly state what the program will be for the day.

After the two leaders have been recognized under the standing order, there will be four Senators who will be recognized each for not to exceed 5 minutes under orders previously entered.

Following the orders for the recognition of the four Senators, there will be a period for morning business for not to exceed 2 minutes, after which the Senate will proceed to the consideration of Calendar Order No. 17, a resolution expressing support for the Government of the Philippines. There is a time agreement on that resolution. No amendments will be in order. A number of Senators will be in control of time. The maximum amount to be used is 50 minutes, after which a vote will occur on the adoption of the resolution. That will be a rollcall vote, and upon the disposition of that matter, there will be further morning business during which time Senators will be permitted to speak.

ORDER FOR RECOGNITION OF SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Philippines resolution today Senators may speak out of order for not to exceed 10 minutes.

The PRESIDING OFFICER (Mr. Simon). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 2 P.M. ON FEBRUARY 23, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 2 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE ON MONDAY

Mr. BYRD. Mr. President, there will be no rollcall votes on Monday. I hope that committees will take advantage of the opportunity to meet and take action to meet the budget deadlines. It is imperative that committees inform the Budget Committee by February 25 as to what their spending needs will be over the next fiscal year. That is an early deadline that we all should meet. Sessions of the Senate during which there are no rollcall votes will accommodate the needs of Members who wish to introduce bills, resolutions, and make statements. At the same time, committees are not interrupted by Senate quorum calls and rollcall votes. Down the road, there will be less time for committees to meet. So now is the time for committees to make progress.

Mr. President, I ask that the remainder of my time be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, I yield 2 minutes to the distinguished Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the minority leader.

HISTORY OF THE U.S. SENATE

Mr. STEVENS. Mr. President, in the spring of 1980 during my service as assistant minority leader, the distinguished majority leader, Robert C. Byrd, inaugurated a remarkable series of addresses on the history and traditions of the U.S. Senate. Since that time, he has delivered 86 separate addresses, which have become an invaluable reference source on Senate history.

I have often sat at my desk and listened to Senator Byrd's eloquent and scholarly statements, and I know that many of my colleagues have joined me in tracking down copies of the Record to read his remarks when we were unable to listen to them on the floor.

In his early statements, Senator Byrd discussed the origin and development of such offices as the President pro. tempore, the Sergeant at Arms, the Chaplain, and the party secretaries. He also explained the background of the Congressional Record, Senate pages, and the Capitol Police. Since 1981, he has focused on the Senate's chronological history, describing—in rich detail—personalities and events ranging in time from the 1789 Senate of William Maclay to the 1969 Senate of Everett Dirksen.

It is a sad thing, Mr. President, that the Senate's institutional history has not been given the attention it deserves in the academic community. At present, there is no up-to-date, separately published history of the Senate available to the general public. This deficiency is becoming increasingly problematic as we approach the 200th anniversary of the Senate's 1st session in 1989.

Publication of Senator Byrd's even-handed and thoroughly researched addresses will fill a major need in a timely way. It will enable Americans to deepen their understanding of our Federal governmental system and the Senate's role therein.

Furthermore, publication of Senator Byrd's "history lessons," as I sometimes refer to them, will give all Mem-

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● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

bers an important opportunity to reacquaint themselves with the history of the world's greatest deliberative body, to learn more about the factors that have molded this great—if sometimes balky—institution into the form we know today.

Mr. President, it is my privilege to submit—along with Senator FORD, the distinguished chairman of the Rules Committee—a concurrent resolution authorizing the printing of Senator BYRD's statements as a suitably illustrated and thoroughly indexed Senate document. The title of this important volume will be "U.S. Senator Robert C. Byrd's Addresses on the History of the United States Senate: Bicentennial Edition."

Mr. President, I send this concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 18) to authorize the printing of "U.S. Senator Robert C. Byrd's Addresses on the History of the United States Senate: Bicentennial Edition."

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I wish to thank the distinguished Senator from Alaska, Senator STEVENS, for the concurrent resolution he has submitted. I certainly share the words he expressed in his statement in support of the concurrent resolution.

I have even borrowed the distinguished majority leader's own copy from time to time, once for a period of 3 or 4 weeks, so I could do a little research myself. So it is a very valuable service he performs and we certainly all appreciate it.

Mr. FORD. Mr. President, all of us who have been privileged to serve in the Senate are deeply indebted, first to our majority leader, ROBERT BYRD, and then to our colleague, the distinguished senior Senator from Alaska, TED STEVENS. Future historians will have a far better and more reliable source for their research into the history of the Senate because of their initiatives.

Senator BYRD has been tireless and effective in pulling together the salient events and people who have made this body what it is and has been. He has truly been the history teacher to those of us who have had the opportunity to listen to and read his addresses.

I am pleased to join with my fellow member of the Rules Committee in introducing this resolution to publish in one document the many comprehensive papers that Senator BYRD has delivered. The history of the Senate will truly be well served by publication of these papers. I am pleased to join Senator STEVENS in urging immediate consideration and passage.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 18) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 18

Whereas the Senate of the United States in 1989 will commemorate its two hundredth anniversary; and

Whereas the Study Group on the Commemoration of the United States Senate **Bicentenary in 1982 recommended as worthy of separate publication and wide distribution the collected addresses of the history and traditions of the United States Senate, which U.S. Senator Robert C. Byrd began on March 21, 1980: Now, therefore, be** it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document "U.S. Senator Robert C. Byrd's Address on the History of the United States Senate: Bicentennial Edition" to be published under the supervision of the Secretary of the Senate with the editorial assistance of the Senate Historical Office.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed with suitable binding 5,000 additional copies, for use by the Secretary of the Senate.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank the distinguished senior Senator from Alaska [Mr. STEVENS] for his thoughtfulness in submitting the concurrent resolution. I also thank the distinguished Republican leader for his kind words with reference to the work that has been done in compiling this unique history of the U.S. Senate.

Two years from now will be the 200th anniversary of the Senate. The preparation and publishing of this volume will be, I hope, considered a service to the Republic and to this institution, the U.S. Senate, which I feel is the cornerstone of our Republic.

I am grateful for the attention that has been given to the matter by the distinguished Senator from Alaska. I am most thankful for his kindness in introducing the legislation. I appreciate his friendship—and he is my friend—and I appreciate, likewise, the friendship of the distinguished Republican leader and his support for the resolution.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The majority leader has 6 minutes remaining.

WHITE HOUSE JOINS TRADE ISSUE

Mr. BYRD. Mr. President, I am sure that the distinguished Republican leader will be addressing his remarks to some extent, I think, on the trade legislation, about which there was a meeting at the White House yesterday. I am advised that he will also be introducing the administration's bill and possibly proceeding to put it on the calendar via rule XIV.

I, therefore, would like to make a few comments with respect to this subject.

Mr. President, I came away from the meeting yesterday at the White House encouraged by the administration's newfound conversion to the conviction that something must be done on this issue. After years of rising imports and falling exports, I was heartened to see the President acknowledge that we must take action to restore America's competitiveness in the world marketplace.

The President's support is welcomed by all of us who believe that trade legislation must be at the top of the legislative agenda this year. Last month, Speaker WRIGHT and I agreed that fashioning a comprehensive bill to redress our trade imbalance and restore America's competitiveness was a top priority and instituted processes in each House to produce omnibus trade/competitiveness bills. We committed to putting such legislation on the President's desk this year.

Indeed, at my urging, several committees in the Senate have already held hearings on the varying subject matter, and the chairman of the Finance Committee, Senator BENTSEN, with a multitude of cosponsors, has introduced a bill that will form the nucleus of that omnibus legislation. The House is moving at a similar rate of speed.

Just this morning, I talked with the Speaker again about the trade issue in our continuing series of meetings. We both reaffirmed our intent to urge committees to report their portions of this legislation as expeditiously as possible. The Speaker reiterated his earlier announcement that the House intends to send the Senate a trade/competitiveness bill by the end of April. I asked our committee chairman on January 7 to have their legislation reported by May 1.

So trade legislation is on track, Mr. President. I am confident that the White House will have valuable suggestions to make. I have not yet seen the text of the administration's bill, but it is going to be introduced today by the able Republican leader. But given the distance already traveled by the White House in finally recognizing that a trade problem exists, I hope progress may be possible toward an ever more useful role for the administration in this process.

I wish to commend the chairmen of those committees who have moved forthrightly to address the trade issue, and particularly the Finance Committee and its distinguished chairman, Senator BENTSEN, for their effort thus far. The country cannot afford to delay addressing this issue any longer—as the administration now has acknowledged. I hope the White House will work with the Congress. The meeting yesterday was encouraging in that respect. But Congress cannot be sidetracked from the course we have laid out. We do not intend to wait for the administration to catch up. If it wishes to ride this train, it must jump on now before the train leaves the station.

There are Senators on both sides of the aisle who have indicated strong interest in trade legislation, who have recognized for a long time the need for such, and who will be working together to hammer out legislation that can be supported bipartisanly.

The future of our economy and millions of jobs are at stake. The bill we send to the President will deal directly with those issues in a comprehensive manner.

VISIT OF ISRAELI PRIME MINISTER YITZHAK SHAMIR

Mr. BYRD. Mr. President, the Prime Minister of Israel, Mr. Yitzhak Shamir, has been on an official visit to Washington over the last few days.

I had the privilege and opportunity to meet with him yesterday in my office, along with the distinguished Republican leader, Mr. DOLE.

The Speaker of the House, Mr. WRIGHT, also joined us in greeting the Prime Minister.

In addition, the leadership of the new investigating committees on the Iran arms sales and Contra funding scandal were in attendance—the chairman of the Senate committee, Mr. INOUYE, and vice chairman, Mr. RUDMAN, as well as the chairman of the House Investigating Committee, Mr. LEE HAMILTON of Indiana.

We had the opportunity to discuss the need to rejuvenate the Middle East peace process. The Camp David accords are now a decade old.

There has been no demonstrable progress in many years. Indeed, the instability of much of the region has been exacerbated, the level of violence has increased.

The time for new initiatives and new efforts is certainly here, it is certainly overdue. Our policy toward the Middle East does not have a creative and vigorous diplomatic content.

The center of gravity of the current U.S. policy toward the Middle East seems to fall on a series of arms sales.

There may be good reason for some arms transfers.

But arms sales are appropriate only as a piece of a larger diplomatic context.

Otherwise, in the long run, they have the dangerous potential of simply feeding the fires of violence in the region.

Our goal must be to bring peace to the Middle East and help solve the underlying causes of instability, not to just arm one nation after another.

The political force of the United States is an essential ingredient to get the peace process off dead center.

The Israeli Prime Minister is well aware of this—he made it clear to us yesterday that Israel needs the help and influence of the United States in whatever rejuventation can be achieved.

One proposal which will not help, and I agree with Mr. Shamir on this point, is to convene a large international conference on the Middle East.

This would bring the Soviets into the process directly.

The Soviet Union is not interested in stability in the Middle East—it is only interested in expanding its influence. Such a conference would go nowhere.

I hope that the administration will make every effort, at the highest levels, including the personal efforts of the President and the Secretary of State to put the Middle East on the front burner again.

Second, the Prime Minister provided needed assurances on the question of cooperation with our investigation of the Iran arms scandal.

It is understandable that the Israelis are sensitive on this subject—I have no wish to intrude on Israeli sovereignty.

Mr. INOUYE is fully aware of the delicacy of these sensitivities.

So I am pleased that the Prime Minister has agreed to cooperate fully, first in providing all needed data, documents and information on the scandal by responding to written questions by the committee, and, second, in providing access to the relevant individuals in followup inquiries, if needed.

It is crucial that such cooperation remove any doubt about who did what, proposed what and when, so that all unresolved issues are taken care of, and the full story is told.

It is in Israel's interest, and in the interest of continuing the strong bonds which unite our two nations as allies and friends, that complete cooperation be achieved.

I greatly appreciate Mr. Shamir's comments in this regard, and the understanding and support of the Israeli leadership.

Mr. President, if I have any further time, I will reserve it. I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. Under the standing order, the Republican leader is recognized.

BICENTENNIAL MINUTE

FEBRUARY 19, 1945: NIGHT SCHOOL FOR SENATORS

Mr. DOLE. Mr. President, in February 1945, 42 years ago, the headlines carried stirring news of Iwo Jima, Generals McArthur and Patton, and Yalta. Those of us who lived through those harrowing, momentous days and weeks had the sense that the world was rapidly changing as events in Europe and the Pacific built to a climax.

Beneath the headlines in February 1945 there appeared a small item captioned "Night School for Senators." It told of a proposed innovation by Senate Republicans to keep abreast of the fast-changing issues confronting them. The idea was to have a series of evening meetings, featuring outside experts, to discuss the complexities of matters before the Senate. The decision to begin such a "night school" sprang specifically from the need to understand the implications of the "Bretton Woods" monetary and financial conference of the previous summer. Attended by representatives of 44 countries, the conference had established the International Monetary Fund, and the International Bank for Reconstruction and Development.

While a laudable idea, the "night school" was apparently short lived. The pace of world events quickened still further as the next 2 months brought the America victories on the Rhine and in Okinawa; the sudden death of President Roosevelt; and the drafting of the U.N. Charter in San Francisco. The work of the Senate accelerated, leaving little time for leisurely evenings of study and reflection.

I might add a personal note. We do have a few night schools around here, but they are always on the record, of course, doing business.

LIFTING ECONOMIC SANCTIONS ON POLAND

Mr. DOLE. Mr. President, this morning President Reagan formally rescinded economic sanctions imposed on Poland in 1981 and 1982.

During a White House ceremony, the President said that this was just the first step in reestablishing United States ties with Poland. And I quote:

> Our relations with Poland can only develop in ways that encourage genuine progress toward national reconciliation in that coun-

try. We will be steady. We will be committed.

I, too, see this exercise as the beginning of a positive and growing relationship with the Polish people. We hope, that by lifting these sanctions we will encourage the Government to continue down the road toward an open and free society.

Mr. President, I ask unanimous consent that the complete text of President Reagan's statement and the declaration lifting the economic sanctions be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Statement by the President

Five years ago, I asked all Americans to light a candle in support of freedom in Poland. During that Christmas season of 1981, candles were lit in millions of Americans homes. We had confidence that the spirit of freedom would continue to shine in the darkness that martial law had brought to that brave country. As Americans, we were showing solidarity with Solidarity.

Symbolic gestures were not enough. Economic and other sanctions were imposed on Poland in response to the repression that descended on the Polish people as a result of martial law. Our message was that America would not passively stand by while a grand experiment in freedom was brutally smashed in Poland. If the Polish government wanted a decent relationship with the United States, we made it clear they would have to lift martial law, release the political prisoners and enter into a real political dialogue with Polish society.

Today, more than five years later, the light of freedom continues to shine in Poland. The commitment and sacrifice of hundreds of thousands of Polish men and women have kept the flame alive, even amid the gloom.

In 1983, martial law was lifted and thousands of political prisoners have been freed in a series of amnesties. Since the final amnesty last September, no one has been arrested on political charges in Poland.

Yet, there is still far to go. The threat of arrest still hangs over those who seek their freedom. The right to genuinely independent trade unions is still stifled. Independent political activity continues to be repressed by various governmental measures. National reconciliation remains a dream, a goal for the future, rather than a reality of today.

I continue to believe, as do the Polish people, that it is a possible dream. The church in Poland has greeted the major amnesty of political prisoners last September as a "significant step" by the Polish government. In response to that amnesty, we initiated a step-by-step process of expanding our dialogue with the government of Poland. In our dealings with Polish authorities, we have made one point clear: the continuation of better relations between our countries, and their further improvement, will be possible only if we see maintained the spirit and principle of the amnesty and a reliance on dialogue and respect for human rights. Only through genuine and meaningful reconciliation can the plight of the Polish people be alleviated. We will be watching to see that further steps are taken toward national reconciliation in Poland, and that the progress made is not reversed.

Significantly, the leaders of solidarity and of the Catholic church in Poland agree that this is the right course for us to take. They have now urged us to lift our remaining economic sanctions in order to encourage further movement in the right direction.

In considering this question, I have drawn on a broad cross-section of views. We have been in touch at the highest levels with the Polish government, with the church and with solidarity. We have also consulted with our allies.

After careful review, I have decided that the economic sanctions imposed in December 1981 and October 1982 should be rescinded, and I am accordingly restoring "most-favored-nation" tariff treatment for Poland and lifting the ban on Poland's eligibility for official U.S. credits and credit guarantees.

We have always worked closely with our allies on issues concerning Poland, and they have sent messages of support for this step forward.

I am honored by the expression of concern from distinguished members of Congress, leaders of the Polish-American community in this country, and Solidarity. Together, we underscore the heartfelt concern of our citizens about Poland. Let no one doubt our brothers and sisters who struggle to build a freer and more humane Poland, or our resolve to stand by them.

As it was in 1981: freedom is precious to us. The slogan of the Polish independence struggle of the last century was "For Your Freedom And Ours." That is our slogan, too, and it is more than a slogan. It is a program of action.

Today is a first step, a big step. Our relations with Poland can only develop in ways that encourage genuine progress toward national reconciliation in that country. We will be steady. We will be committed. The flame that burns in the hearts of the Polish people, a flame represented by the candles we lit in 1981, that flame of justice and liberty will never be extinguished.

Restoration of the Application of Column 1 Rates of Duty of the Tariff Schedules of the United States to the Products of Poland

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. On October 27, 1982, by Proclamation No. 4991, I suspended the application of column 1 rates of duty of the Tariff Schedules of the United States (TSUS) to the products of Poland. This followed from my determination that the Government of the Polish People's Republic had failed to meet certain import commitments under its Protocol of Accession to the General Agreement on Tariffs and Trade (19 UST 4331), and that the Polish martial law government had increased its repression of the Polish people, leaving the United States without any reason to continue withholding action on its trade complaints against Poland.

2. Since issuance of the Proclamation, the Polish Government has taken steps that lead me to believe that Poland should be given a renewed opportunity to address its trade obligations with the benefit of most-favored-nation tariff treatment.

3. The President may, pursuant to his constitutional and statutory authority, including Section 125(b) of the Trade Act of 1974, as amended, terminate in whole or in part Proclamation No. 4991.

4. I have determined in this case that the national interest requires expeditious action.

Now, Therefore, I, Ronald Reagan, President of the United States of America, by the authority vested in me by the Constitution and the statutes of the United States, including, but not limited to, the Trade Expansion Act of 1962, as amended, and the Trade Act of 1974, as amended, do hereby proclaim as follows:

1. Proclamation No. 4991 of October 27, 1982, is hereby revoked.

2. General Headnote 3(d) of the TSUS is modified:

(a) by deleting "or pursuant to Presidential Proclamation No. 4991, dated October 27, 1982" and

(b) by deleting "Polish People's Republic" from the list of countries there in.

3. This Proclamation shall take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of publication of this Proclamation in the Federal Register.

In witness whereof, I have hereunto set my hand this nineteenth day of February, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

RONALD REAGAN.

Mr. DOLE. Mr. President, I indicate that I was privileged to be there along with the distinguished junior Senator from Maryland, Senator Mikulski.

THE TRADE, EMPLOYMENT, AND PRODUCTIVITY ACT OF 1987

Mr. DOLE. Mr. President, I send an enclosed bill to the desk. I indicate that this is the trade bill. I am advised that it may be a couple of thousand pages in length. I do not think we will have it read in its entirety. But I send it to the desk, and ask it be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

S. 539, the Trade Employment and Productivity Act of 1987.

Mr. DOLE. Mr. President, I ask unanimous consent that it be read for the second time, and placed on the calendar.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, for the record let me say that the distinguished Republican leader is utilizing rule XIV to secure the appearance of the bill on the calendar. He can do this in due time, and I certainly have no objection to the request. We might as well have the bill on the calendar earlier rather than later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I thank the distinguished majority leader.

Mr. President, I ask unanimous consent that the section-by-section analysis be printed in the Record, but not the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

SECTION-BY-SECTION ANALYSIS OF THE TRADE, EMPLOYMENT, AND PRODUCTIVITY ACT OF 1987

TITLE I—INVESTMENT IN HUMAN AND INTELLECTUAL CAPITAL

Section 1000. Section 1000 of the bill would provide that Title I of the Trade, Employment, and Productivity Act of 1987 may be cited as the "Investment in Human and Intellectual Capital Act of 1987."

TITLE 1—SUBTITLE A

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT AMENDMENTS

Section 1001. Section 1001 of the bill would provide that Subtitle A of Title I of the bill may be cited as the "Education Consolidation and Improvement Act Amendments of 1987".

Section 1002. Section 1002 of the bill would provide that the purpose of this subtitle is to improve the Education Consolidation and Improvement Act of 1981 ("ECIA", or "the Act") by (1) targeting services more effectively on the neediest school districts, schools, and children, and making other improvements in the program of grants to school districts under Chapter 1 of the Act, (2) revising the various Chapter 1 State agency programs for migrant, handicapped, and neglected and delinquent children, (3) making the local grant program under Chapter 2 of the Act a more effective vehicle for promoting education reform and improvement, and (4) establishing a National Cooperative Education Statistics System to produce and maintain comparable, uniform education information that is useful for policy making at the Federal, State, and local level.

The reauthorization of the Chapter 1 and Chapter 2 programs, the principal components of the ECIA, will be a major milestone in the history of Federal aid to education. For the Chapter 1 compensatory education program in particular, this bill addresses the issues that everyone involved with the education of the disadvantaged agrees are paramount: how to target services on those children most in need of special assistance; how to create incentives for the development and operation of effective local programs; how to ensure accountability for program results; how to encourage innovation and experimentation with alternative service delivery methods; and how to increase parental choice and involvement. The bill offers imaginative and realistic solutions to the unresolved problems with the existing program.

The reauthorization of Chapter 2 would also be of major significance, because the State block grant authorized under Chapter 2 provides State and local educational agencies with a significant resource for educational improvement and the pursuit of excellence. However, the law should be strengthened to provide a clearer focus on educational improvement and to accommodate the education reforms emanating from the States. The bill would achieve that important purpose.

In addition, these amendments would merge the Chapter 1 handicapped program with the Education of the Handicapped State grant program to provide a more rational funding approach for Federal assistance to the States for the provision of direct services for handicapped children.

In all, the ECIA amendments offered in this proposal would strengthen Federal efforts to meet the special needs of educationally deprived and handicapped children and to improve the education of all our children.

Section 1003. Section 1003 of the bill would provide that this subtitle would take effect on July 1, 1988.

PART I—PROGRAMS TO MEET THE SPECIAL EDUCATIONAL NEEDS OF DISADVANTAGED CHILDREN

Section 1004. Section 1004 of the bill would clarify that the purpose of Chapter 1 of the Act is to provide assistance to State and local educational agencies to expand and improve their educational programs that contribute particularly to meeting the special needs of educationally deprived children. The language to be added to the Act is taken from Title I of the Elementary and Secondary Education Act of 1965 ("ESEA"), which was superseded by the ECIA in 1981.

Chapter 1 grants to local educational agencies (LEAs) currently provide school districts with more than $3 billion for compensatory education for disadvantaged children. Although evaluations have found that the program has had some success in improving the test scores of children receiving services, these improvements are inconsistent and are infrequently sustained over a period of years. Clearly the program can and should do better. This bill would make a number of improvements in the Chapter 1 program.

Section 1005. Section 1005 of the bill would amend Section 553 of the Act to authorize appropriations for programs under Chapter 1 of the Act through fiscal year 1992.

Section 553(a) of the Act would authorize $3,636,853,000 for fiscal year 1988 and such sums as may be necessary for fiscal years 1989-1992 for basic grants and concentration grants for local educational agencies under sections 554(a)(1) (A) and (B) of the Act and Title I of the ESEA.

Section 553(b) would authorize $264,524,000 for fiscal year 1988 and such sums as may be necessary for fiscal years 1989-1992 for State programs for migratory children under section 554(a)(2)(A) of the Act and section 141 of the ESEA.

Section 553(c) would authorize $32,616,000 for fiscal year 1988 and such sums as may be necessary for fiscal years 1989-1992 for State programs for neglected and delinquent children under section 554(a)(2)(B) of the Act, as redesignated by section 123(a)(4) of the bill, and section 151 of the ESEA.

Section 553(d) would authorize $40 million for fiscal year 1988 and such sums as may be necessary for fiscal years 1989-1992 for State administration of Chapter 1 programs under section 554(b)(1)(C) of the Act and section 194 of the ESEA.

Section 553(e) would authorize $20,000,000 for fiscal year 1988 and such sums as may be necessary for fiscal years 1989-1992 for demonstration projects, evaluations, technical assistance, and other activities under new section 560 of the Act.

Section 1006. One of the major objectives of this bill is to encourage greater program effectiveness by holding State and local officials accountable for results. Recent State reform measures and the publication of the National Governors' Association (NGA) report, *Time for Results*, indicate an increased interest on the part of the States in taking responsibility for the performance of their schools.

Existing Chapter 1 accountability mechanisms are weak. This bill would correct this situation by requiring SEAs to develop mechanisms for assessing the effectiveness of Chapter 1 programs in the State. Where the SEA finds a particularly successful program, it could, as described above, provide additional resources or permit the LEA to operate a schoolwide improvement program. Where a demonstrably ineffective program is found, however, the State would be required to take such measures as are necessary to correct deficiencies in the local program. This requirement, based on the NGA's recommendation of "State takeover of educationally bankrupt programs," would be a powerful tool for encouraging program effectiveness.

In order to ensure the proper implementation of these accountability measures, the bill would require each State to file with the Department, once every three years, an application describing the State's procedures for developing and implementing measures of program effectiveness, assessing local programs, making these assessments public in the State, and taking actions to correct deficient programs. States would also be required to review LEA's Chapter 1 applications and would be given the authority to withhold funds from local projects that are not providing effective compensatory education services.

Section 1006(a) of the bill would amend the heading of section 555 of the Act to reflect the addition to that section of provisions concerning State applications.

Section 1006(b) would add new subsections 555 (d), (e), (f), and (g) to the Act. Section 555(d) would require each State wishing to receive a grant under Chapter 1 of the Act to submit, through its State educational agency (SEA), an application for up to three years for each chapter 1 program for which it seeks assistance. The application would have to (a) describe the criteria the SEA will use, and the procedures it will follow, to assess the educational effectiveness of LEA Chapter 1 programs; (b) describe the criteria it will use, and the policies and procedures it will follow, to direct the LEA to take corrective measures if the SEA finds that the LEA is failing to provide effective Chapter 1 services; (c) describe the criteria it will use, and the procedures it will follow, in permitting LEAs that conduct highly successful Chapter 1 programs to implement schoolwide improvement programs authorized by the Act, in attendance areas in which at least 40 percent of the children are from low-income families; and (d) describe the criteria it will use, and the procedures it will follow, in awarding incentive grants under new section 560A of the Act. In setting criteria for and assessing the effectiveness of local Chapter 1 programs, the SEA may consider student performance on standardized achievement tests, performance in the regular school curriculum, or other objective measures, and could take into account such factors as the size, scope, and quality of Chapter 1 services, the failure or inability of LEAs to provide required services, the loss of regular class time for participating students, and health or safety concerns raised by the conditions under which services are provided. Assessments of schoolwide projects, permitted under section 556(d)(9) of the Act, could also take into account such factors as school attendance and dropout rates.

Section 555(e) of the Act would require the Secretary to approve State applications that include the material described above and that comply with other applicable requirements. The Secretary could disapprove an application, however, only after giving the State reasonable notice and an opportunity for a hearing.

Section 555(f) would require each State educational agency, at least once every three years, to evaluate the educational effectiveness of services, including services for private school children, provided under Chapter 1 by each participating State agency and local educational agency. The SEA would be required to make public the result of these evaluations.

Section 555(g) would retain a requirement from the current statute concerning State recordkeeping and would modify data collection requirements to provide the Secretary greater flexibility in determining the specific data to be collected.

Section 1007. Chapter 1 funds are currently allocated to some 90 percent of all LEAs in the United States. The first interim report of the National Assessment of Chapter 1, *Poverty, Achievement and the Distribution of Compensatory Education Services,* found that this diffusion of resources has had negative consequences. School districts with large concentrations of poor children receive sufficient funds to serve only a portion of their low-achieving students, while in wealthier districts, many higher-achieving students are served. This misdirection of funds is reflected in the failure of many of the lowest-achieving students to make significant educational progress.

This bill would target resources more effectively by, first, requiring that approximately 5 percent of the funds available each year be allocated through the currently unfunded Concentration Grants program. Concentration Grants are made only to school districts in counties with at least 5,000 poor children or in which poor children make up at least 20 percent of all children in the county. Through this amendment, some additional resources would be directed to those counties and school districts that have the most urgent needs. In addition, this bill would provide that funding for the program of Basic Grants to LEAs be allocated on the basis of the number of poor children in excess of two percent of the total number of children in the district, rather than on the basis of the total number of poor children. This change would, again, have the effect of redirecting funds away from school districts that have a less substantial need for Federal support and toward districts in which the needs are more severe.

Section 1007 of the bill would amend provisions of Title I of the Elementary and Secondary Education Act of 1965 governing the allocation of funds for basic and concentration grants under Chapter 1. Section 1007(a)(1) of the bill would direct the Secretary to set aside not more than one percent of those funds to the territories on the basis of their respective needs, and to the Department of the Interior to serve Indian children for whom it is responsible. The statute currently requires a one percent set-aside. Sections 1007(a)(1) and (3) would also provide that Puerto Rico's share of the funds for basic and concentration grants for any fiscal year would be the same as its share of those funds for fiscal year 1987. Finally, section 1007(a)(1) would require that of the combined appropriation for basic and concentration grants, 95 percent be used for basic grants and five percent for concentration grants.

Section 1007(a)(2) would provide that in determining allocations of individual LEAs, children from low-income families would be counted only in excess of two percent of the LEA's overall school-age population. This requirement is also designed to ensure greater targeting of resources on districts with relatively high proportions of poor children.

Section 1007(a)(4) would repeal provisions of Title I of the ESEA requiring that a part of the Chapter 1 appropriation be allocated on the basis of obsolete 1975 Survey of Income and Education data. Section 1007(b) would make a conforming amendment to reflect this repeal.

Section 1007(c) would repeal requirements basing allocations on the 1970 decennial census and provide for use of the most recent available decennial census.

Section 1007(d) would make conforming changes to provisions allocating funds to the Department of the Interior.

Section 1008. This bill would also amend the requirements for allocating funds within school districts, because current rules make it too easy for LEAs to dilute resources by conducting Chapter 1 programs in most or all of their school attendance areas. With limited exceptions, the bill would require LEAs to conduct programs only in the poorest one-third of their school attendance areas, and in rank order of their priority. The current provision permitting the use of funds for programs in all school attendance areas—the so-called "uniformly high concentration" provision—would be limited to school districts that have only a small variation in the proportion of low-income children in their school attendance areas, and would be revised to allow qualifying LEAs to conduct projects in any of their attendance areas without regard to the limitations documented above.

As a final targeting measure, the bill would amend the Chapter 1 provisions for selecting children to participate in Chapter 1 programs. Current law permits LEAs to serve less needy children so long as they are serving the children they have defined as most in need of services. This bill would require, in general, that children be served in order of their needs.

Section 1008 of the bill would amend section 556 of the Act, relating to LEA applications and programs. Section 1008(a) would amend the heading of section 556 to reflect more accurately the contents of that section. Sections 1008(b) and (c)(1) would clarify language requiring that each LEA's application contain certain material before the LEA may approve it.

Section 1008(c)(2) would revise requirements relating to the selection of school attendance areas for Chapter 1 programs. Section 556(b)(1) of the Act would be amended to require LEAs to conduct programs only in attendance areas that are among the poorest one-third of all areas in the district, in rank order of their poverty, as measured by the number or percentage of poor children. Section 1008(c)(3) would tighten section 556(b)(2) of the Act by requiring an LEA to provide services to the neediest eligible children, rather than merely include some of them while serving less needy children, as is currently permitted.

Section 1008(d)(1) of the bill would allow an LEA to serve attendance areas in rank order, but beyond the poorest one-third, if more than 25 percent of the children are from low-income families. Section 1008(d)(1) would also allow projects in attendance areas beyond the poorest one-third, and without regard to the ordering requirement described above, if the percentage of poor children in each attendance area in the district is within five percent of the district-wide percentage of poor children. This provision will give LEAs flexibility where the incidence of poverty is fairly uniform throughout the district.

Section 1008(d)(2) and (4) of the bill would clarify and tighten provisions of the Act that, in certain cases, permit continued operation of Chapter 1 projects in attendance areas that are no longer eligible or the provision of compensatory services to children who are no longer in greatest need of assistance. Section 1008(d)(2) and (4) would amend sections 556(d)(4) and (6), respectively, to limit to one year the period during which these previously eligible attendance areas and children could continue to be served. These changes will help ensure that program resources are used where the needs are greatest.

Section 1008(e) of the bill would revise Chapter 1 requirements concerning parental involvement in local programs. Many reports have found that children do better in school when their parents are involved in their education. Parental involvement is particularly critical in the education of disadvantaged children. This bill would promote a greater role for parents in the Chapter 1 program. The Act currently requires each participating LEA to design and implement its programs in consultation with parents and teachers and to hold an annual public meeting, to which it invites parents of all eligible students, to explain its Chapter 1 programs and activities. Consistent with the Department's current Chapter 1 regulations. Section 556(e) of the Act would be amended to require each LEA to develop written policies to ensure that parents have adequate opportunity to participate in the design and implementation of its Chapter 1 project. The LEA would also be required, at the annual meeting, to inform parents of their right to be consulted in the design and implementation of the LEA's Chapter 1 program, request comments and recommendations from parents, and inform parents of their right to establish procedures for discussing among themselves, with teachers, and with appropriate LEA officials the LEA's Chapter 1 program. Section 556(e) of the Act would also be amended to make clear that resources and activities that LEAs may provide parents include space and materials for meetings, information on statutes and regulations that apply to Chapter 1 programs, and training.

Section 1008(f) would add new subsections (f) and (g) to section 556 of the Act. Section 556(f) would require the SEA to approve LEA applications for basic and concentration grants that comply with the Act. Section 425 of the General Education Provisions Act requires the SEA to give the LEA reasonable notice and an opportunity for a hearing on the record before disapproving its application. Section 556(g) would direct the SEA to require corrective action by an LEA when it finds that the LEA has substantially failed to carry out a Chapter 1 requirement. Among other actions, the SEA could withhold all or some of the LEA's Chapter 1 funds or direct the LEA to issue compensatory education certificates under new section 560. The SEA could reallocate withheld funds to other LEAs.

Section 1009. Section 1009 of the bill would amend provisions of the Act and the ESEA under which LEAs may conduct Chapter 1 projects on a schoolwide basis. A particularly powerful research finding about the education of the disadvantaged is that schools in poor neighborhoods can be successful if certain key factors are in place: strong leadership, high expectations, an emphasis on the basics, a firm, fair, and consistently administered code of student conduct, and other measures that focus on all students in the school. This emphasis on schoolwide approaches to educational improvement may be underminded, in schools with high proportions of poor children, by Chapter 1 requirements to select and serve only certain children. Although the use of Chapter 1 funds for schoolwide improvement is permitted under the current statute, it is restricted to schools that have at least 75 percent low-income children and can meet a stringent fiscal matching requirement. This bill would lower the minimum percentage of poor children to 60 percent and eliminate the matching requirement. These changes in the law would provide for a more flexible use of funds in schools that often face the most difficult challenges and for whom current administrative requirements make little sense. Section 1009 would also require that local evaluations of Chapter 1 programs include an assessment of the impact that schoolwide projects have on the educational progress of educationally deprived children.

Section 1010. Section 1010 of the bill would repeal a section of the Act requiring a national assessment of Chapter 1 by January 1, 1987. That assessment has been completed.

Section 1011. Under current law, LEAs are required to provide equitable services to educationally disadvantaged children attending private schools. Yet in the wake of the Supreme Court's *Aguilar* v. *Felton* decision, many private school students are not receiving services; in the two school years since that decision was announced, the number of private school children participating nationwide in Chapter 1 has declined by 30 percent. Clearly the reauthorization must resolve the problem of providing compensatory services to both public and private school children, as the law has required since its inception over 20 years ago.

Section 1011(a) of the bill would add a new section 559 to Chapter 1 to allow for the provision of compensatory education certificates to parents of educationally deprived children. Section 559(a) of the Act would authorize an LEA to provide these certificates if it determines that doing so (1) would be more effective in meeting the needs of eligible children than direct services provided by the LEA, or (2) is needed to provide services required under Chapter 1, including services to private school children as required by section 557 of the Act.

Under section 559(b), each LEA could base the scope of its certificate program on individual grade levels, schools, attendance areas, or some combination of these. The LEA would be required to apply the same criteria to public and private school children in determining the extent to which it will provide certificates.

Under section 559(c), each LEA would set the value of the compensatory education certificate at an amount determined by the LEA to be equitable to all children participating in its Chapter 1 program. The LEA would redeem the certificate when presented by the parent, but the amount of funds paid to parents could not exceed their actual cost of purchasing compensatory services.

Under section 559(d), parents could use a compensatory education certificate only to purchase supplemental compensatory education services that meet the identified education needs of their eligible child. Parents could purchase these services from any elementary and secondary school, whether within or outside the LEA, that the LEA determines is able to provide appropriate and effective compensatory educational services to the child. The LEA could also allow services to be purchased from public and private organizations such as colleges.

Section 559(e) would permit an LEA to use Chapter 1 funds for the increased transportation costs of a child whose parents use a compensatory education certificate to purchase compensatory services. The use of funds to transport these students would constitute an administrative cost of conducting the LEA's overall Chapter 1 program.

Section 559(f) would provide that Chapter 1 funds received by parents in exchange for compensatory education certificates would not be treated as income for Federal income tax purposes.

Section 559(g) would require LEAs to include additional information in the Chapter 1 applications they submit to the State educational agency (SEA) under section 556. Each LEA would be required to include a description of its policies and procedures for determining whether compensatory education certificates will be provided under section 559. In addition, each LEA's application would be required to include satisfactory assurances that (1) the LEA will keep records, and provide information to the SEA, about the provision of those certificates, and (2) it will exercise due diligence to ensure that funds paid to parents are used only for compensatory services authorized by section 559(d), and to recover any payments that are not so used.

Section 559(h) would define the term "eligible child", as used in section 559, to mean an educationally deprived child selected to participate in an LEA's Chapter 1 program.

Section 1011(b) of the bill would make various technical and conforming changes to Chapter 1. Section 1011(b)(1) would make technical amendments to Chapter 1 provisions concerning equitable participation by private school children in Chapter 1 programs. These amendments would clarify that parents of educationally deprived children in private schools would be provided compensatory education certificates on the same basis as public school children.

Section 1011(b)(2) would amend section 558 of the Act to provide that the use of certificate funds by parents at private schools, or at public schools outside the district where the child resides, would not subject those schools to the maintenance of effort, supplement-not-supplant, or comparability requirements of section 558.

Authorizing the local use of CECs would be a constitutionally defensible and educationally justifiable solution to the problems created by the *Felton* decision. CECs could be used to bring private school children back into the program without extraordinary new expenditures at the local level. Because CECs could be used only to purchase compensatory education services, the supplementary nature of the Chapter 1 program would be preserved. CECs would also be a mechanism for increasing educational opportunity for disadvantaged children by creating greater choices for their parents, and of improving educational effectiveness by promoting a healthy competition among providers. Local administrators would have the CEC authority available as one mechanism for improving programs or ensuring equitable services.

Section 1012. Research has shown that any number of educational strategies may work successfully with disadvantaged children. Yet few mechanisms exist in the Chapter 1 program for testing new strategies or for getting the word out about effective programs. This bill would authorize a national demonstration and recognition program to support such activities as: (1) testing and demonstrating different methods for educating disadvantaged children; (2) testing and demonstrating new educational programs and school calendars, including programs to enhance parental choice; and (3) identifying outstanding local Chapter 1 programs. Ongoing departmental efforts to conduct national evaluations of Chapter 1 programs and to provide technical assistance to local programs would also be continued under this authority.

Section 1012 of the bill would add a new section 560 to the Act to authorize various projects by the Secretary. Under section 560, the Secretary could, either directly or through awards to various agencies and organizations, carry out activities consistent with the purposes of Chapter 1. These activities would include, for example, testing and demonstrating innovative methods for educating educationally deprived students, including projects that focus on parental involvement; evaluating Chapter 1 programs and projects; identifying and disseminating information about outstanding local Chapter 1 programs; and providing technical assistance to Chapter 1 grantees.

Section 1013. Many scholars and program administrators have remarked that, under the current Chapter 1 program, there is no financial incentive for schools to conduct successful programs. The funding formulas do not differentiate on the basis of program effectiveness and, everything else being equal, a poor program receives the same funding as a good one. If there were some reward for success, schools would have an incentive to do a better job educating their disadvantaged children. Our bill would incorporate such an incentive structure into the program.

Section 1013 of the bill would add a new section 560A to the Act to authorize States to make Chapter 1 incentive grants to LEAs. Under section 560A(a), each State would be required to set aside one percent of its Chapter 1 award for basic and concentration grants to make incentive grants to LEAs that it determined operate successful Chapter 1 programs. Under section 560A(b), incentive payments to LEAs would be treated as part of their regular Chapter 1 grants and would be used, in accordance with normal Chapter 1 requirements, to serve more children or schools, or otherwise to improve their Chapter 1 programs. LEAs could also use these additional amounts to disseminate information on their programs to other schools or LEAs.

Section 1014. Section 1014 of the bill would amend provisions of the Act and of the ESEA relating to programs for migrant children. The Chapter 1 program for migrant children currently provides over $260 million per year for services to over 400,000 children. The program serves both currently migrant children as well as those who are not currently migrant, but have migrated during the last five years. Although services to both currently and formerly migrant children are appropriate, those who have migrated most recently should have the highest priority for funding and services because they are the ones most immediately affected by disruptions in their education and family life. Section 1014 reflects this principle.

Section 1014(a) of the bill would repeal provisions of section 555(b) of the Act that unduly restrict the Secretary's authority to revise the Department's regulatory definitions of certain important terms and inappropriately bar the Secretary from defining other such terms.

Section 1014(b)(2) and (3) of the bill would revise the funding formula for the grant program with respect to children who are no longer migratory. Under section 141(b) of the ESEA, formerly migrant children are included in a State's child count for up to five years after they cease being migratory. The bill would modify this provision by assigning relative weights to these children that decrease over time. In the first year after being migratory, a child would continue to be treated as migratory for funding purposes. In each of the next five years, the weight assigned to that child for funding purposes would decline by one fifth, so that five years after being migratory, a child would no longer generate funds under this program. This revised formula more accurately reflects the declining need of formerly migrant children for special services as they settle in regular LEA programs.

Section 1014(c) of the bill would update a requirement to coordinate Chapter 1 migrant projects with other State and local programs for migrants.

Section 1014(e) of the bill would revise provisions of the ESEA setting priorities for services in the migrant program. Section 142(a)(5) of the ESEA would be amended to require that services be provided first to all currently migrant elementary (including kindergarten) and secondary school children; second, to all currently migrant preschool children; and third, to formerly migrant elementary and secondary children. This ordering reflects the relative need for special services among these groups of children. Section 1014(f) would repeal the current priority requirement.

Section 1014(g)(1) of the bill would repeal a requirement, enacted in 1985, that the Department continue its contract with the operator of the Migrant Student Records Transfer System (MSRTS) unless a majority of participating States notifies the Secretary in writing that the contractor has substantially failed to perform its responsibilities. This requirement improperly delegates to outside parties authority that properly resides with the Secretary, and inappropriately interferes with the Secretary's responsibility to ensure that program funds are awarded on the basis of merit. Subsection (g)(1) would also delete as inappropriate a provision of current law that no activity of the MSRTS is deemed to be an information collection conducted by a Federal agency. Section 1014(g)(1) would also restore the Secretary authority to operate the records system and to coordinate services for migrant students through grants.

Section 1014(g)(2)of the bill would repeal a requirement that the Secretary spend at least $6 million each year for the interstate and intrastate coordination of migrant education activities. This requirement inappropriately limits the flexibility of the Congress and the Secretary in allocating limited program resources between direct services to migrant students and administrative coordination of migrant education activities.

Section 1015. Section 1015 of the bill would amend section 153 of the ESEA, relating to transition services for neglected and delinquent children. The Chapter 1 program for neglected and delinquent children provides services to those children in State-run institutions and to juveniles in adult correctional institutions. Currently, some 56,000 children are served at an annual cost of about $33 million.

Very little research has been conducted on this program in recent years. One major finding from a comprehensive 1977 study has continued relevance: the study found that 90 percent of school-aged inmates failed to complete even one semester of schooling after their release from incarceration. Although Chapter 1 services in institutions for the neglected and delinquent may be of good quality, the time period for which they are administered tends to be very short and the services do not seem to be sufficient to have a real impact on future education. This finding argues for the implementation of programs to ease the transition of institutionalized children back into regular school systems. This bill would permit States to use up to 10 percent of the funds they receive under the neglected and delinquent program to establish programs of transition services. This provision would replace the current, unfunded authority for a transition services demonstration program administered at the Federal level. Under the revised section 153, each State could set aside up to ten percent of its grant for neglected and delinquent children under section 151 to support projects that facilitate the transition of these children from State institutions into local programs. The State could conduct these projects itself or could provide funds to LEAs, other public agencies, or private nonprofit organizations. The statute currently authorizes a separate appropriation for transition services and authorizes the Secretary to make awards to SEAs and LEAs.

Section 1016. The Chapter 1 program for handicapped children provides Federal assistance to States to aid them in providing special education and related services to children in State operated and supported schools and programs. It also provides for continued support if a child moves from a State to a local school or program. The Chapter 1 handicapped program was enacted in 1965, when many handicapped children were institutionalized by States and were not receiving educational services. Since passage of the Education for All Handicapped Children Act, P.L. 94-142, in 1975, States have been required to provide a free appropriate public education to handicapped children and to serve children in the least restrictive environments.

Many aspects of the Chapter 1 handicapped program have become outmoded because of P.L. 94-142's comprehensive revision of the Education of the Handicapped Act (EHA). There are currently 251,000 handicapped children counted by States under the Chapter 1 handicapped program, compared with 4,121,000 handicapped children under EHA programs. Most of the children counted under the Chapter 1 handicapped program are not institutionalized, and about one-third are served in locally operated and supported programs.

While most States have tended to count ever fewer children under Chapter 1, a small number of States with large Chapter 1 handicapped programs count ever increasing numbers of children. This has led to wide variations in Federal support among the States because the Chapter 1 per child Federal contribution is approximately two times the contribution under the EHA.

Section 1016 of the bill would transfer funding of the Chapter 1 program for handicapped children to part B of the Education of the Handicapped Act (EHA). All children now covered by the Chapter 1 program would be counted and served under the EHA rather than under Chapter 1.

Section 1016(a) would allow States, in establishing their EHA entitlement, to count children who are, or used to be, in State-operated or State-supported programs for handicapped children. These children currently generate funds under the separate Chapter 1 program and may not be counted under the EHA.

In order to minimize any disruption of services, section 1016(b) would ensure that each State receives the same amount per child for these handicapped children, up to the number it counted under Chapter 1 for fiscal year 1987, as it received for that fiscal year. Beginning with fiscal year 1989, this amount would decrease each year by 10 percent. Section 1016(b) would also provide that any funds paid under this "hold harmless" language would be allocated to those State agencies and local educational agencies who are serving those children. It is expected that by fiscal year 1992, the basic EHA per-child allocation for most States would exceed the amount provided under the "hold-harmless" provision.

Section 1016(c) would provide that children who generate these "hold harmless" payments could not be counted in determining State allocations under the EHA program for preschool children. This provision will preclude duplicate funding on behalf of these children.

In order to implement these changes the budget request under the EHA would be increased and funds would no longer be appropriated for the Chapter 1 handicapped program.

Section 1017. Section 1017 of the bill would amend provisions of the Act and of the ESEA that authorize payments to States to cover the costs of administering Chapter 1 programs. Section 1017(b) would revise section 194 of the ESEA to provide for *pro rata* payments to each State based on its share of the overall Chapter 1 appropriation, except that each State would receive at least $275,000. The statute currently limits these additional payments to one percent of the State's Chapter 1 allocation or $225,000, whichever is greater.

Section 1018. Section 1018(a) of the bill would make clear that a provision excluding certain State and local funds from the supplement-not-supplant and comparability requirements of the Chapter 1 program applies only to compensatory education programs, and not to other types of special programs for educationally disadvantaged children. Section 1018(a) would also make the benefits of this exemption available to State, as well as local, educational agencies.

Section 1018(b) of the bill would repeal a provision that, under certain conditions, allows States in which a large number of LEAs overlap county boundaries to make fiscal year 1982 allocations directly to LEAs rather than counties.

Section 1019. Section 1019 of the bill would repeal language in section 193 of the ESEA, routinely overridden in annual appropriations bills, requiring that where appropriations are not sufficient to fully fund all Chapter 1 programs, the State agency programs are fully funded and the awards under the basic grant program are ratably reduced. This change would be consistent with section 1005 of the bill, which would authorize a separate appropriation for each Chapter 1 program.

Section 1020. Section 1020 of the bill would amend certain definitions applicable to Chapter 1 of the Act. Section 1020(1) would amend the definition of "average per pupil expenditure" (APPE) to provide for the use of the most recent satisfactory data in making APPE calculations, rather than using three-year-old data, as is currently required. Section 1020 (2) through (4) would remove references to superseded Federal education programs in the calculation of "current expenditures" and repeal or update references to the Commissioner and Secretary of Education in light of the creation of the Department of Education.

Section 1021. Section 1021 of the bill would make a variety of minor technical amendments to Chapter 1 to correct grammatical and other errors and to conform various provisions to changes made by other sections of the bill.

Section 1022. Section 1022 of the bill would make minor technical and conforming amendments to Titles I and X of the ESEA.

Section 1023. Section 1023 of the bill would amend section 415 of the General Education Provisions Act (GEPA), relating to payments under most programs administered by the Secretary of Education. Section 1023 would add a subsection 415(b) to GEPA that would require the Secretary to return to the Treasury any funds recovered by the Department from recipients, whether through a payment adjustment, audit, or otherwise, after those funds are no longer available for obligation by a recipient. An exception would be provided for the Secretary's "grantback" authority currently in GEPA, section 456. This new provision is needed to bring finality in accounting for program funds.

Section 1024. Section 1024 of the bill would repeal provisions of the ESEA that have not been operative since 1981 or that would no longer be necessary in light of other amendments made by the bill.

PART II—EDUCATIONAL REFORM AND IMPROVEMENT

Section 1031. Since its enactment in 1981, the Chapter 2 State block grant has been an important resource for State and local educational improvement efforts. The national evaluation of Chapter 2 conducted for the Department of Education found that the program has largely achieved its statutory goals of contributing to educational improvement, reducing administrative burdens for school administrators, providing State and local officials with discretion over the use of funds, and equitably serving private school students. The block grant provides State and local administrators with a flexible resource that can be used to improve education for all students. For these reasons the Department's reauthorization proposal for Chapter 2 generally maintains the existing structure of the program.

The existing list of Chapter 2 authorized activities was compiled from its antecedent programs and, as a consequence, has no particular emphasis or focus. Section 1031 of the bill would shift the focus of the Chapter 2 program from the consolidation of certain federal, categorical, education programs to promoting educational excellence through the broad-based and flexible support of educational reform and improvement programs at the elementary and secondary levels (including preschool) for children attending both public and private schools. In general, the bill would authorize State and local educational agencies to use Chapter 2 funds to carry out projects and activities likely to promote educational improvement, such as those identified and recommended in the effective schools literature, including *A Nation At Risk, What Works, First Lessons,* and the recent report of the National Governors' Association, *Time For Results.* The bill would specifically acknowledge the importance of permitting the participating State and local agencies to determine their own needs and priorities, and reducing, as far as possible, administrative and paperwork burdens.

Section 1032. Section 1032 of the bill would authorize $500,000,000 for fiscal year 1988, and such sums as may be necessary for the next four fiscal years, to carry out Chapter 2.

Section 1033. Section 1033 of the bill would change the amount reserved for Chapter 2 payments to the Outlying Areas from a mandated one percent of the Chapter 2 appropriation to an amount equal to no more than one percent of that appropriation. This change reflects the decline in need among the Outlying Areas as a result of the change in status of the Federal States of Micronesia.

Section 1034. Section 1034 of the bill would make several technical amendments to the provisions of Chapter 2 relating to State applications, primarily to reflect the consolidation and amendment of the list of projects and activities authorized by Chapter 2, as accomplished by sections 1037 and 1038 of the bill. Section 1034 would also delete outdated audit provisions which have been superseded by the Single Audit Act.

Section 1035. Section 1035 of the bill would make two amendments to the provisions of Chapter 2 relating to the allocation of funds to local educational agencies. First, and most important, section 1035 would clarify the basis upon which local entitlements are calculated. Under Chapter 2, funds are allocated to local educational agencies on the basis of relative enrollments in public and private, nonprofit schools; section 1035 would clarify that these relative enrollments would be computed upon the basis of the number of children enrolled in private, nonprofit schools that desire their children to participate in Chapter 2 programs. This amendment would remedy an administrative problem for some States that are unable to obtain accurate enrollment data for children in nonparticipating private schools that do not wish to provide such information. Section 1035 would also make clear that the existing requirement that local educational agencies contact private school officials to ascertain whether they wish to participate in Chapter 2 programs is unaltered by this computational clarification. Finally, section 1035 of the bill would amend section 565 of the Act to state explicitly that the State educational agency uses the funds not subgranted to local educational agencies (no more than 20 percent of the State's grant) to carry out State programs and activities.

Section 1036. Section 1036 of the bill would make two technical amendments to the provisions of Chapter 2 relating to local applications, to reflect the consolidation and amendment of the list of projects and activities authorized by Chapter 2.

Section 1037. Section 1037 of the bill would comprehensively amend and streamline the list of project and activities that are authorized by Chapter 2 and focus that list upon educational reform and improvement. Under current law, the activities authorized by Chapter 2 are described in three separate subchapters which reflect the consolidation of a large number of antecedent categorical programs: subchapter A—Basic Skills Development; subchapter B—Educational Improvement and Support Services; and subchapter C—Special Projects. Sections 1037 and 1038 would eliminate this cumbersome and unnecessarily complex structure in favor of a single list of authorized projects and activities at the State and local level. These sections would also eliminate the prescriptive and onerous planning and program requirements currently applicable to basic skills projects. All projects would have to give promise of promoting educational excellence by enhancing the overall quality and effectiveness of the recipient's instructional program and could include: projects designed to improve instruction in the basic skills of reading, mathematics, and written and oral communications, including projects designed to provide parents with the literacy skills needed to help their children learn to read; projects designed to enhance educational opportunities for economically or academically disadvantaged children; projects that meet the special educational needs of children with extraordinary intellectual, academic, creative, artistic, or leadership capabilities; the development of plans and policies designed to measure the academic proficiency of students and to meet appropriate standards; projects designed to achieve and maintain an orderly school environment, including projects to promote safety and reduce crime, drug use, and vandalism; projects designed to encourage students to stay in school and encourage dropouts to resume their education; projects to teach the principles of good government and to increase students' understanding of government; pre-school and in-school partnership projects in which parents participate in their children's education; projects that provide parents with greater choice over the selection of their children's schools; the development of merit pay, career ladder, and master teacher programs; inservice training and retraining of teachers in academic subjects; the development of more rigorous graduation requirements, and plans to increase instructional time; the recognition and dissemination of effective educational practices; school partnerships with business, industry, government and higher education; the acquisition of textbooks, school library resources, and other instructional equipment and materials; and any other project consistent with the purpose of Chapter 2.

Section 1037 would clarify that projects and activities may be conducted at the elementary or secondary level (including preschool). Finally, section 1037 would also authorize a State educational agency to use Chapter 2 funds that are not distributed to local educational agencies to develop procedures for assuming the responsibility, or taking other corrective actions, to provide high quality education for students who are attending an "educationally bankrupt" school, to pay the additional cost of participating in the National Cooperative Education Statistics System established by part III of this subtitle, and to pay the cost of State administration of Chapter 2 programs, subject to a cap of five percent of the State's grant. No additional Chapter 2 funds could be used for State administrative expenses.

Section 1038. Section 1038 of the bill would, in conjunction with section 1037, establish a single list of authorized activities under subchapter A by repealing the current subchapters B and C and redesignating the current subchapters D and E as B and C, respectively. Section 1038 would also eliminate, as outdated, section 587 of the Act, which repealed a number of antecedent categorical programs that were consolidated by Chapter 2.

Section 1039. Section 1039 of the bill would remove the fiscal constraints placed upon the allocation of funds among the programs authorized under the Secretary's Chapter 2 discretionary fund. The discretionary fund should be a flexible, truly discretionary source of support for nationally significant projects aimed at educational improvement. Under current law, funding must first be allocated to the "Reading is Fundamental" program, the "Arts in Education" program, programs formerly authorized by the Alcohol and Drug Abuse Education Act ("ADAEA"), law-related education programs, and the National Diffusion Network. Section 1039 would authorize the Secretary to fund each of these activities, with the exception of programs formerly authorized by ADAEA, but would allow the Secretary the flexibility to respond to evolving national needs and priorities. The recent enactment of the Drug-Free Schools and Communities Act of 1986 makes continued reference to ADAEA unnecessary and inappropriate.

Section 1040. Section 1040 of the bill would authorize the Secretary in certain circumstances to grant a temporary waiver of the requirement under section 585(b) of the Act that Chapter 2 funds may not be used to supplant funds from non-Federal sources.

This section would, through a waiver by the Secretary, allow a State educational agency and local educational agencies to use Chapter 2 funds for activities which, prior to being mandated under State law, would have been authorized under the Chapter 2 program but which, because they are State-mandated, are therefore no longer eligible for Federal funding under the nonsupplanting requirement. The supplanting prohibition has thus limited the utility of Chapter 2 as a vehicle for promoting educational reform, and a waiver authority would make it easier for States to use Chapter 2 funds to foster excellence in their schools. A State would be eligible to apply for a waiver if the State enacted legislation requiring an innovative program to improve local educational practices in elementary and secondary schools. A waiver could be granted with regard to an activity that was required by State legislation to be implemented on or after the enactment of this bill. The Secretary would be authorized to grant a waiver for no more than two fiscal years; after expiration of the period for which the waiver had been granted, the nonsupplanting requirement would apply to these State-mandated activities. A State educational agency or local educational agency would remain subject to the nonsupplanting requirement for any State-mandated activities not contained in the legislation of which the waiver was granted. Further, a State or local educational agency would be authorized to use the waiver at its option; it would not be required to use Chapter 2 funds for activities covered by the waiver.

PART III—NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM

Section 1041. Section 1041 of the bill would amend the General Education Provisions Act to establish within the Department's Center for Education Statistics ("Center") a National Cooperative Education Statistics System ("System"). The purpose of the System would be to produce and maintain, in cooperation with the States, comparable and uniform educational information and data that are useful for policymaking at the Federal, State, and local level. The system is intended to provide for the development of common, cooperatively maintained data on the status of elementary and secondary education in the Nation.

State participation in the system would be voluntary. If a State wished to use funds under Chapter 2 of the ECIA to meet the additional costs of participating in the system (including the cost of necessary equipment, data collection and processing), it would first develop with the Center the information and data-gathering requirements needed, such as schools and school districts; students and enrollments; teachers and school administrators; the financing of elementary and secondary education; student outcomes; and the progress of education reform, and then enter into an agreement with the Center to comply with such information and data-gathering requirements. To establish and maintain the System the Secretary would provide technical assistance to States regarding the collection and use of the System's data and implement, to the extent possible, standard definitions and data collection procedures. In addition, the Secretary would be authorized to conduct research, development, demonstration, and evaluation activities related to the purposes of the System; and to prescribe appropriate guidelines to ensure that the statistical activities of the participating states produce data that are uniform, timely, and appropriately accessible. Many State legislatures and State boards of education, as well as the National Governors' Association, have called for regular reporting of statistical data as a principal means of assessing national progress toward achieving the goals of education reform in the States. Enactment of the authorization for a National Cooperative Education Statistics System, which is modeled on the statutes and practices that underlay the efforts of the Bureau of Labor Statistics and the National Center for Health Statistics, would greatly strengthen the ability of the Department to collect data and report on the status of education in the United States.

TITLE I—SUBTITLE B

BILINGUAL EDUCATION ACT AMENDMENTS OF 1987

Section 1101. Section 1101 of the bill would provide that Subtitle B of Title I of the bill may be cited as the "Bilingual Education Act Amendments of 1987".

Section 1102. Section 1102 of the bill would amend the authorization of appropriations under the Bilingual Education Act (hereinafter in this subtitle referred to as "the Act"). This section would remove a requirement from current law that restricts the amount of funds available for special alternative instructional programs to 4 percent of appropriations not in excess of $140 million, and 50 percent of appropriations over $140 million, provided that no more than 10 percent of appropriations for the Act are reserved for these programs. This section would also remove a restrictive provision that reserves for transitional bilingual education programs 75 percent of the funds appropriated for the basic projects program under Part A of the Act. These amendments would provide greater flexibility in the allocation of program funds to meet changing needs in bilingual education.

Section 1103. Section 1103 of the bill would make technical amendments to (1) more accurately describe the services for limited English proficient individuals under the Library Services and Construction Act, as amended, and (2) correct certain technical errors in sections 721(b), 721(f), and 733 of the Act.

Section 1104. Section 1104 of the bill would provide that the amendments proposed in the bill would take effect on July 1, 1987, so that these changes could be implemented for the 1987-88 academic year.

TITLE I—SUBTITLE C

WORKER READJUSTMENT ACT

The proposed Worker Readjustment Act in this subtitle would establish a comprehensive new Worker Readjustment Program (WRAP) to replace the current Trade Adjustment Assistance program and the dislocated worker program currently authorized under Title III of the Job Training Partnership Act (JTPA). Under the new WRAP program, each participating Governor would establish an early readjustment assistance capability in each State and provide a comprehensive range of services to dislocated workers, regardless of the cause of their dislocation. The proposal recognizes the variations that exist in present dislocated worker delivery systems, by providing for negotiated agreements between Governors, Private Industry Councils (PICs) and local elected officials in the establishment of the WRAP delivery structure in each area served by the program.

The proposal encourages voluntary advance notification of plant closings and mass layoffs by making available to firms early intervention assistance in the formation of labor-management committees, and other incentives.

The program would also deliver two broad categories of services to eligible workers, *basic readjustment services and retraining services.* Basic readjustment services include counseling, assessment, labor market information, job search assistance and similar services, to be made available to all participating dislocated workers through substate grantees, with oversight provided by area PICs. The early intervention capability and basic readjustment services would be funded from a basic grant allotment to each State.

Retraining services would include such activities as classroom and on-the-job occupational training, entrepreneurial training, basic skills and literacy instruction, relocation assistance, and necessary supportive services.

The Department of Labor would be authorized to conduct certain activities at the national level. These activities would include industry-wide programs and support to State-administered programs, particularly by providing technical assistance and staff training services to States, communities businesses, and unions, as appropriate.

Section 1201 provides a short title—the "Worker Readjustment Act".

Section 1202 contains statements of Congressional findings and purposes.

Section 1203 authorizes an appropriation of $980 million to carry out the activities authorized in the Act for Fiscal Year 1988. In subsequent fiscal years, this section authorizes appropriations of such sums as may be necessary.

This section also provides that the funds appropriated would be divided as follows: 30 percent to fund Parts 1 and 2—service delivery system and basic program requirements, as well as basic readjustment services, respectively; 50 percent to fund Part 3—retraining services; and 20 percent to be retained by the Secretary of Labor (Secretary) to conduct national reserve program activities under Part 4.

Section 1204 contains definitions for certain terms used in this subtitle.

PART 1—SERVICE DELIVERY SYSTEM AND BASIC PROGRAM REQUIREMENTS

SUBPART A—SERVICE DELIVERY SYSTEM

Section 1205 provides for the execution of Secretary/Governor Agreements containing assurances that the program will be properly administered in each State.

Section 1206 establishes basic State responsibilities that must be included in order to receive Federal funds under Parts 1, 2, and 3. Among other things, each State must establish a rapid response capability with respect to plant closings and mass layoffs, which may include incentives for obtaining early advance notice of such dislocation events. Each State must also provide appropriate linkages between activities conducted under this Act with the unemployment compensation system. In addition, each State is required to adhere to certain specified management controls.

Section 1207 provides for the process of designating substate areas for the delivery of services in each State. All service delivery areas (SDAs) that are established under the JTPA with populations of at least 500,000 would be required to be designated by the Governors as substate areas under this Act.

The Governors could designate smaller SDAs as substate areas, either singly or in combination. All SDAs located in each State would be required to be designated as substate areas under this subtitle or be designated as parts of such a substate area.

Section 1208 provides for the selection of a substate grantee to administer the Parts 2 and 3 programs in each substate area. These substate grantees would be selected through a process of negotiation involving local elected officials, private industry councils and the Governor. In the event that an agreement could not be reached, the Governor would select the substate grantee.

PICs, units of general local government, non-profit organizations, local offices of State agencies, JTPA SDA grant recipients and others would all be eligible for designation as substate grantees.

Section 1209 establishes requirements for inclusion in substate plans as a condition for funding substate grantees under this subtitle.

Section 1210 provides for oversight, monitoring, and review responsibilities for the State training and employment councils and the PICs with regard to WRAP programs.

Section 1211 establishes eligibility requirements with respect to dislocated workers participating under the WRAP programs.

Section 1212 provides that WRAP participants will be deemed to be engaged in approved training for purposes of the unemployment compensation laws. They would therefore not be subject to the job search requirements of the unemployment compensation laws while participating in the WRAP program.

Section 1213 provides that nothing in this subtitle precludes State legislatures from adopting implementing legislation. Legislation with respect to voluntary advance notification of plant closings and mass layoffs, and other companion legislation is specifically encouraged.

Section 1214 permits the negotiation of appropriate interstate agreements to implement WRAP programs, subject to the approval of the Secretary.

Subpart B—Additional Program Requirements

Section 1215 contains additional program requirements, including requirements: that services be provided only to individuals who will benefit from them, that limit duplication of existing services and facilities, that limit use of funds for relocation of facilities, that training be for occupations for which there is or will be a demand, that members of councils abstain from voting in conflict-of-interest situations, that restrict the supplementation of on-the-job training payments to employers, that prevent funds from being provided for political activities, that participating educational institutions meet State standards, and that no funds be used for public service employment or work experience.

Many of the provisions contained in this section as well as many of the other provisions contained in this Subpart and Subpart C are similar to provisions contained in the Job Training Partnership Act.

Section 1216 establishes applicable labor standards.

Section 1217 requires consultation with appropriate labor organizations under certain circumstances concerning local administration of the WRAP program.

Section 1218 requires that grievance procedures be available to participants receiving services under this subtitle.

Section 1219 contains provisions to assure that programs will be conducted in a nondiscriminatory manner.

Subpart C—Federal Fiscal and Administrative Provisions

Section 1220 provides that obligated funds may be expended for two fiscal years after the fiscal year in which they are obligated.

Section 1221 provides for program monitoring by the Secretary.

Section 1222 establishes fiscal controls, regular audits, and sanctions for the misuse of funds.

Section 1223 allows for the establishment of recordkeeping and reporting requirements for entities receiving WRAP funds.

Section 1224 provides for a process of administrative adjudication for recipients of financial assistance under the Act or applicants therefore who are aggrieved by certain decisions of the Secretary. Hearings before administrative law judges are provided for with discretionary review by the Secretary.

Section 1225 provides for judicial review of final Labor Department orders before the courts of appeal and the Supreme Court.

Section 1226 permits the Secretary to issue rules and regulations. The Secretary is also permitted to accept gifts and to purchase or lease property to carry out the WRAP program.

This section further requires that the Secretary submit an annual report on the WRAP program to the Congress.

Section 1227 allows the Secretary to use other Federal or State facilities in carrying out the WRAP program.

Section 1228 permits appeals to the Secretary from a Governor's revocation of, or refusal to approve, a substate plan.

PART 2—BASIC READJUSTMENT SERVICES

Section 1231 authorizes the Governors and the substate grantees to expend Part 2 funds in accordance with the substate plans and this subtitle.

Section 1232 distributes Part 2 funds among the states using the formula currently provided in Title III of JTPA.

Each Governor is allowed to retain 10 percent of the State's Part 2 funds for State level administrative costs, coordination and technical assistance, including statewide implementation of the advance notification system and rapid response capability. Each Governor may also retain up to 10 percent of Part 2 funds for discretionary WRAP activities.

The Governor must distribute the remainder of the State's Part 2 funds in accordance with a formula that is developed by the Governor, which takes into account the most appropriate information available to address the State's dislocated worker needs.

Section 1233 contains provisions to be used in selecting service providers under Parts 2 and 3.

Section 1234 authorizes a full range of basic readjustment services, including orientation; labor maket information; career, family, and personal counseling; testing and assessment; job search, job clubs, and self-directed job search training; and other forms of direct re-employment services. Part 2 funds may also be used to provide Part 3 retraining services.

Section 1235 authorizes the provision of supportive services, as defined in section 1204, to Part 2 participants. Part 2 participants who are receiving Part 3 retraining services may also be paid the additional allowances and benefits provided for in Part 3.

Section 1236 establishes cost limitations that limit to 15 percent the amount any substate grantee may spend on administrative costs. In addition, the amount spent by any substate grantee for supportive services and other benefits may not exceed 15 percent of that substate grantee's Part 2 funds.

Section 1237 provides that unexpended Part 2 funds may be reallocated to other substate areas by the Governor. The Secretary may also make reallotments among states at the end of the fiscal year.

PART 3—WORKER READJUSTMENT TRAINING PROGRAM

Section 1241 authorizes the Governors and the substate grantees to spend Part 3 funds in accordance with the substate plans and this subtitle.

Section 1242 establishes a system for the targeting and retargeting of Part 3 funds among the States by the Secretary, and within each State by the Governor, based on the State's expenditures and needs for these funds. Unless otherwise agreed upon by the Secretary and the Governor, the annual targets for any State or substate area in Fiscal Year 1988 would initially be set at one and two-thirds of their Part 2 allotment. In subsequent years, the Secretary would establish the targets based on previous expenditure experience and availability of funds. Provision is also made for redistribution of unspent targeted funds both between and within the States.

This section also permits Governors to spend Part 3 funds for Part 2 purposes, with the approval of the Secretary.

Section 1243 provides that substate grantees may not spend more than 15 percent of their Part 3 funds on administrative costs. This section also provides that substate grantees may not spend more than 15 percent of their Part 3 funds on supportive services and other benefits provided for in section 1244.

Section 1244 provides for the provision of appropriate supportive services as defined in section 1204. Such services may be continued for up to 180 days after completion of training.

Participants in the Part 3 program may also receive other benefits as follows: (1) extended benefit payments would be available to UI exhaustees who enter training within the first ten weeks of their UI benefit period; and (2) needs-based payments established by the substate grantee.

Section 1245 establishes a full range of allowable services under Part 3, including entrepreneurial training, classroom training, occupational skills training, on-the-job training, out-of-area job search and relocation, basic and remedial education, literacy and English for non-English speakers, training, and other similar training activities. No Part 3 funds could be spent for public service employment or work experience and training would be limited to 104 weeks.

Section 1246 requires that training be provided in accordance with the readjustment training plan developed by the substate grantee. Training services could be provided either by arrangements with service providers or through vouchers. Eligible employees could also elect to receive a certificate of continuing eligibility that would permit them to defer entering into training for up to two years, subject to the availability of funds at that time.

PART 4—NATIONAL RESERVE PROGRAM

Section 1251 authorizes the Secretary to spend Part 4 funds in accordance with the provisions of this subtitle. The Secretary may use grants, contracts or other arrangements in expending these funds.

This section also requires the Secretary to establish criteria for the expenditure of Part 4 funds.

Section 1252 permits the Secretary to provide readjustment and retraining services in the following situations: natural disasters, **mass layoffs, and industry-wide and multistate projects. This section also allows the** Secretary to provide Part 4 funds in emergency situations, with the agreement of the Governor. The Secretary is also allowed to spend up to 5 percent of the Part 4 funds to engage in other national activities, such as technical assistance, demonstration projects and research.

Section 1253 provides for the submission of proposals to the Secretary for financial assistance through the affected Governors. Such proposals would be reviewed by the local PICs and there would also be consultation with affected labor organizations.

Section 1254 establishes a Federal Worker Readjustment Advisory Council to be appointed by the Secretary.

PART 5—MISCELLANEOUS PROVISIONS

Section 1261 contains conforming amendments to the Job Training Partnership Act, and related provisions.

This section changes the name of the current JTPA State job training coordinating councils to State Training and Employment Councils, increases the private sector representation thereon, and provides for a private sector chair.

This section also provides that both the Private Industry Councils and the State Training and Employment Councils review and evaluate the provision of public employment services.

Finally, this section contains provisions to close out the program currently authorized under Title III of JTPA and provides for an orderly transition to the program authorized under this Act.

Section 1262 contains amendments providing for improved linkage between the Wagner-Peyser employment services program and the JTPA programs.

Section 1263 permits the States to provide a credit against State unemployment compensation taxes to employers who give advance notice of plant closings or mass layoffs of 50 or more employees. The amount of the credit would be up to $200 for each employee.

Section 1264 amends section 665 of the criminal code to extend the CETA and JTPA embezzlement provisions, and related provisions, to such activities committed in violation of this Act.

Section 1265 establishes this subtitle's effective date as October 1, 1987 or the date of enactment, whichever is later. This section also repeals Title III of the Job Training Partnership Act, effective October 1, 1988 or 1 year after the date of enactment of this subtitle, whichever is later.

TITLE I—SUBTITLE D

AFDC AND SUMMER YOUTH EMPLOYMENT AND TRAINING AMENDMENTS OF 1987

Subtitle D of this title would amend the Job Training Partnership Act (JTPA) to add an enriched program option of employment and training for Aid to Families with Dependent Children (AFDC) youth to the present Title II-B Summer Youth Employment and Training Program and would revise the method for allocating funds under Title II-B.

Section 1301 of the bill designates this subtitle as the "AFDC and Summer Youth Employment and Training Amendments of 1987."

Section 1302(a) of the bill amends section 104(b) of JTPA to require service delivery areas (SDAs) that operate the AFDC youth program to include in their job training plan a comprehensive plan of service containing the elements described in section 254(c) of JTPA as amended by this subtitle. The objective of this requirement is to promote adequate planning by SDAs for the kind of intensive services to be provided under the AFDC youth program.

Section 1302(b) of the bill amends section 105(b)(1) of JTPA to allow a Governor to disapprove a job training plan that lacks the description of plans for the AFDC youth program required by section 104(b) of JTPA.

Section 1302(c) of the bill amends section 106(b) of JTPA to establish separate performance standards for the AFDC youth program. The standards, which are to be prescribed by the Secretary of Labor at such time as he determines enough information exists to develop meaningful standards, may include measures of basic education gains and reduced welfare dependency.

Section 1302(d) of the bill amends section 202(b)(3)(B) of JTPA to include Title II-B programs as programs that may receive incentive grants from the Governor, from funds set aside under Title II-A, if the programs exceed performance standards.

Section 1303 of the bill amends Part B of Title II of JTPA to add the new AFDC youth program component and to revise the method of allocating funds for programs under this part.

The bill provides a new section 251(a) of JTPA which retains the description of the purposes for the summer youth program that is contained in the present section 251. The bill adds a new subsection (b) to section 251 that describes additional purposes for the AFDC youth program, which are: (1) to provide AFDC youth with the skills necessary for entering the labor force, (2) to assist AFDC youth in addressing problems which prevent them from becoming productive members of society, and (3) to reduce welfare dependency by targeting resources to help those AFDC youth, including young mothers receiving AFDC, who face multiple barriers to employment.

The bill amends section 252 of JTPA to revise the formula for the allocation of funds for programs under this part. The current formula (which is the same formula used to allocate funds for the adult and youth programs under Part A of Title II) is not sufficiently sensitive to the eligible target populations of economically disadvantaged and AFDC youth that are to be served by the programs under Title II-B. Under the current formula, two-thirds of the funds are allocated according to the unemployment rates of designated areas, and those rates do not necessarily reflect the concentrations of the target groups. In addition, summer allocations have been characterized by large annual variations due to fluctuating unemployment figures, which again do not necessarily reflect shifts in the eligible youth population. This bill would target Title II-B resources based on the relative number of economically disadvantaged youth and AFDC families, would direct additional resources to SDAs most in need, and would stabilize year-to-year allocations.

The bill retains the present subsection (a) of section 252 that sets aside a small percentage of the funds for certain areas and entities. The bill then provides, in subsection (b) of section 252 of JTPA, a new formula for allocating the remaining funds among States. The new formula would allot:

50 percent of the funds on the basis of the relative number of economically disadvantaged youth within each State as compared to the number of economically disadvantaged youth in all States; and

50 percent of the funds on the basis of the relative number of families receiving AFDC within each State as compared to the total number of families receiving AFDC in all States.

Subsection (b)(3) of section 252 of JTPA would provide that notwithstanding the allocation formula, no State will be allotted less than an amount determined by the Secretary to be the minimum amount necessary to ensure the maintenance of a viable program.

Under this section, economically disadvantaged youth are defined as individuals aged 16 through 21 who meet an income test that is based on available income information. That definition would also exclude, as appropriate and to the extent practicable, college students and members of the armed forces. The exclusion of these two groups would correct a bias in the present data that favors areas with large numbers of these two groups. The term "families receiving AFDC" is defined under the section by reference to Title IV of the Social Security Act.

Subsection (c) of section 252 would direct the Governors to allocate funds among SDAs on the basis of the same formula used to allocate funds among the States. That subsection also contains, in paragraph (2), a provision that notwithstanding the allocation formula, no SDA will be allotted less than an amount determined by the Governor to be the minimum amount necessary to ensure the maintenance of a viable program. Subsection (c) incorporates the same definitions of disadvantaged youth and families receiving AFDC that apply to subsection (b).

The new formula would not contain a 90 percent "hold harmless" provision that is part of the current formula (under sections 202(a)(3) and 251(b) of JTPA). Under that provision, an SDA is guaranteed to receive not less than 90 percent of the funds it received the preceding fiscal year. The purpose of the "hold harmless" provision is to limit the wide variations in funding from year-to-year that are caused by the current formula's reliance on unemployment figures, which may fluctuate from year to year and which do not accurately reflect the number of disadvantaged and AFDC youth in an area. Because the allocations to SDAs under the new formula would more accurately target the eligible population, there would be no need for a "hold harmless" provision. The absence of such a provision in this bill is consistent with the objective of the new allocation formula to base funding, to the extent practicable, on the number of the target population that live in an area.

The bill amends section 253 of JTPA, to incorporate the components of the current summer youth program into one section. The bill amends subsection (a) of section 253 of JTPA to incorporate the language of the present section 253 pertaining to the use of funds and requiring reading and math skills assessment and the provision of basic and remedial education to summer youth program participants.

Subsection (b) of section 253 of JTPA is amended to incorporate the language relating to program limitations which is contained in the present section 254 of JTPA. The program would, with a limited exception, be conducted during the summer months, and individuals eligible for the program are to be economically disadvantaged youth, generally aged 16 through 21, unless the SDA includes in its job training plan that economically disadvantaged youth aged 14 and 15 may also participate.

The bill amends subsection (c) of section 253 of JTPA to incorporate the language of the current section 255 describing (1) the roles of private industry councils, chief elected officials, State job training coordinating councils, and Governors in the summer youth program, and (2) requiring SDAs to establish written goals and objectives for the program.

The bill amends section 254 of JTPA to establish the AFDC Youth Employment and Training Program component. Subsection (a) of section 254 sets forth that a service delivery area may elect to use funds available under Title II-B for the AFDC youth program.

The bill amends section 254(b)(1) of JTPA to provide that the AFDC youth program may be conducted on a year-round basis. Section 254(b)(2) establishes the eligibility criteria for the AFDC youth program. An individual is eligible to participate in the program if: (A) the individual is aged 16 through 21, or if appropriate and set forth in the job training plan, aged 14 through 21; and (B) the individual is a recipient of AFDC or the individual's needs are considered in determining payments made to recipients under AFDC; and (C) the individual is at risk of becoming a long-term welfare recipient or long-term unemployed.

The bill adds a subsection (c) to section 254 of JTPA to require two program elements. The first requirement, contained in paragraph (1), is that an SDA electing to operate a program under this section must describe in its job training plan a comprehensive plan of service. The comprehensive plan of service is to contain: (a) the process for assessing the needs of each participant, including educational, training, employment and social services needs; (b) the services and activities to be provided, including the agencies that will provide such services and an estimate of the length of time services will be provided to the participant; and (c) the goals to be attained, including the intermediate success points to be pursued during the course of participation.

The second required program element, contained in paragraph (2), is that, where the assessment of a participant indicates a need, the service delivery area must provide necessary services including, where appropriate: (a) basic and remedial education, (b) drug and alcohol abuse counseling, (c) pregnancy and pregnancy prevention counseling, (d) child care classes, and (e) life skills planning classes.

The bill provides a new subsection (d) of section 254 of JTPA which describes other services which may, in addition to the services under subsection (c), be provided under the AFDC youth program. These services include classroom training, on-the-job training, work experience, job search assistance, employment counseling, world-of-work orientation, any of the exemplary youth programs described in section 205 of JTPA, and any other educational, employment, or job training activity that is designed to prepare AFDC youth program participants for, or place them in, employment. The subsection also provides that supportive services which are necessary to enable individuals to participate in the program may be provided using the funds available for the program.

The bill establishes a subsection (e) of section 254 of JTPA which provides that the roles performed by private industry councils, chief elected officials, State job coordinating councils, and Governors under the AFDC youth program will be the same roles those entities perform under part A of title II, except that private industry councils will have the additional responsibility of ensuring that the job training plan provides for the coordination of SDAs, local welfare agencies, and local education agencies in the planning, program design, and the provision of services to program participants.

The bill also adds a subsection (f) to section 254 of JTPA which authorizes the Secretaries of Labor and of Health and Human Services to issue joint regulations relating to the sharing of necessary data between SDAs and welfare agencies.

Section 1304 of the bill revises the table of contents relating to part B of title II in JTPA to conform to the amendments made in section 3 of the bill.

Section 1305 of the bill is a conforming amendment that amends section 202(a)(3) of JTPA, which contains the 90 percent "hold harmless" provision in the current allocation formula, to remove a reference to Title II-B funding.

Section 1306 of the bill provides that the amendments made by the subtitle are to take effect October 1, 1987.

TITLE I—SUBTITLE E

GREATER OPPORTUNITIES THROUGH WORK ACT OF 1987

SHORT TITLE

The first section of the subtitle states that, when enacted, its short title will be the "Greater Opportunities Through Work Act of 1987".

ESTABLISHMENT OF PROGRAM

Section 1402(a) amends section 402(a) of the Social Security Act, the AFDC State plan requirements. It would substitute, for the existing registration and related work requirements, a brief requirement that State AFDC plans provide for implementing a coordinated program of employment related activities that complies with (the newly-added) section 408.

Subsection (b) amends section 408 (the content of which is obsolete and would be superseded by this amendment) to establish and define the requirements and conditions of the new program of "Greater Opportunities Through Work" as follows:

The title of section 408 would be "Greater Opportunities Through Work".

Requirement To Establish Program

Section 408(a) of the Social Security Act would require a State AFDC plan to meet all the succeeding requirements of the new section.

Individuals Required To Participate

Under subsection (b), the State plan must require each recipient of aid to participate in employment related activities to which he is referred, including educational activities in certain cases as specified in subsection (d), with only the following exceptions:

(1) dependent children under age 16;

(2) persons who are ill, incapacitated, or age 60 or over;

(3) a person whose presence in the home is required to care for another who is ill or incapacitated;

(4) a pregnant woman within the three month period prior to the expected birth date of the child;

(5) the mother of a new-born, during the period following the child's birth allowed by the State, but no longer than 6 months; and

(6) an individual who is a drug addict or alcoholic, while participating in an appropriate treatment program.

Also, the State plan may require that applicants for assistance participate in employment search.

Employment Related Activities

Subsection (c) would require the State plan to provide for assisting mandatory participants to locate a position in one or more of the following employment related activities:

(1) an employment search program;

(2) a community work experience program under section 409, or other work experience activities, but for no longer than a maximum period prescribed by the Secretary;

(3) an alternative employment directed program, as defined in section 406(h) of the Act (as added below);

(4) work supplementation under section 414;

(5) activities under the Job Training Partnership Act,

(6) courses of training that are time-limited and designed to result at their close in immediate placement of participants in employment;

(7) employment in which the individual is able to engage; and

(8) educational programs leading to the award of a high school diploma or equivalent degree or certificate, or which provide remedial of other special educational services without which the individual would be unable to participate in those programs, in the case of mandatory participants who have not completed their secondary education.

Special Requirements for Children And Teenaged Relatives

Subsection (d)(1) specifies special rules when the mandatory participant is either a dependent child (age 16 or over) or the relative under age 19 with whom the child is living (in virtually all cases, the teenaged mother). If such a teenager has not obtained a high school diploma (or its equivalent), then the State must require the teenager to participate in an educational program leading to the diploma and to continue to participate (for so long as the individual is under age 19) until the diploma is obtained.

Paragraph (2) of this subsection allows the State to require, or permit, a mandatory participant who is age 19 or over but has not completed high school, to satisfy, either fully or partially, the participation requirement by engaging in educational activities leading to receipt of a high school diploma.

Paragraph (3) requires that the State refer a dependent child or teenaged relative (i.e., relative under age 19) to another employment related activity if the teenager does not participate in the educational activities to which he is referred, rather than immediately sanctioning him for nonparticipation under subsection (g) below. If he performs satisfactorily in this other activity, he will be considered to be meeting the requirement of subsection (b).

Hours of Participation

Subsection (e) defines "active participation" for purposes of meeting the requirement to participate in educational activities, in the case of an individual under 19 who has not obtained a high school diploma, as enrollment and attendance as a full-time student, as defined by the State.

Necessary Supportive Services

Subsection (f) requires the State plan to provide for either furnishing necessary supportive services to a mandatory participant (including applicants if the State chooses to require them to engage in employment search), or reimbursing him for his out-of-pocket costs of obtaining those services himself. The services covered include child care, transportation, or other supportive services, that are necessary for the individual to fulfill the requirement to participate in the appropriate employment related activities, as specified above. The costs of these supportive services would constitute administrative costs of carrying out the State plan and would be matched, at the generally applicable 50 percent rate, under section 403(a)(3) of the Act as currently in effect.

Sanctions for Nonparticipation

Subsection (g)(1) specifies the sanctions that will be applied to different classes of mandatory participants for failure or refusal to participate in employment related activities to which they are referred. (These provisions are virtually unchanged from current law.)

The State plan must provide that if a mandatory participant fails or refuses without good cause to engage in employment related activities to which he has been referred, or, if employed, is found by the State agency (within a prior period prescribed by the Secretary) to have terminated his employment (or reduced the number of hours of employment) without good cause:

(1) if the relative with whom the child is living takes the action, his, needs will not be included in determining the family's eligibility for or the amount of aid, and protective payments under section 406(b)(2) will be made unless there is no appropriate payee;

(2) if the principal earner in a family eligible by reason of the unemployment of a parent takes the action, aid is denied to all members of the family;

(3) if the sole dependent child in the family takes the action, aid is denied to all members of the family;

(4) if there is more than one dependent child in the family, and a dependent child takes the action, his needs will not be included in determining eligibility or benefit amount;

(5) if the second parent (i.e. not the principal earner) in a family eligible by reason of the unemployment of the principal earner takes the action, his needs will not be included in determining eligibility or benefit amount; and

(6) if any other individual (i.e. the essential person) takes the action, his needs will not be taken into account in determining eligibility or benefit amount.

Paragraph (2) directs the Secretary to issue regulations defining "good cause" for purposes of the sanctions provision described above.

Paragraph (3) directs the Secretary to prescribe by regulation the periods for which the paragraph (1) sanctions will apply. Differing periods may be specified depending on whether the individual has refused previously to participate in employment related activities, and on the age of the individual involved.

Participation Rates Required; Determination by Secretary

Subsection (h)(1) directs the Secretary to determine, with respect to each State for each fiscal year, the total number of persons subject to the requirements for mandatory participation in employment related activities, and, of that group, to identify separately the number of dependent children, and the number of other individuals under age 19 and without a high school diploma (or its equivalent). He must also determine, with respect to each of those three classes, the number who are actively participating (i.e. satisfactorily participating in an appropriate activity).

In the case of an individual who is participating in educational activities, "active participation" is defined in subsection (e) described above. For individuals participating in any other employment related activity, the number of individuals actively participating (for purposes of determining whether the State had met its required participation rate) would be the maximum number of individuals satisfactorily performing in a program or activity for which the average of the scheduled hours per week of participation is 20. Therefore, individual attendance records would not be necessary; the State could aggregate the weekly scheduled hours with respect to all individuals performing satisfactorily. Those positions calling for the least number of hours per week would be dropped out until the average hours per position equaled 20; those positions then remaining in the calculation would establish the State's number of active participants.

If a State has not achieved one or more of the required participation rates, the Secretary must reduce the amount of the Federal payment that would otherwise be paid to a State in accordance with the reduction percentages specified in subsection (g) of section 403 (added by an amendment described below). (However, section 403(g) does not impose any reduction before fiscal year 1989.)

Paragraph (2) of this subsection sets out the participation rates that a State must achieve with respect to each of the three categories identified above in order to avoid being subject to a section 403(g) reduction for any fiscal year after 1988.

With respect to all mandatory participants, the State must achieve the following rates:

(1) 20 percent for FY 1988 (but no reduction would be applied for this first year of the program);

(2) 30 percent for FY 1989;

(3) 40 percent for FY 1990;

(4) 50 percent for FY 1991; and

(5) 60 percent for FY 1992 and each fiscal year thereafter.

With respect to dependent children who have attained age 16, the required participation rate is 90 percent beginning with fiscal year 1992; for relatives with whom the child is living (generally teenaged mothers) who are under 19, the participation rate is 80 percent beginning with fiscal year 1992.

Paragraph (3) provides that, with respect to those dependent children and teenaged relatives who are required to participate in educational activities, the participation rate for fiscal year 1988 is the actual rate as established by the Secretary for each of those two groups. For each of the following three fiscal years, each of those rates must be increased by one-fourth of the difference between the State's FY 1988 baseline rate, and the rate specified in the preceding paragraph that must be achieved for fiscal year 1992. (In other words, the State must move, in even increments for each fiscal year between 1988 and 1992, from its starting point to the rate specified for fiscal year 1992.)

Paragraph (4) provides that if the State chooses to require an applicant for AFDC to participate in employment search while his application is pending, the Secretary will include, in both the total number of individuals subject to the participation requirements and in the number who are found to be actively participating in employment related activities, the number of applicants who have engaged in employment search during the year concerned.

Description of State's Program

Subsection (i) requires the State plan to contain a detailed description of its Greater Opportunities Through Work (GROW) program. It must detail the employment related activities, from among those specified in subsection (c), that will be available to its AFDC recipients, where in the State each of those activities will be in operation, and the groups or types of recipients who will be assisted to obtain positions in which of the available activities. The State plan must also provide for the submission of reports on its GROW program so that the Secretary can determine, that all requirements are being met, and can assess the program's success in achieving the objectives of the AFDC program generally.

FINANCIAL PENALTIES FOR FAILURE TO ACHIEVE REQUIRED PARTICIPATION RATES

Section 1403 amends section 403 of the Social Security Act, the provision for payments to States for carrying out their AFDC plans. A new subsection (g) would specify the percentage reductions that the Secretary would be required to impose on the total amount otherwise payable to a State as matching for its AFDC benefits for each fiscal year after 1988 if it fails to achieve the required participation rates.

The reduction rates are—

(1) with respect to the total number of mandatory participants, 0.1 percent for each 1 percentage point of the required participation rate that is not achieved, and

(2) with respect to each of the other two groups (i.e., dependent children between ages 16 and 19, and teenaged parents, or other relatives, under age 19), 0.025 percent for each 1 percentage point of the required participation rate that is not achieved.

The section makes clear that if the State fails to achieve the required rates with respect to both of the teenaged groups described above, then a penalty is applied with respect to both failures. However, if the State in the same year fails to achieve the required rate with respect to the total population of mandatory participants, and one (or both) of the rates applicable to teenaged participants, the penalty for failure to meet the latter rate or rates will be proportionately reduced to reflect the fact that, in part, those penalties have already been assessed through the penalty applicable to all mandatory participants.

REPEAL OF WIN

Section 1404 repeals part C of title IV of the Social Security Act, the authority for the WIN program.

SPECIAL RULES FOR THE TERRITORIES

Section 1405 establishes modified rules pertaining to the GROW program applicable to Puerto Rico, the Virgin Islands, and Guam. Subsection (a) would recast section 402(a)(19) of the Social Security Act, as applicable to those three jurisdictions, to require that they implement the program under section 408 "to the maximum extent feasible." Subsection (b) provides that the financial penalties for failure to meet participation rates will not be applicable to those jurisdictions.

Subsection (c) authorizes appropriations, which establish both the maximum amount available and the exclusive source of funding to carry out the modified section 402(a)(19). For each fiscal year after 1987, the following amounts would be authorized:

(1) $775,000 for Puerto Rico,

(2) $130,000 for the Virgin Islands, and

(3) $95,000 for Guam.

The subsection also specifies that if no amount is appropriated in a year, the requirement of section 402(a)(19) of the Social Security Act is inapplicable. Further, payments of amounts appropriated are made under the authority of this section (rather than under section 403 of the Social Security Act) and no matching share by the jurisdiction is required.

Subsection (d) makes technical and conforming amendments to section 1108 of the Social Security Act to provide consistency with subsection (c) described above.

RESEARCH AND EVALUATION; PERFORMANCE STANDARDS

Section 1406 of the draft bill directs the Secretary of Health and Human Services to carry out the necessary research and evaluation to determine the effectiveness of State programs under new Social Security Act provisions described above. Those programs are to be studied, to determine their effectiveness in improving AFDC recipients employability, reducing their dependency on public welfare programs, and attaining economic independence. The Secretary is specifically directed to identify the characteristics of particularly successful State programs, and to develop outcome based performance standards which, when applied to States, could reasonably be expected to further the objectives of the GROW program.

Subsection (b) requires the Secretary, within 6 months after the completion of the research and evaluation under subsection (a), to issue regulations specifying outcome based performance standards applicable to the GROW program.

To carry out subsection (a), $5 million, for each of the four fiscal years beginning with 1988, are authorized to be appropriated.

MINOR AND CONFORMING AMENDMENTS

Section 1407 makes minor and conforming amendments through-out part A of title IV and in title XI of the Social Security Act that are appropriate to reflect the establishment of the new "Greater Opportunities Through Work" program, and the repeal of WIN (and the corollary registration and other WIN-related provisions within part A of title IV). The more significant of these amendments are:

Subsection (a)(4), repealing the employment search provisions of section 402(a) of the Act, since that authority is dealt with in the new section 408 establishing the GROW program;

Subsection (a)(5), adding a new AFDC plan requirement to require State AFDC agencies to provide information to service delivery areas operating programs under the Job Training Partnership Act (JTPA), in accordance with joint regulations of the Secretaries of Health and Human Services and Labor with respect to individuals referred to the JTPA program by the State agency, or individuals seeking services under that program without regard to a referral; and

Subsection (c), adding a definition of alternative employment directed program to section 406 of the Social Security Act, an employment related activity that may be developed by the State for inclusion in its GROW program.

EFFECTIVE DATE

Section 1408 states that the Act's provisions are effective October 1, 1987.

TITLE I—SUBTITLE F

THE EMPLOYMENT SECURITY ADMINISTRATIVE FINANCING ACT OF 1987

Subtitle F of this title amends federal employment security laws to: (1) decentralize to the States the responsibility for financing the administration of the State unemployment compensation (UC) programs; (2) adjust the accounts within the federal Unemployment Trust Fund (UTF) to ensure the continued administration and operation of certain federally-mandated programs and activities; (3) reduce the federal payroll tax (FUTA) burden on employers to free resources for the States; and (4) retain certain minimum requirements sufficient to ensure that the basic elements of the State UC programs are maintained.

Under present law, the State administration of State UC programs is financed by federal grants. Federal law, in Title III of the Social Security Act (SSA), specifies how the Secretary of Labor is to determine the amount that each State will receive each year to administer the State UC program and also establishes certain requirements that States must satisfy in their administration of the program.

This bill would repeal Title III of SSA to eliminate federal grants for the administration of State UC programs and allow the States to finance their own program administration. While the bill would retain certain minimum requirements sufficient to ensure that basic elements of the UC program are maintained, it would allow States significantly greater flexibility in UC program administration.

In order to effectively implement this change in UC administrative financing, and to ensure the continued functioning of certain federally-mandated programs and activities, the bill also modifies the structure of the Federal Unemployment Trust Fund (UTF).

Under present law, the federal grants to the States for the administration of State UC programs are paid from an account in the UTF called the Employment Security Administration Account (ESAA). The source of the federal funds in ESAA is an automatic appropriation equal to 100 percent of the federal payroll tax (FUTA) that is collected by the Treasury each year. Funds from ESAA are also used to pay States for their administration of the Wagner-Peyser Act and certain other federally-mandated programs and activities, such as the unemployment compensation for federal employees (UCFE) program, and to pay for federal expenses incurred by the Department of Labor in its performance of functions under certain laws, such as the Federal Unemployment Tax Act (FUTA).

A portion of the automatic appropriation is also designated to be transferred through ESAA to another UTF account called the Extended Unemployment Compensation Account (EUCA). Funds in EUCA are used to reimburse States for 50 percent of the benefit costs under the Federal-State Extended Benefit (EB) program. In addition to the designated funds, when the balance in ESAA exceeds a defined level, the amount above that level is also transferred to EUCA.

When the balance in EUCA exceeds a defined level, the "excess" funds are transferred through ESAA to another UTF amount called the Federal Unemployment Account (FUA). Funds from FUA are used to make loans to States when necessary for the payment of State UC benefits.

If funds exceed a defined ceiling in FUA, and at the same time the balances in ESAA and EUCA also exceed defined ceilings, the excess funds are transferred from ESAA to State accounts in the UTF.

This bill would replace ESAA with a new UTF account called the Federal Administrative Account (FAA). The FAA would serve essentially the same functions as ESAA with respect to the use and source of its funds, except that the payments to the States for State UC administration would be eliminated.

The bill also establishes in the UTF a new State administrative fund account for each State. Under present law, a separate book account called a State unemployment fund account is maintained in the UTF for each State. States are required to deposit funds they have collected for the purpose of paying State UC benefits into that account, and may withdraw funds from the account only for the purpose of paying State UC benefits. This bill retains those accounts and adds the new State administrative fund accounts, which will be governed by similar requirements. States will be required to deposit funds collected for the administration of the State UC program into the account and may only withdraw funds from the account for that purpose.

The bill also significantly reduces the federal payroll tax burden on employers to free resources for the States to use in financing the administration of their programs. Under the bill, the reduction in the federal tax burden is achieved by increasing the federal offset credit, which employers are entitled to claim if their State law is in conformity with certain federal requirements pertaining to the UC program.

In order to ensure that certain important elements in the administration of the UC program are maintained by the States, the bill also retains certain minimum requirements for the administration of the State UC programs.

Under current law, State adherence to federal requirements for the State UC program is enforced in two ways. If a State fails to substantially comply with certain administrative requirements contained in Title III of SSA, the Secretary may deny administrative funds to the State. If a State fails to conform its UC laws to certain federal requirements contained in section 3304(a) of the Internal Revenue Code (IRC), the Secretary may deny employers in the State the offset credit against the federal payroll tax.

Since, by decentralizing administrative financing, this bill eliminates the denial of administrative funds sanction, the bill transfers some of the requirements presently subject to that sanction to section 3304, under which a State's failure to conform to the requirements could result in the loss of the offset credit. These requirements include, among others, the payment of compensation when due, the right of claimants to a fair hearing, and State participation in the income and eligibility verification program, the food stamp verification program, and the child support intercept program.

In addition to transferring some of the requirements presently contained in Title III of SSA to the IRC, the bill also adds some new requirements. For example, in order to ensure efficient collection of the remaining FUTA tax, the bill requires the States to collect the federal payroll tax and transfer the receipts to the Treasury.

This subtitle also includes amendments to SSA and the IRC that are necessary to implement changes in the financing and administration of activities under the Wagner-Peyser Act to conform to the amendments made to the Wagner-Peyser Act under subtitle G of this title. Subtitle G would eliminate grants to the States that are paid out of ESAA for the operation of public employment offices under the Wagner-Peyser Act. Funds in FAA (which replaces ESAA) would remain available, pursuant to agreements between the States and the Secretary of Labor, for the continuation of certain national activities that are conducted under the Wagner-Peyser Act.

Subtitle F of this title is divided into four Parts. Part 1 makes amendments to the relevant provisions of SSA. Part 2 contains amendments to the IRC. Part 3 consists of amendments to other affected statutes. Part 4 contains technical and conforming amendments.

Section 1501 provides that subtitle F may be cited as the "Employment Security Administrative Financing Act of 1987."

Section 1502 repeals title III of SSA. Title III authorizes the payment of Federal grants to the States for administration of the State UC program, specifies how the Secretary of Labor is to determine the amount each State is to receive for UC administration each fiscal year, and sets forth requirements States must satisfy in the administration of the program in order to receive the grants.

Section 1503 of the bill makes amendments to Title IX of the SSA. Title IX establishes the structure of the UTF and sets forth how the accounts in the UTF are to be administered.

Section 1503(a) of the bill amends section 901(c) of SSA to authorize the expenditure of funds from the FAA (which replaces the ESAA) to pay the States for the administration of certain federally-mandated programs and activities. Those activities are: (1) administration by the States, pursuant to agreements with the Secretary of Labor, of functions under FUTA, the Wagner-Peyser Act, or any Federal unemployment compensation law, (2) funding for State Directors and Assistant Directors for Veterans Employment (38 U.S.C. 2003), and (3) 50% of the administrative costs for the Extended Benefit program.

Section 1503(a) also amends section 901(c) to authorize the payment of funds from the FAA for necessary expenses of the Department of Labor in carrying out its responsibilities under: (1) titles IX, XI, and XII of SSA, (2) FUTA, (3) the Wagner-Peyser Act, (4) chapter 41 of 38 U.S.C. Veterans Employment Service and Job Counseling, and (5) any federal unemployment compensation law.

Sections 1503(b) and (c) of the bill incorporate technical changes to certain references in section 901(c) of SSA.

Section 1503(d) amends section 901(c) to provide that the Secretary of Labor will certify to the Secretary of the Treasury the amount of funds to be transferred from the FAA to each State for the administration of the federally-mandated activities listed in section 901(c). States are only permitted to use those funds for proper and efficient administration of the activities, and the bill requires States to repay to the FAA any such funds that are improperly spent.

Section 1503(e) amends section 901(f) to define what constitutes an "excess" in the FAA balance for purposes of determining when FAA funds are to be transferred to EUCA.

Section 1503(f) amends Section 902(a) of SSA to increase the ceiling for allowable balances in FUA.

Section 1503(g) amends section 904 of SSA to include the FAA and State administrative fund accounts in the UTF as separate book accounts in the single fund that is invested by the Secretary of Treasury.

Section 1503(h) amends section 905(b) of SSA to provide for the transfer of a defined portion of FUTA receipts from the FAA to EUCA. The provision also alters the figure used to calculate the portion of FUTA receipts that is to be transferred.

Section 1504 provides that the amendments in sections 1502 and 1503 shall take effect on July 1, 1990.

Section 1511 amends section 3302 of IRC to increase, from 5.4 to 5.89 percent, the maximum amount of the offset credit employers may qualify for when their State law is in conformity with the requirements of section 3304 of the IRC.

Section 1512 transfers certain requirements currently contained in Title III of SSA to section 3304 of the IRC to ensure that basic elements of the UC program are maintained. The section also adds certain new requirements, as explained below. Section 1512(a) contains requirements States must include in their UC laws in order to qualify for the offset credit.

Section 1512(a)(1) revises section 3304(a)(2) to add a new subparagraph (A) to incorporate the requirement, presently contained in section 303(a)(1) of SSA, that State UC laws include methods of administration sufficient to ensure the payment of UC to claimants when due.

Section 1512(a)(1) also adds a subparagraph (B) to 3304(a)(2), which incorporates the requirement, currently contained in section 303(a)(3) of SSA, that all individuals denied unemployment compensation have the right to a fair hearing before an impartial tribunal.

Finally, section 1512(a)(1) provides a new subparagraph (C) to section 3304(a)(2) to incorporate the requirement, currently contained in section 303(a)(6) of SSA, that the States make reports that the Secretary of Labor from time to time shall require. The bill also specifies that such reports include reports of data for national statistical programs.

Section 1512(a)(2) amends section 3304(a)(3) of the IRC to add a subparagraph (B) which establishes a new requirement that all money received by the State for the administration of the State law and the State employment services be immediately paid over to the Secretary of Treasury to be credited to the State's administrative fund account.

Section 1512(a)(3) provides in section 3304(a)(4)(B) of the IRC a new requirement that all money withdrawn from the State administrative fund account be used only for the administration of State law and public employment services.

Section 1512(a)(4) adds a new requirement to Section 3304(a) that States shall provide public employment services pursuant to the requirements of the Wagner-Peyser Act. This amendment conforms to changes made to the Wagner-Peyser Act by subtitle G of this bill.

Section 1512(b) amends section 3304(b) to include certain requirements that States must comply with in the administration of the UC program in order to qualify for the offset credit.

The new paragraph (1) of section 3304(b) would incorporate the requirement, now contained in section 302(c)(2) of SSA, that States cooperate with federal agencies in the administration of any federal unemployment compensation law, except that the separate penalty provision contained in section 3302(c)(3) relating to State administration of Trade Adjustment Assistance would continue to apply to that program.

The new paragraph (2) of section 3304(b) would incorporate the requirement, presently contained in section 303(f) of SSA, that the State UC agencies participate in the State Income and Eligibility Verification system (SIEV) established under section 1137 of SSA.

The new paragraph (3) of section 3304(b) incorporates the requirement, currently contained in section 303(d) of SSA, that State UC agencies must disclose certain information to the Department of Agriculture and State food stamp agencies for purposes of verifying the eligibility of Food Stamp recipients, and must participate in the Food Stamp intercept program.

The new paragraph (4) of section 3304(b) incorporates the requirement, currently contained in section 303(e) of SSA, that State UC agencies furnish information to child support enforcement agencies and participate in the Child Support Intercept program.

The new paragraph (5) of section 3304(b) requires that the States cooperate with the Treasury Department by collecting FUTA taxes, including interest, penalties and additions to the tax, and paying the tax proceeds to the Treasury immediately upon receipt.

The new paragraph (6) of section 3304(b) requires that after June 30, 1990, States assure the continuation of a level of effort in their administration of the State UC program sufficient to meet output measures that will be defined in regulations issued by the Secretary of Labor.

The new paragraph (7) of section 3304(b) incorporates the provision, currently contained in section 303(g) of SSA, that States may recover benefit overpayments they have made to claimants from benefits payable to those claimants under other State and federal unemployment compensation programs.

Section 1512(c) amends section 3304(c) to apply the conformity sanction to the requirements that would be added by this bill to sections 3304(a) and (b).

Section 1513 amends section 3501 of the IRC to authorize each State to collect taxes payable under FUTA. The States will also be responsible for collecting interest, penalties, and additions to FUTA, and this section provides State courts with jurisdiction to enforce FUTA tax collection efforts. This section also requires the Secretary of Treasury to prescribe, through regulation, the method of collection and transfer to the Treasury.

Section 1514 establishes the effective dates of Part 2 of this subtitle. The amendments affecting taxes in sections 1511 and 1513 take effect on January 1, 1990. The amendments in section 1512 take effect on July 1, 1990.

Part 3 of this subtitle amends other statutes to conform in language with the amendments made in Part 1 of this subtitle. Section 1521 authorizes funds to be made available from FAA to pay for the administration of the UC programs for federal employees (UCFE) and ex-service members (UCX) (5 U.S.C. Ch. 85). Section 1522 is a technical amendment to conform language in the Food Stamp Act of 1977 with the transfer of § 303(d) of SSA to 3304(b)(3) of the IRC. The effective date of the Part 3 amendments is July 1, 1990.

Part 4, in sections 1531 to 1533, makes technical and conforming amendments to SSA, the IRC, and the Federal-State Extended Unemployment Compensation Act of 1970. Section 1534 provides that amendments made by sections 1531 through 1533 of the bill take effect July 1, 1990.

TITLE I—SUBTITLE G

EMPLOYMENT SERVICES ACT OF 1987

This subtitle alters the Federal-State program providing public employment services. The present program provides Federal resources for the operation of State employment service agencies, as well as a designated Federal United States Employment Service (USES). The funds are distributed through grants to individual States based on a specific statutory allocation formula. Federal law specifies the uses for the funds, and imposes auditing and recordkeeping controls on fund expenditure.

Under the legislation, States would have increased flexibility in administering their own public employment services under the Wagner-Peyser Act (hereinafter "the Act"). The Federal government would provide general information and assistance that might be useful to the States and would maintain a system for clearing labor among the States. The Federal government would also be authorized to provide guidance to the States in the provision of public employment services, including the implementation of national priorities. In addition, the legislation would specifically provide mechanisms to ensure that the States continue to provide services necessary to fulfill statutory obligations to provide statistical data under section 14 of the Act, and statutory obligations to provide special services to veterans pursuant to chapters 41 and 42 of title 38, United States Code. The Private Industry Councils (PICs) and State Training and Employment Councils created under the Job Training Partnership Act (the latter created by this bill from the existing State Job Training Coordinating Councils) would have an enhanced role with respect to public employment services. Federal and State roles would be carried out by the Secretary of Labor and the Governors, respectively, through such vehicles as they elect.

The changes to the Wagner-Peyser Act would initially take effect with the same financing arrangements as at present. Thus, the State would have to meet the revised requirements as a condition of grant receipt. After 1990, States would assume responsibility for financing their own basic public employment services programs. (Federal reimbursement to States for certain special national activities they carry out pursuant to agreement with the Federal government would continue to be available, both under the Wagner-Peyser Act and other laws.) To ensure the availability of public employment services throughout the country, however, States have to continue to comply with the revised Wagner-Peyser requirements. Both before and after 1990, these requirements would include compliance with the revised planning process, provision of special statistical and veterans services, and attention to the need for the provision of certain types of activities.

It should be noted that the provisions of, this subtitle include only that portion of the Administration's proposal on public employment services that consists of amendments to the Wagner-Peyser Act and, related laws. That portion of the Administration's proposal on public employment services which consists of amendments to the Social Security Act and amendments to the Federal Unemployment Tax Act is included within the provisions of subtitle F of this legislation.

Section 1602 revises section 1 of the Wagner-Peyser Act to replace the specific establishment of a United States Employment Service, and a national system of public employment offices, with a general policy statement describing the purpose of the Act. The purpose of the Act is to enhance the effectiveness of public employment services throughout the nation by increasing State and private sector responsibility for the planning, management, financing, and delivery of these services.

Section 1603 amends section 2 of the Wagner-Peyser Act to define three additional terms.

"Public employment services" are defined to include the provision of sufficient resources necessary to deliver such services, and to provide related administrative and support functions, on a Statewide basis. (Pursuant to section 1605 of this bill, provision of "public employment services" pursuant to the requirements of the Wagner-Peyser Act is a condition of receiving Federal grants that fund such services, grants which will be available until July 1, 1990. Pursuant to the provisions of subtitle F of this bill, provision of "public employment services" pursuant to the requirements of the Wagner-Peyser Act is required of any State for its employers to obtain a credit against their Federal Unemployment Tax for 1990 and thereafter.)

A "State Training and Employment Council" is defined to have the same meaning as under the JTPA. (Section 1610 of this bill amends the JTPA to rename the current State job training coordinating councils, to require the chair to be a private sector member, to expand the private sector membership, and to expand its duties to include oversight of public employment services.)

A "program year" is defined as the twelve-month period commencing July 1 of any Federal fiscal year (i.e., the July 1 after the start of the fiscal year). This definition replaces an equivalent one under existing section 5(c)(1) of the Act.

Section 1604 revises section 3 of the Wagner-Peyser Act to set forth the duties of the Secretary of Labor. Subsection (a) sets forth the special services the Federal government may provide in the revised program, including research, analysis, test development, job classification and technical assistance, and the maintenance of a system for clearing labor between the States. Subsection (b) authorizes the Secretary to provide guidance to the States in the provision of State public employment services, with particular attention to encouraging State review of the need for the activities set forth in a revised section 7(a) of the Act (see section 1607 of the bill), and to provide guidance in the implementation of national priorities. Subsection (c) authorizes the Secretary to enter into reimbursable agreements with the Governor of any State under which the State can carry out various related activities for the Secretary, or under which the Secretary can carry out a special project for a State of the type authorized to provide pursuant to subsections (a) and (b) (revising and expanding upon provisions currently located in section 7(c) of the Act). Subsection (d) provides for agreements with the Governor of Guam for the continuation of Federal funding for the provision of public employment services in Guam after July 1, 1990, since Guam lacks an unemployment tax which can readily be used to finance such a system. Subsection (e) provides general regulatory authority to the Secretary, and authorizes the establishment of general performance standards (provisions currently located in sections 12 and 13(a) of the Act).

Section 1605 of the bill revises section 4 of the Act to set forth that the Secretary must determine that a State will comply with the requirements of the Wagner-Peyser Act in the provision of public employment services if he is, in his discretion, to award that State Federal funds to finance State public employment services pursuant to section 5 of the Act (funds which will, as noted below, be available only through June 30, 1990).

Section 1606 of the bill revises section 5 of the Act to preclude authorization of Federal appropriations to provide grants to the States for the operation of public employment programs for program years commencing on or after July 1, 1990. Existing provisions in sections 5 and 6 of the Act concerning the allocation of grant funds distributed before that time are retained. June 30, 1991 is established as the final date for the expenditure of any Federal funds under section 5.

Section 1607 of the bill revises section 7 of the Act. Section 7(a) of the Act will set forth a short list of types of services the need for which are to be given particular attention by the States (both before and after the funding transition on July 1, 1990). The list is intended to direct the activities of the States towards facilitating the job transition process. Thus, particular attention is to be given to the need for assessment and testing, providing labor market information, counseling and job search skill training, and related types of services. Subsection (b) of section 7 will ensure that specific Federal policies concerning statistics and veterans will continue in effect under the revised Wagner-Peyser program, by making it a Wagner-Peyser requirement that the services provided by the States will include those necessary to fulfill statutory responsibilities under section 14 of the Act (concerning statistical development) and under chapters 41 and 42 of title 38, United States Code (concerning veterans). Subsection (c) of section 1607 ensures that States will have broad flexibility, subject to whatever may be required under other State or Federal laws, in making certain decisions concerning fees: whether to charge a fee for a specific service, and whether to refer a worker to an agency which may charge a fee. (The latter replaces the present section 13(b) of the Act.)

Section 1608 of the bill revises the planning processes set forth in section 8 of the Act. The revisions provide an enhanced role in that process for the Private Industry Councils and the State Training and Employment Councils created under the JTPA. Moreover, the amendments to section 8 provide a role for these entities in reviewing and evaluating the provision of public employment services that parallels their respective roles in the provision of job training funds under JTPA.

Section 1609 makes certain technical changes in the Act consistent with changes elsewhere in the bill. These include changes to the auditing and recordkeeping requirements of sections 9 and 10 of the Act, which clarify that these requirements apply only with respect to Federal funds. Section 1609 also amends section 11 of the Act to impose on Governors the existing responsibility of the Director of the United States Employment Service to insure that workers get notice of a strike or lockout if they are being referred to a job involved in such a labor dispute.

Section 1610 amends the Job Training Partnership Act to provide that in appointing private sector members of private industry councils, recognition should be given to its responsibilities under the Wagner-Peyser Act and to appointing members of the business community who have served in an advisory capacity in providing employment services. A parallel provision is added concerning appointments to the State Training and Employment Councils, which this section creates from the present State Job Training Coordinating Councils. The makeup of the State council is altered so that no less than half the membership will be from the private sector, and the State council is to be chaired by a private sector member as well. Section 1611 provides for the proper interpretation to be given upon enactment of this bill to references in other Federal laws and regulations to such entities as State or local public employment agencies, systems, or offices. This matter is being handled on a generic basis, rather than through conforming amendments, to avoid the need for extensive statutory and regulatory change. Section 1611(f) eliminates special authority for employment service use of penalty mail consistent with the increased delegation of authority and responsibility to the States under the bill.

Section 1612 provides that the provisions of this subtitle shall take effect with respect to State program years that commence after enactment. It also provides that existing regulations of the Secretary affected by the provisions of this subtitle be revised within six months of enactment.

TITLE II—NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT

SECTION-BY-SECTION ANALYSIS

SEC. 2001. Permits the citation of the Act as the "National Science Foundation Authorization Act for Fiscal Years 1988, 1989, 1990, 1991, and 1992."

SEC. 2002. Authorizes appropriations of $1,893,000,000 in nine categories for FY 1988; $2,158,000,000 in three areas for FY 1989; $2,474,000,000 for FY 1990; $2,831,000,000 for FY 1991; and $3,245,000,000 for FY 1992.

SEC. 2003. Provides that appropriations made under section 2002 will remain available for periods specified in appropriations acts.

SEC. 2004. Authorizes annual expenditures of up to $7,500 for FY 1988 through FY 1992 for official consultation, representation, and other extraordinary expenses at the discretion of the Director.

SEC. 2005. Provides that funds may be transferred among categories but precludes transfers to or from any category exceeding 10 percent of the amount listed for that category until thirty calendar days have passed after the Director has notified the Speaker, the Vice President, and the Senate and House authorization committees of the nature of the transfer and the reason for it.

SEC. 2006. Contains five amendments to the National Science Foundation Act and one to a related law. The proposed changes together with changes made in other years serve a long-term purpose. They represent a continued collaboration between the Foundation and the congressional committees charged with oversight of its activities to simplify and streamline its organic legislation.

PROPOSED AMENDMENT NO. 1

Sec. 2006(a) provides "Section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863), is amended by adding to its end a new subsection (k) as follows: '(k) Portions of Board meetings in which the Board considers possible Foundation budgets for a particular fiscal year or other legislative proposals that might be submitted to Congress may be closed to the public until the President's budget for that fiscal year or the legislative proposal has been submitted to the Congress.' "

This addition to section 4 of the National Science Foundation Act of 1950 would exempt discussions by the National Science Board of proposed NSF budgets and other legislative initiatives from disclosure under the Government in the Sunshine Act (5 U.S.C. 552b) until the President submits his or her budget and legislative program for that fiscal year.

This amendment is necessary to restore the quality of the National Science Board's participation in the Executive budget-planning process. Because the United States Court of Appeals for the District of Columbia has held that budget discussions by collegially-headed agencies are not exempt from the Government in the Sunshine Act, *Common Cause v. Nuclear Regulatory Agency*, 674 F.2d 921 (1982), recent Board budget-planning discussions have been open to the public. Before the court decision, budget discussions took place in closed sessions.

The Executive budget process requires negotiations and discussions between the Foundation and the Office of Management and Budget. The Foundation's budget documents are components of the Administration's overall budget and are, like similar documents of all other agencies, required by Office of Management and Budget Circular No. A-10 to be kept confidential until released by the President. Copies cannot be made available to public observers when the Board attempts to discuss and vote on them. The presence of public observers in open sessions of the Board inhibits members of the Board from discussing budget specifics, because that would disclose the President's tentative budget. As a result, effective National Science Board input to NSF budget positions has been fragmented and now occurs only at lower levels and in informal discussions between individual members and NSF staff. Such discussion as does take place in open sessions has tended to be pro forma. This diminishes the ability of the Board to guide NSF programs while adding nothing to openness in Government, particularly considering that the resulting budget gets a complete airing as part of the Congressional process. The Foundation is different in this respect from the other four dozen agencies affected by the Sunshine Act.

The proposed amendment creates a statutory exemption for NSB budget discussions. The exemption would be limited, both substantially and temporally. It would allow the National Science Board to close only those portions of meetings in which not yet publicly-proposed NSF budgets are being considered. Discussions by the Board of possible Foundation actions under any Presidential budget that has been submitted to Congress or under any alternative proposed by Congress, as well as Board discussions of actions under enacted appropriations, would not be affected.

The amendment also exempts from disclosure Board discussion of legislative initiatives, such as this one, which are usually submitted to Congress in the Foundation's draft annual authorization bill. Like the NSF budget, these initiatives are part of the President's legislative program and must be cleared by the Office of Management and Budget. Also like the budget, they will be fully aired by the Congress.

No increase in cost or personnel will result if this proposal is enacted.

PROPOSED AMENDMENT NO. 2

Sec. 2006(b) provides "Section 5(b) of the National Science Foundation Act of 1950 (42 U.S.C. 1864(b)) is amended to read: '(b) Except as otherwise specifically provided in this Act (1) the Director is the head of the agency and shall exercise all the authority granted to the Foundation by this or any other Act (including any powers and functions which may be delegated to him by the Board), and (2) all actions taken by the Director pursuant to the provisions of this or any other Act (or pursuant to the terms of a delegation from the Board) shall be final and binding upon the Foundation.'"

This amendment would add the underlined words to Section 5(b) of the National Science Foundation Act of 1950: (b) Except as otherwise specifically provided in this Act (1) the Director is the head of the agency and shall exercise all the authority granted to the Foundation by this or any other Act (including any powers and functions which may be delegated to him by the Board), and (2) all actions taken by the Director pursuant to the provisions of this *or any other* Act (or pursuant to the terms of a delegation from the Board) shall be final and binding upon the Foundation.

Many laws provide that the "head of the agency" has certain administrative responsibilities or powers. The proposed addition to section 5(b) of the National Science Foundation Act of 1950 merely clarifies that the Director is normally for such purposes the "head of the agency" for the Foundation. This is consistent with long-standing NSF interpretation and practice.

This clarification is sought because language in amendments to the Inspector General Act proposed last year raised a question as to whether the NSF audit officer would be required to report to the Director or to the Chairman of the National Science Board.

This amendment would neither alter the relationship between the Director and the National Science Board under the NSF Act nor prevent Congress or the President from giving responsibilities or powers to the Board.

No increase in cost or personnel will result if this proposal is enacted.

PROPOSED AMENDMENT NO. 3

Sec. 2006(c) provides "Section 7 of the National Science Foundation Act of 1950 (42 U.S.C. 1865) is amended to read: 'The Executive Committee of the Board shall be composed of the Director ex officio, who shall chair the Committee, and at least four other Board members elected by the Board. The Executive Committee shall exercise such powers and functions as may be delegated to it by the Board.'"

Section 7 of the National Science Foundation Act (42 U.S.C. 1865) now provides:

(a) There shall be an Executive Committee of the Board (referred to in this Act as the "Executive Committee"), which shall be composed of five members and shall exercise such powers and functions as may be delegated to it by the Board. Four of the members shall be elected as provided in subsection (b), and the Director ex officio shall be the fifth member and the chairman of the Executive Committee.

(b) At each of its annual meetings, the Board shall elect two of its members as members of the Executive Committee, and the Executive Committee members so elected shall hold office for two years from the date of their election. Any person, other than the Director, who has been a member of the Executive Committee for six consecutive years shall thereafter be ineligible for service as a member thereof during the two-year period following the expiration of such sixth year. For the purposes of this subsection, the period between any two consecutive annual meetings of the Board shall be deemed to be one year.

(c) Any person elected as a member of the Executive Committee to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term.

(d) The Executive Committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the Executive Committee shall be included in such report.

This provision has changed considerably since it was enacted as part of the original NSF Act (64 Stat. 149, P.L. 81-507). At first, the National Science Board was authorized, but not required, to have a ten-member Executive Committee, with the Director as a nonvoting ex officio member. The Board could not delegate policy-making and award review or approval functions to it (64 Stat. 151, sections 6(a) and 6(b) of P.L. 81-507). In 1959, the ban on delegation of award review or approval functions was eliminated and the membership was allowed to fluctuate between six and ten (73 Stat. 467, section 4 of P.L. 86-232). Reorganization Plan No. 2 of 1962, Part II, established a five-person Executive Committee, with the Director as chairman (76 Stat. 1253, 5 U.S.C. Appendix). This reorganization and other minor changes were enacted in 1968 as part of the "Dadario Amendments" (82 Stat. 364, section 5 of P.L. 90-407).

The proposed amendment would simplify and shorten the language of the section and remove some unnecessary restrictions. It would not substantively alter the membership or function of the Executive Committee. Specifically, it would:

1. Delete the phrase that "[t]here shall be an Executive Committee" from the beginning of subsection (a) because section 4(b) of the Act (42 U.S.C. 1863(b)) already establishes the Executive Committee;

2. Eliminate the ban on any person, other than the Director, serving on the Executive Committee for more than six years;

3. Eliminate the statutory requirement for an annual report from the Executive Committee to the Board; and most importantly

4. Allow the National Science Board to determine the size of and election procedures for its Executive Committee.

Only the last of these changes is likely to make any difference in the composition or operation of the Executive Committee.

The first change merely eliminates superfluous language.

Given the infrequency of reappointments to the Board, the ban on more than six years consecutive service on the Executive Committee has largely proved meaningless. If a member of the Executive Committee should be reappointed, however, there seems no justification to foreclose him or her from serving on the Executive Committee so long as a majority of the Board desires. The six-year restriction could, for example, make the Chairman or Vice-Chairman of the Board ineligible to serve on the Executive Committee.

The statutory requirement for an annual report has also proved meaningless, because the Director and other members of the Executive Committee inform other Board members of their activities at every meeting and recently through electronic mail communications between meetings. In any event, the Board can itself establish an annual or other reporting requirement if it feels that the Executive Committee is not keeping it informed.

Elimination of the five-member limit will allow the National Science Board to adjust the size of its Executive Committee in response to organizational needs and member interests. In recent years the Executive Committee has informally included other Board members, particularly NSB committee chairmen, in its meetings and deliberations. Under the revised section 7, the Board could formally add those additional members to the Executive Committee.

Although there is no plan to do so, the Board might adjust the date of Executive Committee elections. In recent even-numbered years, the new "class" of Board members have seldom been appointed by the May annual meeting. The Board might shift the election to an autumn meeting to allow more time for new members to arrive and get acquainted.

Finally, freed from a statutory two-year term, the Board could shorten or lengthen Executive Committee member terms, to encourage either greater involvement by more members or greater stability in Executive Committee membership. At present, however, no change in normal terms of service is planned.

No increase in cost or personnel will result if this proposal is enacted.

PROPOSED AMENDMENT NO. 4

Sec. 2006(d) provides "Section 14(d) of the National Science Foundation Act of 1950 (42 U.S.C. 1873(d)) is amended by inserting the words 'Board and persons holding other offices in the Federal Government may serve as members of' before 'special'."

This amendment would amend section 14(d) of the National Science Foundation Act to clarify that Executive Branch employees are not ineligible for appointment to the National Science Board and that Legislative and Judicial Branch employees may serve on NSF special commissions.

The amended subsection (d) would read as follows (addition underlined): (d) Persons holding other offices in the executive branch of the Federal Government may serve as members of the *Board and persons holding other offices in the Federal Government may serve as members* of special commissions, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

Section 14(d) was enacted in 1950. Although it could be read to imply that employees of the legislative and judicial branches are barred from participation on the Foundation's special commissions and all Federal employees from appointment to the National Science Board, the legislative history of the Act indicates otherwise. In a 1946 House of Representatives hearing, an Assistant Surgeon General read from a report of two Public Health Service advisory committees that concluded by recommending: That there should be governmental representation on such boards and advisory committees as may be set up in connection with the proposed National Research Foundation. [Hearings of a Subcommittee of the Committee on Interstate and Foreign Commerce on H.R. 6448, held May 28 and 29, 1946, p. 39.]

The amendment would clarify the language of section 14(d) and make clear that officers and employees of the Executive Branch may serve on the National Science Board and that legislative and judicial employees may serve on NSF special commissions.

There seems no reason why employees of other branches of Government should be generally excluded from service on special commissions. A commission on scientific communication, for example, could benefit from participation by a Copyright Office employee.

Similarly, there seems no reason to exclude all Federal employees from service on the Board, or conversely to bar NSB members from accepting other Executive positions. Such a ban was not implied in the one instance known where a Board member was appointed to another Federal position. Clifford M. Hardin was a National Science Board member when he became Secretary of Agriculture in 1969 and remained on the Board for over a year with the President's consent. There is, however, no indication that the wording of section 14(d) was considered by either Secretary Hardin or President Nixon.

Employees of the Legislative and Judicial Branches must, of course, be barred from service on an Executive Branch policymaking body to preserve the constitutional separation of powers.

The National Science Board is intended to represent "the views of scientific and engineering leaders in all areas of the Nation" [NSF Act, section 4(c); 42 U.S.C. 1863(c)]. Government scientists and engineers are an important part of America's scientific and engineering establishment and should not be disenfranchised by statutorily excluding them from membership on the National Science Board.

Similarly, Board members should not be precluded from serving their country in other Federal jobs while on the Board.

Appointment of any Federal employee to the Board or a special commission or of a Board member to another Federal position would, of course, be subject to all conflict-of-interests laws and regulations, including any special restrictions on outside activities peculiar to the employing agency.

No increase in cost or personnel will result if this proposal is enacted.

PROPOSED AMENDMENT NO. 5

Sec. 2006 provides "Subsection 15(c) of the National Science Foundation Act of 1950 (42 U.S.C. 1874(c)) is repealed."

Subsection 15(c) was enacted as subsection 15(d) of the original NSF Act. It was considerably revised in 1962 (76 Stat. 1069, section 1 of P.L. 87-835) and now provides:

(1) No part of any funds appropriated or otherwise made available for expenditure by the Foundation under authority of this Act shall be used to make payments under any scholarship or fellowship awarded to any individual under section 10, unless such individual—

(A) has taken and subscribed to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic"; and

(B) has provided the Foundation (in the case of applications made on or after October 1, 1962) with a full statement regarding any crimes of which he has ever been convicted (other than crimes committed before attaining sixteen years of age and minor traffic violations for which a fine of $25 or less was imposed) and regarding any criminal charges punishable by confinement of thirty days or which may be pending against him at the time of his application for such soholarship or fellowship.

The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to the oath or affirmation and statement herein required.

(2) (A) When any Communist organization, as defined in paragraph (5) of section 3 of the Subversive Activities Control Act of 1950, is registered or there is a final order of the Subversive Activities Control Board requiring such organization to register, it shall be unlawful for any member of such organization with knowledge or notice that such organization is so registered or that such order has become final (i) to make application for any scholarship or fellowship which is to be awarded from funds part or all of which are appropriated or otherwise made available for expenditure under the authority of section 10 of this Act, or (ii) to use or attempt to use any such award.

(B) Whoever violates subparagraph (A) of this paragraph shall be fined not more than $10,000, or imprisoned not more than five years, or both.

Subsection 15(c)(2) has no continuing effect. The registration requirement was repealed in 1968 (81 Stat. 765, P.L. 90-237). Funding for the Subversive Activities Control Board terminated at the end of Fiscal Year 1973.

So far as is known, the remaining requirements are unique to NSF fellowships and traineeships and have no counterparts in student aid programs of other Federal agencies. Similar requirements once applied to student loans made under the National Defense Education Act, but that program is defunct and the applicable section (20 U.S.C. 581) was omitted from the 1982 edition of the United States Code.

These requirements have existed for over thirty years, but no information received as a result of them has changed an award decision.

Elimination of these two requirements would save NSF fellows and trainees an estimated $100,000 annually and reduce the Foundation's processing costs by an estimated $30,000. About 12,000 paperwork burden hours would be saved each year.

PROPOSED AMENDMENT NO. 6

Sec. 2006(f) provides "Part B of the National Science Foundation Authorization and Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 to 1885d, 94 Stat. 3010), as amended and redesignated by section 111 of the National Science Foundation Authorization Act for Fiscal Year 1986 (P.L. 99-159, 99 Stat. 892), is amended as follows. (1) Section 36(b) (42 U.S.C. 1885c(b)) is amended to read: '(b) Each member of the Committee shall be appointed by the Director of the National Science Foundation. Members shall be appointed to serve for a three-year term, and may be reappointed for an additional term of three years.' (2) Section 36(f) (42 U.S.C. 1885c(f)) is amended to read as follows: '(f) Every two years, the Committee shall prepare and transmit to the Director a report on its activities during the previous two years and proposed activities for the next two years. The Director shall transmit to Congress the report, unaltered, along with comments."

These proposed changes to the Science and Engineering Equal Opportunities Act will modify some requirements that have proven burdensome to implement.

Sections 1885 to 1885d of title 42 of the United States Code were enacted in December 1980 as Part B of the National Science Foundation Authorization and Science and Technology Equal Opportunties Act (94 Stat. 3010, P.L. 96-516). In November 1985, section 111 of the National Science Foundation Authorization Act for Fiscal Year 1986 (P.L. 99-159, 99 Stat. 892) amended the 1980 Act by changing "technology" to "engineering" and redesignating it the National Science Foundation Authorization and Science and Engineering Equal Opportunities Act.

In subsection 36(b), "of the National Science Foundation" is added after "Director", to provide a full first reference within this Act. A requirement that the National Science Board concur in all appointments to the Committee on Equal Opportunities in Science and Engineering is eliminated. That proved to add only undue delay to the appointment process. Finally, because the NSB no longer has a separate Committee on Minorities and Women, the provision making its Chairperson an ex officio member of CEOSE is deleted.

The report requirement in subsection 36(f) is changed from annual to biennial, to lessen the administrative demands on the Committee on Equal Opportunities in Science and Engineering.

No increase in cost or personnel will occur if these changes are enacted. Some slight cost saving may be realized from halving the frequency of the CEOSE report.

TITLE III—OMNIBUS INTELLECTUAL PROPERTY RIGHTS IMPROVEMENT ACT OF 1987

SECTION-BY-SECTION ANALYSIS

The first section of this title provided that the Act may be cited as the "Omnibus Intellectual Property Rights Improvement Act of 1987."

SUBTITLE A—INTELLECTUAL PROPERTY REFORM ACT OF 1987

SEC. 3102. Technology Licensing Under the Antitrust Laws.

This section incorporates features of Administration proposals in previous Congresses dealing with antitrust treatment of intellectual property licensing arrangements. The section also draws upon and closely resembles a recently introduced House bill, H.R. 557 (100th Congress, 1st Sess.), that has received strong bipartisan support.

Subsection (a) provides that "[a]greements to convey rights—(1) to use, practice, or sublicense an invention patented under Title 35 of the United States Code, (2) to use or sublicense a trade secret, including but not limited to related know how, or (3) in a work, including a mask work, protected under Title 17 of the United States Code, shall not be deemed illegal per se under any of the antitrust laws." This ensures that such licensing arrangements and their terms and conditions will be evaluated under the "rule of reason" in antitrust cases, which requires a realistic economic analysis of the actual competitive effects of a challenged practice. Subsection (a) covers a wide spectrum of intellectual property, including patents, trade secrets and related know how, copyrights, and mask work rights. Under subsection (a), courts will consider the business justifications and procompetitive aspects of licensing arrangements and their terms and conditions in cases brought under the antitrust laws. Only arrangements that are proven to be anticompetitive will be held unlawful.

Subsection (a) will not allow anticompetitive behavior to escape condemnation under the antitrust laws. Proscription of a per se approach merely obliges the court to hear evidence on the probable economic effects of a challenged practice before ruling upon the antitrust legality of the practice. Truly anticompetitive conduct will remain illegal.

Section 3102 also recognizes that the current requirement in Sections 4 and 4(C) of the Clayton Act that plaintiffs' damages be trebled in all actions brought under those sections is inappropriate when applied to intellectual property licensing arrangements. The trebling of damages provides a strong deterrent to anticompetitive behavior. However, it may well overdeter procompetitive licensing arrangements that allow American firms to realize fully their investments in innovative research and development. Subsections (b)(1) and (b)(2) of section 3102 solve this problem by limiting damages in antitrust cases based on intellectual property licensing arrangements to actual damages only. All other public and private antitrust enforcement remedies are, of course, unaffected by this section.

Subsection (b) also provides for automatic prejudgment interest on such actual damage awards. The rationale for awarding prejudgment interest to a plaintiff is that the plaintiff's injury is suffered long before the damages are recovered. To establish a fully compensatory remedy, the plaintiff should be paid interest for the lost use of its money during the period from commencement of the injury to entry of judgment. Where the date of the onset of injury cannot be precisely determined, the plaintiff may prove that the injury began prior to a date certain and receive interest from that date. Where prejudgment interest would result in duplicative damages (e.g., where loss of use of lost profits has already been factored into the damage award) or where litigation has been unreasonably delayed by the plaintiff, subsection (b)(3) gives the court flexibility to limit or withhold prejudgment interest. The ability of the court to vary the rate of interest from that set forth in 28 U.S.C. 1961 (the coupon yield equivalent of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date of judgment) reflects the fact that, in antitrust cases, damages may be recovered for injuries sustained many years prior to the date of judgment, during which interest rates may have been substantially lower (or higher) than current Treasury bill yields.

Subsection (c) defines, for purposes of section 3102, terms used in the section. "Antitrust laws" is given the same meaning as that contained in 15 U.S.C. 12(a), and also includes section 5 of the FTC Act to the extent that section 5 applies to unfair methods of competition. "Invention" is given the same meaning as that contained in 35 U.S.C. 100(a), and "mask work" has the meaning given it in 17 U.S.C. 901(a)(2).

Subsection (d) provides that section 3102 shall not apply with respect to suits commenced under the antitrust laws before the date of enactment of the section.

SEC. 3103. *Process Patents.*

Subsections (a) and (b) amend 35 U.S.C. 154 and 271, respectively, to extend the exclusive rights of the holder of a process patent to include products made by the patented process. The amendment to section 154 grants to process patentees the right to exclude others from using, selling or importing such products. Under the complementary amendment to section 271, the use, sale, or importation of such products after the effective date of this Act would constitute infringement. This is consistent with the treatment of process patents in many foreign countries.

Proposed section 271(a)(2) further provides that a product which is made by a patented process will, for the purposes of Title 35, not be considered to be so made after it was materially changed by subsequent processes, or it became a minor or nonessential component of another product. The intended scope of protection is an important consideration when the patentee is enforcing his rights for infringing acts involving the product of a patented process. The easy case is when the product which results from the process is imported, sold, or used in its form immediately after manufacture. If the patented process produces chemical X, anyone importing, using, or selling chemical X made by that process, is liable for infringement. If the patented process cuts unique grooves in screws, anyone importing or selling these screws is liable for infringement. However, the scope of this section reaches beyond the easy case or fact situation.

The process may produce chemical X, which is subsequently subjected to further processing or manufacturing steps. If the subsequent modifications change the basic structure of chemical X so that a clearly different chemical Y results, the connection between the patented process and the product chemical Y is broken. Thus, the fact that chemical X was materially changed precludes a claim of infringement for the importation, use, or sale of chemical Y. Also, commerce in chemical Y does not prejudice the rights of the process patent owner whose commercial stake is in chemical X.

However, the subsequent processing modifications of chemical X may only be trivial or conventional in nature. For example, modifications which result in the formation of simple derivatives, including salts or esters, or the removal of impurities, are not material changes of chemical X. Processing steps which only change shape, size or form are also not material. For example, if chemical X were a polyester resin, the use, sale, or importation of the resin could constitute an act of infringement regardless of whether the resin was formed into yarn or fabricated into some other physical object. Similarly, if chemical X was the active ingredient of a pharmaceutical product, or one of its active ingredients, liability for infringement is not avoided by putting chemical X in a table or some other dosage form.

The patented process may produce a product which is used as a component of a second product. The form of the immediate product of the process may or may not be altered. The issue then arises whether the importation, sale, or use of the second product constitutes infringement of the process patent.

Liability for infringement exists if the immediate product of the process becomes an integral, important, or essential feature of a second product. An important fact question is whether the manufacturer of the second product chose to use the product of the process to gain qualities and advantages provided by it. For example, if the manufacturer of the second product informs potential purchasers of such qualities and advantages, it would indicate that the first product was intentionally used for this purpose, and infringement would lie.

The product of the patented process may be a lightweight, high-strength fiber, for example. If that fiber is woven into a bulletproof vest or used to form the interior structure of automobile tires, the qualities of the fiber provide not only an essential element of the second product, but a meaningful selling point. Therefore, the importation, sale, or use of these vests or tires would constitute infringement. If the process produces a highly heat resistant metal which is used to form important components of a machine to generate electricity, the importation, sale, or use of that machine would also constitute infringement. When the qualities of the product of the process are an important, meaningful addition to the value of the second product, the patentee whose invention produces these improvements over known products should be compensated.

However, if the product of the process is a minor or nonessential component of the second product, no liability for infringement should exist. An indication of this circumstance would be that the product of the process was chosen for no identifiable reason from among other, equally useful, products. For example, the patented process may produce a stain repellant used to treat the upholstery of automobile seats. Or, bolts made by a patented process are used to attach the seats to the automobile floor. In such cases, the importer, user, or seller of the automobile would not be liable for infringement.

Under these amendments, the use or sale in the United States, or importation into the United States, of products produced by patented processes will constitute infringement regardless of where such products were made. Since a process patentee can already prevent the use of the patented process by domestic manufacturers, the primary effect will be on foreign-made goods. These amendments will not give extraterritorial effect to U.S. law. U.S. patents will not prevent foreign manufacturers from using abroad the process covered by the U.S. patent, so long as the products they make thereby are sold and used abroad. But the amendments will prevent circumvention of a U.S. process patentee's rights through manufacture abroad and subsequent importation into the United States of products produced by the patented process.

Subsection (c) amends 35 U.S.C. 287 to provide that damages for infringement of a process patent based on use, sale, or importation of a product produced by the patented process may not be recovered from an infringer who did not use the process except on proof that the infringer knew of or was notified of the infringement, in which event damages may be recovered only for subsequent infringement. Subsection (c) also provides that the filing of an action for infringement will constitute the requisite notice. This is consistent with the notice requirements for process patents.

Subsection (c) protects an innocent importer, user, or subsequent seller of an infringing article since it may be very difficult to ascertain the process by which a product has been produced. Where the infringer actually used the patented process, the patent itself provides notice. By prohibiting damages for infringing activities which occurred before the infringer had knowledge or notice of potential infringement, subsection (c) strikes an appropriate balance between protecting the rights of process patentees and those who innocently use or trade in products produced by patented processes.

Subsection (d) adds a new section 295 to Title 35, to establish, in carefully defined circumstances, a rebuttable presumption that a product that could have been made by use of a patented process was in fact so made. This presumption addresses the great difficulties a patentee may have in proving that the patented process was actually used in the manufacture of the product in question where the manufacturer is not subject to service of process in the United States. The burden of overcoming this presumption will be on the alleged infringer, regardless of whether the infringement charge is based on use, importation, or subsequent sale of the infringing article. While the defendant may not necessarily possess the means necessary to rebut the presumption, the defendant is likely to be in a far better position than the patentee to obtain them. Importers, for example, because of their relationships with foreign manufacturers, may be able to exert pressure on such manufacturers to produce the necessary information. Users and sellers who purchase possibly infringing articles from importers may be able to exert similar pressure on those importers, who would in turn influence foreign manufacturers. Of course, purchasers would retain whatever rights to indemnification they may have under contract or applicable state law.

Presumptions of manufacture by a patented process, however, should not be casually established. Importers and subsequent purchasers may be unable to obtain the information needed to overcome such presumptions when the products in question were not made by patented processes. At a minimum, the existence of the presumption will require a party who uses, sells, or imports a product that might have been made by a patented process to exercise greater care in business dealings to avoid increased liability. To minimize the risk of litigation intended to discourage firms from carrying competing products, the presumption will be available under section 295 only when two conditions are satisfied.

First, the patentee must demonstrate on the basis of the evidence that is available that a "substantial likelihood" exists that the product was made by the patented process. Such evidence could include chemical analysis of the product or indications or "marks" on the product itself, as well as expert testimony regarding known methods of production at costs that would not justify sale of the product at the prices being charged. Exactly how much evidence will be needed in particular situations to satisfy the "substantial likelihood" condition will depend on the circumstances. A patentee's burden would be less than that of proving successfully at trial that a product in question was in fact made by the patented process but would be more than a slight possibility that the product was so made. Second, the patentee must show that he has made a reasonable effort to determine what process was used in the manufacture of the product in question and was unable to do so. The reasonableness of the effort will depend on the circumstances. These initial, good-faith efforts would include the use of discovery procedures under the Federal Rules of Civil Procedure or other good-faith methods, such as requesting the information from a manufacturer who may not be subject to U.S. jurisdiction. These limitations on the availability of the presumption should make it available to patent holders who might otherwise be left with no remedy against an infringer and also would adequately safeguard the rights of competitors.

SEC. 3104. *Patent Term Restoration for Certain Agricultural and Chemical Products.*

Subsection (a) adds a new section 158 to Title 35 of the United States Code, to extend the principle of patent term restoration, now contained in section 156 of Title 35 for human drug products, also to patents which claim certain agricultural and chemical products, animal drug products, methods for using such products, or methods for manufacturing such products. In this respect, section 158 seeks to restore patent terms to those patentees who must submit agricultural and chemical products, and methods of using or producing such products, for Federal regulatory review prior to marketing and, therefore, are not able commercially to exploit patented products and methods during portions of their patent terms.

Section 158(a) provides in paragraph (1) thereof that the term of a patent will be extended in accordance with this section from the original expiration date of the patent if certain prerequisites are met. These are, (A) that in accordance with other provisions of the bill, the Commissioner of Patents and Trademarks is notified by the product sponsor of facts supportive of a request for patent term restoration, (B) that the regulatory review period for the product in question occurred prior to commercial marketing or use of the product, (C) that the patent term was never previously extended under this section, and (D) that the patent has not expired prior to the above discussed notification to the Commissioner. The prohibition of subparagraph (C) is qualified since, for example, a patent claiming a new chemical entity may have been previously extended under another section which limits the rights during the extended term to the specific approved use in humans. This should not preclude a patent owner from obtaining extension of the patent term for new uses of the product as animal drugs, if the patent is otherwise eligible for extension.

Paragraph (2) of section 158(a) limits the rights derived from any claim of an extended patent to the "scope of such claim which encompasses the product subject to regulatory review." Regarding generic claims, extension would apply only to the specific part or species of the claim which was the subject of regulatory review. Further, in the case of product claims or method claims for using a product, the scope of the extended patent would be limited to "the uses of the product which may be regulated" by a relevant statute. Extension of the patent term regarding those claims would, therefore, apply to analogous uses of the product even if they had not specifically been the subject of the original premarketing regulatory review on the basis of which extension is claimed. However, extension of the patent term would not apply to uses of the product which were authorized prior to the regulatory review period for which the patent term is restored. This would prevent continuing patent exclusivity past the original expiration of the patent for uses which already enjoyed exclusivity at the time subsequent uses were subject to regulatory review. Lastly, this paragraph would limit the scope of the extended patent in the case where a method of manufacturing a product is claimed, to the method used to make the approved product.

Paragraph (3)(A) of section 158(a) provides that the term of a patent be extended by the time equal to the regulatory review period which occurred after the patent was granted. This extension, however, is subject to several additional limitations enumerated in paragraph (B). Any regulatory review period which is to be applied for purposes of extending the patent shall be reduced by certain periods during which applications for premarket approval were made under relevant statutes, but not accepted by the relevant agencies because the applications did not contain sufficient data or information.

Paragraph (B) further provides that no patent term may be extended for more than five years, nor that the term of any extended patent can exceed twenty-five years from the filing date of its earliest related U.S. patent application. Other limitations to patent term extension concern situations in which the regulatory review period for a product began before the date of enactment of this section. In those cases in which regulatory review had not ended at the date of enactment, the period of extension for the patent would be measured from the enactment date, not to exceed three years. If, however, the regulatory review period had ended before enactment of this section, no patent term extension would be permitted.

Paragraph (C) provides that not more than one patent may be extended for the same regulatory review of a specific product.

Section 158 (b)(1) elaborates the procedure to be followed in seeking and obtaining extension of a patent term, and specifies the information which must be submitted to the Commissioner of Patents and Trademarks. This section requires that within sixty days after termination of a regulatory review period, the product sponsor seeking extension of the patent term must notify the Commissioner that the regulatory review period has ended, by providing him with written information pertaining to the request for patent term extension. Specifically, the product sponsor must identify the particular statute under which the regulatory review occurred, state the dates on which the regulatory review began and ended, and identify the event which caused such period to commence. This last requirement is necessary for identifying whether the period began with the initiation of a major health or environmental effects test or whether it began through another starting point identified in section 158(c)(4). He must also identify the product reviewed, state that the requirements of the statute were satisfied so that commercial marketing or use of the product is not prohibited under the statute which provided for the regulatory review in question, and identify the patent and any claims thereof to which the extension is applicable. Further, the product sponsor must identify the filing date of the earliest related patent application to which reference is made in subsection (a)(3)(B)(iii) in connection with the limitations on patent term extension. He must also state that the term of the patent has never been extended under this section, and that no other patent has been extended on the basis of the same regulatory review period. Lastly, the product sponsor must supply any other information which the Commissioner may require.

Section 158(b)(2)(A) specifies that when the Commissioner of Patents and Trademarks receives the notification from the product sponsor containing the prescribed information for patent term extension, he shall notify various individuals, depending upon the claimed subject matter of the patent to be extended and submit to them a copy of the extension notification. If the patent claims a veterinary biological product subject to the Virus-Serum-Toxin Act, or a method of using or manufacturing such a product, the Secretary of Agriculture must be notified. If the patent claims an animal drug product or animal antibiotic product subject to the Federal Food, Drug, and Cosmetic Act, or a method of using or manufacturing such a product, the Secretary of Health and Human Services must be notified. Should the patent claim a pesticide subject to the Federal Insecticide, Fungicide, and Rodenticide Act, a chemical substance or mixture subject to the Toxic Substances Control Act, or a method of using or manufacturing such pesticide, substance or mixture, the Commissioner must notify the Administrator of the Environmental Protection Agency.

Not later than sixty days after receipt of the copy of the extension notification from the Commissioner, the Secretary or Administrator is required to review the dates enumerated in the notification and determine the applicable regulatory review period for the particular product in question. In determining the total length of the relevant regulatory review period, the Secretary or Administrator is required also to take into account the provisions of subsection (a)(3)(B)(i). This subsection provides for the exclusion of certain time periods during which insufficient information or data were available to support the filing of an application which normally would have started the running of the regulatory review period, as defined in subsection (c)(4). After having determined the applicable regulatory review period, the Commissioner of Patents and Trademarks is notified of the determination.

Subparagraph (B) provides for the establishment of appropriate fees by the Secretary, the Administrator and the Commissioner to cover the costs of the various reviews, determinations, proceedings, hearings and all other functions and duties carried out by them pursuant to section 158.

Section 158(b)(3) contains two subparagraphs. Subparagraph (A) specifies that the Commissioner determines a patent's eligibility for extension in accordance with the requirements of subsections (a) and (b) (1). Such determination may be based solely on the information contained in the notification provided by the product sponsor. After having determined that a patent is eligible for extension and upon receipt of a determination of the applicable regulatory review period, the Commissioner issues a certificate of extension of the patent, stating the length of extension, identifying the product and the statute under which regulatory review occurred, and specifying to which claims such extension is applicable. The Commissioner determines the length of patent extension by taking into account the applicable regulatory review period and applying the limitations provided by subsections (a)(3)(A) and (a)(3)(B)(ii). The certificate of extension is recorded in the official file of the patent and considered part of the original patent. A notice of such extension is also published in the Official Gazette of the Patent and Trademark Office.

Subparagraph (B) provides for the possibility that the original term of the patent for which extension is sought, could expire before a final decision by the Commissioner to issue a certificate of extension. In this case, the Commissioner is required to determine whether the patent is eligible for extension and if it is, to issue a certificate of extension for a period of up to one year. The length of this interim extension is discretionary with the Commissioner, but is intended to provide time for the completion of any outstanding requirements. If the Commissioner determined that subsequent interim extensions were necessary and consistent with the objectives of this subparagraph, they could be granted as well. In no event could these interim extensions be longer than the maximum period of extension to which the applicant is thought to be eligible.

Section 158(b)(4) specifies that information submitted during a regulatory review period by a product sponsor which is considered a trade secret, or confidential commercial or financial information under the law which mandates such regulatory review, may only be disclosed to the public under this section in accordance with such law. However, this does not prohibit the Commissioner, the Secretary, or the Administrator from identifying any information necessary for the purpose of patent term restoration and to transmit this information to others, or to publish it, as required by this section.

Section 158(c) defines the operative terms used in section 158. Paragraph (1) defines the term "product" partially in accordance with section 101 of Title 35, United States Code, which details the subject matter for which patent protection is granted. Thus, a "product" is any machine, manufacture or composition of matter. However, the term "product" is limited to animal drugs or animal antibiotics subject to regulation under the Federal Food, Drug and Cosmetic Act, veterinary biological products subject to regulation under the Virus-Serum-Toxin Act, pesticides subject to regulation under the Federal Insecticide, Fungicide and Rodenticide Act and chemical substances or mixtures subject to regulation under the Toxic Substances Control Act. Methods for using or producing a product are not defined. Although the term "product" is limited to the items subject to statutory regulation as enumerated in subparagraphs (A) to (D) of section 158(c)(1), it is not limited only to the product as a whole. For example, the patent to be extended does not have to claim the animal drug or pesticide in its entirety, i.e., all active and inert ingredients, fillers, coatings, dosages, surfactants, etc. It is sufficient that the product which underwent regulatory review contains an active ingredient which is encompassed by the claims of the patent to be extended, or contains any salt or ester of that ingredient, as a single entity or in combination with another active ingredient.

Paragraph (2) defines the parameters of a major health or environmental effects test and paragraph (3) defines the term "product sponsor."

Paragraph (4) defines the meaning of the term "regulatory review period." Depending on the statute under which regulatory review is conducted, the regulatory review period is computed in a different manner. Due to the fact that the regulatory statutes of prime concern operate differently, and their periods of regulation begin and end with different events, it has been found necessary to specify in detail those events which will commence a regulatory review period and end it under each of these statutes. The length of any such period defines the amount of time which is available for patent term extension, subject to other limitations in this section.

In accordance with subparagraph (A), for animal drugs or animal antibiotics regulated by the Federal Food, Drug, and Cosmetic Act, the period begins on the date an exemption for investigation of an experimental drug or the like becomes effective. For veterinary biological products regulated by the Virus-Serum-Toxin Act, the period begins on the date authority was requested to prepare an experimental biological product. The first phase of the regulatory review period for these products ends on the date an application for product approval was submitted to the relevant agency. The second phase of the regulatory review period begins on the date the application was submitted for the approved product and ends on the date such application was approved. The termination date for the "regulatory review" will then be that date on which commercial marketing is permitted under these statutes.

Subparagraph (B) defines the regulatory review period with respect to pesticides regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In this respect, two alternative events are provided which commence the running of a regulatory review period. When a product sponsor initiates a "major health or environmental effects test" on a pesticide ultimately for the production of data to be submitted under FIFRA, the regulatory review period will begin. A test is initiated when the product sponsor begins actual testing. Secondly, FIFRA provides for the grant of an experimental use permit, and the date on which the grant of such a permit is requested alternatively provides the beginning of the regulatory review period. The first phase of the regulatory review period ends on the date an application is submitted for registration of the pesticide. The second phase of the regulatory review period begins on the date on which such an application was submitted and ends on the date on which the pesticide is first registered under FIFRA. It is possible that such registration can be either conditional or permanent. Either event will provide the termination date of the regulatory review period.

Subparagraph (C) defines the regulatory period for chemical substances or mixtures subject to regulation under the Toxic Substances Control Act (TSCA). With respect to these products, notification to the Administrator of the Environmental Protection Agency (EPA) is required under section 5 of TSCA before manufacture or import of a "new chemical substance," or before manufacture, import, or processing of a substance for a "significant new use." It is only these products to which the present legislation is applicable.

Certain of the products or methods requiring notification may be subject to a rule requiring testing under section 4(a) of TSCA, while other products and methods might not be subject to testing according to criteria set by that statute. With respect to those products which are subject to a testing requirement, the beginning date of the regulatory review period will be that on which the product sponsor has initiated testing required by the EPA Administrator's ruling with respect to the specific product. When testing is not required, the regulatory review period will begin on the earlier of the date on which the product sponsor submits a premanufacturing notice under TSCA, in accordance with regulations issued by the Administrator of EPA, or initiates a major health or environmental effects test on the product, which data are then included in the previously mentioned premanufacturing notice.

The end date of the regulatory review period under this portion of TSCA will usually occur when the statutory notification period usually expires 90 to 180 days after the notice is submitted. At that time, the product sponsor will normally be free to manufacture and sell the product. However, manufacture and other activities may be prohibited or limited under section (5)(e) or (5)(f).

If the EPA Administrator determines that there is insufficient information to evaluate the risks of the activities described in the notice, EPA can issue an administrative order, or seek an injunction in a U.S. district court, to prohibit or limit the activities pending submission of the information. If there is sufficient information to determine that the activities will present an unreasonable risk of injury to human health or the environment, EPA can issue an administrative order, or seek an injunction in a U.S. district court, to prohibit the activities, or promulgate an immediately effective rule under section 6 to limit the activities. In either event, if the administrative order or injunction prohibits the use of the product subject to the patent, the regulatory review period will end on the date that the order or injunction is dissolved or set aside. The regulatory review period would not include any time period during which the use of the product is limited or subjected to conditions if the limitations and conditions do not prevent its use.

Subsection 158(c)(5) defines the term "Virus-Serum-Toxin Act" to be the Act of March 4, 1913 (21 U.S.C. 151-158).

Subsection (b) adds the title of section 158 to the analysis of chapter 14 of Title 35, United States Code.

Subsection (c) amends the Federal Food, Drug, and Cosmetic Act to authorize abbreviated applications for generic versions of veterinary drugs, by exempting such applications from the requirement of section 512(b)(1) of that Act for data regarding safety and effectiveness. Thus, the prospective generic drug manufacturer must show in the application for marketing approval only that he is capable of making the drug. The manufacturer need not duplicate and submit the results of safety and effectiveness tests already conducted and submitted by the pioneer. The amendment further provides that for a transitional period of ten years from enactment of this provision, the FDA may not make effective the approval of abbreviated applications for generic versions of those veterinary drugs which were approved within three years prior to enactment of this amendment.

SEC. 3105. *Patent Misuse.*

Section 3105 reforms the doctrine of patent misuse, which can be invoked to deprive a patentee of his rights under the patent.

Subsection (a) amends 35 U.S.C. 282 by designating the existing language of that section as subsection (a) and adding a new subsection (b), which lists several patent licensing practices that cannot provide the basis for a finding of misuse or illegal extension of a patent unless such practices, in the circumstances in which they are employed, violate the antitrust laws. These practices include the following:

(1) licensing the patent under terms that affect commerce outside the scope of the patent's claims (e.g., requiring a licensee to purchase unpatented materials from the licensor, requiring a license to assign to the patentee a patent that may be issued to the licensee after the licensing arrangement is executed, restricting a licensee's freedom to deal in products or services outside the scope of the patent, requiring the licensee to become a licensee of a second patent);

(2) restricting a licensee of the patent in the sale of the patented product or in the sale of an unpatented product made by the patented process;

(3) obligating a licensee of the patent to pay royalties that differ from those paid by another licensee or that are allegedly excessive;

(4) obligating a licensee of the patent to pay royalties in amounts that are not related to the licensee's sales of the patented product or an unpatented product made by the patented process;

(5) refusing to license the patent to any person; or

(6) otherwise using the patent in a manner that allegedly suppresses competition.

New section 282(b) carefully limits the patent misuse doctrine but does not eliminate it. Courts will still have the discretion to refuse to enforce a valid, infringed patent on competitive grounds whenever the challenged conduct violates the antitrust laws, as well as on grounds not related to competition (e.g., fraud on the Patent and Trademark Office). New section 282(b) will give patentees greater flexibility in realizing the full value of their patents and thereby encourage investment in research and development. New section 282(b) would not in any way alter existing law with respect to whether or when the conduct it specifies violates the antitrust laws. It is intended to deal exclusively with the evaluation of such conduct under the patent misuse doctrine.

SEC. 3106. *Licensee Challenges to Patent Validity.*

Subsection (a) adds a new section 296 to Title 35, United States Code, dealing with the ability of licensees to challenge the validity of patents they have licensed, and the rights of patent holders in such circumstances. New section 296(a) provides that a licensee shall not be estopped from asserting the invalidity of a patent to which it is licensed, and that any provision in an agreement between the parties that purports to bar such an assertion shall be unenforceable. New section 296(b) provides that a patent license agreement may contain provisions allowing termination if the licensee challenges validity in a judicial proceeding, and further that if the licensee has a right to terminate, the agreement also may provide for the licensee's obligations under the agreement to continue until the patent is finally declared invalid, or until the license is terminated. Under new section 296(b) such provisions will not be unenforceable on the ground that they are contrary to federal law or policy.

New section 296(a) codifies the holding of *Lear, Inc. v. Adkins,* 395 U.S. 653 (1969), that a licensee cannot be estopped, by agreement or otherwise, from contesting the validity of a patent to which it is licensed. New section 296(b) addresses issues over which courts have differed in the years since the *Lear* decision; namely, the rights of the parties with respect to termination of a license and payment of royalties if the licensee challenges the validity of the licensed patent. New section 296(b) would give the parties broad discretion to define these rights during the license negotiation process. It makes clear that the parties may provide for termination by licensor and/or licensee in the event of such a challenge, and, if the licensee has a right to terminate, for the licensee's obligations to continue pending adjudication of validity. In this way, patent licensors can bargain for provisions they feel necessary to assure the realization of their rights in an invention, while licensees can bargain for provisions they feel necessary to protect their interests if they choose to challenge validity.

SEC. 3107. *Patent Law Amendments To Reduce the Cost of Litigation.*

Section 3107 amends the patent laws to reduce the cost of litigating the validity and infringement of patent rights. Subsection (a) requires courts to award reasonable attorneys' fees to prevailing parties if the court deems that the arguments of the other party or parties were frivolous. Such arguments would include not only meritless causes of action, but would also include meritless defenses or counterclaims or other actions or assertions that are without a basis in law and that are used primarily to harass the litigants, or that are used primarily to prolong the litigation. Courts would look to the overall behavior of the litigants when determining whether their actions are frivolous. Similarly, the courts would award reasonable attorneys' fees to the patentee or patent owners if the court finds that the infringement was willful. Furthermore, courts could award attorneys' fees in other exceptional circumstances. This section is meant to codify the current practice of the Court of Appeals for the Federal Circuit, the court that hears all patent appeals.

Subsection (b) amends section 282 of Title 35 to deal with situations in which an allegation is raised that a patent is not valid based on prior patents or publications. At present, infringers may assert a defense of invalidity based on any ground in part of Title 35, e.g., lack of novelty or nonobviousness. If defendants rely on prior patents or printed publications to prove their assertions, they may seek reexamination in the Patent and Trademark Office before litigation is commenced or may request a stay of litigation if the litigation is commenced. If patent owners are aware of these patents or publications, they may seek reexamination or reissue of the patent. However, use of these procedures could in many instances eliminate or simplify issues at trial. Accordingly, subsection (b) requires PTO consideration of prior patents and publications when asserted as a defense in a civil action unless the district court determines that it would not be in the public interest to do so. The discretionary use of stays in order to permit reexamination in the PTO has been approved by the Court of Appeals for the Federal Circuit. *Gould* v. *Control Laser Corp.,* 705 F.2d 1340, 1342 (Fed. Cir. 1983). Subsection (b) also sets forth relevant, nonexclusive factors for the court's consideration, such as the complexity of the patented invention and the patents and publications relied upon, the degree to which expert testimony is needed, and the need for a speedy and inexpensive resolution of the pending action. The subsection further authorizes the court to stay the action in order to permit reexaminations ordered to be conducted by the PTO.

Subsections (a) and (b) are effective on or after the date of enactment and are applicable to actions filed on or after that date. This is not meant to preclude the application of the law before the date of enactment that is consistent with these provisions, especially subsection (a).

TITLE III—SUBTITLE B. FREEDOM OF INFORMATION ACT AMENDMENTS

SEC. 3201. The first section of this subtitle provides that this subtitle may be cited as the "Freedom of Information Act Amendments of 1987."

SEC. 3202. This section states the purpose of the subtitle.

SEC. 3203. *Amendments to the Freedom of Information Act.*

The proposed amendments to the Freedom of Information Act (FOIA), 5 U.S.C. 552, are designed to more effectively balance the public's interest in disclosure of information with the government's dual interests in ensuring the continued flow of information submitted by the private sector and ensuring that national interests are not damaged by the release of critical technical data overseas. The proposed amendments are intended to improve the Act in several respects.

First, the amendments are intended to clarify the scope of information covered by the trade secret portion of Exemption 4 of the FOIA. The amendments also codify judicially fashioned tests that are used by the courts in determining whether information is entitled to Exemption 4 protection.

The proposed amendments ensure that government-generated commercial information can be protected from premature disclosure where such disclosure would adversely affect an agency's mission. Finally the amendments protect critical technical information the export of which is controlled by law.

Paragraph (a) amends Exemption 4 of the FOIA to grant broader protection for records containing commercial or financial information or trade secrets. Until recently, the term "trade secret" in Exemption (4) had been understood to follow the Restatement of Torts definition, defining as a trade secret any information that provides a competitive advantage.

In *Public Citizen Health Research Group* v. *FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983), however, the District of Columbia Circuit substantially revised the meaning of "trade secret" for Exemption 4 purposes, defining the term as including only "a secret, commercially valuable plan, formula, process or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort." This definition requires that there be a direct relationship between the trade secret and the productive process, thereby excluding from trade secret protection other commercially valuable information such as performance or marketing data that would be covered by the Restatement definition. The bill would amend the FOIA to reestablish the broader definition of trade secrets contained in the Restatement of Torts as the definition to be employed in the Freedom of Information Act context.

Under existing law, the second category of information protected by Exemption 4 is "commercial or financial information obtained from a person and privileged or confidential." The proposed amendments would retain the requirement that the information be "commercial or financial." They also would retain the provision that "privileged" commercial or financial information qualifies for protection. For the sake of clarity, however, the term "confidential" would be eliminated and replaced with its judicially created definition which deems information "confidential" if disclosure would cause one of three specified harms to either the government or private business. This change essentially codifies the three tests originally articulated by the U.S. Court of Appeals for the D.C. Circuit in the seminal case of *National Parks & Conservation Ass'n* v. *Morton*, 498 F.2d 765, 770 & n.17 (D.C. Cir. 1974).

First, under proposed Exemption 4(A), information could be withheld if its disclosure could reasonably be expected to impair the agency's ability to obtain such information in the future. This would codify what is generally referred to as the first prong of the *National Parks* test.

Second, under proposed Exemption 4(B), information could be withheld if its disclosure could reasonably be expected to cause substantial harm to the competitive position of the person from whom the information was obtained. This would codify the second prong of *National Parks*, under which most Exemption 4 cases are adjudicated. The "could reasonably be expected to" standard of harm contained in this proposal is appropriate given the sensitivity of commercial and financial information; it also comports with the harm standard recently adopted for law enforcement information in the Freedom of Information Reform Act of 1986, Pub. L. 99-570, 1801-1804 (Oct. 27, 1986).

Third, under proposed Exemption 4(C), information could be withheld if its disclosure could reasonably be expected to harm some other identifiable private or governmental interest. This aspect of the proposed amendment is also taken directly from *National Parks*, which established the specific basis for such protection prospectively several years ago. *See 9 to 5 Organization for Women Office Workers* v. *Board of Governors of the Federal Reserve System*, 721 F.2d 8-10 (1st Cir. 1983) (citing 498 F.2d at 770 n.17). This protection logically would extend to sensitive commercial information generated by the federal government which warrants exemption protection. For example, the premature disclosure of commercial information generated by the government in the course of letting a contract could put the government at a competitive disadvantage. The Supreme Court recognized such protection for commercially sensitive government-generated information under Exemption 5 of the FOIA in *Federal Open Market Committee v. Merrill*, 443 U.S. 340, 360 (1979), yet the breadth of such protection possible under that exemption has not been fully established. Because Exemption 4 is designed to protect the interests that are at stake in commercial information, it is most appropriate that this protection be provided for expressly within this exemption, which the proposed amendment would accomplish.

Paragraph (b) would add a new Exemption 10 to the FOIA, exempting from mandatory disclosure technical data that cannot be exported lawfully from the United States without approval, authorization or a license under the federal export laws. The exemption would not apply to such data if regulations promulgated under the export laws authorized the export of the data without restriction.

This exemption is essential to avoid any conflict between the Freedom of Information Act and the important national policies underlying the federal export control laws. Congress sought to limit the export of critical technology which might be used for purposes contrary to American interests in the Arms Export Control Act, 22 U.S.C. 2751 (1982 & Supp. 1985), and the Export Regulation Act, 50 U.S.C. 2404 (1982 & Supp. 1985). These laws impose controls on the export of technology which may be used for military purposes.

The proposed new exemption would ensure that Congress' intent to control the export of sensitive technology could not be frustrated by a FOIA request for information regarding or comprising critical technology subject to export control under these statutes. The exemption is needed because it is not certain that these export control statutes qualify as statutory nondisclosure provisions under Exemption 3 of the FOIA, as amended. Further, Exemption 4 protection may not be adequate to allow withholding of such export-controlled information because certain specialized types of technical information may not have commercial value for domestic users, but could affect the competitive position or national security interests of the United States. For example, the space shuttle design data are of little commercial value to domestic enterprises, but are of significant value to foreign competitors undertaking government-supported space initiatives. Such critical technological information is in danger of mandatory release under the FOIA without this specific exemption protection.

TITLE III—SUBTITLE C DIGITAL AUDIO RECORDING DEVICES

SEC. 3301. The first section of this subtitle provides that the subtitle may be cited as the "Regulation of Commerce In Digital Audio Recording Devices Act of 1987."

SEC. 3302. *Regulation of Commerce in Digital Audio Recording Devices Act of 1987.*

Unauthorized reproduction of copyrighted works significantly diminishes the value of copyright protection. Technological advances in digital audio recording devices that are expected to be brought on the market by Fall 1987, will enable consumers to produce extremely high quality copies of master tapes. This will increase the incentive for consumer copying and exacerbate the adverse effect of unauthorized reproduction on copyright owners.

Technological advances, however, have also provided a solution to the difficult problem of permitting copyright holders to recognize the benefits from their creative activities while allowing authorized or unopposed reproduction of audio works. The availability of technology to eliminate unauthorized reproduction of copyrighted audio works distinguishes this situation from previous attempts to resolve this problem.

The technological solution embodied in this provision prevents unauthorized copying by allowing producers of copyrighted audio works to encode recordings by removing sound signals from certain recorded sound frequencies. A decoding device built into the digital audio recording machine would detect the absence of sound at these recorded frequencies and would prevent recording of the work by the machine. The presence of the so-called "notch" does not distort the recording and cannot be perceived by the human ear. Recordings without notches could still be copied by digital audio recording machines. The bill also prohibits a phonorecord producer from using the copycode technology to make uncopyable digitalized versions of phonorecords that are in the public domain and from encoding digital phonorecords without the permission of the owner.

This amendment requires that digital audio recording devices have a system that includes a decoder that is able to detect and recognize the specified frequency notch and disable the recording capability of the digital audio recorder. Although one system is available on a royalty free basis, the amendment does not mandate use of that system and manufacturers can develop alternative systems that meet the section's functional requirements.

Recording companies could sell digital audio recordings without notches that could be reproduced on devices covered by this provision. Presumably, these copyable recordings would be priced at a level that reflects the value of copying capability to the consumer.

This section addresses only digital audio recording devices and does not cover digital video recording devices or existing analogue recording devices. We recognize that the problem of unauthorized digital video recording is analogous in many respects to digital audio recording, and we are currently considering whether a legislative solution would be appropriate in the video area.

This section makes it unlawful to engage in manufacture, importation, distribution, or sale of digital audio recording machines that do not incorporate devices that prevent unauthorized reproduction of phonorecords in the United States.

Subsection (a) defines terms for the purposes of this amendment. Definitions of commerce and state should be interpreted in a manner consistent with other provisions of this Title. The definition of "copy-code scanner" includes four elements, and the system for preventing unauthorized reproduction of encoded phonorecords must satisfy each element of the definition. Other definitions of technical terms serve to establish a standard that manufacturer's systems must meet to satisfy the requirements of this section. The definition of aggrieved person includes both individuals and associations. Thus, associations of copyright owners can sue for injunctive relief under this section.

Subsection (b) specifies the acts that are prohibited by this Act. Persons are prohibited from manufacturing, assembling, or importing digital audio recording devices that do not contain a copy-code scanner. In addition, it is unlawful to offer for sale, resale, lease or distribution digital audio recording devices that do not contain copy-code scanners. Similarly, it is unlawful to import, manufacture, assemble, sell, lease, distribute, or offer for sale, resale, or lease in commerce, devices, products, or services that have the primary purpose or effect of bypassing, removing or deactivating a copy-code scanner.

This subsection also prohibits persons from bypassing or deactivating a copy-code scanner. The prohibitions contained in this Act are not intended to affect the legitimate repair and maintenance of digital audio recording devices.

Subsection (c) provides a private right of action for persons adversely affected by a violation of this section. Parties such as importers of machines that comply with the terms of this section may sue for injunctive relief against parties engaging in practices in violation of this section. The court may require a plaintiff to post a bond before granting injunctive relief. This should discourage frivolous or nuisance suits.

While an action is pending, the court may also order impoundment of machines that do not contain a copy-code scanner and devices, or products that are allegedly manufactured, assembled, imported, distributed, sold, leased, or offered for sale, resale or lease, or are intended for use in violation of this section. Again, the court may require a bond as a condition for impoundment.

The Attorney General of the United States or his designee may also bring an action for injunctive relief. Subsection (d) provides for criminal actions against persons who willfully and for purposes of commercial advantage or private financial gain violate the provisions of subsection (b)(1). Fines and imprisonment may be imposed upon conviction. It is intended that the terms "commercial advantage" and "private financial gain" shall have the same meaning in subsection (d) as those terms have in the criminal provisions of the copyright law, 17 U.S.C. 506(a).

Subsection (e) authorizes the Department of Commerce to issue rules and regulations to permit exemptions from this section for digital recording devices used exclusively for legitimate business purposes. Some persons need access to encoded phonorecords for legitimate business reasons not connected with the infringement of any right under the copyright law. This subsection provides a mechanism for obtaining digital audio recording devices that will reproduce copyright protected phonorecords in a digital format.

Subsection (f) authorizes the U.S. Customs Service to seize and enforce forfeiture requirements under provisions of the customs laws of imports of digital audio recording devices that do not contain copy-code scanners. Identification of digital audio recording devices that do not contain copy-code scanners should be comparatively simple and expeditious. Furthermore, a court order barring importation of articles found to violate section (b)(2) should provide specific guidance regarding articles to be seized and forfeited.

Subsection (g) provides that this section shall become effective upon enactment. We anticipate that the Act will be in effect before digital audio recording devices are expected to be introduced into U.S. commerce. Expeditious enactment will avoid some problems associated with the presence of machines without the copy-code scanner and will provide more effective protection for copyright owners.

TITLE III—SUBTITLE D. EFFECTIVE DATES

SEC. 3401. This section contains the effective dates for subtitles A, B, and C.

TITLE IV—LEGAL AND REGULATORY REFORMS ACT OF 1987

SUBTITLE A—THE PRODUCT LIABILITY REFORM ACT OF 1987

SECTION-BY-SECTION ANALYSIS

Section 4000 allows for the title to be cited as the "Legal and Regulatory Reforms Act of 1987."

Section 4001 allows for Subtitle A to be cited as the "Product Liability Reform Act of 1987."

Section 4002 sets out the findings and purposes of the Act.

Section 4003 sets out definitions of certain terms used in the Act. Among the terms defined are: "economic loss," "non-economic damages," "product," and "product liability action."

Section 4004 establishes the scope of the legislation. The Act applies to all product liability actions filed in Federal or State courts. The provisions of the Act supersede only those portions of State law which are inconsistent with the limitations imposed by the Act, and do not preempt or supersede State law providing for defenses or limitations on liability in addition to those contained in the Act. The section further provides that the Act does not create federal jurisdiction over actions not otherwise in Federal court. The section also provides that the Act does not apply to liability subject to the Price-Anderson Act.

Section 4005, paragraph (a), limits the liability of the person in a product liability action to those cases where a person was either (1) negligent in the design, production, distribution or sale of a product, or (2) the product was defective, and that defect rendered the product unreasonably dangerous. Paragraph (a) also specifies that a product cannot be found to be unreasonably dangerous if the defect is the subject of an adequate warning, is apparent to a reasonable person, or is a matter of common knowledge.

Paragraph (b) provides that a person will not be liable where the injury caused by the product resulted from an unreasonable or unforeseeable use or alteration of the product. Any alteration of a product which is prohibited or warned against, or any use of the product without the required safeguards, would be considered unreasonable.

Paragraph (c) precludes liability for failure to warn of a danger where the danger is apparent to a reasonable person or is a matter of common knowledge. The paragraph also prohibits liability based on failure to warn of a danger associated with an unreasonable or unforeseeable use of a product.

Paragraph (d) of the section provides that a person may not be held liable for a defect in design or for a failure to warn of a danger associated with a product, unless at the time the product was made the ability to discover and to eliminate the defect or danger was available and capable of use according to engineering and manufacturing practices reasonably feasible in light of existing technology.

Section 4006 of the Act bars the application of joint and several liability in a product liability action, except in those cases where the injury was proximately caused by two or more persons acting in concert. Instead, a person may be found liable only for, that portion of the damages directly attributable to the person's proportionate share of fault or responsibility for the injury.

Section 4007, subsection (a), imposes a $200,000 cap on all non-economic damages, including pain and suffering, emotional distress, and punitive damages. The Act imposes no limitation on the amount of economic damages, such as medical and rehabilitation expenses and lost wages.

Subsection (b) specifies that the $200,000 cap applies to all actions for damages which arise out of or were caused by the same personal injury or death.

Section 4008 provides that no person shall be required to pay damages for future economic loss in a single, lump-sum payment where the amount of economic damages awarded is in excess of $100,000. Instead, payments may be made periodically over the period over which the loss is found likely to occur.

If the court has a reasonable basis for believing that the person may not make the periodic payments, subsection (b) of Section 4008 authorizes the court to require the person to purchase an annuity to make such payments.

The section also provides that the court order making such periodic payments is final and may not be reopened in the absence of fraud.

Section 4009, subsection (a), requires that any award of damages under the Act shall be reduced by the amount of compensation received from certain collateral sources of income received for the same injury or death.

Subsection (b) specifies the types of collateral sources which are taken into account in reducing damage awards under the Act: (1) any payment or benefit provided directly or indirectly by any Federal, State or local agency or instrumentality; and (2) any payment or benefit under a workers' compensation system or employer-funded health insurance program. Awarded damages are not, however, reduced by these collateral sources of compensation where the provider of the collateral benefits pursues (or by law is required to pursue) a right to subrogation.

Subsection (c) clarifies that the section is not intended to preempt or supersede any State law which allows for the reduction of damage awards for collateral sources other than those specified in the section, or which allows for the reduction of damages for the collateral sources specified in the section even where a right of subrogation is pursued.

Subsection (d) provides that where a person has received certain benefits under the Social Security Act prior to the judgment, the section will not treat those benefits as a covered collateral source if by doing so the section would result in that person's income being reduced for purposes of determining the period of ineligibility for those benefits.

Section 4010 establishes a schedule for the size of a contingency fee an attorney may charge under the Act. The amount of the contingency fee that may be charged decreases on a "sliding scale" as the size of the damage award increases. Under the section, no attorney may receive in excess of 25% of the first $100,000 recovered, plus 20% of the next $100,000, plus 15% of the third $100,000, plus 10% of any amount in excess of $300,000.

The section also provides that where a contingency fee is based in part on an award of damages to be paid in future periodic payments, that portion of the fee shall be based on the cost of the annuity or, in the absence of an annuity, the present value of the payments.

Section 4011 declares that it is the policy of the United States to encourage (1) the use of alternative dispute resolution techniques to reduce transaction costs and prevent delay in the civil justice system, and (2) the modification of rules of evidence and the rules of civil procedure to accommodate alternative dispute resolution.

The section provides that the Attorney General shall provide to the Congress within a year of the date of enactment recommendations to implement these policies for cases filed in Federal court.

Section 4012 is a severability clause which would preserve the balance of the Act if any portion of it is held to be invalid.

Section 4013 provides that the Act shall become effective on the date of enactment.

TITLE IV—SUBTITLE B "ANTITRUST AMENDMENTS OF 1987"

ANALYSIS

PART 1—ANTITRUST EQUAL ENFORCEMENT ACT OF 1987

Part 1 of Subtitle B, the "Antitrust Equal Enforcement Act of 1987" creates a new section 41 of the Clayton Act. This new section provides that when a plaintiff settles with one or more defendants in an action under section 4, 4A or 4C of the Clayton Act, or releases—either actually or presumptively—a potential defendant from liability without filing a suit, that plaintiff's claim against the remaining defendants shall be appropriately reduced.

Under current law, all defendants found liable for damages in antitrust cases are jointly and severally responsible for the plaintiff's entire, trebled recovery. Under the joint and several liability system, defendants typically expect to share that liability among themselves, perhaps through formal agreements, perhaps through seriatim or universal settlements with plaintiffs. Should the plaintiff settle with any liable or potentially liable party, however, the plaintiff's remaining claim is reduced only by the amount the plaintiff receives for the settlement. Thus, a nonsettling defendant facing what is already very substantial real liability can see that liability magnified if the plaintiff settles with other liable persons for nominal or relatively small amounts, particularly if such settlements are with those responsible for a major portion of the plaintiff's damages. This "whipsaw" effect may force a defendant to abandon its factual claims and legal defenses, whatever their merits.

New section 41 addresses this problem directly. Paragraph (a)(1) reduces the plaintiff's claim (which, under other amendments proposed in Part 2, the Antitrust Remedies Improvements Act of 1987, will include all damages and interest on actual damages from the date of injury to the date of judgment) by at least the proportionate share of that claim fairly allocable to any person being released from liability. Such proportionate share would include a fair share of the plaintiff's actual (or, where appropriate, trebled) damages plus interest on such actual damages from the date of injury to the date of judgment, should such interest be provided for by amended section 4, 4A, or 4C. Thus, the effect of claim reduction will be to relieve nonsettling defendants from all liability arising from the conduct of persons receiving releases.

Paragraph (a)(2) addresses the situation in which a plaintiff does not name a participant in the conspiracy as a party to a damage action. Under paragraph (a)(1), such a person would not technically have been released from liability and, therefore, claim reduction would not be applied to that person's share of liability for the conspiracy. Named defendants would continue to be jointly and severally liable for the damages attributable to non-joined co-conspirators. Thus, plaintiffs could continue to vary defendants damage liability exposure through purely tactical decisions concerning which co-conspirators to name as parties, in much the same way as they can now determine liability exposure by entering into tactical settlements. This would permit a continuation of the whipsaw effect.

To close this potential loophole, paragraph (a)(2) establishes that a conspirator who has made sales or purchases pursuant to a horizontal conspiracy that involves overcharges or underpayments, but who has not been joined as a defendant in an action for damages based on that conspiracy, will be conclusively presumed to have been released from liability by the plaintiff. Thus, the claim reduction principle of new section 41 will apply, and the plaintiff's claim will be reduced by the fair share of damages allocable to the non-joined conspirator. However, to take advantage of this presumption, a defendant must first establish that the person not joined was legally and practically available to be made a party to the action. It would not be appropriate to reduce a plaintiff's recovery where a potential defendant could not legally be joined as a party (e.g., was beyond the jurisdiction of the court) or was practically unavailable (e.g., bankrupt).

Paragraph (b) of new section 41 provides the method for determining fair shares of damages for the purpose of claim reduction. Where a price-fixing agreement among competitors has resulted in overcharges or underpayments, the amount of damages allocable to a person receiving a release from liability is that person's proportionate share of all the participants' overcharges or underpayments. For all other claims, the damages allocable to a person who has been released will generally be determined by that person's relative responsibility for the violation and by the benefits it derived from the violation. However, given the greater certainty and ease of application of the "proportionate share" allocation method, courts are encouraged to use that method in any case in which it would produce a more equitable result.

Paragraph (c) of new section 41 makes clear that claim reduction for settlements does not affect the joint and several liability of the remaining defendants. In addition, paragraph (c) clearly states that nothing in new section 41 is to affect whether an antitrust class action is maintainable under Federal Rule of Civil Procedure 23(b).

Finally, Part 1 provides that new section 41 shall be applicable to all actions commenced after the date of enactment.

Under new section 41, whipsaw settlement tactics will no longer be possible since no defendant will see its potential real liability increased by another person's settlement. Therefore, defendants are not likely to be denied the opportunity to test their liability in court. Furthermore, plaintiffs will no longer have any incentive to release the most culpable persons for nominal amounts. Since the amounts the plaintiff can recover from the remaining defendants will be reduced by the share of the plaintiff's claim attributable to settling persons' conduct, the amount a plaintiff would accept from a person being released from liability will be correlated to that person's culpability. Larger, more culpable persons will be less likely to receive early and attractive settlements with claim reduction than under the current system. In sum, claim reduction should preserve incentives for plaintiffs to challenge anticompetitive conduct and thus will maintain deterrence while providing a more equitable system for the settlement of claims.

PART 2—ANTITRUST REMEDIES IMPROVEMENTS ACT OF 1987

Part 2 of Subtitle B amends of the Clayton Act to make timely and important reforms in the recovery of antitrust damages by private parties, the United States, and state attorneys general as *parens patriae*. Congress has recently addressed treble damages and other remedies issues in connection with particular activities in the Export Trading Company Act of 1982 and the National Cooperative Research Act of 1984. Part 2 recognizes and endorses the rationale of such reforms by making necessary changes in antitrust remedies as they apply across-the-board.

TREBLE DAMAGE REFORM

Section 4112 amends section 4 of the Clayton Act, which governs recoveries by private parties, to provide for the recovery of treble damages only for those injuries sustained by reason of the plaintiff "having been overcharged or underpaid by any person subject to liability under the antitrust laws for such damages." Actual damages would be recoverable in all other cases.

With few exceptions, plaintiffs' recoveries in all private antitrust damage actions are currently trebled automatically. Trebling is intended to provide potential plaintiffs with additional incentives to complement public enforcement with private actions, and to help deter anticompetitive conduct. Where clearly harmful conduct such as unlawful horizontal price fixing or bid rigging is involved, trebling is entirely appropriate. Such conduct is unquestionably detrimental to the economy and cannot be overdeterred. Suits to challenge price fixing or bid rigging are usually brought by the victims of overcharges or underpayments caused by these practices.

Where potentially procompetitive practices such as aggressive low pricing or innovative distributional practices are involved, however, trebling can have serious anticompetitive side effects. Overdeterrence is a major concern here—trebling can cause firms to shy away from such conduct, even though it may have significant economic benefits. Moreover, competitively beneficial practices often are challenged by competitors or potential competitors with perverse motivations to sue. Competitors may use the threat of treble damages to coerce a successful rival into abandoning or restricting conduct or arrangements that enhance efficiency and lower prices to consumers.

An optimal antitrust penalty would take into account the likely harm to society from the conduct and the probability that the conduct will be detected, prosecuted, and punished. Where such harm is obvious, and the chance of its discovery relatively low, the penalty must be high to deter violations. Conversely, where harm is uncertain, and the conduct is open and notorious, the penalty should be low. The risks of mistakenly classifying beneficial conduct as anticompetitive must also be recognized in constructing an optimal penalty system. Unfortunately, the current universal treble-damage rule in antitrust cases bears little resemblance to such a system.

Increasingly recognized by courts, Congress, and legal and economic scholars in recent years, these problems now warrant a general modification of the automatic trebling rule in antitrust cases. Section 4112 responds to these concerns by modifying the treble-damage rule in private antitrust damage actions under section 4 of the Clayton Act to obtain a closer approximation of an optimal penalty. It first establishes a fully compensatory, actual-damages remedy, and then provides for the trebling of damages sustained "by reason of [the plaintiff] having been overcharged or underpaid by any person subject to liability under the antitrust laws for such damages." As thus amended, section 4 would continue strongly to deter clearly anticompetitive conduct, while avoiding overdeterrence of conduct that may actually benefit consumers and the economy.

Practices like price fixing or bid rigging that result in overcharges to customers or underpayments to suppliers are unequivocally anticompetitive and are likely to be concealed. Section 4112 continues to award treble damages to persons who have been injured by reason of such overcharges or underpayments, and thus properly focuses the full deterrent force of private treble-damage enforcement on unambiguously anticompetitive practices. Under section 4112, victims of these practices, often consumers or small businesses, will retain the needed incentive to discover and challenge clearly harmful behavior.

Under section 4112, however, antitrust claims brought by competitors or would-be competitors of the defendants usually will be limited to full compensation—actual damages plus prejudgment interest (discussed *infra*), costs, and attorneys' fees. These plaintiffs generally seek lost profits rather than recoupment of overcharges. Limiting such recoveries to full compensation (including attorneys' fees) is appropriate for several reasons. First, such damages are less clearly related to the social cost of a violation and may actually overstate the harm. Second, business competitors are likely to be in a position to observe the conduct that is the basis for such claims. Third, and perhaps most importantly, claims brought by competitors are precisely those that often challenge potentially procompetitive behavior. These cases frequently are brought to frustrate hard competition rather than promote it. Limiting recovery to full compensation addresses the overdeterrence problem created by such cases, but does not deprive a plaintiff with a just cause of a complete recovery. Thus, section 4112 would continue strongly to deter covert cartel behavior, while avoiding deterrence, i.e. inhibition, of business conduct that benefits consumers and the economy generally.

In order to establish a fully compensatory, actual-damages remedy, section 4112 provides for automatic prejudgment interest in actual damage cases under section 4 of the Clayton Act. The rationale for awarding prejudgment interest to a plaintiff is that the plaintiff's injury is suffered long before the damages are recovered. In addition to receiving its damages, the plaintiff should be paid interest for the lost use of its money during the period from commencement of the injury to entry of judgment. Prejudgment interest on antitrust damages is available under existing law, but only in very limited circumstances. In 1980, Congress authorized limited prejudgment interest in response to concerns that the courts inability to award such interest created incentives for defendants to delay resolution of antitrust cases. The 1980 legislation provided that, in general, prejudgment interest is to be awarded in antitrust cases only where the opposing party has litigated in bad faith, has violated a rule or order providing for sanctions for dilatory behavior, or has engaged in conduct intended to delay the litigation or increase its cost.

Whatever the justification for the limitations on the award of prejudgment interest in present law, where antitrust recoveries have been limited recently to actual damages, as in the National Cooperative Research Act of 1984 (NCRA), it has been deemed necessary to award prejudgment interest on such damages as a matter of course if the plaintiff is to be made whole. Thus, amendments to "detreble" antitrust damages should also provide automatic prejudgment interest on actual damages to plaintiffs.

Under section 4112, prejudgment interest on actual damages is to be calculated at the rate specified in section 1961 of title 28 of the United States Code, or at such other rate as the court finds to be fair to compensate injured persons for the injury they have sustained, and covers the period from the earliest date for which injury can be established through the date of judgment. This rate of interest and the period for which interest is to be granted are similar to those provided in the NCRA.

Recovery of interest from the date of injury will provide full compensation for victims of antitrust violations. In connection with passage of the NCRA, it was recognized that it may be difficult or inequitable in certain circumstances to provide interest in accordance with this rule. Where the date of the onset of injury cannot be precisely determined, the plaintiff may prove that the injury began prior to a date certain and receive interest from that date. Where prejudgment interest would result in duplicative damages (e.g., where loss of use of lost profits has already been factored into the damage award) or where litigation has been unreasonably delayed by the plaintiff, section 4112, like the NCRA, gives the court flexibility to limit or withhold prejudgment interest. The ability of the court to vary the rate of interest from that set forth in 28 U.S.C. § 1961 (the coupon yield equivalent of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date of judgment) is a new feature of this legislation, and reflects the fact that, in antitrust cases, damages may be recovered for injuries sustained many years prior to the date of judgment, during which interest rates may have been substantially lower (or higher) than current Treasury bill yields.

Section 4112 does not change the circumstances in which prejudgment interest may be awarded in cases in which damages are trebled, as established by Congress in 1980. Where such interest is awarded, however, it will be calculated as set forth above.

Section 4112's reform of the treble-damage remedy does not affect the current rules for determining standing, injury, or liability in private antitrust damage actions under section 4 of the Clayton Act. The phrase "damages sustained by reason of" added to section 4 by section 4112 uses key language already contained in section 4 to clearly signal this intent.

Section 4113 amends section 4A of the Clayton Act to permit the United States to recover treble damages when it is injured by reason of having been overcharged or underpaid by an antitrust violator. Under existing law, the United States can never recover more than actual damages under the antitrust laws. Section 4113 would provide the United States, as an overcharged purchaser, with a treble-damage remedy against price fixers and bid riggers. This change would result in increased deterrence of particularly onerous violations that constitute theft from taxpayers and would put the United States in the same position as private plaintiffs with respect to damages. Section 4113 also provides for prejudgment interest on actual damages in actions by the United States under section 4A, under the same terms as such interest may be awarded to private plaintiffs under section 4 as it would be amended by section 4112.

Section 4114 amends section 4C of the Clayton Act, under which state attorneys general as *parens patriae* may recover treble damages for antitrust injuries sustained by natural persons residing within their states. Section 4114 does not change the current rule under which all such recoveries are trebled, because damages sought on behalf of consumers in parens cases are always the kind of damages that would be trebled under section 4 of the Clayton Act as it would be amended by section 4112. Thus, section 4114 only conforms the provisions governing prejudgment interest awards in parens cases under section 4C of the Clayton Act to the provisions governing such awards under sections 4 and 4A as those sections would be amended by sections 4112 and 4113.

DEFENDANTS' ATTORNEYS' FEES

Sections 4115 and 4116 address concerns that the current imbalance in antitrust law regarding the award of attorneys' fees facilitates the potential abuse of antitrust remedies. Section 4115 adds a new paragraph (d) to section 4 of the Clayton Act to provide for the award of costs, including a reasonable attorney's fee, to a substantially prevailing antitrust defendant upon a finding that the plaintiff's conduct was "frivolous, unreasonable, without foundation, or in bad faith." Section 4116 provides the same relief for defendants in injunction actions under section 16 of the Clayton Act.

Currently, sections 4 and 16 of the Clayton Act entitle only prevailing plaintiffs to reasonable attorneys' fees. With certain exceptions, including cases governed by two recent antitrust-related statutes, the NCRA and the Export Trading Company Act of 1982, the general rule is to deny attorneys' fees to prevailing defendants.

Private enforcement of the antitrust laws is an important supplement to government prosecution. Some plaintiffs may abuse the process, however. This abuse may take the form of "strike suits" filed primarily to extract a settlement from a defendant for something less than the defendant's anticipated litigation costs. It may also arise where a competitor, fearing innovative procompetitive conduct by a rival, files a potentially lengthy injunctive action to convince the defendant to abandon its plans rather than bear high litigation costs. This type of conduct undermines the purposes of private enforcement and increases the costs that litigation imposes on society generally.

Sections 4115 and 4116 recognize the possibility of such abuse by awarding costs, including attorneys fees, to substantially prevailing defendants if the plaintiff's conduct has been "frivolous, unreasonable, without foundation or in bad faith." This standard, used as the model for the defendants' attorneys' fees provision in the NCRA, derives from the Supreme Court's decision in *Christiansburg Garment* v. *EEOC*, 434 U.S. 412 (1978), a case involving prevailing parties' attorneys fees under § 706(k) of Title VII of the Civil Rights Act of 1964.

As was recognized during consideration of the NCRA, each element of this standard has an independent meaning and is to be analyzed and applied separately. The determination of whether a plaintiff's conduct has been "unreasonable" must be based upon an evaluation of the factual and legal merits of the case. Conduct may be judged to be unreasonable even though it might not be considered frivolous, without foundation, or in bad faith. Also, the standards are to be applied to conduct throughout the litigation of a case. While the initial filing of an action may be warranted, discovery can bring to light information that makes continued prosecution of that action unreasonable. Attorneys' fees incurred by a prevailing defendant subsequent to such discovery should be recovered.

The defendants' attorneys' fees provisions of Sections 4115 and 4116 complement other provisions of federal law that seek to prevent abuse of the judicial system. But because there is a strong public interest in preventing groundless antitrust actions that may harm the economy by deterring procompetitive conduct, these provisions for defendants' attorneys' fees are to be given broader interpretation than comparable provisions applied to civil actions in general (e.g., Rule 11, Federal Rules of Civil Procedure).

It may be noted that the standard under which defendants may seek attorneys' fees in *parens patriae* cases under section 4C of the Clayton Act—that the state attorney general has acted "in bad faith, vexatiously, wantonly, or for oppressive reasons"—differs somewhat from the *Christiansburg Garment* standard to be incorporated in section 4. Because the incentives of state attorneys general differ from those of purely private plaintiffs, however, no proposal is being made to modify the defendants' attorneys' fees provision in section 4C. Nor is any change proposed in the attorneys' fees rules in antitrust damage cases brought by the United States under section 4A. The United States is not entitled to attorneys' fees as plaintiff in such cases, but may be liable for defendants attorneys fees under the standards of the recently reenacted Equal Access to Justice Act and under rules of general application in civil cases. These provisions appropriately address the conduct of actions by the United States and should continue to govern in government antitrust cases.

EFFECTIVE DATE

Section 4117 makes the provisions of the Antitrust Remedies Improvements Act effective in all actions commenced after the date of enactment of the Act.

PART 3—FOREIGN TRADE ANTITRUST IMPROVEMENTS ACT OF 1987

Part 3 of Subtitle B , the "Foreign Trade Antitrust Improvements Act of 1987" improves and clarifies the application of the antitrust laws in cases involving trade or commerce with foreign nations. Part 3 amends the Sherman and Clayton Acts generally to direct courts to hear and determine jurisdictional motions in such cases prior to conducting proceedings on the merits, to clarify the factors courts should consider in deciding whether the exercise of U.S. antitrust jurisdiction in such cases would be reasonable, and to affirm the applicability of the doctrine of *forum non conveniens* in such cases. Part 3 carries the same name as, and indeed is identical to, jurisdictional provisions in a bill reported by the Senate Judiciary Committee as S. 397 during the 2nd session of the 99th Congress.

Section 4122 amends section 7 of the Sherman Act. Section 7 provides that the substantive provisions of the Sherman Act apply to conduct involving trade or commerce (other than import trade or commerce) with foreign nations only if such conduct has a "direct, substantial, and reasonably foreseeable effect" on trade or commerce that is not trade or commerce with foreign nations, on import trade or commerce, or on export trade or commerce with foreign nations of a person engaged in such trade or commerce in the United States. Section 4122 adds a new subsection (b) to section 7, generally requiring the court to hear and determine the merits of a motion to dismiss an action under section 7 prior to conducting or permitting the parties to conduct any further proceedings in the action. Notwithstanding its general rule, new section 7(b) permits discovery on the merits or other proceedings "for good cause shown" while motions under subsection (a) are under consideration. While early decisions on jurisdictional issues generally should help minimize international conflicts in such cases, discovery on the merits may nonetheless be appropriate in some situations. Indeed, in some cases facts relating to jurisdiction may be intertwined with those relating to the merits.

Section 4123 adds a new section 21 to the Clayton Act, clarifying the factors courts are to consider in deciding whether the exercise of U.S. antitrust jurisdiction in private antitrust cases involving trade or commerce with foreign nations is reasonable. Designed to lessen uncertainty over jurisdiction in private antitrust cases involving foreign commerce, new section 21(a) instructs the courts to dismiss such a case when the exercise of jurisdiction would be unreasonable, taking into account primarily six specified factors. By designating the specified factors as the primary factors to be considered in determining the reasonableness of U.S. jurisdiction, new section 21(a) makes clear that courts are not to base their judgments on an open-ended interest balancing test. New section 21(a) Provides that nothing therein shall be construed to authorize the court to consider the effect on the foreign political relations of the United States of any action sought to be dismissed and thus makes particularly clear that the courts are not to make the foreign policy determinations that are properly within the sphere of the Executive Branch. On the other hand, by instructing courts to take into account the extent of the challenged conduct's connections with the United States as compared with its connections with foreign jurisdictions, the new provision lessens the likelihood of unnecessary conflict with foreign governments arising from private antitrust challenges.

The first factor specified by new section 21(a) is "the relative significance, to the violation alleged, of conduct within the United States as compared to conduct abroad." This criterion, in conjunction with the other specified factors, will assist the courts in determining the relative strength of the alleged violation's connection with the United States. In the antitrust context, the conduct that is relevant to this determination includes not only meetings and agreements, but also the whole range of economic activity that is involved in an alleged violation. For example, an agreement to fix U.S. prices that was reached in a meeting held abroad and implemented by charging the agreed-upon prices in the United States would constitute substantial conduct within the United States. Inclusion of this factor is not intended to give individuals or firms an opportunity to evade U.S. antitrust laws simply by moving some or all of their activities offshore.

The second factor the courts are to consider is "the nationality of the persons involved in or affected by the conduct" that is being challenged. This criterion is not intended as a departure from the general principle that United States antitrust laws are applied in a nationality-blind way that neither favors nor discriminates against parties of foreign nationality. But in some cases consideration of the nationality of the persons involved in or affected by the challenged conduct may assist the courts in determining the relative strength of the United States' interest in regulating that conduct and, accordingly, the reasonableness of an assertion of U.S. jurisdiction. In particular, this factor may be significant in a merger case in which the merging parties and the relevant productive facilities are located abroad.

The third factor specified in new section 21(a) is "the presence or absence of a purpose to affect United States consumers or competitors." In considering this factor, courts should apply their usual construction of purpose that people intend the ordinary consequences of their acts. Thus, courts should consider not only whether there were overt declarations of intention to affect United States markets, but also whether the facts make it apparent that an effect on United States markets was expected.

The fourth factor courts are to consider is "the relative significance and foreseeability of the effects of the conduct on the United States as compared with the effects abroad." The United States antitrust laws are basically designed to protect U.S. markets against anticompetitive restraints. They are not designed to interfere with the prerogative of foreign governments to shape their own economies. There are, however, circumstances in an economically interdependent world in which the effects of conduct will be felt both in the U.S. and in other nations' economies. Consideration by the courts of this factor and the previous factor will assist in identifying circumstances in which U.S. jurisdiction is appropriately asserted because of the significance of actual or intended effects in our economy. At the same time, it will weigh against the exercise of jurisdiction where the actual or intended domestic effects are insignificant as compared with those abroad and where regulation of the conduct may be more appropriately exercised by other governments.

The fifth factor specified in new section 21(a) is "the existence of reasonable expectations that would be furthered or defeated by the action." This factor recognizes the desirability of predictability regarding the rules applicable to international business transactions.

The sixth factor courts are specifically directed to consider under new section 21(a) in deciding whether the exercise of jurisdiction in antitrust cases would be reasonable is "the degree of conflict with foreign law or articulated foreign economic Policies." Under this criterion, the courts will consider the extent to which application of U.S. antitrust law to the challenged conduct would require action or inaction inconsistent with relevant foreign laws or articulated policies, or would otherwise clearly frustrate the implementation of the laws or articulated policies of other countries. If the challenged conduct were also unlawful under foreign law, or if foreign law or articulated policy were neutral with respect to the conduct, there likely would be little or no conflict that would weigh heavily against the assertion of jurisdiction. On the other hand, if the challenged conduct were affirmatively mandated by foreign law, or if the application of U.S. antitrust law would frustrate the enforcement or implementation of the laws or articulated economic policies of a foreign sovereign, those facts would weigh against the exercise of U.S. jurisdiction. The presence of such a conflict would not necessarily mean that United States law would always have to yield to foreign law or articulated policy, but consideration of such a conflict should help courts to determine the reasonableness of the exercise of U.S. antitrust jurisdiction.

In most cases, no single factor among the six the courts are directed to consider primarily by new section 21(a) is likely to be dispositive, nor is it possible to instruct the courts in advance on how to weigh these factors or others that might be relevant in some cases to determine the reasonableness of asserting jurisdiction. Nonetheless, considered in conjunction with one another, these factors will provide a basis for accommodating the United States' interests in applying its antitrust laws to protect against harm from anticompetitive restraints with the legitimate interests of foreign governments in regulating their own economic affairs.

New section 21(b) generally requires the court to hear and determine the merits of a motion to dismiss an action under new section 21(a) prior to other proceedings in the action, in the manner of new section 7(b) of the Sherman Act, as added by section 4122. As is the case with new Sherman Act section 7(b), exceptions to this general rule may be made "for good cause shown."

Section 4124 of the Act adds a new subsection (b) to section 12 of the Clayton Act, which provides venue in antitrust cases in any district which a corporate defendant inhabits, or in which it may be found or transacts business. New section 12(b) clarifies the applicability of the doctrine of *forum non conveniens* in antitrust cases involving trade or commerce with foreign nations. This provision makes clear to the courts that they are not foreclosed from concluding, in appropriate cases, that a foreign court would be a preferable forum for litigating the claims asserted in a U.S. antitrust case, consistent with applicable legal standards as set out in the Supreme Court's 1981 decision in *Piper Aircraft Co.* v. *Reyno*. 454 U.S. 235.

PART 4—INTERLOCKING DIRECTORATE ACT OF 1987

Part 4 of Subtitle B, the "Interlocking Directorate Act of 1987", makes several important and timely changes in section 8 of the Clayton Act, which generally prohibits service by any person as a director of two or more competing corporations engaged in interstate commerce if any one of those corporations has capital, surplus, and undivided profits of more than $1,000,000. Part 4 provides exceptions to section 8's prohibition where competition between two or more firms is *de minimis*, and thus where their sharing of a common director poses no threat to competition generally. Part 4 also amends and updates section 8's jurisdictional threshold to confine its coverage to larger firms.

Section 4132 makes four amendments to section 8. First, section 4132 requires each corporation sharing a common director to exceed section 8's capital, surplus, and undivided profits jurisdictional threshold in order for the prohibition of that section to be applicable. This requirement will confine section 8's application to interlocks among large firms, thus freeing smaller businesses of federal antitrust oversight of the makeup of their boards. Competitive concerns raised by interlocks involving smaller businesses are not significant, and do not warrant such oversight.

Second, section 4132 raises the $1,000,000 capital, surplus, and undivided profits threshold in section 8 to $10,000,000. This dollar threshold, established in 1914 and never changed, is badly out of date.

Third, section 4132 establishes explicit *de minimis* exceptions to section 8's prohibition of interlocks among competing corporations. Courts interpreting section 8 strictly have declined to recognize any implicit *de minimis* exception. Thus, minor competitive overlaps that raise no significant competitive concerns are hindering the selection of the best-qualified directors, especially by diversified firms.

There is little competitive risk presented by an interlocking directorate where competition between the affected firms is no more than *de minimis*. Where the competitive overlap is a very small part of each firm's business, active consideration of the details of the overlapping business by the boards of directors is most unlikely. Where the competitive overlap affects no more than a very small part of any relevant market, it is no cause for concern about harm to competition. In these situations, and where the competitive overlap involves commercial activities very small in absolute dollar amounts, the prophylactic rule of section 8 clearly is overly restrictive.

Section 4132 addresses this problem by defining three "safe harbors" that would exempt certain interlocks between competitors from the coverage of section 8. The first safe harbor generally protects interlocks between firms each of whose sales of any competing product are less than 5 percent of its total sales—a fact within the certain knowledge of the firms themselves. The second safe harbor protects interlocks where the total competitive overlap amounts to less than $1,000,000 of each firm's business—again a simple fact known to the firms. The third safe harbor protects interlocks between firms each of whose sales of any competing product are less than 3 percent of any relevant market in which they compete. These safe harbors will make it much easier for corporations to select qualified directors with no real possiblity of competitive harm and no uncertainty regarding the lawfulness of their decisions.

Finally, section 4132 indexes the new $10,000,000 jurisdictional threshold and the new $1,000,000 *de minimis* "safe harbor" to the Gross National Product, in order to prevent distortion of their effects by the passage of time.

PART 5—MERGER MODERNIZATION ACT OF 1987

Part 5 of Subtitle B amends section 7 of the Clayton Act, the primary antitrust statute relating to mergers. It is widely recognized that mergers, in general, have important procompetitive and efficiency-enhancing effects. On occasion, however, particular mergers can be anticompetitive. While such mergers should be prevented before they occur, it is extremely important that the effort to interdict anticompetitive mergers not interfere with the ability of American firms freely to reorganize through mergers and acquisitions that enhance productivity, innovation, and world-wide competitiveness. Inappropriate restraints on efficiency-enhancing mergers impose heavy costs on society. Businesses and consumers suffer alike when companies are unable to combine to better meet competitive challenges, both foreign and domestic.

Today, United States industries face increasing competition from their foreign counterparts. If American firms are to compete vigorously in world markets, they must be free to restructure their operations to take advantage of opportunities to increase their efficiency and respond to changing market conditions and technology. Thus, it is vital that merger law today be as clear as possible in distinguishing procompetitive from anticompetitive mergers.

As our understanding of the economics of free markets grows, it sometimes becomes necessary to fine-tune the antitrust laws to ensure that they remain properly focused on enhancing competition. Thus, for example, the Foreign Trade Antitrust Improvements Act of 1982 clarified the application of the antitrust laws to export commerce and the National Cooperative Research Act of 1984 guaranteed the application of the antitrust rule-of-reason standard to the analysis of competition-enhancing research and development joint ventures.

In the more than 70 years since section 7 of the Clayton Act was enacted in 1914, the body of economic learning upon which antitrust enforcement policy and judicial doctrine regarding mergers is based has changed substantially. The uncertainty surrounding merger analysis in 1914, and even in 1950 when section 7 was last revised substantially, can be seen in the vague wording of section 7 itself, which prohibits mergers the effect of which "may be substantially to lessen competition, or to tend to create a monopoly." Up through the late 1960s, courts lacked a sophisticated analytical framework for merger analysis. They therefore relied primarily on the size of merging firms and crude measures of concentration in the affected markets to gauge the competitive effects of mergers, giving little, if any, consideration to equally relevant factors.

Modern merger analysis, exemplified by the 1984 Department of Justice *Merger Guidelines*, is more refined and takes into full consideration foreign competition, entry conditions, and efficiencies. This more refined analysis is increasingly being adopted by the federal courts in Clayton Act § 7 cases.

Unfortunately, refining and modernizing outdated merger standards and analysis through the issuance of enforcement guidelines and case-by-case adjudication is slow and can result in an inconsistent body of case law. Efforts to establish a modern and consistent merger standard are complicated by the fact that the current language of section 7 carries the baggage of decades of inconsistent and economically unsophisticated merger analysis. Both Congress and the Supreme Court have construed this language to mean that before a merger may be condemned, a reasonable probability or reasonable likelihood that it will substantially lessen competition must be shown. Notwithstanding this construction, however, and explicit acknowledgment that section 7 is not concerned with ephemeral possibilities, section 7 has been applied in the past in an overly restrictive manner that is patently inconsistent with proper merger enforcement policy. In consequence, the confusion surrounding the existing language in section 7 is slowing the pace at which the modernization of merger analysis under the antitrust laws can proceed.

In an economy facing ever-increasing competitive pressures from foreign firms, unnecessary delay in the modernization of merger analysis should not be countenanced. Revising the language of section 7 to incorporate the advances in merger learning that have been made during the last 20 years will provide a new, state-of-the-art foundation upon which future refinements and improvements can be built, while at the same time finally laying to rest outmoded economic and legal analysis of mergers that can be found in older court decisions. This is the purpose of Part 5, the "Merger Modernization Act of 1987."

The Merger Modernization Act ("the Act") achieves its goals in three basic ways. First, the Act amends the first two paragraphs of section 7 to state more precisely the degree of certainty regarding anticompetitive effects that is legally required to prohibit a merger. The Act replaces the "may be" and "tend to" language in section 7 with the requirement that there be a "significant probability" that a merger will be harmful before it will be prohibited. This new standard more accurately reflects current case law and enforcement policy interpreting section 7. In particular, it makes clear that section 7 is not intended to prohibit mergers on the mere possibility, rather than the significant probability, that anticompetitive effects will follow.

Second, the Act makes clear that section 7 is directed against mergers that threaten to increase consumer prices. Specifically, it replaces the existing "lessen competition" or "create a monopoly" language with a more precisely defined standard that is in keeping with modern economic analysis, namely, that anticompetitive mergers are those that "substantially increase the ability to exercise market power." Market power is defined in the Act as "the ability of one or more firms profitably to maintain prices above competitive levels for a significant period of time." The Act thus affirms that section 7 is intended to preserve competition, rather than competitors per se. It does so by focusing merger analysis on the increased ability of firms to raise prices to consumers as a consequence of a merger and away from the mere fact that one or more firms will be eliminated from the market by acquisition. While this principle is increasingly accepted by courts interpreting section 7, the new language is clearer and less likely to be misapplied.

Third, the Act establishes a sound framework for determining the likely effects of mergers by clearly directing courts to consider the important economic factors that bear on that analysis. It thus assures that no one factor will be determinative of a merger's legality, to the exclusion of other probative economic evidence.

Whether a proposed merger will give rise to an increased ability to exercise market power within clearly defined product and geographic markets is the central issue under section 7. Section 7 has always required and will continue to require that the anticompetitive effects of a merger or acquisition be evaluated "in any line of commerce . . . in any section of the country." Thus, the first step in any merger analysis is to determine relevant product and geographic markets, because it is only within the confines of meaningful economic markets that the competitive effects of a proposed merger can be accurately evaluated.

In order to define relevant markets, it is necessary to evaluate the probable future responses of both purchasers and foreign and domestic producers to an attempt to exercise market power. Market power is the ability profitably to institute and sustain a price increase above the competitive level. The availability of close substitutes for the product in question and the ability of other firms to enter into or expand production are the major constraints on market power. Thus a market can be defined as a product or group of products and a geographic area such that a profit-maximizing firm that was the only seller of those products in the area would impose a significant and nontransitory price increase above prevailing or likely future levels. Relevant markets can only be determined in the context of specific mergers, but accuracy in their definition is crucial.

Once the relevant market (or markets) has been correctly defined, it is possible to evaluate the probable effect of a merger on the ability of one or more firms in the market profitably to maintain prices above competitive levels. The Act identifies six specific factors that courts should consider in assessing that effect. It also directs the courts to consider any other relevant evidence.

The first of the six factors is "the number and size distribution of firms and the effect of the acquisition thereon." The more concentrated the market, the greater is the likelihood that one dominant firm, or two or more firms acting collectively, could exercise market power. The greater the percentage of the market supplied by a dominant firm, the easier it would be for that firm profitably to restrict output sufficiently to effect a price increase. Where collective action is needed to restrict output and raise prices, the costs of achieving and maintaining such action will be less, and the chances for success greater, the smaller the number of firms that must cooperate to do so. Of course, it is not the number of firms in the market alone that must be considered. The relative size of the firms in the market is also relevant to the likelihood that collusion would be successful. For this reason, a concentration measure such as the Herfindahl-Hirschman Index ("HHI"), which takes into account both the number and size distribution of firms in the market, is generally the starting point for merger analysis. Factors indicating that future concentration in the relevant market is not accurately reflected by current circumstances—for example, changing market conditions or the weakness of particular firms—also must be taken into account in the analysis.

Second, the Act requires courts to consider the "ease or difficulty of entry by foreign or domestic firms" into the market. If firms not presently in the market could profitably enter in response to a price increase, it is less likely that firms presently in the market could profitably maintain prices above competitive levels for a significant period of time. Conversely, if entry into the market is unlikely, significant market concentration more accurately reflects the risk of a price increase following a merger.

The third factor to be considered is "the ability of smaller firms in the market to increase production in response to an attempt to exercise market power." The effect of this factor is similar to ease of entry. An attempt by larger firms acting alone or in concert to exercise market power would be undercut if smaller firms in the market had the ability to increase their output significantly in response to a price increase.

Fourth, the Act requires courts to consider "the nature of the product and terms of sale." First, the homogeneity/heterogeneity of the product is relevant in assessing the likelihood of collusion. When the product in the market being analyzed is relatively un-differentiated, agreements among producers to raise prices should generally be easier to reach than they are with respect to products that are more complex, heterogeneous, and subject to options. Also relevant is the degree of difference between the products and sellers considered to be in the market and the next-best substitutes. The larger the gap at the edge of the product and geographic markets, the more likely are effects that can be predicted on the basis of market concentration data. Finally, some sellers may be more effective rivals of particular firms than other sellers, as a result of proximity or the public perception that they produce a superior product, or for some other reason. If such rivals merge, there is a greater chance for the exercise of market power.

The fifth factor identified in the Act as relevant to the analysis of a merger is the "conduct of firms in the market." If the firms in the market have a history of violating the antitrust laws, and market characteristics basically have not changed, increasing the degree of concentration in the market will be of greater concern than it would be if the firms had no such history. If the relevant market has not been operating competitively in recent years, increased concentration resulting from a merger could further strengthen any existing potential for the exercise of market power.

Sixth, the Act directs courts to consider "efficiencies deriving from the acquisition." In cases where the factors discussed above indicate that the merger would result in a significant risk of market power, the courts should consider probative evidence of efficiencies achievable by the merger. Such efficiencies might derive from economies of scale, better integration of production facilities, plant specialization, lower transportation costs, and similar savings relating to specific manufacturing, servicing, or distribution operations of the merging firms. Other efficiencies also can be considered where they can be sufficiently demonstrated to be achievable.

It should not be the burden of firms to establish an affirmative case for the existence of efficiencies when the analysis does not indicate that the merger otherwise would result in a significant probability that market power could be exercised. Where it is necessary to consider efficiencies, however, the courts should also consider whether similar efficiencies could be achieved by the firms without merging.

Finally, the Act requires the consideration of "any other evidence indicating whether the acquisition will or will not substantially increase the ability, unilaterally or collectively, to exercise market power." This "catch-all" provision ensures that the courts will not ignore any significant economic evidence regarding the likely effects of a merger. This provision also builds into section 7 additional flexibility to take proper account of further advances in economic learning with respect to the effects of mergers and acquisitions in a market economy.

TITLE IV—SUBTITLE C. INTERSTATE COMMERCE COMMISSION SUNSET ACT OF 1987

This bill eliminates all Interstate Commerce Commission regulation of the following industries: trucking, intercity bus, household goods freight forwarder, broker, interstate water carrier, and interstate rail passenger carrier, sleeping and express car carrier, pipeline (other than water, gas or oil), and ferry. It maintains all railroad freight regulation intact and transfers virtually all of it to the Department of Transportation (DOT). Rail rate agreements, pooling arrangements, and mergers are made subject to the antitrust laws, and jurisdiction for consumer protection for household goods operations is transferred to the Federal Trade Commission (FTC). The state preemption provisions concerning the intercity bus industry under the Bus Regulatory Reform Act of 1982 are also transferred to DOT. Finally, the bill sunsets the Interstate Commerce Commission (ICC) on October 1, 1987.

Because there is vigorous competition both within and among the motor, freight forwarder and broker segments of our transportation system and because, as in the interstate water carrier and rail passenger industries, only a small segment is still subject to regulation, there is no need for continued federal regulatory oversight of these industries. This bill, however, preserves the reforms accomplished by the Staggers Rail Act by transferring the ICC's authority over rail freight rates, services, practices and abandonments to the DOT without substantive change. The ICC's authority to immunize rail rate agreements, pooling arrangements, and mergers from application of the antitrust laws is repealed and such mergers and agreements will be subject to the antitrust laws.

The increased range of trucking price and service options available to shippers in a broad range of U.S. industries have resulted in savings of many billions of dollars in reduced transportation, inventory and merchandising costs. Elimination of the remaining regulations and adoption of such specific trucking productivity measures as provisions fostering uniformity of state motor carrier registration and administrative requirements, and less burdensome regulations on carriers of government traffic, will enhance these savings and enable U.S. companies to become much more productive and competitive in domestic and world markets.

Section 4201. Subtitle C of title IV of the bill may be cited as the "Interstate Commerce Commission Sunset Act of 1987."

Section 4202. The purpose of the subtitle is to reduce unnecessary and burdensome government regulations and to improve the productivity and competitiveness of U.S. industries in domestic and world markets.

Section 4203. This section enumerates the findings of Congress with respect to deregulation of the surface transportation industries and the elimination of the ICC. It sets out that the statutes governing federal regulation of the truck, bus, interstate water carrier, household goods freight forwarder, broker, rail passenger, express and sleeping car carriers, pipeline (other than water, gas or oil), and ferry industries are outdated and have resulted in operating inefficiencies and anticompetitive pricing. In light of the competitive conditions existing in the transportation marketplace of today, they should be substantially removed. Available evidence suggests that many billions of dollars in savings to a broad range of United States industries have already been associated with recent reforms, and that removal of the remaining regulations and adoption of additional transportation productivity measures will result in additional savings which will enable U.S. companies to become much more productive and more competitive in domestic and world markets. With regulation of these industries no longer needed for protection of shippers and consumers, the ICC will be sunset and its regulatory functions regarding rail transportation of property will be transferred to the Department of Transportation.

Section 4204. This section terminates federal economic regulation of the truck, bus, household goods freight forwarder, broker, rail passenger, interstate water carrier, pipeline (other than water, gas or oil), express or sleeping car carrier, and ferry industries. It also repeals the Panama Canal Act restrictions against rail carriers acquiring water carriers. It does so by listing the provisions of subtitle IV of title 49, United States Code, which will be repealed as of October 1, 1987. This section also provides for the cessation of the ICC's operations at the end of FY 1987. Except for rail carriers of property, all licensing and registration requirements, tariff filing and enforcement provisions, rate oversight, and grants of antitrust immunity are removed. Antitrust immunity for rail rate agreements, pooling arrangements and mergers, as well as special procedures governing rail merger transactions are eliminated. These agreements and mergers by rail carriers of property will then be subject to the antitrust laws. There is no longer necessity for special treatment of the railroad industry. It should be subject to the same standards that govern other U.S. domestic transportation industries. In addition, the ICC's Office of Special Counsel is abolished.

Section 4205. This section transfers remaining regulatory authority over rail freight transportation to DOT. Provisions of subtitle IV of title 49 insofar as those provisions apply to rail transportation are transferred, as are such provisions which are specifically amended by this section, without substantive change. The reforms adopted by the Staggers Rail Act of 1980 are preserved. Rail carriers will continue to be subject to existing regulatory oversight regarding abandonments, rate levels, intercarrier relationships, and service to shippers. Special arrangements entitled to antitrust immunity are eliminated (see section 4204). While this section transfers the duties of the Rail Services Planning Office to DOT, it abolishes the statutory requirement for a separate office to perform these duties.

ICC authority for preempting state regulatory decisions for intercity bus operations is preserved and transferred to DOT (see amendments to sections 10922, 10935 and 11501 of title 49). In addition, section 11501 is amended by adding a provision which prevents state and other non-federal government agencies from enacting or enforcing any regulations concerning interstate or intrastate rates, routes, or services of any motor carrier, motor private carrier, water carrier, freight forwarder or broker that provides transportation of property in interstate commerce. This is meant to prevent such entities from eroding the benefits of deregulation at the federal level.

Section 4205 also transfers to the Federal Trade Commission the ICC's consumer protection authority regulating motor carriers and freight forwarders providing transportation of household goods. In addition, this section amends section 10721 to remove the restrictions against the use by government agencies of brokers' services for government transportation.

Section 4206. This section contains several amendments to title 49 not easily categorized into specific subject areas, some of which do not specifically involve DOT authority.

Subsection 4206(a) amends section 10730 of title 49 USC to retain the so-called Carmack Amendment with one important difference. The involvement of the Interstate Commerce Commission is removed with respect to these agreements between shippers and motor common carriers of property. Under this amendment a shipper and a carrier may agree to limit the liability of the carrier as long as the carrier also offers a contract of carriage without such limitation. Disputes concerning such agreements would be adjudicated under uniform federal law.

Subsection 4206(b) amends section 10732 of title 49 by removing the requirement that the ICC monitor and report annually on the effects of "backhaul allowances" (discounts for customers of food and grocery products who pick up those products at the shipping point of the seller), and by extending the lawfulness of backhaul allowances to all industries. It is intended, for purposes of this section, that the "actual cost" basis for computing such allowances need not be limited to the cost avoided by sellers.

Subsections (c), (e) and (f) continue current liability standards for payment of rail rates, and prohibitions against "lumping" and "weight bumping," respectively.

Section 4206(d) replaces the Presidential moratorium provision under section 10922(1) of title 49, which was added by the Bus Regulatory Reform Act of 1982 to limit the ICC's approval of foreign-owned trucking operations in the United States due to discriminatory treatment by their governments. This section authorizes the President to seek consultations to eliminate discriminatory practices by governments of countries contiguous to the United States that have a substantial adverse competitive impact on a U.S. transportation company providing, or seeking to provide, motor carrier transportation of property or passengers in those countries. If consultations fail to eliminate such practices, the President may impose restrictions on foreign motor carriers' access to the U.S., if the President determines such action to be in the national interest. These provisions provide greater flexibility in the type of response that may be taken to discriminatory actions by foreign governments. Not only may the President limit entry as under current law, but the President may also modify or condition operations of foreign carriers.

It should also be noted that section 4204 of this subtitle repeals the registration requirements for foreign motor carriers under section 10530 of title 49, United States Code.

Section 4206(g) provides that the Federal Maritime Commission (FMC) may not regulate transportation by water carriers that has been subject to the jurisdiction of the ICC but is deregulated by this Act. Such carriers are those offering intermodal transportation in the U.S. domestic offshore trades, i.e., the trade from the continental United States to the offshore states and territories or possessions. Currently, because of judicial interpretation of FMC and ICC statutory authority, regulatory jurisdiction over water transportation in these trades is split between the FMC and the ICC, with the FMC regulating all-water service and the ICC regulating intermodal service. This provision does not affect the FMC's current jurisdiction over domestic offshore shipping transportation. It is only intended to prevent that agency from asserting jurisdiction over intermodal service in those trades in the absence of ICC regulation.

Section 4207. Section 4207 makes conforming changes to the administrative and enforcement authority of the Secretary of Transportation to accommodate the termination and transfer of ICC authorities under sections 4204 and 4205 of the subtitle.

This section also requires the Secretary to submit a report, including recommendations, to Congress within 2 years concerning progress in achieving uniform state administrative requirements for motor carriers.

Subsection 4207(g) would authorize the Secretary of Transportation to require the display of a unique number identifying interstate motor carriers to enhance DOT's enforcement of its safety regulations.

Subtitle 4208. Section 4208 invests the Federal Trade Commission with authority over deregulated motor carriers, water carriers (except those regulated by the Federal Maritime Commission), freight forwarders and brokers. This section transfers the ICC's regulations governing transportation of household goods by motor carriers and freight forwarders to the FTC. The FTC is directed to conduct a review of those regulations and to revise or revoke them where necessary. Once the revised regulations are issued, other federal agencies are directed to conform their regulations accordingly.

Section 4209. Section 4209 provides for the transfer of ICC personnel employed in connection with the functions transferred by this bill to DOT, DOJ and the FTC. It also provides for the transfer of ICC assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations and other funds related to transferred functions. The Office of Management and Budget is empowered, in consultation with the ICC, DOT, DOJ and the FTC, to make necessary dispositions of personnel, assets, etc. and resolve any disputes which may arise. This section also directs the Chairman of the ICC, the Secretary of Transportation, the Attorney General and the Chairman of the FTC to plan jointly for the orderly transfer of functions and personnel under this bill.

Section 4210. Section 4210 provides for the continuation of all effective ICC decisions, orders, regulations and proceedings after termination of the Commission. The section further provides that with respect to functions transferred to other agencies, references in federal laws to the ICC shall be deemed to refer to the agency obtaining the function, and that with respect to any function transferred, the head of the agency receiving the function shall have the same authority as the ICC.

Section 4211. Section 4211 defines "agency" and "function."

Section 4212. Section 4212 provides that conforming amendments be made to the provisions and chapter analyses of Title 49 which are amended by this Act.

This section also contains conforming amendments to the Clayton Act necessary to place railroad mergers, acquisitions, and interlocking relationships among corporate directors under the antitrust laws for analysis of their likely competitive effects.

Subsection 4212(b) eliminates from section 7 of the Clayton Act (15 U.S.C. § 18) those reference to the ICC that currently exempt railroad mergers and acquisitions from application of the Clayton Act standard; eliminates those references to the ICC that exempt interlocking relationships among corporate directors from section 8 of the Clayton Act (15 U.S.C. § 19); and eliminates from section 11 of the Clayton Act (15 U.S.C. § 21) the authority vested in the ICC to enforce section 2, 3, 7 and 8 of that Act (15 U.S.C. §§ 13, 14, 18 and 19) as applied to common carriers.

Subsection (b) also acknowledges the transfer of certain ICC jurisdiction for railroad freight regulation of rates, services, practices and abandonments to DOT in the context of the exemption contained in section 16 of the Clayton Act (15 U.S.C. § 26) expressly denying the right of private actions against common carriers "in respect of any matter subject to the regulation, supervision or other jurisdiction" of DOT.

Section 4213. This provision sets out the severability clause for the Act.

Section 4214. Section 4214 provides that the bill is effective upon enactment.

TITLE IV—SUBTITLE D. OIL PIPELINE REGULATORY REFORM ACT OF 1987

Section 4301 states the Act's short title: "Oil Pipeline Regulatory Reform Act of 1987" ("the Act").

FINDINGS AND PURPOSES

Section 4302 states the findings and purposes underlying the Act. These findings and purposes will serve to guide the Secretary of Energy ("the Secretary"), the Attorney General, and the Federal courts in the implementation of their responsibilities under the Act.

REGULATION OF PIPELINES TRANSPORTING OIL

Section 4303 adds a new section 408 to the Department of Energy Organization Act, Pub. L. 95-91, 42 U.S.C. 7101 et seq., entitled "Regulation of Pipelines Transporting Oil." It is anticipated that this new section will be codified as new section 7178 of title 42, United States Code.

Subsection (a)—"Definitions".—The definitions in subsection (a) are largely self-evident. The scope of the Act is delineated by the definition of "Commission regulatory jurisdiction," which includes all Interstate Commerce Commission ("ICC") functions and authorities transferred to the Secretary or to the Federal Energy Regulatory Commission ("FERC") by way of sections 306 and 402(b) of the Department of Energy Organization Act, 42 U.S.C. 7155, 7172(b). Section 4(c) of Pub. L. 95-473 (92 Stat. 1470), which codifies title 49 of the United States Code, exempted these functions and authorities from the portions of the Interstate Commerce Act repealed by the statute. Thus, the provisions of the Act apply to all transferred ICC authority which is "related to the transportation of oil by pipeline" (section 306) or which "establishes rates or charges for the transportation of oil by pipeline or establishes the valuation of any such pipeline" (section 402(b)).

"Pipeline" defined as a "fully interconnected pipeline system owned by the same person." The Act applies to any such pipelines regulated by FERC at the time of enactment, or which would be regulated by FERC after enactment except for the deregulation provisions of the Act.

"Adjudication" is defined as a formal adjudication on the record under the provisions of the Administrative Procedure Act, under which a party is entitled to a hearing at which to present oral or documentary evidence, submit rebuttal evidence, and conduct cross-examination. *See* 5 U.S.C. 554, 556, 557.

Subsection (b)—"Initial Consideration of Pipeline Regulatory Status".—Subsection (b) establishes the procedures for determining which of those pipelines regulated by FERC at the time of enactment should continue to be regulated, and which are sufficiently competitive that their deregulation is in the public interest. Under this procedure, the Attorney General will decide within 60 days of enactment whether to seek an adjudication by the Secretary to determine whether continued regulation of any FERC regulated pipeline is in the public interest. If the Attorney General determines that continued regulation is not in the public interest, the pipeline is deregulated as of 120 days after enactment, unless a contrary joint resolution is enacted prior to that date. If the Attorney General determines that continued regulation is in the public interest, he shall petition for, and the Secretary shall conduct, an appropriate adjudication. The Secretary shall also conduct such an adjudication if directed to do so by a joint resolution enacted within 120 days after enactment of the Act.

In determining within 60 days of enactment which pipelines should be promptly deregulated, and which should be the subject of an adjudication, the Attorney General will in fact be guided by substantial analysis and public comment prior to the time the bill is passed. The Antitrust Division of the Department of Justice has released an economic study of the oil pipeline industry that will inform the Attorney General's determinations under subsection (b). This study has already received lengthy comment on its assumptions, methodology and data. Further comment will likely be forthcoming. Hearings on the proposed legislation also will produce general or specific comments from pipeline owners, shippers, and others that will assist the Attorney General in his deliberations.

For those pipelines for which the Attorney General petitions for an adjudication, or which are the subject of an enacted joint resolution, the Secretary shall conduct an adjudication to determine whether continued regulation is in the public interest. The Secretary shall find continued regulation of such pipeline to be in the public interest only if it is demonstrated that "such regulation is necessary to constrain the exercise of substantial market power in a significant portion of the markets in which the pipeline operates." Unless the Secretary finds that regulation of a pipeline is in the public interest, the pipeline shall be deregulated within 60 days after the Secretary completes the adjudication and issues his findings.

The adjudication is to be completed within one year unless the Secretary determines that unusual circumstances necessitate a delay, in which case the Secretary may take a maximum of two years to issue his finding. However, the Secretary must support the need for delay with specific findings regarding the relevant unusual circumstances.

Subsection (c)—"Reconsideration of Pipeline Regulatory Status."—Subsection (c)(1) establishes the procedures for reconsidering the regulatory status of pipelines deregulated pursuant to subsection (b) or subsection (c)(2).

For any pipeline that is deregulated, either initially under subsection (b) (either because the Attorney General did not petition for an adjudication or through an adjudication by the Secretary) or through a reconsideration adjudication under subsection (c)(2), the Secretary may conduct an adjudication under the same economic standard used in subsection (b) to determine whether, as a direct result of changed circumstances, reregulation of such pipeline is in the public interest. Such adjudication may not, however, be conducted unless at least 10 years have passed since the pipeline either was deregulated under the Act, or was the subject of a prior adjudication. Accordingly, once a pipeline is deregulated under the Act, it will remain deregulated for at least 10 years, and may not be the subject of a reregulation adjudication more than once every ten years.

"Changed circumstances" is defined as any material change in the circumstances in effect at the time the pipeline was deregulated or was the subject of a reregulation adjudication.

If the Secretary finds that reregulation of a pipeline is in the public interest, the pipeline will be reregulated at such future time as the Secretary shall designate.

Subsection (c)(2) establishes the procedures for later deregulation of pipelines which continue to be regulated by FERC.

The Secretary may at any time conduct an adjudication of whether continued regulation of a pipeline is in the public interest. The Secretary shall conduct such an adjudication under the same economic standard used in subsection (b). If the Secretary finds at the completion of such an adjudication that continued regulation of the pipeline is not in the public interest, the pipeline shall be deregulated within 60 days after the Secretary issues his finding.

Subsection (d)—"New Pipelines."—New pipelines (pipelines brought into service after enactment) will not be regulated by FERC.

Subsection (e)—"Commission Regulatory Jurisdiction."— Subsection (e)(1) provides that FERC regulation of, and, implicitly, any FERC proceedings relating to the regulation of, crude oil or refined oil products transported prior to deregulation of a pipeline will not be affected by the deregulation.

Subsection (e)(2) provides that institution of FERC regulation over a pipeline through a reregulation adjudication under subsection (c)(1) shall be prospective only, and that no crude oil or refined oil products transported prior to the date of reregulation shall be subject to FERC regulation.

Subsection (e)(3) provides that FERC pipeline regulation terminated pursuant to the Act, including regulation of new pipelines, shall not revert back to, be delegated to, or otherwise transfer to the Department of Energy, the ICC or any other federal agency.

Subsection (e)(4) provides that to the extent that another federal agency may have independent authority to regulate pipelines in a manner similar in nature to FERC regulation (e.g., rate regulation and common carrier regulation), pipelines deregulated under the Act shall not be subject to such independent regulatory authority. Two such authorities are specifically cited in the Mineral Leasing Act and in the Outer Continental Shelf Lands Act.

Subsection (f)—"Trans-Alaska Pipeline Exclusion."—Subsection (f) provides that the Act does not apply to the Trans-Alaska Pipeline.

Subsection (g)—"Judicial Review."—Subsection (g)(1) places in the United States Court of Appeals for the District of Columbia Circuit exclusive original jurisdiction over any petition for judicial review under the Act. The provision will expedite to the greatest extent possible judicial review of administrative actions taken under the Act.

Subsection (g)(2) provides that any action of the Attorney General under this section including without limitation any decision to petition or not to petition for an adjudication is not an agency action subject to judicial review, including review under the Administrative Procedure Act. The Attorney General's decision to petition for an adjudication thus will be assured the same deference given to other exercises of "prosecutorial discretion" by the Attorney General in deciding whether to bring either criminal or civil proceedings on behalf of the United States.

Subsection (h)—"Regulations."—Subsection (h) authorizes the Secretary and Attorney General to promulgate such regulations as may be necessary or appropriate to carry out their responsibilities under the Act. The subsection also provides that the Secretary may issue regulations implementing the Act without referring such regulations to FERC under section 404 of the Department of Energy Organization Act, 42 U.S.C. 7174. There is no need for such referral because the Secretary will be issuing regulations implementing the Secretary's responsibilities under the Act. The exclusion also will expedite the rulemaking process to the greatest extent possible.

CONFORMING AMENDMENTS

Section 4304(a) amends section 402(a) of the Department of Energy Organization Act, 42 U.S.C. 7172 (2), to clarify that the authorities and functions transferred by section 402(a) are transferred subject to the provisions of the Oil Pipeline Regulatory Reform Act.

Section 4304(b) amends section 404(a) of the Department of Energy Organization Act, 42 U.S.C. 7174(a), to clarify that the Secretary may issue regulations implementing the Oil Pipeline Regulatory Reform Act of 1987 without referring the rule to FERC under section 404.

APPLICABILITY OF ANTITRUST LAWS

Section 4305 clarifies that the antitrust laws continue to apply to the transportation by pipeline of crude oil or refined oil product. The Act is not intended to affect in any manner the past, present or future applicability of the antitrust laws.

SEPARABILITY

Section 4306 provides for separability should any provisions or application of the Act be held invalid.

EFFECTIVE DATE

Section 4307 provides that the Act shall become effective upon enactment.

TITLE IV—SUBTITLE E. NATURAL GAS POLICY ACT AMENDMENTS OF 1987

PART 1—OPEN ACCESS TO TRANSPORTATION

NONDISCRIMINATORY AUTHORIZATIONS

Section 4411 would revise Natural Gas Policy Act (NGPA) section 311(a) to expand voluntary transactions for gas transportation. This, and the following section on "Open Access Carriage," are intended to open the transportation system to competition. As a result, all gas supplies, including low-cost gas now shut-in, would become available at prices that reflect the highly competitive nature of the wellhead and burner-tip markets for natural gas.

NGPA section 311(a) currently permits the Federal Energy Regulatory Commission to authorize transportation by interstate pipelines on behalf of any intrastate pipeline or local distribution company, and by an intrastate pipeline on behalf of any interstate pipeline or local distribution company served by an interstate pipeline. Section 4411 would expand NGPA section 311(a) to permit the Commission to authorize any pipeline to transport gas on behalf of any person. The use of the phrase "any person" is not intended to reflect any view concerning the persons on whose behalf gas currently can be transported under section

311(a), but rather to indicate the broadest application of section 311(a).

Section 4411 also would add a new paragraph (4) to NGPA section 311(a) to make clear transportation under that section must be non-discriminatory. There is no legitimate reason to discriminate in an open, market-oriented system. Discrimination hinders competition, and thus is at cross purposes with the Congressional determination in the NGPA that the wellhead market is competitive and that consumers are best served by letting competitive forces work.

In addition, new paragraph (4) would require any natural gas company which received gas pursuant to section 311(a) to offer section 311(a) transportation service. It is intended that those who benefit from section 311(a) transportation services must offer the same service to others.

These changes would not affect the basic thrust of the Commission's action in Order No. 436. Rather, these changes are intended to codify the spirit of that action and to reinforce the Commission's generic authority to promote and provide for voluntary transportation arrangements on a nondiscriminatory basis, and thereby to increase the competitive flow of gas in commerce at market-sensitive prices.

OPEN ACCESS CARRIAGE

Section 4412 would add a new section 316 to the NGPA providing for "Open Access Carriage." Section 316 would provide that, upon application by any person, the Commission direct an interstate pipeline to transport gas unless the pipeline demonstrates to the Commission it is incapable of rendering the service. This section is intended to open the natural gas market to the operation of the laws of supply and demand to the fullest extent. It would remove barriers to open transportation that now exist, and would allow willing buyers and sellers to deal directly to bring low cost, currently shut-in gas to market. This section responds to the inability of consumers to obtain transportation for gas purchased directly from producers and reflects the belief that availability of nondiscriminatory transportation is the keystone of a truly competitive natural gas industry.

In determining whether a pipeline is "incapable" of rendering service, the Commission, it is intended, would avoid interpretations that prevent carriage. The Commission should consider such factors as full pipeline utilization, full use of pipeline interconnections and compression, and displacement or other ways of facilitating transportation. The primary concern of the Commission, in making this determination, must be to ensure competition in the marketplace through the utilization of pipeline capacity to the fullest extent practicable.

The Commission is given the option to implement this section either by rule or order. This is intended to give the Commission the flexibility to act on applications as circumstances vary while preventing abuse of its processes that would delay open carriage. This section makes clear it shall operate without discrimination. Finally, the charge for transportation under this section must be just and reasonable, as that term has been defined under the Natural Gas Act.

PART 2—REMOVAL OF WELLHEAD PRICE CONTROLS AND REPEAL OF JURISDICTION OVER FIRST SALES

REMOVAL OF WELLHEAD PRICE CONTROLS

Section 4421 would amend NGPA section 121 to provide for the ultimate elimination of all price controls on first sales of natural gas. New subsection (f) would provide that natural gas sold under contracts executed or renegotiated after the date of enactment of this subtitle would be free from any NGPA price controls. This provision would permit natural gas prices to be established immediately in accordance with market forces and not the existing artificial price ceilings. With regard to renegotiated contracts, decontrol would occur only if the renegotiated contract expressly so provides. New subsection (o) would remove price controls on April 1, 1988, from all first sales of natural gas not previously decontrolled and thus end the Federal government's involvement in establishing wellhead price for natural gas.

REPEAL OF COMMISSION JURISDICTION OVER FIRST SALES OF NATURAL GAS

Section 4422(a) would eliminate the Commission's jurisdiction under the Natural Gas Act (NGA) to regulate non-price aspects (such as certification and abandonment) of first sales of natural gas. NGPA section 601(a)(1)(A) currently exempts from such jurisdiction first sales of natural gas that was not committed or dedicated to interstate commerce prior to the enactment of the NGPA, while NGPA section 601(a)(1)(B) exempts certain committed or dedicated natural gas (such as high-cost gas in section 107). Section 4422(a) would amend NGPA section 601(a)(1)(B) to eliminate the Commission's NGA jurisdiction over any first sale of natural gas after enactment of the Natural Gas Policy Act Amendments of 1987. This provision would allow the fullest operation of the market by permitting gas to be sold to any purchaser and not just the purchaser under a contract no longer in effect.

Section 4422(b) would repeal NGPA section 315. Currently, section 315(a) provides the Commission can specify the minimum duration of certain contracts. Section 315(b) provides purchasers with a right of first refusal in certain circumstances. Section 315(c) permits the Commission to require the filing of contracts for the first sale of natural gas. The repeal of the existing NGPA section 315, along with the elimination of the Commission's NGA jurisdiction over first sales (see section 4422(a)), would remove all non-price regulation of first sales of natural gas.

EFFECT OF AREA RATE CLAUSES

Section 4423 would add a new section 315 to the NGPA providing for "the effect of area rate clauses" following decontrol. For a certain, limited number of contracts, the section would treat the last price paid for NGPA section 104 or 106(a) gas before decontrol on April 1, 1988, as a Federally-established rate or charge for purposes of area rate clauses. The contracts involved are those containing an area rate clause and no other indefinite price escalator clause, and only if the contract was entered into when the Federal Government prohibited an indefinite escalator provision other than an area rate clause. The intent of this section is to deal with situations where the Federal Government in effect dictated the price terms to the commercial parties. It would prevent a roll-back to extremely low fixed prices in contracts where the parties were unable to deal with this eventuality because of Federal interference with contract terms. This section thus would continue the status quo, and would prevent both uncertainty over the applicable pricing terms and litigation that might result from that uncertainty.

PART 3—REPEAL OF CERTAIN RESTRICTIONS ON NATURAL GAS AND PETROLEUM USE AND PRICING

REPEAL OF CERTAIN SECTIONS OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

Sections 4431 and 4432 would repeal several sections of the Powerplant and Industrial Fuel Use Act of 1978 (FUA).

Section 4431 would repeal (1) the prohibitions on the use of natural gas and petroleum as a primary energy source in new electric powerplants (FUA § 201) and new major fuel-burning installations (FUA § 202), (2) the prohibition on the construction of new powerplants without alternate fuel capability (FUA § 201), and (3) the discretionary authority of the Secretary of Energy to prohibit nonboiler installations from using natural gas and petroleum as a primary energy source (FUA § 202).

Section 4431 also would repeal section 302 of FUA which authorizes the Secretary of Energy to prohibit the use of natural gas or petroleum as a primary energy source where coal or alternate fuel capability exists in existing major fuel-burninq installations.

The Secretary of Energy's authority under section 401 of FUA to prohibit the use of natural gas as a primary energy source in certain boilers would be repealed.

Section 4431 would repeal section 402 of FUA which prohibits certain installations of new outdoors lighting fixtures that use natural gas and certain uses of natural gas therein.

Section 4431 would repeal section 405 of FUA which authorizes the Secretary of Energy to restrict, by rule, increases in the use of petroleum as a primary energy source in existing powerplants that used coal or another alternate fuel in 1977.

This part would repeal subsections 103 (a)(16), (a)(18), (a)(19) and (a)(29) of the Powerplant and Industrial Fuel Use Act of 1978, which provide certain definitions for general reference that are no longer necessary due to the proposed repeal of many statutory provisions.

REPEAL OF INCREMENTAL PRICING REQUIREMENTS

Section 4433 would repeal title II of the NGPA, which provides for an incremental pricing system whereby low priority users of natural gas pay a larger share of the first sale acquisition costs for natural gas, and thus would end this regulatory system. Acquisition costs incurred prior to the enactment of this subtitle would be passed through to users on the basis of the existing Commission regulations for incremental pricing. Any acquisition costs incurred after the enactment of this subtitle would be dealt with without regard to incremental-pricing requirements.

TITLE IV—SUBTITLE F, MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT OF 1987

Section 4501. This subtitle is cited as the "Motor Vehicle Information and Cost Savings Act of 1987."

Section 4502. This section would amend section 501 of the Motor Vehicle Information and Cost Savings Act ("Definitions") to delete those definitions, in whole or in part, which relate to the corporate average fuel economy (CAFE) standards, and to conform the remaining definitions to the fuel economy labeling program.

Section 4503. This section would repeal section 502 of the Motor Vehicle Information and Cost Savings Act ("Average Fuel Economy Standards Applicable to Each

Manufacturer"), except to the extent provided by section 9 of this Act. This proposal is based on the following points:

a. CAFE standards are no longer necessary as a conservation measure. Oil price decontrol has made the price of gasoline an effective, market-based control on fuel economy.

b. The objectives of the original Act have largely been achieved. The U.S. manufacturers have virtually doubled the fuel economy of their product since 1975 and the fuel economy of new cars sold in the U.S. has met the goal set by Congress (27.5 mpg). As noted in the *Economic Report of the President* for 1986, market demand, not the CAFE statute has been the primary reason for this progress.

c. The CAFE standards provide a serious distortion in the motor vehicle market that is detrimental to the economy.

d. The Act results in unequal burdens on various manufacturers, with special difficulties for U.S. full-line manufacturers.

e. The provisions of the Act once intended to preserve U.S. jobs now threaten to cause substantial foreign outsourcing of large car production and related jobs.

Section 4504. This section would amend section 503 of the Motor Vehicle Information and Cost Savings Act ("Determination of Average Fuel Economy") to delete those provisions relating to the corporate average fuel economy (CAFE) standards program and to require that the EPA Administrator's testing and calculation procedures produce results that simulate conditions of actual use. Since 1975, EPA has improved its procedures to produce results that better reflect average driving conditions and patterns nationwide. The phrase "simulate conditions of actual use" is intended to codify and continue this progress, without requiring any major revisions to EPA's procedures. Whether testing and calculation procedures adequately simulate conditions of actual use would be a matter committed to EPA's discretion. As amended, the section would retain only those provisions relating to the determination of fuel economy for individual model types. Since this information is used in the labeling of automobiles, it would be retained as a part of the continued labeling program. As amended, the section would be redesignated as section 502.

Section 4505. This section would amend section 504 of the Motor Vehicle Information and Cost Savings Act ("Judicial Review") to delete those aspects which relate to the corporate average fuel economy (CAFE) standards program and to clarify who has standing to bring challenges to rules prescribed under this amended program and specify the rules that they may challenge. As amended, the section would be redesignated as section 503.

Section 4506. This section would amend section 505 of the Motor Vehicle Information and Cost Savings Act ("Information and Reports"), to delete those provisions that would not be needed to support the activities of the EPA Administrator in the continued labeling program. As amended, the section would be redesignated as section 504.

Section 4507. This section would amend section 506 of the Motor Vehicle Information and Cost Savings Act ("Labeling") to update and simplify this section's requirements and to require that the EPA Administrator compile fuel economy data and make it publicly available in place of the fuel economy booklet which dealers have been required to make available to prospective purchasers. The publication and distribution of this booklet by the Department of Energy is deleted to be consistent with the President's fiscal year 1988 budget request.

Even with the repeal of the corporate average fuel economy (CAFE) standards, the fuel economy labeling system provides information which enables consumers to make informed decisions in their choice of automobiles. Consumers continue to be interested in fuel economy. The label on an automobile will continue to inform them about the fuel economy of that automobile. Other information formerly on the label, such as the fuel economy of comparable automobiles, will be readily available through the EPA. To the extent that consumers are accurately informed about the fuel efficiency of automobiles, they will be able to make appropriate choices in the marketplace. The labeling system, together with the information published by EPA, helps the market to work by enabling consumers to be responsive to the continuing needs for energy conservation. A provision is added to expressly require that the rulemaking proceedings under this section be conducted in accordance with section 553 of title 5, United States Code. As amended, the section would be redesignated as section 505.

Section 4508. This section repeals sections 507 through 512 of the Motor Vehicle Information and Cost Savings Act ("Unlawful Conduct"; "Civil Penalty"; "Effect on State Law", "Use of Fuel Efficient Passenger Automobiles by the Federal Government"; "Retrofit Devices", "Reports to Congress"), except to the extent provided by section 4509 of this subtitle. These sections are all supportive of the CAFE standards and have no further utility with the repeal of the standards. To the extent that enforcement of the fuel economy labeling program is necessary, it can be provided, as under current law, through the provisions of the Automobile Information Disclosure Act (15 U.S.C. 1232).

Section 4509. Subsection (a) of this section provides that this subtitle shall not affect any rights accrued, duties imposed, penalties, or other liabilities incurred or actions or suits commenced or that may be commenced with respect to any average fuel economy standard for any model year ending before the effective date of this subtitle. Accordingly, notwithstanding the repeal of the section 502 program of average fuel economy, this section preserves the status quo, with respect to standards for any model year ending before the effective date of this subtitle, for: (1) non-compliances by any manufacturer with any average fuel economy standard applicable to such manufacturer under section 502; (2) the liability of any manufacturer for civil penalties under section 508, after taking into account credits available to the manufacturer under section 502(1); and (3) previously-filed carryback plans under section 502(1) to meet shortfalls with respect to an average fuel economy standard.

Since the determination of whether a manufacturer has failed to comply with a fuel economy standard and the amount of civil penalties for such noncompliance is based in part on whether a manufacturer exceeds the fuel economy standards for the three following model years, there must be an interval of three full model years between the model year in which the standards are repealed and the last model year of their final enforcement. Accordingly, subsection (a) of this section will ensure that the government may conclude compliance cases and that manufacturers may earn credits to offset any liability for civil penalties, in keeping with their previously-filed carryback plans, for any model year ending before the effective date of this subtitle.

Subsection (b) of this section ensures that: (1) the EPA Administrator will continue to make determinations of average fuel economy, in accordance with existing procedures or procedures yielding comparable results, for manufacturers which have a need to determine carryback credits and have filed a carryback plan with the Secretary of Transportation for that purpose; and (2) determinations of average fuel economy will be reported by the EPA Administrator to the Secretary of Transportation.

Section 4510. This section provides that conforming amendments be made to the provisions and chapter analyses of title 15, United States Code, which are amended by this subtitle.

Section 4511. This section sets out the severability clause for the subtitle.

Section 4512. This section provides that the subtitle is effective upon enactment, except to the extent provided by section 4509 of this subtitle.

TITLE IV—SUBTITLE G, EXPORT ADMINISTRATION AMENDMENTS ACT OF 1987

SEC. 4601. This subtitle may be cited as the "Export Administration Amendments Act of 1987."

REFERENCES TO THE ACT

SEC. 4602. Amendments to this subtitle pertain to sections or other provisions of the Export Administration Act of 1979.

MULTIPLE VALIDATED LICENSE AUTHORITY FOR THE PEOPLE'S REPUBLIC OF CHINA

SEC. 4603. This section amends section 4 of the EAA to permit the Department of Commerce to provide for a type of distribution license or comprehensive operations license for exports of appropriate goods and technology to approved consignees in the PRC. Under current law the distribution license and the comprehensive operations license may not be made available for exports to any controlled country. Since multiple licenses allow U.S. firms to be more competitive, they should be made available to the PRC, when the availability of such license is consistent with U.S. national security interests.

DOMESTIC SALES TO COMMERCIAL ENTITIES OF CONTROLLED COUNTRIES

SEC. 4604. This section amends section 5(a) of the EAA to provide clear authority to curtail sales in the U.S. of national security controlled items to commercial entities controlled in fact by governments of controlled countries. Authority to control domestic transfers to such entities can help to prevent undetected exports and acquisition of sensitive technological information without physical export. The authority to control such transfers to embassies or "affiliates" of controlled countries leaves the status of controlled commercial enterprises in doubt.

PROCEDURES FOR DETERMINING FOREIGN AVAILABILITY TO CONTROLLED COUNTRIES

SEC. 4605. This section amends section 5(f) to provide a structure and appropriate time frames for the foreign availability decision-making process, which presently is lacking under the law. It makes clear that the Secretary of Commerce does not need the approval of other agencies in making a determination. It requires that assessments be completed in 120-days. It provides for a 60-day grace period after a positive foreign availability finding is made to allow for the possibility of a Presidential override pursuant to the statute, with 180 days being allowed where multilateral controls apply to permit coordinated decontrol action in COCOM. Neither grace period precludes continuation of the practice of lifting controls on exports to other countries while multilateral decontrol is being pursued. The amendment also codifies, with minor changes, the definition of "foreign availability" contained in the Export Administration Regulations.

FOREIGN AVAILABILITY TO FREE WORLD COUNTRIES—EXPEDITED LICENSING

SEC. 4606. This section adds to section 5 of the EAA a new paragraph which provides that when a product or technology similar to a U.S. product or technology is available without effective restrictions to a free world country or countries, the product or technology found to be so available will be presumed to qualify for a U.S. export license for shipment to that free world country or countries. A license would continue to be required but would be deemed issued after 20 working days (with a 15 day extension possible), unless the license application is denied upon a showing of an unacceptable risk of diversion to a controlled country. This procedure would apply only to national security based controls.

Without the licensing requirement, the U.S. Government would lose the ability to review the reliability of an end user in cases involving sophisticated technology which, while available in the West, we would not want diverted to the Bloc Countries. The provision for presumption of licensability in the West/West context underscores that what is at issue is whether an unacceptable risk of diversion exists. The 20 day processing deadline would provide more predictability to exporters in the licensing process and would place the U.S. exporter on a more competitive footing as to exports to the designated free world country.

INEFFECTIVENESS OF UNILATERAL CONTROLS—NEGOTIATIONS TO IMPROVE MULTILATERAL COOPERATION

SEC. 4607. This amendment sets out in section 5(i) that COCOM negotiations should be conducted in the context of the following principles: that unilateral controls are generally ineffective; that enforcement is important to effective multilateral controls; that negotiations should enhance cooperation among COCOM governments in reaching and implementing agreements with non-COCOM countries in restricting exports to controlled countries; and that items should be removed from the International Control List (ICL) where such agreements are not reached or where controls on specific ICL items no longer meet the common strategic objectives of the members.

PRIOR CONVICTIONS

SEC. 4608. Section 11(h) of the EAA authorizes the Secretary of Commerce to bar persons convicted of violating specified laws, including the Arms Export Control Act, from applying for or using export licenses under the EAA. Section 11(h), however, does not include in its coverage the EAA or the International Emergency Economic Powers Act (IEEPA). To correct this anomaly, the amendment adds the EAA and IEEPA to the statutes specified in section 11(h).

This section also amends section 11(h) of the EAA to make clear that the Secretary may deny export privileges to those parties who are related by ownership or other affiliation to any person or organization denied privileges pursuant to a section 11(h).

ISSUANCE OF TEMPORARY DENIAL ORDERS

SEC. 4609. This section amends the EAA to provide that a temporary denial order can be obtained not only to prevent an "imminent" violation, but also where necessary "to facilitate enforcement of the Act". The "imminent" violation standard currently in the EAA has limited the Department's ability in obtaining temporary denial orders in instances where such an order would serve legitimate preventive enforcement purposes, such as where an indictment has been handed down or where, for a variety of reasons, documentary evidence that a violation is "imminent" cannot be obtained.

This amendment also extends the effective period of temporary denial orders from 60 to 180 days to facilitate the real preventive enforcement benefits of such orders. The 60 day time period in the current law is often inadequate to allow for completion of investigations, including the completion of documentation necessary to institute formal charges, particularly when the suspected violation occurs overseas. A party subject to a temporary denial order can appeal to an Administrative Law Judge at any time.

TITLE IV—SUBTITLE H, FINANCIAL SERVICES REGULATORY EFFICIENCY ACT OF 1987

SECTION-BY-SECTION ANALYSIS

PART 1—FUNCTIONAL REGULATION OF FINANCIAL INSTITUTIONS

SUBPART A—AUTHORITY OF FEDERAL HOME LOAN BANK BOARD AND FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Section 4700. Section 4700 states that this subtitle may be cited as the "Financial Services Regulatory Efficiency Act of 1987."

Section 4701. Section 4701 adds a new section 2a to the Home Owners' Loan Act that provides that the supervisory jurisdiction of the Federal Home Loan Bank Board ("FHLBB") or the Federal Savings and Loan Insurance Corporation ("FSLIC"), as the case may be, terminates automatically when an institution ceases to maintain its status as a qualified thrift lender, except for transitional stock conversion and enforcement authority provided under section 4707 of this subpart (new sections 1463(d)(1)(A)(ii) and 1463(d)(4)).

Section 4702. This section permits the FSLIC to assess insurance premiums on a periodic basis, as determined by the FSLIC. Existing law authorizes assessment only on an annual or semi-annual basis.

Section 4702 also authorizes the FSLIC to assess premiums against institutions on the basis of the risks that the insured institutions present to the insurance fund. Such premiums would vary according to a formula to be established by the FHLBB that would measure differences in objective financial data among insured institutions. Notwithstanding the result of any risk premium formula, all insured institutions would pay a minimum premium of one-twelfth of one percent, with a maximum of one-half of one percent annually. This section also requires premiums to be paid to the Corporation in advance.

Section 4703. Section 4703 clarifies that funds deposited with the FSLIC are available only for use by the FSLIC in carrying out its statutory purposes.

SUBPART B—REGULATION BY FUNCTION

Section 4704. Section 4704 provides a uniform definition of "qualified thrift lender" ("QTL") for purposes of the Federal Home Loan Bank Act, the Home Owners Loan Act of 1933, and the National Housing Act. Eligibility for status as a QTL is conferred on institutions that are now insured by the FSLIC or Federal Deposit Insurance Corporation ("FDIC") or that are eligible to become insured under the provisions of 12 U.S.C. 1726 or 1813.

The definition of QTL is designed to insure significant, continuing emphasis on housing and housing-related activities by institutions eligible for thrift regulatory treatment. A QTL is required to maintain at least 65 percent of assets in specific housing and housing-related investments and certain liquid assets.

The list of qualifying assets is sufficiently diverse to allow flexibility on the part of institution management to develop its own housing focus. The assets listed as qualifying include all loans, equity positions, or securities related to domestic residential real estate or manufactured housing (including all investments in mortgage-related securities, both of the asset participation and pay-through bond type), and property used by an institution in the conduct of its business. In addition, qualifying assets include the total of all investments in items that qualify as short-term liquid assets pursuant to section 5A of the Federal Home Loan Bank Act, and 50% of the face amount of mortgage loans related to residential real estate and manufactured housing originated and sold within 90 days of origination, up to a maximum of 10 percent of the institution's assets.

In recognition of the differences in portfolio composition of state chartered mutual savings banks, the bill allows for a gradual restructuring of their asset portfolios over a ten-year period. The FSLIC is also given authority to grant, by regulation or order of general or regional applicability, waivers of the percentage investment requirements to reflect extraordinary circumstances. Any such waiver must be limited in duration and may only be granted after consultation with the Board of Governors of the Federal Reserve System, the Federal Banking Agency, and the FDIC. Additionally, the bill requires that, with respect to federal stock savings banks insured by the FDIC, the FSLIC must rely, to the maximum extent possible, upon examinations conducted by the FDIC.

The bill provides that, in order to qualify as a QTL, an institution must meet the asset composition test on the final day of the fiscal quarter within the fourth calendar quarter immediately following the bill's enactment date. For banks electing to apply for federal association charters (as authorized by section 4709 of the bill), the bill requires that they meet the test as of the last day of the fiscal quarter immediately preceding the filing date of an application for a federal thrift charter. Finally, institutions chartered as federal associations or receiving FSLIC insurance subsequent to the bill's enactment date will be required to meet the asset test on such periodic dates as the FSLIC may determine by regulation, but in no event later than the last day of the ninth fiscal quarter following the issuance of a charter.

The bill also provides that, after qualifying on the initial test date, a QTL must continue to satisfy the asset composition requirements on a rolling average basis for every four fiscal quarters. An institution which fails to maintain QTL status is ineligible to reattain such status for a period of five years.

Finally, very small thrifts with less than $25 million in assets are exempted from compliance with the QTL test in order to minimize regulatory and paperwork burdens on such smaller firms. To remain eligible for the small thrift exemptions, the $25 million asset cap must be met every four fiscal quarters.

Section 4704 also provides clarifying amendments of definitions regarding insurance of accounts under the National Housing Act. This section makes a conforming change to the definition of "state" to harmonize various provisions of the National Housing Act. The Corporation's insurance powers extend to United States territories, the District of Columbia and Puerto Rico, but the National Housing Act does not consistently refer to all these jurisdictions. This amendment also makes the definition of "qualified thrift lender" consistent with that set forth in section 2(e) of the Home Owners Loan Act.

Section 4705. Section 4705 establishes the procedures that will apply when an institution fails the QTL test and becomes ineligible for regulation as a thrift institution.

In the event a Federal association or a state-chartered institution whose accounts are insured by the FSLIC fails to qualify as a QTL under the provisions of Section 4704 over the specified averaging period, the FHLBB would be required to give the institution and the various banking agencies prompt written notice of the institution's disqualification as a QTL, and the date of disqualification.

Section 4705 provides that in the event of a disqualification, the disqualified institution must make an election within 90 days following the date of disqualification (such date being hereinafter called the "election date") whether to apply for a state bank charter or to receive a national bank charter. If the institution elects to apply to the appropriate state regulatory agency for a state bank charter, it would be required to so notify the FHLBB and the three banking agencies. If the disqualified institution elects not to apply for a state charter, it would file a notification with the Federal agencies of its intent not to apply for a state charter, in which case it would automatically receive a national bank charter not later than 30 days following the election date. Alternatively, if the disqualified institution elects to apply for a state bank charter but its application has not been finally granted by the first anniversary of the election date, then the disqualified institution would be issued a national bank charter not later than 30 days thereafter.

While the disqualified institution has the alternative of selecting a state or national bank charter, conversion to a bank charter is mandatory once the institution has been disqualified as a QTL and been notified of its disqualification by the FHLBB.

Once a state or national bank charter is issued to the disqualified institution, the FDIC would be required to insure the new bank. The new bank would succeed by law to all rights and liabilities of its predecessor thrift institution, and it would be required to comply with all statutes and regulations governing insured banks except as specifically provided to the contrary. This would subject the disqualified institution to, among other things, the Bank Holding Company Act, Federal Deposit Insurance Act, National Bank Act (in the event a national charter is granted) and other legal requirements applicable to banks. Mutual thrift institutions would be required to convert to stock form to the extent the FDIC may provide, by rule, along with appropriate conversion procedures.

Section 4705 provides that a disqualified thrift institution may continue to operate any branch that was in existence or authorized prior to its disqualification as a QTL, notwithstanding any limitation on the number of branches that would otherwise be applicable to a bank in the state or states where it is operating.

In addition to maintaining existing branches, subparagraph (4) of this section provides that the statutes and regulations applicable to qualified thrift institutions and their holding companies will continue to apply for a period of two years after the date of disqualification to (i) any investments and loans held by a disqualified institution as of the disqualification date, and (ii) any business activities engaged in as of such date by affiliates of a savings and loan holding company. Upon the expiration of this two-year grace period, the investments, loans and affiliate activities of a disqualified institution would be governed by the statutes and regulations governing banks and their holding companies as if such provisions had always applied. Investments and loans or affiliate activities that were not held or engaged in by the disqualified institution as of the date of its disqualification would be immediately subject to statutes and regulations governing banks and their holding companies upon the issuance of a bank charter.

Subparagraph (5) authorizes the banking agencies with supervisory jurisdiction over a disqualified institution to extend the two-year grace period for thrift investments, loans or affiliations for an additional period of not more than three years where the appropriate agency found that an extension would not be detrimental to the public interest. In addition, any such agency would be authorized to approve the continued holding of real estate by the disqualified institution for any longer period that would have been permitted under state and/or Federal law governing insured banks if the disqualified institution had been originally chartered as a bank.

Subsection (6) of Section 4705 provides that FSLIC insurance and membership in, or eligibility for advances from, any Federal Home Loan Bank would terminate automatically on the date a disqualified institution received a state or national bank charter. However, Section 4705 also authorizes the FHLBB or the FSLIC to retain jurisdiction over any disqualified institution for purposes of completing any administrative or enforcement action that was pending against the disqualified institution at the time it received a bank charter.

In the event the FHLBB or FSLIC elected to retain jurisdiction, it would be required to notify the appropriate state or federal banking agencies within 10 days of issuance of a bank charter to the disqualified institution. Failure to provide such notice would constitute an automatic transfer of exclusive jurisdiction for administrative or enforcement actions to the appropriate banking agency. Subsection 7(C) specifies the types of administrative or enforcement actions which the Board or FSLIC may elect to maintain against a disqualified institution.

The overall intent of this section is to provide for an automatic and orderly process for cancelling the charter of a thrift institution that fails to qualify as a QTL and for issuing a bank charter (either national or state) to the disqualified institution. Subject to the election of each individual institution to seek a state charter or automatically receive a national charter, the process of conversion from thrift status to regulation as a bank would be automatic, and no gap in supervision would occur. Upon the issuance of a bank charter, thrift supervision, FSLIC insurance and Federal Home Loan Bank membership (and advance eligibility) would all terminate, while bank regulation and FDIC insurance would automatically commence. This would insure that institutions competing in the marketplace as *de facto* banks were subject to the same capital, accounting, affiliation and other regulatory provisions applicable to banks.

Section 4706. Section 4706 provides that each Federal savings bank insured by the FDIC must elect within 90 days following passage of the Act whether to retain its FDIC insurance (in which case it would receive a national bank charter), or to be regulated as a qualified thrift lender (in which case it would be insured by the FSLIC so long as it satisfied the QTL requirements).

Section 4707. Section 4707 provides that notwithstanding any other provision of law, the Director of the Federal Banking Agency is required to grant a national bank charter to any savings institution chartered as a federal association which has been disqualified as a qualified thrift lender and fails to apply for, or receive, a state bank charter within the time limits specified by this statute.

Section 4708. This section amends section 5(i) of the Home Owners' Loan Act to provide that the FHLBB shall charter as a federal association any banking institution that satisfies the QTL test, so long as any such bank is (1) insured by the FDIC; (2) not subject to any administrative action or notified of the instigation of any such action; and (3) in substantial compliance with all provisions of the Federal Home Loan Bank Act, Home Owners Loan Act, National Housing Act and all implementing regulations.

Section 4709. This section amends the Bank Holding Company Act of 1956 to conform the current exception provided in that Act from the definition of "bank" to the reallocation of functions recommended by the Vice President's Task Group on Regulation of Financial Services in its *Blueprint for Reform* (July 1984). Under existing law, institutions chartered by the FHLBB or insured by the FSLIC are excluded from the definition of "bank" for purposes of determining which companies are bank holding companies. This section revises the exception to include all "qualified thrift lenders" which are FSLIC-insured or chartered as federal associations (including banks that have elected to convert to federal association charter pursuant to amended section 5(i) of the Home Owners' Loan Act).

Section 4710. Section 4710 revises section 4(a) of the Federal Home Loan Bank Act to limit eligibility for Federal Home Loan Bank advances to QTLs.

Section 4710 also limits eligibility for Federal Home Loan Bank membership to QTLs. In addition, this section requires an institution that is disqualified as a QTL to repay outstanding advances when due, subject only to limited renewal of such advances. Renewal of the term of maturing advances is limited to one year after the date of the institution's disqualification as a QTL.

Moreover, disqualified thrift lenders are not eligible for new advances after the date of disqualification. This section is necessary to insure that the benefits of the advance program, which was designed to assist institutions engaged in long term housing finance, are limited to those institutions that are actually significantly involved in this type of activity.

Section 4711. Section 4711 substitutes the "qualified thrift lender" test for the current "domestic building and loan association" test contained in section 7701(a)(19)(C) of the Internal Revenue Code with regard to limits on out-of-state branching by federal associations.

Section 4712. Section 4712 provides that the FSLIC shall insure only the accounts of federal associations which are QTLs; this mandate encompasses commercial banks which elect to convert to federal association charter. The section also revises the discretionary account insurance authority of the FSLIC to encompass only those state-chartered thrifts which are QTLs.

Section 4712 clarifies the manner in which institutions may transfer insurance coverage between the FDIC and FSLIC insurance funds.

Section 4712 requires that a bank or bank holding company making an out-of-state acquisition of an insured institution under the authority of section 408(m) of the National Housing Act must conform to the branching limitations applicable to banks in the state in which the acquired insured institution is located if the thrift is not a QTL as defined in this bill. Under current law, this limitation is linked to qualifying status as a "domestic building and loan association" under section 7701(a)(19)(C) of the Internal Revenue Code.

Section 4712 likewise substitutes the QTL test for the "domestic building and loan association" test with regard to limits on the activities of unitary savings and loan holding companies. Under present law, the activities of a unitary saving and loan holding company with a non-qualifying insured institution subsidiary are limited to the same extent as those of multiple savings and loan holding companies and their subsidiaries, which are generically similar to the activity limitations applicable to bank holding companies. This provision insures that the affiliation limitations applicable to banks will be applied to all depository institutions that are competing as a bank.

Section 4713. This section further clarifies the manner in which FDIC-insured banks that are qualified thrift lenders may transfer insurance coverage to the FSLIC fund.

SUBPART C—INSURANCE INDEMNIFICATION

Section 4714. Section 4714 defines the terms used in sections 4715 and 4716 to specify the liability of the Federal Savings and Loan Insurance Corporation and the Federal Deposit Insurance Corporation to indemnify each other for costs incurred as a result of the failure of institutions which have converted from insurance by one fund to insurance by the other fund because of failure of the QTL test by insured institutions or the election of thrift status by qualified insured banks.

Section 4715. Section 4715 provides in subsection (a) that indemnification liability arises if a converted institution defaults, an assistance agreement is entered into or insurance termination proceedings are commenced within one year after conversion of insurance coverage. Prior to taking any action that would give rise to a claim for indemnification, the indemnitee agency must consult with the idemnitor agency regarding the reasons for any such proposed supervisory action and any feasible alternatives. The indemnitee agency must give the indemnitory at least 48 hours to object to its proposed actions, and where an objection is raised the proposed supervisory action may only be taken by the indemnitee by a unanimous vote of its board.

Subsection (b) provides that the indemnitor shall be liable for all costs incurred by the indemnitee in its corporate capacity to the extent of actual cash outlays, whether such costs are incurred during or subsequent to the indemnity period following conversion of insurance. The subsection further provides that the indemnitor is fully liable for the continuing costs of assistance agreements outstanding at the time of conversion of insurance. This subsection also that provides the indemnitor is not liable for losses arising subsequent to a completed merger or consolidation transaction that has been approved by the indemnitee.

Subsection (b) further provides that the indemnitor shall serve as receiver for eligible institutions and shall be entitled to the gross proceeds from the prosecution of recovery actions and the management and liquidation of assets.

Subsection (c) specifies a schedule for the settlement of cost reimbursements. All expenses will be settled by agreement between the agencies with the exception of (1) payments pursuant to assistance agreements, which will be settled on an undisbursed basis, and (2) expenses incurred in connection with assistance and the issuance of income capital certificates and net worth certificates, which will be settled on a quarterly basis.

Section 4716. Section 4716 provides that within six months after enactment, the agencies shall agree upon the further implementation of the provisions of Subpart C through agreements, regulations, and interpretations. If the agencies are unable to agree on any issue concerning the implementation of the provisions or on any issue pursuant to its agreed-upon implementation, then the Secretary of the Treasury would resolve any such issue.

PART 2—REORGANIZATION OF THE REGULATORY RESPONSIBILITY FOR COMMERCIAL BANKING ORGANIZATIONS

Section 4721. Section 4721 establishes the Federal Banking Agency (FBA) within the Department of the Treasury as an Executive Branch banking agency by incorporating into the existing Office of the Comptroller of the Currency (OCC) the responsibilities of the FBA. In substance, this involves the renaming of the OCC as the FBA, and increasing the OCC's existing responsibilities by adding important new responsibilities of bank holding companies. Thus, under the provisions of the bill the FBA would regulate, supervise, and examine all national banks, together with their holding companies except as otherwise specified by this or existing legislation. This system would enable national banks and their holding companies to have the FBA as a single supervisory agency rather than the fragmented system of regulation by both the OCC and FRB that exists under current law. Under this legislation, the FBA would also serve as the Federal government's lead agency for establishing, under the general directions of the Secretary of the Treasury, the competitive powers of bank holding companies under applicable legislation.

Section 4721 also changes the name of the Comptroller to the "Director of the Federal Banking Agency." The Director of the FBA must perform the duties of the FBA under the general directions of the Secretary of the Treasury. Thus, the Secretary has approval authority, as under current law, regarding overall policy, budget, and staffing matters, which should focus on maintaining conformity with Administration programs.

Since the creation of the OCC under the Administration of President Lincoln in 1863, the Treasury Department has played an integral role in the regulation of the nation's banking system. This role is both direct, through the supervisory jurisdiction of the OCC over national banks, and indirect, through the wide range of its domestic and international financial responsibilities, many of which have an unavoidable impact on financial institutions.

Among other things, the Treasury necessarily plays a leading role in issues of domestic and international taxation and currency exchange rates and their adjustment mechanisms. Treasury is also primarily responsible for developing and implementing the Executive Branch's domestic and international financial policies. Finally, the Treasury is the ultimate source of financial support for the financial system in any time of extreme crisis, and any such event affecting the entire national economy or banking system, whether emanating from foreign or domestic sources, would necessarily involve the Treasury Department in its resolution.

As a result of these institutional concerns, the Treasury Department has played, and should continue to play, a role in the regulation of the nation's banking system. This insures that Treasury will maintain a significant level of "real-world" understanding of the banking system so that it will be prepared to act wisely in any financial crisis situations. Finally, as the principal cabinet agency concerned with financial issues, it is essential or the Treasury Department to play a leading role in the development of government policy affecting the commercial viability of the banking system.

As under current law, section 4721 authorizes the Treasury Department to maintain its institutional role in broad policy issues affecting bank regulation, especially where such issues may have an impact on important concerns of the government as a whole. However, this general policy oversight would not extend to supervisory matters involving individual institutions, such as charter applications, merger approvals and enforcement actions. Absent an overriding policy issue created by any such matter, the FBA would continue to handle such supervisory cases autonomously as the OCC does under current law.

Section 4722. Section 4722 amends all provisions of United States statute law, except as otherwise specified in this legislation, to further implement the name change of the OCC to FBA.

Section 4723. Section 4723 amends specific provisions of United States statute law to implement the name change of the "Comptroller of the Currency" to the "Director of the FBA."

Section 4724. Section 4724 repeals three sections of statute law dealing with the employment and salaries of clerks, examiners, and other employees. The portions of these sections that are not obsolete are relocated to section 4726 of this Act.

Section 4725. Section 4725 amends the provision of statute law dealing with Deputy Comptrollers to implement the name change to Deputy Directors and deletes the clause authorizing the Secretary of the Treasury to fix the salaries of such deputies. The salaries of the deputies are covered by section 4726 of this Act and will be set by the Director of the FBA under the general directions of the Secretary of the Treasury.

Section 4726. Section 4726 combines the content of several provisions of statute law repealed by this Act and adds new provisions to deal comprehensively with FBA personnel matters. Under Section 4726, the FBA is authorized to employ such officials and employees as are necessary to carry out its duties and responsibilities. The Director of the FBA is authorized to designate a chief examiner.

Section 4726 further provides that salary expenses for FBA employees should be funded from assessments on regulated firms rather than appropriations, and that FBA employees should be exempt from OPM regulations concerning staffing and all Federal compensation limitations. Staffing and compensation matters would, of course, remain subject to the general oversight of the Secretary of the Treasury as provided in Section 4721. The provisions regarding funding and personnel matters are intended to insure that the FBA is able to attract a high quality staff and to retain its experienced examiners and other key personnel vital to maintaining the effectiveness of bank supervision in the face of competition for such personnel from other government agencies not subject to compensation limitations and the private sector. Such provisions are designed to recognize the fact that FBA operations will not result in taxpayer expenditures, and that greater flexibility for the FBA will help reduce significantly the long-run public costs of bank failures.

Section 4727. Section 4727 is a technical amendment authorizing the FBA rather than the Comptroller to devise its official seal.

Section 4728. Section 4728 revises an obsolete provision of statute law dealing with office space and furnishings for FBA use, to permit the FBA to lease or purchase necessary offices and other resources necessary for conducting its business.

Section 4729. Section 4729 deletes the sentence in section 5240 of the Revised Statutes that deals with employment and compensation of FBA examiners. The relevant substance of that sentence now appears in section 4726 of this Act.

Sections 4730–4739. One of the major simplifications proposed by the Task Group on Regulation of Financial Services was to consolidate all federal examination and supervision of state-chartered banks under the Federal Reserve Board (FRB). This would replace the current division of authority between the FDIC and FRB over state-chartered banks, which results in costly duplication by two different agencies performing essentially identical functions.

Under the provisions of this legislation, all routine federal oversight of state-chartered banks would be consolidated in the Federal Reserve Board. This transfer will both utilize supervisory resources more efficiently, and also recognize the reality that since at least 1980 there has not been any significant difference, from a federal regulatory perspective, between state-chartered member and insured nonmember banks. Both types of state-chartered banks now have access to the FRB's discount window, are required to keep reserves with the FRB to facilitate implementation of monetary policy, and have their deposits insured by the federal government through the FDIC. Consequently, centralizing supervisory oversight under a single federal agency for such banks will promote both economy in federal resources and consistency of regulation. Sections 4730 through 4739 amend the Federal Reserve Act to implement this transfer of FDIC supervisory jurisdiction over state nonmember insured banks to the Federal Reserve Board.

Section 4730 defines for purposes of the Federal Reserve Act the term "State nonmember insured bank".

Section 4731 authorizes the Federal Reserve Board to regulate the participation of State nonmember banks in lotteries and related activities.

Section 4732 authorizes the Federal Reserve Board to receive directly, rather than through the FDIC, reports of liabilities and assets from insured State nonmember banks, savings banks, and mutual savings banks.

Section 4733 authorizes the Federal Reserve Board to prescribe rules and regulations governing the payment of interest on demand deposits and time and savings deposits by State nonmember insured banks and to enforce compliance with and assess civil money penalties for violations of section 19 of the Federal Reserve Act by State nonmember insured banks.

Section 4734 deletes the requirement of section 19(j) of the Federal Reserve Act that the Federal Reserve Board consult with the FDIC before prescribing rules and regulations governing the payment and advertising of interest on deposits.

Section 4735 authorizes the Federal Reserve Board to apply restrictions on loans to executive officers of State nonmember insured banks.

Section 4736 authorizes the Federal Reserve Board to administer section 23A of the Federal Reserve Act regarding transactions with affiliates as that section relates to State nonmember insured banks.

Section 4737 authorizes the Federal Reserve Board to apply civil money penalties for violations of section 23A of the Federal Reserve Act by State nonmember insured banks.

Section 4738 renumbers sections 30 and 31 of the Federal Reserve Act as sections 31 and 32, and adds a new section 30. The new section 30 authorizes the Federal Reserve Board to examine State nonmember insured banks and their affiliates. This section also requires such banks to maintain capital adequate in relation to the character and condition of their assets and their deposit liabilities and other corporate responsibilities, and requires prior Board approval before any such bank may reduce or retire its capital stock. These capital requirements are in addition to, and may not be less stringent than, the common capital requirements to be established by the FDIC and FHLBB under this legislation.

This section authorizes the Board to prescribe rules and regulations to implement its supervisory responsibilities with respect to State nonmember insured banks. The rules and regulations of the FDIC pertaining to State nonmember insured banks are retained and administered by the Board until the Board's rules become effective. The bill authorizes the Board to assume the place of the FDIC in any litigation arising from the authority of the FDIC transferred to the Board.

Section 4739 provides for the establishment of State Advisory Councils to advise each Federal Reserve Bank on issues affecting coordination of state and federal supervision and examination activities.

Section 4740. Section 4740 amends section 25(a) of the Federal Reserve Act (12 U.S.C. 615(c)) to eliminate the prohibition contained in that section against the ownership of competing corporations by Edge Act corporations. Elimination of the prohibition removes from the Board the responsibility for determining whether parties to a covered transaction are in competition with one another and, instead, subjects the transactions to such antitrust standards and review procedures as are otherwise required by law.

PART 3—BANK HOLDING COMPANY ACT AMENDMENTS

Under current law, in passing on applications to commence or acquire new businesses, as well as to form new holding companies, the FRB must review, among other factors, the financial and managerial capabilities of the specific company. Where the banking subsidiaries of such firms are national or state nonmember banks, however, the FRB is not likely to have any on-going first-hand experience relative to the particular firm concerning these issues. While the FRB is required to consult with the OCC, FDIC and state agencies in fulfilling its responsibilities, it is nevertheless in the position of developing for itself information that is already possessed by the supervisor of the subsidiary bank. Therefore, by separating holding company supervisory responsibilities from that of supervision of the underlying bank(s), the current system creates significant and unnecessary inefficiencies in some cases. Indeed, under the current system the agency that knows the least about a particular business organization is often charged with making important supervisory decisions that may significantly affect the competitive position of both the holding company and its subsidiary banks.

Since enactment of the BHCA nearly 30 years ago, the number of registered bank holding companies has grown explosively. From the 53 original companies, the number of registered bank holding companies has grown more than 10,000 percent, with the total now almost 5,400 companies and still increasing rapidly. Even as late as the time of the 1970 Amendments to the BHCA, it was rare for a bank to be part of a holding company. In less than 15 years this pattern has been largely reversed, and at present over 50 percent of all U.S. banks (holding more than 80 percent of U.S. bank assets) are now owned by their shareholders through the holding company format. It is reasonable to assume that this trend to holding company format will continue over the next few years, especially if Congress enacts legislation to broaden the permissible financial activities of bank holding companies, which the Administration strongly supports. As a result, almost all U.S. banks may eventually become part of holding companies, and even now the holding company has become the dominant organizational form of the U.S. banking industry.

The growth in the number of holding companies has occurred for a variety of reasons that are often not germane to any supervisory issue, such as for tax or estate planning purposes. Indeed, it is estimated that less than 20 percent of holding companies engage in any type of non-banking businesses, while the vast majority of such companies are simply financing vehicles for the subsidiary bank(s). In such cases virtually all the consolidated assets of the overall organization are actually held in the bank subsidiaries, which are of course already regulated by the OCC, FDIC or FRB. In addition, most of these firms are quite small, with approximately 40 percent having $25 million or less in assets, and 80 percent with $100 million or less.

With the large growth in use of the holding company form of organization, most of these companies have become subject to FRB regulation *in addition to* regulation by the OCC or FDIC of the subsidiary banks. Because a bank and its holding company are in fact a single organization, however, the result is a supervisory system in which responsibility is fragmented between two different federal agencies, with no single agency responsible for the entire organization. This bifurcation of regulatory responsibilities creates a risk that supervisory issues will not be adequately perceived by either regulator due to its partial responsibilities, much as may have occurred in recent cases of failure of chains of banks under common ownership but not common supervision or examination. This risk is partially mitigated, but not completely eliminated, by the FRB's solicitation of comments from the primary supervisors of subsidiary banks on all holding company applications and supervisory actions.

In addition to the risks created by shared supervision over a single organization, the system results in significant additional regulatory burdens for private firms due to the necessity of complying with the requirements of two different agencies rather than only one. Thus, formation of a new national bank and its acquisition by a holding company today requires two separate approvals from unrelated federal agencies, the OCC for the bank charter and the FRB for the holding company acquisition. Similarly, the merger of two national banks and their holding companies requires the independent prior approval of *both* the OCC and FRB before the transaction may occur. Even though the legal issues under review in such matters may differ slightly, in both cases substantial time and legal and other expenses could be avoided if a single agency had authority to act on the entire transaction.

This legislation is intended to eliminate the current fragmented system under which banks and their holding companies are generally regulated by different agencies. In its place, a new system would be established under which in almost all cases the regulation of a bank and its parent holding company would be unified under a single federal agency. Under this proposal, the FBA would regulate national banks and their holding companies, while the FRB would regulate state-chartered banks and their holding companies (except to the extent a certified state is involved).

Centralizing the regulation of the entire banking organization under a single agency will both simplify regulatory proceedings for regulated firms and, at the same time, offer the potential for strengthening the overall supervisory process. Unlike today, in most cases a single regulatory agency will have full supervisory jurisdiction over the entire banking organization, rather than simply one or the other of its constituent parts. Also unlike today, only one agency will be required to approve mergers or acquisitions involving a particular banking organization, rather than the two or even three agencies that may be involved today. Similarly, one agency will be able to review the establishment of a bank and parent holding company, rather than two different agencies as generally occurs today.

To the extent that special regulatory controls for bank holding companies are necessary at all, it is because of the unique role of banks in the national economy, and the possibility that adverse financial results in the holding company or one of its non-banking affiliates might endanger the solvency of its subsidiary bank(s). The paradox of the current system is that while the threat of any such adverse financial impact on the bank is the principal justification for the scheme of regulation, the agency with express responsibility for supervising the solvency of the bank usually does not have authority over its parent holding company or the non-banking affiliates from which a financial threat might emanate. While the FRB is responsible for regulating the parent company and its non-banking affiliates, in most cases it has no direct supervisory responsibility for the solvency of the subsidiary banks of the holding companies that it regulates.

The centralization of supervisory authority for a bank and its holding company will improve this allocation of responsibilities. In most cases the agency charged with supervising the solvency of the banking institution will have direct supervisory authority over all of that bank's affiliated companies. The appropriate bank supervisor will, therefore, have authority over all transactions that might affect the solvency of the integrated organization, whether or not such transaction was being conducted through the bank or through a related holding company affiliate. Therefore, there will be no ability to "forum shop" between regulators by assigning transactions to a holding company or to the subsidiary bank. In addition, the single regulator will have unambiguous responsibility for supervising a particular organization, and this will make the FBA and FRB more clearly accountable for failures in supervision.

Section 4741. Section 4741 amends the Bank Holding Company Act (BHCA) to implement the unification of regulation of a bank and its parent holding company under a single appropriate regulatory agency. In general, each individual banking organization will be subject to a single Federal regulator. The FBA will regulate, supervise and examine holding companies of national banks, based upon the charter of the lead bank. The FRB will regulate, supervise and examine holding companies of state banks, based upon the charter of the lead bank (except that to the extent certified, state authorities would assume this responsibility). Section 4741 provides a definition of "principal bank subsidiary" to identify the lead bank. Section 4741 also provides an exception to the general rule that the regulator of the lead bank shall also regulate its holding company. The exception authorizes the FRB to regulate "international class holding companies" even where the lead bank is otherwise regulated by the FBA or a certified state.

As stated above, there would be two exceptions to the unification of regulation of banks and their holding companies. The FRB would continue to supervise and examine all "international class" holding companies. These institutions would include (i) any U.S. banking organization that is engaged to a significant degree in a full domestic banking business in a foreign country, (ii) domestic organizations with more than one-half of one percent of the total aggregate holding company assets (approximately $15 billion at the current time), and (iii) all bank holding companies under foreign ownership. Of the approximately 50 companies that would qualify today under (i) and (ii) above, 35 are anchored by national banks. Therefore, for these 35 institutions there would continue to be a different regulator for the holding company than for the national bank subsidiary, as is true under the current system.

The second exception to the general principal of unified bank and holding company regulation is in the case of multi-bank holding companies that have both national and state-chartered subsidiary banks. In that case, one agency would regulate the state-chartered subsidiary banks, while a different agency would regulate the nationally-chartered banks. The holding company in such a situation would be subject to the regulator of the largest subsidiary bank. Any such company desiring a single regulator could, of course, simply convert all its subsidiary banks to the same form of charter, either national or state. The lead bank and holding company regulator would also be in a position to coordinate examination of all the organization's subsidiary banks with their supervisory agencies.

Section 4742. Section 4742 streamlines section 3 of the Bank Holding Company Act as proposed in the Financial Institutions Deregulation Act ("FIDA"), which the Administration transmitted to the Congress during the 98th Congress. The most important amendment to section 3 is the elimination of the BHCA's requirement for prior approval of bank holding company formations and acquisitions and the substitution of a 60-day notice procedure. Section 4742 strikes the words "application," "application for approval," and "applicant" each time they appear in section 3 and inserts in lieu thereof the words "notice" and "notificant."

Section 4742 also adds a new provision to exclude certain bank holding company formations from the general procedures of section 3. This exclusion applies to a company's acquisition of a bank pursuant to a reorganization in which the bank's shareholders exchange their bank shares for substantially the same proportional share interest in a newly formed holding company (except for the exercise of dissenters' rights). The new provision would require 30 days prior notification to the appropriate regulatory agency for such exempted bank holding company formations, and would require the bank holding company to meet, immediately after its formation, the capital and other financial standards prescribed by the appropriate regulatory agency for such a bank holding company. The exclusion provided by the new subparagraph would be further limited to holding companies that do not engage in any activities other than those of banking or managing and controlling banks.

Section 4742 substantially rewrites subsection (b), the procedural core of section 3, to establish a procedure of notices that are automatically approved unless denied within specified periods rather than the requirement of prior approval of an application that exists today. Paragraph 3(b)(1) requires a company to give the appropriate regulatory agency 60 days prior written notice of a proposed bank holding company formation or acquisition.

Paragraph 3(b)(2) specifies that the information required by the appropriate regulatory agency to be included in notices under section 3 must be relevant to the agency's evaluation of the criteria set forth in section 3(c) of the BHCA.

Paragraph 3(b)(3) provides for suspension of the 60-day notice period by the appropriate regulatory agency in the event such agency requires additional information.

Paragraph 3(b)(4) mandates that the appropriate regulatory agency shall, in order to provide for the submission of views and recommendations on each notice received from a bank holding company pursuant to section 3, provide a copy of the notice to the Board and to the State supervisor involved, if any bank to be acquired is a State bank, and to the Federal Banking Agency, if any bank to be acquired is a national bank.

Paragraph 3(b)(4) provides hearing procedures if the commenting agency recommends disapproval. If the appropriate regulatory agency determines to issue a notice of intent not to disapprove or an order disapproving a proposed transaction contrary to the recommendation of the State supervisor or the appropriate regulatory agency, the appropriate regulatory agency must provide the other agency with a written report as to the basis for its decision.

Paragraph 3(b)(5) additionally requires each appropriate regulatory agency to provide to the other appropriate regulatory agency a copy of each notice filed with the agency in order to provide for the submission of comments by the other agency. In cases where the interagency provision of notice requirements of paragraph 3(b)(4) apply, such provisions (i.e., hearing requirement) are controlling. If the appropriate regulatory agency determines to proceed notwithstanding adverse comments by the other agency, it must provide the other agency with a written report as to the basis for its decision.

Paragraph 3(b)(6) provides that the interagency notice provisions of paragraphs 3(b)(4) and 3(b)(5) may be dispensed with or suspended in the event that the appropriate regulatory agency determines that it must act immediately in order to prevent the probable failure of a bank or bank holding company. If the appropriate regulatory agency determines that an emergency exists requiring expeditious action or that it must act immediately to prevent a probable failure, the appropriate agency may, without a hearing, issue a written notice of intent not to disapprove the proposed transaction notwithstanding any recommended disapproval.

Paragraph 3(b)(7) requires each notificant not required to file a pre-merger notification under the Hart-Scott-Rodino Act to file information with the Department of Justice pertaining to competitive factors, unless the appropriate regulatory agency determines that immediate action is necessary to prevent the probable failure of a bank or bank holding company or an emergency situation exists requiring expeditious action. In such cases, whenever practicable, the appropriate regulatory agency must provide the Attorney General with an opportunity to comment on the proposed action. In any case, where the appropriate regulatory agency determines that an emergency exists requiring expeditious action, the Justice Department would be entitled to an opportunity to comment, not to exceed 10 days, on the transaction. In neither case is the appropriate regulatory agency required to delay action on any case pending receipt of or as a result of any such comments.

Paragraph 3(b)(8) substantially restricts judicial review of orders under section 3 of the Act. An order of the appropriate regulatory agency determining not to disapprove the transaction under section 3 would not be subject to judicial review under the BHCA (although it would remain subject to Department of Justice challenge under the antitrust laws). However, a notificant would be able to obtain judicial review of any order not to disapprove a notice if the order contains restrictions or conditions.

Paragraph 3(b)(9) provides that acquisitions or mergers may be consummated prior to the end of the 60-day notice period if the appropriate regulatory agency issues a written notice of intent not to disapprove the transaction. In cases where the appropriate regulatory agency finds that it must act immediately to prevent the probable failure of a bank or bank holding company involved in a transaction under section 3, the transaction may be consummated immediately upon issuance of the agency's order. In cases where the appropriate regulatory agency has determined the existence of an emergency situation requiring expeditious action, the transaction may be consummated five days after the agency issues an order not to disapprove. In all other cases, a transaction for which notice is required by section 3 may not be consummated before the latest of the sixtieth calendar day after the filing of a notification; thirty days after the receipt of any additional relevant information requested by the appropriate regulatory agency; or the expiration of the waiting period, if any, under section 7A of the Clayton Act. The notificant may agree in writing to the Attorney General to delay consummation after the date that the transaction could otherwise be consummated for the purpose of allowing further consideration of whether any antitrust action challenging the transaction should be brought.

Section 4742 amends subsection 3(c) by eliminating the current provision for review of competitive, convenience and needs factors by the banking agencies. This would substantially reduce the duplication that now exists in the review of antitrust implications of acquisitions or mergers involving banks and bank holding companies. Under current law each such transaction is reviewed by the OCC, FRB and FDIC, and also the Department of Justice. Under this legislation, review of antitrust considerations would be handled almost exclusively by the Department of Justice, as is true with respect to antitrust evaluation of mergers and acquisitions in virtually every other type of business in the United States. Bank regulatory agencies would continue to review all proposed mergers and acquisitions, but their review would be limited to safety and soundness considerations.

In this important area, therefore, the legislation would establish "functional regulation," with the agency with the greatest expertise handling the separate antitrust and safety and soundness evaluations of proposed transactions. The result would be greater economy of government resources, lower costs to implement proposed transactions and, perhaps most importantly, consistency in antitrust regulation among all different types of financial and non-financial companies.

Section 4743. Section 4743 amends section 4(c)(8) of the BHCA to reflect the shift in responsibility from the FRB to the FBA for promulgating the list of permissible activities for bank holding companies (subject to veto by the FRB), and for assuming the responsibility for regulating holding companies whose lead bank subsidiary is a national bank (except for "international class" holding companies). Provisions are also made for mutual review of notices and applications by the FBA and FRB so as to coordinate regulation by the two agencies. Finally, Section 4743 simplifies the procedure for bank holding companies to receive authorization to engage in nonbank activities. This is more fully discussed below.

Under the current system, the FRB determines the permissible activities for all bank holding companies, acting both through general regulations and orders applicable to specific institutions. This authority is exercised exclusively by the FRB, with no direct participation in this decision-making by any other government agency. Section 4743 will shift the responsibility for determining the permissible activities of all bank holding companies from the FRB to the FBA. As a result, in the future the FBA will promulgate the list of permissible activities (and regulations implementing such list of activities) and will interpret the requirements of the BHCA relating to non-banking activities, either in its current form or as amended on passage of legislation to expand the authorized powers of bank holding companies. However, the FRB will also maintain a role in the review of proposed new activities for bank holding companies because of its veto authority.

Under section 4743, FRB regulations in effect at the time of the effective date of this Act would remain effective until the Director of the FBA promulgated regulations designating activities under the BHCA. The Director is required to include as permissible activities on the FRB's current Regulation Y "laundry list" as of the effective date of this Act in any new list of permissible activities.

While the power to establish the so-called "laundry list" of activities permitted for bank holding companies and the regulations governing the conduct of any such activities will be transferred to the FBA, the FRB will maintain a right to veto any determination by the FBA, by order or regulation, that an activity is permissible under certain specified circumstances. The FRB also will have the right to comment on any FBA proposal for a new nonbank activity under the procedures specified in Section 4743. The FRB veto and review procedures are summarized below.

The FBA will furnish the FRB with a copy of any proposed regulation if it is for an activity not on the "laundry list" as soon as practicable, but in all cases at least 30 days prior to publication for public comments. FRB comments on such proposed regulations may be furnished at any time, either prior to publication or during the public comment period. Adverse FRB comments will not prevent FBA publication of proposed regulations, but at the request of the FRB the FBA will publish any comments of the FRB along with its proposed regulation.

The FBA will furnish the FRB with a copy of proposed final regulations at least 30 days prior to publication in the *Federal Register.* Prior to publication the FRB may disapprove such regulations (or portions thereof) upon the formal determination by a two-thirds vote of the full membership of the Board of Governors that the adoption of such regulations would be reasonably likely to impair the stability of the U.S. banking system as a whole or to have a seriously adverse effect on safe and sound financial practices. If the Board believes that the regulation would have a serious adverse effect on the banking system as a whole, it would request the FBA to provide the Board with the record under-lying the decision to issue the regulation. Any veto determination would be based upon this administrative record, any findings of fact made by the Director of the FBA and any facts and circumstances determined by the FRB, and the FRB would be required to give the FBA a written report concerning the basis for the FRB's determination.

In the event a proposed regulation for an individual applicant is disapproved by the FRB under the procedures as set forth herein, such regulation will not become final or effective. However, the determination of the FRB to disapprove as provided herein will be subject to judicial review in proceedings brought by private parties, although the FBA may not participate in any such suit brought against the FRB by a private party.

A similar review and veto process would apply to applications for individual orders granting new authorities not previously approved by order or regulation for bank holding companies. As part of this process, the FRB would also be entitled to require the FBA to submit a new activity to the review and veto process where it did not believe such authority was within the scope of previously approved activities.

Because under the new system both the FRB and FBA will be engaged in the regulation, examination and supervision of bank holding companies, provisions for coordinating policies, regulations, reporting requirements and interpretations of the BHCA have been included. Such consultation and cooperation will be provided as follows.

The FBA will be authorized to review and comment on applications or notices filed with the FRB by holding companies of state-chartered banks or by international class holding companies, as well as on general policy matters relating to holding companies under consideration by the FRB. Where the FBA submitted to the FRB adverse comments on a particular application or notification (including any related interpretation of the BHCA), the FRB will be required to consider such comments and should provide the FBA with a written report as to the basis for its decision where it determines to proceed notwithstanding FBA comment.

The FRB will be authorized to review and comment on applications or notices filed with the FBA by holding companies of national banks subject to its regulation, as well as on general policy matters relating to holding companies under consideration by the FBA. Where the FRB submitted to the FBA adverse comments on a particular application or notification (including any related interpretation of the BHCA), the FBA will be required to consider such comments and should provide the FRB with a written report as to the basis for its decision where it determines to proceed notwithstanding FBA comments.

The agencies will be required to establish common standards governing capital ratios, loan limitations or similar specific prudential matters. Reporting requirements would be harmonized to the greatest practicable degree, but would not be required to be identical.

Section 4743 also streamlines the approval procedures for individual transactions under the BHCA for engaging in nonbank activities. Notice procedures similar to those included in FIDA and S. 2851, as passed by the Senate in 1984, are used as a basis for that streamlining. Under the new procedures, the holding company must submit a notice to its appropriate regulator 60 days in advance of engaging in a nonbank activity on the "laundry list." Notices to engage in activities not on the "laundry list" must go through a more complex procedure requiring FBA approval with FRB veto authority, as is the case where a new activity is proposed by regulation. However, a bank holding company would be permitted to open new offices for activities it is already engaging in, or change the location of existing offices, or transact other matters of corporate housekeeping without any prior notice to its holding company regulator except where an individual holding company may be required to submit an advance notice due to specific supervisory reasons.

Information that is required for the submission of a notice under this section includes that relevant to the nature and scope of the proposed activity and to the consideration of the following criteria: (1) the managerial resources of the holding company and, if conducted through a subsidiary, the company that will engage in the activity; (2) the adequacy of financial resources of such companies; (3) any practice or arrangement that may affect adversely the independence or impartiality of an affiliated bank in the provision of credit or other services, or may adversely affect the terms or availability of credit; and (4) any material adverse effect on the safety and soundness or financial condition of an affiliated bank or banks. A procedure is provided for receiving additional information.

The appropriate regulatory agency has the authority, upon consideration of the four criteria listed above, to disapprove a proposal, but it must do so within the statutory time period of 60 days (or 30 days after submission of additional information) with respect to any activity on the "laundry list." Any such disapproval must be by written order issued by the appropriate regulator, setting forth the reasons for disapproval. Where the agency has not acted within such time period, the bank holding company would be free to proceed with the transaction. The agency may also permit the transactions to occur sooner by issuing a written notice of its interest not to disapprove the proposed transaction.

Section 4744. Section 4744 of the bill gives rulemaking authority to each appropriate regulatory agency under the Act. This section also amends section 5(b) of the BHCA to require the appropriate regulatory agency, before taking action with respect to any general policy matter regarding bank holding companies, to give notice to the other appropriate regulatory agency in order to provide for the submission of comments. If the agency receives adverse comments, it must provide the other appropriate Federal banking agency, with a written report as to the basis for its decision if it determines to proceed notwithstanding such adverse comments.

Section 5(b), as amended, would further provide that neither the Board nor the Federal Banking Agency may make any change in the capital adequacy requirements or other prudential standards for bank holding companies without the consent of the other.

Section 4744 substantially revises section 5(c)'s provisions regarding reports by and examinations of bank holding companies:

Paragraph 5(c)(1) mandates that the Board and the Federal Banking Agency shall coordinate with each other in determining the scope, frequency, and detail of reports required by the agencies from bank holding companies and requires that copies of such reports pertaining to the condition of bank holding companies be provided to the FDIC.

Paragraph 5(c)(2) mandates greatly simplified reporting requirements for the nonbank subsidiaries of bank holding companies.

Paragraph 5(c)(3) essentially repeats the present provisions of section 5 with respect to examination of bank subsidiaries of bank holding companies. In addition it provides that the appropriate Federal banking agency shall, insofar as possible, minimize the scope and frequency of examinations of nonbank subsidiaries of a bank holding company by directing, to the extent feasible, the focus of such examinations to the activities or financial condition of such nonbank subsidiaries as may have a material adverse effect on the safety and soundness or financial condition of a subsidiary bank of a bank holding company.

A new subsection (g)(1) is added to section 5 to establish procedures in the event of certain transactions or change in asset size or charter-type that would cause a change in jurisdiction from one regulatory agency to another, such as when the asset growth of a company subject to the jurisdiction of the Federal Banking Agency causes it to become an international class holding company subject to the jurisdiction of the Federal Reserve Board.

A bank holding company is required to notify the old and the new appropriate regulatory agency within ten days of an event that causes a change in jurisdiction. On or before 30 days after such an event, the bank holding company is required to register with the new regulator and becomes subject to the new agency's supervision and regulation on the date of registration. During the 30-day period after an event, a bank holding company will remain subject to the supervision and regulatory authority of the old regulatory agency. The old agency may retain jurisdiction for a longer period of time for the purpose of completing any formal administrative action pending against a bank holding company prior to an event.

The Board is required to publish as of January 1 of each year the aggregate amount of holding company assets and the amount of assets sufficient to cause a bank holding company to qualify as an international class holding company.

Sections 4745-4747. Sections 4745 and 4746 make technical changes in sections 8 and 9 of the BHCA to reflect the redistribution of regulatory responsibility as proposed by the Vice President's Task Group on Regulation of Financial Services.

Section 4747 amends section 11(b) of the BHCA to reflect the transfer of antitrust review authority from the Federal Reserve Board to the Justice Department.

PART 4—DEPOSIT INSURANCE AMENDMENTS

Section 4751. Section 4751 requires the FDIC and the FHLBB to adopt common minimum capital standards and common accounting rules for depository institutions insured by each such agency (including the FSLIC in the case of the FHLBB), and these uniform minimum capital standards would be phased-in within seven years.

In the event the agencies do not agree on minimum capital standards and accounting principles within two years of enactment of the Act, then the Secretary of the Treasury would be authorized to prescribe the minimum capital standards and principles after consulting with the FDIC and the FHLBB. Once minimum capital and accounting standards are established, each relevant supervisory agency will retain authority to vary such standards during a temporary period in the event of industry-wide financial difficulties. This section further authorizes each appropriate Federal banking agency to establish higher minimum capital standards for institutions subject to its regulation and supervision, as well as to exercise normal supervisory discretion over institutions that are not in compliance with required standards. The effect of this section would be to insure that all banks and thrifts whose deposits are insured by the Federal government would be required to maintain the same level of capital deemed necessary to adequately protect safety and soundness and the integrity of the deposit insurance programs, and to follow common accounting practices most appropriate to the functioning of the deposit insurance programs.

Section 4752. Section 4752 amends the Federal Home Loan Bank Act to bring it into conformity with the new language in Section 4741.

Section 4753. Section 4753 authorizes the FDIC to institute a system of risk-based insurance premiums utilizing objective balance sheet factors to the extent feasible. The next section provides for risk-related rebates. There are also provisions to give such authority to the FSLIC for FSLIC-insured institutions in the relevant statute.

Under the current system, deposit insurance premiums and rebates are based solely on the volume of insured deposits, with no variation among insured institutions based on the level of risk that any such institution may pose for the insurance agency. At present the strongest bank pays the same premium rates and receives the same level of rebate as a severely undercapitalized firm, even though it may represent a far lower risk for the insurance fund. Indeed, the current system in effect forces prudently managed institutions to subsidize high risk institutions. To improve this situation, the Federal insurance agencies will be authorized (but not required) to establish a risk-based variable insurance program, with respect to both basic premium levels and rebates.

Under Section 4753, institutions that choose to engage in activities with a broader spectrum of risk would be required to pay appropriately higher insurance premiums as a result. However, because risk assessment is inherently imprecise, especially when formulated by a monopoly government provider, Section 4753 establishes a minimum rate of one-twelfth and a maximum rate of one-half of one percent of the deposit base and sets forth standards for the risk formula. Section 4753 recognizes the dangers of inaccuracy or abuse in any system of subjective government risk assessment, and the practical fact that risk assignments by the FDIC or FHLBB would be difficult if not impossible for an institution that was inaccurately classified to correct through judicial or other forms of redress. Consequently, Section 4753 is designed to prevent the insurance agencies from utilizing subjective evaluations in establishing premium variations.

To accomplish this result, the statute provides that the insurance agencies should publish a premium formula that would be applied to objective financial data contained in reported information, such as capital ratios, exposure to interest rate variations, percentage total deposits that are insured or level of classified loans. Each insured institution would simply apply the formula to its reported financial data to determine its own insurance premium, subject to the minimum and maximum levels specified above. This system is intended to improve the equity of the current flat rate system without creating new staffing needs at the insurance agencies or the undue risk of unfair classifications.

Section 4754. Section 4754 authorizes the FDIC to vary the premium rebate for insured banks based upon the same risk factors specified in Section 4753 of this Act.

Section 4755. Section 4755 modifies the management and structure of the FDIC Board of Directors by increasing the number of FDIC Board members from three to five and adding the Chairman of the FRB and the Director of the FBA as nonvoting members. Under Section 4745, the FDIC Board will consist of three voting members appointed by the President, two non-voting members, the Director of the FBA and the Chairman of the FRB. The President will designate the Chairman and Vice-Chairman of the Board from among the voting members. The voting members will serve six-year terms.

Section 4756. Section 4756 defines the scope of the FDIC's bank examination authority. Current FDIC authority to examine any insured bank for insurance purposes remains unchanged. In addition, this section authorizes the FDIC (i) to examine, in conjunction with the primary supervisor, institutions insured by it (whether state or federally chartered) that are seriously troubled financially, as well as a limited sample of non-troubled institutions (to be jointly agreed on by the FDIC and the primary supervisor), and (ii) to accompany the primary supervisor on other examinations of any other non-troubled insured firms. Except in extraordinary cases involving immediate risk to the FDIC's insurance fund, and where the primary supervisor has declined a request by the Corporation to conduct an examination, examinations of troubled banks and sampling exams would only be conducted jointly with the bank's primary supervisor. In addition, the FDIC (in a manner consistent with the recent agreement for coordinated examinations of national banks between the OCC and FDIC) would be required generally to utilize the same format for data employed by the supervisor of any such institution unless it has a specific need for specialized data in a particular case. This would enable the FDIC to gain useful information concerning its insurance risks while preventing any unnecessary additional costs to banks such as might be created if the bank had to report information as of slightly different dates or using slightly different criteria for data presentation.

In the field of bank examination, the FDIC today has responsibility for supervising, on a day-to-day basis, approximately 9,000 state non-member banks. These nonmember banks hold approximately 20 percent of aggregate U.S. bank assets. The FDIC spends more than $800 million per decade in examining these banks, even though all of them are examined by state agencies, and at any given time most of these banks do not represent a significant danger to the FDIC fund. On the other hand, the FDIC has not historically examined national banks or member banks that were troubled and that may have represented a far more direct exposure for the FDIC insurance program due to a higher likelihood of failure.

Under Section 4756, all supervisory responsibilities of the FDIC not directly related to operation of the deposit insurance program and responsibility for examining healthy state non-member banks would be transferred to other agencies. In place of its current role as a general purpose regulator, the FDIC would have clear authority to participate in the examination of every bank which is seriously troubled financially, irrespective of its charter type, due to the higher risks any such troubled bank represents for the insurance fund. In this manner the FDIC would be able to act as a more effective watchdog of the insurance program.

Section 4757. Section 4757 will give the FDIC new authority to request the relevant supervisor to take enforcement action applicable to any insured bank or its officers and directors. Where the supervisor declined to take such action, the FDIC Board of Directors will be able to take action independently based upon an examination of any such bank by the FDIC and a determination that such action is necessary under statutory standards relating to unsafe or unsound banking practices by an insured bank or its management. Section 4757 also specifies the procedures to be used for FDIC requests for and taking of enforcement actions.

Section 4758. Section 4758 outlines the procedure and authority for the FDIC to approve applications for insurance. Section 4758 deletes two of the factors considered under current law in connection with an insurance application. The deleted factors are "convenience and needs considerations" and "the consistency of corporate powers with the purposes of the Federal Deposit Insurance Act." These factors are deleted because they bear no relationship whatsoever to the insurance risks of any applicant. "Convenience and needs" has historically been a device to restrain competition, which is inimical to the public's interest in a competitive and efficient financial system. Similarly, the FDIC should not be entitled or required to limit the availability of deposit insurance for new competitors based on ambiguous notions of "appropriate" areas of competition in financial services. Rather, the bill is intended to enable the FDIC to operate functionally as an insurance provider, with its efforts focused entirely on the most effective and least costly means of protecting the integrity of its deposit insurance program.

Thus, the FDIC will continue to review applications for insurance from state-chartered nonmember banks, subject to appropriate deferral (as described for national and member banks) to the extent certified states are involved. In the case of applications for a national bank charter or by a newly-chartered or uninsured state bank for membership in the Federal Reserve System (both of which automatically include insurance coverage if granted), the FBA or FRB, as the case may be, will furnish a copy of the individual application submitted to either such agency to the FDIC for its review. In reviewing any such application for insurance, or which would otherwise convey insurance, the FDIC will be limited to considering the financial and managerial resources of the bank and its organizers, as these are the only factors that have a bearing on the risks or costs to the FDIC of providing insurance. The FBA or FRB, as the case may be, will advise the FDIC of its determination regarding such factors, and in the normal course the FDIC will rely on such determination by the FBA or FRB. However, in any event where the FDIC does not concur in any such determination by the FBA or FRB, it may decline to provide insurance coverage and must promptly so notify either such agency.

Section 4759. Section 4759 of the bill amends section 3(q)(2) of the Federal Deposit Insurance Act to designate the Federal Reserve Board as the appropriate Federal banking authority for all state chartered insured banks, and deletes the provision in section 3(q)(3) designating the Federal Deposit Insurance Corporation as the appropriate Federal banking authority for State nonmember insured banks.

Section 4760. Section 4760 of the bill requires State nonmember insured banks to make reports of condition to the Federal Reserve Board or the Federal Reserve Bank in whose district the respective banks are located instead of the FDIC. It also makes other technical changes to reflect the transfer of jurisdiction from the FDIC to the Federal Reserve Board.

Section 4761. Section 4761 of the bill conforms notice requirements regarding unsafe or unsound practices or violations of law by State banks or holding companies to the new appropriate regulatory agencies established by this legislation.

Section 4762. Section 4762 of the bill repeals subsection (g) (relating to interest on deposits), subsection (j) (relating to transactions with affiliates) and subsection (d) (relating to prior approval for branching) of section 18 of the Federal Deposit Insurance Act because state nonmember insured banks become subject to equivalent provisions in the Federal Reserve Act under this legislation. Section 4762 also transfers from the FDIC to the Federal Reserve Board the authority to consent to the acquisition of foreign banks by State nonmember insured banks and to consent to the conversion of insured banks into State nonmember insured banks.

Section 4763. Section 4763 of the bill repeals section 20 of the Federal Deposit Insurance Act relating to participation by State nonmember insured banks in lotteries. Such banks are subjected to equivalent provisions in the Federal Reserve Act.

Section 4764. Section 4764 of the bill amends section 25 of the Federal Deposit Insurance Act to authorize the appropriate agency, rather than the FDIC, to require banks to report on the identity of persons receiving federally-related mortgage loans, and the nature and amount of such loans.

Section 4765-4785. Sections 4765 through 4785 make technical changes in miscellaneous statutory provisions to reflect the transfer of jurisdiction over state nonmember insured banks from the FDIC to the Federal Reserve Board. These sections also make technical changes to reflect other recommendations to reduce excessive regulation in miscellaneous statutory provisions.

Sections 4786-4788. Sections 4786-4788 implement functional regulation in antitrust enforcement by repealing the outmoded and cumbersome Bank Merger Act and centralizing antitrust enforcement in the Department of Justice. While certain features of existing law, such as the statutory stay of transactions challenged by the Department of Justice, are preserved, the new procedures generally apply to the procedures of antitrust review under the Hart-Scott-Rodino Act and other related legislation to bank mergers. The detailed procedures set forth in this legislation under Section 3 of the Bank Holding Company Act are incorporated by reference in these provisions, which also make conforming changes to other statutory provisions.

PART 5—EXPANSION OF STATE SUPERVISION AMENDMENTS

Section 4791. Section 4791 states that the title of this part of the legislation is the "State Depository Institutions Supervision Certification Act of 1987."

Section 4792. Section 4792 directs the federal banking agencies to carry out the provisions of the Act in a manner designed to transfer to the states federal supervisory and enforcement authority with respect to state banks and their holding companies to the maximum degree practicable and prudent. The FHLBB is directed to adopt rules and regulations establishing a similar certification program with respect to thrift institutions.

Section 4793. Section 4793 defines certain terms used in the Act, including the term "certification," which is defined as an order issued by the FRB to a State banking agency authorizing the agency to assume in whole or part particular supervisory and enforcement responsibilities of the FRB or FDIC under federal law with respect to federally insured State banks and their holding companies.

Section 4794. Section 4794 provides that the basis for certification is the existence of state supervisory programs that are "as effective" as those of the relevant supervisory agencies. A committee consisting of representatives of the FRB, FBA and FDIC would establish (by majority vote) the specific criteria that would be used to determine in each specific case whether a state's supervisory programs are as effective as those of the federal supervisory agencies. In developing regulations identifying such criteria, the comments of State regulatory agencies would be sought and considered along with other public comment.

Section 4795. Section 4795 provides that a State banking agency may submit an application to the FRB for certification and that the application shall be in the form prescribed by the FRB. Section 4795 requires the FRB to approve an application for certification if it determines that the agency satisfies the applicable criteria and (1) the State banking agency provides a written statement from the State's highest legal officer certifying that the agency is authorized to assume the Federal supervisory authority requested, (2) the State banking agency commits to enforce all laws and regulations within the scope of certification granted, and (3) the State agency undertakes to enforce the Bank Holding Company Act ("BHCA"), the FBA's regulations on nonbanking activities, the joint prudential standards of the FBA and FRB, published interpretations of the FBA or FRB regarding the BHCA and any conditions contained in orders issued by either such agency applicable to institutions within the scope of certification.

Section 4796. Section 4796 states that the FRB may grant certification subject to such reasonable conditions and limitations as it may deem appropriate in order to carry out the purposes of the Act, consistent with safe and sound banking practices and subject to the residual authority and oversight of the Board. This section also provides that certification is designed to be tailored to the desires and capabilities of each individual state to assume federal enforcement responsibilities. Rather than being all or nothing, certification is designed to be a flexible program that will transfer enforcement responsibilities for particular sizes or types of firms or for specific responsibilities, as soon as the FRB determines that the state program meets the equivalent effectiveness test in any such area or for that size and type of firm. Notwithstanding any grant of certification, however, the FDIC would be authorized to decline to grant federal deposit insurance notwithstanding the recommendation of a State's banking agency.

Section 4797. Section 4797 requires the FRB to provide a copy of any application for certification to the FDIC and authorizes the FDIC to consider the application for a period of 90 days. If the FDIC finds that the grant of certification may reasonably be expected to involve undue risks to the deposit insurance fund and provides timely notification of its finding to the FRB, the FRB would not be authorized to approve the application.

Section 4798. Section 4798 authorizes the FRB to review the performance of certified State banking agencies and to require reports and information pertaining to an agency's exercise of delegated supervisory authority. The FRB would be authorized to examine State banks and their affiliates in order to review the performance of certified State banking agencies, and both the Board and the FDIC would retain residual authority to examine State banks and their affiliates in order to effectuate their respective responsibilities under Federal law. Copies of examination and inspection reports by State banking agencies must be forwarded to the FRB and the FDIC.

***Section 4798* also requires State banking** agencies to submit to the FRB copies of applications or notices filed pursuant to the BHCA and of any rule, regulation, interpretation, or policy guidelines proposed to be adopted by the State banking agency relating to bank holding companies. The FRB is authorized to submit comments to the State banking agency on any such matter, and within ten business days of receipt of notification by a State banking agency that it has acted on any such application, notice, rule, regulation, interpretation, or policy guidelines, the FRB may disapprove such action if it determines that approval would be inconsistent with Federal law. The FRB also retains residual authority to take enforcement actions with respect to any institution for which the FRB is otherwise the appropriate regulatory agency.

Section 4799. Section 4799 states that a State banking agency may be granted certification for a period of up to five years and that certification authority may be renewed upon application by the State banking agency submitted to the FRB no later than 180 days prior to the expiration of its certification.

Section 4800. Section 4800 states that the FRB may terminate or modify a State's certification based on a determination that such action is necessary to ensure compliance with this title or is warranted due to material changes in State supervisory programs, or other relevant circumstances. In addition, the FRB may revoke or suspend a State's certification based on a determination that an action by a certified State banking agency is inconsistent with Federal law. The FRB must provide the State banking agency notice and an opportunity to submit its views prior to modification or termination of certification. If the FRB takes such action, it must promptly inform the FDIC and the Federal Banking Agency of its action.

Section 4801. Section 4801 states that the FRB, the FDIC and the Federal Banking Agency shall make available training and technical assistance to State banking agencies desiring to enter into a program leading to certification of State examination programs.

Section 4802. Section 4802 authorizes the FRB, FDIC and the Federal Banking Agency to cooperate with any cooperative interstate examination agency established by the States or the private sector to provide examination reports.

Section 4803. Section 4803 authorizes the FRB and the FHLBB to adopt rules and regulations to implement their respective authorities under the Act.

Section 4804. Section 4804 states that the exercise of authority by the FRB, FDIC, or FHLBB concerning certification and oversight of State banking agencies shall not be subject to judicial review.

Section 4805. Section 4805 establishes the effective date of the Act as the date of enactment and requires that regulations to implement the Act be adopted within nine months of enactment.

Section 4806. Section 4806 is a savings clause providing that nothing in the Act shall adversely affect the right of any State to carry out its examination or supervision of any state chartered institution pursuant to State law or limit the ability of the Federal Reserve Board or the FHLBB to utilize cooperative programs with noncertified States.

PART 6—SIMPLIFICATION AMENDMENTS

Sections 4811 and 4812. Sections 4811 and 4812 will eliminate requirements for advance approval from, or notification requirements to, a Federal agency for a bank to establish branches or install automatic teller machines (ATMs) (where permissible pursuant to State law for State banks), unless otherwise required in individual cases for supervisory reasons. These sections also authorize national banks to engage in interstate branching to the same extent that state-chartered banks are so authorized.

National banks should have the same authority to branch interstate as state-chartered banks from the same State. While the basic intent of the McFadden Act was to give national banks in a particular State the benefit of branching rules for state-chartered banks in that State, the statute is written in a way to suggest that national banks have branching parity only *within* the State. Consequently, there is a risk under existing law that a court might deny national banks a right to enjoy the benefits of reciprocal interstate branching law adopted by individual States unless the law is so amended.

Without prejudice to the desirability of future changes in geographic restrictions on depository institutions, ATMs owned and operated by national banks should be treated as branches only to the extent that ATMs of state-chartered banks are treated as branches, rather than the current requirement that such machines *must* be treated as branches even if not so defined by State law. This provision is not intended to alter current law with respect to shared ATM facilities.

The current requirement that national banks maintain a minimum "statutory" capital *for each branch* is obsolete and is repealed.

Section 4813. Section 4813 exempts institutions having total assets of less than $300,000,000 (on December 31, 1985; such amount to be adjusted annually based upon the change in the Consumer Price Index) from the Home Mortgage Disclosure Act.

Section 4814. Section 4814 exempts institutions having total assets of less than $300,000,000 (on December 31, 1985; such amount to be adjusted annually based upon the change in the Consumer Price Index) from the Community Reinvestment Act. Such small institutions have far less flexibility in their areas of activity than larger institutions.

Section 4815. Section 4815 abolishes the Federal Financial Institutions Examination Council and provides that the expenses and assets of the Council be equally divided among its five members. It is intended that the various federal regulatory agencies should continue to cooperate in the development of common standards, but since the FFIEC has not exercised compulsory authority, such cooperation can be achieved without the additional budgetary expense to maintain the FFIEC.

Section 4816. Section 4816 states that a "noninsured institution" under section 18(c)(1) of the Federal Deposit Insurance Act, regarding bank mergers, does not include an institution insured by the FSLIC.

Section 4817. Section 4817 eliminates the need for the FDIC to consent to the continuation of the insured status of a State member bank changing to nonmember status and provides for the automatic continuation of insurance in such an instance. Under current law, the Federal Deposit Insurance Act (12 U.S.C. 1814(b)) provides that deposit insurance continues in the event of an insured national bank converting to State non-member bank status. At the same time the statute provides that the insured status of a bank will not continue for a State member bank changing to a nonmember status unless the FDIC consents to the continuation of the insured status. Since both situations involve nonmembership in the FRB, it is inconsistent to permit insurance to continue without FDIC consent in one case but to require such consent in the other. No reason is evident to require it in either case.

Section 4818. Section 4818 eliminates the requirement that insured non-member banks receive the FDIC's prior approval to reduce or retire capital notes and debentures. Under current law, the Federal Deposit Insurance Act (12 U.S.C. 1828(i)) requires insured nonmember banks to obtain the FDIC's prior approval to reduce or retire "capital notes or debentures." Originally designed to preserve a bank's capital structure, this provision does not give practical recognition to the fact that notes and debentures are liabilities and not capital. On December 17, 1981, the FDIC adopted a policy statement to the effect that notes and debentures will no longer be taken into consideration in determining the capital adequacy of a bank. Accordingly, reference to retirement of capital notes and debentures is removed from the provisions of the Federal Deposit Insurance Act, because the procedures through which banks and the FDIC are forced to go for the purpose of retiring debt serve little or no purpose.

Section 4819. Section 4819 authorizes regulatory agencies to exclude certain transactions from the expensive and time-consuming change in control application process where deemed appropriate in the public interest. This exclusion is intended to cover such transactions as change of control within a family, those that represent an interim step preceding establishment of a bank holding company, and other transactions as determined by the appropriate agency.

Section 4820. Section 4820 authorizes the FDIC to waive the requirement for prior written approval for a person with a criminal conviction seeking employment with an insured bank in any case where the FDIC has previously consented to his or her employment elsewhere. Section 4820 also amends and clarifies current law to make the requirement for written consent applicable to employment of a convicted person by a bank holding company.

Under current law, any person with a prior conviction involving dishonesty or breach of trust is required by 12 U.S.C. 1829 to obtain the FDIC's prior consent before being employed by an insured bank. However, this provision has two weaknesses. In the first instance, a minor offense committed in years past will require repeated applications every time the same person takes a job at a different bank. Not only does the statute require an unreasonable duplication of effort to retrace information which has previously been cleared, but it needlessly subjects the applicant to experiences that can be humiliating. Accordingly, the statute is amended by providing flexibility to waive the requirement of future applications once consent has been granted for a particular individual. The second defect in the current 12 U.S.C. 1829 is that the application provision does not extend to employment of a convicted person by a holding company. Because persons in key positions within the holding company can influence bank policy and practices, and also since it is not clear whether an order could be adopted under the enforcement powers of the FDIC to reach a person holding a position in the holding company, 12 U.S.C. 1829 is amended to embrace employment with a holding company.

Section 4821. Section 4821 exempts the federal banking agencies from certain requirements of the National Historic Preservation Act. That Act now requires Federal banking agencies, with respect to any approvals or issuances of licenses for an "undertaking," to take into account the effect of the undertaking on any site, building or the like that is included *or is eligible* for inclusion as a historic building. Similar determinations must be made by the bank and the State Historical Preservation Officer. The principal problem is one of delay and duplication. Upon receiving an application a Federal agency must "consult" with the State Historic Preservation Officer, who has 30 days to respond before the agency may act on the application. If potential eligibility is involved a much longer process ensues. Since the banking agencies possess no expertise in this area, and since the process is duplicative, the banking agencies will be relieved of this responsibility.

Section 4822. Section 4822 exempts the Federal banking agencies from certain requirements of the National Environmental Policy Act regarding such matters as the establishment of new banks or branches and office relocations. Since application for branches, new banks, relocations and the like must meet local zoning codes and are almost universally located in commercial areas, it is unusual that adverse environmental impact will occur from the opening of banking offices. In the remote case when bank facilities might have some potential for adverse impact, such problems would best be resolved at the local, rather than the Federal, level. Requiring the Federal banking agencies to prepare formal environmental determinations in such routine commercial cases increases the potential for substantive delays, requires the agencies to make determinations for which they have no expertise, and subjects banks and thrifts to regulatory expense not applicable to other types of firms that could open facilities in the same location without any filing under this statute.

Section 4823. Section 4823 eliminates duplicative prohibitions in the Clayton Act against management and employee interlocks between a member bank and other banks located in certain geographic areas. This prohibition was duplicated and expanded on by the Depository Institutions Management Interlocks Act ("DIMIA"), enacted in 1978 (12 U.S.C. 3201, *et seq.*). DIMIA prohibited management interlocks among all deposit-taking institutions and expanded the geographic scope of the prohibition according to the size of the institutions involved in an interlock. In light of the 1978 enactment of DIMIA, and certain technical inconsistencies between Clayton and DIMIA, the repetitive prohibitions in the Clayton Act are eliminated.

Section 4824. Section 4824 is a technical amendment to combine several provisions of statute law that deal with the rights and liabilities of a national bank that changes its name or location.

Section 4825. Section 4825 is a technical amendment to combine several provisions of statute law that deal with the territorial application of the national banking laws.

Section 4826. Section 4826 eliminates three sections of obsolete statute law that govern circulating notes issued by national banks. National banks no longer issue such notes.

Section 4827. Section 4827 amends or repeals several obsolete provisions of statute law that govern a national bank's issuance, replacement, redemption and failure to redeem its circulating notes.

Section 4828. Section 4828 repeals several obsolete provisions of statute law that govern the deposit and return of U.S. bonds that back a national bank's circulating notes.

Section 4829. Section 4829 transfers authority to the Secretary of the Treasury from the FBA with respect to the engraving and printing of Federal Reserve notes. The responsibility for printing the national currency is no longer consistent with the FBA's duties as a regulator of national banks and is, in fact, performed by other Treasury bureaus. Accordingly, these functions are transferred to the Secretary of the Treasury for appropriate delegation elsewhere within the Treasury Department.

PART 7—SECURITIES SIMPLIFICATION ACT OF 1987

Section 4831. Section 3(a)(2) of the Securities Act of 1933 currently exempts any security issued or guaranteed by any bank from the registration provision of that Act. Section 4831 amends section 3(a)(2) to delete the exemption for bank-issued and bank-guaranteed securities.

Section 4831 also adds a new subsection (b), however, which provides that any deposit instrument which has been deemed to be a security within the definition set forth in section 2(1) of the Securities Act would be exempt from its provisions, as is the case for those classes of securities listed in Section 3(a). The separate subsection (b) is intended to avoid any suggestion that the language of the exemption reflects an intention that the instruments listed be treated as "securities," albeit "exempted securities," under the Act.

Under the holding of *Marine Bank* v. *Weaver*, 455 U.S. 551 (1982), bank deposit instruments generally are not deemed to be securities under the Securities Act or the Securities Exchange Act of 1934. The new Section 3(b) is not intended to expand the definition of "security" under section 2(1) of the Act. Hence, bank deposit instruments and accounts are not to be considered "securities" except in those exceptional circumstances where such instruments or accounts might be deemed to be securities under current law. *See Gary Plastic Packaging Corp. v. Merrill Lynch, Pierce Fenner and Smith, Inc.*, 756 F.2d 230 (2d Cir. 1985). (Bank certificates of deposit marketed by investment banking firm are securities in light of purchasers' reliance on firm's managerial expertise in selecting certificates, maintaining secondary market and monitoring status of issuing banks.) As is also consistent with current law, participations in any deposit instrument which are deemed a security, however, would not be exempted from registration, in that such instruments have generally been considered separate securities for purposes of the Act. At the same time, new section 3(b) would ensure that a deposit instrument participation that is a direct obligation of a bank would not be considered a "security" subject to registration under the Act.

The overall purpose and effect of this amendment is to centralize regulation of all public offerings of bank-issued or bank-guaranteed securities in the SEC. Under the current exemption, the bank regulatory agencies generally have jurisdiction over offering disclosure requirements with respect to securities issued by banks under their supervision. The proposed amendment is intended to preclude uneven regulatory treatment of public offerings of bank securities as opposed to the securities of other classes of issuers. The proposed amendment, however, does not modify or alter the existing scope of the federal securities laws regarding bank instruments, nor does it confer authority on any agency to expand, by interpretation or regulation, the coverage of the federal securities laws over bank products and instruments.

The list of banking instruments in new Section 3(b) generally is based on the relevant provisions of the Federal Deposit Insurance Act, 12 U.S.C. 1813. For purposes of defining a "deposit," the list includes bank deposit accounts and certificates of deposit, bank checks, drafts or other debit accounts, bankers acceptances and letters of credit, non-pooled assets of individual trust funds received or held by banks, and funds received or held by a bank for special or specific non-investment purposes, such as escrow funds, funds held as security or as reserves, and other special purposes. Further, the list includes a general provision for any bank account or instrument which is insured by the Federal Deposit Insurance Corporation, subject to the Federal Reserve Board's deposit reserve requirements, or is regulated as a deposit by the Federal Banking Agency or the Federal Reserve Board.

The existence of deposit insurance, reserve requirements, or other regulation is not an exclusive criterion for purposes of determining what is a "deposit" under Section 3(b). Hence, for example, the uninsured status of bank letters of credit under *Federal Deposit Insurance Corporation v. Philadelphia Gear Corp.*, Case No. 84-1972 (U.S. May 27, 1986), does not disqualify bank letters of credit—both standard commercial letters of credit and standby letters of credit—from the Section 3(b) exemptive provisions of the Securities Act. (In *Philadelphia Gear*, the Supreme Court held that a standby letter of credit backed by a contingent promise or a note does not give rise to an insured deposit.) In addition, the language referring to non-pooled assets of individual trust funds is intended to preserve the present law under which individual bank trust arrangements do not involve the creation of a separate security. Similarly, it does not affect the status under the Securities Act of common or collective trust funds maintained by banks that are not used as a medium for general investment by the public, as described in section 3(a)(2).

Section 3(a)(5) of the Securities Act of 1933 exempts from the registration provisions of that Act securities issued by savings and loan associations. However, transactions in such securities are not exempt from the anti-fraud provisions of the Act. Section 4831 amends section 3(a)(5) to eliminate the exemption from registration for securities issued by savings and loan associations and similar institutions that are supervised by a State or Federal authority, except in two instances. First, the amendment provides that an interest in a share, certificate, deposit or savings account issued by a savings and loan association or similar institution supervised by a State or Federal authority is exempt.

This amendment is intended to ensure that offerings of interests in share accounts are exempt from registration. While these accounts represent ownership rights, they generally function as deposit accounts. However, participations in such an interest or deposit instrument are not exempt because they are investment instruments essentially different from the underlying share account.

Second, the amendment provides that any security issued or exchanged in connection with a transaction solely involving the conversion of a savings and loan association or federal savings bank from the mutual to stock form of ownership is exempt. While conversions or other types of reorganizations are not generally exempt from the securities laws, the issuance of securities by thrift institutions sometimes differs from securities offerings by other financial institutions because of the unique regulatory aspects of such conversions. This exemption applies only to mutual-to-stock conversions and does not exempt publicly-offered securities issued in connection with the formation of savings and loan holding companies coupled with conversions or otherwise. In this regard, Section 4831 of this Act adds a separate exemption for certain holding company formations.

The elimination of the special exemption for thrift securities offerings except conversions will achieve the same purposes of economy of government resources, protection of investors and uniformity of regulation described above for bank securities offerings. In this regard future thrift offerings will be treated in the same manner as already occurs under current law for thrift holding companies.

Finally, Section 4831 deletes the so-called "3 percent limitation" of the applications of the savings and loan exemption. The 3 percent limitation makes the savings and loan exemption inapplicable if the issuer of the security takes a fee from the purchaser in excess of 3 percent of the face value of the security.

The reason for including the 3 percent limitation in the savings and loan exemption is unclear. The legislative history of the Securities Act of 1933 is silent on the subject and the Commission has rarely attempted to deny the availability of the exemption on the basis of the limitation.

The 3 percent limitation appears to have little or no application to the securities of savings and loans in today's marketplace. Moreover, it could be considered a form of discrimination against savings and loans, as compared to banks, since banks are not subject to any similar restriction in the exemption provided for their securities under section 3(a)(2) of the Securities Act of 1933.

Section 4831 adds an exemption under the Securities Act of 1933 for reorganizations of corporations into holding companies. In particular, it amends section 3(a)(9) of the 1933 Act to exempt from the registration requirements of that Act the securities of a holding company issued in connection with a simple reorganization in which a newly-formed holding company becomes the parent of a corporation. This exemption applies both to corporate and bank reorganizations into holding companies. The exemption also provides that the rights and interests of the security holders in the holding company must be substantially the same as those in the corporation prior to the transaction and that the holding company must have substantially the same assets and liabilities as the corporation had prior to the transaction. This is intended to ensure that the exemption is used solely for simple reorganizations and is not utilized to conduct takeovers, tender offers and other transactions that could substantially alter shareholders' interests without complying with the disclosure provisions of the Securities Act of 1933. In this regard, a change of domicile of the holding company from the domicile of the corporation would not be deemed to substantially alter shareholders' interests.

Section 4831 amends Section 3 of the Securities Act of 1933 to broaden the authority of the Commission to exempt any person, security, transaction, or classes thereof, from the registration (but not the antifraud) provisions of that Act and the rules and regulations promulgated thereunder if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the policy and provisions of the Act.

Currently, section 3(b) and 3(c), respectively, provide limited exemptive authority with respect to certain dollar amounts of securities and certain types of securities. However, unlike the Investment Company Act of 1940 and the Investment Advisers Act of 1940, the Securities Act of 1933 does not contain a provision granting the SEC general exemptive authority. The SEC deals with a variety of situations in which registration under the Securities Act of 1933 is neither necessary nor desirable. An example of this is bank pre-organization certificates that are sold to meet the minimum capital requirements set by bank regulatory agencies. Another example is the so-called section 4(1½) exemption for private offerings made by persons who are not issuers. The amendment would also supplement the Commission's current authority to vary the delivery requirements for prospectuses through incorporation by reference and by other means. The Commission may exercise its expanded authority under revised section 3(d) by promulgating rules and regulations or orders.

The section also provides that the Commission shall adopt rules and regulations setting forth the conditions under which an exemption will be granted under this subsection. This provision is intended to allow the Commission flexibility in establishing procedures that will expedite the application process without unnecessarily burdening the Commission or its staff. The Commission, in its discretion, may also decline to entertain any exemption application, and if it does so, its determination will not be judicially reviewable.

This expanded authority granted to the Commission is in addition to statutory exemptions granted to certain securities under section 3 of the Securities Act of 1933 and to certain transactions under section 4 of the Securities Act of 1933 and the rules and regulations promulgated thereunder.

Section 4832. Section 4832 amends Section 3(a)(34) of the Securities Exchange Act of 1934 to reflect changes made in the regulatory structure of banks by the Financial Services Regulatory Efficiency Act of 1987. Section 3(a)(34) currently defines the term "appropriate regulatory agency" for purposes of the Securities Exchange Act. It designates the Comptroller of the Currency as the appropriate regulatory agency for national banks that are municipal securities dealers, clearing agencies or transfer agents, persons requesting or wishing to have access to services offered by a clearing agency, institutional investment managers, and banks exercising investment discretion with respect to accounts. Similarly, section 3(a)(34) currently designates the Board of Governors of the Federal Reserve System as the appropriate regulatory authority for State member banks and, in certain instances, for holding companies, and the Federal Deposit Insurance Corporation for State nonmember banks.

Revised Section 3(a)(34) reflects the changes made by this legislation to the bank regulatory structure. Under the revised section the Federal Banking Agency replaces the Comptroller of the Currency as the appropriate regulatory agency for national banks and banks operating under the Code of Law for the District of Columbia ("district bank"), and for bank holding companies where the principal bank subsidiary is a national or district bank. The Federal Reserve Board is the appropriate regulatory agency for all State banks and holding companies where the principal bank subsidiary is a State bank and for international class holding companies. Consistent with the changes to the bank regulatory framework, the reference to the Federal Deposit Insurance Corporation is deleted.

Revised section 3(a)(34) also indicates that the phrase "bank holding company" shall be interpreted as defined in the Section 2 of the Bank Holding Company Act (12 U.S.C. 1842). Finally, the section provides that the Federal Reserve Board and the Federal Banking Agency cannot delegate the authority granted to them under sections 15B and 17A of the Securities Exchange Act of 1934 to any State pursuant to the State Depository Institutions Supervision Certification Act of 1985 or any other Act.

Section 4832 repeals Section 12(i) of the Securities Exchange Act of 1934, the provision that requires the bank regulatory agencies to administer and enforce the disclosure requirements under the 1934 Act with respect to banks and thrift institutions. Under the current system, the four bank and thrift regulatory agencies each maintain a separate securities division to perform the responsibilities otherwise handled by the SEC for all other types of companies. This has resulted in unnecessary duplication of government resources and in some instances disparate regulation both among depository institutions and as compared to all other public issuers. Deletion of section 12(i) will centralize all administration and enforcement responsibilities for the disclosure requirements under the 1934 Act in the SEC and eliminate the unnecessary waste and disparate regulation.

Section 4832 amends Section 17(f)(2) of the Securities Exchange Act of 1934 to provide the Commission and self- regulatory organizations ("SROs") designated by the Commission with access, in connection with the identification and processing of fingerprints taken in satisfaction of the fingerprinting requirement of Section 17(f)(2), to certain criminal history record information in the possession of the Department of Justice. The amendment is specifically intended to enable the National Association of Securities Dealers and other SROs that have plans for the processing of fingerprint cards approved by the Commission to obtain complete arrest information on prospective employees of their members.

At present, the SROs are unable to obtain complete arrest information in connection with Section 17(f)(2) fingerprint submissions because of Department of Justice regulations. The regulations prohibit the release to the SROs of arrest information not accompanied by information relating to the disposition of the arrest if the arrest information is more than one year old and no active prosecution of the case is known to be pending. *See* 28 C.F.R. 20.33 (May 20, 1975), 50.12 (June 26, 1974), as amended by Order No. 805-78, 43 Fed. Reg. 50174 (Oct. 27, 1978). It appears that under current law the Commission itself could obtain such arrest information, but the proposed amendment covers the SEC so as not to raise a negative implication that the self-regulatory organizations could obtain access while the Commission could not.

A restriction on release of year-old arrest data not acompanied by disposition data where there is no known active prosecution is not, on its face, unreasonable. But such a restriction is not advisable when the purpose of a fingerprint submission is the investigation of prospective employees in the securities business who will handle and act as fiduciaries with respect to large amounts of other peoples' money. Moreover, arrest data may not be accompanied by disposition data for reason entirely unrelated the seriousness of the arrest. These may be delays in the disposition of arrests, and local law enforcement officials sometimes fail to report dispositions, even convictions, to the FBI. As a consequence, the SROs and their members can be prevented by the regulations from receiving precisely the kind of information they need to identify potentially untrustworthy personnel and make informed hiring decisions about persons convicted of securities related offenses. *Cf.* Section 4032(c)(4)(A)-(C) of the proposed Criminal Code, S. 1630, 97th Cong., 2d Sess., as reported by the Senate Judiciary Committee, Jan. 25, 1982 (making restrictions on employment arising from certain criminal convictions inapplicable to disabilities that may be imposed under the Federal securities laws).

Section 17(f)(2) would provide the SROs with access similar to that granted by Section 233 of the Futures Trading Act of 1982, 96 Stat. 2294, to registered futures associations, which are regulated by the Commodity Futures Trading Commission ("CFTC"). Frequently, prospective employees who are subject to the jurisdiction of the commodities SROs are also subject to the jurisdiction of the securities SROs. Since trustworthiness concerns are as important in the securities as in the commodities industry, it is appropriate that securities SROs also have access to this type of information. Furthermore, restricted securities SRO access to criminal history record information may contribute to duplicative fingerprint and background investigation requirements in cases where empolyees move from the securities industry to the commodities industry. Currently, sales personnel whose fingerprints have been processed by the FBI and are on file with the CFTC are exempt from the SEC's fingerprinting requirement. The CFTC does not have a reciprocal exemption, however, because the information provided by the FBI to securities SROs as part of fingerprint processing does not include the more extensive arrest information available to registered futures associations regulated by the CFTC. By granting such access to securities SROs, the amendment therefore would enable the CFTC to consider adopting an exemption that would eliminate dual fingerprint and background investigation requirements.

Consistent with its amendment of Section 17(f)(2), Section 4832 amends Section 17(f)(3) of the Securities Exchange Act of 1934 to modify the cross-references in that Section. Currently, Section 17(f)(3) gives the Commission or its designee authority to enter into an agreement with the Attorney General to use the facilities of the National Crime Information Center ("NCIC") in regard to missing, lost, counterfeit or stolen securities. This authority may be exercised in connection with the provisions of Section 17(f)(1), which concerns information on such securities, and Section 17(f)(2), which concerns fingerprinting of securities personnel. However, with the amendment made by Section 4832, the cross-reference to Section 17(f)(2) should be deleted. The NCIC currently is used exclusively for criminal justice purposes, not for licensing and employment purposes. Data maintained in other systems by the Department of Justice is adequate to accomplish the objective of amended Section 17(f)(2) to enable the SROs to obtain complete arrest information on prospective employees of their members.

Section 4833. Section 4833 amends Section 12(d) of the Investment Company Act of 1940 to permit investment companies to purchase shares of broker-dealers, investment advisers, and their parent firms. Section 12(d) of the Act currently prohibits such purchases. There are no limitations in revised Section 12(d), such as the quality and quantity standards in the SEC's recently adopted Rule 12d3-1, on an investment company's acquisition of securities issued by any other person who directly or indirectly acts as a broker, dealer, underwriter, or investment adviser. Prohibitions on such purchases or percentage limitations are outdated. In most cases investment companies are diversified and therefore are limited by section 5 of the Act in the amount that can be invested in the securities of any one issuer and in the percentage of an issuer's voting securities that may be acquired. Moreover, securities of many of such issuers are widely traded and greatly increased information is available about their business and financial condition. Also, the SEC has substantial experience in regulating broker-dealers and investment advisers, which was not the case in 1940 when the restrictions were enacted.

Section 4833 would revise Section 12(d) to permit such purchases if the broker-dealer, investment adviser or any affiliated firm is not the investment adviser, or distributor for the investment company. Finally, it is expected that the SEC will continue to require disclosure in investment company registration statements of information about each registrant's holdings of securities of its regular brokers or dealers as defined by SEC rules.

Section 4833 amends Section 17(d) of the Investment Company Act of 1940 to permit independent directors of mutual funds to adopt common plans of share distribution and cost sharing with related funds. Section 17(d) currently prohibits such joint transactions in contravention of any rules or regulations the SEC may prescribe concerning such transactions. The SEC's rules under Section 17(d) require that the investment companies seek prior approval of any such transaction. Section 4833 would amend Section 17(d) to permit joint transactions between registered investment companies that have the same investment adviser or principal underwriter under Section 12(b) of the Act without prior SEC approval, if specified conditions are met.

Section 36(b) of the Investment Company Act of 1940 currently imposes a fiduciary duty on an investment adviser to a registered investment company with respect to compensation received for the adviser's services. The section also permits investment company shareholders and the SEC to sue an adviser for breach of this fiduciary duty. In its present form, the section does not prevent repetitive litigation brought on behalf of shareholders who were fully and accurately informed of the applicable fees prior to purchasing any fund securities and where such fees were approved by the Board of Directors (including independent directors) of the fund in the exercise of reasonable business judgment in light of prevailing market conditions and industry practices.

Section 4833 amends section 36(b) to address these problems by specifying approval by a majority of an investment company's board of directors (and all independent directors) of the company's contract with its investment adviser in the exercise of reasonable business judgment would prevent any subsequent litigation under this section, thereby explicitly acknowledging the expertise and independence of investment company directors in evaluating such contracts. It should be noted that the SEC could achieve this purpose by utilizing its general exemptive authority under section 6(c) of the Act. Nonetheless, as a matter of policy, it is preferable for Congress to act since section 36(b) specifically creates a private right of action. This section also amends applicable procedures to impose costs on parties that knowingly bring unfounded litigation, thereby helping to encourage judicial economy and prevent unnecessary litigation expenses.

Section 4833 amends section 40(a) of the Investment Company Act of 1940 to permit the SEC to grant exemptions in routine matters which in the judgment of the Commission present no significant legal issues without prior public notice and comment. Persons subject to the Investment Company Act frequently apply to the SEC for exemptive orders permitting transactions otherwise prohibited by the Act. In all such cases, section 40(a) of the Act requires publication of notice of the application in the *Federal Register* before the SEC may grant or deny the requested relief. However, many, if not most, applications are noncontroversial and amply precedented, and the publication of notice seldom elicits any response. Moreover, as a result of the notice requirement, final SEC action on an application is delayed thirty days beyond the period needed. This delay adversely affects the applicant, who must await final SEC action before going forward with the transaction in question. Preparation and publication of the notice also unnecessarily adds to the cost and paperwork burden of the application process. Accordingly, Section 4833 amends section 40(a) to permit the SEC, in its sole discretion, to provide prior publication and a notice period only for applications involving novel or unique issues, or upon request of the applicant.

It is contemplated that, in lieu of the mandatory *Federal Register* notice period, a brief announcement of the filing of the application and summary of its essential features as now elicited by 17 C.F.R. 270.0-2(g), would be provided in the SEC *News Digest.* The application would, of course, continue to be made available for public inspection or copying at the SEC, and the SEC's final order disposing of the application would be published both in the *Federal Register* and in the SEC *Docket.* This procedure would ensure that the public is made aware of all applications and, at the same time, would avoid the delays inherent in the present system.

Section 4834. Many financial planners are within the broad definition of investment adviser in the Investment Advisers Act and subject to its registration requirements. Section 4834 would amend Section 203(b) of the Investment Advisers Act of 1940 by adding a new paragraph (4) which would except from the registration requirement in the Act certain financial planners who provide only general advice about portfolio composition and do not receive any compensation from the purchase or sale by a client of securities. Such financial planners, however, would remain subject to the antifraud provisions of the Act.

Section 4834 amends Section 211(c) to allow the SEC to grant exemptions for routine applications without a notice and comment period. This revision is the same as the revision to section 40(a) of the Investment Company Act of 1940. *See* Section 4833.

Section 4835. Section 4835 amends section 313(a) of the Trust Indenture Act of 1939 to modify the requirement under the Act that the trustee file an annual report concerning its eligibility to act as trustee and certain activities and specified events regardless of whether there has been a change from the prior year or whether the events have occurred. Section 4835 also revises section 313 to provide that a trustee does not have to file a report concerning its eligibility if its status has not changed, or with respect to an event, if the event has not occurred.

Section 4835 amends section 318 of the Trust Indenture Act of 1939 to permit the provisions of Sections 310 to 317 of the Act required to be included in the trust indenture to be incorporated by reference. This codifies the current practice in the industry pursuant to a SEC interpretation.

Section 4836. Section 4836 repeals the Public Utility Holding Company Act of 1935 (PUHCA). The principal objective of the 1935 Act—dismantling the multi-tiered public utility holding companies—was accomplished twenty years ago. Furthermore, a comprehensive scheme for regulation of interstate transmission and sale of electrical energy and natural gas is continued in the Federal Power Act and the Natural Gas Act, both administered by the Federal Energy Regulatory Commission. As a result, the remaining small segment of the utility industry that is still subject to PUHCA must comply with regulation under that Act, which duplicates in many respects Federal and State regulation. Repeal will eliminate duplicative and conflicting regulation under a statute the principal objectives of which have been accomplished.

Section 4836 repeals Section 318 of the Federal Power Act. Section 318 provides that in circumstances in which a utility is subject to both the PUHCA and the Federal Power Act, the provisions of the PUHCA and any rules or regulations thereunder shall apply. Because of the repeal of PUHCA, Section 318 is no longer necessary and therefore is repealed.

Section 4837. The Racketeer Influenced and Corrupt Organizations ("RICO") provisions of the Federal criminal code (Title 18), passed in 1970 as part of omnibus organized crime legislation, authorize private civil suits for violations of RICO with treble damage awards and attorneys' fees. Because mail and wire fraud and "fraud in the sale of securities" are among the many offenses that can trigger RICO, it has been used increasingly in litigation involving common business disputes between brokerage firms and their customers, as well as in litigation between banks and their customers over adequate disclosure of interest rates and other matters wholly unrelated to organized criminal activities. Section 4837 amends the private civil liability provision of RICO to insure that it is not misused. This amendment is not limited to securities cases involving financial institutions.

PART 8—NATIONAL BANK REORGANIZATIONS

The purpose of this part is to simplify the procedures applicable to the corporate restructuring of national banks. The bill (1) establishes a procedure that allows national banks to reorganize without the so-called "interim" or "phantom" bank; (2) simplifies the reorganization procedures by, for instance, eliminating some notice requirements, the public auction requirement and by reducing the role of the Federal Banking Agency in the appraisal process; and (3) streamlines the current statutes (12 U.S.C. 214-214c, 215, 215a-215b) by combining, in one section, provisions regarding the reorganization procedure and the corporate existence, rights and franchise of a national bank, which provisions are currently repeated under various statutes.

Section 4841. Section 4841 states that this title may be cited as "National Bank Corporate Reorganization Act."

Section 4842. Section 4842 defines the terms "depository institution" and "national banking association." "Depository institution" means any Federal or State bank, banking association, trust company, savings bank, savings and loan association, or other institution that receives deposits. "National-banking association" means one or more such association. The subsection also references the definition of "bank holding company" found in Section 2(a)(1) of the Bank Holding Company Act of 1956.

Section 4843. Section 4843 describes the types of reorganizations a national bank may undertake pursuant to the procedures prescribed by Section 4845. These include reorganizations explicitly authorized in the current statutes: the conversion, consolidation or merger of a national bank into, or with, a State depository institution under a State charter, and the consolidation or merger of a national bank or a State depository institution with a national bank under a national bank charter. The section also codifies the existing practice of allowing national bank conversions into, or mergers with, State or Federal thrift institutions. A new alternative is provided for the corporate restructuring of a national bank by which a national bank becomes a subsidiary of a bank holding company or is acquired by a bank holding company.

Section 4844. Section 4844 explains the applicability of the procedures for reorganization found in section 4845. The applicability provisions reflect the current conversion, merger and consolidation statutes. Thus, the procedures insection 4845 would apply to all participating institutions when the resulting institution is a national bank. The procedures would apply only to the participating national bank when the institution resulting from the reorganization is other than a national bank. In the latter case, the procedures prescribed by the regulator of that resulting institution (e.g. the State supervisory agency or the Federal Home Loan Bank Board) would apply.

Section 4845. Section 4845 sets forth the procedures for the reorganization. It consolidates and streamlines the procedures currently set forth at 12 U.S.C. 214-214c and 215-215b, with a few substantive changes.

Section 4845 provides that a plan of reorganization must be approved by a majority of the entire board of directors in all reorganizations (rather than solely in mergers, as is presently the case). The plan must specify the amount of cash or securities to be paid to the shareholders in exchange for their shares, the date when the exchange shall be determined and the manner of the exchange. It shall also provide the manner of disposing of dissenting shareholders' shares.

Section 4845 requires the directors to call a shareholders' meeting to consider the plan, with notice being sent to each shareholder by first class mail at least ten days prior to the meeting. (Registered or certified mail is no longer required.) Shareholders may waive notice of the meeting.

Section 4845 states that the plan must be approved by an affirmative vote of the shareholders owning at least two-thirds of the capital stock outstanding.

Section 4845 provides that any shareholder who dissents from the plan at the meeting or by prior written notice shall be entitled to receive in cash the value of his or her shares upon written request within thirty days of consummation of the conversion, consolidation, merger or corporate restructuring.

Section 4845 outlines a revised valuation procedure which includes selection of an appraisal committee of three persons. The valuation agreed upon by two of the appraisers shall govern but if no amount can be agreed upon the figure between the high and low values shall govern. Any shareholder dissatisfied with the valuation may file suit in Federal or State court. The court may modify or correct the valuation only in the case of material miscalculation or mistake or where there is evidence of corruption or fraud. Costs and reasonable attorneys' fees may be recovered in a successful suit to modify or correct the valuation. If within ninety days of the formation of the appraisal committee no valuation is fixed, either the directors or any dissenting shareholder may file for a judicially determined valuation.

Section 4845 provides for a limited court review of the determination of the appraisal committee.

Section 4845 requires that dissenting shareholders be promptly paid the value of their shares, including an interest allowance based on the three-month U.S. Treasury bill rate from the date of the written request by each dissenting shareholder. The reasonable expenses of the third appraiser will be shared proportionally between the resulting institutions and the dissenting shareholders. If either party fails or refuses to appoint its representative appraiser or if the two appointed appraisers fail to select a third appraiser within ninety days of consummation, the Federal Banking Agency shall appoint such appraiser or appraisers. Any party that fails or refuses to appoint an appraiser will be responsible for all the expenses of the third appraiser in addition to the expenses of the appraiser selected to represent that party's interests.

Section 4846. Section 4846 describes the corporate status of the resulting institution after the consolidation or merger as the combined corporate existence of the depository institutions or companies participating in the consolidation or merger. It consolidates the provisions currently found at 12 U.S.C. 215 (e) and (f) and 215a (e) and (f).

Section 4846 requires a resulting national institution to have as much capital stock as is required for a national bank upon organization and to assume all the liabilities of the participating institutions or companies. It also permits the resulting institution to issue stock, as provided by the terms of the consolidation, merger or reorganization plan, free from any preemptive rights of the shareholders of the respective participating depository institutions or companies. This section restates the provisions currently found at 12 U.S.C. 215(b) and 215a(g).

Section 4846 assures, repeating the current statute, that the property rights and interests held as fiduciary of the consolidating or merging institutions or companies are transferred to and vested in the resulting institution without the need for orders or other court action. A court may, however, remove the resulting institution from an appointment to the same extent and in the same manner as it could remove the consolidating or merging institutions or companies. Such removal authority may not be exercised to discriminate against national banks.

Section 4846 consolidates in paragraph (1) the existing provisions of 12 U.S.C. 214b and 214c, and provides that the franchise of a national bank shall terminate automatically upon a national bank's conversion into, or its consolidation or merger with, another Federal or a State depository institution under a Federal or State charter (other than a national bank charter). The resulting institution shall be considered the same corporate entity as the national bank although the rights, powers and duties of the resulting institution shall be those of the Federal or State institution it has become. Thus, references to the national bank in legal documents shall be considered a reference to the Federal or State institution. Section 4846 also restates the current statute by providing that no such conversion, consolidation or merger shall take place in contravention of state law, or if the State law governing the conversion, merger or consolidation by State banks is more restrictive than Federal law respecting a national bank to State bank conversion, or the merger or consolidation of a national bank with a State bank.

Section 4847. Section 4847 exempts certain noncompetitive types of reorganizations from the notice, comment and delayed consummation periods of the Bank Merger Act, as well as the delayed consummation period provided in the Bank Holding Company Act. Such noncompetitive reorganizations include one-bank holding company formations and reorganizations involving majority-owned bank subsidiaries of a multibank holding company. These specifically exempted reorganizations may proceed without the approval of the Federal Banking Agency by notifying the Agency of the affirmative vote of the shareholders approving the reorganization. The reorganization may be consummated fourteen days after such written notification to the Federal Banking Agency.

Section 4848. Section 4848 is composed of technical amendments.

Section 4848 repeals sections 1, 2, 3, and 4 of the Act of August 17, 1950 (12 U.S.C. 214, 214a, 214b, and 214c), which set forth the existing procedures for conversion of, or consolidations or mergers of, a national bank into, or with, a State bank.

Section 4848 amends section 9 of the Federal Reserve Act (12 U.S.C. 321) to incorporate the existing definitions of "State bank" and "national banking association" into the provisions regarding application for membership in the Federal Reserve System. The incorporation is necessary as section 9 currently refers to those definitions contained in a statute repealed by this section of this bill. For purposes of section 9, "State bank" means one or more banks, banking associations, trust companies, savings banks (other than mutual savings banks), savings and loan associations or other institutions that receive deposits and that are incorporated under the laws of any State, territory of the United States or the District of Columbia (other than national banks). "National banking association" means one or more national banking associations. The amendment, thus, permits the continued application of the existing definitions to Section 9.

Section 4848 repeals Sections 1, 2, 3, 4, and 5 of the Act of November 7, 1918 (12 U.S.C. 215, 215a, and 215b), the existing procedures for consolidation or merger of national banks or State banks with national banks.

Section 4849. Section 4849 amends Section 5146 of the Revised Statutes (12 U.S.C. 72) to reduce from two-thirds to a majority the number of national bank directors who must comply with the residency requirements during their tenure in office. It also eliminates entirely the prior residency requirement for directors. The term "affiliate" is given the same meaning as the term has in 12 U.S.C. 371c.

TITLE V—INTERNATIONAL ECONOMIC ENVIRONMENT IMPROVEMENT ACT OF 1987

SUBTITLE A—TRADE COMPETITIVENESS ACT OF 1987

FINDINGS AND OBJECTIVES

SEC. 5002. (a) *Findings.*

These provisions make a series of Congressional findings concerning (1) the international trading environment for United States competitiveness, (2) the role of trade policy in aiding competitiveness, and (3) the role of domestic policy initiatives in aiding trade competitiveness. They are meant to set the stage for the specific provisions of this subtitle of the bill.

(b) *Objectives.*

These provisions introduce the various subjects of this subtitle of this bill.

AUTHORITY TO IMPLEMENT TRADE AGREEMENTS

SEC. 5003. (a) *Negotiating Objectives.*

Overview

The provisions on trade negotiating authority and objectives are the cornerstone of the trade component of the Administration's proposal to enhance our competitiveness. The need for these provisions is evident. In competing with foreign producers of goods and services, U.S. businessmen, workers and farmers frequently encounter barriers and other distortions of trade that either are not covered at all within the framework of existing international rules and agreements or are covered inadequately or ineffectively. This is true, for example, for a large number of those barriers identified in USTR's Report on Foreign Trade Barriers, required under section 181 of the Trade Act of 1974, as amended, and submitted to Congress in October of 1985 and 1986. U.S. exporters confront high tariffs that, while clearly permitted under existing rules, restrict markets for highly competitive U.S. products. Non-tariff barriers, particularly in the field of subsidies, product standards, and procurement policy, also deter fair and open trade opportunities for Americans. The absence of effective rules on agriculture, services, intellectual property, and investment further adds to the difficulties in international trade relations. These problems can be addressed most effectively through international negotiations. The Uruguay Round of Multilateral Trade Negotiations, successfully launched in September of 1986 and scheduled for completion in four years, presents a major opportunity to achieve many of our objectives to open foreign markets and achieve fairer terms of international competition. In addition, the United States must also be prepared for negotiations outside the framework of that round and for the period after its conclusion. For this reason, our objectives for negotiations are broadly stated with the clear intent that, to the maximum extent possible, we will achieve those stated objectives through the Uruguay Round.

Past experience has demonstrated that to negotiate effectively with our trading partners, the President needs the type of negotiating and implementing authority that provides reasonable assurance to our trading partners that the results will be implemented or at least considered by Congress on an expedited basis. This has been the pattern since 1934, when Congress first delegated authority to negotiate reductions in tariffs to the President.

Current authority is limited to "fast track" authority under section 102 of the Trade Act of 1974 in the case of non-tariff barrier agreements, and a cumbersome process for bilateral "free trade" agreements. These provisions expire on January 3, 1988, and clearly will not be adequate to achieve our ambitious trade negotiating objectives for the Uruguay Round and beyond. The Administration, therefore, proposes, within a framework of far-reaching negotiating objectives:

permanent authority for the President to enter into non-tariff barrier agreements, subject to fast track approval by Congress of such agreements and implementing legislation;

restoration of Presidential authority to negotiate and proclaim tariff reductions for a period of ten years; and

substantially improved Congressional consultation and reporting requirements for the development of trade policy as well as the negotiation of trade agreements.

(1) *Overall Negotiating Objectives.*—This paragraph states the broad negotiating objectives, applicable to all sectors and activities, for all negotiations. The specific reference to barriers and distortions identified in the Foreign Trade Barriers Report under section 181 of the Trade Act of 1974 (a provision added by section 303 of the Trade and Tariff Act of 1984) is illustrative, recognizing that a large number of the foreign trade barriers identified and analyzed in that report can be removed or alleviated effectively only through negotiations. However, the reference to section 181 is not intended to mean that identified barriers should necessarily have a higher negotiating priority than other measures that may be no less burdensome to U.S. commercial opportunities. It is also not the intention that all barriers in the Report on Foreign Trade Barriers become the subject of negotiations in which the United States would accord concessions in return for the harmonization, reduction or elimination of the barriers. For example, the United States should never have to pay concessions for removal of foreign barriers that infringe existing international rules. Such barriers may effectively be addressed through unfair trade laws such as section 301 of the Trade Act of 1974.

(2) *Uruguay Round Policy and Objectives.*—The successful launching of the Uruguay Round of multilateral trade negotiations in September, 1986, presents an important opportunity to advance U.S. negotiating objectives, both broadly and in the specifically identified areas referred to in paragraph (3) of subsection (a), described below. For more than forty years, the United States has placed greatest emphasis on multilateral negotiations under the General Agreement on Tariffs and Trade (GATT) in seeking trade liberalization. Multilateral negotiations and agreements often are the most practical and economically efficient way to obtain increased international economic opportunities for the United States. For example, in the Uruguay Round, we want to join with our trading partners to develop stronger disciplines over practices that distort agricultural trade, establish new rules to cover trade in services, provide adequate and effective protection for intellectual property rights, and reduce the distortive effects of government investment policies.

In addition to the objectives specified elsewhere in this Act, through the Uruguay Round of Multilateral Trade Negotiations we seek institutional reform of the GATT, specifically including improved dispute settlement procedures and a broader and more equitable sharing of the international responsibility for maintaining an open world trading system. Improved international rules should be complemented by more expeditious and effective enforcement of those rules and settlement of disputes. Further, as countries grow and prosper from the open trading system, they must assume commensurate responsibilities to open their own markets.

While calling for the United States to achieve as many objectives and purposes of this Act as possible through the multilateral framework of the GATT and the Uruguay Round, subsection (a) makes it clear that the President may also use the authorities in this bill for negotiations and agreements outside that framework if he determines that U.S. interests would be better served in that way. Progress toward even the launching of the Uruguay Round was at times encumbered by a very small group of countries. If one or more negotiations in the Uruguay Round should be hampered in the future by a limited group of countries, then the President should not hesitate to seek progress with interested countries through other negotiations. In addition, recognizing that no one round of negotiations, no matter how successful, is likely to solve all trade problems that have arisen or may arise in the future, this Act provides authority for agreements not only outside the Uruguay Round but also extending beyond the four-year period currently envisioned for that round.

(3) *Specific Negotiating Objectives.*—A number of issue-specific objectives is identified in paragraph (3).

(A) *Negotiating Objectives for Agriculture.*—This subparagraph directs the President to seek liberalization of agricultural trade on an expedited basis, reflecting both the weakness of agricultural trade rules as compared to trade rules for other sectors, and the immediacy of agricultural trade problems. In urging expedited treatment of agricultural negotiations, however, it is not the intention to preclude rapid progress in other negotiating areas. In fact, the United States secured agreement from our negotiating partners that the Uruguay Round will be completed in four years. We intend to work closely with them to achieve this goal.

(B) *Negotiating Objectives for Services.*—This subparagraph states the negotiating objectives for services and is drawn substantially from section 104A of the Trade Act of 1974, as amended by the Trade and Tariff Act of 1984.

(C) *Negotiating Objectives for Intellectual Property.*—Technological progress is a critical aspect of U.S. competitiveness as well as freer and fairer global trade. Adequate and effective protection of intellectual property rights fosters creativity and know-how, encouraging investment in research and development and in new facilities. Innovation stimulates economic growth, increases employment and improves the quality of life. This subparagraph sets forth specific objectives for obtaining the benefits of improved intellectual property protection on both a multilateral and bilateral basis.

(D) *Negotiating Objectives for Investment.*—This subparagraph states the negotiating objectives for foreign direct investment and is drawn substantially from section 104A of the Trade Act of 1974, as amended by the Trade and Tariff Act of 1984.

(E) *Dispute Settlement.*—This subparagraph stresses the need for the negotiations to result in improved procedures for settling trade disputes effectively and expeditiously. Better dispute settlement rules and procedures, particularly in the GATT and MTN agreements, will enable better enforcement of U.S. rights and insure that our trading partners live up to their obligations to the benefit of U.S. trade.

(F) *Safeguards.*—This subparagraph directs the President to negotiate improved and expanded rules and procedures on safeguard actions; that is, emergency actions taken by governments to protect domestic industries when injured by an influx of imports. It is the intent of this section to develop internationally agreed safeguard rules that ensure that safeguard actions are transparent, temporary, degressive and subject to multilateral surveillance and review, and that they will be terminated when they are no longer justified.

(G) *Unfair Trade Practices.*—This subparagraph states as an objective the provision of greater discipline on the use of unfair trade practices. In addition, it calls for improving GATT provisions on agricultural trade so as to be consistent with those on industrial products.

(H) *GATT Articles and MTN Agreements.*—This subparagraph calls on the President to negotiate improvements in the operation and functioning of the GATT and MTN agreements, including expanded participation, where appropriate.

(I) *Worker's Rights.*—This subparagraph describes the general negotiating objective to promote worker's rights. In the context of the Uruguay Round negotiations, it calls for a review of GATT articles, objectives, and related instruments, with a view to insuring that the benefits of the open trading system are available to all workers.

(b) *Non-tariff Trade Agreement Authority.*—This subsection, which draws heavily from section 102 of the Trade Act of 1974, would provide negotiating authority to the President for agreements on a wide array of barriers to, and other distortions of, trade and commerce. The intention of this provision is to provide authority to address the wide array of non-tariff barriers and other distortions of trade. This authority would permit the President to enter into bilateral, plurilateral or multilateral trade agreements providing for the harmonization, reduction, or elimination of present or potential barriers or distortions, including the full range of measures that impede the flow of U.S. goods and services, deny holders of intellectual property rights adequate and effective protection, and distort investment.

In recognition of the greater complexity of many non-tariff barrier issues, this subsection does not allow the President to implement the results of negotiations until the Congress has approved implementing legislation to the extent that the obligations of the agreement entail any change in U.S. law. Even before the President enters into any such agreement, he must comply with extensive private sector and Congressional advice procedures patterned after the 1974 Act but significantly improved in this proposal. Early involvement by the Congress is ensured by required consultations with the Senate Finance and House Ways and Means Committees, as well as appropriate committees of the House and Senate having jurisdiction involving the subject matter of the agreement. The purpose of the consultations would be to determine the desirability of entering into the agreements, as well as matters relating to their implementation, changes that might be required in domestic legislation, regulations or administrative practice, and how non-tariff barrier agreements may be combined for their submission to Congress.

Agreements negotiated under this section would be submitted to Congress using the effective procedures provided under section 102 of the Trade Act of 1974, but with improved consultation procedures. Such agreements would not enter into force until and unless the agreements, together with their implementing legislation, were approved by both Houses of Congress. The approval resolutions and implementing bills for agreements negotiated under this section will be subject to the fast track procedures provided in section 151 of the Trade Act of 1974. The fast track procedures assure an expeditious vote, up or down, by the Congress on approval of agreements and any necessary changes in U.S. law.

Fast track procedures were developed in the Trade Act of 1974 to serve two purposes. First, they preserve legislative authority over changes in the regulation of U.S. foreign commerce. Second, at the same time they provide reasonable assurance to our trading partners that the Congress will consider the results of negotiations expeditiously and without requirements to reopen negotiations.

Non-tariff barrier authority under this subsection would be available on a continuing basis. However, with regard to negotiations that have already been commenced under section 102 of the Trade Act of 1974, the Administration expects to conclude and implement the results of such negotiations under section 102 within its January 3, 1988 expiration date. Thus, the non-tariff and tariff authority provided in the Administration bill would not be available for continuation of the ongoing free trade area negotiations with Canada, although this authority could be used for subsequent amendments of any agreement that may be approved under section 102.

This subsection continues the practice under section 102 of authorizing the Executive to apply non-tariff trade agreements selectively, rather than on a most-favored-nation basis, when appropriate. The definitions clarify that the negotiating authority under this section extends to agreements on both goods and services trade, subsidies, intellectual property protection, and investment restrictions. The provisions of this subsection would not prejudice any other authority of the President to negotiate treaties, agreements or understandings or to engage in international discussions.

(c) *Tariff Agreement Authority.*—This subsection would authorize the President to negotiate and enter into trade agreements during the 10-year period beginning on the date of enactment, and to increase, decrease, or modify any existing duty, to continue any existing duty-free or excise treatment, and to proclaim new duties required or appropriate to carry out such trade agreements with foreign countries or instrumentalities. The exercise of this authority would be guided by the negotiating objectives and private sector and Congressional consultation procedures provided by this bill. This authority would enable the President to conclude tariff agreements made in the Uruguay Round and over the next ten years.

Both in the preparation of the Foreign Trade Barriers Report under section 181 of the Trade Act of 1974, as amended, and in other consultations with U.S. exporters in preparing for the Uruguay Round, many have noted that there are tariffs abroad that, although not inconsistent with the obligations of the foreign country concerned, nevertheless constitute a significant impediment to foreign market access. However, we cannot induce foreign countries to lower their tariffs unless we too have authority to offer U.S. tariff concessions in return.

The President may also use the authority delegated in this subsection to enter into bilateral and plurilateral agreements outside and beyond the Uruguay Round.

In using the authority conferred by this subsection, the President will consult with affected U.S. interests in accordance with other provisions of this Act. It is further expected that the President would take steps in the negotiation and implementation of trade agreements authorized under this subsection to assure that no relatively high duty of the United States would be abruptly reduced if this would cause substantial harm to the U.S. industry concerned.

Paragraph (2) is a transition rule applicable to the U.S.-Canada free trade agreement negotiations. Those negotiations already are being conducted under the provisions of section 102 of the Trade Act of 1974. It is the intent of the negotiators to conclude the negotiations within the statutory time frame set out in that section. However, future amendments of any U.S.-Canada free trade agreement that may result from current negotiations could be implemented in accordance with the new provisions of this section.

(d) *Consultation and Reporting Requirements.*

Overview

The following procedures would be followed in developing trade policy, objectives and bargaining positions, and in concluding agreements under the trade agreements program.

Procedures for developing trade policy priorities and negotiating objectives

The procedures for implementing the Tokyo Round of Multilateral Trade Negotiations were tremendously successful. The implementation package (the agreements and implementing legislation) was overwhelmingly approved by the Senate and the House. This was due in large part to the consultation procedures developed in the Trade Act of 1974. Those procedures are the basis for the revised sections in this Act on advice by the U.S. International Trade Commission ("Commission" or "ITC"), advice from the private sector, and Congressional liaison and advice. The purpose of the proposed revisions to those provisions of the Trade Act of 1974 is to cover not only the negotiating process, but to ensure the involvement of the Congress and the private sector in the earlier stages of the process; that is, the development of trade policy and priorities for trade action. This expanded consultation process recognizes the expanded scope of trade policy issues.

Although the mandate of the Trade Representative was expanded in 1979 to cover the coordination of policy development, Congressional consultation procedures were not similarly expanded. As amended by this bill, section 161 of the Trade Act of 1974 recognizes the expansion of "trade" topics to cover not only policy development, but also policy development and negotiations on such newer trade issues as services, investment and intellectual property protection. This section also recognizes the necessity to consult on priorities for actions to implement various facets of trade policy.

It is significant in the international trade area that both the Executive and Legislative branches have separate constitutional functions that can produce sound and prompt results when jointly exercised. Like the fast track legislative procedure or the delegation of authority to proclaim the results of certain agreements (through which the Congress recognizes the necessity of having a predictable conclusion to a negotiating process), by directly involving the Congress through this consultation process, the President recognizes that advance input by the Congress in the conduct of these foreign economic affairs is a necessary and appropriate condition for the Congress to implement promptly the results of the negotiations. The President's authority to conduct foreign affairs and hence to negotiate agreements and the Congress' authority to regulate foreign commerce complement each other through this procedure.

As amended by this bill, section 131 of the Trade Act of 1974 is substantially expanded regarding the scope of the advice obtained from the U.S. International Trade Commission. The advice provided for until now—including the modification or continuance of duties, duty-free or excise treatment, or additional duties—reflects the fact that prior to the Tokyo Round, negotiations concentrated on duty reductions. While that advice is still appropriate, the amended provision also provides for advice on other issues of critical importance to present and future negotiations and trade policy development, including: nontariff matters which may be considered for modification in negotiations; and information required for the development of trade policy, priorities for negotiations and priorities for actions to improve opportunities in foreign markets. This authority of the President has been delegated to the USTR by Executive Order.

The nature of the advice provided by the Commission as expanded by this bill also covers the impact of possible changes on the competitiveness of the relevant sector.

As amended by this bill, section 132 of the Trade Act of 1974 requires the President to seek advice from Executive departments through the existing interagency structure prior to entering into a trade agreement.

As amended, section 133 of the Trade Act of 1974 expands the scope of public hearings for trade agreements to facilitate public input on nontariff matters subject to negotiations and on trade policy development and priorities, when appropriate.

As amended, section 134 continues the provisions for the President to receive advice from the U.S. International Trade Commission prior to making offers in trade negotiations, and expands the scope of the advice obtained to include information about services, foreign direct investment and intellectual property.

As amended, section 135 of the Trade Act of 1974, governing private sector advisory committees, specifically covers all matters referred to in Reorganization Plan No. 3 of 1979 and Executive Order 12188. It also expands advice to cover the development of trade policy and priorities for actions to implement such policy.

Subsection (e) of section 135, as amended, provides a new listing of policy advisory committees judged appropriate at this time.

Subsection (f) of section 135 as amended, provides for needed flexibility in the conduct of the advisory committees by providing explicitly for the formation of necessary task forces or working groups.

Subsection (i) of section 135, as amended, adds a new requirement to provide expanded and timely information and advice received from private sector advisers to the Congressional advisers in the course of the expanded consultations provided in this legislation. The provision of such information on advisory committee positions is not now required during the negotiations phase.

Section 161, as amended, significantly expands the scope of the current requirements in that section to obtain Congressional advisers' advice as well on trade policy development and priorities for actions to implement that policy. Subsection (b) of section 161, as amended, provides new authority to designate additional advisers where the scope of the negotiations or policy matters necessitates including other Members of Congress. That subsection also specifies that close consultations must first occur with the Ways and Means and Finance Committee chairmen and ranking minority members, who would exercise the central role on trade matters and provide necessary referrals to other committees.

The responsibilities of the U.S. Trade Representative to keep Congressional advisers currently informed on the progress of pending negotiations would be expanded to include all trade policy matters affecting trade policy. Consultations would be required not less than four times per year.

COMPENSATION AUTHORITY

SEC. 5004. This section replaces section 123 of the Trade Act of 1974, which currently authorizes compensation to foreign countries for trade restrictions imposed by the United States only under section 203 of that Act, the so-called "escape clause." As amended by this section, section 123 would permit the President to enter into and implement tariff compensation agreements not only in circumstances where the United States has imposed escape clause import restrictions, but also in other circumstances where a foreign country would otherwise have a trade agreement right to retaliate against U.S. commerce because of some action taken by the United States.

The primary reason for any provision authorizing the President to grant tariff compensation is to avoid harmful retaliation against U.S. interests by foreign governments. Under the rules of the GATT and other trade agreements to which the United States is a party, there is a number of circumstances in which a foreign government will have the right to retaliate against the United States, unless the United States is prepared to provide acceptable compensation. Those circumstances include escape clause restrictions, increases in duty above the level of U.S. international commitments or "bindings," certain tariff reclassifications (by statute or customs or court action), and instances where U.S. laws or Presidential actions violate U.S. obligations under trade agreements. In such circumstances, foreign governments are likely to choose sensitive U.S. exports for retaliatory action.

The main advantage of compensation authority is that the United States may be able to avoid such harmful retaliation against sensitive U.S. industries by offering tariff concessions on products with little or no import sensitivity. This authority will also enable the United States to honor its international obligations, and thus more easily hold other countries to their obligation to provide compensation in comparable circumstances.

The compensation authority conferred in this section could not be used, however, merely to blunt an unwarranted threat of retaliation by a country having no legitimate claim under an international agreement. Furthermore, even to the extent that a foreign country has a legitimate claim for compensation, it may prove preferable to accept retaliation if it appears that this would be less damaging to U.S. interests on balance than the compensation demanded. Such judgments of necessity must be made by the President or his designee on a case-by-case basis. It is also expected that the President and the Congress will continue to weigh carefully the cost to other U.S. interests before taking any action that could give rise to the need to grant compensation.

EXPORT-RELATED MEASURES

SEC. 5005. (a) *Export Trading Company Act Amendments.*

Subsection (a)(1)

This provision amends the definition of "export trading company" contained in title II of the Export Trading Company Act of 1982 ("ETC Act"), which is codified in the Bank Holding Company Act of 1956. The amendment is intended to: (1) include revenues from third-country transactions as export-related in the determination of whether the income from an export trading company ("ETC") is derived "principally" from exports; and (2) permit the export of services by ETCs and their affiliates to be included as ETC export-related income.

Income Derived "Principally" from Exports.—The ETC Act provides that, in order to qualify as eligible for investment by a bank holding company, ETCs must be organized "principally" for exporting goods and services. In its periodic calculations (required by the ETC Act) as to whether an ETC meets this test, the Federal Reserve Board ("Board") has adopted a definition of "principally" which excludes from the export column all income derived from transactions which involve neither imports into nor exports from the United States. Such transactions may involve, for example, the facilitation of trade between third countries. Since, under the definition adopted by the Board, income from exports must exceed income from all other sources, the presence of income from these "third country" transactions actually counts as "imports"—an illogical result. This amendment would include net revenues from third country transactions as export-related. Under this change, revenues from third-country trade would be calculated in the same manner as currently prescribed in the Federal Reserve Board regulations concerning export trading companies (12 C.F.R. 211.32(a)). We believe this amendment is more faithful to the Congressional intent and will remove a substantial restraint against international transactions now imposed against ETCs.

Exports of Services by ETCs.—The Board has interpreted the ETC Act to preclude counting the export of services produced by the ETC itself or by an affiliate as export-related income for the purposes of complying with the requirement that the ETC be organized "principally" for the purposes of exporting goods and services. We believe this interpretation is contrary to the original legislative intent, and unduly restricts the activities of ETCs. In particular, we believe the Board's interpretation has the effect of preventing an ETC from establishing subsidiaries abroad that provide services in association with exports. The amendment would make clear that services provided by ETCs and their affiliates count toward export-related income for the purposes of meeting the export-income test.

Subsection (a)(2)

This provision exempts ETCs from the collateral requirements of section 23A of the Bank Holding Company Act of 1956 applicable to institutions that borrow from affiliated banks. Section 23A requires, when the collateral for a loan consists in part of accounts receivable (the form most prevalent in ETC transactions), collateral of 120 percent of the loan or extension of credit. For ETCs this has proven to be an onerous and unnecessary requirement, particularly in the start-up phase. With few accounts receivable, little financing capital of their own, and limited access to commercial paper, new ETCs are placed at a significant disadvantage by this requirement. The proposed amendment would not affect bank safety and soundness because the quantitative limits on bank extensions of credit to ETCs would remain as in present law.

Subsection (a)(3)

This amendment adds a new provision to the Bank Holding Company Act of 1956 providing that a proposed assets-to-equity ratio of up to twenty-five-to-one shall not, in and of itself, be grounds for disapproval of an ETC application by the Board. This addition is necessary because of the Board's regulatory requirement that proposals for assets-to-equity ratios of greater than ten-to-one be approved in Washington rather than by regional Federal Reserve Banks. This requirement, which is not grounded in any provision of the ETC Act, is unwarranted, and has had a chilling effect on applications embodying higher ratios. In the real world, ten-to-one is not a reasonable ratio; higher ratios are the rule in other countries. We must make clear that, while the assets-to-equity ratio is an appropriate factor for consideration, a higher ratio must not be the sole ground for disapproval.

Subsection (a)(4)

This provision is intended to override the Board's regulatory requirement that applications which anticipate an ETC holding inventories in excess of $2 million be referred to Washington. As with the Board's assets-to-equity ratio requirement, this requirement has no basis in the ETC Act and discourages applications which envisage higher inventories. We believe that a $2 million inventory limit is too low by any standard, except where other special circumstances are believed to exist. This provision would therefore remove this arbitrary restriction, while permitting the Board to consider inventory levels as a factor in an overall safety and soundness determination.

Subsection (a)(5)

This provision contains two substantive amendments to section 302(a) of the ETC Act. Subsection (a)(5)(D) amends section 302(a) to require that members seeking the protection of a certificate be specified in the application.

Subsection (a)(5)(E) amends section 302(a) to specify who may be an applicant under the ETC Act. The class of eligible applicants is substantively identical to the definition of "person" presently contained in section 311(5) of the ETC Act. This change reflects a desire to distinguish between the term "applicant" and the term "person," used elsewhere in the ETC Act in other contexts.

Subsections (a)(5) (A), (B) and (C) are conforming amendments.

Subsection (a)(6)

This provision amends section 302(b) of the ETC Act to remove the requirement that the Secretary of Commerce ("Secretary") publish notice of ETC applications in the Federal Register within ten days of their receipt. Instead, the Secretary would be required only to submit such notices to the Federal Register within ten days of receipt. As the Department does not control publication of the notice by the Federal Register, the ETC Act imposes an obligation on the Secretary which exceeds his authority. The proposed change is fully consistent with the basic purpose of section 302, which is to ensure that the Department begins promptly the processing of each application it receives and provides prompt notice to the public.

Subsection (a)(7)

This provision amends section 303 of the ETC Act by deleting the four standards for antitrust review and replacing them with a single standard that reflects current antitrust law and policy.

Section 303 currently contains four standards for the issuance of a certificate of review. These standards are intended to ensure consistency between U.S. antitrust laws and the antitrust immunities and protections conferred by the certificate. However, the enumeration of four standards in the statute has been a source of confusion. One standard, literally interpreted, may be inconsistent with the antitrust laws.

The first portion of the first standard provides a clear expression of the Congressional intent that conduct resulting in anticompetitive effects on domestic commerce should not be certified. The second standard proscribes certification of conduct that would "unreasonably enhance, stabilize, or depress prices within the United States." Since conduct having this effect would violate U.S. antitrust laws, it is subsumed within the first part of the first standard.

The language of the third standard proscribes certification of "unfair methods of competition" by the applicant for a certificate of review. This language parallels language in the Federal Trade Commission ("FTC") Act. While the meaning of "unfair methods of competition" has been a source of dispute in the history of the judicial interpretation of the FTC Act, modern FTC enforcement policy has been to interpret it to mean anticompetitive behavior as that term is understood in the context of other U.S. antitrust laws. Hence, standards two and three are subsumed within the meaning of the first part of the first standard.

The fourth standard, which deals with reimportation, is presumably intended to prevent certification of sham export operations whose real purpose is to effect domestic commerce. For example, a group of producers on the West Coast might operate a cartel for sales to East Coast customers by shipping via a firm located in a foreign country that would nominally take title to the goods in the course of shipment. This would give the sale of the goods the appearance of being an export. However, if the intent or effect is to raise prices to domestic consumers, the conduct is clearly a violation of U.S. antitrust law and is, therefore, covered by the first part of the first standard.

A separate standard explicitly proscribing reimports creates needless uncertainty for exporters since they will not normally know or be concerned with the ultimate destination of the goods and services they export. Furthermore, the interpretation of this standard raises perplexing questions about whether the protections conferred by a certificate of review remain in effect if goods are modified or transformed and subsequently reimported. Except for the case of sham export operations, such questions are not germane to the intent of preventing anticompetitive effects in domestic commerce and should not create uncertainty that would hamper legitimate export operations under a certificate.

The second part of the first standard is troublesome. It proscribes the certification of export conduct that would result in "a substantial restraint of the export trade of any competitor of the applicant." On its face this might be read as protecting exporters from aggressive competition from other exporters, and such an interpretation would be in direct conflict with the purpose of U.S. antitrust laws, which is to protect competition, not competitors.

The four separately enumerated standards should be deleted and replaced by a single standard that is clearly consistent with U.S. antitrust law and policy. This will eliminate unnecessary confusion among the business community regarding the criteria for the issuance of an export trade certificate of review.

Subsection (a)(8)

This provision contains conforming changes made necessary by subsection (a)(7).

Subsection (a)(9)

This provision also contains conforming changes made necessary by subsection (a)(7).

Subsection (a)(10)

This provision would amend section 305 of the ETC Act to delete the unusual "erroneous" standard of review and replace it with the "clearly erroneous" standard with which judges are familiar under the Administrative Procedure Act. It would also amend section 305 to make clear that the record on appeal of an agency determination consists of the administrative record only and that a trial de novo of the facts is not permitted. Finally, it provides that the evidentiary standard applicable in a judicial review of the Secretary's determination is whether such determination was based upon substantial evidence.

Section (a)(11)

This provision contains conforming changes made necessary by subsection (a)(7).

Subsection (a)(12)

This provision amends section 306(a) of the ETC Act to clarify that the protections of a certificate extend to those members named in the certificate.

Subsection (a)(13)

This provision amends section 308 of the ETC Act to provide that the annual reports required by that section must be in such form as the Secretary may require in order to determine that the certified conduct complies with the amended antitrust standard contained in subsection (a)(6). Our experience shows that the information required for this purpose in the annual report is often more extensive than simply an update of the original application.

Subsection (a)(14)

This provision contains two amendments to section 311 of the ETC Act.

Subsection (a)(14)(A) amends the definition of "export trade" to make it clear that, under the ETC Act, export trade can include transactions with respect to which the United States Government provides funds, financing or other assistance.

The term "export trade," as used in the ETC Act, has a broader meaning than has been accorded the term under the **Webb-Pomerene Act. Under the approach** taken by the Departments of Commerce and Justice in their guidelines (which is consistent with the amended definition), a certificate can be issued for conduct that affects government-financed or government-assisted exports, but is not, as a practical matter, likely to have the effect of raising prices or reducing the amount of goods or services provided in cases where the government is, in effect, paying more than one half of the bill.

Subsection (a)(14)(B) would codify the definition of the term "member" that has been adopted administratively by the Departments of Commerce and Justice. The concept of "member" has proven extremely useful to applicants in formulating certificates of review whose protection extends to a group of persons or entities.

Subsection (a)(14)(B) also would delete the definition of "person" presently contained in section 311(5) of the ETC Act. Under subsection (a)(5) this definition would continue to apply to the term "applicant," and would be codified in section 302(a) of the ETC Act.

(b) *Export Promotion Data Svstem.*

Overview

These provisions require the establishment of an export promotion data system within the Department of Commerce to help provide timely, accurate, and practical data and information to exporters. The system, as described in the Administration's competitiveness bill, can be made operational within FY '87 Department of Commerce resources. The provisions set out the parameters of the system and require the Secretary to report to Congress on its implementation. The Secretary must also study what other sources of trade data might be available in the governmental and private sectors. He is to consult with interested departments and agencies as well as the private sector to determine what data and information are needed.

Subsection (b)(1)

This subsection contains the findings of Congress that timely, accurate, and well organized data are necessary to promote international trade and that the federal government can report the data it collects in its trade promotion activities. The Congress also notes that states have expanded their export promotion efforts and that the state and federal governments should share their data and information with each other and the private sector.

Subsection (b)(2)

The Secretary of Commerce is required to develop and maintain a trade data and information system. It is to contain data and information with the best potential for assisting exporters and states promoting exports. The data are to be collected through the trade promotion activities of the International Trade Administration (ITA). When collected, the data should be organized in a format most useful to businessmen and the states.

The system must protect the confidentiality of proprietary business information. It must also disseminate the information upon request and for a reasonable fee.

Data should be available electronically through the Department, Department-designated offices, or other available data bases in a manner to provide accurate and timely reports. The system is to be designed to organize and disseminate various classes of information. An illustrative list of such information which may be available through the system includes data on U.S. exports and imports and business opportunities in foreign markets. The system may also include information on the size of and competition in foreign industrial sectors as well as foreign economic conditions and business practices.

The system may not include any information which is collected through any investigation or which is prohibited by law from disclosure.

In establishing and maintaining this system, the Secretary is to consult with interested private sector and state representatives. Such subjects as the contents of the system, cost-sharing arrangements, and the fora for further consultations are to be discussed.

Within six months of enactment of this legislation, the Secretary is to report to Congress on the implementation of the system. Comments of the private sector and state agencies promoting exports are to be included.

Subsection (b)(3)

The Secretary, through ITA, is to undertake a study to determine what other data resources for exporters are available. The study is to identify trade or trade-related data available to the federal government which would be useful in promoting U.S.-exports and the competitiveness of U.S. industry as well as implementing U.S. trade policy. ITA is to consider the usefulness of current data resources within federal and state agencies and the private sector for promoting U.S. exports and identifying business opportunities. Consideration is also to be given to the question whether that data can be coordinated and disseminated within available departmental resources. To plan for possible expansion of the system, ITA should evaluate the need for and costs and benefits of an enlarged collection, storage, and retrieval system.

In conducting the study, the Secretary through ITA is to consult with other agencies in the Department as well as other federal departments. The trade advisory committees established by the Trade Act of 1974 and other private sector representatives are also to be consulted.

Each federal agency and department would provide the Secretary the trade and trade-related data it has, other than information whose disclosure is prohibited by law, that is important to the study. The term "trade and trade-related data" is defined in the provisions as including general and sector-specific import and export data, market information, trade policies and practices of major or potentially significant U.S. trading partners, and general economic and monetary information of major or potentially significant trading partners.

It is recognized that departments and agencies are not required to provide information which (a) is sensitive, proprietary, or collected in connection with enforcement investigations; (b) is protected by law from disclosure; or (c) necessitates expenditures outside of available resources. For example, information which might be provided could include current and historical data, but would not include economic forecasts.

The Secretary may also request other federal agencies and departments to provide resources necessary to conduct the study.

Within eighteen months of the effective date of this legislation, the Secretary must report to the House Ways and Means Committee and the Senate Finance Committee on the findings of this study. The report must also include any recommendations for administrative and legislative actions essential to meet the objectives of the system.

SECTION 201 AMENDMENTS

SEC. 5006.

Overview

In general, the amendments to section 201 emphasize the role of import relief in promoting industry competitiveness. Although current law specifies that section 201 is "for the purpose of facilitating orderly adjustment to international competition," the statute does not require any determination, as a condition of import relief, that such relief will result in a competitive U.S. industry.

The bill would direct the U.S. International Trade Commission ("ITC"), in recommending import relief, to determine that the industry would likely become competitive. In addition, the bill would direct the President to examine the likely effect of import relief in restoring industry competitiveness when he decides whether import relief is in the "national economic interest."

These changes to section 201 are intended to identify for import action under section 201 those situations where import relief is likely to result in a competitive U.S. industry. These situations present the only persuasive cases for providing import relief.

There are, however, situations where an industry is at a permanent competitive disadvantage and import relief cannot restore competitiveness. In these situations, American consumers and exporters should not be asked to bear the costs of import protection. Instead, the appropriate response is to provide timely worker readjustment assistance to aid dislocated workers in moving to new and productive lines of employment. To accomplish this goal, we have proposed assistance under the new and strengthened worker readjustment program. This $980 million program will help an estimated 700,000 additional workers each year to adjust to change, to learn new skills, or to update old ones. The new Worker Readjustment Program will replace the current Trade Adjustment Assistance and Job Training Partnership Act program.

The bill would make additional remedies available to the President. Current law limits the President to proclaiming a tariff increase, a tariff rate quota, a quota, or orderly marketing agreements, or directing that workers receive worker adjustment assistance. The proposed amendments would improve current law by authorizing the President to initiate multilateral negotiations designed to address or alleviate the injury, or to use existing authority to grant temporary exemptions from regulatory requirements that burden the industry's competitiveness. These additional remedies will provide the flexibility necessary to enable the President to craft a package of remedies that substantially improves the industry's overall competitive position.

Finally, the bill would improve access to import relief in two situations. First, the bill would make it clear that import relief should be available during a recession or economic downturn. In the past, several members of the ITC have interpreted the "substantial cause" requirement of section 201 in a way that precludes import relief during a recession or downturn in the business cycle. This interpretation would be legislatively overruled.

Second, the bill would create a special fast track import relief procedure for perishable agricultural products. The perishability of certain agricultural products makes some form of expedited import relief imperative, since the normal time limits of section 201 would render relief too late to be effective. The bill is designed to ensure that the expedited relief procedure is consistent with the GATT. The bill rejects approaches that would allow expedited relief without a full showing that imports are causing serious injury to a U.S. industry. Instead, the bill would create a special monitoring procedure that would allow the ITC to complete an expedited investigation of whether imports are causing serious injury, as required by GATT Article XIX.

(a) *Import Relief During a Recession or Economic Downturn.*

Paragraph (1)(A).—This paragraph makes conforming amendments in section 201.

Paragraph (1)(B).—This subsection would clarify that the causes of declining demand associated with an economic recession should not be treated as a single cause for purposes of determining whether imports are a substantial cause of serious injury under section 201.

By law, the ITC must determine whether imports are a "substantial cause" of "serious injury." A "substantial cause" is defined in section 201(c)(4) as a cause that is important and not less than any other cause. In a 1980 "escape clause" investigation of *Certain Motor Vehicles and Certain Chassis and Bodies Therefor,* several Commissioners treated an economic downturn as a single cause of injury. After finding that this downturn was the most important cause of the declining condition of the U.S. automobile industry, they determined that imports were not a substantial cause of serious injury. This interpretation makes it virtually impossible to obtain section 201 relief during a recession. Yet, it is during a period of recession that an industry is most vulnerable to a surge in import competition.

The bill would clarify that a recession *per se* should not be treated as a single cause of injury. The amendment will ensure that import relief is no more difficult to obtain in a recession than during a period of economic prosperity. This clarification should provide major benefits to industries experiencing difficulties during an economic downturn.

The bill would not preclude the Commission from considering the effects of a recession, but instead would direct the Commissioners to treat a recession as a set of distinct causal factors, rather than a single factor. Accordingly, the Commission could examine declines in demand associated with a recession as part of its analysis of whether imports are a substantial cause of "serious injury," but would not aggregate the different causes of declining demand—such as high interest rates, unemployment, and reduced business investment—and higher energy costs into a single factor. This essentially codifies the approach adopted by the Commission majority in *Carbon and Alloy Steel Products,* Inv. No. TA-201-51, USITC Pub. No. 1553, p. 48 (1984). In that case, the Commission did not treat a decline in demand as a single, aggregate factor, but instead examined the various causes of that decline, such as long-term shifts in consumer preference, changes in technology, and substitution.

The Commission would also consider the effects of a recession as part of its analysis of the condition of an industry over the full course of its business cycle. For example, if the industry is experiencing a normal decline in output and demand over the course of its business cycle, this could be evidence that imports are not the substantial cause of injury and that an economic recovery will restore the industry to health. If, on the other hand, the decline is much more pronounced than would normally occur in a cyclical downturn, the industry may be suffering serious injury as a result of imports.

(b) *Facilitating Industrial Competitiveness.*

Paragraph (1)—ITC Competitiveness Determination.—This provision would amend section 201(d) by requiring the ITC to determine whether the industry receiving import relief could reasonably be expected to be a viable and competitive industry following the relief. The amendment emphasizes the role of the "escape clause" relief in promoting industrial competitiveness. The Commission would examine whether traditional forms of import relief (*i.e.,* a tariff increase, tariff rate quota, or quota) could reasonably be expected to lead to a domestic industry that would be competitive without further import relief.

The bill also lists factors for the Commission to examine in making its assessment of the industry's likely competitiveness. These factors include the practicability and likely impact of any actions proposed by firms or workers to make the industry more competitive and the potential for adoption of new technologies or more modern production methods. The Commission would also be required to examine whether a segment of the industry is viable and can be preserved, even though some shrinkage must occur. In many cases, adjustments in the size of the industry or in the type of merchandise produced can preserve certain portions of an industry. Finally, the Commission would evaluate the industry's likely future ability to compete in terms of price, production costs, and quality with foreign competitors.

If the ITC finds that a segment of the industry can maintain or regain its competitiveness, but that the remainder of the industry is at a permanent competitive disadvantage, it would recommend import relief designed to assist only the viable segment of the industry. Accordingly, the Commission would recommend import relief targeted for the portion of the industry that could be saved.

Paragraph (2)—The President.—The President would be required to weigh the industry's competitiveness in determining whether import relief is in the "national economic interest." The President would apply a similar standard to that employed by the ITC; *i.e.,* whether import relief could reasonably be expected to lead to a domestic industry that could be competitive without further import relief upon the expiration of a suitable period of import relief.

In determining whether to grant import relief, the President must examine the national economic interest. Import relief can have broad implications for the U.S. economy and for national security. While import relief offers protection to an injured industry, it can also lead to higher consumer prices, lost markets for U.S. exporters as a result of foreign compensation claims, and higher production costs to downstream manufacturing industries who must pay more for necessary production inputs. Accordingly, section 202 directs the President to weigh and balance the national economic interest in determining whether to grant relief and in fashioning an appropriate remedy.

The amendment would also direct the President to review the likely improvement in industry competitiveness in determining whether to grant relief. The President would take the ITC's advice into account, but could conclude, despite an ITC determination to the contrary, that an industry could not become competitive. In addition, if the President chose a form or amount of relief different from that recommended by the ITC, he would be required to examine the implications of the new relief for industry competitiveness.

Paragraph (3).—This paragraph would authorize the President to terminate import relief if he determines that relief is no longer necessary to restore industry competitiveness or the industry can no longer become competitive. An industry can recover more quickly than expected, thus obviating the need for relief. In other situations, changed circumstances may show that continued relief would be futile or inappropriate. For example, the President's decision to grant relief could involve an assumption that an industry will take certain steps to restore its competitiveness. If such actions are not forthcoming, the President could terminate the relief.

(c) *Additional Remedies.*

This subsection would authorize the President to grant two additional remedies in "escape clause" proceedings. These remedies are multilateral negotiations and executive review of regulatory requirements that burden the competitiveness of the domestic industry.

The reference to multilateral negotiations will enable the President to enter into multilateral negotiations designed to address or alleviate the causes of serious injury. These negotiations could involve, for example, multilateral negotiations in GATT. This provision would also authorize long-term negotiations intended to result in multilateral agreements that substantially address an industry's concerns, including agreements that open up foreign markets.

In addition, the President would be authorized in certain circumstances to order an expedited review of federal regulatory requirements affecting an industry. In certain situations, regulatory requirements can impair an industry's competitiveness and help render it vulnerable to foreign competition. Based upon the expedited review of applicable federal regulatory requirements, the President could use any existing statutory authority or direct the head of an Executive agency to use his existing statutory authority to temporarily alter, ease, or eliminate such requirements to assist the industry. If the President finds that regulatory requirements are unduly burdening the industry but that he or an agency head lacks the legal authority to alter such requirements, he could propose appropriate legislation to Congress.

The President would be empowered to specify procedures for seeking exemptions for regulatory requirements or the terms and conditions on which an exemption will be granted.

(d) *Fast Track Import Relief for Perishable Agricultural Products.*

This subsection of the bill is designed to provide fast track, emergency relief under section 201 for producers of perishable agricultural products. These producers are vulnerable to sudden and unexpected surges in imports. A perishable commodity must be marketed within a short period of time, since it rapidly becomes inedible. Accordingly, a perishable commodity must receive import relief in a short period of time if such relief is to be effective. The perishability of certain agricultural products makes such industries highly sensitive to sudden surges in imports.

This provision would authorize the President, at the request of the domestic industry, to direct the ITC to monitor perishable agricultural product imports under section 332. The authority to request monitoring would be delegated by the President to the USTR, subject to the advice of the Trade Policy Committee. The USTR would request such monitoring if he determines that there is a reasonable indication that the U.S. industry is vulnerable to serious and irreparable injury as a result of surges in imports.

Under section 332, the ITC would collect data on imports and the condition of the domestic industry. These data would enable the ITC to conduct an expedited preliminary "escape clause" investigation in appropriate circumstances.

Request by Domestic Industry

This authority would be triggered by a request from a domestic industry for an expedited escape clause investigation of perishable agricultural product imports that are subject to monitoring.

Injury Standard

This provision sets out the standard for the ITC's preliminary finding in a fast track perishable agricultural product investigation. The ITC would determine whether three conditions are met:

(1) There is a strong likelihood on the merits that an increase in imports of a perishable agricultural product (either actual or relative to domestic production) is a substantial cause of serious injury or a threat thereof to a domestic perishable agricultural product industry.

(2) Such injury is likely to be difficult to repair by reason of the perishability of the like or directly competitive agricultural product of the domestic industry.

(3) The injury cannot otherwise be prevented by a normal section 201 proceeding.

These injury criteria are designed to identify emergency situations where a normal section 201 would be ineffective for a perishable agricultural product industry and fast track preliminary relief is appropriate. Since the inquiry would be conducted on an expedited basis, the ITC would make its finding on the basis of the best information available.

If the ITC made a negative fast track finding, it would continue with a normal investigation under section 201 and would issue a final report within the normal six-month time-frame for investigations. The preliminary fast track finding would not be treated as dispositive, since additional evidence could be developed in the course of a full inquiry by the ITC.

ITC Recommendation Regarding Import Relief

If the Commission finds that the injury criteria have been met, it would be required to recommend appropriate import relief to the President. The Commission would find the amount of the duty increase or quantitative restriction necessary to eliminate the injury. The ITC would give preference to a tariff increase if tariff relief is feasible and would eliminate the injury to the domestic industry. Tariff relief is especially appropriate in an emergency relief situation, since it can be refunded if the ITC finds under section 201 that the industry is not seriously injured or the President eventually decides not to grant relief under section 203. As explained below, the possibility of a refund allows a partial return to the original status quo if eventually found to be inappropriate.

The ITC would be required to deliver its recommendation to the President no later than 21 days after the filing of a petition under the perishable agricultural product fast track provision.

Determination of the President

The President would grant emergency import relief unless he determines that such relief is not in the national economic interest. While he would be required to take the ITC's recommendation into account, he could choose to grant a different amount or type of import relief than that recommended by the ITC.

The President could grant any form of import relief listed in section 203(a), as amended by this bill; *i.e.*, a tariff increase, a tariff rate quota, quota, orderly marketing agreements, multilateral negotiations, or regulatory relief. In addition, the President could direct the U.S. Customs Service to suspend liquidation of the merchandise and require a cash deposit or the posting of a bond or security. The suspension of liquidation is a flexible remedy that is particularly appropriate in an emergency situation where a full investigation is still underway. If the ITC eventually finds under section 201 that the industry is not injured or the President decides under section 203 that relief is not in the national economic interest, the cash deposit, security, or bond can be refunded to the importer. This minimizes the disruptive effect of the emergency relief and is likely to reduce foreign demands for compensation.

In any case, relief would terminate automatically if the ITC determines that the industry is not seriously injured in a final determination under section 201 or the President determines that import relief is not in the national economic interest.

(e) *Repeal of Certain Provisions.*

This subsection contains transition provisions to close out the trade adjustment assistance provisions of the Trade Act of 1974, which are to be replaced by the Worker Readjustment Act.

Paragraph (1).—Petitions for certification of eligibility to apply for Trade Act benefits would be cut off if not received by the Secretary of Labor by September 30, 1987. For certificates of eligibility to apply for benefits issued after September 30, 1987, Trade Act benefits would be cut off at that time, except for allowances. In any case underlying petitions would have had to have been filed by July 28, 1987.

Paragraphs (2) and (3).—Workers receiving trade adjustment allowances or additional allowances as of September 30, 1987, would continue to receive those benefits. Retraining benefits for workers in training as of September 30, 1987, would end as of the the end of fiscal year 1988. Job search payments after September 30, 1987, would be limited to expenses incurred before that. Relocation allowances would be paid if approved prior to September 30, 1987, and if the relocation is completed within 30 days of approval.

Paragraph (4).—Paragraph 4 repeals chapters 3 and 4 of Title II of the Trade Act of 1974. Chapter 3 authorizes the Secretary of Commerce to provide adjustment assistance to firms and industries adversely affected by competition with imports. Chapter 4 authorizes the Secretary to conduct an adjustment assistance program for communities. Under section 285 of the Trade Act of 1974 (as amended by Pub. L. No. 99-272, sec. 13007, 100 Stat. 82, 304), authority under chapter 3 expires September 30, 1991; authority under chapter 4 expired September 30, 1982.

Subparagraph (A) authorizes the Secretary of Commerce to take any action necessary or appropriate to administer and close out financial assistance projects undertaken prior to the repeal.

Paragraph (5).—Subparagraph (5)(B) authorizes the Secretary to:

(1) use amounts obtained from the repayment of loans, payments of interest and other receipts after termination of the program for the sole purpose of payment of obligations and expenditures arising in connection with transactions entered into by the Department of Commerce before the repeal. This authority allows the funds obtained from the repayment of loans to be used to protect the Government's investment and to honor the Government's obligations when a lender requests payment on a loan guarantee after a borrower has defaulted;

(2) continue to have available amounts currently on hand under sections 255(f) and

257(c) of the Trade Act of 1974 for the same purpose as noted in (1) above; and

(3) certify to the Secretary of the Treasury at the appropriate time that monies made available under paragraphs (B)(i) and (B)(ii) are no longer needed to provide funds for the protection of the Government's investment or for honoring its obligation under outstanding guarantees. Upon such certification, amounts on hand and any future repayments of loans, payments or other receipts will be deposited in the general fund of the Treasury as miscellaneous receipts. This paragraph is intended to provide for the disposition of monies reserved for making payments on guarantees when the underlying loans have been repaid and the Government is no longer contingently liable.

Paragraph (6).—Paragraph (6) authorizes the appropriation of such sums as necessary to provide for the administrative expenses of winding up the program.

Paragraph (7).—Paragraph (7) provides that the effective date of subsection (e) is the date of enactment.

SECTION 301 AMENDMENTS

SEC. 5007. (a) *Reciprocity Amendment to Section 301(e)(3).*

The President is authorized to act under section 301 to enforce rights of the United States under trade agreements, and to respond to acts, policies or practices of foreign governments (or their instrumentalities) that: (1) violate a trade agreement, or (2) are unjustifiable, unreasonable or discriminatory and burden or restrict United States commerce. The terms "unjustifiable," "unreasonable" and "discriminatory" have been interpreted and defined broadly, illustratively and, in some respects, with increasing specificity in section 301.

The amendment now proposed to section 301(e)(3) would provide that in determining whether an act, policy or practice was "unreasonable," appropriate consideration could be given to the denial by a foreign government (or its instrumentality) of access to the market in that country and opportunities within that market generally reciprocating those available within the United States. Reciprocal opportunities in the United States, then, would be a factor taken into account in determining whether an act, policy or practice of a foreign government (or its instrumentality) is "unreasonable." (Other factors that could be taken into account could be international norms or practices in similar circumstances.) If considered "unreasonable," an act, policy or practice would be actionable under section 301 if the additional requirement of a burden or restriction on U.S. commerce were also met. If not considered "unreasonable," on the other hand, some other criterion of section 301 (*i.e.*, violation of a trade agreement, unjustifiability or discrimination) would have to be met for the act, policy or practice to be potentially actionable under section 301.

The reciprocity consideration alone would not necessarily determine whether the act, policy or practice was "unreasonable." Rather, it is a factor to be taken into account as appropriate. For example, even if the market opportunities provided abroad equaled or exceeded those reciprocally provided in the U.S., they could nonetheless be actionable if the foreign government concerned were violating a trade or other agreement or denying national or MFN treatment. Conversely, even if reciprocal opportunities were *not* provided in a foreign market, in many cases there might be valid reasons why the level of opportunities was nonetheless not "unreasonable." For example, the fact that a country might have higher tariffs than U.S. tariffs, either generally or for particular products, would not *per se* constitute a cause of action if the tariffs conformed to trade agreements. Further, the U.S. could have agreed expressly to that level of opportunities in exchange for other, greater benefits to other U.S. economic interests. In such a hypothetical case, the U.S. could not declare the foreign government's (or instrumentality's) act, policy or practice "unreasonable" without reneging on its earlier agreement.

(b) *24-Month Deadline in Trade Agreement Dispute Settlement Cases.*

Section 303 requires the Trade Representative to seek a resolution of a foreign government (or instrumentality) unfair trade practice through the dispute settlement provisions of a trade agreement whenever they are applicable and a mutually satisfactory solution cannot be achieved bilaterally. This means that if the section 301 matter arises exclusively under a trade agreement (generally the GATT or a GATT code), any failure to settle the matter through bilateral consultations requires resort to formal dispute settlement proceedings. In such cases, the deadline for the Trade Representative's recommendations to the President of what action, if any, he should take under section 301 is 30 days following the conclusion of dispute settlement proceedings—regardless how long that process may take.

While dispute settlement under the GATT and GATT codes has been satisfactory in most cases, in an important minority of cases (often involving agricultural disputes) this process has proved unduly lengthy and unreliable. Sometimes panels of experts simply have taken too long to prepare their reports to the GATT Council or comparable body under a GATT code. In other cases, the panel of experts may have concluded its work in a timely fashion, but action within the Council (or comparable body) may be delayed. In a few exceptional cases, a few trading partners have blocked consideration or disposition of the report by the Council.

The Administration believes that international trade disputes must be resolved in an effective and timely manner. To achieve this goal, the United States has advocated negotiations on improved dispute settlement procedures. In the Uruguay Round of multilateral trade negotiations launched in September 1986, the Ministerial Declaration formally calls for negotiations on this subject.

In the meantime, however, the Administration believes that the United States cannot afford to be held hostage to any unduly protracted dispute settlement proceedings under trade agreements. To prevent that, in section 301 cases involving dispute settlement proceedings under a trade agreement, this amendment would require the Trade Representative to make his recommendations about what action, if any, the President should take under section 301 within 24 months of the initiation of an investigation under section 302, even if dispute settlement proceedings continued. (This time limit could be waived at petitioner's request.) If the dispute settlement proceedings concluded earlier, however, the current time limit on the Trade Representative's recommendations (30 days following the conclusion of dispute settlement procedures) would continue to apply.

This amendment would not directly affect the trade agreement dispute settlement proceedings. Even if the 24-month deadline this amendment would establish for the Trade Representative's recommendations to the President were reached, dispute settlement proceedings could continue to their conclusion. The outcome of dispute settlement could prove consistent with any Presidential action under section 301. If, on the other hand, the outcome of international proceedings was at variance with any Presidential action, the President would be free under section 301 to modify his decision and action if he considered such modification appropriate.

(c) *Reports on Commercial Effects of Section 301 Actions.*

This amendment to section 306 of the Trade Act would extend its current semiannual reporting requirements on section 301 petitions and developments to describe as well the commercial effects of recent actions taken under section 301. Its purpose is to promote a better understanding of both the benefits and the costs entailed in action under this section.

This requirement would be construed broadly to include unilateral liberalization of its market by a foreign government in response to a section 301 matter, agreements negotiated with foreign governments to resolve section 301 issues, and retaliatory actions taken unilaterally by the United States because of failure to resolve the dispute through negotiations. In all such cases, it would be helpful to the President, Congress and general public to be familiar with the track record of economic gains and losses to the United States.

(d) *Technical Amendments.*

(1) *Deletion of "Or" in Section 301(b)(1).*—Section 301(b)(1) unnecessarily includes two "or's" in a list of verbs. This technical change deletes the first "or."

(2) *Requirements concerning Opportunities for Public Comment.*—Currently the requirements for providing opportunities for public comment differ depending upon whether action under section 301 would be taken in response to a petition or on the President's own motion. In a petition case, section 304(b) requires the Trade Representative to provide an opportunity for the presentation of views, including a public hearing if requested by any interested person, before recommending to the President any action under section 301. If the Trade Representative determines that expeditious action is required, he can defer—but not delete—the public comment exercise until after he makes recommendations.

In other cases not involving a petition, on the other hand, section 301(d)(1) requires the President to provide an opportunity for the presentation of views concerning the taking of action under section 301. It makes no reference to a hearing, and does not require that an opportunity for comment be provided after the fact if a prior opportunity is not provided because the President determines that expeditious action is required.

The proposal amends section 301(d)(1) to conform generally with the public comment/hearing requirements already established in section 304(b) for petition cases.

(3) *Shorthand for "United States Trade Representative".*—Section 302(a) refers to the "United States Trade Representative (hereinafter in this subchapter referred to as the 'Trade Representative')," even though section 301(c)(2)(B) already provides for the abbreviated reference. Therefore, that phrase in section 302(a) should be replaced with simply "Trade Representative."

(4) *Clarification of Deadline for Trade Representative's Recommendation in Cases Involving Subsidies Code and Other Issues.*—Section 304(a)(1) lists the various deadlines for the Trade Representative's recommendations to the President for action (if any) under section 301. These deadlines depend upon the subject of complaint. The proposal clarifies that the deadline in section 304(a)(1)(B) applies only to cases involving exclusively issues arising under the Subsidies Code (other than such cases involving solely export subsidies); it does not apply to cases involving other issues as well.

(5) *Extension of Section 305 to Cover Services. Investment and Intellectual Property.*—Section 305 requires the Trade Representative's Office to respond to inquiries by the public about, *inter alia*, "the nature and extent of a specific trade policy or practice of a foreign government or instrumentality with respect to particular merchandise. . . ." Section 305 is often used to obtain information for possible use in a petition under section 302 seeking action under section 301. Because section 301 applies far more broadly to services, investment and intellectual property protection as well as to goods, the proposal expands section 305 to reflect more nearly the scope of section 301.

AMENDMENTS TO THE ANTIDUMPING AND COUNTERVAILING DUTY LAWS

SEC. 5008. (a) *Trade Remedy for Imports from Nonmarket Economy Countries.*

The current antidumping ("AD") law and procedures as they apply to state-controlled economies (nonmarket economies or "NMEs") do not work well. Under the current approach, the preferred method for determining foreign market value under section 773(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1677b(c)) ("Act"), is to use home market price or cost data from a market economy country at a comparable stage of economic development to the NME. The Department of Commerce ("Department") is frequently unable to find surrogate producers willing to cooperate in the investigation by providing such data. Therefore, it has had to develop fall-back methodologies. The dumping margins for a NME country will vary widely depending on which methodology or surrogate country is used. As a result, a NME country typically is unable to predict whether or not a particular U.S. price will be considered a dumped price, and is unable to structure its activities accordingly. In addition, an American industry faced with low-priced competition from a NME producer is unable to determine whether the antidumping laws would provide a remedy. To overcome this reliance on information that is extremely difficult to obtain, and to provide greater certainty and predictability in the administration of the antidumping duty law as it applies to NMEs, the law should be amended.

Under the proposed amendment to section 773(c) of the Act, the benchmark for determining whether NME imports are fairly priced would be the import prices from the eligible market economy country (defined in proposed section 771(18) of the Act) with the lowest average import price (defined in proposed section 771(19) of the Act) into the United States. In determining whether a market economy country is "eligible," the Department will take into account such factors as levels of imports of the comparable merchandise from that country and whether this merchandise is subject to an antidumping or countervailing duty order, suspension agreement or any international agreement which may affect price. (This provision does not preclude the Department from using countries that are subject to countervailing or antidumping duty orders where it can adjust for the effect of such subsidies or dumping.) The Department will average the import prices of the comparable merchandise from each eligible market economy country over the applicable period of investigation or review. The Department will then select that eligible market economy country that has the lowest of these average prices to use for its benchmark. The Department may use two or more eligible market economy countries for its benchmark where it determines the volume of imports otherwise would be insufficient.

In addition, the proposed legislation contemplates that there may be situations where there is no eligible market economy country. In such circumstances, the proposed section 773(c)(2) directs that foreign market value be based on constructed value in any country or countries other than a nonmarket economy country. In the event that the Department determines that the prices of the eligible market economy country with the lowest import price do not accurately reflect fair value (*i.e.*, sales are below cost), the Department may determine foreign market value on the basis of either another eligible market economy country or constructed value.

Proposed section 773(c)(1) would permit the Department to consider particular industries within a NME country governed by market forces to an extent that it would be appropriate to address dumping from those industries under the Department's normal methodology rather than under this NME methodology.

This proposal amends section 734 of the Act to give the Department authority to suspend antidumping investigations on NME countries on the basis of quantitative restraint agreements.

The proposal recognizes that it may be difficult to obtain detailed import data from countries that are not under investigation. The proposal gives the Department the authority, where necessary, to rely on data based on "comparable merchandise," as defined in proposed section 771(20) of the Act. Comparable merchandise is a broader category than the "such or similar" merchandise comparison which is usually used for foreign market value comparisons. Furthermore, in order to increase the likelihood that a more precise breakdown by such or similar merchandise will be available, the proposed section 773(c)(3)(A) of the Act directs the U.S. Customs Service and the ITC, upon request by the administering authority, to turn over to the Commerce Department all public information that relates to import prices. Section 773(c)(3)(B) provides that, for the purpose of obtaining information to establish the import price benchmark, the administering authority may have access to documents and may take depositions. If necessary, the administering authority may issue a subpoena. Section 773(c)(4) provides that, during a proceeding under section 773(c), any factual information relating to import prices shall be filed simultaneously with the Commission and the administering authority.

This proposed amendment to the statute codifies the recent decision of the Court of Appeals for the Federal Circuit in *Georgetown Steel Corp.* v. *United States*, 801 F.2d 1308 (Fed. Cir. 1986), that the countervailing duty law does not apply to NMEs.

(b) *Prevention of Circumvention of Antidumping and Countervailing Duty Orders.*

Under the present law, parties subject to an antidumping finding or order or a countervailing duty order often have been able to circumvent or evade the order by making slight changes in their method of production or shipment of merchandise destined for ccnsumption in the United States. The proposed amendments would enable the administering authority, consistent with the GATT, to eliminate many forms of evasion and circumvention by clarifying in certain respects the reach of an antidumping duty finding or order or a countervailing duty order. Since the class or kind of merchandise covered by the finding or order would not be broadened, the proposals would not require an additional injury test.

Proposed section 771(21)(A) addresses two types of circumvention of antidumping findings or orders and countervailing duty orders ("orders"). In one situation, the foreign producer circumvents or evades the order by importing parts or components and assembling in the United States the class or kind of merchandise covered by the order. For example, a foreign television producer ships picture tubes and printed circuit boards to a related subsidiary in the United States to be assembled and then sold as a television receiver. In the other situation, the foreign producer circumvents or evades the order by importing an incomplete or unfinished article and completing in the United States (by means other than assembly) the class or kind of merchandise covered by the order. For example, steel pipe is imported by a related party that threads it and sells it as threaded pipe. In both cases the order covers the completed article from a particular country or countries but not necessarily the separate parts or components. The foreign producer, operating through a related party in the United States, imports substantially all parts from the country covered by the order and adds relatively little value in the United States. In both cases the first sale of the merchandise to a party in the United States unrelated to the producer occurs after its completion or assembly in the United States.

In an investigation, the administering authority would identify which merchandise, if any, is being introduced into the commerce of the United States after assembly or completion in the United States, and the administering authority and the Commission, where required, would include the imported parts or components, or incomplete or unfinished articles in the investigation. If the producers begin assembly or completion operations in the United States after the date of publication of an order, the order nonetheless would cover that merchandise.

Proposed section 771(21)(B) permits the administering authority to prevent evasion of an order by shipment of merchandise to the United States from the country of origin through a third country when certain conditions are met. In including merchandise assembled or finished in a third country under an order, the administering authority must determine that (i) the third country producer is related to a manufacturer covered by the order, (ii) substantially all the parts or components (measured by volume or value or both, as appropriate) are obtained from that manufacturer, and (iii) the value added in the third country is relatively small. In making this determination, the administering authority will further consider whether the third country operation was established only after the order was issued. In short, the administering authority would consider all factors relevant to a determination that the producer in the country covered by the order had evaded the order by continuing to sell dumped or subsidized merchandise to the United States by indirect shipment. This provision, like the others in proposed section 771(21), would not broaden the definition of class or kind of merchandise under investigation or covered by the order.

Proposed section 771(21)(B) might be used, for example, when ethanol is shipped to a third country for dehydration or for blending with a small amount of additive. It might also be used when steel sheet is cut to length in a third country prior to importation into the United States.

Proposed section 771(21)(C) would address the uncertainty that arises when a foreign producer alters the merchandise in minor respects in form or appearance, whether or not this results in a change in tariff classification. The proposed amendment creates a rebuttable presumption that an investigation or order on a completed, finished item of merchandise covers that merchandise even though it is altered in minor respects in form or appearance. The administering authority may determine to limit the presumption in any particular proceeding.

This provision might apply when steel sheet is temper rolled prior to importation into the United States or when a fire resistance coating is applied to cookware prior to importation into the United States.

(c) *Foreign Tax Offset Adjustment.*

(1) *Amount of the Adjustment.*—The present law provides for offsetting the amount of any merchandise taxes which an exporting country refunds or forgives upon export to the United States, but only to the extent that the taxes in question are "added to or included in the price" of comparable merchandise sold in the exporting country. Until recently, the Department assumed that the full amount of foreign taxes on merchandise was always included in their price, and made an adjustment offsetting the full amount of the foreign tax. In April 1986, the Court of International Trade overturned this practice in *Zenith* v. *United States* (Slip. Op. 86-43, April 24, 1986).

The proposed amendment would confirm the Department's traditional practice of offsetting the full amount of foreign taxes forgiven on export, by deleting the statutory language limiting the amount of the adjustment. This effectively would overturn the Court of International Trade's decision in *Zenith.*

The reason for the change is that the only acceptable way to calculate that proportion of a tax which is "added to or included in the price" of merchandise sold in an exporting country is to perform an econometric analysis of the long-run supply and demand for that product in the country in question. This is a task comparable in complexity and certainty to estimating next year's interest rates in that country. For the Department to attempt such a measurement in almost every case (nearly all of our major trading partners, as well as the United States, forgive indirect taxes on export) would be a massive new administrative burden.

If this change is not made, there is a substantial risk that, in administering their antidumping laws against imports from the United States, foreign governments would adopt the U.S. approach as a method of retaliating for the artificially high U.S. antidumping duties imposed on their products. It would be up to the foreign government to decide what portion of the tax the U.S. producer had passed through to the purchaser. The result of such retaliatory action would be to subject more U.S. producers to orders of dumping and to assess larger dumping duties on these products even if these producers' actions were not unfair.

(2) *Calculation of the Adjustment.*—The present law provides that the adjustment be calculated in the amount of the taxes forgiven on export.

The proposed amendment would require that the adjustment be calculated in the amount of taxes imposed on similar merchandise sold for home market consumption.

There are two reasons for the change. First, the present law unfairly distorts dumping margins. The distortion occurs because foreign taxes on merchandise normally are assessed as a percentage of the price. Where the home market price is higher than the U.S. price, the tax assessed on home market sales accordingly will exceed the amount forgiven on the U.S. sales. Therefore, a tax offset calculated on the basis of the U.S. price will be too small to offset the tax assessed in the foreign market. Second, it would often be impossible to determine the amount of tax forgiven on export with certainty. This is because export models often are not sold in, and are different from models sold in, the home market. In such cases, it would be impossible to know what the home market price of the export model would be, and therefore impossible to calculate the tax on that model accurately.

(3) *Methodology.*—The present law provides that, once the Department has determined the amount of the foreign tax offset adjustment, it add that amount to the U.S. price of the merchandise.

The proposed amendment would direct the Department instead to subtract the adjustment from the foreign market value of the merchandise.

The reason for the change is that, if the adjustment is calculated as a percentage of foreign market value, adding that adjustment to the U.S. price would unfairly understate the ad valorem dumping margin, which is the antidumping duty deposit rate.

(d) *The Injury Test for "New" Countries in "Old" Cases.*

(1) *Provision for Injury Test When Duty-free Merchandise Subject to a Countervailing Duty Order under Section 303 Subsequently Becomes Entitled to an Injury Determination.*—Section 303 of the Tariff Act of 1930 provides the statutory authority for the Commerce Department to impose countervailing duties on merchandise that is not the product of a country under the Agreement (within the meaning of section 701(b)). Under section 303, Commerce can impose countervailing duties on dutiable merchandise without a finding of injury by the ITC. However, Commerce cannot impose countervailing duties on duty-free merchandise without an ITC injury determination if the merchandise is from a country that has joined the GATT, or entered into similar international obligations requiring such an injury determination. Thus, there are two circumstances under which merchandise subject to a countervailing duty order under section 303 can subsequently become entitled to an injury determination: either the merchandise becomes duty-free, or the merchandise is duty-free and the country in which it was manufactured or from which it was exported joins the GATT or enters into a similar "international obligation."

The statute is silent as to how, and by what authority, an injury test can be performed where the requirement of an injury test arises after a countervailing duty order has been issued. The International Trade Commission ("Commission") has construed this statutory silence to mean that it lacks authority to conduct an injury investigation on merchandise already subject to a countervailing duty order unless the merchandise was subject to a previous injury investigation. Proposed section 303(a)(3) would provide the Commission with clear authority to conduct an injury test in such instances. If the Commission finds injury, the order would remain in effect and countervailing duties would continue to be collected; if not, it would be revoked.

Without this amendment, the Department of Commerce is compelled to revoke outstanding orders for which it lacks an affirmative determination of injury. This amendment will, therefore, enable the United States to continue to collect countervailing duties on imports previously determined to be unfairly subsidized without contravening our international obligations.

(2) *Provision for Injury Test When Duty-free Merchandise Subject to a Pending Investigation under Section 303 Becomes Entitled to an Injury Determination.*—The statute is similarly silent regarding appropriate procedures in a pending countervailing duty investigation which involves merchandise that, subsequent to initiation, becomes entitled to an injury determination. In such instances, the Department would be prohibited from issuing a countervailing duty order if it were unable to obtain an affirmative injury determination from the Commission.

This amendment will authorize the ITC to conduct an injury investigation in such instances and will provide for the necessary procedural adjustments to the investigation, such as the extension of various timetables, in order to perform an injury test.

This amendment is necessary in order to clarify the procedures that should be followed when merchandise subject to a pending countervailing duty investigation becomes entitled to an injury determination. It provides the Commission with clear authority to conduct an injury investigation in such instances and it enables the Department to continue with an investigation pending receipt of the Commission's determination.

ELIMINATION OF REQUIREMENT OF INJURY TO A U.S. INDUSTRY IN CERTAIN SECTION 337 INVESTIGATIONS

SEC. 5009. This section would amend section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) by eliminating the injury and industry requirements in certain intellectual property cases, making cease and desist orders available in addition to exclusion orders and increasing the penalty limit for their violation, and extending the Government use exception for patents to other forms of intellectual property. The section also provides for finding of violation of section 337 in default cases based on the facts alleged in the complaint where the relief requested is limited to the party in default. The section makes procedural and technical changes in the Tariff Act.

This amendment eliminates in all section 337 investigations the requirement that a complainant prove that the industry in the United States is efficiently and economically operated. Although this issue is addressed in each investigation, requiring extensive and costly discovery and submission of confidential business information, this provision has never been the basis for finding no violation of section 337. Eliminating this requirement should substantially diminish discovery requirements in these investigations and focus parties' efforts on establishing the existence of an unfair act or method of competition.

The amendments to subsection (a) also eliminate the need for certain intellectual property holders to show that an importation or sale has the "effect or tendency . . . to destroy or substantially injure an industry in the United States, or to prevent the establishment of such an industry." This will improve access by owners of U.S. patents, copyrights, trademarks, or mask work rights to remedies under the Tariff Act.

This amendment changes the findings that the ITC must make before a complainant may be granted relief under section 337. Currently, a complainant is required to establish the existence of an industry consisting of U.S. operations directly related to exploitation of the intellectual property right at issue and to present evidence of substantial injury to that industry. Where some operations are conducted offshore, or where injury is attributable to several causes, such as technological change and unfair practices in import trade, a complainant might be unable to make the requisite showing and would therefore be denied relief.

Eliminating the need for economic arguments in the specified intellectual property cases will simplify ITC proceedings. With these revisions, a complainant would only need to show the existence of a valid and enforceable U.S. patent, trademark, copyright, or mask work right and the importation of an infringing article or the sale of that article. The owner, importer, or consignee, or an agent of either, may be named as respondent. The defenses of invalidity, unenforceability and noninfringement would remain available to a respondent, and sale of a domestically produced infringing article would continue to be addressed through a civil action in U.S. district court. This section is not intended to change existing law or practice regarding parallel imports or gray market goods.

Subsection (b) amends subsection 337(c) of the Tariff Act of 1930 (19 U.S.C. 1337(c)) by clarifying procedures and setting time limits on petitions for exclusion of articles during an investigation. If the ITC determines there is reason to believe that there is a violation of section 337, it may direct that the articles be excluded from entry into the United States except under bond. Subsection (b) permits initiation of this process by a petition filed no later than 30 days after publication of the notice of investigation in the Federal Register. The ITC must act on a petition under this section within 90 days, or 135 days for complicated cases, of publication of the notice of investigation or the date of filing the petition, whichever is later.

Subsection (b) also makes changes concerning cease and desist orders, procedures for changing the period or effect of ITC orders, and the United States government use exception. Cease and desist orders are made available *in addition* to other remedies under section 337 rather than as an alternative. The limit on the penalty for violating a cease and desist order is raised from the greater of $10,000 or the domestic value of the articles entered or sold, to the greater of $10,000 or *twice* the domestic value of the articles.

When an exclusion or cease and desist order is issued, it continues in effect until the ITC finds that the conditions that led to the order no longer exist. Subsection (b) clarifies that the burden of persuasion is with the person petitioning the ITC for such a finding.

Subsection (b) also extends the exemption for articles imported by or for the United States, with the authorization of the Government, to include cases based on trademark, copyright, or mask work infringement as well as those based on patent infringement. The intellectual property holder's remedy does not include exclusion from entry or a cease and desist order against the Government or against one acting with authorization of the Government, but is limited to a claim for compensation under 28 U.S.C. 1498.

These amendments also add a default provision that reflects practice in U.S. district court. A "person" as used in this subsection refers to any interested party to an ITC investigation including respondents named in the notice of investigation, the ITC investigative attorney, and any parties that may be joined during the course of the investigation. The facts alleged in the complaint must establish a violation of section 337. Relief is limited to the party found in default and shall not adversely affect any party that is not in default; thus, a general exclusion is not available unless a complainant establishes a *prima facie* case of violation. Under ITC practice, even if a respondent fails to appear, the ITC investigative attorney may raise issues concerning the allegations in the complaint. Under this amendment, no presumption would attach to any alleged facts as to which the investigative attorney had raised a significant issue. The complainant would still have to make a sufficient *prima facie* showing regarding those facts, as under current practice.

The limited exclusion order or cease and desist order considered under this default provision may be denied based on the same public interest considerations currently considered in section 337 investigations. Determinations made in default investigations are also subject to Presidential review. In addition, in cases where not all of the parties are found in default and the ITC subsequently determines that there is no violation of section 337, we expect that the ITC would act expeditiously to notify the Secretary of the Treasury under section 337(i) (as redesignated) that the conditions that led to relief under section 337 no longer exist and that exclusion should cease.

Finally, subsection (b) provides for protection of confidential information submitted in connection with a section 337 investigation. This provision should expedite discovery in section 337 investigations and codifies current ITC practice.

MISCELLANEOUS

SEC. 5010. (a) *Nairobi Protocol.*

Overview

The Nairobi Protocol expands to some extent the scope of the duty-free treatment of imports, either scientific, educational or cultural in nature or for use by the handicapped, under the original Florence Agreement (to which the U.S. became a party in 1966). Basic provisions of the Protocol were implemented temporarily on a provisional basis before the U.S. became a party. This temporary implementation expired in 1985. The Administration now believes that our trading partners are implementing the Protocol in a manner that justifies the U.S. becoming a party to and implementing the Protocol permanently (although in some respects with less duty-free treatment than the prior temporary implementation).

Paragraph (1).—This paragraph provides that this subsection may be cited as the "Educational, Scientific, and Cultural Materials Importation Act of 1987."

Paragraph (2).—This paragraph sets forth the purpose of subsection (a) to implement the Nairobi Protocol and clarify or modify the Florence Agreement implementing legislation.

Paragraph (3).—This paragraph explains certain references in the new legislation.

Paragraph (4).—This paragraph provides an effective date of the later of 15 days after enactment of the legislation and of the U.S. ratification of the Nairobi Protocol.

Paragraph (5).—This paragraph provides for the retroactive application of duty-free treatment for articles imported between the lapse of the earlier Nairobi Protocol legislation and the enactment of this bill, for which such treatment is provided in both.

Paragraph (6).—This paragraph would provide duty-free treatment for certain printed and related materials inadvertently not specified by the earlier legislation.

Paragraph (7).—This paragraph would limit the duty-free treatment of visual and auditory materials to materials either: (1) certified by the designated Federal Agency as educational, scientific, or cultural in character, or (2) imported by or for the use of public or private institutions or associations approved by the designated Federal Agency and certified by the importer as educational, scientific, or cultural in character. The earlier legislation granted duty-free entry to visual and auditory materials regardless of subject or end use. The proposed narrowing of the scope of the provisions permitting duty-free importation is intended to implement the U.S. acceptance of an annex to the Protocol containing lesser obligations at a level more closely resembling the treatment of these materials accorded by our major trading partners. A modification of this narrowing of duty-free treatment is permitted by paragraph 11.

Paragraph (8).—This paragraph would provide duty-free treatment for tools especially designed to be used to maintain, check, gauge or repair scientific instruments receiving duty-free treatment under the original Florence Agreement legislation.

Paragraph (9).—This paragraph expands the Florence Agreement's duty-free treatment for articles used by the blind to apply as well to articles designed for use by other physically or mentally handicapped persons. The new legislation omits requirements in the Protocol that the articles be imported by certain institutions.

Paragraph (10).—This paragraph renews the safeguard provisions of the previous Act. They allow the President to narrow or eliminate duty-free treatment for tools or articles for the handicapped not provided for by the relevant annexes to the Florence Agreement or the Nairobi Protocol, if he determines that such imports have a significant adverse impact on domestic competitors.

Paragraph (11).—This paragraph authorizes the President to expand duty-free treatment of visual and auditory materials to the extent provided for under the earlier legislation, if he deems such action to be in the interest of the United States.

Paragraph (12).—This paragraph amends a headnote added to the Tariff Schedule of the United States by the Florence Agreement legislation, to clarify the provisions allowing duty-free importation of scientific instruments. The amendment is intended to insure that such duty-free treatment is limited to instruments and apparatus that are scientific in nature.

Paragraph (13).—This paragraph provides for the collection of statistical information with respect to the importation of articles for the handicapped.

(b) Harmonized System.

Overview

This subsection authorizes the President to accept for the United States the International Convention on the Harmonized Commodity Description and Coding System ("Harmonized System") and to implement in the U.S. customs tariff the nomenclature established by the Harmonized System. This entails repeal of the existing Tariff Schedules of the United States and adoption of a new Tariff Schedule.

The Harmonized System is an international product nomenclature and numbering system developed under the aegis of the Customs Cooperation Council. The United States participated actively in the development of the international system, as mandated by Congress in section 608 of the Trade Act of 1974. The Harmonized System was designed to provide a common core structure for countries to use in their tariff nomenclatures and international statistical reporting systems. It consists of some 5,000 discrete six-digit product categories onto which countries may build additional detail if needed.

The Harmonized System is intended to facilitate trade and trade analysis by introducing greater cross border predictability in the customs classification of merchandise and by improving the comparability and quality of trade data. U.S. private sector views and advice were taken into account by the U.S. participants in the development of the international nomenclature. At times, private sector advisers were included on U.S. delegations to the international meetings.

Paragraph (1).—Paragraph (1) states the purposes of subsection (b) to approve the Harmonized System Convention, to implement in the U.S. customs tariff the nomenclature established by the Harmonized System, and to authorize the President to proclaim the new tariff.

Paragraph (2).—This provision defines frequently used terms. "Commission" means the U.S. International Trade Commission. "Convention" means the International Convention on the Harmonized Commodity Description and Coding System, done at Brussels on June 14, 1983. "Trade Act" means the Trade Act of 1974.

Paragraph (3).—This paragraph provides Congressional approval of the Harmonized System and authorizes the President to accept the final legal text of the Convention for the United States.

Paragraph (4).—This paragraph provides that neither the entry into force of the Harmonized System nor the enactment of this subsection creates any private remedies except those which may be created expressly in this subsection or other laws of the United States.

Subparagraph (5)(A).—This subparagraph enables the President to proclaim any requirement of, amendment to, or recommendation under the Harmonized System that does not require a change to a United States statute.

Subparagraphs (5)(B) and (D).—These subparagraphs provide that whenever the President determines that a modification to the Harmonized System requires an amendment to a United States statute, he shall submit a draft bill to implement the modification to Congress. The modification will not enter into force with respect to the United States until implementing legislation is enacted.

Subparagraphs (5)(C) and (E).—These subparagraphs make the provisions governing procedure and timing of bills to implement trade agreements on nontariff barriers (section 151 of the Trade Act, 19 U.S.C. 2191) applicable to bills submitted by the President to implement a modification to the Harmonized System. In brief, the President must consult with all Congressional committees having jurisdiction over subject matter that would be affected not less than 30 days before submitting such a bill. Once introduced, no amendments to the bill are in order. Committee consideration generally is limited to 45 days, and consideration in both Houses is expedited.

Paragraph (6).—This provision states that section 125(a) of the Trade Act (19 U.S.C. 2135(a)), which provides that trade agreements reducing tariffs or affecting nontariff barriers shall be subject to termination after no more than three years, does not apply to the Harmonized System.

Paragraph (7).—This provision repeals the current Tariff Schedules of the United States and substitutes therefor the new United States Tariff Schedule based on Harmonized System nomenclature. The new Tariff Schedule is divided into sections, chapters and subchapters, grouping similar products together. The descriptions of the tariff items are supplemented by and further explained in general notes, general rules of interpretation and additional U.S. rules of interpretation. The U.S. Trade Representative will publish the proposed new United States Tariff Schedule by May 1, 1987, or as soon thereafter as possible.

Paragraph (8).—This provision instructs the President to bring United States tariff and other concessions in foreign trade agreements (principally the GATT) into conformity with the new United States Tariff Schedule, and authorizes him to proclaim the new United States Tariff Schedule.

Paragraph (9).—This provision identifies the elements in the new United States Tariff Schedule that will have the status of statutory provisions duly enacted by the Congress, and the elements that will have the status of provisions proclaimed by the President (and, therefore, not considered statutory). The statutory provisions can be changed only by statute; the proclaimed provisions can be modified by Presidential proclamation. The nonstatutory provisions are: (1) the rates of duty and other provisions, such as explanatory notes, which are required or appropriate to carry out foreign trade agreements to which the U.S. is a party (multilateral commitments under the GATT and bilateral commitments such as those under the Israel Free Trade Authority) and to implement the United States unilateral commitments under the Generalized System of Preferences and the Caribbean Basin Economic Recovery Act; (2) temporary modifications in rates of duty proclaimed pursuant to trade agreements legislation (most commonly under section 201 or 301 of the Trade Act); (3) increases in quantitative restrictions or fees pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C. 624); and (4) the general notes designating Communist-dominated countries and areas not entitled to the above-mentioned trade agreement rates and beneficiary countries under the Generalized System of Preferences and the Caribbean Basin Economic Recovery Act.

Paragraph (10).—This provision directs all U.S. Government agencies issuing public notices, findings, determinations, orders or recommendations during the period between enactment of this provision and the effective date of the new U.S. Tariff Schedule which refer to items in terms of their tariff description to refer to both the applicable existing Tariff Schedule provisions and the applicable provisions of the new Tariff Schedule. Agencies also are directed to furnish to the President upon request any outstanding findings, determinations, orders or recommendations restated to conform to the new Tariff Schedule. This direction to restate is principally applicable to outstanding antidumping duty and countervailing duty orders issued by the Department of Commerce.

Paragraph (11).—This provision directs the U.S. International Trade Commission to keep the new U.S. Tariff Schedule under continuous review and periodically to recommend changes to the new U.S. Tariff Schedule to conform it to amendments to the Harmonized System Convention which the Customs Cooperation Council has recommended for adoption. The Commission shall report its recommendations to the President after providing other interested U.S. Government agencies and private interested parties reasonable opportunity to present their views. The Commission is expressly proscribed from recommending changes that are not consistent with the Harmonized System Convention as proposed to be amended, or which involve changes in rates of duty except where such changes are incidental to, and necessary for the accomplishment of, changes consistent with the Harmonized System Convention as proposed to be modified.

Subparagraph (12)(A).—This provision empowers the President to proclaim changes to the new U.S. Tariff Schedule which he determines are necessary to conform the Schedule to changes in the Harmonized System Convention and are in the national economic interest of the U.S. In making this determination, the President is to take into consideration the changes recommended by the U.S. International Trade Commission pursuant to paragraph (11). The Commission recommendations are not binding on the President, though he may accept them in full, and he may make determinations not covered in the Commission's recommendations.

Subparagraph (12)(B).—This provision provides whenever the President determines that a change in statute is necessary or appropriate to implement an amendment to the Harmonized System Convention, the procedures of subparagraphs (B) through (E) of paragraph (5) shall apply.

Subparagraphs (12) (C), (D), and (E).—These provisions provide that where the President determines that no change in statute is necessary or appropriate to implement an amendment to the Harmonized System Convention, he shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate of the changes he intends to proclaim. The President must wait for at least 60 days to allow Congress time to study the proposed change. Thereafter, unless Congress has passed a joint resolution disapproving the change, the President may proclaim it. Any such change cannot become effective sooner than 15 days after the proclamation is published in the Federal Register. Such proclaimed changes are deemed to have been proclaimed to carry out a trade agreement.

Paragraph (13).—This paragraph provides that no change shall be made to the U.S. Tariff Schedule which does not conform to the Harmonized System Convention.

Paragraph (14).—This provision empowers the U.S. International Trade Commission, with the concurrence of the U.S. Trade Representative, to make and publish in the Federal Register minor technical and clerical changes (*e.g.*, typographical errors) in the new U.S. Tariff Schedule. The Commission must notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate of such proposed changes and must not publish them for at least 30 days thereafter to enable Congress to review the proposed changes. Once published, such changes are to be treated as statutory provisions under paragraph (7) or as proclaimed provisions under paragraph (8) or (12), as appropriate.

Paragraph (15).—This provision authorizes the U.S. International Trade Commission to publish the new Tariff Schedule and related information at appropriate intervals. The Tariff Schedule always will be published in printed form, and the Commission has the discretion also to publish it in the form of microfilm images and/or electronic media.

Paragraph (16).—This subparagraph provides transition rules for protests of classification decisions by the U.S. Customs Service. It is expressly stated that the courts are not divested of jurisdiction over protests concerning liquidated entries of articles entered or withdrawn from warehouse for consumption before the effective date of the new Tariff Schedule. Where the court sustains such protests in whole or in part, entries covered by that final court decision and made before the effective date of the new Tariff Schedule are to be liquidated in accordance with the final judicial decision. The liquidation of entries made after the effective date of the new Tariff Schedule is to be suspended by Customs while: (a) the U.S. International Trade Commission reports to the President on changes to the U.S. Tariff Schedule which it believes are necessary to conform it to the final judicial decision; and (b) the President, after reviewing the Commission recommendation, decides what changes he believes are necessary to conform the U.S. Tariff Schedule. The President will proclaim such changes and the entries the liquidation of which were suspended will be liquidated in accordance with those changes.

Where the court does not sustain a protest concerning entries liquidated before the effective date of the new Tariff Schedule, entries made prior to the effective date of the new Tariff Schedule will be liquidated in accordance with the final judicial decision, and entries thereafter will be liquidated in accordance with the new Tariff Schedule.

Paragraph (17).—This paragraph provides that the export trade statistics of the United States shall be compiled by the Census Bureau of the Department of Commerce, and made publicly available by them, using the tariff and statistical nomenclature of the Harmonized System Convention as in force with respect to the United States.

Paragraph (18).—This paragraph provides a savings clause for findings, determinations, orders or recommendations issued by U.S. Government agencies which are in effect as of the effective date of this subsection. It provides that neither the adoption of the new Tariff Schedule, the repeal of the Tariff Schedules of the United States, nor the failure to restate any outstanding finding, etc. as provided in paragraph (10) shall have any affect on the validity of such finding, determination, order or recommendation.

Paragraph (19).—This paragraph provides that the provisions for obtaining advice from the U.S. International Trade Commission, other U.S. Government agencies and the public, which are provided by the Office of the United States Trade Representative in its review of the proposed conversion of the Generalized System of Preferences ("GSP") to the Harmonized System tariff nomenclature, shall be deemed as satisfying the statutory requirements of sections 503(a) and 504(c)(3) of the Trade Act (19 U.S.C. 2463(a), 2464(c)(3)) as to advice from the Commission, other U.S. Government agencies and the public. The GSP conversion review began on December 8, 1986. In the Federal Register notice of that date (51 Fed. Reg. 44,163), there are provisions for seeking Commission advice and other agency and public comments which equal the requirements set out in sections 503(a) and 504(c)(3) of the Trade Act. This subparagraph makes clear that the GSP program need not undertake the wasteful exercise of repeating the advice and comment process.

Paragraph (20).—This provision is a one-year transition rule which permits a three-month delay (from July 1 to September 1) of the statutory deadline for making decisions on competitive need limits under the GSP program. Both the U.S. International Trade Commission and the Office of the United States Trade Representative have determined that it will be impossible for the Commission to provide USTR with the needed data in time to allow the President to make competitive need determinations by July 1 in the first year that the new Tariff Schedule is effective.

Paragraph (21).—This paragraph provides that the United States Trade Representative shall be responsible for coordination of U.S. policy relating to the Harmonized System Convention.

Paragraph (22).—This provision directs the United States Trade Representative to ensure that information and advice will be sought from an advisory committee (existing or newly created as appropriate) of representatives of the private sector in formulating the U.S. positions with respect to the Harmonized System Convention, including any proposed amendments thereto, at meetings of the Customs Cooperation Council.

Paragraph (23).—This paragraph provides that the President shall direct that a center for distribution of Customs Cooperation Council documents relating to the Harmonized System Convention be established and maintained.

Paragraph (24).—This provision amends section 604 of the Trade Act (19 U.S.C. 2483). This section enables the President to embody in the tariff changes in duty or other import restrictions stemming from substantive changes in law. Examples are the changes in rates of duty for beneficiary countries when the Generalized System of Preferences became effective or when import restrictions are proclaimed pursuant to investigations under section 201 or 301 of the Trade Act. The amendment adds "removal" of any rate of duty or other import restriction to the enumerated list of permissible actions, joining modification, continuance and imposition. This section does not provide substantive authority to impose, remove, continue or modify tariffs or other restrictions, merely the authority to embody changes approved in implementing statutes in the Tariff Schedule.

This paragraph also repeals section 201 of the Tariff Classification Act of 1962 (76 Stat. 72), which contained publication provisions that are superceded by those in paragraph (12).

Paragraph (25).—This provision makes necessary conforming changes to other U.S. statutes.

Paragraph (26).—This provision makes the repeal of the Tariff Schedules of the United States, the substitution of the new U.S. Tariff Schedule, and the other provisions of this subsection effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1988, unless the proclamation of the President provided for in paragraph (8) was published in the Federal Register after December 15, 1987. In that case, the repeal, substitution and other provisions of subsection (b) would be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after 15 days after publication in the Federal Register of the Presidential proclamation provided for in paragraph (8).

(c) *Removal of Embargo on Soviet Furskins.*

Subsection (c)(1).—Subsection (c)(1) would remove the prohibition which now exists against the importation from the Soviet Union of the skins of seven species of furbearing animals. Removal of the prohibition is now appropriate in light of the President's policy of seeking a more constructive working relationship with the Soviet Union, and takes into account Soviet commitments, undertaken at the May 20–21, 1985 session of the Joint U.S.-U.S.S.R. Commercial Commission, to improve market access and business prospects for American firms in the Soviet Union.

The importation of furskins from the Soviet Union has been prohibited since 1951 when, pursuant to the Trade Agreements Extension Act of 1951, President Truman, by executive proclamation, embargoed the importation into the U.S. of seven types of furskin: ermine, fox, kolinsky, marten, mink, muskrat and weasel. The prohibition applied initially to furskins imported from both the Soviet Union and the Peoples' Republic of China (PRC); however, P.L. 97-446, signed by the President on January 12, 1983, removed the prohibition with respect to the PRC.

Legislation is necessary to remove the prohibition with respect to the U.S.S.R., presently contained in headnote 4 to Subpart B, Part 5, Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202).

The commitments reciprocally made at the May, 1985 meeting of the Joint U.S.-U.S.S.R. Commercial Commission are expected to have a positive economic impact on the United States. At that meeting, the Soviets agreed to take steps to improve the ability of U.S. companies to sell nonstrategic manufactured goods to the Soviet Union. They agreed to ensure that Soviet bid invitations are distributed to United States firms, that United States firms have access to Soviet trade and purchasing officials, and that the proposals of the United States companies are considered on their economic merits. The Soviets have kept to their commitment. U.S. manufacturers are getting in to see the proper Soviet officials and their sales of machinery and equipment increased 35 percent during 1986.

Enactment of the proposed legislation will not have a significant impact on the domestic fur industry. The United States produces only one of the seven embargoed furskins, mink, in significant quantities. Over 80 percent of domestic mink production is exported, and has long competed with Soviet and other furs in the world market. Furthermore, since the Soviet fur industry is a mature one, any increase in Soviet exports of furskins to the United States as a result of this legislation will probably result in a decrease in exports to other markets, thus making United States exports more competitive in those markets.

Enactment of the proposed legislation may also have a positive effect on the domestic fur apparel industry. This industry presently imports lower quality mink from Denmark, Finland, Sweden, Canada, the Netherlands, West Germany, the United Kingdom and the PRC. Permitting imports of Soviet furskins would provide the industry with an additional source of raw materials. However, the overall economic impact would be small because of the expense and limited availability of Soviet furskins.

Subsection (c)(2).—Subsection (c)(2) provides that subsection (c)(1) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after enactment. This 15-day delay permits the Customs Service to implement the amendment in an orderly manner.

(d) *International Coffee Agreement.*

This subsection extends the authority to meet the United States obligations under the International Coffee Agreement through 1989.

(e) *Customs User Fee Amendment.*

Paragraph (1).—This paragraph of subsection (e) would amend the Tariff Act of 1930 (19 U.S.C. 1202 *et seq.*) to add a new section that would authorize the Secretary of the Treasury to prescribe and collect fees for any customs service performed in connection with the processing of any merchandise that is entered, admitted into a foreign trade zone, or withdrawn from a warehouse, foreign trade zone, or other bonded status. The fees would be established in an amount sufficient to reimburse the Government for all direct and indirect costs related to the administration of these commercial activities, to be paid by the importer of record of the merchandise. It is expressly provided that the amount of and basis for these fees shall be published annually.

Like the present ad valorem fee, which would be repealed by paragraph (2) of this subsection, these fees would be deposited into the Customs User Fee Fund, to be used to fund all related direct and indirect commercial costs. However, by permitting the Secretary of the Treasury to establish the fees, these amendments would assure more flexibility to implement reasonable fees commensurate with the cost of services rendered. Also, this revision in the establishment of the fees would close the "loophole" in the present ad valorem fee law, which provides an exemption from the user fee for merchandise provided for in schedule 8 of the Tariff Schedules of the United States. It would also delete the exemption for products of insular possessions of the United States, and conform the exemption for products of Caribbean Basin countries, to the Caribbean Basin Economic Recovery Act. Presently, OMB estimates that a failure to assess fees on schedule 8 importations will result in $160 million in lost revenue.

A user fee is authorized under the GATT if the fee is commensurate with the cost of the services rendered and is not an indirect protection to domestic producers or a tax for fiscal purposes.

Paragraph (2).—This paragraph would amend the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58(c)), to repeal the statutorily prescribed ad valorem user fee on Customs commercial services because this fee would be replaced by the fee established in paragraph (1). Also, this paragraph would repeal the statutory provision which provides for expiration of user fees after September 30, 1989.

Paragraph (3).—This paragraph would establish a delayed effective date of 90 days so that Customs would have time to promulgate regulations and otherwise implement the extensive changes this legislation would mandate.

TITLE V—SUBTITLE B—BUSINESS PRACTICES AND RECORDS ACT OF 1987

SECTION-BY-SECTION ANALYSIS

Section 5101 provides that subtitle B of title V may be cited as the "Business Practices and Records Act of 1987."

FINDINGS AND CONCLUSIONS

Section 5102 sets forth the Congressional findings and conclusions with respect to the need for amendments to the Foreign Corrupt Practices Act of 1977 (hereafter, "FCPA") to clarify requirements so that U.S. exporters are not needlessly burdened by unnecessary costs and deterred from taking advantage of legitimate export opportunities as a result of confusing and overbroad standards.

AMENDMENT OF SHORT TITLE

Section 5103 changes the short title of the FCPA to the "Business Practices and Records Act" to reflect the fact that certain provisions apply to issuers of securities irrespective of foreign activities (the accounting standards) and to remove the implication of wrongdoing embodied in the former title.

ACCOUNTING STANDARDS

Section 5104(a) amends the existing accounting provisions of the FCPA to clarify that the requirement to "keep books, records and accounts" is not a separate recordkeeping requirement, but part of the requirement to establish a system of internal accounting controls. Because of the way this requirement was written in the current law, cautious financial managers have been led to keep unnecessary records, thereby incurring additional costs which hurt the competitiveness of U.S. products and services.

Section 5104(b) adds four new paragraphs to section 13(b) of the Securities Exchange Act of 1934. New paragraph (b)(4) provides that no criminal liability will be imposed for failing to comply with the accounting standards. Paragraph (b)(5) would preclude the imposition of civil injunctive relief: (1) against an issuer if an issuer can demonstrate that it acted in good faith to comply with the requirements; or (2) against any person other than an issuer in connection with a failure to establish the accounting standards unless that person knowingly caused the issuer to fail to devise or maintain the necessary system. Paragraph (b)(6) establishes a *scienter* standard for violations of the accounting standards to prohibit knowing circumvention of the system of internal accounting controls. New paragraph (b)(7) defines the responsibility of an issuer to use good faith efforts to influence subsidiaries, to the extent reasonable under the issuer's circumstances, to establish a system of internal accounting controls consistent with the Act. Paragraph (b)(8) defines "reasonable assurances" and "reasonable detail" as those terms are used in section 13(b)(2) of the Securities Exchange Act of 1934 to ensure that issuers establish the accounting controls in such a way as would satisfy prudent officials in the conduct of their own affairs, having in mind a comparison between the benefits to be obtained and the costs incurred.

REPEALER; NEW BRIBERY PROVISION

Transfer of Jurisdiction

Section 5105(a) repeals the anti-bribery provisions set out in section 30A of the Securities Exchange Act of 1934. The effect of this repeal is to consolidate enforcement of the antibribery provisions in the Department of Justice. Under current law, the Securities Exchange Commission may bring civil actions for violations of both the accounting provisions and the antibribery provisions with respect to issuers; the Department of Justice is responsible for civil enforcement of the anti-bribery provisions with respect to domestic concerns and for criminal enforcement of the anti-bribery provisions with respect to both issuers and domestic concerns.

Clarification of the Bribery Prohibition

Section 5105(b) amends section 104 of the FCPA (renamed the "Business Practices and Records Act of 1987" by section 5103 of this subtitle) to clarify the basic prohibition against bribery.

Section 104(a) as amended retains the basic prohibition against bribery which is currently set forth in section 104(a)(1) and 104(a)(2). Minor technical changes have been made to simplify the structure and to clarify its phrasing.

Section 104(b) as amended maintains the current prohibition against using intermediaries to make bribes, but revises the standard for determining liability. Under current law, a principal is liable for payments made by third parties if the principal knows or "has reason to know" that a corrupt payment will be made to a foreign official in order to obtain or direct business to any person. The "reason to know" standard fails to give adequate guidance to U.S. executives in order to enable them to understand what is required of them. As revised, section 104(b) would hold the executives responsible for payments made by third parties if they "direct or authorize" the third party to make the payment (or the gift, offer, or promise of anything of value), either "expressly or by course of conduct."

Section 104(c) as amended clarifies the scope of the prohibition against using bribes to obtain business by specifying types of payments which are not covered.

Current law provides that payments to foreign officials whose duties are "essentially ministerial or clerical" are not covered by the basic prohibition. The legislative history indicates that this provision was added because the Congress recognized that certain types of "grease" payments, such as payments needed to get shipments through customs, to secure required permits, and to obtain adequate police protection, are customary and expected in certain countries and should not be subject to the sanctions against making bribes to obtain business. However, because the statute itself focuses on the duties of the foreign official instead of the purpose of the payment, this provision has proven to be of limited utility. Section 104(c) as revised is intended to give better guidance to the U.S. executive by specifying in the statute itself that certain types of facilitating payments, which are not intended to influence the decision to award business, are not subject to the sanctions against bribery. Such payments include those which:

(1) expedite or secure the performance of routine governmental action by a foreign official (examples include processing governmental papers, loading and unloading cargoes, and scheduling inspections);

(2) constitute a courtesy, token of regard or esteem, or are in return for hospitality and are of nominal value in the context of the type of transaction involved, local custom and local business practices; or,

(3) are reasonable and bona fide expenditures either associated with the selling or purchasing of goods or services or with the demonstration or explanation of products, or associated with contract performance (provided that such expenditures are made to, or on behalf of, the foreign official in payment for or reimbursement of that official's expenses).

Section 104(d) as revised provides that the fact that a payment to a foreign official was lawful under local law or regulation of that official's country will serve as an affirmative defense to any violation of the Act. This provision is similar to the exceptions listed in section 104(c) except that the burden of demonstrating that the payment was lawful will rest with the defendant.

Section 104(e) as revised is the same as section 104(b) under current law except for the addition of a definition of "found to have violated" in paragraph 104(e)(3). Current law requires the domestic concern to have been "found to have violated" the Act before the Government can prosecute an employee of the domestic concern for willfully carrying out the Act or practice constituting the violation. The intent of this provision, often referred to as the Eckhardt amendment, is to prevent the company from labeling the employee as a renegade and seeking to make the employee a scapegoat for the company's acts. This provision, however, has been construed narrowly by a court in *U.S.* v. *McLean*, 738 F.2d 655 (5th Cir. 1884), and prevented the Government from prosecuting an individual even where the company was convicted of a conspiracy to violate the FCPA. As amended, section 104(e)(3) provides that "found to have violated" includes a conviction based on related inchoate offenses, such as a conspiracy to violate the provisions of the Act, or on a plea of nolo contendere.

Section 104(f) as amended provides the Attorney General with additional authority in connection with civil investigations into violations of the anti-bribery provisions. This change is made in keeping with the consolidation of enforcement authority in the Department of Justice.

Section 104(g) defines "domestic concern" to reflect the consolidation of enforcement authority at Justice. In addition, it deletes the clause in the definition of "foreign official" with respect to foreign officials whose duties are "essentially clerical or ministerial" in light of the specification of permissible payments in section 104(c).

EXCLUSIVITY PROVISION

Section 5106 precludes the use of the wire and mail statutes to prosecute domestic concerns and their officers and employees for payments made to foreign officials based on the theory that the foreign official or the domestic concern violated a duty to or defrauded a foreign government. The Congress intends that the Business Practice and Records Act should be the basis for prosecution of corrupt payments to foreign officials for the purpose of obtaining, retaining or directing business to any person. The exception in this section for plea bargaining permits the Department of Justice to retain its historic discretion in the area of negotiated plea arrangements. This section also provides that the only fines applicable to violations of the anti-bribery provisions of the Business Practices and Records Act (BPRA) are as provided in section 104(e) of the Act, thereby providing that the "alternative fines" imposed by title 18 of the United States Code (currently at § 3623) do not apply to the BPRA.

Mr. DOLE. Mr. President, I will just say a few words about the bill that was just introduced.

Mr. President, I am today introducing what I believe is an historic set of proposals to restore American competitiveness. If enacted, such legislation would represent a national commitment to restore American strength and influence in the international economic community.

In line with the statement earlier made by the distinguished majority leader, I believe yesterday's meeting with the President at the White House, and the Republican and Democratic leaders, specifically the majority leader of the Senate, the Speaker of the House, and others from the Democratic side as well as those from the Republican side, indicates, as the majority leader has pointed out, that the administration wants to be a player. Trade legislation is very important. It has been on the mind of Senators on both sides of the aisle for a number of years, and it has been on the minds of a number of Members of the other body for a long time.

I think, as the majority leader pointed out yesterday, if you have lost your job or if you lost a plant, whether it is in coal mining, or steel, or glass, or agriculture, or footwear, or whatever, the usual free trade speech does not do much good for that person or for that company or for that community.

So I believe there will be a bipartisan effort. I hope the administration will join in that effort to address some of the real concerns that we have.

We also understand that we are dealing with our friends around the world whether it be Canada, Japan, or the European Community. These are our friends and our allies. We are certainly not insisting that we take some hostile act that would impair their economy. But at the same time, we believe there ought to be a level playing field.

I believe that the legislation I have just introduced will be a big step in that direction. Too often we think of American power purely in terms of military force. But that is a hollow shell if our Nation is sapped of its economic vitality.

It is my view that most of us in the Senate regardless of our party believe in open markets. We believe in access, if in fact we have open markets in countries that are shipping into our markets.

Mr. President, we understand the benefits to the American consumer. We are not trying to set up walls of protectionism, of tariffs, of quotas, whatever it might be.

I believe the program that we have before us, a program of action, is reminiscent of the efforts by Presidents Eisenhower and Kennedy, in the aftermath of Sputnik, to return us to our rightful place in the world technological competition.

Now we must return to our rightful place in the world economic competition.

The competitiveness bill we introduce today contains numerous important initiatives in many areas.

First, it greatly reinvigorates national efforts in the areas of education and worker retraining. It does this, among other things, through the reauthorization of the Education Consolidation and Improvement Act to target resources on the neediest schools and students; an expanded program to promote youth employment under the Job Training Partnership Act as well as new training and employment provisions within the AFDC Program; and it establishes a $1 billion—I repeat, $1 billion—Worker Adjustment Program that will provide assistance to an estimated 700,000 dislocated workers each year, including farmers, to whom such assistance has not previously applied.

Second, it placed dramatic new emphasis on Government support for science and research, providing in particular for a doubling of the budget of the National Science Foundation over a 5-year period.

Third, it provides major new protections for the intellectual property rights of American products and technology, strengthening appropriate laws and easing the means of judicial relief for injured parties.

Fourth, it sets in motion further deregulation in numerous areas of the economy. This includes deregulation with respect to surface transportation, certain oil pipelines, natural gas prices, corporate average fuel economy standards, antitrust restrictions on procompetitive mergers and joint ventures; and the financial services industry. Moreover, it significantly relaxes those controls on exports which do not impinge on true national security concerns. And it helps to reduce costs for American business in general by providing a series of new product liability reforms.

Finally, it addresses trade quite directly. It provides fast-track authority for the administration to commence a new GATT round of multilateral trade negotiations. It creates additional options for domestic import relief under section 20L of our trade laws, and introduces the consideration of reciprocity under section 301 with respect to retaliation against closed foreign markets, while in both cases preserving necessary Presidential discretion and negotiating flexibility. In addition, it makes numerous technical changes to improve the effectiveness of antidumping and countervailing duty laws; and it clarifies the standards of the Foreign Corrupt Practices Act, while upholding the spirit of that legislation, to help eliminate ambiguities which have too frequently deterred American exports.

It is, in short, an elaborate and important bill. For those who ask, "What is our national trade policy?" this bill sets it out in bold relief.

There is much talk of competitiveness up here on the Hill. And yet the bill which we submit today is the only concrete proposal which we have before us to do something about it.

So this legislation is where the action is. And the administration is to be congratulated for it.

Now the ball is in our court. The challenge is before the Congress to act, and act swiftly, on this legislation. If we do not, all of our rhetoric is meaningless.

Many of us have, in the spirit of bipartisanship, supported the excellent work of Senator BENTSEN in drafting recent trade legislation. I have joined in cosponsoring it. We have wanted to show that this is not an ideological or partisan matter so much as it is a practical challenge to solve common problems.

Now I think we should do the same for the administration's competitiveness program. Let it have our bipartisan support. We can change some of its particulars, if we want, but let us demonstrate by our support that it represents the sort of program that we in the Congress have been calling for.

In putting this bill on the calendar, let me assure you it is not our intention to circumvent the committee process. Next week we will introduce the individual sections of the bill separately, as Senator BENTSEN did in introducing his bill. In this manner we provide all appropriate committees of jurisdiction the opportunity to review their respective sections of the bill.

I know Congress has its own trade bills. But these are not comprehensive programs for national competitiveness. So supporting one does not mean you cannot support the other. They simply do different things.

But inevitably they are going to be looked at together because they both concern trade. Therefore, we will need to work closely with the administration. Our objective should be to produce a bill that will not be vetoed.

If we believe what we say about the competitiveness crisis, this may be our last chance.

So I would say that the President has given us a very substantial piece of legislation. It may not be precisely what this Senator would want or what any other Senator would want, but it does challenge us and it does indicate the willingness on the part of the administration and the President to cooperate. I have long felt the best trade legislation would be bipartisan legislation and that is the way it has been in the past. I am very pleased that we will have the involvement of the Finance Committee, a committee chaired by Senator BENTSEN, who will do an outstanding job, and who will be helped along the way by Senator DANFORTH. They will work closely together. They have in the past and they will now.

So, I am very confident we can support some kind of legislation, and I hope, as the minority leader indicated yesterday, I believe, to the President, maybe in late April or May of this year. Maybe.

I want to make it clear that in introducing a bill today, I do not expect to shut out others who may want to divide it up into titles and introduce separate pieces of legislation next week because the bill I have introduced I understand will be referred to Governmental Affairs.

There are certain areas of it that, of course, are within the jurisdiction of other communities.

I thank the majority leader for his comments, and I thank the President for his initiative. I am certainly willing to work with the administration and Members on both sides to see if we can proceed on an expedited basis.

Mr. BYRD. Mr. President, will the distinguished minority leader yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader for his statements. He has indicated that he will cooperate in bringing up the legislation dealing with trade and competitiveness and cooperate in expediting action on it. He has been most cooperative with me and helpful as we have addressed various issues already this year. The trade legislation is something that is important to the Nation. We hope for bipartisan support of the legislation.

I will welcome the opportunity to work with the distinguished Republican leader as we try to expedite action on the legislation in a meaningful and effective and fruitful way.

THE PRESIDENT'S COMPETITIVENESS PACKAGE

● Mr. KASTEN. Mr. President, I rise today to commend President Reagan and his administration for the comprehensive package being introduced to address the problem that is so much on the minds of my colleagues and all Americans—the competitiveness of American business.

This package includes proposals in a number of wide-ranging areas which are all critical to our ability to compete in the world's marketplaces. I am pleased to see proposals relating to human intellectual properties, technology the shaping of the international economic environment and legal and regulatory reform. Today I would like to especially comment on an aspect of the legal and regulatory reform that I have been most concerned about since arriving in the Senate. I have been working toward a resolution of the product liability crisis for 6 years. The President has rightfully recognized this as an area that must be dealt with as a part of the competitiveness issue.

On April 30, 1986, in introducing the administration's product liability reform proposal, I pointed out that:

> In addition to driving up product prices to consumers, the liability explosion was closing businesses, destroying jobs, crippling American manufacturers' ability to compete with foreigners, discouraging product innovation and improvement, and driving a wide variety of good and beneficial products off the market.

Thus, it is most appropriate that the President has included product liability reform in this comprehensive competitiveness package.

I find it heartening with regard to reform in the product liability area that the American Bar Association, the world's largest association of lawyers, just 2 days ago adopted some 21 proposals relating to tort reform. In many instances the positions taken by the ABA reflect the types of reform for which many of us in the Congress have been striving for several sessions. It is also reflective of reforms which have been enacted or are being considered by almost every State.

In summary, while changes may have to be made with regard to the specific provisions of this competitiveness package, including the product liability reform proposals, I support the statement of the minority leader that this is a commendable effort. Now we must work together to assure the competitiveness of American enterprises and the American people in the world's marketplaces.●

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the distinguished Republican leader was kind enough to yield to the distinguished Senator from Wisconsin [Mr. PROXMIRE] so that the Senator from Wisconsin could attend to an engagement elsewhere with a committee.

I think the RECORD always should show the statement by the distinguished Republican leader in the time in which it is ordered.

Mr. President, I have discussed this with the distinguished Senator from Wisconsin and he understands and agrees fully.

Mr. President, I, therefore, ask unanimous consent that, throughout the 100th Congress, on any day on which other speeches may, because of circumstances, intervene between the time that the majority leader speaks and the time that the Republican leader, under the standing order, is actually recognized or gives his speech or statement, the RECORD on that day show the statement of the Republican leader immediately following the statement of the Democratic leader in the order in which the standing order provides.

I also ask unanimous consent that Presidential messages and messages from the House not be shown as intervening between the recognition of the majority and minority leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The RECORD has been rearranged to reflect the above order.)

Mr. DOLE. Mr. President, do I have 1 minute left?

The PRESIDING OFFICER. The Senator is correct.

NEED FOR HEARINGS ON SOVIET HUMAN RIGHTS POLICY

Mr. DOLE. Mr. President, yesterday House Republican Leader BOB MICHEL and I sent letters to the chairman of the House Foreign Affairs and Senate Foreign Relations Committees, calling on them to convene hearings to probe the status of human rights and emigration policy in the Soviet Union.

Over the past few months Soviet Premier Gorbachev has stepped up his campaign for the so-called democratization of the Soviet system. In January, the Soviet Government issued and implemented new rules for emigration. Just days ago a spokesman for the foreign ministry announced that 280 political prisoners would be released. And last week in Moscow, U.S. movie stars and French fashion designers met with Soviet officials at a forum entitled "For a Nuclear-Free World and the Survival of Mankind."

What are we in the West to make of all this—this new, Gorbachev-inspired policy of "glasnost" or openess? Is it a P.R. campaign, a serious campaign to modernize the Soviet bureaucracy and economy? Is it all sizzle, no substance? I would suggest we ought to find out with appropriate hearings.

There are indeed new rules for emigration. But those who have studied the regulations say that they are tougher, more restrictive than the previous ones. And these new rules clearly fly in the face of the Helsinki Final Act, which the Soviet Union signed. The Soviets claim that last month 500 Jews were told they could emigrate. But close to 400,000 have applied for exit visas.

While 280 political dissidents may soon be released from prison—and there is some doubt that they will be—there are at least 750 that have been imprisoned for crimes such as teaching Hebrew, or speaking their minds on political issues. Mr. President nothing demonstrates more poignantly the mixed signals we are getting from the Soviet Union than a very sad event. On Tuesday a funeral was held here in Washington for a woman named Ina Meiman. Mrs. Meiman, who with her husband Nuam, was finally allowed to come to the United States 1 month ago to receive special treatment for cancer. Her husband, however, was denied an exit visa. The visa came too late to do Ina Meiman any good. And she died here without her husband by her side.

And nothing demonstrates more graphically the contradictions than the spectacle of thugs beating up Jews demonstrating on behalf of imprisoned dissident Josef Begun, Bay Goon, as well as Western Journalists covering the event at the same time a government spokesman is announcing the imminent release of a group of political prisoners.

Commenting on all of this—one of the most prominent refuseniks, Nobel Prize winning physicist Andrei Sakharov, who himself was recently allowed to return from exile in Siberia, said:

> Objectively, something real is happening. How far it is going to go is a complicated question. But I myself have decided that the situation has changed.

How much has it changed, and why—those are the questions we in the United States need answered as we enter a crucial period for our two nations. There is much at stake—perhaps peace in the world. That is why it is timely, and I think essential, that the Foreign Relations Committee holds hearings to probe these issues.

As Americans, we cannot allow ourselves to become complacent about the human rights of millions of people. We cannot afford to be charmed into believing that our reckoning of democracy is being adopted by the Soviet Union. We applaud the changes, the releases, the exit visas that have been issued. But as Sakharov said, "how far will it go?" It is not merely a rhetorical question.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 5 minutes.

WILL IS WISE BUT WRONG ON SDI

Mr. PROXMIRE. Mr. President, there are two prime lines of support for SDI. One group of SDI champions contends that this No. 1 military priority of the Reagan administration is technically feasible right now. They embrace SDI as the impenetrable barrier that will make nuclear missiles obsolete. There is a second much more modest line of support for SDI. The supporters of this line acknowledge that the Defense Department has not yet shown that SDI is feasible.

They do not see SDI as making nuclear weapons obsolete. They favor SDI because they believe it can decisively strengthen this country's nuclear deterrent. Can it? And how can it strengthen our nuclear deterrent? SDI supporters claim it can do so by protecting our nuclear missile sites. Here is the way the highly respected columnist George Will puts it:

> A strategic defense program * * * could confront Soviet war planners with unacceptable uncertainty about how much of their first strike designed to disarm America, could get through.

Tuesday on the floor of the Senate I discussed why the Wall Street Journal is wrong in contending that it is an established fact that SDI is feasible as President Reagan has consistently described it. It has not been established that SDI can protect the American population against Soviet nuclear attack. But the George Will support of SDI is based on a much more modest assumption. That is that SDI, if feasible, will help significantly to protect the American nuclear deterrent.

First, let us recognize that if the Will argument is correct, if SDI would make a significant contribution to this country's nuclear deterrent, then it would be worth whatever multibillion dollar cost or what ever arms control risk it might require. This Senator enthusiastically favors arms control This Senator also fervently opposes every nickel of unnecessary Federal spending. But deterrence is the hard, cold fact of life that has kept the nuclear peace for the past 40 years and can keep it for the next 100 or more. So I ask, can SDI provide any significant improvement in our nuclear deterrence? Answer: Absolutely not. No way. SDI contributes virtually nothing to our nuclear deterrent. George Will is a wise man, but on this issue he is wrong.

Mr. President, I ask unanimous consent that the column to which I have referred by George Will, headlined "SDI Puzzle One of How, Not Whether, to Proceed" from the Green Bay Press Gazette of February 15, 1987, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SDI PUZZLE ONE OF HOW, NOT WHETHER, TO PROCEED

WASHINGTON.—Coffee cakes are not trampled or coffee cups overturned in the excitement generated by George Shultz when he graces Sunday morning television. However, last Sunday, he announced a conclusion that was reasonable, predictable and puzzling to the New York Times.

The Times headline focused on a trivial point congenial to its editorial position against the Strategic Defense Initiative: "Shultz Rules Out 'Star Wars' Move Within Two Years." The "move" refers to a decision to deploy. However, the important issue concerns testing.

The controversy concerns the intersection of legal and scientific judgments. It came to a boil when Sen. Sam Nunn (D-Ga.) wrote to President Reagan prophecies of "constitutional crisis" if Reagan does not consult with Congress before adopting a broad interpretation of the 1982 Anti-Ballistic Missile Treaty.

A narrow interpretation would impede realistic tests of all but ground-based systems of the sort the Soviet Union already has. The broad interpretation would permit tests appropriate to the range of options for strategic defense.

Even if the United States adhered to the narrow interpretation, the United States would not stop testing. Rather, it would continue by using practices that conform to the strict letter of the narrow interpretation. The United States would conduct tests different, perhaps, from the tests appropriate for straightforward exploration of strategic defense components, and then extrapolate conclusions.

The scientific conclusion has a large political consequence: Tests compatable with the narrow interpretation cannot be conclusive enough to generate confidence in a strategic defense system, so Congress would not sustain adequate funding.

That is why the Shultz conclusion was predictable. Strategic defense is the president's core concern. If the administration had adhered to the narrow interpretation, it would have enacted, by indirection, the lead item on the Soviet agenda: unilateral U.S. abandonment of strategic defense.

At first, congressional critics of SDI attacked the broad interpretation as inconsistent with the record of the 1971-1972 negotiations. However, as that record has been made available, congressional critics have shifted their ground. Now they argue that in 1972 the Senate thought it was subscribing to the narrow interpretation.

Three conclusions seem warranted. First, the negotiation record gives ample support for the broad interpretation. Second, the Senate's 1972 ratification had next to nothing to do with the interpetation at issue. Third, the question of what member of what negotiating team said what to which counterpart 15 years ago is interesting but not decisive. It cannot reasonably be the controlling consideration about what limits should be put on tests to answer scientific questions that could lead to enhanced deterrence.

Note that word "deterrence." It is the key to understanding why Nunn may be more effective than Reagan as an advocate of strategic defense.

In announcing the SDI in 1983, Reagan characteristically went too far. He said his goal is a shield to make nuclear weapons obsolete by nullifying delivery. This, he said, would free the world from the immorality of deterrence.

Nunn argues that such a shield may not be technologically feasible or economically practicable, but that a strategic defense program might enhance deterrence. That is, defenses could confront Soviet war planners with unacceptable uncertainty about how much of their first strike, designed to disarm America could get through.

Shultz and Nunn seem agreed that the argument is not whether to proceed, but how to deal with domestic and diplomatic niceties while proceeding with tests of the sort of programs on which the Soviet Union has already spent $150 billion.

RECOGNITION OF SENATOR McCONNELL

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky [Mr. MCCONNELL] is recognized for not to exceed 5 minutes.

S. 543—TO PROVIDE FOR FEDERAL DISTRICT COURT IN HOPKINSVILLE, KY

Mr. McCONNELL. Mr. President, I rise today to introduce two bills, one of particular concern to my State of Kentucky. That is a measure under which a new Federal district court will be created in Hopkinsville.

Mr. President, there are three counties in western Kentucky which currently suffer from an undue delay involved in handling cases and the transportation involved to get to Paducah or Bowling Green where the Federal district court currently sits.

This bill is quite simple. It would establish a Federal court in Hopkinsville, which has a magistrate, a federally approved jail, and an FBI office. It makes a lot of sense. I hope this bill will be passed in a speedy fashion, because it is extremely important to the people who live in Hopkinsville, Todd County, Trigg County, and Caldwell County.

Mr. President, as I said, I am introducing a very simple bill today. My bill would allow a Federal district court and bankruptcy court for the western district of Kentucky to sit in Hopkinsville, KY. This legislation's importance, however, far outweighs its simplicity.

Since I became a Member of this body, I have made the workings of the civil justice system one of my top priorities. Although this bill may not have the glamour of other legislation affecting that system, such as the Tort Litigation Reform Act I introduced earlier, it is nevertheless extremely important to the Kentuckians it would affect.

The people of Christian County, KY, and its surrounding counties of Trigg, Caldwell, and Todd have been severely burdened by the lack of a Federal district court within reasonable distance. Indeed, Christian County has the third largest population in the western district, and generates a significant amount of litigation in Federal court. It is expensive and inconvenient for lawyers and their clients in the area to have to travel to Paducah or Bowling Green, the nearest district courts. Paducah, the nearest court, is 70 to 90 miles away from Christian County. The U.S. Government pays for the inconvenience as well, through the expense of transporting jurors, witnesses, attorneys, FBI agents, and other court personnel from Christian County to Paducah.

I propose to eliminate this expense and inconvenience by authorizing the Federal district court for the western district of Kentucky to sit in Hopkinsville. The beauty of this proposal is that the cost of such a change will be minimal. Office and judicial space, subject to remodeling, already exists. Hopkinsville already has a federally approved jail, a U.S. magistrate, and an FBI office.

Mr. President, I urge my colleagues to join me in bringing relief to the people of Christian County, and its surrounding counties. The simple act of authorizing the Federal district court to sit in Hopkinsville may seem very insignificant up here in Washington, but I guarantee you that it will mean the world to the Kentuckians it would relieve.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 97(b) of title 28, United States Code, is amended by inserting "Hopkinsville," between "Bowling Green," and "Louisville".

Mr. McCONNELL. Mr. President, the second bill happens to be one in which the Presiding Officer also has an interest.

Mr. President, I rise today to introduce a modified version of the tort reform proposals that I laid before the Senate last year. This bill this year, Mr. President, takes a slightly different approach.

TORT LITIGATION REFORM ACT

As a result of three different modifications last year, and a variety of different discussions about this particular issue, including numerous discussions with the Senator from Illinois, who is in the chair at the moment, I have decided on the following modifications:

No. 1, I have dropped limits on recovery for pain and suffering in damage suits.

No. 2, I have eliminated the previous restriction on contingency fees for lawyers, deciding instead to leave that for negotiation between the victims and their counsel.

No. 3, I have eliminated the requirement in last year's bill that there be periodic payment of damages to plaintiffs. Instead, what I am doing in concept with this year's tort reform bill is trying to deal with those items which almost anybody can agree are unjust.

In the bill I introduced today, the concept of joint and several liability will be modified as follows:

Under this proposal, a defendant would have to be found at least 50 percent responsible for the damage before he could be assessed 100 percent of the award. In other words, no longer would it be possible to be found 1 percent at fault in a personal injury case and be assessed 100 percent of the damages. You would have to be at least 50 percent responsible for what went wrong.

The second major provision of this year's tort reform bill is the concept of fault. When I was in law school 20 years ago, in the field of torts, you had to do something wrong in order to be held responsible. Unfortunately, what has happened over the last 20 years is a modification of that concept to the point where we have, in effect, no-fault tort. Whether you had anything to do with the harm, you could end up being assessed the damages. So this bill reasserts into the system fault as a determinant of responsibility, a simple concept about which almost anyone can agree.

Third, the bill also continues to contain severe restrictions against lawyers for undue delay. That is not just plaintiffs' lawyers, Mr. President, but also defense counsel.

There are two other areas I shall touch on briefly. One is they punitive damages standard. Under last year's reform, I had punitive damages payable to the court rather than to the plaintiff. This year, we make it again possible for a plaintiff to recover punitive damages, but the standards are such that a defendant would have to be truly found to be involved in egregious behavior of the highest order in order to have punitive damages assessed against him.

One other provision is an inclusion of a measure on alternative dispute resolution, which I introduced last year as a separate bill in this measure. Simply put, it would require lawyers for both sides to apprise their clients of the opportunity available to solve disputes outside of the legal system through various techniques such as arbitration.

So, Mr. President, that gives an overview of what I have styled the Tort Litigation Reform Act of 1987.

Mr. President, I shall now read the full text of my prepared statement.

As I said many times in the last Congress, the time has come for Congress to take meaningful action to address the litigation crisis. This body had delayed action far too long, and we must move to bring effective reform before public faith in our justice system is eroded any further, before the harm to business competitiveness, needed services, and local government activities progresses beyond repair.

There is ample statistical evidence and analysis to show that our civil justice system is out of control, without clear legal guidelines, often frustrating the policies and values it was intended to promote. Accordingly to statistics published by the Administrative Office of the U.S. Courts and others, the number of tort cases brought in the Federal courts nearly doubled between 1961 and 1985, from 21,205 cases to 41,593 cases. If we subtract from these totals those suits involving motor vehicles and property cases, the number of suits brought shows an almost threefold increase, from 10,577 in 1961 to 30,784, in 1985. Medical malpractice cases alone went from 385 Federal court filings in 1978 to 1,779 in 1985—an increase of well over 400 percent in 7 years.

As compelling as these statistics are, they do not tell the complete story of the litigation crisis. Mr. President, I urge all my colleagues to listen to their constituents. After all, these constituents are the best judge of how the tort crisis affects them. Mr. President, they are all too well aware of these disastrous effects.

Listen to what our big cities and small towns have to say. When the ability of our municipalities to provide such basic services as education or police, fire, and ambulance service is threatened or impaired by exposure to liability suits, something is wrong. These municipalities often are forced to choose between breaking their budgets to meet ever-increasing insurance premiums, and going without liability insurance altogether. Indeed, the fear of exposure to liability is driving some local officials out of office.

Look at commerce, the litigation crisis affects every level of commercial activity, from the Mom and Pop store on the corner to the billion-dollar corporation traded on Wall Street. Between 1974 and 1984, the number of product liability suits filed in Federal court increased 580 percent. Time and again, I have listened to small business owners who have had their competitive edge decimated by meritless lawsuits and high insurance costs, others are being forced out of business altogether by exposure to liability.

These are not the industrial giants, Mr. President, who have some ability to absorb or pass along the costs of litigation. These are small firms and start-up enterprises which often must choose between making an investment in equipment and buying an insurance policy. When litigation strikes, their officers must spend their time defending the company instead of building a competitive business. That is why the delegates to the White House Conference on Small Business voted last August to make comprehensive tort reform their No. 1 priority.

One of my own constituents, Mr. Steven Currie, who is a high level industry executive, recently expressed the concern that "foreign competitors of U.S. businesses do not face the incredible costs imposed by the current U.S. tort system. Not only is current tort law unfair, but it is rendering us incapable of competing with our foreign rivals." Mr. President, at a time when the trade deficit is nearing a staggering $170 billion, we can't afford to continue to handicap American industry in the world market.

Ultimately, the issue returns home to hit its true victims, the American worker and consumer. As American companies shrink under the weight of litigation expense and high insurance costs, jobs are lost. As litigation expenses and insurance costs increase, so do the prices of goods and services. And as the smaller merchants are forced out of business, those goods and services become increasingly difficult to obtain.

I also urge my colleagues to listen to the professionals, Mr. President. Our Nation's engineers, architects, accountants, and, yes, even the lawyers are hurt. And let us not forget the medical profession. At a time when the availability and cost of quality medical care has become an urgent concern here in Congress, the number of doctors who have left or are thinking of leaving their profession due to exposure to liability is becoming a national disgrace.

Mr. President, I ask my colleagues to go home and see how their communities have been reshaped by the litigation crisis. The city of Highland Heights, KY, nearly lost its police force last year. Why? The Lexington Herald-Leader reported that the city's police liability insurance was going to be canceled "because an Ohio man fleeing police in that State sued Highland Heights, after his car crashed into a city police cruiser set up as a roadblock." When the city finally managed to obtain insurance, it could only do so at a cost of nearly three times as much as the previous year. It strikes me as ironic, that, while State and locals communities shoulder increasing responsibilities, due in part to decisions made by this very body, we hesitate to grant those communities relief from tort liability they incur in meeting such responsibilities.

Further, I ask my colleagues to note that the scourge of excessive litigation doesn't discriminate between powerful, wealthy entities and small, vulnerable operations. Start-up businesses, youth organizations like the Boy Scouts, municipal programs and day-care centers all must pay a surcharge on their insurance in order to pay for rising court costs, astronomical verdicts and huge legal fees.

Mr. President, I am convinced that if my colleagues take a closer look at the litigation crisis, they will begin to understand why I have made comprehensive tort reform a priority since I was elected to this body. We owe an obligation to citizens of this country to bring fair and equitable relief to the litigation crisis that hurts us all.

To this end, I am introducing the Tort Litigation Reform Act today. This bill is the product of the three separate versions of comprehensive tort reform I proposed last year. In addition, this bill was shaped through the fires of debate, both within this body as well as outside. I have said from the start that my approach was not set in concrete. With last year's debate on tort reform in mind, I have produced a bill that offers reasonable reforms and compromises, a bill that would bring effective, fair, and equitable relief to the litigation crisis.

Although the Tort Litigation Reform Act retains many reforms from the bills I introduced last year, I have made several changes which improve this legislation and respond to legitimate concerns raised in last year's tort reform debate. First, this bill would not impose caps on pain and suffering or punitive damage awards.

Second, I have modified the provision providing for offset of collateral source benefits. My new bill would offset only those benefits produced without contribution by the worker, such as workers' compensation benefits. Third, my bill no longer calls for periodic payment of damages in excess of $100,000. Finally, the bill would not affect attorney contingency fees in any manner whatsoever. Instead, I have retained those reforms which not only promise to effectively address the tort litigation crisis, but also have achieved consensus status among supporters of tort reform. In fact, I am happy to report that only last Tuesday, the ABA voted to endorse a series of tort reform proposals that closely mirror the reforms contained in this bill.

The first reform my bill proposes is a limited modification of the doctrine of joint and several liability. Under my approach, a party could be found liable for 100 percent of the damages only if the party was found to be at least 50 percent responsible for the damages, or to have acted in concert with another liable party. Otherwise, the party would be liable only to the extent of that party's proportionate responsibility. Under current laws, a party found to be as little as 1 percent at fault may be held liable for 100 percent of the damages.

Second, this bill would establish uniform rules and reasonable standards for most tort litigation in this Nation. In addition to product liability, these standards would apply to professional malpractice, common negligence and other personal injury actions, but would not apply to loss or damage to a product, to commercial loss, or to intentional torts. Back when I was in law school and we studied torts, the general feeling was that there had to be some fault before you could be assessed damages. What has evolved over the last 20 years is the notion that, if anybody gets hurt for any reason, somebody, anybody must pay. Mr. President, it's past time to return fault to the liability equation.

Third, this bill proposes to impose sanctions on both defense and plaintiff attorneys who impede the efficiency of the civil justice system. Our courts are far too crowded to allow attorneys to bring actions without a reasonable basis in fact and law, or to impede the just and efficient resolution of an action.

Fourth, the collateral source rule would be modified. Any award for damages would automatically be offset by any payments from a workers' compensation program, or other program providing payments or benefits without cost to the claimant.

Fifth, the bill would create reasonable standards governing the award of punitive damages. Punitive damages could be awarded only if the trier of fact found by clear and convincing evidence that the harm suffered was the result of conduct manifesting a malicious and flagrant disregard for the safety of those persons who might be harmed by such conduct. The amount of any punitive damages award would be determined by the bench and not the jury.

Finally, the bill would encourage the use of alternative dispute resolution techniques. Attorneys would be required to inform their clients of the availability of alternative dispute resolution techniques, and to certify to the court, upon filing an action, that such information was provided.

Mr. President, I am confident that this bill will attract at least as much attention from the trial bar as last year's efforts. I welcome that attention and any suggestions that would provide a reasonable basis for cooperation. I do, however, challenge the trial bar and other groups opposed to tort reform to approach this issue with something other than their own vested interests in mind. The American Bar Association's endorsement of meaningful tort reform is a first step in a very positive direction. As I have said before, I have no magic formula for tort reform. I do know that this body has a duty to act to address the tort litigation crisis—a duty to act now. I urge each of my colleagues who is interested in making a serious effort to resolve this national crisis to join me in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tort Litigation Reform Act of 1987".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) there are serious flaws in the civil justice system under which tort claims are filed and resolved;

(2) the cost of litigation has risen at a dramatic rate over the past 25 years and threatens to continue to rise at a similar rate for the foreseeable future;

(3) the rising cost of litigation has a direct and undesirable effect on interstate commerce and international competitiveness, and decreases availability of products and services in commerce;

(4) the rising cost of litigation and the lack of predictability of the outcome of suits has greatly contributed to a nationwide crisis in the availability and affordability of insurance;

(5) there is a need for reasonable limits on the potential exposure of individuals and businesses to liability for damages resulting from the sale and use of products, the provision of services, or the ownership and use of property, all of which contribute to the net output of the Nation's economy, and to the general welfare; and

(6) because of the interstate nature of the commerce, the several States are unable to provide and maintain a just system of compensation without threatening to inflict disparate and potentially discriminatory burdens on interstate commerce, thereby diminishing the general welfare of the Nation and of the several States.

(b) It is the purpose of this Act to establish uniform rules of tort law, to encourage alternate means of dispute resolution, to provide fair and reasonable compensation for accident or injury, and to promote the free flow of commerce and the availability and affordability of liability insurance.

APPLICABILITY

SEC. 3. (a) Except as provided in subsection (b), (c), or (d), the provisions of this Act shall apply to any civil action against any person, in any State or Federal court, based on any cause of action, including, but not limited to, negligence, strict or product liability, breach of implied warranty, or professional malpractice, in which damages are sought for physical injury or for physical or mental pain or suffering or for property damage other than damage to the product itself.

(b) This Act shall not apply to—

(1) a civil action for loss or damage to a product itself or for commercial loss which shall be governed by State commercial law; or

(2) a civil action for intentionally committed battery, assault, false imprisonment, trespass, or conversion.

(c) The provisions of this Act shall preempt and supersede Federal or State law only to the extent such law is inconsistent with this Act. Any issue arising under the provisions of this Act that is not governed by the provisions of this Act shall be governed by applicable State or Federal law.

(d) Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) affect the applicability of any provision of chapter 97 of title 28, United States Code, known as the Foreign Sovereign Immunities Act of 1976;

(4) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

JOINT AND SEVERAL LIABILITY

SEC. 4. (a) Except as provided in subsections (b) and (c), a person found liable for damages in any such action subject to the provisions of this Act, shall be liable for damages only to the extent of such person's proportionate responsibility for the injury and shall not be jointly and severally liable.

(b) Notwithstanding the provisions of subsection (a), any person found liable for damages in an action subject to the provisions of this Act may be jointly and severally liable therefore if such person's proportionate responsibility for the injury is found by the trier of fact to exceed 50 percent.

(c)(1) This section shall not apply to persons acting in concert where the concerted action caused the injury for which such persons are found liable.

(2) As used in this section, the terms "acting in concert" or "concerted action" shall mean the participation in joint conduct by two or more persons who consciously and deliberately agreed to jointly participate in such conduct.

LIABILITY STANDARDS

SEC. 5. Except as otherwise provided in sections 6 and 7 of this Act, no person shall be found liable for any damages in any civil action subject to the provisions of this Act unless claimant proves by a preponderance of the evidence that such person was negligent, and such negligence was the proximate cause of the damages sought.

LIABILITY OF PRODUCT MANUFACTURERS

SEC. 6. (a) No manufacturer shall be liable for damages in any civil action subject to the provisions of this Act, for harm allegedly caused by a product unless, claimant proves by a preponderance of the evidence that the manufacturer's product was the proximate cause of claimant's harm and was unreasonably dangerous because—

(1) the product deviated in a material way from the manufacturer's own design specifications at the time it left the manufacturer's control, and such deviation was a substantial cause of the harm,

(2) the product would not have been designed or formulated as it was if the manufacturer had been exercising reasonable care for the safety of all foreseeable users,

(3) the manufacturer did not provide warnings or instructions which would have been provided if the manufacturer had been exercising reasonable care for the safety of others, or

(4) the product failed to conform in a material respect to an express warranty of the manufacturer.

(b) A presumption shall arise that a manufacturer exercised reasonable care for the safety of others if the product design, formulation, warning, or instructions conformed, at the time of manufacture, with standards, conditions, or specifications established, adopted, or approved by the Congress or an agency of the Federal Government responsible for the safety of the design, formulation, labeling, or performance of the product.

(c) A manufacturer shall not be liable for damages in a civil action subject to this Act for harm allegedly caused by a product if—

(1) in light of existing scientific, technological, or medical information, knowledge of the unsafe aspect of the product was not reasonably available or obtainable, or the ability to eliminate the unsafe aspect of the product was not technologically or practically feasible,

(2) plaintiff's harm would not have occurred but for an unreasonable or unforeseeable use or alteration of the product occurring after it left the manufacturer's control and without the manufacturer's consent, where, for the purposes of this paragraph, unreasonable or unforeseeable use or alteration includes any use or alteration of the product which the manufacturer specifically prohibited or warned against in instructions printed clearly and visibly on the product itself, or on an instruction sheet accompanying the product, or

(3) the unsafe aspect of the product that caused claimant's harm either was an inherent aspect of the product or was necessary to the products' utility: *Provided*, That—

(A) the inherently unsafe aspect of the product was either a matter of common knowledge or the subject of warnings or instructions adequate to permit an informed decision with respect to product use,

(B) the inherently unsafe aspect of the product was not significantly more dangerous than was reasonably to be expected, and

(C) the product resulted in more utility than harm to consumers.

LIABILITY OF PRODUCT SELLERS

SEC. 7. (a) Notwithstanding the provisions of section 6, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant;

(B) the product seller failed to exercise reasonable care with respect to the product; and

(C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product;

(B) the product failed to conform to the warranty; and

(C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1), the trier of fact may consider how the product seller's conduct affected the safety of the product with respect to the construction, inspection, or condition of the product, and any failure of the product seller to distribute adequate warnings or instructions provided by the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this title based upon an alleged failure to provide adequate warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, such seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product, any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with warnings and instructions it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this Act, except for breach of express warranty by the seller, where there was no reasonable opportunity to inspect the product in a manner which should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if the seller were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

SANCTIONS

SEC. 8. (a) In any civil action subject to the provisions of this Act, in which the court finds that any attorney or other person admitted to practice before the court has engaged in conduct intended to delay the proceedings or to impede the just, speedy, or inexpensive resolution of the action, then such attorney or other person shall be subject to pecuniary sanctions by the court. Such sanctions shall not be less than the total amount of court costs, fees and expenses, including attorney's fees, reasonably attributable to the conduct.

(b) In any civil action subject to the provisions of this Act, in which the court finds that the action was initiated without a good faith belief by the attorney initiating the cause of action that a reasonable basis in law and in fact existed for recovery of the relief requested, or that the action was initiated merely for purposes of achieving a monetary settlement where there was no reasonable prospect for an award of damages, then such attorney shall be liable for the total amount of defendant's court costs, fees, and expenses, including double the attorney fees reasonably incurred to respond to or otherwise resist the action.

(c) In any civil action subject to the provisions of this Act in which the court finds that the attorney defending the cause of action denied the substantive averments of the complaint without a good faith belief that there was a reasonable basis in law and in fact for the avoidance of liability for the relief requested, or that the actions taken in defense of the action were intended merely to postpone the imposition of a judgment for damages, then such attorney shall be liable for the total amount of court costs, fees, and expenses, including double the attorney fees reasonably incurred to prosecute the action.

UNIFORM STANDARDS FOR OFFSETTING WORKERS' COMPENSATION BENEFITS

SEC. 9. (a) In any civil action subject to this Act in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation, payments, or benefits under any State or Federal workers' compensation or income disability law, or any other program which provides payments or benefits without cost to claimants, any damages awarded shall be reduced by the sum of the amount paid as benefits for such harm and the present value of all benefits to which the injured person is or would be entitled for such harm. The determination of benefits by the trier of fact in a civil action subject to this Act shall have no binding effect on and shall not be used as evidence in any other proceeding.

(b) In any civil action subject to this Act in which damages are sought for harm for which the person injured is entitled to receive compensation, payments, or benefits under any program as provided in subsection (a), the action shall, on application of the claimant made at claimant's sole discretion, be stayed until such time as the full amount payable as such benefits has been finally determined.

(c) Unless the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product, neither the employer nor the workers' compensation insurance carrier of the employer shall have a right of subrogation, contribution, or implied indemnity against the manufacturer or product seller, or a lien against the claimant's recovery from the manufacturer or product seller, if the harm is one for which a civil action may be brought pursuant to this Act.

(d) In any civil action subject to this Act in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third-party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any coemployee, or the exclusive representative of the person who was injured.

(e) Nothing in this Act shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm in any action other than a workers' compensation claim against a present or former employer, the workers' compensation insurer of the employer, a coemployee, or the exclusive representative of the person who was injured. Any action other than such a workers' compensation claim may be prohibited under State or Federal workers' compensation laws, except that nothing in this Act shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee, where the claimant's harm was caused by such an intentional tort.

MINIMUM STANDARDS FOR AWARDS OF PUNITIVE DAMAGES

SEC. 10. (a) Punitive damages, to the extent permitted by applicable law, may be awarded in any civil action subject to the provisions of this Act to any claimant who at a minimum establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a malicious and flagrant disregard for the safety of those persons who might be harmed by that conduct, and constituting an extreme departure from accepted standards. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Except as provided in subsection (b), punitive damages may not be awarded in the absence of a compensatory award for actual damages.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a manufacturer or product seller may be liable for any such damages regardless of whether a claim for compensatory damages is asserted. The recovery of any punitive damages shall not bar any other claim under this section.

(c) The trier of fact shall first determine whether compensatory damages are to be awarded. After such determination has been made, the trier of fact shall then determine whether punitive damages are to be awarded. Evidence relating to the manufacturer's or product seller's financial condition is not admissible in such proceeding and may not be considered by the trier of fact in determining whether or not punitive damages are to be awarded. If the trier of fact determines that punitive damages should be awarded, the bench, and not the jury, shall separately determine the amount of such damages.

ALTERNATIVE DISPUTE RESOLUTION

SEC. 11. (a) Because the traditional litigation process is not always suited to the timely, efficient, and inexpensive resolution of civil actions, it is the policy of the United States to encourage the creation and use of alternative dispute resolution techniques, and to promote the expeditious resolution of such actions.

(b) In any action in which the provisions of this Act apply, each attorney who has made an appearance in the case and who represents one or more of the parties to the action shall, with respect to each party separately represented, advise the party of the existence and availability of alternative dispute resolution options, including extrajudicial proceedings such as minitrials, third-party mediation, court supervised arbitration, and summary jury trial proceedings.

(c) Each such attorney shall, simultaneous with the filing of a complaint or a responsive pleading, file notice with the court certifying that the attorney has so advised his client or clients, and indicating whether such client will agree to one or more of the alternative dispute resolution techniques.

(d) If all parties to an action agree to proceed with one or more alternative dispute resolution proceedings, the court shall issue an appropriate order governing the conduct of such proceedings. The issuance of an order governing such further proceedings shall constitute a waiver, by each party subject to the order, of the right to proceed further in court.

DEFINITIONS

SEC. 12. (a) As used in this Act, the term—

(1) "claimant" means any person who brings a civil action pursuant to this Act, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under the standard of a preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself, incurred by persons regularly engaged in business activities consisting of providing goods or services for compensation;

(4) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution and judgment that society expects of its members for the protection of their own interests and the interests of others;

(5) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss, with respect to which recovery is available under the commercial or contract law of the State;

(6) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(7) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(8) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(9) "product" means any object, substance, mixture, or raw material in a gaseous, liquid or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(10) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(11) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

EFFECTIVE DATE

SEC. 13. (a) This Act and the amendments made by this Act shall be effective on the date of enactment, and shall apply to all civil actions filed on or after such date, including any civil action in which the harm or the conduct complained of occurred before such effective date.

(b) If any provision of this Act would shorten the period during which a person would otherwise be exposed to liability, the plaintiff may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this Act within one year after the effective date of this Act.

SEVERABILITY

SEC. 14. If any provision of this Act or the application of any such provision to any person or circumstance is held invalid, the remainder of this Act and the application of any provision to any other person or circumstance shall not be affected thereby.

RECOGNITION OF SENATOR HEINZ

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania [Mr. HEINZ] is recognized for not to exceed 5 minutes.

OPPOSITION TO AN OIL IMPORT FEE

Mr. HEINZ. Mr. President, earlier this week, I submitted, together with the Senator from Rhode Island [Mr. PELL] and other Senators, a sense-of-the-Senate resolution opposing an oil import fee. I commend the Senator from Rhode Island for having been the original sponsor of that legislation.

An oil import fee is basically a border tax on oil. It is clear to anybody who has studied the subject that it would place an unfair and discriminatory cost on residents and businesses in the Northeast and the Midwest and at the same time, provide a windfall for oil producers in the Southwest.

I must confess that my views are framed from the perspective of Pennsylvanians. In my home State of Pennsylvania, residents and factories would be among the oil consumers most severely hurt by a tax on imported oil. An oil import fee raising $10 billion in revenue, for example, would saddle oil consumers just in Pennsylvania with a $1.3 billion a year price tag in bigger energy bills.

One might ask, as we do, what would it mean to Pennsylvanians to transfer $1.3 billion from our consumers to producers in a few States? According to the Treasury Department, a $5 per barrel fee would result in increased energy costs of about $125 to families with incomes of $10,000 or less.

We have been trying to control Federal spending. There have been cutbacks in Medicaid, AFDC, even low-income energy assistance. In the face of those kinds of cutbacks, that $125 in the form of an oil tax would be a very difficult burden to bear, and I think it would be unconscionable.

Pennsylvania is only one of the States in the Northeast and Midwest regions that would be hurt by a tax on imported oil. Oil, of course, is the primary energy source for the entire Northeast and Midwest region, and it is really our economic lifeblood for manufacturing and agricultural activities. States in our region, as we all know, have been hit hard by the increased cost of energy since the first energy crisis of 1973, with average household energy bills now, today, a full one-third higher than for households in the South and West.

According to a study by the Northeast-Midwest Institute, an oil import fee designed to raise $10 billion in revenue—that is, a fee set at about $5.80 a barrel—would create a windfall for domestic producers of over twice that amount—fully $21 billion. In other words, an oil import fee of this size would transfer $21 billion from oil consumers in over 40 States to oil producers in just a handful of States. Over two-thirds of that windfall would accrue to only 4 States: Alaska, Oklahoma, Texas, and Louisiana. A total of more than $11 billion would flow each year from the Northeast and Midwest to such States.

The lower oil prices we have enjoyed these last few years are some of the best news our economy has ever had. We can look at the various government and business forecasts of our economic performance and make that the statistics showing lower inflation and interest rates are a direct consequence of those lower oil prices. Indeed, according to the Consumer Federation of America, every job lost in the oil industry as a result of falling prices has generated six jobs in other sectors of the economy.

Mr. President, my region of the country was devastated in the 1982 recession. It is only beginning to emerge from that recession. While I can most assuredly sympathize with the damage that falling oil prices have done to the oil and gas industry, I do not think that a solution which involves penalizing virtually every other industry, from chemicals to steel, makes sense. Nor do I think it is fair to ask one region of the country to suffer in order to benefit another. There are things we can do to help the oil industry, and it is a vitally important industry, but I shall adamantly oppose any effort to pursue the shortsighted, inequitable, and economically irresponsible policy that an oil import fee represents.

I can well remember in the 1970's when oil producers fought against Government policies which artificially held down oil prices at a time when they were soaring. At that time, the battle cry was "Let the free market work." I find it ironic in the extreme that the same people who urged back then, "Let the free market work," are urging Government protection today against the forces of the free market that have been keeping oil prices down. It seems to me that an oil import tax is really nothing short of a new way of controlling the price of oil. I thought those days were behind us.

Mr. President, I urge my colleagues who have not already cosponsored Senator PELL's resolution to do so. I urge all our colleagues to support it when we bring it on the floor for a vote.

I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 2 minutes.

S. 543—TO IMPLEMENT THE UNITED STATES-EUROPEAN COMMUNITIES AGREEMENT ON CITRUS AND PASTA

Mr. HEINZ. Mr. President, let me briefly describe legislation I am introducing today. It is in response to the enormous increase in subsidization of Italian pasta. Despite past efforts to reduce the effects of these subsidies, the subsidization of Italian pasta has continued unabated to the point that it threatens the existence of domestic producers. It is therefore appropriate at this time to propose a tariff on this illegally subsidized pasta.

To give a little background on the size and shape of the problem, since 1975, when Italy exported 10 million pounds of pasta to the United States, the levels of pasta subisidies have increased to where, in 1985, levels reached almost 10 million pounds—a tenfold increase. As a result of the subsidies, Italian pasta imports are sold in the United States at prices that are up to 25 percent less wholesale, and 15 percent less retail, than those of nonsubsidized domestic pasta. This price advantage has helped Italian pasta capture between 5 and 10 percent of the $1 billion United States pasta market, with almost 25 percent in the Northeast.

Beginning in 1981, the U.S. Trade Representative raised this problem in GATT under section 301. In 1983, following a U.S. request for a ruling, the GATT panel found that the European Community subsidy was in violation of article 9 of the GATT subsidies code. The EC, however, has been able to prevent the matter from being considered before the full GATT Subsidies Code Committee through a variety of procedural maneuvers.

The issue continued to simmer until, in June 1985, the United States threatened retaliatory tariffs on pasta. In July, the EC entered into an interim agreement with the United States saying that by October 31 of that year, the EC would come forward with a settlement. In return, the United States agreed to suspend the imposition of retaliatory tariffs. By October 31, not only was there no agreement, but the subsidies increased from 2.5 cents per pound on July 20, to 6.9 cents per pound on October 31, an increase of 176 percent. Some settlement.

In light of these developments, President Reagan imposed a 40 percent tariff on November 1, 1985. After this action was taken, the subsidies were increased to offset the tariff until the subsidy level reached 13 cents per pound, or 50 percent of the wholesale value. In August of last year, the citrus dispute was resolved through an agreement between the U.S. Trade Representative and the EC. As a result, the United States dropped the tariff on pasta. The EC, however, did not drop—and apparently is insisting on maintaining—the subsidy. Illegally subsidized pasta continues to flow into U.S. markets, with a 14.7 cents per pound subsidy as of August 1986. The current subsidy equals roughly 60 to 70 percent of wholesale value. Talk about subsidies. That is the granddaddy of them all.

Mr. President, at stake is a $1 billion U.S. industry. Italian pasta has managed to secure a market share of $100 million with the threat of gaining even more—10,000 domestic employees are endangered because of these subsidized imports. The administration has committed a serious error of judgment—and made, if you will excuse the expression, spaghetti out of our trade policy—by attempting to leverage a solution on the citrus case by retaliating on the pasta case. As a result, the citrus case has been resolved while the pasta situation has become worse than before. Frankly, Mr. President, it is time we stopped "noodling around" and put some starch into the administration's trade policy.

This bill tries to move toward a solution to the pasta problem by tying our retaliatory tariff level to the EC subsidy level. That should help persuade the EC to drop this illegal subsidy. It is unfortunate that such a measure has to be taken—some might say it is a meatball too big for the Europeans to swallow—but in my judgment it remains the only action that has a chance of brining the European Community in line with their international obligations on subsidies.

The bill would enact the tariff cuts negotiated in the citrus agreement and would add a tariff on pasta, based on the calculation of the Secretary of Agriculture, of the value of the EC subsidy on pasta in cents per pound for a given month. The tariff, equal to the EC's subsidy level, would remain in effect until a conclusion is reached on this matter. This would prevent the EC from negating the effect of our retaliation by increasing the pasta subsidy proportionately.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE; AMENDMENTS.

(a) The purpose of this Act is to enact the trade liberalization measures agreed to by the United States in connection with the United States-European Communities Agreement on Citrus and Pasta.

(b) Whenever in this Act an amendment is expressed in terms of an amendment to a schedule, headnote, item, or other provision, the reference shall be considered to be made to a schedule, headnote, item, or other provision of the Tariff Schedules of the United States.

SEC. 2. ANCHOVIES.

Subpart C of part 3 of schedule 1 is amended by striking out item 112.40 and inserting in lieu thereof the following items with a superior heading having the same degree of indentation as item 112.42:

"112.40	Anchovies: If entered in any calendar year before 3,000 metric tons of anchovies have been entered under this item in such calendar year.	3% ad val...	Free (A,E,I).	30% ad val.
112.41	Other....................	6% ad val...	Free (A,E,I).	30% ad val.".

SEC. 3. CHEESES.

(a) SUITABLE FOR GRATING.—Item 117.65 is amended by striking out "9% ad val." and inserting in lieu thereof "Free".

(b) PECORINO.—Item 117.67 is amended by striking out "12% ad val." and inserting in lieu thereof "Free".

SEC. 4. SATSUMA ORANGES.

Subpart B of part 9 of Schedule 1 is amended by striking out item 147.29 and inserting in lieu thereof the following items with a superior heading having the same degree of indentation as item 147.30:

"147.28	Mandarin, packed in airtight containers: Satsuma, if entered in any calendar year before 40,000 metric tons of Satsuma oranges have been entered under this item in such calendar year.	Free...........	Free (A,E,I).	1¢ per lb.
147.29	Other....................	0.2¢ per lb..	Free (A,E,I).	1¢ per lb.".

SEC. 5. OLIVES.

Subpart B of part 9 of Schedule 1 is amended—

(1) by striking out item 148.44 and insert in lieu thereof the following items with a superior heading having the same degree of indentation as item 148.42:

"148.43	Other In containers each holding not more than 0.3 gallon. In containers each holding more than 0.3 gallon:.	20¢ per gal.	Free (E)......	20¢ per gal.
148.44	If entered in any calendar year before 4,400 metric tons of such olives have been entered under this item in such calendar year....10¢.	Free per gal.	(E)............	20¢ per gal.
148.45	Other....................	20¢ per gal.	Free (E)......	20¢ per gal.":

(2) by striking out item 148.48 and inserting in lieu thereof the following:

"148.47	Other: If entered in any calendar year before 730 metric tons of such olives have been entered under this item in such calendar year.	15¢ per gal.	Free (E)......	30¢ per gal.
148.48	Other....................	30¢ per gal.	Free (E)......	30¢ per gal.":

(3) by striking out "or stuffed" in item 148.50;

(4) by redesignating items 148.52, 148.54, and 148.56 as items 148.55, 148.56, and 148.57, respectively;

(5) by inserting after item 148.50 the following new items with the superior heading having the same degree of indentation as item 148.50:

"148.51	Stuffed: In containers each holding not more than 0.3 gallon:. Placed Packed:........... If entered in any calendar year before 2,700 metric tons of such olives have been entered under this item in such calendar year.	15¢ per gal.	Free (E)......	30¢ per gal.
148.52	Other....................	30¢ per gal.	Free (E)......	30¢ per gal.
148.53	Other....................	30¢ per gal.	Free (E)......	30¢ per gal.
148.54	In containers each holding more than 0.3 gallon.	30¢ per gal.	Free (E)......	30¢ per gal.":

(6) by striking out "5¢ per lb." in item 148.55, as redesignated by paragraph (4), and inserting in lieu thereof "2.5¢ per lb."; and

(7) by striking out item 148.57, as redesignated by paragraph (4), and inserting in lieu thereof the following new items with the superior heading having the same degree of indentation as item 148.40:

"148.57	Otherwise prepared or preserved. If entered in any calendar year before 550 metric tons of such olives have been entered in such calendar year.	2.5¢ per lb..	Free (E)......	5¢ per lb.
148.58	Other........................	5¢ per lb.....	Free (E)......	5¢ per lb.".

SEC. 6. CAPERS.

Items 161.06 and 161.08 are each amended by striking out "16% ad val" and inserting in lieu thereof "8% ad val.".

SEC. 7. PAPRIKA.

Item 161.71 is amended by striking out "2.4¢ per lb." and inserting in lieu thereof "1.35¢ per lb.".

SEC. 8. CIDER.

Item 167.15 is amended by striking out "3¢ per gal." and inserting in lieu thereof "1.5¢ per gal.".

SEC. 9. OLIVE OIL.

(a) IN CONTAINERS.—Item 176.29 is amended by striking out "3.8¢ per lb. on contents and container" and inserting in lieu thereof "2.28¢ per lb. on contents and container.".

(b) OTHERS.—Item 176.30 is amended by striking out "2.6¢ per lb." and inserting in lieu thereof "1.56¢ per lb.".

SEC. 10. CHEESE QUOTA.

By no later than the date that is 7 days after the date of enactment of this Act, the President shall by proclamation increase the amount of the limitation imposed on the quantity of cheese produced in the European Communities that may be entered, or withdrawn from warehouse, for consumption in the customs territory of the United States in any calendar year by—

(1) 1,572 metric tons for cheeses provided for in item 117.55 of the Tariff Schedules of the United States, and

(2) 353 metric tons for San Jorge and Ilha cheeses provided for in item 950.10D of the Appendix to such Schedules.

SEC. 11. RELIEF FOR THE UNITED STATES PASTA INDUSTRY.

(a) Subpart A of part 1 of the Appendix of the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"901.25	Macaroni, noodles, vermicelli, and similar alimentary pastas, whether or not containing egg or egg products (provided for in items 182.35 and 182.36 part 15B, schedule 1) if a product of a member of the European Communities................	See Headnote 2.	No Change...	No Change.".

(b) The headnotes to subpart A of part 1 of the Appendix to the Tariff Schedules of the United States are amended to add the following new headnote:

"2. (a) The rate of duty in column 1 of item 901.25 shall be equivalent to, in cents per pound, the amount of the European Communities export refund on pasta exported to the United States, as determined by the Secretary of Agriculture for the calendar month in which the article is entered.

"(b) The Secretary of Agriculture shall calculate, on the first business day of each month, the value, in cents per pound, of the European Communities export refund on pasta for that month. The Secretary of Agriculture shall notify the Secretary of the Treasury of such determination and publish such determination in the Federal Register.".

SEC. 12. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided by this section, the amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date that is 15 days after the date of enactment of this Act.

(b) The amendments made by section 11 shall apply with respect to articles entered, or withdrawn from warehouse, for consumption—

(1) on or after July 1, 1987, and

(2) on or before the date on which an agreement between the United States and the European Communities is concluded that would provide for the offset or elimination of the European Communities export refunds on pasta in a manner consistent with the decision made by a panel under the General Agreement on Tariffs and Trade with respect to such export refunds.

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation introduced by my distinguished colleague from Pennsylvania. This legislation is almost identical to a bill introduced during the 99th Congress.

The bill that I am cosponsoring today would reimpose tariffs on imported pasta. U.S. tariffs on imported pasta were recently lifted when bilateral talks between the United States and European Economic Community produced an agreement on citrus. However, the fact that the EEC continues to subsidize its pasta exports illegally, despite a 1983 GATT panel decision that these pasta subsidies are in violation of the GATT subsidies code, leaves us with no alternative. We have yet to reach a settlement on this matter.

The legislation which Senator HEINZ has reintroduced would tie U.S. tariffs on imported pasta to the actual EEC subsidy. This floating tariff would be adjusted monthly and would terminate when the illegal subsidies cease.

As of December 1, 1986, EEC pasta subsidies stood at 15.2 cents per pound, almost two-thirds the wholesale price of Italian imports. The elimination of United States tariffs in the face of near record high subsidies poses a major threat to United States production of pasta, since it could enable Italian producers to sell in this market at prices below the United States cost of production. It is critical that the U.S.-EEC dispute on pasta be resolved as quickly as possible. In my State of New York, many domestic pasta manufacturers have expressed their immediate concern over the impact of competing indefinitely with a product that is subsidized at two-thirds of the wholesale imported price.

Annual retail sales of pasta in the United States amount to over $1 billion; Americans consume approximately 2 billion pounds of pasta each year. The domestic pasta industry directly employs about 10,000 people in 24 States and indirectly employs thousands more in various supplier industries related to agriculture and food processing. New York is home to many major pasta manufacturers. However, the industry can no longer compete against the treasuries of foreign nations and desperately needs the relief afforded by this legislation.

I implore my Senate colleagues to consider seriously this bill and to give it the support it deserves. It is essential that our negotiators have sufficient leverage as they continue negotiating an agreement with the European Economic Community concerning fairer trade practices.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

U.S. SUPPORT FOR THE GOVERNMENT OF THE PHILIPPINES

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Resolution 103, which the clerk will report.

The legislative clerk read as follows:

A bill (S. Res. 103) expressing United States support for the Government of the Philippines.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Under the previous order, time for debate on this resolution shall be limited to 50 minutes, with 10 minutes each to be under the control of the Senator from Rhode Island [Mr. PELL], the Senator from North Carolina [Mr. HELMS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. BYRD], and the Senator from Kansas [Mr. DOLE].

The Senator from Massachusetts.

(Ms. MIKULSKI assumed the chair.)

Mr. KENNEDY. I yield myself such time as I may use.

Madam President, I rise in strong support of the resolution before us and urge its adoption.

On February 5, I introduced this resolution—along with my colleagues from West Virginia, Kansas, Rhode Island, and California—shortly after President Cory Aquino had won an overwhelming endorsement of her leadership in a February 2 referendum. By an impressive 76 percent margin and an 80 percent voter turnout, the people of the Philippines approved the new constitution of the Philippines—and thereby ratified President Aquino's "people power" government.

This is a particularly meaningful moment for the U.S. Senate to consider this resolution. One year has passed since President Marcos tried to rig his snap election. Next week will mark the first anniversary of President Aquino's oath of office and the official recognition of her government by the United States. And the people of the United States are particularly mindful of the difficult task of drafting a constitution as we approach the bicentennial of our own Constitution.

Just this morning, the Committee on Foreign Relations and the Committee on Foreign Affairs released the 1986 Department of State Human Rights Report on the Philippines which documents Cory's dazzling success over the last year. Let me quote just a few of the findings:

Assuming office in the aftermath of elections marked by widespread fraud and intimidation, President Corazon Aquino has moved to restore the rule of law and respect for human rights.

During 1986, the Aquino government promulgated Executive orders recognizing key civil rights, including the restoration of the writ of habeas corpus and reinstatement of protections against unreasonable search and seizure.

Freedom of speech and association were reaffirmed as an uncensored press contributed to revitalized political activity.

Restoration of civil rights occurred in the shadow of an armed Communist insurgency active in most of the country's 73 provinces.

Economic revitalization was a chief priority during the Aquino government's first year in office. Reform of wasteful, corrupt, and inefficient practices indulged in during the Marcos years contributed to reversing 3 successive years of economic decline.

Government statistics indicate that inflation has been reduced, capital flight stemmed, and modest economic growth restored.

These findings are a testament to the skill, determination and courage of President Corazon Aquino—and of the Philippine people—in their unwaivering defense of freedom, justice and democracy. The resolution before us commends these determined people for their extraordinary success in restoring democracy to the Philippines.

Millions—even billions—of peoples in other lands live under tyranny and repression in the world today—and they have never known the blessings of democracy. But the Philippine people have. They know what it means to vote in free elections, to live in freedom, to have a freely chosen government, to have a President who shares their cause.

And the Philippine people know what it is like to live under tyranny, repression, and a corrupt regime. They know what it is like to watch a dictator and his wife steal their tax dollars from the government treasury, to see a crony system of bribery and monopoly shut the people off from their sources of livelihood and to see their economy distintegrate and their political system distorted. And they have seen their countrymen join the Communist insurgency in desperate frustration over a government that no longer serves its people.

But the people of the Philippines never lost hope for a return to the democracy they have known; they never forgot the fundamental freedoms for which our two peoples fought side-by-side a generation ago in World War II. And from the bloody tarmac where Ninoy was slain, there burst forth an irrepressible spark of freedom. Cory seized that spark and carried the torch of justice and democracy to the people of the Philippines.

Slowly, from half a world away, we in America watched in awe as the ripples of freedom in the Philippines spread from brother to brother, sister to sister, friend to friend, island to island, until they created a might tide that swept down the walls of oppression and resistance.

The path of liberty is never easy and throughout the last year, President Aquino faced one crises after another. Yet she refused to let go of the people's mandate and devoted herself relentlessly to the urgent crisis facing the country.

With a determination few believed possible, Cory began the difficult task of reviving the economy, restoring a democratic political system and combatting a serious threat from a Communist insurgency—crises all inherited from the Marcos regime. This extraordinary woman set out to dismantle the intricate web of monopolies, corruption and cronyism woven by Marcos and his associates. She set out to purge the military of Marcos' corrupt friends and restore honor and pride in the younger officers. And she set out to resolve the 18-year long guerrilla war waged by the Communist rebels.

Cory's success in meeting these goals surpassed hopes of even her most optimistic supporters. She overhauled the judicial institutions and established a committee to review the competence and honesty of the judges; she established a Presidential Commission on Good Government, lifted the 14-year old Marcos restrictions on freedom of expression, and released over 600 political prisoners. Freedom of peaceful assembly and association and the rights of labor to organize were respected under Aquino's government—243 new unions were registered in the first 6 months of Cory's government.

President Aquino negotiated a ceasefire with the Communist insurgencies—but refused to give in to their demands for a removal of the U.S. bases at Clark and Subic Bay, for outright expropriation of land or for power-sharing in her government. The insurgency still represents a serious threat to stability in the Philippines—but President Aquino's democratic government offers the best avenue to defeat that threat.

In this first year, Cory has demonstrated an incredible ability to govern, to negotiate, to address the critical problems faced by her country and to fend off serious—and sometimes violent—challenges to her authority. Certainly, the country faces serious challenges to its peace and stability but she has undeniably succeeded in an overwhelming task—restoring democracy to her country.

This new constitution gives her government a legal basis and makes Corazon Aquino the undisputed President of the Philippines. And with this new constitution she has set up a lasting structure which will protect the country's new democracy—regardless of who is in the Presidential palace.

Today, the light of democracy in the Philippines has become a beacon of hope to all those in other lands who struggle in their own way, for their own freedom against tyranny and oppression.

To President Aquino—and to all the Filipino patriots everywhere—I say: Long live the Philippine people, long live democracy in the Philippines, and for President Cory Aquino, may the best be yet to come.

I urge my colleagues to adopt this important resolution commending the world's newest constitution and the world's newest democracy.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. On whose time does the Senator wish to speak?

Mr. MURKOWSKI. I respectfully ask for a clarification of the time.

It is my understanding that the ranking minority member of the Foreign Relations Committee, Senator HELMS, has 10 minutes and Senator DOLE has 10 minutes. It is my intention to speak on the time allotted to Senator HELMS.

The PRESIDING OFFICER. The Senator from Alaska is correct. The Senator from Kansas [Mr. DOLE] and the Senator from North Carolina [Mr. HELMS] each has 10 minutes. Without objection, the Senator from Alaska may use that time.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that my name be added as a cosponsor of Senate Resolution 103.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, our side has reviewed this resolution, and the ranking minority member of the Foreign Relations Committee, Senator HELMS, has included to me that it is acceptable to our side of the aisle.

As ranking member of the Subcommittee on East Asian and Pacific Affairs of the Foreign Relations Committee, I draw the attention of my colleagues to the fact that there has been a great deal of attention given to the passage of the Philippine Constitution, and certainly for good reason. Its approval signifies to the world that the people of the Philippines are anxious for political stability and economic growth. They have shown that by their overwhelming passage of this constitution.

The American people, of course, continue to have a strong interest in continuing to see such stability and growth occur in the Philippines. Our two countries are bound by generations of friendship, cultural ties, and by an important strategic relationship.

However, as all of us are aware, a powerful Communist insurgency continues to stand in the path of the Filipino people's desire for stability and growth.

We have recognized the freedom-loving and religious nature of the Philippine people. We know they understand the threat posed by this insurgency.

One year ago, I had the opportunity to visit the Philippines, with other Members of the Congress, to observe the process of elections which were being held at that time. It was difficult not to be swept up in the fascinating process that was taking place, in which the Marcos government was being replaced by a government of the people. The extraordinary actions of Mrs. Aquino as she assumed a position of prominence were deeply impressive to all of us. We felt at that time very optimistic, and it seemed that the problems of insurgency, poverty, and land reform would be overcome.

In the euphoria over that election, some might have tended to forget the tremendous difficulties that still lay ahead for the Filipino people and their striving for democracy. Mrs. Aquino's election did not end the threat to Philippine stability and prosperity posed by the continuing NPA insurgency.

I think it is necessary that we express our concern, for instance, about reports of a possible combination of forces between the NPA and the Moro Islamic Liberation Front in Mindanao. This should be recognized as a significant threat. I also fear that the Communists may have taken advantage of the recent truce to rest, rearm, attract new recruits, and map out new strategies.

But it is our very strong feeling that President Aquino is of the character and makeup to overcome these difficulties.

It will take courage, strength, and resolve for the Philippine nation to overcome the challenges to its new democracy and thus preserve the freedom for which the people voted. There is no question that the people of the Philippines recognize this. It is my hope that their wisdom will guide the Aquino government as events unfold this year.

The resolution offered by Senator KENNEDY and others truly signifies our friendship with the people of the Philippines. I believe it comes at a very important time in the relationship between our two countries, and I urge all my colleagues to vote for its passage.

Madam President, I yield back the remainder of my time.

Mr. DOLE. Madam President, I join today in sponsoring this resolution, welcoming the results of the recent referendum in the Philippines on a new constitution—a constitution which can help bring closer the full restoration of a stable, democratic system in that country.

What we do today, and in our policies toward the Philippines, is part of a broader policy of support for democracy around the globe. We actively support the emerging democracies of Central America, and in fact need to do even more for them. We have set democracy as the ultimate goal of our policy in South Africa. We encourage it through the Solidarity movement in Poland, and elsewhere in Eastern Europe where people under Communist domination still yearn for their freedoms. And we fight for it, alongside freedom fighters in Nicaragua, Angola, Afghanistan, and Kampuchea.

But, for America, there is a special concern for democracy in the Philippines, for that country has been as closely tied to us and to our history as any nation on Earth.

We welcomed and facilitated the peaceful transition to the Aquino government. And we have backed that government with strong political and material support. We back it again today, in another small way, by passing this resolution.

I should note that, by supporting this resolution, I do not mean to signal any change in my own concern about certain provisions of the new Philippine Constitution—particularly those dealing with nuclear weapons and the issue of military bases. I have expressed those concerns on the Senate floor in the past, and I still hold them; still believe them to be valid and important matters for us to work out with the Philippine Government.

But I do believe that the approval of this constitution, as a whole, by the Philippine people will put the Aquino government in a stronger position, as it deals with the vast challenges before it. The short-lived ceasefire has expired, and the Communist insurgency again threatens the stability of many parts of the country. The economy is beginning to turn around, but critical problems remain, and investor confidence has not yet been fully restored. And the political situation, while currently quiet, remains subject to unrest.

So President Aquino and her government still have their work cut out for them. The constitution will give them a stronger base to tackle their problems. And, hopefully, this resolution will reaffirm to them our support and our readiness to be as helpful as we can in the days ahead.

Madam President, I urge all Senators to vote for this resolution.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I ask unanimous consent that the Senator from Arizona [Mr. DECONCINI] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTIONAL DEMOCRACY IN THE PHILIPPINES

Mr. BYRD. Madam President, on February 2, there was a historic vote in the Philippines. The Filipino people decided overwhelmingly to approve a new democratic constitution, offered by the new leadership under President Aquino. A little over a year ago, on February 7, 1986, the Filipino people made a historic decision to change the leadership of their country—a change that was solidified with the inauguration of Mrs. Aquino on February 26.

The events which unfolded during those weeks were an inspiration to all people who cherish democracy. They were a textbook case of the principles of democracy playing themselves out through peaceful change, principles which burst into practical political reality and which burned through the mossy overlay of corruption and venality which had come to characterize the later years of the Marcos dictatorship.

It has now been nearly a year since Mrs. Aquino came to power. It has not been an easy year for the Filipino people—and it has not been an easy year for the government of Mrs. Aquino. There have been severe tests of President Aquino's leadership from both the left and the right.

Madam President, the outcome of the referendum on February 2 makes it crystal clear that the Filipino people support Mrs. Aquino and will not turn their backs on the restoration of democracy in their country.

I congratulate the senior Senator **from the State of Massachusetts [Mr. KENNEDY], on this resolution. I am** pleased to sponsor this resolution reaffirming the support of the U.S. Government for the Government of the Philippines. The historical bonds between our two countries are long and deep. Filipinos and Americans have fought and died together to defend liberty and the rights of all people to choose governments, the moral and political legitimacy of which is based on free and fair elections and the democratic process.

Our two nations have a very important security relationship—our bases in the Philippines are irreplaceable in the near future and probably cannot ever be fully replaced from a geopolitical standpoint. This is beside the question of the extremely high cost of moving those facilities to another location. The Soviets have a major base at Cam Rahn Bay in Vietnam and are steadily accumulating a blue water naval capability in the western Pacific. American military power, based in the Philippines, is vital to the security of all our allies and friends throughout the Pacific rim.

I said a year ago, and I will say it again: United States policy toward the Philippines should be directed toward reaffirming the faith of the Filipino people in democracy and in our Nation as a genuine symbol and protector of democracy. Not only is such a policy true to the sacred principles on which our own Nation was founded, but it is also the most effective way to ensure the continued acceptance of these military facilities in the Philippines.

The referendum on February 2 demonstrates that the Filipino people do have faith in democracy. Despite the challenges over the past year to Mrs. Aquino's leadership, the people had enough faith in democracy to ratify the new constitution and enough confidence in Mrs. Aquino to grant her a constitutional basis on which to operate her government.

The outcome of the referendum also demonstrates that the Filipino people have enough confidence in their democratic government to put limits on its prerogatives. Under the constitution, the Philippines President is limited to a 6-year term. The new constitution also restores the bicameral legislature which was abolished when Mr. Marcos declared martial law in 1972. There will be legislative elections in May. The Filipino people will now have constitutionally guaranteed civil rights. This is a welcome, beneficial development.

Madam President, this Senate has played an important role in helping and supporting the ground swell of democracy in the Philippines. The removal of the Marcos dictatorship helped curtail a dangerous acceleration of the Communist insurgency in the Philippines. The Senate passed a resolution of support for Mrs. Aquino at a crucial time when Marcos tried to rig the results of the Presidential elections a year ago. We sent an observer team to monitor those elections. Later, Mrs. Aquino made a very inspirational address to the Congress.

The February 2 referendum is an extremely important event in the restoration of true democracy in the Philippines. The resolution we are now considering is a further contribution the Senate can make to support democracy in the Philippines and to encourage a harmonious relationship between our two nations. I urge passage of this resolution.

Mr. PELL. Madam President, with this resolution we celebrate the greatest peaceful revolution in recent history. Just 1 year ago this month Cory Aquino captured the hearts, souls and votes of the Filipino people in a triumph of democracy. Backed by people power she thwarted Marcos' efforts to steal the election from the Filipino people.

But her victory and the victory of the Filipino people was not limited to the Philippines alone; it was a victory for all people who cherish freedom and democracy; and it was a victory that fired the imaginations of oppressed people around the world. Dictators on both the right and left must have trembled at the sight of soldiers joining with the people rather than fighting against them. And people around the world who have been deprived of essential liberties and basic human rights dared to hope that justice would ultimately triumph over oppression.

There were those who said the Aquino government could not last; that President Aquino did not have the experience to survive the rough and tumble of politics. But her successes have silenced the naysayers. Her doubters said her decision to enter into a cease-fire with the insurgents would weaken the government and embolden the Communists. But the rebels' willingness to find a peaceful solution only strengthened President Aquino's support among the Filipino people. Her determination to achieve a peaceful solution has made the Filipino people even more determined to resist the rebels violent means. And President Aquino has deprived the insurgents of the strongest weapon Marcos gave them—the oppression of the people.

Earlier this month the Filipino people expressed their overwhelming support for the just policies President Aquino has pursued during her first year in office. And they expressed their support in the same way they did a year ago—at the ballot box. On February 2, the people of the Philippines voted overwhelmingly to adopt a new constitution that charts the future course of democracy in the Philippines.

The passage of the constitution marked the crowning victory of a triumphant first year. But as President Aquino has said, much more remains to be done. Justice and democracy have been returned to the Philippines, but the economy still struggles to recover from the ravages of corrupt Marcos policies and the insurgency strains the resources of the country. President Aquino and the Filipino people deserve our assistance and the support of the international community as they fight these problems and rebuild their country. And we must provide that assistance.

Last September President Aquino addressed this body and asked the American people the following question:

> Has there been a greater test of national commitment to the ideals you hold dear than that my people have gone through? You have spent many lives and much treasure to bring freedom to many lands that were reluctant to receive it. And here you have a people who won it by themselves and need only the help to preserve it.

We must provide the Filipino people with the help they need to preserve their freedom and democracy. With this resolution the Senate of the United States commends President Aquino for the progress she has received in her first year in office and reaffirms American support for her government. And in the days ahead we will continue to do whatever is necessary to preserve the victory of the Filipino people.

Mr. CRANSTON. Madam President, friends of democracy everywhere have watched anxiously as new challenges have arisen to the Aquino government in the Philippines.

Under the leadership of Cory Aquino, the Philippine people have continued their gallant struggle to secure the blessings of democracy.

Make no mistake about it, this long march back to democracy still has a difficult road to travel.

Several weeks ago, the Philippine people took a crucial step down this road when they overwhelmingly expressed their support for the new Philippine Constitution. This vote gave

President Aquino a strong public mandate to continue to govern and to confront head on the challenges which face the Philippine people as they solidify the democratic progress they have made thus far.

Extremists on the far right and the far left were, of course, threatened by such a democratic endeavor. They did their utmost to unsettle the political environment in which the new constitution was considered. In an attempt to topple the Aquino government and to embarrass the Philippine nation, radicals have repeatedly provoked incidents and confrontations. These have, quite regrettably, led to the loss of lives.

President Aquino has met these challenges fairly and firmly, even as she has insisted that the nation look to the future, not the past. She has pledged prompt action in response to allegations that security forces overreacted to threats to Government officials.

Time and again, extremists have challenged President Aquino's efforts to open up the democratic process. Communist guerrillas, Moslem separatists, and die-hard backers of the corrupt Marcos regime have all assaulted this effort, seizing television stations, threatening Government officials, boycotting elections and provoking violent confrontations with security forces.

President Aquino has met every such challenge with remarkable courage and an unswerving vision. Rarely has any democratic leader been called to govern in such troubled times. As a result of Aquino's strength and wisdom, all attempts to disrupt democratic progress in the Philippines have fizzled. Friends of the Philippine democracy will remain steadfast in our support for the Aquino government's efforts.

As chairman of the East Asian and Pacific Affairs Subcommittee, I will be holding hearings to examine how United States aid to the Philippines and other countries in Asia can best assist the cause of democracy. I, for one, am determined to ensure that American aid moves forward in support of democratic development and does not become needlessly ensnared in the Philippine base rights controversy. And I strongly support the proposed resolution advanced by Senator KENNEDY, which I am cosponsoring, which applauds the progress made by the Philippine people under Mrs. Aquino's leadership.

PRAISE FOR THE PEOPLE AND PRESIDENT OF THE PHILIPPINES

Mr. DODD. Madam President, I rise today in support of a resolution that conveys the pride, admiration, and support we as Americans feel for the people of the Philippines. As we cast our ballot for Senate Resolution 103, however, let us remember that this vote occurs at the heels of a referendum of profoundly greater significance. Two weeks ago, our good friends, the people of the Philippines, cast a vote that set in place one more stone in the strengthening foundation of the robust young Philippino democracy.

Just as they, the people, had carried ballot boxes through the streets to counting stations; just as they, the people, had kneeled in front of the advancing tanks of Marcos' army; and just as they, the people, rose up and affirmed their swelling hopes for a new future—in that spirit they, the people, cast a vote of overwhelming support for a new democratic constitution and a full term of leadership for their courageous President, Corazon Aquino.

The victory was indeed overwhelming—77 percent voted "yes" with an 87-percent turnout. They voted "yes" for a fully elected two-house legislature. They voted "yes" for a single-term, 6-year Presidency. And they voted "yes" for a national course directed cleanly away from the sort of government-by-goons that prevailed under Marcos. Close relatives of the President are banned from appointment of major Government posts. The courts are empowered to rule on and cancel executive decrees. The military is subordinated to the civilian Government. Members of the armed forces are banned from civilian posts. And the private armies, rampant under Marcos, are outlawed.

To us this path seems self-evident, like the truths that illuminated the road our own Founding Fathers trod so boldly upon. But who has ever faced tougher odds than the Philippino people, than their fragile democracy, than their extraordinary but untried leader? From the political, to the military, to the economic, the challenges in every realm have been unrelenting. Philippino democracy has survived numerous plots and coup attempts, some violent, and one as recently as the eve of the constitutional plebiscite. It has weathered the painful and depressing legacy of Marcos' finances, who bequeathed to his people a multibillion-dollar national debt and a plundered national treasury. And it has prevailed against a strong and determined Communist insurgency which would have the Philippino people resign away the battery of freedoms they risked so much to secure. That doomed band, whose modus operandi is murder and extortion, has been unequivocably repudiated.

The approval of this national charter marks the end of transitional government and the beginning of constitutional democracy and the rule of law. It closes the book on the claims of those who challenged Mrs. Aquino's Presidential victory of a year ago. And it chisels a momentous date in the cornerstone of a new era of strength, optimism, and determination for the Philippino people.

Let us today unite with our courageous brothers in approving this expression of support. I know they will find admiration in all corridors of this Government and this Nation, and can count on our eager and attentive involvement as the new government takes on the challenges before it. We know those challenges are great, and we know it will take time, patience, and commitment to secure once and for all the blessings of liberty and prosperity. Let us send this message today, and with it our congratulations at the end of this first historic year of freedom in the Philippines.

Mr. KERRY. Madam President, I support this resolution expressing the unequivocal endorsement of the United States Senate for the Government of President Corazon Aquino of the Philippines.

Once again, it is appropriate that we honor a nation and a leader whose commitment to the institutionalization of democracy remains unwavering in the face of continued tremendous odds.

All of us can recall, vividly, the visit of President Corazon Aquino to the United States last September. I had the honor of participating in a number of events, both in Washington and in my home State of Massachusetts, honoring a leader who had come to so epitomize the democratic aspirations of millions of people around the world.

The events of last September reminded me of the time on April 10, 1985, when I had the privilege of meeting with Corazon Aquino in her family home in suburban Manila.

For nearly 2 hours we discussed the political situation in the Philippines. We discussed her role as the key figure in the Convenors Group. I questioned her about the prospects for uniting the opposition in order to challenge effectively the Marcos regime in the next regularly scheduled Presidential election.

I emerged from that meeting deeply impressed with Cory Aquino. I was impressed with the elegance of this mild-mannered, unassuming woman in whom I detected was a very savvy politician in her own right. I came away from that meeting convinced that Cory Aquino was the only figure with the moral stature to unite the Filipino people in bringing democracy back to their nation.

Prospects for the Philippines looked very bleak indeed when a fractious opposition was split even more deeply by the unexpected announcement by the dicator, in the fall of 1985, that snap elections for President would be held in early 1986. The Filipino people responded with a petition drive on behalf of Corazon Aquino as their choice to challenge the Marcos dictatorship.

One could sense the excitement. The people of the Philippines were ready—they were ready to make any sacrifice necessary to insure that a democracy lost would be a democracy regained.

Those of us who participated as Presidential observors to the February 7, 1986 elections sensed it immediately. At no time in my memory have I been more impressed, or moved, or touched, by the human passion for democracy that was unleashed by the Filipino people. Nothing could have prepared anybody for that experience.

I walked through villages which spilled over with the enthusiasm of people being allowed to cast a vote. In scorching temperatures most Americans would never have tolerated, Filipinos stood in line for hours—pressed hard against each other—for the chance to peacefully change the course of their Nation's history.

All of America watched with excitement and wonder. Before our eyes, we saw the most fundamental principles of our Nation blooming into a reality in another nation—one that historically has looked to America as the model and inspiration for democracy. Suddenly, the thousands of miles that divided us were cut down to nothing.

One could feel the spirit of Ninoy Aquino united as one with his widow, sweeping the Filipino countryside and bringing with it the ultimate destruction of a despot. The torch of liberty and democracy which had been nurtured by the love of a man and a woman, assaulted by imprisonment and exile, and nearly extinguished by assassin's bullets, burned brightly once again on Filipino soil. Ninoy Aquino was vindicated.

On September 18, 1986 that torch of liberty and freedom was carried into the Chamber of the U.S. House of Representatives and burned brightly in the words of President Corazon Aquino. She had returned to the cradle of democracy giving to us the most precious of gifts—an eloquent and passionate reminder of the pricelessness of liberty, justice and democracy.

Returning to her homeland, President Aquino faced serious threats from both the right and the left. Coup attempts were thwarted; negotiations were begun with the left in order to find a peaceful solution to the problems of the Philippines. Then came February 2 of this year when the Filipino people turned out in impressive numbers to vote on the new Constitution of the Philippines. And for the first time in more than 20 years, the Filipino people went to the polls in peace and voted without fear or intimidation. They overwhelmingly approved a constitution. But that vote was as much a plebiscite on Corazon Aquino as it was on a new constitution. It is estimated that more than 80 percent of the eligible voters turned out on February 2 with 76 percent voting in favor of the Constitution.

This might have been a vote for Corazon Aquino, but it was a vote for democracy and the rule of law in the Philippines. And it was through President Aquino that the people of the Philippines demonstrated their commitment to the return to democracy.

Those of us who follow events in the Philippines and who strongly support President Aquino's ongoing efforts to reinstitutionalize democracy in that country remain concerned that we are not doing to assist in that goal. Last fall, $200 million in additional economic assistance was approved for the Philippines by the Congress. For whatever reason, the administration believed there were more pressing priorities than the Philippines when fiscal year 1987 allocations were made. The $200 million has thus evaporated into thin air.

Having followed events in the Philippines so closely for the past 2 years, I am convinced that it is vitally important for the United States to assist in every conceivable way to ensure that democracy grows in the Philippines. I believe the Filipinos have done their part. I believe it is time for us to do ours.

Beginning in 1972 with martial law, most democratic institutions in the Philippines had been so undermined by the Marcos regime that many had become irrelevant. Because the Philippines is the country that, at one time, we touted as being the showcase for democracy in that part of the world, it is now vital that the second chance being given both our countries not be squandered.

As a consequence, not only must democratic institutions be rebuilt and restored, but also the pressing needs of the vast majority of the Filipino people must be addressed as quickly and as effectively as possible. Democracy not only means freedom of speech or the right to vote, but it also means that one's vote will make a difference in the quality of life for oneself and one's family.

Today, the Government of the Philippines continues to face threats from both the right and the left as it struggles to bring true democracy to the country. I would hate to think that the Filipino people will be told that because of pressing priorities elsewhere in the world, we are constrained from doing very much to assist them in their struggle for democracy.

The irony of the Philippines is that we did not have to try to create democratic forces in that country. They were there all along. Yet, a failure to provide modest amounts of additional economic assistance can only signal these forces of democracy that we are according them a low priority at a time when they are most in need of our support and attention.

To nurture and sustain this process of democratization will take significant resources from the United States and other donors. Most of all, it will take a continuance of passion on the part of our Government that the Philippines deserves our highest priority. This resolution sends that signal that we stand firmly behind the government of President Aquino in building the democratic processes of that country.

What is needed next is for the Congress to follow up with much-needed resources in giving substance to this resolution.

Mr. KENNEDY. Madam President, I am prepared to yield back the remainder of the time for myself and for the Senator from Rhode Island [Mr. Pell].

Mr. BYRD. Madam President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the resolution.

On this question, the yeas and nays have been ordered, and the clerk will now call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. Bumpers] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. McCain] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—98

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth
Zorinsky

NOT VOTING—2

Bumpers McCain

So the resolution (S. Res. 103) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 103

Whereas the people of the United States and the people of the Philippines share a long history of mutual support for democracy;

Whereas the strategic interests of the United States in the Asian-Pacific region can best be preserved by a stable Philippine government based on democracy and justice;

Whereas the people of the Philippines demonstrated support for President Corazon C. Aquino in the election held on February 7, 1986;

Whereas, on February 25, 1986, President Aquino took her oath of office and the Government of the United States recognized the leadership of President Aquino;

Whereas, on March 25, 1986, President Aquino suspended the 1973 constitution and requested the redrafting of a new one;

Whereas, on February 2, 1987, the people of the Philippines voted by an overwhelming margin to adopt a new constitution for their country, signifying their support for President Aquino's leadership and establishing a legal basis for her government;

Whereas, despite serious and sometimes violent challenges to her leadership, President Aquino has demonstrated a commendable and courageous determination to return stability and democracy to the Philippines; and

Whereas, President Aquino has also undertaken significant efforts to eliminate the serious threat to her nation by the communist insurgency: Now, therefore, be it

Resolved, That the United States Senate—

(A) reaffirms the support of the Government of the United States for the Government of the Philippines under the leadership of President Corazon C. Aquino on the occasion of the approval of the new constitution by the people of the Philippines;

(B) commends President Aquino for the progress toward democracy and justice she had achieved in her first year in office; and

(C) praises the continued commitment of the government and the people of the Philippines to strengthen their democracy, and to achieve significant economic, political, and military reform.

Sec. 2. The President of the United States is urged to convey this resolution to President Aquino.

Mr. BYRD. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DeCONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Madam President, I ask unanimous consent——

Mr. HEINZ. Madam President, may we have order?

The PRESIDING OFFICER. The Senator from Pennsylvania is correct. Will the Senate be in order, and other Senators please take their seats? The distinguished majority leader.

Mr. BYRD. I thank the Chair.

I compliment the Chair on securing order in the Chamber.

ROUTINE MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that there now be a period for the transaction of routine morning business, and that Senators be recognized to speak for not to exceed 15 minutes each during that period, and that the period not extend beyond the hour of 5 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I will make one further announcement. And then I will yield the floor.

There will be no session tomorrow. There will be no further rollcall votes today, and in accordance with my statement made a few days ago to Senators, there will be no rollcall votes on Monday even though the Senate will be in session on Monday.

Mr. DeCONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DeCONCINI. Madam President, I thank you for your recognition. I thank the majority leader.

Let me assure my colleagues that I will not take much time, and less than 5 minutes.

MAQUILADORAS AND U.S. COMPETITIVENESS

Mr. DeCONCINI. Madam President, I want to talk this afternoon about competition. Competitiveness is emerging as this year's fashionable political buzzword. The President used it in his State of the Union Message; the majority leader is referring to the impending trade bill as "the Omnibus Trade and Competitiveness Bill"; and I know that this is very important to the Congressional Competitiveness Caucus. There will be a great temptation to believe that we in Congress are now addressing our soaring trade deficit merely because we have coined a new buzzword. This deficit, by the way, has escalated from $36 billion in 1980 to more than $170 billion in 1987. The "answer" to this deficit is not merely competitiveness but also legislative, administrative, and cultural improvements in U.S. industry which adapt to today's rapidly changing global marketplace.

Our success in global competition is determined not only by flexible trade laws and export incentives but by a vigorous business community; by conducive laws and policies within which business can fairly compete; and by the training and attitude of our citizens. The maquiladora program fits these needs. It is not a buzzword. It is very real, and it is a businesslike approach.

Maquiladora plants are located along the Mexican-United States border. The word is derived from the Spanish "maquilar" which means "to assemble." Under twin plant arrangements, Mexico allows the United States to bring in parts and production machinery which is duty free. The goods are assembled from the imported materials. Washington then permits the companies to bring back the assembled goods paying only tariffs on the value added in Mexico. As a result, there are an estimated 250,000 Mexicans working in almost 1,000 American-owned plants along the Rio Grande River.

Substantial benefits accrue to the United States from these maquiladora plants. One of the most important is the economic stimulus these plants have on economically depressed regions along the United States-Mexico border. Expansion of economic development then spins off to improvements in living conditions and creates new manufacturing and service employment. This impacts upon U.S. job retention, job creation, and pricing benefits to consumers.

Additionally, Mr. President, benefits also accrue to the United States in the form of better relations with Mexico. As my colleagues know, the United States does not provide direct bilateral assistance to our proud neighbor in the South. However, these plants assist the economic recovery and development of Mexico by creating jobs and providing United States dollars to consumers. This lends credence to the "trade-not aid" theory of assisting developing countries. And it helps reduce pressures on emigration from Mexico and hopefully adds to social and political stability. In the long run, these benefits can only add to the strategic security of the United States.

The maquiladora industry in Mexico is second only to the petroleum industry in the number of workers employed. Reports now indicate that maquiladoras may now have surpassed petroleum in the amount of foreign exchange generated to service Mexico's debt to United States financial institutions. The Mexican Government is coordinating efforts to increase the number of maquiladora plants to allow duty-free importation of machinery, equipment, replacement parts, investment in infrastructure, and availability of trained labor.

Madam President, the population along the U.S. side of the border grew by 41 percent from 1970 to 1980, compared to 11 percent nationally. The maquiladora industry is a significant and vital contributor to these U.S. border communities. According to the United States Trade Commission, Mexican expenditures in United States border communities totaled over $1.5 billion in 1985. This is very important to me as a border State Senator concerned about the economies of these cities and towns.

However, my colleagues in countless other States benefit from the maquiladora industry. According to a study prepared on the El Paso/Juarez economy, 5,714 suppliers in 44 States were involved in 1985 in providing materials, equipment, and services to maquiladora plants in Juarez and supporting facilities in El Paso. Let me repeat—44 States with an estimated 108,000 U.S. workers providing materials and supplies to the El Paso-Juarez operation alone. This is not merely a parochial concern of an Arizona Senator.

Madam President, many of our companies are tempted to locate abroad. We have the opportunity to keep American jobs, improve our economy, and strengthen our ties with Mexico. It is in the long-term interest of the United States to act on and improve our options for successful competition in the world marketplace. We can talk about "competitiveness" as a buzzword for a $170 billion trade deficit, but maquiladoras actually do something to reduce it. The present trade situation simply cannot continue. Maquiladora is not a buzzword; it is not rhetoric; it is not wishful thinking. Here is one answer that helps 44 States; so let us encourage it.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

S.547—EXPORT ADMINISTRATION AMENDMENTS OF 1987

Mr. HEINZ. Madam President, today the Senator from Illinois [Mr. DIXON] and I are introducing a major series of amendments to the Export Administration Act that will significantly reduce the licensing burden on our exporters. Such a reduction has been a key objective of virtually every so-called competitiveness package proposed this year, including the administration's, and Senator DIXON and I are optimistic we will be able to secure enactment of these proposals.

Our experience with this issue stems most recently from the Export Administration Act Amendments of 1985, where both the Senator from Illinois and I were deeply involved in the most significant rewrite of the EAA in 6 years. That legislation, which largely reflected the Senate position, was designed to strike a balance between our national security needs and our need to reduce our trade deficit through export enhancement.

While Senator DIXON and I supported the maintenance of such a balance—and still do support it—it has become evident over the past 18 months that problems still exist with the act, and that our second objective in particular is not being met. This is in part due to the failure to implement fully the provisions that were enacted in 1985, and in part to overoptimism on Congress' part on the extent to which cooperation and good will would prevail between agencies in the executive branch. While cooperation is better today than it was prior to enactment of the 1985 amendments, it is apparent there is more that can be done, particularly with respect to the development of a central coordinating body that can speak for the President and resolve disputes between the Commerce Department and the Defense Department. The recent National Academy of Sciences study reinforces this analysis. Following is a summary of the study's findings and recommendations.

SUMMARY

The nature of the international marketplace (especially the tendency of MNCs to locate R&D facilities around the world and the indigenous technical capability in developing nations) contributes to global and rapid technical diffusion.

Evidence reveals a large, aggressive Soviet effort to acquire Western dual use technology, through espionage, diversion, and trade, which plays an important role in upgrading the Soviet military system.

National security export controls, when developed and implemented on a multilateral basis, are an appropriate response to dual use technologies and aggressive technology acquisition in the West by the U.S.S.R. and its Warsaw Pact allies.

It is unlikely that the influx of Western technology will enable the Soviet bloc to reduce substantially its current technology gap (which may be widening due to dependence on outdated Western equipment and technology) as long as the West continues a rapid pace of innovation.

U.S. control policies and procedures are in danger of overcorrecting. There is lack of balance in the representation of technical, national security, and economic and political interests.

While appropriate statutory authority appears to exist, the U.S. policy process for national security export controls lacks proper direction and affirmative leadership at the highest level. The result is a complex and confusing system that unnecessarily impedes U.S. high technology exports and affects relations with CoCom allies.

Commercial high-tech advances have outpaced military development.

Export controls may contribute to lost sales and an environment that discourages U.S. exports.

The efficiency of U.S. export control administration is hampered substantially by its shared responsibility. Disagreements exist between the Department of Commerce and DoD on the criteria for determining foreign availability and the strategic importance of items. Resulting de facto veto authority exercised by DoD thwarts the intent of Congress, which designated Commerce as lead agency.

Interagency disagreement on policies and procedures has resulted in the breakdown of the technology decontrol process based on foreign availability. The breakdown is largely attributable to the absence of specific time constraints for investigation of foreign availability in the 1979 legislation mandating decontrol.

Lack of high level oversight and direction degrades the effectiveness of controls. The administrative structure established by the executive branch have not been effective in resolving the frequent policy differences among the principal agencies or in providing adequate policy direction. This has resulted in duplication of effort, uncertain lines of authority, serious delays in decision making, and under utilization of information sharing capabilities.

There are serious shortcomings in the quality and quantity of information maintained and analyzed by the U.S. government on the operation and impact of controls. In the absence of better information, it will be hard for policymakers to make informed and balanced judgments.

There is need for high-level industry input in the formulation of national security export control policy.

U.S. dominance over advanced technology is declining. The U.S. cannot succeed in blocking Soviet acquisition of sensitive technology without full cooperation of countries that represent alternate sources of supply.

The goal of U.S. policy should be to so improve the multilateral control systems that it is possible to remove controls from West-West trade. Two features of U.S. policy impede progress toward this: (1) the tendency to resort to foreign policy trade sanctions without distinguishing these from national security controls and without consulting our allies, and (2) extraterritorial controls that signal U.S. mistrust of our CoCom partners and hurt allied relations.

Foreign perception of U.S. commercial advantage derived from export controls impedes multilateral cooperation.

Greater effort is required to better coordinate the policies of participating countries and gain the cooperation of non-CoCom members. The bilateral agreements that have been reached with nonmembers do not come close to meeting the comprehensive criteria proposed by the U.S. for protecting CoCom proscribed technology.

Unilateral controls [by the U.S.] are of limited use and may undermine cooperation and efforts to develop a sound multilateral approach.

Bilateral agreements with non-CoCom countries that restrict only the reexport of U.S.—origin technology disadvantage U.S. companies.

There are no well-defined criteria to determine whether a given technology will enhance Soviet military capability.

The scope of current U.S. controls undermines their effectiveness: they are not rational, creditable or predictable, and they encompass too many products and technologies to be administratively feasible

The scope of controls discourages compliance, especially among small and medium sized companies.

Pragmatic control lists must be technically sound, narrowly focused, and multilaterally coordinated. Control criteria developed in 1979 have not always proven useful to implementing the controls.

Control of "technological commodities" is not practical.

There is much less consensus among CoCom allies on the use of trade restrictions for foreign policy reasons than on controls in the interest of national security.

Because of their fundamentally different objectives, the Military Critical Technologies List (MCTL) cannot be practically integrated into the Commerce Department control list (as is Congressionally mandated).

RECOMMENDATIONS

Take the lead [by the U.S.] in strengthening the CoCom mechanism to encourage the development of a fully multilateral approach. This includes cooperation of CoCom countries and the adoption of CoCom-like standards for newly industrialized countries' indigenous technologies.

Reduce the scope of the Control List. The List should be limited to items that would significantly enhance Soviet bloc military capabilities and are easy to control. The U.S. should seek to control only the export of CoCom proscribed items designed for proscribed countries.

Simplify decontrol procedures. Remove items whose control is no longer feasible because of widespread production and distribution, and add a provision for automatic removal of lower-level CoCom items.

Obtain agreement with allies on a common approach to reexport of CoCom-origin items. Eliminate reexport authorization requirements in countries participating in export controls.

Establish control definitions that permit effective, practical implemenation of controls, such as restricting controls to technologies that are easily defined with military uses.

Prepare Control Lists with advice from technical advisory groups.

Because open scientific communication and trade are important to maintaining the Western technology lead, make sparing and selective use of existing legislative authority to resist technical exchanges or limit participation of foreign citizens in the U.S. R&D community.

Bilateral agreements with non-CoCom members must protect all similar CoCom-origin and indigenously produced goods.

Other CoCom countries must be more vigilant in preventing diversions of CoCom-origin and indigenously produced technology. As compliance with U.S. reexport controls is politically unacceptable in many countries, some compromise must be reached.

Negotiate comprehensive understandings or effective informal arrangments with non-member countries, that specify controls on exports of all CoCom proscribed goods and technology. Develop a graduated scheme of incentives for non-members that agree to less than comprehensive controls.

Distinguished between foreign policy and national security controls, as described by existing statutory authority.

Give greater importance to maintaining U.S. technological strength, economic vitality, and allied unity.

Staff the NSC to provide regular, affirmative policy direction to the responsible line agencies, and encourage the secretaries of commerce and treasury to participate in NSC meetings at which export control matters are discussed.

Allocate resources to balance the policy-making process, particularly by increasing the capacity and sophistication of the Commerce Dept's automated systems, in-house technical and analytical expertise, and licensing procedures.

Ensure that the U.S. government speak with one voice when dealing with foreign governments and firms through the State Dept.

Balance economic-defense representation on all country delegations.

Use unilateral controls only as stop gap measures pending multilateral negotiations or in cases of critical national security.

Develop a mechanism to obtain input from the private sector in the formulation and implementaion of control policies. The group must be constituted at sufficiently high corporate level to have an impact on the policy process. It is recommended that the senior policy staff of the Executive Office meet periodically with the President's Export Council and/or other respected private sector representatives. It may be necessary for Congress to establish such a mechanism.

Withdraw the statutory requirement to integrate the MCTL into the Commerce Dept. control list.

Madam President, recent proposals, both regulatory and legislative language, have been incorporated into the President's trade and competitiveness bill, and address some of these problems.

That package includes some much-needed changes to the Export Administration Act. These changes would clarify the definition of foreign availability, and provide for expeditious issuance of export licenses to friendly countries in cases where it has been established that the item to be exported is freely available from other free world countries. Another provision would establish a distribution license for the People's Republic of China. This bulk license would place United States exporters in an excellent position to compete for sales in the People's Republic of China's vast markets.

I would also like to commend the administration, and the Secretary of Commerce, for other initiatives that have been undertaken to help bolster the competitiveness of the U.S. high technology sector. This is a sector that is caught in an alarming downspin. The new initiatives announced by Secretary Baldrige include the creation of new licenses to facilitate trade with other CoCom countries, beginning with government agencies and government-owned companies within those countries. Regulations will also be revised to allow reexports of U.S. goods into CoCom countries. Most importantly, the Secretary also announced that the administration is considering for revision the parts and components regulations to establish a de minimis level for U.S. content in foreign-produced equipment. This is a critically needed step in the face of growing evidence that foreign companies are excluding U.S. parts and components from the equipment they manufacture.

The administration has shown by these steps that it is willing to be responsive to the many difficulties faced by U.S. companies that must export in order to remain viable.

Madam President, many of the deficiencies in our export control procedures that have been widely noted and commented upon in recent months can be addressed administratively by changes in regulations, the issuance of new regulations, and changes in administrative practice. Legislation is not needed with respect to every problem. Indeed, the bill Senator DIXON and I are introducing today is in some respects redundant with proposed administration regulations.

We have done that for two reasons. First, a clear expression of congressional intent is always appropriate and will serve to reinforce the administration's commitment to these changes. Second, our experience with proposed regulations in the recent past is that they sometimes are not finally promulgated and become victims to prolonged interagency debate. Even with respect to those recently announced, I believe it is better at this point to maintain an air of healthy skepticism regarding their ultimate publication. If they appear in final and satisfactory form prior to enactment of this legislation, we can make appropriate deletions from the bill. If they do not appear by that point, then Congress will have fulfilled its responsibility by legislating the changes.

Let me also say, Mr. President, that the proposed changes in the EAA I am about to describe are by no means an exclusive list. Senator DIXON and I have included in the bill those amendments we believe are appropriate. In our discussions with members of the exporting community other problems have come to light—some of them quite recently—and there has not been sufficient time to analyze those concerns fully and develop proper solutions. Both of us, however, are committed to continuing our examination of the act and current procedures, and we are open to adding additional amendments to this bill to the extent there are additional problems to be addressed. We hope and expect that the Banking Committee will take EAA amendments up in hearings and markup in March and April in time to report a Committee amendment to the trade legislation now being developed by several committees. Without question, a trade package would be incomplete without provisions on export controls.

The provisions in our bill relate to a number of main themes or topics that the Export Administration Act addresses. They include: reexport controls, decontrolling low level technology items, assessing foreign availability, shipments to the Peoples' Republic of China, judicial review, and the International Emergency Economic Powers Act [IEEPA] and foreign policy controls. Let me now describe the provisions of this bill in more detail and the thinking that went into them.

REEXPORT CONTROLS

One of the most serious and not entirely expected problems that has developed since the enactment of the 1985 amendments is the reaction of our allies to U.S. reexport controls and our own confusion in applying such controls. This issue arises primarily in two contexts: the resale of a properly licensed U.S. item to a new end user, and the incorporation of U.S. parts and components into a foreign good.

In the first case, while resale to the Eastern bloc would clearly require a license, not to mention CoCom approval—if the initial sale were to an end user in a CoCom country, NATO countries, plus Japan, minus Iceland; but the Commerce Department has often insisted on requiring a license for reexport even for resale within CoCom or within the same CoCom nation. In such situations the only argument that could be raised is the risk of diversion to the Eastern bloc, but that is precisely why CoCom was created—to provide multilateral cooperation against that possibility. Much of what we did in 1985 was based on the conclusion that our allies' export control standards and procedures were inferior to ours, notwithstanding their participation in CoCom. Since then much has been done to upgrade CoCom and to sensitize our allies to the need to exercise close controls on the export of militarily critical goods and technology. Although this will be a major issue to discuss in hearings, I am inclined to conclude at this point that the soundest policy is to rely more heavily on CoCom-member nations' controls in reexport cases and to demonstrate confidence in their ability to assess the risk of diversion and take appropriate and effective action.

These arguments also apply to the parts and components question, but there is an additional special concern as well, and that is the growing unwillingness of European manufacturers to use United States parts and components because of the possibility that doing so will subject the entire end product to United States requirements for an export license. As a result, American manufacturers are not only foregoing sales, they are being increasingly designed out of European production, as manufacturers there design and engineer their products to use exclusively non-United States parts. Obviously, such a development has major long-term consequences for our international competitiveness. There has been a good bit of evidence developed on this subject, and given the critical nature of the issue, I hope any hearings held in the Banking Committee look into this development in depth.

To respond to these problems, our bill contains two provisions on reexport controls. One would prohibit them for resales within CoCom nations, and one would prohibit them in certain cases for parts and components. Those cases are:

First, where the part or the good into which it is to be incorporated did not require an export license from the United States:

Second, where the value of the U.S. content of the end product is 35 percent or less; and

Third, where the goods are spare or replacement parts for U.S. origin components in a legally exported product. This parallels a provision of current law relating to export controls on spare parts.

We believe these limitations will address the problems I have described without compromising our national security interests. In the first case the products remain subject to CoCom and CoCom-member nation licensing procedures which should adequately protect against the risk of diversion. In the parts and components case that would be true as well in most cases, since that is where much of manufacturing of the kinds of products that would be affected is occurring.

EXPORT OF LOW-TECHNOLOGY ITEMS

One of the biggest debates we had in 1985 was over the question of how much technology can safely be excluded from any controls. This is not only an extraordinarily difficult question, it is a moving target, since constant technological change renders almost any line drawn obsolete in a period of only a few years. For that very reason it would be inappropriate and counterproductive for Congress to seek to specify in the law precise levels of performance for specific products that could be exported without license. On the other hand, however, there are some technology lines that have already been drawn administratively that can usefully be employed, along with a requirement that they be regularly updated.

The first such level is that at which goods can be exported to CoCom nations without a license, the so-called AEN level. For administrative exception, notes a reference to CoCom procedures which, in these cases, require only notification rather than their approval for export.

The second is the so-called PRC green line, the level at which goods can be shipped to the People's Republic of China with only CoCom notification rather than approval. Paradoxically this level is in some situations higher than the first level, a product of the United States desire to improve further political relations with the People's Republic by upgrading economic relations, and our assessment that the risk of diversion to the Soviet Union was small. That latter judgment, incidentally, ought not be rushed. What we have learned over the past few months is that the Chinese regime is hardly monolithic in its commitment to Western economic development, and that its path to such development is unlikely to be a straight line. That does not argue for a different policy but rather a more sophisticated analysis of events in China and a willingness to adjust our policy to those events.

The third and highest technology reference level we use is that of goods permitted to be exported under a distribution license—a bulk license permitting multiple shipments to specific, thoroughly vetted, end users.

Our approach in this legislation is to permit export without license to noncontrolled countries of products up to the PRC green line level. That is, products that can be sent to the PRC with only CoCom notification can be sent elsewhere outside the Soviet bloc as well. The provision also permits the Secretary of Commerce to require notification of such exports in order to help the Government to maintain a paper trail in the event of diversion to controlled countries. At the same time, because there is some legitimate concern that our entire control policy ought not to be linked to our relations with the People's Republic of China—relations that can be expected to have their ups and downs—the bill delinks the PRC from the rest by establishing the green line level as of March 1, 1987, as the level for license-free export to noncontrolled destinations. That break would leave the Commerce Department free to adjust the PRC level as circumstances dictate and to adjust the general level separately.

FOREIGN AVAILABILITY

One of the greatest disappointments from the 1985 amendments, albeit not an unexpected one, has been the failure of the foreign availability provisions to have much of an effect in decontrolling exports. The logic of the concept is unassailable—we should not control those items that are already available to the Soviet bloc. Implementation, however, has been paralyzed by sharp interagency and private sector-Government disagreements over the elements of the definition—what "available" means and whether what is available is there in sufficient quantity and quality to moot the purpose of our controls.

As a result, there have been only two or three determinaitons of foreign availability since the 1985 amendments were enacted, the most significant of them, the silicon wafer saw case, marked by bitter and continuing disagreement between the Commerce and Defense Departments over whether comparable items were, in fact, available. Unfortunately, it is battles such as these that do the greatest damage to our credibility as exporters and suppliers. Foreign companies ordering U.S. products deserve a timely and accurate response. Either an item can be exported or it cannot. Delays while agencies wrangle over availability, which are often counted in months and even years rather than days and weeks, can only encourage foreign buyers to fill their needs elsewhere.

At the same time, however, it is fair to say that this kind of decision must, in the final analysis, be a judgment call. The Congress cannot legislate availability any more than it can posit a constant and unchanging level of technology below which items can be shipped without a license. Industries and production processes change; other actors come on to the economic stage. The best we can do is create a mechanism for making those judgments that is transparent and fair.

To that end, our bill makes both procedural and substantive changes in the foreign availability provisions of the act. The procedural changes are essentially to put time limits and a notice burden on the Secretary of that the public knows when a foreign availability assessment is underway, has an opportunity to comment, and knows that the assessment must be completed and a judgment made by a date certain. In that regard, the bill provides for a 60-day initial judgment by the Secretary, but if more time is needed he can effectively postpone the decision for 4 more months—a total of 6 months.

With respect to the substantive issues, under the current Export Administration Act, foreign availability determinations focus on the question of availability in controlled countries, that is, the East bloc. In this regard, once foreign availability is established in the bloc, national security controls on exports of products are removed for all destinations. The current foreign availability provisions do nothing to alleviate the burdens of unilateral U.S. export controls on exports of products that are available in the free world. Since the vast bulk of business by U.S. exporters is concentrated in free world countries, current foreign availability provisions do not address the needs of the largest portion of U.S. business.

At present, U.S. companies are required to obtain licenses to export products to a free world country even when comparable products are being developed and manufactured for export in that free world country. The U.S. exporter is harmed not only in the foreign source market, but also in third country markets since the source country generally does not require a license for the export of the same or similar products to free world countries. Such unilateral export controls impose a significant competitive disadvantage on U.S. companies attempting to compete in foreign markets.

The addition of a West/West foreign availability provision is in support of the President's competitiveness initiative calling for the elimination of unilateral controls in those areas where there is widespread foreign availability. Adoption of this procedure would be a major step toward enhancing the international competitiveness of U.S. exporters in free world markets.

The proposed legislation provides that if a product is available in a free world country, similar products should be free from licensing requirements for export to free world countries, except to the extent the source country places controls on the export of that product. Thus, for example, if a product is available for export to all free world destinations from West Germany, then a comparable United States product would not require a license for export under this provision. However, if West Germany imposes special licensing controls on the export of the product to a particular country, such as India, then this provision would not apply to exports to India. U.S. companies would be relieved from U.S. controls on exports to free world countries that are ineffective because of the availability of comparable products from foreign sources. This provision would not apply to controls on exports to controlled countries.

The criteria for foreign availability are only the criteria that are in the commodity control list. Additionally, a procedure is proposed that would identify the highest technical level of a product that is available from outside the United States, and then decontrol to free world countries all products below that technical level. This procedure is essential to reduce the administrative burden on the Commerce Department in implementing this new provision and to expedite foreign availability determinations. It is anticipated that trade associations will be helpful in coordinating foreign availability submissions.

There is an additional requirement under the current foreign availability provision in the Export Administration Act regarding whether the particular product is available in sufficient quantities to satisfy the needs of controlled countries so that U.S. exports would not make a significant contribution to the military potential of such countries. This factor has been eliminated from this provision since it is irrelevant for exports to free world countries. In a typical free world market oriented environment, if the source country does not impose controls on the export of a product, then normal market mechanisms will assure that there will be sufficient quantity of the particular product to satisfy demand. Hence, a requirement that a sufficient quantity of a product be established as a prerequisite to demonstrating foreign availability in the West/West context is not necessary.

The recently published National Academy of Sciences' study on export controls indicated that between 80 percent to 90 percent of all national security related licenses fall within six product categories: aircraft, instruments, telecommunications equipment, semiconductors, semiconductor manufacturing equipment, and computers. Implementation of a West/West foreign availability procedure could alleviate a significant burden on U.S. exporters and the Commerce Department, even if determinations are made on only a small number of items within these product categories. This would reduce the burden currently imposed on some of our most advanced and competitive industries.

In this two-track approach, the first, for the Soviet bloc, is essentially unchanged from current law, except for the procedural revisions I just discussed. The second track for West-West decontrol is new. Let me note in conclusion, however, that I have a few illusions that this provision will solve all the problems we have discovered with the foreign availability concept. What sounds simple in theory has proved to be complex in administration, even in the occasional presence of interagency good will, and it is essential that the Congress maintain active oversight of the Department's handling of this provision.

EXPORTS TO THE PEOPLE'S REPUBLIC OF CHINA

The Chinese market has always held a fascination for Americans, even before the advent of the Communist regime. Now, as political relations warm and the Chinese explore Western economic models, interest in the largest untapped market in the world has soared. Some of that interest, of course, is bound to be disappointed. The Chinese have 1 billion people, but that does not mean they have 1 billion consumers in the Western sense. Foreign exchange is limited, the society, including its economic activity, remains controlled, and imports therefore are limited to those items the Government determines are needed. In making that determination the authorities put heavy emphasis on joint ventures and other production arrangements that will ensure as much of the manufacture as possible takes place in China.

Even under these circumstances, however, there is tremendous opportunity in China in a wide variety of sectors, although high technology products and services will head the list for some time to come. The Reagan administration, to its credit, has recognized this and has attempted to keep pace with the Chinese need for American equipment. China is no longer officially a controlled country and is well on its way to treatment as a member of the Western economic world. As I said earlier, this is an evolution that is timely and appropriate, and I support it, although I continue to believe it must be pursued with caution and careful analysis as we proceed. Such a cautious approach, however, suggests that it is now time to take another step or two. To that end, our bill explicitly makes the People's Republic eligible for receiving distribution licenses, although it does not require the Commerce Department to grant them; and it contains a special provision to license items for trade shows in China, even though that item might not be eligible for an export license to that country.

The reason for that latter provision is to allow our exporters to keep pace with others who send their latest models and equipment to trade shows in China notwithstanding its licensing status; and because the PRC green line has been evolving rapidly. What cannot be licensed for sale today may well be permitted a year from now when the Chinese finally decide they want to buy it. While there may be some danger that potential buyers could be offended by being allowed to see items that cannot legally be exported, the exporting community believes that that danger is less important than the danger of being written off as a serious force in the Chinese market by displaying only outdated items. Together these provisions will continue our effort to establish and improve economic links with China.

JUDICIAL REVIEW

These provisions have long been the province of Senator DIXON, who was largely responsible for what appeared in the 1985 amendments on this subject. As a result, I will defer any explanation of them to him.

FOREIGN POLICY CONTROLS AND IEEPA

While the debate over the appropriateness of foreign policy export controls has probably been less noisy than that over national security controls, it has been no less important, particularly because of the implications it has for the spectrum of executive-legislative relations. For the past 8 years that debate has been shaped by two events that, I hope, will never be repeated—President Carter's grain embargo and President Reagan's controls on equipment to help construct the Soviet gas pipeline to Western Europe. Both actions, in my judgment, are classic examples of the failure of these kinds of controls. Neither accomplished any significant foreign policy goal, and both did serious damage to important sectors of the American economy from which we have not yet fully recovered.

It is no surprise that as instruments of war become more devastating, the reluctance to use them grows, as does, therefore, pressure to develop surrogates as a means of resolving conflicts. The most popular surrogate in recent years has been the economic weapon—the effort to deny our adversary something he needs, or the effort simply to show symbolically our disapproval of some action he has taken.

The dangers of export controls—the chief economic weapon—are that they rarely work unless they are universally applied, which is extremely rare, and they hurt our own producers. In the grain embargo case, where we sought to demonstrate our disapproval of Soviet actions in Afghanistan, we succeeded in denying our farmers an important market part of which we have subsequently lost permanently to other suppliers initially drawn in by our withdrawal. Obviously, the embargo was not the sole factor in the long term shift in Soviet grain purchases, but it was unquestionably a major factor which cast serious doubt on our reliability as suppliers.

That same doubt was cast by the pipeline controls, only this time it affected European manufacturers who wanted United States components. Our policy in that case not only failed to stop the construction of the pipeline; it has destroyed our credibility in Western Europe and has been a contributing factor in the tendency to "design out" American components in Europe.

Those two events led to two initiatives in the 1985 amendments—to make the imposition of foreign policy controls more difficult by requiring more extensive findings and determinations and greater consultation with Congress and industry, and to mitigate the effect of the imposition of controls through a contract sanctity clause protecting existing contractual arrangements from the effects of the controls.

While I did not believe at the time that either of those initiatives had been fully embodied in the final version of the legislation—I was particularly disappointed with the compromise on contract sanctity—the course of events since 1985 has been unexpected. To its credit, the administration has taken the contract sanctity provision fairly seriously, and it has made the necessary determinations, although its consultation has been little more than shortly before-the-fact notification.

Unfortunately, the more important effect of the 1985 amendments has been to turn the administration away from using the Export Administration Act at all in favor of relying instead on the International Emergency Economic Powers Act [IEEPA] for the imposition of foreign policy export controls. This can only have the effect of avoiding the strictures of the EAA, specifically the two I mentioned.

Understanding the significance of this demands a brief comment on the IEEPA. That act is one of the most wide-ranging authorities the President has. It allows him to declare a national emergency and pursuant to it impose a wide variety of controls on virtually every kind of transaction between the United States, both corporate entities and private citizens, and the source of the threat to the United States that cause the emergency. This authority is broad, even dictatorial. It is the authority President Carter used, legitimately in my judgment, to freeze Iranian assets in U.S. banks following the taking of our hostages in 1979. The act permits a declaration of national emergency in order to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States.

The Reagan administration, unfortunately, has been less discriminating than the Carter administration in the use of this broad authority. The controls we have imposed on Nicaragua, Libya, and South Africa prior to the enactment of legislation in 1986 were all pursuant to national emergencies declared under the IEEPA. In the third case, South Africa, even the administration's own witness, Assistant Secretary of the Treasury David Mulford, had difficulty explaining the nature of the "emergency" that justified use of the IEEPA.

These controls have not aroused as much controversy in Congress as perhaps they should have, largely because the countries they focused on are unpopular, and no one wants to be perceived, in particular, as defending Libya or South Africa. Nevertheless, there is an important issue here. The intent of the IEEPA was that its use be reserved for the most serious of truly wide-ranging emergencies that were threats to our national security—threats commensurate with the extraordinary powers granted the President under the statute. To use IEEPA in single-country situations not only cheapens the act, it allows the President to avoid Congress' determination that foreign policy export controls be imposed only after certain carefully considered determinations and consultations and that they be subject to the principle of contract sanctity.

In an effort to put a stop to this tendency and restore IEEPA to its rightful place, our bill makes three amendments:

First, it deletes "foreign policy" as the basis for declaring an emergency, leaving threats to national security or economic security.

Second, it includes language making clear that any actions taken pursuant to the declaration of an emergency should be aimed at the countries that are the source of the threat, and their impact on Americans should be minimized.

Third, it states that if the President imposes export controls under the IEEPA, he may only do so pursuant to the procedural portions of section 6 of the Export Administration Act.

This solution is not perfect. Indeed, no legislative action can be, since important elements of judgment must be reserved to the President and that judgment can always be abused. I also fully expect this to be the provision of this bill most strenuously opposed by the administration since it constitutes a limitation on the President's authority, which any President is likely to oppose. Even so, I intend to push forward with it not because of any situation where the President has taken particularly objectionable actions, but because of the open door we have left him to do precisely that. This is a matter of principle—the currency used to declare an emergency is being debased, and we ought to restore it to its proper value.

I would also add, Madam President, that the bill contains one additional provision clarifying that the provision on spare and replacement parts in the 1985 amendments applies to section 6 export controls as well as section 5 controls, unless the President specifically controls spare parts in section 6 cases. There has apparently been some confusion about the intent of the 1985 provision, and this should clarify it.

MISCELLANEOUS PROVISIONS

The bill also contains a number of provisions that do not easily fall into the categories I have just discussed but which are no less important.

First, there is a prohibition on charging user fees on export license applications. The Department of Commerce has proposed a $50 fee to accompany licenses, which I believe is outrageous and particularly harmful to the smaller businesses we are supposed to be trying to help export. While I do not necessarily oppose user fees in principle and supported them in other cases, I believe in the export control area they only add insult to the injury already being suffered because of a confused and cumbersome licensing system.

Second, the bill changes somewhat the definition of embedded microprocessor to better clarify what was intended to be covered and to take into account recent technological developments.

Third, in an effort to help the administration implement its certified end user system, the so-called gold card, the bill provides that entities of Cocom governments and section 5(k) governments—countries that have adopted control systems similar to those of Cocom—be considered certified end users. This is logical, since the entities in question are all part of governments that impose acceptable controls. This proposal has also been made by the administration.

Fourth, we have added a provision to section 5(k) making clear that negotiations with other governments on controls must result in reciprocity; that is, U.S. items and those of the other country must be treated equally.

Fifth, finally, we have included hortatory language in section 6(a) urging the President to use diplomatic alternatives before resorting to foreign policy export controls.

Madam President, as I said at the beginning of my remarks, this bill is neither perfect nor finished. Many of its elements I expect to be noncontroversial; indeed the administration has proposed a number of them. Others will be subject to considerable discussion. In addition, there will no doubt be many suggestions for additions that Senator DIXON and I will want to consider carefully. I hope, however, that one area we can avoid being mired in, as we were in 1983, 1984, and 1985, is a debate over restructuring interagency relationships. As Senators know, this issue has aroused strong feelings in the past, and I suspect an effort to resurrect it by either side in the controversy could jeopardize the enactment of any legislation on export controls. I would also say that such a restructuring is probably not the most useful approach in any case. One of the things we all should have learned by now is the difficulty of legislating bureaucratic relationships. We cannot by statute effectively prohibit people from having opinions or expressing them even if the result is administrative delay. A better way to address that problem is by specifying what is to be controlled and what is to be decontrolled, as our bill seeks to do. I hope that as we proceed we do not lose sight of that objective.

The **PRESIDING OFFICER**. The Senator from Illinois [Mr. DIXON] is recognized.

EXPORT ADMINISTRATION AMENDMENTS OF 1987

Mr. **DIXON**. Madam President, I am pleased to join my distinguished colleague and warm friend, Senator HEINZ, in introducing the Export Administration Amendments of 1987. At the outset, I would like to congratulate the Senator from Pennsylvania for his leadership on this issue. It has been a pleasure to work with him and his staff in developing this bill.

The legislation we are introducing will reduce the licensing burden American exporters now face. Last year, the Department of Commerce handled roughly 120,000 individual export license applications. Our bill will cut that number in half, to roughly 60,000. This will enable the administration to concentrate its efforts on the items that really need careful review. By helping to better focus licensing decisons, it will therefore help improve enforcement of the Export Administration Act, enabling the act to better accomplish its goal of denying the Soviet Union and its allies access to certain high technology that can add to their military capabilities.

As a member of the Senate Armed Services Committee, I am well aware of the Soviet's efforts to acquire United States and other free world high technology. I know we must make strong and effective efforts to deny the Soviets access to the items they are seeking, or at least delay their ability to acquire them. The key word, however, is effective, and unfortunately, our export licensing and control regime has not been as effective as it should be.

I have stood on this floor before to complain that the United States has cast its net too broadly—that our Nation licenses far more than it needs to—and that the United States has all too often tended to go it alone, rather than working with other industrialized countries on a coordinated system of controls.

There was a time when the United States could afford to act alone. In many areas, U.S. technology was far better than anything available elsewhere. That advantage, however, is gone in most of the areas where American companies seek to export. Japanese products, German products, products from Taiwan and Singapore, and numerous other countries around the world are every bit the equal of those manufactured here. In fact, in a growing number of cases, technological leadership no longer belongs to the United States, but rests with one of our international competitors.

There was also a time when the United States could afford to ignore export markets. The U.S. economy was so large and so dominant internationally that American companies did not have to worry about exporting. That time is also gone. Trade and export competitiveness are now vital to our future economic health.

We can, therefore, no longer afford a licensing and control system that not only impedes the ability of American companies to make sales abroad, but actually results in foreign companies designing out American components. We can no longer afford a control system that creates less harm to the Soviet Union than it does to our relationship with our own allies.

As many of my colleagues know, Mr. President, the National Academy of Sciences last month completed a study entitled "Balancing the National Interest: U.S. National Security Export Controls and Global Economic Competition." That study concludes:

> The U.S. policy process for national security export controls lacks proper direction and affirmative leadership at the highest levels of government. The result is a complex and confusing control system that unnecessarily impedes U.S. high technology exports to other countries of the free world

and directly affects relations with the Cocom allies.

The study goes on to point out that the problems in our licensing and control system may have cost the U.S. economy over 180,000 jobs and foreign sales of over $9 billion annually.

There are those who may differ with the study and its conclusions. In my view, however, the study's conclusions are particularly creditable because the study was chaired by Lew Allen, former Chief of Staff of the U.S. Air Force, former member of the Joint Chiefs of Staff, and former Director of the National Security Agency, and because the panel responsible for the study also included former Secretary of Defense Melvin Laird, former Deputy Director of the Central Intelligence Agency B.R. Inman, and a number of other members of prior administrations with responsibilties in the trade, foreign policy, and national security areas.

The bill we are introducing today is, in no small part, an attempt to rectify some of the problems laid out in that study. It is designed to reduce the licensing burden where we can afford to do so, in order to allow the administration to concentrate its enforcement efforts on the areas where there is the most need.

As I stated earlier, our current licensing and control system is too broad. It picks up too many transactions involving exports of relatively low technology to countries that are coordinating their control efforts with the United States.

The result is that we are not able to put sufficient resources into covering exports of truly sensitive items going to destinations where there is a real chance of diversion of the items to the Eastern bloc.

One major focus of the bill, therefore, is to reduce the licensing burden in areas where it can be reduced without adversely affecting our national security. The bill makes a number of changes in the national security controls sections of the Export Administration Act, including:

First, eliminating reexport controls within Cocom. Cocom, which includes almost all of our NATO allies and Japan, is designed specifically to coordinate export controls to prevent diversion to the Eastern bloc. These countries are justifiably angered by U.S. attempts to control the resale of a U.S. item from one British company to another, for example;

Second, eliminating controls in most instances on parts and components where the item it is going into does not require a license, where the value of the U.S. content of the end product is less than 35 percent, or in situations where the parts or components are spare parts for a legally exported item;

Third, eliminating controls on low-technology items. Essentially, the bill permits items that can be shipped to the People's Republic of China without Cocom approval to be shipped to other free world destinations. This effectively decontrols items up to the technological level that is called the PRC green line; and

Fourth, expanding the foreign availability section to include a new West-West concept of foreign availability, which would greatly simplify sales of items to the free world that are commonly available from our industrial competitors, and imposing limitations designed to ensure timely determinations of foreign availability by the administration. Current law defines foreign availability solely in East-West terms, but our trade with the Eastern bloc is less than 1 percent of our overall trade. It makes sense, therefore, to consider what is freely available in the West when making foreign availability determinations to free world destinations.

The bill also limits the ability of Presidents to avoid the Export Administration Act when imposing controls under the International Emergency Economic Powers Act—IEEPA. Together with Senator **Heinz**, I helped lead the fight to get a strong contract sanctity provision in the Export Administration Act. I do not believe any administration should be able to evade this provision by using IEEPA for foreign policy objectives in nonemergency situations like South Africa. IEEPA is exactly what its name implies—emergency authority—while the Export Administration Act is and should be used as the basis of our export control policy. The provision in the bill will help restore the authority of the Export Administration Act, while ensuring that IEEPA's very broad powers continue to be available in the situations where it is really needed.

The bill makes a number of other changes that will make the act work better for American exporter. For example, it makes the People's Republic of China eligible for distribution license treatment. It also prohibits charging fees for export licenses. Frankly, I cannot understand why anyone would want to put this kind of export disincentive in the way of the small and medium-sized companies we are trying to encourage to export more. There are a number of other areas the bill covers that I will not comment on now. However, I would like to say a word about the bill's judicial review provisions, a subject I have taken an interest in for some time.

The Export Administration Act is not like most other law. As it now reads, the Secretary of Commerce can cut off a company's right to export, or impose major monetary penalties, without his decision being subject to any kind of judicial review. The Secretary essentially gets to act as prosecutor, judge, and jury. I do not think that is fair, Mr. President, and I do not understand how we ever let the law get to the point where a person's property could be taken without that person ever having a right to go to court.

The provision in the bill is an attempt to correct that outrageous deficiency. It allows for appelate review of the Secretary's decision to either impose monetary fines or other civil sanctions, or to cut off a company's ability to export through what is known as a temporary denial order. Judicial review would not allow companies to challenge decisions to impose controls. Rather, it would allow them to contest the Secretary's finding that they had violated the act or controls imposed under the act. The bill uses legal standards widely used elsewhere in Federal law, the substantial evidence test for factual issues, and the arbitrary, capricious, or not otherwise in accordance with law test, for matters of law.

I should note that even without a specific right of judicial review, companies can go to court to suggest that the Secretary is acting outside his statutory authority, or outside the Constitution. Further, until 1985, the Secretary was required to go to court to attempt to collect fines. It seems to me, therefore, that the changes made in the bill are rather modest, and are the minimum that is required to restore some due process to the law in this area.

The bill also makes a change in the forfeiture penalty, making imposition of that penalty discretionary rather than mandatory. Currently, it is at least theoretically possible to lose the factory that produced an item that was exported illegally. While there may be cases where a penalty that draconian is necessary and desirable, it ought not to be automatic, regardless of the severity of the violation.

I am pleased to see, Madam President, that the administration shares at least some of the objectives of this legislation. The fact sheet on the President's competitiveness initiative, released January 27th, states in part that:

> The President is directing the Cabinet to undertake a review of the Export Controls Program and report to him by early March. The Cabinet is to provide recommendations to achieve the following:
>
> Decontrolling those technologies that offer no serious threat to U.S. security;
>
> Strengthening enforcement controls on those technologies that could harm U.S. security;
>
> Eliminating unilateral controls in those areas where there is widespread foreign availability; and
>
> Seeking agreement with our allies for concrete actions to be taken which will make export control procedures more uniform and enforcement more rigorous.

I think this statement represents a real step forward. I look forward to seeing the President's competitiveness legislation, which will be introduced shortly, to reviewing the March recommendations, and to working with the administration on reforms of the Export Administration Act that will remove problems facing U.S. exporters, while continuing to ensure that the act is able to meet all its objectives.

This bill represents an attempt to begin the debate on Export Administration Act reform. It is not perfect. Amendments will surely be needed, and I am well aware that administrative rulemaking activities could make some of its provisions unnecessary.

I hope and expect there will be early hearings on this legislation. Export controls reform needs to be a part of the overall trade package now being developed. I look forward to working with American exporters, the administration, and my colleagues to make these greatly-needed changes a reality.

Mr. HEINZ. Madam President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Amendments of 1987".

GENERAL PROVISIONS

SEC. 2. (a) DEFINITION OF CONTROLLED COUNTRY.—Section 4(a)(2)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2403(a)(2)(A)) is amended by inserting "(except the People's Republic of China)" after "controlled countries" in the first sentence.

(b) GENERAL LICENSE FOR RELIABLE END-USERS.—Section 4(a)(3) of such Act (50 U.S.C. App. 2403(a)(3)) is amended by adding at the end thereof the following: "The Secretary shall include as a general license a general license for exports to qualified foreign parties that the Secretary has certified have a high expectation of being reliable end-users. Government entities and government controlled entities from a country that maintains export controls on goods and technology pursuant to the agreement of the governments participating in the group known as the Coordinating Committee and those countries that have reached agreement with the United States to maintain export restrictions comparable in practice to those maintained by the Coordinating Committee as provided in section 5(k) of this Act, shall be considered qualified foreign parties eligible to receive all commodities controlled under this Act, without restriction by product parameters, under the general license provided for by the preceding sentence. For purposes of the application of this general license only, government controlled entities shall include government-owned entities, government corporations, quasi-government agencies, and state enterprises whether they are engaged in public service activities or in commercial, industrial, or manufacturing activities where the government can establish the general policies or control the day to day operations of the entity.".

(c) FEES.—Section 4 of such Act (50 U.S.C. App. 2403) is amended by adding at the end thereof the following:

"(g) FEES.—No fee may be charged in connection with the submission or processing of an export license application.".

NATIONAL SECURITY CONTROLS

SEC. 3. (a) AUTHORITY FOR REEXPORTS.—Section 5(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(a)) is amended by adding at the end thereof the following:

"(4) No authority or permission to reexport any goods, technologies, or services subject to the jurisdiction of the United States may be required—

"(A) for shipment to an end user in any country which maintains export controls on such goods, technologies, or services cooperatively with the United States pursuant to the agreement of the group known as the Coordinating Committee or pursuant to an agreement described in subsection (k) of this section, except that the Secretary may require a license for the reexport of such specific highly critical goods, technologies, or services which, after consultation with the appropriate technical advisory committees, he determines to be unilaterally controllable by the United States, or

"(B) from any country when the goods, technologies, or services to be reexported are incorporated in other products and—

"(i) no license is required for the export from the United States of either the goods, technologies, or services or the products into which they are incorporated;

"(ii) the value of the United States content of the products into which the goods, technologies, or services are incorporated is 35 percent or less; or

"(iii) the goods are normal and usual spares or replacements for United States origin parts or components in a legally exported foreign made product and do not exceed the value of the United States content in the product.

"(5) The provisions of paragraph (4)(B) apply only if the United States content is normal and usual for the product being exported and is not incorporated into the foreign-made product in order to evade the requirement for reexport authorization.".

(b) EXPORTS OF LOW TECHNOLOGY ITEMS.—Section 5(b)(2) of such Act (50 U.S.C. App. 2404(b)(2)) is amended to read as follows:

"(2) No authority or permission to export may be required under this section for the export to any country other than a controlled country of any goods or technology which, were it made to the People's Republic of China on March 1, 1987, would require only notification of participating governments of the Coordinating Committee. The Secretary may require any person exporting any such goods or technology to a country other than a controlled country to notify the Department of Commerce of those exports.".

(c) TRADE SHOWS.—Section 5(e) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(e)) is amended by adding at the end thereof the following:

"(6) AVAILABLE ALTERNATIVE MEANS.—Upon application, the Secretary shall issue a license for exports to the People's Republic of China of any good controlled under the Commodity Control List without regard to the specifications of the good for the purpose of demonstration or exhibition at a trade show sponsored by a United States trade association so long as the United States exporter retains title to the good during the entire period that the good is in the People's Republic of China and the good is removed from the People's Republic of China at the conclusion of the trade show.".

(d) FOREIGN AVAILABILITY DETERMINATIONS.—Section 5(f)(3) of such Act (50 U.S.C. App. 2404(f)(3)) is amended by inserting after the second sentence the following: "In a case in which an allegation is received from an export license applicant, the Secretary shall respond in writing to the applicant, and publish in the Federal Register, within 60 days after receipt of the allegation, that—

"(A) the foreign availability does exist and the requirement of a validated license has been removed or the applicable steps are being taken under paragraph (4) or (5);

"(B) the foreign availability may exist but further examination of the issue is necessary in order to make a determination; or

"(C) the foreign availability does not exist.

In a case in which subparagraph (B) applies, the Secretary shall, within 180 days after the initial response and publication, respond in writing to the applicant and publish in the Federal Register, that—

"(i) the foreign availability does exist and the requirement of a validated license has been removed or the applicable steps are being taken under paragraph (4) or (5); or

"(ii) the foreign availability does not exist.

In any case in which the publication is not made within that 180-day period, the Secretary may not require a license for the export of the goods or technology with respect to which the foreign availability allegation was made.".

(e) PUBLICATION OF AVAILABILITY ASSESSMENTS.—Section 5(f) of such Act (50 U.S.C. App. 2404(f)) is amended by adding at the end thereof the following:

"(8) When the Secretary undertakes an availability assessment on his own initiative, upon request pursuant to paragraph (3), at the request of a technical advisory committee pursuant to paragraph (6) of subsection (h), or upon request pursuant to paragraph (3) of subsection (r), the Secretary shall publish notice of such assessment in the Federal Register.".

(f) REVIEW OF TECHNOLOGY LEVEL.—Section 5(g) of such Act (50 U.S.C. App. 2404(g)) is amended by adding at the end thereof the following: "In carrying out this subsection, the Secretary shall conduct regular reviews of the performance level of goods or technology below which exports to the People's Republic of China require only notification of participating governments and make appropriate adjustments to such level based on the reviews.".

(g) APPLICABILITY OF NEGOTIATED AGREEMENTS.—Section 5(k) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(k)) is amended by adding at the end thereof the following: "The Secretary may not enter into an agreement under this subsection under which export restrictions do not apply equally to goods or technology both of United States origin and of non-United States origin.".

(h) MICROPROCESSORS.—Section 5(m) of such Act (50 U.S.C. App. 2404(m)) is amended by inserting "or incorporated" after "embedded" each place it appears.

WEST-WEST FOREIGN AVAILABILITY

SEC. 4. (a) TECHNICAL AMENDMENT.—The caption of section 5(f) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(f)) is amended by inserting a substitute title as follows:

"(f) EAST-WEST FOREIGN AVAILABILITY.—".

(b) WEST-WEST AVAILABILITY.—Section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) is amended by adding at the end the following:

"(r) WEST-WEST FOREIGN AVAILABILITY.—(1) If the Secretary determines, in accordance with procedures which the Secretary shall establish and upon the criteria in the Control List that form the basis for control of the goods or technology, that any goods or technology of comparable quality are available in fact from sources outside the United States, the Secretary may not, after the determination is made, require a validated license for the export of such goods or technology, or any similar goods or technology whose function, technological approach, performance thresholds, and other attributes that form the basis for control under the Control List do not exceed the technical parameters of the goods or technology determined to be available from sources outside the United States to any country to which the source country does not place controls on the export of such goods or technology, except controlled countries, during the period of such foreign availability.

"(2) The Secretary shall approve any application for a validated license which is required under this section for the export of any goods or technology to a particular country which meets all other requirements for such an application, if the Secretary determines that such goods or technology are available from foreign sources to the country of ultimate destination under the criteria established in paragraph (1) above. In any case in which the Secretary makes a determination of West-West foreign availability under this paragraph with respect to any goods or technology, the Secretary shall determine whether a determination of foreign availability under paragraph (1) with respect to such goods or technology is warranted.

"(3) The Secretary shall make a West-West foreign availability determination under paragraph (1) or (2) on the Secretary's own initiative or upon receipt of an allegation from an export license applicant that such availability exists. In making any such determination, the Secretary shall accept the representation of applicants made in writing and supported by reasonable evidence, unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information or intelligence information. For purposes of this paragraph, 'evidence' may include such items as foreign manufacturers' catalogs, brochures, or operation or maintenance manuals, articles from reputable trade publications, photographs, and depositions based upon eyewitness accounts.

"(4) In a case in which an allegation is received from an export license applicant, the Secretary shall respond in writing to the applicant, and publish in the Federal Register, within 60 days after receipt of the allegation, that—

"(A) the West-West foreign availability does exist and the requirement of a validated license has been removed;

"(B) the West-West foreign availability may exist but further examination of the issue is necessary in order to make a determination; or

"(C) the West-West foreign availability does not exist.

In a case where the examination of the allegation is continuing under subparagraph (B), all departments or agencies that intend to comment or provide information with regard to the allegation must respond to the Commerce Department within 60 days of the publication in the Federal Register. In a case in which subparagraph (B) applies, the Secretary shall, within 180 days after the initial response and publication, respond in writing to the applicant and publish in the Federal Register, that—

"(i) the West-West foreign availability does exist and the requirement of a validated license has been removed; or

"(ii) the West-West foreign availability does not exist.

In any case in which the Secretary determines that West-West foreign availability does not exist, the Secretary, within 30 days of the decision, shall send a report to the Subcommittee on International Economic Policy and Trade of the House Committee on Foreign Affairs and the Subcommittee on International Finance and Monetary Policy of the Senate Committee on Banking, Housing, and Urban Affairs specifying the grounds supporting the determination that foreign availability does not exist. In any case in which the written response and the publication are not made within the 180-day period specified above, there shall be deemed to be a determination by the Secretary that West-West foreign availability does exist for the goods or technology with respect to which the foreign availability allegation was made and the Secretary may not require a license for the export of those goods or technology.

"(5) Each department or agency of the United States with responsibilities with respect to export controls, including intelligence agencies, shall, consistent with the protection of intelligence sources and methods, furnish information to the Office of Foreign Availability concerning foreign availability of goods and technology subject to export controls under this Act, and such Office, upon request or where appropriate, shall furnish to such departments and agencies the information it gathers and receives concerning foreign availability.".

FOREIGN POLICY CONTROLS

SEC. 5. (a) DIPLOMATIC ALTERNATIVES.—Section 6(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)) is amended by adding at the end thereof the following:

"(6) Before imposing, expanding, or extending unilateral export controls under this section in situations in which the proposed targets of the controls can use available foreign items and so incur little or no cost, the President should opt to employ diplomatic alternatives to export controls which offer opportunities of distinguishing the United States from, and expressing the displeasure of the United States with, specific actions of foreign nations. Diplomatic options include frank and private discussions with foreign leaders, public statements in situations where private diplomacy is unavailable or not effective, withdrawal of ambassadors, and reduction of the size of the diplomatic staff that the target country is allowed to have in the United States.".

(b) SPARE PARTS.—Section 6 of such Act (50 U.S.C. App. 2405) is amended by adding at the end thereof the following:

"(p) EXCLUSION FOR SPARE PARTS.—The provisions of section 5(e)(3) shall apply in the case of export controls imposed under this section unless the President has imposed separate controls on such exports.".

FORFEITURE

SEC. 6. Section 11(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2410(g)) is amended—

(1) by striking out "shall, in addition to any other penalty, forfeit" and inserting in lieu thereof "may, if ordered by the Secretary, in addition to any other penalty, forfeit";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) In determining whether to impose a civil penalty under paragraph (1), the Secretary shall consider, among other factors—

"(A) the seriousness of the violation;

"(B) the culpability of the person convicted; and

"(C) the record of the person convicted in cooperating with the Government in disclosing the violation.".

ADMINISTRATIVE PROCEDURE

SEC. 7. (a) APPEALS INVOLVING CIVIL SANCTIONS.—Section 13(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2412(c)) is amended by adding at the end thereof the following:

"(4) The order of the Secretary shall be final, except that the charged party may file an appeal within 15 days in the United States Court of Appeals for the District of Columbia and such court may stay an order of the Secretary under which a civil penalty or other sanction would be imposed. In an appeal filed under this paragraph, the court shall set aside any finding of fact for which the court finds there is not substantial evidence in the record and any conclusion of law which the court finds to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, except that such court shall not have authority under this paragraph to review any action, finding, or determination pursuant to section 4(c), 5(b), 5(d), 5(f), 5(k), 6(b), 6(g), 6(h), 6(j), and 10(f)(4), 10(g), 10(h), or 12(c) of this Act.".

(b) APPEALS INVOLVING TEMPORARY DENIAL ORDERS.—Section 13(d) of the Export Administration Act of 1979 (50 U.S.C. App. 2412(d)) is amended by adding at the end thereof the following:

"(3) An order of the Secretary affirming, in whole or in part, the issuance of a temporary denial order may be appealed within 15 days to the United States Court of Appeals for the District of Columbia. Such court shall have jurisdiction to issue an order vacating the Secretary's order if it finds that the Secretary's order is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, except that such court shall not have authority under this paragraph to review any action, finding, or determination pursuant to section 4(c), 5(b), 5(d), 5(f), 5(k), 6(b), 6(g), 6(h), 6(j), and 10(f)(4), 10(g), 10(h), or 12(c) of this Act.".

AMENDMENTS TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT

SEC. 8. (a) IMPACT OF EXERCISE OF AUTHORITY.—Section 203(a) of the International Economic Powers Act (50 U.S.C. 1702) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following:

"(3) In exercising the authorities granted by paragraph (1), the President shall take only those actions enumerated in paragraph (2) which he determines will have an adverse impact on the country or countries that are the source of the threat with respect to which he has declared a national emergency. The President shall seek to avoid taking actions whose primary impact is on United States citizens or their property.

"(4) In exercising the authorities granted by paragraph (1), the President may only prohibit or control the export of United States goods or technology in accordance with the procedures specified in section 6 of the Export Administration Act of 1979, except that subsections (b), (n), and (o) shall not apply.".

(b) REPEAL OF FOREIGN POLICY AUTHORITY.—Section 202(a) of such Act (50 U.S.C. 1701(a)) is amended by striking out ", foreign policy,".

THE FLIGHT OF "FRIENDSHIP VII"

Mr. METZENBAUM. Madam President, tomorrow we will observe the anniversary of one of those moments in history by which many of us mark our lives. Twenty-five years ago, on February 20, 1962, JOHN GLENN captured the imagination of the entire world by successfully completing his mission aboard *Friendship VII.* As the first American to orbit the Earth, JOHN GLENN splashed down in the Atlantic as a national hero. Those of us who are fortunate enough to work with him in the Senate know that he is much more than that. In fact, he was an American hero long before *Friendship VII.* Serving in the Marine Corps during World War II, volunteering for combat duty in Korea, he won the Distinguished Flying Cross five times and the Air Medal with 18 clusters. But it was that particular display of dedication and courage on that February day which embodied the very best of ourselves and our country. Since that day he has continued to display a selfless dedication to his country and fellow man. The people of Ohio are well served by a Senator of such courage and conviction. He is a compassionate public servant as well as a caring and committed family man. JOHN has often joked about the feeling of sitting on top of a firecracker built by the lowest bidder. It is like him to deflect the credit for such a tremendous achievement. Tomorrow, however, we will remember the bravery of this man from New Concord, OH, and we will recall how proud he made us all feel. I for one wish to thank him and to tell him on behalf of his Ohio constituents and all of the people of this country that he continues to make us proud every day.

TEXTILE AND APPAREL TRADE ACT OF 1987

Mr. HOLLINGS. Madam President, on behalf of myself and Senator THURMOND, the distinguished Presiding Officer, and 32 other cosponsors send to the desk the Textile and Apparel Trade Act of 1987.

I understand, of course, the crunch that we are introducing this bill this afternoon and I apologize to my colleagues that we have not been able to properly circulate the bill to all Senators. We were trying to be in step with our colleagues on the House side; they wanted to introduce it this week, so we have the 34 cosponsors and will be talking to other Senators to give them an opportunity to be cosponsors. We will not ask for a star print until their names are, of course, included.

My association with this issue, Madam President, goes back over 30 years and encompasses the administration of seven Presidents. Beginning with the Eisenhower administration I testified before the old U.S. Tariff Commission to obtain trade relief for the textile industry. President Eisenhower heard the facts. We visited him at the White House and he assured us that we would win the case. We lost and the President took no action. As a result, in 1960, I received a commitment from first candidate Kennedy, who was then running for President, and later President Kennedy on behalf of textiles. That commitment was followed through by President Kennedy. He promulgated a seven-point program after a hearing that was required under the old Civil Defense and Mobilization Act. We had to find that the injury was to national security. So we had a series of hearings at the Cabinet level and determined that, next to steel, textiles was second most important to our national security. Thereupon with the 7-point program we negotiated the long-term arrangement regarding trade in cotton textiles, the predecessor of the multifiber arrangement. As a U.S. Senator back in 1968, I along with Senator Cotton, from New Hampshire, sponsored a textile bill which passed this body but later died in the House. Again, in 1978, both Houses passed by substantial majorities a textile bill. President Carter vetoed the bill. We persisted in 1979 and obtained from President Carter his "white paper on textiles" and as a result of his stand for enforcement of our trade agreements we were able to stabilize the importation of textiles, so that in 1980 we had a textile and apparel deficit of some $4.7 billion.

When candidate Reagan was running in 1980, he pledged to our distinguished senior Senator from my State, Mr. THURMOND, publicly at an appearance in Greenville, SC, and then in a letter to Senator THURMOND that he would relate the growth in imports of textiles to the growth of the domestic market. President Reagan in 1982 repeated his earlier pledge. But what has actually happened? While the growth in the domestic market has increased at a constant 1 to 2 percent per year, imports have increased 150 percent since 1980. The steady flow of earlier years has become a gushing flood. The textile and apparel deficit went from $4.7 billion in 1980 to $21.2 billion last year, accounting for 12 percent of our merchandise trade. As a consequence, 3,000 textile and apparel firms have closed their doors, 700,000 textile and apparel job opportunities have been lost.

This is not a problem, Mr. President, of the 100th Congress. It is the 100th time we in the Congress have been faced with the problem and we are running out of time. President Reagan has no trade policy. He has not kept his pledge and as a result, the most competitive and productive textile industry in the world is strangled by imports. For this industry to survive we need the enactment of this particular bill. Our bill does not contain any rollbacks in trade. We tried to put in the same bill that passed in the House and Senate. We had arguments raised last year about the rollbacks. So, in the conferences we had earlier this year to make it as reasonable and rational as possible—we need the rollbacks, we need the jobs, we need the industrial capacity—but for the sake of trying to get the President's signature we agreed there would not be any rollbacks and we used 1986 as a base for both textile and apparel imports with a growth rate of 1 percent annually. Global quotas—that is what we have in this bill, using the 1986 base level—are placed on each of the 141 categories of textiles and apparel. A list of the categories I will include at the conclusion of these remarks.

We ask that the President of the United States allocate global quotas in each category to our trading partners. We also included, as did the bill that passed in the Senate and went to the House back in 1985, footwear imports. These are the two articles. We have had a lot of good friends suggest other items and I wanted to include—and it could be done by an amendment by the distinguished Senator from New Jersey—with respect to neckties; the distinguished Senator from Pennsylvania and others with respect to steel. But we want to practically present the same situation that was presented to the President with some of the objections in the veto message taken care of.

Footwear imports are frozen at the 1986 level for 1987 and beyond. Actually, they have penetrated and captured 80.7 percent of the domestic market. We have gone out of business in footwear in this country. I guess in the next war, we will just go in Japanese sandals or Gucci shoes from Italy or whatever.

The United States is in the fourth quarter of the international trade game. We are not talking about touch football down on that field; we are talking about a bare-knuckles international competition for jobs, for standard of living, and for national security.

I emphasize that standard of living. If someone wants to talk, as they usually do, trying to get into the extreme, of Hollings Japan-bashing, I am Washington-bashing. I do not blame the Japanese for trying to increase their standard of living. They know how to use their government. They use their government as a comparative advantage and the trade equation and more power to them. The United States has done it with agriculture with protective quotas for our price supports. We have done it with subsidies to the Export-Import Bank, done it with respect to oil import quotas under President Eisenhower. So we have used our government and the Japanese are just state of the art. That is fine business. That is the competition.

I am Washington-bashing for all this palaver and rhetoric we dance around, trying to do nothing about it.

To date, we have taken a terrific beating. No sector of our economy has been spared. But the textile and apparel industry is especially hard hit. Employment is at a 40-year low. In South Carolina alone, we have lost, since 1980, almost 35,000 textile jobs. The administration, though, continues to indulge in that concept that international commerce is governed by something called "free trade." Since, I say to my distinguished colleague from Nebraska, we are talking about free trade, let us begin with this 100th Congress.

Going back in history, now that we have the 200th anniversary of our Constitution, let us go back to the First Congress. The Senators of that time—Alexander Hamilton, Thomas Jefferson, and James Madison were confronted in that particular Congress, with that bunk about free trade. In fact, Ricardo and others in England were talking about competitive advantage and the balance of trade. They said:

> You trade what you produce best and we will trade what we produce best and we will have the competitive advantage and you remain a colony.

And of course, Alexander Hamilton, in his wisdom, said:

> Son, you can blow that out of your barracks bag. We are going to build an industrial Nation. In order to build up industrial capacity and rather than have 97 percent of our people remain on the farm and you send in the finished products, we are going to build up that industrial capacity with protective tariffs.

I am having to listen to the entire country, everywhere I go, people are saying we may start a trade war. They say, Mr. President, the difference between the National Security Council and a day care center is that the day care center has adult supervision. That goes for our trade and trade policy in this country. We talk like children with no sense of history, like we may start a trade war, when it is raging in the fourth quarter and we are losing our shirts.

This is outrageous nonsense. It is an insult to American industry and the American worker. The U.S. textile industry is the most productive of productive industries. Let me address this so-called percentage argument we are hearing from the economists. They all continue to say, "Oh, we are not producing, we are not producing." Percentage wise, we did not have as great an increase in the percent of our productivity as other nations," but look at actual productivity. The actual productivity leader is the United States. The Bureau of Labor Statistics shows the United States No. 1 for manufacturing workers, Netherlands No. 2, West Germany No. 3, Japan No. 8.

I constantly hear competitiveness, competitiveness. Jimmy Carter went up to Mount David and found the country in malaise. We politicians go all over the country and find no competitiveness and no competitiveness, when out in the country, our farmers and our laborers are competing like gangbusters. The quality product that is being consumed that comes from Japan, Korea, Taiwan, Singapore, and Mexico is American technology being developed overseas. You are buying American products.

That automobile we are talking about—do not give me that stuff about Japanese technology and quality product. They have taken it and developed it because we would not protect our standard of living. I have just been to the People's Republic of China. They have workers there working for 18 cents an hour. And trying to be objective, I said, "Under this system, how about housing, health care?" At the most, it amounts to 85 cents an hour.

They have a billion Chinese ready to work for 85 cents an hour. Do you think they would work for 85 cents an hour in Nebraska on the farm? Do you think they can work in the factory for 85 cents an hour and survive? No way, as productive as we are.

The first act of this Congress was the clean water bill. That costs money and it goes into the cost of production this year. Clean water, clean air, minimum wage, unemployment, Social Security, safe working place, safe machinery. We are proud of that. Then we go out and berate American industry and tell them, you have to compete and learn the language.

The language, Mr. President, is money. Money talks. You go in downtown Tokyo or New York or in Bonn or in London, it is money.

It is time these politicians come along and instead of trying to berate America and its productive capacity. They should understand, for example, that this adjustment plan that we heard of in the trade bill as it went in is a going-out-of-business plan. The textile industry has invested $8 billion in the last 5 years. We have had an increase in productivity of 5 percent each year for the past 10 years. It is the most productive industry in all of the world. I could take you to any one of the sites.

I went into Korea. The young lady, in order to get her dowry, comes into the plant at 17, 18, 19, or 20, saves her money, and goes back and gets married and never comes back. We do not have that type of employee, working 6 days a week, $1.35 an hour.

Do not tell me about being more productive. I have been into Stone Manufacturing and they outproduce Daewoo in downtown Pusan. I have seen both sides. I have been to the top of the mountain and seen the other side.

So I am not going to stand here as we introduce this bill and say, we have protectionism. The Citibanks of New York have been hollering that. With their Trilateral Commission, their Foreign Policy Association, they made the loans to the multinationals. We might as well know who the enemy is. They want the bank payments, so they are organizing in the Trilateral Commission and they spew out the editorials and the editorialists write free trade, free trade, protectionism, we do not want to start it, meaning we do not want to compete. Our own Government on the one hand, throws the ball and the State Department on the other hand catches it downfield and talks productivity.

They have been using the productivity of America over these past 30 years to buy friendship the world around, and that is why we lose our shirts.

We have worked long and hard. I have been doing this for 20 years on this floor and for 30 years otherwise, so you understand my intensity on this score.

The nations of Europe and the Pacific rim learned long ago that government participation is the key factor in successful world trade. Since World War II, these nations have counted on their governments to protect domestic industries, to stimulate research and development, to orchestrate trade strategy. And, not surprisingly, today's trade powerhouses are better known as Japan, Inc., Korea & Co., Taiwan Unlimited, and so on. Meanwhile, the United States plays the hapless role of Uncle Sucker—dumping ground and market of first resort for all the world's goods and merchandise.

Mr. President, we have had enough of this administration's passivity, its catalog of excuses and false prescriptions. They said American industry had to shape up and cut out the fat. So we restructured American industry from top to botton, slashing employment throughout the manufacturing sector. Yet the flood of imports has continued to swamp the American market.

They said the dollar was overvalued; they reassured us that as the dollar fell, imports would fall. So Congress welcomed the Plaza Agreement of September 1985, and many applauded as Secretary Baker talked the dollar down. The dollar lost some 40 percent of its value against the yen through 1986. But, lo and behold, the import deluge continues. And our trade deficit soars to a record $170 billion.

They said, let the U.S. Trade Representative jawbone our partners into obeying American trade laws. Let him negotiate equitable and reasonable limits on imports into the U.S. market. So we watched the flurry of diplomatic activity; we listened to Mr. Yeutter's fine speeches. But we also noted with dismay the Customs Service's estimate that a whopping $5.5 billion in fraudulent and illegal textile-apparel imports poured across our borders in 1986 alone.

Mr. President, by any measure, this litany of false assurances and broken promises is extraordinary. Regrettably, it is matched by an equally appalling record of illegal and predatory trade practices on the part of our so-called partners. To list the full range of these abuses would be to threaten this body with a filibuster—which is not my intention. I do, however, ask my colleagues to ponder several recent textile agreements.

Consider our most recent 3-year-textile agreements with Hong Kong, Taiwan, and Korea. When those agreements were concluded, the administration gushed with self-congratulation at how tough the restrictions were, permitting growth rates of 0.5 percent, 1 percent, and 1.5 percent, respectively, over 3 years.

But what has actually happened? In reality, the first year of those agreements—1986, Hong Kong is up 6 percent, Taiwan is up 7 percent, and Korea is up 10 percent. Consider the full impact of that growth, Mr. President. Stated another way, Hong Kong's actual import growth of 6 percent is 1,200 percent greater than the growth rate of 0.5 percent negotiated just last year between the administration and Hong kong. Taiwan's growth rate of 7 percent is 1,400 percent higher than negotiated, and Korea's is 2,000 percent higher. The agreements with these nations are not worth the paper they're printed on. The enforcement is a sham.

Consider our recent agreement with the Government of Turkey. Shipments from that country have increased astronomically since 1982. In 1985, Turkey's exports to the U.S. increased 54 percent. In 1986, they increased 89 percent. The latest agreement places limits on 14 categories of textiles and apparel. In those 14 categories, the so-called limits are extraordinarily generous. In 1985, all of Turkey's shipments totaled some 100 million square yards. Restraints on the 14 categories permit increases to over 113 million square yards. But for fully 112 other categories of textile and apparel exports, no limits whatever have been set.

Turkey had over 8 million square yards in embargo at the time of the negotiations. With the sweep of a pen, all those overshipments were forgiven. They violate our procedures and agreements—and we excuse them.

Japan is our fifth largest supplier. At the end of 1985, when our textile agreement with Japan expired, the Japanese promised not to increase textile and apparel exports to the United States while negotiations were underway on a new agreement. But while those negotiations were underway, Japan accelerated its exports by 20 percent.

Meanwhile, the People's Republic of China has surged forward to become our second largest supplier. Their shipments of clothing and other item—produced with 18-cent-per-hour labor—increased at a runaway rate of 62 percent in 1986, and they continue to escalate.

I have spoken of the export invasion from Turkey, Japan, and China. But our Government's capitulation has not been limited to the nations of Asia. Four countries of the Caribbean Basin Initiative Program negotiated new bilateral agreements last year. They have been promised a guaranteed growth of 350 percent in nine categories. Prior to the imposition of sanctions last year, even South Africa was being rewarded with a 4-percent increase in textile exports to the United States; indeed, two-thirds of South African textile-apparel shipments to the United States faced no restrictions whatsoever.

So when the administration trumpets its victory at the bargaining table, we have a right to be skeptical. They are playing a fool's version of "Let's Make a Deal." Apparently, and deal will do, as long as it gives the temporary illusion of responding to our trade crisis.

Consider the new MultiFiber Arrangement. The meager good news is that the MFA was expanded to cover apparel made of vegetable fibers such as ramie, which many countries were blending with other fibers to remain outside the purview of the agreements.

The abundant bad news, however, is that not one of our other key negotiating objectives was achieved. The President promised last year "to aggressively renegotiate the MFA." Seventy Senators and three hundred and two Members of the House of Representatives implored the President to negotiate for a tougher MFA, particularly for a provision to link other nations' export growth to growth in the domestic U.S. market. Yet there is no such provision in the new agreement.

Congress expressly called for the inclusion of provisions to reduce trade levels from major textile- and apparel-producing countries. The objective was to prevent the further erosion of domestic producers' market share and to allow smaller nations a broader share of our market. But the new MFA, unlike the previous one, specifically forbids such rollbacks.

Likewise, Congress urged provisions to prevent import surges. No such provisions were negotiated. We recommended the inclusion of measures to combat quota fraud by allowing importing nations to unilaterally impose penalties on violators. What did we get? Language requiring the perpetrators of fraud to cooperate with us in trying to end their illegal conduct.

The bottom line is that this is a weak MFA. Under this new agreement, it is estimated that imports of MFA products to the U.S. market will increase 69 percent by 1991 to 18.3 billion square yards. So add the latest MFA to the administration's string of pyrrhic victories—victories that spell doom for America's textile and apparel manufacturers. Not surprisingly, Hong Kong's negotiators remarked of the new MFA that "there are no significant new rules that would make matters worse." Indeed, they proclaimed that "the new MFA is a little bit better than its predecessor."

So this, Mr. President, is the grim context in which I sponsor the Textile and Apparel Trade Enforcement Act of 1987. It is a context of weak agreements, broken promises, and betrayed hopes. It is a context of thousands of unemployed Americans, hundreds of shuttered factories, and a declining U.S. standard of living. Enough is enough.

Mr. President, I ask unanimous consent that the text of the bill, a section-by-section analysis and the list of categories referred to earlier be printed in the RECORD.

There being no objection, the bill and section-by-section analysis and the list of categories were ordered to be printed in the RECORD, as follows:

S. 549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Textile and Apparel Trade Act of 1987".

SEC. 2 POLICY.

The policy of this Act is to—

(1) relate the growth of textile and clothing imports to the growth of the domestic market in order to prevent further disruption of the United States textiles and textile products markets, damage to United States textile and clothing manufacturers, and loss

of job opportunities for United States textile and clothing workers; and

(2) maintain a viable United States nonrubber footwear industry by preventing further damage to United States nonrubber footwear manufacturers and loss of job opportunities for United States nonrubber footwear workers.

SEC. 3. FINDINGS AND DETERMINATIONS.

(a) FINDINGS.—The Congress finds that—

(1) with respect to textiles and textile products—

(A) the current level of imports of textiles and textile products from all sources, more than 165 countries, reached nearly 12.7 billion square yard equivalents in 1986, an increase of 17 percent over 1985 imports; this level of imports is 2.5 times the level of imports in 1980, a rate of increase that was not foreseen when the United States granted **trade concessions benefiting foreign suppliers** of textiles and textile products, and represents over 1.2 million job opportunities lost to United States workers;

(B) imported textiles and textile products contain 4 million bales of cotton which is equivalent to 39 percent of annual cotton production in the United States; eight out of every ten bales of cotton contained in imported textiles and clothing are foreign grown cotton; sustained massive increases in imports of cotton textile and clothing products are causing a declining market share for domestic cotton producers, depressed prices, and an average annual market revenue loss of over $1,000,000,000; another result is that a market development program voluntarily funded by U.S. cotton producers actually benefits foreign growers; finally, as imports of textiles and clothing increase, domestic cotton acreage is shifted to produce other agricultural products which are already in oversupply thereby adding to the problems of U.S. agriculture;

(C) imports of textiles and textile products made of wool have doubled since 1980, creating major disruptions among domestic wool products producers and seriously depressing the price of United States produced raw wool; because import penetration in the domestic wool textile and clothing market is nearly 70 percent, it is critical that action be taken to halt further erosion of the domestic industry's market share;

(D) imports of textiles and textile products made of man-made fiber and competing fibers, other than cotton or wool, have more than doubled since 1980 resulting in substantial reductions in domestic man-made fiber production capacity and job losses;

(E) the textile and clothing trade deficit of the United States exceeded $21,000,000,000 in 1986, an increase of 18 percent over 1985, and accounted for 12 percent of the Nation's overall merchandise trade deficit;

(F) import growth of clothing and clothing fabrics has averaged 8 percent annually since 1973; over that same period, the domestic market for clothing and clothing fabrics has grown only one percent annually; import growth has recently accelerated and, since 1982, has averaged 21 percent annually; the result is that import penetration in the domestic clothing and clothing fabric market has nearly doubled in the last six years, reaching a level of 52 percent in 1986;

(G) as a result of this increased penetration and the very limited growth of the domestic market, the United States companies producing textiles and textile products competitive with those imported have been seriously damaged, many of them have been forced out of business, many have closed plants or curtailed operations, workers in such companies have lost employment and have been otherwise materially and adversely affected, and serious hardship has been inflicted on hundreds of impacted communities causing a substantial reduction in economic activity and lost revenues to the federal and local governments;

(H) the factors described above are causing serious damage, or the actual threat thereof, to domestic producers of textiles and textile products; as a result, market disruption exists in the United States requiring new measures;

(I) unless the import growth rate of textiles and textile products is slowed to the long term rate of growth of the U.S. market, plant closings and job losses will continue to accelerate, leaving the United States with reduced competition benefitting domestic consumers and leaving the nation in a less competitive international position;

(J) a strong, viable and efficient domestic textiles and textile products industry is essential in order to avoid impairment of the national security of the United States; and

(K) actions taken by the United States under the Arrangement Regarding International Trade in Textiles of December 20, 1973, as extended (commonly referred to as the "Multi Fiber Arrangement" or "MFA") have failed to avoid disruptive effects in the textiles and textile products markets in the United States; and

(2) with respect to nonrubber footwear—

(A) nonrubber footwear imports in 1986 reached a record level of 941 million pairs; this volume of imports is 2.5 times that of 1981, the year that import relief for the nonrubber footwear industry terminated, and is 11.6 percent above 1985 levels, the year in which the International Trade Commission issued its third finding that the domestic nonrubber footwear industry has been seriously injured by increased imports;

(B) since 1981, import growth of nonrubber footwear has averaged more than 20 percent per year, gaining market share at the expense of the domestic industry; in 1981, import penetration of the domestic nonrubber footwear market was 51 percent; by 1986, import penetration reached an unprecedented 80.7 percent;

(C) as a direct result of imports, domestic nonrubber footwear production has declined every year since 1978, reaching 234 million pairs in 1986, a production level matched only during the Great Depression in the 1930s;

(D) domestic nonrubber footwear employment has steadily declined every year since 1981, and is down 37 percent from 1981 levels and 7.3 percent from 1985 levels; unemployment in the nonrubber footwear industry averaged 15.4 percent in 1986, more than double the national average; and

(E) domestic nonrubber footwear production facilities are closing at an alarming rate, with 308 factory closings since 1981 and 70 closings in 1986 alone.

(b) DETERMINATIONS.—Congress determines that, for the foregoing reasons—

(1) textiles and textile products are being imported into the United States in such increased quantities and under such conditions as to cause or threaten serious injury to producers of textiles and textile products in the United States, and

(2) nonrubber footwear is being imported into the United States in such increased quantities and under such conditions as to cause or threaten serious injury to producers of nonrubber footwear in the United States, within the meaning of Article XIX of the General Agreement on Tariffs and Trade.

SEC. 4. LIMITS ON IMPORTS.

(A) CALENDAR YEAR 1987.—Notwithstanding any other provision of law—

(1) the aggregate quantity of textiles and textile products, from all countries, classified under a category that is entered during calendar year 1987 shall not exceed an amount equal to 101 percent of the aggregate quantity of such products classified under such category, from all countries, that entered during calendar year 1986, and

(2) the aggregate quantity of nonrubber footwear, from all countries, classified under a nonrubber footwear category that is entered during calendar year 1987, and during each calendar year thereafter, shall not exceed an amount equal to—

(A) the aggregate quantity of nonrubber footwear classified under such category, from all countries, that entered during calendar year 1986, and

(B) in the case of low priced nonrubber footwear, notwithstanding subparagraph (A), the aggregate quantity of low priced nonrubber footwear classified under such category, from all countries, that entered during calendar year 1986.

(b) GROWTH ADJUSTMENT.—For calendar years after 1987, the aggregate quantity of textiles and textile products, from all countries, classified under each category that may be entered during each such calendar year shall be increased by an amount equal to 1 percent of the aggregate quantity that could be entered under such category during the preceding calendar year. If the aggregate quantity that could be entered under a category for a calendar year after 1987 is reduced under section 9(b), then, in the first calendar year in which there is no such reduction, this subsection shall be applied as if there had been no reduction under section 9(b) in previous calendar years.

(c) ENFORCEMENT.—The Secretary of Commerce shall prescribe such regulations as may be necessary or appropriate for the efficient and fair administration of the provisions of this Act, including regulations governing entry, or withdrawal from warehouse, for consumption of the products covered by this Act. Such regulations shall provide for reasonable spacing of imports over the calendar year.

SEC. 5. TARIFF COMPENSATION.

(a) COMPENSATION.—

(1) The President may (A) enter into trade agreements with foreign countries or instrumentalities to grant new concessions as compensation, to the extent required under international trade agreements of the United States, for the import limits imposed under section 4 of this Act to maintain the general level of reciprocal and mutually advantageous concessions under such agreements; and (B) proclaim such modification or continuance of any existing duty on textiles and textile products and on nonrubber footwear as he determines to be required or appropriate to carry out such agreements.

(2) No proclamation shall be made under paragraph (1) decreasing any rate of duty to a rate of duty which is less than 90 percent of the existing rate of duty.

(3) Before entering into any trade agreement under this subsection with any foreign country or instrumentality, the President shall consider whether such country or instrumentality has violated trade concessions of benefit to the United States and such violation has not been adequately offset by the

action of the United States or by such country or instrumentality.

(b) STAGING REQUIREMENTS.—The aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to subsection (a) shall not exceed the aggregate reduction which would have been in effect on such day if a reduction of one-fifth of the total reduction under subsection (a) had taken effect on the effective date of the first reduction proclaimed to carry out such trade agreement, and at 1-year intervals after such effective date.

(c) PROHIBITION.—Except as provided in subsection (a) and notwithstanding any other provision of law, the President may not enter into trade negotiations with any foreign country or instrumentality with respect to duties on textiles and textile products and on nonrubber footware and may not decrease, or propose a decrease, in any such duty by any means, including an implementing bill under section 151 of the Trade Act of 1974 or a proclamation.

SEC. 6. ANNUAL REPORT.

Not later than March 15, 1988, and March 15 of each calendar year thereafter, the President shall submit to the Congress a report on the administration of this Act during the preceding calendar year. Such report shall include detailed information about the implementation and operation of the limitations established under section 4. All departments and agencies shall cooperate in preparation of this report, as requested by the President.

SEC. 7. REVIEW.

The Secretary of Commerce shall commence ten years after the date of enactment of this Act a review of the operation of this Act. The Secretary shall consult representatives of workers and companies in the textile and textile products and nonrubber footwear industries, the United States Trade Representative, the Secretary of Labor, and other appropriate government officials. Within six months after the commencement of the study, the Secretary shall submit to Congress his findings.

SEC. 8. DEFINITIONS.

For purposes of this Act—

(1) The term "textiles and textile products" includes, but is not limited to, all articles covered by a category;

(2) The term "nonrubber footwear" means nonrubber footwear articles classified under items 700.05 through 700.45; 700.56; 700.72 through 700.83; and 700.95 of the Tariff Schedules of the United States (19 U.S.C. § 1202) (as in effect on January 1, 1987) and includes, but is not limited to, all articles covered by a footwear category;

(3) The term "category" means each of the following—

(A) each category identified by a three-digit number in the Department of Commerce publication "Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated", dated January 1987, and in any amendments to such publication correcting clerical errors or omissions;

(B) Each subdivision of a category described in subparagraph (A) with respect to which the United States has (i) an agreement with any country on the date of enactment of this Act limiting exports of textiles and textile products to the United States that includes a specific limit on such subdivision, or (ii) taken unilateral action to limit products from any country entered under such subdivision; and

(C) a category consisting of the man-made fiber products not covered by a category described in subparagraph A and classified under Subpart E of Part 1 of Schedule 3 to the Tariff Schedules of the United States.

The Secretary of Commerce shall determine, after consultations with the United States Trade Representative and the United States International Trade Commission, whether comparable subdivisions described in subparagraph (B) are consistently defined; if the Secretary determines that such subdivisions are not consistently defined, then the Secretary shall prescribe by regulation an appropriate definition of the category covering such comparable subdivisions;

(4) The term "nonrubber footwear category" means each of the following—

(A) men's leather;
(B) men's vinyl/plastic;
(C) men's other;
(D) women's leather;
(E) women's vinyl/plastic;
(F) women's other;
(G) juvenile leather;
(H) juvenile vinyl/plastic;
(I) juvenile other;
(J) athletic leather;
(K) athletic vinyl/plastic;
(L) leather work footwear;
(M) other leather footwear;
(N) miscellaneous vinyl/plastics; and
(O) miscellaneous other.

(5) The term "low priced nonrubber footwear" means nonrubber footwear with a customs value of $2.50, or less, per pair.

(6) The term "country" means a foreign country, a foreign territory, an insular possession of the United States, or any other territory, possession, colony, trusteeship, political entity or foreign trade zone, whether affiliated with the United States or not, that is outside the customs territory of the United States;

(7) The term "duty" includes the rate and form of any import duty, including but not limited to tariff-rate quotas;

(8) The term "existing" means the nonpreferential rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) set forth in rate column numbered 1 of Schedules 1 through 7 of the Tariff Schedules of the United States (or the comparable rate of duty set forth in any law that may supercede such Tariff Schedules) existing on the day before the date of enactment of this Act; and

(9) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

SEC. 9 EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall apply to textiles and textile products and to nonrubber footwear entered, or withdrawn from warehouse, for consumption on and after the date of enactment of this Act.

(b) CALENDAR YEARS 1987 AND 1988.—The Secretary of Commerce shall prescribe by regulation the aggregate quantity, if any, of textiles and textile products and of nonrubber footwear that may be entered under section 4(a) under each category and each nonrubber footwear category during the period beginning on the date of enactment of this Act and ending on December 31, 1987. Notwithstanding subsection (a), to the extent that the aggregate quantity of imports of textiles and textile products or of nonrubber footwear entered under a category or nonrubber footwear category after December 31, 1986, and before the date of enactment of this Act exceeds the quantity permitted entry for such products under such category during calendar year 1987 under section 4(a), then the limit that would otherwise apply under section 4(b), in the case of textiles or textile products, or under section 4(a), in the case of nonrubber footwear, for such category for calendar year 1988 shall be reduced by the amount of such excess quantity. If such excess quantity exceeds the limit that would otherwise apply under section 4(b), or section 4(a), as appropriate, for such category for calendar year 1988, then the limit for such category for calendar years after 1988 shall be reduced until such excess is accounted for.

SECTION BY SECTION ANALYSIS: TEXTILE AND APPAREL TRADE ACT OF 1987

FIRST SECTION

The short title of the Act is the "Textile and Apparel Trade Act of 1987."

SECTION 2. POLICY

The policy of the Act is to (1) relate the growth of textile and clothing imports to the growth of the domestic market to prevent further disruption of the domestic textile and clothing markets, damage to domestic manufacturers, and loss of job opportunities, and (2) maintain a viable domestic nonrubber footwear industry.

SECTION 3. FINDINGS AND DETERMINATION

Congress finds that—

(a) With respect to textiles and textile products—

(1) The level of textile and textile product imports from all sources increased 17 percent during 1986 and 2.5 times since 1980;

(2) Imports containing foreign grown cotton represent an average annual market revenue loss of over $1 billion to domestic cotton producers;

(3) Imports containing wool have doubled since 1980;

(4) Imports containing man-made fiber and competing fibers have more than doubled since 1980;

(5) The textile and clothing trade deficit was over $21 billion in 1986, or 12 percent of the overall merchandise trade deficit;

(6) Imports of clothing and clothing fabrics have increased an average 8 percent annually while the domestic market has increased an average 1 percent annually since 1973; since 1982, such imports increased 21 percent annually, nearly doubling the share of the domestic market captured by imports to 52 percent in 1986;

(7) As a result of these circumstances, domestic producers have been forced out of business, have closed plants and curtailed operations, workers have lost jobs, and hundreds of communities have been adversely affected;

(8) Imports are causing market disruption in the United States;

(9) Unless import growth is slowed to the long term growth rate of the domestic market, plant closings and job losses will continue;

(10) The textile and textile products industry is essential to the national security of the United States; and

(11) Actions taken by the United States on imports under the MFA have failed to avoid disruption of the domestic textiles and textile markets; and

(b) With respect to nonrubber footwear—

(1) Nonrubber footwear imports have increased 2.5 times over 1981 levels and 11.6 percent over 1985 levels, the year in which the ITC made its third finding that increased imports are causing serious injury to the domestic industry; and

(2) Import growth has averaged 20 percent annually since 1981 resulting in import penetration of 80.7 percent in 1986;

(3) Imports have caused domestic production to decline every year since 1978;

(4) Domestic nonrubber footwear employment has declined every year since 1981; and

(5) 308 nonrubber footwear factories have closed since 1981.

Based on these findings, Congress determines that increased imports of textile and textile products and of nonrubber footwear are causing serious injury to domestic producers of such products within the meaning of GATT Article XIX.[1]

SECTION 4. LIMITS ON IMPORTS

1987 imports under each category of textile and textile products from all sources are permitted to increase by 1 percent over 1986 import levels. Imports under each category are increased 1 percent each year after 1987.

Beginning in 1987, annual imports from all sources under each nonrubber footwear category must equal 1986 import levels. Also, annual imports of low priced nonrubber footwear imports may equal 1986 levels of such imports.

The Secretary of Commerce shall prescribe regulations to implement the import limits, including regulations requiring reasonable spacing of imports over each year.

SECTION 5. TARIFF COMPENSATION

To the extent required by the international obligations of the United States, the President is permitted to negotiate with foreign country suppliers of textiles and textile products and nonrubber footwear to compensate them if they are affected by the import limits under section 4.[2] The compensation must be in the form of reductions, of up to 10 percent, in the tariffs on textile and textile products and on nonrubber footwear. Such reductions must be phased in 5 equal annual stages. The President may not negotiate reductions in textile and textile product tariffs or nonrubber footwear tariffs under any other provision of law.

SECTION 6. ANNUAL REPORT

The President is required to report to Congress annually on the administration of the Act.

SECTION 7. REVIEW

Ten years after the date of enactment of the Act, the Secretary of Commerce must begin a review of the operation of the Act and report his findings to Congress 6 months later.

SECTION 8. DEFINITIONS

Contains the technical definitions of the terms used in the Act.

SECTION 9. EFFECTIVE DATE

The Act is generally effective on the date of enactment. A special provision is included to limit imports during calendar year 1987 as though the Act were enacted on January 1, 1987.

TEXTILE AND APPAREL CATEGORIES—INDEX AND CONVERSION TABLE

Category No. and description	Conversion factor	Unit of measure	Page
GROUP 1—YARNS			
Cotton:			
300 Carded cotton yarn	4.6	Pound	1
301 Combed cotton yarn	4.6	do	3
400 Wool: Wool Tops and yarn	2.0	do	210
Man-made fiber:			
600 Textured MMF yarns	3.5	do	231
601 Continuous cellulosic	5.2	do	232
602 Continuous non-cellulosic	11.6	do	232
603 Non-continuous cellulosic	3.4	do	233
604 Non-continuous non-cellulosic.	4.1	do	233
605 Other MMF yarns	3.5	do	234
Silk blends and other vegetable fibers:			
800 Yarn and thread	4.6	do	275
GROUP 2—FABRICS			
Cotton:			
310 Ginghams	1.0	Square yard	4
311 Velveteen	1.0	do	13
312 Corduroy	1.0	do	13
313 Sheeting	1.0	do	14
314 Poplin and broadcloth	1.0	do	22
315 Printcloth	1.0	do	29
316 Shirting	1.0	do	30
317 Twills and sateens	1.0	do	32
318 Yarn-dyed fabrics n.e.s.	1.0	do	46
319 Duck	1.0	do	80
320 Other cotton woven fabrics.	1.0	do	83
Wool:			
410 Woolens and worsteds	1.0	do	210
411 Tapestry and upholstery	1.0	do	212
425 Knit wool fabrics	2.0	Pound	212
429 Other wool fabrics	1.0	Square yard	212
Man-made fiber:			
610 Woven of continuous cellulosic.	1.0	do	234
611 Woven of spun cellulosic	1.0	do	235
612 Woven of cont. non-cellulosic.	1.0	do	236
613 Woven of spun non-cellulosic.	1.0	do	237
614 Other woven MMF fabrics	1.0	do	238
625 Knit MMF fabrics	7.8	Pound	240
626 Pile and tufted fabrics	1.0	Square yard	241
627 MMF specialty fabrics	7.8	Pound	241
810 Fabrics	1.0	Square yard	276
GROUP 3—APPAREL			
Cotton:			
330 Handkerchiefs	1.7	Dozen	166
331 Gloves and mittens	3.5	Dozen pair	167
332 Hosiery	4.6	do	168
333 M&B Suit-type coats	36.2	Dozen	168
334 Other M&B coats	41.3	do	169
335 WGI coats	41.3	do	171
336 Dresses	45.3	do	175
337 Playsuits, sunsuits etc	25.0	do	176
338 M&B knit shirts	7.2	do	178
339 WGI knit shirts and blouses.	7.2	do	178
340 M&B shirts, not knit	24.0	do	180
341 WGI shirts & blouses, not knit.	14.5	do	182
342 Skirts	17.8	do	183
345 Sweaters	36.8	do	184
347 M&B Trousers, slacks, Shorts.	17.8	do	185
348 WGI Trousers, slacks, Shorts.	17.8	do	186
349 Brassieres & body supporting garments.	4.8	do	189
350 Dressing gowns etc	51.0	do	189
351 Nightwear and pajamas	52.0	do	190
352 Underwear	11.0	do	192
353 M&B down-filled coats etc.	41.3	do	192
354 WGI down-filled coats etc	41.3	do	192
355 M&B rubber/plastic coats	41.3	do	193
356 WGI rubber/plastic coats	41.3	do	193
359 Other cotton apparel	4.6	Pound	193
371 Other apparel subj cotton restı.	17.8	Dozen	210
Wool:			
431 Gloves and mittens	2.1	Dozen pair	212
432 Hosiery	2.8	do	213
433 M&B Suit-type coats	36.0	Dozen	213
434 Other M&B coats	54.0	do	213
435 WGI coats	54.0	do	214
436 Dresses	49.2	do	216
438 Knit shirts and blouses	15.0	do	216
440 Shirts and blouses, not knit.	24.0	do	217
442 Skirts	18.0	do	217
443 M&B suits	54.0	do	218
444 WGI suits	54.0	do	219
445 M&B sweaters	14.88	do	221
446 WGI sweaters	14.88	do	222
447 M&B Trousers, slacks, Shorts.	18.0	do	223
448 WGI Trousers, slacks, Shorts.	18.0	do	223
455 Rubber/plastic coats	54.0	do	224
459 Other wool apparel	2.0	Pound	224
Man-Made fiber:			
630 Handkerchiefs	1.7	Dozen	243
631 Gloves and mittens	3.5	Dozen pair	243
632 Hosiery	4.6	do	243
633 M&B Suit-type coats	36.2	Dozen	244
634 Other M&B coats	41.3	do	244
635 WGI coats	41.3	do	246
636 Dresses	45.3	do	249
637 Playsuits, sunsuits etc	21.3	do	250
638 M&B knit shirts	18.0	do	251
639 WGI knit shirts and blouses.	15.0	do	251
640 M&B shirts, not knit	24.0	do	253
641 WGI shirt & blouses, not knit.	14.5	do	254
642 Skirts	17.8	do	255
643 M&B suits	54.0	do	256
644 WGI suits	54.0	do	257
645 M&B sweaters	36.8	do	259
646 WGI sweaters	36.8	do	260
647 M&B Trousers, slacks, Shorts.	17.8	do	260
648 WGI Trousers, slacks, Shorts.	17.8	do	262
649 Brassieres & body supporting garments.	4.8	do	264
650 Dressing gowns etc	51.0	do	264
651 Nightwear and pajamas	52.0	do	265
652 Underwear	16.0	do	265
653 M&B down-filled coats etc.	41.3	do	266
654 WGI down-filled coats etc	41.3	do	266
655 M&B rubber/plastic coats	41.3	do	266
656 WGI rubber/plastic coats	41.3	do	266
659 Other man-made fiber apparel.	7.8	Pound	266
671 Other apparel subj MMF restr.	17.8	Dozen	275
Silk Blends and Other Vegetable Fibers:			
831 Gloves and mittens	3.5	Dozen pair	277
832 Hosiery	4.6	do	277
833 M&B Suit-type jackets	36.2	Dozen	278
834 M&B Other Coats and Jackets.	41.3	do	278
835 WG&I Coats and Jackets	41.3	do	278
836 Dresses	45.3	do	278
838 Knit Shirts, Blouses, And Tops.	14.0	do	279
840 Not Knit Shirts and Blouses.	20.0	do	279
842 Skirts	17.8	do	280
843 M&B Suits	54.0	do	280
844 WG&I Suits	54.0	do	280
845 Sweaters of vegetable fibers.	36.8	do	280
846 Sweaters of silk	36.8	do	281
847 Trousers, slacks and shorts.	17.8	do	281
850 Robes and dressing gowns.	51.0	do	282
851 Pajamas and other nightwear.	52.0	do	282
852 Underwear	13.5	do	283
858 Neckwear	3.6	Pound	284
859 Other apparel	6.8	do	284
GROUP 4—MADE-UP AND MISCELLANEOUS TEXTILES			
Cotton:			
360 Pillowcases	1.1	Number	198
361 Sheets	6.2	do	198
362 Bedspreads and quilts	6.9	do	198
363 Terry and other pile towels.	0.5	do	199
369 Cotton manufactures n.e.s.	4.6	Pound	199
Wool:			
464 Blankets	1.3	do	288
465 Floor coverings	0.1	Square feet	228
469 Wool manufactures n.e.s.	2.0	Pound	229
Man-Made fiber:			
665 Floor coverings	0.1	Square feet	272
666 Other furnishings	7.8	Pound	272
669 Man-Made fiber manufactures nes.	7.8	do	274
670 Flat goods, handbags, luggage.	2.0	do	275
Silk Blends and Other Vegetable Fibers:			
863 Towels	0.5	Number	286
870 Luggage	2.0	Pound	286
871 Handbags and flatgoods	2.0	do	286
899 Other Made-ups	6.0	do	286

Source: "Correlation: Textile and Apparel Categores with Tariff Schedules of the United States Annotated" (Department of Commerce, 1987).

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[1] The United States is permitted to restrict imports upon making such a finding under GATT Article XIX.

[2] Compensation to adversely affected countries that are members of GATT is required when import restrictions are imposed under GATT Article XIX.

The PRESIDING OFFICER (Mr. WIRTH). The Chair recognizes the senior Senator from South Carolina.

Mr. THURMOND. Mr. President, today, Senator HOLLINGS, other Senators, and I are introducing legislation that will significantly strengthen and promote enforcement of our textile and apparel trade laws and agreements.

I must commend my colleague from South Carolina, Senator HOLLINGS, for the great interest he has taken in this textile import problem throughout the years he has been in the Senate. This textile matter has been a problem concerning both of us for many years.

I recall that in 1958, when Senator Pastore was chairman of the Textile Subcommittee, of which I was a member, we held hearings in many States—Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Georgia, New York, and Pennsylvania, as well as here in Washington. This important matter was considered at Clemson University in South Carolina. The textile import problem still persists today.

I am very pleased that this measure, the Textile and Apparel Trade Act of 1987, has already attracted strong bipartisan support. Many of my Senate colleagues have signified their dedication to the continuation of a viable American textile and apparel industry and are joining with us today as original cosponsors of this important legislation. Identical legislation is also being introduced in the House.

IMPORTANCE OF THE TEXTILE AND APPAREL INDUSTRY

Mr. President, a viable textile and apparel industry is absolutely essential to the economy and national security of this Nation. Although seriously threatened, and already heavily impacted by massive imports, this vital industry still provides employment nationwide for more than 2 million Americans. One out of every ten manufacturing jobs is a textile and apparel-created job. More people, and more families, depend upon the textile apparel industry for their livelihoods than the steel and auto industries combined.

If the current trend in job losses persists due to import penetration, massive economic hardship will continue to impact harshly upon those who depend on this industry for their livelihoods. Some 300,000 textile and apparel jobs have been lost in the past several years. Over 700,000 employment opportunities have been lost to American workers from 1981 to 1986 as a result of increased imports. It is shameful that 1 million Americans must suffer lost jobs and job opportunities. This trend cannot be allowed to go on indefinitely. The repercussions of this trend will extend far beyond the boundaries of the textile and apparel industry. Continued decline of this industry will be felt throughout our entire economy as related and supporting industries, which account for another 2 million jobs, also begin to suffer. As well, those who lose their jobs or who cannot take advantage of lost job opportunities, will inevitably reduce their consumption of goods in the market place.

The human toll must not be ignored. Those who lose their jobs will be forced to spend years of savings, turn to unemployment compensation for their subsistence, and search for employment in other industries without appropriate skills to offer much likelihood of being hired. This plight strikes the older textile worker especially hard.

In addition to its economic importance, the textile and apparel industry is critical to the defense and security of this Nation. We cannot allow ourselves to become dependent upon foreign nations for the basic defense requirements of our Armed Forces. While the production of military apparel may come to mind first, the contributions of our domestic textile and apparel industry toward defense go far beyond fulfilling the basic necessity of clothing our fighting forces. In World War I, for example, the struggle to produce a manmade fiber, which we know today as rayon, resulted in the discovery of a lacquer coating that proved useful in the production of warplanes.

The textile and apparel industry greatly assisted in the successful effort to achieve victory during World War II, when over 70 percent of its capacity turned toward production of items essential to the war effort. When the United States supply of Japanese silk was cut off, we turned to the textile and apparel industry for a substitute. The industry responded with a wide range of products—from parachutes to tires—manufactured from a newly developed synthetic fiber, nylon. The contributions continue today as this industry constantly strives to produce new, better, and more durable textile and apparel products that are essential and necessary to a strong military. Previous testimony before the Senate established that textiles rank second only to steel from the standpoint of national defense. Transferring our economic strength to foreign countries, and then relying on them in times of international crisis to continue providing us with essential items, does not make good sense.

I am reminded of what Thomas Jefferson said over 170 years ago in this regard:

> To be independent, for the comforts of life, we must fabricate them ourselves—manufacturers are now as necessary to our independence as to our comfort.

Those words are as true today as they were in 1816, and they are especially applicable to the current situation in the domestic textile industry.

MAGNITUDE OF THE PROBLEM

Mr. President, having outlined the importance of the textile and apparel industry to this country, I believe it appropriate now to discuss the magnitude of the crisis confronting this vitally important industry today.

Almost one-half of all textile and apparel goods sold in the United States today are made abroad. In certain product categories, imports have captured 80 percent of the domestic market. Although imports have adversely impacted almost all of our domestic industries, the situation is particularly acute with regard to the textile and apparel industry. Import penetration in the auto and steel industries is only 25 percent, or about one-half the rate experienced by the textile and apparel industry.

During the past 5 years, textile and apparel imports have increased at an average rate of 20 percent per year, displacing some 300,000 American workers in the process. Incredibly, imports last year rose by 17 percent over the level of the previous year, resulting in a record textile and apparel trade deficit of $21.5 billion.

These unconscionable statistics are an affront not just to textile employees, but all Americans. Our present trade deficit is the largest experienced by any country on the face of this Earth at anytime.

INDUSTRY EFFORTS

Mr. President, the phenomenal growth in textile and apparel imports experienced during the last 5 years has not come about due to any lack of effort on the part of our domestic industry. In fact, the American textile and apparel industry is the most modern and productive of any in the world.

Management and labor have strived to modernize, compete, and survive. Productivity gains greatly exceeding the national average have been achieved. Wage rates have been held to only 75 percent of the national average. Nevertheless, imports have continued to grow. Dewey L. Trogdon, president of the American Textile Manufacturers Institute, has stated that textile manufacturers "are absolutely convinced that the industry's prospects and even its survival over the long term are threatened unless our government takes steps to slow the growth of imports."

I believe the textile industry has done its part to improve itself. However, I do not believe that we can expect this industry to have the confidence it needs to continue major investments in money, employees, equipment, and research and product development unless the vast flow of imports is brought under control.

WHY HAS THE IMPORT RATE CONTINUED TO INCREASE?

Mr. President, the reason imports have been capturing larger and larger precentages of our domestic market is because foreign manufacturers do not compete with our domestic textile and apparel producers on an equal basis. If they did, then the U.S. textile and apparel industry, the most modern in the world, could easily compete with that of any other nation. However, this domestic industry cannot, nor should it be expected to, effectively compete with foreign industries subsidized by their governments.

Many foreign governments have bolstered their textile and apparel industries in order to fulfill the threefold purposes of creating jobs for their workers, acquiring U.S. dollars, and achieving a more favorable balance of trade. These governments have been creative, innovative, and remarkably successful in their efforts as the import statistics too well illustrate.

A myriad of means have been employed by those countries to subsidize and promote their own textile and apparel industries, all at the expense of the American industry. Typically, developing countries have provided low-interest, subsidized loans for capital formation and expansion within their textile and apparel sectors. They have created tax and other incentives for exporting textile and apparel products. They have fostered and protected their own industries and markets through currency manipulation and trade restrictions. In many cases, formal partnerships have even been arranged between foreign textile firms and their governments.

In addition to the conscious, calculated efforts of foreign governments to enhance the competitive position of their own textile and apparel industries, other factors have contributed to the erosion of our domestic markets. Chief among these factors is the relative wage rates. For example, Chinese textile workers are paid only about $.16 per hour—many times less than their American counterparts. Although wage rates in the other major textile and apparel exporting countries are slightly higher, they fall far short of American standards and minimum wage laws.

Furthermore, much of the foreign textile and apparel industry operates free of the health and environmental regulations we believe essential to the protection of our own workers and environment. While I do not question the necessity or wisdom of having such reasonable regulations, I merely wish to emphasize that the high costs required for compliance by our domestic manufacturers are not imposed on foreign manufacturers. Thus, the relative cost of production of foreign textile and apparel is consequentially much less.

TEXTILE AND APPAREL TRADE ACT OF 1987

Mr. President, the legislation we are introducing today is designed to promote the orderly, nondisruptive growth of world trade in fibers, textiles, and apparel products. This would be accomplished through the establishment of import growth rates consistent with the Multi-Fiber Arrangement, a multilateral agreement established under the General Agreement on Tariffs and Trade, for the purpose of limiting the growth of textile and apparel imports disruptive to this Nation's market.

Under the provisions of this bill, for 1987, textile and apparel growth will be at a rate of 1 percent with 1986 import levels of 12.7 billion square yards as the base from which growth will be allowed. For subsequent years, textile and apparel imports will be allowed to increase no more than 1 percent over the preceding year. In regard to quotas, no specific countries are singled out. Establishment of global quotas give the administration, which has responsibility for enforcement of the restrictions, maximum flexibility in implementation of the requirements of this act.

There are other important features of this act. This legislation does not mandate rollbacks and can be implemented without rollbacks of current import levels. The President of the United States may grant compensation to foreign countries as a result of the import limits. Although the President is limited in what compensation he may grant, this provision is consistent with compensation requirements under the General Agreement on Tariffs and Trade [GATT]. The President must, with the cooperation of all Government departments and agencies, annually submit a report to Congress regarding the administration of the requirements of this act.

Additionally, the Secretary of Commerce would be responsible for issuing regulations governing the entry of textile and apparel imports, including regulations requiring reasonable spacing of imports over each year.

CONCLUSION

Mr. President, this measure is the result of a cooperative, bipartisan effort on the part of textile and apparel management and labor, Members of Congress, and others concerned with the continuation of a viable domestic textile and apparel industry. I believe the Textile and Apparel Trade Act of 1987 to be a sound measure that will ensure strict enforcement of our existing trade laws and agreements.

The limits this bill would set on import growth rates are consistent with the Multi-Fiber Arrangement, and moreover, necessary to the survival of one of the most important industries of our Nation. It is apparent that this legislation is unquestionably necessary. This textile and apparel import problem will not solve itself. I reiterate, we have seen the textile and apparel deficit grow to a massive $21.5 billion. We have lost thousands of textile- and apparel-related jobs and job opportunities in the last several years. Unless we take prompt action, all indications are that the problem will continue to get worse.

I strongly urge that my Senate colleagues give this measure their most careful consideration, and join me and the other cosponsors in working toward its swift enactment.

Furthermore, Mr. President, as I understand there are a number of other Senators considering cosponsoring this important measure, I ask unanimous consent that the name of any Senator, who requests to be added as a cosponsor today, appear as if that Senator were an original cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mr. COHEN. Mr. President, first let me thank the Senator from Hawaii for yielding this time to me. I do have another commitment, and I appreciate his indulgence. I will be very brief.

I have a prepared statement that I will present for the Record, but I will indicate that I strongly support the measure introduced by Senator Hollings, Senator Thurmond, Senator Mitchell, Senator Matsunaga, and so many others.

I wish it were not necessary for me to do this. I wish it were possible to simply rely upon the executive branch to enforce the existing laws, but time after time, I think all of us have found that the trade laws that have been written have been largely ignored.

I recently returned from a trip to the Far East with the Senator from South Carolina, Senator Hollings. We talked about trade matters with officials from those countries whose products are flooding our markets, putting our people out of work, and we simply called for an enforcement of existing law. But even as we were doing this, plants were closing down.

Senator Thurmond has indicated how many thousands of jobs have been lost. Just this past week Senator Mitchell and I received more bad news. In the State of Maine, a major company shut down 3 of its plants, throwing 1,000 people out of work, adding to the 15,000 more that have already lost their jobs.

Once again, there has been no response on the part of the executive branch to enforce the existing law which requires a measure of orderly market. We have anything but order in this particular process. We have a floodtide of goods coming to this country overwhelming our industries' ability to compete.

Not only is the textile industry in our State being jeopardized but also the shoe industry.

As the chairman of the Senate footwear caucus, I stand here to say that we have laws on the books which again have not been enforced, including section 201. Our shoe industry has brought actions under existing law, and just 2 years ago the ITC found unanimously there was serious injury to the industry and recommended relief. The administration ignored it and said "forget about the industry, we are going to let it die."

We now have a market penetration of some 81 percent in the U.S. shoe industry. In 1981, foreign competition had 50 percent of the market—now they have 81 percent. There are nearly 1 billion pairs of shoes coming to our shores, putting our people out of work.

I regret it has become necessary for me to join in this measure. But I am enthusiastic in joining my colleagues by saying there is no other option. We have to take the measure that is before us if we are going to save jobs of our constituents.

I thank the Senator from Hawaii. I know he is anxious to speak on his own behalf. I appreciate his indulgence.

Mr. President, today, I rise in strong support of the Textile and Apparel Trade Act of 1987. This legislation is written to ensure effective enforcement of existing U.S. laws and international agreements relating to the trade of textiles and apparel. In addition, this measure provides needed and justified relief to the beleaguered American footwear industry so that it may continue to modernize and streamline its operations.

Mr. President, this legislation would not be necessary if the administration and the agencies responsible for the monitoring and enforcement of laws already on the books were properly carrying out their duties. And despite what appears to be a belated recognition on the part of the administration that it can no longer be a passive player in the trade arena, considerable real damage has already occurred to the textile, apparel, and footwear industries, thereby necessitating this remedial legislation.

Since 1973, international trade in textile and apparel products has been guided by the Multi-Fiber Arrangement [MFA], which allows for negotiated country-by-country quotas among the major textile producing nations. Since its inception, the MFA has evolved into a framework for negotiating bilateral restraint agreements.

A basic premise of the MFA allows each signator to provide for the orderly and nondisruptive growth of imports of textile and apparel products. I emphasize the word "orderly," because the effect of imports upon the U.S. textile and apparel sector since 1980 has been anything but orderly. For example, since 1980, imports of textile and apparel products have grown at an annual rate of 18 percent—far greater than the orderly marketing objectives of the MFA, and far in excess of the 1 percent annual average growth rate of the U.S. market demand during that same period. In the past 6 years, imports have more than doubled, reaching a level of 50 percent of our market in 1986.

Our important aspect of the MFA is the right of each signator to "call" for consultations on limits for additional categories if export surges threaten the country with market disruption. The number of calls made by the United States this year is expected to reach a record level. Given the fact that U.S. imports of textile and apparel products have grown enormously in recent years, while, at the same time, the domestic industry has experienced such a dramatic decline, it has become apparent that the current trading framework is simply not working.

As a result of this explosion of foreign textile and apparel products into the U.S. market, the U.S. trade deficit in this category alone grew to $21 billion last year, or 12 percent of our worldwide merchandise trade deficit. Because of the dramatic increase in imports of textile, fiber, and apparel products, the American textile sector is experiencing intolerable market disruption, numerous plant closings, over 300,000 jobs lost in the past 4 years, and significantly reduced production. It is time to call a halt to this situation before even further damage is inflicted upon our textile and apparel industry.

In my own State of Maine, the textile, apparel, and wool industries rank with footwear, another industry beleaguered by imports, among the largest employers. There are approximately 15,000 people directly employed by these industries whose jobs are in jeopardy if reasonable limits on imports are not imposed. Recently, a major apparel manufacturer in southern Maine announced the closing of all three Maine plants, throwing some 1,000 people out of work. A major factor in these closings was the dramatic increase in imports from the low-wage Pacific Rim countries.

Since my distinguished colleagues from South Carolina have already detailed the textile and apparel provisions of this legislation, I will not repeat them. However, as the chairman of the Senate footwear caucus, I would like to make a few observations concerning the footwear provisions contained in this bill.

I have come before this body many times over the past 4 years with the warning that the American footwear industry is being systematically decimated by a flood of cheap foreign imports. Since 1981, imports of nonrubber footwear have risen from 50 percent of the U.S. market to an astonishing 81 percent—nearly 1 billion pairs. Reflecting this continuing rise in imports, domestic production dropped over 11 percent from 1985 levels—to a new low of fewer than 240 million pairs. Unemployment in the footwear industry has risen to 15.4 percent—more than double the 7.1 percent for all manufacturing industries. Over 200 plants across the country shut their doors in the past 2 years.

In Maine, over 6,000 workers have lost their jobs since 1981. Sadly, it has become commonplace to read in the Maine newspapers that yet another factory has shut its doors. In 1986, five Maine shoe plants shut their doors forever.

As my colleagues are aware, there exists a mechanism for the objective hearing of an industry's trade grievances and the means to provide assistance to that industry when it can prove that it has been injured by imports. Section 201 of the Trade Act, which is fully consistent with our obligations under GATT, was designed by the Congress to address precisely the crisis faced by the American shoe industry. All major trading nations have similar laws because they recognize that situations will arise where the injury and suffering are so severe that a government must act to alleviate the injury and facilitate the process of adjustment to competition.

The domestic shoe industry pursued relief under this law. Two years ago, the International Trade Commission unanimously determined that this industry had been injured by imports and recommended that temporary import quotas be implemented. Incredibly, the President told the American shoe industry that despite the recommendation of the trade experts of the ITC, despite the staggering import penetration, and despite all of the factual evidence of injury, that he had simply decided to write off this industry and let it die.

As my colleague, JACK DANFORTH, the distinguished former chairman of the Trade Subcommittee so succinctly stated in 1985, "The President's decision makes a mockery of U.S. trade law. The law is now a dead letter. The President has said that playing by the rules is for suckers. If the shoe industry cannot secure relief under section 201, then no industry—I repeat, no industry can expect help from section 201." With that decision, the President confirmed in my mind that his administration has no coherent international trade policy and no idea about how to even use existing authority.

I have been left with no alternative but to support legislation implementing the quotas that the President refused to provide under the administrative section 201 process. This legislation embodies the main tenets of the ITC's recommendation to the President 2 years ago. Specifically, the legislation would do the following:

First, set a global import quota for nonrubber footwear at the recordsetting level of 941 million pairs established in 1986.

Second, provide that 18 percent of the 941 million pairs be reserved for imported shoes with a customs value of $2.50 or less to ensure the continued availability of low-priced footwear for moderate-income Americans.

Third, grant authority to the President to reduce duties on all nonrubber footwear up to 10 percent over a 5-year period as compensation for those countries negatively affected by the global quota.

Fourth, provide for the review of these actions by the Secretary of Commerce after 10 years with the findings reported to the Congress.

Mr. President, we must commit ourselves to the development and implementation of rational controls over our economic borders which will provide our domestic industries a fair opportunity to compete. Let us serve notice to our trading partners that we will not continue to be the world's only free trader in this increasingly hostile world trading environment, nor will we continue to serve as the dumping ground for the excess production of our trading partners. This legislation is consistent with this objective, and I urge my colleagues to join in supporting the measure.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Maine is recognized.

Mr. MITCHELL. Mr. President, I am pleased to join in sponsoring the Textile and Apparel Trade Act of 1987, legislation designed to respond to the serious economic threats facing our domestic textile, apparel, and footwear industries from imports.

This bill is a modest, realistic and carefully crafted effort to moderate import growth in these sectors.

It is not an unrealistic effort to roll back import levels as a means of artificially protecting uncompetitive domestic industries.

In the case of footwear alone, it requires far more restraint than that advocated by the International Trade Commission, our own Government agency.

In 1985, when the Commission unanimously found import injury from unfair import practices by overseas footwear manufacturers, the recommendation was that imports be reduced to no more than 62 percent of the domestic market.

That decision was made against a background of imports increasing by more than 50 percent in the preceding 2 years, causing thousands of lost jobs and scores of factory closings all around the Nation. And it was made at time when footwear imports took three-quarters of the domestic market.

Today, imports constitute 81 percent of the domestic market, more than four-fifths. Yet this bill will not seek to roll back imports to the levels recommended by the Commission, even though that recommendation was based on the most extensive and thorough review of the industry in this decade.

The bill does not even seek to roll back import totals to the three-quarters of domestic sales which caused the injury finding in the first place.

It simply seeks to maintain the current level and not permit the total abandonment of the entire industry.

Clearly, this is a modest, realistic and nonprotectionist effort to restore some degree of predictability and fairness to a sector of our economy that has been battered by imports more severely than any other in recent years.

I am disappointed that the bill only asks to freeze current import levels. I would have preferred—and still do prefer—a rollback of existing footwear imports to a level of import penetration that is closer to the 62 percent recommended by the International Trade Commission. However, the footwear industry has decided to offer a more modest proposal in the belief that legislation containing a rollback would have no chance of being enacted, and so I accept their approach.

The provisions dealing with textile imports are similarly modest. They are crafted to stay within the guidelines of the General Agreement on Trade and Tariffs [GATT], by treating imports from all sources alike, and by providing for offsetting tariff reductions in instances where compensation should be provided to exporting nations.

It is quite clear, from the evidence of the past several years, that bilateral agreements are simply not working. And in the absence of a global import level, they can never work. This bill would establish that global import level, without directing particular reductions by any particular country.

It would preserve the administration's flexibility in negotiating specific bilateral agreements within the global import level, and it would provide, as well, authority for negotiating offsetting tariff reductions in exchange for import modernization under the global level.

Despite the inevitable opposition from the administration, this bill does not invite retaliation. It specifically permits for tariff reductions to remain within GATT requirements. It permits import growth from year to year; it does not mandate a static import level.

What it seeks to do, in essence, is to create some predictability, to prevent our industries being damaged by the sudden surges of shoe and textile imports which have occurred during this decade.

Almost 700,000 Americans have lost their jobs since 1971 in the textile and apparel industries. Despite the claims that bilateral agreements are all that is needed, imports have outraced those agreements. From 1982 to 1984 imports of textile and apparel products increased by 65 percent. In 1985 imports grew by another 10 percent. In July 1985 the United States completed negotiations for a renewal of the Multi-Fiber Arrangement and then concluded almost 20 bilateral agreements under the MFA to control the growth of textile imports. Administration pronouncements notwithstanding, the new MFA and bilaterals thereunder have not worked to control growth. Textile and apparel imports increased another 17 percent last year.

In my own State of Maine, the job dislocations continue. Earlier this month a manufacturer of children's wear announced the closing of 3 plants in the State at a cost of over 1,000 jobs. Men and women who have worked in those plants for decades are suddenly without jobs.

The unfair import competition against domestic footwear manufacturers is too well known to need repetition. What is particularly serious in that industry is that the jobs lost are often located in smaller rural communities where alternative work is simply not available.

And in all too many cases, the jobs lost are those of modest-income, long-time workers, who have neither the training nor the resources to relocate and begin a new career.

Our Nation's trade policy since 1981 has ignored the costs to workers and their communities of uncontrolled and unpredictable surges of imports flooding our markets from season to season.

That is simply not acceptable. We must develop and put into place training and assistance programs to give Americans the opportunity to develop new skills and create competitive new industries. But rhetoric about competitiveness is no replacement for a rational, steady, and predictable policy.

I support this legislation, not because it is the total answer to the trade imbalance in the textile and apparel sector. It is not. No one piece of legislation provides such an answer. But this bill represents a realistic and fair framework within which U.S. industry can function without harming our trading partners.

The record-breaking trade deficits of the past year have made it clear that the administration's nonpolicy in international trade can no longer be continued without risking dramatic and permanent harm to our economy and our people.

We can no longer continue to rely on pep talks to compete and rigid commitment to a free trade policy which no nation on the face of the Earth practices. It is time for the United States to establish a trade policy that is responsive to its domestic industry, to the workers who rely upon it and to the society of which both are a part.

This bill is a good first step toward that goal for the textile, and apparel and footwear industries and deserves the support of every Member of the Senate.

Mr. President, I would like to make one additional comment. In 1980, Ronald Reagan, as a candidate for President of the United States, on at least two occasions explicitly promised in writing that, if elected President, he would pursue a policy which related the growth of imports in textiles and apparel directly to the growth of the domestic market. That was an explicit, written promise to the American textile industry.

Earlier this morning, Secretary of the Treasury James Baker appeared before the Senate Finance Committee. I asked Mr. Baker then if he now felt that the President was wrong to have made that explicit promise.

Mr. Baker said that he did not think it was wrong for the President to have made that promise, and he hastened to assure me and the other members of the Senate Finance Committee that this administration in its first term sought to implement that policy. Not only did he defend the policy, but he argued that the administration had sought to implement it. He acknowledged that they failed, that in fact over the first term of the Reagan administration the growth of imports in textiles and apparel far exceeded the growth in the domestic market. Given that statement by the Secretary of the Treasury, it is incredible and inconsistent that the administration would oppose this legislation which seeks essentially to do what President Reagan promised to do in 1980, and which the Secretary of the Treasury today said was a correct promise that the administration had tried to keep.

This bill helps Ronald Reagan keep the promise he made to the American people and the textile industry in 1980, which his Secretary of the Treasury today said was a correct promise, and which his Secretary of the Treasury said was the subject of an effort by the administration to keep.

Under those circumstances, the administration—if it is to be consistent, if it is to honor President Reagan's promise made not once but twice, made not orally but in writing, explicitly, undeniably made a promise—I believe should support this bill. It does what President Reagan said he wanted to do. It does what his Secretary of the Treasury said the administration tried to do. And now if we pass this bill we will finally help the President keep his promise of 1980, and at the same time we will restore predictability and credibility to our trading in this important sector.

Mr. President, I yield the floor.

Mr. HEFLIN. Mr. President, I am pleased to have joined as an original cosponsor of the Textile and Apparel Trade Act of 1987, an act which will correct some of the serious trade problems which our Nation faces today. These problems have crippled the textile and apparel industry and sent many hard-working Americans to the unemployment lines.

In recent years, we have heard one statistic after another which reveals the damage incurred by our textile and apparel industry. During the past 6 years, imports have more than doubled and for each of those 6 years, the textile and apparel trade deficit has set a new record. All of these facts and figures mean one thing in the end. Lost American jobs.

Since 1980, the U.S. textile and apparel industry has lost 350,000 jobs to foreign competitors and 700,000 job opportunities. In 6 short years, about 1,000 plants have been forced to shut their doors to their employees.

In my home State of Alabama alone, almost 13,000 jobs have been lost to imports since 1976, and the number continues to climb.

This new legislation, however, provides hope for the 2 million workers employed in the textile and apparel industry. For the sake of those workers whose very livelihoods are continually threatened by bad trade policy, we must ensure speedy passage of this bill. Every second we wait to strengthen our trade laws, we are importing more subsidized foreign products while exporting more American jobs. In fact, for every 1 billion square yards of foreign-produced textiles, apparel, and fibers that we import, we can chalk up a loss of 100,000 American job opportunities.

Our textile industry and its workers have made significant concessions, represented by this bill, in regard to textile legislation. They deserve and need the passage of this act to remedy the import problem.

This legislation is important to the American people and to the American economy. Delays in its passage will result in continued unemployment and devastation to one of our Nation's basic industries. I urge my colleagues to support our textile and apparel industry, our American workers, and our Nation's manufacturing base by supporting this legislation.

Mr. D'AMATO. Mr. President, I am pleased to join my distinguished colleagues from South Carolina as an original cosponsor of a bill designed to help alleviate the massive flood of imported textile and apparel products into the United States, the Textile and Apparel Trade Act of 1987.

Over the past 6 years, the annual rate of imports of textiles and textile products has grown so rapidly that imports now make up more than 50 percent of the domestic market. This sharp increase has crippled the apparel industry, forcing many manufacturers to close their doors and adding thousands more unfortunate Americans to the 700,000 who have lost their jobs due to increased imports.

This growth in import levels has continued despite machinery modernization which has increased domestic production. No matter what gains America has made in increasing its productivity, it has been unsuccessful in competing in this market. The low wages that foreign workers earn keep the price of a product produced overseas markedly lower than that of a comparable product manufactured in the United States.

Since 1980, we have watched as the U.S. trade deficit spiraled to unprecedented levels. Recent figures indicate that the trade deficit for 1986 exceeded $170 billion and that the United States is now the world's largest debtor nation. For the sixth straight year, textile and apparel imports rose—to a record 12.7 billion square yards—adding to this strangling deficit.

This issue is not new to any of us. The failure of the House of Representatives to override the President's veto of a similar bill last August—although much harsher than the legislation introduced today—is still fresh in our minds. However, the flood of imports still lingers and demands us to act.

Although I believe a free trade policy must be maintained between the United States and other nations, I also believe this trading relationship must be fair. The textile and apparel industry is in danger of failing and must be helped.

Mr. President, I urge my colleagues to act expeditiously on this important legislation.

Thank you, Mr. President.

Mr. SASSER. Mr. President, today I am joining with my colleagues to reintroduce legislation to provide assistance to our Nation's shoe and apparel workers.

It is long past time that we should do so. While this administration has flatly refused to allow any relief to our domestic industries, more and more of our fellow citizens have seen their jobs disappear and their communities suffer. Since 1980, the U.S. textile and apparel industry has lost 350,000 jobs due to imports. In that time, about 1,000 textile and apparel plants have shut down and imports now control more than half of the U.S. market for apparel and textile products.

My own State of Tennessee has been severely affected by this job loss. Since 1980, the State has lost 11,600 textile and apparel jobs—with 2,200 of those jobs lost last year alone.

Similarly, imports in the footwear industry in 1986 were 81 percent of the domestic market. In Tennessee last year, six plants closed and over 1,200 workers lost their jobs.

But these figures are more than mere statistics. They represent real people and real jobs. The closing of a textile, apparel, or shoe factory can be devastating to a local community. Many such facilities are located in rural areas—areas which have few alternative employment opportunities.

As I travel around Tennessee, I continually see the effects of imports on our citizens. I talk to individuals who have lost their jobs in the communities where they have lived and worked for years. They face the future with no prospects of new jobs. Many are prevented by family obligations from moving to a new area. Many are women—often single parents and the sole support of their children.

Last year, the U.S. trade deficit reached the staggering figure of $170 billion. The textile and apparel trade deficit in 1986 was a record $21 billion—a 17-percent increase over the 1985 deficit. That $21 billion represents 12.5 percent of the Nation's entire merchandise trade deficit.

We simply cannot continue to erode our industrial base and claim—as this administration does—that the lost jobs will be replaced by service-sector jobs. Those jobs the administration is so taken by are no substitute for the ones we are losing. They are often relatively low-paying jobs. They will not generate the levels of savings and investment we need to modernize our industries. And most of all, they themselves are often vulnerable to imports.

The President has said that those who lose their jobs to imports should "vote with their feet" and move to Silicon Valley. But many of those who have find that when they get there, they have merely traded one job loss for another. Our high-technology industries are no more invulnerable to imports than our traditional manufacturing industries. The U.S. semiconductor industry—once considered the leading edge of American high-technology superiority is facing a trade deficit which was inconceivable even 5 years ago.

Well, it is time for this administration to awaken from its dreamworld of completely free and unfettered trade—and to do so before we weaken our economic base beyond repair. What our trade policy needs is balance.

We must recognize that there are both long- and short-term trade problems. In the long term we must act in several areas—reducing the budget deficit, promoting exports, and improving your scientific and technical research and education.

But equally, in the short term, it is clear that certain industries need relief in order to become competitive. The textile and apparel industry has proven their commitment to modernization. The industry leads the world in investment—reinvesting 80 percent of its retained cash-flow. The industry spends an average of $1.7 billion per year on new equipment. What they need now is the time and a breathing space for these improvements to take effect.

By the same token, the shoe industry has committed itself to an additional 5-year modernization plan in return for the relief it seeks. In fact, it has already begun installing state-of-the-art equipment and marketing techniques.

The legislation that we are introducing today proves that the U.S. Government is willing to assist industries that are committed to remaining competitive.

The bill establishes import quotas on each category of textiles and apparel on a worldwide basis. The quota would be based on the level of imports in that category for 1986. Each quota would grow by 1 percent per year—a level consistent with the long-term growth trend of the domestic market.

The Secretary of Commerce would be authorized to set regulations to implement the quotas and to allocate them among exporting countries. In addition, the President is authorized to negotiate reductions in U.S. textile and apparel tariffs to compensate those countries which will be affected by the legislation.

Under the bill, nonrubber footwear from all countries would be limited to the level of imports in 1986. The Secretary of Commerce would implement the measure and the President would be authorized to reduce duties on footwear by as much as 10 percent over 5 years.

This legislation is consistent with our obligations under the General Agreement on Tariffs and Trade and I believe it is the minimum our Government should do for industries which have demonstrated their commitment to increasing their competitiveness.

I call on my colleagues to join with us in assisting the hard-working Americans who are losing their jobs due to imports.

Mr. FOWLER. Mr. President, I am pleased to join with my colleagues today in introducing the Textile and Apparel Act of 1987—a measure designed to address a problem that has reached crisis proportions—our trade situation for our domestic textile and apparel industry. One need only examine the pattern of foreign import growth in this sector to understand why we are taking this action today. In 1986, the U.S. textile and apparel industry suffered its sixth successive year of recordbreaking imports. The industry's international trade deficit topped $21 billion, up 16 percent from the 1985 level. The increase in imports since 1980 alone represents the loss of 700,000 U.S. job opportunities to overseas competition. In Georgia alone, 17,824 textile and apparel jobs have been lost and 45 plants have closed. Imports now control half the U.S. market for apparel and apparel fabrics.

American manufacturers are fighting to stay competitive. Indeed our textile industry already leads the world in investment in modernization, reinvesting 80 to 85 percent of its retained cash-flow. Productivity has increased also as our workers fight to sustain their livelihood, fight to feed their families. We can no longer sit back and witness the demise of one of our most basic industries. We must act and we must act now. And I applaud the distinguished Senator from South Carolina, Senator HOLLINGS, and my other colleagues who join us today as original sponsors for assuming a leadership role in providing relief for America's struggling textile and apparel industry.

I urge all my colleagues to support the Textile and Apparel Trade Act of 1987.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I too rise in support of the legislation now introduced on behalf of orderly world trade in apparel, textiles, and footware. And I do so, Mr. President, on a somewhat melancholy note. I find myself recalling that it would be just a quarter century ago that I was instructed by President Kennedy, as a young Assistant Secretary of Labor, to join the then Deputy Assistant Secretary of State, Mr. W. Michael Blumenthal, and Assistant Secretary of Commerce, Mr. Hickman Price, to go to Geneva and to negotiate with our trading partners, under the auspices of the General Agreement on Tariffs and Trade, a plan for orderly expansion of world trade in textiles and apparel. It was our clear understanding and purpose that the then surging imports which were being so destructive of American production would moderate, but by no means cease to grow—simply to moderate.

The occasion, Mr. President, was a matter of large consequence, and I hope we can see it a quarter century later in the present context as not any different. The occasion then was the President's proposal for a new round of negotiations under the GATT. This was one of the most important measures to expand trade, by lowering tariff barriers, of the postwar period.

Those negotiations rightfully came to be known as the Kennedy round of the GATT.

The support in the Congress for those negotiations was real but there were concerns nonetheless. I see the distinguished Senator from North Carolina is on the floor. And I remember how very much the Senators from the textile-producing States of the Nation asked that their concerns be heard about a new round and how it would lead to yet greater import surges—surges to which we were quite unaccustomed at the time—although today they would seem modest indeed. And the situation in apparel was not different. And the reception in the world community was indeed positive.

If I may say the only persons who seriously opposed the proposal at the time were the French. And they did so for the simple reason that General DeGaulle opposed anything the Americans had in mind.

The proposal was a very simple one. If we could get agreement on the growth of imports in one sector of trade we could go forward to yet another expansion of trade generally. And we did just that.

But then with one thing and another the penetration of American markets grew and grew to the point where the American production clearly was on the verge of becoming residual.

I make the simple point, Mr. President, that when our little band arrived in Geneva in 1962, a quarter century ago, imported apparel accounted for just under 10 percent of American consumption. These were traditional, not consequential, amounts, and there were always a certain number of French Parisian dresses, Harris tweed coats, and such like fabrics, that had made their way into our country through normal world trade.

Today, however, the majority of the apparel sold in the United States, the greatest amount in quantity and in value, is manufactured overseas. We now produce less than half of the clothes we wear on our backs, if you like.

That transformation in a quarter century if not unprecedented, is certainly highly unusual. We have witnessed a 25-year period in which an almost totally domestically produced major item of consumption—people have been wearing clothes in our country for a long while—has become in the main an imported item.

So the situation Mr. President, had changed very much to the disadvantage of American workers and American producers. These workers face competition in an industry in which wages are so fundamental because the movement of capital and technique is so rapid, and, indeed, has become even more so, so that there simply is going to be no place for American producers and no place for American workers.

These are not highly paid workers. They are not privileged workers. They are not overpaid workers in any sense of the word. They are right on the margin.

And so we sought in a succession of Presidents to put some restraints on this competition. And one after another candidate for President has pledged to do this, as the distinguished senior Senator from Maine made clear. The incumbent President, Mr. Reagan, pledged in 1980 to the textile manufacturers he would do what he has not done—indeed, he reaffirmed that pledge in 1982. This morning, Mr. Baker the Secretary of the Treasury, our good friend, a much respected man, agreed with the Finance Committee on which I serve that the commitment the President made in 1980 was a legitimate one and by inference ought to have been kept. It was not.

We now come forward with legislation which is as moderate as anything I have seen in a quarter century of pressing this matter. We ask simply that growth in imports, on a global basis, beyond the present extraordinarily high level of imports, proceed at the rate of 1 percent a year in a context where domestic markets are growing at just about that rate.

Foreign producers, which now have a majority of the apparel market, could keep that and their exports could grow in the future. But there should be some expectation that the American industry will continue.

Mr. President, I think this is a remarkable act of moderation. We know the frustration of one-quarter century of promises not kept, commitments not attained, goals not reached. The producers, the workers, the unions, the management could be far more aroused than they are. In a certain sense, they have been beaten down to the point of moderation. But, in any event, moderation is the proper characterization of the measure we put forward. I hope it will be reasonably considered here in the Senate.

I know it will pass the Senate, I know it will pass the House, and I hope it will finally pass muster in the White House which pledged to rerate import growth from all sources to domestic market growth. Perhaps now in the closing days of the administration this pledge might be met.

Mr. President, I see my distinguished friend from North Carolina is on the floor. I am happy to yield the floor at this time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, I agree with what Senator HOLLINGS and Senator MITCHELL have said. I would simply like to add a word or two as a Senator from one of the leading textile States in the Union.

I think today we are setting out to right an enormous wrong. It is wrong to allow hundreds of thousands of textile and apparel jobs to be shipped overseas. It is wrong to stand by and watch textile plants close their gates. It is wrong to jeopardize the very economic survival of so many rural towns where the textile mill is the major employer and the major taxpayer.

And it is wrong to allow our basic industries to erode, wiping out our manufacturing base and making us dependent on the whims of foreign producers and foreign governments.

But it is right to insist that our trading partners play by the rules that they themselves have agreed to. It is right to guarantee that free trade is also fair trade, and it is right to put the livelihood and well-being of American workers first.

Relief for the textile and apparel industry is long overdue. North Carolina alone has lost nearly 60,000 textile and apparel jobs since 1980. That does not tell half the story. When a textile plant closes, lays off workers, goes on short time, there is not a business in town that does not suffer. Department stores, hardware stores, real estate sales—all feel the pinch. And when the local tax base shrinks, schools and fire protection and other services feel the pinch.

These plants, these workers, these communities need our help.

I generally believe in helping those who help themselves and that is what this textile bill does. The American textile industry has done its part to stay competitive. It leads the world in modernization, reinvesting 80 percent of its available dollars. Seven out of ten textile plants operating today are less than 10 years old. They are modern, they are efficient, and they are competitive.

The problem is not the textile mills; the problem is Washington. The problem is an administration that has refused to enforce the existing textile trade agreements. The problem is policymakers who have no feel for the human tragedy of these lost jobs.

And until this year, the problem was, in part, a Congress that fell short of overriding the President's veto of crucial textile legislation.

I hope and believe that my new colleagues and I will rectify this. I am confident that this year Congress has the strength and the will to save American textile jobs by insisting on fair textile trade.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

DEPLETION OF THE OZONE LAYER

Mr. WIRTH. Mr. President, one of the most familiar pictures to all Americans is the picture of the globe, of this Earth, taken from shuttles, taken from satellites, particularly the picture of the Earth taken from the Apollo mission. It was an extraordinary, beautiful, beautiful living creature, the Earth.

The reason that the Earth supports this kind of life and this kind of beauty is that the Earth is surrounded by a layer of ozone, and that layer of ozone filters out the ultraviolet rays that come from the Sun. Without that layer of ozone around the Earth, the Earth would be a dead and barren place. Without that layer of ozone, virtually no living thing could survive on the Earth. There would be no life here and none of that beauty which all of us see around us.

Unfortunately, there is today a very real threat to that layer of ozone, a threat that comes from human activities, from production of a kind of chemical known as chlorofluorocarbons, CFC's. Emissions of these chemicals threaten our very existence.

We in the United States became aware of this problem, and the scientific community around the world became aware of this problem, about 15 years ago when we first recognized the fact that these long-lived chemicals were migrating to the stratosphere and interacting with that ozone, and potentially would destroy that ozone layer and potentially destroy much, if not all, life on Earth.

We in the United States took action in the 1970's. We banned the production of aerosols that used chlorofluorocarbons as propellants, the aerosol cans so familiar to all of us.

At that time there was a great deal of discussion in the country. Much of the packaging industry said if you ban chlorofluorocarbons from use as propellants in aerosols, you will destroy this industry and you will destroy this particular segment of our economy.

Happily, substitutes were found and the aerosol and the industry continued to flourish.

The United States, the largest consumer market and the largest producer in the world, took the lead and the concern about the ozone started to die down. We thought we were making real progress in eliminating this threat to ozone and thus to much of the life on Earth.

Several years ago, however, the scientific community again became concerned, as we discovered over the South Pole a very large hole in the ozone layer that occurred at particular times of the year. The question became where did that come from? Why do we have that particular hole in the ozone and what does that suggest about what may be happening to the ozone around the globe?

The general consensus in the scientific community, not perfectly agreed upon by any means, and we do not know 100 percent for sure, is that this hole in the ozone comes from the production of chlorofluorocarbons, again growing out of uses in the United States and around the world. Not only are these chemicals used as propellants in other industries, but they are also found in packaging used in fast food restaurants, in air-conditioners, and in many forms of insulation.

If we go into a fast food restaurant and take out food, the chances are 50-50 that the food is kept warm in a container that was made up in part of CFC's. What we do is discard those containers, discard that CFC. That particular packaging then goes into a dump somewhere or is cast by the side of the road. Over the next 20, 30, 50, 100 years, it will slowly but surely disintegrate. Again the CFC's will be released into the atmosphere to interact with the ozone and potentially destroy it.

In other words, what we are creating is a whole bank of CFC's. What we are creating is a whole repository out there, which, no matter what we do about it now, over the next several years, has the potential of going into the atmosphere.

The question is, How major is this problem and what can we do about it? The magnitude of the impact of this on our global environment is potentially enormous. According to the EPA, the ecological consequences of stratospheric ozone depletion can produce the following: An additional 40 million cases of cancer, 800,000 of them fatal, and 12 million additional cataract cases between now and the year 2075.

Further, EPA suggests that if this continues, we will suffer suppression of the human immune system, which is the body's defense against disease. Also, we could have reduced crop yields and loss of certain aquatic species; a substantial contribution to the greenhouse effect, causing large losses of life and property from global drought and flooding as ambient temperatures increase. This will cause significant changes to our productive areas of agriculture, for example, and the flooding of a great deal of the land on the edge of the ocean.

One can say, are these enormous threats? They are, indeed, very real. These statistics, I suspect, do not even reflect a worst-case analysis of the global, climatic, and public health effects that could be caused by depletion of the Earth's ozone layer. The depletion of the ozone layer and the closely related problem of the greenhouse effect may be the environment issue of this century.

As I pointed out, the United States has taken significant actions in responding to the threat of global ozone depletion. In this situation this Government is—and we have been throughout the process—the good guys among the countries of the world. In 1978, our country banned the use of chlorofluorocarbons as aerosol propellants. The aerosol ban is something we can be proud of since it reflects our real concern for the ecosystems we all share with mankind and all ecosystems around the world. Canada followed our lead in banning CFC's but other European nations and Japan have resisted calls for joint action to reduce the emission of these chemicals.

Various countries have felt it was to their commercial advantage to keep producing these chemicals and that their short-term benefit is worth the long-term risk to the atmosphere. As there have been increased uses found for chlorofluorocarbons, we have found industries building up in Japan, Europe, and the Soviet Union.

Today, we find this country accounts for only 30 percent of the world's CFC use. But regardless of their point of origin, these chemicals threaten the global environment. This is a case that requires international action. If we act in the United States by ourselves to ban these chemicals, it does not do a lot of good if the Japanese, Europeans, Russians, and others continue the production of these very dangerous chemicals.

Our Government has taken the lead. During the week of February 22 to 27, representatives of the United States and some 25 other countries will be meeting in Vienna to resume negotiations on a multilateral accord for controlling emissions of chlorofluorocarbons. It is imperative that those other countries go along with the steps taken by the United States, imperative for the future health of this globe. We have to convince them, it is imperative that we convince those governments that they have to go along with us in slowly but surely moving toward a ban of CFC's.

Today, I am joined by 15 of my distinguished colleagues in the Senate in submitting a concurrent resolution in support of this Nation's representatives to these Vienna negotiations. Our resolution expresses the sense of the Congress that, one, immediate action must be taken to reduce emissions of ozone-depleting chemicals in the European Community and Japan; and two, reiterates that all nations must join in a coordinated program to phase out the use of these chemicals. This resolution sends a clear message to the European Community, to the U.S.S.R., to Japan, and to other nations that the United States Congress views global emissions of ozone-depleting chemicals as a threat to the human environment.

This depletion simply can no longer be viewed as an interesting scientific question. It must instead be treated as the serious threat to the environment that it is, a threat that demands multilateral action from countries all around the world. Again, we have demonstrated our commitment to protecting the delicate ozone layer upon which all human life depends. I ask my colleagues again to remember that picture of the globe and what that means, this wonderful, beautiful, lifegiving globe. The ozone is there protecting us from the ultraviolet rays.

I urge my colleagues to join us in finding a way that we can work together in ultimately reducing or eliminating this threat to our planet.

Not only is this legislation important, but there is legislation coming along. Legislation introduced by Senator BAUCUS and Senator CHAFEE is the next step. But legislation is not going to do the complete job unless we can get the other nations of the world to cooperate with us.

Finally, I might add that Representative WAXMAN and others in the House of Representatives are introducing a parallel resolution in the hope that all of us in Congress can get together and do everything we can to urge our trading partners and urge the Soviet Union to come to an agreement with us in Vienna in those very important discussions at the end of February.

I thank the Chair. I yield back whatever time may remain.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

The Chair recognizes the Senator from Michigan.

Mr. LEVIN. I thank the Chair.

JOHN McKEAN, MEMBER, POSTAL BOARD OF GOVERNORS

Mr. LEVIN. Mr. President, I am taking this opportunity to speak today, because of my dismay with this administration's failure to demand and ensure the highest ethical standards in the matter of John McKean, former Chairman and current member of the Postal Board of Governors.

I hope to be the chairman of the Subcommittee on Oversight of Government Management of the Governmental Affairs Committee. That subcommittee has been charged with the responsibility of overseeing the Ethics in Government Act, with particular attention paid to the conduct of the Office of Government Ethics and the implementation of the independent counsel statute. In the course of that effort, I have followed the allegations of unethical conduct by Mr. McKean.

I am speaking to this issue today, because I have recently been informed by the White House counsel that another 2 to 3 weeks will expire before resolution of the matter of Mr. McKean is even attempted. This time is required, according to the administration, because Mr. McKean will not be in town for his monthly meeting of the Postal Board of Governors until early March. In other words, the White House is waiting until there is a time convenient to Mr. McKean to discuss this matter with him.

This absurd delay comes on top of a period of 5 months since the time the White House received a letter from David Martin, Director of the Office of Government Ethics, urging administrative action against Mr. McKean. And that 5 months was already on top of 2 years of criminal and civil investigation by the Post Office, the Department of Justice and the Office of Government Ethics. Yet during this time, and despite a finding by the Office of Government Ethics that Mr. McKean's conduct demonstrated "Mr. McKean's misunderstanding or complete disregard of the ethical principles set forth in Executive Order 11222," Mr. McKean has continued to serve unimpeded at the Postal Board of Governors. I honestly believe this administration hopes that if enough time elapses, this matter will simply go away.

Well, it will not, Mr. President, and it should not. Let me recount for you and my colleagues the facts of this case that makes the breach of the ethical standards of conduct by Mr. McKean so serious. Much of what I am recounting here is taken from a report of the U.S. Postal Service's Postal Inspector, dated January 11, 1985, on this matter.

The Postal Board of Governors consists of nine members, appointed by the President, with the advice and consent of the Senate. According to the Postal Inspector's report, the Board of Governors "directs and controls the expenditures of the Postal Service, reviews its practices and policies, and establishes basic objectives and long-range goals." The Governors elect a Chairman from among themselves and have the power to appoint and remove the Postmaster General, who is a voting member of the Board. Each Governor receives a salary of $10,000 a year plus expenses and a stipend for meetings and travel.

John McKean was nominated to the Postal Board of Governors by President Reagan and confirmed by the Senate on March 8, 1982. He was elected Chairman on January 10, 1984, and served in that capacity until January of this year, at which time he resumed his role as a regular member in a term that ends December 1991. Mr. McKean is an accountant by trade and president of his own accounting firm—John R. McKean Accountants.

One of the clients of Mr. McKean's firm is the law firm of Littler, Mendelson, Fastiff, & Tichy. McKean Accountants is on a yearly retainer to do that firm's accounting and, in addition, provides accounting services and tax preparation for approximately 10 partners in the Littler firm.

The Postal Service was preparing for labor negotiations in 1983 and 1984, on four of its largest union contracts which were due to expire on July 20, 1984. In 1983, the Postal Service's negotiation teams prepared analyses and documents for the upcoming negotiations and conducted monthly briefings for the Board of Governors. According to the Postal Inspector's report, "Throughout these planning stages, postal officials were of a common understanding there would be no need for outside legal assistance as there had been in prior labor negotiations."

When Mr. McKean became Chairman, he asked the general counsel of the Postal Service for guidance about the Postal Service's contracting with a company that is a client of a firm owned by a member of the Board of Governors. The general counsel responded by sending Mr. McKean a copy of Executive Order 11222 and drawing his attention to section 302 which states that a Federal employee must refrain from using his office for private gain or creating the appearance of such use. According to the Postal Inspector's Report:

> Mr. McKean thought there was a possibility that the Board of Governors might have to engage counsel to monitor the labor negotiations and the possibility existed as Chairman of the Board of Governors he might have to ask for independent opinions. With the Littler law firm in mind, he was interested in determining if they could be employed on a one-time basis. He also conferred with Board of Governors counselor, Joseph Califano about this matter and had been advised there might be a problem if the law firm was his client.

On April 24, 1984, the labor negotiations began. According to the Postal Inspectors report:

> Mr. McKean assumed that Mr. Bolger—then Postmaster General—intended on using outside counsel for the 1984 negotiations. Mr. Bolger never stated to him that he intended to go outside to get counsel but that he was under the impression Mr. Bolger would want to use outside counsel. Because of this impression, shortly before the Board of Governors meeting in San Francisco in June 1984, Mr. McKean telephoned Mr. Bolger, advising him that he had a law firm he would like for him to meet. This was a day or so before the June 4 meeting. He also called Mr. George J. Tichy, II, of the Littler, Mendelson, Fastiff and Tichy law firm and made an appointment for the meeting.

That June 4 meeting took place at the Littler offices with Mr. McKean and Postmaster General Bolger present. The Postal Inspector's report states that at the meeting Mr. McKean revealed to Mr. Bolger his client relationship with the firm. That fact is not confirmed or denied by anyone else in the report.

After that June 4 meeting, the Postal Inspector's report says that Mr. Bolger asked Hal Hughes, the Deputy General counsel, to look into the qualifications of the Littler firm. On June 6, a meeting took place in Mr. Bolger's office at which time it was announced by Mr. Bolger that the Postal Service was going to hire the Littler firm as outside counsel.

The individual accounts by the persons attending that June 5 meeting, apparently Mr. Bolger's top aides, are disturbing. One of the persons at the meeting, the General Counsel, Mr. Cox, stated, according to the Postal Inspector's report, that when Mr. Bolger told the group "that he was considering employing the Littler law firm," Mr. Cox "urged Mr. Bolger not to employ the Littler firm because it would not look good for the Postal Service. He asked why retain a San Francisco firm when the focus of the work is in Washington, DC, and the mere distance, if nothing else, would make a bad appearance. He advised Mr. Bolger that Mr. McKean's association with the law firm was another reason to back off. He acknowledged that it would not be illegal to employ the firm. He told him it would not be a violation of a legal statute but it would be a violation of Executive Order 11222."

Four of the five individuals at the meeting stated that they understood Mr. Bolger to have already decided to hire the Littler firm. They felt, in the words of the report, that "the subject was not up for debate." The fifth individual did not clearly comment on this point.

Three of the five individuals stated that Mr. Bolger made a phone call during the meeting and that they believed that phone call was made to Mr. McKean. Two of the individuals recalled that when Mr. Bolger "returned to the group, he told them Mr. McKean said not to worry, there was nothing illegal about hiring the Littler law firm." The other two could not remember Mr. Bolger making such a phone call. According to the Postal Inspector's report, "Mr. Bolger could not recall specifically the entire details of the June 6 meeting but stated that if he did make a telephone call, it was not to Mr. McKean, but possibly to Mr. George Tichy of the Littler law firm * * * to ascertain whether he had received the material from the Postal Service requested during their June 4 meeting."

Mr. McKean stated that he did not learn of the decision by Mr. Bolger to hire the law firm until later in June.

According to the report, Mr. Bolger stated that he gave consideration to three other law firms, but acknowledged that no other law firm but the Littler firm was interviewed.

The contract for the Littler law firm was initially $300,000 but was modified several months later for an amount not to exceed $550,000.

The Postal Inspector's Report states, "Interviews of Mr. Bolger's top postal staff * * * determined they were not consulted regarding the need for additional legal expertise to assist in the 1984 labor negotiation process. Although these officials were involved in the 1981 labor agreement, and some participated in selecting an outside firm for that contract, Mr. Bolger did not take them into his confidence."

In summary, Mr. McKean, after being put on notice about the prohibition against creating a conflict of interest or the appearance of a conflict of interest, and without any documented expectation that outside counsel was contemplated for hire in the labor negotiations, in fact the evidence was to the contrary, set up a meeting between the Littler law firm and Mr. Bolger on the subject of a possible contract. Mr. McKean not only didn't recuse himself from any involvement, he openly pushed for the Littler law firm.

Mr. President, I reiterate: This Postal Inspector's report was issued on January 11, 1985. It is now over 2 years later and not one administrative step has been taken to remedy this matter. I find that inaction to be unbelievable.

There was a criminal investigation—and I have some questions about the conduct of that investigation and the conclusion that was reached—but even that was completed in August 1986. It was on August 15, 1986, that John C. Keeney, Deputy Assistant Attorney General for the Criminal Division of the Department of Justice, sent a letter to the Director of OGE, Mr. Martin, in which the Justice Department stated that it had declined prosecution. "Our decision is not based on a determination that no evidence of an offense under 18 U.S.C. 208(a) exists. It is based instead on several considerations which in our judgment call for a declination, including the availability of appropriate administrative action. . . ."

The Office of Government Ethics wrote to Peter Wallison, Counsel to the President, on September 8, 1986. After summarizing the more important facts in this case, OGE Director Martin closed by saying, "This is brought to your attention so that the President may initiate such adverse administrative action as he deems appropriate."

That was in September 1986. It is now February 1987.

I wrote to the President on December 2, 1986, expressing my concern about the delay in any action on this matter. I pointed out to the President that the action he takes or fails to take with regard to Mr. McKean helps set the tone for the ethical conduct of other Federal employees.

While I have had several interim responses from Mr. Wallison, Counsel to the President, about my letter, the process drags on interminably and no administrative action has been taken in this matter.

Executive Order 11222 and the regulations promulgated by the Federal agencies pursuant to the order are explicit in their directive to Federal employees—no employee is to engage in any activity which creates a conflict of interest, and there are criminal statutes which apply in situations of actual conflicts, nor even the appearence of a conflict of interest. Yet the Office of Government Ethics determined that, "Mr. McKean played a significant role in the Postal Service's award of a contract for legal services to Littler * * *," that "Mr. McKean characterized his firm's financial arrangement with the Littler firm as an ongoing relationship that is more advantageous than the normal retainer relationship * * *," that "Mr. McKean should have refrained from taking part in any official Postal business which involved the Littler law firm * * *," but that "(I)t appears that Mr. McKean, nevertheless, used his position as Chairman of the Board of Governors to influence the Postmaster General's award of a contract to a client of his own accounting firm." Yet the administration, in the 2½ years it has had to consider this matter, has failed to take any corrective action.

Mr. President, we all know too well that it is difficult to legislate ethical conduct. But, ethical conduct must be unequivocally established as the underlying basis for any employment, particularly public service, and breaches of it must be condemned and punished. The administration plays a very vital role in setting the tone for the ethical conduct of its employees. It is falling way short in the McKean matter.

The Subcommittee on Oversight of Government Management of the Governmental Affairs Committee will be reviewing, during this Congress, the management of Government ethics by looking at recent experience under the Independent Counsel Act and at the individual cases handled by the Office of Government Ethics in the last few years. This will be done in the context of our legislative responsibility to reauthorize the Office of Government Ethics and the Independent Counsel Act.

I am disturbed by the administration's failure to act in so clear as case as John McKean's. The administration's failure is sending a powerful, negative message to Federal employees—that ethical conduct is not a requirement of public service. I urge the administration to mend its ways and act promptly in the McKean matter. The timing of any administrative action should not be dependent upon the the travel schedule of Mr. McKean. The issues at stake are simply too important.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Levin). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INFORMED CONSENT FOR ABORTIONS

Mr. HUMPHREY. Mr. President, as often as my schedule permits, during morning business I like to insert into the Record letters sent me by women from all across the country who are writing in support of S. 272, a bill which I have introduced in this Congress, to require that certain individuals who perform abortions obtain the informed consent of the women on whom they are going to perform such abortions.

The need for such a bill might seem obscure to most people. I assume that most people assume that women who are to undergo abortions are so well informed by the medical authorities that when women are giving their consent for such a medical procedure, that consent is informed consent. One would think that would be the case, but unfortunately that is not so.

We are now 14 years into the abortion era; and as each year goes by, more and more women are coming forward—in many cases publicly, as are these women whose letters I am going to read into the Record—coming forward to state that in their personal case, they were not well informed, that their consent given at the time of the procedure was not an informed consent. They are women who now feel that had they been fully informed of the nature of abortion, of the procedures to be used, of the potential for physical and mental harm to themselves and their reproductive systems, they might not—and in many cases said they would not—undergo abortions.

They say, further, that if those who counseled them before the abortion had explained to them the stage of development, the degree of development, of their prenatal children who were killed by abortion, they would not have undergone the procedure.

I recognize that this is a controversial issue about which Senators have many different opinions. That is the issue of abortion itself. But surely there can be no great difference of opinion among Senators about the need to ensure that women who are undergoing abortions give truly informed consent to that procedure.

Surely, all Members of Congress will agree, all parties to the great public policy debate over abortion will agree, that if abortion is to be performed, it should only be performed on the basis of truly informed consent. Yet, as these letters will indicate, that is not the situation which obtains in this country.

Too often, women, young women, under a great deal of stress, will go into an abortion clinic, and the kind of counseling they receive is very much directed toward encouraging them to have an abortion.

She will not be told, for instance, about the advantages of adoption. She will not be told, for instance, that there are certain private and public organizations that will help her if she chooses to carry the child to term and to raise it herself.

Too often, women are rushed into this procedure and come to great grief afterward, as these letters indicate.

I hope that Senators will look at S. 272, and I ask unanimous consent that the bill be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, I hope all Senators will look at this in a dispassionate way and consider whether this is not a needed piece of legislation. I maintain that it is.

Now, Mr. President, I want to read today three letters from women who have written me, knowing that I am supporting this kind of legislation. The letters are signed. These are not anonymous letters. I am not going to read the names, because the proceedings are televised. But the names are attached to the letters, most of them, and the names will be in the Record, and anyone who wants to pursue that detail can do so through the Record.

The first letter is from Wilmington, NC:

> Dear Senator Humphrey: The only child I will ever be able to conceive I murdered by abortion and for the reasons I write you.
>
> This letter is difficult. How can one express the sadness of murdering their own child because of lack of knowledge? So I will stop trying and tell you my story.
>
> In March of '74 I visited Evanstown Hospital's clinic with the results of a pregnancy test positive, the nurse began to question my future.
>
> "Well, you now have three choices, keep the baby, adoption or have an abortion." That was the last I heard of keeping my baby or adopting my baby to a childless couple.
>
> But she did go on to tell me how "safe and easy" an abortion was. "I don't have money," I explained. "That's o.k. we can arrange for you to have a free abortion." No questions were ever asked if I had money, a job, or how much my parents made.
>
> I proceeded to ask "How big is my baby?" and "Will it hurt the baby?"
>
> "Oh no, why it's only this big (pinching her fingers together to the size of a pea). It won't feel anything—but we won't worry about that now." "How far along am I?" "Oh, a little over a month, 6 weeks."
>
> With the nurse knowing that I couldn't afford a baby, she never mentioned any other government programs except free abortions. She never mentioned Medicaid or AFDC (Aid to Families with Dependent Children) or W.I.C. (Women, Infants, Children—food coupons) or food stamps or H.U.D. She never mentioned an adoption agency would cover medical expenses and a counselor would go with me to tell my parents.
>
> Now, as a registered nurse, I see that my unborn child died with arms and legs and a beating heart. Can anyone imagine how I felt when I realized the truth?!
>
> My doctor—

I will not say his name, but it is in the letter—

> From Johns Hopkins Medical Center, has concluded from the results of my plaperoscopy that I am now most probably to remain sterile due to extensive scarring resulting from my abortion.

There is the case, Mr. President. Some might want to argue that that is an isolated case; I suggest otherwise it is certainly a compelling case.

Here is a very young woman who became pregnant, and she says in her letter that she received only the most cursory counseling about the alternatives to abortion. Now she is a nurse and is only too well acquainted with the nature of that which was destroyed by abortion, as she says:

> I see that my unborn child died with arms and legs and a beating heart. Can anyone imagine how I felt when I realized the truth?

She knows, also, as can be the case from abortion procedures, that she at least is likely to remain sterile due to extensive scarring from the procedure.

That woman and thousands of others like her, at the very least, deserve full disclosure, deserve professional and careful counseling on all the alternatives, and not the kind of propaganda which too often women receive in the place of counseling.

The next letter is from a woman in North Dakota:

> Dear Senator Humphrey: I've had two abortions. One was when I was 17 and the other one was when I was 19. The first time I found out I was pregnant was in 1975. When I was told my pregnancy test was positive, a woman from Planned Parenthood told me I had three options. She said, "You can keep the baby, abort it, or give it up for adoption." She said, "Now go home and decide." Looking back, I feel that I was never directed as to how I might keep the baby or give it up for adoption. I went in to have the abortion a week later. I remember somehow thinking that all this was only a blob. I don't think I could have ever had an abortion if I would have really known that my baby's heart was beating and it had real arms and legs.

After I had the abortion, I started having problems with low self-esteem, guilt, and just feeling all mixed-up inside. I remember crying all the time real easily. I was never told that I might have any emotional problems from this. Somehow, because I didn't think I was supposed to feel anything, I tried to just forget about it and to change my lifestyle.

After the second abortion, I started growing facial hair and hair on my chest. I never realized that these symptoms of hormonal imbalance are fairly common problems among women post-abortion. I also started having more emotional troubles.

A few years later I started noticing I was really uncomfortable around small children. I found myself with more guilt, low self-esteem, and it was very hard to concentrate. It seems I was even more mixed-up inside. I noticed I was depressed a lot and even heading toward being anorexic. I thought if I could just get skinny enough, I would be accepted. Again, no one had told me about the possibility of experiencing physical or emotional problems.

I feel that abortion should be treated like other surgeries. Women should be told of any and all physical and emotional complications. They have a right to know what an 8-week-old baby really looks like. I also believe that women should be warned of the pain involved. These are basic women's rights and should be part of the informed consent process.

Thank you for the efforts you are making on behalf of American women and their right to know.

Here is a woman who is experiencing mental problems, emotional problems, after the passage of some years, and coming to realize that abortion involves more than a blob. Here is a woman, like so many others, who feels she was cheated, that she was defrauded of her rights, the rights that all women share, to be fully and professionally informed, that her rights were abridged. Here is a woman who supports the concept of truly informed consent which is embodied in the bill I have introduced.

The third letter I will read is from Cincinnati. The name is attached.

DEAR SENATOR HUMPHREY: I am writing you in support of the "Informed Consent Bill" which you are presenting for those of us who were not informed before we had our abortions. Speaking as a woman who had an abortion almost 11 years ago, I thank you for your concern for those of us suffering from "post-abortion trauma" who are unable to do anything about changing our law. I hope and pray that you will push onward in passing this bill to help those women who don't understand what they are setting themselves up for.

When I was 16, I was shuffled through an assembly line abortion.

Well said. That is a good expression; because in my findings, Mr. President, that aptly describes the process in many of these clinics.

Returning to the letter:

I was number 13 of 17 who went through the morning session at one abortion clinic on June 25, 1975. My anniversary date is approaching fast. That date continues to be fresh in my mind. Physically I had no problems with my abortion, but emotionally I created a "living hell" that continues on a daily basis.

Immediately following the "simple band-aid procedure," I became heavily involved with drugs and alcohol (I didn't have to think if I was high). I became promiscuous (anything to help boost my low self-esteem). I continued for 8 years, beating myself into the ground. But the "heart-ache" never stopped. I began seeing a psychologist in college, but he wouldn't let me talk about my abortion. He said it was over and done with and I should forget it.

I couldn't talk to my family because they didn't know about my "removal of tissue." So the self-inflicted destruction continued. After 8 years I decided I would "make-up" for my abortion by having another baby. So I intentionally went out and got pregnant again, only this time I had the baby and placed it up for adoption. She was born June 25, 1983. She was placed up for adoption in the same city that my abortion took place in.

If I had known that it would be difficult to sleep at night and that every time I saw a child about the same age as would be the one I got rid of my insides would "flinch," or that I would feel I had to have another child to "justify" my actions as a teen-ager, I hope and pray I would have made another decision.

Can anyone doubt that these women were not adequately counseled? I think not, Mr. President.

The only question is whether their experience is typical. And very frankly, it is not easy to prove that they are typical because public health records are not extensively kept in this matter.

There are just now beginning to be serious professional studies of this post-abortion trauma syndrome.

Women are just now in significant numbers coming forward, having gone through the years of self-denial and having finally faced up to the cause of their emotional problems, and concluded that they made a mistake and made that mistake on the basis of inadequate counseling.

I am going to continue to read these letters into the RECORD, Mr. President.

I hope that Senators will take this matter to heart. This is a very serious problem, one that desperately needs to be addressed and I invite my colleagues to cosponsor the bill.

Mr. President, I ask unanimous consent to have the three letters to which I have referred printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 13, 1986.

DEAR SENATOR HUMPHREY: The only child I will ever be able to conceive I murdered by abortion and for the reasons I write you.

This letter is difficult. How can one express the sadness of murdering their own child because of lack of knowledge? So I will stop trying and tell you my story.

In March of '74 I visited Evanstown Hospital's clinic with the results of a pregnancy test positive, the nurse began to question my future.

"Well, you now have three choices, keep the baby, adoption or have an abortion." That was the last I heard of keeping my baby or adopting my baby to a childless couple.

But she did go on to tell me how "safe and easy" an abortion was. "I don't have money," I explained. "That's OK we can arrange for you to have a free abortion." No questions were ever asked if I had money, a job, or how much my parents made.

I proceeded to ask "How big is my baby?" and "Will it hurt the baby?"

"Oh no, why it's only this big (pinching her fingers together to the size of a pea). It won't feel anything—but we won't worry about that now." "How far along am I?" "Oh, a little over a month, 6 weeks."

With the nurse knowing that I couldn't afford a baby, she never mentioned any other government programs except free abortions. She never mentioned Medicaid or AFDC (Aid to Families with Dependent Children) or W.I.C. (Women, Infants, Children—food coupons) or food stamps or H.U.D. She never mentioned an adoption agency would cover medical expenses and a counselor would go with me to tell my parents.

Now, as a registered nurse, I see that my unborn child died with arms and legs and a beating heart. Can anyone imagine how I felt when I realized the truth?!

My doctor, Dr. William Cooper from Johns Hopkins Medical Center, has concluded from the results of my laperoscopy that I am now most probably to remain sterile due to extensive scarring resulting from my abortion.

Sincerely,

MARY KAY MASON,
Wilmington, NC.

JUNE 16, 1986.

DEAR SENATOR HUMPHREY: I've had two abortions. One was when I was 17 and the other one was when I was 19. The first time I found out I was pregnant was in 1975. When I was told my pregnancy test was positive, a woman from Planned Parenthood told me I had three option. She said, "You can keep the baby, abort it, or give it up for adoption." She said, "Now go home and decide." Looking back, I feel that I was never directed as to how I might keep the baby or give it up for adoption. I went in to have the abortion a week later. I remember somehow thinking that all this was only a blob. I don't think I could have ever had an abortion if I would have really known that my baby's heart was beating and it had real arms and legs.

After I had the abortion, I started having problems with low self-esteem, guilt, and just feeling all mixed-up inside. I remember crying all the time real easily. I was never told that I might have any emotional problems from this. Somehow, because I didn't think I was supposed to feel anything, I tried to just forget about it and to change my lifestyle.

After the second abortion, I started growing facial hair and hair on my chest. I never realized that these symptoms of hormonal imbalance are fairly common problems among women post-abortion. I also started having more emotional troubles.

A few years later I started noticing I was really uncomfortable around small children. I found myself with more guilt, low self-esteem, and it was very hard to concentrate. It seems I was even more mixed-up inside. I noticed I was depressed a lot and even heading toward being anorexic. I thought if I could just get skinny enough, I would be accepted. Again, no one had told me about the

possibility of experiencing physical or emotional problems.

I feel that abortion should be treated like other surgeries. Women should be told of any and all physical and emotional complications. They have a right to know what an 8-week-old baby really looks like. I also believe that women should be warned of the pain involved. These are basic women's rights and should be part of the informed consent process.

Thank you for the efforts you are making on behalf of American women and their right to know.

Name withheld upon request,
North Dakota.

JUNE 21, 1986.

DEAR SENATOR HUMPHREY: I am writing you in support of the "Informed Consent Bill" which you are presenting for those of us who were not informed before we had our abortions. Speaking as a woman who had an abortion almost 11 years ago, I thank you for your concern for those of us suffering from "post-abortion trauma" who are unable to do any thing about changing our law. I hope and pray that you will push onward in passing this bill to help those women who don't understand what they are setting themselves up for.

When I was 16, I was shuffled through an assembly line abortion. I was number 13 of 17 who went through the morning session at one abortion clinic on June 25, 1975. My anniversary date is approaching fast. That date continues to be fresh in my mind. Physically I had no problems with my abortion, but emotionally I created a "living hell" that continues on a daily basis.

Immediately following the "simple band-aid procedure", I became heavily involved with drugs and alcohol (I didn't have to think if I was high). I became promiscuous (anthing to help boost my low self-esteem). I continued for 8 years, beating myself into the ground. But the "heart-ache" never stopped. I began seeing a psychologist in college, but he wouldn't let me talk about my abortion. He said it was over and done with and I should forget it.

I couldn't talk to my family because they didn't know about my "removal of tissue." So the self-inflicted destruction continued. After 8 years I decided I would "make-up" for my abortion by having another baby. So I intentionally went out and got pregnant again, only this time I had the baby and placed it up for adoption. She was born June 25, 1983. She was placed up for adoption in the same city that my abortion took place in.

If I had known that it would be difficult to sleep at night and that every time I saw a child about the same age as would be the one I got rid of my insides would "flinch", or that I would feel I had to have another child to "justify" my actions as a teen-ager, I hope and pray I would have made another decision.

Sincerely,
THERESA WIBBELSMAN,
Cincinnati, OH.

EXHIBIT 1

S. 272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Informed Consent Act".

DEFINITIONS

SEC. 2. For purposes of this Act, the term—

(1) the term "abortion" means the use of any instrument, medicine, drug, or any other substance or device, to terminate the pregancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus;

(2) the term "Department" means the Department of Health and Human Services;

(3) the term "Federal financial assistance" means any type of Federal financial assistance for the provision of health services which is provided directly by the Department to a recipient or which is provided through a recipient of such assistance from the Department to another individual or entity, and includes grants, contracts, loans, cooperative agreements, and reimbursements and payments for services;

(4) the term "informed consent" means the consent to an abortion by a pregnant woman after such woman is provided with all information necessary in order to enable such woman to intelligently exercise her judgment with respect to the abortion by reasonably balancing the probable risks of the abortion against the probable benefits of the abortion;

(5) the term "pregnant woman" means any woman who is pregnant and, with respect to factors other than age, is legally capable of giving valid consent to the performance of an abortion; and

(6) the term "Secretary" means the Secretary of Health and Human Services.

INFORMED CONSENT REQUIRED

SEC. 3. (a) No individual who—

(1) is employed in a hospital, clinic, institution, or facility which provides health care services and is owned or operated by the Department;

(2) is employed by a hospital, clinic, institution, or facility which receives any Federal financial assistance; or

(3) receives any Federal financial assistance,

shall, within the scope of employment of such individual, perform an abortion on a pregnant woman unless such individual has, prior to the performance of such abortion, complied with the provisions of this section.

(b) An individual to whom subsection (a) applies shall, prior to performing an abortion on a pregnant woman—

(1) ensure that such woman has been given sufficient information to enable such woman to give informed consent to the abortion; and

(2) obtain the written certification of such woman that her consent to the abortion is informed, has been freely given, and is not the result of coercion.

(c) Any written certification obtained from a pregnant woman under subsection (b)(2) shall be confidential, and may not be released to any person other than—

(1) such women;

(2) the individual who perfomed the abortion; or

(3) any other individual who is required to consent to the abortion pursuant to law,

unless such woman provides written consent to the release of such certification to any other person or a Federal or State court issues an order requiring the release of such certification to any other person.

(d)(1) The Secretary shall promulgate rules and procedures to ensure that officers and employees of any hospital, clinic, institution, or facility described in subsection (a) comply with this Act.

(2) The head of each hospital, clinic, institution, or facility described in subsection (a)(2) shall—

(A) promulgate rules and procedures to ensure that officers and employees of such hospital, clinic, institution, or facility comply with this Act; and

(B) take appropriate actions to monitor and enforce compliance by such officers and employees with this Act and such rules and procedures.

MEDICAL EMERGENCY EXCEPTION

SEC. 4. The provisions of subsections (a) and (b) of section 3 shall not apply in the case of an abortion performed on a pregnant woman, if the woman's physician determines, in the exercise of such physician's best medical judgment, that a medical emergency exists that complicates the woman's pregnancy in a manner which requires an immediate abortion.

ENFORCEMENT

SEC. 5. (a) The Secretary shall monitor compliance with this Act by individuals, hospitals, clinics, institutions, and facilities subject to this Act. If the Secretary determines that such an individual, hospital, clinic, institution, or facility has failed to comply with this Act, the Secretary shall provide a written notice to such individual, hospital, clinic, institution, or facility which—

(1) specifies such determination; and

(2) states that unless such individual, hospital, clinic, institution, or facility complies with this Act within 15 days after the receipt of such notice, all Federal assistance provided to such entity will be terminated.

(b) Any individual, hospital, clinic, institution, or facility which receives a written notice under subsection (a), may, within 30 days after the receipt of such notice, request the Secretary for a hearing with respect to—

(1) the determination of the Secretary under subsection (a);

(2) compliance by such individual, hospital, clinic, institution, or facility with this Act; and

(3) the termination of Federal assistance to such individual, hospital, clinic, institution, or facility pursuant to this Act.

(c) If the Secretary receives a request for a hearing under subsection (b), the Secretary shall schedule a hearing in response to such request within 30 days after receiving such request. Such hearing shall be conducted on the record in accordance with sections 554 through 559 of title 5, United States Code.

LEGAL ACTIONS

SEC. 6. Any individual who is aggrieved by the failure of an individual subject to this Act to provide the informed consent required by this Act, or by the failure of a hospital, clinic, institution, or facility subject to this Act to comply with this Act, may bring an action for appropriate relief in the district court of the United States in which such individual resides or in which such failure occurred.

INFORMATIONAL MATERIALS

SEC. 7. (a) Within 120 days after the date of enactment of this Act, the Secretary shall prepare and make available to the public, materials which contain—

(1) a description of various methods of abortion;

(2) a description of the medical risks, both physical and psychological associated with abortion;

(3) a description of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from fertilization to full term, including information on the unborn child's ability to survive outside the mother's womb; and

(4) information concerning the availability of financial assistance and social services, including a comprehensive list of (A) public and private agencies, including adoption agencies, which are available to assist a woman through pregnancy, childbirth, and the period of dependency of her child or children, (B) the addresses and telephone numbers of such agencies, and (C) a description of the services offered by each such agency.

(b) The Secretary shall prepare the materials required by subsection (a) in each language used by a significant portion of the population of the United States.

(c) The Secretary shall make the materials, required by subsection (a) available to the public without charge.

(d) The Secretary shall annually review and update the materials required by subsection (a).

SEVERABILITY

Sec. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such provision to other persons or circumstances shall be affected thereby.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Rockefeller). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I believe that the distinguished acting Republican leader has a resolution which he wishes to submit.

Mr. SIMPSON. I do, indeed. I thank the majority leader for his courtesy, as always.

MAKING AN APPOINTMENT TO THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SIMPSON. Mr. President, I send a resolution to the desk on behalf of Senator Dole and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 112) making an appointment to the Committee on Governmental Affairs.

Resolved, That the Senator from Virginia (Mr. Trible) is hereby appointed to be a member of the Committee on Governmental Affairs, in lieu of the Senator from Minnesota (Mr. Durenberger).

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 112) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DIRECTING SENATE LEGAL COUNSEL REPRESENTATION IN CIVIL MATTER

Mr. BYRD. Mr. President, I send to the desk a resolution on behalf of myself and Mr. Dole and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 113) to direct the Senate Legal Counsel to represent Senator Lugar and Senator Quayle in a civil action.

Mr. BYRD. Mr. President, this resolution would direct the Senate legal counsel to represent both Senator Lugar and Senator Quayle in a Porter County, IN, circuit court civil action in which they have been named as defendants. Governor Orr and the present and former Indiana secretaries of state have also been named as defendants.

The plaintiff is alleging that the 17th amendment to the Constitution, providing for the direct election of U.S. Senators, is unconstitutional. The plaintiff's theory is that the amendment violates the limitation on the amending power in article V of the Constitution "that no State without its Consent, shall be deprived of its equal Suffrage in the Senate."

I have previously addressed the Senate, in remarks appearing in the Congressional Record pp. 4300-4307, daily edition March 2, 1984, on the history of the 17th amendment. The 17th amendment, of course, reiterated the basic decision of the framers, as expressed in article I, section 3, clause 1 of the Constitution, that "The Senate of the United States shall be composed of two Senators from each State," and that "each Senator shall have one vote." What the 17th amendment did was to substitute, for the provision in article I that Senators shall be "chosen by the Legislature," a provision that Senators shall "be elected by the people." Accordingly, the 17th amendment did not negate the equality of suffrage which the States enjoy in the Senate, but only changed the manner of electing Senators.

In order that the appropriate response to the complaint may be filed, I move adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 113) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 113

Whereas, in the case of *Edwin E. Dack* v. *Edwin J. Simcox, et al.*, Cause No. 64C01-8701-CP17 pending in the Circuit Court of Porter County, Indiana, the plaintiff has named as defendants both Senator Richard G. Lugar and Senator Dan Quayle;

Whereas, pursuant to section 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a) (1982), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Lugar and Senator Quayle in the case of *Edwin E. Dack* v. *Edwin J. Simcox, et al.*

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STAR PRINT—SENATE REPORT 100-7

Mr. BYRD. Mr. President, on behalf of Senators Boren and Cohen, I ask unanimous consent that there be an additional star print of Senate Report 100-7 in order to reflect necessary corrections and to include the transmittal letter from Senator Boren and Senator Cohen to Senator Inouye.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTING SENATE RESOLUTION 103

Mr. BYRD. Mr. President, I make this request on behalf of Mr. Kennedy.

Due to a previous error, a date on Senate Resolution 103 is incorrect. I ask unanimous consent that the date February 26, 1986, in the fourth whereas clause of the resolution, first line, page 2, be changed to February 25, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I am informed that Calendar Order No. 16, S. 214, has been cleared on the other side of the aisle. May I ask the distinguished Republican leader if that is correct?

Mr. SIMPSON. Mr. President, the majority leader is correct.

Mr. BYRD. I thank the acting Republican leader.

DIRECTING A FEDERAL ENERGY REGULATORY COMMISSION ORDER WITH RESPECT TO A CERTAIN DOCKET NUMBER

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 16.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Calendar No. 16 (S. 214), a bill to direct the Federal Energy Regulatory Commission to issue an order with respect to Docket No. EL-85-38-000.

The Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, S. 214 would settle a longstanding controversy concerning several of Idaho Power Co.'s hydroelectric projects located on the Snake River in the State of Idaho. The controversy is the result of an unanticipated court decision that created a conflict between Idaho Power Co.'s right to water for its hydroelectric projects and the rights of water users upstream from Idaho Power's Swan Falls project.

After years of acrimony, the parties to this dispute have agreed to a compromise. As part of the compromise agreement, Idaho Power has agreed to relinquish certain of its disputed water rights. Accordingly, FERC approval of the agreement is necessary in order to protect Idaho Power against allegations that it has: First, alienated property—that is, the disputed water rights—which is part of its hydroelectric projects in violation of standard license terms and conditions; and second, reduced the usefulness of its capital investments for purposes of consideration in wholesale ratemaking.

By its terms, S. 214 would require the Federal Energy Regulatory Commission to approve the Swan Falls compromise. In the same proceeding in which approval of the compromise has been requested, Idaho Power has entered into settlements with the National Marine Fisheries Service, the Department of the Interior, and the Idaho Resources Legal Foundation that resolve these bodies' concerns over the effect of the compromise on fish and wildlife water requirements. In effect, the settlements reserve the environmental issues raised by the Swan Falls compromise for disposition in future relicensing proceedings.

Mr. President, this bill provides an end to a long water war. I believe it is in the public interest and urge its passage.

Mr. McCLURE. Mr. President, I rise in strong support of S. 214, which I cosponsored with my colleague, Senator SYMMS. This is an important measure which affects only the State of Idaho, but resolves a long standing and controversial dispute regarding water rights for the Swan Falls Dam. This legislation is supported by the State of Idaho, Idaho Power Co., and the entire congressional delegation. At this point, I ask unanimous consent to insert in the RECORD a copy of a letter from Governor Andrus indicating his support for the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
Boise, ID, January 8, 1987.

Hon. J. BENNETT JOHNSTON,
Chairman, Senate Committee on Energy and Natural Resources, U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR JOHNSTON: Passage of S. 214 will represent the final resolution of a major water rights dispute that has plagued Idaho and its citizens for many years.

The controversy has become known as the Swan Falls issue because it involves the quality and protectability of Idaho Power Company's water rights at its hydro projects at and above Swan Falls, the quality and future soundness of irrigation, and other consumptive uses developed in good faith over many years.

The State of Idaho and Idaho Power Company have taken an important and historic step in settling claims to the use of the waters of the Snake River before the river is over-appropriated and the options for the wise settlement are gone. Other western states have not been so fortunate.

The Agreement requires action by FERC because the hydro projects involved are all licensed under the Federal Power Act. FERC has not acted to date although over two years have passed. Apparently there are concerns that a FERC order would be argued as having precedential effect in other proceedings.

The Settlement Agreement is not fully effective until FERC has acted or until Congress passes a bill such as S. 214. If the Agreement it terminated before it is implemented, the State will face years of litigation and uncertainly about the validity of existing water rights and the availability of water for new uses. The legal and political climate which led to the settlement may not again be duplicated, and the unarguable benefits of the settlement will thus be lost.

Your favorable consideration of S. 214 will be appreciated.

Sincerely,

CECIL D. ANDRUS,
Governor.

Mr. McCLURE. This legislation is virtually identical to an amendment which passed both Houses during the 99th Congress, but which failed to become enacted into law due to a veto by the President with respect to unrelated matters in other parts of the bill. In his veto message, the President indicated his support for this piece of legislation and it does have administration support.

I would like to emphasize that this is a very narrow piece of legislation. It is not intended to prejudice or be dispositive of fish and wildlife issues which have been raised by some as concerns. For example, by virtue of this legislation and the agreement which it ratifies, for the first time water rights on the Snake River will be adjudicated in formal State proceedings. At that time, any reserved water rights which may be necessary for fish and wildlife values protected by the Deer Flats Wildlife Refuge can be litigated. In addition, this legislation does not affect in any way requirements that may be necessary as a result of the Electric Consumers Protection Act of 1986 when the dams involved are subject to relicensing. To the extent that there are any residual concerns that are not addressed by this statement, I will continue to work with interested parties, the Idaho delegation, the State, and Idaho Power to resolve them satisfactorily.

I wish to thank Senator JOHNSTON and the majority leader for their efforts in expediting this measure through the committee and through the Senate.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FERC ORDER.

Notwithstanding any petition filed by the Idaho Power Company on November 26, 1984, with the Federal Energy Regulatory Commission for a declaratory order concerning an Agreement dated October 25, 1984 (exhibit A, petition of Idaho Power Company for declaratory order, docket numbered EL-85-38-000), relative to the projects of such company specifically referenced in the petition, the Federal Energy Regulatory Commission is only authorized and directed, in lieu of the petition request, to issue an order within ninety days after the date of enactment of this Act under the Federal Power Act that such Agreement shall not be considered by the Commission, in any subsequent proceeding before the Commission during the remaining term of the licenses applicable to such projects, to be (1) inconsistent with the terms and conditions of such licenses concerning project property or the utilization thereof; or (2) imprudent for purposes of section 205 of the Federal Power Act.

SEC. 2. SAVINGS PROVISION.

Nothing in section 1 or in any order issued by the Commission pursuant to section 1 shall be construed as affecting any stipulation or other agreement entered into with the State of Idaho or the Idaho Power Company prior to the date of enactment of this Act relating to any fish and wildlife matters affected by any such project. Except as expressly provided in section 1, nothing in such section shall affect the application or requirements of section 10 of the Federal Power Act or any other provision of such Act to any person or project.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE PLIGHT OF CAMBODIAN REFUGEES AND THE CLOSING OF THE KHAO I DANG REFUGEE CAMP IN THAILAND

Mr. PELL. Mr. President, I want to call attention to the plight of Cambodian refugees who continue to live in Thailand with no certain solution to their problem. An editorial in the New York Times, February 12, states the point succinctly: "Refugee Job Not Finished."

The United States and other countries that have offered resettlement for Indochinese refugees have done so much in the past that it is hard to accept that the job is still undone. What has been accomplished is a tribute to the work and commitment of many people, organizations, and governments.

One is the International Rescue Committee, led for over 50 years by its distinguished chairman, Leo Cherne—who in turn succeeded Reinhold Niebuhr—that's how far back this organization goes in its humanitarian work. John Whitehead, Deputy Secretary of State, served as president of the IRC for many years before accepting his present position. I have been a director of the IRC for over 30 years and was once vice president of it. It is one of my proudest affiliations.

The IRC serves as joint voluntary agency for our refugee programs in Thailand—and other groups; including the U.S. Catholic Conference, Church World Service, the Lutheran Immigration and Refugee Service [LIRS] serve similar functions in other countries where there are significant refugee concentrations. Among governments, Thailand deserves our thanks for its assistance to the Cambodians and other Indochinese, as do the other countries of the region: Hong Kong, Indonesia, Malaysia, the Philippines, and Singapore.

Our domestic voluntary agencies have long played key roles in refugee resettlement, and they are well represented in Rhode Island. In particular, I would like to express my appreciation for the efforts of the Cambodian Society of Rhode Island, the International Institute, the Indo-Chinese Advocacy Project, and the Khmer-Buddhist Temple. These groups have helped focus public awareness on the plight of the refugees in Khao I Dang and are actively involved in helping refugees when they arrive in the United States.

We have many Indochinese refugees in Rhode Island—the largest percentage in relation to our population of any State in the country. They are proving to be good members of our society; many of them moving toward U.S. citizenship, self-supporting through employment, their children doing well in school, in some cases carrying off academic prizes and winning spelling bees, despite their newness to the English language.

Many of the refugees in Rhode Island are from Cambodia, and it is from them and from their friends and supporters that I have heard at first hand of the plight of the Cambodians who remain in Thailand. Many are imperilled now by the Thai Government's announced intent to close the Khao I Dang Camp. Others are stranded in temporary encampments along the Thai/Cambodian border.

The Khao I Dang Camp is familiar to many Americans, since it was the setting for the closing scenes of the Academy Award-winning film "The Killing Fields." When the heroic Cambodian refugee, Dith Pran, finally makes his way across the border into Thailand it is at Khao I Dang that he arrives, and it is there that he is reunited with his friend and colleague, the journalist Sydney Schanberg.

In my letter, which I addressed to Jonathan Moore, the U.S. Coordinator for Refugee Affairs, and also sent to Deputy Secretary Whitehead, I referred to the Cambodians as "tragic victims of recent geopolitical turbulance," and stated that "it would be unconscionable to place these refugees at further risk in camps closer to the border." I asked that we step up our efforts through our already authorized and funded refugee and immigration programs to assist these deserving people.

I am glad to note from Ambassador Moore's reply that the Thai Government has said it will continue to make refugees available for resettlement processing. I hope that will include processing for refugee admission as well as immigration to the United States, and that arrangements will be made to facilitate such processing on an expedited basis. If the refugees are moved to the border, there must be a renewed commitment to offer international protection to the border population and to permit resettlement processing, particularly for those with ties to the United States.

This is a responsibility that bears on the Thai authorities, who we hope will find a way to end the catch-22 whereby they ask that we resettle refugees from Khao I Dang and elsewhere, then deny permission to carry out the necessary interviews and processing—a point well made in the New York Times editorial. Even more, it bears on our own Government, and on the other countries continuing to offer resettlement from Southeast Asia—principally Australia and Canada.

When we think back on the tragic history since the fall of the Indochina countries to communism in 1975, the tragedy is only lightened by the memory of the world's willingness to rescue the refugees who fled and found only temporary and insecure first asylum within the region. The first wave came in 1975 with the fall of Saigon—more than 150,000 coming immediately to the United States and elsewhere. Then came the boat people in 1978-80, a flood tide of humanity—and the world responded. At the Boat Refugee Conference in Geneva in July 1979, the United States under President Carter's leadership doubled its already generous resettlement program and pledged to accept 14,000 a month—a rate substantially achieved for 2 years.

There are now much smaller numbers of refugees in the region, and an even smaller number for whom resettlement in the United States is the appropriate solution. But there are some for whom this is not just the right answer, it is the only answer.

What I believe has happened is that a program that stands as a monument to U.S. generosity to refugees—a monument that to some small extent atones for America's tragic failure to do more to rescue the Jews of Europe from the Nazi Holocaust—has gone tired in its later years. But the problem remains: there are refugees in Southeast Asia for whom resettlement in the United States is as right and necessary today as it was 10 years ago. And we should renew and revitalize our commitment to help them.

I ask the responsible authorities—in the State Department, at the Justice Department, and the Immigration Service, in the United Nations High Commissioner for Refugees and the International Committee of the Red Cross—to work with the Thai Government, and with the other resettlement countries, to assure that the last phase of the Indochinese refugee program lives up to the high standards set in earlier years. Refugee admissions numbers should not be the issue: 32,000 have been authorized and funded for 1987. Most of the Khmer on the border will return to Cambodia when their security can be assured. But there are some—on the border and in Khao I Dang—for whom resettlement remains the only solution. We can help them as refugees or as immigrants, depending on their qualifications. But for their sake, and ours, let us help them.

I ask unanimous consent to have printed in the RECORD the texts of my letters to Ambassador Moore and Deputy Secretary Whitehead, Ambassador Moore's reply, and the New York Times editorial of February 12.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, January 16, 1987.
Hon. JONATHAN MOORE,
U.S. Coordinator for Refugee Affairs and Ambassador at Large, Department of State, Washington, DC.

DEAR MR. AMBASSADOR: I am increasingly alarmed about the fate of the Cambodian refugees presently residing at Khao I Dang refugee camp in Thailand. The December 29, 1986, announcement by the Government of the Republic of Thailand of its plans to close Khao I Dang and move its population of some 27,000 Cambodians to settlements closer to the border has introduced new urgency to this matter.

At your June 18, 1986 confirmation hearing before this Committee, in response to the Committee's questions regarding Cambodian refugees in Thai camps, you expressed your intention to address the procedure by which Cambodian refugees are screened for resettlement into the United States, specifically with respect to further review of the so-called denied Cambodian refugees.

I would be most appreciative if you would advise me as to what steps have been taken with regard to this matter, including

—how many of the total number of Cambodian refugees presently at Khao I Dang have been processed by U.S. officials over what period of time;

—how many of those processed have been denied resettlement to the United States and for what reasons;

—how many of the earlier denied cases have been reopened for review and what has been the disposition of that review; and

—how many of the earlier denied cases await review, and what is the timetable for completion of that review?

In connection with your responsibilities as inter-departmental coordinator for our refugee program, what efforts are being made to process Khao I Dang refugees under the immigration channels, and what further steps could be taken to expedite this avenue of resettlement in the United States for Cambodian refugees?

Finally, in light of the Government of the Republic of Thailand's announced plans to phase out all long-term refugee camps, is consideration being given to utilizing the provisions of 8 U.S.C. 1157(b), designed specifically to accommodate an unforeseen emergency refugee situation such as this?

I can think of no more tragic victims of recent geopolitical turbulence than the Cambodians. It would be unconscionable to place these refugees at further risk in camps closer to the border where they well may lose their refugee status and the protection of the United Nations High Commission for Refugees. It is clear to me that we must step up our efforts through our refugee and immigration programs to assist this population.

With every good wish.

Ever sincerely,

CLAIBORNE PELL.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, January 26, 1987.
Hon. JOHN C. WHITEHEAD,
Deputy Secretary, Department of State, Washington, DC.

DEAR JOHN: Knowing of your deep personal interest in refugee affairs, I have enclosed a copy of a letter I sent to Ambassador Moore regarding the Khao-I-Dang refugee camp in Thailand.

As you know, the closure of this camp will cause the dislocation of many thousands of people, and will severely disrupt attempts to relocate the camp's inhabitants to new homes. I would appreciate your views on this subject as I am certain they will contribute to the discussion of how the camp's inhabitants can best be helped.

With every good wish.

Ever sincerely,

CLAIBORNE PELL,
Chairman.

U.S. COORDINATOR FOR REFUGEE AFFAIRS,
Washington, DC, February 11, 1987.
Hon. CLAIBORNE PELL,
Chairman, Foreign Relations Committee, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of January 16 in which you expressed your concern regarding the Royal Thai Government's decision to close the Khao-I-Dang holding center and to transfer its residents to the Thai-Cambodian border. I share your sense of urgency and shall continue to work hard within our government, the Thai and the United Nations High Commissioner for Refugees (UNHCR) on this problem.

The U.S. Government has officially and publicly expressed its regret and concern to the government of Thailand concerning the closure of Khao-I-Dang. We view Khao-I-Dang as an important symbol for hundreds of thousands of Khmer refugees forced into Thailand as a result of the Vietnamese occupation of Cambodia. At the same time we recognize that Thailand has assumed an enormous burden in permitting safehaven for these refugees and displaced persons. We have also long recognized the sovereign right of the Thai Government to determine where, within its borders, camps for refugees and displaced persons will be located.

The majority of Khao-I-Dang's 27,000 population are officially recognized as refugees by the United States High Commissioner for Refugees (UNHCR). In discussing the future of Khao-I-Dang and its people with the Thai Government, we have stressed our view that the refugees at Khao-I-Dang not be deprived of their status; that the safety of this population be assured; that the UNHCR be permitted to continue its indispensable role in the protection of Khmer refugees; and that resettlement countries be given sufficient opportunity to process those Khmer refugees eligible for third-country resettlement.

The Thai Government has provided assurances that resettlement countries would be given sufficient time to complete processing of eligible refugees. Thai authorities have also stated that any action taken on Khao-I-Dang will not affect international protection presently extended to the Khao-I-Dang population. The UNHCR, the Thai Government, and other interested governments, including the United States, are presently engaged in discussions of how best to ensure international protection for those who are moved from Khao-I-Dang.

We have expressed our concern regarding the timing of any proposed movement. We have been advised that the only persons likely to be moved immediately are those who have entered Khao-I-Dang illegally since 1985. The Thai Government plans to move several hundred to one thousand "illegals" during the first three months of 1987.

You asked about the number of refugees in Khao-I-Dang who have been processed by the U.S. The current population of Khao-I-Dang comprises four groups:

—the remainder of the original Khao-I-Dang population, now estimated at 13,986;

—the family card holders (also called food card holders)—i.e., those who originally entered the camp illegally but whose presence was regularized by a census undertaken in August 1984—estimated at 4,358;

—the ration card holders—those who entered the camp illegally after August 1984 and who were later issued food ration cards but were not legalized as refugees—estimated at 7,170; and

—the "illegals" those who entered the camp illegally since October 1985 and have no status there whatever—numbering, according to the Thai, several hundred to 1,000.

Of the original Khao-I-Dang population of 165,000, the U.S. has accepted over 130,000. Others have been resettled in other countries, leaving the roughly 14,000 in Khao-I-Dang, all of whom have been rejected by the U.S. The denials were based on Section 101(a)(42) of the Immigration and Nationality Act. Some cases were denied under the first sentence of that passage, which defines a refugee, while others were denied under the second sentence as having themselves engaged in persecution (by involvement with the Khmer Rouge.)

In February 1985, the Department of State and the Immigration and Naturalization Service established an unprecedented formal review process to allow rejected Khmer applicants to have their cases reconsidered if they, or an interested party, could present acceptable reasons why the cases might merit review. The review committee examined 154 cases, confirming the original denial decisions in 84 of the cases and overturning and approving 44. (A "case" is a family unit consisting of an average of about five individuals.) There were 26 cases pending when the review process was halted so that a computer survey could be conducted of all 3,200 rejected cases. Based on the survey, 629 cases were selected for further review in Bangkok by a committee under the direction of officials from the INS Central Office in Washington. Of the 629 cases, the original denial decision was confirmed in 562; in 59 the original decision was reversed and the case approved; and eight were deferred for further processing.

With regard to your questions concerning possible further review of Khmer in Khao-I-Dang who have already been denied admission to the United States as refugees, I have been assigned the responsibility following-up the Ray Commission recommendation in this regard. I have been pondering and consulting about this testy problem for some time, and will get back to you shortly with my ideas.

In 1986, the Thai Government authorized resettlement countries to process the family card holders for refugee resettlement. In accordance with existing policy, we have been interviewing from this group all cases which fall into our priorities 1 through 5. Our processing of this group is nearly complete. At last report approximately 2,000 people had been interviewed, of whom about 1,300 had been approved and 700 rejected.

With regard to the ration card holders and the "illegals," their status is not considered by Thailand, and by the international community at least in the latter instance, as legally equivalent to that of the displaced Khmer at the border. We are thus not doing any refugee processing of these groups. However, they—along with original Khao-I-

Dang residents and family card holders who have been rejected for refugee status—can, if eligible, be considered for the limited program of immigrant visa and humanitarian parole processing which the department of State and INS have undertaken for Khmer on the border.

We know of more than 400 persons in Khao-I-Dang who may be eligible for this program. As of December 31, a total of 100 persons from all groups at Khao-I-Dang have been interviewed for immigrant or humanitarian parole status. All 100 have been approved, of whom 14 have actually left Khao-I-Dang. Our Embassy in Bangkok has requested of the Thai authorities permission for the other 86 approved individuals to depart, as well as requesting access to interview 16 persons whose files are complete. The files of the other approximately 300 persons are being processed by the Embassy, and when the files are complete the Embassy will request access to interview them.

As you may surmise, a critical element in the success of this immigrant/humanitarian parole program—for both the ration card holders and illegals in Khao-I-Dang, and the people on the border—is obtaining from the Thai Government access to the applicants, first to interview them and then to move them once they are approved. It is a source of some puzzlement and frustration to us that the Thai criticize us for not taking more of Khao-I-Dang people and delay providing access for those we are able to take. Our Embassy is giving special attention to this problem, and we have some indications that the Thai will adopt more forthcoming procedures. In any event, we will continue to do so until we are able to achieve access in a more expeditious manner.

You asked about the possibility of utilizing the provisions of 8 U.S.C. 1157(b), given the Thai Government's plans eventually to phase out the refugee camps. Let me assure you that I will remain alert to any situation that may require the use of this emergency provision. I do not believe it is necessary to invoke it now in the case of Thailand, however, since the Thai Government has said that it will continue to make refugees available for resettlement processing. Moreover, in the case of the remaining original Khao-I-Dang population and the family card holders, the issue is not one of availability of refugee numbers but of refugee bona fides.

Although the majority of those still in Khao-I-Dang are unlikely to gain admission to the United States, we will continue our efforts to ensure that the international protection currently extended to Khao-I-Dang residents remains intact for the remaining population. In response to a request from the Thai Government, the UN Secretary General has designated the UNHCR to continue its protection role for the Khao-I-Dang population who may be relocated to sites along the Thai-Cambodian border. We are also pressing for improved security at the border sites at which more than 250,000 Khmer are already located and to which the unresettled Khao-I-Dang residents may return. The Thai Government has given assurances that they will undertake to improve security conditions along the border which we consider inadequate. To this end, we are supporting efforts by the Thai, in cooperation with the U.S., the International Committee of the Red Cross (ICRC), and the United Nations Border Relief Operation (UNBRO), including reducing the risk of Vietnamese attack by separating Khmer combatants from the civilian Khmer border population.

In sum, in difficult and unsatisfactory circumstances, we will continue to work with the Thai and with the international community to meet the humanitarian needs of the Khmer forced to seek refuge in Thailand. I hope we will make greater progress.

Sincerely,

JONATHAN MOORE.

[From the New York Times, Feb. 12, 1987]

KHAO I DANG: REFUGEE JOB NOT FINISHED

In announcing the closing of the Khao I Dang refugee camp Thailand pleads with the West: Resettle these 15,000 Cambodians as you have pledged or back they go to the border with Cambodia. The West needs to heed the message if it is to protect the carefully assembled international structure for handling refugees.

The resettlement over the last decade of almost two million Indochinese refugees has been a remarkable humanitarian endeavor, led by the United States. Across the country, churches and volunteer groups have refurbished houses, stocked cupboards, found jobs for and welcomed into their communities Vietnamese, Laotians and Cambodians by the thousands.

The experience has brought many Americans to believe that resettling people in this country is what refugee work means. Only partly true. Most of the work, whether by individual countries, the United Nations High Commissioner for Refugees or nongovernmental organizations, is overseas. Two-thirds of the U.S. budget for refugees goes abroad.

Settling refugees in the United States, France, Australia or wherever is the last choice of refugee workers. The first is repatriation. Since refugees by definition face a well-founded fear of persecution if they go home, this is possible only if things at home change. The second solution is resettlement within the region, in the country of first asylum. Only when the first two are impossible is resettlement in a third country undertaken.

In the case of Vietnamese and Cambodians, repatriation was out of the question, and neighboring countries were hostile to them. Thailand itself was loath to take on the hundreds of thousands who poured across her borders. Only assurances that the refugees would be resettled elsewhere brought Thai consent.

The United States welcomed 111,000 refugees from Indochina in 1979, 200,000 in 1980, 159,000 in 1981. Then the resettlement process slowed. Today some 15,000 of the Cambodians first sent to the Khao I Dang camp remain in Thailand. They have no family in the United Sates, are mostly rural and uneducated and so rank lower on the classification scale than those who came earlier. Many of them were judged ineligible for having given inconsistent stories or for associations with the brutal Khmer Rouge regime. Thailand, unwilling to settle them permanently, has closed the camp and says it will move them back to the border.

Fifteen thousand lives are in jeopardy. So is the refugee program generally if other first-asylum countries don't see to it that Thailand gets help.

Thailand has mostly done its part, but needs to persevere a little longer. In the meantime, the U.S. Embassy there, the State Department, the Immigration Service and the White House have to get back into the act. That means additional money.

Just as important, it means supporting the United Nations High Commissioner in his talks with Thailand about how to handle the Khao I Dang refugees short of returning them to the border. Refugee workers say many cases have been arbitrarily classified as ineligible and need further review. Additional remedies are available, notably finding ways to admit the refugees under other provisions of law. The issue of Indochinese refugees is still open.

SCOTTISH RITE CEREMONY

Mr. THURMOND. Mr. President, on November 17, 1986, it was my privilege to participate in a ceremony in the old Supreme Court Chamber of the U.S. Capitol. At that ceremony, the Scottish Rite of Freemasonry of the United States proclaimed its commitment to participate in the celebration of the bicentennial of the U.S Constitution.

Mr. President, the bicentennial of the Constitution is one of the most significant events in the history of our Nation. For our celebration to be equal to the occasion we must have the participation of public and private organizations. I am, therefore, pleased that the Scottish Rite has made a commitment to active participation in the bicentennial. It has been my honor to be a member of this fine organization for many years. I commend the Scottish Rite for their interest in the United States and the celebration of its bicentennial.

I ask unanimous consent that the transcript of the Scottish Rite November 17, 1986, ceremony be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CEREMONIAL PROGRAM—THE SUPREME COURT CHAMBER, U.S. CAPITOL

Senator STROM THURMOND. Mr. Chief Justice, Honorable Fred Kleinknecht, Honorable Francis Paul, distinguished guests, ladies and gentlemen. It is indeed a pleasure to be here on this occasion and to welcome you here to the Old Supreme Court room.

If you look on the walls here, you see the first Chief Justice, John Jay, and you see the next one, from my state, John Rutledge, who, by the way, was never confirmed, and you see two others here. This is a very historic room. We are honored to have you here on this occasion. We are especially pleased to have you here for the Scottish Rite Ceremony that's to be presented today. We appreciate the Scottish Rite, which I've had the honor of being a member of for many years, and their interest in our country and especially their interest in our United States Constitution and their desire to celebrate the Bicentennial of the Constitution. We're so honored today to have the retired Chief Justice here in person and who will make remarks at a later time. At this time, I just wanted to welcome you here and tell you how pleased we are to have you. And now we're going to have the invocation by Dr. David Kruger.

Dr. Kruger.

Dr. DAVID KRUGER. Will you please rise.

Oh, Supreme Architect of the Universe, our God and our Father, the whole world who proclaims Thy majesty and glory. Thou hast blessed our great country abundantly;

brought to these shores people who wanted to worship the faith of their fathers; people who sought political asylum. Thou has blessed us with great Masonic leaders, who sat at the Constitutional Convention, who have brought forth a document whereby mankind beholds. May we continue to work in Thy great glory, O Lord. May the leaders of our great Scottish Rite work with zeal and enthusiasm to bring the message of the Constitution to the attention of the American public. May Thou grant us peace at this time in our deliberations.

Senator Thurmond. Please be seated.

We'll now have a reading of the Joint Proclamation.

200TH ANNIVERSARY OF THE UNITED STATES CONSTITUTION—A JOINT PROCLAMATION BY THE SCOTTISH RITE OF FREEMASONRY OF THE UNITED STATES

Whereas the bicentennial of the formation of the United States Constitution will occur on September 17, 1987; and

Whereas the celebration of this internation event will be a major milestone in the-lives of these United States; and

Whereas adult and student understanding about the United States Constitution and Bill of Rights should be recognized as a national educational priority as the nation prepares to honor the 200th anniversary of these documents; and

Whereas Masons participated in the drafting of these Documents, according to the principles of our Craft; and

Whereas generation of Brethren have labored since that time to keep America free and strong;

Now, therefore, we as members of the **Scottish Rite of Freemasonry proclaim** our intention to share actively in this Commemoration and the educational efforts called for above; and . . .

Be it further proclaimed that we encourage all citizens to join in this common mission to improve public understanding of our Constitution and Bill of Rights.

Senator Strom Thurmond. I now take great pleasure in presenting one of the speakers on this occasion. He is the Sovereign Grand Commander of the Southern Jurisdiction; he is from Silver Spring, Maryland and has been a dedicated member in **the Scottish Rite of Freemasonry** for almost 40 years—the Honorable C. Fred Kleinknecht.

C. Fred Kleinknecht. Senator Thurmond, Mr. Chief Justice, Grand Commander Paul, it's a great pleasure for me to be here this afternoon for this wonderful celebration. In celebrating 200 years of freedom time flies, but never so beautifully as on the wings of an eagle. In celebrating the 200 Anniversary of the United States Constitution this mighty American eagle, symbol of a beloved nation, is captured in a dynamic basque relief sculpture from Marcel Jovine. And I have one of these sculptures to present first to the Chief Justice and one to Senator Thurmond.

We in the Northern and Southern Jurisdictions of the Ancient and Accepted Scottish Rite in the United States are grateful for the high privilege granted us to meet in this historic chamber to join with our fellow countrymen in pledging our support for the observance of the Bicentennial of the adoption of our Constitution in 1987.

We are honored that Senator Thurmond and Chief Justice Burger have come to be with us for an important part in these ceremonies this day.

It was in the City of Brotherly Love that the Constitution was framed by men who saw that it could and must become for a new Nation "the keystone of liberty." It was here in this Chamber in the early days of our Republic that Justices with keen minds and gifted pens gave to us an interpretation of that document of freedom that has made it for all times "the keystone of liberty" for the government of a free people.

This is, for all of us, a historic moment in the life of Freemasonry and in the life of our Nation! We pay tribute to the great men who framed the Constitution and to the great men who have made it a living document for the benefit of all Americans. We members of the Scottish Rite are proud of those Freemasons who played a role in our beginnings as a Nation, some of whose signatures are affixed to the Constitution itself. We have come today to say that a new generation of Freemasons renews its commitment to the principles of the Constitution and pledges its best efforts to see that this instrument of freedom will always remain "the keystone of liberty" for all Americans.

Today is not only a day of commitment; it is also a day of challenge! As Freemasons, we accept the challenge to play our rightful role in the observance of this bicentennial of our Constitution.

Senator Thurmond, you, in the Chambers of the Senate, and you, Mr. Chief Justice, in the Chambers of the Supreme Court, have been and are the guardians of our liberty under law. For this we honor and respect you.

The Ancient and Accepted Scottish Rite in the United States, with Mr. Paul and myself as its leaders, has come to these hallowed Chambers this afternoon to reaffirm Freemasonry's support of Constitutional values and to join with all of you in calling our fellow Country men to a new appreciation of the Constitution as "the keystone of liberty" in the life of the greatest Nation on the earth.

Thank you.

Senator Strom Thurmond. Thank you, Brother Kleinknecht. It is now my pleasure to present the Sovereign Grand Commander of the Northern Masonic Jurisdiction with its headquarters in Lexington, Massachusetts. He has been a dedicated member of the Masonic Fraternity in Binghamton, New York, for more than 35 years, the Honorable Francis G. Paul.

Francis G. Paul. Thank you very much, Senator Thurmond. Mr. Chief Justice, Grand Commander Kleinknecht, honored guests and friends of us all. It is certainly a pleasure for us of the Northern Jurisdiction to join with the Grand Commander of the Southern Jurisdiction not only to celebrate this great occasion but also to move forward as we work with our Scottish Rite Masons. I might just mention that it would be extremely difficult getting the fifty Grand Lodges together, but in Scottish Rite, where we are responsible for the 4 degree to 33 degree, there are just two jurisdictions in the entire United States, so it makes it much easier, Mr. Chief Justice, for us to get together. We are very proud to represent over a million Scottish Rite Masons, and we think we have a force in that group that can carry on some of the plans and programs that you have initiated and we intend to follow through with.

Nearly two hundred years ago a group of frustrated Colonial patriots met in Philadelphia determined to keep this country on a steady course. Independence already had been won but a big question still remained. How would independence be maintained?

Today we can marvel at the foresight of our forefathers, who prepared a document that would be as effective in 1987 as it was in 1787. For some people the United States Constitution may appear to be nothing more than a collection of words on a piece of paper, but what a marvelous choice of words. No other constitution has survived such an endurance test. No other constitution was built with such a firm foundation.

As we approach 1987, we prepare for a 200th anniversary celebration of that magnificent document. But we should not expect a celebration with balloons and fancy parades. In our Scottish Rite we feel that it should be a celebration of understanding. Understanding the impact those 18th century words have had on our lives. Understanding the significance of those words. Understanding the way in which we, as individuals, as Masons, can preserve the meaning of those words. That's the type of celebration we are going to encourage among our Scottish Rite Masons. The Proclamation we have signed emphasizes that point. We of the Northern Jurisdiction are delighted to join with our counterpart in the Southern Jurisdiction in this important undertaking. For the bicentennial of the Declaration of Independence, the Scottish Rite Masons of the Northern Jurisdiction provided the American people with a birthday gift. We built the Scottish Rite Masonic Museum of Our National Heritage adjacent to our headquarters in Lexington, Massachusetts, to tell the story of our country's history through the changing exhibits.

Next year there will be an exhibition at the museum that will focus on the Constitution as a structure of government. The exhibit will demonstrate how effective the document has been as a framework of government that has changed over these two hundred years to meet the needs of our democracy. We're very proud that because of the quality of our institution we will have on loan Thomas Jefferson's handwritten copy of the Declaration of Independence. We have been assured also that we will have Elbridge Gerry's annotated copy of the Articles of Confederation as well as a complete set of the signers of the Constitution. At least 20 of those signers are believed to have been Masons. And, or course, we're very, very proud of that.

At the Lexington Museum, there is a beautiful art glass window that blends Masonic symbolism with our American heritage. Displayed in the window are the first three words of the Preamble to the Constitution—"We the people"—a constant reminder of that great document. The window also includes these words—"Pride in our Past—Faith in our Future." Masons have played significant roles in our nation's past. It is our responsibility today to encourage Masons to understand the past in order to strengthen our faith in the future of the United States.

I pledge to you, that we'll do the very best job we can in the years to come.

Thank you very much.

Senator Strom Thurmond. Ladies and gentlemen, it is now my pleasure to present to you the chief speaker of the occasion. He was born in Minnesota. He is married to a lovely lady and has two children. He was educated at the University of Minnesota. He graduated magna cum laude from St. Paul's College of Law (now Mitchell College of Law). He entered into private practice for several years, about 22 years, I believe. He was a member of the faculty of St. Paul College of Law, teaching contract and trust law.

He was Assistant Attorney General of the United States appointed by President Eisenhower and served three years. He was appointed Chief, U.S. Court of Appeals by President Eisenhower and served three years. He was then nominated to be Chief Justice of the United States by President Nixon and confirmed and qualified in June 1969. He has served with distinction and ability until retirement earlier this year. He is now the Chairman of the Commission on the Bicentennial of the United States Constitution. I just want to say that I don't think I have ever known a man who is more dedicated to our country, more patriotic and loyal to our Constitution, and it is indeed an honor to present him here today. He has made a great Chief Justice. He is now making a great Chairman of the Commission on the Bicentennial of the Constitution, and our country, our government, and our people are very fortunate to have him to fill this position as Chairman.

I now present to you, Retired Chief Justice Warren Burger.

Retired Chief Justice WARREN BURGER. Thank you, Senator Thurmond, Commander Kleinknecht, Commander Paul, distinguished guests. As these two distinguished leaders of a great institution in America were speaking, it occurred to me how appropriate it was that we should be having this gathering in this room where not more than 12 feet from where I stand were argued the great cases that became the building blocks of this country, the constitutional building blocks—Marbury against Madison, McCollough against Maryland, Gibbons against Ogden and the other great cases that followed under the guidance of the Court, that came out of this Court when some of the men whose busts appear here were presiding, principally, the great Chief Justice, John Marshall.

It is particularly appropriate that ceremonies of this kind be held, or free people will not be able long to keep their freedoms and their institutions unless they take note of them periodically, reexamine them, celebrate them, and I know that the members of our Commission will be delighted when, at our meeting on Friday this week, I will report to them about this occasion and the pledges you have just heard of support for the programs of the Commission and programs on the Constitution by these two national leaders. It is all too easy for us to take for granted the good things we have, good weather, good health, as we have taken the Constitution for granted for all these years. And our task now is to recall and remember that it was not easy to come by, that at the end of the Revolution, the 13 states who were aliens, and that's the way they described themselves, were allied in bonds of friendship in the union for a particular purpose, but it did not really make us a nation in the true sense of the word under the Articles of Confederation. As with all allies in all the wars of history, when the victory was won, each of the allies began to focus on its own interests, its regional, its local interests. We have seen it, at least the older ones here today, in our own time as to what happened to the Allies after the War had been completed and Hitler had been crushed. Somewhat the same thing happened after 1783. Some of the states were treating citizens of other states as aliens, and here the two neighboring states of Virginia and Maryland got into a great controversy over matters relating to the use of the Potomac River and boundaries, and it was only the prestige of George Washington, inviting them down to Mount Vernon, that cured the problem for the time being. Here were the two states closely allied during the war and yet they began to fall apart. Some of the states were raising tariff barriers against the products of the other states. George Washington and Hamilton and Madison and other leaders saw this coming, and the Mount Vernon Conference undoubtedly had an influence on calling the Annapolis Conference, to which all the states were invited but, as you remember, only five attended. But they sponsored the invitation to the 13 states then to gather in Philadelphia in May of the following year, that is May of 1787. And it was not easy; it was bargaining and compromise as some of the delegates wrote afterward, hard bargaining, hard compromising to produce that document.

And then we know how difficult it was to get the ratification. Even though the nine states had ratified the Constitution before the Virginia Convention met, that was a dramatic example of how close the call was. I don't recall now the number of days, the number 23 sticks in my mind, whether it was two weeks or 23 days, they debated in Richmond, and the great opponent of the Constitution was Patrick Henry, the popular great orator, and the proponents on the floor, James Madison and Marshall and Mason and others and the prestige of George Washington behind them, and yet after those days and days of debate, it was adopted by only 89 to 79. And in New York the vote was a margin of three; in New Hampshire the margin was 10 votes, and Rhode Island, not having sent any delegates to Philadelphia at any time, rejected the Constitution outright. So I've got to go back to the premise that I suggested that free people cannot get their freedoms or the institutions and documents that made those freedoms and support those freedoms unless from time to time they take note.

And I thank you, Senator, and these two Commanders of the great institutions they represent for helping us take note on this day of the greatest document, as it has been described, the greatest document ever struck off by the hand and mind of man.

Sovereign Grand Commander C. FRED KLEINKNECHT. Mr. Chief Justice, on behalf of Frank Paul and myself, I'd like to present you a framed copy of the Proclamation at this time and we thank you for being with us.

Retired Chief Justice WARREN BURGER. Thank you very much.

Senator STROM THURMOND. We thank you, Brother Kleinknecht and Brother Paul, and Mr. Chief Justice, for your participation in this program. I don't know of any country in the world that enjoys the freedom, the opportunities and the hope, as the people of America. The reason for it is this document called the Constitution.

The fighting in the Revolutionary War started in about 1775. Of course the Declaration was not signed until 1776. The fighting went on until about 1782 when George Washington took the surrender of Lord Cornwallis in Yorktown. But the British were not eager to sign a peace settlement. They did not sign the Treaty of Paris until a year later in 1783.

From 1783 until 1787, each Colony then known and called in the Treaty of Paris as states (they were known as "states" thereafter) was an independent nation. My state had two presidents during that period. This was a very delicate situation. The Chief Justice has outlined for you the procedures in 1787 as to what happened and where representatives of the states met. Those who attended worked from April of 1787 until September 1787 and tediously—and it was very tedious work—worked out the most simple yet complex document for the governing of a people probably the world has ever known. It was the greatest document that the mind of man has ever penned for the governing of a people.

We are proud of this document. We are proud of the progress we've made under this document in bringing the people of the United States to be the best governed in the world. As Lincoln said, "a government of the people, by the people and for the people." No nation has ever made the progress that we have under the constitution. We are very proud of what it has done for us. We are proud of what it will do for future generations.

The Constitution must be observed; at times it has not been observed. It initially started out to be a document of limited powers—as it should have been. In some areas it is still a document of limited powers. However, the Congress has expanded it, the Supreme Court has expanded it, and the Executive Branch has expanded it. In some cases those expansions have been recovered. In 1787, there may have been reason to restrain the states, but the Constitution was not intended to be a document that would govern people in every facet of their lives. I repeat, the Constitution established a government of limited power and all other powers were reserved for the states.

The Chief Justice referred to Patrick Henry opposing the Constitution. Why did he oppose it? Because he said he could visualize that some day the Federal Government would take over the states and they would be left no more than territories. He was afraid of that. He was afraid of all that power being collected at the Federal level, and that is something we have got to watch today—Federal power versus state power.

The states were intended to have all the powers not reserved to the Federal government by the Constitution. The Federal government has only those powers specifically given to them in the Constitution or the amendments adopted since the adoption of the Constitution, and we should remember that; the Congress should remember it; the President should remember it; and the Supreme Court should remember it.

Ladies and gentlemen, we are indeed proud and thank the Scottish Rite of Freemasonry for coming here today and we thank the Sovereign Grand Commanders of the Southern and Northern districts for their participation here. Mr. Chief Justice, we especially appreciate your presence. You have made a fine Chairman of the Commission on the Bicentennial of the Constitution. I'm honored to be a member of the Commission, and I shall continue to work for you with great pleasure in the future. Thank all of you for coming and we'll now have the benediction by Dr. Kruger.

Sovereign Grand Commander PAUL. Sir, we wanted you to have a signed Proclamation for your office.

Senator STROM THURMOND. Thank you very much.

We will now have the benediction by Dr. Kruger.

Dr. DAVID KRUGER. O God, we are thankful for our great Constitution, which gives to us our religious, political and civil freedom. May there always be men of honor and valor to protect this great heritage and our

Constitution. At this time we ask thy special blessing on Chief Justice Burger. Give him health and understanding and courage to carry out his assignment, to renew once again our faith and hope for the future in this great document, the Constitution of the United States of America. And now may the Lord bless you and keep you. May the Lord's countenance shine upon thee and be gracious upon thee. May the Lord's countenance be with you and bring you peace, His most precious gift, now and forever more, amen.

REMOVE THE BLOT

Mr. MATSUNAGA. Mr. President, today, February 19, 1987, is being observed by Americans of Japanese ancestry as a Day of Remembrance, marking the 45th anniversary of the beginning of the most traumatic experience in their relatively brief history in this country—the forced evacuation of some 120,000 citizens of Japanese ancestry and their legal resident parents from their homes on the west coast and their incarceration in what can only be described as American-style concentration camps.

Viewed by historians and constitutional scholars today as America's worst wartime mistake, the incarceration of virtually the entire Japanese-American population of the west coast, without any charges, indictment, trial or hearing, was without a doubt a gross violation of the fifth amendment to the U.S. Constitution, which provides that "No person * * * shall be deprived of life, liberty, or property without due process of law," and of the 14th amendment, which further guarantees the "equal protection" of the laws of all citizens.

A number of officials who were involved directly or indirectly in the mass relocation and detention of Japanese-Americans have, since the war, acknowledged the wrong. President Franklin D. Roosevelt, in approving the induction of Japanese-Americans into the U.S. Army, observed that "Americanism is a matter of the mind and heart—not of race or ancestry." Henry L. Stimson, then Secretary of War, recognized that "to loyal citizens, this forced evacuation was a personal injustice."

Francis Biddle, the Attorney General of the United States during the Roosevelt administration, expressed his belief that "the program was ill-advised, unnecessary and unnecessarily cruel." Milton Eisenhower, the first Administrator of the War Relocation Authority, described the evacuation and detention of Japanese-Americans as an "inhuman mistake." The late Chief Justice Earl Warren, who as the World War II era attorney general of the State of California advocated the relocation of Japanese-Americans, later stated that "I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens."

In 1980, Congress authorized a comprehensive study of the circumstances surrounding the incarceration of Japanese-Americans during World War II. The Commission's report, entitled "Personal Justice Denied," submitted to Congress in 1982, confirmed what Americans of Japanese ancestry had always known: their exclusion from the west coast and their incarceration for an average of 3 years in remote camps surrounded by barbed wire fences and watch towers manned by armed guards could not be justified by military necessity. The FBI had reported that before, during, and after the attack on Pearl Harbor not a single act of sabotage or espionage had been committed by Japanese-Americans or any resident aliens of Japanese ancestry. The Commission concluded that longstanding racial prejudice, wartime hysteria, and a failure of political leadership had prevailed over plain justice.

In 1983, with a number of cosponsors, I introduced legislation to accept the findings of the Commission and implement its recommendations. Hearings were held on that measure in 1984, but no further action was taken before the 98th Congress adjourned sine die. The bill was reintroduced in 1985, with no action taken on it, and I am preparing to reintroduce it again in the very near future. To date, 42 Senators from both political parties have agreed to cosponsor the measure, which would establish a civil liberties education fund to be used to educate Americans about the internment of the Japanese-Americans and other abuses of civil liberties. The legislation would also authorize the payment of $20,000 from the fund to each of the approximately 60,000 surviving former internees. No payments would be made to the heirs of the deceased internees.

As we celebrate the bicentennial of the U.S. Constitution this year, it would be most appropriate for us to act to remove once and for all this singular blot on that greatest of all human-written documents, and to solemnly resolve that such a mass denial of protection, guaranteed by the Constitution, shall never again occur in the United States of America. As one who served during World War II as an infantry officer in combat in the European and Pacific theaters and who was twice wounded in combat while many friends and relatives were imprisoned in so-called internment camps, I appeal to my colleagues to join me in this effort.

THE SOUTHERN RESEARCH INSTITUTE

Mr. HEFLIN. Mr. President, the threat of acquired immune deficiency syndrome (AIDS) is a concern of all Americans and, indeed, of people throughout the world. It has been estimated that this devastating virus will infect hundreds of thousands of Americans in 5 years and that its impact will be felt, indirectly, by millions more. Researchers and scientists throughout the country are devoting their full resources, their energy, and their time to the search for a vaccine or cure to the AIDS virus. I am comforted to know that the Southern Research Institute of Birmingham, AL, is one of the primary centers in the Nation for testing the effectiveness of possible drugs which have been developed to fight this disease. It was recently announced that the institute has been awarded a $1.1 million contract with the Army and the Government's National Institutes of Health to begin testing the first of thousands of new chemical compounds to see if they have any effect on the virus that causes AIDS. Our national effort to fight AIDS could not be in better hands.

The Southern Research Institute was founded more than 40 years ago when Thomas W. Martin, then president of Alabama Power Co., forsaw the importance the South would gain during the last half of this century. He envisioned the need for the South to develop a strong research base. Toward this end, he helped gather together businessmen, industrialists, and educators—people who were dedicated to their communities, their State, and our Nation—to establish a research institute with the primary charge of promoting the development and general welfare of the United States. In its early years, the institute's projects reflected the area it served. Its research was concentrated in the fields of agriculture, metallurgical studies for the iron producers, and studies of wood utilization for the forest industry. In those days, the entire institute was located in an old mansion and carriage house on the south side of Birmingham. Today, four decades later, the institute occupies several blocks in the downtown area and employs more than 700 employees.

In recent years, the institute's emphasis has broadened into other areas which directly effect the people of our Nation. Great progress has been made in the area of cancer research, antiviral and antiparasitic research, electronics, genetics, and engineering. Scientists at the institute have developed new ways to fight air pollution, and have even been involved in the research of missile systems and related defense technology.

In addition to the recent contract for AIDS research, Southern Research Institute is also under an $8.8 million, 5-year Army contract for the screening of compounds and drugs in their effectiveness against 10 exotic viruses that soldiers might encounter in foreign lands or through germ warfare. So far, compounds have been tested which show activity against all 10 viruses, though it remains to be seen whether they can be refined into usable drugs.

There are no better scientists or facilities in the Nation to carry forth the fight against AIDS and other ailments which harm the people of this Nation. I am certain that the Southern Research Institute will make great progress in this fight for humanity. We should all be thankful for their work and efforts in this area, as well as for the outstanding achievements and accomplishments which they have made in their four decade history. At this time, I wish to express my gratitude as well as that of each citizen of this Nation to the scientists, researchers, and personnel of the Southern Research Institute. They have done an outstanding job.

Mr. President, I ask unanimous consent that the attached article from the Birmingham News be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUTHERN RESEARCH LIKELY TO BE IN FRONT RANKS WHEN DRUGS TO FIGHT AIDS FOUND

(By John Mangels)

If and when new drugs to fight AIDS become available, chances are that Birmingham's Southern Research Institute will have played a major role in discovering them, says SRI microbiologist William M. Shannon.

Under a $1.1 million contract with the Army and the government's National Institutes of Health, SRI last month began testing the first of thousands of new chemical compounds to see if they have any effect on the virus that causes AIDS, or acquired immune deficiency syndrome.

"The Institute is the only laboratory outside NIH that is actively evaluating AIDS compounds on a large scale," said Shannon, who directs the research project.

Primarily because of the expense and complexity involved, many drug development companies that make such compounds seek help when it comes to testing whether those compounds actually work.

The drug companies have submitted their compounds to NIH for evaluation, and the agency in turn has asked Southern Research to judge whether the compounds show any activity against AIDS.

SRI researchers are currently working with about 100 "priority compounds" that are thought to have the most potential, Shannon said. It is too early to tell whether any have significant anti-AIDS activity, he said.

The contract calls for SRI to eventually test about 3,000 compounds during the next two years for any effects against the AIDS virus.

The virus itself attacks and ultimately destroys key disease-fighting cells in a victim's immune system, leaving the patient vulnerable to a variety of infections that sooner or later are fatal. More than 28,000 people have been diagnosed with AIDS in the United States since the disease was first recognized in 1981.

In their efforts to find a treatment, scientists have come up with one experimental drug, called AZT, that has proven effective. It prevents the AIDS virus from reproducing, and has been shown to extend the lives of some patients in limited testing.

In addition to screening compounds from others, Shannon said SRI will also be testing potential anti-AIDS compounds made by its own researchers in collaboration with scientists from the University of Alabama at Birmingham and North Carolina's Duke University.

The AIDS virus must invade and occupy a particular kind of immune system cell in order to reproduce and spread. To test a compound's effects on the AIDS virus, SRI researchers grow those infected "host" cells in a test tube, then add the compound and use a microscope to see what, if any, action it has on the cells.

The results are compared to those achieved by a drug like AZT which is known to work against the AIDS virus. If a compound shows equal or greater anti-AIDS activity, that will be reported back to the drug company or researcher who developed the compound, so that they can do further refinement.

Scientists are working in two drug-related areas: the development of a vaccine to prevent infection with the AIDS virus, and the development of chemotherapy drugs to slow the spread of the virus or kill it outright after a person has been infected.

Vaccines use a harmless "piece" of a virus to trigger the immune system into making sentry cells called antibodies that can recognize and kill the virus when it invades. Researchers are having difficulty finding the right viral "piece" that will always alert the immune system to the AIDS virus, and the current outlook for development of a vaccine is not good.

And the development of an effective chemotherapy drug to treat AIDS patients is no piece of cake either, Shannon said.

Such a drug would probably have to be taken for the rest of an AIDS patient's life to keep the virus from becoming active again. "So the compounds we develop must be non-toxic, exhibit no side effects and allow the immune system to function again. That will be difficult," he said.

SRI's testing of potential anti-AIDS compounds is being done in conjunction with another program—an $8.8 million, five-year Army contract—that screens compounds for their effectiveness against 10 exotic viruses that soldiers might encounter in foreign lands or through germ warfare.

That program has been under way for about one year, and tests compounds provided to the Army by contractors, drug companies and university-based researchers. The 10 viruses the Army and SRI hope to find treatment for are rare or non-existent in the United States, so Shannon said there is no financial incentive for U.S. pharmaceutical companies to develop effective drugs.

The exotic diseases have such names as Sand Fly Fever Virus, Yellow Fever Virus, Punta Toro Virus, Korean Hemorrhagic Fever Virus and Venezuelan Equine Encephalitic Virus. They are mainly found in tropical areas like Central and South America, Asia and Africa. So far, compounds have been tested that show activity against all 10 viruses, Shannon said, although it remains to be seen whether they can be refined into usable drugs.

The same compounds may be useful for treatment of both AIDS and exotic virus infections, so it made sense for the government's NIH to pick a site for AIDS drug testing that was already screening compounds against other viruses, Shannon said. "Since we already had the Army contract in place, it was convenient to add the AIDS research."

A TRIBUTE TO FRED L. HUGGINS

Mr. HEFLIN. Mr. President, Judge Fred L. Huggins, the probate judge for Clarke County in my home State of Alabama, recently announced that he will step down at the end of his current term on January 19, 1989. The judge is serving in his third term as probate judge. He has served his constituents, the people of Clarke County, in an outstanding capacity. He has dedicated himself and his endeavors in an effort to meet their needs and serve their interests. He has provided them with great leadership and great devotion. He is a judge who has never turned a deaf ear to any plea, but has listened to all accounts with sympathy and has made sound judgments based on the evidence. I know how difficult the choices can sometimes be, and Judge Huggins has done an exemplary job. The qualities he has possessed and displayed have distinguished him as one of the great judges in Alabama. His commitment has been without reservation and without thought to any personal sacrifice which he has been required to make. His primary goal has been to improve the conditions of the people he represents.

Mr. President, though I will be sad to see Judge Huggins set aside, I feel that the contributions and accomplishments that he has made will help the people of Clarke County for many, many years. His example of public service is outstanding and the care he has taken in his work is truly remarkable. I salute Judge Huggins for all that he has done and sincerely hope that he will enjoy only the best of luck and the greatest happiness. I look forward to working closely with him during the next 2 years of his tenure and feel certain that he will be showered with praise and thanks for the many things that he has done for his county and for the State of Alabama. He well deserves it. I ask unanimous consent that the attached article from the Mobile Press Register be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Mobile Press, Jan. 23, 1987]

CLARKE PROBATE JUDGE SAYS IT'S TIME TO MOVE ON

(Sharron McClure)

GROVE HILL, ALA.—There are several reasons why Clarke County Probate Judge Fred L. Huggins will hang up his gavel for the final time at the end of his current term on Jan. 19, 1989.

"I never viewed this job as a lifetime position," said Huggins. "Eighteen years is enough time for anyone to spend in a public office. I never viewed this as my office. It was just one way in which I could serve the people."

Huggins said despite the fact that he is serving in his third term in the elected position, he strongly feels there should be a two year limit placed on all public offices.

"I feel you would get better government if a two year limit was set," said Huggins. "That was what our founding fathers wanted when they established our government. Our forefathers didn't set out to be government officials for a career. They served in their elected position because they felt it was their duty. If a person tries to make an elected office their career, too much can be vested in personal interests instead of the interests of the people."

Another thought behind Huggins' decision to not seek re-election is the pressure and frustration in the responsibilities of his office.

The duties of probate judge involves far more than issuing license tags. The probate judge must hear and make judgments on many complicated matters such as a commitment to state mental institution, the appointment of guardianship and adoption.

Huggins said it's hard to leave the pressure of his job at the office.

"For example, when a mother who feels she is at the end of her rope and has no other place to turn but to the probate court and she cries her heart out explaining her problem and there is nothing you can do to help in her situation, you can't just walk out of your office in the evening and forget things like this."

Huggins said the frustration of seeing important things that need to be done in the county and not having the resources and the money to work on them and no means to raise funds is another reason he thinks its time to leave his office.

Huggins said the federal and state government continue to cut back on funds for the county government, but at the same time they mandate projects for the county to resume responsibilities.

Huggins has, however, left his mark in the office. He helped organize the Clarke County Industrial Development Board, which has attracted new industries to the county, providing over 500 new jobs in the last two years.

The Clarke County Solid Waste System was established under Huggins' supervision as chairman of the Clarke County Commission. He also coordinated with other county officials to write a merit bill for county employees.

Many improvements have been made around the courthouse.

The old Dunn House was purchased by the county and renovated for county offices. An old store building adjacent to the county courthouse was removed to create more parking spaces.

Huggins said his work as probate judge could not be defined as enjoyable. "There is more satisfaction in this job in making something happen rather than enjoyment. There is satisfaction in helping people who have problems. Often times people come in here and are desperate. Sometimes you can help ease a person's burden. When you can, there is satisfaction, not enjoyment."

Huggins said he is not sure what he will do when he leaves office in 1989. "A lot of things can happen in two years. Probably I will help my wife in the operation of two convenience stores. The main thing I will probably do then is have time to enjoy my family, especially my grandchildren," said Huggins.

THE BLUE GILL RESTAURANT—A SOUTHERN INSTITUTION

Mr. HEFLIN. Mr. President, it is my pleasure to rise, today, to inform my colleagues of a fantastic institution in south Alabama—the Blue Gill Restaurant. The Blue Gill is known of by residents throughout my State. It is famous both for its great seafood, including delicious crab claws and, in my opinion, the best fried soft shell crab in the world, as well as for its friendly service and delightful atmosphere.

The Blue Gill was founded in March 1957 by Wallace "Judge" Johnston and his wife, Evelyn. To this day, they still run it along with the help of their daughter, Sandra. It is located on a causeway between Mobile and Baldwin Counties. When it first opened, it was situated right on the water. However, after Hurricane Frederick struck and flooded it in 1979, it closed for awhile, was moved from the water to the shore, and then reopened on its present site.

The Blue Gill is known for a reason besides its famous seafood. Throughout Alabama, it is known as the best place to find out what's going on politically in south Alabama. So you can see, that makes two very important reasons why I enjoy dining there. I can catch up with my constituents and gain the benefit of some very worthy knowledge, while at the same time I can gain the benefit of some very delicious soft-shell crabs.

I extend to each of my colleagues an invitation to dine sometime at the Blue Gill Restaurant. Or just stop by if you are ever in the area. You will be happy that you did. It is a place that you will remember for a long time, and you will find that it will become a standard by which you will judge all other seafood.

A TRIBUTE TO MR. ROBERT M. HOPE

Mr. HEFLIN. Mr. President, I am delighted to rise, today, to pay tribute to Mr. Robert M. Hope, who has served as the director of the Alabama State docks during its most progressive era in the docks' 58-year history. Though Mr. Hope has stepped down as director of the State docks, he remains as the general manager. Fortunately, Alabama will not lose the great benefits of his service.

If one individual were to be singled out for the most outstanding contribution made to the Alabama State docks, that man would certainly be Bob Hope. In his long and excellent service, which has spanned 35 of the dock's 58-year history, he has promoted the position of the Alabama State docks to international prominence. He has provided for the necessary additions, expansions, and improvements of the facilities and equipment of the docks that have directly resulted in the placement of the Port of Mobile as one of the largest and busiest ports in the Nation. This has greatly enhanced the ability of manufacturers and industries in both Alabama and in the South to conduct trade with any nation in the world. This is quite an achievement, and quite an asset.

Bob Hope began working at the Alabama State docks in 1952 after serving in the merchant marine during World War II, and the U.S. Army during the Korean war. He was first employed as a port traffic aid and worked directly under the general manager and chief engineer compiling statistical data and reports, maintaining dredging records and insurance schedules, and making time and motion studies directed at improving efficiency of cargo handling. This experience must have been highly beneficial throughout his tenure at the docks, as he has always greatly improved operations and procedures.

In the years which followed, Bob rose through the ranks. In each position he held, he demonstrated a great industry and devotion. He was promoted to assistant manager and then manager of the cold storage plant. In 1965, he was promoted to manager of the wharfs and warehouses and assistant docks operations manager. Soon thereafter, he was appointed as acting docks operations manager. For a year between 1966 and 1967, he worked directly for the docks' general manager and was responsible for overall docks' operations. After that year was over, Bob was appointed as manager of the grain elevator and assistant docks operations manager. In 1970, he was made docks' operations manager and administrative assistant to the director of the Alabama State docks. Finally, in 1976, he became director and general manager of the Alabama State docks.

Under Bob's outstanding leadership and guidance as director, which has spanned 11 years, nearly $250 million in construction projects have been completed at the docks. The projects include an $85 million construction and expansion of the McDuffie coal terminal. The docks' grain elevator has undergone 45 million dollars' worth of upgrading projects. Other completed projects include the $15 million upgrading of the docks' Three Mile Creek bulk material handling plant, and a new 45 ton capacity container crane which has been put into use. During the Hope administration, there was been an extensive upgrading of the docks' terminal railway system. The docks has purchased four new locomotives and leased 1,000 railcars, and has built a new multimillion dollar bascule rail bridge over Three Mile Creek. Also, the State docks has acquired 245 total acres of land during Hope's term as director. The acquisitions brought the docks' land total to nearly 1,500 acres.

Through the years, Bob Hope has received many honors and much recognition for his work and his efforts. Currently, Bob serves on the board of directors of both the regional and national port associations and is active in various river development associations throughout the State of Alabama. He served as president of the Gulf Ports Association and as president of the Mobile Area Chamber of Commerce in 1982 and 1983. He was Alabama World Trade Man of the Year in 1977 and Maritime Man of the Year in 1978. Recently, he was also appointed by the White House to the Coal Industry Advisory Board, which is a branch of the prestigious 21 nation International Energy Association.

Mr. President, Bob Hope has done a marvelous job as director of the Alabama State docks. He has led the Port of Mobile to its position as one of the largest ports in the Nation. His contributions to the docks have already resulted in a huge increase in Alabama's ability to export its goods and produce. Additionally, he has been active as a concerned citizen in the affairs of his community, and his church, and he is a devoted husband and father.

The record of service which Bob Hope has compiled has been an important ingredient in the economic development of my State. Rarely do the efforts of one individual have such a great impact in so many different areas. The achievements he has made will certainly benefit Alabama and the southern region of the United States for many years. He will be remembered for his dedicated work.

Mr. President, I ask unanimous consent that the attached article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOPE ERA SAID PROGRESSIVE

(By George Werneth)

The 11-year period during which Robert M. Hope has served as the director of the Alabama State Docks has been the most progressive era in the docks' 58-year history.

Gov.-elect Guy Hunt this week appointed John B. Dutton, the executive director of the Greater Baton Rouge, La., Port Commission, as the new director of the State Docks. Hope has agreed to remain at the docks and will be the general manager.

Since Hope was appointed to the director's post by Gov. George C. Wallace during January 1976, nearly $250 million in construction projects have been completed at the docks. The projects include $85 million construction and expansion of the McDuffie Coal Terminal. The terminal is one of the largest and most modern in the world. Since the terminal's construction, the port of Mobile has become the second-ranked coal port in the United States.

During Hope's span of leadership, the docks' grain elevator has undergone $45 million worth of upgrading projects. The upgrading involved, among other things, the building of a huge new ship dock and the increase of shiploading capacity there from 40,000 tons-per-hour to 120,000 tons-per-hour.

The grain elevator upgrading has included a new car unloading system, a new high-speed loading system and a modern air pollution control system, as well as the construction of a new head house.

Other completed projects include the $15 million upgrading of the docks' Three Mile Creek Bulk Material Handling Plant, the construction of two new warehouses and the rebuilding of an existing warehouse.

Additional improvements include the construction of a new dock for "roll-on, roll-off" ships, whose motorized cargo can be driven on and off the vessels, and the building of a new fendering system at the docks.

A new 45-ton capacity container crane was put into use at the docks during Hope's period of leadership, and the State Docks now has a regular containership business operating between the port and Northern Europe.

There has been an extensive upgrading of the docks terminal railway system during the Hope administration, and a new multimillion dollar bascule rail bridge has been built over Three Mile Creek. The docks has also purchased four new locomotives and leased 1,000 rail cars.

Hope and the docks opened the McDuffie Terminal to all four railroads here. He also negotiated with the L&N Railroad (now the CSX) for a swap of perpetual "running rights," from the interchange at the main complex to McDuffie, over the L&N's main line to alleviate possible conjestion on the main line.

Hope and the docks further participated in the double-tracking of the L&N main line to McDuffie. This was to allow the docks to interchange with all trunk line railroads and make deliveries to McDuffie.

In return for the perpetual running rights, the docks turned over its rail switching rights at Theodore to L&N.

Also, while Hope was director, the docks purchased 143 acres of land adjacent to McDuffie, from the Illinois Central Gulf Railroad, and acquired rail switching rights of McDuffie Island.

The State Docks acquired 245 total acres of land during Hope's term as director. The acquisitions brought the docks land total to nearly 1,500 acres.

Also during Hope's term of leadership, the docks opened offices in Chicago, London and Hong Kong.

Nearing the end of the 11-year period, a long-sought multi-million dollar overpass leading to the main entrance of the State Docks was constructed through Highway Department funding and was named the Robert M. Hope Overpass. The overpass has alleviated a traffic tie-up problem, which was caused by frequently passing trains.

The State Docks, under Hope's leadership, became a $50 million-a-year business with an $18 million annual payroll. The docks complex is valued at more than $500 million and has about 700 employees.

Hope was appointed by the White House to serve on the Coal Industry Advisory Board, which is a branch of the 21-nation International Energy Association. Among his other honors, Hope was named the 1977 Alabama World Trade Man of the Year by the Alabama World Trade Association. The Propeller Club of Mobile named him the Maritime Man of the Year in 1978.

Hope has also served two terms as head of the Mobile Area Chamber of Commerce.

A TRIBUTE TO SHERIFF MEL BAILEY

Mr. HEFLIN. Mr. President, I am delighted to rise, today, to pay tribute to Mel Bailey, who has provided outstanding leadership, guidance, and service to my home State of Alabama as the sheriff of Jefferson County since 1963. Throughout his unprecedented six consecutive terms of office, Sheriff Bailey has made tremendous accomplishments in preparing the sheriff's department for its fight against crime and in otherwise serving the citizens he represents. In the process, he has become known, himself, as a symbol of law and order in Alabama. Sheriff Bailey was recently sworn in for his seventh term of office, and I know that the people of Jefferson County can expect great service in the future.

Since Sheriff Bailey was first elected to office, he has turned the sheriff's department into a professional law enforcement operation. After taking office in 1963, he made several basic, highly visible changes such as putting deputies in uniforms and into marked cars. The department also began investigating auto accidents and keeping records. At that time, the machinery and equipment of the sheriff's department was inadequate and he has worked to provide his deputies with the best equipment possible. He also began a standard training procedure for his deputies which provides them with the expertise necessary to meet any threat. In addition to these fundamental changes, Sheriff Bailey has been instrumental in obtaining innovative equipment for use in fighting crime. He has added a radio-controlled toy airplane which can be used to drop tear gas or small bombs to stop a sniper lodged in a protected place. He has also added a robot which police agencies can send into a building to dismantle a bomb. In both of these cases, a highly dangerous problem can be dealt with without threat to the life of an officer.

The outstanding contributions that Sheriff Mel Bailey has made during his long tenure in office are the result of his great capabilities, his ability to delegate responsibility, and by his professional attitude. He has also surrounded himself with outstanding people who hold the same qualities of professionalism. Sheriff Bailey is an outstanding symbol of law and order both in Jefferson County and in Alabama. All are proud of his achievements, and all are thankful for his long and excellent service. He enjoys the full confidence of the people of Jefferson County for good reason. He has been highly effective in the fight against crime. For this, he deserves the gratitude of the entire State. He has fulfilled and rewarded the trust of the people.

Mr. President, I ask unanimous consent that the attached article from the Birmingham News be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHERIFF BAILEY'S 'MAGIC' TOUCH READY FOR SEVENTH TERM

(By Joe Kiefer)

In his younger days Mel Bailey wowed football fans with his long punts.

Now 62, Bailey has taken up golf, and a frequent playing partner says Bailey "loves to hit (his drives) a mile if he can . . . and he tries diligently."

The extra distance Bailey strives for in athletics he has achieved in politics.

On Monday, he will be sworn in for his seventh consecutive four-year term as Jefferson County sheriff, the longest tenure ever in that office.

Since Bailey first won election in 1963, the sheriff's department has mushroomed, with six times the employees and almost 20 times the budget.

Meanwhile, the sheriff has avoided serious controversy and, for the most part, serious political opposition.

Bailey's "magic" political touch, as described by friends, employees and political observers, has several sources.

The most evident is his appearance: Bailey stands 6 feet 4 and has a muscular build.

As former Birmingham Mayor David Vann suggests, the sheriff also may have "the biggest handshake in Alabama."

The sheriff's imposing presence has made it difficult to challenge him in an election, said Marty Connors, former executive director of the state Republican Party.

Bailey's last election opponent was in 1978, but Bailey crushed him with 70 percent of the vote.

"You can almost picture him in an Edward G. Robinson black-and-white film" challenging a gangster, Connors said. "Perception is 85 percent of this business, and he has played that role well."

Outgoing County Commissioner Ray Moore said of Bailey: "He is Mr. Law Officer. He's almost like Matt Dillon when he walks into town."

After 24 years, Bailey has come to represent the sheriff's office in the minds of many county residents, observers said. "I couldn't imagine anyone else in the job," Vann said.

Some suggested that Bailey's only election loss in a 1976 race for Alabama's 6th District congressional seat, resulted partly because voters were reluctant to see him vacate the sheriff's office.

Bailey cites as a major achievement of his tenure the creation of a professional law enforcement operation.

After taking office in 1963, Bailey made basic, highly-visible changes such as putting deputies in uniforms and into marked cars. The department also began investigating auto accidents and keeping records.

When Sheriff's Sgt. C.D. Horton joined the department 20 years ago, patrol cars had no air conditioning, and deputies' khaki shirts often became stained with sweat, he said. Bailey pushed for and got better working conditions for deputies, Horton said.

Deputy Ron McGuffie, a 14-year-veteran of the department, said Bailey is solely responsible for modernizing the department.

"If it weren't for him, we'd still be delivering (court) papers and driving around in '63 Ford Falcons."

In addition to training and standard police equipment, Bailey also has brought the department some elaborate crime-fighting gadgets.

In the mid-1970s, the department added a radio-controlled toy airplane that would be used to drop tear gas or small bombs to stop a sniper lodged in a protected perch. The plane, which Bailey and others demonstrated on a national television show, still is in the department but has never been used.

Last year, Bailey raised the money for a robot which police agencies can send into a building to dismantle a bomb. The sheriff's department is keeping the robot.

Horton and McGuffie both have led deputies' fraternal organizations, and they said Bailey listened to their groups' concerns and responded with fairness.

McGuffie described Bailey as a politician rather than an administrator, but he said Bailey can assume that role because he has several subordinates who run daily operations.

Chief Deputies Frank Rogers and Lionel Bragan both said Bailey generally does not involve himself in administrative details, but Bragan described the sheriff as "hands-on" when it comes to setting policies.

Rogers and Bragan both said the sheriff talks to them daily about department management.

Horton agrees and said Bailey is aware of major crimes or events of the day. "He has not insulated himself where he is going to read about it in the paper."

McGuffie said the sheriff may allow his subordinates to make too many decisions, some of which may deviate from his policies without his knowledge.

Bailey said his primary goal for 1987 is to convince the County Commission and the Legislature to increase his deputies' salaries, treating them separately from other county employees.

The commission has turned down recent requests for raises because of a budget squeeze. Upset by their low pay, some deputies say they are looking for jobs in higher-paying departments.

Bailey, who said he copied many of his management principles from legendary football coach Paul "Bear" Bryant, defines a professional as having a lot of confidence and a little fear of failure.

"You have to have a measure of fear in your attitude toward accomplishing a goal. That makes you work harder."

THE 40TH ANNIVERSARY OF THE FULBRIGHT PROGRAM

Mr. HARKIN. Mr. President, in the midst of the daily business of the Senate we do not always tend to take measure of programs which work well. The Fulbright Program is one such program.

I would like to take a minute from pressing national business to share with you the text of a recent commencement address given by President James O. Freedman of the University of Iowa. As you know, Mr. President, August 1, 1986 marked the beginning of the 40th anniversary year of the Fulbright Program for the international exchange of scholars. At the December graduation ceremonies in Iowa City, President Freedman reflected on 40 years of Fulbright scholarship. His remarks are imaginative, and I am sure that my colleagues would enjoy reading them. I ask unanimous consent that the text of President Freedman's address be inserted in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PRESIDENT JAMES O. FREEDMAN, WINTER COMMENCEMENT, DECEMBER 20, 1986

It is a very great pleasure to join you in celebrating this joyous occasion. Along with your parents, teachers, and friends, I congratulate each of you who is graduating today.

And I want to add a special word of recognition to all of you who are parents and grandparents and spouses of our graduates, because only you and our graduates truly know how mightily your efforts have contributed to creating this happy family moment.

Every year is a year of anniversaries. For those of us engaged in higher education, perhaps the most important celebration of 1986 was the 40th anniversary of the creation of the Fulbright Program for the international exchange of scholars.

In 1946, within months after the world's first atomic bombs fell on Japan and the most devastating war in history came to an end, a freshman senator from Arkansas proposed an idea for strengthening our national security that was stunning in its simplicity.

Out of his experiences as a Rhodes Scholar, as President of the University of Arkansas, and as a member of the United States Congress, Senator J. William Fulbright asserted that in the long run deterrence of war depends less on weaponry than it does on human understanding. And so in the midst of the ashes and rubble of war, Senator Fulbright persuaded this country to lay an enduring cornerstone of peace.

The Fulbright Program is built upon the premise that the most dangerous mistakes that countries make in their dealings with each other—the kinds of miscalculations and misinterpretations that kindle the sparks of war—too often arise from sheer ignorance.

Such mistakes typically result from one people's failure to appreciate another people's keenest sensitivities—their oldest scars, their most persistent annoyances, their deepest fears, and their highest aspirations.

During the 40 years in which the Fulbright Program has been in existence, it has sponsored 156,000 exchange scholars—more than 55,000 Americans who have studied and taught abroad and more than 100,000 foreign scholars who have visited universities throughout the United States.

It has allowed scholars to collaborate across national frontiers to solve perplexing problems. It has significantly enlarged the pool of human resources so desperately needed by a rapidly-changing world. And little by little, person by person, it has made a difference in the global climate for international understanding.

The Fulbright Program has brought opportunities for growth and personal enrichment to those who have participated in it, and that in itself would justify its existence. But it has also brought a much broader benefit to this country. It has enabled 55,000 Americans to see what the world looks like from another cultural perspective, and it has allowed 100,000 foreign scholars to experience the American way of life at first hand.

When foreign Fulbright scholars work and study among Americans, they return to their own countries with a more sensitive and complex impression of the United States than they would otherwise have had. These experiences, taken collectively, have made a difference—especially when one observes the gratifying frequency with which so many former Fulbright scholars have risen to positions of national leadership in countries around the world.

And for the 40 years that the Fulbright Program has done all this, as Senator Fulbright takes pride in pointing out, its total cost has come to less than a third of what this country now spends for a single new aircraft carrier or submarine.

The anniversary of the Fulbright Program reminds us of what can be accomplished when we approach a problem creatively, rather than merely developing refinements on what has been done before. The freshness and originality of the Fulbright program represents the kind of thinking that I hope this graduating class will bring to the difficult decisions that your generation must make in the public life of our nation.

A degree from the University of Iowa confers upon you more than merely a certificate of qualification in your field of study, and more than merely a passport to the pursuit of financial security. It also confers upon you the obligation to make productive use of these privileges, to return to society something of the investment it has made in your education through its support of this public institution.

In the field of foreign policy alone, the need for more creative, imaginative approaches to old problems grows ever more critical. Both Senator Fulbright and the program which bears his name remind us that genuine national security is based on knowledge rather than machines.

As Senator Fulbright himself has so eloquently stated, "To continue to build more weapons, especially more exotic and unpredictable machines of war, will not build trust and confidence. The most sensible way to do that is to engage the parties in joint ventures for mutually constructive and beneficial purposes, such as trade, medical research, and development of cheaper energy sources."

Each of you who graduates today has the opportunity to extend Senator Fulbright's vision. Within this graduating class there is an overwhelming abundance of talent, energy, and creative ideas, a vast human potential ready to be tapped.

As you begin your careers or continue with advanced studies, I hope you will keep before you the example of the Fulbright Program. I hope you will recall its resplendent emphasis upon human knowledge and understanding as this country's surest means of national defense.

I hope that each of you will use your Iowa education to the fullest, as you make your own special contribution to the process of creative, original thinking that your state and your country so urgently need.

We at the University, together with your parents and friends who have so eagerly awaited this day, wish you godspeed as you begin that great adventure!

CONGRATULATIONS TO MISS LYNNE LORENZEN

Mr. HARKIN. Mr. President, I would like to take a moment to recognize a young woman from Ventura, IA, whose recent achievement is an inspiration for anyone who has ever dreamed of being the best. This young lady is Lynne Lorenzen, and in an electric moment Monday night in a packed gymnasium she became the Nation's all-time top scoring high school female basketball player.

Miss Lorenzen scored 54 points Monday to help her Lady Vikes win its first round in Iowa's class 1-A sectional tournament, bringing her career total to 6,266 points. Her new total eclipses the record of 6,250 points set almost 20 years ago by another Iowan, Denise Long, who played for Union-Whitten High School.

Miss Lorenzen's career began when she took aim at a metal backboard in her family's barn several miles outside of Ventura. Now, thousands of baskets later, she is wowing spectators and prospective college coaches with her uncanny knack for finding the hole in the net.

Playing Iowa's six-player girl's game, Miss Lorenzen scored 1,173 points her freshman year, setting a State record. And she came back with a record 1,858 points her sophomore year. This season, however, at 18 years of age, Miss Lorenzen is at the pinnacle of her career, shooting an average 64.1 points per game.

Miss Lorenzen's unassuming nature has made her a favorite with hometown fans and prompted a Des Moines Register sports writer to ask, "Is she for real?" She categorically credits her success to her teammates. And she says she wanted to set the record for her mom and dad. "I'm just so proud of them," she says demurely. Well, Lynne, this is your time.

I congratulate Lynne for her individual perseverance and determination which is so evident on the basketball court. Everyone who watches Lynne play is lifted just a little higher in the spirit of pride and industry that is working to make America a better place. I am proud to stand here in the U.S. Senate today and represent the State of Iowa where such aspirations are exhibited in its youth. I think all my colleagues will join me in congratulating Lynne Lorenzen for her remarkable achievement.

TRADE WITH THE SOVIET UNION

Mr. HELMS. Mr. President, I am deeply concerned about the recent moves by the State Department and the Department of Commerce to promote trade with the Soviet bloc. Over the last 2 weeks, the Secretary of Commerce has announced a program to weaken our controls over exports to the Soviet Union. Just yesterday, the press reported that the administration will announce an end to economic sanctions against Poland.

Mr. President, it is indeed ironic that during the same week that the ABC television network is airing its miniseries "Amerika" the administration is endeavoring to promote trade with the Soviet bloc. The story line is based upon the premise that the Soviet Union became stronger than the United States and that we lost our freedom as a result. The Soviets became our new rulers and the United Nations willingly supplied military forces to assist in the occupation.

Fortunately, the miniseries is just 12 hours worth of entertainment that the Americans viewer can turn off at any time. People living under the iron heel of communism have no such choice. Their life is a thousand times more severe under Communist dictators than is depicted on this show. Behind the Iron Curtain, they live under this brutal system 24 hours a day, 7 days a week, 12 months a year, and decade after decade. They do not have the luxury of turning the television set off. It would not do any good.

Mr. President, how has the Soviet Union become stronger every year in terms of its military capabilities and military-industrial war machine? How has the Soviet Union been able to attain its global imperial posture and successfully impose communism as a form of dictatorship in country after country?

Over the years, loans and credits to the Soviet Union by Western banks, as well as by Western governments, have served to build the Soviet war machine and to keep the peoples and nations contained within the borders of the Soviet Union and within the captive nations under Soviet domination is slavery.

Mr. President, export control is a form of arms control. Controlling the export of goods, technology, services, and capital to the Soviet bloc can halt the development of the Soviet war machine which threatens civilization around the globe. It is high time that we in Congress fully appreciate this fact and act upon it in order to defend and to preserve the freedoms which we all hold so dear and so fundamental.

Over the past several weeks, we have witnessed the spectacle of Americans, West Europeans, and Japanese attending several important high-level meetings concerning trade with the Soviet bloc. It is certainly clear that key banking and industrial circles in the West are preparing for a major effort to break down trade controls with the Soviet bloc and to engage in a new push for increased commercial relations with the East.

In late January and early February, there was a gathering at Davos, Switzerland of leading banking and industrial interests from the United States, West Europe, and Japan. This conference has met on an annual basis since 1970. It was established by a Swiss businessman to provide a working forum to coordinate Western industrial policies and to promote trade with the Soviet bloc. According to reports from Europe, some 300 businessmen, political figures, and technical experts met this year under the chairmanship of the well known French figure, Raymond Barre.

Shortly after this meeting in Switzerland which planned new trade initiatives with the Soviets and their satellites, the German Foreign Minister announced his intention that West Germany expand its trade with the Soviet Union and East Europe. What he is talking about is a new phase of the so-called Ost Politik or East policy which was originally developed by Willy Brandt, Egon Bahr, and certain German industrial and banking circles some two decades ago. This policy was developed as a means to expand and to legitimize German trade with Communist countries and to, let's be frank about it, build communism.

Secretary Baldrige has announced the Commerce Department's new plan to increase trade with Communist countries. The fact that such trade builds up Soviet military capabilities and therefore causes us to have to spend more and more every year on our defense budget is swept under the rug.

The Western press is playing into Gorbachev's propaganda offensive every day. So what if Gorbachev has released 1 or 2 or 10 or 100 people from the Gulag? What about the other 10 million? What about the other 280 million souls in the Soviet slave state?

Mr. President, the real purpose of this Soviet propaganda offensive is to facilitate increased trade with the West. The Soviet economy is on the ropes. Certainly, the Soviet military machine has never been stronger and is growing every day. But, the Western World is moving into a new plateau of technological development.

President Reagan's SDI program will ensure that the United States will be on the cutting edge of technological breakthroughs into the next century. There is no way for the Soviet Union to keep pace without massive infusions of Western technology and credit. The Soviet economy will become ever more strained to keep up with the West and its relative power position will inevitably decline as a result if the West does not step in again to bail out the masters of the Kremlin.

Mr. President, increased trade with Communist countries is being pushed under the guise of promoting overall U.S. trade. The fact of the matter is that the Soviet bloc will require still more Western banking credits and governmental direct credits or indirect credit guarantees in order to pay for these goods. The Soviet bloc debt to the West today is over $100 billion.

Of course, the American taxpayer helps to foot the bill of such trade because the Export-Import Bank and other U.S. governmental agencies, such as the Commodity Credit Corporation, provide for guarantees. U.S. taxpayers' dollars go to the IMF which also provides financing to Communist countries that are members.

Prof. Anthony Sutton, a distinguished economic historian has answered this question about trade with the Soviet Union in the following manner, and I quote:

> The simplest explanation of our evidence is that a syndicate of Wall Street financiers enlarged their monopoly ambitions and broadened horizons on a global scale. The gigantic Russian market was to be converted into a captive market and a technical colony to be exploited by a few high-powered American financiers and the corporations under their control.

The professor offers us a sound explanation and I would add that he has ably demonstrated the fact that West European banking and industrial interests have had the same policy over the last seven decades.

Mr. President, I spoke in some detail about the phenomenon of Western trade with the Soviet Union back on February 29, 1984, when I urged Senators to support the excellent work that our distinguished colleagues from Pennsylvania [Mr. HEINZ], from Utah [Mr. GARN], and from Wisconsin [Mr. PROXMIRE] had done on the Export Administration Act. The fundamental principle of this legislation is to control trade so that our national security is protected. In short, export control is a form of arms control.

I am gratified to know that Secretary Weinberger is also concerned about the moves to open trade with Communist countries. The Defense Department is certainly in the best position to know what contributes to the military might of the enemies they must defend against. I certainly hope that the views of the Department of Defense which adhere to strict export controls prevail in the current battle within the administration over expanding trade with Communist countries.

Mr. President, this brings me to a final point. It is certainly high time that there is some common sense with respect to defense contracting and to trading with the Soviets. In my view, it is unconscionable that dozens of the very same multinational corporations who bid for U.S. Defense Department contracts are at the same time trading with and providing services for the Soviet Union and its Warsaw Pact allies.

We hear all manner of talk about the arms race. Conservatives blame the Soviet Union, the liberals blame the United States. A sense of reality needs to prevail. The fact of the matter is that the Soviet military-industrial complex has been built up for some seven decades by Western bankers and industrialists. The Communists are only too pleased to entice the West to sell the rope with which to hang itself.

This phenomenon is one of the great paradoxes of the century. To me, it is not only immoral but it is dangerous to our national security to allow the very same corporations building weapons systems for our national defense to build the Soviet economy and its war machine at the same time.

CHINESE STUDENTS IN THE UNITED STATES

Mr. HELMS. Mr. President, last Tuesday I informed the Senate about Mr. Yang Wei, a Chinese student who had recently graduated from the University of Arizona. Today I would like to discuss his case in some detail. Mr. President, thanks to the University of Arizona, Mr. Yang Wei, a citizen of the People's Republic of China, is a microbiologist.

Thanks to the Ministry of State Security, today he is enjoying all the hospitality of the Chinese gulag.

After he received his masters degree from the University of Arizona last year Mr. Yang returned to China briefly to get married and visit his parents in Shanghai. He had hoped to return to Tucson to complete his education. His wife went on ahead and is studying immunology at the Baylor College of Medicine in Houston. His sister is also in the United States living with her husband, a graduate student at the University of Indiana.

He was arrested at his parents home on January 11 for having taken part in student demonstrations for free speech and democracy. The Chinese secret police have refused to allow his wife to visit him or even to tell her where he is.

Mr. Yang's wife has told the New York Times that this kind of treatment is "frightening to all students now studying in the West." She believes her husband's arrest is a dangerous sign for the more than 1,000 Chinese students in American universities and colleges who have signed an open letter to the Communist Chinese leadership.

Mr. President, on January 29 I placed that open letter in the CONGRESSIONAL RECORD. I noted at the time that it would be impossible for Chinese students to come here and not absorb some appreciation for freedom and democracy as well as the latest way to recombine DNA.

Mr. Yang seems to have done just that and goons from the Communist Chinese secret police are ready, willing, and able to stamp out the dreaded democracy wherever it appears.

The two immediate questions, Mr. President, are, should we do something about this? And, if so, as a practical matter, what can we do?

It is clear, Mr. President, that the answer to the first question is, "Yes, we should try to do something." America was inspired by President Kennedy to

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty.

We will not stand by while liberty is under direct attack. This is particularly true as Mr. Yang and the other students quite obviously developed their understanding of liberty and democracy while they were our guests.

Mr. President, we have about 17,000 Chinese students at our colleges and universities. They join hundreds of thousands from other Third World countries. According to one estimate, one-third to one-half of the world's top positions in politics, business, education, and the military will be filled in the next 25 years by foreign students attending colleges and universities in the United States.

The 17,000 Chinese students represent both our continuing obligations and our leverage to ensure their safety.

It is a fact, Mr. President, that at no college or university of which I am aware does full tuition pay the total costs of a student's higher education. It is heavily subsidized by State and Federal taxpayers as well as private donations. The level of subsidy goes up, of course, in the case of Mr. Yang and his wife, both of whom were or are on scholarships provided by the University of Arizona and Baylor Medical School, respectively. When we add the fact that Chinese students are heavily enrolled in the physical sciences, with their accompanying expensive laboratory equipment, it is easy to see the direct involvement of American taxpayers.

The United States has a long history of educating generations of Chinese students. While charity is certainly an element, it is not predominent. We have a specific foreign policy in mind.

Our goal is to see that foreign students studying here receive some appreciation for the principles of freedom, liberty, and democracy on which our Nation is built. We believe that if the leading authorities in a foreign nation have some understanding of the benefits of these principles, they will treat their own people decently and be much less of a threat to the liberties of their neighbors.

As President Kennedy noted, our game plan is the success of liberty.

We do not propagandize foreign students who are here nor do we try to intimidate them in any way. We believe that if left alone, they will see the obvious benefits of freedom and democracy for themselves.

This has clearly been the case of Mr. Yang and the 1,000 students who signed the open letter.

It is time, Mr. President, to inform the People's Republic of China authorities that there is no free lunch. The American taxpayer will not continue to subsidize the education of the Chinese elite if the secret police intend to peel off their appreciation of human rights like an onion.

On February 17, I placed into the Record two concurrent resolutions which I am introducing soon. One of them is intended to give such protection as we can to the Chinese students who are here now and to seek the release of Mr. Yang.

Specifically, it urges the administration to offer the Extended Voluntary Departure Program to Chinese students until the human rights situation in mainland China clarifies. Currently we offer the program to students from Poland, Afghanistan, Uganda, and Ethiopia. It is appropriate that Chinese students who are clearly under a threat receive the same protection.

The resolution also calls on the administration to reexamine its policy toward the education of Chinese students in the United States. The aim, Mr. President, is to make it clear that the arrest of Mr. Yang has thrown that program into question. In my opinion, further arrests of returned students would kill the program.

Mr. President, neither Mr. Yang nor the 1,000 students who signed the open letter are American citizens and as a practical matter our ability to protect them is limited.

Nevertheless, we are not totally without leverage. When this resolution circulates for cosponsorship with its companion resolution on American reporters operating in China, I urge that the Congress become the champion of the Chinese students. They deserve whatever protection we can extend to them.

Mr. President, I ask unanimous consent that four articles from the Washington Post and one from the New York Times be included in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 10, 1987]

CAN THE LEADERS EVER BE TRUSTED?

(By M.X. Pei)

The Chinese government's reaction, or overreaction, as some would say, to the recent student demonstrations has caused deep anxiety among Chinese students studying in the United States. Recently more than 1,000 of them (from 51 colleges and universities) signed their names to an open letter to the Communist leadership in Beijing protesting the government's crackdown on intellectuals who espoused ideas of democracy.

The letter may have little impact on a communist leadership that seems to have made up its mind to wage a campaign against "bourgeois liberalism"—a catch word for Western-type democracy. But this act, like the spontaneous student demonstrations in China, has an importance of its own. It not only reveals a deep and well-founded anxiety about the consistency of the policies touted by the present leadership in Beijing, but also demonstrates the existence of a credibility crisis for that leadership.

The rapid and depressing turn of events in China in recent weeks—from the dismissal of several prominent liberal intellectuals to the demotion of the communist Party secretary, Hu Yaobang—unavoidably made the Chinese intellectuals (a term that in China encompasses people with a college education) ask the painful question whether they should ever again trust the Communist Party.

Clearly, the credibility of the Communist Party, its policies and its reformist promises are at stake.

Not long ago the Communist Party leadership headed by Deng Xiaoping made an explicit attempt to reach a reconciliation with the Chinese intellectuals, who have suffered unmitigated misery since the 1957 Anti-Rightist campaign in which tens of thousands of writers, professors and scientists were labelled "anti-Party" and sent to labor camps.

The efforts made by the Communist Party to win over the intellectuals included promises that such things as the "Anti-Rights" campaign and Cultural Revolution would never be launched again. In effect, the communist leadership admitted its past mistakes and asked the intellectuals for forgiveness. The Chinese intellectuals were told to place their complete trust in the party and "look forward," as Deng himself said, to the tasks of building the "Four Modernizations."

The recent development in Beijing indicates that this promise—the promise never to wage campaigns against the intellectuals—has been revoked. The dismissal of a few well-known liberals seems to be only the beginning of a nationwide campaign against so-called "bourgeois liberalism." The worst, we fear, is yet to come.

Given the tendency on the part of the lower-level communist bureaucrats to lean toward the "left" (or extremism), a campaign against a nebulous concept such as "bourgeois liberalism" can easily be turned into a nationwide witch-hunt affecting intellectuals and scientists at all levels.

I recall that during the ludicrous campaign against "spiritual pollution" in 1983, some local party zealots forced people to turn in music cassettes to determine whether they were "yellow" (pornographic) music. Owners of cassette players were asked to register their machines with neighborhood committees, which also conducted raids against those suspected of playing "yellow" music. In some places. I was told, overzealous bureaucrats even banned brightly colored ski jackets.

These zealous are still there. They can be counted on to use this campaign against "bourgeois liberalism" to persecute those who have been actively involved in recent reforms. A political campaign from above can become a golden opportunity for lower-level bureaucrats to carry out personal retaliation at the bottom. It will ultimately be a nightmare for intellectuals.

One need only look at the recent campaigns against "economic crimes" and "spiritual pollution" to be convinced that this is going to happen. In a tense political climate such as that in China now, it does not stretch one's imagination to envision a general backlash against even constructive criticisms raised by the intellectuals. "Bourgeois liberalism" can be turned into a label, as was "Rightist" in 1957, which can be used against anybody who dares to criticize inefficiency, waste and corruption of the bureaucracy. China's program of economic reform will then be in grave jeopardy.

Moreover, Deng will lose much of the support and trust of the liberal intellectuals, scientists and managers, who have so far spearheaded his reforms. The credibility of the promises and policies made by his leadership will be questioned. The Chinese intellectuals have made enormous personal sacrifices in the recent past and placed their last hopes in Deng's reform. The campaign under way in Beijing may very well destroy these hopes.

From a broader perspective, the credibility crisis will inevitably have an impact beyond the present Chinese borders. For example, how can the Communist leaders expect people in Hong Kong to trust them if they keep reversing their policies at home? What about the future of Taiwan? What about the international business community? Ultimately, the question has to be: Will Beijing keep its word?

[From the Washington Post, Feb. 10, 1987]

THE MAN WITH BLACK GLOVES

(By Sarah Burgess)

One day last year while I was a student at Fudan University in Shanghai, I met an unusual man in the school cafeteria. He was an uneducated but literate Chinese peasant who had already spent a year traveling all over his country, going to remote spots in the countryside to speak with fellow peasants about their attitudes and aspirations, as well as local social and political conditions. He lived on about 5 cents a day, sleeping in railroad stations or outdoors, and soliciting food from sympathetic people.

This peasant planned to continue his peripatetic investigation for another year and then send in reports containing his observations and suggestions to Deng Xiaoping. Many of the Chinese who met him thought he was insane. But his "insanity" lay merely in taking at face value the pronouncements of the Chinese Communist Party, which extols the supremacy of the peasants and proletariat and claims that the party governs "from the bottom up."

The peasant had managed to go quietly about his business for a year without posing a conspicuous threat to the party. But then he made the mistake of speaking with me, a blonde foreigner, even inviting her to visit his family for a month, working in the fields and experiencing life as it is experienced by the vast majority of the Chinese population.

After spending several hours talking with the peasant, I asked him whether I could Xerox one of his reports before he left. He agreed, and we set off for the one Xerox machine on campus, located in the school library. As we sat out on the front steps of the library waiting for the official in charge of the copying machine to come back from a meeting (one submits things to be Xeroxed—after all, a Xerox machine in the wrong hands is indeed a dangerous tool), a man approached me and, after commenting on the weather, asked me to give him "the report."

The man's trenchcoat, black gloves, and pock-marked face almost made me laugh at what appeared a parody of an evil secret agent. My instinct to laugh was dampened by his insistence that I give him the report—and his insistence on the insanity of the man who had written it.

The peasant had walked away while I was arguing with the man in the black gloves. When Black Gloves finally gave up and left, I ran back to my dorm. No sooner had I closed the door to my room, than I was called down to the foyer by a voice emanating from the box over my door. I descended, and there was Black Gloves, demanding the report again.

"Uh . . . I threw it out," I said. "After all, didn't you tell me that it was written by a madman and was therefore only rubbish?"

Black Gloves remained unconvinced. "In which trash can did you throw it?" he asked.

"I don't know—just one of those standard trash cans on campus," I replied.

"Fine, come with me. We will go search every trash can on campus until we find it."

My heart sank. Stalling for time, I told him I first needed to get my coat upstairs. While Black Gloves waited in the foyer, I conferred with a foreign student who had already spent several years in China and knew the ropes.

"You're out of your mind!" he shouted at me after I told him what had happened. "That guy is the undercover Security Bureau flunky whose job is to watch us foreign students. Even if you don't get kicked out of the country right now, you may never be allowed back in. Just think, you could be jailed in a minute!"

At that moment I suddenly felt empathy rather than impatient disdain for the students in my English class who responded with blank, silent gazes when asked to express their views on anything less innocuous than food. I suddenly felt that, in China, universities tend to suffocate rather than stimulate the youthful spirit.

When my foreign friend insisted, "You must give the report to him—otherwise he'll think you passed it off to me and I'll be under suspicion, too," I realized that even foreigners are silenced by this atmosphere. I also knew that my show of bravado had to give way to a duty not to drag others down with me. It was already too late for me to do anything to keep the peasant out of trouble. Finally, I gave up the report.

The story of Black Gloves is an example of how the Chinese government controls its citizens. The state also allocates housing, jobs, schooling, food-ration coupons, and even permission to bear children, in ways calculated to enforce ideological conformity. But the Chinese spirit still manages to sparkle and flourish wherever it can.

It is this indomitability of the human spirit that was once again illustrated by the recent protests in China. And it is this same spirit that is once again being suppressed, subtly but skillfully, in the wake of the protests. We can list the famous names stricken from the party rosters. But we, and the Chinese, will never know how many books were not written, songs not composed, experiments not undertaken and pictures not painted as a result of the renewed atmosphere of caution and fear that accompanies this latest turn of the screw.

[From the Washington Post, Feb. 10, 1987]

MODEST DEMANDS OF THE INTELLECTUALS

(By Rosemary Draper)

NANJING, CHINA.—Four years ago I spent a year in Beijing studying Chinese. Last year I returned to China as a graduate student to study China's economics and politics at Nanjing University. I was anxious to see the changes brought about by the reforms since I had left.

During the fall I visited free markets, bought fruit from peasants peddling their produce and frequently ate at independent snack stands and family-run restaurants, none of which was possible when I lived in Beijing before.

What struck me, however, was that the reforms seemed to have left out the intellectuals. They had not gained much economically, while workers' and peasants' incomes had risen significantly. Moreover they had not obtained even the minimal amount of job flexibility that workers now enjoy. Jobs are assigned, and in most cases they are for life. Intellectuals' lives are ruled by the whim and mercy of their work units and not by national law.

For example, one Chinese friend in Beijing has been prevented for several years from taking the test for graduate school admission because his work unit believes he would pass the test, and should that happen it would lose a valuable worker. As a result he is stuck in an entry-level job indefinitely. This did not surprise other Chinese, who suggested it is not uncommon. The husband of another friend tried for a year to find a new job more suited to his education. When he finally did get an offer he wanted, his unit denied him permission to leave.

In addition to lacking job mobility, intellectuals have not received the same income increases that workers have. Last summer the government considered raising intellectuals' salaries. In response, bus drivers and other transportation workers staged a slowdown in the capital city that was so successful it nearly crippled the city. The idea was subsequently abandoned.

I think the limitations and frustrations faced by intellectuals contribute greatly to student unrest. The recent protests, at least those I observed in Nanjing, were not militant mass uprisings calling for radical political changes but were student-based, calm if not well organized and relatively modest in their demands.

The one I witnessed on Dec. 22 was much more relaxed than I would have anticipated. I had not dared to bring my camera, thinking that the police would not let anyone, especially a foreigner, take pictures of the protest. But in fact, with the exception of the major intersections, where they were rerouting traffic, there was no sign of police, and a number of people were snapping pictures freely. My own very rough rough estimate is there were about 2,000 actual participants and 6,000 to 8,000 people moving along with them, including wavering supporters, curious spectators such as myself and all the people caught up by chance.

The students were anxious to maintain peace and order lest the protest in any way resemble the chaos of the Cultural Revolution. The crowd dispersed peacefully at the gate of Nanjing University.

Returning to our center on the far side of the university, we passed the bulletin boards and display cases that usually contained photo exhibitions or official articles on university achievements or events. Instead, there were perhaps 50 handwritten posters explaining the protesters' demands and related issues. The demands were modest, nothing against the Chinese Communist Party leadership or calling for adoption of Western-style democracy. Some called for more freedom in jobs for intellectuals and more investment in education. Some criticized the Chinese press for failing to cover the protests and ignoring student demands. One complained about the difficulty in having a protest.

There were no facilities available to print up fliers or other information, no loudspeakers to address rallies and no funds available. The signs suggested to me that the intellectuals just wanted to reap the benefits of the reforms.

The students may call for freedom and democracy, but it is for freedom and democracy in a Chinese context: Freedom for the intellectuals to have as many opportunities as workers do to change their jobs. Not freedom to challenge authority but the right to be challenged by their work and compensated fairly for their time and contributions.

[From the New York Times, Feb. 2, 1987]

EX-GRADUATE STUDENT IN U.S. IS AMONG DETAINED CHINESE

(By Marvine Howe)

A Chinese student educated in the United States has been identified by his wife as one of the demonstrators detained in China's crackdown on political dissent.

The student, Yang Wei, returned to China after receiving a master's degree in molecular biology last year from the University of Arizona. He was arrested on Jan. 11 in Shanghai after taking part in the student demonstrations there for freer speech and democracy last December.

His wife, Che Shaoli, said the family's request to visit her husband in prison was denied and "we do not even know where he is." She asked that Chinese authorities release him or "try him according to legal procedure."

Ms. Che, who is still in the United States, said in an interview Friday that "this kind of treatment to a returned student is frightening to all students now studying in the West."

In particular, she noted, it was "a dangerous sign" for more than 1,000 Chinese students in American universities and colleges who have signed an open letter to the leadership in Beijing, expressing concern over the dismissal of the party chief, Hu Yaobang, and the disciplining of Chinese intellectuals.

The 31-year-old Mr. Yang was detained in his parents' home in Shanghai on Jan. 11, Ms. Che said, relating the events as told by friends and relatives. The police found papers linking him to student protesters and warned his parents not to disclose his arrest.

Ms. Che stressed that Mr. Yang's father and mother were both senior members of the Chinese Communist Party.

"The old generation believed in the party but the young generation doesn't believe in the way Communism is practiced in China," Ms. Che said. Neither she nor her husband were party members, she said, but they were not against the party and supported its reform.

Dr. Wang Bingzhang, a former Chinese student who founded the Chinese Alliance for Democracy here in 1982, said Mr. Yang was the first student returnee from the United States known to be arrested in the current crackdown. Sources in the Shanghai Public Security Department confirmed that he was put under arrest and charged with "counter-revolutionary activities," he said.

Chinese authorities have not disclosed how many people were arrested in the wake of four weeks of student protest that ended early this year.

The Chinese Alliance for Democracy has received reports of the arrest of 3 students and 11 young workers in the last 10 days in Shanghai, Canton and Tianjin, according to Dr. Wang. These arrests also seem related to the recent demonstrations.

Ms. Che said her husband had written her about taking part in the Shanghai student demonstrations. She said that Mr. Yang's position was difficult because he was not currently enrolled in a Chinese university but planning to return to get his Ph.D in the United States.

Mr. Yang, a graduate of Fudan University in Shanghai, came to the Unversity of Arizona in 1983 for graduate work. He returned to China last May to marry Ms. Che and was trying to get a scholarship or an assistantship to return to the University of Arizona.

[From the Washington Post, Jan. 31, 1987]

CHINESE WHO STUDIED IN U.S. JAILED AFTER SHANGHAI PROTEST

(By Jay Mathews)

LOS ANGELES.—In the first known arrest of a Chinese returned from recent study in the United States, Shanghai security police have detained a 31-year-old University of Arizona graduate student after he participated in a pro-democracy demonstration, the student's wife said today.

Yang Wei, who had expected to return to Tucson soon for more study in cell and molecular chemistry, was taken from his home in Shanghai Jan. 11 and has not been allowed to see friends or relatives since. On Jan. 21, according to friends in touch with Yang's wife in Houston, the Shanghai public security bureau charged him with unspecified counterrevolutionary activities.

Since normal diplomatic relations between Washington and Peking resumed in 1979, more than 10,000 Chinese have studied in U.S. universities. No communist country has ever allowed so many students to study in this country, but China experts who recalled how returned students suffered in previous eras wondered at the risks involved.

Yang's wife, Che Shaoli, a graduate student in immunology at the Baylor College of Medicine in Houston, said in a telephone interview that her husband supported the call for more political freedom in China and had apparently distributed posters at some Shanghai universities during a high tide of prodemocracy demonstrations in December. She said she now feared for her husband's safety and felt the best way to help him was to release details of his arrest.

She said she did not know if Yang's U.S. connection had played any role in his arrest.

Chinese authorities, in response to the demonstrations, have expelled several prominent democracy supporters from the Communist Party and arrested several demonstrators. Communist Party general secretary Hu Yaobang has been forced to give up his party post in an apparent attempt to assuage conservative critics of his patron, Chinese leader Deng Xiaoping.

According to Che, Yang came to the United States in 1983 and earned a masters degree at Arizona. He returned in May to marry Che in Shanghai, where he had been attached to the Institute of Bio-chemistry. She arrived in the United States Nov. 20 and expected her husband would soon return to Arizona once arrangements for his doctoral program were complete.

Both of them, she said, have been supported by fellowships from their American universities. Yang's sister, Yang Xiaobei, is also in the United States, living with her husband, a graduate student at the University of Indiana.

CLEARWATER COUNTY COMMISSIONERS LETTER ON GOVERNMENT REGULATIONS

Mr. SYMMS. Mr. President, I recently received a copy of a letter addressed to Senator MCCLURE from the Board of County Commissioners in Clearwater County, ID. The problem they raised is one that I imagine every Senator has heard in recent years. Congress is constantly imposing new regulations on local governments without consideration of the costs involved.

Some local governments are doing fine around the Nation and can afford to comply, but the counties in Idaho are suffering. Our basic industries in Idaho are in the midst of a recession and, in general, Idaho has not benefited from the Nation's economic resurgence. Clearwater County has suffered from the depressed timber and agriculture industries. Economic decline leads to decreased revenue for governments, both at the Federal level and at the local level.

In the last several weeks, legislation has rapidly passed Congress without an examination of the detrimental effects on local governments' ability to fund congressional mandates. For Senators who believe this country should be run from the banks of the Potomac, the increase in Federal mandates is not an obstacle. For those of us who believe the people on the banks of the Snake, the Mississippi, the Colorado and elsewhere in the heartland should govern themselves, the increased Federal burden on local governments is a tragedy.

There is a growing call to improve American education to promote our competitiveness. If we increase the regulatory burdens on local governments, we will be reducing the amount of money that is spent by the primary provider of education. In the coming weeks, Mr. President, I ask my colleagues to examine their legislative proposals and the cost to local governments; I ask them to read this plea from the Clearwater County Commissioners. Without examining the effects on local governments, how can we really know the true cost of any program?

Mr. President, I ask unanimous consent that a copy of the letter to Senator MCCLURE from the Board of County Commissioners in Clearwater County, ID, be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CLEARWATER COUNTY,
Orofino, ID, January 26, 1987.

JAMES A. MCCLURE,
Senator, U.S. Senate, Dirksen Building, Washington, DC.

DEAR SENATOR: The counties are continually being overburdened by all the rules and regulations mandated by the Federal Government. The counties cannot accomplish this without funding provided to do so.

Within the last two weeks the Federal Government has mandated new juvenile laws and solid waste laws. Either of these alone could readily wipe out our budget and there are many counties that would share that situation.

It appears our Federal Government is determined to push the counties beyond their financial limit. Maybe all courthouses throughout the U.S. should just lock their doors and let the entire system be run on a Federal level, this possibility could happen. Counties cannot continue to go unsupported and meet the obligations mandated by Federal law.

Congress now faces the Federal budget in which it has been noted that each congressman and Federal judge is going to be allowed an 80 percent increase of their salaries. Our county employees had to take a 6 percent decrease in their wages in 1985 and we were not able to return that to them in 1986, nor does it appear we will be able to increase salaries at all in 1987. This does not include the amount of people who have lost their jobs or have taken a cut in wages in the raw products industries within this county and other counties due to the "Roadless" issue and economic changes. The entire Pacific Northwest will not see even a "cost of living increase" but instead a decrease. Does this appear equitable?

We need solutions, not more mandates. We need less burden not more and we are willing to do whatever we must to get the congressional delegates to listen, to really listen before it is too late!

Sincerely,

Mary Jane Wilmarth, Treasurer; John Hutchinson, Assessor; Glenna Johnston, Deputy; Monte White, Forester; With 13 County Commissioners cosigning.

DEATH OF REMBERT G. "RED" HORTON

Mr. THURMOND. Mr. President, I rise today to pay tribute to former Horry County clerk of court Rembert G. "Red" Horton, who died recently. To his fine family, especially his three brothers and four sisters, I extend my deepest sympathy.

Mr. President, Red Horton was a remarkable man. He was beloved by the citizens of Horry County for his honesty, kindness, and civic involvement. A 1930 graduate of Clemson University, my alma mater, Red was a tireless and enthusiastic supporter of that institution's scholastic and athletic programs. His death was mourned by Clemson's students and faculty alike. Indeed, an article in the university's newspaper, the Orange and White, had high praise for him as a school booster. Red Horton, the article said, "is a cornerstone for Clemson in Horry County."

Just as Red Horton never forgot the important role Clemson University played in his life, Clemson will, no doubt, never forget him and the contributions he made to it as an educational institution.

Red Horton will also be remembered for his great sense of humor and his love for other people. He was a people person, who loved life and enjoyed helping others. That trait, perhaps more than anything else, carried him through life as an individual highly regarded by his fellow citizens and someone who earned the unfeigned affection of virtually everyone who knew or met him.

Mr. President, this man's life stands as a testimony to all of us—a testimony that honesty, hard work, devotion to duty and to others are traits that will never go out of style. Red Horton lived a full life—as a businessman, a teacher, a public official, and as a man. I was honored to know him and to call him my good friend. I join his family and the people of Horry County in mourning his death.

So that my colleagues might know more about the life of this man, I ask unanimous consent that two newspaper articles and selected experts from funeral eulogies be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY OF REMBERT GREGORY HORTON

(By Paster J. Anderson Bass, Jr., Nov. 21, 1986)

We celebrate the life of Rembert Gregory Horton and dedicate this service to his memory and to the Glory of God, the giver of all good and perfect gifts.

All of us at our deaths leave a testimony—a testimony of influence—footprints of time for all to see. Some imbed their footprints in wet cement where they harden into stone, never to be forgotten by the world. Others press their feet into mud, and the sun dries the moisture and preserves the marks—at least for a season. Still others leave their footprints only in the sands—and these marks are swept away by the tide in the night.

Yet, let us not be decided. God does not always pay heed to the footprints which the world perceives. Sometimes He knows that what appears to us to be marks only in the sands are actually the footprints that survive all tides and storms. And God, with His mighty emery wheel of judgment grinds and obliterates other footprints from the rock where they seemed eternally lodged.

Rembert Horton—"Red"—is one who has left his footprints in the sands of time—and his jovial spirit, his striving for the good of his fellowman, his influence for good, his service to his community through the Kiwanis Club and community politics, his strong support for his alma mater (Clemson), his love for family and friends, and his interest in his church—will with the passing days, lose none of their radiance and influence in our lives. Rembert loved his brothers, sisters, nieces and nephews and their families. And he loved his friends. He was generous with his love and his laughter and was ever ready with a joke or story to brighten your day. Truly he was everyone's friend.

Though I had known some of his family for some years (his nephews Sam and Gregory were classmates of mine at Furman), I had come to know Red Horton as a good friend only during this past year. He often left some sweet potatoes or squash on our back door step. And I am grateful for his friendship and encouraging support. His death means a personal loss for me.

Through these good memories we find comfort and help in these hours of sorrow. Our greatest source of comfort; however, is in God himself—His presence, His peace, His promises and His power.

The Bible says: "The Lord is nigh unto them that are of a broken heart."

Though we know the pain of separation and the death of friends, we know the strong comfort of God and we gave thanks to God for the life of Rembert Gregory Horton.

[The Sun News, Nov. 22, 1986]

A TIGER DIES

Death always provokes sadness, and when death overtakes a civic leader and devoted Clemson University alumnus like R.G. "Red" Horton of Conway in Clemson-Carolina last week, fate makes death appear sadder.

Mr. Horton was the former Horry County clerk of court, and he did his job extremely well. Voters were eager to return him to office, and for four terms, that's exactly what they did. He retired from office in 1976, but he never went into retirement.

He was clearly a civic leader who not only plumped the organizations to which he belonged but who actively got out and sold the organizations and their functions. When he missed an Horry-Georgetown Clemson Club meeting in October because of illness, a void was noted by long-time attendees at all Clemson functions. He was not only a leader in Clemson's athletic fund-raising and support group, IPTAY, but he paid attention to the non-athletic part as well. When he and his family decided they should do so something major for Clemson, it was the beginning of a carillon for the campus that they chose.

Red Horton was the kind of guy who could be as biased for Clemson as he could possibly be, but still win respect of and friendship to many Carolina fans as well.

The Conway community is left without this leader. Friends are left without his cheerfulness. Clemson is left without this booster of its entire program. His family is left without a brother. Today's Clemson-Carolina game will be left with a vacancy in spirit if not in fact.

HORRY COUNTY CLEMSON LEADER DIES

Long time IPTAY member Rembert G. "Red" Horton died Wednesday, Nov. 19, 1986. He was 78.

The former director of civil defense for Conway, S.C., he graduated from Clemson College in 1930 after studying dairy science. He was a promotor of Clemson and IPTAY in his native Horry County, and his honors include being named Tiger of the Year in 1973 and receiving the Distinguished Alumnus award in 1984.

Also, together with his family, he donated a major gift to the Clemson Alumni Association that enabled a carrillion-bell system in

Tillman Hall to be constructed in memory of all Clemson men who died in the service.

He is survived by brothers, S. Francis Horton of Loris, George W. Horton of Pageland and Robert E. Horton of Raleigh; sisters, Mrs. Reba H. Dodson, Chattanooga, Tenn.; Mrs. W.T. (Madge) Gulledge of Pageland; Mrs. Henry A. (Pauline) Privette of Havelock, N.C.; and Mrs. Bruce (Clarice) Martin of Sandy Springs; and nieces and nephews.

IPTAY honors the memory of Red Horton.

[From the Myrtle Beach Sun News, Nov. 22, 1986]

FORMER HORRY CLERK OF COURT DIES

CONWAY.—Former Horry County Clerk of Court Rembert G. 'Red' Horton, 78, died at his home Wednesday morning. Horton died of natural causes, an apparent heart attack, Horry County Coroner Gene R. Johnson said.

"He had complained of being sick the day before," Johnson said.

Horton was known for his strong support of his alma mater, Clemson University, and has been recognized by the school for outstanding achievement several times.

He was born Feb. 5, 1908, in Jefferson, a son of the late Lewis Samuel and Ethel Gregory Horton.

Horton was a member of the First Baptist Church of Conway, a Mason, a Shriner, member of the MLC Shrine Club and the Waccamaw Shrine Club.

He also was a member and past president of the Conway Booster Club and Kiwanis Club, member and past President of the Horry County Fish and Game Association, and a life member of the State Agricultural and Mechanical Society of South Carolina (S.C. State Fair.)

He was a former director of the Civil Defense for Conway and a past President of Conway Merchants Association.

He graduated from Clemson Agricultural and Mechanical College (Now Clemson University) in 1930 with a bachelor of science degree and did graduate work at Clemson. He was a member of IPTAY, the Clemson athletics booster club, and the Clemson Alumni Association. He was a strong supporter of Clemson and was honored in 1973 in being named Tiger of the Year by the Horry County Alumni group, and was named Distinguished Alumni in 1984.

Together with his family he donated a major gift to the Clemson Alumni Association that enabled the carillon-bell system in Tillman Hall to be constructed in memory of all Clemson men who died in the service.

After graduation from Clemson he worked as plant manager in dairies in Sumter and Charleston, then returned to Clemson to do graduate work in agriculture education. He became an agriculture teacher for a short time, then took a job with the Farm Security Administration and worked in several positions with this agency until 1947.

In 1948 he entered the farm supply and farm machinery business as a merchant in Conway from 1948 until 1961. He was elected clerk of Court of Horry County in 1961, a position he held until his retirement in 1976.

"After he quit, he came by almost every day to see how things were going," said Clerk of Court worker Betty Huggins, who worked for Horton 31 years.

"When he went on a trip, he would always bring us something back," said Virginia Hardwick, who also worked for Horton in the clerk's office.

"He enjoyed life. He loved people. He enjoyed helping others," Mrs. Huggins said. "He was a very compassionate person. We'll surely miss him."

Horton was the subject of a feature article in the *The Orange and White*, the official newspaper for IPTAY, January 21, 1986.

"Horton has never forgotten Clemson University and its importance in his life," the article said. "He continues (at age 78) to be active in many university functions, and is seen at many Clemson events. 'Red' Horton serves IPTAY as one of the most successful representatives in the organization. He is consistently an award winner and promotes Clemson wherever he goes.

"Known for his sense of humor Red Horton is a cornerstone for Clemson in Horry County."

Surviving are three brothers, S. Francis Horton of Loris, George Wister Horton of Pageland and Robert E. Horton of Raleigh, N.C.; four sisters, Mrs. Reba H. Dodson of Chattanooga, Tenn., Mrs. W.T. (Madge) Gulledge of Pageland, Mrs. Henry A. (Pauline) Privette of Havelock, N.C. and Mrs. Bruce (Clarice) Martin of Sandy Springs; and a large number of nieces and nephews.

Funeral services will be 11 a.m. Friday at the First Baptist Church with the Rev. J. Anderson Bass and the Rev. George Lovell, D.C., officiating. Burial will follow in Hillcrest Cemetery directed by Goldfinch Funeral Home.

The family will receive friends from 7 until 9 p.m. tonight at the funeral home.

The family suggests memorials be sent to the First Baptist Church Building Fund or to the Connie Maxwell Children's Home, Greenwood, S.C.

TRIBUTE TO MR. HUGER SINKLER OF CHARLESTON, SC

Mr. THURMOND. Mr. President, I rise today to pay tribute to Mr. Huger Sinkler, an outstanding Charleston lawyer who recently passed away. To his wife and his two sons, I extend my deepest sympathy.

I have known and admired Mr. Sinkler for many years. He is considered South Carolina's foremost bond lawyer and is recognized nationally as an expert on municipal bonds.

A Charleston native, Mr. Sinkler was born in 1908. He is a graduate of Asheville High School and the College of Charleston and received his law degree from the University of South Carolina. In 1929, he was admitted to the South Carolina Bar and began practicing law in Charleston. He was a senior partner with the Charleston firm of Sinkler, Gibbs & Simons at the time of his death.

Mr. Sinkler's record reflects a dedication to civic duty. He served in the South Carolina House of Representatives from 1932-36 and again from 1945-46. In 1939, he was elected a Charleston city alderman.

In addition, Mr. Sinkler was chairman of the Democratic Executive Committee in Charleston and president of the Charleston County Bar Association. He was a member of numerous civic and professional organizations, the Carolina Yacht Club and St. Phillip's Episcopal Church.

Through his career, he became a nationally recognized authority on government bond issues, handling most government debt financing in the State until 1970 and providing legal counsel to many local government leaders.

Huger Sinkler was a man of conviction and perseverance, a rare individual who was willing to fight hard and long for the principles in which he believed. He was one of great character and integrity, and those who knew him, both personally and professionally, found his charisma and vitality tempered with sincerity and pragmatism.

Huger Sinkler loved this country and had a profound appreciation of the Constitution whose 200th birthday we will celebrate on September 17, 1987. His love for the law of this Nation made him a strong advocate of States rights and defender of local government.

Mr. President, I ask unanimous consent that the following editorial which appeared in the Charleston News and Courier on Wednesday, January 28, 1987, be printed in the RECORD, and I ask my colleagues to join me in honoring this truly great American.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IN APPRECIATION: HUGER SINKLER

[From the Charleston (SC) News and Courier, Jan. 28, 1987]

Huger Sinkler came of a generation of hard Charlestonians who expected to work hard and hoped to prosper accordingly. Mr. Sinkler worked harder than most and prospered more than most. He was at the time of his death on Monday senior partner of an eminent firm of Charleston lawyers and he was recognized as the foremost practitioner in South Carolina in the esoteric field of municipal bond law.

Fellow citizens and colleagues who admired Mr. Sinkler for a capacity for hard work might have been excused if they were also jealous of his good fortune. His professional integrity made him, however, one of those fortunate people respected rather than envied by those about him. Though he did not hesitate to speak his mind when he thought it necessary, he seldom gave offense. Those who came to criticize, observers said, often remained to praise, captives of a natural charm and grace of manner.

He made a busy life at the bar even busier by involvement in politics. He served as a city councilman and as a member of the state Legislature, giving himself experience that crystalized his characteristically independent political thinking in favor of home rule for South Carolina counties. In the course of time, he became a leader in preparing his state for the changes that eventually led it out of what Mr. Sinkler once described as the then prevailing "feudal system."

Nobody, Mr. Sinkler thought, was worse off for a sermon of the Constitution or the federal system—both near and dear to his heart. He delivered such sermons sometimes. They are in our files, reminders of a straightforward, clear way of thinking.

Capacities in that respect he balanced with similar capacities to practice what he preached. Throughout a long life Huger Sinkler conducted himself as he recommended other people to conduct themselves. He was, first, last and always, a good citizen. It is in that light that he will be remembered by those who were his neighbors.

THE RESCUE OF A DROWNING WOMAN BY MR. CHARLES PAGE

Mr. THURMOND. Mr. President, I would like to call to the attention of my colleagues an article that recently appeared in the State newspaper in Columbia, SC, describing the dramatic rescue of a drowning woman by a 24-year-old man, Charles Page, who happened to be passing the lake where her vehicle was submerged.

According to the story, a wreck had pushed the woman's automobile into the water. Charles Page, on his way to a class, rescued the woman singlehandedly. She was a nonswimmer and would have died in the icy lake without his assistance.

While reading about this young man's courage, I was reminded of the Scripture passage where Christ says, "Greater love hath no man than this, that a man lay down his life for his friends." (John 15:13). I admire Charles Page for taking this directive even further and laying down his life for one he did not even know.

Mr. President, traumatic events often uncover the true nature of the human heart, and from this crisis, Charles Page emerges as one who genuinely cares for his fellow man. This woman lives today because his compassion was great enough to embrace a stranger.

Mr. President, I ask unanimous consent that the following newspaper article be printed in the RECORD, and I ask my colleagues to join me in commending this young man for having the character and courage to risk his own life in saving that of another.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Columbia, SC, State, Jan. 23, 1987]

"MAN RESCUES WOMAN FROM CAR IN LAKE"

Charles Page was on his way to class Thursday morning when he noticed several people "shouting and pointing" toward a car in an icy cold lake in front of the Professional Training Institute.

Thomasina Davenport was clinging desperately to the quickly sinking car as Page rushed outside, shed his jacket, and leaped to her rescue.

"I thank God for sending him there," said Mrs. Davenport, whose car landed in Arcadia Lake after it was struck by another vehicle. "It was a miracle, and I'm very thankful."

Page said the whole incident happened so fast he didn't have time to plan his actions.

"Somebody told me a car was messed up outside," said Page, 24, a native of Hartsville who is studying to be a correctional officer. "A lot of people were shouting and pointing at the car, which was sinking in the lake. I knew somebody had to do something. I got in the water and swam out there toward the car. I could see her struggling."

"I knew that was the end of me, because I don't know how to swim," said Mrs. Davenport, who had been on her way to work as a bookkeeper at W.A. Perry Middle School. "I knew I was going to drown. All I could do was crawl out the window and hold onto the car, but it was sinking into the lake."

"She was helpless in the water," Page said. "She had been under for a minute, and I thought it was hopeless. I grabbed her, and then she grabbed me. We were going under together. I pulled her back toward the car, which gave me something to hold onto.

Allen Johnson, a Columbia real estate agent, noticed the car in the lake as he drove by, stopped and helped out. "I saw the people in the water," he said. "The people on shore had a rope but couldn't get it to them. So I waded out there with the rope and got it to them. And then they pulled Page and Mrs. Davenport to shore."

An ambulance took Page and Mrs. Davenport to Providence Hospital, where they were treated and released Thursday morning.

"I am a lot warmer now," Mrs. Davenport said from her home late Thursday. "But it was a very traumatic experience. Mr. Page definitely saved my life."

Bob MacElhainey, the school executive director, said the 300 member student body recognized Page's good deed by buying him a cake and raising $50 for him to buy dinner for two.

"There were other people standing around, but he was the only one who took the initiative to do something," MacElhainey, said. "The students are all pretty proud of him, and so are we on the faculty."

The accident occurred about 8:15 a.m. when a car driven by Oriana Green struck Mrs. Davenport's car in front of the school, located at 4949 Two Notch Road. Mrs. Davenport tried to avoid the collision and veered into the Lake.

Mrs. Green and her daughter Tonya, who was a passenger in the car, also were taken to the hospital for observation, but were released Thursday morning.

Trooper Anthony Robertson of the S.C. Highway Patrol said Mrs. Green was charged with failure to yield the right of way.

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 18, 1987, during the adjournment of the Senate, received a message from the President of the United States transmitting a nomination; which was referred to the Committee on Labor and Human Resources.

(The nomination received on February 18, 1987, is printed at the end of the Senate proceedings.)

ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 17

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 18, 1987, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the requirements of Section 109(e) of the Hazardous Materials Transportation Act (P.L. 93-633), I hereby transmit the Sixteenth Annual Report on Hazardous Materials Transportation for calendar year 1985.

RONALD REAGAN.

THE WHITE HOUSE, *February 18, 1987.*

TRADE, EMPLOYMENT, AND PRODUCTIVITY ACT—MESSAGE FROM THE PRESIDENT—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Trade, Employment, and Productivity Act of 1987" (the Act). The intent of this proposal is simple: to assure American competitive preeminence into the 21st century. The proposal itself is wide ranging, designed to help American workers, including those who are not yet full participants in our economy, to reach their highest potential and to permit American business to better marshal our Nation's resources. I am convinced that enactment of my proposal will allow American workers and business to meet world competition head-on, and win.

The initiatives in the Trade, Employment, and Productivity Act are under the jurisdiction of a number of different congressional committees. These initiatives all have a common element: they will improve our Nation's productivity and competitiveness. I strongly urge the Congress to consider the Act in its entirety. Failure to enact all of the initiatives would be akin to sending the American worker into the international arena without the proper tools.

The Act has five titles dealing with increasing investment in human and intellectual capital; promoting the development of science and technology; better protecting intellectual property rights; bringing about essential legal and regulatory reforms; and improving the international economic environment. Many of the statutory initiatives I am proposing will be complemented by administrative actions.

Title I of the Act is the Investment in Human and Intellectual Capital Act of 1987. Education and training are truly investments. We must prepare ourselves for the future by taking the opportunity to acquire the talents and skills needed to adapt to the dynamics of the marketplace. To excel in the 21st century, our society must continue the necessary reforms for excellence in our schools. A major part of this effort must include reauthorizing Chapters 1 and 2 of the Education Consolidation and Improvement Act to target resources on the neediest schools and youngsters; foster greater innovation, experimentation, and parental choice; build accountability into the program; and provide incentives and rewards for success. I am also proposing amendments to the Bilingual Education Act to give school districts greater flexibility in designing and operating programs that address the particular educational needs of limited English proficient students. But Federal legislation can only accomplish so much. To complement our legislative initiative, I charged Secretary Bennett with working with our Nation's Governors to continue identifying what works in American education and to continue seeking places of excellence that will serve as models. We must improve our children's basic skills—reading, writing, and computation; raise standards in elementary and secondary schools; and instill in our children productive habits and sound values. Together we must, by the year 2000, dramatically reduce illiteracy.

Investment in human capital must be an ongoing process. Training and retraining of the Nation's work force are a critical part of that process. I am proposing a new $980 million worker readjustment program that will help some 700,000 dislocated workers each year through counseling, job search assistance, basic education, and job skill training. This program will help assure that we will not lose the valuable work experience and talents of workers who are displaced from their jobs. We must provide training and adjustment opportunities to these workers early—before they exhaust unemployment benefits. Another potential source of skills for our Nation is the large number of economically disadvantaged Americans who are not now part of the mainstream of American economic life. To tap this important resource, I am proposing two interrelated initiatives for recipients of Aid to Families with Dependent Children (AFDC). The first is the AFDC and Summer Youth Employment and Youth Training Program, which will allow States and localities to use money now allocated for summer jobs for year-round remedial skill training and education for AFDC youth. The funding for the program will be increased to $800 million. The second is a new employment and training program in AFDC called Greater Opportunities Through Work (GROW). GROW will encourage teenage parents and children who have not completed high school to stay in or return to school. Older AFDC recipients will participate in employment and training activities, including remedial education, designed to improve their capacity to support themselves and their families. I am also proposing to give States greater flexibility in developing comprehensive approaches to the problems of the unemployed by decentralizing authority, financing, and responsibility for administering the Unemployment Insurance and Employment Service programs.

Title II of the Act is The National Science Foundation (NSF) Authorization Act, which will authorize appropriations for the NSF for a 5-year period, with a doubling of our budgetary commitment. I will also be taking a number of administrative actions that will make Federal R&D spending more effective, including establishing university-based science and technology centers, which will focus on fundamental science that directly contributes to our Nation's economic competitiveness. I am also creating a private/public Technology Share Program at Federal laboratories; initiating a People-to-People Exchange Program to transfer knowledge between Federal laboratories and industry and academia; and issuing an Executive order to improve U.S. industry and academia access to the Federal science and technology enterprise. The NSF will work with the Department of Education and State and local governments to assure that our children have the basic scientific literacy needed for the 21st century. I have also directed the Department of Defense to accelerate its efforts to "spin off" technologies to the private sector. To assure continued American leadership in the field of high energy physics, the Secretary of Energy will embark on the siting and construction of the Superconducting Super Collider—a 21st century version of a linear accelerator—that will help us understand the very nature of matter.

In addition, we are interested in exploring with the Congress and industry representatives measures that will provide additional incentives for American business to advance its technology and research and strengthen our international position in the world marketplace. This could include extending the current R&D tax credit beyond its expiration at the end of 1988; making it permanent; increasing the credit rate beyond the current 20 percent; and extending or increasing the current 50 percent automatic apportionment of R&D expenditures between domestic and foreign income and making it permanent. We look forward to discussions with the Congress on these and other possible approaches in an effort to ensure stability, certainty, and appropriate incentives in this vital area.

To continue to generate ideas, innovation, and invention, we must ensure that inventors are rewarded for their efforts. This can be done by protecting the rights of inventors to the economic rewards for their efforts. Title III of the Trade, Employment, and Productivity Act is the Omnibus Intellectual Property Rights Improvement Act of 1987. I am proposing a series of badly needed changes, including omnibus intellectual property reform and a technological solution to the potential problem of unauthorized copying of copyrighted material on digital audio tape recorders. We will also seek to join the Berne Convention and gain copyright relations with twenty countries with which we currently have none.

I am also proposing to broaden the statutory definitions of trade secrets and confidential commercial information under the Freedom of Information Act (FOIA) to permit Federal agencies to withhold information if disclosure would be harmful to commercial interests. In addition I will issue an Executive order to better protect business confidentiality under the FOIA by giving business the opportunity to object to the release of commercial information submitted to the Government if release would cause competitive harm.

Title IV of the act is the Legal and Regulatory Reforms Act of 1987. Outmoded rules and regulations and self-imposed disincentives place us at a disadvantage in the global marketplace. We must pare down the unnecessary costs that American business faces while continuing to protect worker safety and maintain public health and safety standards. I am proposing statutory reforms to reduce the costly product liability spiral, to amend our antitrust laws to reflect the dynamics of world trade, and to deregulate surface transportation (including termination of the Interstate Commerce Commission) and the pricing and transportation of natural gas, including repeal of demand restraints in the Fuel Use Act. I am also proposing oil pipeline deregulation and repeal of corporate average fuel economy standards.

This bill will implement the recommendations of the Vice President's Task Group on Regulation of Financial Services to reform the Federal financial services regulatory structure. I have also asked Vice President Bush to direct the Task Force on Regulatory Relief to take a fresh look at the Federal regulatory structure from the competitiveness standpoint and to improve the cost effectiveness of regulations or eliminate unnecessary regulatory burdens.

I am also proposing amendments to the Export Administration Act that will expedite trade with our trusted international trading partners, reduce the processing times for license applications covering products which are widely available throughout the free world, and, in those instances which require it, allow us to move quickly and effectively to halt technology diversion that is a threat to our national security. In addition, I have asked the Cabinet to report back to me by early March on additional recommendations to improve our export control program.

As part of our mutual effort to ensure that our financial services industry is able to compete effectively, we will work closely with the Congress to enact meaningful reforms of the Nation's banking laws that will promote a freer, more open financial services marketplace, complete with proper government supervision and disclosure. Our work should ultimately seek to remove those prohibitions that prevent greater competition between commercial banks and securities firms. We will also seek the elimination of barriers to effective interstate banking and other unnecessary impediments to an efficiently functioning, modern financial service industry. Fully competitive and economically sound financial services markets are essential not only for a vigorous, growing domestic economy, but also for a fully competitive international trade position for the United States.

In addition, I am proposing changes to the Employee Retirement Income Security Act (ERISA) to enhance the effectiveness of the private pension system in providing retirement income security for American workers. Included in this package is a paper that sets forth the administration's proposal on funding and termination of defined benefit pension plans.

Title V of the act is the International Economic Environment Improvement Act of 1987. I am proposing improvements to our trade laws that will enhance our ability to attack other nations' unfair trade practices and open markets abroad without forcing future Presidents to start self-defeating trade wars. Specific proposals I am submitting include: Seeking negotiating authority for the Uruguay Round; amending the antidumping law to provide a new predictable pricing test for products from nonmarket economies; establishing a 24-month deadline on dispute settlement cases; improving the Export Trading Company Act; and establishing reciprocal access to foreign markets as an additional factor for consideration in section 301 cases. My proposal to include reciprocity as an additional factor in section 301 cases will complement, and be complemented by, aggressive use of section 301 to attack unfair foreign trade practices. I am also proposing statutory changes to the Foreign Corrupt Practices Act (FCPA). While assuring that bribery to gain foreign sales is deterred through criminal sanctions, we must eliminate the uncertainties and ambiguities in the FCPA. I have also asked the Congress for the additional $200 million for the "war chest" to combat aggressively foreign predatory financing practices.

These initiatives will be complemented by our efforts to improve economic and monetary cooperation on a global scale; to address the LDC debt crisis through structural reforms and private sector investment; and to aggressively use existing trade authorities. I will also be devoting considerable attention and resources to our major market opening initiatives—one bilateral, the other multilateral. We are now engaged in historic negotiations with Canada on a free trade agreement that will improve commercial opportunities on both sides of the border and serve as a model for trade liberalization on a global scale. We have succeeded in our effort to include agriculture, services, intellectual property, and investment in the Uruguay Round of GATT negotiations. We will now push for speedy and comprehensive results.

The act is a comprehensive proposal for assuring that the Federal Government does everything possible to make our workers and businesses preeminent in the 21st century. But we must remember that ultimately it is the decisions of those workers and businessmen that make the market go. We should not intrude unnecessarily upon the decisionmaking of workers or business or impede the effective operation of the marketplace.

Likewise we must avoid protectionist measures that isolate workers and business from the global marketplace. First, our workers and businessmen do not need that kind of help—we can compete without tilting the board in our favor. Second, the protectionist approach does nothing to make our country more competitive. Rather it is a short-term painkiller that will make us less competitive in the future. Protectionism will not save jobs; it will only redistribute them. Moreover, it would trap our workers in areas of our economy where we are relatively weak, instead of allowing us to grow in areas where we are strong. In a sense, protectionism is like an unfair tax—one that hurts most Americans in the interest of helping a few.

Finally, the most important thing we can do in the short term to reduce our trade deficit is to reduce the Federal budget deficit. I have submitted a Fiscal Year 1988 budget that meets the Gramm-Rudman-Hollings target without raising taxes. I urge the Congress to work with me to achieve that goal.

RONALD REAGAN.

THE WHITE HOUSE, *February 19, 1987.*

ANNUAL REPORT OF THE DEPARTMENT OF EDUCATION—MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 426 of the Department of Education Organization Act (P.L. 96-88; 20 U.S.C. 3486), I transmit herewith the seventh annual report of the Department of Education, which covers Fiscal Year 1986.

RONALD REAGAN.

THE WHITE HOUSE, *February 19, 1987.*

MESSAGES FROM THE HOUSE

At 4:17 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the Relocation Assistance Program, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

For consideration of all provisions except title V of the House bill and title II of the Senate amendment: Mr. HOWARD, Mr. ANDERSON, Mr. ROE, Mr. HAMMERSCHMIDT, and Mr. SHUSTER.

Appointed as exclusive conferees, for consideration of title V of the House bill and title II of the Senate amendment: Mr. ROSTENKOWSKI, Mr. PICKLE, Mr. JENKINS, Mr. GUARINI, Mr. MATSUI, Mr. ANTHONY, Mr. FLIPPO, Mr. DUNCAN, Mr. FRENZEL, Mr. SCHULZE, and Mr. THOMAS of California.

The message also announced that pursuant to section 301 of Public Law 99-371, the Speaker appoints as members of the Commission on Education of the Deaf, the following members from private life on the part of the House: Ms. Patricia A. Hughes of Seattle, WA; Mr. David J. Nelson of Washington, DC; Mr. William Page Johnson of Jacksonville, IL; and Ms. Nanette Fabray of Pacific Palisades, CA.

The message further announced that pursuant to the provisions of section 2(a) of Public Law 85-874, as amended, the Speaker appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members on the part of the House: Mr. Yates, Mr. Wilson, and Mr. McDade.

The message also announced that pursuant to the provisions of sections 42 and 43 of title 20 of the United States Code, the Speaker appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House: Mr. Mineta, Mr. Boland, and Mr. Conte.

The message further announced that pursuant to the provisions of section 2211 of title 19 of the United States Code, and upon recommendation of the chairman of the Committee on Ways and Means, the Speaker has selected the following members of that committee, to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the first session of the 100th Congress: Mr. Rostenkowski, Mr. Gibbons, Mr. Jenkins, Mr. Crane, and Mr. Frenzel.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. METZENBAUM (for himself, Mr. Kennedy, Mr. Simon, Mr. Dodd, Mr. Matsunaga, Mr. Harkin, Ms. Mikulski, Mr. Adams, Mr. Pell, and Mr. Byrd):

S. 538. A bill to implement the recommendations of the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mr. Simpson, and Mr. Cochran):

S. 539. A bill to increase investment in human and intellectual capital, to promote the development of science and technology, to enhance the protection of intellectual property, to bring about legal and regulatory reform essential to the elimination of obstacles to competitiveness, to improve the international economic environment, and for other purposes; ordered placed on the calendar.

By Mr. CRANSTON (for himself, Mr. Simon, and Mr. Dixon):

S. 540. A bill to require the President to direct the Secretary of Defense, the Secretary of Health and Human Services, and the Administrator of Veterans' Affairs to submit to the appropriate committees of the Congress a joint report addressing the question of U.S. Government responsibility for providing benefits and services to individuals who served with certain voluntary organizations in support of the Armed Forces of the United States stationed in the Republic of Vietnam during the Vietnam era; to the Committee on Governmental Affairs.

By Mr. PRYOR (for himself, Mr. Glenn, Mr. Levin, Mr. Bingaman, Mr. Heflin, Mr. Burdick, Mr. Conrad, Mr. Matsunaga, Mr. Sarbanes, Mr. Harkin, Mr. Inouye, Mr. D'Amato, and Mr. Ford):

S. 541. A bill to amend title 39; United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive services; to the Committee on Governmental Affairs.

By Mr. ARMSTRONG (for himself, Mr. Nickles, Mr. Exon, Mr. Bradley, Mr. Dodd, Mr. Pressler, Mr. DeConcini, Mr. Leahy, Mr. Inouye, Mr. Bingaman, Mr. Glenn, Mr. Matsunaga, Mr. Sarbanes, Mr. Murkowski, Mr. Wirth, Mr. Daschle, Mr. Boren, Mr. Nunn, Mr. Warner, Mr. Dole, Mr. Moynihan, Mr. Bentsen, Mr. Cohen, and Mr. Melcher):

S. 542. A bill to recognize the organization known as the "Retired Enlisted Association, Incorporated; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. Roth, Mr. Specter, Mr. Riegle, Mr. D'Amato, and Mr. Moynihan):

S. 543. A bill to implement the United States-European Communities Agreement on Citrus and Pasta, and for other purposes; to the Committee on Finance.

By Mr. WALLOP:

S. 544. A bill to limit the salary of Members of Congress to the levels which were payable as of December 31, 1986; to the Committee on Governmental Affairs.

By Mr. CHILES (for himself and Mr. Graham):

S. 545. A bill to establish equal and equitable classification and duty rate for certain imported citrus products; to the Committee on Finance.

By Mr. McCONNELL:

S. 546. A bill to amend section 97 of title 28, United States Code, to provide for Federal district court to be held in Hopkinsville, KY; to the Committee on the Judiciary.

By Mr. HEINZ (for himself and Mr. Dixon):

S. 547. A bill to amend the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. METZENBAUM (for himself, Mr. Heinz, Mr. Glenn, Mr. Specter, Mr. Byrd, Mr. Lugar, Mr. Riegle, Mr. Durenberger, Mr. Simon, Mr. Rockefeller, Mr. Levin, and Mr. Boschwitz):

S. 548. A bill to amend title II, United States Code, the Bankruptcy Code, regarding benefits of certain retired employees; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. Thurmond, Mr. Heinz, Mr. Moynihan, Mr. Helms, Mr. Mitchell, Mr. Heflin, Mr. Cohen, Mr. Nunn, Mr. Kennedy, Mr. Specter, Mr. Breaux, Mr. Gore, Mr. Ford, Mr. Sanford, Ms. Mikulski, Mr. Sasser, Mr. Shelby, Mr. Fowler, Mr. Dixon, Mr. Stennis, Mr. Cochran, Mr. Kasten, Mr. Warner, Mr. Rockefeller, Mr. DeConcini, Mr. D'Amato, Mr. Dodd, Mr. Levin, Mr. Roth, Mr. Metzenbaum, Mr. McConnell, Mr. Trible, Mr. Lautenberg, Mr. Riegle, and Mr. Pell):

S. 549. A bill to remedy injury to the U.S. textile and apparel industries caused by increased imports; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. Weicker, Mr. Zorinsky, Mr. Moynihan, Mr. Dodd, and Mr. Kennedy):

S. 550. A bill to promote safety by amending chapter 4 of title 23, United States Code, to provide for a uniform system for handicapped parking; to the Committee on Commerce, Science, and Transportation.

By Mr. MATSUNAGA:

S. 551. A bill to amend the tariff schedules of the United States to change the tariff treatment of salted and dried plums; to the Committee on Finance.

By Mr. EVANS (for himself, Mr. Cranston, Mr. Glenn, Mr. Cohen, Mr. Levin, Mr. Heinz, Mr. Adams, Mr. Baucus, Mr. Bingaman, Mr. Burdick, Mr. DeConcini, Mr. Dodd, Mr. Kerry, Mr. Leahy, Mr. Melcher, Mr. Metzenbaum, Ms. Mikulski, Mr. Moynihan, Mr. Packwood, Mr. Pell, Mr. Riegle, Mr. Simon, Mr. Specter, and Mr. Stafford):

S. 552. A bill to improve the efficiency of the Federal classification system and to promote equitable pay practices within the Federal Government and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Mr. Cranston, Mr. DeConcini, Mr. Matsunaga, Mr. Kerry, Mr. Graham, and Mr. Mitchell):

S. 553. A bill to amend the Veterans' Job Training Act to extend and improve the program under that Act; to the Committee on Veterans' Affairs.

By Mr. McCONNELL:

S. 554. A bill to provide greater certainty in the availability and cost of liability insurance, to eliminate the abuses of the tort system, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. Evans, and Mr. Daschle):

S. 555. A bill to regulate gaming on Indian lands; to the Select Committee on Indian Affairs.

By Mr. CRANSTON (for himself, Mr. Kennedy, and Mr. Levin):

S. 556. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. Weicker, Mr. Metzenbaum, Mr. Packwood, Mr. Cranston, Mr. Stafford, Mr. Adams, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bingaman, Mr. Bradley, Mr. Breaux, Mr. Burdick, Mr. Chafee, Mr. Chiles, Mr. Cohen, Mr. Daschle, Mr. DeConcini, Mr. Dodd, Mr. Ford, Mr. Fowler, Mr. Glenn, Mr. Gore, Mr. Harkin, Mr. Hollings, Mr. Inouye, Mr. Johnston, Mr. Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Matsunaga, Mr. Melcher, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Pell, Mr. Proxmire, Mr. Riegle, Mr. Rockefeller, Mr. Sanford, Mr. Sarbanes, Mr. Simon, Mr. Specter, Mr. Stevens, Mr. Wirth, Mr. Dixon, Mr. Rudman, Mr. Durenberger, Mr. Evans, Mr. Boschwitz, and Mr. Heinz):

S. 557. A bill to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. BIDEN, Mr. WEICKER, Mr. SIMON, Mr. CHAFEE, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. ADAMS, Mr. BENTSEN, Mr. BINGAMAN, Mr. BRADLEY, Mr. BURDICK, Mr. CRANSTON, Mr. DIXON, Mr. DODD, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. HARKIN, Mr. HATFIELD, Mr. INOUYE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN of Michigan, Mr. MATSUNAGA, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. PACKWOOD, Mr. PROXMIRE, Mr. PRYOR, Mr. RIEGLE, Mr. SARBANES, Mr. STAFFORD, Mr. WIRTH, and Mr. ROCKEFELLER):

S. 558. A bill to amend title VIII of the Act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAFEE:

S. 559. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the measures available to reduce the adverse effect discarding or dumping of plastics on land and in the waters have on the environment, including the effects on fish and wildlife; to make recommendations for eliminating or lessening such adverse effects; and to require the Administrator of the Environmental Protection Agency to control the pollution of the environment caused by the discarding of plastics on the land and in water; to the Committee on Environment and Public Works.

S. 560. A bill to implement the provisions of annex V to the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978; to the Committee on Environment and Public Works.

By Mr. THURMOND (for himself, Mr. NICKLES, Mr. ZORINSKY, Mr. HOLLINGS, Mr. HEFLIN, Mr. Dixon, Mr. GRASSLEY, Mr. PRYOR, Mr. LUGAR, Mr. HECHT, Mr. WALLOP, Mr. EXON, Mr. BOREN, and Mr. SIMON):

S. 561. A bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction to farmers who donate agricultural products to assist victims of natural disasters; to the Committee on Finance.

By Mr. WEICKER:

S. 562. A bill to establish the National Marine Policy Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. FORD):

S. 563. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of landowners certain payments or economic benefits received from the abandoned mine reclamation fund for uses set forth in section 401 of the Surface Mining Control and Reclamation Act of 1977, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO:

S. 564. A bill to amend the Internal Revenue Code of 1986 to exclude tax-exempt interest from the computation of the alternative minimum tax and the amount of Social Security benefits to be taxed; to the Committee on Finance.

By Mr. GRASSLEY:

S. 565. A bill to make certain bankruptcy amendments relating to family farmers applicable to cases under title 11 of the United States Code that were commenced before November 26, 1986, and that are either pending or reviewable; to the Committee on the Judiciary.

By Mr. EXON (for himself and Mr. ZORINSKY):

S. 566. A bill to amend the Tax Reform Act of 1984 to provide a special rule for mutual life insurance companies and to amend the Internal Revenue Code of 1986 to provide depositors in insolvent financial institutions the option of a one-time ordinary loss deduction; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. SIMPSON, and Mr. EXON):

S. 567. A bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

By Mr. HATCH (for himself and Mr. DECONCINI):

S. 568. A bill to protect patent owners from importation into the United States of goods made overseas by use of a U.S. patented process; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. HATCH):

S. 569. A bill to amend the Saccharin Study and Labeling Act; to the Committee on Labor and Human Resources.

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. STAFFORD, Mr. DURENBERGER, Mr. GORE, Mr. WIRTH, and Mr. REID):

S. 570. A bill to reduce atmospheric pollution to protect the stratosphere from ozone depletion, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. STAFFORD, Mr. MITCHELL, Mr. DURENBERGER, Mr. GORE, Mr. WIRTH, and Mr. REID):

S. 571. A bill to reduce atmospheric pollution to protect the stratosphere from ozone depletion, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DECONCINI:

S. 572. A bill to amend the Sherman Act and the Clayton Act to modify the application of such Acts to international commerce; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 573. A bill to protect patent owners from importation into the United States of goods made overseas by use of a U.S. patented process; to the Committee on the Judiciary.

By Mr. HECHT:

S. 574. A bill entitled the "Battle Mountain Pasture Restoration Act of 1987"; to the Committee on Energy and Natural Resources.

S. 575. A bill to convey public land to the Catholic Diocese of Reno/Las Vegas, Nevada; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. RIEGLE):

S.J. Res. 52. A joint resolution designating the week of May 10, 1987, through May 16, 1987, as "National Fetal Alcohol Syndrome Awareness Week"; to the Committee on the Judiciary.

By Mr. CRANSTON:

S.J. Res. 53. A joint resolution to designate the period commencing November 22, 1987, and ending November 28, 1987, as "American Indian Week"; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. LAUTENBERG, Mr. STAFFORD, and Mr. DURENBERGER):

S.J. Res. 54. Joint resolution to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1984 to ensure that eligible local educational agencies can complete asbestos abatement work in school buildings during the 1987 summer school recess; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S.J. Res. 55. Joint resolution designating the week of May 10, 1987, through May 16, 1987, as "National Osteoporosis Prevention Week of 1987"; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S.J. Res. 56. Joint resolution designating the third week in May of each year as National Tourism Week; to the Committee on the Judiciary.

By Mr. DECONCINI:

S.J. Res. 57. Joint resolution to designate the period commencing on May 3, 1987, and ending on May 10, 1987, as "National Older Americans Abuse Prevention Week"; to the Committee on the Judiciary.

S.J. Res. 58. Joint resolution to designate the month of April 1987 as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. HOLLINGS, Mr. BRADLEY, and Mr. CHAFEE):

S.J. Res. 59. Joint resolution to designate the month of May 1987 as "National Foster Care Month"; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself, Mr. HATFIELD, Mr. STENNIS, Mr. COCHRAN, Mr. LUGAR, Mr. BURDICK, Mr. PELL, and Mr. HATCH):

S.J. Res. 60. Joint resolution to authorize the President to proclaim the last Friday of April each year as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 61. Joint resolution to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 105. Resolution to amend rule XXII; to the Committee on Rules and Administration.

S. Res. 106. Resolution to amend rule XXV; to the Committee on Rules and Administration.

S. Res. 107. Resolution to amend rule XXII; to the Committee on Rules and Administration.

S. Res. 108. Resolution to amend rule XX; to the Committee on Rules and Administration.

By Mr. CRANSTON (for himself, Mr. RIEGLE, Mr. SIMON, Mr. GRASSLEY, Mr. METZENBAUM, Mr. SARBANES, Mr. INOUYE, Mr. MOYNIHAN, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LEVIN, Mr.

Kerry, Mr. D'Amato, Mr. Gore, Mr. Dodd, Mr. Heinz, Mr. Leahy, Ms. Mikulski, and Mr. Kennedy):

S. Res. 109. Resolution expressing the sense of the Senate with respect to the proposed rescission of budget authority for rental development grants; to the Committee on the Budget and the Committee on Appropriations, jointly, pursuant to the order of November 30, 1975, as modified by the order of April 11, 1986.

By Mr. CRANSTON (for himself, Mr. Riegle, Mr. Simon, Mr. Grassley, Mr. Metzenbaum, Mr. Sarbanes, Mr. Inouye, Mr. Moynihan, Mr. Harkin, Mr. Rockefeller, Mr. Levin, Mr. Kerry, Mr. D'Amato, Mr. Gore, Mr. Dodd, Mr. Heinz, Mr. Leahy, Ms. Mikulski, and Mr. Kennedy):

S. Res. 110. Resolution expressing the sense of the Senate with respect to the proposed rescission of budget authority for community development block grants; to the Committee on the Budget and the Committee on Appropriations, jointly, pursuant to the order of November 30, 1975, as modified by the order of April 11, 1986.

By Mr. CRANSTON (for himself, Mr. Riegle, Mr. Simon, Mr. Grassley, Mr. Metzenbaum, Mr. Sarbanes, Mr. Inouye, Mr. Moynihan, Mr. Harkin, Mr. Rockefeller, Mr. Levin, Mr. Kerry, Mr. D'Amato, Mr. Gore, Mr. Dodd, Mr. Heinz, Mr. Leahy, Ms. Mikulski, and Mr. Kennedy):

S. Res. 111. Resolution expressing the sense of the Senate with respect to the proposed rescission of budget authority for urban development action grants; to the Committee on the Budget and the Committee on Appropriations, jointly, pursuant to the order of November 30, 1975, as modified by the order of April 11, 1986.

By Mr. SIMPSON (for Mr. Dole):

S. Res. 112. Resolution making an appointment to the Committee on Governmental Affairs.

By Mr. BYRD (for himself and Mr. Dole):

S. Res. 113. Resolution to direct the Senate Legal Counsel to represent Senator Lugar and Senator Quayle in a civil action; considered and agreed to.

By Mr. HATCH:

S. Res. 114. Resolution to require unanimous consent of the Senate that the Journal is up to date; to the Committee on Rules and Administration.

S. Res. 115. Resolution to print each proposed amendment and bill in full in each Journal without unanimous consent of the Senate; to the Committee on Rules and Administration.

S. Res. 116. Resolution to require 2 weeks notice in writing to specify an exact change in the rules; to the Committee on Rules and Administration.

S. Res. 117. Resolution to require 6 days notice in writing to specify an exact change in the rules; to the Committee on Rules and Administration.

S. Res. 118. Resolution to require 5 days notice in writing to specify an exact change in the rules; to the Committee on Rules and Administration.

S. Res. 119. Resolution to require 4 days notice in writing to specify an exact change in the rules; to the Committee on Rules and Administration.

S. Res. 120. Resolution to require 3 days notice in writing to specify an exact change in the rules; to the Committee on Rules and Administration.

S. Res. 121. Resolution to require 2 days notice in writing to specify an exact change in the rules; to the Committee on Rules and Administration.

S. Res. 122. Resolution to require 1 week's notice in writing to specify an exact change in the rules; to the Committee on Rules and Administration.

S. Res. 123. Resolution to require a majority approval by the Senate to continue the rules of one Congress to another; to the Committee on Rules and Administration.

S. Res. 124. Resolution to require no waiving of the Journal's reading to ensure it is up to date; to the Committee on Rules and Administration.

S. Res. 125. Resolution to require publication in local newspapers of certification papers of elected Senators; to the Committee on Rules and Administration.

S. Res. 126. Resolution to improve the Ethics in Government Act; to the Committee on Rules and Administration.

S. Res. 127. Resolution to improve the Ethics in Government Act; to the Committee on Rules and Administration.

S. Res. 128. Resolution to improve the operation of the Senate; to the Committee on Rules and Administration.

S. Res. 129. Resolution to improve historical records preservation; to the Committee on Rules and Administration.

S. Res. 130. Resolution to improve historical records preservation; to the Committee on Rules and Administration.

S. Res. 131. Resolution to improve historical records preservation; to the Committee on Rules and Administration.

S. Res. 132. Resolution to improve historical records preservation; to the Committee on Rules and Administration.

S. Res. 133. Resolution to improve the procedure concerning special orders; to the Committee on Rules and Administration.

S. Res. 134. Resolution to improve the procedure concerning special orders; to the Committee on Rules and Administration.

S. Res. 135. Resolution to improve the transmittal of copies of records of Executive Sessions to the President; to the Committee on Rules and Administration.

S. Res. 136. Resolution to improve the transmittal of copies of records of Executive Sessions to the President; to the Committee on Rules and Administration.

S. Res. 137. Resolution to clarify the Ethics in Government Act of 1979; to the Committee on Rules and Administration.

S. Res. 138. Resolution to improve the Ethics in Government Act of 1978; to the Committee on Rules and Administration.

S. Res. 139. Resolution to improve the Ethics in Government Act; to the Committee on Rules and Administration.

S. Res. 140. Resolution to improve the Ethics in Government Act; to the Committee on Rules and Administration.

S. Res. 141. Resolution to improve the Ethics in Government Act; to the Committee on Rules and Administration.

S. Res. 142. Resolution to improve the Ethics in Government Act; to the Committee on Rules and Administration.

S. Res. 143. Resolution to improve the Ethics in Government Act; to the Committee on Rules and Administration.

S. Res. 144. Resolution to allow a witness special consideration during media broadcasts of Committee hearings; to the Committee on Rules and Administration.

S. Res. 145. Resolution to require the presence of at least one Minority member for any Committee vote; to the Committee on Rules and Administration.

S. Res. 146. Resolution to allow a witness the right to request a closed session; to the Committee on Rules and Administration.

S. Res. 147. Resolution to install a ramp to permit access to the Senate gallery by disabled persons; to the Committee on Rules and Administration.

S. Res. 148. Resolution to ensure sign language interpretation for the deaf and hearing impaired during Executive Sessions of the Senate; to the Committee on Rules and Administration.

S. Res. 149. Resolution to provide audio loop services for the deaf and hearing impaired; to the Committee on Rules and Administration.

S. Res. 150. Resolution to require accessibility to the blind of the Congressional Record printed in braille; to the Committee on Rules and Administration.

S. Res. 151. Resolution to ensure sign language services for the deaf and hearing impaired during all committee sponsored events; to the Committee on Rules and Administration.

S. Res. 152. Resolution to ensure provision of audio loops for persons with hearing impairments during debate of the Senate; to the Committee on Rules and Administration.

S. Res. 153. Resolution to ensure that each committee provide audio loops for persons with hearing impairments; to the Committee on Rules and Administration.

S. Res. 154. Resolution to prohibit smoking in the Senate wing of the Capitol; to the Committee on Rules and Administration.

S. Res. 155. Resolution to require committee reports to contain family fairness statements; to the Committee on Rules and Administration.

S. Res. 156. Resolution to revise the Standing Rules of the Senate to be gender neutral; to the Committee on Rules and Administration.

By Mr. STEVENS (for himself and Mr. Ford):

S. Con. Res. 18. Concurrent resolution to authorize the printing of "Senator Robert C. Byrd's Addresses on the History of the United States Senate: Bicentennial Edition"; considered and agreed to.

By Mr. WIRTH (for himself, Mr. Baucus, Mr. Chafee, Mr. Mitchell, Mr. Stafford, Mr. Gore, Mr. Durenberger, Mr. Harkin, Mr. Bumpers, Mr. Kennedy, Mr. Adams, Mr. Bradley, Mr. Heinz, Mr. Reid, Mr. Dodd, Mr. Cranston, and Mr. Levin):

S. Con. Res. 19. Concurrent resolution urging the President to take immediate action to reduce the depletion of the ozone layer attributable to worldwide emissions of chloroflourocarbons; to the Committee on Foreign Relations.

By Mr. GORE (for himself, Mr. Pell, and Mr. Sasser):

S. Con. Res. 20. Concurrent resolution to express the sense of Congress that funding for the vocational education program should not be eliminated; to the Committee on Labor and Human Resources.

By Mr. DANFORTH (for himself, Mr. Heflin, Mr. Durenberger, Mr. Bentsen, Mr. Zorinsky, Mr. McConnell, Mr. Boschwitz, Mr. Bond, Mr. Grassley, Mr. Quayle, Mr. Baucus, Mr. Lugar, Mr. Pryor, Mr. Fowler, Mr. Exon, and Mr. Nunn):

S. Con. Res. 21. Concurrent resolution expressing the sense of Congress in opposition to the proposal by the European Community for the establishment of a tax on vegetable and marine fats and oils and urging the President to take strong and immediate countermeasures should such a tax be implemented to the detriment of U.S. exports of oilseeds and products and inconsistently with the European Community's obligations under the General Agreement on Tariffs and Trade; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METZENBAUM (for himself, Mr. Kennedy, Mr. Simon, Mr. Dodd, Mr. Matsunaga, Mr. Harkin, Ms. Mikulski, Mr. Adams, Mr. Pell, and Mr. Byrd):

S. 538. A bill to implement the recommendations of the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation, and for other purposes; to the Committee on Labor and Human Resources.

ECONOMIC DISLOCATION AND WORKER ADJUSTMENT ASSISTANCE ACT

● Mr. METZENBAUM. Mr. President, American men and women want to work. But since 1981, over 5 million Americans have lost their jobs because their plants shut down or their positions were eliminated.

Thousands of plant closings and permanent layoffs have had a devastating effect on the fabric of life in our local communities. From shoe factories in Maine to textile mills in the Carolinas, from auto and steel plants in Ohio to high tech establishments in California, American workers face the prospect of finding new jobs and new careers.

They need and deserve assistance in this difficult undertaking. But their Government is failing them.

Dislocated workers require notice several months in advance so that they have time to seek retraining or job search assistance. But in this country, blue-collar workers receive on average a mere 7 days' notice prior to a plant closing. That is a disgrace.

Dislocated workers need immediate adjustment assistance from experts brought to the plant through coordinated labor-management efforts. That has been the key to successful readjustment programs in Canada, but no such Federal effort has been made in the United States.

Dislocated workers should be able to count on effective retraining. Yet existing Federal job-training programs serve only 50,000 workers annually, barely 5 percent of each year's displaced workforce.

Finally, dislocated workers should be able to look to their Government for new ideas. But in the face of a million casualties per year, the administration's response until very recently has been little more than business as usual.

We must act now to address the plight of the dislocated worker. That is why today I am introducing, along with Senators Kennedy and Simon, the Economic Dislocation and Worker Adjustment Assistance Act. I am pleased that Representatives Clay, Ford, Martinez, and Conte are introducing companion legislation today in the House of Representatives.

The Reagan administration, led by Secretary Brock, has announced that it will commit $980 million to help dislocated workers in fiscal year 1988. I welcome that commitment.

The bill we are introducing today also involves a commitment of $980 million. I believe it is a wise investment in human capital that will hasten the return of productive workers to our economy. I look forward to working with the Department of Labor, and with Democratic and Republican Members of the Congress, to insure that this money in fact will be spent wisely.

The dislocated workers of the 1980's, the majority of whom are from the manufacturing sector, are the cream of the American workforce. They are highly motivated family breadwinners, with long work experience, in the prime of their income-producing years.

When these men and women lose their jobs, the loss is especially severe. One-third of those displaced since 1981 have failed to find new employment. Often, they lack the skills or education to fill new or emerging jobs in America's rapidly changing economy. Those who are reemployed typically receive lower earnings and often lack the health insurance and other benefits they had in their former jobs.

Many of these Americans are victims of employer flight to foreign countries where cheap, exploited labor is plentiful. Others are pawns in the financial maneuvering of greedy Wall Street takeover tycoons. Still others suffer because of America's growing inability to compete in the world economy.

Whatever the specific cause of their predicament, we must do more to help these workers secure retraining and job placement assistance.

The Economic Dislocation and Worker Adjustment Assistance Act provides a comprehensive, accelerated approach for workers dislocated by structural change in our economy. The act consists of three basic components.

The first component, title I, implements the recommendations of the blue ribbon task force established 14 months ago by Secretary Brock to study this problem. Specifically, the act provides for creation of a Federal displaced worker unit, with counterparts at the State level, to coordinate and expand delivery of education, training, and reemployment assistance. In addition, the act calls for a strike force capable of furnishing plant-specific assistance, coordinated through labor-management committees, beginning within days of an announced decision to close a facility. This approach is patterned after the highly successful Canadian experience.

The second component of our legislation, title 2, also responds to the task force report, which concluded that "advance notification is an essential component of a successful worker adjustment program."

The Congressional Office of Technology Assessment has found that it takes 2 to 4 months' work in advance of a plant closing to establish a comprehensive worker adjustment program. Yet, in this country, nearly two-thirds of the plants that shut down provide less than 2 weeks' notice.

It is bad business and bad policy to tell a loyal and dependable worker, who oftentimes provides sole support for a family, that he or she is out of a job in less than 2 weeks. We must provide more time so that workers can seek or prepare for new jobs.

The act requires employers to provide that transition period by giving workers and local community officials at least 90 days' advance notice of plant shutdowns that affect 50 or more employees.

We also call upon employers who plan to close their plants to consult with local community leaders and employee representatives about the possibility of keeping these plants open.

The bill does not require formal collective bargaining. Nor does it restrict management's existing ability under Federal law to decide whether to continue operations. But it does provide for a forum in which local communities may attempt to persuade businesses to remain, or may seek to buy them out with new capital.

Over the years, the vast majority of these local communities have bent over backward in an effort to meet the needs of their private employers. These towns, counties, and cities deserve the opportunity to be heard. That is what the consultation provisions of the bill are about.

Finally, the act directs the Secretary of Labor to establish three particular demonstration projects that hold great promise in assisting dislocated workers.

The first project authorizes worker training loans of up to $5,000 at below-market interest rates. This will give workers greater flexibility to purchase training that best suits their needs.

The second demonstration project authorizes selected States to allow dislocated workers who wish to start up their own small business to continue receiving unemployment insurance benefits they otherwise would lose. This project, patterned after successful efforts in France and Great Britain, should stimulate self-employment that will in turn create additional jobs.

The third demonstration project authorizes public works employment to provide jobs on a project-by-project basis in communities where there is high unemployment.

After 2 years, these demonstration projects will be carefully evaluated. If they prove successful, the projects then can be expanded to a national scale.

The Economic Dislocation and Worker Adjustment Assistance Act is comprehensive legislation that deserves bipartisan support. In March, Senator SIMON and I will convene joint hearings of the Subcommittee on Labor and the Subcommittee on Employment and Productivity to receive testimony on the bill. We expect to mark up the legislation and send it to the full committee by late April.

This act is in the forefront of the current debate on competitiveness, and I promise swift action.●

● Mr. KENNEDY. Mr. President, today we are introducing legislation to provide assistance to the millions of Americans who lose their jobs because of changes in the domestic economy and the effects of the world economy. Two million Americans a year are being displaced from their jobs by these factors. Nearly half of these workers held those jobs for 3 or more years before being put out of work. One third of long-term job holders displaced in the last 5 years either remain unemployed or have dropped out of the labor force.

The costs of this dislocation are painfully apparent. Nearly half of those fortunate enough to find another job make less than they did at their old jobs. This means that nearly 60 percent of long-term job holders who lose their jobs end up making no money at all or less than they did before. We have an obligation to help those whose livelihoods are threatened through no fault of their own. But we also have an obligation to try to use their talents in jobs that will make a more productive America. And we have an opportunity to reduce the unemployment insurance payments and other social welfare costs incurred by government at all levels when people are out of work.

Rebuilding the Nation's competitiveness starts with the skills and commitment of individual workers. Americans who lose their jobs because of trade or other economic developments should not be left out or left behind in any competitiveness initiative worthy of the name. They are a proven resource in the workplace, and it is our national obligation to try to harness their talents for use in the workplaces of the future.

The Economic Dislocation and Worker Adjustment Assistance Act will channel funds to State agencies to undertake this effort. The States will have to establish a capacity for quick response to problems of plant closings and mass layoffs. Once they satisfy the Secretary of Labor that they have this capacity, though, they will be able to respond in creative and flexible ways to the problems of a particular group of workers affected. In Massachusetts and other States, governments are already developing a response to dislocation problems. We wish to encourage and support these efforts to retrain workers and to help them find new jobs.

The legislation will also give workers the right to know that their jobs are in danger before they come to work one morning to find their jobs are gone. Most industrial democracies already provided for advance notification before mass layoffs and plant closings. Many businesses in this country already give notice to their workers. But it is only fair that all workers who may be affected be informed. Not only is this fair to the workers but, as study after study has shown, advance notification is key to the effective adjustment of workers to productive new jobs. In the words of Secretary Brock's task force on these problems, "advance notification is an essential component of a successful adjustment program."

Finally, the bill authorizes three demonstration programs to explore new ways of aiding dislocated workers in their efforts to get good jobs. One provides low interest loans for vocational and on-the-job training, as well as expenses associated with this training. A second would allow 5 to 10 States to permit a limited number of unemployment insurance recipients to use their benefits to help start up their own businesses. A third will authorize the Secretary of Labor to contract with 5 to 10 high unemployment cities or counties to select job projects for funding.

This bill provides a positive approach to the problem of worker dislocation. It involves workers themselves, as well as the Federal and State governments, and I am pleased to cosponsor it.●

● Mr. SIMON. Mr. President. I am pleased to join my colleagues on the Senate Labor and Human Resources Committee, Senators METZENBAUM and KENNEDY, in introducing a major legislative initiative affecting unemployed Americans throughout the Nation.

The Economic Dislocation and Workers Adjustment Assistance Act of 1987 will substantially enhance the title III, dislocated worker provisions of the Job Training and Partnership Act [JTPA].

JTPA and job training legislation are within the jurisdiction of the Subcommittee on Employment and Productivity of the Labor and Human Resources Committee, which I Chair.

The Job Training and Partnership Act, since its enactment in 1981, has made considerable progress toward alleviating the problems of joblessness in America when it is caused by plant closure due to foreign competition. However, it has failed to serve all workers affected by economic dislocation and has not had available to it the kind of resources which would make it possible to meet the full needs of all of the unemployed.

As most of my colleagues know, the President's fiscal year 1988 budget included general revenue funds for a New Workers Adjustment Assistance Program recommended by Secretary of Labor William Brock. I support the thrust of Secretary Brock's initiative.

The legislation that we introduce today will add $680 million to the current title III, Dislocated Workers Program under JTPA. Given the economic havoc associated with deindustrialization, workers are in dire need of more assistance and support to, again, be participants in the work force.

In Illinois alone, informal estimates suggest that 100,000 workers a year are displaced from their jobs. Since the inception of JTPA, however, a mere 30,000 individuals were served via formula funds and an additional 7,000 served by discretionary funds.

The Illinois Department of Commerce and Community Affairs, the State agency that administers JTPA, also reports that it received approximately $3.5 million since the inception of JTPA while discretionary funds accounted for slightly more than $10 million during that same time period. Clearly more funds could be put to use to reach out to displaced workers.

More important, with the increased funds and the addition of rapid response teams to the tools available under JTPA to provide basic remedial education and job training to workers adversely affected by economic dislocation in their communities, we will be able to provide needed help more quickly and in a way which will help put America back to work.

This legislation also contains an important notice and consultation provision. I strongly support inclusion of the notice requirement because without it there could be no rapid response to plant closings.

If we are to meet the needs of workers about to be displaced by the closure of a plant, it is absolutely essential that notice be provided to State and local government officials as well as to labor unions or other representatives of workers.

Some will criticize this notice requirement. They will say it is unnecessary and disruptive of the process of enacting legislation to expand the title III, Dislocated Worker Program. They are wrong.

The central focus of Secretary Brock's proposal is to increase the speed with which title III—dislocated worker assistance—is provided to eligible participants.

The Secretary's own task force on economic adjustment and worker dislocation concluded that:

> Experience also has shown that the earliest notification possible leads to more effective delivery of public and private services to dislocated workers:

There can be no rapid response without notice.

This legislation does not contain the administration's proposal for combining the Trade Adjustment Assistance Act Program, which is within the jurisdiction of the Senate Finance Committee, with title III, JTPA. As chairman of the Subcommittee on Employment and Productivity, I do believe that that proposal has merit.

My subcommittee, along with Senator Metzenbaum's Subcommittee on Labor, will hold hearings on both the administration's proposal as well as our proposal in March.

It is my intention to review thoroughly all viewpoints on the job training and partnership aspects of this proposal, as well as to listen carefully to the concerns of the Secretary and the business community on the notice and consultation requirement.

We all share a common objective: to produce a bill which will meet the needs of America's unemployed workers and assist them in the transition from one source of employment to another.

I am particularly pleased that this bill will enhance the availability of remedial and basic skills education, as well as training for title III, dislocated workers.

This legislation also makes displaced homemakers fully eligible for title III, dislocated workers assistance. That is a major step forward.●

By Mr. CRANSTON (for himself, Mr. Simon, and Mr. Dixon):

S. 540. A bill to require the President to direct the Secretary of Defense, the Secretary of Health and Human Services, and the Administrator of Veterans' Affairs to submit to the appropriate committees of the Congress a joint report addressing the question of United States Government responsibility for providing benefits and services to individuals who served with certain voluntary organizations in support of the Armed Forces of the United States stationed in the Republic of Vietnam during the Vietnam era; to the Committee on Governmental Affairs.

HEALTH-CARE NEEDS OF CIVILIAN WORKERS IN VIETNAM

Mr. CRANSTON. Mr. President, I am today introducing, along with my good friends from Illinois [Mr. Simon and Mr. Dixon], S. 540, legislation which is designed to address the concerns of non-Federal civilians who served in Vietnam with voluntary organizations, such as the Red Cross and the USO, in support of U.S. military forces. This bill is identical to S. 1928, which I introduced in the 99th Congress on December 12, 1985. It was referred to the Governmental Affairs Committee where no further action was taken on it.

This legislation would require the Secretary of Defense, the Secretary of Health and Human Services, and the Administrator of Veterans' Affairs to submit to the Congress, not later than 180 days after the date of enactment, a joint report evaluating the question of United States Government responsibility, and alternative approaches, for providing Federal and other benefits, services, and assistance relating to disabilities that possibly result from these civilians' service in Vietnam.

I first became aware of the concerns of non-Federal civilians who served in Vietnam in connection with my work on the Veterans' Affairs Committee regarding Vietnam veterans, particularly with reference to these veterans' concerns about exposure to agent orange. Several former employees of voluntary organization contacted me and others in the Congress and the executive branch to make the point that they were potentially exposed to many of the same environmental situations and shared many of the experiences of the members of the Armed Forces.

These individuals noted that, because so much of the Federal Government's efforts to respond to concerns regarding the possible long-term health effects of serving in Vietnam have involved an agency uniquely devoted to veterans—that is, the VA—they have been excluded from this process and from any access to federally provided health care or compensation that it might yield.

In view of the contributions that these individuals made to their country and their concerns about the possible long-term health effects of their service in Vietnam that may be related to actions of the Federal Government, I believe that the Federal Government has a responsibility to evaluate the question of Federal responsibility and possible appropriate alternatives—Federal and non-Federal—for addressing these concerns. This is what the legislation we are introducing today would require.

Legislation very similar to this was twice previously passed by the Senate in measures relating to veterans' benefits and services. The first such provision was in S. 2514 as reported by the Veterans' Affairs Committee—of which I was then the ranking minority member and am now chairman—in the 98th Congress and as passed by the Senate as part of H.R. 5618. The second time such legislation was considered by our committee and the Senate was in the 99th Congress when such a provision was included in S. 876 as reported by the Veterans' Affairs Committee and passed by the Senate in H.R. 505.

Unfortunately, on both occasions, our colleagues on the House Committee on Veterans' Affairs were unwilling to accept this provision, apparently because of a concern that its passage might be seen as reflecting a judgment regarding the military or nonmilitary status of groups of civilians who served in Vietnam.

It has never been my intent to make any such judgment; rather, I view the question of the extent to which the Federal Government may be responsible to these individuals and the need for an evaluation of alternatives for providing an avenue of redress for them, if necessary, as entirely separate from the issue of veteran status.

Indeed, on the question of veteran status for individuals who served during periods of war with nonmilitary organizations, I was a principal author of a provision in Public Law 95-202 pursuant to which the Department of Defense has established a Civilian Military Review Board—the entity which is responsible for weighing evidence and passing judgment as to whether a particular group's service to the country during a period of war was such that it should be considered military service for the purpose of that group's membership receiving military or veterans' benefits. Nothing in this legislation is designed to circumvent or influence that separate avenue of redress.

Mr. President, I believe strongly that the individuals who went to Vietnam with voluntary organizations so as to provide service and support to our Armed Forces deserve answers to their questions and concerns about the possible adverse health effects of that service. For too long, these individuals have been passed from one agency to another, one entity to another, always being told to look elsewhere for their answers. It is time the Federal Government, as a collective entity, sat down and tried to address these concerns.

I solicit my colleagues cosponsorship of this measure, and I look forward to seeing it move forward on a timely basis.

Mr. President, I ask unanimous consent that the text of this measure be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the purpose of this Act is to provide a basis for the executive branch and the Congress to evaluate the question of United States Government responsibility, and alternative approaches, for providing overseas volunteer support personnel (not part of the Armed Forces) with Federal and other benefits and services (including, but not limited to, health care and monetary compensation) in connection with disabilities which may be related to their experiences during their service in the Republic of Vietnam in support of the activities of the Armed Forces of the United States during the Vietnam era.

(b) In order to carry out such purposes, the President shall direct the Secretary of Defense, the Secretary of Health and Human Services, and the Administrator of Veterans' Affairs, to submit to the appropriate committees of the Congress, not later than one hundred and eighty days after the date of the enactment of this Act, a joint report on such question and shall include in such report various such alternative approaches (together with comments on the appropriateness and the advantages and disadvantages of each) and any recommendations by such officials for legislative and administrative action with respect thereto, for establishing a program for providing such benefits and services to such individuals.

(c) For the purpose of this section—

(1) the terms "Armed Forces" and "Vietnam era" have the meanings given such terms in section 101 (10) and (29), respectively, of title 38, United States Code; and

(2) the term "overseas volunteer support personnel" means individuals who, for a period of at least thirty days during the Vietnam era, served in the Republic of Vietnam as employees of, or volunteer workers with, voluntary organizations determined by the Secretary of Defense to be organizations which provided significant assistance to the United States Armed Forces in the Republic of Vietnam during the Vietnam era.

By Mr. PRYOR (for himself, Mr. GLENN, Mr. LEVIN, Mr. BINGAMAN, Mr. HEFLIN, Mr. BURDICK, Mr. CONRAD, Mr. MATSUNAGA, Mr. SARBANES, Mr. HARKIN, Mr. INOUYE, Mr. FORD, and Mr. D'AMATO):

S. 541. A bill to amend title 39, United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service; to the Committee on Governmental Affairs.

PROCEDURAL AND APPEAL RIGHTS OF CERTAIN POSTAL SERVICE EMPLOYEES

● Mr. PRYOR. Mr. President, I am introducing legislation today that will extend to nonveteran postmasters and postal supervisors the same right to an impartial review of adverse personnel actions currently enjoyed by their veterans preference colleagues.

Under current law, only postal managers who are veterans or preference eligibles may appeal an adverse personnel action to the Merit System Protection Board. Other postmasters and supervisors have only an internal Postal Service administrative appeal available to them. This inequity alone gives us cause to remedy the situation. The need becomes pressing, however, when you consider that those having as their only recourse the internal appeal mechanism are forced to face an employer that acts as accuser, judge and jury, and court of last resort.

Except for minor technical modifications, the bill I am introducing today is identical to a bill reported by the Committee on Governmental Affairs during the last Congress. A companion bill (H.R. 348) has already been introduced in the House, which last year approved a similar legislative proposal.

I want to emphasize that my bill does not create a new administrative appeals procedure. It simply extends an existing one to postal employees who do not now have and cannot otherwise obtain an impartial administrative review of adverse personnel actions.

Mr. President, I urge my colleagues to lend their support to this legislation.●

By Mr. ARMSTRONG (for himself, Mr. NICKLES, Mr. EXON, Mr. BRADLEY, Mr. DODD, Mr. PRESSLER, Mr. DECONCINI, Mr. LEAHY, Mr. INOUYE, Mr. BINGAMAN, Mr. GLENN, Mr. MATSUNAGA, Mr. SARBANES, Mr. MURKOWSKI, Mr. WIRTH, Mr. DASCHLE, Mr. BOREN, Mr. NUNN, Mr. WARNER, Mr. DOLE, Mr. MOYNIHAN, Mr. BENTSEN, Mr. COHEN, and Mr. MELCHER):

S. 542. A bill to recognize the organization known as the "Retired Enlisted Association, Incorporated"; to the Committee on the Judiciary.

FEDERAL CHARTER FOR THE RETIRED ENLISTED ASSOCIATION

● Mr. ARMSTRONG. Mr. President, today I am reintroducing a bill that would grant a national charter to the Retired Enlisted Association, Inc. In the last Congress, through the hard work of the Senate Judiciary Committee and many other individuals, the bill (S. 524) was reported favorably and passed the Senate unanimously with 42 bipartisan cosponsors. Unfortunately, the session ended before the House companion legislation was passed.

TREA is a not-for-profit retired military veteran's organization that seeks "to promote and assist its members professionally and culturally, both locally and nationally, to uphold the Constitution of the United States, to defend the United States from all her enemies, to improve the relationship between the military and civilian populace, and to maintain liaison with the active personnel of the Armed Forces."

Started in my home State of Colorado, TREA has more than 43,000 members from all 50 States, Guam, the Virgin Islands, Puerto Rico, and overseas. Its members are made up of retired enlisted personnel from the U.S. Armed Forces. In a practical sense, TREA serves its members by lobbying Congress to protect the rights and benefits of retired military personnel and to alert members to legislation that affects them. It also promotes national security objectives and support for our Armed Forces.

The members of TREA are those men and women who answered the call of their country when they were needed, and who served with honor, dedication, and personal sacrifice. It is appropriate that we, in Congress, gratefully acknowledge the service they have given to this great country.

Therefore, I urge you to join me in cosponsoring this bill to charter TREA so that it may further its work on behalf of enlisted retirees.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The Retired Enlisted Association, Incorporated, organized and incorporated under the laws of the State of Colorado, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The Retired Enlisted Association, Incorporated (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporation purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the constitution and bylaws of the corporation, and terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock not to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States in which it is incorporated.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. Subject to any applicable State law—

(1) the corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors;

(2) the corporation shall keep at is principal office a record of the names and address of all members having the right to vote; and

(3) all books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(68) The Retired Enlisted Association, Incorporated."

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.●

By Mr. WALLOP:

S. 544. A bill to limit the salary of Members of Congress to the levels which were payable as of December 31, 1986; to the Committee on Governmental Affairs.

CONGRESSIONAL PAY RAISE REPEAL

Mr. WALLOP. Mr. President, today, I regretfully introduce legislation to repeal the pay increase for Members of Congress which is to become effective next month. I use the word "regretfully" not because I am reluctant to pursue this issue, but because the Senate has already disapproved the pay increase. As all my colleagues know, the Senate voted on January 29, by a vote of 88 to 6, to disapprove the pay increase. This action was the proper parliamentary procedure as required by the 1985 revisions in Public Law 90-206, the act establishing the Commission on Executive, Legislative, and Judicial Salaries, and the procedure for approving Commission recommendations.

Despite the action by the Senate to disapprove the pay increase, an action strongly supported by the American people, the House of Representatives did not act on this measure within the required 30-day timeframe. Instead, the House engaged in parliamentary bamboozlement in a flimsy attempt to appear to be opposed to the pay increase. So, in a few weeks, we will begin to receive our 15.6 percent pay increase.

However, the American people have neither been deceived nor placated by this legislative chicanery. The only recourse, other than pocketing the money, is to repeal the pay increase. Some might argue that those Members opposed to the pay increase can simply return the increase to the Treasury. This is a noble gesture, but it has its aspect of foolishness since we would still have to pay Federal income tax on the foregone pay increase. It would be more appropriate to simply repeal the pay increase. That is the purpose of the bill I am introducing today.

I would urge my colleagues to join as cosponsors of this legislation. I would ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, during fiscal years 1987 and 1988, the rate of pay for any position with respect to which this Act applies shall be the rate payable as of December 31, 1986, for service in such position on that date.

(b) The Act applies with respect to

(1) the Speaker of the House of Representatives;

(2) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, and the majority and the minority leader of the House of Representatives; and

(3) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(c) This Act shall apply with respect to pay periods beginning after the date of the enactment of this Act.

By Mr. CHILES (for himself and Mr. GRAHAM):

S. 545. A bill to establish equal and equitable classification and duty rates for certain imported citrus products; to the Committee on Finance.

TARIFF TREATEMENT OF CERTAIN IMPORTED CITRUS PRODUCTS

● Mr. CHILES. Mr. President, I am pleased to introduce legislation today along with my colleague from Florida, BOB GRAHAM, which will benefit U.S. grapefruit growers.

This bill is designed to close a loophole in U.S. tariff laws before this loophole is exploited. The tariff rate on frozen concentrated grapefruit juice is 35 cents per gallon. However, the tariff for reconstituted grapefruit juice is 20 cents per gallon. Reconstituted juice is concentrate that has had water added back to it. This 15 cent per gallon differential creates an incentive to reconstitute foreign concentrated grapefruit juice in U.S. free trade zones or neighboring countries to take advantage of the lower tariff rate on reconstituted grapefruit juice. I believe our tariff schedules intended to recognize juice made from concentrate, reconstituted as concentrate. This bill will preserve the integrity of U.S. tariff schedules by making this point clear and closing this loophole.

Fortunately, this loophole hasn't been exploited yet. The intent of my legislation is to prevent a problem before it happens. A similar provision is included in the omnibus trade bill now pending in the House of Representatives.

The Congress passed legislation in the 98th Congress to resolve a similar situation with respect to reconstituted orange juice. In this case, reconstituted foreign orange juice was being imported into the United States at the lower tariff rate. Not only did this have a price depressing effect on orange growers, but it cost the taxpayers money in lost revenues.

Florida leads the world in production of fresh, edible grapefruit and grapefruit juice products. The potential exploitation of this loophole would have a price depressing effect on U.S. grapefruit producers. For this reason, I look toward prompt action on this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part 12 of schedule 1 of the Tariff Schedules of the United States is amended by inserting after item 165.29 the following new items and the superior heading thereto, with such superior heading having the same degree of indentation as item 165.25:

"165.30	Grapefruit		
	Not concentrated and not made from a juice having a degree of concentration of 1.5 or more (as determined before correction to the nearest 0.5 degree)	20¢ per gal.	70¢ per gal.
165.31	Other	35¢ per gal.	70¢ per gal.".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. METZENBAUM (for himself, Mr. HEINZ, Mr. GLENN, Mr. SPECTER, Mr. BYRD, Mr. LUGAR, Mr. RIEGLE, Mr. DURENBERGER, Mr. SIMON, Mr. ROCKEFELLER, Mr. LEVIN, and Mr. BOSCHWITZ):

S. 548. A bill to amend title 11, United States Code, the Bankruptcy Code, regarding benefits of certain retired employees; to the Committee on the Judiciary.

RETIREE BENEFITS SECURITY ACT

● Mr. METZENBAUM. Mr. President, today I am introducing the Retiree Benefits Security Act of 1987, a bill to amend the Federal Bankruptcy Code to protect retiree health and life insurance benefits. I am joined in this effort by Senators HEINZ, GLENN, SPECTER, BYRD, LUGAR, RIEGLE, DURENBERGER, SIMON, LEVIN, ROCKEFELLER, and BOSCHWITZ.

It is hard to imagine anything more frightening for a senior citizen than the threat of losing health and life insurance benefits. Yet it is a sad fact that in too many instances these benefits are not secure.

Our bankruptcy laws totally ignore the needs and rights of retirees. In a bankruptcy retirees become unsecured creditors—told to stand at the end of the line.

Those who build a company deserve better. They deserve to be treated in a fair and compassionate manner. They have earned that right.

No situation dramatizes this fact more than the unilateral suspension of medical insurance by the LTV Corp.

This action affected 78,500 retirees and their families. On July 28 the Senate Judiciary Committee convened an emergency hearing in Cleveland and heard from some of those most effected. Their testimony brought tears to every member's eyes. Never have I heard such a sense of hopelessness and concern.

In order to enable Congress to fully address the issue of retiree health benefits and to protect LTV retirees, I authored an amendment to the continuing resolution mandating the continuation of benefits to union and nonunion retirees through May 15, 1987. The bill I am introducing today is intended to make a permanent change in our bankruptcy laws.

Mr. President, LTV is not the only bankrupt company to attempt suspending retiree health coverage. In fact, after Congress acted last year the A.H. Robins Corp. requested permission from a bankruptcy judge to terminate its health coverage to retirees.

It is a well known fact that Robins is in bankruptcy not because it is unprofitable, but because it is attempting to shield itself from damage suits over its Dalkon shield product. In fact A.H. Robins reported 1986 earnings of nearly $82 million, an increase of nearly 8 percent over its 1985 level. Its action in asking to get out of its promise to provide retiree benefits is a clear abuse of our bankruptcy laws. Fortunately our stopgap measure is protecting these retirees through May 15 of this year.

This is another example of why the legislation I am introducing today is so urgent.

This measure clarifies the current meaning of existing law as it relates to collectively bargained retiree benefits. It affords retirees the same protection as active workers by prohibiting termination or modification of any benefit until the union and the company have negotiated in good faith. And if no agreement is reached, it requires a hearing and a court determination before any changes can be made. This is what Congress intended in enacting the Bankruptcy Reform Amendments of 1984.

This measure also recognizes the very special nature of retiree health and life insurance benefits for all retirees, both union and nonunion. It prevents bankrupt companies from terminating or reducing these benefits unless a bankruptcy judge determines after a hearing that it is necessary to permit reorganization of the company, all parties will be treated fairly, and the equities of the situation clearly favor such change. And it makes sure that retirees continue to be protected as the company reorganizes and comes out of bankruptcy.

Mr. President, if our bankruptcy laws are to have any sense of compassion and justice, any concern for those least able to protect themselves from the power of the Wall Street bankruptcy lawyers, we should enact this legislation quickly. And, Mr. President, I want the retirees of LTV and A.H. Robins to know that if necessary, in order to enable Congress to complete its consideration of this measure, I stand prepared to extend the stopgap measure beyond May 15, 1987.

I urge my colleagues to support this measure. Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Retiree Benefits Security Act of 1987".

SEC. 2. (a) Section 1113(f) of title 11, United States Code, is amended by inserting "(including any provision relating to benefits for retired employees)" after "provisions" the first place it appears.

(b) Section 1113 of title 11, United States Code, is amended by adding at the end thereof the following:

"(g) Claims arising under any collective bargaining agreement covered by this section, or as a result of the rejection of any such agreement, shall not be limited by section 502(b)(7) of this title.

"(h) The labor organization which is the recognized exclusive collective bargaining representative of the unit or units of employees covered by a collective bargaining agreement covered by this section is, for purposes of this section, the authorized representative of those persons receiving any retirement benefits covered by such agreement, unless such labor organization elects not to serve as the authorized representative of such persons.

"(i) In cases where the recognized exclusive collective bargaining representative of the unit or units of employees covered by a collective bargaining agreement covered by this section elects not to serve as the authorized representative of those persons receiving any retirement benefits covered by such an agreement, the court, upon motion of such persons, and after notice and hearing, shall appoint a committee of retired employees, from among such persons, to serve as the authorized representative of such persons, under this section.".

(c) Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end thereof the following new section:

"§ 1114. Payment of benefits to retired employees

"(a) For purposes of this section, the term 'retiree benefits' means benefits for retired employees and their spouses and dependents, under any plan, fund, or program maintained or established in whole or in part by the debtor prior to filing a petition commencing a case under this title (through the purchase of insurance or otherwise) for the purpose of providing medical, surgical, or hospital care benefits, or benefits in the event of sickness, accident, disability, or death.

"(b) For purposes of this section, the term 'authorized representative' means the authorized representative designated pursuant to subsection (h) or (i) of section 1113 of this title, or, in the case of recipients of retiree benefits not covered by a collective bargaining agreement covered by section 1113, the authorized representative appointed pursuant to section (c) of this section.

"(g) The court, upon motion of recipients of retiree benefits not covered by a collective bargaining agreement covered by section 1113 of this title, and after notice and a hearing, shall appoint a committee of retired employees from among such persons to serve as the authorized representative of such persons under this section.

"(d)(1) Notwithstanding any other provision of this title, the debtor in possession, or the trustee if one has been appointed under the provisions of this chapter (hereinafter in this section 'trustee' shall include a debtor in possession), shall pay and shall not modify any retiree benefits to or for the benefit or retired employees and their spouses and dependents, except that—

"(A) the court, on motion of the trustee, and after notice and a hearing, may order modification of such payments, pursuant to the provisions of subsections (e), (f), and (g) of this section, or subsection (e) of section 1113 of this title, or

"(B) the trustee and the authorized representative of the recipients of those benefits may agree to modification of such payments,

after which such payments as modified shall continue to be paid by the trustee.

"(2) Any payment required to be made by any provisions of this section after the date of the filing of the petition and before a plan confirmed under section 1129 of this title is effective has the status of an allowed administrative expense as provided in section 503 of this title.

"(e) With respect to retiree benefits that are not covered by a collective bargaining agreement covered by section 1113 of this title, the court, upon motion of the trustee, and after notice and a hearing, shall enter an order providing for modification in the payment of such retiree benefits, only if the court finds that—

"(1) the modifications in the retiree benefits sought by the trustee are necessary to permit the reorganization of the debtor and assure that all creditors, the debtor, and all of the affected parties are treated fairly and equitably; and

"(2) the balance of the equities clearly favors the entry of an order authorizing the trustee to modify the retiree benefits to the level sought by the trustee;

except that in no case shall the court enter an order providing for a modification lower than the level described in paragraphs (1) and (2).

"(f) With respect to retiree benefits that are covered by a collective bargaining agreement covered by section 1113 of this title, and only after such an agreement is rejected under such section, the court, upon motion of the trustee, and after notice and a hearing, shall enter an order providing for such modification in the payment of such retiree benefits as the court finds—

"(1) is necessary to permit the reorganization of the debtor and assures that all creditors, the debtor, and all of the affected parties are treated fairly and equitably; and

"(2) is clearly favored by the balance of the equities,

except that in no case shall the court enter an order providing for such modification which provides for a modification to a level lower than that proposed by the trustee in the proposal found by the court in the section 1113 proceeding to have complied with the requirements of subsections (b) and (c) of section 1113.

"(g)(1) Prior to a court issuing a final order under subsection (e) of this section, if essential to the continuation of the debtor's business, or in order to avoid irreparable damage to the estate, the court, after notice and a hearing, may authorize the trustee to implement interim changes in retiree benefits not provided to a collective bargaining agreement covered by section 1113 of this title.

"(2) Any hearing under this subsection shall be scheduled in accordance with the needs of the trustee.

"(3) The implementation of such interim changes does not render the motion for modification moot.

"(h) In calculating the amounts of the claims for unpaid future retiree benefits, or for any retiree benefits not provided due to modifications authorized pursuant to this section, and in calculating the amounts payable pursuant to any plan for such claims, any retiree benefits paid between the filing of the petition and the time a plan confirmed under section 1129 of this title becomes effective shall not be deducted or offset from such amounts unless otherwise agreed by the debtor and the authorized representative of the recipients of those retiree benefits.

"(i) No claim for retiree benefits shall be limited by section 502(b)(7) of this title.".

(d) Section 1122 of title 11, United States Code, is amended—

(1) in subsection (a), by striking out "subsection (b)" and inserting in lieu thereof "subsections (b) and (c)"; and

(2) by adding at the end thereof the following:

"(c) A plan shall place all claimants for retiree benefits (as such term is defined in section 1114), in a separate class consisting only of such claimants.".

(e) Section 1129(b)(2) of title 11, United States Code, is amended by—

(1) redesignating subparagraph (C) as subparagraph (D); and

(2) inserting between subparagraph (B) and subparagraph (D), as redesignated herein, the following:

"(C) With respect to a class of claimants for retiree benefits (as such term is defined in section 1114)—

"(i) the plan provides that each holder of a claim of such class receive or retain on account of such claim, property of a value, as of the effective date of the plan, equal to the allowed amount of such claim; or

"(ii) the plan provides that each holder of a claim of such class receive such value as found by the court to represent the minimum reduction in retiree benefits consistent with the ability of the debtor to provide such retiree benefits after confirmation of the plan.".

(f) The table of sections for subchapter I of chapter 11, title 11, United States Code, is amended by adding at the end thereof the following new item:

"1114. Payment of benefits to retired employees.".

(g) This Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall be effective with respect to cases commenced under chapter 11 of title 11, United States Code, in which a plan for reorganization has not been confirmed by the court as of October 2, 1986, and in which any retiree benefit, as defined in section 1114 of title 11, United States Code, is still being paid on October 2, 1986 or thereafter, and in cases that become subject to chapter 11, title 11, United States Code, after October 2, 1986.●

● Mr. DURENBERGER. Mr. President—I am today joining my distinguished colleague from Ohio [Mr. METZENBAUM], in introducing legislation to amend the Bankruptcy Code to provide greater protection for the health and life insurance benefits of retired employees of companies that file for bankruptcy.

Recent experience with several national steel companies has shown what happens when companies file for bankruptcy. When LTV Steel, and its Minnesota joint venture, Reserve Mining, filed for bankruptcy in 1986, they left behind obligations to thousands of retired steelworkers to pay for health and life insurance benefits. Many of those workers are today without any health insurance.

Current bankruptcy law provides insufficient protection to health and life insurance benefits. This bill remedies this problem by increasing the priority of health and life insurance benefits to the same level as wage claims. It would also require that all benefits be paid until a court orders a modification in the payment schedule. Finally, and perhaps most important, it gives retired workers a voice in determining whether a court should approve a plan of reorganization.

Mr. President, while I support the increase in priority for health and life insurance benefits, I am concerned that health and life insurance benefits not be increased above the level of wage claims. To the extent the language of this bill has that unintended effect, those problems can be worked out in committee.

Mr. President this bill will not solve all the problems of providing health and life insurance benefits for retired employees. It simply serves to ensure that employees who have already paid for insurance through years of faithful service to a company actually receive the coverage to which they are entitled.

I would like to thank the Senator from Ohio for providing leadership in sponsoring this legislation and I hope that it receives prompt attention by the full Senate.●

Mr. BYRD. Mr. President, I am pleased to cosponsor this legislation introduced by the Senator from Ohio and I wish to commend the Senator from Ohio's continued hard work on this issue. Over 78,000 retirees of the LTV Corp., including 1,500 coal miners, have been faced with the curtailment of their benefits. Legislation has been enacted that requires the continued payment of these benefits through May 15, 1987. However, a long-term solution is necessary for not only these retirees, but thousands of others that are affected by more recent bankruptcy filings, or filings yet to come. For example, Olga Coal Co., located in McDowell County, WV, today announced its chapter 11 bankruptcy filing. LTV Corp. owns 53 percent of the Olga Coal Co. This legislation will provide such a solution for the retirees affected by this filing.

While thousands of retirees could lose their medical and life insurance benefits as a result of their employer's actions under a chapter 11 bankruptcy filing, these companies have a legal and contractual obligation to their retirees, and such benefits are a lifeline for many of the retirees. This legislation will not guarantee continuation of these benefits but it will provide a mechanism that will allow the retirees' position to be heard and dealt with in an equitable manner during the bankruptcy proceedings.

I urge my colleagues to support this important legislation.

● Mr. HEINZ. Mr. President, I am pleased to join Senator METZENBAUM today in introducing this legislation to protect the health benefits of retirees of companies entering into bankruptcy. This problem was brought clearly to our attention last July 17 when the LTV Corp. filed for bankruptcy under chapter 11 and unilaterally terminated its retiree health plan, stopping the payment of health benefits for 78,000 retirees. The fact that a company not only could terminate retiree health benefits at will, but would also argue that it was required to under the bankruptcy law, was a surprise for many of us in the Congress.

Mr. President, the health benefits a company promises to its employees when they retire are almost always the single most important benefit they have in retirement other than their pension. Companies that have downsized in recent years have been encouraging their older workers to take early retirement, promising them that their pension, health, and life benefits will make it possible for them to survive in reasonable security without the income and benefits they would have at work. No one taking this offer anticipates that the health benefits will disappear. Without the company-provided benefits, retirees too young to qualify for Medicare find themselves with the option of paying hundreds of dollars a month for individual coverage—possibly half of their pension—if they can get coverage. Retirees who have a preexisting health problem or have a family member with one may be denied coverage altogether—leaving them at risk for devastating financial loss if they become ill. Where retirees have coverage through an employer group health plan, we should make every effort to keep this coverage in effect.

Last year I joined Senator METZENBAUM on several occasions to introduce legislation that would protect retirees of LTV and other companies entering bankruptcy. Our first bill passed the Senate on July 30 directing LTV to reinstate health and life benefits for its retirees until the bankruptcy court ordered their cessation. It was certainly our view at the time that LTV could not unilaterally terminate benefits under a collective-bargaining agreement, and it was our intent to force a review by the court before these benefits could be stopped. As soon as the Senate finished voting on this bill, LTV petitioned the bankruptcy court to permit it to reinstate benefits. Once health benefits were reinstated for LTV's retirees, other creditors appealed to have these benefits terminated.

On September 10, Senator METZENBAUM and I introduced another bill—this time to clarify our view that retiree health benefits included in a collective-bargaining agreement are covered under the procedures of section 1113 of the Bankruptcy Code governing termination of collectively bargained benefits. I have believed all along that the company could not legally reject health benefits included in the collective-bargaining agreement without negotiating with the union as provided for under section 1113. Our bill was intended only to restate our view of current law.

In addition, we set to work at that time to find a way to extend the protections we believe are there for benefits under a collective-bargaining agreement to the benefits of nonunion retirees. Unfortunately, it was not possible for us to fully resolve this issue before the end of the 99th Congress—as we would have liked. Instead, we were willing to simply clarify that LTV, and indeed any other company in bankruptcy, must continue to pay its health benefits to all retirees until May 15, 1987. This ensured that LTV retirees and retirees of other companies in bankruptcy would continue to receive their health benefits until we could return in this Congress and resolve the broader issue.

The bill we are introducing today would, in my judgment, provide this resolution. It would first clarify that the procedures that now protect collectively bargained benefits under section 1113 of the Bankruptcy Code apply not just to current worker's benefits but to the benefits of retired workers as well. It would then add a new section 1114 to the Bankruptcy Code to prevent unilateral termination in bankruptcy of the health and life benefits of all retirees. Under section 1114, all retirees would be represented in the bankruptcy court, and benefits would continue during the bankruptcy proceedings until the company and retirees could reach agreement on modifications. Health and life benefits would be fully protected during the bankruptcy proceedings, except in an instance where the company was in such bad financial shape that the court found it necessary to step in and modify the benefits to keep the company alive. Importantly, retirees would also have a right to sign off on, and if necessary veto, the reorganization plan. Only in the event that their veto threatened the future viability of the company could the court intervene to force approval of a reorganization plan.

As much as we have done with this bill, however, it does not go as far as many of my constituents and I would like in forcing the company to make good on its promise of health benefits and shutting down chapter 11 as an avenue of escape for companies from retiree commitments. It has not been possible to rewrite the Bankruptcy Code in a way that will permanently protect all retiree health and life benefits against every eventuality. However, I believe this bill will afford significant protection to LTV retirees and others in like circumstances.

It will produce a significant change in the standing of retirees in bankruptcy. In the past, the Bankruptcy Code relegated retirees to the back of the bus. For the first time since today's Bankruptcy Code was enacted in 1898, retirees will have a status at least as good as the status accorded those who are still working.

I commend the Senator from Ohio on his leadership in seeking a solution to protect the health benefits of LTV's retirees and others in similar circumstances. We have worked closely with the United Steelworkers and the United Auto Workers in drafting this legislation, and I am pleased that they are supporting it. This bill is going to help continue the health and life benefits of the 15,000 LTV retirees who live in my home State of Pennsylvania, as well as the several hundred thousand Pennsylvania retirees from other companies who also worry that their health benefits could be cut off some day in the future.

I hope this bill can move quickly through the Congress so that the protections we propose here can be in place before May 15 when the temporary fix we enacted last year expires.●

● Mr. BOSCHWITZ. Mr. President, as too many of my constituents now know as a result of the bankruptcy of LTV, the health and life insurance benefits of all workers, union and nonunion, can be put in serious jeopardy by a bankruptcy proceeding.

The hardship that even a temporary suspension of health and life insurance benefits can bring is extreme.

With limited retiree income—in some cases that retirement income being even further reduced in the process of the Pension Benefit Guaranty Corporation taking over payment of underfunded pension benefits—these retirees can face large and unexpected expenses. To say that the potential is ruinous is not an exaggeration. For many, many people on the Minnesota Iron Range, the bankruptcy of LTV devastated their finances and their retirement plans.

Accordingly, I very much support the effort to protect, to the extent practicable, retiree benefits.

Nevertheless, I do have some concerns about this specific legislation. For instance, I think we need to look at this bill carefully to examine whether it will put health and life insurance benefits for retirees as a higher priority under the Bankruptcy Code than wages for active workers. That is but an example of the issues which we need to address. I am told that there will be committee hearings on this bill, and I am anxious to see that these and other issues are properly addressed.●

By Mr. KERRY (for himself, Mr. WEICKER, Mr. ZORINSKY, Mr. MOYNIHAN, Mr. DODD, and Mr. KENNEDY):

S. 550. A bill to promote safety by amending chapter 4 of title 23, United States Code, to provide for a uniform system for handicapped parking; to the Committee on Commerce, Science, and Transportation.

UNIFORM SYSTEM FOR HANDICAPPED PARKING

● Mr. KERRY. Mr. President, there are millions of Americans throughout this Nation who use their automobiles every day. However, for handicapped citizens this is not always an easy task, and with regard to interstate travel it can often prove exceptionally difficult. It is for this reason, that today Senators WEICKER, ZORINSKY, DODD, KENNEDY, MOYNIHAN and I are introducing legislation that is long overdue, the "Traffic Safety for Handicapped Individuals Act of 1987."

Currently, there are 6.5 million disabled Americans who are in need of special parking permits to enable them personal mobility for everyday travel. State governments across the country have met this need by allocating parking spaces for handicapped individuals in their own State and have made available special license plates or placards to identify cars able to access these parking spaces. However, because a national uniform parking system does not exist, many States are unable to recognize other States' handicap parking plates. In addition, several States do not have reciprocity in honoring other States' handicapped parking permits. Consequently, when a handicapped citizen goes from one State to another their disability is frequently no longer recognized. I cannot tell you the number of stories that I have heard where constituents, who are clearly disabled, have traveled to other States and utilized parking spaces designated for handicapped persons and have been issued costly parking citations because police either did not recognize or did not honor their out-of-State handicap identification. This, Mr. President, poses a serious threat to the safety of these individuals, not to mention an obvious unnecessary inconvenience when they travel across State lines.

Great efforts have been made to alleviate the unfortunate burdens placed on drivers who suffer from disabilities. An increasing number of State legislatures are adopting uniform parking systems, tougher penalties are being enforced when nonauthorized vehicles park in special zones, and public awareness to recognize and honor the international symbol of access is quickly growing. However, the lack of a national uniform parking system places restrictions on where a handicapped driver can and cannot travel.

Transportation is an essential part of ones daily life. I regrettably note, that public transportation has lagged far behind its need to serve disabled Americans. Citizens with disabilities should enjoy the same equal access to travel that nonhandicapped individuals have. Being assured accessible parking when one travels across State lines, while on vacation, business trips, visiting friends or for medical visits should be one's fundamental right.

The legislation that we are introducing today is designed to eliminate this transportation barrier. The Traffic Safety for Handicapped Individuals Act amends the National Highway Traffic Safety Act. It establishes a uniform national parking system which requires all States to honor other States' handicapped license plates. It mandates that the international symbol of access be displayed on all handicapped license plates. The legislation also provides for the issuance of removable windshield placards to individuals with handicaps. Furthermore, it directs the Secretary of Transportation to monitor and evaluate State compliance. If a State does not comply, then the States' highway safety program will not be approved.

Today a majority of our society depends on the automobile as their main source of transportation. Citizens with disabilities who operate motor vehicles need to be able to operate safely across State lines. It is the responsibiity of Congress to take the leading role in ensuring that their safety is not threatened or their mobility impeded by interstate differences in recognizing the needs of handicapped drivers. It is for this reason that I urge my colleagues to join with me and my distinguished colleagues in cosponsoring this essential act that upholds the basic rights of transportation for handicapped Americans.●

By Mr. MATSUNAGA:

S. 551. A bill to amend the Tariff Schedules of the United States to change the tariff treatment of salted and dried plums; to the Committee on Finance.

TARIFF TREATMENT OF SALTED AND DRIED PLUMS

● Mr. MATSUNAGA. Mr. President, I am today introducing legislation to change the tariff treatment of certain imported salted and dried plums.

Under current law, certain dried and salted plums are classified as prepared and preserved prunes under Item 149.28 of the Tariff Schedules of the United States [TSUS]. The corresponding tariff rate is a column 1 rate of 17.5 percent ad valorem and a column 2 rate of 35 percent ad valorem. The U.S. Customs Service currently classifies plums which are soaked in brine and then dried, under this tariff category. The legislation I am introducing will create a new tariff classification on the theory that the product is inherently a dried plum rather than a prepared or preserved plum, and the corresponding duty will be at a rate of 2 cents per pound for both column 1 and column 2 imports.

Mr. President, this tariff classification change was included as part of the House passed trade bill (H.R. 4800) in the 99th Congress, but was not acted upon by the Senate prior to adjournment. The proposed change would establish fairness in our tariff on imports, and I urge my colleagues to move expeditiously to approve this legislation.●

By Mr. EVANS (for himself, Mr. CRANSTON, Mr. GLENN, Mr. COHEN, Mr. LEVIN, Mr. HEINZ, Mr. ADAMS, Mr. BAUCUS, Mr. BINGAMAN, Mr. BURDICK, Mr. DECONCINI, Mr. DODD, Mr. KERRY, Mr. LEAHY, Mr. MELCHER, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PACKWOOD, Mr. PELL, Mr. RIEGLE, Mr. SIMON, Mr. SPECTER, and Mr. STAFFORD):

S. 552. A bill to improve the efficiency of the Federal classification system and to promote equitable pay practices within the Federal Government and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE COMPENSATION EQUITY ACT

Mr. EVANS. Mr. President, I rise to introduce legislation calling for a comprehensive study of wage-setting practices used in the Federal Government. This proposal is similar to legislation I introduced in the 99th Congress with Senator CRANSTON and over 30 cosponsors. During the last session, similar legislation was passed overwhelmingly by the House of Representatives.

This measure is the outgrowth of four GAO reports and an agreement reached between me, Senators CRANSTON, STEVENS, and other House leaders. Specifically, we asked GAO to provide us with the necessary structure and methodology appropriate for studying the Federal classification system. GAO's recommendations are embodied in the bill. In addition, we have modified the legislation as originally introduced in the last session to reflect the concerns that were raised during the Senate hearings last year. Before discussing the specific provisions of the proposal, I would like to comment briefly on why this study is necessary.

A study of the Federal classification system is long overdue. Since its inception in 1923, the system never has been studied formally for bias. There are a number of other compelling reasons which make this study necessary. The system is overly complex, many of its series and classifications are antiquated, and its pay criteria often bears no logical relationship to the abilities of the job incumbent. Let me share with you a prime example. Recently, OPM proposed to eliminate one pay factor for senior level managers that had been with the system since its inception. This factor allowed managers to be paid more by virtue of the number of staff they had under them. OPM concluded that this factor should be eliminated—it was costly and it had little to do with the managerial ability of the job incumbent.

Other shortcomings in the Federal classification system have resulted in unfair treatment of certain occupations. Most experts agree that factors used to rate jobs do not correspond closely to the characteristics of the contemporary labor force. The modern work force is increasingly concentrated in technical and service jobs that did not exist when the systems were developed. Adaption to new technology is another factor not adequately accounted for in the current classification methodology. The downgrading of Federal word processors is yet another classic example. When OPM reaudited jobs of clericals using word processing equipment the job classification was lowered. Word processors were informed that because the end product of their work was a typed manuscript, the job series would rate at a GS-4, instead of GS-6. This decision was made contrary to the fact that jobs have become more technical, complicated, demanding and productive. These examples to which I have alluded illustrate precisely the type of problems that we will get at in the course of the proposed study.

Let me take this opportunity to voice my strong dissatisfaction with the manner in which some of the opponents have chosen to express their views on this critically important public policy issue. To Clarence Pendleton, the Chairman of the U.S. Civil Rights Commission, this whole notion is a big joke. Pay equity is "the looniest idea since Looney Tunes" is the best statement he could make against it. Others sought to be a bit more industrious. In a May 14, 1984 memorandum, James Byrnes, who at the time was the Deputy Associate Director for Staffing, wrote of the "political possibilities" that a pay equity study of the Federal Government could present. He enthusiastically contemplated dividing blue and white collar unions against each other, "pitting union against union and both against the radical feminist groups." I submit that these types of responses are not only unacceptable but disgraceful. Furthermore, they lend nothing of substance to the debate.

This Nation's progress in the area of equal employment opportunity has always been met with resistance. Historically, Congress has successfully eradicated obsolete and archaic notions in a step-by-step progression. There is not a more appropriate step Congress can now take in this continuum which began centuries ago than to initiate a comprehensive study of Federal wage setting practices.

The public policy concern underlying this study is the same as it was in 1938 when Congress passed the Fair Labor Standards Act. It is the same as it was in 1963 when the Equal Pay Act was enacted and it is the same as it was when title VII of the Civil Rights Act was passed in 1964. The only thing new about the issue is that in 1986 we call it "comparable worth" or "pay equity." But, our express objective has not changed—the elimination of unfair practices in the workplace based on race, sex and ethnicity.

The legislation has been revised substantially to reflect the recommendations of GAO and the concerns that were raised in the Senate hearings during the last session. The scope of the study will cover Federal employees in the wage grade system and general schedule. The purpose of the study will be to assess whether the classification system is living up to its own enumerated objectives.

According to GAO, the implementation of title 5 objectives should result not only in equal pay for equal work, but also in equal pay different work which is valued equally in terms of difficulty, responsibility and qualification requirements, and proportionate pay for work that differs in value. Thus, the proposed study would examine whether the Federal pay system is achieving these statutorily required results.

GAO addressed the fundamental policy question of who should oversee the study. Recognizing the complexity of our undertaking, GAO recommended that some sort of "steering committee" be established, composed of executive branch agency management, affected groups, experts and employee organizations. The legislation calls for a commission to oversee the study composed of the same type of representation recommended by GAO.

With regard to the various methodologies available which would be best suited to studying the Federal classification system, GAO recommended we use two means in our analysis: job evaluation and economic analysis. Accordingly, the bill requires that both these methods be used.

Economic analysis can be valid in exposing some of the abnormalities and distortions present in the external marketplace which may account for some of the wage differential between occupations. The internal alignments of the some 7,000 job types within the Federal classification system, however, can best be examined by using job-consent analysis.

Let me comment briefly on job evaluation methods since they have been subject to much criticism—mostly by those who do not understand either their origin function. Most opponents would have the reasonable person believe that job evaluation is some new and strange device, untried and untested. Well, it is hardly that. This type of internal alignment calls for evaluation of the requirements of various jobs regardless of the incumbents. It is nothing more than one of the many tools to help an employer set salaries for occupations within his company. The whole method of job evaluation now helps set the salaries of over two-thirds of the adult-age population in America. In fact, since job evaluation came from private industry it is not surprising that many companies have incorporated the concept of pay equity within their job evaluation systems and find it easily done.

Opponents also have asserted that job evaluation is subjective. GAO, however, found that job content analysis could be used responsibly and effectively as a measuring stick of the relative worth of various jobs. It went on to make some constructive suggestions in its report on how to use this method most fairly and effectively. For example, periodic review and updating of job descriptions to ensure accuracy and the use of weighting schemes which do not simply replicate existing wage hierarchies were just a few of the many suggestions made to improve the use of job evaluation—especially as it would be used to study the Federal work force.

During the Senate hearings there was concern expressed for potential litigation against the Federal Government that such a study would create. I do not believe the Federal Government could be held liable for discrimination under existing law merely by conducting a study of its own classification system. No Federal court in this country has allowed a plaintiff to establish a prima facie case of discrimination on the results of an employer study, alone. However, in an effort to clarify the purpose of this study, we have inserted language in the amendment stating that the results of the study are advisory in nature only.

During the hearings, the concern also was expressed that rectifying the ill-effects of discrimination would cost an exhorbitant amount of money. First, I must emphasize that the purpose of this study is to seek facts and not prejudge results. We are not assuming there is any discrimination in Federal pay practices. Second, if misclassifications are found, backpay is not an available remedy. The Supreme Court, in *U.S.* v. *Testan*, 424 U.S. 392 (1976), held that there is no entitlement to backpay for a period of wrongful classification under title 5.

Mr. President, the Federal Government is virtually unique among all of the employers in this Nation. It has twice as many job classifications as the biggest corporations in the United States as well as many broader, more disparate kinds of job classifications than most companies or enterprises devoted to much narrower products and services. So, why not then examine through study this exceptionally complex governmental unit? I believe the Federal Government now has a chance to initiate, a chance to lead. Either we will or we will leave the field to States, local communities and companies who already have begun the task.

It is clear that States, cities and the private sector will continue to address the issue and our continued inaction may leave us with no other alternative than to react and this will put the Federal Government at a competitive disadvantage to other employers who will provide the cutting edge.

Today's public policy debate over pay equity is far too reminiscent of the lessons we never learned from history. When we look back at the arguments advanced against those laws such as the Fair Labor Standards Act and the Equal Pay Act we can see just how short-sighted they were. I am confident that 20 years from now, after we have passed this legislation, we will look back and find the arguments that were made today against equal pay for equal worth as, if not more ludicrous.

Mr. President, I urge my colleagues to support this important and worthwhile legislation.

Mr. METZENBAUM. Mr. President, last year I cosponsored the Pay Equity Act along with over 30 Senators from both sides of the aisle. I am pleased once again to cosponsor this bill which will authorize a study of the Federal Government's wage setting practices.

Current Federal law requires that differences in wages reflect differences in job duties, job difficulty, job responsibilities and job qualifications. This law imposes an affirmative duty on the Federal Government to set fair wages. This bill provides a way to determine whether the wages the Government pays Federal employee paid workers are fairly set and free from discrimination on gender, race, or ethnicity grounds.

The bill establishes a Commission on compensation equity. The Commission would be authorized to conduct a study to determine whether sex, ethnic, or racial bias account for the disparities in income earned by certain groups.

This study is especially important for women employed in the Federal civil service. The average salary of male Federal employees is $27,000, while the average salary of female Federal employees is $18,000. These pay differences need to be explained to the public as well as to the many thousands of women who work for our Government.

The idea of pay equity is not a new one. The concept is already included in Federal statutes. In addition, many State and local governments have authorized pay equity studies. The Senate held hearings on pay equity for Government employees last year, and the House has twice passed pay equity legislation.

We have a duty to ensure that all those who work for the Federal Government are fairly paid, that they are paid on the basis of the work they do not their sex or race.

The Pay Equity Act is a modest step—but a necessary one—in the right direction.

By Mr. ROCKEFELLER (for himself, Mr. CRANSTON, Mr. DECONCINI, Mr. MATSUNAGA, Mr. KERRY, Mr. GRAHAM, and Mr. MITCHELL):

S. 553. A bill to amend the Veterans' Job Training Act to extend and improve the program under that act; to the Committee on Veterans' Affairs.

VETERANS' JOB TRAINING ACT EXTENSION

● Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation concerning the Veterans Job Training Act. Joining me as cosponsors are the distinguished chairman of the Senate Veterans' Affairs Committee, Senator CRANSTON, my other colleagues on the committee, Senators DECONCINI, MATSUNAGA, and GRAHAM, and Senator KERRY, who since joining the Senate has been instrumental in sustaining the VJTA Program.

Enacted originally in 1983, the Veterans Job Training Act provides financial incentives to employers who agree to hire and give extensive training to unemployed veterans. VJTA's goal is to help veterans—especially from the Vietnam era—obtain permanent and stable employment. The underlying rationale is that we owe veterans assistance in compensating for the losses they incurred in serving their country. Upon returning to civilian life, many veterans find themselves at a disadvantage in seeking secure jobs—some have suffered physical or psychological problems stemming from involvement in combat, or have lost valuable time in gaining the education or work experience of their peers who did not enter the military.

In January of last year, legislation was signed into law to continue VJTA through September 30, 1988. Certain changes were made to improve the program: Most notably, additional counseling and followup were required to improve the retention rate of veterans participating in VJTA-subsidized training.

Mr. President, approximately 52,000 long-termed unemployed veterans have been placed in training positions since the inception of VJTA. In my State of West Virginia, about 700 veterans have benefited from this program, and have acquired valuable skills and experience for occupations ranging from medical assistants, to diesel mechanics, to pilots, to sales officers. Leaders in business, labor, government, and the veterans community have continually expressed their strong support for VJTA.

Today, I am introducing legislation to authorize additional appropriations for the VJTA Program for fiscal years 1987 and 1988, and to make corresponding changes in the dates set for making those funds available, for allowing veterans to apply for VJTA assistance, and for enabling veterans to actually enter training under VJTA.

In addition, this bill creates a new special category of eligibility for homeless veterans. It is estimated that as many as 40 percent of the Nation's homeless are veterans. This is a tragic statistic, and I hope my bill, in addition to other legislation introduced in the past weeks, will help to ensure that the Veterans' Administration and other parts of the Federal Government do everything possible to bring homeless veterans back into stable housing, employment, and a quality of life they so deeply deserve.

Mr. President, the Veterans Job Training Program is broke. Only $35 million of VJTA's $65 million authorization was appropriated. My bill seeks to obtain the remaining $30 million in the upcoming months and enable States to continue assisting and placing veterans who are struggling to enter or reenter the work force. At a time when Congress and the administration are focusing on ways to help unemployed and dislocated workers make the adjustment to new and productive jobs, let's make sure we place special emphasis on that part of our population to whom this Nation is indebted—our Nation's veterans.

This morning, in our Veterans' Affairs Committee hearing on the President's budget for the VA and some specific legislative proposals, we received favorable reactions to my bill concerning VJTA from several major veterans service organizations. The veterans groups have consistently supported this program and other initiatives to strengthen veterans employment and training assistance.

I urge my colleagues to join me by cosponsoring this bill. And I am hopeful that Congress will adopt this important measure in the near future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Job Training Act Extension of 1987".

SEC. 2. VETERANS' JOB TRAINING ACT AMENDMENTS.

(a) DEFINITIONS.—Section 3 of the Veterans' Job Training Act, Public Law 98-77 (29 U.S.C. 1721 note) is amended by adding at the end the following new paragraph:

"(4) The term "homeless individual" means an individual who lacks a fixed and adequate nighttime residence and includes an individual whose primary residence is in a publicly or privately operated shelter which provides temporary shelter.".

(b) ELIGIBILITY.—Section 5(a)(1) of such Act is amended—

(1) by inserting "(i)" after "(B)";

(2) by striking out the period at the end of subclause (i), as redesignated by clause (1) of this subsection, and inserting in lieu thereof a semicolon and "or"; and

(3) by adding at the end the following new subclause: "(ii) is a homeless individual.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 16 of such Act is amended—

(1) by striking out "$65,000 for fiscal year 1986" and inserting in lieu thereof "a total of $65,000 for fiscal years 1986, 1987, and 1988"; and

(2) by striking out "September 30, 1988" and inserting in lieu thereof "September 30, 1989".

(d) EXTENSION OF TERMINATION DATES.—Section 17(a) of such Act is amended—

(1) in clause (1), by striking out "January 31, 1987" and inserting in lieu thereof "December 31, 1987"; and

(2) in clause (2), by striking out "July 31, 1987" and inserting in lieu thereof "June 30, 1988".●

By Mr. INOUYE (for himself, Mr. EVANS, and Mr. DASCHLE):

S. 555. A bill to regulate gaming on Indian lands; to the Committee on Indian Affairs.

GAMING REGULATION ON INDIAN LANDS

● Mr. INOUYE. Mr. President, I am pleased today to introduce the Indian Gaming Regulatory Act, with the cosponsorship of my colleagues, Senator EVANS, vice chairman of the Indian Affairs Committee, and Senator DASCHLE, a new member of the committee.

This bill is the culmination of years of serious negotiations between gaming tribes, States, the gaming industry, the administration, and the Congress, in an effort to provide a system for the regulation of gaming on Indian lands. The need for some Federal or State regulation has been expressed by various State law enforcement officials who fear that Indian bingo games may become targets for infiltration by criminal elements. While some States have attempted to assert jurisdiction over tribal bingo games, tribes have very strenuously resisted these attempts. This conflict has provided the impetus for congressional legislation to enact a system of regulation. In developing the legislation, the issue has been how best to preserve the right of tribes to self-government while, at the same time, to protect both tribes and the public from unscrupulous elements in our society.

The Seminole Tribe of Florida was the first tribe to enter the bingo industry. A court challenge by the State of Florida led the Fifth Circuit Court of Appeals to decide, in *Seminole* v. *Butterworth,* (5th Cir., 1982, cert. denied 1982), that the tribe could regulate gaming free from State interference, primarily because the Federal Government had never transferred jurisdiction to the State of Florida to regulate bingo games on Indian lands.

Since the Seminole Tribe opened its game, over 100 bingo games have been started on Indian lands in States where bingo is otherwise legal. Collectively, these games generate an estimated $100 million in annual revenues to tribes. Bingo revenues have enabled tribes, like lotteries and other games have done for State and local governments, to provide a fuller range of government services to their members than would otherwise have been possible.

For various reasons, not all tribes can engage in profitable gaming operations. While I personally believe other economic development opportunities are solely needed on the Nation's Indian reservations, for those tribes that are in the gaming business, the income often means the difference between an adequate governmental program and a bare bones program which is totally dependent on Federal dollars.

Even though the Supreme Court is currently reviewing a California gaming case, it is the responsibility of the Congress, consistent with its plenary power over Indian affairs, to balance the competing policy interests and to adjust, where appropriate, the jurisdictional framework for regulation of gaming on Indian lands. The bill I am offering today is an attempt to set up that framework and is built on a measure that was reported to the Senate at the end of the last Congress, but which we were unable to consider before we adjourned. The similarities are many: Under this bill, as under that one, we have opted for continued tribal jurisdiction over bingo operations but with oversight and certain veto powers vested in a federally established National Indian Gaming Commission. The administration, perhaps, would choose to completely override tribal jurisdiction by creating a Federal regulatory system that provides no meaningful role for tribal governments. I am firmly convinced that such a system would be overreaching and is unnecessary. History has shown that Indian tribes are quite capable of managing their own affairs.

The legislative history of this measure began in the 98th Congress with the introduction of several bills and some hearings, but no other action by either the Senate or the House. In the 99th Congress, five bills were introduced in the House to provide a Federal role in the oversight of gaming on Indian lands. Representative UDALL's bill, H.R. 1920, emerged as the primary legislative vehicle for the Indian gaming issue. The House held three hearings on the bill's provisions. The administration had no legislative proposal of its own to offer at that time but, in November 1985, representatives of the Department of the Interior and the Department of Justice testified in support of tribal bingo but in opposition to other forms of Indian gambling.

The most controversial issue thus concerned class III gaming. Class I is the term used in legislation to describe traditional gaming conducted at Indian pow-wows and ceremonies, which is entirely free of outside regulation or oversight. Class II is the term used for bingo, lotto, and other forms of gaming such as pull-tabs, punch cards, tip jars, and the like. Class III is all other forms of gaming—cards, casino, horse and dog racing, jai-alai, and so forth. The bill reported to the House floor allowed the proposed National Indian Gaming Commission to regulate both class II and III gaming. Class III gaming would have been regulated in accordance with State rules and regulations governing such gaming. However, no jurisdiction over Indian lands was conferred on States. A compromise bill passed the House on April 21, 1986, calling for a 5-year moratorium on any new class III tribal gaming and a GAO study to determine the best regulatory scheme for class III gaming on Indian lands.

The House-passed bill was referred to the Senate Indian Affairs Committee and a hearing was held on June 17, 1986. The Senate hearing included testimony on both H.R. 1920, as passed, and S. 2557, the administration's bill introduced in June 1986, which, among other things, prohibited class III gaming activities unless conducted under State jurisdiction. The Senate committee had held an earlier hearing in June 1985, on S. 902, a bill sponsored by Senator DECONCINI to establish regional gaming commissions. As originally introduced, its provisions were very similar to H.R. 1920.

The Senate Indian Affairs Committee reported an amended version of H.R. 1920 to the Senate on September 15, 1986. The revised committee bill affirmatively recognized tribal jurisdiction over class I and class II gaming but provided an additional Federal regulatory system for class II activities. The bill prohibited class III gaming. Tribes, as a whole, oppose any effort by Congress to unilaterally confer jurisdiction over Indian lands to States and prefer an outright ban of class III games to any direct grant of State jurisdiction. The Senate bill reflected the tribal position, but left the option open to tribes to seek State jurisdiction if they chose to engage in more sophisticated forms of gambling.

For class II gaming, the Senate bill recognized a strong role for tribal governments, while the administration's proposal preempted virtually all authority currently exercised by the tribes. According to the majority views, the committee did "not believe that such a heavy Federal hand is appropriate at this time and has opted for continued tribal control, but subject to a strong Federal presence.* * *"

The major provisions of the bill required tribes to adopt ordinances governing gaming operations and the newly established Commission to approve such ordinances before a game could be licensed. It provided a detailed system for the investigation and regulation of non-Indian investors and managers. It also established a system, patterned on the administration's bill, for civil and criminal penalties, including closure authority, to assure compliance with the act.

Subsequent to reporting the bill, and in further response to administration and State concerns, additional changes were recommended by the chairman of the Indian Affairs Committee. These improvements to the reported bill are incorporated in the measure I am introducing today, along with others that I believe will strengthen the bill and eliminate some major concerns. In brief, the bill provides for a Federal/tribal partnership for the regulation of bingo and similar games on Indian lands. Tribes with gaming operations must pass or have in place resolutions or ordinances that meet the standards provided in the bill. The enabling document must then be approved by a five-member National Indian Gaming Commission, which will be funded by assessments of tribal games and by annual congressional appropriations, on an equal basis.

All class I traditional games that are conducted during Indian ceremonies and pow-wows will remain under the exclusive jurisdiction of tribes. Tribes will continue to have jurisdiction over class II bingo games but this jurisdiction is subject to regulation by the Commission. Besides approving ordinances, the Commission well review all management contracts to insure their compliance with the bill. Contracts will be submitted to rigorous standards before approval or disapproval. Extensive and detailed criminal background checks will be required for all management personnel and the costs of such investigations will be paid for by those being investigated.

All other gaming—casino, cards, pari-mutuel, and so forth—is barred by the bill, unless a tribe receives the approval of the Secretary of the Interior to a transfer of criminal and civil jurisdiction over a class III game to a State. Upon acceptance of such jurisdiction, the State will then license the proposed class III activity. Unlike last year's bill, which attempted to grandfather in all present and future card games that are now legal in certain States, this bill would grandfather only those tribal games which actually operated on January 1, 1987. No other tribal card gaming would be permitted under the bill.

The administration has indicated their support for the definitions in the bill for class I, II, and III gaming. They also accept the grandfathering of existing card games. The administration would like all the Commission's funding to be paid from assessments on games. However, I believe congressional oversight through the appropriations process will be vital to an effective commission.

A continuing issue is the matter of licensing. I believe that tribes, as part of their self-governing process, should continue to license games, operators, and employees. The administration believes that the Commission should do the actual licensing. Since the Commission will have approval power over all ordinances and contracts, and has the authority to shut down a game when anything is out of order, I do not think it is necessary to undermine the right of tribes to govern themselves by removing their power to license games and employees.

I view tribal gaming as just one form of economic development and not necessarily the most beneficial one, primarily because of the dangers inherent in operating a large cash business. However, I recognize how important gaming is for many tribal economies and want to help ensure that tribes, their members, and the public are protected as much as possible from criminal elements. I believe this bill achieves that objective. I offer this rather extensive background statement because I want the Senate to be well informed on the issue of jurisdiction of gaming on Indian lands before considering the legislation. Tribes naturally want very much to retain gaming as an important source of revenue and to expand upon it where feasible. As trustee for Indian tribes and their resources, the Federal Government must address the serious concerns raised by gaming and provide a regulatory system that meets those concerns. This bill provides for such a system and it is my intention to have this legislation addressed expeditiously by the Senate Indian Affairs Committee so that we might complete the work of the past two Congresses.●

● Mr. EVANS. Mr. President, I am pleased today to join with my colleagues Senator INOUYE and Senator DASCHLE to introduce the Indian Gaming Regulatory Act. At the present time, in all States that allow a particular type of gambling subject to State controls and limitations, an Indian tribe is free to operate the same type of gambling free of those controls. This situation is the result of a series of Federal circuit court decisions, beginning with *Seminole* v. *Butterworth,* 658 F. 2d 310 (5th Cir. 1982), cert. denied, 455 U.S. 1020 (1982).

In Seminole, the Fifth Circuit Court of Appeals held that Public Law 83-280 conferred criminal and civil jurisdiction over Indian reservations to certain States, but that it did not confer general regulatory power over Indian tribes. Consequently, the Seminole court held that while a State could prohibit certain types of gambling activities altogther, it could not regulate games in Indian country. This distinction is consistent with Federal court decisions interpreting the Organized Crime Act of 1970.

We recognize the legitimate interests of Indian tribes in the operation of games free of State regulation. The ability of tribes to conduct gaming activities is a valuable asset from which they reap innumerable rewards. Furthermore, a contrary view would undermine the most fundamental aspects of tribal sovereignty. Yet we also recognize the valid concerns of the States and the U.S. Department of Justice that Indian gaming is conducted fairly and free of criminal infiltration. The bill we are introducing today is an attempt to balance these competing concerns.

Briefly, the bill divides games into three categories: ceremonial games (class I); bingo and pulltabs (class II); and games such as card games, paramutuel horse and dog racing, and jai alai (class III). The bill would have no effect on ceremonial games. But it would establish a National Indian Gaming Commission to oversee tribal regulation of class II games. The Commission would consist of five members, two of which must be members of federally recognized tribes. Not more than three can be of the same political party. The chairman would be appointed by the President, subject to Senate confirmation, and the remainder of the members would be appointed by the Secretary of the Interior. The legislation would prohibit class III games, unless such games are allowed under State law and are approved by the State in which the reservation is located. Finally, the bill would allow conversion of fee lands to trust land for gambling purposes only if the land is within the boundaries of or contiguous to a reservation. The Secretary of the Interior, in consultation with local and State officials, may convert noncontiguous land to trust ownership only if approved by the Governor of the State in which the land is located.

Mr. President, I commend the chairman of the Indian Affairs Committee Senator INOUYE and those who worked long and hard to bring this bill to its present form. Yet I believe, and I am sure they would agree, that certain elements of the bill deserve further consideration and possible refinement. Specifically, I have concerns about the treatment of so-called class III gaming and the application of State regulation over these types of activities. Furthermore, I am concerned about provisions in the bill allowing the Commission to appoint staff without regard to normal civil service limitations.

Mr. President, I look forward to hearings on this legislation to learn the views of others on its particulars. And I look forward to working with the distinguished chairman and members of the Indian Affairs Committee, and ultimately with the distinguished members of the Interior Committee of the House of Representatives, to bring this legislation to fruition.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Gaming Regulatory Act".

FINDINGS

SEC. 2. (a) The Congress finds that—

(1) numerous Indian tribes have become engaged in or have licensed gaming activities on Indian lands as a means of generating tribal governmental revenue;

(2) States have no criminal jurisdiction over Indians in Indian country except to the extent that the Congress has provided by legislation that the States, rather than the Federal Government, should exercise jurisdiction over a particular subject matter;

(3) the Federal and tribal governments exercise criminal jurisdiction over crimes committed in Indian country, except in certain special situations generally not related to gambling;

(4) Federal law sometimes assimilates the criminal laws of the States when there is no general Federal criminal statute on point;

(5) several Federal courts have held that State criminal laws are assimilated by section 13 of title 18, United States Code for enforcement by the Federal Government in Indian country, that State gambling enforcement statutes are regulatory laws which are not assimilated by section 13 of title 18, United States Code, or made applicable to Indians or Indian tribes by Public Law 83-280; and, consequently, that the Indian tribes have the exclusive right to regulate gaming which is not prohibited by Federal law and which is conducted in a State which does not, as a matter of criminal law and public policy, prohibit such gaming;

(6) Federal courts have held that section 2103 of the Revised Statutes, as amended, (25 U.S.C. 81) requires Secretarial review of management contracts dealing with Indian gaming, but does not provide standards for approval of such contracts;

(7) existing Federal law does not provide clear standards or regulations for the conduct of gaming on Indian lands; and

(8) a principal goal of Federal Indian policy is to promote tribal economic development, tribal self- sufficiency, and strong tribal government.

DECLARATION OF POLICY

SEC. 3. The purpose of this Act is—

(1) to provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments;

(2) to provide a statutory basis for the regulation of gaming by an Indian tribe adequate to shield it from organized crime and other corrupting influences, to ensure that the Indian tribe is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and players; and

(3) to declare that the establishment of independent Federal regulatory authority for gaming on Indian lands, the establishment of Federal standards for gaming on Indian lands, and the establishment of a National Indian Gaming Commission are necessary to meet congressional concerns regarding gaming and to protect such gaming as a means of generating tribal revenue.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) The term "Attorney General" means the Attorney General of the United States.

(2) The term "Chairman" means the Chairman of the National Indian Gaming Commission.

(3) The term "Commission" means the National Indian Gaming Commission established pursuant to section 5 of this Act.

(4) The term "Indian lands" means—

(A) all lands within the limits of any Indian reservation; and

(B) any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government.

(6) The term "gaming" means to deal, operate, carry on, conduct, or maintain for play any banking or percentage game of chance played for money, property, credit, or any representative value.

(7) The term "class I gaming" means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of or in connection with tribal ceremonies or celebrations.

(8) The term "class II gaming" means games of chance commonly known as bingo or lotto which are played for prizes, including monetary prizes, with cards bearing numbers or other designations, the holder covering such numbers or designations as objects, similarly numbered or designated, are drawn from a receptacle or electronically determined and the game being won by the person first covering a previously designated arrangement of numbers or designations on such card, and shall also include, where otherwise legal, pull-tabs, punch boards, tip jars, and other similar games. Class II gaming may include electronic or electromechanical facsimiles of the foregoing games, where devices of such types are otherwise legal under State law. Within sixty days of the date of enactment of this Act, the Secretary shall identify and prepare a list of each tribally owned card game operated as of January 1, 1987, on Indians lands in those States where such card gaming is otherwise legal, and shall publish such a list in the Federal Register. In accordance with section 13, if the tribal ordinance governing the operation of such identified Indian card game complies with section 11 of this Act and any management contract pertaining to such game complies with section 12 of this Act, such card game shall be deemed a class II gaming activity for purposes of regulation under this Act.

(9) The term "class III gaming" means all other forms of gaming that are not class I gaming or class II gaming.

(10) The term "net revenues" means gross revenues of an Indian gaming activity less amounts paid out as, or paid for, prizes and total operating expenses including management fees.

(11) The term "Secretary" means the Secretary of the Interior.

NATIONAL INDIAN GAMING COMMISSION

SEC. 5. (a) There is established within the Department of the Interior a Commission to be known as the National Indian Gaming Commission.

(b)(1) The Commission shall be composed of five full-time members who shall be appointed as follows:

(A) a Chairman, who shall be appointed by the President with the advice and consent of the Senate; and

(B) four associate members who shall be appointed by the Secretary of the Interior.

(2)(A) the Department of Justice shall conduct a background investigation on any person considered for appointment to the Commission.

(B) The Secretary shall publish in the Federal Register the name and other information the Secretary deems pertinent regarding a nominee for membership on the Commission and shall allow a period of not less than thirty days for receipt of public comment.

(3) Not more than three members of the Commission shall be of the same political party. At least two members of the Commission shall be enrolled members of a federally recognized tribe.

(4) The members of the Commission shall be appointed for three year terms, except that the initial terms of the Commission shall be staggered so that—

(A) three members, including the Chairman, shall serve terms of three years; and

(B) two members shall serve terms of two years.

(5) No individual shall be eligible for any appointment to, or to continue service on, the Commission, who—

(A) has been convicted of a felony or gaming offense;

(B) has any financial interest in, or management responsibility for, any gaming activity; or

(C) has a financial interest in, or management responsibility for, any management contract approved pursuant to section 12 of this Act.

(6) During his term of office, a Commissioner may only be removed by the appointing authority for neglect of duty, or malfeasance in office, or for other good cause shown.

(c) Vacancies occurring on the Commission shall be filled in the same manner as the original appointment. A member may serve after the expiration of his term until his successor has been appointed, unless he has been removed for cause under subsection (b)(6).

(d) Three members of the Commission, at least one of which is the Chairman or Vice Chairman, shall constitute a quorum.

(e) The Commission shall select, by majority vote, one of the members to serve as Vice Chairman who shall serve as Chairman during meetings of the Commission in the absence of the Chairman.

(f) The Commission shall meet at the call of the Chairman or a majority of its members.

(g)(1) The Chairman of the Commission shall be paid at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) The associate members of the Commission shall each be paid at a rate equal to that of level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

POWERS OF THE CHAIRMAN

SEC. 6. (a) The Chairman shall have power, subject to an appeal to the Commission, to—

(1) issue orders of temporary closure of gaming activities as provided in section 14(b);

(2) levy and collect civil fines as provided in section 14(a);

(3) approve tribal ordinances or resolutions regulating class II gaming as provided in section 11(b); and

(4) approve management contracts for class II gaming as provided in section 12.

(b) The Chairman shall have such other powers as may be delegated by the Commission.

POWERS OF THE COMMISSION

SEC. 7. (a) The Commission—

(1) shall monitor Indian gaming activities on a continuing basis;

(2) shall inspect and examine all premises where Indian gaming is conducted;

(3) shall conduct or cause to be conducted such background investigations as may be necessary;

(4) may demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross revenues of a gaming activity and all other matters necessary to the enforcement of this Act;

(5) may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States;

(6) may procure supplies, services, and property by contract in accordance with applicable Federal laws and regulations;

(7) may enter into contracts with Federal, State, tribal and private entities for activities necessary to the discharge of the duties of the Commission and, to the extent feasible, contract the enforcement of the Commission's regulations with the Indian tribes;

(8) may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems appropriate;

(9) may administer oaths or affirmations to witnesses appearing before the Commission; and

(10) shall promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this Act.

(b) The Commission shall submit a report with minority views, if any, to the Congress on December 31, 1988, and every two years thereafter. The report shall include information on—

(1) whether the associate commissioners should continue as full or part-time officials;

(2) funding, including income and expenses, of the Commission;

(3) recommendations for amendments to the Act; and

(4) any other matter deemed appropriate by the Commission.

COMMISSION STAFFING

SEC. 8. (a) The Chairman shall appoint a General Counsel to the Commission who shall be paid at the annual rate of basic pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(b) The Chairman shall appoint and supervise other staff on the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such staff shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-17 of the General Schedule under section 5332 of that title.

(c) the Chairman may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Service.

(d) Upon the request of the Chairman, the head of any Federal agency is authorized to detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act, unless otherwise prohibited by law.

(e) The Secretary or Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

COMMISSION—ACCESS TO INFORMATION

SEC. 9. The Commission may secure from any department or agency of the United States information necessary to enable it to carry out this Act. Upon the request of the Chairman, the head of such department or agency shall furnish such information to the Commission, unless otherwise prohibited by law.

INTERIM AUTHORITY TO REGULATE GAMING

SEC. 10. The Secretary shall continue to exercise those authorities currently vested in him relating to supervision of Indian gaming until such time as the Commission is organized and promulgates regulations. The Secretary shall provide staff and support assistance to facilitate an orderly transition to regulation of Indian gaming by the Commission.

TRIBAL GAMING ORDINANCES

SEC. 11. (a)(1) Class I gaming on Indian lands is within the exclusive jurisdiction of the Indian tribes and shall not be subject to the provisions of this Act.

(2) Any Indian gaming that is defined as class II gaming on Indian lands shall continue to be within the jurisdiction of the Indian tribes, but shall be subject to the provisions of this Act, if such Indian gaming is located within a State that permits such gaming for any purpose by any person, organization or entity (and such gaming is not otherwise prohibited by Federal law).

(b)(1) An Indian tribe may engage in, or license and regulate, class II gaming on Indian lands within such tribe's jurisdiction, if—

(A) such Indian gaming is located within a State that permits such gaming for any purpose by any person, organization or entity (and such gaming is not otherwise prohibited by Federal law), and

(B) the governing body of the Indian tribe adopts an ordinance or resolution which is approved by the Chairman pursuant to this Act.

A separate license shall be required for each place, facility, or location on Indian lands at which class II gaming is conducted.

(2) The Chairman shall approve any tribal ordinance or resolution concerning the conduct, or regulation of class II gaming on the Indian lands of the Indian tribe if such ordinance or resolution provides that—

(A) except as provided in paragraph (4), the Indian tribe shall have the sole proprietary interest and responsibility for the conduct of any gaming activity;

(B) net revenues from any tribal gaming are not to be used for purposes other than—

(i) to fund tribal government operations or programs;

(ii) to provide for the general welfare of the Indian tribe and its members;

(iii) to promote tribal economic development;

(iv) to donate to charitable organizations; or

(v) to help fund operations of local government agencies;

(C) annual outside independent audits of the gaming will be obtained by the Indian tribe and made available to the Commission;

(D) all contracts for supplies, services, or concessions for a contract amount in excess of $25,000 annually (except contracts for professional legal or accounting services) relating to such gaming shall be subject to such independent audits;

(E) the construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public health and safety; and

(F) an adequate system which—

(i) ensures that background investigations are conducted on the primary management officials and key employees of the gaming enterprise and that oversight of such officials and their management is conducted on an ongoing basis; and

(ii) includes—

(I) tribal licenses for primary management officials and key employees of the gaming enterprise with prompt notification to the Commission of the issuance of such licenses;

(II) a standard whereby any person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment; and

(III) notification to the Commission by the Indian tribe before the issuance of such license of the results of such background check.

(3) Net revenues from any tribal gaming may be used to make per capita payments to tribal members only if—

(A) the Indian tribe has prepared a plan to allocate revenues to uses authorized by paragraph (2)(B);

(B) the plan is approved by the Secretary as adequate, particularly with respect to uses described in clause (i) or (iii) of paragraph (2)(B); and

(C) those payments are subject to Federal taxation and tribes notify members of such tax liability when payments are made.

(4)(A) A tribal ordinance or resolution may provide for the licensing or regulation of class II gaming activities owned by individuals or entities other than the Indian tribe and conducted on Indian lands, except that the tribal licensing requirements shall be at least as restrictive as those established by State law governing similar gaming within the jurisdiction of the State within which such Indian lands are located. No individual or entity, other than the Indian tribe, shall be eligible to receive a tribal license to own a class II gaming activity within the Indian tribe's jurisdiction if such individual or entity would not be eligible to receive a State license to conduct the same activity within the jurisdiction of the State.

(B)(i) The provisions of subparagraph (A) of this paragraph and the provisions of subparagraphs (A) and (B) of paragraph (2) shall not bar the continued operation of an individually owned class II gaming operation that was operating on September 1, 1986, if—

(I) such gaming operation is licensed and regulated by an Indian tribe pursuant to an ordinance reviewed and approved by the Commission in accordance with section 13 of the Act,

(II) income to the Indian tribe from such gaming is used only for the purposes described in paragraph (2)(B) of this subsection,

(III) not less than 60 percent of the net revenues is income to the Indian tribe, and

(IV) the owner of such gaming operation pays an appropriate assessment to the National Indian Gaming Commission under section 18(a)(1) for regulation of such gaming.

(ii) The exemption from the application of this subsection provided under this subparagraph may not be transferred to any person or entity and shall remain in effect only so long as the gaming activity remains within the same nature and scope as operated on the date of enactment of this Act.

(iii) Within sixty days of the date of enactment of this Act, the Secretary shall prepare a list of each individually owned gaming operation to which clause (i) applies and shall publish such list in the Federal Register.

(c)(1) The Commission may consult with appropriate law enforcement officials concerning gaming licenses issued by an Indian tribe and shall have thirty days to notify the Indian tribe of any objections to issuance of such license.

(2) If, after the issuance of a gaming license, reliable information is received from the Commission indicating that a primary management official or key employee does not meet the standard established under subsection (b)(2)(F)(ii)(II), the Indian tribe shall suspend such license and, after notice and hearing, may revoke such license.

(d)(1) Except as provided in paragraph (2) of this subsection, class III gaming shall be unlawful on any Indian lands under section 1166 of title 18, United States Code.

(2)(A) A gaming activity on Indian lands that is otherwise legal within the State where such lands are located may be exempt from the operation of paragraph (1) of this subsection where the Indian tribe requests the Secretary to consent to the transfer of all civil and criminal jurisdiction, except for taxing authority, pertaining to the licensing and regulation of gaming over the proposed gaming enterprise to the State within which such gaming enterprise is to be located and the Secretary so consents. Such transfer shall provide the State with the authority to make appropriate and reasonable assessments of the Indian tribe or management contractor, as appropriate, to compensate such State for all reasonable costs incurred by it for investigating, licensing and regulating the gaming enterprise, but may not exceed the costs attributed to the regulation of other similar gaming enterprises operated by nontribal licensees within such State. If a State assesses any charge, commission, fee, or tax on a non-Indian parimutuel gaming enterprise in excess of the cost of regulating such an enterprise, a class III tribal parimutuel gaming enterprise shall not be liable for such excess charge, commission, fee, or tax so long as the Indian tribe uses the funds retained for purposes limited to those described in subsection (b)(2)(B); but the share of parimutuel pools returned to the bettor at Indian gaming enterprises shall not exceed the percentage share returned to bettors at non-Indian gaming enterprises of a similar nature.

(B) The Secretary shall approve gaming jurisdictional transfer under subparagraph (A) where the Commission certifies—

(i) that the Indian tribe's authorizing resolution or ordinance conforms to the requirements of subparagraphs (A) and (B) of subsection (b)(2);

(ii) that any management contract conforms to section 12; and

(iii) that the State within which such gaming enterprise is proposed to be established has agreed to such jurisdictional transfer.

(C) The Secretary shall cause to be published in the Federal Register a notice of consent to the transfer of jurisdiction under subparagraph (A). Such transfer shall be effective sixty days after publication and shall terminate as of the date such gaming enterprise ceases to operate. In the event of a cessation of operation such transfer of jurisdiction shall remain in full force and effect as to any activity which occurs prior to such cessation.

(D) In accordance with the provisions of section 1166(d) of title 18, United States Code, prosecution and enforcement pursuant to this subsection shall be within the appropriate courts of the respective State.

(E) The provisions of section 5 of the Act of January 2, 1951 (64 Stat. 1135; 15 U.S.C. 1175) shall not apply to any gaming conducted under this subsection.

(3) For purposes of this subsection, any regulation or authority exercised by a State under this subsection, including issuance of a license, shall be exercised in the same manner and to the same extent as it is exercised on non-Indian lands within the State.

(4) For purposes of this subsection, an Indian tribe shall be considered to be a person and shall have the same rights and remedies that any person or citizen of the United States has, and any State or Federal court of competent jurisdiction shall have jurisdiction and authority to issue such orders as may be necessary to enforce the rights granted under this subsection.

(e) For purposes of this section, not later than ninety days after the submission of any tribal gaming ordinance or resolution, the Chairman shall approve such ordinance or resolution if it meets the requirements of this section. Any such ordinance or resolution not acted upon at the end of that ninety day period shall be deemed to have been approved by the Chairman, but only to the extent such ordinance or resolution is consistent with the provisions of this Act.

MANAGEMENT CONTRACTS

SEC. 12. (a)(1) Subject to the approval of the Chairman, an Indian tribe may enter into a management contract for the operation and management of a class II gaming activity that the Indian tribe may engage in under section 11(b)(1), but, before approving such contract, the Chairman shall require and obtain the following information:

(A) the name, address, and other additional pertinent background information on each person or entity (including individuals comprising such entity) having a financial interest in, or management responsibility for, such contract, or, in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock;

(B) a description of any previous experience that each person listed pursuant to subparagraph (A) has had with other gaming contracts with Indian tribes or with the gaming industry generally, including specifically the name and address of any licensing or regulatory agency with which such person has had a contract relating to gaming; and

(C) a complete financial statement of each person listed pursuant to subparagraph (A).

(2) Any person listed pursuant to paragraph (1)(A) shall be required to respond to such written or oral questions that the

Chairman may propound in accordance with his responsibilities under this section.

(b) The Chairman may approve any management contract entered into pursuant to this section only if he determines that it provides at least—

(1) for adequate accounting procedures that are maintained, and for verifiable financial reports that are prepared, by or for the tribal governing body on a monthly basis;

(2) for access to the daily operations of the gaming to appropriate tribal officials who shall also have a right to verify the daily gross revenues and income made from any such tribal gaming activity;

(3) for a minimum guaranteed payment to the Indian tribe that has preference over the retirement of development and construction costs;

(4) for an agreed ceiling for the repayment of development and construction costs;

(5) for a contract term not to exceed five years; and

(6) for grounds and mechanisms for terminating such contract, but actual contract termination shall not require the approval of the Commission.

(c) The Chairman may approve a management contract providing for a fee based upon a percentage of the net revenues of a tribal gaming activity if he determines that such percentage fee is reasonable in light of surrounding circumstances, but in no event shall such fee exceed 30 percent of the net revenues.

(d) Not later than one hundred and eighty days after the submission of a contract, the Chairman shall approve or disapprove such contract on its merits. The Chairman may extend the one hundred and eighty-day period by not more than ninety days if the Chairman notifies the Indian tribe in writing of the reason for the extension. The Indian tribe may bring an action in a United States district court to compel action by the Chairman if a contract has not been approved or disapproved within the period required by this subsection.

(e) The Chairman shall not approve any contract if he determines that—

(1) any person listed pursuant to subsection (a)(1)(A) of this section—

(A) is an elected member of the governing body of the Indian tribe which is the party to the management contract;

(B) has been or subsequently is convicted of any felony or gaming offense;

(C) has knowingly and willfully provided materially important false statements or information to the Commission or the Indian tribe pursuant to this Act or has refused to respond to questions propounded pursuant to subsection (a)(2); or

(D) has been determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;

(2) the management contractor has, or has attempted to, unduly interfere or influence for its gain or advantage any decision or process of tribal government relating to the gaming activity;

(3) the management contractor has deliberately or substantially failed to comply with the terms of the management contract or the tribal gaming ordinance or resolution adopted and approved pursuant to this Act; or

(4) a trustee, exercising the skill and diligence that a trustee is commonly held to, would not approve the contract.

(f) The Chairman, after notice and hearing, shall have the authority to require appropriate contract modifications or may void any contract if he subsequently determines that any of the provisions of this section have been violated.

(g) No management contract for the operation and management of a gaming activity regulated by this Act shall transfer or, in any other manner, convey any interest in land or other real property, unless specific statutory authority exists and unless clearly specified in writing in said contract.

(h) The authority of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81), relating to management contracts regulated pursuant to this Act, is hereby transferred to the Commission.

(i) The Commission shall require a potential contractor to pay a fee to cover the cost of the investigation necessary to reach a determination required in subsection (e) of this section.

REVIEW OF EXISTING ORDINANCES AND CONTRACTS

SEC. 13. (a) As soon as practicable after the organization of the Commission, the Chairman shall notify each Indian tribe or management contractor who, prior to the enactment of this Act, adopted an ordinance or resolution authorizing class II gaming or entered into a management contract, that such ordinance, resolution, or contract, including all collateral agreements, must be submitted for his review within sixty days of such notification. Any activity conducted under such ordinance, resolution, contract, or agreement shall be valid under this Act, or any amendment made by this Act, unless disapproved under this section.

(b)(1) Within ninety days after the submission of an ordinance or resolution authorizing class II gaming pursuant to subsection (a), the Chairman shall review such ordinance or resolution to determine if it conforms to the requirements of section 11(b) of this Act.

(2) If the Chairman determines that an ordinance or resolution submitted under subsection (a) conforms to the requirements of section 11(b), he shall approve it.

(3) If the Chairman determines that an ordinance or resolution submitted under subsection (a) does not conform to the requirements of section 11(b), he shall provide written notification of necessary modifications to the Indian tribe which shall have not more than one hundred and twenty days to bring such ordinance or resolution into compliance.

(c)(1) Within one hundred and eighty days after the submission of a management contract, including all collateral agreements, pursuant to subsection (a), the Chairman shall subject such contract to the requirements and process of section 12 of this Act.

(2) If the Chairman determines, at the end of such period, that a contract submitted under subsection (a) and the management contractor meet the requirements of section 12, he shall approve it.

(3) If the Chairman determines, at the end of such period, that a contract submitted under subsection (a), or the management contractor under a contract submitted under subsection (a), does not meet the requirements of section 12, the Chairman shall provide written notification to the parties to such contract of necessary modifications and the parties shall have not more than one hundred and twenty days to come into compliance. If a management contract has been approved by the Secretary prior to the date of enactment of this Act, the parties shall have not more than one hundred and eighty days after notification of necessary modifications to come into compliance.

CIVIL PENALTIES

SEC. 14. (a)(1) Subject to such regulations as may be adopted by the Commission, the Chairman shall have authority to levy and collect appropriate civil fines, not to exceed $25,000 per violation, against the tribal operator of an Indian game or a management contractor engaged in gaming for any violation of any provision of this Act, any regulation prescribed by the Commission pursuant to this Act, or tribal regulations, ordinances, or resolutions approved under section 11 or 13 of this Act. Fines collected pursuant to this section shall be utilized by the Commission to defray its operating expenses.

(2) The Commission shall, by regulation, provide an opportunity for an appeal and hearing before the Commission on fines levied and collected by the Chairman.

(3) Whenever the Commission has reason to believe that the tribal operator of an Indian game or a management contractor engaged in activities regulated by this Act, by regulations prescribed under this Act, or by tribal regulations, ordinances, or resolutions, approved under section 11 or 13 of this Act that may result in the imposition of a fine under subsection (a)(1), the permanent closure of such game, or the modification or termination of any management contract, the Commission shall provide such tribal operator or management contractor with a written complaint stating the acts or omissions which form the basis for such belief and the action or choice of action being considered by the Commission. The allegation shall be set forth in ordinary and concise language and must specify the statutory or regulatory provisions alleged to have been violated, but may not consist merely of allegations stated in statutory or regulatory language.

(b)(1) The Chairman shall have power to order temporary closure of an Indian game for substantial violation of the provisions of this Act, of regulations prescribed by the Commission pursuant to this Act, or of tribal regulations, ordinances, or resolutions approved under section 11 or 13 of this Act.

(2) Not later than thirty days after the issuance by the Chairman of an order of temporary closure, the Indian tribe or management contractor involved shall have a right to a hearing before the Commission to determine whether such order should be made permanent or dissolved. Not later than sixty days following such hearing, the Commission shall, by a vote of not less than three of its members, decided whether to order a permanent closure of the gaming operation.

(c) A decision of the Commission to give final approval of a fine levied by the Chairman or to order a permanent closure pursuant to this section shall be appealable to the appropriate Federal district court pursuant to chapter 7 of title 5, United States Code.

(d) Nothing in this Act precludes an Indian tribe from exercising regulatory authority provided under tribal law over a gaming establishment within the Indian tribe's jurisdiction if such regulation is consistent with this Act or with any rules or regulations adopted by the Commission.

JUDICIAL REVIEW

SEC. 15. Decisions made by the Commission pursuant to sections 11, 12, 13, and 14 shall be final agency decisions for purposes of appeal to the appropriate Federal district court pursuant to chapter 7 of title 5, United States Code.

SUBPOENA AND DEPOSITION AUTHORITY

SEC. 16. (a) By a vote of not less than three members, the Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under consideration or investigation. Witnesses so summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) The attendance of witnesses and the production of books, papers, and documents, may be required from any place in the United States at any designated place of hearing. The Commission may request the Secretary to request the Attorney General to bring an action to enforce any subpoena under this section.

(c) Any court of the United States within the jurisdiction of which an injury is carried on may, in case of contumacy or refusal to obey a subpoena to any reason, issue an order requiring such person to appear before the Commission (and produce books, papers, or documents as so ordered) and give evidence concerning the matter in question and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) A Commissioner may order testimony to be taken by deposition in any proceeding or investigation pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Reasonable notice must first be given to the Commission in writing by the party or his attorney proposing to take such deposition, and, in cases in which a Commissioner proposes to take a deposition, reasonable notice must be given. The notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Commission, as hereinbefore provided.

(e) Every person deposing as herein provided shall be cautioned and shall be required to swear (or affirm, if he so requests) to testify to the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent. All depositions shall be promptly filed with the Commission.

(f) Witnesses whose depositions are taken as authorized in this section, and the persons taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

INVESTIGATIVE POWERS

SEC. 17. (a) Except as provided in subsection (b), the Commission shall preserve any and all information received pursuant to this Act as confidential pursuant to the provisions of paragraphs (4) and (7) of section 552(b) of title 5, United States Code.

(b) The Commission may, when such information indicates a violation of Federal, State, or tribal statutes, ordinances, or resolutions, provide such information, to the appropriate law enforcement officials.

(c) The Attorney General of the United States is authorized to investigate activities associated with gaming authorized by this Act which may be a violation of Federal law, including but not limited to section 13 of title 18, United States Code (Assimilative Crimes Act), section 1152 of such title (General Crimes Act), section 1153 of such title (Major Crimes Act), and section 1163 of such title relating to embezzlement and theft from tribal organizations. The Attorney General is authorized to enforce such laws, or assist in the enforcement of such laws, upon evidence of violation as a matter of Federal law, or upon the referral of information by the Commission pursuant to subsection (b).

COMMISSION FUNDING

SEC. 18. (a)(1) The Commission shall establish a schedule of fees to be paid annually by each tribal gaming activity to the Commission. Such fees shall not be less than one-half of 1 percent nor more than 2½ percent of the first $750,000, and not more than 5 percent of amounts in excess thereof, of the gross revenues from each activity regulated by this Act.

(2) The Commission, by a vote of not less than three of its members, shall annually adopt the rate of assessment authorized by this section which shall be payable to the Commission on a quarterly basis.

(3) Failure to pay the assessment made under this section shall, subject to the regulations of the Commission, be grounds for revocation of any approval of license of the Commission required under this Act for the operation of tribal gaming.

(4) To the extent that funds derived from assessments made under this section are not expended or committed at the end of the budget year, such surplus funds shall be credited to each gaming activity on a pro rata basis against the assessment made under this section for the succeeding year.

(5) For purposes of this section, gross revenues shall constitute the annual total wagered moneys less any amounts paid out as prizes or paid for prizes awarded and less allowance for amortization of capital expenditures for structures.

(b)(1) The Commission, in coordination with the Secretary and in conjunction with the fiscal year of the United States, shall adopt an annual budget for the expenses and operation of the Commission.

(2) The budget of the Commission may include a request for appropriations, as authorized by section 19, in an amount equal the amount of funds derived from assessments authorized by subsection (a) for the fiscal year preceding the fiscal year for which the appropriation request is made.

(3) The request for appropriations pursuant to paragraph (2) shall be subject to the approval of the Secretary and shall be included as a part of the budget request of the Department of the Interior.

(c) There is established in the Treasury of the United States a special fund into which all fees collected under this section shall be deposited and used to pay the expenses of the Commission, as limited by subsection (a) of this section, in such amounts and to the extent provided in appropriations acts.

AUTHORIZATION OF APPROPRIATIONS

SEC. 19. (a) Subject to the provisions of section 18, there is hereby authorized to be appropriated such sums as may be necessary for the operation of the Commission.

(b) Notwithstanding the provisions of section 18, there is hereby authorized to be appropriated not to exceed $2,000,000 to fund the operation of the Commission for the first fiscal year after the date of enactment of this Act.

GAMING ON LANDS ACQUIRED AFTER ENACTMENT OF THIS ACT

SEC. 20. (a) Except as provided in subsection (b), gaming regulated by this Act shall not be conducted on lands acquired by the Secretary in trust for the benefit of an Indian tribe after the date of enactment of this Act unless—

(1) such lands are located within or contiguous to the boundaries of the reservation of the Indian tribe on the date of enactment of this Act; or

(2) the Indian tribe has no reservation on the date of enactment of this Act and—

(A) such lands are located in Oklahoma and—

(i) are within the boundaries of the Indian tribe's former reservation, as defined by the Secretary, or

(ii) are contiguous to other land held in trust or restricted status by the United States for the Indian tribe in Oklahoma; or

(B) such lands are located in a State other than Oklahoma and are within the Indian tribe's last recognized reservation within the State or States within which such tribe is presently located.

(b) Subsection (a) will not apply when—

(1) the Secretary, after consultation with the Indian tribe and appropriate state and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination; or

(2) lands are taken into trust as part of—

(A) a settlement of a land claim,

(B) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgement process, or

(C) the restoration of lands of an Indian tribe that is restored to Federal recognition.

(c) Nothing in this section shall affect or diminish the authority and responsibility of the Secretary to take land into trust.

(d) Provisions of the Internal Revenue Code of 1986, concerning the taxation and the reporting and withholding of taxes with respect to gambling or wagering operations shall apply to Indian gaming operations conducted pursuant to this Act the same as they apply to State operations.

DISSEMINATION OF INFORMATION

SEC. 21. Consistent with the requirements of this Act, sections 1301, 1302, 1303 and 1304 of title 18, United States Code, shall not apply to any gaming conducted by an Indian tribe pursuant to this Act.

SEVERABILITY

SEC. 22. In the event that any section or provision of this Act, or amendment made by this Act, is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and amendments made by this Act, shall continue in full force and effect.

CRIMINAL PENALTIES

SEC. 23. Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1166. Gambling in Indian country

"(a) Except as provided in subsection (c), all State laws pertaining to the licensing, regulation, or prohibition of gambling, including but not limited to criminal sanctions applicable thereto, shall apply on Indian lands in the same manner and to the same extent as such laws apply elsewhere in the State.

"(b) Whoever on Indian lands is guilty of any act or omission involving gambling, whether or not conducted or sanctioned by an Indian tribe, which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State in which the act or omission occurred, under the laws governing the licensing, regulation, or prohibition of gambling in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

"(c) For the purpose of this section, the term 'gambling' does not include Indian class I gaming or class II gaming regulated by the Indian Gaming Regulatory Act.

"(d) The United States shall have exclusive jurisdiction over criminal prosecutions of violations of State gambling laws that are made applicable under this section to Indian lands, unless an Indian tribe pursuant to section 11(d) of the Indian Gaming Regulatory Act, or any other provision of Federal law, has consented to the transfer to the State of criminal jurisdiction with respect to gambling on the Indian tribe's lands.

"§ 1167. Theft from gaming establishments on Indian lands

"(a) Whoever abstracts, purloins, willfully misapplies, or takes and carries away with intent to steal, any moneys, funds, or other property of a value of $1,000 or less belonging to an establishment licensed by an Indian tribe pursuant to an ordinance or resolution approved by the National Indian Gaming Commission shall be fined not more than $100,000 or be imprisoned for not more than one year, or both.

"(b) Whoever abstracts, purloins, willfully misapplies, or takes and carries away with intent to steal, any moneys, funds, or other property of a value in excess of $1,000 belonging to a gaming establishment licensed by an Indian tribe pursuant to an ordinance or resolution approved by the National Indian Gaming Commission shall be fined not more than $250,000, or imprisoned for not more than ten years, or both.

"§ 1168. Theft by officers or employees of gaming establishments on Indian lands

"(a) Whoever, being an officer, employee, or individual licensee of a gaming establishment licensed by an Indian tribe pursuant to an ordinance or resolution approved by the National Indian Gaming Commission, embezzles, abstracts, purloins, willfully misapplies, or takes and carries away with intent to steal, any moneys, funds, assets, or other property of such establishment of a value of $1,000 or less shall be fined not more than $250,000 and be imprisoned for not more than five years, or both;

"(b) Whoever, being an officer, employee, or individual licensee of a gaming establishment licensed by an Indian tribe pursuant to an ordinance or resolution approved by the National Indian Gaming Commission, embezzles, abstracts, purloins, willfully misapplies, or takes and carries away with intent to steal, any moneys, funds, assets, or other property of such establishment of a value in excess of $1,000 shall be fined not more than $100,000,000 or imprisoned for not more than twenty years, or both.".

CONFORMING AMENDMENT

SEC. 24. The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following:

"1166. Gambling in Indian country.
"1167. Theft from gaming establishments on Indian lands.
"1168. Theft by officers or employees of gaming establishments on Indian lands.".

HIGHLIGHTS—INDIAN GAMING REGULATORY ACT

Class I (ceremonial gaming): Traditional gaming remains within exclusive jurisdiction of Indian tribes and outside the scope of the Act.

Class II (bingo, lotto, pull tabs, tip jars and punch boards): Continues to be within tribal jurisdiction but subject to regulation by the National Indian Gaming Commission.

Class III (cards, casinos, horse and dog racing, jai alai): Prohibited, but Secretary may approve a tribal/state agreement to transfer jurisdiction to a state for regulation of a tribal Class III game.

Grandfather of existing games: (1) All card games operated on January 1, 1987, by tribes in states where such games are legal will be treated as Class II games; (2) individually owned Class II games licensed by tribes will also be grandfathered. No new individual or card games are permitted under the bill.

Commission members: Composed of five (5) persons, two (2) of whom must be members of federally recognized tribes; Chairman to be appointed by the President with advice and consent of Senate, and Department of Justice to conduct background investigations of all appointees.

Commission Chairman: May temporarily close games; levy civil fines; approve tribal ordinances or other enabling documents; and approve management contracts; decisions subject to appeal to full Commission.

Commission powers: Permanently close tribal games; enforce collection of civil fines; enforce tribal gaming ordinances; monitor all Indian gaming activities; inspect gaming premises; conduct background investigations of employees and contractors; access records, books and other documents and audit accounts; conduct any investigation necessary in connection with regulation of Class II gaming; consult with law enforcement officials where appropriate; and request the U.S. Attorney General to conduct necessary criminal investigations.

Commission funding: Operating costs derived from tribal assessments (50 percent) and Congressional appropriations (50 percent). Assessment set on a a sliding fee scale from ½ percent to 2½ percent of first $750,000 of gross revenue and up to five (5) percent of amounts in excess thereof; gross revenue is all income less prize money paid and capital expenditures.

Tribal gaming ordinances: Required for the operation of a Class II game; must be approved by the Commission; tribe must be sole owner of gaming enterprise; revenues can be used for tribal government operations, general tribal welfare (including per capitas that are subject to federal income tax), economic development, and charity; tribe must have system for conducting background checks on key managers and employees and must license such officials; tribe may license a church or other group to conduct charitable gaming within the limits of applicable state law.

Management contracts: Permitted for fees up to 30 percent of net revenue; Commission must investigate contractors and may disapprove a contract based on such investigation; contract must allow tribal access to daily operations of the game, monthly audits, minimum guaranteed payment to the tribe, and have a term of no more than five (5) years.

Review of existing ordinances and contracts: Commission must notify each gaming tribe of review process and the tribe must forward existing contracts and ordinances within 60 days; Commission has 90 days to review ordinance and, if it conforms to Act, it is approved; if not, tribe is notified of needed changes and has 120 days to comply; for contracts, Commission has 180 days to review and if it meets requirements of the Act, it is approved; if not, parties have 120 days to comply (except those contracts previously approved by the Secretary have 180 days to comply).

Civil Penalties: $25,000 fine for violation of any provision of the Act; Commission has power to close a game or to cancel a contract but must notify tribe first of intent to fine, close or cancel.

Concurrent jurisdiction: Tribes may exercise existing tribal authority under tribal law over gaming.

Judicial review: All decisions of the Commission are final agency decisions for purposes of appeal to federal district court.

Subpoena: Commission may subpoena witnesses and documents and depose any person as part of its investigative powers.

New Lands: Gaming on newly acquired tribal lands outside of reservations is not generally permitted unless the Secretary determines that gaming would be in the tribe's best interest and would not be detrimental to the local community and the governor of the affected state concurs in that determination.

Criminal penalties: Range from $100,000 fine and one (1) year in prison to $1,000,000 fine and 20 years in prison.●

By Mr. CRANSTON (for himself, Mr. KENNEDY, and Mr. LEVIN):

S. 556. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; to the Committee on Foreign Relations.

SOUTH AFRICA TRADE EMBARGO/DIVESTMENT

Mr. CRANSTON. Mr. President, last year the Senate overwhelmingly passed the Comprehensive Anti-Apartheid Act of 1986. I was greatly heartened by the strong show of support for that legislation—support which enabled Congress easily to override the Presidential veto.

But I believe it is a misnomer to call that legislation "comprehensive." I do not believe those limited sanctions imposed against South Africa last fall go far enough. And it does not appear that our limited action will convince the repressive Pretoria regime to dismantle its evil apartheid system. Indeed, Government forces in South Africa have recently reaffirmed their determination to continue their brutal

oppression of the majority of South Africans. Since last year, the South African regime has redoubled its viscous oppression of virtually all the democratic elements in that country—and has virtually abolished any freedom of the press and freedom of assembly.

Today I am introducing, along with my colleagues Senator Kennedy and Senator Levin, legislation calling for complete divestment from South Africa and a United States embargo on trade with that nation. This measure is similar to a bill I introduced last year and which has been introduced again in the House by Representative Ron Dellums.

There is no reason for us to take halfway measures in opposing apartheid. There is a certain amount of futility in using only limited measures against the extreme form of brutality inherent in the apartheid system. We must do everything we can to act against this evil. And we must not forget that in doing all in our power to fight for the majority of South Africans, we are also fighting against communism and for United States national security interests. For the perpetuation of the racism and oppression in South Africa will only develop a fertile breeding ground for Communists and their ideology. The democratic forces in South Africa constitute the majority of South Africans, and we must give these forces a decent chance—before it's too late. If we delay, I fear the radicals—who are tired of waiting for substantive change, and who are tired of the West's acquiescence to the apartheid regime—will grow in importance.

The bill I am introducing today offers the last peaceful means we have of pressuring for change in South Africa. I strongly urge my colleagues to lend their support to this measure. We must act with speed, and we must act with determination to reaffirm our vital interest in a democratic future for the South African people.

By Mr. KENNEDY (for himself, Mr. Weicker, Mr. Metzenbaum, Mr. Packwood, Mr. Cranston, Mr. Stafford, Mr. Adams, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bingaman, Mr. Bradley, Mr. Breaux, Mr. Burdick, Mr. Chafee, Mr. Chiles, Mr. Cohen, Mr. Daschle, Mr. DeConcini, Mr. Dodd, Mr. Ford, Mr. Fowler, Mr. Glenn, Mr. Gore, Mr. Harkin, Mr. Johnston, Mr. Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Matsunaga, Mr. Melcher, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Pell, Mr. Proxmire, Mr. Riegle, Mr. Rockefeller, Mr. Sanford, Mr. Sarbanes, Mr. Simon, Mr. Specter, Mr. Stevens, Mr. Wirth, Mr. Dixon, Mr. Rudman, Mr. Durenberger, Mr. Evans, Mr. Boschwitz, and Mr. Heinz):

S. 557. A bill to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1072, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; to the Committee on Labor and Human Resources.

CIVIL RIGHTS RESTORATION ACT

Mr. KENNEDY. Mr. President, today, Senator Weicker and I, together with 51 of our Senate colleagues will introduce the Civil Rights Restoration Act of 1987. This legislation would reverse the Supreme Court's 1984 decision in Grove City College against Bell and restore the effectiveness and vitality of the four major civil rights statutes that prohibit discrimination in federally assisted programs.

It is particularly appropriate that Congress should reaffirm its strong bipartisan support for civil rights in 1987. This year, America commemorates the 200th anniversary of the Constitution. In that document and the Bill of Rights, the Founders established a society based on the goals of individual liberty, equality, and the rule of law. In the two centuries since then, the American people have worked hard to advance the noble values embodied in the Constitution and make them a reality for all Americans. Although we can be proud of the strides we have made toward realizing the goals of our Constitution in these 200 years, it is a sad reality that discrimination is still a part of American life.

Our progress against discrimination based on race, sex, disability, and age has been undermined by the Grove City College decision, which dramatically narrowed the prohibition against discrimination in federally assisted programs. If the Grove City College decision is allowed to stand, there will no longer be any all-inclusive prohibition against sex, race, disability, or age discrimination in schools, hospitals, State and local governments, or any other entity that conducts a federally assisted activity. Millions of women, minorities and the handicapped will be denied the basic protection of the law.

The consequences of the Court's decision have been substantial. The Department of Education's Office of Civil Rights has dropped or limited 79 cases involving all levels of education because of the Supreme Court's ruling in the Grove City College case. Numerous enforcement actions involving section 504, title VI, and the Age Discrimination Act, have been frustrated by the Grove City College decision. For example, as of February 1986, more than 20 section 504 cases, most of which involved employment discrimination, had been closed. Section 504 is the only Federal statute prohibiting employment discrimination against disabled persons. The Grove City College decision has left those with disabilities in our society without recourse for discriminatory actions which deny them their livelihood.

In addition to the cases which have been closed, many more have been delayed or suspended because of the Grove City College decision. This means that individuals who have been unfairly denied equal access to education, health care, and employment are forced to wait additional months and years to have their claims adjudicated. Decisionmaking by the Federal agencies charged with enforcing the civil rights laws is hampered by defendants and potential defendants who assert the Grove City decision as a bar even to investigation of civil rights complaints.

We simply cannot permit these gaps in the protections afforded by our civil rights law to remain unfilled.

These four statutes have been among the most proven and effective tools for eliminating discriminatory practices in our society.

Twenty years ago it was common practice for Federal tax money to be used to support racially segregated schools and medical facilities. Women were systematically excluded from professional schools. And scant attention was paid to the special needs to the disabled and senior citizens. Today because of these statutes and vigorous federal efforts to enforce them, substantial progress has been made. Segregation has been eliminated in most public facilities in our country. The number of women attending colleges and professional schools has grown dramatically, disabled children are being enrolled in regular education classes in increasing numbers, and senior citizens are being better served by Federal programs.

Much more needs to be done but additional progress will not be possible unless we reverse Grove City.

That is why Senator Weicker and I in the Senate, and Congressmen Edwards and Hawkins in the House, have worked so hard to put together a strong bipartisan common sense coalition to restore common sense to the law. The Kennedy-Weicker bill is designed to preserve the original force and coverage of these four civil rights laws so they become effective tools in the battle against discrimination once again.

The bill does not change the operative language of the four statutes. It merely defines the phrase "program or activity" to restate the broad institution wide coverage intended by Congress when it passed these four laws.

When President Kennedy transmitted the first of these statutes to the Congress, he said:

> Simple justice requires that public funds to which all taxpayers of all races contributed not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.

That basic principle—that the Federal Government should not do business with those who violate its law or allow public tax dollars to underwrite discrimination—is as valid today as it was in 1961. Congress must act in this bicentennial year to clarify these laws and reaffirm our commitment to end discrimination in federally assisted institutions.

We must not now turn back the clock. We must keep faith and renew the core of these statutes which protect basic rights of millions of Americans.

Mr. President, I ask unanimous consent that the text of the Civil Rights Restoration Act of 1987 be printed in full as the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Restoration Act of 1987".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

SEC. 3. Title IX of the Education Amendments of 1972 is amended by adding at the end the following new section:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"SEC. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any combination comprised of two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any combination comprised of two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any combination comprised of two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

SEC. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"SEC. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any combination comprised of two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

● Mr. **WEICKER.** Mr. President, 2 years ago this month, I spoke on the Senate floor as a cosponsor of the Civil Rights Restoration Act of 1985, a bill which attempted to redress the grievous misinterpretation by the Supreme Court in its Grove City College against Bell decision. As we all know, that ruling had a severe impact on our Nation's minorities, women, handicapped individuals, and the elderly, and has given a virtual green light to tax-supported discrimination.

In 1964, the U.S. Congress passed the Civil Rights Act, which stated that,

> No person shall, on the ground of race, color or national origin . . . be subjected to discrimination under any program or activity receiving Federal financial assistance.

Since that time, laws have also been enacted to protect and extend the civil rights of minorities, the handicapped, the elderly, and women. In so doing, it was Congress' intention to prohibit Federal support for discrimination and to ensure equal opportunity for all.

The Civil Rights Restoration Act which we are introducing today seeks to correct the narrow interpretation that Grove City has imposed on title IX of the Education Amendments of 1972, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. These laws banned any exclusion from participation or discrimination "Under any program or activity receiving Federal financial assistance" on the basis of race, sex, handicap, or age. However, the Supreme Court, in the Grove City decision, determined that this prohibition refers merely to the specific program or activity receiving Federal money, not the entire organization or institution.

The Civil Rights Restoration Act would redefine the phrase "program or activity" to include the entirety of any State or local government, university or educational system, corporation, partnership or private organization, when any aspect of it receives Federal funds. Thus, application of the four civil rights statutes would be the same as it was prior to the Supreme Court's Grove City decision.

It is imperative, Mr. President, that Congress take the lead in this matter and reassert with precision and clarity the original intent of Congress regarding the four statutes at issue in this legislation. We must renew and reinvigorate our pledge to those whom these statutes sought to protect so that they will be free to pursue their dream of self-realization, without discrimination due to race, sex age, or handicap. Equally important is our responsibility to all Americans to reaffirm that Congress absolutely will not tolerate tax-supported discrimination.

It is shameful that this body, in this, the 100th Congress, has even to debate a principle that stands as the cornerstone of our Constitution. But it is clear in the aftermath of the Grove City decision that our worst fears have been realized: Federal enforcement of the Bedrock civil rights statutes has been weakened. From compliance reviews of institutions receiving Federal financial assistance, to investigation of discrimination complaints, Federal agencies are taking a new and narrow view of their responsibilities in light of this Supreme Court decison.

Today, we are renewing and redoubling our efforts to restore our Nation's civil rights commitment to its original scope and strength. The Federal Government can no longer afford to tolerate discrimination in any program or activity that is assisted by the American tax dollars. It is imperative that Congress take the lead on this vital issue and move forward to redress this void of inequality left by the Grove City decision, and to guarantee equal rights and opportunity for all Americans.

I urge not only my colleagues' strong support of the Civil Rights Restoration Act of 1987, but their assistance in ensuring its expeditious consideration. With its passage, the march toward a society of freedom and equal opportunity for all, which has been halted the last 3 years, will once again continue.●

● Mr. **METZENBAUM.** Mr. President, in 1964, Congress took historic action to eliminate discrimination in this country. Since the 1964 Civil Rights Act, Congress consistently has reaffirmed its commitment to this national goal by passing additional antidiscrimination laws. Those laws have made a profound difference in American life. That have brought freedom to our citizens and fairness to our political system. Americans once excluded from jobs, public accommodations, educational institutions, and other benefits of our society now stand, in the eyes of the law, on an equal footing with everyone else.

Yet today, because of an erroneous Supreme Court decision in February 1984, a basic flaw has arisen in the structure of our civil rights laws and the Government's ability to enforce them. Millions of Americans—women, racial minorites, older persons, and the disabled—have been deprived of vital civil rights protections.

The Grove City decision, which fundamentally misinterpreted congressional intent, said that an institution receiving Federal funds could continue to discriminate in one department as long as the funds were provided to another department. Thus, according to the High Court, Federal funds could support a university's science department but the university could discriminate against women in the athletics program or the business school as long as Federal aid was not specifically earmarked for those programs.

Congress never condoned such a discrimination shell game.

Three years after Grove City, nothing has been done to correct the High Court's mistaken reading of our legislative intent. This congressional inaction is a source of shame and embarrassment. The 100th Congress must stop the Federal Government from underwriting discriminatory programs.

The bill my colleagues and I are introducing today deals with one clear and overriding issue—the need to restore the scope of the ban on discrimination in our civil rights laws to its status before the Supreme Court decision in Grove City.

This is the problem we are trying to correct—not just for sex discrimination in educational institutions but for discrimination against racial minorities, the aged, and the handicapped in any agency or institution or other organization receiving Federal funds.

The problem is one of the most important facing this Congress. The dispute boils down to this; are we going to return the law to its status before the Grove City decision or are we going to permit institutions receiving Federal funds to continue to discriminate?

Several Congresses worked hard to pass the civil rights statutes of the 1960's and 1970's. We must not allow the power and promise of those laws to be lost to the American people. I call upon all Members of the Senate to join in efforts to pass this bill promptly.●

● Mr. **BENTSEN.** Mr. President, I am proud to join today in the introduction of the Civil Rights Restoration Act of 1987. Like many of my colleagues, I believe that the limitations placed upon our antidiscrimination laws by the Supreme Court's decision in Grove City versus Bell are inconsistent with the legislative intent underlying those laws. In the interest of the personal freedoms central to the working of our Nation. I believe that it is imperative that we remove those recently imposed limitations and restore our civil rights statutes to a state of broad applicability. Such restoration is sorely needed as enforcement of our civil rights laws has ground to a halt. It is hoped that this bill will renew civil rights enforcement and reaffirm our commitment to equal rights for all. A clear signal should be sent that this Government does not tolerate, and certainly will not subsidize, discrimination of any variety.●

Mr. CRANSTON. Mr. President, I am proud to join my distinguished colleagues today in introducing two vital civil rights measures: the proposed "Civil Rights Restoration Act" and the proposed "Fair Housing Amendments Act."

These measures represent our continuing and enduring commitment to achieving a just and a fair society, a society where every individual, regardless of sex, race, age, or disability, enjoys the right to participate and contribute fully.

In 1984, the Supreme Court dealt a crippling blow to our Nation's four basic civil rights laws. In these four fundamental statutes—title VI of the 1964 Civil Rights Act, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975—Congress had made it the law of the land that Federal financial assistance carries with it the legal duty not to discriminate on the basis of race, color, national origin, sex, handicap, or age. The decision in the Grove City case severely restricted the scope of coverage of these statutes, allowing entities which receive Federal subsidies to rebuild the walls of discrimination which Congress had torn down years ago.

The Civil Rights Restoration Act is about one issue—whether the funds of the Government of the United States should be allowed to be used to subsidize discrimination. Many of us thought that we had answered that question once and for all with the enactment of the civil rights statutes in the 1960's and 1970's.

Unfortunately, the Supreme Court's erroneous decision in Grove City—a decision sought by the current anti-civil rights administration—requires us to revisit these issues. However, I believe that the broad national consensus in support of fundamental civil rights principles can and will prevail against those who seek to use every device and strategy to turn back the clock, to strip away the fabric of fairness and equality which has been so carefully woven together in the past several decades.

From the very beginning of the 3-year period following the Grove City decision, I have been deeply involved in the development of this legislation. In this regard, I note that, on the same day that the Supreme Court decided Grove City, it handed down a decision in a companion case, Consolidated Rail Corp. versus Darrone, in which it indicated that the same narrowing rationale involved in the interpretation of title IX would be applied to provisions of section 504 outlawing discrimination on the basis of handicap in federally assisted programs. Thus, on March 8, 1984, joined by Senators STAFFORD, RIEGLE, and DODD, I introduced a bill, S. 2399, to reverse that aspect of the Consolidated Rail case making the restrictive Grove City reasoning applicable to section 504.

Concurrently, a number of us in both the House and the Senate began work on a single measure to cover all four major civil rights statutes, not just the two directly involved in the February 28, 1984, decisions. This legislation is the outgrowth of those early efforts to respond to the unfortunate decisions of the Supreme Court.

This bill has broad, bipartisan support and deserves to be passed swiftly, with overwhelming margins in both Houses. I am confident that this Congress—this historic 100th Congress—will recommit our Nation to the principles of equality, justice, and fair play which are deeply embedded in our social, moral, and legal values. What could be a more fitting action to take in the year of the bicentennial celebration of our Constitution's birth.

The second bill being introduced today also represents an important step forward on civil rights. The proposed "Fair Housing Amendments Act" would strengthen title VIII of the 1968 Civil Rights Act by providing for an effective administrative remedy for individual victims of discrimination and extending the protections of the law to disabled persons and families with children. As one who has long advocated the rights and needs of disabled persons and children, I am particularly pleased to support the extension of these protections to these two groups. As the new chairman of the Housing and Urban Affairs Subcommittee of the Senate Banking Committee, I am also strongly committed to strengthening our fair housing laws and helping to ensure access to affordable housing for all.

The measures being introduced today are critical elements in our continuing pursuit of equality and justice for all Americans. I am proud to cosponsor both bills and pledge to work hard for their enactment.

● Mr. SARBANES. Mr. President, I am pleased to join as an original cosponsor of the Fair Housing Act of 1987. This important legislation would provide new administrative enforcement mechanisms to resolve complaints of housing discrimination. It would strengthen the existing fair housing law by providing an effective administrative remedy for individual victims of housing discrimination.

The enactment of the Fair Housing Act, title VIII of the Civil Rights Act of 1968, was a landmark in our effort to end discrimination because of race, religion, sex, or national origin in the rental, sale, or financing of housing. For almost 20 years that historic act has stood as a clear statement that discrimination in the housing market must be eliminated. That legislation has made a difference, but over the years it has become apparent that the Fair Housing Act has two major weaknesses—its enforcement mechanism and its coverage. The legislation I have cosponsored addressed both of those weaknesses.

Enforcement under the 1968 act has primarily relied on action in the Federal courts. Litigation has been slow, costly, and inadequate to protect the rights of victims of housing discrimination. The only alternative to litigation has been a voluntary conciliation process that has successfully resolved a relatively small number of complaints. The Fair Housing Act of 1987 would remove this major weakness by providing an additional means to redress housing discrimination. It does this by establishing a new administrative mechanism that will provide a speedy and inexpensive decision process fair to all parties. The new enforcement mechanism would allow unresolved complaints to be heard by administrative law judges in the same way that enforcement actions are currently resolved by many Federal agencies.

In addition to the new enforcement mechanisms, the Fair Housing Act of 1987 would also extend protection to disabled persons and families with children who have been the victims of housing discrimination.

I am proud to join a bipartisan group of Senators in introducing this legislation to strengthen and expand the basic fair housing law enacted in 1968. The enactment of legislation to assure equal housing opportunity for all our citizens is long overdue and is particularly appropriate in this Congress when we celebrate the 200th anniversary of our Constitution.●

● Mr. EVANS. Mr. President, I am pleased to join Senators KENNEDY and WEICKER in the introduction of legislation to remove the severe restrictions placed on four of our most important civil rights laws. With the passage of title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, the Age Discrimination Act of 1975, and the Civil Rights Act of 1964, Congress assumed full responsibility for eliminating all forms of discrimination in our country. The Supreme Court ruling in Grove City College versus Bell rendered a narrow and unenlightened view of how to eliminate discrimination, and blatantly ignored congressional intent.

Congress must finish the job it started in 1964 by clearly stating that our civil rights laws cannot be effective if too narrowly applied. I join with a bipartisan coalition of Senators today in supporting a bill that does just that. The point of the Civil Rights Restoration Act of 1987 is simply to restate, clearly and unequivocally, that it is the intent of Congress to bar Federal aid from any institution that discriminates in any of its programs. The bill applies to all major civil rights laws, not just those directly affected by the Grove City College decision.

The sponsors of this bill and the many organizations supporting it have agreed to oppose any amendments designed either to expand or to reduce civil rights protections. It is a clean, simple correction of a court's statutory interpretation that many of us in Congress thought was wrong. I urge my colleagues to join with me in supporting enthusiastically adoption of the Civil Rights Restoration Act of 1987. We must reaffirm this Nation's commitment to the vigorous protection of the civil rights of American women, minorities, elderly, and disabled citizens.●

● Mr. DURENBERGER. Mr. President, today I join a number of my colleagues in introducing the Civil Rights Restoration Act of 1987. I take the floor today to state my strong support for the objective of this bill, which is to reestablish the clear intent of the Congress with respect to our landmark civil rights statutes, and my hope that it can become a measure that a very large majority of my colleagues can enthusiastically support.

The decision of the Supreme Court in Grove City versus Bell has truncated the enforcement of antidiscrimination laws which protect women, minorities, the handicapped, and the elderly from what amounts to federally funded bias by organizations and institutions. The record was clear last year, and is even more so this year, that efforts by the Federal Government in the antidiscrimination area have been severely limited by the Grove City decision. Injustices are occurring which cannot be righted because of this ruling. The goal of the legislation introduced today is simply to restore the status quo ante: the full scope of coverage which existed prior to the decision.

It is vital that the U.S. Government, by its words, programs, and vigorous enforcement of laws on the books, promotes the full enjoyment of basic human rights by all of our citizens.

Mr. President, let there be no confusion where this Senator stands: the paramount civil rights issue in my mind is the sanctity of life of the unborn in this country, whether that group of human beings has a right to live. In this regard, Mr. President, I am concerned about the application of "sex discrimination", as defined in HHS regulations, to institutions which receive Federal funds but refuse on moral grounds to perform abortions. I have been in contact with Representatives TAUKE and SENSENBRENNER on the House side, and the Catholic Conference and other right-to-life groups, and share their goal that this measure in its final form be "abortion neutral." The experience of the 99th Congress should convince everyone that this objection to the bill must be addressed. As a strong supporter of the bill, I believe the Senate and House should address the Tauke-Sensenbrenner amendment immediately and directly, both in committee and on the floor.

In deciding to cosponsor this measure, I commit myself to work long and hard with my friends in the civil rights and right-to-life communities to find a way to both advance civil rights and protect human life. That is my purpose and objective in cosponsoring this legislation today.

Today is the beginning of a process of discussion and deliberation on this measure, Mr. President. I hope we can move forward in a manner which accommodates reasonable concerns in order to reach an agreed upon and worthy objective.●

● Mr. CHAFEE. Mr. President, I am pleased today to join in cosponsoring the Civil Rights Restoration Act of 1987. This legislation is needed in order to clarify the broad scope of coverage of our Nation's civil rights laws. When we as a nation give money to a program, we ask that it be conducted fairly, intelligently, and honorably. Federal funds should not subsidize discrimination—it is that simple. The legislation that we introduce today says just that. In the last 20 years we have made significant strides toward eliminating discrimination in a variety of important areas. Now is not the time to turn back.

For 3 years now, since the Supreme Court's decision in Grove City versus Bell, we have been trying to restore credibility to this Nation's civil rights laws. In 1984 the Supreme Court adopted a narrow interpretation of title IX of the Education Amendments of 1972. The Court's decision limited the Government's ability to enforce civil rights laws in federally supported institutions, by applying sanctions only to the specific program affected—college athletics, for instance—rather than to the entire institution. Unfortunately, this narrow interpretation applied not only to title IX of the Educational Amendments of 1972, but also to three other important civil rights laws: title IV of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. This country's greatest achievement, freedom and dignity for all, was—and still is—in critical danger.

And so, 3 years ago, we set out to clarify the scope of these laws. Our sole purpose was to provide institution wide protection against discrimination based not only upon sex, but upon race, national origin, disability, and age. But the road to the introduction of this corrective measure has been long and troubled.

There were numerous concerns that previously introduced versions might broaden the coverage of these laws beyond their effect prior to the Grove City decision. These concerns have now been addressed, and the relevant provisions tightened. This legislation does exactly what it was intended to do—restore civil rights protection to the level that existed before the Grove City decision.

There were concerns that the measure would have adverse effect on persons whom we never intended to reach. There was a fear, for instance, that corner grocery storeowners who accept food stamps would be deemed subject to the Rehabilitation Act and be forced to erect ramps and electric doors in order to provide equal access under the new legislation. Such concerns have been addressed in the bill we are introducing today. There is now a specific exemption for small providers in the language of the statute.

Last, there was a concern that food stamp recipients, students receiving school loans, and farmers operating with Federal subsidies would be subject to the law, as ultimate beneficiaries of Federal funds. They, too, have now been specifically exempted in the statute.

Thus, we have come down a long road to the final reparation of the state of civil rights in this country. To delay is injurious. Already, harm has been done.

The admirable showing of the U.S. women at the 1984 Olympics should have been an inspiration and catalyst for improving athletic programs for women. Yet, in the wake of the Grove City decision, investigation of alleged discriminatory activity at numerous universities around the country were dropped. The only parity in athletic programs that has managed to survive is that in scholarships, since they are a part of student financial aid programs and therefore have a direct link to Federal funding.

The handicapped whose protection was the goal of the Rehabilitation Act of 1973 have experienced discrimination in the workplace, in the courts, even in airports. Are we going to continue to deny disabled citizens a chance to become productive members of society solely because they do not see, or because they do not walk?

The children of our country, both black and white, have been injured and cheated by the segregationist schemes of some schools that have managed to separate their Federal funds from their bigotry, at least on paper.

The elderly, a growing population in this country, find themselves rejected from some activities, solely because of their chronological age. A student at the University of Vermont, for instance, was dismissed from the master's English program, and told she was too old to get a degree. Because the English department was not federally funded, her complaint was never investigated.

An institution that receives even a single dollar of Federal financial assistance cannot be allowed to practice any form of discrimination. It is that simple. In order for our Nation to make continued progress in assuring equal rights for all citizens, we must act immediately. It is not too much to ask.●

● **Mr. D'AMATO. Mr. President,** I rise today to cosponsor again legislation which would give postal supervisors and postmasters access to an impartial review of adverse personnel actions. The bill narrowly missed becoming law during the last Congress. It passed the House of Representatives as H.R. 2854, and its Senate companion, S. 2134, was approved by the Senate Governmental Affairs Committee.

I am pleased to join with Senator PRYOR, the chairman of the subcommittee with jurisdiction over this bill, and Senator HEFLIN, who has shown tremendous leadership on this issue, in reintroducing this bill.

I believe this legislation is long overdue. Since 1971, when the Postal Service was made an independent agency, we have had a situation where only postal employees who are veterans or who are covered by collective bargaining agreements providing for binding arbitration may appeal adverse personnel actions to an agency outside the Postal Service.

Unfortunately, the practical effect of this has been especially damaging to female postal supervisors and postmasters, who are less likely to be covered by the exception for veterans. Under current law, postal employees who are not covered under collective bargaining agreements may appeal removals, suspensions, or demotions only to higher officials within the Postal Service, unless they are veterans. Veterans, like their civil service counterparts, may appeal an adverse action to the Merit Systems Protection Board.

The bill I am cosponsoring today will extend the same appeal rights to all supervisors and managerial employees. I believe it is important to provide this right across the board. I also would like to note that the version of the bill we are reintroducing today contains an amendment requested by the U.S. Postal Service and approved by the Governmental Affairs Committee during the last session. It concerns the procedure by which the agency, in cooperation with the Office of Personnel Management, may appeal rulings of the Merit Systems Protection Board in adverse action cases to the Federal courts. This amendment is also contained in the House version of the bill, introduced by Congressman DYMALLY on January 6, 1987.

I urge my colleagues to join me in supporting swift passage of this legislation.●

● Mr. PACKWOOD. Mr. President, I rise today to join Senator KENNEDY and Senator WEICKER as a principal sponsor of the Civil Rights Restoration Act of 1987. I am pleased to report that this bill embodies the same objectives we have sought since 1984: elimination of the Federal subsidy of discrimination.

Passage of the Civil Rights Restoration Act of 1987 will ensure that discrimination is prohibited by the recipients of Federal financial assistance. That is the goal of this legislation to restore and revitalize the civil rights statutes that were weakened by recent Supreme Court decisions, most notably the Grove City College versus Bell decision on February 28, 1984.

The Congress must recommit itself to its original intent in passing antidiscrimination laws from 1964 onward: that receipt of Federal financial assistance will trigger institutionwide coverage of civil rights statutes.

On one day in 1984 two decades of civil rights progress was severely restricted by the U.S. Supreme Court decision in Grove City College versus Bell. Our job in 1987 is to clarify and reaffirm the law so that no one can say, ever again, that one individual or one group has an unfair advantage over another.

Today, I am sponsoring legislation to restore four major civil rights statutes: Title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the 1973 Rehabilitation Act, as amended in 1978, and the Age Discrimination Act [ADA] of 1975. These statutes together ensure that discrimination is prohibited by the recipients of Federal financial assistance.

The Civil Rights Act of 1964 is the basic guarantor of civil rights in this country. Its purpose is to effectively prohibit discrimination in employment, public accommodations, education, and federally assisted programs. All subsequent civil rights statutes were built on these guarantees, correcting any omissions to this grand design.

The cornerstone of the 1964 act is title VI, prohibiting discrimination on the grounds of race, color or national origin in "any program or activity receiving Federal financial assistance." Calling for its enactment, President Kennedy was eloquent:

> Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination * * *

Enforcement efforts have resulted in ending discrimination in education, State and local governments, and a variety of institutions that receive Federal funding.

Title VI has become the model both in language and remedial approach for the civil rights statutes that followed. In 1972, rectifying a major omission in title VI, Congress enacted title IX of the 1972 education amendments. Because title VI's coverage excludes sex as a forbidden classification, title IX is essential to outlaw discrimination on the grounds of sex "under any education program or activity receiving Federal financial assistance." Title IX has been credited with securing educational rights for women that had not heretofore existed. It was certainly Congress' intent that title IX be accorded the same broad interpretation that had been given title VI—thus, the tracking of the very language used to secure those critical protections.

So, too, section 504 of the Rehabilitation Act of 1973 followed the same model. In that legislation, Congress included the disabled under the antidiscrimination rubric. Referring to title VI, our ultimate exemplar, we again used the "program or activity" language.

Finally, in 1975, we went to the well another time, patterning the Age Discrimination Act on the grounds of age by "any program or activity receiving Federal financial assistance." In every case, our intent has been expansion of the protections of the original Civil Rights Act.

Unfortunately, on February 28, 1984, the Supreme Court in Grove City College versus Bell opted for a severely limited interpretation of title IX of the 1972 education amendments. The court held that only the "program or activity receiving Federal financial assistance," rather than an entire institution, is subject to title IX strictures. In this case, only the financial aid program of Grove City College—and no other part of the institution—is prohibited from discrimination on the basis of sex. In an instant, the broad scope we intended was abrogated.

The decision is particularly troubling on its terms since discrimination in education is subtle but pernicious, affecting its victims for the entirety of their lives. The absurdity of the result is apparent: It is of little use to bar discrimination in the financial aid program of an institution if a woman cannot gain admittance to, or participate in, the institution because of its other discriminatory policies and practices. It is equally of little use to bar discrimination in employment if a woman cannot attain the necessary education to obtain that employment. Our purpose in enacting title IX was to ensure that Federal resources could not be used to support discriminatory practices against women and that those practices would cease to exist—a precise parallel to President Kennedy's purpose in urging the passage of title VI.

But even more horrifying than Grove City's title IX interpretation is the decision's staggering legacy. Not only has the Supreme Court substantially undercut the efficacy of title IX, but the decision's precedential value with respect to title VI, section 504, and the Age Discrimination Act cannot be overstated. If title IX is program specific in effect, the other statutes, worded identically, are likely to suffer a similar analysis. Indeed, in the 3 years since the court handed down its decision, the Department of Justice has moved forward on that basis in its so-called enforcement endeavors.

In 1987, 23 years after the passage of the Civil Rights Act of 1964, it is time to recommit ourselves to its purposes. Fortunately, the Supreme Court's opinion is easily corrected. The Civil Right Restoration Act of 1987 will clarify our original intentions regarding all four statutes: That any receipt of Federal financial assistance will trigger institutionwide coverage. Lest any critic question our remedial approach, however, the bill will also clarify that only the particular assistance supporting noncompliance will be subject to termination.

Exciting testimony to the last 23 years of civil rights enforcement activities is the unified coalition that supports this legislation. Advocacy organizations representing minorities, women, the disabled and the elderly have joined forces behind the Civil Rights Restoration Act of 1987. This must be evidence that the efforts of the past 23 years are reaping rewards. The broad-based support justifies the broad interpretation we intended for these laws. I thank this coalition for their effort and call on all Members of Congress, and the administration too, to unite behind this bipartisan bill, enact it speedily, and make 1987 the year we restore antidiscrimination laws forever.●

● Mr. BOSCHWITZ. Mr. President, I rise today to join in sponsoring the Civil Rights Restoration Act.

Discrimination is a national problem requiring a national solution. That was recognized by the Members of Congress who enacted the 1964 Civil Rights Act and it is worthy of our support today. I was a refugee to this country, and I am proud to say that my family came here because America is the land of equality and opportunity for all people regardless of race, religion, or sex. I feel a special obligation to vigilantly guard those values, and I have done so and will continue to do so.

We must make clear to institutions, and to the American public, that discrimination will not be tolerated or endorsed by Congress or the Federal Government.

As a pro-life Senator, I share the concerns of those who feel this legislation has the potential of protecting abortions. I will support an amendment to ensure this legislation is "abortion neutral." Only when all sides agree to clarify that this legislation is neutral toward abortions will it be possible able to garner the support necessary to make this legislation the law of the land and take this important step toward protecting civil rights.

This bill is being introduced in response to the Supreme Court's February 28, 1984, decision in the Grove City College case. Title IX of the Education Amendments of 1972 prohibits any school that receives Federal funding from discriminating on the basis of sex. It also provides that a school can lose its Federal funding if it does discriminate. The Supreme Court decided in the Grove City case that if a school receives Federal funds it is prohibited from discriminating on the basis of sex only in those programs that receive Federal funds.

The legal precedent set by the Grove City College case has had serious implications for all our civil rights laws because they all contain similar provisions. Title IX of the education amendments, section 504 of the Rehabilitation Act, and the Age Discrimination Act are all patterned after title VI of the 1964 Civil Rights Act, prohibiting discrimination in any "program or activity receiving Federal financial assistance."

I have chosen to cosponsor this bill because it would amend our civil rights laws to define "program or activity" in a way that makes it very clear that an entire institution is covered when any part of the institution receives Federal funds. This would clearly restore these laws to their original intent.●

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. BIDEN, Mr. WEICKER, Mr. SIMON, Mr. CHAFEE, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. ADAMS, Mr. BENTSEN, Mr. BINGAMAN, Mr. BRADLEY, Mr. BURDICK, Mr. CRANSTON, Mr. DIXON, Mr. DODD, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. HARKIN, Mr. HATFIELD, Mr. INOUYE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. MATSUNAGA, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. PACKWOOD, Mr. PROXMIRE, Mr. PRYOR, Mr. RIEGLE, Mr. SARBANES, Mr. STAFFORD, Mr. WIRTH, and Mr. ROCKEFELLER):

S. 558. A bill to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes; to the Committee on Labor and Human Resources.

FAIR HOUSING ACT

Mr. KENNEDY. Mr. President, I am pleased to join in introducing the Fair Housing Act of 1987.

In 1968, Congress enacted legislation to provide equal housing opportunities for all Americans. Nineteen years later, that promise remains unfulfilled and unfulfillable because the law remains unenforced and unenforceable. The Department of Housing and Urban Development estimates that as many as 2 million incidences of racial discrimination in housing take place each year. In countless ways, housing segregation remains alive and well, contrary to the values for which this country stands. The widespread patterns of housing segregation that exist throughout America remain a highly visible blight on our democracy. Even today, in 1987, we are not yet one nation, but still two societies, separate and unequal.

According to HUD surveys, half of all black and Hispanic Americans who seek to buy a home are victims of discrimination. The percentage is even higher for those who seek rental housing.

Disabled Americans who seek independent living arrangements also face massive discrimination, which they cannot afford to challenge and should not have to suffer in their struggle to live up to their potential.

Families with children often encounter the same insidious discrimination. A HUD survey found that only a quarter of all rental units accept children with no restrictions.

This legislation is designed to remedy these injustices by adding a realistic, workable and two decades overdue enforcement mechanism to existing law. A system of independent administrative law judges would be created to expedite the handling of complaints. The procedure is widely used in other Federal agencies, and it offers a simple, effective and inexpensive means of dealing with housing discrimination. Under its procedures, black Americans, Hispanic Americans, handicapped Americans, and families will at last have a remedy capable of making their right to fair housing a reality.

Segregation in housing mocks our commitment to civil rights and promotes segregation in every other aspect of society. Often, it means ghettos for the handicapped, for blacks, and Hispanics.

We can no longer be content with paying lip service to fair housing, while denying the practical steps needed to give meaning to the right. I want Congress to enact this measure which conscience and history demand. We promised equal housing opportunity for all in 1968, and two decades of delay are long enough.

Mr. President, I ask unanimous consent that the text of the Fair Housing Amendments Act of 1987 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Housing Amendments Act of 1987".

SEC. 2. SHORT TITLE FOR 1968 ACT.

The Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90-284, approved April 11, 1968) is amended by inserting after the comma at the end of the enacting clause the following: "That this Act may be cited as the 'Civil Rights Act of 1968'.".

SEC. 3. REFERENCES TO 1968 ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or provision, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90-284, approved April 11, 1968).

SEC. 4. SHORT TITLE FOR TITLE VIII.

Title VIII is amended by inserting after the title's heading the following new section:

"SHORT TITLE

"SEC. 800. This title may be referred to as the 'Fair Housing Act'.".

SEC. 5. AMENDMENTS TO DEFINITIONS SECTION.

(a) MODIFICATION OF DEFINITION OF DISCRIMINATORY HOUSING PRACTICE.—Section 802(f) is amended by striking out "or 806" and inserting "806, or 817" in lieu thereof.

(b) ADDITIONAL DEFINITIONS.—Section 802 is amended by adding at the end the following:

"(h) 'Handicap' means, with respect to a person—

"(1) a physical or mental impairment which substantially limits one or more of such person's major life activities,

"(2) a record of having such an impairment, or

"(3) being regarded as having such an impairment.

"(i) 'Aggrieved person' includes any person who—

"(1) claims to have been injured by a discriminatory housing practice; or

"(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

"(j) 'Complainant' means the person (including the Secretary) who files a complaint under section 810.

"(k) 'Familial status' means one or more individuals' (who have not attained the age of eighteen years) being domiciled with—

"(1) a parent or another person having legal custody of such individual or individuals; or

"(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

"(l) 'Conciliation' means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Secretary.

"(m) 'Conciliation agreement' means a written agreement setting forth the resolution of the issues in conciliation.

"(n) 'Respondent' means—

"(1) the person or other entity accused in a complaint of an unfair housing practice; and

"(2) any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under section 810(a).".

SEC. 6. DISCRIMINATORY HOUSING PRACTICE AMENDMENTS.

(a) ADDITIONAL DISCRIMINATORY HOUSING PRACTICES.—Section 804 is amended by adding at the end thereof the following:

"(f)(1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of—

"(A) that buyer or renter,

"(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

"(C) any person associated with that buyer or renter.

"(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of—

"(A) that person; or

"(B) a person who resides or is expected to reside in such dwelling; or

"(C) any person associated with the person discriminated against.

"(3) For purposes of this subsection, discrimination includes a refusal—

"(A) to permit, at the expense of the handicapped person, reasonable modifications of premises occupied or to be occupied, by such person if such modifications are necessary to afford such person equal access to those premises; or

"(B) to make reasonable accommodations in rules, policies, practices, or services, when such accommodations are necessary to afford such person equal opportunity to use and enjoy a dwelling.".

(b) ADDITIONAL PROTECTED CLASSES.—(1) Section 806 and subsections (c), (d), and (e) of section 804, are each amended by inserting "handicap, familial status," immediately after "sex," each place it appears.

(2) Subsection (a) and (b) of section 804 are each amended by inserting "familial status," after "sex," each place it appears.

(c) DISCRIMINATION IN FINANCING OF HOUSING AND INSURANCE.—Section 805 is amended to read as follows:

"DISCRIMINATION IN FINANCING OF HOUSING AND INSURANCE

"SEC. 805. (a) IN GENERAL.—It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

"(b) DEFINITION.—As used in this section, the term "residential real estate-related transaction" means any of the following:

"(1) The making, purchasing, or insuring the loans or providing other financial assistance—

"(A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

"(B) secured by residential real estate.

"(2) The insuring of titles to real estate or against hazards to dwellings.

"(3) The selling, brokering, or appraising of residential real property.".

(d) ADDITIONAL EXEMPTION.—Section 807 of such Act is amended by adding at the end of such section the following: "Nothing in this title limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling unit. Nor does any provision in this title regarding familial status apply with respect to dwellings provided under any State or Federal program specifically designed and operated to assist elderly persons, as defined in the State or Federal program, or to dwellings in bona fide retirement communities designed and operated for older persons or dwellings otherwise intended and operated exclusively for older persons, and equipped with facilities and amenities specifically designed to meet the physical and social needs of such persons.".

(e) CLERICAL AMENDMENT.—The heading of section 804 is amended by adding at the end the following: "AND OTHER PROHIBITED PRACTICES".

SEC. 7. ADDITIONAL ADMINISTRATIVE AUTHORITY.

(a) COOPERATION WITH SECRETARY.—Section 804 is amended—

(1) by inserting "(including any Federal agency having regulatory or supervisory authority over financial institutions)" after "urban development"; and

(2) by adding at the end thereof "Each Federal or other governmental entity participating in such programs and activities shall also carry out such entity's responsibilities under such programs and activities in a manner affirmatively to further the purpose of this title.".

(b) ADDITIONAL FUNCTIONS OF SECRETARY.—(1) Section 808(e) is amended—

(A) in paragraph (2), by inserting before the semicolon at the end the following: ", including an annual report to the Congress specifying the nature and extent of progress made nationally in eliminating discriminatory housing practices and furthering the purposes of this title, obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action";

(B) in paragraph (3), by inserting "financial and" before "technical";

(C) by inserting after paragraph (3) the following new paragraph:

"(4) provide advice and assistance, consistent with the purposes of this title, to any person of lower income (as defined by the Secretary under the United States Housing Act of 1937), upon request, concerning housing assistance for which such person is eligible and the availability and location of housing within such person's means (and the Secretary shall select the most effective means for providing these services, including the establishment of additional offices in appropriate locations and the provision of financial and technical assistance to private and public agencies to provide these services in whole or in part);";

(D) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(E) by striking out "; and" at the end of paragraph (5) as so redesignated;

(F) by striking out the period at the end of paragraph (6) as so redesignated and inserting "; and" in lieu thereof; and

(G) by adding at the end of the following:

"(7) annually report to Congress, and make available to the public, data on the race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of, programs administered by the Department to the extent such characteristics are within the coverage of the provisions of law and Executive orders referred to in subsection (e)(2) which apply to such programs (and in order to develop the data to be included and made available to the public under this subsection, the Secretary shall, without regard to any other provision of law, collect such information relating to those characteristics as the Secretary determines to be necessary or appropriate.".

(2) Section 808 is amended by adding at the end the following:

"(f) The provisions of law and Executive orders to which subsection (e)(7) applies are—

"(1) title VI of the Civil Rights Act of 1964;

"(2) title VIII of the Civil Rights Act of 1968;

"(3) section 504 of the Rehabilitation Act of 1973;

"(4) the Age Discrimination Act of 1975;

"(5) the Equal Credit Opportunity Act;

"(6) section 1978 of the Revised Statutes (42 U.S.C. 1982);

"(7) section 8(a) of the Small Business Act;

"(8) section 527 of the National Housing Act;

"(9) section 109 of the Housing and Community Development Act of 1974;

"(10) section 3 of the Housing and Urban Development Act of 1968;

"(11) Executive Orders 11063, 11246, 11625, 12250, 12259, and 12432; and

"(12) any other provision of law which the Secretary specifies by publication in the Federal Register for the purpose of this subsection.".

SEC. 8. ENFORCEMENT CHANGES.

Title VIII is amended by striking out section 810 and all that follows through section 815 and inserting in lieu thereof the following:

"ADMINISTRATIVE ENFORCEMENT; PRELIMINARY MATTERS

"SEC. 810. (a) COMPLAINTS AND ANSWERS.—(1)(A)(i) An aggrieved person may, not later than one year after an alleged discriminatory housing practice occurred or terminated, file a complaint with the Secretary alleging such discriminatory housing practice. The Secretary, on the Secretary's own initiative, may also file such a complaint.

"(ii) Such complaints shall be in writing and shall contain such information and be in such form as the Secretary requires.

"(iii) The Secretary may also investigate housing practices to determine whether a complaint should be brought under this section.

"(B) Upon the filing of such a complaint—

"(i) the Secretary shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this title;

"(ii) the Secretary shall, not later than 10 days after such filing or the identification of an additional respondent under paragraph (3), serve a notice, accompanied by a copy of the original complaint, of the alleged discriminatory housing practice on the respondent and advising such respondent of the procedural rights and obligations of respondents under this title;

"(iii) each respondent may file, not later than 10 days after receipt of notice from the Secretary, an answer to such complaint; and

"(iv) the Secretary shall make an investigation of the alleged discriminatory housing practice, and complete such investigation promptly after the filing of such complaint.

"(C) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.

"(2)(A) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice under paragraph (1) to such person from the Secretary.

"(B) Such notice, in addition to meeting the requirements of paragraph (1), shall explain the basis for the Secretary's belief that the person to whom the notice is addressed is properly joined as a respondent.

"(b) INVESTIGATIVE REPORT AND CONCILIATION.—(1) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Secretary, the Secretary shall, to the extent feasible, engage in conciliation with respect to such complaint.

"(2) Whenever, before the end of conciliation efforts by the Secretary, a civil action commenced under section 813 or 814 comes to trial, the Secretary shall immediately terminate all such efforts.

"(3) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the aggrieved person, and shall be approved by the Secretary.

"(4) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate specific relief, including monetary relief, to the person aggrieved.

"(5) Each conciliation agreement shall be made public.

"(6)(A) With respect to each investigation under this section, the Secretary shall prepare a final investigative report containing—

"(i) the names and dates of contacts with witnesses;

"(ii) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;

"(iii) a summary description of other pertinent records;

"(iv) a summary of witness statements; and

"(v) answers to interrogatories.

"(B) A final report under this paragraph may be amended if additional evidence is later discovered.

"(7) The Secretary shall, with respect to any respondent who enters into more than one conciliation agreement within any five-year period, transmit each conciliation agreement and each final investigative report to the Attorney General and to appropriate governmental licensing and supervisory authorities.

"(c) FAILURE TO COMPLY WITH CONCILIATION AGREEMENT.—Whenever the Secretary has reasonable cause to believe that a respondent has failed to comply with a conciliation agreement, the Secretary shall refer the matter to the Attorney General with a recommendation that a civil action be filed under section 814 for the enforcement of such agreement.

"(d) PROHIBITION AND REQUIREMENTS WITH RESPECT TO DISCLOSURE OF INFORMATION.—(1) No individually identifiable information derived from an investigation under this title may be made public other than in the course of proceedings under this title.

"(2) Nothing said or done in the course of conciliation under this title may be made public or used as evidence in a subsequent proceeding under this title without the written consent of the persons concerned.

"(3) Whoever makes public any information in violation of this subsection shall be fined not more than $25,000 or imprisoned not more than six months, or both.

"(4) Information derived from an investigation, shall be made available to the aggrieved person and the respondent at any time upon request, as shall any final investigative report relating to that investigation.

"(e) REFERRAL FOR PROMPT JUDICIAL ACTION.—If the Secretary concludes, during an investigation of a complaint, that prompt judicial action is necessary to carry out the purposes of this title, the Secretary shall refer the matter to the Attorney General, with a request that a civil action be commenced under section 814(b).

"(f) REFERRAL FOR STATE OR LOCAL PROCEEDINGS.—(1) Whenever a complaint alleges a discriminatory housing practice—

"(A) within the jurisdiction of a State or local public agency; and

"(B) as to which such agency has been certified by the Secretary under this subsection;

the Secretary shall refer such charge to that certified agency before taking any action with respect to such charge.

"(2) Except with the consent of such certified agency, the Secretary, after that referral is made, shall take no further action with respect to such charge unless—

"(A) the certified agency has failed to commence proceedings with respect to the charge before the end of the thirteenth day after the date of such referral;

"(B) the certified agency, having so commenced such proceedings, fails to carry forward such proceedings with reasonable promptness; or

"(C) the Secretary determines that the certified agency no longer qualifies for certification under this subsection with respect to the relevant jurisdiction.

"(3)(A) The Secretary may certify an agency under this subsection only if the Secretary determines that—

"(i) the substantive rights protected by such agency in the jurisdiction with respect to which certification is to be made;

"(ii) the procedures followed by such agency;

"(iii) the remedies available to such agency; and

"(iv) the availability of judicial review of such agency's action;

are substantially equivalent to those created by and under this title.

"(B) Before making such certification, the Secretary shall take into account the current practices and past performance, if any, of such agency.

"(4) During the period which begins on the date of the enactment of the Fair Housing Amendments Act of 1987 and ends four years after such date, each agency certified for the purposes of this title on the day before such date shall for the purposes of this subsection be considered certified under this subsection with respect to those matters for which such agency was certified on that date.

"(5) Not less frequently than every five years, the Secretary shall determine whether each agency certified under this subsection continues to qualify for certification. The Secretary shall take appropriate action with respect to any agency not so qualifying.

"(g) REASONABLE CAUSE DETERMINATION AND EFFECT.—(1) If the Secretary—

"(A)(i) has not approved a conciliation agreement before the end of the one hundredth day after the date of the filing of the complaint; or

"(ii) certifies before the end of such period that conciliation of the complaint has been engaged in, and that additional conciliation efforts are unlikely to be successful; and

"(B) determines, after an investigation under this section but not later than the end of the one hundredth day after the filing of the complaint, that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur;

the secretary shall take action under paragraph (2).

"(2)(A) If the Secretary is required to take action under this paragraph, the Secretary shall, except as provided in subparagraph (C), immediately issue a charge, on behalf of the aggrieved person filing the complaint, for further proceedings under section 812.

"(B) Such charge—

"(i) shall consist of a short and plain statement of the facts upon which the Secretary has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;

"(ii) shall be based on the final investigative report; and

"(iii) need not be limited to the facts or grounds alleged in the complaint filed under section 810(a).

"(C) If the Secretary determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Secretary shall immediately refer the matter to the Attorney General for appropriate action under section 814, instead of issuing such charge.

"(3) Unless the Secretary is required to take action under paragraph (2), the Secretary shall promptly dismiss the complaint. The Secretary shall make public disclosure of each such dismissal.

"(4) The Secretary shall not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

"SUBPOENAS; GIVING OF EVIDENCE

"SEC. 811. (a) IN GENERAL.—(1) The Secretary may, in accordance with this subsection, issue subpoenas and order answers to interrogatories in aid of investigations under this title.

"(2) An administrative law judge may, in accordance with this subsection, issue subpoenas and order answers to interrogatories in aid of hearings under this section.

"(3) Such subpoenas and interrogatories may be issued to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place.

"(4) The Secretary and administrative law judges may administer oaths and affirmations for the purpose of this title.

"(b) SUBPOENAS FOR COMPLAINANTS AND RESPONDENTS.—Upon written application to the Secretary or an administrative law judge in a proceeding before the official to whom such application is made, a complainant or a respondent shall be entitled to the issuance of a reasonable number of subpoenas under subsection (a).

"(c) CRIMINAL PENALTIES.—(1) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if it is in such person's power to do so, in obedience to the subpoena or other lawful order under subsection (a), shall be fined not more than $100,000 or imprisoned not more than one year, or both.

"(2) Any person who, with intent thereby to mislead another person in any proceeding under this title—

"(A) makes or causes to be made any false entry or statement of fact in any report, account, record, or other document produced pursuant to subpoena or other lawful order under subsection (a);

"(B) willfully neglects or fails to make or to cause to be made full, true, and correct entries in such reports, accounts, records, or other documents; or

"(C) willfully mutilates, alters, or by any other means falsifies any documentary evidence;

shall be fined not more than $100,000 or imprisoned not more than one year, or both.

"(d) WITNESS FEES.—Witnesses summoned by a subpoena under this title shall be entitled to the same witness and mileage fees as witnesses in proceedings in United States district courts.

"ADMINISTRATIVE ENFORCEMENT; HEARING PROCESS

"SEC. 812. (a) CONDUCT OF HEARING.—(1)(A) An administrative law judge appointed under section 3105 of title 5, United States Code, shall conduct a hearing on the record with respect to a charge issued under section 810 of this title.

"(B) Except to the extent inconsistent with this title, sections 554, 555, 556, and 557 of title 5, United States Code, apply to such hearing.

"(2) An individual who, as an employer or other representative of the Secretary, conducted an investigation or engaged in conciliation under section 810 shall not present or prosecute a charge before an administrative law judge under this section.

"(b) SERVICE OF COPIES OF CHARGE.—(1) After the Secretary issues a charge under section 810, the Secretary shall cause a copy thereof to be served—

"(A) on each respondent named in such charge, together with a notice of opportunity for a hearing on the record at a place (in the vicinity in which the discriminatory housing practice is alleged to have occurred or to be about to occur) and at a time (not less than thirty days after the service of such charge) specified in such notice; and

"(B) on each aggrieved person.

"(2) On the request of a party and with the consent of all other parties, a hearing may be rescheduled for a time earlier than the time specified in such notice or a place other than that specified in such notice.

"(c) RIGHTS OF RESPONDENTS AND AGGRIEVED PERSONS.—(1) Any respondent named in such charge shall have the right to file an answer to the charge, to appear in person or otherwise and to present testimony at a hearing on the record, and to obtain the issuance of subpoenas under section 811.

"(2) any aggrieved person with respect to such charge shall have the right to intervene in the proceeding, to appear in person or otherwise and to present testimony at such hearing, and to obtain the issuance of subpoenas under section 811.

"(d) RESOLUTION OF CHARGE.—Any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.

"(e) EFFECT OF TRIAL OF CIVIL ACTION ON ADMINISTRATIVE PROCEEDINGS.—An administrative law judge shall not continue administrative proceedings under this section regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

"(f) FINDINGS AND CONCLUSIONS, AND ORDER.—(1) After the hearing under this section, the administrative law judge shall promptly make findings of fact and conclusions of law.

"(2) If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such administrative law judge shall promptly issue an order for such relief as may be appropriate, which may include—

"(A) compensation for actual damages suffered by the aggrieved person as a result of the discriminatory housing practice;

"(B) punitive damages; and

"(C) an order requiring the respondent to cease and desist from engaging in the discriminatory housing practice with respect to the aggrieved person and to take such action as is necessary to make the aggrieved person whole.

"(3) No such order shall affect any contract sale, encumbrance, or lease executed before the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this title.

"(4) In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the Secretary shall, not later than the thirtieth day after the date of the issuance of such order (or, if such order is judicially reviewed, thirty days after such order is in substance affirmed upon such review)—

"(A) send copies of the findings of fact, conclusions of law, and the order, to that governmental agency; and

"(B) recommend to that governmental agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).

"(5) In the case of an order against a respondent against whom another order was issued within the preceding five years under this section, the Secretary shall send a copy of each such orders to the Attorney General.

"(6) If the administrative law judge does not find that the respondent has engaged or is about to engage in a discriminatory housing practice, such administrative law judge shall dismiss the charge. The Secretary shall make public disclosure of each such dismissal.

"(g) Service of Findings and Conclusions and Order.—The Secretary shall cause the findings of fact and conclusions of law made with respect to an order issued under subsection (f), together with a copy of such order, to be served on each aggrieved person and each respondent in the proceeding.

"(h) Finality of Order; Review.—(1) An order of the administrative law judge is the final order for purposes of judicial review under this title.

"(2)(A) Any party aggrieved by an order of the administrative law judge granting or denying in whole or in part the relief sought may obtain a review of such order under chapter 158 of title 28, United States Code.

"(B) Notwithstanding such chapter, however, venue of the proceeding shall be in the judicial circuit in which the discriminatory housing practice is alleged to have occurred, and filing of the petition for review shall be not later than thirty days after the date of service of such order.

"(i) Court Enforcement of Administrative Order Upon Petition by Secretary.—(1) The Secretary may petition any United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred or in which any respondent resides or transacts business, or the Court of Appeals for the District of Columbia Circuit, for the enforcement of the order of the administrative law judge and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that such order be enforced and for appropriate temporary relief or restraining order.

"(2) The Secretary shall file in court with the petition the record in the proceeding. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the administrative law judge.

"(j) Relief Which May Be Granted.—(1) Upon the filing of a petition under subsection (h) or (i), the court may—

"(A) grant to the petitioner, or any other party, such temporary relief, restraining order, or other order as the court deems just and proper;

"(B) affirm, modify, or set aside, in whole or in part, the order, or remand the order for further proceedings; and

"(C) enforce such order to the extent that such order is affirmed or modified.

"(2) Any party to the proceeding before the administrative law judge may intervene in the court of appeals.

"(3) No objection not made before the administrative law judge shall be considered by the court, unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.

"(4) The findings of the administrative law judge with respect to questions of fact shall not be set aside unless such findings are unsupported by substantial evidence on the record taken as a whole.

"(k) Enforcement Decree in Absence of Petition for Review.—If no petition for review is filed under subsection (h) before the end of the forty-fifth day after the date of the service of the administrative law judge's order, the administrative law judge's findings of fact and order shall be conclusive in connection with any petition for enforcement—

"(1) which is filed by the Secretary under subsection (i) after the end of such day; or

"(2) under subsection (1).

"(1) Court Enforcement of Administrative Order Upon Petition of Any Person Entitled to Relief.—If before the end of the sixtieth day after the date of service of the administrative law judge's order, no petition for review has been filed under subsection (h), and the Secretary has not sought enforcement of the order under subsection (i), any person entitled to relief under the order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred.

"(m) Entry of Decree.—The clerk of the court of appeals in which a petition for enforcement is filed under subsection (k) or (l) shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary, the respondent named in the petition, and to any other parties to the proceeding before the administrative law judge.

"(n) Attorney's Fees.—Any prevailing party may be awarded a reasonable attorney's fee as part of the final order in any administrative proceeding based on a charge issued by the Secretary, or by the court, in any proceeding for review or enforcement of such an order, as part of the costs. The United States shall be liable for such fees and costs the same as a private person.

"ENFORCEMENT BY PRIVATE PERSONS

"Sec. 813. (a) Civil Action.—(1)(A) An aggrieved person may commence a civil action in an appropriate United States district court or State court not later than two years after the termination of an alleged discriminatory housing practice or a noncompliance with a conciliation agreement entered into under this title to obtain appropriate relief with respect to such discriminatory housing practice or noncompliance.

"(B) The computation of such two-year period shall not include any time during which an administrative proceeding under this title was pending with respect to a complaint or charge under this title based upon such discriminatory housing practice or the discriminatory housing practice to which such conciliation agreement pertains.

"(2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under section 810(a) and without regard to the status of any such complaint, but if the Secretary or a State or local agency has obtained a conciliation agreement, no action may be filed under this subsection by the aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint filed with the Secretary except for the purpose of enforcing the terms of such an agreement.

"(3) An aggrieved person may not commence a civil action under this subsection with respect to an alleged discriminatory housing practice which forms the basis of a charge issued by the Secretary if an administrative law judge has commenced a hearing on the record under this title with respect to such charge.

"(b) Appointment of Attorney by Court.—Upon application by a person alleging a discriminatory housing practice or a person against whom such a practice is alleged, the court may—

"(1) appoint an attorney for such person; or

"(2) authorize the commencement or continuation of a civil action under subsection (a) without the payment of fees, costs, or security, if in the opinion of the court such person is financially unable to bear the costs of such action.

"(c) Relief Which May be Granted.—In a civil action under subsection (a) the court may grant as relief, as the court deems appropriate, actual damages, any permanent or temporary injunction, temporary restraining order, and other relief, including punitive damages, and may allow the prevailing party a reasonable attorney's fee as part of the costs. The United States shall be liable for such costs the same as a private person.

"(d) Effect on Certain Sales, Encumbrances, and Rentals.—Relief granted under this section shall not affect any sale, encumbrance, or lease executed before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Secretary or civil action under this title.

"(e) Intervention by Attorney General.—Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance. Upon such intervention the Attorney General may obtain such relief as would be available to the Attorney General under section 814(e) in a civil action to which such section applies.

"(f) Civil Action To Compel Compliance by Officials.—A person harmed by a failure to comply with section 808(d) or 808(e)(6) may, in a civil action against any person or entity having the power to secure such compliance, obtain appropriate relief to compel such compliance.

"ENFORCEMENT BY THE ATTRONEY GENERAL

"Sec. 814. (a) Pattern or Practice Cases.—(1) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title and such denied any of the rights granted by this title and such denial raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court.

"(b) On Referral for Prompt Judicial Action.—(1) Upon referral by the Secretary under section 810(e), the Attorney General may commence a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under section 810. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure.

"(2) The commencement of a civil action under this subsection shall not affect the initiation or continuation of administrative proceedings under section 810 and section 812 of this title.

"(c) On Referral of Discriminatory Housing Practice or Conciliation Agreement for Enforcement.—(1)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the Secretary under section 810(g).

"(B) A civil action under this paragraph may be commenced not later than the end of the eighteenth month beginning after the termination of the alleged discriminatory housing practice.

"(2)(A) The Attorney General may commence a civil action in any appropriate relief with respect to noncompliance with a conciliation agreement referred to the Attorney General by the Secretary under section 810(c).

"(B) A civil action may be commenced under this paragraph not later than the end of ninety days after the referral of the alleged noncompliance under section 810(c).

"(d) Enforcement of Subpoenas.—The Attorney General, on behalf of the Secretary, or other party at whose request a subpoena is issued, under this title, may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

"(e) Relief Which May be Granted in Civil Actions Under Subsections (a) and (c).—(1) In a civil action under subsection (a) or (c), the court—

"(A) may award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for a violation of this title as is necessary to assure the full enjoyment of the rights granted by this title;

"(B) may award such other relief as the court deems appropriate; and

"(C) may, to vindicate the public interest, assess a civil penalty against the respondent—

"(i) in an amount not exceeding $50,000, for a first violation; and

"(ii) in an amount not exceeding $100,000, for any subsequent violation.

"(2) In a civil action under this section, the court may allow the prevailing party (other than the United States) a reasonable attorney's fee as part of the costs. The United States shall be liable for costs the same as a private person.

"(f) Intervention in Civil Actions.—Upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection (a) or (c) which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under section 813.

"RULES TO IMPLEMENT TITLE

"Sec. 815. The Secretary may make rules (including rules for the collection, maintenance, and analysis of appropriate data) to carry out this title. The Secretary shall give public notice and opportunity for comment with respect to all rules made under this section.".

SEC. 9. TECHNICAL AMENDMENT TO SECTION 817.

Section 817 is amended by striking out the last sentence thereof.

SEC. 10. CONFORMING AMENDMENT TO TITLE IX.

Section 901 is amended by inserting ", handicap (as such term is defined in section 801 of this Act), familial status (as such term is defined in section 802 of this Act)," after "sex" each place it appears.

SEC. 11. CONFORMING AMENDMENTS TO TITLE 28 OF THE UNITED STATES CODE.

(a) Jurisdiction.—Section 2342 of title 28, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraphs (5) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (5) but before the matter beginning "Jurisdiction is invoked" the following:

"(6) all final orders of an administrative law judge under section 812 of the Fair Housing Act.".

(b) Definition.—Section 2341(3) of title 28, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting "; and" in lieu thereof; and

(3) by adding at the end the following:

"(D) the administrative law judge, when the order is under section 812 of the Fair Housing Act.".

SEC. 12. DISCLAIMER OF PREEMPTIVE EFFECT ON OTHER ACTS.

Nothing in the Fair Housing Act as amended by this Act limits any right, procedure, or remedy available under the Constitution or any other Act of Congress not so amended.

SEC. 13. EFFECTIVE DATE AND INITIAL RULEMAKING

(a) Effective Date.—This Act and the amendments made by this Act shall take effect on the one hundred and eightieth day beginning after the date of the enactment of this Act.

(b) Initial Rulemaking.—In consultation with other appropriate Federal agencies, the Secretary shall, not later than the one hundred and eightieth day after the day of the enactment of this Act, issue rules to implement title VIII as amended by this Act. The Secretary shall give public notice and opportunity for comment with respect to such rules.

● **Mr. METZENBAUM.** Mr. President, I am pleased to join as an original cosponsor of the Fair Housing Amendments of 1987. This bill strengthens the Federal fair housing law and reaffirms the Nation's commitment to the ideal that people must be free to choose where they want to live.

Twenty years ago, before the Fair Housing Act was passed, I worked with people in my community to open housing to all people. It was difficult work. Blacks and other groups faced blatant discrimination. Then, we looked forward to a time when we would not have to organize to provide equal housing opportunity. We welcomed the passage of the Federal fair housing law, because we hoped that it would eliminate most housing bias.

But is spite of the existing fair housing law, discrimination in housing is still a major problem in Ohio and it's still a problem in America. A recent HUD study estimated that at least 2 million incidents of housing discrimination occur each year. HUD found that blacks looking for housing had over a 70-percent chance of encountering discrimination, and that discrimination against Mexican Americans, women, and Asian Americans is also on the rise.

Discrimination today occurs in many forms. Minorities and women face higher sales or rental prices; larger down payments, longer waiting periods; false information; higher security and other deposits; shorter mortgage terms; steering to certain neighborhoods; discriminatory appraisals; insurance at higher rates—or denial of insurance altogether.

There is clearly a need for more effective fair housing laws.

This bill strengthens the fair housing law in several ways.

First, it provides a Federal administrative remedy for victims of housing discrimination. Under current law, the Department of Housing and Urban Development can make efforts to conciliate a claim of housing discrimination. Sometimes these efforts are successful, but when they are not, the victim of discrimination must file a costly and time consuming lawsuit.

This bill provides an less expensive and expeditious alternative. HUD can bring a proceeding before an administrative law judge who is empowered to order effective relief. Similar types of administrative enforcement procedures are used by many other Federal agencies and departments. This bill gives HUD what it has lacked for almost 20 years—the power to enforce the fair housing law. This power is long overdue.

Second, the bill provides protection to two groups who all too often suffer burdensome housing discrimination, handicapped persons, and families with children.

Over the last few years, our laws have given increased protection and support to the disabled of our country. We have given them support in education, protected them from discrimination by recipients of Federal financial assistance, guaranteed their access to public building and public transport. This bill provides long overdue protection for the disabled from discrimination in housing.

Families with children also face unfair discrimination when they seek decent homes for their children, and this bill makes this discrimination unlawful too. A recent HUD survey found that 26 percent of the Nation's rental housing units ban families with children. Persons who choose to bear or care for children should not be subjected to discrimination in their search for affordable, decent, housing. The bill is carefully drafted to take into account circumstances where limitations on children in housing units may be valid. For example, the bill does not prevent governments from imposing safety and health related limitations on the number of persons who may occupy a housing unit. The bill also recognizes the special housing needs of the elderly and exempts these communities from the discrimination against children provisions.

But the bill makes it clear that this Nation must make a commitment to protect the rights of families to live in the housing of their choice. This bill upholds family values.

Third, the bill makes it clear that certain persons, who provide services essential to the enjoyment of equal housing opportunity, may not discriminate. These persons include mortgage lenders who often refuse to make loans on property located in neighborhoods where certain racial or ethnic groups reside, property insurers who discriminate in the provision of property insurance, and real estate appraisers who take into account the racial or ethnic composition of neighborhoods when they appraise property. By including this section, we recognize that the idea of equality in housing is meaningless unless essential housing services-lending, insuring, and appraisal—are also free from discrimination. The courts have already recognized this fact in their judicial decisions. Our legislation reaffirms the correctness of this view.

This bill is one of the most important pieces of civil rights legislation we will consider this year. Let's not lose sight of the fact that in 1968 we made a promise to eliminate housing discrimination. We made the promise, we passed important legislation, but we didn't go far enough. We didn't provide all the tools necessary to accomplish our goal, and we didn't provide protection to all groups who need safe and decent housing.

It's time that we renew—and strengthen—our commitment to fair housing. It's time that we make the promise of fair housing a reality.

We are celebrating the bicentennial of our Constitution this year, and we will make much of our dedication to equal rights and equal opportunity. We'll all make the speeches and utter the platitudes, but you can do so much more if you support this bill. Passage of the Fair Housing Act is a concrete way to demonstrate our fidelity to one of our finest traditions—equality for all Americans.●

● Mr. **BENTSEN.** Mr. President, I am pleased to join a number of my distinguished colleagues today in introducing the Fair Housing Amendments Act of 1987. This bill will give new found energy to the landmark legislation known as the Fair Housing Act of 1968 and the fundamental protections provided for in that act. Equal access to the housing marketplace is a right all Americans should enjoy. Unfortunately, the principles underlying the Fair Housing Act of 1968 are often circumvented as its enforcement mechanism, because of its almost complete reliance on judicial action, is unduly cumbersome and woefully weak. This bill will create an administrative review process thereby providing a meaningful remedy to a person suffering injury as a result of discriminatory housing practices. In addition, this bill will extend the protections of the act to two groups of persons in great need of those protections—the handicapped and families with children. The undeniable rights afforded and facilitated under this bill are clearly deserving of our support.●

● Mr. **SIMON.** Mr. President, I am pleased and proud to appear with my colleagues here today, including the ranking member of my subcommittee, Senator SPECTER. The Subcommittee on the Constitution, which I chair, will hold its first hearing on this bill next month, March 31. I am happy to note the bill already enjoys the cosponsorship of a majority of the subcommittee.

The Fair Housing Act was passed nearly 20 years ago—1968, but in cities and towns across America, from Howard Beach, NY to Forsyth, GA, discrimination in housing is still a reality for millions of Americans. Few problems hit Americans where they live as harshly as discrimination when they enter the marketplace to rent or buy a home.

Surveys indicate that black Americans have a 48-percent chance of encountering discrimination when they try to purchase a home—the American dream. Their chances of being discriminated against in renting is almost 3 out of 4—72 percent. Hispanics, Asian Americans, the disabled, and families with children may all share this ugly experience.

It is already illegal to discriminate in housing on the basis of race, religion, or national origin. This bill would also protect the disabled and families with children.

But most important, this bill would put teeth in the law—enforcement powers—for everyone. And not by limiting the remedy to the already overcrowded Federal courts, but by sending the parties first to a kind of "people's court"—Administrative Law Judges—to resolve the problem. These ALJ's would have the power to impose fines up to $1,000 a day, a strong deterrent to anyone who may be tempted to break the law.

This Congress will offer many words to celebrate the Bicentennial of the Constitution. This is a chance to match words with deeds as we honor the document that chartered the American dream.●

● Mr. **CHAFEE.** Mr. President, I am pleased today to join in cosponsoring the Fair Housing Amendments Act of 1987. A law is only as good as its enforcement. Today we introduce legislation to amend the Fair Housing Act of 1968 so as to make that law viable and effective. Two decades ago Congress made a commitment to the principle of fair housing. Now it is time to breathe life into our promises. The bill that we introduce today is a resuscitation of the Fair Housing Act, for a housing law without enforcement is just a lot of hot air.

The Fair Housing Act of 1968 prohibits discrimination because of race, religion, sex, or national origin in the rental, sale, marketing, and financing of housing and related activities. Currently there are only two means of enforcing this act—through litigation, or a voluntary conciliation process. During the past generation it has become evident that the process of litigation is too cumbersome for the resolution of discrimination complaints. There is, therefore, little incentive for the parties in a discrimination case to engage in serious conciliation. Thus, out of more than 2 million cases of housing discrimination each year, only about 5,000 complaints are filed. Of these, even less are successfully resolved.

These figures don't take into account the as yet unprotected victims of housing discrimination: the handicapped and families with children.

Handicapped persons for the large part, are renters or potential renters. Yet, in most States, landlords are free to discriminate against handicapped persons, either through the neglect of "inaccessibility" or through active discrimination. A spokesperson for the Paralyzed Veterans of America tells of one man who used crutches and a brace to get around, and a landlord refused to rent to him for fear of liability risk. Do we want to treat our disabled, our veterans, our fellow citizens in this manner?

One of the most troubling trends in our society in recent years has been the gradual weakening of the family as an institution. There has been a great deal of discussion at the national level about the importance of reversing this trend. It is certainly a trend which our housing policy should be reinforcing. Still, over a quarter of all rental units in this country totally exclude children—another 50 percent restrict the number of children allowed. Thus three quarters of this country's rental housing has some sort of exclusionary policy with regard to children. Yes, we've been talking a good bit about families and how to help them, but when it comes right down to it, do we care if they have a roof over their heads?

This measure that I have the pleasure of cosponsoring will help to assure that all Americans have access to housing. First, it provides for a fast, effective means for the enforcement of the act. An administrative process is established to handle complaints of discrimination, and an administrative law judge would be empowered to make findings of fact and issue final orders. The existing system, with its delays and financial burdens, has little deterrent effect where potential violators are concerned. This expedited process turns our promises of equity in housing into reality.

Second, this measure extends the act's protection against discrimination to handicapped persons and families with children. While protecting the needs of children in this country, the bill recognizes the special needs of the elderly, and exempts publicly assisted housing for the elderly and bona fide retirement communities from its requirements.

Even those States that already have taken the initiative to recognize and protect these two groups will be aided by the passage of this bill. Until now, States like my own, Rhode Island, have been working to uphold the civil rights of the handicapped and families and bearing the cost of these activities out of their own budgets. State moneys are being used to uphold what should be the Federal law. This legislation permits Federal money to pay for the defense of the rights of the handicapped and families, just as it pays for upholding the rights of women, racial minorities, and other groups.

We have before us legislation that is necessary to preserve the credibility of our fair housing law. The commitment to equity in housing has grown up in this generation—we must not abandon it now.●

● Mr. KERRY. Mr. President, I am pleased to join with Senator KENNEDY and other distinguished colleagues in support of the Fair Housing Amendments Act of 1987, and to be a cosponsor of this important legislation.

In 1968, this Nation made a commitment to eliminate discrimination in housing. We did so by enacting a major piece of civil rights legislation, the Fair Housing Act of 1968. Yet today, almost 20 years later, housing discrimination in American cities is still an ugly reality.

This legislation would remedy some of the defects in the Fair Housing Act of 1968, by providing an expedited administrative enforcement mechanism to assure that complaints are heard and decided in a fair, timely and economical manner.

In order to ensure that the Fair Housing Act works in the way that Congress intended, we must strengthen the enforcement powers of the Department of Housing and Urban Development. Under the present law, HUD has a procedure that enables a victim of housing discrimination to report a violation. But the Department can do little to stop that violation. No HUD official has authority to issue cease and desist orders to those found guilty of discriminating in housing. HUD can only investigate and try to bring the two parties together to conciliate their differences.

The weakness in the existing fair housing laws accounts for much of the failure to eliminate the policies and practices which discriminate against minorities, handicapped persons, and families with children. Landlords are not willing to try to resolve disputes with professed victims of discrimination, because there is little that HUD can do to penalize them. The ineffectiveness of the existing law is demonstrated by the fact that few housing discrimination complaints are filed with HUD. Yet, there is abundant evidence that housing discrimination still exists.

HUD's own estimates show that at least 2 million incidences of unlawful discrimination in housing occur annually. This figure does not reflect the increasing number of overt and even violent acts directed against minority families who move into all or predominantly white neighborhoods.

The most recent HUD-commissioned survey, covering 3,000 brokers and rental agents in 40 metropolitan areas, found that black families seeking to buy a home stand a 48-percent chance of encountering discrimination, and blacks looking for a place to rent have a 72-percent chance of encountering discrimination. A similar study in Dallas concluded that a dark-skinned Mexican-American has a 96-percent chance of experiencing discrimination in a typical search for housing. Complaints of housing discrimination against women and Asian Americans are also numerous and increasing. And disabled persons continue to be excluded from large segments of the housing market, as do families with children.

This legislation will afford victims of housing discrimination a means to redress their grievances, and would avoid a lengthy trial procedure. It would also broaden the Fair Housing Act to protect handicapped persons and families with children. It has often been said that justice delayed is justice denied. Let us act promptly to bring an end to injustice and discrimination in housing. This legislation is the place to begin that effort.●

By Mr. CHAFEE:

S. 559. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the measures available to reduce the adverse effect discarding or dumping of plastics on land and in the waters have on the environment, including the effects on fish and wildlife; to make recommendations for eliminating or lessening such adverse effects; and to require the Administrator of the Environmental Protection Agency to control the pollution of the environment caused by the discarding of plastics on the land and in water; to the Committee on Environment and Public Works.

By Mr. CHAFEE:

S. 560. A bill to implement the provisions of annex V to the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978; to the Committee on Environment and Public Works.

● Mr. CHAFEE. Mr. President, I am pleased to introduce today two bills which address the adverse effects of plastic waste on the environment, especially its effect on fish and wildlife.

Over the last decade, there has been growing concern among conservationists and scientists over discarded plastic in our Nation's waters and on land. Entrapment in plastic debris such as six-pack holders, packing bands, lost or discarded fishing nets, and ingestion of plastic materials is known to kill thousands of birds, seals, turtles, sea lions, and fish each year.

My bills will require that all plastic six-pack holders be made from degradable materials, and will require that EPA provide Congress with recommendations on how to reduce the harmful effects of plastic pollution on the environment. A separate bill will implement the terms of an international treaty which makes it illegal for ships to intentionally dump plastic garbage in U.S. waters.

The Environmental Protection Agency recently commissioned a study entitled "Use and Disposal of Nonbiodegradable Plastics in the Marine and Great Lakes Environment," which points to a growing body of evidence that plastic, when improperly disposed of, harms the oceans and its inhabitants in a multitude of ways.

After World War II, plastic materials displayed a hundredfold growth in the marketplace. Metal, glass, paper, and cloth have been rapidly replaced by plastic in thousands of products. In 1985 about 50 billion pounds of plastics were used.

Of the total, over 10 billion pounds were used in packaging applications, a substantial portion of which makes its way into our marine environment. Lightweight plastic products discarded in the water neither sink nor disintegrate. This debris is virtually invisible to many types of marine life, and can float for years, causing entrapment and killing marine animals before eventually washing ashore.

Plastic debris also poses a hazard to fish and wildlife through ingestion. Raw plastic particles, from which plastic products are manufactured, enter the waters from manufacturing plants or are lost from ships. Fish and wildlife eat these particles and plastic bags because of their resemblance to natural food. Autopsies of sea turtles, seals, and sea birds have revealed, in some cases, several pounds of ingested plastic.

Another major problem tied to plastic debris is "ghost fishing," or the tendency of lost or discarded nets to continue to catch fish indefinitely. Because these nets are made from durable plastics, they trap and kill sealife for decades.

The plastic pollution problem has grown to such a point that we cannot walk to our Nation's beaches and parks without encountering plastic litter. Beach cleanup efforts in some coastal States, including Rhode Island, have resulted in the collection of many thousands of discarded plastic products including six-pack holders, packing bands, pieces of fishing nets, and containers.

It is also reported that marine debris poses hazards to seagoing vessels. Propellers, shafts, and intakes of marine vessels have been fouled by floating nets and other plastic debris. Plastic debris also poses a threat to divers.

We cannot continue to ignore the adverse environmental impacts of these materials. Congress needs to carefully examine the environmental pollution of discarded plastics on land an in waters and take appropriate steps to correct the problem.

My bills tackle the plastics pollution problem in the following ways:

First, the EPA Administrator will be required to build upon the aforementioned study documenting the extent of plastic pollution in the environment, and recommend to Congress methods available to eliminate or lessen the adverse effects of the pollution. Specifically EPA will be required to look at the feasibility of using degradable plastics in fishnets, packing bands, and other plastic products which pose a threat to the environment. EPA will also evaluate the use of incentives to reduce improper plastics disposal, such as recycling, bounties, and rewards.

In undertaking this study, the Administrator will consult with the U.S. Fish and Wildlife Service, other Government departments or agencies doing research in this area, as well as the affected industries.

The bill provides for a ban of nondegradable plastic six-pack holders and other plastic beverage connecting devices. EPA is required to issue the regulation 18 months after the date of enactment of this act.

Mr. President, I'd like to add that 11 States, including my own State of Rhode Island, have banned the sale of nondegradable six-pack holders. Other States include Connecticut, Delaware, Maine, Massachusetts, New York, New Jersey, Oregon, Vermont, California, and Alaska.

My second bill addresses a major source of plastic pollution: Plastic garbage intentionally dumped from ocean-going vessels. This bill creates domestic legislation which implements the provisions of annex V of the International Convention for the Prevention of Pollution from Ships, commonly known as Marpol. This approach, endorsed by the Coast Guard, would make it illegal for ships operating in U.S. waters to intentionally dump plastic garbage.

According to the EPA study, most of the plastic debris in the marine environment comes from ocean sources. That amount is estimated at 6.4 million metric tons per year. While accidental loss of plastic items from ocean sources contributes to the problem of debris, deliberate disposal at sea is a greater problem.

The United States is expected to ratify Marpol annex V within the next few weeks. My bill will assure that domestic legislation implementing the provisions of this important annex will be enacted without delay. Companion legislation implementing annex V has already been introduced in the House of Representatives by Mr. STUDDS. This legislation takes a giant step toward eliminating plastic waste from our ocean and coastal environment.

I hope my colleagues in the Senate will join me in this effort to reduce the plastic pollution of our land and waters.

Mr. President, I ask unanimous consent that the test of the Plastic Waste Reduction and Disposal Act of 1987, S. 559, and a bill to implement the provisions of annex V to the International Convention for the Prevention of Pollution from Ships, S. 560, be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) This Act may be cited as the "Plastic Waste Reduction and Disposal Act of 1987".

(b) The Congress finds and declares that—

(1) when plastic rings and devices, which are increasingly being used to store, carry, and transport a variety of containers, are disposed in the environment, they persist for extended periods of time and have serious adverse impacts on fish and wildlife species and the environment; and

(2) although certain States, which require such rings and devices to break down upon exposure to natural elements, have been largely successful in reducing those impacts, other States have not enacted or enforced such laws.

TITLE I—STUDY OF PLASTIC POLLUTION

SEC. 101. (a) The Administrator of the Environmental Protection Agency (hereinafter referred to in this title as the "Administrator") shall undertake a study for the purpose of determining the various means available to control the adverse effects that the discarding and dumping of millions of pounds of plastics each year have on the environment, including fish and wildlife, within the United States and the oceans, and to enable the Administrator to make recommendations to the Congress as to what actions might be taken to eliminate or lessen such adverse effects.

(b) Such study shall be carried out to determine the feasibility of reducing the amount of plastic discarded, and minimizing the adverse effects of disposal. Such study shall examine methods including, but not limited to—

(1) regulation of dumping, including the discharge of raw plastic pellets on land and in all water bodies, including streams, rivers, lakes, bays, estuaries, and oceans;

(2) requiring the use of degradable plastics (or other materials that would accelerate decomposition) in a portion or all of the fishnets, fishing gear, plastic holders, plastic packing bands, and other finished plastic products which pose a threat to the environment, including fish and wildlife;

(3) use of incentives to reduce plastics disposal, such as recycling, bounties, and rewards;

(4) requiring the use of warning labels regarding proper use and disposal of plastic containers and packaging materials which frequently are found in the marine environment;

(5) reducing ocean dumping of plastics from public vessels by revising Federal procurement policy and provisioning of such vessels to minimize the amount of plastics taken on board; and

(6) engaging in public education designed to encourage the proper handling and disposal of plastics in and around the marine environment, including the informing of recreational boaters and fishermen, commercial fishermen, maritime and petroleum industries, beach goers and others who use plastic in or around the marine environment of the dangers posed to marine mammals, fish, sea turtles and seabirds from improper disposal of plastics.

(c) In carrying out the study required by this title, the Administrator shall—

(1) consult with the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Secretary of Transportation, the Secretary of the Navy, and all other departments and agencies of the United States engaged in research, investigation, or mitigation involving, directly or indirectly, the impact of such plastics debris on the environment, including fish and wildlife, and such departments and agencies shall fully cooperate with the Administrator, and

(2) solicit and consider views and recommendations from representative members of the maritime industry, the fishing industry, the beverage industry, the plastic industry, the petroleum industry, consumer interest groups, environmental groups, and other interested and affected individuals and businesses.

(d) In making such recommendations as to actions which might be taken to eliminate or lessen the impact of the discarding or dumping of such plastics on the environment, including fish and wildlife, the Administrator shall consider and include in the report a statement as to the environmental, public health, and economic impacts of each such action so recommended.

SEC. 102. On or before the expiration of the eighteen-month period following the date of the enactment of this title, the Administrator shall report to the Congress the results of the study conducted pursuant to this title, together with recommendations in connection therewith. The Administrator shall identify those recommendations as to which the Administrator believes there is existing authority to implement, and those recommendations which will require legislative action by the Congress if they are to be implemented.

SEC. 103. There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

TITLE II—REGULATION TO CONTROL PLASTIC POLLUTION

SEC. 201. As used in this title, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "regulated item" means any device which is made, used, or designed for the purpose of packaging, transporting, or carrying multi-packaged cans, bottles, or other containers, and which is of a size, shape, design, or type capable, when discarded, of becoming entangled with fish or wildlife; and

(3) "naturally degradable material" means a material which, when discarded, will be reduced to environmentally benign subunits under the action of normal environmental forces, such as, among others, biological decomposition, photodegradation, and hydrolysis.

SEC. 202. Within eighteen months after the date of the enactment of this title, the Administrator shall require, by regulation, any regulated item to be made of a naturally degradable material which decomposes within a period established by such regulation. The period within which decomposition must occur shall be the shortest period of time consistent with the physical integrity of the item for its intended use.

SEC. 203. Nothing in this Act shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance respecting a regulated item that is more stringent than regulations promulgated pursuant to this Act.

SEC. 204. (a) any regulation promulgated by the Administrator pursuant to this title shall contain provisions sufficient to assure that adequate recordkeeping and testing requirements for implementing and enforcing such regulation will be carried out.

(b) Any violation of a regulation promulgated by the Administrator pursuant to this title shall be punishable by a fine of not to exceed $25,000, or imprisonment for not more than 12 months, or both.

S. 560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as used in this Act, the term—

(1) "garbage" means all kinds of victual, domestic and operational waste (excluding fresh fish and parts thereof), generated during the normal operations of a vessel and liable to be disposed of continually or periodically, except that such term shall not include those substances which are defined or listed in other Annexes to the "International Consumption for the Preventing of Pollution from Ships";

(2) "nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law;

(3) "ship" includes any private or public ship, and any ship owned or operated by the United States Government or any State government;

(4) "United States" means the several States, District of Columbia, Commonwealth of Puerto Rico, United States Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Marianas, and the Trust Territories of the Pacific Islands;

(5) "dump" means to make disposition of, to throw or deposit, or cause, suffer, or procure to be disposed of, throw, or deposit;

(6) "water of the United States" includes any navigable waters of the United States, any tributary of any such navigable water, or any ocean waters over which the United States may exercise control and jurisdiction by law or under accepted principles of international law in order to protect its territory or exclusive economic zone as established by proclamation numbered 5030, dated March 10, 1983; and

(7) "person" includes any individual, Corporation, or other entity, including a governmental entity.

SEC. 2. (a) It shall be unlawful for any person to dump in any water of the United States any plastic item or thing, including but not limited to, synthetic ropes, synthetic fishing nets, and plastic garbage bags. For purposes of this subsection, the prohibition contained in paragraph (1)(a) of regulation 3 of Annex V (relating to disposal of plastics) shall apply within the exclusive economic zone of the United States.

(b) It shall be unlawful for any person to dump in any water of the United States—

(1) any dunnage, lining, or packing materials which will float, if such dumping is within 25 nautical miles of the nearest land; or

(2) any food wastes or other garbage, including paper products, rags, glass, metal, bottles, crockery, or similar refuse, if such dumping is within 12 nautical miles of the nearest land.

(c) In the case of garbage referred to in subsection (b)(2) of this section, such garbage may be dumped if it is dumped in an area which is at least 3 nautical miles from the nearest land, and if it has passed through a comminutor or grinder and it is capable of passing through a screen with openings no greater than 25 millimeters.

(d)(1) It shall be unlawful to dump in any water of the United States any plastic, garbage, synthetic ropes, synthetic fishing nets, plastic garbage bags, dunnage, lining materials which will float, paper products, rags, glass, metal, bottles, or crockery and similar refuse from any fixed or floating platform engaged in the exploration, exploitation, or associated offshore processing of seabed mineral resources, or to dump any such aforementioned item or thing from any ship which is alongside of any such platform or which is within 50 meters of any such platform.

(2) In the case of food waste referred to in paragraph (1) of this subsection, such waste may be dumped from such platform, or from a ship alongside or within 500 meters of such platform, if it is dumped in an area which is at least 12 nautical miles from the nearest land, and if it has passed through a comminutor or grinder and is capable of passing through a screen with opening no greater than 25 millimeters.

(3) Notwithstanding any other provision of this Act, it shall not be a violation of this Act if the Act which would have otherwise been a violation—

(A) was a necessary act for the purpose of securing the safety of a ship and those on board or saving a life at sea;

(B) occurred as a result of the plastic, garbage, or other regulated item or thing escaping due to damage to a ship or its equipment, and if all reasonable precautions were taken beyond and after the occurrence in order to prevent or minimize such escape; or

(C) occurred as a result of an accidental loss of any such plastic, garbage, item, or thing, and if all reasonable precautions were taken before and after the occurrence in order to prevent or minimize the loss.

SEC. 3. (a) Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of this Act shall be liable to the United States for a civil penalty, not to exceed $25,000 per violation. The amount of the civil penalty shall be assessed by the President of the United States by written notice. In determining the amount of the penalty, the President shall take into account the nature, circumstances, extent, and gravity of the violation, the degree of culpability any history of prior violation, ability to pay, and such other matters as justice may require. The President may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessed civil penalty after it has become final, the President may refer the matter to the Attorney General for collection.

(b) In addition to, or in lieu of, assessing a penalty under subsection (a) of this section, the President may request the Attorney General to secure such relief as necessary to compel compliance with this section, including, but not limited to, a judicial order terminating operations. The district courts of the United States shall have jurisdiction to grant such relief as public interest and the equities of the case may require.

SEC. 4. The President shall ensure that public vessels of the United States comply with Annex V and this Act to the maximum extent consistent with the national security requirements of the United States. The Secretary of the Navy and, with respect to the United States Coast Guard, the Secretary of Transportation, shall examine Federal procurement policy for public vessels (with regard to the amount of plastics taken aboard such vessels), and shall determine to what extent such policies can be revised to enhance compliance with Annex V and this Act, to the maximum extent consistent with the national security needs of the United States.

SEC. 5. The Secretary of Transportation shall take such action as may be necessary to ensure the provision of necessary facilities at ports and terminals for the reception or treatment of plastic, garbage, and other items and things regulated by this Act, without causing delay to ships, and according to the needs of the ships using such ports and terminals.●

By Mr. THURMOND (for himself, Mr. NICKLES, Mr. ZORINSKY, Mr. HOLLINGS, Mr. HEFLIN, Mr. DIXON, Mr. GRASSLEY, Mr. PRYOR, Mr. LUGAR, Mr. HECHT, Mr. WALLOP, Mr. EXON, Mr. BOREN, and Mr. SIMON):

S. 561. A bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction to farmers who donate agricultural products to assist victims of natural disasters; to the Committee on Finance.

INTERNAL REVENUE CODE AMENDMENT

Mr. THURMOND. Mr. President, last year, the Senate passed legislation to grant a fair charitable tax deduction to farmers who contribute agricultural products to assist victims of natural disasters. I am pleased to reintroduce this important legislation in the 100th Congress. Senators NICKLES, ZORINKSY, HOLLINGS, HEFLIN, DIXON, GRASSLEY, PRYOR, LUGAR, HECHT, WALLOP, EXON, BOREN, and SIMON join me as original cosponsors of this bill.

Mr. President, farmers are experiencing some of the most difficult times in the history of this Nation. Low farm income and increased foreign competition have devastated our farm economy. Despite these adverse economic conditions, the farmers of our Nation are always ready to help a neighbor in need. A prime example of their characteristic generosity is the assistance which the numerous farmers throughout the Nation rendered farmers in the drought-stricken Southeast last summer by contributing feed grains and hay to save starving livestock.

One would assume that these farmers could receive a fair charitable deduction for their generosity. Unfortunately, this is not the case. Under current law, a farmer may only deduct his basis or the cost in the product that is being contributed. A farmer could obtain much needed income for selling this hay at market price. If the same farmer gave hay to victims of a natural disaster, current law would limit the charitable deduction to the cost of items such as seed and fertilizer to grow the hay. I believe this is unfair. Especially during the course of natural disasters, we should seek to ensure that charitable giving entitles the donor to an equitable tax deduction.

Mr. President, this bill would correct this inequity. It would provide a charitable contribution to the extent of the lowest regional wholesale market price for the agricultural product. The deduction would only be available for agricultural products donated for the benefit of individuals who have been adversely affected by a natural disaster. Farmers would be able to donate their products to a State agency which would certify that all reasonable efforts would be made to distribute the products to those truly in need. The contribution must be made within 6 months of the natural disaster and the bill would apply to those donations made after June 30, 1986.

Every State is equally vulnerable to the tragedies brought on by natural disaster. This bill not only helps farmers; it has potential benefits for every State in the Nation.

I urge my colleagues to join me as cosponsors of this bill and to work toward its swift passage.

By Mr. WEICKER:

S. 562. A bill to establish the National Marine Policy Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL MARINE POLICY DEVELOPMENT ACT

● Mr. WEICKER. Mr. President, I rise today with my colleague Senator BREAUX to introduce a bill that would establish a Commission to make recommendations to Congress and the President on developing a comprehensive marine policy for our Nation. The Commission would be directed to develop recommendations on our domestic and international marine policies, laws, and activities to ensure our strategic and resource interests are protected and furthered. Developing such a policy is essential in promoting U.S. leadership in marine science and technology, in maintaining national security needs, and in balancing the conservation, management, and development of our marine resources.

The Commission would be charged with reviewing marine and atmospheric activities of the various levels of government and the private sector and recommending the appropriate allocation of responsibilities for these activities. In developing its recommendations the Commission is to survey existing and planned marine-related activities of Federal agencies, particularly in light of the Presidential proclamation establishing an exclusive economic zone [EEZ] within 200 miles of our coastline. The Commission's 17 members must have expertise in marine-related issues and may be appointed from Federal, State, or local government; the academic community; industry; and nonprofit organizations.

The idea for a National Marine Policy Commission is not new, but has long been needed. Its prototype is the highly successful Commission on Marine Science, Engineering and Resources—Stratton Commission—which, in the late 1960's, developed recommendations that molded the foundation of our Nation's marine policy for the next decade.

Since the Stratton Commission's findings, this country has been through changes that demand a reassessment of our marine policies and activities. A soaring deficit has resulted in broad spending cuts, causing the administration to reexamine its role in marine research, conservation, and management. Advances in marine science and technology have opened up new avenues for U.S. leadership at home and abroad. Concerns over national security within our EEZ have created questions about the relationship between developing and protecting our resources while maintaining a strong defense.

With 70 percent of our population living within 50 miles of the coast and increasing rapidly, new demands have been placed on coastal States. This combined with offshore commercial and recreational activities necessitates an integrated approach to managing our EEZ. Effective Federal-State coordination and cooperation must exist among multiple users of the area. Priorities must be agreed on and multiple uses encouraged through viable policies and practices. It is important to consider that other countries are establishing their own EEZ's. We need to take a closer look at developing U.S. policies that will promote international cooperation in allocating available resources throughout the oceans.

Long-term policies and plans must be developed now that will create a comprehensive, consistent approach to our marine environment. We need a national plan for our oceans, one that will maximize their uses and benefits and enable us to develop our marine capabilities to their fullest.

The words of the Stratton Commission's final report still ring true:

> The ocean does not yield its food and mineral treasures easily; damaged environments are not restored by scattered attacks or the good intentions of a few; the planet's dominant element cannot be understood, utilized, enjoyed, or controlled by diffuse and uncoordinated efforts. The Nation's stake can only be realized by a determined national effort great enough for the vast and rewarding task ahead.

Mr. President, this national effort can be furthered greatly by a Commission such as the one proposed in this bill. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Marine Policy Development Act of 1987".

FINDINGS

SEC. 2. The Congress finds that—

(1) the wise use of the sea affects the national security, transportation needs, economy, food resources, energy and raw materials needs, international leadership, and the quality of the environment of the people of the United States;

(2) Presidential Proclamation 5030 of March 10, 1983, on the Exclusive Economic Zone of the United States of America, in proclaiming the sovereign rights of the United States over ocean resources out to two hundred nautical miles from the coastline of the United States, requires the development and implementation of a comprehensive exploration and monitoring plan to adequately address the conservation and development of the region; and

(3) it is in the national interest to develop and maintain a coordinated and comprehensive national marine policy that will promote such use in a peaceful and balanced fashion.

PURPOSE

SEC. 3. The purpose of this Act is to establish a commission to develop recommendations to the Congress and the President on establishing a comprehensive marine policy that will—

(1) develop domestic policies and laws that will promote the wise use and conservation of marine resources;

(2) develop international policies and laws that will promote the peaceful uses of the oceans and balance the interests of all nations;

(3) promote United States leadership in marine scientific research, facilities, and technology;

(4) develop the role and capacity of the United States in the monitoring and predic-

tion of global oceanic atmospheric processes; and

(5) equitably allocate the responsibilities for marine and atmospheric research and marine resource understanding, conservation, management, and development among the various levels of government and the private sector and promote the efficient use of limited fiscal resources for such activities.

ESTABLISHMENT OF THE COMMISSION

SEC. 4. (a) There is established a commission to be known as the National Marine Policy Development Commission (hereinafter referred to in this Act as the "Commission").

(b) The Commission shall consist of seventeen members who shall be appointed by the President within sixty days after the date of enactment of this Act, in accordance with the provisions of this section.

(c)(1) The membership of the Commission shall be composed in such a manner as to provide that of the seventeen members, there shall be ten different members, each of whom is knowledgeable and experienced in one of the following areas of direct concern to the Commission:

(A) one member in marine science;

(B) one member in atmospheric science;

(C) one member in marine technology;

(D) one member in marine industry;

(E) one member in marine-related State and local government service;

(F) one member in living and nonliving marine resource management;

(G) one member in national or international ocean policy; and

(H) one member in nonprofit oceans organizations, including an environmental or consumer organization.

(2) The members shall, in addition to having one or more of the qualifications in paragraph (1), be selected from the academic community, State and local governments, industry, nonprofit oceans policy organizations, and individuals with the knowledge and expertise appropriate to the concerns of the Commission.

(d)(1) The Majority Leader of the Senate and the Speaker of the House of Representatives, in consultation with the Minority Leader of each House, respectively, shall each prepare a list of fourteen nominees for appointment to the Commission.

(2) Each list of nominees may not contain any of the same nominees and shall contain nominees that meet the requirements of subsection (d)(1). No more than half of the nominees from each list shall be a member of the same political party.

(3) The list of nominees required by this subsection shall be submitted to the President within thirty days after the date of enactment of this Act.

(4) The President shall appoint seven members of the Commission from the list submitted by the Majority Leader and seven members from the list submitted by the Speaker. No more than seven members of the Commission appointed pursuant to this section may be members of the same political party.

(5) The President shall make three appointments to the Commission in addition to those appointed pursuant to paragraph (4). Such individuals may be Federal officers or employees or may be employed in the private sector. No more than two such individuals may be members of the same political party.

(6) The President shall select a Chairman and Vice-Chairman of the Commission from members referred to in paragraph (4). The Vice-Chairman shall act as Chairman in the absence of the Chairman.

(e) Except as may be required by electoral changes, members of the Commission shall be appointed to serve until the Commission is terminated pursuant to section 12. In the event of a vacancy, a new member shall be selected in the same manner in which the original appointment was made. The new member shall be selected from the same category of qualifications as the member who has vacated the position and shall be selected from a list of at least two nominees prepared by the Majority Leader of the Senate and Speaker of the House of Representatives.

(g) The Chairman or a majority of the members may call a meeting of the Commission.

ADVISORS TO THE COMMISSION

SEC. 5. (a) The Commission shall have eight congressional advisors who shall—

(1) be composed of four members of the Senate selected by the Majority Leader of the Senate and four members of the House of Representatives selected by the Speaker of the House of Representatives who have knowledge appropriate to the concerns of the Commission; and

(2) advise the Commission in the formulation of findings and recommendations.

(b) No more than two of the congressional advisors from each House may be members of the same political party.

FUNCTIONS OF THE COMMISSION

SEC. 6. (a)(1) The Commission shall develop recommendations to the President and to Congress on a comprehensive national marine policy to carry out the purpose of this Act.

(2) The Commission shall develop recommendations on the international and domestic ocean policies, laws, regulations, and activities of the United States that will define and implement the policy recommended pursuant to paragraph (1). Such recommendations shall—

(A) address domestic and international marine policy issues;

(B) include any modifications in existing United States policies, laws, regulations, and practices necessary to develop efficient long-range programs for—

(i) research in marine and atmospheric sciences;

(ii) the understanding, conservation, management, and development of, marine resources; and

(iii) the protection of the marine environment;

(C) address the most equitable allocation of responsibilities for research in marine and atmospheric sciences and for the understanding, conservation, management, and development of marine resources among Federal agencies, State and local government, and the private sector; and

(D) consider any other aspects of United States marine-related policies, laws, regulations, and practices considered necessary by the Commission in carrying out its duties pursuant to this subsection.

(b) In developing recommendations under subsection (a) the Commission shall—

(1) survey and review all existing and planned ocean-related activities of Federal agencies, including those relating to navigation, marine research, national security, and the conservation, management, and development of marine resources, and the protection of the marine environment;

(2) survey and review all existing and planned marine facilities and equipment, including surface ships, undersea research vehicles and habitats, computers, oceanographic satellites, and other appropriate research tools;

(3) evaluate the relationships among Federal agencies, State and local government and the private sector for planning and carrying out the activities described in this subsection, considering areas of substantial coincidence of interest and responsibilities among the various levels of government, academia, industry, and the public interest community and other users of the marine environment, in order to enhance the efficient use of marine resources;

(4) consider Presidential Proclamation 5030 of March 10, 1983, on the Exclusive Economic Zone of the United States of America, including an examination of opportunities and the need for economic development within the exclusive economic zone which have a major impact on coastal States and the waters at such States and the adequacy of present laws to manage such development in such a way as to minimize conflict;

(5) consider the relationships of United States policies to the Convention of the Law of the Sea and actions available to the United States to affect peaceful collaborations between the United States and other nations, including the development of cooperative international marine programs which will facilitate opportunities for United States scientists to work with foreign nations in the waters of such nations and vice versa and to provide for the development of such programs in the United States; and

(6) engage in any other preparatory work deemed necessary to carry out the duties of the Commission pursuant to this section.

POWERS OF THE COMMISSION

SEC. 7. (a) The Commission is authorized to secure directly from any department or agency of the United States any information it deems necessary to carry out its functions under this Act. Each department or agency shall cooperate with the Commission and, to the extent permitted by law, furnish information to the Commission upon request of the Chairman.

(b) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(d) The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to section 252 of title 41, United States Code, pertaining to advertising and competitive bidding, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

ADMINISTRATIVE PROVISIONS

SEC. 8. (a) Upon request of the Commission, the head of any Federal agency shall detail any of the personnel of such agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act. Such detail shall be on a reimbursable basis.

(b) The Commission is authorized to accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, a volunteer shall not be considered an employee of the United States for any purpose.

(c) To the extent that funds are available, and subject to the rules that may be prescribed to the Commission, the Director appointed pursuant to section 9(a) may procure the temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, but at rates not to exceed the rate of pay for GS-18 of the General Schedule.

(d)(1) All meetings of the Commission shall be open to the public, except when the Chairman or a majority of the members of the Commission determine that the meeting or any portion of it may be closed to the public. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(3) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(4) The Federal Advisory Committee Act (5 U.S.C. App. 1-15) shall not apply to the Commission.

DIRECTOR AND STAFF OF COMMISSION

SEC. 9. (a) The Commission shall have a Director who shall be appointed by the Chairman and who shall be paid at a rate not to exceed the rate of basic pay for GS-18 of the General Schedule. The Director shall be knowledgeable in administrative management and oceans policy or marine sciences.

(b) Subject to such rules as may be prescribed by the Commission, the Director may hire staff for the Commission and shall fix appropriate compensation. The hiring and compensation of the Director and staff under this section may occur without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

COMPENSATION OF MEMBERS

SEC. 10. (a) Members of the Commission appointed by the President pursuant to paragraph (4) of subsection (d) of section 4 shall be paid at a rate not to exceed the basic pay for a GS-18 of the General Schedule for each day, including travel time, during which such members are engaged in the actual performance of the Commission duties.

(b) Members of the Commission who are officers or employees of the United States may not receive pay for service on the Commission, but shall be reimbursed from funds authorized by this Act for travel expenses, including per diem in lieu of subsistence as may be authorized by law for persons in Government service employed intermittently.

COMMISSION REPORT

SEC. 11. No later than eighteen months after the Commission first meets, the Commission shall submit to the President and to each House of the Congress a detailed final report of findings and recommendations pursuant to section 6 of this Act.

TERMINATION OF THE COMMISSION.

SEC. 12. The Commission shall be terminated thirty days after the date of submission of the final report pursuant to section 11.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. There are authorized to be appropriated such sums as are necessary to carry out the purpose of this Act, not to exceed $2,000,000, to remain available until expended.●

By Mr. BINGAMAN (for himself and Mr. FORD):

S. 563. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of landowners certain payments or economic benefits received from the Abandoned Mine Reclamation Fund for uses set forth in section 401 of the Surface Mining Control and Reclamation Act of 1977, and for other purposes; to the Committee on Finance.

ABANDONED MINE RECLAMATION FUND PAYMENTS

● Mr. BINGAMAN. Mr. President, today I am introducing a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments made under the abandoned mine fund as authorized by the Surface Mining Control and Reclamation Act of 1977 [SMCRA].

The problem to be addressed by this legislation arises from a recent Internal Revenue Service technical advice district memorandum pertaining to an Ohio case. Under that IRS memorandum, the total cost-share payments made by the State to the landowners for the purpose of cleanup and reclamation of abandoned mine lands would be taxable as income to the landowners.

I believe this interpretation will have a severe and adverse affect on the abandoned mine reclamation programs authorized by SMCRA. By taxing the reclamation funds as income to the landowners, the landowners will lose any incentive to participate in the program. In the long run, it is the public that will be harmed.

Under the abandoned mine land program, the States and Federal Government expend funds to conduct reclamation work needed to eliminate threats to public safety and health. Participation by landowners should be encouraged, not discouraged.

My bill would exclude from gross income certain reclamation payments and economic benefits the source of which is the abandoned mine land fund authorized by title IV of SMCRA. These payments would therefore not be taxable to the landowners.

This bill should not be read as implying that legislative action is the only means of addressing this issue. I believe that the IRS could construe existing law in a way that would not undercut the AML Program. The IRS has, to date, indicated no interest to do so.

This is an especially important program for New Mexico. The State has averaged receipts from the fund of $1.5 to $2 million every year since it began. In 1986, the State spent approximately $2 million in these reclamation and cleanup activities. Historically, this program has helped reclaim 35 coal mine sites and reclaimed 1,087 acres throughout the State. Approximately 325 mine shafts have been closed. An additional 165 noncoal shafts have also been closed. There has been a significant public benefit in health and safety with the reclamation of this land and closing of abandoned mine shafts.

I encourage my colleagues to consider this important legislation.●

● Mr. FORD. Mr. President, today I am introducing a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain abandoned mine land payments.

Title IV of the Surface Mining Control and Reclamation Act of 1977 [SMCRA] established the abandoned mine reclamation fund to provide for the reclamation of land and water resources adversely affected by past coal mining activities. The fund consists of reclamation fees paid into the fund by coal mine operators. Fifty percent of the funds collected annually in any State is allocated to that State pursuant to a federally approved Abandoned Mine Reclamation Program administered by the State. The balance of the funds is expended on reclamation projects designated by the Secretary of the Interior.

The States and the Federal Government expend the funds on particular abandoned mine lands to conduct reclamation work needed to eliminate threats to public health and safety caused by conditions on the unreclaimed lands.

Recent action by the Internal Revenue Service threatens to severely undercut this important program. Pursuant to a recent District Internal Revenue Service technical advice memorandum pertaining to an Ohio case, the total cost-share payments made by a State to the landowners for the purpose of reclamation are includable in the gross income of the landowners and thus are taxable.

While the Ohio case involved a State AML Program, as opposed to a program funded under SMCRA, it appears that it could have serious adverse consequences to the AML programs authorized by SMCRA. By placing a tax burden on the landowners participating in the AML Program, participation is deterred, thus severely undercutting the beneficial public purposes of the AML Program. This is a result that was not intended by Congress.

My bill would address this problem by excluding certain reclamation payments and economic benefits, the source of which are funds collected under title IV of SMCRA, from gross income. Thus, such payments would not be taxable.

By offering this bill, I do not mean to imply that legislative action is the only means of rectifying the situation. I believe that the IRS could construe existing law in a way that would not undercut the AML Program. The IRS, however, has to date indicated no intention to do so.

I urge my colleagues to support and join me as cosponsors of this measure in order to address the problem created by this unfortunate IRS determination.

I ask unanimous consent that the text of this bill together with a section-by-section analysis and correspondence from the Commonwealth of Kentucky on the subject be inserted in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

(a) Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 135 as section 136 and by inserting immediately after section 134 the following new section:

"SEC. 135. ABANDONED MINE RECLAMATION FUND PAYMENTS OR ECONOMIC BENEFITS.

"(a) Gross income does not include payments, or economic benefits resulting from payments, under the Abandoned Mine Reclamation Fund of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(c), 91 Stat. 457).

"(b) Subsection (a) does not apply to:

"(1) payments made as compensation for services performed;

"(2) payments made for the use or acquisition of any interests in real or personal property;

"(3) income from the sale of minerals, soil, or any other materials in or on the affected land or water; or

"(4) income from the sale or exchange of any interests in affected land or water.

"(c) The taxpayer may elect not to have the provisions of subsection (a) apply.

"(d) No deduction or credit shall be allowed with respect to any expenditure which is properly associated with any amount excluded from gross income under subsection (a).

"(e) No adjustment to basis shall be made with respect to property acquired or improved through the use of any payment, to the extent that such adjustment would reflect any amount which is excluded from gross income under subsection (a).

"(f) The amendment made by this section shall apply with respect to payments or economic benefits received by landowners from the Abandoned Mine Reclamation Fund after April 1, 1978.

(b) The table of sections for such part is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 135. Abandoned Mine Reclamation Fund payments or economic benefits.

"Sec. 136. Cross references to other acts."

(c) Section 126 of the Internal Revenue Code of 1986 is amended by deleting subparagraph (a)(2) and redesignating subparagraphs (a)(3) through (a)(10) as subparagraphs (a)(2) through (a)(9).

SECTION-BY-SECTION ANALYSIS

Section (a) amends part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 to add a new section 128 covering Abandoned Mine Reclamation Fund payments or economic benefits.

Subsection (a) of new section 128 establishes the general rule excluding payments, or economic benefits resulting from payments, under the Abandoned Mine Reclamation Fund.

Subsection (b) of new section 128 sets forth exceptions to the general rule. Payments made as compensation for services performed, and payments made for the use or acquisition of any interests in real or personal property, are not excluded by subsection (a). Also not excluded is income from the sale of minerals, soil, or any other materials in or on land or water affected by reclamation efforts, and income from the sale or exchange of any interests in land or water affected by reclamation efforts. These exceptions to the general rule are intended to ensure that those abandoned Mine Reclamation Fund payments or economic benefits which indeed result in gross income for recipient landowners, and which are not otherwise excluded, will be included in their gross income.

Subsection (c) provides that the taxpayer may elect not to have subsection (a) apply.

Subsection (d) provides that no deduction or credit shall be allowed with respect to any expenditure which is properly associated with an amount excluded from gross income.

Subsection (e) provides that no adjustment to basis shall be made with respect to property acquired or improved through use of an amount excluded from gross income.

Subsection (f) provides that the amendment will apply to Abandoned Mine Reclamation Fund payments or economic benefits received by landowners after April 1, 1978, which will include all payments that have been made from the fund.

Section (b) makes clerical changes in the Internal Revenue Code.

Section (c) deletes subparagraph (a)(2) of Section 126 of the Internal Revenue Code pertaining to the Rural Abandoned Mine Program (RAMP), because payments, and economic benefits resulting from payments, under the RAMP are covered by new Section 135.

U.S. SENATE,
Washington, DC, February 6, 1987.

Hon. LAWRENCE B. GIBBS,
Commissioner, Internal Revenue Service,
Washington, DC.

DEAR COMMISSIONER: I am writing to express my grave concern regarding the conclusions contained in the enclosed District Internal Revenue Service Technical Advice Memorandum relating to the tax consequences of participation in a state-sponsored abandoned mine land (AML) reclamation program. It is my understanding that pursuant to the Technical Advice Memorandum, the total cost-share payments made by the state to the landowners for the purpose of reclamation are includable in the gross income of the landowners and thus are taxable.

I believe that if allowed to stand, the Technical Advice Memorandum would result in serious adverse consequences to the Abandoned Mine Land Program authorized by Title IV of the Surface Mining Control and Reclamation Act of 1977, as well as State-administered AML programs. The Technical Advice Memorandum results in a tax burden on the landowners participating in the AML program, thus deterring participation and severely undercutting the beneficial public purposes of the AML program.

I appreciate your careful review of this important matter. Please keep me advised of all developments on this issue.

Sincerely,

WENDELL.

COMMONWEALTH OF KENTUCKY,
NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET,
Frankfort, KY, December 22, 1986.

Hon. WENDELL H. FORD,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR FORD: Recent action by an Internal Revenue Service (IRS) field office in Ohio threatens to destroy the Abandoned Mine Land (AML) Reclamation Program nationwide. Briefly, the IRS field office has ruled that public monies spent for reclaiming abandoned mine lands on one individual's property must be considered income to that individual and taxable as such.

The state of Ohio has worked very diligently to explain that monies spent for reclamation are directed principally toward achieving a public benefit. The reclamation contractor is paid for the work completed with the property owner receiving no direct benefit other than, at times, a minimal enhancement of property value. Although this case arises from a state funded reclamation program in Ohio, it has direct implications for the nationwide Abandoned Mine Land Reclamation Program authorized by Title IV of Public Law 95-87.

I am sure that you can appreciate that a citizen would not be inclined to grant the government permission to enter upon his land to perform reclamation if the monies expended for that work will be taxable as income. I am enclosing a copy of a letter from U.S. Department of the Interior Assistant Secretary Steven Griles to Lawrence B. Gibbs, Commissioner of the Internal Revenue Service. That letter, with attachments, provides a good explanation of the issue. I believe that IRS has not, to date, responded to Assistant Secretary Griles' letter.

It is our understanding that this problem can only be resolved through an amendment to the Tax Code or Public Law 95-87. Further, it appears that the states must take the lead in resolving this issue. I am aware that the Office of Surface Mining (OSM) has drafted several possible amendments to either the Tax Code or Public Law 95-87 which would resolve this problem. I further understand that if Congress requests a drafting service of OSM, these drafts could be forwarded for your review.

If this issue is not resolved early in 1987, I believe that the Abandoned Mine Land Programs, not only in Kentucky, but throughout the nation will be stopped completely. As you know, our Abandoned Mine Land Program in Kentucky is continuing to construct projects throughout our eastern and western Kentucky coalfields to address our very severe AML problems. The critical nature of this so-called income tax issue cannot be overstated. I, therefore, earnestly request your assistance in working with the Congress to resolve this problem as early as possible.

Because of the singular importance of this issue, similar letters are being sent to all of our Kentucky Congressional delegation. Representatives of this Cabinet are available to come to Washington to meet with you or your staff to assist or provide any information which will be helpful to your efforts. Your assistance and attention to this most important problem is sincerely needed.

Yours truly,

CHARLOTTE E. BALDWIN,
Secretary.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, September 25, 1986.

Hon. LAWRENCE B. GIBBS,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR COMMISSIONER: We are enclosing a District Internal Revenue Service Opinion concerning the tax consequences for an Ohio family that participated in a State sponsored mine land reclamation program. We believe the opinion includes both factual and legal errors and respectfully request that the opinion be withdrawn. We are particularly concerned about the possibility that this opinion may be considered for application on a national basis.

The case in question concerns two cost-sharing grants from the State of Ohio under its Abandoned Mine Land Cost-Share Program, Ohio revised Code 1513.28. This program funded solely from State revenues provided grants to landowners to reclaim lands that have been adversely affected by past mining practices. These mining activities have imposed social and environmental costs in the form of unusable unreclaimed lands, water pollution, erosion, loss of fish and wildlife resources and a decline in the natural environment. In many instances, the condition of these lands creates serious health and safety threats to the general public through uncontrolled refuse and threats to the general public through uncontrolled refuse and underground fires, unstable spoil and waste piles and unsafe impoundments. Indeed, the lands are truly "abandoned" in the sense that neither current nor prior landowners have a legal responsibility to reclaim them.

The Ohio reclamation program, much like other reclamation programs, seeks to correct this past legacy by providing landowners funds necessary to restore the land to its original productivity. It is the general public that gains from this program and not specific individuals.

The case in point involved the restoration of 132 acres of strip-mined land owned by the taxpayer and 68 acres owned by a neighbor. There was no agreement between the taxpayer and this adjoining landowner for reimbursement, and the State required the reclamation of the entire 200 acres in order for the taxpayer to participate. Pre-appraisals of the taxpayer's land placed the value of approximately $15,200 or at about $100 an acre. The land in question contained old refuse piles and sediment filled streams that caused the flooding of nearby agricultural lands which were not owned or controlled by the taxpayer. To correct this continuing threat to the public at large and to prevent further economic decline of local agricultural production, the State provided the taxpayer $930,000 in two grants to remove the sediment from the streams and reclaim the old gob piles. The post-appraisal of the 200 acres placed its new market value at $35,000 with its highest and best use still being wildlife habitat or pasture land. The benefits derived from this project clearly accrued to the community at large and not to the taxpayer.

The local Internal revenue opinion found, based on these facts, that the total cost-share payments ($930, 000) for the reclamation of the taxpayers' 132 acres and the 68 acres of his neighbor were includable in the gross income of the taxpayer in the years received. In our opinion, this is an absurb result, one that would have dire consequences for many Government sponsored reclamation programs.

Our specific concerns with the District Opinion are:

1. The opinion incorrectly links the State reclamation program with the reclamation programs administered by the Department of the Interior's Office of Surface Mining Reclamation and Enforcement. The Ohio cost-share program is not adminstered under the auspices of Section 401 of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87. 30 U.S.C. 1201 et seq. Indeed, the Department has no control, financial or administrative, over this program. By making this linkage, however, the opinion totally jeopardizes the Department's own three billion dollar reclamation effort involving thousands of acres of privately held land.

2. The opinion disallows the tax exclusion provided in Section 126(a)(10) of the Internal Revenue Code. This section of the code provides that "gross income does not include the excludable portion of payments received under any program of a State . . . under which payments are made to individuals primarily for the purpose of conserving soil, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." The opinion does not dispute the purpose of the Ohio program or the nature of the reclamation grants. Rather, the opinion finds that because the State of Ohio failed to file certain documents with the Department of Agriculture concerning the reclamation purpose of the program, all landowners who participate will be unable to claim the exclusion. Such filings, however, are totally outside the ability or influence of the Ohio citizens.

3. The opinion finds that the taxpayers must include the total cost of the reclamation, $930,000 in their gross income despite the fact that the reclamation was carried out to correct proven dangers to the public at large and not to benefit the landowner directly. The Internal Revenue Service has held in other areas, however, that disbursement from a general welfare fund made in the interest and improvement of the general welfare are not includable in a recipient's gross income. (See Rev. Ruling No. 63-136 concerning payments under the Manpower Development and Training Act; Rev. Ruling No 68-38, involving payments under Title II-A of the Economic Opportunity Act of 1964; Rev. Rule No. 72-340, concerning monies paid by city to unemployed probationers; Rev. Ruling No. 74-205, holding the replacement housing payments received by individuals under the Housing and Urban Development Act of 1968 and the Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970, are not includable in a recipient's gross income; Rev. Ruling No. 75-271, holding that mortgage assistance payments that are interest subsidies paid under S. 235 of the National Housing Act are in the nature of general welfare and not includable in gross income; Rev. Ruling No. 76.144, holding that Government assistance under the Disaster Relief Act of 1974 to help affected people are in the interest of the general public; Rev. Ruling 76-395, concerning home rehabilitation grants under the Community Development Program and Rev. Ruling 7777, concerning nonreimburseable grants under the Indian Financing Act of 1974.)

We believe all of these rulings as cited, establish a firm basis for finding that programs such as those of the Ohio reclamation program are fully exempt from taxes under varying interpretations of the Tax Code.

4. The opinion cites several revenue rulings concerning Government cost-share payments as precedent for holding the present payments includable in a recipient's gross income. These holdings, however, are clearly distinguishable as programs designed to increase the profitability and productivity of the lands involved. In the present situation, the grants are made not to increase the profitability of a specific landowner but to correct an existing environmental danger that threatens the community-at-large. Indeed, a simple review of the financial data supports this conclusion.

The streams on the taxpayers lands have been filled with coal sediment from nearby gob piles and periodically flood adjacent agricultural lands. The cost of removing the sediment and reclaiming the land was approximately $930,000. The highest and best use of the taxpayers land was not altered, however, and the taxpayer only realized a value increment of some $13,000. Nevertheless the opinion would still hold the taxpayer accountable for the total $930,000.

5. The opinion states that the cost-share payments used to reclaim the adjoining 68 acres are also includable in the taxpayer's gross income. We cannot understand this assumption particularly in light of the fact that it is wholly unsupported by citation or tax code reference. The taxpayer clearly has received only marginal economic benefit from performing the reclamation and undertook to reclaim the additional 68 acres only because he believed that it would be considered a business venture for which all associated costs would be deductible. Further, we believe that under current tax laws any marginal economic benefit derived should under no circumstance be taxed as gross income.

For the reasons stated, I urge you to withdraw this opinion until its errors can be corrected and a more thorough review of its holdings conducted. Although the Ohio program does not involve the Department directly, this opinion if allowed to stand could have far-reaching consequences on our programs.

We are ready to meet with you at your convenience to discuss these matters in more detail.

Sincerely yours,

J. Steven Griles,
Assistant Secretary,
Lands and Minerals Management.

Enclosure.

DISTRICT INTERNAL REVENUE SERVICE OPINION

Taxpayers' Names: ——.
Taxpayers' Address: ——.
Taxpayer Indentification No.: ——.
Years Involved: ——.
Date of Conference: ——.

ISSUES

(1) Whether the amounts at issue are includible in the gross income of the Taxpayers for federal income tax purposes if the partial exclusion under section 126 of the Internal Revenue Code does not apply.

(2) Whether the expenditures made by the Taxpayers for reclamation of their land and that of an adjoining landowner are deductible by the Taxpayers for income tax purposes.

FACTS

Taxpayers received two cost sharing grants from the state of *A*, under the provisions of the Revised Code of *A*, for reclamation of lands that lie within the boundaries of a project area approved by the appropriate state authorities. The Taxpayers applied to the state for a grant of up to *o* percent of reasonable and necessary expenses incurred to reclaim the subject land. The project consisted of *p* acres and was funded in two phases.

Phase I reimbursements totaled $*m*, representing the state's *o* percent share of the cost to reclaim *q* acres owned entirely by the Taxpayers.

Phase II reimbursements totaled $*n*, representing the state's share of the cost to reclaim *r* acres owned by the Taxpayers and *s* acres owned by an adjoining landowner. The Taxpayers acquired their *t* acres in an unreclaimed stripped-out condition in year *y*.

There were no agreements between the Taxpayers and the adjoining landowner for additional reimbursement. The state required the reclamation of the entire *p* acres in order for the Taxpayers to participate in this program. It was the Taxpayers' decision to participate in the state of *A* Strip Mines Land Reclamation Program (the "Program"), and act as managing landowners and project reclamation coordinators. The Taxpayers were not in the land reclamation business prior to commencement of this project.

The grant reimbursements began during year *w* and ended early in year *x*. The actual total cost of reclamation was in excess of the state's cost-sharing payments. The Taxpayers purchased heavy equipment, hired operators, entered contracts, purchased materials and supplies, and generally coordinated and supervised the entire project. As managing landowners, the Taxpayers established books and records to account for the receipt of grant monies and accounted for the costs of reclamation done according to the terms of the grant. No provision was made for a profit to the Taxpayers.

The Program of *A* is administered under the auspices of section 401 of the Surface Mining and Control Act of 1977 (30 U.S.C. 1236) (the "Act") which established a national program for the reclamation of mine land that is enforced by the states with back-up authority in the United States Department of Interior.

Effective on date *u*, the state of *A* deposited in the state treasury the unclaimed land funds for the reasonable and necessary reclamation expenses incurred by the owner of any unreclaimed land affected by mining before date *v* or pursuant to a license issued before date *v*. The Program applies only to land where mining causes or may cause pollution of the waters of the state or damage to adjacent property, which is not likely to be mined in the forseeable future, and lies within the boundaries of the project area approved by the Board of Unreclaimed Strip Mines Land of state *A*.

The state of *A* was informed by the United States Department of Agriculture on May 24, 1979, of section 543 of the Revenue Act of 1978 (P.L. 95-600), which added sections 126 and 1255 to the Code, under which recipients may exclude all or part of the payments received under certain federal or state programs if they are determined by the Secretary of Agriculture as being for the purposes specified under section 126. The state of *A*, Department of Natural Resources, Division of Reclamation did not make application for the necessary determination of the purposes of the Program by the Secretary of Agriculture.

The Taxpayers included on Schedule "C" Form 1040, the gross amount of the cost-sharing grants for the year received and claimed credits and took current deductions for the cost to reclaim the land. No costs were capitalized to the land. The Taxpayers subsequently raised the question whether the cost-share grants they received should have been excluded from their gross income under section 126 of the Code. The Taxpayers are not farmers or coal mine operators.

LAW AND ANALYSIS

Section 61 of the Code defines gross income as all income from whatever source derived unless specifically excluded by law.

Section 126(a) of the Code provides that gross income does not include the excludable portion of payments received under certain specifically named federal conservation programs including, under section 126(a)(2), the rural abandoned mine program authorized by section 406 of the Act.

Section 126(a)(10) of the Code provides that gross income does not include the excludable portion of payments received under any program of a State, possession of the United States, a political subdivision of any of the foregoing, or the District of Columbia under which payments are made to individuals primarily for the purpose of conserving soil, protecting or restoring the environment, improving forests, or providing a habitat for wildlife.

Section 126(b)(1) defines the term "excludable portion" to mean that portion (or all) of a payment made to any person under any program described in subsection (a) which (A) is determined by the Secretary of Agriculture to be made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife, * * *.

The excludable portion of payments made under the rural abandoned mine program authorized by section 406 of the Act are specifically excluded from gross income by section 126(a)(2) of the Code. There is no such exclusion for payments under section 401 of the Act under which the payments to the Taxpayers were made.

Had the state of *A* submitted its Program to the Department of Agriculture for a determination that the excludable portion of payments under the Program were for the purposes specified in section 126(b)(1)(A), the payments may have been excludable under section 126(a)(10) of the Code. However, state *A* did not seek this determination. Therefore, section 126 of the Code does not apply to the payments made to the Taxpayers.

Rev. Rul. 76-6, 1976-1 C.B. 176, which was published prior to the enactment of section 126 of the Code, held that cost-share payments under the forestry incentives program (F.I.P.), authorized by the Agriculture and Consumer Protection Act of 1973, Pub. L. No. 93-86, were includible in the recipient's gross income in the year received. Rev. Rul. 76-6 also held the total costs of reforestation (not diminished by the F.I.P. payments) were to be capitalized as a cost of timber. The Rev. Rul. cited ***Baboguivari Cattle Co.*** v. ***Commissioner,*** 135 F.2d 114 (9th Cir. 1943), 1943 C.B. 1013, aff'g 47 B.T.A. 129 (1942); ***Harding*** v. ***Commissioner,*** T.C.M. 1970-119; and ***Driscoll*** v. ***Commissioner,*** No. 13, 716 (T.C.M. 1944) aff'd in part and rev'd in part, 147 F.2d 493 (5th Cir. 1945). In these cases taxpayers received various kinds of government cost-sharing payments, all of which were held to be includible in the recipients' gross incomes.

Section 126 was added to the Code by Public Law 95-600, 95th Cong., 2d Sess., (November 6, 1978), 1978-3 C.B. 1, 123. Section 126(a)(8) specifically excludes from the gross income of the recipient the excludable portion of P.I.P. payments received under section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103), which updates the P.I.P. payments ruled on in Rev. Rul. 76-6.

Rev. Rul. 84-67, 1984-1 C.B. 28, supercedes Rev. Rul. 76-6, and holds that the excludable portion of F.I.P. payments are excludable from the recipient's gross income under section 126 of the Code. All of this illustrates that the various government cost-share payments, such as those in the present case, are includible in the gross incomes of the recipients absent a specific provision of law excluding such payments.

In the Baboquivari case the cost-sharing payments the taxpayer received were for erosion prevention facilities such as dirt reservoirs, earthen tanks, and a rubble masonry dam the taxpayer constructed or rebuilt primarily on land that did not belong to him. The facilities did help prevent erosion on the taxpayer's own grazing land and grazing land leased from the state government. The court held the entire amounts of the subsidy payments were includible in the taxpayer's gross income in the years received.

There is no provision in the Act which evinces an intent on the part of Congress that payments under the Act are excludable from gross income.

Section 263(a) of the Code states, in part, that no deductions shall be allowed for (1) any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate or (2) any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

Thus, expenditures that appreciably prolong the life, or enhance the value, of existing assets may not be deducted. Such expenditures must be capitalized and recovered through depreciation allowances over the life of the asset, if the asset is depreciable. If the asset is not depreciable, as in the case of land, the cost is not recoverable unless and until the property is disposed of.

In *Coors* v. *Commissioner,* 60 TC 368 (1973), the United States Tax Court held that expenditures to shape and mold land resulted in an improvement in the land itself and must be capitalized.

Rev. Rul. 58-373, 1958-2 C.B. 125, holds that a voluntary contribution by a corporation to defray in part the cost of state construction of a bridge of sufficient capacity to be traveled by trucks in transferring stone from the corporation's quarries on the south side of a river to its plant on the north side of the river constitutes an exhaustible capital expenditure which is depreciable or amortizable over the estimated useful life (period of economic usefulness to the corporation) of the bridge even though the corporation has no legal title thereto.

In this case, the Taxpayers have made payments for permanent improvements to their land. In order to receive State funds, they were also obligated to make improvements to a neighbor's land even though they do not possess legal title to such land.

CONCLUSION

(1) The total cost-share payments made to the Taxpayers by the state of *A* for the purpose of reclamation of the Taxpayers' 132 acres of strip-mined land and the 68 acres of strip-mined land owned by the adjoining land owner are includible in the gross income of the Taxpayers in the years received.

(2) All of the amounts the Taxpayers spent to reclaim the above-described *p* acres of land constitute capital expenditures to restore the land and such amounts are not deductible pursuant to section 263(a) of the Code.

Tax Issues Concerning the Abandoned Mine Land Program

(Report prepared by Christopher W. Warner, Acting Assistant Solicitor, Division of Surface Mining)

A. BACKGROUND

The Abandoned Mine Land (AML) Program established by Title IV of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87 (SMCRA) has the responsibility for abating and reclaiming lands and water adversely affected by past coal mining practices. Lands and water eligible for reclamation or drainage abatement expenditures are those "which were mined for coal or which were affected by such mining, wastebanks, coal processing or other coal mining processes and abandoned or left in an inadequate reclamation status prior to the date of enactment of this Act (August 3, 1977), and for which there is no continuing reclamation responsibility under State or other Federal laws." 30 U.S.C. 1234.

The objectives of the reclamation program include the protection of health and safety of the public; protection of the environment from continued degradation and conservation of land and water resources; the protection of public facilities and research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods. 30 U.S.C. 1233. There are accomplished by: a) collection of reclamation fees levied under Section 402 of the Act, b) a State and Indian Reclamation Program, c) a Federal Reclamation Program, d) a Rural Abandoned Mine Land Program administered through the Department of Agriculture and e) coordination with other Federal agencies. H.R. Rept. No. 95-218, 95th Cong., 1st Sess. 134-140 (1977).

Windfall profits to landowners that might result from reclamation under this program can be partially avoided by the placement of liens for the increased value to the land due to the reclamation activities as provided for in Section 408 of the Act. H.R. Rept. No. 95-218, 95th Cong., 1st Sess. 139 (1977). The Act, however, provides a statutory exemption from the Section 408 lien if the person owned the surface prior to May 2, 1977, and neither consented to nor participated in nor exercised control over the mining operation which necessitated the reclamation performed. Approximately 60% of all projects performed are exempt from placement of a lien.

Section 406 of the Act establishes a Rural Abandoned Mine Program (RAMP) administered by the Secretary of the Department of Agriculture through the Soil Consevation Services. Utilizing up to one-fifth of the monies deposited in the Abandoned Mine Land Trust Fund, Agriculture has developed a program to provide small rural landowners technical and financial resources to reclaim land affected by past coal mining operations. Reclamation is to be accomplished according to a mutually agreed upon plan through contracts with the landowners to accomplish land stabilization and conservation work. 7 C.F.R. Part 632, 43 F.R. 44748 (September 28, 1978). There is no provision to recapture windfall profits derived from these reclamation efforts, however.

Under Title IV, funds utilized by the Abandoned Mine Land Program administered by the Secretary of the Interior are not distributed as cost-share payments directly to landowners to accomplish the required reclamation as is possible under the Rural Abandoned Mine Program. AML funds, instead, are distributed directly to either a private contractor who does the required work or a State which, in turn, contracts out the work to the private sector. At no time is the landowner involved in the specific reclamation work nor the use of his land specifically restricted.[1] In addition, the AML program provides for entry onto private land either upon written consent of the owner or by authority of the police power where owners are not known or will not give their permission for entry. 30 U.S.C. 1237. Use of the police power to protect the public health, safety and welfare is not construed as an act of condemnation of property or of trespass. 30 U.S.C. 1237. RAMP has no police power authority.

OSM has funded reclamation projects on private lands at a total cost of over a billion dollars since April 1978. To our knowledge, the Internal Revenue Service (IRS) has never instituted collection or enforcement procedures against any participating landowner for the increased economic benefits derived from the Government's reclamation efforts.

B. GENESIS OF CONCERN REGARDING TAX CONSEQUENCES TO LANDOWNERS

1. *The Department of Agriculture's Rural Abandoned Mine Program.*—The origin of concern over the tax consequences of payments under the AML program arose with the Department of Agriculture's Rural Abandoned Mine Land Program. See comment 11, 43 F.R. 44749 (September 28, 1978). This program provides for direct cost sharing grants to the landowners by the Secretary of Agriculture for reclamation of rural abandoned mine lands. Under RAMP the Secretary of Agriculture can provide up to 80 percent of the total cost; the landowner can provide the matching amount through labor and equipment. The Government's share of the costs, however, may be increased or decreased if the main benefits derived from the project are related to improving off-site water quality or aesthetic values and if the matching share requirement would place a burden on the landowner that would prevent his participation in the progr!m. See 7 C.F.R. 632.17(a)(1). Mosd RAMP projects have fallen into this category with the Federal Government picking up 100% of the costs. Despite the public benefits of the program and its primary intent to protect the public health and welfare, Agriculture officials believed that payments made through RAMP were taxable as gross income. No legal memoranda could be found on this subject, however.

2. *IRS 1978 Opinion regarding RAMP tax consequences.*—The Department of Agriculture in 1978 requested a revenue ruling from the IRS as to whether the Federal cost-share payments to landowners under RAMP were includable in the gross income of the recipient and Section 61(a) of the Internal Revenue Act of 1954, as amended.[2] The IRS responded in an informal opinion that the RAMP cost-sharing grants should be treated as income by the landowner-recipient.[3]

> The programs involved in Rev. Rul. 76-6 and the above cited court cases, are to a degree, distinguishable from the instant program in that the former involve subsidy payments which benefit only the recipient while the instant case concerns payments which benefit primarily parties other than the recipient. However, the underlying principle would appear to apply to the RAMP program in that, absent a specific statutory exclusion, subsidy payments by the government are generally includable in the recipient's gross income. *It would also appear that if payments are made by a person other than the landowner to a third party to make improvements to the landowner's property, the landowner would realize an economic benefit which would be taxable to the extent of the cost or value of the improvement. See James R. Ritter v. United States,* 393 F.2d 823 (Ct. Cl. 1968), *cert. denied,* 393 U.S. 844 (1980).

IRS Informal Opinion, September 15, 1978 (emphasis added).[4]

C. LEGISLATIVE RESPONSE TO RAMP TAX PROBLEM

The IRS opinion regarding payments made under Section 406 of the Act confirmed Agriculture's initial research. To alleviate the problem, Agriculture drafted a proposed amendment to the Internal Revenue Code. Congress failed to deal solely with the merits of the RAMP amendment, however, and instead placed together ten cost-sharing programs and devised a general tax amendment for them. In November of 1978, Congress enacted Public Law 95-600, amending Section 126 of the Internal Revenue Code. This amendment provided an exclusion from gross income for certain conservation grants received under several cost-sharing programs administered by Agriculture. The amendment has the following pertinent features:

(1) The exclusion applies to the extent that the Secretary of Agriculture determines that the payment is made primarily for conservation or related purposes and only to the extent that the Secretary of the Treasury determines the payment does not substantially increase the annual income of the recipient.

(2) Consistent with the exclusion from income, a current deduction, depreciation, amortization, depletion or investment credit may not be claimed with respect to the excluded amounts. Furthermore, the basis of any property acquired or improved with such payments is not increased to reflect the amount of such payments.

(3) An ordinary income recapture provision is provided (Section 1255) where the property or improvement purchased with such payment is disposed of before the expiration of 20 years. The amount to be recaptured is reduced by 10 percent per year after the first ten years.

D. TAX CONSEQUENCES UNDER THE AML PROGRAM

OSM's initial position in 1978 was that there was a fundamental difference between the AML program and RAMP. That is, AML does not involve cost-share payments to recipients or direct payment contracts to affected landowners. In addition, Section 408 of the Act, requiring the placement of liens on certain reclaimed lands, was believed to constitute Congress' equivalent of a tax provision and the proper way to prevent landowners from repeating windfall profits.[5]

After further research and given Congress' amendment to clarify the tax consequences of the Rural Abandoned Mine Programs, OSMRE notified States that there could be tax consequences. Legally, to be exempt from taxable consequences, there must either be an explicit statutory exemption or the benefits derived must come within the scope of certain defined exemptions for disbursements made under legislatively provided social benefit programs for promotion of the general welfare.[6] Except for the language in Section 408, SMCRA does not have an explicit exemption, and the AML projects, in some instances, lack the immediacy and the need evidenced in the exemptions. Moreover, since approximately 60 percent of the landowners have satisfied the lien exemption criteria in Section 408(a) of SMCRA, there exists the very real possibility that some will realize windfall profits from the reclamation.

E. LEGISLATIVE PROPOSALS

After reviewing the Act, the legislative history and relevant case law on this subject, the Solicitor's Office in 1980 drafted for OSM a proposed amendment to the Internal Revenue Code explicitly exempting certain payments to, or economic benefits derived by, landowners who participate in the Abandoned Mine Land Program. Discussions were held with the Department of Treasury concerning the amendment, but no agreement was ever reached. Treasury's position was that OSM's amendment would allow landowners to reap windfall profits if they were exempt under Section 408(a) of SMCRA or if OSM, or a State under an approved AML Program, decided to administratively waive the filing of a lien. Furthermore, Treasury's solution was to adopt an amendment similar to the one provided for the Rural Abandoned Mine Program. Due to the complexity of the RAMP amendment and its failure to resolve the problems in the AML program, OSMRE declined the option. Note—The IRS has never taken any action against a landowner participating in the AML program.

F. OHIO TAX CASE

The IRS has recently issued a deficiency notice to an Ohio landowner who participated in Ohio's Land Reborn program. This is a non-SMCRA reclamation program, but its features are similar. The landowner did not utilize Section 126 of the Internal Revenue Code. Section 1(a)(10) provides that "gross income does not include the excludable portion of payments received under. . . (10) any State program under which payments are made to individuals primarily for the purpose of conserving soil, protecting or restoring the environment, improving forests or providing a habitat for wildlife."

At the present time no final opinion has been issued by the IRS, and the landowner is still pursuing his administrative remedies. Since this is a non-SMCRA case, there is very little the Agency can do.

FOOTNOTES

[1] RAMP regulations provide that reclaimed lands must remain in their natural state or be used for agricultural or silvicultural purposes during the length of the contracts, usually five to ten years. See 7 C.F.R. Sections 632.22 (contracts) and 632.42 (violation procedures). Also, RAMP regulations allow for certain cost-sharing rates and payments made directly to landowners (7 C.F.R. 632.16 & 17). SCS officials have not utilized this cost-sharing authority to any significant degree.

[2] Section 61(a) of the Internal Revenue Code defines gross income as all income from whatever source derived unless specifically excluded by some other provision of law. Section 1.61-1 of the Income Tax Regulations provides, in part, that gross income includes income realized in any form, whether in money, property, or services.

[3] There are two aspects of the tax consequences of reclamation. The first tax question concerns whether the economic benefits derived from reclamation activities are includable in a landowner's gross income. The second issue concerns whether the increased market value of land after reclamation should be afforded special tax treatment. With regard to the first issue, OSM's consistent position has been that such benefits are not taxable. Because of the general welfare provisions of Title IV and the recovery of windfall profits under the lien provision in Section 408, OSM has maintained that Congress did not intend to tax benefits derived from such reclamation activities. Regarding the second issue, no special treatment is needed. The basis of the land will remain at its original value, and therefore the increased value due to reclamation, as well as appreciation, will be recovered by long term capital gains taxes when the land is sold.

[4] Government payments and cost-sharing benefits received by farmers and ranchers under soil conservation and similar programs have been held to be income. See *Baboquivari Cattle Co.* v. *Commissioner*, 135 F.2d 114 (9th Cir. 1943), 1943 C.B. 1013; *Ray L. Harding*, 29 CCH Tax Ct. Mem. 789 (1970); *Clara Driscoll*. 3 CCH Tax Ct. Mem. 73 (1944). In *Harding*, the Court stated that "Where the Congress intends that such payments be excluded from gross income, either the enabling legislation or the Internal Revenue Code specifically provides for the exclusion."

[5] In many situations when land is reclaimed to protect the public or the environment, there is very little direct benefit to the landowner. Indeed, the only direct benefit might be the enhancement of water quality or a more hospitable wildlife habitat. In some cases, even after reclamation, the land might offer little potential for income production for the landowner. For example, the following figures represent realistic consequences of reclamation efforts in Ohio.

Facts: Average acres to be reclaimed, 40 acres; Estimated cost of reclamation per acre, $7,600; Estimated cost-share rate: 100%.

Total cost: 40 acres x $7,600 per acre = $304,000; Total tax is based on cost = $152,000 (50%); Tax cost per acre = $3,800.

Land values: Estimated land value before reclamation, $150 per acre; Estimated land value after reclamation; $300 per acre; Increase in land value; $150 per acre; Average increase in net income per acre, $13 per acre.

As stated in a 1974 House Committee report on the Surface Mining Act: "The widespread environmental degradation from surface mining has resulted in the deterioration of the social and economic climate of many regions in this country. Where states have been unwilling or unable to abate the problems, the social and economic burdens have been placed upon local residents. The injustice of requiring persons least able to shoulder such an enormous burden is obvious." H.R. Rept. No. 93-1072, 93rd Cong., 1st Sess. 116 (1974). Since the reclamation does not itself generate income, the landowner, if taxed, would still be carrying much of the financial burden, thereby negating the purpose and the spirit of the Act.

[6] The IRS has held that disbursements from a general welfare fund made in the interest and improvement of the general welfare are not includable in a recipient's gross income. See Rev. Ruling No. 63-136 concerning payments under the Manpower Development and Training Act; Rev. Ruling No. 68-38, involving payments under Title II-A of the Economic Opportunity Act of 1964; Rev. Ruling No. 72-340, concerning monies paid by city to unemployed probationers; Rev. Ruling No. 74-205, holding that replacement housing payments received by individuals under the Housing and Urban Development Act of 1968 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, are not includable in a recipient's gross income; Rev. Ruling No. 1 75-271, holding that mortgage assistance payments that are interest subsidies paid under § 235 of the National Housing Act are in the nature of general welfare and not includable; Rev. Ruling No. 76-144, holding that Government assistance under the Disaster Relief Act of 1974 to help affected people are in the interest of the general public; Rev. Ruling 76-395, concerning home rehabilitation grants under the Community Development Program, and Rev. Ruling No. 7777, concerning nonreimbursable grants under the Indian Financing Act of 1974.●

By Mr. D'AMATO:

S. 564. A bill to amend the Internal Revenue Code of 1986 to exclude tax-exempt interest from the computation of the alternative minimum tax and the amount of Social Security benefits to be taxed; to the Committee on Finance.

TREATMENT OF TAX-EXEMPT INTEREST

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to remove tax-exempt interest as a preference item for purposes of the corporate and individual minimum taxes. I feel strongly that the inclusion of municipal bond interest in a minimum tax represents a direct Federal tax on municipal bonds. This is an unconstitutional infringement on the operations of State and local government.

The Tax Reform Act of 1986 includes as a preference item for purposes of the minimum tax interest income from "nonessential municipal bonds." The tax bill generally defines nonessential bonds as those in which more than 10 percent of the bond proceeds are used by a private entity, or more than 5 percent of the bond proceeds are loaned to a private entity.

Mr. President, what does this mean? Interest income derived from tax-exempt bonds used to build apartment buildings and privately managed resource recovery plants will be subject to a Federal tax. Even interest from general obligation bonds may be subject to the minimum tax if more than 10 percent of the bond proceeds are used by a private entity.

Today, private purpose bonds are being issued at a premium of 25 to 50 basis points compared to so-called public purpose bonds. This is a direct result of the inclusion of tax-exempt interest in the corporate and individual minimum taxes.

Who pays the added interest costs? How are municipal expenses recovered? From one source and one source only: State and local taxpayers will foot the bill. The intolerable result is that individuals will pay through higher taxes.

Municipalities do have an alternative to raising taxes: they can reduce capital outlays. This of course, would lead to a further deterioration of existing city and State services. In this case, local leaders must chose between raising taxes or cutting discretionary spending.

It is easy to see why a Federal tax on municipal bonds directly impairs city and State operations. The power to tax is the power to destroy. The Supreme Court has consistently held that the Federal Government cannot impair State and local borrowing authority. Precedent was established back in 1894 in Pollack versus Farmers Loan and Trust Co. Actually there were to Pollack decisions: the first invalidated portions of the 1894 income tax law that included the taxation of State and local bond interest income, the second opinion nullified the entire tax law under review.

The Supreme Court made it clear in the Crowly decision that any infringement on State and local borrowing authority is unconstitutional. Again, when the 16th amendment was taken up in Congress, taxation of previously tax-free bonds was promptly dismissed. Later, in 1923, congressional intent was clear in prohibiting taxation of municipal bonds. At that time, Congress considered a constitutional amendment to permit the taxation of tax-exempt interest income. The 1923 amendment was approved by the House but not the Senate.

Mr. President, so-called nonessential purpose bonds are today being issued with a penalty of 25 to 50 basis points. This is solely the result of the inclusion of the corporate and individual minimum taxes. I believe that an interest rate penalty paid by State and local bonds is tantamount to impairing the operations of local government.

Mr. President, the legislation I am introducing today will eliminate this intolerable situation. My bill will remove tax-exempt interest as a preference item for purposes of the corporate and individual minimum taxes. In addition the legislation will remove tax-exempt interest from the corporate minimum tax when calculating reported earnings to stockholders. In determining income under the corporate minimum tax a company must include half of all income reported to stockholders. This would include any tax-exempt interest income. My legislation will remove tax-exempt interest income from stockholders reported income for purposes of the corporate minimum tax.

In this era of reduced funding by the Federal Government it is imperative that municipal bonds remain a viable source of funding for State and local activities. Including municipal bond interest in the minimum tax forces localities to cut spending or raise taxes. This is wrong and my bill will remedy this inequity.

Mr. President, I ask unanimous consent that the bill be reprinted in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX-EXEMPT INTEREST NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) Repeal as Preference Item.—

(1) In general.—Section 57(a) of the Internal Revenue Code of 1986 (relating to items of tax preference) is amended by striking out paragraph (5) and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(2) Conforming amendments.—

(A) Section 59 of such Code is amended by striking out subsection (i) thereof.

(B) Paragraph (4) of section 701(f) of the Tax Reform Act of 1986 is amended by striking out "Section 57(a)(6)" and inserting in lieu thereof "Section 57(a)(5)".

(b) Exclusion From Computation of Book Income and Adjusted Earnings and Profits.—

(1) Adjusted net book income.—Paragraph (2) of section 56(f) of the Internal Revenue Code of 1986 (defining adjusted net book income) is amended by adding at the end thereof the following new subparagraph:

"(I) Tax-exempt income.—In determining adjusted book income under subparagraph (A), there shall not be taken into account any interest received or accrued by the taxpayer which was exempt from tax under this chapter (and any expenses properly allocable thereto)."

(2) Adjusted earnings and profits.—Paragraph (4) of section 57(g) of such Code (relating to adjustments to current earnings) is amended by adding at the end thereof the following new subparagraph:

"(I) Tax-exempt income.—The adjusted current earnings shall not take into account any interest received or accrued by the taxpayer which was exempt from tax under this chapter (and any expenses properly allocable thereto)."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.●

By Mr. GRASSLEY:

S. 565. A bill to make certain bankruptcy amendments relating to family farmers applicable to cases under title 11 of the United States Code that were commenced before November 26, 1986, and that are either pending or reviewable; to the Committee on the Judiciary.

FAMILY FARMER EQUITY ACT

● Mr. GRASSLEY. Mr. President, as Members of this body know, last fall we enacted Public Law 99-554.

Among its other features, this law created a new chapter of the Federal Bankruptcy Code—chapter 12—solely for use by our family farmers. Chapter 12 allows our debt-ridden family farmers a fighting chance to restructure their debts and save the family farm. Chapter 12 affords our family farmers essentially the same treatment that other types of small businesses and entrepreneurs have in a chapter 13 reorganization.

The "early returns" on the chapter 12 law have been favorable. A number of judges, attorneys, and bankruptcy experts have publicly commented on how well the law has encouraged all parties to reach debt restructuring agreements outside of bankruptcy. Thus, chapter 12 has not created a flood of new cases in the bankruptcy courts.

Since last November, I have been in regular contact with farmers, bankers, and judges, tracking the effects of the law—a role I will continue to play.

Mr. President, I was a member of the House-Senate conference on the chapter 12 bill. One of the issues the conferees carefully considered was the application of the new chapter 12 law to cases that were pending in other chapters of the code at the time of enactment.

On September 26, 1986, the conferees reached an agreement. This agreement was reflected in a "joint explanatory statement", which was signed by all conferees and filed with the conference report on H.R. 5316.

Essentially, the conferees agreed to allow eligible family farmers with cases pending in other chapters to be able to convert their cases to chapter 12, but only where the equities merited it. The conferees intended that this determination would necessarily be made on a case-by-case basis.

I ask that the relevant portion of the conferees statement be included here in its entirety.

The material follows:

APPLICABILITY OF CHAPTER 12 TO PENDING CHAPTER 11 AND 13 CASES

It is not intended that there be routine conversion of Chapter 11 and 13 cases, pending at the time of enactment, to Chapter 12. Instead, it is expected that courts will exercise their sound discretion in each case, in allowing conversions only where it is equitable to do so.

Chief among the factors the court should consider is whether there is a substantial likelihood of succcessful reorganization under Chapter 12.

Courts should also carefully scrutinize the actions already taken in pending cases in deciding whether, in their equitable discretion, to allow conversion. For example, the court may consider whether the petition was recently filed in another chapter with no further action taken. Such a case may warrant conversion to the new chapter. On the other hand, there may be cases where a reorganization plan has already been filed or confirmed. In cases where the parties have substantially relied on current law, availability to convert to the new chapter should be limited.

Mr. GRASSLEY. I want to underscore that this language was carefully worked out among the conferees and their staffs. It was one of the critical components of the conference agreement on the chapter 12 law.

Unfortunately, when the bill made it to the floor of both Chambers in the hectic last days of the 99th Congress, Members did not notice that a statutory provision—found in the transitional title of the bill—contradicted this intent.

Most bankruptcy courts that have confronted this issue have held that the statutory provision unambiguously prevents the conversion of any pending cases to the new chapter as a matter of law. Thus, these courts have disregarded the clear congressional intent found in the joint explanatory statement. As a result, some otherwise eligible family farmers have not had the opportunity to use this new law as intended.

Application of the law in this fashion has already worked severe injustices. In numerous cases, farmers who were forced to file for bankruptcy protection only a matter of days before the effective date of November 26, have been denied even the opportunity to prove to a court that a conversion to chapter 12 is equitable.

This result is plainly at variance with the policy of chapter 12 as a whole—to correct problems farmers have with the bankruptcy code. It is irrational to allow relief to a farmer filing a bankruptcy petition on November 26, while denying it summarily to one filing on November 25.

A minority of courts have rejected this harsh reading of the statute. One such case comes from the bankruptcy court of South Dakota. I ask that a copy of the opinion in this case by Judge Peder Ecker be inserted into the RECORD.

The opinion follows:

In re: Erickson Partnership, Debtor, Case No. 486-00333, Chapter 11; and Marvin Luther Swenson and Charlotte Maryann Swenson, d/b/a/ Farmers, Debtors, Case No. 486-00670; Chapter 13

MEMORANDUM DECISION

To: Jonathan K. Van Patten, Attorney for Debtor Erickson Partnership J. Bruce Blake and Thomas A. Blake, Attorneys for Debtors Marvin Luther Swenson and Charlotte Maryann Swenson, d/b/a/ Farmers; Robert J. Haar, Assistant United States Attorney on behalf of United States of America, Farmers Home Administration and Agricultural Stabilization and Conservation Service; Andrew J. Schmid, Attorney for United States Trustee William P. Westpal; and Randall B. Blake for Quaintance & Johnson, Attorneys for Federal Land Bank of Omaha.

INTRODUCTION

This matter is before the court on two motions filed in different cases requesting a conversion to a case under Chapter 12. Chapter 12 is included as part of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 ("Family Farmer Bankruptcy Act") which became effective November 26, 1986. One motion, filed on behalf of Erickson Partnership by Attorney Jonathan K. Van Patten on December 3, 1986, moves, alternatively, for an order pursuant to 11 U.S.C. § 1112(d) allowing conversion of its pending Chapter 11 case to a case under Chapter 12 of the Bankruptcy Code or for a dismissal of its case pursuant to 11 U.S.C. § 1112(b) of the Bankruptcy Code. The other motion was filed on behalf of Marvin and Charlotte Swenson ("Swensons") by Attorney J. Bruce Blake on December 2, 1986, pursuant to 11 U.S.C. § 1307(d), moving for an order allowing conversion of their pending Chapter 13 case to a case under Chapter 12 of the Bankruptcy Code. With respect to the conversion issue, the Farmers Home Administration (FmHA), Federal Land Bank of Omaha (FLBO), and the United States Trustee object on two grounds: 1) Bankruptcy Court does not have subject matter jurisdiction for determining whether any cases under Chapter 11 or 13 commenced prior to the effective date of the Family Farmer Bankruptcy Act may be voluntarily converted by a debtor to a case under Chapter 12; and 2) Section 302(c)(1) of the Family Farmer Bankruptcy Act precludes a family farmer debtor from voluntarily converting to a Chapter 12 case when the debtor's Chapter 11 or 13 is commenced prior to the effective date of the Act. With respect to the dismissal issue, the FmHA and the United States Trustee object on the ground that a dismissal improperly allows a debtor to circumvent the intended effect of Section 302(c)(1), thereby violating the holding of *Central Trust Co.* v. *Official Creditors' Committee*, 454 U.S. 354 (1982). Because both motions raise substantively similar issues, the Court simultaneously heard these motions on December 22, 1986, at Sioux Falls, South Dakota.

BACKGROUND

While the facts are not in dispute and the issues essentially raise questions of law, the Court believes it necessary to briefly state the history of each case. In other words, none of the objectors questioned either Erickson Partnership's or the Swensons' ability to otherwise file under Chapter 12.[1]

Erickson Partnership filed for relief under Chapter 11 of the Bankruptcy Code on May 29, 1986. Formed in 1978, the partnership operates a farming and hog-raising business in Elk Point, South Dakota. Ronald Erickson and his son, Richard, are its two partners, and the latter is the managing partner. While Richard's wife, Lonna, assists in the business, she also cleans houses to provide extra income. According to its schedules, the partnership owns livestock valued at $24,800, farm machinery and equipment valued at $12,170, and inventory valued at $4,400. Partnership liabilities total $122,869.13. The partnership has continued its operation under an approved use of cash collateral agreement with the FmHA and, without objection, was granted an extension until November 25, 1986, to exclusively file a Chapter 11 reorganization plan. Thus, at the time of the hearing, no plan had been filed and, therefore, no disclosure statement or confirmation hearing set—or a discharge otherwise granted when, and if, a Chapter 11 reorganization plan is confirmed according to the Bankruptcy Code. See 11 U.S.C. § 1141.

Marvin and Charlotte Swenson filed for relief under Chapter 13 of the Bankruptcy Code on November 7, 1986. They are presently farming approximately 250 acres in Sherman, South Dakota, and have been farming since 1955. While Charlotte assists in the business, she also works part-time at a local nursing home. According to their schedules, they own certain real and personal property valued at $172,650, and their liabilities total $330,500. At the time of this hearing, no plan had been filed and, therefore, no confirmation hearing set—or a discharge otherwise granted when, and if, a Chapter 13 reorganization plan is confirmed according to the Bankruptcy Code. See 11 U.S.C. § 1328.

ISSUES

The principal issues raised are:

(1) Whether a Bankruptcy Court has subject matter jurisdiction to consider any Chapter 11 or 13 family farmer debtor's motion for conversion to a Chapter 12 if the debtor's case was commenced prior to the effective date of the Family Farmer Bankruptcy Act;

(2) If so, whether Section 302(c)(1) of the Family Farmer Bankruptcy Act precludes a family farmer debtor from voluntarily converting to a Chapter 12 case when the debtor's Chapter 11 or 13 case is commenced prior to the effective date of the Act; and

(3) If so, whether a dismissal pursuant to either Section 1112(b) or 1307(b) for the purpose of filing a Chapter 12 improperly allows a family farmer debtor to circumvent the intended effect of Section 302(c)(1) of the Family Farmer Bankruptcy Act, thereby violating the holding of *Central Trust Co.* v. *Official Creditors' Committee*, 454 U.S. 354 (1982).

LAW

A. First Issue

As to the first issue, the Court holds that it has subject matter jurisdiction to consider any Chapter 11 or 13 family farmer debtor's motion for conversion to a Chapter 12 case irrespective of whether the debtor's case was commenced prior to the effective date of the Family Farmer Bankruptcy Act which provides for Chapter 12 relief. This is based on the following discussion.

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[1] To properly file under this chapter, an "individual or individual and spouse" must meet (or not exceed) the following three criteria on the filing date:

(1) Aggregate non-contingent and liquidated debts must not exceed $1,500,000;

(2) Excluding a debt for principal residence (unless arises from farming operation), not less than 80% of the aggregate debt must arise from the farming operation; and

(3) The farming operation must constitute more than 50% of the individual's or individual's and spouse's gross income of the preceding tax year.

To properly file under this chapter, a "corporation or partnership" must meet (or not exceed) the following criteria on the filing date:

(1) A family or a family and its relatives must own more than 50% of the outstanding stock or equity;

(2) The family members (and relatives) must "conduct the farming operation";

(3) More than 80% of the value of either the corporation or partnership assets must consist of assets "related" to the farming operation;

(4) Aggregate non-contingent and liquidated debts must not exceed $1,500,000;

(5) Excluding a debt for one dwelling which is owned by the corporation or partnership that a shareholder or partner maintains as a principal residence (unless debt arises from farming operation), not less than 80% of the aggregate debt arises from the farming operation; and

(6) If the corporation issues stock, the stock must not be publicly traded.

11 U.S.C. § 101(17). See also 11 U.S.C. §§ 101(18) and 109(f).

Offering no authority or argument, the FmHA simply alleges that the Court does not have subject matter jurisdiction to consider any Chapter 11 or 13 debtor's motion for conversion to a Chapter 12 case if the case was commenced prior to the effective date of the Act. Ironically, as support for another of its arguments, that the language in the Act itself precludes conversions of pending Chapter 11 or 13 cases, the FmHA cites to an order issued by Bankruptcy Judge Kressel, District of Minnesota. *In re Waetjen*, BKY 4-86-3335 (Bkrtcy. D. Minn. Nov. 26, 1986). Motions to convert a case from one chapter to a case under another chapter are clearly "core" proceedings under 28 U.S.C. § 157(b) (1), (2).

B. Second Issue

As to the second issue, the Court holds that the language of Section 302(c)(1) of the Family Farmer Bankruptcy Act does not preclude a family farmer debtor from voluntarily converting to a Chapter 12 case when the debtor's Chapter 11 or 13 case is commenced prior to the effective date of the Act; and, further, because the Court finds that it is "equitable" to allow both the Erickson Partnership and Swenson motions to convert to a Chapter 12, it holds that both motions requesting conversion are granted. This is based on the following discussion.

The objecting parties urge against allowing conversions to a Chapter 12 on the ground that amended Bankruptcy Code Sections 1112(d) and 1307(d) do not apply to any cases which are commenced prior to November 26, 1986.[2] Section 302(c)(1) of the Act provides:

"The amendments made by subtitle B of title II shall not apply with respect to cases commenced under title II of the United States Code before the effective date of this Act."

Included among the amendments made by Subtitle B is the amendment of Sections 1112(d) and 1307(d), both of which otherwise provide for conversions to a Chapter 12. Thus, their argument is simply that this section precludes any debtor's voluntarily converting a Chapter 11 or 13 case to a case under Chapter 12 if it was commenced prior to the "effective date of this Act." As support for their position, they cite to an order issued by Judge Kressel in *In Re Waetjen*, BKY 4-86-3335 (Bkrtcy. D. Minn. Nov. 26, 1986). Denying a debtor's motion for extension of time to file schedules, Judge Kressel, among other things, held that Section 302(c)(1) of the Act precludes conversion of any Chapter 11 case to a case under Chapter 12 if it was commenced prior to November 26, 1986 (which is the effective date of the Act).

For the Court to agree with the objecting parties' argument, it would necessarily have to accept the premise that Congress intended to create two groups of financially distressed family farmers. These groups would operate under different standards—one for farmers who filed for reorganization bankruptcy prior to November 26, 1986, and one for those who filed on or after that date.[3] A review of the Act's legislative history, however, clearly requires a different conclusion.

Consider the following statements made just before passage of the Act. Senator Thurmond discussed the necessity of dealing with a crisis which has reached "serious proportions":

"This legislation creates new and expanded protections for a majority of American farmers in the bankruptcy courts."—Cong. Rec. S15075 (daily ed. Oct. 3, 1986).

Senator Thurmond's remarks suggest immediate relief for those affected by the crisis. There is no mention of any withholding of relief so that the new and expanded protections alluded to would be available only to those farmers who, in the future, experienced financial difficulties.

There was evidence presented to Congress that the existing bankruptcy provisions were not working for farmers already in bankruptcy. As Senator Grassley stated:

"I harbor no illusions about the ability of the Federal Bankruptcy Code to redress farmers' grievances. I know as well as anyone that the economic causes of the crisis in agriculture lie well beyond the realms of bankruptcy.

"But hearings in the House and Senate led to the unmistakable conclusion that the Bankruptcy Code doesn't work for farmers.

"The final product reconciles the unique attributes of farming into an existing bankruptcy framework, currently used by other small business and sole proprietors."—Cong. Rec. S15076 (daily ed. Oct. 3, 1986).

There was a similar concern in the House of Representatives for the adverse consequences of the agricultural crisis and a corresponding sense that the existing provisions of the Bankruptcy Code were ill-suited for the reorganization of farmers. Representative Fish described the new Act:

"The product of the conference committee is consistent with the objective of helping family farmers to keep their farms and satisfy creditors out of future earnings. A new chapter 12 for family farmers, patterned in a number of respects after existing chapter 13, is tailored specifically to the realities of a nation-wide farm crisis."—Cong. Rec. H9001 (daily ed. Oct. 2, 1986).

Representative Synar spoke eloquently of the need to provide immediate relief for family farmers:

"I doubt there will be anything that we do that will have such an immediate impact in the grassroots of our country with respect to the situation that exists in most of the heartland, and that is in the agricultural sector . . .

"Second, and more importantly, those family farmers who are facing that brink of disaster where they would have to be thrown off their farms can now look to this Congress and to this Government for new hope. That new hope is that we are going to give them the same standard that a small businessman or an individual has at this present time, which is the ability to reorganize.

"This legislation will give us, hopefully, the new bankruptcy judges that will offer the sympathy and the compassion to deal with this serious problem.

"I join with my colleagues and, hopefully, this is the ray of hope that our family farmers have needed."—Cong. Rec. H9001 (daily ed. Oct. 2, 1986) (emphasis added).

The Joint Explanatory Statement of the Committee of Conference supports the conclusion that Congress did not intend to create two groups of family farmers. The statement concerning conversion is as follows:

Applicability of Chapter 12 to Pending Chapter 11 and 13 Cases

"It is not intended that there be routine conversion of Chapter 11 and 13 cases, pending at the time of the enactment, to Chapter 12. Instead, it is expected that courts will exercise their sound discretion in each case, in allowing conversions only where it is equitable to do so.

"Chief among the factors the court should consider is whether there is a substantial likelihood of successful reorganization under Chapter 12.

"Courts should also carefully scrutinize the actions already taken in pending cases in deciding whether, in their equitable discretion, to allow conversion. For example, the court may consider whether the petition was recently filed in another chapter with no further action taken. Such a case may warrant conversion to the new chapter. On the other hand, there may be cases where a reorganization plan has already been filed or confirmed. In cases where the parties have substantially relied on current law, availability to convert to the new chapter should be limited."—Cong. Rec. H8999 (daily ed. Oct. 2, 1986).

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[2] Congress amended Section 1112(d) as follows:

The court may convert a case under this chapter to a case under chapter *12 or* 13 of this title only if—

(1) the debtor requests such conversion;

(2) the debtor has not been discharged under section 1141(d) of this title;

(3) *if the debtor requests conversion to chapter 12 of this title, such conversion is equitable.* (amendments are italicized)

To understand how Chapter 13 conversions apply to family farmers, Section 1307(d) must be read together with subsection (e).

Congress amended Section 1307(d) as follows:

Except as provided in subsection (e) of this section, at any time before the confirmation of a plan under section 1325 of this title, on request of a party in interest *or the United States trustee* and after notice and a hearing, the court may convert a case under chapter 11 *or 12* of this title. (amendments are italicized)

Congress amended Section 1307(e) as follows: "The court may not convert a case under this chapter to a case under chapter 7, 11 *or 12* of this title if the debtor is a farmer, unless the debtor requests such conversion." (amendments are italicized)

[3] Chapter 12 offers an economically distressed family farmer a new, substantially simplified, and less expensive method to reorganize his debts and continue farming.

Unlike in a Chapter 11, a family farmer seeking to successfully reorganize in a Chapter 12, among other things, does not have to overcome any plan feasibility problems raised by a creditor's election to be paid back the full amount of his claim as allowed under Section 1111(b)(2); see also 11 U.S.C. §§ 1129(a)(7), 1225(4), (5); make any payments with respect to any ceditor's lost opportunity costs requests under Sections 361 and 362 (a/k/a the *American Mariner* Rule), as interpreted in *In re Briggs Transportation Co.*, 780 F.2d 1339 (8th Cir. 1985) (Bankruptcy Courts may allow recovery of lost opportunity costs in Chapter 11's); see also, 11 U.S.C. § 1205 and H.R. 8999 (Oct. 2, 1986); or address the absolute priority rule issue under Section 1129(b)(2)(B)(ii); see, *In re Ahlers*, 794 F.2d 388 (8th Cir. 1986); or formulate any disclosure statement under Section 1125 and hold hearings thereon. A farmer attempting to reorganize in a Chapter 11 often incurs substantial attorneys fees and expenses because of the complexity of the process. Chapter 12, however, is substantially similar to a Chapter 13 and should allow a farmer to attempt reorganization at a cost which is substantially less than if otherwise in a Chapter 11.

Unlike a Chapter 13, a family farmer seeking to reorganize under a Chapter 12, among other things, does not have to meet $450,000 debt limitation to properly file, as required under 11 U.S.C. § 109(e); see 11 U.S.C. § 101(17) and n.1; a family farmer partnership or corporation may properly file under Chapter 12; and a family farmer may properly modify his/her principal residence mortgage in a Chapter 12. See 11 U.S.C. §§ 1325(b)(2), 1222(a), (b), and 1225(a)(4), (5).

For a discussion of the problems with respect to a debtor's voluntarily dismissing his Chapter 11 or 13 case and attempting to refile under Chapter 12, see n.4.

It should be noted that Senators Thurmond and Grassley, as well as Representatives Fish and Synar, served on the Conference Committee which issued the foregoing statement. Cong. Rec. H8999 (daily ed. Oct. 2, 1986).

What then did Congress intend by the language of section 302(c)(1) of the Family Farmer Bankruptcy Act? In light of the remarks made by the Conference Committee members, it is possible that they intended the Chapter 12 provisions not to apply to pending cases which had not otherwise converted to Chapter 12 in accordance with the provisions of 11 U.S.C. § § 1112(d) and 1307(d). Request for conversion should be measured under the "equitable" standard of 11 U.S.C. § 1112(d).

Another possibility which is more probable is that, in the final process of legislation, Congress inadvertently placed sections 1112(d) and 1307(d) amendments within Subtitle B. The misplacement in Subtitle B was important because it brought the amendment of these sections within the restrictive language of section 302(c)(1) regarding the effective date and, thus, in apparent conflict with Congressional leaders' remarks and the Joint Explanatory Statement. Judge Kressel, in his order issued in *In re Waetjen*, BKY 4-86-3335 (Bkrtcy. D. Minn. Nov. 26, 1986), alluded to the "hectic and even chaotic conditions of the last days of the 99th Congress." Judge Kressel concluded that the statute reflected the true intent of Congress and that the Joint Explanatory Statement could be disregarded. However, in light of the remarks made before the passage of the Act, it is more likely that the Joint Explanatory Statement is reflective of Congress' true intent.

Unlike a dismissal,[4] a conversion does not affect time period considerations for perference (11 U.S.C. § 547) or fraudulent conveyance (11 U.S.C. § 548) actions. In other words, as the case may be, the ninety-day or one-year time period is fixed on the date the bankruptcy petition was originally filed, and not the date of refiling under a Chapter 12 as otherwise would be the result in a dismissal. Thus, allowing a conversion fully protects a trustee's or creditor's fraudulent conveyance or preference rights in that it preserves these important time frames.

In allowing a result different from what Section 302(c)(1) seemingly suggests, the Court is not required to find an ambiguity in the language of the statute. As the Supreme Court stated in *United States v. American Trucking Ass'ns*, 310 U.S. 534, 543 (1940):

"When [the plan meaning] has led to absurd or futile results, however, this Court has looked beyond the words to the purpose of the act. Frequently, however, even when the plain meaning did not produce absurd results *but merely an unreasonable one 'plainly at variance with the policy of the legislation as a whole'* this Court has followed that purpose, rather than the literal words." (emphasis added)—*Accord, Hodgson v. Bd. of County Com'rs, County of Hennepin*, 614 F.2d 601, 612 (8th Circ. 1980); *Pressley v. Capital Credit & Collections Service*, 760 F.2d 922, 924 (9th Cir. 1985); *Church of Scientology v. United States Department of Justice*, 612 F2d 417, 422 (9th Cir. 1979); *see also, Philbrook v. Glodgett*, 421 U.S. 707, 713 (1975) (In interpreting statutes, the court's objective is to "ascertain the congressional intent and to give effect to the legislative will."). *Accord, In re Cecchini*, 780 F.2d 1440, 1442 (9th Cir. 1986); *Pressley v. Capital Credit & Collections Service*, 760 F.2d 922, 924 (9th Cir. 1985).

To follow the interpretation urged by the objecting parties would produce a result which is unreasonable in light of the stated purpose of Congress to provide a substantially more feasible method of reorganization for family farmers. The apparent misplacement of the amendments to Section 1112(d) and Section 1307(d) defeats the obvious intent of Congress and produces an absurd result in creating two classes of family farmers in distress; one class in economic and Bankruptcy Code distress, and the second, merely in economic distress.

Congress recognized that the provisions of the existing bankruptcy Code were not working well, if at all, for the farmers who are attempting to reorganize. It clearly violates the purpose of Congress to provide relief to family farmers by dividing them into two groups, thereby creating a double standard for reorganization purposes. Permitting conversions to Chapter 12 also fully protects creditors' preference and fraudulent conveyance rights. Consistent with the policies underlying the Bankruptcy Code, conversions in this manner balance properly both a family farmer debtor's and his various creditors' rights. Based on this, the Court holds Section 302(c)(1) of the Family Farmer Bankruptcy Act does not preclude a family farmer debtor from voluntarily converting to a Chapter 12 case when the debtor's Chapter 11 or 13 case is commenced prior to the effective date of the Act. Consistent with the amended Code and Joint Explanatory Statement, the Court must, however, find that a family farmer's request to convert is "equitable" under the circumstances.

In the instant case, it is undisputed that both Erickson Partnership and the Swensons qualify for Chapter 12 relief. Also, no plans have been filed and, therefore, no disclosure statement or confirmation hearings have been set—or a discharge otherwise granted when, and if, either a Chapter 11 or 13 plan is confirmed according to the Bankruptcy Code. The Court also notes that the objectors have not raised an issue as to the debtors' ability to successfully reorganize under Chapter 12. Moreover, these are not cases where parties have substantially relied on current law. The Court, therefore, finds that it is "equitable" to grant both Erickson Partnership's and the Swensons' motions to convert from a case under their respective chapters to a case under Chapter 12[5]

Because the Court has held that Section 302(c)(1) of the Family Farmer Bankruptcy Act does not preclude a family farmer debtor from voluntarily converting to a Chapter 12 case when the debtor's Chapter 11 or 13 case is commenced prior to the effective date of the Act, it need not decide the issue of whether a dismissal pursuant to either Section 1112(b) or Section 1307(b) for the purpose of filing a Chapter 12 improperly allows a family farmer debtor to circumvent the intended effect of Section 302(c)(1) of the Act, thereby violating the holding of *Central Trust Co.* v *Official Creditors' Committee*, 454 U.S. 354 (1982).

Accordingly, the above and foregoing hereby constitutes the Court's Findings of Fact and Conclusions of Law in the above-entitled matters pursuant to Bankr. R.P. 7052 and 9014 and F.R. Civ. P. 52. Counsel for Erickson Partnership and counsel for the Swensons are directed to submit an appropriate order granting their motions for conversion in their separate cases in accordance with Bankr. R.P. 9021.

Dated at Sioux Falls, South Dakota, this 8th day of January, 1987.

By the court:

PEDER K. ECKER,
Bankruptcy Judge.

Mr. President, we can remove any ambiguity. I hope we can do it before many more deserving family farmers are closed out at the bankruptcy court's door.

The amendment that I am offering here today is very straightforward. It repeals the effective date provision in Public Law 99-554 that is inconsistent with the clear congressional intent. A corresponding amendment is today being introduced in the other body.

Under this amendment, cases that were pending before the effective date of November 26, 1986, will be treated as the conferees thought they would be treated—individually, and based on the equities of each case.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Farmer Equity Act of 1987".

SEC. 2. EXPANDED APPLICATION OF CERTAIN BANKRUPTCY AMENDMENTS RELATING TO FAMILY FARMERS.

(a) REPEAL OF LIMITATION.—Section 302(c) of the Bankruptcy Judges, United States

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[4] The Court notes that whether a debtor may properly dismiss his case for purposes of filing a Chapter 12 is in dispute. The specific issue raised is whether a dismissal pursuant of either section 1112(b) or section 1307(b) for the purpose of filing a Chapter 12 improperly allows a debtor to circumvent the intended effect of section 302(c)(1) of the Family Farmer Bankruptcy Act, thereby violating the holding of *Central Trust Co.* v. *Official Creditors' Committee*, 454 U.S. 354 (1982). The crux of this theory is that the Court, under its Section 105 powers, may dismiss the case for "cause," that of for the purposes of filing a Chapter 12. This would negate the adverse effect of 11 U.S.C. § 109(g). This section precludes refiling for a 180-day period if "the debtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by section 362 of this title."

In *Central Trust*, the debtor moved to dismiss its Chapter XI petition (filed under the 1898 Bankruptcy Act) in order to refile under Chapter 11 of the Bankruptcy Reform Act of 1978. The Supreme Court denied the motion, relying upon the unequivocal language of the statute and accompanying legislative history. While not deciding this issue, the Court only notes that Chapter 12's legislative history certainly does not support the position that Congress only intended that Chapter 12 be available to those family farmers who fortunately did not file until after November 26, 1986.

[5] Attorney Blake also argued that the plain meaning of Section 302(c)(1) does not mean that the "Subtitle B" amendments do not apply to cases commenced prior to the effective date of the Family Farmer Bankruptcy Act, that of November 26, 1986, but that courts may not properly consider these provisions for pending cases until the "effective date." While the Court finds some merit in this argument, it is more persuaded by the contention that prohibiting conversion results is an absurd application of the law.

Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554) is amended—

(1) by striking paragraph (1), and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) Effect of Repeal of Limitation.—The amendments made by subtitle B of title II of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554) shall apply to—

(1) cases that are pending under title 11 of the United States Code, or

(2) cases under title 11 of the United States Code that are reviewable on appeal,

after the date of the enactment of this Act, without regard to whether such cases were commenced before November 26, 1986.●

By Mr. EXON (for himself and Mr. Zorinsky):

S. 566. A bill to amend the Tax Reform Act of 1984 to provide a special rule for mutual life insurance companies and to amend the Internal Revenue Code of 1986 to provide depositors in insolvent financial institutions the option of a one-time ordinary loss deduction; to the Committee on Finance.

TAX REFORM TECHNICAL CORRECTIONS

Mr. EXON. Mr. President, I am introducing legislation today to address two important issues which were left unresolved when the 99th Congress failed to complete action on House Concurrent Resolution 395, the Technical Corrections to the Tax Reform Act of 1986.

Section 1 of my bill will establish a level-playing field in the tax treatment of life subsidiaries of mutual property and casualty insurance companies.

The technical corrections measure included a transition rule for the life insurance subsidiary of Physicians Mutual Insurance Co. located in Omaha, NE. This provision, removing the ownership differential on the life insurance subsidiary, was agreed to in both the Senate and the House.

The bill I am introducing is identical to the provision in the technical corrections bill and will remove a special tax which is imposed on no other similarly situated company in the Nation.

Section 2 of my bill will provide the depositors of insolvent financial institutions with an additional option for the tax treatment of their losses.

The Tax Reform Act of 1986 took an important first step to aid these depositors. Section 905 of that bill allows these depositors to treat their losses as a casualty loss. While this is greatly preferable to treatment as a nonbusiness bad debt, casualty loss treatment also has some inherent limitations. It provides no relief to taxpayers who do not itemize their deductions and it provides only limited relief to taxpayers with relatively small deposit losses.

The bill I am introducing today will allow depositors at failed financial institutions a one-time ordinary loss deduction, subject to a cap of $20,000. This legislation is identical to a provision of the technical corrections bill. It will provide greater tax relief to persons with relatively small accounts in institutions which were not protected by deposit insurance funds. In most cases, the savings lost have been previously subject to tax and many depositors suffer tremendous emotional and financial hardship from the loss of their accounts.

Congress took the first step in the Tax Reform Act of 1986. This legislation will take the next step to provide more meaningful tax relief to depositors with smaller accounts.

Mr. President, it is essential that the Congress address these two important issues as quickly as possible. By adjourning without approving the technical corrections bill, the 99th Congress failed to truly complete its work on the Tax Reform Act. I look forward to working with my colleagues in the 100th Congress to tie up this loose end and appreciate the cosponsorship of my Nebraska colleague, Senator Ed Zorinsky, in this effort.

By Mr. DeCONCINI (for himself, Mr. Simpson, and Mr. Exon):

S. 567. A bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws: to the Committee on the Judiciary.

MALT BEVERAGE INTERBRAND COMPETITION ACT

● Mr. DeCONCINI. Mr. President, together with my esteemed colleague from Wyoming, Senator Simpson, and from Nebraska, Senator Exon, I rise to introduce the Malt Beverage Interbrand Competition Act.

This legislation establishes a clear and concise threshold standard for determining the legality of vertical nonprice restrictions on the distribution of malt beverages. It establishes this threshold standard while at the same time preserving the current highly competitive system of distribution that has served the consumer well for more than 50 years, and which has ensured that the widest possible selection of high quality malt beverage products remain available at competitive prices to legal consumers everywhere.

The language of this bill is word for word the same as the bill I cosponsored in the last Congress on which the Senate Judiciary Committee held hearings in 1985 and favorably reported in 1986. It provides an identical clarification of antitrust laws with respect to nonprice vertical restraints as Congress granted the soft drink industry in 1980.

Unfortunately, last year there was no opportunity for the Senate to vote on the merits of this legislation. However, on a procedural motion on a somewhat modified amendment version, a majority of my colleagues—56 to be exact—voted in favor of the legislation. The vote would have been significantly greater had not a last minute question arisen over what turned out to be insignificant and nonsubstantive changes in the bill's language when it was transformed into an amendment. Ultimately, in order to accommodate the Senate in its desire to wrap up business and adjourn, the measure was withdrawn with the understanding that it would be revisited this Congress.

Early introduction of the bill is important to start the process of moving this measure to a vote in the Senate in accordance with that agreement. I do not expect quick action in the Judiciary Committee, which has many important matters before it, but I do expect in due course it will take action so that the Senate may vote on the question.

The principles embodied in our legislation have strong precedent. Seven years ago, this body passed the Soft Drink Interbrand Competition Act of 1980. At that time, we voted by an overwhelming majority of 89 to 3 to apply to the soft drink industry the very same legal standard we seek to apply to the malt beverage industry. The few critics of the soft drink industry legislation made the same arguments against it as the critics of the Malt Beverage Interbrand Competition Act make today. However, in the 7 years since passage, those predictions of higher prices and lessened competition have proved empty and groundless. Indeed, quite the reverse is true. If advertisements and Coca-Cola's recent tribulations with new Coke and Coke Classic are any indication of the competition within the soft drink industry then the doomsayers were indeed mistaken.

Not only would competition in the beer industry continue unabated but other worthy goals would be fulfilled. Mr. President, in light of the cost of antitrust litigation and the current burden that it places on business and the courts, it is incumbent on Congress to take all reasonable and workable steps to eliminate frivolous and harassing suits.

Under current law, individual States decide whether to allow, forbid, or require exclusive territories for malt beverages. Currently 27 States mandate that beer be distributed through exclusive territories. The legislation we are introducing does absolutely nothing to change that. If anything our legislation enhances the ability of States to regulate beer and other malt beverages.

The last Congress produced critics of the Malt Beverage Interbrand Competition Act who gave free rein to their imaginations. I am confident that before the 100th Congress is over, every one of my colleagues will receive more than one fanciful account of what this legislation does. So before the silly season begins let me state quite simply what our bill does.

The Malt Beverage Interbrand Competition Act is designed to clarify antitrust law regarding exclusive territorial agreements between a brewery and the wholesale distributor of that brewery's particular brand of beer. Territorial franchises for the distribution of malt beverages have been the custom since the repeal of prohibition some 52 years ago. But even though these territorial agreements have helped sustain the intense market competition that characterizes the beer industry, they have engendered unnecessary antitrust accusations. The Malt Beverage Interbrand Competition Act would alleviate the burden that frivolous suits impose on courts and business people across America. Many of those suits are in fact little more than contract or tort actions using the more favorable damage and attorney fee provisions of the antitrust laws.

This bill would codify for the beer industry the prevailing Supreme Court case relating to vertical nonprice restrictions or territorial franchises. In 1977, the Supreme Court ruled in Continental TV versus GTE Sylvania that territorial agreements between manufacturers and wholesalers are not per se violations of the Sherman or Clayton Acts. The Court said that the legality of challenges to territorial agreements would be examined under a "rule of reason." The Court further identified the significant competitive efficiencies which could be achieved through territorial agreements. Among the efficiencies cited by the Court were increased retailer and distributor investment, greater promotional activities, and more effective quality controls. Finally, the Court held that the benefits of interbrand competition gained through these efficiencies could justify the restriction of intrabrand competition.

While the Court's decision in the Sylvania case has been universally applauded, the Supreme Court has not directly reexamined the meaning and application of the rule of reason test. Lower courts have thus had great difficulty in agreeing on the approach to the Supreme Court's articulated standard. This has, unfortunately, led to innumerable and costly law suits in the lower courts and varying interpretations of the rule of reason.

Mr. President, the Malt Beverage Interbrand Competition Act would cut through all this confusion. It would establish a threshold test for measuring antitrust claims based on vertical nonprice restrictions and would eliminate those claims that pose no threat to consumers or competition. The operative language of the bill establishes that where there is "substantial and effective interbrand competition" among manufacturers and wholesalers of malt beverages, territorial contracts are permissible under antitrust laws. It is that simple. The Court would evaluate a case using a clear and concise test—that is, is there substantial and effective competition in the market? If there is, then the case could be dismissed quickly. If not, then the court should undertake a full investigation as stipulated under the rule of reason. In short, Mr. President, this bill would help the courts and the defendants get to the merits of these cases more quickly and more efficiently without unduly burdening the small business person with excessive legal fees and expenses.

Our legislation would further encourage the vigorous interbrand competition that presently exists and which benefits consumers. Competition in the beer industry is between brands—Budweiser competes against Miller, Coors, Strohs, et cetera. In the beer industry, everyone is fighting everyone else for a market share. How well a company does is determined by its ability to get the highest quality product to the widest range of outlets at the lowest possible price. The territorial system of wholesale beer distribution has proved to be the most efficient means of providing these essential elements of a successful and competitive business.

Under the present distribution system, which would remain intact with passage of our bill, the local wholesaler is required by contract with the brewery to service all accounts within a given territory whether they buy one case or a tractor-trailer load. The wholesaler is responsible for the freshness of the product, the cleaniness of the shelves, taps, and coils, and all local promotions—including store setups and charitable functions. Any negligence can easily be traced back to the wholesaler. Therefore, the territorial system of beer distribution ensures meticulous service to the retailer through the wholesaler's contractual accountability to the brewery. It is truly a system of checks and balances. It is that system which the Malt Beverage Interbrand Competition Act seeks to preserve and promote.

This bill will serve the interest of business, government, and the consumer. Such a confluence of benefit without harm is rare.

I strongly urge my colleagues to consider these substantial merits and to separate fact from fancy in the debate surrounding this issue. I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That this Act may be cited as the "Malt Beverage Interbrand Competition Act".

SEC. 2. Nothing contained in any antitrust law shall render unlawful the inclusion and enforcement in any written contract in effect on or entered into after the effective date of this Act by any brewer, importer, trademark owner, or trademark licensee of a trademarked malt beverage with any wholesale distributor of provisions granting the wholesale distributor the sole and exclusive right to distribute and to sell such product in any defined geographic area within any State and limiting such exclusive distributor to the distribution and sale, directly or indirectly, of such product only for ultimate resale to consumers within that defined geographic area when such product is in substantial and effective competition with other malt beverage products within that defined geographical area.

SEC. 3. Nothing in this Act shall be construed to legalize the enforcement of provisions described in section 2 of this Act in any written contract described in that section by means of price-fixing agreements, horizontal restraints of trade, or group boycotts, if such agreement, restraints, or boycotts would otherwise be unlawful.

SEC. 4. As used in this Act, the term "antitrust law" means the Act entitled "An Act to protect trade and commerce against unlawfull restraints and monopolies" (Sherman Act), approved July 2, 1890, the Federal Trade Commission Act, approved September 26, 1914, and the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (Clayton Act), approved October 15, 1914, and all amendments to such Acts.

SEC. 5. As used in this Act, "malt beverage" shall mean and include beer of all types and varieties as defined in any Federal or State statute, ale, porter, stout, and all other similarly designated fermented beverages containing one-half of 1 per centum or more alcohol by volume.

SEC. 6. As used in this Act, the term "State" includes the District of Columbia and any territory or possession of the United States.

SEC. 7. This Act shall not invalidate or affect any provision of the laws of any State.●

By Mr. HATCH (for himself and Mr. DECONCINI):

S. 568. A bill to protect patent owners from importation into the United States of goods made overseas by use of a U.S. patented process; to the Committee on the Judiciary.

PROCESS PATENT AMENDMENTS ACT

● Mr. HATCH. Mr. President, I am pleased to introduce this legislation, along with my colleague Senator DECONCINI, to close a loophole in the U.S. patent law. This loophole constitutes a serious threat to American business by permitting foreign companies to pirate American process patents and then sell the product in the United States.

The importance of closing this gap was first recognized in the 1966 report of the President's Commission on the

Patent System. More recently, it was included in the President's competitiveness initiative of this year and strongly endorsed by the President's Commission on Industrial Competitiveness in 1984.

The Process Patent Amendments Act of 1987 contains the same language as S. 1543 that passed the Judiciary Committee and the Senate unanimously during the 99th Congress. During the 98th Congress, the Patent Law Amendments of 1983, introduced by Senator McC. Mathias, Jr., included a provision to extend patent protection to the product resulting from the process. Hearings were held in both the 98th and 99th Congresses within the Subcommittee on Patents, Copyrights and Trademarks and Senator DeConcini, chairman of that subcommittee plans to hold hearings on this bill in the early part of the 100th Congress as well.

Under current U.S. patent law, inventors may obtain two types of patents: product patents and process patents. The first protects the product itself; the second protects the process by which a product is made, usually a complex chemical or industrial process. A patent is infringed if the patented invention is made, used, or sold in the United States. Making, using, or selling the invention outside the United States does not constitute infringement, nor does the mere importation of the invention.

Where the patented invention is a product, or tangible article, a foreign competitor cannot avoid liability to the patent holder by manufacturing the product overseas and importing it for the U.S. market since use or sale of the product in the United States would constitute infringement of the patent. In such cases, the product patent holder could obtain damages or an injunction based on this use or sale.

However, when the patent claims a process or method, only the use of the process in the United States constitutes infringement. Use of the process outside the United States will not infringe the U.S. patent, nor will sale of products made by the patented process. Therefore, while an inventor can prevent the importation of patented products, and can stop the sale of products made in the United States using his patented process, he cannot prevent the importation and sale of a product using his patented process made in another country.

When an inventor alleges an infringement of his patented process, the International Trade Commission provides the only remedy under current law. There, the inventor must show that the imported products "destroy or substantially injure" the industry in which the inventor is involved. In practice, this has required an inordinately high standard of proof, and the remedy is seldom used. In any case, the only available relief is injunctive; no award of damages is available from the ITC. The bill I introduce today would provide a remedy under the patent laws for this situation, bringing our policy into line with that of our major industrial trading partners.

It is important to emphasize that this bill extending process of patent protection to the products of the process is the legal norm in many other countries. This principle is also incorporated in the European Patent Convention, the Community Patent Convention, and the World Intellectual Property Organization [WIPO] Treaty on Harmonization. The following excerpt from a 1986 memorandum on process patent law prepared by the International Bureau of WIPO outlines the rationale for including products obtained from a patented process in the scope of the protection afforded by the process patent:

> The extension [to the product of the process] seems to be an exception to the principle that the protection conferred by a patent or another title of protection for an invention is defined by the object of the invention. In the case of the said principle would mean that the owner of a process patent could only exclude others from using the patented process. The legal provisons which extend process protection to products obtained by the patented process are based on practical economic considerations. A process which leads to a specific product presents an economic value only through the product. However, it is not always possible to obtain a patent for the product; for example, the product may not be new or may—although new—lack inventive step. The invention of a new and inventive process for the production of such a product which is not patentable constitutes an important technological advance but the reward granted through a process patent is not important because—without an extension to the product—the process patent would be difficult to enforce (since infringement of the process is difficult to prove) and could even be circumvented by use of the process in another country where the process is protected. In order to make patent protection of a process meaningful, it is therefore necessary to consider the patented process and the resulting product as a whole, with the consequence that process protection is automatically extended to the resulting product even if the said product has not been claimed.—"Extension of Patent Protection of a Process to the Products Obtained by that Process; Proof of Infringement of a Process Patent," Memorandum by the International Bureau of WIPO, March 12, 1986, pp. 3-4.

FOREIGN PROCESS PATENT LEGISLATION

Importation, use and sale in the United States of products produced by processes patented in this country severely diminishes the value of such patents. This practice must be effectively countered by changes in the patent laws to protect the legitimate interests of U.S. inventors. Expanding the scope of our laws to bring them into conformity with the European Patent Convention and the national laws of many industrialized countries is necessary to protect the continued growth of American business. The following chart summarizes the protection offered to process patent holders in the group B or development market economy countries. In addition, some typical examples of foreign laws in this area are helpful for comparison. As the chart and summaries indicate, most countries' patent laws are structured so that the direct product of a patented process is also included within the scope of the patent. Nearly one-half of those countries make importation an infringement.

PROCESS PATENT PROTECTION IN GROUP B COUNTRIES

Country	Process patent protects its direct product	Importation constitutes infringement	Presumption in favor of process patentee
Austria [1]	Yes		Yes.[2]
Belgium [1]	Yes [3] [4]	Yes	
Canada	Yes [3] [4]		Yes. [2][4]
Cyprus [5]	Yes	Yes	
Denmark	Yes	Yes	
Finland	Yes	Yes	
France [1]	Yes	Yes	
Federal Republic of Germany [1].	Yes		Yes. [2]
Great Britain [1]	Yes	Yes	
Greece	Yes		Yes.[2]
Holy See [6]			
Iceland	Yes	Yes	
Ireland	Unclear [3] [7]		
Italy [1]	Yes		Yes. [2]
Japan	Yes	Yes	Yes.
Liechtenstein [8] [1].	Yes		Yes.
Luxembourg [1] [9]	Yes [4]		
Monaco [6]			
Netherlands [1]	Yes		Yes. [2]
New Zealand	Yes [4]		
Norway	Yes	Yes	
Portugal	Yes	Yes	
San Marino [10]	Yes		Yes. [2]
South Africa	Yes		Yes.
Spain	Yes	Yes	
Sweden [1]	Yes	Yes	Yes. [2]
Switzerland [1]	Yes		Yes.
Turkey [9]			
United States of America.			

[1] EPC member.

[2] Applies to new substances only.

[3] No clear statutory provision.

[4] Apparently applies in at least some situations.

[5] Registration in Cyprus of a United Kingdom patent confers the same right in Cyprus.

[6] No patent law.

[7] Claims are permitted, but legal issues are apparently unsettled.

[8] Liechtenstein and Switzerland constitute a single territory for patent purposes.

[9] No copy of the national law was available.

[10] Industrial property rights acquired in Italy are valid in San Marino and vice versa.

DENMARK

SECTION 3

(1) The exclusive right conferred by a patent shall imply that no one except the proprietor of the patent may without permission exploit the invention:

(i) by making, offering, putting on the market or using a product which is the subject-matter of the patent, or by importing or stocking the product for these purposes;

(ii) by using a process which is the subject-matter of the patent or by offering the process for use in this country if the person offering the process knows, or it is obvious in the circumstances, that the use of the process is prohibited without the consent of the proprietor of the patent;

(iii) by offering, putting on the market or using a product obtained by a process which is the subject-matter of the patent or by importing or stocking the product for these purposes.

FRANCE

CHAPTER THREE.—RIGHTS AND OBLIGATIONS ATTACHED TO THE PATENT

Article 28.—1. The scope of protection conferred by a patent shall be determined by the terms of the claims. The description of the invention and the drawings, however, shall serve to construe the claims.

2. Where a patent relates to a process, the protection conferred by the patent shall extend to the products directly obtained by that process.

Article 29.—A patent confers the right to prohibit any other person, without the consent of the proprietor of the patent:

(a) from making, offering, putting on the market, using, or importing or storing for such purposes the product to which the patent relates;

(b) from using a process to which the patent relates, or, where such other person knows, or where it is obvious in the circumstances, that the use of the process is prohibited without the consent of the proprietor of the patent, from offering the process for use within French territory;

(c) from offering, putting on the market, using, or importing or storing for such purposes the product obtained directly by the process to which the patent relates.

GREAT BRITAIN

STATUTES, REGULATIONS, & TREATIES

Patents Act 1977

Infringement

60.—(1) Subject to the provisions of this section, a person infringes a patent for an invention if, but only if, while the patent is in force, he does any of the following things in the United Kingdom in relation to the invention without the consent of the proprietor of the patent, that is to say—

(a) where the invention is a product, he makes, disposes of, offers to dispose of, uses or imports the product or keeps it whether for disposal or otherwise;

(b) where the invention is a process, he uses the process or he offers it for use in the United Kingdom when he knows, or it is obvious to a reasonable person in the circumstances, that its use there without the consent of the proprietor would be an infringement of the patent;

(c) where the invention is a process, he disposes of, offers to dispose of, uses or imports any product obtained directly by means of that process or keeps any such product whether for disposal or otherwise.

§ 5.—No-one may make an occupation of the following without the consent of the patentee:—1. Manufacturing, importing or offering for sale an article which is patented or prepared by a patented method; or 2. Using the patented method.—The following is however, permissible having no regard for a Patent:—a) The use of articles accompanying or connected with means of transport from other countries when these come to this country for limited periods, and b) The continued use of articles arrived by and belonging to means of transport which have been purchased abroad for Icelandic currency or for an Icelandic vessel which has broken down at sea and been repaired abroad.

ITALY

§ 2.—The patent concerning a new industrial method or process confers upon the patentee the exclusive use thereof.

The exclusive use includes also commercializing the product directly obtained by the new industrial method or process. If the product is a new one, every identical product is presumed to have been obtained, unless there is evidence to the contrary, but the method or process which is the subject of the patent.

JAPAN

3. "Working" in respect of an invention in this Law shall mean the following acts:

(1) In an invention of a thing, acts of manufacturing, using, transferring, leasing, exhibiting for the purpose of transfer or lease, or importing the thing;

(2) In an invention of a process, acts of using the process;

(3) In an invention of a process of manufacturing a thing, acts of using, transferring, leasing, exhibiting for the purpose of transfer or lease, or importing the thing produced by the process in addition to those as mentioned in the proceding items.

PORTUGAL

Article 214. A penalty of 500 to 10,000 escudos, to which may be added imprisonment for a period of from one to six months, will be imposed on those who, during the period of legal protection, should prejudice the owner of a patent in the exercise of his right in any of the following ways:

1. Manufacturing, without license from the title holder, the articles or products covered by the patent;

2. Employing, without the said license, the means and processes or using new applications of means and processes forming the subject of the patent;

3. Importing, selling, offering for sale, putting in circulation or concealing, in bad faith, products obtained in any of the ways referred to.

SWEDEN

SECTION 3

The exclusive right conferred by a patent implies, with the exceptions stated below, that no one except the proprietor of the patent may, without the proprietor's consent, use the invention by

(1) making, offering, putting on the market or using a product protected by the patent or importing or possessing such product for these purposes;

(2) using a process which is protected by the patent or, while knowing, or it being obvious from the circumstances, that the use of the process is prohibited without the consent of the proprietor of the patent, offering the process for use in this country;

Statutes, Regulations and Treaties

(3) offering, putting on the market, or using products made by a process protected by the patent or importing or possessing the product for these purposes.

SWITZERLAND

If the invention concerns a process, the effects of the patent shall extend to the immediate products of the process.

SECTION 67

If the invention concerns a process for the manufacture of a new product, every product of the same composition shall be presumed to have been made by the patented process until proof to the contrary has been adduced.

Subsection 1 shall apply by analogy in the case of a process for the manufacture of a known product if the patentee shows prima facie evidence of infringement of the patent.

WEST GERMANY

PART NINE.—INFRINGEMENT OF PATENT

Article 47

(1) A person who uses an invention contrary to the provisions of Articles 6, 7, and 8 may be sued by the injured party to enjoin such use.

(2) A person making such use intentionally or negligently shall be liable for compensation to the injured party for the damage suffered therefrom. If the infringer has acted with only slight negligence, the court may fix, in lieu of compensation, an indemnity being between the damage to the injured party and the profit which has accrued to the infringer.

(3) In the case of an invention whose subject matter is a process for the production of a new substance, any substance of the same nature shall, in the absence of proof to the contrary, be deemed to have been produced by the patented process.

Article 6

The effect of the patent shall be such that only the patentee is authorized to produce, put on the market, offer for sale, or use, the subject matter of the invention industrially, commercially or professionally. If the patent has been granted for a process, the effect shall also extend to the products obtained directly by means of such process.

CONVENTION ON THE GRANT OF EUROPEAN PATENTS

(EUROPEAN PATENT CONVENTION)

Done at Munich on October 5, 1973

ARTICLE 64

Rights conferred by a European patent

(1) A European patent shall, subject to the provisions of paragraph 2, confer on its proprietor from the date of publication of the mention of its grant, in each Contracting State in respect of which it is granted, the same right as would be conferred by a national patent granted in that State.

(2) If the subject-matter of the European patent is a process, the protection conferred by the patent shall extend to the products directly obtained by such process.

(3) Any infringement of a European patent shall be dealt with by national law.

ANALYSIS OF PROVISIONS

This proposal provides an effective remedy by applying the process patent protection to the sale, use, or importation of products made in violation of the patented process. Therefore, U.S. manufacturers will be responsible for assuring that materials they receive from foreign suppliers are not made by a process that violates a U.S. patent. In bringing a case under this bill, the patentholder would be required to inform the importing party that he suspects the materials are made by a process on which he holds a patent. The importing party would then decide whether to demonstrate that the materials are not made with the patented process, or to seek another source for those supplies. To prevail in his claim, the patentholder would bring in expert witnesses and circumstantial evidence to persuade a court that there is substantial likelihood that his patented process was used by the foreign supplier.

This bill is drafted to cause minimal disruption of ongoing business. The bill applies only to products imported after the date of enactment and would grandfather certain existing supply arrangements for the duration of the contract where equitable considerations dictate. Finally, the bill requires the Department of Commerce to examine the impact of the bill on affected domestic industries.

Under this bill, there is no liability for damages for any infringing activities—that is, any importations, uses, or sales of the product—prior to the time of notice, defined as either knowledge on the part of the infringer or notification in writing to the infringer. The Judiciary Committee and the Senate, in passing this bill unanimously, envisions three types of infringer:

First. The manufacturer who uses the process without authorization is fully liable under the bill if he engages in importing, using, or selling the resulting product in the United States.

Second. An innocent, that is unknowing, infringing retailer, who is purchasing from a domestic party other than the manufacturer, has no liability whatever for retail sales for 18 months after notice, as long as he discloses his supplier. During this time, the retailer may sell existing inventory and units ordered at the time of notice. This second category of infringer would encompass many small retailers such as corner drugstores. The disclosure requirement will allow the patentholder to trace the distribution chain to the original manufacturer or a U.S. purchaser with liability for the goods.

Third. All other infringers—the importers, wholesalers, and distributors who do not themselves use the process—are entitled to limit their liability by making a request for disclosure to a process patentholder or licensee before purchasing goods that may have been made without authorization by his patented process. This request asks the patentholder to list all his patented processes that could be used to make a specified product that the potential infringer is considering purchasing. If the patentholder then brings a suit and shows that the products were made with his process, the infringer is entitled to a grace period of 6 months from the time of notice to sell or use prenotice inventory, subject only to reasonable royalties. If the patentholder does not respond to the request for disclosure, or his response does not include the patent that he subsequently charges is infringed, the grace period is 18 months, and covers not only inventory but orders made after notice and received within the grace period. In either case, full damages and injunctive relief are available to the patentholder after the grace period elapses.

Full damages in a process patent infringement suit are usually gauged by the court's assessment of the direct and indirect loss of sales to the patentholder, with the possibility of doubling or trebling these damages if there is a finding of willful infringement. Reasonable royalties in particular cases should reflect the amount that reasonably prudent business people would have agreed to in an arm's length transaction at a time prior to the infringement.

Defending against patent infringement charges is a normal burden of doing business in America and around the world in the technologically sophisticated commercial conditions of the 1980's. In the case of importers, wholesalers, and distributors, if the goods are found to be made with an infringing process, then for the duration of the grace period defendants will have to pay only what they would have been paying all along if the process had been known and they had been able to obtain a license from the patentholder. The remedy limitation here is not to be construed as a compulsory license, or as a precedent for other areas of patent law or types of patent infringement. The committee finds the grace period policy to be justified only in the context of a bill intended to strengthen process patent protection. It is justified because of the elusive character of process inventions, from the standpoint of infringers who are involved only with the resulting products and not with the use of the process itself. From the beginning of congressional consideration of process patent reform in 1983 all proponents of the legislation have accepted the restriction of the scope of the bill to exclude infringing activity—other than the actual use of the process—that occurs before the infringer is on notice. The remedy limitations are simply a mechanism for realizing this principle in practice by allowing the unknowing infringers, once notice is established to sell the inventory accumulated prior to notice for a reasonable period of time with limitations on their exposure to damages.

The phrase "compulsory license" implies an ongoing right of the licensee to do business in perpetuity without permission from the patent owner. Such a right has no place in U.S. patent law, and no such right is contemplated in this bill. The temporary grace periods have as their sole purpose to allow the infringer to rid himself of products he had purchased and fulfill business commitments made prior to the time he was made aware of the infringement of a U.S. process patent, and to either close down his business in this line or find an alternative source of supply that does not infringe the patent. The remedy limitation is only available once for a given product: If the importer, wholesaler, or distributor chooses to shift to a different supplier, he will be fully liable from the time of notice should the process patentholder bring another action against him with respect to the same product.

The grace period is extended to 18 months only if the patentholder failed to cooperate with the importer, wholesaler, or distributor's advance request for a process patent disclosure that would help in finding legitimate sources of supply and instructing such sources as to what processes should be avoided. On the other hand, if the importer, wholesaler, or distributor fails to show good faith by making the advance request, he is ineligible for any grace period. And of course, he must be an innocent infringer, that it, not have knowledge that the products were made by the patented process, to be eligible for the remedy limitation.

Similarly, the treatment of retailers should not be construed as an unlimited compulsory license, but as a temporary reprieve to allow them to move to noninfringing suppliers and liquidate their inventory without disrupting their businesses. Infringers fall into this category only if they obtain the illicit goods from a party in the United States who does not use the patent. If a retailer has the resources to send agents to other countries to seek suppliers, then he should be able and willing to exercise more vigilance. By using the request for disclosure procedure, he may seek out legitimate manufacturers who do not avail themselves of processes patented in this country to make products intended for export to this country. The rationale of the retailer exemption in this proposal shelters only purchasers who are remote from the manufacturer and not in the position to protect themselves in contracts with the party who is actually using the process.

A second important condition for eligibility for this exemption is that the retailer disclose his supplier to the patentholder, allowing the latter to trace the chain to the manufacturer or to the party closest to the manufacturer who is subject to jurisdiction in the U.S. courts. It is, in any case, the natural preference of the patentholder to sue as close to the source as possible.

Mr. President, strengthening intellectual property rights is critical for the development of technologies and innovations in America's businesses. While this bill is the product of many hours of negotiation it is by no means printed in stone. Certain concerns have been raised regarding particular provisions of this bill and I wish to emphasize my willingness to work with my colleagues to reach agreement on these issues. Unlike the laws of our major trading partners, U.S. patent law does not give the holder of a process patent the right to stop the importation, use, or sale within the United States of a product made abroad by a process patented in the United States. It is imperative that Congress act quickly to correct this inequity and protect the interests of American inventors and the ability of American business to remain competitive in highly technological markets. I urge the support of my colleagues for this important measure.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Process Patent Amendments Act of 1987".

SEC. 2. (a) Section 154 of title 35, United States Code, is amended by inserting after "United States," the following: "and, if the invention is a process, of the right to exclude others, to the extent provided in section 271(a)(2), from using or selling products produced thereby throughout the United States, or importing products produced thereby into the United States,".

(b) Section 271 of title 35, United States Code, is amended by—

(1) inserting "(1)" after "(a)";

(2) adding at the end of subsection (a), the following:

"(2) If the patented invention is a process, whoever without authority uses or sells within, or imports into, the United States during the term of the patent therefor a product produced by such process, infringes the patent. A product will no longer be considered to have been produced by a patented process once it has been materially changed by subsequent steps or processes.".

(c) Section 287 of title 35, United States Code, is amended by—

(1) striking out "Limitation on damages" in the section heading and inserting in lieu thereof "Limitation on damages and other remedies";

(2) inserting "(a)" before "Patentees,"; and

(3) adding at the end thereof the following new subsection:

"(b)(1) An infringer under section 271(a)(2) shall be subject to all of the provisions relating to damages and injunctions set forth in this title except to the extent that those remedies are limited by this subsection or section 3 of the Process Patent Amendments Act of 1987. The limitations on remedies set forth in this subsection shall not be available to any party who—

"(A) engaged in the actual practice of the patented process;

"(B) is owned or controlled by the party who engaged in the actual practice of the patented process;

"(C) owns or controls the party who engaged in the actual practice of the patented process;

"(D) having made a request for disclosure as provided in subsection (b)(5), fails to notify its supplier of patents identified in response to the request and to instruct its supplier to refrain from infringement of such patents; or

"(E) had knowledge prior to the infringement that a patented process was used to produce the product whose importation, use, or sale constituted the infringement.

"(2) No damages shall be recovered by the patentee unless the infringer had notice of the infringement and continued to infringe thereafter. Damages may be recovered only for infringement that occurred after notice of infringement.

"(3) No remedy may be obtained during the eighteen months after the date of notice for retail sales of a normal volume of products in inventory or on order at the time of notice, obtained from a party in the United States who did not use the patented process, provided the retailer discloses to the patentee, within 30 days from notice, the identity and location of the party from whom the products were purchased. Normal quantity of products in inventory and on order shall be determined by previous business practices, and could include units of a product ordered prior to notice and received within a period not to exceed eighteen months after notice.

"(4) The remedy for the importation, use, or sale of units of the infringing product ordered prior to notice and imported, used, or sold in a manner consistent with the normal business practices of the infringer during the six months after the date of notice shall be limited to a reasonable royalty. The limitation in this subparagraph shall not be available to any party who failed to make a request for disclosure, as defined in subparagraph (5), of the party asserting infringement or its licensee.

"(5)(A) For purposes of this paragraph, a 'request for disclosure' means a written request made to a party then engaged in the manufacture of a product to identify all process patents owned by or licensed to that party as of the time of the request that could reasonably be asserted to be infringed under section 271(a)(2) if that product were imported into, or sold or used in, the United States by an unauthorized party. A request for disclosure is further limited to request—

"(i) made by a party regularly engaged in the sale of the same type of products as the party to whom the request is directed, or a request which includes facts showing that the requester plans to engage in the sale of such products; and

"(ii) made prior to such party's first use importation, or sale of units of the product produced by an infringing process and prior to notice of infringement.

"(B) In any action where the infringer made a request for disclosure from the party asserting infringement and the infringed patent was not identifed within 60 days, the remedy for the importation, use, or sale of units of the infringing product which are imported, used, or sold by the infringer in a manner consistent with normal business practices of the infringer during the eighteen months after the date of notice shall be limited to a reasonable royalty.

"(C) For the purpose of the limitations on remedies in this subsection—

"(i) no party may make more than one request for disclosure of the same party for the identification of process patents for producing a particular product; and

"(ii) no party who has received the benefit of the limitations of this paragraph or paragraph (4) with respect to the infringement of one process patent shall be entitled to that benefit in the event of a subsequent infringement of any process patent for producing the same product owned by the same patentholder at the time of the first infringement.

"(6) For the purposes of the remedy limitations in subsection (b), notice of infringement means actual knowlege, or receipt of notification, that a product was produced by a patented process without authorization of the patentee. A notification shall constitute notice of infringement only if it is in writing and sets forth facts which are sufficient to establish that there is a substantial likelihood that the product was made by the infringing process. Filing an action for infringement shall constitute notice of infringement only if the pleadings or other papers filed in the action meet the requirements of a notification.".

"(d) The table of sections for chapter 29 of title 35, United States Code, is amended by amending the item relating to section 287 to read as follows:

"287. Limitations on damages and other remedies; marking and notice.".

SEC. 3. (a) This Act and the amendments made by this Act shall apply only to products produced or imported after the date of enactment, and shall not abridge or affect the right of any persons or their successors in business to continue to use, sell or import any specific product already in substantial and continuous sale or use in the United States on July 1, 1986, or for which substantial preparation for such sale or use was made before such date, to the extent equitable for the protection of commercial investments made or business commenced in the United States before such date.

(b) This Act and the amendment made by this Act shall not deprive a patent owner of any other remedies available under section 271 of title 35, United States Code, section 337 of the Tariff Act of 1930, or any other provision of law.

SEC. 4. Beginning on the date one year after the date of enactment of this Act and each year for 4 additional years therefore, the Department of Commerce shall submit an annual report to the Congress on the effect of this Act and the amendments made by this Act, on the importation of ingredients to be used for manufacturing products in the United States in those domestic industries that submit formal complaints to the Department alleging that their legitimate sources of supply have been adversely affected.

SEC. 5. (a) Chapter 29 of title 35, United States Code, is amended by adding at the end thereof the following:

"§ 295. Presumption: product produced by patented process

"In actions alleging infringement of a process patent based on use, sale, or importation of a product produced by the patented process, if the court finds (1) that a substantial likelihood exists that the product was produced by the patented process and (2) that the claimant has made a reasonable effort to determine the process actually used in the production of the product and was unable so to determine, the product shall be presumed to have been so produced,. and the burden of establishing that the product was not produced by the process shall be on the party asserting that it was not so produced.".

(b) The table of sections for chapter 29 of title 35, United States Code, is amended by adding after the item relating to section 294 the following:

"295. Presumption: product produced by patented process.".

Mr. DECONCINI. Mr. President, it gives me great pleasure to join my distinguished colleague from Utah, Mr. HATCH, in reintroducing the process patent bill that was passed by the Senate at the end of the 99th Congress.

As the new chairman of the Patents, Copyrights and Trademarks Subcommittee, let me take this opportunity to commend the excellent work of my predecessor, Senator Mathias, in the difficult task of trying to solve the pressing problem of process patent protection reform. Senator Mathias and his staff spent many hours working with all the interested parties trying to develop legislation that would not only afford new and more viable process patent protections for American companies, but would also insure that the interests of other industries and groups were accounted for. Senator HATCH and his staff were absolutely key elements to this process.

Although the bill Senator HATCH and I are introducing today unanimously passed the Senate last Congress, there were groups which for a variety of reasons opposed the legislation. A successful outcome during the 99th Congress was made less likely by the lateness of the date when serious negotiations began. Time simply ran out.

In joining Senator HATCH in introducing this bill today, I wish to convey my own sense of the importance and urgency of this legislation. Major trading partners of the United States, including Japan, West Germany, France, and the United Kingdom have process patent protection for their inventors and our patent law must be brought in line. This legislation would be a significant step toward enhancing American intellectual property rights because it gives patent owners the ability to sue for damages and an injunction in Federal district court when someone uses or sells in the United States, or imports into the United States a product made by their patented process. I believe developing a more effective system of protecting patents and other intellectual property rights through legislation such as this is essential to promoting American innovation and new technology.

My distinguished colleague from New Jersey, Senator LAUTENBERG, is introducing a different version of process patent legislation today and I welcome his views. I look forward to working with Senator LAUTENBERG and his staff as the Subcommittee on Patents, Copyrights and Trademarks strives to achieve the best possible patent protection legislation for our country. It would be foolish of us to believe that there is no room for improvement. I intend to schedule early hearings to ascertain the views of the various groups interested in this aspect of patent law and how this bill would affect those interests. I seek to maintain a proper balance between process patent protection reform and the interests of those industries that might be adversely affected, and I will be open to suggestions on the different ways we might achieve the same goals.

I believe that effective and fair process patent protection is among the highest priorities facing the subcommittee in the 100th Congress. The bill Senator HATCH and I are introducing today will contribute to the overall effort of improving America's trade and competitive position and deserves our immediate attention. I am hopeful that before this Congress ends, the President will have signed legislation to protect the fruits of American genius.

By Mr. D'AMATO (for himself and Mr. HATCH):

S. 569. A bill to amend the Saccharin Study and Labeling Act; to the Committee on Labor and Human Resources.

SACCHARIN STUDY AND LABELING ACT AMENDMENTS

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation affecting tens of millions of American consumers dependent upon the artificial sweetener industry. I ask my colleagues to join my effort in supporting the continued use of artificial sweeteners.

Years ago the Food and Drug Administration proposed to remove artificial sweeteners from the market. At that time additional information was needed to confirm the safety or harm of sweeteners. The FDA decided to perform additional studies and to impose labeling restrictions on artificial sweeteners.

Since then Congress has forbidden the FDA to ban artificial sweeteners. Every 2 years the Congress has addressed the potential need for restrictions on artificial sweeteners. Each time Congress has concluded that artificial sweeteners should be exempt from an FDA ban for an additional 2 years.

My legislation would further extend the exemption for artificial sweeteners. Evidence accumulated in Senate hearings on the subject clearly indicates that artificial sweeteners consumed in reasonable quantities pose no threat to human safety. Therefore, I believe it is vital to continue allowing Americans the opportunity to consume food and drink containing artificial sweeteners.

Prior legislative actions to extend the moratorium on banning artificial sweeteners have been for a 2-year period. Every 2 years the Congress has been forced to revisit the moratorium issue, and every 2 years the Congress concludes that the moratorium should be continued.

This 2-year process is needlessly laborious and time consuming for Congress and the industry. Everyone involved is forced to re-address an old issue, even when no new information has arisen to alter the conclusions of Congress. My bill, therefore, would extend the moratorium for 5 years.

Although I am pleased to introduce legislation to address the issue of the artificial sweetener moratorium, the FDA is also addressing a related issue at this time. It is my understanding that the FDA will be ruling on a petition for a prior sanction relating to artificial sweeteners at some point this spring. I am hopeful that this issue can be resolved rapidly within the FDA.●

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. STAFFORD, Mr. DURENBERGER, Mr. GORE, Mr. WIRTH, and Mr. REID):

S. 570. A bill to reduce atmospheric pollution to protect the stratosphere from ozone depletion, and for other purposes; to the Committee on Environment and Public Works.

STRATOSPHERE PROTECTION ACT

● Mr. BAUCUS. Mr. President, I am introducing today, a bill to protect the stratosphere from ozone depletion.

Senator CHAFEE, the ranking minority member of the Subcommittee on Environmental Protection, along with Senator MITCHELL, chairman of the Environmental Protection Subcommittee, worked closely with me in drafting this legislation and are original cosponsors. Mr. STAFFORD, Mr. DURENBERGER, Mr. GORE, and Mr. WIRTH, have also joined me and are original cosponsors of this legislation.

Rarely has the world been confronted with an environmental problem of such magnitude and severity as stratospheric ozone depletion.

The challenge to the environment posed by stratospheric ozone depletion is worldwide. It demands a worldwide solution, but at the same time, the United States is both a major source of the problem and through the efforts of its industry can provide the leadership to address this problem, by developing safe substitute chemicals.

This legislation is being introduced just prior to the beginning of the next negotiating session to develop an international protocol to protect the ozone layer. This session will begin next week in Vienna, Austria. The protection of the ozone in the stratosphere can ultimately only be solved through worldwide commitment to develop and use safe alternatives to these ozone depleting chemicals. The worldwide community tried and failed to reach an agreement in the past. Hopefully the current discussions will not fail.

It is my desire to see these negotiations succeed. These negotiations must be given an opportunity to work, but negotiations will not solve the problem, actions will. The level of action will determine whether additional steps will be required.

The strongest possible signal must be sent both within the United States and to the entire world, that the costs of inaction are too high, and the risk too great. The United States must demonstrate that it is committed to finding safe substitutes for these chemicals.

There is a need to move forward as a worldwide community, but the United States must not hesitate to move forward on its own if the worldwide community fails to act, or fails to go far enough. This legislation will provide the basis for that movement.

The burden of failure if the international community fails to come to agreement, will fall squarely on the shoulders of the European Economic Community and Japan. It is these two groups who to date, have been willing to risk the health and environment of all the peoples and all of the places of the world for short-term economic gain.

THE PROBLEM

Ozone depletion is a problem that will only be fully understood after it is too late to act.

We do not fully understand all of the complexities of the science of ozone depletion. But a scientific consensus exists worldwide, that the problem is attributable to our industrial age. A man-made substance—chloroflurocarbons has been implicated as a threat to the ozone layer in the stratosphere.

An ozone layer envelops and protects the Earth's surface from being bombarded by ultraviolet-B radiation in the stratosphere. Ultraviolet B radiation has been implicated as a cause of skin cancer, cataracts, and possibly depressing the body's immune system. Environmental impacts of increases in ultraviolet-B radiation, although not as well documented, may be severe.

Stratospheric ozone is a fragile natural resource.

Ozone plays an extremely important role in maintaining life as we know it today.

If all the ozone around the world was compressed into a pure gas, it would form a band only 3 millimeters thick. It makes up only a tiny portion of the entire atmosphere, but its' value is enormous.

While most chemicals have a lifetime measured in weeks or months, chloroflurocarbons can persist in the stratosphere for a century or more. Fifteen to fifty kilometers above the Earth's surface, intense ultraviolet radiation causes these substances to break apart releasing its' chlorine. Chlorine then reacts with oxygen, nitrogen, and hydrogen oxides. The net result is a reduction in the concentration of ozone while the chlorine remains. This ozone depleting reactions then occurs over and over again.

The more CFC emissions released, the more ozone deletion is expected to occur. Once CFC's are released to the atmosphere, there is little or nothing we can do to control ozone depletion. Ozone depletion will then continue long into the next century.

Past use of CFC's has already committed the world to some level of ozone depletion. Immediate steps must be taken to minimize these losses.

The United States has long been a leader in addressing environmental problems. The United States was the first country to take steps to address ozone depletion in the stratosphere. In 1978, the Environmental Protection Agency banned the use of nonessential uses of chlorofluorocarbons in aerosols. This action was followed in the Scandinavian countries, Switzerland and Canada.

The United States, with the help of several other countries, bought the world low-cost insurance policy. Critical time to gain the needed scientific understanding of the problem was obtained.

Now after almost a decade's reprieve, CFC use has rebounded to match the peak amounts of 10 years ago.

Recent discovery of an ozone hole over the Antarctic has once again heightened the need for action.

The United States once again took the lead in addressing the problem. At the first round of negotiations for a worldwide agreement to control chlorofluorocarbons, the United States advocated both near and long-term measures to address the problem. Certain other countries weren't even prepared to freeze production of all CFC's.

The U.S. action is forceful, but the worldwide community may not accept it.

The critical need is to develop and begin using safe alternative chemicals.

U.S. industry has come forward and expressed a willingness to move forward in the development of these safe alternatives.

The United States must lead the world to protect the stratosphere. The commitment and leadership shown to protect the environment that existed during the 1970's needs to move to the forefront of U.S. policy.

The development of safe alternatives through technology—forcing is more than an environmental issue, it is a competitive issue. U.S. industry needs to develop environmentally protective alternatives and to then reap the benefit of having a product the world needs.

The legislation being introduced today, requires production of chloroflurocarbon 11, chloroflurocarbon 12, chloroflurocarbon 13, halon 1201, and halon 1311, be frozen at 1986 levels.

The total ozone depletion attributed to all chloroflurocarbons, or other ozone depleting chemicals, must then be reduced 25 per centum by 1991; 50 per centum by 1992, and 95 per centum by 1995.

In order to provide a clear market incentive to develop and use safe alternatives, the release of ozone depleting emissions shall be penalized. Penalties shall be based upon the ability of the chemical substance to deplete ozone. Penalties shall be phased in over a 5-year period to avoid any competitive advantage of using chemicals which threaten the stratosphere.

When U.S. stratospheric ozone depletion reaches 5 per centum of current levels, imports of chemicals and products containing these substances, or made with these substances, will be banned, unless the country has done as much to protect the environment as the United States has.

This legislation will lead to the protection of stratospheric ozone.

Mr. President, I ask unanimous consent that the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF STRATOSPHERE PROTECTION ACT OF 1987

Section 1. Short Title.

Section 2. Congressional Findings. Includes findings that manufactured substances, such as chlorofluorocarbons, are polluting the atmosphere and may be contributing to the related environmental problems of stratospheric ozone depletion and global climate change due to the greenhouse effect; these related problems threaten human health and the environment on a global scale; it is necessary to control international trade in chlorofluorocarbons and other ozone depleting substances to protect our global environment; and the United States needs to be the world leader in developing substitutes for these harmful chemicals.

Section 3. Objectives and National Goal. Establishes as a national goal, the elimination of atmospheric pollution from manufactured chemicals, such as chlorofluorocarbons.

Section 4. Definitions. Includes definition of "household consumer equipment" and "medical purposes" that receive special consideration under Section 9, "stratospheric ozone depletion factor," "manufactured substance;" and "substances covered by this Act."

Section 5—Listing of Regulated Substances. There are two lists of regulated substances: (1) a priority list of chemicals whose production level is frozen at 1986 levels; and (2) a list of other chemicals with ozone depletion potential that must have ozone depletion reduced 95% over the next 8 years. The priority list includes the most popular and harmful chlorofluorocarbons (11, 12 and 113) and halons (1211 and 1301). The second list includes the chemicals listed on the priority list, plus other chemicals with ozone depletion potential including chlorofluorocarbons (22, 114 and 115); and carbon tetrachloride, methyl chloroform.

The production of chemicals on the second list is regulated and limited on the basis of overall ozone depletion potential. Since the regulated chemicals have differing, relative ozone depletion potential, producers are free to shift their production capacity from one substance to another, provided the total ozone depletion potential of chemicals manufactured by a producer is reduced significantly over the next eight years (to 5% of 1986 levels).

Section 6. Reporting. Producers of ozone depleting chemicals are required to submit annual reports to the EPA.

Section 7. Production Cap for Initial List. This section caps the priority list chemicals at 1986 production levels on January 1, 1988.

Section 8. Limitation on Ozone Depletion Potential. This section sets forth the 8 year reduction in overall production of ozone depleting substances mentioned earlier.

Section 9. Limitation on Use. Recognizing that (1) there may be some essential medical uses for these chemicals for which no safe alternative is expected to be developed, and (2) many people have recently purchased (or are planning to purchase) household appliances that require the use of these chemicals, the phase-out in Section 8 is limited to 95% of current ozone depletion potential and beginning in 1998, the chemicals that are produced in excess of this limitation can be used only for medical purposes and to service and maintain household appliances.

Section 10. Production Phase-out Exceptions. To encourage recapture, safe destruction and closed use, a production credit that can be used to increase the production limits of Section 8, is available upon proof of such destruction or continued containment. A national security exemption is provided for production and use of halon 1211 and halon 1301.

Section 11. Ozone Depletion Penalty. This section establishes a penalty for continued use of substances or practices contributing to ozone depletion, set at a level which will eliminate any competitive advantage of a competing substance.

Section 12. Labeling. All containers of, or products made with, substances covered by this Act must bear a warning label.

Section 13-17. Miscellaneous Provisions. On Federal Enforcement, Judicial Review, Citizen Suits, Separability, Relationship to Other Laws and Authority of Administrator.

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stratosphere Protection Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) The best available scientific evidence shows that manufactured substances, including some chlorofluorocarbons, are polluting the atmosphere and may be contributing to the problems of stratospheric ozone depletion and thus allowing additional ultraviolet radiation to reach the earth's surface, contributing to global climate change, and other atmospheric modifications.

(2) No level of stratospheric ozone depletion or global climate change caused by human activities can be deemed safe.

(3) Stratospheric ozone depletion will lead to increased incidence of solar ultraviolet radiation at the surface of the Earth.

(4) Increased incidence of solar ultraviolet radiation is likely to cause increased rates of disease in humans (including increased rates of skin cancer), threaten food crops, and otherwise damage the natural environment.

(5) Stratospheric ozone depletion and global climate change from continued emissions of substances covered by this Act, including chlorofluorocarbons and other halogenated carbons with ozone depleting potential, and emissions of other gases imperil human health and the environment worldwide.

(6) In order to stabilize and eventually reduce concentrations of chlorine and bromine in the stratosphere, to conserve the stratospheric ozone layer (an exhaustible natural resource), and to reduce the extent of global climate change, emissions of chlorofluorocarbons and other substances covered by this Act, including halogenated carbons with ozone depleting potential, should be terminated rapidly.

(7) The highest priority must be given to developing and deploying safe substitutes to replace ozone depleting substances within 8 years.

(8) The United States needs to develop and deploy safe substitutes to replace ozone depleting substances in order to demonstrate to the world its commitment to protect the stratosphere.

SEC. 3. OBJECTIVES AND NATIONAL GOAL.

(a) The objectives of this Act are to restore and maintain the chemical and physical integrity of the Earth's atmosphere and to protect human health and the global environment from all known and potential dangers due to atmospheric or climatic modification, including stratospheric ozone depletion, that is or may be related to the chlorofluorocarbons or other substances covered by this Act by—

(1) reducing significantly the production and emission into the atmosphere of pollutants caused by human activities,

(2) promoting the rapid development and deployment of safe alternatives to the use of the chlorofluorocarbons and other substances covered by this Act, and

(3) promoting additional scientific research on atmospheric or climatic modification, including stratospheric ozone depletion, and on the known and potential adverse effects therefrom on human health and the global environment.

(b) In order to achieve the objectives of this Act, it is the national goal to eliminate atmospheric emissions of manufactured substances with ozone depleting potential, including chlorofluorocarbons and other halogenated carbons with ozone depleting potential, and to reduce significantly emissions of other gases caused by human activities that are likely to affect adversely the global climate.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "household consumer equipment" means manufactured products used in residences or personal property normally available for individual use including motor vehicles, farm equipment and otherwise non-commercial equipment.

(3) The term "medical purposes" means medical devices and diagnostic products (A) for which no safe substitute has been developed and (B) which, after notice and opportunity for public comment, has been approved and deemed essential by the Commissioner of the Food and Drug Administration, in consultation with the Administrator.

(4) The term "person" means an individual, corporation (including a government corporation), partnership, firm, joint stock company, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof (including any international instrumentality.

(5) The term "stratospheric ozone depletion factor" means the numerical value representing the ozone depletion potential of such substance, on a mass (per kilogram) basis based upon the substances atmospheric lifetime, molecular weight of bromine and chlorine, and its ability to be photolytically disassociated.

(6) Manufactured substance means a chlorofluorocarbons or other halogenated carbon with ozone depleting potential of a particular molecular identity or any mixture, that has been manufactured for commercial purposes.

(7) The term "substances covered by this Act" means those substances which are known or may reasonable be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion, and are listed under subsections (a) or (b) of section 5.

SEC. 5. LISTING OF REGULATED SUBSTANCES.

(a) INITIAL LIST.—Within 60 days after enactment of this Act, the Administrator shall publish an initial list of manufactured substances which are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion. The initial list shall include chlorofluorocarbon-11, chlorofluorocarbon-12, chlorofluorocarbon-113, halon-1211, and halon-1301.

(b) OTHER REGULATED SUBSTANCES.—Simultaneously with publication of the priority list, the Administrator shall create a list of other manufactured substances which, in the judgment of the Administrator, meet the criteria set forth in the first sentence of subsection (a). The list of other substances shall be subject to the limitations on ozone depletion potential under section 9 of this act and shall include chlorofluorocarbon-22, chlorofluorocarbon-114, chlorofluorocarbon-115, carbon tetrachloride, methyl chloroform, and methylene chloride. At least annually thereafter, the Administrator shall publish a proposal to add to such list each other manufactured substance which, in the judgment of the Administrator, meets the criteria set forth in the first sentence of subsection (a). Within 180 days of any such proposal, after allowing an opportunity for public comment, the Administrator shall promulgate a regulation adding each such substance to the list, unless the Administrator determines that such substance clearly does not meet the criteria set forth in the first sentence of subsection (a).

(c) OZONE DEPLETION FACTOR.—Simultaneously with publication of the lists or additions under this section, and at least annually thereafter, the Administrator shall assign to each listed substance a numerical value representing the ozone depletion potential of such substance, on a mass (per kilogram) basis, as compared with chlorofluorocarbon-11. The numerical value shall, for the purposes of section 9, constitute the ozone depletion factor of each such substance. Until the Administrator promulgates regulations under this subsection, the following ozone depletion factors shall apply:

substance	ozone depleting factor
chlorofluorocarbon-11	1.0
chlorofluorocarbon-12	0.9
chlorofluorocarbon-22	0.05
chlorofluorocarbon-113	0.78
chlorofluorocarbon-114	0.7
chlorofluorocarbon-115	0.4
carbon tetrachloride	1.06
methyl chloroform	0.10
methylene chloride	0.10
halon-1211	2.69
halon-1301	11.43

SEC. 6. REPORTING REQUIREMENTS.

(a) Priority List.—Within 90 days after enactment of this Act, each person producing a substance listed pursuant to subsection (a) of section 5 shall file a report with the Administrator setting forth the amount of the substance that was produced by such person during calendar year 1986. Not less than annually thereafter, each producer shall file a report with the Administrator setting forth the production levels of such substance in each successive 12-month period until such producer cease production of the substance. Each such report shall be signed by a responsible corporate officer.

(b) Additions.—Within 90 days of the date on which a substance is placed on the list under subsection (b) of section 5, each person shall file a report with the Administrator setting forth the amount of the substance that was produced by such person during the 12 months preceding the date of listing. Not less than annually thereafter, each producer shall file a report with the Administrator setting forth the production levels of such substance in each successive 12-month period until such producer ceases production of the substance. Each such report shall be signed by a responsible corporate officer.

SEC. 7. PRODUCTION CAP FOR INITIAL LIST.

Effective January 1, 1988, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 5 in a quantity greater than that produced by such person during calendar year 1986.

SEC. 8. LIMITATION ON OZONE DEPLETION POTENTIAL.

Effective January 1, 1995, it shall be unlawful for any person to produce any substance in a quantity which when multiplied by the ozone depletion factor for such substance would result in a quantity which would allow the total chloroflurocarbon or other halogenated carbon ozone depletion potential to exceed 5 per centum of the level of ozone depletion attributable to total United States production for 1986 for substances identified in subsection (C) of section 5.

(b) The Administrator shall promulgate regulations under subsection (c), limiting production of a substance listed pursuant to subsection (b) of section 5, using the 1986 production level reported by each producer to the Administrator under section 6 multiplied by the substances stratospheric ozone depletion factor, in order to reduce stratospheric ozone depletion potential of such substance.

(1) 25 per centum effective January 1, 1989;

(2) 50 per centum effective January 1, 1991;

(3) 95 per centum effective January 1, 1995;

(c) The Administrator shall promulgate regulations, after notice and opportunity for public comment, which requires each producer to reduce its production of

(1) a substance listed under subsection (a) of section 5 more rapidly than the schedule provided under this Act; or

(2) a substance listed under subsection (b) of section 5 on a specific schedlule not otherwise provided for in this Act

if the Administrator determines that such revised or specific schedule (A) based on new information regarding the harmful effects on the stratosphere or climate which may be associated with a listed substance, is necessary to protect human health and the environment or (B) based on the availability of substitutes for a listed substance, is attainable. Any person may petition the Administrator to issue such regulations. The Administrator shall issue such regulations within 180 days after receipt of any such petition, unless the Administrator denies the petition.

SEC. 9 LIMITATION ON USE.

Effective on the date 12 months after the production of a substance listed under section 5 is required to be reduced as set forth in subsection (b)(3) of section 9, it shall be unlawful to introduce into commerce or to use such listed substance above regulated quantities except for medical purposes approved by Consumer Food and Drug Administration in consultation with the Administrator for which no safe substitute has been developed and, for a period not to exceed 10 years after the date on which such production is required to be reduced under subsection (b)(3) of section 8 to maintain and service household consumer equipment.

SEC. 10. PRODUCTION PHASE-OUT EXCEPTIONS.

(a) Recovery and Destruction.—Upon application by an interested person, and after notice and opportunity for public comment, the Administrator may permit such person to produce a substance listed under section 5 during a 12 month period in a specified quantity that exceeds the applicable quantity limitations set forth in sections 7 and 9 if the applicant demonstrates to the Administrator by clear and convincing evidence that such specified quantity has been offset by an equal quantity of such listed substance which has been recovered and destroyed from products in use. A substance recovered for resale shall not be considered new production for purposes of this Act.

(b) National Security.—The President may issue such orders regarding production and use of halon-1211 and halon-1301 at any specified site or facility as may be necessary to protect the national security interests of the United States if the President finds that adequate substitutes are not available and that the production and use of such substance is necessary to protect such national security interests. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this Act. The President shall notify the Congress within 30 days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for the granting of the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph. Each such additional exemption shall be for a specified period which may not exceed one year. No exemption shall be granted under this paragraph due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

(c) Closed Use.—Upon application by an interested person, and after notice and opportunity for public comment, the Administrator may permit such person to produce a specified quantity of a listed substance, during a 12 month period, that exceeds the applicable quantity limitations set forth in sections 8 if the applicant demonstrates to the Administrator by clear and convincing evidence that such quantity will be contained for reuse and therefore never available for release to the environment except in de minimis amounts. Any such amount released shall be counted by the Administrator in calculating available ozone depletion under subsection b of section 8.

SEC. 11. OZONE DEPLETION PENALTY.

After notice and opportunity for public comment, but not later than 12 months after the date of enactment, the Administrator shall provide for the imposition and collection of a penalty for the continued use of substances or practices which have been listed pursuant to the provisions of this Act or otherwise identified as causing or contributing to ozone depletion.

(b) Such penalty, together with accumulated interest and fees, shall begin to accrue 12 months from the date of enactment, the date of proposed listing, or the date of identification, whichever is later, against any person who produces or imports—

(A) a substance, product or good identified or listed pursuant this Act;

(B) a substance, product or good manufactured or derived from in whole or any part, a substance or practice identified or listed pursuant to this Act.

(c) Such penalty shall be that amount which, when added to the price received by the producer or importer, will eliminate any competitive advantage, whether in terms of price, quality, or otherwise, taking into account the capability of the substance to deplete ozone, such substance, product, service or good would have against a competing substance, product, service or good which does not utilize a substance or practice identified or listed pursuant to this Act as causing or contributing to ozone depletion. The penalty shall be phased-in over a five year period beginning at a rate one-fifth of the amount determined to eliminate any competitive advantage. Provided, however, any substance with an ozone depletion factor equal to or less than .1 shall not be subject to such penalty.

(d) Penalties shall—

(A) be paid to the United States Treasury;

(B) be paid at least monthly;

(C) be imposed and collected by a court of law in the event timely action is not taken to implement the provisions of this sectional or any other provision of this Act, by the Administrator or any other officer of the Executive Branch; and,

(D) not be waived or reduced in any amount due to delay in listing, identification, promulgation, calculation, publication under the other provisions of this Act.

SEC. 12. CERTIFICATION OF EQUIVALENT PROGRAMS.

(a) Imports.—Effective January 1, 1985, it shall be unlawful for any person to import such substance, any product containing such substance, or any product manufactured with a process that uses such substance listed under section 5 unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product is manufactured and from which such substance or product is imported have established and are fully implementing programs that have reduced production of such listed substance on a schedule that is at least as stringent as the reduction schedule for domestic production which applies under this Act. The prohibition on the import of any product manufactured with a process that uses a substance listed under section 5 shall include, after notice and opportunity for public comment, any product which the Administrator has reason to believe was manufactured with a process that uses such substance. The Administrator's decison that a product was manufactured with a process that uses such substance shall constitute a rebuttable presumption.

(b) Import Consultations.—In order to provide early opportunity for compliance with this provision, the Administrator shall notify each nation subject to this provision by January 1, 1988 of the requirements of this Act. The Administrator shall then undertake consultations in order to insure such nations are establishing and fully implementing programs that are reducing production of such listed substances on a schedule that is at least as stringent as the reduction schedule for domestic production which applies under this Act.

(c) Certification of National Program.—The Administrator shall not certify any national program under subsection (a) unless it is determined that—

(1) the nation has adopted legislation or regulations which give the reduction schedule for each listed substance the force or law; and

(2) the legislation or regulations include reporting and enforcement requirements no less stringent than those specified in sections 6 and , and that the information contained in such reports is available to the Administrator and the Secretary.

(d) Revocation.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the conditions of subsections (a) and (b) remain satisfied and that the reduction schedule for each listed substance is in fact being carried out in such nations. Any such revocation shall take effect 180 days after notice of the revocation has been published.

(e) Allocation.—Any person who imports a substance covered by this Act or a product containing such substance shall, for the purposes of section 7 (production phase-out for priority list) and section 9 (limitation on ozone depletion potential), shall be deemed to have produced an equivalent amount of such substance on the date of such importation.

SEC. 13. LABELLING.

(a) Effective 18 months after the date on which a substance is placed on the list maintained under section 5, no container in which such substance is stored or transported, no product containing such substance, and no product manufactured with a process that uses a listed substance shall be introduced into commerce in the United States unless it bears a label stating either of the following, as appropriate:

(1) 'Contains (insert name of listed substance) a substance which may harm public health and environment by destroying ozone in the upper atmosphere and by disrupting the climate'.

(2) 'Manufactured with (insert name of listed substance), a substance which may harm public health and environment by destroying ozone in the upper atmosphere and by disrupting the climate'.

The Administrator shall issue regulations to implement the labelling requirements of this section within one year after enactment of this section, after notice and opportunity to comment. Such regulations shall require all containers and products subject to this section which are introduced or reintroduced into commerce later than 90 days after promulgation to bear the appropriate label.

SEC. 14. PROHIBITED ACTS AND PENALTIES; ENFORCEMENT.

(a) Compliance orders.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this Act, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator under this Act and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation of a requirement of this Act. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(b) Public Hearing.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(c) Violation of Compliance Orders.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator.

(d) Criminal Penalties.—Any person who—

(1) knowingly exceeds the production limits under section 7 (production phase-out for initial list) or section 9 (limitation on ozone depletion potential);

(2) knowingly introduces into interstate commerce a substance that was produced in violation of section 7 or section 9;

(3) knowingly imports a substance listed under subsection (a) of section 5, a product containing such substance, or a product manufactured with a process that uses such substance, in violation of section 11 (certification of equivalent programs);

(4) knowingly introduces into interstate commerce a substance or product in violation of section 8 (limitation on use) or section 12 (labelling);

(5) knowing omits material information or makes any false material statement or representation in any application, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this Act; or

(6) knowing produces, transports, distributes, or uses any substance listed under section 5, a product containing such substance, or a product manufactured with a process that uses such substance, and who knowingly destroys, alters, conceals, or fails to file any record, application, report, or other document required to be maintained or filed for purposes of compliance with this Act.

shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.

(e) Civil penalty.—Any person who violates any requirement of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

(f) Violations.—Each day of violation of any requirement of this Act shall, for purposes of this section, constitute a separate violation. In addition, for purposes of section 7 (production phase-out for initial list), section 8 (limitation on use), section 9 (limitation on ozone depletion potential), and paragraphs (1), (2), (3), and (4) of subsection (d) of this section, the production, introduction into commerce, or importation of each 100 pounds of a substance listed under subsection (a) of section 5 that is in excess of the production limits under section 7 or section 9 shall constitute a separate violation.

SEC. 15. JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.

Any judicial review of final regulations promulgated pursuant to this Act and the Administrator's denial of any petition for the promulgation, amendment, or repeal of any regulation under this Act shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

(1) a petition for review of action of the Administrator in promulgating any regulation, or requirement under this Act or denying any petition for the promulgation, amendment or repeal of any regulation under this Act may be filed by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within ninety days from the date of such promulgation or denial or after such date if such petition is for review based solely on grounds arising after such ninetieth day; action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

(2) in any judicial proceeding brought under this section in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if a party seeking review under this Act applies to the court

for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify administrative findings as to the facts, or make new findings, by reason of the additional evidence so taken, and shall file with the court such modified or new findings and the Administrator's recommendation, if any, for the modification or setting aside of the original administrative order, with the return of such additional evidence.

SEC. 16. CITIZEN SUITS.

(a) In General.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

(1) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any permit, regulation, condition, requirement, prohibition, or order which has become effective pursuant to this Act; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

Any action under paragraph (a)(1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under paragraph (a)(2) of this subsection may be brought in the district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section —.

(b) Actions Prohibited.—No action may be commenced under subsection (a)(1) of this section—

(A) prior to 60 days after the plaintiff has given notice of the violation to—

(i) the Administrator;

(ii) the State in which the alleged violation occurs; and

(iii) to any alleged violator of such permit, standard, regulation, condition, requirement, prohibition, or order; or

(B) if the Administrator or State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States or a State to require compliance with such permit, regulation, condition, requirement, prohibition, or order. In any action under subsection (a)(1) in a court of the United States, any person may intervene as a matter of right. Any action respecting a violation under this Act may be brought under this section only in the judicial district in which such alleged violation occurs.

(c) Notice.—No action may be commenced under paragraph (a)(2) of this section prior to 60 days after the plaintiff has given notice to the Administrator that he will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(d) Intervention.—In any action under this section the Administrator, if not a party, may intervene as a matter of right.

(e) Costs.—The court, in issuing any final order in any action brought pursuant to this section or section 14, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) Other Rights Preserved.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or requirement or to seek any other relief (including relief against the Administrator or a State agency).

SEC. 17. SEPARABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 18. RELATIONSHIP TO OTHER LAWS.

(a) Nothing in this Act shall be construed to alter or affect the authority of the Administrator under the Clean Air Act or the Toxic Substances Control Act or to affect the authority of any other department, agency, or instrumentality of the United States under any provision of law to promulgate or enforce any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere.

(b) Nothing in this Act shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substances, practice, process, or activity for purposes of protecting the stratosphere or zone in the stratosphere.

SEC. 19. AUTHORITY OF ADMINISTRATOR.●

Mr. MITCHELL. I am pleased to join my colleagues in introducing vitally important legislation. The Stratospheric Protection Act, the Stratospheric Ozone and Climate Protection Act, and the Senate concurrent resolution on chlorofluorocarbons address one of our most complex, long-term environmental problems. These measures would protect not merely a single resource or ecosystem, but the atmosphere and the climate on a global scale.

Chlorofluorocarbons [CFC's] threaten the very ability of planet Earth to support life as we know it by depleting the protective ozone layer in the stratosphere. Increased ultraviolet radiation penetrating to the Earth's surface will increase the risk of cancer and create as yet undetermined effects on other plant and animal life.

CFC's also are among the strongest of the so-called greenhouse gases which contribute to the problems of global warming. The continuing buildup of CFC's, carbon dioxide and other trace gases in the atmosphere caused by human activities will trap the heat radiating from the Earth's surface. the increased heat will lead to warming of the Earth and dramatic changes in the climate that are potentially the most serious and far-reaching environmental problems humankind has encountered. The scientific facts now leave no doubt about the validity of the geeenhouse theory, and no doubt about the certain change it will bring to planet Earth.

While the specific regional impacts and the precise timing and magnitude of the changes are not fully understood, there is no doubt about what is in store for us. The potential effects include dislocation of agricultural regions due to changes in growing seasons and precipitation, negative impacts on plants and animals, and rising sea level from melting glaciers. There may also be increased variability in the climate, or more extreme weather—increasingly frequent droughts, coastal storms, flooding, and even unusually harsh winters.

On January 28, Senator Baucus and I chaired a hearing in the Senate on the issues of the greenhouse effect, climate change, and ozone depletion. A panel of eminent atmospheric chemists and geophysicists testified on the greenhouse effect. Their testimony reflects the latest findings from the scientific community.

Dr. Ralph Cicerone of the National Center for Atmospheric Research confirmed that the atmospheric concentrations of greenhouse gases are continuing to increase. He cited evidence that carbon dioxide has increased 25 percent during the century since the preindustrial era, reaching the highest levels in 40,000 years. He also concluded that this increase is almost certainly due to burning of fossil fuels, with some contribution from deforestation. Dr. Cicerone explained that the combined effect of other trace gases such as methane, ozone and chlorofluorocarbons is now known to be contributing equally to the greenhouse effect.

Dr. V. Ramanathan of the University of Chicago testified that we are already committed to a global warming of up to 2 °C from the increased gases added to the atmosphere since 1850. In other words, even if action were taken tomorrow to limit future emissions of these gases, we have already set in motion a significant temperature and climate change. It has been 8,000 years since the Earth has been 1 °C warmer than the present and 70 million years since the average global temperature was 5 °C warmer than today. His testimony indicates the unprecedented magnitude of the predicted climate changes.

Dr. Tom Wigley, a visiting British scientist from the University of East Anglia, presented the results of his study of temperature records over the past 100 years. He concluded that the Earth has warmed 0.5 °C—almost 1 degree Fahrenheit—in the past 100 years. Recently, the warming trend has been very rapid, with 1981 and 1983 the 2 warmest years in the entire record. He testified that this magnitude of warming is consistent with greenhouse predictions. He believes that this warming represents the first signal of the greenhouse effect.

Dr. Wallace Broecker of Columbia University's Lamont-Doherty Geological Observatory testified that climate changes in response to the greenhouse effect may occur as sudden jumps rather than gradual trends. The timing and magnitude of such dramatic changes would be unpredictable, severely limiting our ability to cope and adapt.

Recently, two industry publications gave extensive coverage to the problems of the greenhouse effect and climate change—Chemical and Engineering News, published by the American Chemical Association, and the Electric Power Research Institute's EPRI Journal. Further recognition of the seriousness of these global environmental problems is summarized well by Lee Thomas, Administrator of the U.S. Environmental Protection Agency, who said that

> * * * if we wait until health and environmental problems are manifest it might be too late to take adequate steps to address these problems. We must realize that there will always be scientific uncertainty associated with these complex problems. We will have to be prepared to act despite these uncertainties.

Reductions in the use of CFC's will protect the stratosphere from ozone depletion, and perhaps even more importantly help in delaying global warming. The greenhouse effect, and climate change, as well as ozone depletion, are real and practical concerns for the condition of this planet within our lifetimes. The importance of the initial step we are taking today with the introduction of this legislation cannot be overstated.

By Mr. CHAFEE (for himself, Mr. Baucus, Mr. Stafford, Mr. Mitchell, Mr. Durenberger, Mr. Gore, Mr. Wirth, and Mr. Reid):

S. 571. A bill to reduce atmospheric pollution to protect the stratosphere from ozone depletion, and for other purposes; to the Committee on Environment and Public Works.

STRATOSPHERIC OZONE AND CLIMATE PROTECTION ACT

● Mr. CHAFEE. Mr. President, I rise today to introduce the Stratospheric Ozone and Climate Protection Act of 1987 on behalf of myself and Senators Baucus, Stafford, Mitchell, Durenberger, Gore, and Wirth. My statement is also offered in support of two other measures being introduced today by several of us: Senator Baucus' bill, the Stratosphere Protection Act of 1987; and the Senate concurrent resolution being introduced by Senator Wirth on international negotiations to protect the ozone layer.

Before I go any further, a point of clarification is needed. Many of us have been hearing about the Clean Air Act and the problems of "ozone nonattainment." We hear about our cities being plagued with too much ozone. Well, all of us need to recognize that there are two types of ozone problems: There is the ozone nonattainment problem—too much smog in the lower atmosphere—the troposphere; and there is the ozone depletion problem—too little ozone in the upper atmosphere—the stratosphere. The subject of the legislation being introduced today is the ozone depletion problem.

Last summer we held hearings on the related problems of ozone depletion and the global climate change that will result from a phenomenon known as the greenhouse effect. These are complicated environmental problems that, due to the global nature and predicted effects, present a greater challenge than any environmental problem we have ever had to deal with.

This is not a matter of Chicken Little claiming the sky is falling. The scientists at our hearings told us we have a problem, a serious problem.

Their message, and the conclusion I have come to after reviewing other sources, is this: The continued use of chlorofluorocarbons [CFC's] is likely to lead to depletion of the Earth's protective stratospheric ozone layer. The effects of this depletion will strike at the very core of everyone's health and environmental well-being. Increased skin cancers, suppression of the immune response system, reduced crop yields, and loss of aquatic species are just some of the dangers that lie ahead if we fail to act.

In the few months since those hearings, the news from the scientific community has only added to my concern. More sophisticated computer models of our atmosphere show that future increases in emissions of chlorofluorocarbons [CFC's] would lead to greater than previously expected ozone depletion at latitudes that include the northern United States and much of Europe. In addition, preliminary data from a NASA satellite shows that a hole may also be occurring over the Arctic during the spring season—similar to but smaller than the one known to exist over the Antarctic—and a small but significant reduction in global stratospheric ozone levels may have occurred during the past several years.

When discussing the related environmental threats of ozone depletion and the greenhouse effect, you can't help but take note of one common element: That is the fact that CFC's have been identified as a culprit in both instances; they contribute to both problems.

While we recognize that many scientific uncertainties remain, we must also recognize our responsibility to act in a prudent manner to safeguard the well-being of our planet and its inhabitants.

It has now been over 12 years since the first warning about the dangers of CFC's and ozone depletion. A considerable body of scientific evidence has reinforced that warning. Do we continue to expand our reliance on CFC's while we wait for even more evidence, further placing in jeopardy the very future of our planet, or do we act now to safeguard the ozone layer for our and future generations?

Given the magnitude of the health and environmental risks involved, a plan that leads to the eventual elimination of ozone-depleting chemicals from global commerce is the only acceptable solution. Limited growth or maintenance of current levels of use are unacceptable.

Efforts to preserve our ozone layer transcend narrow interests. We must all accept responsibility for preserving our Earth's basic life support systems.

Last October, I spoke on the Senate floor of the need to impose controls on the production and release of CFC's. At that time, I noted that international negotiations were underway; stressed my preference for resolving the problems of CFC's in that forum; and stated my intention to introduce legislation that will impose domestic controls and restrictions on international trade.

Today, we are here for three reasons:

First, to announce our continued support for the international process and the well-founded U.S. position that was put together by EPA and the State Department. These two agencies, and particularly Lee Thomas, Administrator of the EPA, and Richard Benedick, Deputy Assistant Secretary of State who heads up the U.S. delegation, should be commended for getting this administration to press for an immediate freeze and scheduled phaseout of all fully halogenated CFC's.

Second, to stress that, to be acceptable to Congress, an international agreement must provide for reductions, not just a freeze on production of CFC's.

And third, to introduce legislation on CFC's.

In addition to the resolution on the international negotiations scheduled for next week in Vienna, we are introducing two bills that will phase out the domestic production, importation, and use of harmful CFC's and other chemicals containing chlorine or bromine that the scientists tell us can deplete the ozone layer.

The bill that I have authored, the Stratospheric Ozone and Climate Protection Act of 1987, has three main elements:

First, it provides for a statutory, 6-year, 95-percent phaseout of the most suspect chemicals—CFC 11, 12, 113 and halon 1211 and 1301;

Second, it includes a regulatory program for an 8-year, 95-percent reduction of overall ozone depleting potential that will force producers to shift, reduce, or eliminate the other substances that are identified as having the potential to deplete the ozone layer—these include methylene chloride, carbon tetrachloride, and methyl chloroform; and

Third, in 12 months, importation of the most suspect chemicals, and products made with or containing those chemicals will be prohibited unless EPA certifies that the country of origin is on a phaseout schedule similar to ours.

The bill authored by Senator Baucus, the Stratosphere Protection Act of 1987, has the same goal—the elimination of chemicals that can deplete the ozone layer—but suggests a different approach. Senator Baucus and I have worked closely together on these bills and many of the differences are designed to focus the debate and elicit testimony on specific issues.

My preference is still that this global problem be dealt with by way of an international agreement. For this reason, we will not press for consideration of our legislation unless and until it becomes obvious that the ongoing negotiations will not produce an acceptable agreement.

Nevertheless, if it appears that this round of negotiations is not likely to produce a strong protocol phasingout fully halogenated CFC's, as Members of Congress, it is my firm conviction, we will have to reassert our role as national decisionmakers and move legislation forward to require unilateral action leading to the phaseout of such CFC's.

I recognize that unilateral action has both advantages and disadvantages. It would provide an early incentive for our domestic industry to begin work on producing alternative chemicals which would not adversely affect the ozone layer and could be used to replace CFC's. It is my understanding that such chemical substitutes are possible, but would take approximately 5 years to develop and would cost consumers a few pennies more. This seems like a small price to pay for protecting the important stratospheric ozone layer. By moving toward the development of these safer chemicals now, our industry would get the jump on its competition abroad.

To protect our environment and our domestic industry in the near term, I have included in my legislation a provision which some call trade barriers. To me, a prohibition on the importation of products that are made with or contain materials that could not be used in this country is not a trade barrier, it is a legitimate means of protecting our environment. Call it what you will, countries that wish to trade with us will have to abide by our rules for protecting our environment.

If it becomes necessary, we will face up to our responsibilities. We will press forward, combine the best features of the two bills, and lead the world by example. As a major consumer of products that use CFC's, we can make a significant difference to the environment if we stop making them and refuse to import them. As mentioned earlier, we have the rare opportunity to gain a competitive advantage by being environmentally sensitive.

Ironically, I hope there is no need for us to consider this legislation. My sincere wish is to see the international negotiations succeed. Such a result would be more effective and efficient.

Mr. President. I ask unanimous consent that a section-by-section analysis of my bill and the text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stratospheric Ozone and Climate Protection Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) The best-available scientific evidence shows that manufactured substances, including some chlorofluorocarbons, are polluting the atmosphere and may be contributing to the problems of stratospheric ozone depletion, global climate change, and other atmospheric modifications.

(2) No level of stratospheric ozone depletion or global climate change caused by human activities can be deemed safe.

(3) Stratospheric ozone depletion will lead to increased incidence of solar ultraviolet radiation at the surface of the Earth.

(4) Increased incidence of solar ultraviolet radiation is likely to cause increased rates of disease in humans (including increased rates of skin cancer), threaten food crops, and otherwiser damage the natural environment.

(5) Stratospheric ozone depletion and global climate change from continued emissions of substances covered by this Act, including chlorofluorocarbons and other halogenated carbons with ozone depleting potential, and emissions of other gases imperil human health and the environment worldwide.

(6) In order to stabilize and eventually reduce concentrations of chlorine and bromine in the stratosphere, to conserve the stratospheric ozone layer (an exhaustible natural resource), and to reduce the extent of global climate change—

(A) emissions of chlorofluorocarbons and other substances covered by this Act, including halogenated carbons with ozone depleting potential, should be terminated rapidly, and

(b) it is necessary to control international trade in substances covered by this Act and products containing or made with processes that use such substances.

(7) The highest priority must be given to developing and deploying safe substitutes to replace ozone depleting substances within 6 years.

(8) The United States needs to develop and deploy safe substitutes to replace ozone depleting substances in order to demonstrate to the world its committment to protect the stratosphere.

SEC. 3. OBJECTIVES AND NATIONAL GOAL.

(a) The objectives of this Act are to restore and maintain the chemical and physical integrity of the Earth's atmosphere and to protect human health and the global environment from all known and potential dangers due to atmospheric or climatic modification, including stratospheric ozone depletion, that is or may be related to the chlorofluorocarbons or other substances covered by this Act by—

(1) reducing significantly the production and emission into the atmosphere of pollutants caused by human activities,

(2) promoting the rapid development and deployment of safe alternatives to the use of the chlorofluorocarbons and other substances covered by this Act, and

(3) promoting additional scientific research on atmospheric or climatic modification, including stratospheric ozone depletion, and on the known and potential adverse effects therefrom on human health and the global environment.

(b) In order to achieve the objectives of this Act, it is the national goal to eliminate atmospheric emissions of manufactured substances with ozone depleting potential, including chlorofluorocarbons and other halogenated carbons with ozone depleting potential, and to reduce significantly emissions of other gases caused by human activities that are likely to affect adversely the global climate.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "household appliances" means noncommercial personal effects, including air conditioners, refrigerators, and motor vehicles.

(3) The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(4) The term "manufactured substances" means any organic or inorganic chemical substances of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes.

(5) The term "medical purposes" means medical devices and diagnostic products (A) for which no safe substitute has been developed and (B) which, after notice and opportunity for public comment, has been approved and deemed essential by the Commissioner of the Food and Drug Administra-

tion, in consultation with the Administrator.

(6) The term "person" means an individual, corporation (including a government corporation), partnership, firm joint stock company, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, or any State or political subdivision thereof (including any interstate body), or of any foreign government (including any international instrumentality).

(7) The term "substances covered by this Act" means those substances which are known or may reasonable be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion, and are listed under subsections (a) or (b) of section 5.

SEC. 5. LISTING OF REGULATED SUBSTANCES.

(a) SUBSTANCES TO BE PHASED OUT.—Within 60 days after enactment of this Act, the Administrator shall publish a priority list of manufactured substances which are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion. The initial list shall include chlorofluorocarbon-11, chlorofluorocarbon-12, chlorofluorocarbon-113, halon-1211, and halon-1301.

(b) OTHER REGULATED SUBSTANCES.—Simultaneously with publication of the priority list, the Administrator shall create a list of other manufactured substances which, in the judgment of the Administrator, meet the criteria set forth in the first sentence of subsection (a). The list of other substances shall be subject to the limitations on ozone depletion potential under section 9 of this Act and shall include chlorofluorocarbon-22, chlorofluorocarbon-114, chlorofluorocarbon-115, carbon tetrachloride, methyl chloroform, and methylene chloride. At least annually thereafter, the Administrator shall publish a proposal to add to such list each other manufactured substance which, in the judgment of the Administrator, meets the criteria set forth in the first sentence of subsection (a). Within 180 days of any such proposal, after allowing an opportunity for public comment, the Administrator shall promulgate a regulation adding each such substance to the list, unless the Administrator determines that such substance clearly does not meet the criteria set forth in the first sentence of subsection (a).

(c) OZONE DEPLETION FACTOR.—Simultaneously with publication of the lists or additions thereto under this section, and at least annually thereafter, the Administrator shall assign to each listed substance a numerical value representing the ozone depletion potential of such substance, on a mass (per kilogram) basis, as compared with chlorofluorocarbon-11. The numerical value shall, for the purposes of section 9, constitute the ozone depletion factor of each such substance. Until the Administrator promulgates regulations under this subsection, the following ozone depletion factors shall apply:

Substance:	*ozone depleting factor*
chlorofluorocarbon-11	1.0
chlorofluorocarbon-12	1.0
chlorofluorocarbon-22	0.05
chlorofluorocarbon-113	0.78
carbon tetrachloride	1.06
methly chloroform	0.10
halon-1211	2.69
halon-1301	11.43

SEC. 6. REPORTING REQUIREMENTS.

(a) PRIORITY LIST.—Within 90 days after enactment of this Act, each person producing a substance listed pursuant to subsection (a) of section 5 shall file a report with the Administrator setting forth the amount of the substance that was produced by such person during calendar year 1986. Not less than annually thereafter, each producer shall file a report with the Administrator setting forth the production levels of such substance in each successive 12-month period until such producer ceases production of the substance. Each such report shall be signed by a responsible corporate officer.

(b) OTHER REGULATED SUBSTANCES.—Within 90 days of the date on which a substance is placed on the list under subsection (b) of section 5, each person shall file a report with the Administrator setting forth the amount of the substance that was produced by such person during the 12 months preceding the date of listing. Not less than annually thereafter, each producer shall file a report with the Administrator setting forth the production levels of such substance in each successive 12-month period until such producer ceases production of the substance. Each such report shall be signed by a responsible corporate officer.

SEC. 7. PRODUCTION PHASE-OUT FOR PRIORITY LIST.

(a) Effective January 1, 1988, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 5 in annual quantities greater than that produced by such person during calendar year 1986.

(b) Effective January 1, 1989, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 5 in annual quantities greater than 75 per centum of that produced by such person during calendar year 1986.

(c) Effective January 1, 1991, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 5 in annual quantities greater than 50 per centum of that produced by such person during calendar year 1986.

(d) Effective January 1, 1993, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 5 in annual quantities greater than five per centum of that produced by such person during calendar year 1986.

SEC. 8. LIMITATION ON USE.

Effective January 1, 1994, it shall be unlawful to introduce into interstate commerce or to use a substance listed under subsection (a) of section 5 except for medical purposes approved by the Commissioner of the Food and Drug Administration, in consultation with the Administrator, and, for a period not to exceed 10 years after January 1, 1994, to maintain and service household appliances.

SEC. 9. LIMITATION ON OZONE DEPLETION POTENTIAL.

(a) Effective January 1, 1988, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 5, yield a total ozone depletion potential greater than that produced by such person during calendar year 1986.

(b) Effective January 1, 1989, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 5, yield a total ozone depletion potential greater than 75 per centum of that produced by such person during calendar year 1986.

(c) Effective January 1, 1991, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 5, yield a total ozone depletion potential greater than 50 per centum of that produced by such person during calendar year 1986.

(d) Effective January 1, 1995, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each such substance under subsection (c) of section 5, yield a total ozone depletion potential greater than five per centum of that produced by such person during calendar year 1986.

(e) The Administrator shall promulgate regulations, after notice and opportunity for public comment, which require each producer to reduce its production of (1) a substance listed under subsection (a) of section 5 more rapidly than the schedule provided under this Act; or (2) a substance listed under subsection (b) of section 5 on a specific schedule not otherwise provided for in this Act.

if the Administrator determines that such revised or specific schedule (A) based on new information regarding the harmful effects on the stratosphere or climate which may be associated with a listed substance, is necessary to protect human health and the environment or (B) based on the availability of substitutes for a listed substance, is attainable. Any person may petition the Administrator to issue such regulations. The Administrator shall issue such regulations within 180 days after receipt of any such petition, unless the Administrator denies the petition.

SEC. 10. PRODUCTION PHASE-OUT EXCEPTIONS.

(a) RECOVERY AND DESTRUCTION.—Upon application by an interested person, and after notice and opportunity for public comment, the Administrator may permit such person to produce a substance listed under section 5 during a 12 month period in a specified quantity that exceeds the applicable quantity limitations under sections 7 and 9 if the applicant demonstrates to the Administrator by clear and convincing evidence that such specified quantity has been offset by an equal or greater quantity of such listed substance which has been recovered and destroyed from products in use.

(b) NATIONAL SECURITY.—The President may issue such orders regarding production and use of halon-1211 and halon-1301 at any specified site or facility as may be necessary to protect the national security interests of the United States if the President finds that adequate substitutes are not available and that the production and use of such substance is necessary to protect such national security interests. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this Act. The President shall notify the Congress within 30 days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for the granting of the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph. Each such additional exemption shall be for a specified period which may not exceed one year. No exemption shall be granted under this paragraph due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

SEC. 11. CERTIFICATION OF EQUIVALENT PROGRAMS.

(a) Imports.—Effective 12 months after the date on which a substance is placed on the priority list pursuant to subsection (a) of section 5, it shall be unlawful for any person to import such substance, any product containing such substance, or any product manufactured with a process that uses such substance unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product was manufactured and from which such substance or product is imported have established and are fully implementing programs that require reduced production of such listed substance, and limit production of other substances covered by this Act, on a schedule and in a manner that is at least as stringent as the reduction schedule for, and limitations on, domestic production which apply under this Act. The prohibition on the import of any product manufactured with a process that uses a substance listed under subsection (a) of section 5 shall include, after notice and opportunity for public comment, any product which the Administrator has reason to believe may have been manufactured with a process that uses such substance. The Administrator's decision that a product may have been manufactured with a process that uses such substance shall constitute a rebuttable presumption.

(b) Certification of National Program.—The Administrator shall not certify any national program under subsection (a) unless it is determined that—

(1) the nation has adopted legislation or regulations which give the reduction schedule for each listed substance the force of law; and

(2) the legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in sections 6 and 13 of this Act, and that the information contained in such reports is available to the Administrator and the Secretary.

(c) Revocation.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the conditions of subsections (a) and (b) remain satisfied and that the reduction schedule for each listed substance is in fact being carried out in such nations. Any such revocation shall take effect 180 days after notice of the revocation has been published.

(d) Allocation.—Any person who imports a substance covered by this Act or a product containing such substance shall, for the purposes of section 7 (production phase-out for priority list) and section 9 (limitation on ozone depletion potential), shall be deemed to have produced an equivalent amount of such substance on the date of such importation.

SEC. 12. LABELING.

(a) Effective 18 months after the date on which a substance is placed on a list maintained under subsection (a) or (b) of section 5, no container in which such substance is stored or transported, no product containing such substance, and no product manufactured with a process that uses a listed substance shall be introduced into interstate commerce unless it bears a label stating either of the following, as appropriate:

(1) "Contains (insert name of listed substance) a substance which may harm public health and environment by destroying ozone in the upper atmosphere and by disrupting the climate".

(2) "Manufactured with (insert name of listed substance), a substance which may harm public health and environment by destroying ozone in the upper atmosphere and by disrupting the climate".

The Administrator shall issue regulations to implement the labelling requirements of this section within one year after enactment of this section, after notice and opportunity for public comment. Such regulations shall require all containers and products which **are subject to this section and introduced or** reintroduced into commerce later than 90 days after promulgation of such regulations to bear the appropriate label.

SEC. 13. FEDERAL ENFORCEMENT.

(a) Compliance Orders.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this Act, the Administrator may issue an order assessing a civil penalty for any past of current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator under this Act and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation of a requirement of this Act. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(b) Public Hearing.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(c) Violation of Compliance Orders.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator.

(d) Criminal Penalties.—Any person who—

(1) knowingly exceeds the production limits under section 7 (production phase-out for initial list) or section 9 (limitation on ozone depletion potential);

(2) knowingly introduces into interstate commerce a substance that was produced in violation of section 7 or section 9;

(3) knowingly imports a substance listed under subsection (a) of section 5, a product containing such substance, or a product manufactured with a process that uses such substance, in violation of section 11 (certification of equivalent programs);

(4) knowingly introduces into interstate commerce a substance or product in violation of section 8 (limitation on use) or section 12 (labelling);

(5) knowingly omits material information or makes any false material statement or representation in any application, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this Act; or

(6) knowingly produces, transports, distributes, or uses any substance listed under section 5, a product containing such substance, or a product manufactured with a process that uses such substance, and who knowingly destroys, alters, conceals or fails to file any record, application, report, or other document required to be maintained or filed for purposes of compliance with this Act

shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.

(e) Civil Penalty.—Any person who violates any requirement of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

(f) Violations.—Each day of violation of any requirement of this Act shall, for purposes of this section, constitute a separate violation. In addition, for purposes of section 7 (production phase-out for initial list), section 8 (limitation on use), section 9 (limitation on ozone depletion potential), and paragraphs (1), (2), (3), and (4) of subsection (d) of this section, the production, introduction into commerce, or importation of each 100 pounds of a substance listed under subsection (a) of section 5 that is in excess of the production limits under section 7 or section 9 shall constitute a separate violation.

SEC. 14. JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.

Any judicial review of any final action of the Administrator pursuant to this Act shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

(1) a petition for review of any final action of the Administrator may be file by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within ninety days from the date of such promulgation or denial or after such date if such petition is for review based solely on grounds arising after such ninetieth day; action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

(2) if a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify administrative findings as to the facts, or make new findings, by reason of the additional evidence so taken, and shall file with the court such modified or new findings and the Administrator's recommendation, if any, for the modification or setting aside of the original administrative order, with the return of such additional evidence.

SEC. 15. CITIZEN SUITS.

(a) IN GENERAL.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

(1) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any permit, regulation, condition, requirement, prohibition, or order which has become effective pursuant to this Act; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

Any action under paragraph (a)(1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under paragraph (a)(2) of this subsection may be brought in the district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 13.

(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

(A) prior to 60 days after the plaintiff has given notice of the violation to—

(i) the Administrator; and

(ii) to any alleged violator of such permit, regulation, condition, requirement, prohibition, or order; or

(B) if the Administrator has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance with such permit, regulation, condition, requirement, prohibition, or order.

In any action under subsection (a)(1), any person may intervene as a matter of right. Any action respecting a violation under this Act may be brought under this section only in the judicial district in which such alleged violation occurs.

(c) NOTICE.—No action may be commenced under paragraph (a)(2) of this section prior to 60 days after the plaintiff has given notice to the Administrator that he will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(d) INTERVENTION.—In any action under this section the Administrator, if not a party, may intervene as a matter of right.

(e) COSTS.—The court, in issuing any final order in any action brought pursuant to this section or section 14, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) OTHER RIGHTS PRESERVED.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or requirement or to seek any other relief (including relief against the Administrator).

SEC. 16. SEPARABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 17. RELATIONSHIP TO OTHER LAWS.

(a) Nothing in this Act shall be construed to alter or affect the authority of the Administrator under the Clean Air Act or the Toxic Substances Control Act or to affect the authority of any other department, agency, or instrumentality of the United States under any provision of law to promulgate or enforce any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere.

(b) Nothing in this Act shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substances, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere.

SEC. 18. AUTHORITY OF ADMINISTRATION.

The Administrator is authorized to prescribe such regulations as are necessary to carry out this Act.

SECTION-BY-SECTION ANALYSIS OF THE STRATOSPHERIC OZONE AND CLIMATE PROTECTION ACT OF 1987

Section 1. Short Title

Section 2. Congressional Findings. Includes findings that manufactured substances, such as chlorofluorocarbons, are polluting the atmosphere and may be contributing to the related environmental problems of stratospheric ozone depletion and global climate change due to the greenhouse effect; these related problems threaten human health and the environment on a global scale; it is necessary to control international trade in chlorofluorocarbons and other ozone depleting substances to protect our global environment; and the United States needs to be the world leader in developing substitutes for these harmful chemicals.

Section 3. Objectives and National Goal. Establishes as a national goal, the elimination of atmospheric pollution with manufactured chemicals, such as chlorofluorocarbons.

Section 4. Definitions. Includes definitions of "household appliances" and "medical purposes" that receive special consideration under Section 8 "manufactured substances"; and "substances covered by this Act".

Section 5. Listing of Regulated Substances. There are two lists of regulated substances: (1) a priority list of chemicals that must be virtually eliminated over the next 6 years (reduce production by 95%); and (2) a list of other chemicals with ozone depletion potential. The priority list includes the most popular and harmful chlorofluorocarbons (11, 12 and 113) and halons (1211 and 1301). The second list includes chemicals such as methylene chloride, carbon tetrachloride, and methyl chloroform.

The production of chemicals on the second list is regulated and limited on the basis of overall ozone depletion potential. Since the regulated chemicals have differing, relative ozone depletion potential, producers are free to shift their production capacity from one second list substance to another, provided the total ozone depletion potential of chemicals manufactured by a producer is reduced significantly over the next eight years (to 5% of 1986 levels).

Section 6. Reporting. Producers of ozone depleting chemicals are required to submit annual reports to the EPA.

Section 7. Production Phase-Out for Priority List. This section sets forth the 6 year, 95% phase-out mentioned earlier.

Section 8. Limitation on Use. Recognizing that (1) there are some essential medical uses for these chemicals for which no safe alternative is likely to be developed, and (2) many people have recently purchased (or are planning to purchase) household appliances that depend on the continued availability of these chemicals, the phase-out in Section 7 is limited to 95% and, beginning in 1994, the chemicals that are produced can be used only for medical purposes and to service and maintain household appliances.

Section 9. Limitation on Ozone Depletion Potential. This section sets forth the 8 year reduction in overall production of ozone depleting substances mentioned earlier.

Section 10. Production Phase-Out Exceptions. To encourage the recapture and safe destruction of harmful chemicals, a production credit that can be used to increase the production limits of Sections 7 and 9 is available upon proof of such destruction.

Section 11. Certification of Equivalent Programs. Chemicals with ozone depleting potential pose a threat to human health and the environment without regard to where such chemicals or products that use such chemicals are made. Protection of the environment necessitates the regulation of international trade and the imposition of import controls that track the domestic controls set forth in this Act. Therefore, unless a country of origin is certified as having a phase-out program similar to this Act, the regulated chemicals (or products) from such country cannot be imported into this country. Similarly, this Act will prohibit the use of the U.S. as a free port for transshipment of such chemicals (or products).

Section 12. Labelling. All containers of, or products made with, substances covered by this Act must bear a warning label.

Section 13-17. Miscellaneous Provisions on Federal Enforcement, Judicial Review, Citizen Suits, Separability, Relationship to Other Laws, and Authority of Administrator.●

By Mr. DECONCINI:

S. 572. A bill to amend the Sherman Act and the Clayton Act to modify the application of such acts to international commerce; to the Committee on the Judiciary.

FOREIGN TRADE ANTITRUST IMPROVEMENTS ACT

● Mr. DECONCINI. Mr. President, I am introducing today the Foreign Trade Antitrust Improvements Act of 1987 which calls for the codification of the jurisdictional principle of "reasonableness" for private antitrust suits. This bill is a compromise between my previous bill, S. 397, which was introduced in the 99th Congress, and a similar proposal made by the administration, S. 2162. After extensive hearings, this compromise was reported favorably by the Judiciary Committee during its final meeting of the last session of Congress.

This action by the Judiciary Committee reflects both the seriousness of the problems caused by extraterritorial application of the U.S. antitrust laws, and the widespread recognition that remedial legislation is necessary to safeguard our foreign relations interests and increase the competitiveness of U.S. business abroad. The controversy concerning U.S. extraterritorial antitrust enforcement has had a distressing effect on the climate for international trade and investment by U.S. firms. U.S. companies are often caught between the inconsistent demands of governments or they suffer from retaliation and discrimination arising from resentment at the extraterritorial application of our antitrust laws. U.S. firms have been regarded as less desirable partners in foreign ventures or markets because of their antitrust baggage.

As we all know, we have become a debtor nation and the trade imbalance problem shows no signs of abating. We can ill afford to further hamper our international competitiveness through unreasonable application of our antitrust laws. The provisions of my bill will contribute to the development of more harmonious legal rules for international trade—rules that will help further and preserve the free enterprise system and U.S. business participation in foreign trade and commerce. The United States is no longer in a position where it can dictate the rules for international business transactions. We must seek to harmonize our policies and laws with those of our trading partners if we are to successfully compete for world markets. I urge the Senate to ensure that this matter is addressed expeditiously in this Congress.

Mr. President, I ask unanimous consent that the text of my bill along with a more detailed explanation of the need for this legislation and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FOREIGN TRADE ANTITRUST IMPROVEMENTS

SEC. 101. This title may be cited as the "Foreign Trade Antitrust Improvements Act of 1987".

SEC. 102. Section 7 of the Sherman Act (15 U.S.C. 6a) is amended by—

(1) inserting "(a)" before "This Act"; and

(2) adding at the end thereof the following new subsection:

"(b) Whenever a motion to dismiss for lack of subject matter jurisdiction under this section is made, the court shall, except for good cause shown, hear and determine such motion, after such discovery or other proceedings directly related to the motion, as the court deems appropriate, before conducting or permitting the parties to conduct any further proceedings in the action.".

SEC. 103. The Clayton Act (15 U.S.C. 12 et seq.) is amended by adding after section 20 the following new section:

"SEC. 21. (a) Notwithstanding any other provision of the antitrust laws or any provision of any State laws similar to the antitrust laws, in any action brought by any person or State under the antitrust laws or similar State laws which involves trade or commerce with a foreign nation, the court shall enter a judgment dismissing the action as to all parties whenever it determines that the exercise of jurisdiction would be unreasonable primarily on the basis of the following factors—

"(1) the relative significance, to the violation alleged, of conduct within the United States as compared to conduct abroad;

"(2) the nationality of the persons involved in or affected by the conduct;

"(3) the presence or absence of a purpose to affect United States consumers or competitors;

"(4) the relative significance and foreseeability of the effects of the conduct on the United States as compared with the effects abroad;

"(5) the existence of reasonable expectations that would be furthered or defeated by the action; and

"(6) the degree of conflict with foreign law or articulated foreign economic policies;

except that nothing in this section shall be construed to authorize the court to consider the effect on the foreign political relations of the United States of any action sought to be dismissed.

"(b) Whenever a motion to dismiss on the ground that the exercise of jurisdiction would be unreasonable under this section is made, the court shall, except for good cause shown, hear and determine such motion after such discovery or other proceedings directly related to the motion, as the court deems appropriate, before conducting or permitting the parties to conduct any further proceedings in the action.".

SEC. 104. Section 12 of the Clayton Act (15 U.S.C. 22) is amended by—

(1) inserting "(a)" before "That any suit"; and

(2) adding at the end thereof the following new subsection:

"(b) The doctrine of forum non conveniens shall be applicable in any suit, action, or proceeding under the anti-trust laws that involves trade or commerce with a foreign nation, and nothing contained in this section or any other venue provision applicable to such suits, actions, or proceedings shall be construed to prevent dismissal of such a suit, action, or proceeding on the grounds of forum non conveniens.".

TITLE II—JAVITS COMMISSION

SHORT TITLE

SEC. 201. This title may be cited as the "Javits Commission on the Extraterritorial Application of United States Law Act".

ESTABLISHMENT OF COMMISSION

SEC. 202. (a) There is established the Javits Commission on the Extraterritorial Application of United States Law (hereafter in this title referred to as the "Commission").

(b) The Commission shall be composed of sixteen members who shall be appointed by the President pursuant to the provisions of this subsection:

(1) Two members shall be appointed from the executive branch of the Government and they shall be—

(A) the Attorney General of the United States; and

(B) the Legal Adviser of the Department of State;

(2) Four members shall be appointed from Members of the Senate, two members to be appointed upon the recommendation of the Majority Leader, and two members to be appointed upon the recommendation of the Minority Leader;

(3) Four members shall be appointed from Members of the House of Representatives upon the recommendation of the Speaker of the House of Representatives; and

(4) Six members shall be appointed from members of the private sector.

(c) The Chairman of the Commission shall be the Attorney General of the United States.

(d) The President shall designate the Legal Adviser of the Department of State as the Vice Chairman of the Commission.

(e) The Majority and Minority Leaders of the Senate and the Speaker of the House of Representatives shall make recommendations for the appointments to be made pursuant to subsection (b) within thirty days after the date of enactment of this title.

(f) The President shall make all of the appointments in accordance with subsection (b), after receiving the recommendations set forth in paragraphs (2) and (3) of such subsection, except that such appointments shall be made no later than sixty days after the date of enactment of this title.

(g) The first meeting of the Commission shall be called by the President and shall be within thirty days after the date such appointments to the Commission are made.

(h) Not more than one-half of the members of each class of members set forth in paragraphs (2), (3), and (4) of subsection (b) shall be from the same political party.

(i) The term of office for members shall be for the duration of the Commission.

(j) A vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(k) Nine members of the Commission shall constitute a quorum, except that a lesser number may hold hearings.

(l) The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by the international aspects of United States law.

PURPOSES OF THE COMMISSION

SEC. 203. (a) The Commission shall—

(1) conduct a study of and make recommendations concerning the extraterritorial application of the laws of the United States, the applicable rules of court, related statutes, administrative procedures, and their applications, their consequences, and their interpretation by the courts and Federal agencies (hereafter in this Act referred to as "United States law"); and

(2) make periodic reports to the President and to the Congress concerning its activities and make a final report to the President and the Congress concerning such comprehensive study.

(b) Such comprehensive study shall specifically address but shall not be limited to—

(1) the extent to which unresolved jurisdictional conflicts, including situations where foreign laws are applied extraterritorially, impose serious trade barriers, costs, and uncertainties for United States business;

(2) the principles for setting appropriate jurisdictional and other limits on the application and enforcement of United States law reaching foreign persons as to conduct outside United States territory;

(3) identification of the types of conflicts between the laws and policies of the United States and the laws and policies of other sovereign states that can and should be resolved by diplomacy and those that can and should be resolved by litigation in United States or foreign courts or by other legal procedures;

(4) the laws or mechanisms that would be appropriate for removing essentially diplomatic disputes from adjudication;

(5) changes in the methods of conducting litigation that might better balance the vindication of valid legal rights with the burdens such litigation imposes in international commerce and foreign relations; and

(6) the mechanisms or standards that exist, or can be established, either under United States domestic law or under bilateral or multilateral legal arrangements, for resolving unavoidable jurisdictional conflicts between the United States and other sovereign states.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 204. (a) Members of the Congress, who are members of the Commission, shall serve without additional compensation in addition to that received for their services as Members of Congress, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Notwithstanding section 5533 of title 5, United States Code, any member of the Commission who is in the executive branch of the Government shall receive the compensation which he would receive if he were not a member of the Commission, plus such additional compensation, if any, as is necessary to make his aggregate salary not in excess of the highest rate for employees compensated at the rate of GS-18 of the General Schedule under section 5332 of title 5, United States Code, and he shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of the duties vested in the Commission.

(c) Members from the private sector shall each receive compensation not exceeding $200 per diem for each day such member is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

POWERS OF THE COMMISSION

SEC. 205. (a)(1) The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued to any person within the jurisdiction of the United States courts, under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member. In the case of the failure of any witness to comply with any subpena or to testify when summoned under authority of this section, the provisions of sections 102 through 104, inclusive, of the Revised Statutes (2 U.S.C. 192-194), shall apply to the Commission to the same extent as such provisions apply to the Congress.

(2) For purposes of section 552(e) of title 5, United States Code, the Commission shall not be considered to be an agency.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its function under this title.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint, terminate, and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title 5, or any other provision of law relating to the number, classification, and General Schedule rates, and

(2) procure temporary and intermittent services in accordance with the provisions of section 3109 of title 5, United States Code, to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed $200 per day for individuals.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties to such extent and in such amount as are provided in appropriations Acts.

FINAL REPORT

SEC. 206. The Commission shall transmit to the President and to the Congress not later than one year after the first meeting of the Commission, a final report containing a detailed statement of the findings and conclusions of the Commission, including its recommendations for administrative, judicial, and legislative action which it deems advisable. Any formal recommendation made by the Commission to the President and to the Congress must have the majority vote of the Commission as present and voting.

EXPIRATION OF THE COMMISSION

SEC. 207. Sixty days after the submission to Congress of the final report provided for in section 206, the Commission shall cease to exist.

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Commission.

EFFECTIVE DATE

SEC. 209. The provisions of this title shall take effect upon the date of enactment of this title.

FOREIGN TRADE ANTITRUST IMPROVEMENTS ACT OF 1987

I. STATEMENT OF PURPOSE AND NEED FOR LEGISLATION

The application of United States antitrust law to conduct outside United States territory has been a continuing source of controversy in the international community. While there appears to be increasing international acceptance of the U.S. position that the effects within national territory of certain extraterritorial actions may warrant taking jurisdiction over them, the proper scope of such extraterritorial jurisdiction remains a sensitive and contentious issue. In an interdependent international economy where the economic well-being and national security of the United States require good relations with our allies and trading partners, any claim of extraterritorial jurisdiction thus must be asserted with care.

Private foreign commerce antitrust cases have been an especially troublesome area of extraterritorial jurisdiction. Many foreign nations differ with our attitude toward coordinated behavior among competitors, particularly in market sectors such as sea and air transportation. Foreign nations also view private enforcement of penal laws like the antitrust laws with great suspicion. This suspicion is exacerbated by the mandatory treble damages available under Clayton Act § 4 and by what is perceived abroad as virtually limitless and unduly burdensome discovery in U.S. antitrust cases.

The enactment of Section 7 of the Sherman Act in the 1982 Foreign Trade Improvements Act was a first step toward meeting international concerns about foreign commerce antitrust cases. By limiting U.S. jurisdictional claims to conduct which has a direct, substantial and reasonably foreseeable impact on our domestic commerce, import commerce or export opportunities, the Congress indicated that the United States was not attempting to impose an antitrust code of conduct on other nations but only to safeguard its own substantial interests.

The 1982 Act, however, did not seek to resolve the further jurisdictional question of how the U.S. interest in regulating international conduct under the antitrust laws should be weighed against the legitimate interest of foreign sovereigns who might be affected by the same conduct but assess it under a different regulatory standard. (*See* H.R. Rep. No. 686, 97th Cong., 2d Sess. 13 (1982).) The courts, the Department of Justice in its prosecutorial capacity and legal scholars, however, have recognized the need to determine when the assertion of U.S. antitrust jurisdiction within the outer boundary established by the 1982 Act would be unreasonable in light of foreign interests. *See, e.g., Timberlane Lumber Co.* v. *Bank of America,* 549 F.2d 597 (9th Cir. 1976); *Man-*

nington Mills, Inc. v. *Congoleum Corp.* 395 F.2d 1287, 1297-98, (3d Cir. 1979); Restatement of Foreign Relations Law 2d § 40; Restatement of Foreign Relations Law (Revised) § 403); *but see Laker Airways, Ltd.* v. *Sabena,* 731 F.2d 909 (D.C. Cir. 1984). There appears to be an emerging consensus that foreign commerce antitrust jurisdiction should not be asserted when an assessment of all relevant competing interests shows a U.S. claim to jurisdiction to be unreasonable. The practice of other states supports this principle. See Reporters Note 1 to § 403 Restatement Foreign Relations Law (Revised). However, not all courts have been persuaded that this analysis should be made (*See, Laker Airways* v. *Sabena*) and there is substantial divergence in the relevant interest factors set out in the various cases and publications.[1]

In these circumstances, last year's testimony before the judiciary committee by Judge Sofer, the State Department's Legal Adviser, demonstrated that the international controversy and friction over the extraterritorial application of U.S. antitrust law had not been eliminated. The Legal Adviser first noted that foreign nations believe that conduct within the boundaries of Sherman Act § 7 may in many instances affect their interests more substantially than our own and should be regulated under their laws and policies. In this connection, he also noted that while the Department of Justice has weighed foreign interests in its enforcement program, private plaintiffs have no reason to be sensitive to them. Second, he pointed out that foreign nations believe that the risk of U.S. antitrust liability may impede the willingness of businessmen to cooperate on matters of foreign local interest in the manner desired by foreign authorities. Third, he noted that foreign nations still view antitrust discovery as intrusive, burdensome and a weapon to coerce unwarranted settlements. Fourth, he pointed out that foreign governments consider treble damages to be penal and inappropriate in private actions involving conduct in which they have significant interests.

Other witnesses appearing before the Judiciary committee last year, including representatives of the Department of Justice and the American Bar Association, confirmed that the 1982 Act had not fully resolved the extraterritorial jurisdiction issue. They pointed out that a number of foreign nations had enacted "blocking" statutes to restrict the production of documents and furnishing of evidence for use in U.S. antitrust investigations or litigated cases. Some countries, including the United Kingdom, have also enacted "clawback" legislation to permit their nationals to recover the trebled portion of any antitrust judgment. Such foreign actions reflect continuing international concern with private foreign commerce antitrust cases and threaten to undermine the effective and fair administration of the antitrust laws in cases where they properly should apply to foreign defendants. Foreign governments confronted by what they may consider a generally unyielding U.S. posture on recognizing their jurisdictional interests may invoke their blocking statutes to protect their nationals without even considering whether there is a predominant U.S. interest in the conduct at issue.

The Judiciary Committee also heard testimony from representatives of the American business community who added their own concerns to the foreign relations and antitrust enforcement concerns expressed by the government and professional association witnesses. Because extraterritorial conduct in the foreign commerce of the United States is inevitably in the commerce and jurisdictional reach of at least one other nation, extraterritorial antitrust jurisdiction poses difficult problems for American businessmen operating abroad and seeking to remain competitive in international markets. As I previously explained:

"The U.S. corporation doing business abroad must also have some reassurance that it will not become caught in between sometimes inconsistent regulatory responsibilities of governments. Even if a foreign government does not affirmatively require a U.S. corporation to do business in a way that could pose antitrust problems, the foreign government may well condone and encourage cooperative practices among competitors that the U.S. corporation ignores at its own business peril in the foreign market." (131 Cong. Rec. S1160 (daily ed. February 6, 1985).)

Representatives of the business community also pointed to three other problems arising from foreign hostility to extraterritorial antitrust actions. First, they noted that the availability of blocking statutes, "clawbacks" and diplomatic support to foreign defendants tends to throw a disproportionate burden on U.S. defendants in private antitrust litigation. U.S. defendants became the prime focus of discovery and the prime target for levies of judgment regardless of their importance to or depth of involvement in the conduct at issue.

Second, they testified that foreign hostility to U.S. antitrust jurisdiction may foster corresponding hostility to overseas affiliates of U.S. companies and adversely impact the general business climate which American firms encounter abroad. Foreign firms, for example, may simply not invite U.S. companies to participate in critical cooperative activities like standard setting for foreign markets for fear that the involvement of U.S. nationals will bring with it the risk of private antitrust litigation.

Third, the business community representatives pointed out that foreign regulatory entities increasingly were asserting extraterritorial jurisdiction over U.S. business conduct based on its effects in foreign nations. While such foreign actions could have a disruptive effect on conduct in the U.S. like new product introductions, foreign regulators were unlikely to exercise jurisdictional restraint unless they perceived reciprocal restraint on the U.S. side.

S. 572 is intended to meet these problems by codifying a jurisdictional rule of reason standard for foreign commerce antitrust cases. The centerpiece of the bill is its express declaration that private foreign commerce antitrust cases shall be dismissed as to all parties when the exercise of U.S. antitrust jurisdiction would be unreasonable. (Sec. 103). That declaration is supplemented by six carefully structured primary factors which, while not exclusive, provide an orderly and comprehensive framework for the weighing of U.S. and foreign interests in particular extraterritorial conduct. To avoid embroiling this jurisdictional rule of reason analysis in matters more appropriately determined by the Executive branch, consideration of the effect of jurisdiction on U.S. foreign political relations is not authorized in this analysis.

S. 572 recognizes that the legitimate regulatory interests of foreign governments in conduct outside the United States may sometimes outweigh our own interests despite the arguable existence of effects sufficient to meet the threshold standard of Sherman Act §7. This Congressional declaration should provide assurance to our allies and trading partners that the United States respects their sovereignty as we expect our own to be respected. I believe that foreign nations should and will respond to this action by carefully reviewing the use of their blocking statutes in cases where their interests have been fairly evaluated under the standards of S. 572.

The development of case law under the structured standards of the S. 572 jursidictional rule of reason should increase the predictability of governing law in international transactions and help to resolve situations which could generate substantial international relations and business difficulties. Some examples of situations in which S. 572 would be particularly useful are:

A foreign government owned airport or port facility faced with congestion and environmental problems may wish them to be resolved by scheduling agreements among carriers utilizing the facility including U.S. carriers and foreign carriers serving the United States. Service restrictions in the agreements may have substantial effects on movements to and from the U.S. and also may be claimed to affect the cost of U.S. international passenger service and cargo movement. Application of U.S. antitrust law to prohibit such agreement, however, would clearly regulate: extraterritorial conduct; conduct largely involving and affecting foreign nationals; conduct designed to resolve a local problem with incidental worldwide effects; and conduct consistent with the articulated economic policy of the foreign government.

A foreign government may articulate, to manufacturers including subsidiaries of U.S. companies and exporters from the U.S. its policy interest in voluntary standardization of goods to be sold in its local market. Product standards may affect the export potential of other U.S. companies with an interest in the foreign market. Application of U.S. antitrust law to prohibit such agreement, however, would regulate: extraterritorial conduct; conduct largely involving and affecting foreign nationals; conduct designed to regulate a foreign market with incidental effects on sellers into that market; and conduct consistent with foreign economic policy.

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[1] As set out in the Restatement of Foreign Relations Law Revised § 403(2) the relevant factor analysis is:

(2) Whether the exercise of jurisdiction is reasonable or unreasonable is judged by evaluating all the relevant factors, including, where appropriate,

(a) the extent to which the activity (i) takes place within the regulating state, or (ii) has substantial, direct, and foreseeable effect upon or in the regulating state;

(b) the connections, such as nationality, residence, or economic activity, between the regulating state and the persons principally responsible for the activity to be regulated, or between that state and those whom the law or regulation is designed to protect;

(c) the character of the activity to be regulated, the importance of regulation to the regulating state, the extent to which other states regulate such activities, and the degree to which the desirability of such regulation is generally accepted;

(d) the existence of justified expectations that might be protected or hurt by the regulation in question;

(e) the importance of the regulation in question to the international political, legal or economic system;

(f) the extent to which such regulation is consistent with the traditions of the international system;

(g) the extent to which another state may have an interest in regulating the activity; and

(h) the likelihood of conflict with regulation by other states.

A foreign government which has accorded natural resource concessions to a number of companies, including U.S. subsidiaries, may articulate its policy interest in an agreement limiting production for conservation reasons and to further its own economic development plan. Production limitations may affect world prices for the resource, including U.S. import prices. Application of U.S. antitrust law to prohibit such agreement, however, would regulate: extraterritorial conduct; conduct largely involving and affecting foreign nationals; conduct designed to regulate the exploitation of resources in a foreign nation; and conduct conforming to an articulated foreign economic policy.

In all three of these cases, Section 103 of S. 572 would require a careful weighing of foreign and U.S. interests in the conduct at issue. Absent unusual circumstances, it is likely that the exercise of U.S. jurisdiction to regulate such matters as use of foreign airport or port facilities, standards for goods sold in foreign domestic markets or the exploitation of foreign natural resources would be found unreasonable. I believe that this result would serve the foreign relations interests of the United States and permit American business to take sensible steps to protect its competitive position in such matters as access to foreign facilities, foreign export markets and foreign resource concessions.

On the other hand, I want to make it very clear that not all extraterritorial conduct in which foreign governments claim an interest should be outside the reasonable exercise of United States antitrust jurisdiction. For example, if a group of foreign producers exporting to the United States agreed without foreign government objection to allocate U.S. distributors and to raise export prices, the predominant U.S. interest in protecting U.S. consumers and domestic business would, absent unusual circumstances, negate any claim that U.S. jurisdiction would be unreasonable. Foreign governments should understand that predominant U.S. interests will continue to be safeguarded under the antitrust laws, that foreign and U.S. businesses should conform their relevant extraterritorial conduct to U.S. antitrust standards, and that foreign governments should cooperate in U.S. antitrust enforcement where U.S. interests are predominant.

S. 572 also deals with the potential burdens of unnecessary discovery and motion practice in U.S. antitrust cases and the possibility that litigation cost may force unwarranted settlements. Section 102 of the bill requires priority consideration of jurisdictional motions to dismiss under Sherman Act § 7. Section 103(b) of the bill affords the same priority to motions under the new jurisdictional rule of reason. By foreclosing, unrelated discovery and proceedings while these motions are pending, absent a judicial determination of good cause, S. 572 gives assurance that the necessary costs of merits discovery and proceedings will be borne only where jurisdiction properly lies in U.S. courts. In addition, Section 104 of S. 572 affirms the applicability of the doctrine of *forum non conveniens* to private foreign commerce antitrust cases thus limiting "forum shopping" for foreign antitrust plaintiffs and helping to minimize litigation burdens on parties and witnesses.

I believe there has also been widespread recognition that concerns about the award of mandatory treble damages in private foreign commerce antitrust cases and the question of the appropriate role of the Executive branch in such cases were serious issues warranting further consideration. To study these issues, as well as more general problems arising from extraterritorial jurisdiction, Title II of the bill creates the "Javits Commission on the Extraterritorial Application of United States Law." The report of this Commission should be of substantial assistance to the Congress in taking further action in these areas.

In summary, S. 572 makes no changes in substantive antitrust law. It is intended to reflect and harmonize what I believe are the better jurisdictional precedents and scholarly analyses on the application of United States antitrust law to predominantly foreign conduct and the resolution of conflicting international regulatory interests. Enactment of S. 572 would help alleviate the legitimate concerns of our trading partners about jurisdictional overreach, enable U.S. businessmen to compete more farily and vigorously in the international arena, and enhance antitrust enforcement in cases where U.S. jurisdiction is reasonable by helping dissuade foreign governments from blocking relevant discovery or frustrating enforcement of antiturst judgments against their nationals.

SECTION-BY-SECTION ANALYSIS

TITLE I

Section 101—short title

The first section states the short title of the bill, the "Foreign Trade Antitrust Improvements Act of 1987." The title reflects the purpose of the legislation: to supplement the provisions of the 1982 Foreign Trade Antitrust Improvements Act (Pub. L. No. 97-290, §§ 401-3-03, 96 Stat. 1246) by harmonizing the international application of the United States antitrust laws with the legitimate interests of our trading partners.

Section 102—threshold resolution of jurisdictional issues

Section 2 of the bill adds a new subsection (b) to Section 7 of the Sherman Act (15 U.S.C. § 6a). Existing Section 7 sets the outer boundary of United States antitrust jurisdiction at conduct in United States foreign commerce which has a "direct, substantial and reasonably foreseeable effect" on domestic or import commerce or on the export opportunities of a domestic person. New Section 7(b) would require the court in a foreign commerce antitrust case to hear and determine jurisdictional motions under existing Section 7 prior to conducting, or permitting the parties to conduct, any other proceedings in the action. New Section 7(b) is intended to effect an expeditious resolution of jurisdictional issues and to avoid internationally controversial and potentially burdensome discovery and merits proceedings in cases which should not be heard in United States courts. It thus provides that all discovery prior to disposition of a Section 7 motion generally will be limited to the jurisdictionally relevant facts set forth in the complaint and such additional jurisdictional facts as the defendant may assert. Section 7(b) permits the court to modify these limitations for good cause shown such as an emergency situation or a situation where jurisdictional and merits discovery are so intertwined that it would be burdensome to separate them. However, in light of the peculiar international sensitivities of foreign commerce antitrust cases, it is anticipated that this discretion will be used sparingly.

Section 103—principle of jurisdictional reasonableness

Section 3 of the bill adds a new Section 21 comprised of two subsections to the Clayton Act. Subsection (a) codifies a jurisdictional rule of reason in private antitrust cases involving trade or commerce with foreign nations and specifies the primary factors to be considered by the court in deciding whether a particular exercise of foreign commerce antitrust jurisdiction would be unreasonable. Subsection (b) generally requires the court to hear and determine the merits of a motion to dismiss an action under subsection (a) prior to conducting, or allowing the parties to conduct, any other proceedings in the action.

Codification of the jurisdictional rule of reason.—New Section 21(a) requires the court in a private foreign commerce antitrust case, or any similar case brought under state law, to dismiss the action as to all parties whenever it determines that the exercise of jurisdiction would be "unreasonable" under the criteria of the new section. New Section 21(a) relates exclusively to subject matter jurisdiction and is not intended to affect the disposition of other issues such as the act of state doctrine or claims of sovereign compulsion which are outside the scope of the bill. For purposes of new Section 21(a), the term action is equivalent to claim upon which relief can be granted so that each claim for relief is to be reviewed independently under the criteria of the new section.

The requirement of dismissal as to all parties is intended to avoid any discrimination between domestic and foreign corporations. The purpose of Section 21(a) is to determine whether the conduct at issue is more appropriately regulated under United States law or the law of a foreign nation. If the United States law should not reasonably apply to the conduct at issue, neither domestic nor foreign corporations should be held to United States antitrust standards. If, on the other hand, United States law reasonably should apply, both domestic and foreign corporations should be subject to its command. This nondiscriminatory standard is particularly appropriate in antitrust conspiracy cases, which constitute the bulk of foreign commerce antitrust cases, where each co-conspirator is deemed responsible for the conduct of all other co-conspirators.

Primary factors in determining jurisdictional reasonableness.—New Section 21(a) enumerates six factors which the court is required to consider in determining whether the exercise of jurisdiction in a particular case would be unreasonable. The listed factors are to be given primacy in Section 21(a) analysis but are not to be considered exclusive since unusual fact situations may bring other relevant considerations into play. There is no special significance or scheme of priorities in the order in which the factors are listed, and the weight to be given any factor in a specific action will vary with the particular circumstances. Taken together, however, the factors of Section 21(a) are intended to foster a comprehensive analysis of possible conflicts between U.S. interests in applying domestic antitrust laws to protect against harm from anticompetitive restraints and the legitimate interests of foreign governments in regulating their own economic affairs.

The first enumerated factor is "the relative significance, to the violation alleged, of conduct within the United States as compared to conduct abroad." The conduct that is relevant under this factor includes not only meetings and agreements, but also the whole range of economic activity that is involved in an alleged violation. This factor is not intended to give individuals or firms an opportunity to evade U.S. antitrust laws simply by moving some or all of their activities offshore. At the same time, this factor recognizes the sovereign interest in applying national legal standards to acts occurring within national territory.

The second enumerated factor is "the nationality of the persons involved in or affected by the conduct." This factor recognize the sovereign interest created by and the involvement of or effect on citizens, whether or not they are residents. It would, for example, give added weight to foreign jurisdictional claims in a boycott case where the person allegedly boycotted, and many of the conspirators, were foreign nationals. Similarly, this factor would be significant in a merger case in which the merging parties and the relevant productive facilities are located abroad. This criterion is not intended, however, as a departure from the general principle that U.S. antitrust laws are applied in a nationality-blind way that neither favors nor discriminates against parties of foreign nationality.

The third enumerated factor is "the presence or absence of a purpose to affect United States consumers or competitors." This factor expressly recognizes the legitimate U.S. interest in protecting U.S. consumers and competitors from intentional anticompetitive assaults and distinguishes such cases from incidental impacts on U.S. interests from predominantly foreign conduct. In assessing this factor, the court should consider not only overt declarations of intention to affect U.S. markets, but also facts demonstrating that a substantial effect on U.S. markets was reasonably expected.

The fourth enumerated factor is "the relative significance and foreseeability of the effects of the conduct on the United States as compared with the effects abroad." This factor recognizes that both the anticipated and actual effects of the conduct at issue should be weighed in determining relative U.S. and foreign interests. Consideration by the courts of this factor will assist in identifying circumstances in which jurisdiction is appropriately asserted because of the significance of such effects in the U.S. economy. At the same time, it will weigh against the exercise of jurisdiction where actual or intended domestic effects are outweighed by those abroad and where regulation of the conduct at issue may be more appropriately exercised by other governments.

The fifth enumerated factor is "the existence of reasonable expectations that would be furthered or defeated by the action." This factor recognizes the significance of a reasonable prior determination by defendants and/or foreign governments that challenged conduct is compelled by or consistent with the public policies of a foreign sovereign with a strong interest in its effects. It also affirms the desirability of reasonable predictability regarding the rules applicable to international business transactions.

The sixth enumerated factor is "the degree of conflict with foreign law or articulated foreign economic policies." Under this criterion, the court is to consider the extent to which application of U.S. antitrust law to the challenged conduct would require action or inaction inconsistent with expressions of foreign government law or foreign economic policy as articulated to those involved. If the challenged conduct were also unlawful under foreign law, or if foreign law or articulated foreign economic policy were neutral with respect to the conduct, there likely would be little or no conflict of a kind that would weigh heavily against the assertion of U.S. antitrust jurisdiction. On the other hand, if the challenged conduct were affirmatively mandated or strongly encouraged by foreign law or expressed policy, or if application of U.S. antitrust law would frustrate enforcement or implementation of such laws or policies, those facts would tend to militate against the exercise of U.S. jurisdiction.

Foreign policy considerations precluded.—The proviso to new Section 21(a) expressly excludes from this Act's provisions consideration by the court of "the effect on the foreign political relations of the United States of any action sought to be dismissed." This provision reflects fundamental constitutional principles of separation of powers and expressly confirms that such foreign decisions are matters more appropriate for determination by the Executive Branch.

Procedural primacy.—New Section 21(b) generally requires the court to hear and determine the merits of a motion to dismiss under new Section 21(a) prior to other proceedings in the action. This provision is intended to operate in the same manner as new Section 7(b) of the Sherman Act, as described above in the analysis of Section 2 of the bill.

Section 104—forum non conveniens

Section 4 of the bill adds a new subsection (b) to Section 12 of the Clayton Act, which provides venue in antitrust cases in any district which a corporate defendant inhabits, or in which it may be found or transacts business. New Section 12(b) affirms the applicability of the doctrine of *forum non conveniens* in antitrust cases involving trade or commerce with foreign nations. This provision makes clear to the courts that they are not foreclosed from concluding, in the appropriate cases, that a foreign court would be a preferable forum for litigating the claims asserted in a U.S. antitrust case. The applicable legal standards for such analysis are set out in the Supreme Court's 1981 decision in *Piper Aircraft Co.* v. *Reyno,* 454 U.S. 235.

TITLE II—JAVITS COMMISSION ON INTERNATIONAL ANTITRUST

Title II of the bill provides for an independent commission to study all issues relating to the application of the U.S. antitrust laws to international trade and commerce. Section 5 recognizes that this bill, like the 1982 Act, is not intended to resolve all issues relating to international antitrust enforcement and that there are additional issues which require further consideration as the United States becomes more deeply involved in an interdependent international economy.

Title II recognizes that two issues of particular importance addressed in the original formulation of my bill S. 397 require further study. It is expected that these issues will receive priority consideration from the Commission.

The first of these issues was the wisdom of the current requirement in Section 4 of the Clayton Act that all damages be trebled in foreign commerce antitrust cases. Alternatives which should be considered include: (1) elimination of treble damages in specific classes of cases not involving overcharges or undercharges; and (2) discretionary detrebling of damages in cases where the reasonableness of asserting U.S. jurisdiction presents a close issue and the international acceptability of such jurisdiction would be enhanced by focusing the action on remedial, rather than punitive, relief.

The second of these issues was the role to be played by the Executive Branch in the administration of foreign commerce antitrust cases, particularly those raising sensitive issues of foreign political relations. Proposals which should be considered include: (1) permitting the courts to dismiss private antitrust cases when the Executive certifies that their pursuit would be adverse to U.S. foreign political relations; and (2) authorizing the Executive to enter into agreements with foreign sovereigns which would implement the principles of Section 21(a) both by ensuring dismissal where U.S jurisdiction was agreed to be unreasonable and by ensuring foreign cooperation in discovery and enforcement of judgments where such jurisdiction was agreed to be reasonable.●

By Mr. LAUTENBERG:

S. 573. A bill to protect patent owners from importation into the United States of goods made overseas by use of a U.S. patented process; to the Committee on the Judiciary.

PROCESS PATENT ACT

● Mr. LAUTENBERG. Mr. President, I rise to introduce the Process Patent Act of 1987.

This bill would help guard against the piracy of innovation in manufacturing processes. It would help protect American technology and spur investment in innovation. America's comparative advantage is its technology. We are leaders in the search for new ideas. But, we are not alone in that search.

To win the race for innovation, and to enjoy the fruits of victory, we must protect intellectual property like patents. They reserve to the inventor, a chance to exploit his invention, to the exclusion of others. Without patent protection, people are free to steal an invention, avoid the risks of research and the frustrating failures that precede success, but reap the harvest that the inventor sowed.

The legislation I introduce today would close a major gap in U.S. patent law dealing with patents of processes. Current law bars the unauthorized manufacture, use or sale of a patent in the United States. Where a product patent is at stake, and the product is copied abroad, infringement occurs when the product is actually used or sold in the United States. Where a process is at stake, and the U.S. process is copied abroad, there is no infringement of the process patent, even if the product made by the process is sold or used in the United States.

So, our current patent law does not reach the foreign pirating of our most innovative processes even when the products are shipped back to the United States. The Process Patent Act would change that. It would make it a violation of U.S. patent law to import a product into the United States, or to sell a product in the United States, if that product was made overseas using without permission a U.S. patented process. While U.S. courts may not reach a foreign manufacturer that has no presence in the United States, the bill would allow the patent owner to enforce its patent in U.S. courts against the importer or seller of the foreign manufacturer's product.

Japan, Britain, West Germany, and France already make it an infringement of process patents to import products made outside their boundaries through the unauthorized use of a patented process. This legislation would bring American law in line.

Mr. President, my State is one of the Nation's centers for research and development. Billions of dollars are spent each year in the development of patented products and processes. Effective patent protection is critical to maintain that activity. It is important to the businesses that make the investments, and it is important to the people they employ. That's why both business and labor have called for process patent reform.

Process patent protection is especially important to American high-technology industries. The biotechnology industry is particularly dependent upon strong protection of process patents. According to one study, over half the patents issued in generic engineering between 1963 and 1984 were process patents.

A major company in my State, Allied-Signal Corp., has invested millions of dollars in the development of a process for the manufacture of amorphous metals. Its processes have been used without permission by foreign manufacturers. Yet, no relief is offered under the patent law.

The bill I introduce today would make the importer or seller of the product made through authorized use of a patented process liable as an infringer.

The bill makes it clear that if the product made by a patented process is materially changed by subsequent processes, it shall not be deemed to be made by the first process.

The bill would provide that the importer or seller of the product made by use of the patented process shall be liable for damages only after notice of the infringement.

Even after notice is given, a court may, where it deems it equitable, allow the infringer to continue to sell infringing products imported or purchased, or for which a binding commitment to import or purchase was made, before notice of infringement was given. This provision is intended to do justice by the innocent importer, without creating an absolute right to continue to infringe for a prescribed period of time.

Sometimes it is very difficult to establish in fact that a particular process was used in the manufacture of a particular product. Where there is a high degree of probability that a process was used, and where a claimant has made every reasonable effort to determine that a process was in fact used, the bill would allow a court to shift to the importer or the first seller the burden of proving that the patented process was not used.

Mr. President, process patent reform is overdue. It was suggested as long ago as 1966, by a President's commission during the Johnson administration. It was suggested by the Young Commission on Competitiveness.

In the last Congress and in the Congress before, I have been involved in the effort. In the 99th Congress, I joined Senator Charles Mathias in developing and introducing S. 1543. A revised version of that bill passed the Senate as an amendment to a House version of process patent reform legislation. The House then amended the bill again, and then time ran out.

What was involved was an effort to resolve differences between patent holders and those against whom these expanded rights would be enforced. Complaints were registered by retailers, importers, wholesalers, and distributors who would have been infringers under the bill as we introduced it. They argued that their business would be impaired.

Retailers argued that they might innocently have purchased products, not knowing that they were made through the unauthorized use of a patented process. They argued that they should be able to sell off their inventory without penalty.

Importers of foreign ingredients used in U.S. manufacture, like generic drug manufacturers, argued that they would be in a poor position to ensure that their suppliers were not infringing. If their supplier were indeed infringing, they would need to find alternative suppliers and secure necessary regulatory approvals. All of that takes time.

The Senate-passed bill of the last Congress attempted to address these concerns by providing a right to continue to infringe the process patent for a prescribed period of time, without liability for damages. The ability to continue to import and sell would be unrelated to the equities of an individual case. The bill also provided a mechanism for parties to seek disclosure of patented processes, so that they might better avoid infringement.

Mr. President, when the Senate passed that revised version of S. 1543, I expressed reservations about some of the changes, and expressed my hope that additional improvements could be made. Unfortunately, time ran out.

The record provided little evidence for the claim that importers would be unable to determine whether their suppliers were infringing patented processes. Yet, based on this claim, the bill provided that importers and retailers could be free of liability for damages for periods of 6 to 18 months after notice of infringement was provided. It was argued that this amounted to a compulsory license. That was a major concern.

The United States has made it a major priority to persuade its trading partners to remove provisions from their laws allowing compulsory licenses. Such laws allow a government to secure the transfer of American technology, whether the innovator likes it or not. A license is granted by fiat, not by negotiation. To include a provision that resembled a compulsory license in U.S. law could weaken our bargaining position and ultimately weaken protection of American intellectual property.

Mr. President, I would note that there are alternative approaches that could address some of the complaints raised by those who might be subject to liability under this bill. The New York Patent Trademark and Copyright Law Association, in its comments on process patent legislation in the 99th Congress, urged that the definition of infringers be limited to the importer or first seller. While I have not incorporated this approach in the bill I introduce today, I believe it is one worth exploring as an alternative to the concessions made last year. It would totally relieve retailers, far down the chain of distribution, from possible liability. Consequently, I would welcome comment on this idea.

Last year's effort also set up a system for requesting disclosure of patents that ran counter to traditional patent procedure. A person has an obligation under current law to search patents to avoid infringement. This obligation would be set aside, in favor of a procedure that appeared complex and burdensome.

Mr. President, I am not alone in expressing reservations about where we left off last year. The Intellectual Property Owners, a group representing major technology based corporations, and the American Intellectual Property Law Association, representing the patent bar, have both expressed dissatisfaction.

Notwithstanding my reservations, I recognized last year, and I recognize now that compromise will be necessary, if we are to see a bill enacted into law and we must see a bill finally enacted into law.

I am pleased that the chairman of the Subcommittee on Patents, Copyrights and Trademarks, the Senator from Arizona [Mr. DECONCINI] has made process patent reform a priority of his subcommittee. I applaud him for his initiative.

Today, my colleague, along with Senator HATCH, who has also been deeply interested in this issue, are introducing a process patent bill that incorporates the latest effort at compromise from the last session. While that was the last word, I hope it will not be final word.

Nonetheless, I am committed to work with the chairman to get a bill that becomes law, to get a bill that addresses the reasonable concerns of affected parties, while providing needed enhancement of the rights of American innovators.

Those who invest in the development of innovative processes should invest with the assurance that they will enjoy the fruits of their labor. They should invest knowing that their work will not be pirated away. It is our obligation to give them that assurance. American jobs, and American industrial leadership depend on it.

I ask unanimous consent that the full text of the Process Patent Act of 1987 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Process Patent Act of 1987".

SEC. 2. (a) Section 154 of title 35, United States Code, is amended by inserting after "United States," the following: "and, if the invention is a process, of the right to exclude others from using or selling products produced thereby throughout, or importing products produced thereby into, the United States,".

(b) Section 271 of title 35, United States Code, is amended by—

(1) inserting "(1)" after "(a)";

(2) adding at the end of subsection (a), the following:

"(2) If the patented invention is a process, whoever without authority uses or sells within, or imports into, the United States during the term of the patent therefore a product produced by such process infringes the patent. A product which is made by a patented process will, for the purposes of this title, not be considered to be so made if, prior to importation into the United States, it is materially changed by subsequent processes."

(c) Section 287 of title 35, United States Code, is amended by—

(1) inserting "(a)" before "Patentee,"; and

(2) adding at the end thereof the following new subsection:

"(b)(1) No damages shall be recovered by the owner of the process patent rights for infringement under section 271(a)(2) of this title from an infringer who did not use the patented process unless the infringer had notice of the infringement and continued to infringe thereafter, in which event damages may be recovered only for infringement occurring after such notice. For purposes of this subsection, "notice" means actual knowledge, or receipt of notice, that a product was produced by a patented process without authorization of the owner of the process patent rights. A notice under this subsection shall specify the patented process or processes claimed to have been used, and the reasons for belief that such process or processes were used in the production of the product. Filing of an action for infringement shall constitute such notice if the pleadings or other papers contain such specifications.

"(2) The court before which an action is brought under section 271(a)(2) may provide for the disposition of infringing products imported or purchased, or for which a binding commitment to import or purchase was made, prior to the time when the infringer was given notice of the infringement, under such terms as the court deems equitable, taking into consideration the good faith and reasonable business practices demonstrated by the infringer and the need to restore the exclusive rights of the process patent owner. This Act shall not deprive a patent owner of any other remedies available under 35 U.S.C. 271, 19 U.S.C. 1337, 19 U.S.C. 1337a, or any other statutory provision.".

SEC. 3. This act shall apply only to products sold in the United States or imported after the date of enactment.

SEC. 4. For five years after the date of enactment, the Department of Commerce shall report annually to Congress on the effect of this Act on the importation of ingredients to be used for manufacturing products in the United States in those domestic industries that submit formal complaints to the Department alleging that their legitimate sources of supply have been adversely affected.

SEC. 5. (a) Chapter 29 of title 35, United States Code, is amended by adding at the end thereof the following:

"SEC. 295. PRESUMPTION: PRODUCT PRODUCED BY PATENTED PROCESS.

"In actions alleging infringement of a process patent based on sale in the United States or importation into the United States of a product produced by the patented process, if the Court finds (1) by weighing the evidence that, on balance, there exists a high degree of probability that the product was produced by the patented process and (2) that the claimant has made a reasonable effort to determine the process actually used in the production of the product and was unable to do so, then the product shall be presumed to be so produced, and the burden of establishing that the product was not produced by the process shall be on the party asserting that it was not so produced."

● Mr. DECONCINI. Mr. President, I want to thank the Senator from New Jersey for his kind remarks and for his commitment to work with those of us on the subcommittee to produce a process patent bill. He has worked long and hard on this issue and other issues affecting intellectual property rights and the promotion of technological innovation. His experience in business, a high-technology business, gives him a valuable perspective on these matters.

● Mr. LAUTENBERG. I thank the Senator. I want to assure him of my cooperation. While we propose different starting points, it is my sincere hope and intention that we will all reach our common goal—the enactment of meaningful process patent reform legislation. I applaud the Senator for his initiative, which is evidenced by his decision to move forward so expeditiously. With the Senator's able leadership, I am sure we will finally succeed.●

By Mr. HECHT:

S. 574. A bill entitled the "Battle Mountain Pasture Restoration Act of 1987"; to the Committee on Energy and Natural Resources.

BATTLE MOUNTAIN PASTURE RESTORATION ACT

● Mr. HECHT. Mr. President, today I am pleased to introduce a bill to return some land in Nevada to the Pershing County Water Conservation District.

Approximately 50 years ago, the people of this part of Nevada worked with the Interior Department and the Congress to establish the Humboldt reclamation project. One component of that project was the contribution by the local government of a piece of land known as the Battle Mountain Pasture. The costs of the original project have now been totally repaid to the U.S. Treasury. The communities are currently repaying some more recent expenses for raising the height of the Rye Patch Dam.

This bill simply returns ownership of the Battle Mountain Pasture to the local government from the United States. Even though the Federal Government currently owns the land, the local people have been paying property taxes on that land for many years.

Since the people of this area have, in essence, bought and paid for this land, as well as paid taxes on it, I hope all my colleagues will agree it is entirely appropriate that they should enjoy ownership of that property. It is in this spirit that I invite the Senate to give this simple bill prompt and favorable attention.●

By Mr. HECHT:

S. 575. A bill to convey public land to the Catholic Diocese of Reno/Las Vegas; to the Committee on Energy and Natural Resources.

CONVEYANCE OF CERTAIN PUBLIC LAND

● Mr. HECHT. Mr. President, today I am introducing a bill to provide for the transfer of a 40-acre parcel of public land to the Catholic Diocese of Reno/Las Vegas.

This parcel is a bequest of a parishioner to the church, made in 1975. The parcel was purchased by the parishioner from Clark County, NV at a tax sale in 1949. Both the parishioner and the church have paid county taxes on the parcel since that time. Unfortunately, the church has recently discovered that the property is actually in the public domain and was not owned by Clark County when it was sold to the parishioner.

The property has remained unimproved and the discovery of the error occurred when plans were drawn up for construction of a home for troubled young women. Because the property is unimproved it is not covered by the Color of Title Act. This legislation is designed to convey full title to the tract to the church, as an equitable solution to the problem that will allow the parishioner's desire to help the church assist troubled young women to be fulfilled at last.●

By Mr. HATCH (for himself and Mr. RIEGLE):

S.J. Res. 52. Joint resolution designating the week of May 10, 1987, through May 16, 1987, as "National Fetal Alcohol Syndrome Awareness Week"; to the Committee on the Judiciary.

NATIONAL FETAL ALCOHOL SYNDROME AWARENESS WEEK

Mr. HATCH. Mr. President, the consumption of alcohol during pregnancy has been shown to cause serious problems for a fetus. To call attention to these problems and encourage their solution, I am pleased to introduce this resolution which designates Mother's Day Week, May 10 through May 16, 1987, as "National Fetal Alcohol Syndrome Awareness Week."

As we know, alcohol abuse contributes to many serious medical disorders in adults, including muscle and heart disease, malnutrition, digestive problems and cirrhosis of the liver; but when alcohol is used during pregnancy it can harm not only the mother, but the frail fetus as well. We have learned in recent years that alcohol used during pregnancy can cause extremely serious birth defects.

Throughout pregnancy, a fetus is dependent entirely on its mother to provide nutrients for physical development. Thus, alcohol in a mother's bloodstream also ends up in the bloodstream of the fetus and can adversely affect the child's development.

Several negative consequences of fetal alcohol syndrome have been identified. For example, alcohol use during pregnancy can reduce the height, weight and brain size of the fetus, all of which are associated with mental retardation. Moreover, an infant can experience delays in learning to walk and speak, and may have heart defects.

Some of the facts already known about fetal alcohol syndrome include the following:

Fetal alcohol syndrome is one of the three leading causes of birth defects with accompanying mental retardation in this country.

Fetal alcohol syndrome ranks behind only Down's syndrome and spina bifida as the most common cause of mental retardation due to brain defects.

Additional effects, such as increased irritability and hyperactivity, are characteristic of babies whose mothers have consumed alcohol during pregnancy.

The number of those affected is great. It is estimated that 3,600 to 6,000 infants have fetal alcohol syndrome. While 36,000 babies each year exhibit the less severe alcohol-related defects. The financial costs associated with treating this condition are staggering, running over $1.5 billion per year; and it is impossible to measure the emotional costs of this preventable defect.

Not every baby affected by alcohol has all the symptoms of fetal alcohol syndrome. Some children have only one or two alcohol-related birth defects. Some of these more subtle defects can adversely affect a child's performance in school, even when the child has a normal level of intelligence.

Research is just beginning on the issue of how much alcohol is needed to harm the developing baby. While there are not yet any hard-and-fast rules, we can clearly say that moderate amounts of alcohol pose a risk to the unborn baby. For example, women who consume two normal sized drinks a day throughout their pregnancy increase their chances of miscarriage and of having a baby that is smaller than babies born to women who avoid alcohol altogether.

There is much that we still do not know about alcohol-related birth defects. We are not sure at what point during the pregnancy the developing baby is most likely to be harmed by alcohol. Until the facts are in, pregnant women should follow Surgeon General Koop's strong advice about "refraining completely from drinking alcoholic beverages."

Even one alcohol-related birth defect is an unnecessary tragedy. The fact is that all alcohol-related birth defects, including fetal alcohol syndrome, are completely preventable if women simply refrain from drinking while they are pregnant.

Let us spread the message that alcohol and pregnancy don't mix. This resolution is a first step. I urge my colleagues to join me in cosponsoring it and supporting its passage.

Mr. President, I ask unanimous consent that the complete text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 52

Whereas fetal alcohol syndrome is one of the three major known causes of birth defects with accompanying mental retardation in the United States;

Whereas fetal alcohol syndrome can result in such serious health problems as: deficiencies in prenatal and postnatal growth that are associated with mental retardation; developmental disabilities that may cause an infant to experience delays in learning to walk and speak; and heart defects, including defects in the wall between the pumping chambers of the heart;

Whereas in cases in which fetal alcohol syndrome is avoided, infants may still experience alcohol-related birth effects, known as fetal alcohol effects, which are a series of health problems that include increased irritability during the newborn period and hyperactivity;

Whereas the discovery of fetal alcohol syndrome as a major health problem is a recent occurrence, and many questions regarding the illness remain unanswered;

Whereas there has never been an infant born with fetal alcohol syndrome whose mother did not consume alcohol during pregnancy;

Whereas fetal alcohol syndrome can be prevented if pregnant women and women considering pregnancy abstain from alcohol consumption; and

Whereas the Surgeon General of the Public Health Service has issued an advisory stating that pregnant women and women considering pregnancy should not consume alcohol: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 10, 1987, through May 16, 1987, is hereby designated "National Fetal Alcohol Syndrome Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate activities.

By Mr. CRANSTON:

S.J. Res. 53. Joint resolution to designate the period commencing November 22, 1987, and ending November 28, 1987, as "American Indian Week"; to the Committee on the Judiciary.

AMERICAN INDIAN WEEK

Mr. CRANSTON. Mr. President, today I am pleased to introduce a Senate joint resolution honoring those Americans whose ancestors were here to greet those of our forefathers who sailed across the ocean to "discover" the New World. My resolution would designate Thanksgiving week, November 22, 1987, through November 28, 1987, as "American Indian Week." This resolution is indentical to the resolution I introduced in the 99th Congress designating a similar week in November of 1986. That resolution passed the Senate on September 12, 1986, the House on October 1, 1986, and was signed into law by President Reagan on October 14, 1986.

I believe that this resolution is especially appropriate in 1987 as we approach the bicentennial of our Constitution. American Indian models of government provided our Founding Fathers with inspiration for our unique form of government and the principles enunciated in the Constitution. Indeed, the Iroquois Confederacy was a model for the Articles of Confederation, our first form of government as an independent nation. In addition, the Iroquois Confederacy was a source of the revolutionary political concept incorporated in the Declaration of Independence, that one purpose of government is to insure to all individuals the right to pursue happiness. Native Americans shared their knowledge of medicinal herbs and plants with the colonists. In addition, they shared their food harvests and agricultural knowledge. That assistance and generosity, history tells us, allowed America's earliest immigrants to survive their first winter in a new land.

Mr. President, the Thanksgiving season is an ideal time to honor the contributions Native Americans have made in the face of tremendous hostile pressure to assimilate, much of it resulting from official policies of our government. American Indians have hung tenaciously to their tribal culture and roots, trying to preserve what remains of their way of life and heritage. I hope this resolution will help to remind all Americans not only of the great contributions Indian tribes and individuals have made, but also of the great sacrifices they have made and continue to make for our Nation.

I am pleased to sponsor this resolution in the Senate, and urge my colleagues to join me in seeking its early adoption.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 53

Whereas American Indians were the original inhabitants of the lands that now constitute the United States;

Whereas American Indians have made a unique and essential contribution to the United States;

Whereas the people of the United States should be reminded of the assistance American Indians provided to the Founding Fathers of our Nation;

Whereas the people of the United States should consider the present relationship between American Indians and the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing November 22, 1987, and ending November 28, 1987, is designated as "American Indian Week", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

By Mr. BAUCUS. (for himself and Mr. LAUTENBERG, Mr. STAFFORD, and Mr. DURENBERGER):

S.J. Res. 54. A joint resolution to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1984 to ensure that eligible local educational agencies can complete asbestos abatement work in school buildings during the 1987 summer school recess; to the Committee on Environment and Public Works.

ASHAA GRANTS AND LOANS

● Mr. BAUCUS. Mr. President, today I am pleased to introduce a joint resolution which will require the Environmental Protection Agency to award financial assistance to schools under the Asbestos School Hazard Abatement Act [ASHAA] grant and loan program in time to commence and complete clean up work during the summer recess of 1987.

During the last three years, the Congress has appropriated $50 million to the grant and loan program. Funds from this program are provided only to the nations neediest schools to help them clean up hazardous asbestos.

Asbestos is a known cause of cancer and debilitating lung diseases. The EPA estimates that 15 million children, almost one-third of the Nation's school population, and 1.4 million school workers are in schools contaminated by asbestos-containing materials. About 31,000 school buildings in the Nation contain asbestos.

Children appear to be at increased risk of developing asbestos caused diseases due to apparent greater sensitivity, high respiration rates and a longer remaining lifetime during which the diseases may develop.

In a letter to the Committee on Environment and Public Works the American Cancer Society states

> * * * there is no known safe level of exposure to asbestos. The increase in the number of cancers linked to long-term asbestos exposuire is the result of inadequate control of asbestos in previous decades. All preventable asbestos exposure should be avoided. To the extent this is not achieved, cancer may occur—cancer of the lung, esophagus, stomach, colon, larynx, oropharynx, kidney and mesothelium.

Unfortunately, the administration now wants to rescind $47.5 million of the $50 million—the portion earmarked for grants and loans to schools. The EPA asserted in its budget that the grant and loan funds are unnecessary because prior appropriations have greatly reduced the problem.

Contrary to EPA's claims it is evident that ASHAA funds are desperately needed. In the first two rounds of ASHAA awards local school districts made requests of over $750 million in assistance, but only $92 million was available.

Last year Congress demonstrated the importance it places on the identification and cleanup of asbestos problems which endanger school children and employees or schools by passing the Asbestos Hazard Emergency Response Act. This act signed in law by President Reagan will impose additional requirements on schools for inspection and cleanup of hazardous asbestos, making the availability of ASHAA funding yet more critical.

To request no new money and ask for a rescission of fiscal year 1987 funds represents not only a challenge of congressional intent but more importantly a lack of concern for the safety and health of our Nation's school children.

I urge my colleagues to join me in supporting this important legislation.●

By Mr. GRASSLEY:

S.J. Res. 55. A joint resolution designating the week of May 10, 1987, through May 16, 1987, as National Osteoporosis Prevention Week of 1987; to the Committee on the Judiciary.

NATIONAL OSTEOPOROSIS PREVENTION WEEK

● Mr. GRASSLEY. Mr. President, I am introducing today legislation which would designate the week of May 10-16, 1987, as "National Osteoporosis Prevention Week."

This is the third year in which I have had the honor of introducing legislation to call attention to the problem of osteoporosis. The legislation this year emphasizes a shift from awareness to prevention, acknowledging the success of our efforts in the past 2 years to increase the level of awareness among potentially affected Americans about this condition, and indicating that we should stress prevention in the years to come.

Osteoporosis is a condition in which bone tissue becomes progressively thinner as a consequence of calcium loss. This bone degeneration is associated with aging, low calcium levels, and loss of estrogen. It is a condition which affects primarily older women after menopause, although it can affect older men. Most commonly affected by it are thin, caucasian women, who tend to lose bone mass at a rate twice that of older men.

Osteoporosis is a major contributing cause of bone fractures suffered by the elderly. Data provided to me for a hearing of the Subcommittee on Aging during the 99th Congress by a researcher from the University of Iowa showed that, at age 68, about half of Iowa's women have a bone mass level that places them at risk of fracture. Bone fractures in the elderly, particularly of the hip, can lead to institutionalization. Fractures are also associated with higher levels of mortality among those who suffer them—it is estimated that more than 50,000 older women die every year from complications of hip fracture—a number greater than the number who die annually from breast cancer. Needless to say, this condition is expensive, according to some estimates costing the Nation more than $6 billion in 1983.

Many scientists argue that osteoporosis can be prevented. Some studies have shown that as many as 80 percent of bone fractures resulting from thinning of the bones could be avoided with increased intake of calcium and estrogen—and 50 percent with increased intake of calcium alone. I think it is especially important to stress that the time in the life cycle to begin to deal with this condition is not old age. Rather, it is at younger ages when bone mass is being formed. The osteoporosis prevention effort should therefore be directed especially at younger women; in fact, it is probably safe to say that it is appropriate to direct such effort at children and adolescents to insure that their dietary habits facilitate development of good bone mass.

I would like to emphasize that, because osteoporosis can be prevented, educational efforts, such as this resolution designating a National Osteoporosis Prevention Week, can be particularly helpful in reducing the eventual incidence of this condition.●

By Mr. ROCKEFELLER (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S.J. Res. 56. Joint resolution designating the third week in May of each year as National Tourism Week; to the Committee on the Judiciary.

NATIONAL TOURISM WEEK

● Mr. ROCKEFELLER. Mr. President, each year since 1984, Congress has enacted legislation designating the third week in May as National Tourism Week. The joint resolution which I am introducing today will permanently designate that week as National Tourism Week and help give the tourism industry the recognition it deserves as the second largest private employer in this country.

Moreover, it will give State and local governments, as well as the private sector of the tourism industry, the certainty and necessary lead time to plan the promotional activities which take place throughout the country during National Tourism Week.

Mr. President, I believe it is in the national interest that we increase the awareness of consumers and Government officials at the local, State and Federal levels of tourism's importance to the economic, social and cultural welfare of the United States.

According to statistics supplied by the Travel and Tourism Government Affairs Council:

The travel industry is the third largest retail or service industry generating $258 billion in 1985;

Travel and tourism is the first, second, or third largest employer in 39 States;

Tourism receipts made up 6.1 percent of our GNP in 1985;

Travel and tourism contributed 3.8 percent of the combined tax revenues of Federal, State and local governments in 1985;

Travel and tourism is the second largest private employer in the Nation, employing 4.95 million people;

Over the past 10 years, travel and tourism industry employment grew 60.4 percent; and that is 2.25 times the growth rate for all jobs in our economy.

Mr. President, it's time for us to recognize that the tourism industry is an integral and expanding part of our economy. I saw firsthand, when I served as Governor of West Virginia, the importance of tourism to economic development. Tourism is now the second largest industry in my State and ranks third in employment.

Furthermore, from my personal experience I can say that it takes hard work to build a tourism industry—tourists rarely just appear. As Governor, I instituted a Travel West Virginia promotion program. Scores of visitors now come to West Virginia every year to ski on our mountains, raft in our rivers, and to enjoy the natural beauty of West Virginia.

National Tourism Week has proved to be an excellent tourism promotion tool for our 50 States.

For these and so many other reasons, I believe we ought to take this one small step to recognize and assist an industry which contributes so much to our national well being.●

● Mr. HOLLINGS. Mr. President, I am pleased to be an original sponsor of this joint resolution, which would permanently designate the third week of May as National Tourism Week.

Mr. President, when I was Governor of South Carolina, I first realized the vital role tourism plays in our economy. At that time, Myrtle Beach had a large budget for tourism and was reaping huge dividends from its wise investment. Meanwhile, my hometown of Charleston was spending very little on tourism promotion and, of course, was receiving very few tourism dollars.

I discovered then that many communities across South Carolina—a State so rich in history and natural beauty—could profit from a statewide effort to promote tourism. So, in the early 1960's, we established the Legislative Committee on Tourism Trade. In 1965 we launched the first Governor's Conference on Tourism and Trade. And later, the State instituted the Department of Parks, Recreation and Tourism. The governmental activism that began there has paid off handsomely. In 1985, travel and tourism generated more than $3 billion in direct visitor expenditures; and those expenditures provided jobs for 80,521 South Carolinians.

Travelers also accounted for $179 million in tax revenue: $152 million of which went to the State, and $27 million for local governments. That $179 million in taxes went to build facilities such as schools and hospitals and to provide services for all the residents of South Carolina. It also means that our State personal income tax bill was, on average, $174 less than it would have been without those visitors.

Statistics on international travel for 1984 show that 29,300 tourista from Europe visited South Carolina and spend $6.6 million. This resulted in a cost-benefit ratio of $66.27 for each dollar invested by the State.

The same kind of economically important story can be told by nearly every one of our 50 States and the Federal Government. With some exceptions, all came late to a realization of tourism's potential, but once they started to capitalize on that potential they discovered that the economic yield was tremendous. At the national level, tourism is our third ranking industry, and generates over $258 billion in expenditures annually.

As a nation, however, we need to do much more if we are to compete successfully in the international tourism market.

Mr. President, the sad fact is that the story of U.S. participation in the international travel market is one of shrinking competition and Government funding. While international tourism grew at a rate of 4.1 percent in 1985, international travel to the United States only grew at a rate of 2.2 percent.

The following statistics compiled by the Travel and Tourism Government Affairs Council show comparative standings of National Government's efforts in the development and promotion of tourism. In my view, they illustrate one of the major reasons why the story of U.S. participation is one of shrinking competitiveness.

Based on available data, in terms of per capita spending by National Government tourism organization in 1985, the average among all countries of the world is over 36 times as much as the United States Travel and Tourism Administration's funding. The average budget for their organizations worldwide was $1.81 per capita compared to the United States at less than 5 cents per capita.

The average funding of National Government tourism organization among competitive countries of the world in 1983 was nearly $38 million—over three times as much as the United States' funding, even though all are much smaller countries.

Mr. President, each year beginning in 1984, the President of the United States has proclaimed the third week in May as National Tourism Week. The Presidential Proclamation is issued to a joint resolution which is annually passed by the Congress.

At the conclusion of the first National Tourism Week in 1984, the National Tourism Week Coalition was officially formed with William H. Edwards, vice chairman, Hilton Hotels Corp., as private sector chair, and Donna F. Tuttle, Under Secretary of Commerce for Travel and Tourism, as public sector chair. A permanent office was formed January 20, 1986, to coordinate planning and observance of National Tourism Week and develop a year-round promotion of the event. The office is housed and administered at the Travel Industry Association of America [TIA]. The office is funded by eight organizations including Air Transport Association of America, American Hotel and Motel Association, National Restaurant Association, Hotel & Sales and Marketing Association, and the Travel Industry Association of America.

Mr. President, the purpose of the National Tourism Week Coalition is to increase awareness of consumers and government officials, at the local, State, and Federal levels, of tourism's importance to the economic, social, and cultural welfare of the United States.

Last year, the Congress enacted House Joint Resolution 642, and the President has proclaimed the week beginning May 17, 1987, as National Tourism Week.

Mr. President, the travel industry, and the National Tourism Week Coalition should have the certainty and sufficient lead time to:

Promote the active involvement, participation, and support of industry members and public sector officials in the National Tourism Week Program.

Develop themes and year-around programs for implementation nationwide by all tourism entities.

Even more importantly, I believe the Federal Government must indicate its support in the strongest terms possible for the purpose and objectives of National Tourism Week.

While Congress has enacted a joint resolution each year, I believe the objectives I have mentioned stand a better chance of being realized if Congress enacts a law which permanently designates the third week of each May as National Tourism Week, and requests the President to issue a proclamation to that effect annually.

The joint resolution which I am cosponsoring with the junior Senator from West Virginia and the senior Senator from Hawaii would do that.●

● Mr. INOUYE. Mr. President, in each of the past 3 years, Congress has enacted legislation designating the third week of May as National Tourism Week, and authorizing and requesting the President to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

At the conclusion of the first National Tourism Week in 1984, a National Tourism Week Coalition was officially formed. It is a partnership of the private sector and the Federal Government; and occupies a permanent office to coordinate and develop a year-around promotion of National Tourism Week.

From the beginning, National Tourism Week has been widely celebrated in the State capitols and the several regions of the United States. And, this year, Canada has borrowed our idea. Our neighbors to the north will celebrate a Canadian National Tourism Week, May 11-17.

Mr. President, when one considers the importance of tourism to our economy, it is not surprising that we should set aside a week to celebrate. According to the statistics of the Travel and Tourism Government Affairs Council:

The travel industry is the third largest retail or service industry in the United States, automobile dealers $313 billion, food stores $282 billion, travel and tourism $258 billion, and general merchandise stores $160 billion—1985—figures exclude sales and excise taxes.

Travel receipts make up 6.1 percent of U.S. GNP—1985.

Domestic and international travel's economic contributions in 1985 include:

Expenditures in the United States $258 billion.

Payroll income generated $54 billion.

Employment generated 5.0 million direct, 2.2 million indirect.

Federal tax revenues generated $16.5 billion.

State tax revenues generated $10.8 billion.

Local tax revenues generated $3.3 billion.

Travel and tourism contributed 3.8 percent of the combined tax revenues of Federal, State, and local governments in 1985.

Travel and tourism is the first, second, or third largest employer in 39 States: the largest employer in 13 States; second largest employer in 14 States; and third largest employer in 12 States—1984.

The employment generated by travel and tourism in 1985 exceeded that of any other industry except health services—doctors, nurses, hospital workers, et cetera.

The travel and tourism industry contributed 460,600 of the new jobs in the United States in 1985.

The 3.2 million new jobs provided by the travel and tourism industry since 1975 comprised 15.3 percent of the total national increase in employment—1985.

Employment generated by travel in the United States exceeds the population of 71 countries—1985.

Americans spend $740 million a day on travel and tourism—1985.

Travel industry receipts grew 6.1 percent in 1985 and have grown 165 percent over the last 10 years.

In 34 States travel and tourism generates more receipts than agriculture—1984.

Mr. President, there is much more the Federal Government can and must do if as a country we are to capitalize fully on the economic colossus that is tourism.

At the very least, I believe we ought to recognize and support the work of the National Tourism Coalition by providing that the third week of May be permanently designated as National Tourism Week, and authorizing and requesting the President to issue the appropriate proclamation each year.

I am, therefore, pleased to join the distinguished junior Senators from West Virginia and South Carolina in sponsoring such legislation.●

By Mr. DECONCINI:

S.J. Res. 57. A joint resolution to designate the period commencing on May 3, 1987, and ending on May 10, 1987, as "National Older Americans Abuse Prevention Week," to the Committee on the Judiciary.

NATIONAL OLDER AMERCIANS ABUSE PREVENTION WEEK

● Mr. DECONCINI. Mr. President, I am introducing today a joint resolution to declare May 3-10, as "National Older Americans Abuse Prevention Week." I am hoping that a great number of my distinguished colleagues will join me in this important effort.

Mr. President, despite the fact that agencies and organizations serving our older Americans have made notable contributions in improving the lives of our senior population over the past few years—by revamping rules and regulations, pinpointing issues, disseminating information and increasing public awareness—abuse of the elderly is still on the increase and greatly misunderstood.

Mr. President, the distinguished Representative from Florida's 18th district, the Honorable CLAUDE PEPPER, recently declared the growing problem of elder abuse in America to be a national disgrace. I am in complete agreement with Representative PEPPER, and am seeking through this legislation to increase public awareness concerning this escalating tragedy for so many of our elders.

Data generated to date clearly show that the problem is just beginning to be understood, is probably a larger problem than child abuse in this country and requires immediate public attention. The most conservative estimate is that over 500,000 older Americans are victims of physical abuse. The American Public Welfare Association argues that the number of elder abuse cases should include psychological abuse and a variety of neglectful treatments. If we utilize what I agree is a more proper definition of the problem, the number of abused elder Americans approaches 2.5 million, or nearly 1 out of every 10 million older Americans.

Mr. President, it is indeed appropriate that this National Week of recognition of the elder abuse problem fall within the month of May as that month has traditionally been disignated "Older Americans Month." It is also important that the first week of May be designated "National Older Americans Abuse Prevention Week" in order to underscore the magnitude of this tragedy to those who have already contributed so much, and without which we would not enjoy the many blessings we now enjoy.

As I have previously stated, Members of Congress have an opportunity to assist the many individuals, organizations and agencies that are striving to rid this great Nation of our epidemic elder abuse problem and to assist the victims as well. We can help focus public attention on the goals and objectives of these agencies and improve the general welfare of our elders.

The declaration of May 3-10, 1987, as "National Older Americans Abuse Prevention Week" is one way in which we in Congress can help increase public awareness of this national problem. There is help available in communities throughout the Nation, but we need to get that message out to the abused as well as the abuser. Therefore, I urge my colleagues to join me in this effort to have May 3-10, 1987, designated as "National Older Americans Abuse Prevention Week."

Mr. President, I ask unanimous consent that a copy of this joint resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 57

Whereas each year an estimated 550,000 to 2.5 million elders are the victims of physical and emotional abuse, neglect, and denial of fundamental civil rights;

Whereas these elders represent every racial, religous and socio-economic class;

Whereas the suffering of these elders poses a threat to our families and to our society as a whole;

Whereas in most instances this neglect and abuse stems from the lack of information on intervention and prevention;

Whereas the health and well-being of our elders is, and must be, one of our Nation's highest priorities;

Whereas May, 1987, has been designated as "Older Americans Month", and provides the ideal opportunity for the people of the United States to become educated and aware of the welfare of the elderly; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of elderly abuse; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 3, 1987, and ending on May 10, 1987, is designated as "National Older Americans Abuse Prevention Week", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such period with appropriate programs, ceremonies, and activities.●

By Mr. DeCONCINI (for himself and Mr. Dodd):

S.J. Res. 58. A joint resolution to designate the month of April 1987 as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

NATIONAL CHILD ABUSE PREVENTION MONTH

● Mr. DeCONCINI. Mr. President, I am introducing today, together with my colleague from the great State of Connecticut, Senator Dodd, a joint resolution to declare the month of April 1987 as "National Child Abuse Prevention Month." I am hopeful that a great number of my distinguished colleagues will join us in this important effort.

Mr. President, despite the fact that agencies and organizations serving our children have made notable contributions over the past few years in improving the lives of our youth—by revamping rules and regulations, pinpointing issues, disseminating information and increasing public awareness—child abuse is still on the increase.

Data generated over the past few years makes it abundantly clear that our Nation's poor children are the high-risk victims for abuse, neglect, and other poverty related problems. The families of these children are caught in a web of strife, stress, and strain in their attempt to merely survive from day to day. Their struggle is compounded by lack of resources, both spiritual and physical, to reduce the burden imposed by their state of poverty.

Mr. President, America's child abuse problem does not stop there—it appears in every State in the Union and cuts across all socioeconomic groups. From the impoverished ghettos of our urban centers to the stately manors across the Nation, millions of America's children are not getting a fair chance to grow into productive adults. Many children in the United States are growing up in wholesome, nurturing environments. However, millions more are not blessed with that good fortune. Every child in the world needs and deserves food, shelter, and love in order to survive and prosper.

The evidence of child abuse and neglect is both alarming and overwhelming. The data collected by the Child Help U.S.A. organization and others show that over 1 million cases of child abuse are reported each year. But, only one of four cases of child abuse is reported so as many as 4 million of our Nation's children are being tragically abused. When I introduced this resolution in the last session, I cited national statistics which stated that reports of child abuse and neglect were up 39.8 percent since 1981. Today, I regret to report that the incidence rate is not declining. And all experts agree that the numbers will escalate further since victims, in turn, will likely victimize their own children and others.

Mr. President, despite the best efforts of the social service providers, like Child Care U.S.A., Parents Anonymous, and other members of the National Child Abuse Coalition, the entire Nation is threatened by the continued growth in child abuse and neglect. The only all day, every day national crisis counseling hotline staffed totally by medical and clinical professionals received over 126,000 calls in 1986 compared with only 8,600 calls when it was established in 1982. The Child Care U.S.A. phone system was at capacity last year.

As I have stated previously, Members of Congress have an opportunity to assist the many individuals, organizations, and agencies that are striving to rid our Nation of the epidemic child abuse problem and to assist the victims as well. We can help focus public attention on the goals and objectives of these agencies and improve the general welfare of our children.

The declaration of April 1987, as "National Child Abuse Prevention Month" is a signficant way in which we in Congress can emphasize the importance of increasing public awareness and education for the benefit of our troubled families and suffering children. There is help available in communities throughout the Nation, but we need to get that message out to the abused as well as the abusers. Therefore, I urge my colleagues to join Senator Dodd and myself in this effort to have April 1987 designated as "National Child Abuse Prevention Month."

Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

SJ. Res. 58

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated four million children become victims of child abuse in this Nation each year;

Whereas an estimated five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Child Help U.S.A. Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect and to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations such as Parents Anonymous, and other members of the National Child Abuse Coalition, are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April, 1987, is designated as "National Child Abuse Prevention Month", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

By Mr. THURMOND (for himself, Mr. HOLLINGS, Mr. BRADLEY, and Mr. CHAFEE):

S.J. Res. 59. A joint resolution to designate the month of May, 1987 as "National Foster Care Month"; to the Committee on the Judiciary.

NATIONAL FOSTER CARE MONTH

Mr. THURMOND. Mr. President, I am pleased to introduce today a resolution which would designate May 1987 as "National Foster Care Month."

It is acknowledged that a family environment with loving and caring parents is the ideal situation for children; however, in the United States there are hundreds of thousands of foster children who through no fault of their own have been deprived of this normal home relationship involving love, shelter, and other needs that are the basic necessities of all children. Foster parents volunteer their time, energy, and material resources 24 hours a day, 7 days a week, to help enable these children to develop into mature, responsible, productive adults.

Our Nation's foster parents have a long and proud tradition of reaching out to those children who need them most. We need to publicly recognize these efforts and call attention to the vital needs of all foster children in the United States. Acknowledgement of the valuable contributions of foster care parents will provide for greater public awareness of and community support for these Americans.

Mr. President, I urge my colleagues to join me in cosponsoring this resolution.

By Mr. BRADLEY (for himself, Mr. HATFIELD, Mr. STENNIS, Mr. COCHRAN, Mr. LUGAR, Mr. BURDICK, Mr. PELL, and Mr. HATCH):

S.J. Res. 60. Joint resolution to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day"; to the Committee on the Judiciary.

NATIONAL ARBOR DAY

● Mr. BRADLEY. Mr. President, I am pleased to introduce today a joint resolution to designate the last Friday in April of 1987 as National Arbor Day. Senators HATFIELD, STENNIS, COCHRAN, LUGAR, BURDICK, PELL, and HATCH are joining me as cosponsors in this effort.

In 1970 and 1972, Congress legislated and the President proclaimed the last Friday in April in those 2 years as National Arbor Day. The legislation we are considering would repeat this observation next year.

Our Nation's trees are one of our most important natural resources. Trees not only provide the raw materials for some of our basic industries, they are important stabilizers of our environment and they also provide natural grace and beauty to our lives. The observance of a National Arbor Day would provide an important reminder to all our citizens to appreciate and protect this vitally important natural resource. Furthermore, this observance need not cost the Federal Government a cent. There is no need to establish an agency or a staff. The news media would gladly promote this date.

The importance of this natural resource ought to also impel us to act promptly on the problem of forest decline. Scientists have observed growth declines, serious damage and death of a number of species of trees in large areas of Europe and the eastern United States.

The most extensively documented case of forest damage is occurring in West Germany. In 1982, the Federal Minister of Food, Agriculture and Forestry reported damage to 8 percent of all trees; coniferous species were most seriously affected. In 1983 this figure increased to 34 percent. Today an estimated 55 percent of West Germany's forested area is damaged. And the damage does not end at the West German border. Switzerland, Austria, and Czechoslavakia report 10 percent of their forests have suffered damage or have died.

Here in the United States, damage to forests has ranged from decline in growth of several species of pines in southern New Jersey to widespread damage to the Ponderosa pine in southern California. A number of other coniferous species have experienced growth decline in an 11 State region extending from Maine to Alabama.

While forest damage is well documented, the scientific debate continues as to the exact causes. Several causes have been hypothesized including such factors as aluminum toxicity, magnesium deficiency, ozone damage, excess nutrients, and general stresses such as drought or insect infestation. Even though the mechanisms are as yet unclear, the role of air pollution in general and acid deposition in particular seem directly related. Research efforts have indicated that nitrous oxides may play an equal or greater role than sulfur oxides in damaging forests.

Because of our concern about damage to our forests and trees it is particularly appropriate that we take special note of the importance of trees through designation of a National Arbor Day.●

By Mr. D'AMATO:

S.J. Res. 61. Joint resolution to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week"; to the Committee on the Judiciary.

JEWISH HERITAGE WEEK

● Mr. D'AMATO. Mr. President, since being elected to the Senate I have had the distinct honor to offer a resolution designating a week during the year as "Jewish Heritage Week." This resolution designates the week of May 3 to May 10, 1987, for this purpose.

The United States prides itself on its diverse heritage. This rich and colorful heritage results from the values and ideals brought to our Nation by the people of a multitude of races and religions.

Among these immigrants, the Jewish community contributed significantly to the cultural and spiritual growth of a new nation. Many members of the Jewish community have brought distinction and honor to virtually every field of endeavor, including the arts, humanities, and sciences. Our Jewish citizens have fought and died to preserve and to protect the freedom for which the United States stands.

Each spring, Jews throughout the United States and around the world observe a number of significant dates. Beginning with the observance of Passover, which commemorates their passage from bondage to freedom, continuing with the observance of the anniversary of the Warsaw Ghetto Uprising, and concluding with the celebration of Israeli Independence Day, American Jews rededicate themselves to the concepts of liberty, equality, and democracy.

Indeed, our Judeo-Christian culture owes much to the Jewish community. The Jewish people cherish a tradition and culture which spans the course of many thousands of years; their perseverance through the many tests of time made the Jewish community vital members of our society.

In recognition of the told and untold contributions of Jews, who have become an integral part of the American heritage, I introduce the following resolution requesting that the President designate May 3 through May 10, 1987, as "Jewish Heritage Week." I urge my colleagues to join me in cosponsorship of this important resolution.

Mr. President, I ask unanimous consent that this joint resolution be printed in its entirety in the RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 61

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of April and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.●

ADDITIONAL COSPONSORS

S. 69

At the request of Mr. Trible, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the basis recovery rule for pension plans.

S. 79

At the request of Mr. Metzenbaum, the names of the Senator from Connecticut [Mr. Dodd], the Senator from Massachusetts [Mr. Kennedy], the Senator from Washington [Mr. Adams], the Senator from Maryland [Ms. Mikulski], the Senator from Arizona [Mr. DeConcini], the Senator from New Jersey [Mr. Lautenberg], the Senator from North Dakota [Mr. Burdick], the Senator from Massachusetts [Mr. Kerry], the Senator from Hawaii [Mr. Inouye], the Senator from Kentucky [Mr. Ford], the Senator from Rhode Island [Mr. Pell], and the Senator from Maryland [Mr. Sarbanes] were added as cosponsors of S. 79, a bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes.

S. 225

At the request of Mr. D'Amato, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 225, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who become eligible for benefits before 1979.

S. 232

At the request of Mr. Wilson, the names of the Senator from Maryland [Ms. Mikulski], the Senator from Utah [Mr. Hatch], and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of S. 232, a bill to permit placement of a privately funded statute of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia.

S. 248

At the request of Mr. Lautenberg, the name of the Senator from South Dakota [Mr. Daschle] was added as a cosponsor of S. 248, a bill to amend title 10, United States Code, to permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform.

S. 286

At the request of Mr. Ford, the name of the Senator from Louisiana [Mr. Breaux] was added as a cosponsor of S. 286, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 314

At the request of Mr. Pressler, the names of the Senator from Indiana [Mr. Lugar], the Senator from Maryland [Mr. Sarbanes], the Senator from Oregon [Mr. Hatfield], and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of S. 314, a bill to require certain telephones to be hearing aid compatible.

S. 324

At the request of Mr. Dole, the names of the Senator from Nebraska [Mr. Zorinsky] and the Senator from South Dakota [Mr. Pressler] were added as cosponsors of S. 324, a bill to revise the basis for computation of emergency compensation under the 1986 feed grains programs.

S. 332

At the request of Mr. DeConcini, the names of the Senator from California [Mr. Cranston] and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of S. 332, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 333

At the request of Mr. Chiles, the names of the Senator from Minnesota [Mr. Boschwitz] and the Senator from Delaware [Mr. Biden] were added as cosponsors of S. 333, a bill for the relief of Anne Brusselmans.

S. 346

At the request of Mr. Zorinsky, the name of the Senator from Nebraska [Mr. Exon] was added as a cosponsor of S. 346, a bill to amend the Railroad Retirement Act of 1974 to allow a worker to be employed in any non-railroad employment and still qualify for an annuity, subject to current deductions in the tier 1 benefit on account of work and new deduction in the tier 2 benefit if the employment is for his last nonrailroad employer.

S. 350

At the request of Mr. Durenberger, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of S. 350, a bill to amend the Tax Reform Act of 1986 to extend for 1 year the waiver of estimated penalties for underpayments by individuals attributable to such act.

S. 361

At the request of Mr. Specter, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 361, a bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for private enforcement of the Unfair Competition statute in the event of unfair foreign competition, and to amend title 28 of the United States Code to provide for private enforcement of the Customs fraud statute.

S. 490

At the request of Mr. Bentsen, the name of the Senator from Connecticut [Mr. Dodd] was added as a cosponsor of S. 490, a bill to authorize negotiations of reciprocal trade agreements, to strengthen, U.S. trade laws, and for other purposes.

S. 491

At the request of Mr. D'Amato, the name of the Senator from Connecticut [Mr. Weicker] was added as a cosponsor of S. 491, a bill to repeal the provision of the Tax Reform Act of 1986 which disallowed the treatment of certain technical personnel as self-employed individuals.

S. 514

At the request of Mr. Kennedy, the names of the Senator from Hawaii [Mr. Matsunaga] and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of S. 514, a bill to amend the Job Training Act to establish an incentive bonus for the successful placement of certain employable dependent individuals, to provide targeting of assistance from certain carryover funds for such individuals, and for other purposes.

S. 515

At the request of Mr. Zorinsky, the names of the Senator from Oklahoma [Mr. Boren] and the Senator from North Dakota [Mr. Burdick] were added as cosponsors of S. 515, a bill to provide equitable treatment under the highly erodible land conservation provisions of the Food Security Act of 1985 to farmers who produced alfalfa and other multiyear grasses and legumes in a rotation practice during each of the years 1981 through 1985.

S. 530

At the request of Mr. Heinz, the names of the Senator from Colorado [Mr. Armstrong] and the Senator from North Carolina [Mr. Helms] were added as cosponsors of S. 530, a bill to delay for 1 year the changes made by the Tax Reform Act of 1986 in the taxable years of certain entities, and for other purposes.

S. 533

At the request of Mr. Thurmond, the name of the Senator from New Mexico [Mr. Bingaman] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'Amato, the names of the Senator from Maryland [Ms. Mikulski], the Senator from Massachusetts [Mr. Kerry], and the Senator from New Jersey [Mr. Bradley] were added as cosponsors of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 9

At the request of Mr. Sarbanes, the names of the Senator from Alabama [Mr. Heflin] the Senator from Illinois [Mr. Simon], the Senator from Iowa [Mr. Grassley], the Senator from Maine [Mr. Mitchell], and the Senator from Alaska [Mr. Stevens] were added as cosponsors of Senate Joint Resolution 9, a joint resolution to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 11

At the request of Mr. Thurmond, the name of the Senator from Utah [Mr. Garn] was added as a cosponsor of Senate Joint Resolution 11, a joint resolution proposing an amendment to the Constitution relating to Federal balanced budget.

SENATE JOINT RESOLUTION 14

At the request of Mr. Helms, the names of the Senator from Vermont [Mr. Leahy], the Senator from Indiana [Mr. Lugar], the Senator from Idaho [Mr. Symms], and the Senator from Nebraska [Mr. Exon] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 18

At the request of Mr. Wallop, the names of the Senator from Wyoming [Mr. Simpson], the Senator from Oklahoma [Mr. Boren], the Senator from Missouri [Mr. Bond], the Senator from Wisconsin [Mr. Kasten], the Senator from Illinois [Mr. Simon], the Senator from Michigan [Mr. Riegle], the Senator from Virginia [Mr. Warner], the Senator from Delaware [Mr. Biden], the Senator from Arkansas [Mr. Pryor], the Senator from Hawaii [Mr. Matsunaga], and the Senator from Alabama [Mr. Shelby] were added as cosponsors of Senate Joint Resolution 18 to authorize and request the President to issue a proclamation designating June 1 through June 7, 1987 as "National Fishing Week."

SENATE JOINT RESOLUTION 19

At the request of Mr. Warner, the names of the Senator from Kentucky [Mr. Ford], the Senator from Maine [Mr. Mitchell the Senator from Oklahoma [Mr. Boren], the Senator from Massachusetts [Mr. Kerry], the Senator from Michigan [Mr. Levin], the Senator from Tennessee [Mr. Gore], the Senator from Arizona [Mr. DeConcini], the Senator from Connecticut [Mr. Dodd], the Senator from Arizona [Mr. McCain], and the Senator from Illinois [Mr. Dixon] were added as cosponsors of Senate Joint Resolution 19, a joint resolution to designate March 20, 1987 as "National Energy Education Day."

SENATE JOINT RESOLUTION 36

At the request of Mr. Hatch, the name of the Senator from Missouri [Mr. Bond] was added as a cosponsor of Senate Joint Resolution 36, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 39

At the request of Mr. Simon, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution to provide for the designation of th 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day."

SENATE JOINT RESOLUTION 40

At the request of Mr. Kasten, the names of the Senator from Maine [Mr. Mitchell], the Senator from Indiana [Mr. Lugar], the Senator from Nevada [Mr. Hecht], the Senator from South Dakota [Mr. Daschle], the Senator from Michigan [Mr. Levin], the Senator from Arizona [Mr. McCain], the Senator from Nebraska [Mr. Zorinsky], the Senator from Hawaii [Mr. Matsunaga], and the Senator from Montana [Mr. Baucus] were added as cosponsors of Senate Joint Resolution 40, a joint resolution to give special recognition to the birth and achievements of Aldo Leopold.

SENATE JOINT RESOLUTION 41

At the request of Mr. Glenn, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution to designate the period commencing on November 22, 1987, and ending on November 29, 1987, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 44

At the request of Mr. Durenberger, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of Senate Joint Resolution 44, a joint resolution to designate November 1987, as "National Diabetes Month."

SENATE JOINT RESOLUTION 49

At the request of Mr. Dole, the name of the Senator from Delaware [Mr. Roth] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to designate September 18, 1987, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 51

At the request of Mr. Zorinsky, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of Senate Joint Resolution 51, a joint resolution to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week."

SENATE RESOLUTION 46

At the request of Mr. Dole, the name of the Senator from Utah [Mr. Garn] was added as a cosponsor of Senate Joint Resolution 46, a resolution expressing the sense of the Senate regarding tax rates.

SENATE RESOLUTION 92

At the request of Mr. Grassley, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of Senate Resolution 92, a resolution rejecting the administration's recommendation to eliminate the excise tax exemption for alcohol fuels.

SENATE RESOLUTION 93

At the request of Mr. Lautenberg, the names of the Senator from Vermont [Mr. Leahy] and the Senator from Massachusetts [Mr. Kerry] were added as cosponsors of Senate Resolution 93, a resolution expressing the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 101

At the request of Mr. Cochran, the name of the Senator from Missouri [Mr. Danforth] was added as a cosponsor of Senate Resolution 101, a resolution to express the sense of the Senate that the President should appoint a Commission to study the Federal budget process.

SENATE RESOLUTION 103

At the request of Mr. Kennedy, the names of the Senator from Minnesota [Mr. Durenberger], the Senator from West Virginia [Mr. Rockefeller], the Senator from Florida [Mr. Graham], and the Senator from Arizona [Mr. DeConcini] were added as cosponsors of Senate Resolution 103, a resolution expressing United States support for the Government of the Philippines.

At the request of Mr. Murkowski, his name was added as a cosponsor of Senate Resolution 103, supra.

At the request of Mr. Kerry, his name was added as a cosponsor of Senate Resolution 103, supra.

SENATE CONCURRENT RESOLUTION 18—TO AUTHORIZE THE PRINTING OF U.S. SENATOR ROBERT C. BYRD'S ADDRESSES ON THE HISTORY OF THE UNITED STATES SENATE: BICENTENNIAL EDITION

Mr. STEVENS submitted the following concurrent resolution; which was considered and agreed to:

S. Con. Res. 18

Whereas the Senate of the United States in 1989 will commemorate its two hundredth anniversary; and

Whereas the Study Group on the Commemoration of the United States Senate Bicentenary in 1982 recommended as worthy of separate publication and wide distribution the collected addresses of the history and traditions of the United States Senate, which U.S. Senator Robert C. Byrd began on March 21, 1980: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document "U.S. Senator Robert C. Byrd's Addresses on the History of the United States Senate: Bicentennial Edition" to be published under the supervision of the Secretary of the Senate with the editorial assistance of the Senate Historical Office.

Sec. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

Sec. 3. In addition to the usual number of copies, there shall be printed with suitable binding 5,000 additional copies, for use by the Secretary of the Senate.

SENATE CONCURRENT RESOLUTION 19—RELATING TO DEPLETION OF THE OZONE LAYER

Mr. WIRTH (for himself, Mr. Baucus, Mr. Chafee, Mr. Mitchell, Mr. Stafford, Mr. Gore, Mr. Durenberger, Mr. Harkin, Mr. Bumpers, Mr. Kennedy, Mr. Adams, Mr. Bradley, Mr. Heinz, Mr. Reid, Mr. Dodd, and Mr. Cranston) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 19

Whereas a growing scientific consensus supports the view that the worldwide release of chlorofluorocarbons and certain other manufactured chemicals can deplete the Earth's ozone layer resulting in adverse effects on human health and the environment;

Whereas it is necessary to take appropriate measures to protect human health and the environment against adverse effects resulting from the release of chlorofluorocarbons and certain other manufactured chemicals which may deplete the ozone layer;

Whereas there is a need for international cooperation to reduce emissions of chlorofluorocarbons and certain other manufactured chemicals which may deplete the ozone layer;

Whereas the worldwide use of chlorofluorocarbons continues to grow;

Whereas safe alternatives can be developed in a reasonable time; and

Whereas the United States and certain other countries have already taken formal precautionary measures for reducing emissions of chlorofluorocarbons by imposing a ban on the use of chlorofluorocarbons as aerosol propellants: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress supports the President in taking appropriate measures to protect human health and the environment against adverse effects resulting from the release of chlorofluorocarbons and other manufactured chemicals that may deplete the ozone layer;

(2) the Congress further urges the President to negotiate an immediate reduction in the use of chlorofluorocarbons in the European Community and in other nations; and

(3) the Congress further urges the President to negotiate a worldwide program as expeditiously as practicable for the elimination of fully halogenated chlorofluorocarbons and other manufactured chemicals that may deplete the ozone layer.

● Mr. WIRTH. Mr. President, the ozone layer shields the Earth, and all living things, from exposure to the Sun's damaging ultraviolet radiation. The ozone layer also plays a key role in regulating global temperature levels. Yet we now know that the composition of the Earth's atmosphere is being changed by human activities. Manufactured chemicals, particularly chlorofluorocarbons, are being emitted into the atmosphere, where these chemicals can deplete the Earth's ozone layer.

The magnitude of the impact on our global environment caused by these emissions is potentially enormous. According to the Environmental Protection Agency, the ecological consequences of stratospheric ozone depletion may include:

An additional 40 million cases of skin cancer, 800,000 of them fatal, and 12 million additional cataract cases between now and the year 2075;

Suppression of the human immune system, which is the body's defense against disease;

Reduced crop yields and the loss of certain aquatic species; and

A substantial contribution to the "greenhouse effect," causing large losses of life and property from global drought and flooding.

Mr. President, these statistics do not even reflect a worst-case analysis of the global climatic and public health effects that could be caused by depletion of the Earth's ozone layer. The depletion of the ozone layer, and the closely related problem of the greenhouse effect, may be the environmental issues of the century.

The United States has taken significant actions in responding to the threat of global ozone depletion. In 1978, our Government banned the use of chlorofluorocarbons as aerosol propellants. The aerosol ban is something that every American can be proud of, since it expresses our Nation's concern for the ecosystems we share with all mankind.

Canada and Sweden followed our lead in banning the use of chlorofluorocarbons as aerosol propellants. But other European nations and Japan have resisted calls for joint action to reduce emissions of these ozone depletion chemicals. Moreover, worldwide production of these chemicals has increased as new uses have been found for these chemicals.

Today, the United States accounts for only about 30 percent of the world's chlorofluorocarbon production and use. But regardless of their point of origin, these chemicals threaten the integrity of the global environment. Clearly, this is a case which requires international action. And I am proud to say that our Government has taken the lead in urging both near-term actions to reduce the threat to the ozone layer, as well as a longer term phaseout of ozone depleting chemicals.

Mr. President, during the week of February 23-27, representatives of the United States and 25 other countries will meet in Vienna to resume negotiations on a multilateral accord for controlling emissions of chlorofluorocarbons. Today, I am joined by 15 of my distinguished colleagues in submitting a concurrent resolution in support of this Nation's representatives to the Vienna negotiations. Our resolution expresses the sense of the Congress that: First, immediate action must be taken to reduce emissions of ozone-depleting chemicals in the European Community and Japan; and second, reiterates that all nations must join in a coordinated program to phase out the use of these chemicals.

Mr. President, this resolution sends a signal to the European Community, Japan, and other nations that the U.S. Congress views gobal emissions of ozone depleting chemicals as a potent threat to the global environment. Ozone depletion can no longer be viewed as merely an interesting scientific question. It must, instead, be treated as a serious threat to the environment that demands multilateral action.

The United States has demonstrated its commitment to protecting the delicate ozone layer upon which virtually all life depends. This concurrent resolution is a message to the European nations and Japan; join with us in finding a way to work together in reducing, and ultimately eliminating the threat to life on our planet.

I urge our colleagues to join with us in support of this measure.●

SENATE CONCURRENT RESOLUTION 20—RELATING TO FUNDING FOR VOCATIONAL EDUCATION

Mr. GORE (for himself, Mr. Pell, and Mr. Sasser) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 20

Whereas vocational education is the backbone of the nation's employment-related education and training programs;

Whereas vocational education represents a joint Federal, State, and local partnership effort to meet our nation's need for skilled workers;

Whereas public vocational education currently serves about 19,000,000 Americans;

Whereas investments in vocational education are important in enhancing individual productivity and national competitiveness;

Whereas Federal funds are crucial in assisting States to expand and improve their vocational education programs and to provide equal access to vocational education in historically underserved populations;

Whereas States would be unable to make up a loss of Federal funds;

Whereas the fiscal year 1988 budget as proposed by the President would eliminate Federal funds to vocational education; and

Whereas the elimination of Federal funds for vocational education would hurt the nation's ability to develop a skilled workforce that can meet the workplace challenges of today and tomorrow; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress—

(1) that the Federal Government should maintain its role in vocational education through the continued provision of vocational education grants to the States; and

(2) that the proposal to eliminate Federal funding for vocational education should be rejected.

SENATE CONCURRENT RESOLUTION 21—RELATING TO A PROPOSED TAX ON VEGETABLE AND MARINE FATS AND OILS BY THE EUROPEAN COMMUNITY

Mr. DANFORTH (for himself, Mr. HEFLIN, Mr. DURENBERGER, Mr. BENTSEN, Mr. ZORINSKY, Mr. MCCONNELL, Mr. BOSCHWITZ, Mr. BOND, Mr. GRASSLEY, Mr. QUAYLE, Mr. BAUCUS, Mr. LUGAR, Mr. PRYOR, Mr. FOWLER, Mr. EXON, Mr. NUNN, and Mr. LUGAR) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 21

Whereas in 1962 the United States negotiated duty-free bindings for oilseeds and oilmeals in the European Community;

Whereas the European Community is our most important market for soybeans, representing about 45 percent of total United States soybean exports;

Whereas in the recently concluded negotiations under Article XXIV:6 of the General Agreement on Tariffs and Trade the European Community agreed to restore the duty-free bindings for oilseeds and meals and extend them to Spain and Portugal;

Whereas the Commission of the European Community has now proposed the establishment of a consumption tax on vegetable and marine fats and oils in conjunction with the setting of farm prices for the 1987/88 marketing year in the Community;

Whereas this tax would amount to almost 90 percent of the current price of soybean oil;

Whereas this tax would have a significant restrictive effect on United States exports of oilseeds and products, in particular on soybeans, to the European Community;

Whereas the implementation of this tax would be blatantly inconsistent with the obligations of the European Community under the General Agreement on Tariffs and Trade;

Whereas the Commission's proposal would constitute another egregious attempt to impose the cost of the Common Agricultural Policy on the European Community's trading partners;

Whereas the United States has strenuously opposed similar proposals by the European Community in the past;

Whereas this measure would affect the livelihood of over 500,000 farmers in the United States, as well as many more in developing countries;

Whereas the United States has consistently maintained the position that any attempt by the European Community to impose a tax on fats and oils would invite strong and immediate countermeasures: Now, therefore, be it

Resolved, by the Senate with the House of Representatives concurring, That it is the sense of Congress that—

(1) the Administration should vigorously oppose the establishment of a tax on vegetable and marine fats and oils in the European Community;

(2) the Administration should continue in its efforts to ensure that such a tax is not established; and

(3) the Administration should communicate to the European Community the message that the United States will view the establishment of such a tax as inconsistent with the European Community's obligations under the General Agreement on Tariffs and Trade that will result in the adoption of strong and immediate countermeasures.

SEC. 2. The Secretary of the Senate will transmit copies of this resolution to the President, the Secretary of State, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, the United States Trade Representative, the Head of the Delegation of the European Community to the United States, and the Ambassadors to the United States for each of the Member States of the Community.

● Mr. DANFORTH. Mr. President, today Senator HEFLIN and I are introducing a concurrent resolution expressing congressional opposition to the European Community's [EC] proposed tax on vegetable and marine fats and oils.

Earlier this week, the European Commission proposed as part of its 1987-88 farm price package a 330 ECU per ton tax on the consumption of all vegetable and marine oils and fats within the Community. This proposed tax is billed as a "budgetary stabilization measure" whose revenue of more than $2 billion would be used to finance the Common Agricultural Policy [CAP] in the fats and oils sector.

The Europeans maintain that the tax is nondiscriminatory because it would apply to all vegetable and marine fats and oils. Though this observation may have some superficial appeal, in fact the taxation of all oils by the same absolute amount would reduce the attractiveness of cheaper oils, such as soy oil, relative to higher-priced oils. Moreover, the tax would not apply to some of the key animal fat products that benefit the most from the CAP. As a result, the burden of the proposed tax would fall unduly on the shoulders of American soybean farmers, for whom the EC represents the single most important overseas market. Of the 2.6 billion dollars' worth of U.S. exports of oilseeds and oilseed products to the EC last year, 2.4 billion dollars' worth were soybeans and related products. A consumption tax amounting to nearly 90 percent of the current price of soybean oil clearly would have a devastating impact on American soybean farmers.

The proposed consumption tax on fats and oils certainly is not a new idea; indeed, the Europeans have tried repeatedly in the past to impose such a tax as a means of resolving revenue shortages in the CAP. The United States has strenuously opposed these efforts and rightfully so: The CAP is an inefficient system of bloated price supports that only encourages excess production and is maintained at the expense of farmers in the United States and other major agricultural exporting nations, such as Australia, Canada, Argentina, and the Philippines.

The timing of this most recent proposal makes it particularly egregious. The Commission proposed the tax less than 3 weeks after the settlement of the worst U.S.-EC farm trade dispute in recent years. That dispute, triggered by certain restrictive measures undertaken when Spain and Portugal joined the Community last year, brought us to the brink of a major trade war and took us more than a year to resolve. As part of that settlement, the Community agreed to reaffirm its duty free bindings for oilseeds and oilmeal and to extend them to Spain and Portugal. The implementation of a tax on vegetable oil would negate these bindings. Coming on the heels of a less than sufficient compromise for our corn growers, a tax on fats and oils that would adversely affect our soybean farmers is absolutely unconscionable.

By not backing down during the most recent transatlantic farm trade dispute, we demonstrated our commitment to maintaining a fair international trading system. We made it clear that the United States would no longer sit idly by while our overseas markets were sharply restricted as a result of prohibitive tariffs and blatantly unfair trade practices. We must uphold this precedent and must insist that our trading partners do the same. The Europeans are quick to decry any apparent tendency toward protectionism in the United States. Yet they continue to propose and adopt policies which hurt some of the strongest proponents of free trade in this country, namely American farmers. Such behavior runs counter to the goal of strengthening the international trading system against the threat of protectionism, and it must not continue.●

SENATE RESOLUTION 105—TO AMEND RULE XXII

Mr. HELMS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 105

Resolved, That rule XXII, paragraph 1, is amended by adding at the end thereof the following: "No announcement by the Chair with regard to adjournment or a recess shall be effective without a motion from the floor."

SENATE RESOLUTION 106—TO AMEND RULE XXV

Mr. HELMS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 106

Resolved, That rule XXV, paragraph 1(e)(2) is amended by adding at the end thereof the following:

"(E) No matter reported by the Committee shall provide for any further increase in the public debt."

SENATE RESOLUTION 107—TO AMEND RULE XXII

Mr. HELMS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 107

Resolved, That rule XXII, paragraph 1, is amended by striking "to proceed to the consideration of executive business," the second time it appears.

SENATE RESOLUTION 108—TO AMEND RULE XX

Mr. HELMS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 108

Resolved, That rule XX, paragraph 1, is amended by adding at the end thereof the following:

"No appeal shall ever be disallowed if the Senator was seeking recognition in a timely fashion and was not recognized in favor of another Senator."

SENATE RESOLUTION 109—DISAPPROVING THE PROPOSED RESCISSION OF RENTAL DEVELOPMENT GRANT FUNDS

Mr. CRANSTON (for himself, Mr. RIEGLE, Mr. SIMON, Mr. GRASSLEY, Mr. METZENBAUM, Mr. SARBANES, Mr. INOUYE, Mr. MOYNIHAN, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LEVIN, Mr. KERRY, Mr. D'AMATO, Mr. GORE, Mr. DODD, Mr. HEINZ, Mr. LEAHY, Ms. MIKULSKI, and Mr. KENNEDY), submitted the following resolution; which, pursuant to the order of August 4, 1977, was referred jointly to the Committee on the Budget and the Committee on Appropriations:

S. RES. 109

Resolved, That it is the sense of the Senate that the rescission of budget authority for rental development grants (Rescission No. R-87-44) proposed by the President on January 5, 1987, should be disapproved.

SENATE RESOLUTION 110—DISAPPROVING THE PROPOSED RESCISSION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Mr. CRANSTON (for himself, Mr. RIEGLE, Mr. SIMON, Mr. GRASSLEY, Mr. METZENBAUM, Mr. SARBANES, Mr. INOUYE, Mr. MOYNIHAN, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LEVIN, Mr. KERRY, Mr. D'AMATO, Mr. GORE, Mr. DODD, Mr. HEINZ, Mr. LEAHY, Ms. MIKULSKI, and Mr. KENNEDY) submitted the following resolution; which, pursuant to the order of August 4, 1977, was referred jointly to the Committee on the Budget and the Committee on Appropriations:

S. RES. 110

Resolved, That it is the sense of the Senate that the rescission of budget authority for community development block grants (Rescission No. R-87-46) proposed by the President on January 5, 1987, should be disapproved.

SENATE RESOLUTION 111—DISAPPROVING THE PROPOSED RESCISSION OF URBAN DEVELOPMENT ACTION GRANT FUNDS

Mr. CRANSTON (for himself, Mr. RIEGLE, Mr. SIMON, Mr. GRASSLEY, Mr. METZENBAUM, Mr. SARBANES, Mr. INOUYE, Mr. MOYNIHAN, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LEVIN, Mr. KERRY, Mr. D'AMATO, Mr. GORE, Mr. DODD, Mr. HEINZ, Mr. LEAHY, Ms. MIKULSKI, and Mr. KENNEDY) submitted the following resolution; which, pursuant to the order of August 4, 1977, was referred jointly to the Committee on the Budget and the Committee on Appropriations:

S. RES. 111

Resolved, That it is the sense of the Senate that the rescission of budget authority for urban development action grants (Rescission No. R-87-47) proposed by the President on January 5, 1987, should be disapproved.

Mr. CRANSTON. Mr. President, the administration's fiscal year 1988 budget has proposed the rescission of over $1 billion of budget authority for the current fiscal year. Proposed rescissions include $375.2 million in Community Development Block Grant [CDBG], $205.4 million in Urban Development Action Grant [UDAG], and $99.6 million in Housing Development Grant [HODAG] Programs. Today I am joined by a number of colleagues in introducing resolutions to disapprove the administration's rescission of funds.

I believe the proposed rescissions are unjustified and harmful. These important programs have suffered far greater reductions in recent years than most other portions of the Federal budget. In 1981, CDBG Programs received $3.695 billion. If the program was to continue to provide the same level of funding, in real terms, then $4.57 billion would have been needed for CDBG in fiscal year 1987. However, the CDBG Program has been cut to a current $3 billion, a cut of 34 percent when adjusted for inflation.

During the same period, the UDAG Program has been cut even more. In 1981, UDAG received $677 million. Since then, the administration has cut this program to $225 million, slashing it by nearly three-quarters when adjusted for inflation. Housing development grants have similarly been greatly reduced.

All of this has occurred during a time when the Federal budget as a whole has continued to increase each year. These programs are vital to communities across the country as they try to meet pressing community, urban and housing needs. Congress has historically supported community and housing developments and we must continue to do so in the future.

Therefore, Mr. President, I am pleased to join many of my colleagues in introducing this legislation to disapprove the administration's rescission proposals affecting these programs.

● Mr. RIEGLE. Mr. President, the fiscal year 1988 budget proposes to rescind over $1 billion of budget authority for the current fiscal year. Proposed rescissions include $375 million from community development block grants, $205 million from urban development action grants, and $99.6 million from housing development grants.

These proposals go far beyond the policy restraints that Congress already enacted and, if adopted, they will abruptly and severely harm important activities in communities across the Nation.

I am pleased to join with Senator CRANSTON and many of my colleagues in introducing legislation that will disapprove the rescission proposals affecting these programs.

Our legislation will enable the Congress to express its will on these matters promptly and avoid costly disruption of local initiatives, and I urge my colleagues to join with us to overturn the rescission proposals.●

● Mr. HEINZ. Mr. President, I rise today to join a number of my colleagues in introducing resolutions to disapprove the administration's proposed rescission of funds for the Community development block grant [CDBG], urban development action grant [UDAG], and housing development grant [HODAG] programs. The administration's budget request for fiscal year 1988 proposes to rescind $375.2 million in CDBG funds, $205.4 million in UDAG funds, and $99.6 million in HODAG funds.

I believe that these rescission proposals are inappropriate and unwise for several reasons. First, I would like to point out that these programs have suffered far greater reductions in recent years than most other portions of the Federal budget. The CDBG Program has been cut from $3.695 billion in 1981 to the current $3 billion. During this same period, the UDAG Program has been slashed by more than two-thirds, from $677 million in 1981 to $225 million in fiscal 1987. Housing development grants have similarly been reduced. Over this same period, the Federal budget as a whole has increased by nearly 10 percent per year.

Further reductions in these programs would force the millions of poor people and economically strapped communities that rely on them to shoulder an unwarranted share of our responsibility to reduce the Federal deficit. Second, the proposal to rescind significant amounts, and in the case of UDAG—nearly all, of the fiscal year 1987 funds that have been appropriated for these programs is in direct contradiction to the will of the Congress. Finally, and most important, the rescission proposals would withdraw significant amounts of funds that have been committed to worthy recipients earlier in this fiscal year.

Mr. President, UDAG, CDBG, and HODAG are all programs that have proved their worth in providing needed community services, redevelopment, and housing for those least able to aid themselves. These programs have succeeded in redeveloping our most blighted urban areas, rescuing families and neighborhoods, and creating thousands of new jobs for those who lacked hope and opportunity.

Each of these programs has an important purpose in this mission. Community development block grants, for example, have been used to rehabilitate homes, supply soup kitchens, provide job placement for the hard-to-employ, and weatherize homes in this very cold winter. Urban development action grants have stimulated significant amounts of private investment and created thousands of jobs and commercial development in economically distressed areas of our Nation's inner cities. Each UDAG dollar since the program was created in 1978 has leveraged six private sector dollars. housing development grants have stimulated private investment and have helped provide rental housing for our Nation's poorest people.

Mr. President, the last few years have seen a steady erosion in our housing and community development programs. These proposed rescissions, however, are not merely erosion. They represent a sharp departure from our historic support for housing and community development. Moreover, they come at a time in which the Congress has already made significant reductions in these programs, and has eliminated the General Revenue Sharing Program, which was the only alternative source of funding to these categorical programs for many of our towns and cities.

Mr. President, I believe we must not turn our backs on our towns and cities, and on our Nation's least fortunate people. I urge my colleagues to join us in disapproving of these rescission proposals.●

● Mr. D'AMATO. Mr. President, I rise to join my distinguished colleagues in introducing legislation that disapproves the rescission of $375.2 million in community development block grants, $99.6 million in housing development grants, and $205.4 million in urban development action grants.

These housing and community development programs should be available for our communities. The rescission of these funds would seriously affect community activities that have been planned for sometime. Our communities need not only this assistance, but also housing and economic assistance such as that proposed in the Housing and Community Development Act of 1987, S. 258. This legislation would be a step toward providing needed assistance to our citizenry. I look forward to the speedy passage of S. 258, as well as to the release of community development block grant, housing development grant, and urban development action grant funds.

A wide range of physical, economic, and social development activities are eligible for funding under the CDBG Program. Acquisition and disposition of real property, construction of public facilities projects, and rehabilitation of housing and business properties are eligible activities under the Community Development Block Grant Program. Economic development assistance and provisions for a variety of public services that are vitally important local priorities also are funded under this program.

CDBG funds assisted in a variety of projects throughout New York. In Andover, CDBG funds assisted in the replacement of malfunctioning onsite sewage disposal systems to prevent health hazards; the rehabilitation of substandard housing units through a program of loans and grants was provided in New Berlin; Clinton used its funds for the construction of a 20,000 square-foot structure in an industrial park that will be subdivided and used as an incubator for new business enterprise; Crown Point is able to establish an investor-owner housing rehabilitation program designed to assist in the repair of housing units; Frankfort will rehabilitate their municipal water system; Fulton County will use their funds for the development of a revolving loan fund to finance six economic expansion projects; and Newburgh developed a comprehensive economic job creation effort with their CDBG funds. Newburgh combined community development block grant funds with urban development action grant funds to create 755 new jobs. These are just a few of the outstanding examples of economic development and job creation that I could cite. Each example exemplifies the idea behind the creation of the CDBG Program.

The Housing Development Grant Program is designed to increase the availability of residential rental housing in cities, urban counties, and States where there is a shortage of suitable housing. In 1986, housing development grants totaling more than $80 million funded 52 projects which represents more than 4,200 additional rental housing units in areas of substantial need. The average grant per unit was $19,068 to local governments in four cities. New York received more than $7.6 million toward a total project cost of $19.8 million for more than 330 units. These grants increased the availability of rental housing for families, and directly assisted communities where there was a serious shortage of suitable rental housing.

The Urban Development Action Grant Program has brought economic revitalization to New York State, as well as many other States. UDAG funds have been used to create and expand commercial, industrial, and neighborhood projects. Nationwide, the Urban Development Action Grant Program has helped create more than 513,000 new, permanent jobs, create 429,000 construction jobs, and retain more than 124,000 jobs. UDAG's totalling more than $3.9 billion have created at least $23 billion in private investments for our Nation.

As a result of this program, an additional $521 million has been raised in property taxes and other local taxes. UDAG's have assisted in more than 2,400 development projects in over 1,084 cities. In New York State, $289 million in urban development action grants created $1.3 billion in private investment. Between 1982 and 1985, this program created more than 30,401 jobs in New York. These 232 projects brought about more than $25 million in local taxes in New York. These projects have brought new jobs and economic gains to many communities in my great State.

I have worked with several of my colleagues to develop a change in the UDAG Program that would benefit our Nation. We have worked to improve the project-selection system for the UDAG Program. I trust that our formula will be enacted into law this year for it broadens the criteria for the competitive urban development action grants. I firmly believe that our proposal resolves concern raised about the current selection system, and that it significantly strengthens the UDDA Program.

Mr. President, many communities have spent months planning and developing proposals for this year's community development block grant, housing development grant, and urban development action grant funding rounds. They have obtained commitments and approvals from local boards and communities. They have provided hope in their communities that jobs may be created and maintained. Many anticipate the creation of additional tax bases if they are awarded Federal assistance. Confusion is developing in communities that expected the availability of these programs this year.

Our communities have done their part to prepare for Federal programs, but now must face disruption in the funding cycle, as well as the threat of no new jobs, no new taxes, no new development. I am opposed to any proposal that ends the planning for continued economic development in our communities.

I firmly believe that our communities are deserving of these programs. Our communities must be encouraged to continue to carry out economic development activities vital for U.S. growth and prosperity. I urge my colleagues to join us in disapproving the proposed rescission of community development block grant, housing development grant, and urban development action grant funds for this fiscal year.●

SENATE RESOLUTION 112—MAKING AN APPOINTMENT TO THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SIMPSON (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 112

Resolved, That the Senator from Virginia, Mr. Trible, is hereby appointed to be a member of the Committee on Governmental Affairs, in lieu of the Senator from Minnesota, Mr. Durenberger.

SENATE RESOLUTION 113—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 113

Whereas, in the case of *Edwin E. Dack v. Edwin J. Simcox, et al.,* Cause No. 64C01-8701-CP17 pending in the Circuit Court of Porter County, Indiana, the plaintiff has named as defendants both Senator Richard G. Lugar and Senator Dan Quayle;

Whereas, pursuant to section 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a) (1982), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Lugar and Senator Quayle in the case of *Edwin E. Dack v. Edwin J. Simcox, et al.*

SENATE RESOLUTION 114—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the followng resolution; which was referred to the Committee on Rules and Administration:

S. RES. 114

Resolved, That rule IV of the Standing Rules of the Senate is amended as follows:

Strike section 1(b) and insert in lieu thereof the following:

"(b) Whenever the Senate is proceeding under paragraph 2 of rule XXII, the reading of the Journal must be approved by unanimous consent of the Senate as being up-to-date."

SENATE RESOLUTION 116—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 116

Resolved, That rule V of the Standing Rules of the Senate is amended as follows:

Strike section 1 and insert in lieu thereof the following:

"1. No motion to suspend, modify, or amend any rule or any part thereof, shall be in order without two weeks notice in writing specifying the exact nature of the proposed change. No waiving of this motion is in order without a majority approval by the Senate."

SENATE RESOLUTION 117—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 117

Resolved, That rule V of the Standing Rules of the Senate is amended as follows:

Strike section 1 and insert in lieu thereof the following:

"1. No motion to suspend, modify, or amend any rule or any part thereof, shall be in order without six days notice in writing specifying the exact nature of the proposed change. No waiving of this motion is in order without a majority approval by the Senate."

SENATE RESOLUTION 118—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 118

Resolved, That rule V of the Standing Rules of the Senate is amended as follows:

Strike section 1 and insert in lieu thereof the following:

"1. No motion to suspend, modify, or amend any rule or any part thereof, shall be in order without five days notice in writing specifying the exact nature of the proposed change. No waiving of this motion is in order without a majority approval by the Senate."

SENATE RESOLUTION 119—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 119

Resolved, That rule V of the Standing Rules of the Senate is amended as follows:

Strike section 1 and insert in lieu thereof the following:

"1. No motion to suspend, modify, or amend any rule or any part thereof, shall be in order without four days notice in writing specifying the exact nature of the proposed change. No waiving of this motion is in order without a majority approval by the Senate."

SENATE RESOLUTION 120—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 120

Resolved, That rule V of the Standing Rules of the Senate is amended as follows:

Strike section 1 and insert in lieu thereof the following:

"1. No motion to suspend, modify, or amend any rule or any part thereof, shall be in order without three days notice in writing specifying the exact nature of the proposed change. No waiving of this motion is in order without a majority approval by the Senate."

SENATE RESOLUTION 121—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 121

Resolved, That rule V of the Standing Rules of the Senate is amended as follows:

Strike section 1 and insert in lieu thereof the following:

"1. No motion to suspend, modify, or amend any rule or any part thereof, shall be in order without two days notice in writing specifying the exact nature of the proposed change. No waiving of this motion is in order without a majority approval by the Senate."

SENATE RESOLUTION 122—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 122

Resolved, That rule V of the Standing Rules of the Senate is amended as follows:

Strike section 1 and insert in lieu thereof the following:

"1. No motion to suspend, modify, or amend any rule or any part thereof, shall be in order without one week notice in writing specifying the exact nature of the proposed change. No waiving of this motion is in order without a majority approval by the Senate."

SENATE RESOLUTION 123—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 123

Resolved, That rule V of the Standing Rules of the Senate is amended as follows:

Strike section 2 and insert in lieu thereof the following:

"2. The rules of the Senate shall not continue from one Congress to the next Congress without a majority approval by the Senate."

SENATE RESOLUTION 124—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 124

Resolved, That rule IV of the Standing Rules of the Senate is amended as follows: In section 1, strike "unless by nondebatable motion the reading shall be waived, the question being 'Shall the Journal stand approved to date?' "

SENATE RESOLUTION 125—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 125

Resolved, That rule II of the Standing Rules of the Senate is amended as follows:

Strike section 3 and insert in lieu thereof the following:

"3. The Secretary of the Senate shall send copies of the following recommended forms to the Governor and secretary of State of each State where an election is about to take place and shall publish in a statewide or several local papers or if an appointment is to be made so that the governor and secretary of state of each State and the general public may use such forms if they see fit."

SENATE RESOLUTION 126—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 126

Resolved, That rule XXXV of the Standing Rules of the Senate is amended as follows:

Strike clause 1, subsection (a) and insert in lieu thereof:

"No Member, officer or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts from any foreign national."

Strike section 1, subsection (c), paragraph (4).

SENATE RESOLUTION 127—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 127

Resolved, That rule XXXV of the Standing Rules of the Senate is amended as follows:

Strike section 1, paragraph (2) and insert in lieu thereof:

"a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b), a person who is an officer or director of such corporation, labor organization, or other organization, or who previously held such a position within the last 48 months, or a person who has been employed or retained by such corporation, labor organization or other organization, or who held such a position within the last 48 months, for the purpose of influencing legislation before the Congress."

SENATE RESOLUTION 128—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 128

Resolved, That rule XXXIII of the Standing Rules of the Senate is amended as follows:

Strike paragraph 1 and insert in lieu thereof:

"10 calendar days prior to a scheduled recess or adjournment of the Senate, a two-thirds majority of Members must be on the Senate floor in order for a rollcall vote to be conducted."

SENATE RESOLUTION 129—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 129

Resolved, That rule XI, section 2, of the Standing Rules of the Senate is amended as follows:

At the end of section 2, strike the period, and insert the following: ", within twelve months."

SENATE RESOLUTION 130—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 130

Resolved, That rule XI, section 2, of the Standing Rules of the Senate is amended as follows:

At the end of section 2, strike the period, and insert the following: ", within one hundred twenty days."

SENATE RESOLUTION 131—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 131

Resolved, That rule XI, section 2, of the Standing Rules of the Senate is amended as follows:

At the end of section 2, strike the period, and insert the following: ", within ninety days."

SENATE RESOLUTION 132—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 132

Resolved, That rule XI, section 2, of the Standing Rules of the Senate is amended as follows:

At the end of section 2, strike the period, and insert the following:

", within sixty days."

SENATE RESOLUTION 133—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 133

Resolved, That rule X, section 2, of the Standing Rules of the Senate be amended as follows:

Strike all of section 2 and insert in lieu thereof the following:

"All motions to change such order, or to proceed to the consideration of other business, are debatable."

SENATE RESOLUTION 134—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 134

Resolved, That rule X, section 1, of the Standing Rules of the Senate is amended as follows:

Strike "two-thirds" and insert "a majority"

to improve the procedure concerning special orders.

That Rule X, Section 1, of the Standing Rules of the Senate is amended as follows: Strike "two-thirds" and insert "three-fifths".

SENATE RESOLUTION 135—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 135

Resolved, That rule XXXII of the Standing Rules of the Senate is amended as follows:

Strike all of rule XXXII and insert in lieu thereof the following: "The President of the United States shall, receive on a bi-monthly basis, an authenticated transcript of the public executive records of the Senate."

SENATE RESOLUTION 136—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 136

Resolved, That rule XXXII of the Standing Rules of the Senate is amended as follows:

Strike all of rule XXXII and insert in lieu thereof the following:

"The President of the United States shall, from time to time, be furnished with an authenticated transcript of the public executive records of the Senate, but no futher extract from the Executive Journal shall be furnished by the Secretary, except by special order of the Senate; and all papers transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the offices of the Secretary without an order of the Senate for that purpose."

SENATE RESOLUTION 137—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 137

Resolved, That rule XXXV of the Standing Rules of the Senate is amended as follows:

Strike clause 1, subsection (a) and insert in lieu thereof:

"No Member, officer or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $75 during a calendar year directly or indirectly from any person, organization, or corporation having direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics. In determining whether an individual has accepted any gift or gifts having an aggregate value exceeding $75 during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value gifts (other than gifts described in subparagraph (c) given by such individual to such person, organization, or corporation during that calendar year."

SENATE RESOLUTION 138—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 138

Resolved, That rule XXXV of the Standing Rules of the Senate is amended as follows:

Strike clause 1, subsection (a) and insert in lieu thereof:

"No Member, officer or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $50 during a calendar year directly or indirectly from any person, organization, or corporation having direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics. In determining whether an individual has accepted any gift or gifts having an aggregate value exceeding $50 during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value gifts (other than gifts described in subparagraph (c) given by such individual to such person, organization, or corporation during that calendar year."

SENATE RESOLUTION 139—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 139

Resolved, That rule XXXV of the Standing Rules of the Senate is amended as follows:

Strike clause 1, subsection (a) and insert in lieu thereof:

"No Member, officer or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $40 during a calendar year directly or indirectly from any person, organization, or corporation having direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics. In determining whether an individual has accepted any gift or gifts having an aggregate value exceeding $40 during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in subparagraph (c) given by such individual to such person, organization, or corporation during that calendar year."

SENATE RESOLUTION 140—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 140

Resolved, That rule XXXV of the Standing Rules of the Senate is amended as follows:

Strike clause 1, subsection (a) and insert in lieu thereof:

"No Member, officer or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $25 during a calendar year directly or indirectly from any person, organization, or corporation having direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics. In determining whether an individual has accepted any gift or gifts having an aggregate value exceeding $25 during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in subparagraph (c) given by such individual to such person, organization, or corporation during that calendar year."

Strike clause 1, subsection (c), line (3) and insert in lieu thereof:

"With a value of less than $10;"

SENATE RESOLUTION 141—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 141

Resolved, To Improve the Ethics in Government Act.

That Rule XXXV of the Standing Rules of the Senate is amended as follows:

Strike clause 1, subsection (a) and insert in lieu thereof:

"No Member, officer or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.

SENATE RESOLUTION 142—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 142

Resolved, That Rule XXXV of the Standing Rules of the Senate is amended as follows:

Strike Section 3 and insert in lieu thereof: "If a Member, officer, or employee, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift described in paragraph 1, such Member, officer, or employee shall, upon learning of the nature of the gift and its sources, return the gift, or if it is not possible to return the gift, reimburse the donor for the value of the gift, and submit a written report detailing such incident to the Senate Ethics Committee within 48 hours after the return of gift or reimbursement to donor."

SENATE RESOLUTION 143—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 143

Resolved, That Rule XXXV of the Standing Rules of the Senate is amended as follows:

Strike Section 3 and insert in lieu thereof: "If a Member, officer, or employee, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift described in paragraph 1, such Member, officer, or employee shall, upon learning of the nature of the gift and its sources, return the gift, or if it is not possible to return the gift, reimburse the donor for the value of the gift, and submit a written report detailing such incident to the Senate Ethics Committee no later than 6 months after the return of gift or reimbursement to donor."

SENATE RESOLUTION 144—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 144

Resolved, That Rule XXVI, paragraph 5(c) of the Standing Rules of the Senate is amended as follows:

At the end of the sentence strike the period and add the following: ", except that a witness may request of the presiding officer on grounds of distraction, harassment, personal safety, or physical discomfort that during his or her testimony cameras, media microphones, and lights shall not be directed at the witness, and the presiding officer may take such action as he deems appropriate."

SENATE RESOLUTION 145—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 145

Resolved, That Rule XXVI, paragraph 7(a)(3) of the standing rules of the Senate is amended as follows:

At the end of the first sentence strike the period and add the following: ", which shall include at least one member of the Minority."

SENATE RESOLUTION 146—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 146

Resolved, That Rule XXVI, paragraph 5(b) of the Standing Rules of the Senate is amended as follows:

At the end of the paragraph add the following new sentences: "Any witness may submit to the chairman, no later than 24 hours in advance of a hearing, a written request to be examined in closed or open session. The chairman shall inform the committee of the request, and the committee shall take such action in accordance with the above closed session procedures as it deems appropriate."

SENATE RESOLUTION 147—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 147

Resolved, That Rule XXXIII of the Standing Rules of the Senate is amended as follows:

At the end of Section 2, add the following new section:

"3. The Senate shall have installed a ramp for persons with physical impairments to allow for accessibility to the Senate gallery."

SENATE RESOLUTION 148—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 148

Resolved, That Rule XXIX of the Standing Rules of the Senate is amended as follows:

At the end of Section 6 add the following: "7. During executive sessions of the Senate, the Secretary shall assure the provision of sign language interpretation for persons who are deaf or hearing impaired."

SENATE RESOLUTION 149—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 149

Resolved, That Rule XIII of the Standing Rules of the Senate is amended as follows:

Following "The Parliamentarian Emeritus of the Senate", add the following:

"A person qualified to provide audio loop service for persons with hearing impairments."

SENATE RESOLUTION 150—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 150

Resolved, That Rule IV of the Standing Rules of the Senate is amended as follows:

At the end of section one add the following: "(d) The proceedings of the Senate shall be briefly and accurately stated on the Journal and shall be assured a single copy is made available through the Secretary's office so that blind citizens shall have access to its contents."

SENATE RESOLUTION 151—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 151

Resolved, That Rule XXVIII of the Standing Rules of the Senate is amended as follows:

At the end of Section 6 add the following: "7. Each conference committee shall assure the provision of sign language interpretation for persons who are deaf or hearing impaired during all committee sponsored events."

SENATE RESOLUTION 152—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 152

Resolved, That Rule XIX of the Standing Rules of the Senate is amended as follows:

At the end of Section 8 add the following: "9. During the debate of the Senate, the Secretary shall assure the provision of audio loops for persons with hearing impairments."

SENATE RESOLUTION 153—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the

Committee on Rules and Administration:

S. RES. 153

Resolved, That Rule XVI of the Standing Rules of the Senate is amended as follows:

At the end of Section 13 add the following: "14. Each committee shall assure the provision of audio loops for persons with hearing impairments."

SENATE RESOLUTION 154—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 154

Resolved, That Rule XXXIII of the Standing Rules of the Senate be amended as follows:

At the end of Rule XXXIII add the following new section: "3. No smoking shall be permitted in any area of the Senate Wing of the Capitol which is under the supervision of the Sergeant at Arms with the exception of personal offices."

SENATE RESOLUTION 155—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 155

Resolved, That Rule XXVI of the Standing Rules of the Senate is amended as follows: At the end of Section 11(c) add the following new provision:

"(d) Each such report shall contain—

(1) an evaluation, made by such committee, of the impact the bill or joint resolution would have on the family. The evaluation shall include (a) the impact the legislation has on the role of family responsibility; (b) the impact the legislation has on promoting the stability of the family or promotes the separation or fragmentation of family ties; (c) the impact the legislation has on allowing families to choose among a range of services; (d) the impact the legislation has on the prevention of problems for families or is it primarily aimed at crisis intervention; (e) the budgetary impact the legislation will have on the family;

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable."

SENATE RESOLUTION 156—AMENDING THE STANDING RULES OF THE SENATE

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 156

Resolved, That the Senate direct the Senate Legislative Counsel to revise the Standing Rules of the Senate such that they are gender neutral.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the full Committee on Energy and Natural Resources.

The first hearing will take place Saturday, February 28, 1987, at 9 a.m., in Tasker Arena, Hobbs High School Complex, 800 N. Jefferson in Hobbs, NM. The second hearing will take place on Monday, March 2, 1987, at 9 a.m., at the San Juan Community College Theater, 4601 College Boulevard, in Farmington, NM.

The purpose of these hearings is to receive testimony concerning the viability of the domestic oil and gas industry.

Those wishing to submit written statements for the RECORD should send them to the Committee on Energy and Natural Resources, U.S. Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Mitch Foushee, legislative assistant to Senator BINGAMAN, at (202) 224-5521 or Betsy Moler, senior counsel to the committee, at (202) 224-0612.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on Wednesday, February 25, 1987 at 10 a.m. in SR-332 to consider pending committee business.

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Credit of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the status of the farm credit system. The hearing will be held on Thursday, February 26, 1987 from 9:30 a.m. to 11:30 a.m. and from 2 p.m. to 4:30 p.m. in room SR-332. Senator BOREN will preside. For further information please contact Kellye Eversole at 224-4721.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the information of the Senate and the public that hearings on renewable energy policy have been scheduled before the Subcommittee on Energy Research and Development.

These hearings will take place on Tuesday, March 24, 1987 at 2:30 p.m. and on Thursday, March 26, 1987 at 2:30 p.m. in room SD-366 in the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning the current status of renewable energy technologies in our national energy policy.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC 20510.

For further information, please contact Cheryl Moss at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, February 19, 1987, to mark up Ex. 94-2 Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty (TTBT/PNET).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, be authorized to meet during the session of the Senate on Thursday, February 19, 1987, to hold hearings on the President's proposed budget request for fiscal year 1988, for the National Aeronautics and Space Administration, focusing on space science and application.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs, be authorized to meet during the session of the Senate on Thursday, February 19, 1987, to resume hearings on proposed authorizations of housing and community development programs administered by the Department of Housing and Urban Development and the Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LEGAL SERVICES CORPORATION PRESIDENT SHOULD RESIGN

● Mr. CRANSTON. Mr. President, last week, at the American Bar Association's board of Governors' meeting in New Orleans, the chairman of the board of directors of the Legal Services Corporation, W. Clark Durant, delivered an incredible speech calling for the elimination of the Legal Services Corporation. The speech also called for a deregulation of the legal profession, a repeal of laws barring the practice of law by nonattorneys, and suggested that low-income individuals could utilize lay advocates, rather than attorneys, to resolve their legal problems.

Mr. Durant is, of course, entitled to espouse whatever views he chooses regarding general issues relating to the legal profession.

However, as chairman of the board of directors of the Legal Services Corporation, his call for elimination of the Legal Services Corporation is in direct conflict with his obligations and responsibilities to support this vital program.

Mr. President, over the years, I have been deeply involved both in legislation establishing and strengthening the Legal Services Corporation and in the "advise and consent" responsibilities of the Senate with respect to nominations of individuals to serve on the board of directors of the Legal Services Corporation. The positions on the Board of Directors of the Legal Services Corporation are not ordinary executive branch positions. Members of the board of directors of the Corporation do not serve as advisers or counselors to the President. Nor are they charged, as is the case of most nominees, with the responsibility of carrying out the President's policies with respect to this program.

The Legal Services Corporation is an independent entity, and each member of the board of directors of this unique program is charged with a fiduciary responsibility to support the Corporation.

Mr. Durant understood that responsibility when he came before the Senate in 1984 for confirmation.

In response to detailed questions which I submitted in writing to each individual nominated to serve on the Legal Services Corporation board of directors, Mr. Durant stated that he had "no reservations about supporting the provisions of the act" and that as a board member, "I have a fiduciary duty to the Corporation under the act." Mr. Durant also stated in answer to my questions that he was "committed to supporting the delivery of legal services to the poor through the Corporation and its grantees."

Based upon the speech he delivered in New Orleans, it is evident that Mr. Durant no longer holds those views. He should therefore resign as chairman of the Legal Services Corporation board of directors, and from the board itself. He obviously lacks the commitment to the Legal Services Corporation Act which is required for each and every board member. His continuation as chairman under these circumstances is unconscionable and a gross injustice to the millions of low-income Americans who look to the legal services program for access to the judicial system.

Mr. President, Eugene C. Thomas, president of the American Bar Association, delivered a strong response to Mr. Durant's ABA speech, calling for his resignation. I ask that a copy of the statement of Mr. Thomas be printed in the Record at this point.

The statement follows:

ABA President Says Legal Services Corporation Chairman Should Resign Due to Conflict of Interest

New Orleans, February 13.—American Bar Association President Eugene C. Thomas today said W. Clark Durant should resign from being chairman of the board of the federal Legal Services Corporation, saying Durant has a conflict of interest.

"If he wishes to commit himself to a zero budget, to a removal of the footings and foundations from beneath the Legal Services Corporation, that's his privilege. Its a free country and we're all entitled to espouse our ideas. But he should not do that and at the same time hold the responsible position of chairman of the board or even of a director of the corporation where his obligation is to accomplish the purposes of the entity, and the purposes are to serve the poor and to make the system work."

Thomas pointed out that he was expessing his own view, and not a position taken by the ABA.

Thomas called Durant's suggestion, made yesterday in remarks to the ABA Board of Governors, an "incredible and dangerous proposal, of all things in the Bicentennial year of our Constitution."

LSC provides federal support for civil legal assistance programs for poor persons, and Thomas said "the Constitution presupposes that we shall protect the dignity of all people here and that includes the poor and that necessitates legal services as legal services may be required by the poor."

"To have the chairman of this board charged with this responsibility by the people of America under duly enacted legislation—to have that chairman stand up and propose again at this hour zero funding and to applaud it as an heroic, courageous position is startling and disturbing to me. I want to say here that every effort that I can bring to bear will be made to defeat that position, and every effort that the American Bar Association can bring to bear will be brought to protect the program of legal services for the poor . . . to make America work for all its people."

Thomas characterized the arguments made by Durant as "dangerous and misleading persuasive bits of sophistry designed to suggest that the solution for poor people is to send them into the marketplace of America to compete for legal services on the basis that one would compete for any offered service or commodity in this land. The idea that these poor people should go out in a world where they would have to provide funds for services that they need desperately" is "absurd and illogical," said Thomas.

Thomas spoke at a news conference during the ABA's 1987 Midyear Meeting in New Orleans, scheduled to run through Tuesday.●

AFGHANISTAN: LETTERS FROM THE STATE OF COLORADO

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A Situation Approaching Genocide."

As chairman of the congressional task force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the Record two letters each day from various States in the Nation. Today, I submit two letters from the State of Colorado and ask that they be printed in the Record.

The letters follow:

Dear Honorable Humphrey: I am very upset and concerned about the terrorism going on in Afghanistan. I would like for this to stop and right away. This problem is bad and it's not right for us Americans to sit back and do nothing about it. It has been going on about 7 years now and it is terrible! If it were up to me and if I had the power I would stop it right now. Please sir, try to understand and consider everything said. They have no way to defend themselves and it seems to be up to us to do something about it.

Sincerely,

Amy B. Fardulis.

Boulder, CO.

Dear Senator Humphrey: I have just finished reading the shocking article, "Agony in Afghanistan" in the March, 1986 issue of Reader's Digest. I am incensed and outraged at the obvious strategy of the Soviet Union to systematically exterminate the people of Afghanistan. I would encourage and support whatever extreme measure our country can bring to bear to put a stop to such inexcusable carnage. I even found myself saying aloud as I read the article that we should promise the Soviets that unless they withdraw their troops entirely from Afghanistan within 3 months, they would face certain military attack from the United States with utterly devastating consequences to their country. And keep the promise. Wouldn't we act if it were happening in Florida or California or Minnesota? Are Afghanistans any less human? Where will it stop? And if we don't act to stop it, then pray tell, who will? Perhaps I'm overreacting, and then again, perhaps as a nation we've been underreacting. I'll grant that right now I'm angry. But sometimes anger is the only rational response to such barbaric inhumanity and mass murder.

Please, sir, do whatever you can to hasten the relief of the tortured people in Afghanistan through your congressional task force. And if there is something I can do beyond praying (which is itself a powerful way of effecting change) then please advise me of it, and I too, will do what I can.

Thank you for listening.

Sincerely,

Pastor Jon Schrag.

Sterling, CO.●

DEMOCRATIC FOREIGN POLICY AGENDA FOR THE 100TH CONGRESS

● **Mr. SARBANES.** Mr. President, earlier this afternoon my distinguished colleague, the chairman of the Foreign Relations Committee and senior Senator from Rhode Island, CLAIBORNE PELL, addressed the Woman's National Democratic Club, where he presented his vision of a Democratic foreign policy for the 100th Congress. That policy, he said, must be based upon a recognition that "the most effective foreign policy is one which not only serves American interests but which also reflects American values, and which the American people support." His words were deeply inspiring, and I ask that the full text of this speech, together with the fond introduction by Mrs. Bethune Church, widow of the former Foreign Relations Committee chairman, Senator Frank Church, be included in the RECORD.

The material follows:

INTRODUCTION OF SENATOR CLAIBORNE PELL BEFORE THE WOMAN'S NATIONAL DEMOCRATIC CLUB BY BETHUNE CHURCH

I've known CLAIBORNE PELL since he was on the staff of the Democratic National Committee before he was elected to the Senate in 1960, a special year in all our memories. Yet I must tell you that I read his biography with awe, since so many things about Senator PELL I'm sure few of us know.

We first met when he came, as a member of the DNC, to Idaho in 1956 when, at age 32, my husband, Frank, was running for the Senate. On CLAIBORNE's return to Washington, he predicted to skeptical, Democrats that Frank would win. In 1958, CLAIBORNE came to Frank, who was indeed Senator, and asked him what he thought about his running for the Senate from Rhode Island. Frank always laughingly told of his advice: "Don't run, you can't win!"

They did have several things in common: a deep determination once a goal was set, complete honesty and decency. In other ways they were, oh such different people, with such different backgrounds, yet they were special friends. I'm so pleased to be here today.

The Senator PELL I introduce has had a title change: he's Chairman of the Foreign Relations Committee. He came to this position better prepared by the past than most chairmen you have known. His family was made up of elected officials at all levels. The family motto might be "public service." He graduated from St. George School in Rhode Island, Princeton and Columbia. He has received 30 honorary doctorates and has been decorated by numerous foreign governments.

CLAIBORNE enlisted in the Coast Guard and started as a ship's cook four months before pearl harbor. He was commissioned aboard ship, serving in the North Atlantic and Sicily where, you might imagine, he put his talents in constructive work and helped rebuild their war-torn fishing industry.

He was arrested three times by fascist governments and three times by Communist governments—even handed as usual!

He served seven years as foreign service officer and was vice president of the International Rescue Committee. I well remember He and Nuala, a woman of special grace, backbone and talent, telling casually at dinner of helping a man escape by putting him in the trunk of their car and Nuala driving out of the country, while CLAIBORNE stayed behind covering their tracks. As you can see, neither of them lacked guts and he was not a figurehead on the rescue committee.

CLAIBORNE PELL was a rare person, an aristocrat with an understanding for and the trust of the eletropate he serves; an intellectual with a knowledge of the finite resources of this planet and a deep feeling that we are fast destroying and area that might be our last supplier of the future, the sea.

He's fought for a seabed treaty, and many proposals to insure peaceful use of the oceans. He strives mightily and with present hearings to try to find roads to verifiable agreements on nuclear tests and is a supporter of arms control agreements.

This is a man who combines the grace of a good diplomat with the toughness of a Coast Guardsman who rose from cook to officer, a campaigner of ability who produces for his people who have understood all this and kept him a Senator for 27 years.

He's frugal, wearing his father's old belt which is much too big for him, and driving his old car, which after dinner we've had to push to get it started to take him home! He's a firm and loyal friend, a gentle and decent person, but read his biography and realize he's not a chairman to be taken lightly. He's tough-minded and when he decides to do something, he does.

I'm proud to present the new and formidable head of the Senate Foreign Relations Committee, CLAIBORNE PELL.

A DEMOCRATIC FOREIGN POLICY AGENDA FOR THE 100TH CONGRESS

REMARKS BEFORE THE NATIONAL WOMEN'S DEMOCRATIC CLUB BY SENATOR CLAIBORNE PELL

Mrs. Yost, fellow Democrats, ladies and gentlemen: It gives me great pleasure to appear before you again to discuss American foreign policy. Will Rogers once said, "I belong to no organized political party—I am a Democrat"; and no one could fail to find some truth in that characterization. But I am pleased to report that Senate Democrats have approached the 100th Congress with a particular sense of purpose and urgency. And I believe this applies, specifically, to the Foreign Relations Committee, where we have in the past six weeks:

Held hearings on two important arms control treaties, the Threshold Test Ban Treaty (TTBT) to limit the size of nuclear tests and the Peaceful Nuclear Explosions (PNE) Treaty to regulate the peaceful use of nuclear explosive devices, with a view of moving toward ratification of both;

Initiated hearings on Central American policy and begun consideration of legislation that would halt the war in Nicaragua; and

Conducted comprehensive hearings on the, unfortunately, profoundly negative foreign policy consequences of the President's so-called strategic initiative to Iran.

These issues—arms control, Central America, and Iran—stand at the top of our foreign policy agenda in the 100th Congress. I wish to discuss each in some detail and then outline certain principles which I hope will guide the Foreign Relations Committee, and Congress as a whole, in the period ahead.

NUCLEAR ARMS CONTROL

I begin with nuclear arms control, for no issue is as important to the future of mankind as the careful management of U.S.-Soviet relations and the prevention of a superpower war. Clearly the superpower relationship has, in the last six years, fallen into disrepair. And while we can note, thankfully, that the Administration has softened the confrontational rhetoric of its first term in office, we unfortunately find no substantive policy that has taken its place. Most importantly, in the area where substance is everything—namely, the negotiation of nuclear arms limitation—Administration proposals have been designed more for public consumption than for paving the way to serious agreement.

This lack of progress becomes striking in comparison to previous Administrations. Since the presidency of John F. Kennedy, each Administration—Democratic and Republican—has successfully negotiated with the Soviet Union a nuclear arms control agreement that enhanced American security. By contrast, this Administration has nothing to show for its six years—except, sadly, a deterioration in arms control arrangements previously negotiated.

The Administration's reflexive hostility toward arms control becomes clear if we consider its actions in three respects—toward nuclear testing, toward Star Wars, and toward the SALT II Treaty.

First, on the question of nuclear testing, we have just lost an historic opportunity. Only two weeks ago, in the wake of still another U.S. nuclear test, the Soviet Union announced that it would no longer observe the nuclear testing moratorium which it undertook in August 1985—on the 40th anniversary of Hiroshima. Having waited 18 months for a reciprocal American cessation of nuclear testing, Secretary Gorbachev proclaimed the moratorium at an end. And while the Soviets have not yet actually resumed testing, we are certainly in no position to complain when, as we must now expect, they do so in the months ahead.

On the level of rhetoric, the President has declared that he wants to rid the Earth of nuclear weapons. Yet he has refused to take even the first step in that direction—the cessation of nuclear testing.

Nuclear testing is one of the engines of the arms race, and I remain committed to the effort to switch it off. In this regard, the Foreign Relations Committee is currently engaged in the process of completing unfinished business—the ratification of two nuclear testing treaties signed in the 1970's during the Administrations of Presidents Nixon and Ford. These agreements—the Threshold Test Ban and the Peaceful Nuclear Explosions treaties—place important limitations on nuclear testing. And if we can achieve their formal ratification, they can provide a basis for moving ahead to impose steadily decreasing limits on testing until it is extinguished altogether.

Turning to Star Wars, we find in the President's so-called Strategic Defense Initiative still another sign of this Administration's inability to grasp the fundamental reality of the nuclear age—that weapons alone cannot safeguard our national security. Real security—long-lasting, stable security—requires that we enter into cooperative arrangements with the Soviet Union that restrain the military competition. Among these agreements, none is more important than the Anti-ballistic Missile Treaty of 1972, which emerged from a clear understanding that technological gadgetry could not guarantee either Soviet or American security in an age when the superpower arsenals hold the destructive power of more than one million—I repeat one million—Hiroshimas.

Sadly, this fundamental insight seems permanently elusive to officials of the current Administration, who are now seeking to "reinterpret" the ABM Treaty unilaterally to fit what the President calls his "vision" of a "strategic space shield." This charade makes a mockery of our international obligations. I was in the Senate in 1972 when the ABM Treaty was ratified, and I recall quite clearly that ideologically conservative Senators questioned the Treaty—although only two voted against—expressly because it prohibited the very activities the Administration would now pursue through the sophistry of its so-called treaty "reinterpretation."

The Administration's Star Wars obsession has also produced a recent thrust toward early deployment of the SDI. But I hope—guardedly—that this ill-conceived idea can be put to rest. On any plans to undercut the ABM Treaty, the Administration has a diplomatic obligation to consult with our allies and a political obligation to consult with Congress. In 1972, the ABM Treaty was approved by the Senate with overwhelming support; and I stand with Senator Nunn in asserting that any unilateral effort by the Administration to discard or cavalierly "reinterpret" it could provoke a constitutional confrontation.

Given the Administration's actions on nuclear testing and Star Wars, perhaps we should not be surprised at the decision taken last November to violate, unilaterally, the SALT II ceiling—negotiated by the Ford and Carter Administrations—on nuclear missiles and bombers. It is difficult, however, not to be surprised when actions are taken—solely on the basis of ideology—that make this Nation less secure. The Administration's move has liberated the Soviets from the most important constraints of the SALT Treaty; and, ironically, the Soviets are better poised to take advantage of this removal of limits than we are. I believe strongly that the United States should immediately take the necessary steps to return to compliance with the Treaty lest the entire offensive arms control regime unravel; and I am sure that proposals to legislate such compliance will be considered soon within this Democratic-controlled Congress. Unfortunately, the challenge of overriding a presidential veto will be formidable.

The Administration's approach to nuclear testing, Star Wars, and SALT II reflects, I believe, the fundamental shortcoming of its policies—an unwillingness to accept that in the nuclear age our survival depends, in part but crucially, on the actions of our adversaries. All Americans would agree that the United States must maintain a strong defense capable of deterring aggression. But in the nuclear age unilateralist measures alone cannot ensure our security. We must—I repeat—further enhance our security by entering into cooperative arrangements with the Soviet Union.

The weakness of the Administration's approach lies in its belief that cooperation is itself a form of weakness. Under the guise of "realism," it has pursued a policy of unilateralism; and this policy has shortchanged American security. A policy truly rooted in realism would recognize that arms control agreements complement our defense and strengthen our security.

CENTRAL AMERICA

Let me turn now to Central America, where—as in arms control—American policy has been a source of sharp division between Democrats and the present Administration.

In some cases, this tension has yielded positive results. Specifically, the congressional emphasis on human rights has obliged the Administration to focus on the domestic policies of the regimes we support. Four countries of Central America—Guatemala, Honduras, El Salvador, and Costa Rica—now have democratically-elected governments operating with varying degrees of autonomy from their military establishments. In each case, the democratic governments have hugely reduced—although not eliminated—human rights abuses, among them the dreaded death squads. Meanwhile, our economic assistance has begun to address the root causes of regional instability—namely, poverty, ignorance and oppression.

I trust and believe that Democrats in Congress will keep a commitment to the peoples of this strategic region. Foreign aid obviously entails costs. But it is, in truth, far less costly than the alternative of war and possible U.S. involvement.

For Congress, the real policy battleground on Central America will center on the issue of continued assistance to the Nicaraguan contras. Democrats, I submit, need not—and must not—be afraid to confront this issue head on. In debating Nicaragua, we should not be afraid to call things as they are.

President Reagan has sought to make the Nicaraguan issue a moral one. He has described the contras as "freedom fighters" and likened their leadership to our own revolutionary heroes—Nicaraguan equivalents of George Washington, Thomas Jefferson, and Benjamin Franklin.

Democrats, too, should see Nicaragua as a moral issue. But I, as one Democrat, would use words different from those of the President. In my view, the contras are "our terrorists," and they include—in all too many cases—thugs, drug runners, and murderers. Terrorists urge war on innocent people, they carry out acts of violence in order to change the policy of a government, and for that reason the President has declared war on terrorism. But how should we describe the conduct of the contras when they attack unarmed villagers or plant mines to blow up buses, often killing innocent women and children?

During the last two years, the Congress sought to distance the United States from such activities by cutting-off military assistance to the contras. But the White House side-stepped this law by promoting—and then orchestrating—private efforts of contra support.

Efforts to end-run the Congress by contracting out American foreign policy cannot be ignored or tolerated. The policies of the United States Government must be formed and implemented as the Constitution prescribes; and we cannot allow policies that lack the approval or support of the American people to be sustained by private entrepreneurs and gun-runners who pretend to speak for this Nation.

Such private efforts were rendered somewhat less important when the Congress bowed to Administration pressure last August and voted to resume official military aid to the contras. But as we push not to cut-off contra aid once and for all, we must ensure that our efforts are not defeated by hired hands not accountable to the American people.

Meanwhile, we must do everything we can to redirect American policy into serious support for regional negotiation. Tragically, thus far the Administration has rendered little more than lip service to the so-called Contadora process, initiated by Mexico, Panama, Columbia, and Venezuela to pursue a multilateral accord that would reconcile legitimate security interests among the various Central American nations. Argentina, Brazil, Peru, and Uruguay have lent diplomatic assistance by forming a Contadora Support Group.

While this path has thus far yielded little fruit, it continues to offer appealing possibilities. Indeed, such negotiation—with interested Latin American countries in the lead—probably offers the only truly realistic means of attaining an outcome consistent with our own security interests.

In this regard, I believe the United States should pay very careful attention to the diplomatic proposal recently put forward by President Arias of Costa Rica, who envisages a coordinated effort by European, South American, and Central American democracies to bring Nicaragua into negotiations where collective pressure could be applied to Nicaragua leaders to take steps toward a more open, pluralistic society. The Arias proposal also envisages a mutually agreed cease-fire and the cessation of arms shipments from all sources into the region. It is into such creative diplomacy—undertaken in cooperation with our democratic Latin American neighbors—that I believe Congress must now seek to redirect U.S. policy.

THE IRAN AFFAIR

As I stated earlier, the Foreign Relations Committee has already begun hearings on Central America, and will look closely at a contra policy which, in my view, results predominantly in the deaths of civilians. But more broadly, Democrats must take the lead in bringing a sense of direction to an entire American foreign policy in disarray. This brings me to the Iran fiasco, which, I believe, epitomizes the incoherence endemic to this Administration's conduct of our international affairs. Let me cite two glaring inconsistencies.

First, with regard to terrorism, the Administration has talked a hard line and even, in the raids on Libya, matched words with action. But while the President was talking tough to Qadhafi, his emissaries were secretly arranging the sale of weapons to a regime that took American diplomats hostages and which actively supported Lebanese radicals who murdered 241 American servicemen, assigned to peacekeeping duties, while they slept in their quarters in Beirut. The hypocrisy of Administration policy has seriously eroded the credibility of the United States and undermined our ability to organize multilateral efforts to combat terrorism.

Second, in the Iran-Iraq war, the Administration has talked neutrality while in fact tilting—and with some good reason—toward Iraq. This policy makes clear sense if you believe, as I do, that Iran's conquest of Iraq would be a disaster for U.S. security interests in the vital Persian Gulf region. Yet meanwhile the President's men were secretly providing the wherewithal to Khomeini's Iran to do the one thing that would most harm our interests—that is, to win the war.

A summary of the Iran fiasco is that we have seen policy conducted with astonishing gullibility. Americans must cringe at the thought of the President's emissaries arriving in the capital of an enemy nation carrying a cake. And the actual negotiations to ransom the hostages had all the elements of an Iranian sting operation. The Khomeini regime got badly needed TOW missiles; what we "got" was more Americans seized in Lebanon. I lament to say that such bargaining ability has only invited international derision and contempt.

PRINCIPLES FOR FUTURE POLICY

As we move now to set American foreign policy on a more even keel, I believe that we should be guided—in our approach to arms control, Central America, and the Middle East—by this maxim: that the most effective foreign policy is one which not only serves American interests but which also reflects American values, and which the American people understand and support. Administration policies on arms control, on Central America, and on Iran have failed this test.

As to the nuclear arms race, the American people seek an end. For the last quarter century, as a matter of profound and widely understood national interest, they have stood solidly behind the efforts of Democratic and Republican Administrations to achieve meaningful, mutual, and verifiable arms control agreements with the Soviet Union. In recent years, as they have appraised the current Administration's arms control policy, the American people have been remarkably patient. But ultimately, they should not be—and I do not think they will be—tolerant of efforts to sabotage existing arms control agreements and to extend the superpower arms race to the heavens. Among this Nation of sensible people, notions of nuclear macho have little appeal.

Similarly, a policy inimical to American values is equally doomed. The dirty war against Nicaragua is repugnant to these values, and polls have shown consistently that Americans are overwhelmingly opposed to this policy. I think the American people are right, and Democrats in Congress must take the lead in bringing that war to an end.

The American people also want a policy that is coherent and comprehensible. Bringing arms to the Ayatollah Khomeini defies explanation. Congress must explore what happened and reinforce oversight mechanisms to prevent a repetition of this kind of out-of-control adventurism.

A Belgian proverb—one not so sanguine about man's ability to learn from past mistakes—laments that "Experience is a comb which Nature gives us when we are bald." Having learned at least something from my experiences, and still having hair on my head, I am less pessimistic. I believe this Nation can learn from recent foreign policy blunders. And it now falls to a Democratic Congress to act decisively in pushing toward an American foreign policy based on American values and sound geopolitical principles. Such a policy should, I believe, contain the following elements:

First, a respect for the norms of international law. The law of nations, as it has evolved, owes much to the moral leadership of the United States. We can hardly demand that other nations adhere to those standards if we ourselves do not.

Second, a consistent human rights policy. American freedom is what distinguishes us as a society from much of the world and constitutes the principal reason the United States is so widely admired. An aggressive human rights policy can use a range of tools, including public pronouncements, discreet diplomacy, and the leverage of our power to deny trade and aid. To be effective, however, the United States must have a single standard for oppressive regimes on the left and the right.

Third, we must restore the American commitment to the purpose and goals of the United Nations. In San Francisco in 1945, in an atmosphere sobered by war but suffused with hope and excitement, I participated at the signing of the U.N. Charter. Today, the United Nations remains an under-utilized resource of vast potential. In a dangerous, contentious, and uncertain world, American interests—moral, political, and economic—can be bolstered by a stronger set of international institutions and norms. The United Nations has made great strides toward putting its house in order and it deserves our renewed support.

Fourth, if the United States is to speak with a single voice around the world, there must be a clear understanding that the State Department has primary responsibility for the execution of American foreign policy. The recent Iran-contra affair has demonstrated the danger of an ad hoc foreign policy, and a strong State Department is essential if we are to avoid such fiascos in the future.

Fifth, the United States should spearhead new forms of international cooperation. Hunger, disease, and pollution know no boundaries. The international community shares the same oceans and the same ozone. And as Chernobyl vividly demonstrated, nuclear radiation is not simply one country's "domestic" problem. Rather than spurning international opinion, the United States should be seeking to pull the international community together to tackle the mutual problems of our global environment and our global welfare.

Ralph Waldo Emerson once said that "nothing can bring you peace but the triumph of principles." If the new Democratic Congress adheres to the principles to which I have referred—and I am confident that it will—I believe we can build a coherent foreign policy that will be a tribute to American values and ideals, that will serve our interests, and that will earn the respect of an admiring world.●

S. 402—THE LINE-ITEM VETO LEGISLATION

● Mr. KASTEN. Mr. President, today I am joining as a cosponsor of S. 402, legislation granting the President a limited form of line-item veto authority. This bill would install fiscal discipline in the current budget process and help us achieve the goal of a balanced budget by 1991.

Over the last 2 years, Congress has taken some positive steps to control the growth of Federal spending and rising deficits. In February 1985, the prospects for deficit reduction looked grim. The Congressional Budget Office had projected a path of rising annual deficits that climbed to over $300 billion in 1991. Today, CBO is forcasting a more favorable path for deficits with the 1991 deficit estimated to be $134 billion.

In large part, the Gramm-Rudman Act has forced Congress to restrain the fiscal excesses of the past. More important, by avoiding major tax increases, we have done much to sustain the current economic recovery and create jobs. Without economic growth, the task of reducing the deficit becomes much more difficult.

However, we are far from being "out of the woods." Federal spending as a percentage of GNP remains far above historic levels. Furthermore, the current budget process continues to centralize budgetary power overwhelmingly in favor of the legislative branch. This imbalance creates a congressional bias toward higher spending.

Mr. President, throughout most of the history of the Republic, the President and the Congress were equal partners when it came to the expenditure of public funds. The Founding Fathers originally empowered the President to veto spending bills passed by Congress. Bills were limited in their scope of authorizations and financing.

It is unlikely that the Founding Fathers envisioned the use of a single multibillion-dollar continuing resolution containing literally hundreds of spending programs, projects, and activities. The President's constitutional right to veto is not always practical because it requires him to reject necessary funding for a whole range of programs in an effort to cut wasteful spending in a few.

Consequently, Presidents are reluctant to veto massive continuing resolutions that contain spending programs that would never pass on their own merits if voted on separately. In effect, the President's constitutional veto authority is severely impaired.

Mr. President, I believe the line-item veto would restore a lost Presidential prerogative, not create a new one. It would restore the balance of power between the executive and legislative branches in budget matters and mitigate the congressional bias toward higher spending.

The modified version of the line-item veto the bill offered by Senators DAN EVANS and GORDON HUMPHREY would apply only to continuing resolutions. Consequently, Congress would have a strong incentive to pass 13 separate appropriations bills. The President would have the opportunity to exercise his constitutional veto authority 13 times instead of just once. This is the way the budget process was originally intended to work.

If Congress decides to roll everything into one gigantic continuing resolution—the President's item veto authority would automatically kick in. In either case, the bias is shifted in favor of fiscal responsibility and spending restraint.

Mr. President, I hope that Congress will succeed in passing this legislation. I recognize that the line-item veto is not a panacea. It will not guarantee a balanced budget by 1991. However, I believe that it does give us one more tool for bringing about this goal.●

DEATH OF INNA MEIMAN

● Mr. SIMON. Mr. President, I want to call my colleagues' attention to the sad news of Inna Meiman's death last week. Inna was a friend who endured much suffering as a refusenik and, later, as a victim of cancer.

She was gracious, caring, and optimistic. Her warmth and goodness will be remembered by all whose lives she touched. Inna's courage serves as an inspiration to all who are oppressed.

It was with great sorrow that I attended Inna's funeral and saw her son, Lev Kitrosskaya, come into the synagogue straight off a plane from Moscow. The pain of loss was coupled with the anger caused by the Soviets' delay of Inna's permission to obtain Western treatment. This delay cost Inna her life and the world a friend.

I will never forget meeting Inna for the first time in 1982 with my daughter, Sheila. Inna gave Sheila a brooch and told her to keep it in case something happened to her. As I recall, 2 weeks later, the Meimans' apartment was ransacked.

The brooch symbolizes Inna's desire to be remembered as a giving person who faced reality with strength and with hope. Inna's death will not be ignored. The Soviet Government cannot hold Naum, Inna's husband, any longer. The cruelty of separation and of Inna's passing can only be mitigated by permission for Naum to come to the West.

I strongly urge the Soviets to grant permission for Inna's widower, Naum, to emigrate.●

INNA MEIMAN

● Mr. KERRY. Mr. President, last week, I was extemely saddened to hear that Inna Meiman, a Soviet dissident who was forced to leave her family in Moscow to undergo cancer treatment here in the United States, passed away. Today, I rise to express my sorrow over her death, and, more importantly, to remind all of us of the causes for which she lived.

Inna's death is particularly disturbing because it was so unnecessary. I participated in a press conference late last summer along with a number of my colleagues—including my good friend Senator SIMON, who worked so long and so hard to help Inna Meiman—to bring attention to the plight of those refuseniks suffering from cancer in the Soviet Union. There, many of the people who spoke stressed the common humanity of all of our citizens, whether Soviet or American, asserting that the fight against cancer transcends both geography and politics. This common humanity was made poignantly clear when the relatives there at the press conference were able to speak to their stricken loved ones in Moscow over the telephone.

Inna's death is also painful because her husband, Naum, was not allowed to accompany her to the United States for her treatment. When she arrived here January 19, she told reporters, "It was such anguish for me to leave alone that I can't talk about it." But, she added, "I haven't come to America to die. I've come to American to recover." It is indeed tragic that Inna could neither recover here nor die in the loving arms of her husband, Naum.

The Soviets' delay in allowing Inna to emigrate, and subsequent cruel separation of husband and wife during the critical stage of her illness, cast doubt on the new Soviet emigration policy. The Soviets will have to do more in the coming months and years to back up their words with actions which demonstrate that their new policy of openness, with its concomitant promise of expeditious emigration, is a reality and not merely rhetoric. I am encouraged by the recent release of 140 Soviet political prisoners, and the announcement that more cases are being reviewed. This is a positive sign, but it must be followed up by more releases and full-scale political amnesty. Nothing less is satisfactory.

Therefore, Mr. President, I rise today in the hope that the future will be brighter for those Inna left behind. We must continue to work for the release of the other refuseniks who suffer from cancer, such as Benjamin Charny, Tatyana Bogomolny, and Rimma Bravve. We must insist that greater numbers of people be allowed to emigrate from the Soviet Union. And we must never forget the life that was lost last week. It is my hope that Inna Meiman's death will remind all of us of our awesome responsibilities, and instill in all of us the dedication that is necessary to try to make the world a better place to live.●

THE REFORM OF HABEAS CORPUS

● Mr. D'AMATO. Mr. President, as an original cosponsor of S. 260, introduced by Senator THURMOND, I urge my colleagues to support this bill and to join together this year to reaffirm our commitment to habeas corpus reform. We have delayed too long in stopping our courts from being clogged with frivolous appeals that prevent them from addressing the legitimate needs of other petitioners and the criminal justice system.

S. 260 will correct numerous abuses that have arisen with regard to habeas corpus, such as the bringing of petitions long after a conviction in the hope that witnesses have died, memories have grown vague, and evidence has disappeared. In the 98th Congress, we acted to correct these abuses and to uphold the finality of legitimate State court judgments by a vote of 67 to 9 on February 6, 1984. Sadly, that bill died from neglect in the House Judiciary Committee.

S. 260 is appropriately termed "the Reform of Federal Intervention in State Proceedings Act." It constitutes a much-needed and long-overdue effort to clarify, and make reasonable, the rules governing when prisoners can overturn rulings against them. S. 260 clarifies the standard of review, the effect of prior procedural defaults, time limits for bringing petitions, and the extent to which State remedies must first be exhausted.

Under this bill, matters that have been fully and fairly considered and decided in State proceedings would not generally be relitigated in Federal court. For this general rule to apply, the State court determination must be reasonable, and State court procedures must provide due process and be otherwise consistent with Federal law.

Attorney error or misjudgment in failing to raise a claim would excuse a prior default if it amounted to constitutionally ineffective assistance counsel. In such a case, the default would be the result of State action, namely, the State's failure, in violation of the sixth amendment, to afford the defendant effective assistance of counsel.

Two other important exceptions to the general policy of deference to full and fair State court adjudications are when new evidence of substantial importance comes to light, or when there is a retroactive change in the law that is of substantial importance to the case.

To prevent the major problems that arise with respect to evidence and proof if a prisoner brings a habeas corpus petition years, or even decades, after the State trial, S. 260 establishes a 1-year limitation period for the filing of habeas corpus petitions by State prisoners. This would normally run from the time that State remedies are exhausted.

In cases of frivolous claims, a Federal court will be able to deny a petition on the merits, or lack thereof. The purpose of this provision is to prevent the waste that results when a prisoner who presents a clearly hopeless petition is sent back to the State court to exhaust State remedies. This provision implements a recommendation of Prof. David Shapiro in "Federal Habeas Corpus: A Study in Massachusetts," 87 Harv. L. Rev. 321, 358-59 (1973).

In the interest of basic fairness, S. 260 does excuse prior procedural defaults, and delays the start of the limitation period, in cases involving newly recognized rights and newly discovered claims.

Mr. President, S. 260 is a thoughtful, balanced, and fair approach to a serious problem plaguing the criminal justice system. It deserves our full support.●

THE COST OF MANDATED BENEFITS

● Mr. QUAYLE. Mr. President, on Thursday, February 5, 1987, the Washington Post published an editorial on a proposal by Senator KENNEDY which would mandate that all employers provide health insurance to their workers, and dependents, as a condition of employment. The Post supported the proposal, recognizing that the added cost to the employer will inevitably mean higher prices passed on to consumers. Perhaps more importantly, the Post has recognized that if employers are forced to spend more money on mandated benefits, then there will be less money to spend on job creation in times of plenty, or job preservation in times of financial constraint.

Congress seems to have an insatiable desire to create new social programs and subprograms. However, the current high budget deficit has deterred some in the 100th Congress from proposing expensive new programs to provide group-specific benefits for workers. Instead, Congress is turning to its other source of revenue—employers—and proposing that they pay for new benefits to workers and their families.

By definition, these mandates benefit workers, whether they are higher minimum wages, minimum or catastrophic health insurance, medical monitoring of at-risk employees, retention of health and other benefits during maternity and family leave and increases in pension plan costs, all of which have been proposed. As the Post editorial pointed out, these benefits are not free. They cost money—and they cost jobs. The benefits for employed workers are paid for by those who cannot get jobs because of the resulting higher labor costs.

All economists will agree that increased labor costs have some adverse impact on employment, though there is much difference of opinion among experts about the extent and nature of that impact. Our economy has created 12.4 million jobs in the last 4 years; most of them in small businesses. In fact, last year, nearly 750,000 new businesses were started in the United States, about 6 a minute for every working day—some 14,000 per week. These are not all Fortune 500 corporations. Many are small businesses, started by ordinary people who sacrifice their personal savings for their business. These job-creating businesses are particularly sensitive to increases in labor costs. If Congress mandates an increase in costs to employers, then we must be certain that this job-generating machine is not suffocated in the process.

I have proposed that Congress consider the potential disemployment effect of each mandated benefit before it can be passed into law. My proposal is not intended to prejudge the merit of any bill. Instead, it is intended to require that we consider the employment impact of proposed increases in labor costs in their totality, before we act on individual bills.

When we pass legislation to help workers we must be careful that we will not take away from employers the means to provide jobs. Jobs are the reason why the world's poor still flock to this Nation. Jobs are the critical underpinning of the economy, and the reason for our current high standard of living.

If we fail to take employment costs and employment impact into consideration when we pass legislation, we do a disservice to the American people. We must find a way to balance providing a special benefit to new mothers, industrial workers, or minimum wage employees, with potential layoffs and unemployment impact these added costs will have to the businesses that provide jobs.

I will offer my proposal to the rules of the Labor and Human Resources Committee at its upcoming meeting on February 25, 1987. I hope for strong bipartisan support for this affirmation of the Congress' promise that we cannot and will not wantonly mandate benefits on employers, without having limited their impact on direct employer costs.

I have attached a copy of the letter I sent to Senator KENNEDY, a similar copy of which was sent to all members of the committee. In addition, I have a copy of the editorial that appeared in the Washington Post on February 5, 1987. Finally, I have a copy of a recent article which appeared in the Congressional Quarterly on the subject of benefit mandates.

Mr. President, I ask that these documents be printed in the RECORD.

The material follows:

U.S. SENATE,
Washington, DC, February 5, 1987.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: At our organizational meeting on February 25, 1987 I plan to offer an amendment to the Committee's rules to ensure that we consider the potential employment effects of mandated benefits programs. The text of the proposed rule is enclosed as Attachment I.

During this Congress, the Committee will consider many proposals that would increase employer costs, such as minimum wage increases, mandated health benefits, increase in PBGC premium rates, medical monitoring of at risk employees, retention of benefits during maternity leave, etc. We all know that increased labor costs have some adverse impact on employment though there is much difference among economists about the extent and nature of that impact.

Our economy has created 12.4 million jobs in the last 4 years; most of them in small business, which are particularly at risk from increased labor costs. We must be sure that we do not inadvertently suffocate this job generation process.

My amendment is not intended to prejudge the merits of any bill. Instead, it is designed to require that we consider the employment impact of proposed increases in labor costs in their totality before we act on individual bills. Attachment II is a table showing average wages by industry and size of employer. It shows that an additional $30 a week cost (a modest estimate for current proposals) would be equal to just under 10 percent of wages in manufacturing establishments with under 5 employees and to 10 percent to 13 percent in large retail operations. The amendment would require us to decide whether the disemployment effects of such an increase are worth the social benefit to be achieved. Attachment III gives the same information for Massachusetts.

In support of my amendment, I would suggest the analogy of the Budget Act under which we consider the total amount the Federal government can spend before we decide on the amounts for each program. Under my amendment, the Committee will have to consider the total amount that we think it appropriate to require employers to spend before we impose specific cost items on them. Before deciding that total amount, we will have to consider whether the benefits of these amounts will outweigh the potential disemployment effects. We remain free to make any decision—but we are required to evaluate the effects of the decisions that we do make.

I am confident that you will give this important matter your very serious consideration. If we neglect to take the employment costs into consideration, we will do a great disservice to the American public.

Sincerely,

DAN QUAYLE,
U.S. Senator.

P.S.—The wage data is unpublished, preliminary material from the BLS.

ATTACHMENT I

TEXT OF RULE

The rules of the Senate Committee on Labor and Human Resources are amended by adding at the end thereof the following:

"Rule 21. It shall not be in order to report any bill having a substantial effect on employer labor costs until the Committee adopts a resolution specifying the maximum increase in such costs that will not adversely affect employment opportunities. Any bill reported after the adoption of such resolution shall not, in combination with all other bills reported previously during the 100th Congress, increase employer labor costs in excess of the amount provided in such resolution."

ATTACHMENT II

MARCH 1986 EMPLOYMENT AND AVERAGE WEEKLY WAGES BY SIZE OF REPORTING UNIT, PRIVATE INDUSTRY, UNITED STATES, FIRST QUARTER 1986

[United States (excluding Puerto Rico and Virgin Islands)]

Private industry	Total	Size of reporting unit								
		1 to 3 workers	4 to 9 workers	10 to 19 workers	20 to 49 workers	50 to 99 workers	100 to 249 workers	250 to 499 workers	500 to 999 workers	1,000 workers or more
All industries:										
March employment	80,278,955	5,191,281	6,251,908	7,824,930	11,945,494	9,906,906	12,402,397	7,785,206	6,455,130	12,515,702
Average weekly wages	$382	$324	$315	$328	$337	$344	$358	$386	$420	$545
Agriculture, forestry, and fisheries:										
March employment	1,066,622	114,311	148,636	173,794	204,972	134,551	144,075	81,981	45,344	18,958
Average weekly wages	$227	$206	$231	$234	$233	$229	$220	$231	$242	$225
Mining:										
March employment	831,875	32,866	43,233	76,254	134,864	109,443	132,146	97,546	96,489	109,034
Average weekly wages	$627	$454	$463	$477	$527	$578	$654	$727	$738	$817
Construction:										
March employment	4,407,871	519,740	636,643	759,419	978,043	617,182	493,220	184,503	100,378	118,743
Average weekly wages	$412	$301	$330	$373	$421	$462	$504	$534	$572	$596
Manufacturing:										
March employment	18,929,094	215,928	411,087	785,017	1,750,664	1,957,873	3,430,778	2,769,521	2,435,431	5,172,795
Average weekly wages	$477	$317	$324	$355	$376	$392	$408	$434	$483	$644
Transportation, communications, and public utilities										
March employment	4,853,719	184,184	242,681	371,442	661,552	546,013	685,752	460,944	435,013	1,266,138
Average weekly wages	$512	$309	$327	$357	$405	$444	$484	$537	$600	$681
Wholesale trade:										
March employment	5,689,033	481,041	632,832	905,057	1,322,117	848,051	783,641	345,166	181,857	189,271
Average weekly wages	$477	$487	$424	$434	$451	$474	$503	$539	$586	$683
Retail trade:										
March employment	17,318,494	1,137,601	1,735,778	2,196,216	3,387,413	2,632,408	2,580,179	1,277,044	982,471	1,389,384
Average weekly wages	$209	$178	$186	$192	$200	$214	$216	$212	$229	$278
Finance, insurance, and real estate:										
March employment	6,009,806	485,671	422,408	499,716	831,644	708,033	911,092	577,089	486,896	1,087,257
Average weekly wages	$500	$358	$413	$445	$466	$486	$494	$527	$500	$648
Services:										
March employment	20,985,185	1,971,652	1,945,005	2,028,108	2,642,082	2,337,869	3,228,059	1,983,428	1,684,959	3,164,122
Average weekly wages	$340	$370	$369	$369	$341	$300	$288	$305	$331	$391

Prepared by: U.S. Bureau of Labor Statistics, Office of Employment and Unemployment Statistics, Division of Occupational and Administrative Statistics.

ATTACHMENT III

MARCH 1986 EMPLOYMENT AND AVERAGE WEEKLY WAGES BY SIZE OF REPORTING UNIT, PRIVATE INDUSTRY, UNITED STATES, FIRST QUARTER 1986

[Massachusetts]

Private industry	Total	Size of reporting unit								
		1 to 3 workers	4 to 9 workers	10 to 19 workers	20 to 49 workers	50 to 99 workers	100 to 249 workers	250 to 499 workers	500 to 999 workers	1,000 workers or more
All industries:										
March employment	2,495,493	127,800	170,354	221,561	346,439	311,827	425,198	243,177	210,473	438,664
Average weekly wages	$390	$349	$337	$343	$346	$351	$359	$401	$428	$512
Agriculture, forestry, and fisheries:										
March employment	14,542	2,092	3,286	3,943	2,343	1,221	892	ND		
Average weekly wages	$319	$247	$307	$320	$281	$303	$336	ND		
Mining:										
March employment	1,487	67	210	196	319	524	ND			
Average weekly wages	$459	$361	$402	$390	$495	$510	ND			
Construction:										
March employment	104,334	15,663	19,175	21,362	22,607	13,746	7,408	3,708	ND	
Average weekly wages	$451	$340	$376	$418	$476	$569	$608	$584	ND	
Manufacturing:										
March employment	622,414	5,593	11,522	23,334	58,177	65,484	111,809	81,353	75,144	189,998
Average weekly wages	$482	$346	$358	$401	$402	$408	$428	$451	$490	$593
Transportation, communications, and public utilities:										
March employment	121,180	4,317	5,757	8,431	16,320	16,868	22,307	17,958	10,642	18,580
Average weekly wages	$485	$347	$351	$362	$387	$421	$493	$493	$564	$689
Wholesale trade:										
March employment	155,500	11,655	15,118	23,384	34,897	26,757	24,680	8,791	8,067	ND
Average weekly wages	$511	$557	$497	$483	$487	$501	$545	$508	$586	ND
Retail trade:										
March employment	525,073	27,477	48,989	68,404	108,407	88,430	97,337	40,807	26,305	18,917
Average weekly wages	$210	$209	$196	$200	$207	$204	$195	$215	$254	$337
Finance, insurance, and real estate:										
March employment	193,355	10,069	11,689	13,480	20,088	20,578	32,760	18,630	15,062	50,999
Average weekly wages	$519	$430	$457	$493	$503	$527	$541	$563	$527	$528
Services:										
March employment	757,608	50,867	54,608	59,027	83,281	78,219	127,834	71,165	74,588	158,019
Average weekly wages	$358	$369	$375	$366	$350	$320	$305	$358	$369	$408

Prepared by: U.S. Bureau of Labor Statistics, Office of Employment and Unemployment Statistics, Division of Occupational and Administrative Statistics.

[From the Washington Post, Feb. 5, 1987]

HEALTH INSURANCE FOR ALL WORKERS

Sen. Edward Kennedy says he will introduce a bill to require all employers to offer health insurance to all their employees. The proposal by the new chairman of the Senate Labor and Human Resources Committee is part of a trend. The budget is too crowded to create new federal programs of the usual kind. Those who want to offer new benefits have taken to mandating them instead, by requiring the states or employers to provide them. They are able to produce the results they want without the explicit federal costs.

Thus Congress required two years ago that employers providing health insurance give laid-off employees the right to continue buying it for a limited period after they leave. Last year Congress also nearly required the states to set up risk pools through which those without health insurance could buy it. The pools would have been financed in part by a tax on employers.

In times past, the business community would have been nearly unanimous in opposing such initiatives. Now it is split. Many larger companies particularly—those that already provide such benefits—think it only fair that all should bear a proportionate cost.

The cost-shifting instinct is not confined to health insurance. The House Education and Labor Committee approved legislation last year to require most employers to grant unpaid leave to parents of newborns and to workers either sick themselves or who need time off to care for sick family members. Congress in recent years has also greatly increased the requirements that must be met before a pension contribution can be tax deductible.

Mr. Kennedy and others note that their approach is not new. There have been minimum-wage and maximum-hours laws for years, as well as requirements that employers provide unemployment and injury insurance. A requirement that they also provide some minimal amount of health insurance would simply extend this pattern.

The government has also traditionally transferred costs to the private sector in other fields. The sugar price-support system operates almost entirely outside the budget; the subsidy is paid at the grocery store in the form of higher prices ensured through import quotas. Environmental laws also require companies to bear certain clean-up costs, which they ultimately pass on.

There is nothing inherently wrong with this approach of salting the private sector with public goals. By moving programs outside the budget, the practice blurs the traditional public-private distinction around which too much political debate resolves. But in also blurring costs, it does more disservice than good. It may well be that Congress should require all employers to provide health insurance. But the benefit to employees will be a cost to employers and consumers. A transfer would occur as surely as if there were a formal government transfer payment. As the economists never tire of telling us, there is no free trip to the doctor's office.

CONGRESS AIMS AT MINIMUM BENEFIT PACKAGE

(By Julie Rovner)

Over heated objections from the business community and warnings of dire economic consequences, the Democratic-led 100th Congress is moving on a number of fronts to force employers to provide workers with a minimum package of benefits.

Congress actually took a first step toward mandated benefits when it passed the fiscal 1986 budget reconciliation bill (PL 99-272). That measure required employers to offer continued health insurance coverage to laid-off workers, as well as spouses or dependents of workers who would otherwise lose coverage as a result of death or divorce.

Proposals being offered in the 100th Congress include a requirement that employers who offer health insurance coverage also offer protection against catastrophic health care costs. Failure to do so would cost the company its insurance tax deduction.

Sen. Edward M. Kennedy, D-Mass., proposes taking that one step further. He told the American Hospital Association Feb. 2 that "the time has come to require all businesses in America to offer health insurance to all their workers . . . as a condition of doing business."

But the first big fight in the battle to expand mandated benefits is likely to come over legislation guaranteeing job-protected leave for disabled workers, new parents and those who need to care for a seriously ill dependent.

FAMILY AND MEDICAL LEAVE BILLS

The House version of the leave legislation (HR 925) is sponsored by William L. Clay, D-Mo., and Patricia Schroeder, D-Colo., while the Senate version (S 249) is sponsored by Christopher J. Dodd, D-Conn.

Both bills would require employers to offer unpaid, job-protected leaves of up to 18 weeks to new parents and those needed at home to care for a seriously ill child, and leaves of up to 26 weeks for workers with temporary disabilities. The House bill would also permit workers to take up to 18 weeks of leave to care for a dependent parent who is ill.

The legislation would require that businesses with 15 or more employees offer the leaves, that health insurance be continued during the leave and that after the leave, workers be returned to their old or a comparable job with full seniority.

Sponsors described the legislation as a pro-family measure designed to ensure job protection during times of great family stress. "If the family is straining because nobody is left at home to care for the newborn or seriously ill child or parent, then a labor standard that can substantially relieve that stress is good and necessary public policy," said Clay.

The bills are similar to legislation (HR 4300) approved by the House Post Office and Education and Labor committees in 1986, but never considered by the full House.

This year the legislation is on "a fast track," said Clay, chairman of the subcommittee with partial jurisdiction over the bill. At a Feb. 3 news conference, Clay pledged to bring the legislation to the floor by April.

Sponsors said their effort got a boost from two recent Supreme Court decisions: one finding that federal law does not bar states from enacting laws to give special protection to women who leave their jobs to have children and another finding that federal law also does not require that new mothers be given special consideration.

FORMIDABLE OPPOSITION

Working against the bill, however, is much of the business community, led by the U.S. Chamber of Commerce. The Chamber said costs of the legislation would be prohibitive for many companies and would make it harder for the United States to compete in world markets.

The Chamber estimated it would cost the average employer in Washington, D.C., more than $5,000 to cover the costs of an 18-week leave taken by a word processor and said sponsors "ignore the anti-competitive impact of this costly new proposal on American businesses."

But the bill's proponents disagreed. "No study I've seen indicates there will be any great additional cost," said Dodd. In fact, he said, just the opposite is true. "Companies who have already instituted parental leave policies find they are better able to attract workers and increase their productivity and at the same time decrease employee absenteeism and turnover."

Sponsors also denied that the measure would put U.S. businesses at a disadvantage in terms of international trade. "Japan already is [providing job-protected leave] and they were fairly competitive the last time I looked," said Schroeder. "The countries we're most concerned about competing with already do this."

COMPROMISE OFFERED

Hoping to bridge some of the differences between the two sides is Rep. Marge Roukema, R-N.J., an Education and Labor Committee member who has introduced her own version of family leave legislation (HR 284).

Roukema's bill would allow only eight weeks of family leave and 13 weeks of disability leave, and would exempt businesses with less than 50 employees. "I think there's a growing recognition that something is necessary, but something that does not cripple small businesses," she said.

But even Roukema admits that so far her bill has little support from either side. Those supporting Schroeder and Clay argue that the 50-worker exemption would deny leaves to more than 40 percent of the work force.

And Don Berno, small-business lobbyist for the Chamber of Commerce, said his group did not like the Roukema bill either. "Compromise is not in our vocabulary when it comes to this bill," he said. "This is purely a question of philosophy to us."●

LIFTING SANCTIONS AGAINST POLAND

● Ms. MIKULSKI. Mr. President, I was pleased to join leaders of the Polish-American community in participating in a special White House ceremony this morning. During this ceremony, President Reagan signed an Executive order lifting the remaining United States trade sanctions against Poland.

In 1981, General Jaruzelski imposed martial law on Poland. By doing so, he slammed the door on the Polish people. So we slammed the door on General Jaruzelski by imposing tough trade sanctions.

But since 1981, General Jaruzelski has taken modest steps to improve Poland's human rights record. He has lifted martial law. He has released political prisoners and he has allowed more internal freedom of expression.

I am persuaded that these are not just isolated hollow gestures on the general's part. The United States has responded to each move by improving relations on a gradual basis. In 1983, the United States removed sanctions on fishing rights. In 1984 we removed sanctions on airplane rights. Today's actions are the logical next step.

In August 1986, I wrote to the President noting that in terms of territory and population, Poland is the largest country in Eastern Europe. What makes that especially important, however, is the nonviolent and effective resistance of the Polish people. Only in Poland is the church independent and stronger than ever; only in Poland have the intellectuals won for themselves greater freedom of expression than in any other Communist state. The free trade union Solidarity remains today the only massive, nonviolent resistance movement within the Soviet orbit. Poland has thus demonstrated that some changes in the Communist system are possible because of strong, internal popular pressure. For this reason, Poland deserves more attention and a clearly defined policy. That policy should be shaped in a manner which would assist most effectively the Polish opposition.

Four years ago you took the stand that the legal structure of Solidarity was destroyed because of Soviet pressure. Recently, however, all sanctions against the Soviet Union were lifted and American bank credits are flowing again to the Soviet Union and the other Communist states. Economic restrictions which single out Poland can be justified only as bargaining leverage in negotiations with the Polish Government. The Polish Government should be put on notice that the remaining sanctions would be lifted in response to the release of all political prisoners, including the recently arrested Solidarity leader Zbigniew Bujak. Judging from past experience, even if some are later rearrested, most would stay free and strengthen the resistance.

IMF and World Bank credits provide the only instrument for imposing conditions which would make the Polish economy less wasteful. This would help Solidarity to achieve one of its main goals.

For the future, I urge the general to continue his reforms by officially recognizing the right of Solidarity to exist openly and freely. I also hope that Ambassadors will be exchanged and a high-level dialogue will be resumed.

Mr. President, as a Member of the House of Representatives, I supported President Reagan in 1981 when we imposed sanctions against Poland.

Today, as a Member of the U.S. Senate, I also support him as he lifts these sanctions. I hope this move will lead to further freedoms and economic growth for the people of Poland.●

HEALTH RISK NOTIFICATION

● Mr. QUAYLE. Mr. President, on February 5 of this year, I inserted into the CONGRESSIONAL RECORD a statement on high risk disease notification, together with an outline of a bill. Many knowledgeable people have given me comments on that outline and I have used those comments to develop a first draft of a bill. I know that this draft can use additional refinements so I am inserting it into the RECORD at this time so that I may get additional comments before introduction. This draft may also prove useful to those testifying at the February 24 hearing on this subject before the Labor Subcommittee.

I ask that the draft bill be printed at this point.

The draft bill follows:

THE "HEALTH RISK NOTIFICATION ACT OF 1987"

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) during the past two decades, significant scientific progress has been made in—

(A) the identification of hazardous substances and physical agents;

(B) the identification of medical problems associated with exposure to such substances and agents; and

(C) the diagnosis and treatment of diseases related to such exposure;

(2) substantial progress has been made in controlling the exposure of individuals to such substances and agents;

(3) despite the progress described in paragraphs (1) and (2), there are gaps in efforts to promote the health and safety of individuals exposed to such substances and agents; and

(4) a significant gap in such efforts is the absence of ethical standards governing studies supported or conducted by Federal agencies which develop information about significant risks to the health of individuals who have been exposed to such substances and agents and who have not given informed consent to such studies.

(b) Therefore, it is the purpose of this Act to require the Secretary of Health and Human Services to promulgate ethical standards governing the disclosure of information, developed in studies conducted or supported by Federal agencies, concerning significant risks to the health of individuals who have been exposed to hazardous substances and physical agents and who have not given informed consent to such studies.

ESTABLISHMENT OF STANDARDS

SEC. 3. Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART J—ETHICAL STANDARDS FOR STUDIES CONCERNING EXPOSURE TO HAZARDOUS SUBSTANCES OR PHYSICAL AGENTS

"ESTABLISHMENT OF STANDARDS

"SEC. 391. (a) The Secretary, in consultation with the Director of the National Institutes of Health, shall promulgate ethical standards governing the provision of notice **by an agency to study subjects and nonstudied individuals.**

"(b) Standards promulgated under subsection (a) shall include—

"(1) standards concerning the factors to be considered by an agency, and the weighting of such factors, in determining whether to provide notice to study subjects, including factors such as—

"(A) the reliability of the information obtained through the study;

"(B) the significance of the health risk to such subjects;

"(C) the duration and intensity of exposure of such subjects to a hazardous substance or physical agent;

"(D) the medical benefits and other consequences to such subjects which may result from the provision of notice; and

"(E) the potential effects of failing to provide notice to such subjects and of providing incorrect notice to such subjects;

"(2) standards, with respect to any case in which the results of a risk study can be applied to nonstudied individuals in accorance with generally accepted scientific principles, concerning the circmustances and conditions under which notice should be provided by an agency to such individuals; and

"(3) standards concerning the appropriate type, form, and content of notice (including any appropriate medical surveillance and medical monitoring information) to be provided under this section by an agency to study subjects and nonstudied individuals, including standards concerning whether such notice should be provided to study subjects and nonstudied individuals directly, through physicians or employee representatives, or through other mechanisms for providing notice to individuals which are established by law on the date of enactment of this section.

"(c) The Secretary shall promulgate the standards required by this section by rule on the record after opportunity for a hearing in accordance with sections 556 and 557 of title 5, United States Code. In conducting such hearing, the Secretary shall obtain recommendations with respect to such standards from a panel of scientific experts and from a panel representatives of labor, business, and State and local health agencies.

"PEER REVIEW PROCEDURES

"SEC. 392. (a) The Secretary, in consultation with the Director of the National Institutes of Health, shall establish procedures for the appointment by the head of each agency of scientific peer review groups to review risk studies subject to the ethical standards promulgated under section 391. In reviewing a risk study under this section, a scientific peer review group shall—

"(1) determine—

"(A) whether the provision of notice of study subjects is required by such standards; and

"(B) if such notice is required, determine the appropriate type, form, and content of such notice (including any appropriate medical surveillance and medical monitoring information) in accordance with the standards promulgated under section 391(b)(3); and

"(2) determine—

"(A) whether nonstudied individuals can be identified with respect to such study;

"(B) whether the standards promulgated under section 391(b)(2) require the provision of notice to such individuals; and

"(C) in any case in which such notice is required, the appropriate type, form, and content of such notice (including any appropriate medical surveillance and medical monitoring information) in accordance with the standards promulgated under section 391(b)(3).

"(b) The head of each agency which appoints a scientific peer review group under subsection (a) shall before promulgating the determination of such peer review group, cause to be published in the Federal Register the determinations of such group, and shall request comments on such determinations for a period of 30 days beginning on the date of such publication.

"(c) Any scientific peer review group required under this section shall be appointed and paid without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title regarding classification and General Schedule pay rates, except that officers and employees of the United States shall not receive additional compensation for service as a member of any such group.

"REVIEW OF RISK STUDIES CONDUCTED PRIOR TO THE PROMULGATION OF ETHICAL STANDARDS

"SEC. 393. (a) The Secretary, through the Director of the National Institutes of Health, shall establish procedures consistent with section 392 for the review by each agency of each risk study conducted or supported by such agency prior to the date on which the ethical standards promulgated under section 391 become effective. Such procedures shall include requirements—

"(1) with respect to each such study, the determination of whether the provision of notice to study subjects and nonstudied individuals would be scientifically appropriate; and

"(2) in any case in which an agency determines with respect to a risk study that notice should be provided to study subjects or nonstudied individuals, the determination of the appropriate type, form, and content of such notice in accordance with the standards promulgated under section 391(b)(3).

"(b) The Secretary shall establish priorities for the review by each agency of each risk study to which subsection (a) applies. Such priorities shall be based upon—

"(1) the number of individuals who were exposed to the hazardous substance or physical agent which was the subject of the study, and the extent of such exposure;

"(2) the significance of the health benefits to study subjects and nonstudied individuals resulting from such exposure; and

"(3) the medical benefits of providing notice to study subjects and nonstudied individuals.

"APPLICATION TO RECIPIENTS OF GRANTS AND CONTRACTS

"SEC. 394. (a) The Secretary shall by regulation require each agency to obtain a certification which complies with subsection (b) from each individual or entity which applies for a grant from, or contract or cooperative agreement with, such agency in any case in which the activities under such grant, contract, or agreement include the conduct of risk study to the standards promulgated under section 391.

"(b) Each certification required by subsection (a) shall state that the individual or entity agrees to—

"(1) provide the head of the agency with any results of a study subject to the standards promulgated under section 391 which indicate any potential risk that study subjects will contract a disease; and

"(2) make available to the head of the agency any information that would assist the head of the agency in providing notice to study subjects.

"COMPLIANCE BY AGENCIES

"SEC. 395. Each agency shall comply with—

"(1) the standards promulgated by the Secretary under section 391;

"(2) the peer review procedures promulgated by the Secretary under section 392;

"(3) the procedures promulgated by the Secretary under section 393; and

"(4) the regulations promulgated by the Secretary under section 394.

"ADMINISTRATION

"SEC. 396. (a) The Secretary and the head of each agency shall prepare and distribute such materials—

"(1) containing medical information relating to any disease or condition with respect to which notice is provided under this part; and

"(2) relating to health promotion and disease prevention,

as the Secretary or the head of such agency considers appropriate in carrying out this part.

"(b) In providing any notice required under this part, the Secretary and the head of each agency shall cooperate with State and local public health agencies and private employers.

"(c) The Secretary and the head of each agency may provide notice required under this part through contracts with State and local governments or private employers if such governments or employers request that the Secretary or the head of the agency enter into such a contract.

"(d) In order to provide any notice required under this part, the Secretary or the head of an agency, consistent with section 552a of title 5, United States Code, (relating to privacy) may request information from—

"(1) any agency solely for the purpose of obtaining names, addresses and work histories of employees subject to notification under this section; and

"(2) any employer insofar as Federal access already is provided for under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), and regulations promulgated pursuant to such Acts.

"(e) Each agency shall pay the costs of any notice required to be provided by such agency under this part.

"LIABILITY

"SEC. 397. Neither the United States nor any employer or officer thereof (including any employer or State or local government acting pursuant to section 396(c)) shall be liable under Federal or State law for monetary damages with respect to any omission or act performed pursuant to this part.

"EFFECT ON OTHER LAW

"SEC. 398. (a) This part does not affect any claim for worker's compensation or any action brought under Federal or State law that asserts a claim for personal injury, damages, or any other relief.

"(b)(1) No finding or determination under this part that a study subject or a nonstudied individual may contract a disease as a result of exposure to a hazardous substance or physical agent shall constitute a legal basis for damages or any compensation award, nor shall not be admissible as evidence in any legal action with respect to any matter or in any proceeding relating to worker's compensation.

"(2) The provision of notice to a study subject or a nonstudied individual under this part shall not constitute a legal basis for damages or any compensation award, nor shall not be admissible as evidence in any legal action with respect to any matter or in any proceeding relating to worker's compensation.

"(3) No act taken pursuant to this part, nor any failure to act pursuant to this part, shall constitute a legal basis for damages or any compensation award, nor shall be admissible as evidence in any legal action with respect to any matter or in any proceeding relating to worker's compensation.

"STUDIES

"SEC. 399. (a) Within one year after the date of enactment of this part, the Attorney General, in consultation with Secretary, shall prepare and transmit to the Congress a report analyzing whether any changes in laws governing tort liability for exposure to hazardous substances and physical agents are appropriate in order to ensure that the provision of notice under this part does not affect liability under such laws.

"(b) Within 2 years after the date of enactment of this part, the Attorney General, in consultation with the Secretary, shall prepare and transmit to the Congress a report describing the amount and types of litigation resulting from the provision of notice to study subjects and nonstudied individuals under this part.

"DEFINITIONS

"SEC. 399A. For purposes of this part—

"(1) the term 'agency' has the same meaning as in section 551(1) of title 5, United States Code;

"(2) the term 'nonstudied individual' means an individual who was not the subject of a study and who was similarly exposed to the same hazardous substance or physical agent as a study subject;

"(3) the term 'medical monitoring' means periodic examinations of study subjects or nonstudied individuals who may contract a disease as a result of exposure to a hazardous substance or physical agent;

"(4) the term 'noticed' means a statement—

"(A) specifying that a study has developed information indicating that a study subject is at significant risk of contracting a disease because of exposure to a hazardous substance or physical agent; and

"(B) containing such other information as may be required under the standards promulgated under section 391;

"(5) the term 'risk study' means—

"(A) an epidemiological study conducted or supported by an agency—

"(i) which develops information about significant risks to the health of individuals who have been exposed to a hazardous substance or physical agent; and

"(ii) to which informed consent was not given pursuant to subpart A of part 46 of title 45, Code of Federal Regulations; and

"(B) any other study conducted or supported by an agency which—

"(i) provides evidence that supports data based on studies of humans; and

"(ii) develops information about significant risks to the health of individuals who have been exposed to a hazardous substance or a physical agent; and

"(6) the term 'study subject' means an individual who was the subject of a risk study.".●

FREDERICK ISAAC WILLIAMS, JR., TURNS 102

● **Mr. LAUTENBERG.** Mr. President, I am pleased to cite the accomplishments of one of my constituents, Frederick Isaac Williams, Jr., who today has reached the age of 102.

Mr. Williams, who was born in Springfield, MA, was educated in the public schools of New Haven, CT. At the age of 22, he came to the city of Newark, NJ, and resided there until 1980. Mr. Williams now lives in West Orange, NJ, with his daughter, Constance Woodruff, cochairperson of New Jersey's Dr. Martin Luther King, Jr., Commemorative Commission and chairperson of the Governor's Commission on the Status of Women.

During his years in Newark, Mr. Williams was active in community affairs, especially at the 13th Avenue Presbyterian Church where he served for several decades on the church usher board. Over the years, Mr. Williams has been a great sports fan and knew many of the players of the old Negro National League and the Negro American League. Two of those players, Jackie Robinson of the Kansas City Monarchs, and a New Jerseyite, Larry Doby of the Newark Eagles, went on to become the first black professional baseball players in the National League—Brooklyn Dodgers—and the American League—Cleveland Indians—respectively.

Perhaps one of the most unique of Mr. Williams' accomplishments is that he has voted in every election—municipal, county, State, and Federal—since he became 21 years of age in 1906. Mr. Williams is truly an American citizen who cherishes his right to vote.

Mr. President, I want to wish Mr. Williams a happy 102d birthday and to congratulate him on reaching this extraordinary milestone.●

NRC REGULATIONS

● Mr. McCLURE. Mr. President, I am deeply concerned about the recent criticisms voiced against the Nuclear Regulatory Commission's staff proposal to alter their regulations with respect to emergency planning in the vicinity of nuclear powerplants. I wish to counter that criticism with an editorial that appeared in the February 9, 1987, issue of the New York Times, and with my own unconditional praise of this NRC staff proposal.

If my colleagues would take the time to reread the statute that gave birth to the emergency preparedness regulation—section 109 of Public Law 96-295—they would find that nowhere in this language is there any intent to give de facto veto power to the States concerning the operation of a nuclear powerplant. Rather, the statute clearly identifies the need for an emergency plan, to be drawn up either by the State, or by the locality, or by the utility, that "provides reasonable assurance that public health and safety is not endangered by operation of the facility." Furthermore, the Federal Government, through the Nuclear Regulatory Commission, clearly retains sole responsibility for the determination of "reasonableness," as well as for the assessment of the adequacy of the emergency plans and the ability of the States to carry out such plans.

The NRC staff proposal to modify its current emergency planning regulation not only better reflects the congressional intent of the enabling legislation, but it also better conforms with the original mandates contained in the Atomic Energy Act.

Mr. President, I ask that the full text of the New York Times editorial of February 9 be made a part of the Record.

The article follows:

Federal Power Over Nuclear Power

Should nuclear power be regulated by the Federal Government or the states? Only Washington has the technical expertise and the duty to weigh the national interest. But states including New York and Massachusetts refuse to cooperate in emergency evacuation plans for the plants at Shoreham and Seabrook, effectively blocking their start-ups. The staff of the Nuclear Regulatory Commission now proposes to remove this veto power. That would be a welcome and overdue step.

The states got a foot in the door of nuclear plant licensing after the accident at Three Mile Island in 1979. The Nuclear Regulatory Commission told utilities to prepare to evaluate people from a 10-mile radius around nuclear power plants in the event of a radioactive release. That required the cooperation of local authorities, but it seemed inconceivable to the commission that any would refuse to help prepare its citizens for crisis.

Local authorities like Suffolk County and the Governor of New York saw non-cooperation as a weapon against power plants they opposed, especially where the start-up would sharply increase local electric bills. The commission found it had shared its prerogative to license plants with every municipal orator and antinuclear governor.

Giving local authorities a veto power over new plants means none will be built. That's a decision that affects the national interest and only Washington should make it. The Nuclear Regulatory Commission ceded states this power by regulation, and now proposes to take it back by modifying the regulation. There's no question of usurping state's rights or police powers. All that the commission staff proposes is that plants should be licensed once a reasonable emergency plan has been drawn up, even if the local authorities say they won't cooperate.

Fabian Palomino, Governor Cuomo's principal adviser in preventing Shoreham from going on line, says that for the commission even to consider such a step would be "a shameless act and a total abandonment of any sense of responsibility." To the contrary it's Mr. Cuomo's behavior that compels the commission to rescind the power it assumed the states would handle responsibly.

If Congress wants the states to set nuclear policy, let it pass a law. Meanwhile, the commission has already delayed too long in restoring its authority.●

U.S. AMBASSADORS/NUCLEAR EXPERTS DISPUTE CHEATING ALLEGATIONS

● Mr. CRANSTON. Mr. President, one of the tragic consequences of the Reagan administration's hostility to the arms control process has been its irresponsible allegations on the subject of Soviet compliance with arms control treaties. Zealots in the administration claim repeatedly that the Soviets cheat on all arms control treaties. The charge is repeatedly over and over again until soon enough, it is accepted as truth by many.

That is why the recent comprehensive report on the compliance issue signed by every former U.S. Ambassador to the Standing Consultative Commission is so important. This report concludes that there is in fact only one instance of clear Soviet violation of all past arms agreements—this instance being the construction of a radar facility at Abalakovo. And this report rejects many of the reckless charges made by reflective administration critics of arms control, such as Richard Perle, that there is irrefutable evidence of Soviet cheating across-the-board.

Let me underscore the significance of the signatories to this report. Every former U.S. official who has led U.S. compliance efforts at the Standing Consultative Commission before the Reagan years signed this report—SCC Ambassadors from the Nixon, Ford, and Carter eras. They were joined by an extremely distinguished group of arms control experts assembled under the leadership of Dr. Gloria Duffy and the Center for International Security and Arms Control at Stanford University. Their report goes a long way to combat the irresponsible and reckless charges made by habitual critics of any arms control efforts.

Following is the introduction, conclusion, and executive summary of their report, together with a recent article from the Monterey Herald of February 15, 1987, disputing cheating allegations, which I ask to be printed in the Record.

I also ask that a newspaper article entitled Charges Against Soviets Challenged be printed in the Record.

The material follows:

Compliance and the Future of Arms Control

(By Gloria Duffy, Gregory Dalton, Matthew State, and Leo Sartori)

Working Group Signatories

Dr. John Barton, Stanford Law School.

Dr. David Bernstein, Center for International Security and Areas Control, Stanford University.

Dr. Coit D. Blacker, Associate Director, Center for International Security and Arms Control, Stanford University.

Mr. George Bunn, Visiting Scholar, Stanford Law School; Former General Counsel, US Arms Control and Disarmament Agency.

Dr. Alexander Dallin, Head of Soviet and East European Studies, Stanford University; Hoover Institution.

Dr. Hugh DeWitt, Lawrence Livermore National Laboratory.

Dr. Sidney D. Drell, Co-Director, Center for International Security and Arms Control, Stanford University; Deputy Director, Stanford Linear Accelerator Center; Forever member, President's Science Advisory Committee.

Dr. Gloria Duffy, President, Global Outlook.

Dr. Philip J. Farley, Center for International Security and Areas Control, Stanford University; Former Deputy Director, US Arms Control and Disarmament Agency.

Dr. Alexander L. George, Stanford University.

Dr. David Holloway, Stanford University.

Dr. Steven Kull, Center for International Security and Arms Control, Stanford University.

Dr. John Lewis, Chairman, International Strategic Institute at Stanford.

Dr. Wolfgang K. H. Panofsky, Director Emeritus, Stanford Linear Accelerator Center; Former member, General Advisory Committee on Arms Control and Disarmament; President's Science Advisory Committee.

Dr. Ted Postol, Center for International Security and Arms Control, Stanford University.

Dr. Leo Sartori, University of Nebraska. Technical advisor, SALT II delegation.

Additional Signatories

Ambassador Robert Buchheia, U.S. SCC Commissioner 1977-1981.

Ambassador Raymond L. Garthoff, Brookings Institution; Member, SALT I delegation.

Ambassador Sidney Graybeal, U.S. SCC Commissioner 1973-1976.

Mr. Michael Krepon, Carnegie Endowment for International Peace; Former Director, Defense Project and Policy Reviews; US Arms Control and Disarmament Agency.

Dr. William Perry, H & Q Technology Partners; Former Under Secretary of Defense for Research and Engineering.

Mr. Theodore Ralston, Microelectronics and Computer Technology Corporation; Former staff member, Senate Intelligence Committee.

EXECUTIVE SUMMARY

Based on an 18-month comprehensive examination, the Stanford CISAC/Global Outlook Working Group concluded that, overall, US and Soviet compliance with the terms of existing arms control agreements has been good. A recent perception that compliance has been poor is false. A perceived compliance crisis has been created, in part, by the Reagan Administration's search for Soviet violations, by the Administration's exaggeration of the military significance of alleged Soviet "violations," by US public confrontation of the USSR, and by the lack of sensitivity among the American public to questions about US compliance with the terms of agreements. The USSR has also contributed to the perceived crisis by stretching the terms of some agreements, by one actual violation, and by responding to US concerns in a non-constructive, tit-for-tat fashion with allegations against the US.

As a result, a real crisis based on false perception about compliance is now impending. The US has used concerns about Soviet compliance as a rationale for withdrawing from the SALT II Treaty and the SALT I Interim Agreement on Offensive Weapons, removing the only existing ceilings on superpower offensive nuclear weapons. US withdrawal from these agreements is not justified on the basis of the Soviet compliance record.

The Soviet Union may sometimes stretch the terms of agreements, as does the US on occasion, but rarely directly violates an arms control agreement. There is no evidence of a Soviet policy of violating arms control agreements, or of a consistent Soviet pattern of violations. Nor has the US been guilty of significant, uncorrected arms control violations.

Some provisions of arms control treaties are inherently open to interpretation by the parties. Therefore, agreements must be supported over time by a functioning process of dispute resolution in order to operate successfully. The reason that numerous charges of non-compliance remain unresolved today is that since 1979-1980, the US and the USSR have not demonstrated the will to effectively utilize the process of reaching common interpretations of arms control obligations and resolving disputes.

The Working Group found a single current arms control violation: the Soviet large, phased-array early warning radar at Abalakovo in Siberia, which is sited in a manner not permitted by the ABM Treaty. The Group also found one area of questionable compliance with the ABM Treaty: the US program to replace or construct new early warning radars at Thule, Greenland; Fylingdales Moor, U.K., and through the PAVE PAWS program in the US. By themselves, these radars do not significantly increase the military threat to either country.

The Working Group found no violations of the SALT II Treaty, but two instances of questionable compliance with that agreement: a high level of Soviet encryption of ballistic missile flight-test telemetry, and the configuration of the Soviet SS-25 ICBM. Neither of these activities significantly increases the military threat to the US.

In addition, the Group concluded that US statements about early deployment of a strategic defense and a permissive reinterpretation of the ABM Treaty threaten to undercut the basis for the ABM Treaty. A US policy adopting a broad interpretation of the Treaty to permit early deployment of a strategic defense could provide a basis for a Soviet response which would violate the ABM Treaty. It would also make highly unlikely any further offensive nuclear arms limits.

The Working Group recommends that the US seek to restore the process of dispute-resolution through the Standing Consultative Commission and other diplomatic mechanisms. The US should replace its public and frequently poorly founded accusations with a return to a problem-solving approach to compliance problems through the SCC. The US and the USSR must reestablish this process of give-and-take in order for past agreements to work and for any new arms control agreements to be successful.

The Working Group concluded that the compliance situation is closely related to the health of the arms control process in general. The incentives to comply with agreements and to resolve disputes are increased by progress towards further arms control limits, and decreased by stalemate in the arms control process.

SUMMARY OF RECOMMENDATIONS

General

Restore a more constructive US-Soviet dispute resolution process.

Improve environment through arms control progress.

Tone down confrontational oratory on noncompliance.

Return to problem-solving approach in SCC.

Neutralize militarily any Soviet gain from uncorrected questionable compliance or violation.

US Process

Conduct future compliance evaluations based on net assessment of US and Soviet behavior.

Hold Congressional hearings on state of compliance and Reagan Administration handling of compliance issues.

Return General Advisory Committee to balanced, statesmanlike role.

Develop better criteria for determining compliance and noncompliance.

SCC

Pursue agreement on gray-area issues in SCC.

Protect SCC Commissioner from bureaucratic conflicts.

Refrain from unwarranted public criticism of SCC.

Pursue US-Soviet agreement on making public SCC Agreed Statements, Common Understandings.

Expand role of SCC to foresee compliance problems.

SALT

Continue to adhere to SALT II and SALT I Interim Agreement.

Nuclear Testing

Ratify TTBT and PNET, without reservation.

Complete TTBT data exchange; build on NRDC agreement.

Create Joint Consultative Commission to resolve disputes related to TTBT, PNET and LTBT.

See Common Understanding on conservative design of nuclear test yield and containment.

Encryption

USSR should reduce encryption to the level at the time SALT II was signed.

US should review sources and methods constraints on indicating to the USSR what data is needed.

SS-25

Keep SALT II fractionation limits to constrain SS-25.

Soviet Union should make available data on throwweight of SS-13.

Pursue SCC understanding on including instrumentation as part of throwweight of ICBMs.

Early Warning Radars

Seek an agreement in SCC defining permitted modernization of early warning radars.

US should delay construction of Fylingdales radar pending an agreed SCC definition of permitted modernization of early warning radars.

Seek an agreement to reduce ambiguity about definition of ABM Treaty language: "on the periphery, oriented outward."

Seek an agreement defining characteristics which distinguish early warning radars from those for space tracking and verification.

Seek an agreement requiring advance, case-by-case SCC consultation to resolve compliance issues related to planned new early warning large, phased-array radars.

Explore means to designate large, phased-array radars as unsuitable for ABM battle management.

ABM Treaty

Adhere to traditional, "restrictive" interpretation of ABM Treaty.

Work through the SCC to resolve issues related to interpretation of the ABM Treaty with reference to new defensive technologies.

Abalakovo Radar

As part of a balanced resolution of existing compliance issues, the USSR should dismantle Abalakovo or open the radar to periodic and extensive on-site inspection.

Lacking such Soviet action, the US should neutralize any Soviet gain from Abalakovo through military measures.

USSR should explain the history of the decision to deploy Abalakovo in its present location and with its present orientation.

USSR should provide assurances that the internal system in the USSR will seek to prevent future instances of non-compliance.

Future Agreements

Strengthen ABM Treaty limits through 1987 Review Conference—seek further constraints on large, phased-array radars.

In any new arms control agreement, seek balanced restraints on the deployment of US and Soviet small, mobile ICBSs.

Favor complete over partial qualitative limits in future agreements, where possible.

Seek an encryption ban in any new agreement for those systems covered by the agreement.

INTRODUCTION

For twenty years after the first arms control agreement of the nuclear age was signed in 1959, no major dissatisfactions were officially expressed by either the US or the USSR about compliance with the terms of arms control accords. Disputes and complaints regarding compliance periodically arose, but all such disagreements were eventually resolved between the two parties.

In 1979, US officials began to question Soviet arms control compliance. By 1983, the US and the Soviet Union each were expressing grave and generalized dissatisfaction with the state of the other party's compliance with arms control agreements. By 1986, forty separate accusations of arms control violations had been publicly aired by the two nations: eighteen by the US against the USSR, and twenty-two by the Soviet Union against the United States.

By this time, the process of resolving disputes about treaty interpretation and compliance, through the Standing Consultative Commission and other diplomatic avenues used in the past, had broken down. In November 1986, the United States withdrew from the SALT I Interim Agreement on Offensive Weapons, and the unratified but theretofore upheld SALT II Treaty, citing as its reason Soviet violations of these and other arms control accords. US withdrawals from the SALT agreements removed the only existing constraints on strategic offensive nuclear weapons between the superpowers.

Between 1983 and 1986, the US and the USSR became involved in a debate over the quality and acceptability of one another's compliance with arms control agreements. This dispute began to take a real toll on the status of the arms control agreements in force, as concerns about Soviet compliance became the basis for US decisions to abandon existing agreements.

Yet, during this same period of time, US-Soviet relations in general were in an extremely disputatious state—over arms control, over regional conflicts, over human rights issues, and over the fundamental assumptions upon which US-Soviet mutual security arrangements had been built. It became increasingly difficult to know whether the concerns expressed by both governments were an actual signal of trouble in the state of compliance with arms control agreements, or simply one more sign of mutual frustration in US-Soviet relations. Did a real crisis in compliance with arms control agreements exist? Or simply a crisis of confidence in US-Soviet relations, which created doubt about the mutual security agreements put in place by the superpowers since 1959?

In the United States and abroad, the public, the press, and legislative bodies have had only the statements of US and Soviet officials to rely upon for comprehensive judgments about arms control compliance. The polemical, accusatory nature of US and Soviet government pronouncements about compliance since 1983 indicate political agendas at work, rather than dispassionate analysis of the compliance situation. In part due to the sensitive nature of data which involves intelligence sources and methods, neither government has publicly offered detailed information or analysis to back up its charges and concerns about compliance.

If the impression which the US government sought to convey between 1983 and 1986—that compliance with arms control agreements has been poor and agreements have frequently been violated—were correct, then obviously this should give the US pause about the wisdom of entering into further security agreements with the Soviet Union. Because the question of past compliance with arms control agreements is so crucial to the future of existing accords and the possibility for any new US-Soviet arms control measures, a working group at the Stanford University Center for International Security and Arms Control (CISAC) undertook a comprehensive review of US and Soviet compliance with arms control agreements. The review was coordinated and staffed by Global Outlook, a research and consulting organization specializing on international security issues.

The Stanford/Global Outlook Working Group on Compliance and the Future of Arms Control was convened in the summer of 1985. Over the ensuing eighteen months, it examined in detail, the US and Soviet charges of non-compliance, in relation to the overall record of US and Soviet compliance. The Working Group reviewed the legal, national security, and political implications of US and Soviet compliance with agreements. It closely examined Soviet compliance behavior, how successive US Administrations have handled compliance issues, and the degree of success with which different US approaches have been met.

The Group examined compliance in the context of overall US-Soviet relations. It studied the process of US-Soviet compliance dispute-resolution as it has functioned since the Standing Consultative Commission was established in 1972. And the Group examined the implications of the experience to date with arms control compliance for the future of the dispute-resolution process and the nature of future arms control agreements.

The Working Group was directed by Gloria Duffy. It included several former US arms negotiators and officials involved in making arms control policy, a former member of the President's General Advisory Committee on Arms Control and Disarmament, a former General Counsel of ACDA, a former Deputy Director of ACDA, former members of the President's Science Advisory Committee, physicists, Soviet specialists, political scientists, international law specialists, and experts on nuclear weapons and nuclear testing. Staff for the project was Gloria Duffy, Gregory Dalton, Margaret Beernink, Matthew State, and Leo Sartori (consultant).

This report is the result of the Working Group's efforts over eighteen months, and presents the conclusions of its review of the compliance situation. Not all Working Group members or signatories necessarily endorse every statement made in the report, but they find themselves in agreement with its main thrust and conclusions.

The report is divided into six sections. Section I, written by Gloria Duffy with assistance from Wolfgang K.H. Panofsky, outlines the key analytic principles which must be involved in an assessment of arms control compliance.

Section II, written by Gloria Duffy, reviews the positive record of arms control compliance. The second part of this section examines charges of US and Soviet noncompliance which involve ambiguous treaty provisions or behavior by parties to treaties, but do not constitute arms control violations.

Section III analyzes areas which the Working Group felt to be of some concern regarding US and Soviet compliance. These include two instances of "questionable" Soviet compliance with the SALT II agreement: encryption of ballistic missile flight test telemetry, and the SS-25 ICBM. Both of these case studies were written by Leo Sartori. An area of US "questionable" compliance with the ABM Treaty involves US modernization or construction of new large, phased-array radars. The analysis of the US Thule, Fylingdales, and PAVE PAWS programs was written by Greg Dalton.

The Working Group found US statements about early deployment of a strategic defense and reinterpretation of the ABM Treaty to raise concerns regarding future US ABM Treaty compliance, in light of robust US strategic defense research through the Strategic Defense Initiative. Matthew State wrote the analysis of US strategic defense efforts and ABM Treaty compliance. Finally, the Working Group found one clear instance of an arms control violation: the Soviet large, phased-array radar at Abalakovo in Siberia. The case study on Abalakovo was written by Greg Dalton.

Section IV of the report, written by Gloria Duffy, reviews Soviet compliance behavior in its political context. This section sketches a portrait of the internal and external factors which may shape Soviet compliance behavior and decisionmaking.

Section V evaluates the operation of the Standing Consultative Commission from 1972 to the present. It was written by Greg Dalton.

Finally, Section VI details the Working Group's conclusions about the state of arms control compliance, and recommendations for steps to resolve the current compliance disputes and to improve the functioning of arms control agreements in the future. Four Appendices summarize US and Soviet charges of non-compliance, detail the methodology for measuring the yield of underground nuclear tests, and provide a chronology of SCC operations and a list of US-Soviet agreements reached through that body.

SECTION VI.—CONCLUSION: COMPLIANCE AND THE FUTURE OF ARMS CONTROL

The United States and the Soviet Union today stand at a crossroads. Down one path lie measures to strengthen existing arms control agreements and to use them as the basis for future restraints on weapons and behavior which will improve national and international security. The other path leads toward dismantling the arms control limits which have been achieved over the past 30 years. The patterns of behavior exhibited by the US and Soviet Union today lead down the road towards dismantling arms control.

While the fundamental interest of the two sides in arms control agreements have not changed, changes in the political environment since 1979 have led the US and the USSR to become embroiled in a wide-ranging controversy over compliance with agreements. By exaggerating compliance problems and failing to resolve compliance disputes, the two nations have generated a perceived crisis of compliance with arms control agreements. This perceived crisis has undermined confidence in arms control as a method of improving security. Now, as a result, compliance with existing arms control agreements faces a real crisis of major proportions. Beyond its effect on existing accords, movement away from treaty compliance by the US, and potentially by the USSR in response, sharply decreases the possibility for any new arms control agreements in the future.

This concluding section will provide a summary description of the present compliance situation and explore the reasons for the impending compliance crisis.

Overall Pattern of Compliance

As a result of its review, the Working Group has reached conclusions about the current arms control compliance situation in three areas: the overall compliance picture, the process of resolving compliance disputes, and the political context within which arms control agreements operate.

The image that either Soviet or American arms control compliance has been weak in the past is false. A net assessment of the strengths and weaknesses of arms control agreements points strongly to a US and Soviet record of compliance, not non-compliance, with their terms. Today, the majority of arms control agreements remain free from any significant compliance concerns.

Central Provisions Upheld

Even where compliance has been questioned, the most central provisions of arms control agreements have been upheld. In the case of SALT II, for example, the important numerical ceilings and subceilings on offensive nuclear forces were respected until the US withdrawal from the Treaty in November 1986, preserving the essential stability of the nuclear balance.

Arms control agreements have provided a strong net benefit for US security. Their provisions have rendered the nature of Soviet nuclear forces more predictable, decreased the danger of conflict possibly leading to a nuclear war, and decreased the negative environmental consequences of nuclear weapons testing.

Not only has the US-Soviet pattern until recently been one of compliance with arms control agreements, but when one party to an agreement has been challenged by the other with regard to compliance, until the early 1980s the pattern was one of accommodation to resolve disagreements about compliance. In some cases this adjustment involved changes in the behavior of the US and the USSR. In other instances, the parties cooperated to clarify the activities in question in a way which put compliance concerns to rest.

In the early 1980s, the process of accommodation broke down. Although the targets of allegations of noncompliance are programs begun during the 1970s, most of the signs of dissatisfaction about compliance from 1980 forward were an expression of general frustration about the state of US-Soviet relations and the arms control process. There has been no overall change in the level of compliance by either country.

Lack of Net Assessment

In annual non-compliance reports produced by the Reagan Administration since 1983, there has been an over-emphasis on Soviet violations of agreements and no reference to potential US violations. The US approach has lacked a net assessment which must be the basis for any reasoned analysis of arms control compliance. The impression created by this US concentration on alleged Soviet violations—that the USSR is in widespread violation today of arms control agreements—is simply not accurate. Soviet compliance performance does not justify the November 1986 US decision to terminate its no-undercut pledge to the SALT II agreement and to withdraw from the 1972 Interim Agreement on Offensive Weapons, nor prospective US withdrawal from any other arms control treaties.

Nor do most of the Soviet charges of US non-compliance stand up to scrutiny. The overwhelming majority of US and Soviet charges of non-compliance relate to gray areas of ambiguous treaty provisions or ambiguous behavior. Such questions will predictably arise, due to the ongoing need to interpret treaty provisions in light of developments in technology and behavior. With a single exception, the US and Soviet charges do not establish the existence of clear, current arms control violations.

With the exception of the Abalakovo radar, all US and Soviet behavior that has been the subject of noncompliance charges involves either gray areas of ambiguity, or activities which are questionable but not clear violations. The Working Group's findings regarding gray area issues and questionable compliance are summarized below.

Most Charges Gray Area Issues

Six categories of compliance issues are evident in this gray area. These are:

(1) issues which have been previously resolved through the Standing Consultative Commission,

(2) questions which are no longer relevant due to unilateral changes in behavior of one party,

(3) allegations which are based on questionable evidence or uncertain methodologies for determining violations,

(4) questions which relate to the early planning for a questionable system,

(5) charges which are vague or do not relate to the actual provisions of an agreement, but are made for tit-for-tat reasons, and

(6) issues of treaty interpretation or implementation about which common understandings or agreed statements could be reached through the SCC if the process of dispute resolution were functioning effectively.

(1) Issues Previously Resolved

Soviet charges regarding the Shemya radar and Minuteman shelters have been adequately resolved previously in the SCC. US concerns related to Soviet concurrent testing of SAMs and ABM radar have been adequately dealt with, through a 1985 common understanding achieved in the SCC, unless new concerns about Soviet behavior come to light in the future.

(2) Issues No Longer Relevant

US charges related to Soviet violation of the SALT II SNDV limits, the SS-16 ICBM, the possibly excesssive Backfire production rate, and the Helsinki Final Act military exercise notification requirements have been made irrelevant by unilateral Soviet corrective action. Until August 1985, the USSR repeatedly unintentionally violated the LTBT through emissions of small amounts of radioactivity from underground nuclear tests which crossed Soviet borders into other countries. This was apparently an inadvertant violation, similar to US venting or seepage prior to the 1980s, and has not occurred since the USSR stopped testing in August 1985. Such emissions would expose neighboring countries and Soviet citizens to radioactive emissions. It would be considered a violation if venting which caused detectable radioactivity to cross Soviet borders occurred once the USSR resumes underground testing.

(3) Charges Based on Questionable Evidence

US allegations involving the Backfire range and the 150-kiloton limit of the Threshold Test Ban Treaty are unsupportable, based on the best technical evidence available, and in the latter case, taking into account methodological limitations in measuring the yield of underground nuclear tests. A Soviet charge related to MIRVed ABM interceptors is irrelevant—no such interceptors have been tested by the US. Allegations of Soviet violation of the Geneva Protocol and the Biological Weapons Convention are shrouded in uncertainty of evidence. In 1986 the USSR improved its performance in cooperating with the consultation requirements of the BWC—a record which had been poor up until that time.

(4) Charges Regarding Future Systems

Soviet complaints about the Midgetman ICBM are not relevent, since the system is only in its early planning stages. US complaints about Soviet movement towards an ABM territorial defense are based on an exaggeration of the capabilities of individual potential ABM system components, and a disregard for basic limitations in the Soviet infrastructure which would be needed to field such a system.

(5) Imprecise Allegations

The Soviet Union has charged that the US violated the SALT II Protocol, the Non-Proliferation Treaty, and confidentiality of SCC proceedings, and has circumvented SALT II through the Pershing II deployment. Some of these charges are vague, and others fail to relate to precise obligations assumed by the US in arms control agreements. They have been made largely for tit-for-tat reasons.

Issues for the SCC

A much smaller set of the gray area compliance issues are appropriate for discussion in the SCC, with the objective of seeking common interpretations of existing ambiguities about treaty language or behavior. These are the mobility of ABM components, rapid reload of ABM launchers, AMB capabilities of SAMs, verifying missile-launcher association, and procedures for dealing with remaining facilities at sites for dismantled missiles. In addition, improved cooperative verification procedures would increase confidence in compliance in several areas where US or Soviet behavior has unilaterally improved, such as apparent Soviet removal of SS-16 components from the Plesetsk test site. These are relatively minor, technical issues, which could be resolved in the SCC with the proper will and spirit by both sides.

Three Areas of Questionable Compliance

While overall compliance has been good, in a few areas US and Soviet programs are a cause for concern. Both countries since 1980 have begun to stretch treaty provisions in a manner which, if it were to continue, could prove extremely destructive for arms control agreements. In each of the cases of questionable compliance, there is disagreement between the two sides as to how to interpret treaty obligations. These disputes could be resolved, and measures could be taken to close treaty loopholes which have allowed questionable interpretations to arise. Again, such an approach would require sufficient will on both sides to resolve the disputes.

In the case of the Soviet SS-25 ICBM, the two countries disagree about which components of an ICBM must be included in a measurement of the throw-weight of the missile for purposes of determining compliance with the SALT II one-new-type rule. The dispute over Soviet encryption of missile flight-test telemetry involves interpretation of the SALT II provision which prohibits impeding of verification through encryption. In both cases, while not in unambiguous violation of SALT II, the USSR has adopted an excessively permissive interpretation of its treaty obligations.

US modernization of its LPARs at Thule, Greenland and Flylingdales Moor, U.K. increases their size above the 3 million WM power-aperture product threshold which the ABM Treaty established as the point at which early-warning LPARs would have ABM potential and therefore were restricted to the "periphery of the national territory and oriented outward." The ABM Treaty prohibited deployment of such radars for early warning "in the future" unless they are so located and oriented. It thereby implied that early warning radars existing at the time the Treaty went into effect could remain. But it did not explicitly provide permission to modernize such radars from ones not having ABM potential to ones having ABM potential. While modernization of existing early warning radars was not covered by the ABM Treaty as such, the US program raises a question as to the distinction between modernization and the creation of a new facility of possible ABM utility.

Using LPARs, which were restricted by the Treaty, the US PAVE PAWs program is creating a network of radars which will provide substantial coverage of US national territory and population, raising a question as to whether they are "oriented outward." In the cases of Thule, Fylingdales, and the two PAVE PAWS radars in Georgia and Texas, the US is adopting an excessively permissive interpretation of its treaty obligations.

None of these activities, by itself, has major national security implications for either side. The SS-25 may offer the Soviets somewhat greater throw-weight than permitted, but as long as the fractionation limits of SALT II were in force the missile was still limited to one warhead. Lacking the fractionation limits of SALT II, the SS-25 raises a somewhat more important concern.

Soviet encryption probably has the most significant consequences for US security of any Soviet practice discussed in this report. It is possible that the US can verify Soviet SALT II compliance using data from unencrypted telemetry and other sources, but at lower precision and confidence, and with greater difficulty than if the US had access to Soviet telemetry. Due to the high level of Soviet encryption, the US may have less confidence in its ability to verify Soviet compliance with those provisions—such as the SALT II limit of 5% on changes made to existing types of ICBMs—which demand precision in verification.

From the standpoint of Soviet security, the Fylingdales and PAVE PAWS radars, in particular, could theoretically play a role in an ABM defense, respectively, of Europe or the US; or in the case of Fylingdales, in an anti-tactical ballistic missile (ATBM) defense of Europe. But each of the radars is a highly vulnerable target making it unsuited for ABM purposes, and is as yet not part of a network of components which could give it certain ABM potential.

The permissibility or impermissibility of each of these questionable activities could be substantially clarified through the SCC if a discussion were oriented in a problem-solving manner towards strengthening the terms of the treaties in question. Each involves treaty provisions which were imprecise when they were concluded, and are today in need of new interpretation and application in light of developments in strategic technology.

SDI: Compliance Concerns

Through statements about early deployment of a strategic defense and advancing a permissive reinterpretation of ABM Treaty restrictions on strategic defense, the United States today risks undercutting the very basis on which the ABM Treaty rests. The SDI program as submitted to Congress in 1986 was compliant with the traditional interpretation of the ABM Treaty for the next three years. But in pursuit of SDI, some officials of the Reagan Administration are adopting a highly permissive stance toward a treaty in force of unlimited duration.

Of particular concern are statements by Secretary of Defense Caspar Weinberger and Attorney General Edwin Meese, among other officials, of US intention to deploy an ABM system in the near future, in a configuration which would almost necessarily violate the Treaty; the administrations reinterpretation of the ABM Treaty to permit development and testing of non-land-based strategic defense technologies, on the basis of highly questionable legal analysis; its use of inappropriate, legalistic distinctions in planning tests of components of such exotic systems; and its pursuit of certain specific experiments which could in the future violate the ABM Treaty.

These statements and prospective activities are of concern primarily because they could serve as a basis for Soviet breakout from the ABM Treaty, based on the Soviet right to take steps to offset increased threats to their national security. Such a breakdown in the ABM Treaty is not in the long-term interest of the United States.

The SCC could productively examine future tests planned for the SDI program in light of ABM Treaty obligations. The SCC could also review the negotiating history and provide a forum for both countries to express their views about ABM Treaty obligations which are at issue in the debate over the "restrictive" versus "permissive" interpretations of the Treaty.

Abalakovo in Only Violation

Among the forty charges of non-compliance levelled by both countries, only one instance—the Soviet large phased-array radar at Abalakovo—is a clearcut, current violation of an agreement. In rationalizing this violation, the USSR has sought to exploit a loophole in the ABM Treaty permitting LPARs other than on the periphery of the national territory and oriented outward, for space-tracking or verification.

The US is unable to establish by national technical means of verification that Abalakovo is a radar for space tracking or verification. The US can reasonably conclude that the radar's purpose is early warning, because it fills a gap in Soviet early warning coverage and because it is the same in design as the other Pechora-class radars around the periphery of the USSR, which are indisputably for early warning. The radar's early warning capability must be considered to violate the ABM Treaty provision which require LPARs other than those for space tracking or verification to be on the periphery of the national territory and oriented outward. The Abalakovo radar is neither on the periphery of the USSR, nor oriented outward.

Lacking other components of a nationwide ABM system, the military significance of this radar is small, just as new US LPARs by themselves have little strategic significance. And the case against the radar is weakened by the lack of definition in the ABM Treaty about the characteristics which distinguish radars for space tracking or verification from those for early warning. Yet the US must still regard the Soviet violation of the ABM Treaty seriously. The US must discourage non-compliance with arms control agreements even when such non-compliance is only technical in nature and has little strategic significance.

Soviet Behavior Interactive with US

Contrary to assertions by the US Department of Defense, there is no evidence that the USSR has a "policy' of violating arms control agreements. The enduring pattern of Soviet compliance behavior is one of sensitivity to the external environment of US policy, US-Soviet relations, and the health of the arms control process.

The USSR typically designs weapons systems for maximum effect short of violating agreements, often drawing a fine line between compliance and non-compliance. In some cases, political intervention in the military procurement system is required to ensure that a Soviet weapon system does not violate the terms of an arms control agreement. This domestic structure has led to Soviet behavior which has pushed the limits of treaty obligations.

Even so, US behavior and the atmosphere in US-Soviet relations affects to some degree whether or not the Soviet system produces outcomes which are questionable in light of treaty compliance. Intervention in procurement by the Soviet political leadership is much less likely to occur if US-Soviet relations are tense, if the Soviet perception of the US strategic threat is heightened, and if the arms control process remains stalemated. Soviet perceptions in the late 1970s and early 1980s—that US interest in future arms control agreements and commitment to compliance with existing accords had declined—may have contributed to the political leadership's lack of interest in imposing a conservative view of treaty obligations upon the Soviet procurement system. The lack of such intervention likely shaped Soviet decisions on the Abalakovo radar, the level of Soviet encryption, and the configuration of the SS-25 missile.

From 1981 through 1983, Soviet behavior was characterized by a decreased willingness to work with the US to resolve compliance disputes, a decreased willingness to alter Soviet behavior in response to US compliance concerns, a decline in the amount of information about Soviet weapons programs the USSR was willing to share to support arms agreements and to resolve compliance disputes, and a tendency to resort under pressure to partial truths about Soviet behavior, particularly in the case of Abalakovo.

Beginning in 1984, the Soviet attitude toward compliance altered somewhat, and since the advent of the Gorbachev leadership in March 1985, changes in the Soviet position have been notable. Steps have been taken by the Soviet leadership which could strengthen the internal constituency for compliance in the USSR, proposals have been made in the SCC to resolve both the encryption and the Abalakovo disputes, unilateral measures were taken to improve Soviet compliance in several respects, and a new Soviet approach to verification has emerged, stressing more cooperative measures. In particular, the USSR may have taken measures in 1986 to respond to the Reagan Administration's proposition that if Soviet behavior improved in unspecified ways, the US might reconsider its decision to abandon the SALT II limits at the end of the year.

Compliance as Political Issue in US

It is hard to escape the conclusion that Soviet compliance with arms control agreements became a political issue in the United States, used and abused by various political factions in a manner which has intensified rather than contributed to a productive resolution of the compliance disputes. This phenomenon dates back at least to 1979, during the debate over ratification of the SALT II Treaty, when political factions opposed to SALT II adopted the tactic of raising exaggerated concerns about the Soviet compliance record. Lacking any detailed evaluation of Soviet behavior, preparatory to the 1980 election campaign the Republican Party adopted the position that the USSR had not complied with its arms control commitments. The 1980 Republican Platform Statement asserted Soviet non-compliance, and charged that the Carter Administration had downplayed Soviet cheating.

The politicization of compliance intensified in 1982, when the General Advisory Committee on Arms Control and Disarmament was diverted by the Reagan Administration from its historic role as a high-level group of statesmen and scientists devoted to providing advice on measures to strengthen the arms control process, to instead conduct a search for Soviet arms control violations. The 1983 GAC report substantially decreased the credibility of that body and inflamed public opinion by creating an impression of Soviet cheating which was not borne out by the analysis in the report. The GAC Report simply applied new and inappropriate standards to old issues, many of which did not even relate to Soviet commitments undertaken in arms control agreements.

In part through Congressional pressure, the process of reporting on alleged Soviet arms control violations has been institutionalized in the US in a highly destructive manner. Through PL 99-145, passed by Congress in the summer of 1985, the White House is required to report to the Congress on Soviet non-compliance annually by December 1, as part of the Defense procurement process. But the charge to the White House does not include a net assessment of Soviet compliance versus Soviet non-compliance, nor does it include any examination of US compliance or non-compliance. The focus on Soviet violations, all but one of them identified by this report as inaccurate, ambiguous, or no longer relevant, has served to illegitimately and inappropriately keep the image of widespread Soviet arms control violations before the public eye.

In addition, the three White House reports which have been produced to satisfy Congressional requirements have inconsistently applied standards to Soviet behavior from one year to the next. In 1985 Soviet activities were classified by the White House Report according to the certainty with which the Administration believed a violation to have occurred. In February, 1986 the criterion was according to the legal status of agreements.

The trend in the three US White House reports has been to move from a lesser to a greater number of charges over time: seven in 1984, 13 in 1985, and 18 in 1986. In fact, upon a closer reading of the reports, the number of charges of actual legal violations of agreements has declined over time. Only four of the 18 charges in February, 1986 were said to be violations of legal commitments. Yet the total number of cases highlighted in the reports continued to increase, creating a perception that the number of Soviet "violations" has already climbed.

Charges of Soviet non-compliance were also used to rationalize particular US weapons programs, and eventually to justify US abandonment of the SALT I Interim Agreement and the SALT II Treaty in 1986. In the White House Reports, the emphasis on Soviet violations tended to shift from year-to-year in relation to priorities in Reagan Administration strategic weapons programs. The 1985 report highlighted Soviet SALT II violations, as the US contemplated withdrawal from that agreement in order to permit deployment of further MIRVed strategic systems. The 1986 report emphasized alleged Soviet movement towards a territorial ABM defense, as the US pursued the SDI program.

The Reagan Administration cited Soviet violations of SALT II as the rationale for US abandonment of that agreement, even though US withdrawal from SALT II involved exceeding the MIRVed launcher ceilings, an action unrelated to the US charges of Soviet non-compliance with the new-types provision and the prohibition on denial of telemetry. In light of the overall compliance record, the drawing of these connections between alleged Soviet violations and US withdrawal from agreements appeared to be a rationalization for US strategic modernization programs.

The US took insufficient notice of Soviet proposals after 1984 for means to resolve compliance disputes in the SCC, particularly with regard to Abalakovo and encryption. The USSR embarked on an apparent effort to improve its compliance behavior and seek to resolve compliance disputes pursuant to the May 1986 announcement by President Reagan that he would take such Soviet actions into account in his decision regarding US SALT II abrogation. The Soviet effort went unnoticed by the US.

Within the US government, factions in the Defense Department and ACDA have undercut the ability of the US SCC Commissioner, General Richard Ellis, to pursue resolution of compliance disputes with the Soviet Union. Attacks upon the effectiveness of the SCC, particularly one from the Defense Department in November 1985 which was leaked to the press, have served to further weaken that body. In an environment in which the US Secretary of Defense is quoted by the press as referring to the SCC as an "Orwellian memory hole down which US concerns have been dumped like yesterday's trash," the SCC cannot function successfully.

Through this politicization of the compliance issue in the US, the Reagan Administration has behaved as if it desired to withdraw from all existing strategic arms control agreements with the Soviet Union. The US has acted in a fashion which undercuts the essential process of resolving disagreements which arise with regard to treaty compliance, rather than seeking to make the process work. As a result, the arms control process has lost its give-and-take. If this situation continues, there is very little hope for the arms control process in the future.

Dispute Resolution Has Broken Down

The reason that so many "gray-area" issues and areas of "questionable" compliance persist today between the US and the USSR is not that compliance has always been poor or that it has degraded substantially in recent years. This situation has been caused by the breakdown of the mechanisms for resolving compliance disputes since the beginning of the 1980s. A US-Soviet approach to resolving compliance disputes emphasizing problem-solving through the Standing Consultative Commission worked effectively until the late 1970s, satisfying both countries that ambiguities in treaty provisions and questionable behavior were being handled in a way which served equitable, mutual benefits.

At the beginning of the 1980s, the process of dispute resolution broke down. The SCC was unable to function successfully in a climate of tense US-Soviet relations, Soviet intransigence, US public accusations of Soviet non-compliance, and a stalemate in progress towards new arms control agreements. The movement in US policy from problem-solving through the SCC to public confrontation greatly decreased the effectiveness of the SCC.

US public diplomacy may have succeeded in producing some small improvements in Soviet compliance behavior, but it has been counterproductive in its effect on the major compliance issues. During the 1970s, the SCC reasonably effectively dealt with such compliance issues as the Soviet III-X launch control facilities, the US Minuteman Shelters, and the Soviet SA-5 radar. But in the 1980s, none of the major compliance issues—encryption, PAVE PAWS, Thule-Fylingdales, the SS-25, SDI, or the Abalakovo radar have been seriously, let alone successfully, addressed through the SCCs. Only two rather minor common understandings have been reached, both simply completing work begun during the Carter Administration.

In the 1980s, the SCC was forced to deal with tougher compliance issues than before, in a tense political climate, and lacking unified support from the US Administration. As a result, the SCC was rendered ineffective as a US-Soviet mechanism for resolving disputes.

Rather than a crisis in arms control compliance, the driving force behind the compliance disputes of the 1980s has been a crisis of confidence in the underlying basis of the US-Soviet mutual security relationship, and thus in the practical manifestations of this relationship—arms control agreements.

The Soviet Union and the United States are both in some measure responsible for the crisis in confidence. The cause lie partly in the political forces at work in each country and partly in deeper trends in their security relationship.

Political Forces

The Soviet tendency to stretch the terms of control agreements to accomodate Soviet military programs contributed to US frustration with the arms control process at the end of the 1970s. The USSR has had an insufficiently strong internal consitituency to argue for restrictive interpretations of Soviet arms control obligations. This has made the USSR a difficult partner for the US, which has a relatively strong compliance constituency, in performing on arms control commitments.

The USSR has been insufficiently open with the US since 1981, both in the SCC and through other diplomatic channels, about providing information to support its positions regarding compliance. Statements about the throwweight of the SS-13, for instance, have not been backed up by any data provided to the US. The USSR was initially overly reticent to discuss US compliance concerns in the SCC, contributing to the stalemate in that body. And the Soviets exhibited a lack of precision in their tit-for-tat charges of US non-compliance in response to the US allegations.

On the US side, a temporary but sharp public rejection of the logic of mutual security and arms control with the advent of the Reagan Administration in 1981 caused the USSR to suspect both US commitment to past agreements and to further progress in arms control. After a year-long hiatus in 1981-82 during which the Reagan Administration referred to past agreements such as SALT II as "fatally flawed" and brought ongoing arms control negotiations to a halt, the Administration eventually returned to the US policy over the previous two decades: to seek moderation of the US-Soviet nuclear competition through arms control. But the signals the US projected in 1981-82 about abandoment of the arms control process have had a persistent effect on US-Soviet relations and on the arms control process. Through its effect on Soviet perceptions and decisions, and on the process of resolving compliance disputes, this detour in US policy exerted an extremely negative influence on the compliance situation.

Deeper Causes

It would be a mistake to attribute the impending compliance crisis solely to the perturbations of politics and US-Soviet relations in a narrow sense. The compliance disputes between the US and the USSR are symptomatic of underlying dissastisfactions on both sides with the terms of existing arms control agreements.

The underlying reason for both the limited compliance problems which do exist and the trend towards US treaty abandonment is the mutual US-Soviet concern about insecurity, and the consequent public pursuit of strategic defense on the US side and of measures to increase the accuracy and lethality of landbased forces on both sides. Due to the high level of the threat each country perceives today, there is strong motivation to move ahead with strategic defense and new ICBM systems which are mobile and survivable, avenues of military development which have been restricted by past arms control treaties.

Strategic defense has been stringently limited by the ABM Treaty on the assumption that such a defense would never be reliable, and that it would intensify the competition in offensive forces if an attempt to deploy such a defense were undertaken. Ceilings have been established by treaty to freeze the number of offensive strategic missile launchers on both sides. Teraties have limited new ICBMS to chose off qualitative avenues of development in an effort to retain the survivability of existing land-based forces, and to encourage movement in nuclear forces to more survivable sea-based forces. The logic of the limitations contained in the ABM Treaty, SALT I and SALT II continues to have validity today. Yet it is precisely these provisions of those particular treaties which are now threatened by US and Soviet policies.

Strategic arms control agreements today face the most crucial test of their 14-year history. The test is whether the arms control constraints which have been devised can withstand the pressure from strong support on both sides for pursuing the very type of programs which have been limited. Today the military programs of both superpowers are strongly challenging treaty limits.

Soviet practice may have been to seek further developments in both offense and defense by subtly stretching the terms of agreements. US policy in recent years has sought overtly to dispense with limits on offensive and defensive forces. While the methods of pursuing these objectives are distinctive—matching the closed nature of Soviet society, on the one hand, and the more open nature of US society, on the other—the results for arms control are the same. It is unreasonable to expect arms control limits to endure when they are hard pressed by the desire for military developments which contravene both the underlying premise and the specific restrictions of agreements, unless there is a functioning arms control process to balance desires for new programs with arms control restrictions.

Yet no strategic arms control agreement has been successfully concluded and ratified by the US since 1972, a lapse of fourteen years. No strategic arms control agreement whatsoever has been successfully negotiated since 1979. This means that the provisions of existing agreements have become dangerously out-of-date in relation to new military technologies, and developments in the military sphere have not been integrated into arms limitations.

The ability of current arms agreements to endure is highly dependent upon the perception that arms control is an on-going process, and that current limitations will be followed by other restrictions which continue to equalize the military balance and forestall unilateral advantage. When this process breaks down, the incentives decline to comply with existing limits, and incentives increase to redress the perceived military threat by unilateral means.

The Impending Crisis

As a result of some Soviet stretching of treaty provisions, substantial US exaggeration of the problems with treaty compliance, and the inability of both sides to move towards a resolution of the outstanding compliance disputes, arms control now faces a crisis which is quite real, even if it is based upon false perceptions. The US has withdrawn from its commitment not to undercut the SALT II Treaty and from the interim Agreement on Offensive Weapons. The US step—which is clearly not justified by the actual record of Soviet compliance with the SALT agreements—removes all existing constraints upon offensive strategic nuclear weapons, with no replacement strategic arms control agreement yet in sight. The future of the ABM Treaty is also shakey, due to the Soviet violation of the agreement in the case of the Abalakovo radar, the US push towards more permissive interpretations of the Treaty provisions to accommodate its SDI program, and US oratory at odds with the fundamental objectives of the Treaty.

This situation with regard to existing arms control agreements raises serious doubts about the prospect for any new accords in the future. It is highly questionable whether the US and the USSR will be able to conclude any new arms control agreements along the more radical lines that have been under discussion, such as a 50% or greater cut in offensive nuclear forces, as long as they continue to emphasize violations and fail to move towards resolution of disputes related to the modest existing arms control agreements.

Through its withdrawal from SALT II and the Interim Agreement, the US for its part removed these agreements from the jurisdiction of the SCC, abandoning any attempt to resolve the outstanding compliance disputes regarding these two agreements through the SCC. Lacking a functioning process of dispute resolution, there is little prospect that, even if new agreements were reached, the two countries would be able to sustain them over time. The course of action on which the US and the USSR are embarked leads not towards any significant new agreements, but rather away from arms control as an approach to pursuing national security. There is a significant disjunction between the public perception that nuclear arms control negotiations are proceeding, and the reality that even the minimal limits of the past rest on increasingly shakey ground.

Need for a Compliance Strategy

Compliance with arms control agreements is arms control in practice, and it is critical for the arms control process. Yet the US government today lacks an effective approach to evaluating and strengthening compliance with arms control agreements. It is clear that whatever elements of a compliance strategy the US has been pursuing for the past six years have not worked. While the USSR has made some alterations in its programs to improve compliance since 1984, the USSR has not changed its behavior in the area of most concern regarding compliance—the SS-25, encryption, Abalakovo—in response to US pressure. The key mechanism for refining the meaning of treaty provisions and supporting compliance, the SCC, has become paralyzed.

The apparent US compliance strategy during the past six years has consisted of arriving at unilateral interpretations of the meaning of treaty provisions, publicly accusing the Soviets of exaggerated violations, demanding changes in Soviet behavior publicly and privately, then embarking on an arms control breakout policy of its own in pursuit of strategic modernization. All of these steps have been taken in an atmosphere of increased military competition, no progress towards new arms control agreements, and tense political relations. While this strategy may have served other political needs, including bureaucratic and individual strategies within the US government, it has abjectly failed in its only legitimate purpose: ensuring that the Soviets comply with arms accords and improve their behavior where they are treading on treaty limits.

The final section of this report will propose a new US strategy for strengthening arms control compliance, and for reinvigorating the process of resolving compliance disputes.

SECTION VI.—RECOMMENDATIONS: A US STRATEGY FOR ENSURING COMPLIANCE

Arms control is a process, and to function successfully it requires give-and-take between the United States and the Soviet Union. In addressing current compliance issues, the main objective should be to restore the process of give-and-take. Reinstating this process will require cooperation and support from both the US and the USSR.

To restore the process, the US should strengthen arms control compliance through actions in five areas: (1) Improvements should be made in the US process of evaluating and dealing with compliance issues. (2) The US should take more constructive steps to resolve the existing compliance disputes, which are a political barrier to new arms accords and which represent ongoing issues which will need to be dealth with in any new arms control agreements. (3) The US should take steps to improve the incentives for the USSR to comply with agreements, and to encourage the Soviet leadership to strengthen the internal constituency for compliance in the USSR. (4) By strengthening existing arms control limits and restoring the process of dispute resolution, the US can help to reestablish the basis for new agreements. (5) The experience with compliance during the past two decades should offer guidance in pursuing the type of provisions in new agreements which will strengthen compliance.

Improving the US Process for Dealing with Compliance

Viewing Soviet compliance behavior in isolation contributes to the exaggeration of compliance problems and impedes the process of resolving disputes. In the future, the US should base evaluations of Soviet compliance on the concept of *net assessment.* Future annual reports on compliance should include an assessment of Soviet compliance as well as non-compliance, *and* an assessment of US compliance and non-compliance.

To give impetus to the process of net assessment, the House Armed Services and Foreign Affairs Committees and the Senate Armed Services and Foreign Relations Committees should conduct hearings on the manner in which US assessments of Soviet non-compliance have been prepared since 1983, on the substance of the charges of non-compliance which have been made by the US, and on the state of the SCC and the process of resolving compliance disputes. These hearings should draw on testimony not only from the Administration, but from former arms control and intelligence officials and other experts who can offer an historical and technical perspective on the current overall state of compliance.

Through these hearings, the Congress can form an independent judgment about the reasons the arms control dispute-resolution process has broken down, and generate an overall picture of compliance with existing agreements. This judgment should then be used by the Congress to inform its actions regarding means to resolve existing compliance disputes, future US compliance with agreements, and approaches in future arms control negotiations which are suggested by the experience with compliance to date. On this basis, the Congress can make a net assessment about whether past arms control agreements have served the US national interest.

The controversy over Soviet compliance has distracted attention from measures which the US could implement to improve the functioning of arms control agreements. In particular, the General Advisory Committee on Arms Control and Disarmament should be returned from a membership largely of appointees selected to represent a particular ideological viewpoint to its traditional composition of distinguished senior statesmen and scientists who have worked in the arms control field. The GAC should resume its role of foreseeing challenges to existing agreements which arise from new developments in technology and policy, and discussing effective new approaches to arms control. Such a group of senior experts on arms control is sorely needed in this role today. To ensure continuity, some membership in the advisory body should carry over from one administration to the next.

The ability of the SCC to function well in seeking resolution of compliance disputes is key to the successful operation of arms control agreements. The US SCC Commissioner must be protected from conflicting attempts from within the US bureaucracy to influence the US position in the SCC. The SCC Commissioner is currently appointed by the President, but operates under instructions emerging from an inter-agency process which reports to the President. It has been recommended elsewhere that instead of receiving his instructions through an inter-agency process as is the case at present, the SCC Commissioner should report directly to the President, through the National Security Advisor in the White House.[1]

We find nothing wrong, in theory with the process as presently set up. But to work effectively, it requires substantive Presidential involvement to resolve disputes between various agencies. President Reagan has not played this role effectively, either directly or through coordination by his National Security Advisor. In the future, both the President and his National Security Advisor must be attentive to the importance of the SCC for resolving compliance disputes, and provide strong support for the SCC Commissioner's word through better coordination from the White House.

US national security officials should also refrain from making inflammatory public statements about the SCC. The US Secretary of Defense's reference to the SCC as an "Orwellian memory hole" in an official 1985 document is the type of statement which only undercuts the SCC's successful functioning, by demonstrating to the Soviet Union the lack of support for the dispute-resolution process in the United States government. Consideration should be given to creating a more prominent public role for the US SCC Commissioner, and to the SCC issuing an annual report summarizing progress made in the consulative body.

Finally, it is easy for a US Administration to play upon public suspicions in this country about Soviet cheating, through exaggerated accounts of Soviet arms control violations and neglect of the positive aspects of the Soviet compliance record. It is a more difficult task for a political leadership to give a genuine reading about the health of arms control agreements, conveying the complexities of interpretation and implementation that such agreements naturally involve. In dealing with compliance issues, US Administrations should be held responsible by the public, the press, and the Congress to convey the balance of US interests in making the arms control process work, rather than just highlighting allegations of Soviet noncompliance.

Resolving the Existing Disputes

The public must understand that, due to the lack of enforcement mechanisms in the international sphere, arms control treaties are not like criminal statutes. Resolving disputes, therefore, requires a continuing negotiation rather than simply an adjudication of guilt or innocence. What are claimed to be "right" and "wrong" interpretations of an agreement will be less persuasive than what is today in the interests of both parties. What was intended when a treaty was negotiated is likely to be less important than what the parties can agree on today. And when one or both sides refuse to participate in this ongoing negotiation, the process cannot work.

The point of suggesting measures to resolve existing compliance disputes is not to propose the exact set of steps which should be taken by each side. Such a balance of measures is better left to diplomats to achieve. The goal of US policy should be to reinstitute the give-and-take of the arms control process, to get the process of dispute resolution moving once again. Our recommendations are meant to be illustrative of possible steps the US and the USSR could take in that direction.

The major US concern in dealing with existing disputes should be to avoid actions which respond to Soviet activities by mimicking Soviet behavior, loosening the terms of agreements and contributing to trends towards noncompliance. The objective of US actions should be to convey the message that agreements are to be respected and upheld. The US should underline this message both through its own behavior and through its response to Soviet activities. The US approach, in general, if dispute resolution fails, should be to neutralize any real Soviet military or political advantage gained through noncompliance or questionable compliance. At the same time, the US should continue to adhere to arms control agreements, working to strengthen them in ways which will prevent such noncompliance or questionable compliance in the future.

Rather than abandoning SALT II—an action not warranted by any evidence about Soviet noncompliance with the agreement—the US should work to strengthen the provisions of the Treaty and to reduce ambiguities, while neutralizing through measures which do not violate the Treaty any Soviet military advantage which may have been gained through questionable compliance with the agreement. The Reagan Administration should preempt Congressional action to constrain the US to adherence to the SALT I and SALT II offensive arms limits by taking steps to reaffirm those agreements itself. If the Administration does not take such action and makes no constructive effort to resolve disputes related to these agreements, the Congress should proceed with budgetary constraints on US programs which will exceed the SALT limits.

Different methods of resolving the outstanding compliance issues should be pursued, according to the varying nature of the issues.

A. *Gray-Area Issues*

With regard to the "gray area" issues, the US should return to a problem-solving approach in the SCC, seeking dialogue and compromise by both sides and reaching new common understandings. Among the technical issues which should be reopened with the purpose of obtaining agreement in the SCC are:

1. Pursue an improved definition for "mobility" of ABM components.
2. Pursue agreed criteria on exercises which demonstrate reload capabilities for ABM launchers.
3. Pursue an improved definition of what constitues a flight trajectory "with characteristics of a strategic ballistic missile;" a definition to be revised over time as ballistic missile technology evolves.
4. Devise an agreed procedure for bomber conversion, dismantling, and destruction.
5. Devise a method for the Soviets to demonstrate deactivation of their SS-16 ICBMs.
6. Devise agreed procedures to verify missile-launcher association.
7. Devise improved rules governing the use of any "remaining" facilities at sites of dismantled missiles.
10. Define the area containing ICBM silos which must be visible to NTM and may not be covered by environmental shelters, using specific functional criteria.

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[1] Michael Krepon and Sidney Graybeal, "Making Better Use of the Standing Consultative Commission," *International Security*, Vol. 10, No. 2, Fall 1985, p. 193

11. Complete the data base updates required by SALT II.

Two agreements which involve gray area disputes—the Limited Test Ban Treaty (LTBT) and the Threshold Test Ban Treaty (TTBT)—do not presently fall under the jurisdiction of the SCC. The US should pursue a similar problem-solving strategy with regard to these disputes. If the USSR causes radioactivity to cross Soviet borders upon resumption of underground nuclear testing, this would be a violation of the LTBT. The US could offer technical assistance to the USSR in designing underground nuclear tests which will not vent radioactivity, although this is primarily a matter of more conservative engineering practice.

A longer-range measure should be pursued to deal with the dispute regarding adherence to the 150 kiloton yield limit of the TTBT. In early 1987, the President placed the TTBT and the Peaceful Nuclear Explosions Treaty (PNET), before the Senate for ratification, with the stipulation that these treaties be supported by on-site verification. Taking into account the statistical uncertainty in measuring underground test yields, there is no persuasive evidence that the Soviet Union is in violation of the TTBT. On-site verification is not necessary to monitor compliance with either accord, and the Congress should not make US-Soviet agreement on such a provision a prerequisite for ratification.

It is, however, possible to improve confidence in the verifiability of these two treaties through other measures:

(1) *Narrow the margin of uncertainty about compliance.* The TTBT Protocol provides for an exchange of data on the geology of the test sites and on two past tests for calibration purposes. To increase confidence in the accuracy of such data, a provision could be added to the TTBT Protocol requiring actual seismographic or other readouts to support the data provided.

Access to data from seismographic and other monitors at the test sites could contribute to confidence in the verifiability of the TTBT. The US could build on the framework established by the US Natural Resoues Defense Council and the Soviet Academy of Sciences, providing for on-site monitors at both test sites. The US would need to renegotiate the NRDC/Academy of Sciences agreement to require that the monitors operate during tests, a stipulation not contained in the current agreement, and to arrive at procedures for validating the data obtained. The data from these monitors could be used over time to create and maintain a data base on test yields.

2) *Encourage conservatism in design of tests.* The US and the USSR could negotiate a Common Understanding pursuant to bringing the TTBT into force that conservatism in design of test yields is desirable. A similar agreement on conservatism of design for containment would also be useful with regard to the LTBT. Such agreements could contribute to the effective functioning of both treaties.

3) *Strengthen dispute-resolution mechanisms.* A body paralleling the SCC should be created for resolving disputes related to agreements restricting nuclear tests. The PNET provides for the creation of a Joint Consultative Commission (JCC), to resolve disputes related to provisions of that treaty. TTBT ratification should be accompanied by ratification of the PNET and its Protocol, which would bring the JCC into being. The JCC should be extended to support the TTBT and the LTBT, as well as the PNET. Should the PNET not be ratified, the US should seek to negotiate an agreement with the USSR to establish a new consultative body to handle disputes which arise related to existing nuclear testing agreements.

For now, the new consultative body would deal with questions involving the TTBT, the PNET, and the LTBT. If a data base on test yields were created through on-site monitoring, it could be maintained and updated through the JCC. The JCC could be a forum for each side to raise questions about discrepancies between its remotely measured yields and data from local monitors. It could also prove useful for resolving issues related to compliance with a Comprehensive Test Ban, were such an agreement to be negotiated in the future.

Such a body would improve confidence in the fuctioning of the TTBT and the LTBT. But it would also prove of immediate practical utility. Through this new body, the US should engage the USSR in the test data exchange required by the TTBT, and review past estimates of test yields in light of new data and methodologies. Such a step would build on the private and government progress which has been made recently to enhance verifiability of testing limits.

B. *Questionable Compliance*

The cases of questionable compliance should be dealt with in different ways, depending on the particular issue, the military significance of the behavior in question, and the feasibility of a technical solution. The general approach should be to neutralize any Soviet advantage gained, but not to mimic or overreact to Soviet behavior through treaty breakout or to publicly exaggerate either the certainly of violation or the importance of that potential transgression. Rather, the provisions of the agreement should be strengthened, and loopholes closed. To date, the US has not made constructive proposals for resolution of these disputes. Here are some elements of the approach the US should pursue in the SCC:

Encryption

An initial step should be taken by the USSR to return to the level off encryption which existed at the time the SALT II agreement was signed. Simultaneously, the US should pursue a compromise resolution of this issue through the SCC. The US should seek a compromise between Soviet requests for information on the parameters for which the US needs to receive data unencrypted, and the US demand for an unspecified increase in the amount of data transmitted unencrypted. The US should review again the sources and methods constraints on giving the Soviets the parameters (or the channels on which such data is transmitted) that the US requires to receive unencrypted to verify SALT II compliance, balancing the natural desire of the intelligence community to protect sources and methods against the need for data and the desire to reach a solution to this problem.

Given the ambiguity of the SALT II encryption provision, if the US wishes access to a greater amount of Soviet data unencrypted, it must be willing to specify some of the data it needs. The US should also explore other cooperative measures (e.g. limited down-range instrumentation) to compensate for the loss of data through encryption.

SS-25 ICBM

The primary way to neutralize any Soviet advantage accruing from the increased throwweight of the SS-25 is to keep in place the fractionation limits of SALT II. Through the SCC, the Soviet Union should also be urged to make available more data on the design and throwweight of the SS-13 ICBM, to support their contention that the SS-25 is a permitted modernization of this missile.

Through the SCC, the US should also pursue a common understanding which includes instrumentation as part of the throwweight of ICBMs, for purposes of the 5% change limit in the SALT II new types provision. In general, through the SCC the US should seek to add more qualitative date requirements to the SALT II Agreed Data Base, to better support the SALT II qualitative restrictions.

As part of an overall attempt to get the dispute-resolution process moving again, the US may wish to seek a strategic arms control agreement with the USSR which would limit the deployment of the SS-25 as well as the Midgetman SICBM, under the presumption that small, mobile ICBMs should only be deployed under appropriate ceilings and limited to single-warhead configuration. In light of Soviet geographical advantages in deploying mobile missiles and the verification problems created by the widespread proliferation of such systems, it is not to the benefit of the US to proceed with unilateral steps to deploy Midgetman.

Thule, Fylingdales, PAVE PAWS

Since the degree of permitted modernization of existing early warning radars is not specified by the ABM Treaty, agreement on such a definition should be pursued in the SCC. Such a definition should probably be based upon a definition of the level of modernization which unacceptably increased the ABM potential of such a radar. As an initial step, the Administration should make the ABM Treaty negotiating record accessible to the SCC and the appropriate Congressional Committees, in order to determine the thinking of the negotiators regarding limitations on modernization of existing early warning radars. Construction of the new US LPAR at Fylingdales should be delayed, pending a review of the program in light of a common US-Soviet understanding regarding the permitted level of modernization of such radars.

It is important to stop the creep of early warning LPARs away from a strict respect for the "on the periphery, oriented outward" restrictions of the ABM Tready. This is a problem with both Abalakovo and PAVE PAWS. To seek a longer-term solution to the problem of LPARs, through the SCC the US and the USSR should examine the language of Article VI, with the intent of reducing ambiguity about the definitions for "on the periphery, oriented outward." Through the SCC, the US should seek an agreement with the USSR requiring case-by-case review of compliance questions related to future LPARs for early warning, in light of the more precise definitions reached by the SCC.

The SCC should also explore technical means to designate the unsuitability of an LPAR for ABM "battle management," such as operating wavelength, lack of site defense, "softness," limits on infrastructure, etc.

Finally, through the SCC the US should seek a common understanding with the Soviets about the distinction between radars used for early warning versus those for space-tracking and verification. The USSR has used a loophole in the ABM Treaty which does not specify which identifies a radar as one for early warning or space-tracking/verification to justify the deployment of the LPAR at Abalakovo. The US should seek through the SCC to close this loophole.

C. *SDI*

Compliance with the ABM Treaty requires adherence to the traditional or "restrictive" interpretation of the ABM Treaty, which clearly prohibits testing and development of exotic technologies with the exception of those relating to systems operating at fixed sites with the tests carried out at designated locations. According to those, such as Senator Levin, who have examined the negotiating record, the reinterpretation of the ABM Treaty promulgated by Judge Sofaer is not supported by the negotiating history of the ABM Treaty.

Compliance with the ABM Treaty in its traditional interpretation leaves ample room for the conduct of vigorous ABM research and for a development and testing program in selected areas. We are gratified to note that the multi-year SDI program as submitted by the SDIO to the Congress in June 1986 proposed to conduct its research within that interpretation. Thus, the assertion is ill-founded that conduct of the SDI program within the strict interpretation of the ABM Treaty would "kill SDI."

Programs may be carried out in three categories, and still remain in compliance with the ABM Treaty:

Category 1.—*Conceptual design and laboratory testing.* Such tests do not involve field testing or significant release of energy directly into the atmosphere and presumably are not verifiable by NTM.

Category 2.—*Field testing of devices that are not ABM components or prototypes of ABM components.* Some tests in this category presumably can be detected by NTM. The permissibility of specific programs in this category is clearly subject to the details of interpretation of the meaning of "component."

Category 3.—*"Field testing" of fixed, land-based ABM components.* Field testing of such components is permitted, subject to certain treaty restraints. For instance, such testing must be certain treaty restraints. For instance, such testing must be carried out at agreed test ranges where the total number of test launchers is limited. Such testing may not involve multiple warhead interceptors, rapid reload, etc., as provided in the ABM Treaty.

The SDI activities now in the program can be placed into these categories, although some planned US activities strain compliance in those gray areas which remain, even under the strict interpretation of the Treaty. Among such gray areas are: the definition of components of an ABM system, questions concerning the boundaries of permitted modernization, and the boundary between research and development. Although the ambiguities within many of these gray areas can be reduced through reaching additional agreed interpretations in the SCC, there is no question that some areas of dispute on the margin will remain. We recommend that the SCC undertake a number of such clarifications under (A) above, and we also recommend consideration of additional limitations which would go beyond the strict interpretation of the Treaty.

The SCC could productively examine the validity of the "traditional" versus the new, "permissive" interpretation of ABM Treaty provisions, using the negotiating record and taking into account the mutual interests of both parties. In addition, the SCC could review from a compliance standpoint the planned US SDI tests which could present problems for the Treaty in the long-term future

Possibly the largest ABM Treaty loophole related to compliance has to do with activities in the ASAT and ATBM programs of the two countries which have clear ABM applications. We recommend that high priority be given to serious pursuit of separate treaties in both of those areas.

D. *Demonstrated Violation:* Abalakovo

As a clear violation of the ABM Treaty, the Abalakovo radar must be dealt with by the US firmly and in a unique fashion. This radar represents Soviet behavior which has no direct US counterpart. The US could legitimately demand termination of the construction of this radar, or its dismantlement. Short of dismantlement, the radar must be handled in a way which will give the US confidence that it will be restricted to an early warning role, and which will communicate the message that compliance with the terms of arms control agreements is expected. The following steps should be taken:

1) As part of a balanced resolution of existing compliance issues, the USSR should either dismantle the Abalakovo radar or open it to periodic and extensive on-site inspection to insure that it is configured for permitted space-tracking or verification functions.

2) If the USSR does not dismantle the radar or open it to periodic on-site inspection, the US should neutralize any Soviet advantage through exploiting vulnerability of the radar by use of nuclear precursor tactics, penetration aids or decoys. The US should also pursue a common understanding in the SCC whereby the USSR would accede to the US unilateral statement, expressed at the time of the ABM Treaty, that LPARs may not be defended.

3) General Secretary Gorbachev should be urged to come forward with a full explanation of why the Abalakovo radar was deployed in its present location and with its present orientation, and how the Soviet system permitted such a violation. He should offer recommendations for changes in the Soviet compliance decisionmaking structure to strengthen the procompliance constituency, and to assure the US that a violation such as Abalakovo will not occur again. Gorbachev's notable announcements regarding the Chernobyl accident provide encouraging precedent for such action.

Strengthen Existing Limits; Restore Dispute Resolution

A more general, but nonetheless important, area for US action lies in improving the environment in US-Soviet relations and in the arms control arena. Toning down the confrontational oratory on compliance issues and restoring the momentum in the arms control process is essential for the ability of the US and the USSR to re-invigorate the process of resolving compliance disputes.

To strengthen arms control, the US should resume adherence to SALT II and the Interim Agreement on Offensive Weapons. In particular, the verification-enhancing provisions of the agreements are important to preserve—the prohibition on deliberate concealment, the requirement for prior notification of test launches, and the agreed data base exchange and updates required by the agreements.

The fractionation limits, which, for instance, restrict the SS-25 to one warhead, are also extremely important. The SS-25 could be a much more significant security problem for the US without the fractionation limit than if the Soviets were required to comply with the SALT II limits.

Through the ABM Treaty Review in 1987, it is in the interest of the US to seek to strengthen and reinforce the limits of the ABM Treaty, and not to loosen those restrictions. Such a loosening of the ABM Treaty will permit Soviet activities which the US should seek to avoid. Pursuant to the Reagan Administration's concern about Soviet territorial defense, which is cited as a rationale for the US SDI program, the US should seek to restrict the Soviet programs through tightening the ABM Treaty. The Review Conference would be a convenient mechanism for doing so. In particular, further constraints on LPARs should be discussed at the ABM Treaty Review Conference.

The US and the USSR should seek agreement through the SCC to make public the Agreed Statements and Common Understandings of the SCC, so the public can evaluate the success of that forum for resolving disputes and so that integral parts of existing arms control agreements will not remain secret. The two countries should expand the role of the SCC to forsee potential compliance problems arising from new technology. More attention should be given to the neglected responsibilities in the SCC charter, which call upon the joint body to discuss new elements of arms control agreements made necessary as a result of the US-Soviet compliance experience.

Improve Incentives for Soviet Compliance

Together with clear signals about US response in the case of a Soviet violation, the most important steps the US could take to increase Soviet incentives to comply with arms control agreements involves the environment within which the compliance process is embedded. The US should refrain from making public accusations about alleged Soviet non-compliance until it is clear that a violation has occurred. This is necessary to support the ability of the SCC to resolve disputes.

The USSR did not become intransigent about resolving disputes until US public accusations about Soviet non-compliance were combined with an atmosphere in which the arms control process was stalemated. Progress towards future significant arms control agreements would improve the environment both for resolution of existing disputes, and for more conservative Soviet compliance in the future.

Guidance for New Agreements

Rather than arms control agreements having been flawed in the past, our assessment is that it is the more political process for upholding and reinforcing these accords that has been deficient. Nonetheless, lessons about desirable approaches in future agreements are suggested by the compliance experience.

In particular, the desire to conclude an agreement sometimes impels the US and the USSR to conclude partial qualitative limits on forces or behavior. But the experience with compliance suggests that such partial limits should be avoided when possible. While sometimes better than no provision at all, such limits—the encryption provision of SALT II is the most notable example—have proved suspectible, especially on the Soviet side, to subjective interpretation and stretching of the meaning of treaty language, and thus to instances of questionable compliance.

Ultimately, it would reduce uncertainties about compliance if the US and the USSR were able to negotiate complete bans on particular types of systems or areas of behavior. For example, the US should pursue a complete ban on encryption and encapsulation in any future strategic arms control agreement. The USSR might be willing to accept such a ban in the context of a major new agreement, given Soviet signals about a "new attitude" towards verification. Alternatively, a non-weapons-system oriented approach to arms control, such as a flight-testing ban, "level of effort" limitations, or other constraints on behavior rather than forces, might be pursued.

[From the Monterey (CA) Herald, Feb. 15, 1987]

CHARGES AGAINST SOVIETS CHALLENGED

(By Michael Woods)

CHICAGO.—New scientific techniques for monitoring underground nuclear tests challenge the widespread belief that the Soviet Union has violated test ban treaties, secretly forging ahead to develop advanced nuclear weapons, an authority on the detection of nuclear tests said Saturday.

Dr. Lynn R. Sykes said the techniques, which permit a more accurate estimation of the size of an underground nuclear explosion, provide strong evidence that the Soviets have adhered to test ban treaties with the United States.

Evidence also suggests that Soviet nuclear weapons technology has suffered as a result of its decision to halt underground nuclear tests, Sykes added. The Soviets claim that they have conducted no underground tests for about 18 months. But earlier this month they announced plans to resume such tests, because of continued underground testing by America.

Sykes participated in a symposium on scientific aspects of nuclear test bans at the 153rd national meeting of the American Association for the Advancement of Science, being held here. He is professor of geological sciences at the renowned Lamont-Doherty Geological Observatory at Columbia University, and is an adviser to the U.S. Department of Defense on techniques for estimating the size of Soviet nuclear tests.

Sykes also was a member of the U.S. delegation that negotiated the Threshold Test Ban Treaty with the U.S.S.R. in 1974.

The treaty limited underground nuclear tests to 150 kilotons, devices with the same explosive yield as 150,000 tons of TNT. The bomb dropped on Hiroshima in 1945, in contrast, had a yield of 12 kilotons. Reagan administration officials have charged the Soviets with violating the treaty.

"There appears to be no scientific basis for the claim that the U.S.S.R. has violated the treaty," Skyes said.

He reached that conclusion after recalculating the explosive yields of underground tests that the Soviets conducted in previous years. The calculations were made with new techniques that seismologists have developed over the last decade, but which have just been adopted by the federal government.

Seismologists monitor and study shock waves transmitted through the earth's crust by earthquakes and nuclear explosions. Such waves travel enormous distances, and can be detected with seismographs thousands of miles from the test site or epicenter of the earthquake.

The new techniques are complicated. But basically they take better account of the way in which seismic signals are altered by various rock formations.

Rock formations at the U.S. nuclear test site in Nevada attenuate or weaken seismic signals much more than those at the Soviet test sites at Semipalatinsk in eastern Kazakhstan and on the Arctic island of Novaya Zemlya. Thus, Soviet underground nuclear tests produce stronger seismic signals than American tests.

Yet U.S. defense authorities have ignored such differences, calculating the yield of Soviet tests with the same equations used for the Nevada test site. The result, Sy+es said, has been an overestimation of the size of Soviet underground tests, perhaps by as mush as 30 percent.(

His calculations show that several Soviet nuclear tests came very close to the 150-kiloton limit, but none apparently exceeded it.

"There is now near scientific unanimity on the methodology of estimating the sizes of yields of Soviet underground weapons tests," Sykes said.

Dr. George H. Miller agreed that the Soviets have nuclear warheads less technologically sophisticated that the United States. He heads the nuclear weapons program at Lawrence Livermore National Laboratory, a key facility for developing nuclear weapons.

But Miller cautioned that the Soviet Union does have an aggressive, well-funded nuclear weapons program. The Soviets, he noted, have strategic missiles capable of orbiting heavier warheads than U.S. missiles. So their heavy nuclear weapons, with low explosive power per unit of weight, may not be a serious handicap.

Likewise, Miller contended that some of the approximately 20 U.S. underground nuclear tests conducted each year are devoted to development of "safer" nuclear weapons. These are weapons with sophisticated security systems and designs that minimize radiation exposure to military personnel handling warheads.

"Based on the Chernobyl experience, we could speculate that the Russians have a very different attitude toward the enhanced safety and security devices which contribute to the complexity of U.S. warheads," Miller stated.

He maintained that American concern about developing safe weapons that could not be used by terrorists, for example, is one reason why the United States conducts more underground tests than the Soviets.●

THE 600-SHIP NAVY

● Mr. WARNER. Mr. President, this morning the Senate Armed Services Committee heard testimony from Mr. Charles Bowsher, the Comptroller General of the United States. Mr. Bowsher is a longstanding professional colleague and personal friend of mine. For nearly 4 years, Mr. Bowsher served with distinction as Assistant Secretary of the Navy for Financial Management. Since I was the Secretary of the Navy during much of that same period, I am personally aware of Charles Bowsher's extraordinary knowledge of the defense budgeting process.

During his testimony today, Mr. Bowsher addressed a variety of defense budget and program issues, including the affordability of Navy programs. By 1989, Mr. Bowsher said, the Navy will have 600 ships in the fleet, including 14 deployable aircraft carriers. But Mr. Bowsher went on to point out that even though the Navy will have a total of 600 ships, some shortages will still exist in certain types of ships—for example, surface combatants, amphibious ships, and support ships.

During the subsequent colloquoy among our committee members, it appeared that Mr. Bowsher's remarks concerning the qualitative mix of ships in the 600-ship Navy might be interpreted as at variance with prior testimony from Secretary of the Navy John Lehman or other senior Navy witnesses. That is not the case and I would like to eliminate any misunderstanding in that regard.

For several years now, the Navy has been both explicit and consistent regarding the mix of ships which constitute their force structure objective. In 1985, before the House Armed Services Committee, Secretary Lehman made this point quite clearly when he said:

> This maritime strategy has produced for us a force structure objective of 600 ships and, as you can see, this is the same list that I showed you 4½ years ago. We have not changed our force structure objectives at all. The 15 carrier battle groups, the 4 battleship surface action groups, 100 attack subs, the ballistic missile submarines, the lift assets for one complete Marine Amphibious Force plus an independently deployable Marine Amphibious Brigade assault echelon, 100 to 110 frigates, 31 mine countermeasures ships and the full array of support ships to match them.

The 600-ship fleet we achieve in 1989 will be a balanced fleet, but not a perfect fleet. Ships are long lived. Indeed we have carriers at sea today approaching 50 years of age. Consequently, fleets change slowly. Further, fiscal constraints limit the speed with which we can restructure the fleet.

What is required then is an ongoing commitment to sustaining and improving our fleet over time. This means building roughly 20 new ships a year. The actual number, of course, could be higher or lower in a given year, depending on block obsolescence of various ships, and economies of scale expected in construction programs.

The 600-ship fleet we achieved in 1989 will be as capable a force as possible, within budget constraints and the need to retire aging ships in an orderly fashion as new ships joined the fleet. But 600 ships are not an end in themselves and defense and Navy leaders have frequently reminded us that we must continue to improve the quality of the fleet as well.

To sum it up, I think Mr. Bowsher's testimony regarding the timetable for achieving both the number and mix of modern ships required is consistent with the Navy's own goals and shipbuilding plans. Mr. Bowsher's observations regarding a much broader range of defense issues were very helpful as well, and I ask that his written testimony be printed in the RECORD for the benefit of my colleagues.

The statement of Charles Bowsher follows:

DEFENSE BUDGET AND PROGRAM ISSUES: FISCAL YEARS 1988-89

Mr. Chairman, I appreciate the opportunity to discuss the allocation of resources devoted to implementing our defense strategy.

By any measure, the growth in the defense budget, begun in the final years of the Carter Administration and accelerated by the Reagan Administration, has been of historical peacetime proportions. Since 1980, through fiscal year 1986, the Nation has invested on the order of $1.6 trillion in defense, and by the close of this decade the amount invested will approach $2.5 trillion.

The question many are asking is whether the American people are receiving full value in increased security for the money they are investing. Has the gap between our declared military strategy and the resources to support that strategy narrowed? Or, are the critics, who point to revelations of procurement abuses and Pentagon mismanagement, more correct when they state that we have experienced a defense spend-up rather than a defense build-up.

It is not possible to precisely tally up the extent to which the Nation is more secure due to the money spent. It is clear to me, however, that our Nation's military forces are stronger, more capable, and more ready today than at the beginning of this decade. No where is this more evident than in the dramatically improved quality of people in the Armed Forces. At the beginning of the decade, for example, less than 65 percent of Army recruits were high school graduates. Today, that number for the Army exceeds 90 percent, and the other services are doing as well or better. High school graduation is but one indicator of personnel quality. Other indicators of quality, such as aptitude test scores are also up significantly over what they were in the late 1970s and early 1980s.

Despite the improvements that have been made in our military capabilities over the past six years, serious gaps will continue to exist between military strategy, capabilities, and resources. For example, our military strategy since early 1980 has called for a very rapid response to a Soviet threat in the Persian Gulf region. The fact remains, however, we do not have all of the forces that the military believes are needed to respond to such a threat—strategic airlift, fast sealift, prepositioned material and equipment, and dedicated forces. Even with the recently ordered C-5B aircraft, which are now entering the fleet, and the new C-17 aircraft, which have not yet begun to come off the production line, the military will still fall short of its strategic airlift requirement. Force mobilization and deployment from the U.S. for a major NATO war also remains a serious concern, as does our Nation's ability to execute our nuclear strategy due to questions concerning the reliability and survivability of our command, control, communication, and intelligence (C^3I) gathering systems.

Of equal concern is whether our stores of ammunition, spare parts, and other material needed to fight over a prolonged period are adequate. Budget allocations to improve sustainability have increased in absolute terms during the first half of the 1980s, although not at the same relative rate as have other components of the budget. Despite these increases, the chiefs of the warfighting commands continue to warn that because they are short of critical spare parts and ammunition, our forces would be hard pressed to fight intense combat for a prolonged period.

These gaps between strategy and resources must be viewed in the context of a series of questions and problems concerning the overall balance within the defense budget and the affordability and supportability of systems currently in the inventory and those coming on line. This then must be judged within the larger context which this Committee has been examining of whether our military strategy is correct.

CAN WE SUPPORT WHAT WE HAVE AND WHAT IS COMING ON LINE?

It seems clear that we are following the historical defense funding cycle, and are now moving from a period of relatively rapid defense budget growth to a period of more restrained budgets. This is evident in the reductions the Congress made to the President's budget requests for fiscal years 1986 and 1987, and is further evident when one looks at the President's request for fiscal year 1988 and finds that it is some $30 billion less than the Administration projected just one year ago for 1988. While DOD will be unable to procure everything it wants, the major capital assets it has bought—ships, aircraft, missiles, and tanks—are very costly to maintain and will place a heavy burden on the defense budget as we enter the years of slower or no growth in the defense budget.

The questions of whether we can support the capital assets we have acquired, and whether adequate funds will be available to maintain readiness and improve sustainability will be paramount as we proceed into the last half of the 1980s and look forward to the 1990s. While money for readiness and sustainability clearly increased in absolute terms over the first half of this decade, the defense buildup was front loaded in favor of major weapons systems and force structure expansion. In the future we will be faced with such budgetary demands as: operating and supporting a 600 ship Navy, that according to Navy projections will require some real budgetary growth over the next decade; maintaining and operating a fleet of B-1B bombers while at the same time developing and acquiring a Stealth bomber; continuing to modernize the Army, though at a slower pace then desired, which the Army believes will require about 3 percent real growth in its budget; and continuing the development of the Strategic Defense Initiative (SDI), the Small Intercontinental Ballistic Missile (the Midgetman), the Trident II (D-5) missile, and the deployment of MX.

Historically, too many weapon systems have been started or proposed for the limited funding available, and often the cost estimates for the systems have been overly optimistic. This combination—too many programs and optimistic cost-estimating—has produced the much discussed "bow wave" phenomena where future funding requirements out-strip funding availability.

Procurement stretchouts, rather than program cancellations or postponements, have been the time honored way of reducing current year budgets and changing the shape of the "bow-wave." Such a policy results in increased total program costs and unit prices. The unit cost of the M-1 tank, the F/A-18 aircraft, the Blackhawk helicopter, and several other weapon systems proposed for quantity reductions in the fiscal years 1988 and 1989 budget will increase due to the policy of procurement stretchout. Some believe that other areas of the defense budget, such as sustainability, have also suffered in order to meet he budgetary demands of the new and more modern weapon systems.

In 1981, DOD implemented its Acquisition Improvement Program, better known as the "Carlucci Initiatives." Of the 32 management initiatives undertaken, DOD focused special management attention on the initiatives involving (1) program stability, (2) multiyear procurement, (3) economic production rates, (4) readiness and support, and (5) competition.

Both the Packard Commission and GAO have seen improvements in the acquisition process. However, the initiatives have not fully achieved their intended results. Little progress has been made in stabilizing weapons acquisition programs. The Department still needs to budget more realistically, limit the number of new programs, and eliminate marginal programs.

THE ARMY'S LHX PROGRAMS

During this upcoming biennial budget period, a number of very expensive weapon systems are scheduled to transition to full scale development or to full rate production. The Committee has asked for GAO's assessment of 27 of these systems, and we will be providing this assessment to you in the near future. However, I would like to mention briefly one Army system that the Committee may wish to examine more closely as you consider the next two year's budget priorities. This is the LHX helicopter program, one of the Army's largest new acquisition programs.

We agree with the Army that the goals of the LHX helicopter program are worthy—to replace the Army's aging helicopter fleet with aircraft which, among other things, would out perform the older aircraft and yet be less expensive to operate and maintain. But, is the system affordable given rising costs which reflect efforts to achieve its challenging performance requirements? Or do modified and upgraded existing systems offer an acceptable and less costly alternative?

Current program estimates indicate that several of the LHX's original goals will not be met. This underscores the difficulty of filling the LHX's requirements while trying to hold costs down. The flyaway cost goal for the LHX fleet was $5.3 million (in fiscal year 1984 dollars) per aircraft; this has now escalated to $6.1 million per aircraft. Hoped for savings in operation and support costs, originally put at 40 to 50 percent, are currently estimated at about 20 percent. While the Army is still striving to make the LHX a single pilot aircraft, early development has indicated that enough risks remain that it was prudent to add a dual pilot version to the LHX's development effort. Last year, the cost to develop and produce 5,000 LHXs was estimated at $61 billion (in escalated dollars). Now, the Army estimates that it will cost $66 billion to develop and produce 4,500 aircraft. At the same time, performance expectations of the LHX have been lowered somewhat.

The magnitude of the LHX program alone makes affordability a key issue, independent of technical uncertainies which may lie ahead. Last year, Army data projected a shortfall of funds in several peak years of LHX production. This year, LHX cost estimates are even higher, but estimates of available funds are lower.

AFFORDABILITY OF NAVY PROGRAMS

In 1981 the Navy changed its maritime strategy from a defense posture during hostilities to one of forward deployment. This change in the maritime strategy is the "linchpin" and underlying reason for the Navy's fleet expansion initiative—commonly referred to as building to a "600-ship Navy," including 15 deployable carrier battle groups. Between 1981 and 1986, the Congress appropriated about $74 billion (in fiscal year 1986 constant dollars) for the Navy's shipbuilding and conversion programs. This does not include cost of aircraft for the carriers or operation and support costs. During this period, the Navy increased the size of its fleet from 13 deployable aircraft carriers and 466 ships to 14 deployable carriers and 542 ships.

The Navy, however, still has some way to go before it will achieve the "minimum force" it says it needs to execute the maritime strategy. By 1989, the Navy will have 600 ships in the fleet, including 15 deployable aircraft carriers and an additional one undergoing service life extension. But, based on current projections the Navy will not have the mix of ships that the strategy requires. Our analysis of the Navy's shipbuilding plans through fiscal year 1996 shows that even if current plans are executed, the Navy will not achieve its "minimum force" requirement before the year 2000. Shortages in the Navy's "minimum force" will continue to exist in surface combatants, amphibious ships, attack submarines, and support ships.

Expanding the fleet is expensive, but the capital investment is only a portion of the costs associated with a larger fleet. Operations and support costs will also grow substantially. As new classes of ships and their attendant systems are introduced into the fleet, our calculations show that operating and support costs of $47 billion in fiscal year 1986 will nearly double in constant dollars by fiscal year 2000.

It seems to me that this raises a fundamental question about whether this country can over the long haul, spend what the Navy says is required to carry out its current forward deployment maritime strategy. The Navy's current budget request of $1.4 billion for a down payment on two new replacement nuclear aircraft carriers brings to the forefront the need to address this fundamental question.

The Navy's plans originally called for requesting authorization for these carriers in 1994 and 1996, but it was decided to accelerate the schedule by four years. The Navy told us that there are two primary reasons for this 4-year acceleration. The first is to maintain the shipbuilding industrial base at the Newport News shipyard. The second is that the Navy believes it is better to go for new construction rather than to pay the costs of extending the life of an existing ship. Service life extension for an aircraft carrier now costs over $1 billion and takes about three years to complete. To control the cost of the service life extension program, the Navy is reducing the scope of work to be performed.

Funding for the $1.4 billion down payment reportedly came from all Navy accounts, but primarily from reducing the scope of work for extending the life of aircraft carriers and by eliminating the planned service life extension program for the LPD-4 class amphibious ship. The Navy has stated that the early procurement of these two carriers will save from $1.5 billion to $3 billion in acquisition costs. We are currently evaluating the basis for these anticipated savings.

Maintaining the Nation's industrial base is an extremely important issue, and goes well beyond the Navy's immediate concern regarding the Newport News shipyard. For example, what are the minimal industrial base requirements for a wartime surge capability in those industrial sectors upon which the military relies, such as shipbuilding, and aircraft manufacturing? And, what are the long-term budgetary implications of sustaining the necessary industrial base? There are no easy answers to these questions. But, I believe that this issue bears directly on the decision the Congress makes regarding the Navy's request. As part of our inquiry into the Navy's savings estimates, we will also obtain information on the reasonableness of the Navy's argument that this early procurement is needed to maintain our shipbuilding industrial base.

STRATEGIC BOMBER PROGRAMS

As the Committee examines the Administration's budget requests for future spending, particularly for new programs, it is useful to look at how money authorized and appropriated in earlier years was spent.

Our examination of the Air Force's management approach for the B-1B bomber program offers some instructive insights as you consider the Pentagon's requests for money to proceed with other programs, such as the Stealth Bomber, the Advanced Technology Fighter (ATF), the Advanced Cruise Missile, and other programs that are on the cutting edge of technological development.

Over the past several months, particularly since the B-1B attained what the Air Force has defined as initial operational capability, there has been a great deal of media attention to the substantial shortcomings of this aircraft. While the B-1B clearly adds to this Nation's strategic capability, our work substantiates that serious deficiencies exist. The defensive avionics system, critical to the aircraft's survivability has experienced serious developmental problems and changes during production. The details regarding these deficiencies are classified; however, it is clear that the current deficiencies reduce the bomber's capabilities and limit the strategic planner's flexibility in deploying the aircraft on the full range of missions initially envisioned. Some of the problems are not amenable to quick or easy solutions while others can be more easily fixed.

But, there are lessons to be learned from the B-1B procurement; the primary one being the need to provide sufficient time for more thorough operational testing and evaluation of systems prior to production. In this instance, flight testing of the aircraft was severely limited due to the unavailability of test equipment and the short amount of time allotted for conducting tests prior to the date mandated for initial operational capability. GAO has long been concerned about concurrent development and production of major weapons systems, and we have recommended in the past that results critical to assessing mission performance be available before full-scale production begins.

MANNING THE FORCE OF THE FUTURE

I would like to turn briefly to a topic of great interest to you and this committee, an issue that will not only have important budgetary implications for the future, but could also influence the development of military objectives, strategy and doctrine. The issue I am referring to is the question of how this Nation should man the force of the 1990's and beyond. Should we continue to rely on the all-volunteer force? Or, should we return to conscription because of the declining pool of eligible youth, for budgetary reasons, to recognize civic obligation, and/or to increase our mobilization capability?

GAO is currently evaluating numerous studies that touch on this issue, and we are gathering information on how our allies and principal adversary have addressed it. Based on these studies, the information collected, and preliminary costing work we have done, it appears that returning to conscription could save money only if certain assumptions are adopted in making this analysis. These assumptions would include the extent to which first-term pay could be reduced, whether the force size would remain at about the same level as it is today, and whether a significant shift in favor of having more first-term personnel as compared to career personnel in the Armed Forces is feasible. I would quickly add, however, that force manning changes, such as modifying the force mix in favor of a higher ratio of first-term personnel or changes in manning levels, could also reduce the cost of the all-volunteer force.

Aside from questions of cost, however, it is not clear how conscription would affect force quality or military effectiveness, nor are the studies clear on how several other questions should be resolved. For example, if we were to return to a 2-year draft with low wages for conscripts, how should the question of equity be addressed in view of the fact that less than half of the eligible youth population would be asked to serve in the military? What should be the proper trade-off between the need for an experienced force and the fact that more young people that would receive military training under a draft and would thus be potential mobilization assets? The resolution of this question would be of particular importance in light of the more sophisticated weapons systems now in the inventory.

We hope that the results of our work will help the Congress address this issue.

MANAGING DEFENSE RESOURCES

The growth during the 1980s of the defense budget has been and continues to be substantial. It has clearly been the intention of the Administration, supported by the Congress, to increase the buying power of the defense budget. This was needed to rebuild our forces and increase their sustainability and readiness. It is clear that progress has been made in achieving those objectives.

However, with the growth of the defense budget a number of issues surface that directly relate to these budgets. Money was included in the DOD budget request and the defense appropriations, each year, to pay for future inflation. However, since inflation was less than projected, DOD received an estimated $55.8 billion more than was needed over the past six years to pay for actual inflation. Some of the "extra" inflation funds were used to buy more defense programs, some were reprogrammed into other programs, some simply lapsed, and according to DOD calculations, $17.2 billion was eliminated by congressional cuts.

Prior to the early 1960s neither DOD nor any other federal department budgeted for inflation. The low inflation rates of that period presented little threat to real purchasing power. That all changed during the 1970s when unexpectedly high inflation rates seriously eroded the purchasing power of money appropriated for defense. The situation again changed during the 1980s when lower than expected inflation rates produced an unintended dividend. At the direction of the Congress we are currently examining alternative methods to budget for inflation and to report the effect of inflation budgeting to the appropriate committees. We will be reporting on this study in the near future.

Each year we examine the individual service budgets and identify amounts that we believe the Congress should consider for reduction. Last year we told Congress about $14.8 billion in possible reductions for reasons such as production schedule shippages or contracts that were for lower amounts than expected. Significant reductions were made. As the service budget justification books become available, we will again be examining them for similar types of reductions.

Quite aside from questions of how the Defense Department budgets for anticipated inflation, or whether specific budget lines can be reduced, is the broader issue of whether the Department's financial management systems facilitate or impede the decisionmaking process and whether adequate controls are maintained. As the Congress and the Administration grapple with the budget deficit and make the difficult decisions on controlling government expenditures, it is vital that ongoing operations be as efficient as possible. This can only be accomplished if we have adequate management systems.

Although DOD has an elaborate planning, programming and budgeting system, the financial management system used to tract the execution of the budget is in need of reform. A major difficulty is that the accounting systems that track how funds are actually being used are not directly linked to the budgeting process. A case in point is the Selected Acquisition Report (SAR) system. Though useful, the SARs have several limitations. First, the SAR generally rely on a contractor and other information not necessarily tied to DOD's accounting systems. Second, information on the same weapon system may be reported differently from one year to the next. Third, information in the SARs is not consistent with that in other budget documents provided to the Congress.

Another issue that bears on how defense resources are managed centers on DOD's profit policy. The most visible evidence that such improvements are needed is the current debate over whether profit policy objectives are being achieved, and whether contractors are earning higher rates of return on their defense work than is earned by producing durable goods for general consumption. There is presently no legislatively mandated requirement to make such determinations, and past attempts to do so have been challenged because of their limited scope and differing analytical methodology.

The history of efforts to deal with the issue of government contractor profits is important because it emphasizes the need for periodic studies of profitability based on a mandatory profit reporting system. Underpinning our economic system is the concept of a free market that established a fair price to the buyer and an equitable profit to the seller. However, because of aberrations in the marketplace, such as an escalating demand for war materials or the inability to obtain competition for many of the unique items which the government buys, the Congress, over the years, has found it necesary to address allegations of excess contractor profits. Congressonal actions have included legislation which set prices, limited profits, and taxed excessive profits or authorized the government to recover profits deemed excessive. These measures were generally taken without adequate information because it was simply not available.

In November 1986 we released an exposure draft report entitled "Government Contracting: A Proposal for a Program to Study the Profitability of Government Contractors." This exposure draft examined in some depth the need for government to develop a systematic method of measuring the performance of its profit policy, and explained why a structured and consistent profit reporting program is needed. As part of our study we offered draft legislation for the Congress to consider if a decision is made to establish such a program.

We are currently evaluating comments received from a wide range of defense contractors, industry associations, federal agencies, public accounting firms, and consultants. Not surprisingly, there is little enthusiasm on the part of industry and the Pentagon for our proposal. Despite this, we believe that dissatisfaction with the government's profit policy will continue without a consistent and appropriate analytical methodology to evaluate profitability, a means to verify contractor-furnished data, and mandating contractor participation.

SUMMARY

Mr. Chairman, today I have touched on some of the issues facing the Congress as you consider the President's fiscal year 1988/1989 budget request. In sum, the Department is continuing with the program begun in 1981. The budget continues to be front-loaded with major weapons programs, though at a slightly lower rate. This can be seen by observing that DOD's procurement and research, development, test, and evaluation accounts have grow from about 34 percent of the defense budget in fiscal year 1980 to nearly 45 percent in fiscal year 1986. This ratio has declined to about 42 percent in fiscal year 1988, and remains relatively constant at that level over the 5-year planning period. Budgetary allocations for other accounts, primarily those that support readiness and sustainability, did not grow proportionately.

If defense budgets were to continue growing at the same rate as during the first half of this decade, such a policy may pose fewer problems. However, this will probably not be feasible. DOD is continuing to start programs that will be difficult to complete and support under anticipated budgets.

Mr. Chairman, I recognize that you and other members have urged the Department to share with the Congress its hierarchy of defense spending priorities. However, the Department has not been willing to do this. In my opinion, as budgets tighten, it would seem more important than ever for the Department to share its priorities with the Congress.

This concludes my prepared remarks. I would be pleased to respond to any questions you may have.●

NRC HEADING TOWARD FAILURE IN SURRY ACCIDENT

● Mr. BIDEN. Mr. President, on December 9, 1986, during routine maintenance work at the Surry Nuclear Power Plant in Virginia, a pipe carrying nonradioactive, superheated water burst, killing four workers and injuring four others. An investigation of the accident found that the pipe had suffered extensive corrosion from the inside, so much so that it had worn down to about one-sixteenth of an inch in thickness at some points.

The exact cause of the corrosion is still under investigation, but the rupture of the pipe raises disturbing questions about the validity of basic assumptions that are the basis of many Nuclear Regulatory Commission safety standards. It is also an event that calls for an independent investigation to assure that the full implications and causes of the rupture are understood.

The NRC has based many of its regulations on pipe safety on the leak-before-break theory. As the name implies, the NRC assumes that the possibility of a catastrophic rupture of a high-pressure pipe is remote without a warning leak occurring first. Under this scenario, pipe leaks would be detected by plant personnel and steps to reduce pressure in the pipes would begin.

Use of this theory allowed utilities to make the case that restraints designed to prevent pipes from slamming into nearby components in the event of a burst were unnecessary. It also led the NRC to implement regulations that allow nuclear plants to remove restraints on high energy pipes without taking into account the dynamic effect of pipe rupture, or movement of the pipes.

Industry comments strongly supported NRC acceptance of the new criteria for whip restraints. Typical of the comments were the following:

> We endorse the proposed amendment * * * to allow demonstration of piping integrity by fracture mechanics analyses to serve as a basis for excluding consideration of dynamic effects associated with certain postulated pipe ruptures * * *. We further endorse your intention to broaden (the proposal) in the near future, to include all reactor piping.

Ironically, the above comment was submitted by the Virginia Electric Power Co. [Vepco], owners of the Surry plant.

Last year, the NRC approved regulations allowing for reduction of whip restraints for pipes in the primary loop of pressurized water reactors. As requested in the Vepco comments, the Commission still has under consideration the proposal to expand the regulations to all high energy pipes in nuclear powerplants, which would include pipes like those that blew out in Surry.

Mr. President, it is said that hindsight is 20/20, and there may have been every reason to believe that pipes would leak before they burst—experts are still baffled by the extent of the corrosion in the Surry pipes—but after the events at Surry, it is clearly an assumption that should be carefully reviewed at the NRC. Just as importantly, a review of the regulations based on this now questionable theory should be performed as soon as possible.

Returning to the accident itself, let me make clear what happened at Surry. According to the NRC, "a 2- by 4-foot section of the wall (of the pipe) * * * was blown out and came to rest in an overhead cable tray." I note that the tray is some two stories above the pipe rupture. In addition, the force of the superheated steam twisted metal girders and dumped 30,000 gallons of water into the turbine building. The blast also caused the free end of the pipe to whip around and come to rest against another high energy line, which, luckily, was not ruptured by the impact.

The operators on duty deserve credit for successfully shutting down the plant under conditions that were undoubtedly chaotic. However, I am disappointed at the NRC's response to the event. The NRC did not see fit to send the highest level response team to the accident, but instead sent an augmented investigation team. I find it hard to understand how the NRC could not treat a catastrophic rupture of a pipe in which workers were killed as the most serious type of event.

The Surry accident provides additional evidence of the need for an independent safety board for the NRC. An independent review of the accident would provide greater assurance to the public that, first of all, the NRC and utility did all that it could to prevent this from occurring in the first place. Second, whether this first accident was preventable or not, a review by experts from outside as well as inside the NRC would lead to the strongest recommendations to prevent a recurrence. Finally, a safety board would be in a better position to question the wisdom of allowing further removal of controlling devices like whip restraints, a policy the NRC seems willing to continue.

The Commissioners are expected to be briefed next week on the Surry accident by the augmented investigation team. Until Congress establishes an independent safety board to review accidents like this one, the best we can hope for is that the team is willing to say those things that its bosses may not want to hear. I do not believe this is a situation that we should rely on to ensure the safe operation of nuclear powerplants across the country.●

WE NEED TO RETURN TO THE WPA DAYS

● Mr. SIMON. Mr. President, recently, a long-time friend of mine, Edward Palmer, better known as "Buzz" Palmer, the Secretary of the Black Press Institute, sent me a column by Ruth Washington, publisher of the Los Angeles Sentinel.

In that column title "We Need To Return to the WPA Days," Ms. Washington does not suggest that we actually try to return to another era, but that we use the lessons that we learned from WPA and provide jobs for people.

That makes eminent good sense.

I will be introducing legislation soon that would move in that direction, taking the next major step forward this country is going to take, and that is to guarantee a job opportunity to every American.

I urge my colleagues to read Ms. Washington's column, and I ask to insert it in the RECORD.

The column follows:

WE NEED TO RETURN TO THE WPA DAYS

(By Ruth Washington)

I have been listening to the news reports and watching TV for the past several weeks and I keep hearing talk about how much the economy is improving. All of that sounds good and it makes the people who are listening feel optimistic about the future.

But there is something else to be considered and that is what happens to those people who are not faring so well under this present administration?

The facts of the matter are relatively simple. There are far too many people who don't have jobs and who don't have anyplace to stay. We see them sleeping in doorways and in alleys. We see them huddled together for the sake of warmth and we also see them sleeping in the open because there is no place else for them to stay.

If this is an example of the economic growth we have experienced, than we seem to have gotten off the track somewhere along the way. Something is missing in this equation.

Most of the people who are caught up in this so-called rash of homelessness were once people who had jobs, homes, children, money in the bank and who could believe in a foreseeable future.

But the "thriving economy" caught up with them and their jobs were either abolished or the company these people worked for went out of business or something else equally as devastating happened. The end result was that the people who were involved had to use their savings, or in the case where there were no savings, the people were out in the cold.

All the while, we listened intently to the news which told us how great the economy is and is becoming.

There is something radically wrong with a system that talks about its greatness and at the same time, has to scuffle around and try to find someway to take care of the hundreds and even thousands of homeless people in one city.

Back in the 1930's, under the Roosevelt Administration, there were some drastic methods used to alleviate the hunger in this country. One of these was the Civilian Conservation Corps. Commony called the CCC camps, this innovation used able-bodied men to help clear timber and conserve our forests. It was a paramilitary organization that took care of the needs of the nation and at the same time, eliminated the need for putting more people on the dole. It served a real purpose in this nation and it should at least be considered as a partial answer for the problems of this day and time.

But probably the most successful attempt to ease the fiscal pain of the Depression days was a program called the Work Projects Administration, commonly known as the WPA.

Essentially, this was a program where men were able to work on public projects and be paid an equitable wage for their work. It took away the stigma of being a relief recipient and it gave men a chance to regain their dignity.

We need to urge our governmental leaders to look closely at the plight of the men and women in this nation who have no place to call their own. We need to clamor for a rebirth of the WPA and all of its inherent benefits.

People need to work and they need to have a place of their own.

If this program were to be brought back with stringent guidelines, we would soon see the end of the homeless masses that crowd our streets and we would be able to have men and women once again who have that feeling of pride that comes with knowing they have been able to take care of themselves and that is just plain old common sense.

ECONOMIC JUSTICE

● Mr. KERRY. Mr. President, on November 13, 1986, the bishops of the U.S. Catholic Conference issued an important pastoral letter entitled "Economic Justice for All: Catholic Social Teaching and the U.S. Economy." In a pastoral message accompanying the letter, the bishops wrote that

> Our faith calls us to measure this economy not only by what it produces, but also by how it touches human life and whether it protects or undermines the dignity of the human person.

The bishops' pastoral letter adds that

> This perspective is also subscribed to by many who do not share Christian religious convictions. Human understanding and religious belief are complementary, not contradictory * * *. In proposing ethical norms, therefore, we appeal both to Christians and to all in our pluralist society to show that respect and reverence owed to the dignity of every person.

The bishops' pastoral letter is an important document which should be read by Catholics and non-Catholics alike. Its message is relevant to all Americans who are concerned about our economy and our society. The pastoral letter is an extraordinarily thoughtful, compassionate, and insightful examination of the most vital social issues which confront us.

The pastoral letter covers the subjects of employment and unemployment in a changing economy, poverty and economic inequality, food and agriculture, and the U.S. economy and developing nations. It examines the role of the United States in the global economy, and suggests ways in which American policy can help promote traditional American values of regard for human rights and concern for social progress.

At a time when the Congress is grappling with issues of budget cuts, trade deficits, international competitiveness, and welfare reform, the bishops' pastoral letter is a very valuable contribution. I hope that all of my colleagues, and indeed all concerned Americans, will study this message carefully. I ask that excerpts from the bishops' pastoral letter be printed in the RECORD.

The material follows:

CHAPTER 3. SELECTED ECONOMIC POLICY ISSUES

127. We have outlined this moral vision as a guide to all who seek to be faithful to the Gospel in their daily economic decisions and as a challenge to transform the economic arrangements that shape our lives and our world. These arrangements embody and communicate social values, and therefore have moral significance both in themselves and in their effects. Christians, like all people, must be concerned about how the concrete outcomes of their economic activity serve human dignity; they must assess the extent to which the structures and practices of the economy support or undermine their moral vision.

128. Such an assessment of economic practices, structures and outcomes leads to a variety of conclusions. Some people argue that an unfettered free-market economy, where owners, workers and consumers pursue their enlightened self-interest, provides the greatest possible liberty, material welfare and equity. The policy implication of this view is to intervene in the economy as little as possible because it is such a delicate mechanism that any attempt to improve it is likely to have the opposite effect. Others argue that the capitalist system is inherently inequitable and therefore contradictory to the demands of Christian morality, for it is based on acquisitiveness, competition and self-centered individualism. They assert that capitalism is fatally flawed and must be replaced by a radically different system that abolishes private property, the profit motive and the free market.

129. Catholic social teaching has traditionally rejected these ideological extremes because they are likely to produce results contrary to human dignity and economic justice. Starting with the assumption that the economy has been created by human beings and can be changed by them, the church works for improvement in a variety of economic and political contexts; but it is not the church's role to create or promote a specific new economic system. Rather, the church must encourage all reforms that hold out hope of transforming our economic arrangements into a fuller systemic realization of the Christian moral vision. The church must also stand ready to challenge practices and institutions that impede or carry us farther away from realizing this vision.

130. In short, the church is not bound to any particular economic, political or social system; it has lived with many forms of economic and social organization and will continue to do so, evaluating each according to moral and ethical principles: What is the impact of the system on people? Does it support or threaten human dignity?

131. In this document we offer reflections on the particular reality that is the U.S. economy. In doing so we are aware of the need to address not only individual issues within the economy but also the larger question of the economic system itself. Our approach in analyzing the U.S. economy is pragmatic and evolutionary in nature. We live in a "mixed" economic system which is the product of a long history of reform and adjustment. It is in the spirit of this American pragmatic tradition of reform that we seek to continue the search for a more just economy. Our nation has many assets to employ in this quest—vast economic, technological and human resources, and a system of representative government through which we can all help shape economic decisions.

132. Although we have chosen in this chapter to focus primarily on some aspects of the economy where we think reforms are realistically possible, we also emphasize that Catholic social teaching bears directly on larger questions concerning the economic system itself and the values it expresses—questions that cannot be ignored in the Catholic vision of economic justice. For example, does our economic system place more emphasis on maximizing profits than on meeting human needs and fostering human dignity? Does our economy distribute its benefits equitably or does it concentrate power and resources in the hands of a few? Does it promote excessive materialism and individualism? Does it adequately protect the environment and the nation's natural resources? Does it direct too many scarce resources to military purposes? These and other basic questions about the economy need to be scrutinized in light of the ethical norms we have outlined. We urge continuing exploration of these systemic questions in a more comprehensive way than this document permits.

133. We have selected the following subjects to address here: (1) employment; (2) poverty; (3) food and agriculture; and (4) the U.S. role in the global economy. These topics were chosen because of their relevance to both the economic "signs of the times" and the ethical norms of our tradition. Each exemplifies U.S. policies that are basic to the establishment of economic justice in the nation and the world, and each illustrates key moral principles and norms for action from Catholic social teaching. Our treatment of these issues does not constitute a comprehensive analysis of the U.S. economy. We emphasize that these are illustrative topics intended to exemplify the interaction of moral values and economic issues in our day, not to encompass all such values and issues. This document is not a technical blueprint for economic reform. Rather, it is an attempt to foster a serious moral analysis leading to a more just economy.

134. In focusing on some of the central economic issues and choices in American life in the light of moral principles, we are aware that the movement from principle to policy is complex and difficult and that although moral values are essential in determining public policies, they do not dictate specific solutions. They must interact with empirical data, with historical, social and political realities, and with competing demands on limited resources. The soundness of our prudential judgments depends not only on the moral force of our principles, but also on the accuracy of our information and the validity of our assumptions.

135. Our judgments and recommendations on specific economic issues, therefore, do not carry the same moral authority as our statements of universal moral principles and formal church teaching; the former are related to circumstances which can change or which can be interpreted differently by people of good will. We expect and welcome debate on our specific policy recommendations. Nevertheless, we want our statements on these matters to be given serious consideration by Catholics as they determine whether their own moral judgments are consistent with the Gospel and with Catholic social teaching. We believe that differences on complex economic questions should be expressed in a spirit of mutual respect and open dialogue.

A. EMPLOYMENT

136. Full employment is the foundation of a just economy. The most urgent priority for domestic economic policy is the creation of new jobs with adequate pay and decent working conditions. We must make it possible as a nation for everyone who is seeking a job to find employment within a reasonable amount of time. Our emphasis on this goal is based on the conviction that human work has a special dignity and is a key to achieving justice in society.

137. Employment is a basic right, a right which protects the freedom of all to participate in the economic life of society. It is a right which flows from the principles of justice which we have outlined above. Corresponding to this right is the duty on the part of society to ensure that the right is protected. The importance of this right is evident in the fact that for most people employment is crucial to self-realization and essential to the fulfillment of material needs. Since so few in our economy own productive property, employment also forms the first line of defense against proverty. Jobs benefit society as well as workers, for they enable more people to contribute to the common good and to the productivity required for a healthy economy.

1. The scope and effects of unemployment

138. Joblessness is becoming a more widespread and deep-seated problem in our nation. There are about 8 million people in the United States looking for a job who cannot find one. They represent about 7 percent of the labor force. The official rate of unemployment does not include those who have given up looking for work or those who are working part time, but want to work full time. When these categories are added, it becomes clear that about one-eighth of the work force is directly affected by unemployment. The severity of the unemployment problem is compounded by the fact that almost three-fourths of those who are unemployed receive no unemployment insurance benefits.

139. In recent years there has been a steady trend toward higher and higher levels of unemployment, even in good times. Between 1950 and 1980 the annual unemployment rate exceeded current levels only during the recession years of 1975 and 1976. Periods of economic recovery during these three decades brought unemployment rates down to 3 percent and 4 percent. Since 1979, however, the rate has generally been above 7 percent.

140. Who are the unemployed? Blacks, Hispanics, native Americans, young adults, female heads of households and those who are inadequately educated are represented disproportionately among the ranks of the unemployed. The unemployment rate among minorities is almost twice as high as the rate among whites. For female heads of households the unemployment rate is over 10 percent. Among black teen-agers unem-

ployment reaches the scandalous rate of more than one in three.

141. The severe human costs of high unemployment levels become vividly clear when we examine the impact of joblessness on human lives and human dignity. It is a deep conviction of American culture that work is central to the freedom and well-being of people. The unemployed often come to feel they are worthless and without a productive role in society. Each day they are unemployed our society tells them: We don't need your talent. We don't need your initiative. We don't need you. Unemployment takes a terrible toll on the health and stability of both individuals and families. It gives rise to family quarrels, greater consumption of alcohol, child abuse, spouse abuse, divorce and higher rates of infant mortality. People who are unemployed often feel that society blames them for being unemployed. Very few people survive long periods of unemployment without some psychological damage even if they have sufficient funds to meet their needs. At the extreme, the strains of job loss may drive individuals to suicide.

142. In addition to the terrible waste of individual talent and creativity, unemployment also harms society at large. Jobless people pay little or no taxes, thus lowering the revenues for cities, states and federal government. At the same time, rising unemployment requires greater expenditures for unemployment compensation, food stamps, welfare and other assistance. It is estimated that in 1986, for every one percentage-point increase in the rate of unemployment, there will be roughly a $40 billion increase in the federal deficit. The costs to society are also evidence in the rise in crime associated with joblessness. The Federal Bureau of Prisons reports that increases in unemployment have been followed by increases in the prison population. Other studies have shown links between the rate of joblessness and the frequency of homicides, robberies, larcenies, narcotics arrests and youth crimes.

143. Our own experiences with the individuals, families and communities that suffer the burdens of unemployment compel us to the conviction that as a nation we simply cannot afford to have millions of able-bodied men and women unemployed. We cannot afford the economic costs, the social dislocation and the enormous human tragedies caused by unemployment. In the end, however, what we can least afford is the assault on human dignity that occurs when millions are left without adequate employment. Therefore, we cannot but conclude that current levels of unemployment are intolerable, and they impose on us a moral obligation to work for policies that will reduce joblessness.

2. Unemployment in a changing economy

144. The structure of the U.S. economy is undergoing a transformation that affects both the quantity and the quality of jobs in our nation. The size and makeup of the work force, for example, have changed markedly in recent years. For a number of reasons, there are now more people in the labor market than ever before in our history. Population growth has pushed up the supply of potential workers. In addition, large numbers of women have entered the labor force in order to put their talents and education to greater use and out of economic necessity. Many families need two salaries if they are to live in a decently human fashion. Female-headed households often depend heavily on the mother's income to stay off the welfare rolls. Immigrants seeking a better existence in the United States have also added to the size of the labor force. These demographic changes, however, cannot fully explain the higher levels of unemployment.

145. Technological changes are also having dramatic impacts on the employment picture in the United States. Advancing technology brings many benefits, but it can also bring social and economic costs, including the downgrading and displacement of workers. High technology and advanced automation are changing the very face of our nation's industries and occupations. In the 1970s, about 90 percent of all new jobs were in service occupations. By 1990, service industries are expected to employ 72 percent of the labor force. Much of the job growth in the 1980s is expected to be in traditionally low-paying, high-turnover jobs such as sales, clerical, janitorial and food service. Too often these jobs do not have career ladders leading to higher-skilled, higher-paying jobs. Thus the changing industrial and occupational mix in the U.S. economy could result in a shift toward lower-paying and lower-skilled jobs.

146. Increased competition in world markets is another factor influencing the rate of joblessness in our nation. Many other exporting nations have acquired and developed up-to-the-minute technology, enabling them to increase productivity dramatically. Combined with very low wages in many nations, this has allowed them to gain a larger share of the U.S. market to cut into U.S. export markets. At the same time many corporations have closed plants in the United States and moved their capital, technology and jobs to foreign affiliates.

147. Discrimination in employment is one of the causes for high rates of joblessness and low pay among racial minorities and women. Beyond the normal problems of locating a job, blacks, Hispanics, native Americans, immigrants and other minorities bear this added burden of discrimination. Discrimination against women is compounded by the lack of adequate childcare services and by the unwillingness of many employers to provide flexible employment or extend fringe benefits to part-time employees.

148. High levels of defense spending also have an effect on the number of jobs in our economy. In our pastoral letter "The Challenge of Peace," we noted the serious economic distortions caused by the arms race and the disastrous effects that it has on society's ability to care for the poor and the needy. Employment is one area in which this interconnection is very evident. The hundreds of billions of dollars spent by our nation each year on the arms race create a massive drain on the U.S. economy as well as a very serious "brain drain." Such spending on the arms race means a net loss in the number of jobs created in the economy, because defense industries are less labor-intensive than other major sectors of the economy. Moreover, nearly half of the American scientific and engineering force works in defense-related programs, and over 60 percent of the entire federal research and development budget goes to the military. We must ask whether our nation will ever be able to modernize our economy and achieve full employment if we continue to devote so much of our financial and human resources to defense-related activities.

149. These are some of the factors that have driven up the rate of unemployment in recent years. Although our economy has created more than 20 million new jobs since 1970, there continues to be a chronic and growing job shortage. In the face of this challenge, our nation's economic institutions have failed to adapt adequately and rapidly enough. For example, failure to invest sufficiently in certain industries and regions, inadequate education and training for new workers and insufficient mechanisms to assist workers displaced by new technology have added to the unemployment problem.

150. Generating an adequate number of jobs in our economy is a complex task in view of the changing and diverse nature of the problem. It involves numerous tradeoffs and substantial costs. Nevertheless, it is not an impossible task. Achieving the goal of full employment may require major adjustments and creative strategies that go beyond the limits of existing policies and institutions, but it is a task we must undertake.

3. Guidelines for action

151. We recommend that the nation make a major new commitment to achieve full employment. At present there is nominal endorsement of the full-employment ideal, but no firm commitment to bringing it about. If every effort were now being made to create the jobs required, one might argue that the situation today is the best we can do. But such is not the case. The country is doing far less than it might to generate employment.

152. Over the last decade, economists, policy-makers and the general public have shown greater willingness to tolerate unemployment levels of 6 percent to 7 percent or even more. Although we recognize the complexities and tradeoffs involved in reducing unemployment, we believe that 6 percent to 7 percent unemployment is neither inevitable nor acceptable. While a zero unemployment rate is clearly impossible in an economy where people are constantly entering the job market and others are changing jobs, appropriate policies and concerted private and public action can improve the situation considerably, if we have the will to do so. No economy can be considered truly healthy when so many millions of people are denied jobs by forces outside their control. The acceptance of present unemployment rates would have been unthinkable 20 years ago. It should be regarded as intolerable today.

153. We must first establish a consensus that everyone has a right to employment. Then the burden of securing full employment falls on all of us—policy-makers, business, labor and the general public—to create and implement the mechanisms to protect that right. We must work for the formation of a new national consensus and mobilize the necessary political will at all levels to make the goal of full employment a reality.

154. Expanding employment in our nation will require significant steps in both the private and public sectors, as well as joint action between them. Private initiative and entrepreneurship are essential to this task, for the private sector accounts for about 80 percent of the jobs in the United States, and most new jobs are being created there. Thus a viable strategy for employment generation must assume that a large part of the solution will be with private firms and small businesses. At the same time, it must be recognized that government has a prominent and indispensable role to play in addressing the problem of unemployment. The market alone will not automatically produce full employment. Therefore, the government

must act to ensure that this goal is achieved by coordinating general economic policies, by job creation programs and by other appropriate policy measures.

155. Effective action against unemployment will require a careful mix of general economic policies and targeted employment programs. Taken together, these policies and programs should have full employment as their No. 1 goal.

a. General Economic Policies

156. The general or macroeconomic policies of the federal government are essential tools for encouraging the steady economic growth that produces more and better jobs in the economy. We recommend that the fiscal and monetary policies of the nation—such as federal spending, tax and interest-rate policies—should be coordinated so as to achieve the goal of full employment.

157. General economic policies that attempt to expand employment must also deal with the problem of inflation. The risk of inflationary pressures resulting from such expansionary policies is very real. Our response to this risk, however, must not be to abandon the goal of full employment, but to develop effective policies that keep inflation under control.

158. While economic growth is an important and necessary condition for the reduction of unemployment, it is not sufficient in and of itself. In order to work for full employment and restrain inflation, it is also necessary to adopt more specific programs and policies targeted toward particular aspects of the unemployment problem.

b. Targeted Employment Programs

159. (1) We recommend expansion of job-training and apprenticeship programs in the private sector administered and supported jointly by business, labor unions and government. Any comprehensive employment strategy must include systematic means of developing the technical and professional skills needed for a dynamic and productive economy. Investment in a skilled work force is a prerequisite both for sustaining economic growth and achieving greater justice in the United States. The obligation to contribute to this investment falls on both the private and public sectors. Today business, labor and government need to coordinate their efforts and pool their resources to promote a substantial increase in the number of apprenticeship programs and to expand on-the-job training programs. We recommend a national commitment to eradicate illiteracy and to provide people with skills necessary to adapt to the changing demands of employment.

160. With the rapid pace of technological change, continuing education and training are even more important today than in the past. Businesses have a stake in providing it, for skilled workers are essential to increased productivity. Labor unions should support it, for their members are increasingly vulnerable to displacement and job loss unless they continue to develop their skills and their flexibility on the job. Local communities have a stake as well, for their economic well-being will suffer serious harm if local industries fail to develop and are forced to shut down.

161. The best medicine for the disease of plant closings is prevention. Prevention depends not only on sustained capital investment to enhance productivity through advanced technology, but also on the training and retraining of workers within the private sector. In circumstances where plants are forced to shut down, management, labor unions and local communities must see to it that workers are not simply cast aside. Retraining programs will be even more urgently needed in these circumstances.

162. (2) We recommend increased support for direct job-creation programs targeted on the long-term unemployed and those with special needs. Such programs can take the form of direct public-service employment and also of public subsidies for employment in the private sector. Both approaches would provide jobs for those with low skills less expensively and with less inflation than would general stimulation of the economy. The cost of providing jobs must also be balanced against the savings realized by the government through decreased welfare and unemployment-insurance expenditures and increased revenues from the taxes paid by the newly employed.

163. Government funds, if used effectively, can also stimulate private sector jobs for the long-term unemployed and for groups particularly hard to employ. Experiments need to be conducted on the precise ways such subsidies would most successfully attract business participation and ensure the generation of permanent jobs.

164. These job-generation efforts should aim specifically at bringing marginalized persons into the labor force. They should produce a net increase in the number of jobs rather than displacing the burden of unemployment from one group of persons to another. They should also be aimed at long-term jobs and should include the necessary supportive services to assist the unemployed in finding and keeping jobs.

165. Jobs that are created should produce goods and services needed and valued by society. It is both good common sense and sound economics to create jobs directly for the purpose of meeting society's unmet needs. Across the nation, in every state and locality, there is ample evidence of social needs that are going unmet. Many of our parks and recreation facilities are in need of maintenance and repair. Many of the nation's bridges and highways are in disrepair. We have a desperate need for more low-income housing. Our educational systems, day-care services, senior-citizen services and other community programs need to be expanded. These and many other elements of our national life are areas of unmet need. At the same time, there are more than 8 million Americans looking for productive and useful work. Surely we have the capacity to match these needs by giving Americans who are anxious to work a chance for productive employment in jobs that are waiting to be done. The overriding moral value of enabling jobless persons to achieve a new sense of dignity and personal worth through employment also strongly recommends these programs.

166. These job-creation efforts will require increased collaboration and fresh alliances between the private and public sectors at all levels. There are already a number of examples of how such efforts can be successful. We believe that the potential of these kinds of partnerships has only begun to be tapped.

c. Examining New Strategies

167. In addition to the actions suggested above, we believe there is also a need for careful examination and experimentation with alternative approaches that might improve both the quantity and quality of jobs. More extensive use of job sharing, flex time and a reduced workweek are among the topics that should continue to be on the agenda of public discussion. Consideration should also be given to the possibility of limiting or abolishing compulsory overtime work. Similarly, methods might be examined to discourage the overuse of part-time workers who do not receive fringe benefits. New strategies also need to be explored in the area of education and training for the hard-to-employ, displaced workers, the handicapped and others with special needs. Particular attention is needed to achieve pay equity between men and women, as well as upgrading the pay scale and working conditions of traditionally low-paying jobs. The nation should renew its efforts to develop effective affirmative-action policies that assist those who have been excluded by racial or sexual discrimination in the past. New strategies for improving job-placement services at the national and local levels are also needed. Improving occupational safety is another important concern that deserves increased attention.

168. Much greater attention also needs to be devoted to the long-term task of converting some of the nation's military production to more peaceful and socially productive purposes. The nation needs to seek more effective ways to retool industries, to retrain workers and to provide the necessary adjustment assistance for communities affected by this kind of economic conversion.

169. These are among the avenues that need to be explored in the search for just employment policies. A belief in the inherent dignity of human work and in the right to employment should motivate people in all sectors of society to carry on that search in new and creative ways.

B. POVERTY

170. More than 33 million Americans—about one in every seven people in our nation—are poor by the government's official definition. The norms of human dignity and the preferential option for the poor compel us to confront this issue with a sense of urgency. Dealing with poverty is not a luxury to which our nation can attend when it finds the time and resources. Rather, it is a moral imperative of the highest priority.

171. Of particular concern is the fact that poverty has increased dramatically during the last decade. Since 1973 the poverty rate has increased by nearly a third. Although the recent recovery has brought a slight decline in the rate, it remains at a level that is higher than at almost any other time during the last two decades.

172. As pastors we have seen firsthand the faces of poverty in our midst. Homeless people roam city streets in tattered clothing and sleep in doorways or on subway grates at night. Many of these are former mental patients released from state hospitals. Thousands stand in line at soup kitchens because they have no other way of feeding themselves. Millions of children are so poorly nourished that their physical and mental development are seriously harmed. We have also seen the growing economic hardship and insecurity experienced by moderate-income Americans when they lose their jobs and their income due to forces beyond their control. These are alarming signs and trends. They pose for our nation an urgent moral and human challenge: to fashion a society where no one goes without the basic material necessities required for human dignity and growth.

173. Poverty can be described and defined in many different ways. It can include spiritual as well as material poverty. Likewise, its meaning changes depending on the historical, social and economic setting. Poverty

in our time is different from the more severe deprivation experienced in earlier centuries in the United States or in Third World nations today. Our discussion of poverty in this chapter is set within the context of present-day American society. By poverty, we are referring here to the lack of sufficient material resources required for a decent life. We use the government's official definition of poverty, although we recognize its limits.

1. Characteristics of poverty

174. Poverty is not an isolated problem existing solely among a small number of anonymous people in our central cities. Nor is it limited to a dependent underclass or to specific groups in the United States. It is a condition experienced at some time by many people in different walks of life and in different circumstances. Many poor people are working, but at wages insufficient to lift them out of poverty. Others are unable to work and therefore dependent on outside sources of support. Still others are on the edge of poverty; although not officially defined as poor, they are economically insecure and at risk of falling into poverty.

175. While many of the poor manage to escape from beneath the official poverty line, others remain poor for extended periods of time. Long-term poverty is concentrated among racial minorities and families headed by women. It is also more likely to be found in rural areas and in the South. Of the long-term poor, most are either working at wages too low to bring them above the poverty line or are retired, disabled or parents of preschool children. Generally they are not in a position to work more hours than they do now.

a. Children in Poverty

176. Poverty strikes some groups more severely than others. Perhaps most distressing is the growing number of children who are poor. Today one in every four American children under the age of 6 and one in every two black children under 6 are poor. The number of children in poverty rose by 4 million over the decade between 1973-1983, with the result that there are now more poor children in the United States than at any time since 1965. The problem is particularly severe among female-headed families, where more than half of all children are poor. Two-thirds of black children and nearly three-quarters of Hispanic children in such families are poor.

177. Very many poor families with children receive no government assistance, have no health insurance and cannot pay medical bills. Less than half are immunized against preventable diseases such as diphtheria and polio. Poor children are disadvantaged even before birth; their mothers' lack of access to high-quality prenatal care leaves them at much greater risk of premature birth, low birth weight, physical and mental impairment, and death before their first birthday.

b. Women and Poverty

178. The past 20 years have witnessed a dramatic increase in the number of women in poverty. This includes women raising children alone as well as women with inadequate income following divorce, widowhood or retirement. More than one-third of all female-headed families are poor. Among minority families headed by women the poverty rate is over 50 percent.

179. Wage discrimination against women is a major factor behind these high rates of poverty. Many women are employed but remain poor because their wages are too low. Women who work outside their homes full time and year round earn only 61 percent of what men earn. Thus being employed full time is not by itself a remedy for poverty among women. Hundreds of thousands of women hold full-time jobs but are still poor. Sixty percent of all women work in only 10 occupations, and most new jobs for women are in areas with low pay and limited chances of advancement. Many women suffer discrimination in wages, salaries, job classifications, promotions and other areas. As a result, they find themselves in jobs that have low status, little security, weak unionization and few fringe benefits. Such discrimination is immoral, and efforts must be made to overcome the effects of sexism in our society.

180. Women's responsibilities for child rearing are another important factor to be considered. Despite the many changes in marriage and family life in recent decades, women continue to have primary responsibility in this area. When marriages break up, mothers typically take custody of the children and bear the major financial responsibility for supporting them. Women often anticipate that they will leave the labor force to have and raise children, and often make job and career choices accordingly. In other cases they are not hired or promoted to higherpaying jobs because of their childrearing responsibilities. In addition, most divorced or separated mothers do not get child-support payments. In 1983, less than half of women raising children alone had been awarded child support, and of those only half received the full amount to which they were entitled. Even fewer women (14 percent) are awarded alimony, and many older women are left in poverty after a lifetime of homemaking and child rearing. Such woman have great difficulty finding jobs and securing health insurance.

c. Racial Minorities and Poverty

181. Most poor people in our nation are white, but the rates of poverty in our nation are highest among those who have borne the brunt of racial prejudice and discrimination. For example, black are about three times more likely to be poor that whites. While one out of every nine white Americans is poor, one of every three blacks and native Americans and more than one of every four Hispanics are poor. While some members of minority communities have successfully moved up the economic ladder, the overall picture indicates that black family income is only 55 percent of white family income, reflecting an income gap that is wider now than at any time in the last 15 years.

182. Despite the gains which have been made toward racial equality, prejudice and discrimination in our own time as well as the effects of past discrimination continue to exclude many members of racial minorities from the mainstream of American life. Discriminatory practices in labor markets, in eduational systems and in electoral politics create major obstacles for blacks, Hispanics, native Americans and other racial minorities in their struggle to improve their economic status. Such discrimination is evidence of the continuing presence of racism in our midst. In our pastoral letter "Brothers and Sisters to Us," we have described this racism as a sin—"a sin that divides the human family, blots out the image of God among specific members of that family and violates the fundamental human dignity of those called to be children of the same Father."

2. Economic inequality

183. Important to our discussion of poverty in America is an understanding of the degree of economic inequality in our nation. Our economy is marked by a very uneven distribution of wealth and income. For example, it is estimated that 28 percent of the total net wealth is held by the richest 2 percent of families in the United States. The top 10 percent holds 57 percent of the net wealth. If homes and other real estate are excluded, the concentration of ownership of "financial wealth" is even more glaring. In 1983, 54 percent of the total net financial assets were held by 2 percent of all families, those whose annual incomes is over $125,000. Eighty-six percent of these assets were held by the top 10 percent of all families.

184. Although disparities in the distribution of income are less extreme, they are still striking. In 1984 the bottom 20 percent of American families received only 4.7 percent of the total income in the nation, and the bottom 40 percent received only 15.7 percent, the lowest share on record in U.S. history. In contrast, the top one-fifth received 42.9 percent of the total income the highest share since 1948. These figures are only partial and very imperfect measures of the inequality in our society. However, they do suggest that the degree of inequality is quite large. In comparison with other industrialized nations, the United States is among the more unequal in terms of income distribution. Moreover, the gap between rich and poor in our nation has increased during the last decade. These inequities are of particular concern because they reflect the uneven distribution of power in our society. They suggest that the level of participation in the political and social spheres is also very uneven.

185. Catholic social teaching does not require absolute equality in the distribution of income and wealth. Some degree of inequality is not only acceptable, but may be considered desirable for economic and social reasons, such as the need for incentives and the provision of greater rewards for greater risks. However, unequal distribution should be evaluated in terms of several moral principles we have enunciated: the priority of meeting the basic needs of the poor and the importance of increasing the level of participation by all members of society in the economic life of the nation. These norms establish a strong presumption against extreme inequality of income and wealth as long as there are poor, hungry and homeless people in our midst. They also suggest that extreme inequalities are detrimental to the development of social solidarity and community. In view of these norms we find the disparities of income and wealth in the United States to be unacceptable. Justice requires that all members of our society work for economic, political and social reforms that will decrease these inequities.

e. Guidelines for action

186. Our recommendations for dealing with poverty in the United States build upon several moral principles that were explored in Chapter 2 of this letter. The themes of human dignity and the preferential option for the poor are at the heart of our approach; they compel us to confront the issue of poverty with a real sense of urgency.

187. The principle of social solidarity suggests that alleviating poverty will require fundamental changes in social and economic structures that perpetuate glaring inequal-

ities and cut off millions of citizens from full participation in the economic and social life of the nation. The process of change should be one that draws together all citizens, whatever their economic status, into one community.

188. The principle of participation leads us to the conviction that the most appropriate and fundamental solutions to poverty will be those that enable people to take control of their own lives. For poverty is not merely the lack of adequate financial resources. It entails a more profound kind of deprivation, a denial of full participation in the economic, social and political life of society and an inability to influence decisions that affect one's life. It means being powerless in a way that assaults not only one's pocketbook but also one's fundamental human dignity. Therefore, we should seek solutions that enable the poor to help themselves through such means as employment. Paternalistic programs which do too much for and too little with the poor are to be avoided.

189. The responibility for alleviating the plight of the poor falls upon all members of society. As individuals, all citizens have a duty to assist the poor through acts of charity and personal commitment. But private charity and voluntary action are not sufficient. We also carry out our moral responsibility to assist and empower the poor by working collectively through government to establish just and effective public policies.

190. Although the task of alleviating poverty is complex and demanding, we should be encouraged by examples of our nation's past successes in this area. Our history shows that we can reduce poverty. During the 1960s and early 1970s the official poverty rate was cut in half, due not only to a healthy economy, but also to public-policy decisions that improved the nation's income-transfer programs. It is estimated, for example, that in the late 1970s federal benefit programs were lifting out of poverty about 70 percent of those who would have otherwise been poor.

191. During the last 25 years the Social Security program has dramatically reduced poverty among the elderly. In addition, in 1983 it lifted out of poverty almost 1.5 million children of retired, deceased and disabled workers. Medicare has enhanced the life expectancy and health status of elderly and disabled people, and Medicaid has reduced infant mortality and greatly improved access to health care for the poor.

192. These and other successful social welfare programs are evidence of our nation's commitment to social justice and a decent life for everyone. They also indicate that we have the capacity to design programs that are effective and provide necessary assistance to the needy in a way that respects their dignity. Yet it is evident that not all social welfare programs have been successful. Some have been ill-designed, ineffective and wasteful. No one has been more aware of this than the poor themselves, who have suffered the consequences. Where programs have failed, we should discard them, learn from our mistakes and fashion a better alternative. Where programs have succeeded, we should acknowledge that fact and build on those successes. In every instance we must summon a new creativity and commitment to eradicate poverty in our midst and to guarantee all Americans their right to share in the blessings of our land.

193. Before discussing directions for reform in public policy, we must speak frankly about misunderstandings and sterotypes of the poor. For example, a common misconception is that most of the poor are racial minorities. In fact, about two-thirds of the poor are white. It is also frequently suggested that people stay on welfare for many years, do not work, could work if they wanted to and have children who will be on welfare. In fact, reliable data shows that these are not accurate descriptions of most people who are poor and on welfare. Over a decade, people move on and off welfare, and fewer than 1 percent obtain these benefits for all 10 years. Nor is it true that the rolls of Aid to Families with Dependent Children are filled with able-bodied adults who could but will not work. The majority of AFDC recipients are young children and their mothers who must remain at home. These mothers are also accused of having more children so that they can raise their allowances. The truth is that 70 percent of AFDC families have only one or two children and that there is little financial advantage in having another. In a given year, almost half of all families who receive AFDC include an adult who has worked full or part time. Research has consistently demonstrated that people who are poor have the same strong desire to work that characterizes the rest of the population.

194. We ask everyone to refrain from actions, words or attitudes that stigmatize the poor, that exaggerate the benefits received by the poor and that inflate the amount of fraud in welfare payments. These are symptoms of a punitive attitude toward the poor. The belief persists in this country that the poor are poor by choice or through laziness, that anyone can escape poverty by hard work and that welfare programs make it easier for people to avoid work. Thus public attitudes toward programs for the poor tend to differ sharply from attitudes about other benefits and programs. Some of the most generous subsidies for individuals and corporations are taken for granted and are not even called benefits, but entitlements. In contrast, programs for the poor are called handouts and receive a great deal of critical attention, even though they account for less than 10 percent of the federal budget.

195. We now wish to propose several elements which we believe are necessary for a national strategy to deal with poverty. We offer this not as a comprehensive list but as an invitation for others to join the discussion and take up the task of fighting poverty.

196. a. The first line of attack against poverty must be to build and sustain a healthy economy that provides employment opportunities at just wages for all adults who are able to work. Poverty is intimately linked to the issue of employment. Millions are poor because they have lost their jobs or because their wages are too low. The persistent high levels of unemployment during the last decade are a major reason why poverty has increased in recent years. Expanded employment especially in the private sector would promote human dignity, increase social solidarity and promote self-reliance of the poor. It should also reduce the need for welfare programs and generate the income necessary to support those who remain in need and cannot work: elderly, disabled and chronically ill people, and single parents of young children. It should also be recognized that the persistence of poverty harms the larger society because the depressed purchasing power of the poor contributes to the periodic cycles of stagnation in the economy.

197. In recent years the minimum wage has not been adjusted to keep pace with inflation. Its real value has declined by 24 percent since 1981. We believe Congress should raise the minimum wage in order to restore some of the purchasing power it has lost due to inflation.

198. While job creation and just wages are major elements of a national strategy against poverty, they are clearly not enough. Other more specific policies are necessary to remedy the institutional causes of poverty and to provide for those who cannot work.

199. b. Vigorous action should be undertaken to remove barriers to full and equal employment for women and minorities. Too many women and minorities are locked into jobs with low pay, poor working conditions and little opportunity for career advancement. So long as we tolerate a situation in which people can work full time and still be below the poverty line—a situation common among those earning the minimum wage—too many will continue to be counted among the "working poor." Concerted efforts must be made through job training, affirmative action and other means to assist those now prevented from obtaining more lucrative jobs. Action should also be taken to upgrade poorer paying jobs and to correct wage differentials that discriminate unjustly against women.

200. c. Self-help efforts among the poor should be fostered by programs and policies in both the private and public sectors. We believe that an effective way to attack poverty is through programs that are small in scale, locally based and oriented toward empowering the poor to become self-sufficient. Corporations, private organizations and the public sector can provide seed money, training and technical assistance, and organizational support to self-help projects in a wide variety of areas such as low-income housing, credit unions, worker cooperatives, legal assistance, and neighborhood and community organizations. Efforts that enable the poor to participate in the ownership and control of economic resources are especially important.

201. Poor people must be empowered to take charge of their own futures and become responsible for their own economic advancement. Personal motivation and initiative, combined with social reform, are necessary elements to assist individuals in escaping poverty. By taking advantage of opportunities for education, employment and training, and by working together for change, the poor can help themselves to be full participants in our economic, social and political life.

202. d. The tax system should be continually evaluated in terms of its impact on the poor. This evaluation should be guided by three principles. First, the tax system should raise adequate revenues to pay for the public needs of society, especially to meet the basic needs of the poor. Second, the tax system should be structured according to the principle of progressivity, so that those with relatively greater financial resources pay a higher rate of taxation. The inclusion of such a principle in tax policies is an important means of reducing the severe inequalities of income and wealth in the nation. Action should be taken to reduce or offset the fact that most sales taxes and payroll taxes place a disproportionate burden on those with lower incomes. Third, families below the official poverty line should not be required to pay income taxes. Such families are, by definition, without sufficient resources to purchase the basic necessities of life. They should not be

forced to bear the additional burden of paying income taxes.

203. e. All of society should make a much stronger commitment to education for the poor. Any long-term solution to poverty in this country must pay serious attention to education, public and private, in school and out of school. Lack of adequate education, especially in the inner-city setting, prevents many poor people from escaping poverty. In addition, illiteracy, a problem that affects tens of millions of Americans, condemns many to joblessness or chronically low wages. Moreover, it excludes them in many ways from sharing in the political and spiritual life of the community. Since poverty is fundamentally a problem of powerlessness and marginalization, the importance of education as a means of overcoming it cannot be overemphasized.

204. Working to improve education in our society is an investment in the future, an investment that should include both the public and private school systems. Our Catholic schools have the well-merited reputation of providing excellent education, especially for the poor. Catholic inner-city schools provide an otherwise unavailable educational alternative for many poor families. They provide one effective vehicle for disadvantaged students to lift themselves out of poverty. We commend the work of all those who make great sacrifices to maintain these inner-city schools. We pledge ourselves to continue the effort to make Catholic schools models of education for the poor.

205. We also wish to affirm our strong support for the public schools for the public school system in the United States. There can be no substitute for quality education in public schools, for that is where the large majority of all students, including Catholic students, are educated. In Catholic social teaching, basic education is a fundamental human right. In our society a strong public school system is essential if we are to protect that right and allow everyone to develop to their maximum ability. Therefore, we strongly endorse the recent calls for improvements in and support for public education, including improving the quality of teaching and enhancing the rewards for the teaching profession. At all levels of education we need to improve the ability of our institutions to provide the personal and technical skills that are necessary for participation not only in today's labor market but in contemporary society.

206. f. Policies and programs at all levels should support the strength and stability of families, especially those adversely affected by the economy. As a nation we need to examine all aspects of economic life and assess their effects on families. Employment practices, health insurance policies, income-security programs, tax policy and service programs can either support or undermine the abilities of families to fulfill their roles in nurturing children and caring for infirm and dependent family members.

207. We affirm the principle enunciated by John Paul II that society's institutions and policies should be structured so that mothers of young children are not forced by economic necessity to leave their children for jobs outside the home. The nation's social welfare and tax policies should support parents' decisions to care for their own children and should recognize the work of parents in the home because of its value for the family and for society.

208. For those children whose parents do work outside the home, there is a serious shortage of affordable, quality day care. Employers, governments and private agencies need to improve both the availability and the quality of child-care services. Likewise, families could be assisted by the establishment of parental leave policies that would assure job security for new parents.

209. The high rate of divorce and the alarming extent of teen-age pregnancies in our nation are distressing signs of the breakdown of traditional family values. These destructive trends are present in all sectors of society, rich and poor, white, black and brown, urban and rural. However, for the poor they tend to be more visible and to have more damaging economic consequences. These destructive trends must be countered by a revived sense of personal responsibility and commitment to family values.

210. g. A thorough reform of the nation's welfare and income-support programs should be undertaken. For millions of poor Americans the only economic safety net is the public welfare system. The programs that make up this system should serve the needs of the poor in a manner that respect their dignity and provides adequate support. In our judgment the present welfare system does not adequately meet these criteria. We believe that several improvements can and should be made within the framework of existing welfare programs. However, in the long run, more far-reaching reforms that go beyond the present system will be necessary. Among the immediate improvements that could be made are the following:

211. (1) Public-assistance programs should be designed to assist recipients, wherever possible, to become self-sufficient through gainful employment. Individuals should not be worse off economically when they get jobs than when they rely only on public assistance. Under current rules, people who give up welfare benefits to work in low-paying jobs soon lose their Medicaid benefits. To help recipients become self-sufficient and reduce dependency on welfare, public-assistance programs should work in tandem with job-creation programs that include provisions for training, counseling, placement and child care. Jobs for recipients of public assistance should be fairly compensated so that workers receive the full benefits and status associated with gainful employment.

212. (2) Welfare programs should provide recipients with adequate levels of support. This support should cover basic needs in food, clothing, shelter, health care and other essentials. At present only 4 percent of poor families with children receive enough cash welfare benefits to lift them out of poverty. The combined benefits of AFDC and food stamps typically come to less than three-fourths of the official poverty level. Those receiving public assistance should not face the prospect of hunger at the end of the month, homelessness, sending children to school in ragged clothing or inadequate medical care.

213. (3) National eligibility standards and a national minimum-benefit level for public-assistance programs should be established. Currently welfare eligibility and benefits vary greatly among states. In 1985 a family of three with no earnings had a maximum AFDC benefit of $96 a month in Mississippi and $558 a month in Vermont. To remedy these great disparities, which are far larger than the regional differences in the cost of living, and to assure a floor of benefits for all needy people, our nation should establish and fund national minimum-benefit levels and eligibility standards in cash-assistance programs. The benefits should also be indexed to reflect changes in the cost of living. These changes reflect standards that our nation has already put in place for aged and disabled people and veterans. Is it not possible to do the same for the children and their mothers who receive public assistance?

214. (4) Welfare programs should be available to two-parent as well as single-parent families. Most states now limit participation in AFDC to families headed by single parents, usually women. The coverage of this program should be extended to two-parent families so that fathers who are unemployed or poorly paid do not have to leave home in order for their children to receive help. Such a change would be a significant step toward strengthening two-parent families who are poor.

Conclusion

215. The search for a more human and effective way to deal with poverty should not be limited to shortterm reform measures. The agenda for public debate should also include serious discussion of more fundamental alternatives to the existing welfare system. We urge that proposals for a family allowance or a children's allowance be carefully examined as a possible vehicle for ensuring a floor of income support for all children and their families. Special attention is needed to develop new efforts that are targeted on longterm responsive to traditional social welfare programs. The "negative income tax" is another major policy proposal that deserves continued discussion. These and other proposals should be part of a creative and ongoing effort to fashion a system of income support for the poor that protects their basic dignity and provides the necessary assistance in a just and effective manner.

C. FOOD AND AGRICULTURE

216. The fundamental test of an economy is its ability to meet the essential human needs of this generation and future generations in an equitable fashion. Food, water and energy are essential to life; their abundance in the United States has tended to make us complacent. But these goods—the foundation of God's gift of life—are too crucial to be taken for granted. God reminded the people of Israel that "the land is mine; for you are strangers and guests with me" (Lv. 25:23, RSV). Our Christian faith calls us to contemplate God's creative and sustaining action and to measure our own collaboration with the Creator in using the earth's resources to meet human needs. While Catholic social teaching on the care of the environment and the management of natural resources is still in the process of development, a Christian moral perspective clearly gives weight and urgency to their use in meeting human needs.

217. No aspect of this concern is more pressing than the nation's food system. We are concerned that this food system may be in jeopardy as increasing numbers of farm bankruptcies and foreclosures result in increased concentration of land ownership. We are likewise concerned about the increasing damage to natural resources resulting from many modern agricultural practices: the overconsumption of water, the depletion of topsoil, and the pollution of land and water. Finally, we are concerned about the stark reality of world hunger in spite of food surpluses. Our food production system is clearly in need of evaluation and reform.

1. U.S. agriculture—past and present

218. The current crisis has to be assessed in the context of the vast diversity of U.S. crops and climates. For example, subsistence farming in Appalachia, where so much of the land is absentee owned and where coal mining and timber production are the major economic interests, has little in common with family-farm grain production in the central Midwest or ranching in the Great Plains. Likewise, large-scale irrigated fruit, vegetable and cotton production in the central valley of California is very different from dairy farming in Wisconsin or tobacco and peanut production in the Southeast.

219. Two aspects of the complex history of U.S. land and food policy are particularly relevant. First, the United States entered this century with the ownership of productive land widely distributed. The Pre-emption Acts of the early 19th century and the Homestead Act of 1862 were an important part of that history. Wide distribution of ownership was reflected in the number and decentralization of farms in the United States, a trend that reached its peak in the 1930s. The U.S. farm system included nearly 7 million owner-operators in 1935. By 1983 the number of U.S. farms had declined to 2.4 million, and only about 3 percent of the population was engaged in producing food. Second, U.S. food policy has had a parallel goal of keeping the consumer cost of food low. As a result, Americans today spend less of their disposable income on food than people in any other industrialized country.

220. These outcomes require scrutiny. First of all, the loss of farms and the exodus of farmers from the land have led to the loss of a valued way of life, the decline of many rural communities and the increased concentration of land ownership. Second, while low food prices benefit consumers, who are left with additional income to spend on other goods, these pricing policies put pressure on farmers to increase output and hold down costs. This has led them to replace human labor with cheaper energy, expand farm size to employ new technologies favoring larger-scale operations, neglect soil and water conservation, underpay farm workers and oppose farm-worker unionization.

221. Today nearly half of U.S. food production comes from the 4 percent of farms with over $200,000 in gross sales. Many of these largest farms are no longer operated by families, but by managers hired by owners. Nearly three-quarters of all farms, accounting for only 13 percent of total farm sales, are comparatively small. They are often run by part-time farmers who derive most of their income from off-farm employment. The remaining 39 percent of sales comes from the 24 percent of farms grossing between $40,000 and $200,000. It is this group of farmers, located throughout the country and caught up in the long-term trend toward fewer and larger farms, who are at the center of the present farm crisis.

222. During the 1970s new markets for farm exports created additional opportunities for profit and accelerated the industrialization of agriculture, a process already stimulated by new petroleum-based, large-scale technologies that allowed farmers to cultivate many more acres. Federal tax policies and farm programs fostered this tendency by encouraging too much capital investment in agriculture and overemphasizing large-scale technologies. The results were greater production, increases in the value of farm land and heavy borrowing to finance expansion. In the 1980s, with export markets shrinking and commodity prices and land values declining, many farmers cannot repay their loans.

223. Their situation has been aggravated by certain "external" factors: persistent high interest rates that make it difficult to repay or refinance loans, the heavy debt burden of food-deficient countries, the high value of the dollar, dramatically higher U.S. budget and trade deficits, and generally reduced international trade following the worldwide recession of the early 1980s. The United States is unlikely to recapture its former share of the world food and fiber trade, and it is not necessarily an appropriate goal to attempt to do so. Exports are not the solution to U.S. farm problems. Past emphasis on production for overseas markets has contributed to the strain on our natural resource base and has also undermined the efforts of many less developed countries in attaining self-reliance in feeding their own people. In attempting to correct these abuses, however, we must not reduce our capability to help meet emergency food needs.

224. Some farmers face financial insolvency because of their own eagerness to take advantage of what appeared to be favorable investment opportunities. This was partly in response to the encouragement of public-policy incentives and the advice of economists and financiers. Nevertheless, farmers should share some responsibility for their current plight.

225. Four other aspects of the current situation concern us: First, land ownership is becoming further concentrated as units now facing bankruptcy are added to existing farms and non-farm corporations. Diversity of ownership and widespread participation are declining in this sector of the economy as they have in others. Since differing scales of operation and the investment of family labor have been important for American farm productivity, the increasing concentration of ownership in almost all sectors of agriculture points to an important change in that system. Of particular concern is the growing phenomenon of "vertical integration" whereby companies gain control of two or three of the links in the food chain: as suppliers of farm inputs, landowners and food processors. This increased concentration could also adversely affect food prices.

226. Second, diversity and richness in American society are lost as farm people leave the land and rural communities decay. It is not just a question of coping with additional unemployment and a need for retraining and relocation. It is also a matter of maintaining opportunities for employment and human development in a variety of economic sectors and cultural contexts.

227. Third, although the United States has set a world standard for food production, it has not done so without cost to our natural resource base. On nearly one-quarter of our most productive cropland, topsoil erosion currently exceeds the rate at which it can be replaced by natural processes. Similarly, underground water supplies are being depleted in areas where food production depends on irrigation. Furthermore, chemical fertilizer, pesticides and herbicides, considered now almost essential to today's agriculture, pollute the air, water and soil, and pose countless health hazards. Finally, where the expansion of residential, industrial and recreational areas makes it rewarding to do so, vast acreages of prime farmland, 3 million acres per year by some estimates, are converted to nonfarm use. The continuation of these practices, reflecting short-term investment interests or immediate income needs of farmers and other landowners, constitutes a danger to future food production because these practices are not sustainable.

228. Farm owners and farm workers are the immediate stewards of the natural resources required to produce the food that is necessary to sustain life. These resources must be understood as gifts of a generous God. When they are seen in that light and when the human race is perceived as a single moral community, we gain a sense of the substantial responsibility we bear as a nation for the world food system. Meeting human needs today and in the future demands an increased sense of stewardship and conservation from owners, managers and regulators of all resources, especially those required for the production of food.

229. Fourth, the situation of racial minorities in the U.S. food system is a matter of special pastoral concern. They are largely excluded from significant participation in the farm economy. Despite the agrarian heritage of so many Hispanics, for example, they operate only a minute fraction of America's farms. Black-owned farms, at one time a significant resource for black participation in the economy, have been disappearing at a dramatic rate in recent years, a trend that the U.S. Commission on Civil Rights has warned "can only serve to further diminish the stake of blacks in the social order and reinforce their skepticism regarding the concept of equality under the law."

230. It is largely as hired farm laborers rather than farm owners that minorities participate in the farm economy. Along with many white farm workers, they are by and large the poorest-paid and least-benefited of any laboring group in the country. Moreover, they are not as well protected by law and public policy as other groups of workers; and their efforts to organize and bargain collectively have been systematically and vehemently resisted, usually by farmers themselves. Migratory field workers are particularly susceptible to exploitation. This is reflected not only in their characteristically low wages but in the low standards of housing, health care and education made available to these workers and their families.

2. Guidelines for action

231. We are convinced that current trends in the food sector are not in the best interests of the United States or of the global community. The decline in the number of moderate-sized farms, increased concentration of land ownership and the mounting evidence of poor resource conservation raise serious questions of morality and public policy. As pastors, we cannot remain silent while thousands of farm families caught in the present crisis lose their homes, their land and their way of life. We approach this situation, however, aware that it reflects longer-term conditions that carry consequences for the food system as a whole and for the resources essential for food production.

232. While much of the change needed must come from the cooperative efforts of farmers themselves, we strongly believe that there is an important role for public policy in the protection of dispersed ownership through family farms, as well as in the preservation of natural resources. We suggest three guidelines for both public policy and private efforts aimed at shaping the future of American agriculture.

233. First, moderate-sized farms operated by families on a full-time basis should be preserved and their economic viability protected. Similarly, small farms and part-time farming, particularly in areas close to cities, should be encouraged. As we have noted elsewhere in this pastoral letter, there is genuine social and economic value in maintaining a wide distribution in the ownership of productive property. The democratization of decision making and control of the land resulting from wide distribution of farm ownership are protections against concentration of power and a consequent possible loss of responsiveness to public need in this crucial sector of the economy. Moreover, when those who work in an enterprise also share in its ownership, their active commitment to the purpose of the endeavor and their participation in it are enhanced. Ownership provides incentives for diligence and is a source of an increased sense that the work being done is one's own. This is particularly significant in a sector as vital to human well-being as agriculture.

234. Furthermore, diversity in farm ownership tends to prevent excessive consumer dependence on business decisions that seek maximum return on invested capital, thereby making the food system overly susceptible to fluctuations in the capital markets. This is particularly relevant in the case of non-farm corporations that enter agriculture in search of high profits. If the return drops substantially or if it appears that better profits can be obtained by investing elsewhere, the corporation may cut back or even close down operations without regard to the impact on the community or on the food system in general. In similar circumstances full-time farmers, with a heavy personal investment in their farms and strong ties to the community, are likely to preserve in the hope of better times. Family farms also make significant economic and social contributions to the life of rural communities. They support farm suppliers and other local merchants, and their farms support the tax base needed to pay for roads, schools, and other vital services.

235. This rural interdependence has value beyond the rural community itself. Both Catholic social teaching and the traditions of our country have emphasized the importance of maintaining the rich plurality of social institutions that enhances personal freedom and increases the opportunity for participation in community life. Movement toward a smaller number of very large farms employing wage workers would be a movement away from this institutional pluralism. By contributing to the vitality of rural communities, full-time residential farmers enrich the social and political life of the nation as a whole. Cities, too, benefit soundly and economically from a vibrant rural economy based on family farms. Because of out-migration of farm and rural people, too much of this enriching diversity has been lost already.

236. Second, the opportunity to engage in farming should be protected as a valuable form of work. At a time when unemployment in the country is already too high, any unnecessary increase in the number of unemployed people, however small, should be avoided. Farm unemployment leads to further rural unemployment as rural businesses lose their customers and close down. The loss of people from the land also entails the loss of expertise in farm and land management and creates a need for retraining and relocating another group of displaced workers.

237. Losing any job is painful, but losing one's farm and having to leave the land can be tragic. It often means the sacrifice of a family heritage and a way of life. Once farmers sell their land and their equipment, their move is practically irreversible. The costs of returning are so great that few who leave ever come back. Even the small current influx of people into agriculture attracted by lower land values will not balance this loss. Society should help those who would and could continue effectively in farming.

238. Third, effective stewardship of our natural resources should be a central consideration in any measures regarding U.S. agriculture. Such stewardship is a contribution to the common good that is difficult to assess in purely economic terms, because it involves the care of resources entrusted to us by our Creator for the benefit of all. Responsibility for the stewardship of these resources rests on society as a whole. Since farmers make their living from the use of this endowment, however, they bear a particular obligation to be caring stewards of soil and water. They fulfill this obligation by participating in soil and water conservation programs, using farm practices that enhance the quality of all resources and maintaining prime farm land in food production rather than letting it be converted to nonfarm uses.

3. Policies and actions

239. The human suffering involved in the present situation and the long-term structural changes occurring in this sector call for responsible action by the whole society. A half-century of federal farm-price supports, subsidized credit, production-oriented research and extension services, and special tax policies for farmers have made the federal government a central factor in almost every aspect on American agriculture. No redirection of current trends can occur without giving close attention to these programs.

240. A prime consideration in all agricultural trade and food-assistance policies should be the contribution our nation can make to global food security. This means continuing and increasing food aid without depressing Third World markets or using food as a weapon in international politics. It also means not subsidizing exports in ways that lead to trade wars and instability in international food markets.

241. We offer the following suggestions for governmental action with regard to the farm and food sector of the economy.

242. a. The current crisis calls for special measures to assist otherwise viable family farms that are threatened with bankruptcy or foreclosure. Operators of such farms should have access to emergency credit, reduced rates of interest and programs of debt restructuring. Rural lending institutions facing problems because of non-payment or slow payment of large farm loans should also have access to temporary assistance. Farmers, their families and their communities will gain immediately from these and other short-term measures aimed at keeping these people on the land.

243. b. Established federal farm programs, whose benefits now go disproportionately to the largest farmers, should be reassessed for their long-term effects on the structure of agriculture. Income-support programs that help farmers according to the amount of food they produce or the number of acres they farm should be subject to limits that ensure a fair income to all farm families and should restrict participation to producers who genuinely need such income assistance. There should also be a strict ceiling on price-support payments which assist farmers in times of falling prices so that benefits go to farms of moderate or small size. To succeed in redirecting the benefits of these programs while holding down costs to the public, consideration should be given to a broader application of mandatory production-control programs.

244. c. We favor reform of tax policies which now encourage the growth of large farms, attract investments into agriculture by non-farmers seeking tax shelters and inequitably benefit large and well-financed farming operations. Offsetting non-farm income with farm "losses" has encouraged high-income investors to acquire farm assets with no intention of depending on them for a living as family farmers must. The ability to depreciate capital equipment faster than its actual decline in value has benefited wealthy investors and farmers. Lower tax rates on capital gains have stimulated farm expansion and larger investments in energy-intensive equipment and technologies as substitutes for labor. Changes in estate-tax laws have consistently favored the largest estates. All of these results have demonstrated that reassessment of these and similar tax provisions is needed. We continue, moreover, to support a progressive land tax on farm acreage to discourage the accumulation of excessively large holdings.

245. d. Although it is often assumed that farms must grow in size in order to make the most efficient and productive use of sophisticated and costly technologies, numerous studies have shown that medium-sized commercial farms achieve most of the technical cost efficiencies available in agriculture today. We therefore recommend that the research and extension resources of the Federal government and the nation's land-grant colleges and universities be redirected toward improving the productivity of small and medium-sized farms.

246. e. Since soil and water conservation, like other efforts to protect the environment, are contributions to the good of the whole society, it is appropriate for the public to bear a share of the cost of these practices and to set standards for environmental protection. Government should therefore encourage farmers to adopt more conserving practices and distribute the costs of this conservation more broadly.

247. f. Justice demands that worker guarantees and protections such as minimum wages and benefits and unemployment compensation be extended to hired farm workers on the same basis as all other workers. There is also an urgent need for additional farm-worker housing, health care and educational assistance.

4. Solidarity in the Farm Community

248. While there is much that government can and should do to change the direction of farm and food policy in this country, that change in direction also depends upon the cooperation and good will of farmers. The incentives in our farm system to take risks, to expand farm size and to speculate in farm-land values are great. Hence farmers and ranchers must weigh these incentives against the values of family, rural community, care of the soil and a food system responsive to long-term as well as short-term food needs of the nation and the world. The ever-present temptation to individualism and greed must be countered by a determined movement toward solidarity in the farm community. Farmers should approach farming in a cooperative way, working with

other farmers in the purchase of supplies and equipment and in the marketing of produce. It is not necessary for every farmer to be in competition against every other farmer. Such cooperation can be extended to the role farmers play through their various general and community organizations in shaping and implementing governmental farm and food policies. Likewise, it is possible to seek out and adopt technologies that reduce costs and enhance productivity without demanding increases in farm size. New technologies are not forced on farmers; they are chosen by farmers themselves.

249. Farmers also must end their opposition to farm-worker unionization efforts. Farm workers have a legitimate right to belong to unions of their choice and to bargain collectively for just wages and working conditions. In pursuing that right they are protecting the value of labor in agriculture, a protection that also applies to farmers who devote their own labor to their farm operations.

5. Conclusion

250. The U.S. food system is an integral part of the larger economy of the nation and the world. As such, this integral role necessitates the cooperation of rural and urban interests in resolving the challenges and problems facing agriculture. The very nature of agricultural enterprise and the family-farm traditions of this country have kept it a highly competitive sector with a widely dispersed ownership of the most fundamental input to production, the land. That competitive, diverse structure, proven to be a dependable source of nutritious and affordable food for this country and millions of people in other parts of the world, is now threatened. The food necessary for life, the land and water resources needed to produce that food and the way of life of the people who make the land productive are at risk. Catholic social and ethical traditions attribute moral significance to each of these. Our response to the present situation should reflect a sensitivity to that moral significance, a determination that the United States will play its appropriate role in meeting global food needs and a commitment to bequeath to future generations an enhanced natural environment and the same ready access to the necessities of life that most of us enjoy today. To farmers and farm workers who are suffering because of the farm crisis, we promise our solidarity, prayers, counseling and the other spiritual resources of our Catholic faith.

D. THE U.S. ECONOMY AND THE DEVELOPING NATIONS: COMPLEXITY, CHALLENGE AND CHOICES

1. The complexity of economic relations in an interdependent world

251. The global economy is made up of national economies of the industrialized countries of the North and the developing countries of the South, together with the network of economic relations that link them. It constitutes the framework in which the solidarity we seek on a national level finds its international expression. Traditional Catholic teaching on this global interdependence emphasizes the dignity of the human person, the unity of the human family, the universally beneficial purpose of the goods of the earth, the need to pursue the international common good as well as the common good of each nation and the imperative of distributive justice. The United States plays a leading role in the international economic system; and we are concerned that U.S. relations with all nations—Canada, Europe, Japan and our other trading partners, as well as the socialist countries—reflect this teaching and be marked by fairness and mutual respect.

252. Nevertheless, without in the least discounting the importance of these linkages, our emphasis on the preferential option for the poor moves us to focus our attention mainly on U.S. relations with the Third World. Unless conscious steps are taken toward protecting human dignity and fostering human solidarity in these relationships, we can look forward to increased conflict and inequity, threatening the fragile economies of these relatively poor nations far more than our own relatively strong one. Moreover, equity requires, even as the fact of interdependence becomes more apparent, that the quality of interdependence be improved in order to eliminate "the scandal of the shocking inequality between the rich and the poor" in a world divided ever more sharply between them.

253. Developing countries, moreover, often perceive themselves more as dependent on the industrialized countries, especially the United States, because the international system itself, as well as the way the United States acts in it, subordinates them. The prices at which they must sell their commodity exports and purchase their food and manufactured imports, the rates of interest they must pay and the terms they must meet to borrow money, the standards of economic behavior of foreign investors, the amounts and conditions of external aid, etc., are essentially determined by the industrialized world. Moreover, their traditional cultures are increasingly susceptible to the aggressive cultural penetration of Northern (especially U.S.) advertising and media programming. The developing countries are junior partners at best.

254. The basic tenets of church teaching take on a new moral urgency as we deepen our understanding of how disadvantaged large numbers of people and nations are in this interdependent world. Half the world's people, nearly 2.5 billion, live in countries where the annual per capita income is $400 or less. At least 800 million people in those countries live in absolute poverty, "beneath any rational definition of human decency." Nearly half a billion are chronically hungry, despite abundant harvests worldwide. Fifteen out of every 100 children born in those countries die before the age of 5, and millions of the survivors are physically or mentally stunted. No aggregate of individual examples could portray adequately the appalling inequities within those desperately poor countries and between them and our own. And their misery is not the inevitable result of the march of history or of the intrinsic nature of particular cultures, but of human decisions and human institutions.

255. On the international economic scene three main sets of actors warrant particular attention: individual nations, which retain great influence; multilateral institutions, which channel money, power, ideas and influence; transnational corporations and banks, which have grown dramatically in number, size, scope and strength since World War II. In less identifiable ways trade unions, popular movements, private relief and development agencies and regional groupings of nations also affect the global economy. The interplay among all of them sets the context for policy choices that determine whether genuine interdependence is promoted or the dependence of the disadvantaged is deepened.

256. In this arena where fact and ethical challenges intersect, the moral task is to devise rules for the major actors that will move them toward a just international order. One of the most vexing problems is that of reconciling the transnational corporations' profit orientation with the common good that they, along with governments and their multilateral agencies, are supposed to serve.

257. The notion of interdependence erases the fading line between domestic and foreign policy. Many foreign-policy decisions (for example, on trade, investment and immigration) have direct and substantial impact on domestic constituencies in the United States. Similarly, many decisions thought of as domestic (for example, on farm policy, interest rates, the federal budget or the deficit) have important consequences for other countries. This increasingly recognized link of domestic and foreign issues poses new empirical and moral questions for national policy.

2. The challenge of Catholic social teaching

258. Catholic teaching on the international economic order recognizes this complexity, but does not provide specific solutions. Rather, we seek to ensure that moral considerations are taken into account. All of the elements of the moral perspective we have outlined above have important implications for international relationships. (1) The demands of Christian love and human solidarity challenge all economic actors to choose community over chaos. They require a definition of political community that goes beyond national sovereignty to policies that recognize the moral bonds among all people. (2) Basic justice implies that all peoples are entitled to participate in the increasingly interdependent global economy in a way that ensures their freedom and dignity. When whole communities are effectively left out or exclude form equitable participation in the international order, basic justice is violated. We want a world that works fairly for all. (3) Respect for human rights, both political and economic, implies that international decisions, institutions and policies must be shaped by values that are more than economic. The creation of a global order in which these rights are secure for all must be a prime objective for all relevant actors on the international stage. (4) The special place of the poor in this moral perspective means that meeting the basic needs of the millions of deprived and hungry people in the world must be the No. 1 objective of international policy.

259. These perspectives constitute a call for fundamental reform in the international economic order. Whether the problem is preventing war and building peace or addressing the needs of the poor, Catholic teaching emphasizes not only the individual conscience, but also the political, legal and economic structures through which policy is determined and issues are adjudicated. We do not seek here to evaluate the various proposals for international economic reform or deal here with economic relations between the United States and other industrialized countries. We urge, as a basic and overriding consideration, that both empirical and moral evidence, especially the precarious situation of the developing countries, calls for the renewal of the dialogue between the industrialized countries of the North and the developing countries of the South with the aim of reorganizing international economic relations to establish greater equity and help meet the basic human needs of the poor majority.

260. Here, as elsewhere, the preferential option for the poor is the central priority for policy choice. It offers a unique perspective on foreign policy in whose light U.S. relationships, especially with developing countries, can be reassessed. Standard foreign-policy analysis deals with calculations of power and definitions of national interest; but the poor are, by definition, not powerful. If we are to give appropriate weight to their concerns, their needs and their interests, we have to go beyond economic gain or national security as a starting point for the policy dialogue. We want to stand with the poor everywhere, and we believe that relations between the United States and developing nations should be determined in the first place by a concern for basic human needs and respect for cultural traditions.

3. The role of the United States in the global economy: Constructive choices

261. As we noted in "The Challenge of Peace," recent popes have strongly supported the United Nations as a crucial step forward in the development and organization of the human community; we share their regret that no international political entity now exists with the responsibility and power to promote the global common good, and we urge the United States to support U.N. efforts to move in that direction. Building a just world economic order in the absence of such an authority demands that national governments promote public policies that increase the ability of poor nations and marginalized people to participate in the global economy. Because no other nation's economic power yet matches ours, we believe that this responsibility pertains especially to the United States; but it must be carried out in cooperation with other industrialized countries as in the case of halting the rise of the dollar. This is yet another evidence of the fact of interdependence. Joint action toward these goals not only promotes justice and reduces misery in the Third World, but is in the interest of the United States and other industrialized nations.

262. Yet in recent years U.S. policy toward development in the Third World has become increasingly one of selective assistance based on an East-West assessment of North-South problems at the expense of basic human needs and economic development. Such a view makes national security the central policy principle. Developing countries have become largely testing grounds in the East-West struggle; they seem to have meaning or value mainly in terms of this larger geopolitical calculus. The result is that issues of human need and economic development take second place to the political-strategic argument. This tendency must be resisted.

263. Moreover, U.S. performance in North-South negotiations often casts in the role of resisting developing-country proposals without advancing realistic ones of our own. North-South dialogue is bound to be complex, protracted and filled with symbolic and often unrealistic demands, but the situation has now reached the point where the rest of the world expects the United States to assume a reluctant, adversarial posture in such discussions. The U.S. approach to the developing countries needs urgently to be changed; a country as large, rich and powerful as ours has a moral obligation to lead in helping to reduce poverty in the Third World.

264. We believe that U.S. policy toward the developing world should reflect our traditional regard for human rights and our concern for social progress. In economic policy, as we noted in our pastoral letter on nuclear war, the major international economic relationships of aid, trade, finance and investment are interdependent among themselves and illustrate the range of interdependence issues facing U.S. policy. All three of the major economic factors are active in all these relationships. Each relationship offers us the possibility of substantial, positive movement toward increasing social justice in the developing world; in each, regrettably, we fall short. It is urgent that immediate steps be taken to correct the deficiencies.

265. a. Development Assistance: The official development assistance that the industrialized and the oil-producing countries provide the Third World in the form of grants, low-interest long-term loans, commodities and technical assistance is a significant contribution to their development. Although the annual share of U.S. gross national product devoted to foreign aid is now less than one-tenth of that of the Marshall Plan, which helped rebuild devastated but advanced European economies, we remain the largest donor country. We still play a central role in these resource transfers, but we no longer set an example for other donors. We lag proportionately behind most other industrial nations in providing resources and seem to care less than before about development in the Third World. Our bilateral aid has become increasingly militarized and security related, and our contributions to multilateral agencies have been reduced in recent years. Not all of these changes are justifiable. The projects of the International Development Agency, for example, seem to be worthy of support.

266. This is a grave distortion of the priority that development assistance should command. We are dismayed that the United States, once the pioneer in foreign aid, is almost last among the 17 industrialized nations in the Organization for Economic Cooperation and Development in percentage of gross national product devoted to aid. Reduction of the U.S. contribution to multilateral development institutions is particularly regrettable, because these institutions are often better able than the bilateral agencies to focus on the poor and reduce dependency in developing countries. This is also an area in which, in the past, our leadership and example have had great influence. A more affirmative U.S. role in these institutions, which we took the lead in creating, could improve their performance, send an encouraging signal of U.S. intentions and help reopen the dialogue on the growing poverty and dependency of the Third World.

267. b. Trade: Trade continues to be a central component of international economic relations. It contributed in a major way to the rapid economic growth of many developing countries in the 1960s and 1970s and will probably continue to do so, though at a slower rate. The preferential option for the poor does not, by itself, yield a trade policy; but it does provide a frame of reference. In particular, an equitable trading system that will help the poor should allocate its benefits fairly and ensure that exports from developing countries receive fair prices reached by agreement among all trading partners. Developing nations have a right to receive a fair price for their raw materials that allows for a reasonable degree of profit.

268. Trade policy illustrates the conflicting pressures that interdependence can generate; claims of injustice from developing countries denied market access are countered by claims or injustice in the domestic economies of industrialized countries when jobs are threatened and incomes fall. Agricultural trade and a few industrial sectors present particularly acute examples of this.

269. We believe the ethical norms we have applied to domestic economic questions are equally valid here. As in other economic matters, the basic questions are: Who benefits from the particular policy measure? How can any benefit or adverse impact be equitably shared? We need to examine, for example, the extent to which the success in the U.S. market of certain imports is derived from exploitative labor conditions in the exporting country, conditions that is some cases have attracted the investment in the first place. The United States should do all it can to ensure that the trading system treats the poorest segments of developing countries' societies fairly and does not lead to human rights violations. In particular the United States should seek effective special measures under the General Agreement on Tariffs and Trade to benefit the poorest countries.

270. At the same time, U.S. workers and their families hurt by the operation of the trading system must be helped through training and other measures to adjust to changes that advanced development and decrease poverty in the Third World. This is a very serious, immediate and intensifying problem. In our judgment, adjustment-assistance programs in the United States have been poorly designed and administered and inadequately funded. A society and an economy such as ours can better adjust to trade dislocations than can poverty-ridden developing countries.

271. c. Finance: Aid and trade policies alone, however enlightened, do not constitute a sufficient approach to the developing countries; they must also be looked at in conjunction with international finance and investment. The debtor-creditor relationship well exemplifies both the interdependence of the international economic order and its asymmetrical character, i.e., the dependence of the developing countries. The aggregate external debt of the developing countries now approaches $1 trillion, more than one-third of their combined gross national product; this total doubled between 1979 and 1984, and continues to rise. On average, the first 20 percent of export earnings goes to service that debt without significantly reducing the principal; in some countries debt service is nearly 100 percent of such earnings, leaving scant resources available for the countries' development programs.

272. The roots of this very complex debt crisis are both historic and systemic. Historically, the three major economic actors share the responsibility for the present difficulty because of decisions made and actions taken during the 1970s and 1980s. In 1972 the Soviet Union purchased the entire U.S. grain surplus, and grain prices trebled. Between 1973 and 1979, the Organization of Petroleum Exporting Countries raised the price of oil eightfold and thereafter deposited most of the profits in commercial banks in the North. In order to profit from the interest-rate spread on these deposits, the banks pushed larger and larger loans on eager Third World borrowers needing funds to purchase more and more expensive oil. A second doubling of oil prices in 1979 forced many of these countries to refinance their loans and borrow more money at escalating interest rates. A global recession beginning in 1979 caused the prices of Third World export commodities to fall and thus reduced

their ability to meet their increasingly burdensome debt payments out of export earnings.

273. The global system of finance, development and trade established by the Bretton Woods Conference in 1944—the World Bank, the International Monetary Fund and the GATT—was created by the North to prevent a recurrence of the economic problems that were perceived to have led to World War II. Forty years later that system seems incapable, without basic changes, of helping the debtor countries—which had no part in its creation—manage their increasingly untenable debt situation effectively and equitably. The World Bank, largest of these institutions, has been engaged primarily in lending for specific projects rather than for general economic health. The IMF was intended to be short-term lender that would help out with temporary balance-of-payments or cash-flow problems; but in the current situation it has come to the fore as a monitor of commercial financial transactions and an evaluator of debtors' creditworthiness—and therefore the key institution for resolving these problems. The GATT, which is not an institution, had been largely supplanted as trade monitor for the developing countries by the U.N. Conference on Trade and Development, in which the latter have more confidence.

274. This crisis, however, goes beyond the system; it affects people. It afflicts and oppresses large numbers of people who are already severely disadvantaged. That is the scandal: It is the poorest people who suffer most from the austerity measures required when a country seeks the IMF "seal of approval" which establishes its creditworthiness for a commercial loan (or perhaps an external aid program). It is these same people who suffer most when commodity prices fall, when food cannot be imported or they cannot buy it, and when natural disasters occur. Our commitment to the preferential option for the poor does not permit us to remain silent in these circumstances. Ways must be found to meet the immediate emergency—moratorium on payments, conversion of some dollar-denominated debt into local-currency debt, creditors' accepting a share of the burden by partially writing down selected loans, capitalizing interest or perhaps outright cancellation.

275. The poorest countries, especially those in sub-Saharan Africa which are least developed, most afflicted by hunger and malnutrition, and most vulnerable to commodity-price declines, are in extremely perilous circumstances. Although their aggregate debt of more than $100 billion (much of it owed to multilateral institutions) is about one-quarter that of Latin America, their collateral (oil, minerals, manufacturers, grain, etc.) is much less adequate, their ability to service external debt much weaker and the possibility of their rescheduling it very small. For low-income countries like these, the most useful immediate remedies are longer payment periods, lower interest rates and modification of IMF adjustment requirements that exacerbate the already straitened circumstances of the poor. Especially helpful for some African countries would be cancellation of debts owned to governments, a step already taken by some creditor nations.

276. Better-off debtor countries also need to be able to adjust their debts without penalizing the poor. Although the final policy decisions about the allocation of adjustment costs belong to the debtor government, internal equity considerations should be taken into account in determining the conditions of debt rescheduling and additional lending; for example, wage reductions should not be mandated, basic public services to the poor should not be cut and measures should be required to reduce the flight of capital. Since this debt problem, like most others, is systemic, a case-by-case approach is not sufficient: Lending policies and exchange-rate considerations are not only economic questions, but are thoroughly and intensely political.

277. Beyond all this, the growing external debt that has become the overarching economic problem of the Third World also requires systemic change to provide immediate relief and to prevent recurrence. The Bretton Woods institutions do not adequately represent Third World debtors, and their policies are not dealing effectively with problems affecting those nations. These institutions need to be substantially reformed and their policies reviewed at the same time that the immediate problem of Third World debt is being dealt with. The United States should promote, support and participate fully in such reforms and reviews. Such a role is not only morally right, but is in the economic interest of the United States; more than a third of this debt is owed to U.S. banks. The viability of the international banking system (and of those U.S. banks) depends in part of the ability of debtor countries to manage those debts. Stubborn insistence on full repayment could force them to default—which would lead to economic losses in the United States. In this connection we should not overlook the impact of U.S. budget and trade deficits on interest rates. These high interest rates exacerbate the already-difficult debt situation. They also attract capital away from investment in economic develop in Third World countries.

278. d. Foreign Private Investment: Although direct private investment in the developing countries by U.S.-based transnational corporations has declined in recent years, it still amounts to about $60 billion and accounts for sizable annual transfers. Such investment in developing countries should be increased, consistent with the host country's development goals and with benefits equitably distributed. Particular efforts should be made to encourage investments by medium-sized and small companies, as well as to joint ventures, which may be more appropriate to the developing country's situation. For the foreseeable future, however, private investment will probably not meet the infrastructural needs of the poorest countries—roads, transportation, communications, education, health, etc.—since these do not generally show profits and therefore do not attract private capital. Yet without this infrastructure, no real economic growth can take place.

279. Direct foreign investment, risky though it may be for both the investing corporation and the developing country, can provide needed capital, technology and managerial expertise. Care must be taken lest such investment create or perpetuate dependency, harming especially those at the bottom of the economic ladder. Investments that sustain or worsen inequities in a developing country, that help to maintain oppressive elites in power or that increase food dependency by encouraging cash cropping for export at the expense of local needs should be discouraged. Foreign investors, attracted by low wage rates in less-developed countries, should consider both the potential loss of jobs in the home country and the potential exploitation of workers in the host country. Both the products and the technologies of the investing firms should be appropriate to the developing country, neither catering just to a small number of high-income consumers nor establishing capital-intensive processes that displace labor, especially in the agricultural sector.

280. Such inequitable results, however, are not necessary consequences of transnational corporate activity. Corporations can contribute to development by attracting and training high-caliber managers and other personnel, by helping organize effective marketing systems, by generating additional capital, by introducing or reinforcing financial accountability and by sharing the knowledge gained from their own research and development activities. Although the ability of the corporations to plan, operate and communicate across national borders without concern for domestic considerations makes it harder for governments to direct their activities toward the common good, the effort should be made; the Christian ethic is incompatible with a primary or exclusive foucs on maximization of profit. We strongly urge U.S. and international support of efforts to develop a code of conduct for foreign corporations that recognizes their quasi-public character and encourages both development and the equitable distribution of their benefits. Transnational corporations should be required to adopt such a code and to conform their behavior to its provisions.

281. e. The World Food Problem—A Special Urgency: These four resource-transfer channels—aid, trade, finance and investment—intersect and overlap in all economic areas, but in none more clearly than in the international food system. The largest single segment of development-assistance support goes to the agricultural sector and to food aid for short-term emergencies and vulnerable groups; food constitutes one of the most critical trade sectors; developing countries have borrowed extensively in the international capital markets to finance food imports; and a substantial portion of direct private investment flows into the agricultural sector.

282. The development of U.S. agriculture has moved the United States into a dominant position in the international food system. The best way to meet the responsibilities this dominance entails is to design and implement a U.S. food and agriculture policy that contributes to increased food security—that is, access by everyone to an adequate diet. A world with nearly half a billion hungry people is not one in which food security has been achieved. The problem of hunger has a special significance for those who read the Scriptures and profess the Christian faith. From the Lord's command to feed the hungry, to the eucharist we celebrate as the bread of life, the fabric of our faith demands that we be creatively engaged in sharing the food that sustains life. There is no more basic human need. The gospel imperative takes on new urgency in a world of abundant harvests where hundreds of millions of people face starvation. Relief and prevention of their hunger cannot be left to the arithmetic of the marketplace.

283. The chronic hunger of those who live literally from day to day is one symptom of the underlying problem of poverty; relieving and preventing hunger is part of a larger coordinated strategy to attack poverty itself. People must be enabled either to grow or to buy the food they need without depending on an indefinite dole; there is no substitute

for long-term agricultural and food-system development in the nations now caught in the grip of hunger and starvation. Most authorities agree that the key to this development is the small farmers, most of whom are prevented from participating in the food system by the lack of a market incentive resulting from the poverty of the bulk of the populations and by the lack of access to productive agricultural inputs, especially land, resulting mainly from their own poverty. In these poor, food-deficit countries, no less than in our own, the small family farm deserves support and protection.

284. But recognizing the long-term problem does not dissolve the short-term obligation of the world's major food-exporting nation to provide food aid sufficient to meet the nutritional needs of poor people and to provide it not simply to dispose of surpluses but in a way that does not discourage local food production. There can be no successful solution to the problem of hunger in the world without U.S. participation in a cooperative effort that simultaneously increases food aid and launches a long-term program to help develop food self-reliance in food-deficit developing countries.

285. Hunger is often seen as being linked with the problem of population growth, as effect to cause. While this relationship is sometimes presented in oversimplified fashion, we cannot fail to recognize that the earth's resources are finite and that population grows rapidly. Whether the world can provide a truly human life for twice as many people or more as now live in it (many of whose lives are sadly deficient today) is a matter of urgent concern that cannot be ignored.

286. Although we do not believe that people are poor and hungry primarily because they have large families, the church fully supports the need for all to exercise responsible parenthood. Family size is heavily dependent on levels of economic development, education, respect for women, availability of health care and the cultural traditions of communities. Therefore, in dealing with population growth we strongly favor efforts to address these social and economic concerns.

287. Population policies must be designed as part of an overall strategy of integral human development. They must respect the freedom of parents and avoid coercion. As Pope Paul VI has said concerning population policies:

"It is true that too frequently an accelerated demographic increase adds its own difficulties to the problems of development: The size of the population increases more rapidly than available resources, and things are found to have reached apparently an impasse. From that moment the temptation is great to check the demographic increase by means of radical measures. It is certain that public authorities can intervene, within the limit of their competence, by favoring the availability of appropriate information and by adopting suitable measures, provided that these be in conformity with the moral law and that they respect the rightful freedom of married couples. Where the inalienable right to marriage and procreation is lacking, human dignity has ceased to exist."

4. U.S. responsibility for reform in the international economic system

288. The United States cannot be the sole savior of the developing world nor are Third World countries entirely innocent with respect to their own failures or totally helpless to achieve their own destinies. Many of these countries will need to initiate positive steps to promote and sustain development and economic growth—streamline bureaucracies, account for funds, plan reasonable programs and take further steps toward empowering their people. Progress toward development will surely require them to take some tough remedial measures as well: Prevent the flight of capital, reduce borrowing, modify price discrimination against rural areas, eliminate corruption in the use of funds and other resources, and curtail spending on inefficient public enterprises. The pervasive U.S. presence in many parts of our interdependent world, however, also creates a responsibility for us to increase the use of U.S. economic power—not just aid—in the service of human dignity and human rights, both political and economic.

289. In particular, as we noted in our earlier letter, "The Challenge of Peace," the contrast between expenditures on armaments and on development reflects a shift in priorities from meeting human needs to promoting "national security" and represents a massive distortion of resource allocations. In 1982, for example, the military expenditures of the industrialized countries were 17 times larger than their foreign assistance; in 1985 the United States alone budgeted more than 20 times as much for defense as for foreign assistance, and nearly two-thirds of the latter took the form of military assistance (including subsidized arms sales) or went to countries because of their perceived strategic value to the United States. Rather than promoting U.S. Arms sales, especially to countries that cannot afford them, we should be campaigning for an international agreement to reduce this lethal trade.

290. In short, the international economic order, life many aspects of our own economy, is in crisis; the gap between rich and poor countries and between rich and poor people within countries is widening. The United States represents the most powerful single factor in the international economic equation. But even as we speak of crisis, we see an opportunity for the United States to launch a worldwide campaign for justice and economic rights to match the still incomplete, but encouraging, political democracy we have achieved in the United States with so much pain and sacrifice.

291. To restructure the international order along lines of greater equity and participation and apply the preferential option for the poor to international economic activity will require sacrifices of at least the scope of those we have made over the years in building our own nation. We need to call again upon the qualities of leadership and vision that have marked our history when crucial choices were demanded. As Pope John Paul II said during his 1979 visit to the United States, "America, which in the past decades has demonstrated goodness and generosity in providng food for the hungry of the world, will, I am sure, be able to match this generosity with an equally convincing contribution to the establishing of a world order that will create the necessary economic and trade conditions for a more just relationship between all the nations of the world."

292. We share his conviction that most of the policy issues generally called economic are, at root, moral and therefore require the application of moral principles derived from the Scriptures and from the evolving social teaching of the church and other traditions. We also recognize that we are dealing here with sensitive international issues that cross national boundaries. Nevertheless, in order to pursue justice and peace on a global scale, we call for a U.S. international economic policy designated to empower people everywhere and enable them to continue to develop a sense of their own worth, improve the quality of their lives and ensure that the benefits of economic growth are shared equitably.

E. CONCLUSION

293. None of the issues we have addressed in this chapter can be dealt with in isolation. They are interconnected, and their resolution requires difficult trade-offs among competing interests and values. The changing international economy, for example, greatly influences efforts to achieve full employment in the United States and to maintain a healthy farm sector. Similarly, as we have noted, policies and programs to reduce unemployment and poverty must not ignore a potential inflationary impact. These complexities and trade-offs are real and must be confronted, but they are not an excuse for inaction. They should not paralyze us in our search for a more just economy.

294. Many of the reforms we have suggested in this chapter would be expensive. At a time when the United States has large annual deficits some might consider these costs too high. But this discussion must be set in the context of how our resources are allocated and the immense human and social costs of failure to act on these pressing problems. We believe that the question of providing adequate revenues to meet the needs of our nation must be faced squarely and realistically. Reforms in the tax code which close loopholes and generate new revenues, for example, are among the steps that need to be examined in order to develop a federal budget that is both fiscally sound and socially responsible. The cost of meeting our social needs must also be weighed against the $300 billion a year allocated for military purposes. Although some of these expenditures are necessary for the defense of the nation, some elements of the military budget are both wasteful and dangerous for world peace. Careful reductions should be made in these areas in order to free up funds for social and economic reforms. In the end, the question is not whether the United States can provide the necessary funds to meet our social needs, but whether we have the political will to do so.

Chapter 4. A New American Experiment: Partnership for the Public Good

295. For over 200 years the United States has been engaged in a bold experiment in democracy. The founders of the nation set out to establish justice, promote the general welfare and secure the blessings of liberty for themselves and their posterity. Those who live in this land today are the beneficiaries of this great venture. Our review of some of the most pressing problems in economic life today shows, however, that this undertaking is not yet complete. Justice for all remains an aspiration; a fair share in the general welfare is denied to many. In addition to the particular policy recommendations made above, a long-term and more fundamental response is needed. This will call for an imaginative vision of the future that can help shape economic arrangements in creative new ways. We now want to propose some elements of such a vision and several innovations in economic structures that can contribute to making this vision a reality.

296. Completing the unfinished business of the American experiment will call for

new forms of cooperation and partnership among those whose daily work is the source of the prosperity and justice of the nation. The United States prides itself on both its competitive sense of initiative and its spirit of teamwork. Today a greater spirit of partnership and teamwork is needed; competition alone will not do the job. It has too many negative consequences for family life, the economically vulnerable and the environment. Only a renewed commitment by all to the common good can deal creatively with the realities of international interdependence and economic dislocations in the domestic economy. The virtues of good citizenship require a lively sense of participation in the commonwealth and of having obligations as well as rights within it. The nation's economic health depends on strengthening these virtues among all its people and on the development of institutional arrangements supportive of these virtues.

297. The nation's founders took daring steps to create structures of participation, mutual accountability and widely distributed power to ensure the political rights and freedoms of all. We believe that similar steps are needed today to expand economic participation, broaden the sharing of economic power and make economic decisions more accountable to the common good. As noted above, the principle of subsidiarity states that the pursuit of economic justice must occur on all levels of society. It makes demands on communities as small as the family, as large as the global society and on all levels in between. There are a number of ways to enhance the cooperative participation of these many groups in the task of creating this future. Since there is no single innovation that will solve all problems, we recommend careful experimentation with several possibilities that hold considerable hope for increasing partnership and strengthening mutual responsibility for economic justice.

A. COOPERATION WITHIN FIRMS AND INDUSTRIES

298. A new experiment in bringing democratic ideals to economic life calls for serious exploration of ways to develop new patterns of partnership among those working in individual firms and industries. Every business, from the smallest to the largest, including farms and ranches, depends on many different persons and groups for its success: workers, managers, owners or shareholders, suppliers, customers, creditors, the local community and the wider society. Each makes a contribution to the enterprise, and each has a stake in its growth or decline. Present structures of accountability, however, do not acknowledge all these contributions or protect these stakes. A major challenge in today's economy is the development of new institutional mechanisms for accountability that also preserve the flexibility needed to respond quickly to a rapidly changing business environment.

299. New forms of partnership between workers and managers are one means for developing greater participation and accountability within firms. Recent experience has shown that both labor and management suffer when the adversarial relationship between them becomes extreme. As Pope Leo XIII stated, "Each needs the other completely: Capital cannot do without labor nor labor without capital." The organization of firms should reflect and enhance this mutual partnership. In particular, the development of work patterns for men and women that are more supportive of family life will benefit both employees and the enterprises they work for.

300. Workers in firms and on farms are especially in need of stronger institutional protection, for their jobs and livelihood are particularly vulnerable to the decisions of others in today's highly competitive labor market. Several arrangements are gaining increasing support in the United States: profit sharing by the workers in a firm; enabling employees to become company stockholders; granting employees greater participation in determining the conditions of work; cooperative ownership of the firm by all who work within it; and programs for enabling a much larger number of Americans, regardless of their employment status, to become shareholders in successful corporations. Initiatives of this sort can enhance productivity, increase that profitability of firms, provide greater job security and work satisfaction for emplyees, and reduce adversarial relations. In our 1919 Program of Social Reconstruction we observed "the full possibilities of increased production will not be realized so long as the majority of workers remain mere wage earners. The majority must somehow become owners, at least in part, of the instruments of production." We believe this judgment remains generally valid today.

301. None of these approaches provides a panacea and all have certain drawbacks. Nevertheless we believe that continued research and experimentation with these approaches will be of benefit. Catholic social teaching has endorsed on many occasions innovative methods for increasing worker participation within firms. The appropriateness of these methods will depend on the circumstances of the company or industry in question and on their effectiveness in actually increasing a genuinely cooperative approach to shaping decisions. The most highly publicized examples o such efforts have been in large firms facing serious financial crises. If increased participation and collaboration can help a firm avoid collapse, why should it not give added strength to healthy businesses? Cooperative ownership is particularly worthy of consideration in new entrepreneurial enterprises.

302. Partnerships between labor and management are possible only when both groups possess real freedom and power to influence decisions. This means that unions ought to continue to play an imnportant role in moving toward greater economic participation within firms and industries. Workers rightly reject calls for less-adversarial relations when they are a smokescreen for demands that labor make all the concessions. For partnership to be a geniune it must be a two-way street, with creative initiative and a willingness to cooperate on all sides.

303. When companies are considering plant closures or the movement of capital, it is patently unjust to deny workers any role in shaping the outcome of these difficult choices. In the heavy-manufacturing sector today, technological change and international competition can be the occasion of painful decisions leading to the loss of jobs or wage reductions. While such decisions may sometimes be necessary, a collaborative and mutually accountable model of industrial organization would mean that workers not be expected to carry all the burdens of an economy in transition. Management and investors must also accept their share of sacrifices, especially when management is thinking of closing a plant or transferring capital to a seemingly more lucrative or competitive activity. The capital at the disposal of management is in part the product of the labor of those who have toiled in the company over the years, including currently employed workers. As a minimum, workers have a right to be informed in advance when such decisions are under consideration, a right to negotiate with management about possible alternatives and a right to fair compensation and assistance with retraining and relocation expenses should these be necessasry. Since even these minimal rights are jeopardized without collective negotiation, industrial cooperation requires a strong role for labor unions in our changing economy.

304. Labor unions themselves are challenged by the present economic environment to seek new ways of doing business. The purpose of unions is not simply to defend the existing wages and prerogatives of the fraction of workers who belong to them, but also to enable workers to make positive and creative contributions to the firm, and community and the larger society in an organized and cooperative way. Such contributions call for experiments with new directions in the U.S. labor movement.

305. The parts played by managers and shareholders in U.S. corporations also need careful eximination. In U.S. law, the primary responsibility of managers is to exercise prudent business judgment in the interest of a profitable return to investors. But morally this legal responsibility may be exercised only within the bounds of justice of employees, customers, suppliers and the local community. Corporate mergers and hostile takeovers may bring greater benefits to shareholders, but they often lead to decreased concern for the well-being of local communities and make towns and cities more vulnerable to decisions made from afar.

306. Most shareholders today exercise relatively little power in corporate governance. Although shareholders can and should vote on the selection of corporate directors and on investment questions and other policy matters, it appears that return on investment is the governing criterion in the relation between them and management. We do not believe this is an adequate rationale for shareholder decisions. The question of how to relate the rights and responsibilities of shareholders to those of the other people and communities affected by corporate decisions is complex and insufficiently understood. We therefore urge serious, long-term research and experimentation in this area. More effective ways of dealing with these questions are essential to enable firms to serve the common good.

B. LOCAL AND REGIONAL COOPERATION

307. The context within which U.S. firms do business has direct influence on their ability to contribute to the common good. Companies and indeed whole industries are not sole masters of their own fate. Increased cooperative efforts are needed to make local, regional, national and international conditions more supportive of the pursuit of economic justice.

308. In the principle of subsidiarity, Catholic social teaching has long stressed the importance of small- and intermediate-sized communities or institutions in exercising moral responsibility. These mediating structures link the individual to society as a whole in a way that gives people greater freedom and power to act. Such groups include families, neighborhoods, church congregations, community organizations, civic and business associations, public interest

and advocacy groups, community-development corporations and many other bodies. All these groups can play a crucial role in generating creative partnerships for the pursuit of the public good on the local and regional level.

309. The value of partnership is illustrated by considering how new jobs are created. The development of new businesses to serve the local community is key to revitalizing areas hit hard by unemployment. The cities and regions in greatest need of these new jobs face serious obstacles in attracting enterprises that can provide them. Lack of financial resources, limited entrepreneurial skill, blighted and unsafe environments, and a deteriorating infrastructure create a vicious cycle that makes new investment in these areas more risky and therefore less likely.

310. Breaking out of this cycle will require a cooperative approach that draws on all the resources of the community. Community-development corporations can keep efforts focused on assisting those most in need. Existing business, labor, financial and academic institutions can provide expertise in partnership with innovative entrepreneurs. New cooperative structures of local ownership will give the community or region an added stake in businesses, and even more important, give these businesses a greater stake in the community. Government on the local, state and national levels must play a significant role, especially through tax structures that encourage investment in hard-hit areas and through funding aimed at conservation and basic infrastructure needs. Initiatives like these can contribute to a multilevel response to the needs of the community.

311. The church itself can work as an effective partner on the local and regional level. Firsthand knowledge of community needs and commitment to the protection of the dignity of all should put church leaders in the forefront of efforts to encourage a communitywide cooperative strategy. Because churches includes members from many different parts of the community, they can often serve as mediator between groups who might otherwise regard each other with suspicion. We urge local church groups to work creatively and in partnership with other private and public groups in responding to local and regional problems.

C. PARTNERSHIP IN THE DEVELOPMENT OF NATIONAL POLICIES

312. The causes of our national economic problems and their possible solutions are the subject of vigorous debate today. The discussion often turns on the role the national government has played in creating these problems and could play in remedying them. We want to point to several considerations that could help build new forms of effective citizenship and cooperation in shaping the economic life of our country.

313. First, while economic freedom and personal initiative are deservedly esteemed in our society, we have increasingly come to recognize the inescapably social and political nature of the economy. The market is always embedded in a specific social and political context. The tax system affects consumption, saving and investment. National monetary policy, domestic and defense programs, protection of the environment and worker safety, and regulation of international trade all shape the economy as a whole. These policies influence domestic investment, unemployment rates, foreign exchange and the health of the entire world economy.

314. The principle of subsidiarity calls for government intervention when small or intermediate groups in society are unable or unwilling to take the steps needed to promote basic justice. Pope John XXIII observed that the growth of more complex relations of interdependence among citizens has led to an increased role for government in modern societies. This role is to work in partnership with the many other groups in society, helping them fulfill their tasks and responsibilities more effectively, not replacing or destroying them. The challenge of today is to move beyond abstract disputes about whether more or less government intervention is needed, to consideration of creative ways of enabling government and private groups to work together effectively.

315. It is in this light that we understand Pope John Paul II's recommendation that "society make provision for overall planning" in the economic domain. Planning must occur on various levels, with the government ensuring that basic justice is protected and also protecting the rights and freedoms of all other agents. In the pope's words:

"In the final analysis this overall concern weighs on the shoulders of the state, but it cannot mean one-sided centralization by the public authorities. Instead what is in question is a just and rational coordination within the framework of which the initiative of individuals, free groups and local work centers and complexes must be safeguarded."

316. We are well aware that the mere mention of economic planning is likely to produce a strong negative reaction in U.S. society. It conjures up images of centralized planning boards, command economies, inefficient bureaucracies and mountains of government paperwork. It is also clear that the meaning of "planning" is open to a wide variety of interpretations and takes very different forms in various nations. The pope's words should not be construed as an endorsement of a highly centralized form of economic planning, much less a totalitarian one. His call for a "just and rational coordination" of the endeavors of the many economic actors is a call to seek creative new partnership and forms of participation in shaping national policies.

317. There are already many forms of economic planning going on within the U.S. economy today. Individuals and families plan for their economic future. Management and labor unions regularly develop both long- and short-term plans. Towns, cities and regions frequently have planning agencies concerned with their social and economic future. When state legislatures and the U.S. Congress vote on budgets or on almost any other bill that comes before them, they are engaged in a form of public planning. Catholic social teaching does not propose a single model for political and economic life by which these levels are to be institutionally related to each other. It does insist that reasonable coordination among the different parts of the body politic is an essential condition for achieving justice. This is a moral precondition of good citizenship that applies to both individual and institutional actors. In its absence no political structure can guarantee justice in society or the economy. Effective decisions in these matters will demand greater cooperation among all citizens. To encourage our fellow citizens to consider more carefully the appropriate balance of private and local initiative with national economic policy, we make several recommendations.

318. First, in an advanced industrial economy like ours, all parts of society, including government, must cooperate in forming national economic policies. Taxation, monetary policy, high levels of government spending and many other forms of governmental regulation are here to stay. A modern economy without governmental interventions of the sort we have alluded to is inconceivable. These interventions, however, should help, not replace, the contributions of other economic actors and institutions and should direct them to the common good. The development of effective new forms of partnership between private and public agencies will be difficult in a situation as immensely complex as that of the United States in which various aspects of national policy seem to contradict one another. On the theoretical level, achieving greater coordination will make demands on those with the technical competence to analyze the relationship among different parts of the economy. More practically, it will require the various subgroups within our society to sharpen their concern for the common good and moderate their efforts to protect their own short-term interests.

319. Second, the impact of national economic policies on the poor and the vulnerable is the primary criterion for judging their moral value. Throughout this letter we have stressed the special place of the poor and the vulnerable in any ethical analysis of the U.S. economy. National economic policies that contribute to building a true commonwealth should reflect this by standing firmly for the rights of those who fall through the cracks of our economy: the poor, the unemployed, the homeless, the displaced. Being a citizen of this land means sharing in the responsibility for shaping and implementing such policies.

320. Third, the serious distortion of national economic priorities produced by massive national spending on defense must be remedied. Clearsighted consideration of the role of government shows that government and the economy are already closely intertwined through military research and defense contracts. Defense-related industries make up a major part of the U.S. economy and have intimate links with both the military and civilian government; they often depart from the competitive model of free-market capitalism. Moreover, the dedication of so much of the national budget to military purposes has been disastrous for the poor and vulnerable members of our own and other nations. The nation's spending priorities need to be revised in the interests of both justice and peace.

321. We recognize that these proposals do not provide a detailed agenda. We are also aware that there is a tension between setting the goals for coherent policies and actually arriving at them by democratic means. But if we can increase the level of commitment to the common good and the virtues of citizenship in our nation, the ability to achieve these goals will greatly increase. It is these fundamental moral concerns that lead us as bishops to join the debate on national priorities.

D. COOPERATION AT THE INTERNATIONAL LEVEL

322. If our country is to guide its international economic relationships by policies that serve human dignity and justice, we must expand our understanding of the moral responsibility of citizens to serve the common good of the entire planet. Cooperation is not limited to the local, regional or national level. Economic policy can no

longer be governed by national goals alone. The fact that the "social question has become worldwide" challenges us to broaden our horizons and enhance our collaboration and sense of solidarity on the global level. The cause of democracy is closely tied to the cause of economic justice. The unfinished business of the American experiment includes the formation of new international partnerships, especially with the developing countries, based on mutual respect, cooperation and a dedication to fundamental justice.

323. The principle of subsidiarity calls for government to intervene in the economy when basic justice requires greater social coordination and regulation of economic actors and institutions. In global economic relations, however, no international institution provides this sort of coordination and regulation. The U.N. system, including the World Bank, the IMF and the GATT, does not possess the requisite authority. Pope John XXIII called this institutional weakness a "structural defect" in the organization of the human community. The structures of world order, including economic ones, "no longer correspond to the objective requirements of the universal common good."

324. Locked together in a world of limited material resources and a growing array of common problems, we help or hurt one another by the economic policies we choose. All the economic agents in our society, therefore, must consciously and deliberately attend to the good of the whole human family. We must all work to increase the effectiveness of international agencies in addressing global problems that cannot be handled through the actions of individual countries. In particular we repeat our plea made in "The Challenge of Peace" urging "that the United States adopt a stronger supportive leadership role with respect to the United Nations." In the years following World War II the United States took the lead in establishing multilateral bodies to deal with postwar economic problems. Unfortunately, in recent years this country has taken steps that have weakened rather than strengthened multilateral approaches. This is a shortsighted policy and should be reversed if the long-term interests of an interdependent globe are to be served. In devising more effective arrangements for pursuing international economic justice, the overriding problem is how to get from where we are to where we ought to be. Progress toward that goal demands positive and often difficult action by corporations, banks, labor unions, governments and other major actors on the international stage. But whatever the difficulty, the need to give priority to alleviating poverty in developing countries is undeniable; and the cost of continued inaction can be counted in human lives lost or stunted, talents wasted, opportunities foregone, misery and suffering prolonged, and injustice condoned.

325. Self-restraint and self-criticism by all parties are necessary first steps toward strengthening the international structures to protect the common good. Otherwise, growing interdependence will lead to conflict and increased economic threats to human dignity. This is an important long-term challenge to the economic future of this country and its place in the emerging world economic community.●

BLACK HISTORY MONTH

● Mr. KERRY. Mr. President, February is recognized in schools throughout America as Black History Month. It is a time when Americans make a special effort to honor the accomplishments and achievements of black Americans and their contributions to our society.

Unfortunately for many years the contributions of black Americans were left out of our history books. Even though history books are now starting to mention some of the contributions of black Americans to this country, the focus has been mainly on the civil rights movement of the 1960's. While this was a very important time in the history of black Americans and all Americans, we must not overlook the contribution of black Americans prior to that time.

Dr. Carter G. Woodson, a distinguished historian and author, started Black History Week in 1937, because of the lack of information about black Americans available to students. He along with other scholars brought to the forefront the accomplishments of black Americans in the fields of science, agriculture, education, and public policy.

We in Massachusetts have always taken great pride in the fact that so many past and present black American heroes chose Massachusetts as a place to live and work. These included men like Crispus Attucks, hero of the Boston Massacre; Frederick Douglass, a leading abolitionist; and W.E.B. DuBois, an early civil rights leader and author. We also take great pride in the achievements of Dr. Martin Luther King, Jr., a graduate of Boston University, and my own predecessor in the Senate, Edward Brooke, who was the first and only black U.S. Senator since Reconstruction.

When we recognize the tremendous contributions of black Americans, we recognize a rich and glorious part of American history that has too long been neglected. As we celebrate Black History Month, let us work toward a time when the history of black Americans will be studied not just for 1 month, but throughout the year in schools across the United States.●

CIVIL RIGHTS

● Mr. KERRY. Mr. President, the Supreme Court's decision in February 1984 in the case of Grove City College versus Bell was a step backward in the continuing struggle for civil rights in this country. In that decision, the Supreme Court ruled that title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in most education programs and activities receiving Federal financial assistance, applies only to the particular program receiving Federal aid, not to the entire institution. The effect of this misguided decision has been to strip away constitutional protections against discrimination for women, minorities, and elderly, and the disabled in our society.

The time has come for the Congress to correct that injustice, and to restore the full protection of our civil rights laws to all Americans. I am pleased, therefore, to be a cosponsor of the Civil Rights Restoration Act of 1987. This legislation would reverse the Grove City decision, and restore full constitutional and civil rights protections under title VI of the 1964 Civil Rights Act, title IX of the 1972 Education Amendments, section 504 of the 1973 Rehabilitation Act, and the Age Discrimination Act of 1975. All of these laws provide vitally important protection against discrimination for our citizens.

President John F. Kennedy said, "Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination." That is what this legislation is designed to ensure. The four areas of law covered by this bill are laws which were written to assure that Federal funds would always go to prevent discrimination, not to promote it.

Title IV of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance. Title IX of the Education Amendments of 1972 bans sex discrimination in educational institutions and programs that benefit from Federal funds. Section 504 of the Rehabilitation Act of 1973 protects disabled persons from discrimination by all recipients of Federal funding. And the Age Discrimination Act of 1975 forbids discrimination on the basis of age by any agency or institution which receives Federal aid.

These are laws for which many people have worked and struggled. Some have even given their lives in the movement for civil rights in this country. And over the past three decades, since the Supreme Court's landmark decision in Brown versus Board of Education, this Nation has made great progress toward the goal of equal justice for all.

But that progress had been seriously threatened by the Court's regressive decision in the Grove City case. As a result of the Reagan administration's broad interpretation of the ruling in Grove City, the impact of the ruling has been extended to reach corporations, local governments, hospitals, airports, and many other facilities which receive Federal funds. Ed Meese, William Bradford Reynolds, and company have extended the Grove City ruling far beyond the educational institutions to which the actual holding applied. While the Court's ruling in Grove City was damaging enough, the Reagan administration has made it much worse.

As a result of the Reagan-Meese-Reynolds interpretation of Grove City, Federal civil rights enforcement has been drastically reduced. At each step in the enforcement process, major barriers have been imposed by this administration. Audits and compliance reviews of institutions receiving Federal funds have been drastically curtailed. Investigations of civil rights complaints have been put on hold, sometimes for months or years. Compliance plans to end discrimination, even those which were already in place, have been revoked. Administrative law judges are refusing to hear cases involving discrimination in federally funded institutions, and Federal judges are throwing many private law suits out of court which would vindicate civil rights.

This is not just a matter of abstract legalisms. It means that an elderly couple may be denied immunization by a city clinic which decides to reserve a vaccine for the working-age population. It means that an employee with outstanding evaluations may suddenly be fired when his employer learns that he has epilepsy, or AIDS. It means that a high school girl may be put on a waiting list for a science class until all the boys who want to enroll have had a chance to do so. And it means that a public school may decide to hold separate dances for black students and white students.

Incidents like these should be only memories of a distant past in America. But unfortunately, they are all too real. They can happen even now, in 1987, in cities and towns across the United States. And sadly, they can happen with the protection and blessing of the Reagan Justice Department.

That is why we need to pass the Civil Rights Restoration Act of 1987, and pass it this year. Too many people have struggled too long, and sacrificed too much, for us to turn our back on civil rights now. Martin Luther King, Jr. said, in a letter from the Birmingham jail, that "Injustice anywhere is a threat to justice everywhere." Let us once again make American justice a model for all the world. Let us reaffirm our national commitment to civil rights in 1987. If we do, then we will have real reason to celebrate the 200th anniversary of our Constitution as a living document.●

TAXPAYERS' BILL OF RIGHTS

● Mr. REID. Mr. President, the last time I rose to address this body concerning the taxpayers' bill of rights I used a case study to illustrate both how the Internal Revenue Service violates taxpayers' rights and how my proposed legislation would address the specific abuse described. Today, I will again employ this method to demonstrate the need for legislation protecting taxpayers' rights from IRS abuse.

As some of my colleagues may know, Form 2848—Power of Attorney and Declaration of Representative—authorizes particular individuals to represent the taxpayer before the IRS. In fact, this form authorizes the taxpayer's representative to "perform any and all acts" before the IRS that the taxpayer can perform. This representative cannot be bypassed unless the representative is responsible for unreasonable delay or hindrance of the IRS examination or investigation of the taxpayer.

Over the past few months, however, it has come to light that several IRS districts are violating the procedure by bypassing the duly authorized taxpayer representative and interviewing the taxpayer directly. By violating this procedure the IRS not only intimidates taxpayers who believed their representative would handle their relations with the IRS, but it also put taxpayers at an extreme disadvantage in presenting their case due to their unfamiliarity with the intricacies of the Tax Code. It is not difficult to imagine how exposing taxpayers to such procedures could lead to the abuse of the taxpayer's rights.

Section 5 of my proposed bill would codify provisions which currently only exist in regulations and in the IRS Manual. This provision would require the IRS to discuss all tax matters of a taxpayer with the taxpayer's authorized representative. Only in situations where the representative unreasonably delays or hinders an examination may the IRS interview the taxpayer directly.

It is a pity there is a need for legislation in this area. After all, the IRS established a tried-and-true method for authorizing taxpayer representatives and conducting interviews through the representative. This method worked and in the rare instances when it did not the IRS could interview the taxpayer directly or issue a summons if necessary. Remember, it is the taxpayer's records not the taxpayer the IRS is supposed to be examining, thus compliance is best served by contacting the person who is most familiar with a taxpayer's circumstances and this is often the taxpayer's representative.

In closing, I would like to touch on the interest my taxpayers' bill of rights has already generated. I have received letters from citizens from Latrobe, PA, to Tampa, FL, describing unbelievable stories of IRS abuse and urging passage of protective legislation. Tax practitioners and tax advocacy groups have contacted me with support for my bill and with concrete proposals to reform the IRS and make it an agency more sensitive to taxpayers' rights.

There is no better time to enact the taxpayers' bill of rights, and complete the job of tax reform begun last year, than in this bicentennial year of our Constitution. I invite all of my colleagues to join me and the beleagured taxpayers of America in cosponsoring the taxpayers' bill of rights which I will be introducing on Tuesday.●

AMERICAN TOBACCO: A CENTURY OF LEADERSHIP

● Mr. SANFORD. Mr. President, since the 1870's, the American Tobacco Co., has been a leader in the tobacco industry and a good corporate citizen of Durham, NC. Later this year, American Tobacco will close its Durham plant. Its closing will be a loss to Durham, to North Carolina, and to the tradition of innovative, competitive family businesses that characterize the Durham and Research Triangle area of North Carolina.

American Tobacco got its start in 1865 as W. Duke & Sons Co. Washington Duke, returning from the Civil War, and his three boys sold their tobacco throughout eastern North Carolina, often bartering it, since cash was scarce in the postwar years.

In the 1880's, the Dukes made history by utilizing the first successful cigarette-making machine. Other companies had tried it and failed, but the Dukes made it work.

The Dukes launched several other new techniques in cigarette making. They developed the first automatic feeding system. Before this innovation, tobacco had to be tossed with pitchforks into the cigarette machine—back-breaking work. With the Duke's feeding system, a series of conveyer belts loaded the tobacco into the machine.

The Dukes also developed a machine to tie up the bags of its best-selling Bull Durham tobacco. Even after American Tobacco expanded and had other plants, its new products were developed in the innovative, advanced Durham plant. This plant developed the blends for classic cigarettes, such as Pall Mall, Carlton, Tareyton, and Lucky Strikes.

But the Dukes didn't do it alone. American Tobacco achieved all it did because of the contributions of its workers. These dedicated, talented and hard-working men and women have over the years always taken pride in their work. They exemplify the kind of intelligent and conscientious workers who have made Durham and Durham County's Research Triangle Park such economic success stories.

And just as American Tobacco employees have contributed to their company, they have contributed to their community. Their civic spirit has helped make Durham the kind of place I like to call home. I commend their industry, intelligence, spirit, and even their athletic prowess: They brought home the gold from the Duke Children's Classic track meet last year.

Now, with a changing economic sitution, American Tobacco is forced to close this historic and pace-setting Durham plant.

With 1,000 employees, American Tobacco has been a major employer in Durham. As a homegrown company, American Tobacco has taken pride in Durham, as the city has been proud to be home to this company, and we bid farewell with both regret and pride.

As American Tobacco employees take up new jobs or new careers, I wish them the best. I commend them on the fine service and loyalty they continue to give to American Tobacco and on the professionalism with which they are adjusting to this change.

For my fellow Senators, I hold up this additional corporate trauma as the reminder of the personal tragedies it generates. The closing of American Tobacco reminds us that, in these changing times, we're losing too many markets and too many jobs. We need to make this country a leader again in agriculture, manufacturing, and services, so we can keep American workers on the job.●

EFFICIENCY IN EDUCATION

● Mr. MOYNIHAN. Mr. President, I am sure that the Senate is well aware of the ongoing debate concerning the future of higher education in this country. Most recently, Secretary of Education, William Bennett, has made the argument that higher education has become too inefficient and too costly for both taxpayer and government.

In response to this argument, Dennis O'Brien, president of the University of Rochester, wrote an op-ed piece for the New York Times explaining why higher education is necessarily an inefficient and costly enterprise. Yet one must balance these costs: The financial expense of educating as many of our Nation's young as wish to be educated against the fortification and security of our future as a world leader in all areas.

America cannot retain its economic, scientific, and intellectual position in the world without investing in education at all levels. We must invest in our Nation's education in order that we may preserve the past while discovering the future.

I ask that the full text of the op-ed piece by Dennis O'Brien be printed in the RECORD.

The text follows:

[From the New York Times, Feb. 12, 1987]

COLLEGE IS NOT A PRODUCT

(By Dennis O'Brien)

ROCHESTER, NY.—I am pleased that the Secretary of Education, William J. Bennett, has finally disclosed that universities are wasteful and inefficient. As a university president, I have always been ashamed to admit this fault, but I now feel that public confession is permissible. Perhaps abject admission will lead to fiscal absolution or solvency.

Universities are not only inefficient in fact; they are inefficient in principle. The model of efficiency is the market economy, in which individuals are spurred to efficiencies of production and consumption by the discipline of market demands. The famous "invisible hand" adjusts individual decisions of producers and consumers so that an equilibrium of supply and demand is achieved. In this model, universities are spectacular failures. Our principal inadequacy is a failure of "market timing."

The efficiency of the market depends on its orientation to the present. A consumer can only wait so long for a purchase, and the merchant cannot afford to carry stale inventories. But while markets are oriented to the present, universities have an inefficient and obsessive interest in the past and future. The university library has to be the most out-of-date inventory extant. There was a day when Cicero was a hot item in the curricular market, but maintaining classical studies in 1987 is like Cosmopolitan magazine obstinately advertising bustles.

Holding obsolete merchandise on the library shelves is bad enough, but universities also speculate in the futures market. For every philologist worrying about a verb's past tense, there is a physicist fussing about quarks—an item that probably has no sale price now or ever. It is very difficult to pretend to any level of efficiency when you produce items that never have been or never will be marketable.

Of course, it's possible to make universities market-efficient. Parsons College, in Iowa, operated on the best supermarket principles. Only courses currently on the Student-Consumer Top 40 list were offered. A few faculty were paid large salaries to mass merchandise the product. Part-time, lowpaid assistants worked the check-out counters grading papers. Unhappily for advocates of efficiency, like Mr. Bennett, the Parsons model didn't inspire other colleges to follow and the college was sold.

Universities and colleges exist somewhere along the spectrum between museums and grocery markets. None—not even Harvard—can be pure museums retaining all the arts and artifacts of the past or the languages of out-of-fashion cultures. Nor do colleges move wholly in the direction of only fresh produce. Even the most present-centered community college will offer courses on Plato and all that.

A determination to "sell" the antique past and the exotic future establishes a first-order inefficiency that exponentially multiplies to orders of wastefulness beyond Mr. Bennett's worst nightmares. For example, the University of Rochester's Eastman School of Music maintains the largest music library in America outside the Library of Congress. For schools sponsoring something as untrendy as the Bachs, support services for the product from outside suppliers are limited. That's partly a result of the fact that two-thirds of all music publications come from West Germany, and as the German mark has waxed our acquisition program has waned. Maybe the Department of Education would have us economize by watching a TV music channel.

What about the costs of the future? Exotic research requires equipment that one usually can't get at K-Mart. Of course, there is significant Government support for scientific research, but the grants often do not cover the true costs of the programs, such as the cost of new facilities.

Mr. Bennett has argued that universities simply charge what the market can bear—the-pupils-be-damned attitude. One could argue just as plausibly that Government actions—excessive regulations plus underfunding of university research plus threats (and actions) to reduce student aid—have driven tuition costs ever higher. That scenario also is too simple and one-sided, but we seem to be caught in a game of simplicities about college costs. Given the terms of the current public debate, I would rather be wasteful than simple.●

SOLIDARITY WITH GAYS

● Mr. KERRY. Mr. President, unfortunately, prejudice and violence often go hand and hand. And violence based on racial, ethnic, religious, and sexual stereotypes is still too often a disturbing reality here in America. The recent events in Howard Beach, NY, and Forsyth County, GA are an unpleasant reminder of that fact.

Gay people in America have frequently suffered from prejudice based on stereotypes. And that prejudice has often led to violence against gays in our cities. With the upsurge in cases of AIDS among the gay community has come an upswing in prejudice and discrimination against gays. And with that prejudice has also come violence against gay men and women.

As the Boston Globe recently editorialized, "When a person is attacked because of his color, religion or sexual orientation, the rights and liberties of all are threatened. Bigotry and violence, whether motivated by hatred of certain racial groups or homosexuals, must not be tacitly approved, by silence." Those words apply not only in Boston, but across the United States.

During the Nazi era in Germany, prejudice against gays took another form. There, gay people were sent to the death camps, along with Jews and other members of unpopular groups. As Pastor Martin Niemoeller put it, "In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up."

Let us speak up today against prejudice and violence directed at gay people, and at all minority groups. Let us speak up in support of the civil rights of all Americans. For while the assaults may be directed at gay people today, tomorrow they could be directed at any one of us.

I ask that the Boston Globe editorial, entitled "Solidarity with Gays", be printed in the RECORD.

The editoral follows:

[From the Boston Globe, February 1, 1987]

SOLIDARITY WITH GAYS

Boston's gay community should not be left to cope alone with an increasing number of assaults against gay persons by paranoid bigots. The problem is one for the entire city; all residents, as well as city and law enforcement officials, should support efforts by the gay community to send a message to the bigots that their actions will not be tolerated.

Gay persons in Boston, like those in other cities, have long been victimized by bullies who are intolerant of anyone who does not conform to their own narrow views of what a person should do or should look like. These are the same people who beat blacks and Southeast Asians because they look different.

Gay persons find being called "faggot" and "queer" as offensive as blacks find being called "nigger." The step from name-calling to violence has proved to be a short one.

Mayor Flynn and other officials have sent out a message that those who engage in racially motivated violence will be prosecuted to the full extent of the law. Community groups have come together to discuss ways of dealing with bigotry in neighborhoods. Although racial violence remains a serious problem, minority groups need not feel isolated. The same sense of shared concern, as well as more legal protections, must be extended to the gay community.

Police officials say that one reason for some of the violence against gay persons is the growing crisis with AIDS. This reasoning underscores the need for more public education and awareness about AIDS. It should not be accepted by the public as justification for unprovoked attacks on a particular group of people.

When a person is attacked because of his color, religion or sexual orientation, the rights and liberties of all are threatened. Bigotry and violence, whether motivated by hatred of certain racial groups or homosexuals, must not be tacitly approved, by silence. It must be challenged, because only by protecting the rights of individuals can the rights of all be ensured.●

THE ARMS RACE

● Mr. SIMON. Mr. President, Flora Lewis had a column recently in the New York Times about arms sales and the folly of the growing arms race.

We tend to concentrate the arms race focus on the United States and the Soviet Union.

In fact, there is a Third World arms race also, and the United States is a major player in that Third World arms race.

It is an arms race that takes away food from hungry people, education from people who need it, and health delivery from the ill and afflicted.

I am not sure how we get hold of this arms race, but one way is to gradually reduce that $5.8 billion that we are requested in foreign military aid this year.

I ask that the Flora Lewis column be printed in the RECORD, and I urge my colleagues to read it.

The column follows:

BOOM-BOOMS AS BONBONS

(By Flora Lewis)

PARIS.—In the aftermath of World War I, there was a great campaign against the "merchants of death" who made fortunes selling arms and encouraging wars to use them up. Making money is now an important factor for governments in the world arms trade, but the politics of trying to win friends and influence people, not to speak of buying back hostages, has overtaken it.

As Andrew Pierre put it in his book "The Global Politics of Arms Sales," written four years ago and more topical than ever, "arms sales are foreign policy writ large." They have become a test of international affection, the way to court a ruling elite and show loyal support, especially in the third world. The goodies with which to turn foreign heads are boom-booms now, not the trinkets and bonbons of old.

This is not particularly new. Mr. Pierre shows that the trend developed after widespread decolonization in the 1960's and accelerated in the 1970's. But now it seems to be taken for granted as a reasonable way to try to make the world work by suppliers, and as the measure of "good will" by recipients.

President Carter made a stab at reversing the trend but with only limited success. The transfer of arms actually increased during his Presidency, though he imposed stricter guidelines to improve coherence with other foreign policy goals and made sure everybody involved knew that he was keeping a close watch on the deals. In fiscal 1979, Mr. Pierre says, Mr. Carter personally "reviewed 88 out of a total of 126 significant transactions."

Efforts to enlist allies foundered on their insistence that first the Soviet Union should agree on negotiated restraints. These negotiations broke down in turn because of intramural quarrels in the American bureaucracy and, ultimately, with the suspension of practically all U.S.-Soviet talks after the invasion of Afghanistan.

Mr. Carter's experience highlighted the difficulties and showed that, even with the best of intentions, there is no easy formula to quench the demand and supply of weapons around the world.

But President Reagan came to office with a decision not only to rearm the U.S. but to use arms transfers "as an essential element of the U.S. global defense posture and an indispensable component of foreign policy," as Mr. Pierre says.

A White House policy statement of July 9, 1981, concluded "We will deal with the world as it is, rather than as we would like it to be," after arguing an increased need to ship weapons so as to bolster American interests without directly committing more American force abroad.

Now foreign military aid alone, which doesn't include commercial transactions not financed by the taxpayers, steadily runs almost as high as foreign economic assistance. In fiscal 1986 there was $8 billion in economic aid including $1.6 billion in "food for peace," which helps cut agricultural surpluses, and $6.2 billion in military aid. The figures for 1987 are $8.2 billion economic aid, including $1.5 billion in food and $6.2 billion military; 1988's reduced budget request is for $7.8 billion in economic aid, of which $1.4 billion is food and $5.8 billion military.

Soviet figures are not available, but Moscow is known to be far readier to ship weapons than to finance development. Even after most of the "liberation wars" that it supported around the world had ended, Sovet weapons were still flowing abroad at increasing levels. Many other countries take part in the trade. The spigot is wide open.

This militarization of international relations even when countries are not at war and don't plan to start a fight has to be alarming, besides its depressing effect on economic and social development. It makes countries feel less secure, not more, and usually inhibits efforts for political settlement of inevitable conflicts of interest.

Taken one by one, the arguments for updating and bloating arsenals often look reasonable in terms of regional rivalries and internal tensions. Added up, they look sheer crazy. The record shows that eager suppliers can reap the whirlwind rather than political rewards. Iran in American experience and Egypt for the Russians are only the most blatant examples.

Now that Washington and Moscow are edging up to serious talks again, which will have to include regional issues preferably sooner rather than later, it is time to think of another approach to restraining arms transfers. It is hard but it isn't impossible. They have come to be above all a political tool. Politics can find a better way to favor friends and show concern.●

UNDERGROUND NUCLEAR TESTS

● Mr. SIMON. Mr. President, the Senate may soon consider whether to give its consent to two treaties that ought to have been ratified a long time ago: the Threshold Test Ban Treaty [TTBT] of 1974 and the Peaceful Nuclear Explosions Treaty [PNET] of 1976. There has been some controversy surrounding the verification and Soviet compliance issue, and this has served as the focus of our deliberations in the Foreign Relations Committee since the 100th Congress convened.

Listening to all of the testimony submitted, I found a curious pattern. The administration witnesses all said the Soviets were substantially in compliance with the 150-kiloton yield limit, but thought we could get estimates even more accurate than seismic methods using an onsite measurement called CORRTEX. The administration witnesses told us that we could reduce the uncertainty down from a factor of 2—a 100-percent deviation—for seismology to a factor of 1.3—a 30-percent deviation—with CORRTEX.

Several months ago, I met in my office with an impressive physicist from the University of Illinois, Frederick Lamb. We discussed the merits of CORRTEX versus seismic, and he was somewhat skeptical of the many claims made for CORRTEX. He promised to look into it further and report back.

Dr. Lamb has just finished a paper that will go into the Foreign Relations

Committee's record as expert testimony on the ratification of the TTBT and PNET that I would like to place into the RECORD in full. It is a technical paper, but the essentials are readily available to the layman. It warns of the dangers of sole reliance on CORRTEX, and debunks the proposition that CORRTEX is always accurate to within 30 percent regardless of the geologic structures underlying a given test site.

In fact, according to Dr. Lamb, CORRTEX could just as easily be more inaccurate than seismic measurements if the wrong type of rock is assumed or if we can't tell whether the explosion is above or below the water table. We would have to know to the precise millionth of a second or less when the explosion is to take place. All the geologic data would have to be perfectly understood, both for the test hole—where the nuclear explosion will be set off—and for the satellite hole where the CORRTEX cables will be placed. It turns out that there may have to be several satellite holes, and for this reason the measurements will probably be highly intrusive, something that neither party to these treaties seems to want.

What else don't we know about CORRTEX? The administration has testified that we have had many years of experience with CORRTEX out at the Nevada test site, but what they neglected to mention was our relative inexperience with CORRTEX placed in satellite holes—usually 30 feet or so from the test hole. The truth is we've only had four test shots using CORRTEX in a satellite hole. Any imprecisions in any of a number of important measurements will throw off the results. Members of the Lawrence Livermore Lab have said privately that they can find no solution for yield estimation if they don't previously know both the exact position and timing of a nuclear detonation.

Where does this leave us? Dr. Paul Richards, a seismologist at Columbia University's Lamont-Doherty-Laboratory, testified before the committee that "for large explosions there are typically three or more independent seismic waves upon which separate seismic yield estimates can be based. If the average of these estimates is taken as the central value yield, with a factor of uncertainty of 2—at the 95-percent level—for each of the three methods, it is easy to show that the resulting seismic yield estimate has only a factor of 1.5 uncertainty."

Other seismologists have testified before Congress or published data showing the uncertainty level closer to 1.3 using high-frequency surface waves, or the level claimed for CORRTEX. Even at 1.5 uncertainty, there is very little statistical difference between 1.3 and 1.5, but with seismic measurements you don't have the same kinds of acutely sensitive measurement criteria that you have with CORRTEX.

Dr. Lamb also mentions that Administration and other sources have implied that CORRTEX will solve the bias problem. In his words, "it does not. All three measures—radiochemical, CORRTEX or other hydrodynamic, and seismic—are subject to both bias and uncertainty." Corrtex measurements are no more nor less "direct and accurate," to use the language the administration wants to put in a new protocol, than seismic measures.

One of several errors in setting up the CORRTEX device could ruin the yield estimate. For example, an error of less than 1 inch in surveying the satellite hole for the entire length of the hole will throw off the results. There are many other difficulties with CORRTEX.

Finally, let us be clear on what is meant by an error of 1.3 or an error of 1.5 at the 95-percent confidence level. At 1.3 uncertainty, one test in 40 will be estimated at over 195 kilotons. At 1.5 uncertainty—the current estimate for seismic methods—one test in 40 will register as over 225 kilotons. Not one person knowledgeable about nuclear weapons designs would say there is any military distinction between tests at 195 kilotons and those at 225 kilotons. Additionally, there is growing evidence that one seismic wave in particular, the "Lg wave," may by itself give us yield estimates within the 1.3 range of error.

We need to have reliable verification of the Soviet testing program. We also need to realize that the best is sometimes the enemy of the good. CORRTEX, in addition to seismic, unquestionably adds something to our knowledge of a detonation, but the evidence suggests that this additional knowledge is so marginal that it is almost meaningless. We can wait until the year 2087 for a fool-proof, completely accurate monitoring system to be invented, but in the interim we could lose the battle to reverse and ultimately end the arms race. We ought to think carefully about our verification criteria before we offer advice and consent to these treaties. Dr. Lamb's paper will help each of us do that.

Mr. President, I ask that Fredrick Lamb's paper, "Monitoring Yields of Underground Nuclear Tests," be printed in the RECORD in full.

The article follows:

MONITORING YIELDS OF UNDERGROUND NUCLEAR TESTS

(By Frederick K. Lamb)

(Programs in Arms Control, Disarmament, and International Security University of Illinois at Urbana-Champaign[*] and Center for International Security and Arms Control Stanford University[†] February 3, 1987)

INTRODUCTION

The United States and the Soviet Union signed the Threshold Test Ban Treaty (TTBT) in 1974 and the Peaceful Nuclear Explosions Treaty (PNET) in 1976. These treaties prohibit underground nuclear explosions having yields greater than 150 kilotons (kt.) Although neither party has ratified either treaty, both have separately stated that they will respect the 150 kt limit.

Previously, the Reagan Administration has not sought ratification of these treaties on the grounds that "we cannot affectively verify Soviet compliance with the 150-kiloton threshold on underground nuclear explosions. The remote seismic techniques we must rely on today to monitor Soviet nuclear tests do not provide yield estimates with the accuracy required for effective verification of compliance."[1] Yield estimates based on teleseismic body wave magnitudes (the method currently used by the U.S. government) are considered to be uncertain by a factor of two at the 95 percent confidence level.[2] This statement means there is one chance in 40 that an explosion with a most likely yield of 150 kt actually had a yield of 300 kt or more. This uncertainty was apparently considered acceptable at the time the TTBT and PNETR were signed. And discussed later in this report, the best remote seismic methods now available have, according to some experts, an uncertainty of a factor of 1.5 at the 95 percent confidence level.

Recently, and in accordance with his agreement with the Congress just before the Reykjavik Summit, President Reagan has proposed ratification of the TTBT and PNET with reservations that they not go into effect until the Soviet Union agrees to new monitoring measures to improve verification. The Administration is strongly advocating adoption of the hydrodynamic method of yield estimation, which involves measuring the way in which the shock wave produced by an underground nuclear explosion propagates away from the point of detonation. In particular, the Administration advocates [2] use of the so-called CORRTEX technique for measuring the radius of the shock front as a function of time (CORRTEX is an acronym for *continuous reflectometry for radius versus time experiments).* It believes that it has identified in the hydrodynamic yield estimation method an approach "which will reduce the uncertainty in yield measurement to an acceptable level and will do so without danger of compromising other sensitive information about the nature or performance of the nuclear device whose yield is to be measured."[2] The Administration has also stated that the accuracy of the hydrodynamic method is relatively independent of the geologic medium provided only that measurements are made in the "strong shock" region near the nuclear explosion, and expects that the method would provide yield estimates initially accurate to within a factor of 1.3 of the actual yield at the 95-percent confidence level, when applied at Soviet test sites to explosions with yields above 50 kt.[2] Apparently the Administration considers that an uncertainty of this size is acceptable and hence that the method would provide "effective" verification of compliance with the TTBT and PNET.

[†] Science Fellow, 1985-86.

[*] Permanent address: Department of Physics, 1110 West Green Street, Urbana, IL 61801.

This report summarizes information that is publicly available about the hydrodynamic method of yield estimation and uses this information to consider the strengths and weaknesses of this method for monitoring nuclear test bans.[3] Available, unclassified data as well as theoretical modeling show that the shock wave produced by an underground nuclear explosion propagates differently in different geologic media. As a result, accurately estimating the yield of an explosion from measurements of the radius of the shock front as a function of time generally speaking requires knowledge of the test geometry and the medium. However, the available data and theoretical modeling indicate that there is a relatively brief time during the outward propagation of the shock front when its motion is fairly insensitive to the nature of the medium, for those geologic media which have been tested. If this time is known, if data outside this interval are discarded in making the yield estimate, if the test geometry is known not to be a significant disturbing factor, and if the geologic medium in which the explosion takes place is one for which prior test data are available, the available evidence indicates that the yield can be estimated to within a factor of about 1.3 using the hydrodynamic method.

We therefore conclude that the hydrodynamic method could, if used in conjunction with other measurements that determine the nature of the geologic medium and exclude possible perturbing factors, provide estimates of the yields of Soviet tests near the 150 kt threshold that are less uncertain than the yield estimates provided by the seismic method currently used by the U.S. government. However, in order to achieve an uncertainty of a factor of 1.3 or less at the 95-percent confidence level, other measurements at the test site and some constraints on test designs may be required. Moreover, a factor of 1.3 uncertainty is only marginally smaller than the factor of 1.5 uncertainty thought by some experts to be achievable with the best remote seismic methods now available.

A key policy question raised by this study is whether attaching reservations to the TTBT and PNET to permit use of the hydrodynamic method to monitor tests near 150 kt is worthwhile, given possible disadvantages and the modest reduction in the uncertainty of yield estimates that may be expected.

YIELD ESTIMATION METHODS

Phases of a nuclear explosion deep underground.—In the following discussion it will be helpful to have in mind what happens when a nuclear charge is detonated deep underground. For present purposes the time development of the explosion may be divided into three phases: [4]

First, the nuclear energy is released in less than a microsecond. This process is accompanied by emission of various types of nuclear radiation. The energy released produces a hot gas bubble in which the pressure and temperature rise steeply, reaching several million atmospheres and about a million degrees within a few microseconds.

Second, the pressure of the hot gases in the bubble initiates a shock wave which moves away from the bubble in all directions at a speed equal to or greater than the sound speed in the medium. The shock wave compresses the rock through which it travels. At this early time the shock wave is strong enough to completely crush the rock, causing it to behave like a fluid. This phase is therefore referred to as the "hydrodynamic" phase. As the hot gases continue to expand, they create a cavity of substantial size, while the shock wave continues to propagate away into the surrounding medium. The hydrodynamic phase ends when the shock wave is no longer strong enough to cause the compressed rock to behave like a fluid.

Third, the shock wave continues to propagate away from the cavity, at first crushing or fracturing much of the rock in the region it traverses but gradually decreasing in strength until it eventually becomes the leading wave of a train of seismic (elastic) waves, which propagate around and through the earth and may be observable thousands of miles away.

Radiochemical method.—This method of estimating the yield makes use of the effects of the nuclear radiation emitted during the first phase of the explosion of materials exposed to them. The radiochemical method is the most accurate one, but in addition to the yield it can also provide other information about the design and performance of the nuclear device that has been regarded as too sensitive to reveal to the Soviet Union. For this reason, it is usually considered inappropriate in the context of treaty verification.[5]

Hydrodynamic method.—In the hydrodynamic method of yield estimation, the radius of the front of the shock wave is measured as a function of time during the second, or hydrodynamic phase. Generally speaking, the larger the yield of the explosion, the larger the radius reached by the shock front a given time after the detonation. Thus, measurements of the radius of the shock front as a function of time, when combined with information on the nature and structure of the geologic media in which the explosion occurs and a model of the propagation of the shock wave through these media, may be used to estimate the yield of the explosion.[6-9]

CORRTEX is a particular technique for measuring the radius of the shock front as a function of time.[10, 11] In this technique, an electrical cable is lowered into the hole in which the nuclear explosive is placed (the so-called *emplacement hole*) or into another hole drilled near the emplacement hole (a so-called *satellite hole*). When the expanding shock wave reaches the cable, the cable is crushed and electrically shorted. As the shock wave continues to expand, the point at which the cable is crushed moves quickly toward the surface. The way in which this point moves is measured by electronic equipment attached to the cable and located above ground. For TTBT verification purposes, the Administration is currently proposing placement of the sensing cable in a satellite hole or holes. With accurate knowledge of the location and orientation of the cable with respect to the detonation point, measurements of the point at which the cable has been crushed can be converted into estimates of the radius of the shock front as a function of time.

Seismic methods.—Seismic methods make use of measurements of ground motions caused by the elastic waves that propagate around and through the earth during the third stage of an underground nuclear explosion described above. Several recent reviews of these methods exist (see, for example [12-15]) and so they will not be described further here.

Discussion.—It has been stated several times [16-19] in the context of TTBT and PNET verification that the hydrodynamic method is "direct" whereas seismic methods are not. From a scientific point of view there is no such distinction. All three methods discussed here involve production of a signal by the exploding device, propagation of that signal to locations more or less remote from the detonation point, and detection of the signal by sensors at those locations. Important questions are how the size of the signal varies with yield, how well the propagation of the signal is understood, and how accurately and precisely the sensors measure the signal. It has also been implied that use of the hydrodynamic method in and of itself eliminates bias and therefore the need for calibration. It does not. All three methods are subject to both bias and uncertainty. The issue is the actual or potential size of the bias and uncertainty likely to be encountered, and whether these are so large as to be of concern. The next section discusses the hydrodynamic method in more detail, including possible sources of bias and uncertainty in yield estimates made using this method.

HYDRODYNAMIC METHOD

There are three steps involved in using the hydrodynamic method to estimate yield. They are (1) determine the properties of the geologic media in which the explosion will take place, (2) measure the radius of the shock front as a function of time, and (3) estimate the yield of the explosion by fitting a model of the motion of the shock front to the sequence of measurements of the radius of the front.

Measurement of the shock radius.—Assuming that the geometry of the CORRTEX cable with respect to the detonation point and the time of detonation can be determined accurately, the CORRTEX equipment can provide a quite accurate measurement of the radius of the shock front as a function of time. Determining the geometry requires an accurate survey of both the hole in which the CORRTEX cable is to be inserted and the hole in which the nuclear device is to be placed. The time of detonation is determined from the time of arrival of the electromagnetic pulse (EMP).[20] During a typical test, the CORRTEX equipment records the radius of the shock front at several thousand times.[10]

Modeling the motion of the shock front.—In order to derive a yield estimate from the radius of the shock front as a function of time, one must have a model of the propagation of the shock wave away from the detonation point. This propagation has been modeled in several ways. These include:

Use of a two-dimensional hydrodynamic computer code which numerically solves the fundamental conservation equations together with constitutive relations that describe the response of the geologic media to applied stresses.[21]

Use of one-dimensional "similarity" solutions that incorporate the equation of state of the geologic medium.[7-9]

Use of an empirical power-law formula whose parameters are estimated by fits to U.S. test experience.[6-9, 21]

No unclassified details are available at present about the two-dimensional hydrodynamic computer codes and equations of state used at Los Alamos [21] to model ground shock propagation. Nor are any CORRTEX data currently available. Consequently the theoretical models discussed here are similarity solutions based on published equations of state [7-9, 22] while the test data mentioned are radius versus time measurements made using the so-called SLIFER method,[23] a shock radius measurement technique that was used prior to the CORRTEX technique.

Similarity solutions.—The similarity solutions discussed here make the following key assumptions: (1) the explosion is spherically symmetric, (2) the medium between the center of the explosion and the measuring cable or cables is homogeneous, (3) the shock wave is strong enough to crush the material through which it is propagating sufficiently to cause it to behave like a fluid, and (4) the energy density at the shock front is a constant fraction of the mean energy contained within the shocked region.[24] Despite their simplicity, these similarity solutions agree well with the available SLIFER data, particularly if the phase changes that occur in some media at pressures below about 1 million times atmospheric pressure are taken into account.[3 7-9]

At early times, the shock wave is strong and the similarity solution is a self-similar blast wave.[7, 8] During this phase the radius of the shock front depends on the density and equation of state of the medium. No unclassified test data on this phase are available. At moderately late times, the similarity solutions predict that the shock wave will propagate as a self-similar compressional wave in the (crushed and fluidized) medium. During this latter phase the motion of the shock front depends only on the so-called plastic wave speed in the medium.[25] Over a broad range of intermediate times, the similarity solutions are neither blast waves nor plastic waves. During this intermediate period the shock wave is only moderately strong, in the sense that the shock velocity is only a few times greater than the plastic wave speed, and hence the radius of the shock front depends not only on the density and equation of state of the medium, but also on the plastic wave speed. The similarity solutions appear to give a good description of SLIFER data, which are available at intermediate and moderate late times during the hydrodynamic phase.[3 7 9]

The similarity solutions and SLIFER data indicate that the shock wave produced by an explosion of given yield generally develops differently in different media. This is not surprising, since the density and plastic wave speed, for example, vary by factors of 1.6 and 3, respectively, for geologic media for which test data, are publicly available.[7 8] As a result, the characteristic radius R where the shock wave produced by a 150 kt explosion changes from a blast wave to a plastic wave varies from about 100 feet in wet tuff to over 200 feet in dry alluvium. In basalt and granite, R is about 120-130 feet for this yield. Therefore, a yield estimate made by fitting a model of shock propagation to radius versus time measurements over a broad interval will generally be biased by any errors in the assumed properties of the medium. Similarly, unanticipated variations in the properties of a given type of rock, such as granite, within the deposit in which the explosion is detonated will introduce uncertainty in such a yield estimate.

However, for the geologic media for which test data are available (the dry alluvium, saturated tuff, granite, basalt, and rhyolite at the test sites used) the density, equation of state, and plastic wave speed are correlated in such a way that there is a comparatively brief interval during the transition from blast wave to plastic wave when the radius of the shock front is relatively insensitive to the medium but relatively sensitive to the yield.[3 22] At present, this correlation does not appear to be well understood from any fundamental physical point of view. The time at which this "insensitive interval" occurs depends on the yield W of the explosion as $W^{1/3}$, varying from about 0.2 milliseconds after a 1 kt explosion to about 1 millisecond after a 150 kt explosion. Almost all of the test data on which this conclusion is based come from nuclear explosions at the Nevada Test Site. If there are other relevant media whose properties do *not* satisfy this relation, the insensitive interval does not exist. Thus, insensitivity to the medium can only be assured for materials that have been tested.

Los Alamos algorithm.—The algorithm used at Los Alamos to derive yields from CORRTEX data is to fit a power-law equation (the so-called Los Alamos formula).[6-8, 21] The Los Alamos formula is stated to be accurate only for the time interval from 0.16 to 0.6 milliseconds after the detonation for an explosion with a yield of 1 kt, or 0.85 to 3.2 milliseconds for an explosion with a yield of 150 kt. These time intervals correspond to distances ranging from 8 to 16 feet from the detonation point for an explosion with a yield of 1 kt, or from 45 to 85 feet for an explosion with a yield of 150 kt. (Both times and distances are assumed to scale with W as $W^{1/3}$). They lie within the interval of insensitivity for media so far tested. Over this interval, the Los Alamos formula as quoted in the literature [7 8] agrees with both the similarity solution and SLIFER data to within a factor of about 1.3 (the published formula may not reflect current practice).

The Los Alamos formula is an empirical relation, *i.e.*, it is not derived from fundamental physical principles but is instead obtained by fitting a simple power-law expression to a collection of shock wave data. The formula must therefore be regarded as established only for those geologic media and pressure regimes where it has actually been verified. At distances less than the stated lower limit of validity, practical, operational, and engineering considerations make accurate measurements difficult. At still smaller distances the formula disagrees with the similarity solution. At distances greater than the stated upper limit of validity, the Los Alamos formula departs from the similarity solution and SLIFER data. At these distances the radius of the shock front is no longer insensitive to the medium.

In order to apply the Los Alamos formula to CORRTEX data, the cable must sample the insensitive interval. In order to do this the cable must extend to within forty feet of the detonation point of a 150 kt explosion, or within eight feet of a 1 kt explosion. Most of the data accumulated by the CORRTEX equipment are not within the insensitive interval. The shortest pulse interval possible with current CORRTEX equipment is 10 microseconds.[10] Thus, of the 2,000 or so radius measurements made during an explosion, all but about 40 must be discarded for an explosion with a yield of 1 kt, and all but about 200 for an explosion with a yield of 150 kt, in order to keep only data within the stated range of validity of the Los Alamos formula. Data from outside this range can of course provide additional information on the yield if there is adequate knowledge of the geologic medium.

According to official statements,[1, 2] the Los Alamos formula gives yields accurate to within a factor of 1.15 of the more accurate radiochemical yield method, for explosions with yields greater than 50 kt conducted at the Nevada Test Site. According to these same statements, the formula is expected to be accurate to within a factor of 1.3 at Soviet test sites. These statements are consistent with the results of the present study, provided that only data from within the region of insensitivity are used in the analysis, that the medium in which Soviet tests take place are within U.S. test experience, that possible effects that could interfere with CORRTEX measurements can be excluded, and that test geometries that would significantly perturb the shock wave from a spherically symmetric wave can be ruled out.

Factors affecting hydrodynamic yield estimates.—From the preceding discussion it is apparent that yield estimates derived by the hydrodynamic method may be affected by a number of factors related to the geology of the test site and the geometry of the test. Factors that may introduce bias or increase uncertainty include:[6]

Any errors in the survey used to establish the path of the CORRTEX cable relative to the detonation point, if the CORRTEX cable is placed in a satellite hole.

Any material properties of the nuclear device emplacement configuration or surrounding geologic media that cause the shock wave to propagate faster in one direction than another. The size of these effects is less for high-yield than for low-yield explosions.

Emplacement of cables or other aspects of the test setup that cause other signals to interfere with measurement of the ground shock radius as a function of time.

Any errors made in discarding data that are disturbed or are outside the insensitive interval and any errors in applying corrections to the data.

Although over 100 tests have been carried out with the CORRTEX sensing cable in the emplacement hole, experience using current CORRTEX equipment with the cable placed down a satellite hole is apparently limited (according to official statements, only four tests with this geometry have been carried out [2]).

Possible requirements for establishing confidence in the precision of hydrodynamic yield estimates at Soviet test sites.—Clearly, the more information that is available about the explosion and the nature of the geologic media in which it occurs and the more restrictions there are on the test geometry, the more accurate the hydrodynamic method will be. Some idea of the information that may be required to obtain uncertainties of a factor of 1.15 to 1.3 is provided by the Protocol to the PNET, which explicitly established the use of CORRTEX-like equipment and the hydrodynamic method as one of the monitoring methods that could be used for any explosion with a planned aggregate yield exceeding 150 kt. At the time the PNET was signed, the following information about the geologic medium was specified in the Treaty Protocol as needed to adequately verify the Treaty.[26]

The type or types of rock and their physical properties, including density, seismic velocity, porosity, degree of liquid saturation, and rock strength

Specific features of the geologic structure that could affect the yield estimation

The length of the cannister containing the nuclear charge and diagnostic equipment, the dimensions of the tube or other device used to emplace the cannister, the cross-sectional dimensions of the emplacement hole, the nature of the materials (including their densities) used to fill the emplacement hole

The configuration of any known voids with a volume greater than one cubic meter within the area

Measures specified to obtain this information included:

Examination of rock core or rock fragments removed from the emplacement hole, and of any logs or drill core from existing exploratory holes

A choice of several alternatives that include observation of construction of the emplacement hole, removal and examination of rock core or rock fragments from the wall of an existing exploratory hole, removal and examination of rock core or rock fragments from the wall to the emplacement hole, construction of one or more new exploratory holes

Observation of the emplacement of the explosive and confirmation of the depth of emplacement

Observation of the stemming of the emplacement hole

Continuous, unobstructed visual observation of the ara of the entrance to the emplacement hole

Photography of the exterior of facilities and installations associated with the conduct of the explosion

In addition, the Protocol placed specific limits on the dimensions of the cannister and required that tubes and conduits emerging from the emplacement point be filled with material of a density greater than a specific value. Some of these measures were motivated by the assumption that the sensing cable would be placed in the nuclear device emplacement hole. In order to provide assurance that the yield estimates derived from CORRTEX measurements are accurate for weapon tests and peaceful nuclear explosions near the 150 kt limit, Protocols specifying measures like these would be required.[27,28]

Relative intrusiveness.—The CORRTEX method is more intrusive than remote seismic methods for the following reasons:

Personnel from the other country must be present at the test site before and during the test, and therefore have an extensive opportunity to observe test preparations. This would pose operational security problems.[27]

Placing the sensing cable down the emplacement hold is relatively intrusive in weapon tests, since in this location it is more likely to collect sensitive information that could reveal the nature of the test. This problem would be alleviated by placement of the sensing cable in a satellite hole, as proposed for TTBT monitoring.

Achievement of an uncertainty of a factor of 1.3 or less requires examination of the contents of the bore hole down which the CORRTEX cable is placed, and may require additional measurements and some constraints on test configurations (see above).

Achievement of confidence in the estimated yield may, for some test geometries, require placement of several sensing cables around the weapon emplacement point.

Unless precautions are taken, CORRTEX equipment could be affected by the electromagnetic pulse (EMP) generated by the explosion. Such precautions might be considered a hindrance in carrying out some tests. A detailed analysis of the EMP could reveal sensitive information about the design and performance of the nuclear device being tested.

Inspection of the canisters for tests of nuclear directed energy weapons to verify that the restrictions necessary to validate the yield measurement could reveal sensitive design information unless special procedures are followed.[29]

Use of the CORRTEX method to monitor low threshold or comprehensive test bans.—A question that has arisen repeatedly in discussions of CORRTEX is whether the method can be used at yields lower than 50 kt. Underground nuclear explosions as small as 1 kt produce shock waves that evolve in the same way as those produced by explosions of larger yield. At such yields, some engineering and operational problems are likely to be more difficult. For example, drilling a satellite hole within eight feet of the emplacement hole to the depths of typical nuclear device emplacement, as would be required for use of CORRTEX to measure the yield of a 1 kt explosion, appears challenging. The need for such close placement would place restrictions on the size of the canisters used to contain the diagnostic instrumentation. Use of small canisters with diagnostic lines-of-sight to the detonation point could disturb the CORRTEX measurements, although placing the CORRTEX cable in a satellite hole should lessen such disturbances. Because the radii to be measured are much smaller, any survey errors become more important. Apparently the feasibility and desirability of using CORRTEX for monitoring a low threshold test ban treaty have not yet been carefully studied.

The CORRTEX method is not suited for detecting unannounced nuclear tests because it requires activity at the site in advance and the presence of monitoring personnel during the test. Because it is only sensitive to nuclear explosions that are very nearby, the method is also not suitable for monitoring a comprehensive test ban.

Comparison with remote seismic methods.—It may be helpful to compare the expected uncertainty of yield estimates made using CORRTEX with the expected uncertainty of yield estimates made using remote seismic methods. As mentioned in the Introduction, yield estimates based on seismic body wave magnitudes (the method currently used by the U.S. government) are considered to be uncertain by a factor of two at the 95% confidence level.[2] However, at least two other remote seismic methods are available; a method based on measurement of surface waves and the so-called Lg method, which uses a wave guided in the continental crust. If both these additional methods are assumed to provide independent yield estimates that are, like those derived from the body wave method, uncertain by a factor of two, yield estimates obtained by combining all three remote seismic methods would be uncertain by a factor of 1.5 at the 95% confidence level.[30],[31] (The actual uncertainty could well turn out to be less than this, since the uncertainty of yields estimated using the Lg method alone has been reported as a factor of 1.3 at the 95% confidence level when the method is used for explosions with yields near 150 kt.[32]) This uncertainty of a factor of 1.5 expected by some experts is only marginally larger than the uncertainty of a factor of 1.3 which the Administration expects from use of the CORRTEX method.

CONCLUSIONS

In the present report we have reviewed information that is publicly available about hydrodynamic yield estimation methods and CORRTEX measuring equipment, and have considered the strengths and weaknesses of this approach for monitoring nuclear test bans. Our key conclusions are as follows:

The hydrodynamic method and CORRTEX equipment could, if used in conjunction with other measurements and some restrictions on test designs, provide estimates of the yields of Soviet tests near the 150 kt threshold with an uncertainty of about a factor of 1.3 for test media within U.S. test experience.

The feasibility of using the hydrodynamic method and CORRTEX to monitor a threshold test ban treaty with a threshold substantially less than 150 kt has not yet been studied carefully. There are engineering and operational difficulties that may be expected in using the method to monitor a low threshold test ban and that need to be examined in a verification context.

The hydrodynamic method is not suited for detecting unannounced nuclear tests, or for monitoring a comprehensive test ban agreement.

The uncertainty of a factor of 1.3 at the 95% confidence level expected for the hydrodynamic method and CORRTEX is only marginally smaller than that thought to be achievable with the best remote seismic methods now available, which according to some experts are expected to have an uncertainty of a factor of 1.5 or less at this same confidence level.

A key policy question raised by this study is whether attaching reservations to the TTBT and PNET to permit use of the hydrodynamic method to monitor tests near 150 kt is worthwhile, given possible disadvantages and the modest reduction in the uncertainty of yield estimates that may be expected.

FOOTNOTES

[1] *U.S. Policy Regarding Limitations on Nuclear Testing* (U.S. Department of State Special Report No. 150, August, 1986).

[2] *Verifying Nuclear Testing Limitations: Possible U.S.-Soviet Cooperation* (U.S. Department of State Special Report No. 152, August 14, 1986).

[3] A more detailed technical report is in preparation.

[4] Samuel Glasstone and Philip J. Dolan, *The Effects of Nuclear Weapons* (U.S. Government Printing Office, Washington, D.C., 1977), pp. 61-62 and 238.

[5] Wolfgang K. H. Panofsky, testimony before the Senate Committee on Foreign Relations, January 15, 1987.

[6] J. T. Rambo, *Rep. UCID-17292* (Lawrence Livermore National Laboratory, Livermore, California, 1976).

[7] M. Heusinkveld, *Rep. UCRL-52648* (Lawrence Livermore National Laboratory, Livermore, California, 1979).

[8] M. Heusinkveld, *J. Geophys. Res.*, 87, 1891 (1982).

[9] M. Heusinkveld, *Mem. 0004A* (Earth Sciences Department, Lawrence Livermore National Laboratory, Livermore, California, 1976).

[10] C. F. Virchow, G. E. Conrad, D. M. Holt, and E. K. Hodson, *Rev. Sci. Instrum.*, 51, 642 (1980).

[11] Los Alamos National Laboratory public information sheet on CORRTEX (April 1986).

[12] L. R. Sykes, J. F. Evernden, and I. Cifuentes, in *Physics, Technology, and the Nuclear Arms Race, AIP Conf. Proc. No. 104* (American Institute of Physics, New York, 1983).

[13] W. J. Hannon, *Science*, 227, 251 (1985).

[14] J. F. Evernden and C. B. Archambeau, in *Arms Control Verification* (Pergamon-Brassey's, New York, 1986).

[15] J. F. Evernden, C. B. Archambeau, and E. Cranswick, *Revs. Geophys.*, 24, 143 (1986).

[16] H. A. Holmes, testimony before the Senate Committee on Foreign Relations, January 13, 1987.

[17] J. H. McNally, testimony before the Senate Committee on Foreign Relations, January 13, 1987.

[18] R. B. Barker, testimony before the Senate Committee on Foreign Relations, January 13, 1987.

[19] D. A. Vesser, testimony before the Senate Committee on Foreign Relations, January 13, 1987.

[20] R. A. Jeffries, private communication.

[21] D. D. Eilers, *Mem. P-15-87-U-37* (Los Alamos National Laboratory, January 28, 1986).

[22] W. R. Perret and R. C. Bass, *Rep. SAND 74-0252* (Sandia Corp., Albuquerque, New Mexico, 1975).

[23] M. Heusinkveld and F. Holzer, *Rev. Sci. Instrum.*, 35, 1105 (1964).

[24] These solutions are not fully self-similar. In a fully self-similar shock wave the distributions with radius of the flow variables, such as the pressure and density, evolve with time in such a way that only their scales and the radius of the shock front change, while the shape of the distibutions remains unaltered (see L. I. Sedov, *Similarity and Dimensional Methods in Mechanics* (Academic Press, New York, 1959 [English Translation]). For such motions, assumption (4) is automatically satisfied. Moreover, all the scales have a power-law (or, occasionally, exponential) dependence on time. As discussed below, the solutions referred to here are fully self-similar only early, when they are blast waves, and at late times, when they are plastic waves. Furthermore, the fraction referred to in assumption (4) is expected to be different for the early and late motions and hence not constant. Thus, for the solutions discussed here assumption (4) must be regarded as an approximation.

[25] See Ya. B. Zel'dovich and Yu. P. Raizer, *Physics of Shock Waves and High-Temperature Hydrodynamic Phenomena* (Academic Press, New York, 1967 [English Translation]).

[26] *Arms Control and Disarmament Agreements* (U.S. Arms Control and Disarmament Agency, Washington, D.C., 1982).

[27] S. S. Hecker, testimony before the Senate Committee on Foreign Relations, January 15, 1987.

[28] M. D. Nordyke, testimony before the Senate Committee on Foreign Relations, January 15, 1987.

[29] R. E. Batzel, testimony before the Senate Committee on Foreign Relations, January 15, 1987.

[30] R. Alewein, as quoted in the Minutes of the November 4-5, 1985, meeting of the Committee on Seismology of the National Research Council Board on Earth Sciences.

[31] P. G. Richards, testimony before the Senate Committee on Foreign Relations, January 15, 1987.

[32] O. W. Nuttli, *J. Geophys. Res.*, 91, 2137 (1986).●

THE 25TH ANNIVERSARY OF JOHN GLENN'S FLIGHT

● Mr. LEVIN. Mr. President, tomorrow, February 20, 1987, marks the 25th anniversary of Senator JOHN GLENN's historic space flight. It seems hard to believe that a quarter century has passed since that day when our colleague from Ohio—then a 40-year-old Marine colonel—became the first American to orbit the Earth.

JOHN GLENN became an instant hero for hundreds of millions for Americans, and people around the world. His courage during the flight and the reserved demeanor he displayed afterward made him a symbol of the quiet American who, without pomp and circumstance, gets the job done.

It is safe to say that JOHN GLENN would have remained an American hero if he had disappeared from public life after 1962. But he chose to continue his public service through involvement in politics. He ran for the Senate in 1964 and 1970 and won his seat in 1974. In 1986, GLENN won a landslide victory for a third term.

During his 12 years in the Senate GLENN has carved out an impressive record in such disparate areas as energy, health, jobs, civil rights, and national defense. I would venture to say that he may be most proud of his authorship of the Nuclear Non-Proliferation Act, the landmark law that seeks to end the proliferation of nuclear weaponry. That law lays the groundwork for all our efforts to control nuclear technology before it destroys us all.

My wife, Barbara, and I am proud to be friends of JOHN GLENN and Annie Glenn. I am proud to serve in the Senate with JOHN GLENN and look forward to working with him in the days and years ahead.

I am pleased that JOHN GLENN's flight aboard *Friendship 7* will be saluted by the U.S. Postal Service with a pictorial cancellation issued in Dearborn Heights, MI. The cancellation, sponsored by the Wolverine Stamp Club, depicts GLENN's space capsule and carries the words "Lt. Col. John H. Glenn, Jr."

Senator GLENN has a legion of friends in Michigan, and I am delighted that the Wolverine Stamp Club has chosen to celebrate his achievement in this way. Congratulations, Senator.●

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $14.4 billion in budget authority, but over in outlays by $13.4 billion. The report does not include the Surface Transportation Act because the bill has not been enacted by Congress yet. When the bill is enacted, only $0.3 billion in budget authority will remain. I hope the Members of the Senate will consider this when contemplating further legislation with spending implications for fiscal year 1987.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 17, 1987.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 120. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through February 16, 1987. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended. At your request this report incorporates the latest CBO economic and technical estimating assumptions issued on January 2, 1987.

Since my last report Congress has completed action on the Emergency Supplemental for the Homeless, Public Law 100-6, changing budget authority and outlay estimates for 1987.

With best wishes,
Sincerely,

RUDOLPH G. PENNER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100TH CONGRESS, 1ST SESSION, AS OF FEBRUARY 16, 1987

[Fiscal year 1987, in billions of dollars]

	Current level [1]	Budget resolution S. Con. Res. 120	Current level +/− resolution
Budget authority	1,079.0	1,093.4	−14.4
Outlays	1,008.4	995.0	13.4
Revenues	833.9	852.4	−18.5
Debt subject to limit	2,212.9	[2] 2,322.8	−109.9
Direct loan obligations	42.5	34.6	7.9
Guaranteed loan commitments	140.5	100.8	39.7

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,300 billion (P.L. 99-509).

FISCAL YEAR 1987, SUPPORTING DETAIL FOR CBO WEEKLY, SCOREKEEPING REPORT U.S. SENATE, 100TH CONGRESS, 1ST SESSION, AS OF FEBRUARY 16, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			833,855
Permanent appropriations and trust funds	720,451	638,771	
Other appropriations	542,890	554,239	
Offsetting receipts	−185,071	−185,071	
Total enacted in previous sessions	1,078,269	1,007,938	833,855
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100-4)	−4	−4	
Emergency supplemental for the homeless (Public Law 100-6)	−7	−1	
Total enacted this session	−11	−5	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring futher appropriation action:			
Special milk	6	3	
Veterans compensation	173		
Readjustment benefits	9		
Federal unemployment benefits and allowances	33	33	
Advances to the unemployment trust fund	(3)	(3)	
Payments to health care trust funds	(224)	(224)	
Family social services	110		
Medical facilities guarantee and loan fund	5	4	
Payment to civil service retirement and disability fund	(33)	(33)	
Coast Guard retired pay	3	3	
Civilian agency pay raises	358	373	
Replenishment of disaster relief funds [1]	57	50	
Total entitlements	754	467	
Total current level as of Feb. 16, 1987	1,079,012	1,008,400	833,855
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution		13,400	
Under budget resolution	14,388		18,545

[1] Included at request of Senate Budget Committee.

Note: Numbers may not add due to rounding.●

PERMANENT AUTHORITY FOR FHA HOME MORTGAGE INSURANCE PROGRAM

● Mr. RIEGLE. Mr. President, I am delighted to join with my colleagues from Connecticut, Mr. Dodd, in sponsoring S. 531 that provides FHA with permanent authority to insure home mortgages.

Several years ago permanent authority would not have been necessary because Congress routinely acted to keep FHA mortgage insurance available to American homebuyers. But during the last year, the reauthorization of FHA became a political football bouncing back and forth between the Senate and the House and causing confusion and uncertainty among American homebuyers and mortgage markets.

For example, Mr. President, during 1986 Congress tried repeatedly to extend FHA mortgage insurance **through a series of short-term stop gap** measures. The result was nothing less than shameful. FHA was shut down six times for a total of 51 days. This unprecedented failure occurred at a time when demand for FHA insurance was the highest in history.

I believe it would be grossly irresponsible to allow FHA authority to continue down this path of uncertainty. With each delay and shut down the finances of tens of thousands of families are thrown into turmoil as their mortgage closings are delayed or their commitments expire. Each delay rarely effects just one family; but rather, it sets off a chain of disruptions in other home sales, as the delay in one mortgage closing causes several other closings to be put off and some to fall through.

S. 531 will put an end to the confusion surrounding FHA and provide a more stable environment in which FHA can operate. I hope my colleagues in the Senate will agree with me and I urge them to support this legislation.●

ORDERS FOR MONDAY, FEBRUARY 23, 1987

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday after the two leaders, or their designees, have been recognized under the standing order, the following Senators be recognized each for not to exceed 5 minutes: Messrs. Proxmire, Armstrong, and Conrad.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday there be no calendar call under rule VIII and that no resolutions under the rule come over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of certain Senators on Monday there be a period for the transaction of routine morning business in which Senators may speak for not to exceed 5 minutes each, and that the period not extend beyond 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, the Senate will not be in session tomorrow. The Senate will convene at 2 p.m. on Monday next, and after the two leaders or their designees have been recognized under the standing order the following Senators will be recognized each for not to exceed 5 minutes: Senators Proxmire, Armstrong, and Conrad, after which there will be a period for morning business not to extend beyond 1 hour, with Senators being permitted to speak therein for not to exceed 5 minutes each.

There will be no rollcall votes on Monday. I hope the committees will take advantage of the opportunity to meet and to report legislation, or other matters. It is important that the budget deadline of February 25 be met by committees of the Senate that are required to inform the Budget Committee of the spending needs for the coming fiscal year. Committees have been very busy, and I have been encouraged by the manner and the dedication with which committees have been meeting and attending to their duties.

Mr. President, the Foreign Relations Committee today reported out two treaties, and other matter. The various committees that have jurisdiction over trade legislation and competitiveness, education, and health matters have been meeting. The Budget Committee has had long meetings, and appropriations subcommittees have been conducting hearings. There will be additional legislation reported to the calendar in the near future.

So there will be action by the Senate in due time on these measures and matters.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 23, 1987, AT 2 P.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 2 p.m., on Monday next.

(The motion was agreed to, and the Senate, at 5:55 p.m., adjourned until Monday, February 23, 1987, at 2 p.m.)

NOMINATIONS

Executive nomination received by the Secretary of the Senate February 18, 1987, under authority of the order of the Senate of February 3, 1987:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Douglas B.M. Ehlke, of Washington, to be a member of the Occupational Safety and Health Review Commission for the remainder of the term expiring April 27, 1991, vice Robert E. Rader, Jr., resigned.

EXTENSIONS OF REMARKS

CONTROLLING THE SPIRALING COSTS OF THE CONGRESSIONAL FRANK

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. STALLINGS. Mr. Speaker, last Congress I introduced legislation, House Concurrent Resolution 352, that would dramatically reform the way Congress pays for the congressional frank. Although the Senate passed similar legislation last term, the House failed to act. As a result, I have decided to reintroduce the same bill this year.

Over the years the cost of the frank has risen sharply, over $100 million in the last 6 years. Although part of that increase is the result of increased constituent communication, the bulk is attributable to the ever-increasing number of mass mailings initiated by individual Members.

As you well know, the franking privilege denotes the right of Members of Congress to send matter through the Postal Service free of charge. Under current law, Congress annually appropriates what it estimates will cover the cost of mail sent by the Members. My legislation would make three fundamental changes in the way Congress appropriates this money.

First, under current law, the annual appropriation represents one large account from which all Members withdraw. Those who mail the most will spend the most. In contrast, my bill would distribute the total appropriation to individual Member accounts. For instance, the total would be divided into two—half for the House and half for the Senate. Similarly, the House share would be distributed equally among all Members. The consequence of this change is to eliminate the opportunity of high-volume mailers to use a disproportionate share of the annual appropriation.

Second, under current law, according to a GAO report, the annual appropriation represents full payment to the Postal Service for the costs of the frank. Consequently, if Congress actually spends more than it estimates, the Postal Service is forced to absorb the extra costs. Surprisingly, it is not necessary for Congress to supplement the appropriation to make up the difference.

To prevent this from happening, my legislation would end the fiction that whatever amount Congress appropriates is sufficient to pay for the franking privilege. No longer would the estimated appropriation represent full payment to the Postal Service for its services. Of course, once Members are given individual accounts based on the total appropriation as described above, they will not be able to spend more than is provided. Thus, if additional funds are needed, Congress would be forced to pass a supplemental appropriation and could not expect the Postal Service to eat the additional costs.

Finally, under current law, House Members are not required to report the cost of their use of the frank. In contrast, my bill would require a quarterly and annual disclosure of Member mail costs. In short, this change would impose the same reporting requirements in the House as those which already exist in the Senate.

In sum, my legislation would make substantive and appropriate changes in the franking privilege. Importantly, it does not impugn the underlying justification of the franking policy. To the contrary, it reinforces that policy by requiring Congress to disclose, however reluctantly, even more about its activities.

A COMPREHENSIVE TEST BAN AND WEAPONS RELIABILITY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. MARKEY. Mr. Speaker, one of the main arguments the Reagan administration makes against the conclusion of a Comprehensive Test Ban Treaty is that nuclear testing must continue to assure the reliability of the United States nuclear deterrent. This argument has been disputed by many in the scientific community who assert that the reliability of U.S. nuclear warheads can be maintained without further nuclear explosions. I am inserting into the RECORD a letter I have received from three prominent weapons scientists, Richard L. Garwin of the IBM Thomas J. Watson Research Center, Hans A. Bethe of Cornell University, and Carson Mark, former head of the Theoretical Division of the Los Alamos Scientific Laboratory, which refutes the Reagan administration's position. The experience and expertise of these scientists in the field of nuclear weapons development dates back to the Manhattan project and is unparalleled. I strongly urge my colleagues to read this letter.

[The letter follows:]

RICHARD L. GARWIN,
Yorktown Heights, NY., February 3, 1987.

Dr. JEREMY J. STONE,
Director, Federation of American Scientists,
Washington, DC.

DEAR JEREMY: In view of claims and counterclaims about the need for the United States to contiue nuclear explosion testing, we want to summarize our views:

1. Nuclear explosion testing is not needed to ensure the reliability of weapons in stockpile which have been tested in their production version. It is not needed to detect degradation nor to remedy degradation. Non-nuclear testing is used for detection, and remanufacture to original specifications is an adequate remedy. In testimony April 8, 1986 to the Senate Armed Services Committee, the Director of the Livermore Laboratory agreed that, "Given enough time and money, replication could be achieved."

2. The U.S. could not have confidence in the performance of nuclear weapons put into stockpile without testing, and we recognize that a comprehensive ban on nuclear tests, or one which bans all detectable tests, would prevent the acquisition of warheads of new nuclear design. Nevertheless, the Midgetman missile could perfectly well use the warhead which has been designed and tested for the MX missile—the W87. It might need shock-alleviation mounting for a mobile Midgetman subject to nuclear attack, but the demand for a new warhead is analogous to requiring that one redesign an astronaut before launching him or her into space. Careful attention to packaging will do.

3. Although modern security devices for nuclear weapons could be so closely integrated with the nuclear components that these particular systems could not be added to existing weapons, comparable function can be achieved by a system designed to be suitable for retrofit to existing weapons without testing. Insensitive high explosive (IHE) cannot be incorporated into existing weapons which lack them without nuclear testing, but existing weapons are already proof against accidental nuclear explosion, and we believe the incorporation of IHE is not of highest importance. Concern on this point is primarily a matter of peacetime comfort than of wartime need. Since in the absence of any limit on numbers of tests only some 40 percent of U.S. weapons now have IHE, we must not be alone in this view.

4. As for verifiability of a CTBT, some 25 unmanned seismic detection systems on the territory of the Soviet Union are probably adequate to provide high confidence of detection, location, and identification of nuclear explosions of yield of one kiloton or more. But a treaty should provide for the installation of as many as are required in areas of poor seismic propagation, even 100 stations if necessary. No seismic system can detect the smallest "nuclear explosion." We could readily design a reliable nuclear explosive of yield one-thousandth of a kiloton, simply to demonstrate that it could not be detected by a particular seismic system. So a comprehensive test ban is inherently not verifiable by seismic means. Yet some of the important benefits of a test ban would be lost if low-yield underground nuclear testing were permitted to the nuclear nations. The solution might be to have an initial ban on all nuclear explosions above 1 kiloton yield, a small initial quota of underground nuclear explosions below that yield, and a requirement to pre-announce all nuclear explosions of any yield above one ton, and to provide measurement of their yield by an approved method. The detection of violations would be aided by non-seismic and non-cooperative means, and potential violations of marginal detectability would not represent militarily important advances.

5. The benefits to the United States of a test ban arises from denying the Soviet Union the progress in nuclear weaponry which can be made only by nuclear explosive testing. For instance, the Secretary of Energy expresses concern about possible Soviet progress on the nuclear-weapon-powered X-ray laser. That would cease under an appropriate test ban. Even if the United States were first to achieve a new military capability by nuclear testing, our security

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

might be impaired, on balance, if the Soviets then acquired the same capability; MIRV is generally regarded as a case in point. We believe that an important benefit of a test ban would derive from the much firmer base it would provide for our leadership of a world-wide effort to eliminate the spread of nuclear weapons to additional hands—an effort in which technical measures reinforced by strict sanctions would serve U.S. security interests.

6. It would be imprudent to believe that all parties would permanently abide by a test ban. So it would be necessary for the U.S. to maintain facilities, skills, and a program of research and design to ensure that we recognize the potential advances which might be achieved and are in a position to pursue them if the Soviet Union should renounce the test ban. Readiness to test need not be on a scale of days or weeks, since a year or more is required for a new weapon concept to affect the military capability. Our skills should be honed by analysis, simulation, competitive design teams and by the confrontation of simulation results with explosive-driven assemblies without nuclear yield.

7. We believe that it is in the U.S. interest to see an early end to the testing of nuclear weapons.

Sincerely yours,

RICHARD L. GARWIN,
(IBM Thomas J. Watson Research Center, and Cornell, Columbia, and Harvard Universities).

HANS A. BETHE,
(Cornell University).

CARSON MARK,
(Retired, Former Head of Theoretical Divsion, Los Alamos Scientific Laboratory, 1947-73).

TRIBUTE TO ATTORNEY L. STEVEN ROBINSON

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. TRAFICANT. Mr. Speaker, with considerable pleasure I would like to honor Attorney L. Steven Robinson upon his retirement from the law department of the city of Warren, OH. Mr. Robinson has a long and distinguished career in law practice and a proud history of service to this Nation as a former U.S. Marine, decorated for conduct during World War II.

Mr. Robinson is a native of Pittsburgh, PA but, to the credit of my district, he has served in the Warren, OH Law Department since 1965 in numerous capacities. Among these, he has served as city prosecutor, assistant solicitor, first assistant city solicitor, and first deputy law director.

He has practiced law for 33 years in Trumbull County after graduating from the University of Pittsburgh in 1948 and then the Cleveland-Marshall School of Law at Cleveland State University with a J.D degree in 1952. Since that time, Mr. Robinson has practiced law in State and Federal courts, including the district court of northeastern Ohio and the sixth circuit court in Cincinnati, OH. In 1965 he was admitted to practice before the U.S. Supreme Court and was admitted to the District of Columbia Bar Association in 1966 where he maintains a license to practice law. Mr. Robinson is also a member of the Trumball County Bar Association, the Ohio Bar Association, the American Bar Association, and the National Bar Association.

In 1942, at the age of 17, Mr. Robinson enlisted in the U.S. Marine Corps for 4 years. After being assigned to the Fifth Marine Division he became a veteran of four major battle campaigns in the Pacific theatre. After attaining the rank of marine gunnery sergeant, he returned home a hero, having been decorated with four battle stars. America can be proud that Mr. Robinson, as a young man, received the Presidential Unit Citation, two Purple Hearts, the Sharp Shooter's Medal, the Combat Infantry Badge, and the World War II Victory Medal.

As further testament to Mr. Robinson's commitment to this country and community, he has served as president of the Trumbull County NAACP, the Trumbull County Urban League, and the Hillside Hospital Board of Directors. In addition, he has served on the board of trustees of the Trumbull/Mahoning County Goodwill Industries, Inc., and is president of both the Penn-Ohio Black Lawyers Association and Shenango Valley Services, Inc., a minority investment firm.

For his dedicated services, Mr. Robinson has received numerous awards and recognitions over the years, including the NAACP Community Service Award, the Urban League Past President's Award, and the Louis Mitchell Post of the Elks of America Community Service and Merit Awards. He has also received other citations for service rendered to the Hillside Hospital and his community, and has been recognized in the Who's Who in Ohio in 1974, Who's Who in Black America in 1979 and 1985, and Who's Who in American Law in 1984.

Mr. Robinson is a model American with a background of truly remarkable achievements. His community can take great pride in honoring him upon his retirement. I would like to use this opportunity to extend warmest wishes to him, his wife Beulah, and his family. Finally, I would like to congratulate Mr. Robinson on leaving such an honorable and respected impression upon the law profession, his community, and his country.

CONGRESSIONAL SALUTE TO THE SACRAMENTO BLACK CHAMBER OF COMMERCE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. MATSUI. Mr. Speaker, it is my privilege and honor to call your attention and that of my colleagues to a very fine organization—the Sacramento Black Chamber of Commerce, which held its first annual awards banquet on February 12, 1986.

I would like to take this opportunity to congratulate the chamber's members and supporters and to commend the recipients of the business, recognition, and business education awards. These prestigious awards signify the high degree of dedication and achievement of the individuals and companies being honored for their support and contribution to the chamber's activities and programs.

Since its inception, the chamber has taken great strides to help the business community of Sacramento. The business scholarship program has set a positive and encouraging precedent for other organizations to follow. Recognized by the NAACP for its successful training program and by the Sacramento Employment and Training Agency for its ability to assist local businesses, the chamber has helped our community grow and flourish. Perhaps the greatest indication of its success, however, rests in the tremendous membership growth and the involvement in chamber activities and programs.

Mr. Speaker, the date of the chamber's annual banquet this year has added an important significance. It also is Lincoln's birthday and the highlight of Black History Month in California's state capitol. On behalf of the U.S. House of Representatives, I would like to offer my personal congratulations and best wishes to the members and supporters of the Sacramento Black Chamber of Commerce for their fine organization, their outstanding accomplishments and for their commitment to excellence. I extend them my sincere best wishes for continued success in all of their future endeavors.

NEW YORK POLICE AND FIREFIGHTERS BEING TAXED UNFAIRLY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. BIAGGI. Mr. Speaker, I am introducing a bill today to provide much needed tax relief to thousands of New York City police officers and firefighters who have been told by the Internal Revenue Service that they owe taxes on the work-related sick pay they earned as far back as 7 years ago. I am being joined in introducing this important measure by two of my good friends and fellow colleagues from New York, Messrs. RANGEL and MCGRATH.

This legislation, which is similar to bills I have authored during each of the prior two Congresses, addresses an injustice that occurred 4 years ago. In May 1983, the Internal Revenue Service ruled that work-related sick pay received by New York City police officers should be considered taxable income. Prior to this ruling (Revenue Ruling 83-77), the IRS had accepted those deductions.

Even though work-related sick pay is generally a tax deductible item, IRS rationalized that New York City police officers and firefighters do not qualify for this exclusion because under a union agreement with the city of New York, there is no distinction made between work-related and nonwork-related sick pay—a distinction the IRS feels must exist to warrant the deduction, since nonwork-related sick pay is not tax excludable.

Mr. Speaker, my bill in no way seeks to comment on the technical accuracy nor the propospective impact of that ruling. Frankly, that is an issue that must be worked out between the city of New York and the IRS.

However, I strenuously object to the retroactive application of that ruling and that is precisely the issue my bill seeks to address. In what I consider to be a case of gross insensitivity to the entire public safety profession, the IRS made their ruling retroactive for a 3-year period. That meant that any New York City police officer who received work-related sick pay between May 1980 and May 1983 owed back taxes on that money, plus interest. To make matters worse, the ruling, which originally was directed at New York City police officers, was broadly interpreted to include city firefighters as well. The total number of public safety officers affected by the ruling's retroactive application was more than 4,000.

Many of these officers have already been forced to pay; a fact that is confirmed by the countless number of phone calls and letters I have received from police officers and firefighters who are deeply distressed about the severe financial hardships this decision has caused them. In fact, some of those who simply can't afford to pay IRS are even worried about losing their homes. In many cases, we're talking about several thousand dollars being owed.

Mr. Speaker, the injustice of this situation could not be more obvious. In good faith and in keeping with the spirit of the law, thousands of New York City police officers and firefighters, who were injured in the line of duty, deducted their work-related sick pay from their Federal taxes. After all, the IRS had been accepting those deductions for years. Then, several years after the fact, these brave men and women who were injured while providing a vital public service, are being billed for their suffering. That's a bitter pill to swallow.

Mr. Speaker, my bill would provide a full refund, plus interest, to those who have already paid the back taxes. Those who have not yet paid, would be free of any tax obligation for the retroactive period, as well. This legislation is based on fairness and compassion and I am hopeful it will receive the prompt and favorable consideration it deserves.

At this time, Mr. Speaker, I wish to insert the full text of the bill:

H.R. 1143

A bill to permit the exclusion from gross income of certain work-related sick pay received by New York City police officers and firefighters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SICK PAY FOR NEW YORK CITY POLICE AND FIREFIGHTERS FOR WORK-RELATED INJURIES EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Notwithstanding any regulation or ruling under section 104(a) of the Internal Revenue Code of 1954 to the contrary, any payments—

(1) received during the 3-year period ending on May 9, 1983, for work-related injuries under the terms of a union contract, and

(2) by a police officer, or a firefighter, employed by the city of New York, New York, or the New York City Transit Police Department,

shall not be included in the gross income of such police officer or firefighter.

(b) CERTIFICATION.—Subsection (a) shall apply to payments described in such subsection if such police officer or firefighter received a certifcation that such injury was work-related from his employer before May 9, 1983.

(c) STATUTE OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the application of this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), refund or credit of such overpayment (to the extent attributable to the application of this section) may, nevertheless, be made or allowed if claim therefor is filed on or before the close of such 1-year period.

A TRIBUTE TO HOWARD FINN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay homage to the memory of a truly outstanding individual and dear friend, Howard Finn. Howard served his community with devotion and dedication as a Los Angeles City councilman until his untimely death last year. A posthumous presentation of the President's Medallion, dedicated to Howard for his commitment and support to Los Angeles Mission College, will be awarded this week.

Howard began his service to the Los Angeles community through his work in the building industry. A licensed building contractor and architect, Howard brought his expertise to the approximately 38 community organizations with which he worked closely. Widely recognized for his abilities, Howard was appointed to several positions, including chairman of both the mayor's Committee on Affordable Housing and the Board of Zoning Appeals.

The deep concern Howard felt for the community in which he lived since the age of 14 did not stop here, however. He continued his service to Los Angeles with his election to the city council in 1981 as representative of the first district. Putting his years of experience in urban planning to use, Howard served as chair of the council's powerful Planning and Environment Committee, as vice chair of the Transportation and Traffic Committee, and as a member of the Governmental Operations Committee. On these committees, Howard focused on many of the serious problems facing the city, including the production and preservation of affordable housing and enhancement of the quality of life enjoyed by Los Angeles residents.

Yet Howard felt the need to extend his responsibilities to other governmental associations. In addition to his position on the city council, he served on the Board of the Independent Cities Association, on the Southern California Association of Governments' Executive Committee, and on the League of California Cities Committee on Environmental Quality.

Howard will be remembered for his hard work to improve Los Angeles. But more importantly, he will be remembered for the personal qualities that made him and his achievements all the more special. Howard Finn was a warm and giving man. He worked for the benefit of everyone in his district, and through his caring and sensitive manner, was able to balance conflicting interests, a very difficult task in an area as diverse as the district he represented. Howard Finn's dedication to the people of Los Angeles was repeatedly demonstrated throughout his years of service.

We miss Howard Finn, and I am honored to join with my colleagues and the Los Angeles Mission College Foundation in paying tribute to his life and to his dedication to public service.

FAIRWAY ELEMENTARY SCHOOL

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. SMITH of Florida. Mr. Speaker, on March 3, 1987, the Christa McAuliffe Outdoor Classroom will be dedicated at Fairway Elementary School in my congressional district.

Fairway Elementary is located in western Broward County in the city of Miramar. This area is experiencing rapid growth, much of which is directed toward the Everglades. The Everglades is a delicate ecosystem able to maintain a fragile balance between its life forms and their environment. Whenever possible, it is crucial that our citizens help keep this bond with nature. Fairway Elementary, under the leadership of Principal Joan M. Banashak, is taking an important step in that direction.

Many of its students are new to Florida, so the Christa McAuliffe Outdoor Classroom will take on the challenge of informing these young people of the need to preserve and protect Florida's natural environment.

In this center, children can experience the diverse natural Florida environments and lay the foundation for becoming environmentally sensitive adults.

Additionally, Fairway Elementary is to be commended for dedicating its outdoor classroom to the memory of Christa McAuliffe, her courage and her commitment to students around the world.

LEGISLATION TO AID AMERICAN SAMOANS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. ANDERSON. Mr. Speaker, today I am reintroducing legislation originally introduced in the 99th Congress that would work toward the betterment of American Samoans, both in American Samoa and in the United States. These two measures, which constitute steps forward in addressing the plight of our American Samoan citizens, are similar to legislation introduced in the Senate by my esteemed colleague from Hawaii [Mr. INOUYE].

The first of my bills would authorize the Native American Programs Office in the Department of Health and Human Services to make grants available to American Samoan organizations from the same funds from which it makes grants to other native American organizations. The second bill would allow American Samoan organizations to receive grants from the native American component of the Job Training Partnership Act. Neither bill authorizes any new funding so their enactment will not hamper our ongoing efforts to curb the Federal deficit. These measures simply permit American Samoans access to existing native American grant programs.

Initially, this legislation came on the heels of a report on unemployment and job training needs of American Samoans commissioned by the Department of Labor and published in late 1984. The findings of this report were discouraging; the report concluded that the unemployment rate of American Samoan males, as of the 1980 census, was 80 percent higher than that of American males on the whole. The report further stated that, for the same time period, 27.5 percent of American Samoan families were living in poverty, as compared to 9.6 percent of all families. Given the consistently high unemployment rates which have continued in the first 6 years of this decade in spite of improvements in other major economic indicators, it is logical to conclude that these chronically high rates of unemployment and their attendant social ills persist and may have worsened.

As you may know, American Samoans who come to the mainland of the United States or to Hawaii tend to settle into existing Samoan communities. This is especially true in urban areas along the west coast such as Los Angeles, home to an American Samoan community of over 40,000. This has resulted in the development of concentrated pockets of poverty from which many Samoans, who face considerable language and cultural barriers, have difficulty escaping. Providing job training and community development grants to these communities will afford Samoans the opportunities to overcome these obstacles to their prosperity and improve their economic standing.

The U.S. Government has a special responsibility toward the American Samoan people due to the trust relationship established when the islands were ceded to the United States in the early 1900's. I believe that the number of American Samoans living in poverty in the United States demonstrates that we have not lived up to that responsibility. I hope we can approve these simple measures with all due speed so that these American citizens can participate in the economic expansion currently benefiting other Americans.

McDONALD'S WOOS OLDER WORKERS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. PEPPER. Mr. Speaker, last year the Congress unanimously passed, and the President signed into law, legislation abolishing mandatory retirement for most private sector employees. Under the terms of the new law, which effect January 1, 1987, age is an irrelevant and illegal factor for determining the employability of an individual.

Older workers have long been recognized for their reliability, punctuality, loyalty and efficiency. They are one of our Nation's most valuable human resources and can be a boon to any business enterprise.

Some corporations have already awakened to these facts and are actively recruiting older workers. One such corporation is McDonald's as reported in the following article which appeared in the Washington Post on February 9. I warmly commend this story to my colleagues as testimony that Congress acted properly and wisely in abolishing mandatory retirement.

[From the Washington Post, Feb. 9, 1987]

McDONALD'S WOOS OLDER WORKERS

(By Kevin Klose)

CHICAGO—A lovable oldster returns home from his first day on the job at the local McDonald's and proudly tells his wife: "I don't know how they ever got along without me."

With that punch line from 73-year-old amateur actor Lowell Sexton, the world's largest fast-food chain publicly acknowledged in an unusual television commercial that it wants retirees behind its counters.

The 60-second spot, entitled "The New Kid" and first broadcast during the Super Bowl last month, is part of an intensified recruiting effort by McDonald's.

"The more mature employee brings a lot to the job," said a corporation spokesman at global hamburger headquarters in Oak Brook, a Chicago suburb. "They have a lot of patience, dedication, loyalty and maturity. . . . We employ a lot of seniors and want more."

Like other companies recruiting retirees and senior citizens, McDonald's has a program, called McMasters, aimed at attracting workers age 40 and older, and then easing their passage among the adolescents and young adults who make up most of the fast-food work force.

In addition, the corporation and regional owner associations are working with community groups that specialize in finding jobs for retired Americans.

McDonald's efforts are being mirrored by companies in almost every sector of the economy.

According to the Labor Department's Bureau of Labor Statistics, the median age of the country's 115 million-strong labor force is rising, from 34.8 years in 1982 to a projected 37.3 by 1995. With more people retiring earlier, the aging of the total work force is due largely to the maturing of the baby-boomers.

It is not surprising that, as the labor pool matures, companies will target seniors. But, as a bureau statistician said, "It is difficult to get people at minimum wage, and a company that shows it cares about older people makes its task easier."

The McDonald's advertisement is a case study. Shot in Hollywood, the commercial highlights the "new kid's" first day on the job. He leaves his comfortable house in Suburbia, U.S.A., handles the complexities of counter work and then walks home to his Hollywood wife, played by Mary Rygg, a retired social worker from Everett, Wash.

"It was quite an experience. I learned a lot and had a real good time," said Sexton, a former sawmill owner whose film career began when his daughter-in-law sent his photo to a crew shooting a movie near his home town in Oregon. That led to an audition for the McDonald's ad.

"They were very precise in what they asked," Sexton said of the film crew. "They knew exactly what they wanted."

He had to repeat his lines 24 times. "I was real concerned, uptight," he said. "But they told me the record was 125 times for somebody. That made me feel better."

Sexton, who keeps four beehives and 13 head of cattle on land outside McMinnville, Ore., is enjoying his newfound fame. When he dropped in recently at a McDonald's near home, "it wasn't five minutes before they recognized me," he said.

Rygg, a 71-year-old great-grandmother and aspiring actress, said the commercial, her first, "is warm, inspiring and hopeful. I hope they show it a long time. It's the kind of message that's helpful to elderly."

She said she knows many retired people "who are trying to live on Social Security, and the medical costs have completely taken over their lives. They've lost hope they can do anything."

Budget concerns figured in Rosa Fonseca's decision three years ago to seek a job at a McDonald's in northwest Chicago.

"All my life, I have been busy making something," said Fonseca, 70, who immigrated from Mexico 17 years ago and worked at a manufacturing plant before she retired at age 65. "I can't stay at home, and the money is welcome also."

So one day she stopped at her local McDonald's, where three of her grandchildren have worked, and applied.

Owner Steve Weiss hired her because "her grandchildren were very good workers. Here I was, training a woman who was baking biscuits before I was born."

Every weekday Fonseca arrives about 5:15 a.m. to help Weiss set up for breakfast. "I don't like to be late," she said.

As the first patrons arrive, she turns to her specialty, fresh biscuits. Most mornings, she bakes 160 of them, then helps coworkers get ready for the lunch crowd before calling it a day.

Weiss said that on weekends, when Fonseca is off, he must add an extra employee to do the work that she accomplishes between breakfast and lunch on weekdays. As a result, he said, he now has five other former retirees on his staff and would "like to hire more."

YOUTH COMMITMENT TO ENDING HUNGER WEEK, APRIL 26 THROUGH MAY 2

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. BORSKI. Mr. Speaker, I rise to bring the attention of my colleagues to an important resolution which I have introduced designating the week of April 26 through May 2 as Youth Commitment to Ending Hunger Week.

Raising public awareness is critical to ending hunger worldwide. Every day, 35,000 people die of hunger while 24 persons die from starvation every minute—18 of these are children. Furthermore, every major commission on world hunger has determined that mankind already possesses the resources and technology to eliminate the strife caused by hunger, however, both the political and social will are lacking.

Youth Ending Hunger [YEH] is a network of students committed to ending hunger by the turn of the century. The group is sponsored by the hunger project, an organization which works to educate people throughout the world about the tragedy of hunger.

The YEH network recognizes that the youth of America can make a difference by promoting the education and awareness of the problem of hunger. The YEH Manifesto has been signed by students all over the Nation and expresses their commitment to ending hunger. The Manifesto states:

> Nothing springs more directly and more sincerely from our souls than a commitment to end altogether the horror and injustice of world hunger * * * Under the shadow of persistent suffering we declare our responsibility to the pure ideal of a world without hunger.

Many of the members of the House Select Committee on Hunger have already joined me as cosponsors of Youth Commitment to Ending Hunger Week. I ask my colleagues to join me in the commitment to end the tragedy of hunger worldwide and to commend these young people for their admirable commitment to ending hunger.

U.S. PARTICIPATION IN THE INTERNATIONAL COFFEE AGREEMENT

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. GUARINI. Mr. Speaker, today I am introducing legislation to provide for continued U.S. participation in the International Coffee Agreement [ICA]. U.S. participation in this international treaty expired on September 30, 1986. This bill would authorize U.S. participation in the agreement until October 1, 1989, for the life of the treaty.

The ICA is an international treaty signed by 46 producing countries and 24 consuming countries representing 98 percent of world production and 85 percent of world consumption. The United States has participated in the ICA since 1962 in an effort to minimize fluctuations in coffee prices and balance the economic interests of producing and consuming countries.

The 71 countries participating in the ICA of 1986—up from 67 in 1976—are responsible for virtually all production of coffee and over 90 percent of world coffee consumption. The ICA itself contains no fixed price objective. Rather, each year the members of the agreement establish a price range based on current production and consumption trends, inventory levels, and other factors that influence the market. The price is negotiated yearly from September to September.

Coffee is the most important agricultural commodity in the export trade of the developing world. Over 40 nations depend on coffee for export earnings. It is essential to economic growth and debt repayment in most Central and South American countries. The United States is the world's largest consumer of coffee and the U.S. participation in and full support of the ICA is important for the economies of the developing nations. Full U.S. involvement serves a foreign policy goal of improving relations with these developing countries.

As a result of the drought in Brazil in 1985, market prices for coffee exceeded the upper limit of the quota system price range. They went from $1.26 per pound in October 1985 and peaked at $2.35 in January 1986. Quotas were suspended on February 18, 1986.

This price rise has led to questions about the need for the agreement but, even without the economic controls in place the agreement is essential. The ICA is an incentive to producers to maintain production, build stocks, and accelerate exports to improve world coffee supply and quality in an orderly manner. It has largely been responsible for efforts by producing nations to accelerate exports to bring the price level of coffee to only 25 cents higher than its October 1985 average.

Last year, the House passed legislation allowing U.S. implementation of the coffee agreement. Unfortunately, the Senate was unable to take similar action before adjourning. The situation is more urgent today. The price of coffee in the world markets has eroded over the past months and is beginning to negatively effect the economies of coffee-producing nations. The United States is engaged in negotiations aimed at the reintroduction of quotas. If those negotiations are successful and quotas are introduced, it is critical that the United States be in a position to enforce those quotas. Failure to enact legislation in a timely fashion could leave the United States in the position of being unable to fulfill its treaty obligations. That in turn could result in even greater instability in international coffee markets which would have a serious negative impact on foreign coffee producers as well as on our own domestic coffee industry.

To halt U.S. participation in the ICA at this time would send a negative signal to producing countries. It could trigger actions, such as efforts to form cartels, which would adversely impact the U.S. coffee industry and U.S. consumers. Continued U.S. participation in the ICA provides the United States with the opportunity to influence future marketing and production policies of coffee-producing countries when consumers are most vulnerable.

The United States imports 17.5 million bags of coffee each year. We have the largest share of the market and the largest vote during the negotiations. The United States also has the largest stake in participating in this agreement and maintaining our cordial relations with coffee-producing nations upon whom we greatly rely. For all of these reasons, I urge your support for this vital legislation.

THE CHALLENGE OF AMERICAN CITIZENSHIP

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. STALLINGS. Mr. Speaker, each year, the Idaho Veterans of Foreign Wars and its Ladies Auxiliary sponsors a Voice of Democracy contest. And it is with great pride that I announce that this year's winner, Miss Bonnie Benson, is from the Second Congressional District of Idaho. Miss Benson is a student at Bonneville High School, and lives in Idaho Falls with her parents, Mr. and Mrs. Morris Benson. Miss Benson's entry, based on the theme, "The Challenge of American Citizenship," is truly inspirational, and it is an honor to share it with you.

What a celebration we had last July Fourth. . . . laser beams, tall ships, cascading fireworks, and millions of ecstatic people. And there, was the Statue of Liberty, triumphantly restored for her centennial—the focal point and symbol of freedom, not only to U.S. Citizens, but to the millions around the world "yearning to breath free". It was a time of unabashed patriotism, an epic display of national pride and contentment.

As word went out for private donations to rebuild the lady with the lamp, many touching stories unfolded. A man from Poland sent $2.00 for this beautiful symbol that he expects never to see. Seventy eight homeless Vietnamese passed the hat in a dingy refugee camp in Thailand and donated all their meager savings, just over $100.00 to celebrate this symbol of hope. These people who had lost everything were begging to keep the torch lit.

Emmennegilodo Maneschi first saw the lady with the light when he arrived in the U.S. He was so touched by her he made a vow to visit her every year on his birthday. He kept the promise and was there, as always, smiling through his streaming tears on his one-hundredth birthday.

I have never been anything but free. I have nothing to compare it with and I may never know what freedom means in the way these people do. But hopefully I will never take my liberty lightly or fail to appreciate this priceless inheritance. I know I have this freedom because others fought for it, nourished it, and then passed it along. My challenge is to do the same for future generations.

It wasn't by accident that this land developed from a minor, inpoverished and unconsidered country into the richest, happiest, and most influential nation in the world today. The American character, the decency and moral fiber of it's people is what made it great.

Our challenge today is to reestablish in our personal lives those values that serve as a foundation, a cornerstone for our democratic society. These include honesty, loyalty, courage, kindness, generosity, and hard work. Let us not shy from living and teaching these principals in our homes, churches and even schools. Furthermore, let us seek to destroy those things which threaten them; hedonism, materialism, forgetfulness and self-indulgence.

Another challenge we face is to remember our responsibility to consider the common good over our private interest. Clarence

Darrow said, "You can protect our liberties only by protecting the other mans freedom. You can be free only if I am free." That is why our decisions, in the voting booth and out, must be based on what is best for the common good. Self-indulgence weakens everyone's freedom.

What if the men who met on that hot summer day in Philadelphia had thought only of themselves and what would make their personal lives most comfortable? Most were men of means who enjoyed ease and luxury, yet they considered liberty worth all they sacrificed. . . . liberty not only for all the people but for future generations. Are we capable of making such decisions?

We would also do well to remember that no individual is totally self-sufficient. We are all dependent on the society that nourishes us and our fulfillment depends on that society. No one has the right to be a parasite or think that he owes nothing to society. Scapegoating, disrespect for authority and freeloading are perfect ingredients for political decline. We must be willing to subordinate personal gratification for the common good.

With all that might be wrong with us, our problems and differences, there is still much more that unites us and is good about us. I am so grateful to live in this time when people seem to be singing the national anthem a little louder and standing a little taller as the flag is raised. But let us not sit back and enjoy this great patriotic rebirth without clear eyes and an unmistakable understanding that it could all be lost.

Let us rise to the challenge to preach it, practice it, nourish it and keep the beacon of freedom shining brightly to a waiting and hopeful world.

REINSTITUTE BROADCAST STATION ANTITRAFFICKING RULES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. MARKEY. Mr. Speaker, today my distinguished colleague from the State of Washington, Mr. SWIFT, and I are introducing legislation requiring the Federal Communications Commission to reinstitute its broadcast station antitrafficking rules. Briefly stated, those rules required a broadcast licensee to hold a license for 3 years before the license could be sold or otherwise transferred.

This legislation is a direct response to an unprecedented trading frenzy among broadcast licensees. In the first half of 1985 alone, $10.5 billion in television station sales were announced. That figure represents eight times the 1984 figure. Overall, sales of broadcast properties totaled more than $30 billion in 1985, far surpassing sales figures for any previous year. The figures for 1986 are expected to eclipse those for 1985 when a final tally is in.

The impetus for this wave of sales was a series of changes in FCC regulations concerning station ownership. First, the Commission changed the number of broadcast properties a single entity could hold from 7 television stations and 14 radio stations to 12 television stations and 24 radio stations. Then the Commission changed its attribution rules, thus allowing an individual or entity to hold a larger share of a station without being counted as an owner. Finally, the Commission repealed its rules requiring a broadcast station owner to hold a license for 3 years before transferring the license.

These rule changes have engendered an instability in broadcast station ownership, and have produced a new breed of transitory broadcast owners, who are basically in the business for the bucks. A recent article in the New York Times stated that—

> Broadcast licenses, once vigorously monitored by the FCC, became commodities traded on the open market. Stations changed hands overnight and then changed hands again in a flurry of speculation, profit-taking and—inevitably—miscalculation and bankruptcy.

Historically, the vast majority of broadcast station owners have taken their public interest responsibilities very seriously. They have served their local communities and have reinvested in their stations in order to improve their service. And, while, as in every business, profit has been a motive for broadcasters, it has occupied a reasonable place with other objectives. Increasingly, however, profit is becoming the dominant motive driving the new breed of broadcaster. And these new broadcasters increasingly believe that the way to profit from broadcasting is not necessarily to improve the station's performance, but instead to sell the station.

Under the deregulatory theology presently prevailing at the FCC, profit is at the center of the value system. So it is no surprise that "quick buck artists" are swarming all over media properties. But there is a cost to such behavior. That cost is borne out by a decrease in public interest and local programming and by a decrease in service to the community of license. As FCC Commissioner James Quello has noted:

> [O]ur broadcasting system requires a degree of stability that is not enhanced by excessive financial manipulation and speculation.

Reinstitution of the antitrafficking rules will restore some of the stability needed. It will stem some of the more excessive behavior and curb some of the more egregious abuses. A broadcast licensee is granted a privilege to utilize a scarce public resource. Restoration of the antitrafficking rules will help to restore the compact between broadcasters and the public. That compact allows a broadcaster to use a public resource, in exchange for service in the public interest. I urge my colleagues to support this important legislation.

TRIBUTE TO RICH KARLIS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. TRAFICANT. Mr. Speaker, at this time I would like to pay tribute to a fine young man and an excellent athlete, Rich Karlis. Rich hails from Salem, OH, which is in my district. Rich currently is the place kicker for the AFC champion Denver Broncos. Rich has not only established himself as one of the premier kickers in the NFL, he is also widely recognized throughout the league as a giving and warm human being.

Rich first came to prominence as a kicker for Salem High School. From Salem High School, Rich went on to the University of Cincinnati and received a bachelors degree in economics. While at the University of Cincinnati Rich earned three letters in football, leading his team in scoring his senior year. His senior year Rich hit 12 extra points and made 10 of 15 field goal tries—6 from beyond 40 yards and a dramatic 50 yarder.

Rich went from his successful college career to a professional career, signing with the Denver Broncos. With Rich providing the Broncos with a reliable and steady kicking game, the Broncos have fast become one of the best teams in the league. This year Rich kicked a dramatic field goal in overtime to beat the Cleveland Browns in the AFC championship game—one of the most exciting games in NFL playoff history. Although the Broncos eventually fell to the Giants in the Superbowl, they had a fantastic season and Rich Karlis will again be a key factor in the Broncos success this coming season.

Rich Karlis not only is a tireless worker and outstanding performer on the field, he is also a giving and compassionate individual off the field. In 1984 and 1985 he was named Broncos NFL Lite Beer Man of the Year. Rich also is deeply concerned about his home community and has not forgotten his roots.

All of us in the Mahoning Valley are proud of Rich Karlis and I am honored to pay tribute to him.

CONGRESSIONAL SALUTE TO FORT SUTTER LIONS CLUB

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. MATSUI. Mr. Speaker, I would like to call the attention of the U.S. House of Representatives to the Fort Sutter Lions Club on the 60th anniversary of its chartering. This organization has continued to faithfully serve the Sacramento community since its founding.

Originally named the Oak Park Lions Club, the club was organized on February 11, 1927. In 1939 it adopted the title of the Fort Sutter Lions Club, in order to reflect the club's geographic appeal.

Nicknamed the "friendly club," Fort Sutter has served the community in the name of Lionism. It has sponsored Boy Scout troops, sent boys to YMCA camp, and provided camperships for diabetic and deaf children. The Sacramento Zoo, public television, and the State Railroad Museum have benefited from the generosity of the Lions Club.

Since 1970, the Fort Sutter Lions Club has donated time and money to the Northern California Lions Sight Association. Through their donations, vitally needed pieces of equipment have been purchased. The Sacramento Society for the Blind was the beneficiary of an optical aids trailer courtesy of Fort Sutter, and to the blind and partially sighted. Fort Sutter has also participated in the Lions MD-4 Student Sneakers Contest and is currently supporting

City of Hope, Weekend With the Stars Telethon, and civic betterment projects.

Mr. Speaker, the Fort Sutter Lions Club has served the Sacramento area with dedication and deserves the respect and admiration of its community. On behalf of those who the Fort Sutter Lions Club has aided and the entire Sacramento community, I wish to commend the club for its service club on its 60th anniversary and my best wishes for continued success.

THE LACK OF CHILD CARE PROGRAMS BECOMES INCREASINGLY IMPORTANT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. BIAGGI. Mr. Speaker, a recent article in the New York Daily News discusses the results of two recent studies on the lack of child care programs, a problem which poses serious concerns for today's working couples. From these studies, one clear recommendation emerged: Employers who wish to keep experienced staffers on the job must give serious consideration to employer-initiated child care programs for the dependents of their employees.

I have introduced legislation to address this very matter. My bill, H.R. 541, the On-Site Child Care Privatization Act, would extend a 15-percent tax credit to businesses for all startup and ongoing costs associated with employer-operated onsite day care facilities, and a 10-percent tax credit for all costs associated with salary expenses of workers at the day care facility. The legislation would take effect immediately after passage and sunset following 2 full years of implementation. I urge all of my colleagues to give H.R. 541 careful consideration as they read the following article entitled "Child Care Looms Large for Biz Firms."

CHILD CARE LOOMS LARGE FOR BIZ FIRMS

WASHINGTON.—Child-care programs, today a crucial problem for working couples, will likely become increasingly important to employers who want to keep experienced staffers on the job, a new study published yesterday says.

"In the future, tight labor markets will make it harder to replace experienced female employes who leave work to start a family," says the report by the private Population Reference Bureau.

In the years since the end of World War II, women have flooded into the labor market, and time away from their traditional homebound duties has left millions of families with the problem of finding care for small children.

Women have been seeking jobs in a market with a surplus of labor, during the time when the children of the post-World War II baby boom flooded the market. But that will end in the 1990s as the smaller "baby bust" generation comes along and there are more jobs than workers, the report comments.

That means companies will be faced with competing for experienced workers, and the result could be incentives to improve benefits such as child-care programs.

HUGE CHANGE

Today, more than half of married women with children under age 6 are employed, compared with only one in eight in 1950, Census Bureau statistics show.

"The growing number of women working raises a number of very difficult issues for them and their families. Indeed, most working women face a tremendous personal struggle in trying to balance their personal and professional lives," the new study observes.

Responses to this change have varied from family to family and region to region, with some employers initiating programs to assist their workers. Those actions will become increasingly important, says the study by Martin O'Connell of the Census Bureau and David Bloom of Harvard University.

"Many women find it extremely difficult to decide whether they are mothers who happen to work, or workers who happen to be mothers. Their simultaneous involvement in career and mothering entangles many women in exhausting life styles," O'Connell and Bloom observe.

Some can hire help, but most domestic workers do less than half the housework and "husbands are not much help either," doing less than one fourth of the housework, according to the report, "Juggling Jobs and Babies: America's Child Care Challenge."

NATIONAL LIBRARY WEEK

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. SMITH of Florida. Mr. Speaker, National Library Week will be observed in April. Consequently, the Miami-Dade Public Library System in my home State of Florida is organizing an exhibit that will celebrate the importance of the printed word.

Libraries and books have had a tremendous influence on our lives. Unlike ancient man who had to rely primarily on the spoken word as a depository of limited information and history, today we have access to vast amounts of facts, ideas and cultural understanding thanks to our public libraries. Without the printed word through books and libraries, it is doubtful that our great Nation would be in existence today.

Books are not only the collective memory of our Nation—they also open doors to our future.

Along a more personal vein, several books have had an important influence on my life: "Profiles in Courage" by John F. Kennedy; "Main Street", "Babbitt", "Arrowsmith", all by Sinclair Lewis; "Moby Dick" by Herman Melville and "Heart of Darkness" by Joseph Conrad. Each, in its own way, is responsible for helping to lay the foundations for my adult life.

A CONGRESSIONAL SALUTE TO JOHN C. WALLACE UPON HIS RECEIVING THE GOLDEN BOY AND MAN AWARD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. ANDERSON. Mr. Speaker, on February 21, 1987, the Boys' Clubs of Long Beach are honoring John C. Wallace with the Golden Boy and Man Award. It is indeed an honor for me to pay tribute to John Wallace on his meritorious service to the Boys' Clubs of Long Beach.

A native of Long Beach, John Wallace attended Stanford University and graduated with a B.A. degree in political science. After graduation he served in the Marine Corps and then went to work for Petrolane, Inc. He returned to active duty in Korea and left with the rank of captain in 1952. John then returned to Petrolane and worked his way up to president and chief executive officer by 1971. He remained with Petrolane until the company was acquired in 1984.

During his years with Petrolane he became involved with the boys' clubs and became a member of the board of directors in 1964. He has been actively involved ever since, now serving as trustee of the foundation. John was instrumental in raising funds for the Dean Eastman/Freeman E. Fairfield Boys' Club and during his tenure at Petrolane he helped to establish the Petrolane Center of the Boys' Clubs of Long Beach.

Besides contributing many unselfish hours to the boys' clubs, John founded and directed the St. Mary Medical Center Foundation, has been vice president of the Long Beach Rotary, and chairman of the United Way Region III. He has been president of the Long Beach Council Boy Scouts of America and has been the recipient of the renowned Silver Beaver Award.

Mr. Speaker, John Wallace has served the community of Long Beach in many ways. With his unselfish dedication to the boys' clubs he has surely enhanced our community.

My wife, Lee, joins me in commending and congratulating John Wallace on this special occasion. We wish him and his wife, Alice, and their children, James, Bruce, Robert, John, Phillip, and Jane, success and happiness in all their future endeavors.

HOSTAGE TAKERS DON'T USE REASON

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. PEPPER. Mr. Speaker, recently the Miami News ran the following article, "Hostage-Takers Don't Use Reason" by Georgie Anne Geyer. Ms. Geyer presents a point of view on this very serious and difficult situation which I thought my colleagues would like to have the benefit of reading, and therefore, I am pleased to share it with you:

HOSTAGE-TAKERS DON'T USE REASON

WASHINGTON.—The New York Times' front-page headline Monday about the two newest American hostages unwittingly revealed how the Persia of the Ayatollah Khomeini still needs on this world stage a "reasonable" American willing to deal.

"U.S. Journalist Is Held by Iran: Reason Unclear," the headline about the "detainment" of respected Wall Street Journal correspondent Gerald F. Seib read. And next to it was an equally telling headline about Terry Waite, the hostage negotiator, which read: "Mystery in Beirut deepens on status of Anglican envoy."

The words to watch here are "reason" and "mystery," for they reveal the extent to which we still insist upon believing that there are reasons and that there is mystery about what is going on.

Our great weakness in dealing with the Iranians is that we perisist in thinking that we will find a way to have a dialogue with these folks. Of course, as in American union negotiating, that will lead on all sides to a happy "compromise," another key American code word.

When the Iranians and the Shiites in general see that they can tie us up politically and militarily, they cynically take still more American and Western hostages to weaken us in power terms. They know our cultural propensities, if we do not know theirs.

They know we will do almost anything for individual citizens; they know that gives them ultimate power over us.

There are related misunderstandings about the charismatic leaders of the world—and their true desires. As Mark Falcoff of the American Enterprise Institute, has pointed out, charismatic leaders such as Fidel Castro do not seek compromise or dialogue in order to work things out; instead, they seek the ultimate an infinite "other" satisfactions of personal grandiosity in the world.

A few U.S. diplomats understand this. U.N. Ambassador Vernon Walters, after meeting with Castro in 1982, told me, "We don't have anything he wants. If he made peace with us, he'd be like the president of the Dominican Republic."

So what worries me most in this whole sorry business with arms, hostages and Iran is really the abysmal lack of understanding of the Iranians.

What we need if we are not to continue being "taken" is the kind of sophisticated cultural understanding that anthropologists Ruth Benedict and Margaret Mead brought to American occupation policy toward Japan after World War II.

If their wisdom were applied today to Iran, it would dictate a policy of total nonnegotiation with Iran and a policy that would do everything possible to defeat it in the Iraq-Iran war, which is the only way it will give up its anti-Western hostage policy.

The wily Parliament "speaker," Hojatoleslam Hashemi Rafsanjani, said something right after "Irangate." The Americans, he said, are "vulnerable to intrigue," and he invited other countries to trap us in this vulnerability. He was so right.

And we always will be vulnerable—to intrigue and to every other humiliation and horror—if the other side continues to know more about us than we in our complacent ignorance know about them.

TRIBUTE TO LUCILE HIBBLER

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. BORSKI. Mr. Speaker, I rise to pay tribute to Mrs. Lucile Hibbler on the occasion of her 100th birthday.

Mrs. Hibbler was born on March 3, 1887, in Union, SC. After graduating from South Carolina State College in 1910, she began her career as a teacher. One can only guess at the number of young lives she helped to influence during her 46 years of teaching.

Although she will soon be 100 years old, Mrs. Hibbler remains active and independent. She does her own cooking and shopping, and she still votes in every election. She also spends time with the children in her neighborhood, impressing upon them the importance of hard work, a good education and respect for family.

Mr. Speaker, it is a remarkable accomplishment to live for 100 years. Mrs. Hibbler has been a living witness to some of the most important events in American history, including two world wars, the Depression, and the birth of flight. I join her family and friends in congratulating Lucile Hibbler on her 100th birthday, and I wish her health and happiness as she enters her second century.

CITRUS-PASTA AGREEMENT BILL

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. GUARINI. Mr. Speaker, today, along with my colleagues Congressmen DAUB and DORGAN, I am introducing legislation to encourage the resolution of the longstanding dispute between the United States and the European Community on EC export subsidies on pasta.

The pasta dispute with the EC began in 1981, when the National Pasta Association filed a section 301 case with the Office of the U.S. Trade Representative challenging the legality of the EC pasta subsidies under the General Agreement on Tariffis and Trade. For 2 years, the EC refused to seriously negotiate with the U.S. Government concerning the dispute. In May 1983, a GATT panel ruled that the EC subsidies were a violation of the GATT subsidies code. Through procedural maneuvering, though, the EC was able to suppress the final GATT approval of the panel report.

Despite the favorable GATT panel ruling, the pasta dispute still has not been resolved. In November 1985, the United States decided to retaliate against the European Community for the EC's failure to resolve a dispute involving citrus. The United States imposed tariffs on pasta in retaliation for the EC's stubbornness on citrus.

Last August when the citrus case was resolved, the retaliatory tariffs on pasta were removed. Since that time, imports of pasta have increased dramatically, with the fourth quarter of 1986 seeing the largest volume of pasta imports in history.

Thus, despite the newspaper headlines declaring that the citrus agreement had ended the so-called pasta war, the U.S. pasta industry is still facing subsidized EC imports. By lifting the retaliatory tariffs at the same time the EC pasta subsidy was reaching record high levels, the pasta industry in the United States was put in an extremely vulnerable position.

I am particularly concerned about the vulnerability of the U.S. industry because one of the largest U.S. pasta plants in the country is located in my district. The Mueller's plant in Jersey City, NJ is modern and efficient and it employs over 500 people. I do not want to see that facility or any other U.S. facility injured because of imports from the EC that receive subsidies equal to more than 60 percent of the wholesale price of the product.

The agreement with the EC last August to settle citrus case contained only one useful element for the U.S. pasta industry: An agreement by the EC to promptly negotiate a settlement of the pasta case. The agreement set a deadline of July 1, 1987, for the case to be settled. The agreement further provided that the July deadline would not apply unless the United States took other steps, requiring legislative action, with respect to products such as olives, capers, and the like. Thus, in order for the July 1, 1987, pasta settlement deadline to be enforceable, the U.S. Congress must enact legislation to deal with these other products.

Accordingly, the legislation I am introducing today implements the agreement reached by the United States and EC concerning the concession on these other products so that the July 1, 1987 deadline set for the conclusion of the pasta negotiations is an effective one. Perhaps more important, though, my bill would put some teeth into the July 1, 1987 deadline by providing that unless that deadline is met, the United States would impose duties on imported pasta from the EC. This is not a protectionist approach to the problem because, as proposed, the duties would equal the amount of the subsidies being provided by the EC. Unlike the retaliatory tariffs put into effect in 1985, the duties would do no more and no less than offset the amount of the unfair EC subsidies.

The whole idea of legislation is to ensure that the EC lives up to its word and actually resolves the pasta dispute by July 1, 1987. Only if the EC fails to meet this deadline, would the duties go into effect. Of course, if the deadline were missed and an agreement were reached at a later date, the legislation provides that the duties would be removed.

The case is clear. Our domestic pasta industry continues to be seriously threatened by EC pasta subsidies. We need to ensure quick and equitable resolution of this matter. The legislation I am introducing would do just that. It would implement the United States-EC accord on citrus and help ensure that the deadline for a resolution of the pasta negotiations is actually met. On these grounds, I urge your support for this legislation.

THE INTRODUCTION OF H.R. 1120, TO DECRIMINALIZE THE ACTIVITIES OF THE SANCTUARY MOVEMENT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. GONZALEZ. Mr. Speaker, yesterday I, along with nine of my colleagues, introduced H.R. 1120 to correct an ugly—and likely recurrent—application of our criminal statutes. During the past 2 years we have witnessed two highly publicized cases, one in Texas and one in Arizona, in which Sanctuary Movement workers have been prosecuted for giving peaceful, humanitarian assistance to Central American refugees. To date most sentences for such conduct have been relatively light, but they, nevertheless, take a human toll; late last month, one Sanctuary defendant, 3 months pregnant, began serving a 6-month prison sentence for her conviction. Regardless of outcome, however, such prosecutions exposed a mean and intolerate focus in our criminal laws. H.R. 1120 would prevent a recurrence of such prosecutions by decriminalizing the humanitarian, conscience-driven activities at the core of the Sanctuary movement.

The facts surrounding the conflicts in Central America are compelling and provide the specific motivation behind the actions of most Sanctuary workers. Based upon the dictates of their conscientiously held faiths and upon the belief that many Salvadorans, Nicaraguans and other are, or should be, eligible for asylum in this country, Sanctuary members have attempted to assist many refugees in their flight from the violence of their homelands. Unfortunately, many Sanctuary workers have faced criminal prosecutions for their peaceful actions. And zealous law enforcement officials, reflecting an unsympathetic administration, have infiltrated church congregations to gather evidence of "criminal" behavior.

H.R. 1120 would provide a narrow exception to the criminal provisions of 8 U.S.C. section 1324 (transportation and harboring of unauthorized aliens) somewhat akin to the conscientious objector exemption contained in the Selective Service Act. As it the case with the conscientious objector provision, this exception would be confined to conduct based upon "religious training and belief," as that term has been construed by the courts. My bill contains the further provisos that the exempted conduct must: (1) be based upon a reasonable belief that the alien at issue has a well-founded fear of persecution; and (2) be taken without commercial or private financial gain.

Congressman MOAKLEY'S excellent bill (H.R. 618) would provide extended voluntary departure status to Salvadorans and Nicaraguans, temporarily legitimizing the immigration status of many who have sought refuge here. The House passed an amendment embodying this principle during action on the immigration reform bill late last year. That action demonstrates this body's widely held belief that these Central Americans should be given refuge. The Sanctuary movement workers reflect the concern felt and expressed in the House action on the Moakley amendment. H.R. 1120 would recognize their sincerely held beliefs and decriminalize their activities.

For years our law has recognized an analogous exemption from criminal prosecution for conscientious objectors. The bill my colleagues and I have introduced would extend his basic civil liberties principle to those peaceful, selfless, humanitarian activities of Sanctuary workers. It would reaffirm the traditional American tolerance for the peaceful exercise of religious and genuine moral beliefs. We can afford to be tolerate; indeed we must be tolerant if we are to be free.

I invite my colleagues to join in supporting this worthy legislation.

THE BROADCAST OWNERSHIP STABILITY ACT OF 1987

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. SWIFT. Mr. Speaker, the law of unintended consequences has been operating in the buying and selling of broadcast station licenses. I don't think that, when the Federal Communications Commission repealed its so-called antitrafficking rules in 1982, anyone expected it to have such a profound change on the industry—much less that these changes would manifest themselves in such a short time. But the changes have been profound. We should correct this mistake before it's too late to un-do the damage.

I am pleased to introduce today, H.R. 1187, the Broadcast Ownership Stability Act of 1987. This bill is identical to H.R. 5068, which I introduced last year. I am pleased to be joined today in sponsoring this bill by Mr. DINGELL, chairman of the Energy and Commerce Committee, by Mr, MARKEY, chairman of the Subcommittee on Telecommunications and Finance, and by committee members Mr. LELAND, Mr. BRYANT, and Mrs. COLLINS, with whom I expect to work closely on this issue.

Operating a broadcast station is a very special endeavor and Congress recognized that in the Communications Act of 1934. It carries both special privileges and special responsibilities. But, over the last several years, that special character has been so undermined that some will now tell you, as one financial consultant told a group of broadcasters, "Television stations are no longer unique entities with special public trust responsibilities but rather investment vehicles."

The lead in the past week's Broadcasting magazine special report on station trading last year begins by saying, "Those who thought 1985's record-shattering $5.6 billion total for station sales was an aberration not soon to be repeated will not have to face a new era in broadcasting. Multibillion-dollar trading, which began in 1983, is now the norm. Last year's dollar value for stations changing hands was a record-breaking $6,192,669,871 generated by 873 transactions involving 145 TV stations, 522 FM's and 617 AM's."

Let me make clear that I have no problem with station owners making a profit—even a big profit—whether it comes from operating a station successfully or from selling it. The problem is trafficking—trading in station licenses for speculative profit without regard for the requirement that stations serve the public. Station licenses are a special trust. As FCC Commissioner Jim Quello has noted, "broadcasting, more than other industries, requires stability and long-range planning to maximize service to the public."

Station licenses are not supposed to be traded like pork bellies and other "investment vehicles." Licensees are supposed to serve their communities. But, if the present trend continues, nothing will be left of that policy. There will be only an opportunity to get in, get out, and try to make a fast buck. It won't take long for the public interest standard to disappear altogether. The process is well under way already. And both the public and those in the industry who believe in community service and the public interest will have lost something very valuable.

NATIONAL OCEANS POLICY COMMISSION ACT OF 1987

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. JONES of North Carolina. Mr. Speaker, today, I am introducting H.R. 1171, a bill to establish a National Oceans Policy Commission to examine certain oceans and Great Lakes policy issues that now face the United States.

This legislation would establish a 17-member, blue-ribbon panel of distinguished decisionmakers from a wide range of marine interests representing commercial and nonprofit organizations, the gubernatorial leadership of coastal States, academicians, and other specialists in domestic and international oceans policy. The bill would require the commission to propose to the Congress and the President a comprehensive oceans policy and to develop recommendations for the implementation of that policy.

Also today, on the other side of the Capitol, Senator LOWELL WEICKER of Connecticut is introducting a similar bill. This is a significant and hopeful sign that we will have interest in a oceans commission in both Houses of the Congress.

In 1983, similar legislation which I introduced was reported by three committees of the House and passed overwhelmingly under suspension of the rules. However, no action was taken in the Senate during the 98th Congress. I applaud Senator WEICKER for his leadership and I look forward to a serious effort, in the 100th Congress, to establish a commission that will set the blueprint for our Nation's oceans policies between now and the end of the century.

I would like to put the proposal for this new commission in historical context. More than two decades ago, Congress passed the Marine Resources and Engineering Development Act of 1966. Among its many provisions, that act established a commission on marine science, engineering, and resources to be chaired by Dr. Julius Stratton, the former president of the Massachusetts Institute of Technology. More commonly referred to by its chairman's name, the Stratton Commission completed its work in 1969 by the submission of a report entitled Our Nation and the Sea.

Many of the recommendations contained in the Stratton Commission report were instrumental in proposing the structure of a national oceans policy. Many of the marine and atmospheric institutions with which we are now familiar can trace their origins to the Stratton Commission report. For example, the establishment of the National Oceanic and Atmospheric Administration [NOAA] is directly attributable to the work of the Stratton Commission.

In the aftermath of the commission study and the creation of NOAA, Congress established many new ocean initiatives and programs in the 1970's. Among such programs are: The Marine Mammal Protection Act of 1972; the Coastal Zone Management Act of 1972; the Marine Protection, Research and Sanctuaries Act of 1972; the Endangered Species Act of 1973; the Magnuson Fishery Conservation and Management Act of 1976; the National Sea Grant College Program Amendments of 1976; the National Climate Program Act of 1978; the Outer Continental Shelf Land Act Amendments of 1978; the National Ocean Pollution Research and Planning Act of 1978; the Deep Seabed Hard Mineral Resources Act of 1980; and the Ocean Thermal Energy Conversion Act of 1980.

Implementation of these acts, along with subsequent decisions by the executive branch, have significantly changed the composition of the Federal oceans programs. The executive branch decisions to which I refer include, among others, the March 1983 declaration by President Reagan of a United States exclusive economic zone and his decision not to sign the Law of the Sea Treaty.

Recent concern about expanding Federal expenditures has resulted in the retrenchment of many ocean initiatives of the last decade. With Federal fiscal resources expected to be severely limited at least to the end of the century, a reexamination of the Nation's oceans, Great Lakes, and atmospheric activities is needed. A new, coordinated and comprehensive national oceans policy, based on that reexamination, should be developed so that wise use of the oceans and the Great Lakes can be implemented in a peaceful and balanced fashion.

It is for these and many other reasons that Senator WEICKER and I are introducing similar bills today to establish a new commission that will be farsighted and prescient within the context of the budget realities of the 1980's and 90's.

Finally, I would simply note that the membership of the commission will be composed of 3 direct appointments by the President and 14 additional appointments by the President based on lists of nominees provided by the Speaker of the House and the majority leader of the Senate, in consultation with the minority leaders of each House. The bill provides for balance among the various marine-related sectors and political party affiliations.

For those of my colleagues who desire further information about the bill or would like to be added as a cosponsor, please contact the Committee on Merchant Marine and Fisheries. When the bill reaches the floor, I will ask for the full support of the entire House for the establishment of the National Oceans Policy Commission.

COLOMBIA STANDS UP TO THE DRUG BOSSES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. BROOMFIELD. Mr. Speaker, President Barco of Colombia is to be commended for his recent decision to extradite a major drug trafficker to the United States. I want to share with my colleagues a recent editorial praising the Colombian President for his firm stand against the drug menace.

As we all know, Mr. Carlos Lehder is one of Colombia's leading drug kingpins. He is a ruthless drug trafficker who has made upward to $1 billion in his cocaine dealings in recent years.

Colombia's Government is under seige by the drug traffickers. Paid assassins have killed officials who have stood in their way. Judges, policemen, and reporters who have taken a tough stand against the drug menace have been gunned down. Last month, a former Colombian Justice Minister, Enrique Parejo, was gravely wounded by an assassin in Budapest, Hungary, where he is serving as Colombia's Ambassador. Mr. Parejo, who had been active in the war against drugs, and involved in previous extraditions of traffickers to the United States was reportedly shot by the Colombian group that later claimed responsibility for the attack.

Extraditions to the United States is what the Colombian traffickers fear the most. In recent years, the big drug dealers have offered to bring billions of dollars in drug money back to Colombia in exchange for that Government's renunciation of an extradition treaty with the United States. When the Supreme Court recently declared the treaty invalid on a technicality, Mr. Barco promptly signed it back into law.

I encourage the administration to continue to work with President Barco in his determined effort to break the back of the drug lords. This is a battle that Colombia and the United States cannot afford to lose.

With these thoughts in mind, I commend the following article from the Washington Post to my colleagues in the Congress.

[From the Washington Post, Feb. 9, 1987]

COLOMBIA: A BRAVE EXAMPLE

In the war against drugs, Colombia has just set a very brave example. It arrested and extradited to the United States a man named Carlos Lehder Rivas, who is accused of being one of the great cocaine traffickers in his country. Drug dealers there have used their immense riches and their command of armed men to practice an arrogance unheard of in more fortunate places. Of the police, officials, judges, editors and others who have resisted their vast criminality, those they cannot buy they have sought to murder or intimidate, reaching out even to attack a conscientious justice minister who had been sent off for his safety as ambassador to Hungary.

Americans know the menace of drugs at home, but in such a country as Colombia, where the institutions of law enforcement and administration are weaker, the very integrity of the nation comes to be at stake. There is actually a proposal that the leading drug dealers, in exchange for a presumably friendly prosecution in Colombia, pay off the country's $13 billion foriegn debt.

The extradition process in Colombia is infinitely delicate. It provides Colombians with a way to bring to justice and to send out of the country suspects who may be more dangerous when they are in official hands—because of the violence their thugs take to reclaim or avenge them—than when they are at large. Yet retaliation against those who take part in extradition is always a threat—see what happened to the ambassador in Hungary. There also seems to be a feeling, halfway between shame and nationalism, that makes Colombians hesitate to hand off these desperadoes to others, especially to the United States. The newly arrested Mr. Lehder had been known to characterize cocaine as a weapon against "American imperialism." He is only the first of the accused kingpins to be extradited. Florida has him now.

Cooperation in law enforcement with Colombia and other source countries is increasingly central to American drug policy. Colombians who look at the comparative costs to the two countries, however, can be forgiven for asking whether the United States yet does its full share. American diplomacy stresses the idea that drugs are a shared hemispheric concern; this is the basis for common action. This is so, but it is also so that many Latins see the United States, with its huge demand for drugs, as the principal cause of their terrible drug costs, including increasing rates of addiction among their young. The readiness of such a country as Colombia to take the risks of cracking down on the biggest traffickers deserves appreciation in this country—and matching seriousness.

LEGISLATION DESIGNED TO IMPROVE TRUCK SAFETY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. TRAFICANT. Mr. Speaker, on January 22, I introduced legislation designed to improve safety on our Nation's highways by transferring rearward a part of the load weight currently carried on the steering axle of a three-axle truck-tractor and triaxle semi-trailer.

H.R. 736 would amend section 127(a) of title 23, United States Code, to authorize the operation on the Interstate System of three axle truck-tractor and triaxle semi-trailer combinations carrying up to 70,000 pounds on consecutive sets of tandem and tridem axles. A similar measure, H.R. 4436, was introduced in the 99th Congress and was referred to the House Committee on Public Works and Transportation but was not acted on before the October 18 adjournment.

The improved safety features of H.R. 736 are numerous. First of all, it would reduce the top-heavy unloading hazard. Second, because of the reduced weight on the steering axle, it reduces the likelihood of a front tire blow-out. Third, it would provide for improved braking and tracking do to a more equal distribution on the axle. Fourth, as a result of the change in trailer size, maneuverability and unloading capabilities would be upgraded. Finally, it would provide for less wear on highway surfaces due to a more optimum axle loading process.

While I recognize the complexity of this issue, I believe the important fact to keep in mind is improved safety on our highways. I ask my colleagues to carefully consider the merits of this bill and pledge their support. The text of H.R. 736 follows:

H.R. 736

A bill to amend title 23, United States Code, to improve safety on the National System of Interstate and Defense Highways by transferring rearward, to other internal axle groups, a part of the load weight carried on the steering axle of a three axle truck-tractor and triaxle semi-trailer

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 127(a) of title 23, United States Code, is amended—

(1) in the first sentence by inserting after "thirty-four thousand pounds, including enforcement tolerances," the following: "or with a triaxle weight determined by application of the formula contained in the second sentence of this subsection,";

(2) in the second sentence by inserting before the second colon the following: "and except that two consecutive sets of axles one of which is a tandem axle and one of which is a triaxle may carry a gross load of seventy thousand pounds if an overall distance between the first and last axles of such consecutive sets is not less than thirty-two feet, measured to the nearest foot, nor more than thirty-five feet, measured to the nearest foot, and if the requirements of this sentence as it relates to one axle, a tandem axle, and a triaxle are otherwise met"; and

(3) by inserting after the second sentence the following new sentence: "A group of three or more consecutive axles shall not be subject to any requirement of this section relating to tandem axles.".

CANYONLANDS NATIONAL PARK

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. OWENS of Utah. Mr. Speaker, on January 29, 1987, I introduced a bill to expand the boundaries of Canyonlands National Park in the heart of southeastern Utah, an act which is politically both controversial and complicated, here as well as in my State.

I did so, notwithstanding the difficulties, for two reasons:

First. Canyonlands National Park is a cherished national treasure which is now threatened with the placement of a high level nuclear waster repository in a canyon within a mile of its eastern border.

Second. My bill would preclude the selection of either Davis or Lavender Canyons because it would incorporate the rim-to-rim concept for enlargement of Canyonlands National Park to the natural boundaries which were originally proposed for it when it was established. Without this extension the park is unnaturally small and incomplete. It should be noted that all the lands proposed for the addition are already federally owned and administered.

Canyonlands is prized for its scenic, cultural, and wildlife resources. The park currently surrounds the confluence of the Green and Colorado Rivers in an area that is a feast for the eyes and for the human spirit. The extension is a brilliantly colored wilderness of rock where, over thousands of years, wind and water have carved countless mesas, canyons, natural arches, and soaring spires. The land encompasses habitat for rare birds of prey, bighorn sheep, and mountain lions, among other wildlife. Within the additional area are species of fish found nowhere else in the world. There are hanging gardens in areas where springs well up from the ground. Also the park and the areas proposed for inclusion in new boundaries contains hundreds of ancient Indian pictographs painted onto rock nearly a thousand years ago by Indian artisans. Ancient Indian settlements dot the landscape proposed for addition to the park. All of this is evidence of a relatively advanced civilization which flourished in the Canyonlands Park area.

A visitor to the park gains a rich experience which can be enhanced time after time. And despite its primitive nature, annual visitation to the park has grown from nearly 37,000 people in 1970 to more than 100,000 people last year.

This park and the panoramic vistas therein should be protected and made whole by the land that would be included in this boundary change. The land outside the current park is considered every bit as beautiful and important as that now inside the park. But this entire park and indeed the State of Utah is threatened by a proposal to place a high level nuclear waste repository within view of the park. Research indicates that this would be devastating economically to our State where in southern Utah, where the park is located, tourism is the No. 1 industry.

A study conducted in 1983 at Canyonlands National Park asked visitors if they would be more or less likely to return knowing a nuclear waste repository were placed nearby. Eighty-two percent of the respondents said they would be less likely to come back. The study, I think, clearly indicates that Utah's tourist industry would be irreparably damaged by construction of a nuclear waste repository near the five national parks in the State. Tourism is the lifeblood of our State's economy and the key to its future.

I offer this study for inclusion in the Congressional Record.

Furthermore, Utahns have been exposed to much more radiation fallout than citizens of any other State. Residents of Utah are still enduring exposure to radiation leaking from the underground nuclear weapons test site in our neighboring State of Nevada. Former Interior Stewart Udall, three other attorneys, and I successfully sued the Federal Government on behalf of victims of fallout in Utah, Arizona, and Nevada, who were exposed to fallout from above ground nuclear tests in the 1950's and early 1960's. The Federal Government was found liable for cancers by fallout from tests.

The Department of Energy still maintains its policy, in existence since open air testing began in 1951, to conduct nuclear tests only when the wind is blowing toward Utah. Research indicates that just since the underground testing began in 1963, Utahns have been exposed to radiation equal to one and a half times the amount which leaked during the Soviet Union's Chernobyl disaster. So it is not fair to ask Utah to accept this nuclear waste repository—we've already had far more than our share of nuclear garbage.

The process to pass legislation to provide for the selection of a nuclear waste repository was a long and arduous one. What was intended to be a careful scientific effort to locate the safest, most reasonable repository site has now become a political game of elimination. As Interior chairman, Morris Udall, the author of the repository legislation, has said no one, apparently, wants the dubious honor of "glowing in the dark for 10,000 years", as Chairman Udall puts it. Framers of the law were careful to avoid excluding any area for consideration for the repository. But, in a colloquy between Chairman Udall and then Congressman John Seiberling on November 30, 1982, it was made clear that the legislation's intent that a site close to a national park should be selected only if all other feasible sites were scientifically excluded.

In addition, let me point out that it is the Interior Department's official position that a nuclear waste repository near Canyonlands would be in conflict with Federal law passed in 1916 which carefully sets down what may or may not be done in or near a national park. I refer the members to a letter dated November 7, 1986, written by Bruce Blanchard of the Department of the Interior's Environmental Project Review to the Department of Energy. I offer this letter for inclusion in the Congressional Record.

In the letter the Department of the Interior accused the Department of Energy of failing to recognize existing laws regarding public land and natural resources and opines that the site outside Canyonlands National Park should be disqualified as a matter of law. It is a position that the Department of Energy appears to be resisting.

The material follows:

U.S. Department of the Interior,
National Park Service, Arches and Canyonlands National Parks, Natural Bridges National Monument,
Moab, UT, November 18, 1983.

Ms. Juline Christofferson,
Governor's Office,
Salt Lake City, UT.

Dear Juline: Enclosed are results from the year-long project in which we have gathered and summarized "State of Utah Visitor Survey" forms in an effort to assist the State in determining the feelings of park visitors concerning the proposed Gibson Dome nuclear waste repository.

Methods and collection points are discussed in the accompanying narrative which reviews all but the nuclear waste question. As pointed out in the narrative, information gleaned from the 38 pages of charts and graphs should be invaluable to the National

Park Service and State offices involved in tourism in analyzing visitor statistics and similar information.

Since we have agreed that any public release of information concerning response to the effect of the repository should come from your office, a general distribution of those statistics will not be made by us with the exception of management personnel at the park and our Salt Lake and Denver offices.

The results of the repository question are quite clear and can be summarized in three basic groups: (1) those who responded negatively; (2) those who responded favorably, and (3) those who responded in a neutral fashion.

Given the three questions:

(1) Will a repository affect future visits to the area, yes or no.

(2) If yes, would you be likely to return, more or less.

(3) Would you be interested in a tour of the repository if built, yes or no.

82.2% responded negatively, (yes it will affect future visits and I will be less likely to return) 1.0% responded favorably, (yes it will affect future visits, I will be more likely to return), and 16.8% responded in a neutral manner (no it will not affect future visits—with a mixed response on the tour question).

Specific repository results are summarized on pages 1-6, and 9-26.

We, of course, remain open to your questions and are ready to assist you in any way possible.

Sincerely,

Peter L. Parry,
Superintendent.

U.S. Department of the Interior,
Office of the Secretary,
Washington, DC, November 7, 1986.

Ben C. Rusche,
Director, Office of Civilian Radioactive Waste Management, Department of Energy, Washington, DC.

Dear Mr. Rusche: We strongly support the Department of Energy's recommendation not to nominate the Davis and Lavender Canyon sites as candidate sites for the first repository and the President's subsequent endorsement of that recommendation. We are still of the opinion that these sites do not qualify for consideration for the reasons set forth in this letter.

This letter also responds to the Department of Energy's (DOE) invitation to review changes in the proposed environmental mitigation that occurred since the draft environmental assessment (EA) was published and to comment specifically on "Disqualifier Three" about the presence of the restricted area or repository support facilities adjacent to Canyonlands National Park. We appreciate this opportunity.

The attached comments address these points among others, and we believe establish a compelling case for disqualifying both the Davis and Lavender Canyon sites from further consideration as nuclear waste repositories. The consideration of the Davis Canyon site by DOE continues in our judgment to be flawed in three significant respects:

The site does not meet the statutory criteria of the Nuclear Waste Policy Act (NWPA), 42 U.S.C. § 10101 (1982);

Existing federal environmental laws are not properly considered in the analysis of the Davis Canyon site;

Most importantly, the site should be disqualified because the repository would conflict irreconcilably with Canyonlands National Park.

The Nuclear Waste Policy Act, supra., designed a process for site analysis, selection and recommendation. Once the President recommends a site, a hybrid state veto process is triggered. However, this act does not contemplate additional, substantive legislative authorization for the site by a new act of Congress. The goal of the law was self-implementation, once the statutory process had run its course.

The proposed site would be located on public domain lands administered by the Secretary of the Interior, adjacent to Canyonlands National Park. These lands cannot be converted to a nuclear waste site without an additional, specfic act of Congress. The use of the site would require the withdrawal of more than 5,000 acres of pulic domain lands for a period greater than 20 years. The Federal Land Policy Management Act (FLPMA), 43 U.S.C. § 1701 et seq. (1982), authorizes withdrawals only for a period of not more than 20 years. Accordingly, Congress would have to authorize the long-term withdrawal of the land necessary for the site by separate legislation. . . . . see Section 204 of FLPMA, 43 U.S.C. § 1714 (1982). The need for additional Congressional action conflicts with the legal premise of the NWPA, as discussed above, and thus the Davis Canyon site is not appropriate for the repository.

Turning to the application of the criteria, we are troubled by the refusal of DOE to recognize the existing and diverse public land and natural resource laws enacted by Congress. The DOE analysis implicitly contemplates that the Davis Canyon site would be selected by DOE and then authorized by another act of Congress that would, in effect, repeal by implication the application of all of these laws on the operation of this site. This analysis violates the premise of the NWPA. In our view, the guidelines, which we consider satisfactory and appropriate, contemplate in their application some recognition of the various federal environmental laws passed in the last century, not the passage of new legislation to avoid these laws.

As to "Disqualifier Three," 10 C.F.R. § 960.5-2-5(d)(3), the Davis Canyon site is clearly unqualified under any reasonable reading of the guidelines. The laws relating to the National Park System emphasize the high level of protection provided to these areas by Congress. In 1978 Congress stated: "The authorization of activities shall be construed and the protection, management, and administration of these [National Park System] areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress." 16 U.S.C. § 1a-1.

The unique purposes of Canyonlands National Park are set out in 16 U.S.C. § 27.1.

"In order to preserve an area in the state of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands National Park which, subject to valid existing rights, shall comprise the area generally depicted on the drawing entitle "Boundary Map, Canyonlands National Park, Utah," numbered 164-91004 and dated June 1970, which shows the boundaries of the park having a total of approximately three hundred and thirty-seven thousand two hundred and fifty-eight acres."

Under these statutes, Canyonlands National Park was clearly dedicated to resource preservation at the time the NWPA was passed.

This Department, absent legislation, could not agree to manage a portion of the park as an exclusionary zone or deny public access to that zone. We have taken a similar position, before the Nuclear Regulatory Commission in licensing nuclear reactors. Moreover, it would be difficult for the Department to execute the necessary support documents, such as rights-of-way and land use permits involving park or public domain lands because of the adverse impact from the waste repository on the purposes and values of Canyonlands National Park.

As discussed in greater analytical detail in the attachment, it follows that the Davis Canyon site must be disqualified as a matter of law.

The Department of the Interior thus makes the determination that the Davis Canyon site is unqualified. We urge DOE to likewise acknowledge that the site is unqualified. Failure to do so will exacerbate the ongoing controversy and could lead to delays in the timely implementation of the Nuclear Waste Policy Act itself.

Sincerely,

Bruce Blanchard,
Director,
Environmental Project review.

H.R. 899

A bill to expand the Canyonlands National Park

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF CANYONLANDS NATIONAL PARK.

Section 1 of the Act of September 12, 1964 (16 U.S.C. 271) is amended as follows:

(1) Strike out the words "the area generally depicted on the drawing entitled 'Boundary Map, Canyonlands National Park, Utah', numbered 164-91004 and dated June 1970, which shows the boundaries of the park having a total of approximately three hundred and thirty-seven thousand two hundred and fifty-eight acres".

(2) Insert in lieu of the foregoing words: "the area generally depicted on the map entitled 'Boundary Map, Canyonlands National Park, Utah', numbered [ ] and dated **1987, which shows the boundaries of the park having a total of approximately 754,600 acres".**

LANCE LAMBERTON ON THE BALANCED BUDGET AMENDMENT

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. COURTER. Mr. Speaker, despite the talk of fiscal responsibility and belt tightening, congressional efforts to reduce the intolerable mountain of debt we've created at the Federal level have come to naught. The Congress has an institutional spending bias which is making it increasingly difficult to control Federal expenditures. Simple legislation—no matter how strongly worded or well intended—has failed time and time again to meet the challenge of deficit reduction.

It is for this reason that I endorse a balanced budget constitutional amendment, as does the majority of the American public. And as Congress has refused to be responsive to the will of the people in this instance, I support a call of the States for a constitutional convention on this issue.

I believe a recent op-ed written by Lance Lamberton, founder of New Jerseyans for a Balanced Budget, is one of the most comprehensive discussions of the constitutional convention issue I have seen. I commend this piece to my colleagues who are concerned about our inability to reduce the Federal debt.

The article follows:

[From the North Jersey Advance, Feb. 8, 1987]

CONGRESS MUST PASS BALANCED-BUDGET AMENDMENT

Last year the federal budget deficit was $221 billion dollars. It occurred during a year when the United States was experiencing the second longest period of sustained economic growth since World War II; when unemployment was at its lowest level since the late seventies; and when the Gramm-Rudman-Hollings deficit reduction bill was already in place. In fact, despite the rosy economic indicators and legislative mandate to reduce the deficit, last year's deficit exceeded any previous deficit by several billion dollars.

Even more alarming, last year's debt was on top of a cumulative debt of more than $2 trillion dollars. This translates to more than 25 percent of taxpayers revenues going just to pay the interest on that debt. If current trends continue, the national debt will double in ten years, thereby consuming 50 percent of tax revenues just to finance.

Clearly, no nation, no matter how rich and powerful, can afford to maintain this level of ever-mounting debt before serious decline sets in. With 50 percent or more of federal revenues going to finance an ever-increasing debt, there will not be enough resources available to sustain the high standard of living most Americans have come to take for granted. Economic growth will come to an end, followed by stagnation and eventual collapse of our economy.

To combat this threat to our future, efforts have been undertaken in Congress to enact a balanced budget amendment to the Constitution. In 1982 an amendment which would require a vote of 60 percent of each house to approve a budget deficit and a majority of each house to increase spending at a rate greater than the growth in the U.S. economy, passed by more than the required two-thirds in the Senate, and fell only 46 votes short of enactment in the House. That was the highwater mark for the drive to enact an amendment through Congress. Since then, Congress has not been able to bring the amendment to the floor of either house for another vote.

In the meantime, a number of state legislatures, whose delegations became increasingly frustrated over Congress's inability to act, began to pass calls for a constitutional convention for the express purpose of enacting a balanced budget amendment. The founding fathers included this method of amending the Constitution because they realized there would be times when Congress would not respond to the will of the people if it threatened its parochial interests. A classic example of this was early in this Century, when the Senate stubbornly resisted the popular outcry for the direct election of Senators. A constitutional convention drive was then initiated which came only one state away from being called. The Senate, seeing the handwriting on the wall, relented, the result being enactment of the 17th amendment in 1912.

A similar circumstance exists today. A balanced budget amendment would limit the ability of Congress to spend on behalf of special interest spending constituencies. Since many members of Congress depend on these interests to ensure their incumbency, it is easy to see why a determined minority are hell-bent on thwarting the popular will, regardless of the consequences.

As long as this unseemly alliance between selfish special interests and short-sighted politicians continue, any effort in Congress to enact a balanced budget amendment will be throttled unless the threat of a constitutional convention becomes irresistible.

That point has not yet been reached. Currently, 32 of the necessary 34 states needed to call a convention have enacted convention call resolutions. If only one more state enacts a call, then history will likely repeat itself. New Jersey Assemblyman Richard Zimmer (R-23) has introduced Assembly Concurrent Resolution 54 (ACR-54) (a companion bill in which the Senate, SCR 65, has also been introduced) which if enacted would make New Jersey the 33rd state to beholden to the spending interests would, like the Senators of 1912, yield to the people, which poll after poll shows is in overwhelming support of an amendment.

However, what would happen if by some chance Congress remained intransigent, and it became necessary to call a convention after all? Opponents of an amendment claim that a convention would somehow "runaway" and that extraneous amendments not germane to a balanced budget would be enacted.

Understandably, invoking such fears of the unknown has frightened many New Jerseyans into opposing ACR-54. A coalition of over 20 groups, many financed and supported by spending interests, have riled up large blocks of voters to the point where they are inundating our state legislators with mail urging them to oppose Mr. Zimmer's resolution. What the leaders of the opposition coalition fail to tell their constituencies is that the legislative and constitutional safeguards against a convention "running away" are so extensive that there is virtually no chance it would occur.

First of all, if a convention was called, it would be necessary for Congress to enact legislation which would establish the parameters of a convention. In 1985 the Senate Judiciary Committee did just that by unanimously approving S. 40 which states that "no convention called under this act may propose any amendment or amendments of a subject matter different from that stated in the concurrent resolution calling the convention." If the proposed amendment "relates to or includes subject matter which differs from or was not included in" the subject specified by Congress when the convention was convened then Congress shall not submit the amendment to the States for ratification.

S. 40 also provides for judicial review by the Supreme Court if the amendment passed by the convention could possibly be interpreted as not being limited to the purpose for which it was called. Such judicial review would "be given priority on the Court's docket."

An additional, although unnecessary safeguard to a "runaway" convention if S. 40 became law, is that anything passed by a convention would still have to be ratified by three quarters of the states. If any of the outlandish amendments which opponents claim would result from a convention were passed, they surely would fail this final test.

A companion bill to S. 40 was also introduced in the House, but due to the obstructionism of the House leadership—most notably New Jersey's own Peter Rodino, Chairman of the House Judiciary Committee—it was never taken to a vote. With the passage of S. 40, opponents of a convention call would be left without a leg to stand on, which explains their obstructionist tactics.

Convention opponents in Congress also claim there is no guarantee a bill like S. 40 would pass if a convention was called. In this they show transparent duplicity, for if a runaway convention is truly what they fear then why is it those who most strongly oppose a balanced budget amendment and make the most noise about a runaway convention are also the same members of Congress who stand in the way of S. 40?

The reason is simple, for to enact S. 40 or similar legislation would strip them of the obstructionist argument which they've used so long and well to blunt the balanced budget drive. Their fear is not for a convention, but rather a constitutional restraint on their ability to dispense taxpayer largesse. Indeed, if it came down to a convention, congressional opponents of a balanced budget, who have lamented longest and loudest about a convention, would have no choice but to enact legislation like S. 40 which makes a runaway convention impossible.

The time has come at last for New Jerseyans to play a pivotal role in ensuring the economic well-being of our country by saying no to the big spenders and yes to a convention call. As New Jerseyans we have accomplished much in the past few years in restoring a sense of pride in our state. Now we have an opportunity to restore fiscal sanity in our federal government as well. It is an opportunity we dare not let slip by lest we have future generations damn us for our inaction and their poverty.

MORELLA LINCOLN DAY SPEECH

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mrs. BENTLEY. Mr. Speaker, the Lincoln-Washington district work periods have always held special meaning because they mark the birthdays of two of our greatest Presidents, Abraham Lincoln and George Washington. In addition to meetings with constituents and other district-related activities, we are called upon to participate in ceremonies commemorating these two great leaders.

For many years, a very special observance has been held here in Washington at the New York Avenue Presbyterian Church, known as the Lincoln Church because President Lincoln and his family were regular worshippers there, and because Lincoln himself spent many hours there in meditation during the dark hours of the Civil War.

The annual observance is held under the auspices of the Lincoln Commission, a privately funded organization which seeks to maintain both the spirit and the presence of Abraham Lincoln in this historic church.

The principal speaker at this year's observance was my good friend and colleague from Maryland, Hon. CONSTANCE A. MORELLA. For her, the birthday of our 16th President carries an extra dimension, since it is her own, as well. I found her speech on this occasion refreshing and informative, and ask that it be inserted at this point in the RECORD.

ABRAHAM LINCOLN: THE MAN, THE MYTH, THE MEDIA

My friends . . . we are celebrating the 178th anniversary of the birth of Abraham Lincoln. All of us have been steeped in the legends—and not a few of the myths—that surround the 16th President . . . the first Republican President . . . of the United States.

It was under his Presidency . . . his leadership . . . that our Nation passed through the crucible of the Civil War and emerged as states truly united.

Abraham Lincoln has been portrayed . . . both by his adversaries and his admirers . . . in terms that range from the extreme to the superlative. Yet, it is interesting to examine the views of Lincoln that were held by many of his contemporaries, especially his opponents, and compare them to the stature in which he is now regarded with near universality.

Without question, Lincoln is among the most revered of Americans today. In fact, a recent poll of professional historians ranked him as the greatest of American Presidents . . . a position he has held since formal polling began shortly after World War II.

Yet, he came to the Presidency untried in national affairs and virtually unknown. Except for one term as a Member of Congress from Illinois, Abraham Lincoln's base of political experience consisted of eight years . . . four terms . . . in the Illinois general assembly.

And, his career in that body was essentially undistinguished. During no term could he be singled out as the most outstanding member of the legislature. He supported formal educational institutions, but he was not associated with legislative leadership to improve schools.

He became caught up with popular schemes for internal improvements in the state, and the need to provide state funding for them. He generally supported tax increases and became identified with cost-cutting measures that, in retrospect, appear penny-wise and pound-foolish.

His attendance record, as well as his voting record, were nothing to set him apart from the others . . . in fact, they deteriorated over his eight years in Springfield.

In sum, the Lincoln that emerges from his overall legislative record in the Illinois general assembly is nothing to write home about. Perhaps that is why his legislative story is not a familiar one.

His candidacy for the Presidency is generally said to have begun with the famous speech at Cooper Union . . . although he gained considerable renown for the positions he took and argued during the Lincoln-Douglas debates in 1858.

But, it is important to remember that . . . while Lincoln has been warmly praised for the substance and content of his speeches, he was not a polished public speaker.

In a day when political rallies were a major form of entertainment, performance and style were at least, as important . . . if not more so . . . than substance. Consider then, contemporaneous reviews of Lincoln the public speaker . . . roughly akin to today's critiques of how well one come across on television.

Let us begin with his appearance. Lincoln stood six feet four inches tall, with a frame so slight that he appeared gaunt at times. His clothing often appeared ill-fitting.

As William Herndon, Lincoln's law partner of 16 years and subsequent biographer put it . . . the sixteenth President often "wore a faded hat and trousers that were too short." Combined with a voice which Herndon described as "shrill, piping and unpleasant" . . . Abe Lincoln would have had a tough time getting work as a TV news anchorman today.

With this in mind, it may be useful to examine some contemporary news coverage of Lincoln's Gettysburg address. I'm sure you recall that President Lincoln wasn't even the featured speaker at the ceremonies dedicating the battlefield cemetery at Gettysburg.

That honor was accorded the famous orator Edward Everett. He spoke at length . . . for several hours in fact . . . as was the custom in those days . . . and his speech was reported with enthusiasm. Lincoln's remarks were so brief . . . taking but a few moments . . . that many in the assembled crowd missed them altogether.

Nor was the newspaper coverage much better. The Chicago Times, admittedly a democratic newspaper, had this to say about the speech, and I quote: "The cheek of every American must tingle with shame as he reads the silly, flat and dishwatery utterances of the man who has to be pointed out to intelligent foreigners as the President of the United States."

That was not the worst of the kind of coverage Lincoln received in the press. Other editors described him in severely unflattering terms. Even the Chicago Tribune, whose strong support helped nominate Lincoln at the 1860 Republican Convention in Chicago, remarked that President Buchanan "seems to have been a granite pillar compared to Lincoln" who, the Tribune added, was "without any spine."

Lincoln's problems as President were numerous. First and foremost . . . as has been noted . . . he was the most unpresidential looking man to occupy the White House since John Adams. In an age of rising democracy in the Nation, Americans too often looked to the superficial qualities of candidates.

Good looking Presidents were the rule, as illustrated by Zachary Taylor, Millard Fillmore, Franklin Pierce and James Buchanan. Lincoln's dress and awkward movements also were not especially appealing to a young nation that often nominated well drilled, military men in fine uniform to the highest post in the land.

In addition, Lincoln was a minority president. In the election of 1860, he won only a plurality of the popular vote . . . about two of every five votes cast, actually . . . and the Democratic Party would do well in the off-year elections of 1862.

And, the Republicans themselves, even in their first major victory . . . were scarcely united under Lincoln. Their first Presidential candidate, in 1856, had been John C. Fremont . . . described by one historian as a "handsome and magnetic man." Fremont, said this historian, gave an impression of "wise maturity and of buoyant youth . . . of medium height, he was slender, muscular, graceful. His features were regular, his eyes piercing, his voice musical, and his every action was dramatic."

Lincoln also had more than his share of family problems. The father of four sons, Lincoln saw his second one . . . Edward . . . pass away before reaching the age of four. Worse, his third son, Willie, died in the White House on February 20, 1862 . . . a tragedy of enormous moment for the remaining family, especially for Mrs. Lincoln and their fourth son, Tad.

To make matters worse an arsonist set fire to the White House stables after Willie's death, killing some of the animals that the President had permitted his children to keep and enjoy.

What made Lincoln the best of all Presidents . . . in the eyes of historians . . . was his ability, in spite of his personal problems, to lead a nation through the crisis of civil war.

He prepared for this task, as he had for all of his earlier challenges, by training himself.

Lincoln understood the difference between the essential and the superficial. And he had both the capacity and the determination for growth. As he moved from state legislator to practicing lawyer to Member of Congress and, ultimately to President . . . his perceptions broadened and his judgements grew keener.

For example, though he was no military leader, Lincoln read widely on the subject, learning enough to be able to disagree knowledgeably with his generals on tactics and strategy.

Lincoln made mistakes as Commander-in-Chief, but he was right more often than wrong, and his letters to his generals were well argued.

"To avoid misunderstanding," he wrote in 1863, "Let me say that to attempt to fight the enemy slowly back into his intrenchments at Richmond, and then to capture him, is an idea I have been trying to repudiate for quite a year . . .

". . . My judgement is so clear against it ". . . he continued" . . . My last attempt upon Richmond was to get McClellan, when he was nearer there than the enemy was, to run in ahead of him. Since then, I have constantly desired the army of the Potomac to make Lee's army, and not Richmond, its objective point . . .

". . . If our army cannot fall upon the enemy and hurt him where he is . . . Lincoln added . . . it is plain to me it can gain nothing by attempting to follow him over a succession of intrenched lines into a fortified city."

Lincoln trained himself to recognize the latest developments in military technology. To be sure, he kept an open door for visitors . . . many of whom were inventors whose progress was not their most important product. But some inventors came up with weaponry that would revolutionize warmaking, and Lincoln, who literally became his own tester of such products, was critical in this process.

Lincoln stood in stark contrast to the conventional politicians of his day in many ways. His oratory was a sobering alternative to the bombastic and florid style then in favor. His intellectual development blended with a pragmatism that would ultimately pay greater dividends than knowledge untempered by experience.

Lincoln was different in part because, unlike so many of his contemporaries who gave vent to unbridled emotionalism or postured in haughty arrogance, he was humble and, above all, patient.

He mastered the art of effective communications, yet was skillful in evading loaded questions from critics who visited him at the White House . . . often doing so through a sense of humor that was contagious.

He did not address Congress in person, as modern Presidents do, nor did he call press conferences. But he chose his words as carefully as his military stragegy or weaponry so as to insure their maximum effect. In an era of inflated rhetoric, Lincoln got to the point with moving style and substance, as we see in closing paragraphs of his first inaugural address:

"In your hands, my dissatisfied fellow-countrymen," Lincoln said to the South, "and not in mine, is the momentous issue of civil war. The government will not assail you. You have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to preserve, protect and defend it . . .

. . . I am loath to close," he continued. "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection . . . the mystic chords of memory, stretching from every battlefield all over this broad land, will yet swell the chorus of the union when again touched, as surely they will be, by the better angels of our nature."

Lincoln was always sensitive to "the better angels of our nature." While he could be stern and forthright in executing policy . . . even to the extent of moving somewhat beyond his prescribed constitutional powers . . . he first paid deference to paths that were compromising and humane.

For this reason, he moved slowly along the path of emancipation of slaves: he offered a generous reconstruction plan to the defeated southern states, one that unfortunately would fall by the wayside after his death.

He agonized over decisions regarding final judgements against military men who had deserted or committed serious crimes. Lincoln offered amnesty to the defeated southern states, while some Members of Congress thirsted for revenge.

In fact, when Congress passed the Wade-Davis bill, imposing severe restraints upon the defeated south, Lincoln stood his ground against members of his own party and vetoed it. That action led to a manifesto by Republican Congressmen that one historian called "The most savage attack ever directed against a President by men of his own party."

When Lincoln decided in 1862 that slavery must be abolished, he again appealed, in simple and moving language to the better side of human nature, saying:

"Fellow citizens, we cannot escape history. We of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us . . .

". . . The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation. We say we are for the union. The world will not forget that we say this. We know how to save the union. The world knows we do know how to save it . . .

". . . We, even here, hold the power, and bear the responsibility, in giving freedom to the slave, we assure freedom to the free . . . honorable alike in what we give, and what we preserve. We shall nobly save, or meanly lose, the last best hope of earth . . .

"Other means may succeed: this could not fail. The way is plain, peaceful, generous, just . . . a way which, if followed, the world will forever applaud, and God must forever bless."

In his second inaugural address, Lincoln continued to stress the "better angels of our nature" . . . to evoke those "mystic chords of memory" which he firmly believed bound the states in union.

"With malice towards none," he closed, "with charity for all, with firmness in the right as God gives us to see the right, let us finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Those who were close to Lincoln were aware of the extent to which the President looked for angels rather than devils in men. Matthew Simpson, on the occasion of Lincoln's burial in May, 1865, emphasized this quality when he said:

"It was not, however, chiefly by his mental faculties that (Lincoln) gained such control over mankind. His moral power gave him pre-eminence. The convictions of men that Abraham Lincoln was an honest man led them to yield to his guidance . . . they saw in him a man whom they believed would do what is right, regardless of all consequences."

Or, as historian Richard Current summarized Lincoln in an anthology entitled America's ten greatest Presidents: Lincoln "adopted no simple and self-righteous view that God was on his side and the devil on the other. Not that he supposed the rebel cause was just and would win, but neither did he believe that wickedness was a monopoly of the south. . . . Lincoln lives because he could perceive the universal in the things about him, the eternal in the passing events of his time."

The test of a great American is not so much his or her success in good times as in the manner in which he or she copes with bad times. Certainly, the 1850's and the 1860's were America's winters of discontent during which Lincoln emerged as our national leader.

Perhaps Lincoln was best characterized by historian Thomas Bailey who wrote:

"Lincoln's reputation lies perhaps not so much in what he did as in what he endured. He remains a classic symbol of union, democracy, and Presidential presence in an hour of supreme crisis."

His essential wisdom remains a beacon, illuminating the path of history we trod today, if we would but take advantage of the lessons he teaches.

NATIONAL CONSCIENCE MANDATES NO ADDITIONAL AID TO THE CONTRAS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. OBERSTAR. Mr. Speaker, a Gallup poll released last month indicates that 75 percent of Americans were strongly opposed to providing any further aid to the Nicaraguan Contras. Seventy-five percent! There are not many issues on which the American public agrees by such a large margin. That is an overwhelming concensus.

The decision on whether or not to release the $40 million remaining from our country's commitment to provide ilitary aid funds to the Contras will mark the 13th time the House of Representatives has been asked to vote on this issue. Interestingly, no two votes have been the same: in March 1986, aid opponents argued that the Contras were on the verge of collapse from mismanagement and lack of internal support, but then in April aid supporters argued that the Nicaraguan invasion of Honduras indicated that the Sandinistas had no interest in reaching a peaceful settlement. That charge was countered by revelations that the Contras could not account for most of the aid the United States had already supplied.

Recently, the plot has been thickened by the ongoing Iran-Contra scandal. The diversion of funds, deceit, and clandestine dealings surrounding this latest ploy have damaged our nation's integrity among our allies abroad, and weakened the administration's credibility at home. Yet, the administration continues its unilateral fight to fund the Contra forces, in spite of the fact that 75 percent of all Americans disagree. Rather than recognize the folly of our involvement in Nicaragua, the President has chosen instead to postpone a vote on $105 million in new aid, in hopes that public discontent will subside. The President has attempted to reduce this issue to a question of whether the United States will oppose Communism in Central America.

That is a false issue. The real question is whether we are willing to continue to support a policy we cannot afford, by spending huge sums to assist a mismanaged band of proven human rights violators to overthrow the established government. Does the United States have a role to play in the internal affairs of that nation, or is our greater role to respect the wishes of 75 percent of our own population and cease our intervention in Nicaragua?

The Congress can begin now to assert our belief that we have no role in military involvement in Nicaragua, by voting to block release of the $40 million the administration seeks.

Our former colleague, Representative Bob Edgar, recently brought to my attention an excellent article authored by his colleague at Swathmore College, Prof. Kenneth Sharpe. I am inserting Professor Sharpe's essay in the RECORD, and I encourage each of my colleagues to read his thoughts. I have yet to read a more thoughtful or provoking account of our involvement in Nicaragua. My determination to withhold the $40 million to the Contras was heightened as a result of this article.

Professor Sharpe's article is as follows:

AMERICANS RESOUNDINGLY REJECT PLAN TO SPEND $40 MILLION FOR CONTRA ARMS

By a 3-to-1 margin, Americans say they believe Congress should cancel $40 million in U.S. military assistance to the Nicaraguan contras it approved last June.

This money, the remaining portion of a $70 million arms package, is slated for release to the contras next month unless Congress votes to rescind it.

A Gallup Poll, conducted last week-end, found a strong political flavor to the public's aversion to further military aid to the contras, with Democrats favoring congressional cancellation 9-to-1 and Independents favoring cancellation 7-to-2.

Despite President Reagan's strong support for the contras, Republicans also believe Congress should block release of the funding, though by a narrow 53 percent to 36 percent ratio.

To at least some extent, the latest findings reflect Americas' long-standing aversion to any type of U.S. aid to the contras. As early as August 1985, and again in December, opposition outweighed support by a 2-to-1 ratio to "the U.S. government giving assistance to the guerrilla forces now opposing the Marxist government in Nicaragua."

Rejection of additional contra aid undoubtedly also reflects the public's strong negative reaction to the administration's channeling of profits from the sale of weapons to Iran to the contras. The latest findings are statistically identical to those recorded in an early-December Newsweek Poll conducted by the Gallup Organization.

Following are the questions asked in the current survey and the key findings:

"Last year, Congress voted to provide $100 million in U.S. aid for the Nicaraguan contras, including $70 million for military equipment and training, of which $30 million has already been given to the contras, with the remaining $40 million due to be released next month unless Congress votes to cancel it. Would you like to see Congress vote for or against providing the additional $40 million in military aid to the contras?"

[Percent]

	Congress should cancel	Should not cancel	No opinion
National	69	21	10
Republicans	53	36	11
Democrats	83	9	8
Independents	70	19	11

"Do you approve or disapprove of the Reagan administration using profits from the weapons sale to Iran for military support to the Nicaraguan contras—even though Congress had voted against such support?"

[Percent]

	Jan. 1987	Dec. 1986
Approve	16	14
Disapprove	75	79
No opinion	9	7
Totals	100	100

Here are the latest findings by political party affiliation:

[Percent]

	Republicans	Democrats	Independents
Approve	31	5	11
Disapprove	59	88	79
No opinion	10	7	10
Totals	100	100	100

The latest findings are based on in-person interviews with 1,210 adults, 18 and older, conducted in scientifically selected localities across the nation during the period Jan. 16-18. For results based on samples of this size, one can say with 95 percent confidence that the error attributable to sampling and other random effects could be 4 percentage points in either direction.

In addition to sampling error, the reader should bear in mind that question wording and other practical difficulties in conducting surveys can introduce error or bias into the findings of opinion polls.

[From the Boston Globe, Dec. 14, 1986]

It's Time To Sever Contra Connection

(By Kenneth E. Sharpe)

With the Iranian arms deal threatening Washington's support of Nicaragua's contras, US policy in Central America has reached a critical juncture—the Reagan administration can either be drawn deeper into the quagmire or embark on a new, more realistic policy. Given that choice, it would do well to ask itself the following questions: What would happen if the contra movement dies, and what are the US options for dealing with the Sandinistas?

The current situation is fraught with danger. The Nicaraguan army's pursuit of contra forces across the Honduran border, Honduran air attacks against Nicaragua, and the use of US troops (for the second time this year) to ferry Hondurans into combat show the shape disaster could take. Top administration officials, still determined to topple the Nicaraguan government before Reagan leaves office, may use such border conflicts as a pretext for full-scale US troop involvement.

The current crisis, however, also contains a seed of hope. More level-headed policy makers may be spurred to figure out how to safely abort his mission of madness and guide the United States and the region toward a safer course. But they first have to overcome administration resistance.

The State Department argues that the contras should be judged on their own merits—and not be punished because administration officials broke the law, circumvented Congress and funneled profits from Iran into contra coffers. The contras, this argument goes, are an effective foreign-policy tool, and their demise will threaten US and regional security and the chances for democratization in Nicaragua.

How strong is the case for this argument?

Cutting contras aid would indeed weaken their fighting ability. It would also reinforce Honduran opposition to their presence. Worried about the impact of thousands of well-armed but ill-paid troops led by unsavory commanders, Honduran President Jose Azcona Hovo and top military commanders have told the United States they want contras to get over the border into Nicaragua. But the possible aid cutoff is not the real source of contra trouble. Their very dependence on US aid and Honduran protection is a measure of the kind of trouble they have been in for years.

Despite five years of US backing (and more than $200 million in covert, private and overt aid), they have been unable to hold any territory, capture a sizable town or operate independently of their base camps in Honduras. Why? The military effectiveness of the Nicaraguan army, the commitment of local militias and a popular land-reform program are part of the answer. But equally important is contra strategy itself.

To undermine the Nicaraguan government, the contras attack the very projects and people who are delivering "revolutionary" services to the population: health workers, peasants on cooperatives, construction workers, teachers and Christian social activists. Elsewhere, Washington rightly labels such attacks terrorism. More US money, arms and training will not reverse this losing battle for the hearts and minds of the populace. The administration has created exactly the kind of movement it wrongly assumes exists in countries like El Salvador: an unpopular external force, organized by a foreign power and dependent for its existence on outside arms flows.

Have the contras helped promote US security? The United States has legitimate interests in keeping Soviet bases and offensive weapons out of Nicaragua, but the Nicaraguans have never shown any interest in such a Soviet presence. In fact, as early as October 1983, they offered Washington treaty guarantees against these possibilities (the State Department refused to negotiate). Further, if there were an interest, it's not the contra threat that would dissuade; the Nicaraguans and the Soviets both know that the United States would respond with overwhelming force if any such attempt were made.

A DISRUPTIVE REGIONAL FORCE

Have the contras helped promote regional security? Quite the contrary. There is no evidence that contra action has reduced supposed arms flows from Nicaragua to El Salvador (and little evidence such flows are signifcant). More seriously, the recent flare-up on the Honduran border, triggered by Nicaraguan pursuit of the contras into their Honduran sanctuaries, shows the explosive potential created by the contra presence. Nicaragua's military buildup and acquisition of sophisticated weaponry is a legitimate concern to the region—and to Nicaraguan leaders who would rather be investing in reform. But for years, Pentagon analysts have disputed State Department claims that the buildup indicates an offensive intent or a Soviet beachhead. The militarization is a rational, defensive response to the contra threat itself.

Have the contras helped broaden domestic liberty in Nicaragua? Events of the last five years have shown that as the Sandinistas face increasing military pressure, they grow less tolerant of internal opposition, which tends to be identified rightly or wrongly, with the armed contras. Ending US-backed military pressure provides no guarantee that the Sandinistas would expand political liberty. But a continuation of it is almost certain to encourage deepening authoritarianism.

On its own merits, then, the contra policy has been costly and counterproductive for US and regional interests. What, then, would a more realistic policy look like?

The outlines of a new course are clear and have been embodied in the kind of agreement Mexico, Venezuela, Panama and Colombia (the Contradora Group) have been urging on us for years: We dismantle the contras, bring home our advisers and withdraw US troops from Honduras; the Nicaraguans end their military support for the insurgency in El Salvador, send home their foreign advisers and guarantee that no Soviet bases or offensive weapons will be stationed on Nicaraguan soil.

Such a negotiated solution can only succeed, however, if it wins the total backing of both the Reagan administration and the Nicaraguans.

TWO DANGEROUS ADMINISTRATION IDEAS

The Nicaraguans have agreed to engage in serious bilateral negotiations on issues such as the prohibition of foreign bases in the region, cross-border arms flows and continued militarization, but only if ending aid to the contras is part of the deal. The central interest of the Reagan administration, however, is "democratization," which boils down to negotiating the Sandinistas out of power—a demand that makes a mockery of real diplomacy. The Reagan administration will continue to pursue its policy of rollback as long as it has the wherewithal to keep the contra option alive—in whatever form.

Thus a necessary condition for Washington and Managua to pursue a course that truly serves U.S. and Nicaraguan interests is a congressional cutoff of contra aid. But that won't be a sufficient condition as long as administration officials continue to be wed to two dangerous ideas.

One is moral messianism: They think that the United States has the right and responsibility to bring a different political system to Nicaragua. They are willing to sacrifice peace, development and security in Central America in order to get rid of the Sandinistas; and they are willing to support the cruelty and terror of the contras in the service of this higher calling.

The other is their disregard for law and the Constitution here at home. At the same time that they wrap their unrealistic foreign policy in the cloak of "democratization," they view our constitutional democracy—the law, the Congress and the press—as an obstacle to their goals. This makes impossible any attempt to work with Congress to shape an alternative.

A new, realistic and principled policy, is within our grasp. But not until Congress cuts off aid and urges that the people in the administration wed to these ideas look for work elsewhere.

THE AMERICAN JOB MACHINE AND THE BURDEN OF PROOF

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. GRADISON. Mr. Speaker, I take this opportunity to call my colleague's attention to the article in yesterday's Washington Post by Robert Samuelson, entitled "An Imperfect Job Machine."

In his article, Samuelson does an excellent job of exposing the statistical mythmaking so prevalent these days. The myth is that the U.S. economy is producing mostly low-paying, unskilled jobs.

In exposing this myth, Samuelson is careful and correct to note that ours is an imperfect job market. Those who rail against it, whether they may be right or wrong, often fail to propose a remedy—they just rail.

Those who do offer suggested policy remedies generally seem to recommend policies that would, if implemented, reduce rather than improve job creation. Specifically, they advocate policies that would increase job market rigidity, which has been the principal reason for the dismal job creation record in Europe relative to the United States.

In Europe, recent economic growth has resulted from relatively higher productivity, rather than jobs growth, and the reason is the institutionalized rigidities which characterize their job market.

Politicians don't like to admit the existence of tradeoffs, such as the one between jobs and productivity. But when job growth is stifled, industry substitutes capital for labor, and growth results from productivity growth rather than job growth.

Conversely, when labor markets are flexible, jobs are substituted for capital, and growth is achieved from the labor factor of production rather than the capital factor. This is apparent from the American and European experience.

The article follows.

[From the Washington Post, Feb. 18, 1987]

An Imperfect Job Machine

(By Robert J. Samuelson)

One great strength of the U.S. economy—or so it has seemed—has been its ability to generate jobs: about 12 million since late 1982. Now we're told it ain't so. Introducing his new trade legislation, Senate Finance Committee Chairman Lloyd Bentsen of Texas recently embraced the new revisionism.

Sure there are more jobs, he says, but they're lousy jobs. Nearly 60 percent of the new jobs in the past six years are low-skilled jobs paying less than $7,000 a year.

Welcome to Economics Propaganda 101. The notion that the U.S. economy is producing mostly low-paying, unskilled jobs is an economic fiction. Generally speaking, the mix between well-paid and poorly paid work is the same as in the 1970's.

Creating the impression that it's otherwise is an exercise in statistical mythmaking designed to advance (as in Bentsen's case) a political agenda purporting to protect high-paying jobs. The danger in believing these myths and enacting policies based on them is that we will damage a job-creation process that, on the whole, has been a success.

The myths, of course, have an intuitive appeal. The spotty prosperity of the mid-1980s leaves many pockets of distress. In Bentsen's home state, the latest unemployment rate for Houston is 10 percent.

Across the country, factory shutdowns have forced millions of workers into lower-paying jobs. Consider a Labor Department study of 5.1 million workers displaced between January 1979 and January 1984. Of those with full-time jobs by early 1985, nearly one-fifth had taken pay cuts of 20 percent or more.

These visible examples of downward mobility involve undeniable individual suffering. But in an economy of 111 million workers, their overall social significance is diluted. Countertrends go unnoticed or are underreported.

The same study of displaced workers found that one-third of those reemployed had earnings gains of 20 percent or more. Extravagant theories of social change, such as the disappearance of the middle class, have been built on the misleading use of selective statistics.

The genuinely serious jobs problem lies elsewhere. Despite the new jobs, the civilian unemployment rate (6.7 percent in January) is undesirably high. Even at this level, though, most skilled workers can find jobs. Some unemployment reflects people—mainly women and younger workers—moving from home or school into jobs.

The average jobless spell is now less than four months. High unemployment's real victims are the least skilled, poorest workers.

The dilemma is this: Policies that help these workers also produce inflation. The 1960's and 1970's obsessive pursuit of "full employment" (usually defined as 4 percent unemployment) created enough demand to improve the job prospects of those at the bottom.

Unfortunately, it also spawned an overheated economy and wage-price spiral. No one talks about the dilemma anymore because no one has a solution. The temptation is to find a new "problem" for which a new "solution" can be devised. The alleged proliferation of poverty-level jobs fills this void.

Bentsen's figure comes from a study done for the congressional Joint Economic Committee. The study defined low-income jobs as those paying half the median wage in 1973, adjusted for subsequent inflation. By 1984 a low-paying job meant $7,012 or less.

A high-paying job paid more than twice the 1973 median, adjusted for inflation, or $28,048 in 1984. The study claimed that 58 percent of the new jobs between 1979 and 1984 were low-paying.

In fact, this low-wage explosion is mostly a statistical illusion, reflecting the impact of inflation and recession on workers' earnings. Wage gains in the late 1970s temporarily rose faster than prices. A reversal occurred when inflation accelerated and the 1981-82 recession depressed wage gains. As "real" (inflation adjusted) wages dropped, some people moved from the study's "middle" to "lower" category while holding the same job. In the study this shift meant a new poverty-level job although the job hadn't changed.

Comparing 1979 (average unemployment: 5.8 percent) with 1984 (average unemployment: 7.4 percent) also was misleading. The study doesn't actually compare jobs but rather the wage and salary incomes of workers. The difference is important.

In 1984 more workers with good-paying jobs were on layoff or between jobs, reducing their annual earnings—even if their salaries or wage rates hadn't changed. The study made it appear that they had simply gotten lower-paying jobs.

As the recovery has continued and "real" wages have slowly risen, the "low" category has contracted. An updating of the JEC study to 1985 puts 31.4 percent of workers in this group, the smallest proportion since 1973 except for two years (1978, 1979). And because the study measures annual earnings—not pay rates—roughly nine-tenths of the people in the low category either have part-time work (less than 35 hours a week) or, like students, work part of the year.

In 1986, the median annual earnings of full-time workers was $18,600 and rose 2.6 percent after inflation.

There's huge ferment in the job market. More women work, baby-boom workers face the competition of their own numbers and many industries have acute problems. Downward wage pressures exist, but the picture of a low-wage explosion is a vast exaggeration. Equally suspect are suggested policies—trade protection, restrictions on plant closings—to save high-paying jobs.

Europe has embraced this approach by restricting the ability of companies to fire workers. Existing jobs are protected, but new ones discouraged. Companies hesitate to hire if they can't easily fire. Excessive wages cause firms to substitute machines for people and let attrition cut their work forces. Since 1970 Europe's jobless rate has risen from 2 percent to about 11 percent.

Our system is imperfect. "Hard core" unemployment is more unyielding than it seemed in the inflationary 1960s and 1970s. For other workers, some job security is lost in return for a flexibility that allows companies to hire, fire and reduce pay to adjust to changing circumstances.

The process is messy and often cruel, but in a profit-making economy jobs cannot be saved by forcing companies to do unprofitable things. The American job machine has not created a utopia, but it works. Those who think they can make it work better bear a heavy burden of proof.

FORMER JUSTICE GOLDBERG ADVOCATES IMMUNITY ORDER FOR COLONEL NORTH

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. BROOMFIELD. Mr. Speaker, former Associate Justice of the Supreme Court Arthur J. Goldberg has called for the granting of immunity through the court-martial process to Lt. Col. Oliver North and Vice Adm. John Poindexter to bring out the facts of the Iran arms sales and the disposition of related funds. Whether Justice Goldberg is correct in his legal conclusion that probable cause exists for a court-martial of Colonel North and Admiral Poindexter, a conclusion which requires a thorough knowledge of all the facts, he clearly is right that we need their testimony and we need it now.

The testimony of Colonel North appears to be the key that would open the lock on information about the Iran arms sales, and in particular about the disposition of funds generated by those sales. Colonel North has declined to testify, invoking the constitutional privilege against self-incrimination.

The investigation by the House Select Committee to Investigate Covert Arms Transactions with Iran has an overriding national purpose—to restore the confidence of the American people in the integrity of their government, and to do so as quickly as possible. To accomplish that, the select committee needs Colonel North's testimony as soon as possible. Because the statutory process leading to a court order to require Colonel North to testify with immunity will take at least 30 days, the select committee should initiate that process now.

The factors which Justice Goldberg enumerates in support of an immunity order for Colonel North through the court-martial process apply equally in support of an immunity order for Colonel North through the congressional investigation process. I urge my colleagues to review Justice Goldberg's cogent arguments in support of a grant of immunity set forth in his article of February 17, 1987 in the Washington Post:

COURTS-MARTIAL FOR POINDEXTER AND NORTH

Everyone agrees that the testimony of Vice Adm. John Poindexter and Lt. Col. Oliver North is essential to bring all of the facts relating to the Iran-contra fiasco to the light of day.

House Speaker Jim Wright has suggested that President Reagan pardon the two officers, thus freeing them to testify without incriminating themselves and forfeiting their Fifth Amendment guarantees. The president, mindful of the public outcry against President Ford's pardon of President Nixon, has declined to do so.

In riposte, the president has urged Congress to grant use immunity, which would free Poindexter and North to testify while safeguarding their Fifth Amendment rights. The president, however, has promised full cooperation in the inquiries. Press reports note that the Tower Commission has also asked Reagan to use his power as commander-in-chief to compel testimony by the two officers.

In a statement issued last week, Marlin Fitzwater, the president's spokesman, said that such an order "would be unlawful" because it would violate the officers' constitutional rights as well as the Uniform Code of Military Justice. *Not so.*

Poindexter and North, on active duty in the military although they were formerly detailed to the White House, are subject to military law. If they violated federal statutes, they may be charged and tried before a military judicial tribunal. On the basis of the evidence that has already come to light, as detailed by the Senate Intelligence Committee and by Attorney General Edwin Meese, there is probable cause to believe that Poindexter and North violated several statutes, among them the Boland Amendment, the Neutrality Act and other federal laws. This showing of probable cause, not their mere invocation of their Fifth Amendment rights, warrants a court-martial of both officers.

President Reagan, under our Constitution, is commander-in-chief of the Armed Forces and, by virtue of the express language of the Uniform Code of Military Justice may, in light of the proven circumstances, order the secretary of the Navy promptly to bring general court-martial proceedings against both officers.

In court-martial proceedings, the admiral and the colonel, as Fitzwater correctly states, may invoke the Fifth Amendment, and doing so must be respected.

If a court-martial is ordered, the members of the court-martial, while respecting this constitutional right, are authorized by the Immunity Statute to grant them use immunity and compel them to testify. Unless, as is unlikely, they commit perjury, their testimony should help unravel this debacle.

This is not to say that the granting of use immunity by a court-martial will, by itself, allow Poindexter and North to go scot-free. Independent evidence, other than their own testimony, may well be developed after more prolonged inquiries by the Select Committee of the Senate and the House and the special prosecutor, which may establish illegal conduct on the part of Poindexter and North and perhaps on the part of others. Such independent evidence is admissible in court-martial proceedings and criminal prosecutions.

There is no overwhelming desire, on the part of the public or responsible politicians of either party, for "president-bashing." Nor should there be any desire to "dump" on Poindexter and North.

Since this is not Watergate, where justice was obstructed for personal gain, justice in this matter, whether by way of court-martial or a criminal prosecution, can be tempered by mercy, consideration of the national interest, appropriate acknowledgment of mistakes made by those on high and remedial measures to ensure against repetition.

There are advantages to this procedure. Gamesmanship and fallout for granting immunity will be minimized since neither the president nor Congress need be primarily involved in the immunity grants.

Despite the misgivings of Special Prosecutor Lawrence E. Walsh about granting immunity, it would seem that after prolonged investigations, consuming most of the year, use immunity will be granted by Congress.

There are, however, disadvantages inherent in a prolonged inquiry. Our body politic, strong as it is, is hard-put to suffer another flawed presidency. More important, the confidence of the people and that of our allies in our government and its leaders, a confidence now impaired, can, along with the credibility of our foreign policy, be restored by an early airing of the truth and remedial measures, rather than further diminished by lengthy and inevitable partisan controversy.

To avoid a prolonged trauma, the testimony of Poindexter and North is imperative to enlighten the public and governments here and abroad at the earliest possible time. A court-martial of the two officers would ensure their testimony, without sacrificing their Fifth Amendment constitutional rights, and with all reasonable speed.

TRIBUTE TO C. GILBERT JAMES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. TRAFICANT. Mr. Speaker, today I would like to pay tribute to C. Gilbert James, executive vice president of James & Sons Insurance of Youngstown, OH, and congratulate him on his election to the board of directors of Society Bank of Eastern Ohio.

I am proud to say that Mr. James is a native of Youngstown and has contributed tremendously to the good of my district and the people of Ohio. He has been a very busy and successful businessman for many years while still contributing much of his valuable time and energy to numerous area organizations.

In addition to his position with James & Sons Insurance of Ohio, Mr. James is president of Forge Industries, Inc., of Akron. He is also director of Akron Gear & Engineering, Bearings Distributer, Inc., of Cleveland, and Miller Spreader Co. of Youngstown.

Mr. James deserves special recognition for his services to his community as a list of his involvement in area organizations would suggest. He is a director or trustee of each of the following organizations: the Youngstown Area Chamber of Commerce, Youngstown Board of Trade, Mahoning County Children's Board, Youngstown Urban Renewal Board, Mahoning County Agricultural Society, Butler Institute of American Art, the Arms Museum, the Mahoning County Historical Society, the Youngstown Playhouse, the Youngstown Arts Council, the International Institute Foundation, and the Rayen, Beuchner & Swanson foundations. Finally, he is secretary of the YGU Sports Complex and a member of Mayor Patrick J. Ungaro's ad hoc advisory committee.

I find Mr. James background in business and social contributions to his community very impressive and worthy of high honor. As a concerned member of the Youngstown community, he has combined success in business with generosity and compassion toward the well-being of his neighbors. It is fitting that Mr. James should enjoy sustained success in his career pursuits by his election to the board of directors of Society Bank of Eastern Ohio.

I am grateful for the opportunity to say thank you to C. Gilbert James for his dedication to the people of my district and to honor his many achievements. I congratulate him on his newest appointment and look forward to the continued exemplary leadership he will provide for the business community and the people of Ohio.

"OH, TO BE YOUNG AND GIFTED"

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. BIAGGI. Mr. Speaker, gifted children and their parents face many problems—especially when seeking to secure an appropriate education that meets the educational needs of these special students. An article on this very subject appeared in the February 23, 1987 edition of Newsweek magazine. The article, entitled "Oh, To Be Young and Gifted," focuses on efforts to assist our Nation's gifted and talented students reach their full potential. Unfortunately, these efforts have fallen short in recent years due in large measure to the lack of a national commitment to gifted education. Cutbacks in Federal funding, consolidation of gifted and talented programming in an education block grant along with 29 other programs, and the phasing out of the U.S. Department of Education's Office of the Gifted and Talented have all served to quicken the decline of gifted education.

Yet, it is now more apparent than ever that this Nation can no longer afford such a shortsighted educational policy. Perhaps Newsweek says it best in terms of the dangers of untapped brainpower and creativity. We, as a society, must develop our greatest national resource—the minds of our gifted and talented children.

To this end, I have introduced legislation to assist our Nation's gifted and talented children reach their full potential. This bill, H.R. 543, is a critical step in efforts to meet the unique and pressing needs of these students. It is a critical step in our quest for excellence as we prepare for the 21st century. H.R. 543 will assist in identifying and serving gifted and telented students, especially those at greatest risk of being unrecognized; it will provide training and development activities for teachers of gifted programs, and it will establish a national center in the education of the gifted to serve as a clearinghouse for information on this special programming.

I urge all of my colleagues to give H.R. 543 serious consideration. As President Reagan stated in his State of the Union Message: "Excellence is what makes freedom ring."

Following is the full text of the article which appeared in Newsweek entitled "Oh, to be young and gifted."

The article follows:

OH, TO BE YOUNG AND GIFTED

Brian Elieson could order from a restaurant menu while still in his highchair. "He learned a lot of words and letters from game shows like 'Wheel of Fortune' and 'Family Feud'," explains his mother, Victoria. By the age of two, the Baltimore youngster was putting together 1,000-piece puzzles. Two years later he almost became a nursery-school dropout. "He said he wasn't going back again because he wasn't learning anything," his mother recalls. "I said, 'You're four years old. You don't have to learn anything'." However, like many parents of very bright children Victoria Elieson finally decided that her son did need extra help. Now 10, Brian attends a public school but, on weekends, he takes math and Latin classes at the Johns Hopkins University Center for Talented Youth—with "20 other kids just like him, " his mother says.

Just about every parent hopes his child is a budding Einstein. But the parents of those relatively few children who show exceptional talent face complicated choices. Should they send their kids to special schools for "gifted" children where they can find friends with similar abilities and interests? Or should they try to avoid pressuring their youngsters and keep them in the regular school system, hoping that they will fit in and get the extra attention they need from teachers? The debate over how to teach gifted children—generally considered the top 5 percent of students—has intensified in the last few years with more and more parents, educators and even politicians talking about the dangers of wasting untapped brainpower and creativity. "To compete, we have to develop the best of our fine young folks," says New York Rep. Mario Biaggi who, along with Sen. Bill Bradley of New Jersey, last month introduced legislation calling for $25 million to set up a national program for gifted children.

Programs for gifted children are popular, especially with the current generation of parents who apparently think they have given birth to nothing less than the best and the brightest of all time. At New York's Hunter College Elementary School, a publicly funded school for children with IQ's of 135 and over, 554 children applied for 12 spaces in this year's kindergarten. Johns Hopkins gets an average of more than 4,000 phone calls a month from parents and others who want to know how to identify gifted kids. Parents aren't the only ones who want to learn more. Last year 137 universities offered graduate programs for teachers of the gifted compared with 10 in 1972.

INQUIRING MINDS

There's money to be made here, and manufacturers and retailers have stepped in to meet the demand for toys that will stimulate active little brains. Lynda Lyons is a co-owner of two toy stores called Smart Stuff in suburban Boston. Her customers are often two-career couples. "They'll spend more on anything that has an educational orientation," she says. Science toys are big. Ceiling stickers shaped like planets glow in the dark so inquiring minds can bone up on the solar system before they go to sleep ($3.98). Twice a year James Alvino, publisher of Gifted Children Monthly includes a catalog called Presents for the Promising with his magazine for parents. Best sellers include comedian Steve Allen's album "How to Think" ($7.95) and a computer program called Mind Over Minors" that claims to teach parents techniques that will increase their children's academic performance, among other things (49.95).

Do educational toys help? While educators say they certainly can't hurt—unless kids begin to feel unreasonable pressure from their parents' expectations—fancy toys probably won't turn an average child into a genius. "The environment is important," says Carol Mills, coordinator of the program for young children at Johns Hopkins, "but genetics are also important. No matter what you do, you can't produce a Mozart talent if it's not there. Most experts believe that genetics and environment go hand in hand.

What may be more important is a parent's attitude. Very bright children can be something of a mixed blessing; while parents are proud of their children, coping with the social problems that go along with exceptional talent can be tricky. In her book "The Gifted Kids Survival Guide," Judy Galbraith lists "The Eight Great Gripes of Gifted Kids," including "Parents expect us to be perfect" and "We feel too different, alienated." Experts say it's important for parents to be honest and open with their children so problems can be shared. Parents have to walk a fine line between pushing a child to do his best and asking too much. Daydreaming is as important as music lessons. "We make an effort to talk to the parents about letting kids play," says Chevy Martin, director of research and development at the Nueva Learning Center in Hillsborough, Calif., a school for gifted children. "Sometimes the parents need the education."

There can be problems with other members of the family as well. Resentments develop easily if one child is very bright and another is only average. In his book "Parents' Guide to Raising a Gifted Child," Alvino says parents should never compare children but should try to encourage different areas of interest and ability.

The school issue is another difficult one for parents. Many educators do agree that smart kids need some kind of special attention. "If they are completely bored, if they're not challenged, they can become developmentally lazy," says Mills.

But others are concerned about the long-term effects of segregating bright children from their peers. Youngsters who are labeled gifted at an early age may grow up with unrealistic expectations about their future, says Joyce Van Tassel-Baska, director of the Center of Talent Development at Northwestern University. It's tragic when I see kids who thought that because they . . . have a high IQ score, that automatically guarantees that something will happen to them in life."

MARKETING PLOY

Apart from disagreement about how to handled the gifted, there is dispute over the meaning of the word itself. "When I was little and they told me I was going to a gifted school, I thought it meant I would get a present every day," says Shannon, a second grader at the Goodlow Magnet School in Chicago, which has special classes for gifted children. Shannon, who wants to get a Ph.D. in biology because "it would keep me busy," is not the only one who is confused—and with good reason. In some cities, the word gifted has become something of a marketing ploy. Programs for gifted children may attract middle-class families back into the public-school system. In other parts of the country, the standard for judging giftedness is a political hot potato—with some ethnic groups charging that IQ tests are culturally biased in favor of middle-class whites. In most schools in California, for example, administrators are not allowed to use intelligence tests to determine giftedness. That makes the definition of gifted so broad that in some schools, such as Columbus Elementary School in Berkeley, a full 120 out of 451 students have been identified as gifted.

EXCEPTIONAL CURIOSITY

The issue of defining intelligence is especially tricky for preschoolers. Educators say that IQ tests are not always reliable when administered to very young children. While a high score is usually a sign that the child is pretty smart, a low score can be meaningless. The child may have been scared of the person administering the test or may just have been having a bad day. As a result, many schools rely on a variety of indicators of ability.

So how do you tell if your child is gifted? Many teachers who work with gifted children advise parents to "trust their instincts." Although some mothers and fathers may overestimate their youngsters' abilities, James Borland, codirector of the Center for the Study and Education of the Gifted at Columbia University Teachers College, says parents are usually accurate because they know their children better than anyone. There are some general guidelines, however. Borland says that children who exhibit exceptional curiosity, have extensive vocabularies at an early age and like to play with ideas probably could benefit from specialized programs. He and other educators advise checking out the local public schools first and then trying private schools, which may be able to provide more individual attention.

But if your four-year-old hasn't yet taught himself calculus, don't despair. Even Einstein was considered backward as a child. Only his mother knew in her heart that he would grow up to be a "great professor." Now, that's relativity.

TRIBUTE TO BRUCE D. ACKERMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a truly outstanding individual, Bruce D. Ackerman. I ask my colleagues to join me in honoring this esteemed member of my community. Mr. Ackerman will be honored for his service to the California businesses at a breakfast in February, celebrating the close of an 11-year affiliation with the Greater Van Nuys Area Chamber of Commerce.

After an extensive education in organization management, obtaining both undergraduate and graduate degrees, Bruce began his work with various chambers of commerce. He has been a part of the Brawley, San Fernando, and Van Nuys Area Chambers of Commerce, and will soon become the executive vice president of the Pasadena Chamber of Commerce—a post for which he is more than qualified and one in which I wish him the greatest success.

Bruce has been associated with virtually every business association in the San Fernando Valley, as well as Los Angeles development corporations and California associations of chambers of commerce. His lengthy association with such a range of business organizations makes him a fine representative of California's commerce, and I am pleased to have worked with him on various projects in my district, including our struggle to keep open the General Motors plant in Van Nuys.

But Mr. Ackerman's involvement with his community extends beyond the business sphere. He is the chairman of the board of the San Fernando Community Hospital, and has been actively involved with the youth of his region. He is or has been the director of the San Fernando Valley Girl Scouts, the Boys Club, and the Jaycees, and has been significantly involved with the United Way and the YMCA.

I had the personal pleasure of appointing Bruce to the board of directors of Project Heavy, a program which strives to alleviate juvenile delinquency and gang problems in the valley by providing youngsters with job skills. Last year the placement rate of Project Heavy was an amazing 85 percent. This project helps young people help themselves, and Bruce's work with youth demonstrates his commitment to the future of his community.

It is my distinct pleasure and honor to join with my colleagues and the Greater Van Nuys Area Chamber of Commerce in paying tribute to Bruce D. Ackerman, an outstanding business leader and an invaluable resource to the community.

A CONGRESSIONAL SALUTE TO BETTY A. EASTMAN UPON RECEIVING THE GOLDEN CITIZEN AWARD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. ANDERSON. Mr. Speaker, on February 21, 1987, the Boys' Clubs of Long Beach will honor Betty A. Eastman with the presentation of the Golden Citizen Award. It is indeed an honor for me to pay tribute to Betty Eastman on her activities to enhance the Boys' Clubs of Long Beach and the community.

The fundraising expertise of Betty Eastman has led to raising over $1 million to build a new boys' club eastside branch dedicated to her late husband Dean Eastman. Betty and Dean's family contributed $310,000 toward the new building. She has worked long hours raising the remainder for her "pet project" because she finds the challenge of helping young people to be most rewarding.

Betty also has been involved in numerous other worthwhile programs. Among her other interests are the Long Beach Opera, the Long Beach Cancer League, and the Harvard Medical School's third century fund; of which she received a nomination to the prestigious nationwide committee of 40 to plan fundraising for the Harvard Medical School. She is also involved in the marketing of seminars for widows and promoting Ida Fisher's book, "A Widow's Guide to Life."

Mr. Speaker, Betty Eastman, a Long Beach business woman and philanthropist, has been a positive force in our community. The success of many fundraising activities have been due to the efforts of Betty.

My wife, Lee, joins me in commending and congratulating Betty Eastman on this special occasion.

HENRY REUSS

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. WOLPE. Mr. Speaker, 30 years ago, an obscure sophomore congressman from Wisconsin traveled halfway around the world to Cambodia to see what effect American aid was having on the countryside there. He was not pleased with what he found.

> The crowning jewel of the [aid] project,

He later wrote,

> is a vast and beautiful, superbly built superhighway from Pnompenh to the sea.

And what good was it doing for Cambodia's impoverished peasants? He suggested that the superhighway's chief value for them might be to provide "a gravel shoulder for marching water buffalo along."

But the Congressman went a bit farther into the jungle, where he found Americans providing a very different sort of aid. Four young American schoolteachers—a black man from Chicago, an Italian woman from Brooklyn, and two Southern Baptists—were quietly traveling from village to village, setting up small schools to teach reading and writing. These four teachers were creating the first elementary school system Cambodia had ever seen.

> The reception [in the villages] was simply heartwarming,

The Congressman noted.

> People thought this was wonderful.

When he returned to Washington, he pondered how the good work of these four teachers might be done on a larger scale, and he soon crafted a proposal for a Government program to send similar young American volunteers overseas. Over the next 3 years, he distilled his ideas in speeches, articles, and discussions with educators and social service agencies. Finally, in January 1960, he introduced a bill calling for a study of whether a "Point Four Youth Corps" should be created. This was the first legislation passed by Congress laying the groundwork for the Peace Corps, one of the greatest successes of American foreign policy in the postwar years.

That Wisconsin Congressman—the father of the Peace Corps—was Henry Reuss. Henry celebrates his 75th birthday on Sunday, so this is an appropriate time to recall some of what he has accomplished.

He served in the House from 1955 through 1982, where many of us were privileged to know him as a colleague and friend. But in fact his record of public service began long before that.

Henry is of a generation that came to political maturity in the 1930's. He graduated from Cornell in 1933—Franklin Roosevelt's first year in office—and from Harvard Law School 3 years later. One of the best legacies of the New Deal was its effect on Henry and many of his contemporaries. They were instilled in those years with a strong sense of idealism, and they saw firsthand that government could be used positively to improve people's lives and alleviate injustice.

Henry could have returned from law school to carry on a family tradition and live the tranquil life of a Milwaukee banker. Fortunately for the rest of us, he didn't. Instead, he embarked on an extraordinary career of public service that continues to this day.

He began it as an assistant counsel for Milwaukee County. But in 1941, with World War II imminent, he came to Washington to work as an assistant general counsel for the Office of Price Administration. The OPA in those days was one of the liveliest places in Washington. Henry was in a circle that included economist John Kenneth Galbraith; David Ginsberg, who was to become one of the most respected lawyers in Washington; and Harold Leventhal, later a Federal judge.

Henry entered the Army during World War II as a private, but he was commissioned as a second lieutenant. He served in the European theatre, and later said of that experience:

> I decided I was going to try to do something to see that more wars didn't happen—that more depressions didn't strike.

After the war, he was head of price control for the American-occupied zone in Germany. In 1949, Henry was hired as deputy counsel for the Marshall Plan.

Henry's first three forays in electoral politics were inauspicious. He ran for mayor of Milwaukee in 1948, attorney general of Wisconsin in 1950, and the Democratic nomination for U.S. Senator in 1952. He lost each time. In 1953, however, the voters of Milwaukee had a change of heart and elected him to their school board. A year later, they wisely sent him to Congress, where he served for 28 years.

One of the most striking features of Henry's accomplishments as a Member of Congress was their diversity. Laying the groundwork for the Peace Corps would have been enough in itself to justify Henry's place in the history books. In fact, his contribution was far more extensive than that, and frequently just as creative.

For example, one of Henry's great interests has always been preservation of the natural environment. After he became Chair of the Conservation and Natural Resources Subcommittee in 1969, he rediscovered a venerable old bill called the 1899 Refuse Act. This legislation had gone completely unnoticed by virtually every living soul for decades. It stated that polluters could be punished for discharging waste into navigable waterways without a permit. Moreover, private citizens who provided evidence leading to a conviction under the act could collect half the fines.

Henry recognized the Refuse Act as a marvelous device to help clean up navigable waterways. One publication described it as a way that "private citizens can turn in polluters for fun and profit." Henry personally practiced what he preached, then contributed the rewards he collected worthy environmental causes.

Henry was also responsible for creating the Ice Age National Science Reserve in Wisconsin, an area that includes thousands of acres of glimmering lakes, rolling wooded hills, and craggy rock formations. Some of the finest natural wonders in North America are preserved thanks to Henry's patience and tenacity.

Perhaps Henry was best known in Congress as an economist. He chaired both the Joint Economics Committee and the Banking, Housing, and Urban Affairs Committee. The Almanac of American Politics once noted that he was "one of the leading congressional experts on such mysterious matters as the balance of payments, the gold market, and the ups and downs of various European and Asian currencies."

Henry never served on the Foreign Affairs Committee, but no one in the house was more knowledgeable about foreign affairs than Henry. And there certainly was no more eloquent spokesman for a prudent, humane foreign policy than he has been. Henry had the good sense to recognize the dangers of United States involvement in Vietnam long before many of his peers. This country would have saved lives and treasure if it had listened to Henry and others like him.

Henry's district on the north side of Milwaukee is completely urban. One of the ways he served his constituency—and, for that matter, urban dwellers generally—was by creating and chairing a Subcommittee on the City. Urban policy became one of his strongest areas of expertise.

A few weeks after he retired, an article in Nation's Cities Weekly described some of his efforts to make his own city of Milwaukee more livable. He was advocating a 250-mph levitation train between Milwaukee and Chicago—a noiseless, pollution-free, energy-conserving, comfortable mode of travel using technology tested in West Germany since 1968. He was involved in historic preservation, working to save Milwaukee's German-American Academy. And he was helping reconvert the 80-year-old Blatz Brewery into 140 cooperative apartments for middle-income Milwaukeeans.

Henry is an honest man, but he has a serious credibility gap in one respect. He told his constituents and colleagues a few years ago that he would be retiring after the 1982 term. It would have been far more accurate to describe his leaving Congress merely as a career change.

These days, he has a full schedule lecturing everywhere you could imagine, writing, and traveling. He also serves as a member of the governing board of Common Cause; the Committee on the Constitutional System, a blue-ribbon group cochaired by NANCY KASSEBAUM, Douglas Dillon, and Lloyd Cutler that is studying the Constitution on its 200th anniversary; the Committee on Developing American Capitalism, which includes other eminent economists such as James Tobin of Yale and Paul McCracken of the University of Michigan, as well as businesspeople and labor leaders; and the board of directors of his beloved Ice Age Park and Trail Foundation.

Not long ago, I asked Henry's good friend John Kenneth Galbraith to comment on his friendship with Henry and on Henry's career. His observations follow:

HENRY REUSS

(By John Kenneth Galbraith)

Nothing gives me more pleasure than the chance to say a word about Henry Reuss.

I have known Henry Reuss and called him my friend for a full forty-six years. Our association began in the spring of 1941. I had just been put in charge of what was to become wartime price control. Henry Reuss, a young lawyer recently commanded to this grim duty, was my associate, guide, and conscience. One day that summer, we journeyed together to California to put a ceiling on the price of oil. In our youthful enthusiasm, we froze the prices of numerous independent oil producers well below their costs. Our action was not well received.

This experience did, however, have an enduring effect on Reuss. Ever after, he believed, all will think wisely, that economics is more important in human affairs than the law and is better designed to engage the socially superior mind.

Accordingly, he addressed himself to this subject over a lifetime in a supremely competent way. After wartime service he passed into the Congress. Few members of that distinguished body and not many economists have approached the dismal science with more tolerance, clear-headed common sense, or greater technical proficiency. He will long be remembered, and deservedly so, for his diligent, effective, and always publicly concerned service on the Banking and Joint Economic Committees. We elect, though we do not always realize it, some very talented people to our national legislature—better, no doubt, than we deserve. Henry Reuss powerfully affirms the point.

I note especially that those concerned with banking and financial matters, not excluding the archons of the Federal Reserve, use their superior talents at mystification as a source of power. Here are matters that laymen, including Congressmen, cannot hope to understand. Against few in our time was this strategy less successful than with Reuss. Meeting him, the great financial minds, as with some slight exaggeration they are often called, met their master. And again with much public benefit.

With all else, as so many will attest, Henry Reuss is a good and amusing companion, graced with a good sense of humor and a more than passing admiration of the absurd. He has also the stalwart character that overcomes adverse personal experience and family tragedy.

Not every man is perfect. I, at least, can rejoice in Henry's shortcomings. Once some ten years ago or more, on a fine winter weekend, he visited my wife and me in Switzerland. We went skiing together on lovely sunny slopes over deep, glistening snow. Henry, it developed, was a worse skier than I. Until then no one had ever thought that possible. That too enriched our friendship and contributed to my hitherto unnoticed athletic reputation.

I am pleased to learn that the body Henry Reuss graced for so long is taking a few minutes from its somber toil to celebrate the seventy-fifth birthday of this lovely man. To all who join in this tribute, my thanks; to Henry Reuss and all his family, my most affectionate regards.

I can only join Dr. Galbraith in sending Henry Reuss my affectionate regards and my wishes for a very happy 75th birthday.

PRODUCT QUALITY IS A KEY ELEMENT IN THE NATION'S WORLD COMPETITIVENESS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. FLORIO. Mr. Speaker, a key problem is our Nation's ability to remain competitive in world markets is the ability of American businesses to produce and market quality goods. Unless we as a nation are able to ensure that foreign consumers see "Made in the U.S.A." as a label for top quality goods, we will continue to see our share in world markets diminish. Whether the hestancy of foreign consumers to buy American products stems from genuine quality shortfalls or, as the following study suggests, "cultural preferences," we must focus our energies on reversing this dangerous trend.

A newspaper article follows:

[From the Philadelphia (PA) Inquirer, Feb. 6, 1987]

TRADE SAPPED BY IDEA U.S. GOODS INFERIOR, GROUP SAYS

(By Tom Raum)

WASHINGTON.—A widespread belief of foreign consumers that U.S. products are inferior is the most common barrier to trade, not quotas, tariffs or subsidies, a U.S. business group said yesterday.

The American Business Conference said that a survey of its 100 members showed "cultural preferences" as the most frequently cited hurdle to increasing U.S. sales abroad.

"Locally made products are of better quality than American ones, that is the perception—fairly or unfairly," William Lilley, president of the organization, said.

The conference, made up of midsize high-growth companies, said that bias against U.S. goods makes it especially hard to compete in Japan.

Members listed Japan, followed by West Germany and Korea, as the most difficult countries in which to market American products.

"Unless American business as a whole makes the necessary investment in quality, service, innovation and strategic marketing, it will never become fully competitive in Japan," said the group's report.

The label "Made in the U.S.A." has become "a question mark of craftsmanship," Arthur Levitt, chairman of the conference and president of the American Stock Exchange, told a news conference.

He cited high labor costs in the United States and "sloppy" workmanship as factors contributing to this perception.

The group's officials said they were not suggesting that U.S. products were inferior, only that this was the perception in many overseas markets.

Asked about criticism by Deputy Treasury Secretary Richard Darman that lax management and corporate laziness were major reasons for the loss of U.S. competitiveness, Levitt said:

"Sure, there are some companies that are bureaucratic and even flabby. But that's not business as a whole. Darman's generalization was just that—a generalization."

Conference officials said they generally supported measures outlined by President Reagan in his State of the Union address designed to boost U.S. competitiveness and opposed "protectionist legislation."

"Success internationally is more a factor of management than of protectionist legislation," Levitt said. "Trade barriers do exist, but many are cultural and cannot be reversed by government action."

Despite these problems, Levitt said the survey showed that between 1980 and 1985, international sales by member companies showed an annual growth rate of 27 percent.

"The first thing the U.S. government should do is to avoid protectionism," said Lilley. "Our companies, expanding fast abroad, are afraid that any kind of trade retaliation would take them hostage. It is our companies that are going to be retaliated against.

To belong to the American Business Conference, a company must have annual revenues between $25 million and $2 billion.

THE ARMSTRONGS OF TEXAS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. GONZALEZ. Mr. Speaker, in southwest United States, with particular reference to southwest Texas land of my birth and growth great family names have been inextricably identified with the land. Family names that reflect many national origins: Spanish, Germanic, Scandinavian, Lebanese, and English.

Armstrong is one such historical and distinguished family name. San Antonio, TX, in the upper reaches of the Southwest specially the site of my birth on May 3, 1916 at 217 Upson St. (Upson being another such family name), delivered at home by one Dr. Henry Ogilvie, M.D. (another Scotch surname, equally prominent) was the point of origin of many of the family who later became active citizens of other counties, but always maintained a sort of dual citizenship. Last week, on Saturday 14, 1987 one of the most noble and distinguished descendant of this Armstrong (though her maiden name was Tobin, one more distinguished and notable family name) passed on at the age of 91.

I wish to place into the RECORD at this point the obituary announcement appearing in the San Antonio Express Monday, February 16, 1987, for a succinct though quite thorough historical background:

[From the San Antonio Express, Feb. 16, 1987]

ARMSTRONG FAMILY TRACED TO ALAMO

KINGSVILLE.—Lucie Tobin Carr Armstrong, 91, was the great granddaughter of John William Smith, the last messenger to leave the Alamo before the March 1836 massacre.

Smith later became the first mayor of San Antonio.

Armstrong was the widow of a South Texas pioneer, Charles Mitchell Armstrong, who she married Jan. 25, 1917, in St. Mark's Episcopal Church. The marriage merged the Tobin family with the South Texas Armstrong pioneers. He managed the Armstrong Ranch family operation from 1930 until his death Sept. 13, 1941, in an automobile accident at the age of 54.

She died Saturday at the home of a son, John Barkley Armstrong. Her daughter, Lucie Carr Armstrong Jr., lives both in San Antonio and at her ranch, San Rafael de la Particion, 45 miles west of Armstrong.

Another son, Tobin Armstrong, manages the Armstrong Ranch.

She was the daughter of the late James M. Carr and Ella Bell Tobin who were married in San Antonio in 1987.

"Wherever mother was there was laughter, competition and probably a few plants," said her daughter. "She could take that old dessert, put some wildflowers on the table and make it charming."

Armstrong was described in the San Antonio Express when she was a San Antonio debutante as "one of the most popular girls to come out." She also participated in the Order of the Alamo's Fiesta Coronation in the 1915 Court of Romance.

"During her debut year, she taught dancing to young people at the St. Anthony Hotel," said her daughter. "Many learned their first waltz from her. She was also very proud of the music medal she was awarded when she graduated from St. Mary's Hall. My mother had a lovely singing voice.

"In 1917 she moved to the ranch when Pancho Villa was still raiding that area," she said. "Mother went from being a popular city girl to being a quick shot and ready to defend the ranch."

After her husband's death in 1941, she and her daughter moved back to San Antonio where the elder Lucie continued as an avid sports woman, excelling in shooting, horseback riding, tennis and golf.

"Mother was probably proudest of her prowess as a golfer," her daughter said. "She was a great competitor and played winning golf flights up to her 83rd year."

Although in failing health in recent years, Armstrong walked her Alamo Heights neighborhood through her 90th year.

Remembered as a blonde beauty, she was known as a woman of wit, and as a grand hostess.

"Mother always used to tell me: 'Brighten the corner where you live.' And she did just that.

"I think I am most proud of her ability to bring an ambiance of charm, gaiety and happiness wherever she went," said her daughter.

Other survivers include eight grandchildren; and nine great-grandchildren.

A graveside service will be held in San Antonio for the immediate family Friday at City Cemetary No. 1 in the Tobin Family plot.

SPRING BREAK REUNION

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. SMITH of Florida. Mr. Speaker, as the Congressman from Florida's 16th District, representing a large portion of Broward County, I am proud to serve as one of the honorary hosts for the 1987 Spring Break Reunion, which will begin Memorial Day weekend 1987, May 22–25.

This event will usher in a monthlong extravaganza in the Greater Fort Lauderdale area, including the cities of Davie, Hollywood, Miramar, Dania, Sunrise, and Plantation.

In the minds of most Americans, the Broward County area has become synonymous with spring break thanks to popular movies and records. Singer Frankie Avalon was a key figure in visualizing this year's reunion, and the Broward County Tourist Development Council and its committees were instrumental in making it a reality.

The four theme weekends will roll back the clock for the 1 million plus citizens of Broward County as well as the more than 150,000 visitors who are expected to descend upon the area. Singing stars of the 1950's and 1960's will headline the event.

Spring Break Reunion, which will air in a national television special, has already received media attention on the TV program "Entertainment Tonight," and on the front page of USA Today. In addition, radio stations from around the Nation plan to be part of the action.

Spring Break Reunion will highlight the many attractions and activities offered in Broward County, FL.

FACT SHEET—TRADE, EMPLOYMENT, AND PRODUCTIVITY ACT OF 1987

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. MICHEL. Mr. Speaker, I would like to insert in the CONGRESSIONAL RECORD at this point a fact sheet which describes the President's trade and competitiveness legislation which we today introduced in bill form:

THE TRADE, EMPLOYMENT, AND PRODUCTIVITY ACT OF 1987

FACT SHEET

In his sixth State of the Union address, the President established a national goal of ensuring American competitive preeminence into the 21st Century. "It is now time," the President said, "to determine that we should enter the next century having achieved a level of excellence unsurpassed in history."

The Trade, Employment, and Productivity Act of 1987 is the legislative centerpiece of the President's competitiveness initiative. With the President's FY 1988 budget proposal and other proposals, this omnibus legislative package constitutes a six-part program aimed at:

1. Increasing investment in human and intellectual capital;
2. Promoting the development of science and technology;
3. Better protecting intellectual property;
4. Enacting essential legal and regulatory reforms;
5. Shaping the international economic environment; and
6. Eliminating the budget deficit.

The Trade, Employment, and Productivity Act of 1987 contains five titles that fulfill the Federal government's responsibility to do everything possible to promote America's ability to compete.

TITLE I—INVESTMENT IN HUMAN AND INTELLECTUAL CAPITAL ACT OF 1987

The President believes that to achieve competitive preeminence, our society must pursue excellence in education. We must also help dislocated workers adapt to changes in our economy and provide economically disadvantaged youth the opportunity to become productive members of our society. Title I of the Trade, Employment, and Productivity Act of 1987 includes:

A. Education Consolidation and Improvement Amendments Act of 1987. Reauthorizes Chapters 1 and 2 of the Education Consolidation and Improvement Act (ECIA) to target resources on the neediest schools and youngsters; foster greater innovation, experimentation and parental choice; build accountability into the program; and provide incentives and rewards for success.

B. Bilingual Education Act Amendments of 1987. Reforms Federal bilingual education grants to give school districts greater flexibility in designing and operating programs that address the particular education needs of their limited English proficient students.

C. Worker Readjustment Act. Authorizes a new, $980 milion worker adjustment program that will:

Help an estimated 700,000 additional dislocated workers each year (almost triple the number served under existing programs). The program will cover all dislocated workers, including farmers, not just those demonstrably affected by imports;

Offer counseling, job search assistance, basic education and job skill training;

Provide training and adjustment opportunities to workers early—long before they exhaust unemployment benefits; and

Replace the Trade Adjustment Assistance and Job Training Partnership Act Title III programs.

D. AFDC and Summer Youth Employment and Training Amendments of 1987. Creates an $800 million program under the Job Training Partnership Act (JTPA) intended to help economically disadvantaged youth become productive adults, open to the opportunities that America provides and returning to society the talents that are critically needed. The program will give communities the option of using JTPA funds now provided for summer jobs for remedial education and skills training for young people receiving assistance under the Aid to families with Dependent Children (AFDC) program.

E. Greater Opportunities Through work Programs Act of 1987. Establishes a new employment and training effort under the AFDC program: Greater Opportunities through Work (GROW). The purpose of this new program is to encourage young teenage parents and children receiving AFDC who lack a high school education to stay in or return to school. Older AFDC recipients will participate in a variety of employment and training activities, including remedial education, determined by each state.

F. Employment Security Administrative Financing Act of 1987, and

G. Employment Services Act of 1987. Give States greater flexibility in developing comprehensive approaches to the problems of the unemployed by decentralizing authority, financing, and responsibility for administering the Unemployment Insurance and Employment Service programs.

TITLE II—NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT

Advancing science and technology is fundamental to U.S. competitiveness. Federal policies must serve three broad objectives:

Generating new knowledge in advanced technologies;

Swiftly transferring new technologies to the marketplace; and

Expanding the Nation's talent base in the sciences and technologies.

To help achieve these objectives, the Trade, Employment, and Productivity Act of 1987 authorizes appropriations for the National Science Foundation, doubling the budgetary commitment to its programs over a five-year period.

TITLE III—OMNIBUS INTELLECTUAL PROPERTY RIGHTS IMPROVEMENT ACT OF 1987

The President believes it is vital to ensure that we provide adequate protection, both domestically and internationally, to those who create new ideas and invent new products and services. Title III of the Trade, Employment, and Productivity Act of 1987 includes the following provisions:

A. Intellectual Property Reform Act of 1987. Statutory changes to:

Encourage licensing of patented technology by limiting the "patent misuse doctrine" to actual anticompetitive conduct;

Increase protection for products resulting from patented processes to the same level as that accorded such products by our major trading partners;

Provide a more flexible standard of review under the antitrust laws for intellectual property licensing arrangements and eliminate treble damage recovery for anticompetitive licensing arrangements;

Restore the bargaining power of parties contracting to license technology by codifying and clarifying the Supreme Court holding in Lear v. Adkins;

Restore the term of patents covering agricultural chemical products and animal drugs up to a maximum of five years to compensate for the period of a patent term lost due to mandatory Federal premarketing regulatory review and testing; and

Reduce the cost of defending patent rights by: (1) awarding attorney fees to the winning party in cases of frivolous actions or willful infringement; and (2) requiring challenges to patent validity based on publications to be considered first in an administrative proceeding before going to court unless to do so would not be in the public interest.

B. Freedom of Information Act Amendments of 1987. Broadens the statutory definition of trade secrets and confidential commercial information under the Freedom of Information Act (FOIA) to permit agencies to withhold information if disclosure would be harmful to agency programs or commercial interests. Also provides a new exemption from the FOIA for technical data that may not be exported outside the United States without approval.

C. Regulation of Commerce in digital Audio Recording Devices Act of 1987. Provides a technological solution to the potential problem of unauthorized copying of copyrighted material on digital audio tape recorders. Requires that digital audio recording devices include decoder technology that would prohibit recording of copyrighted digital tapes that are coded with an inaudible signal.

TITLE IV—LEGAL AND REGULATORY REFORMS ACT OF 1987

Outmoded rules and regulations and self-imposed disincentives place America at a disadvantage in the world marketplace. The Trade, Employment, and Productivity Act of 1987 includes a number of proposed legal and regulatory reforms to eliminate these obstacles to competitiveness.

A. Product Liability Reform Act of 1987. Reduces the costly product liability insurance spiral that increases the costs of U.S. products and undermines the ability of U.S.

manufacturers to develop and market new and innovative products. This title will:

Retain a fault-based standard of liability;

Eliminate joint and several liability except in cases where defendants have acted in concert;

Limit compensation for noneconomic damages to a fair and reasonable amount;

Provide for periodic, instead of lump sum, payments of damages for future medical care or lost income;

Reduce awards in cases where a plaintiff also is compensated by other sources, such as government benefits;

Reduce transaction costs by limiting attorney's contingent fees to reasonable amounts on a sliding scale; and

Encourage litigants to resolve more cases out of court.

B. Antitrust Amendments of 1987. These comprehensive changes are aimed at enhancing the vigor of American businesses, while continuing to protect consumers and firms from monopolies, cartels, and price fixing. These proposals include:

Amending Section 7 of the Clayton Act to distinguish more clearly between pro-competitive mergers and mergers that would create a significant probability of increased prices to consumers;

Limiting private and government antitrust actions to actual (rather than treble) damages, except for damages caused by overcharges or underpayments;

Removing unwarranted and cumbersome restrictions on interlocking directorates;

Clarifying the application of U.S. antitrust laws in private cases involving international trade; and

Requiring that any antitrust claims remaining against other defendants after a partial settlement in a case be appropriately reduced.

C. Interstate Commerce Commission Sunset Act of 1987. Eliminates economic regulation of surface transportation industries (other than railroads) and terminates the Interstate Commerce Commission on October 1, 1987.

D. Oil Pipeline Regulatory Reform Act of 1987. Repeals federal rate regulation of those oil pipelines that operate in a competitive market.

E. Natural Gas Policy Act Amendment of 1987. Provides access to natural gas transportation systems, deregulates natural gas wellhead prices, and repeals natural gas demand restraint provisions of the Fuel Use Act.

F. Motor Vehicle Information and Cost Savings Act of 1987. Repeals corporate average fuel economy standards established for automobiles that place American automobile manufacturers at a competitive disadvantage and produce economic distortions.

G. Export Administration Act Amendments of 1987.

Provides authority to establish licenses for multiple exports to China, making U.S. exports to China more competitive;

Clarifies authority to curtail sales in the U.S. of items controlled for national security purposes to commercial entities that are owned by certain countries;

Establishes a deadline of 120 days to complete foreign availability assessments, and a grace period for consultation prior to decontrol;

Provides a presumption of license approval to a free world country for a product controlled for national security purposes, if the product is available to the country without effective restriction. USG has 20 days to review (with a 15-day extension possible) before the license is deemed issued, unless the license is denied before then because of an unacceptable risk of diversion;

Establishes U.S. objectives for negotiations with COCOM governments including removal of items from the International Control List (ICL) where controls are ineffective or unnecessary;

Authorizes the Secretary of Commerce to bar persons (and their affiliates) who have been convicted of violating export control laws from receiving export licenses; and

Permits the Secretary of Commerce to deny export privileges for 180-day periods in order to prevent an imminent violation or where necessary to facilitate enforcement of the Export Administration Act (EAA).

H. Financial Services Regulatory Efficiency Act of 1987. Implements the recommendations of Vice President Bush's Task Force on the Regulation of Financial Services, by thoroughly restructuring the Federal financial services regulatory framework through the creation of a new Federal Banking Agency and other major reforms.

TITLE V—INTERNATIONAL ECONOMIC ENVIRONMENT IMPROVEMENT ACT OF 1987

Government can play a key role in enhancing the Nation's competitiveness by shaping the international economic environment in which American knowledge, talent and entrepreneurship can flourish.

A. Trade Competitiveness Act of 1987.

Provides negotiating authority for the Uruguay Round of trade negotiations with substantially expanded requirements for consultation with the Congress and the private sector;

Strengthens the antidumping law by creating a new, predictable pricing remedy to cover products from non-market economics and tightening the antidumping and countervailing duty laws through new anti-circumvention provisions to prevent evasion of duties.

Tightens Section 301 of the Trade Act of 1974 (relating to unfair trade practices) by establishing a 24-month deadline on dispute settlement cases and requiring coordination with Congress through reports on the commercial effects of Section 301 cases;

Establishes reciprocal access to foreign markets as an additional factor for consideration in Section 301 cases;

Amends Section 201 of the Trade Act of 1974 (relating to relief from injury caused by imports) to: provide expedited relief for perishable agricultural products; create additional options for relief, including multilateral negotiations and regulatory reform; and clarify that relief can be granted during a recession;

Makes International Trade Commission proceedings under Section 337 of the Tariff Act of 1930 (relating to certain unfair trade practices) more effective by eliminating the current requirement to prove injury to a domestic industry when intellectual property infringement is involved;

Improves the Export Trading Company Act and establishes an export promotion data system; and

Amends Customs user fees for cargo processing operations to reflect more accurately the costs fo providing Customs services and to extend these fees beyond the scheduled expiration date.

B. Business Practices and Records Act of 1987. While ensuring that bribery to gain foreign sales is deterred through criminal sanctions, the proposed statutory changes will eliminate the uncertainties and clarify ambiguities in the Foreign Corrupt Practices Act (FCPA). Specific reforms include:

Replacing the "reason to know" standard with a more objective standard, such as "directs" or authorizes";

Specifying what types of payments should be exempt from the Act; and

Clarifying required bookkeeping under the FCPA.

PRIVATE PENSION FUNDING

Separate from the Trade, Employment, and Productivity Act of 1987, the President is proposing legislative action to increase security for workers in their privately provided pensions by allowing employers to withdraw excess assets from pension plans without having to terminate them, and by requiring improved employer funding of underfunded pension plans.

CONCLUSIONS

The Trade, Employment, and Productivity Act of 1987 fulfills the Federal role in promoting American competitiveness. All Americans, however, must share responsibilities for promoting our ability to compete.

Business must work more efficiently, setting high standards of quality; streamlining operations; discarding outmoded systems and management styles; adapting to change and building on the American entrepreneurial tradition.

Workers must be enabled to reach their potential by taking advantage of new technologies; investing in education, training and skill improvement; and taking pride of their work.

Families, supported by State and local governments, have the greatest responsibility of all—creating an educational environmental that can make our young people productive citizens, able to achieve the best, both spiritually and materially. We must strive for excellence in education.

As the President said in his State of the Union address: ". . . [W]e must act as individuals in a quest for excellence that will not be measured by new proposals or billions in new funding. Rather, it involves an expenditure of American spirit and just plain American grit."

THE BOOM: COMING OR GOING?

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. REGULA. Mr. Speaker, the future does indeed lie in our hands, and this week's editorial by David Gergen in U.S. News & World Report brings this lesson home. I am providing his piece for inclusion in the RECORD, and I urge my colleagues to read it carefully. The United States is the most prosperous nation on the Earth, and only with responsible leadership in Congress, can we provide for a continued successful future. Let us meet the challenge!

The article follows:

THE BOOM: COMING OR GOING?

(By David R. Gergen)

Herman Kahn would have loved it.

Five years ago, he wrote a controversial book about the future of America. At the time, a severe recession was battering the nation, interest rates were running in double digits, morale was low and the Soviet empire was still digesting its ill-gotten gains of the 1970s. Flying in the face of conventional wisdom, Kahn insisted that the United States was on the verge of an economic, political and international boom. Revitalization was "a near certainty."

The critics would hear none of it—and not long afterward Kahn died, leaving his colleagues at the Hudson Institute to carry on his work. But now one can almost hear him laughing from the grave, amused at how well his prophecy is turning out.

Amidst all the caterwauling about the state of the nation, the truth is that the United States is in much better shape today, its prospects brighter than in recent decades. Thanks largely to Paul Volcker, inflation has almost been squeezed out of the system. The U.S. in the past half-dozen years has created 10 million jobs, while Western Europe has lost 1.4 million. Companies in industries such as autos are renewing themselves. And, well into one of the longest recoveries since the war, the economy is picking up speed again.

Even more striking is how robust our ideals are becoming elsewhere in the world. According to the Freedom House in New York, no fewer than 10 nations have become politically "free" over the past five years—most of them in Latin America. An aggressive U.S. posture has also prevented the Soviets from consolidating their hold over nations such as Nicaragua and Angola that turned toward Marxism in the 1970s. The United States can also take a measure of pride in the thunderous victory for democracy in the Philippines last week.

Economically, the totalitarians are almost everywhere in retreat, their systems unable to keep up with the revolution in technology and people's expectations. Smart leaders such as Gorbachev and Deng are trying to introduce market-oriented reforms to their societies, but their success seems chancy. In Washington, observers privately speculate that entrenched interests could topple Gorbachev within three years. Nearly everywhere, the lesson is clear: Socialism is becoming one of the greatest failures of the 20th century.

But if this is a time to acknowledge that Herman Kahn was right, it is certainly a moment to remember his warning, too: The greatest danger to our future, he said, was if we managed our affairs stupidly. Our principles would not defeat us; lousy management could.

His point has special force in Washington today, where our elected leaders are sinking into their own paralysis and—*worse*—don't seem to care. Everyone knows that our gargantuan budget and trade deficits could undermine our progress, yet no one in authority seems prepared to act seriously. Officeholders in the Reagan administration are more concerned about future jobs than the future of the country. Democrats in Congress talk a good game, only to disgrace themselves with sneaky tricks over federal pay. The press doesn't help by paying so much attention to the mistakes of the past and to candidates of the future that it ignores the realities of today.

The country will eventually pay a price if Washington remains paralyzed for two more years, letting debts pile up. By the early 1990s, the follies of mismanagement in the 1980s could force us to send as much as $100 billion overseas every year—just to satisfy foreign creditors.

From Pete Peterson, a public-spirited leader, came a call in the *New York Times* this past week for a burgetary summit, convened by the President and Congress. From Governor Mario Cuomo of New York comes the equally forceful idea of a "Greenspan commission" on U.S. competitiveness—a blue-ribbon panel that unites behind a single program of action. Both are right.

It's not good enough for the politicians or press to wait for the next President to clean up; that will be too late, and to expect that of him is to condemn the country to yet another failed Presidency. Those elected to lead in 1987 and 1988 have a responsibility to lead *now*—and let the country enjoy a full and glorious boom.

SUPPORT FOR RETIREES OF AMERICA

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. KOLTER. Mr. Speaker, the time to act is now. After May 15 it will be too late, too late for the earnest hard working retirees of LTV Corp. The 99th Congress instituted a stop-gap measure to insure the payment of health and life insurance benefits for all employees of bankrupt companies, but only until May 15, 1987. We must enact legislation before that date to permanently guarantee the continued payment of retirement benefits determined in collective-bargaining agreements. I have introduced a measure which will clarify the Bankruptcy Act to unequivocally require companies to confer with unions before altering the provisions of a collective-bargaining agreement. This measure will offer the retirees of bankrupt companies the solace they deserve. My proposal will insure that the diligent men and women who worked tirelessly to make America strong will be able to retire confident that they will receive the benefits they have earned and expect.

LTV Corp's. bankruptcy affects hundreds of thousands of active and retired steelworkers. Can we afford to ignore the needs of this large constituency? Is it right to cut promised health care benefits to the group most in need of health care? I don't know about you but I would be hard pressed to find reassuring reasoning for the cessation of payments to a group who worked for years under the belief that they would receive certain necessary benefits in their twilight years.

My proposal would simply amend the Bankruptcy Act, section 1113, subsection f, to state clearly that the provisions of a collective-bargaining agreement include those provisions pertaining to retirees' benefits. Section 1113 originally stated that a company could not terminate any benefits determined in a collective-bargaining agreement, without first conferring with the unions. My bill is a simple clarification, a reiteration of legislation introduced by Chairman RODINO in the 99th Congress which was passed by the House of Representatives. I urge you to support this legislation again in the 100th Congress. Support for my bill is support for the retirees of America.

H.R. 1129

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. PETRI. Mr. Speaker, yesterday I introduced H.R. 1129, which would require unmarried minor parents to live with their own parents or guardians in order to be eligible for AFDC benefits. This would correct a counterproductive feature of current AFDC law which provides an incentive to break up families.

Current law allows minor mothers, no matter how young, to set up their own households and receive various welfare benefits in their own names. And what is worse, in most cases the extended family is better off financially if they do that.

Consider a typical example in my own State of Wisconsin. An urban three-person AFDC family with little other income receives $684 per month in AFDC, food stamps, and energy assistance. Now suppose a 13-year-old daughter in that household has a baby. If she and the baby live at home with her parents, the extended family is then a four-person household. As such, it is eligible for $815 per month in AFDC, food stamps, and energy assistance. However, if that 13-year-old girl moves away with her baby and sets up her own household, the extended family then consists of two two-person households, each of which is eligible for $564 per month in AFDC, food stamps, and energy assistance. The two households then have a combined income of $1,128 per month from these three programs, or $313 per month more than the extended family would get if it consisted of a single four-person household. In Wisconsin a modest efficiency or one-room apartment costs well under $313 per month even without housing subsidies, so on balance the extended family is money ahead if it splits up.

Consider for a moment what we are saying with this kind of law. In the first place, we are telling potentially rebellious adolescent girls that they can become financially independent if they have babies. But beyond that, we are telling them, after they have had babies for whatever reason, not only that they are allowed to set up their own households, but that their extended families will actually be better off if they do so.

Mr. Speaker, these incentives are perverse. Even if we are not sure anyone is influenced by them, they should not be in the law. Adolescents, with or without their own babies, still need the supervision of parents or guardians. By allowing them—even encouraging them—to leave home, I am sure we are actually hurting some of these young people instead of helping them.

The simplest way to fix this problem is to require that minor unmarried mothers stay home with their own parents in order to receive welfare benefits, except in cases where there is no parent or guardian, where the adolescent was already independent before having the baby, or where there is a concern about safety. That is what my bill would do.

The Senate has passed similar provisions in previous Congresses, but the House conferees have always objected. Several States have tried to adopt such provisions on their own, but the courts have ruled that Federal law prevents them from doing it. I believe it is time for the House to get behind this reform so we can stop harming the people we're supposedly trying to help. But even if we don't adopt a nationwide requirement that minor mothers stay home in order to receive welfare, we should at least allow the States to adopt such requirements if they wish.

The Congressional Budget Office says this reform would save $20 million or so per year, but that is not the major reason for adopting it. We should adopt it in order to remove from the law perverse incentives for breaking up families.

Mr. Speaker, for the convenience of my colleagues, I ask that the text of H.R. 1129 be inserted in the RECORD at this point.

H.R. 1129

A bill to amend part A of title IV of the Social Security Act to prohibit AFDC payments to unmarried minor parents who are living away from home

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (38);

(2) by striking out the period at the end of paragraph (39) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(40) provide—

"(A) that an individual who is under the applicable age limit determined pursuant to section 406(a)(2) and is not and has never been married, and who is responsible for the care of a dependent child (or is pregnant and on that basis eligible for aid under the State plan) shall be eligible for aid under the plan (and such dependent child shall be eligible for such aid) only if such individual resides in a place of residence maintained by such individual's parent or legal guardian as such parent's or guardian's own home; except that this paragraph shall not apply to such individual if the State agency determines that—

"(i) such individual has no parent or legal guardian who is living and whose whereabouts are known;

"(ii) the health and safety of such individual or such dependent child would be seriously jeopardized if such individual lived in the same residence as such individual's parent or legal guardian; or

"(iii) such individual has lived apart from his or her parent or legal guardian for a period of at least one year prior to (I) the birth of the dependent child for whose care the individual is responsible, or (II) the making of a claim for aid under this part, whichever is later; and

"(B) that whenever an individual to whom this paragraph applies is eligible for aid under the plan, the State may make payments of the type described in section 406(b)(2) for one or more months until such individual exceeds the applicable age limit determined pursuant to section 406(a)(2).".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to months after the month in which this Act is enacted.

PEOPLE HELP PEOPLE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation which will reauthorize and expand the activities of the U.S. Peace Corps.

Today, Mr. Speaker, the Peace Corps represents the best method of improving foreign relations. It is the method where people help people.

Since the Peace Corps' inception in 1961, over 120,000 Americans—more than 3,600 from my home State of New Jersey—have served in over 90 countries around the world. The programs that our Peace Corps volunteers have worked in, have improved, protected and in many cases saved the lives of people in poor host countries.

As you know, Mr. Speaker in the last Congress, we passed important reforms which will serve to greatly improve the Peace Corps. One provision was an amendment I offered extending the service of the full-time employees—the administrative infrastructure of the Peace Corps. Another provision called upon the Peace Corps to expand its volunteer division to 10,000. In its wisdom, Congress recognized the tremendous impact the Peace Corps is having around the world and sought to expand the volunteer program so that benefits will touch millions of additional lives.

The Peace Corps, Mr. Speaker, is ready to respond to our mandate calling for more volunteers. Each year, host countries are denied assistance and qualified and eager volunteers are turned away. The Peace Corps can and want to do more.

Last year, in response to congressional inquiry, the Peace Corps developed a modest but effective plan which will enable it to reach the mandate of 10,000 volunteers by 1992. Included in this plan is a gradual increase to approximately 6,600 volunteers for fiscal year 1988 and almost 7,700 volunteers for 1989.

My bill, Mr. Speaker authorizes the funds the Peace Corps needs in 1988 and 1989 to carry out its program for meeting the goal of 10,000 volunteers—a goal mandated by Congress.

In conclusion, Mr. Speaker, I must say that the Peace Corps has conducted a most vital mission. It is one of the most successful American responses to long-term problems of hunger, poverty, illiteracy, and disease. It is a program which needs to grow and should not be hindered.

I look forward to the support of this legislation by my colleagues in the House.

A TRIBUTE TO THE QUEENS JEWISH COMMUNITY COUNCIL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Queens Jewish Community Council on the occasion of its 19th installation. The event will be held on Saturday evening, February 28, 1987.

The Queens Jewish Community Council is a mainstay of the Seventh Congressional District, an asset to the people of Queens County and an inspiration to all of New York City. Through the council's praiseworthy efforts, countless senior citizens, impoverished individuals, and people in need of immediate assistance have been able to receive the help they so desperately need. Mr. Speaker, one of the most important acts one can undertake in Judaism is "gemlut chesed"—charitable kindness. The Queens Jewish Community Council performs this mitzvah every day of the year.

The Queens Jewish Community Council was founded in 1968 with only 27 member organizations. During the past 19 years, it has grown to include the affiliation of almost 100 institutions. These include synagogues, social service agencies, labor and civic groups, and recreation organizations. The council serves the people of Queens through the Emergency Assistance Fund for the Jewish Needy, which provides vital financial support for the indigent; through the food distribution fund, which feed many individuals who are unable to purchase their own food; and through its newly created legal services, which helps low-income individuals to receive access to the judicial system.

The council also provides kosher for passover food to those who cannot afford to buy their own supplies for the festive holiday, and distributes smoke dectectors and burglar alarms to senior citizens. In addition, this Queens institution conducts educational seminars and community forums. All told, Mr. Speaker, the Queens Jewish Community Council is an excellent example of a local organization working to help members of its own community.

I would like to make special mention of the one constant and guiding force behind the council since its creation—Max Schoenbrot. People like Max make our jobs, as Members of Congress, a bit easier.

In order to know where you are going to, it is always important to know where you have been. Therefore, I would like to recognize the past presidents of the Queens Jewish Community Council who have played a vital role in the success and growth of the organization: Dr. Alvin Lashinsky, Seymour Samuels, Dan Friedenreich, the late Paul Taubman, Adeline Silverman, Benjamin Viner, Marvin A. Cohen, and Byron Dresner.

In addition, I would like to pay tribute to the current officers of the council for their dedication and commitment: Eugene Schessler, president; Marion Koerner, executive vice president; Harold Goldberg, Abraham Hecht, Robert Orner, and Dr. Mattis Yellin, vice presidents; Abe Venner, treasurer; William Eldot, financial secretary; Lila Schulman, corresponding secretary; and Irving Bayer, recording secretary. I also commend the council's board of directors and staff.

Mr. Speaker, I call on my colleagues in the House of Representatives to join me in wishing a hardy "yoshi koach" and sincere congratulations to the Queens Jewish Community Council for its many contributions to Queens

County, and New York City, and to encourage it to continue its exemplary work.

INTRODUCTION OF HOUSE JOINT RESOLUTION TO ENSURE THE TIMELY DISTRIBUTION OF FUNDS UNDER THE ASBESTOS SCHOOL HAZARD ABATEMENT ACT

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. LENT. Mr. Speaker, the problem of asbestos in our Nation's schools is a problem that should concern every Member of this body. The Environmental Protection Agency estimates that over 15 million children are exposed to asbestos during the school day. In an attempt to address this problem, the members of the Energy and Commerce Committee supported, through a bipartisan effort, legislation requiring the cleanup of asbestos and the establishment of minimum health standards in schools. I am happy to say that this important legislation was enacted into law last Congress.

In conjunction with this legislation, Mr. Speaker, the 99th Congress in its wisdom also appropriated $50 million under the Asbestos School Hazard Abatement Act in new funds for EPA to distribute through loans and grants to schools for asbestos cleanup. This money is allocated solely on the basis of financial need and the severity of the asbestos problem. Although EPA's own evidence suggests that this is a relatively small sum when compared to the overall cost faced by our Nation's schools, the administration in its fiscal year 1988 budget, proposed to rescind most of these funds and leave schools with little or no Federal financial support. This action clearly contradicts Congress' intent of this issue. It also, unnecessarily, risks the health of our nation's schoolchildren.

Despite the fact that the 100th Congress has not acted to affirm this rescission, the administration's proposal has had an adverse impact by delaying EPA issuance of application forms to schools. Justified concern has now been raised by school organizations that the Federal funds will not reach schools by summer—the time when most of the critical asbestos cleanup can be done.

Mr. Speaker, this is not a tolerable situation. Congress appropriated the $50 million because it did not want cleanup work to be delayed due to lack of funds. We must ensure that schools receive this money as soon as possible. Because of this, I am joining Representatives FLORIO, LUKEN, and DINGELL in introducing a joint resolution calling upon EPA to take all necessary steps to ensure that appropriated funds are distributed to schools before the summer months. I urge all of my colleagues to join with us in support to this resolution.

NEW LEGISLATION NEEDED

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. COELHO. Mr. Speaker, today I am introducing legislation aimed at correcting a grave inequity that is taking place in the bankruptcy courts of our country. The inequity is not a result of human ignorance, or an injustice imposed by judges and lawyers, the inequity is one which disallows the conversion from one bankruptcy chapter to another.

In October of last year, after much discussion and debate, a new chapter in bankruptcy law, chapter 12, was created. At the time chapter 12 was being presented as an equitable alternative to chapter 11 and 13.

When filing under chapter 11 the family farmer is faced with a complicated and time-consuming method of satisfying his creditors. In many cases the chapter 11 filing proves to be counterproductive and result in foreclosure and ultimately economic devastation.

Under chapter 12 the reorganization plan must devote all disposable income to pay for unsecured debts. These debts would include a payment plan of up to 5 but not less than 3 years, during which all unsecured debts could be eliminated. At the end of that 3- to 5-year period the unsecured debt is discharged and the farmer is no longer obligated to pay it. The plan must also provide for the payment of all secured debts up to the value of the collateral used against the original mortgage or loan.

While the advantages to chapter 12 are apparent, many for who this new chapter was designed to benefit have been lead astray. During the numerous hearings which were held on this issue the question was raised as to the ability of individuals currently in chapter 11 to convert to the more beneficial chapter 12. It was agreed upon by members of the committee that conversions should be allowed to take place. However, the final language included in the bill did not reflect that intention. Section 302(c), whether inadvertently or not, was written to exclude any cases filed under chapter 11 at the time of enactment from being converted to chapter 12.

The committee, headed by my good friend and colleague, Mr. RODINO, stated that conversions were intended to take place. In fact, the committee concluded that the decision to convert should be up to the courts overseeing the application for conversion. The committee reported, "It is not intended that there be routine conversion of chapter 11 and chapter 13 cases, pending at the time of enactment, to chapter 12. Instead, it is expected that courts will exercise their sound discretion in each case, in allowing conversions only where it is equitable."

Members and constituents alike, unaware of this change, publicized and promoted the inherent advantages of this new law. Many farmers saw a bright light on the otherwise dim horizon. In fact, in the days prior to the bill being signed into law over 350 motions were made across the country requesting conversions. All motions were promptly denied, because the new law did not allow conversions. In some cases petitioners, filing 2 or 3 days before the bill was signed into law, and stating that they were filing intentionally to convert, were denied. Why? Because, the date of enactment had been mistakenly altered prior to the bill being voted upon.

Now is the time for Congress to correct its own mistakes. The legislation which I have introduced amends the enactment date of the original legislation to allow conversions from chapter 11 to chapter 12.

My colleague, Mr SYNAR, is cosponsoring this legislation. As a member of the Judiciary Committee he was instrumental in the creation of this new chapter. In addition, in the Senate Mr. GRASSLEY is introducing identical legislation. Mr. GRASSLEY and Mr. SYNAR were both members of the joint committee which originally considered this legislation and have recognized that an oversight did take place.

It is clear that Congress must now act to ensure that the farmers across this country are provided with the relief they need. Chapter 12 is a productive and fair alternative to foreclosure. Please join me in correcting a grave inequity and following through on the true intentions of Congress.

TRIBUTE TO G. DUNCAN BAUMANN

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. BUECHNER. Mr. Speaker, this weekend I will have the honor of presenting an award to a great St. Louisian, G. Duncan Baumann. Today, however, I would like to pause and take a moment to reflect on Dunc Baumann's many contributions to our community. Dunc is a lifelong newspaperman with a sincere devotion to God and country. His community involvement has earned him more honors and citations than a five-star general. The list is impressive and well-known.

Whether it's helping young men get a good start in life through his active membership on the board of Boy Scouts of America, Junior Achievement and Boys Clubs of America—or helping the less fortunate through Catholic charities and the Child Center of Our Lady of Grace, Dunc Baumann has been there. Whether it's working to improve health care in the area through his active role on Missouri Baptist Hospital's board of trustees and the DePaul Community Health Center Lay Advisory Board—or working to further higher education on the President's Council of St. Louis University, Dunc Baumann has been there, lending his generosity wherever and whenever he is needed.

Dunc Baumann has been described as a fighter, the type of patriot who makes others feel strongly about their country, a tireless man who will not hesitate to put himself on the line for the people and the community and the country he cares so much about. That's how he ran his newspaper, the St. Louis Globe-Democrat. It was not enough for Dunc to just blow off steam on the editorial page about this or that problem—he got out on the front lines to solve problems. You are never left guessing where Dunc stands. He has been called a tower of firmness and integrity. Nora Baumann, his lovely wife, shared this man's love with an extended family of causes, country, and church.

While most people talk about their intentions, plans and dreams, Dunc Baumann follows through. He gets things done—and pulls no punches. After winning the St. Louis Man of the Year Award in 1983, his newspaper wrote that Dunc always takes a run at problems "like a bulldozer in a business suit." Dunc Baumann has truly been a blessing to the St. Louis area; he has gone the extra mile to make our lives in St. Louis a lot richer. And I will count it a privilege to present him the Aloys P. Kaufmann Award for his civic achievements, betterment of government and the two-party system, and contributions to the American way of life at the St. Louis City Hall this weekend.

MISINFORMATION TO OLDER AMERICANS

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. BOEHLERT. Mr. Speaker, I would like to call the attention of the House to an issue that is so important to all of my colleagues and, more importantly, to millions of older Americans. That issue is the questionable practices used by a so-called senior's public interest groups which target the elderly in their direct-mail solicitations. Older Americans get an overabundance of information—and misinformation—about Social Security and Medicare. Over the past few years, seniors have been especially frightened by charges that Social Security was about to collapse. Fortunately, Congress and the President worked in a constructive, bipartisan manner to avoid the crisis. But the scare-campaign has had a lasting impact.

When we review these mailings, it's important to remember how much seniors rely on Social Security and Medicare benefits. These programs allow our Nation's most mature citizens to hold their heads up high and, with dignity, carry on. According to the Bureau of Labor Statistics, the average Social Security check is $482 per month. For simplicity's sake, let's represent that amount with a single dollar. Of that dollar, seniors spend: Roughly 33½ cents on housing; 18½ cents on food; 16 cents on transportation; 10 cents on health care; and 3 cents on pensions and insurance—a grand total of 81 cents of the dollar.

That means only 19 cents of the original dollar is left to be used for all other "essential" expenses—family-related travel, church dues, clothes, entertainment, or any of the other little items that eat away at our pocketbooks. If we include these extras, it's pretty obvious that there isn't much of that 19 cents left over for these unnecessary direct-mail solicitations. The problem becomes even more acute for those who rely entirely on their Social Security income for their essentials—they have even less than 19 cents for discretionary purposes. Now let's compare the senior's budget to the budget of one of those direct-mail groups: the National Committee to Preserve Social Security and Medicare. I've just shown that seniors who rely on Social Security for most of their income spend at least 80 percent of their income on the bare necessities of life. But according to a recent CBS News story, the National Committee, whose activities I've been watching since its inception, spends 80 percent of its income—nearly $32 million last year—to generate more solicitations for more money.

Let's present that statistic in another way: For every $10 that someone sends to the National Committee, $8 is used to generate more direct mail and only $2 goes into their alleged lobbying for seniors' benefits. That's some ride our older Americans are being taken on. As elected officials, it's our duty to halt the flow of misinformation to our seniors. It's our responsibility to point out those groups who use verbal tricks to solicit money.

Groups like the National Committee have bombarded seniors—including my own 85-year-old grandmother—with envelopes and material marked "Urgent—Official Social Security and Medicare Information and Time-dated Legal Documents Enclosed." Time-dated legal documents. An inquiry in 1983 by the U.S. Postal Service found that envelope to be misleading to seniors, and said it suggested to the recipients "that the envelope contained official information pertaining to his or her individual benefits." On the basis of that inquiry, the National Committee changed the envelope to read, Time-dated Official Documents Enclosed." Now obviously, this revision clarified nothing—except for the National Committee's cavalier attitude toward honesty in solicitation.

Now, I don't know about you, but when someone takes advantage of my grandmother, I'm sure going to try to do something about it. So I conferred with my colleagues and looked into this group's activities further. In 1983, I met with representatives of the group and asked them to tone down the language in their mailing. They responded that since they were a new group, they needed attention-grabbing language which would alert people to their cause. One of those attention-grabbing tactics was to print up and distribute a so-called conference report, suggesting that they had sponsored a symposium of "experts" to meet and discuss the Social Security Amendments of 1983. Mr. Speaker, 6 of the 11 participants listed in this report have said that they never heard of the symposium, much less attended it. But in 1983, Roosevelt's group raised $1.7 million. Not a bad start.

In their mailings from 1984 to 1986, the group kept up its rhetoric, warning of the imminent demise of Social Security—even though we had just saved Social Security. When pressed on this point, the Committee admitted to reporters that there were quote—"factual errors" in some of their mailings and they would be corrected—but the factual errors kept coming.

For example, last year the National Committee sent their members a mailing which criticized "high-powered Washington lobbysts" who spent "millions of dollars," to protect their anti-Social Security and Medicare interests. That type of rhetoric has been working: in 1984, the group raised $9.8 million; in 1985, $29 million; and in 1986, by continuing to scare seniors into believing that Social Security was about to collapse, the Roosevelt group raised an estimated $40 million through direct-mail solicitations.

Now, I would like to point out to my colleagues that I have no personal animosity for the National Committee's chairman, Mr. Roosevelt. I have spoken to him on numerous occasions since 1982, and as a matter of fact, despite my criticisms, his group endorsed my candidacy in this past election. I turned down the offer of a financial contribution, but then learned that the National Committee's preelection newsletter suggested that I had received a contribution from them—before they had even attempted to make one. This example should demonstrate that while I have no quarrel with the National Committee's so-called legislative agenda, I have a big problem with the way they treat senior citizens, and in the process, play fast and loose with the facts. So here we are in 1987, almost 3 years after the National Committee told reporters some "factual errors" had appeared in their mailings. So what is the first thing you see when you open a National Committee mailing, printed in boldface type? "We must act now to save Social Security and Medicare!"

The newest mailing is, of course, accompanied by an urgent plea for donations to defeat what the National Committee calls the quote—"rich and powerful forces who would destroy Social Security and Medicare." Also in the mailing is a list of reasons why, and I quote, "your $10 is needed to save Social Security and Medicare," and a misleading, paraphrased excerpt from a recent Medicare Trustees Report. The letter goes on to claim that "quick action must be taken or the Medicare fund will go bankrupt." Well, I have here a General Accounting Office report showing the status of the Medicare fund. The National Committee letter leads one to believe that the fund is on the brink of bankruptcy. But this summary shows that if the fund's revenue schedule continues at its current rate until 1995, it will be even healthier than it is at present.

The fund is, in fact, quite healthy, with a projected increase in revenues of almost 60 percent between now and 1992. The report does suggest that the fund requires congressional attention before 1998, but the National Committee, by suggesting that the fund will go bankrupt before then, is making the ridiculous assumption that Congress will renege on its historic commitment toward the protection of Medicare and the solvency of its trust funds. My question now, is: "Is the National Committee spending its millions to counter so-called opponents of Social Security and Medicare, or are they merely generating more fear and more misinformation for America's senior citizens? I can't even begin to estimate how much money the National Committee will pull in this year but if the past is any guide, we can assume they will remain one of the richer interest groups on Capitol Hill and unfortunately, others like them will flourish as well.

Putting these groups out of business is not my concern. No, what worries me more is that unless we in Congress seize the opportunity to educate our older Americans about some of these groups' tactics, others will realize our lack of resolve and create similar organizations to further drain seniors' pockets. One of the best ways to bring about this public education is through hearings like that which was wisely convened last week by Chairman ROYBAL of the Select Committee on Aging. I have since spoken with my colleagues from the committee and there was unanimous agreement as to the hearing's positive productivity and extensive education. But I want to assure my colleagues that my efforts will not cease with last week's hearing.

Specifically, Chairmen JACOBS and PICKLE, of the Subcommittees on Social Security and Oversight respectively, have agreed to have further hearings concerning these fear-mongering lobbying groups. I applaud that decision. Our older Americans have worked too hard and too long to give millions of dollars to lobbying efforts that are not worth a plug nickel.

MERITORIOUS AWARDS FOR TWO DEDICATED SCOUTS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. MURTHA. Mr. Speaker, it is my pleasure to note the approval of Medals of Merit for two outstanding Boy Scouts in the area I represent.

Timothy J. Skone, son of Kenneth J. and K. Jane Skone of Central City, is an Eagle Scout whose quick thinking and leadership helped prevent a family tragedy.

Last August, Tim was at home with his two sisters. Hearing the younger one cry out, Tim entered the kitchen area to find a grease fire had ignited. Tim took control of the situation. He used a fire extinguisher on the fire; he sent his sisters to the neighbor's house with instructions to call their mother who was at work; he secured the house; and he even removed the pan of grease which caused the initial fire. Tim's leadership helped to prevent family injury and resulted in minimal house damage.

In the same month, Life Scout Gary Pegg, Jr., son of Mr. and Mrs. Gary Pegg of Johnstown encountered a harrowing experience for a young man. Riding with his grandparents along the Pennsylvania Turnpike, Gary's grandfather, who was driving, suffered a fatal heart attack.

Gary did not panic. He encouraged his grandmother to help steer the car to safety while he began CPR in an attempt to revive his grandfather. Gary continued the certified training he had learned when the car did safely stop and was joined by his parents in an unfortunately unsuccessful attempt because the heart attack was too massive.

These two young men—through their selfless and brave actions—help illustrate what Scouting is all about, and the leadership qualities Scouting can help to instill in young Americans.

My entire family has been involved in Scouting, and I always encourage young people to pursue Scouting activities because of its great benefits. It's a pleasure for me to commend the outstanding work of Tim and Gary, and to wish them continued success with their Scouting activities.

RESTRICTING DAM CONSTRUCTION IN NATIONAL PARKS

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. LEHMAN of California. Mr. Speaker, today I am reintroducing legislation to restrict the construction of dams in national parks. The bill I am offering represents a bipartisan effort which was approved by this House in 1986 but was not considered in the U.S. Senate because of time constraints. My legislation has two very important and straightforward objectives: First, to prohibit the construction of new dams in national parks and monuments and second, to prohibit the expansion of existing reservoirs in Yosemite National Park without new congressional authorization.

My involvement with the issue of dams in national parks stems from a very serious situation in my district which includes Yosemite National Park. Yosemite Park was established in 1890. Twenty-three years later in 1913, the city of San Francisco successfully lobbied for a new law, the Raker Act, which authorized a massive water and power project within Yosemite National Park on the Tuolumne River. This project was known as Hetch Hetchy after the Hetch Hetchy valley inside the park which was flooded by the reservoir.

In 1984, Congress designated the Tuolumne River as wild and scenic. In 1985 in the course of reviewing a new power generator for the Hetch Hetchy System, it came to my attention that the city of San Francisco held fast to the belief that the old 1913 act would permit the city to expand the Hetch Hetchy Reservoir in Yosemite National Park and flood hundreds of acres of park land. In fact in 1981, a systemwide study of the Hetch Hetchy System commissioned by San Francisco recommended raising O'Shaughnessy Dam in Yosemite by 50 feet.

I strongly object to any expansion of the Hetch Hetchy System under the guise of legislation which is now 74 years old; Congress did not prevent new development on the Tuolumne River by farmers and local communities so that the river would be available for additional development by the city of San Francisco.

I am pleased to say that the current Department of the Interior agrees with my position. In a November 15, 1985 letter, the Department of the Interior pointed out that the city of San Francisco had already constructed an appurtenant tunnel to the Hetch Hetchy project which more than doubled authorized capacity. The Department went on to say that:

> It (the City) will obviously and inevitably return to the Department of the Interior for approval to raise the O'Shaughnessy Dam.

Interestingly, while denying that it has any intention to raise O'Shaughnessy Dam within Yosemite National Park, San Francisco adamantly opposed my legislation to prohibit it from doing so. I must point out that my proposed limitations on hydroelectric facilities within Yosemite National Park are far less restrictive than those imposed by Congress at neighboring Sequoia National Park just last year.

I am unwilling to leave the fate of Yosemite National Park to the courts, future Departments of the Interior or the city of San Francisco. Congress must act now to restrict future expansion of this massive hydroelectric project which lies in the middle of one of our premier national parks.

Last year as the House Interior and Insular Affairs Committee reviewed my legislation to restrict dams in national parks, we learned a great deal about other projects in other national parks throughout this country. We discovered that 18 of our national parks currently contain 108 dams, some small but some very large indeed. The committee also learned that existing law pertaining to the future development of water facilities in national parks and monuments is ambiguous and incomplete, particularly with regard to projects not licensed by the Federal Energy Regulatory Commission, projects in national parks or monuments established after 1921, or projects built by the Government itself.

Mr. Speaker, the 100th Congress has the opportunity to make a new statement for the 1980's and beyond about the very best of our American landscape—the national parks. Without turning the clock back on dams which have already been constructed in our national parks and monuments, we have a duty to make this small portion of our natural heritage off limits to future dams.

I urge my colleagues to join with me to protect Yosemite and all our national parks and monuments from future water and power development.

EUROPEAN COMMUNITY PROPOSES TAX ON U.S. OILSEED EXPORTS

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. MADIGAN. Mr. Speaker, the farmers of the United States have been struggling for 5 years with a declining export market for their crops. Federal policies have been revised to make American farm products more market competitive; access to markets has become a major Government priority. A tense year of negotiation with the European Community over continued corn exports to Spain has just been completed with a minimally acceptable compromise.

Now, suddenly we are told that the Commission of the EC will recommend to the Council of Ministers in Brussels that a tax should be levied on vegetable oils that would effectively double the cost of soybean oil to the European consumer. If adopted, this step would inevitably lead to reduction of demand and a decline in U.S. soybean exports to the Community.

Currently, the EC purchases $2.4 billion or 45 percent of all soybeans and soybean products exported by American farmers. U.S. oilseed exports to the Community have, as a result of a 1962 agreement, been exempt from duty, and Europe constitutes our soybean farmers' largest market. Imposition of the proposed new consumption tax would destroy that market.

The European Community has the right to set its own internal policy, just as we do. It does not, however, have the right to artificially restrict the flow of trade without expecting a reaction from its trading partners. The proposed new tax does restrict trade since all revenue from the tax must be devoted to paying for the EC Oilseed Subsidy Program. This would have the effect of shielding European farmers from the negative impact of the tax, while exposing only the farmers in the exporting countries.

This is not the first time the Community has attempted to devise schemes restricting agricultural trade and raising revenue to pay for their common agricultural policy at the expense of their trading partners. The United States has objected in the past, and we must make clear to the EC that any such action today will jeopardize the trading relationship we have both profited from in the past.

To that end, I am joining the gentleman from Kansas [Mr. GLICKMAN], and many of our colleagues in introducing a resolution expressing the sense of the Congress that representatives of our Government should work to prevent the imposition of a European Community vegetable oil tax and should inform the Community that, if established, such a tax will result in the adoption of strong and immediate countermeasures.

The Department of Agriculture and the Office of the Special Trade Representative inform me that this resolution is in accord with the administration's position on the proposed vegetable oil tax and they intend to pursue this issue vigorously with the European Community. Access to agricultural export markets is a vital component in working toward economic recovery for America's farmers. We cannot allow the European Community to threaten one of our largest agricultural export markets without making it clear to them that such an action will jeopardize our overall trading relationship.

FEDERAL FIRE SERVICE PAY SCHEDULE ACT OF 1987

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. LELAND. Mr. Speaker, today I am introducing legislation which addresses the inadequacy of the salary computation system under which Federal firefighters are presently included. Currently, Federal firefighters are included under the General Schedule for base pay computations. As with many Federal employees, they fall under the Fair Labor Standards Act for premium pay and overtime computations. The bill that I introduce here will remove the Federal firefighter from the General Schedule and establish a Federal Fire Fighters Salary Schedule. This measure will mean no change in the premium pay and overtime pay computations, which will remain under provisions of the FLSA. The establishment of the Federal Fire Fighters Schedule will not require the expenditure of any additional public funds, nor will it mean a pay increase for Federal firefighters. I am simply seeking to address the inequities involved in classifying Federal firefighters under the General Schedule. I am seeking passage of the Fire Fighters Schedule that accurately reflects, at each grade and step, the special nature of the Federal fire service at every level.

The General Schedule was designed to cover a wide range of employees and occupations making up the majority of Federal workers. It is not fair to include Federal firefighters, who work an average 72-hour week, under a system that treats all employees as if they worked a standard 40-hour, 5-day week. The General Schedule is not the appropriate classification for Federal firefighters for it does not reflect the actual level of training, responsibilities and skills involved in the performance of their duties. This is especially so in this age of advanced technology. Among the many challenges to today's firefighter are state-of-the-art techniques in aircraft, weapons and building construction; improved life-saving and rescue procedures; and hazardous materials that have become more abundant and their handling more technical. In light of these developments, the General Schedule is simply not equitable when attempting to compute compensation for Federal firefighters.

One of the most serious consequences of the current pay computation system is its very negative impact on the career development of present Federal firefighters and the difficulty it presents for attracting qualified recruits into the service. There is a reluctance on the part of qualified personnel to move into positions involving a promotion and increased responsibility because it generally means a shorter workweek and a corresponding reduction in salary and take-home pay. As an example, an assistant chief gets paid at a lower rate than a crew chief who, under the General Schedule is two grades lower and subordinate to him. Similarly, the fire chief, who is a program manager and administrator, makes considerably less than the assistant chief. You can understand why, with these practices, it is becoming more and more difficult to get employees to accept promotions to more responsible jobs since they must take substantial cuts in pay to do so.

For these reasons, I am introducing this legislation to remove Federal firefighters from the General Schedule and establish a separate system that is designed to eliminate the inequities of the current compensation scheme. The pay schedule that I am proposing today is a realistic classification system that accurately reflects the nature of duties and responsibilities performed at every level of the Federal fire service. It will bring the Federal fire service salaries and job descriptions in line with those of other comparable professionals in this field. I ask for your support on this much needed legislation.

ITALIAN IMPORTS

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. DAUB. Mr. Speaker, I am pleased to sponsor along with my colleagues Mr. GUARINI and Mr. DORGAN legislation introduced today that would implement the recent United States and European Community Agreement on citrus and provide relief to the U.S. pasta industry if negotiations do not promptly resolve the dispute concerning the EC export subsidy on pasta.

Last August, the United States and European Community reached an accord that resolved the 17-year-old dispute over trade in citrus and citrus products. Under the agreement, the EC agreed to improve access for U.S. citrus products by reducing the duties for U.S. exports. Those exports have previously been denied access because of the EC's GATT-illegal preferential duties on Mediterranean citrus products. In addition to duty reductions on citrus products, the EC agreed to lower import duties on U.S. exports of almonds and other nuts. With respect to U.S. obligations under the agreement, the U.S. agreed to lower duties on a number of EC products including anchovies, cheeses, olives, and olive oil. These duty reductions, which of course require congressional approval, are incorporated in the legislation I am introducing today. Approval of the tariff reductions will acknowledge the progress which has been made in resolving this long-standing trade dispute.

The legislation also addresses the troublesome issue of the EC subsidies on pasta exported to the United States. Since 1975, the EC has been subsidizing Italian pasta exports to the United States. That subsidy has enabled Italian producers to increase sales to the U.S. market tenfold and to undersell U.S. producers by as much as 25 percent. Imports, which previously were negligible, now account for about 20 percent of the extremely important northeast market, and approximately 10 percent nationwide. The decline in U.S. market share clearly threatens the health of this modern and efficient domestic industry and the 10,000 plus people in 24 States employed by it. It also threatens thousands more in various supplier industries related to agriculture and food processing who depend on this billion dollar a year industry for their livelihood. Of particular concern is the impact on our Midwestern wheat farmers. Durum wheat, the principal ingredient in pasta, is already in surplus. Indeed, the 1984–85 crop year alone resulted in a surplus of almost 100 million bushels of durum wheat. Any loss in market share by domestic pasta producers, the principal consumers of durum wheat, will further harm our already troubled durum wheat farmers.

For almost 6 years, the domestic pasta industry has waged a frustrating battle against the EC pasta subsidies. In October 1981, the industry filed a section 301 case with the Office of the U.S. Trade Representative challenging the legality of the EC pasta subsidy under our international trade agreements. The

EC's unwillingness to negotiate with the U.S. Government on the issue led the United States to request that a GATT Panel rule on the validity of the U.S. allegations. In May 1983, the Panel ruled that the EC subsidies were illegal. The EC, however, was successful in suppressing final approval of the Panel report. Notwithstanding the favorable GATT ruling, the U.S. failed to act against Italian pasta imports until November 1, 1985, when the United States chose to use pasta as a retaliatory vehicle in the citrus case. At that time, 40-percent retaliatory tariffs were imposed on most pasta imports. These tariffs were withdrawn on August 21, 1986, in connection with the citrus settlement. During the time the tariffs were in effect, the pasta subsidy grew from 9.3 to 14.7 cents per pound. As of January 1987, the subsidy stands at 15.3 cents per pound, almost 70 percent of the wholesale price of Italian imports.

The EC has agreed to resolve the dispute by July 1, 1987. Our bill is designed to encourage the United States and European Community negotiations and present the EC from delaying a resolution of the case as the Community has done in the past. Accordingly, our bill would require the imposition of tariffs on imported pasta if a satisfactory agreement to eliminate or offset the EC subsidies is not reached by July 1, 1987.

The bill requires that the tariffs that would be imposed would be set in accordance with the level of the illegal EC export subsidy, and modified on a monthly basis if the subsidy level changes. Thus, if the EC reduces the subsidy level, the tariff will be lowered. If the subsidy level increases the tariff will increase. Of course, if an agreement is reached after imposition of the tariffs, the tariffs would be removed.

Enactment of this legislation will provide a clear message to the EC that the on-going pasta negotiations must proceed expeditiously and with a firm resolve to eliminate the unfair and injurious trading practice that has plagued the domestic pasta industry for so long.

B'NAI B'RITH SOVIET JEWRY DAY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. DORNAN of California. Mr. Speaker, I rise today to bring to the attention of my colleagues a major Soviet Jewry solidarity ceremony to take place in my district, Santa Ana, CA, on Thursday, February 26, 1987. The purpose of this ceremony and others like it in 43 countries around the world, is to increase public awareness about the ongoing persecution of Jews in the U.S.S.R.

I consider this solidarity event, jointly sponsored by the Anti-Defamation League, B'nai B'rith International, B'nai B'rith Women, B'nai B'rith Youth Organization, and B'nai B'rith Hillel Foundation, to be extremely important because they recognize that international pressure can be brought to bear successfully on the Soviets in an effort to gain the freedom of Russian Jews. It is clear that the U.S.S.R. is not impervious to public opinion in the West and therefore our moral and economic support of the religiously persecuted becomes extremely important. B'nai B'rith wants nothing more, Mr. Speaker, than a positive change in Soviet behavior on human rights and a fulfillment of its obligations under the Helsinki accords.

The Gorbachev government has shown itself to be sensitive to efforts which portray the reality of their oppressive totalitarian society. We must be careful, however, not to interpret purely cosmetic changes in the pattern of behavior in the Soviet Union to be indicative of permanent changes for the better. The fact of the matter is, Mr. Speaker, that the much publicized "improvements" of human rights violations in the Soviet Union are only considered changes for the better because they are gauged by a standard of injustice which the West has come to accept as normal for Communist dictatorships. In other words, my colleagues, the gains in the human rights field in the U.S.S.R. should be compared to acceptable norms of behavior for most civilized governments around the world rather than being compared to the Soviet's abysmal record of the past.

It is precisely for this reason that I would like to commend the B'nai B'rith organization on their tireless efforts to educate the American public about Soviet religious persecution which cannot stand up to the light of public scrutiny. The pressure is needed now more than ever. I am confident, Mr. Speaker, that this event, highlighted by the reading of a long list of Soviet refuseniks, will help to drive home the point to the Orange County community that we cannot assume that basic human freedoms are being respected throughout the world. It is absolutely imperative that we recognize that it is within our grasp to affect the Soviet Government's systematic actions against its own population.

Mr. Speaker, I salute those Jews in the Soviet Union for their indomitable spirit to live by their own cultural and religious heritage despite nearly insurmountable efforts by the Soviets to stop them. Let's give them the help that they deserve.

EQUITABLE TREATMENT FOR KIWI FRUIT

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. THOMAS of California. Mr. Speaker, I am introducing legislation today that makes kiwi fruit eligible for fast-track import relief under the special provisions of the Caribbean Basin Economic Recovery Act and the United States-Israel free trade area. The bill repairs an oversight contained in the existing lists of perishable crops eligible for these special forms of relief.

Both laws recognize that some farm specialty crops are highly perishable. Because they can quickly deteriorate, these articles are given access to a special import relief procedure. Under the procedure, perishable crop industries can get interim relief from imports within 21 days after they have filed a regular "escape clause" import relief action.

Unfortunately, kiwi fruit was excluded from the lists of produce eligible for this procedure. While all kinds of fresh fruits and vegetables, including citrus, apples, and table grapes, can ask for interim relief, kiwi growers cannot. Kiwi fruit growers would have to wait for relief to be provided under the "escape clause" procedures, a process that can take months.

Kiwi fruit are clearly the kind of perishable product the interim relief procedures were meant to address. Kiwis must be picked in a period of several weeks and are marketed by American producers from mid-October to the following April or May. Kiwi fruit has a shelf life of 5 to 7 months, provided they are properly handled in cold storage. As is the case with other kinds of specialty crops, they may lose an entire marketing season if interim relief is not available.

The kiwi fruit industry has experienced a good deal of growth in recent years. Commercial kiwi fruit activities began in the 1960's. Growth of production has been explosive; the industry produced only 2,000 trays of fruit in 1970 but it produced 5.3 million trays in 1985. Kiwis are one of the fastest-growing produce items in terms of sales. Approximately 1,000 farmers now produce kiwis, 98 percent of the production occurring in California. Adjusting the lists of eligible commodities would serve these growers well. Including this amendment in the trade legislation we consider this year will make it possible for kiwi fruit growers to get prompt relief under the same provisions that are available to so many other perishable commodities producers. I hope my colleagues will join me in seeing that kiwi fruit do receive equitable treatment under our existing laws.

TEXTILE AND APPAREL TRADE ACT OF 1987

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. DERRICK. Mr. Speaker, I rise today to introduce the Textile and Apparel Trade Act of 1987, a bill I believe will bring much needed relief to the industries that have played a key role in making our country the strong industrial competitor it is today: The textile, apparel and footwear industries.

These industries are fighting for their market under crisis conditions. Textile and apparel imports have more than doubled since 1980, representing 12.5 percent of the Nation's entire merchandise trade deficit. Each year new record deficits are reached. I ask you to look at those figures in terms of numbers of jobs lost—350,000—and job opportunities lost—700,000. These jobs come from every single State in the Union.

Our domestic manufacturers are making great strides in modernizing their plant and equipment, streamlining production, and making an overall improvement in productivity. Any astute businessman recognizes that there is merit in honing down to a leaner method of production, but we are cutting into the very bone of the industry now. I don't believe that we as a people will require American men and women to work for the wages that our Third World competitors earn. The average American textile employee absolutely cannot live on lower wages. If the tide of cheaply produced foreign textiles, apparel, and footwear is allowed to continue to flood our Nation, we face no other future than demise of a critical component of our national economy.

There is another point I would like my colleagues to keep in mind. On April 3, 1984, Ambassador William Brock, the U.S. Trade Representative, said, "Every U.S. industry insists it is essential for national security. Textiles is the only one we accept, and that goes back 20 years." It is essential to our national defense efforts that we have a broad enough industry base to supply the textiles needed for support of a major military mobilization.

The history of textile legislation is well known to most Members of the House of Representatives. Last year we overwhelmingly approved the Textile and Apparel Trade Enforcement Act, only to have it vetoed by President Reagan. Against great odds, on August 6, 1986, we came within eight votes of overriding that veto in this Chamber.

Mr. Speaker, I am proud of that effort, but when we're talking about affecting people's livelihoods, close doesn't count. My colleagues who join me in cosponsoring this new bill are not trying to send political "messages" home, we are trying to send a law home that will work for America's working men and women. To that end, we have developed a new measure that is a reasonable compromise between the needs of our domestic manufacturers and our foreign trading partners. I believe this bill can be enacted.

Let me take a moment to outline the major provisions of the Textile and Apparel Trade Act for you. Import quotas are established on each category of textile, textile products and nonrubber footwear from all sources. Each quota is based on the level of imports in that category for the year 1986. Each quota grows by 1 percent each year, consistent with the long-term growth trend of the domestic market. The Secretary of Commerce sets regulations to implement the quotas, including rules to require reasonable spacing of imports during each year.

Throughout last year's debate we consistently heard three objections: First, the bill was anti-Asian; second, the administration did not have the flexibility to carry out its own foreign policy objectives; and third, it would invite retaliation from injured countries. All of these problems have been addressed and successfully resolved in the bill I am introducing today. The first two are corrected by establishing quotas on a global basis, thus no trading partner has been singled out for preferential treatment. The President has complete flexibility to engage in any bilateral agreements to enhance the status of any trading partner when it is deemed in the national interest to do so. On the third point, we believe that since there is no rollback of trade, and since the acceptable growth rate parallels the market growth rate, there will be no cause for retaliation.

Mr. Speaker, I am pleased with this measure and would invite each of our colleagues to examine it carefully. We all want to be more "competitive." This is the way to get it done. I urge our colleagues to join me in wholeheartedly supporting the Textile and Apparel Trade Act of 1987.

CORPORATE TAKEOVERS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. McKINNEY. Mr. Speaker, today I am introducing legislation designed to curb the frantic pace of corporate takeovers. In short, my bill would remove the interest deduction for junk bond financing of hostile corporate takeovers and impose a stiff excise tax on greenmail profits.

In introducing this measure, I am not asserting that all corporate takeovers are bad for the economy. In fact, in many cases a company will emerge from an attempted or successful takeover leaner and more competitive.

Yet, I agree with economist Pat Choate of TRW, Inc., in his belief that merger mania is detrimental to U.S. competitiveness. Choate has said that:

> Corporate managers are so busy trying to preserve themselves that the entire focus of business has turned to short-term payoffs. They're too busy fighting Wall Street to fight Japan.

Under my bill, when a takeover is funded by junior obligation debt, commonly referred to as junk bonds, the interest deduction would be denied. It is important to stress that junk bonds are high risk, unsecured instruments that pay large yields and often are secured only by the assets of the target company. When used to effect leveraged buyouts in which healthy companies are purchased merely to broken up for their value, these bonds are insidious. Certainly, the Tax Code should not be used to encourage this practice by granting a tax deduction for interest paid on the bonds. My bill would disallow that deduction.

Also, the bill would subject Greenmail profits to a nondeductible excise tax of 50 percent. Greenmail profits occur when an investor acquires a large block of shares in a publicly held corporation, then offers to pay other shareholders more than the current market value for their securities. Faced with losing control of the cooperation, some corporate managers may choose to buy back the investor's shares at a premium.

To illustrate: Investor Ronald Pearlman recently was paid $59.50 per share for his block of shares in the Gillette Corp. The previous day's close of the stock was $56.63. Pearlman, then, reaped a premium of $2.87 per share, which translated into net profits of $39 million. The rest of Gillette's shareholders, however, saw the price of their stock plummet to $45.88 the next day—a loss of $10.75 per share.

Greenmail, just like insider trading, undermines the credibility of our capital markets. Tie this to the fact that default rates on junk bonds in 1986—3 percent—were triple the average rate for the previous 3 years and you begin to see the seriousness of the problem. Also, junk bonds last year did not pay out the extra bucks for the higher risk that investors took. Based on an index of 159 junk issues, the total return was 15.63 percent. But safer investment-grade issues returned 17.03 percent.

Mr. Speaker, I urge you and all the Members of this House to join me in this effort to restore the credibility of our capital markets, remove this hindrance to international competitiveness, and make our Tax Code less attractive to corporate raiders.

Thank you, Mr. Speaker.

TRIBUTE TO EDWARD D. SLY

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. LOWERY of California. Mr. Speaker, I wish to acknowledge and pay tribute to a sector within America of silent heroes, men and women in our aviation and aerospace community whose professional disciplines, expertise and skills are too seldom identified with heroic deeds and public acclaim.

Mr. Edward D. Sly characterizes and exemplifies the support role filled by our country's aerospace industry workers.

In April 1987, Mr. Sly will observe his 50th anniversary with Teledyne Ryan Aeronautical in San Diego as a fully active aerospace engineer. At age 67, 2 years past the accepted retirement point in the lives of most Americans, he is contributing knowledge, experience and uncommon levels of dedicated enthusiasm to the future success of his company.

Ed Sly began his career in 1937 with the Ryan School of Aeronautics, working on a series of more than 30 manned and unmanned aircraft built by Ryan in times of peace and war. And for 17 years he attended night school to earn his engineering degree at San Diego State University.

In the process of his work assignments, Mr. Sly developed an expertise of unique qualities as a remote control operator of unmanned aircraft.

This developing technology, along with engineering design and development by his company of remotely piloted vehicles, produced a series of jet-powered aircraft that were used during the Vietnam war for photo reconnaissance missions.

More than 3,000 combat missions were performed by these aircraft, an accomplishment credited with helping spare the lives of countless hundreds of human aircrews that otherwise would have been called upon to fly those high-hazard missions.

The success of those unmanned aircraft in combat, created today's age of unmanned vehicle systems. The guidance and control systems are, in a large measure, the results of Ed Sly's pioneering contributions.

He controlled the flight by one of his company's aircraft at altitudes of more than 100,000 feet, offering performance ranges of more than four times the speed of sound. This flight set a world's record in 1984. Earlier, Ed Sly controlled a long-endurance aircraft designed and built by his company that also set a world's record.

In both instances, it was the flight vehicle's accomplishments that attracted public attention, never those like Ed Sly who contributed so fully to the achievements.

Apart from the lengthy distinctions his work over the past half-century represents, is the example of inspiration to others that Ed Sly's career includes.

I am privileged in joining Teledyne Ryan Aeronautical and many in America's aviation-aerospace community in paying tribute to Ed Sly as an individual most responsible today for technical contributions that have helped create our new era of unmanned vehicle systems.

On the occasion of his 50th anniversary of service to his company, I offer my genuine good wishes to Ed Sly for continued good health and success in a career distinguished by his presence.

THE MEDICARE COMMUNITY NURSING AND AMBULATORY CARE ACT OF 1987

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. GEPHARDT. Mr. Speaker, today I am introducing the Medicare Community Nursing and Ambulatory Care Act of 1987, legislation which will increase the options open to Medicare recipients in obtaining community nursing and ambulatory care in the home.

Briefly, the bill provides for a prepaid, capitated approach in the payment of services to approved community nursing centers. Such an approach has been shown to be a cost-effective alternative to fee-for-service arrangements.

Despite several recent innovations to contain costs in our health care system, health expenditures increased 7.7 percent in the last year, far outpacing inflation. We must continue our efforts to bring health care costs down.

There is another noteworthy trend that we must take into account, the aging of the U.S. population. Since older Americans, on the average, require significantly more health care services, we can anticipate that demand for these services will increase significantly. It is incumbent upon us in the Congress to anticipate the demands on Medicare and provide for them in a manner that does not bankrupt the program.

The Medicare Community Nursing and Ambulatory Care Act of 1987 provides cost-effective care that is responsive to the needs of older Americans.

Care that can be performed outside of a full-service hospital is less costly to Medicare. In addition, this home environment is inherently less stressful than a hospital and thereby encourages patient outcomes.

The provision of services in a way that enables older Americans to remain at home instead of rehospitalization or entry into a nursing home is better for them, for their families, and for our health care delivery system.

Giving nurses the responsibility for coordinating and providing these services to the patients will permit early intervention of health care professionals and subsequent cost savings.

As we have seen, the prepaid, capitated approach to health care demonstrated by health maintenance organizations [HMO's] provides incentives for cost efficiencies without sacrificing quality of care.

We are seeing increasing numbers of patients who, while not necessarily sick enough to remain in a hospital, yet, are not well enough to manage without some assistance in the home. As the percentage of the older population increases and as the system continues to encourage speedy discharges from the hospitals, the need for home care will certainly increase.

In the not too distant future, Medicare will be expected to absorb the aging baby boom generation. It is simply good sense to open up the health care market now to a variety of competitive approaches and allow those who successfully meet the needs of the Medicare constituents some time to grow and develop. It would be folly to ignore demographic projections and wake up one day to find that our health care system is totally inadequate to meet the challenge of a greatly increased older population.

The Medicare Community Nursing and Ambulatory Care Act of 1987 would cover Medicare recipients who are entitled to benefits under part A and enrolled under part B of Medicare. These individuals would be eligible to enroll with an approved community nursing organization with which the Secretary has entered into a contract and which services the geographic area in which the person resides.

The services provided under this bill would include: part-time or intermittent nursing care furnished by or under the supervision of registered professional nurses; physical, occupational, or speech therapy; social and related services supportive of a plan of ambulatory care; part-time or intermittent services of a home health aide; medical supplies—other than drugs and biologicals—and durable medical equipment while under a plan of care; specific medical and other health services; specified rural health clinic services; and certain other related services to the extent the Secretary finds such services are appropriate to prevent the need for institutionalization of a patient.

The Secretary shall determine a per capita rate of payment for each class of individuals who are enrolled and the community nursing center would receive an annual per capita rate of payment equal to 95 percent of the adjusted average per capita cost. Payment would be made monthly, in advance, from the Federal hospital insurance trust fund and the supplementary Medicare insurance trust fund in such proportions as the Secretary deems to be fair and equitable.

Provisions are made in this bill for ongoing quality assurance for all procedures and services performed or managed by the community nursing organizations.

I and my colleagues who have joined me in cosponsoring the bill introduce the Medicare Community Nursing and Ambulatory Care Act of 1987 today in the firm belief that it will strengthen our important Medicare Program and make it better able to respond to the health care needs of older Americans.

TRIBUTE TO THE ALVIN C. YORK VA MEDICAL CENTER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. GORDON. Mr. Speaker, last week was a special week for America's heroes and heroines who are patients in Veterans' Administration medical facilities across the country. Because the "National Salute To Hospitalized Veterans", was held February 9 through February 14 while Congress was not in session, I am asking my colleagues to join me today in recognizing hospitalized veterans around the country and to pay a special tribute to the staff and administration of the Alvin C. York VA Medical Center in Murfreesboro, TN, who have dedicated themselves to caring for the veterans of middle Tennessee and the surrounding area.

Located on a site which was part of the Civil Way battlegrounds of Murfreesboro and the famous Battle of Stones River, the York Medical Center has provided thousands of veterans with high quality medical care for more than 45 years. I am proud to know that these individuals who sacrificed so much for all of us are being cared for by one of the country's finest hospitals and medical staffs.

Since first opening its doors to veterans in 1940, the Alvin C. York VA Medical Center has responded quickly and compassionately to the changing health care needs of veterans. Under the capable leadership of Sam Jared, Jr., Dr. Alexander Harvey, Dr. John Mason, Robert S. Pepiot, and current Director, Ronald L. Nelson, the Medical Center has constructed new buildings, renovated older facilities, introduced new programs and services, added state-of-the-art medical equipment and assured quality health care treatment for each patient.

The current staff of over 1,300 comprises a complete team of physicians, dentists, nurses, psychologists, physical therapists, dietitians, pharmacists, occupational therapists, medical technologists and technicians, social workers, specialty technicians, as well as other war and administrative personnel. In addition to providing a complete range of inpatient hospital treatment which includes intensive medical/surgical care, respiratory intensive care, and medical care for intermediate and long-term illnesses, the Medical Center operates an active outpatient clinic program. The Ambulatory Care Program, added in 1968, offers clinics in internal medicine, cardiology, gastroenterology, neurology, orthopedics, otolaryngology, gynecology, surgery, podiatry, psychiatry, and urology. It isn't hard to see why everyone associated with the York Medical Center deserves a standing ovation.

During the National Salute to Hospitalization Veterans, the Medical Center held a number of events to honor and entertain its patients. From singalongs to a visit from Grand Ole Opry singer Charlie Walker, the veterans were given a richly deserved, first-class salute by a top rate facility as well as from State and community leaders and family and friends.

It is my sincere hope that the appreciation which has been expressed during the past week to our veterans will continue 365 days a year and with that appreciation should come high praises for the Alvin C. York Veterans' Administration Center for the superior services which it provides.

LEGISLATION TO ADDRESS PROBLEM AT CARTER LAKE, IA

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. LIGHTFOOT. Mr. Speaker, today my colleague, Congressman HAL DAUB, and I are introducing legislation to address a critical problem at Carter Lake, IA, which is located on the boundary of our congressional districts.

Carter Lake is a natural oxbow lake which was formed when the course of the Missouri River shifted years ago. The lake, which is part of a drainage basin that drains approximately 1,925 acres, is located within the Omaha, NE-Carter Lake, IA, metropolitan area.

Because Carter Lake is located in this drainage basin and near the Missouri River, its water level periodically exceeds its banks. The Army Corps of Engineers in a 1985 study concluded that the removal of excess lake water was necessary to prevent flooding and erosion damage during future years.

Prior to January 1, 1987, this flooding and erosion damage was prevented by pumping excess water into the city of Omaha, NE, sewer system. However, because of requirements under the Clean Water Act, the Nebraska Department of Environmental Control ordered the city of Omaha to discontinue the practice of pumping excess water from Carter Lake into the city's sewer system. As a result, residents of cities of Omaha and Carter Lake now are sitting on a time bomb which, when it goes off, will cause severe property damage from flooding.

It therefore is important that we act soon to prevent such a tragedy. The bill we are introducing today would direct the Army Corps of Engineers to construct a pumping station which would divert excess water from Carter Lake into the Missouri River, which is located nearby. The cost of the project would be shared by non-Federal sources according to the new cost-sharing requirements for flood control projects contained in Public Law 99-662.

Mr. Speaker, this is an urgent problem that needs to be addressed as soon as possible. I urge my colleagues to support this bill and act on it quickly so that the cities of Omaha and Carter Lake can avoid extensive damage due to flooding.

THE INTERNATIONAL YEAR OF THE GREENHOUSE EFFECT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. GREEN. Mr. Speaker, it is my pleasure today to introduce a concurrent resolution to establish a cooperative international research program to study the greenhouse effect. That legislation, which names 1991 International Year of the Greenhouse Effect, will expand and focus scientific research efforts on the problem of global warming and its consequences for society.

The greenhouse effect refers to the warming of the Earth resulting from atmospheric gases that block the escaping heat of the surface and warm the Earth. When the concentration of such gases is increased by human activities, the Earth's climate becomes warmer. Carbon dioxide, emitted by burning fossil fuels and by deforestation, is the major cause of warming, but trace gases, such as methane and chlorofluorocarbons, contribute almost as much.

During the past 100 years, observations show a warming global climate and increase in global sea level which are not inconsistent with theoretical estimates. In the next few decades, possible consequences include continued warming and changes in precipitation which could drastically alter current agricultural patterns. Sea level could continue to rise, causing more frequent coastal flooding.

Those estimates are based on computer models and the best efforts of scientists studying the problem, but there are still many uncertainties. Those include the future concentrations of carbon dioxide and trace gases, the radiative effects of those gases, our understanding of the climatic mechanisms, our ability of represent those processes in computer models, and our understanding of the causes of climatic variations of the past 100 years. It is not now possible to say how much the temperature might rise in the future, how much sea level might rise, how precipitation patterns will change, or the timing of these changes.

Clearly much more information is necessary in order that we may make informed policy decisions. We continue to proceed now with massive pollution of the atmosphere without knowing the consequences. That is a most dangerous gamble. As legislators, we have a responsibility to anticipate potential dangers to society and act to prevent or mitigate them.

I believe that my resolution is a first step in that direction. It does not prescribe specific actions, but recognizes the need for more precise information as a prelude to prudent policy. It endeavors to accelerate efforts to eliminate the remaining areas of uncertainty. Because of the international dimension of the problem, the measure specifically calls on the President, in cooperation with other international organizations, to establish a long-term study on the greenhouse effect and to coordinate actions with other nations.

The concept of an international year of study has been used successfully in the past. In fact, the best and most complete collection of data based on atmospheric concentrations of carbon dioxide began in 1957 as a result of International Geophysical Year. International cooperative research in Antarctica also began in that year, leading to the recent discovery of the ozone hole.

Mr. Speaker, I believe this bill will significantly improve national and international research coordination and cooperation. In time, it will produce the vital data Congress needs to make the appropriate policy decisions regarding the greenhouse effect. I urge my colleagues to support this legislation.

THE BROADCAST LICENSE RENEWAL ACT OF 1987

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. TAUKE. Mr. Speaker, today, Congressman TAUZIN and I are introducing legislation to reform the process by which radio and television broadcasters renew their operating licenses with the Federal Communications Commission [FCC]. Currently, at license renewal time, broadcasters are thrown into the comparative renewal process simply because a challenger promises better service. This process puts the FCC in an impossible position—they must compare the challenger's promises with the broadcaster's record of performance.

Over the years, the comparative renewal process has proven to be an extremely costly and time consuming procedure which served to frustrate rather than further the public interest. The average cost for legal fees for radio stations involved in a comparative renewal proceeding exceed $500,000, and the legal fees are usually over $1.0 million for television stations, according to a sample of cases reviewed by the National Association of Broadcasters. Furthermore, during the 1970's, the average comparative renewal proceeding lasted 7 years and 10 months and involved over 5,000 pages of testimony, petitions, and other documents. To add insult to injury, of all the radio and television stations who have been involved in this expensive and cumbersome process, only a handful of stations have had their renewal requests rejected! We believe that it's time to change this wasteful renewal process.

Under our proposal, a license would be renewed unless the station fails to first, broadcast material responsive to the concerns to the community and second, operate in compliance with the rules and regulations of the FCC. This process removes the uncertainty of the current situation and provides a workable mechanism for broadcast license renewal. It provides assurances of license renewal to broadcasters. It's intended and designed to streamline the administrative nightmare of the comparative renewal process.

In addition, this legislation requires that broadcasters must meet the needs and interests of its listening and viewing audience to receive license renewal and prohibits the FCC from requiring specific categories of programming. Our proposal also requires the FCC to study what information radio and television stations should maintain, for the public, to ensure that its public interest responsibilities are met. Legitimate complaints could still be filed—even under this streamlined renewal process. But the policy is clear: the grounds for challenge are narrow and the administrative burdens are minimized.

Further, this measure prohibits individuals from blackmailing radio and television stations. Unfortunately, our current system of license renewal encourages some individuals to file applications against a licensee to extract a payoff from the broadcaster in return for the withdrawal of the competing application.

Our legislation provides certainty for consumers and for broadcasters. It reaffirms and clarifies a broadcaster's public interest responsibility. It assures that citizens or citizen groups can challenge a broadcaster's license if that broadcaster is failing to meet the needs and interests of its listening or viewing audience.

The 1934 Communications Act, under which the broadcasting industry operates, was written when less than 600 radio stations were on the air, and television wasn't even around. Substantial regulation was necessary because many markets had access to only one or two radio outlets. But today the situation is different. Currently, over 9,000 radio and over 1,000 television stations are on the air presenting a multitude of choice for consumers. In this competitive marketplace, it is difficult to find justification for cumbersome regulations, and the legislation we have introduced today makes these much needed reforms.

I encourage you to join us in cosponsoring this legislation.

50TH ANNIVERSARY OF FONTBONNE HALL ACADEMY

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. MOLINARI. Mr. Speaker, Fontbonne Hall Academy, a high school in Bay Ridge, Brooklyn, is celebrating its 50th anniversary this year. Bay Ridge is fortunate to have this outstanding secondary school serve the community. I rise today to acknowledge Fontbonne's anniversary.

When Fontbonne opened its doors in 1937, it was considered an annex of St. Francis Xavier Academy, then located in downtown Brooklyn. Several years later, Fontbonne became an accredited high school in its own right. Today, Fontbonne's student body is drawn not only from Bay Ridge, but from Bensonhurst, Sheepshead Bay, Carroll Gardens, Brooklyn Heights, and Flatbush as well.

Throughout its 50 years, Fontbonne has remained dedicated to its mission of providing young women with an education rooted in Christian principles. At Fontbonne, each student receives individual attention from a talented faculty and a concerned administrative staff.

The accomplishments of Fontbonne alumnae have shown the value of the Fontbonne experience. The alumnae have distinguished themselves as homemakers, educators, health care professionals, lawyers, and missionaries.

Mr. Speaker, Fontbonne has certainly established a superlative record in its first 50 years. I am sure that this high school's next 50 years will be even more fruitful, and that Fontbonne's graduates will continue to have a positive impact in their local communities and in our Nation as well.

THE DEATH OF JOHN PAUL McCONNELL

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. HAMMERSCHMIDT. Mr. Speaker, I was greatly saddened to learn of the passing of my friend Gen. John Paul McConnell this past November 21. Throughout our many years of friendship, I came to know and respect him as a man of strong character and conviction. A four-star Air Force general and former Air Force Chief of Staff under President Lyndon Johnson, General McConnell was a man who served this country with great distinction.

He began his military career after graduating from the U.S. Military Academy in 1932. During World War II he was assigned to the China-Burma-India theater, serving as senior air staff officer under the theater commander, Lord Mountbatten. At the age of 36 he had attained the rank of brigadier general and by the end of the war he was Chief of Staff of all U.S. Air Forces in China.

I, too, served in the China-Burma-India theater during World War II. Although, at the time I did not personally know General McConnell, I did have the pleasure of meeting him several years later. A native Arkansan, Gen. John McConnell never forgot his Ozark heritage. Throughout his career, that mountain practicality and good old-fashioned ingenuity were his hallmark.

After the war General McConnell came to Washington to serve as head of the Reserve and National Guard division at headquarters. During the 1950's he held several important assignments at the Strategic Air Command. While serving as director of plans for that command, the Intercontinental Ballistic Missile Program was begun. Later, while serving as vice commander of SAC he played an instrumental role in overcoming difficult operational problems with the ICBM.

In 1965 General McConnell was appointed Air Force Chief of Staff, a post he held until 1969. While at the time of his appointment he had little name recognition outside of Armed Forces circles, within the services his keen mind and ability to organize and motivate those under him were well known. During his years as Air Force Chief of Staff, General McConnell faced some of the most consuming challenges ever to be confronted by an officer in that post. His term of service coincided with the most heated period of the Vietnam conflict on both the battlefield and the homefront. At the same time he sought to establish long-term goals for the future of the Air Force. He is widely regarded as having been both a successful and efficient Air Force Chief of Staff.

Gen. John McConnell's leadership, his charm, his intellect and his integrity will be sorely missed by all who knew him.

A CELEBRATION OF THE WARD AND BLANCHARD FAMILY HERITAGE

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. LANCASTER. Mr. Speaker, I am pleased to advise that on Monday, February 23, 1987, I plan to join with William Ward Blanchard, his family and friends, in celebration of the Ward and Blanchard Family Heritage, 175 Years of Surveying and Engineering.

The event will take place in the town of Wallace, NC, in Duplin County, located within the district that I represent. Since 1811, the practice of surveying and engineering has been a part of the Ward and Blanchard family heritage. William Blanchard believes, as a result of his intensive research, that this history of continuous surveying and engineering within the same family may be the oldest in the United States.

I am glad to join with all in sharing the pride and enthusiasm of the Ward and Blanchard families in their celebration of the dedication that they have given to the engineering and surveying professions.

THE CONSTITUTION—HERE TO STAY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1987

Mr. WELDON. Mr. Speaker, I am most pleased to present to this RECORD an essay written by Ms. Jody Joachim, an eighth grade student from the E.T. Richardson Middle School in Springfield, PA. This essay was judged the winner in a Springfield Township School District essay contest. As we approach the bicentennial celebration of the Constitution of the United States we are reminded by one of our Nation's young citizens that the Constitution is "here to stay."

THE CONSTITUTION—HERE TO STAY

The Constitution is alive and well today because it is a document written by individuals who truly loved their nation and had America's best interest in their hearts. It is a document that was written not only for the 1700s but for the centuries that would follow. The Constitution is relevant today because its authors perceived and had great insight into the situations that might come about in a nation that was growing by leaps and bounds.

What kind of individuals would take the time and energy to develop a document that would continue to protect and provide mankind's harmony for years to come? Certainly they were men who gave of themselves, had compassion and thought not just of their own well being but the well being of those who would follow. Two men, George Washington and James Madison, showed so much commitment to the American people that they later became presidents of the United States.

Compassion, having the well being of others in mind and wanting justice for all is demonstrated in the actual construction of the Constitution. This sense of justice, which prevailed among the authors is shown in the way the three branches of government were set up. The executive, judicial and legislative branches were set up to have equal power. Known as the system of checks and balances, it was designed so that one branch could not overpower another. In the same way, one group of people should not be able to dominate or overpower another. Everyone's rights are protected.

In writing the Constitution, the authors must have assumed that the people of the United States actually wanted equality and justice for their land. Part of the reason for the Constitution being alive and well today is due to the cooperation of the American people. We are people who want structure and guidelines in our lives.

The Constitution makes our nation strong. In 1786, a year before the Constitution was adopted, a rebellion took place. Shay's Rebellion took place because men thought that taking up arms would solve their problems. After experiencing this rebellion, the American people realized that we did not have a strong form of central government. The Constitution was then established. Through World Wars, times of trouble and turmoil our Constitution has remained strong and has gained the respect of the people of this nation and of others.

The Constitution functions well because it is practical and uncomplicated. Over the years groups with special interests have tried to change the Constitution to meet their own specific, momentary needs. Fortunately, the wisdom of our forefathers has prevailed.

The Preamble to the Constitution speaks of the "blessings" of liberty. A blessing is a gift. A blessing gives happiness and prevents misfortune. The Constitution of the United States of America is alive and well today because it assumes this "gift" of liberty to a people who would settle for nothing less.

HOUSE OF REPRESENTATIVES—*Monday, February 23, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, as we say with our lips our words of faith, hope, and love, cause us to believe those words in our hearts, and may we take the faith of our hearts and practice that faith in our daily lives. May our expressions of prayer, praise, and thanksgiving not only be words to be heard, but deeds to be done for justice and charity for all the needy of our world. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 214. An act to direct the Federal Energy Regulatory Commission to issue an order with respect to docket numbered EL-85-38-000.

APPOINTMENT AS MEMBERS OF UNITED STATES DELEGATION OF MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276(h), the Chair appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the 1st session of the 100th Congress the following Members on the part of the House:

Mr. DE LA GARZA of Texas, chairman;
Mr. YATRON of Pennsylvania, vice chairman;
Mr. RANGEL of New York;
Mr. COLEMAN of Texas;
Mr. UDALL of Arizona;
Mr. GIBBONS of Florida;
Mr. MILLER of California;
Mr. LAGOMARSINO of California;
Mr. DREIER of California;
Mr. DELAY of Texas;
Mr. GILMAN of New York; and
Mr. INHOFE of Oklahoma.

APPOINTMENT AS MEMBERS OF TECHNOLOGY ASSESSMENT BOARD

The SPEAKER. Pursuant to the provisions of section 4(a), Public Law 92-484, the Chair appoints as members of the Technology Assessment Board the following Members on the part of the House:

Mr. UDALL of Arizona;
Mr. BROWN of California;
Mr. DINGELL of Michigan;
Mr. MILLER of Ohio;
Mr. SUNDQUIST of Tennessee; and
Mr. HOUGHTON of New York.

APPOINTMENT AS MEMBERS OF BIOMEDICAL ETHICS BOARD

The SPEAKER. Pursuant to section 11 of Public Law 99-158, the Chair appoints as members of the Biomedical Ethics Board the following Members on the part of the House:

Mr. WAXMAN of California;
Mr. THOMAS A. LUKEN of Ohio;
Mr. ROWLAND of Georgia;
Mr. GRADISON of Ohio;
Mr. TAUKE of Iowa; and
Mr. BLILEY of Virgina.

APPOINTMENT AS MEMBERS OF U.S. GROUP OF NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 1928(a), the Chair appoints as members of the U.S. Group of the North Atlantic Assembly the following Members on the part of the House:

Mr. FASCELL of Florida, chairman;
Mr. ROSE of North Carolina, vice chairman;
Mr. BROOKS of Texas;
Mr. ANNUNZIO of Illinois;
Mr. HAMILTON of Indiana;
Mr. GARCIA of New York;
Ms. OAKAR of Ohio;
Mr. DELLUMS of California;
Mr. BROOMFIELD of Michigan;
Mr. BADHAM of California;
Mr. REGULA of Ohio; and
Mr. SOLOMON of New York.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER. Pursuant to the provisions of section 5(b), Public Law 93-642, the Chair appoints as members of the Board of Trustees of the Harry S. Truman Scholarship Foundation the following Members on the part of the House:

Mr. SKELTON of Missouri; and
Mr. TAYLOR of Missouri.

APPOINTMENT AS MEMBERS OF COMMISSION ON THE UKRAINE FAMINE

The SPEAKER. Pursuant to title V, Public Law 99-180, the Chair appoints as members of the Commission on the Ukraine Famine the following Members on the part of the House:

Mr. MICA of Florida, chairman;
Mr. HERTEL of Michigan;
Mr. BROOMFIELD of Michigan; and
Mr. GILMAN of New York.

APPOINTMENT AS MEMBERS OF MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of 16 U.S.C. 715(a), the Chair appoints as members of the Migratory Bird Conservation Commission the following Members on the part of the House:

Mr. DINGELL of Michigan; and
Mr. CONTE of Massachusetts.

APPOINTMENT AS MEMBERS OF FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 1, Public Law 94-371, as amended, the Chair appoints as members of the Franklin Delano Roosevelt Memorial Commission the following Members on the part of the House:

Mr. PEPPER of Florida;
Mr. SCHEUER of New York;
Mr. FISH of New York; and
Mr. GREEN of New York.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER. Pursuant to the provisions of Public Law 99-371, the Chair appoints as members of the Board of Trustees of Gallaudet University the following Members on the part of the House:

Mr. BONIOR of Michigan; and
Mr. GUNDERSON OF Wisconsin.

APPOINTMENT AS MEMBER OF NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER. Pursuant to the provisions of 44 U.S.C. 2501, as amended, the Chair appoints as a member of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the National Historical Publications and Records Commission the gentlewoman from Louisiana, Mrs. BOGGS.

APPOINTMENT OF MEMBERS TO NATIONAL SUMMIT CONFERENCE ON EDUCATION

The SPEAKER. Pursuant to the provisions of section 5(f) of Public Law 98-524, the Chair appoints to the National Summit Conference on Education the following Members on the part of the House:

Mr. WILLIAMS of Montana; and
Mr. GOODLING of Pennsylvania.

CREATION OF TEMPORARY JOINT COMMITTEE ON DEFICIT REDUCTION AND APPOINTMENT OF MEMBERS THERETO

The SPEAKER. Pursuant to section 275 of Public Law 99-177, the Chair announces the temporary Joint Committee on Deficit Reduction is hereby created and the members of the Committee on the Budget elected by the House are members of the joint committee.

CRISIS AT THE WHITE HOUSE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RICHARDSON. Mr. Speaker, what is happening at the White House? Who is in charge? Who is running the country? A few minutes ago a constituent, a supporter of the President, called me and asked, "How can the President deal with the Soviets if he cannot settle a dispute between his wife and his chief of staff?"

This weekend the crisis reached the fever pitch. The Tower Commission is about to say "coverup." Oliver North's secretary shreds incriminating documents. And the President once again is contradicted by his own former national security adviser on whether he approved the arms sale or not. This damaging episode never ends.

We also hear that the President has told his arms negotiators to stop the arms talks indefinitely. Is this the President's decision, or is it the hardliners at the Pentagon who want no arms agreement at all and are taking advantage of this apparent vacuum in leadership?

Mr. President, come out and lead us. Start anew by immediately dismissing your chief of staff, Donald Regan, the only person today who makes Bob Haldeman look good. Get rid of this deadly disease called Iran-Contragate by taking immediate action. Do not wait for the Tower Commission.

Mr. Speaker, I submit the following editorial for inclusion in the RECORD:

[From the Washington Post, Feb. 22, 1987]

CHAOS AT THE TOP

What has been progressively demonstrated in the unfolding story of the administration's dealings with Iran and the rest of the backstairs drama is also being demonstrated in the story of its conduct since the arms deal was first revealed: an anarchic, fragmented, every-opportunist-for-himself way of doing business. As incredible as much of the Iran and funds-for-the-contras (and God-knows-who-all-else) events are, even more incredible—and destructive—has been the reaction to it in high places. We are speaking here not just of the evidence of cover-up efforts that congressional and Tower Commission investigators have apparently unearthed, but also of the intensely self-serving nature of the responses of so many of those at the top.

From day one—Nov. 4—it has been like that. The president was badly and defensively briefed for his first two public accountings of the affair, one a television address and the other a press conference, by aides who knew they were giving him false information, so that he stood right up there and made statements that were untrue.

Did the president know this too? That is one large question that remains. Although there has been a widespread, condescending tendency to assume that Mr. Reagan was merely duped by wily advisers or that he never quite understood what he was doing, the possibility remains that he knew very well, both at those moments when he professed to be explaining the true story to the American people and when he was engaged in the policy that got his administration in so much justified trouble. This is something the Tower Commission presumably will shed some light on. What hardly needs more light, at least so far as understanding the essential truth is concerned, is the behavior of his top White House Assistants and partners in the debacle: it has been disgusting.

Two—Lt. Col. Oliver North and Vice Adm. John Poindexter—have retreated into self-protective silence after evidently trying to fiddle around with the truth of the revelations. It is not yet clear whose version, or which of the versions offered by former national security adviser Robert C. McFarlane, was the right one as to the time and forthrightness of the president's approval of the shipment of arms to Iran. It has been reported that there were efforts to keep the ill-considered "initiative" going after the president and Secretary Shultz believed it had been called off last winter. It has been reported that testimony based on huge lies was being prepared by CIA Director Casey and was only called off by a last-minute intervention by Secretary Shultz. And meanwhile the level of sniping and internecine struggle over who gets blamed has reached a decline-of-the-Roman empire level.

Donald Regan, arguably the worst White House chief of staff ever, has of course been at the center of much of this. From the beginning he has been casual, even cavalier about the interests of the president he is alledge to represent, but absolutely dogged in trying to justify, defend and glorify himself. People make little snickering remarks about Nancy Reagan's hand-to-hand combat with him, probably because we are all anxious about presidential wives and other family members' involvement in policy affairs (this anxiety is an American political tradition and there have been some good reasons in our history for it) and partly because there is something so grotesque about Mr. Regan's insistence that he has some entitlement to the job and his near-frantic attempts to protect it. But Mrs. Reagan has been right on this. He has long since forfeited any shred of dignity he had as he has fought with the first lady and, more telling, sought to lay off blame on others for what happened.

Would that Donald Regan had shown half as much energy and commitment in the defense of the president as he has shown in the protection of his own turf. By that we do not mean that he should have been trying to cook the evidence or rearrange it so as to distort Mr. Reagan's real role in all of this or to dump it all on scapegoats. True defense of the president, true representation of his best interests would have involved making sure, in a personally disinterested way, that the facts came out quickly, fully and in an orderly fashion, that the president was not led into the propagation of falsehoods and that the administration acted in a coordinated, dignified manner—in short, that it responded to this seriously and with actions that might inspire or restore confidence.

How different it has been. Still, we do not blame Mr. Regan, as appalling and self-absorbed as his actions have been, for the plight of Mr. Reagan. We blame Mr. Reagan for continuing to leave things in the hands of Donald Regan. The president is responsible for the chief of staff—and not the other way around. Maybe this will soon become plain to the president. Maybe, as the rumors go, Donald Regan is at last planning to leave (surely his parting line, if he does, should be: "I can take hint"). But in the period from Nov. 4 till now, this administration, by its reaction, has greatly compounded the trouble it is in, and also the loss of confidence in it here and abroad.

COMPATIBILITY OF MILITARY EQUIPMENT

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, I would like to call attention to the fact that the Nunn-Bennett amendment to the last defense authorization bill is now becoming the subject of editorial comment throughout the country. I am glad that Congress has taken this action, which is to try to bring about a greater compatibility in our weapons between our allies and ourselves in Europe.

Actually some of our lack of compatibility is with our own military equipment. We have even failed to have some of our own equipment be as interchangeable as it should be; communications are bad. But more important than that perhaps is the vast amount of money that is being spent for disparate different types of weapons which should be brought into conformity where we would have a better position in our national defense and international defense, and that can only be accomplished by greater cooperation among the NATO countries in this respect.

PERMISSION TO VACATE SPECIAL ORDER

Mr. RHODES. Madam Speaker, I request unanimous consent that my special order for today previously entered in to be vacated.

The SPEAKER pro tempore (Mrs. BYRON). Is there objection to the request of the gentleman from Arizona?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RHODES) to revise and extend their remarks and include extraneous material:)

Mr. LUNGREN, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, on February 24.

Mr. DELAY, for 60 minutes, on March 3.

(The following Members (at the request of Mr. RICHARDSON) to revise and extend their remarks and include extraneous material:)

Mr. DURBIN, for 60 minutes, on February 25.

Mrs. COLLINS, for 60 minutes, on March 11, 12, 18, 19, 25, 26, and April 1, 2, 8, 9, 15, 16, 22, 23, 29, and 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RICHARDSON) and to include extraneous matter:)

Mr. TRAFICANT.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. SOLARZ.

Mr. WOLPE.

Mr. MARKEY.

Mr. KOSTMAYER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 214. An act to direct the Federal Energy Regulatory Commission to issue an order with respect to docket numbered EL-85-38-000; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. RICHARDSON. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 24, 1987, at 12 noon.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 100th Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1. Sonny Callahan.
2. William L. Dickinson.
3. Bill Nichols.
4. Tom Bevill.
5. Ronnie G. Flippo.
6. Ben Erdreich.
7. Claude Harris.

ALASKA

At large

Don Young.

ARIZONA

1. John J. Rhodes III.
2. Morris K. Udall.
3. Bob Stump.
4. Jon L. Kyl.
5. Jim Kolbe.

ARKANSAS

1. Bill Alexander.
2. Tommy F. Robinson.
3. John Paul Hammerschmidt.
4. Beryl Anthony, Jr.

CALIFORNIA

1. Douglas H. Bosco.
2. Wally Herger.
3. Robert T. Matsui.
4. Vic Fazio.
6. Barbara Boxer.
7. George Miller.
8. Ronald V. Dellums.
9. Fortney H. (Pete) Stark.
10. Don Edwards.
11. Tom Lantos.
12. Ernest L. Konnyu.
13. Norman Y. Mineta.
14. Norman D. Shumway.
15. Tony Coelho.
16. Leon E. Panetta.
17. Charles Pashayan, Jr.
18. Richard H. Lehman.
19. Robert J. Lagomarsino.
20. William M. Thomas.
21. Elton Gallegly.
22. Carlos J. Moorhead.
23. Anthony C. Beilenson.
24. Henry A. Waxman.
25. Edward R. Roybal.
26. Howard L. Berman.
27. Mel Levine.
28. Julian C. Dixon.
29. Augustus F. Hawkins.
30. Matthew G. Martinez.
31. Mervyn M. Dymally.
32. Glenn M. Anderson.
33. David Dreier.
34. Esteban Edward Torres.
35. Jerry Lewis.
36. George E. Brown, Jr.
37. Alfred A. (Al) McCandless.
38. Robert K. Dornan.
39. William E. Dannemeyer.
40. Robert E. Badham.
41. Bill Lowery.
42. Dan Lungren.
43. Ron Packard.
44. Jim Bates.
45. Duncan Hunter.

COLORADO

1. Patricia Schroeder.
2. David E. Skaggs.
3. Ben Nighthorse Campbell.
4. Hank Brown.
5. Joel Hefley.
6. Dan Schaefer.

CONNECTICUT

1. Barbara B. Kennelly.
2. Sam Gejdenson.
3. Bruce A. Morrison.
4. Stewart B. McKinney.
5. John G. Rowland.
6. Nancy L. Johnson.

DELAWARE

At large

Thomas R. Carper.

FLORIDA

1. Earl Hutto.
2. Bill Grant.
3. Charles E. Bennett.
4. Bill Chappell, Jr.
5. Bill McCollum.
6. Buddy MacKay.
7. Sam Gibbons.
8. C.W. Bill Young.
9. Michael Bilirakis.
10. Andy Ireland.
11. Bill Nelson.
12. Tom Lewis.
13. Connie Mack.
14. Dan Mica.
15. E. Clay Shaw, Jr.
16. Lawrence J. Smith.
17. William Lehman.
18. Claude Pepper.
19. Dante B. Fascell.

GEORGIA

1. Robert Lindsay Thomas.
2. Charles Hatcher.
3. Richard Ray.
4. Patrick L. Swindall.
5. John Lewis.
6. Newt Gingrich.
7. George (Buddy) Darden.
8. J. Roy Rowland.
9. Ed Jenkins.
10. Doug Barnard, Jr.

HAWAII

1. Patricia F. Saiki.
2. Daniel K. Akaka.

IDAHO

1. Larry E. Craig.
2. Richard H. Stallings.

ILLINOIS

1. Charles A. Hayes.
2. Gus Savage.
3. Marty Russo.
4. Jack Davis.
5. William O. Lipinski.
6. Henry J. Hyde.
7. Cardiss Collins.
8. Dan Rostenkowski.
9. Sidney R. Yates.
10. John Edward Porter.
11. Frank Annunzio.
12. Philip M. Crane.
13. Harris W. Fawell.
14. J. Dennis Hastert.
15. Edward R. Madigan.
16. Lynn Martin.
17. Lane Evans.
18. Robert H. Michel.
19. Terry L. Bruce.
20. Richard J. Durbin.
21. Melvin Price.
22. Kenneth J. Gray.

INDIANA

1. Peter J. Visclosky.
2. Philip R. Sharp.
3. John Hiler.
4. Dan Coats.
5. Jim Jontz.
6. Dan Burton.
7. John T. Myers.
8. Frank McCloskey.
9. Lee H. Hamilton.
10. Andrew Jacobs, Jr.

IOWA

1. Jim Leach.
2. Thomas J. Tauke.
3. David R. Nagle.
4. Neal Smith.
5. Jim Lightfoot.
6. Fred Grandy.

KANSAS

1. Pat Roberts.
2. Jim Slattery.
3. Jan Meyers.
4. Dan Glickman.
5. Bob Whittaker.

KENTUCKY

1. Carroll Hubbard, Jr.
2. William H. Natcher.
3. Romano L. Mazzoli.
4. Jim Bunning.
5. Harold Rogers.
6. Larry J. Hopkins.
7. Carl C. Perkins.

LOUISIANA

1. Bob Livingston.
2. Lindy (Mrs. Hale) Boggs.
3. W.J. (Billy) Tauzin.
4. Buddy Roemer.
5. Jerry Huckaby.
6. Richard H. Baker.
7. James A. Hayes.
8. Clyde C. Holloway.

MAINE

1. Joseph E. Brennan.
2. Olympia J. Snowe.

MARYLAND

1. Roy Dyson.
2. Helen Delich Bentley.
3. Benjamin L. Cardin.
4. C. Thomas McMillen.
5. Steny H. Hoyer.
6. Beverly B. Byron.
7. Kweisi Mfume.
8. Constance A. Morella.

MASSACHUSETTS

1. Silvio O. Conte.
2. Edward P. Boland.
3. Joseph D. Early.
4. Barney Frank.
5. Chester G. Atkins.
6. Nicholas Mavroules.
7. Edward J. Markey.
8. Joseph P. Kennedy II.
9. Joe Moakley.
10. Gerry E. Studds.
11. Brian J. Donnelly.

MICHIGAN

1. John Conyers, Jr.
2. Carl D. Pursell.
3. Howard Wolpe.
4. Frederick S. Upton.
5. Paul B. Henry.
6. Bob Carr.
7. Dale E. Kildee.
8. Bob Traxler.
9. Guy Vander Jagt.
10. Bill Schuette.
11. Robert W. Davis.
12. David E. Bonior.
13. Geo. W. Crockett, Jr.
14. Dennis M. Hertel.
15. William D. Ford.
16. John D. Dingell.
17. Sander M. Levin.
18. Wm. S. Broomfield.

MINNESOTA

1. Timothy J. Penny.
2. Vin Weber.
3. Bill Frenzel.
4. Bruce F. Vento.
5. Martin Olav Sabo.
6. Gerry Sikorski.
7. Arlan Stangeland.
8. James L. Oberstar.

MISSISSIPPI

1. Jamie L. Whitten.
2. Mike Espy.
3. G.V. (Sonny) Montgomery.
4. Wayne Dowdy.
5. Trent Lott.

MISSOURI

1. William (Bill) Clay.
2. Jack Buechner.
3. Richard A. Gephardt.
4. Ike Skelton.
5. Alan Wheat.
6. E. Thomas Coleman.
7. Gene Taylor.
8. Bill Emerson.
9. Harold L. Volkmer.

MONTANA

1. Pat Williams.
2. Ron Marlenee.

NEBRASKA

1. Doug Bereuter.
2. Hal Daub.
3. Virginia Smith.

NEVADA

1. James H. Bilbray.
2. Barbara F. Vucanovich.

NEW HAMPSHIRE

1. Robert C. Smith.
2. Judd Gregg.

NEW JERSEY

1. James J. Florio.
2. William J. Hughes.
3. James J. Howard.
4. Christopher H. Smith.
5. Marge Roukema.
6. Bernard J. Dwyer.
7. Matthew J. Rinaldo.
8. Robert A. Roe.
9. Robert G. Torricelli.
10. Peter W. Rodino, Jr.
11. Dean A. Gallo.
12. Jim Courter.
13. Jim Saxton.
14. Frank J. Guarini.

NEW MEXICO

1. Manuel Lujan, Jr.
2. Joe Skeen.
3. Bill Richardson.

NEW YORK

1. George J. Hochbrueckner.
2. Thomas J. Downey.
3. Robert J. Mrazek.
4. Norman F. Lent.
5. Raymond J. McGrath.
6. Floyd H. Flake.
7. Gary L. Ackerman.
8. James H. Scheuer.
9. Thomas J. Manton.
10. Charles E. Schumer.
11. Edolphus Towns.
12. Major R. Owens.
13. Stephen J. Solarz.
14. Guy V. Molinari.
15. Bill Green.
16. Charles B. Rangel.
17. Ted Weiss.
18. Robert Garcia.
19. Mario Biaggi.
20. Joseph J. DioGuardi.
21. Hamilton Fish, Jr.
22. Benjamin A. Gilman.
23. Samuel S. Stratton.
24. Gerald B. H. Solomon.
25. Sherwood L. Boehlert.
26. David O'B. Martin.
27. George C. Wortley.
28. Matthew F. McHugh.
29. Frank Horton.
30. Louise McIntosh Slaughter.
31. Jack F. Kemp.
32. John J. LaFalce.
33. Henry J. Nowak.
34. Amo Houghton.

NORTH CAROLINA

1. Walter B. Jones.
2. Tim Valentine.
3. H. Martin Lancaster.
4. David E. Price.
5. Stephen L. Neal.
6. Howard Coble.
7. Charles Rose.
8. W.G. (Bill) Hefner.
9. J. Alex McMillan.
10. Cass Ballenger.
11. James McClure Clarke.

NORTH DAKOTA

At large

Byron L. Dorgan.

OHIO

1. Thomas A. Luken.
2. Willis D. Gradison, Jr.
3. Tony P. Hall.
4. Michael G. Oxley.
5. Delbert L. Latta.
6. Bob McEwen.
7. Michael DeWine.
8. Donald E. "Buz" Lukens.
9. Marcy Kaptur.
10. Clarence E. Miller.
11. Dennis E. Eckart.
12. John R. Kasich.
13. Donald J. Pease.
14. Thomas C. Sawyer.
15. Chalmers P. Wylie.
16. Ralph Regula.
17. James A. Traficant, Jr.
18. Douglas Applegate.
19. Edward F. Feighan.

20. Mary Rose Oakar.
21. Louis Stokes.

OKLAHOMA

1. James M. Inhofe.
2. Mike Synar.
3. Wes Watkins.
4. Dave McCurdy.
5. Mickey Edwards.
6. Glenn English.

OREGON

1. Les AuCoin.
2. Robert F. (Bob) Smith.
3. Ron Wyden.
4. Peter A. DeFazio.
5. Denny Smith.

PENNSYLVANIA

1. Thomas M. Foglietta.
2. William H. Gray III.
3. Robert A. Borski.
4. Joe Kolter.
5. Richard T. Schulze.
6. Gus Yatron.
7. Curt Weldon.
8. Peter H. Kostmayer.
9. Bud Shuster.
10. Joseph M. McDade.
11. Paul E. Kanjorski.
12. John P. Murtha.
13. Lawrence Coughlin.
14. William J. Coyne.
15. Don Ritter.
16. Robert S. Walker.
17. George W. Gekas.
18. Doug Walgren.
19. William F. Goodling.
20. Joseph M. Gaydos.
21. Thomas J. Ridge.
22. Austin J. Murphy.
23. William F. Clinger, Jr.

RHODE ISLAND

1. Fernand J. St Germain.
2. Claudine Schneider.

SOUTH CAROLINA

1. Arthur Ravenel, Jr.
2. Floyd Spence.
3. Butler Derrick.
4. Elizabeth J. Patterson.
5. John M. Spratt, Jr.
6. Robin Tallon.

SOUTH DAKOTA

At large

Tim Johnson.

TENNESSEE

1. James H. (Jimmy) Quillen.
2. John J. Duncan.
3. Marilyn Lloyd.
4. Jim Cooper.
5. William Hill Boner.
6. Bart Gordon.
7. Don Sundquist.
8. Ed Jones.
9. Harold E. Ford.

TEXAS

1. Jim Chapman.
2. Charles Wilson.
3. Steve Bartlett.
4. Ralph M. Hall.
5. John Bryant.
6. Joe Barton.
7. Bill Archer.
8. Jack Fields.
9. Jack Brooks.
10. J.J. Pickle.
11. Marvin Leath.
12. Jim Wright.
13. Beau Boulter.
14. Mac Sweeney.
15. E de la Garza.
16. Ronald D. Coleman.
17. Charles W. Stenholm.
18. Mickey Leland.
19. Larry Combest.
20. Henry B. Gonzalez.
21. Lamar S. Smith.
22. Tom DeLay.
23. Albert G. Bustamante.
24. Martin Frost.
25. Michael A. Andrews.
26. Richard K. Armey.
27. Solomon P. Ortiz.

UTAH

1. James V. Hansen.
2. Wayne Owens.
3. Howard C. Nielson.

VERMONT

At large

James M. Jeffords.

VIRGINIA

1. Herbert H. Bateman.
2. Owen B. Pickett.
3. Thomas J. Bliley, Jr.
4. Norman Sisisky.
5. Dan Daniel.
6. Jim Olin.
7. D. French Slaughter, Jr.
8. Stan Parris.
9. Rick Boucher.
10. Frank R. Wolf.

WASHINGTON

1. John R. Miller.
2. Al Swift.
3. Don Bonker.
4. Sid Morrison.
5. Thomas S. Foley.
6. Norman D. Dicks.
7. Mike Lowry.
8. Rod Chandler.

WEST VIRGINIA

1. Alan B. Mollohan.
2. Harley O. Staggers, Jr.
3. Robert E. Wise, Jr.
4. Nick Joe Rahall II.

WISCONSIN

1. Les Aspin.
2. Robert W. Kastenmeier.
3. Steve Gunderson.
4. Gerald D. Kleczka.
5. Jim Moody.
6. Thomas E. Petri.
7. David R. Obey.
8. Toby Roth.
9. F. James Sensenbrenner, Jr.

WYOMING

At large

Dick Cheney.

PUERTO RICO

Resident commissioner

Jaime B. Fuster.

AMERICAN SAMOA

Delegate

Fofo I.F. Sunia.

DISTRICT OF COLUMBIA

Delegate

Walter E. Fauntroy.

GUAM

Delegate

Ben Blaz.

VIRGIN ISLANDS

Delegate

Ron de Lugo.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOUCHER:

H.R. 1195. A bill entitled, "The Syndicated Television Music Copyright Act of 1987"; to the Committee on the Judiciary.

By Mrs. BYRON:

H.R. 1196. A bill to amend the Internal Revenue Code of 1986 to prohibit the transfer of returns and return information by tax return preparers in conjunction with the sale of their business unless the taxpayer consents to the transfer; to the Committee on Ways and Means.

By Mrs. SMITH of Nebraska:

H.R. 1197. A bill to establish the National Institute for New Agricultural and Forestry Industrial Materials and to authorize the Institute to carry out a program for research, development, demonstration, and education relating to the use of industrial crops and forest products for the production of industrial materials; to the Committee on Agriculture.

By Mr. TRAFICANT:

H.R. 1198. A bill to restore the authorization of appropriations for the General Revenue Sharing Program; to the Committee on Government Operations.

By Mr. de la GARZA (for himself, and Mr. Madigan):

H. Res. 93. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Agriculture in the first session of the 100th Congress; to the Committee on House Administration.

By Mr. LaFALCE:

H. Res. 94. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Small Business in the first session of the 100th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. Levine of California, Mr. Scheuer, Mr. Sawyer, Mr. Crockett, Mr. Lagomarsino, Mr. Mrazek, Mr. Espy, Mr. Conte, Mr. Owens of New York, and Mr. Bereuter.

H.R. 74: Mr. Darden, Mr. Hutto, Mr. Gray of Illinois, and Mr. Fauntroy.

H.R. 87: Mr. Kostmayer, Mr. Stark, Mr. Nagle, Mr. Clarke, Mr. Leland, Mr. Edwards of California, Mr. Dixon, Mr. Bryant, Mr. Towns, Mr. Pepper, and Mr. Richardson.

H.R. 117: Mr. Graig.

H.R. 118: Mr. Solomon, Mr. Porter, Mr. Wortley, and Mr. Inhofe.

H.R. 509: Mr. Jones of North Carolina and Mr. Stangeland.

H.R. 537: Mrs. Johnson of Connecticut and Mr. Swift.

H.R. 574: Mr. Garcia, Mr. Dixon, Mr. Borski, Mr. Vento, Mr. Schumer, and Mr. Mineta.

H.R. 756: Mr. Lagomarsino.

H.R. 776: Mrs. Collins, Mr. Dellums, Mr. Mfume, Mr. Kastenmeier, Mr. Udall, Mr. Hall of Ohio, Mr. Dixon, Ms. Kaptur, Mr. Bustamante, Mr. Hoyer, Mr. Frank, Mr. Edwards of California, Mrs. Boggs, Mr. Hayes of Illinois, Mr. Levin of Michigan, Mr. Rangel, Mr. Bonior of Michigan, Mr. Atkins, Mr. Penny, Mr. Stokes, Mr. Mavroules, Mr. Martinez, Mr. Roe, Mr. Garcia, Mr. Gray of Illinois, Mr. Sawyer, Mr. Levine of California, Mr. Towns, Mr. Savage, and Mr. Wheat.

H.R. 780: Mr. Brooks.

H.R. 782: Mr. Biaggi, Mr. Savage, Mr. Mrazek, Mr. Kanjorski, Mr. Dyson, and Mr. Martinez.

H.R. 904: Mr. Lagomarsino and Mr. Wolpe.

H.R. 922: Mr. Towns and Mr. Espy.

H.R. 923: Mr. Sabo, Mr. Fauntroy, and Mr. Towns.

H.R. 926: Mr. Boehlert.

H.R. 939: Mr. Yatron, Mrs. Vucanovich, Mr. MacKay, Mr. Boland, Mr. Huckaby, Mr. Daub, Mr. McMillen of Maryland, Mr. Mavroules, Mr. Jacobs, Mr. Martinez, Mr. Henry, Mr. Synar, Mr. Jones of North Carolina, Mr. Hyde, Mr. Lehman of Florida, Mr. Solarz, Mr. Shumway, Mr. Robinson, Mr. Lagomarsino, Mr. Neal, Mr. Biaggi, Mr. Towns, and Mr. DeLay.

H.R. 967: Mr. Kildee and Mr. Wise.

H.R. 1050: Mr. Coelho.

H.R. 1056: Mr. Morrison of Connecticut, Mr. Oberstar, Mr. Annunzio, and Mr. Kennedy.

H.J. Res. 43: Mr. Sunia, Mr. Thomas of Georgia, Mr. Rowland of Georgia, Mr. Bateman, Mr. McDade, Mr. Fascell, Mr. Boner of Tennessee, Mr. Rinaldo, Mr. Rodino, Mr. Fuster, Mr. Lehman of Florida, Mr. Dellums, Mr. Roe, Mr. Traxler, Ms. Oakar, Mr. Young of Alaska, Mr. Dymally, Mr. Wolf, Mr. DeWine, Mr. Mrazek, Mr. Dowdy of Mississippi, Mr. Weldon, Mr. Bryant, Mr. Fields, Mr. Bustamante, Mr. Pepper, Mr. Coleman of Missouri, Mrs. Vucanovich, Mr. Schuette, Mr. Evans, Mrs. Bentley, Mr. Gray of Illinois, and Mr. Lagomarsino.

H. Con. Res. 15: Mr. Coats, Mr. Murtha, Mr. Bevill, Mr. Hayes of Louisiana, Mr. Rogers, Mr. Dyson, Mr. Thomas Luken, Mr. Savage, Mr. Tallon, and Mr. Garcia.

SENATE—*Monday, February 23, 1987*

The Senate met at 2 p.m. and was called to order by the Honorable Wyche Fowler, Jr., a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer.

Let us pray.

Blessed are the peacemakers.—Matthew 5:9.

Mighty God of truth and justice, when we think about it, we realize that alienation is the greatest evil. Whether husband and wife are alienated—parent and child—management and labor—black and white—or nation and nation—alienation is the most destructive force in history. Dividing it conquers. Grant us the honesty to admit that peace between nations is a myth if we make war among ourselves. Give us the will to seek peace with spouse, children, neighbors, peers, those of other persuasions, races and cultures. Help us to see the contradiction—the hypocrisy—of promoting peace in the world while we make war at home.

God of love, help us to understand that reconciliation is the only remedy for the evil of alienation from which all other evils spring. May we heed the wisdom of Jesus that all the law is fulfilled when we love God and our neighbor. Give us grace to disdain—to resist this fountain of evil—alienation—help us to love one another. In the name of Him Who is the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, February 23, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Wyche Fowler, Jr., a Senator from the State of Georgia, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. FOWLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader of the Senate, Mr. Byrd.

Mr. BYRD. Mr. President, last Thursday the Senate adopted a concurrent resolution authorizing the printing, as a Senate document, of my series of speeches on the history of the Senate. The resolution was submitted by Senator Stevens and cosponsored by the chairman of the Rules Committee, Senator Ford. I wish to take this moment to thank Senator Ford for his gracious remarks and for his leadership which enabled the resolution to be so swiftly adopted. I take to heart Senator Ford's thoughtful comments regarding my Senate history speeches, and I appreciate his comments very much.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. Under the standing order, the Republican leader is recognized.

BICENTENNIAL MINUTE

FEBRUARY 23, (1881): SENATOR CONKLING ON THE SENATE CHAMBER

Mr. DOLE. Mr. President, I think my colleagues would agree that we are all pretty comfortable in this Chamber—warm enough in winter, cool enough in summer. It has not always been thus, however. On February 23, 1881, 106 years ago today, one Senator took to the floor to enumerate the Chamber's faults. That Senator was the handsome Roscoe Conkling of New York, a man known for his volatile temper and elaborate rhetoric.

At issue that day was a bill authorizing the acquisition of land for a building for the Library of Congress, then wedged into cramped quarters in the Capitol. Conkling's worst enemies supported the bill, and probably for that reason alone, Conkling opposed it. Why not enlarge the Capitol to accommodate the overflowing Library, he asked. When a Senator responded that the Capitol was a perfect building, Conkling exploded.

The Capitol had been growing ever since the Congress moved to Washington in 1800, he rightly argued. The huge wing housing the Senate Chamber had been added only 20 years earlier. And, he thundered, that Chamber was far from perfect. It was a stifling "iron box from which neither sky nor earth nor tree nor any other of nature's signs /are/ visible." The place was making him sick. "Why is it that coming here in the morning and feeling very well, after a short time we feel as if a cord was bound tight around our heads over our eyes?" he asked. It was, he had determined, because the Chamber was too dry, the air too stale. Senators had him to thank, he told them, for some mild relief, because, at his insistence "pan after pan" of water was set out in the basement to evaporate and humidify the Chamber.

Senators were to wait another 70 years before Conkling's complaints about the Chamber's climate would be satisfactorily addressed.

THE TRUTH ABOUT NICARAGUA

Mr. DOLE. Mr. President, if I read the legislative agenda correctly, it is likely that we are going to take up the issue of aid to the freedom fighters in Nicaragua, the so-called Contras, in the coming weeks. As seems to be our habit, as we begin our debate on this issue, we seem to be concentrating on everything under the Sun except the situation on the ground in Nicaragua.

The headlines we see are mostly about differences among the leadership of the united Nicaraguan opposition, the U.N.O. Our investigative efforts remain focused on finding out what money may, or may not, have flowed through some Swiss bank accounts to the Contras. And, up here on Capitol Hill, we are all busy doing vote counts. And, let me be clear, those are all important elements of this issue.

But, in the meantime, Sandinista repression continues unabated at home. And we seem to pay that fact little attention.

The Sandinistas have sabotaged yet another effort at a negotiated settlement, this one launched by the democratic governments of Central America. There has been nary a peep of complaint from those—including some in this body—who jump at the slightest opportunity to accuse the President of all kinds of perfidy in Central America. If Ronald Reagan had announced we wanted no part of a Central American peace initiative, the floor of the Senate would have resounded with outrage; the pages of the Times and the Post would have been filled with op-eds of denuniciation. But we see not a single statement criticizing Ortega; not a single "Dear Commandante" letter urging him to reconsider; not a single demand that Daniel Ortega and his crowd respond in good faith to the proposals of their neighbors.

In order to try to add at least a bit of information on what is going on inside Nicaragua to our debate, and to give a fairer picture of the administration's real policy—not the caricature of it that is usually presented by administration critics—I want to put several items in the RECORD today.

The first is an article that appeared last week in the Washington Times entitled, "Sandinista Abuses Are as Bad as Ever, State Report Charges." The article cites evidence, from the newly published annual Human Rights report of the State Department, on the continuing mass arrests and inhumane repression being carried out by the Sandinistas. Over the past year, the Times account notes, the Sandinistas have conducted mass arrests, including on one occasion the arrest of the entire male population of a village. They have actually admitted 3,000 such arrests, and there were many more.

Those arrested, the Times quotes the State Department report as saying, are subject to "A deliberate policy of * * * undermining their will to resist," through such tactics as beatings to, and again this is a quote, "exposure to homosexual rape as a so-called disciplinary measure." Some political prisoners are executed outright, and there are also reports of Sandinista "Death Squads," who murder young, rural males believed sympathetic to the Contras, and the execution of political prisoners. In sum, it is yet another tragic chapter in the ongoing saga of Sandinista terror and repression, a story which we seldom see reported here.

The second item I would like to insert in the RECORD is an article from saturday's Washington Post titled, "Nicaraguan Family Fights Own Civil War." It relates the story of the family of the late Pedro Joaquin Chamorro, former editor of La Prensa—the paper which, until its closing by the Sandinistas last year, was the last voice of freedom in Nicaragua. The article tells of the division of the Chamorro family—by geography and ideology. And it tells of the brave efforts of Carlos and Violetta Chamorro, Pedro's son and widow, to try to keep publishing La Prensa, and to stand up for freedom in their own country. And it also tells of Pedro, Jr., another son, who from exile in Costa Rica runs a second paper supporting freedom in Nicaragua.

I would like to share one quote from Pedro, Jr., which sums up about as well as any I've heard the real problem in Nicaragua. Pedro says, "Our problem is that we don't have a country. Our republic has been sold into the hands of foreigners—the Cubans and the Russians—by the Sandinistas."

I might also add that I had the privilege of meeting Violetta and her daughter, Cristiana, here in Washington last year. And I would encourage any of my colleagues who have the opportunity to speak directly with any of these members of the Chamorro family I have mentioned. To get a real insight of what happening, I certainly recommend it to any of my colleagues on either side of the issue.

Finally, I would also like to insert in the RECORD a recent speech by Secretary of State George Shultz to the American Bar Association. It is a thorough, detailed account of what is going on in Nicaragua—the Soviet and Cuban penetration; the massive military buildup; the support of insurgencies in the region; the sabotage of efforts toward a negotiated settlement; and the widespread repression at home.

And it also contains a good, comprehensive analysis of American policy—a policy which includes, but is not limited to, aid to the Contras. And which is aimed at three simple goals; the preservation of our national security; the peace and security of our allies and friends in Central America; and the freedom of the Nicaraguan people.

Mr. President, I ask that all three of these items be printed in the RECORD, and I encourage all Senators to read them carefully.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SANDINISTA ABUSES ARE AS BAD AS EVER, STATE REPORT CHARGES

(By John McCasin)

The Sandinista government continues to arrest and torture thousands of citizens in Nicaragua on vague charges of opposition involvement, the State Department says in its annual report on human rights.

The report, submitted to both the House and Senate foreign affairs committees, says the Marxist Sandinista regime over the past year conducted "mass arrests" of opposition supporters and sympathizers.

Those arrested were commonly subjected to "intense" physical and psychological torture by Sandinista authorities.

An advance copy of the report, scheduled for release today, was obtained by the Washington Times.

The 1,350-page State Department document also reports "severe" cases of human rights violations in the Soviet Union, South Africa, Angola and Chile, among others.

It cites instances of torture and inhumane treatment of Political prisoners by Nicaraguan security officials aided by Soviet bloc and Cuban advisers.

The department is required to report to Congress annually on the human rights record in countries that are members of the United Nations or receive U.S. foreign aid.

"The [Sandinista] government appears to have a deliberate policy of degrading political prisoners and undermining their will to resist," The report says, citing practice from executions and beatings to "exposure to homosexual rape as so-called disciplinary measures."

"In at least the Zona Franca prison, inmates are reported to be punished by being placed in the 'sucker' an old truck body sealed and exposed to the sun," the report says.

"Other persons disappear and are not seen alive again."

Prisoners were not the only victims in Nicaragua in 1986, according to the report, which repeats allegations that the Sandinistas were using "death squads" for the execution of rural residents, mostly young males, considered sympathetic to the resistance forces fighting the Marxist regime.

The allegations of death squads were first voiced by Nicaraguan refugees entering Costa Rican camps after fleeing the Atlantic coast region last year. The department notes that like most reports concerning the massacre of civilians in remote areas, "it has proven extremely difficult to obtain objective independent verification."

At the same time, however, it says Sandinista authorities themselves confirmed on at least one occasion last March that in El Jicote, the entire male population of one village was detained on suspicion of counterrevoluntary involvement.

As of September 1986, the Sandinista government had announced the detention of more than 3,000 people on suspicion of involvement in "counterrevolution," according to the report.

Dozens of other examples of human rights violations in Nicaragua are cited in the report: the forced closures of independent, government controlled mass media; the continuing involuntary relocation of citizens; forced exile of religious leaders; and civilian deaths resulting from the Sandinista military's 'indiscriminate use of artillery and air bombardment."

In the Soviet Union, the report says, those who attempt to exercise basic rights face arrest, trial, imprisonment or internment in psychiatric hospitals.

"Human rights monitors, religious beliefs, peace activists, and proponents of greater cultural and political rights for ethnic minorities were all subjected to arrest and imprisonment in 1986," the report says.

In South Africa, where laws codify the doctrine of apartheid, the report says "a major deterioration of human rights" occurred in 1986.

During instances of political protest in South Africa, police and military exercising "extraordinary arrest and detention powers" often quelled demonstration with "excessive force," using tear gas, bird shot, whips and, at times, live ammunition, the report says.

It cites some 1,300 unrest-related deaths from January to November last year, an increase of 879 deaths over the 1985 total.

The report also criticizes the Pretoria government for not requiring notification of an individual's family in the event of his detention or arrest. In the weeks following the government's June 12 state of emergency declaration last year, various human rights groups estimated the number of "disappeared" persons at 12,000 or more.

"Some, missing for very long periods of time, are suspected by friends and associates to have been killed by security forces," the report says.

In a related development, the United States was criticized for its human rights practices yesterday by Amnesty International USA, a worldwide human rights organization, which said the use of the death penalty in the United States "appeared to be arbitrary and racially biased, and clearly violated international treaties signed by the U.S. government."

Launching a worldwide campaign against the U.S. death penalty, Amnesty International said evidence suggested the penalty had become "a horrifying lottery" in which politics, money, race and where a crime was committed could play a more decisive part in sending a defendant to the death chamber than the circumstances of the crime itself.

Nicaraguan Family Fights Own Civil War

(By William Branigin)

San Jose, Costa Rica.—In their own ways, Pedro Joaquin Chamorro and his brother Carlos Fernando carry on their family's journalistic tradition by publishing newspapers in Costa Rica and Nicaragua.

In San Jose, Pedro Joaquin puts out Nicaragua Hoy, a four-page paper that supports the opposition to the Sandinista government of Nicaragua.

In Managua, the capital of Nicaragua, Carlos Fernando is the director of Barricada, whose masthead proclaims it to be the "official organ of the Sandinista National Liberation Front."

For the sons of the late Pedro Joaquin Chamorro, whose assassination in 1978 helped trigger the uprising that overthrew Nicaraguan ruler Anastasio Somoza, the Nicaraguan civil war rages in their own family. The family's newspaper La Prensa vigorously led the opposition to both Somoza and the Sandinistas until it was closed last year.

Now the Chamorros' family civil war seems certain to escalate.

Pedro Joaquin, 35, the eldest of four children in Nicaragua's leading press family, was nominated Monday to the directorate of the United Nicaraguan Opposition (UNO), the political umbrella group of the Nicaraguan rebels known as counterrevolutionaries or contras. He succeeds Adolfo Calero, a conservative businessman who resigned in a move ostensibly aimed at ending divisions in the rebel leadership.

In an interview in his office on the outskirts of San Jose, Pedro Joaquin Chamorro, who represents no opposition group and has no political base, said he wants to be a "unifying factor" to consolidate rival guerrilla groups and end bitter infighting among rebel leaders.

"It is time for the Nicaraguans to identify what is our problem," he said, "and our problem is that we don't have a country. Our republic has been sold into the hands of foreigners—the Cubans and the Russians—by the Sandinistas, and we will never get back to our homeland if we continue quarreling with one another.

"I think if we only identify this goal, everything will be much easier for everybody—except for the Sandinistas," he added.

The ranks of committed Sandinistas include not only his brother Carlos Fernando, but a sister, Claudia, who has served in government posts and the diplomatic corps. Another sister, Cristiana, has tried to steer a middle course and watch over La Prensa, which was closed by the Sandinistas last June. Presiding over the divided family is their mother, Violeta Barrios de Chamorro, who is critical of the Sandinista government but insists on remaining in Managua.

Pedro Joaquin Chamorro, for his part, chose to go into exile in Costa Rica in late 1984 to protest press censorship by the Sandinistas, travel restrictions and a campaign of harassment against him.

Now he faces the task of trying to reconcile differences within the rebel leadership almost as formidable as those within his own family. Whether he can succeed in his aim of resolving the sharp disputes between UNO and the main guerrilla organization, the Nicaraguan Democratic Force, remains to be seen, since the elements of the split apparently are still there.

While resigning as one of the three leaders of UNO, Calero insisted on retaining his position as president of the Nicaraguan Democratic Force.

In the interview Monday, Chamorro spoke out strongly against what he suggested was U.S. meddling in internal Nicaraguan opposition matters, such as the choice of leaders. Chamorro was apparently referring to reports that Calero had resigned under pressure from the Reagan administration to improve chances for congressional approval of additional U.S. funding for the contras. Chamorro, who himself is thought to have been chosen because he would be acceptable to Congress, also said he opposed any effort to push Calero out of his position as leader of the Nicaraguan Democratic Force.

"I think that Nicaraguans, no matter what their past, have the right to fight for their country," he said. "We are not the ones to exclude. UNO is to include. That's what the name is for."

Chamorro added, "I don't think anybody has the moral authority to expel somebody who has for four years worked so hard for democracy in Nicaragua. And even less do foreign people like the Congress or the United States have any right in deciding our affairs."

He said he would concentrate more in the future on promoting the rebel cause among Nicaragua's immediate neighbors.

"We should pay more attention to Central America, which is, I think, our constituency, rather than taking all our problems and all our quarrels to the Congress of the United States," Chamorro said.

He praised the efforts of Nicaragua's four Central American neighbors to seek a regional peace agreement.

Nicaragua: The Moral and Strategic Stakes

(Remarks by Hon. George P. Shultz, Secretary of State, Before the American Bar Association, New Orleans, LA, February 12, 1987)

As Americans, we have all grown up knowing certain fundamental facts about our country. We know that we are free and have fought to remain so. We know that we are strong and must sacrifice to remain so. We know that the world is dangerous, but that in it we have allies who have helped us and whom we have helped. And we know that we are surrounded by friends and oceans, and that throughout our history our enemies have, blessedly, been far away. For more than a century and a half after the proclamation of the Monroe Doctrine, this latter fact—that geography is our ally and our neighborhood peaceful—has been a key to our security and our ability to protect our interests by projecting power across the globe.

The oceans have done more than help to preserve our security and independence. They have also enabled us to cultivate freedom. Since the American Revolution, our hemisphere has stood for something: for opportunity; for the chance to start over; for the freedom to choose your own leaders and way of life; for tolerance. What was new about the New World was not just its break with the past, but the insistence that freedom was the proper measure of nations.

The realities of the New World have often fallen tragically short of these ideals. The majority of this hemisphere's citizens have not enjoyed the blessings and opportunities of North America. Nor was there freedom here for pre-conquest natives or for those who arrived afterwards as slaves. Latin America has suffered dictatorship and instability for most of its history. As recently as a few years ago, only one-third of Latin America enjoyed democratic government.

Now all that is changing—a change that bears witness to the power of our shared ideals. Over the past ten years, Latin America has experienced an extraordinary democratic awakening. In country after country, from Argentina to El Salvador, civilian rule has replaced military dictatorship. Today, ninety percent of the people of Latin America and the Caribbean enjoy democratic government.

Latin America's turn to freedom is a moral victory for democracy, self-determination, and the rule of law. For the United States, it is a victory with strategic importance as well. Technology in the postwar era has shrunk the globe, while politics has divided much of it into two opposing camps. Faced with a smaller world and powerful adversaries, the free nations have learned that we must band together against common threats to our security and civilization. Thus, the democratic explosion in Latin America is not only a triumph of the spirit; it is a strategic asset for the United States and its allies.

In Latin America, therefore, our moral principles and strategic interests coincide. The United States believes and affirms that—and I quote the Charter of the Organization of American States—"the historic mission of America is to offer man a land of liberty." We recognize, moreover, that the security of this hemisphere depends on our own determination to keep would-be aggressors at bay.

STRATEGIC REALITIES

Early in the Second World War, German U-boats destroyed U.S. merchant shipping in the Caribbean at a faster rate than we could replace it. We saw then that there are limits to the security offered us by oceans and friends. Nonetheless, we have continued to base our strategic doctrine on forward defense and on collective defense.

This has meant that we have been spared the burden borne by many countries of drafting our youth into large standing armies to defend our own borders. We have also managed to reduce the costs of a modern defense establishment by not having to maintain the quantity of ships and planes around our own perimeter that would be required if there were a greater threat in our own neighborhood or if we did not have a network of friends to participate in our mutual defense efforts.

One serious blow to this hemisphere's security was struck in 1959, when Fidel Castro established a communist dictatorship in Cuba and brought that island into the Soviet camp.

In short order, it became clear that Castro was a communist, that he was a thoroughly dependent and dependable ally of the Soviets—so much so that they sought to deploy nuclear weapons in Cuba—but in the event were not able to do so because of our firm and determined opposition.

Today the Soviet Union does, however, use Cuba as an important military base in this hemisphere. From Cuba, the Soviet Union flies reconnaissance flights up and down the east coast of the United States; in Cuba, the Soviet Union has a port of call for its submarines; from Cuba, the Soviet Union monitors U.S. communications, using one of the largest and most effective electronic surveillance sites in the world. Cuban troops act as Soviet surrogates in Ethiopia and Angola; the Cuban government smuggles arms and provides aid and training to guerrillas and terrorists throughout the Western Hemisphere. In the event of a conventional war in Europe or the Persian Gulf, Cuba would constitute a threat to our ability to aid our allies and defend our strategic interests in those vital regions.

We have managed to contain the threat posed by the Soviets' use of Cuba as a strategic platform and as a base for subversion in our hemisphere. But make no mistake about the costs. We risked nuclear confrontation with the Soviet Union over the removal of their missiles. Today, we must spend billions to strengthen our counter intelligence apparatus and our naval and air defense against Soviet use of an island 90 miles off our shore. We have responded to our friends in the Caribbean by helping them rescue Grenada from the consequences of Soviet expansionism. And we have had to spend hundreds of millions building up the defenses of Cuba's neighbors against Castro's guerrillas and the terrorists they train.

Fortunately, many of us have also learned some lessons from the Cuban experience. We learned that as much as our sympathies as a revolutionary nation may lie with those who overthrow dictatorships, revolutions can be subverted by armed Communists into more enduring and repressive forms of tyranny. We learned that, even though the Western hemisphere united early on its resolve to contain the Soviet and Cuban threats, the Communists, over a quarter century, in the absence of any effective internal opposition, were able to increase their usefulness to the strategic designs of the Soviets. And we learned the value of such an outpost to the Soviet Union, which spends over $4 billion every year to sustain it—three times what the U.S. spends for all forms of bilateral assistance in all of Latin America and the Caribbean.

In 1979, another Latin American regime emerged that began almost at once to betray its pledges of democracy, to engage in armed intervention in the affairs of its neighbors, and to invite a massive presence of forces hostile to the Western democracies onto the American mainland: Nicaragua.

THE CASE AGAINST NICARAGUA

Betrayal of Democarcy. The war against Somoza was fought by business and labor, by the church and the press. One week before Somoza's fall in July 1979, the Nicaraguan junta members assured the Secretary General of the OAS in writing that the junta was establishing a broad-based, democratic government in Nicaragua. Within a year, however, the two non-Communists on the junta Violeta de Chamorro and Afonso Robelo, were forced out, as the Communists continued to consolidate control of both the government and the armed forces. The promised elections were not held for five years, and then only under rules carefully engineered by the Communists and after attacks by the "Divine Mobs" on the political opposition.

Mrs. Chamorro's *La Prensa*, the largest independent paper in the country, soon came under censorship and was shut down in 1986. One by one, all other independent voices—including the Catholic Radio station—were silenced. Archbishop Obando y Bravo, who had courageously defied Somoza, found himself isolated and vilified when he tried to call attention to the abuses of the Communists. Several of his priests were set upon by the government-backed mobs or expelled by the comandantes.

Democratic labor unions were crushed by the authorities and replaced by Communist-dominated fronts. Selected business leaders were detained. Some were murdered. The climate for private enterprise became so inhospitable that the economy went into a nose-dive and agricultural production collapsed. Just this month, private sector leaders called a press conference to announce that "private enterprise is arriving at its end." More than 7 years after taking office, the comandantes proclaimed a new constitution, replete with a host of hidden provisions to assure their total control—only to suspend event the appearance of civil guarantees three and a half hours after proclaiming them to the world.

We care about the people of Nicaragua; but our interest goes beyond simple concern. The new Charter of the Organization of American States provides that "representative democracy is an indispensible condition for the stability, peace and development of the region."

Armed Intervention. There should be no mistake about the threat that the Communist regime in Managua poses to the region. Having declared their fealty to the "principle of revolutionary internationalism" at a September 1979 meeting of the party's leadership, the comandantes set out vigorougly to implement it.

El Salvador became the first target. In June of 1980, Managua offered the Salvadoran guerrillas a headquarters for their military high command, along with advice, materiel, and a promise to assume "the cause of El Salvador as its own." The flow of arms from Nicaragua to El Salvador surged in preparation for the Communists' "Final Offensive" against the government of El Salvador in January 1981. Shipments have continued at varying levels of intensity ever since. Today the military leadership of these Communist guerrillas continues to operate from Managua, which also serves as communications hub, medical evacuation site, rest and recuperation center, and major transit point for guerrillas trained in Cuba and the East bloc.

Guatemala was another early target. Its four guerrilla groups signed and dated their statement of "revolutionary unity" in Managua in November 1980.

Honduras became subject to Nicaraguan aggression as a result of its being on the land transit route of arms from Nicaragua to El Salvador. In January and April of 1981 Honduran authorities intercepted two large arms shipments. In March of 1981 Honduran terrorists hijacked a Honduran airline to Managua to obtain the release of 10 Salvadoran guerrillas who were then flown to Cuba. A series of terrorists acts followed. Nicaragua has also made incursions into Honduran territory with its regular armed forces.

Costa Rica, despite its early support for the Nicaraguan revolution, was not spared. Beginning in March, 1981, Costa Rica erupted in a series of terrorist acts linked to Nicaragua, whose defense minister expressed his disdain for Costa Rica's "bourgeois democracy." On May 31, 1985, Nicaraguan army troops fired on a Costa Rican Civil Guard unit in an unprovoked attack. Costa Rica—which has no standing army—remains particularly vulnerable to the Nicaraguan military machine.

Colombia became a more recent target. When the M-19 guerrillas attacked the Palace of Justice in 1985 and murdered members of the Colombian Supreme Court and others, they used weapons supplied by the Nicaraguan Communists.

All of the above charges have been documented in State Department publications, particularly the September 1985 Report, "Revolution Beyond our Borders."

Within a year of seizing power, the comandantes had created an armed force twice the size of Somoza's. Today, their 75,000-man active duty force is by far the largest in Central America.

A SOVIET STEPPING STONE

Let me read you an excerpt from a 1986 report by our embassy in Managua:

"The Nicaraguan Communists celebrated their anniversary this year on November 7, exactly the anniversary date of the Bolshevik Revolution in Russia. * * *

"For anyone who has been in Moscow's Red Square on November 7, what happened here on that day and the next was redolent with similarities evoking those sounds and sights.

"All of the things present in Moscow, or almost all, were to be found in Managua on the day of its parade, November 8. Just as the Soviet Defense Minister begins ceremonies by taking the salute of his troops standing in an open car before returning to the top of the Lenin Mausoleum to join his colleagues for the march past, so Humberto Ortega did the same in Managua to recorded hurrahs of the troops. Then the parade began with various Sandinista units marching in tightly formed squares using the port arms' tradition of the Soviet forces and the goose step borrowed from the Prussians by the last czars for their household regiments, but in our time sharply odorous of Nazi parades. * * *

"Then came armored personnel carriers, towed artillery and tanks. The only thing missing from the Soviet model were the intercontinental ballistic missiles with the warheads painted red which always bring up the end of a Moscow parade.

"The Nicaraguan troops are uniformed exactly like Soviets, the Marines looked just in from the Baltic Fleet at Kronstadt. The infantry formations could have been Soviet regiments uniformed in sand-colored fatigue for Afghanistan.

"The T-55-tank commanders in their leather helmets were directly out of a Soviet armored division and the reservists carried in Soviet trucks with their wide-beamed Soviet helmets recalled the motorized rifle divisions one sees in the Western military district of the Soviet Union."

The first Cuban military advisors arrived in Managua the day the new government took over. Soviets, East Germans, Libyans, North Koreans, Bulgarians and PLO members joined them in short order. Today some 7-8,000 military and civilian East bloc "advisors" play a role in all aspects of Nicaraguan life—including the organization of such critical functions as the state security apparatus.

The first Soviet-made armor arrived in Nicaragua in early 1981. The mainstay was some 110 Soviet-made T-55 medium tanks, with amphibious capability to which the comandantes have now added some 30 Soviet PT-76 light tanks. None of Nicaragua's neighbors has such weapons.

Like Cuba, Nicaragua is becoming a strategic asset to the Soviets. At Punta Huete, the Nicaraguans with Cuban assistance have built a 10,000 foot airstrip, large enough to handle any aircraft in the Soviet arsenal, from high performance MIG fighters to reconnaissance planes (some of which have already begun operations in Nicaragua) to Bear Bombers. A naval port on Nicaragua's Pacific coast would enable to the Soviets to fuel and service submarines. In short, in Nicaragua the Soviet Union is putting in place the means to threaten our ability to assist our Asian allies and defend our shipping lines—just as today, from Cuba, it threatens our links to Western Europe and the Middle East.

In outlining the preceding charges against Nicaragua, I have placed considerable emphasis on the period from July 1979 until the end of 1981. By all accounts, including the Nicaraguan Communists themselves, they faced no significant armed threat either internal or external at that time. Somoza and his apparatus had been swept aside by a broad popular revolution with help from democracies around the world. The U.S. supplied $118 million in economic assistance during that period—one of the highest per capita levels anywhere. We were wary of the self-proclaimed Communists in the government but were willing to give the coalition a chance. It was only in response to the clear-cut Nicaraguan actions—crushing internal political opposition, conducting armed aggression against its neighbors and abetting a Soviet security threat to the United States—that our government embarked on its present course of action.

THE UNITED STATES RESPONSE

The United States has always opposed intrusion into this hemisphere that threatens democratic and independent government. When President Monroe announced the Doctrine that bears his name in 1823, it was in response to the threat that the Holy Alliance would re-establish monarchies in those countries which had declared their independence of Spain and Portugal.

In the 1930s, when war clouds were gathering in Europe, President Roosevelt pushed vigorously for arrangements with our Latin American neighbors to defend this hemisphere against the Axis powers. Before World War II, we agreed with our southern neighbors on many cooperative arrangements to strengthen the countries in the hemisphere, including a collective security arrangement that became a formal treaty obligation in 1947. It was this same Rio Treaty that President Kennedy relied on in 1962 during the Cuban missile crisis. So our concern about Soviet bases in Cuba, and about the steady development of Nicaragua as another Soviet base of operations, is not unique in our history. Quite the contrary: we seek to sustain a policy that has been fundamental to our security and truly bipartisan through all administrations for some 200 years.

Our policy in Central America is solidly based on treaties and international law. When the comandantes in Nicaragua, through their support of guerrillas seeking to overthrow the governments of their neighbors, committed unprovoked and aggressive acts in violation of the Charters of the United Nations and of the Organization of American States and of the Rio Treaty, they thereby triggered an obligation on the part of the United States to deal promptly and effectively with the aggression. It is, of course, not only an obligation of the United States, but of all members of the Organization of American States. We, and our friends in Central America, have taken self-defense measures which are entirely consistent with our treaty obligations. We intend to continue those measures until effective steps have been taken to remove the threat posed by Nicaragua in Central America.

Our actions in Central America are in pursuance of a comprehensive national strategy. After years of national debate, false starts, legislative restrictions and ad hoc remedies, the United States last October enacted legislation to ". . . promote economic and political development, peace, stability and democracy in Central America, to encourage a negotiated resolution of the conflict in the region . . . and to enable the President to provide additional economic assistance to the Central American democracies as well as assistance for the Nicaraguan Democratic Resistance. * * *"

Many of the programs to implement the strategy voted out by majorities of both Houses of Congress and signed by President Reagan have been in place for some time; some were initiated by the previous administration. Bipartisan support for democratic government has yielded dramatic results in El Salvador, Honduras and Guatemala. The Caribbean Basin Initiative, and the economic measures undertaken in response to the report of the National Bipartisan Commission on Central America chaired by Henry Kissinger, have given new hope for the economic development of the Central American region. We have worked—with the ABA, in fact—to improve the administration of justice by building the skills, facilities, and techniques of lawyers, judges, and prosecutors throughout the hemisphere. Our military assistance, which has been about one-third as much as our economic assistance, has helped El Salvador to turn back Nicaraguan-supported guerrillas and has given a new sense of confidence to the region in general.

Last year a bipartisan majority in Congress added a new feature to our strategy which the President considered essential—a credible element of pressure to persuade the comandantes in Nicaragua to come to the bargaining table and talk seriously. In our democratic society we are accustomed to bargaining for the general welfare and deciding things by majority rule. Dictatorships do not bargain that way—they are used to dictating terms from the barrel of a gun. They are willing to make concessions which we would regard as reasonable, only if enough leverage is exerted to make it in their interest to do so. The only objective of these dictatorships is to remain in power and to reap the rewards that power bestows.

The Nicaraguan Democratic Resistance and the Nicaraguan opposition in general have been trying to get the comandantes to the bargaining table. So have the Central American democracies. So have we. The resistance has grown from a handful in 1982 to a force of some 20,000 Nicaraguan volunteers from all elements of society. Despite their inexperience in dealing with the Sandinista Army, trained and equipped by the Soviets and the Cubans, and our own inconsistency in supporting their fight against Communist oppression, they have held on. They are prepared to add their strength to a Nicaraguan population that wants freedom, but has become dispirited through vigorous repression by their own government and a seeming lack of will and vigor on the part of neighbors whom they thought they could depend on. It is simply unrealistic to expect the Nicaraguan people, held hostage with a gun at their head, to put down their oppressors without some guns in their own hands provided by friends and neighbors.

We have cooperated in the Contadora process as one way of achieving a negotiated resolution of the issues, and of bringing to an end Nicaragua's violation of its treaty obligations. But we have not been content to sit idly while the comandantes stall on an agreement so that they can consolidate another Soviet stronghold on the mainland. We have waited for over four years while the comandantes have stubbornly resisted any serious discussion in the Contadora process of democracy in Nicaragua and any cessation of their massive arms buildup. Special Emissaries of the President have met with the Nicaraguan comandantes and repeatedly with other concerned Latin American leaders. The United States has remained constant in its support for a comprehensive, verifiable and simultaneous implementation of the 21 objectives agreed on by all countries in the Contadora peace process. We are naturally concerned because Nicaragua has avoided since 1983 any serious effort to implement these objectives. Instead, the regime has persuaded the Contadora countries to go on to other statements and other draft proposals that ignore the basic issues.

Our policy objectives are very straightforward. We want a democratic government in Nicaragua. We want the regime there to stop persecuting its people; to respect human rights; and to stop subverting its neighbors. We want the foreign military personnel to go home, whether they are from the Soviet Union or Communist Cuba. We do not want Nicaragua to be a base for our enemies. Nor do Nicaragua's neighbors. The military establishment in Nicaragua must be reduced to what is acceptable to Nicaragua's neighbors so that they do not feel threatened. Nicaragua's leaders must meet the standards that they set for themselves when they promised democracy, respect for human rights and a fair system of justice.

The comandantes have a choice: they can keep the promises they made to their people and the international community to get into power; or they can accept the risk of more violent and less voluntary changes down the road. No one knows how change will come in Nicaragua, or what kind of victory it may require. But this much is certain: Nicaragua will change. The tyranny there is out of step with the aspirations of the Nicaraguan people and the realities of this hemisphere. Nicaragua—as the Communists might say—is on the wrong side of history.

Our strategy on Central America is sound. It is rooted in our historic policy of a hemisphere free from alien dictators and oppressors; and it is consistent with traditional standards of international law, our treaty obligations, and our own laws. Our right of self-defense, and of collective defense with our democratic allies, is an inherent and necessary aspect of our sovereign rights. We cannot abandon the very fundamentals of American liberty and security because the choices are difficult and the going tough. Today's controversy over the Iran arms deal must be dealt with as a matter of purely domestic concern. It is irrelevant to the strategic and moral realities we face in this hemisphere. Our laws must be obeyed and enforced, as the President has made clear. But decisions regarding the security of our nation must look beyond a session of Congress or a presidential term. Those making such decisions must consider the legacy they leave to a future Congress—to all of their successors—and most of all, to the American people.

It is already evident that the comandantes in Nicaragua are bent on a course that poses a threat to our security. No matter how they diguise it, or how skillful they are in manipulating public opinion and the media, it is a threat that will ultimately affect the security of our treaty partners and the United States. Unless we meet this threat now, before it develops further, we may, within a few years, face a strategic crisis. The Soviets have tried that once in this hemisphere, and we should not deceive ourselves into believing that they will not try it again. The prospect of a second Communist base in our hemisphere will certainly persuade the Soviet Union to go further, confident in their own view that we do not have the will and capacity to defend our friends, our allies, and our interests around the world. The danger ahead is not so much that a people such as ours will yield to a clear and present danger, but that inaction and irresolution in a murky situation today may be costly later on in lives and in every other sense.

By supporting those Nicaraguans now who are fighting for their liberty, we may avoid direct military involvement by the United States in the future. We and our allies are fortunate that we have a multitude of friends in Nicaragua; that brave Nicaraguan men and women are fighting their own battle for freedom. Their fight serves the interests of the democracies as much as it does theirs. They need our support—they cannot succeed without it—just as the Nicaraguan Communists cannot become entrenched and remain without the support of the Soviet Union and Cuba. I have heard it said that the democratic resistance in Nicaragua cannot win. We should read again the history of our own fight for independence. Those on the side of liberty and human dignity are on the side of history. We cannot become faint-hearted because of the words of those who equate morality with noninvolvement. We must help those willing to fight for their freedom against tyranny. It would be immoral to abandon them.

Our persistent support for democracy in this hemisphere has been vindicated by experience. Nicaragua, Cuba, and the Soviet Union tried to snuff out freedom in El Salvador by arming Salvadoran Communists. We stepped in, not to restore the old order or military rule, but to support leaders committed to a democratic solution.

El Salvador shows what can be accomplished if we lend our support to those who struggle for freedom. The guerrilla war continues today in that country, and still takes a heavy toll. But democracy is growing ever stronger. Despite the war, President Duarte and the civilian government have stuck to the democratic agenda with free, periodic, and competitive elections. Civilian institutions are gaining strength; political violence is sharply curbed. The political opposition has free rein—in the legislature, in labor unions, in public demonstrations. Last year I saw for myself how the Salvadoran people rallied courageously to deal with a devastating natural tragedy in the form of an earthquake. It would be a tragedy of our own making if we were to abandon Central America now, and leave the field to the Communists in Nicaragua, Cuba, and the East bloc.

The lesson of El Salvador is that the ideals uniting this hemisphere are not a passing fancy; they are alive and firm. When people committed to democracy stand together in a common struggle; when we stand for principles and work patiently together, we are successful. Those who repeatedly said that El Salvador was a lost cause were wrong. If they had had their way, President Duarte would have had to fight without our help. That lesson should not be lost on any of us in the Executive Branch or in the Congress, regardless of political party. Commitment to democracy should not be a matter of party—in the United States or anywhere else. The economic and military ingredients so essential in turning the tide against the spread of tyranny and in favor of freedom in El Salvador were provided by bipartisan majorities in the Congress.

In the coming months and years, we will no doubt be required to confront again and again whether we are prepared to stand for freedom in this hemisphere—in Central America. History will judge us by our ability to make the right decision every time. The strategic stakes are clear: whether we will permit the Soviet Union to acquire real power in the region from Mexico to the Panama Canal; whether we will permit the Soviet Union to sit astride our life lines not only to South America but to Europe and the Pacific.

Nor could the moral lines be drawn more clearly. If we were to abandon the people fighting for freedom in Nicaragua, what would our word be worth? What could we then say about our commitment to democratic principles if we allow our democratic friends to be thrashed by Soviet-backed tyrants in this hemisphere?

We cannot afford weakness and vacillation at this critical moment. Our friends and allies, who look to us for leadership, can afford it even less. Much is resting on our shoulders. Too many free peoples around the globe depend on us for mutual support and cooperation, and above all for our continued vigilance.

Nowhere in the world are the stakes higher than they are now in our hemisphere—in Central America. The strategic and moral issues speak for themselves. It is up to us to show the will and the resolve to support those fighting for their independence and their freedom and in so doing for security and freedom in this hemisphere.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, today after the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 5 minutes: Mr. PROXMIRE, Mr. ARMSTRONG, and Mr. CONRAD; after which there will be a period for the transaction of morning business not to extend beyond 1 hour. Senators will be permitted to speak during that period for not to exceed 5 minutes each. There will be no rollcall votes today.

COMMITTEES TO INFORM BUDGET COMMITTEE OF ANTICIPATED BUDGETARY COSTS OF LEGISLATION REPORTED

Mr. BYRD. Mr. President, February 25, this coming Wednesday, will be the deadline for committees to inform the Budget Committee as to legislation which will be reported, and the anticipated budgetary costs of legislation that is being reported from committees. Therefore, I urge all committees to work to meet that deadline so that the Budget Committee will be in a position to do its work appropriately, promptly, effectively, and accurately.

I, therefore, will suggest that the Senate go over after today's business to Thursday. This should accommodate all committees. They will have tomorrow and Wednesday to help them meet the budget deadline to which I have just referred.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved during the rest of the afternoon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TWENTY-FIFTH ANNIVERSARY OF SENATOR GLENN'S SPACE FLIGHT

Mr. BYRD. Mr. President, 25 years ago, on February 20, 1962, came the word from Col. JOHN GLENN: "Cape is go and I am go."

For the next 4 hours and 56 minutes a proud nation held its breath—and watched—and prayed, as *Friendship 7* lifted off and then circled the Earth. On February 20, 1962, our esteemed colleague, now Senator JOHN GLENN, became the first American to orbit the Earth.

The drama and excitement, the triumph and glory of that day are a permanent and proud part of American history.

During those 4 hours and 56 minutes of history, in the words of the New York Times, "Time stood still."

On streets, across the country that day, in big towns, small towns, rural communities, and cities, people were seen holding portable radios next to their ears as they followed the news of the flight.

Two rating services agreed that half the people of New York City watched the takeoff and landing on television.

Senate Majority Leader Mike Mansfield adjourned the Chamber in the early afternoon so that Members could watch the historic proceedings.

The Canadian House of Commons also suspended its regular sittings so its members could follow the news of the flight.

At the Vatican, Pope John XXIII was given periodic briefings on the flight as he prayed for its success.

When *Friendship* 7 splashed down and Colonel GLENN emerged safely from the capsule, the free world erupted in praise for Colonel GLENN and congratulations for the United States.

The Government of Austria issued a statement that read:

> We are very happy that the Americans have succeeded. We share a feeling of relief with Pilot Glenn.

French President DeGaulle stated:

> The magnificent exploit of John Glenn does honor to the great American people.

The usual calm international decorum at the United Nations broke down as ticker tape came pouring out of the Secretariat Building.

On that day, American technology had triumphed again; the American pioneering spirit had triumphed again; America had again challenged the unknown and won.

America was racing into the future, and we were on our way to putting a man on the Moon. In an address to a joint session of Congress 6 days after the flight—February 26—Colonel GLENN put his accomplishment into perspective when he said:

> What we have done so far are but small building blocks in a huge pyramid to come. Exploration, knowledge, and achievement are good only insofar as we apply them to our future action. Progress never stops.

Shortly after that address, Senator PELL, the current distinguished chairman of the Foreign Relations Committee, prophetically remarked:

> We are indeed honored to have had Colonel Glenn with us. We look forward to hearing more about him.

We have heard more about JOHN GLENN, not as a colonel but as a U.S. Senator. He is a soldier-statesman in the truest sense of the phrase and in a very honorable tradition.

Twenty-five years ago last Friday, President John Kennedy stated:

> Colonel Glenn served his country, and the country is proud of him.

Today, we can all say that colonel, and now Senator GLENN has continued to serve his Nation, and the Nation continues to be proud of him. He has served his country in war, in peace, and in space.

I take this opportunity—this important milestone anniversary of his flight—to again congratulate him on that great accomplishment and to thank him for being a friend to me and a dedicated servant to the people of Ohio and to all Americans everywhere.

APPOINTMENTS AFTER SINE DIE ADJOURNMENT OF THE 99TH CONGRESS

Mr. BYRD. Mr. President, as provided for by S. Res. 510, adopted on October 16, 1986, authorizing the President of the Senate, the President pro tempore and the majority and minority leaders of the Senate, to make certain appointments after sine die adjournment of the 99th Congress, the following appointments were made:

COMMISSION ON EDUCATION OF THE DEAF

On October 21, 1986, the President pro tempore appointed Mr. Jack Brady of West Virginia and Dr. Gary Austin of Illinois. Subsequently, on January 16, 1987, Gertrude S. Galloway, of Maryland, was appointed vice Mr. Jack Brady, resigned. Dr. Frank Bowe was designated Chairperson of the Commission.

COMMISSION ON AGRICULTURAL WORKERS

On December 12, 1986, the President pro tempore appointed Mr. Ben Gramling, of South Carolina to be a member of the Commission. On January 5, 1987, the President pro tempore appointed Mr. Henry Voss, of California to be a member of the Commission.

NATIONAL TRUST FOR DRUG-FREE YOUTH, BOARD OF DIRECTORS

On December 11, 1986, the Majority Leader appointed Senator Paula Hawkins as a member of the Board of Directors.

BOARD OF TRUSTEES, BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

On December 11, 1986, the Majority Leader appointed Senator Pete Wilson.

COMMISSION ON CENTRAL AMERICAN NEGOTIATIONS

On October 21, 1986, the Democratic Leader appointed Colonel Edward King (retired) to serve.

COMMISSION ON EXECUTIVE, LEGISLATIVE AND JUDICIAL SALARIES

On October 31, 1986, the President pro tempore appointed Ms. Esther Coopersmith vice Mr. Edward R. Morgan, deceased.

NATIONAL COMMISSION ON RESPONSIBILITIES FOR FINANCING POSTSECONDARY EDUCATION

On January 5, 1987, the Majority Leader appointed Dr. William Danforth, of Missouri; Dr. Richard Benjamin Young, of Mississippi; and Mr. Larry Jones, of Kansas, to serve as members of the Commission.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION

On November 24, 1986, the President of the Senate appointed Senator Daniel Patrick Moynihan to serve as a member of the Board of Regents.

ALIEN YOUTH EDUCATION OPPORTUNITY PANEL

On January 5, 1987, the Majority Leader appointed Mr. Chen Shih Tso, of California and Mr. Remebios Oliver, of Florida, to serve as members of the Panel.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

On January 5, 1987, the Majority Leader appointed Mr. Norman Stahl, of New Hampshire and Mr. Jerry Rosen, of Michigan to serve on the Commission.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

On December 8, 1986, the Majority Leader submitted the name of Mr. Robert A.G. Monks, of Maine, to serve on the Board.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

On October 31, 1986, the President pro tempore appointed Senator Frank Lautenberg to serve as a member of the Commission.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

FOR PRODUCTIVE WORKERS, WISCONSIN IS NUMERO UNO

Mr. PROXMIRE. Mr. President, this Senator is proud to represent my State of Wisconsin in the U.S. Senate for many reasons. Why? What one distinction of Wisconsin gives this Senator special pride? Answer: It is the fact that Wisconsin workers work hard, work intelligently, and work productively. Is this just rhetoric? Or is it based on something tangible? Where is the documentation that establishes the special willingness of Wisconsin people to work any harder than people elsewhere? First, consider absences from work due to illness. Wisconsin is 1 of only 12 States that have a less than 1-percent rate of absences due to illness.

Wisconsin has a reputation for its harsh weather. Our winter temperatures are cold—very cold. Twenty below zero is common in Wisconsin winters. Wind chills frequently drop to 50 below and lower. In one recent winter for more than 60 consecutive days the temperature in Milwaukee never at any time even for a single hour rose above freezing. In many parts of our State snowfalls of 4 to 6 feet are common. In a typical Wisconsin winter residents can go for 3 or 4 months so deep in snow that they do not see the ground the whole period. So how does Wisconsin stack up in absences due to weather? Answer: Wisconsin workers are among the best in their low rate of absences because of weather. How low are the weather allied absences in Wisconsin? Less than one-tenth of 1 percent of the time. That translates into a weather-based absentee record of less than 1 working day in a thousand.

How about the actual output of Wisconsin workers? Wisconsin workers in the most recent year for which figures are available, 1983, produced 4 percent more than the U.S. average. In those manufacturing areas where Wisconsin has substantial production, the Wisconsin advantage is even clearer. For example, in transportation equipment, Wisconsin workers produce 10 percent more than the national average. In processing food products, Wisconsin produces 19 percent more than the national average per hour per worker. In paper, Wisconsin produces 21 percent more than the average American worker. And in apparel, Wisconsin workers really shine with 31 percent greater production per man-hour than workers elsewhere in America.

Of course, our dairy farmers are famous throughout the world for their productivity and efficiency. Unfortunately marketing orders for fluid milk prevent our superefficient farmers competing nationwide in fluid milk sales. But Wisconsin farmers are free to compete fully and vigorously in manufactured milk sales. That is primarily in cheese. How does Wisconsin do in cheese production? Think of it, Mr. President. Wisconsin with only 2 percent of the Nation's population produces about 40 percent of its cheese. What a triumph for the work ethic. In the past 50 years the dairy farmer has increased his productivity more than any other worker in the world. By how much? Listen. By twelvefold. In other words, today 1 dairy farmer produces what it took 12 to produce 50 years ago. There is nothing like this productivity increase in milk products in any State in the Union.

Recently, a Wisconsin manufacturer who set up a plant in another State 15 years ago closed that factory and moved the work to Milwaukee area plants. One executive of the company said, "We've moved that machinery up to Wisconsin. It will be at least twice as valuable here as it was in that other State. Sure, we're paying higher wages here—but we're getting our money's worth."

So, Mr. President, do you see why this Senator is so proud to represent Wisconsin in the U.S. Senate? We have a great country. We have 50 fine States. But I hope you will pardon this Senator in stating the simple fact that when it comes to sheer hard work, Wisconsin is numero uno.

Mr. President, I ask unanimous consent that an article that appeared in the Sunday, February 8, 1987, Milwaukee Journal by Mike Zahn, headlined "The All-American Work Ethic. It's Alive and Well and Prospering in Wisconsin," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ALL-AMERICAN WORK ETHIC—IT'S ALIVE AND WELL AND PROSPERING IN WISCONSIN

(By Mike Zahn)

When Jim Garlich, manager of the new Serta mattress factory in Beloit, recently presented his yearend personnel report to Serta headquarters in St. Louis, his bosses didn't believe it at first. They had never seen such perfect employe attendance.

Garlich, a native of St. Louis, says: "Where I'm from, if people don't feel well, they call in sick. Here, they still show up for work."

The Japanese owners of the Kikkoman soy sauce factory in Walworth still talk about the day in 1977 when heavy snow blocked off roads to the plant. More than half of the firm's employes came to work anyway—on snowmobiles.

Lew Butler, a British businessman who heads a plastic-molding company in Endeavor (Marquette County) says: "Our morning shift officially starts at 7 a.m., but you'll often find them there at 6:10 a.m. talking to the overnight shift and sorting out any problems. Unbelievable!"

A Wisconsin manufacturer that set up a factory in a Southern state 15 years ago recently closed that factory and moved the work to its Milwaukee-area plant.

The company says its Southern employes were not adept in operating the computer-controlled machinery that has come into use today. Furthermore, the company found it difficult to find workers there who were willing to work on second shift; the company needed to have a second shift in order to make the automated machinery pay off economically.

"We've moved that machinery up here to Wisconsin," says an executive of the firm. "It will be at least twice as valuable to us here as it was down South. Sure, we're paying higher wages here—but we're getting our money's worth."

Ah, the Wisconsin work ethic.

"People in Wisconsin tend to work harder and be more reliable than people in some other parts of the United States," says John Roethle, president of Anderson Roethle Inc., a Milwaukee management-consulting firm.

"We have a higher percentage of people who take a higher amount of care in the work that they do," says Roethle, who is president of the National Institute of Management Consultants.

Work ethic, being a vague concept, is very hard to measure. But some statistics do tend to confirm the view that residents of Wisconsin, as a whole, are among the more work-oriented folks in the nation.

The charts accompanying this story—provided by Forward Wisconsin, an organization dedicated to business development in the state—make these points:

Across the board, Wisconsin manufacturing workers have tended to show greater productivity than the national average. The degree of productivity varies from industry to industry, of course; Wisconsin's apparel workers have particularly spectacular records compared to apparel workers elsewhere.

Wisconsin's "quit rate"—which represents the number of workers who quit their jobs for one reason or another—is consistently below the national average. A study by the University of Wisconsin—Milwaukee says "Milwaukee's quit rate is half to one-quarter that found in almost all major Southern cities."

Wisconsin's absenteeism rate due to weather is among the lowest in the nation. Absences due to illiness are also low.

Even so, not everyone agrees that there is something special about Wisconsin workers.

The head of personnel for a Milwaukee manufacturer with facilities elsewhere in the nation says he doesn't see any difference between its Wisconsin employes and its employes elsewhere.

He says the degree of work ethic in a factory tends to depend upon whether the factory was established in recent years or had been operating for decades. Older facilities—no matter where they are located—tend to accumulate restrictive work practices that cut into productivity, he said.

Others say that if you want to find a strong work ethic, you should look in small communities rather than large ones—whether in Wisconsin or elsewhere.

There is no doubt that Wisconsin's reputation for a strong work ethic—whether deserved or not—can be a major factor in influencing business decisions.

Guardian Life Insurance of America, of New York City, decided to locate its Midwest regional office in Appleton a couple of years ago in part because of that reputation.

Guardian has not been disappointed. Its Appleton work force has 75% less absenteeism than its staff in New York City.

A spokesman says: "Guardian has found that Wisconsin employes work a full 40-hour week, every week, with little absenteeism and low turnover." In fact, she said, the Appleton office has been so productive that Guardian has added to its responsibilities, giving it authority over part of the firm's Southeastern region.

About a year ago, a social-service organization called Family Service America decided to move from New York City to Milwaukee. Geneva Johnson, head of the organization, has high praise for the staff of nearly 70 people that she has put together here.

"They have a commitment to the job to be done, a joy in getting a job done well, and they're very eager to come in with new ideas to get the job done better," she says. "Whereas, in New York, there was more of a commitment to what I'm going to get if I do the job.

"Here," she says, "people come to work refreshed and creative," especially because they do not have to contend with the tortuous transportation system of New York. She adds:

"If their job starts at 9 o'clock, they more than likely get here before 9 o'clock—and work the whole day. Coming to work early—that was unheard of, almost."

A small Swedish-owned firm in Rockford, Ill., moved to Stevens Point last year. Dave Chekouras, vice president of the company, ABL Lights, says he's delighted to have workers who don't consider their job to be "eight hours ripped out of their day." A much larger Swedish firm, Asea, has often said that the work ethic here was a major reason that it put a number of its U.S. operations in New Berlin.

Harry V. Quadracci, president of the rapidly growing Quad/Graphics printing firm headquartered in Pewaukee, says the company has decided to concentrate its printing facilities in Wisconsin because of the "deafening difference" between Wisconsin workers and those in other parts of the country.

When Quad/Graphics has job openings outside Wisconsin, Quadracci prefers to fill them with Wisconsinites.

If there is a Wisconsin work ethic, where does it come from? Inasmuch as the idea of a Wisconsin work ethic is nebulous to begin with, any hypothesis regarding its cause must be doubtly nebulous.

The most popular theory in the business community is that this work ethic comes from people who are descended from northern Europeans—and that older people possess far more work ethic than young people. Not surprisingly, this theory is most often expressed by businessmen—middle-aged or older—who are descendants of northern Europeans.

Others speculate that the work ethic grows out of the necessity to deal with the weather, which forces residents of Northern states to learn to plan ahead. Or could it be the state's farming background and the self-reliance that goes with it? Still others say that you find a good work ethic where there is good management, and that Wisconsin firms tend to have seasoned managements.

Or maybe we should thank daddy. That's Quadracci's theory. He says:

"I believe that 'work ethic' is our perception of what work is all about, lodged in our subconscious. It's not anything we're born with, and it's not anything that we learned in school or read in a book or learned on the job.

"It comes from our role models, namely our daddies."

He explains:

"We saw what our daddies did, and that gave us our perception of what work is. Maybe daddy was a farmer and worked 12-hour shifts. Or maybe daddy was a tool-and-die maker who worked five days a week and half-days on Saturdays; he came home exhausted but happy.

"It's not ethic, it's heritage.

"That's what the Wisconsin work ethic is: We're all products of people who worked very hard for a living."

SENATOR ROBERT C. BYRD, THE DISTINGUISHED DEMOCRATIC MAJORITY LEADER

Mr. PROXMIRE. I might say, Mr. President, I have been in the Senate for 30 years and I have served with a lot of leaders. But I know of no leader, majority, minority, Democratic, or Republican, who has worked harder than Senator Robert Byrd. I am very proud of that fact, that our leader is such a hard worker. He works day and night. He is on top of the rules. He never lets up.

He is in constant contact with the rest of the Democrats. He is not a leader who tells us what to do. He is a leader who works with consensus. He has given our caucuses and our party a real flavor of letting everybody have their choice. He moves with us and keeps us together.

I think with that kind of hard work he ought to be a Wisconsinite. West Virginia is a great State, but with that kind of talent, Wisconsin would welcome him.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield.

Mr. BYRD. I thank the distinguished Senator for his very kind remarks concerning me. I think I will now be inspired to work all the harder.

Mr. PROXMIRE. I thank my good friend.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR CONRAD

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota [Mr. Conrad] is recognized for not to exceed 5 minutes.

FOR NORTH DAKOTA'S FUTURE—AND AMERICA'S FUTURE

Mr. CONRAD. Mr. President, today is a very special day for me as I rise to address the Senate for the first time.

Traditionally, a Senator's first speech is on a topic of great personal importance. My remarks today are just that—but the topic is also of great concern to the people of North Dakota.

Mr. President, in my State—and across the Nation—tens of thousands of family farmers are standing on the precipice of collapse. One step in the wrong direction—one misstep in Government policies—will throw them and our farming traditions over the edge.

For North Dakota's future—and America's future—we must pull them back to safety.

Not since the 1930's have farmers faced a tougher economic landscape. You can see it in the record numbers of farm foreclosures. You can see it in the boarded-up shops and businesses which dot our towns. You can see it in the school rooms where kids talk about leaving the farm because there is no future for them on the land.

And, members of the Senate Agriculture Committee saw it in the faces of farm families at field hearings across the Midwest just a few weeks ago. I am deeply grateful to the distinguished chairman [Mr. Leahy], and my colleagues on the committee [Mr. Daschle, Mr. Harkin, and Mr. Boschwitz] for coming to North Dakota to learn from the people of my State how serious the farm recession is.

I ask my urban colleagues to imagine their neighborhood in trouble. Imagine a street where every third home stands empty or for sale because both husband and wife have lost their jobs. The bank has repossessed the car, the savings and loan has foreclosed on the house, and the family is selling off the furniture.

That is what is happening in my neighborhood—America's heartland.

During our hearings in Minnesota, North Dakota, Nebraska, Iowa, and South Dakota, the personal dimensions of our farmers' plight was brought home time and again. Let me share some of those stories with you.

In Iowa, a young farmer, with tears of pride streaming down his face, told us of the trauma of his and his wife's realizing they had no food to put on the table for their children. He told of how his wife became physically ill when they tried to use Government food stamps for the first time.

A proud, hard-working family that produces food for America unable to afford to buy food for themselves and family in America.

A minister told of the heartache in counseling farmers who had given up and farm families who had lost everything—everything they had worked for all their lives—farmers who had given up hope in America, in their Government and in themselves—and committed suicide.

They thought they were failures—but the failure is ours.

In my home State of North Dakota, a young farm family told us of their struggle to stay on the family farm—a farm that had been in the family for generations. They told us how they believed that two people working hard should be able to make a living, and raise a family by producing food for America.

That family in North Dakota is right. They are the hope of the future.

These farmers and ranchers did not simply wake up one morning transformed from good family farmers into bad farmers. Nor are they being driven out of business by an end of Federal subsidies—this Nation will spend more on farm programs in 8 years than was spent in the previous 20.

Simply stated, we do not have to spend more to do better.

But current farm programs are not enough to overcome the powerful forces working against American agriculture.

Here are the facts:

Farm income—down to the lowest level since the early 1930's; farm prices—down 50 to 70 percent since 1980; farm land values—down 50 percent in the last 6 years.

Farm exports—down $17 billion—making the world's bread basket a net importer of food last summer, the first time in 20 years.

In normal times, American farmers are among the most competitive in the world. In normal times, productive family farmers could count on their ability to export—and earn a decent living in the marketplace.

But all of the farmer's productive efficiency—his hard work, his superior technology, and his fertile land—is overwhelmed by forces beyond his control. Misguided government policies have left farmers standing alone—alone to cope with worldwide commodity surpluses, alone to face foreign agricultural subsidies, alone to pay unusually high interest rates, and alone to overcome a vastly overvalued dollar.

Agricultural production and agricultural markets fluctuate sharply from year to year due to weather, disease, and pests. Remember that as recently as the 1970's, the world suffered severe shortages of grain. Now we have a global surplus, depressing farm prices and farm income.

When this Nation ignores natural sources of instability, we condemn rural America to periodic depressions. For five decades since the Great Depression, our Nation stood behind rural America. We worked to prevent rural depressions.

We provided a grain reserve for emergencies, and sought to prevent the waste of resources and devastation of farm families that economic instability causes. As a result, we have been able to provide abundant food at reasonable prices and avoid shortages.

The issue has never been whether to stabilize farm income and the rural economy, but how to do so in a cost-effective way.

But now, in the spirit of keeping Government off our backs, the Government is willing to turn its back on our farmers.

To make matters even worse, the administration is now trying to change the lending policies of the Farmers Home Administration. It is seeking to phase out the direct loan program altogether. And it has proposed new lending regulations which would disqualify up to 50 percent of current FmHA borrowers.

At a time when commercial lending institutions and the Farm Credit System are under severe stress and are reducing loans to farmers, the proposed cutbacks in FmHA lending are shortsighted and unfair. I intend to fight these proposed changes with every ounce of energy I possess.

The depression in America's heartland was largely avoidable. It has wasted tremendous amounts of economic resources. More important, it has caused needless human suffering as efficient family farmers—and the businesses that serve them—have been driven into bankruptcy.

We can do better. It is time to act. We must have a coordinated and immediate response from our Government. I propose the following:

First, we must reaffirm our commitment to stabilize the farm economy, a commitment which has guided our Nation's policy for 50 years. We must immediately develop policies that will increase domestic farm prices, until the cyclical world grain surplus is worked-off—until supply and demand are back in balance and farmers can receive a decent price in the marketplace.

Second, we must immediately pursue monetary and fiscal policies which will substantially reduce farm and small business interest rates. This requires cutting the massive Federal deficits.

Third, we must coordinate our economic policies with other industrialized nations, to achieve rational and reasonable exchange rates.

Fourth, we must attack the oversupply problem. The administration should immediately call an emergency meeting of the major grain producing nations to develop a cooperative plan to reduce world surpluses of grain. International cooperation is essential—our farmers cannot bear the burden of solving the surplus problem alone.

Fifth, we must match our abundant food supplies with the needs of the hungry throughout the world. We know that each year 13 to 15 million children—most between infancy and the age of 3—die from hunger and hunger-related diseases. At least 150 to 200 million more people are so deficient in calories and protein that their mental development and immune systems have been impaired.

It is morally wrong that grain stands rotting on the ground in Lidgerwood, ND, as children die of hunger and malnutrition in Mozambique.

Finally, we must keep thousands of efficient family farmers in business while the Government deals with the world overhang of surplus grain—and corrects the economic policies which have brought about disastrously high interest and exchange rates. To do so, a major farm debt restructuring program is imperative.

Mr. President, the American farmer is extraordinarily productive, providing cheap food, providing a grain reserve to protect this country and the world from shortages, and providing billions of dollars in export sales to strengthen the American economy.

Our farmers face stiff and unprecedented competition in the world marketplace, but I am certain they can meet this competition and succeed—if the policies of their Government are truly on their side.

I recognize that making the necessary changes in our agriculture policies will not be an easy task—particularly during these difficult economic times.

But stepping up to the challenge and insuring the viability of the family farm is in the interest of all Americans—urban and rural alike.

So I ask my colleagues to join with me in saving a way of life and one of America's greatest resources—the family farm.

I thank the Chair and yield the floor.

SENATOR CONRAD'S MAIDEN SPEECH

Mr. BYRD. I congratulate the distinguished junior Senator from North Dakota on his maiden speech in the Senate.

A Senator's first speech is an historic occasion and the Senator has chosen his topic very well.

The Senator has touched on one of the great failures of this administration.

It is a failure that affects thousands of families and threatens the very existence of the American family farm.

While the Federal Government has spent some $100 billion on farm programs in the past 5 years, by many measures, the farm economy is in its worst shape since the depression of the 1930's.

Whether measured by the number of delinquent loans, farm foreclosures, and bank failures or the increasing debt burden, declining farm income, rising farm imports or falling farm exports, what was once a bright spot of the American economy has turned very dim.

The able Senator from North Dakota has given us the unvarnished, unpleasant truth.

Net farm income has fallen for 3 straight years.

Last year, it was about 14 percent lower, in real terms, than in 1981.

And while farm income was falling, the value of farm land was dropping also.

Since 1981, the value of farm real estate has fallen by an average of 30 percent nationwide, with even more severe losses in many of the midwestern farm States.

Meanwhile, farm exports have taken a tumble, dropping by a third since 1981, while the value of farm imports has risen by about one-third.

It is not only the farm family that is suffering; it is the rural economy.

From the local bank to the seed and fertilizer supplier to the tractor dealer, all are feeling the hard times.

These problems have been brewing for 6 years.

They cannot be undone overnight.

Indeed, we Democrats have often found ourselves locked in battle with this administration to prevent things from being even worse.

I hope we can begin to reverse some of these ill-found policies.

The Agriculture Committee, under the leadership of the distinguished Senator from Vermont [Mr. LEAHY] and with the help of the Senator from North Dakota, has already begun investigating the extent of the problems in the agricultural sector.

The committee held a series of field hearings in the Midwest during the recent recess to gather testimony directly from those most affected.

I look forward to the recommendations from the committee in the ensuing months about how this country can chart its way out of the current mess. I am confident that the distinguished junior Senator from North Dakota will make a valuable contribution to putting American agriculture back on the road to a healthy future.

I again congratulate him on his maiden speech and I look forward to his very effective service on the Agriculture Committee and his advice and counsel and direction as we seek to plow our way ahead to a better future for the American farmer.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I, too, congratulate my colleague from North Dakota on his maiden speech. I think it was excellent, well delivered, and with much substance.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 5 minutes each.

VITIATION OF SENATOR ARMSTRONG'S SPECIAL ORDER

Mr. BYRD. Mr. President, I understand that Mr. Armstrong does not want to use his order previously entered. I ask unanimous consent that that order, therefore, be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, if I may now be recognized in morning business.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, other Senators are probably planning on speaking during morning business, permission having been granted. In order to proceed and make the most of the time, I say at this point I will yield to any other Senator who wishes to get recognition when he comes to the floor. Meanwhile, I shall proceed, with the unanimous consent of the Senate, to speak beyond the 5-minute limitation, and also ask unanimous consent of the Senate that my statement in the Record not show any interruption.

The ACTING PRESIDENT pro tempore. Hearing no objection, the majority leader may proceed.

Mr. BYRD. I thank the Chair.

And may I, Mr. President, encourage Senators who wish to speak today to come to the floor. I will be happy to yield the floor at any time, so that when I finish my statement, if all Senators are satisfied and have spoken, who wish to speak, the Senate can then, at an early hour, go over until Thursday.

THE UNITED STATES SENATE

SENATE COMMITTEES SINCE 1947

Mr. BYRD. Mr. President, on three previous occasions, in my series of addresses on the Senate's history, I have spoken on the subject of Senate committees.[1] The committee system has undergone great changes over the years since 1816 when the Senate created its first standing committees. No changes, however, have been as thoroughgoing as those of the last four decades.

The subject of the modern Senate committee system is as rich and complex as that of the Senate itself. Although political scientists have written extensively about the development of House committees in this period, there are few genuinely historical accounts of Senate committees. This is surprising, for never has so much information about the operations of individual committees been so easily available.

Since 1946, committees have kept full transcripts of their deliberations and the National Archives is virtually bursting with their records. In 1980, the Senate adopted a resolution, which I introduced, that opened to researchers the majority of its records at the Archives twenty years after their creation. This is the most liberal access policy of any branch of the government. In honor of the forthcoming Senate bicentennial, the National Archives is preparing the first full inventory of these valuable unpublished materials. In recent years, the Congressional Information Service has issued comprehensive indexes to published committee records, providing efficient access of a vast body of documentation.

As a senator who, for nearly three decades, has been closely involved with the operation of the Senate committee system, I shall focus my remarks today on its recent history. In making these observations, I shall give particular attention to the two major reform efforts of the period: 1946 and 1977.

The natural starting point for a consideration of the modern Senate committee system is the 1946 Legislative Reorganization Act. As I explained in my earlier address on congressional reform, that act set the foundation for the institution we know today.[2] Based on the assumption that Congress should have access to independent expertise of a quality equal to that of the executive branch, the 1946 law authorized non-partisan, permanent professional staff for all committees. It consolidated overlapping and conflicting committee jurisdictions and reduced the number of Senate committees from thirty-three to fifteen. Each of these committees was to have thirteen members, with the exception of Appropriations, which was given twenty-one. The number of assignments to major committees per senator dropped from six to two. The act also spelled out in the Senate rules for the first time each committee's jurisdictional responsibilities.[3]

Framers of the Legislative Reorganization Act sought in particular to curb the power of autocratic chairmen. They did this in a number of ways. Among them were requirements for regular committee meeting dates, public disclosure of committee action, and the stipulation that a majority of members be physically present before measures could be reported to the full Senate. Once a measure had been approved, it was the duty of the chairman, under this statute, to report it promptly. In the interest of public disclosure, the act specified that committee hearings would be open unless the panel took specific action to close them. Mark-up sessions, however, were to remain closed. Witnesses were required to file advance written statements to enable committee staff to prepare digests so that even the most junior minority member would have the opportunity to formulate appropriate questions.

The Reorganization Act also underscored the need for more effective legislative oversight of executive agencies. The law directed that committees shall "exercise continuous watchfulness of the execution, by the administrative agencies concerned, of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the government."

The operation of the Senate committee system in the years following 1946 is distinguished by two structural developments: the explosive growth of staff, and the proliferation of subcommittees. The size and role of committee staffs had changed very little between the appointment of the first committee clerks in the 1850's and the passage of the Reorganization Act nearly a century later. The responsibilities of these small staffs were limited to handling correspondence, overseeing the printing of committee documents, and setting up hearings. Generally, they relied on executive agencies to generate information, reports, and even drafts of speeches on proposed legislation.[4]

The 1946 statute provided that each committee could appoint up to four professional staff members, at salaries ranging from $5,000 to $8,000, and up to six clerical aides, who would earn from $2,000 to $8,000 yearly. These in-

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Footnotes at end of article.

dividuals were to be recruited, "without regard for partisan considerations, solely on the basis of their ability to serve the committee's legislative needs." They were to work under the supervision of the chairman and ranking minority member and could only be discharged by majority vote of committee members. Professional staff members were forbidden to accept any executive branch appointment for the period of one year after leaving congressional employment.

Democrats controlled the Congress that passed the Legislative Reorganization Act. Republicans controlled the Congress that, in 1947, had to implement its lofty objectives. This situation ensured that the goal of hiring independent professional staffs would be taken seriously, for Republican congressional leaders otherwise would have had to rely on technical data and policy information supplied by executive agencies within the Democratic administration of Harry Truman. Considering the adversarial nature of the relations between President Truman and the Republican 80th Congress, such a trusting relationship was out of the question.

In 1947, as Senate committees began to build professional staffs, they counted 232 employees. Of this number, forty-six worked for the Post Office and Civil Service Committee and forty-one for the Rules Committee. In both committees, most of these staff were found in the clerical and patronage ranks. Among the committees with fewer than ten staff members were Banking (9), Labor (9), Commerce (8), Foreign Relations (8), Interior (7), Finance (6), District of Columbia (4), and Agriculture (3). To get ahead of my story a bit, I should add here that within thirteen years, by 1960, the total number of committee staff would double, rising to 470. The ratio of professional to clerical staff, during that period increased at an even greater rate. Between 1960 and 1974, the staff at 948 had again doubled. The peak was reached in 1979 with 1,269.[5]

Mr. President, the dramatic growth of subcommittees stands as the second major change in the operation of Senate committees after 1946. In 1945, there were just thirty-four subcommittees for thirty-three standing committees. Immediately following implementation of the Reorganization Act, the fifteen Senate committees gave birth to forty-four subcommittees. Several years later, in 1950, the family of subcommittees had grown to sixty-six. By 1976, 140 subcommittees competed for the attention of the Senate's increasingly harried members. To compound this fragmentation, between 1947 and 1976 the Senate created an additional twenty-eight select and special committees, eventually abolishing twenty-five. Thus, in 1976 there were thirty-two standing, select, special, and joint committees which had a total of 171 subcommittees![6]

Mr. President, to personalize the growth reflected in these statistics and to capture the thoroughgoing transformation in the years immediately following World War II, one could read with profit the memoirs of the late Dr. Francis O. Wilcox, first chief of staff of the Senate Foreign Relations Committee. Dr. Wilcox epitomized the kind of professional civil servant that the framers of the 1946 Reorganization Act had in mind. When he came to the Senate in 1946 from the Library of Congress' Legislative Reference Service, the Foreign Relations Committee's staff consisted of one full-time clerk, a half-time clerk, and a half-time secretary.

Dr. Wilcox began his new position with the committee under political circumstances that many staff would have found ideal. In 1947, both the chairman of the committee, Republican Arthur Vandenberg, and the ranking Democrat, Tom Connally, believed they had individually talked him into taking the job! As he recounted the story:

> Senator Connally said to me one day: "Would you like to be the committee staff director? We're going to set up a new staff. Under the Legislative Reorganization Act of 1946, as you know, we're entitled to set up a professional staff". I replied that I hadn't thought about it, but it would be interesting and I would be glad to consider that. He said, "I think I can talk to 'Old Van'—that's the way he referred to Senator Vandenberg—'I think I can talk 'Old Van' into it. I'll see what I can do.' Well, the next day, before Senator Connally had a chance to talk to Senator Vandenberg about me, the Senator from Michigan called me in and asked me if I would like to become the director of his new staff. I immediately accepted the invitation. This meant, in effect, that Senator Connally was under the impression that he had gotten me the job, and I was therefore his man; and Senator Vandenberg had asked me, regardless of what Senator Connally had said or done after the event. So, in effect, I was more or less welcomed by both Senate committee leaders, which put me in a very good position, because I was a good friend of Senator Connally and also of Senator Vandenberg. There's nothing more helpful to a Senate staff member than to be a *persona grata* to both majority and minority leaders.[7]

Under the Legislative Reorganization Act, as I have noted, each committee was entitled to hire four professional staff aides. Wilcox explained that, for the Foreign Relations committee, this authorization came not a moment too soon, otherwise the committee would have been completely flooded. "We had," he later recalled, "the United Nations Charter, the peace treaties with the satellite countries, the peace treaty with Japan, the program of aid to Greece and Turkey, the interim aid program, the Marshall Plan, the NATO Treaty, and a whole host of important issues, including the specialized agencies of the UN." These became the pillars on which rested the United States' entire international framework.

Chairman Vandenberg gave Wilcox a free hand in staff recruitment, with the clear impression that he would hold him totally responsible for the staff's successes as well as for its shortcomings. The chairman insisted that Wilcox take the title "Chief of Staff." When Wilcox suggested that "staff director" or "executive director" would be sufficient, Vandenberg countered, "It's got to be more important than that. I want to make an impression on the State Department. /Chief of Staff/ sounds bigger and better and stronger. . . I want you to be an important figure."[8] Thus began a whole new generation of Senate committee staff aides. Many of these professionals rose to positions of great responsibility within their committees and a good number of them remained through the mid-to-late 1970's.

As the figures I cited earlier demonstrate, the proliferation of subcommittees sharply distinguished this period of Senate committee history. Early in his tenure, Francis Wilcox recommended to his chairman that subcommittees might make the committee's operation more efficient. He believed they would relieve the full committee of a lot of detail and would channel many requests from the executive branch directly to subcommittee chairmen, relieving the burden on the full committee chairman. From 1950 to 1975, the Foreign Relations Committee maintained a series of ad hoc "consultative" subcommittees, with one for each area for which the State Department had designated an assistant secretary.

The subcommittees would meet periodically with these assistant secretaries for totally off-the-record discussions of key issues in the respective geographic or functional areas. This was designed to reduce the need for extensive full committee meetings. On balance, the idea of consultative subcommittees—the word "investigative" was considered too adversarial—produced indifferent results. Their successful operation depended largely on the interest of the particular subcommittee chairmen and relative activity of the issues within their jurisdictions.[9]

Mr. President, although the Legislative Reorganization Act of 1946 was intended to reform Senate committee structures for all time, it merely began the process. Early in 1948, the Senate Committee on Expenditures in the Executive Departments, the forerunner of our Governmental Affairs Committee, held hearings to see how well the year-and-a-half-old act was working. Senate Republican Policy Committee chairman Robert Taft, believed the act had functioned quite well. He said, "I think it has improved the character of the work done by committees /and/ certainly the character of the experts employed by the committees." He added, however, "I don't feel that it has particularly succeeded in relieving senators of multifarious duties, because there are just so many subjects, and if you don't consider them in different committees, you consider them in subcommittees. I am afraid," Senator Taft concluded, "there is no way in which senators may be able to do less work, but certainly with the expert assistance which has been given, they have been able to do very much better work."[10]

Former Senator Robert La Follette, Jr., one of the Reorganization Act's architects, told the committee that he saw nothing wrong with the trend toward a larger number of subcommittees. Many of them merely substituted for ad hoc subcommittees that had been called to consider particular bills and then disbanded. By creating standing subcommittees, most of which served as issue-oriented study groups, the Senate was assuring itself that a reservoir of expertise would be available for efficient use as related issues presented themselves. By the same token, La Follette strongly opposed creation of special investigating committees on the grounds that standing committees possessed sufficient expertise to oversee the executive agencies within their jurisdiction.

La Follette concluded, "The essential and important difference between a hodgepodge committee system and an integrated scheme is not the relative number of subcommittees, but rather in the formalization of fixed channels and definite jurisdictions so that each new piece of legislation in any given field can have the benefit of the staff work and specialized experience of members of Congress." The former senator continued, "As I see it, there is much less likelihood of wasteful duplication in legislative studies, or of uncorrelated activities, under the present committee structure. I venture the prediction," he concluded, "that it will work even better as the professional staff members, many of whom are relatively new, gain additional experience in their specialized fields of legislation."[11] To this observation, Representative Mike Monroney added, "One difficulty Congress has found is that, never having worked with well-trained staff members, they do not know how to use them for maximum benefit."[12]

Three years later, in June 1951, the Senate Committee on Expenditures in the Executive Departments held a second hearing to evaluate further the act's effectiveness. Again members focused on intended reforms of committee operations. Senators agreed that these reforms were far from complete. They felt that committee workload continued to be distributed inequitably. Some proposed to exempt members of the Appropriations and Foreign Relations Committees from service on any other committees. Most realized, however, that this arrangement would eliminate the coordination that occurred by having members of those key committees sit on related committees.[13]

Despite the reformers' desire for committees to hire non-partisan staff experts, Republican chairmen in 1947, with a few exceptions, hired Republican staff. When the Democrats regained control of Congress two years later, they kept approximately two-thirds of these individuals. Professor Gladys Kammerer contended at the time that this was due, in part, to the fact that "many committees were headed in 1949 by conservative southern Democrats who maintain policy stands identical to those of their Republican predecessors." She concluded that the low turnover might be "linked to the seniority system for selection of committee chairmen which frees them from any feeling of party responsibility."[14] This dissatisfied Democratic Senator J. Howard McGrath, who commented that it just might be necessary to find some more Democratic experts. Ernest Griffith, director of the Legislative Reference Service, reported "some committees have survived changes in party control without impairment, largely in instances in which party consideration did not influence the original appointments. In other instances," Griffith continued, "a reasonable stability has been secured by the division of appointments between the parties. Others have been partisan."[15]

The framers of the 1946 Reorganization Act placed great faith in the usefulness of joint committee action. This could occur by establishing joint panels or by having the corresponding committees of each chamber meet jointly, whenever possible, to reduce duplication of effort by members, staff, and witnesses. Creation of roughly parallel committee systems, with similar jurisdictions in both houses, stimulated occasional joint hearings and staff collaboration. This was particularly the case for committees concerned with foreign economic policy, military aid, public housing, and the District of Columbia. Hopes for more creative uses of the joint panels that had been created ultimately failed, however, as members of both bodies sought to preserve the prerogatives of their individual chambers and to set their independent agendas.[16] Most formal collaboration was limited therefore to the eight joint standing committees.[17] Until 1953, senators generally chaired joint committees. Growing irritation among House members led to the practice, from that time, of alternating chairmanships between the bodies from one Congress to the next.

There were a number of other deficiencies in the operation of the 1946 act. Combining committees with overlapping jurisdictions did little to eliminate conflict on major issues related to defense, the economy, and social welfare. Two-thirds of the Senate's fifteen committees claimed an interest in national security affairs. The committees on Finance and Labor fought over control of veterans' legislation, while others quarreled over aid to small business.[18] The Senate began routinely to waive the act's prohibition of committee meetings during full legislative sessions—a provision designed to ensure full attendance on the Senate floor. Hearings were often called without sufficient notice, so the provision that written testimony be submitted in advance often went unheeded. Committee chairmen, in general, paid little attention to the requirement for regular meeting dates.

New York Times correspondent William S. White, in his classic Senate study entitled *Citadel* described Senate committees of the mid-1950's.[19]

> A Senate committee is an imperious force; its chairman, unless he be a weak and irresolute man, is emperor. It makes in its field in ninety-nine cases out of a hundred the real decisions of the Institution itself. What bills it approves are approved by the Senate; what bills it rejects are rejected, with rare exceptions. . . . To override, say, the Committee on Foreign Relations or the Committee on Finance involves a parliamentary convulsion scarcely less severe, as the Senate sees it, than that accompanying the overturn, say, of a British government.

White was pessimistic about chances for genuine change in committee operations, observing, "Reform in this field, as in a good many others, in short looks much easier the farther one stands from the facts."

A growing number of senators in the late 1950's and early 1960's did not share White's view of the limited possibility for genuine committee reform. Pennsylvania's Democratic Senator Joseph Clark referred to White as "the poet laureate of the Senate establishment." By 1963, Clark believed the days of the "Senate Establishment" were numbered.[20] In a series of floor statements in February of that year, he set forth a reform program designed to unhorse what he believed to be the conservative old-guard and to widen the circle of senators involved in institutional decision making. With reference to committees, Clark proposed to curtail the power of chairmen by allowing a majority of a committee's members to convene a meeting, to force chairmen to step down at the age of 70, and to provide for election of chairmen by secret ballot of committee members. The frustration that energized Clark's campaign led in 1965 to the establishment of the Joint Committee on the Organization of the Congress, the first significant effort at institutional reform since the 1946 Reorganization Act.

That panel under the co-chairmanship of Senator A.S. Mike Monroney and Representative Ray Madden confronted a committee system in great disarray. As political scientist Roger Davidson summarized the situation in the late 1960's "Some of the problems were external: mismatches between committee jurisdictions and emerging public issues, and the dispersed committee system's failure to aggregate related pieces of a policy." Davidson continued, "Yet internal difficulties occurred as well—in the form of jurisdictional rivalries and scheduling conflicts."[21] The Joint Committee issued its findings in 1966. The Senate, in 1967, quickly devised a series of proposed rules changes to incorporate the major portion of the joint committee's recommendations. The House, however, deferred until 1970 the necessary legislation to institute these reforms.

In that year, Congress passed a new Legislative Reorganization Act. Among the most notable changes in that measure for Senate committees was authority for a majority within a committee to call a meeting if the chairman had ignored such a request for at least ten days. All committee meetings were to be open to the public except for executive sessions held to mark up bills or to vote. All committee record votes were to be publicly reported. The act authorized elimination of general proxies for absent members in committee voting, and it permitted committees to ban proxies altogether on a vote to report a measure. It placed no limits on the use of proxies in subcommittees.

The 1970 Legislative Reorganization Act limited newly elected senators to two major and one minor committee assignments, with no member serving on more than one of the committees on Appropriations, Armed Services, Finance, and Foreign Relations. No Member could chair more than one full committee. The 1970 act required Senate committees to adopt and publish rules of procedure and to issue annual reports of their accomplishments. It mandated that a committee report on a bill must be available at least three days, excluding weekends and holidays, before the full Senate could consider the measure. This provision did not apply to certain urgent categories of legislation and it could be waived in any case by agreement between the two floor leaders. Committees were required to announce hearings at least one week in advance, except in unusual circumstances.[22]

The 1970 act is best remembered for the changes in committee practices that I have just described. It accomplished little by way of structural reform, except to establish the Senate Committee on Veterans' Affairs and to permit each standing committee to increase from four to six the authorized number of permanent professional staff.

On March 11, 1975, intensifying pressures for further significant committee reform compelled fifty-seven Senators to co-sponsor a resolution establishing a Temporary Select Committee to Study the Senate Committee System. Although the Rules Committee deferred action for a year, the Senate accepted other committee-related changes during that time. Senate Democrats agreed to permit use of a secret ballot in selecting committee chairmen if one-fifth of their members called for it. Two years earlier, Republicans had decided to select their senior committee members by vote of their party conference. For the first time, the Senate permitted public access to committee meetings in addition to hearings. This included markup sessions and joint House-Senate conference committees, although either Chamber could vote to close specific conference sessions.

In a move that had major significance for the operation of its committees, the Senate in 1975 provided junior Senators with up to three personal staff members to assist with their committee work. This was in addition to the requirement of the 1970 statute that two of the six committee professional staff be assigned to the minority. The net effect of these two changes was to limit the power of committee chairmen, who previously had the final word on staff selection. That power flowed increasingly to members of both parties with less seniority.

In 1975, major reform activity centered around the special Commission on the Operation of the Senate. Under the chairmanship of former Senator Harold Hughes, and comprised of nine private citizens, one Senate officer and one Senate employee, this panel carried a mandate to examine every area of Senate activity except the jurisdictional responsibilities of committees. At the end of 1976, the Hughes Commission submitted its report, addressed principally to the modernization of Senate administrative practices. With regard to committee operations, the commission recommended that major committees be charged with the responsibility for conducting long-range analyses of pressing national issues. It also urged the Senate to centralize executive agency oversight responsibility within the Government Operations Committee.[23]

Early in 1976, the Subcommittee on the Standing Rules of the Senate, which I chaired, held a hearing on the 1975 proposal to establish the temporary committee on the committee system. As part of my overall strategy to facilitate the business and improve the image of the Senate, I was determined to see that the work of the temporary committee succeed.

Consequently, we approved that measure and the full Senate adopted it on March 31, 1976. As the principal sponsor of the authorizing resolution, Senator Adlai Stevenson was appointed the Temporary Committee's chairman and Senator William Brock served as co-chairman.

Senator Stevenson eloquently described the difficulties arising from committees' antiquated jurisdictional assignments. He noted that they had remained relatively unchanged since the 1946 Reorganization Act despite major changes in executive branch structure. With the proliferation of subcommittees and the lack of jurisdictional realignment, Stevenson observed that "we sometimes end up reinventing the wheel simultaneously in different subcommittees. And we often end up dealing with parts of an issue with no mechanism to put the parts together."[24]

The six Democrats and six Republican Senators who comprised the Stevenson Committee were relatively junior and reform oriented, and none chaired major Senate committees. The panel included no Members from the Rules Committee or from the powerful committees on Foreign Relations and Judiciary. During the remainder of 1976, the panel examined proposals for restructuring and reduction of committees, rotation of chairmanships and memberships, as well as creation of major new committees on science and technology, energy, and national security.[25]

Following extensive hearings and an exhaustive series of interviews, the Temporary Committee, in September 1976, produced a set of recommendations. Picking up a familiar theme of congressional reformers, its members urged the abolition of all select, special, and joint committees, with the exception of the newly created Intelligence Committee. It advised eliminating the committees on the District of Columbia, Post Office and Civil Service, Aeronautical and Space Sciences, and Veterans' Affairs. The select committee further recommended restructuring those panels that had responsibility for issues related to energy, environment and transportation. This paved the way for creation of the Energy and Natural Resources Committee, from the old Interior Committee, and the Environment and Public Works Committee. The panel also advocated strict limits on the number of chairmanships and committee assignments for each Member, and it sought to improve scheduling of committee meetings.[26]

Prospects for passage of this reform measure brightened with the election in November 1976 of eighteen new Senators. Shortly after the election, I met with Senator Stevenson and Senator Bob Packwood, who had replaced Senator Brock as co-chairman. Along with Rules Committee chairman Howard Cannon, we agreed that a resolution incorporating the Temporary Committee's recommendations would be referred to the Rules Committee for hearings and reported out to the full Senate not later than January 19, 1977.

In a major step to protect the reform proposals, we decided that no new permanent assignments to committees would be made until after reorganization was completed. On the first day of the 95th Congress, as I began my service as Senate Majority Leader, Senator Stevenson introduced Senate Resolution 4. Newly elected Senators were decidedly unhappy that they would have to wait for permanent assignments. To expedite committee business, the Democratic Conference decided to assign new Senators of the majority party to committees by lot. These assignments would expire on the day the Senate completed action on reorganization.

The hearings before the Rules Committee proved to be stormy.[27] Many Senators and others who testified agreed in general with the need for reform, but differed in so far as it had an impact on their own committee assignments. I realized that this entire effort might collapse unless senior chairmen relaxed some of their opposition. Accordingly, I arranged two lengthy private meetings with the committee chairmen so that Senator Stevenson and those of us with overall leadership responsibilities could work out a solution acceptable to the majority. This resulted in a series of agreements that preserved the major provisions of the reform package.

These agreements cleared the way for adoption of S. Res. 4 early in February 1977 by a vote of 89-1. In doing so, the Senate modified the Stevenson Committee's proposals in several respects. It retained the Joint Economic Committee and the Joint Committee on Internal Revenue Taxation, but withdrew its Members from the joint committees on Atomic Energy, Defense Production, and Congressional Operations. The Senate established the Special Committee on Aging, while abolishing the committees on the District of Columbia, Post Office and Civil Service, and Aeronautical and Space Sciences. The Committee on Standards and Conduct was renamed the Senate Ethics Committee.[28]

The structural accomplishments of the 1977 committee reform effort are impressive by any standard. The number of standing committees was reduced by 23 percent from thirty-one to twenty-four. Subcommittees were cut 33 percent, from 174 to 117. Each Senator was limited to service on two major and one minor committees. Senators were permitted to serve on three subcommittees for each major committee and two for each minor committee to which they were assigned.[29]

Although it might seem that service on a total of eleven committees and subcommittees is excessive, that number compared favorably with the previous volume of committee and subcommittee assignments, which ranged from eighteen to thirty. In a move to spread leadership responsibility among a committee's majority party Members, the Senate agreed to permit full committee chairmen to chair only one subcommittee within the parent committee. Committees were also required to obtain approval of the full Senate before setting up new subcommittees.

Restriction on subcommittee membership served to reduce the number of subcommittees. During 1976, the Judiciary Committee, composed of fifteen members, had fifteen subcommittees. Senator John McClellan served on eleven of these subcommittees and chaired two. Chairman James O. Eastland chaired three subcommittees. Under the reorganization, with each majority member limited to one subcommittee chairmanship, the Judiciary Committee, in 1977, abolished five subcommittees, merged two and created one, for a total of ten subcommittees. Among that committee's eleven-member majority, I, because of my duties as Senate majority leader, chaired no subcommittee.

In a major step in the direction of partisan staffing, the Senate agreed that staff ratios should reflect the relative size of the majority and minority party assignments to individual committees. Committee minorities were permitted to have at least one-third of a committee's funds, beyond those used for clerical staff and central resources, placed under their control.

Mr. President, conflict between tradition and innovation have characterized the Senate's entire two-hundred-year history. The committee reforms of 1977, as with those of 1946, were undertaken with an appreciation of the need for continuity, and a deep respect for institutional tradition and the rights of individual Senators. They were also conceived in the need to constantly adapt to modern challenges. None of these efforts settled all of the problems they set out to address. In the intervening years, there have been additional study groups dedicated to improving operation of the Senate and its committee system. As the United States enters its third century, its leadership and members must continue to struggle for a creative balance between tradition and innovation. There is no better example of the Senate's fundamental ability to strike that balance than that provided by the steady evolution of its modern committee system.

Mr. President, I ask unanimous consent to insert in the RECORD at this time "Footnotes To 'Senate Committees Since 1947.'"

There being no objection, the footnotes were ordered to be printed in the RECORD, as follows:

FOOTNOTES TO "SENATE COMMITTEES SINCE 1947"

[1] July 31, 1981; August 1, 1983; June 3, 1985.

[2] *Congressional Record,* June 17, 1985, S8289-95.

[3] Public Law 79-601.

[4] Lindsay Rogers, "The Staffing of Congress," *Political Science Quarterly,* 61 (March 1941), 1-22.

[5] Norman Ornstein, et al., *Vital Statistics on Congress, 1984-85 Edition* (Washington, 1984), 124, 126.

[6] Walter Oleszek, "Overview of the Senate Committee System," in U.S. Senate, Commission on the Operation of the Senate, *Committees and Senate Procedures* (Washington, 1977), 5-10.

[7] "Francis O. Wilcox, Chief of Staff, Senate Foreign Relations Committee," Senate Historical Office Oral History, 25-26.

[8] Ibid., 40-41.

[9] U.S. Senate, *Committee on Foreign Relations, United States Senate, 170th Anniversary, 1816-1986* (Senate Document 99-21), 35-38; "Pat M. Holt, Chief of Staff, Foreign Relations Committee," Senate Historical Office Oral History, 45-50.

[10] U.S. Senate, Committee on Expenditures in the Executive Departments, 80th Congress, 2nd sess., *Legislative Reorganization Act of 1946,* 33-36.

[11] Ibid., 63.

[12] Ibid., 84.

[13] U.S. Senate, Committee on Expenditures in the Executive Departments, 82nd Congress, 1st sess., *Organization and Operation of Congress, 66-67; see also George Galloway, Next Steps in Congessional Reform, University of Illinois Bulletin* 50 (December 1952); and Galloway, *Congressional Reorganization Revisited* (College Park, MD, 1956).

[14] Ibid., 611-12.

[15] Ibid., 635.

[16] Ibid., 72-72, 629.

[17] The following joint committees were created in the three decades following 1945: Atomic Energy (1946); the Economic Report (1946); Defense Production (1950); Foreign Economic Cooperation; Indian Administration; Immigration and Nationality Policy (1952) /this committee never met and was abolished in 1970/; Housing (1947); Construction of a Building for a Museum of History and Technology for the Smithsonian Institution (1955); Labor-Management Relations (1948); Navajo-Hopi Indian Administration (1950); Organization of Congress (1965); Congressional Operations (1970); Arrangements for the Commemoration of the Bicentennial of the United States of Americia (1975).

[18] *Organization and Operation of Congress,* 630.

[19] William S. White, *Citadel: The Story of the U.S. Senate* (New York, 1957), 180-181, 185.

[20] Joseph S. Clark, *The Senate Establishment* (New York, 1963), 17.

[21] Roger H. Davidson, "Representation and Congressional Committees," in *Changing Congress: The Committee System; The annals of the American Academy of Political and Social Science,* 411 (January 1974), 48-

62; U.S. Congress, Joint Committee on the Organization of the Congress, 89th Congress, 1st sess., *Organization of Congress*, part 1, 744-51.

[22] Congressional Quarterly, *Congress and the Nation*, vol. 3 (Washington, 1973), 382-96.

[23] U.S. Senate, *Toward a Modern Senate*, (Senate Document 94-278), 1-6; U.S. Senate, Commission on the Operation of the Senate, 94th Congress, 2nd sess., *Committees and Senate Procedures*, (Committee Print).

[24] Judith H. Parris, "The Senate Reorganizes its committtees, 1977", *Political Science Quarterly* 95 (Summer 1979), 319-37; for a summary of the pre-1977 situation by a key Senate participant, see Bill Brock, "Committees in the Senate," Changing Congress: The Committee System, 15-26.

[25] Parris, 321-23.

[26] U.S. Senate, *First Report with Recommendations of the Temporary Select Committee to Study the Senate Committee System*, (Senate report 94-1395).

[27] U.S. Senate, Committee on Rules and Administration, 95th Congress, 1st sess., *Committee System Reorganization Amendments of 1977.*

[28] Roger H. Davidson, "Two Roads of Change: House and Senate Committee Reorganization," *Congressional Studies* (Winter 1980), 11-16, 22-32.

[29] For a recent scholarly treatment of the broad context of congressional committee reform since 1970, see Leroy N. Nieselbach, *Congressional Reform* (Washington, 1986), chapters 3 and 4.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of morning business be extended for an additional 15 minutes under the same condition as previously entered.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

THE NUTS AND BOLTS OF WEAPONS SYSTEMS

Mr. DIXON. Mr. President, I am sometimes referred to as a nuts and bolts politician, a label in which I take great pride. In light of my reputation, the matter which I address today will come as no surprise. It is literally a nuts and bolts subject.

I am speaking about the nuts and bolts which hold the weapons together that our military personnel use to protect us. It is not a flashy topic. It is not high tech. We are simply talking about the basic items used to hold weapon systems together. Without them, all of our production capability means nothing.

Our defense industrial base, the nuts and bolts of our national defense, is deteriorating before our very eyes. We have ignored this critical fact for too long. Unless we recognize, discuss and solve this problem immediately, the ability of our Armed Forces to fight anywhere in the world for the requisite period of time will be only a pipedream. Weapons will not be available in the quantity or quality needed to sustain a credible defense.

We are one of the few nations without a strategy aimed at building and maintaining a viable defense industrial base. Even Japan, which has a comparatively small standing military, has a strategy.

Mr. President, our country desperately needs to develop a comprehensive national policy which will meet the special concerns of our endangered defense industrial base. If we do not cope with this problem, the consequences could be fatal.

The defense industrial base does not consist solely of prime contractors. The General Accounting Office report, "Assessing Production Capabilities and Constraints in the Defense Industrial Base"—the most recent attempt to describe and analyze this problem—found that "prime contractors have relatively few production constraints while subtier contractors faced many."

We have laws, such as the Buy American Act, designed to encourage the growth and development of prime contractors. But we have no coherent policy designed to encourage the growth and development of the subtier manufacturers essential to the prime contractors' manufacturing.

These smaller manufacturers are in many cases under siege from foreign competitors and are, as a result, declining in numbers or disappearing. Prime contractors are not necessarily eager to buy from foreign component makers, but several different factors pressure them to buy from foreign suppliers. The cost incentive of buying the "cheapest and best" equipment, the continued subsidizing and dumping of goods on our market by foreign governments, and the unavailability of domestically produced components result in a distressing situation in which foreign competitors are thriving and our own manufacturers are drowning.

There are several examples of the plight of our domestic component manufacturers.

Almost half of the American fastener manufacturers, who produce actual nuts and bolts, have fallen to foreign competition.

According to a recent Jack Anderson column, foreign fastener manufacturers are able to undercut domestic producers mainly because they knowingly market lower grade and weaker bolts as grade-8 bolts, the hardest and most durable on the market. There are roughly 7,000 grade-8 bolts in every army tank, and 3 million in jet aircraft. The economic health of our domestic manufacturers and the quality and safety of the weapons using these bolts are both suffering because of the dumping of these faulty counterfeit bolts.

The International Trade Commission found evidence that the domestic crankshaft industry is being threatened by the dumping of imported forged-steel crankshafts from Japan, West Germany and the United Kingdom. Crankshafts, which are used in military equipment, and are being dumped by foreign manufacturers in an effort to take over our domestic markets.

The electronic components industry was awarded a large settlement as the result of the unfair dumping of microchips.

The machine tool industry and many other critical industries of the defense base are virtually extinct.

Our manufacturing base must be able to "surge" production of needed weapons and parts. Yet, many components critical to production are not readily available. According to the GAO report, the Army currently estimates that, in a "surge" situation, it will need to increase production of TOW 2 missiles by 1,000 per month. To achieve this goal, Hughes Aircraft, the producer of TOW's, would need to buy additional machines at a total cost of about $1 million. Are these machines produced quickly? No. They require a 22-month production leadtime.

In addition, today's sophisticated components must be tested, and shortages of testing equipment are widespread. Northrop Corp. must run its testing equipment for the inertial sensor unit and the altitude reference assembly for Phoenix and Harpoon missiles 24 hours a day during the work-week. Company officials admit that it is impossible, because of these testing procedures, to increase production.

Recently, an American corporation, Intel Corp., planned to set up a new assembly line for the electronic products it manufactures. It was unable to find experts with the knowledge needed to set up the assembly line and had to import the necessary manpower from one of its plants in Malaysia. Our Nation's manufacturers are increasingly unable to surge into production at a critical time of national emergency.

Can we afford to rely on foreign suppliers in an escalating conflict? I do not believe we can, and yet, the examples of our reliance are plentiful.

Manganese, chrome, cobalt and other metals necessary for the production of high temperature and high stress weapon system's parts—such as jet engines—are mainly mined and produced in two areas, the Soviet Union and southern Africa.

Our M-1 tank is dependent on foreign components: the printed wiring boards are made in Mexico, the hybrid circuits are imported from Taiwan, and the glass needed for optics is, likewise, manfactured outside of our borders.

More than 80 percent of military semiconductors are now assembled and tested outside of the country.

Ninety percent of all strategic ball bearings under 30 millimeters are imported. We will pay a high price if we continue to allow our domestic industrial base to deteriorate.

It has been argued that our nuclear deterrent and conventional forces are credible. Yet what is going to happen when our Armed Forces must fight? How long can this, the most prosperous nation in the world, supply and sustain its Armed Forces in a conventional war? Two, maybe three, months I am told. What happens if we must supply the Israelis in the Middle East, or if North Korea unpredictably crosses into South Korea and we are forced to respond by sending arms and materiel?

Our forces will find themselves dangerously depleted of arms, without the ability to replace those weapons quickly because our supply of parts is subject to foreign production supplies, international embargo, and the closure of sea lanes.

We can no longer continue to follow this "high risk" policy of buying abroad. We speak often of the trade deficit our Nation faces today: about the steel mills in Pittsburgh and Chicago that have closed. Since 1980, Americans have lost 190,000 jobs in the steel industry, but we continue to close our eyes and ignore the impact of this worsening situation on our defense industrial base.

Maintenance of a strong industrial base is essential to the defense of this country and to its economic well being Unchecked dependency on imports will lower the standard of living at home. It is already being seen in the increased number of unemployed and underemployed workers.

This is not a new topic in Congress. As far back as 1976, this problem was discussed, but today in 1987, we are still without legislation to effectively protest and nourish our industrial base.

Mr. President, this is a precarious situation which undermines the essence of our defense capability; one which threatens every facet of our Armed Forces and our defense.

Today, as a member of the Armed Services Subcommittee on Defense Industry and Technology and as the chairman of the Armed Services Subcommittee on Readiness, sustainability and Support, I pledge to investigate fully this escalating problem and to draft a comprehensive legislative strategy to restore our once mighty industrial defense base to its full capability, to ensure that this Nation has the ability to surge into production to meet emergency needs, and to halt the debilitating trend of dependence on foreign suppliers for those parts and pieces which make up the nuts and bolts necessary for the defense of the United States of America.

Mr. President, I yield the floor.

RURAL AND AGRICULTURAL PROBLEMS

Mr. FORD. Mr. President, on Sunday, February 22, Phil Norman, who is a retiring farm editor of the Louisville Courier-Journal, wrote his last column, and to me, it is one of the most thoughtful, one of the best articles I have seen written as it relates to the insight into our rural and agricultural problems today.

The headline of this article I think tells the story when it said "Farm Beat Took Writer to the Land of Hope, Debt."

So, Mr. President, I ask unanimous consent that this article be printed in the RECORD so that all of my colleagues might have an opportunity to read this very thoughtful article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Louisville (KY) Courier-Journal, Feb. 22, 1987]

FARM BEAT TOOK WRITER TO THE LAND OF HOPE, DEBT

(By Phil Norman, Farm Editor)

I covered citified politicians, social reformers, swindlers and others for 18 years before I ever thought of becoming a farm writer.

Almost needless to say, I didn't know much about farmers.

As a bureau reporter in Bowling Green, I would drive past lush, rolling farms as though they were just part of the Western Kentucky landscape, devoid of news, excitement or drama.

I've learned better during 12 years as farm editor for The Courier-Journal.

And those Western Kentucky farms keep coming to mind as I try to sort out the impressions and perhaps a few of the lessons of the job that I left Friday for an early retirement from the newspaper.

I was awed at first by the farmers' vast grain fields, costly equipment and factory-like complexes of grain bins rising in silhouette above uncluttered horizons.

They looked and sounded like ordinary farmers. But they had tractors worth more than my house, or their houses, for that matter.

The ones I approached kept talking about farmers—never themselves, exactly—becoming "paper millionaires," deeply indebted and plagued by the rising cost of everything they had to buy.

A few jokingly referred to neighbors as "CBM" farmers. When you asked what that meant, they said "corn, beans and Miami"—soybeans, not string beans, and vacations in Miami, Fla.

Most saw themselves as dirt farmers at heart. They had been born on small farms which they and their fathers had expanded slowly and then in a rush in the inflationary 1970s.

They lived in a complex, emotional world so immersed in technology and bureaucracy that even the language often was hard to understand.

But it soon became clear, even to a questioning neophyte, that much of the farm world was headed toward the insolvency and despair that recently have become so prominent in the national media.

Extravagance might have been part of the cause. "A farmer loves machines like a sailer loves the sea," a farmer told me at a machinery show in Louisville in 1978.

In 1979, I watched a tense young farmer poke a toe in the dirt as he bid $3,025 an acre for 628 acres of rich farmland in Union County.

As good as it was, the land could never support such a debt. Yet the farmer was outbid by a businessman who swooped down to the barnyard auction in a helicopter to take advantage of wildly rising land prices.

But the farmers did seem to have some worthier goals.

I remember finding some Union County farmers—three or four brothers—on the Ohio River bank at dusk one day in 1978. They were farming an island, ferrying back and forth with their supplies and equipment.

The brothers explained why they had just paid $1.5 million for a farm elsewhere in the county.

"We're trying to do what Daddy did," one of them said. "He went to expanding to give us a job. We're going to that for ours . . . We're going to send them to college. None of us ever went to college.

A few years later, farmers' moods darkened as land values sank.

I'll never forget a desolate group of farmers leaning against a cold wind, keeping their hands in their pockets and looking away from the auctioneer at a distress sale of a Graves County farm in 1982.

The farm sold anyway. "Farming is the only thing I've ever done," the farmer said later. "I'd have been better off sitting out time on a damm street corner.

A few months earlier, a farm woman had begun to sob as I interviewed her and her husband in the living room of their farm house, "Deputy sheriffs start dragging your stuff out . . . I can't take one more thing," she said.

Little has changed since then, except that farmers have failed in increasing numbers.

I still wonder why federal officials and farm economists, with all of their statistics and computer models, kept saying the farm economy was sound in the late 1970s and early 1980s.

Farmers with memories of the Depression of the 1930s knew that a boom brings a bust.

Experts with the courage to buck a trend could have warned the rest that land values, pushed up by such short-lived events as crop failures in oil-rich parts of the world, would come back down. They could have told farmers that the boom couldn't last in a world becoming less dependent on high priced U.S. crops.

But the government and many lenders, including the national Farm Credit System, keep encouraging farmers to borrow money for expansion. Almost everyone in the farm establishment rode high with the boom. Few acknowledged the bust until it seemed tragically obvious. Then they began writing off farmers they had befriended.

Maybe they will be better the next time they are in a position to make a difference.

Much of what I have seen and heard suggests that more thousands of farmers will fail and that the farm economy one day will level out with fewer and larger farms and many crippled communities.

But we might remember that many farmers wouldn't sell out when they could have made fortunes on the land market. I have talked to farmer after farmer willing to take almost any risk and work day and night, on and off the farm, to stay on the land.

Something tells me we should do all we can to keep them there. Their independence, stubbornness and character must be good for a nation that sometimes seems to be losing its roots and diversity, if not turning into one frightening conglomerate.

Efforts to open up world trade might help the farmer. But I do think most of us will have to keep sharing his burden through some combination of subsidies—currently an outlandish $26 billion a year—and somewhat higher food prices brought on by production cuts.

I couldn't end this piece without acknowledging the small livestock-and-tobacco farmers so typical of Kentucky. Wendell Berry, the farmer and farm philosopher of Henry County, surely is right when he says we need more good small farmers.

Not obsessed with costly chemicals and machines, they have ways to hold down erosion and enrich the soil as they farm it. As they are forced from the land, they might not be replaced.

That brings up a final point—the terrible ambiguity of tobacco in Kentucky.

As a farm writer, I have been concerned with tobacco as a major economic force and a way of life on farms across the state.

I once spent an afternoon in Henry County with good-humored farmers helping a neighbor hang burley in a curing barn, working together for as long as necessary without pay, as people in their community always have done.

I remember watching a Shelby County family spend hours arranging burley on an auction-warehouse floor, striving for a few extra cents a pound and the pride of having the best crop on the floor.

It's hard to reconcile such scenes with the health threats associated with smoking. But reality often has two faces in Kentucky, the home of bourbon whiskey and thoroughbred racing. Even its cattle have been caught up in a health controversy—the battle over red meat—and have become less numerous on its hilly pastures.

I think it's fair to say that an end to tobacco price supports and production controls might ruin Kentucky's small-farm economy but wouldn't keep others from growing or smoking the leaf.

Without safer cigarettes, however, tobacco almost surely will keep declining. A transition to "alternate crops"—more vegetables, more hay, mushrooms, ginseng and the like—will be difficult and insufficient but clearly must be pursued.

In the meantime, whatever is done to discourage smoking might be done with some sort of consideration for the welfare of small farmers whose families have thought of tobacco farming as honest work for more than 200 years.

PROSPECTIVE PAYMENT SYSTEM UNDER MEDICARE FOR HOSPITAL-BASED PHYSICIANS

Mr. WALLOP. Mr. President, I am pleased to join with my colleague from Alabama, Mr. HEFLIN, in introducing a concurrent resolution expressing the sense of the Congress that the development of a prospective payment system to reimburse physicians be based on congressional mandated studies. The administration, as part of the fiscal year 1988 budget, has proposed that some physicians be reimbursed on a prospective basis.

Unfortunately, the administration is, in this instance, putting the cart in front of the horse. We have not develop a system to reimburse physicians prospectively. Such a reimbursement structure is being developed by the Harvard study. This study was mandated by the Congress. Though we do not have a plan for physician prospective reimbursement, we are being asked to enter that thicket as part of the budget deficit reduction effort.

My colleagues are all aware that I am firmly committed to a balanced budget. I have taken the difficult stands on deficit reduction issues. My concern over the deficit was the deciding factor in my vote on the recently enacted clean water bill.

I voted against the clean water bill because there was a sensible, less expensive alternative. The same is true for the proposal on prospective payment for physicians. The Harvard study will provide us with the information to establish a workable reimbursement structure.

When the Congress mandated a prospective payment system for hospitals as part of the Social Security Financing Amendments of 1983, we had a solid data base for the DRG system. The DRG prospective payment plan had been developed by Yale University and utilized in New Jersey. We knew it would work, and we were aware of some of the bugs. But even after 3 years of experience, we still have problems and conflicts with the hospitals PPS. I dread even thinking about what problems would arise were we to blindly leap into a physician PPS.

The resolution we have introduced does not prohibit a PPS for physicians. Quite the contrary; we recognize the need for prospective payment for physicians, and the work on a proposal is well underway. But, let us finish the work before enacting the program. That is the only responsible way to legislate. In conclusion, I would ask that testimony presented by the American Medical Association on Physician Reimbursement be printed at the end of my remarks. The testimony outlines the history of part B Medicare reimbursement and discusses current reform efforts.

NORTH DAKOTA

Mr. BURDICK. Mr. President, as my colleagues will attest, I seldom miss an opportunity to extoll the virtues of my home State of North Dakota.

I am proud, and justifiably so, of North Dakota and its people. It has been the most profound honor of my life to serve them in Washington.

It was with much pleasure, therefore, that I picked up the March issue of the National Geographic and found the cover story to be on North Dakota.

The writing is crisp and eloquent, the photographs are rich and expressive. Together they capture much of the essence of North Dakota.

That essence can be summed up in one concept—the relationship of the people and the land. Each has shaped the other. North Dakota has produced a breed of Americans amply endowed with the admirable qualities of strength, optimism, ingenuity and compassion. North Dakotans have shaped a beautiful but tough land into one of the most productive and vital areas of our Nation.

It is the strength of this relationship, which will endure, that will carry North Dakota and its people into the next century and beyond.

I ask unanimous consent that a copy of the National Geographic article be printed in the RECORD. My compliments to that organization, the author and photographer for a job well done.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOUGH TIMES ON THE PRAIRIE

(By Bryan Hodgson)

On a timeless North Dakota Sunday under whipped-cream clouds, I follow the Lewis and Clark Trail north from Bismarck, the state capital, and park on a bluff overlooking a broad, braided stretch of the Missouri River. Cottonwoods shimmer on the far shore, and a warm prairie wind ruffles the water. Upstream, I know, the river vanishes irretrievably behind Garrison Dam. But here it still looks very much the grand continental waterway that carried those early explorers through an almost unknown wilderness some 180 years ago.

For weeks I've been exploring that one-time wilderness, navigating by latitudes and longitudes of narrow roads over an incredibly tidy land. Vast wheat fields are stitched into the prairie like machine-made carpet. Regiments of sunflowers gaze so uniformly east that I've felt compelled to glance that way too. Along the Red River, which flows north toward Hudson Bay, the state lies flat as a map, with grain elevators and solitary farms penciled on a razor-thin horizon.

But heading west, I discovered places where the state remembers its wilderness heritage. Here was Little Yellowstone Park, where white-tailed deer roamed the delightful Sheyenne River Valley. Beyond, in rolling, glacier-formed hills, I found a sea of small lakes called potholes, where ducks, pelicans, and gulls share one of the most productive waterfowl hatcheries in the world.

Small towns were islands of individuality in this agricultural archipelago, each with its siren billboard song. Hazelton enticed me with "22 Friendly Business Places," while Edgeley offered "Fine Food and Friendly People." Gackle's six churches welcomed me ecumenically. Kulm modestly proclaimed itself "Flax Center of the World." I entered Napoleon between a pair of graveyards where neighbors lay separated by doctrine, if not by death, and found nearby a careful arrangement of 15 antique threshing machines that bowed rusty heads in memory of harvests past.

Gradually, I began to notice other patterns. In the towns, many stores and homes were empty. In the countryside I saw many empty farmhouses, an ironic contrast to hundreds of silvery new grain silos that sprouted everywhere.

Across this prairie panorama marched gleaming machines at work on one of the mightiest harvests in North Dakota's history. A parade of trucks with red, white, and blue color schemes hauled grain to elevators and on-farm storage bins that helped contain some 400 million bushels of wheat worth almost 1.5 billion dollars, in addition to 250 million bushels of barley, oats, and corn and 800,000 tons of sunflower seeds.

But this enormous productivity lay like an invisible blight upon the land. United States agriculture exports had tumbled almost 40 percent in five years as Europe, Australia, Canada, and Argentina competed in a world market glutted with food. Even India had begun exporting wheat. North Dakota's 33,000 farmers had plunged some 5.7 billion dollars in debt. Now 17 percent of them were delinquent in mortgage payments, and as many as 5,000 were expected to be out of business before the state centennial in 1989.

In a state of only 685,000 people, where half of all workers depend on farming, it was a bleak harvest indeed. Moreover, in the cause of productivity, hundreds of thousands of acres of fragile prairie had been set to the plow. Drainage of potholes to create more farmland had caused increasingly destructive flooding and brought a catastrophic decline in the annual hatch of wild ducks.

"The boom came when the Russian harvest failed in the early seventies," I was told by farmer Bruce E. Viker, who with his brother, Dewel, produces wheat, barley, sunflowers, and sugar beets on 5,000 family-owned acres in the Red River Valley near Hillsboro. "Wheat went from $1.70 to $5.96 a bushel. An acre of land jumped from $300 to $1,500 and $1,700. Now we've gone from six-dollar wheat and $15,000 tractors to three-dollar wheat and $45,000 tractors, and you can't sell an acre of land for $900."

He showed me four brand-new Duetz-Allis "Gleaner" combines that the brothers recently purchased, bringing their total equipment investment to about $900,000. Two 25,000-bushel aeration bins with powerful electric fans ran constantly, drying grain that had been harvested with too much moisture for proper storage.

"Forced-air drying really makes your meter spin," said Mr. Viker. "But it gives us better control over variables like weather. The traditional way to harvest is swathing—cutting the grain, letting it dry in the field, then threshing it. That protects your crop from being knocked down by harvest-season thunderstorms and hail. But damp weather will make the wheat sprout on the ground, which can cost you a dollar a bushel, or sometimes your whole crop."

When I met them, the Vikers had some 200,000 bushels of wheat and barley in storage on the farm, with room for about 150,000 more. Their farm was a model of meticulous order.

By contrast, the economics of agriculture seemed an incomprehensible mess. For years the federal government had guaranteed minimum prices for wheat and other grains, with additional "deficiency" subsidies that gave individual farmers up to $50,000 more income a year. In 1985 Congress raised these deficiency payments to a level that would cost taxpayers some 25 billion dollars in 1986. In the second quarter of 1986 the subsidies helped boost North Dakota's average personal income by 13.4 percent—the highest increase in the country.

Now, there were rising complaints that only large farms benefited. And there were signs of abuse. Some farms were being split into smaller units, each eligible for a $50,000 payment. While wheat farmers in North Dakota had agreed to take 30 percent of their acreage out of production to qualify for subsidies, in 1984 they had planted 765,000 of these "withdrawn" acres in barley, oats, and other grains, already in huge surplus. Nationwide, over 6 million acres were similarly overplanted.

It was not the first time that massive government programs had affected North Dakota. The Vikers' land once was part of the 63,000-acre Grandin Farm, one of many so-called bonanza farms assembled by speculators in North Dakota during the 1870s from government land granted to the Northern Pacific Railway. The company sent agents throughout northern Europe to recruit settlers and sold them land for $2.50 an acre when the arrived. By 1890, according to state historian laureate Elwyn Robinson, North Dakota has 50 towns, 125 newspapers, and 125 banks. By 1915 population had risen to 637,000, and there were 75,000 farms, most of them planted to wheat.

"But big merchants and bankers in Minnesota came to dominate the state's economy. Many homesteaders were forced out because they couldn't get a fair price for their crop," I was told by Larry Remele, of the State Historical Society in Bismarck. "That early farm crisis stirred up a wave of populist politics. In 1919 a farmers' legislature fought the outside control by setting up a state grain elevator and flour mill and founding the Bank of North Dakota, the nation's only state-owned bank. Drought and low market prices forced many more farmers out in the 1930s. Since then we've lost many of our small towns. And the average farm size has grown from 375 acres to about 1,200 acres. But the population hasn't changed much since 1915."

Bismarck seems to me the quintessential American hometown. I vividly remember the annual Folkfest Parade, when pretty girls rode through the streets on a fleet of restored 1930s and 1940s cars, while World War II airplanes like the B-17, B-25, and the F4U Corsair thundered overhead as part of an air show at the local airport. High-school marching bands provided counterpoint to the basso profundo rhythms of an old steam tractor, and floats sponsored by two large downtown hospitals called Medcenter One and St. Alexius seemed like advertisements for television shows engaged in a ratings war.

I discovered that Bismarck has German flavors to match its name. At the Bakers Dozen, I found *Kneifla*, a cream soup with chunks of dough. At Keichla Korner, a German fast-food café, Judy Rivinius introduced me to a dish called *Fleisch Keichla*, deep-fried dough filled with spiced meat. We theorized that this might have been the origin of the hamburger.

Bismarck owes much of its ethnic flavor to German settlers, many of whom came there from Russia, descendants of those who had colonized the Black Sea region in the early 1800s at the invitation of Tsar Alexander I. Rising Russian nationalism caused thousands of them to leave for the United States in the late 1800s and early 1900s, and most of them settled the state's central and southern regions.

One of their descendants is Dr. Armand Bauer, soil scientist at the Department of Agriculture's Northern Great Plains Research Center at Mandan. Dr. Bauer was born at Zeeland, where his paternal grandfather, from the Crimea, homesteaded in 1884. He came to Mandan from North Dakota State University at Fargo in 1976 to do a long-term study on the effects of farming methods on soil quality. Traditional ways, it seemed, had taken a serious toll.

"Wind erosion of heavily cultivated topsoils is a principal cause of damage," Dr. Bauer told me. "So far our soil tests indicate an average loss of 59 pounds of organic nitrogen an acre over 25 years. To replace it with commercial fertilizer would cost about $220 an acre. That's about 40 percent of the value of all land sold in the state in 1981.

"In addition, four to five million acres of grassland that never should have been cultivated were added to the plow in the past seven or eight years in North and South Dakota, Montana, and Colorado. It was partly to get more subsidies but also speculative, for the added value of plowland."

Today, he told me, many of North Dakota's farmers are switching to "no-till" techniques, in which herbicides are used instead of repeated cultivation to eliminate weeds. New seeds are planted directly in the stubble of last year's crop.

"This method can reduce wind erosion losses by 50 percent. Just as important, it reduces evaporation of soil moisture. A two-inch stubble keeps the equivalent of 2.4 inches of rain from evaporating. The stubble traps snow that would otherwise blow away, providing an additional 1.5 inches of water. In a semi-arid climate like ours, that's like increasing annual rainfall as much as 25 percent. And there's another benefit—the snow cover keeps the ground warmer and makes it less risky to plant winter wheat.

"The idea isn't new. Farmers experimented with it in the good rainfall years of the 1920s and early '40s, but then the 'big iron' came along—the huge tractors that let them plow every shred of vegetation under. They developed what I call the 'clean surface syndrome' and laughed at the Peter Tumbledown look of conservation tillage. But now there are almost one million acres under no-till cultivation in North Dakota alone, and there will be a great deal more when farmers can afford to invest in the special machinery required."

In downtown Fargo a heroic sculpture of a plowman and his oxen commemorates the settlers who first broke the soil of the Red River Valley. Most of them were Norwegians who came to North Dakota from settlements in Minnesota and Wisconsin. One of their kinsmen is Howard Dahl, 37, whose Norwegian ancestors homesteaded near Fargo in 1882. His grandfather, Edward G. Melroe, invented a windrow pickup attachment for combines that is still manufactured in North Dakota. Howard's father, Eugene, was chief executive officer of Steiger Tractor in Fargo, which makes some of the largest tractors in the world. Howard is founder and president of Concord, Inc., which manufactures a new no-till machine.

I met him at the annual big-iron farm-equipment show in West Fargo, amid gigantic eight-wheel tractors and air-conditioned combines that looked like vehicles designed to colonize another planet.

The Concord machine was enveloped in the octopus-like tentacles of a pneumatic system that simultaneously applied fertilizer and two bands of seed to incisions made in the ground by sharp discs. Large wheels closed up the incisions, leaving the ground almost undisturbed.

"We make a 20-foot seeder for $22,000—enough for the average North Dakota farm of 1,000 to 1,100 acres—and a 40-footer for $48,000," Mr. Dahl told me. "But there's a good return on investment. This system can decrease use of fertilizer by 20 percent compared to broadcast application. And since it does several jobs at once, farmers can save as much as 400 tractor hours a year."

One of Mr. Dahl's clients is Mike Wyum, 36, of Rutland. He and brothers Steve and Mark and their father, Robert, have separate farms totaling some 5,500 acres and switched to no-till cultivation in 1981.

"We had a very dry spring with high winds, and we were just watching our land blow away," Mike Wyum told me. "Now we've basically eliminated erosion. You can't take that savings to the bank right now, but we know the land will be there for our children."

The Wyum Fields have produced another promising crop, according to U.S. Fish and Wildlife Service researcher Harold Duebbert of the Northern Prairie Wildlife Research Center in Jamestown. In a two-year study performed with the help of the Wyums and 64 other landowners, Mr. Duebbert found that no-till winter wheat provided a good nesting ground for ducks, including blue-winged teal, pintail, mallard, gadwall, and shoveler.

"Good news? Yes! We found one successful duck nest per hundred acres. That's some of the best news about ducks in 20 years," he told me. "Once people farmed around the wetlands and left enough native grassland for nesting. But mass-production farming has totally changed North Dakota's landscape. Only about two million acres are left of the original five million acres of potholes. People say many of them aren't useful to ducks anyway, because they dry up in summer. But that drying cycle helps recycle nutrients critical for the production of protein-rich insects that nourish breeding ducks in the spring."

Driving south one day from Hurdsfield, I found myself sailing a sunset sea of potholes, surrounded by graceful hills alive with fall colors of the grasses. I realized then how an inelegant name—pothole country—obscures the unity of a region that covers large parts of Alberta, Saskatchewan, and Manitoba in Canada, as well as the north-central region of the United States.

About half of all wild ducks in North America are produced in the prairie potholes. Two to three million are hatched in North Dakota.

In 1961, to protect this resource, the Fish and Wildlife Service began a program to buy outright 328,000 acres of wetlands and adjacent uplands, and to pay half the land value of another 1,250,000 acres to owners who agreed not to fill, burn, or drain their wetlands. In 1977 local politicians whipped up resentment against such federal "interference," and the North Dakota legislature passed laws that made it almost impossible to acquire easements. After six years of legal battles, the U.S. Supreme Court overturned the ban. Even so, the Fish and Wildlife Service has been reluctant to get started again without the state's consent.

How crucial the problem has become I learned from Dale Henegar, North Dakota's game and fish commissioner.

"The autumn flight of ducks from North Dakota is expected to be down as much as 50 percent this year. In all the central flyway, it will be down by 30 percent. And this will get worse before it gets better. From 15,000 to 25,000 acres of potholes in the state are being lost each year on private land, which produces most of our waterfowl, even though state law requires a permit to drain potholes of 80 acres or more.

"And you can't measure the loss in wetlands area alone. Ducks are being forced to nest in ever shrinking islands of upland habitat, favoring predation. Red foxes alone kill about 900,000 mallard hens annually, in addition to their young.

"We need bio-politicians today, not bioactivists," Henegar told me. "We're making a new effort to get farmers, wildlife people, and water interests together for joint action to save potholes. The Crystal Lake Water Management Project in Wells County, just north of Hurdsfield, is a good example. It includes seven square miles and a dozen landowners in some of North Dakota's best pothole country. Wetland drainage was flooding farmers downstream, and the whole thing was headed for court.

"I went to them and said, 'Let's sit down and talk—heal old wounds.'

"So we got agreement between all the people involved—the State Water Commission, the Wells County Water Resource District, the federal wildlife people, and the North Dakota chapter of the Wildlife Society. The U.S. Fish and Wildlife Service will buy some small parcels to develop as habitat and acquire perpetual easements for others, including restoration of some previously drained potholes. In return, local people will design some eight miles of new drainage channels to protect downstream land from spring flooding.

"Our aim isn't to stop change. It's to stop wildlife loss."

While private wetlands have suffered the greatest damage, national controversy has centered on the Garrison Diversion Unit, an elaborate water project begun after the two-mile-wide Garrison Dam was completed across the Missouri in 1953. Congress authorized the 1.2-billion-dollar project in 1965 to carry Missouri River water to irrigate some 250,000 acres on 1,200 North Dakota farms. Conservation groups protested that the cost, averaging 1.2 million dollars per farm, far outweighed the benefits, particularly since 220,000 additional acres would be required for roads, canals, reservoirs, and to mitigate damage to critical wildfowl nesting areas.

Their arguments failed, and construction was well along when it was discovered that two proposed irrigation areas, on the north side of a low-lying ridge dividing the state diagonally from northwest to southeast, would have allowed Missouri River water to flow into Hudson Bay via the Souris and Red Rivers. Under the Boundary Waters Treaty of 1909, Canada refused to risk potential damage to its own fisheries and wildlife by Missouri biota. The international furor prompted Congress to re-examine the project's cost, environmental impact, and goals. In early 1986 the spending authorization was cut almost in half, irrigated land was limited to 130,000 acres in central and southeastern North Dakota, and project managers were ordered to restore or protect an acre of wetland for every acre destroyed. A two-year feasibility study was ordered on a new canal and other irrigation facilities.

More important to a majority of North Dakotans, the new legislation funded a 200-million-dollar project to provide potable water to some 130 towns and surrounding farm areas where groundwater has long been dangerously contaminated with natural salts, arsenic, and other chemicals.

For years North Dakota's most often voiced justification for the Garrison Diversion irrigation scheme was that the Garrison Dam had forced the sacrifice of prime North Dakota river-bottom land to provide flood control in other states. Much of the land—some 155,000 acres—contained the farms and villages of Fort Berthold Indian Reservation, home of the Mandan, Hidatsa, and Arikara. The tribes received 12.6 million dollars for the land, for the loss of eight communities, and for the cost of relocating on upland prairie.

"Money couldn't replace what we lost," I was told by Gerard Baker, a Mandan-Hidatsa who serves as district ranger of the north unit of Theodore Roosevelt National Park. "Before the dam we made a good living farming the bottomlands. Our society was intact. After our lands were flooded, communities were broken up and people relocated to land that was totally unsuitable for vegetable farming and livestock. The government built housing and promised there would be jobs on the reservation or in the white community. But there were never jobs enough even for whites. So people just sat in the houses. All sense of an extended family relationship was gone. The government gave them welfare. And once that happened, they were spoiled."

Mr. Baker has more reason than most to measure how much his people have lost. After earning degrees in criminology and sociology at Southern Oregon State College, he spent years organizing archaeological and cultural displays at Knife River Indian Villages National Historic Site, about ten miles south of Garrison Dam. North Dakota's first farmers had built a highly sophisticated culture there long before Lewis and Clark first encountered them in 1804.

"When I grew up, it seemed like learning to be an Indian was mostly learning how to fight," Mr. Baker told me. "After that I went through a militant period. But when I started learning our history, I realized that without our own religion we're lost. In the old days young men of the tribe went into the wilderness on 'vision quest.' They stayed alone and fasted until they received a vision of their future. That is what we need today."

We go off to feed the park's resident herd of tough, rangy longhorn cattle, and Gerard Baker strides among them fearlessly, ignoring their aggressive pursuit of the grain sacks he carries. Later he pours a few handfuls of feed outside the storehouse door.

"For my rabbits," he says. "Our religion asks that we give something back to nature in thanks for everything we use—the crops we grow and the birds and animals that share our world. For us the Spirit and the commonplace are one. If we lose that knowledge, we lose ourselves."

Mr. Baker's clan name is Yellow Wolf, and he is brother to Eagle Woman, otherwise known as Mary Baker, 35, vice president for academic affairs at the United Tribes Educational Technical Center at Bismarck. Some 300 students come there from 26 reservations in North Dakota and throughout the U.S. to earn certificates in such vocational skills as licensed practical nursing, medical record keeping, police science, and building and automotive trades. Among the students are 56 young couples whose children attend an on-campus nursery, day-care unit, or the center's elementary school.

"Between 70 to 80 percent of our graduates get jobs," Mary Baker told me. "We teach survival skills for the white world. But that doesn't mean teaching them to become like whites."

Mary Baker became dean of Fort Berthold Community College in 1975 after earning a master's degree in education at Penn State University. Now her goal is a doctorate in curriculum development, with emphasis on a realistic portrayal of Indian history and cultural values.

"In white education Indians are always the losers. Either we're portrayed as the bad guys or there's too much 'noble savage' nonsense. Each tribe is different, with its own history and tradition. We have our own rivalries and our own bad guys and good guys. It's important that white teachers understand Indians without stereotyping them."

North Dakota suffers its own stereotypes—that it's purely a farming state, for example. Along scenic Highway 200 south of Lake Sakakawea, I encountered the energy belt, where huge strip mines produce some 26 million tons of lignite a year, most of its burned in minemouth generating plants that export two-thirds of their power to other states. To the west, hundreds of slow-flowing wells produce some 51 million barrels of oil a year. But falling oil prices have brought depression to oil towns like Dickinson and Williston, and higher quality Montana and Wyoming coal helps utilities there undercut North Dakota's electricity prices.

The most impressive energy site of all is the two-billion-dollar Great Plains Coal Gasification plant at Beulah, where underground lignite mines once supplied fuel for praire dwellers who had no trees. The huge facility was conceived in the energy crisis of the early 1970s, when Washington analysts predicted that the United States was running out of natural gas. Now it produces about 135 million cubic feet of synthetic gas daily. The Department of Energy took over the plant in 1986 after the five energy companies that built it defaulted on a 1.6-billion-dollar loan from taxpayers. To repay that loan, its output would have to sell at about ten dollars per thousand cubic feet—five times higher than natural gas flowing from Williston Basin wells only 80 miles away.

Another North Dakota stereotype falls flat it you travel the northern border, where the Turtle Mountains rise abruptly as high as 2,500 feet. Hardwood forests shelter Lake Metigoshe State Park, and nearby lie the woodland trails and ceremonial vistas of the International Peace Garden, which spans the border to symbolize the long friendship of Canada and the United States.

Close to the same border are less visible symbols of a nuclear age. Driving on a dirt road near Antler, I came on a chain-link fence surrounding what seemed to be a small parking lot in the midst of deserted countryside. I approached close enough to read a small sign warning intruders away. "Use of Deadly Force Authorized," it said, and I realized I was trespassing on the site of an underground silo containing a U.S. Air Force Minuteman III intercontinental ballistic missile. The state shelters 300 such missiles, each capable of carrying three nuclear warheads. Together with B-1 and B-52 bombers at Strategic Air Command bases at Minot and Grand Forks, they give North Dakota one of the largest concentrations of nuclear weapons in the world, aimed at the Soviet Union.

It seemed ironic that part of the bountiful wheat harvest stored in North Dakota's farm silos had been targeted on the Soviet Union as well—at cut-rate prices that would subsidize a floundering Communist economy while undercutting the farm exports of Canada, not to mention other U.S. allies all over the world.

Such problem-laden solutions to the farm crisis don't always square with North Dakotans' streak of prairie common sense.

"We just can't save all the farmers," I was told by Joe Lamb, president of the state-owned Bank of North Dakota. "But we have to take care of the good ones, because that's where progress will come from."

Mr. Lamb is a small-town banker appointed in 1985 to effect a reorganization of the bank, which had to write off a staggering $8,328,000 in bad loans.

"There are 177 banks in North Dakota, plus I don't know how many savings and loan companies and credit unions," he told me. "There's been a pattern of loans based on insufficient research, too much local boosterism. Local lenders mistakenly advanced money on inflated land values, on net worth that existed only on paper. They were trying for growth, but going too fast. Now there's a world of hurt out there, and we've all got to take our hit."

Mr. Lamb's grandfather and granduncles founded the northern town of Michigan City in the 1880s. I remembered the town vividly because I'd had three cups of coffee and a notable homemade date cookie in the Kite Cafe for 31 cents. How a business could survive at such prices I didn't know. But in many North Dakota communities I found that methods of survival have a similarly homegrown air.

Driving south from Bismarck on Route 1804, I stopped at the two-room Telfer School, where principal Patricia Stein, 42, presides over grades one through five, while Montana-born Ann Beddow, 30, teaches grades six, seven, and eight. Mrs. Stein attended a one-room school herself for eight years in Morton County.

"We have 26 students in all," she told me. "Last year our fifth grade scored at high-school level on the National Iowa Basics Test. All of our kids are above average. They get along, help one another, there's a lot of interaction between the age groups. We're very much like a family."

The present Telfer School was combined from former school buildings number two and number three. School number one stands on the farm of Elvira Rogstad, whose son bought it at an auction when the district retrenched a few years ago.

"I guess we're kind of sentimental," she told me. "All eight of my kids graduated from Telfer—and so did I. It's always been part of our heritage. At the school centennial in 1984 the oldest graduate at the celebration was 81, and the youngest student was six."

Keeping the heritage going isn't easy. "We have 320 acres, and we raise horses, cows, ducks, chickens, wheat, and corn," Mrs. Rogstad told me as we talked in her spotless farm kitchen. "But there's no way we could make it on farming alone. My husband is a carpenter. Our sons rent land to farm, but one is studying architecture, two are ironworkers, one is a mechanic, and one sells farm implements. One daughter married a rancher, one deals blackjack at a casino in Bismarck and works for a lawyer as well. The youngest is still in high school.

"So far we've been lucky—everyone has managed to stay in North Dakota."

On another day, driving through the yellow clay canyons of Badlands country near the Montana border, I come to Marmarth, which seems to be an almost perfect ghost town, lost in a forest of cottonwoods on the banks of the Little Missouri River.

I'm badly mistaken. On one building a sign says "Mert's Cafe, Good Food, Open 7 Days a Week." Inside, proprietor Mary Ann Lecoe is presiding over Sunday smorgasbord. While eating an excellent hamburger, I meet Mayor Patti Perry, 40. She fetches the town's "family album," which contains a panorama photograph of huge crowds and a multitude of steaming trains, shot during an anniversary celebration in 1919.

"Marmarth was a big cattle-shipping station and division point of the Milwaukee Road, which had a roundhouse, maintenance yard, and a large bunkhouse for crews. The Milwaukee went broke running too many tracks to too many small towns. Burlington Northern took over and closed everything down in 1982. But there are still 180 of us living here. The school still operates, and the volunteer fire department too. We're working to make Marmarth a real railway museum. Burlington has given us the bunkhouse, and we'll get first option on sale of other railway property."

She takes me on a walking tour of downtown, with its crumbling brick bank, old bars, and a hotel that had its last guest in 1970. On Main Street I find the real treasure of Marmarth: the tiny Mystic Theatre, built in 1914 as one of the earliest motion-picture houses in the United States. Refurbished in 1976 by the Marmarth Historical Society, it now is listed on the Department of the Interior's National Register of Historic Places.

"We use it every April for our annual variety show. Last time we did 'Ten Nights in a Barroom.' We don't need much heavy drama. Mostly ranching is all that's left, and this year was a whole bunch of hoppers and damn little rain. But this is the greatest 'next year' country in the world. If you come back, we'll still be here."

On a flagrant prairie day when rain slashes through brilliant sunlight and a rainbow leaps across a vast black palisade of cloud, I find the city of Carson looking very much like a pot of municipal gold. New houses are going up, old ones getting painted, and the main street gleams with new Western-style buildings, complete with hitching posts, rough-cut siding, and covered sidewalks.

This rural renaissance is the work of Mitchell D. Bohn, a native son who six years ago co-founded a California-based company called LSI Logic, Inc., which designs custom computer chips. Since then he has invested some 3.5 million dollars of silicon-gotten gains in his hometown. A new professional building houses the pharmacy, together with state and federal offices and the city hall. Nearby stand a new grocery store, a clothing store, and a family recreation center.

"We had things like this when I was young," Mr. Bohn told me. "I wanted the town to have that benefit again. Now others feel the same way. One man has come back to open a welding business. There's a new beauty shop, a craft shop, and a garage. We've even found a young doctor to reopen our medical clinic."

New jobs enable some Carson young people to stay. For those with wider aims, Mr. Bohn funds three college scholarships each year for top local students.

"Small towns aren't necessarily for young people," he said. "They want action. Later they can come home again—like me."

That sort of tenacity, I decided, may be North Dakota's most abundant crop. I saw it expressed quite differently a few days later in a publicity photograph of scores of cheerful young men and women apparently sprouting from a golden wheat field near Fargo. They formed the entire staff of Great Plains Software, a company that produces a nationally marketed accounting program for small businesses. At its head was Douglas Burgum, company president, who had worked his way home to North Dakota via a business degree at Stanford University and a management career in Chicago.

"I was the youngest of the youngest in my family—so I had to go into another field than agriculture. I had to leave North Dakota to work, and I didn't like that. Now I recruit exiled North Dakotans from large companies and catch the best young graduates before they leave. One of the most important things in the software business is helping users who need advice. We have a hundred young people who grew up on farms in North Dakota and Minnesota, and they help answer more than 2,500 phone calls a week. They've made our reputation. Small-town values and high-tech education are not such a bad combination for the future."

Whatever that future brings, North Dakota will never let itself be taken for granted. It is still a part-time wilderness where tornadoes and hailstorms and drought can tip the most carefully computed balance sheet. And however domesticated the land might seem, hunters will take more than 50,000 deer and gun down myriad game birds as well, in a final crimson harvest of the year.

I went to North Dakota last in winter, when the land shimmered like a mirage beneath a snowfall that seemed as wide as the earth but only inches high. Invisible beneath the snow were the young shoots of winter wheat, and I knew they would be measured in something more than bushels when their time was ripe.

John and Bob Dunnigan summed things up for me in Walhalla, where they grow certified seed potatoes famed in Argentina and Honduras as well as over the United States.

"Winter is when we sell and ship the crop and repair equipment," John said. "And then we sit down with a calculator and figure out how to get enough money to do it all over again."

FEDERAL WORK FORCE PAY EQUITY STUDY

Mr. CRANSTON. Mr. President, I am pleased to join with the distinguished Senator from Washington [Mr. EVANS] and the new chairman of the Governmental Affairs Committee, the Senator from Ohio [Mr. GLENN], in introducing S. 552, the proposed Federal Employee Compensation Equity Act of 1987. We are joined by numerous other Members of the Senate, from both sides of the aisle including Senators ADAMS, BAUCUS, BURDICK, COHEN, DECONCINI, DODD, HEINZ, KERRY, LEAHY, LEVIN, MELCHER, METZENBAUM, MIKULSKI, MOYNIHAN, PACKWOOD, PELL, RIEGLE, SIMON, SPECTER, and STAFFORD.

This bipartisan measure is based upon legislation which Senator EVANS and I introduced as S. 519 during the 99th Congress. It would provide for a study of the classification, grading, and pay-setting practices of the Federal Government to determine whether the wages paid in positions in which women or minorities are disproportionately represented are lower than the responsibilities, duties, difficulty, or qualification requirements of the work performed. The legislation closely follows the recommendations and suggestions contained in the report submitted by the General Accounting Office [GAO] during the last Congress, "Options for Conducting a Pay Equity Study of the Federal Pay and Classification Systems," (GGD-85-37).

The need for this legislation is readily apparent. The Federal Government today utilizes a job classification and wage-setting system based upon one established in 1923. The world of work and the role of women in the work force in particular has changed dramatically in the past 60 years. It makes common sense to take a fresh look at the Federal wage system to ascertain whether it is marred by biases of a bygone era.

Mr. President, similar legislation has twice passed the House of Representatives by overwhelming margins. In 1985, 4 days of hearings were held in the Civil Service, Post Office, and General Services Subcommittee of the Senate Governmental Affairs Committee on the options for conducting such a study. Unfortunately, we were unsuccessful in our prior efforts to bring this legislation before the Senate. Opponents have worked hard to block a vote on this legislation for one principal reason—it has strong bipartisan support and would have been approved if a vote had been taken on the merits. With a new majority in the Senate and with the strong support of the chairman of the Governmental Affairs Committee, Senator GLENN, we should be able to move swiftly to enact this modest legislation calling for a study of the Federal Government's internal wage-setting practices.

COMPREHENSIVE GAO ANALYSIS

Mr. President, as I indicated earlier, this legislation follows closely the options proposed in the GAO report on pay equity. That report noted the existence of a gap between the average wages earned by men and women who work for the Federal Government. The GAO data indicated that female Federal employees earned only 62.8 percent of the average earnings of male employees. Those figures were based upon full time, year-round employment for both males and females. GAO also observed that it was not clear why this wage gap existed or whether discrimination played a part in creating it. The report went on to discuss how a study might be designed to determine why the gap existed. Two approaches to studying wage gaps—economic analysis and job content analysis—were discussed in the report. A job content analysis looks at the jobs themselves—the difficulty, working conditions, and responsibility associated with the job. An economic analysis attempts to measure and explain wage differentials between men and women using characteristics of individuals, occupations, and the work place and would indicate the extent to which factors such as education, work experience, and occupation account for wage differences. GAO recommended that a Federal study utilize both approaches. The report observed:

> Use of both approaches can provide a clearer understanding of how federal wages are set and would be less susceptible to charges that important explanatory variables have been ignored.

The legislation which the Senator from Washington and I are introducing provides for both approaches to be utilized. All of the factors which may contribute to the wage gap will be factually examined in this study.

Mr. President, the second major recommendation that GAO made was for the pay equity study to be carried out by an objective body. The report suggested a steering committee composed of representatives from affected groups and experts from various fields to direct the conduct of the study itself and report directly to Congress on the results. The independent commission provided for in this legislation tracks this recommendation closely.

Mr. President, the only pay equity study which will have any credibility is one carried out under the direction of an entity independent of the Agency—the Office of Personnel Management [OPM]—which operates the current system. An objective review requires independence.

OUTLINE OF LEGISLATION

Mr. President, I will briefly outline the legislation.

First, it provides for the appointment of an independent Commission, the members of which would be selected by the House and Senate and the President, and include representatives of the three largest Federal employee organizations. The Commission would be charged with the responsibility of selecting a consultant to carry out the study mandated under the legislation. The consultant would be selected from lists submitted by GAO, the Congressional Office of Technology Assessment, and the National Academy of Sciences.

Second, funds for the study would be provided from the general operating expenses of OPM. It is estimated that the study would cost between $1.5 and $2 million to carry out. Upon completion of the study, the Director of OPM would have the opportunity to comment and respond to the report of the consultant and submit those comments to Congress. The Commission would cease to exist after its report and comments have been submitted to Congress.

Third, the legislation specifically provides that the results of the study would be advisory in nature only. Congress and the executive branch would be free to accept or reject the results of the Commission's work—just as we accept or reject the results of numerous commissions and advisory committees created in other areas.

Fourth, the focus of the study had been clearly defined to encompass existing title 5 policies. Last July, GAO provided us with a detailed legal analysis of laws relating to Federal classification. That analysis concluded that existing Federal statutes—section 5101 and 5341 of title 5—already encompass the elements of a job-worth or comparable-worth system. GAO observed in its July 29, 1986, report:

> Implementation of [title 5] should result not only in equal pay for equal work, but also in (1) equal pay for different work which is valued equally in terms of difficulty, responsibility, and qualification requirements, and (2) proportionate pay for work that differs in value.

The study mandated in this legislation thus focuses on determining whether these existing title 5 policies are being implemented. Since title 5 is applicable only to the Federal Government, there is no basis for any claims that the study will affect any other employer. Moreover, the focus of the study on the title 5 classification principles eliminates one other objection frequently raised in opposition to this study: The spector of Federal liability for back pay awards if the study reveals inequities in wage paid to women and minorities. As the GAO July 29 analysis noted, it has been definitively held by the Supreme Court that the policy objectives relating to job classifications under title 5 do not give rise to claims for back pay awards for wrongful classification.

Finally, Mr. President, although discussions regarding this legislation and the issue of pay equity have focused primarily on the wage gap between male and female workers, minority workers are also subjected to similar wage disparities. The scope of the study also includes examination of these inequities.

Mr. President, identical provisions relating to this mandated study of the **Federal work force were included as** section 6 of the comprehensive pay equity legislation, S. 5, which I introduced on January 6. My statement explaining the provisions of S. 5, and some of the history behind these efforts appears at page S173 of the CONGRESSIONAL RECORD of January 6. Provisions relating to this study will also be part of the 1987 Women's Economic Equity Act which will be introduced in the near future in both the House and the Senate. Similar provisions were also introduced by Representative MARY ROSE OAKAR on the first day of the 100th Congress as H.R. 387. Representative OAKAR has been a tremendous leader in the House on this and other important issues relating to women. Twice the House as approved legislation developed by Representative OAKAR. This year I am confident the Senate will take simliar action.

CONCLUSION

Mr. President, this legislation calls for a simple study, This is nothing revolutionary or radical about the Federal Government undertaking such a step. GAO's review of State activities in the area of pay equity indicated that 46 of 48 States responding use job evaluation systems for setting pay, and the vast majority are undertaking similar pay equity efforts. Numerous local governments have done so as well. The National Governors' Association has adopted a resolution encouraging States to work toward achieving pay equity between job classes with similar levels of responsibility, knowledge, skill, and effort. This legislation has been endorsed by a broad spectrum of groups ranging from the American Association for Retired Persons to the United Methodist Church.

The Federal Government cannot and should not close its eyes to the need and meet new challenges and reexamine and discard practices and policies which no longer make sense. This study to determine whether women and minorities employed by the Federal Government are receiving fair and equitable compensation is long overdue.

S. 550—TRAFFIC SAFETY FOR HANDICAPPED INDIVIDUALS ACT

Mr. KERRY. Mr. President, last week S. 550 was introduced and inadvertently was not printed in the RECORD. I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, there are millions of Americans throughout this Nation who use their automobiles everyday. However, for handicapped citizens this is not always an easy task, and with regard to interstate travel it can often prove exceptionally difficult. It is for this reason, that today Senator WEICKER and I are introducing legislation that is long overdue, the "Traffic Safety for Handicapped Individuals Act of 1987."

Currently, there are 6.5 million disabled Americans who are in need of special parking permits to enable them personal mobility for everyday travel. State governments across the country have met this need by allocating parking spaces for handicapped individuals in their own State and have made available special license plates or placards to identify cars able to access these parking spaces. However, because a national uniform parking system does not exist, many States are unable to recognize other States' handicap parking plates. In addition, several States do not have reciprocity in honoring other States' handicapped parking permits. Consequently, when a handicapped citizen goes from one State to another their disability is frequently no longer recognized. I cannot tell you the number of stories that I have heard where constituents, who are clearly disabled, have traveled to other States and utilized parking spaces designated for handicapped persons and have been issued costly parking citations because police either did not recognize or did not honor their out-of-State handicap identification. This Mr. President, poses a serious threat to the safety of these individuals, not to mention an obvious unnecessary inconvenience when they travel across State lines.

Great efforts have been made to alleviate the unfortunate burdens placed on drivers who suffer from disabilities. An increasing number of State legislatures are adopting uniform parking systems, tougher penalties are being enforced when nonauthorized vehicles park in special zones, and public awareness to recognize and honor the international symbol of access is quickly growing. However, the lack of a national uniform parking system places restrictions on where a handicapped driver can and cannot travel.

Transportation is an essential part of one's daily life. I regrettably note, that public transportation has lagged far behind its need to serve disabled Americans. Citizens with disabilities should enjoy the same equal access to travel that nonhandicapped individuals have. Being assured accessible parking when one travels from one State to another, while on vacation, business trips, visiting friends or for medical appointments should be one's fundamental right.

The legislation that we are introducing today is designed to eliminate this transportation barrier. The Traffic Safety for Handicapped Individuals Act amends the National Highway Traffic Safety Act. It establishes a uniform national parking system which requires all States to honor other States' handicapped license plates. It mandates that the international symbol of access be displayed on all handicapped license plates. The legislation also provides for the issuance of removable windshield placards to individuals with handicaps. Furthermore, it directs the Secretary of Transportation to monitor and evaluate State compliance. If a State does not comply, then the States' Highway Safety Program will not be approved.

Today a majority of our society depends on the automobile as its main source of transportation. Citizens with disabilities who operate motor vehicles need to be able to operate safely across State lines. It is the responsibility of Congress to take the leading role in ensuring that their safety is not threatened or their mobility impeded by interstate differences in recognizing the needs of handicapped drivers. It is for this reason that I urge my colleagues to join with me and my distinguished colleague from Connecticut in cosponsoring this essential act that upholds the basic rights of transportation for handicapped Americans.

The text of the bill follows:

S. 550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Traffic Safety for Handicapped Individuals Act of 1987".

SEC. 2. The Congress finds that—

(1) a number of States fail to recognize the symbols of other States for the identification of motor vehicles transporting individuals with handicaps that limit or impair the ability to walk; and

(2) the failure to recognize such symbols increases the likelihood that such individuals will be involved in traffic accident incidents resulting in injury or death, posing a threat to the safety of such individuals as well as the safety of the operators of motor vehicles and others.

SEC. 3. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following:

"§ 409. Uniform system for handicapped parking to promote safety

"(a) No highway safety program shall be approved by the Secretary under section 402 of this chapter unless such program provides for a uniform system for handicapped parking designed to enhance the safety of handicapped and nonhandicapped individuals in accordance with this section. The Secretary shall promulgate uniform standards applicable to such system, as provided in section 402 of this chapter.

"(b)(1) For purposes of this section, a uniform system for handicapped parking designed to enhance the safety of handicapped and nonhandicapped individuals is a system which—

"(A) adopts the International Symbol of Access (as adopted by Rehabilitation International in 1969 at its 11th World Congress on Rehabilitation of the Disabled) as the only recognized symbol for the identification of vehicles used for transporting individuals with handicaps which limit or impair the ability to walk;

"(B) provides for the issuance of license plates displaying the International Symbol of Access for vehicles which will be used to transport individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

"(C) provides for the issuance of removable windshield placards (displaying the International Symbol of Access) to individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

"(D) provides that fees charged for the licensing or registration of a vehicle used to transport such individuals with handicaps do not exceed fees charged for the licensing or registration of other similar vehicles operated in the State; and

"(E) for purposes of easy access parking, recognizes licenses and placards displaying the International Symbol of Access which have been issued by other States and countries.".

(b) The analysis of such chapter is amended by adding at the end thereof the following item:

"409. Uniform system for handicapped parking to promote safety.".

SEC. 3. Beginning not later than eighteen months after the effective date the of this Act, the Secretary of Transportation shall annually evaluate compliance by the States with the amendments made by this Act. The Secretary shall submit to Congress an annual report regarding such evaluation.

SEC. 4. The provisions of this Act shall take effect on October 1, 1988.

Mr. WEICKER. Mr. President, I rise today to join my distinguished colleague, Senator KERRY, in supporting the "Traffic Safety for Handicapped Individuals Act." This bill addresses a problem faced by the majority of our Nation's handicapped citizens whose mobility is impaired due to the lack of a uniform system of State reciprocity in honoring handicapped parking permits.

Currently, there exists a wide variety of identifying signs used to designate parking spaces for handicapped persons which has impeded the use of these special parking spaces for persons from outside jurisdictions. An easily recognizable and consistent symbol for identifying vehicles is needed to ensure reciprocity in honoring handicapped parking permits from State to State. Law enforcement officials, unaware of symbols used to identify vehicles entitled to occupy handicapped parking spaces, may unintentionally issue parking citations to handicapped individuals who travel from outside jurisdictions.

For most travelers the major factor limiting travel is cost. But for a percentage of Americans freedom to travel is limited by conflicting State laws. Mobility impaired citizens have been denied what virtually every American assumes to be a natural birthright—mobility. Disabled individuals in this country must not be denied special parking privileges to ensure their personal mobility from State to State just because reciprocity agreements honoring handicapped parking permits are inconsistent and uncoordinated in designation and enforcement throughout the country.

Clearly, disability does not end when crossing State lines. The bill being introduced today will require all States to honor both the international symbol of access and other States' identification methods when persons properly utilizing designated handicapped parking spaces display such signs. These identification methods whether displayed on a license plate or window placard will clear up the wide variation among State laws which have resulted in controversy, confusion, and frustration on a national scale. Should States not reciprocate and recognize the international symbol of access and other States' methods of vehicle identification, the Secretary of Transportation will have the discretion to disapprove a State's safety plan when not in compliance with reciprocal agreements on national uniform provisions for handicapped parking.

Our Nation's handicapped individuals deserve every avenue of access available if they are to fully exercise their rights in our society. Clearly, accessibility should not be denied to handicapped persons on the basis of the State in which they reside.

I urge my colleagues to join Senator KERRY and me in reaffirming our support for full citizenship of handicapped persons by cosponsoring the "Traffic Safety for Handicapped Individuals Act of 1987."

MESSAGES FROM THE HOUSE

At 2:09 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 9355(a) of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. DICKS, Mr. BARNARD, Mr. LEWIS of California, and Mr. HEFLEY.

The message also announced that pursuant to the provisions of section 194(a) of title 14 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. GEJDENSON and Mrs. JOHNSON of Connecticut.

The message further announced that pursuant to the provisions of section 6968(a) of title 10 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. WILSON, and Mr. MCMILLEN of Maryland, Mr. SKEEN, and Mrs. BENTLEY.

The message further announced that pursuant to the provisions of section 295b(h) of title 46 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Mr. MANTON and Mr. DIOGUARDI.

The message also announced that pursuant to the provisions of section 8002 of the Internal Revenue Code, the Chairman of the Committee on Ways and Means designates the following Members to serve on the Joint

Committee on Taxation for the 100th Congress on the part of the House: Mr. Rostenkowski, Mr. Gibbons, Mr. Pickle, Mr. Duncan, and Mr. Archer.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-21. A concurrent resolution adopted by the Legislature of the State of Minnesota; to the Committee on Agriculture, Nutrition, and Forestry.

"Resolution No. 1

"Whereas 650,000 farmers have been forced out of business in the past six years; and

"Whereas 95,000 main street businesses including 2,000 farm implement dealers have closed their doors since 1981; and

"Whereas 55,000 farm implement manufacturing workers have been permanently laid off in the past 5 years; and

"Whereas 403 banks, primarily rural banks, have been closed since 1981; and

"Whereas farm prices have fallen to their lowest level in 15 years and farm exports have dropped by almost 40 percent falling from $44 billion in 1980 to $26 billion in 1986; and

"Whereas taxpayers' costs for farm programs have increased five fold from $6 billion during the 1970's to over $30 billion in 1986; and

"Whereas farm assets, primarily land, have fallen $250 billion in the last five years, an average loss of $139,000 for every U.S. farmer. In 1981, farm assets exceeded the $1 trillion national debt while today's $2 trillion national debt is two and one-half times the value of farm assets; and

"Whereas current programs have idled 50 percent of U.S. farm land in 1983 and 35 percent in 1987 while encouraging production in other years thus creating havoc for agribusinesses; and

"Whereas consumer prices have continued to increase despite dramatic drops in farm prices; and

"Whereas more than 10,000 Minnesota farms have been permanently wiped out in the past four years according to the United States Department of Agriculture; and

"Whereas at least one-third of Minnesota's remaining farmers are suffering severe financial stress; and

"Whereas a fair price for farmers is the only real true solution for agriculture, Minnesota's largest industry; and

"Whereas a fair price for Minnesota's farmers would bring at least $1 billion of new income into Minnesota since much of Minnesota's farm production is sold out of the State and out of the country: Now, therefore, be it

"Resolved by the Legislature of the State of Minnesota, That Congress should immediately pass the "Save the Family Farm Act," or similar legislation that will restore profitability to agriculture by paying farmers a fair price for their product, save taxpayers over $20 billion per year by eliminating all government subsidies, and will maintain export markets through the use of bonus bushels: Be it further

"Resolved, That the Minnesota Secretary of State transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the United States Senate, the Chairman of the Committee on Agriculture of the United States House of Representatives, and the Minnesota Representatives and Senators in Congress."

POM-22. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Environment and Public Works:

"Resolution

"Whereas, nuclear power facilities have a potential for radiological emergencies produced by flawed systems or human error; and

"Whereas, in the event of a major accident at a nuclear power reactor there would be a significant threat to public health and safety; and

"Whereas, there are nuclear power facilities in and near the Commonwealth of Massachusetts; and

"Whereas, in order to provide for the protection of public health and safety, it is necessary for the Commonwealth to establish emergency evacuation procedures around nuclear power plants; and

"Whereas, a bill, S. 408, to amend the Atomic Energy Act of 1954, to allow full participation by State and local governments in the licensing process for nuclear power facilities and to require that emergency planning extend to a minimum of 10 miles in radius around each nuclear power facility is pending before the U.S. Senate; and

"Whereas, such emergency plans should be required and approved before the issuance of an operating license for a nuclear power reactor and should include plans to evacuate populations within an emergency planning zone of at least 10 miles in radius; and

"Whereas, the protection of the health and safety of the public is of paramount concern to the commonwealth and should not give away to expediency; now therefore be it

"Resolved, That the Massachusetts Senate hereby urges the Congress of the United States to enact S. 408, including emergency planning and evacuation plans for a minimum of 10 miles in radius around each nuclear power facility; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to the Presiding Officer of each branch of the Congress and to each Member thereof from the Commonwealth."

POM-23. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Environment and Public Works:

"Concurrent Resolution

"Whereas, the Congress of the United States adjourned its 1986 session without enacting legislation authorizing the distribution of money to the states from the Federal Highway Trust Fund; and

"Whereas, the highway construction industry is a major employer in Indiana and the failure of Congress to authorize the distribution of money from the Federal Highway Trust Fund is expected to result in high levels of unemployment in that industry and, over 14,000 Hoosier jobs are in jeopardy; and

"Whereas, the department of highways and the highway and street departments of local government need a timely and dependable source of funding from the Federal Highway Trust Fund to conduct a reasonable highway construction and maintenance program; and

"Whereas, because Indiana's climate limits highway construction to those months with moderate temperatures, a continued delay in the distribution of the Federal Highway Trust Funds will result in a greatly reduced construction season during 1987 and increased costs during the subsequent construction seasons; and

"Whereas, over $6.6 million is being collected weekly from Indiana highway users for deposit in the Federal Highway Trust Fund, and none of the money can be released for use by the states until Congress acts; Therefore, be it

"Resolved by the senate of the general assembly of the state of Indiana, the house of representatives concurring:

"Section 1. That we urge the Congress of the United States to enact legislation, as soon as possible, to authorize the allocation and distribution of money to the states from the Federal Highway Trust Fund.

"Sec. 2. That we further urge that Congress enact a "clean" bill that would allocate and distribute funds from the Federal Highway Trust Fund to the states in an expedient and equitable manner.

"Sec. 3. That a copy of this resolution be sent by the Secretary of the Senate to:

"(1) leaders of the U.S. House of Representatives;

"(2) leaders of the U.S. Senate;

"(3) Indiana's congressional delegation; and

"(4) the Indiana Department of Highways."

POM-24. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Environment and Public Works:

"House Joint Resolution No. 1003

"Whereas the Ninety-ninth United States Congress adjourned without passing legislation to reauthorize the Federal Aid Highway Program, with the result that the program ran out of funds on September 30, 1986; and

"Whereas the state of Colorado will exhaust its remaining Federal Aid Highway Program funds from the Primary and Interstate Transfer funding categories by February 1987, funds from the Interstate 4R funding category by March 1987, and funds from the Interstate and Secondary funding categories by May 1987; and

"Whereas the state of Colorado can not undertake any new federally assisted contracts in these funding categories unless the One-hundredth United States Congress promptly enacts legislation reauthorizing the Federal Aid Highway Program; and

"Whereas an extended delay in reauthorization of the Federal Aid Highway Program could result in the loss of a significant part, if not all, of the 1987 construction season in Colorado: Now, therefore, be it

"Resolved by the House of Representatives of the Fifty-sixth General Assembly of the State of Colorado, the Senate concurring herein:

"That we, the members of the Fifty-sixth General Assembly of the state of Colorado, hereby urge the One-Hundredth United States Congress to pass legislation to reauthorize the Federal Aid Highway Program at the earliest possible time by reaffirming areas of agreement reached between House of Representatives and Senate conferees in the closing hours of the Ninety-ninth United States Congress and by setting aside for separate consideration those issues in contention that prevented passage of this vitally important legislation in 1986: Be it further

"*Resolved,* That copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Honorable James J. Howard, Chairman, the House Committee on Public Works and Transportation, the Honorable Quentin N. Burdick, Chairman, the Senate Environment and Public Works Committee, and each member of Colorado's delegation in the United States Congress."

POM-25. A resolution adopted by the House of Representatives of the State of Minnesota; to the Committee on the Judiciary:

"RESOLUTION

"Whereas millions of abortions have been performed in the United States since the Roe v. Wade decision of the Supreme Court on January 22, 1973; and

"Whereas the Congress of the United States has not proposed, subject to ratification, a human life amendment to the Constitution of the United States; and

"Wheras under Article V of the Constitution of the United States, amendments to the United States Constitution may be proposed by the Congress whenever two-thirds of both houses believe it necessary; Now, therefore, be it

"*Resolved by the House of Representatives of the State of Minnesota,* That it proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the House of Representatives of the State of Minnesota requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States that is substantially in the following form:

" 'SECTION 1. With respect to the right to life, the word "person," as used in this article and the Fifth and Fourteenth Articles of Amendment to the Constitution of the United States, applies to all human beings irrespective of age, health, function, or condition of dependency, including their biological development.

" 'SEC. 2. No unborn person shall be deprived of life by any person; provided, however, that nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

" 'SEC. 3. The Congress and the several states shall have power to enforce this article by appropriate legislation.' "

"Be it further

"*Resolved,* That the legislatures of the several states comprising the United States are urged to apply to the Congress requesting the proposal of an appropriate amendment to the United States Constitution that protects human life: Be it further

"*Resolved,* That the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Speaker, and present them to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Clerk of the House of Representatives of the United States, to each of the Minnesota Representatives and Senators in Congress, and to each house of the legislatures of all other states of the union."

POM-26. A resolution adopted by the Office of Hawaiian Affairs, State of Hawaii, acknowledging the election of Henry Ku'ualoha Giugni as Sergeant at Arms and Doorkeeper of the Senate of the United States; ordered to lie on the table.

POM-27. A resolution adopted by the City Council of Trenton, New Jersey urging reauthorization of the Clean Water Act; ordered to lie on the table.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 576. A bill to amend the Alaska National Interest Lands Conservation Act of 1980 to clarify the treatment of submerged lands and ownership by the Alaskan Native Corporation; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. RUDMAN, and Mr. FORD):

S. 577. A bill to amend the Federal Election Campaign Act of 1971 to regulate political advertising in campaigns for Federal elective office; to the Committee on Rules and Administration.

By Mr. REID (for himself, Mr. NICKLES, and Mr. BREAUX):

S. 579. A bill to provide for the safeguarding of taxpayer rights, and for other purposes; to the Committee on Finance.

By Mr. PELL (by request):

S. 580. A bill to authorize supplemental appropriations for the fiscal year 1987 for international security and disaster assistance programs, the Peace Corps, and for other purposes; to the Committee on Foreign Relations.

By Mr. REID:

S.J. Res. 62. A joint resolution to designate May 21, 1987, as "National Flight of the Voyager Day"; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself, Mr. PELL, Mr. BUMPERS, Mr. BYRD, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. EXON, Mr. GORE, Mr. INOUYE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. MCCONNELL, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NICKLES, Mr. PROXMIRE, Mr. PRYOR, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SIMON, and Mr. ZORINSKY):

S.J. Res. 63. A joint resolution to designate March 21, 1987 as "Afghanistan Day"; to the Committee on the Judiciary.

By Mr. CHILES (for himself, Mr. HEINZ, Mr. GLENN, Mr. PRYOR, Mr. BRADLEY, Mr. JOHNSTON, Mr. SHELBY, Mr. BREAUX, Mr. BURDICK, Mr. REID, Mr. WILSON, Mr. DURENBERGER, Mr. CHAFEE, Mr. MATSUNAGA, Mr. GRAHAM, Mr. D'AMATO, Mr. DOLE, Mr. SARBANES, Mr. DASCHLE, and Mr. BOREN):

S.J. Res. 64. A joint resolution to designate May, 1987, as "Older Americans Month"; to the Committee on the Judiciary.

By Mr. ZORINSKY (for himself, Mr. JOHNSTON, Mr. GORE, Mr. DURENBERGER, Mr. HOLLINGS, Mr. WILSON, Mr. PRESSLER, Mr. CHILES, Mr. MOYNIHAN, Mr. LUGAR, Mr. EXON, Mr. NUNN, Mr. STENNIS, Mrs. KASSEBAUM, Mr. METZENBAUM, Mr. BUMPERS, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. CRANSTON, Mr. DECONCINI, Mr. PRYOR, Mr. DOLE, Mr. COHEN, Mr. MITCHELL, Mr. RIEGLE, Mr. SASSER, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. REID, Mr. SANFORD, Mr. HELMS, Mr. NICKLES, Mr. HEINZ, Mr. FORD, Mr. GRAMM, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. HEFLIN, Mr. WIRTH, Mr. INOUYE, Mr. EVANS, Mr. LEVIN, Mr. GRASSLEY, Mr. DIXON, Mr. BIDEN, Mr. DASCHLE, Mr. BREAUX, Mr. SHELBY, Mr. DOMENICI, Mr. DANFORTH, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. GARN, Mr. CHAFEE, Mr. BURDICK, Mr. SIMON, Mr. PELL, Mr. STEVENS, Mr. D'AMATO, and Mr. HUMPHREY):

S.J. Res. 65. A joint resolution to designate the week of April 5, 1987, through April 11, 1987, as "National Know Your Cholesterol Week"; to the Committee on the Judiciary.

By Mr. BURDICK:

S.J. Res. 66. A joint resolution to designate the week of November 22 through November 28, 1987, as "National Family Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. WEICKER):

S. Con. Res. 22. A concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America, on the celebration of its 75th anniversary; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 576. A bill to amend the Alaska National Interest Lands Conservation Act of 1980 to clarify the treatment of submerged lands and ownership by the Alaska Native Corporation; to the Committee on Energy and National Resources.

TREATMENT OF SUBMERGED LANDS AND OWNERSHIP BY THE ALASKA NATIVE CORPORATION

● Mr. MURKOWSKI. Mr. President, today I am introducing on behalf of myself and Senator STEVENS, legislation to resolve a long and needless dispute concerning the implementation of the Alaska Native Claims Settlement Act and the Alaska Statehood Act with respect to submerged lands ownership. Last year, this identical bill, S. 485, passed the Energy and Natural Resources Committee with strong bipartisan support. In the flurry of the closing days of the 99th Congress when most bills were considered by unanimous consent, this legislation met with an objection and was subsequently substituted with a simple 2-year extension of the statute of limitations found in section 901 of the

Alaska National Interest Lands Conservation Act.

The need for this legislation arises out of three statutes and out of unfair practices by the U.S. Government in implementing these laws. Under the Alaska Native Claims Settlement Act, Alaska Native corporations are entitled to 44 millions acres of Alaska land. The State of Alaska is entitled to 104 million acres of land under the Alaska Statehood Act. In addition, by virtue of the Submerged Lands Act, the State is automatically entitled to submerged lands beneath all "navigable waters" in Alaska—these submerged lands are not charged against the State's 104 million acreage entitlement.

Navigability of a given water body is ultimately determined by the courts, and is a costly, slow, and complicated process. Since this creates great uncertainty for the States over submerged lands ownership, the Bureau of Land Management [BLM] has adopted a manual of surveying instructions which establishes guidelines of what water bodies would most likely be considered navigable by courts at a later date. Under the manual, lakes greater than 50 acres and streams wider than three chains—198 feet—are excluded from the public domain for conveyance. By not conveying these lands in the first place, the BLM minimizes the "risk of land loss" by the receiving party.

With respect to the smaller lakes and narrower rivers and streams, unless the Bureau of Land Management determines that a particular lake, river, or stream is navigable—in which case title to the land under the lake, river, or stream passed to the State at the time it entered the Federal Union—land under lakes, rivers, and streams located within areas selected by the State of Alaska or Native corporations is conveyed and deducted from the States' and the corporation's acreage entitlement.

This is a good system, and has been applied in every State except Alaska. In Alaska, for reasons still not fully understood, the BLM has conveyed and charged against the acreage entitlement of the State and the Natives submerged lands beneath all water bodies including those greater than the BLM manual size standards—the lands most likely to be found navigable at a later date. The result has been disputes between the State, Natives, and BLM over the rightful ownership of the submerged lands acreage. For example, if the courts determine at a later date submerged lands received by a Native corporation lie beneath navigable waters, they lose the acreage for the land that would rightfully belong to the State under the Submerged Lands Act. And, the State has received and been charged for submerged lands it is automatically entitled to under the Submerged Lands Act.

To help remedy the problem, in 1980, the Congress inserted a provision—section 901—in the Alaska National Interest Lands Conservation Act which imposes a statute of limitations on the time within which the State of Alaska may challenge a determination by the BLM that a lake, river, or stream within an area selected by a Native corporation is not "navigable" and, consequently, that title to the land under the lake, river, or stream did not pass to the State at the time Alaska entered the Federal Union in 1959.

Although it seemed a good idea at the time, subsequent experience has shown that the section 901 statute of limitations has exacerbated the problem it was enacted to alleviate. When that fact became apparent the State of Alaska and the Alaska Federation of Natives, the statewide Native organization that represents the Native corporations whose land entitlements have been placed at risk because of the confusion surrounding the conveyance of submerged lands, asked the Department of the Interior to resolve the problem. The Department did so, and after a legal and policy review which involved both the BLM and the Office of the Solicitor, on December 5, 1983, Gary E. Carruthers, then Assistant Secretary of the Interior, published a notice in the Federal Register announcing that henceforth the BLM would survey and convey public lands under lakes, rivers, and streams to the State of Alaska and Native corporations pursuant to the procedure set forth in the 1973 edition of the manual.

With the adoption of the manual, the statute of limitations is no longer required. The legislation I am introducing today repeals the statute of limitations and ratifies Secretary Carruthers' 1983 decision.

Mr. President, this bill does not provide a windfall of land to the State and the Native corporations as some would allege. With respect to the larger lakes—greater than 50 acres—and wider rivers—greater than 198 feet—located within areas selected by the State or the Native corporations, land under those lakes, rivers, and streams is conveyed, but is not deducted from the State's and the corporation's acreage entitlements. The land is conveyed without being deducted from the acreage entitlements because the manual assumes that if title to the land under the larger lakes and wider rivers and streams were quieted in the U.S. District Court, the court would likely determine that lakes that large and rivers that wide were navigable at the time Alaska entered the Federal Union, and consequently, that title to the land under the water bodies passed out of Federal ownership to statehood.

That being the case, if surveying and conveying public land pursuant to the procedure set forth in the manual bestows a windfall, the windfall is not—as the environmental organizations implied at the hearing on S. 485—the total number of acres of land under lakes 50 or more acres in size and rivers and streams 198 or more feet wide. Rather it is the number of acres of land under lakes 50 or more acres in size and rivers and streams 198 or more feet wide are not navigable. This was a de minimis number of acres during the last Congress, and it is even less today.

In December 1986, U.S. District Court Judge Laughlyn E. Waters issued his opinion in *State of Alaska* v. *United States*, No. 180-359, holding that a segment of the Gulkana River, the bed of which had previously been conveyed by the BLM to Ahtna, Inc., the Native regional corporation owned by the Athabascan Indian people who live in the Copper River Valley, was navigable at the time Alaska entered the Federal Union, and consequently, that the bed of the river is owned by the State rather than Ahtna, Inc.

In addition to its immediate importance to Ahtna, Inc., and the State of Alaska, Judge Waters' opinion is important because it for the first time sets forth detailed criteria for determining whether a river or streams in Alaska is navigable. For that reason, Mr. President, I would ask unanimous consent that the text of Judge Waters' opinion be printed in the RECORD in full at the end of my remarks.

The criteria in the waters' opinion indicate that if their navigability were adjudicated, almost every river and stream in Alaska 198 or more feet wide would be found to be navigable.

Assuming that to be the case, surveying land under rivers and streams 198 or more feet wide pursuant to the procedure set forth in the manual and conveying such land to the State of Alaska and Native corporations without deducting the acreage from their acreage entitlements bestows no windfall. However, it saves all parties, including the Federal Government, the expense of adjudicating the navigability of thousands of rivers and streams in Alaska case by case.

The situation with respect to lakes 50 acres or more in size is the same. Although State of Alaska versus United States dealt with the navigability of a river, there is no reason to believe that the navigability test Judge Waters interpreted, that is, whether a river or stream is susceptible to being used in its ordinary condition as a highway for commerce, is not applicable to lakes. Assuming it is applicable, then if the matter were adjudicated case by case, most lakes 50 or more acres in size are sufficiently large to be navigable. If so, then lake rivers and streams 198 or more feet wide, surveying land under lakes 50 acres or more acres in size pursuant to the procedure set forth in the manual and conveying such land to the State of Alaska and Native corporations without deducting the acreage from their acreage entitlements bestows no windfall. A conclusion with which after reading of the Waters' opinion and reevaluating those who oppose the bill will agree.

Mr. President, this is not a lands issue or an environmental issue—it is an issue of equity—the fair implementation of the Alaska Native Claims Settlement Act and the Alaska Statehood Act. There is nothing in either statute to support applying a different policy with respect to submerged lands to Alaska. Thus, I am confident that the Committee on Energy and Natural Resources will be able to report S. 576 quickly, in order that the bill will be enacted into law during this session of the 100th Congress putting an end to the lengthy, expensive, and needless controversy that has surrounded the implementation of these two important statutes.●

By Mr. INOUYE (for himself, Mr. RUDMAN, and Mr. FORD):

S. 577. A bill to amend the Federal Election Campaign Act of 1971 to regulate political advertising in campaigns for Federal elective office; to the Committee on Rules and Administration.

FAIRNESS IN POLITICAL ADVERTISING ACT

● Mr. INOUYE. Mr. President, 3 years ago, Senator RUDMAN and I introduced a bill to establish a uniform format for political advertising on television affecting Federal elections. We did so at the time because we felt it important to stimulate public debate on the impact of political advertising on television on the cost and conduct of campaigns, the quality of public debate, voter attitudes and turnout and the public accountability of both campaigns and independent expenditure organizations.

Today, I am pleased again to be joined by Senator RUDMAN in introducing this legislation again. But this time we seek not simply to engender debate but to foster corrective action in light of the 1986 election in which the level of public discourse reached an all-time low and our voter turnout, at 37.2 percent of eligible voters, was the third lowest in the history of our Republic.

The legislation we propose would amend the Federal Elections Campaign Act to require that the purchaser of a television advertisement of 10 minutes or less aimed at affecting the outcome of a Federal election, or his—or her—identified designee, speak to the camera for the duration of the advertisement. It would restrict the backgrounds of such advertisements to such nonprerecorded materials as can be captured through the same lens as is photographing the speaker.

The purpose of this bill is to make television political campaigns less a function of Madison Avenue and more a contest of ideas. It reflects the assumption that the relevant content of political advertising is the candidate—the quality of his character, ideas, a record—rather than the techniques of packaging and sale.

The bill is also intended to result in the reduction or reallocation of campaign expenses. Serious political candidates must today rely on media consultants to plan and package their television-based campaigns and spent between 10 to 30 percent of their television budget on production expenses. At very least, reduction of these costs would permit a reallocation of funds for more direct citizen-contact campaigning and may ultimately reduce the costs of the campaign itself.

And, perhaps most significantly, the measure squarely addresses the fact that the use of television as a powerful and expensive political tool is an area that, to date, remains virtually unregulated and unexamined.

It is no secret that since the advent of television as the primary medium of communications and campaigning, and despite a general liberalization of laws governing registration and access to voting, voter participation has diminished. While there are no studies to show a direct causal relationship, I believe that it can fairly be concluded that some of this is attributable to transforming the average citizen from an active participant in the political process into a spectator-consumer of televised messages.

These messages have replaced, with some exceptions, substantive debate. Political campaigns are increasingly competitions between political consultants rather than political candidates. Talking cows have replaced talking candidates. Actors playing parts have replaced the public's right to know the real actors in our politics. The consultant industry has, in many cases, supplanted the political parties not only in the selection of candidates and conduct of campaigns, but also in their ability to form a coherent consensual program or discipline membership for its achievement.

In the 1986 campaign we saw the result of handing campaigns over to consultants for their conduct in the spiraling arms race of increasingly demagogic and negative commercials, which served to increase voter volatility, negative attitudes toward the candidates involved and to the political process as a whole. If all one sees of the modern campaign is ever larger numbers of tit-for-tat scurrilous attacks on the character and conduct of our political leaders, is it any wonder that more and more Americans are turning off and tuning out, making their judgment of the political process by voting with their bottoms and sitting out the election?

Much of the monumental increase in campaign costs is, of course, directly attributable to the increased use of television advertising in political campaigns. While the method of reporting campaign expenditures to the Federal Elections Commission makes accurate figures on campaign spending for television advertising difficult to retrieve, the relationship between increased campaign costs and increased expenditures on television advertising is inescapable. Whereas media costs averaged between 20 to 40 percent of the average campaign budget before television, they now occupy, in those races in which television is relevant, between 60 to 75 percent of similar budgets. While the overall increase in campaign spending in general elections had doubled since 1972, the amount spent on television advertising has increased fivefold. I believe that it is time to begin to control these costs and examine and limit the medium's adverse potential.

The most obvious objection to the measure lies with our appropriate concern for preserving the first amendment. Political speech is, of course, supreme among the types of speech protected by the Constitution. But, as with all communication transmitted via television across our public airways, the relevant inquiry is, and should be, whether the rights of the viewers to information, expression, and choice are enhanced and preserved by the regulation of this medium. The proposed measure in no way limits the substantive content of what can be communicated. Rather, it arguably addresses only the manner in which relevant information is conveyed. I am not a legal scholar, but because I believe that the bill would, in fact, enhance the quality and substance of political information conveyed to the public without depriving anyone of the right to communicate meaningful political content, I find that it does no offense to the intent of the first amendment.

Mr. President, every other democracy in the world has some regulation on political advertising as to either time or manner. I urge my colleagues to join Senator RUDMAN and me in supporting this modest attempt to preserve the vitality and dignity of our own democratic process.●

By Mr. FORD:

S. 578. A bill to amend the National Trails System Act to designate the Trail of Tears as a national historic trail; to the Committee on Energy and Natural Resources.

TRAIL OF TEARS NATIONAL HISTORIC TRAIL

Mr. FORD. Mr. President, today I am introducing legislation to designate the Trail of Tears as a national historic trail.

Mr. President, a March 1983 amendment to the National Trails System Act, Public Law 98-11, gave the Department of the Interior the responsibility for studying the feasibility and desirability of adding the Trail of Tears to the National System. The amendment called for the study of the "Trail of Tears, including the associated forts and specifically Fort Mitchell, Alabama, and historic properties, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansas to the vicinity of Tahlequah, Oklahoma." Ths study focuses on land and water routes beginning in northern Georgia extending westward through the above mentioned States to Oklahoma.

Based upon the historic nature of the Trail of Tears, it has been studied and evaluated as a potential national historic trail. Various criteria and guidelines were used to determine the trail's potential, and Department of the Interior has made appropriate proposals for determining whether the Trail of Tears should be included in the National Trails System.

THE NATIONAL TRAILS SYSTEM ACT

Originally, the National Trails System consisted of three categories of trails: national scenic trails, national recreation trails, and connecting and side trails. In 1978, the National Trails System Act was amended by Public Law 95-625 to add an additional category, national historic trails.

National historic trails are nationally significant historic routes of travel, the purpose of which is to identify and protect the historic route, remnants, and artifacts for public use and enjoyment.

National scenic trails and national historic trails can only be designated by Congress.

BACKGROUND OF THE CHEROKEE REMOVAL

As early as 1802, Thomas Jefferson first proposed the concept of moving the Southern Indians west of the Mississippi. Throughout the years, white settlers encroached on Indian lands and demanded title. Despite efforts by the Indians to adopt white man's ways, harassment continued. In 1830, with the support of President Andrew Jackson, Congress passed the Indian Removal Act.

Thus, between 1830 and 1832, all but the Cherokees signed treaties and moved West to what is presently eastern Oklahoma. Twice the Cherokees fought their battle to the Supreme Court. Although the Court's second decision declared that the U.S. Government must protect the Indians, Jackson failed to enforce the decision, and State and local officials confiscated Indian lands. In 1835, a minority faction, speaking for the whole tribe, signed the removal treaty and moved West. During 1837 and 1838, Government soldiers moved the Indians into stockades and then moved them west by land and by water. Hundred, even thousands, died along the "Trail of Tears."

CONDUCT OF THE STUDY OF TRAIL OF TEARS

The Southeast Regional Office of the National Park Service [NPS] had lead responsibility for this study. Also, the Midwest and Southwest Regional Offices of NPS were active participants in the study, serving on a study-working group and providing planning coordination with States in their respective regions. The working group was responsible for identifying the trail route, and assembling data on the historic values of the trail for consideration by the National Park System advisory board in making its determination as to historic significance based on the Historic Sites Act of 1935. The working group considered the trail's eligibility for designation, trail designation issues, management opportunities or constraints, and assured public involvement in the study process. In addition to the NPS working group, a study advisory committee was organized with representatives from the Cherokee Indians, each of the nine States within the study area, Federal agencies, and historians. The advisory committee furnished pertinent information to the working group, reviewed draft study report material, and assisted with public involvement. Special interest groups, such as trail associations, conservation groups, and historical societies were encouraged to provide information either through the advisory committee members or directly to the NPS staff. Further citizen and local input was sought through a series of 13 public workshops.

The study effort identified a general trail corridor; evaluated the historic, cultural, and natural attributes throughout the corridor; determined broad landownership patterns; analyzed present and future land use; explored potential trail administration; examined the possible environmental impacts of national designation; and considered an array of trail alternatives.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraph at the end thereof:

"(14)(A) The Trail of Tears National Historic Trail, a trail consisting of water routes and overland routes travelled by the Cherokee Nation during its removal from ancestral lands in the east to Oklahoma during 1938 and 1939, generally located within the corridor described through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma in the Final Report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Trail of Tears" and dated June 1966. Maps depicting the corridor shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears except with the consent of the owner thereof.

(B) In carrying out his responsibilities pursuant to subsections 5(f) and 7(c) of this Act, the Secretary of the Interior shall give careful consideration to the establishment of appropriate interpretive sites for the Trail of Tears in the vicinity of Hopkinsville, Kentucky".

SEC. 2. Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)(2)) is amended by striking out "(13)" and inserting in lieu thereof "(14)".

SECTION-BY-SECTION ANALYSIS

Section 1 amends section 5(a) of the National Trails System Act. Subsection 5(a) designates 13 trails as components of the National System, including national scenic trails and national historic trails. Section 1 of this bill would add another paragraph (14) to section 5(a), designating the Trail of Tears as a national historic trail. The Trail would follow the corridor, described in the June 1986 Department of the Interior report, which traverses water routes and overland routes through portions of nine states. Under section 5(f) of the National Trails System Act, the Secretary of the Interior must prepare a comprehensive plan for the management and use of the trail and submit the plan to the House and Senate legislative committees within two complete fiscal years from the date of enactment of this bill. The measure includes a provision limiting land acquisitions along the trail corridor outside of federally designated areas to willing sellers. Also included is a provision directing the Secretary of the Interior to consider establishing an appropriate interpretive facility for the trail in the vicinity of Hopkinsville, Kentucky.

Section 2 amends section 10(c) of the National Trails System Act. Subsection 10(c) authorizes appropriations to implement the provisions of the Act with respect to the 13 specific trails designated as components of the National System. The amendment changes the reference to 14, to include the Trail of Tears designated by this bill.

By Mr. REID (for himself, Mr. NICKLES, and Mr. BREAUX):

S. 579. A bill to provide for the safeguarding of taxpayer rights, and for other purposes; to the Committee on Finance.

TAXPAYERS' BILL OF RIGHTS

Mr. REID. Mr. President, I am pleased to introduce today for myself, Senator NICKLES and Senator BREAUX, the taxpayers' bill of rights. This bill applies a legislative remedy to the abusive, discourteous, and possibly illegal behavior taxpayers are often subjected to by the Internal Revenue Service. These abuses must be stopped if we hope to preserve our system of voluntary tax compliance.

The Tax Reform Act of 1986, through a major overhaul of the Internal Revenue Code, restored equity and fairness to a system providing loopholes for the wealthy while subjecting middle-class taxpayers to an ever increasing tax burden. The taxpayers' bill of rights will restore equity and fairness to the administration of the Internal Revenue Code so middle-class taxpayers will be extended the legal protections only the lawyers and accountants of the wealthy can currently secure for their clients.

There is hardly a more fitting way to celebrate the bicentennial of the Constitution than by extending the provisions of the Bill of Rights to taxpayers involved in disputes with the IRS. The taxpayers' bill of rights extends to taxpayers the protection of the basic constitutional rights enjoyed in their relations with all other private and public entities by: Requiring the IRS to disclose taxpayers' rights and obligations; establishing new procedures for IRS interviews of taxpayers; establishing a statutory Office of the Inspector General in the Department of the Treasury; prohibiting evaluation of IRS employees based on amounts collected from taxpayers; and by placing the burden of proof with the IRS in administrative and judicial proceedings. I invite my colleagues to take a close look at my legislation and join me in moving it through the Senate and toward final passage.

Mr. President, I ask unanimous consent that the taxpayers' bill of rights and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF INTERNAL REVENUE CODE OF 1986.

(a) SHORT TITLE.—This Act may be cited as the "Taxpayers' Bill of Rights Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. DISCLOSURE OF RIGHTS AND OBLIGATIONS OF TAXPAYERS.

(a) IN GENERAL.—The Secretary of the Treasury shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, prepare a brief but comprehensive statement which sets forth in simple and nontechnical terms—

(1) the rights and obligations of a taxpayer and the Internal Revenue Service (hereinafter in this section referred to as the "Service") during an audit;

(2) the procedures by which a taxpayer may appeal any adverse decision of the Service (including administrative and judicial appeals);

(3) the procedures for prosecuting refund claims and filing of taxpayer complaints; and

(4) the procedures which the Service may use in enforcing the internal revenue laws (including assessment, jeopardy assessment, levy and distraint, and enforcement of liens).

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—The Secretary of the Treasury shall transmit drafts of the statement required under subsection (a) (or proposed revisions of any such statement) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day. Any draft (or any revision of a draft) of the statement may not be distributed under subsection (c) until 90 days have elapsed from the date it was transmitted to such committees.

(c) DISTRIBUTION.—The statement prepared in accordance with subsections (a) and (b) shall be distributed by the Secretary of the Treasury to all taxpayers along with any tax form or forms sent from the Internal Revenue Service to the taxpayers.

SEC. 3. CIVIL ACTION FOR DEPRIVATION OF RIGHTS BY INTERNAL REVENUE SERVICE EMPLOYEES.

(a) IN GENERAL.—Subchapter B of chapter 76 (relating to proceedings by taxpayers and third parties) is amended by redesignating section 7432 as section 7433 and by inserting after section 7431 the following new section:

"SEC. 7432. CIVIL ACTION FOR DEPRIVATION OF RIGHTS BY INTERNAL REVENUE SERVICE EMPLOYEES.

"Any officer or employee of the Internal Revenue Service who, under color of any Federal law, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.".

(b) CONFORMING AMENDMENTS.—Section 1343(a) of title 28, United States Code (relating to jurisdiction of district courts with respect to civil rights and elective franchise) is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon; and

(2) by adding at the end thereof the following new paragraph:

"(5) To recover damages or to secure equitable or other relief under section 7432 of the Internal Revenue Code of 1986 (relating to civil action for deprivation of rights by Internal Revenue Service employees).".

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 76 is amended by striking out the item relating to section 7432 and inserting in lieu thereof the following:

"Sec. 7432. Civil action for deprivation of rights by Internal Revenue Service employees.

"Sec. 7433. Cross references.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to actions arising on or after the date of the enactment of this Act.

SEC. 4. OFFICE OF INSPECTOR GENERAL.

(a) IN GENERAL.—Paragraph (1) of section 2 of the Inspector General Act of 1978 (5 U.S.C. App. 3) (relating to the purpose and establishment of offices of inspector general and the departments and agencies involved) is amended by inserting "the Department of the Treasury," after "Transportation,".

(b) ADDITION OF DEPARTMENT OF THE TREASURY TO LIST OF COVERED ESTABLISHMENTS.—Paragraphs (1) and (2) of section 11 of such Act (relating to definitions) are amended by striking out "or Transportation" both places it appears and inserting in lieu thereof "Transportation, or the Treasury".

(c) TRANSFER OF EXISTING AUDIT AND INVESTIGATION UNITS.—Paragraph (1) of section 9(a) of such Act (relating to transfer of functions) is amended—

(1) by redesignating subparagraphs (I), (J), (K), (L), (M), and (N) as subparagraphs (J), (K), (L), (M), (N), and (O), respectively, and

(2) by inserting after subparagraph (H) the following new subparagraph:

"(I) of the Department of the Treasury, the offices of that department referred to as the 'Office of Inspector General', the 'Office of Internal Affairs, Bureau of Alcohol, Tobacco and Firearms', the 'Office of Internal Affairs, Customs Service', the 'Office of Inspection, Internal Revenue Service', and that portion of the 'Office of Inspection, Secret Service', which is engaged in internal audit activities;".

(d) SPECIAL PROVISIONS RELATING TO DEPARTMENT OF THE TREASURY.—The Inspector General Act of 1978 is amended by inserting after section 8A the following new section:

"SPECIAL PROVISIONS RELATING TO THE DEPARTMENT OF THE TREASURY

"SEC. 8B. (a) The Inspector General of the Department of the Treasury shall not review—

"(1) the development and exercise of monetary, fiscal, and tax policy, and

"(2) the exercise of legal judgment in the investigation and litigation of cases, except with respect as to whether such investigation and litigation is conducted efficiently and in accordance with the policy of the Department of the Treasury.

"(b) The Secretary of the Treasury is authorized to excise from documents requested by the Inspector General of the Department of the Treasury information which the Secretary of the Treasury determines will jeopardize—

"(1) the success of an ongoing investigation or litigation,

"(2) confidential sources, or

"(3) sensitive undercover and national security operations.

"(c) The Secretary of the Treasury is authorized to prohibit the Inspector General of the Department of the Treasury from initiating or proceeding with an audit or investigation only if the Secretary of the Treasury determines that the action authorized by subsection (b) is not feasible.

"(d) If the Secretary of the Treasury prohibits an audit or investigation as provided in subsection (c) or the Inspector General of the Department of the Treasury determines that action taken pursuant to subsection (b) effectively precludes the Inspector General from conducting an audit or investigation, the Secretary shall transmit within thirty days a statement of the reasons for the actions of the Secretary under subsection (b) or (c) to the Committees on Banking, Housing, and Urban Affairs and Finance of the

Senate and the Committees on Banking, Finance, and Urban Affairs and Ways and Means of the House of Representatives and to other appropriate committees or subcommittees of the Congress.".

(e) Conforming Amendment.—Section 5315 of title 5, United States Code (relating to positions of level IV) is amended by adding at the end thereof the following new item:

"Inspector General, Department of the Treasury.".

(f) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. PROCEDURES INVOLVING TAXPAYER INTERVIEWS.

(a) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7519. PROCEDURES INVOLVING TAXPAYER INTERVIEWS.

"(a) In General.—Upon request of any taxpayer, any officer or employee of the Internal Revenue Service in connection with any interview with such taxpayer in connection with the assessment of a deficiency shall—

"(1) conduct such interview at a reasonable time and place convenient to the taxpayer and such officer or employee, and

"(2) allow the taxpayer to make a recording of such interview at his own expense and with his own equipment.

An officer or employee of the Internal Revenue Service may record any such interview if he informs the taxpayer of such recording prior to the interview and provides the taxpayer with a transcript of such recording upon the request of the taxpayer and reimbursement for the cost of reproduction of such transcript.

"(b) Safeguards.—An officer or employee of the Internal Revenue Service shall prior to any interview described in subsection (a) warn the taxpayer—

"(1) he has a right to remain silent,

"(2) any statement he makes may be used against him, and

"(3) he has the right to the presence of an attorney, certified public accountant, enrolled agent, or enrolled actuary.

The taxpayer may waive the rights described in the preceding sentence if such waiver is made voluntarily and knowingly. If, however, he indicates in any manner and at any time during the interview that he wishes to consult with an attorney, certified public accountant, enrolled agent, or enrolled actuary or that the interview be discontinued there can be no questioning regardless of whether he may have answered some questions.

"(c) Representatives Holding Power of Attorney.—Any person with a written power of attorney executed by the taxpayer may be authorized by such taxpayer to represent the taxpayer in any interview described in subsection (a). An officer or employee of the Internal Revenue Service shall treat such person as the taxpayer for purposes of such interview unless such officer or employee notifies the taxpayer that such person is responsible for unreasonable delay or hindrance of an Internal Revenue Service examination or investigation of the taxpayer.".

(b) Clerical Amendment.—The table of sections for chapter 77 is amended by adding at the end thereof the following new item:

"Sec. 7519. Procedures involving taxpayer interviews.".

(c) Effective Date.—The amendments made by this section shall apply to interviews conducted on or after the date of the enactment of this Act.

SEC. 6. GENERAL ACCOUNTING OFFICE OVERSIGHT OF THE ADMINISTRATION OF THE INTERNAL REVENUE LAWS.

(a) In General.—Section 713 of title 31, United States Code (relating to audit of Internal Revenue Service and Bureau of Alcohol, Tobacco, and Firearms by the General Accounting Office) is amended—

(1) by inserting "with respect to the efficiency, uniformity, and equity of the administration of the internal revenue laws of the United States" before the period at the end of the first sentence of subsection (a), and

(2) by adding at the end thereof the following new subsection:

"(c) The Comptroller General shall conduct any special audit or investigation of the administration of the internal revenue laws requested by any committee of the Congress or any Member of Congress. The Comptroller General may conduct any other audit or investigation of the administration of the internal revenue laws which he considers appropriate.".

(b) Annual Reports.—Subsection (d)(3) of section 719 of title 31, United States Code (relating to Comptroller General reports) is amended by striking out ", including significant evidence of inefficiency or mismanagement." and inserting in lieu thereof "with respect to—

"(A) significant evidence of inefficiency or mismanagement;

"(B) the type and extent of assistance which the Internal Revenue Service (hereinafter in this paragraph referred to as the "Service") provides to taxpayers in the preparation of returns, and the accuracy and consistency of any advice which the Service provides in connection with such assistance;

"(C) the adequacy of the procedures by which the Service responds to taxpayer complaints, and the number and nature of such complaints;

"(D) the equity of the procedures by which the Service conducts audits, collections, and taxpayer appeals, the means by which the taxpayer is advised of such procedures, and the adequacy and consistency of such advice;

"(E) the uniformity of the Service's administration of the internal revenue laws, including the uniformity of the standards and legal interpretations it employs;

"(F) the number and specific circumstances of disclosures, if any, of returns or of information derived from such returns which the Comptroller General determines to be in violation of law;

"(G) the investigation and prosecution by the Service and the Department of Justice of alleged civil and criminal violations of the internal revenue laws;

"(H) the effect the organizational structure of the Service has upon the equitable implementation of, enforcement of, and adherence to internal revenue laws and regulations;

"(I) the implementation by the Service of section 552 of title 5; and

"(J) any other matter which the Comptroller General determines to be necessary or appropriate.".

(c) Disapproval of Audits.—Subparagraph (c) of section 6103(i)(7) (relating to audits by Comptroller General) is amended—

(1) by striking out "disapproves" in clause (ii) and inserting in lieu thereof "recommends disapproval of",

(2) by inserting "and the Congress approves such recommendation by a joint resolution within 30 days of such vote by the Joint Committee on Taxation" before the period at the end of clause (ii), and

(3) by inserting "RECOMMENDATION OF" before "DISAPPROVAL" in the heading thereof.

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 7. BASIS FOR EVALUATION OF INTERNAL REVENUE SERVICE EMPLOYEES.

(a) In General.—The evaluation of all Internal Revenue Service personnel by their superiors shall not be based in any way on the sums collected from taxpayers resulting from audits or investigations in which the Internal Revenue Service personnel participated.

(b) Effective Date.—The provisons of subsection (a) shall apply to evaluations conducted on or after the date of the enactment of this Act.

SEC. 8. AUTHORIZING, REQUIRING, OR CONDUCTING CERTAIN INVESTIGATIONS, ETC.

(a) In General.—Section 7214 (relating to offenses by officers and employees of the United States) is amended by redesignating subsection (c) as subsection (d) and by inserting immediately after subsection (b) the following new subsection:

"(c) Authorizing, Requiring, or Conducting Certain Investigations, Etc.—

"(1) In general.—An officer or employee of the United States acting in connection with any revenue law of the United States shall not knowingly—

"(A) authorize, require, or conduct any investigation into, or surveillance over, the beliefs or associations of any individual or organization, or

"(B) maintain any records containing information derived from such an investigation or surveillance.

Any person violating the preceding sentence shall be fined not more than $10,000, or imprisoned not more than 2 years, or both.

"(2) Exception.—The provisions of paragraph (1) shall not apply with respect to any otherwise lawful investigation concerning organized crime activities.

"(3) Definitions.—For purposes of this subsection—

"(A) Investigations.—The term 'investigations' means any oral or written inquiry directed to any person, organization, or governmental agency.

"(B) Surveillance.—The term 'surveillance' means—

"(i) the monitoring of persons, places, or events by means of electronic interception, overt or covert observation, or photography, and

"(ii) the use of informants.".

(b) Civil Remedies.—Subchapter B of chapter 76 (relating to judicial proceedings) is amended by redesignating section 7430 as section 7431 and by inserting immediately after section 7429 the following new section:

"SEC. 7430. CIVIL CAUSE OF ACTION FOR VIOLATION OF SECTION 7214(c).

"(a) Remedies.—

"(1) Damages.—Whoever violates any provision of section 7214(c) (relating to certain offenses by officers and employees of the United States) shall be liable for damages to any individual or organization which, as a result of such violation, has been the subject of a prohibited investigation, surveillance, or recordkeeping, in an amount equal to the sum of—

"(A) any actual damages suffered by the plaintiff or $100 per day for each day the prohibited activity was conducted, whichever is greater,

"(B) such punitive damages (not in excess of $1,000) as the court may allow, and

"(C) the costs of any successful action, including reasonable attorney fees.

"(2) Equitable relief.—Any individual or organization which has been the subject of any investigation, surveillance, or recordkeeping in violation of section 7214(c), may bring a civil action against the United States for such equitable relief as the court determines appropriate to enjoin and redress such violation.

"(b) Venue.—An individual or organization may bring a civil action under this section in any United States district court for the district in which the violation occurs, or in the United States district court for the district in which such person resides or conducts business, or has his principal place of business.

"(c) Jurisdictional Amount.—Any Federal court in which a civil action under this section is brought pursuant to subsection (b) shall have jurisdiction over such action regardless of the pecuniary amount in controversy.".

(c) Clerical Amendment.—The table of sections for subchapter B of chapter 76 is amended by striking out the item relating to section 7430 and inserting in lieu thereof the following new items:

"Sec. 7430. Civil cause of action for violation of section 7214(c).

"Sec. 7431. Cross references.".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that such amendments shall not apply with respect to the maintenance of records during the 90-day period beginning on such date of enactment if such records were in existence on such date.

SEC. 9. LEVY AND DISTRAINT.

(a) Notice.—Section 6331 (relating to levy and distraint) is amended—

(1) by striking out "10 days" in subsections (a) and (d)(2) and inserting in lieu thereof "30 days",

(2) by striking out "10-day period" in subsection (a) and inserting in lieu thereof "30-day period",

(3) by striking out "10-DAY REQUIREMENT" in the heading of subsection (d)(2) and inserting in lieu thereof "30-DAY REQUIREMENT", and

(4) by adding at the end of subsection (d) the following new paragraph:

"(4) Information included with notice.—The notice required under paragraph (1)—

"(A) shall cite the sections of this title which relate to levy on property, sale of property, release of lien on property, and redemption of property, and

"(B) shall include a description of—

"(i) the provisions of this title relating to levy and sale of property,

"(ii) the procedures applicable to the levy and sale of property under this title,

"(iii) the administrative appeals available to the taxpayer with respect to such levy and sale and the procedures relating to such appeals,

"(iv) all alternatives available to the taxpayer which could prevent levy on the property (including installment agreements under section 6159),

"(v) the provisions of this title relating to redemption of property and release of liens on property, and

"(vi) the procedures applicable to the redemption of property and the release of a lien on property under this title.".

(b) Effect of Levy on Salary and Wages.—Paragraph (1) of section 6331(e) (relating to effect of levy) is amended to read as follows:

"(1) Effect of levy.—The effect of a levy on salary or wages payable to or received by a taxpayer shall be continuous from the date such levy is first made until—

"(A) the liability out of which such levy arose is satisfied or becomes unenforceable by reason of lapse of time,

"(B) the taxpayer and the Secretary have entered into an agreement for the payment of such liability, or

"(C) the Secretary has determined that such liability is unenforceable due to the financial condition of the taxpayer.".

(c) Property Exempt From Levy.—

(1) Fuel, provisions, furniture, and personal effects.—Paragraph (2) of section 6334(a) (relating to fuel, provisions, furniture, and personal effects) is amended—

(A) by striking out "and poultry" and inserting in lieu thereof "poultry, and other animals", and

(B) by striking out "$1,500" and inserting in lieu thereof "$10,000".

(2) Books, tools, and machinery.—Paragraph (3) of section 6334(a) (relating to books and tools) is amended to read as follows:

"(3) Property of a trade or business.—If the taxpayer is not a corporation, so much of the books, tools, machinery, equipment, and other property necessary for the trade, business, or profession of the taxpayer as do not exceed in the aggregate $10,000 in value.".

(3) Wages, salary, and other income.—

(A) Increase in amount exempt.—Paragraph (1) of section 6334(d) (relating to exempt amount of wages) is amended—

(i) by striking out "$75" in subparagraph (A) and inserting in lieu thereof "$150", and

(ii) by striking out "$25" in subparagraph (B) and inserting in lieu thereof "$50".

(B) Exempt income deposited with certain financial institutions.—Subsection (a) of section 6334 (relating to property exempt from levy) is amended by adding at the end thereof the following new paragraph:

"(11) Exempt deposits.—Any account of the taxpayer maintained at a qualified institution and any withdrawable or repurchasable shares in a qualified institution held by the taxpayer shall be exempt to the extent any deposit to such account, or purchase of such shares, was made with funds exempt from levy under paragraph (9) by the taxpayer during the 30-day period beginning on the day on which the taxpayer was paid or received such funds. For purposes of the preceding sentence, the term 'qualified institution' has the meaning given to such term by section 128(c)(2), as in effect for taxable years beginning in 1982.".

(4) Property exempt in absence of approval or jeopardy.—

(A) In general.—Subsection (a) of section 6334 (relating to property exempt from levy), as amended by this Act, is amended by adding at the end thereof the following new paragraph:

"(12) Property exempt in absence of certain approval or jeopardy.—Except to the extent provided in subsection (e)—

"(A) the principal residence of the taxpayer (within the meaning of section 1034),

"(B) any motor vehicle which is used by the taxpayer as the primary means of transportation to the place of business of the taxpayer, and

"(C) any tangible personal property used in carrying on the trade or business of the taxpayer, but only if levy on such tangible personal property would prevent the taxpayer from carrying on such trade or business.".

(B) Levy permitted in case of jeopardy or approval by certain officials.—Section 6334 is amended by adding at the end thereof the following new subsection:

"(e) Levy Allowed on Certain Property in Case of Jeopardy or Certain Approval.—Property described in subsection (a)(12) shall not be exempt from levy if—

"(1) a district director or assistant district director of the Internal Revenue Service personally approves (in writing) the levy of such property, or

"(2) the Secretary finds that the collection of tax is in jeopardy.".

(d) Uneconomical Levy; Levy on Day of Summons.—Section 6331 (relating to levy and distraint) is amended by redesignating subsection (f) as subsection (h) and by inserting after subsection (e) the following new subsections:

"(f) Uneconomical Levy.—No levy may be made on any property if the amount of the expenses which the Secretary estimates (at the time of levy) would be incurred by the Secretary with respect to the levy and sale of such property exceeds—

"(1) the fair market value of such property at the time of levy, or

"(2) the liability for which such levy is made.

"(g) Levy on Day of Summons.—

"(1) In general.—No levy may be made on the property of any person on any day on which such person (or officer or employee of such person) responds to a summons issued by the Secretary.

"(2) No application in case of jeopardy.—This subsection shall not apply if the Secretary finds that the collection of tax is in jeopardy.".

(e) Release of Levy.—Subsection (a) of section 6343 (relating to release of levy) is amended to read as follows:

"(a) Release of Levy.—

"(1) In general.—Under regulations prescribed by the Secretary, the Secretary shall release the levy upon all, or part of, the property or rights to property levied upon if—

"(A) the liability for which such levy was made is satisfied,

"(B) release of such levy will facilitate the collection of such liability,

"(C) the taxpayer has entered into an agreement under section 6159 to satisfy such liability by means of installment payments,

"(D) the expenses of levy and sale of such property exceed the amount of such liability,

"(E) the taxpayer can substantiate that the levy prevents the taxpayer from meeting necessary living expenses, or

"(F) the fair market value of the property exceeds such liability and release of the levy on a part of such property could be made without hindering the collection of such liability.

"(2) Subsequent levy.—The release of levy on any property under paragraph (1) shall not prevent any subsequent levy on such property.".

(f) Effective Date.—The amendments made by this section shall apply to levies made on or after the date of the enactment of this Act.

SEC. 10. REVIEW OF JEOPARDY LEVY AND ASSESSMENT.

(a) In General.—Section 7429 (relating to review of jeopardy assessment procedures) is amended—

(1) by inserting "or levy is made under section 6331(a) less than 30 days after notice and demand for payment is made under section 6331(a)," after "6862," in subsection (a)(1),

(2) by inserting "or levy" after "such assessment" in subsection (a)(1),

(3) by striking out "30 days" in subsection (b)(1) and inserting in lieu thereof "90 days",

(4) by inserting "the making of a levy described in subsection (a)(1) is unreasonable, that" after "determines that" in subsection (b)(3),

(5) by inserting "to release such levy," after "the Secretary" in subsection (b)(3),

(6) by inserting "the making of a levy described in subsection (a)(1) or" after "whether" in subsection (g)(1),

(7) by striking out "TERMINATION" in the heading of subsection (g)(1) and inserting in lieu thereof "LEVY, TERMINATION,", and

(8) by inserting "LEVY OR" after "JEOPARDY" in the heading of such section.

(b) Determinations.—

(1) Administrative determinations.—Paragraph (3) of section 7429(a) (relating to redetermination by the Secretary) is amended to read as follows:

"(3) Redetermination by secretary.—After a request for review is made under paragraph (2), the Secretary shall determine—

"(A) whether or not—

"(i) the making of the assessment under section 6851, 6861, or 6862, as the case may be, is reasonable under the circumstances, and

"(ii) the amount so assessed or demanded as a result of the action taken under section 6851, 6861, or 6862 is appropriate under the circumstances, or

"(B) whether or not the levy described in subsection (a)(1) is reasonable under the circumstances.".

(2) Judicial determinations.—Paragraph (2) of section 7429(b) (relating to determinations by district court) is amended to read as follows:

"(2) Determination by district court.—Within 20 days after an action is commenced under paragraph (1), the district court shall determine—

"(A) whether or not—

"(i) the making of the assessment under section 6851, 6861, or 6862, as the case may be, is reasonable under the circumstances, and

"(ii) the amount so assessed or demanded as a result of the action taken under section 6851, 6861, or 6862 is appropriate under the circumstances, or

"(B) whether or not the levy described in subsection (a)(1) is reasonable under the circumstances.".

(c) Conforming Amendment.—The table of sections for subchapter B of chapter 76 is amended by inserting "levy or" after "jeopardy" in the item relating to section 7429.

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 11. INSTALLMENT PAYMENT OF TAX LIABILITY.

(a) In General.—Subchapter A of chapter 62 (relating to place and due date for payment of tax) is amended by adding at the end thereof the following new section:

"SEC. 6159. AGREEMENTS FOR PAYMENT OF TAX LIABILITY IN INSTALLMENTS.

"(a) Authorization of Agreements.—The Secretary is authorized to enter into written agreements with any taxpayer under which such taxpayer is allowed to satisfy liability for payment of any tax in installment payments if the Secretary determines that such agreement will facilitate collection of such liability.

"(b) Offer of Installment Payments.—The Secretary shall make a written offer to enter into an agreement described in subsection (a) with any individual—

"(1) whose liability for payment of tax does not exceed $20,000, and

"(2) who has not been delinquent in payments under any other agreement entered into for installment payment of tax liability during the 3-year period ending on the date such liability is required to be paid under section 6151.

"(c) Extent to Which Agreements Are Binding.—

"(1) In general.—Except as otherwise provided in this subsection, any agreement entered into by the Secretary under subsection (a) shall be binding.

"(2) Inadequate information.—An agreement entered into by the Secretary under subsection (a) shall not be binding if information which the taxpayer provided (upon request of the Secretary) to the Secretary prior to the date such agreement was entered into was inaccurate or incomplete.

"(3) Subsequent change in financial conditions.—

"(A) In general.—If the Secretary makes a final determination that the financial condition of a taxpayer with whom the Secretary has entered into an agreement under subsection (a) has significantly changed, the Secretary may alter, modify, or annul such agreement.

"(B) Notice and hearing.—Action may be taken by the Secretary under subparagraph (A) only if—

"(i) a hearing on the record conducted in accordance with subchapter II of chapter 5 of title 5, United States Code, is held on the financial condition of the taxpayer prior to the making of any final determination under subparagraph (A) with respect to such taxpayer, and

"(ii) notice of such hearing is provided to the taxpayer no later than 30 days prior to the date of such hearing, and

"(iii) such notice includes the reasons why the Secretary believes a significant change in the financial condition of the taxpayer has occurred.".

(b) Conforming Amendments.—

(1) Paragraph (1) of section 6601(b) (relating to last day prescribed for payment) is amended by inserting "or any installment agreement entered into under section 6159" after "time for payment".

(2) The table of sections for subchapter A of chapter 62 is amended by adding at the end thereof the following new item:

"Sec. 6159. Agreements for payment of tax liability in installments.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 12. LIMITATIONS ON CLASS AUDITS.

(a) In General.—The Secretary shall authorize, permit, or order an audit or audits of taxpayers identified with respect to a particular trade, business, or profession only after—

(1) providing written notice to each member of the audit group of the item or items of such member's tax return which the group has in common,

(2) stating the reason the Secretary claims such return to be in error, and

(3) providing an opportunity for the members of the group—

(A) to file an amended tax return conforming to the analysis of the Secretary, or

(B) to contest singly or through a group spokesman the position of the Secretary at a hearing to be provided by the Secretary in accordance with existing regulations.

(b) No Penalty or Interest Imposed Upon Amended Return.—Notwithstanding any other provision of law, upon the filing of an amended tax return pursuant to subsection (a)(3)(A), no penalty or interest upon any increased taxpayer obligation shall be imposed.

(c) Effective Date.—The provisions of subsection (a) shall apply with respect to audits commenced on or after the date of the enactment of this Act.

SEC. 13. BURDEN OF PROOF IN ADMINISTRATIVE AND JUDICIAL PROCEEDINGS.

(a) In General.—Notwithstanding any other provision of law, in all administrative and judicial proceedings between the Internal Revenue Service and a taxpayer, the burden of proof on all issues shall rest upon the Internal Revenue Service, except that in the event the taxpayer is the sole possessor of evidence that would not otherwise be available to the Internal Revenue Service, the taxpayer may be required to present the minimum amount of information necessary to support his position.

(b) Effective Date.—The provisions of subsection (a) shall apply with respect to proceedings commenced on or after the date of the enactment of this Act.

Section-by-Section Analysis

Section 1. Short Title.

Section 2. Disclosure Of Rights and Obligations of Taxpayers. The Secretary of Treasury must prepare a statement to be included with tax forms setting forth: the rights and obligations of a taxpayer and the IRS during an audit; the procedures by which a taxpayer may appeal adverse decisions of the Internal Revenue Service (IRS); the procedure for prosecuting refund claims and filing of taxpayer complaints; and the procedures the IRS may use to enforce the tax laws.

Section 3. Civil Action For Deprivation Of Rights By Internal Revenue Service Employees. Extends to taxpayers the right to initiate civil action against IRS employees who violate the taxpayers's rights guaranteed by the Constitution and laws.

Section 4. Office Of Inspector General. Amends the Inspector General Act of 1978 by establishing within the Department of the Treasury, and independent of the IRS, a statutory Office of Inspector General. Within this office shall be combined the various offices of audit and inspection which currently exist within the several bureaus of the Department. Moreover, this section contains special provisions allowing the Secretary to prevent the disclosure of sensitive law enforcement and tax information.

Section 5. Procedures Involving Taxpayer Interviews. Allows taxpayers to record interviews with IRS employees at the taxpayer's own expense. IRS employees must inform taxpayers of their right to remain silent, the right against self-incrimination, and the right to the presence of an attorney, certified public accountant, enrolled agent or enrolled actuary. Subsection (c) codifies the taxpayers's right to authorize a representative who must be treated by the IRS as the taxpayer for purposes of an interview. This authorized representative may only be bypassed by the IRS if the representative is responsible for unreasonable delay or hindrance of an IRS examination or investigation.

Section 6. General Accounting Office Oversight Of The Administration Of The Internal Revenue Laws. Requires the GAO to make annual audits of the IRS in several specific areas affecting the efficient, uniform, and equitable administration of the internal revenue laws.

Section 7. Basis For Evaluation Of Internal Revenue Service Employees. Prohibits the evaluaton of IRS personnel based on sums collected from audits and investigations.

Section 8. Authorizing, Requiring, Or Conducting Certain Investigations, Etc. Prohibits the IRS from investigating individuals for purposes other than ascertaining their compliance with the internal revenue law. An exception is provided for the lawful investigation of organized crime activities.

Section 9. Levy and Distraint. Increases from 10 to 30 days the period after notice and demand the Secretary must wait before levy may be made. Increase from $1,500 to $10,000 the amount of personal effects, etc, exempt from levy. Increases the amount of wages, salary, and other income exempt from levy from $75 to $150 per week plus $50 for a spouse and each dependent.

Section 10. Review Of Jeopardy Levy And Assessment. Increases the period of time available to the IRS and the United States district courts to review jeopardy assessments.

Section 11. Installment Payment Of Tax Liability. Prohibits the IRS from abrogating installment payment agreements unless the taxpayer initially provided inaccurate or incomplete information. If the taxpayer subsequently realizes a change in financial circumstances the Secretary may also modify the agreement but only after the convening of a hearing to determine the financial status of the taxpayer.

Section 12. Limitations On Class Audits. Audits of taxpayers classified by their trade, business or profession cannot be authorized until members of the audit group have been provided the opportunity to respond and amend their returns to conformance standards.

Section 13. Burden of Proof In Administrative And Judicial Proceedings. In all administrative and judicial proceedings between the IRS and a taxpayer, the burden of proof rests with the IRS. However, if the taxpayer is the sole possessor of evidence, the taxpayer may be required to provide information to support his position.

By Mr. PELL (by request):

S. 580. A bill to authorize supplemental appropriations for the fiscal year 1987 for international security and disaster assistance programs, the Peace Corps, and for other purposes; to the Committee on Foreign Relations.

SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION ACT

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to provide supplemental authorization and appropriations for foreign aid and several other programs within the jurisdiction of the Committee on Foreign Relations.

This proposed legislation has been requested by the administration and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs to the President of the Senate received February 13, 1987.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 580

Be it enancted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Supplemental Foreign Assistance Authorization Act of 1987".

FOREIGN ASSISTANCE ACT AUTHORIZATIONS

SEC. 2. (a) In addition to amounts otherwise available for the fiscal year 1987 to carry out the provisions of section 491 of the Foreign Assistance Act of 1961, there are authorized to be appropriated $100,000,000 for earthquake relief, rehabilitation, and reconstruction in El Salvador.

(b) In addition to amounts otherwise available for the fiscal year 1987 to carry out the provisions of chapter 2 of Part II of the Foreign Assistance Act of 1961, there are authorized to be appropriated $261,000,000. Funds authorized by this subsection shall be made available notwithstanding section 101(f) of P.L. 99-83.

(c) In addition to amounts otherwise available for the fiscal year 1987 to carry out the provisions of chapter 4 of Part II of the Foreign Assistance Act of 1961, there are authorized to be appropriated $47,000,000. Supplemental assistance made available to carry out the provisions of chapter 4 of Part II and which is allocated for Southern Africa regional programs shall be made available notwithstanding section 802(a) of P.L. 99-83.

DEPARTMENT OF STATE

SEC. 3. In addition to amounts otherwise available for the fiscal year 1987 for "United States Bilateral Science and Technology Agreements", there are authorized to be appropriated $1,900,000 for such purposes.

AFRICAN DEVELOPMENT FOUNDATION

SEC. 4. In addition to amounts otherwise available for the fiscal year 1987 to carry out the provisions of the African Development Foundation Act, there are authorized to be appropriated $114,000.

PEACE CORPS

SEC. 5. In addition to amounts otherwise available for the fiscal year 1987 to carry out the provisions of the Peace Corps Act, there are authorized to be appropriated $760,000.

REPEALS

SEC. 6. Sections 2013 and 2030(c) of the Anti-Drug Abuse Act of 1986 are hereby repealed.

SECTION-BY-SECTION ANALYSIS

Section 2(a) of the bill authorizes the appropriation of $100,000,000 for International Disaster Assistance. These funds will be used for earthquake relief, rehabilitation, and reconstruction in El Salvador. This assistance is in addition to funds appropriated for this purpose in the Foreign Assistance and Related Programs Appropriations Act, 1987 (as included in P.L. 99-591).

Section 2(b) of the bill authorizes the appropriation of $261,000,000 for Military Assistance Programs for FY 1987. Funds authorized by this subsection will be made available notwithstanding the provisions of section 101(f) of the International Security and Development Cooperation Act of 1985 (P.L. 99-83) regarding limitations on Military Assistance Program assistance for Turkey.

Section 2(c) of the bill authorizes the appropriation of $47,000,000 for Economic Support Fund programs for FY 1987. The Administration's request for supplemental Economic Support Fund assistance is $297,000,000. However, because the amount appropriated in FY 1987 in the foreign assistance appropriations act for Economic Support Fund assistance was $250 million less than the authorized level, only an additional $47 million is required to be authorized to satisfy the Administration's request. Supplemental assistance (including funds authorized by the bill) which is allocated for Southern Africa regional programs will be made available notwithstanding section 802(a) of P.L. 99-83.

Section 3 of the bill authorizes the appropriation of $1,900,000 for United States Bilateral Science and Technology Agreements for FY 1987. The Administration's supplemental request for this program is $2,000,000. P.L. 99-88 authorized $2 million for this program for FY 1987 against which $1.9 million was appropriated. Therefore, $1.9 million needs to be authorized to satisfy the Administration's request.

Section 4 of the bill authorizes the appropriation of $114,000 for the African Development Foundation for FY 1987.

Section 5 of the bill authorizes the appropriation of $760,000 for the Peace Corps for FY 1987.

Section 6 repeals two provisions of the Anti-Drug Abuse Act of 1986. The section repeals section 2013 of that act since the reporting requirements of that section largely duplicate those contained in section 481(h) of the Foreign Assistance Act. The section also repeals section 2030(c) which conditions the obligation of $1 million of narcotics control funds for Mexico on Mexico's completion of judicial proceedings regarding the deaths of and assaults on Drug Enforcement Administration personnel. Withholding this assistance will only serve to further hinder our narcotics eradication efforts in Mexico.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 12, 1987.

Hon. GEORGE BUSH,
President of the Senate,
U.S. Senate.

DEAR MR. PRESIDENT: On behalf of the President I hereby transmit the Supplemental Foreign Assistance Authorization Act of 1987. This bill authorizes supplemental appropriations for the fiscal year 1987 for international security and disaster assistance programs, the Peace Corps, and for other purposes.

The Office of Management and Budget has advised that this legislation is in accord with the program of the President. I urge its urgent consideration and prompt enactment.

With best wishes,

Sincerely,

J. EDWARD FOX,
Assistant Secretary,
Legislative and Intergovernmental Affairs.●

By Mr. REID:

S.J. Res. 62. Joint resolution to designate May 21, 1987, as "National Flight of the Voyager Day;" to the Committee on the Judiciary.

NATIONAL FLIGHT OF THE VOYAGER DAY

Mr. REID. Mr. President, today I am introducing a joint resolution to designate May 21, 1987, as "National Flight of the Voyager Day." This joint resolution commemorates the around-the-world-non-stop-non-refueled flight of the *Voyager* and its crew, Jeana Yeager, Dick Rutan, and Designer Burt Rutan.

This aerial accomplishment epitomizes America's spirit to challenge the unknown and to triumph against the odds. Less than a year after the *Challenger* disaster, the courage and perseverance of Jeana Yeager and Dick Rutan have renewed America's determination to make great strides in air and space travel. Just as significant, Burt Rutan's design of *Voyager* represents American innovation at its best and the flight provided an opportunity to test advances in aerospace materials, fuel systems, and aerodynamics.

May 21, 1987, is a particularly appropriate day to honor the *Voyager* crew because this day is the 60th anniversary of Charles Lindbergh's historic transatlantic solo flight. By commemorating the *Voyager* flight on this date we are showing the world that American ingenuity in flight did not die with the early days of aviation but that, in fact, it has come full circle.

I am proud to sponsor this joint resolution commemorating the *Voyager* flight and I ask my colleagues to join me as cosponsors and reaffirm our belief in American daring and ingenuity.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 62

Whereas Burt Rutan, Dick Rutan, and Jeana Yeager made the decision to attempt to establish a world record for the longest distance traveled in an airplane without stopping and without refueling;

Whereas, in order to establish such a world record, they planned for Dick Rutan and Jeana Yeager to circumnavigate the earth by air, a distance of 25,000 miles;

Whereas Burt Rutan designed an innovativ airplane capable of carrying an unprecedented amount of fuel relative to the weight of the airplane;

Whereas, with funds donated by numerous persons, Dick Rutan, Jeana Yeager, and a crew of volunteers built the airplane designed by Burt Rutan;

Whereas the airplane is known as the Voyager;

Whereas, on December 14, 1986, Dick Rutan and Jeana Yeager left California in the Voyager and began the attempt to establish the world record;

Whereas the Voyager and its crew encountered many difficulties during the flight, including damage to the wings of the airplane during takeoff, severe weather, worries with respect to the sufficiency of the amount of fuel, and extreme fatigue of the crew;

Whereas Dick Rutan and Jeana Yeager displayed great courage and skill in piloting the Voyager, and Burt Rutan's design provided the Voyager with great resilience;

Whereas, on December 23, 1986, the Voyager and its crew successfully completed the journey around the earth, establishing a world record;

Whereas the record-breaking flight of the Voyager symbolizes the spirit of American men and women and their determination to accomplish tremendous advances in air and space;

Whereas, on May 21, 1927, Captain Charles A. Lindbergh completed a historic solo flight across the Atlantic Ocean; and

Whereas May 21, 1987, is an appropriate day on which to commemorate the flight of the Voyager: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 21, 1987, is designated "National Flight of the Voyager Day", and the President of the United States is authorized and rquested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

By Mr. BRADLEY (for himself, Mr. PELL, Mr. BUMPERS, Mr. BYRD, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. EXON, Mr. GORE, Mr. INOUYE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. MCCONNELL, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NICKLES, Mr. PROXMIRE, Mr. PRYOR, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SIMON, Mr. ZORINSKY, and Mr. FOWLER):

S.J. Res. 63. Joint resolution to designate March 21, 1987, as Afghanistan Day; to the Committee on the Judiciary.

AFGHANISTAN DAY

● Mr. BRADLEY. Mr. President, in keeping with tradition of past years, I would like to introduce a Senate joint resolution to designate March 21, 1987, as Afghanistan Day, in commemoration of the heroic struggle of the Afghan people to preserve their freedom and independence. More than 7 years have passed since the Soviet Union sent over 100,000 troops into Afghanistan to install a Marxist regime. During this time, the Afghan people have formed an impressive and determined resistance movement which, despite great odds, has been growing stronger.

Over the last year, the Soviet Union has intensified its military effort, even as Soviet diplomatic initiatives suggest that their effort in Afghanistan has entered a new phase characterized by a more energetic and sophisticated political dimension. As part of this effort, the Soviet Union has publicly and privately expressed greater interest in a negotiated solution, has proposed a cease-fire, and is emphasizing the national reconciliation theme. The cease-fire proposal unfortunately amounts to little more than the unilateral surrender of the Afghan Resistance. The form of national reconciliation the Soviets seem to be contemplating seems remarkably similar to the cosmetic coalitions we saw in Eastern Europe after World War II. In addition, the Soviets have made new diplomatic overtures to Pakistan.

If all of the above reflects a genuine desire to end the Afghanistan tragedy, we certainly welcome it. But unfortunately, unless backed up by deeds, these initiatives will not gain credibility. These Soviet proposals continue to avoid the fundamental issue of the prompt and complete withdrawal of Soviet troops. The joint resolution that Senator PELL and I are introducing on behalf of Senators BUMPERS, BYRD, DASCHLE, DECONCINI, DIXON, EXON, GORE, INOUYE, KERRY, LAUTENBERG, LEAHY, LEVIN, MCCONNELL, MITCHELL, MOYNIHAN, NICKLES, PROXMIRE, PRYOR, RIEGLE, ROCKEFELLER, SIMON, ZORINSKY, and Mr. FOWLER is designed to reflect the solidarity of the United States with the legitimate struggle of the Afghan people to retain their freedom and independence. Mr. President, I ask that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 63

Whereas more than seven years have passed since the unprovoked Soviet invasion of the non-aligned country of Afghanistan;

Whereas close to 115,000 Soviet troops are continuing a brutal attempt to crush the nationwide Afghan resistance to the Soviets and the Marxist regime they installed;

Whereas indiscriminate air and artillery bombardments, deliberate attempts to generate refugees, and the destruction of livestock, crops, and property remain a key instrument of Soviet and Kabul regime policy;

Whereas Soviet and Kabul regime actions in Afghanistan violate the following international covenants: the 1949 Geneva Conventions and Customary International Law; Article 7 of the International Covenant on Civil and Political Rights; and the 1954 Hague Convention;

Whereas the military operations of the Soviets and their Afghan surrogates have driven almost 3 million refugees into Pakistan, placing an almost intolerable burden on its economy, social service system, and ecology;

Whereas, the United Nations General Assembly has in eight resolutions called for the "immediate withdrawal of foreign troops from Afghanistan," and a recent United Nations Human Rights Commission report concludes that the continuation of a military solution in Afghanistan will "lead inevitably to a situation approaching genocide";

Whereas, the twentieth semiannual report of the U.S. Department of State on the implementation of the Helsinki Final Act observes that Soviet policies in Afghanistan are: "in direct and willful violation of the general principles set forth in the Helsinki Final Act, including respect for the inviolability of frontiers, territorial integrity of states, and self-determination of peoples";

Whereas, in June 1986, the European Parliament overwhelmingly adopted a resolution on the situation in Afghanistan which condemns: "The deaths of some one and a half million Afghans since the beginning of the Soviet intervention, out of the total population of fifteen million, while four and a half million refugees have had to flee to Pakistan and Iran and a million Afghans are surviving in extremely difficult conditions within the country itself";

Whereas Soviet and Kabul regime aircraft have violated Pakistan's airspace 757 times during 1986, killing 46 innocent people and wounding 77;

Whereas over 233 Soviet and Kabul-inspired terrorist incidents took place in Pakistan during 1986, often in circumstances calculated to cause the deaths of innocent civilians;

Whereas recent developments such as the deceptive withdrawal of six Soviet regiments, a "national reconciliation" scheme which leaves a regime opposed by an overwhelming majority of the Afghan people, and a ceasefire proposal with no provision for the withdrawal of Soviet forces suggest no change in the Soviet goal in Afghanistan;

Whereas the only credible indicator of Soviet commitment to negotiated political settlement in Afghanistan will be their agreement of the Geneva negotiations to a prompt and complete withdrawal of all their troops and full self-determination for the Afghan people;

Whereas, since the Soviet invasion of Afghanistan, the Congress has in numerous resolutions declared the solidarity of the American people with the struggle of the Afghan people against the Soviet invaders.

Whereas the people of Afghanistan observe March 21 as the traditional start of their new year and as a symbol of their nation's rebirth: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1987, as Afghanistan Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

By Mr. CHILES (for himself, Mr. HEINZ, Mr. GLENN, Mr. PRYOR, Mr. BRADLEY, Mr. JOHNSTON, Mr. SHELBY, Mr. BREAUX, Mr. BURDICK, Mr. REID, Mr. WILSON, Mr. DURENBERGER, Mr. CHAFEE, Mr. MATSUNAGA, Mr. GRAHAM, Mr. D'AMATO, Mr. DOLE, Mr. SARBANES, Mr. DASCHLE, and Mr. BOREN):

S.J. Res. 64. Joint resolution to designate May 1987 as "Older Americans Month"; to the Committee on the Judiciary.

OLDER AMERICANS MONTH

● Mr. CHILES. Mr. President, I am introducing today a joint resolution to designate May as Older Americans Month. I am pleased to be joined by Senator HEINZ, the ranking minority member of the Aging Committee, as well as other members of the committee including Senators GLENN, PRYOR, BRADLEY, JOHNSTON, BREAUX, BURDICK, REID, SHELBY, WILSON, DURENBERGER, CHAFEE, and GRASSLEY. Recognition of May as "Older Americans Month" is a longstanding tradition of the Congress, going back to 1963.

I am particularly honored to be able to introduce this joint resolution this year, because this is also the year that Congress will reauthorize the Older Americans Act. Since its original enactment in 1965, this act has become an extremely important source of support and advocacy for our Nation's nearly 30 million older Americans.

Older Americans Month provides an opportunity to honor the contributions of our Nation's elderly—not only their past contributions that have built our great Nation, but their continuing contributions today. Older Americans are an on-going source of vitality, creativity, productivity, and inspiration for all of us. It is natural and appropriate that we in Congress spend much of our time dealing with the problems still faced by a large number of the elderly—in health care, economic security, housing, social services, and other areas. But it is equally important that we step back and recognize that, despite the individual hardships that many face, the vast majority of senior citizens, over 80 percent, continue to lead independent, productive, and satisfying lives.

Older Americans Month gives us an opportunity to both pay tribute to the immense contributions of the elderly and to rededicate ourselves to creating new opportunities for them to enjoy quality of life in their later years. The theme of this year's recognition ceremonies will be "Make Your Community Work For Older People." Well, older Americans have made our communities work for us throughout our lives. In turn, let's make sure our communities—with leadership and support from Congress and the administration—work with their older citizens.

I urge my colleagues to join me in paying tribute to the elderly by supporting this joint resolution to designate May as Older Americans Month, and Mr. President, I ask unanimous consent that the joint resolution be printed in full at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 64

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas older Americans should be acknowledged for the contributions they continue to make to their communities and the Nation; and

Whereas many States and communities acknowledge older Americans during the month of May: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the traditional designation of the month of May as "Older Americans Month" and the repeated expression by the Congress of its appreciation and respect for the achievements of older Americans and its desire that these Americans continue to play an active role in the life of the Nation, the President is directed to issue a proclamation designating the month of May, 1987, as "Older Americans Month", and calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.●

By Mr. ZORINSKY (for himself, Mr. JOHNSTON, Mr. GORE, Mr. DURENBERGER, Mr. HOLLINGS, Mr. WILSON, Mr. PRESSLER, Mr. CHILES, Mr. MOYNIHAN, Mr. LUGAR, Mr. EXON, Mr. NUNN, Mr. STENNIS, Mrs. KASSEBAUM, Mr. METZENBAUM, Mr. BUMPERS, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. CRANSTON, Mr. DECONCINI, Mr. PRYOR, Mr. DOLE, Mr. COHEN, Mr. MITCHELL, Mr. RIEGLE, Mr. SASSER, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. REID, Mr. SANFORD, Mr. HELMS, Mr. NICKLES, Mr. HEINZ, Mr. FORD, Mr. GRAMM, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. HEFLIN, Mr. WIRTH, Mr. INOUYE, Mr. EVANS, Mr. LEVIN, Mr. GRASSLEY, Mr. DIXON, Mr. BIDEN, Mr. DASCHLE, Mr. BREAUX, Mr. SHELBY, Mr. DOMENICI, Mr. DANFORTH, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. GARN, Mr. CHAFEE, Mr. BURDICK, Mr. SIMON, Mr. PELL, Mr. STEVENS, Mr. D'AMATO, and Mr. HUMPHREY):

S.J. Res. 65. A joint resolution to designate the week of April 5, 1987, through April 11, 1987, as "National Know Your Cholesterol Week"; to the Committee on the Judiciary.

NATIONAL KNOW YOUR CHOLESTEROL WEEK

● Mr. ZORINSKY. Mr. President, it is an irrefutable fact that cholesterol is a mass killer. Studies conducted worldwide provide documented proof that the higher a person's cholesterol, the greater their risk of suffering a heart attack or stroke.

The National Institutes of Health has launched a multimillion-dollar campaign, the National Cholesterol

Education Program [NCEP], designed to fight this devastating disease. The NCEP's goal is to reduce the prevalence of elevated blood cholesterol in the United States, thereby reducing coronary heart disease morbidity and mortality.

A major objective of the program is to increase the public's awareness concerning the importance of knowing their cholesterol levels, and taking steps to lower elevated levels. It is a prodigious undertaking since the recent National Heart, Lung and Blood Institute "Cholesterol Awareness Survey" found that only 8 percent of American citizens know their cholesterol level.

I am confident that you share my resolve that we must take a leadership role in this monumental endeavor. Therefore, today I and 60 of our distinguished colleagues are introducing a resolution designating April 5, 1987, through April 11, 1987, as "National Know Your Cholesterol Week." It is imperative that people know and understand their cholesterol level in order to reduce the incidence of heart disease in America.

In conjunction with the 7-day period the National Heart Savers Association, a nonprofit organization, will offer every Senator, Representative, and Capitol Hill staff member the opportunity to have their cholesterol level measured free of charge. Levels are determined using a simple, 3-minute, finger stick test. You will hear more from me on this project as the designated week draws near.

Mr. President, Americans have already begun to focus their attention on the importance of monitoring their cholesterol levels. By working together we are certain to improve our Nation's cardiac health and I hope all of our colleagues will work with me to ensure passage of this important resolution.

I ask unanimous consent that the text of my statement and the accompanying resolution be printed in the RECORD as if read.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 65

Whereas heart attacks struck an estimated 1,576,000 Americans in 1986, a third of whom died immediately;

Whereas scientific data indicates that effective measures to lower serum cholesterol may be capable of decreasing occurrences of heart disease;

Whereas only 8 percent of Americans know their cholesterol level; and

Whereas an estimated 250,000 lives could be saved each year if Americans were tested for and took action to reduce high levels of cholesterol: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the week of April 5, 1987, through April 11, 1987, is designated as "National Know Your Cholesterol Week: and the President is authorized and requested to issue a proclamation calling upon the American public to observe such week with appropriate programs and activities.

● Mr. D'AMATO. Mr. President, I rise today in support of legislation introduced by Senator ZORINSKY to designate a specific week in 1987 as "National Know Your Cholesterol Week." I commend my colleague from Nebraska for introducing this legislation. I believe additional recognition of cholesterol will encourage individuals to recognize the importance of knowing their cholesterol levels, and to take steps to lower elevated levels.

The dangers associated with high cholesterol are well documented. Years of scientific research have proven that individuals with even modestly elevated serum cholesterol levels run a higher risk of having a heart attack or stroke. The more elevated a person's cholesterol level is, the greater are his or her chances of developing heart disease.

Heart disease is presently the No. 1 killer in America. Last year alone, heart attacks struck an estimated 1.5 million Americans, a third of whom died immediately. More than 43 million Americans suffer from some form of heart or blood vessel disease. In 1985, the cost of providing health care to those suffering from heart disease reached $72.1 billion.

Yet, in spite of the well-established connection between higher than recommended cholesterol levels and heart disease, very few Americans—only 8 percent, according to a recent survey—know their own cholesterol levels. This deficiency must be addressed if we are to combat effectively heart disease in America.

Therefore, I am pleased that my colleague has taken the initiative to further encourage individuals to become more aware of their own cholesterol levels. I commend my distinguished colleague from Nebraska for his commitment to this cause, and I ask my colleagues who have not already done so to lend their support to this worthy legislation.●

By Mr. BURDICK:

Senate Joint Resolution 66. Joint resolution to designate the week of November 22 through November 28, 1987, as "National Family Week"; to the Committee on the Judiciary.

NATIONAL FAMILY WEEK

Mr. BURDICK. Mr. President, I am pleased to again introduce a resolution authorizing the President to proclaim Thanksgiving week as National Family Week. If there are no objections, I would like to send it to the floor at this time.

This resolution would designate the week of November 22 through November 28, 1987, as National Family Week. Thanksgiving is a time for family members to gather together for good food, good conversation, and good times. Family Week is not only for those families who are close, however. It is a reminder to everyone of the importance of parents, brothers, sisters, children, and other loved ones.

The family is one of the few constants in our changing world, a tie that permanently binds people together. Even though the structure of families is more diversified now than it was when this Nation was founded, the family is still the basis of American life. It makes no difference whether the family unit is made up of a husband and wife with several children or a single parent struggling to raise one child, the family is where basic values and skills are passed on from one generation to the next.

There have been a dozen National Family Week proclamations, in 1972 and every year since 1976. I believe it is crucial to continue this tradition, and hope both Houses will again recognize the value of National Family Week and approve this joint resolution.

ADDITIONAL COSPONSORS

S. 79

At the request of Mr. METZENBAUM, the names of the Senator from Iowa [Mr. HARKIN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Maine [Mr. MITCHELL], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 79, a bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes.

S. 85

At the request of Mr. JOHNSTON, the names of the Senator from Montana [Mr. MELCHER], the Senator from Nevada [Mr. HECHT], the Senator from Colorado [Mr. WIRTH], the Senator from Mississippi [Mr. COCHRAN], the Senator from Texas [Mr. GRAMM], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 85, a bill to amend the powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements.

S. 142

At the request of Mr. INOUYE, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of appropriations for fiscal year 1987 through 1991.

S. 267

At the request of Mr. HUMPHREY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 267, a bill to limit the uses of funds under the Legal Services Corporation Act to provide legal assistance with respect to any proceeding or litigation which relates to abortion.

S. 274

At the request of Mr. HUMPHREY, the names of the Senator from Utah [Mr. HATCH], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 274, a bill to restrict the use of Federal funds available to the Bureau of Prisons to perform abortions.

S. 320

At the request of Mr. PELL, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 320, a bill to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.

S. 361

At the request of Mr. SPECTER, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 361, a bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for private enforcement of the Unfair Competition statute in the event of unfair foreign competition, and to amend title 28 of the United States Code to provide for private enforcement of the Customs fraud statute.

S. 533

At the request of Mr. THURMOND, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 561

At the request of Mr. THURMOND, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 561, a bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction to farmers who donate agricultural products to assist victims of natural disasters.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mr. CHILES] was added as a cosponsor of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 9

At the request of Mr. SARBANES, the names of the Senator from Colorado [Mr. ARMSTRONG], the Senator from Michigan [Mr. RIEGLE], the Senator from California [Mr. CRANSTON], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 9, a joint resolution to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 26

At the request of Mr. PELL, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from West Virginia [Mr. BYRD], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 26, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE CONCURRENT RESOLUTION 22—CONGRATULATING HADASSAH ON ITS 75TH ANNIVERSARY

Mr. KENNEDY (for himself and Mr. WEICKER) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 22

Whereas, Hadassah, the Women's Zionist Organization of America, numbering over 385,000 volunteers, has for 75 years promoted a two-fold program of education for its members and their families to the highest ideals of Judiac and American democratic values, and participation in the rebuilding of a Jewish homeland in Israel;

Whereas, Hadassah, the Women's Zionist Organization of America, has built and maintains Hadassah Medical Organization, located in Jerusalem, Israel, which includes a primary care hospital dedicated to healing, teaching and research, where all who are in need are treated regardless of race or creed, thereby building bridges of peace and understanding to all the peoples of the Middle East;

Whereas, Hadassah Medical Organization has reached out to many countries in Africa and Asia, offering assistance and technical expertise, as well as educating the future doctors of these countries at the Hadassah Hebrew University Medical School;

Whereas, Hadassah supports a wide range of youth programs in the United States, including Young Judaea and Hamagshimim, as well as special programs in Israel, such as the Youth Aliyah, a child rescue and rehabilitation program, and Hadassah Israel Educational Services, which offers unique educational opportunities for studies;

Whereas, Hadassah has also committed itself to developing the land of Israel, through reclamation and reforestation projects conducted by the Jewish National Fund, making it the largest single contributor to the Jewish National Fund in the world;

Whereas, Hadassah, the Women's Zionist Organization of America, is celebrating the seventy-fifth anniversary of its founding on February 24, 1987: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress:

(1) recognize the important contribution made by Hadassah Women's Organization to the health and well-being of individuals the world over;

(2) support its ongoing efforts to alleviate poverty and disease in various regions; and

(3) congratulates and joins all the members of Hadassah, the Women's Zionist Organization of America, in celebrating its seventy-fifth anniversary on February 24, 1987.

Mr. KENNEDY. Mr. President, I am pleased to submit, with my good friend Mr. WEICKER, a concurrent resolution commending Hadassah, the Women's Zionist Organization of America for 75 years of dedication to the high ideals shared by the Jewish and American people. I ask my colleagues to join with me in commemorating the many achievements of Hadassah as it celebrates its diamond jubilee tomorrow, February 24, 1987.

Since its funding by 12 members of the Daughters of Zion Study Circle under the direction of Henrietta Szold, Hadassah has become the largest volunteer women's organization in the United States, boasting over 385,000 members in all 50 States and Puerto Rico.

Hadassah for 75 years has embodied the spirit of Tzedakah, the Hebrew word for charity—and for righteousness. An act of Tzedakah is an act of sharing resources and skills, of reaffirming ancient values, and renewing commitments. Few organizations understand more clearly the indispensable relationship between charity, moral values, and religious obligation than Hadassah. Few, if any, organizations can match its extraordinary record of caring and service over the years—a record of success that is a tribute to all who have worked so hard on behalf of Hadassah.

One of the most impressive symbols of the values shared by Hadassah and its members is the outpouring of support for the land reclamation and reforestation projects in Israel. Through hard work and dedication, Hadassah has become the single largest contributor to the Jewish National Fund in the world—thus giving new meaning to the ancient mandate of the prophet Isaiah, that "The wilderness and the solitary place shall be glad for them; and the desert shall rejoice, and blossom as the rose."

Perhaps the most impressive symbol of Hadassah's commitment to Israel is the Hadassah Medical Organization in Jerusalem—a superb facility dedicated to providing the best in health care to all who are in need.

During a trip to Israel last December, I had the opportunity to visit Hadassah Medical Organization—my first trip in over a decade—and was most impressed by the leaps of progress achieved by the hospital. I was able to tour an area of the hospital which can be converted into emergency operating rooms within minutes and had a chance to speak with the superb medical personnel and review the many advances in technology since my last visit.

It was also at Hadassah that Michael Shirman received his long-overdue bone marrow transplant from his sister, Inna Flerov. I personally worked with the Soviet authorities to secure the release of Inna Flerov from the Soviet Union—whose departure had been prevented by the Soviet authorities. Although the Soviets resisted Inna's departure until a dangerously late date, we are hopeful that Michael will recover fully. Michael Shirman's case has underscored for me in a personal way the outstanding commitment Hadassah has made not only to Israel, but to people in need across the Earth.

Through its medical training programs in Africa and Asia, its youth programs in the United States and in Israel—Youth Aliyah, Youth Judaea and Hamagshimim—and so many other programs, Hadassah has established itself as an indispensable part of America's support for the cause of Israel. On this 75th anniversary, let me say this: may your next 75 years be even greater than your first.

I urge my colleagues to support this concurrent resolution.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Small Business Committee's organizational meeting and hearing on the administration's fiscal year 1988 budget for the Small Business Administration scheduled for February 24, 1987, will commence at 2:15 p.m., rather than 2:30 as previously stated. The hearing will be held in room 428A of the Russell Senate Office Building. For further information, please call John Ball, the committee staff director at 224-5175.

SUBCOMMITTEE ON THE RURAL ECONOMY AND FAMILY FARMING

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on the Rural Economy and Family Farming will hold a hearing on March 5, 1987, to examine new perspectives on the rural economy. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. Senator Max Baucus will chair the hearing. For further information, please call John Ball, staff director of the committee at 224-5175, or Bob Buzzas of Senator Baucus' office at 224-4358.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Finance be authorized to meet during the session of the Senate on Monday, February 23, 1987, at 2:30 p.m., to hold hearings on those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1988, focusing on Medicare, Medicaid, Maternal and Child Health Block Grant, Aid to Families With Dependent Children, Child Support Enforcement, and other social service and income maintenance programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, February 23, 1987, to hold hearings on U.S. military strategy in the areas of responsibility of the U.S. Southern and Atlantic Commands.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 25TH ANNIVERSARY OF SENATOR GLENN'S FLIGHT ON "FRIENDSHIP 7"

● Mr. BRADLEY. Mr. President, Friday marked the 25th anniversary of Senator John Glenn's historic flight into space. On February 20, 1962, he became the first American to orbit the Earth, circling the Earth in the *Friendship 7* three times during a 5-hour flight. His historic flight marked the beginning of a new era in space exploration—a chance for us to learn more about the world in which we live and the space which surrounds us; a chance for us to harness nature through science.

This anniversary gives us an important opportunity to reflect on our space program—its triumphs and tragedies—and to think about its outlook for the future. America has benefited greatly from space exploration. We have made advances in telecommunications, metallurgy, computer sciences, national security, and medicine. But those triumphs have not come without great sacrifice. In 1967, three Apollo astronauts were killed in a launch pad explosion. And the explosion that claimed the lives of all seven members of the space shuttle *Challenger* crew last year is still fresh in our minds. These accidents have made us realize that there is often a price to pay for our quest for knowledge.

The Apollo and *Challenger* accidents will not and should not be forgotten. But now it is time to look ahead and to put our space program back on track. On this 25th anniversary of Senator Glenn's space flight, I think it is fitting that we try to recapture the national spirit and pride that surrounded his journey, that we honor all of the men and women who have risked their lives to participate in the space program, and that we dedicate ourselves to carry on America's dream of safe space exploration.●

LITHUANIAN INDEPENDENCE DAY

● Mr. BUMPERS. Mr. President, it is an honor for me to join with the Lithuanian-American community in commemorating the 69th anniversary of the restoration of Lithuanian independence on February 16, 1918, and the 736th anniversary of the creation of the Lithuanian state in 1251. This anniversary is not only a symbolic recognition of Lithuanian independence, but it serves to remind us of the plight of the Lithuanian people, who today continue their struggle for freedom from Soviet oppression.

Denied the right of self-determination throughout much of their history, Lithuanians, despite Soviet repression, continue to share the values of democracy, freedom, and justice with the citizens of the United States. The United States has never recognized the forced and brutal incorporation of Lithuania into the Soviet Union. We much continue to remind the Soviet Union that as a willful party to the United Nations Charter, and as a signatory of the Helsinki accords, it is pledged respect for human rights and fundamental freedoms. Yet, today we find the Soviets in flagrant violation of these pledges in Lithuania, Latvia, Estonia, Poland, and other countries under its control.

Lithuania's is a history filled with struggle for freedom. In 1251, a united Lithuania began to develop under King Mindaugas. Developing a unique culture and heritage, Lithuania became a powerful medieval state which flourished in the 14th century. In 1386, Lithuania was joined with Poland in a union which was further consolidated in 1569. In the third partition of Poland in 1795, Lithuania was divided between Prussia and Russia. It was under Russian czarist rule that Lithuania ceased to exist as a political entity and was divided into provinces. A policy of Russification was followed from 1864 to 1905 which sought to crush the development of the Lithuanian language, tradition, and religion. The Russian revolution of 1905 was followed by a cultural renaissance in Lithuania and demands for autonomy. Lithuanian nationalism grew stronger under German occupation during World War I.

Lithuania gained its independence in February 1918, near the end of World War I. The Soviet Union signed a peace treaty recognizing Lithuania's independence in July 1920. During the 1920's and 1930's, Lithuania flourished as an independent state in land reforms, equitable labor laws, education, and the arts. But in June 1940, using the military alliance, the Soviet Union demanded the Lithuanians to form a government acceptable to Moscow at the same time Soviet forces were entering the country. Sovietization was cut short by the German invasion of the U.S.S.R. in June 1941. Recapturing Lithuania in 1944, the Soviets enforced a policy of nationalization of industry and collectivization of agriculture while suppressing any political opposition.

I would like to salute and express my solidarity with the group of Lithuanian Americans that live in and about the Hot Springs area of Arkansas, who have formed a chapter of the Lithuanian-American Community of the U.S.A. There are some 300,000 Americans of Lithuanian origin or descent in the United States. It would like to pledge my continued support to all of these people and those living in the captive state of Lithuania. We will not rest until their cries for freedom are answered by the Soviet Union, nor will we remain timid and tacit on the denial of human rights.

The struggles of the Lithuanians are an inspiration to people everywhere who are under the yoke of Soviet oppression. We must continue to call for the restoration of the freedoms of speech, press, assembly, and religion; for free elections so that the government is one of choice, not force. Moreover, we must call for the release of all Lithuanian political prisoners held captive in jails, concentration camps, and psychiatric wards. Finally, the presence of the Soviet military in Lithuania must be terminated and the secret police must be disbanded. Only then will Lithuania truly know freedom.●

BERNIE HULL, PRESIDENT OF THE MICHIGAN ASSOCIATION OF HOME BUILDERS

● Mr. LEVIN. Mr. President, it is my pleasure to announce the reelection of Bernard Hull to be the 1987 president of the Michigan Association of Home Builders [MAHB]. Mr. Hull, a Grand Rapids residential homebuilder, began his second term of December 1, 1986.

His reelection to this position and his energetic leadership will provide a continuing boost, not only to the housing industry of Michigan, but because of the economic ripple effect of housing, to the entire economy of Michigan as well. The MAHB represents over 5,600 businesses related to the residential and commercial construction industry in Michigan.

Mr. Hull, a graduate of Grand Rapids Godwin High and Western Michigan University, attended Princeton University and Northwestern University. In 1945 he received a U.S. Navy commission from Northwestern. He had already spent 3 years on active duty in World War II. He was later recalled to active duty status during the Korean conflict. At that time, he served for 2 years under the Chief of Naval Operations at the Pentagon.

Mr. Hull brings to this position a long career in service to our community. In addition to being active in many church and civic affairs, he was elected a director of the MAHB in 1975, and president of the Grand Rapids Home Builders Association in 1977. Also in 1977, he became a director of the National Association of Home Builders. In 1980, Mr. Hull was charter trustee of the newly formed Michigan Construction Industry Self Insurers' Fund. In 1983 he served as MAHB secretary, in 1984 as treasurer, and in 1985 as first vice president.

Mr. Hull's homebuilding career has spanned 39 years. We all know how important the homebuilding industry is to our overall economic health. We wish him success as he continues his important work for the homebuilders of Michigan.●

MINNESOTA'S CONTRIBUTIONS TO THE AMERICA'S CUP VICTORY

● Mr. DURENBERGER. Mr. President, last week our Nation's Capital had the privilege of welcoming home Dennis Conner, the crew of the *Stars & Stripes*, and the America's Cup. I join my fellow Minnesotans in congratulating these accomplished sailors on their victory over the *Kookaburra III*. Thanks to a highly skilled crew and an advanced boat design, the *Stars & Stripes* swept the final series of races 4 to 0 to bring the America's Cup back where it belongs.

Mr. President, we Minnesotans take special pride in this America's Cup victory, because some of our own made important contributions to the winning effort. John Barnitt, a native of Fridley, MN was a valuable member of the Conner's crew. Cray Research, Inc. of Minneapolis donated supercomputer time to assist in the design and testing of various models of the *Stars & Stripes*. And, the Minnesota Mining and Manufacturing Co.—more commonly known as 3M—supplied the special plastic film that covered the boat's hull. This grooved film reduced drag on the hull, thereby allowing the *Stars & Stripes* to move through the water more swiftly.

Mr. President, in 3 years, the United States will defend its title in American waters. I have heard that some controversy may surround the choice of where the event will be held, the traditional New England coast or perhaps a Pacific venue. I would like to offer a compromise solution. Minnesota. What better place to hold this prestigious event than in the "Land of 10,000 Lakes?" Minnesota's Lake Superior has all the features needed to support a fast-paced, exciting race: Wind, water, and a beautiful shore. We could set up bleachers around Slit Rock Light House for spectators to observe the race from a cliff-top vantage point 200 feet above the shore. And what sailor wouldn't prefer to travel on water he can drink. I can guarantee both a friendly reception and a huge growth in interest in the sport of yachting in America's heartland. A bit uncoventional I agree, but America (and Minnesota) is a land of brave new ideas.

I ask that two articles that appeared in the February 4, 1987, New York Times regarding Cray's and 3M's contributions to *Stars & Stripes* victory be printed in the RECORD.

The articles follow:

[From the New York Times, Wednesday, Feb. 4, 1987]

CRAY ALSO SHARES THE CREDIT WITH SUPERCOMPUTER DESIGN

(By Peter H. Lewis)

Of all the companies now claiming credit for helping Stars & Stripes, perhaps none was as instrumental as Cray Research Inc. of Minneapolis. The plastic coating developed by its crosstown rival, 3M, may be a thing of technological beauty, but it was only skin deep; it had to be attached to a sleek hull, and that's where the supercomputer comes in.

Supercomputers are used for such sophisticated modeling tasks as designing airplane wings, nuclear bombs and yacht hulls and keels.

In a sport where a three-and-a-half-hour race often results in a victory measured in seconds, even the most subtle design advantages can be significant. Computer modeling allows boat designers to test different shapes and configurations more easily and rapidly than conventional testing.

"About a year and a half ago we were approached by Stars & Stripes and the San Francisco syndicate," said John Swenson of Cray. "We agreed to donate supercomputer time to them, enabling them to test hundreds of possible hull and keel designs without the need for detailed modeling or putting the models in tow tanks."

The choice of Cray made sense on a number of levels. Cray is an American company, aiding a patriotic challenge. It, too, has long dominated its field but is facing challenges from abroad. And Seymour Cray, the reclusive genius who designed the computers, is a sailing enthusiast.

Mr. Cray designs a new boat each fall, builds it in the winter and spring and spends the summer sailing it on a lake near Chippewa Falls, Wis. Then, around Labor Day, he burns the boat in a giant bonfire to force himself to build a better one.

Mr. Cray takes essentially the same tack with his computers, abandoning successful formulas for better designs.

But the Empire struck back. The Australian syndicate approached the British company Bracknell, a subsidiary of Cray, for help in designing Kookaburra III, the defender.

A supercomputer is simply a tool, albeit a very powerful one. Even with dueling Cray XMP48 and XMP216 supercomputers, the key factor becomes the human team of programmers, modelers and designers.

For its team, the Stars & Stripes syndicate turned to three "hired guns" at Grumman Aerospace at Bethpage, L.I.—Charlie Boppe, Bruce S. Rosen and Joseph P. Laiosa. They are experienced in designing advanced aircraft wings. The U.S.A. syndicate, on the other hand, turned to designers at the Lawrence Livermore National Laboratories, which builds bombs.

To Mr. Boppe, the challenge was too great to pass up. "This is a sport that more than any other is truly an engineering and technology demonstration," he said yesterday. As a result, he said, the surprise victory by the Australians in 1983 "was a sort of a slap; it became a patriotic thing. We wanted to dive in and say, 'You can't do that to us.' Our technology is top-notch."

ADVANCES—3M COATING AIDS YACHT IN CUP EFFORT

(By John Holusha)

The dominance that the American yacht Stars & Stripes has demonstrated over its rival, Kookaburra III, in the America's Cup finals this week may be anchored in aerospace research and the plastic wood grain decals on the flanks of station wagons.

The hull of Stars & Stripes was recently covered with a new plastic skin designed to make the boat slip through the water with less drag. The surface is covered with thousands of tiny grooves, known as "riblets," that tend to smooth the turbulence of the water as it passes the hull, reducing surface friction.

Less friction means that more of the wind energy being captured by the sails is available to push the boat forward, and that means more speed. Officials of the 3M Company, which supplied the new skin, said recently that other sailors had estimated the covering has added as much as two-tenths of a knot to the speed of Stars & Stripes—a major advantage in an event where speeds seldom go over 8 knots.

Michael J. Walsh had aircraft, not 12-meter racing yachts, in mind when he began studying the use of riblets to reduce surface friction. "It was in the mid-1970's and we were looking for ways to reduce the fuel usage of aircraft," said Mr. Walsh, a scientist in the National Aeronautics and Space Administration's Langley Research Center. One way to do that would be to cut down on the skin friction that constitutes one-third to one-half of the total drag on an airplane.

When a wing moves through air, the air in the boundary layer near the surface of the wing gyrates in complex, energy-consuming eddies and vortices known as turbulent bursts. "We thought if we could constrain the motion somewhat by putting up little fences, we could reduce drag," Mr. Walsh said.

So hundreds of "V"-shaped grooves a few thousandths of an inch in depth—the riblets—were machined into test surfaces, and Mr. Walsh found that he could reduce friction drag by as much as 8 percent. Other riblet shapes and spacings were tested, but Mr. Walsh said the "V" shape and a height to spacing ratio of about 1:1 produced the best results. It is important that the grooves be parallel to the motion of the object as well, he found. If they are 30 degrees or more out of alignment, the friction-reducing effect is lost.

NASA published the results of the studies in 1981, but since it is hardly practical to machine the entire surface of an airliner, little seemed likely to come of it.

One of those who read about the research, though, was Frank Marantec, then a technical manager in 3M's Detroit office, which designs adhesive backed plastic films that simulate wooden siding and the "chicken" decal that adorns the hood of the Pontiac Firebird. Mr. Marantec proposed extruding the riblets on the surface of a film that could then be attached to the surface of a car or airplane, just like wood grain.

The automotive application was quickly eliminated—cars do not go fast enough to derive any real benefit—but the Boeing Company of Seattle was interested and began testing the film on aircraft. This gave some of Boeing's engineers the opportunity to see how it would work, on racing shells on nearby Puget Sound, and the early results showed a 6 percent reduction in drag, according to Terry Morris, a 3M development engineer.

The number, spacing and depth of the riblets must be tailored to each application, Mr. Morris notes, based on the density and viscosity of the fluid involved and how fast the object will be moving. The covering on the Stars & Stripes would not work for a hydroplane racer, and neither would be appropriate for an airplane. 3M plans to market the sailboat film commercially next month, with "serious racers" as the target market.

One of the 3M scientists went sailing with a friend, the marine architect Britton Chance, designer of Stars & Stripes. Mr. Chance was subsequently invited to speak at 3M as part of a company program that fosters the exchange of ideas between its scientists and outside professionals. While at 3M, Mr. Chance heard about the interesting properties of riblets, and a trial was arranged.

Winning back the America's Cup would bestow bragging rights all around, but the major usefulness of riblet technology appears to be to reduce friction in pipelines and on aircraft. A 2 percent reduction in the total drag on an airplane, which appears achievable, could lead to a fuel cost savings for the nation's airline industry measured in hundreds of millions of dollars a year.

But a number of practical problems remain. Will the films stay in place with repeated use, or start peeling off after a few months? How effective will they be if the tiny grooves start filing up with dirt? "They're not going to be much help if you have to hose the airplane down after every flight," one engineer commented.●

DEDUCTIBILITY OF "POINTS"

● Mr. D'AMATO. Mr. President, I rise today to add my name as a cosponsor of legislation introduced by Senator PRYOR, S. 338, to allow points paid on refinanced mortgages to be deductible. This legislation, which has been introduced in the House by Congressman BOEHLERT, would reverse an illogical interpretation by the bureaucrats at the IRS.

On May 13, 1986, the IRS issued a press release stating that it is their interpretation of the law that points paid on refinanced mortgages would no longer be deductible. Only points paid on newly originated mortgages would be deductible. The IRS said that points paid on refinanced mortgages would have to be amortized over the life of the loan—up to 30 years in many cases.

Prior to May 13, 1986, points paid on a mortage refinancing were deductible. The IRS action to deny the deductibility of points is just in time to deny many middle-income families the opportunity to benefit from lower mortgage rates. Maybe the bureaucrats downtown have already refinanced their mortgages and do not care about the rest of the Nation's homeowners.

During the early 1980's, many families were forced to borrow to buy a house at rates of 15 percent, 18 percent, and in some cases over 20 percent. These people deserve a break. I am incredulous over why the IRS wants to deny middle-income families the benefits of lower rates.

Senator PRYOR's legislation will allow all homeowners to enjoy declining interest rates. It is my hope that the Senate Finance Committee promptly considers this important legislation.●

NATIONAL OSTEOPOROSIS WEEK

● Mr. D'AMATO. Mr. President, I rise today on behalf of legislation affecting many senior citizens in this country, legislation designating the week of May 10-16, 1987, as National Osteoporosis Prevention Week. I commend my colleague, Mr. GRASSLEY, for promoting increased awareness of this widespread disease.

Although many individuals are afflicted with osteoporosis, few people know the exact nature of the disease. Osteoporosis begins with a loss of calcium in the system. This loss results in a thinning of bone tissue. The disease primarily affects older women.

Individuals afflicted by the disease frequently suffer from bone fractures. A serious bone fracture for an elderly individual can lead to institutionalization or required 24-hour care. In addition, fractures are associated with higher levels of mortality. Over 50,000 elderly women die annually from complications resulting from hip fractures.

Unlike with some diseases, preventative measures have exhibited a great deal of success in combatting osteoporosis. This is a major reason why all efforts should be made to recognize and promote the understanding of this widespread disease. I urge my colleagues to join me in this effort.●

NATIONAL CANCER INSTITUTE 50TH ANNIVERSARY MONTH

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a joint resolution introduced by Senator KENNEDY designating May 1987, as "National Cancer Institute 50th Anniversary Month." I commend my distinguished colleague from Massachusetts for introducing this legislation which, in addition to recognizing the achievements of the National Cancer Institute, will call to the attention of the American public the importance of fighting cancer and promoting good health.

During the 50 years since its creation in 1937, the National Cancer Institute has made great strides toward fulfilling its mission to be a high priority, highly visible national program for the conquest of cancer. The NCI's network of cancer centers has grown dramatically—from 3 before 1971 to 59 in 1986—and has become an invaluable resource for cancer research, treatment, control, prevention, and training.

Research scientists, working under the sponsorship of the National Cancer Institute, have made numerous discoveries in cancer biology that constitute a foundation of knowledge for other cancer research programs. Such breakthroughs have included determining the function of a normal human oncogene, discovering the structure of the T-cell receptor, demonstrating the role of viruses in the causation of cancer, and discovering that the HTLV-III virus is a cause of AIDS.

Recent improvements in cancer cure rates owe much to systemic therapies developed largely through NCI-sponsored clinical trials. Numerous cancers now have 5-year survival rates of over 75 percent, including thyroid, endometrium, melanoma, breast, bladder, Hodgkin's disease, and prostate. Children's 5-year cancer survival rates are at an all-time high of 60 percent.

The National Cancer Institute's efforts also include a major research program on cancer prevention. This program has yielded valuable information about steps individuals can take to lower their personal cancer risk.

I again commend Senator Kennedy for providing us with an opportunity to recognize the achievements of the National Cancer Institute in its first half century. I encourage my colleagues to join me in cosponsoring this worthy legislation.●

NATIONAL OLDER AMERICAN'S ABUSE PREVENTION WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of legislation which recognizes one of the most tragic realities of our time, the abuse of this Nation's elderly.

While the actual magnitude of this problem is unknown, due to methodological differences among the State reporting systems, the most conservative estimate shows as many as 2.5 million reported cases of physical abuse of senior citizens. The American Public Welfare Association argues that these elders, representing every racial, religious, and socioeconomic class, are the victims of physical and emotional abuse, neglect, and denial of fundamental civil rights.

It has been observed that this national disgrace is even greater than child abuse in this country in terms of national incidence. These figures underscore the need to focus public attention on the problem and to formulate legislative initiatives to reduce, and ultimately eliminate, this tragic treatment of elders which poses such a great threat to our families and to our society as a whole.

I am hopeful that the "National Older American's Abuse Prevention Week" will help recognize and promote the prevention of elderly abuse. Our senior citizens are some of this Nation's most vital resources. We have an obligation to do everything in our power to protect them.●

OLDER AMERICANS MONTH—SENATE JOINT RESOLUTION 64

● Mr. D'AMATO. Mr. President, the month of May traditionally has been designated as "Older Americans Month." As I have in the past, I rise again this year to lend this effort my full support. I commend Senator Chiles for his initiative in reintroducing this legislation today.

This has become an important tradition for the month of May, as we take time to reflect upon the unnumerable contributions made to society by older Americans. These commendable Americans have been through it all, from the Great Depression and times of war, to a point in life, which we hopefully will all reach, when days are consumed with the richness of reflection and the education of others.

"Older Americans Month" is established to pay tribute to those who sustain our past by passing memories and experiences to our youth, enabling future generations to maintain the spirit of patriotism and devotion to a Nation that has remained strong from more than 200 years. The purpose of "Older Americans Month" is to honor the many contributions older Americans have made to the greatness of this country.

Mr. President, we, as a nation, will continue to benefit from our older Americans. In particular, we will continue to enjoy the richness of life given to us by the elderly among us, and we will continue to protect programs which meet their needs. During "Older Americans Month," let us reflect upon all that older Americans contribute to our lives, as well as to the life of this great Nation.●

AUTHORITY FOR COMMITTEES TO FILE

Mr. BYRD. Mr. President, the Senate will soon be going out. This request has been cleared by the distinguished Republican leader.

I ask unanimous consent that committees have authority to file bills, resolutions, nominations, and reports between the hours of 10 a.m. and 3 p.m. on Tuesday and between the hours of 10 a.m. and 3 p.m. on Wednesday of this week.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I thank the distinguished majority leader for awaiting my arrival. As I understand, when the Senate adjourns until Thursday, that will give the Budget Committee time to work on their budget, which is due, I guess, the 25th, or sometime this week.

Mr. BYRD. Yes. If the distinguished Republican leader would yield, the committees of the Senate are required under the law to provide to the Budget Committee, no later than close of the day on February 25, which is the day after tomorrow, the estimated cost of the budget actions which they except to report from their respective committees.

So there being no session of the Senate tomorrow and none on Wednesday, this should give all committees time that they could find to be useful and valuable in working, without interruption by quorum calls and rollcalls from the Senate floor, in order to meet the deadlines.

I hope that all committees will take advantage of this opportunity to meet the deadlines because if we hope to meet the budget deadlines in other respects, it is important that the Budget Committee have this information in a timely fashion.

Mr. DOLE. I thank the distinguished majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader.

ORDER FOR ADJOURNMENT UNTIL 3:30 P.M. THURSDAY, FEBRUARY 26, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 3:30 p.m. on Thursday, February 26.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that on Thursday, February 26, following the recognition of the two leaders under the standing order, the following Senators be recognized each for not to exceed 5 minutes: Messrs. Proxmire, Armstrong, Heflin, Dixon, McConnell, Sanford, and Murkowski.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that following the recognition of Senators on Thursday under the order previously entered there be a period for the transaction of morning business not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be waived for Thursday and that no resolutions, over under the rule, come over on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL THURSDAY, FEBRUARY 26, 1987, AT 3:30 P.M.

Mr. BYRD. Mr. President, if the distinguished Republican leader has no other business which he cares to transact today, I move, under the order previously entered, that the Senate stand in adjournment until 3:30 p.m. on Thursday next.

The motion was agreed to, and the Senate, at 3:49 p.m., adjourned until Thursday, February 26, 1987, at 3:30 p.m.

EXTENSIONS OF REMARKS

NEW MEXICAN JEWS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1987

Mr. RICHARDSON. Mr. Speaker, I would like to place in the RECORD an enlightening article on New Mexican Jews. The article was written by Demetria Martinez, of Albuquerque, NM. It is from the February 20, 1987, issue of the National Catholic Reporter, an independent Catholic weekly.

THE SHADOW OF THE INQUISITION STILL FALLS ON NEW MEXICO

(By Demetria Martinez)

Clemente Carmona was 11 and living in an Albuquerque barrio before the Second World War when he learned that his Catholic family was really Jewish.

Peering into the family's well, Carmona listened to his grandfather explain in Spanish that, like the well water, the Carmonas had a source. That source, he said, was Judaism. Descendants of Spanish Jews who were forced to convert to Catholicism during the Inquisition, the Carmonas had practiced Judaism in secret for nearly four centuries—even in the New World.

Until that day, Carmona had not understood that when his mother lit candles before her "santos" each Friday night at sunset she was, in fact, welcoming the Sabbath. The strange words and pronunciations in her prayers were of ladino origin—the language of Spanish Jews. Kneeling in the pews of a Catholic Church she would be a Spaniard.

For decades after the hour at the well, Carmona struggled to decide whether he was a Catholic or a Jew. But his odyssey ended elsewhere. Today, he is Father Symeon Carmona, a Russian Othodox priest with a chapel adjoining his old, Victorian-style house in a Hispanic neighborhood of Albuquerque.

A test inspector at Digital, Carmona changes into his black robes after work. He then chats with neighbors, waters his pomegranate and pear trees or prepares a homily. Signs of his heritage abound: A Star of David is attached to his front door, and beside the door hangs an image of Our Lady of Guadalupe—or Guadalupskaya, as she is known in Russia.

Carmona's house is also a sanctuary for those few who are willing to talk about the way their lives still are molded by events that exploded five centuries ago in Spain. In an interview with the Albuquerque Journal, Carmona estimated that more than 1,000 New Mexico families are "hidden Jews," who openly practice Catholicism while privately carrying on Jewish customs in a strange and beautiful fusion of the two traditions.

Many "conversos"—as Jewish converts to Catholicism were called during the Inquisition—choose to remain hidden. They do so in large part because secrecy itself has become a tradition and central to their way of life, said Carmona. Other conversos, especially those in fairly isolated villages of New Mexico, fear a future outbreak of persecution. Such fear is a legacy that has been transmitted to each generation, a fear exacerbated by a church that only recently called a halt to homilies that blamed the Jews for Jesus' death, he said. For many, news about Adolf Hitler's policies only confirmed fears that Jews were doomed to be vulnerable. "We still don't trust anyone," said Carmona.

As the years pass, however, more and more conversos are assimilating, abandoning old customs, forgetting the old prayers. Some become Jews, Catholics or Protestants; many avoid any affiliation. A few are telling their stories to scholars or writing them down so that the history of conversos in the New World will not be lost.

Carmona has pieced together his family's story from a variety of documents, including Inquisition records. Like other Jews, the Carmonas were pawns in a nightmare perpetrated in Spain by Ferdinand, Isabella and the Holy Office of the Inquisition, under the Inquisitor General Tomas de Torquemada. Jews saw their economic opportunities and political rights erode; forced coversions ensued, and new converts were accused of being relapsos and reverting to Jewish ways.

Before the expulsion of the Jews from Spain in 1492, some of the Carmonas had already left, seeking sanctuary and opportunity in Portugal. The machinery of the Inquisition, however, soon followed, and in 1497 a mass baptism of Jews in Portugal was held and included members of the Carmona clan.

Eventually, some Carmonas left for the New World, again seeking safety and political and economic freedom. But the menace did not end. The Catholic church kept names of conversos both in Spain and in New Spain. A Carmona in Mexico city was accused of being a relapso in the 17th century and was burned at the stake in front of the Cathedral of Mexico in one of the autos de fe sponsored by the Inquisition.

In the late 1800s, the Carmonas settled in the Albuquerque area. Many more conversos went farther north, to what is today northern New Mexico and southern Colorado, said Carmona. Although the Inquisition came to an end, these conversos lived in a world where it had not: Centuries of secrecy had become a way of life and a way of faith. To their neighbors, the Carmonas seemed especially devout folk who spoke proudly of how young Clem would one day become a priest.

No one suspected that around Easter, when Carmona's grandfather slaughtered a goat to eat after Lent was over, the old man would sprinkle droplets of blood on the door to commemorate Passover. "Easter was our Passover," said Carmona.

Nor did neighbors imagine that the eight-day novena Carmona's mother initiated around Christmas was actually her Hanukkah ritual, made possible with a homemade altar and eight candles. Neighbors were genuinely impressed by the oversized nativity scene the devout woman set up annually.

On Fridays, Carmona's mother rushed about preparing supper and cleaning the house, since work was prohibited on Saturdays. At Sunset she lit candles before the santos that filled her altar. However, she prayed to two additional saints not present on the Catholic roster but prominent in the Torah: "Saints" Moses and Esther. Like other conversos, she prayed for the coming of a Spanish messiah who would take the conversos back to their Spanish homelands en route to Israel, said Carmona. "We believed we would be his special entourage," he said.

At mealtimes, pork never appeared on the table. The family always sold or gave away the meat after slaughtering their pigs. Grace preceded each meal and prayers ended with "in the name of the Father," with no mention of the son and Holy Spirit. "We never even crossed our legs, because for us the cross meant persecution," Carmona said. When the family had to make the sign of the cross at mass, they recited the names of four Torah angels.

Because the Carmonas went through the motions of Catholicism, from baptism to last rites, the Jewish Kol Nidre prayer took on utmost significance for them and other conversos. Recited annually at Yom Kippur, the prayer nullifies vows taken in the past year that an individual was unable to fulfill or that were taken under duress.

The fear of being found out peaked each year during Holy Week, when Catholics listened to homilies about Jews, the Jesus-killers. "Our mother did not let us out of the house on good Friday," said Carmona. On that day, she told her children not to yell, spit or carry tools or anything made of wood. She feared any behavior that might remind neighbors of how Jesus was spat at and nailed to a cross.

His mother's fears, and those of other conversos, were not without foundation, said Carmona. There were priests in New Mexico who were well-known for "Jew baiting," he said. These men knew about the existence of conversos on Friday evenings at sunset and took a look around. When asked to baptize Carmona's nephew, another priest responded, "But you just go home and wash off the baptismal water," recalled Carmona.

When Carmona's grandmother died, the family requested that crosses not be placed in the coffin. The priest refused to honor the request. Overcome with emotion, Carmona's mother flung dirt into the coffin, in keeping with Jewish custom. "At least we buried them Catholic," was a comment a priest made to his assistant, which Carmona overheard.

While disdaining conversos, these priests for the most part tolerated their participation in church life. The alternative—that conversos might leave the church—was unthinkable. "God forbid that we should become Protestants," Carmona said.

It was a custom among many conversos to have the eldest son become a priest. Such an action, it was hoped, would forever protect the family from suspicious neighbors and from the threat of a new inquisition, Carmona explained. Above all, a priest in the family meant that Bibles could be kept in the house without rousing suspicions that the family was Protestant or of Jewish origin. The family would thus be free to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

read the Torah—the central undertaking of Jewish life.

In obedience to his parents, and from an ingrained love of religious study, Carmona entered a Dominican seminary shortly after high school. Not long after taking preliminary vows, he was critically injured in a car accident. After doctors told Carmona's parents their son was going to die, they asked the order to release Carmona from his vows so that they could claim his body for burial. The importance of burial customs to Carmona's parents made them determined to have as much control as possible over the funeral and burial arrangements. Without a release from vows, the Dominicans would have taken charge of every detail, Carmona explained.

Against all odds, Carmona recovered. The superior who had released Carmona from his vows, however, died suddenly of a brain hemorrhage. It was a pivotal event for Carmona, bringing to the surface contradictions he could no longer live with: It was the Dominican order that had carried out the Inquisition in Spain.

Carmona gave up the idea of becoming a priest. Instead, he began a quest that he prayed would end in a decision to become either a Catholic or a Jew—not both.

"I went through a really heavy trip trying to decide if I was Catholic or Jewish," said Carmona. The tumultuous changes in the Catholic church following the Second Vatican council disillusioned Carmona, who was used to traditional forms of Catholicism. Nor did he feel at home in Jewish congregations where most of the members congregations where most of the members were of Eastern European heritage.

In the early 1980's he began inquiring about Orthodoxy, studying with a priest at a Greek Orthodox church in Albuquerque. Eventually, his love of Russian history and language drew him to a local Russian Orthodox misson that met for weekly liturgy.

"I became enchanted with the ritual, rigid rules and traditions," said Carmona. At the start of each liturgy, the priest carried the Scriptures processionally to the altar and chanted the readings—reminding Carmona of the rituals for reading the Torah that he had seen in Jewish congregations. The many customs of orthodoxy and the close observance of the liturgical year were familiar to Carmona, whose daily life had for so long been punctuated by the holy days of two faiths.

The emphasis on the Old Testament and Psalms formed more points of reconciliation between Carmona's Catholic and Jewish past. He found in Orthodoxy the sense of living, unchanging traditions he had grown up with. He found in the figure of Christ an affirmation of his Jewish past and a portal into the future. In 1984, he decided to become a Russian Orthodox priest.

He wrote to a Russian Orthodox metropolitan in charge of the American church about his desire. Self-educated, Carmona took exams in history, theology, church ritual and languages. Carmona, who reads Latin, Greek, Hebrew and Spanish, passed with the highest score the bishop had ever seen.

"I stood there and cried and cried," said Carmona of his ordination last April at the Cathedral of the Holy Eucharist in Indianapolis. "It was like the end of a long, long journey . . . . You're overwhelmed by finally stepping ashore."

Every Sunday, Carmona offers a two-and-a-half-hour liturgy with readings in English, Russian and Spanish. Much of that time is spent behind a veil through which parishioners, who stand the whole time, view the sanctuary. Icons and relics of saints sent to Carmona from fellow priests and bishops fill the tiny chapel of Holy Martyrs parish. Incense burned during the liturgy can be smelled down the street, where everything from tortillas to tractor parts is for sale.

Among Carmona's parishioners are conversos. Some remain unsure about how to make amends with their converso heritage. Others have found in Orthodoxy a beauty that has resolved their dilemma. Carmona does not attempt to tell a *converso* what to do. What he tells, instead, is a story of a people he prays will not be forgotten.

"I feel like *conversos* are an ancient carving from classical times," he said. "Over time we're eroding, and some day we're going to be a lump of stone. And people will forget we were once a beautiful statute—a people. In the Jewish faith you always remember. In telling my story, I have lit a memorial lamp."

AMERICA'S BLIND AMBITION

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1987

Mr. KOSTMAYER. Mr. Speaker, I rise today to bring to the attention of my colleagues an excellent critique of American foreign policy in Central America. It is written by my friend State Senator H. Craig Lewis who represents lower Bucks County in the Pennsylvania State Senate.

Senator Lewis recently visited Honduras and Nicaragua. His observations are timely reminders of the legacy of American involvement in Central America.

Soon we will be faced once again with requests from the administration to fund the Contra forces. As Senator Lewis points out, the Contras are a force from the past, former Somoza officers hated by most Nicaraguans. It is time we put the demagoguery behind us and begin to look to real solutions to the political unrest in Central America. Mr. Speaker, I want to share with my colleagues the thoughts of Senator Lewis, and am submitting his op-ed article, which appeared in the Bucks County Courier Times, in the RECORD at this point:

AMERICA'S BLIND AMBITION: TOPPLING THE SANDINISTAS IS THE WRONG THING TO DO

(By H. Craig Lewis)

"Nicaragua! Why are you going there?"

"I'm not sure," I said. "I guess it's because I have the opportunity."

I knew very little about Nicaragua or Central America. I was aware of fighting between groups called Sandinistas and Contras. But then, insurrection, revolution and military action are ways of life in Central America. I had no opinion about who was right or wrong or why the United States was involved. Certainly, we have to protect our national security. And I was willing to believe that the Soviets, together with the Cubans, would be looking for ways to cause trouble for us.

I had the sense that Latin America would play a significant role in the future of the United States. Yet, as an attorney and a state senator there was no direct involvement between my work and what is happening in Nicaragua. Still, as an individual who can affect community opinion and who has a burning curiosity coupled with an adventuresome spirit, I knew I couldn't pass up the chance.

I have been through enough investigative committee hearings, political campaigns and litigation to know that everyone with whom I would come in contact would, in all likelihood, have a point to prove or a conclusion to share. I promised myself I would be critical of everything I saw and heard.

The schedule was intense, beginning no later than 8 a.m. each morning and often not ending until midnight. After each tour or meeting, our group vigorously debated the experience and related it to preconceived notions or earlier encounters.

During my four days in Honduras, which shares the northern Nicaraguan border, we met with: Contra leaders; the president and the general in charge of the military; an opposition party candidate for the presidency; the immediate past chief of the military; the editor of the leading newspaper; dissident labor and political leaders; and the U.S. ambassador and his staff. We traveled to Palomerola, the major U.S. military base; Danli, a small town near the Nicaraguan border where we met with displaced coffee growers and townspeople; and to the U.N. refugee camp for displaced Nicaraguans.

The four days in Nicaragua involved a similar schedule. We met with the president of the Catholic University; the chairman of the Assembly's Foreign Relations Committee; Vice-President Ramierez; human rights groups; the owner and editor of La Prensa, the newspaper closed by the Sandinistas; the U.N. health services director; the cabinet ministers of education and defense and the U.S. embassy staff. We traveled through Esteli to the Northern Nicaraguan town of Somoza, where we visited schools, churches, the war zone, played basketball with the youngsters and had lunch in the mayor's home. We also toured the market places around Managua and a christian-based community in the southern foothills of the country.

I never traveled in the Third World before, so my most compelling reaction was to the poverty. It was everywhere and all-consuming. People lived in small wooden shacks with dirt floors. There was no running water. They cooked over open fires. There was widespread hunger. Health care was inadequate or nonexistent. Illiteracy was commonplace.

Yet the culture shock is obligatory for an appreciation of why dictatorships have flourished in the past, the role of the Catholic Church, the inordinate influence outsiders can have and the challenges and conditions any political change or emerging government will have to meet.

By the end of the trip I felt emotionally, mentally and physically drained. But I knew those eight days would have a lasting impact upon me because in addition to the poverty, there were conclusions that were inescapable.

There is a totally different spirit and attitude between the Hondurans and Nicaraguans. The Hondurans complained constantly about each other, their circumstances, their government and their future. They had no solutions, no ideas for improvement, no enthusiasm and little hope. Only more U.S. money could make tomorrow brighter. The Nicaraguans, on the other hand, were upbeat. They felt good about what was happening with health-care, schools and agrarian reform. They criticized their political leaders but had a constructive sense of purpose. They made it clear they wanted to forge their own destiny. Hope for the future was real, for everyone, and a challenge they wanted to tackle head-on.

The Contra leadership is essentially the "dispossessed elite." They are Nicaraguans who lived well under the Somoza regime. Now, for the most part, they lived in Florida and deeply resent what they have lost with the 1979 overthrow of Somoza. They have been fighting for six years and don't control one square foot of land in Nicaragua. The troops are mercenaries who will quit the day American money dries up. The Hondurans want them out but they have nowhere to go. The Contra leadership has had decades of experience in building its good-old-boy network in Washington. They know all the right lines to win the hearts of the American military and send fears through the minds of the American people.

The breadth of ability among Nicaraguan leaders was awesome—educated, articulate, pragmatic young people with a knowledge of history and a determination to change the squalid conditions under which so many people live.

There have been and continues to be human rights violators and restrictions on freedom of the press. These problems need to be eliminated but should not be the exclusive basis for conclusions about whether the United States can live with a Sandinista government. Nicaragua is at war and our own history during wartime—the Civil War and World War II, as examples—shows ample evidence of human rights violations and abuse of the press. The existence of these repressions does not prove the triumph of communism over democracy, but simply is evidence of historical human fear when life is at stake.

The American influence and presence in the Honduran government is mind-boggling. Our country exercises an economic stranglehold over the officials. They will permit and defend any action the United States wants to take. We can coerce anything we want from them. And because of this relationship, the United States will do everything it can to continue to prop up these or similar official puppets without regard for any meaningful improvement in the quality of life.

But after all the travel, debate, meetings and confusion, it seems to me that the real issue is this: Are the current policies of the U.S. government appropriate for the circumstances that exist in Nicaragua today? From what I've seen and experienced, I am convinced the answer is NO.

We have the right to fear a Soviet presence in Central America. Is there one? Or will there be one in the future? Certainly the Sandinistas have accepted substantial military and economic aid from the Soviets. But that has been during the time when we've been trying to topple their government and funding the Contras. Anyone would have taken aid from any willing source. During the American revolution, we took substantial aid from France—the most repressive monarchy in Europe. But when we were able to control our own events, we didn't embrace them or their philosophy. Therein lies the dilemma of Nicaragua today. If we allow them to craft their own future, what form will it have 10 years from now? Will it be a system with pluralistic political involvement and international nonalignment? Will it be a dual structured economy permitting private ownership and entrepreneurialism while utilizing socialistic concepts for fundamental reform? Will there be freedom of religion, speech and the press? The Sandinista leaders vow this will be the case. Interestingly, there is a fair amount of evidence to support the argument. But who knows what will really happen if the pressure from the Contras is eliminated?

On the other hand, what's the alternative? The Contras admit they can't win a military victory in Nicaragua. They now tell us there will have to be years of additional U.S. funding before there's any chance of winning people's minds. And what about the tensions within Honduras and Costa Rica? All indicators point to military escalation which could easily result in direct U.S. troop involvement in the relatively near future. And what do you have if the Sandinistas are overthrown? Merely a reversal of roles! Now the outs are in and the battles start anew. In the meantime, Americans spend hundreds of millions of dollars and run the significant risk of American lives being lost, while nothing is done to improve the human misery and poverty that exists.

It seems to me that the potential for an acceptable Sandinista government is real and that the consequences, even under the best circumstances, of supporting the Contras, are unacceptable.

There is clearly a risk to be taken, but the rewards, if we've guessed right, are certainly worth it. Besides, I have no doubt that our military would guarantee us that, in the event we guess wrong, they could benevolently effect today's status quo with little difficulty.

TRIBUTE TO HONOREES OF NATIONAL WOMEN'S POLITICAL CAUCUS OF SAN FERNANDO VALLEY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to the 1987 honorees of the National Women's Political Caucus of the San Fernando Valley. The women and men receiving this distinction will be honored at a lunch in March.

Each year, the National Women's Political Caucus of the San Fernando Valley honors the women and men whom it feels contributed greatly to the advancement of progressive and feminist goals. The 1987 honorees are: Janis Schwartz Berman, founder of the Sacramento Women's Campaign Fund and cofounder of the Los Angeles Women's Campaign Fund; Judith Hirshberg, immediate past chair of the National Women's Political Caucus of California; Lee Ann King, chair of the Greater Los Angeles Committee to Advance the Forward Looking Strategies for Women; Marsha Kwalwasser, vice president of the Center for Law in the Public Interest; Rose Matsui Ochi, Esq., director of the Mayor's Office of Criminal Justice Planning; Margaret Prescod, cofounder of the Waters for Housework Campaign; Laura Balverde Sanchez, cofounder of the Los Angeles Women's Campaign Fund; and Eddie Tabash, Esq., the primary speaker and debator for the California Abortion Rights Assistance League. In addition, author Elizabeth Forsyth Halley, actress Barbara Rush, and Olympic Gold Medalist and Humanist Rafer Johnson will be commended for their work with the caucus.

It is my honor and pleasure to join with my colleagues in congratulating these women and men who have dedicated their efforts not only to promote the advancement of women in politics, but to work toward achieving greater opportunities for all women.

INTRODUCTION OF LEGISLATION REINSTATING THE GRS PROGRAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1987

Mr. TRAFICANT. Mr. Speaker, today, I am introducing legislation to reinstate the General Revenue Sharing Program.

Before its elimination in 1986, the General Revenue Sharing Program provided flexible assistance to local communities, allowing them to spend the funds according to the communities' needs. For many small- and medium-sized communities like the ones in my area of northeastern Ohio, these funds were the principal source for providing basic public services.

My congressional district has already felt the effects of this cutback. In an area of high chronic unemployment and the inability to raise the taxes on these citizens anymore than they already have done, these local governments are given no other choice but to significantly reduce basic services such as police and fire protection. As predicted, this is happening. As forecasted, it is now a reality.

As representatives, we must all look individually at our districts and determine if eliminating this program was indeed in the best interests of our constituents and the country. I, for one, cannot stand idly by and see the needs of hardworking, honest Americans be neglected. Please support this legislation and restore the General Revenue Sharing Program.

SETH LOW HITS NEW HIGH

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1987

Mr. SOLARZ. Mr. Speaker, in these early weeks of the 100th Congress, the phrase "competitiveness" is on everyone's lips. I'm certain that all of my colleagues will agree that America's competitiveness begins in our schools. For our country to be strong and sound—economically, militarily, and ethically—our children must receive the best education possible. But as we debate education policy here in the Nation's Capital, we must not lose sight of what our schoolchildren, teachers, and administrators are actually accomplishing back in our districts. With this in mind, I would like to pay tribute to the Seth Low Intermediate School of Brooklyn, which has recently been cited by the New York Department of

Education as one of the State's finest secondary schools.

Each year, the U.S. Department of Education selects a small number of excellent schools for national recognition from a pool of nominees provided by the States. From a total of 1,000 secondary schools, New York picked the Seth Low School as one of its 36 nominees. Seth Low—known locally as I.S. 96—was one of just two middle schools chosen throughout all five boroughs of New York City. Getting this honor was no easy task. In the words of New York Commissioner of Education Gordon M. Ambach:

> For a school to be recognized, there must be clear evidence that virtually all its students are developing a sound foundation of skills in reading, writing, and mathematics.

Mr. Ambach also stated that:

> School programs, practices and policies must foster the development of sound character, democratic values, ethical judgment and self discipline.

Commissioner Ambach's description fits the Seth Low School perfectly. Through the dedicated leadership of its principal, John Mancini, the school has become a model environment for the academic and personal growth of its students. I would like to extend my sincerest congratulations to the students, teachers, and parents of Seth Low. Those of us concerned with education—in Washington and across the country—can learn from their achievement.

NATO NEEDS COMPATIBLE ARMS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1987

Mr. BENNETT. Mr. Speaker, the Florida Times Union, in a recent editorial ably stated the need for standardizing NATO military weapons and equipment. Senator NUNN and I joined in an amendment to the 1986 DOD authorization bill to take some steps in that direction; but more needs to be done. I include in the RECORD at this point the timely editorial.

NATO NEEDS COMPATIBLE ARMS TO CARRY ON ITS IMPORTANT WORK

All of the tensions and pressures in the NATO alliance will never be resolved, but one will have to be if NATO is to be the shield for freedom it was intended when it was established in 1949 to quiet Soviet saber-rattling.

It is the matter of standard equipment.

Bullets that fit the U.S.-made M-16 rifle will fit the rifles carred by French, British and West German troops.

But when it comes to tanks, artillery, aircraft and other weapons, there is not enough compatibility for effective battle management. NATO hopes to take a step soon toward resolving the longstanding problem by further coordinating arms manufacture.

Lord Carrington of Britain, NATO's secretary general, said: "We cannot afford . . . a system which has resulted in four main battle tanks being lined up to fight the same battle in the same place on the same day and not even being able to use the same ammunition."

Obviously, if NATO's four main battle tanks—the Leopard from West Germany, the M-1 Abrams from the United States, the Challenger from Britain and the AMX-40 from France—are arrayed for coordinated battle against Warsaw Pact weapons on the North German Plain they will face potentially fatal logistical problems with incompatible ammunition.

Carrington thinks the money the members of the North Atlantic Treaty Organization spend on making incompatible arms systems is a scandal. He has support in that view. David Abshire, until recently the U.S. envoy to NATO, called it a "shameful waste of resources."

This month, 13 of the 16 NATO member nations are expected to sign an agreement to share in the research and development of seven major arms systems, including airborne radar; a common 155mm, heat-seeking battlefield shell; a NATO-wide "friend-or-foe" identification system for aircraft, and "smart" bombs and missiles, which home in on targets.

"The main difficulty . . . continues to be the general reluctance of nations to relinquish a small amount of national sovereignty," Deputy Defense Minister Eduardo Serra Rexach of Spain wrote in a recent issue of NATO Review.

Hopes for a resolution of the tank problem and other joint arms-making also are chilled by protectionist pressures from national defense contractors.

Attempts to standardize are incremental and often painful. In mid-December Britain decided to buy U.S. AWACS (airborne warning and control system) planes, thus staying in step with NATO, which has 18 such aircraft.

But Britain's decision came only after heated debate over the merits of the British Nimrod system, whose backers complained bitterly that by buying AWACS the British government would harm domestic industry and technological growth.

A European project to build 1,000 supersonic tactical jet fighters in the mid-1990s at a cost of $30 billion has been bogged down for six years in squabbling over the plane's size and weight. Europeans accuse the United States of favoring joint arms projects only if U.S. industry can share in them.

Warsaw Pact nations, under the direct control of Moscow, face no such impediments to standardizing equipment. Nor are their military budgets subject to the same scrutiny and restriction as those in the Western nations.

In the 10-year period 1974-83, the Warsaw Pact outproduced NATO forces annually by 2-to-1 in tanks, 4-to-1 in other armored vehicles and 8-to-1 in artillery mortars and rocket launchers. It also had a substantial production advantage in aircraft.

The Soviet doctrine calls for a 5-to-1 advantage in force before any offensive action is taken. Presumably it would consider accepting a lesser advantage if it were offset by the fact that the NATO defense was weakened by having equipment that was not interchangeable.

Massed in Europe is the greatest concentration of military might in the world. A clash could escalate into nuclear war. Maintaining an effective defense that would deter a clash should have a priority that overrides the financial interests of arms suppliers in the NATO countries, including the United States.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 24, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 25

9:30 a.m.

Appropriations

Defense Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.

SD-192

Armed Services

To hear and consider the nomination of Robert B. Costello, of Michigan, to be Assistant Secretary of Defense for Acquisition and Logistics.

SR-222

Energy and Natural Resources

Business meeting, to consider those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1988 with a view toward making its recommendations to the Committee on the Budget.

SD-366

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, World War I Veterans, and the Military Order of the Purple Hearts.

334 Cannon Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider pending calendar business.

SR-332

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1988 for the Department of Transportation.

SD-138

Finance
To hold hearings on management of the U.S. Customs Service.
SD-215

Foreign Relations
To hold hearings on proposed legislation authorizing funds for multilateral development banks.
SD-419

Governmental Affairs
To continue hearings on nuclear nonproliferation and U.S. national security.
SD-342

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.
SD-138

Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on Soviet strategic force developments.
S-407, Capitol

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1988 budget.
SD-608

FEBRUARY 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on international telecommunications.
SR-253

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To hold oversight hearings on the status of the farm credit system.
SR-332

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1988 budget.
SD-608

Foreign Relations
To resume hearings on proposed legislation authorizing funds for foreign assistance programs, focusing on bilateral and multilateral development programs.
SD-419

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings on S. 431 and S. 432, bills to strengthen the premerger reporting requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.
SD-562

10:00 a.m.
Appropriations
To resume hearings on the President's proposed budget for fiscal year 1988.
SD-192

Finance
To continue hearings on management of the U.S. Customs Service.
SD-215

Judiciary
Technology and the Law Subcommittee
To hold hearings on S. 442, Semiconductor Chip Protection Act Extension of 1987.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up S. 320, to provide grants to local educational agencies for dropout prevention and reentry demonstration projects.
SD-430

Veterans' Affairs
Business meeting, to consider the President's proposed budget requests for fiscal year 1988 for veterans' programs, S. 12, to remove the expiration date of eligibility for the educational assistance programs for veterans of the All-Volunteer Force, and Sec. 4(b) of S. 6 (Veterans' Health Care Improvement Act of 1987) and S. 279, measures to provide a 1-year extension of the date by which the VA's readjustment counseling program for Vietnam-era veterans is to begin a 2-year transition to a program providing counseling services through the VA's general medical facilities, and S. 477, to assist homeless veterans.
SR-418

10:30 a.m.
Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings on S. 431 and S. 432, bills to strengthen the premerger reporting requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.
SD-562

1:30 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, on behalf of funds for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.
SD-116

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To continue oversight hearings on the status of the farm credit system.
SR-332

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for certain international activities of the Department of the Treasury.
S-126, Capitol

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Labor, focusing on the Office of the Secretary, Employment and Training Administration, and departmental management.
SD-124

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Trade **Representative**, and the International Trade Commission.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on the President's proposed budget for fiscal year 1988 for the National Aeronautics and Space Administration, focusing on aeronautics and space technology.
SR-253

Foreign Relations
To hold hearings on the nominations of Robert E. Lamb, of Virginia, to be Assistant Secretary of State for Diplomatic Security, Arthur G. Linkletter, of California, for the rank of Ambassador during the tenure of his service as Commissioner General of the United States Exhibition for the International Exposition, Brisbane, Australia, 1988, and Joseph C. Petrone, of Iowa, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.
SD-419

2:30 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Army Corps of Engineers.
SD-138

3:00 p.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on proposed authorizations of housing and community development programs administered by the Department of Housing and Urban Development and the Department of Agriculture.
SD-538

4:30 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
Closed meeting, to be followed by closed hearings.
SH-219

FEBRUARY 27

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Labor, focusing on the Mine Safety and Health Administration, Pension Benefit Guaranty Corporation, Employment Standards Administration, Bureau of Labor Statistics, Occupational Safety and Health Administration, and the Labor-Management Services.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the

Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
SD-124

Finance
International Trade Subcommittee
To hold hearings on proposed legislative authorizing funds for fiscal year 1988 for the Office of the U.S. Trade Representative and the U.S. International Trade Commission.
SD-215

Foreign Relations
To continue hearings on proposed legislation authorizing funds for foreign assistance programs.
SD-419

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for ACTION, Corporation for Public Broadcasting, Prospective Payment Assessment Commission, Railroad Retirement Board, Federal Mediation and Conciliation Service, National Mediation Board, National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-192

MARCH 2

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Administrative Conference of the United States, U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
SD-116

Finance
Social Security and Family Policy Subcommittee
To resume hearings on how to improve the existing family welfare system and how to promote the well-being of families with children.
SD-215

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Animal and Plant Health Inspection Service, Agricultural Cooperative Service, Packers and Stockyards Administration, and the Office of Transportation.
SD-138

MARCH 3

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office for Human Development Services, and the Health Care Financing Administration.
SD-116

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Lower Mississippi Valley Division, and the New England Division.
SD-192

Banking, Housing, and Urban Affairs
Business meeting, to mark up proposed legislation authorizing funds for housing and community development programs administered by the Department of Housing and Urban Development and the Department of Agriculture.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the national space transportation program and policy.
SR-253

Labor and Human Resources
To hold oversight hearings on activities of the Mine Safety and Health Administration, Department of Labor.
SD-430

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary of the Senate, Senate Sergeant at Arms and Doorkeeper, and the Office of Technology Assessment.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Gallery of Art, Commission of Fine Arts, Pennsylvania Avenue Development Corporation, and the Advisory Council on Historic Preservation.
SD-192

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the General Accounting Office, and the Railroad Accounting Principles Board.
SD-138

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Physician Payment Review Commission, Commission on Education of the Deaf, Federal Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, National Council on the Handicapped, Soldiers' and Airmen's Home, and the U.S. Institute of Peace.
SD-124

MARCH 4

9:30 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.
SD-192

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office of Assistant Secretary for Health, and the Centers for Disease Control.
SD-116

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Transportation Safety Board.
SR-253

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on available and emergency technology for the control of precursors of acid rain.
SD-406

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Extension Service, Economic Research Service, and the National Agricultural Statistics Service.
SD-138

Labor and Human Resources
To continue oversight hearings on activities of the Mine Safety and Health Administration, Department of Labor.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Strategic Petroleum Reserve, Naval Petroleum Reserve, and the Office of Emergency Preparedness.
SD-192

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Library of Congress, and the Congressional Research Service.
SD-366

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Alcohol, Drug Abuse and Mental Health Administra-

tion, and the Health Resources and Services Administration.

SD-116

Rules and Administration

To hold hearings on S. 2, S. 50, S. 179, and S. 207, bills to provide for spending limits and public financing for Senate general elections.

SR-301

Small Business

Urban and Rural Economic Development Subcommittee

To hold hearings to examine new perspectives on rural economy.

SR-428A

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Veterans Administration.

SD-124

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Architect of the Capitol, Copyright Royalty Tribunal, and the Bio-Medical Ethics Board.

SD-628

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the North Atlantic Division, and the Pacific Ocean Division.

SD-192

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Commerce.

S-146, Capitol

Banking, Housing, and Urban Affairs

Business meeting, to mark up proposed legislation relating to Federal Savings and Loan Insurance Corporation recapitalization, emergency bank acquisitions, nonbank banks, securities powers for bank holding companies, and bank check holds.

SD-538

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on proposed legislation authorizing funds for the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

SD-430

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

SD-430

2:00 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Government Printing Office, Congressional Budget Office, Black Employees of the Library of Congress, and the Ethnic Employees of the Library of Congress.

SD-628

MARCH 6

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, on behalf of funds for the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.

SD-116

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Highway Traffic Safety Administration.

SR-253

MARCH 9

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the General Services Administration, National Archives and Records Administration, and the Executive Office of the President.

SD-116

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Research Service, and the Cooperative State Research Service.

SD-138

Energy and Natural Resources

Research and Development Subcommittee

To hold oversight hearings on uranium mining, reclamation, and enrichment.

SD-366

MARCH 10

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the National Institutes of Health.

SD-138

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Management and Budget.

SD-116

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

10:00 a.m.

Labor and Human Resources

Employment and Productivity Subcommittee

Labor Subcommittee

To hold joint hearings on the status of dislocated workers as a result of plant closings.

SD-430

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Minerals Management Service, Department of the Interior.

SD-192

MARCH 11

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Family Support Administration.

SD-192

Energy and Natural Resources

To resume oversight hearings on the world oil outlook.

SD-366

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Farmers Home Administration.

SD-138

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Marine Mammal Commission.

S-146, Capitol

Labor and Human Resources

To hold hearings on catastrophic health insurance.

SD-430

MARCH 12

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office of the Secretary, Departmental Management, Office for Civil Rights, Policy Research, and the Office of Inspector General.

SD-116

Energy and Natural Resources

Energy Regulation and Conservation Subcommittee

To hold hearings on S. 85, to repeal the end use constraints on natural gas and to repeal the incremental policy requirements.

SD-366

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain international organizations and programs, and certain activities of the

Agency for International Development.

S-128, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Science Foundation.

SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Tennessee Valley Authority, and the Appalachian Regional Commission.

SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Indian Education.

SD-192

MARCH 13

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Forest Service, Department of Agriculture.

SD-192

Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on uranium mining, reclamation, and enrichment.

SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Science Foundation, and the Office of Science and Technology.

SD-124

MARCH 16

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for the elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

2175 Rayburn Building

Labor and Human Resources
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

2175 Rayburn Building

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on reclamation programs of the Department of the Interior.

SD-192

MARCH 17

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.

S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Bureau of Standards, Office of Productivity, Technology and Innovation, and the National Technical Information Service, all of the Department of Commerce.

SR-253

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy conservation, and the National Capital Planning Commission.

SD-192

MARCH 18

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Information Agency, and the Board for International Broadcasting.

S-146, Capitol

Labor and Human Resources
To hold hearings on the uninsured worker.

SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on solar and renewables, energy research, and environment

SD-138

MARCH 19

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Independent Counsel Act.

SR-428A

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Marketing Service, Federal Grain Inspection Service, and the Food Safety and Inspection Service.

SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.

S-126, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Endowment for the Arts, National Endowment for the Humanities, and the Institute of Museum Services.

SD-192

MARCH 20

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, focusing on the Office of the Secretary.

SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Emergency Management Agency.

SD-124

MARCH 23

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to review the Department of the Interior's proposed 5-year Outer Continental Shelf leasing plan.

SD-366

10:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Personnel Management, and the Federal Election Commission.

SD-116

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Stabiliza-

tion and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Power Marketing Administration
SD-192

MARCH 24

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-126, Capitol

Labor and Human Resources
Labor Subcommittee
To hold hearings on overfunding and underfunding on pensions.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Land Management, Department of the Interior.
SD-192

2:30 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold hearings to review the current status of renewable energy technologies.
SD-366

MARCH 25

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Rural Electrification Administration.
SD-138

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of State.
S-146, Capitol

Labor and Human Resources
To hold hearings on childrens health care policy.
SD-430

MARCH 26

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
Room to be announced

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Peace Corps, African Development Foundation, and the Inter-American Foundation.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Federal Energy Regulatory Administration, and the Nuclear Regulatory Administration.
SD-192

2:30 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume hearings to review the current status of renewable energy technologies.
SD-366

MARCH 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD-124

MARCH 30

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

MARCH 31

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Foreign Agricultural Service, Food for Peace Program (P.L. 480), and the Office of International Cooperation and Development.
SD-138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for migration and refugee assistance, U.S. emergency refugee assistance fund, international narcotics control, and anti-terrorism assistance.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 1

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.
334 Cannon Building

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for international organizations of the Department of State.
S-146, Capitol

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 2

9:30 a.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on the clean coal technology program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Indian Health Service of the Department of Health and Human Services, and the Navajo and Hopi Indian Relocation Commission.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 3

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the United States Postal Service.
SD-116

APRIL 6

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 7

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 8

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on nuclear fission, uranium enrichment, and the nuclear waste management.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimate for fiscal year 1988 for the Small Business Administration, Securities and Exchange Commission, and the Federal Trade Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-192

APRIL 9

9:30 a.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on clean coal technology program.
SD-366

1:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.
SD-192

APRIL 10

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, U.S. Postal Service, and general government.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.
SD-124

APRIL 21

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on the Office of the Secretary, and salaries and expenses.
SD-192

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Office of the Attorney General, Immigration and Naturalization Service, and the Federal Prison System.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Geological Survey, Department of the Interior.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Department of Energy national laboratories.
SD-116

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on compensatory education for the disadvantaged, special programs, impact aid, bilingual education, immigrant and refugee education, education for the handicapped, rehabilitation services and handicapped research, special institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet College), and vocational and adult education.
SD-192

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on Atomic Energy Defense activities.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Office of the Secretary and the Office of the Solicitor.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on student financial assistance, guaranteed student loans, higher education, higher education facilities loans and insurance, college housing loans, Howard University, education research and statistics, and libraries.
SD-138

APRIL 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.
SD-124

APRIL 27

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development, focusing on certain activities of the Department of Energy.
SD-192

APRIL 28

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for security assistance programs.
S-126, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Bureau of Mines, and the Office of Surface Mining, Reclamation and Enforcement.
SD-192

APRIL 29

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Federal Bureau of Investigation, Drug Enforcement Administration, and the U.S. Marshals Service.
S-146, Capitol

APRIL 30

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial governments.
SD-192

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for defense security assistance programs.
S-126, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial affairs.
SD-192

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Holocaust Memorial Council.
SD-138

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Supreme Court of the United States, Equal Employment Opportunity Commission, and the Commission on Civil Rights.
S-146, Capitol

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 7

9:00 a.m.
Appropriations
Interior, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for fossil energy, and clean coal technology programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.
SD-124

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 12

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain export financing programs.

S-126, Capitol

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Legal Services Corporation.

S-146, Capitol

MAY 13

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for foreign assistance programs.

S-126, Capitol

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Commerce, Justice, State, the Judiciary, and related agencies.

S-146, Capitol

MAY 15

10 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

MAY 20

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Judicial Conference, Commission on the Bicentennial of the Constitution, U.S. Sentencing Commission, and the State Justice Institute.

S-146, Capitol

JUNE 23

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1988 for the Department of State.

SD-192

CANCELLATIONS

FEBRUARY 25

2:00 p.m.

Governmental Affairs

Federal Spending, Budget, and Accounting Subcommittee

To hold oversight hearings on government and sunshine.

SD-342

Judiciary

Business meeting, to consider pending calendar business.

SD-226

HOUSE OF REPRESENTATIVES—*Tuesday, February 24, 1987*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 24, 1987.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray. As we focus on the experiences of our lives, O God, we are grateful for the gift of love. We know that many good things that come to us do so because of this most wonderful gift. For relationships broken and healed; for covenants rent apart and then confirmed; for anger now real and yet conquered, we give our thanks for that gift that is greater than either faith or hope, the gift of love.

This we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 18. Concurrent resolution to authorize the printing of "United States Senator Robert C. Byrd's Addresses on the History of the United States Senate: Bicentennial Edition."

REDUCING THE BUDGET DEFICIT

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, I recently came across some very interesting statistics I thought would hammer home with Members the need for reducing the budget deficit.

I am sure every Member of this body knows that the fastest growing part of the budget is interest on the national debt, having increased 240 percent between fiscal years 1980 and 1986. But not every Member may know that almost half of the total Federal individual income tax paid goes to finance interest payments—nearly 50 percent of the income taxes our constituents pay, Mr. Speaker, go only to finance payment on the debt.

By fiscal year 1991, if we continue on our current spending trend and don't cut this deficit, interest payments will be the single largest expenditure in the budget.

Earlier this Congress, I introduced a measure, H.R. 805, the Pay-as-You-Go Budget Act, that mandates a hard spending freeze. By keeping spending for next year at this year's level, we can reach the targets in the Gramm-Rudman law, and reduce interest payments.

I invite Members to cosponsor this measure. We must take serious steps to reduce our dependence on borrowed money.

WHAT OUR DEFICITS MEAN TO THE JAPANESE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, each year the Federal Government adds new debt to old; we're quickly headed for the $2.5 trillion mark. But few ask who is buying that debt—to most of us, it is just a big number of little meaning in our lives.

But that debt does affect your life. Last month, we passed a historic milestone without notice or fanfare. The Federal Reserve held its quarterly auction of American treasury bonds and, for the first time in history, two Japanese firms acted as primary dealers. The Japanese—whom we love to bash for our trade problems—have moved to the forefront to finance our flagrant spending.

Over 30 percent of all recently sold American bonds were bought by Japanese institutional investors. Clearly, Japanese retirement fund managers are confident that future Presidents and Congress will raise our children's taxes to cover the whopping interest bills on these bonds. Taxing future generations of Americans to ensure a comfortable Japanese retirement: that is what our continued deficit spending is coming to mean, Mr. Speaker.

H.R. 1049—DEALING WITH BILLIONS IN REFUNDS FROM UTILITY COMPANIES

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, I have introduced H.R. 1049 which deals with $15 billion in money that the utility companies in this country now have that should be refunded to their customers. Now here is the issue: The electric, gas, and telephone companies charge their customers for a kilowatt-hour, telephone service and so on. In that charge are their estimated income tax payments to the Federal Government. The trick is that they do not then make those payments to the Federal Government, because they defer those taxes.

Sixty billion dollars now exist in the hands of the utility companies that they collected from their customers to pay Federal taxes. The corporate income tax was reduced last year. The result is $15 billion of that $60 billion will never be paid to the Federal Government. That amount must be refunded to the customer. However, a little barrier was put in that tax reform bill that prevents the utility companies from paying it back to their customers on time. It is going to be normalized. That means, it might take up to 30 years to refund that money to the customer.

So there is good news and bad news. The good news is, the utility customer should get a refund of $15 billion. The bad news is some folks may not live long enough to collect it. My bill changes that. My bill says that the State regulators have the ability to force that refund to be made to the utility customers on a timely basis.

I would hope my colleagues would join me in H.R. 1049. It is the right approach. The right approach for the customers of the utility companies in this country to get refunds that they are owed by those companies.

YOU CANNOT CURB A DOG BY TYING HIM TO HIS OWN TAIL

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the only legal money we have today is money "secured" by debt. What is the difference between fiat money and debt-secured money? Only the chicanery and hocus-pocus surrounding the issuance of the latter. Fiat money is printing-press money, pure and simple. Debt-secured money involves swapping truckloads of Government bonds for truckloads of bank notes between the Treasury and the Federal Reserve System. The Treasury issues promises to pay dollars, and the dollar is defined as a liability of the Federal Reserve, secured by the said promises. In other words, one promise is security for the other, but neither is redeemable in anything except the other, so that the ultimate value of neither can be independently verified. On the face of it, both promises are honored. But in effect the Treasury and the Federal Reserve outbid each other in defrauding the people. Every time they discharge a liability, they do so by surrendering a lesser value than value received. As the outstanding American monetary scientist, the late James Washington Bell put it: "Money can be secured by debt no more than a dog can be secured by tying him to his own tail."

As a result of this legalized chicanery, the dollar has lost 95 percent of its value since the Federal Reserve was established almost 75 years ago—wiping out private savings in the same proportion. It is no wonder that the American public has stopped saving, and turned this Nation from the greatest creditor to the greatest debtor on Earth.

The proper task of a government is the protection, not the dissipation, of the savings of its people. Our Government has taken away the monetary standard from the people. The result is the dissipation of savings, megadebts, and megadeficits. The social consequences of this deliberate policy of destruction are appalling.

PERMISSION TO INSERT IN THE RECORD, PROGRAM AND REMARKS OF MEMBERS AT WREATH-LAYING CEREMONY FOR GEORGE WASHINGTON'S BIRTHDAY OBSERVANCE AT WASHINGTON MONUMENT ON FRIDAY, FEBRUARY 20, 1987

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the program of the wreath-laying ceremony at the Washington Monument on Friday, February 20, 1987, for the observance of the birthday of George Washington, and the remarks of the two Members representing the House of Representatives, the gentleman from California [Mr. COELHO], and the gentleman from Virginia [Mr. PARRIS], be inserted in today's CONGRESSIONAL RECORD.

The SPEAKER pro tempore (Mr. DORGAN of North Dakota). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WASHINGTON MONUMENT, WREATH-LAYING CEREMONY, 11 A.M., FRIDAY, FEBRUARY 20, 1987, THE WASHINGTON MONUMENT, WASHINGTON, DC

SCENARIO

This year's 255th birthday anniversary of President George Washington features commemorative speeches by two U.S. Congressmen and the Honorable Russell E. Train, First Vice President of the Washington National Monument Society.

The program is as follows:

10:30 A.M.

Participants and members of the Washington National Monument Society assemble in the Monument waiting room.

11:00 A.M.

Presentation of colors: Joint Armed Services Color Guard.

Welcome: Master of Ceremonies, Mr. Arnold Goldstein, Assistant Superintendent, National Capital Parks-Central, National Park Service.

Remarks: The Honorable Russell E. Train, 1st Vice President, Washington National Monument Society.

Remarks: Mr. Lowell V. Sturgill, Associate Regional Director, National Capital Region, National Park Service.

Remarks: The Honorable Tony Coelho (D), Majority Whip, U.S. House of Representatives, Fifteenth District, California.

Remarks: The Honorable Stan Parris (R), U.S. House of Representatives, Eighth District, Virginia.

The wreath of the U.S. House of Representatives: Honorable Tony Coelho; Honorable Stan Parris.

The wreath of the Washington National Monument Society: Honorable Russell E. Train.

The wreath of the National Park Service: Mr. Lowell Sturgill.

11:30 A.M.

Taps and retiring of colors: Joint Armed Services Color Guard.

Conclusion: Mr. Goldstein announces that the Washington Monument will be open for public tours in about 20 minutes.

REMARKS BY HON. STAN PARRIS IN HONOR OF GEORGE WASHINGTON, FEBRUARY 20, 1987

It is indeed a great privilege to be invited to speak at this historic event honoring the father of our nation, George Washington. As the representative of Mount Vernon, it gives me pleasure to know that the spirit and commitment that personified his life is still held up as a testimony to the American ideal.

The term "father of our nation" has been used so often that for many it seems to be a cliche, yet in every sense of the word George Washington brought this nation to life when almost all others despaired and kept it alive in its infancy when politics and personalities threatened to destroy it.

It is interesting that most Americans are familiar with his leadership and courage during the American Revolution, but few of us know much about his presidency. Most historians view his presidency as a relatively uneventful one. But I submit to you, that the way George Washington conducted his presidency assured that the American experiment would succeed. He proved that the new government could function, would not fragment at the first sign of severe dissension, and that a chief executive of a nation could voluntarily leave office in a totally peaceful exchange of power. His dedication to the Constitution and to the people's right to govern themselves made it possible for us to be the powerful nation that we are.

He summed up the great cause of America in his First Inaugural Address: "The preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally staked, on the experiment entrusted in the hands of the American people."

Even then, George Washington knew that the best, perhaps the only hope for the respect, dignity and rights of all free people lay in the hands of America. If our founding fathers had failed to make democracy work, who knows when or where else it would have been tried again. Could Hitler have been stopped? Could the global spread of Communism be retarded?

It is a good thing to reflect on how important this concept was to the survival of American liberty, but perhaps it is more important for us gathered here today to consider just what George Washington's words mean for us today.

Today, it is still our duty "to preserve the sacred fire of liberty." There are other nations in the world who believe as deeply and sincerely in the principles of democracy, but none could stand against the combined forces of totalitarianism were it not for the people of the United States. There would be no hope for the oppressed, the impoverished, the enslaved if America was not a beacon of hope set out in a world hostile to the dignity of each individual.

Indeed, the struggle for democracy is in many ways as difficult today as it was when George Washington made his inaugural address in 1789. The forces of individual freedom are threatened by the existence of a massive arsenal of nuclear weapons possessed by many nations around the globe.

In the midst of this threat, George Washington's wisdom is more important than ever. It is up to us to defend democracy against totalitarian expansion with a defense so strong that none dare challenge it. It is up to us to continue supporting democratic movements around the world and take direct actions to make new births of democracy possible. It falls on the United States to provide a helping hand to our allies seeking democracy as we have done in this "decade of developing democracy". And it is imperative that we help those fighting totalitarian oppression seeking the dignity and rights fought for by General Washington.

Like it or not, the responsibility for the freedom of all men has been entrusted to us—without us it is not possible. For democracy is never a final achievement. It is by nature an ever present challenge, a call to renewal and dedication, a demand for greater effort, with new goals to meet the needs of the world's people. It requires the spirit and the commitment to help others win and hold their freedom. For without that commitment, it will not be long before we are alone in the world.

In conclusion, let me say that what we gather here today for is more than a celebration of the past, and more than remembering a great American. All of that is meaningless unless we rededicate ourselves to the immortal ideals and principles that

Washington stood for and made possible for us all.

Let us always remember that the "preservation of the sacred fire of liberty" is not only our heritage, but our everlasting responsibility.

REMARKS OF HON. TONY COELHO IN COMMEMORATION OF THE 255TH BIRTHDAY OF PRESIDENT GEORGE WASHINGTON, FEBRUARY 20, 1987

We are gathered here today to honor our Founding Father, George Washington, as part of the annual celebration of his birth in 1732.

No man in American history is probably more famous, nor more revered than George Washington. Indeed, we found it fitting to name this beautiful city in his memory. Every visitor to our Nation's Captial, and every person who has stood on the mall gazing at the sights of this city, associates the name "Washington" with terms like "Democracy," "Freedom" and "Justice." And rightly so, for George Washington gave birth to these ideals, and nurtured them during the infancy of these United States of America. It was his leadership, his determination, and his belief in representative government that allows us to be here some 200 years later.

This year is also a special time to celebrate George Washington's birthday, for we, as a nation, are preparing to also celebrate the 200th anniversary of the United States Constitution. When our Nation had won its independence from Britain and was struggling with the new responsibilities of a sovereign nation, many came to Washington, inquiring of his interest in being crowned king. He was not interested in royalty, however, and refused such overtures, advocating, instead a representative form of government. Washington's opinion was so well respected, that any notion of establishing a monarchy was quickly scrapped.

Out of the growing uncertainty as to how our Nation should be governed came a novel proposal to replace the well-intentioned, but ill-founded Articles of Confederation. With some skepticism, enough States approved the U.S. Constitution, and "we the people," became more than just a phrase. It became a doctrine, synonymous with Democracy. Even today, we see nations of the world struggling for the freedom democracy inspires. The recent approval of a new constitution by the citizens of the Philippines is proof that "we the people" continues to offer hope to the people of the world.

We are all aware of the heroics of Gen. George Washington during the Revolutionary War. Schoolchildren learn at an early age about the father of our country who could not tell a lie. Television programs have brought into our living rooms his life story. Tourists flock to his estate in Mount Vernon, and admire the beauty of the Washington Monument rising above this breathtaking city.

In my opinion, however, George Washington's most important contribution was the lasting impression he gave to American democracy. He guided the American people at a time when they needed a leader, but were not quite ready to follow. He proved to the world that the ideals of democracy which sounded so good on paper, could be put to use. He believed in the goodness of people, and the prospects which our model form of government offered to the rest of the world. George Washington's own words from 1789 are still appropriate:

> "The sacred model of liberty and the destiny of the republican model of government are * * * deeply and finally staked on the experiment entrusted to the hands of the American people."

The United States was indeed an experiment. I thank God that for our sakes, it is still working after 200 years.

RECOGNITION OF MR. GEORGE MERTZ

(Mr. ROE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROE. Mr. Speaker, I rise today to offer my heartiest congratulations to Mr. George Mertz of Wayne, NJ, who has been selected as the 1986 recipient of the Distinguished Service Award of the National Accreditation Council for Agencies Serving the Blind and the Visually Handicapped. In recognizing his outstanding accomplishments, I salute him as a highly compassionate professional, distinguished citizen, and great American.

Mr. Mertz currently serves as president of the National Industries for the Blind, which is located in my home district of Wayne, NJ. Having served as president of this organization for the past 7 years, his leadership has assisted in providing increased employment opportunities to thousands of blind and multihandicapped blind individuals. His steadfast dedication and diligence in improving the quality of life of the blind is deserving of our highest esteem and praise. His magnificent efforts have truly enriched my home community of Wayne, the State of New Jersey, and our Nation.

Mr. Mertz's leadership in raising the standards of living for the blind has also included his encouraging of workshops participating in the Javits-Wagner-O'Day Act Program to improve workshop standards for the visually impaired. His commitment to this program is worthy of our applause and our recognition.

Mr. Speaker, it is with great pride and honor that I recognize these outstanding accomplishments of a great American, Mr. George Mertz of Wayne, NJ.

□ 1210

PUBLIC BUILDING CODE COMPLIANCE AMENDMENTS OF 1987

(Mr. ROBERT F. SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERT F. SMITH. Mr. Speaker, today I am reintroducing one of the most successful bills never passed by the 99th Congress, the Public Building Code Compliance Amendments of 1987.

The bill seeks simply to bring Federal construction projects under the same umbrella of nationally recognized building and safety codes which are followed by virtually every other construction project in the Nation.

It's a direct outgrowth of the frustrations experienced by responsible State and local officials in my own congressional district, frustrations with arrogant Federal bureaucrats who are willing to invoke no less than the constitutional supremacy clause to decide petty squabbles over the need for safety in Federal construction projects.

By demanding that the Federal Government observe safe building practices and local ordinances, my bill legislates common sense, courtesy, and safety.

On the last day of the last Congress, this bill died on the Senate floor for the lack of an oratorical pause. I urge my colleagues to help me move it to passage quickly during this 100th Congress.

STATE AND LOCAL GOVERNMENTS HAVE IMPORTANT ROLE IN NUCLEAR SAFETY

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, in 1979, in the wake of the Three Mile Island accident, the Congress required the Nuclear Regulatory Commission to consider the adequacy of State and local emergency plans as part of the licensing process for nuclear powerplants. Today the NRC is considering adopting a proposed rule that would circumvent this rightful and proper role of State and local governments.

The NRC's proposed action would violate the Commission's obligation to protect public health and safety from the hazards of nuclear power. And for that reason, above all others, it must be rejected.

This rule proposal can be summarized succinctly in just two words: "Seabrook" and "Shoreham." When responsible State and local governments have decided not to develop emergency plans because they conclude it would be impossible to adequately protect the public, the NRC should support that decision. Instead, the Commission is considering a rule change that would circumvent this historic and essential role of the States to protect the health and safety of their citizens.

Like a frustrated child who can't get his way, the NRC is trying to change the rules in the middle of the game.

This isn't a question of the fox guarding the chicken coop. It is more like the fox making the chicken coop a wholly owned subsidiary.

The perceived economic needs of the nuclear industry, or any particular utility, are not and should not be the controlling factor in changing regulations that are first and foremost designed to protect the public health and safety.

I urge Members to join me in communicating to the Commission their clear and strong opposition to this proposed rule change.

THANK YOU FOR YOUR SUPPORT

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, the Senate AG Committee just completed a field trip in rural areas gathering information on the problems besetting farmers.

Before this show got on the road, the participants announced that regardless of what they find, they won't do anything about it.

My question is: If nothing is going to be done, why did they even go?

Mr. Speaker, during the last election many in your party blasted the "Reagan farm bill."

Now that the election is over, Democrats seem to have decided that maybe the so-called Reagan farm bill isn't too bad after all.

The truth is this is a bipartisan farm bill. Noise to the contrary seems to have been an election year ploy.

This farm bill can be improved, so let's do it. How about marketing loans for major commodities?

How about voting on mandatory controls? Many people worked hard in the elections for them. Now they are being told there won't even be a vote on it.

If I had worked as hard for an issue as these folks did, I would be asking a lot of questions right now.

This reminds me of the Bartles and James commercial where one character says "Just keep buying our product and thank you for your support." I wonder how long the support will last when it's discovered there really isn't any product?

PROTECTION OF THE OZONE LAYER

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, there are many issues that Congress can and should debate at length before taking action. There is one issue, however, with which we do not have that luxury, and that is the depletion of the ozone layer.

The ozone layer in the upper atmosphere protects us from the most harmful of the Sun's rays. We've known since 1974 about the depletion of the ozone layer and its effects: Increased skin cancer and cataracts in humans, harm to plant and animal life, and adverse changes in climate. The Environmental Protection Agency estimates that if the ozone layer continues to deplete at the current rate, it could cause 40 million cases of skin cancer and 800,000 cancer deaths in the next 88 years. We've also known the solution: Eliminating or at least reducing the emissions of chlorofluorocarbons or CFC's the chemicals causing the breakdown of the ozone layer.

The potential for disaster requires that we take immediate steps. The gentleman from New Mexico [Mr. RICHARDSON] and I introduced House Concurrent Resolution 47, to urge the President to negotiate international reductions in CFC's. I urge my colleagues to support this and other measures required to avert environmental catastrophe.

SOIL-CONSERVATION FUNDING ESSENTIAL TO CLEANUP OF CHESAPEAKE BAY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I rise today to reassert my commitment to cleaning up and restoring the Chesapeake Bay. Included in the President's proposed budget for fiscal year 1988 are provisions to cut all funding for soil conservation bay programs in 1988.

These proposed budget cuts will undermine my own legislative efforts to cleanup the Chesapeake Bay. I am prepared to fight these proposed budget cuts by supporting alternative budget requests designed to continue necessary funding of soil conservation programs.

The Mid-Atlantic States, Maryland, Virginia, Pennsylvania, the District of Columbia, and New York, are doing their share to control nonpoint source pollution from entering the Nation's largest natural estuary. It is only fitting that the Federal Government do its share.

During the opening weeks of this historic Congress, both bodies voted overwhelmingly to override the President's veto of the clean water bill. Included in this legislation was my amending language to ensure that local and regional organizations play a more vital role in controlling nonpoint source pollution, runoff from our city streets and farms. Some 50 percent of the pollution entering the Upper Chesapeake Bay is a direct result of this pollution.

If we are to proceed with the important work of controlling soil erosion and runoff pollution, then we must be prepared to ensure that the budget for fiscal year 1988 includes Federal funds to carry out soil conservation programs. These programs were expanded under the 1985 omnibus farm bill which was passed by the 99th Congress and signed into law by President Reagan.

Mr. Speaker, judging from my colleagues' voting record in passing the clean water and farm bills, I anticipate strong support of my efforts to preserve funding of the soil conservation programs in 1988.

RAISING THE MINIMUM WAGE

(Mr. FORD of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Tennessee. Mr. Speaker, today I am introducing legislation to raise the minimum wage for the millions of working poor in the Nation. This is a segment of our society which is working full time yet has a standard of living which is about 25 percent below the poverty line.

Today's low minimum wage undermines the work ethic. In many areas of the country an adult with two children can actually receive more from basic welfare benefits than from a minimum wage job. This make welfare dependency a sound economic decision for many families who must put food on the table. The current minimum wage provides no incentive to work. An increased minimum wage will provide many unemployed, especially welfare recipients, the necessary incentive to work.

This bill will amend the Fair Labor Standards Act of 1938 to provide a minimum wage of not less than $4.25 an hour during the period beginning September 1, 1987; not less than $4.65 an hour during the period beginning September 1, 1988; not less than $4.95 an hour during the period beginning September 1, 1989; and not less than $5.20 an hour after August 31, 1990.

A job with sufficient income to provide an improved standard of living for those trapped in poverty will reduce the public assistance costs to our Nation. Raising of the minimum wage is one thing we can do for the working poor without increasing the Federal deficit. Further, self-sufficiency based on earning an adequate minimum wage which will support basic needs is a right we all desire.

I urge my colleagues to join me in an effort to meet our humanitarian obligation to the working poor.

LEGISLATION ESTABLISHING SAFETY STANDARDS FOR LIGHT TRUCKS AND MINIVANS

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, today I am introducing legislation that will provide the same safety standards for Americans who buy light trucks, minivans, and vans, as for those who buy automobiles.

In 1984 when I bought my Dodge Caravan I expected to have the same standard of protection for my family as every American does when he buys a vehicle to move his or her family around. To my shock and horror I found that the protection is not there. If you buy a truck, a minivan, or a light truck, you do not have the same standards of safety for roof-crushing, for side impacts, no I-beams in the doors.

I ask my colleagues to join me in supporting this legislation, to contact Secretary Dole and ask her why her administration has not moved forward on regulations begun in the late seventies to see that the owners of light trucks and vans have the same safety as all Americans who buy vehicles in this country.

The show on NBC entitled "1986" did a segment demonstrating the dangers of this deficiency in our law. The head of one driver of a small pickup truck went through the rear windshield upon impact. Another passenger lost her leg as a car collided with the side of her pickup truck.

Americans deserve to have one standard of safety whether they drive to work in a car or a pickup truck, whether they move their families around in a station wagon or a minivan.

□ 1220

WELFARE REFORM

(Mr. MFUME asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MFUME. Mr. Speaker, the greatness of a nation is measured most not by the strength of its military or the caliber of its technological sophistication, but by the depth of its commitment to ensuring a quality standard of living for all of its people.

When we talk about welfare and its reform, what we are really talking about is working together to best fulfill a basic American ideal—caring for our neighbors.

Most of us agree that the system should be reformed in such a way that more people are able to move off the welfare rolls into the work force. In fact, most people who find themselves dependent on the system say they would prefer to earn their living. Who wouldn't opt for self-determination if it were a choice?

But any reform we undertake on the Federal level must be supportive of local efforts to get people working again. Key to reform is provision for a comprehensive, systematic program of relevant education, job training and support systems that will help welfare recipients become desirable and successful employees.

Not just workfare programs which focus on working off the grant without attention to skill development or transition to paid employment. The principle role of government is to encourage the development of economically self-reliant families. Welfare reform cannot be viewed in a vacuum. Government attitudes and budgeting levels in the areas of education, economic development, housing and health care directly reflect the depth of commitment to those in greatest need. We cannot continue to decrease funding in these critical human service areas and expect to realize appreciable gains in the welfare reform effort.

AID TO THE CONTRAS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LUNGREN. Mr. Speaker, one of the controversial questions of the last Congress and a controversial question that will continue this Congress is the whole area of Contra assistance and the situation in Nicaragua.

Today in both the Washington Post and the Washington Times there are articles dealing with a statement made by the Republican leader. Mr. MICHEL, in setting forth what I believe to be a very responsible legislative position for us to follow in this Congress in order to address that very difficult question. Unfortunately, I think those reading the account in the Washington Post might get a wrong impression of the direction of Mr. MICHEL and, therefore, I will include in the RECORD a copy of the article which appeared in today's Washington Times.

Basically, Mr. MICHEL has said, let us not bleed the Contras to death either really or programmatically here in the Congress, and let us face the issue upfront. Let us not renege on the decisions we made last year with respect to the final amount of the total of $100 million, nor the $300 million for the region, but let us perhaps postpone consideration of further funds until later this year. That will achieve two things. It will allow us to debate the issue with a focus at the proper time this year. It will also stop us from trying to piecemeal to death this approach, as sometimes happens when we vote one time, and then again, and again and then again.

[From the Washington Times, Feb. 24, 1987]

GOP TO OFFER COMPROMISE ON CONTRA AID

(By Jennifer Spevacek)

President Reagan's $105 million request for the Nicaraguan resistance would be delayed until September under a plan House Republicans will offer soon, Minority Leader Robert Michel said yesterday.

The proposal—to boost chances of continuing U.S. aid to the anti-Marxist rebel forces—includes $300 million in economic development funds that would be immediately disbursed to four Central American democracies.

The GOP plan would release the remaining $40 million in Contra aid that Congress approved last year, but hinges further aid on the success of a new Nicaraguan peace proposal offered by Costa Rica. New U.S. military aid for the rebels could be requested only if those peace talks stall, according to the proposal.

As the first counterstroke offered to a number of Democratic plans aimed at halting U.S. aid to the so-called Contras, the Republican proposal sets clear guidelines for further congressional action. Congress currently faces the prospect of at least three different votes this year on assistance to the Nicaraguan rebels.

"You've got to have something around which to rally," Mr. Michel said. "I would rather just face up to the issue foursquare."

Democrats in Congress are considering ways to block the $40 million rebel aid expenditure and adopt a moratorium on future U.S. support efforts Mr. Michel called "a mealy-mouth way" to cut off assistance.

"It's gutting the Contra effort, when you strip it all away," Mr. Michel said. "Any move at this juncture is one of undermining and pulling the rug out from under the Contras."

Under the GOP plan, which is being reviewed at the White House, Mr. Reagan in upcoming weeks would send Congress his request for the remaining $40 million in aid. Release of the $40 million must be formally requested by the president. Congress then has 15 days to disapprove the spending.

While Congress might vote to disapprove the spending, most lawmakers agree that opponents of the aid could not muster enough votes to override a presidential veto of that disapproval.

A broad outline of the Republican proposal would include the following provisions:

$300 million in economic aid to Honduras, Costa Rica, Guatemala and El Salvador. The money was authorized by Congress last year but never funded.

There would be a moratorium on any additional requests for assistance to the Contras until the progress of new peace talks can be evaluated, and the administration would be urged to take a more active role in the peace talks.

The president would agree not to request any further military aid until he has determined there is no reasonable prospect for peace through negotiations.

If the president determines that progress is being made in the peace talks, he can move ahead with new non-military assistance to the Central American democracies, with expedited procedures for congressional action.

Some concrete measures of progress in Nicaragua would include the reopening of the newspaper La Prensa and the Catholic Church's radio station, and the readmission of expelled church leaders to the country.

U.S. credibility is at risk in Central America if Congress fails to come through with the aid package already approved by Congress, Mr. Michel said.

Rep. Jan Meyers, Kansas Republican and a member of a group of lawmakers who recently returned from Central America, said the leaders of the democratic governments want assurances of consistent U.S. support.

"They feel a certain confidence in us, but we shake them up badly," Mrs. Meyers said. "They know exactly where the Soviets are going to be 20 years from now, but they don't know where we're going to be six months from now."

Mrs. Meyers said Nicaraguan leaders told her not to be surprised if the latest peace initiatives fail. "I'm very pessimistic about their signing it, but I don't think that means we should not support it strongly in this country," she said.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DORGAN of North Dakota). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on Wednesday, February 25, 1987.

LIMITING FEES OF GOVERNMENT NATIONAL MORTGAGE ASSOCIATION FOR GUARANTY OF MORTGAGE-BACKED SECURITIES

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1056) to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities.

The Clerk read as follows:

H.R. 1056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 306(g) of the National Housing Act is amended by adding at the end the following new paragraph:

"(3)(A) No fee or charge in excess of 6 basis points may be assessed or collected by the United States (including any executive department, agency, or independent establishment of the United States) on or with regard to any guaranty of the timely payment of principal or interest on securities or notes based on or backed by mortgages that are secured by 1- to 4-family dwellings and (i) insured by the Federal Housing Administration under title II of the National Housing Act; or (ii) insured or guaranteed under the Serviceman's Readjustment Act of 1944, chapter 37 of title 38, United States Code, or title V of the Housing Act of 1949.

"(B) The fees charged for the guaranty of securities or on notes based on or backed by mortgages not referred to in subparagraph (A), as authorized by other provisions of law, shall be set by the Association at a level not more than necessary to create reserves sufficient to meet anticipated claims based upon actuarial analysis, and for no other purpose.

"(C) Fees or charges for the issuance of commitments or miscellaneous administrative fees of the Association shall not be on a competitive auction basis and shall remain at the level set for such fees or charges as of September 1, 1985, except that such fees or charges may be increased if reasonably related to the cost of administering the program, and for no other purpose.

"(D) Not less than 90 days before increasing any fee or charge under subparagraph (B) or (C), the Secretary shall submit to the Congress a certification that such increase is solely for the purpose specified in such subparagraph.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes and the gentleman from Ohio [Mr. WYLIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume, which will be minimal, succinct, and to the point.

Mr. Speaker, essentially what is involved here is that if any Member who is in touch with his constituents attempting to purchase a home mortgage is aware of what will happen on March 1 if we do not approve this legislation, he will be very quick to realize that he will be voting against the interests of home ownership if this act is not approved as quickly as it is possible. We have been assured that in case the House approves affirmatively, the other body will, in very quick time, do likewise. The administration's unilateral imposition to take effect on March 1 of an increase of 6 basis points in all Ginnie Mae backed securities means that this secondary mortgage institution known as Ginnie Mae is the one that is actually financing 95 percent or better of both FHA and VA, Veterans' Administration home loans. Now Ginnie Mae has been in existence since 1970. As a matter of fact, it was inspired by an administration that was a precursor of the one now in power; at that time raising the issue of at least as far as they could providing the necessary financial background of reference in this sometimes difficult process of the acquisition of a home mortgage.

This administration would raise the Ginnie Mae guaranty fee for all of its mortgage-backed securities on March 1, which is in direct reversal of the trend and the repeated expression of desire on the part of Congress after Congress. As I say, and repeat and emphasize, at this time, 95 percent-plus of all of the FHA and VA guaranteed single family mortgages are financed under the Ginnie Mae Program.

Any increase in this fee will have a direct and significant impact and immediate and direct. For the average in today's market, it will mean no less than $600-plus in additional fees to an already overloaded process in home acquisition. That is just the average. It could range in some sections of the country to as high as twice as much; in other words, $1,200.

There is no reason for this. Ginnie Mae at this time has $1.35 billion in reserves alone. Its loan losses have been minuscule. There is no economic justification for the increase other than the fact that the administration wants to get by calling a tax increase a user's fee, which is its favorite gimmick since the 1983 and 1984 tax bills, when in the name of savings the President by saying that he kept faithful to his pledge not to increase taxes, we did in fact have a tax increase, except it was labeled revenue enhancement measure or user fee measure. So you had a 5-percent tax on gas, for instance, per gallon. That is a tax by whatever name you want to call it. But using this sophistry of saying it is revenue enhancement is an indirect way of increasing taxes in that portion of our economy, the soft belly, the underbelly of our economy that at this time needs all of the help it ought to have, which is the constructing of affordable homes at affordable prices for the average American family who for 4 years has been absolutely priced out of home ownership. Only as of last year, less than 7 percent of Americans can afford to buy a brandnew single family dwelling unit in this country outright.

□ 1230

We are living in a day and time in which the stable 30-year mortgage has disappeared, all but disappeared. Reasonable interest rates have still not come over that promised land of our national leaders.

So I ask for unanimous, virtual unanimous acceptance of this legislation which, in effect, would prevent this exorbitant, unnecessary and I think an exaction that is the wrong kind of exaction on the wrong people at the wrong time and the wrong conjunction of events or economic light.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the full committee the gentleman from Rhode Island [Mr. ST GERMAIN], who has long been in this battle; in fact, longer than I have.

Mr. ST GERMAIN. Mr. Speaker, I rise in strong support of this legislation H.R. 1056, that has been brought to the floor by my dear friend and colleague, the chairman of the Housing Subcommittee, the gentleman from Texas [Mr. GONZALEZ].

Mr. Speaker, I want to commend my good friend, the chairman of the Housing Subcommittee, for the expeditious manner in which he has acted to bring this important bill to the floor and all the other members of the committee who have sponsored and supported this legislation.

Over the last 6 years the Banking Committee has continually fought to block efforts by this administration to cripple, if not completely abolish, the roll of the Federal Government in helping families to realize the dreams of homeownership.

In fact, under this administration, housing legislation has been brought to a grinding halt. The dream of all Americans is homeownership, and I find it incomprehensible that under the leadership of this President, who is so apple-pie, that we are not encouraging homeownership. In fact, measures like this that we have to vote against imposition of these additional fees should never see the light of day. They are contrary to what all Americans are hoping for: Homeownership.

So again I say, let us give this bill unanimous support and say to those within the administration who, as my colleague just stated, wish to impose a tax, in fact a tax under another name but still a tax, on the American people who want to own a home. Let us say "No, we're not going to let you get away with it."

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished chairman of the committee.

Mr. Speaker, I reserve the balance of my time.

Mr. WYLIE. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Connecticut [Mr. McKINNEY], the ranking member of the Subcommittee on Housing and Community Development.

Mr. McKINNEY. Mr. Speaker, it is true that the CBO has scored this bill in that it is $3 million over the baseline in fiscal year 1987 and $51 million over in fiscal year 1988. However, I believe this warrants an explanation because this bill does not represent a direct Federal expenditure.

Last year the administration intended to impose this same fee increase, but indicated they would only increase the GNMA fee if legislation was adopted to increase the Fannie Mae and Freddie Mac user fee. Legislation was not adopted, therefore no fee increases took effect. At that time CBO did not recognize the additional fee income in developing the baseline.

This year since HUD announced early in its 1988 budget that the GNMA fee increase would take effect March 1, 1987, CBO added the additional fee income to the baseline. It should be noted that if HUD requested legislation on the GNMA guaranty fee, CBO would not have included the additional fee income to the baseline.

In view of the above, although from a budget scoring standpoint this legislation has a budget impact of $3 million in 1987. If HUD had proposed legislation on the GNMA fee, and Congress through legislation prohibited such a fee increase, the proposal would have had no CBO budget impact at all.

Finally, I would like to emphasize that GNMA does not require any direct appropriation since income derived from program operations are sufficient to meet program costs. Although GNMA may also borrow from Treasury if necessary to meet its guaranty requirements, it has never had to do so.

Mr. WYLIE. Mr Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support and cosponsor H.R. 1056 which limits the guaranty fee for GNMA securities backed by FHA and VA mortgages to 6 basis points.

Mr. Speaker, this is not the first time I have had to join Chairman GONZALEZ to bring to the floor special purpose legislation dealing with the Government National Mortgage Associaton. During the last Congress we acted upon emergency legislation to increase the GNMA commitment level which had been exhausted due to the unprecedented surge in home mortgage activity. This time we bring to the floor a bill which would prohibit GNMA from increasing its guaranty fee from 6 to 10 basis points. This fee increase is to take effect March 1, 1987.

The GNMA program provides a means for homebuyers, primarily moderate to middle-income families and veterans, to obtain competitive access to capital markets via the secondary mortgage market. From the inception of the GNMA mortgage-backed securities program in 1968 until now, GNMA imposed an annual guaranty fee 6 basis points with respect to pools backed by FHA and VA single-family mortgages. The agency currently administers a reserve fund with a balance in excess of $1.3 billion. Losses paid from the reserve fund have been negligible, amounting for the full 17-year history of the program to less than 1 basis point of the mortgage-backed securities outstanding at the end of fiscal year 1986. During 1986 alone, about $292 million were added to reserves, while program losses were only about $200,000, or 0.06 percent. GNMA has never had to draw any amounts from its reserve at Treasury, having paid all claims from current year's income. In fact, the administration's 1988 budget indicates that GNMA expects to transfer $485 million to the Treasury after payment of all operating expenses and losses during fiscal year 1988.

Mr. Speaker, these figures are compelling and clearly indicate that the proposed increase in the guaranty fee from 6 to 10 basis points is far in excess of the amount necessary to compensate GNMA for the cost, expense, and risk of maintaining the MBS Program.

The administration's budget makes it quite clear that the intent of the GNMA fee increase is to make borrower fees equivalent to those charged by conventional mortgage insurers. I believe this redirection of purpose for GNMA is contrary to the congressional intent of GNMA, which is to foster an available and affordable supply of mortgage credit.

I fear the increase in the guaranty fee will result in, and is clearly intended to result in, a reduction of the volume of GNMA issuances and therefore the availability of FHA and VA loans. Industry analysts estimate that the increase in the GNMA guaranty fee alone will increase the cost on an average FHA loan by $160 per loan and will increase cost on an average VA loan by $180 per loan.

I should add the administration opposes this bill. I had hoped this fee increase would have not been implemented administratively but rather in proposed legislation. I am sure the Banking Committee would have given the fee increase a fair hearing. However, although this legislation would prohibit the increase, if the administration can give the Congress compelling documentation otherwise, I am confident that during our deliberations on this year's housing authorization bill this matter can be revisited.

As it stands now and to protect the American homebuyer who is struggling to achieve the American dream of homeownership, I urge passage of this bill.

□ 1240

Mr. Speaker, I reserve the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this legislation. Mr. Speaker and my colleagues, this is a very, very important piece of legislation to help protect the basic American dream. I remember that once while visiting in my area of Texas, our dear departed friend, former President Lyndon Johnson, was asked at a gathering what was his philosophical view of the American dream, and what did he wish to leave as President? He said very simply: A job for every person able to work, a decent home for his family and a classroom for his child. Beyond that everything will take care of itself.

This is what we are tampering with if we increase 1 penny or $1 or $100 or $600 the ability of the average person to own a home, for that part of the American dream.

In my area of south Texas, we are not talking of $100,000 homes, we are talking of people buying the shells for

$6,000, $7,000 and finishing it themselves.

I know a couple who last year earned slightly over $10,000. They are paying on a little lot every month and it will be years before they finish paying for the lot at which time they would like to have a small home, as modest or as simple as it may be. If we do not pass this legislation, I think it would be the breaking point for many families who are looking forward and aspiring to one day having a home.

So I commend the chairman of the subcommittee and the members of the committee and all who support this legislation because I think that we should be fostering, we should be doing everything possible to have people build their homes. We are talking about the need for family; fostering an environment to help combat drugs, alcoholism, crime, and all of that. I was just reading last night about a young man from the Bronx who is one of the Westinghouse scholars in mathematics, a young Chinese American. They attribute his whole success to the fact that his family has a strong family concept. Now the family does not become a family until it has a home, until it has a nest for the members of the family to light and work from. So this bill has a greater impact than just reducing a few dollars for the average person in the process of establishing and buying a home.

I thank the gentleman for yielding.

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to thank the gentleman from Texas and also I would like the record to reflect that indispensable to even considering this legislation has been two very stalwart Members on the so-called minority side. Now I do not like to use labels because it is like an ethnic identification and the like. We are all legislating here. Each one of us is a peer. We got elected in the same way in our respective districts. It has been most inspirational to have both Mr. McKinney and Mr. Wylie, in particular, for the leadership that they have exerted. If I had not presented this bill, either one of them would have. I want the record to show that.

Mr. WYLIE. Mr. Speaker, I sincerely appreciate the kind remarks of the distinguished gentleman from Texas.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 1056, legislation introduced by the gentleman from Texas, the distiguished chairman of the Subcommittee on Housing, Mr. Gonzalez, and the gentleman from Massachusetts [Mr. Frank].

This legislation caps at 6 basis points, 0.06 percent, the guaranty fee for Government National Mortgage Association securities on one to four family homes financed by FHA and VA mortgages. This measure freezes fees for commitments and administrative expenses at current levels, unless an increase in such fees is deemed necessary to cover administrative costs. Under the secondary mortgage market agency, Ginnie Mae, timely payment of principal and interest on privately issued securities backed by FHA-insured and VA-guaranteed mortgages is ensured. Ginnie Mae charges financial institutions a guaranty fee to participate in its mortgage-backed securities program which are used to cover administrative expenses and losses incurred on guarantees.

Ginnie Mae intends to increase the guaranty fee from 6 basis points to 10 basis points as of March 1, 1987. I join members of the Committee on Banking and Urban Affairs and other concerned advocates of increasing housing opportunities in this country, in opposing this increase. Mortgage credit is difficult enough to come by as it is. We cannot stand idly by and watch a further erosion of mortgage availability. I believe this measure is a fair and reasoned response—it allows Ginnie Mae to raise their guaranty fee if it is warranted by the administrative costs, and not simply to make the agency more competitive with the private sector. Accordingly, I urge my colleagues to support H.R. 1056 capping the guaranty fee at 6 basis points.

Mrs. ROUKEMA. Mr. Speaker, I rise in support of H.R. 1056, to limit GNMA fees. As it has before, the administration in its most recent budget submission proposed increases in the fees associated with the Federal mortgage credit programs. Congress has not approved these fee increases in the past.

Now, however, the Department of Housing and Urban Development has moved ahead administratively to raise the fee it charges mortgage lenders from 6 basis points to 10 basis points. Unless H.R. 1056 is enacted, this increase will take effect March 1 of this year.

The administration has proposed this increase despite congressional opposition which has been clearly enunciated on several occasions. The proposal was not even published in the Federal Register for public comment.

The increase is totally unwarranted. GNMA has not demonstrated an actuarial need for the fee increase, and the proposal would unfairly discriminate against first-time home buyers. Closing costs would go up, and participating in the American dream of home ownership would become even more difficult. Young couples just starting out have enough trouble trying to purchase a home without making matters worse with this unjustified increase. The proposal would seriously hurt the housing industry, an important part of our Nation's economy.

In short, Mr. Speaker, this proposal is unneeded and unfair. I urge my colleagues to support the legislation before us, and cap the GNMA fee at its current level of 6 basis points.

Mr. GRADISON. Mr. Speaker, I rise in opposition to H.R. 1056 and urge my colleagues to vote against this legislation.

This bill repeals a guarantee fee increase recently implemented by the Government National Mortgage Association, Ginnie Mae and places sharp restrictions on other Ginnie Mae fees. While I do not necessarily endorse higher fees by Ginnie Mae, I am troubled by the ramifications of this bill and believe that more thorough congressional scrutiny is warranted.

Ginnie Mae is a Government corporation within the Department of Housing and Urban Development. As a key player in the secondary mortgage market, Ginnie Mae guarantees the timely payment of principal and interest to investors of privately issued securities backed by FHA-insured or VA-guaranteed mortgages. Effective March 1, 1987, Ginnie Mae will raise the fee it charges banks, thrift institutions, and other mortgage—lenders to participate in the program from 6 basis points 0.06 percent—to 10 basis points—0.10 percent.

In creating Ginnie Mae in 1968, Congress vested full authority in the agency to set fees, subject only to the test that they be reasonable. Ginnie Mae has been extraordinarily successful in meeting its mandate to assure the availability of mortgage money nationwide because it has exercised this authority with discretion. In fact, Ginnie Mae has not raised its guarantee fee since the inception of the securities program in 1970.

The proposed fee increase is based on the need to strengthen Ginnie Mae's reserves against the prospect of mounting losses, as well as to place Ginnie Mae's balance sheet on a more competitive footing with non-Government-guaranteed mortgage-backed securities. Gross advances to security holders totaled $52 million from 1970 through 1986. Ginnie Mae will advance $800 million in this year alone.

No one is arguing that the proposed raise will place the fee schedule above market levels. This fee increase will have only a minor impact on mortgage bankers and borrowers. Yes, the increase may raise the closing costs for some home buyers. Yet, even if the lender passes on the entire increase to the borrower, which I believe competitive factors will prevent, the added cost for a $60,000 mortgage would be $1.50 per month.

Proponents of this legislation may argue that the fee increase constitutes a tax increase. Don't believe it. If ever there was a clearcut user fee, this is it.

This fee increase is quite properly considered as a reduction in a subsidy. Passage of this bill will result in an increase in the deficit by $52 million in fiscal year 1988 and by $596 million through fiscal year 1992.

Unlike the blue smoke and mirrors that often passes for deficit reduction in Washington, cutting the deficit—really cutting the deficit—is painful. In this case, the subsidy reduction is reasonable, fair, and appropriate. We don't get many real opportunities around this place to make a clear choice on the deficit. Here's one that's worth $596 million.

Finally, H.R. 1056, with no opportunity for amendment as presented, dissolves successful legislation in place nearly 20 years and replaces it with a straitjacket on Ginnie Mae's management ability to set not just its guarantee fee, but other charges as well.

The essential provisions of this bill are already a part of H.R. 4, the omnibus housing bill, as introduced and more properly should be considered there. Experience shows that for loan-guarantee programs where administrative flexibility is not allowed, deficits and habitual supplemental appropriations are the norm. I urge my colleagues to vote "no."

Mr. MANTON. Mr. Speaker, I rise in strong support of H.R. 1056 which would block the Reagan administration's attempt to increase the guarantee fee on Ginnie Mae mortgage-backed securities from 6 basis points to 10 basis points. As an original cosponsor of H.R. 1056, I want to commend the leadership and the chairman of the Housing and Community Development Subcommittee, the gentleman from Texas [Mr. GONZALEZ], for bringing this important measure to the floor in a swift manner. This legislation must be enacted into law prior to March 1, 1987, to block the fee increase.

Mr. Speaker, the Government National Mortgage Association [Ginnie Mae] was created by Congress in 1968 to increase the availability of mortgage credit for low- and moderate-income homebuyers. Ginnie Mae packages mortgages insured by the FHA or guaranteed by the Veterans' Administration and issues securities backed by these mortgages. Approximately 95 percent of all FHA and VA single family mortgages are financed under the Ginnie Mae Mortgage-Backed Securities Program.

Since its inception, Ginnie Mae has imposed an annual guarantee fee of 6 basis points on single-family mortgage pools. This fee has proven to be more than adequate in protecting Ginnie Mae against losses. Since 1968, Ginnie Mae has collected more than $800 million in guarantee fees and currently maintains a reserve fund of more than $1.3 billion. During this same period Ginnie Mae has paid out only $12 million in claims.

Mr. Speaker, the administration's fiscal year 1988 budget proposal to increase the Ginnie Mae guarantee fee from the current 6 basis points to 10 basis points is totally unjustified. The Ginnie Mae program operates on an actuarially sound basis. Clearly, the administration's proposal to increase the guarantee fee is nothing more than a back-door attempt to undermine the entire Ginnie Mae Mortgage-Backed Securities Program and to increase the cost of homeownership.

Increasing the guarantee fee to 10 basis points will dramatically limit the amount of capital available for mortgage credit. Furthermore if the Ginnie Mae guarantee fee is increased to 10 basis points, low- and moderate-income homebuyers will pay an additional $200 million per year to use FHA and VA mortgage programs. As a result, the dream of homeownership will become less achievable for millions of Americans.

Mr. Speaker, I urge my colleagues to reject the Reagan administration's tax on homeownership by voting for H.R. 1056. We must reaffirm the longstanding policy of the Federal Government to promote affordable homeownership.

Mr. WYLIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WEISS). The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 1056.

The question was taken.

Mr. LUNGREN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMEMORATING THE 100TH ANNIVERSARY OF THE HATCH ACT OF MARCH 2, 1887

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 3) to recognize the 100th anniversary of the enactment of the Hatch Act of March 2, 1887, and its role in establishing our Nation's system of State agricultural experiment stations.

The Clerk read as follows:

H.J. RES. 3

Whereas the Act of March 2, 1887 (24 Stat. 440), as amended, commonly known as the Hatch Act of 1887, has fostered the development of a system of State agricultural experiment stations in conjunction with our Nation's land-grant colleges and universities and made possible original research and scientific studies that have provided information on the application of scientific knowledge to farming, rural development, conservation of natural resources, and rural life;

Whereas the Hatch Act of 1887 has contributed greatly to the increased efficiency and productivity of United States agriculture, our Nation's leading industry, and in establishing research as a function of the land-grant colleges and universities;

Whereas the establishment of the national system of State agricultural experiment stations was one of the most important steps to ensure the continued development and training of personnel devoted to scientific research and original investigations in agriculture and the education of new research workers necessary to push back the frontiers of knowledge in agriculture.

Whereas the contributions of the State agricultural experiment stations to fundamental knowledge in agriculture have been substantial and their positive effect on improving the quality of life in the United States remarkable; and

Whereas the national system of State agricultural experiment stations has provided a foundation on which similar research programs in forestry, animal health, and home economics could be built: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the State agricultural experiment station research system should continue to be supported as an important investment in the Nation's future; and that the one hundredth anniversary of the enactment of the Hatch Act of 1887 should be commemorated on March 2, 1987.

SEC. 2. The President is authorized and requested to issue a proclamation commemorating the enactment of the Hatch act of March 2, 1887, and its role in establishing our Nation's system of State agricultural experiment stations.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 3 expresses the sense of Congress that the State agricultural experiment station research system should continue to be supported and that the 100th anniversary of the enactment of the Hatch Act of 1887 should be commemorated on March 2, 1987.

It also authorizes and requests the President to issue a proclamation commemorating the enactment of the Hatch Act of 1887 and its role in establishing our Nation's system of State agricultural experiment stations.

Mr. Speaker, enactment of the Hatch Act of 1887 was a true milestone in the development of modern agriculture. The act placed a national imprimatur on efforts by agricultural scientists at land grant institutions to improve agriculture in the United States through study and experimentation. The legislation established a State agricultural experiment station in each State in affiliation with its land-grant college and established a national policy of Federal support for the experiment stations by granting each station annual funding for scientific experiments.

At the time the Hatch legislation was considered, the bill's sponsor, Congressman William Henry Hatch of Missouri, chairman of the House Committee on Agriculture, and others were aware that experiment stations had been in operation in Europe for over 30 years. In fact, stations had already been established in the United States, the earliest in California and Connecticut in 1875. Between 1875 and 1887, 13 States followed the leadership of these two States and created experimental stations.

State funding of agricultural research at these stations permitted only limited research by part-time scientists and the result of their ongoing research generally were not transmitted to other agricultural States. The Federal funding provided to each State under the Hatch Act greatly increased the resources available to experiment stations. In addition, the act gave franking privileges to the stations so they could more readily share information and results of their experiments with other States. The Hatch

Act further provided for an Office of Experiment Stations to represent the Commissioner of Agriculture. This office also collected and diffused information on the work of the various experiment stations.

In sum, the Hatch Act of 1887 started a unique cooperative liaison between the Federal Government and the States that is continuing today—100 years later. Funding provided under the act, together with that provided by the States and private industry, has allowed State agricultural experiment stations to provide about 60 percent of the publicly supported agricultural research in this country, responding to local, State, national, and international needs, and has resulted in exceptional accomplishments.

For example, agricultural experiment station scientists created hybrid corn that increased yields tremendously. They have developed effective controls for hog cholera, which in the past destroyed millions of pounds of pork each year, and curbs for the wheat rust epidemics that threatened to wipe out entire wheat crops.

They devised new ways to irrigate dry parts of the United States for larger, more economical supplies of food and fiber. Experiment station scientists discovered the important roles of the minor elements—zinc, copper, cobalt, and molybdenum—in plant and animal nutrition.

Their work has provided effective means of protecting plants from enemies such as weeds, fungi, viruses, and insects. These scientists discovered dicumarol to dissolve blood clots in humans and streptomycin to treat tuberculosis and other diseases; and their experimentation led to our current understanding of the significance of amino acids in our diets.

There have also been more recent examples of accomplishments by the State agricultural experiment stations: Biotechnological research pertaining to use of bovine growth hormone to enhance milk production; the development of synthetic vaccines such as for foot and mouth disease; research on plant tissue culture for production horticulture; the production of various reproductive hormones for use in cattle; and the development of commercial applications for embryo transfer techniques.

Mr. Speaker, the contribution of agricultural research to agricultural productivity in terms of return on investment has been widely studied. The calculated returns that represent the average annual rate of return per dollar invested are high, generally in the range of 30 percent to 100 percent. This is well above the 10- to 15-percent return that private industry considers adequate to attract investment.

Clearly, the Hatch Act of 1887 has had an invaluable positive effect on agriculture in the United States. The act has brought into focus the importance of agriculture to our growing Nation and provided a foundation of public support for agricultural research that has been, in turn, a major factor in the expansion of this country's largest economic sector, the food and agriculture industry. It is appropriate that recognition be given to the 100th anniversary of the Hatch Act of 1887.

Further, I note both the agricultrual experiment stations' outstanding record of success in their mission and the need for new advances in agricultural and nutrition science to help improve the quality of life for the people of the United States. Given their track record, the State agricultural experiment stations should be encouraged to continue their work to advance agricultural and nutrition science. Thus, it also is important for Congress to take this occasion to reaffirm the need for continued Federal support of the State agricultural experiment station research system.

Mr. Speaker, I urge my colleagues to support this important resolution to recognize the 100th anniversary of the enactment of the Hatch Act of 1887.

Mr. Speaker, I reserve the balance of my time.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my chairman, the gentleman from Texas, in supporting this resolution to recognize the 100th anniversary of the Hatch Act. For a century now farmers, the Nation as a whole, and indeed the entire world has benefited from the research conducted as a result of this landmark legislation

Under the Hatch Act a network of experiment stations across the Nation has trained agricultural scientists and poured forth the applied research information that has helped to make American farmers the most productive in the world. The Agriculture Committee and, indeed, the Congress has been and continues to be supportive of the work of the State agricultural experiment stations. It is altogether fitting and proper that the 100th anniversary of the enactment of the Hatch Act of 1887 be commemorated by a Presidential proclamation. Our land-grant colleges can look back with pride on the work they have done and can be assured of congressional support for the important work they have yet to do.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the joint resolution, House Joint Resolution 3.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL EMPLOYEES RECOGNITION WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 53) to designate the week beginning March 1, 1987, as "Federal Employees Recognition Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 53

Whereas Federal employees serve the people of the United States by enabling the Federal Government to carry out its duties in an efficient manner;

Whereas more than 3,000,000 individuals are employed by the Federal Government;

Whereas many valuable services performed by Federal employees are often inadequately recognized by Federal officials and by the people of the United States; and

Whereas Federal employees should be commemorated for the contributions that they make to the efficient operation of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning March 1, 1987, is designated "Federal Employees Recognition Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mrs. MORELLA. Mr. Speaker, I rise in strong support of House Joint Resolution 53 designating the week of March 1, 1987, as "Federal Employees Recognition Week."

Mr. Speaker, as you may know I represent one of the largest Federal employee districts in the United States and I commend the gentlelady from Ohio for introducing this legislation.

For the past several years Federal employees have been victims of repeated abuse and misunderstanding. There have been a number of attempts to cut their pay and benefits while budget cutbacks have increased the workload.

Federal workers are dedicated public employees who perform a vital and valuable service to all Americans each day.

Mr. Speaker, I feel that it is important for this Congress to acknowledge our Federal work force and to recognize the contributions they make to the operation of our Federal Government.

I urge my colleagues to join me in supporting this legislation.

Mr. GILMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise in strong support of House Joint Resolution 53, to designate the week beginning March 1, 1987, as "Federal Employees Recognition Week." I commend the distinguished gentlewoman from Ohio [Ms. OAKAR] for introducing this fine bill and for her continued leadership on our Post Office and Civil Service Committee.

As a senior member of the House Committee on Post Office and Civil Service and a cosponsor of this bill, I believe that it is time that our more than 3 million Federal employees receive the recognition they deserve for their dedication and service given to this Nation. It is those Federal employees who are responsible for the efficient operation of the Federal Government. Without them the everyday services we take for granted such as mail delivery and maintenance of our highways would be nonexistent.

I, along with our distinguished chairman of our Post Office Committee, the gentleman from Michigan [Mr. FORD], have introduced a bill during this 100th Congress which would also give our Federal employees the adequate recognition they deserve. H.R. 648 would amend title 5, United States Code, to codify the Congressional Award for Exemplary Public Service Program. This bill would recognize five Federal employees annually who provide exemplary and courteous service to the public. The Congressional Award for Exemplary Service to the Public has generated such interest and enthusiasm that 41 departments and agencies participated in the program in 1985, and justifies this program being enacted into permanent law.

I join my colleagues in support of House Joint Resolution 53, designating the week beginning March 1, 1987, as "Federal Employees Recognition Week." Next week I plan on giving my own staff the recognition I believe they justly deserve and I hope that you will do the same with your own respective offices. I also hope you will extend your support for making permanent the Congressional Award for Exemplary Public Service Program.

Mrs. MORELLA. Mr. Speaker, I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, as you know, on January 7, 1987, I introduced House Joint Resolution 53, legislation declaring the first week of March 1987 "Federal Employee Recognition Week." Today, we are considering this important legislation.

I would like to thank Congressman MERV DYMALLY, chairman of the Subcommittee on Census and Population of the House Committee on Post Office and Civil Service, for the expeditious manner in which he brought this legislation to the floor. I thank my good friend for his extraordinary efforts.

Mr. Speaker, on a number of occasions, many of my colleagues have joined me in the well of this Chamber to discuss the Federal work force. Many of us have sought to improve the working conditions for employees and to create a more equitable work environment. We also have attempted to protect the integrity of the Federal work force and the compensation program from unwarranted budgetary restrictions.

Furthermore, as someone who has taken a special interest over the years in issues affecting Federal employees, it is important that we set aside a week to recognize their work. It is appropriate and long overdue.

Mr. Speaker, I am very dismayed when I see cartoons about our Federal work force in a negative way. I remember one individual who was in a very high-ranking committee position holding up a stuffed animal, which happened to be a stuffed pig saying, "This is the symbol of our Federal work force."

I thought that was totally obnoxious because when you consider who we are talking about, we are talking about the people who run our Government. We are talking about Sally Ride, who was the first woman in space. We are talking about some of the astronauts who died in that experiment so that our country could be more adventurous.

We are talking about border guards, some of whom have lost their lives protecting our country. We are talking about our letter carriers who deliver our mail, and despite criticism people may have, we have the freest kind of communications network in that area of the world.

We are talking about the people who make sure that our seniors get our Social Security check. We are talking about people who work at NIH who are trying to find a cure for cancer. The immunologists who really have their salaries capped and could make much, much more money, indeed, all Federal employees are about 20 percent underpaid in comparable situations.

I get a little dismayed when they become the easy target of our wrath, and so forth. That is why I introduced this legislation. I think that is why so many of my colleagues in a bipartisan way sponsored, along with the distinguished minority leader, my friend the Congresswoman, along with my friend the distinguished chairman. I just wanted to say that we have had enough of cuts with respect to their salary. We cannot any longer threaten their retirement, and we ought to really do something about giving them full coverage and health benefits, and say "thank you" once in a while. I guess the spirit of setting aside "Federal Employee Recognition Week" is to simply say "thank you" to the Government employees who do a heck of a job for this country.

Mr. Speaker, for the last 6 years, Federal employees have faced repeated attempts to cut their pay, while staffing cutbacks increased their workload. While I and many others in Congress have fought to ensure decent treatment for Federal workers, we have not always been successful. Two years ago, Federal employees had their pay frozen and Federal retirees received no cost-of-living adjustment in their pension checks.

Mr. Speaker, the lack of competitiveness in pay, coupled with repeated attempts to dismantle the benefit package, have resulted in a demoralized work force, a reduction in service to the public and a threat to our national security. Today, the Federal Government, in many instances, is the employer of last resort. Recruitment is difficult and retention is at an all-time low. Recent data indicate that the voluntary separation rates for many engineers, for example, employed by the Department of Defense, have doubled from fiscal year 1975 to fiscal year 1985. The Federal Government cannot compete with the private sector in hiring quality graduates from our Nation's colleges and universities.

Despite this, Federal workers have continued to perform duties vital to our Nation's well-being. They have risked their lives trying to stem the flow of illegal drugs into the country. They have made things fairer for the average working person by catching and prosecuting corporate tax evaders and Wall Street inside traders.

These are just a few examples of the Government work performed by Federal employees that often goes unrecognized. I believe it would be extremely valuable for the public and Congress to be reminded of how much we ask of our public servants. Declaring the first week in March as "Federal Employee Recognition Week" will focus our attention, however briefly, on the efforts and achievements of the U.S. Government work force. I ask my colleagues for their generous support of this legislation.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1250

DESIGNATING 1987 AS ARIZONA'S DIAMOND JUBILEE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 46) to recognize and acknowledge that February 14, 1987, will mark the 75th anniversary of Arizona statehood and to designate the year 1987 as "Arizona's Diamond Jubilee."

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. WEISS). Is there objection to the request of the gentleman from California?

Mr. HORTON. Mr. Speaker, reserving the right to object, I do not object, but simply want to inform the House that the minority has no objections to the legislation which is now being considered.

Mr. KOLBE. Mr. Speaker, I rise in support of Senate Joint Resolution 46 to commemorate the diamond jubilee of Arizona's statehood. Perhaps the spirit of this historic event can best be captured by the actual report of the Tombstone "Prospector" on February 14, 1912, the day the Arizona Territory became the 48th State to join the Union:

> With a whoop! The signing of the statehood proclamation was the signal this morning for prolonged ringing of fire bells, blowing of mine and locomotive whistles and numerous dynamite salutes. The occasion was enlivened by the presence of a number of cowboys from the ranges who punctured the air with an enthusiastic fusilade of pistol shots in good old-fashioned manner.
>
> The six-shooter salute proved contagious and the firing of pistols was followed from all parts of town, typical of Western spirit and the welcoming of statehood.
>
> Miss Arizona, we salute you.

For 50 years—half a century—Arizonans fought more battles and surmounted more obstacles than any other State in its march to statehood. The tenacity and pioneer spirit of her citizens won out, overcoming such barriers as proposals for joint statehood for Arizona and New Mexico and political opposition to their liberal constitution. Now, 75 years later, that pioneer spirit lives on.

Arizona's history has always held new challenges and new frontiers. From the earliest Indian settlers and the pioneers, to the high-technology companies now burgeoning throughout our State, Arizona has meant opportunity and hope for millions of people. The historian Robert Wozenicki called Arizona, "a frontier beyond a frontier."

Now, since World War II, Arizona has experienced a dramatic boom in opportunity and population. Today, we remain the second fastest growing State in America. Those who have come to Arizona have led in pioneering such new fields as heart transplants, cancer studies, respiratory diseases, and arthritis research, and Arizona has been involved in each of the space missions—from Apollo down to the Voyagers, and advancements in astronomy are ongoing.

Arizona herself has not disappointed those who have come. From the unequalled Grand Canyon in the north to the Saguaro National Monument in the south, the State offers limitless beauty. This last territory in the lower 48 to join the Union remains a symbol of the frontier, of the desert, and of the West—as much myth as real landscape—and will continue to represent the majesty of the American West.

On Arizona's 75th anniversary it is fitting to pay tribute to the spirit and beauty our State embodies: Miss Arizona, we salute you.

Mr. STUMP. Mr. Speaker, February 14, 1912. Throughout Arizona, dynamite exploded, six-shooters fired, church bells clanged, dogs barked, and people cheered. The Arizona Territory had just become the 48th State.

The Arizona Territory, officially created in 1863, was a vast expanse of land with no schools, no churches, no newspapers, no libraries, and no real cities. During the ensuring half-century, Arizona overcame many obstacles to become part of the Union.

When Congress finally passed Arizona's Enabling Act in 1910, President Taft urged the State to pass a conservative constitution. The independent-minded Arizonans, however, promptly promulgated the most progressive State constitution to date, which included a provision allowing the recall of judges. President Taft was so opposed to this provision that he refused to approve Arizona statehood until the recall provision was removed.

Arizona perfunctorily amended its constitution and President William Howard Taft signed Arizona's statehood proclamation at 10 a.m., on February 14, 1912. It was the first time in history that movie cameras recorded a President signing a law. In the first election after obtaining statehood, Arizona voters defiantly reinstated the recall provision into the constitution.

Arizona has been blessed with its share of great leaders who have faithfully served our State and this Nation. Among the many who have served, Arizonans elected the popular sheriff of Maricopa County, Carl Hayden, as their first Congressman. Carl Hayden went on to serve in the House and Senate for 57 years—longer than anyone in history. It has been said that Carl Hayden "probably brought water to more desert land than any man since Moses."

Arizona has been in the forefront of scientific discovery since statehood. From the discovery of Pluto at Lowell's observatory near Flagstaff, to current breakthroughs in medicine at the University of Arizona, Arizona has been, and will remain for decades to come, at the cutting edge of technological advancement.

As impressive as Arizona's heritage is its beauty. From the magnificent Grand Canyon in the north to Saguaro National Monument in the south. From the beauty of Lake Mead in the west to the serenity of Hannagan Meadow in the east, Arizona's landscape is among the most picturesque in the world.

It is for these reasons that Arizonans have chosen to celebrate their diamond jubilee, a year long celebration sure to rival the cannons and bells, the dynamite and the steam whistles that went off 75 years ago when we were admitted to the Union.

The spirit of our diamond jubilee is captured in an origional poem written on statehood day by Bobbie Russell Broumley. It is my pleasure to include Bobbie's poem during our consideration today.

"MAY GOD BE TO US"

Tenacity of Spirit
Of the early pioneers
Kept the wagons moving westward
Through hard exacting year . . .
Hearts in anguish as they trekked
Through the storms and violent rains
Leaving shallow graves behind
Scattered 'cross the plains . . .
These stalwart souls pressed onward
Through hell and blinding snow.
To reach this place of promise
So many years ago . . .
From that time we've come in thousands
To join the sons of man,
Who conquered through undaunted faith
This harsh and arid land . . .
We, together, honor memories
Of the ones who led the way,
As we offer recognition
To her children of today . . .
We pray for her tomorrows
So, Arizona's all that she can be.
May her Spirit long continue
Past this Diamond Jubilee . . .

—Bobbie Russell Broumley.

FEBRUARY 14, 1987.

Sicut partibus sit Deus nobis.

"As to our Fathers may God be to us."

I would like to thank my colleagues for their favorable consideration of Senate Joint Resolution 46 today. I would also like to thank Senator DECONCINI and Senator MCCAIN for their leadership in sponsoring the legislation in that body.

Mr. HORTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 46

Whereas President William Howard Taft signed the Arizona statehood bill on the morning of February 14, 1912; and

Whereas Arizona had prayed for admission to the Union as a separate State from New Mexico, waging a valiant effort for this goal; and

Whereas Arizona is the host to ancient American cultures as well as the largest Indian tribe in the United States today; and

Whereas European settlement and influence has been present in Arizona for more than four centuries; and

Whereas the Hopi village of Oraibi is the oldest continually inhabited community in the United States; and

Whereas Arizona has more National Parks and Monuments than any other State, among these is one of the Seven Wonders of the World, the magnificent Grand Canyon; and

Whereas Arizona was the birthplace of Indians and Anglos living in peace and understanding when Captain Thomas J. Jeffords and Chiricahua Apache Chief Cochise pioneered mutual trust between the white and redman; and

Whereas Arizona has been a front-line defender of the United States in eight wars. From the Mexican War to Vietnam, Arizona has contributed skilled horsemen, scouts, Navajo code talkers, thousands of trained pilots, and courageous service men and women to the cause of victory; and

Whereas today Arizona is the fastest growing State in the Union, rich in natural resources and talented people. Arizona has attracted numerous creative residents to its casual lifestyle who have enriched the cultural life; and

Whereas Arizona stands in the forefront of medical advances, high-technology engineering, and advanced astronomy. It offers scholars of the world a valued opportunity to study the pre-Columbian past as well as the envisioned future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 14, 1987, be designated as "Arizona Statehood Day" and that 1987 be declared and acknowledged as "Arizona Diamond Jubilee Year" in honor of the seventy-fifth anniversary—the Diamond Jubilee—of Arizona's admission to the United States. The President is requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local governments to observe such day with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY: Page 3, beginning on line 1, strike "February 14, 1987, be designated as 'Arizona Statehood Day' and that 1987 be" and insert "1987 is".

Page 3, line 8, strike "day" and insert "year".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DYMALLY].

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENTS OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. DYMALLY: Amend the title so as to read: "Joint resolution declaring 1987 as 'Arizona Diamond Jubilee Year'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

SEVENTY-FIFTH ANNIVERSARY OF HADASSAH, WOMEN'S ZIONIST ORGANIZATION OF AMERICA

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the concurrent resolution (H. Con. Res. 46) concerning the seventy-fifth anniversary of the founding of Hadassah, the Women's Zionist Organization of America, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but simply want to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I rise in support of House Concurrent Resolution 46 concerning the 75th anniversary of the founding of Hadassah, the Women's Zionist Organization of America.

Hadassah, a volunteer organization, with over 385,000 volunteer members, has been responsible for building and maintaining medical organizations located in Jerusalem and Israel, which is dedicated to excellence in all aspects of health care.

Hadassah, which supports a wide range of educational programs in the United States as well as Israel, promotes the highest ideals of not only Judaic values but American democratic values as well.

Hadassah is one of the largest contributors to the Jewish National Fund which is committed to the development and rebuilding of the Homeland of Israel.

Mr. Speaker, I urge my colleagues to join me in recognizing Hadassah for their contribution to the well-being of individuals and for its outstanding contributions to health care and research to alleviate poverty and diseases throughout the world.

Mr. DYMALLY. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from California.

Mr. DYMALLY. Mr. Speaker, sometime in the late 1960's I had the good pleasure of visiting Israel. I think it was after the Yom Kippur war. My wife and I had the privilege of visiting the wounded soldiers at the Hadassah Hospital and learned that my friend and colleague, then Senator BEILENSON's family, had a great deal to do with funding of that hospital.

So it was a sense of horror to see these soldiers wounded, but it was also a sense of joy to note that my friend's family had done a great deal to make that hospital the great hospital it is today.

The hospital serves a very, very useful function, both for the soldiers and for the civilian population, and for the women and labor movement in Israel.

I am very pleased to join with my colleagues as a supporter of this resolution.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I rise in strong support of House Resolution 46.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 46, and would like to thank the gentleman from New York [Mr. GARCIA] for joining me in sponsorship of this legislation. House Concurrent Resolution 46 expresses congressional support and congratulations to Hadassah, the Women's Zionist Organization of America, upon the occasion of its 75th anniversary today.

Hadassah was founded in 1912, when a dozen members of the Daughters of Zion Study Circle, led by the legendary Henrietta Szold, decided to expand into a national organization to foster humanitarian ideals through education in America and to begin public health nursing and nurses training in Palestine. Today, Hadassah is the largest voluntary women's organization in the United States, with over 385,000 members. The humanitarian assistance extended by Hadassah has reached many, here in the United States, in Israel, and around the world.

Among the many endeavors for which Hadassah has gained international renown are the creation and operation of Hadassah Medical Organization in Jerusalem, Israel, which includes a world-class primary care hospital. This facility is dedicated to healing, teaching and research, regardless of race or creed and it is here that the medical facility has offered assistance and technical expertise and training to those from Africa and Asia, including educating the future doctors of those regions at the Hadassah Hebrew University Medical School.

Hadassah also supports a high school, community college and vocation guidance institute in Israel, and operates youth programs and summer camps here in the United States. It is also extensively involved in reclamation projects and development of the land of Israel, including reforestation efforts conducted by the Jewish National Fund. In fact, Hadassah is the largest single contributor to the Jewish National Fund in the world.

Mr. Speaker, the quality of life for many people around the world has been enhanced through the humanitarian ideals incorporated in Hadassah's work. I know we all join in congratulating Hadassah upon reaching this important milestone, and I know that my colleagues would want to join me in wishing this superb organization many more years of success in its future endeavors. Accordingly, I urge my colleagues to fully support House Concurrent Resolution 46.

Mr. SOLARZ. Mr. Speaker, I would like to pay tribute to a very special occasion—the 75th anniversary of the founding of Hadassah, the Women's Zionist Organization of America. On February 24—75 years to the day after Henrietta Szold founded Hadassah—2,000 people packed into the New York Hilton to celebrate. The attendees heard glowing tributes from Mayor Koch, Abba Eban, and the Israeli Consul General of New York, Moshe Yeager. Hadassah's esteemed president, Ruth Popkin, also addressed the gathering. The highlight of the evening was the presentation of awards to Nathan Straus III and Oscar Straus III who represent the third generation of the Straus and Guggenheim families. These families were instrumental in the building of the original Hadassah Health Center in Jerusalem and the extraordinary Hadassah Hospital now standing on Mount Scopus.

Hadassah is perhaps best known for its remarkable medical facilities in Israel. The complex includes a state-of-the-art primary care and teaching hospital, oncology center, maternity division, dental clinic, as well as medical, nursing, pharmacy, and occupational therapy schools. The entire operation services close to a half a million patients a year.

The true scope of Hadassah's activities and influence extends worldwide. With 385,000 members, Hadassah is the largest voluntary women's organization in the United States. Hadassah's Youth Aliyah program has integrated hundreds of thousands of refugee children into Israeli society, many of them rescued from the Nazi Holocaust, from Arab countries and most recently, from the Ethiopian famine. Hadassah supports high schools, colleges, and vocational institutions in Israel, as well as summer camps for Jewish youth in the United States. As the largest contributor ot the Jewish National Fund in the world, Hadassah plays a vital role in the continual efforts to turn Israel's barren and wilderness areas into flourishing fields and forests.

The organization is also active in the area of public policy. Hadassah is an accredited observer to the U.S. mission of the United Nations and a regular participant at congressional and State Department briefings. Hadassah's members are effective grassroots advocates on such important international issues as Israel's security and Soviet Jewry as well as domestic concerns like civil rights, better housing, education, and health care.

Few organizations have contributed to the quality of life in America, in Israel and around the world as has Hadassah. I wish to extend my sincerest congratulations to its leadership and its members on the occasion of Hadassah's 75th anniversary. I hope that the next 75 years are as vibrant and productive.

Mr. DYMALLY. Mr. Speaker, it was my pleasure, as chairman of the Census and Population Subcommittee, to bring to the House floor a bill commemorating the 75th anniversary of Hadassah, the Women's Zionist Organization of America.

This joint resolution, sponsored by two of my distinguished colleagues from New York, Mr. GILMAN and Mr. GARCIA, pays tribute to the humanitarian work performed by Hadassah since its establishment in 1912.

My particular interest in House Concurrent Resolution 46 stems from my trip to Jerusalem shortly after the Yom Kippur war. At that time, as a California State senator, I had the privilege of visiting the Hadassah Medical Center.

This hospital facility not only dedicates itself to medical care for persons of all backgrounds, it offers training and technical assistance to future doctors from Israel, Asia, and Africa. Hadassah's dedication to improving health care is but one of many humanitarian endeavors this voluntary organization has undertaken in the 75 years since its founding.

Let me also mention that my colleague from California [Mr. BEILENSON], and his family are deeply involved in Hadassah's humanitarian work.

I am pleased to support my colleagues in this worthwhile commemorative effort.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 46

Whereas, Hadassah, the Women's Zionist Organization of America, numbering over three hundred and eighty-five thousand volunteers, has for seventy-five years promoted a two-fold program of education for its members and their families to the highest ideals of Judaic and American democratic values, and participation in the rebuilding of a Jewish homeland in Israel;

Whereas, Hadassah, the Women's Zionist Organization of America, has built and maintains Hadassah Medical Organization, located in Jerusalem, Israel, which includes a primary care hospital dedicated to healing, teaching and research, where all who are in need are treated regardless of race or creed, thereby building bridges of peace and understanding to all peoples of the Middle East;

Whereas, Hadassah Medical Organization has reached out to many countries in Africa and Asia, offering assistance and technical expertise, as well as educating the future doctors of these countries at the Hadassah Hebrew University Medical School;

Whereas, Hadassah supports a wide range of youth programs in the United States, including Young Judaea and Hamagshimim, as well as special programs in Israel, such as the Youth Aliyah, a child rescue and rehabilitation program, and Hadassah Israel Educational Services, which offers unique educational opportunities for students;

Whereas, Hadassah has also committed itself to developing the land of Israel, through reclamation and reforestation projects conducted by the Jewish National Fund, making it the largest single contributor to the Jewish National Fund in the world;

Whereas, Hadassah, the Women's Zionist Organization of America, is celebrating the seventy-fifth anniversary of its founding on February 26, 1987: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the important contribution made by Hadassah Women's Organization to the health and well-being of individuals the world over;

(2) supports its ongoing efforts to alleviate poverty and disease in various regions; and

(3) congratulates and joins all the members of Hadassah, the Women's Zionist Organization of America, in celebrating its seventy-fifth anniversary on February 26, 1987.

AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY: Page 3, line 4, strike "26," and insert "24,".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DYMALLY].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. DYMALLY: Page 2, in the sixth clause of the preamble, strike "26," and insert "24,".

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

LITHUANIAN INDEPENDENCE DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 129) designating February 16, 1987, as "Lithuanian Independence Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I rise in strong support of House Joint Resolution 129.

Mrs. MORELLA. Mr. Speaker, I rise in support of House Joint Resolution 129, a resolution which directs the President to issue a proclamation designating February 16, 1987, as "Lithuanian Independence Day."

I would like to join my colleagues and the Lithuanian-American Community in commemorating the 69th anniversary of Lithuanian Independence Day. It is my wish that one day Lithuania will again be a free and autonomous nation and that her heritage of heroism, bravery, and dedication to the right of freedom will continue to be a source of inspiration for all of the oppressed people of the world.

It was after World War I that an independent Lithuania emerged as a free nation and declared her independence from a long history of Russian and German rule. The small country's declaration marked the beginning of a fight for freedom and resulted in an independent nation, truly capable of achieving tremendous social and economic strides.

Today no flags of independence are flying. The country's independence was seized in 1940 by the Soviet Union and she has remained under Communist Dominance for the past 47 years without any opportunity for self-government she once enjoyed and prospered under. Lithuanians still remember their freedom and they have continually resisted Soviet attempts to destroy their strong unity and identity.

As our Nation champions the cause of freedom and human rights throughout the world, let all Americans show compassion to the Lithuanians and hope that some day they will be allowed to realize their God-given rights we enjoy and they once declared.

By adopting this resolution the House will bring the attention and recognition to this important day and what it means as a symbol for freedom.

I urge my colleagues to adopt this measure.

Mr. RUSSO. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Illinois.

Mr. RUSSO. Mr. Speaker, on February 16, 1918, the people of Lithuania, after centuries of foreign domination, joined together and declared themselves to be a free and independent nation. This assertion of self-determination by the people of Lithuania stirred the hearts of many Americans then, and has not been forgotten by Americans today, 69 years later. A similar bold, proud, and courageous declaration heralded the beginning of our own Nation over 200 years ago.

In the years that followed, the Lithuanian people worked hard and with a sure hand to advance Lithuanian society in many areas of endeavor. Only 5 years after independence, Lithuania had raised its standard of living above the pre-1914 level without any assistance from foreign countries. A permanent constitution was adopted on August 22, 1922, which provided for an 8-hour work day, land reform, and various public works projects which, among other achievements, saw the number of secondary schools increase at a dramatic rate. The rebirth of an independent Lithuanian State launched a cultural renaissance which resulted in great accomplishments in music and literature. Lithuanian writers were inspired to pen many works rich in national forklore and history.

Unfortunately, this golden age of independence and progress lasted only 22 short years. In 1940, a Soviet-Staged election led, despite international condemnation, to the annexation of Lithuania by the Soviet Union. The United States Government has never recognized this intolerable act, and the Soviet Union's complete disregard for Lithuanian national sovereignty and self-determination. To this day we maintain diplomatic relations with the exiled representatives of the former independent government.

Under the current Soviet puppet government, the people of Lithuania have suffered many hardships. The Soviets employed mass deportations in an attempt to break their national resolve. Civil and human liberties have been denied and Lithuanian literature has been suppressed in an effort to destroy their sense of national identity. The Lithuanians' only solace in the face of these indignities and injustices is the support of all free nations for their continuing determination to be free.

I feel honored to have the opportunity to speak on the Lithuanian people's behalf in recognition of their courage and resolve. They are a source of inspiration, and a reminder of the indomitability of the human spirit which struggles for liberty and justice even under the oppressive yoke of an unyielding totalitarian authority. I hope that you will join me today in voting for House Joint Resolution 129, and that on February 16, 1988, the 70th anniversary of the declaration of Lithuanian freedom, we will join together in assuring the brave people of Lithuania that they are not forgotten, and that all America shares their cherished hope of an independent Lithuania.

Mrs. OAKAR. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentlewoman from Ohio.

Mrs. OAKAR. Mr. Speaker, first of all, I want to compliment the distinguished new chairman of the Subcommittee on Census and Population, on which I have served in the past, and my distinguished friend on the minority side, for their great work in this area.

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Mr. Speaker, these resolutions are important to many people. I wanted to compliment my friend from Illinois because I really do agree with him on that issue of Lithuanian Independence. One of the sad things about any form of oppression is when another people attempt to take away the culture of the people that they are oppressing. This is what has happened, it seems to me, in places like Lithuania and Estonia and other areas. That is, that you have a real attempt to take away the language, the freedom, the culture, everything from the food to the varieties of dances and so on so that people are demoralized to a point of submission.

I think that we need to call attention, we as Members, while we cannot always have a lot to say about what goes on in the Soviet Union. I think we do have to focus in on these issues. One of the heartening things, frankly, is that there appears to be some kind of letting up with respect to the new Premier of the Soviet Union, Mr. Gorbachev. I would hope that he would be cognizant of Mr. Russo's and other remarks relative to this issue. I think it is very, very, important that he understand as we understand that oppression of any sort is something that are not only our own national values, they ought to be international values.

I hope that we can pass that resolution.

Mr. RITTER. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 129 which designates February 16, 1988, as "Lithuanian Independence Day." The prompt consideration of this legislation by so many of my colleagues shows the importance of this historic day and demonstrates the commitment of the American people to the principle of self-determination for Lithuania.

On this day, 70 years ago, February 16, 1918, the Council of Lithuania announced to the world the reemergence of a free Lithuania. This historic day came after a difficult 123 years of Russian and German rule and occupation. The fact that they were able to maintain their resolve and commitment to freedom for such a long period is a testament to the deep and profound roots of the independent Lithuanian people. We can be sobered that our fight for a reawakening of that freedom is, from a historical perspective, relatively young. The 44 years, we have endured alongside the Lithuanian people, as they wait and work for their freedom, is only a little more than one-third the wait endured by previous generations.

I think it important to discuss the tenacity of the Lithuanian people and the Soviet response to their demands for freedom. I'm sure there are many Americans who could wonder how it is possible to expect Lithuania to emerge with her culture intact after years of repressive Soviet domination. The answer to this question is that Lithuania has a rich and independent heritage that predates the founding of our great Nation by over 500 years. For instance, this year Lithuanians celebrated their 600-year anniversary of conversion to Christianity. Lithuanian and Russian cultures are as different as German and French cultures. The language, method of education, customs, dress, and traditions of Lithuania are special and unique.

On the other hand, the Soviets have maintained that "Lithuania, Latvia, and Estonia are of their own free will, an inalienable part of the Soviet Union and not oppressed people" [Pravda, June 7, 1986]. Since World War II, when the Soviets annexed Lithuania and many other nations, the Soviets have sought to destroy Lithuanian culture through an intense russification campaign. The systematic closing of churches and independent schools and the forced resettlement of huge segments of the Lithuanian population to places such as harsh and faraway Siberia, while they have taken their toll, have only proven that Soviet assertions are false and self-serving.

Today, a life few Americans would recognize is played out in Lithuania, Parents are prohibited from sending their children to the school of their choice, denying them the opportunity to provide their children with a proper education. Careers are determined by the state. Products we would call basic are in short supply. Freedom of speech is denied. Freedom of the press is denied. All real political participation is denied. In short, life the way we know it or, the way Lithuanians remember it, is denied.

Buoyed by our support and the support of over 500,000 Lithuanian-Americans, the Lithuanian people have hope. Today, as we honor the hope, we look back to a day of freedom in 1918 and look forward to its rebirth in years to come.

Mr. HOYER. Mr. Speaker, I am pleased to be a cosponsor of House Joint Resolution 129, which would designate February 16, 1987, as "Lithuanian Independence Day," and I would like to commend my colleagues, DON RITTER, who is a member of the Helsinki Commission, and MARTY RUSSO for initiating this commemorative legislation.

All of us here are familiar with the events that transpired nearly 47 years ago when the Soviet Army invaded and occupied independent Lithuania. Through terror, deportations, murder, and rigged elections, Lithuania, like her Baltic neighbors Estonia and Latvia, became another captive nation of the Soviet Empire. After 20 years of political liberty and economic prosperity, a treacherous deal between Stalin and Hitler brought Lithuanian independence to an end.

Mr. Speaker, volumes have been written about the tragedy of the Lithuanian people under Soviet rule, the attempts by Moscow to destroy their church and their traditions, to eradicate their language, the ruination that Soviet collectivism has brought upon their economy. I would, however, like to discuss the fate of one individual whose life epitomizes the struggle of the Lithuanian people against the foreign aggressor. That individual is Viktoras Petkus, Lithuanian patriot and imprisoned chairman of the Lithuanian Helsinki Monitoring Group.

When General Secretary Brezhnev, on behalf of the Soviet Government, signed the Helsinki accords in 1975, he pledged his Government to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion."

Coincidentally, I might add that in signing the Helsinki accords, the United States in no way recognized the Soviet annexation of the Baltic States, as President Ford emphasized in a statement from the White House prior to signing the accords. This has been a bipartisan policy of the U.S. Government to this day.

In November 1976, Viktoras Petkus and four of his fellow Lithuanians decided to follow the example of other Soviet citizens who had founded independent groups to monitor Soviet implementation of the Helsinki accords. Petkus had already served prison terms for belonging to a Catholic Youth organization and distributing "anti-Soviet literature." Others in the group had suffered in the past for their beliefs. But they were not deterred. Using the Helsinki accords as their guide, they declared their intention to "facilitate implementation of the humanitarian provisions of the Helsinki Final Act, and to concentrate on articles referring to human rights and fundamental freedoms, including freedom of thought, conscience, religion and belief, and also human contacts."

I would mention that the Lithuanian group was also concerned about human rights beyond its own borders. Three of its first eleven documents concerned the plight of three Estonian human rights activists, Mart Niklus, Erik Udam, and Enn Tarto.

Despite the pledges of Helsinki, Soviet authorities moved quickly to break up the Lithuanian Helsinki Group. Less than a year after the group's founding, in August 1977, Viktoras Petkus was arrested and charged with "anti-Soviet agitation and propaganda." In another example of Baltic solidarity and resistance to the Soviet occupation, Estonians and Latvians called as witnesses refused to testify against Petkus. Three Estonians and four Latvians wrote an appeal to Amnesty International calling for the release of Petkus.

Nevertheless, in July 1978 a Soviet court sentenced Petkus to 7 years at a special regime labor camp, 3 years of prison, and 3 years of internal exile. He is presently being held at the notoriously harsh perm camp No. 36-1 for political prisoners near the Ural Mountains.

Viktoras Petkus did not cease his struggle for human rights when he was escorted behind the barbed wire. From his prison camp he and Estonian human rights activist Mark Niklus announced in 1983 that they had joined the Ukrainian Helsinki Monitoring Group. In retribution, Soviet authorities denied him contact with his wife in Lithuania for almost 2 years between August 1983 and April 1985. He was also denied a meeting with his relatives in October 1985 without explanation.

Mr. Speaker, Petkus wrote from prison in August 1983 that "* * * quite a few prisoners were starved to the point of dehumanization, but they still have not lost their inner spiritual freedom. They have also not lost their ability to communicate. Even more: they have not lost hope and faith, without which creation and life itself are impossible. And, perhaps, most importantly, even in such hell they have retained their desire to find a spark of goodness, love and dignity in human beings and in the world." Is it any wonder then, that Natan Shcharansky has written the following about Petkus: "I shared a cell with Viktoras Petkus for 16 months and in that time was able to get to know him very well. I would like to do as much as I can for this incredible human being, whose friendship helped me cope with my incarceration."

Today, while we commemorate Lithuanian independence, much is being reported from the Soviet Union concerning the release of political prisoners. As Chairman of the Helsinki Commission, which monitors compliance with the Helsinki accords, I welcome this news, as do all of my colleagues in this House, I am sure. But out of an announced 140 prisoners allegedly released, the West is aware of only 40 to 45 prisoners whose release can be reliably confirmed. To the best of our knowledge, none of the releases have included prisoners at perm camp No. 36-1. Viktoras Petkus, a man who epitomizes the spirit of independent Lithuanian, who expected the Soviet Government to live up to its commitments under the Helsinki accords, is waiting to go home. We should not be satisfied until he does.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. WEISS). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 129

Whereas February 16, 1987, is the 69th anniversary of the declaration of independence of Lithuania;

Whereas on February 16, 1918, the Council of Lithuania, the sole representative of the Lithuanian people, in conformity with the recognized right to national self-determination, proclaimed the restoration of an independent and democratic Lithuania and ended all ties that formally subordinated Lithuania to other nations;

Whereas a free Lithuania existed until 1940 when the Union of Soviet Socialist Republics took over the country;

Whereas the United States opposes tyranny and injustice in all forms and supports the cause of a free Lithuania; and

Whereas the oppressed people currently living in Lithuania keep the flame of freedom forever burning in their hearts: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 16, 1987, is designated as "Lithuanian Independence Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY: On page 2, line 3, strike "1987," and insert "1988,".

The SPEAKER pro tempore (Mr. WEISS). The question is on the amendment offered by the gentleman from California [Mr. DYMALLY].

The amendment was agreed to.

The joint resolution was ordered to be engrossed.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. DYMALLY:

In the first clause of the preamble, strike "1987" and insert "1988".

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from California [Mr. DYMALLY].

The amendment to the preamble was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. Dymally: Amend the title so as to read: "Joint Resolution designating February 16, 1988, as 'Lithuanian Independence Day'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the several resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR TIMELY ISSUANCE OF GRANTS AND LOANS BY EPA UNDER THE ASBESTOS SCHOOL HAZARD ABATEMENT ACT PROGRAM

Mr. THOMAS A. LUKEN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 153) to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1985 to ensure that eligible local educational agencies can complete asbestos abatement work in school buildings during the 1987 summer school recess.

The Clerk read as follows:

H.J. Res. 153

Whereas the health of 15 million of the Nation's children is threatened because they attened school in buildings with dangerous asbestos contamination;

Whereas in 1984 the Congress passed and the President signed into law the Asbestos School Hazard Abatement Act (ASHAA) to provide funds to the Nation's neediest local educational agencies to help them abate potentially deadly asbestos in order to protect school children;

Whereas the Congress provided $50,000,000 in grants and loans under such Act for fiscal year 1987;

Whereas the Environmental Protection Agency asserted in its budget that ASHAA funds are unnecessary because prior year funds have greatly reduced the problem and many States have their own program, and the EPA is delaying the fiscal year 1987 ASHAA financial asssistance application process;

Whereas there is a dire need for these funds and the Environmental Protection Agency's current schedule to issue grants and loans in June of 1987 will seriously impair the ability of local educational agencies in need of Federal funds to complete asbestos abatement work during the 1987 summer school recess: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Environmental Protection Agency and any other agencies involved shall take such steps as may be necessary to ensure the eligible local educational agencies are awarded financial assistance under the Asbestos School Hazard Abatement Act of 1984 in time to complete asbestos abatement work not later than the end of the 1987 summer school recess.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio [Mr. Thomas A. Luken] will be recognized for 20 minutes and the gentleman from Kansas [Mr. Whittaker] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. Thomas A. Luken].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House is now considering House Joint Resolution 153. I introduced this resolution last week along with my colleagues, the distinguished gentleman from New Jersey [Mr. Florio], the distinguished gentleman from Michigan [Mr. Dingell], the distinguished gentleman from Minnesota [Mr. Vento], the distinguished gentleman from New York [Mr. Lent], and the distinguished gentleman from Pennsylvania [Mr. Ritter]. The resolution has strong bipartisan support and is motivated by deep concern for the health of our Nation's schoolchildren. This much needed resolution will correct an inexcusable and intolerable situation.

Asbestos causes cancer and crippling respiratory diseases. Children are at greater risk from asbestos because of their high respiration rates and longer lifetime during which asbestos related diseases may develop. The EPA recently estimated that as many as 15 million schoolchildren and 1.5 million school employees are exposed to asbestos on a daily basis in nearly 31,000 school buildings nationwide. According to a recent study by the General Accounting Office, three quarters of all school districts in the country have at least one building with friable asbestos. The GAO estimates total cleanup costs to be in the range of $1.5 billion to $3 billion.

Recognizing the severity of the problem, the need for immediate action, and the inability of State and local government to fully respond to the problem, the Asbestos School Hazard Abatement Act of 1984 was enacted into law. Under ASHAA, the EPA provides grants and interest free loans to needy school districts for asbestos cleanup projects. Congress appropriated $50 million for this program for fiscal year 1987.

Unfortunately, the administration has asked Congress to rescind $47.5 million of the $50 million appropriated for fiscal year 1987. To make matters worse, the EPA, which administers the ASHAA Program, has decided to put the program on hold while Congress considers the rescission request. The result of EPA's action is that applications for the 1987 funds have not yet been sent to school districts. The delay in the program threatens to preclude school districts from completing necessary remedial work this summer. Because of the dangers from airborne asbestos fibers caused by cleanup work, it is only prudent to undertake remedial efforts during the summer.

In testimony on this resolution before our subcommittee last week, a representative of the National PTA stated that it can take several weeks, even a couple months, between the time that an ASHAA award notice is received by a school and the time that asbestos abatement work can actually begin. EPA's witness, Dr. John Moore, the Assistant Administrator for Pesticides and Toxic Substances, acknowledged that if awards are not made until June, it is "problematic" that schools could complete remedial work during the summer.

EPA has stated that if the fiscal year 1987 funds are not rescinded, it will not award $10 to $15 million in ASHAA funds to 1987 applicants until June. That is too late for the recipients to undertake cleanup projects during the summer. The children who attend those schools and the people who work in them will therefore face another year of asbestos before cleanup takes place.

The resolution would not permit this to happen. Under the resolution, EPA would have to take such steps as are necessary to get the ASHAA money out in time for recipients to complete remedial projects this summer. In his testimony before my subcommittee, Dr. Moore of the EPA acknowledged that the administration is philosophically opposed to providing Federal aid for the cleanup of asbestos in schools. We had this philosophical debate in 1984 when ASHAA was passed. The President signed the ASHAA legislation into law. In each of the past 3 years the Congress has reaffirmed its commitment to cleaning up asbestos in schools by appropriating $50 million for the program.

It is time to get on with the ASHAA program and get asbestos out of our schools. This resolution will let the administration know what we think of its rescission request and will force the EPA to make ASHAA awards in time for use this summer.

I commend the gentleman from Michigan [Mr. Dingell], the gentleman from New Jersey [Mr. Florio], and the gentleman from New York [Mr. Lent] for bringing this issue to our attention. I would also like to thank the ranking member of the subcommittee, the distinguished gentleman from Kansas [Mr. Whittaker], for his help and cooperation in bringing this resolution before the House in a swift and timely fashion. I urge my colleagues to support the resolution.

□ 1320

Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 153. This resolution calls upon the U.S. Environmental Protection Agency to fulfill the requirements of the Asbestos School Hazard Abatement Act by awarding to schools previously appropriated funds for the cleanup of asbestos.

Mr. Speaker, this Congress will soon find itself embroiled in endless budget battles with the administration. However important these debates will be, it is clear to this Member that Congress will not compromise in the area of asbestos cleanup in schools.

It is important to note that this resolution does not affect budgetary expenditures for fiscal year 1988. Rather the resolution simply calls upon the Environmental Protection Agency to award funds that were already appropriated for fiscal year 1987 for the cleanup of asbestos in schools. There is no new money associated with this measure.

This resolution is necessary because of the administration's proposal to rescind most of the $50 million Congress appropriated for this purpose. Although this rescission will not become effective without congressional action, it has provided EPA with an excuse for delaying the distribution of funds. If this delay continues, needy schools will be unable to receive the funds in time to conduct cleanup work during the summer months when students are on vacation.

I want to impress on my colleagues the fact that there remain over 31,000 asbestos-contaminated school buildings in this country. Although cleanup is scheduled to begin at many of them this summer, under EPA's delayed schedule, over 50,000 children will return to schools next fall that are still contaminated.

Mr. Speaker, the administration has shown poor judgment in trying to trim the budget on an issue as important as the cleanup of asbestos in schools. I urge my colleagues to support this resolution. If we must spend Federal money, let us ensure that it is spent as effectively as possible.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Speaker, I am pleased the House is acting so rapidly on this joint resolution requiring the Environmental Protection Agency [EPA] to distribute funds appropriated under the School Asbestos Grant and Loan Program in time to complete asbestos cleanup work in school buildings during this year's summer recess. I am delighted to be joined on this bipartisan legislation by Chairman DINGELL, subcommittee Chairman LUKEN, Congressman LENT, and Congressman WHITTAKER.

For each of the last 3 years, Congress has appropriated $50 million to assist the Nation's neediest schools in cleaning up asbestos in order to protect the children who attend these schools. In the past, the administration opposed funds for this important health program but agreed to the congressional appropriations. Unfortunately, this year the administration has taken an extra step—it has proposed not to spend the $47.5 million that Congress earmarked for grants and loans to schools.

In its budget, EPA claimed the grant and loan is no longer needed because the prior appropriations greatly reduced the problem and many States have their own programs in place.

This claim is simply a misstatement of the current situation. Over 15 million children attend class in the 31,000 school buildings with dangerous asbestos contamination. EPA was able to provide funds to only 17 percent of the schools that applied for asbestos grant loan assistance last year. Moreover, applications for funds will increase dramatically over the next 3 years because the last Congress passed, and the President signed, legislation which requires schools to follow tough asbestos inspection and abatement standards.

No one believes the Congress will approve this rescission, but it has unfortunate results nonetheless. EPA has delayed the application process, so this money will not be available to schools in time to complete work during the summer school vacation, according to EPA's new schedule. This is simply and obviously unacceptable.

An estimated 50,000 children will return in September to school buildings still contaminated by dangerous asbestos—school buildings that should have been cleaned up during the summer recess with these funds.

The resolution states that EPA's current schedule for awarding funds is unacceptable. It requires EPA and any other agencies involved—including the Office of Management and Budget—to take the steps necessary to ensure that schools are awarded funds in time to do work this summer.

Protecting 50,000 children from the hazards of exposure to asbestos makes this an extremely worthwhile investment. If the administration cannot move quickly enough to provide for our children's safety, then Congress will require EPA to act.

I urge support of this important health legislation.

Mr. FLORIO. Mr. Speaker, the administration has proposed to rescind $47.5 million that Congress appropriated to assist the Nation's neediest schools in cleaning up asbestos hazards. The administration claims that asbestos loan and grant funds are unnecessary because prior appropriations have greatly reduced the problem and many States have their own programs. This claim is simply a misstatement of the current situation.

The last Congress passed, and the President signed, legislation which requires the Environmental Protection Agency [EPA] to mandate cleanup of asbestos in schools. It also increases the grant and loan funding to assist schools. The asbestos in schools problem is as critical today as it has ever been. Over 15 million children attend class in the 31,000 school buildings with dangerous asbestos contamination.

EPA was able to fund only 17 percent of the schools that applied for loan and grant assistance last year. The number of applications is expected to dramatically increase because of the new asbestos law.

I recently received a letter from Charlie Brown, the attorney general of West Virginia, who complained about the proposed rescission because it could result in a financially strapped school district having to choose between funding for staff and equipment or for asbestos abatement. Attorney General Brown correctly notes that choosing one at the expense of the other would have far-reaching and disastrous results.

The administration is taking the shortsighted view that the $47.5 million should be saved at the expense of our Nation's schoolchildren. I believe we must provide for the future by protecting our Nation's most important resource—our children—from the hazards of exposure to asbestos.

I commend to my colleagues Attorney General Brown's letter:

OFFICE OF THE ATTORNEY GENERAL,
Charleston, WV, February 2, 1987.

Hon. JAMES FLORIO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FLORIO: This is written in strong support of the position you and the Environmental Subcommittee you chair have taken regarding the disastrous and potentially tragic cuts in the School Asbestos Removal Funding requested by President Reagan.

The dangers posed by exposure to asbestos are well known and well documented. To continue to expose our nation's children and school workers to this cancer inducing substance is unconscionable. Yet, without adequate federal funds the burden for abatement would fall squarely on the shoulders of the state school districts. The majority of these district budgets are already overburdened; the proposed federal budget cuts could result in a school district having to choose between funding teachers, or textbooks and asbestos abatement. Either choice would have far-reaching and disastrous results.

Sincerely,

CHARLES G. BROWN,
Attorney General.

Mr. WHITTAKER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LENT], vice chairman of our full committee.

Mr. LENT. Mr. Speaker, I thank the gentleman from Kansas for his very able leadership in this particular field and also the gentleman from Ohio [Mr. LUKEN], chairman of the subcommittee for bringing this measure to the floor.

Mr. Speaker, I want to lend my enthusiastic support to House Joint Resolution 153, a measure which will help to put an end to a serious problem that threatens the health of over 15 million of this country's schoolchildren—asbestos in our schools.

Last year the Enegy and Commerce Committee addressed this threat, through a bipartisan effort, by introducing legislation requiring asbestos cleanup and the establishment of minimum health standards in schools to protect our children and school employees from asbestos health hazards. The 99th Congress overwhelmingly passed that legislation and President Reagan signed the Asbestos Hazard Emergency Response Act into law last October.

Along with that legislation, Mr. Speaker, Congress appropriated $50 million for the EPA to distribute through loans and grants to schools for asbestos cleanup. This money was to be allocated only on the basis of financial need and the severity of the hazard posed by the asbestos.

At this time, EPA's own evidence suggests that this $50 million is a relatively small sum when compared to the immensity of the problem and the overall cost faced by our Nation's schools. Unfortunately, the administration, in its fiscal year 1988 budget, proposed to rescind most of this $50 million and leave schools with little or no Federal financial support. Many schools cannot afford to proceed with their cleanup programs without Federal aid. The administration's action clearly contradicts Congress' intent to take steps to protect our school children from health hazards.

EPA maintains that the grant and loan funds are unnecessary because the asbestos problem has been greatly reduced through the use of previously appropriated moneys and because many States have programs of their own. In spite of this there remains over 31,000 asbestos contaminated school buildings in this country.

In addition, this coming year the number of applications for financial assistance from schools is expected to rise. This is a direct result of last year's asbestos law requiring all public and private schools in the Nation to reduce the hazard and meet tough inspection standards.

The 100th Congress has not affirmed the administration's rescission, but its proposal has already delayed EPA's issuance of application forms to the school that need these funds for asbestos cleanup.

As a result of this delay, concern has been voiced by school administrators across the country, including several in my district on Long Island, that the Federal funds will not reach them by summer—the time when most of the construction and cleanup work must be done.

EPA has prepared a schedule by which grants and loans to 1987 applicants will be issued in June of this year. This schedule does not allow the schools time to contract for cleanup work during the remaining months of summer vacation. If this schedule is followed an estimated 50,000 children will return in the fall to school buildings still contaminated by asbestos.

This is a problem that needs immediate attention—the health of our children is at risk. It is up to us as legislators to ensure that schools receive this money as soon as possible.

I urge my colleagues to support this worthwhile legislation.

☐ 1330

Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Joint Resolution 153, to provide for the timely issuance of grants and loans by the EPA for asbestos abatement in our Nation's schools. Indeed I have heard from almost all of the school boards in my congressional district on how vital it is for the EPA to begin the grant process pursuant to the Asbestos School Hazard Abatement Act Program, immediately, in order that asbestos abatement efforts can be completed during the 1987 summer recess. As a strong supporter of past efforts to address and abate the life-threatening presence of asbestos in our public buildings, I think it would be gross negligence if we were to allow this program to fall by the wayside at this late stage.

In 1974 in response to evidence that asbestos was a health hazard, Congress enacted the Asbestos in School Hazard Abatement Act. This legislation authorized $100 million per year in grants and interest-free loans for school asbestos-cleanup efforts. In accordance with the act, awards are made to both public and private schools based on the severity of the problem and financial need. Recognizing the tremendous need to step up our asbestos abatement efforts, Congress last year appropriated an additional $50 million in new funds for asbestos cleanup. I know that the majority of my colleagues in this body and in the other Chamber, joined me in supporting the additional funds, recognizing that much work remained to be done before our schools would be asbestos free.

When the administration proposed in their fiscal year 1988 budget proposal to rescind all but $2.5 million of the funds under ASHAA, I, and several other Members of Congress voiced our concern to EPA Administrator Lee Thomas. While it is clear that Congress has no intention of rescinding these funds the EPA has declined to initiate the grant application process, thus throwing the entire schedule into chaos. This resolution directs the EPA and other agencies involved in the Asbestos Abatement Program, to award grants in a timely manner. Fifteen million schoolchildren are exposed to asbestos hazards on a daily basis. We have a responsibility to these children and their families to make certain that their health and safety is protected, as Congress had originally intended. Accordingly, I urge my colleagues to support House Joint Resolution 153.

Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I cannot imagine that we are still debating this issue, and that a resolution is necessary at this particular time. It seems to me it has been 6 years ago, when out of the Committee on Education and Labor we passed a bill doing this, mandating this very action.

At the time I said to the committee: "Now that you're going to mandate it, now that you're going to upset and excite an awful lot of parents, you'd better make darn sure there's some money to go with the mandate," and I suggested that they take 1 percent. I offered an amendment, 1 percent of their Federal funds they are presently getting to do just that.

I was told by the committee, "Don't worry about it; we will get the Appropriations Committee to appropriate new money." Well, of course, when we reauthorized 2 or 3 years ago I said, "Well, I hate to tell you 'I told you so,' but that's exactly what happened. You notice we didn't get any money."

Finally, the Appropriations Committee got around to appropriating some money, and now I find out that we have people in the administration, my administration, who are dragging their feet.

This is an issue that should have been handled 6 years ago when we brought it to the attention of all the American parents; an issue at that particular time where we knew school boards did not have budgeted for that purpose, and I would say now it is time to get moving, and I hope that this passes rapidly and that it has an impact, and if it does not have an impact then I hope we take whatever legislation we have to take to do what we should have done 6 years ago.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker, I would like to associate myself with the remarks of my colleague from Pennsylvania [Mr. GOODLING]. Having served in the State legislature on the education committee and here on the Committee on Education and Labor, I am fully acquainted with the fact that many times local governments complain about mandated activities that higher levels of government force upon them without giving them the financial wherewithal to make those necessary needs felt in their particular legislative or executive jurisdictions.

Here we have in fact mandated an asbestos removal program. Here in fact hundreds of millions of dollars of requests have come forward; and here in fact the Federal Government, through its jurisdiction, is now seeking in some way to strangle the very program that we mandate upon local jurisdictions.

In my own State, 85 school districts requested funds; only 21 received it in the administration's rescission order; that means 64 school districts in my State would be shut down, forcing students to breathe what we know is a well-known human carcinogen; asbestos, placed there unintentionally, arbitrarily, and beyond the ability of parents and students to control.

The legislation suggested by my colleague from Ohio [Mr. GOODLING], and supported by my friend, the gentleman from Kansas [Mr. WHITTAKER], and our previous subcommittee chairman, the gentleman from New Jersey [Mr. FLORIO], addresses a very serious, crippling need that is found in school districts all across the United States.

Let the administration take heed of our activity today; have them step back from the abyss of forcing young people to breathe known carcinogens, and to let us get about the business of providing the adequate resources to cleaning up a very serious problem.

Mrs. ROUKEMA. Mr. Speaker, I rise today to lend my wholehearted support to House Joint Resolution 153. No issue that comes before Congress is more important than guaranteeing the health and safety of our schoolchildren. We must pass this resolution, urge the Senate to do likewise, and absolutely require the EPA to follow the mandate of the Congress.

The intent of Congress in this area is clear. Congress last year appropriated $47.5 million for grants and loans to school districts for the cleanup of asbestos hazards under the Asbestos in Schools Hazard Abatement Act. Congress further enacted in the last session a bill, H.R. 5073, which requires school districts to clean up asbestos hazards, and sets standards for cleanup contractors to follow.

The Environmental Protection Agency's own studies estimate that asbestos, a known carcinogen, is present in 31,000 schools being attended by 15 million schoolchildren. This situation is intolerable, and must be corrected with all deliberate speed.

Considering the scope of this hazard, it is beyond belief that EPA should seek a rescission of this vital funding. We must not allow this budgetary maneuver to put off for another school year the removal of this chronic danger from school buildings across the country.

The resolution before us today reaffirms the commitment of the U.S. Congress to eliminate the hazards of asbestos without further dilatory tactics.

Mr. RANGEL. Mr. Speaker, it is with great concern that I stand before you today. Concern over the continued procrastination by the Federal Government to do its part in protecting our children against the hazards of exposure to asbestos. I am here to express my strong support for acceptance of House Joint Resolution 153, a bill to require the Environmental Protection Agency to make more timely decisions when awarding grants for the asbestos abatement programs. Let me applaud the leadership for recognizing the urgency of this matter and bringing it to the immediate attention of this body.

To be quite frank, I am baffled by the need for continued congressional intervention on a matter that should have been resolved in 1984 when we authorized the funding for and directed the EPA to implement the asbestos abatement grant programs. However, as in many cases involving Federal agencies, bureaucratic redtape has stalled the progress of local school officials in addressing this problem without interrupting the education of our children.

Particularly hard hit by the inertia of the EPA are those schools housed in the poorest areas of this country. School districts like those in the inner city of New York that cannot afford to conduct expensive studies to define the extent of its asbestos problems. School systems that house the largest numbers of our total student population, but could not establish asbestos abatement programs without Federal assistance.

The education of our youth should be one of our top priorities. However, that goal is hampered by the lack of action taken by the EPA in responding to the grants for asbestos abatement. Clearly, it is practical for school officials to request that EPA act on these grant requests within a timeframe that would expedite the cleanup process without altering the school session. I support this legislation because it meets both of these concerns. The money has been authorized. Local authorities are prepared to address asbestos abatement. It is up to us to ensure that EPA provides the Federal assistance that the school systems so rightly deserve.

We send our children to these educational institutions to increase their capacity for long-term success in the future. Let's not limit their future by allowing redtape to slow the cleanup of hazardous materials that could create major health problems in their future. Asbestos is a carcinogenic that can potentially affect the lives of more than 15 million of our school-aged children and 1.4 million school employees across the country. I want to see the schools in the inner cities of New York and across the country free of the asbestos hazards. Let us pass this measure. Let us say to the students, the parents and the personnel at the schools that we do intend to see the asbestos situation resolved once and for all by giving our full support to House Joint Resolution 153.

Mr. SHAW. Mr. Speaker, I recently met with Broward County School Board members Jan Cummings, Don Samuels, Eileen Schwartz, Toni Siskin, and government relations representative Georgia Slack to discuss the problem of eliminating asbestos from our school buildings. They were very concerned with the proposed rescission of fiscal year 1987 Federal grants and loans for school asbestos cleanup projects. The Broward County School Board needs Federal funding assistance for this program to safeguard the health of our youngsters, so I join my colleagues in supporting House Joint Resolution 153, providing for the timely issuance of grants and loans by the Environmental Protection Agency [EPA] for such projects.

Last year I joined my colleagues in supporting the Asbestos Hazard Emergency Response Act of 1986 [AHERA], which requires schools to follow strict asbestos inspection and abatement standards in order to remove this health-threatening substance from our school buildings once and for all. In order to create effective federally mandated education programs, I feel that we have a responsibility to provide some financial assistance to facilitate State and local compliance. For this reason, the EPA-administered grant and loan program to assist our local school districts in asbestos removal programs is essential to our congressionally mandated goal of removing potentially hazardous asbestos from our youngsters' classrooms.

In my own congressional district, the Broward County School Board shares my concern for the health of youngsters attending Broward schools. Therefore, the board has initiated an ambitious asbestos-removal program to comply with the most recent Federal standards, and plan to apply for financial assistance through the EPA Grant Loan Program. The estimated costs of this program for 169 Broward schools will be $1 million a year for the next 10 years representing a large financial commitment by any standard.

I am sure that school districts in many of your congressional districts are also facing similar asbestos abatement expenses, so I urge you to support this legislation so that eligible local school districts can complete asbestos abatement work in school buildings during the 1987 summer school recess.

Mr. WHITTAKER. Mr. Speaker, I have no further requests for time.

Mr. THOMAS A. LUKEN. Mr. Speaker, we have no further requests for time.

The SPEAKER pro tempore (Mr. CAMPBELL). The question is on the motion offered by the gentleman from Ohio [Mr. THOMAS A. LUKEN] that the House suspend the rules and pass the joint resolution, House Joint Resolution 153.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 153, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TECHNOLOGY EDUCATION ACT PROMOTES COMPETITIVE WORK FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BOUCHER] is recognized for 5 minutes.

Mr. BOUCHER. Mr. Speaker, today, along with 33 of my colleagues, I am introducing legislation that will help to establish a technologically literate work force. Similar legislation will be introduced in the other body by the gentleman from West Virginia, Mr. ROCKEFELLER. This legislation constitutes an important first step in our efforts to improve our Nation's international competitiveness.

The Technology Education Act is identical to legislation approved by the House of Representatives last year. It is a fiscally responsible measure which requires no new Federal appropriations, and it is broadly supported by the business and industrial communities.

The Technology Education Act would set aside $2 million from the Secretary of Education's discretionary fund to establish demonstration projects in technology education. These projects would instruct intermediate and high school students in the basic components of our transportation, manufacturing, communications, and energy production systems. This broad-based knowledge of technology will increase the value of vocational education and will provide a firm foundation for postsecondary education in fields such as engineering, science, and architecture.

Our legislation has several components to ensure quality programs with State, local, and private industry support. The bill provides grants for basic instructional programs, teacher training, laboratory instruction, curriculum development, and the dissemination of project results. The bill also requires State and local matching of 25 percent of project costs and private industry matching of 10 percent as well as coordination with vocational and Job Training Partnership Act programs.

Our Nation first honed its competitive edge through the power of keen minds. American tradespeople, engineers, and inventors used technology and dynamic concepts to place our Nation in the front ranks of the industrial world. It is important to remember that the greatest developments of the past century did not arise in a vacuum, but depended on a thorough knowledge of existing technology. While curiosity can provide the inspiration for invention, know-how provides the tools needed for success.

Our educational system is lagging dangerously behind the recent technological revolution. In its report, "Educating Americans for the 21st Century," the National Science Board warned that our country which "dramatically and boldly led the world into the age of technology is failing to provide its own children with the intellectual tools needed for the 21st century."

The Congress has ample evidence of the need for technology education in the form of mounting and persistent trade deficits. Our chief competitor nations provide technology education to their young people while American industry must shoulder 10 times the cost per person to provide such education as on-the-job training.

Our students' performance is particularly alarming when compared with the performance of students from Japan, Germany, Korea, and other competitor nations. These students consistently outscore American students in tests of mathematics, science, and technical ability. A major contributor to these test results is the technological training provided in the public schools of these nations, training provided by highly qualified faculty and supported at national expense.

Investing in technology education is cost effective. Students with a firm grasp of technological concepts will lead the fight to regain our international leadership. A technologically literate work force will require less frequent and less expensive retraining, and will possess the technical and analytical skills needed to make our businesses and industries more productive.

Mr. Speaker, we have a responsibility to prepare future generations for the world that confronts them. The Technology Education Act of 1987 provides Federal leadership and support to meet that responsibility in a cost-effective manner. I join a bipartisan coalition of my colleagues in urging the enactment of the Technology Education Act of 1987.

AMENDING THE INDIAN SELF-DETERMINATION ACT, PUBLIC LAW 93-638

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, today I am reintroducing legislation to amend the Indian Self-Determination Act [Public Law 93-638]. This act was orginally enacted in 1975 and its purpose was to promote tribal self-determination by encouraging the tribes to contract for the administration of programs previously administered by the Indian Health Service [IHS] and the Bureau of Indian Affairs [BIA].

Many tribes feel that they have not been able to implement their own priorities and agenda for self-determination because of Federal contracting regulations that are too rigid and of bureaucratically imposed requirements that are too burdensome.

The bill I am sponsoring today will facilitate the contracting process between the tribes and the Federal Government so as to give a stronger voice to the tribes in implementing their own self-determination.

I introduced similar legislation in the last Congress and although it passed the House with overwhelming bipartisan support, due in part to the late date by which the bill reached the Senate, the legislation failed to pass the Senate.

A key provision in the bill would allow tribal contractors to receive adequate contract support costs from the Federal Government. These are the costs which are incurred by the tribal contractors in the administration of a contract and without which, the adequate implementation of the contract would be impossible. Recently, the administration has announced plans to determine these contract support costs by using a flat fee formula which would establish all such contract support costs at 15 percent of the total amount of direct program funds under the contract. I believe that such a plan is ill-advised besides it being of dubious legality. Such a plan ignores all the geographical and socio-economic differences which exists among all tribes. These differences will result in different rates of contract support costs among tribal contractors. Therefore, the imposition of such flat fee seems to reflect a desire to look for a simplistic solution to a complex problem. Such solution, while beneficial to the Federal bureaucracy, does injustice to the tribal contractors. The Indian Self-Determination Act was not passed for the benefit of the bureaucracy but for the benefit of the Indian tribes.

DIFFICULT CHOICES IN THE FISCAL YEAR 1988 BUDGET PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I recently testified before the House Budget Committee on the choices facing us in the fiscal year 1988 budget process. I would like to share these thoughts with House Members and I am submitting my testimony for the CONGRESSIONAL RECORD:

TESTIMONY BY REPRESENTATIVE LEON E. PANETTA BEFORE THE HOUSE BUDGET COMMITTEE, FEBRUARY 11, 1987

I am pleased to have this opportunity to appear before the House Budget Committee to discuss the Fiscal Year 1988 budget.

A public debt climbing toward the three trillion dollar level, yearly deficits in the $200 billion range, ambitious deficit targets for the upcoming years and the continuing political gridlock on the issues of new revenue, cuts in entitlement programs and defense spending—the three areas essential for real, long term deficit reduction—make your job as a committee extremely difficult this year. As a former member of the committee let me offer my sympathy and my encouragement. I believe you can meet this challenge. In my testimony today I would like to summarize some of my thoughts on the budget situation in the hope that they will help you reach a consensus on strategy for this year's budget process.

First I want to congratulate the committee on last year's achievements. Under your guidance the House, with bipartisan support, was able to pass legislation which met the Gramm-Rudman targets, making a vote on large across-the-board cuts in defense and domestic programs unnecessary. Unfortunately economic and technical reestimates since last fall have increased the size of the FY 1987 deficit projection, but we can take some satisfaction from the fact that Congress complied with the requirements of the Gramm-Rudman law in the first full year of its implementation.

THE OPTIONS FOR FY 1988 BUDGET

But there is no rest for the weary and now you are faced with the next Gramm-Rudman target: $108 billion for FY 1988. The difficulty of reaching that target, whether you use the President's starting point of $150 billion or the Congressional Budget Office's starting point of $170 billion, is causing many to question the sanity of the Gramm-Rudman process and the wisdom of sticking to the original schedule and deficit targets.

As I see it Congress has three basic options at this stage of the game.

Option one: a pure approach involving the President and Congress

Congress and the President agree to the following:

Implement Budget Process Reform—two-year budget resolution and appropriations; ban on asset sales; altering dates for Gramm-Rudman snapshot; adjustment to Gramm-Rudman targets based on changes in the economy; reform of schedule for consideration of appropriation bills; automatic CR and Debt Limit extension.

Agreement on Substantial Domestic and Defense Spending Savings and a corresponding Revenue Increase.

Option two: going it alone

Congress either adjusts the FY 1988 Gramm-Rudman target or attempts to meet the target with new revenues and without support for the President.

Option three: following last year's strategy

Congress retains the Gramm-Rudman target and attempts to reach it without substantial new revenue and/or significant entitlement savings.

Option one: a pure approach involving the Congress and the President

The critical element in this option is the involvement and cooperation of the President. This option contains, in my opinion, the best choices, the right choices, but they are politically the toughest to support. Without the support, cooperation and cover of an agreement with the President they simply will not happen.

Budget Process Reform

Following my testimony is an outline of the sort of budget processs reforms I believe we should consider. Let me discuss briefly some of the highlights here.

Two-Year Budget

In January I reintroduced with Ralph Regula legislation, H.R. 22, calling for a two-year budget process. Like my previous two-year bills it calls for Congress to spend the first year of each session doing oversight and work on authorization bills, the second year would be spent on a two-year budget resolution and two-year appropriation bills. This year the president has submitted a two-year defense budget, and I am hopeful that additional recommendations regarding a two-year cycle will be submitted by the administration in the next few weeks. I would also note that Senators Domenici and Roth recently introduced a two-year budget bill in the Senate.

I believe a two-year schedule would give Congress time to develop a long-term approach to deficit control and take us away from the often confused, time absorbing scramble we currently engage in while developing one-year budgets.

Other Reforms

We should also consider a number of changes in the Gramm-Rudman process. One of the most important is moving up the deficit snapshot to April 1 so Congress is not faced, as it was last year, with an end of the session rush to deal with a deficit reduction number released on August 20 (as required by Gramm-Rudman).

The problem with the current process is that we spend the first eight months of the year deciding what the total deficit reduction needs to be and designing a budget resolution which hopefully achieves that number. Then on August 20 a deficit snapshot is delivered by CBO and OMB which may or may not reflect what we have been talking about in terms of the budget resolution. This is a crazy system that can be fixed by moving up the deficit snapshot to April 1 or thereabouts. This would guarantee that the deficit reduction goal does not change on us in midstream. Congress would be given a deficit reduction target early in the year and all of our actions thereafter would be based on that number.

I also think it also makes sense to (1) institute a permanent formula for adjusting the deficit target based on changes in the economy, and (2) allow the Joint Budget Committee an opportunity to design an alternative to across the board sequestration in the Gramm-Rudman back-up process. Finally, if we can make the process more realistic with changes like these it would allow us to ban asset sales as a means of deficit reduction for purposes of Gramm-Rudman.

Raising the Deficit Target

Because of the difficulty in reaching a $108 billion deficit in FY 1988 the idea of adjusting the deficit target will receive a great deal of attention this year.

Such an adjustment can be justified in a number of ways. When the Gramm-Rudman law was passed Congress was looking at a deficit starting point of $172 billion—the budget resolution deficit goal for FY 86. Instead we ended up with a deficit of $221 billion for that year and the $36 billion-a-year reduction envisioned by Gramm-Rudman has grown to almost $60 billion a year.

Changes in the economy and technical revisions of the budget deficit are forcing us to consider larger and larger deficit reductions with every passing year. In other words we can do our job and make the targets, but because of worsening economic conditions we find ourselves in a deeper and deeper hole. Many are questioning whether it makes sense to make deeper cuts in social programs and defense to offset faulty economic assumptions underlying the original Gramm-Rudman law.

Also, many are asking why a $108 billion deficit figure is so special. After all, our most important goal is to get the deficit on a solid downward path heading toward a balanced budget. Whether the budget deficit hits a target of $100 billion or $120 billion in any given year is irrelevant as long as that deficit is on a downward path and headed for a balance between spending and revenues in the near future.

If we choose to alter the deficit target what approach makes sense? One idea is to start with the $221 billion deficit we had in FY 1986 and subtract $36 billion from that figure. This approach would give us a deficit target of $149 billion for the upcoming fiscal year.

Another option is to develop a formula which adjusts the deficit target based on changes in the economy. This would neutralize the deficit target against fluctuations in economic conditions which impact on the deficit. We would not be forced to cut programs to make up for swings in GNP growth, unemployment, interest rates and inflation: changes which Congress has little or no control over. Another idea is to base the deficit targets on the structural deficit—that part of the deficit which reflects a permanent gap between spending and revenues not associated with economic changes. Finally we could simply stretch out the Gramm-Rudman targets, reaching a balanced budget in FY 92 instead of FY 91. This would give us the same deficit target in FY 1988 as we had in FY 1987: $144 billion.

Savings in Entitlements, Defense, Non-Defense Discretionary and Raising Substantial New Revenue

Along with budget process reform this approach envisions Congress and the President making the tough choices which will mean real, permanent deficit reduction over the long term. That, as we all know, means substantial new revenues, restrictions on the growth of entitlement programs, curbing defense spending growth, and further restraint in the non-defense discretionary portion of the budget. Last year I introduced a FY 1987 budget resolution which called for $20 billion in new revenues, defense savings of $20 billion, and a freeze in domestic spending for savings of $20 billion. Frankly, deficit reductions of that magnitude are needed again this year whether we decide to keep the $108 billion target or move to a higher number.

Assuming the President's cooperation, this comprehensive proposal could be added to the debt ceiling increase required on May 15 and sent to the White House. Unfortunately the President shows no inclination to support significant defense savings or revenues, nor is he prepared to satisfy the Gramm-Rudman targets. The right approach can only happen with his leadership.

Option two: Congress goes it alone

Raising Taxes and Cutting Spending to Reach the $108 Billion Target

Option two assumes we cannot reach agreement with the President on the strategy in option one. Instead, Congress goes it alone in an attempt to adjust the deficit target. Or Congress reaches the $108 billion target with substantial new revenues and reductions in entitlement, defense and non-defense discretionary spending.

Obviously there will be enormous pressure from the President to retain the $108 billion target. After all, he has submitted a budget which purportedly reaches the deficit target of $108 billion and we can expect a fierce, public battle with him if Congress fails to pass a budget resolution which achieves the same goal.

And there is a great likelihood that the President will not back off on the revenue issue, which has been the centerpiece of the budget gridlock since the 1984 presidential election. The fact that new revenues are essential to a balanced budget is the great truth that haunts and frustrates the entire deficit reduction process. I fear that this frustration will continue for the remainder of the Reagan presidency.

Option two envisions a "profiles in courage" attempt by Congress to do the right thing on the deficit target and/or a package of real deficit reductions.

Frankly, many in Congress argue that it is a waste of time to work on a major revenue bill only to have it vetoed by the president. And they have a point: the president, in the midst of the Irangate controversy would love to have a "go ahead and make my day" tax increase veto ceremony any time in the next year.

Possibly the White House will back-off of its two-year opposition to a tax increase. Many talk of an economic or budget summit possibly leading to a consensus among the executive branch, the Senate and the House that we must make the tough choices on revenues, entitlements and defense.

Assuming the President will not join with us to do the right thing, it is still important that your committee try to create support in the Congress for doing the right thing on budget process reform and on deficit reductions. At the very least we could give members the option of voting to adjust the deficit target, or to increase revenues, or make deep cuts in entitlements.

The problem here again is that without the support and leadership of the President, it is virtually impossible to force politically tough votes that could face certain vetoes.

Option three: following last year's strategy

Unfortunately because of the President's probable intransigence on the options above, and the difficulty of finding a majority in the House and Senate to support these initiatives without the President's cooperation, I believe Congress may very well be stuck with the option of trying to hit the $108 billion target without substantial new revenues.

I am well aware of the enormity of this task. It will involve deep cuts in cherished defense and domestic programs and it will involve playing many of the same accounting games found in the administration's FY 1988 budget submission. Unfortunately, unless some miracle occurs, the budget and political gridlock we found ourselves in last year will govern the budget process again this year.

But as discouraging as that prospect may be, the reality is that there is some flexibility built into the administration's assumptions. Failing to meet these projections is a common phenomenon that both the executive and legislative branches have adjusted to. For example, although the target for FY 1987 was $144 billion, the final deficit will be somewhere between $150 to $170 billion because of poor technical and economic assumptions. But the focus of both the President and Congress has shifted to a new year and a new goal. While failing to meet the specific annual goals is not the best budget discipline, the focus on a deficit target, and a serious attempt to meet it means we are working towards the overriding goal: the ratcheting downward of the deficit over the long-term.

If option three is what we are left with then how do we get to $108 billion? President Reagan's FY 88 budget request has shown us how *not* to reach this goal.

The President's FY 1988 Budget

The President's budget increases defense spending by $18 billion, cuts domestic spending by $19 billion, sells Federal assets and raises additional revenue in an attempt to reach the Gramm-Rudman deficit target of $108 billion for Fiscal Year 1988. Deep funding cuts are called for in health programs, student aid, programs for low-income individuals and environmental protection, among others.

The test of an effective budget is whether it meets four basic goals: does it reduce the deficit, is it fair, is it balanced, and can it be achieved? The use of optimistic economic assumptions, overestimates of savings from various deficit reduction proposals, and a variety of underestimates of spending in entitlement programs ensures that even if we passed the President's budget tomorrow we would not even come close to the deficit targets set in Gramm-Rudman.

The President's budget is not fair because the Administration continues to place the burden of deficit reduction on the backs of the sick, the elderly, and the needy. The Administration proposes significant cuts in low-income programs. For example, child nutrition and anti-hunger programs are reduced by $6.7 billion, Medicare is cut by $4.6 billion, and over five years his budget cuts Medicaid by $20.2 billion.

Defense spending is increased substantially while domestic programs are deeply cut, raising questions about the balance of priorities in this budget. Finally, most of the initiatives in the President's budget have been considered and rejected by Congress in the past. As Yogi Berra said, "its like deja vu all over again." These often used proposals will not be supported by Congress this year, casting doubt on whether this budget can be passed and implemented.

AN ALTERNATIVE APPROACH

What is a possible alternative to the President's budget? The following are possible approaches in the main deficit reduction areas.

Defense spending

Defense spending must receive the close scrutiny it deserves as the fastest growing program in the Federal budget. Holding defense outlays steady at the FY 87 level would result in a substantial contribution to a deficit reduction package reaching the $108 billion target. I realize that this is a very difficult proposition, but it should be noted that we held non-defense discretionary outlays in FY 87 to a level four billion dollars below total FY 86 spending. With the massive amounts of budget authority approved in recent years it is very difficult to control defense outlays in the same fashion, nonetheless every attempt to keep these outlays down to the prior year level must and should be made by this Congress.

Domestic spending

In the area of domestic spending, there will be enormous pressure, as there should be, for added spending to cover the competitiveness agenda and to provide for low-income programs. However, I hope the committee will still attempt to hold total domestic discretionary spending at the FY 87 level. Again, a very difficult proposition in view of the many spending increases that will be justifiably sought in education, job training, scientific research, health research, law enforcement, and low-income initiatives. The approach here should be to scale back low priority programs so that room is created in the non-defense discretionary pot for high priority investments. In the entitlement area cost-of-living adjustments are obviously off the table for this session. I would only suggest that the Committee examine the Medicare program for reductions which will not impact on beneficiaries, and the farm program to ensure that limitations on existing payments are being effectively enforced to target family farms.

Revenues

In the revenue area the user fee recommendations in the President's budget should be seriously considered. In times of enormous Federal deficits it makes sense to exact some contribution from those who are benefiting from Federal services.

While it will be difficult for the reasons I outlined above to enact a substantial revenue package, we should at least give the President the opportunity to sign into law revenue increases of the magnitude he has requested in his FY 88 budget: $6.1 billion. Whether his specific proposals or others make sense should be left up to the wisdom of the Ways and Means Committee, as has been the practice in past budget cycles.

Asset sales

Finally asset sales should be considered to make up the portion of deficit reduction remaining to reach $108 billion. Like many of you I have serious reservations about asset sales as a means of deficit reduction. They are short term, one shot proposals which actually increase the deficit in the long run. The impact on credit markets is no different from the Treasury simply borrowing the money: the private sector diverts funds from more productive investments to purchase these assets.

Without doubt asset sales are one of the least attractive deficit reduction options. However, Congress and the President relied on asset sales to a great degree last year in meeting the Gramm-Rudman targets and unless we can break the political logjam on the deficit target and/or revenue issue I do not see any way we can avoid using them again this year as part of a deficit reduction package that reaches $108 billion.

SUMMARY

Ideally, your committee will be able to cut through this frustrating budget paralysis and put together a solution based on elements of the first option above. If that cannot be achieved then I hope you will explore ways to persuade Congress to do the right thing this year, based on option number two. I am not terribly optimistic about your chances of achieving either of these options, and in that event you have little alternative but the third option. This means we are in store for a lot of smoke and mirror accounting tricks—not a very happy prospect for the congressional budget process. But as always, the ultimate test of the budget is the courage and leadership of both the executive and legislative branches to make the tough choices. Without that leadership, the struggle is to survive until the right leadership is elected.

Thank you again for this opportunity to discuss the Fiscal Year 1988 budget process. I hope you will find my comments useful as you continue your difficult job of developing a Fiscal Year 1988 budget resolution.

OUTLINE OF POSSIBLE BUDGET PROCESS REFORM

I. TWO-YEAR BUDGET PROCESS

A. Two-year budget resolution and two-year appropriation bills.

B. First year of each Congress spent developing two-year budget, second year spent on oversight, authorization bills and any necessary budget adjustments (reconciliation, supplemental appropriations, etc.)

C. New April 1 OMB/CBO Gramm-Rudman snapshot each year. In the first year of each Congress it would kick off congressional action on a two-year budget resolution. In the second year of the Congress it would begin any budget adjustments (reconciliation, supplemental appropriations) which are needed (economic assumptions should remain constant between April 1 and October 5 snapshots).

D. Each House passes its own two-year budget resolution, followed by a House-Senate conference. If a budget resolution has passed the House then appropriation bills, reconciliation and tax legislation may proceed to the floor with or without a conference agreement as long as they abide by targets in the adopted House Resolution.

E. Automatic debt-limit extension with passage of conference report on two-year budget resolution.

II. REVISIONS OF GRAMM-RUDMAN

A. Single enforcement snapshot and sequestration report—October 5

B. Joint Committee on Deficit Reduction given option of drafting and offering one substitute to OMB-CBO sequestration report (at the present time the law provides for no such option)

If the Joint Committee decides that across the board cuts are not acceptable it should have the option of proposing an alternative deficit reduction package

C. Prohibit OMB-CBO from counting as deficit reduction accounting gimmicks such as sales of Federal assets and conversion of loans to grants

Because so much of the potential deficit reduction options are off the table (deep defense cuts, cuts in entitlements, revenue increases) the pressure is on to turn to asset sales. Yet these sales are simply another way of borrowing from the future. Selling them today means that income from those assets (especially loans) are lost in the future.

D. Technical changes to Gramm-Rudman proposed by Senate (the following would be counted in the OMB-CBO deficit snapshot: final regulations, pay raises either proposed by president or enacted, advance farm deficiency payments—see below for further explanation)

E. Retention of Gramm-Rudman deficit targets with a formula to adjust the targets based on economic performance similar to that proposed by Rep. Obey in the original House version of Gramm-Rudman.

Targets would be adjusted based on projections of GNP growth for the coming year

III. CHANGES IN THE APPROPRIATIONS PROCESS

A. Consideration of appropriations bills—all bills would be considered between adoption of a budget resolution in the House and the July Fourth recess along with any reconciliation and tax changes.

B. If a continuing resolution or individual appropriation bills have not been passed by the end of the fiscal year—Oct. 1—appropriations will continue at the prior year levels until a continuing resolution or individual appropriations are adopted.

This would prevent the shut down of the government if appropriation bills are not passed

C. Deferral process reforms set forth in H.R. 4888 (introduced in 99th Congress), including ban on policy deferrals and restrictions on management deferrals (for explanation see below)

D. Point of order on 302(b) outlays to coincide with Senate requirement

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TRIBUTE TO THE LATE CHARLES E. GOODELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HORTON] is recognized for 30 minutes.

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, as the dean of the Republican delegation from the State of New York, it is with a heavy heart that I come before you today to pay last respects to ex-New York Senator and Congressman, Charles E. Goodell. Charlie began serving in Congress in 1959, winning his seat in the 43d District in a special election following the death of longtime Congressman Daniel Reed. He continued serving in this Chamber until 1968, when Governor Rockefeller appointed him to the U.S. Senate to succeed Robert Kennedy after his assassination. Charlie's career came to a close after he narrowly lost a hard-fought, three-way contest for reelection to his Senate seat in 1970.

I was first elected to Congress in 1962. I had the honor and pleasure of serving with Charlie in this Chamber and representing the interests of upstate New York for 6 fulfilling years. His advice and insight in my early days were invaluable.

Many remember Charlie as a political maverick who argued ardently against American involvement in Vietnam. But that was always Charlie's style. Regardless of public opinion, regardless of the political consequences, he spoke his mind, often to the frustration of the party establishment. Charlie was also a friend and confidant of Gerald Ford. In his early days in the House, he joined with other Republicans to elect then-Congressman Ford as the Republican leader. Following Goodell's short Senate career, then-President Ford appointed him chairman of the Presidential Clemency Board, which was responsible for reviewing clemency applications for more than 20,000 Vietnam War resisters.

He was always ready to listen. He was a scholar and a teacher, much loved and respected by his colleagues in the House, the Senate, and his district. He was a perceptive and generous supporter of many causes. He was second to none in his affection for this body, and for the ideals which stood behind Congress as an institution. Time and again it was he who was the quiet catalyst who made it possible for a particular endeavor to succeed.

Charlie Goodell represented his constituents, his State and his country with diligence and integrity. He will be sorely missed by those who had the pleasure of knowing him. My wife Nancy and I join today to pay tribute to Charlie, and to wish the very best to his wife Patricia and the rest of the Goodell family.

Mr. Speaker, I include an article which appeared in the Rochester NY Times-Union on Thursday, January 22, 1987, which reported on the death of Charlie Goodell:

CHARLES GOODELL DIES; REPRESENTED STATE IN SENATE

Charles E. Goodell, who shifted from establishment Republican to critic of the Vietnam War and the Nixon White House as he moved from the House of Representatives to representing New York in the U.S. Senate, died yesterday in Washington.

He was 60 years old and had been a Washington lawyer and lobbyist for the last 16 years.

Goodell, appointed to the Senate in 1968 by Gov. Nelson A. Rockfeller to succeed Democrat Robert F. Kennedy after his assassination, served only two years in the Senate, but he emerged as a leading critic of the Vietnam War. As a result, he became a leading target of President Nixon and Vice President Spiro T. Agnew, costing him his Senate seat in 1970.

Goodell joined liberal Democrats in sponsoring legislation to cut off money for the war effort, legislation that was essentially adopted five years later after he had left Congress.

Before his appointment to the Senate, he was a moderate to conservative member of the House of Representatives from Jamestown, Chautauqua County.

Two years later, as a liberal Republican with Agnew publicly castigating him as a "radical liberal" and even Rockefeller publicly questioning his "undercutting" of the president, Goodell sought a full six-year term.

He failed largely because he split the moderate to liberal vote with Rep. Richard L. Ottinger of Westchester County, a Democrat, permitting James L. Buckley, running on the Conservative Party line, to win the Senate seat with less than a majority.

Edward P. Curtis Jr., president of the Rochester/Monroe County Convention and Visitors Bureau, was a friend of Goodell since the late 1960s when Curtis worked in government relations for Eastman Kodak Co. Curtis said today, "I'm genuinely distressed at the untimely death of my good friend Charlie Goodell. He was not always right, but he had the courage of his convictions and he was a gallant warrior."

Curtis recalled Goodell's transformation from a moderate Republican to a liberal after he took Kennedy's Senate seat. "He turned into one of the great liberals of our time," Curtis said. Curtis worked on Goodell's 1970 election campaign.

Asked whether Goodell ever regretted the activity that led to his Senate defeat, Curtis answered: "Charlie never changed. That was the delightful part of him. . . . I never saw him downcast or downtrodden. It was always Charlie against the world."

U.S. Sen. Daniel Patrick Moynihan, D-N.Y., referred to the heat and emotions of the 1970 campaign and that time when he said yesterday that Goodell was "called to public service at a time of travail and tragedy." He added that "I have not known a finer member of Congress."

"He fell on his sword politically," said a former aide, Michael C. Smith, a former city official and now a vice president of E.F. Hutton & Co.

Another former aide, George Mitrovich, who had also worked for Kennedy, noted that there had been considerable criticism of the Goodell appointment originally because he was not a statewide figure but that

Mr. Goodell proved to be "a worthy successor of Senator Kennedy."

As a member of the House for 10 years, he had been part of a group of Republican "young Turks" who helped oust Charles A. Halleck as House Republican leader and elect Gerald R. Ford as the new Republican leader.

Later, Ford appointed him chairman of the Presidential Clemency Board, which reviewed in 1976 clemency applications by 21,729 Vietnam War resisters, including many who had fled to Canada and other countries to avoid conscription.

After leaving the Senate and practicing law in New York City for two years, Goodell became chairman of the board of DGA International, a public relations and lobbying concern.

His second wife, Patricia Goldman, was another continuing link to government. She is vice chairwoman of the National Transportation Safety Board.

Goodell was born and reared in Jamestown and was a varsity baseball and football player at both Jamestown High School and Williams College, Williamstown, Mass., where he was also elected to Phi Beta Kappa, the national honorary society. He graduated from Yale Law School and received a master's degree at the Yale Graduate School of Government.

He first went to Washington in 1954 as a congressional liaison assistant at the Justice Department and then returned to Jamestown to practice law and eventually become the Chautauqua County Republican chairman in 1958. A year later, following the death of the veteran Rep. Daniel A. Reed, he won a House seat in a special election.

Survivors, in addition to his wife, include five sons, William R. Goodell, Timothy B. Goodell, Roger S. Goodell, Michael C. Goodell and Jeffrey H. Goodell.

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Mr. Speaker, I yield to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. I thank the gentleman for yielding.

Mr. Speaker, Charlie Goodell was a Congressman from the district I now represent. Charlie Goodell died last month. His is a great loss.

Charlie had many moments in the Sun doing and representing things important to this country. There has been much said about them by others far more distinguished and intimately connected with the Goodell record in Washington.

Suffice it to say, I was a private citizen on the outside, proud that this good and highly intelligent man was representing me. He was a leader in the finest sense of the word.

What I mean by leadership is that he, in simple terms, set an example. He was a doer of important tasks and never one to hog the credit.

Many centuries ago, a great Chinese philosopher, Lao Tzu, wrote:

> A leader is best when people barely know he exists
> Not so good when people obey and acclaim him
> Worst when they despise him
> Fail to honor people
> They fail to honor you
> But of a good leader who talks little
> When his work is done,
> His aim fulfilled, they will all say,
> "We did this ourselves."

This was Charlie Goodell. This was what he represented.

And in so doing, he represented us. He was the finest we have to offer.

Mr. HORTON. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

I also thank the gentleman from New York for sponsoring this important special order to honor the memory of one of the House's finest Members, Charles Goodell.

Before I came to Congress I was aware of Congressman Goodell's good work through the reports of my distinguished ex-colleague, Al Quie, who worked with Charlie very closely on the Committee on Education and Labor. I know that our ex-colleague would want to be represented on this special order were he still a Member of this Congress.

So for him and for myself I make these comments in appreciation of the good work of their former Representative Goodell accomplished in this Chamber. It was not my honor to serve with Representative Goodell. I never met him until he was a Member of the State. But I have seen him often since. He was a great help as an outsider, as an ex-Member to many of us who labored here and went to him for advice and counsel because of his great experience and wisdom.

I want to honor his memory, express my condolences to his widow and to all of his relatives and again I thank the gentleman in the well for holding this special order.

Mr. HORTON. I thank the gentleman for his kind comments about Charlie Goodell.

I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to join with my colleagues in paying tribute to our former colleague from the State of New York, Charles Goodell, who many of us had the opportunity to work with and come to know in prior years and for whom we had the greatest respect.

Mr. Speaker, I express my condolences to the Goodell family.

Mr. Speaker, it is with a great amount of sadness that I rise to pay tribute to one of the outstanding legislators produced by the great State of New York during this century, Charles Goodell.

Charles Ellsworth Goodell was a true gentleman throughout his 9 years of service in the House and subsequent 2½ years of service in the Senate. He brought with him a diversity of experience and expertise which was rare even in these hallowed Halls.

Charlie Goodell was a veteran of the Navy in World War II and of the Air Force during the Korean conflict. There are probably very few veterans of two different wars who served in Congress, and even fewer who served in two different branches of the service. Likewise, Charlie Goodell brought to the House invaluable experience as an attorney as well as a teacher. He received his bachelor's degree from Williams College in Williamstown, MA, in 1948, and graduated from the Yale School of Law in 1951. Before receiving a master's degree in government from Yale he served as a teacher, learning a respect and regard for young people that he never forgot. Charlie was the congressional liaison officer in the U.S. Justice Department during the Eisenhower administration, and then returned to his home town of Jamestown, NY, where—in rapid succession—he became chairman of the board of directors of the local chamber of commerce, a councilman on his town board, and the chairmanship of the Republican Committee of Chautauqua County. Charlie earned such an outstanding reputation in such a short time that, when Congressman Daniel A. Reed passed away during the spring of 1959, Charlie was the logical candidate in the special election to fill this vacancy. Charlie won this special election handily, and was returned to the House by the voters of his district to four subsequent terms.

Throughout his service in the House, Charlie was always known to his colleagues as a fair, even-tempered, and even-handed legislator. He was respected on both sides of the aisle, and was known for considering each issue on its own merits, without regard for blind faith to any ideology. In 1965, he felt that his party was in need of new leadership in the House, and boosted the candidacy of his good friend and colleague, Gerald Ford of Michigan, for the leadership role. Years later, when he was in the White House, President Ford gave Charlie Goodell a great deal of public credits for launching his career into the national limelight.

In the wake of the tragic assassination of Senator Robert Kennedy in June 1968, leaders in both parties urged that the Senate vacancy be filled by a moderate—someone who would help quiet troubled waters rather than further inflame national debate. Representative Charles Goodell fit the bill competently. He was well respected by all shades of political opinion.

Unfortunately, the national mood of the late sixties and early seventies was a hostile climate for a conciliator. Ever a man of principle, Senator Goodell refused to temper his views to fit popular fashion. Accordingly, he was denied the full term in the Senate that he sought.

Nonetheless, Charlie Goodell will always be remembered as a man who tried to teach us to listen when others were shouting, and to reason together when others were tearing down.

To his widow and his children, we in the House offer our deepest condolences. Charles E. Goodell will be sorely missed.

Mr. HORTON. I yield to the gentleman from California.

Mr. EDWARDS of California. I thank the gentleman for yielding and compliment him on taking this time so that we could speak in memory of Charlie Goodell.

Those of us on both sides of the aisle who served with him remember him with great respect and affection. He always was a leader in the important areas of his expertise, which were many. Even after he left the House of Representatives he went on to higher and higher goals.

America is really very much the loser by the passing of Charlie Goodell.

I thank the gentleman from New York for allowing me to participate in this special order.

Mr. HORTON. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from New York, Mr. WEISS.

Mr. WEISS. I thank the distinguished gentleman from New York, our friend and senior Member, for yielding this time to me and for having taken this special order.

Those of us of a different party than former Representative Goodell had reason to be proud of the representation that he gave to the entire State of New York as the U.S. Senator whom we knew him to be.

So we join in expressing sympathy to his family and condolences at his loss.

Mr. HORTON. I thank the gentleman for his remarks. I yield to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. I thank the gentleman for yielding to me and commend him, along with my colleagues, for holding this special order to honor a singular individual and fine public servant. I am somewhat unique in that I am one who did not serve with former Senator Goodell or former Congressman Goodell, in this body. But I did have the great privilege of knowing him over the years. His district, as the gentleman knows, in New York State bordered mine in the northern tier so that I was able to follow his career very closely. From my vantage point on the other side of the New York line I know in what very esteem Charlie Goodell was held by his constituents.

He comes from an outstanding family in Jamestown, NY, and represented that district with great integrity both as a Congressman and as a Senator.

I think I knew him as a man and as a friend because, in addition to watching his career from Pennsylvania, I also spend my summers in your fine State in Chautauqua, where Charlie would go to recharge his batteries every summer. I got to know him very well as a result of our being mutual inhabitants of Chautauqua in the summertime. He was a familiar sight. Before I even met him I knew he was the most unpretentious, unassuming Senator that one could imagine. He was a familiar sight on his bicycle roaming around the grounds of Chautauqua. He always attended the softball games in which his sons were very active and very proficient participants and also in the tennis matches. He took a great interest in his children, he cared about his children and their lives and their careers.

I thank the gentleman for yielding.

Mr. HORTON. If the gentleman will yield, I would like to point out that Charlie for many years was the catcher on the Republican baseball team in the House of Representatives and when he went to the Senate we lost him in that role. But he was an excellent catcher and had always been involved with baseball over his years.

Mr. CLINGER. I am sure he was. In recent years I came to know Charlie better through retreats that the gentleman in the well and I have participated in from the House Wednesday Group. Charlie was never a member of the House Wednesday Group, though he should have been. I think he would have made a tremendous contribution to our endeavors. But, as the gentleman is aware, his good wife, Pat, was the executive director of the House Wednesday Group for a period of years. So Charlie and Pat have come to our annual retreats and other functions of the Wednesday Group over the years.

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I can report, as you know, that Charlie was an engaged, involved and interested and participating member of those activities.

Having left the Senate and having left the Congress had not in any way dimmed his enthusiasm or interest in public policy questions and in questions relating to the national interest. He was a very active member or participant in those groups.

I guess I just think of Charlie as a very warm, intelligent person and a most engaging and charming friend. He was a great companion to be with and the thought that the job of his companionship at future meetings of the Wednesday group and other places are not to be ours again is very tough to take.

I appreciate the gentleman for calling this special order. I join with my colleagues in expressing my deep condolences to his wife, Pat, and to his fine children.

Mr. HORTON. Mr. Speaker, I thank the gentleman for his very sincere comments.

Mr. MICHEL. Mr. Speaker, I was so shocked when I was told that our dear friend, Charlie Goodell, had passed away suddenly as a result of a heart attack.

Charlie and I were "battery" mates for our Republican baseball team when he was serving in the House and even after his appointment to the U.S. Senate. He was also a member of our informal Chowder & Marching Club here on the Hill, so we got to know one another very well. I consider it a deep personal loss because we were such good friends.

On the professional side, Charlie Goodell was a doer. He simply couldn't stand peacefully by and not speak up when he thought it was necessary. He made his mark early as a junior member of the U.S. House of Representatives by being the coauthor of many proposals which we considered at that time to be constructive Republican alternative proposals to what the Democratic majority was giving us by way of excesses time and time again. Charlie was truly an activist and there were those who criticized him for attempting to do so much, but I had always considered him a very valuable member of this institution, doing what he could in his way to keep us on our toes.

In our own Republican Party he also played a very active role as a member of a group frequently called the Young Turks, and there is no question but that that movement eventually led to Gerald Ford defeating Charlie Halleck for our leader position some years ago. It just so happened that as a partial reward for leading that movement, an additional elected leadership position was authorized in our party's ranks—chairman of the Research and Planning Committee. To this day, we still have that position in our elected leadership group on the Republican side. For the history books, I guess it should be stated that our membership in those days was dominated by the more conservative members of our party and Charlie Goodell was considered a more moderate member and frequently chastised severely by those on the right wing of our party.

Yes, Charlie Goodell did make his mark here in the House and it was my good fortune to have served with him and forged a beautiful friendship that has lasted down through the years. My only regret is that such a good friend who had so much to give has been taken from us at such a relatively young age of 60 years. My wife, Corinne, wants to join me in extending our deepest sympathy to his wife, Pat, and all the boys.

Mr. UDALL. Mr. Speaker, I was saddened to learn of the passing of Charles Goodell, a former Member of both this House and the Senate.

It was my good fortune to know Charles Goodell when I came to Washington as a freshman. Although we worked on opposite sides of the aisle, I came to regard him as a good and decent man of conscience, dedication, and fairness.

Charles Goodell was unafraid of doing the right thing when it might not be the popular thing. He stood as an opponent of the war in Vietnam and eventually, as a critic of the Nixon administration, drawing the ire of many members of his own party.

Charles Goodell left an admirable legacy in this Congress.

My sympathy goes to Charles' family in this time of their loss.

Mr. STRATTON. Mr. Speaker, I join my colleagues today in paying tribute to Charlie Goodell who passed away in January. Charlie had the unique opportunity to represent New York State in both the House and the Senate.

He had been elected in 1959 to fill the seat in the House of the late Daniel A. Reed whose district was located in the extreme southwest of the State. It was essentially the same district that our former colleague, Stan Lundine—now the Lieutenant Governor of New York—represented, the seat now filled by AMORY HOUGHTON.

In 1968 Charlie Goodell was named by Gov. Nelson Rockefeller to the seat vacated by the assassination of Senator Robert F. Kennedy. Interestingly enough, Charlie Goodell had been a conservative Republican; but as the inheritor of the Senate seat of Bob Kennedy, he began to take on some of the same positions as Bobby Kennedy—no doubt because, in a populous State like New York, you have to be as liberal as possible.

The race in 1970 became a three-way race. Charlie was the incumbent Republican Senator. His opposition was Congressman Ottinger, a dedicated liberal; and the third candidate running on the Conservative ticket was Jim Buckley, brother of William F. Buckley, Jr. Jim Buckley ended up the winner, thus repudiating the thesis that you can only win in New York State if you are a solid liberal.

But Charlie Goodell was a very intelligent and diligent person. Having lost his Senate seat, he found his long experience in Congress made it possible to carry out the kind of legal adviser-lobbyist work which so many other former Members of Congress have followed.

One of the issues Charlie supported—and I agreed with him—was to let the Concorde airplane land in New York. Charlie helped to win that battle, and he did a great service for New York City.

We will miss Charlie here in Washington. To his wife, Patricia, and his children, our sympathy goes out to them.

Mr. LENT. Mr. Speaker, I'd like to thank my distinguished colleagues from New York, Representatives STRATTON and HORTON, for calling today's special order honoring the late Senator Charlie Goodell.

Charlie Goodell will long be remembered as one of our Nation's finest statemen. As a fellow New Yorker, I am proud to claim that this fine American hailed from our fair State, born and raised in Jamestown, NY. Charlie began his career in Congress when, in 1959, he won the House seat of the late Representative Daniel Reed in a special election. During his five terms in the House of Representatives, he earned the respect and admiration of his colleagues as a hard working legislator and a dedicated public servant.

In 1968, he was appointed to the U.S. Senate by Gov. Nelson A Rockefeller to succeed Robert F. Kennedy after his assassination. During his 2 years in the Senate, Charlie remained a strong opponent of U.S. involvement in Southeast Asia and he sponsored legislation, which was adopted 5 years after he had left Congress, to end funding of the Vietnam war.

Charlie Goodell served his constituents and his country loyally and to the best of his ability for many years. I had the privilege to know Charlie, and I can truly say that I have not known a finer, more dedicated Member of Congress. He was a man of principle, a man who stood by his word. Our Nation and its government have benefited greatly from his outstanding contributions.

I extend my deepest sympathy to his wife and family, and I know I speak for many in saying that Charlie Goodell will be sorely missed.

Mr. MINETA. It was with sorrow that I heard of the death of Charles Goodell, who had a distinguished career in the House and in the other body.

While I was not fortunate enough to have served in the House of Representatives with Charles Goodell, I am grateful for the opportunity to join my colleagues in paying our respects to this brave and honorable man.

My firsthand knowledge of Mr. Goodell's many fine qualities came through my working relationship with his wife, Patricia Goldman, who serves as Vice Chair of the National Transportation Safety Board. However, his reputation for fairness and principle preceded our personal acquaintance.

Whether it was stepping outside of party labels to sponsor a resolution to cut off funding for the Vietnam war, or representing the concerns of the environment, or arguing before the U.S. Supreme Court to stop the testing of nuclear weapons on Amchitka Island, Mr. Goodell's values were embodied in his actions.

Later, as chair of the Presidential Clemency Board, Mr. Goodell's sensitivity contributed greatly to the beginning of the long national healing process following our withdrawal from Vietnam.

On one hand, Charlie Goodell acted on his principles and took his causes seriously. But we must also remember that he possessed a great sense of humor and humility about his own role on this political stage.

He was someone who could be counted on to wage the good fight and to wage it with style and substance. Charlie Goodell serves as a model for living our beliefs at a time when it sometimes appears that cynicism is more celebrated than principle.

We will sorely miss Charlie Goodell.

Mr. GREEN. Mr. Speaker, a very good friend of mine and a very distinguished Member of this House, Charles E. Goodell, passed away last week.

As a member of the House, he was part of a group of Republicans who helped to elevate former President Gerald R. Ford to the post of minority leader. Later, Mr. Ford appointed him Chairman of the Presidential Clemency Board, which reviewed in 1976 clemency applications by Vietnam war resisters.

Charles Goodell served for 10 years in the House of Representatives before being appointed to succeed Robert Kennedy in the Senate. He was an outspoken opponent of the war in Vietnam.

He was born in Jamestown, NY, and practiced law there throughout his life. He won a House seat in a special election in 1959, following the death of Representative Daniel A. Reed.

Mr. FISH. Mr. Speaker, I rise today to pay tribute to a dear friend, the Honorable Charles E. Goodell of New York. I join my colleagues in the House of Representatives today to mourn his passing, to express my sincere condolences to his family, and to remember him by his reputation and his deeds.

Charlie Goodell's life exemplified his dedication to public service. He performed a wide range of functions in service to his community. His party and his country. He served in the Armed Forces during World War II and the Korean conflict. He was a teacher, chairman of his area chamber of commerce, member of his town board, congressional liaison assistant for the Department of Justice, Republican committee member and delegate to three Republican national conventions. He was elected to the House of Representatives in 1959 to fill the vacancy caused by the death of the Honorable Daniel A. Reed, and served with distinction until his resignation in September 1968. At that time, in recognition of his achievements and abilities, he was appointed to the U.S. Senate to fill the unexpired term of the late Senator Robert F. Kennedy, and he served until January 1971.

The Honorable Jacob Javits, in his book "Order of Battle," recognizes one of the many contributions of Charlie Goodell during his tenure in the House. Although written more than 20 years ago, Mr. Javits' words have relevance today. Mr. Javits praises Charlie Goodell for being responsible for a major manpower retraining bill in the early 1960's. Mr. Javits recognized Charlie Goodell's long-sighted wisdom, calling the bill necessary "if America's productive machine is to mantain its industrial supremacy in the face of stiffening world competition."

I join with all my colleagues today in honoring a man who brought experience and wisdom to the House of Representatives, and enriched all of our lives.

Ms. SNOWE. Mr. Speaker, I first would like to commend the two gentlemen from New York, Mr. HORTON and Mr. STRATTON, for taking this special order today in honor of Charles Goodell.

Having been elected to the House for the first time in 1978, I never had the opportunity to serve here in the national legislature with Charles Goodell. From all accounts, it would have been an opportunity both interesting and edifying.

I say this with some confidence because, in recent years, I became friends with Charlie and his wife, Pat Goldman. Throughout this friendship, it became obvious that the same qualities which made him so enjoyable and fascinating to be around were the same ones which helped create his distinguished political career.

Actually, even before we became friends, I knew of Charlie Goodell as a man who stood bravely against the tide of public opinion, relying upon his integrity, his common sense and his level judgment.

Charlie Goodell may have lost his bid for a full Senate term, but he gained the respect of millions throughout this land, myself included, for taking a difficult stand against the war in Vietnam—for adhering to a position grounded in principle.

Through the years since, and during the years I knew Charlie, he never lost touch with these same basic values and principles. Following his legislative career, Charlie retained a view of the Government as necessarily both compassionate and sensitive—and viewed his own responsibility toward his fellow men and women in the same light.

Charlie Goodell never lost his enthusiasm for accomplishment—not for the sake of reward or recognition, but rather because so much was left that needed doing. And along with this enthusiasm, he brought a keen and incisive intellect, one which was discerning without being divisive.

At the same time, as those here who served with him in the House will recall, Charlie rarely was without his sense of humor. His good nature was a reliable ally in a city that too frequently gets wrapped up in itself.

There is one aspect of his life, I must admit in all truthfulness, about which he was intensely serious, and brooked no dispute or contention. That, of course, was the subject of the Washington Redskins.

I'd have to say that Charlie was the most thorough Redskins fan I have ever met. It wasn't just a matter of having a Skins t-shirt or hat. Come Sundays, Charlie was a committed football fan, equipped for any contingency with his cooler, radio, headphones, television, and all other paraphernalia indispensible to the art of watching football. He was truly a sight to see.

I think it is the combination of these qualities, equally forthright and endearing, which will make me miss this friend the most. My heart goes out to Pat, who has lost a partner we were all happy and proud to know, and to Charlie's five sons, for whom his dedication and love was evident to all. I hope that they will take comfort in the memories of Charlie, warmth in the love they shared, and fortify themselves with the lasting impressions he made on so many of us.

My colleagues, Charlie Goodell led a full life, and I thank him for having made mine—for having made all of ours—fuller as well.

Mr. HORTON. Mr. Speaker, this special order was really taken by the gentleman from New York [Mr. STRATTON] and myself. Mr. STRATTON is the dean of the New York delegation, and I am the vice chairman of the delegation. Together, we wanted this special order to show our bipartisan efforts in commending Charlie for his work in the House and the Senate.

Unfortunately, Mr. STRATTON could not be here at this moment because he is conducting a hearing and wanted me to express his regrets that he could not be personally here to comment, but his remarks will appear in the RECORD.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed joint resolutions of the House of the following titles:

On February 11, 1987:

H.J. Res. 131. Joint resolution congratulating Dennis Conner and the crew of Stars and Stripes for their achievement in winning the America's Cup.

On February 12, 1987:

H.J. Res. 102. Joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. CAMPBELL). Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, February is Black History Month. This month, Americans throughout the Nation have paused to recognize and celebrate the contributions of black Americans to the development of the United States.

The history of black America is inextricably woven into the fabric that is America. We have tilled her soil, gathered her crops, built her monuments, fought her wars, sung her praises, and fought her prejudices.

However, despite the significant contributions black Americans have made to this Nation, until recently, blacks were ignored in the history books or the importance of their contributions were diminished. But the impact black Americans have made on this Nation can never be totally disallowed, for like every other ethnic group that has come to these shores, we are America's history.

Early in this century, in an effort to make known the contributions of black Americans to American history, the late Dr. Carter G. Woodson founded the Association for the Study of Negro Life and History. In 1926, Dr. Woodson proposed and implemented the idea of commemorting the achievements of black Americans for one week each year. It was a radical notion in an age when most academicians doubted that blacks, considered less than human, had any history. But Dr. Woodson persisted, and for 50 years, Negro History Week was almost exclusively observed in the black community. In 1976, the observance was expanded to Black History Month.

Mr. Speaker, it is fortunate that the black history observance has been expanded to a month, for that amount of time is certainly required in order to merely list the accomplishments of black Americans. The contributions of blacks to American history can be seen in every single aspect of American culture, science, health care, politics, the arts, education, technology, and other areas. It is of the utmost importance that we spread the word of black contributions to all Americans.

Therefore, when we speak of the accomplishments of great American scientists and inventors, such as Thomas Edison, we should also mention Granville T. Woods, who patented many electrical railroad devices; Robert Rillieus who revolutionized the refining of raw sugar; and George Washington Carver who developed numerous uses for agricultural products.

When we speak of the greatness of Dr. Jonas Salk, whose research resulted in the development of the polio vaccine, we should not hesitate to mention the research of Dr. Charles Drew, who developed the first blood plasma bank that has saved innumerable lives and enabled hospitals to store blood for longer periods of time.

When we list the names of journalists such as William Randolph Hearst whose words influenced the thinking of the Nation, we must also mention Ida B. Wells and Mal Goode, two of the finest journalists of the 20th century, whose writing not only influenced the thinking of the Nation but challenged its behavior and discriminatory practices.

Mr. Speaker, as we speak of those great Americans who forced America to examine its conscience, along with Abraham Lincoln we should speak of the greatness of Martin Luther King, Frederick Douglass, and Sojouner Truth. All of these black Americans worked to free blacks from the immoral and inhumane shackles of slavery and the subsequent second class citizenship blacks were relegated to after the Civil War.

Mr. Speaker, as we think of the tremendous contributions of America to the arts, we cannot overlook black Americans. The single musical form that originated in America, jazz, was created and cultivated by the likes of Duke Ellington, W.C. Handy, and Louis Armstrong.

When we salute those who risked and sacrificed their lives to preserve this Nation, the salute must include Crispus Attucks, a black man who was one of the first killed in the War for Independence from England and Dorey Miller, a black mess steward in the U.S. Navy. During the Japanese attack on Pearl Harbor, Miller commandeered artillery and singlehandedly shot down two Japanese planes, probably saving the lives of his shipmates.

And finally, Mr. Speaker, when you speak of the strength of the American Government, it is only necessary to observe the history of this Chamber to access the contributions of black Americans to our political history.

Mr. Speaker, with every passing day another achievement, another contribution, another accomplishment is added to annals of black history. These accomplishments are not only significant for black Americans, but for all Americans. People of all races, national origins and creeds have worked to make this Nation great. My hope for the future is that we may work together to continue our progess in the future.

I am thankful that Dr. Carter G. Woodson initiated the annual observance in honor of the history of black Americans. I look forward to the day when the contributions and history of black Americans are integrated into the history books and teaching curriculum, and Americans will recognize the tremendous contributions of black Americans, not only for 28 days in February, but for 365 days a year.

Mr. CLAY. Mr. Speaker, this month as always we celebrate the monumental achievements of fellow black Americans. In every field, in every area of society, blacks have made history. From E. Frederic Morrow, the first black executive in the White House under the Eisenhower administration, to Pfc. William Thompson, first black awarded the Congressional Medal of Honor since the Spanish-American War. From Arthur Ashe and Althea Gibson, first blacks to win the title at Wimbledon to Patricia Roberts Harris, who under the Carter administration became the first black woman appointed to a Cabinet post. Since the introduction of a black history commemoration by the late Dr. Carter G. Woodson, founder of the Association for the Study of Negro Life and History in 1926, we have set aside this month to remember those who have made strides in black history and those who continue to do so. Blacks have triumphed not just for themselves but for the betterment of others as well. Noble Peace Prize Winner Dr. Ralph Bunche, instrumental in creating the State of Israel through his mediations with the Palestines, is evidence of this fact. The 1950 Pulitizer Prize winner Gwendolyn Brooks opened the door to recognition of our literary genius, and 1984 Pulitizer Prize winner Alice Walker has kept it open.

However, the dreams of civil rights leaders Rev. Dr. Martin Luther King, Jr., Roy Willkins, executive secretary of the NAACP, Mary Church Terrell, educator, are far from being realized. We cannot begin to wholeheartedly celebrate anything when civil rights gains such as affirmative action and quotas are being targeted for elimination. When racial violence such as that in Howard Beach, NY, and the Citadel, SC, are brushed off as "incidences." When Edward W. Brooke was and remains the only black U.S. Senator since the reconstruction. As we commemorate our brilliant and colorful history this month, let us also reflect on the work still to be done. The doors still unopened and the voices still unheard.

Mr. CHAPPELL. Mr. Speaker, I am pleased to join my colleague, Mr. STOKES, in this special order commemorating Black History Month. Today, I honor Mary McLeod Bethune, who through her contributions improved the future of all youth in America.

Mary McLeod Bethune, was a renowned educator and compassionate political leader. Her many accomplishments include the founding in my district, of Bethune-Cookman College, at Daytona Beach, and her appointment as director of the Division of Negro Affairs of the National Youth Administration, by President Franklin D. Roosevelt.

Dr. Bethune's life and philosophy are best summarized by a "Will" she wrote in the twilight of her life, I will let it speak for her:

> I leave you love . . . I leave you hope . . . I leave you the challenge of developing confidence in one another . . . I leave you a thirst for education . . . I leave you a respect for the uses of power . . . I leave you faith . . . I leave you racial dignity . . . I leave you a desire to live harmoniously with your fellow man . . . I leave you finally a responsibility to our young people . . .

As we pause to pay tribute to black Americans, it is worth noting that there are in the Nation's Capital numerous memorials to outstanding Americans and foreigners who helped win our independence in the Revolution, but there are only two memorials to black persons. Those two people are Dr. Martin Luther King, Jr., and Mary McLeod Bethune. This is articulate recognition of the role that this great lady played in our national history.

Mr. HORTON. Mr. Speaker, each year Congress sets aside February to pay tribute to and remember the incalculable contributions made by black Americans to this country and to the American way of life. I take pride in joining in this special order, and in helping in some small way to honor black Americans and their efforts.

Congress began to honor black Americans in 1926, setting aside a week to commemorate "Negro History Week." This has grown to today's Black History Month, a time to reflect upon accomplishments made—by blacks and by society toward blacks.

A short list of successful black Americans serves as an important reminder that black Americans' efforts have spanned across education, sports, science, industry, music, literature, and all the arts. Dr. W.E.B. DuBois, "Chappie" James, Mary McLeod Bethune, Shirley Chisholm, Duke Ellington, Martin Luther King, Jr., Joe Louis, Thurgood Marshall, Carl Stokes. The list is virtually unending, and the successes impossible to fully measure.

The history of black Americans is one of struggle against injustice, against discrimination, against nearly insurmountable odds to have a chance at fulfillment of the American Dream. Much has been achieved since the time of Lincoln. But much remains to be done.

We take these few moments each year to pay a special honor to America's blacks. But accomplishments are made every day of every year.

I want to personally thank my good friend and colleague LOUIS STOKES of Ohio for reseving this special order to commemorate black America. His dedication to this cause over the years should be a source of pride.

Mr. BONER of Tennessee. Mr. Speaker, I am very pleased to be able to participate in a special tribute to black Americans in commemoration of Black History Month.

Nashville, TN, the largest city in the district which I represent, is the Athens of the South as it is the cradle of numerous educational institutions. Our historically black colleges—Meharry Medical College, Fisk University, and Tennessee State University—have greatly contributed to that distinction.

Our city recently had a very distinctive honor bestowed upon it by the World Health Organization when they designated Meharry Medical College's International Health Sciences Center as a collaborating center for health manpower. This kind of recognition is long overdue as Meharry, Fisk, and TSU are considered to be leaders in minority education. Meharry Medical College has trained nearly 40 percent of the black physicians and dentists who are currently practicing in the United States today. Fisk University has very distinguished alumni from all over the country. And, Tennessee State University provides all students with an opportunity for equal access to education. We are very proud of the accomplishments of these schools.

Despite the great progress we have made in this country in achieving equality in education, we still have a long way to go. In 1985, the Secretary of the Department of Health and Human Services issued a detailed report outlining the critical health status disparities that exist between black and white citizens. Among other things, the task force reported that black infants are twice as likely to die as white infants. Further, blacks suffer a much higher share of hypertension, diabetes, stroke, some types of cancer, and other disease categories. 60,000 excess deaths occur per year among blacks when compared to whites. The Secretary's report attributed a major part of the problem to the fact that while we have an abundant supply of health professionals in the Nation, we are sorely lacking in those dedicated to serving minorities. More black health professionals are apt to return to underserved communities than are white health professionals.

That is why on February 4, during Black History Month, I, along with the entire Tennessee and Louisiana delegations, a majority of the Alabama delegation, and Mr. STOKES and Mr. LELAND, had introduced legislation, H.R. 954, which is intended to address the problems outlined in the Secretary's task force. My legislation, the Excellence in Minority Health Education and Care Act, will designate Meharry Medical College, Meharry College of Dentistry, Xavier University, and Tuskegee University as centers of excellence in minority health education.

The bill will also authorize assistance for these centers to aid them in addressing the serious health needs of minorities by increasing the enrollment of high-caliber minority health professionals and then sending them back out into the underserved communities.

Meharry, Tuskegee, and Xavier are truly centers of excellence in minority health education as they graduate such a large share of black health professions. My legislation will allow them to carry on that tradition.

MEMORIAL TRIBUTE TO SALA BURTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. EDWARDS] is recognized for 60 minutes.

Mr. EDWARDS of California. Mr. Speaker, I have previously shared with my colleagues some of my thoughts on our dear colleague, SALA BURTON, and so I will be brief today.

At this time, I would like to remind my colleagues that tomorrow, Wednesday, at 5 p.m., in Statuary Hall, there will be a memorial tribute to SALA BURTON, where friends and associates who were unable to attend the services in San Francisco will have an opportunity to pay tribute to our colleague.

I would encourage my colleagues to attend.

Mr. Speaker, although I will be brief today, I did want to mention a couple of thoughts that struck me on February 2, when a number of us gathered here in the Chamber to pay tribute to our departed colleague.

The first thing I might mention is that it is a sign of tremendous love and respect that so many of us felt for SALA BURTON that on that day, spontaneously and speaking entirely extemporaneously, for an hour and a half, our colleagues rose to pay tribute to SALA, and to share their special thoughts about the impact she had on them and on this body.

It was an extraordinary and unprecedented response to the passing of a colleague.

I was struck further that day by a recurring theme in the remarks that were made. Speaker after speaker shared memories of SALA and the loving concern she had always shown for them personally and for their families.

They told us of a colleague who was as effective and forceful a legislature, but who was first and foremost a person of warmth and compassion. What was striking to me was the fact that my colleagues recognized that SALA's caring and humanity added an important dimension to our House, to our being here, our work in the House of Representatives.

I believe that my colleagues felt instinctively that SALA's way of approaching her work and her work was special because it was much too rare.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I just want to say that I was one colleague who did have that rare feeling about SALA BURTON and the way that she picked up and became so much a part of this body on the inside, after having been so many years a part of it through a marriage to our late great and distinguished colleague, Phil Burton.

I want to thank the gentleman. It has been a very difficult time, for certainly Californians who have witnessed the evolution of leadership in California and now again lose a great Member of Congress, a very caring person. I hope that we can continue that tradition the ideals and the philosophy that was inherent in the Burton tradition.

I want to thank the gentleman from California [Mr. EDWARDS] for his efforts in providing this special order.

Mr. Speaker, I remember SALA BURTON. I remember her warmth. I remember her kindness. I remember her strength. I remember her concern about others. I remember her consistent effort ot enact the best laws and policy possible.

I don't know what motivated SALA BURTON to be such a warm and caring person. I cannot point to the single factor that made her such an effective legislator. I do know we all cared for and admired her very much.

SALA BURTON had such positive qualities. All of the characteristics that most of us in this Chamber aspire too and hope we can attain.

I first knew SALA as a part of that phenomenal team of Phil and SALA BURTON, husband and wife, best friends. What wonderful work they did for the poor, the homeless, the sick, and for those of us who care about our magnificant parks and rivers and mountains.

We lost one-half of that team such a short time ago that I along with my colleagues thought of SALA's work as a continuation of both their long efforts to make this a better world.

Now we have lost SALA, and with her going, this body, this 200-year-old institution, has lost one of its most memorable occupants and we shall be the worse for that loss.

I will miss being able to work with such an outstanding person and such an outstanding Member of the House of Representatives. The legacy that SALA BURTON has created will, however, be remembered, the sacrifices and love of work and the great joy of representing people, people that were powerful but most important those who were powerless but had the need of an advocate.

Mr. EDWARDS of California. Mr. Speaker, it really was trying, not only for Members of California, but for all of us here in the House and in the Senate, too, to lose in such a short period of time two Members who were as important and who contributed so much to the country's business.

I would like to think that by recognizing those rare qualities which made SALA so dear to us, we each also thought of how we might bring that sense of compassion and caring into our own endeavors.

I believe that this self-examination might be SALA's legacy to us all. If, by her example, SALA has helped to humanize the work that we try to do here and to encourage us to bring that compassion to our work, she has left us with a great gift, and I am very grateful to her.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. WEISS. Mr. Speaker, I want to thank my distinguished friend, the gentleman from California [Mr. EDWARDS], the dean of the California delegation, for having taken this special order, especially since there had been, on February 2, that tremendous, spontaneous expression of love and sentiment and sorrow at the loss of SALA BURTON.

I was not present in the House on that day, so I missed that very moving occasion, but I was present at the memorial service that was held at San Francisco.

I think that the entire event, from the beginning of moving from the Capitol steps out to Andrews and then three planes full of people, Members of the House and others, former Members included, and staff people, and the memorial service itself, were a tremendous tribute, recognition of what SALA BURTON meant to all of us.

I had the privilege of knowing SALA and Phillip before I came to the House in 1977. They had been to New York on political occasions and they were dear friends of a former predecessor of mine, the late Bill Ryan.

We maintained that relationship before I came here, and of course, it grew after I came here.

They were a fantastic team; different in many ways, but absolutely committed to the same principles of fairness and concern and commitment to the plight of those who would otherwise have had no one to speak for them.

I think that the House itself has been severly diminished by the loss of Phillip, and more severely diminished by the loss of SALA BURTON.

I, in my capacity as the current national president of Americans for Democratic Action, which post our distinguished colleague, the gentleman from California [Mr. EDWARDS], had also held a few years ago, had the occasion at the executive committee meeting this past Saturday to be asked to offer some words in tribute to SALA.

I must tell my friend that it was a very difficult thing to do. The closer you are, I think, to people, and the deeper you feel the loss, the more difficult it is sometimes to express in words the sense of loss that you feel. But I do want to bring to the House the expressions of love and support and sympathy for the family that the Board of Americans for Democratic Action also feels at the loss of their good friend, a fighter in many, many common causes with them, SALA BURTON.

Mr. Speaker, before closing, let me just say that there were occasions in the years that SALA was with us and we were privileged to have her as a colleague when she and Representative BOB GARCIA and I would share dinners together. Those occasions were at least as much social and expressions of friendship than they were political. Those occasions will remain with me to the end of my days as will the memory and recognition of what she brought to all of us who had the privilege to know her.

Mr. Speaker, the Congress has been severely diminished with the passing of Representative SALA BURTON.

SALA became a Member of Congress in 1983 following the death of her late husband, and our dear friend and colleague, Representative Phillip Burton. When her constituents selected her from a field of 11 candidates in a special election, they knew they were selecting an able and compassionate representative in Washington. When the entire California delegation crowded around her at her swearing-in, they knew she would prove to be a Representative who worked hard for her constituents and adhered firmly to the highest of principles.

SALA did not just meet these expectations—she exceeded them. She brought to the task of governance a zeal and energy that were unsurpassed amongst her colleagues. She insisted on fairness and integrity, and she quickly earned a reputation as one of the chief congressional advocates for those who have no voice in our National Government. It was evident to all who knew her that SALA had a spark within that prompted her to go the extra mile and to seek nothing less than excellence in every endeavor that she entered into.

That spark had it origins in SALA's past. Born in Poland, SALA fled to the United States with her parents in 1939. "I saw and felt what happened in Western Europe when the Nazis were moving," she said. "You learn that politics is everybody's business. The air you breath is political—it isn't just a game for certain people. We must all be vigilant in terms of our civil rights and liberties."

SALA's commitment to political activism was evident long before she became a Member of Congress. She participated in the founding of the California Democratic Council and then served as its vice president. In the 1950's, she was a codirector of the California Public Affairs Institute, an organization involved in issues for Democratic Presidential candidates, and she served as president of the San Francisco Democratic Women's Forum. She was a member of both the county and State Democratic central committees, and she was a delegate to the Democratic National Conventions in 1956, 1976, 1980 and 1984.

In the 1960's, SALA battled alongside the NAACP in order to achieve fair housing laws for our Nation's citizens. While her husband Phil was serving in the House, SALA became a cofounder of both the congressional wives task force and the Washington International Club IV, an organization consisting of wives of members of the diplomatic corps and of representatives of Congress. And she chaired the legislative committee of the Woman's National Democratic Club.

When Phil died and SALA was elected to succeed him, she said of her new responsibilities: "I want to represent, as my husband did, the dispossessed, the hungry, the poor, the children, people in the trust territories, the aged—those people who don't have a lot of lobbying being done for them."

This statement is characteristic of SALA, who worked diligently in Congress to improve the status of the poor, to improve education programs, to improve the environment, and to preserve civil liberties. She was also widely known for her efforts to achieve meaningful arms control and to promote the cause of human rights, particularly for Soviet dissidents.

Not only was SALA absolutely unwavering in her devotion to the principles of compassion and fairness, but she pursued these ideals with unparalleled energy and enthusiasm. She was a model of strength and courage to all of us in the House who value the progressive accomplishments of the last 50 years and who seek to build upon these achievements in the years to come.

With the passing of SALA BURTON, the cause of social justice has been dealt a severe blow. On this sad occasion, I wish to extend my deepest sympathy to SALA's daughter, Joy, to her and Phillip's family and to all of SALA's many friends and constituents. Just as they will never forget SALA, those of us who had the privilege to serve alongside her in the House of Representatives will always preserve a special place in our hearts for our cherished colleague.

Mr. EDWARDS of California. I thank the gentleman from New York.

Mr. Speaker, I yield to a great friend of SALA's for many, many years; in the old days, in the Young Democrats of California. I yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. I thank my friend, the chairman of the California Democratic delegation for bringing to the House this name of this great woman so we can pay tribute to her today.

Mr. Speaker, I first met SALA BURTON, of course, through my friend, Phil Burton, in 1960 when I was a young Democrat attending a convention in San Francisco. Over the years, Phil and I became friends and anyone who knows Phil you know that if you are a friend of Phil Burton, that friendship is always a stormy one. There are ups and downs to that friendship. Phil would often come to me and say, "Why is it whenever you and I have a fuss my wife takes sides with you?" I would say "She is just a smart woman, that is all."

SALA was always the mediator; always trying to mend fences. I have never seen her angry. I am sure that sometime during the dinner hour when Phil took so many phone calls from us she must have been angry with him for interrupting the dinner hour but I have never seen her over those years, over those 26, 27 years that I have known SALA, ever fussing or with a frown on her face; always with a smile, always willing to talk to you, to help you, to give you good cheer; always very pleasant.

She will be missed by all of us in the California delegation. She will be missed by all of her friends and supporters and voters in San Francisco. She was just a kind, considerate, thoughtful person. Always willing to help someone who needed help. Always willing to listen; always having some suggestion to improve the status quo of the environment in which we live.

Mr. Speaker, I tell you with a great deal of sadness that I bring to you the sympathy of the Congressional Black Caucus, and we join with the California delegation, the people of San Francisco and her many friends in this House in expressing our very deep sympathy.

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. I thank the gentleman for yielding to me.

Mr. Speaker, today we honor our colleague and dear friend, SALA BURTON who died on February 1, 1987. SALA was a personal friend of mine, just as her husband Phil was and they can never be replaced in our hearts and in our minds. SALA's spirit was large with room for many of us from California and across this Nation. She saw us as individuals with lives and families, not just as Members of Congress, and she was very special for that reason.

SALA BURTON was a woman of soft words but strong convictions. She was courageous when it was difficult to be so. I recall vividly her support and cosponsorship of my legislation to prevent further expansion of San Francisco's dam in Yosemite National Park. I did not go to SALA for help on the issue, because I knew it put her in a difficult position with her home district. SALA, however, came to me and put the values of protecting a national treasure above the parochial desires of the city. Putting large values ahead of small ones is a lesson she leaves us all.

Finally, Mr. Speaker I must admit that I shall miss SALA for the most personal of reasons. SALA BURTON was the only person I know who could be counted on to refer to me as "a nice young man." As I approach my fourth decade, SALA's references to my youth will be missed more than she will ever know.

Mr. Speaker, SALA BURTON's legacy is one of service to California, adviser to her late husband Phil in all aspects of politics and dear friendship to all us in this House.

Mr. EDWARDS of California. I thank the gentleman.

Mr. Speaker, I yield to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. I thank the gentleman for yielding to me.

Mr. Speaker, what I would like to do is simply repeat the remarks that I gave in California, in San Francisco at a commemoration, a memorial tribute to one of the great people of the House, SALA BURTON. Basically, what I said was that to me SALA BURTON had the glamour of a Marlene Deitrich and the heart and good will of a Mother Teresa and the political savvy of a Golda Meir. If anyone read the CONGRESSIONAL RECORD when my distinguished colleague, Mr. EDWARDS, dean of the California delegation, introduced the privilege resolution, they would know the overwhelming expression of grief and love for SALA. She was really a mother, a sister, and a friend to all of us. She cared in a very special way for people.

She really did love her roots, her family, her country, the Congress, and she had a real affection—those Californians stick together—for the California delegation. She certainly loved San Francisco. She was extremely proud to represent, and it was America's perfect city with its great diversity of people.

She meant very, very much to the wives of the Members. Of course, she was the cofounder of the Congressional Wives Task Force, and always reached out to make them feel a part of Congress. SALA often told me of the pride and love she had for her daughter and her son-in-law and her grandchildren. She admired her daughter's abilities and independence. Her parents meant very, very much to her. Her mother still is living, God bless her, and she had a marvelous impression from her parents. She often talked about her father's brilliance and her mother's common sense and their interest in current affairs.

She was very proud of her brother-in-law, John, and believed he had tremendous values as did her husband, and values that are known in California, indeed, nationally, as the great Burton tradition.

She was proud of John's personal courage as well and proud of her brother-in-law, Bob, as well. She was very, very proud of her brother and her nephew, Tom, who was so gracious to so many of us during SALA's illness.

Mr. Speaker, I want to say this about her staff: She felt that they were an extended part of her family, and they ought to know how much affection SALA had for them and how much it meant to her that they carried on during her illness. So in a very special way, all of us can claim SALA in a very real way. Of course, she loved her beloved Phillip, as she would say. You could not talk to her for any length of time without knowing of the respect and love she had for her husband. She quoted him often; she felt even after he died that she was an extension of him. But SALA, in her own right, was a magnificent Congresswoman and a very savvy politician.

She was intensely political, and long before she became a Congresswoman, she served her political apprenticeship.

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She traced her interest to her childhood in prewar Poland. She said, "I saw and felt what happened in Western Europe when the Nazis were moving. You learn politics is everybody's business."

She had instant clout in the House. When we look at her assignments we see that she was practically immediately after a term of being here assigned to the prestigious committee, the Committee on Rules. She was a delegate to the North Atlantic Assembly, where 60 parliamentarians from NATO elected her vice chair of the Political Committee. Last spring in Luxembourg I saw her chair the committee, and I saw the love and esteem of our allies and our fellow and sister parliamentarians, who really thought that she was so outstanding.

She knew how to get things done. One can recall the many instances in which SALA did in fact buttonhole her friends. I said in San Francisco that she buttonholed the men in Congress by flicking the lint from their lapels rather than twisting their arms. Her style was different from Phil's, to say the least, but it was equally as effective.

So how do we accept her death? One of the things that SALA was most proud of, really, was her Jewish background. So I quoted from the Mourner's Kaddish in which there are a line or two that indicate that thru the long centuries, and this is a quote from that beautiful prayer:

> Thru the long centuries we have learned to rise in the face of every storm, out of the abyss of anguish, on the ashes of every destruction, to praise God's name, to maintain a stance of human dignity and to affirm our consecration to the task of life.

That was her goal. Life was so important to her, and she was consecrated to this.

The Wednesday before SALA's death I had the great privilege of visiting her. Along with Senator ALAN CRANSTON, and my friend and colleague, the gentleman from California, DON EDWARDS, and at the end I whispered a few words to SALA, and she said to me, and the last words she said to me, were, "Tell everyone I think of them and love them." And she said, "Goodbye, MARY ROSE—we'll talk"—which was a common expression of SALA's.

We will talk about SALA—for we will think of her legacy and her values, that wonderful Burton tradition.

We know that already there have been a number of things that people are proposing to name after her, such as the Sala Burton Maritime Museum, which of course was part of her legislation, to have that funded properly, and the gentleman from Arizona, Mr. "Mo" UDALL, did change the name in the legislation naming it after her.

One of the things that I would like to suggest, I have introduced a bill that would allow the staff and people who work on the Hill to have access to a day-care center, and that has been passed. I think that it would really be an honor for me to know that my legislation somehow—and the gentlewoman from Colorado, Mrs. PAT SCHROEDER, is the one who suggested it, and I think it is a great idea—to somehow dedicate that day-care center to the memory of our friend, SALA BURTON.

So we accept her death in the sense of Alfred Lord Tennyson when he recalled in his wonderful poem, "In Memoriam" when he had the death of one of his dear friends thrust upon him, and he was wondering how he could accept this great tragedy. One of the lines that he uttered then and which is recorded for all of us immortally is something that consoles me very much when I think of her, and that is:

> 'Tis better to have loved and lost,
> Than never to have loved at all.

We all loved SALA BURTON, and we will talk to her many, many times.

Mr. EDWARDS of California. I thank the gentlewoman from Ohio for those very moving words. Let me also emphasize that SALA's staff, both here and in California, did a most remarkable job in keeping the office operating, serving the constituents, and holding their heads high during the last few weeks, which of course was very difficult as SALA weakened. So Nancy Leong and the rest of the fine men and women there should be thanked by all of us, and not only by the people of San Francisco.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, one of the things that I said at Phil Burton's death, when we were eulogizing Phil, and I think that SALA might want me to say it today, is that I encouraged SALA when we were eulogizing Phil, and I did not know if it was in good taste or not, to run for that seat. I really felt that Phil would want that, but most importantly I thought that she was essentially the most qualified person.

I do think that one of the things that SALA felt very, very strongly about when she realized that she might not be able to come back to the House in the next term was who would replace her. I do think and know and I think that most of us know that she wanted Nancy Pelosi to replace her. So I would just like to encourage Nancy to run—she has not thrown in her hat already—because that was SALA's wish, and I know that SALA would never choose someone who did not have the magnificent values of that whole tradition.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I must say, as I sat here listening to remarks regarding SALA BURTON, Ms. MARY ROSE OAKAR brought many a thought to my mind. Sometimes after the fact you are moved by things that you happened to do rather than regretting that you did not do something, and I was reminded by MARY ROSE that as a "Dear Colleague" came from SALA BURTON in that closing week of our experience with her, she indicated that she would not be seeking reelection in 1988. The tone of that statement which her brother read in San Francisco was obvious to anybody who was sensitive at all to the circumstances. I was moved to sit and write a note expressing my respect and love and affection for SALA, and feel gladdened today to know that she saw that during those last days.

The first time that I ever heard about the Burtons was when I was a graduate student in San Francisco doing an internship in the field of public affairs. I was occasioned to go to a gathering of an organization then known as the Labor Youth League, which was having a rally in one of the major parks in San Francisco, and at that rally there were featured the Burtons. The speaker at that rally was not Phillip Burton, it was SALA BURTON. That was in the spring of 1957.

As MARY ROSE indicated, for those who knew the family at all, you could not know them without realizing the significant role that SALA always played. She was a powerhouse, a person who believed deeply in issues, and when she got involved in one, I can tell you that she would not let go lightly.

She was a person who for many, many years stood at the side of her husband with his dynamic and, to say the least, unusual style of affecting public affairs. After his death she demonstrated very quickly that she had a style of her own that complemented, in ways that few of us really had yet to understand, Phillip's work.

They as a family most important to me reflect that which ought to be a part of public affairs. They came to government because they cared about people. They cared particularly about people who are in need in our society, and their lives' work involved in attempting to find solutions for those difficulties that are the mix of American life.

She and I and Phillip and I did not always agree relative to those solutions, but I am proud to say that though we did not agree, the fundamental recognition that our objective to solve people problems was a lot more important that one's decision as to what is the best avenue or another decision that might have been an avenue that some of us would follow.

SALA BURTON was a loving, caring, warm human being who, while she served with us as a colleague for only a short time, has made a lifelong contribution and has raised the level of all of our consciousness regarding our responsibility and why we are here as Members of the House of Representatives in the first place.

I thank my colleagues for taking this time and allowing me the time to participate.

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Mr. EDWARDS of California. I thank the gentleman.

Phil was always amused when people would mention the awesome Burton political machine and San Francisco and in California generally, and he always said that most people do not know that the awesome political machine of the Burtons consisted of Phil, SALA, and John, and that was all.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I commend our distinguished colleagues, the gentleman from California [Mr. EDWARDS] and the gentlewoman from Ohio [Ms. OAKAR], for affording the House this opportunity to pay tribute to our colleague and friend, the late SALA BURTON.

The House has lost a Member of unusual dedication and honor. The leadership has lost a skillful legislator, in her work in women's groups and on the Committee on Rules. And, Mr. Speaker, each of us individually have all lost a loyal and generous friend.

I will always remember SALA as a fighter. As a legislator, she worked tirelessly for the cause of equality among races and between sexes. She battled energetically in support of world peace, and strived throughout her career to make government meet its responsibilities to the poor, the young, and the old. Through her legislative efforts and her own example, she offered women hope for a future, free of artificial limitations.

In her last fight, she battled mightily—not against death—but for life. And in the end, she faced death with the same grace and courage with which she had always faced life.

Mr. Speaker, SALA arrived in this Chamber, almost 4 years ago, to fill out the balance of the term of her late husband, Phil, who died unexpectedly near the beginning of his 11th term. Many of us did not know what to expect when SALA joined us here. Certainly she had the benefit of 30 years married to one of the most skillful legislative tacticians who ever served in the House.

However, Mr. Speaker, SALA was her own person as well, and had been a seasoned politician in her own right when she married Phil Burton in 1953.

SALA was active in the early fifties in establishing the California Democratic Council, on which she served as vice president. In the same time period, she served as codirector of the California Public Affairs Institute. The Institute played a major role in Democratic Presidential campaigns at the time when the State's fast growing population was making it increasingly central to the national campaign.

She held offices in the Democratic Party at both the county and State levels, and served as president of the San Francisco Democratic Women's Forum.

SALA also was a delegate to four Democratic National Conventions. With her colleagues in the San Francisco congressional delegation, she hosted the last convention to which she was elected.

She was active in the NAACP, particularly in the battle for fair housing laws. During the time Phil served in Congress, she was active in efforts by the spouses of Members of Congress to make positive contributions to the community and the Nation.

In her short time in the House, SALA caught the attention of her colleagues for her judgment, kindness, and sincerity. At the beginning of her second term, she was selected to serve on the House Rules Committee.

Our committee is a small one, composed of 13 Members. Because our able chairman, the gentleman from Florida [Mr. PEPPER], leads our committee with such extraordinary sensitivity to the views and interests of each Member, it is a place where deep and lasting friendships are built.

So, for us on the Rules Committee, it is especially difficult to say this final farewell. But SALA had a great heart, and a share of her compassion and courage remain with us. So, while our memories live, perhaps farewell is not the right word.

Once again, I would like to thank the gentleman from California [Mr. EDWARDS] and the gentlewoman from Ohio [Ms. OAKAR] for taking this time to allow the membership of this House to just say what we have on our minds about a great, great person who will no longer be voting with us.

Mr. EDWARDS of California. I thank the gentleman from Massachusetts for those very moving words.

Mr. Speaker, someone, one of our distinguished colleagues, whose friendship and association with SALA and before that with Phillip goes back many, many years, again to young Democrat days, is the gentleman from California [Mr. BERMAN], and if anybody could have been considered an ally of the Burtons in the old days when their good works were really just beginning, it is the gentleman from California, who was in the legislature at that time and certainly could be considered as one of the most influential.

So, Mr. Speaker, I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I thank my friend and the leader of our delegation, DON EDWARDS, for requesting this special order. This is not the first time we have had a chance to express ourselves regarding our feelings about SALA BURTON's passing, but I think it is important that we keep doing so, because for so many of us she meant so much.

It has been mentioned several times about SALA and Phil's relationship with the Young Democrats in California. That is the organization that was in effect the midwife to a number of Members' political berths, my own, MERV DYMALLY, HENRY WAXMAN, and a number of leaders in the California Legislature at that time, and, of course, it is where Phil and SALA first met and from which their romance and deep and lasting love developed.

SALA was truly an equal partner in that relationship, and both Burtons, as well as Phil's brothers John and Bob, were great friends to a number of us in southern California who came up through that organization and developed a political and a personal relationship that went far beyond those one normally has in politics. Phil and SALA, every summer, used to take a week's vacation down in Los Angeles at the Miramar Hotel in Santa Monica, and myself, my brothers, their many friends in Los Angeles, would come and spend time with them during that week. I remember many an afternoon and evening of dinner and Hearts games with the Burtons, and Phil, of course, enjoyed losing at Hearts about as much as he enjoyed losing a legislative battle, and took it with about as much grace.

SALA was a tremendous force of stability and energy in that relationship, and of course after Phil died, for some of us, after such a short time of being in this Chamber and working with him, SALA entered Congress not as a freshman trying to figure out what her agenda might be and what she might accomplish and what the office was about, but as a skilled, wily, and perhaps, most importantly, committed activist and leader in so many different progressive causes. Much of her, I think, own philosophy was probably shaped by her early childhood. She had to leave her home town of Bialystok, Poland, as a child fleeing from the impending Nazi invasion, and she took her feelings from that experience and translated them into so many different areas of the domestic and the international political agenda. SALA, in her really less than 4 years in this institution as a Member of Congress, passed significant legislation relating to children, latch-key kids, nutrition programs, continuation of bilingual education. She set a high standard in environmental protection fighting to expand the Phil Burton National Recreation Area in northern California, working hard for a California wilderness bill, fighting to protect the San Francisco Bay, and she also focused on international issues. As MARY ROSE OAKAR mentioned, she was an active leader in the North Atlantic Assembly. She had a deep interest in issues of arms control and played a major role in those battles.

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She was a tenacious and active Member of this House. She was at every meeting at a time when it must have been so easy to slough off one's responsibilities to make choices. SALA kept trying to do everything; and I think for those of us who knew them politically, and who knew both Phil and SALA personally, we are going to miss her very, very much as we engage in the legislative battles in the months and years ahead.

Mr. EDWARDS of California. I thank the gentleman from California [Mr. BERMAN].

Mr. Speaker, I now yield to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I thank my good friend from California [Mr. EDWARDS] for yielding and requesting this time tonight to pay tribute to our good friend, SALA BURTON.

The passing of SALA, and shortly after the word came that she had passed on, and the gentleman from California [Mr. EDWARDS] sought the opportunity for the Members to come to the floor under special orders to pay the first tribute to SALA BURTON, I came to the floor and I listened to what the others were saying about SALA; and I know each of us was so taken with our own thoughts.

One of the things I did, I kept looking up to that area of the gallery and remembering so many times that I would look up there, if there was one of Phil's battles on the floor, a major piece of legislation that Phil would be handling, if it was an important moment for this house, SALA BURTON, before she became a Member but as Phil's partner, would be sitting right up there. I kept looking up there, missing her.

I have to say, Mr. Speaker, that SALA was my very dear personal friend. When I heard so many Members coming from all over that day on such short notice to eulogize SALA and to say how much they loved her and how much they would miss her, I have to say I was surprised, because I thought she was just my special friend.

I thought that she was a political acquaintance to the other Members of the House, and she was a colleague to her colleagues from California, but that she was my special friend. I realize today that that was SALA's special gift; that for each one of us she was our special friend.

She was a wonderful woman. SALA BURTON was a wonderful wife, too. I was fortunate enought to be a friend of both Phil and SALA. I met Phil in the late sixties here, and he helped me to get legislation through this House that gave the Virgin Islands a seat in this House of Representatives.

The relationship between Phil and SALA was such a beautiful relationship. Phil, the stormy Phil Burton, the great legislator, the powerful individual with a heart even bigger than that huge body he had. And SALA that loved him, that was his true partner and how he loved her, too.

At the funeral service in San Francisco, there were those that recalled how SALA would calm the troubled waters that Phil had passed by; and she had that gift.

We will all miss SALA. She was a woman of great conviction. As another Member just said today, she was so proud of her Jewishness. She cared so much for the poor and for those that needed help; and that was why I particularly liked both Phil and SALA: They were legislators that cared and never forgot why they had come here.

When SALA came into this body as an elected Representative, many thought perhaps that this was just SALA BURTON, the devoted wife and partner of Phil coming here; but she sure showed us, she was a very, very effective Member of this House and legislator in the short period that she was here.

Now we will miss her. She was a wonderful woman, she was a wonderful wife, a great legislator, and a great friend.

Mr. Speaker, the sorrow of losing SALA BURTON will be slow to pass. But we can take heart knowing the inspiration of SALA's life and convictions also will be slow to pass.

Her commitment to peace, social justice, and equality for all knew no compromise. We must keep that commitment before us as we wrestle with the hard decisions that face us in this Hall.

But SALA's inspiration goes far beyond the political realm as we usually know it. Her political beliefs grew directly out of her compassionate and caring personality.

It was wonderfully typical of SALA—whose political causes spanned continents—that she found time to lend a hand to the small territory of the Virgin Islands.

She and her late husband, Phil, were abiding political allies and personal friends for more than 20 years.

Over the years—even as they worked tirelessly for peace and civil rights and national parklands for all—they extended their concerns to the Virgin Islands and other offshore territories. Thanks to leaders like SALA and Phil, we in the Islands have won basic rights to elect our Governors and gain representation in Congress.

SALA and Phil had nothing to gain from this sort of struggle. But it fit their basic belief of what the United States is all about—extending political and civil rights to all, regardless of their race, religion, or political and economic clout.

In memory of SALA, let's keep alive that kind of commitment vision.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from the Virgin Islands [Mr. DE LUGO] for the very eloquent statement.

It was about the second or third week that SALA came here as a Member of Congress that I got the hint that she was going to be very effective on her own, and that she was not just filling up space left by her husband. She had a TV show, a half hour, and I went in to it; a number of us participated in it from time to time.

The first time she asked me to go there, she had no notes, she had nothing. She just sat there and had all of the questions in her head; she was articulate, interesting; it was a TV show that was totally unrehearsed, and it was first class.

I went back to my office and said, "SALA's going to make it." And she did, and that is what the gentleman from the Virgin Islands pointed out; it really was quite an experience to watch her move into the power structure of the House and do such a good job, for too short a time.

Mr. Speaker, one of the great Hispanic-American leaders of the United States is the former Ambassador, ESTEBAN TORRES, the gentleman from California, and I now yield to him.

Mr. TORRES. Mr. Speaker, I thank my colleague, the dean of the California delegation, DON EDWARDS. I would like to commend him and our colleague, the gentlewoman from Ohio, for convening this very important special order.

I was not here on the day that you did this previously; I was caught away from the city, and I was unable to join with many other colleagues in paying tribute to a grand lady. Therefore, I am most appreciative that today you have arranged for this special session.

I, like many of my colleagues in this Chamber, joined in what was a sad journey to San Francisco some weeks ago. It was the second time that I took such a journey; the first one to pay tribute to Phillip Burton.

I was greatly impressed by the demeanor of the group that went. So impressed by the words so eloquently spoken by our dean, by MARY ROSE OAKAR, by the chairman of the Committee on Rules, CLAUDE PEPPER, who was eloquent in his statement in the recognition and the tribute to SALA BURTON.

By the words of the speaker of the assembly, Willie Brown, and by the words of Mayor Dianne Feinstein.

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I believe that it was in that setting that manifested to all of us in Congress the great love that that city had for this grand lady.

As my colleague, HOWARD BERMAN, has said, it was the earlier years of SALA BURTON's life that gave her the experience in how to cope in the political life she was soon to follow; her experience as a young woman escaping the Holocaust of Eastern Europe; the experiences of leaving family behind endowed her with a tremendous spirit, a spirit of sensitivity for the less fortunate, a great spirit of resistance to any form of oppression, to any form of totalitarianism. But as sensitive as she was, she never lost the strong will to fight those forces that would oppress people.

She felt deeply about people.

I remember visiting her district one time, a housing project. She introduced me to the leaders of that community as one of them, as a person who cared about their well being in housing, health care. I shall never forget the unselfishness that she showed in my presentation to those people.

She was strong, as I said. She felt that in the quest for world peace we had to stand strong. She felt that we needed an effective arms control process if we are to carry out that future peace.

She did that in her own right in the North Atlantic Assembly. I must tell you that those men and women of the North Atlantic Assembly respected her and loved her.

Yes, I met SALA when I was a young man, much as some of our colleagues in our political endeavors in California, when I was a young Democrat some 25, almost 30 years ago.

I met Phillip Burton then and John Burton, who were just young men; John and Phillip were running for the Assembly at that time.

Today, not more than an hour ago, I met Bob Burton, the third brother. What a trio. What a trio of men who have shaped California's politics.

Yes, they were joined by their sister-in-law and wife, SALA.

Both my wife, Arcy, and I, convey our condolences to SALA's daughter, Joy, and her husband, and her small granddaughter.

I know her family will miss her dearly and so will the family of her colleagues in this Chamber. After all, we were touched by them all and we are all better men and women in this Chamber, we are better men and women in California and across this country because they touched us in that association.

I thank the gentleman from California for calling forth this tribute to SALA BURTON.

Mr. EDWARDS of California. I thank the gentleman from California [Mr. TORRES] for a very eloquent statement.

Mr. Speaker, I now yield to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. I thank the gentleman for yielding.

Mr. Speaker, it was a privilege and honor to serve in Congress and on the House Select Committee on Hunger with SALA BURTON. Her dedication to the poor and forgotten in our society was an example to us all. It was characteristic of SALA that she asked to be remembered with contributions to St. Anthony's dining room in San Francisco where complete, sit-down meals are served to several thousand people every day with no questions asked, no discrimination and with recognition of the human dignity of each person.

Shortly after the Select Committee on Hunger was established a hearing was held in San Francisco at SALA's request. She wanted us to hear from the hungry and the homeless as well as local charities and agencies assisting to alleviate suffering that she had worked with over the years. Because she cared, SALA knew very well the face of human failure in the beautiful city she represented.

SALA BURTON was recognized as a formidable politician, savvy and assertive. But a compassionate heart and spirit were the force behind these characteristics. I cannot forget the moment in San Francisco when, as we toured the University of California Hospital neonatal care unit, SALA stepped away unable to bear the sight of tiny babies struggling for life, fist-sized victims of inadequate prenatal care and nutrition. SALA fought legislatively to reverse the awful odds against the survival of these most vulnerable human beings.

SALA said that she chose to be a member of the Select Committee on Hunger in order to participate in the process of obtaining testimony from the many Americans who could document the blight of hunger in this country. She wondered how a nation with an unmatched level of affluence could tolerate hunger in its midst.

Faithful to her commitment, hearings were better for her presence. With a fine grasp of programmatic detail, SALA asked penetrating questions but her guidance was greatest when she spoke of the practical needs and difficulties faced by such vulnerable groups as the elderly and the homeless. She pointed out the efficacy of the cash-out of food stamps for the elderly in California. She urged arrangements for the use of food stamps at feeding establishments for the homeless. She wanted to tear down bureaucratic barriers, to make the basic necessities of life accessible to all.

SALA BURTON's life was one of great accomplishment personally and in the world of politics. Much of what she achieved was not attributed to her. Perhaps because of threat and discrimination by government in her early years, she was sensitive to the importance of working democratically, involving many, sharing responsibility and credit. Her contributions to the Democratic Party organization in California attest to her dedication and effectiveness. She also served on many advisory committees and task forces, groups not high in visibility but which do the important job of mobilizing political will.

SALA's maiden name was Galant, a name descriptive of her character, especially in her last illness. To the end she was conscious of her responsibilities and we are grateful for her efforts.

SALA spoke of doing all within her power to see that no man or woman and especially no child would know hunger. Her power continues in her influence on those of us who knew her, let us rededicate ourselves to that great goal in her memory.

Mr. EDWARDS of California. I thank the gentleman from Texas for a very, very moving and eloquent statement.

Mr. Speaker, HENRY WAXMAN's relationship with SALA and before that with Phil Burton goes back many, many years, not only personally but in their efforts for good legislation and for good things to happen to men and women and children of America.

Mr. Speaker, I now yield to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. I thank the gentleman from California for yielding to me.

I take this opportunity to say a few words about our beloved SALA BURTON.

Mr. Speaker and my colleagues and those who are watching this memorial, SALA BURTON served in this House for 3 years. Her husband served for close to two decades. If you look at most statistics alone, it does not tell you the whole story of Phil and SALA, both served together during all those years, they worked together, collaborated together for mutual objectives, and shared politics.

They both cared deeply about the role that government could play to help the disadvantaged, the dispossessed, to try to bring about social and economic justice; they cared about the working people and the ability of those people to organize collectively to fight for their rights. They always saw the people who were struggling, who were having a tough time as the ones who needed their help most. They cared about protecting the environment and they cared very deeply about this Nation of ours.

SALA BURTON was a refugee from Poland. She and her immediate family survived the Nazi Holocaust in Europe. Those in the immediate family that did not come to this country were all lost in the crematoria of Hitler's death camps.

That fact, probably more than any other, impressed upon SALA the deep commitment to protecting civil liberties, civil rights, understanding that minority groups that might be discriminated against one day could be hated the next, and uncontrolled discrimination and hatred can lead to such enormous evil that she knew we had to act before these kinds of things got out of hand.

On a personal note, I have known SALA and Phil for close to 30 years. When I was a young teenager and belonged to the Young Democrats in California, Phil and SALA would talk to us unlike most "grownup" politicians. They emphasized that activity politics was a noble thing to be involved in, why the fights that we were fighting, although frustrating, were important and that we could make a contribution and that we had to keep on trying to make things better.

When my family and I came to Washington the door was always open to us at the Burton home. Even before, when we were in Sacramento.

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Our daughter, who is now 23, grew up calling SALA BURTON Aunt SALA. There was a very, very close bond of friendship between our families. They were always there, Phil and SALA, to give us some guidance, some encouragement, some reinvigoration of commitment to try to accomplish in some way the goals they set out for themselves.

One of the most touching tributes at the lovely memorial service in San Francisco was given by the speaker of the State assembly, another person who has gone back even longer than almost any of us who are involved in public office in his political and personal relationship with Phil and SALA, and that was Speaker Willy Brown. He closed his very eloquent remarks by saying that the best memorial tribute to SALA BURTON is to try to act the way SALA acted, to try to live up to the ideals that she not only personified, but urged upon all of us.

If we, in some way, could live up to that standard, we would be, by that example, giving the greatest memorial to her.

I hope that as we remember fondly the memories of SALA BURTON, and the time we have had with her over the years, the time that she has been with us in this institution, that we will try to live up to the standards that she set, to the goals and ideals that she so strongly and firmly believed in, and in that way, we will, indeed, be giving a living memorial to her.

I do want to indicate that my wife, Janet, had the opportunity to do an interview with SALA BURTON a couple of years ago, and I will insert that interview into the RECORD. I think it speaks a lot about SALA in ways that many people did not know about her, particularly her remembrances of the Holocaust and very strong feelings of Jewish identity and commitments.

The interview follows:

I was born in Bialystock, Poland, a textile industrial city. My brother and I went to a private Polish gymnasium (school), and were also tutored at home in understanding Hebrew language and prayers. My father and his brother were businessmen who employed five hundred people in a textile factory.

Bialystock was also a cultural city. My father traveled and spoke several languages. He was both a great swimmer and soccer player. My brother played basketball and studied to be an opera star. Together he and I went to dance and drama lessons.

The Holocaust is always on my mind. My parents and brother and I left Poland in the late thirties, when things were already bad. We had heard Hitler talk about his hatred for Jews and how "there had to be a solution to the problem of those rotten Jews."

I'm always conscious the Holocaust has taken place. My parents, above all, were resilient. But, I have no cousins, aunts or uncles. They were all killed. Jews, on the whole, are more aware that something tragic can happen—any place, anywhere—so, we are always constantly vigilant.

All those years we didn't have a Holocaust Commission. Finally, people thought it unfair because a whole generation was dying out, and no one would remember. I also wrote President Reagan when he was going off to West Germany to lay a wreath at Bitburg, to honor Nazis who had fought our people in World War II. I asked him, as an American President, to go to Dauchau or Auschwitz. I thought he should go to a death camp.

We Jews must not forget our co-religionists, especially the Soviet Jews, Ethiopian Jews and Syrian Jews. We must be concerned about civil liberties and civil rights of all people. We are our brother's keeper.

My advice to you, Janet, is to be grateful for every moment. Don't put anything off. Sometimes tomorrow doesn't come.

Mr. LEVINE of California. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. LEVINE of California. Mr. Speaker, I want to begin by thanking the gentleman who yielded for his thoughtfulness, consideration, and compassion, both to SALA and to all of those who cared so much about her throughout this entire extremely difficult period in her life.

I think the remarks that the gentleman from California delivered at SALA's memorial tribute in San Francisco were among the most touching that I have heard. It is difficult to adequately thank a leader who stands for all of which Mr. EDWARDS stands but I do want you to know how important your leadership, compassionate concern, and consistent caring mean to all of us in the delegation. I want to thank you personally for all of that.

So much has already been said about SALA BURTON and I do not want to add simply time to this special order.

I would like to make a couple of personal comments about what SALA BURTON meant to me.

Within hours after I learned that SALA had died, I came to the House floor for another special order that the gentleman from California [Mr. EDWARDS] had arranged. As I indicated at that time, I was struck that in my limited tenure thus far here in the Congress, one of the first weekends in which I left and came back to Washington, the flags were at half mast. I was absolutely shocked to learn that they were at half mast because our friend, Phil Burton, had died.

Several weeks ago, coming to work after a snowstorm, again I noticed that the flags were at half mast. Much to my sorrow, I learned that they were at half mast because SALA BURTON, who had so ably and really nobly stepped into Phil's congressional seat and maintained so much of the inspiration and legacy that he stood for and expanded it in so many ways, had also passed away.

SALA BURTON, to me, was an extremely important member of this delegation, Member of this House, and personal friend.

As so many others have indicated, SALA BURTON's first concern with regard to her relationship with me, and it seemed virtually everybody, was family. SALA immediately established a close relationship, not just with me, but with my wife, Jan, as well. Every time I saw her, she was deeply concerned about how Jan was, how my kids were, how my family was doing. This was not just lip service; this was something SALA truly cared about.

SALA BURTON was one of the more compassionate people that I will ever know in my lifetime. She cared deeply about the dispossessed. She cared deeply about the underprivileged. She cared deeply about those who were powerless to represent themselves and she eloquently acted as their champion.

SALA BURTON, as I recalled several weeks ago in that prior special order, was not a person who had to think very carefully, weighing back and forth where she would come out on a particular issue, particularly if that issue had anything whatsoever to do with human dignity or social justice.

SALA BURTON knew whose side she was on. She championed that side; she never wavered in that commitment, whether in private or public. Of any person in American public life, SALA BURTON was one of the most eloquent spokespeople for people who suffered and people in need.

SALA was somebody who, in a short time in the House, made an extraordinary impression as a human being and as a legislator. She was a very dear personal friend and somebody who I miss very much and will continue to miss.

I simply wanted to come to the floor and add my thoughts to those of so many of my colleagues on behalf of this gracious, inspiring, marvelous lady, somebody who I am very proud to have been able to call my friend.

Mr. FAZIO. Mr. Speaker, I join with my many colleagues in paying tribute to our friend and colleague, SALA BURTON, whose recent untimely passing has saddened us all.

I could spend a long time talking about the many, many extraordinary qualities possessed by SALA, but I'd like to focus on two qualities which stand out in my mind—qualities which illuminated SALA as a person of character and commitment.

SALA was born in Poland, in the shadow of persecution and, eventually, horror. She fled her homeland with her family to escape the Holocaust. As an immigrant to this country, SALA understood what it was to be from someplace else, to be a stranger in a strange new land.

This profound experience honed in SALA an extraordinary sense of compassion—a compassion she demonstrated throughout her personal and political life. SALA cared about people—she cared about the homeless, the disabled, the poor; she cared about people of all races and religions. SALA knew the meaning of discrimination—and she made her life with her husband and our former colleague Phil part of an ongoing commitment to end discrimination.

SALA BURTON was first a woman of immense character.

SALA found a way to channel that character when she chose a life of public service, first as the wife and vital partner of Phil, and later as a Member of Congress.

SALA loved politics. It was a means to accomplish her goals and ideals—a way to help people make life better for themselves and their children.

SALA revelled in representing the people of her beloved San Francisco—a city built by immigrants. She was at the vital heart of politics in San Francisco and in Washington for so many years. For SALA, no day was too long, no issue was too tough, no barrier was too high when it came to serving the people of her city, her State, and indeed, her country.

SALA BURTON was committed to making a difference for so many. In her sense of commitment, SALA set an example to which we could all look for inspiration.

SALA BURTON was, indeed, unique. She brought so much to those who knew her, worked with her, and loved her—both within this body and the world around us. All of us are richer for having known SALA BURTON—and we will miss her very, very much.

Mr. UDALL. Mr. Speaker, today we honor our colleague SALA BURTON who departed this life nearly a month ago. And we miss her. To talk of SALA, Mr. Speaker, is to talk of a woman of immense charm and wit, a woman blessed with warmth and dignity, a woman of considerable political skill and compassion for her fellow man.

For all these reasons, we deeply mourn her passing and acutely feel her absense.

My wife, Ella, and I knew SALA for many, many years. SALA's husband, the late Phillip Burton, was a colleague and friend for many years. We served on the Interior Committee together and when Phil passed away, SALA took a seat on the committee and served admirably. Her deep feeling for her home State of California and her considerable political skills made it possible for a compromise to be found and passage of the landmark California wilderness bill. She continued the tireless efforts of Phil to protect and enhance the Golden Gate National Recreation Area and especially the Point Reyes National Seashore. SALA was constantly vigilent over the environment of her beloved San Francisco Bay and the Pacific Continental Shelf. She was not afraid to use her considerable charm and her political skills to impress Federal officials on the need to take special care when it came to issues affecting California.

That particular SALA BURTON style was also evident, Mr. Speaker, on the many other issues of interest and importance to her. She was an outspoken champion for the poor, the disabled, the disadvantaged. No one spoke more eloquently from the heart than did SALA when issues affecting women, children, and the elderly reached this floor.

We shall deeply miss her, Mr. Speaker. And we shall not soon see her kind here again.

Mr. DIXON. Mr. Speaker, it is with great sadness that I recall the privilege of serving in the House with the Honorable SALA BURTON, and with great sadness again that I join my California and House colleagues to mourn her passing.

In a body that sometimes loses its sense of direction, its commitment to solving the problems of the Nation in a just and equitable fashion, SALA BURTON always had a guiding vision, always acted out of conviction. She was one of the great humane voices in this body, constantly and consistently expressing concern for those in our society who have less, or who needed more. She served her constituents and the Nation at large as a great advocate for special issues ranging from child care to education. She cared deeply about environmental issues, like acid rain and wilderness preservation. She served this body with great distinction as a member of the

House Rules Committee. She served her party with equal distinction, both in conjunction with her esteemed husband, the late Honorable Phillip Burton, and in her own right.

My own life can be counted as one of many—among them those of her colleagues in the House and the California delegation, and her friends and constituents in her beloved San Francisco—that have been enriched by her warm presence among us. SALA's contributions to the public good will be long remembered, but her personal warmth and graciousness will be greatly missed.

Mrs. BOXER. Mr. Speaker, with the passing of SALA BURTON, an era has come to a close. The partnership of Phil and SALA BURTON has ended and with it goes a wealth of collective knowledge and experience that spanned years of expert caretaking of the city of San Francisco and the greater bay area. SALA carried on Phil's work and because of her familiarity with the Hill and Phil's colleagues, she was able to represent her district in a way that no other freshman Member could have done.

Her death is a loss to the city which cannot be measured. For San Francisco, it will be the first time in more than two decades that San Francisco will not be represented by a Burton, a family that had such a commitment to making this a better world.

Her determination to continue to look ahead in the face of serious illness should be an inspiration to all of us. I am sad that determination alone wasn't enough to keep her with us. SALA BURTON will be missed both in the city of San Francisco and in the U.S. Congress.

Mr. MRAZEK. Mr. Speaker, I join with my colleagues today in honoring the life of SALA BURTON.

Much has been said and written about SALA since her untimely death, and deservedly so. She succeeded her husband, Phil, in this Chamber, a man many of us recall as a giant of the American political scene, and in her own way went about carrying on his work and his ideals. By watching SALA at work, it was easy for us to understand Phil better, to know of the powerful influence that SALA had on his life and his politics.

SALA and her family escaped from the Nazis in her native Poland when she was still a teenager. From this experience came an inner strength that cannot be manufactured. She became a champion of the oppressed, an advocate for civil rights, and a tireless worker for world peace. Her causes will endure in this body.

Though her tenure among us was tragically brief, I believe that this body has become a better place for her presence among us. As one who shared her beliefs in freedom for all of humanity, I promise to carry on her work.

Mr. NATCHER. Mr. Speaker, it was with profound sorrow that I learned of the passing of our friend, SALA BURTON. She was a good Member of the House in every sense of the word and her service will always continue to be a bright spot in our country's legislative history.

During my tenure as a Member of Congress, I have had the honor to serve with a number of outstanding women who succeeded their husbands as Members of the House and none served with more distinction, or worked harder than SALA BURTON.

Prior to her election as a Member, she understood to a great extent just how the House operates and this was of great assistance to her when she was sworn in as a Member. She was concerned about the people in this country and especially those in need of assistance. She believed that our children are our greatest asset and that we must educate them. She always worked with us on our appropriations bill that provides the funds for the Departments of Labor, Health and Human Services, and Education. Like her husband, our former colleague, Phillip Burton, she joined with us when our bill was presented to the House for general debate and final passage. A number of programs that she diligently worked on were incorporated in this legislation and on more than one occasion, Mr. Speaker, I have commended our former colleague, SALA BURTON, on her diligence and her faithful service.

She will have a high place in the history of our country and her life exemplifies those virtues that make an outstanding Member of the Congress. Fairness, generosity, and willingness to listen played a major part in the life of SALA BURTON. She will be missed by all of the Members of the House of Representatives and especially by the members of the committee on which she served.

Mr. Speaker, we have lost a true friend and this country has lost an outstanding Member of Congress. I extend my deepest sympathy to the members of her family.

Mr. JONES of North Carolina. Mr. Speaker, when my good friend Phil Burton passed away unexpectedly, I felt that he would be almost impossible to replace in the Halls of Congress. But when the good people of the Fifth Congressional District of California had the wisdom to send his wife, SALA, to replace him, my fears were eliminated.

For the short period of time that we were privileged to know her as a Member, she made a lasting mark, both with her warm personality and her ability to communicate with Members, and also her outstanding service on the all-important Committee on Rules. She left an impression that will long be remembered, cherished, and honored.

It is indeed unfortunate that she is no longer with us, but on the other hand, many of us will always have our fond memories of our association with her.

Mr. FORD of Michigan. Mr. Speaker, it is with a great deal of sadness that I rise to pay tribute to Representative SALA BURTON. Her untimely death has left all of us with a deep sense of loss.

I worked very closely with her late husband Phil, and, when Phil served in the Congress, SALA became a friend of all. Both Phil and SALA were outstanding and effective legislators in their own right.

SALA from her first day in the Congress knew the ins and outs of the House and quickly became a dependable and effective Member of Congress. She consistently championed the rights of the less fortunate segments of society—just as her husband had before her.

SALA always reflected credit on this institution. She was tough when toughness was required to get the job done, but her warmth and caring will be what I remember—and what I will miss—the most.

I will sorely miss her as both a friend and a colleague, and I want to take this opportunity to extend my deepest sympathy to her family.

Mr. MARTINEZ. Mr. Speaker, I know that it was with great sorrow that we all learned of the death of SALA BURTON on February 1, and all of us were saddened to different degrees and in different ways because certainly to each of us SALA BURTON was something different. She treated all of us as individuals and attended to our specific needs with the caring that comes with the knowledge of real suffering.

This Congress, at least to me, has not been the same since her passing. I miss her warm words of advice and her quiet wisdom in times of stress. Each Wednesday at the California Democratic Delegation breakfast that she attended, we were always sure to hear some words of wisdom and sage advice.

We will all miss SALA and some of us will miss her more than others. Because those of us who were fortunate enough to know both SALA and her husband Phil are certainly saddened by the death of the last Burton from San Francisco in Congress.

Today, however, I would like to remember and pay tribute to SALA's inner strength and courage. It was certainly evident this past January 6, the first day of the 100th Congress. Even though gravely ill, she still managed to come to the Capital in an attempt to attend the swearing-in ceremony. The fact that she wasn't, in the end, able to attend isn't what we should remember. We should take to heart the strength it must have taken for SALA to even make such an attempt. As we all know, this was one of many acts of tremendous courage that SALA made throughout her life.

Born in Poland, SALA immigrated to this country during the dark days of the 1930's in Europe. She then married her last husband, Phil Burton. When the city of San Francisco elected Phil to Congress, they really elected a team, Phil and SALA. They remained a team until Phil's untimely death, almost 4 years ago. I, having been in Congress for less than a year at that time, remember well that sad occasion, and the strength that SALA showed at that time. Shortly, she again showed us her great strength and courage by running successfully for her late husband's seat.

In her almost 4 years as a Member of this body, there wasn't a time when her generosity and strength didn't show through. Last summer, we learned of her illness, and her initial success in fighting cancer. It was with great sadness that we learned later that our hopes were not to be met.

This Congress will not be the same without SALA, and I will miss her deeply. I would like to extend my sympathies again to her family. I would also like to thank my colleagues, DON EDWARDS and MARY ROSE OAKAR, for arranging for this fitting tribute.

Mr. YATES. Mr. Speaker, I have known SALA BURTON since the day she and Phil arrived in Washington 20 years ago. They were my very good friends and the news about SALA'S death on the first of February was a real shock.

SALA was a warm, delightful and very talented person, and a most constructive Member of this House. I remember how pleased I was when she ran for and won the seat that Phil had held for so many years. She loved the House and its procedures, but more than that, she was devoted to the idea that government should be active and humane in its approach to the problems of the people of this country.

She worked for legislation and policies to achieve those objectives and she was very effective. I will miss her very much. Addie joins me in extending our most sincere sympathy to her daughter and all her family.

Mr. PANETTA. Mr. Speaker, I want to thank the dean of our delegation, DON EDWARDS, for taking this special order to pay tribute to our dear friend SALA BURTON.

When Phil Burton died a few years ago, I referred to him here on the House floor as the father of the California delegation. I said that he had wrapped himself in a protective way around the delegation as a whole and around us as individual members and had truly fought for us—the issues we cared about and the progress of our careers. He, of course, was an ambitious man, but much of his ambition was for California and for his colleagues.

If Phil was the father of the delegation, then SALA—who had stood by him during his career in Congress—was the mother of our delegation. She played that role before succeeding Phil here in the House, and she surely played it as a Member in her own right.

She, of course, cared—cared deeply—about the issues those of us from California and elsewhere have fought for in recent years. I served with her on the Select Committee on Hunger, and her compassion and directness made her a leader of the committee in its first few years of existence. I also worked with her in our efforts to protect her beloved California coast from those who would permit oil drilling regardless of the impact on this precious national coastal resource.

But to SALA, our work here in Congress was only a part of her responsibility. While Phil wanted to help us in our careers, SALA attended to the other side. She cared about us as people. She cared about our families. She regularly asked how our families were doing, how we were doing, how our spouses and children were doing, and how we were all getting along. She knew better than anyone the pressures a career in Congress place on a family, and she reminded us of the need to focus on our families, not just our work here in the House.

As a son of immigrants, I felt a particularly close kinship to SALA. I saw in her the same instincts I saw in my own parents—the kindness, the toughness, the compassion. She made each of us members of her family, and she truly looked out for us.

I think if there is any one thing that characterized SALA, it would be—as with most mothers, I think—a sense of compassion. We struggle here every day with the politics of the issues we deal with, but too often we forget about the people we are trying to help. Not SALA.

The people—particularly those in the greatest need of our help—were her first concern when it came to an issue. This was true in her work on the Select Committee on Hunger, and it was true in her work on the Rules Committee.

Mr. Speaker, I think it's clear that Members of this body from both sides of the aisle and of all ages will truly miss SALA BURTON. My wife, Sylvia, joins me in expressing our deepest sympathies to SALA's family, and we thank her and Phil for the example they set for us over the years.

Mr. BOLAND. Mr. Speaker, it is with great sadness that I rise today to pay tribute to our late colleague, SALA BURTON.

Her death, which comes less than 4 years after the death of her husband and our former colleague, Phil Burton, is a loss not only to her family and the people of California, but to this Chamber and the people of our country as well.

I mention Phil's name only by way of association; SALA's accomplishments in this House are uniquely hers. Her efforts in the Rules Committee of this House established her as a tireless champion for the cause of protecting social welfare and labor programs.

She was certainly no stranger to the role which the U.S. Government has historically played in the implementation of social assistance. SALA was herself an immigrant who came to America with her family from Poland shortly before Hitler's forces overtook and ravaged that country and its proud people in World War II.

Through that experience as an immigrant, her involvement in the NAACP in striving for fair housing laws, and her tenure in the chair of the Legislative Committee of the Womans National Democratic Club, SALA was well equipped to further the social causes implemented by Phil.

Her success in those fields do not put SALA in the shadow of her late husband, however, nor will she occupy such a place in our memories of her.

Mr. Speaker, SALA's gentle diligence will be missed by every Member of the House. She possessed qualities which cannot be replaced; qualities which, by virtue of their own merit, won her the respect of her colleagues.

I want to express my sympathies to SALA's daughter Joy and to all the members of her family.

Mr. HOYER. Mr. Speaker, on February 1, 1987, this House lost one its special, courageous Members, and many of us lost a friend. Congresswoman SALA BURTON had served officially as a Member of this House only since 1983. She had served as an important person for the House for many years before she was sworn in to take the seat of her husband Phil after his death.

Together SALA and Phil Burton had been a tremendous force in California politics for three decades. As we all know, your being a force in California politics, means you will have a national impact as well, just by virtue of the State's size and special nature. SALA BURTON was one of the original organizers of the California Democratic Council and so had a hand in the progressive tradition that emanated from that State.

Many Members who knew both Phil and SALA BURTON throughout their long careers have pointed to the importance of SALA's political acumen in all of their successes. Her ability was as essential to his political success as was his own great knowledge and skill.

Within days of Phil Burton's death, SALA announced that she would run for his seat. As a truly skilled politician, she touched all the right bases, got all the necessary institutional support, and she was elected handily. In her first term she was on the Interior and Education and Labor Committees. In her second term she was appointed by the Speaker to the Rules Committee.

Appointment to the Rules Committee is achieved only by those who have tremendous legislative ability and understanding of the House. SALA had those qualities, and more, she had the respect of every member of her committee and of the House. We will all miss her wisdom, her ability and her kindness.

Mr. BIAGGI. Mr. Speaker, I rise today to pay my respects to the memory of a distinguished colleague and good friend, SALA BURTON. While SALA'S career in the House may have been brief in terms of years, it was meaningful in terms of impact. SALA BURTON viewed her role in Congress with tremendous seriousness and commitment. Her interest in politics was far more—it was a passion. She is quoted as having said once that her interest could be traced to her childhood in prewar Poland:

> I saw and felt what happened in Western Europe when the Nazis were moving. You learn that politics is everybody's business.

SALA BURTON did far more than just succeed her late and great husband, Phil. In many ways, she continued a legacy of service to the people of the Fifth District in California and the Nation. SALA BURTON and I served together on the House Education and Labor Committee. From the day she first came to the committee—there was no doubt in anyone's mind where she stood. She was an ardent and articulate defender of Government's role in social policy. She was especially effective in defeating efforts to reduce funding for Child Nutrition Programs. She fought hard and won more often than not. I thought of SALA today when the Education and Labor Committee held a hearing to discuss the Child Nutrition Program and the ongoing efforts to reduce funding.

SALA was one of the House's chief spokespeople for the equal rights amendment. She lobbied, she persuaded, and she persevered. SALA spent her last years in the House as one of the more active members of the House Rules Committee.

SALA BURTON will be missed by many in this House. Those of us with the good fortune to have known her were impressed with her spirit, her dedication, and her compassion. Those are qualities which best typify this great woman. The Burtons, Phil and SALA, have meant so much to this House, we are a lesser body with her passing.

Mr. GILMAN. Mr. Speaker, I thank the dean of the California delegation, Mr. EDWARDS, and the gentlelady from Ohio, Ms. OAKAR, for taking the time today to hold this special order so that we memorialize a very special Member of Congress, the late SALA BURTON. While I know we are all comforted by the fact that SALA is now at peace and that she is no longer suffering, I also know we all deeply feel the tremendous void left by her death.

Since her passing on February 1, 1987, I have heard many anecdotes and stories about SALA and her husband Phil, who served in this body until his untimely death in 1983. "Dedicated", "sincere," "caring," "energetic" and "politically savvy," are all adjectives that I have heard time and again in describing SALA and her efforts. That she is loved by her colleagues in the California delegation goes without saying, and is illustrated by their moving statements here today and on in an earlier special order. SALA, however, was also deeply respected and admired by Members on both sides of the aisle from all the 50 States. She was as fine a human being as she was a lawmaker.

I had the opportunity to work with SALA on our House Select Committee on Hunger where we both served. She and I also had an opportunity to work together on many human rights issues. As a refugee from Poland and a survivor of the Nazi Holocaust in Europe, SALA'S fierce commitment to the preservation of human rights and civil rights was especially poignant to me. SALA was dedicated to the public service and to contributing to improving the quality of life long before she ever became a Congressperson 3 years ago. Anyone who knew her late husband Phil, knew SALA. She was involved as heavily in California politics as were her husband and his brother John. When Phil passed away, SALA won his seat with ease and served the remainder of that term and won another term, based on her fine abilities and skills as a legislator and as a public servant and not just her name.

Mr. Speaker, we will all miss SALA BURTON. I for one will miss her graciousness, her compassion and her significant contributions and will remember SALA always.

Mr. GEJDENSON. Mr. Speaker, we will all miss our colleague, SALA BURTON, very much.

It is very difficult to express what she meant to us. We will miss her caring, her commitment, her friendship. I will miss our conversations on the floor.

Of the many moving words said of SALA in recent days, I think that these words spoken at her memorial service in San Francisco by Frank Kielinger gave the greatest sense of who SALA and Phil BURTON were. Frank Kieliger worked with and for the Burtons for many years.

I would like to insert his remarks in the RECORD:

Yesterday, as we stood in this Rotunda and watched the people of San Francisco pay tribute to Sala, there was a moment of overpowering grief and loss and I said to my son "This is the last time we will see Sala." Later, as we walked in the dark through the plaza outside, this teenager said to me, "Dad, your wrong. Look around you . . . we'll see Sala every time we see these people only she would notice." We had just passed one of the confused and homeless night people and we were in sight of the tents of those seeking help for AIDS victims by demonstrating at the Old Federal Building. In a single sentence, he had captured Sala. He had told me her story.

Elie Wiesel, in his work, Souls on Fire, tells us of the role of story and memory in our lives: He writes,

"My father, an enlightened spirit, believed in man. My grandfather, a fervant Hasid, believed in God. The one taught me to speak and the other to sing. Both loved stories. And when I tell mine, I hear their voices . . . Whispering from beyond the silenced storm . . . they are what links the survivor to their memory."

We are here today to refresh our memories and to renew our commitments to all that Sala Burton represents in her life. We come to share our stories of her.

I leave to others the task of commenting on her political prowess and her skills as a legislator. The Sala I knew and loved was larger then the sum of these parts. I have asked myself over and over . . . "What made her so special and how can that specialness be expressed in brief remarks?"

I have searched my thirty year recollection of her and what I find is a woman, so secure in the knowledge of her own humanity . . . so secure in knowledge of her own dignity and worth as a person that she would spend her life defending the dignity and worth of others.

Sala was a woman who could talk to me, when I was a young man, about the world's indifference to the approaching holocaust and of her own personal experiences of eastern European anti-Semitism and of fleeing Poland. She could do so without hate but with a fierce determination that the story be told. For Sala, this bitter lesson of the past must be alive in our memory so that this most heinous crime against humanity can never happen again. She told me the story.

Sala was a woman who lived . . . rather than preached . . . the values of her Jewish heritage. In her struggle for peace in the world, for an end to the arms race, for a world freed from the threat of nuclear annihilation . . . in her opposition to the immoral practice of hiring mercenaries by funding the Contras. In Nicaragua . . . there can be heard the echoes of the prophet Isaiah:

"They shall beat their swords into plowshares and their spears into pruning hooks and nations shall make war no more."

In Sala's ceaseless quest for a just and more humane society . . . a society which recognizes its obligations to the poor, the aged, the infirmed, the homeless and all who are dispossessed in this land, she made tangible the words of Micah:

"You have been told, O man, what is good and what is required of you: to live justly, to show mercy and to walk humbly with your God."

For Sala accidents of race, color, creed, national origin, ancestry, gender or sexual orientation could never be excuses for denying the inherent dignity of the human person and her life is summed up in the struggle to make that ideal a reality.

It was Sala who introduced me to the reality of racial discrimination and racism and who educated me and formed my conscience on these issues as she involved me in the struggle for fair employment practices and fair housing in our state . . . so many years ago.

It was Sala who introduced me to the concept that the magnificent document we call the Constitution of the United States protects all or it protects none.

It was Sala who opened my eyes to the dangers of McCarthysim and to its remnants in our society as we stood in Union Square and listened to Phil, then in the Assembly, call for the abolition of the House Committee on Un American Activities. Some of us can still remember the picture of the hoses being turned on demonstrators and the water cascading down these very stairs as dedicated civil libertarians were dragged down them for protesting the presence of that Committee in our City . . . and Sala would feel deep anger at the sight of this injustice. For Sala was a woman whose conscience was so finely honed . . . whose perceptions of social justice and human rights were so clear that she was truly a woman well ahead of her time. She was a pioneer . . . ever pressing forward . . . ever encouraging the more fainthearted of us to follow.

Where Phil would move mountains by the shear volume of his knowledge and the weight of his arguments . . . Sala would touch the heart . . . would prick the conscience . . . would call us to be what we can and should be . . . concerned and caring human beings.

When Phil might seem preoccupied or distant in his single-mindedness . . . Sala was always the embodiment of care and concern.

They were a unique team. Their lives were both public and private and it is in the private moments that their great love and respect for one another was most evident . . . and as I say these words, I can envision Phil even now reaching over and grasping her hand in a gesture which in life spoke volumes. They are once again together . . . they are once again an invincible team.

I have spoken of the Sala I know with a very special affection . . . it was she after all who suggested to Phil many years ago that he hire me on a six month trial . . . that six months stretched into twenty five rewarding years in which I learned from them: that the purpose of public life is service . . . that power is always exercised in behalf of the powerless . . . and that those who possess the platform for public debate have the obligation to eloquently and forcefully express the aspiration of those in our society who are voiceless.

That is my story of Sala Burton. The Sala I will remember every time I see the faces of the people she saw and whose dignity she defended.

It is my prayer that the God of Abraham, our God, who blessed her and kept her in life, who made his continence to shine upon her with a special radiance . . . will now grant her peace.

Sala . . . we loved you . . . we will remember you and we will retell your story for years to come.

Mr. HORTON. Mr. Speaker, on the first day of this month we in the House lost a dear colleague, SALA BURTON. SALA passed away in her sleep after a long battle with cancer, which she had been fighting for months.

SALA served this body with dignity and honor. As a member of the distinguished Committee on Rules, SALA worked diligently on the issues at hand, and was oftentimes the key player in fashioning last-minute compromises which allowed important issues to come to the House floor.

Prior to her dedicated service as a Member of this body, she was the wife of another esteemed colleague who passed away while in office, Phillip Burton. It was there that she established herself as a knowledgeable and honorable figure. She became the president, legislative chair and program chair of the Democratic Congressional Wives Forum, of the National Women's Democratic Club, and worked with many other worthy organizations. I knew both SALA and Phil because Phil and I came to Congress together in January 1962. Thus, I have had the unqualified pleasure of serving with both Phil and SALA.

SALA had a zest for life that was virtually unparalleled. Her love for her work and, more importantly, for this country, gave her a seemingly endless reservoir of strength. She was born in Poland, and understood all too well the perils on a nondemocratic society. She understood all that we have in America, and she cherished it like no other.

She cared about people. Not people as a general concept, but people—individuals. She cared about the people who often can't speak for themselves to be fully represented—the homeless, the indigent, the handicapped. This body, the city of San Francisco, and the country are much better places because of SALA BURTON, and those of us who had the fortune of knowing her will never forget her.

Mr. Speaker, Adlai Stevenson said something which brings to mind all which SALA stood for. In a speech in New York City, Adlai said, "What do we mean by patriotism in the context of our times? * * * A patriotism that puts country ahead of self, a patriotism which is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime. There are words that are easy to utter, but this is a mighty assignment. For it is often easier to fight for principles than to live up to them."

My wife Nancy was also a special friend of SALA's and had the highest regard and respect for her as a person and as a legislator. Nancy joins me in expressing our deepest regrets and sympathy to the family and friends of SALA.

The Congress and the United States will miss SALA BURTON's presence and leadership.

Ms. SNOWE. Mr. Speaker, the loss of a colleague is never an easy thing, but particularly when the individual is as warm and endearing as SALA BURTON. She will truly be missed.

As cochair of the Congressional Caucus on Women's Issues, I was able to see up close SALA'S commitment to eradicating the legal and social inequities women face in our society today. It was evident during our executive committee sessions, for example, that SALA's approach to the issues was one of deep compassion wedded with a clear distaste for unfairness.

Even though there was never any doubt as to her partisan leanings, SALA always endeavored to find the best possible solution to the problems we jointly tackled in the caucus—not just the Democratic ones. SALA'S imprimatur was always valued on our efforts.

I always felt that SALA maintained a healthy attitude toward the job of being a Member of Congress, perhaps because of her years of observing the occupation at close hand. SALA might oppose a Member's position on a particular issue, but she did not oppose the individual Member personally. With SALA, partisan fights were not character fights, which is the only way in which the House, for which she cared dearly, can function at all.

Mr. Speaker, The Washington Post obituary of SALA BURTON cited a quote from her special election announcement in 1983, following the death of her husband Phil. "I will continue in his footsteps," she said at that time.

SALA'S footsteps, Mr. Speaker, will be ones highly worthy, though extremely difficult, to follow.

Mr. FISH. Mr. Speaker, I rise today to join my colleagues to pay tribute to my colleague, the honorable SALA BURTON of San Francisco.

Mrs. BURTON served with distinction on both the Rules Committee and the Select Committee on Hunger, since being elected to take over her husband's seat in the House of Representatives in 1983.

Although from the other side of the aisle and country, Mrs. BURTON and I shared a commitment to social welfare programs and equal rights. Mrs. BURTON was a cosponsor of the equal rights amendment. From her seat on the Education and Labor Committee in the 98th Congress, she repeatedly defended social welfare programs.

Mrs. BURTON promoted her priorities and represented her constituency with a rare combination of political toughness and skill with an agreeable and compassionate manner. She was truly a gentle lady of the House of Representatives, and she will be sorely missed.

Mr. ROE. Mr. Speaker, I feel a deep sadness over the death of my friend SALA and I am grateful for this opportunity to join my colleagues in expressing my sorrow at her passing.

I have always admired SALA's great conviction, and I have always appreciated her kindness and compassion. Above all else, I have valued her friendship.

SALA combined strength with gentleness, sureness with understanding. When the subject was justice, she was always on the side of fairness and truth. When the matter at hand required caring, SALA always cared the most.

As much as I miss SALA's courageous leadership and commitment, I must say that it is the absence of her gracious presence, her quick wit, and her noble countenance I miss most of all.

SALA'S death leaves a great void that can only be filled by the beautiful memories I have of her and her exceptional bravery.

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to our late, beloved colleague, the gentlewoman from California [Mrs. BURTON].

I had the privilege of sharing the same committee assignments as SALA. We served together on the Committee on Rules and the Select Committee on Hunger.

Her warmth and compassion brightened both committees. In both assignments, she directed her talent and energy to helping the less fortunate, both here and abroad. She always could be counted upon to work tirelessly for those in need.

The Rules Committee, in particular, provided an idea forum for her generous heart. She was a noted champion for human rights, the hungry and disadvantaged, the environment, and civil liberties. SALA BURTON truly was a public servant for the oppressed and for the victims of suffering and need.

I will deeply miss all that she contributed to the Committee on Rules and to the Select Committee on Hunger. It was an honor to have worked with such a committed and caring colleague.

Mr. FUSTER. Mr. Speaker, I would like to add my voice to the many among our colleagues and others who mourn the passing of SALA BURTON.

What was it that made SALA such a unique human being and such a cherished Member of this House? It was her dedication to causes she had joined in years back in partnership with Phillip. It was her determination to make a difference, to continue her efforts for ideas and ideals she believed in. It was her ever fresh interest in issues and concerns that spoke about respect for other human beings, respect for civil rights and women's rights, a will that encompassed concerted effort and interest in the wider reaches of what this Nation stands for.

SALA continued a long tradition of concern for the insular areas and Puerto Rico in particular which started with Mr. Burton. She could always be counted on to lend a thoughtful ear, to exercise her influence, to take the time to care and be effective in action.

The people of the Commonwealth of Puerto Rico will miss a knowledgeable and steadfast friend and the U.S. Congress will miss a hardworking, intelligent woman who had already achieved a high place in our esteem before she became one of our Members.

Mr. SUNIA. Mr. Speaker, it is a sad sort of honor that we have here today, for we all wish there were no cause for such a gathering. Mrs. SALA BURTON was one of the best liked and most respected Members of this body, and her death takes from our midst a true champion. I join with my colleagues in saluting her accomplishments and in extending my sympathies to those who survived her.

SALA BURTON had a special place in my heart, for she unfailingly carried on the outstanding work of her late husband, the Honorable Phil Burton, on behalf of the United States territories. We in American Samoa will be forever grateful to Mrs. BURTON for her commitment to our special needs. Much of the legislation passed by Congress in recent years to assist the territories might never have reached this floor without her valued input and support.

The people of the Fifth District of California were fortunate to be able to count on this type of representation, as indeed was the entire United States. SALA BURTON was a fine Member of Congress and an even finer person, and I am honored to have had the opportunity to know her.

Mr. CLAY. Mr. Speaker, as we speak today about the late Congresswoman SALA BURTON, I am thinking regretfully of all we will miss in the years to come.

A woman of strength and character, she survived the Nazi Holocaust, and went on to bring respect and awe to the already famed Burton family of California. A person of admirable traits, SALA never hesitated to rise to the occasion when there was a need.

SALA was a woman who cared about the working people. As a member of the Select Committee on Hunger, it is only fitting that she would ask all contributions to be sent to the St. Anthony's Dining Room Memorial in San Francisco.

Mr. Speaker, SALA BURTON will remain a renowned impression in the Halls of Congress for some time to come. She and her deceased husband, former Congressman Phil

Burton, were personal friends of mine. Their contributions to our Nation will be remembered for generations to come.

Mrs. BOXER. Mr. Speaker, the following moving statement was delivered by Frank Kieliger at the memorial service for SALA BURTON, Thursday, February 5, 1987, in San Francisco City Hall Rotunda:

STATEMENT OF FRANK KIELIGER

Yesterday, as we stood in this Rotunda and watched the people of San Francisco pay tribute to Sala, there was a moment of overpowering grief and loss and I said to my son "This is the last time we will see Sala." Later, as we walked in the dark through the plaza outside, this teenager said to me, "Dad . . . you are wrong. Look around you . . . we'll see Sala every time we see these people only she would notice." We had just passed one of the confused and homeless night people and we were in sight of the tents of those seeking help for AIDS victims by demonstrating at the Old Federal Building. In a single sentence, he had captured Sala. He had told me her story.

Elie Wiesel, in his work, *Souls on Fire* tells us of the role of story and memory in our lives: He writes:

"My father, an enlightened spirit, believed in man. My grandfather, a fervent Hasid, believed in God. The one taught me to speak and the other to sing. Both loved stories. And when I tell mine, I hear their voices . . . Whispering from beyond the silenced storm . . . they are what links the survivor to their memory."

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I leave to others the task of commenting on her political prowess and her skills as a legislator. The Sala I knew and loved was larger than the sum of these parts. I have asked myself over and over . . . "What made her so special and how can that specialness be expressed in brief remarks?"

I have searched my thirty year recollection of her and what I find is a woman, so secure in the knowledge of her own humanity . . . so secure in knowledge of her own dignity and worth as a person that she would spend her life defending the dignity and worth of others.

Sala was a woman who could talk to me, when I was a young man, about the world's indifference to the approaching holocaust and of her own personal experiences of eastern European anti-Semitism and of fleeing Poland. She could do so without hate but with a fierce determination that the story be told. For Sala, this bitter lesson of the past must be alive in our memory so that this most heinous crime against humanity can never happen again. She told me the story.

Sala was a woman who lived . . . rather than preached . . . the values of her Jewish heritage. In her struggle for peace in the world, for an end to the arms race, for a world freed from the threat of nuclear annihilation . . . in her opposition to the immoral practice of hiring mercenaries by funding the Contras in Nicaragua . . . there can be heard the echoes of the prophet Isaiah:

"They shall beat their swords into plowshares and their spears into pruning hooks and nations shall make war no more."

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For Sala, accidents of race, color, creed, national origin, ancestry, gender or sexual orientation could never be excuses for denying the inherent dignity of the human person, and her life is summed up in the struggle to make that ideal a reality.

It was Sala who introduced me to the reality of racial discrimination and racism and who educated me and formed my conscience on these issues as she involved me in the struggle for fair employment practices and fair housing in our state . . . so many years ago.

It was Sala who introduced me to the concept that the magnificent document we call the Constitution of the United States protects all or it protects none.

It was Sala who opened my eyes to the dangers of McCarthyism and to its remnants in our society as we stood in Union Square and listened to Phil, then in the Assembly, call for the abolition of the House Committee on UnAmerican Activities. Some of us can still remember the picture of the hoses being turned on demonstrators and the water cascading down these very stairs as dedicated civil libertarians were dragged down them for protesting the presence of that Committee in our City . . . and Sala would feel deep anger at the sight of this injustice. For Sala was a woman whose conscience was so finely honed . . . whose perceptions of social justice and human rights were so clear that she was truly a woman well ahead of her time. She was a pioneer . . . ever pressing forward . . . ever encouraging the more fainthearted of us to follow.

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When Phil might seem preoccupied or distant in his single-mindedness . . . Sala was always the embodiment of care and concern.

They were a unique team. Their lives were both public and private and it is in the private moments that their great love and respect for one another was most evident . . . and as I say these words, I can envision Phil even now reaching over and grasping her hand in a gesture which in life spoke volumes. They are once again together . . . they are once again an invincible team.

I have spoken of the Sala I know with a very special affection . . . it was she after all who suggested to Phil many years ago that he hire me on a six month trial . . . that six months stretched into twenty-five years in which I learned from them: that the purpose of public life is service . . . that power is always exerised in behalf of the powerless . . . and that those who possess the platform for public debate have the obligation to eloquently and forcefully express the aspiration of those in our society who are voiceless.

That is my story of Sala Burton. The Sala I will remember every time I see the faces of the people she saw and whose dignity she defended.

It is my prayer that the God of Abramham, our God, who blessed her and kept her in life, who made his countinence to shine upon her with a special radiance . . . will now grant her peace.

Sala . . . we loved you . . . we will remember you and we will retell your story for years to come.

Mr. STARK. Mr. Speaker, SALA BURTON'S death February 1 brought an era in California and House of Representative politics to an end. When Phil died in 1983, SALA sought and won the seat in the House Phil had held since 1964. Phil's brother, John, also was a Member from the bay area until 1983.

So we have had at least one Burton among us for over 20 years. It is a sad fact that the Burton's work hasn't been completed. Shortly after she was elected in her own right, SALA said, "I just want to do my very best to represent the city of San Francisco. And I want to represent, as my husband did, the dispossessed, the hungry, the poor, the children, people in the trust territories, the aged—those people who don't have a lot of lobbying being done for them." And that's what she did until her earthly resources ran out.

No, the job that the Burtons did so well was not completed. But those of us who share their dedication will have their inspiration to spur us forward.

We also have the memories of the Burtons—SALA and Phil. And they were a team. Phil called SALA his political partner. They were a formidable team. And they proved that oil and water do mix—in this case SALA poured the oil on the waters Phil roiled.

SALA said,

People used to say that Phil ate shredded precinct lists for breakfast. But that is so untrue. He was a man who was 6-foot-3 with a booming voice and a strong personality and he could be tough in the best sense. He would fight for things he believes in until the very end. But when it came to his family and friends, he was very soft.

Well, we know that SALA could be a fighter, too. And we have all been beneficiaries of her soft human side. Someone referred to her as the housemother of this fraternity. She always evidenced a concern for our families and those we loved. Before she was a Member, she was a congressional wife, and she knew the price our families paid.

At the same time she was dedicated to making this place less of a fraternity. One of the first things she did upon her election was to sign on as a cosponsor of the equal rights amendment. Being a motherly type never meant that SALA ignored her agenda for action.

We miss SALA. We miss her genuine concern for our well-being. We miss her supporting fire in our legislative battles. We miss having a Burton to shoulder more than an average share of the political burden in our California delegation. We miss both the Burtons greatly and know that all their friends and relatives do and we all express our sadness at their and our most recent loss. But we also know that if politicians do indeed receive occasional divine guidance, having SALA and Phil cochairing the political angels caucus augers well for us.

Mr. EDWARDS of California. Mr. Speaker, I want to remind my colleagues that tomorrow, at 5 p.m., in Statuary Hall, there will be a memorial service to SALA BURTON, and I encourage my colleagues to attend.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. Campbell). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous matter, on the subject of the special order today by the gentleman from Ohio [Mr. Stokes].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous matter, on the bill H.R. 1056.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ESTONIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Stratton] is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, February 24, 1987, marks the 69th anniversary of the declaration of independence of the Republic of Estonia. Once again I am pleased to rise in Congress and join my colleagues, Estonian-Americans, and Estonians throughout the world in support of the brave Estonian people in their struggle against Soviet domination.

Estonia declared herself a free democratic nation at the close of World War I. That same year, 1918, Soviet Bolshevik forces invaded Estonia. For the next 2 years the proud Estonians defended their homeland, finally repulsing the Soviet invaders and winning their independence in 1920.

The next 20 years saw the Estonians as a free nation. Industrial development led to a doubling of the gross national product. Estonian arts and literature flourished. And human rights played an integral role in this growth: Estonia was the first nation to provide government-subsidized ethnic schools for minorities.

Yet the freedom and independence of Estonia was tragically short. The Nazi-Soviet nonaggression pact of 1939 allowed the Baltic States to come under Soviet influence. The Soviets then annexed Estonia, Latvia, and Lithuania and incorporated them into the U.S.S.R. in 1940.

The years following the Soviet takeover have resulted in great hardship for the Estonian people. In the 1940's Estonia lost one-third of its population through emigration, deportation, and execution. The familiar Soviet pattern of denial of basic human rights and imposition of the Russian culture and language has challenged the country's endurance. But Estonians at home and abroad have struggled bravely to retain their culture and heritage and to pass them on to their children. It is heartening to see the national consciousness of the Estonian people remain resolute in the face of ongoing Soviet hegemony.

Let me also reaffirm my strong support for the Estonians—and oppressed people everywhere—and assure them that I will continue to call for individual freedom and self-determination in Estonia and other captive nations until they are all once again free.

□ 1500

JOINT SESSION OF CONGRESS IN PHILADELPHIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Gaydos] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, as dean of the Pennsylvania Congressional Delegation, I am particularly proud to introduce on behalf of my fellow colleagues from Pennsylvania, a resolution that will commemorate what were some of the most significant events and accomplishments in the history of man and government.

A little more than 200 years ago, the leaders of the 13 independent American States were struggling to maintain peace, order, and a quality of life for their people in the face of increasing economic and political disarray. These men were exceedingly firm in their dedication to the concept that sovereignty resided in the people and not in their governments.

But unlike the American Revolution, their struggles were with each other. Though they shared in their fundamental beliefs of human rights and government, their fierce sense of independence divided the Union and threatened the collapse of all that had been achieved with their freedom from British oppression. Their dilemma was how to govern in a way that would preserve the established identity of each independent State yet achieve a union of government that truly represented all the people.

In May 1787, these great men convened in Philadelphia to seek a common ground whereby all the States could be united into one National Government. Their compromise, indeed their great compromise, was simple—there would be a house of the people that would be in the words of George Mason, "attend to the rights of every class", and there would be a house equally representing each of the States. At last it was this great compromise that paved the way for the drafting of our Constitution and what was to become the greatest government in the history of man.

Today we still live under and are governed by the great principles ordained by our Founding Fathers.

I believe I speak for all the citizens of Pennsylvania when I say we are proud that Pennsylvania played a major role in the initial development of our government and indeed fortunate to have the opportunity to reenact history as it happened 200 years ago. This year Philadelphia will have the honor and privilege to host a commemoration of these historic events.

Mr. Speaker, the resolution I am introducing today provides for a joint session of Congress in Philadelphia, PA, on Thursday, July 16, 1987, in honor of the bicentennial of the Constitution and to commemorate the great compromise of the constitutional convention, which determined the basis of representation of the States in the Senate and the House of Representatives.

I am here today to call attention to our rich heritage and to ask my fellow colleagues to support this resolution.

FANNIE MAE PROPOSAL TO ISSUE REMIC'S DESERVES CAREFUL SCRUTINY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LaFalce] is recognized for 30 minutes.

Mr. LaFALCE. Mr. Speaker, the Department of Housing and Urban Development now has before it an application by the Federal National Mortgage Association [Fannie Mae] for approval to directly issue real estate mortgage investment conduits [REMIC's] under section 302(b)(2) of the Fannie Mae Charter Act.

REMIC's are multiclass mortgage-backed securities that were, in essence, created by the Tax Reform Act of 1986's clarification of the tax treatment of collateralized mortgage obligations [CMO's], including REMIC's. The advantage of REMIC's over traditional mortgage-backed securities is that they can be tailored to meet the needs of a wide variety of investors through an almost unlimited number of specifications. For example, through the REMIC vehicle, a pool of different mortgage loans can be divided into different securities having varied rates of return and flexible maturity dates. The maturity of a REMIC can vary from as little as 1 year to as long as 30 years, or more.

REMIC's offer considerable promise of bringing lower mortgage interest rates to the consumer. Indeed, the process of securitization of mortgage loans through the secondary market has expanded tremendously over the years to the point where originations or mortgage-related securities now total approximately 75 percent of all residential mortgage loan originations. The advent of REMIC's will reduce transaction costs and eliminate many of the market imperfections that have caused problems marketing mortgage-backed securities in the past. As such, we can expect REMIC's to exert downward pressure on mortgage rates and to enhance the ability of lending institutions to offer fixed rate mortgages. Moreover, it is only through the development of innovative financing mechanisms such as REMIC's that we can generate the capital needed to fulfill our demand for mortgage financing over the next decade.

Despite these critical benefits, I am quite concerned that if this financing vehicle is to yield maximum benefit to the consumer, it must not be marketed in a way that undermines the strength of our savings and loan industry or stifles the development of other innovative financing mechanisms by the financial community. More specifically, I am concerned that Fannie Mae—and, subsequently, Freddie Mac—REMIC issues could cause sweeping disintermediation with drastic effects on the thrift and commercial banking industries.

While Fannie Mae has always played a large, indirect role in marketing of mortgage-backed securities, the proposal now before HUD represents a considerable departure from past practices. Instead of serving as an intermediary, Fannie Mae would actually structure and issue the mortgage-backed security, a function now performed by the private market, including large S&L's, commercial banks and investment bankers. In so doing, the private financial sector has performed a vital role. Had mortgaged-backed securities not been devised, the fixed rate mortgage as we know it would have become a thing of the past. Moreover, the vital secondary market for mortgages that has come into being has contributed significantly to the reduction in home mortgage rates.

A QUESTION OF CONGRESSIONAL INTENT

Fannie Mae argues, and perhaps correctly, that if it can issue REMIC's directly the efficiency of the market will be further enhanced and interest rates reduced. Despite this possibility, I am concerned that consequences of such an action have not been at all explored by the relevant congressional committees. In fact, it is clear that when Congress created Fannie Mae it did not envision that agency becoming directly involved in the issuance of such securities as REMIC's, which, of course, did not even exist at the time. Far-reaching decisions of this sort ought not be undertaken without a thorough review of the consequences and ramifications of such action, and this has not taken place in this case.

While the House Ways & Means and Senate Finance Committees explored the question of REMIC's generally and their tax treatment, these committees appropriately declined to comment on the propriety of Fannie Mae directly issuing REMIC's, a question more properly within the domain of the House and Senate Banking Committees, which have primary jurisdiction over the Nation's thrift industry.

DISINTERMEDIATION AND THE HEALTH OF THE THRIFT INDUSTRY

Most importantly, the involvement of Fannie Mae in issuing REMIC's directly could have several untoward consequences for the Nation's savings and loan industry, whose principal mission is to provide home mortgages. We are all aware of the difficulties that this industry has endured in recent times, and Congress is currently attempting to work with it in order to place the thrift system on a healthy footing. However, the situation remains in flux, with several S&L's in jeopardy, many healthy S&L's desirous of leaving the system, and a FSLIC recapitalization proposal stalled in Congress. Given this delicate situation, we must carefully consider the consequences for the S&L industry of the Fannie Mae proposal.

The cost advantages enjoyed by Fannie Mae, when coupled with the ability to issue REMIC's in virtually any denomination at very attractive maturities, could precipitate the greatest wave of disintermediation since the nearly disastrous outflow to money market funds that took place in the early 1980's. Moreover, the possibility that mutual funds will purchase Fannie Mae REMIC's in enormous volumes and market them to the investing public as federally guaranteed, deposit-like product carrying yields well in excess of those offered by competing depository institutions further enhances the likelihood of disintermediation occurring.

The possibility of joint Fannie Mae/mutual fund arrangements regarding REMIC's could have particularly dire consequences for the thrift industry. Mutual funds have far lower overhead than thrifts or commercial banks in that, for example, they are not burdened with a retail branch structure nor do they have to pay the increasingly high cost of Federal deposit insurance. When these cost advantages are combined with those enjoyed by Fannie Mae because of its Federal agency status, you end up with a situation in which REMIC's become far more attractive than anything the thrifts can offer, with disintermediation the possible result.

Already mutual funds comprised solely of single-class GHMA pass-through securities, which are commonplace today, compete strongly among investors seeking longer term investments. Since the purpose of REMIC's is to permit mortgage securities to be sold in multiple classes, it is easy to envision Fannie Mae REMIC's appealing directly to bank and thrift depositors because of their liquidity and perceived Federal backing.

Should Fannie Mae decide to bypass mutual funds and offer REMIC's in small enough denominations directly to the consumer, the result could be even more cataclysmic for the thrift industry, as well as the Nation's commercial and investment banks.

Even if the prospect of disintermediation were minimized, it would be irresponsible in the extreme for us to allow Fannie Mae to embark on a new venture, which could make Congress' task of revitalizing the Nation's thrift industry all the more difficult, without at first fully exploring the likelihood of this taking place.

A thorough examination of the consequences of Fannie Mae's proposed action does not necessarily preclude this possibility. But at least it will enable us to appreciate the consequences of our action, and to either prohibit Fannie Mae's involvement, or to devise remedies such as minimum issue denominations, longer maturities, and restrictions on the involvement of mutual funds with REMIC's, to name just a few, which might protect thrifts against disintermediation while allowing REMIC's to flourish.

UNFAIR COMPETITION AND DANGERS TO INNOVATION

In addition to the need for a thorough examination of the possible impact of this proposal on the savings and loan industry, I am also concerned about the fundamental fairness of Fannie Mae's proposal, the effect of which might be to federalize the secondary mortgage market.

The private financial sector, which has served us so well in developing the innovative financing mechanisms that are making fixed rate mortgages once again affordable, simply could not compete with Fannie Mae. While Fannie Mae and other quasi-governmental agencies have played a critical role in providing consumers with more affordable fixed rate mortgages, they have done so as an intermediary, in conjunction with, and not in direct opposition to, the private sector. Fannie Mae's effort to secure approval to issue REMIC's directly would change this role without the benefit of congressional review.

While a review of Fannie Mae's new role might reveal certain advantages, I am quite concerned about the fundamental fairness of such a change. Fannie Mae, with its Federal agency status, Government borrowing privileges, tax advantages, exemption from the Nation's securities laws, and by virtue of its sheer size, has an overwhelming competitive advantage over the private sector. REMIC's may well become the exclusive province of Fannie Mae, driving out private competitors. This would also mark a dramatic change in the role and function of agencies such as Fannie Mae, which traditionally were designed to supplement and assist, but not supplant, the private market.

It also is essential that HUD and the Congress proceed carefully before sanctioning a proposal the result of which could be the creation of a monopoly situation that precludes future innovations in the financial sector. Indeed, on August 20, 1986, in writing to Fannie Mae regarding its proposed Mortgage-Backed Obligations [MBO] Program, HUD's general counsel, John Knapp, noted with approval the "undeniable congressional focus on the boundary lines of the sectors of the financial industry that FNMA is expected and desired to engage in and those in which it is not." Mr. Knapp further registered his, as well as the Congress' concern with "the entry by FNMA into a sector of the financial business that is already adequately served by the private sector." These considerations and observations are equally applicable with respect to Fannie Mae's latest proposal to directly issue REMIC's.

THE IMPACT ON MONETARY POLICY

I am also concerned about the effect that Fannie Mae/Freddie Mac issuance of REMIC's could ultimately have on the Federal Reserve's ability to conduct monetary policy. In particular, it is easy to envision the possibility that mutual funds comprised solely or largely of short-term, highly liquid REMIC's could appeal directly to bank and thrift depositors as a substitute for traditional deposit instruments. If that happens, and small savers and investors transfer their deposits to these mutual funds in a mass exodus from traditional deposit accounts, the Federal Reserve's ability to measure accurately and account for the Nation's money supply could be adversely affected.

In recent years, distinctions between transaction and other balances have become quite blurred, as market innovations have led to a proliferation of new deposit insturments and liquid assets, some usable directly as transaction accounts and others readily convertible into transaction-type accounts. The addition of yet another near-money asset, in the form of a liquid mutual fund holding backed by REMIC's, could further exacerbate the Federal Reserve's difficult job of conducting an accurate and fair monetary policy in a changing financial environment.

In conclusion, I believe that HUD should not approve Fannie Mae's application to issue REMIC's directly until such time as Congress has had full opportunity to determine whether this activity is consistent with Fannie Mae's underlying charter, to explore the consequences of potential federalization of the secondary mortgage market, to assess the impact of Fannie Mae REMIC's on the health and well-being of the Nation's thrift industry, and consider the potential impact of REMIC's on the Federal Reserve's ability to conduct monetary policy.

MEDICARE CATASTROPHIC ILLNESS COVERAGE ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-36)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and the Committee on Energy and Commerce and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Medicare Catastrophic Illness Coverage Act." This landmark legislation would provide protection under the Medicare program for elderly and disabled Americans who suffer an acute care catastrophic illness. The legislation would help provide peace of mind for 30 million Americans without adding to the tax burden of their children.

We all know family, friends, or neighbors who have suffered a devastating acute care illness that has destroyed their financial security. A catastrophic acute care illness requires treatment so costly that families can only pay for it by impoverishing themselves. A catastrophic illness is financially devastating and requires personal sacrifices that can haunt families for the rest of their lives.

Elderly Americans require more medical care than younger persons. Average health care spending for an elderly person in 1984 was $4,200, compared to $1,100 for a person under 65.

Virtually all the elderly have acute care insurance protection under Medicare. About two-thirds also have private supplementary insurance, or Medigap. These two types of insurance together still have some significant limitations in coverage. As a result, unpredictable health care expenses loom large in the personal budgets of the elderly.

There are gaps in Medicare as currently structured for acute care expenses. Hospital coverage is limited. After 60 days of hospital care, a Medicare patient begins to make increasingly costly payments—rising from $130 per day for days 61 through 90, to $260 per day for days 91 through 150, to the full cost of care for more than 150 days in the hospital. On top of this, there is a required 20 percent co-payment for all physician services covered by Medicare. The Medicare program, then, requires the greatest payments from those with the most serious health problems.

About 13 percent of the elderly are also covered by Medicaid, a health program for the poor. Medicaid is State-operated, and many States limit the amount and kind of services they will pay for under the program.

The proposed "Medicare Catastrophic Illness Coverage Act" would provide improved acute care coverage for the elderly and disabled by restructuring the Medicare program. The proposal would set an annual limit on out-of-pocket expenses for approved charges, with the additional coverage financed by a modest additional premium to be paid by beneficiaries.

Under the proposed legislation, a $2,000 out-of-pocket limit for Medicare-proposed expenses would be established. Beneficiaries would be assured that once they had incurred out-of-pocket expenses of $2,000 for approved charges, the Medicare program would pay for all remaining covered services.

As part of the added protection, all hospital and skilled nursing facility coinsurances would be eliminated. Further, no beneficiary would ever pay more than two hospital deductibles in any year. Skilled nursing facility care would be fully covered for 100 days each year. The complicated "spell-of-illness" concept would be eliminated. The current deductible and coinsurance for physician-related services would not be changed until the $2,000 limit was reached.

The proposal would be completely financed by a modest addition to the existing monthly Supplementary Medical Insurance (part B) premium. Any beneficiary electing the optional part B would be automatically covered for catastrophic expenditures. The catastrophic expense cap would be adjusted annually to reflect changes in program costs. The new premium would cover the full costs of the catastrophic illness benefit in an actuarially sound manner. Consequently, this new benefit would not require the infusion of additional general revenues nor exacerbate the current budget deficit.

The legislation that we are advancing today addresses a fundamental gap in the health insurance protection of the elderly and disabled. I am asking the Congress to give elderly Americans a health insurance plan that fights the fear of catastrophic acute care illness. For too long, many of our senior citizens have been faced with making an intolerable choice—a choice between bankruptcy and death. This proposed legislation would help solve this tragic problem. I urge you to join me in facing the challenge before us and to consider favorably our approach to catastrophic illness protection under Medicare.

RONALD REAGAN.

THE WHITE HOUSE, *February 24, 1987.*

SUBMISSION OF RULES OF COMMITTEE ON THE DISTRICT OF COLUMBIA OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, as chairman of the Committee on the District of Columbia I submit the rules of the Committee on the District of Columbia for the 100th Congress, as adopted at the organizational meeting of the committee, today, February 24, 1987:

RULES GOVERNING PROCEDURES—COMMITTEE ON THE DISTRICT OF COLUMBIA, 100TH CONGRESS

A. IN GENERAL

(1) The rules of the House are the rules of this committee and each subcommittee so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the committee and subcommittees.

(2) Each subcommittee is a part of this committee, and is subject to the authority and direction of the committee and to its rules insofar as applicable. The rules of the committee shall be the rules of its subcommittees.

(3) No major investigation by a subcommittee shall be initiated without approval of the Chair of the committee or the majority of the full committee.

(4) Any committee member, when recognized by the Chair, may address the committee on any bill, motion, or other matter under consideration before the committee. The Chair may limit to 5 minutes the time of any such member, after giving due consideration to the importance of the subject matter and to the length of time available. Any House Member not a member of the committee may testify as a witness at any hearing of the committee or a subcommittee, or may submit a statement for the official record.

B. REGULAR MEETING DAYS

(1) The full committee shall have its regular meetings on the first Tuesday in each calendar month at 10 a.m. When the House is in recess, the regular monthly meeting of the committee may be dispensed with at the discretion of the Chair upon notice of such action to all members of the committee.

(2) The committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of the committee business, on all regular meeting days fixed by the committee.

(3) Subcommittee Chairs shall set meeting and hearing dates after consultation with the Chair and other subcommittee Chairs with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

C. ADDITIONAL AND SPECIAL MEETINGS

(1) The Chair may call and convene, as he or she considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chair.

(2) If at least three members of the committee desire that a special meeting of the committee be called by the Chair, those members may file in the offices of the committee their written request to the Chair for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the Chair of the filing of the request. If, within 3 calendar days after the filing of the request, the Chair does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure or matter to be considered at, the special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

D. RANKING MAJORITY MEMBER TO PRESIDE IN ABSENCE OF CHAIR

If the Chair of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at the meeting.

E. COMMITTEE RECORDS AND ROLLCALLS

(1) The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

A record vote in subcommittee may be had upon the request of any subcommittee member, and in full committee upon the request of any committee member.

(2) Records of hearings before the committee shall not be available to the public for quotation of any member until after such member has had an opportunity to examine and approve such hearing records.

(3) All committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair of the committee or a subcommittee; and such records shall be the property of the House and all Members of the House shall have access thereto.

F. PROXIES

A vote by any member in the committee or in any subcommittee may be cast by proxy, but shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

G. OPEN MEETINGS AND HEARINGS

(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or subcommittee shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public; *Provided, however,* that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by (2) of this rule, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or subcommittee shall be open to the public except when the committee or subcommittee, in open session and with a majority present determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives, notwithstanding the requirements of the preceding sentence, or rule H. (2), a majority of those present (but not less than two members voting in the affirmative).

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or defame, degrade or incriminate any person; or

(B) may vote to close the hearing if testimony or evidence to be received would defame, degrade, or incriminate any person; *Provided, however,* that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

H. QUORUM

(1) The number of members to constitute a quorum for the purpose of taking testimony and receiving evidence in full committee or subcommittee is two.

(2) One-third of the committee or a subcommittee shall constitute a quorum for other meetings, except that a majority of the committee or subcommittee shall constitute a quorum for the purposes of reporting a measure and closing a meeting to the public.

I. CALLING AND INTERROGATING WITNESSES

(1) Whenever any hearing is conducted by the committee or a subcommittee upon any measure or matter, the minority party members on the committee or subcommittee shall be entitled, upon request to the Chair of the committee or subcommittee by a majority of the minority party members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2) The committee and subcommittees shall apply the 5-minute rule in the interrogation of witnesses in any hearing until such time as each member of the committee or subcommittee who so desires has had an opportunity to question each witness.

(3) Committee members may question witnesses only when they have been recognized by the Chair for the purpose.

(4) All questions put to the witnesses before the committee shall be pertinent to the bill or other subject matter before the committee for consideration.

(5) Insofar as is practicable, each witness who is to appear must file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and limit the oral presentation at such appearance to a brief summary of his or her argument.

J. INVESTIGATIVE HEARING PROCEDURES

(1) The Chair of the committee or subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chair of the committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the full committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person;

(B) the committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, or incriminate any person.

In either case the committee or subcommittee shall—

(a) afford such person an opportunity voluntarily to appear as a witness; and

(b) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the Chair shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee or subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

K. REPORTING BILLS AND RESOLUTIONS

(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) Any committee member at a meeting of the full committee or any member of the subcommittee involved may make a point of order that a quorum is not present.

(3)(A) Each committee report shall include in its text a statement of the reported legislation's intent or purpose, need, the results of motions to report, including number of yeas and nays, a 5-year cost estimate, oversight statement, inflationary impact statement, any statement required by sections 308(a) and 403 of the Congressional Budget and Impoundment Control Act of 1974, administration or departmental position (if any), and changes in existing law, in addition to such other provisions as the Chair deems necessary.

(B) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

1. shall include all supplemental, minority, and additional views which have been submitted by the time of the filing of the report, and

2. shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted pursuant to the requirements of sections 308(a) and 403 of the Budget and Impoundment Control Act of 1974) are included as part of the report. This subparagraph does not preclude—

(a) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(b) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the committee upon that measure or matter.

(4)(A) It shall be the duty of the Chair of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring a matter to a vote.

(B) In any event, the report of the committee on any measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chair of the committee notice of the filing of that request.

L. POWER TO SIT AND ACT; SUBPOENA POWER

(1) For the purpose of carrying out any of its functions and duties under these rules, the committee, or any subcommittee thereof, is authorized—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) subject to (2)(A) of this rule, to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The Chair of the committee, or any member designated by the Chair, may administer oaths to any witness.

(2)(A) A subpoena may be issued by the committee or subcommittee under (1)(B) of this rule in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, and authorized subpoenas shall be signed by the Chair of the full committee or by any member designated by the committee. When authorizing subpoenas, the committee may delegate to the committee chair the responsibility of deciding what materials are to be listed in the subpoena and the names of the individuals or officials to be subpoenaed.

(B) Compliance with any subpoena issued by a committee or subcommittee under (1)(B) of this rule may be enforced only as authorized or directed by the House.

M. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, the committee or subcommittee may permit, by majority vote of the committee or subcommittee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under the following rules:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorhip.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) the allocation among the television media of the positions of the number of television cameras permitted by the committee or subcommittee Chair in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing

or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee Chair for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

N. COMMITTEE STAFFS

(1) Subcommittee staffs: From the funds provided for the appointment of committee staff pursuant to primary and additional expense resolutions of the House:

(A) The Chair of each standing subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee Chair.

(B) The ranking minority party member of each standing subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(C) The staff members appointed pursuant to the provisions of subparagraphs (A) and (B) shall be compensated at a rate determined by the subcommittee Chair not to exceed (a) 75 per centum of the maximum established in 2(C) of this rule or (b) the rate paid the staff member appointed pursuant to 1(A) of this rule.

(D) No member shall appoint more than one person pursuant to 1(A) and 1(B) of this rule.

(E) The staff positions made available to the subcommittee Chair and ranking minority party members pursuant to 1(A) and 1(B) of this rule shall be made available from the staff positions provided under clause 6 of Rule XI of the House unless such staff positions are made available pursuant to a primary or additional expense resolution.

(2) Committee staffs:

(A)(1) Subject to subparagraph 2(A)(2) of this rule and paragraph 2(D) of this rule, the committee may appoint, by majority vote of the committee, not more than 18 professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the Chair and the ranking minority party member of such committee, as the committee considers advisable.

(2) Subject to 2(D) of this rule, whenever a majority of the minority party members of the committee so request, not more than six persons may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members from among the number authorized by 2(A)(1) of this rule. The committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(3) The professional staff members of the committee—

(a) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions:

(b) shall not engage in any work other than committee business; and

(c) shall not be assigned any duties other than those pertaining to committee business.

(4) Services of the professional staff members of the committee may be terminated by majority vote of the committee.

(B)(1) The clerical staff of the full committee shall consist of not more than 12 clerks, to be attached to the office of the Chair, to the ranking minority party member, and to the professional staff, as the committee considers advisable. Subject to 2(B)(2) and 2(D) of this rule, the clerical staff shall be appointed by majority vote of the committee, without regard to race, creed, sex, or age. Except as provided by 2(B)(2) of this rule, the clerical staff shall handle committee correspondence and stenographic work both for the committee staff and the Chair and the ranking minority party member on matters related to committee work.

(2) Subject to 2(D) of this rule, whenever a majority of the minority party members of the committee so request, four persons may be selected, by majority vote of the minority party members, for appointment by the committee to position on the clerical staff from among the number of clerks authorized by 2(B)(1) of this rule. The committee shall appoint to those positions any person so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the position involved on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenographic work for the minority party members of the committee and for any members of the professional staff appointed under 2(A)(2) of this rule on matters related to committee work.

(3) Services of the clerical staff members of the full committee may be terminated by majority vote of the committee.

(C) Each employee on the professional staff, and each employee on the clerical staff, of the committee, is entitled to pay at a single per annum gross rate, to be fixed by the Chair, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code, except that 2 professional staff members of the committee shall be entitled to pay at a single per annum gross rate to be fixed by the Chair, which does not exceed the highest rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule, section 5315 of title 5, United States Code.

(D) If a request for the appointment of a minority professional staff member under paragraph (A), or a minority clerical staff member under paragraph (B), is made when no vacancy exists to which that appointment may be made, the committee nevertheless shall appoint, under paragraph (A) or paragraph (B), as applicable, the person selected by the minority and acceptable to the committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the committee, and shall be paid from the contingent fund, until such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill that vacancy.

(E) Each staff member appointed pursuant to a request by minority party members under paragraph (A) or (B), and each staff member appointed to assist minority party members of a committee pursuant to an expense resolution, shall be accorded equitable treatment with respect to the fixing of his or her rate of pay, the assignment to him or her of work facilities, and the accessibility to him or her of committee records.

(F) Paragraphs (A) and (B) shall not be construed to authorize the appointment of additional professional or clerical staff members of the committee pursuant to a request under either of such paragraphs by the minority party members of that committee if six or more professional staff members or four or more clerical staff members provided for in paragraph (A)(1) or paragraph (B)(1) as the case may be, who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.

(G) Notwithstanding paragraphs (A)(2) and (B)(2), the committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, upon an affirmative vote of a majority of the members of the minority party.

O. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS TO SUBCOMMITTEES

(1) All the legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdic-

tion within 2 weeks unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee. If a joint resolution of disapproval of a council act is introduced in the House during the first 15 legislative days of layover, the resolution shall be referred to the subcommittee of appropriate jurisdiction. If the joint resolution is introduced during the last 15 days of congressional layover, that matter shall be kept at the full committee level with such comments from the subcommittee as they may wish to give.

(2) The Chair may refer a matter simultaneously to two or more subcommittees for concurrent considerations or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first) or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee.

(3) Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chair may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. In order to permit the full committee to take timely action on special resolutions, a subcommittee should complete action on a joint resolution of approval of a charter amendment under section 303(b) of the Home Rule Act not later than 15 calendar days before the expiration of the 35-day period named in the Home Rule Act. The subcommittee should complete action within 12 calendar days of the introduction of a joint resolution of disapproval of a council act relating to titles 22, 23 or 24 of the District of Columbia Code under subsection (c)(2) of section 602 of the Home Rule Act.

P. SUBCOMMITTEES

(1) The full committee shall determine an appropriate ratio of majority to minority members for each subcommittee and shall establish the number of subcommittees, shall fix the jurisdiction of each subcommittee, and shall determine the size of each subcommittee.

(2) Additional legislative subcommittees may be established by a majority of those voting, a quorum being present, of the full committee.

(3) Each member shall be given an equal number of subcommittee assignments insofar as practicable.

(4) Bills shall be assigned to subcommittees in accordance with the subject matter of the subcommittees.

(5) Any member of the full committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and to participate but shall not have authority to vote on any matters before the subcommittee unless he or she is a member of such subcommittee.

(6) Party representation on each subcommittee, including ex officio members, shall be no less favorable to the majority party than the ratio for the full committee.

Q. GENERAL OVERSIGHT RESPONSIBILITIES

The committee and each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee or the subcommittee, respectively, and the organization and operation of the Federal and District agencies and entities have responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the committee and each subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee or subcommittee, respectively (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee or subcommittee, respectively. Each subcommittee is required to conduct oversight in the area of the respective jurisdiction, to assist in carrying out the full committee's responsibilities under Rule X, cl. 2, of the House of Representatives. The establishment of an oversight subcommittee shall in no way limit the responsibility of the subcommittees with legislative jurisdiction from carrying out their oversight responsibilities.

R. ADDITIONAL FUNCTIONS

(1) The committee and each subcommittee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of the House of Representatives.

(2) The committee and each subcommittee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

S. POINTS OF ORDER

No point of order, other than a point of order that a quorum is not present, against the hearings or business procedures of the committee shall be sustained unless it is made in a timely fashion (1) at the commencement of the hearing or meeting, or (2) at the time such point of order first occurs. Any point of order not raised in a timely manner in subcommittee shall not be sustained in full committee.

T. NOTICE OF MEETINGS AND AGENDA

(1) The committee and each subcommittee shall make public announcement of the date, place and subject matter of any committee hearing at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible day. Any announcement made under the subparagraph shall be promptly published in the Daily Digest and given to the House Information Systems.

(2) The agenda for all committee meetings, setting out all items of business to be considered, including a copy of any measure or a summary of any measure and of any subcommittee amendments, shall be furnished each committee member by delivery to his or her office at least 2 full calendar days (excluding Saturday, Sunday and legal holidays) before the meeting. This requirement may be waived by a two-thirds vote, a quorum being present, of the committee.

(3) No bill or other matter shall be brought up for hearing or other consideration except with the approval of the Chair or by a majority of those voting, a quorum being present; *Provided, that* any member (other than the Chair) making the motion for consideration under this rule has given 2 days' notice in writing to all members of the committee.

U. AMENDING COMMITTEE RULES

The committee rules may not be amended unless the member proposing the amendment gives 2 days' notice (excluding Saturday, Sunday and legal holidays) in writing of the text of the proposed change to all members.

V. OTHER PROCEDURES AND REGULATIONS

The Chair of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Houghton) to revise and extend their remarks and include extraneous material:)

Mr. Burton of Indiana, for 60 minutes, today.

Mr. Emerson, for 60 minutes, on March 3.

Mr. Lott, for 60 minutes, today.

(The following Members (at the request of Ms. Oakar) to revise and extend their remarks and include extraneous material:)

Mr. Boucher, for 5 minutes, today.

Mr. Udall, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Gaydos, for 60 minutes, today.

Mr. Brown of California, for 60 minutes, today.

Mr. LaFalce, for 30 minutes, today.

(The following Members (at the request of Mr. Edwards of California) to revise and extend their remarks and include extraneous material:)

Mr. Stratton, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. AuCoin, and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the Congressional Record and is estimated by the Public Printer to cost $2,578.

(Mr. STUMP, on Senate Joint Resolution 46 in the House today.)

(The following Members (at the request of Mr. Houghton) and to include extraneous matter:)

Mr. Rhodes.

Mr. Kolbe.

Mr. Porter in two instances.

Mr. MYERS of Indiana.

Mr. MICHEL.

Mr. GILMAN in two instances.

Mr. DORNAN of California in two instances.

Mr. EMERSON in two instances.

Mr. LAGOMARSINO.

Mr. RITTER.

Mr. BROOMFIELD in two instances.

Mr. DREIER of California.

Mr. MCEWEN.

Mr. FAWELL.

(The following Members (at the request of Ms. OAKAR) and to include extraneous matter:)

Mr. GUARINI.

Mr. ORTIZ.

Mr. YATRON.

Mr. MINETA.

Mr. NATCHER.

Mr. WALGREN.

Mr. WYDEN.

Mr. KANJORSKI.

Mr. DELLUMS.

Mr. WOLPE.

Mr. FUSTER.

Mr. SMITH of Florida.

Mr. WAXMAN.

Mr. PANETTA.

Mr. WILLIAMS in two instances.

ADJOURNMENT

Mr. EDWARDS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, (at 3 o'clock and 2 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 25, 1987, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

645. A letter from the Acting Director, Selective Service System, transmitting a draft of proposed legislation to amend the Military Selective Service Act; to the Committee on Armed Services.

646. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for participation by the United States in replenishments of the International Development Association and the Asian Development Fund and in a capital increase of the African Development Bank, for membership for the United States in the Multilateral Investment Guarantee Agency, for U.S. acceptance of the merger of the capital resources of the Inter-American Development Bank, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

647. A letter from the Secretary of Education, transmitting the ninth annual report on the progress being made toward the provision of a free appropriate public education for all handicapped children, pursuant to 20 U.S.C. 1418(f)(1); to the Committee on Education and Labor.

648. A letter from the Secretary, United States Department of Education, transmitting a draft of proposed legislation to terminate the Intergovernmental Advisory Council on Education, and for other purposes; to the Committee on Education and Labor.

649. A letter from the Assistant Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's annual report on each route on which it operated rail passenger service during fiscal year 1986, its 1987 legislative program, and its 1986 annual report, pursuant to 45 U.S.C. 548(b), 644(1)(B); to the Committee on Energy and Commerce.

650. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Railroad Safety Act of 1970 and for other purposes; pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

651. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of the price and availability report for the quarter ending December 31, 1986, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

652. A letter from the Executive Director, Board for International Broadcasting, transmitting a draft of proposed legislation to amend the Board for International Broadcasting Act of 1973 and to authorize appropriations for fiscal years 1988 and 1989 for carrying out that act; to the Committee on Foreign Affairs.

653. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting reports on progress in increasing multilateral cooperation to combat international terrorism, pursuant to Public Law 99-399, section 705 (100 Stat. 878); to the Committee on Foreign Affairs.

654. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report of the Board's activities under the Government in the Sunshine Act for calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

655. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1986 through December 31, 1986, pursuant to 2 U.S.C. 104a (H. Doc. No. 100-35); to the Committee on House Administration and ordered to be printed.

656. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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661. A letter from the Secretary, Department of the Interior, transmitting a report on proposals received under the Small Reclamation Projects Act, pursuant to 43 U.S.C. 422j; to the Committee on Interior and Insular Affairs.

662. A letter from the American Legion, transmitting the proceedings of the 68th annual National Convention, Salt Lake City, UT, September 2-4, 1986, pursuant to 36 U.S.C. 49 (H. Doc. No. 100-37); to the Committee on Veterans' Affairs and ordered to be printed.

663. A letter from the Acting Secretary of Agriculture, transmitting the report on the operation of the Commodity Credit Corporation's 2-year pilot program to donate ultra-high temperature processed milk [UHT] for the assistance of needy persons overseas, pursuant to 7 U.S.C. 1431(c) (October 31, 1949, chapter 792, section 416(c) (98 Stat. 137)); jointly, to the Committees on Agriculture and Foreign Affairs.

664. A letter from the Deputy Under Secretary, Intergovernmental and Interagency Affairs, Department of Education, transmitting a brief report on the activities of the Advisory Council on Dependents' Education during calendar year 1985, pursuant to 20 U.S.C. 1233b(a)(2); jointly, to the Committees on Armed Services and Education and Labor.

665. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report of the nondisclosure of safeguards information by the Nuclear Regulatory Commission for the quarter ending December 31, 1986, pursuant to 42 U.S.C. 2167(e); jointly, to the Committee on Energy and Commerce and Interior and Insular Affairs.

666. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the second calendar quarter of 1986, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

667. A letter from the Secretary of Energy, transmitting a report which sets forth the Department's recommendations for ensuring the safe disposal of all radioactive waste with a concentration of radionuclides that exceeds limits set for class C radioactive waste, pursuant to 42 U.S.C. 2021(c)(3); jointly, to the Committee on Interior and Insular Affairs and Energy and Commerce.

668. A letter from the Director, Office of Management and Budget, transmitting the administration's views concerning H.R. 2 and S. 387 to reauthorize highway, transit, and highway safety programs; jointly, to the Committees on Public Works and Transportation and Ways and Means.

669. A letter from the Secretary of Energy, transmitting the annual report on the Office of Alcohol Fuels covering fiscal year 1986, pursuant to 42 U.S.C. 8818(c)(1); jointly, to the Committees on Agriculture; Energy and Commerce; and Science, Space, and Technology.

670. A letter from the Deputy Director, Administration and Operations, U.S. Holocaust Memorial Council, transmitting a draft of proposed legislation to authorize appropriations to carry out the programs of the U.S. Holocaust Memorial Council, pur-

suant to 31 U.S.C. 1110; jointly, to the Committee on House Administration, Interior and Insular Affairs, and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WOLPE (for himself, Mr. Gilman, Miss Schneider, Mr. Leland, Mr. Gray of Pennsylvania, Mr. Crockett, Mr. Clarke, Mr. Sunia, Mr. Blaz, Mr. Berman, Mr. Downey of New York, and Mr. Scheuer):

H.R. 1199. A bill to amend the Foreign Assistance Act of 1961 to establish a separate authorization for assistance for famine recovery and long-term development in sub-Saharan Africa, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MURPHY (for himself, Mr. Martinez, Mr. Hughes, and Mr. Rinaldo):

H.R. 1200. A bill to provide that the exclusion applicable under the Age Discrimination in Employment Act of 1967 to the employment of police officers and firefighters shall be permanent; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 1201. A bill to guarantee the right of professional firefighters to organize and bargain collectively; to the Committee on Education and Labor.

By Mr. BEREUTER (for himself and Mr. Gunderson):

H.R. 1202. A bill to amend the Job Training Partnership Act to establish a program to prepare farmers, ranchers, and workers in agriculture-related business and industry for transition to other economic opportunities, and for other purposes; to the Committee on Education and Labor.

By Mr. BOUCHER (for himself, Mr. Murphy, Mr. Kildee, Mr. Martinez, Mr. Perkins, Mr. Solarz, Mr. Goodling, Mr. Gunderson, Mr. Towns, Mr. Horton, Mr. Fuster, Mr. Jones of North Carolina, Mr. Eckart, Mr. Rowland of Connecticut, Mr. Crockett, Mr. Traficant, Mr. Boehlert, Mr. Mineta, Mr. Berman, Mr. Mavroules, Mr. Rahall, Mr. McMillen of Maryland, Mr. Lagomarsino, Mr. Chapman, Mr. Weldon, Mr. Savage, Mr. Hochbrueckner, Mr. Howard, Mr. Mfume, Mr. Clinger, Mr. Espy, Mr. Staggers, Mr. Edwards of California, and Mr. Richardson):

H.R. 1203. A bill to strengthen the technological literacy of the Nation through demonstration programs of technology education; to the Committee on Education and Labor.

By Mr. BROWN of Colorado:

H.R. 1204. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Ways and Means.

By Mr. CHAPPELL:

H.R. 1205. A bill to direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Putnam County, FL, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida; to the Committee on Agriculture.

By Mr. DAUB:

H.R. 1206. A bill to realign authority within the Department of Agriculture; to the Committee on Agriculture.

By Mr. DINGELL (for himself, Mr. Lent, Mr. Waxman, Mr. Wyden, Mr. Oxley, Mr. Florio, Mr. Markey, Mr. Thomas A. Luken, Mr. Walgren, Mr. Leland, Mr. Tauzin, Mr. Hall of Texas, Mr. Eckart, Mr. Slattery, Mr. Bryant, Mr. Boucher, Mr. Cooper, and Mr. Bustamante):

H.R. 1207. A bill to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs produced in the United States, to place restrictions on the distribution of drug samples, to ban certain resales of drugs by hospitals and other health care facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DONNELLY:

H.R. 1208. A bill to require the Secretary of Defense to prescribe regulations to allow dependents of certain deceased veterans to use commissary and exchange stores on the same basis as dependents of certain other veterans; to the Committee on Armed Services.

By Mr. FORD of Tennessee (for himself and Mr. Mfume):

H.R. 1209. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage; to the Committee on Education and Labor.

By Mr. FUSTER:

H.R. 1210. A bill to amend title 38, United States Code, to ensure a minimal level of funding for the Beneficiary Travel Program of the Veterans' Administration with respect to low-income Veterans' Administration beneficiaries residing in Puerto Rico; to the Committee on Veterans' Affairs.

By Mr. GEJDENSON:

H.R. 1211. A bill to require that light trucks and vans shall be subject to the same Federal motor vehicle safety standards as are applicable to passenger motor vehicles; to the Committee on Energy and Commerce.

By Mr. WILLIAMS (for himself, Mr. Hawkins, Mr. Jeffords, Mr. Ford of Michigan, Mr. Clay, Mr. Biaggi, Mr. Murphy, Mr. Kildee, Mr. Martinez, Mr. Owens of New York, Mr. Boucher, Mr. Hayes, of Illinois, Mr. Perkins, Mr. Dymally, Mr. Penny, Mr. Atkins, Mr. Tauke, Mr. Henry, Mr. Brooks, Mr. McKinney, Mr. Rodino, Mr. Courter, Mr. Kastenmeier, Mr. Levin of Michigan, Mr. Howard, Mr. Edwards of California, Ms. Oakar, Mr. Conyers, Mr. Berman, Mr. Lowry of Washington, Mr. Leland, Mr. Scheuer, Mr. Oberstar, Mr. Fauntroy, Mr. Staggers, Mr. Robinson, Mr. Kanjorski, Mr. Florio, Mr. Markey, Mrs. Bentley, Mr. Jones of North Carolina, Mr. Andrews, Mr. Mrazek, Mr. Schumer, Mr. Gephart, Mr. Evans, Mr. Leach of Iowa, Mrs. Boxer, Mr. Synar, Mr. Conte, Mr. Glickman, Mr. Borski, Mr. Hertel, Mr. Rahall, Mr. Durbin, Mr. Akaka, Mr. Visclosky, Mr. Gaydos, Mr. Richardson, Mr. Rangel, Mr. Towns, Mr. Boehlert, Mr. Fazio, Mr. Ridge, Mr. Ackerman, Mr. Wheat, Mr. Dellums, Mr. Feighan, Mrs. Collins, Mr. Frank, Mr. Kolter, Mr. Dixon, Mr. Davis of Michigan, Mrs. Johnson of Connecticut, Mr. Carr, Mr. Skelton, Mr. Crockett, Mr. Morrison of Connecticut, Mr. Brown of California, Mr. Smith of Iowa, Mr. Savage, Mr. Stokes, Mr. Gray of Illinois, Mr. Bosco, Mr. Walgren, Mr. Gejdenson, Mr. Donnelly, Mr. Levine of California, Mr. Gonzalez, Mr. Traficant, Mr. Stark, Mr. Wolfe, Mr. Gray of Pennsylvania, Mr. Neal, Mr. Studds, Mr. Sabo, Mr. Torres, Mr. Olin, Ms. Kaptur, Mr. Matsui, Mr. Garcia, Mr. Sikorski, Mr. Bonior of Michigan, Mr. Wise, Mr. Guarini, Ms. Snowe, Mr. Bustamante, Mrs. Schroeder, Mr. AuCoin, Mr. Swift, Mr. Rinaldo, Mr. Vento, Mr. Manton, Mr. Kostmayer, Miss. Schneider, Mr. Bonker, Mr. Dyson, Mr. Mineta, Mr. Hamilton, Mr. McDade, Mr. Foglietta, Mr. Dorgan of North Dakota, Mr. Nielson of Utah, Mr. Aspin, Mr. St. Germain, and Mr. Boland)

H.R. 1212. A bill to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce; to the Committee on Education and Labor.

By Mr. GREEN (for himself, Mr. Bryant, Mr. Crockett, Mr. Dannemeyer, and Mr. Fish):

H.R. 1213. A bill to amend chapter 110 of title 18, United States Code, to create remedies for children and other victims of pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. HAWKINS (for himself, Mr. Jeffords, Mr. Edwards of California, Mr. Fish, Mr. Ackerman, Mr. Akaka, Mr. Andrews, Mr. Atkins, Mr. Bates, Mr. Berman, Mr. Biaggi, Mr. Boehlert, Mr. Bonker, Mr. Bosco, Mr. Boucher, Mrs. Boxer, Mr. Brooks, Mr. Brown of California, Mr. Bryant, Mr. Bustamante, Mr. Cardin, Mr. Carr, Mr. Clay, Mr. Clinger, Mr. Coelho, Mrs. Collins, Mr. Conyers, Mr. Crockett, Mr. Dellums, Mr. De Lugo, Mr. Dixon, Mr. Dorgan of North Dakota, Mr. Dymally, Mr. Espy, Mr. Evans, Mr. Fascell, Mr. Fauntroy, Mr. Fazio, Mr. Feighan, Mr. Flake, Mr. Florio, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Frank, Mr. Frost, Mr. Fuster, Mr. Garcia, Mr. Glickman, Mr. Gonzalez, Mr. Gray of Illinois, Mr. Gray of Pennsylvania, Mr. Green, Mr. Guarini, Mr. Hayes of Illinois, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hughes, Mr. Jacobs, Mrs. Johnson of Connecticut, Mr. Johnson of South Dakota, Ms. Kaptur, Mr. Kastenmeier, Mrs. Kennelly, Mr. Kildee, Mr. Kleczka, Mr. Kolter, Mr. Lantos, Mr. Lehman of Florida, Mr. Leland, Mr. Levin of Michigan, Mr. Levine of California, Mr. Lewis of Georgia, Mr. Lowry of Washington, Mr. McKinney, Mr. Manton, Mr. Martinez, Mr. Mfume, Mr. Miller of California, Mr. Mineta, Mr. Moody, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Neal, Mr. Olin, Mr. Owens of New York, Mr. Pease, Mr. Pepper, Mr. Price of North Carolina, Mr. Rahall, Mr. Rangel, Mr. Richardson, Mr. Rodino, Mr. Roybal, Mr. Savage, Mr. Scheuer, Miss Schneider, Mrs. Schroeder, Mr. Smith of Florida, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Synar, Mr.

Torres, Mr. Torricelli, Mr. Towns, Mr. Traficant, Mr. Vento, Mr. Visclosky, Mr. Waxman, Mr. Weiss, Mr. Wheat, Mr. Wyden, and Mr. Yates):

H.R. 1214. A bill to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the age discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. HUNTER:

H.R. 1215. A bill to clarify the intent of Congress with respect to the use by the Navy of interport differentials for ship maintenance contracts on the west coast of the United States; to the Committee on Armed Services.

By Mr. LELAND (for himself, Mr. Ackerman, Mr. Crockett, Mr. Dixon, Mr. Fauntroy, Mr. Frost, Mr. Gray of Pennsylvania, Mr. Hayes of Illinois, Mr. Jacobs, Ms. Kaptur, Mr. Moody, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Richardson, Mr. Sabo, Mr. Smith of Florida, and Mr. Weiss)

H.R. 1216. A bill to prohibit the transportation on South African vessels of agricultural commodities provided under the Agricultural Trade Development and Assistance Act of 1954; to the Committee on Foreign Affairs.

By Mr. MINETA (for himself, Mr. Hammerschmidt, and Mr. Gingrich):

H.R. 1217. A bill to amend the Federal Aviation Act of 1958 to provide for arbitration of certain disputes concerning airline-owned computer reservations systems, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. NEAL:

H.R. 1218. A bill to require the Secretary of Agriculture to establish an advisory committee to study the economic impact of prohibiting the lease and transfer of flue-cured tobacco acreage allotments and quotas for the 1987 and subsequent crops of flue-cured tobacco; to the Committee on Agriculture.

By Mr. PORTER:

H.R. 1219. A bill to amend title 10, United States Code, to permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform; to the Committee on Armed Services.

By Mr. RANGEL:

H.R. 1220. A bill to provide for the establishment of a Caribbean trade institute/international trade center in Harlem, New York City; to the Committee on Ways and Means.

H.R. 1221. A bill to increase the personal exemption from customs duties for returning residents when merchandise is purchased in countries that are beneficiary countries under the Caribbean Basin Initiative; to the Committee on Ways and Means.

By Mr. ROBERT F. SMITH (for himself, Mr. Shaw, Mr. Sundquist, Mr. Hammerschmidt, Mr. Ballenger, Mr. Clinger, and Mr. Inhofe):

H.R. 1222. A bill to amend the Public Buildings Act of 1959 to require that buildings constructed or altered by a Federal agency comply, to the maximum extent feasible, with nationally recognized model codes and with local zoning laws and certain other laws; to the Committee on Public Works and Transportation.

By Mr. UDALL (for himself and Mr. Richardson):

H.R. 1223. A bill entitled "Indian Self-Determination Amendments of 1987"; to the Committee on Interior and Insular Affairs.

By Mr. VOLKMER:

H.R. 1224. A bill to change the effective date for compensation for Members of Congress; to the Committee on Post Office and Civil Service.

H.R. 1225. A bill to revoke recent pay increases under the Federal Salary Act of 1976; to the Committee on Post Office and Civil Service.

By Mr. WAXMAN:

H.R. 1226. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation; to the Committee on Energy and Commerce.

By Mr. WILLIAMS (for himself and Mr. Florio):

H.R. 1227. A bill to provide a program of grants to assist local educational agencies to improve the basic skills of low-achieving students enrolled in secondary schools with the concentrations of economically disadvantaged students, and for other purposes; to the Committee on Education and Labor.

By Mr. WYLIE (for himself, and Mr. AuCoin):

H.R. 1228. A bill to amend the National Housing Act to provide the Secretary of Housing and Urban Development with permanent authority to insure mortgages on single-family and multifamily dwellings, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. YATRON:

H.R. 1229. A bill to require that a 3-year supply of anthracite coal be acquired for the national defense stockpile; to the Committee on Armed Servies.

By Mr. APPLEGATE (for himself, Mr. McEwen, Mr. Watkins, and Mr. Stratton):

H.J. Res. 155. Joint resolution designating April 9, 1987, as "National Prisoner of War Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. VANDER JAGT:

H.J. Res. 156. Joint resolution proposing an amendment to the Constitution of the United States repealing the 22d article of amendment thereto; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H. Con. Res. 55. Concurrent resolution expressing the sense of the Congress with respect to the continued unjustified occupation of Afghanistan by the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. DELLUMS:

H. Res. 95. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the District of Columbia in the 1st session of the 100th Congress; to the Committee on House Administration.

By Mr. FASCELL (for himself and Mr. Broomfield):

H. Res. 96. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Foreign Affairs in the 1st session of the 100th Congress; to the Committee on House Administration.

By Mr. JONES of North Carolina (for himself and Mr. Davis of Michigan):

H. Res. 97. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Merchant Marine and Fisheries in the 1st session of the 100th Congress; to the Committee on House Administration.

By Mr. MILLER of California:

H. Res. 98. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Children, Youth, and Families in the 1st session of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FUSTER introduced a bill (H.R. 1230) for the relief of Pak, Song Chuk; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Sundquist.

H.R. 22. Mr. Bates, Mr. Scheuer, Mr. Glickman, Mr. Lagomarsino, Mr. Thomas Luken, Mr. Clinger, Mr. Sundquist, Mr. Tallon, Mr. Edwards of California, Mr. Fazio, Mr. Applegate, Mr. Shumway, Mr. Garcia, Mr. Bryant, Mr. Towns, Mr. Lancaster, Mr. Pursell, Mrs. Johnson of Connecticut, Mr. Ridge, Mr. Barnard, and Mr. Hammerschmidt.

H.R. 162: Mr. McCloskey, Mr. Hoyer, Mr. Pease, Mr. Dymally, Mr. Savage, Mr. Solarz, and Mr. Beilenson.

H.R. 260: Mr. Lowry of Washington, Mr. Murphy, Miss Schneider, and Mr. Owens of Utah.

H.R. 283: Mr. Inhofe, Mr. Sensenbrenner, Mr. Wolpe, Mr. Brown of California, and Mr. Hopkins.

H.R. 284: Mr. Boehlert, and Mr. Fauntroy.

H.R. 285: Mr. Ford of Michigan, Mr. Frank, Mr. Murphy, Mr. Owens of New York, Mr. Dixon, Mr. Fazio, Mr. Manton, Mr. Garcia, Mr. Bustamante, Mr. Levin of Michigan, Mr. Mrazek, Mr. Traxler, Mr. Eckart, Mrs. Collins, Mr. Martinez, Mr. Thomas Luken, Mr. Kildee, Mr. Quillen, Mr. Fawell, Mr. Towns, Mr. Berman, Mr. Mfume, Mr. Visclosky, Mr. Tauke, Mr. Bryant, Mr. Dwyer of New Jersey, Mr. Jontz, Mr. Weiss, Mr. Vento, Mr. Conte, and Mr. Biaggi.

H.R. 306: Mr. Penny.

H.R. 316: Mr. Fields, Mr. Bartlett, Mr. Vento, Mr. Ortiz, and Mr. Johnson of South Dakota.

H.R. 348: Mr. Jontz, Mr. Lightfoot, Mr. Dicks, Mr. Wyden, Mrs. Collins, Mr. LaFalce, and Ms. Snowe.

H.R. 349: Mr. Weiss, Mr. Torres, and Mr. Foglietta.

H.R. 372: Mr. Sundquist.

H.R. 376: Mr. Martinez.

H.R. 381: Mr. Howard, Mr. Kildee, Mr. Hughes, Mr. Savage, Mr. Garcia, Mr. Rangel, Mr. Borski, Mr. Towns, Mr. Hawkins, Mr. Martinez, Mr. Owens of New York, Mr. Jontz, Mr. Mineta, Mr. Levine of California, Mr. Sisisky, Mr. Fauntroy, Mr. Crockett, and Mr. Wise.

H.R. 382: Mr. Visclosky, Mr. Fazio, Mr. Frost, Mr. Dymally, Mr. Hughes, Ms. Kaptur, Mr. Borski, Mr. Rangel, Mr. Murphy, Mr. Martinez, Mr. Howard, Mr. Owens of New York, Mr. Gray of Illinois, Mr. Mineta, Mr. Davis of Michigan, Mr.

Hawkins, Mr. Mfume, Mr. Towns, Mr. Roe, Mr. Wise, Mr. Rahall, and Mr. Schumer.

H.R. 383: Mr. Gilman.

H.R. 384: Mr. Kildee, Mr. Hughes, Mr. Savage, Mr. Borski, Mr. Berman, Mr. Fazio, Mr. Martinez, Mr. Frost, Mr. Edwards of California, Ms. Kaptur, Mrs. Byron, Mr. Biaggi, Mr. Dymally, Mr. Mineta, Mr. Sisisky, Mr. Crockett, and Mr. Wise.

H.R. 385: Mr. de Lugo, Mr. Frank, and Mr. Hoyer.

H.R. 386: Mr. Gilman and Mr. Hoyer.

H.R. 387: Mr. Gilman, Mr. Cardin, Mr. Savage, Mr. Fascell, Mr. Borski, Mr. Oberstar, Mr. DeFazio, Mr. Martinez, Mr. Coyne, Mr. Scheuer, Mrs. Lloyd, Mr. Robinson, Mr. Swift, Mr. Jontz, Mr. Boehlert, Mr. Waxman, Mr. Levine of California, Mr. Penny, Mr. Mfume, Mr. Rahall, Mr. Atkins, and Mr. Schumer.

H.R. 388: Mr. Swift, Mr. Rahall, Mr. Davis of Michigan, Mr. Ray, Mr. Wise, Mr. Gray of Pennsylvania, Mr. Fuster, Mr. Neal, Mr. Saxton, Mr. Quillen, Mr. Lehman of California, Mr. Ortiz, Mr. Yatron, Mr. Schumer, Mr. Atkins, Mr. Gordon, Mr. Courter, Mr. Campbell, Mrs. Roukema, Mr. Kleczka, Mr. Garcia, Mr. Fields, and Mr. Lowry of Washington.

H.R. 457: Mr. Buechner, Mr. Gejdenson, and Mr. Berman.

H.R. 460: Mr. Frost, Mr. Torricelli, Mr. Garcia, Mr. Bustamante, Mr. Crockett, Mr. Fish, Mr. Hayes of Illinois, Mr. Traxler, Mr. Mfume, Mr. Durbin, Mr. Coelho, Mr. Frank, Mr. Mrazek, Mr. Solarz, Mr. Atkins, Mr. Fuster, Ms. Kaptur, Mr. Kolter, Mr. Howard, Mr. Berman, and Mr. Schumer.

H.R. 468: Mr. Smith of New Hampshire and Mr. Craig.

H.R. 469: Mr. Rowland of Connecticut, Mr. Smith of New Hampshire, and Mr. Conte.

H.R. 509: Mr. Atkins and Mr. Lancaster.

H.R. 514: Mr. Boland, Mr. Savage, Mr. Biaggi, Mr. Richardson, Mr. Bevill, Mr. Jones of North Carolina, Mr. Ackerman, Mr. McDade, Mr. Dicks, Mr. Udall, Mr. Kostmayer, Mrs. Johnson of Connecticut, Mr. Roe, Mr. Leland, Mr. Sisisky, Mr. Hawkins, Mr. Goodling, Mr. Ravenel, and Mr. Vento.

H.R. 550: Mr. Frost, Mr. Mfume, Mr. Neal, Ms. Kaptur, Mr. Kanjorski, Mr. DeFazio, Mr. Fauntroy, Mr. Conyers, Mr. Clay, Mr. Kastenmeier, Mr. Vento, Mr. Evans, Mr. Saxton, Mr. Martinez, Mr. Savage, Mr. Hertel, Mr. Mineta, Mr. Biaggi, Mr. Cardin, Mr. Boehlert, Mr. Coelho, Mr. Lancaster, Mr. Berman, Mr. Rahall, Mrs. Johnson of Connecticut, Mr. Garcia, Mr. Weiss, Mr. Richardson, Mr. Rangel, and Mr. Hughes.

H.R. 551: Mr. Towns, Mr. Kolbe, Mr. Whitten, Mr. Bevill, Mr. Akaka, Mr. Roybal, Mr. Clinger, Mr. Schumer, Mr. Shumway, Mr. Biaggi, Mr. Darden, Mrs. Boxer, Mr. Parris, Mr. Garcia, and Mr. Sisisky.

H.R. 570: Mr. Martinez, Mr. Towns, Mr. Armey, and Mr. Young of Alaska.

H.R. 613: Mr. Ritter, Mr. Bryant, Mr. Conyers, Mr. Bevill, Mr. Martinez, Mr. Bennett, Mr. Boner of Tennessee, and Mrs. Bentley.

H.R. 631: Mr. Biaggi, Mr. Vander Jagt, Mr. Mfume, Mr. Garcia, Mrs. Byron, Mr. Fauntroy, Mr. Lehman of Florida, Mr. Tallon, Mr. Wortley, Mr. Ravenel, and Mr. Staggers.

H.R. 636: Mr. Morrison of Connecticut, Mr. Staggers, Mr. Atkins, Mr. Dwyer of New Jersey, Mr. McHugh, Mr. Fauntroy, Mr. Sawyer, Mr. Roybal, Mr. Durbin, Mr. Martinez, Mr. Evans, Mr. Mavroules, and Mr. Vento.

H.R. 722: Mr. Vento and Mr. Weldon.

H.R. 750: Mr. Carr, Mr. Miller of California, Mr. Coelho, Mr. Applegate, Mr. Olin, Mr. Lehman of California, Mr. Kanjorski, Mr. Lagomarsino, Mr. Schulze, Mr. Price of Illinois, Mr. Walgren, Mr. Solomon, and Mr. Mineta.

H.R. 758: Mr. Fish.

H.R. 788: Mr. Frank, Mr. Gregg, Mr. Tallon, and Mr. Swindall.

H.R. 792: Mr. Konnyu, Mr. Dorgan of North Dakota, Mr. Florio, Mr. Hunter, Mr. Fields, Mr. Ritter, Mr. Jenkins, Mr. DioGuardi, Mrs. Johnson of Connecticut, and Mr. Atkins.

H.R. 922: Ms. Kaptur.

H.R. 958: Mrs. Bentley and Mrs. Vucanovich.

H.R. 1030: Mr. Leland, Mr. Smith of Florida, Mr. Fauntroy, Mr. Lowry, of Washington, Mr. Roe, Mr. Biaggi, Mr. Towns, Mr. Lagomarsino, Mr. Atkins, Mr. Martinez, and Mr. Donnelly.

H.R. 1038: Mr. Walker, Mr. Bilirakis, Mr. Fields, and Mr. Porter.

H.R. 1050: Mr. Jeffords, Mr. Lancaster, and Mr. McEwen.

H.R. 1053: Mr. Boehlert.

H.R. 1054: Mr. Rodino.

H.R. 1061: Mr. Mrazek, Mr. Bates, Mr. Mavroules, Mr. Towns, Mr. Fazio, Mr. Neal, Mr. Clay, Mrs. Boxer, and Mr. Oberstar.

H.R. 1076: Mr. Frank, Mr. Perkins, and Mr. Clay.

H.R. 1101: Mr. Gallo, Mr. Lipinski, Mr. Sabo, and Mr. Sunia.

H.R. 1103: Mr. Hatcher, Mr. Hefner, Mr. Sharp, Mr. Martinez, Mr. Walker, Mr. Barnard, Mr. Penny, and Mr. Lancaster.

H.R. 1105: Mr. Donald Lukens and Mr. Kostmayer.

H.J. Res. 25: Mr. Bustamante, Mr. Barton of Texas, Mr. Weber, Mr. Conte, Mr. Davis of Illinois, Mr. Smith of Florida, Mr. Livingston, Mr. Solomon, Mr. Armey, Mr. Fawell, Mr. Biaggi, Mr. Frenzel, Mr. Chappell Mr. Boehlert, Mr. Porter, Mr. Gray of Pennsylvania, Mr. Smith of New Hampshire, Mr. Bilirakis, Mr. Upton, Mr. Atkins, Mr. Penny, Mr. Dannemeyer, Mr. Stratton, Mr. DeLay, Mr. Martinez, Mr. Weldon, Mr. Fauntroy, Mr. Burton of Indiana, Mr. DioGuardi, Mr. Crane, Mr. DeWine, Mr. Kolbe, Mr. Howard, Mr. Dornan of California, Mr. Young of Alaska, Mr. Buechner, Mr. Craig, Mr. Saxton, Mr. Lowery of California, and Mr. Hall of Texas.

H.J. Res 32: Mr. Roe, Mr. Weiss, Mr. Levine of California, Mr. Crockett, Mr. Fauntroy, Mr. Horton, Mr. Frost, Mrs. Bentley, Mr. Savage, Mr. Jenkins, Mr. Applegate, Mr. DeWine, Mr. Espy, Mr. Towns, Mr. Hutto, Mr. Mrazek, Mr. Darden, Mr. Hastert, Mr. Shaw, Mr. Clinger, and Mrs. Boxer.

H.J. Res. 42: Mr. Kildee, Mr. Walgren, Mr. Waxman, Mr. Berman, Mr. Torres, Mrs. Boxer, Mr. Evans, Mr. Skaggs, Mr. Mineta, Mr. Glickman, Mr. Weiss, Mr. Sawyer, Mr. Dixon, Mr. Vento, Mr. Hertel, Mr. Hawkins, Mr. Ackerman, Mr. Synar, Mr. Gephardt, Mr. Bonker, Mr. Nowak, Mr. Owens of Utah, Mr. McCloskey, Mr. Guarini, Mr. Towns, Mr. Scheuer, Mr. LaFalce, Mr. Wise, Mr. Pease, and Mr. Carper.

H.J. Res. 53; Mr. Horton, Mr. Gordon, Mr. Manton, Mr. McGrath, Mr. Evans, Mr. Lehman of California, Mrs. Boxer, Mr. Sikorski, Mr. Mrazek, Mr. Wolf, Mr. Schumer, Mr. Owens of Utah, Mr. Coleman of Texas, Mr. Guarini, Mr. Fazio, Mr. Early, Mr. Waxman, Mr. Lancaster, Mr. Rangel, Mr. Udall, Mr. Gray of Illinois, Mr. Borski, Mr. Gilman, Mr. Clay, Mr. Cardin, Mr. Towns, Mr. Daub, Mr. McMillen of Maryland, Mr. Saxton, Mr. Bonior of Michigan, Mr. Espy, Mr. Biaggi, Mr. Mfume, Mrs. Morella, Ms. Slaughter of New York, Mr. Lott, Mrs. Lloyd, Mr. Hughes, Mr. Kolter, Mr. Fascell, Mr. Sabo, and Mr. Ford of Michigan.

H.J. Res. 62: Mr. Petri, Mr. Solomon, Mr. Hyde, Mr. AuCoin, Mr. Kolbe, Mr. Brown of Colorado, Mr. Gekas, Mr. Swindall, Mrs. Vucanovich, Mr. Davis of Illinois, Mr. Stenholm, Mr. Craig, Mr. Oxley, Mr. Porter, and Mr. Blaz.

H.J. Res. 106: Mr. de Lugo.

H.J. Res. 113: Mr. Gray of Illinois, Mrs. Bentley, Mr. Roe, Mr. Daub, Mr. Atkins, Mr. Lipinski, Mr. Nelson of Florida, Mr. Guarini, Mr. Dornan of California, Mr. Sunia, Mr. Sawyer, Mr. Mineta, Mr. Hochbrueckner, Mr. Fauntroy, Mrs. Boxer, Mr. Whittaker, and Mr. Schaefer.

H.J. Res. 116: Mr. Stark, Mr. Brown of California, Mr. Mineta, Mr. Owens of New York, Mr. Levin of Michigan, Mr. Ritter, Mr. Wolf, Mr. Fauntroy, Mr. Feighan, Mr. Garcia, Mr. Richardson, Mrs. Boxer, Mr. Denny Smith, Mr. Shumway, Mr. Hughes, and Mrs. Martin of Illinois.

H.J. Res. 133: Mr. Dymally.

H.J. Res. 140: Mr. Ford of Tennessee, Mr. Gonzalez, Mr. Fuster, Mr. Donnelly, Mr. Frenzel, Mr. Bryant, Mr. Boner of Tennessee, Mr. Biaggi, Mr. Perkins, Mr. Hatcher, Mr. Fascell, Ms. Oakar, Mr. Mrazek, Mr. Bustamante, Mr. Waxman, Mr. Smith of Florida, Mr. Brooks, Mr. Coelho, Mr. Matsui, Mr. Henry, Mr. Scheuer, Mr. Kostmayer, Mr. Espy, Mr. Torricelli, Mr. Spratt, Mr. Evans, Mr. Dixon, Mr. de Lugo, Mr. Gray of Illinois, Mr. Rahall, Mr. Vento, Mr. Solarz, Mr. Beilenson, Mr. Chapman, Mr. Mfume, Mr. Rodino, Mr. Levine of California, Mr. Roe, Mr. Levin of Michigan, and Mr. Porter.

H.J. Res. 153: Mr. Eckart, Mr. Bates, Mr. McMillen of Maryland, and Mr. Scheuer.

H. Con. Res. 46: Mr. Dymally, Mr. Ackerman, Mr. Archer, Mrs. Bentley, Mr. Biaggi, Mr. Boland, Mr. Carr, Mr. Fascell, Mr. Frank, Mr. Fuster, Mr. Green, Mr. Leland, Mr. Mack, Mr. Manton, Mr. Matsui, Mrs. Morella, Mr. Olin, Mr. Pepper, Mr. Rinaldo, Mr. Roe, Mr. Scheuer, Mr. Smith of Florida, Mr. Solarz, Mr. Stark, Mr. Towns, Mr. Wolf, Mr. Beilenson, Mr. Gray of Illinois, Mr. Molinari, Mr. Mrazek, Mr. Vento, Mr. Lowery of California, Mr. Feighan, Mr. Torricelli, Mr. Lancaster, Mr. Atkins, and Mr. Nielson of Utah.

PETITIONS, ETC.

Under clause 1 of rule XXII,

24. The SPEAKER presented a petition of Mr. Juan de la Cruz, the Philippines, relative to human rights; which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

THE HIGH TECHNOLOGY TRADE PROMOTION ACT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. AuCOIN. Mr. Speaker, a few weeks ago, the National Academy of Sciences released a report documenting how U.S. export control laws have cost the U.S. high-technology industry $9.3 billion in profits and 188,000 jobs. The report prescribed several remedies to help get the industry back on its feet again. Today, Congressman FRENZEL and I propose to fill that prescription.

The bill we are introducing today, The High Technology Trade Promotion Act, rests on several presumptions:

By eliminating the requirement for licenses on exports to our allies, we are acknowledging that our friends share the same national security concerns as we do;

By streamlining the foreign availability test, we are admitting that it makes no sense to control items that are legally available from other exporting countries;

And by eliminating the redundant review of licenses, we are insuring that the Government will have more time and more resources to review truly sensitive exports.

We are introducing this bill because the sad fact is that, despite all of the current talk about making America competitive again, our own Government is imposing trade barrriers that make it nearly impossible for the U.S. high-technology industry to compete internationally.

The current export license system is a Rube Goldberg-like contraption that causes confusion, frustration, and, ultimately, lost sales and lost profits. The reforms in this bill will curtail the redtape and bring some sanity to this system. More importantly, it will give American exporters the chance to get their products into the world marketplace as fast as their foreign competitors do now.

Inevitably, there will be those who will say that, by reducing the scope of our export license system, we will be undermining national security. But the truth of the matter is that our export control laws have actually made us less secure. Let me explain.

I serve on the Defense Appropriations Subcommittee. And I'm here to state that America's security edge depends on our ongoing advantage in technology. The only way we can hope to retain a competitive edge over our adversaries is by encouraging industrial innovation, by freeing the creative juices of America's high-technology community.

Unfortunately, our export control laws have put a straitjacket on the high-technology industry. The Government has set up barrier after barrier to the point where some countries are now engaging in "de-Americanization," a conscious effort not to buy American products because American producers cannot guarantee delivery. This ominous trend translates into lost sales and lost profits—profits that are needed in order for them to be plowed back into research and development.

This is a prescription for a national security disaster.

All we are saying today is, if the Congress and the administration are serious about making America competitive again, let's look in our own backyard first for the problems. That's what this bill does and we look forward to its passage.

Following is a detailed summary of this legislation:

WHAT'S WRONG WITH OUR EXPORT CONTROL LAWS?

While the U.S. trade deficit has been increasing every year, the performance of the U.S. high technology industry has been generally positive in recent years. In 1980, for example, the industry had a $27 billion trade surplus while our overall trade deficit was approximately $39 billion. But there are ominous clouds on the horizon. In 1985 the surplus for the high tech industry was down to $4 billion. Early indications show that in 1986 the industry will post its first-ever trade deficit.

The effects of the strong U.S. dollar and the sourcing of U.S. components in regions such as Southeast Asia have contributed to the decline in the competitive position of the U.S. high tech industry. But there's now ample evidence that shows that the U.S. government itself—under the guise of our export control laws—has contributed to the decline of this industry.

We believe it is time to seriously re-examine our export control laws and to consider making significant revisions that will streamline the license application process. And our position is supported by several significant studies that have been issued in the last few years on this issue.

The first major report was published in 1982 by the General Accounting Office. Entitled "Export Control Regulation Could Be Reduced Without Affecting National Security", the report concluded that our Government required export licenses for more items than was necessary to protect our national security. This resulted in "a licensing system characterized more as a paper exercise than as an instrument of control." The GAO estimated that export controls cost the high tech industry about $6.1 billion a year.

In the summer of 1985, the Georgetown Center for Strategic and International Studies, in a report entitled "Securing Technological Advantage: Balancing Export Controls and Innovation", found that "the U.S. is endeavoring to restrict exports of a wide range of finished products and transfers of data having greater and lesser military utility. The scope of current regulation is outdated and cost ineffective".

In January, 1986 a report by the Business-Higher Education Forum entitled "Export Controls: The Need To Balance National Objectives" found that "there is ample evidence that overly restrictive export controls are unproductive or, at times, counterproductive". They went on to recommend that "the U.S. should seek more forcefully to . . . reduce controls on exports to countries with whom the U.S. shares common national-security objectives".

In October, 1986, a report prepared for the Joint Economic Committee concluded that "U.S. controls and procedures sufficiently differ from other COCOM countries in ways that place U.S. high-technology industries at a competitive disadvantage relative to other COCOM-headquartered firms in international sales." They also warned that "export controls are having an increasingly negative effect over time as relative improvements in foreign technology availability continue and as foreign customers' sensitivity to U.S. export controls increases."

The most devastating indictment of the U.S. export control system, however, was recently presented by the Panel on the Impact of National Security Controls on International Technology transfer. Among others, this panel included: Lew Allen (chairman), former Chief of Staff for the U.S. Air Force and former Director of the National Security Agency; Alexander H. Flax, former Ass't Secretary of the Air Force for R&D; John S. Foster, Jr., former Director of Defense Research and Engineering; B.R. Inman, former Deputy Director for the Central Intelligence Agency and Melvin R. Laird, former Secretary of Defense.

This report, performed under the auspices of the National Academy of Sciences, concluded that *the economic costs to the U.S. associated with export controls in 1985 was "on the order of $9.3 billion"*. And the report noted that this was a very conservative estimate since it does not cover all aspects of economic costs, and it only applies to a subset of the potential scope of business activity influenced by U.S. export controls. Associated just with lost U.S. exports was *a reduction in U.S. employment of 188,000 jobs.* The report went on to say that if they had calculated the overall impact on the aggregate U.S. economy of the value of lost export sales and the reduced R&D effort, the associated loss for the U.S. 1985 GNP would be $17.1 billion.

Meanwhile, U.S. firms are currently spending approximately $500 million a year on export administration activities. A lot of these activities revolve around trying to expedite the processing of licenses. Delays in processing are still a major problem. Our exporters cannot guarantee to a would-be customer when a shipment will arrive, if ever. And shipping delays impose immediate financial costs. When a product is available but cannot be shipped on receipt of an order, warehousing and other carrying costs are incurred. More expensive means of transportation may need to be used to make up for the delay in obtaining a license, and the exporter may have to pay contract penalties to the purchaser and to subcontractors who supply components and assemblies. Average expenditures are $21,000 by small companies, $76,000 by medium-size companies, and $649,000 by large companies.

In addition to the concrete loss of sales and jobs, however, there are the intangible effects of our export control system. And

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the NAS study found that our controls are, with increasing frequency, causing Free World customers to turn to non-U.S. suppliers. Their survey of businesses found that:

52% reported lost sales primarily as a consequence of export controls;

26% had business deals turned down (in over 212 separate instances) by Free World customers because of controls;

38% had existing customers actually express a preference to shift to non-U.S. sources of supply to avoid entanglement in U.S. controls.

Anecdotal evidence confirms the apprehension of foreign customers. For example, Dr. W. Dekker, President of Philips, on April 15, 1986, in a speech at the Hague, warned that "European companies are being compelled to obtain their components from elsewhere." Mr. T. Nicholson of British Aerospace, has noted that "the vigour with which U.S. re-export regulations are now being imposed, together with the plethora of in-house controls and audits, the risk of inadvertent non-compliance and possible cessation of supply from the U.S. source, have all contributed towards a close re-evaluation of our purchasing strategy."

Export controls are particularly burdensome on small businesses. While larger companies can afford to hire a full-time employee to decipher the export control system, smaller firms do not have that luxury. Understanding and applying the rules are difficult tasks even for full-time, experienced, technically trained, English speaking export licensing specialists. And these laws add to other difficulties small companies commonly experience in marketing internationally—difficulties in identifying markets, obtaining financing, and negotiating other hurdles to foreign trade.

Recently, the Dept. of Commerce announced that it will be proposing legislation that would make a number of changes to the export control laws that would help streamline the process. We applaud that initiative. However, based on early reports, we're afraid that Commerce might be attacking just the tip of the iceberg. We believe that more must be done. And that is why we are introducing the "High Technology Trade Production Act" today.

According to most estimates, approximately 40% ($62 billion) of all U.S. exports of nonmilitary manufactured good require an export license. Almost 97% of these license applications are for products destined for non-controlled countries (2% go to the PRC and 1% to the East Bloc). And U.S. exports on COCOM countries represent 60% of that total.

Several years ago, the Congress attempted to deregulate certain low-technology items destined for COCOM countries when it created a new "G-COM" procedure. The idea behind this was to permit U.S. high tech exporters to ship certain products to our allies without having to go through a tedious license application and review process.

Unfortunately, this new process is virtually useless.

The first problem is that the exporter has to first determine if his product is eligible for G-COM treatment, i.e., whether or not it comes under the technology threshhold level. Considering how difficult it is for exporters to even understand the Controlled Commodity List (i.e., the list of controlled items), this makes getting into this process extremely difficult to begin with. In fact, the National Academy of Science (NAS) study found that 17% of all export licenses processed by Commerce were actually eligible for G-COM—and therefore the license application need not have been filed and reviewed at all.

If the exporter is fortunate enough determine if the product is eligible for G-COM, the next problem he usually encounters is that the law has been interpreted in such a narrow way that G-COM is available only for extremely low technologies. For the vast majority of high tech companies, which are developing technologies at a very rapid pace, this makes G-COM virtually useless.

Generally speaking, the only COCOM country that imposes a burdensome license process on items being shipped within COCOM is the United States. While most of the other countries require some paperwork, it is usually pro forma in nature. In addition, the U.S. unilaterally controls 27 categories of technologies that are not included on the COCOM list. Among other COCOM members, only Canada and Germany maintain such unilateral national security export controls, but these are limited to certain kinds of chemical products and nuclear items. According to the NAS study, "U.S. national security export controls encompass more products and technologies, are generally more restrictive, and entail more administrative delays and shipper uncertainties than those of the other major COCOM countries".

While many exporters concede that shipments to COCOM are being processed more quickly than in the past, the NAS noted that "licensing delays and uncertainties remain a problem for a significant percentage of export transactions". They found that "in contrast to the time delays and high level of uncertainty characterizing U.S. individual licensing, which conceivably discourage some producers from exporting altogether or from exporting certain products, other COCOM country licensing systems are characterized by rapid processing, prior consultation between exporters and licensing officials, and a high degree of predictability".

Respondents to the NAS survey of U.S. businesses reported a 6-week average processing time. In contrast, countries like Japan usually respond within 2 or 3 days on such applications. And U.S. exporters note that they cannot even get orders *placed* with companies in friendly countries because they cannot guarantee that they will need or get the required license.

To be competitive in the world market, American companies have to be reliable suppliers and they must operate under a series of rules which are comparable with those that apply to our major trading partners.

This bill would eliminate the requirement for licenses on exports destined for COCOM countries as long as they are subject to multilateral controls within COCOM.

COCOM is the 16 member organization of Western nations that constitutes the multilateral strategic control system for trade with Communist countries. This group gets together on a periodic basis to agree on what items should require licenses when being exported from their countries.

The United States requires licenses on most high technology products that are destined for countries in COCOM. Statistics show, however, that U.S. review of COCOM-destined exports is generally a waste of time. In FY 1983, the Department of Commerce approved 26,341 licenses on shipments to COCOM countries—they denied 45. In FY 1984, they approved 32,315 licenses and denied 74. In FY '85, they approved 32,500 licenses and denied 49. And, according to Commerce, 99% of the licenses that were denied were denied *not* because of national security concerns, but rather because of unreliable end-users.

Our bill would eliminate the requirement for licenses on products being shipped to COCOM countries. In other words, we believe that there is no reason why we shouldn't treat our NATO allies the same way as we treat Canada. Shipments to our friends to the North require no licenses, and Canada is just as much a diversion risk as our European allies. And we must remember that, if the product is considered a sensitive item that could pose a threat to the national security of our allies, or of the U.S., then the product would still need an export license to be shipped *out* of that COCOM country. One further note: the European Community has already indicated that it would like to establish a "license-free" trade zone by the year 1992.

This bill does have several safeguards, however. First of all, it requires that the U.S. exporter notify the Dept. of Commerce when the shipment has been made. And we have delayed the effective date of this provision for six months to give COCOM an opportunity to put together a mechanism that would establish a minimum "paper trail" on such shipment. To address the issue of possible bad end-users, this bill would require licenses on products being shipped to certain end-users that have been identified by the Dept. of Commerce as unreliable. Finally, the bill would give the Dept. of Commerce the discretion, upon consulting with the Congress, to re-impose license requirements to COCOM countries that in their opinion have engaged in a "pattern and practice" of noncompliance with COCOM agreements. In other words, if a country abuses the new system, then we will take away the privilege of participating in our COCOM-free license zone.

A COCOM-free license zone is not a new idea. In 1983 the House of Representatives passed legislation establishing a license-free COCOM zone, but that provision was eventually watered down in conference committee. Almost every industry group, including the National Association of Manufacturers, the Business Roundtable, the Chamber of Commerce, the American Electronics Association and scores of others, have supported this concept in the past.

Eliminating licenses on shipments to COCOM is also an idea espoused by the NAS study: "As a general policy the United States should seek to control only the export of COCOM-proscribed items, and then only when they are destined for a proscribed country or for a non-COCOM country that has not entered into an arrangement to protect items controlled by COCOM".

This bill would eliminate export license requirements on items destined for countries that are not part of COCOM, but that have entered into "COCOM-like" agreements. Such treatment would apply to any country that enters into such agreements in the future.

There are several countries that are not officially members of COCOM that have similar export control agreements with the U.S. (such as New Zealand and Australia). Since they share the same national security concerns as do COCOM countries, there is no reason why they should not be treated the same as COCOM nations. Again, the same "safety valve" provisions as above would apply to these countries.

This bill would eliminate the requirement for export licenses—on low technology products only—that are destined for the rest of the Free World.

Approximately 30% of our high tech trade is destined for the rest of the Free World. Unfortunately, the competitive position of U.S. firms in the Free World is damaged by the overcontrol of widely available, low technology goods. This imposes costs, uncertainties and market restrictions that are not borne by foreign-based competitors. Products below the U.S. AEN Level are already available throughout the world. Yet, we still require our exporters to go through the burdensome and costly license process. And, as the NAS study found, these controls are virtually useless. In a sample of over 1,000 licenses over a certain period of time in 1985, the NAS found that *no* AEN level licenses has been denied. There's no reason why our exporters shouldn't get "in on the action" as fast as their competitors. This same language was passed by the House last year in H.R. 4800 and is incorporated in H.R. 3.

This bill would permit the use of distribution licenses for shipments to the People's Republic of China.

A distribution license, which is usually authorized for 2 years, permits an approved U.S. exporter to ship unlimited quantities of specified commodities to approved distributors.

The Administration has negotiated a trade agreement with the PRC that allows the export of certain high technology goods from the U.S. Due to the large volume of license applications for exports to the PRC, procedures have been initiated to streamline the processing of applications and ease export restrictions on products shipped to the PRC. We believe that eliminating the current transaction-by-transaction review for each export would contribute to those goals. The use of a distribution license to China would require consultation within COCOM members, thus we also urge the Administration to pursue such discussions.

The U.S. is the only country within COCOM that requires licenses on products that are re-exported from COCOM countries. Yes, even if our exporters are fortunate enough to get their product out of the U.S. and onto the international market, we require the end-user to apply for a license with the Dept. of Commerce if they wish to re-export that product. We also require a license if the original product (i.e., a mere part of component) has been incorporated into the final product.

As the NAS study noted, "Several elements of U.S. national security export controls, *especially the reqirement for re-export authorization,* are having an increasingly corrosive effect on relations with many NATO countries and on other close bilateral relationships. They signal U.S. mistrust of the will and capacity of allies to control the flow of sensitive technology to the Soviet bloc." The American Electronics Association has stated that "U.S. reexport controls undermine cooperation between the U.S. and its COCOM allies, the only real way to obtain meaningful controls. Moreover, they damage U.S. credibility abroad since evasion is widespread and the U.S. has very little, some say no, enforcement ability." Without a doubt, U.S. re-export controls are the most contentious and divisive of issues between the U.S. and its COCOM partners.

Legal scholars question the ethics of the extraterritorial reach of our export control laws. Many foreign governments do not agree that the U.S. has jurisdiction over the actions of their citizens outside U.S. territory. The extraterritorial extension of U.S. controls is viewed by these governments as a direct challenge to national sovereignty and a clear violation of international law. It is seen as additional evidence of mistrust by the U.S. of the capacity of these governments to further the West's common interest in preventing the diversion of militarily important goods and technologies. In fact, some of our closest allies have legislation that is intended to block the United States' extraterritorial jurisdiction.

There is also a question as to the effectiveness of such controls. The NAS found that "the U.S. approach is ineffective for two reasons. First, if direct controls by the host government do not adequately deter questionable sales, indirect controls asserted from a considerable distance are unlikely to be any more effective. Second, because the COCOM countries are not merely conduits of U.S. goods and technology but the source of equally sophisticated items of interest to the Soviet bloc, any policy that fails to address directly the weaknesses of COCOM is self-deluding".

Meanwhile, foreign compliance with U.S. restrictions appears to be lax. Foreign-owned businesses in COCOM countries often ignore the requirement to seek U.S. authorization to reexport, especially when the U.S. content (parts, components, or technology) of the goods is minimal or has lost its identity. This lack of compliance is evidenced by the statistics. In 1985 the DOC received a little over 15,000 reexport requests, about 12% of the number of applications for individually validated export licenses. Excluding U.S. licensable exports made under Distribution, Project, or Service Supply licenses, reexport requests comprised an abnormally low 4% of the total licensable volume. In addition, very few of the 15,000 plus reexport requests were for U.S. parts and components incorporated into foreign manufactured products. This reflects either wide ignorance of the regulations, or disregard, or perhaps both.

The NAS study recommends that the U.S. "eliminate any requirement that a buyer seek authorization for a re-export that is subject to COCOM controls by the country of initial export. Reliance should be placed instead on foreign governments that participate in COCOM or that have agreed to impose 'COCOM-like' controls on exports to prevent diversions from their territory". We agree.

This bill would eliminate the requirement for licenses on re-exports within COCOM and from COCOM (and it would extend the same treatment to countries with "COCOM-like" arrangements).

Anytime a company in a COCOM country wants to re-ship an item, they should not have to come back to the United States for permission. Any products that are of a high tech nature will still have to go through that country's own license process. This bill eliminates the re-export license requirement on such shipments.

This bill would eliminate the requirement for licenses on re-export of low technology products from other Free World countries.

On products that we ship to the Free World, we believe there should be a different test. These newly developing countries have not yet established export control systems that are as "tight" as those in COCOM. Because of this reality, there is more of a reason to extend some re-export controls to these countries. We recommend, therefore, that we eliminate re-export controls on products that fall within the "AEN level", but continue them for higher technology goods. If such countries eventually enter into "COCOM-like" agreements, our re-export controls will be eliminated.

This bill would eliminate the requirement for licenses on re-exports within COCOM and from COCOM on products that contain U.S. parts and components.

Under current law, if a foreign-made product contains any part or component that was obtained under an export license from the U.S., that company must apply for an export license with the U.S. to re-export that product. This is the case no matter how low the technoly or how little the part comprises the final product. By reference, this bill would also eliminate this requirement on foreign made products re-exported within COCOM and from COCOM.

This bill would eliminate the requirement for licenses on re-exports from other Free World countries if the final product contained 35% or less U.S. parts and components.

This bill would require that if a product made in the Free World was composed of 35% or less of U.S. parts and components, the product would not require a re-export license from the United States. If that country eventually entered into a COCOM-like agreement, the re-export requirement would be dropped totally.

Under current law, a product or technical date can be decontrolled if an exporter can prove that a non-U.S. origin item of "comparable quality" is available to the East Bloc. To handle such matters, the Dept of Commerce established an Office of Foreign Availability in 1985.

This "foreign availability" test has been totally useless. *Not one* item has been decontrolled since this process was instituted several years ago.

Given that our key policy objective is to deprive the Soviet Union of certain goods and technologies, and that we cannot do so in many cases because of foreign availability, simply prohibiting U.S. exports neither keeps the items from our adversaries nor helps our industrial base with export revenues. Furthermore, maintaining burdensome licensing requirements for products and technologies which are available from other markets without such controls diverts our Government export control resources from more effective activities.

James Gray of the Nat'l Machine Tool Builders' Ass'n highlighted the problem on 4/10/86 when he said: "We can no longer afford to ignore the fact that more than one-third of the world machine tool market, outside the U.S., lies in Communist Bloc nations. Certainly, the industry's foreign competition has recognized the opportunities presented by the Soviet market".

This bill would clarify that the foreign availability test can be used if the exporter can prove that the item is available in a Western country in which there are no restrictions on exports to the Soviet bloc.

The first problem with the foreign availability test is that the administration has unilaterally focused on foreign availability in East Bloc countries. For example, you can't claim foreign availability if you can prove the product is available in Europe or Japan. You have to prove that it is in the East Bloc country.

The NAS study noted that "in those cases in which there is foreign availability of U.S.-controlled items, U.S. industry is unfairly placed at a competitive disadvantage with respect to firms from other countries that are not similarly constrained. This disadvantage can lead to the erosion of competitive market advantages previously enjoyed by U.S. industry and in some cases to the permanent loss of U.S. markets".

The NAS study recommends that we decontrol items "for which there is demonstrated foreign availability from *any* country that has not agreed to adhere to export controls and for which this availability has not been eliminated within a reasonable period of time through negotiated agreements".

We agree. If a product is already legally available in a western country, we should not require our exporters to go through a cumbersome export license process. This language is in H.R. 3 and the recent announcement by the Dept of Commerce indicates that they might be moving in this same direction.

This bill would require that the Dept of Commerce acknowledge receipt of the foreign availability allegation and make a final determination with 3 months. The bill would also permit an extension of time of 6 months if the President elects to try to negotiate controls on that item.

A major problem with foreign availability is the process. As the NAS study noted, "One of the principal outcomes of the continuing interagency disagreement on export control policies and procedures has been the virtual breakdown of the technology decontrol process based on positive foreign availability findings. . . . This breakdown is largely attributable to the fact that no time constraints are specified in the legislation for government completion of investigations of foreign availability. The lack of action on foreign availability is inconsistent with the intent of Congress as expressed most recently in the EAA of 1985".

David Minnery of the Scientific Apparatus Manufacturers Ass'n said on April 10, 1986 that "It took the Varian company four months alone to collect the information necessary to obtain certification from the DOC that there is foreign availability of Nuclear Magnetic Resonance Spectrometers. The U.S. government review of their submission may take up to two years".

This bill would require that Commerce at least let the exporter know within 15 days that his allegation has been received. And, after three months, Commerce would advise the exporter that (1) the item has been decontrolled; (2) the item will not be decontrolled; or (3) the President has requested the 6 month extension to try to negotiate controls.

This bill would change the burden of proof in foreign availability cases by requiring the Dept of Commerce to prove that the item is not available in the world market.

No one knows what is available on the foreign market more than the high tech exporter. Before they enter into any sales, they have to know what the competition is, how available the product is, how comparable it is, etc. Therefore, we think it makes sense to change the burden of proof in the foreign availability test.

Our bill would set up a system whereby the exporter could claim foreign availability by presenting "any evidence" that the item is available in other countries. This would include things such as brochures, bills of laden, photographs, etc. of the foreign product. The item would be decontrolled after 3 months unless Commerce can prove that the item is *not* available.

This bill would clarify the roles of the Dept of Commerce and the other agencies in the determination of foreign availability.

One of the major impediments to the use of the foreign availability test is interagency disputes. Generally speaking, the Dept of Defense has proven to be an impediment to the resolution of such cases. According to the NAS study, "The Dept of Defense has overstepped its legitimate statutory role of providing technical input to foreign availability determinations and has exercised de facto veto authority by delaying the review of such determinations".

This bill would make clear that any determination of foreign availability does not require the concurrence or approval of any agency other than the Dept of Commerce. However, the Dept of Defense would have the option of bringing any disputes to the President if they believe there are national security reasons for denying the decontrol request.

This bill would clarify the definition of "comparable quality" in foreign availability determinations.

Current law permits the decontrol of an item if it can be proven that a product of "comparable quality" was available elsewhere. A major problem has been how "comparable quality" has been interpreted. This bill clarifies that an item would qualify under this definition if it provided "practical substitutability or functional substitutability in the marketplace".

The U.S. has a permanent delegation that conducts negotiations with COCOM countries for the purpose of deciding which items should be decontrolled. The U.S. position begins with recommendations from Government-industry Technical Advisory Committees (TACS) that were established to provide private sector guidance on the implementation of the EAA. Their recommendations then go to the Interagency Technical Task Groups (TTGs), which do not include private sector representatives. The final recommendation rests with the COCOM negotiating "team", which is technically headed by the Dept of State but which, in reality, is led by the Dept of Defense.

One problem with the current procedure is that the apparatus of the review system tends to disappear between reviews, sometimes resulting in a substantial delay in generating U.S. positions for the list review. Within COCOM, the United States is generally viewed as having the most outdated position on what technologies to control.

To keep up with the development of the latest technologies, many countries in COCOM bring representatives from industry to participate in the list review process. The United States does not.

This bill would require the President to include as part of the U.S. delegation to COCOM, for the purposes of reviewing the Control List, representatives of U.S. industry.

We believe that the inclusion of knowledgeable industry representatives as part of the U.S. delegation will benefit U.S. participation in COCOM by improving the quality of technical assessments. U.S. Government personnel cannot be knowledgeable about the complex parameters of each controlled items. Furthermore, as the NAS study noted, "a balance of economic and defense representation on all COCOM delegations would enchance COCOM unity and usefulness of the COCOM process, in part by helping to resolve conflicts between competing economic and military objectives".

The appointment of industry representatives would be required for list review only, thus avoiding any possible conflict of interest concerns which might be associated with review of exception cases.

This provision has been endorsed by several industry associations. For example, David Minnery, President, SAMA, has stated that "Industry should be more directly involved in the development of technical parameters and the negotiation of the CCL. This industry involvement would ensure that the regulations reflect the capabilities of the equipment and the realities of the marketplace". Scott Kulicke of the Semiconductor Equipment and Materials Institute recommended on 4/10/86 that "There should be greater industry involvement in the development of technical parameters so that the regulations reflect the capabilities of the equipment and the realities of the marketplace. This includes providing a greater opportunity for industry participation in the formulation of U.S. positions for COCOM and in regulatory rulemakings, for example by strengthening the TAC process". James Gray (President, National Machine Tool Builders Ass'n, 4/10/86) has urged the Congress to "consider the feasibility of permitting private sector advisors, representing industries most prominently affected by restrictions imposed by the CCL and the MCTL, to directly participate in future COCOM negotiations. Many of our COCOM partners, recognizing the valuable 'hands on' technical expertise which private sector advisors can contribute, currently allow this practice".

Congress' number one priority is to protect the health and well-being of every American. It goes without saying, therefore, that we would not condone any policy or change in policy that would endanger the national security of this country.

The purpose of the U.S. export control system is to prevent militarily critical technologies from falling into the hands of our adversaries. We would not propose any change to this system if we thought that it would run counter to that purpose.

But, under the guise of "protecting our national security", the export control system has now gone too far. We believe that our national security export control policy should be the result of a process that weighs the benefits of controls in relation with potential adversaries against their costs in terms of the domestic economy and relations with allies and friendly trading partners. Unfortunately, the pendulum has swung too far. We now require licenses on technologies that are extremely outdated and of no use whatsoever to our adversaries. We are even controlling items that are already available to our adversaries.

The NAS study, which included people like former Secretary of Defense Melvin Laird and former Deputy Director of the CIA, B.R. Inman, concluded that "export controls can cause friction between the U.S. and its allies and may interfere with their collaboration on technology security; on weapons development, production and standardization". They noted that our control system, because it is so immense and confusing, can actually detract from our ability to prevent truly critical items from getting into the wrong hands: *"The sheer volume of transactions subject to government review and approval sharply limits the ability of licensing officers to focus on more critical items".*

Inhibiting the ability of the high tech community to actually market their goods makes it more difficult for them to innovate and develop new technologies. Normally, many technologies developed for commercial use are more advanced than technologies currently used for military purposes. The Pentagon must therefore rely increasingly on technologies developed for commercial purposes.

But the quality of commercial technologies depends to a significant degree upon the ability of those companies to participate effectively in the free world market. This participation is important because our companies learn from interaction with their most advanced foreign competitors. Our technological lead is the result of the continuing innovation that is prodded and nurtured by marketplace forces. As the report by the Business-Higher Education Forum concluded in 1986, "Paradoxically, excessive protection of technology for national security purposes may achieve exactly the opposite long-term result".

Then there is the question of the utility of securing our technologies illegally. The NAS study found that "the control system, relative to a free market, inhibits and raises the cost but rarely foils completely technology acquisition efforts as sophisticated and well-financed as those mounted by the Soviet Union". Furthermore, they concluded that "it is unlikely that the influx of Western technology will enable the Soviet bloc to reduce the current gap substantially—*as long as the West continues its own rapid pace of innovation*". They also noted that "espionage is the most significant of the channels for technology loss. But export controls do not represent an effective means to deter—much less prevent—espionage".

Then there is the position of our allies. The European countries, being on the front lines of Soviet aggression, have a large interest in stunting any kind of Soviet military growth. They are fully aware of the ramifications of allowing the Warsaw Pact countries to obtain sensitive military technology.

Despite the overreaching nature of our national security controls, we do believe that there should be adequate safeguards that will insure that high level technologies do not fall into the wrong hands.

This bill would require that the exporter notify the Dept of Commerce of their shipment to the COCOM country and it delays the effective date of the COCOM free license zone to give COCOM the ability to work on setting up a minimum "paper trail" mechanism.

The purpose of this provision is to establish a "paper trail" that could be used by the government in case there is a need for future investigation of the exporter or the end-user. The provision eliminating licenses on items shipped to COCOM countries will not be effective for six months. The extra time is given to allow the COCOM nations to set up a system whereby the respective governments can establish a system for tracking the product (e.g., requiring notification that it has been shipped or received).

The bill would allow the Dept of Commerce to require a license if the product was going to certain end users.

The Dept of Commerce periodically publishes a list of bad "end users", i.e., unreliable companies. This provision would allow the Dept of Commerce to require a license on any item if the product was destined for that particular end user. We recognize that there may be occasions when a particular company or a particular end user has developed a reputation for being unreliable. This section merely enables the Secretary of Commerce to specify by regulation a requirement for export licenses to certain end users.

The bill would allow the Secretary of Commerce to require licenses on products to certain countries within COCOM.

One of the main thrusts behind this bill is a trust in our allies that they share the same security concerns as we do. But we are also cognizant of the fact that it's possible that some countries could grow lax in their concern and begin to allow the export of certain sensitive items. Our bill would give the Secretary of Commerce the discretion to require licenses to any country that has shown a "practice and pattern" of shipping items that could pose a danger to our national security. The Secretary would be required to consult with Congress on this matter.

This bill would require that the Dept of Commerce add more personnel to their audit division.

Currently, the Dept of Commerce makes random audit checks of domestic and foreign high tech companies. Because of a lack of qualified personnel and resources, however, most of those audits occur very rarely. At this time there are 4 teams of auditors, each team having 2 people. Last year, they could only conduct 90 audits, most of them lasting half a day. And, when a company *is* audited, it is usually a large company operating under a distribution license (and Commerce says there are 600 domestic companies with DLs). In other words, the small, start up companies, the ones that might not have the ability to suspect potentially bad end-users, are rarely audited. In fact, Commerce notes that there are many small companies that acutally *ask* for audits, just to insure that they are doing things properly.

This bill would authorize $1.5 million for the Systems Review Branch in the Office of Export Licensing within the Dept of Commerce to add new auditors (approximately 30) to its operation.

The NAS study sharply criticizes the extent to which the Dept of Defense has exerted its influence in the export control process. "The exclusive DOD focus on tightening export controls without balanced input from other agencies concerning the possible economic and long-term national security consequences has resulted in a failure to bring the objectives of military security and economic vitality into balance", they declared.

We agree. The pendulem has swung too far. The Dept of Commerce should be the agency with primary jurisdiction over the implementation of our export control laws, but it's not secrety that this is not how the system is working today. The influence of DOD is rampant throught the system—rampant in areas where they have not contributed anything to the export license process. As a result, there are constant conflicts among Commerce and DOD over the reach of our export controls laws. In turn, this confuses industry and annoys our allies because we are not speaking with one voice.

We believe it's time to reaffirm that the Dept of Commerce generally has the final word when it comes to the implementation of our export control laws. That is not to say that we believe Defense should be taken out of the system altogether. We are very cognizant of the contributions that DOD can make and we will insure that they will have an oportunity to contribute their unique expertise at the appropriate time. But it's time to swing the pendulem back into Commerce's court.

This bill would clarify that the Dept of Commerce is the agency with primary responsibility over the review of all individual validated licenses.

Section 10a2 of the EAA declares that "it is the intent of the Congress that a determination with respect to any export license application be made to the maximum extent possible by the Secretary of Commerce without referral of such application to any other department or agency of the Government".

Section 10g, however, states that the Dept. of Defense is authorized to review any license on any good destined "to any country to which exports are controlled for national security purposes". Whenever DOD thinks the export of that good or technology would make a "significant contribution, which would prove detrimental to the national security of the U.S., to the military potential of any such country", they may recommend that the export be disapproved.

Section 10g has, without a doubt, engendered the most controversy of any section of the EAA. It has become particularly controversial since January, 1985, when a Presidential directive extended DOD's role by giving it the ability to review license applications on products destined to 15 selected free world destinations. This directive has given DOD the opportunity to selectively stop exports that they deem vital to our national security. It has also added an unnecessary layer of government to the already cumbersome export license process.

The competitiveness of U.S. industry is highly dependant upon prompt processing of export licenses under reasonable export control rules. However, as Thomas Christensen of the American Electronics Association noted in testimony presented on April 10, 1986, "Many AEA member companies have reported that their license applications for these (free world) destinations require more time to process than they did prior to January 1985 . . . In addition to the greater delays, there has also been a considerable increase in the number of license applications subject to DOD review that have been returned to the applicant for further end use and/or end user information".

The NAS study took a random study of the disposition of licenses on products destined for the Free World. Their review found that 18.3% of processed export licenses were for items destined for those countries under the Presidential directive. The average length of time it took to process these applications was 34 days—and that's 36 days from the time the application is recorded as received (sometimes it takes a long time to stamp the application as received). Of the random sample taken, only 3 licenses were denied. According to DOD's own statistics, for the fourth quarter of FY '85, they recommended rejecting 9 licenses out of the 2,644 submitted to them.

But even this number of rejected licenses does not capture the true lack of a contribution by DOD when it reviews licenses on products destined for the Free World. Although DOD has recommended that certain licenses be rejected, they have not made the recommendation with any information not available to the Dept. of Commerce.

Former Assn't Secretary for Trade Administration William Archey in testimony on October 10, 1985 stated the issue succinctly: "since February, 1985, DOD has reviewed 10,402 West-West cases from the Dept. of Commerce. . . . Out of those cases, there was *one* case about a month ago where a question was raised by Defense that in turn prompted DOD to conduct a pre-license check which we might not have done. . . . This is the only case thus far in this period of time where we may have made a decision differently if DOD was not involved . . ."

The GAO examined DOD's role in the review of West-West licenses. Their review of the number of licenses reviewed and denied by Commerce and Defense found some redundancy in the process. Although GAO did not actually arrive at a conclusion, the cover letter from J. Dexter Peach, Ass't Comptroller General, notes that "while the report does not contain recommendations, we concluded that a high level of consistency between Defense and Commerce licensing actions raises the question of whether Defense review of individual free world license applications should be continued in its present form".

This bill would eliminate the redundancy in the export license process, while insuring that Defense's expertise and the national security area would be utilized. The bill states that on all individual export licenses, the Dept. of Commerce would retain ultimate authority in the issuance of such licenses. However, in cases where Commerce believes that it does not have the necessary expertise to judge how critical the item is to our national security, they should refer that item to the Dept. of Defense. And there will be a presumption that Commerce should defer to Defense on such questions.

This bill would clarify that the Secretary of Commerce would have the final word on what items are being taken off the Controlled Commodity List. The Dept. of Defense would have an opportunity to review the suggested deletions and would have to respond to such suggestions within 30 days.

Under current law (Section 5cl of the EAA), the Dept. of Commerce establishes and maintains the Controlled Commodity List, i.e., the list of goods and technologies that require licenses. Section 5c3 states that Commerce shall review the list at least once a year and recommend the deletion of items. Section 5c2 states that the Dept. of Defense must concur in the decision to delete items from the CCL.

In practice, the Dept. of Commerce sends its recommendations to DOD, but a common complaint voiced by U.S. exporters is that DOD often doesn't respond to Commerce's recommendations. Because of this impasse, nothing has been decontrolled under this process.

This bill would give DOD 30 days to respond to Commerce's suggestions to remove items from the CCL. If DOD does not respond within that time, then Commerce's recommendations automatically go into effect. If there is a difference of opinion between the agencies, both agencies would have 15 days to resolve the dispute. After that time, if no consensus emerges, then the decision of the Dept. of Commerce would prevail. Although Defense would still have the option to bring the dispute to the President, however, there would be no *mandatory* referral to the President (as there is in current law).

Finally, this bill would require the GAO to review this new system on an annual basis and report to the Congress on whether the new process is, in fact, resulting in the decontrol of certain items and whether the process is impairing our national security. Such a review would give the Dept. of Defense the opportunity to comment on the process.

The bill would give the Dept. of Commerce the right to review items that are being added to the Militarily Critical Technologies List.

The Militarily Critical Technologies List is a list of controlled items developed by the Dept. of Defense. This bill would require that, whenever the Dept. of Defense is adding items to the Militarily Critical Technologies List, they would be required to consult with the Dept. of Commerce.

This bill would provide money for the position of the Under Secretary of Commerce for Export Administration and for additional for the Office of Export Administration.

We believe that the time is long overdue to create the position of the Under Secretary of Commerce for Export Administration. Section 15 of the EAA calls for the creation of this position, which recognizes the importance of the administration of our export control laws. This bill would authorize $3 million for this function and for other general functions within OEA that will increase their expertise in the export control area.

AIRLINE COMPUTER RESERVATION SYSTEMS ARBITRATION ACT OF 1987

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. MINETA. Mr. Speaker, today I am introducing legislation to protect airline passengers, travel agents, and smaller airlines from the consequences of the dominant position of two large airlines, American and United, in operating the computer reservations systems [CRS] used by most travel agents. The legislation is cosponsored by the ranking minority members of the Committee on Public Works and Transportation and the Subcommittee on Aviation, Congressmen JOHN PAUL HAMMERSCHMIDT and NEWT GINGRICH.

I emphasize at the outset that although the legislation I am introducing would help remedy some of the worst CRS abuses, the legislation is not intended as a substitute for timely and effective regulatory action by the Department of Transportation.

The Aviation Subcommittee of the Committee on Public Works and Transportation has long been concerned with the problems arising from American's and United's domination of the CRS industry. Recent events have increased the importance of these issues.

One of our major concerns has been that American and United will use their dominant position in the CRS industry to gain unfair competitive advantages in the aviation industry and undermine the competition and new entry which is essential to the success of airline deregulation. The recent wave of airline mergers makes it increasingly important that we remove any improper impediments to competition between airlines.

The CRS problem was not anticipated when the airlines were deregulated in 1978. Shortly after deregulation, there was widespread automation of the agent industry and since the early 1980's, 80 to 90 percent of the tickets sold by travel agents have been processed through a CRS. It has become difficult, if not impossible, for an airline to compete effectively if it does not have access on reasonable terms to the CRS systems used by agents. In view of the domination of the CRS industry by United and American there has been continuing concern as to whether these airlines are using their control of the CRS market to take unfair competitive advantage of travel agents and other airlines, to the detriment of airline passengers.

In 1983, the Aviation Subcommittee conducted extensive hearings on the CRS problem. Following these hearings the aviation subcommittee chairman and ranking minority member wrote to the Civil Aeronautics Board suggesting that the CAB establish standards of fair competitive practices for the CRS industry. In response, CAB adopted rules which prohibited various unfair competitive practices, including bias in the display of schedules, and discrimination in the fees charged to airlines to participate in a CRS system.

Despite the CAB's rules and some remedial measures by CRS owners, I have been concerned that there may continue to be unfair competitive practices in the CRS industry. I am also concerned with the slow pace with which DOT has been carrying out its responsibilities to deal with these problems. Although the airlines have been deregulated, they continue to be subject to the antitrust laws and the related prohibitions in section 411 of the Federal Aviation Act. I share the Department of Transportation's strong support of airline deregulation. However, there is no incompatibility between supporting deregulation and at the same time supporting vigorous enforcement of the antitrust laws and the related provisions in the Federal Aviation Act. Without having enforcement of these laws, deregulation may not be feasible.

Although the Department of Transportation has had requests for action on CRS issues pending for 6 to 18 months, its efforts to deal with these problems are still in a preliminary stage. A major area of concern has been the fees charged by United and American for participation in their CRS systems. Following the CAB rulemaking, CRS vendors were required to establish uniform booking fees to be paid by all airlines participating in a CRS system. The new fees established by American and United raised prior fees by as much as 500 percent. We have been concerned that these fees may produce unreasonably high profits, and unfairly raise the costs of other airlines.

Several Government studies have concluded that the level of booking fees may be a serious problem. Late in 1985, the Department of Justice issued a study pointing out that despite the CRS rulemaking there has been little reduction in the market power of the principle CRS owners. DOJ also pointed out that "it is possible that, even with the CRS rules, current access prices are far above competitive levels." DOJ further found that "the effectiveness of the nondiscriminatory price rule in constraining access fees depends on the existence of 'countervailing market power' in the hands of large nonvendor carriers. * * * It does not appear that any major nonvendor airlines possess countervailing power in bargaining with the major CRS vendors."

Despite these disturbing conclusions of the Department of Justice, the Department of Transportation did not undertake any investigation of whether CRS booking fees are producing excessive profits or anticompetitive consequences. On May 21, following a study by the GAO, which also found that there was a serious question about whether booking fees were excessive, Congressman HAMMERSCHMIDT, Senator KASSEBAUM, and I wrote to Secretary Dole urging that DOT begin a study on the booking fees.

We did not get a final response to our request until October 9, at which time the Department of Transportation stated that it was going to obtain additional information on airline computer reservation systems. The order directing the data to be supplied was not issued until February 2, 1987.

Another CRS problem which has been pending far too long involves the liquidated damage clauses in travel agents' contracts to lease a CRS system. Some vendors require a travel agent to make very substantial payments to end a contract to use a CRS system. For example, it has been estimated that under one contract an agent would have to pay $65,000 to terminate a 5-year CRS contract when it was half way through. This type of contract may make it prohibitively expensive for an agent to switch to a new CRS system. In addition to being a burden on the agents, the provision may inhibit competition between CRS systems and discourage new entry into the CRS industry.

About 18 months ago we asked DOT to look into this problem. DOT's letter of October 9, 1986, and order of February 2, 1987, indicates that this problem will be dealt with by first gathering information, through the same process by which DOT will obtain information about CRS fees.

I am pleased that DOT is finally making serious efforts to consider these CRS problems. I hope that now that these efforts are finally underway, the pace will quicken. But I must say that the slowness of DOT's actions to date does not bode well for the future.

Another CRS problem pending at DOT involves bias in the display of schedules on CRS screens. In June 1985, Delta Airlines filed a complaint alleging that American Airlines changed its schedules in competitive markets for the purpose of having American's flights displayed on a higher level of the CRS. Under the formula used in American's CRS to determine the order of flights, the lapse of time is an important factor. I have not taken any position as to whether Delta is correct in its charges, but I am extremely concerned that after 18 months DOT still has not issued an order deciding whether it would be appropriate to take further action on the complaint.

DOT's slowness in carrying out its regulatory responsibilities is one of the reasons I am introducing legislation establishing an alternative means of dealing with CRS problems. However, the legislation does not cover all CRS problems and it is not intended as a substitute for regulatory action. We will continue to urge the Department of Transportation to carry out its responsibilities.

The bill I am introducing permits airlines and travel agents to have disputes over the terms of CRS contracts resolved by binding arbitration.

I recognize that in most industries the parties are free to negotiate the terms of contractual relations, and neither party is compelled to accept an arbitrator's decision on whether contractual terms are fair and reasonable. However, the CRS industry is different from other industries. CAB and the Department of Justice have found that in the CRS industry there are competitive problems which have not been satisfactorily resolved by market forces. These problems have required Government regulation over areas that would not be regulated in other industries, such as how schedules are displayed on CRS screens, and whether CRS booking fees must be the same for all airlines. The bill I am introducing proposes arbitration as an alternative to further Government regulation to deal with these types of problems. Arbitration appears to be a more efficient and less burdensome means of resolving these problems than regulatory or judicial decision.

In general, the bill I am introducing permits airlines listed in a CRS system or travel agents to request binding arbitration on the issue of whether provisions in a CRS contract—such as booking fees and liquidated damages—are fair and reasonable. In an arbitration on fees, the arbitrator would evaluate whether revenues realized by the CRS owner from the fees and other sources—including incremental revenues—would cover the costs of the CRS system, including a return on investment. For other contractual provisions—for example, liquidated damages for an agent ending a contract—the arbitrator would decide whether the provision was consistent with normal business practices in a case in which neither party has monopoly power.

For arbitration to be required, it would have to be requested by a substantial number of airlines—one-third of the total RPM's of all carriers not owning a CRS—or agents—one-third of all the agents using a CRS system, or 100 agents. There would also be limits on how often arbitration could be requested.

A more detailed summary of the legislation is set forth at the conclusion of my statement.

I recognize that this is a novel approach to dealing with the CRS problem, and I would particularly welcome written comments from interested persons on the legislation. The details of the CRS Arbitration Act are set forth below.

How the CRS Arbitration Act would work:

The basic scheme of the CRS Arbitration Act is to establish binding arbitration to resolve any dispute over any provision in a CRS contract if a sufficient number of participating carriers or travel agents indicate a need for such arbitration.

For participating carriers, the threshold is set at the number of carriers which accounts for a least one-third of all domestic scheduled revenue passenger miles flown by participating carriers subject to such provision in the most recent calendar year—but excluding the revenue passenger miles flown by the vendors from the calculation. The one-third threshold recognizes that a substantial interest should be exhibited but that majority rule would be inappropriate. For subscribers, that is travel agents, the threshold is set at one-third of all subscribers subject to the provision or 100 such subscribers, whichever is less. Again, the threshold is intended to insure a sufficient showing of need before the arbitration procedures are invoked.

The Federal Mediation and Conciliation Service [FMCS] would be given the responsibility for appointing arbitrators and establishing the detailed ground rules for arbitrations.

The standards to be applied by arbitrators in these disputes are defined as broadly as possible and recognize that binding arbitration is necessitated by the fact that arms-length negotiations have not been possible in the marketplace. For example, the standard for fee disputes takes into account the position of participating carriers and travel agents that such fees should be cost-based while also recognizing the vendors' arguments for "an adequate return on investment" and a "reasonable profit."

The act contemplates three arbitration scenarios:

First. First round arbitration: Within 90 days after enactment, any participating carrier or travel agent could petition the FMCS for arbitration on any provisions. The FMCS would then give the vendors 30 days to advise it as to the number of participating carriers or travel agents affected by each provision. If the FMCS determined that the number of petitions met the threshold for a particular provision, that provision would be arbitrated. The arbitrator's decision would be binding on all of the petitioners' contracts as well as on contracts executed or renewed at a later date.

Second. Second round arbitration: A new provision, that is a provision not included in contracts on the date of enactment, can be the subject of a petition for arbitration at any time. Similarly, a provision in a particular contract existing at the date of enactment but not subject to arbitration because of the failure of the participating carrier or agent to file a petition may be the subject of a petition for arbitration at any time 1 year after the date of enactment. In either instance, the FMCS would not order arbitration unless the petitioners exceeded the threshold numerical standards.

Third. Changed circumstances arbitration: 1 year or more after the date of an arbitrator's decision, that decision may be reviewed on the basis of changed circumstances.

HUMAN RIGHTS PROGRESS ON TAIWAN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. PORTER. Mr. Speaker, while Communist officials in mainland China attempt to hold back reforms, Taiwan is slowing liberalizing to become a Western-style democracy. Following their explosive economic growth of the sixties and seventies, Taiwan graduated from the United States foreign assistance program to become one of the "Five Dragons" leading the Asian economies.

With economic growth came the pressure for political freedom. An opposition party has been legally formed, the Democratic Progressive Party, lead by the heads of the Taiwan Association for Human Rights and the Care Center, Mr. Chaing Peng Chen and Ms. Chou Ching-yu Yao. The legislative Yuan has also started consideration of a bill that will end martial law and stop the trials of civilians in military courts.

Most importantly, there has been progress on individual human rights. Mr. Chia-Wen Yao, a lawyer imprisoned for leading a celebration of international human rights day in 1978, was released last month.

With progress like this Mr. Speaker, we can now look forward to the day when freedom reigns and all political prisoners in Taiwan, including Huang Hua and Shih Ming-deh, are free.

SECONDARY SCHOOLS BASIC SKILLS ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. WILLIAMS. Mr. Speaker, today, I am reintroducing the Secondary Schools Basic Skills Act along with Congressman JIM FLORIO. The purpose of the bill is to provide assistance to our secondary schools to meet the special needs of low-achieving/economically disadvantaged students.

Our Nation's once undisputed pre-eminence in international trade is facing unprecedented challenges from foreign competition. Our friends around this globe are, for the first time in decades, seriously challenging us in both the marketplace of goods and the marketplace of ideas.

There is no single cause nor is there a single solution to our current predicament. However, improvement in the basic skills of our secondary school students must be an integral part of the solution.

There is compelling evidence from numerous sources of a very disturbing decline in recent years of high school students math and reading skills. This decline is particularly pronounced among those who are economically disadvantaged. There is also compelling evidence of substantial juvenile delinquency, dropouts, and teenage pregnancy among this population.

Thus, the problem is clear. Some respond to this crisis by stating that the problem is too complex for a Federal response, I disagree.

In 1965 Americans identified a crisis in our schools and the Congress enacted title I of the Elementary and Secondary Education Act to address it. Educators responded to the call to improve the basic skills of our educationally and economically disadvantaged population by developing compensatory education programs in the elementary grades. Our elementary school teachers succeeded in dramatically improving the basic skills of our disadvantaged elementary school children.

If we can succeed in the elementary grades, why haven't we succeeded in the secondary grades? In part, the answer lies in our failure to direct sufficient resources to provide compensatory programs in the secondary grades. The Congressional Research Service reports that according to data from the Department of Education, only 1 percent of chapter 1 participants are in grade 12; 2 percent in grade 11; and 3 percent in grade 10. CRS also reports that although there has been extensive effective schools research concerning elementary schools, very little has been done in the secondary schools.

This bill provides additional resources to enable our secondary schools to sustain the successes made in the elementary grades. In the 99th Congress, the bill was cosponsored by more than 50 colleagues. It also had the enthusiastic support of numerous national organizations.

During the 100th Congress we will be reauthorizing many of our elementary and secondary education programs. We must take advantage of this opportunity to determine how best to address the needs of our educationally and economically disadvantaged secondary students. I believe that this bill can serve as the forum for such a determination.

WILLIAM C. TAORMINA, BENEVOLENT BUSINESSMAN

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. DORNAN of California. Mr. Speaker, far too often today Americans look to the Government to solve all society's problems. I am not sure whether this is a reaction to the dramatic expansion of the power of the state, or if the state has merely reacted to the will of the people, although I think it is the former. Yet every once in while someone comes along and shows us that private individuals can make a difference in their communities. William C. "Bill" Taormina is just such a man.

Born and raised in Anaheim, CA, Mr. Taormina yearns to revive the community feeling he relished as a boy. He has been the driving force behind a shelter for the homeless; and as the leader of a group known as the North Anaheim Boulevard Property Owners Association he has plans to refurbish the downtown area with an aura of the 1950's. He has offered so much money to the city of Anaheim for community projects that some people can't figure him out.

But Mr. Taormina's motive is simple. He is driven by a philosophy taught him by his father: Give something back to the community that helped nurture the family's good fortune. Nothing in there about the Government carrying the ball. I think Congress could learn some valuable lessons from Mr. Taormina. We are all very proud of him in Orange County and, as his Congressman, I am particularly proud.

Mr. Speaker, I would like to submit the following article about Mr. Taormina that appeared in the Orange County Register for the RECORD. I urge all my colleagues to read and learn how one man can make such a difference in his community.

BENEVOLENT BUSINESSMAN CLEANS UP CITY

(By Barbara A. Serrano)

ANAHEIM.—William C. "Bill" Taormina doesn't like things that are "ugly" or "yucky." So he buys them.

He picks up neglected homes and shabby buildings. He has his eye on a run-down motel that hasn't been painted in years, and was thrilled when he closed the deal recently on a crime-ridden bar called "Los Amigos."

The 35-year-old trash company executive even hired a private detective to climb the slopes of Taos, N.M., and find the owner of the boarded-up Elks building on north Anaheim Boulevard.

"I had to get rid of that eyesore and make something positive out of it," Taormina said matter-of factly about his latest real-estate purchase, which is in escrow.

Not only will he pay $1.7 million to buy and refurbish the 1923 building, but Taormina earlier this month handed a blank check to the Anaheim City Council to pick up the city's $24,252 tab to help convert the former Elks lodge into a shelter for homeless families.

A few weeks earlier, Taormina gained public attention when he unveiled a 1950s-style gas station at 300 N. Anaheim Blvd., just down the street from the former Elks home. He dressed his employees in black ties and white duds because, he said, he wanted "to bring people back to old Anaheim."

Taormina, a tall, burley man with a penchant for bow ties and a love of his hometown, never has hesitated to get involved with projects and community activities. But until recently, he remained behind the scenes as part owner of Anaheim Disposal Co., which has a $4 million city contract to pick up trash for 10,000 commercial and industrial businesses in Anaheim.

Lately, Taormina has been in the spotlight, and some people are wondering just what to make of a man who would plead with City Hall to take his money.

"He seems to be a very compassionate and a very kind individual," Councilman Fred Hunter said. "But I haven't figured him out. I've heard people ask, 'What the hell is he doing?' I don't know. Maybe he's just a nice man."

Taormina smiles at the collective bewilderment. And then, at quick-fire pace, he launches into an explanation about the shelter, the gas station and how all this fits into his plan to bring back the good old days in downtown Anaheim.

"It was so-o-o-o wonderful. You could go down and get your hair cut, your car fixed, and buy the groceries, all on foot . . . But there's no heritage left now," he said. "It's like a bomb has gone off and blown history apart. Now I'm trying to pick up the pieces and remind people what Anaheim started with."

Taormina was born and reared in Anaheim as the eldest of three children. After graduating in 1969 from Katella High School, he moved to Oregon to "find out what was outside Orange County" and obtained an undergraduate degree in management and an MBA from the University of Portland.

He and his wife, Cindy, have three children: Natalie, 11, Kacey, 7, and Billy, 2. And the family lives only a few blocks from the house where Taormina grew up.

Taormina and his brother, Vince, 31, own and operate the trash company left to them by their late father. As chairman of the board and finance director of Anaheim Disposal Co., Taormina oversees the books and long-range plans while his brother "runs the store." Their sister, Arlene, 33, also works part time in the business. Taormina declined to disclose the amount of business the company generates every year.

Described by friends and acquaintances as a sincere, bright and benevolent businessman, Taormina is driven by a philosophy instilled by his father: Give something back to the community that helped nurture the family's good fortune.

"There's an old Italian saying," said Taormina, whose grandparents were from

Naples. "You never pick the vine so that you kill it. You pick a few grapes and let it nurture. . . . It's the same with business and profit. The guys who are trying to make a fast buck, they're the ones in business one day and gone the next. They don't have a reputation."

A religious man who attends First Christian Church, in Anaheim, Taormina speaks of "an attitude of gratitude" and a belief that God has directed him to use his money to help people.

So when he decided to buy the Elks building, it seemed "perfect" to lease it to the Anaheim Human Services Network as a shelter for the homeless, he said. His interest in housing the poor goes back more than a year, when he became involved with the Vision 2000 project, a city-sponsored conference that encouraged him and other community leaders to look at the city's future.

While chairing the conference's Quality of Life Committee, Taormina said, he learned about the need for a shelter and began attending meetings of the network. He figures the shelter project will fit perfectly into his vision for downtown Anaheim as a "convention center of help."

Taormina laments the lots overgrown with weeds, the chipped paint and the rundown bars that seem to have overtaken north Anaheim Boulevard "like cancer."

Driving down the half-mile strip recently, he pointed to the rainbow-colored signs of Latino businesses. "There's no character to this now," Taormina said. He likes the Mexican grocery stores and bakeries, he added, but prefers more subdued signs.

Taormina has been buying properties left and right in the neigborhood within the past few years. He said he has about 20 lots worth about $2.5 million, including four churches and a few houses and auto shops, all within a mile of his home on Helena Street.

He is leading a group known as the North Anaheim Boulevard Property Owners Association in a plan to restore the strip to a 1950s aura—down to Formica tabletops in restaurants and contrasting pinks, blacks and chartreuses.

"If you have all the pieces, everything comes together like they're supposed to," Taormina said. "But I don't like to make mistakes. So I do a lot of thinking, a lot of praying, planning, wondering . . . and talking. You have to follow an idea through to the end to make sure it works."

Along with refurbished buildings, Taormina said he also wants to revive the community feeling he relished as a boy. He hopes that with a refurbished downtown that has a distinct period feel, similar to The Circle in Orange, the community will be drawn together.

He is guided, in large part, by the inspiration of his father, Dick Taormina, who founded Anaheim Disposal Co. in 1949 and was known for his business success and work in community organizations.

Shortly after his marriage in 1949, a jobless Dick Taormina offered to pick up the city's garbage. Though the elder Taormina didn't own a truck, the city accepted. The family's Anaheim Disposal Co. has collected the city's trash ever since, and the City Council never has bid out the $4 million contract, Anaheim Disposal now operates the largest garbage-transfer station on the West Coast, Taormina said.

But rather than rest on the family's laurels, the elder son said he wants to be "a new pioneer, and continue to follow in my dad's footsteps."

He has dabbled in local politics and likes to take all sides. During the November council election, Taormina campaigned for and contributed to the top five contenders and both mayoral candidates—winner Ben Bay, because of his fiscal conservatism, and loser Irv Pickler, because "He's like an uncle to me."

But he doesn't like the bickering that's been brewing lately over the council vacancy left by new county Supervisor Don Roth. So he fired off a letter to each of the council members a few weeks ago suggesting they conduct an interview process and draw up a state of potential appointments.

Taormina's name was tossed around as a possible appointment to fill the seat. And, though he doesn't rule out the possibility that he might someday seek political office, Taormina vowed never to serve on the City Council.

"I don't ever, ever want to be interpreted as being insincere. If that happened to me, it'd break my heart," "Taormina said, explaining that people might think his community work was simply a way to get on the council. "I can be more effective as a businessman and citizen. I can rattle the cage from the outside. If I'm in the cage. I can't do anything."

Like his father and the rest of the family, Taormina eschews the flashiness of Southern California wealth, though he proudly wears a gold watch passed down from his grandfather, drives a 1985 Chevrolet Caprice and lives in the same home on Helena Street that he his wife moved into 13 years ago.

"I put my money into things that have essence," Taormina said "One of my trash trucks is worth more than a Rolls-Royce, and you can't even put trash in the trunk (of a Rolls) . . . God gives us this opportunity to do things. He puts money in our hands, like he puts a brush in the hand of a painter. What you do with that makes the essence of what you are."

People who know him say they weren't surprised when he offered the City Council $24,252 to reimburse the city for the cost of applying for a state grant to establish the shelter. Community leaders and city-officials laud his involvement with civic projects.

Gilbert Melendez, director from 1980 to 1985 of the George Washington Community Center, describes Taormina as "a super nice guy" who could always be counted on for his donations to the center's youth boxing program. Every year, Melendez said. Taormina would donate about $2,000 in trophies, equipment and uniforms in support of the program and its efforts to teach troubled youth.

Bob Renzo, who has served with Taormina on the Central City Neighborhood Council, said he respects Taormina's "tremendous amount of energy" and wholeheartedly supports his efforts to upgrade Anaheim Boulevard.

"I find him to be a person who really cares about what he's doing, and he's willing to put himself and his money on the line." Renzo said. "Fixing up Billy's (the 1950s gas station, known as Billy's Service Station) in itself has improved the whole area."

There seem to be few, if any, people who dislike Taormina. Yet there are some who don't agree with his plans for downtown Anaheim.

Floyd Farano, president of the Anaheim Chamber of Commerce, said he doesn't support Taormina's efforts to set up a shelter for the homeless on north Anaheim Boulevard. And he's not so sure Taormina will be successful in trying to save the heritage of downtown Anaheim.

You can bring part of it back. . . . But to preserve an entire street of it, I'm not too sure it's practical," Farano said. Farano also said he would prefer commercial development to the shelter.

And Amin David, founder of Los Amigos de Orange County, worries that Taormina's intent to remodel Anaheim Boulevard is an effort to rid the neighborhood of its Hispanic flavor. "Who is he to set himself up as the 'Anaheim Beautiful Committee?'" David said. "What is gaudy to one person might be beautiful to another."

Steve Ciko, owner of Joy Art Co. and the property at 312 N. Anaheim Blvd., said he thinks Taormina has gained too much power since he started buying homes and businesses on the boulevard.

"It seems like he wants to own the whole street. The whole thing doesn't make any sense," Ciko said. "He's got so much power he can do what he wants in City Hall."

Taormina isn't worried about the suspicion. "It'll take a little time before people realize what I'm trying to do," he said. "I'll just have to sit down with them and explain."

EDWARD J. SCHNUCK

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. EMERSON. Mr. Speaker, while we in this great Nation are blessed with many outstanding, selfless individuals, there are a select few whose names become almost synonymous with civic leadership, public service, and unselfish giving.

On February 4, with the death of Mr. Edward J. Schnuck, of St. Louis, MO, we lost one of those select few individuals.

Epitomizing the American standard of success through hard work, Mr. Schnuck began his business career at the end of World War II by opening a neighborhood grocery store—and with other members of his family, he turned that small beginning into one of Missouri's largest supermarket chains, Schnuck Markets, Inc.

And as his business grew and prospered, so did his leadership and participation in his community's affairs. Holding positions that ranged from president of the Herbert Hoover Boys Club to Chairman of the Federal Reserve Bank of St. Louis, Ed Schnuck seemed to have almost limitless time and energy to give for the betterment of his native St. Louis and, indeed, of Missouri.

As testimony to his efforts on behalf of countless good causes, Mr. Schnuck was the deserving recipient of many civic awards, including the Salvation Army's William Booth Award and the Brotherhood Award of the National Conference of Christians and Jews. In addition, he was the only person ever to be honored as both the St. Louis Globe-Democrat's "Man of the Year" and the recipient of that newspaper's Humanities Award.

In short, Mr. Speaker, Edward J. Schnuck was a man whose life is a tremendous example for us all—and whose death leaves us with a great sense of loss. As we mourn his passing, however, we can also be heartened by the knowledge that he leaves a legacy of excellence and civic leadership that will live for generations to come.

SENATOR KENNEDY PRAISES MARTIN LUTHER KING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. RANGEL. Mr. Speaker, I would like to bring the following sermon, delivered by Senator KENNEDY at the Union United Methodist Church in Boston on January 18, to the attention of my colleagues. I share the Senator's strong belief that now more than ever it is vitally important for us to pursue Dr. King's dream of freedom, justice, and equality for all people. "Now is the time."!

The remarks follow:

REMARKS OF EDWARD M. KENNEDY, MARTIN LUTHER KING, JR. HOLIDAY

First, let me thank Reverend Stith for that warm introduction.

Two decades ago, the dreamer we honor this morning asked his own congregation to remember him as a drum major for justice, a drum major for peace, a drum major for righteousness.

Today, the community of Boston, and especially this church, are blessed because Charles Stith is our drum major. Through his work, the dream of Dr. King of racial justice and full civil rights still lives. By his ministry, Reverend Stith is bringing all of us closer to the day when Dr. King's great dream finally comes true for our city, our Commonwealth, and our country.

At the historic March on Washington a quarter century ago, Martin Luther King stood before a quarter million people assembled at the memorial to our greatest Republican President. And on that famous day, Dr. King, heir of Abraham Lincoln, addressed the crowd in these words:

"We have come to our nation's Capitol to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness."

In the Declaration of Independence, the Constitution, and the Bill of Rights, America's first patriots established a society based on the goals of liberty and justice for all. The founders were not perfect, just as we are not perfect today. But the genius they bequeathed to us was a form of government based on opportunity.

In the 200 years since then, we have surpassed their aspirations beyond human measure and created a nation of unparalleled power and influence. But measured against the promise of America, we have also fallen short in ways that continue to plague us and divide us.

It is a national tragedy and a national disgrace that after 200 years of progress, the goal of racial justice now seems to be receding, not advancing.

After 200 years, where is justice in health care, when a newborn baby who is black is twice as likely to die in the first year of life as a baby who is white?

After 200 years, where is justice in education, when the doors to our colleges and universities are being closed and locked against minorities, when student aid is being slashed, and when campuses even in our own Commonwealth are becoming battlegrounds of racism instead of peaceful avenues to understanding?

After 200 years, where is economic justice, when black Americans are condemned to the bottom of the pay scale, and government abandons its commitment to affirmative action in employment?

After 200 years, where is justice in democracy, when intransigent public officials who fear the power of the black vote, speak with tongues of hypocrisy about ballot security, and conspire to prevent black citizens from casting their votes on election day?

The check of which Dr. King spoke—the check for liberty and equality—was drawn on a bank account whose funds have been withdrawn by national Administration that speaks platitudes about doing better but persists in doing worse.

The bankrupt policies of the Reagan Administration have spawned a national environment that encourages discrimination and repudiates opportunity. The decade of the 1980's has borne witness to an unconscionable retreat from the steady advances in civil rights that have always been one of the highest measures of our progress as a nation.

The proud independence of the Civil Rights Commission has been dismantled and destroyed, and open-minded idealistic leaders on the Commission have been replaced by ideologues whose narrow-minded concerns are the antithesis of civil rights.

Even the extension of the Voting Rights Act was jeopardized, in spite of the overwhelming evidence that minorities are still denied the constitutional right to vote for the candidate of their choice.

The Department of Justice has become an anti-justice department. It has actively sought to terminate court decrees requiring affirmative action in employment, and it has encouraged white employees to oppose affirmative action policies.

Candidates with demonstrated records of racial insensitivity or even outright hostility have been nominated as federal judges, including even the Chief Justice of the United States.

This abject retreat on civil rights at the highest level of government has exacted a high price. Minority citizens have become targets of convenience for the fears and frustration of other Americans seeking their own education, their own employment, their own economic security. I say to you, we must categorically reject the insidious philosophy of this Administration, that "If you are white, everything will be all right; but if you are black—get back."

That attitude has spawned incidents of racism that would have been unthinkable ten years ago. The life of a young black man is lost to the sudden violence of white teenagers in Howard Beach. A black student at The Citadel is threatened by white cadets dressed as Ku Klux Klansmen. A white man in Kansas City, Missouri, attempts to force a black family to move from the neighborhood by attacking their home five times with guns and explosives.

And here at home, at the University of Massachusetts at Amherst, white students respond to the World Series loss of the Red Sox by attacking fellow black students who cheered for the Mets. And you and I know why they cheered for the Mets.

These are not just isolated cases of violence and bigotry. As Dr. King taught us, "Injustice anywhere is a threat to justice everywhere." Racism feeds on itself. Each time an individual's rights are violated, it becomes easier the next time for others to lose their rights as well. Bad as they are, the episodes of racism that mar the American landscape today are nurturing worse incidents tomorrow.

There are those who counsel us to be silent in this reactionary time, to look the other way, and to hope for the best. But I refuse to stand mute when liberty is denied and justice is deferred. I reject the advice of those who say civil rights can wait until 1988, and that it is better politics today to neglect human needs.

For the landscape I see has not been entirely barren over the past six years. Each individual can make a difference—and some of us have tried. As my brother Robert Kennedy told the students at Capetown in South Africa in 1966:

"Each time a person stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

I am proud to stand here today as the sponsor of the Martin Luther King Holiday Bill, the sponsor of the Voting Rights Act, and the sponsor of Fair Housing.

I am proud to speak for legal services for the poor, for school integration, and for the integrity of the federal courts.

I am proud to be the sponsor in this Congress of the District of Columbia Statehood Bill and the Equal Rights Amendment to the Constitution.

And I am proud to have sponsored the law in the last Congress that established economic sanctions against the Government of South Africa, over the veto of the President.

In ways such as these, on the issue of full human liberty for the minority of Americans who are not white and the majority who are women, I will never give up and I will never give in.

When the timid say they fear even to try anymore, we reply that we still have a shining, powerful dream. When we hear a new version of the old refrain that speaks of gradualism, we reply: "What about Americanism?"

And when we are told to wait for tomorrow and tomorrow and tomorrow, for the next election or the next generation, we reply, in the words of Martin Luther King from the Birmingham Jail: "Now is the time."

I say to you, now is the time—now is always the time—to commit ourselves to the dream of Dr. King.

I ask you, when is the time for the right of every person who is able and willing to work to have a decent job? You and I know the answer: Now is the time.

When is the time for the right of every young person to a decent education? Now is the time.

When is the time for the right of every man, woman, and child in America to decent housing and decent health care? Now is the time.

When is the time to end apartheid in South Africa? Now is the time.

And finally, when is the time for the right of even the least among us to rise from the shadow of poverty into the sunshine of liberty? Now is the time.

We need national leadership that is more committed to rights such as these in our own land and to full human rights around the world. We must understand that our national interest demands progress and justice for every citizen in America, and that our national ideals demand closer relations with the people of black Africa—not constructive engagement with the apartheid regime of white South Africa.

We know that the path ahead will not be easy. Change and progress never are. But now is the time—and today is the day—to reaffirm the goals of Martin Luther King and make them our own. May his vision be our vision, his strength our strength, his struggle our struggle. In the words of Dr. King's great letter in 1963 to his fellow clergymen,

"Let us all hope that the dark clouds of racial prejudice will soon pass away, that the deep fog of misunderstanding will be lifted from our fear-drenched communities, and that in some not-too-distant tomorrow, the radiant stars of love and brotherhood will shine over our great nation with all of their scintillating beauty."

That is our prayer too in 1987, on this 58th anniversary of his birth. And with God as our guide, may we have the wisdom and the courage to carry on his work, so that at long last we shall be able to rise together and say with him, "Free at last, free at last, thank God Almighty, we are free at last!"

MR. CHARLES ALLEN RAWLS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. JONES of Tennessee. Mr. Speaker, I rise today due to the loss of a great friend and great man, Mr. Charles Allen Rawls of Brownsville, TN. Mr. Rawls was a prominent and productive man in his community and without a doubt one of its most significant leaders. Most importantly to me, he was a great friend.

Many might say that Al Rawls was a successful man just by looking at the many business enterprises he built and managed throughout his lifetime. That is one way to measure success, and certainly having gone from being the proprietor of a small funeral home in rural west Tennessee in 1934 to starting and managing a life insurance company now ranked among the Nation's top 100 black-owned companies is the mark of a successful man. Al Rawls did all that, but his life must be measured not only on his success in the business world but also in terms of how generous and compassionate he was to the people with whom he came into contact.

Maybe, the eulogy service held for him said it all. It said he was a dreamer, and he was. Unlike some who dream and never work to achieve their goals, Al Rawls worked hard to achieve his and his example offered hope for others who had similar dreams. He was able to do so against what many considered impossible odds in the days before civil rights became a national issue. He reached out to his community, provided assistance to anyone who needed it, and served his people with dignity. He was respected by all who knew him and was an example of how someone from humble beginnings can achieve success in this great country.

Al Rawls leaves behind a great legacy for all of us. He was a man of compassion and dedication, a man who will be missed by his friends, his community, and his loving family.

THE CITY FOR 1987 IS CLEVELAND!

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. STOKES. Mr. Speaker, I submit for the information, enlightenment, and entertainment of my colleagues, an article which appeared in the January 23, 1987, edition of the Cleveland Plain Dealer which sings the praises of my city—Cleveland, OH:

THE CITY FOR 1987 IS CLEVELAND!

(By Eric Kinkopf)

Cleveland.

That's right, Cleveland.

Wait. Don't put the paper down. Keep on reading. You may be surprised. Or, then again, you may already know that the city that used to bill itself as "The Best Location in the Nation"—before all those wisecracks—is now calling itself "The Remake on the Lake," "The Retake on the Lake" or the "North Coast."

Why?

"If you haven't been to Cleveland lately," Mayor George Voinovich is fond of saying, "you haven't been to Cleveland."

And that's no joke.

Honest.

They may be able to mothball those "Cleveland: You've Got To Be Tough" T-shirts soon, because this city, founded by Moses Cleaveland on July 22, 1796, hard by the now-reclaimed waters of the Cuyahoga River and Lake Erie; the first American city to display a Christmas tree on a public square (in 1851) and the first American city to unveil an electric streetcar (in 1884) is sparkling. You want renaissance, *Daytwah?* Look to the east. That's where it's happening.

If you think this discovery comes simply as a result of 80,000 geeked-up Cleveland Browns fans woofing and growling for their team during the recent pro football playoffs, you're barking up the wrong tree.

(Of course, that didn't hurt, either.)

But what has happened—has been happening—there lately is no mirage. Cleveland, OH-HI-OH, pop. about 550,000 (not all of whom paint their faces Browns' brown and orange to get on television) is becoming the gem of the Rust Belt and is being rediscovered by a nation. For instance:

Last year, Cleveland was selected as the site of the Rock 'n' Roll Hall of Fame.

It was named an "All America City" for the third time in the last five years.

ABC's "Good Morning America" broadcast last summer from the roof of City Hall.

"Family Ties" star Michael J. Fox and rocker Joan Jett starred in a movie—"Light of Day"—filmed there. (On Feb. 2, the world premier happens in Cleveland.)

And, last week, an exhibit of art masterworks by Cezanne, Gauguin, Van Gogh and Manet opened its U.S. tour in Cleveland. New York is, ahem, the *second stop.*

If you go for the simpler things in life, like fishing or shopping or just plain nightlife, Cleveland's got it all.

City promoters tout Lake Erie as the "walleye fishing capital of America" and as for shopping, well, get this: You can do it right downtown. And there's lots of it. *(And, pssst, more is coming.)* And the Flats, a stretch of industrial lowlands along the Cuyahoga near its junction with Lake Erie, is a trendy composite of dining, entertainment and atmosphere.

Cleveland is on the kind of roll that has its promoters gushing that it has more summer sunshine than Tampa or Houston and more yachts than San Diego and that, because of its easy access to the St. Lawrence Seaway, Cleveland is closer to northern European ports than either Boston or New York.

You might as well face it, Bunky, Cleveland, long referred to only in punch lines, may be the City for 1987. Heck, maybe even for the rest of the decade.

Cleveland's in 'cause the mystery's out of the bag:

Last year, Pamela Brenner, 32, of Brenner Tours in Hopkins, Mich., which is located between Grand Rapids and Kalamazoo, took 32 buses to Cleveland on a "mystery tour." The mystery was the destination. The question upon arrival was "Why?" It turned out to be one of the best mystery tours ever, says Brenner.

"Cleveland surprised everybody," she says. "The people were flabbergasted. You think of Cleveland as an old run-down town. It was very impressive. It really showed that it had something.

No ifs, the shoe fits (or what some Clevelanders are saying about Cleveland):

"Cleveland truly is the Cinderella city," says Larry Robinson, 58 a native Detroiter, gung-ho Clevelander and former owner of the retail jewelry chain, J.B. Robinson Jewelers.

"Cleveland's a giant that has been hiding for a while," says Pat McIntyre, 46, co-owner of four restaurants in the Cleveland area.

"You can come to Cleveland for a weekend," says Joanna Connors, 33, the arts and entertainment editor for the Cleveland Plain Dealer, "and see quality in the arts that's as high as anywhere else in the country."

Looking for culture? You might be pleasantly shocked:

Cleveland has the Ohio Ballet *and* the Cleveland Ballet, which features, as permanent guest star, Cynthia Gregory, a prima ballerina with the American Ballet Theatre in New York. There's the Cleveland Opera and the Cleveland Orchestra, which enjoys worldwide prominence. And there's the Playhouse Square Center, which includes two refurbished vaudeville theaters and a third undergoing renovation, all built in the 1920s. The center drew about 700,000 theater-goers last season. The Cleveland Play House, billed as the nation's oldest continuously running professional resident theater, dates to 1915. The Karamu House, dating to 1923, is believed to be the oldest black theater company in the country.

University Circle, a one-square-mile area five miles east of downtown, is referred to in one promotional brochure as "an institutional cluster that has no duplicate anywhere in the country." It features, among other things, the Museum of Natural History; the Museum of Art, which is rated one of the country's top five; the Health Education Museum, which is billed as the only one of its kind in the Western Hemisphere (and features Juno, the talking, transparent woman); and the Museum of Natural History, which features "Happy," a 120 million-year-old dinosaur.

There's also the Garden Center of Greater Cleveland; the Center for Contemporary Art and the Frederick C. Crawford Auto-Aviation Museum, a transportation museum featuring more than 200 historic vehicles including vintage automobiles, aircraft, carriages, bicycles and motorcycles from 1895 to the present; the Children's Museum, where touching and feeling the exhibits is encouraged; the Afro-American Cultural Historical Society Museum; the Temple Museum, dedicated to Jewish cultural, religious and ceremonial art objects; and the Howard Dittrick Museum of Historical Medicine.

Phew!

City Hall's got the "Spirit:"

Oops, can't forget the Cleveland Police Museum and the USS Cod Submarine Memorial and Museum, which is located on the lakefront and features a completely intact World War II submarine. It's open Memorial Day through Labor Day. There's always the Plidco Pipe Line Museum, which features "a history of pipelines and the contributions they have made to the civilizations of the world."

You can take a trip to the observation deck—the 42d floor—of the 52-story Terminal Tower, the tallest building in Ohio. On a clear day, you can see forev . . . oh, about 35 miles.

Even on a foggy day you probably can see City Hall. And the lobby there is home to the original painting of "The Spirit of '76," though it's now missing while it's being restored.

Then there's always the zoo, founded in 1882, the fifth-oldest zoo in the United States.

In late February, there's the Home and Flower Show, hailed as the largest exhibition of its kind in the country. On Labor Day weekend is the air show at Burke Lakefront Airport downtown. It's billed as one of the country's largest.

Or you can always take a 1½-hour tour of Cleveland aboard Lolly the (replica) Trolley.

And the Force is with them:

You want teams, well, Cleveland's got'em—and they keep getting better.

The football Browns nearly made it to the Super Bowl. And the baseball Tribe's truly back on the warpath. The once sad-sack Indians are a pitcher and a half from serious—*serious, now maybe even a pennant contender*—respectability in the American League East. (Free tours of 54-year-old Municipal Stadium, home of the Browns and Indians, are available.)

The Cavaliers, the city's franchise in the National Basketball Association, are a young and promising team. And the Cleveland Force—yes, the Force, the, *ahem*, first-place Force—of the Major Indoor Soccer League, averages more than 14,000 fans per game.

The Cleveland State Vikings became the darlings of the NCAA basketball playoffs last year, when they upset Indiana and were eliminated by Navy, 71-70.

On May 17, there's the 10th Revco-Cleveland Marathon, which winds right through Public Square on its way to a glorious downtown finish. On July 3, 4 and 5, the Budweiser-Cleveland Grand Prix, a 220-mile Indy car race, will be reconvened on the runways of Burke Lakefront Airport downtown. In July, there's the Prescott Hunter/Jumper Classic, which attracts top national and international horses and riders to the oldest equine Grand Prix in the country. And for duffers, there's the PGA Senior's Golf Tournament.

A bull market for shoppers—no lie!

Simply stated, "the largest grouping of shopping outlets in the state" can be found downtown, the Convention & Visitors Bureau of Greater Cleveland claims. That includes two major department stores and the Arcade, built in 1890 and an architectural gem. The Arcade is a five-story indoor mall with an arched glass roof laid over an armature of iron and steel. It houses shops, restauants and offices. And what isn't downtown may be coming. A number of multimillion-dollar projects promise to provide even more ways for shoppers to spend their money.

Ribs ticklers and polka spots:

As in any large city, the list of restaurants is long and varied. The Theatrical is an old Cleveland institution, and Sammy's, in the Flats, is considered by some to be the first really elegant restaurant in Cleveland with nouvelle cuisine.

There's also Otto Moser's—"lunch in Cleveland is a corned beef sandwich," says Connors of the Plain Dealer—and the Hofbrau House, a German restaurant, where the average food is overshadowed by patrons who arrive in full ethnic costumes to polka. For ribs, try Hot Sauce William's. For famous Hungarian wiener schnitzel, try the Balaton.

For bars: The Harbor Inn in the Flats advertises 110 different kinds of beer, and the Roxy Bar & Grill, described by one nostalgic Clevelander as the quintessential pick-up joint, sits on the former site of the Roxy Theater, the old burlesque and strip joint. Euclid Tavern is where Fox shot his movie. It's the place to go to hear up-and-coming Cleveland rock 'n' roll bar bands.

Want to drink with the local inkstained wretches or TV's Barbies and Kens? Try the Headliner. Sports junkies might find an energetic conversation or two at Pat Joyce's, although if you're looking for George Steinbrenner, owner of the New York Yankees and a native son of Cleveland, head for the Pewter Mug. Word is that he quaffs a few there when he's in town.

(P.S. If you visit Cleveland, feel free to look up this writer's parents, Helen and Ernie. They're always good for a highball, and they've usually got a ready supply of blood sausage and sauerkraut on hand.)

INSURANCE INDUSTRY LEADER EXPLAINS INDUSTRY CRISIS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. FLORIO. Mr. Speaker, a recent speech by the chairman of the Insurance Services Office, Paul J. Scheel, provides insight into the liability insurance crisis. As my subcommittee continues its inquiry into insurance problems, we benefit from the views of those involved. I am pleased to share items such as Mr. Scheel's remarks with all Members of the House.

ISO Chairman Advises Insurers To Learn From Mistakes

There is no question that we are emerging from the industry's longest, most competitive and, not surprisingly, the most unprofitable period in history.

Our actions during this last soft market may have resulted in permanent damage to our industry. We've already lost some of our business to self-insurance, excess and surplus markets and other mechanisms, a loss that is probably permanent.

The attitude of the commercial insurance buyer may never be the same. We lowered his prices for six years and then suddenly reversed course and he saw his prices rise dramatically. He quickly forgot that he was the economic beneficiary of our competitive madness and as current prices level off or show some signs of softening, won't that buyer again be shopping for price?

The attitude of the agent may never be the same either. The agent will remember all too well his trauma during the soft market. He will remember what he had to do to retain his book of business. Won't he have similar thoughts the next time? If the commercial insurance buyer begins to shop, the agent will also shop.

And the attitude of legislators and regulators may never be the same. Already we've seen some punitive legislative and some increased regulation brought about by our excesses in the marketplace. Regulators and legislators both have taken their share of criticism for allowing the companies to be so competitive.

Won't these same regulators take the action they deem necessary to avoid similar criticism the next time and won't that aciton take the form of increased regualtion? So called "flex-rating" laws and a return to "prior approval" for some lines of insurance in some states are a direct result of that regulatory concern.

Permanent damage, indeed. After all our mistakes during the 1978-84 period, I believe the industry is now on trial. What are we charged with? Let's review the indictment.

First, we abandoned all underwriting principles and we lost our pricing integrity. In our business, that's an unforgivable crime. Instead of underwriting, we simply processed business and quoted prices low enough to obtain more business. In some cases, we asked the agent what price he needed to write the business—and we used his price.

We paid agents overrides for the transfer of underpriced books of business with little regard for the quality of that business. We paid bonus commissions to obtain new business or to retain renewals. And, while we increased the expense ratio in order to write more business, we reduced expenses in other areas, such as cutting staff and reducing educational efforts with our employees.

While we saved a fraction of a point on the combined ratio through various expenses reduction programs, the unintended result of these cost-cutting efforts was a total inability to service the business—and the service faucet is a lot easier to turn off than to turn on. At the same time, our underwriting and pricing actions added many points to the combined ratio.

We are guilty on all counts and, to me, that is a classic case of mortaging one's future.

Perhaps we didn't realize how bad our service would get and perhaps we didn't realize how bad our results would get or how weak our balance sheets would become. Because if we had, we certainly would have come to our senses much sooner than we did.

As it was, our inability to properly manage our business created a need for us to raise over $10 billion in new capital. Hardly a week passed last year without seeing at least one announcement of a new offering.

But despite ourselves, we bounced back. We always seem to be able to do that. Guilty as we were to all the charges, some time in 1984 we recognized that disaster was imminent and we acted just in time. If we had waited six months longer, it would have been too late for some of us. As it was, it was already too late for the 54 companies that became insolvent since 1984 and are now in the Guaranty Funds.

So, we raised our prices and we returned to the basics of underwriting. That was certainly a culture shock for our young underwriters because even though some of them had been at their desk for three or four years, they were now being asked to actually underwrite risks for the first time. They not only had to learn to underwrite, they also had to learn to price properly.

Prices were depressed for such a long period of time that the road back is a long one but, at the same time, the trip has to be made at a high rate of speed—the very survival of some insurers is at stake.

What we gave up in six years, together with what we didn't take because of social and monetary inflation, we had to get back in half that time. Some of us tried to get it back quicker than that and the disruptions created in the marketplace by those excesses were real—and they were severe.

It didn't matter that only some of us tried to get it all back too fast and it didn't matter that the largest price increases were in specialty lines like directors and officers liability or in the excess and surplus lines markets—it was the entire insurance industry that was charged with such abuses and our jury of consumers, producers, buyers, legislators and regulators found the industry guilty.

All of us had to implement large price increases, but the bulk of those increases were in line with the concept that it would take several such increases to get us to where we should be. We should not be afraid to answer those critics who say that all insurers overreacted.

As a result, more and more of that business found its way into the involuntary market and it should not be surprising, as we examine our involuntary market assignments, that the underwriting loss on that business is growing rapidly. It is also not surprising that, despite these increased involuntary market losses, 1986 produced a dramatic turnaround in operating results. Operating income has been estimated by ISO to be $4.8 billion for 1986. With operating income expected to be even better in 1987 and 1988, one of our main tasks will be to defend the fact that we are profitable once again.

We will continue to be attacked by consumer advocates, politicians and others. That's a certainty. If we were attacked in 1986 for making a modest profit, you can bet the farm that those attacks will be more pointed as our profits rise. We must defend our right to make those profits and that defense should be a high priority item for the industry.

Insurance company income statements are difficult for people outside our industry to understand. In fact, there are many individuals in our own company and agent ranks who do not understand insurance accounting or insurance company income statements and who have the mistaken perception that we are making excessive profits. They have that perception because we have not communicated properly, educated properly or perhaps assumed that everyone knows as much about our income statements as we do.

The solution is simple. Let's educate our employees and agents about the income statement and the need for profitability, so that they can be in a better position to defend our industry at rotary club meetings, cocktail parties or wherever someone berates the industry for making too much money.

We can respond to our critics and have done so with some success. But our own employees and agents, sometimes wonder who is really right. If they had the facts and understood them, we could sure put out a lot of brush fires without calling the fire department.

When profits become respectable again, we will be able to add retained earnings to surplus and the capacity to write business will once again be restored without the need to raise additional capital. Only a major catastrophe, such as a precipitous stock market decline, would change that scenario.

That brings us up to the present, but what about the future? I've learned long ago that it's a mistake to predict what's going to happen. Many, many predictions were made by all of us as to when the soft market would end. There was only one right prediction on that score, and I believe it was Pete Thomas who said that he was predicting the soft market would end the next month and he would repeat that prediction each month until he was right. He was finally right. No predictions, then, but I will make some observations.

It would be a great accomplishment if we could approach December 1988 and to everyone's satisfaction say that every company in the business is adequately reserved.

Company managements are once again going to be faced with the decision to either strengthen reserves in the 1987-88 time frame or report better numbers without the needed strengthening. I believe that we will be better rewarded by the investing public if we demonstrate that we have, once and for all, attacked the reserve adequacy question and resolved it. And once we get it right, let's have the courage to keep it that way.

If we have the courage to continue to properly reserve during the next period when combined ratios are rising, then we will have achieved something that some say has never been achieved before.

One thing we can say with certainty is that the market will soften once again. There are those who are claiming that in certain areas the softening has already begun. We have always been a highly competitive, cyclical industry and we always will be. We compete against each other for the same business, and that competition is healthy. But, as we compete, we need to act responsibly. We should remember our mistakes of this past soft market, learn from them and be determined not to repeat them.

Let's make certain all our underwriting personnel are better prepared for the next soft market. Remember that young underwriter who will be seeing the turn from hard market to soft market for the first time. His underwriting and pricing activities should be closely monitored because he doesn't have the same sense of history as many of us do.

A renewed commitment to education and training by all of us will help to ensure that our underwriting personnel are better prepared to do the job we expect them to do no matter what phase of the cycle we may be experiencing.

It's not easy to manage multiple branches around the country with hundreds of individuals making pricing and underwriting decisions and having them all do it in conformity with a plan that has been communicated from a home or regional office. But we have to do it and we have to do it better than we've done in the past.

We have to do it better because we have responsibilities. We have a responsibility to create stability in the marketplace—not chaos. We have a responsibility to restore our credibility—not to continue to destroy it. And, we have a responsibility to manage for long-term results—not short term.

We have those responsibilities to our stockholders. We have those responsibilities to our policyholders and, most importantly, we have those responsibilities to ourselves.

OVERFLIGHTS OF NATIONAL PARKS, H.R. 921

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. MINETA. Mr. Speaker, I would like to call the attention of our colleagues to H.R. 921, a bill introduced by Congressman COELHO, and cosponsored by 38 other Members including myself. Congressman COELHO succinctly describes the bill and why it is needed in his remarks printed in the February 3, 1987, CONGRESSIONAL RECORD, page E-347, and I refer our colleagues to those remarks.

As Congressman COELHO points out, the Committee on Public Works and Transportation and the Committee on Interior and Insular Affairs worked together closely in the 99th Congress to develop what I consider to be a very fine piece of legislation. Because of this high degree of cooperation between the committees, the legislation was brought to the floor on September 18, 1986, and was passed overwhelmingly by the House with a 378 to 12 vote. Unfortunately, the Senate did not have an opportunity to take up the legislation in the waning days of the 99th Congress.

Congressman COELHO'S remarks very ably describe the laudable environmental goals and purposes of the legislation. Rather than reiterate the distinguished gentleman's thorough description of the bill and its purposes, I would like to focus on the legislation from an aviation perspective. First, my involvement with this bill began with my wholehearted support for the concept of tighter regulation of the airspace over the Grand Canyon, Yosemite, and the Hawaiian Parks. However, I also wanted to ensure that such regulation was accomplished with air safety receiving the highest priority. When we decide to regulate the airspace over our national parks for environmental reasons, we must be crystal clear as to who is designing the regulations and who is enforcing those regulations. It is my firm belief that the regulation of airspace must remain in the hands of the Federal Aviation Administration.

This legislation very clearly keeps airspace regulation with the FAA and bestows no authority on the National Park Service to regulate airspace. Any new regulations that are developed out of the studies the bill authorizes would be regulations of the FAA, not the Park Service. The National Park Service can propose regulations, but if the FAA determines a Park Service proposal would adversely affect safety, then aviation safety concerns must be accommodated to FAA's satisfaction before any plans or regulations can be put into effect.

Another important section of the legislation authorizes the FAA to conduct a study aimed at improving air safety above our national parks. In this study, I would expect a wide variety of issues to be addressed, including the need for stronger regulation of commercial aircraft operations using our national parks, the need for improved communications, the need for clearly defined flight patterns, and the need for improved surveillance and inspection of commercial aircraft operators by the FAA. This study would be completed within 6 months of enactment of H.R. 921.

I should note this since this legislation was before the House in the last session, the FAA has taken regulatory steps to begin regulating the airspace over Grand Canyon National Park. Under the FAA's proposed rules, flying below the canyon rim would be prohibited and the airspace below 2,000 feet above the rim would be restricted only to operators who have demonstrated, through amendments to their operating certificates, that they will operate only in certain corridors away from the noise sensitive areas. This rule is expected to take effect within a couple of months.

I am supportive of this effort by the FAA, and it is consistent with the intent of the legislation. It begins the needed actions that H.R. 921 will complete.

Again, I applaud Congressman COELHO's introduction of H.R. 921, and I urge our colleagues to join in cosponsorship of this important environmental and aviation safety legislation.

INNA MEIMAN DIES ALONE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. PORTER. Mr. Speaker, Inna Meiman suffered from another bout of cancer in 1985. Soviet doctors told her to seek treatment abroad, but Soviet authorities prevented her from leaving until just last month.

Inna Meiman's first words, on arrival in Washington 3 weeks ago were: "I have not come to die. I have come to live."

Inna's husband wanted to be with her but was not allowed to leave. Inna died February 11 in Georgetown. Friends and concerned citizens came to her funeral, while her loving husband grieved alone in the Soviet Union.

While Gorbachev staged his Peace Conference attended by such experts on arms control as Yoko Ono, Inna Meiman died alone in a foreign country, far from her husband of many years.

We hear a lot of talk about "glasnost" but when Inna needed her husband, Gorbachev refused. Inna's husband knows what glasnost means, he also knows what it really is.

LET'S HALT THE LIE DETECTOR EPIDEMIC IN THE WORKPLACE

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce the Employee Polygraph Protection Act. Last year, my bill passed the House of Representatives by a vote of 236 to 173 on March 12, 1986. Today, more than 120 Members of the House join me as original cosponsors of this bill.

My bill simply prohibits the use of "lie detectors" in the workplace, for both preemployment testing and testing during the course of employment. It requires employers engaged in interstate commerce to post a notice on the premises stating that "employers are prohibited by this act from using a lie detector test on any employee or prospective employee." It provides remedies found in the Fair Labor Standards Act as amended. It does not apply to any individual employed by the U.S. Government, nor would it apply to State or local government employees.

The American Polygraph Association estimates that more than 2 million polygraph tests are given each year. The number of tests given has tripled just in the last 10 years! The shocking fact is that the bulk of these tests aren't being given by the Government—not by the FBI, CIA, NSA, or State or local police departments. Ninety-eight percent of those 2 million are given by private business. Approximately three-quarters of these tests are given for preemployment testing while the remaining one-quarter are used for investigations of workers.

The bill protects workers who are wrongfully denied employment and whose careers are devastated based on the results of these questionable tests. Tens of thousands of workers are wrongfully denied employment every year, either because they refuse to take the tests or because of the inherent inaccuracies of the machines and their operators.

Through the years, States have made sporadic efforts to control the use of this gadget. Twenty-two States and the District of Columbia have passed legislation prohibiting their use in the private workforce. However, these separate laws have not proven effective. Often, employers undermine State law by pressuring employees and job seekers into crossing State lines to take the tests or "volunteering" to take a test even when the State law prohibits requiring or requesting an examination. In States that completely ban the use of lie detectors, employers may avoid the law by hiring in a neighboring State which permits examination and then transferring the employee into the State where such testing is prohibited. It is clear now that State regulation has been perceived as a "seal of approval" on the gadget thus resulting in the explosive rise to 2 million tests per year.

Our criminal justice system presumes that an individual is innocent until proven guilty. The polygraph abuses that principle because it requires one to prove innocence. The courts in this country refuse to admit polygraph results as evidence in trials because of the documented inaccuracies of these gadgets. It is sadly ironic that criminals are protected from polygraphs while American workers are not. My bill will put an end to this duplicity.

ESTONIAN INDEPENDENCE DAY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. DORNAN of California. Mr. Speaker, I rise today to express my support for the 69th anniversary of the Declaration of Independence of the Republic of Estonia. Today, I join my colleagues in an expression of celebration and concern.

On this day we pay tribute to our Estonian friends and reaffirm our support for their exiled Government. Like the Latvians and Lithuanians, millions of Estonians now live under the yoke of foreign subjugation—there very nationhood stolen from them by the evil designs of the Soviet empire. The courageous effort of the Estonian people to maintain their national identity and patriotism should be an inspiration to all peace-loving societies of the free world. They are an important link between freedom fighting movements around the world.

Mr. Speaker, I submit for the RECORD a statement issued by the Estonian American National Council regarding the Soviet aggression against the Baltic States and the continued suppression of the national and human rights in Estonia, Latvia, and Lithuania. Please join me in saluting the people of Estonia on their February 24 tradition. My only hope is that in the near future we will be able to celebrate this day in a truly free republic.

The material follows:

ESTONIAN INDEPENDENCE DAY STATEMENT

On February 24, 1987, Estonian Americans and people of Estonian ancestry everywhere in the world—except in their own native homeland—solemnly and publicly commemorate the 69th anniversary of the declaration of independence of the Republic of Estonia in 1918. In Estonia itself, the people can celebrate only in their hearts, although some individuals nevertheless defiantly engage in acts of patriotism and incur the wrath of the Soviet secret police, the KGB.

Estonian Independence Day is a time for Estonians to renew their faith in God, in the goodness of mankind, in the belief that justice will triumph in the end. It is a time for all Estonians living in the Free World—young and old alike, even those who have never even seen Estonia—to declare their solidarity with their brothers and sisters behind the Iron Curtain and to reaffirm that we are one people, no matter how the currents of history may have carried us to the far corners of the world.

This is also a time for Estonian Americans to give thanks that we are able to enjoy living in freedom with the many rights, privileges and responsibilities which a democratic system of government provides. In Estonia today, the freedom to communicate is severely restricted; even the mail is censored. There are no free and open elections. Trials are mostly for show, as evidenced by the occasions when verdicts and sentences are inadvertently published before the trials are even completed. Religious expression is harshly restricted; parents may not even take their school-age children to church. Church membership, although technically permitted, may result in loss of employment.

The fate of Estonia serves as an important lesson. Afghanistan is but a recent example that the Soviet Union has not changed its ways since its troops first marched into the peaceful, democratic, and neutral Republic of Estonia in June, 1940. The night of June 13, 1941 remains indelibly etched on the minds of Estonians—it was then that more than 10,000 men, women, and children were herded into boxcars and shipped to Soviet slave labor camps in the Gulag. The Soviets carried out other such mass deportations in the Baltic States during and after World War II.

The horrible memory of these mass deportations was rekindled only this past summer, as reports filtered out that Soviet authorities had forcibly conscripted hundreds of Estonians, often in the middle of the night, to clean up the area near the Chernobyl nuclear power plant disaster. When some of these conscriptees revolted against the inhumane working conditions and the lack of the most elemental safety gear at the site, a number of them were shot to death by the Soviets.

The Soviet Union continues to engage in cultural genocide with its russification and sovietization programs. Estonians are being sent to various parts of the Soviet Union and Russians and other nationalities are being sent into Estonia. In Tallinn, the capital, only about 50 percent of the people are Estonians.

The Soviets are doing everything in their power to destroy the identity of the Estonian people, as individuals and as a group. On July 30, 1940, President Konstanin Pats was taken to parts unknown by Soviet forces. Nearly 40 years later three messages, written by him while imprisoned in a Gulag concentration camp, finally reached the Consulate General of Estonia in New York. President Pats wrote, "I am . . . being subjected to degradation in every way and my life threatened . . . [A]ll my personal belongings which I had along with me have been taken away. I have even been refused to use my own name. Here I am only No. 12." President Pats' words have been echoed recently by leading Estonian dissident Mark Niklus, who was sentenced to ten years in a labor camp plus five years exile for demanding independence for the Baltic States on Aug. 23, 1979, the 40th anniversary of Stalin's secret protocol with Hitler. Despite being championed by Andrei Sakharov, Mart Niklus has not been heard from since an April, 1986 letter to his mother which he signed, "From your son, who is buried alive".

While under Soviet subjugation, the entire Estonian nation is "buried alive". Creative freedoms in all fields of artistic endeavor are severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. The historical record of the Republic of Estonia during its brief period of independence was a proud one including universal suffrage, eight-hour work days, land reform, laws protecting the rights of religious and cultural minorities, and significant contributions in the fields of art, music, literature, science, and sports. Today that record of achievement is continually attacked and denied by Soviet historical revisionism and disinformation, much of this aimed also at political refugees from communism who fled to the West. Estonian Americans, therefore, are very concerned that the United States Government maintain a steadfast, consistent, and logical position regarding the status of Estonia, Latvia, and Lithuania as countries occupied illegally, in blatant violation of international law. Most Western nations continue to refuse to accord *de jure* recognition to Soviet rule in the Baltic States.

In marking Estonian Independence Day, Estonian Americans, Estonians in their occupied homeland—indeed, Estonians and their friends all over the world—reaffirm the dream of restoration of sovereignity, of political and human rights, of freedom from Soviet oppression, and of the universal right of self-determination. These aspirations are shared by freedom-loving people and their governments everywhere. Elagu Vaba Eesti! [Long live Free Estonia!]

MR. HORACE DUNAGAN, JR.

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. EMERSON. Mr. Speaker, on February 4, southeast Missouri—and particularly, the community of Caruthersville, MO—lost a true friend, and a true civic leader: Mr. Horace Dunagan, Jr.

With Mr. Dunagan's death, we mourn the passing of one of those special individuals who defines with deeds the ideals of civic responsibility, selfless giving, and pride in one's community.

A World War II veteran, Mr. Dunagan was, at the time of his death, chairman of the board of the First State Bancorp, Inc., president of the First State Bank of Caruthersville, and chairman of the board of the Bank of Hayti, MO. Active in professional organizations, he served as both president of the Missouri Bankers Association and national president of the Bank Administration Institute.

Similarly, Mr. Dunagan was a long-time leader in a wide range of community development efforts and civic activities—striving always to help improve the quality of life for his friends and neighbors in Pemiscot County. Also, he was a long-standing member of Rotary International.

I could go on and on, Mr. Speaker, but I will simply say that Horace Dunagan was one of those rare people who take it upon themselves to address not just their own needs, but the needs of their communities, their neighbors, and their friends. As we in this Chamber know, it is because of such individuals that communities across the country prosper, life improves, and the future brightens.

In that sense, while the death of Horace Dunagan, Jr., Is indeed a great loss, his life was filled with the kind of giving that far outlasts his physical presence among us.

STATEMENT BY PRIME MINISTER EDWARD SEAGA OF JAMAICA BEFORE THE JAMAICAN PARLIAMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. RANGEL. Mr. Speaker, the Prime Minister of Jamaica recently described to the Jamaican Parliament the efforts being made by his country against drug trafficking in his nation. Considering the seriousness of the problem throughout the region, I welcome the forthright commitment contained in the Prime Minister's remarks and am pleased to share these with my colleagues as an indication of the kind of leadership we are beginning to see in the Caribbean to assist our national efforts to stem the flood of narcotics into the United States.

Our allies in the Caribbean and throughout the region are beginning to realize that we have a shared problem, and this promises better cooperation and more effective law enforcement against the drug plague.

STATEMENT TO PARLIAMENT BY PRIME MINISTER, THE RT. HON. EDWARD SEAGA, TUESDAY, DECEMBER 9, 1986

Mr. Speaker, members of this honorable House will be aware that over recent months the problems of drug trafficking and drug abuse have been coming into increasingly sharp focus in our national life.

This is first because Government has consistently accorded the highest priority to stemming what threatens to be an escalation of both problems in our society, and, to the maximum extent permitted by our resources, to eradicating both these scourges from our island.

This Government has over the years taken the position that the production of illicit drugs, drug trafficking and drug abuse, pose a serious threat to the very life of our young nation, and must therefore be combated, contained, and increasingly eradicated if we are to aspire to a better quality of life for all our people.

In the area of drug abuse, it is now well established that marijuana or ganja has the capability of not only destroying the moral fibre of our society, but also of so affecting the individual as to result in a cumulative devastating effect on the society as a whole, if it is allowed to take root particularly among the youth of the country.

In the Jamaican experience ganja has been shown to have several clinical effects which have been confirmed by studies elsewhere.

At the level of the individual these include damage to lungs giving rise to a chronic bronchitis syndrome, emphysema, impotence in young males who have used ganja for upwards of five years on a regular or irregular basis; lowering of blood sugar similar to the effects of an overdose of insulin; spasms of the arteries of the heart, leading to painful attacks as in angina; increase of the heart rate; and gastric or stomach bleeding commonly associated with over indulgence during "crop time" and the harvesting of ganja.

There are also the psycho-social effects which include loss of ambition, loss of drive, loss of motivation and drifting generally; loss of interest in school work, sports, and work projects generally; declining class work achievement; short-term memory decay and loss of memory; and illusions as regards time, space and orientation.

Needless to say, all of the foregoing effects of ganja lead to family conflicts, conflicts at school and at the workplace, loss of self-esteem and self-neglect, and it is an all too easy step into serious involvement with crime and with other drugs such as cocaine.

It should be noted that some 40 per cent of admissions to the Bellevue Hospital suffer from recurrent psychoses induced by use of ganja, and that studies conducted have shown that in terms of genetic effects, babies born to ganja smoking mothers are at least two pounds lighter in birth weight. University studies also show a tendency towards limb and other deformities among rats exposed to ganja.

Multiplied on a national scale the potential impact on national health and productivity is frightening, and the Government has been seeking to address this aspect of the problem through the work of the National Drug Abuse Council.

There is no aspect of our national life that is impervious to the serious damage which results from the illicit production of narcotics and from drug trafficking.

At a time when so much of our economic recovery and development depends on increasing our foreign exchange earning capacity through the development of our exports and our tourism, we are already plagued by incidents which threaten to negate all the hard work and honest labour which have gone into the development of our export programmes and the improvement in both productivity and production to meet the demand for Jamaican agricultural and industrial products.

The expansion of our agricultural exports is already jeopardised by the discovery from time to time of consignments of ganja concealed in shipments of our products whether they are fresh fruits and vegetables, flowers, or canned agricultural products. Detention of such products at the ports of entry in overseas markets causes serious spoilage and is threatening the viability of expansion of agricultural exports in a situation in which there is no shortage of international competition in these markets.

Similarly, as we make inroads into the markets for our manufactured goods, the need to delay and even destroy increasingly significant quantities of such goods in the search for concealed shipments of ganja is threatening to dislocate and destroy what promises to be a bright future for the manufacturing sector.

Many have been the items of Jamaican furniture of the highest craftsmanship which, having found a lucrative export market, have had to be subjected to drilling or destruction of the upholstery with a view to determining whether they are being used as containers for illicit shipments of ganja. As this honourable House is well aware, there was also a recent case in which a shipment of cement was found to contain quantities of ganja.

Ganja is also at the root of a serious threat to our international transportation network. The national air carrier has recently had the experience of having two of its aircraft seized in the United States following the discovery of marijuana among the mail or passengers' luggage. These have since been recovered, at great cost, but if instances of shipments of ganja on aircraft leaving Jamaica continue, the time is fast approaching when Air Jamaica will be grounded and prevented from flying into the United States, and other airlines operating in Jamaica and suffering the same fate, will withdraw from these routes. In fact, Air Jamaica, as a result of the continuing fines for shipments of ganja has not received a license from the U.S. authorities. Similarly, certain shipping lines have served notice that they may be forced to withdraw their services from Jamaica as a result of the extent to which ganja has been placed on their vessels, leaving them open to seizure and liable to heavy fines when this illicit cargo is discovered in overseas ports of call.

Not only does drug trafficking impact on our international transportation system, but it also threatens our tourism industry by discouraging visitors from coming to Jamaica by being one of the main causes of complaints of harrassment according to surveys conducted in our resort areas.

In addition to the unquestionably overriding importance of ridding Jamaica as far as possible and as quickly as possible of ganja and other dangerous drugs and of the attendant socio-economic and political problems, there is now a particular problem in relation to our major trading partner and our major source of external investment, aid, and tourism earnings.

Just prior to its adjournment in October, the United States Congress passed, and President Reagan signed into law, the Drug Enforcement and Control Act of 1986 ("the drug bill") which embodied legislation intended as a response to the drug problem, now regarded as one of the highest priority issues in that country.

Under the drug bill, countries which produce large amounts of illicit drugs, in part for export, are liable to be cut off from any and all U.S. programmes designed to assist their economies. Under the international narcotics control section of the bill, for example, fifty per cent of U.S. foreign assistance to any country shall be withheld if that country is classified as a "major illicit drug producing country." In addition, the United States will vote against any loans by the multilateral development banks, such as the World Bank, the Inter-American Development Bank and IMF, to "drug-producing countries." Also, the President will not be permitted to provide any preferential tariff treatment for products from those countries under programmes such as the Caribbean Basin Economic Recovery Act, the CBI, and the generalized system of references. In effect this would have the horrible and far-reaching consequences to any economy by drastically curtailing its programmes of aid, loans and exports.

This honorable House will also be aware of the environmental problems which are increasingly being created as forests have been cleared to grow ganja, leaving the mountains exposed to erosion and loss of valuable top soil.

Mr. Speaker, over recent months there has been an intensification of the ganja eradication campaign and a strong drive has been launched against the growing of ganja on both small and large areas of land islandwide.

To date, eradication has been effected by means of hand or mechanical cutting using machetes or motorized brush cutters. We are, however, faced with the problem that while manual eradication by cutting ties up significant numbers of our security personnel for long periods and requires a re-development of already scarce resources, we are in danger of losing ground in terms of destroying the ganja production available for trading, given the recent rapid expansion of cultivation.

Accordingly, if the eradication campaign is to have the desired impact, manual and mechanical destruction of the ganja crops will now have to be complemented by chemical eradication.

After the most careful consideration the Government has decided to proceed with a controlled programme of spraying, utilizing the systemic herbicide "Round-Up," a glyphosate which has since 1971 been licensed for use in Jamaica as a herbicide, harvest aid and a ripening agent in the cultivation of sugar cane. Being a specific wide-spectrum herbicide, "Round-Up" has also been used since the 1970's in the cultivation of tobacco and coffee.

This herbicide, well known to the Jamaican agricultural sector, is certified by the appropriate health authorities to be even less harmful than table salt and, therefore, poses no threat whatsoever to the health of humans or animals.

Glyphosate is the only chemical which will be used in Jamaica for marijuana or ganja eradication and will only be applied by back-pack spraying and not aerial spraying, which is another method of application employed in similar circumstances in other countries.

The objective will be to spray the fields of immature ganja well in advance of harvesting and to ensure that the possibility of damage to adjacent foliage is avoided.

Much more care will be employed in this campaign than is usually the case in the use of this chemical in spraying cane, coffee, tobacco or other crops in Jamaica.

Mr. Speaker, in the never-ending battle being waged against the growers and traffickers, the rate of destruction of illegal airstrips has been escalated and security measures at our seaports and airports are being constantly tightened and upgraded. Notwithstanding that as we are all painfully aware, there is still a dangerous flow of drugs taking place.

Hence, to further support the eradication campaign which I have outlined, legislation is also being completed to ensure that any vehicle which is involved in the transportation of dangerous drugs by land, air or sea will be seized and subject to forfeiture in instances of conviction. In the event that the convicted person is not the owner of the vehicle, the fine for its recovery will be at least one and a half times the value of the vehicle, whether it be ship, aircraft or any form of motorised vehicle.

Legislation is also being drafted which, in instances where fines are appropriate, will relate the levels of the fines for possession or trafficking in dangerous drugs to the weight and nature of the drug involved, taking into account the prevailing price or market value at the time that the offence is committed. Hence if the weight in ganja is 100 lbs. and the fine for trafficking is $500 per ounce, the total fine would be $800,000.

However, as soon as one set of loopholes are closed others are opened as the so-called "ganja barons" wield their corrupt influence in various sectors of the society.

Nevertheless, Mr. Speaker, I am pleased to be able to report to this honorable House today that the excellent work of the security forces has begun to pay dividends.

Indeed, four of the top ten "ganja barons" are now behind bars awaiting trial.

As Government we have a duty not only to protect each and every member of our society but to protect the country as a whole from becoming a nest infested with dealers who will stop at nothing in their drive to corrupt the country, every facet of its life, its security, its system of justice and politics and anything which will stand in their way.

As Government we are committed to safeguarding the best interest of Jamaica and to protecting the health and well-being of the society, our export trade whether in agricultural or industrial products and our tourist industry to do this we have decided to get to the very root of the problem by intensifying the programme to eradicate ganja at the point of growth and to cut off the trade in, and use of, cocaine and other dangerous drugs.

In this endeavour we know that we can count upon the support of every well-thinking man, woman and child in Jamaica, for without a total national effort in this drive there will be little future for our country. Let those who will stand up, stand up now and be counted. Let there be no further talking from two sides of the mouth, no hypocrisy, and no dealings with the corrupt dealers who wreck the lives of our children and the future of our country.

Let there be no befriending of dealers in dangerous drugs of one sort or another, for one reason or another lest those who ride that tiger find that they dare not dismount.

TRIBUTE TO MAYOR JOE MORRIS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. JONES of Tennessee. Mr. Speaker, I rise today to pay tribute to Mayor Joe Morris of McKenzie, TN, who died suddenly only a few days ago. Mayor Morris was the epitome of public service. He was first elected to office only 5 years ago, but immediately set about trying to improve his city.

During his short tenure as mayor, Joe Morris began the enormous tasks of reorganizing city departments, improving wastewater treatment facilities, expanding recreational facilities, and seeking new jobs for McKenzie's citizens through industrial development. In short, he was what many people call an activist officeholder.

Sometimes he was successful in achieving his goals and sometimes he wasn't. Most importantly, he wasn't daunted by the obstacles facing his determination to improve his city. He saw its needs and despite the setbacks that are inevitable in any endeavor that requires changes, he fought to meet those needs. The city of McKenzie is better off for his work on behalf of all its citizens and it will miss his hand on the helm of city hall.

Joe Morris was a man who set goals and then pushed ahead to achieve them. In doing so, he reinvigorated local government at a time when the city was facing loss of jobs due to factory closings. He has left his successor a big job to finish but with the fresh memory of his abiding commitment to making McKenzie a better place to live, there is no doubt that job will be finished.

AN UNKNOWN DIMENSION OF DR. MARTIN LUTHER KING, JR., "REMEMBERING A MAN WHO LAUGHED"

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. STOKES. Mr. Speaker, I would like to bring to the attention of my colleagues an article by Baltimore Sun columnist Roger Simon, which appeared in the January 29, 1987, edition of the Cleveland Plain Dealer. It describes a little-known dimension of the great American, Dr. Martin Luther King, Jr., that is both illuminating and instructive.

[From the Cleveland Plain Dealer, Jan. 29, 1987]

REMEMBERING A MAN WHO LAUGHED

(By Roger Simon)

I watched all the specials and the news shows, the grainy black-and-white film that somehow looks more historical, more "real" than the color tape they shoot today.

I watched it all and there seemed to be something missing. Something I learned a few years ago from a daughter who had lost her father when she was just a little girl:

When men become great, they often cease to be men. They become leaders of a cause, symbols of a movement. They become larger than life.

And when we remember them, we remember their grand moments. We remember their speeches, their struggles, their tears.

But we never remember their laughter.

I had gone down to Atlanta to interview Yolanda King, eldest child of the Rev. Martin Luther King Jr. She is an actress and director of cultural affairs for the Martin Luther King Jr. Center for Non-Violent Social Change. We met in the courtyard of the center, in front of a reflecting pool.

She doesn't give a lot of interviews anymore and I don't blame her. She was 12 when her father was killed, and few stop to think that she lost more than a symbol and a leader. She lost her daddy. And she lost him in a sudden, shocking, violent way. And few people ever stop to think about that.

History does that to you. We think about the sweep of time, the events that change the world. We rarely stop to think about daddies and daughters.

The King center, as you might expect, is filled with pictures of Dr. King. And in each one that I saw, he is serious, somber, unsmiling.

So my first question to his daughter was one that I apologized for in advance. I'm sorry if this sounds insensitive, I said, but didn't he ever laugh?

Yolanda King answered me by laughing herself, laughing so hard her corn-rowed hair shook. "He was a great joker," she said. "He told the funniest jokes I have ever heard. Most people don't know that. The photographers captured only the dramatic moments. It was the times, I guess. But I remember him as a very funny man."

We have all been seeing those dramatic moments on TV in recent weeks, as we see them each year at this time. The marches, the speeches, the great gatherings, the vast seas of people listening to his every word.

But at least one person, his daughter, remembers the other times.

"He would come home," she said, "and he would get on the floor and romp with us and roll around and Mother would come into the room and say: "Stop, stop! You're going to break something." And then we'd stop for a few minutes until she left and then he'd roll around with us again."

Yolanda King sat for a while at the edge of the reflecting pool and smiled. "He never spanked us, you know," she said.

It is something that never would have occurred to me. When you speak to the children of great men, you ask great things. You ask about the struggle and the trauma. You ask about the issues. You never ask things like: Did he spank you?

"He didn't believe in spanking kids," his daughter said. "Of course, maybe if he had been around us longer, he would have changed his mind!"

We both laughed at that, our laughter echoing around the courtyard. But in our laughter, there was that sudden stab of memory when she spoke the words "if he has been around us longer" and we remembered that he left his children when they were so young.

She went on: "He did spank us once, though. My sister and I had poured water down his ear while he was sleeping. We thought that would be very funny. He didn't think so."

She paused and said: "I remember the things that people don't think of when they think of him. I remember him telling me and my older brother about the birds and the bees. I remember the simple and honest way in which he did it."

And who thinks of that when we think of Martin Luther King Jr.? Who thinks of him being a father to his children? Some leaders talk about People and forget about people. Some talk about the Family and forget about their families. But King did not. His children are testimony that he did not.

"So when I think of Martin Luther King," his daughter said, "I think of the laughter. I think of the play and the fun."

And we should, too.

After all the fine words and brave speeches at this time of year are done, we should not forget that he was a man and a father and that he rolled around on the floor with his children.

We should remember his words and his deeds. But we should never forget the laughter.

BAN THE USE OF SOUTH AFRICAN VESSELS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. LELAND. Mr. Speaker, I rise to urge my colleagues to join me in support of a resolution being introduced today to ban the use of South African vessels in the transportation of U.S. Government food assistance. Sixteen colleagues have joined me in this effort to ensure that our Nation's assistance to countries suffering from food deficits not support the repressive policies of the South African Government.

Mr. Speaker, I believe it is highly inappropriate for our humanitarian relief program to support, in any way, whether directly or indirectly, the policies of the current South African Government. The Congress put itself strongly on record last year in opposition of the repressive and inequitable policies advocated in Pretoria. The resolution which we are introducing today will emphasize the importance this distinguished body attaches to fulfilling both the letter and the spirit of that congressional initiative.

I call on my colleagues to join with me in calling for the prohibition of the use of South African owned, chartered, or controlled vessels to transport agricultural commodities provided by our Food for Peace Program. It would be ironic indeed if our food shipments, sent to assist people in the countries bordering South Africa who are currently suffering from the repressive tactics of that government should indirectly assist the regime in Pretoria.

NEEDED SERVICES TO OUR SENIORS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. WYDEN. Mr. Speaker, I'd like to call your attention to an article that appeared in yesterday's New York Times. The article describes a volunteer service credit program that allows seniors to receive credits for volunteering that they can cash in for similar services at a later time. The Washington, DC, program described in the article allows any senior citizen to receive credit for services they render to other seniors.

Mr. Speaker, last month along with original cosponsors Mr. PAT WILLIAMS and Mr. BILL GOODLING I introduced H.R. 907, the Volunteer Service Promotion Act of 1987. The bill requires the Administration on Aging to set aside funds from its demonstration project account to further promote the development of these exciting volunteer programs.

The programs represent a fresh, creative way to get needed services to our seniors. In a time of record budget deficits and high inflation in the health care sector, we should tap into the greatest resource we've got—people dedicated to serving others. I hope my colleagues will read this excellent article and join me in sponsoring H.R. 907.

The article follows:

PROGRAM ALLOWS ELDERLY TO BARTER FOR SERVICES

(By Kathleen Teltsch)

WASHINGTON, February 19.—Seventy-year-old Ella Amaker and 73-year-old Leona Downs need each other.

Mrs. Amaker, a retired government worker, does household chores for Mrs. Downs, who can move about only by leaning on a walker. Mrs. Downs a widow who says she is allergic to nursing homes, is able to drive a car and proudly says she "helps a lot of folks worse off than I am." Her battered eight-year-old sedan is available when Mrs. Amaker has to make a trip to the doctor.

Neither woman pays the other for her help. Both are participants in a program, the Service Credit Volunteer System, that lets the elderly "purchase" needed assistance by exchanging services. The program is one of a growing number of such experiments around the country intended to help the elderly and disabled to live comfortably in their homes instead of medical institutions.

It operates much like a blood bank. Participants who perform chores receive service credits that are banked and can be tapped in time of need. Anyone over 65 is eligible to participate regardless of income and many are both donors and recipients. Friends or family members can also earn credits and transfer them to someone's account. A computer records the service credits earned and a small staff matches the requests of those who call for aid and donors volunteering to help.

IMAGINATIVE USE OF RESOURCES

Similar low-cost operations, financed by private and government money, have sprung up in eight states. They are regarded approvingly by some gerontologists as an imaginative way to use the resources of a growing number of older Americans.

The project here at the Greater Southeast Community Center for the Aging, in the lower-income neighborhood of Anacostia near the Maryland border, now has only 50 people listed in its computer but organizers say it may handle hundreds more once it gets rolling. The City Council for the District of Columbia, which endorsed a three-year trial last year, has guaranteed to provide back-up services to those who earned credits if the volunteer system fails.

The model for the program was developed by Edgar S. Cahn, a 51-year-old lawyer who is a consultant for the Robert Wood Johnson Foundation, the country's largest philanthropy involved in improving the delivery of health service. The foundation, based in Princeton, N.J., earmarked an initial $1 million to support five service credit operations for the elderly or disabled Organizers of the Washington project expect to be among them.

Jeffrey C. Merrill, a vice president, said the foundation was attracted because there are 30 million Americans over 65 and perhaps a fifth could profit from such a project. These include people whose income is too high for government assistance but who cannot afford to pay for needed services.

Meanwhile, the Ford and Rockefeller Foundations have given grants to Mr. Cahn to adapt his concept of service credits for child-care, housing renovation or job training.

"TOO IMPORTANT TO IGNORE"

He also has received grants from the Villers and Field Foundations, the April Trust and the Eugene and Agnes E. Meyer Foundation. David M. Nee, director of the Burden Foundation, another supporter, calls Mr. Cahn's idea "experimental but too important to ignore."

Mr. Cahn brings a varied background to the project. Along with his wife, Jean, he was a co-founder of Antioch School of Law; he is the author of a controversial study about hunger in the United States, and he has been a litigator for the poor, suing the Department of Agriculture on behalf of food-stamps recipients in Alabama and the City of Washington over standards for homes for mentally retarded children.

He acknowledges that his ideas have made waves and that "a lot of people hate my guts." And he concedes that when it comes to service credits, there have been glitches in translating his theory into practice.

In Florida, for example, a volunteer aid program designed by Mr. Cahn for people 60 and over was approved by the State Legislature. But complications developed and a recent evaluation by the Department of Health and Rehabilitative Services concluded the program was overly ambitious to provide service credits on a state-wide basis. The Florida law now is being reviewed and Mr. Cahn was asked to suggest changes.

Even with this experience, the concept has continued to win adherents and various models are being devised or tested in California, Missouri, Oklahoma, Massachusetts and other states.

SHIRT OFF BACK

The Washington undertaking is regarded widely as one of the pioneer ventures. Barry A. Passett, president of the Greater Southeast Community Hospital Foundation, which is sponsoring the project, likes to say he has given it the shirt off his back—literally.

Attending a meeting of health advisers, hospital administrators and authorities on the aging, called by Mr. Cahn in Florida, Mr. Passett says he sensed the protracted theoretical discussions on the Cahn doctrine were producing mainly glazed eyes.

Ripping off his jacket and shirt, Mr. Passett stripped down to a bright green T-shirt with the message: "I believe in service credits."

The community health center headed by Mr. Passett has provided $100,000 toward the start-up costs. He says spending that much is not a high-risk venture for an institution with a $140 million annual budget. The experiment is justified by the center's aim, he maintains, of "trying to bring quality health services to an area where thousands of the elderly endure an encapsulated existence, isolated and often living in fear."

SUPPLEMENT, NOT SUBSTITUTE

Mr. Passett and the gerontologists supporting the concept emphasize that such programs are not supposed to be a substitute for government-supported professional medical care or other services. Rather they see it as a valuable supplement.

Dr. Scott Bass, director of the Gerontology Institute at the University of Massachusetts, who sees service credits as a way of updating ancient practices of bartering, argues that it fits the changing role of old people. "It is a key in utilizing older people who are not elderly and are searching for a role to continue contributing to society," he says.

Dr. Robert Morris, former president of the Gerontology Society of America and a leading authority on social welfare strategies, said he was initially skeptical but became convinced that "many old people, as well as others, welcome the chance to signal they can do valuable work, even without earning money."

A recent national survey by Louis Harris for the Commonwealth Fund Commission on Elderly People Living Alone reported that 25 percent of the respondents said they favored service credits and would contribute nine hours weekly.

The program here in Washington was designed more modestly than the Florida venture, focusing on a single community. Volunteers are trained to offer homemaker help, but not nursing. They do minor repairs but do not substitute for a licensed plumber.

DISAPPOINTING "TRICKLE"

Mr. Cahn admits the first three months of operations have been disappointing because the volume of participation was low—"a trickle." Moreover, there have been many more volunteers offering help than requests for assistance, according to Bernard Veney, a consultant in the project.

Both agreed that making contact with the home-bound elderly has proved more difficult than expected. So far contacts have been made by word of mouth, supplemented by visits to senior citizens' centers.

However, they say this may improve because of a new $17,000 grant from the Meyer Foundation that will establish links with the Southeast Vicariate Cluster, a consortium of 14 churches. The churches offer a large network of services to the community and should be able to increase recruitment of 80 to 100 volunteers, said V. Fay Mays, the consortium's executive director. The ministers are also in a position to encourage the home-bound elderly to participate.

Among the participants in the program are Clarence Williams and his wife, Grace, who live comfortably in an attractive home surrounded by a half-acre garden that was looked after by Mrs. Williams, an award-winning gardener, until arthritis made the work difficult.

When she called for help, teen-agers mowed the lawn, cut down dead trees and clipped hedges. Her husband earned service credits by helping with a slide show about service credits.

"I can help, too, by teaching people who cannot read, or tutoring youngsters," said Mrs. Williams, who is a retired teacher. "That's what this program is about and they have ding-donged it into me that people should not hestiate to ask for help or be too proud."

MARIANNE LAVELLE HONORED FOR OUTSTANDING EDUCATION REPORTING

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. RITTER. Mr. Speaker, as a former educator, I know the importance of good reporting by the news media on educational issues. It seems we often hear of the U.S. education system's failings—failing test scores, school discipline out of control, college students in need of reading and writing remediation and, therefore, it's great to get the good news now and then as Marianne Lavelle reports it.

However, we all agree it is critical to have objective reporting that leads to a better understanding of these educational shortcomings in order to seek solutions to these overriding problems. Mr. Speaker, in this regard, I can point with pride to Marianne Lavelle, a columnist with the Easton Express located in my district, who was one of 36 writers across the country honored for outstanding education reporting.

Her column, "On the Road to Dismantling Imaginary Walls," was selected for the Benjamin Fine Award at the recent convention of the National Association of Secondary School Principals. Under unanimous consent, I include the February 8, 1987, article from the Easton Express concerning her national award:

[From the Easton (PA) Express, Feb. 8, 1987]

EXPRESS COLUMNIST A NATIONAL WINNER

Marianne Lavelle, education writer for The Express, was one of 36 winners across the country in the sixth annual Benjamin Fine Awards for outstanding education reporting, sponsored by the National Association of Secondary School Principals.

Her column, "On the Road to Dismantling Imaginary Walls," was judged top in the editorial/column category for newspapers with a circulation of 100,000 or less.

The award was announced at the principals' association convention in San Antonio, Texas today. Benjamin Fine awards recognize reporting that leads to a better public understanding of education.

Lavelle's column, "On Education," appears every other Tuesday in the Living section of The Express.

Lavelle, 26, of Forks Township, joined The Express as education writer in June 1985.

She previously spent two years with United Press International, as general assignment reporter in Philadelphia and as state government reporter in Trenton.

A native of Lehighton, Pa., she graduated from Columbia University's Graduate School of Journalism in 1982 and from Villanova University in 1981.

She won awards in column writing, home and family reporting and sports reporting last year in the Better Newswriting Contest sponsored by the Pennsylvania Women's Press Association. Lavelle won first-place awards for editorial writing from the Pennsylvania Collegiate Press Association in 1979 and 1980, when she was editor of Villanova's student newspaper.

MR. YOSH UCHIDA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. MINETA. Mr. Speaker, I am pleased to take this opportunity to salute a great American and a good friend, Mr. Yoshihiro Uchida. Yosh is a recent recipient of the Order of the Sacred Treasure, gold rays with neck ribbon, awarded by the Emperor of Japan for his outstanding contributions and dedication to the introduction and promotion of judo in the United States

Due in great part to Mr. Uchida's efforts, judo is a household word in the United States. Since the early 1950's, he has worked tirelessly toward the development of organized judo in America. He has arranged several judo competitions and has taken several university judo teams to Japan for exhibitions. Yosh has worked at all levels of the sport, and in 1964 he was selected as coach of the U.S. Olympic Judo Team.

Though his involvement in judo spans nearly four decades, it is just one indication of his commitment to our community and our Nation. As a long-time professor at San Jose State University, Yosh taught countless young men and women. He both imparted knowledge and earned his students' respect.

He belongs to a host of professional organizations including Rotary International, the American Association of Bioanalysts, the Japanese American Citizens League, and the U.S. Chamber of Commerce. He has served on the Santa Clara County Grand Jury, as president of the Pacific Association of the Amateur Athletic Union [AAU], and as president of the National Collegiate Judo Association. Among his numerous awards are citations from the California State Assembly, the Phi Kappa Phi Honor Society at San Jose State University and from the National Conference of Christians and Jews as the recipient of the Martin Luther King, Jr., Good Neighbor Award.

In addition, Yosh is a man of impeccable integrity and character. He has always been quick to offer his friendship and counsel, and he is a devoted family man. As a consequence, he stands tall in stature in our community.

Indeed, Mr. Yoshihiro Uchida has devoted a lifetime to his community and our Nation. In light of his achievement, I respectfully request that my esteemed colleagues in the House of Representatives join me in saluting him and offering our best wishes for continued success in the years to come.

THE FEDERAL ROLE IN HIGHER EDUCATION

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. BOEHLERT. Mr. Speaker, the chairman of the American Council on Education, Mr. Frank H.T. Rhodes, is also president of Cornell University, which is located adjacent to my congressional district. As the 100th Congress gets underway I feel the following essay will be valuable to my colleagues.

I submit to the RECORD the enclosed essay.

[From the Higher Education & National Affairs, Nov. 3, 1986]

THE FEDERAL ROLE IN HIGHER EDUCATION

(By Frank H.T. Rhodes, President, Cornell University, Chairman, American Council on Education)

When the ironies and inconsistencies of our age are recorded, one of the most startling will surely be our questioning of the federal role in higher education while lamenting our inability to compete in the markets of the world.

If, as John Gardner has observed, modern societies run on talent, it is imperative that the United States make quality education a priority for all our people, beginning in the early school years and extending for a lifetime. For increasing numbers of our citizens, 12 years of formal schooling, completed before adulthood, will be inadequate to ensure a lifetime of economic productivity, civic commitment, and personal fulfillment.

That is why education, and especially higher education is not just another special interest seeking to muscle itself into a favored position at the public trough. Federal support for higher education is motivated not by simple charity but rather by the need to meet more encompassing national goals, many of them economic. Federal support represents not beneficent magnanimity, but enlightened self-interest.

More than a century ago, Adam Smith wrote, "The skill, dexterity, and knowledge of a nation's people is the most powerful engine of its economic growth." And since that time the federal government, through its support of higher education, has proved Smith's contention again and again.

We must be especially concerned that college enrollments of some minority groups, who will comprise a full third of the population by the year 2000, already are dropping. For example, in 1978 the percentage of blacks enrolling as full-time under graduates peaked at 10.6 percent. Since then, there has been a gradual but steady drop each year, down to 8.8 percent in 1984. At the graduate and professional level, the picture is even more bleak. Although blacks make up 12 percent of the U.S. population, they only receive about 5 percent of doctoral degrees annually. In 1984, 1,049 blacks received doctorates, but over two-thirds of these were in education and the social sciences. Of the remaining Ph.D.s granted, only 15 were in engineering, 13 in business administration, and 3 in computer science.

Without an explicit federal commitment to both access and choice, we face a massive waste of the human capital essential to our economic competitiveness.

A second area where federal support of higher education serves the broader goal of economic competitiveness is in its funding of university research. Part of the federal challenge is to bring together the expertise and resources of industry and academe to address topics vital to the national interest. The United States currently spends only about 1 percent of its research funds to promote industrial growth, while Japan spends 13 percent and West Germany spends 14 percent. We can and must do better.

The federal government also has the principal responsibility to fund research of a more speculative nature. The primary purpose of basic research is not development of a product or process, but a long-term investment in knowledge and the people who can put knowledge to work. The nation's technological and scientific leadership is under assault from foreign countries that are reaping the rewards of heavy investment in basic research. The leadership of the current Administration in making basic research a priority funding area must be sustained if the United States is to maintain the scientific and technological superiority that has fueled our economic growth for a generation.

Both research and advanced training depend for their success on appropriate physical facilities. Fully one-third of higher education's physical facilities were built before 1950, however, and on average university research equipment is twice as old as comparative equipment in industry. We need a partnership between the federal government, the states, research universities, and the private sector to rebuild the infrastructure upon which first-quality research and teaching depend. For these, in turn, are the foundation of the pyramid of progress.

Of course, the federal deficit still looms large, and financial stringency remains the order of the day. But higher education's role in securing our economic competitiveness and, more generally, in undergirding our way of life argues persuasively for greater, not less, federal support.

Federal support of higher education has never been a form of charity or a political plum with which to appease a particular political constituency. Rather it has been a way to advance more encompassing goals of economic vitality, national security, equal opportunity, societal progress, and personal fulfillment. In an era of intense international economic competition, when all those things are threatened, federal support for higher education is a more prudent investment than ever.

THE THIRD WORLD'S UNBEARABLE BURDEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. RANGEL. Mr. Speaker, I would like to bring the following op-ed piece from the New York Times regarding the current difficult, almost hopeless situation facing developing Third World nations to the attention of my colleagues. Struggling bravely with the unsupportable burden of mounting foreign debts, these nations are severely handicapped in their efforts to promote internal growth and development. Mr. Alpern and Mr. Emerson bring to light a crucial issue: "Solving the debt problem may be the most important first step for the survival of democracy in the developing world."

[From the New York Times, Feb. 7, 1987]

MAKING LIFE EASIER FOR DEBTOR NATIONS

(By Alan N. Alpern and Peter V. Emerson)

With all the attention given the world debt crisis, we are no closer to a solution today than yesterday. Debtor countries that must allocate scarce resources and export earnings for debt service cannot generate new capital investments. This leads to a decline in standards of living, political and economical instability, drug trafficking, illegal emigration, escalating insurgency and increased capital flight.

What makes all this particularly regrettable is that in the last seven years 10 Latin countries have overthrown totalitarian regimes for democratic institutions. Yet these new democracies will find it almost impossible to survive under current conditions.

In the United States, the consequences are also dangerous, from the flow of drugs to illegal immigration to a loss of confidence in the stability of our banks and other major financial institutions.

The problem is simply stated: debtor countries cannot co-exist with existing debt service; the world's commercial banking structure cannot co-exist with substantial writedowns of troubled foreign loans, which are dangerously large in relation to the banks' capital.

For debtors, the existence of principal and interest obligations that cannot be met under any reasonable scenario of economic event undermines their ability to finance commerce and to encourage capital investment at levels sufficient to maintain the per capita gross national product. It also encourages capital flight and leads to various proposals, some more sensible than others, for unilateral action.

These range from unilateral renunciation of the debt, as proposed by Fidel Castro; "capping" interest rates at 6 percent, as suggested by Mexico; and limiting debt service to a percentage of export earnings, as supported by Peru and the Sudan. In addition, a bill in Congress calls for an unspecified reduction in the debt load of debtor nations, while the United States Treasury is content to perpetuate the problem by lending fresh funds to the debtor countries (adding new debt to old) to permit them to keep up interest payments while allowing the banks to preserve the value of the loans on their books.

Unlike private debtors, governments simply have no established alternatives—no "Chapter 11" bankruptcy—to give them relief and an opportunity to "stay in business." On the other hand, countries cannot, and will not, be liquidated. Sooner or later, many of them will default or declare moratoria or make unilateral adjustments in their external debt positions. Therefore, responsible authorities and creditor banks must devise a plan before the situation becomes politically and financially chaotic.

The program might be known as the Good Neighbor Bond Program, and might contain the following key components:

First, countries could become eligible for certification as "good neighbors" by adopting progams generally thought to be wise—for example, a program to curb drug traffic or a program to discourage capital flight.

Second, debtor nations duly certified as "good neighbors" would be permitted to issue "good neighbor bonds" in exchange for part of its external debt and accrued interest. The bonds would bear interest as some fraction (perhaps 40 to 50 percent) of current rates, and there would be an extended period before repayments of principal would have to be made.

Third (and this is crucial, because there would have to be something about these bonds to make them attractive to potential purchasers such as American banks), Congress would pass legislation making interest on the bonds received by private sector banks in the United States free from Federal taxes.

This would also help the banks' balance sheets. Mexico's proposal to "cap" interest on existing debt at 6 percent for example, would require the banks to absorb substantial mark-downs in the value they now place on outstanding Mexican obligations. However, because the reduced interest from "good neighbor" bonds would be free of Federal tax to the recipient banks, responsible accounting authorities should allow the banks to carry the bonds at much higher values, protecting the stability of the commercial banking system. Finally, it's hard to see how principal could be repaid in any case, under current circumstances. Cutting the interest in half makes the ultimate repayment of debt at least a possibility.

Relieved of principal repayments for some time, and faced with far lower servicing charges, debtor nations would be in a stronger position to obtain improved trade arrangements and investment funds, lure back capital that has left and address economic and social problems. This new environment, in turn, would enhance their prospects for maintaining living standards.

In view of our massive budget deficit here at home, it may not seem altogether appropriate or timely to suggest that we give tax relief to the banks prepared to absorb the "good neighbor" bonds. But it's unlikely that the Treasury would absorb any real revenue loss. After all, "bad debt" losses incurred by United States banks would provide them with a tax shelter for years to come.

Solving the debt problem may be the most important first step for the survival of democracy in the developing world. As one New York investment banker has been quoted as saying: "Somehow the conventional wisdom of 200 million sullen South Americans sweating away in the hot sun for the next decade to earn the interest on their debt so Citicorp can raise its dividend twice a year does not square with my image of political reality."

ESTONIAN INDEPENDENCE DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. LIPINSKI. Mr. Speaker, today marks the 69th anniversary of the Declaration of Independence of the Republic of Estonia. Tragically, there will be no celebrations or observances in this Russian-occupied Baltic country, since the Soviet Union toward the end of World War II incorporated Estonia into its empire. It is gratifying for me to see that our own Nation has never and hopefully will never recognize the subjugation of the Baltic countries under Soviet rule. I would like to include in the RECORD the statement of the Estonian American National Council on this historic day:

ESTONIAN INDEPENDENCE DAY STATEMENT

On February 24, 1987, Estonian Americans and people of Estonian ancestry everywhere in the world—except in their own native homeland—solemnly and publicly commemorate the 69th anniversary of the declaration of independence of the Republic of Estonia in 1918. In Estonia itself, the people can celebrate only in their hearts, although some individuals nevertheless defiantly engage in acts of patriotism and incur the wrath of the Soviet secret police, the KGB.

Estonian Independence Day is a time for Estonians to renew their faith in God, in the goodness of mankind, in the belief that justice will triumph in the end. It is a time for all Estonians living in the Free World—young and old alike, even those who have never seen Estonia—to declare their solidarity with their brothers and sisters behind the Iron Curtain and to reaffirm that we are one people, no matter how the currents of history may have carried us to the far corners of the world.

This is also a time for Estonian Americans to give thanks that we are able to enjoy living in freedom with the many rights, privileges and responsibilities which a democratic system of government provides. In Estonia today, the freedom to communicate is severely restricted; even the mail is censored. There are no free and open elections. Trials are mostly for show, as evidenced by the occasions when verdicts and sentences are inadvertently published before the trials are even completed. Religious expression is harshly restricted; parents may not even take their school-age children to church. Church membership, although technically permitted, may result in loss of employment.

The fate of Estonia serves as an important lesson. Afghanistan is but a recent example that the Soviet Union has not changed its ways since its troops first marched into the peaceful, democratic, and neutral Republic of Estonia in June 1940. The night of June 13, 1941 remains indelibly etched on the minds of Estonians—it was then that more than 10,000 men, women, and children were herded into boxcars and shipped to Soviet slave labor camps in the Gulag. The Soviets carried out other such mass deportations in the Baltic States during and after World War II.

The horrible memory of these mass deportations was rekindled only this past summer, as reports filtered out that Soviet authorities had forcibly conscripted hundreds of Estonians, often in the middle of the night, to clean up the area near the Chernobyl nuclear power plant disaster. When some of these conscriptees revolted against the inhumane working conditions and the lack of the most elemental safety gear at the site, a number of them were shot to death by the Soviets.

The Soviet Union continues to engage in cultural genocide with its russification and sovietization programs. Estonians are being sent to various parts of the Soviet Union and Russians and other nationalities are being sent into Estonia. In Talinn, the capital, only about 50 percent of the people are Estonians.

The Soviets are doing everything in their power to destroy the identity of the Estonian people, as individuals and as a group. On July 30, 1940, President Konstantin Pats was taken to parts unknown by Soviet forces. Nearly 40 years later, three messages, writen by him while imprisoned in a Gulag concentration camp, finally reached the Consulate General of Estonia in New York. President Pats wrote, "I am . . . being subjected to degradation in every way and my life threatened. (A)ll my personal belongings which I had along with me have been taken away. I have even been refused to use my own name. Here I am only No. 12." President Pats' words have been echoed recently by leading Estonian dissident Mart Niklus, who was sentenced to ten years in a labor camp plus five years exile for demanding independence for the Baltic States on Aug. 23, 1979, the 40th anniversary of Stalin's secret protocol with Hitler. Despite being championed by Andrei Sakharov, Mart Niklus has not been heard from since an April, 1986 letter to his mother which he signed, "From your son, who is buried alive."

While under Soviet subjugation, the entire Estonian nation is "buried alive." Creative freedoms in all fields of artistic endeavor are severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. The historical record of the Republic of Estonia during its brief period of independence was a proud one—including universal suffrage, eight-hour work days, land reform, laws protecting the rights of religious and cultural minorities, and significant contributions in the fields of art, music, literature, science, and sports. Today that record of achievement is continually attacked and denied by Soviet historical revisionism and disinformation. Estonian Americans, therefore, are very concerned that the United States Government maintain a steadfast, consistent, and logical position regarding the status of Estonia, Latvia and Lithuania as countries occupied illegally, in blatant violation of international law. Most Western nations continue to refuse to accord de jure recognition to Soviet rule in Baltic states.

In marking Estonian Independence Day, Estonian Americans, Estonians in their occupied homeland—indeed, Estonians and their friends all over the world—reaffirm the dream of restoration and sovereignty, of political and human rights, of freedom from Soviet oppression, and of the universal right of self-determination. These aspirations are shared by freedom-loving people and their governments everywhere. Elagu Vaba Eesti! (Long live Free Estonia!)

ESTONIAN INDEPENDENCE DAY

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. BRYANT. Mr. Speaker, today marks the 69th anniversary of the establishment of the independent Republic of Estonia in 1918. This day should be a day of celebration in Estonia as are other independence days. However, Estonia is no longer independent; and no such observances can take place in Soviet-occupied Estonia.

Therefore, this day becomes one for all of us to remember that there are millions of people living in Estonia and other nations around the world who do not enjoy basic human rights—freedom of thought, expression, religion, and movement—that we all take for granted. On this day we pay tribute to such brave Estonian patriots as Mart Niklus and Juri Kukk, who dared to exercise the rights ostensibly guaranteed to them by the Soviet Constitution. And we pay tribute to all the people of Estonia for their courage in their continued struggle for freedom and self-determination.

During the brief 22 years that they practiced true sovereignty, the Estonians demonstrated what a small nation can achieve while enjoying a democratic way of life. Estonia made great progress in agriculture, industrial enterprise, and cultural achievement during those years. It became the first nation in the world to grant all its minorities cultural autonomy through Government-subsidized schools, theaters, and libraries. Its constitution was dedicated to the ideals of justice and liberty and protected the rights of all Estonian citizens regardless of their ethnic background. The Estonian people flourished in this model country and achieved an exceptionally high educational level. Their folklore continues to win recognition for originality, colorful variety, and artistic value.

The sovereignty of Estonia was shortlived, however, as its territorial integrity and political independence fell victim to Soviet expansionism in 1940. The Molotov-Ribbentrop Pact condemned Estonia, Lativa, and Lithuania to Soviet domination. The United States, as well as a great number of other Western countries, have refused to this day to accord de jure recognition to the forcible and unlawful annexation of these three Baltic States by the Soviet Union.

Today, we continue to provide moral support for Estonia while recognizing the untold sufferings the Soviet-imposed rule has brought: arrests, deportations, and executions, as well as the so-called nationalization of all private property and the downgrading of social and working conditions. We also deplore the human rights violations which the Soviet Union continues to perpetrate in violation of the United Nations and Helsinki accords.

Estonia has now been subject to the economic and political exploitation of Moscow for more than four decades. Yet, Estonians, like their valiant neighbors, and fiercely dedicated to the preservation of their language, their religions, and their culture. That spirit of determination has helped them to survive the attempted suppression of their national identity by the Soviet Union.

We have not forgotten and will not forget Estonia. Today I am honored to join with Americans of Estonian descent of the Fifth Congressional District of Texas, whom I am honored to represent, and all free Estonians in praising the people of Estonia for their courage and spirit. I pledge my unwavering commitment to the quest for freedom and self-determination of all of the Baltic nations. Together with the people of Estonia, we will keep alive the hope that someday they will be able to raise the Estonian national flag in a new declaration of independence from Soviet rule.

Elagu Vaba Eesti! (Long Live Free Estonia!)

Thank you, Mr. Speaker.

The Estonian American National Council has issued a statement concerning the continued suppression of national and human rights in Estonia, and that statement follows:

ESTONIAN INDEPENDENCE DAY STATEMENT

On February 24, 1987, Estonian Americans and people of Estonian ancestry everywhere in the world—except in their own native homeland—solemnly and publicly commemorate the 69th anniversary of the declaration of independence of the Republic of Estonia in 1918. In Estonia itself, the people can celebrate only in their hearts, although some individuals nevertheless defiantly engage in acts of patriotism and incur the wrath of the Soviet secret police the KGB.

Estonian Independence Day is a time for Estonians to renew their faith in God, in the goodness of mankind, in the belief that jusitce will triumph in the end. It is a time for all Estonians living in the Free World young and old alike, even those who have never even seen Estonia—to declare their solidarity with their brothers and sisters behind the Iron Curtain and to reaffirm that we are one people, no matter how the currents of history may have carried us to the far corners of the world.

This is also a time for Estonian Americans to give thanks that we are able to enjoy living in freedom with the many rights, privileges and responsibilities which a democratic system of government provides. In Estonia today, the freedom to communicate is severely restricted; even the mail is censored. There are no free and open elections. Trials are mostly for show, as evidenced by the occasions when verdicts and sentences are inadvertently published before the trials are even completed. Religious expression is harshly restricted; parents may not even take their school-age children to church. Church membership, although technically permitted, may result in loss of employment.

The fate of Estonia serves as an important lesson. Afghanistan is but a recent example that the Soviet Union has not changed its ways since its troops first marched into the peaceful, democratic, and neutral Republic of Estonia in June, 1940. The night of June 13, 1941 remains indelibly etched on the minds of Estonians—it was then that more than 10,000 men, women, and children were herded into boxcars and shipped to Soviet slave labor camps in the Gulag. The Soviets carried out other such mass deporations in the Baltic States during and after World War II.

The horrible memory of these mass deportations was rekindled only this past summer, as reports filtered out that Soviet authorities had forcibly conscripted hundreds of Estonians, often in the middle of the night, to clean up the area near the Chernobyl nuclear power plant disaster. When some of these conscriptees revolted against the inhumane working conditions and the lack of the most elemental safety gear at the site, a number of them were shot to death by the Soviets.

The Soviet Union continues to engage in cultural genocide with its russification and sovietization programs. Estonians are being sent to various parts of the Soviet Union and Russians and other nationalities are being sent into Estonia. In Tallinn, the capital, only about 50 percent of the people are Estonians.

The Soviets are doing everything in their power to destroy the identity of the Estonian people, as individuals and as a group. On July 30, 1940, President Konstantin Päts was taken to parts unknown by Soviet forces. Nearly 40 years later, three messages, written by him while imprisoned in a Gulag concentration camp, finally reached the Consulate General of Estonia in New York. President Päts wrote, "I am . . . being subjected to degradation in every way and my life threatened . . . [A]ll my personal belongings which I had along with me have been taken away. I have even been refused to use my own name. Here I am only No. 12." President Päts' words have been echoed recently by leading Estonian dissident Mart Niklus, who was sentenced to ten years in a labor camp plus five years exile for demanding independence for the Baltic States on Aug. 23, 1979, the 40th anniversary of Stalin's secret protocol with Hitler. Despite being championed by Andrei Sakharov, Mart Niklus has not been heard from since an April, 1986 letter to his mother which he signed, "From your son, who is buried alive".

While under Soviet subjugation, the entire Estonian nation is "buried alive". Creative freedoms in all fields of artistic endeavor are severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. The historical record of the Republic of Estonia during its brief period of independence was a proud one—including universal suffrage, eight-hour work days, land reform, laws protecting the rights of religious and cultural minorities, and significant contributions in the fields of art, music, literature, science, and sports. Today that record of achievement is continually attacked and denied by Soviet historical revisionism and disinformation, much of this aimed also at political refugees from communism who fled to the West. Estonian Americans, therefore, are very concerned that the United States Government maintain a steadfast, consistent, and logical position regarding the status of Estonia, Latvia, and Lithuania as countries occupied illegally, in blatant violation of international law. Most Western nations continue to refuse to accord *de jure* recognition to Soviet rule in the Baltic States.

In marking Estonian Independence Day, Estonian Americans, Estonians in their occupied homeland—indeed. Estonians and their friends all over the world—reaffirm the dream of restoration of sovereignty, of political and human rights, of freedom from Soviet oppression, and of the universal right of self-determination. These aspirations are shared by freedom-loving people and their governments everywhere. Elagu Vaba Eesti! [Long live Free Estonia!]

DR. GALO PLAZA: SPOKESMAN FOR THE AMERICAS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. FASCELL. Mr. Speaker, our hemisphere has lost one of its most effective and eloquent voices for unity and understanding with the untimely death of Dr. Galo Plaza Lasso of Quito. Galo Plaza, former Secretary General of the Organization of American States, was an outstanding force for unity throughout the Americas. He will be sorely missed.

I would like to bring to the attention of our colleagues the followng article which appeared in the February 11 edition of the Times of the Americas:

DR. GALO PLAZA—SPOKESMAN FOR THE HEMISPHERE

(By Abraham F. Lowenthal)

Galo Plaza Lasso has passed away in Quito, just a few days before his 81st birthday.

Galo Plaza was one of this Hemisphere's greatest statesmen. In Ecuador, he served as Mayor of Quito, Senator from Quito, Minister of National Defense, Ambassador to the United States, and—from 1948-1952—as President. His presidency is universally considered his country's finest—and it was.

During the past thirty years, Galo Plaza's service was mostly international: chairman of the UN Observer Group in Lebanon in 1958; head of the United Nations mission to the Congo in 1960; representative of the UN Secretary General in Cyrus in 1964-65; Secretary General of the Organization of American States (OAS) from 1968 to 1975; and in a variety of OAS trouble-shooting assignments after 1975, particularly in Central America and the Caribbean. In addition, Dr. Plaza found time to run his family's cattle ranch; to introduce modern science into livestock management in Ecuador; to write three books; and to provide sage advice to a variety of Latin American, North American, and inter-American institutions.

In the aftermath of the Malvinas-Falklands war of 1982, Dr. Plaza came to the United States to urge U.S. leaders, inside government and out, to focus renewed attention on the badly frayed state of United States-Latin American relations. He was appalled that the South Atlantic war had divided the United States from most of the countries of Latin America, and he urgently called for improved communications in the Hemisphere to avoid such destructive confrontations. Dr. Plaza's concerns paralleled those of Ambassador Sol M. Linowitz in Washington. They jointly initiated and then co-chaired the Inter-American Dialoque, a group of prominent citizens from throughout the Americas who meet periodically to propose solutions to Hemispheric problems.

President Plaza was deeply committed to helping Latin Americans and North Americans to understand their shared and divergent interests, and to work out their conflicts to the mutual benefit of all in the Americas. In flawless and idiomatic English, Dr. Plaza spoke frankly with North Americans about their misunderstandings of Latin America and its aspirations. In forceful and elegant Spanish, he spoke with Latin Americans about their shortcomings, and about the strengths and noble traditions of the United States.

During the past few years, President Plaza's main theme was insistent: that the Western Hemisphere's crisis of external debt is Latin America's worst problem in fifty years, and that it is not gaining enough attention because old habits have caused Washington to concentrate on Central America's civil wars. Each time Dr. Plaza made this point—within the Inter-American Dialoque and elsewhere—he did so with a sense of authority and conviction that moved all who heard him.

Galo Plaza unquestionably had don de mando, the gift of leadership. He thought, he acted, and he looked like a spokesman for all of Latin America. His voice and his guidance will surely be missed.

UNFAIR PENALTIES IN THE SOCIAL SECURITY SYSTEM

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. DREIER of California. Mr. Speaker, I have received many letters from constituents who share my concern for unfair penalties in the Social Security system. I have introduced legislation to eliminate these limitations—the outside earnings limitation and the Social Security tax on higher income beneficiaries. Interest is growing in these bills and I encourage your support. Three of these letters follow:

DEAR CONGRESSMAN DREIER: I am writing in reference to the two bills you recently introduced regarding the additional tax on benefits for Social Security recipients who earn too much income from other sources.

My husband is 69 years of age, in poor health and has been drawing Social Security since age 65. He does continue to work and earns the maximum he can each year without paying the $1 penalty for each dollar he earns. I am 45 years old, a teacher who earns $32,000 annually. In addition we have two children at home, ages 16 and 17. The part of the law that hurts us so much is the tax being levied against the $32,000 limit. Since the latter money is my income from my job which we pay taxes on, we are again taxed by having that levied again.

Your legislation is for people who want to work. I do want to work, I do support my family, but I don't believe that intent of the law was what is occurring in my family. I appreciate your interest.—A.P., West Covina, CA.

DEAR MR. DREIER: I was very pleased to read in the local paper that you plan to introduce legislation to repeal the income tax on Social Security benefits. The article indicated that you feel that the Government is being inconsistent when, on one hand, it urges people to save for retirement while, on the other hand, taxes their Social Security benefits when their savings plans have been successful. I agree with your analysis.

There is another factor to be considered. As a salaried professional, my paycheck stub shows, among other things, deductions for income tax and Social Security. My income tax with-holding and Social Security deduction are based on my gross earnings. As I see it, I have already paid income tax on the Social Security deduction; why should I pay it again when I draw the pension to which my company and I have already contributed? Isn't this, in essence, double taxation?

I strongly support you on this project and wish you every success.—F.E., Whittier, CA.

DEAR CONGRESSMAN DREIER: I was very pleased to read in the San Gabriel Valley Tribune that you have introduced two bills to correct some of the inequities in the Social Security system. You have my wholehearted support.

Because I provided myself with income other than Social Security I am to be penalized. How much I do not yet know because I haven't had my tax forms done. But, if Murphy's Law holds, I'm sure to get the shaft.—A.S., West Covina, CA.

IT'S TIME TO HELP THE FAMILY FARMER

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. McEWEN. Mr. Speaker, as we continue to address the needs of the farmer during the 100th Congress, an issue of never-ending debate is that of Federal payments going to the large corporate farmer—not the family farmer.

The Ohio Farm Bureau Federation has taken the time to summarize an exhaustive study done by USDA's Economic Research Service on this issue.

Allow me to take this opportunity to commend to your attention this summary entitled "Who Gets Those Farm Program Payments?" I have found this information most beneficial.

WHO GETS THOSE FARM PROGRAM PAYMENTS?

When people hear of large, financially stable farms getting large government payments, they may conclude that the bulk of government payments are going to farmers who don't really need them. But this conclusion is not supported by the facts.

According to data collected by the U.S. Department of Agriculture's Economic Research Service, nearly 85 percent of 1985 government payments and crop loans went to farms with sales below $500,000. The data also showed that nearly 60 percent of total payments went to farms with high debt loads, negative cash flows or both.

This data came from the 1985 Farm Cost and Returns Survey taken by the USDA in early 1986. The survey provided in-depth financial information on a sample representing 1.6 million farms.

To determine the financial status of those receiving the payments and loans, Economic Research Service Economists compared the payment data with information on each farmer's debt load and cash flow position. If debt amounted to more than 40 percent of the total value of the farmer's assets, the farmer was considered to be in a "high debt" situation. Farmers were classified as having negative cash flow if their expenses including household expenses, exceeded their total farm and off-farm income.

Here is what the survey revealed:

Farms with both high debt and negative cash flow accounted for 11.2 percent of the farms represented in the survey. But farmers in this category received 15.8 percent of the government outlays.

Farms with either high debt or negative cash flow made up around 44 percent of the farms and received 43 percent of the government outlays. Most of these outlays went to 10.2 percent of the farms which had high debt but positive cash flows.

Farms with low debt and positive cash flow made up 45 percent of the farms surveyed. They received 41.1 percent of the payments. Without the payments, many of these might have had negative cash flows.

Farms in the $500,000 and up sales class received only 15 percent of the total government payments even though they produce more than 30 percent of the U.S. agricultural output.

Small, often part-time, farms with sales below $40,000 may make up nearly 60 percent of all farms, but they put out less than 8 percent of the agricultural production. They received 5.4 percent of the government outlays.

Midsized farms received disproportionately large shares of payments based on production. For instance, farms with sales of $100,000 to $249,999 accounted for 27 percent of the U.S. production but received 38.1 percent of the government outlays.

Of course program payments weren't evenly distributed among farmers in each category. The main reason is that not all farms produced commodities included in government programs.

Overall, most program payments and loans went to farms with high debt and/or negative cash flows. Even farms with positive cash flows might have been in a negative cash flow position without the payments.

Athough some large farms did receive large government payments, the payment has a smaller relative effect on a larger farm's income compared to smaller farms'. Also, in terms of production, midsized farms got proportionally larger payments.

FALLACY OF LINE-ITEM VETO ARGUMENT

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. SMITH of Florida. Mr. Speaker, for years the American people have been bombarded with incorrect and misleading arguments in support of providing the President with a line-item veto.

I want to draw your attention to an excellent column that appeared in the Washington Post on February 23. Written by Louis Fisher, the article clearly explains that, in Mr. Fisher's words, "there are no 'items' for [President] Reagan to strike out" with such a veto.

The line-item veto issue really is a nonissue that should be put to rest. Mr. Fisher's column goes a long way toward doing just that.

[From the Washington Post, Feb. 23, 1987]

THE ITEM VETO—A MISCONCEPTION

(By Louis Fisher)

In his State of the Union address, President Reagan once again asked for item-veto authority "so we can carve out the boondoggles and pork—those items that would never survive on their own." His proposal rests on misconception about the federal budget.

Even if the president had item-veto power, he would be unable to eliminate the "boondoggles and pork." The reason is simple: Congress does not put "pork-barrel" projects in the bills presented to the president. Unlike state legislatures, Congress does not itemize its appropriations. There are no "items" for Reagan to strike out.

This point is made obvious in the Energy and Water Development Appropriations Bill for fiscal 1985. The bill teems with "pork barrel" projects for the Corps of Engineers, the Bureau of Reclamation, the Appalachian Regional Commission and other agencies.

If Reagan had access to the item veto, could he have eliminated projects that seemed to him wasteful, "that would never survive on their own"? The answer is no, for the simple reason that projects are not identified in the bill presented to him. Congress appropriates by lump-sum amounts, not by items.

Take a closer look at the bill, which Reagan signed into law on July 16, 1984. Under the Corps of Engineers is an appropriation account titled "Construction, General." It contains the lump sum of $864.5 million for river and harbor, flood control, shore protection and related projects authorized by law. The paragraph contains some earmarkings of funds for a project in New Jersey, another in Kentucky and a few others, all of which add up to $32.8 million.

What about the remaining $831.7 million? How is that to be spent? On anything the president wants? No, it is to be spent on projects authorized by law and the projects identified in the conference report on the Energy and Water Development Appropriations Bill.

The report (House Report 98-866) explains that the lump sum of $864 million is to be allocated to the specific projects listed on pages 19-22 of the report. The projects are listed state by state. Here is where you find the "items"; $25,000 for Kake Harbor in Alaska, $200,000 for Lytle and Warm Creeks in California, $25,000 for Jonesport Harbor in Maine and so forth. Those items are not in the appropriations bill, however, and could not have been eliminated by a Reagan item veto.

The item veto functions at the state level because items are included in the bills presented to the governor. Should Congress pattern itself after the states by resorting to line-itemization? The results may not be all that attractive. Agency officials want the latitude and flexibility that accompany lump-sum funding. Members of Congress do not want the details frozen into public law either. The only way to adjust statutory details in the event of unexpected developments is to pass another public law, amending the first, and neither branch wants that rigidity. Congress has enough problems passing public laws as it is.

For decades, Congress and the agencies have worked out a reasonable compromise. Funds are appropriated in lump-sum amounts to give officials some discretion throughout the fiscal year. In moving money around within these large accounts, the agencies are required in some cases to report to congressional committees and obtain their approval on "reprogrammings." It is a workable system, but would be totally disrupted by locking specific amounts into public law.

Advocates of the item veto claim that the president's regular veto power has been diluted because Congress passes omnibus measures instead of individual appropriations bills. Reagan, in his State of the Union message, said that "the nightmare of monstrous continuing resolutions packing hundreds of billions of dollars of spending into one bill must be stopped."

The idea that these massive bills handcuff the president was pressed by Donald Regan in 1984, when he was secretary of the Treasury. In a statement for the Senate Committee on the Judiciary, he asserted that the Framers "undoubtedly" anticipated that Congress would provide funds by passing "separate appropriations bills for discrete programs or activities, rather than omnibus bills encompassing a variety of related and unrelated matters."

Regan claimed that "until about the time of the Civil War, congressional practice was in accordance with this expectation. Presidents were thus able to sign or veto appropriations bills based upon the merits of the programs being funded and the need for the particular amounts."

There is not a grain of truth to this. The first appropriation bill passed in 1789 was an omnibus measure, containing all funds for civilian and military programs. The same kind of bills passed in 1790 and 1791. The members of the First Congress contained many of the "Framers" who had participated in the Philadelphia Convention. Evidently they did not anticipate that Congress would pass separate appropriations bills for "discrete programs or activities," as Regan charged. Later Congresses, as in 1814, passed three separate appropriations bills—for the Army, the Navy and the civilian establishment—but even these were more of an omnibus nature than the 13 appropriations bills passed today.

Granting the president an item veto is a legitimate topic for debate, but the issue should not be obscured and confused by misconceptions. Before we can improve our budgeting system, we must understand it.

THE ROLE OF THE PUBLIC SCHOOL SYSTEM IN AMERICAN SOCIETY

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. RHODES. Mr. Speaker, on Tuesday of last week, the board president and superintendents of almost 20 local school districts in my congressional district came together at my invitation to discuss educational issues. While many topics were discussed, two in particular dominated our meeting. These two topics touch the very heart of America's public education system; thus, I want to share them with the House.

To my great surprise the most pressing concern of those in attendance was neither the increase nor maintenance of Federal education dollars. Rather, their primary need right now is guidance: Guidance on the role of the public school system in American society.

The public school system is in danger of being overburdened, of crumpling under the burden of trying to be all things to all people. The schools are, in essence, being asked to replace the home as the family unit of the 1980's. The schools provide nutrition, sex education, health information, protection against physical abuse, drug prevention, and training in simple courtesy. And all of this is in addition to their primary purpose of providing a basic education.

The schools are not shirking these responsibilities; indeed, they cannot do so. There is, however, the lack of a common vision, a common purpose. There is no one clear voice describing with clarity and conviction the role of public education. Schools are pulled this way and that, seemingly without forethought, reason, or justification. Every time a new "national problem" is identified, such as teenage pregnancy or the spread of AIDS, the schools are first, castigated for allowing it to happen, and, second, tasked with finding a solution.

American education needs direction. It needs someone to say this is what we expect and that we will accept nothing less. It needs a mission statement.

I am not talking this afternoon about a national curriculum or a Federal education policy that will dictate to the local districts what they can and cannot do, nor will I ever do so. The local districts must retain their autonomy. They do, however, need—and in fact are crying out for—the establishment of a definition of their role in American life. Just as the Nation's schools focused on science and mathematics at the urging of the Eisenhower administration after the Soviet launch of sputnik, we today must decide what we want our schools to do and the direction in which we want them to go. Should the task of our public schools be simply to provide basic educational needs and skills to permit their graduates to survive, to sanction and to produce in an ever-more-complicated society? Should they, on the other hand, become surrogate families, dealing not only with the special needs of their individual clientele, but also providing social training, teaching value systems, providing a moral foundation upon which to build with the basic educational tools also provided? In fact, are these two extremes separable? What, indeed, is a "basic education"? These questions are among those being asked not only by professional educators but by the elected lay people, entrusted by their constituency to be the stewards of two very precious commodities: Tax dollars and children. Substantive leadership from the national level is being asked for, and is needed.

Education must be the No. 1 priority in America. That priority can only be created if we speak and speak clearly, concretely, and concisely. I will, therefore, be spending the next several months trying to see if a definition of the role of public education can be determined. I will then ask you, my colleagues, to join me in proclaiming with the requisite "one clear voice" the common vision of American education.

The second topic in the forefront of the minds of these educators and elected officials was the increasingly negative perception of the public education system. This perception has been fostered, to a great degree, by prominent Federal officials. This negative perception is false and especially tragic because our own Government has played such a significant role is creating that false perception.

The people I met with are proud of the public school system and, frankly, they have every reason to be proud. America has the best tax-supported educational system in the world. The education provided the American people is an essential component in the greatness of America itself. We have the finest form of government in the world due, in part, to the education our public schools provide. Indeed many of the Members of this House, both today and in years gone by, are graduates of our public schools. This institution is a living monument to the excellence of our education system.

It is undeniable that there are failures in the system, and only a fool would claim otherwise. Horror stories abound. But let's not lose sight of success. Yes, we routinely graduate young people who cannot function, cannot produce and in many cases cannot survive. But we even more routinely graduate many more young people who can function, do produce, do survive, and thrive.

Criticisms and challenges all serve a useful and necessary purpose. Growth and improvement are impossible without them. Yet, we seem frequently to go too far. We forget to praise as well as plead. We forget to commend as well as condemn. We forget to congratulate as well as chastise.

We are blessed with a marvelous education system. We need publicly to say just that and I am proud to do so. Our public educational system has sustained us in the past and will continue to do so in the future. While welcoming and, even, encouraging, changes and reforms, we should not dwell on the negatives. Let us look to the future of American education with confidence; a confidence bred from the success of the past.

Mr. Speaker, our people are great and our Nation is great because our public education system is great. No one should ever forget that simple fact.

LIGHT TRUCK SAFETY LEGISLATION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. GEJDENSON. Mr. Speaker, today I am pleased to be introducing legislation to require that light trucks and vans meet the same safety standards as passenger cars. Light trucks and vans have become the family vehicles of the 1980's and should be subject to the same safety standards as cars. Minivans and other light trucks account for almost a third of the autombiles sold in America, yet these vehicles lack some of the most basic safety standards we expect from our cars, including side door strength, head restraints, and roof crush resistance.

Light trucks were exempted from safety standards in the late 1960's because they weighed much more than passenger cars and were not used for the same purposes. Neither of these reasons for weaker safety standards applies today. Light trucks have shrunk in size and are often used as passenger cars. Most often they are used by families with children, which makes the lack of safety standards even more disturbing.

The use of light trucks has grown dramatically, between 1971 and 1986, the light truck market share of vehicles sold has increased from 15 to 30 percent. At the same time the number of persons killed in light truck accidents has increased. In 1985, the number of persons killed in light trucks increased by 15.8 percent, while fatalities among occupants of cars and heavy trucks declined.

As early as 1978, the light truck safety problem was recognized in a General Accounting Office [GAO] report which called for improved safety standards for light trucks. During the Carter administration, the National Highway Traffic Safety Administration [NHTSA] took some initial steps on light truck safety in response to the GAO report. Unfortunately, all work on light truck safety was suspended by the Reagan administration in 1981, and virtually no work has been done on the problem for the last 6 years.

I am very concerned about the light truck safety problem both as a legislator and as the father of two small children. I own a 1984 Dodge Caravan minivan and almost every time I ride in it with my children I think about the fact that the van is less safe than a car.

Like most Americans, when I bought the minivan I assumed it met the same safety standards as a station wagon. It is marketed as a family vehicle, and is built on a K-car chassis, not a truck chassis. I had every reason to believe it met the same safety standards as a car. Long after I bought the van I learned that it did not meet crucial safety standards such as side door strength and roof crush resistance.

Light trucks should offer the same protection to our families that we demand from our other cars. Now is the time to close the light truck loophole in vehicle safety regulation.

Mr. Speaker, I request that at this point in the RECORD a statement by Clarence Ditlow, of the Center for Auto Safety, be inserted, followed by a copy of the light truck safety bill.

[From the Center for Auto Safety, Feb. 21, 1987]

REPRESENTATIVE GEJDENSON'S BILL TO IMPROVE LIGHT TRUCK AND VAN SAFETY HAILED

(Statement by Clarence Ditlow)

The public is almost totally unaware of the fact that vans and light trucks do not have to meet the same safety standards as cars and stationwagons. Even though these vehicles are used to carry families and for recreation, they do not have to meet such major safety standards as side impact, roof strength, head restraints, bumper protection, passive restraints and high-mounted brake lights.

When less stringent safety standards were first set for vans and light trucks in the late 1960's, there may have been some reason for exempting them from some standards since they weighed substantially more than passenger cars and were not used for the same purposes. Since then, these vehicles have shrunk in size and are now used for the purposes as passenger cars. In the early 1970's, the Center for Auto Safety petitioned DOT to extend all passenger safety standards to these vehicles without success. Even after the General Accounting Office issued a stinging report in 1978 on the lack of safety in vans and light trucks, DOT failed to extend the important standards noted above to these vehicles.

In view of the continued failure of the Department of Transportation to require equal safety protection for light trucks and vans, the Center for Auto Safety strongly supports Rep. Gejdenson's bill to congressionally mandate these standards. The American public wants equal safety for light trucks and vans. The standards can be met at little cost and will save lives. It's time to end the unwarranted delay and Rep. Gejdenson's bill will do that when enacted.

A Bill to require that light trucks and vans shall be subject to the same Federal motor vehicle safety standards as are applicable to passenger motor vehicles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the National Traffic and Motor Vehicle Safety Act of 1966 light trucks and vans shall be subject to the same safety standards as are applicable under such Act to passenger motor vehicles.

TRIBUTE TO HARRY C. CHARLES

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. KOLTER. Mr. Speaker, I am very pleased to have this opportunity today to recognize a truly remarkable individual, Mr. Harry C. Charles. After a quarter of a century of dedicated service to the Social Security Administration, Mr. Charles has decided to retire. Appropriately, he will be honored at a dinner on February 28 of this year.

Highlights of Mr. Charles' career include the opening of the Kittanning, PA, Social Security office in 1973 and being named district manager in Indiana in 1983. He has also served on the board of directors of numerous agencies throughout the Indiana and Armstrong County areas.

Mr. Speaker, I ask that you join me in saluting Harry Charles.

I am honored to have had this chance to pay tribute to Harry Charles for his many years of dedication to his profession as well as his contributions to the community here in the House of Representatives.

A TRIBUTE TO MARCO ANTONIO MUNIZ—MR. AMIGO 1986

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Mr. Marco Antonio Muniz, the newly selected Mr. Amigo.

Every year the city of Brownsville, TX, represented by the Mr. Amigo Association, travels to Mexico City to select a new Mr. Amigo to serve as honored guest of Charro Days—a 4-day celebration in which the United States and Mexico are joined in celebration of the cultures of these neighboring countries. During Charro Days, which originated as a prelenten festival, Brownsville citizens participate in a series of parades, dances, and parties to demonstrate the goodwill of both countries. It is a well-planned, major function which is enjoyed and eagerly anticipated by many native south Texans as well as our winter visitors.

Mr. Amigo is selected on the basis of his or her contribution to international friendship and development of mutual understanding and cooperation between Mexico and the United States. It is for these reasons that Marco Antonio Muniz is an excellent choice for this year's award.

Although primarily recognized in his native country as a singer and recording artist, the versatile Marco Antonio is known internationally as a complete performer. He is an accomplished dancer, impressionist and comedic straight man in addition to his credits as a motion picture actor and producer.

The new Mr. Amigo, Marco Antonio Muniz Vega, was born in Guadalajara in 1933 and began singing at the age of 5. When he was 13, he turned professional and, taking along the 125-peso guitar he bought on credit, embarked on a tour that was to take him from Guadalajara to the city of Juarez. Muniz eventually returned to his native city, where he began working with various orchestras, "conjuntos" and trios. He bagan his career as the lead singer in one of Mexico's most famous trios: "Los Tres Ases" [The Three Aces].

Muniz has become a performer of truly international appeal, having toured extensively in Latin America and Spain. He has made dozens of appearances in Puerto Rico, Venezuela, and Argentina and performed at New York's Madison Square Garden in 1972, 1974, and 1975. Muniz has also recorded in the United States, Mexico, Spain, Argentina, Puerto Rico, and Venezuela.

As Mr. Amigo, Marco Antonio will receive the red-carpet treatment when he visits Brownsville as the city's honored guest during the upcoming Charro Days fiesta. During his 3-day stay on the border, he'll make personal appearances in the Charro Days parades and at other fiesta events. Official welcome receptions will be staged by Cameron County, TX, and the cities of Brownsville and Matamoros, Mexico. The entertainer will also be the special guest at the Mr. Amigo Association luncheon and the president's party.

I ask my colleagues to join me in extending congratulations to Marco Antonio Muniz for being honored with this special award.

NEW JERSEY'S EFFORT TO ENSURE ASBESTOS HAZARDS ARE PROPERLY ABATED IN SCHOOLS IS FLAWED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. FLORIO. Mr. Speaker, my home State of New Jersey has, like most States, struggled with the problem of cleaning up asbestos hazards in schools. Recently, the State ordered the use of an inspection technique that is inadequate to determine if asbestos has been dealt with properly. New Jersey's order requires the use of phase contrast microscopy [PCM], and prohibits the use of electron microscopy, which is more sophisticated and preferred by asbestos contractors, environmental consultants, scientists, engineers, and virtually all others in this area.

The New Jersey order is at odds with a provision of the newly enacted Asbestos Hazard Emergency Response Act of 1986. The new law specifically requires the use of electron microscopy to inspect for airborne asbestos fibers following abatement work unless the Environmental Protection Agency issues regulations requiring an alternative test which is equally effective. Unlike PCM, electron microscopy can detect extremely short and thin fibers of asbestos and can distinguish between asbestos and other types of materials.

A recent article by Patrick Pawling in the Atlantic City Press explains the problems with the State's decision. Pawling provides a thorough and clear analysis of the health concerns involved.

I commend to my colleagues this excellent article.

[From the Atlantic City Sunday Press, Feb. 1, 1987]

FOR N.J. STUDENTS, ASBESTOS MAY STILL BE A THREAT

(By G. Patrick Pawling)

A growing number of scientists, public health officials and contractors believe New Jersey's 10-year effort to remove asbestos from public schools is seriously flawed.

Some fear children may have been exposed to potentially dangerous levels of asbestos, which can cause cancer, in schools certified as safe under state health regulations. Others say there is a chance some schools remain contaminated.

Asbestos, which was widely used as an insulating and fireproof building material, has long been linked to lung cancer and other disabling lung diseases.

"You're running a tremendous task," warned a chemist who is licensed to monitor asbestos-removal projects in New Jersey. You could be clearing schools that are not clean."

At issue is the type of microscope used to check for tiny but possibly harmful airborne asbestos particles after contractors have removed the insulation from schools.

The New Jersey Department of Community Affairs requires the use of "phase-contrast" microscopes, which are much like the microscopes found in high school science laboratories. The phase-contrast method is quick and cheap; many scientists insist that it does the job.

But a growing number of experts disagree. They say phase-contrast is inadequate because it cannot detect the smallest asbestos fibers, which some say are particularly dangerous.

And they say that because New Jersey persists in defending the phase-contrast method despite the warnings, there is a chance children were sent back to schools that were contaminated with asbestos—and may still be.

"New Jersey has called schools clean that could be dangerous," said Robert Sommer, an aide to Rep. James Florio, D-1st. Florio is the sponsor of a new federal law, the Asbestos Hazard Emergency Response Act, which tightens national standards for school asbestos projects.

Critics of the phase-contrast method say there is a much better alternative: electron microscope testing.

These newer and more precise microscopes use a ray of electrons to form an image that can detect much smaller asbestos fibers.

Everyone agrees they are more accurate. The problem is that they are also more expensive. And it takes longer to run electron microscope tests.

Yet time and again, according to experts interviewed by Sunday Press, they have found asbestos fibers in the air that phase-contrast microscopes missed.

"I've seen samples that have been grossly contaminated that had passed the phase-contrast test," said the head of a laboratory that has done extensive testing of asbestos-removal projects in New Jersey. "In fact I've seen quite a few of them . . . that failed horribly. I just do not believe that phase-contrast adequately shows the true condition of the building."

ALL CLEAR IN SCHOOLS

In the last 10 years, asbestos has been removed from hundreds of schools in New Jersey at a cost of more than $50 million. Although most of the major work is finished, another 100 to 150 projects remain.

State officials said they could not list which school districts used only the phase-contrast method to check for airborne asbestos after the projects were completed.

However, projects in Atlantic City and Wildwood were cleared with electron microscopes, according to a laboratory spokesman who worked on one of the projects, and school officials.

But in Vineland, where a $3.3 million project is nearing completion, phase-contrast was the only method used, said Tom Thayer, assistant superintendent for business. However, a spokesman for the company that took over the project said electron microscope testing has been used for more recent projects there.

Although some work remains, the Vineland project, one of the largest in southern New Jersey, was primarily undertaken in the summers of 1983 and 1984.

Contractors and chemists said phase-contrast is still often used as the only means of checking for airborne asbestos in New Jersey school projects. Prior to 1983, almost all projects were cleared using only phase-contrast.

Roy Anderson, president of Comprehensive Chemical Consulting Inc., a laboratory based in Newtown Square, Pa., said New Jersey's policy is risking exposing its children to asbestos.

"I'm quite certain that it has happened repeatedly," he said. "Schools and offices have been opened when they have not been properly cleared. There is a serious health hazard from that. In my opinion, and I think a job that has been cleared by phase-contrast only is a job that has a high-risk potential. That's the only way to put it."

STATE RESISTS

Anderson said there is "no question" that New Jersey should mandate the use of electron microscopes.

But rather than embrace the newer and more effective technology, state officials banned it.

"The transmission-electron microscope method of analysis can not be utililzed as the control test on asbestos hazard abatement projects in the state of New Jersey," wrote Vincent G. Brennan, supervisor for asbestos abatement for the state Department of Community Affairs, in an April 1986 memo to contractors. "It must be the phase-contrast method."

That stance angered many people in the asbestos-removal industry.

Said Anderson:

"I begged him to rescind the ban on electron microscopy because it just doesn't make any sense," Anderson said. "The people who are relying on phase-contrast alone are just begging for lawsuits. I don't think they have a leg to stand on."

State officials have since declined to allow the use of electron microscopes, at least unofficially. But, still, the only requirement is phase-contrast. The use of the electron microscope method remains optional, and can only be done in addition to phase-contrast.

Some contractors have so little faith in the phase-contrast method that they perform it only because it is mandated by the state—and then they perform electron microscope tests to ensure that the school is clean and that they cannot be sued.

"As a professional I cannot in good conscience recommend phase-contrast to the people I work for," said Anderson. "I am a chemist and I have a horror of using an analytical method that can't find the things we are supposed to be looking for. It's a lousy alternative."

Anderson, whose company does extensive work in New Jersey, said he insists on the use of electron microscopes for two reasons:

He doesn't want to get sued, and he wants his customers to know whether there are asbestos fibers in the air before children are allowed back into schools.

The problem with the phase-contrast method, he said, is simply, "It can't see the kind of fibers that you're trying to get rid of."

"Those fibers are long, a lot of them, and they are quite deadly. The research indicates the finer the fibers are, the more significant the health effects. The phase-contrast method is absolutely useless. You don't know what you're seeing. They might be cellulose, they might be hairs, or you don't know what. Professionally I can't recommend it."

Anderson said buildings have been declared safe, using phase-contrast and then were found to be badly contaminated when electron microscope tests were performed.

A removal project at Camden County College is one example, he said.

"When we looked at the electron results, we realized it would have been cleared using phase-contrast," he said, because the only remaining particles were very small. "They could not possibly be seen using phase-contrast. We've seen this time and time again. There are lots of others."

FEDERAL INTERVENTION

Soon, New Jersey will be forced to require the use of electron microscopes. Florio's law, which takes effect Oct. 1, will require all states to use electron microscopes because the phase-contrast method is "not adequate," the congressman said.

However, federal scientists must first develop guidelines for the microscope before their use can be mandated. Florio expects that to occur sometime after the law goes into effect.

What about the hundreds of schools that have already been approved using only phase-contrast?

"A lot of buildings that have been inspected may well have to be reinspected," Florio said.

And what about the parents who may be worried that their children could have been exposed to asbestos?

"That's a tough one," he said. "If the local parents or PTA or teachers feel a school isn't safe they should ask somebody to come in and do inspections, or possibly file a complaint with the (U.S. Environmental Protection Agency), which they can do under the new law. There's no need to panic and ask the schools to close, but they should get all the information about what was done and how was it done."

Florio said he cannot understand why state officials first refused to allow electron microscopes, then relented, rather than simply mandating their use.

"The state doesn't want to come into conformity with acceptable practice," said Florio. "Maybe it's inertia. I can't understand it."

The answers, some experts believe, are money, time and the faith state officials apparently have in the phase-contrast method.

Phase-contrast can be done in hours, while state officials told Sunday Press that electron analysis can take more than a month. Anderson, however, said he can return samples in one day. Another laboratory said it can return samples in less than a day.

State officials say electron microscope samples can cost more than $500, one New Jersey laboratory said its cost is $350.

A Washington-based biologist who works in the asbestos abatement industry said the cost is coming down "astronomically" and is now $200 in some parts of the country.

The cost of phase-contrast analysis is $5 to $50, Anderson said.

"What it comes down to in most cases is the cost," said Robert Shaw, technical assistance coordinator for the Asbestos Information Center at Tufts University in Boston. At the same time, he said that phase-contrast can sometimes be "perfectly adequate."

State officials stress that they believe phase-contrast can do the job.

In a letter to Florio, Community Affairs Commissioner Leonard S. Coleman, Jr., outlined the state's argument that there is no nationally accepted method of applying the electron microscope method.

"I am sure you would agree that it would be irresponsible to mandate a method which, however sound from a technical viewpoint, cannot be implemented with a high degree of reliability. We will continue to review the question . . . and at the proper time will require (the use of electron microscopes."

Leigh Cook, a spokeswoman for the state Department of Health, said New Jersey relies on phase-contrast "to ensure consistency," and because the EPA has not selected a uniform testing protocol. Even so, the federal agency does recommend the use of electron microscopes whenever possible.

"The Department of Health feels phase-contrast, is a reasonable test to use," said Cook. "We're not going to total (electron method) until the federal government says we have to."

CHANGES URGED

Anderson said the argument that there are no reliable standards for electron microscope analysis "is just flat-out not true." He said many laboratories have been using it for at least the last two years with better results than obtained with phase-contrast.

Additionally, the EPA does have interim standards for the use of electron microscopes that have been "widely used in the asbestos abatement industry," said John Welch, a spokesman for the Washington-based Safe Buildings Alliance, which represents companies that work with asbestos.

Charles Garber, head of a northern New Jersey laboratory called Structure Probe, agrees that running electron microscope samples is more expensive and time-consuming. He also says it is necessary.

"There's absolutely no question that a sample could be loaded with asbestos fibers and PCM (phase-contrast) would not show it," he said. "I, myself, started to become very, very concerned about doing PCM because I knew that arsenic fibers could be floating around in the air, and at very high levels, (and) if you were going to sample that air with PCM you would end up saying that there are no fibers present. But if you looked with an electron microscope it would be loaded with fibers.

"I would never let my lab do that kind of work. I recognized the fallacy of it very, very early on. If I was ever motivated by self-interest, it was that I don't want to be sued."

Brian Bramell, president of Alternative Ways Inc., an environmental health and safety consulting firm based in Bellmawr, said his company has participated in "hundreds" of asbestos removal projects in New Jersey, including Atlantic City. He refuses to open a building without electron analysis.

Why, then, does phase-contrast enjoy such widespread use?

Money plays a major role. Contractors who rely on it alone can charge less and still fulfill state safety requirements, so they can bid lower than those using electron microscopes. That means they get more contracts to remove asbestos from schools.

Gene Herman, a technical consultant for the Association of Wall and Ceiling Industries, based in Washington, said laboratories and public health officials have a big stake in defending the phase-contrast method because they've used it for a long time. And to admit it doesn't work "would sure open a lot of doors" for litigation.

"There's no question in my mind that (electron analysis) is better technology," he said. "I'm just not totally convinced that in all instances it's necessary. I guess I would feel more comfortable knowing a better technology is being used. It's not a cut-and-dried issue."

QUESTIONS REMAIN

There are three key questions in the debate: Were children exposed to higher than acceptable levels because of phase-contrast testing? Are they in danger now? Could those buildings still be contaminated, months later or years later?

"I would say there is a good chance buildings were opened with higher than acceptable fiber counts," said Bramell. "At least they were higher on the day that they were open. We don't know what levels of higher fiber counts represent a hazard. But the intention was that those buildings should be clean when the children went into them."

"Everything we do with asbestos these days is theory, when it comes to hazard to people. No one knows for sure that it is a hazard in small quantities to people."

Bramell said buildings tend to purify themselves, over time, as outside air exchanges with the inside air.

But Welch, of the Safe Buildings Alliance, said nobody is certain how long the threat will last.

"I don't think anybody knows that," he said. "You raise some very provocative questions. What happens two or three months after? Have you decreased or, God forbid, increased the fine fibers?"

The argument that they were in danger a week after the abatement, or even a month, has considerable validity. Longer than that, we don't know, "It's a big unknown. It's certainly something that should be studied."

William Borwegen, safety and health director for the Service Employees International Union, which represents about

100,000 school workers nationwide, isn't sure he buys the argument that the asbestos would disappear as the inside air exchanges with outside air.

"There's some people that believe that. But where does it go? Who's to say? There's not a lot of research that goes into it. Still, you are going to be dousing people who are coming into the building for the first six months. Asbestos isn't like a pesticide, it doesn't vaporize. It's a particle and it's indestructible. Maybe they end up getting circulated out of the building. Who's to say? It's not the way to do the job. The job is to get the place clean before people come back to the building."

Borwegen said his union has an intense interest in the issue. "We find that our workers are dying from asbestos related diseases," he said.

Joel Packer, a lobbyist in Washington for the National Education Association, said parents or school workers who think their asbestos have been approved only with phase-contrast should ask their school boards for additional testing—with electron microscopes.

"It's a tough situation," he said. "I don't think people should panic, but they have a right to ask what is going on and what has been done. Our position is . . . that phase-contrast just is not an adequate method for testing for the presence of fibers. A lot of buildings that have been inspected may well have to be reinspected."

"I'm not trying to scare everybody, to say that the schools are full of asbestos," said Florio, "But when you spend all of this money you should be sure that it really is cleaned up. There's no need for panic. But why be spending money if we can't be sure if the schools are free of asbestos?"

TRIBUTE TO RALPH GAMES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. PANETTA. Mr. Speaker, on February 28, the communities of California's central coast will pay tribute to a man who has done as much as any individual to advance the interests of working people in our area of the State—Ralph Games. I hope to be able to attend the tribute, and I want to take this opportunity to let my colleagues know about Ralph's outstanding career.

Ralph Games served for many years not only as business manager of the area's International Brotherhood of Electrical Workers [IBEW] local but also as a leader of the area building trades council. For nearly 20 years, he was a leader of the local labor movement and a leader of efforts to improve the local economy and standard of living.

Ralph was first initiated into local 1072 of the IBEW as an electrical apprentice in 1950 and completed his apprenticeship in 1954. After serving for several years as a member of the executive board of local 1072, which at that time covered the Monterey area, he was elected in July 1969, as the local's first full-time business manager. In that job, with the invaluable voluntary assistance of his wife, Norma, he provided the local with a full measure of organization which substantially increased its ability to act on behalf of the membership.

Over the years, Ralph's responsibilities grew as his area of jurisdiction expanded. In 1970, the Salinas local 243 and local 1072 were merged into local 234. Ralph was named business manager of the newly organized local. Then, in 1979, Santa Cruz and San Benito Counties were added to the jurisdiction of local 234. Ralph served as business manager of the three-county local 234 until July 1986. During his 17 years as business manager, Ralph was involved in a number of important actions, including negotiations with Kaiser which lasted some 6 years.

Ralph was also active in broader local labor organizations. He served as president of the Monterey County Building Trades Council from 1975 to 1978, as delegate to the Monterey County Central Labor Council, and as secretary of the Monterey/Santa Cruz Counties Building Trades Council.

Ralph was also very active in the community. He served as a member of the Carmel High School District Vocational Educational Training Advisory Board, the Hartnell College Vocational Educational Training Advisory Board, Concerned Citizens for Water—an organization which helped gain enactment of State legislation establishing the area water district—and the citizens advisory committee which helped set guidelines for water connection fees for the local water board. In 1979, Ralph was appointed by the Monterey County Board of Supervisors as the labor representative to the private industry council. He was a very active member of the council and was instrumental in gaining the appointment of a second labor representative.

Mr. Speaker, one cannot think of labor—or business—along California's central coast without thinking of Ralph Games. For nearly 20 years, he has been one of the most significant individuals helping to form the relationship between business, labor, and the public along the coast, and he has earned the respect of three counties for his hard work and dedication. I know my colleagues join me in congratulating him on his successful career and on the most deserved tribute his friends, colleagues, and neighbors will be paying him just a few days from now.

INDIANA COUNTIES APPLAUDED FOR INGENUITY AND SAVINGS

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. MYERS of Indiana. Mr. Speaker, I take this opportunity to congratulate two counties in my congressional district for their timeliness and ingenuity in saving highway dollars. Fountain County, following the example of Parke County, replaced three old bridges with flatbed railroad cars in the past several months, saving the county highway department approximately $236,000.

The Fountain County Highway Department replaced three bridges on lightly traveled county roads using these "metamorphosized" railroad cars instead of the usual precast concrete beams. The cars are used as the base of the bridges and joined together by 10-inch I-beams welded together. The bridge surface is made of treated timber. It is estimated that the lifespan of these bridges is about 50 years with a weight capacity of 15 tons. This is less than the 75-year lifespan and 20-ton weight capacity of concrete bridges.

For rural areas this is cost effective. Edward Grubb, the president of the Fountain County commissioners said,

> It's just a way to get safe bridges with high limits without using up all of our bridge budget.

Engineers had estimated the total cost of replacing the three bridges with concrete beams at $305,000. Using the railroad cars, the projects cost a total of $69,300.

I applaud Mr. Grubb and the Fountain and Parke County highway departments in their efforts to meet the needs of their constituency with less dependence on Federal dollars. We would do well to follow their example.

HOUSE CONCURRENT RESOLUTION 35

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. WOLPE. Mr. Speaker, I am pleased to join my distinguished colleague from Massachusetts, Mr. FRANK, as an original cosponsor of House Concurrent Resolution 35, which expresses the congressional concern over directives recently issued by the Social Security Administration [SSA] to State disability determination service [DDS] agencies. These directives instruct State agencies to adjudicate more disability claims in 1987 with the same, or in the case of Michigan's DDS, less personnel and resources than in 1986.

As Mr. FRANK's resolution warns us, it was only 6 years ago that similar directives led to the improper removal of over 400,000 Americans from the Social Security Disability Insurance [SSDI] rolls. This Congress can not and will not forget the severe financial and emotional suffering those directives caused for many of our disabled constituents and their families. Our appropriate response to this tragedy was the bipartisan, near-unanimous passage of the Social Security Disability Benefits Reform Act of 1984. Since implementation of that law, there has been a vast improvement in the fairness, accuracy, and consistency of DDS decisions. Public faith and confidence in the SSDI program have been renewed and must be maintained.

However, recent SSA directives have resulted in increased caseloads for many States, threatening a return to the chaos that existed from 1981 to 1983. In my home State of Michigan, the DDS will be required to render an additional 10,000 disability decisions this year. Moreover, Michigan's State agency must process this 11 percent increase in caseload with about 100 less full-time employees. SSA's downsizing strategy, coupled with increased caseloads, is expected to translate into a 35 percent to 45 percent increase in workload for each Michigan Disability Examiner. These directives, if fully implemented, can only undermine the progress the SSDI program has made over the last 3 years.

Mr. Speaker, there is not a Member of Congress who does not support the goals of increased productivity and efficiency in Federal programs. But the current direction of the SSDI program seeks to lessen the quality of case development by placing a disproportionate emphasis on the quantity of DDS decisions, a trade-off that is untenable and counterproductive. The passage of Mr. FRANK's resolution will send a strong and clear message that this Congress will not tolerate this new direction.

Mr. Speaker, this Congress must demonstrate its commitment to the 1984 reforms and, more importantly, to the thousands of applicants who have in good faith requested this vital assistance. I urge my colleagues to support this important measure.

SOPHIE OFFEN NAMED QUEENS SENIOR CITIZEN OF THE YEAR

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. ACKERMAN. Mr. Speaker, it is with great pleasure that I rise today to congratulate Mrs. Sophie Offen of Bayside, NY, on being presented with the Queens Senior Citizen of the Year Award. This special honor is sponsored by Queens Borough President Claire Shulman and by the Queens Division of the New York Telephone Co.

This honor was bestowed upon 13 individuals and one couple, representing each of the 14 community boards in Queens County. The recipients are citizens who have made significant contributions to improving the quality of life in their communities. They were chosen from a pool of candidates nominated by various senior citizen groups.

While his honor went to 15 outstanding New Yorkers, Sophie Offen truly stands out as a special honoree. Stricken with polio at birth, and legally blind for the past 22 years, this remarkable woman has let nothing stop her in her quest to make life just a little better for many people who needed some extra support.

As a resident of Queens for almost 30 years, Sophie has spent a great deal of time working in her community with various service organizations. She has been chair of Queens County March of Dimes, and has been a member of the Gail Glickman Chapter of the Marsha Slater Society for Research on Leukemia. Mrs. Offen has served as a vice president in the Sisterhood for Retarded Children, and has also worked to aid stroke victims. The work that Sophie currently does with Bayside Senior Services is to act as a "phone-buddy." Through this program, Sophie keeps in touch with many shut-ins, who otherwise might not have any contact with the outside world. But she is more than someone who just checks up on her buddies for any problems they may be having; she is also their friend.

Mr. Speaker, Sophie Offen is a true citizen in the finest sense of the word. She has given of herself over and over again, placing the needs of others above her own. The Senior Citizen of the Year Award is acclaim that brings pride to the entire Queens community, but especially to Sophie's sons, Barry and Neil.

I would like to ask my colleagues in the U.S. House of Representatives to join me in congratulating Sophie Offen on being named Queens Senior Citizen of the Year.

WELCOME TO THE SOUTH KOREA TRADE MISSION

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. LUNGREN. Mr. Speaker, this week a trade mission comprised of government officials and industrial leaders from the Republic of South Korea will be visiting the United States. As South Korea is the fourth largest market for United States agricultural products and one of our 10 largest trading partners, I should like to recognize that visit as an important effort at the continued improvement of trade relations between our countries.

Exemplary of their role as a U.S. trade partner, and as continued recognition of the superior technology and long-term product support offered by the McDonnell Douglas Corp., Korean Air recently signed a formal agreement for orders and options for eight new McDonnell Douglas MD-11 advanced wide-body jetliners. The value of this aircraft sale may exceed $1 billion.

Korean Air, under the leadership of the Hanjin Group, has experienced 17 years of spectacular growth and is viewed as a ranking domestic, regional, and international flag air carrier. McDonnell Douglas, a leader in the aerospace industry, has been manufacturing quality aircraft for well over a half century. The excellent relationship between these two companies is evidenced by Korean Air becoming among the first 12 airlines to announce its plans to buy the MD-11's.

Mr. Speaker, I am pleased to welcome this trade mission of the Republic of South Korea and to encourage continued success in their efforts to help bring about a favorable balance of trade between our two nations.

DEDICATED TO THE NOURISHMENT AND PRESERVATION OF THE FREE ENTERPRISE SYSTEM, THE CITIZENS FOUNDATION OF SYRACUSE OBSERVES ITS 40TH ANNIVERSARY

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. WORTLEY. Mr. Speaker, in 1831, while traveling through America, Alexis de Tocqueville observed that

> America is a land of wonders in which everything is in constant motion and every change seems an improvement.

Despite the Nation's problems which we now confront in this 100th Congress, Tocqueville's description still fits the larger panorama of America in the 1980's.

Since the beginning of this decade, there has been an explosion of nearly 3 million new businesses in the United States. Almost 12 million new jobs have been created and the constant motion of jobs creation shows no limits of abatement.

At the nucleus of this explosion of energy is the American free enterprise system. Since the foundation of America, the free enterprise system has continued to generate economic growth unequaled in human history.

Helping to foster and preserve the basic principles and freedoms which nourish this system is the Citizens Foundation of Syracuse, NY, a voluntary, nonpartisan, nonsectarian organization which is observing its 40th anniversary.

Supported by local businesses, the foundation sponsors programs of education and community involvement to increase public awareness and appreciation of the unique individual, political, and economic freedoms that are inherent in our free enterprise system, with a particular emphasis on the economic education of our young citizens. By so doing, the Citizens Foundation of Syracuse is helping to build a better community, State, and Nation.

Mr. Speaker, it is with pride that I commend the attention of the Members of this Congress to the dedication, noble objectives, and achievements of this voluntary organization.

ILLINOIS BENEDICTINE COLLEGE CELEBRATES CENTENNIAL TO SECURE THE SECOND CENTURY

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. FAWELL. Mr. Speaker, Illinois Benedictine College in Lisle, IL, is an independent higher education institution founded by the monks of St. Procopius Abbey in 1897. On March 1, this fine academic institution will be 100 years old. Judging from its past, the next 100 years should be even greater for Illinois Benedictine.

The history of IBC began with the monks of the Order of St. Benedict and the Abbey of St. Procopius. The monks started a fine tradition of educating the total person. That tradition, rooted in IBC's Catholic-Christian heritage, is as strong today as it was 100 years ago.

Given this institution's commitment to education, it is appropriate that the theme for the centennial celebration is "Shaping Futures Through Education." The future for education at IBC looks very promising.

Illinois Benedictine is located in the heart of the high technology corridor of DuPage County. The high technology corridor is the home of some of the Nation's most advanced research and development facilities, including Argonne National Laboratory, Fermi Laboratory, Bell Labs, Nalco Chemicals, AT&T Technologies, and Amoco Research Center. The possible location of the superconducting super collider [SSC] centered at Fermi Laboratory offers IBC and its graduates additional opportunities.

Because of IBC's location in the high technology corridor, many of its undergraduates are employed by thriving national businesses soon after graduation. The college focuses on undergraduate programs in business, natural sciences, computer science, communications, international studies, and teacher education.

Under the leadership of its president, Dr. Richard Becker, IBC has expanded its curriculum to graduate learning. A master's in business administration was the college's first graduate program. More recently, IBC has added six new graduate programs in management and organizational behavior, exercise physiology, information systems, counseling psychology, fitness management, and public health.

On March 1, the Lisle community will recognize the successes of Illinois Benedictine during its first 100 years. The next 100 years will prove equally awarding as IBC, clinging to a fine tradition, continues to shape futures through education.

JOEL SAMUELS: MAN OF SPECIAL VISION

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. SOLARZ. Mr. Speaker, I would like to pay tribute to Joel Samuels on the occasion of his being honored as "Man of the Year" at the 11th anniversary celebration of Services for the Blind and Visually Impaired.

Joel is one of Brooklyn's foremost civic leaders. A life-long resident of Brighton Beach, he is an energetic and dedicated activist who has long served his community as both a professional and a volunteer. He has helped found many organizations, which he has led with distinction and whose activities have addressed some of the most pressing concerns of our time.

In particular, Joel is co-executive director and co-founder of two of the most important organizations in the Shorefront area, the Brighton Neighborhood Association and the Oceanfront Development Corporation. Housing redevelopment and rehabilitation, tenant organizing youth activities and commercial revitalization are among the vital programs which these groups and, through them Joel, initiate and promote. As a member of the board of directors of the Shorefront YMWHA of Brighton Beach, Joel has worked hard also on behalf of teenagers. In addition, he has striven to assist the disabled and the ailing, through his efforts as a board member of the Federation for the Handicapped and as vice president of the Kingsborough Continental Chapter of the Asthma Center.

Education has always been in the forefront of Joel's concerns, and he has been a persistent and inventive advocate of diverse educational projects. He played a pivotal role in obtaining a community education and resource center, which he now heads, for Public School 225 Kingsborough Community College formally honored him in 1982, in recognition of his educational endeavors and related activities.

Of all the worthwhile organizations in which Joel has participated, the Kiwanis International is perhaps one of the most valuable. Joel joined the Coney Island chapter of this charitable service group in 1981. He rose quickly to the position of president and received its Distinguished President Award. In 1985, he won election to the organization's highest position in Brooklyn, lieutenant governor, a post he retains and which gives him responsibility for the 19 Kiwanis clubs in our borough.

Joel is a credit to his beloved Shorefront community and to Brooklyn as a whole. Through his work and personal example, he is an inspiration to everyone who has had to overcome an obstacle. As a teenager, he experienced a protracted period of legal blindness, spending the years from age 11 to 18 in and out of operating rooms and functioning, when out, with the aid of a seeing-eye dog. The memory of this experience fuels his energy on behalf of the community and propels him to continually search for creative organizational responses to personal and community problems.

I congratulate Joel on being honored as "Man of the Year" by Services for the Blind and Visually Impaired on whose executive board Joel serves, and commend this notable organization for its good judgment in selecting him for this award. Both Joel and Services for the Blind and Visually Impaired have made our community a better place to live. My heartfelt congratulations go out to him on this joyous and well-deserved occasion.

TRIBUTE TO DR. JAMES YOUNG

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. TORRICELLI. Mr. Speaker, I rise in tribute to Dr. James Young, executive vice president of the United Jewish Community of Bergen County, NJ. Dr. Young has served in this position for 10 years, since the inception of the organization. Prior to that, he served as assistant executive director of the Council of Jewish Federations.

A graduate of City College in New York and Columbia University, Jim has devoted his life to social service. Jim's receipt of awards from the the B'nai B'rith Anti-Defamation League and the Outstanding Community Service Award from the Council of Jewish Federations testify to his accomplishments.

A veteran of the Korean war, he has also been actively involved in youth athletics. Jim coached volleyball in the world championships and U.S. teams participating in the Maccabiah games in Israel. In recognition of his efforts in this area, Jim was awarded the prestigious gold medal of the Helms Athletic Foundation.

Those who are privileged to know Jim are aware of his skill both in managing crises and dealing with day-to-day problems. When a tornado hit Louisville, KY, Jim was called to help. When Johnstown, PA, suffered a terrible flood in 1972, Jim's expertise in social service aided in the community's recovery.

Jim Young is best known for his signal contribution to the Jewish community of Bergen County. As professional head of the United Jewish Community, Jim was instrumental in consolidating various local United Jewish Appeal organizations into one unit to better serve the needs of the area. The United Jewish Community is now a model for other such organizations around the country. Jim Young bears a large measure of credit for the success in providing services both in Israel and in the Bergen County community.

I am proud to join with Jim's wife Fran, his family and many friends, and the leaders of Bergen County's Jewish community in honoring my good friend, Jim Young.

TRIBUTE TO WALTER J. STOREY

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. MURPHY. Mr. Speaker, it is with a great deal of satisfaction and personal admiration that I pause in our deliberations today to pay special tribute to Walter J. "Buzz" Storey, who after 47 years with Uniontown Newspapers, Inc., announced his retirement on February 1, 1987.

"Buzz" as he is affectionately known among his friends and colleagues, became a reporter and photographer back in 1940 and eventually performed every job in the newsroom; including assistant editor, editorial page editor, and editor.

Storey has won numerous awards during his distinguished career including many Pennsylvania statewide honors for editorials, spot news, new series, and local columns. He led the team effort that brought the Herald-Standard Newspaper staff of Uniontown, PA, two national Associated Press citations and three American Legion awards for coverage of veterans' news.

For the past 13 years, Storey has served on the board of directors for the Pennsylvania Associated Press Managing Editors Association. He was also a member of the American Conference of Editorial Writers and the Pennsylvania Society of Newspapers Editors.

In addition to his newspaper career, Storey has also been active in a number of community and civic groups. He is chairman of the Uniontown Redevelopment Authority and a member of the advisory board for the Fayette County Drug and Alcohol Commission. He was a member of the 1983 Fayette County Bicentennial Committee. "Buzz" also belongs to the Uniontown Chamber of Commerce, the Uniontown Area Historical Society and the Veterans of Foreign Wars Post 47 Uniontown.

Storey was honored as Citizen of the Year in 1985 by the Uniontown Area Chamber of Commerce. In addition, he has received a number of awards from other community groups including the VFW, the American Legion, the NAACP, the B'nai B'rith, the Fayette County Development Council, the Exchange Club, the Tri-County Polish Historical and Cultural Society, and the Fayette County Drug and Alcohol Commission.

Storey is an Army veteran of World War II, having served as a sergeant in the combat engineers in Europe.

He is a member of St. John the Evangelist Roman Catholic Church in Uniontown, where he was a member of the parish council for 12 years and has been an usher for 25 years.

Storey is married to the former Polly Doorley. They have six children and seven grandchildren.

And so we pause today to recognize the achievements of a man who has made a significant contribution to his profession and his community and with his retirement, we wish him good health and happiness in the years to come.

VETERANS' PROGRAM

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. FUSTER. Mr. Speaker, I rise today to introduce a bill for the purpose of protecting the beneficiary travel program for low-income veterans living in the Commonweath of Puerto Rico.

Under current law, the Veterans' Administration has discretionary authority to pay a veteran's expenses incurred in traveling to or from a Veterans' Administration facility where that veteran is receiving medical care, rehabilitation, therapy or counseling. This is a meaningful and significant benefit, since it enables many veterans to receive regular treatment on an outpatient basis. In fiscal year 1986, the Veterans' Administration spent $106 million for this purpose, $1.5 million of which was allocated to the veterans residing in the Commonwealth of Puerto Rico.

Unfortunately, the beneficiary travel program is presently under attack by the administration. For purposes of deficit reduction, the administration reduced the allocation for this program to $10 million for fiscal year 1987—a 90 percent decrease in funding. The allocation for the Commonwealth of Puerto Rico was similarly cut reducing it to a mere $14,000.

The administration's view is short-sighted. The burden of this cutback would fall on the poorest veterans. Furthermore, from a cost-reduction standpoint, it makes more sense to facilitate the provision of a treatment on a preventive basis. However, under the administration proposal, many poor and elderly veterans would postpone or delay treatment until their medical problems become critical and require hospitalization.

I call upon the administration to refrain from further attempts to balance the budget on the backs of our Nation's veterans. This country has a deep and abiding commitment to the welfare of its veterans, and this Congress should honor that commitment.

RETIREMENT BENEFITS NEED BETTER GUARANTEES

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. WALGREN. Mr. Speaker, as a cosponsor of legislation to provide health and life insurance benefits for retirees whose coverage has been threatened by the LTV bankruptcy, I cannot emphasize strongly enough the importance of swift action to restructure our laws to provide effective protection for retirees under a chapter 11 bankruptcy.

Last summer we were all surprised when LTV Corp. took it on their own to stop payment on the health and life insurance benefits of 78,000 retirees after filing for bankruptcy under chapter 11. In reaction, Congress last fall required continuation of these benefits until May 15, 1987, to prevent thousands of retirees from having to fund their own health and life insurance out of limited monthly pension allotments. With that deadline fast approaching, we must enact a permanent statute to protect the retirement security of these retirees.

I believe Congress must make clear its intent to require companies to fulfill the expectations they have created by retirement programs. Congress guarantees a certain degree of protection for pension plans through the ERISA Act. But many are left partially whole. And, of course, contractual agreements to maintain life and health insurance policies are simply not covered at all.

Congress must act quickly to protect not only health and life insurance benefits, but pension and early retirement benefits as well. In the past few months since the LTV bankruptcy, my office has heard from many people who are suffering from greatly reduced monthly support because Pension Benefit Guarantee Corporation does not provide 100 percent coverage.

What is happening to these steel pensioners was unforeseen in 1974 when the ERISA provisions became law. The steel companies were forced to make huge reductions in employee rolls in order to adjust to a market swollen with imports. To their credit they sought to avoid layoffs by offering bonuses for early retirement. These $400 per month incentives became the main reason for thousands of loyal employees to leave their jobs in the hope that their departure might help to bolster their sagging industry. Now these retirees, through no fault of their own, are seeing this security ripped out from under their feet.

One of my constituents was receiving a $968 monthly pension. Now that his pension is being administered by the PBGC he is only receiving $568 per month. At this rate, he will receive only $6,816 this year, far below the poverty line for a family. He is joined in this dire circumstance by over 7,000 other early retirees of what is now LTV Steel.

We cannot afford to let thousands of middle-class Americans fall into poverty. We must take fast action to prevent the further erosion of the steel industry. We must take a new look at our pension guarantees to be sure that they are sufficient to fill the need. And we must take a hard look at the bankruptcy laws to be sure that companies are not using chapter 11 as a legalized method of abrogating contractual agreements coldly and unilaterally.

I want to especially salute Congressman STOKES for focusing the attention of the House on this critical issue and urge everyone to support his efforts.

DEMOCRATS ABANDON DEFICIT REDUCTION BATTLE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. MICHEL. Mr. Speaker, I note in today's paper that the chairmen of the House and Senate Budget Committees have already waved the white flag and given up on reaching our deficit reduction targets for next year, under the Gramm-Rudman law.

And what a fight they put up before surrendering. The chairmen held out all of 3 weeks after final submission of the President's budget.

The decision is somewhat baffling given the fact that House Democrats just got back from the road and their annual whirlwind budget publicity tour.

Are House Democrats telling us that what the American people told them they want is less deficit reduction, not more? I hardly think so.

What the Democrats are really telling us is that they do not want to cut spending, because that goes contrary to their tax-and-spend philosophy, but they are afraid to implement the other part of that philosophy because they know the public doesn't want it. So they take the easy way out and abdicate their responsibility to reduce the deficit.

This is not the time to be giving up, lowering our signts, and falling further behind on the battle against deficit spending.

TRIBUTE TO CHIEF GERALD LARSON LOWRY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to Santa Barbara City Police Chief Gerald Larson Lowry, who will be retiring this year after 31 years on the police force.

Chief Lowry joined the Santa Barbara police force as a patrol officer on August 31, 1956. He worked his way up through the ranks, serving successively as juvenile officer, detective, sergeant, captain and finally, chief. His career was marked by outstanding leadership abilities and personal bravery, in situations ranging from natural disasters to violent demonstrations. In his service, he was charged with providing protection to then-Governor Ronald Reagan, and later served the same capacity in behalf of President Reagan during visits to the city.

Chief Lowry led successful investigations of many crimes, including the arrest and prosecution of multiple homicides and police killings; he oversaw evacuations during the Sycamore Canyon fire; and was involved in controlling riots during the Isla Vista bank burning.

A native of San Francisco, Chief Lowry came to Santa Barbara in 1930 with his family. He is a graduate of Santa Barbara High School, Santa Barbara City College, and the FBI Academy. His professional affiliations include the California Chiefs of Police and the International Associations of Chiefs of Police. He served in the U.S. Navy during World War II and Korea, and is a member of the Navy League, Scottish Rite, and Northside Lions Club.

During his time as chief, he was able to work effectively with community leaders in responding to the needs of the community, and among other tasks, established a highly successful street crimes task force, and over 100 neighborhood watch programs. He and his wife, Geneva, are the parents of seven children, and have nine grandchildren.

Mr. Speaker, on behalf of the House of Representatives and the Santa Barbara community, I wish to extend our thanks and very best personal wishes to Chief Lowry and his wife, Geneva, and wish him an active and productive retirement.

A CONGRESSIONAL SALUTE TO PAUL G. LEE ON HIS RETIREMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. ANDERSON. Mr. Speaker, on April 25, 1987, Paul G. Lee is being honored on his retirement from the teaching profession. It is an honor for me to pay tribute to Paul Lee on his retirement after more than 30 years at Chadwick Seaside School in Rancho Palos Verdes.

Paul Lee received his B.A. from Georgetown University and then attended Stanford University for his masters. Since he graduated he has spent 31 years dedicating himself to teaching area students at the Chadwick School.

During Paul's many years at Chadwick he has taught and counseled approximately 1,500 students who graduated and attended major colleges and universities. He has been helping students in many positions as being the dean of students, college placement counselor, and an advocate of minority involvement. Among all his other activities Paul still finds time to teach history and coach football and basketball.

Mr. Speaker, Paul Lee will be missed by his colleagues and students at Chadwick School. He has proven himself to be an outstanding teacher by receiving various teaching fellowships, including the Pascoe teaching fellow in 1981. Paul also contributed his efforts to education outside of Chadwick by serving as a board member at Oakwood School. He has served the entire community through his dedication to quality education.

My wife, Lee, joins me in commending and congratulating Paul Lee on his retirement from the education field. We wish him and his wife, Joan, and their children Mary and Don, continued success and happiness in the years ahead.

NATIONAL FUTURE FARMERS OF AMERICA WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. NATCHER. Mr. Speaker, it is a pleasure for me to join with the members of the Future Farmers of America as they celebrate National FFA Week with the theme "FFA—Leaders for the new Fields of Agriculture."

Future Farmers of America is a vocational education organization for high school students who are enrolled in vocational agriculture classes in public high schools and area vocational education centers. This organization develops agricultural leadership, cooperation, and citizenship.

Each chapter develops an annual program of activities and each member of the chapter carries out a Supervised Occupational Experience Program. The FFA provides awards recognizing members for achievement at the chapter, district or area, State, and national levels. These award programs directly relate to the Supevised Occupational Experience Programs so that every Vocational Agriculture-FFA member can participate.

The 1985–86 school year was a busy and productive one for the 13,026 FFA members, 147 chapters, in my home State of Kentucky. Over 1,000 FFA members and teacher attended the FFA leadership development training at the Kentucky FFA leadership training center in Hardinsburg, KY.

In the Second District of Kentucky, which I have the privilege of representing in the Congress, FFA chapters and members received statewide and nationwide recognition for their achievements.

At the National FFA Convention in November 1986, Mr. Leon Smiley, a vocational agriculture teacher at Breckinridge County High School, received the "FFA honorary American farmer degree." This degree recognizes adults who have rendered exceptional service to youth, agricultural education and the FFA organization.

There were two national proficiency winners at the convention from the second district: Scott Travis, Spencer County FAA chapter, for specialty crop production; and Brad Chambliss, Breckinridge FFA chapter, for diversified livestock production. Other winners included: The Spencer County chapter, silver emblems for farm business management and meats judging; and the Barren County chapter, silver emblem for livestock judging.

The American farmer degree recognizes FFA members for their achievements in agriculture and leadership abilities. Gold keys were presented to Kelly Smith of Bowling Green, Richard Reynolds of Bowling Green, Todd Dickarson of Woodburn, and Robert Hines of Philpot.

The National FFA Chapter Award Program recognizes chapters that have reached a rating level of superior chapter by organizing and conducting an exceptional program of activities that provided valuable experiences for their members. Each chapter was judged on performance in 11 areas. The Spencer County chapter and the Breckinridge chapter were ranked gold; the Barren County chapter ranked silver.

FAA chapters in the second district also received many honors on the State level last year. Thirteen chapters participated in the FFA Farm Identification Award Program. The Spencer County chapter, the State winner, marked equipment on 123 farms and 98 farm homes in Spencer Country. Frankie Owen was selected the individual chapter winner.

The Spencer County chapter, which received a gold rating, on the State level, also received a gold rating on the national level of the Building our American Communities Program [BOAC]. This award recognizes chapters that have committed all their members to making their community a better place in which to live and work through special community improvement projects. The Barren County chapter received a silver rating and the Breckinridge chapter received a bronze rating.

The State winner of the Chapter Safety Program was the Spencer County chapter. This chapter conducted a survey of farms and homes in the community and identified hazards. Corrections or improvements were made in many instances. All 103 members participated in this project. Other chapters that were rated superior included: Daviess County, Warren Central, Franklin-Simpson, Barren County, Breckinridge County, Grayson County and East Hardin.

I know of no group of young people who are accomplishing more in the field of agriculture for their communities, States, and Nation than the members of the "Future Farmers of America." These young people are to be commended for their achievements and I want to wish them continued success in all their future endeavors.

HENRY ROKOSZ NAMED ELK OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. KANJORSKI. Mr. Speaker, I am sure that every one of my colleagues in the House of Representatives is familiar with the good works of the Elks, a fine national civic organization which has chapters in most of our congressional districts. This year the Hazleton Elk Lodge No. 200 has selected one of my constituents and a personal friend, Mr. Henry P. Rokosz as Elk of the Year. I would like to take this opportunity to share with my colleagues the inspiring example of a great American citizen.

Henry P. Rokosz was born to Stanley and Mamie Rokosz of Hazleton. Under his father's supervision, Henry learned the carpentry trade and helped to build the family home in Hazleton at the age of 12. He graduated with honors and varsity letters in track and football from Hazleton High School and soon after married Irene Parente.

With the declaration of war against Japan, Mr. Rokosz enlisted in the Navy. Returning safely in 1945, he joined with the Postal Service and steadily advanced through the years until he became postmaster in 1973. He and Irene had two daughters, Noell Carol and Thelma Natalie.

More than 40 years ago, Mr. Rokosz joined Elks Lodge No. 200. He became the lodge's exalted ruler for the 1956-57 term and served as the State's district deputy grand exalted ruler in 1974-75. From 1967 until last year, he served as the local chapter's secretary, and he was granted life membership in 1979. Well respected by his fellow Elks, he has been a driving force behind the success of Elk Lodge No. 200.

Mr. Speaker, across our great Nation there are countless communities which thrive only by the selfless devotion of citizens such as Henry Rokosz. It is a great pleasure for me to join Hazleton Elk Lodge No. 200 in thanking Mr. Rokosz for his years of dedication and congratulate him on having been chosen Elk of the Year.

A CONGRESSIONAL TRIBUTE TO HARRY CLAYTON REED

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Mr. Harry Reed of St. Clair, PA. On March 14, 1987, Mr. Reed will be honored for his distinguished service to the St. Clair Lions Club. Mr. Reed will be honored with a special recognition dinner.

This is indeed a well-deserved honor for Mr. Reed. He has dutifully served the St. Clair Lions Club since joining as a charter member. He has held a number of important positions in District 14-U and in his local club, including stints as president and treasurer of the St. Clair Lions.

In addition to his work with the Lions, Mr. Reed is dedicated to community and public service. He is a charter member of the St. Clair Little League and has served as an umpire for many years. He is also a member of the Schuylkill County Fair Association and has served on the consistory board of his church for over 40 years. In his spare time, Mr. Reed enjoys fishing, hunting, and spending time with his wife, Dorothy, and their three children.

In all of his endeavors, Harry Reed has shown spirit, dedication, and a commitment to helping others. He is being honored for his legacy and he can be justifiably proud of his many achievements. I commend him for his contributions and I know that my colleagues will join me in honoring Harry Reed on this important occasion and in wishing him continued success and good fortune in the years to come.

GIRL SCOUTS OF AMERICA CELEBRATE THEIR 75TH ANNIVERSARY

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. KOLBE. Mr. Speaker, this year the Girl Scouts of America celebrate their 75th anniversary. To understand the significance of this event, we need to look back to the 19th century, a period of profound change for women in America.

It was during this period that the seeds of change were planted that would allow Juliette Low to found an organization to help young girls prepare for a world far different from the one their mothers and grandmothers had known.

The first Girl Scouts of America inherited the fruits of a long-fought struggle to expand opportunities for women and to elevate the status of women in American society.

Before them came women like Elizabeth Cady Stanton and Lucretia Mott, who in 1848 in Seneca Falls, NY organized the first women's rights convention. These first organizational meetings provided women forums for discussing common issues and problems.

We look upon these women today as pioneers. In their day, however, they were ostracized and ridiculed for challenging a male-dominated world. What were the issues that engendered such animosity? Laws that prohibited women from owning property.

Laws that barred women from the voting booth. And, the absence of laws to protect women and children against abusive labor practices that resulted in filthy sweat shops, dangerous working conditions, and long hours at little or no pay.

More than fashioning legal remedies to improve the lives of women, these early pioneers of women's rights fought to change attitudes. They fought to be recognized as equal participants in society. They fought for a world where their daughters could awaken with the same expectation of opportunity as their sons.

Juliette Low observed that boys' organizations were effective in building character and self-esteem, and in instituting a camaraderie that comes from shared experiences. One organization in particular, Boy Scouts, also stressed community responsibility and service to God and country.

These were important goals all young people should share. The ideals embodied in scouting could give girls the chance to enjoy a right of passage boys in their groups had always experienced.

Girl Scouts were expected to master homemaking skills and to work outside their homes as volunteers in their communities. But, Low also believed that self-assurance came from physical strength. This was a departure from social standards.

The great outdoors was definitely man's domain. However, for Juliette Low it was only natural that strong minds needed strong bodies. Girl Scouts incorporated this philosophy into a curriculum for girls.

During our celebration this year of the 200th Anniversary of the Constitution of the United States it is worth noting that Juliette Low's first Girl Scouts were probably among the first women in our Nation's history to vote.

In 1920, 8 years after the Girl Scouts organization was founded, Congress passed the 19th amendment to the Constitution, giving women the right to vote. This was one of the most important challenges and opportunities facing the young women Juliette Low had organized to embrace a new world.

Girl Scouts today are involved in a wide variety of activities. A recent issue of the Tucson Sahuaro Girl Scout Council's newsletter included stories about a troop project to clean up a national monument in Arizona, a substance-abuse prevention program, a youth leadership conference, and Red Cross certification for canoeing.

The Girl Scouts are now an international organization. On February 22, Girl Scout Thinking Day, Japanese Scouts will join their sisters at a U.S. Air Force Base.

I would like to include in this record a list of the young women of Catalina Troop 511 in Tucson, AZ. They are Heather Andrews, Stacey Action, Tonja Brice, Heather Burehring, Elisabeth Burnside, Ellen Burnside, Stacey Childress, Laura Gardiner, Kristi Johnson, Karol Kahn, Sharon Kennedy, Valerie Lange, Jeanette Wheeler, Mizue Kobayashi, Kathy Martin, leader, and Elaine Miller, former assistant leader.

I would like to thank these young women for their contributions to our community. They have helped to make Tucson a better place to live.

They have lived up to their promise to serve God and country. And, they have kept alive the organization that Juliette Low hoped would strengthen the minds and bodies of generations of women.

H.R. 1226

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce H.R. 1226, legislation requiring that the appointment of the Commissioner of the Food and Drug Administration be subject to Senate confirmation.

The legislation is identical to H.R. 4754, introduced in the 99th Congress, which was reported favorably by the House on September 16, 1986, under suspension of the rules. Unfortunately, the Senate was unable to consider the legislation prior to adjournment.

Mr. Speaker, the FDA is an agency of the Public Health Service within the Department of Health and Human Services. With respect to protecting the public health, the Commissioner of Food and Drugs has an awesome responsibility. The FDA represents the only line of defense between the public and unhealthy foods, unsafe drugs, ineffective medical devices, or unfounded health claims.

Ironically, the FDA Commissioner is alone among major regulatory agency heads not subject to Presidential appointment or Senate confirmation. The head of every major Federal health and safety agency—except the FDA—

is subject to Presidential appointment and Senate confirmation. These agencies include the Federal Aviation Administration, Environmental Protection Agency, Occupational Safety and Health Administration, National Highway Traffic and Safety Administration, Consumer Product Safety Commission, and the Nuclear Regulatory Commission.

In addition, Presidential appointment and Senate confirmation is already required for many of the agency heads and program directors of the U.S. Public Health Service. These positions include the Surgeon General, Director of the National Institutes of Health, Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, and Director of the National Cancer Institute.

Senate confirmation is a constructive and worthwhile process. It is a procedure that should apply to persons appointed to serve as Commissioner of the FDA.

I ask that a copy of H.R. 1226 be printed in the RECORD at this point.

H.R. 1226

A bill to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPOINTMENT OF COMMISSIONER.

Chapter IX of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following:

"FOOD AND DRUG ADMINISTRATION

"SEC. 903. The Food and Drug Administration is an agency of the Department of Health and Human Services.

"APPOINTMENT OF COMMISSIONER

"SEC. 904. The Food and Drug Administration shall be headed by a Commissioner of Food and Drugs who shall be appointed by the President, by and with the advice and consent of the Senate.".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply to appointments of Commissioners of Food and Drugs made after the date of the enactment of this Act.

HOUSE OF REPRESENTATIVES—*Wednesday, February 25, 1987*

The House met at 2 p.m.

The Reverend John Pakalniskis, Church of the Annunciation, Brooklyn, NY, offered the following prayer:

Almighty and eternal God, we gather here to commemorate the 69th anniversary of the restoration of Lithuania's independence. We bow before You in reverent and heartfelt homage, rededicating ourselves to the Gospel we accepted 600 years ago, because Your Word alone fosters peace, unity, and love.

Forty-six years ago our beloved homeland of Lithuania lost her cherished independence, becoming yet another tragic victim of Soviet imperialism. Therefore we pray to You, O most merciful Father:

For all who suffer persecution for the sake of the Gospel;

For all those imprisoned and exiled or otherwise deprived of human rights and dignity;

For those who have offered the supreme sacrifice of their lives for the cause of these freedoms and truths.

We thank You, Father, for the years of freedom which Lithuania has enjoyed since the year 1253, when she joined the family of nations. We bow in deep respect before all who gave their lives, energy, and talent in the service of our land.

Bless, Father, the Members of Congress here assembled and all the people of this beautiful country.

Support our efforts, dear Lord, to pass on the life and liberty we enjoy here to our beloved Lithuania. Give us the strength and prudence to preserve and uphold freedom and independence. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

REV. JOHN LEONARD PAKALNISKIS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, it is a genuine pleasure for me to welcome to our Nation's Capital, the Reverend John Leonard Pakalniskis, pastor of the Church of the Annunciation in Brooklyn, NY, who offered the opening prayer.

Father Pakalniskis is currently the supreme chaplain to the Lithuanian Scouts Organization, as well as the vice president of the Lithuanian Priests' League of the United States.

He was born in New York City, and when he was 6 years old in 1921, Father Pakalniskis moved with his parents to Lithuania, where he completed his education. Ordained to the priesthood on June 3, 1939, Father Pakalniskis also graduated from the University of Vytautas the Great in Kaunas, Lithuania, that same year. His first assignment was the assistant at the Cathedral Church in Kaunas, where he also taught religious courses.

On June 7, 1947, Father Pakalniskis came to the United States, and served as assistant pastor to three parishes in Brooklyn, until July 16, 1978, when he was appointed the pastor of the Annunciation Church.

I want to thank Father Pakalniskis for being with us today, and to wish him continuing success in his dedicated work in the church.

ANNOUNCEMENT OF SELECTION OF REPUBLICAN OBSERVERS TO STRATEGIC ARMS REDUCTION TALKS

Mr. MICHEL. Mr. Speaker, pursuant to the agreement between the House and Senate joint congressional leadership, I am pleased to announce that the following Republican Members of the House will be observers to the strategic arms reduction talks:

Mr. BROOMFIELD of Michigan;
Mr. DICKINSON of Alabama;
Mr. LOTT of Mississippi;
Mr. LAGOMARSINO of California;
Mr. COLEMAN of Missouri;
Mr. EDWARDS of Oklahoma;
Mr. COURTER of New Jersey;
Ms. SNOWE of Maine;
Mr. DORNAN of California; and
Mrs. MARTIN of Illinois.

CATASTROPHIC HEALTH PROPOSAL

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I am today introducing the President's proposal to provide catastrophic health care coverage under Medicare for older Americans; 24 other Members are joining us as cosponsors.

The President's proposal addresses a need which I think all of us acknowledge exists to one degree or another. At present, some 54,000 older Americans have hospital stays longer than the 60 days covered by Medicare. Some 1.3 million incur health expenses in excess of $2,000 a year.

Some of these costs are covered by private, so-called MediGap, insurance policies, but some are not. If all the MediGap policies provided catastrophic coverage, we would have no problem. But they do not, which is why we are introducing this legislation.

The President's proposal would provide unlimited hospital days and medical care, and would ensure that no one would have to pay more than $2,000 out-of-pocket annually for services covered by Medicare. This catastrophic coverage would be financed through an increase in the part B premium of $4.92 a month.

The advantage of this approach is that it spreads the financing across the entire Medicare population, thus reducing the cost per person; it does not add to the budget deficit; and most importantly, it will provide peace of mind for some 30 million elderly that they will not be bankrupted by a serious illness.

The legislation does not, of course, provide a solution for the problem of long-term, or nursing home, care which is becoming an overwhelming burden on more and more of our elderly citizens, particularly as our population ages and people are living longer.

I have established a Republican Task Force on Health, under the chairmanship of BILL GRADISON, and one of the things I have asked it to consider is the issue of long-term care. There are no immediate or easy solutions, but the issue must be addressed.

Meanwhile, the President has proposed a responsible solution for our acute care problem, and I hope it receives early action.

☐ 1410

ARMS SALES TO IRAN AND THE PRESIDENT'S MEMORY

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. FRANK. Mr. Speaker, with all respect to the President, I think that he misphrased a question yesterday dealing with the problem of arms sales to Iran and his own memory. He asked if everybody could remember what they were doing on August 8, 1985.

Well, his method of asking other people to test the hypothesis is reasonable, but he asked the wrong question, because it is not what you were doing on a particular date, but did he authorize an arms sale to Iran. So following his example, I thought that we might further test his hypothesis, and I would hope that anybody here who remembers authorizing an arms sale to Iran within the last couple years would raise their hands.

Then, would everybody who remembers not authorizing an arms sale to Iran raise their hands.

Then, would everybody who cannot remember whether or not they authorized an arms sale to Iran raise their hands.

Well, apparently we have people on all sides, which gives us the principle of constitutional equality with the executive branch, because the President in his report to the Tower Commission first said that he remembered authorizing it, then he said he remembered not authorizing it, and then he said that he did not remember. So insofar as we have people who remembered authorizing it, remembered not, and not remembering, we have I think done something to establish constitutional equality with the President, and a blow is struck for the Constitution.

INTRODUCTION OF LEGISLATION TO SUSPEND MFN STATUS FOR ROMANIA

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, today Mr. Wolf and Mr. Hall join me in introducing a bill to suspend most favored nation status for Romania for 6 months because of ongoing, pervasive violation of human rights in that country. This legislation is similar to a proposal we offered in the last Congress that enjoyed broad, bipartisan support and 95 cosponsors in the House.

Mr. Speaker, in many ways, Romania is a paradox. It has demonstrated an ability to chart its own foreign policy rather than dance to the tune of Soviet hegemony. Encouraging as this independent streak may be, the fact of the matter is that on the domestic front, Romania continues to repress and to circumscribe the fundamental rights of its citizens.

As you know, Mr. Speaker, Romania signed the Helsinki accords in 1975 and claims it is committed to fulfilling its obligations under the act. Their record of compliance to the international covenant, however, does not match their rhetoric. It seems that the dark cloud of repression is lifted somewhat only during our Government's annual review of MFN. Last year over 1,000 backlogged emigration cases were solved and some leading prisoners of conscience were liberated in the spring and early summer. But when MFN seems assured for another year, Romania lapses back into old habits—churches are again bulldozed, religious believers harassed, and other state controls imposed.

It is sad but true that the Romanian Government tolerates no domestic criticism, no opposition, no dissent from its policies. There are massive controls of all forms of the media, freedom of speech, and movement within and without the country. Furthermore, citizens are prohibited the right to assemble unless specific permission is granted by the Government. Of course, that permission is only secured when the Government has ensured that the activity will serve the interests of the Communist Party. Christians are singled out for arrest and imprisonment.

The bill we are introducing today sends a clear message to the Romanians that respect for human rights is the cornerstone of United States-Romanian relations, and is the key to enhanced trade, friendship, and understanding between our two countries. What we seek is year round—not periodic—compliance with the Helsinki accords and the Jackson-Vanik amendment.

APPOINTMENT AS MEMBERS OF UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER. Pursuant to the provisions of Public Law 96-388, as amended by Public Law 97-84, the Chair appoints as members of the U.S. Holocaust Memorial Council the following Members on the part of the House:

Mr. Yates of Illinois;
Mr. Lehman of Florida;
Mr. Solarz of New York;
Mr. Garcia of New York; and
Mr. Green of New York.

APPOINTMENT AS MEMBERS OF ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER. Pursuant to the provisions of section 3(a), Public Law 86-380, the Chair appoints as members of the Advisory Commission on Intergovernmental Relations the following Members on the part of the House:

Mr. Weiss of New York; and
Mr. Lightfoot of Iowa.

APPOINTMENT AS ADDITIONAL MEMBER OF JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of 15 U.S.C. 1024(a) the Chair appoints as an additional member of the Joint Economic Committee the gentleman from New York, Mr. Solarz.

APPOINTMENT AS MEMBERS OF MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION

The SPEAKER. Pursuant to the provisions of section 4(a), Public Law 98-399, as amended by Public Law 99-284, the Chair appoints as members of the Martin Luther King, Jr., Federal Holiday Commission, the following Members on the part of the House:

Mr. Gray of Pennsylvania;
Mr. Dymally of California;
Mr. Regula of Ohio; and
Mr. Kemp of New York.

APPOINTMENT AS MEMBERS OF HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER. Pursuant to the provisions of section 5(b), Public Law 93-191, the Chair appoints as members of the House Commission on Congressional Mailing Standards the following Members of the House:

Mr. Udall of Arizona, chairman;
Mr. Solarz of New York;
Mr. Ford of Michigan;
Mr. Frenzel of Minnesota;
Mr. Taylor of Missouri; and
Mr. Lewis of California.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION TO ATTEND 28TH MEETING OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of 22 United States Code 276d, the Chair appoints as members of the United States delegation to attend the 28th meeting of the Canada-United States Interparliamentary Group the following Members on the part of the House:

Mr. Gejdenson of Connecticut, chairman;
Mr. Fascell of Florida, vice chairman;
Mr. Gibbons of Florida;
Mr. Hamilton of Indiana;
Mr. Oberstar of Minnesota;
Mr. AuCoin of Oregon;
Mr. Penny of Minnesota;
Mr. Broomfield of Michigan;
Mr. Horton of New York;
Mr. Stangeland of Minnesota;
Mr. Martin of New York; and
Mr. Miller of Washington.

ANNOUNCEMENT OF OFFICIAL REPUBLICAN OBJECTORS FOR THE CONSENT CALENDAR AND THE PRIVATE CALENDAR FOR THE 100TH CONGRESS

Mr. MICHEL. Mr. Speaker, I take this time to announce the official objectors for the Republican side for the 100th Congress:

For the Consent Calendar, our official objectors will be the gentleman from Pennsylvania, Mr. WALKER, the gentleman from California, Mr. LUNGREN, and the gentleman from New York, Mr. WORTLEY.

For the Private Calendar our official objectors will be the gentleman from Wisconsin, Mr. SENSENBRENNER, the gentleman from Ohio, Mr. DEWINE, and the gentleman from Pennsylvania, Mr. GEKAS.

HOLD GATES APPOINTMENT TO CIA DIRECTORSHIP

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, in each new day and each mysterious new way the plot thickens in trying to unravel what has transpired in Irangate, but the basic question that has to be answered is, "When Congress passes a law, are indeed all Americans responsible for obeying it?" Indeed, in this case is a Government agency, the Central Intelligence Agency, and its officials, obliged to obey the law like everyone else?

Today my colleague, the gentleman from North Dakota [Mr. DORGAN] and I will be circulating a letter asking the Senate to hold Mr. Gates' appointment as the new Director of the CIA in abeyance until a complete investigation as to his involvement in the Iranian-Contragate affair is concluded. We do not believe it appropriate that the newest head of what was clearly one of the most deeply involved, intimately involved agencies of this Government be confirmed until it is ascertained that his hands are clean.

We are especially concerned about what Mr. Gates knew of the CIA's covert involvement that may have been in violation of the Boland amendment. Because of what has happened it is clear that rather than sully the record further, it is best that Mr. Gates step down, the President stand back, and let the investigation go forward.

MICHAEL HARRIS, HOUSTON'S "TOP JOCK"

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, it was my pleasure recently to join one of my constituents, Michael Harris, on his talk show on radio station KCOH in Houston.

In November, Mr. Harris was voted Houston's "Top Jock" in a contest sponsored by the Houston Chronicle. The purpose of the contest, in which Chronicle readers voted for their favorite radio personalities, was to raise funds for charities of the radio personalities' choice. Mr. Harris' designated charity was the SHAPE (Self-Help for African People Through Education) Community Center of Houston, which offers tutorial programs for young people and adults and provides computer training and job placement assistance.

Because Mr. Harris won the "Top Jock" contest, the SHAPE Community Center of Houston received a check in the amount of $10,000 that it will use to carry out its worthy activities that benefit men and women throughout the Houston area.

Mr. Harris, although only 34, is a veteran radio personality who enjoys great respect and a loyal following among Houston-area radio listeners. He began his career at Houston radio station KYOK in 1972, before moving on to radio station KIKK, where he worked from 1974 to 1975. Later, he worked in the news department of radio station KODA.

From 1977 to 1985, he cohosted the "Gospel Melody Hour" show on Houston's channel 39 (KHTV-TV). In 1975, he joined KCOH, a soul music station. He began hosting his current show 6 years ago. Mr. Harris, now the news director at radio station KCOH, hosts a gospel show from 6 to 8 a.m. weekdays, and his talk show from 8 to 11 a.m.

Mr. Harris' hard work and communications skills have carried him to the top of his profession. He has distinguished himself as an enduring figure in a competitive industry.

I want to take this opportunity to congratulate Mr. Harris on his victory in the "Top Jock" contest, to commend the SHAPE Community Center of Houston for its worthwhile efforts to assist Houstonians in obtaining educational and vocational skills, and to thank the Houston Chronicle for sponsoring this charitable contest.

□ 1420

SELECTION AS ADDITIONAL OBSERVOR TO STRATEGIC ARMS REDUCTION TALKS

Mr. WRIGHT. Mr. Speaker, pursuant to an agreement with the Republican leadership and with the joint leadership of the Senate, I have selected, as an additional observor to the strategic arms reduction talks, Mr. CARR of Michigan.

FOREIGN AGENTS COMPULSORY ETHICS IN TRADE ACT [FACE IT]

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker we have all had days when we've wondered why we even bothered to get out of bed, and I'm sure that for former White House Deputy Chief of Staff Michael Deaver, today is one of those days.

In the last year, Federal investigations have been underway to determine if the lobbying activities in which Mr. Deaver engaged shortly after leaving Government service violated conflict-of-interest laws. It has been widely reported that Mr. Deaver could face an indictment this afternoon.

However, none of the charges that may be brought against Mr. Deaver relate to that aspect of his activities which I, many of my colleagues, and Americans from all walks of life find most objectionable: The fact that Mr. Deaver was using his clout in Congress and his influence in the White House to further the interests of foreign governments and foreign businesses in American policy considerations.

While the current ethics in Government law was sufficient to ensnarl Mr. Deaver, it simply offers no protection from the manipulative advantage gained by foreign interests when they hire former high-ranking Federal officials as their lobbyists and representatives.

Today I am being joined by my good friend and colleague, MARCY KAPTUR, in reintroducing the Foreign Agents Compulsory Ethics in Trade Act [FACE IT]—legislation that will slam the door between high-level Government service and foreign interest lobbying.

From our perspective, there is something fundamentally wrong when men and women who have had the privilege to serve at the highest levels of Government move to K Street and begin marketing their services—the influence, the access and the knowledge they gained at taxpayer expense—as powerful lobbying tools for America's stiffest industrial competition. It's not only that foreign interests gain a manipulative advantage by hiring former Government officials, what's also at stake is the integrity of the very institutions we expect to protect America's economic interests in the global marketplace. How, for example, can we be confident that our trade representative is negotiating aggressively on behalf of America's interest when he may have his eye on future employment with his counterparts on the other side of the table?

FACE IT denies foreign interests the manipulative advantage in U.S. trade policy considerations they now enjoy while simultaneously ensuring the integrity of our representation in trade negotiations with other nations. The bill prohibits any high-level Federal Government official—including the President, the Vice President, and Members of Congress—from representing or advising a foreign government or corporation in connection with any transaction involving the U.S. Government for 4 years after leaving Government service. Violators of the act would be subject to a fine of $250,000, or the amount of compensation received for the prohibited act, whichever is greater.

Mr. Speaker, last year we were successful in moving from virtual obscurity through subcommittee markup. This year, we are hopeful that with the support and advocacy of our colleagues, the important safeguard contained in FACE IT will become law. I urge my colleagues to cosponsor this necessary measure.

DON'T WASTE MY STATIONERY

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, an impecunious relative once borrowed $50 from Benjamin Franklin, and then asked his benefactor for a sheet of paper so that he could write an IOU for the amount. "What!" exclaimed Franklin, "you want to waste my stationery as well as my money?"

Unfortunately, the American banks could not treat their loans to Brazil with the same nonchalance, as a large part of their capital is at stake:

Citicorp, $4.6 billion, 34 percent of capital.
Chase, $2.8 billion, 42 percent of capital.
BankAmerica, $2.7 billion, 37 percent of capital.
Manufacturers, $2.3 billion, 41 percent of capital.

Brazil is the world's largest debtor. Her unilateral suspension of interest payments on $67 billion worth of debt would put these loans in the "nonperforming" category. After 90 days the loan-loss provisions of bank regulations would be triggered throwing the banking system into chaos.

The 50 percent depreciation of the dollar in the past 2 years apparently did nothing to ease the burden of world debt. America owes $700 billion and is owed $600 billion. The rub is that while her debtors are third-world countries with soft currencies such as Brazil and the Philippines, her creditors are the hard currency countries: Germany and Japan.

For more than 15 years now we have lived in a world of burgeoning paper money in which all currencies, instead of being payable in gold at a fixed rate as most were before 1971, have not been payable in anything at all. A system of IOU-nothing paper currencies cannot work. It produces an unrestrained explosion of debt. At some point the creditors balk at accepting ever more debt, so more and more debtors default, bringing down the house of cards.

We are fast approaching that point.

THE IRANIAN ARMS DEAL

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, I have not said much about the Iranian scandal because I think it is embarrassing enough for everyone concerned. But last night's statement by the President, "Do you remember what you were doing on August 8," the President asked, that really strains our imagination. I will tell you one thing, if I were approving arms to the Ayatollah Khomeini, I would remember what I was doing on that date.

But this is not an issue of memory. This is an issue of judgment. Apparently we had some folks in the White House who decided, as a matter of conscious decision, that they wanted to send American arms to the Ayatollah Khomeini. That was an incredible mistake in judgment.

If you went to any small town cafe in this country and you asked a bunch of folks at that cafe what is the goofiest thing that this country could do with a bunch of arms if we wanted to ship them around the world, I bet you that those folks in that cafe would say that the goofiest thing that we could do is to send them to the Ayatollah, and yet, that is exactly what the folks down at the White House have done. Now this President says, "Well, I don't remember. I forget." I would want to forget too if I had decided we wanted to send guns to the Ayatollah Khomenini.

But this is a more serious issue than that. We need to resolve our foreign policy and get back on a constructive course. We need a new team, in my judgment.

LET'S HELP SENIORS NOW BY PASSING HEALTH BILL

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, I'm pleased to join my colleague, the distinguished gentleman from Illinois [Mr. MICHEL] in urging our colleagues to support the legislation we have introduced today to provide catastrophic health care protection for our senior citizens and to begin the process of determining how we can also deal with the problems of long-term care and catastrophic coverage for those under 65.

This legislation, which I call "Peace of Mind Protection," is notable for the many advances it pioneers for our senior citizens who worry most about a catastrophic illness and the financial ruin that often accompanies those tragedies. With passage of this historic bill, we can help allay both those fears.

But let me briefly mention several things our legislation will not do:

It will not require an expansion of the Federal bureaucracy.

It will not increase taxes on the working age population.

It will not add to the budget deficit.

It will not undermine State regulation of the insurance industry.

I urge my colleagues to join us in providing this peace of mind protection to our senior citizens and to join us in exploring ways to provide long-term care and catastrophic health care coverage to the general population.

CONGRESSMAN TONY P. HALL SPEAKS ON BILL TO SUSPEND MOST-FAVORED-NATION TRADE STATUS FOR ROMANIA

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I rise to join with the gentleman from New Jersey [Mr. SMITH] and the gentleman from Virginia [Mr. WOLF] to introduce today a bill to temporarily suspend most-favored-nation trade status to Romania for 6 months.

In July 1985, the three of us traveled to Romania. We observed firsthand the persecution of religion and other human rights abuses. Despite token efforts by the Romanian Government to court world opinion, reports continue to reach us of harassment and repression of the evangelical Christian churches.

A number of Christians currently are in prison because of their steadfast loyalty to their religious beliefs. The Romanian authorities have also continued to demolish churches and have denied building permits to allow new churches to be constructed. The Government has also attempted to manipulate the churches through its control of the licensing of pastors. The Government of Romania further limits the availability of Bibles and Christian literature to believers. By denying official recognition to certain congregations, the Romanian Government makes these churches "illegal" and subject to fines and other harassment.

The list could go on and on of various large and petty ways that the Romanian Government seeks to suppress the evangelical churches. Some Christian prisoners of conscience have been released from prison, and some have been allowed to emigrate. Yet these gestures cannot hide the pattern of religious repression in Romania.

That government has never shown any shame over its persecution of the church. It will not be moved by expressions of concern or bad publicity. A 6-month suspension of MFN is the only way to get the attention of the Romanian Government and to convince it that it is in its own best interest to permit true freedom of religion.

I urge my colleagues on both sides of the aisle to join with us in cosponsoring this legislation.

CATASTROPHIC HEALTH INSURANCE

(Mr. BLILEY asked and was given permission ot address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I am pleased to be an original sponsor of President Reagan's Catastrophic Health Insurance Program. This vital legislation is being introduced today with a large list of cosponsors.

The problem of catastrophic illness and its devastating effects on many of our senior citizens is very real. We must deal with this issue in a nonpartisan and expeditious manner. I pledge that as a member of the Health and the Environment Subcommittee which shares responsibility for this legislation I will work as hard as I can on this matter.

Our senior citizens need a method to protect themselves from the disaster of catastrophic illness. I have already spent a good deal of time on this issue and I have concluded that the plan drawn up by Secretary Bowen and submitted by President Reagan is the best way to help those who need it.

□ 1430

SUPPORT A CATASTROPHIC HEALTH INSURANCE PLAN

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I initially planned to speak about a bill I was introducing today with relation to the Federal Communications Commission. I think that what is more important is addressing the catastrophic health plan.

It was almost 10 years ago, under the Carter administration, that Secretary Califano had devised a plan, a plan that was a little better than catastrophic. We had two schools of thought: The catastrophic versus the Kennedy-Coleman bill, which was cradle-to-the-grave. There were bodies of support for each one of those, and they remain intractable.

As a result of that intractibility, that Congress went out of session without any legislation at all. Had we at least the catastrophic at that point, we could have enhanced it. We could have enjoyed the benefit of experience.

What I exhort my colleagues today to do, Mr. Speaker, is look at this legislation; yes, try to improve it as much as you can, but do not jeopardize it. Cradle-to-the-grave is not reality at this point. Social Security of today would not have been passed in 1935.

Let us get our foot in the door, benefit from the experience, enhance it as we progress. let us not deprive the people of this Nation of the benefit that will ultimately develop as a result of having a catastrophic insurance plan.

MUSTERING THE COURAGE TO GIVE THE COUNTRY A BALANCED BUDGET

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, news reports indicate that the Democratic chairmen of the House and Senate Budget Committees are running up the white flag of surrender to a bigger Federal deficit in fiscal year 1988 before the first deficit reduction gun is ever fired. The Budget Committees haven't yet gone into markup sessions to meet the Gramm-Rudman-Hollings deficit targets of $108 billion for fiscal year 1988 and a balanced budget by 1991, but the word goes out that they can't be met.

The last Congress passed a phased-in plan to balance the Federal budget by 1991 and the American people said "great," let's do it. For this Congress to abandon the plan now without an all-out effort to comply with it would be breaking faith with the American people. We cannot do this.

Congress must do what is right and best for the country and not seek an easy way out by saying we made a mistake—the original goals are unattainable. Every thinking individual knew those targets were going to be hard to attain and that we were going to have to tighten our belts to do so. If we set a precedent this year of ignoring the Gramm-Rudman-Hollings target for fiscal year 1988, they will be meaningless in 1989 and beyond.

Without the Gramm-Rudman-Hollings guidelines to follow this 100th Congress will go down in history as just another big spending Congress and not the great Congress we want it to be.

I call on my Democrat colleagues—who control both Houses of this Congress—to make this a memorable Congress which had the courage to stay the course and make the tough decisions to give the country a balanced budget.

FACE IT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, If America is to have any strength at all in trade negotiations, we must be certain that our negotiators truly have the best interests of the United States in mind. Today, Congressman HOWARD WOLPE and I are reintroducing the Foreign Agents Compulsory Ethics in Trade Act [FACE IT]. Our bill will put an end to the practice of former high-level Government officials selling out to foreign interests immediately after leaving Government service.

Last year, more than 120 Members joined us in our effort to block what has been called the service road to the gravy train. Our bill ensures the integrity and effectiveness of our national institutions by prohibiting any top-level U.S. official from representing or advising a foreign principal before our Government for 4 years after leaving Government service. This includes the President, Vice President, and Members of Congress.

Passage of FACE IT means America's taxpayers won't have to worry about being sold out by trade negotiators interested only in lining up fat contracts for themselves after they leave Government service. The only thing that should be on the minds of our top trade officials is representing America.

PERMANENT AUTHORITY FOR FHA MORTGAGE INSURANCE PROGRAMS—LET'S NOT REPEAT THE FHA FIASCO OF 1986

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, yesterday Congressman LES AUCOIN and I introduced H.R. 1228, a bill which would provide the Secretary of Housing and Urban Development with permanent authority to insure mortgages on single-family and multifamily dwelling units under the Federal Housing Administration.

This bill, which would make permanent the insuring authority, is intended to guarantee the continued availability of FHA mortgage insurance and, therefore, to maintain and enhance FHA's capacity to achieve the national housing goal of "a decent home and a suitable living environment for every American family."

Mr. Speaker, the on-again, off-again situation with regard to the expiration of the FHA insuring authority experienced during the last Congress highlights the necessity for a permanent approach to the authorization of the FHA mortgage insurance programs. Since 1970, annual or more frequent expirations of insuring authority have resulted in 17 lapses of this authority, for an average duration of approximately 9 days. In fiscal year 1986 alone, the 99th Congress allowed the insuring authority to expire six times, with a total hiatus of 51 days. The most serious lapse of authority occurred in June of 1986 when FHA was out of business for 19 straight days during the peak of the mortgage financing season.

The net result of this policy was to victimize hundreds of thousands of innocent would-be homebuyers. Everyday FHA was out of business an estimated 10,000 homebuyers were affected. Most of these were first-time homebuyers who rely on the FHA program. This was a cruel trick to play on them because they had waited patiently for interest rates to fall to a level they could afford and then they were denied the opportunity to use FHA—the only program for which they could qualify.

Mr. Speaker, in addition to the affect on the principal homebuyer, there was the rippling effect that was set in motion when these programs were disrupted. Lenders, realtors, title insurance companies, movers, and innocent third parties were all caught up in the turmoil that existed because Congress did not provide the necessary stability required for mortgage finance.

The current policy of annual reauthorizations did not begin until 1969. For the 27 years between 1934 and 1961, FHA's general insuring authority was open-ended, with no time limits or expiration dates. In the Housing Act of 1961, section 217 of the National Housing Act was amended to limit this general insuring authority to a 4-year period. Another 4-year extension was provided in the Housing and Urban Development Act of 1965. Mr. Speaker, there is, therefore, ample precedent for multiyear reauthorizations for this insuring authority. Moreover, there are other HUD programs, such as the assisted housing programs under the U.S. Housing Act of 1937, which operate without expiration dates.

Mr. Speaker, in the final analysis this bill prevents the FHA insuring authorities from being used as a "hostage" or a vehicle to further enactment of broader housing legislation. Omnibus housing legislation should stand on its own merit and not be dependent on the FHA program.

Mr. Speaker, H.R. 1228 would restore the permanence of the FHA programs, that FHA enjoyed during its first 27 years of existence. I am sure my colleagues would agree that passage of this bill would be a fitting 53d birthday tribute to the FHA program, and more importantly would send a message to prospective American homebuyers that "we do care."

SUSPEND MOST-FAVORED-NATION STATUS FOR ROMANIA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise in support of this legislation, a bill to suspend for 6 months most-favored-nation status to the Government of Romania. I urge my colleagues to support this legislation.

The administration admitted earlier this year that our policy toward Romania must change. On January 4, the administration repealed the Generalized System of Preferences [GSP] for the Government of Romania which had allowed many Romanian goods to enter the United States duty-free. This is a step in the right direction; however, more must be done.

While we continue to grant MFN to Romania, the Government continues to restrict the right to free speech, free assembly and association, and the freedom to worship. The Government of Romania continues to torture, arbitrarily arrest, deny fair public trials, and interfere with the privacy of its citizens. Members of evangelical church groups are singled out by the Romanian Government for especially severe treatment.

The United States Helsinki Watch Committee, among others, has called the Romanian Government "One of the most egregious offenders of human rights in Eastern Europe."

The United States has granted MFN to Romania for 11 years in the hope that it would increase leverage to move the Romanians away from the Soviet Union and reduce the number of human rights violations. Our expectations have never been met. We must stop deceiving ourselves about the nature of the Romanian Government. MFN status should be reserved for those nations that share our belief in basic human rights.

Romania is a repressive regime and the granting of MFN status and other special trade considerations only legitimizes this repression. Romania's gross violation of human rights is an affront to our heritage and principles. I urge my colleagues to support this legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ECKART). Pursuant to clause 5 of rule I, the Chair will now put the question on the motion on which further proceedings were postponed on Tuesday, February 24, 1987.

LIMITING FEES OF GOVERNMENT NATIONAL MORTGAGE ASSOCIATION FOR GUARANTY OF MORTGAGE-BACKED SECURITIES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1056.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 1056.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF UNITED STATES SENATOR ROBERT C. BYRD'S ADDRESSES ON THE HISTORY OF THE UNITED STATES SENATE: BICENTENNIAL EDITION

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 18) to authorize the printing of "United States Senator Robert C. Byrd's Addresses on the History of the United States Senate: Bicentennial Edition."

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 18

Whereas the Study Group on the Commemoration of the United States Bicentenary in 1982 recommended as worthy of separate publication and wide distribution the collected addresses of the history and traditions of the United States Senate, which United States Senator Robert C. Byrd began on March 21, 1980: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate Document "United States Senator Robert C. Byrd's Addresses on the History of the United States Senate: Bicentennial Edition" to be published under the supervision of the Secretary of the Senate with the editorial assistance of the Senate Historical Office.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed with suitable binding 5,000 additional copies, for use by the Secretary of the Senate.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. JONES] is recognized for 1 hour.

Mr. JONES of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution merely authorizes the printing of a document that originated in the Senate entitled "United States Senator Robert C. Byrd's Addresses on the History of the United States Senate."

The Senate leadership has asked for immediate consideration of this resolution as a matter of accommodation.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ESTABLISHING THE COMMISSION ON THE U.S. HOUSE OF REPRESENTATIVES BICENTENARY

Mr. FOLEY. Mr. Speaker, I offer a resolution (H. Res. 101) and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 101

Whereas the House of Representatives was established under the Constitution in the year 1789;

Whereas in the year 1989 the House of Representatives will celebrate the bicentennial of its establishment under the Constitution;

Whereas the House of Representatives for the past two hundred years has reflected the will and strength of the people of the United States and has, in its historical development, adhered to our national heritage of individual liberty and the attainment of equal and inalienable rights; and

Whereas it is appropriate and desirable to provide for the observation and commemoration of this anniversary: Now, therefore, be it

Resolved,

SECTION 1. ESTABLISHMENT.

There is established in the House of Representatives the Commission on the United States House of Representatives Bicentenary (hereinafter in this resolution referred to as the "Commission").

SEC. 2. FUNCTIONS.

(a) IN GENERAL.—It shall be the duty of the Commission to oversee the planning and direction of the commemoration of the bicentennial of the House of Representatives through an appropriate program of publications, exhibits, symposia, and related activities. The objective of this commemoration is to inform and emphasize to the Nation the role of the House of Representatives through two hundred years of growth, challenge, and change. The Commission is directed to develop a program, in consultation with the Office for the Bicentennial of the House of Representatives, that will draw upon the resources of current and former Members, scholars, and the general public.

(b) COORDINATION WITH SENATE BICENTENNIAL COMMISSION.—It shall be the duty of the Commission to coordinate programs commemorating the bicentennial of the House of Representatives with commemorative programs and activities directed by the United States Senate Bicentennial Commission.

(c) COORDINATION WITH COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION.—It shall be the duty of the Commission to coordinate programs commemorating the bicentennial of the House of Representatives with commemorative programs and activities directed by the Commission on the Bicentennial of the United States Constitution.

SEC. 3. COMPOSITION.

(a) IN GENERAL.—The Commission shall be composed of 8 members appointed by the Speaker (in consultation with the minority leader) as follows:

(1) Six Members of the House, of whom not more than 3 shall be members of the same political party; and

(2) Two former Members of the House, of whom not more than 1 shall be members of the same political party.

The majority leader and the minority leader shall be ex officio members of the Commission.

(b) DESIGNATION OF CHAIRMAN.—The Speaker shall designate one of the members of the Commission to serve as Chairman of the Commission.

(c) VACANCY.—Any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment.

(d) DEFINITION.—As used in this section, the term "Member" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 4. ADMINISTRATIVE MATTERS.

(a) RULES OF ORGANIZATION.—The Commission may make such rules with respect to its procedure as it considers necessary.

(b) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

SEC. 5. POWERS.

(a) IN GENERAL.—In order to carry out its functions, the Commission is authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) ACQUISITIONS.—The Commission is authorized to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement in the House wing of the Capitol or the House office buildings.

SEC. 6. STAFF.

The Commission shall be staffed by the Office for the Bicentennial of the House of Representatives and shall have full supervisory powers over such Office. The Commission may also draw upon the staff support of such other employees of the House or its support agencies as may be agreed to by mutual consent.

SEC. 7. PAYMENT OF EXPENSES.

The expenses of the Commission shall be paid from money appropriated to the Office for the Bicentennial of the House of Representatives.

SEC. 8. PERIODIC REPORTS.

The Commission may submit periodic reports on its activities to the House. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

SEC. 9. TERMINATION.

The Commission shall cease to exist at the end of the 100th Congress, unless otherwise provided by law or resolution.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington [Mr. FOLEY] for 1 hour.

Mr. FOLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Louisiana [Mrs. BOGGS].

□ 1440

Mrs. BOGGS. I thank the gentleman from Washington for yielding.

Mr. Speaker, I rise in support of the resolution to reestablish the Commission on the U.S. House of Representatives Bicentenary during the 100th Congress. During the 99th Congress, the Commission on the Bicentenary of the U.S. House of Representatives developed plans for ceremonial events, films, exhibits, symposia, conferences, and publications, among them the first historically correct biographical directory of the U.S. Congresses, 1774 to 1989 and Guide to Research Collections of Former Members of the U.S. House of Representatives, 1789 to 1987, and a bicentennial brochure for visitors to the House of Representatives during this 100th Congress for the bicentennial year.

Those plans were presented to the House and printed in House Report 99-1008.

I believe we have made excellent progress in preparation for the bicentennial, but much work remains to be done to achieve our overall objectives by March 4, 1989, the 200th anniversary of the Congress, and also to continue more immediate plans for 1987 events in commemoration of the 200th anniversary of the drafting of the U.S. Constitution. As you can see, Mr. Speaker, we are in the midst of a series of important bicentennial dates that extend all the way to 1991, the 200th anniversary of the ratification of the Bill of Rights.

The Commission on the Bicentenary of the U.S. House of Representatives expects to play a coordinating role in the House's salute to the Constitution in the special session of the Congress planned for Philadelphia on July 16, 1987. We want to be able to follow through with the work begun in the last Congress and to continue our cooperation and coordination of bicentennial plans with the Senate Bicentennial Commission and the Commission on the Bicentennial of the U.S. Constitution.

The Commission on the Bicentenary of the U.S. House of Representatives has been served well by the professional historical staff of the Office for the Bicentennial of the U.S. House of Representatives, headed by Dr. Raymond

Smock. I would urge Members to contact Dr. Smock on any matters related to the bicentennials of the U.S. Constitution and the Congress. His office is up to date on various bicentennial activities here in the Congress and around the country, and I know he would be glad to be of assistance to Members who have questions about the bicentennial or who may want to propose new bicentennial projects or events.

The upcoming events, Mr. Speaker, give us a rare opportunity to reflect on what 200 years of constitutional democracy has meant to this Nation. The U.S. Constitution is the greatest invention produced by this country, which is noted for its ingenuity and inventiveness. The framers of the Constitution invented a government where the people governed. They invented the unique combination of three coequal branches of Government and they invented the idea of federalism, in which the States and the National Government share power. All these things are worthy of our deepest study and they are worthy of our best celebrations. It is the purpose of our great historic anniversaries to introduce to yet another generation of Americans and principles and values on which this Nation was built. We have much to celebrate, we have much to reflect upon, and we have a solemn obligation to the country to make certain that the memory of this Nation's history, including the history of Congress itself, is properly preserved and made available to the citizens of this country.

Mr. Speaker, the Commission on the Bicentenary will well serve this body as an institution in preparing for its 200th anniversary and it will well serve its Members in assisting them to inform their constituents about the history and the role of "the people's House" in our democracy. I urge favorable action on this resolution.

Mr. FOLEY. I thank the gentlewoman from Louisiana.

Mr. Speaker, I yield myself such time as I may consume. I join the distinguished gentlewoman from Louisiana in her comments and would only add that she has represented the House of Representatives with great distinction on the Bicentennial Commission and in that this House owes her a debt of special gratitude.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

H.R 121 ADDRESSES THE SOCIAL SECURITY NOTCH ISSUE

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, many of the more than 7 million workers born after 1916 who have filed for retirement benefits during the past 7 years have vigorously expressed concern about the Social Security notch issue.

While the General Accounting Office is currently conducting an examination of the problem, it is apparent that this positive action will not be completed for the next several months. I believe that individuals born in the notch years have waited long enough for reasoned congressional action, and I thus urge support of legislation—H.R. 121—I have developed to address the problem in a realistic manner.

H.R. 121 provides for a phase-in of the new benefit comutation created by the 1977 Social Security Amendments that is uniform and follows congressional intent with respect to the 1977 law. Moreover, H.R. 121 allows for a uniform phase-in to new law in a responsible fashion relative to H.R. 1917, the most familiar notch bill. New Social Security Administration estimates put the cost of H.R. 1917 at $193 billion over the years 1986-95, while H.R. 121 costs $21.1 billion over 1988-95.

It is time to address the notch problem in a realistic manner, and support of H.R. 121 can go a long way in this regard. The bill will be reintroduced in the next several weeks with original cosponsors, and let me or my staff know if you would like to support the measure.

ANNOUNCEMENT OF THE OFFICIAL DEMOCRATIC OBJECTORS FOR THE 100TH CONGRESS

Mr. FOLEY. Mr. Speaker I take this time to announce the official objectors for the Democratic side for the 100th Congress.

For the Consent Calendar, our official representatives will be the gentleman from Tennessee [Mr. GORDON], the gentleman from Georgia [Mr. LEWIS], and the gentlewoman from South Carolina [Mrs. PATTERSON].

For the Private Calendar, our official representatives will be the gentleman from Massachusetts [Mr. BOLAND], the gentleman from Virginia [Mr. BOUCHER], and the gentleman from Kentucky [Mr. HUBBARD].

TENTH ANALYSIS AND EVALUATION OF FEDERAL JUVENILE DELINQUENCY PROGRAMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-38)

The SPEAKER pro tempore (Mr. ECKART) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

The Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has recently submitted to me a copy of the *Tenth Analysis and Evaluation of Federal Juvenile Delinquency Programs* as required by Section 204(b)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415), as amended. This letter fulfills the statutory requirement to respond to the Congress concerning this document and its recommendations.

This year's report and its recommendations focus on encouraging public-private partnerships. The objective is to target the specific needs of each community while encouraging fewer layers of bureaucracy and decreasing the dependency on Federal dollars.

The Juvenile Justice and Delinquency Prevention Program has been effective, channeling almost one billion dollars since 1975 into various programs authorized by the Juvenile Justice and Delinquency Prevention Act.

Over the years, with the aid of these resources, the States have been able to accomplish the primary goals of deinstitutionalization of status offenders and the separation of juvenile and adult offenders at the State and local levels. In addition, many successful demonstration programs have been implemented in jurisdictions across the country. We, therefore, think that it is time to turn over the responsibility for continuing these programs to the State and local communities who benefit from them.

Several of the OJJDP's recommendations will go a long way toward making the transition from total reliance on Federal funds. Interagency cooperation and efforts to provide coordinated juvenile justice activities will ensure the most efficient use of taxpayer dollars. This is key because although we are proposing termination of OJJDP, there are still other Federal agencies that will be providing services and programs benefiting juveniles. Also, the Administrator recommends encouraging the involvement of States, community groups, volunteers, public-private partnerships, and the private sector in protecting society and reducing juvenile crime.

However, simply because we propose terminating this Federal grant program it would be a mistake to conclude that the Administration's commitment to a strong criminal justice system is less than complete. Rather, we have sought improvements to those elements of the criminal justice system where we believe the Federal government has a legitimate responsibility. Indeed, it is precisely because of our strong commitment to improving the criminal justice system that we continually search for scarce Federal dollars. Accordingly, Federal funding for the administration of justice has greatly expanded during my Administration. While 1982 funding totaled $4.7 billion, as measured in outlays, my 1988 budget provides $9.2 billion. This is an increase of almost 100 percent.

The report sets forth six recommendations for improving Federal juvenile delinquency prevention policy. I can assure you that each of the recommendations will be implemented to the extent possible with respect to funds appropriated in fiscal year 1987.

RONALD REAGAN.

THE WHITE HOUSE, *February 25, 1987.*

SIXTY-NINTH ANNIVERSARY SINCE LITHUANIAN NATIONAL INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 60 minutes.

Mr. DURBIN. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. LUNGREN], for deferring to me. I also want to commend the gentleman from Illinois [Mr. ANNUNZIO], who has traditionally risen on this day each year to make a point in the CONGRESSIONAL RECORD of the anniversary of Lithuanian national independence.

Because of an illness, the gentleman from Illinois [Mr. ANNUNZIO] could not join us today, but has asked me to conduct this special order. I take real pride in this opportunity, inasmuch as I am a first-generation Lithuanian American. My mother was born in Lithuania, and several years ago, I had an opportunity to visit that country and see firsthand what Lithuania means to the world today.

February 16, 1987, marks the 69th anniversary since Lithuanian national independence in 1918. Yesterday, the House of Representatives passed House Joint Resolution 129, with its principal sponsor, the gentleman from Illinois [Mr. RUSSO].

In that resolution, we designated February 16, 1987, as Lithuanian Independence Day. There were more than 233 cosponsors of that resolution, indicating the solidarity of the United States House of Representatives and the American people with the struggle in Lithuania for independence.

There are more than 1 million Lithuanian Americans living in our country today. It is our duty to keep alive that spirit which is so important for the future of Lithuania and for those of us who carry Lithuanian blood.

The Soviet Union has attempted to wipe out the culture, religion and heritage of the Lithuanian people, but the spirit and yearning for freedom and independence still lives on.

Earlier today, our Chaplain, Father Pakalniskis, made specific reference to the history of Lithuania, which is a rich history, going back many centuries. But unfortunately, Lithuanians throughout their history, have struggled for independence. They are clearly dedicated to the ideal that every nation possesses the right to choose its own destiny.

The United States people share the vitality and character of the Lithuanian people's struggle for independence. The United States has never recognized the Soviet Union's occupation of the former governments of the Baltic States; Lithuania, Latvia, and Estonia.

Aside from the struggle for national culture, the struggle goes on today for religious freedom in Lithuania and in other parts of the world. Earlier today, I had a conversation with our House Chaplain, Chaplain Ford. He made a comment which is worth sharing.

> When it comes to religion, those who seek to persecute others who want to express their own religious belief find that the harder you hit the nail, the deeper you drive it in the wood.

If a person had an opportunity, as I have had, to visit Lithuania, and to see firsthand the struggle to keep religion alive, you would realize that the efforts of oppression by the Soviet Union are backfiring. In fact, the people of Lithuania are dedicated now more than ever to preserve their identity and their freedom.

So whether it is the Catholic Church in Nicaragua, the B'hai religion in Iran, the Jewish and Baptist believers in the Soviet Union or the Catholic Church in Lithuania, the United States must stand foresquare for the expression of religious belief and the freedom of belief.

Mr. ECKART. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Ohio.

Mr. ECKART. Mr. Speaker, today we are commemorating the 69th anniversary of the Lithuanian people's Declaration of Independence and freedom from foreign oppression on February 16, 1918. We should also recognize that Lithuania is observing the 736th anniversary of the formation of the Lithuanian Republic. We undertake this commemoration today with the strong hope that they will soon receive the freedom they richly deserve and have so long awaited.

The Lithuanian people had their freedom once—for a brief 22-year period before it was again taken forcefully from them by invading Soviet troops in 1940. During those brutal war years, over 30,000 Lithuanians were deported from their beloved homeland to stark labor camps in Siberia. The scars and memories of those times keep the spirit of freedom alive and burning within the hearts of Lithuanians today, despite their continued dominance by the Soviet Government.

As Americans who have long had our freedom, we must never overlook the problems which occur every day in less fortunate lands. We, in this country, must remember that freedom is indeed a birthright that cannot and should not be taken for granted nor taken away.

I would like to thank my colleagues, Congressman DURBIN, and Congressman ANNUNZIO, who unfortunately could not be with us today, for sponsoring this special order today. The Lithuanian dream of freedom must be sustained. With our continued assistance and support, perhaps one day their dream can be realized.

Mr. PEPPER. Mr. Speaker, I am privileged to join my colleagues in honoring the dedication to self-determination shown by the men and women of Lithuania. Since the 13th century the Lithuanians have chosen to be an independent state. We must never lose sight of the daily tragedy of the forceful occupation of these courageous people under the military domination of the Soviet Union.

I find the expropriation of all houses of worship by the Soviets one of the most glaring symbols of the hostile domination of a freedom loving people by those who have brutally attempted to destroy all traces of the culture and dreams of the Baltic States. I continue to protest the drafting of men in occupied Lithuania, Latvia and Estonia by the Soviets for their aggression in Afghanistan. International law continues to be violated daily; to say the list of moral violations would boggle one's mind.

We must stand together in denouncing this blatant tyranny and continue to press our State Department to do all that is possible to encourage these oppressed people in their quest for freedom.

Mr. BROOMFIELD. Mr. Speaker, I am proud to join my colleagues in commemorating Lithuanian Independence Day. This is a day that must be remembered by free men everywhere.

The courageous Lithuanian people declared their independence from Czarist Russia in 1918. After a brief 22 years, however, that country's freedom was crushed by invading Soviet troops.

I am proud that our Government never recognized Soviet domination over that country. The loss of any nation to the Soviet empire is a tragedy for the free world. Only by remembering these events can we profit from the mistakes of the past. We must never forget when freedom was lost in a distant land.

In spite of overwhelming oppression, the Lithuanian people are still struggling to maintain their identity and regain their independence.

We must continue to mark this occasion and honor the spirit of a free Lithuania. We must continue to work for the day when Lithuanians can once again join the family of free nations.

Mr. HERTEL. Mr. Speaker, I would like to take a minute or two and add a few thoughts this celebration of Lithuanian Independence Day.

Celebrating the independence day of a people that remain in captivity brings mixed emotions. While we remember the tradition of freedom that the Lithuanian people have maintained for centuries, we recall the courage and perseverance these people have demonstrated over the years. We also realize that the freedom we celebrate today is denied to Lithuanians in their homeland.

Dominated by the Russians for over a century, the Lithuanian people demonstrated their resolve to be independent by revolting against Czarist oppression on three occasions. Since the Soviets occupied Lithuania in 1917, the Lithuanian people have steadfastly resisted the occupation of their homeland. Lithuanians were on the forefront of the human rights movement in Soviet occupied territory. The struggle for Lithuanian independence has not been dulled by oppression, and we celebrate today their commitment to liberty.

Yet this celebration of the tenacity of a freedom loving people has a sober side. Today we should also remember those that do not enjoy the liberty we often take for granted. Freedom, the object and celebration of this day, is not shared by everyone. There are Lithuanians who today are in prison for the defense of basic human rights. Let us reflect for a moment on the conditions under which the Lithuanians who remain in their homeland live, and let us remain steadfast in our commitment to commemorating the struggle of all the peoples who live in captive nations.

We will continue to recognize the efforts of the Lithuanian people to keep the idea of liberty alive in their hearts, even as those who remain in Lithuania are prohibited from realizing the blessings of liberty in their daily lives.

Mr. MOAKLEY. Mr. Speaker, I am indeed honored to join my colleague RICHARD DURBIN for today's special order commemorating Lithuanian Independence Day.

This day marks the 69-year anniversary of the Lithuanian Declaration of Independence. On February 16, 1918 the Lithuanian people proclaimed their right to live among the community of free nations. The Lithuanian people, devastated by World War I, soon began rebuilding their nation and establishing safeguards to protect their newly won freedom. However, this small Baltic nation and her neighboring states of Latvia and Estonia were soon overrun by the brutal force of Stalin's Red Army.

Since that day the Lithuanian people have **been prisoners in their own homeland. They** are subject to continuing attacks on religious and individual freedoms as the Soviets attempt to wipe out the culture, heritage, and religion of the Lithuanian people.

However, the Lithuanians have persisted in their quest to break the iron bonds of Soviet oppression and regain their liberty and freely practice their unique and wonderful culture once again.

As we celebrate the 200th anniversary of our own Constitution and the freedoms it upholds let us not forget the valiant struggle of those men and women in Lithuania who are battling for the liberation of their beloved homeland. There can be no doubt that this Congress and the people we represent support the return of independence to Lithuania and unreservedly condemn the continuing occupation by the Soviets. We will not rest in our efforts until Lithuania and her neighboring states are permitted to regain their rightful place in the community of free nations.

Mr. RUSSO. Mr. Speaker, I would like to commend my colleague from Illinois for arranging this special order, and to thank our colleagues for joining us in commemorating this very special day.

February 16, 1987, marked the 69th anniversary of the birth of the free and independent Lithuanian Republic, an event which should be one of unrestrained celebration. But instead it is one that is at best only bittersweet, because Lithuanian independence lasted for only 22 short years before it was brutally crushed by the Soviet Union in 1940. The few short years from 1918 to 1940 represents the only time in hundreds of years that the Lithuanian people have been free of the rule of foreigners, notably the Germans, the Poles, and the Russians. In those 22 years, however, the flame of human achievement burned brightly, and provided a marked contrast to the subsequent years of Soviet domination.

During the years of Lithuanian independence, Lithuanian society was transformed into a vibrant, democratic nation-state, and it experienced a cultural renaissance in Lithuanian arts and music. The Government instituted land reform, created many public works, and developed an excellent education system. Business and industry flourished. For the first time in over a 100 years, Lithuania was free of Russian rule.

But in 1940, the Soviet Union coerced the Lithuanians into allowing the stationing of Soviet troops and aircraft in their country, and soon after that staged a mock election and incorporated Lithuania, as well as its sister republics of Latvia and Estonia, into the Union of Soviet Socialist Republics, the effects of Soviet rule were immediate: Thousands of Lithuanians were deported, and exiled to Siberia; thousands more fled; the Soviets resumed a Russification Program begun by the Czars which attempted to brutally crush all vestiges of Lithuanian culture and national feeling. With the exception of the handful of months in which the Soviets lost possession of Lithuania to Nazi Germany, the Soviets have maintained their campaign of deportation, oppression, and colonization.

The United States has never recognized the incorporation of Lithuania by the Soviet Union, and rightly so. Every year on this date, Americans pause to remember Lithuania's 20 golden years of freedom, and to express our fervent hope that soon Lithuania will once again be a free country. The tremendous personal tragedies suffered by the Lithuanian people would of themselves justify our commemoration of this day. The countless repressive acts and the tyrannical nature of the Soviet Union, also justifies our actions this day. However, there is an even greater message we commemorate today, and that message is that every people has an inherent right to self-determination.

The Soviet Union has a long and bloody history of disregard for the basic human rights of its own citizens as well as those of the Baltic States and its Eastern European satellites. But the Soviets are not alone in denying individuals the right to govern themselves. All over the world there are brutal dictatorships which call themselves democracies, and today we should also take time to remember their unwilling citizens.

I feel honored to have the opportunity to speak on the Lithuanian people's behalf in recognition of their courage and resolve. They are a source of inspiration, and a reminder of the indomitability of the human spirit which struggles for liberty and justice even under the oppressive yoke of an unyielding totalitarian regime. I am very pleased to announce that on February 24, 1987, the House of Representatives passed House Joint Resolution 129, legislation designating February 16, 1988, as the 70th anniversary of the declaration of Lithuanian freedom. I would like to take this opportunity to thank all of my colleagues for their support once again. I am thrilled that the House of Representatives joined together to assure the brave people of Lithuania that they are not forgotten, and that all America shares their cherished hope of an independent Lithuania.

Mr. HORTON. Mr. Speaker, earlier this month the people of Lithuania and Lithuanian-Americans celebrated the 69th anniversary of Lithuanian Independence Day. On February 16, 1918, the Declaration of Lithuanian Independence was agreed to. But in remembering this historic occasion, we remember, too, the reality of today. Lithuania and its two Baltic neighbors to the North are still dominated politically and economically by the Soviet Union.

The Baltic States have seen their share of bloodshed. After being founded in 1918 by the Council of Lithuania, the Soviet Bolsheviks invaded, but the Soviets were finally and gloriously defeated after 2 hard years of battle. For two memorable decades, from 1920 to 1940, Lithuania was a sovereign nation, free to exercise basic political rights such as freedom of speech and expression, and freedom to choose one's leaders.

Sadly, the Baltic States were swallowed by Soviet hegemony in the region early in the forties. They remain shackled as a Soviet republic, and efforts to russify the Lithuanians continue today as they have for more than four decades.

Mr. Speaker, I have had the occasion of knowing many Americans of Lithuanian descent. I have never met a group of people with such fierce ethnic pride or such love for freedom. These traits remain as strong today as ever. They are the reason that, regardless of what the Soviet Union calls Lithuania, it will never be considered a part of the Soviet Union. And it never should be.

Our allies in Europe, through the 21-nation member Council of Europe, last month unanimously adopted a resolution asking that the Soviet Union respect the right of self-determination and human rights in Lithuania, Latvia, and Estonia. A copy of the council's resolution follows:

BALTIC RESOLUTION ADOPTED UNANIMOUSLY ON JANUARY 28, 1987, BY THE COUNCIL OF EUROPE

The Assembly,

1. Considering that Article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights proclaims the right of peoples to self-determination, and that the Soviet Union is a Contracting Party thereto;

2. Considering that Principle VIII of the Final Act of the Conference on Security and Co-operation in European guarantees the right of peoples to self-determination and also their right, in full freedom, to determine, when and as they wish, their internal and external political status;

3. Recalling that the incorporation of the three Baltic states into the Soviet Union was and still is a flagrant violation of the right to self-determination of peoples, and that it remains unrecognized by the great majority of European states and many members of the international community;

4. Considering that the elimination of the international problems created by this incorporation demands solution on the basis of the international obligations entered into by the Soviet Union and other members of the international community;

5. Having noted and deplored serious violation of human rights, including freedom of religion, committed by the Soviet authorities in the three Baltic states;

6. Deploring the fact that, as result of forced immigration into their area, the Baltic peoples are brought under pressure to assimilate, and that the lack of possibilities for education and cultural expression of their own is leading towards the loss of national identity;

7. Recalling the resolution adopted by the European Parliament on 13 January 1983, concerning the situation in Estonia, Latvia and Lithuania;

8. Believing that, politically, a solution of the Baltic problem can best be sought in the wider framework of East/West relations, in particular relations between the two superpowers;

9. Considering that an improvement of those relations could make it more feasible effectively to raise the question of these countries' fate notably in the framework of the CSCE, the aim of which, by means of the endeavours of all European states, is to overcome East/West antagonism while respecting the right of each freely to determine its political, economic, social and cultural systems in accordance with the wishes of its population;

10. Noting that some of the principles governing mutual relations between the states participating in the CSCE take note of the territorial demarcation inherited at the end of hostilities in 1945 (inviolability of frontiers, territorial integrity) without, however, freezing the situation or sanctioning the European status quo;

11. Emphasizing that the Helsinki Final Act expressly provides for the possibility of changing frontiers, in accordance with international law, by peaceful means and by agreement;

12. Emphasizing that, in the field of human rights, the states participating in the CSCE cannot invoke the principles of national sovereignty in order to prevent discussion of respect for these rights;

13. Appeals to the Government of the Soviet Union to respect the right to self-determination and the human rights in the Baltic states;

14. Invites the governments of member states of the Council of Europe at the CSCE conference in Vienna and, if need be, at further CSCE meetings to draw the attention of participating states to the serious violations of human rights and the right of self-determination in the three Baltic states.

I want to thank my good friend Frank Annunzio for setting this time aside to remember this historic day. I hope it remains a strong symbol of hope and commitment that the dream of freedom for the Baltic States will not perish.

Mr. FISH. Mr. Speaker, I rise today to join my colleagues in commemorating this day as the 69th anniversary of the Declaration of Lithuanian Independence, which took place on February 16, 1918.

The Lithuanian nation has existed for more than 3,000 years, and today is a shining light of the indomitable will of human spirit against the darkness of tyranny.

Lithuania historically practiced a peaceful disposition toward its neighbors. Additionally, many centuries of cultural development and prosperity, and great contributions in the arts, architecture, commerce and education established Lithuania as one of the unique cultures and great nations of Europe.

Lithuania fell victim in 1795 to the aggressive expansion of Czarist Russia. Despite years of ensuing repression and russification, the nation survived on the strength and will of its people. In 1918, at the close of the First World War, Lithuania proclaimed its independence and the reestablishment of the Lithuanian State as a republic.

During the years of independence, Lithuanian cultural life, the educational system and commercial undertakings grew at a rapid pace. Once again Lithuania was a respected member of the international community. She was a member of the League of Nations.

However, on the eve of the Second World War, a secret agreement was signed between Nazi Germany and Soviet Russia which gave the Soviets a free hand to invade and occupy Lithuania and the other Baltic States of Latvia and Estonia.

The world knows well the atrocities committed by the Soviets in their quest to subjugate the people of Lithuania. Stalinist policies of forced collectivization and national terror resulted in the deportation of more 300,000 to the wastelands of Siberia. The entire infrastructure of Lithuania and the other Baltic States was devastated and private property confiscated. No one was spared.

Yet through all this cruel injustice, the nation of Lithuania continues to thrive, in the hearts and minds of Lithuanians everywhere. It cannot and will not be crushed. The church, although officially outlawed, continues to represent the interests of Lithuanians. An underground church network and seminary have been established. Lithuania also produces more underground publications than any other country in the Eastern bloc.

The United States, and the other major Western powers such as Canada, Great Britain, and France, have consistently refused to recognize the legality of Soviet occupation. The diplomatic missions of the independent Republic of Lithuania continue to function in the free world and the treaties and agreements entered into by the Republic of Lithuania continue to have legal standing in the international community.

Today I join in spirit all Lithuanians, here in the United States and in Lithuania, in your long and noble struggle for independence and freedom.

I and my colleagues in Congress continue to protest the violation of human rights in Lithuania. Lithuania is subject to the same centralized rule, the same restrictions on civil and political liberties, and the same police controls as the republics in the Soviet Union. Moreover, Soviet policy toward the Lithuanian nation arouses grave concern because the process of russification continues, threatening Lithuania's survival as a distinct ethnic group.

We call upon the Soviet Union to withdraw all nonnative troops, agents, colonists, and controls from Lithuania. We also call upon the Soviet Union to return all Lithuanian exiles from Siberian prison and labor camps, and to allow free elections under United Nations auspices.

Through continued recognition of the sovereignty of the Lithuanian state, through protest of the human rights violations and sovietization of Lithuania, and most importantly through the courageous efforts of Lithuanians in Lithuania and those here, led by the Lithuanian American Council, we promote and support the inalienable right to national independence and individual freedom for all Lithuanian people. Thank you very much.

Mr. HASTERT. Mr. Speaker, I rise today with many of my colleagues to commemorate the 69th anniversary of the restoration of the independent State of Lithuania on February 16, 1918, and the 736th anniversary of the founding of the Lithuanian State in 1251.

With the advent of World War II, Lithuania found itself forcefully incorporated into the Soviet Union. Since that time, the Soviets have systematically sought to strip Lithuania of her heritage. Despite the often brutal oppression endured behind the Iron Curtain, the Lithuanian people continue today in their tenacious struggle for independence.

While the United States has refused to recognize the incorporation of Lithuania into the Soviet Union and continues to recognize the diplomatic and consular representatives of independent Lithuania, over 500,000 Lithuanian-Americans and 3½ million Lithuanians living in Lithuania continue in their struggle for a restoration of true freedom and the preservation of their rich heritage.

It has been 47 years since the Lithuanians were stripped of their independence. I urge all Americans to remember the plight of the Lithuanian people and to join in celebrating a day of freedom that we hope to see again.

Mr. DORNAN of California. Mr. Speaker, I want to take a few minutes amid the many demands on our time to address that event: the 69th anniversary of the declaration of independence of Lithuania. The plight of Lithuania as a victim of Soviet aggression and occupation is all too easily forgotten as we struggle with later and even ongoing Soviet efforts to add to their empire by conquest. Looking at the flow of Soviet weapons via Cuba through Nicaragua into El Salvador, and reading of repeated Soviet atrocities in Afghanistan, we sometimes tend to forget momentarily the continuing ultimate atrocity of an entire nation subdued and burdened with the yoke of Soviet domination.

Because we can never permit our selves to forget the miserable circumstances of those millions of Lithuanians who to this day live under alien rule, I am pleased to join my colleagues by adding to the RECORD this statement of my concern. The valorous Lithuanian people have been tenacious in retaining their national identity. They are an example to all of us for their patriotism and personal loyalty. If these Lithuanian patriots are able to carry forward their national identity despite Soviet attempts at cultural, genocide, then the United States can at least honor their resistance by continuing to refuse official recognition of Lithuania and its Baltic neighbors as parts of the U.S.S.R.

Like so many small countries of Eastern and Central Europe, Lithuania has had to resist the forces of totalitarianism from the Communists of the Soviet Union after suffering for years under the Nazis of Hiterite Germany. And, like so many of these countries, Lithuania faced the dreadful disappointment of losing a set of Nazi chains only to gain another set of Communist fetters when Hitler's war machine collapsed in 1944-45, and the Soviet bear embraced the Baltic States.

Lithuania and its neighbors never even enjoyed the brief respite from oppression in 1946-47 that others experienced. The cold war came early in the Baltic, and it has never left.

Let me say that the Final Act of the Conference on Security and Cooperation in Europe, the Helsinki accords, were never intended to consign the people of Lithuania and its neighbors to the dustheap of forgotten peoples. The Soviets may argue for their twisted interpretation to which misinterpretation we can only reply by hammering on this theme: Lithuania, along with its Baltic neighbors, is and ought to be independent. And we must also point out constantly to the Soviets that national rights of language, worship, and political preference are also part of the Helsinki accords. In short, the least we in free America can do is to remind the Soviet Union at every occasion that they are breaking not only their own constitution but international commitments. We have a stake in this struggle because when freedom is diminished anywhere it is diminished everywhere.

I salute the people of Lithuania on the 69th anniversary of their independence. Long may we celebrate the occasion, and, God willing, one day soon, may we celebrate it with them in their own capital of Vilna.

RESOLUTION

We, the Lithuanians of Greater Los Angeles area, assembled this 16th day of February, 1987 at Lithuanian St. Casimir Parish Hall in Los Angeles to commemorate the restoration of Lithuania's independence, do hereby state as follows:

That February 16, 1987 marks the 69th anniversary of the restoration of independence to the more than 700 year old Lithuanian State;

That Lithuania was recognized as a free and independent nation by the entire free world. Lithuania was a member of the League of Nations. However, Lithuania was by force and fraud occupied and illegally annexed by the Soviet Union.

That the Soviet Union is the last remaining colonial empire that relentlessly is subjugating independent countries; Lithuania being one of the Soviet Union's first victims.

That the Soviet invaders, even though using tortures and deportations, concentration camps and psychiatric wards are unable to suppress the aspirations of the Lithuanian people for self-government and independence. That is highly evident from the numerous underground press and strong dissident activities: Now, therefore, be it

Resolved, That we are grateful to President Reagan and the Department of State for statements that an official diplomatic non-recognition of the forced incorporation into the U.S.S.R. of the three Baltic nations will continue to be a position of this administration. Furthermore, we would like to express our gratitude for the declaration of the Baltic Freedom Day.

We urge the United States of America and other nations of the free world to use diplomatic and other possible pressures that the Soviet Union withdraw its military forces, secretpolice apparatus, foreign administration; and release from jails, concentration camps and psychiatric wards people who struggle for human rights and liberty; and restore self-government in Lithuania.

We ask the U.S. Congress to investigate the cooperation of the Office of Special Investigation with the Soviet institutions and the KGB. We remind that deportation to the Soviet Union of persons who lost their U.S. citizenship is inhuman because there, they would land in slave labor camps, or would be executed. Such deportation of Balts would be contrary to the non-recognition of the incorporation of the Baltic States into the Soviet Union.

We express our most sincere gratitude to the U.S. Congress for the impressive annual commemoration of Lithuania's independence.

We desire that copies of this Resolution be forwarded to the President of the United States, to the Secretary of State, to the U.S. Congressmen and Senators from our State and to the news media.

Antanas Maxeika, President, Lithuanian-American Council, Los Angeles; Mykolas Naujokaitis, President, Lithuanian National Foundation, Inc., Los Angeles; Angele Nelsas, President, Lithuanian Community, Los Angeles.

Mr. GRADISON. Mr. Speaker, I am pleased to participate today in this special order to commemorate Lithuanian Independence Day. Lithuania emerged as a state on the face of Europe in 1293. For over 500 years, Lithuania and its people developed a rich culture and tradition. By 1795, Lithuania found itself confronted by the growing power of Czarist Russia and, as a result, lost its independence.

Despite Russian occupation, the Lithuanian identity survived. In January 1863, an insurrection against Russian authority, although unsuccessful, spoke forcefully about the will of the Lithuanian people to reassert their independence.

The First World War saw control of Lithuania pass from Russia to Germany. By 1918, the void left by the collapse of Germany and Czarist Russia provided the Baltic States, among others, with the opportunity to regain their national self-determination. On February 16, 1918, the Council of Lithuania declared the nation independent. In its own way, Lithuania's assertion of national self-determination and its willingness to play a role in the international system spoke to the attraction of the Wilsonian vision for the postwar world.

By August 1922, Lithuania had established a democratic republic. Although Lithuania faced considerable challenges in the interwar period, it continued to struggle to solidify both its independence and a democratic form of government. As a small state lodged between two hostile dictators, Lithuania by 1940, was in a tragically unfortunate position. In 1940, the Soviet Union annexed Lithuania. Nazi Germany seized the country in 1941 during its invasion of the Soviet Union. By 1944, as the tide of war turned, Moscow reincorporated the Baltic States into the Soviet Union, an unnecessary move that the United States has wisely chosen not to recognize.

In our century, the experience of Lithuania is a forceful reminder of the ruthlessness of totalitarian powers and the need for vigilance in the preservation and extension of liberty for all peoples. The Lithuanian people have repeatedly demonstrated their determined and patient struggle for independence. We, as a democratic people, must continue to work toward the day when Lithuania and all captive nations will enjoy freedom.

Mr. MORRISON of Connecticut. Mr. Speaker, I am proud to join with many of my colleagues in commemorating the 69th anniversary of Lithuanian independence.

After 500 years as a free and sovereign nation, Lithuania was occupied by Russia in 1795. They remained occupied, by the Russians and later by the Germans, until February 16, 1918, when the Lithuanian people declared their country a united and independent republic.

Sadly, Lithuania's independence lasted a mere 22 years. In 1940 the Soviet Union demanded the formation of a Soviet-controlled government as part of the Nazi-Soviet alliance, and held a one-party election. The Soviet Union annexed its tiny, heroic neighbor 1 month later. Occupied by Germany for most of World War II, it was reoccupied by the Soviet Union at the war's end.

The people of Lithuania have a long, rich cultural and religious heritage. Under Soviet occupation untold thousands of Lithuanians have been killed, imprisoned or deported for fighting to preserve their culture and their political independence. Hundreds of thousands of Lithuanians have been forced to flee their native land. Soviet oppression has cost Lithuanians their religious freedom. The Catholic Church, by far the dominant religion of the Lithuania people, has been the target of particularly harsh treatment.

The United States has never recognized the unlawful occupation of Lithuania and her neighbors, and continues to maintain diplomatic relations with the representatives of the independent Republic of Lithuania.

Lithuanians treasure their heritage. It is their belief in traditional values and their desire to hold on to the past that have given Lithuanians their spirit and strength. We should honor all Lithuanians around the world on the anniversary of their independence, but we should remember their struggles every day. We must not rest until Lithuanians, and oppressed peoples everywhere, have succeeded in their quest for freedom.

Mr. GUARINI. Mr. Speaker, I am honored to join with my colleagues in commemorating the 69th anniversary of the Lithuanian Independence Day. On February 16, 1918, a newly elected 20 member council declared an independent Lithuanian State based on democratic principles and freedoms.

After finally freeing itself from repressive Czarist Russia, the young state was faced with the military aggression of both Hitler's Germany and the Soviet Union. On June 15, 1940, the Soviets forced the Lithuanians to form a friendly government and occupied the country. As a result, many Lithuanians fled the country, while over 30,000 others were unjustly arrested and deported to Siberian concentration camps. When World War II finally ended, the Lithuanian people, who had suffered the brutality of both the Germans and the Soviets, remained under Soviet domination.

Despite their long history of religious, cultural, and political oppression, Lithuanians have not given up hope that one day the Baltic nations will be free to make their own choices. It is this hope that makes Lithuanian Independence Day a special event for all people who cherish freedom. Recently, this hope has evolved into a courageous dissident movement. As the freedom movement grows within the Baltic nations, freedom-loving people everywhere should continue to speak out and support the Lithuanians and their Baltic neighbors.

Mr. Speaker, it is important for Americans to remember that the United States has never recognized the annexation of the Baltic nations. It is my sincere hope that these people will some day experience the freedoms that Americans hold so dear.

Ms. SLAUGHTER of New York. Mr. Speaker, I am proud to join my colleagues today in commemorating Lithuanian Independence Day and commend the House on yesterday's swift adoption of House Joint Resolution 129 which directs the President to issue a proclamation designating February 16, 1988 as "Lithuanian Independence Day."

Sixty-nine years ago, on February 16, 1918, the courageous people of Lithuania asserted their right to self-determination after years of Russian and German rule and declared Lithuania a united and independent republic.

After 22 short years of freedom and independence, the Soviet Union annexed Lithuania and attempted to destroy the cultural identity of these proud people through an intensive russification campaign.

The United States has never recognized the unlawful occupation of Lithuania and her neighbors, and continues to maintain diplomatic relations with the representatives of the independent Republic of Lithuania.

Thousands of brave Lithuanians have been killed or imprisoned by the Soviet Union for their attempts to preserve their rich culture and heritage, and for their bitter struggle to restore the religious freedom and political independence their homeland once enjoyed. Thousands more have fled Soviet oppression and relocated throughout the free world. Today we stand with these proud and courageous individuals to commemorate Lithuanian Independence Day, but more importantly, to add support and encouragement to their cause.

Mr. FROST. Mr. Speaker, I appreciate this opportunity to join my colleagues in recognizing the continuing struggle of Lithuania to regain the independence it achieved in February 1918. My mother's family came from Lithuania, as did my wife, Valerie's family, so recognition of Lithuanian Independence Day is especially meaningful to me.

It has now been almost 70 years since a congress of 200 Lithuanian delegates proclaimed an independent Lithuanian State based on democratic principles. During its years of independence, Lithuania was admitted to the League of Nations, adopted a permanent constitution granting freedom of speech, assembly, religion and communication, and instituted social reforms benefiting all citizens. Lithuania's attempts to maintain its independence and neutrality during World War II ended in 1940 when a rigged election requested the incorporation of Lithuania into the Soviet Union.

The struggle to regain lost freedoms and independence continues to the present day. Despite harassment by the Soviets, thousands of Lithuanians participate in protests by signing petitions, distributing dissident publications and holding anti-Soviet demonstrations. The Lithuanian people have proven again and again that the size and power of the Soviet Union will not deter them in their struggle to regain independence.

We, as Americans, must continue to protest the illegal incorporation, by force of arms, of Lithuania by the Soviet Union. I urge my colleagues to commend the continuing struggle of the Lithuanian people, and to call upon Secretary Gorbachev to restore Lithuania to its rightful place in the international community.

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with a deep sense of pride and admiration that I join all Lithuanians in their recognition and celebration of the 69th anniversary of a truly independent nation of Lithuania, and of the 600th anniversary of Christianity in Lithuania.

It is with great admiration that we pay tribute to a time, not so long ago, when the struggle of the Lithuanian people to realize their most fervid hopes and dreams of a free and independent nation was gloriously realized. Despite being subjugated under the iron-fist of Soviet domination for more than a century, Lithuanians refused to allow this dream to fade; the tragedy is the terribly brief time which Lithuanians were able to flourish under an independent banner.

By recognizing the 69th anniversary of an independent Lithuania, we also challenge the Soviet Union to demonstrate fidelity to their recent promulgations of "glasnost"—or increased international openness—by granting Lithuanians, and all Baltic peoples the right to exercise self-determination, an action which is tragically and historically overdue.

Recently, the 21-nation member Council of Europe adopted a resolution calling on the Soviet Union to respect the right of self-determination and human rights for the people of the Baltic States; Estonia, Latvia, and Lithuania. Let us join our European neighbors in urging the Soviet Union to accept this resolution for freedom, and to respect, at long last, the individual right of all Baltic people to shape their own destiny, unfettered by Soviet hegemony.

It is imperative that Lithuanians are reminded of our strong and incontrovertible support for their continued struggle to secure the individual liberty and sanctity for human rights which we in America enjoy without fear of reprisal. I commend my colleague, Representative MARTY RUSSO of Illinois for introducing House Joint Resolution 129, and fully support this legislation to commemorate February 16, 1988, as National Lithuanian Independence Day.

By recognizing the 600th year anniversary of Christian worship in Lithuania, we pay tribute both to the indomitable legacy of a universal religion, and the irresolute spirit of a proud Lithuanian people determined to keep the embers of Christianity burning despite concerted Soviet efforts to extinguish this flame.

As Americans, we have a responsibility to continue to hold the beacon of hope aloft for those struggling for independence and freedom everywhere as a symbol of our deep commitment to their noble crusade. Let us always remain faithful to this great challenge.

Mr. MANTON. Mr. Speaker, I am honored to join with my colleagues today in commemorating the 69th anniversary of the Declaration of Lithuanian Independence, which took place on February 16, 1918. Over the past year, we have seen many human rights triumphs around the world but we cannot forget that the people of Lithuania who are denied the basic human right of self-determination.

Mr. Speaker, the people of Lithuania have a history of sovereignty that can be traced back to the 11th century, but for the past 69 years, the sovereignty of the Lithuanian people has been denied. On June 15, 1940, the Soviet Union occupied Lithuania. After Soviet-controlled elections were held, Lithuania was forcibly incorporated into the Soviet Union. Throughout World War II, alternating occupation by Soviet and Nazi forces caused great suffering and the loss of countless innocent lives. 300,000 people were deported to Siberia under Stalin's regime.

Since 1940, the Lithuanian people have been subjected to a campaign of repression by the Kremlin. Today most Lithuanians are Roman Catholics who are denied their religious freedom. The Catholic Church of Lithuania has been the target of harassment. The Soviet leaders have closed churches and seminaries and continue to persecute those who attempt to remain active in the church and pass along its teachings to their children. Each of these actions is in violation of the Helsinki accords, which the Soviet Union signed. The members of the Lithuanian Helsinki Group, established in 1976 to monitor Soviet compliance with the Helsinki accords, were effectively eliminated by the Soviet authorities.

Mr. Speaker, the United States has never recognized the Soviet state operating in Lithuania. Today we mark the plight of the Lithuanian people, but we must remember them every day and never relax our efforts until their freedom is restored. The Lithuanian people and their families here in America have my support and my prayers that one day Lithuania will again be a free and sovereign nation.

Mr. MATSUI. Mr. Speaker, I would like to join my colleagues in commemorating Lithuanian Independence Day.

We Americans sometimes lose sight of the fact that our freedom, won and preserved at such a high cost, is a precious thing that is lost much more easily than it is gained. Lithuania lost its freedom, but there are many patriotic individuals both there and in the United States who hold on to the dream that, one day, the peoples of Lithuania may again know the feeling of true liberty and justice, and that autocracy may soon be replaced with autonomy in the great Baltic State.

I commend the efforts of those who continue to struggle against totalitarianism, and I reaffirm my commitment impressing upon Soviet leaders that its oppression of these peace-loving people is unacceptable to the Government of the United States and to all Americans.

Mr. DAVIS of Illinois. Mr. Speaker, I am honored to join my colleagues in commemorating Lithuanian Independence Day. It is my hope that we will one day see the freedom of these people restored.

The Lithuanian people fought for and obtained their independence on February 16, 1918, and for 22 years a generation of Lithuanians proudly grew up with true peace and freedom. However, at the end of World War II Lithuania found itself incorporated into the Soviet Union. Now, 47 years after their independence was stripped, 3½ million Lithuanians living in Lithuania and over 500,000 Lithuanian-Americans have been seeking to preserve Lithuanian heritage and to restore Lithuanian freedom.

I support the Lithuanian efforts and condemn the Soviet Union for their current policy of human rights violations and encourage them to grant freedom to those who deserve it.

Mr. BIAGGI. Mr. Speaker, today we are honoring the 69th anniversary of the signing of the Declaration of Independence of Lithuania. As we all know, that country's attempts at creating a free and just society were brought to a sudden end just 22 years later by the naked aggression and illegal invasion by the Soviet Union in June 1940. Mass arrests and deportations to Siberia took place, involving a reported 350,000 citizens, or about one-tenth of the population. Repression and human rights violations continue to this day, but despite these actions and long-term attempts at a policy of russification, the proud people of Lithuania have resisted and are determined to maintain their cultural and religious traditions.

Since the last anniversary of Lithuanian Independence Day we have heard and read much to suggest that under General Secretary Gorbachev a policy of liberalization and greater openness was being pursued by the Soviet Government. The Soviets have been quick to point to their freeing of several notable Soviet Jewish dissidents and human rights activists as evidence of these new reforms. While not wishing to lessen the importance of these events, it is worth noting that other dissidents, with less notoriety, only secured release after signing declarations to discontinue their activities to promote the observance of basis human rights. Further, an estimated 400,000 Soviet Jews, who have officially begun the emigration process, are still waiting to leave with no immediate hope of realizing their desire.

Mr. Speaker, it is far too early to cast judgment on the latest Soviet reforms. We can remain hopeful that these reforms will lead to true human rights improvements in the Soviet Union, but we have more reason than not to view their actions with skepticism; particularly in view of the dismally low number of Soviet Jews being allowed to emigrate, the violent attacks recently on western journalists and Soviet human rights advocates; and the long history of repression in Lithuania and other captive nations.

Mr. Speaker, I am especially pleased with yesterday's House passage of House Joint Resolution 129, designating February 16, 1988, as "Lithuanian Independence Day." I was proud to be a cosponsor of this important measure along with more than 230 of my colleagues from both sides of the aisle. Clearly, as leaders of the free world, we must send a strong message of support to the millions of freedom lovers in Lithuania and in other captive nations around the world. They will not be forgotten.

Mr. RITTER. Mr. Speaker, I am pleased to rise in recognition of Lithuanian Independence Day, a day commemorating the historic occasion when on February 16, 1918, the Lithuanian people reclaimed their freedom after 123 difficult years of Russian and German rule. The tireless efforts of the Lithuanian people secured a precious freedom that we here today have hope will be revisited in years to come.

Since 1940, when Lithuania was forcefully incorporated into the Soviet Union, the life and culture of this proud nation has been put through the severest of tests. The record documenting the repression of Lithuanian nationalists, the persecution of religious leaders, the denial of basic human and civil rights * * * in short, the entire legacy of the Soviet Russification campaign against the Lithuanian people and their culture, has been harsh and tragic.

As this year also marks the 10th anniversary of the Lithuanian Helsinki Group, a group committed to assisting in the implementation of the Helsinki accords, it is worthwhile to ponder the current conditions within Lithuania through the spectacle of the new Soviet leader's (Mr. Gorbachev) glasnost or openness campaign. While we have heard that the Soviet society is changing and that political prisoners are being released, I concur with Mr. Gorbachev's statement made in Riga, Latvia, where he said, "We've got a lot to do."

Has glasnost reached Lithuania? According to informed sources, out of the 54 known prisoners who have been released as of yesterday, only 1 is Lithuanian. While I praise the release of Lithuanian Helsinki monitor Vytautas Skuodys, who was imprisoned for what we in the West would call peacefully expressing his views regarding proper human rights conditions, we remember the condition of others like Balys Gajauskas.

Mr. Gajauskas, age 60, now in his 35th year in Soviet labour camps, is one individual whose prison doors have been closed to glasnost. A leader in the fight for a free Lithuania and noted as unofficial historian of the Lithuanian movement for independence, Mr. Gajauskas' only crime is his love of truth and country. After 25 years of prison for his noble activities, he, in 1973, again became actively involved with the Lithuanian nationalist movement, which by that time had found a new outlet in the samizdat or self-publishing method of disseminating information. In the ensuing years, as Mr. Gajauskas sought to preserve truth and provide his countrymen with accurate information, he was subjected to harassment and had much of his writing confiscated, including a special list of 135 Lithuanian political prisoners. In 1977, charged with anti-Soviet agitation and propaganda, Mr. Gajauskas was resentenced to 10 years in a special regime camp and 5 years internal exile. For the last 4 months, according to his relatives, no one has received any letters from him and there has been no news regarding his state of health following his 2 months in the hospital.

There is much wisdom in the statement of Jean Bernard Raimond, the former French Ambassador to Moscow, "On the one hand, we must be watchful for everything that is new and not assume that nothing is going to change in the Soviet Union. On the other hand, we must make sure that we do not succumb to illusions or make concessions costly to the interests of the West" (Time, March 2, 1987). Glasnost will be real when all of the people living under Soviet rule are accorded the rights agreed upon in the Helsinki document, a document signed freely by the Soviet Union.

I call on Moscow to succeed with glasnost and to embark on a bold new path toward real freedom. Openness is something necessary in a closed society. I urge the Soviets to free their entire society and grant the peoples they have oppressed for so many years the right to self-determination. No nation on Earth has territorial goals vis â vis the Russian people and they should feel free and safe to abandon theirs' and allow the nations which they hold captive the independence they so richly deserve. I look forward to the day when we will celebrate a new Lithuania, a Lithuania created by the vision of freedom and democracy embedded within the hearts of all Lithuanians.

Mr. LIPINSKI. Mr. Speaker, I rise today to commemorate the 69th anniversary of Lithuanian independence, but do so with the firm understanding that Lithuania still lives under the shadow of Russian domination and oppression. Indeed, the country has the sad distinction of being one of the first victims of Soviet colonial aggression. Under the older and better Lithuania there would be no random arrests for cultural expression, as is the case with Gediminas Jakubcionis, a lighting engineer with the Young People's Theater in Vilnius. There would be no lengthy prison camp sentences for religious devotion, like what Father Sigitas Tamkevicius is being subjected to, a man whose only crime was to help produce a book entitled "Chronicle of the Catholic Church in Lithuania."

Mr. Speaker, it is a tragic state of affairs that a country which has a proud history spanning nearly 5,000 years is seeing its language, traditions, and culture enveloped and threatened by an aggressive and ruthless neighbor. I would like to include in the RECORD a statement on Lithuania's national holiday by the Lithuanian National Foundation:

NATIONAL SELF-DETERMINATION, NONRECOGNITION OF ANNEXATION, SOLIDARITY

February 16, 1987 marks the 69th anniversary since the restoration of Lithuania's national independence. This independence became victim of the Stalin-Hitler pact of 1939 and of Soviet military aggression of 1940. Lithuania remains an occupied country, where any attempt to celebrate the National Holiday is brutally suppressed. Yet, today, as in 1940, the Lithuanian people refuse to accept the foreign occupation and to resign themselves to a perennial status as the subjects of the last colonial empire.

The articles in this issue (ELTA, February 1987) focus on three themes. The first one is the principle of national self-determination, which is enshrined in the United Nations Charter, the Helsinki agreements, and other important international documents. Even the Kremlin has to pay lip-service to that principle, although it constantly reminds its subjects at home that self-determination is an "impossible dream" and that the nations of the empire will be forever ruled by the Russian Communist clique. This remains the official policy under Gorbachev, despite his professions of "openness" and "justice."

The second theme is nonrecognition of annexation. Moscow is stepping up its disinformation campaign, designed to convince the Western powers that they should accept the "inevitable" and to accept Soviet Russian hegemony in the Baltic States. One of the chief Soviet arguments is that by signing the Helsinki agreements, the Western powers have accepted the present boundaries in Europe, including Moscow's control in the Baltic States. This argument, which is sometimes repeated even by Western politicians and journalists, is patently false. In the Helsinki agreements, the States-signatory have pledged not to change the boundaries by force—a solution which is advocated neither by the captive Balts, nor by the Western powers. At the same time, the Helsinki agreements emphasize the right of nations—including the Lithuanians, Latvians, and Estonians—to self-determination. There is nothing in the Helsinki agreements that could be construed as justifying the forcible incorporations of nations into the Soviet Empire. Moscow's deals with the Nazis are not sacrosanct in the eyes of international law and cannot be accepted by the international community, as emphasized by the steadfast U.S. policy of nonrecognition of the Soviet annexation of the Baltic States.

Solidarity is the third theme of this issue. It is Baltic solidarity with the other captive nations of the Soviet empire as well as with the Russian democrats and human rights activists, such as Andrei Sakharov, who are supporting the right of Baltic nations to determine their own destinies. The bonds of solidarity also link Lithuanians, Latvians, and Estonians with the nations of Central and Eastern Europe that are struggling to shed the Kremlin's control. And, finally, it is the solidarity with the Western nations, whose support is so important for the Baltic cause.

Mr. DURBIN. Mr. Speaker, this special order represents our solidarity with the Lithuanian people around the world who struggle against attempts to deny them their identity as people. The continuing struggle mirrors the emotions and trials shown by Americans over the last 200 years.

GENERAL LEAVE

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this special order.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOSCOW ON THE PACIFIC—SOVIET ADVENTURISM IN THE WESTERN PACIFIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, with the success of Soviet General Secretary Gorbachev's efforts to improve Moscow's image in the West, it has become apparent that the United States may face its most dangerous adversary since the death of Stalin. Over the past 2 months, the Kremlin has released Dr. Andrei Sakharov from internal exile, pardoned dissidents Josif Begun and Anatoly Koryagin, and hosted an international conference on peace that featured everyone from espionage novelist Graham Greene to "Amerika" star Kris Kristoffersen. Regrettably, many in the West have concluded on the basis of this skimpy evidence that Mr. Gorbachev has turned over a new leaf. In taking this view, these optimists seem to be swimming against three undercurrents of reality. First, thousands of dissidents—including Serafim Yevsyukov and Leonid Volvolsky—remain in prison and labor camps. Second, Natan Scharansky, William Hyland of Foreign Affairs magazine, and former United Nations Ambassador Jeane Kirkpatrick have all stated categorically in recent weeks that the new Soviet emigration laws will actually diminish the number of persons leaving the Soviet Union. Third, the Soviets have shown no willingness to permit the Afghan people to settle their own destiny and have continued their brutal campaign to subdue that society. By recognizing how the West might be diverted from these larger concerns through titillating announcements, Mr. Gorbachev has established himself as a Soviet statesman of rare sophistication. In the short term, the United States can best respond to that sophistication through an effort at a deeper understanding of the Soviet Union's actual strengths and America's potential weakness.

In this context, we must reexamine the evolving superpower relationship in the Western Pacific, because the combination of an expanding Soviet presence in that region and American miscalculations could create a security danger for the United States. The Soviet Union has established a credible challenge to American power in the Pacific by multiplying the strength of its Armed Forces and expanding the scope of its diplomatic actions. While a resurgent U.S. Navy guarantees the safety of our Pacific interests as of February 1987, debates over Federal defense and trade priorities raise doubts about the future. Few Americans realize that untoward changes in the Pacific balance of power will impinge on both our Government and our society as a whole.

When General Secretary Gorbachev announced in Vladivostok last July that his government would play a major role in the East Asia of the future, he was making a statement of fact, not a prediction. Through its expansion of support facilities, weaponry and intelligence capabilities, Moscow has revolutionized the strategic structure of the Western Pacific. During a visit to Japan last year, Defense Secretary Caspar Weinberger observed that the Soviet Pacific forces "have moved beyond what anyone might reasonably define as a defense posture, and they have assembled a clearly offensive arsenal." Similarly, the Japanese Defense Agency has expressed concern over what it has called a "relentless buildup" by the Soviet military. And Prof. Peter Palomka of the Australian National University has gone so far as to say that "the Pacific region is destined to become the main focus of superpower rivalry." The Soviet lunge for a new status in the Pacific has generated an upheaval in Western thinking about East Asia.

The American news media has not ignored this upheaval. In an essay entitled "Challenge in the Pacific: Moscow's Growing Naval Strength," Clyde Haberman of the New York Times describes the deep concern felt by American, Japanese, and Australian officials over the injection of Soviet influence into the Pacific theater. According to Mr. Haberman, "the growth of Soviet military power is seen by many Western observers as an increasing threat to American influence in the Pacific. At the least, the United States is now forced into the unwelcome position of having to compete hard in a region that is used to consider its own." Haberman cites an interview with Mike Mansfield in which our envoy to Japan said that he did not feel comfortable with the present level of defensive strength mustered by America and its allies. "The very size of the [Soviet] Pacific fleet, [Mansfield] said, coupled with its expansion into new Pacific regions, spells danger by definition." Ambassador Mansfield expressed specific concerns about the tonnage and improving capabilities of the Soviet navy in a July 1985, article in the Los Angeles Times. That article, entitled "Soviet Pacific Fleet Buildup Poses Threat," cited a report by the Joint Chiefs of Staff from early 1985. That report concluded that the Kremlin's buildup had established an "unfavorable balance" of forces in the Pacific that has "continued to deteriorate." Japanese analysts have also expressed dismay over the recent strategic developments. The Times article states: "As the Soviets eye opportunities to convert their new military muscle into political advantage—in the turbulent Philippines or Indonesia, for example—the region must face the risk of another 'hot' war for decades to come, said Masashi Nishiara of Japan's National Defense Academy." From these news reports, one can surmise that the Soviets have not been subtle in their adventurism. This is disturbing because it suggests great confidence on the part of the Kremlin in any political consequences that may result from its buildup in the region.

In "The Soviets at Cam Ranh Bay," an essay for the spring 1986 issue of the National Interest, Prof. Alvin Bernstein of the Naval War College outlines the basis for Soviet brashness. In Professor Bernstein's view, Moscow has laid the foundations for policies in the Pacific that could reorder the entire superpower rivalry. The professor describes multiple Soviet goals in the region.

First, Moscow seeks in the event of war to blunt any United States counteroffensive against Soviet Asia.

Second, Moscow hopes to better exploit opportunities and defuse threats which arise in the Far East. According to Professor Bernstein, the Soviet stations in Vietnam may prove particularly useful in this context. In his words, they permit the Russians: (a) To constrain United States power projection in the area by presenting the United States with possibility of superpower confrontation; (b) to provide support to pro-Soviet Communist insurgents should they become active in the region at some future date; (c) to counter any future Chinese submarine threat; (d) to facilitate rapid reaction between and in the Indian Ocean and South Pacific; and (e) to use in any limited, regional conflict involving only local powers like the People's Republic of China, Vietnam, and the member states of the Association of Southeast Asian Nations. If Professor Bernstein has accurately assessed the Soviet agenda, it would appear that Soviet ambitions in Asia are just as great as anywhere else in the world.

Unfortunately, Soviet ambitions in this part of the world may correspond to their military resources. In terms of support facilities, the Soviets have made major strides over the past 5 years. They have gained access to naval and air force facilities at Cam Ranh Bay and Da Nang in Vietnam, and to the ports of Kompong Som and Ream in Cambodia. According to Professor Bernstein, "The establishment of an electronic intelligence gathering facility at Cam Ranh Bay is expected to handle regional communications for the Soviet Navy and Air Force in both the Indian Ocean and the South China Sea, and access to the ports of Kompong Som and Ream increases the range of Soviet naval power." One should also note that the Soviet Indian Ocean fleet uses Cam Ranh Bay—their largest naval facility outside the Warsaw Pact—as a service and repair base. As if to emphasize the importance of Cam Ranh Bay to Moscow's Pacific strategy, the Soviets have recently bolstered its defenses by adding six surface-to-air missile sites and a squadron of interceptor aircraft. Naturally, such defenses not only protect the base in an absolute sense, but they allow the Soviets to project force with a diminished likelihood of effective reprisal.

And the Soviets have plenty of force to project. The Soviet Pacific fleet now comprises 32 percent of all Soviet naval assets (as compared to 25 percent in 1965). It numbers some 800 ships and some 120 submarines, half of which are nuclear-powered. By way of comparison, I should mention that the U.S. 7th Fleet has approximately 70 ships, and the U.S. 3d Fleet (which normally operates in the Eastern Pacific) has 160. The number of Soviet submarines in the Pacific almost equal the total deployed by the entire United States Navy. Traditionally, the Soviets have compensated for their numerical superiority by constructing vessels of low quality. Over the past 10 years, however, Moscow has bolstered both the quality as well as the quantity of its naval presence in the waters of East Asia. The Soviet Pacific fleet possesses two of the Soviet Navy's three vertical or short take-off landing aircraft carriers; between 30 and 40 Backfire air-to-surface missile bombers; and one of the Navy's two large amphibious ships. In his article, Professor Bernstein draws particular attention to the arrival of a new Soviet surface action group in the Pacific unit. The action group consists, he writes, "of a *Kirov*-class nuclear powered guided missile cruiser * * * and two guided missile destroyers * * *. All three ships are less than 2 years old, and their transfer from the Soviet Northern Fleet and the Baltic Fleet late in August indicates a commitment to boost significantly the capability of the Soviet Pacific Fleet." Obviously, a commitment to the quality of the Soviet fleet suggests a commitment to the vigor of Soviet policies in that region.

The Soviets have worked hard to improve their overall naval capabilities as well. Adm. Carlisle Trost, Chief of Naval Operations, has admitted tht the rapid pace of qualitative improvements in Soviet capabilities took the Navy somewhat by surprise when it conducted a review in 1984. According to Tom Stefanick of the Federation of American Scientists, the Soviets have embarked on a major effort to construct quieter submarines. As Mr. Stefanick notes, "Submarine quieting has a dual effect: it makes Soviet [ballistic missile submarines] less detectable, making them less reliant on attack submarines for support, and thereby freeing Soviet [attack submarines] for other missions; it also makes those [attack submarines] better able to transit NATO acoustic surveillance and approach Western sea lines and coasts." The Washington Post reported in September of last year that the Kremlin has assigned 13 elite research institutes the task of finding new ways to detect American submarines. According to Richard Halloran of the New York Times, the CIA believes that techniques other than sonar, including synthetic aperture radar, infrared, magnetic or laser sensors could possibly create a breakthrough in such detection.

In Northeastern Asia, the Soviets have assembled a military presence that may be specifically designed to intimidate neighboring countries. Over the past 20 years, they have increased their ground forces in Soviet Asia from 200,000 to 450,000. They have deployed 165 SS-20 medium-range nuclear missiles in the same region, despite the fact that Japan has no nuclear weapons. Since 1978, Moscow has maintained more than 10,000 ground troops and 40 Mig-23's in the Kurile Islands, part of the disputed "Northern territories" seized by Stalin in the aftermath of the Second World War. And Japanese intelligence experts believe they have discovered the tracks of Soviet miniature submarines on the ocean floor between the home islands of Hokkaido and Honshu. In the event of a war, the Soviets would use such submarines to transport special forces units that has been trained to disrupt the economic and political infrastructure of enemy countries.

Adherents of the Clausewitz doctrine that one cannot segregate war from political relations, the Soviets have labored for the disruption of the status quo through diplomatic initiatives as well. They have achieved precisely such a disruption in the South Pacific. In January 1986, the U.S.S.R.

invited representatives of South Pacific governments to Moscow for a discussion of the Ratatonga treaty, which bans the stationing, production, and testing of nuclear weapons in the region. During the conference, the Soviets suggested that the accord prohibit the transit of nuclear-armed warships and nuclear-armed aircraft through the area. Two months later, Soviet Foreign Minister Edward Shevardnadze announced that the U.S.S.R. had no objections to the establishment of a nuclear-free zone in the South Pacific. The Soviet official newspaper Izvestia noted in June that the Kremlin had formed a Pacific Ocean Department within the Foreign Ministry.

These and other diplomatic efforts have paid substantial dividends to the Soviet Union. In 1985, the state of Kiribati, formerly known as the Gilbert Islands signed an agreement with the Soviet Union which permitted the use of its economic zone by Soviet fishing trawlers. As defectors from the Soviet commercial fleet have repeatedly observed, the Soviets frequently employ such trawlers as part of their intelligence and reconnaissance operations. Given the proximity of United States missile testing facilities in the Marshall Islands, the Soviets could have obtained tangible intelligence benefits from the Kiribati treaty.

Thanks in part to a concerted effort by United States diplomats, Kiribati ended its relationship with the Soviets last fall. However, Moscow soon concluded a new agreement with the Republic of Vanuatu that recouped their position. The treaty permits: First, the access of Soviet fishing trawlers to the Coral Sea; second, the establishment of Soviet ground support facilities for its purportedly commercial activities; third, the use of the port of Palikula for the replenishment of Soviet vessels; and fourth, the use of the airport by Aeroflot, the Soviet airline. Australian Foreign Minister Bill Hayden has stated that once the Soviets arrive, "they will do things that have nothing to do with commercial purposes." Given the location of Vanuatu within the Melanesian Archipelago, he is probably right. The Vanuatu Republic adjoins the troubled French territory of New Caledonia. The Soviets will undoubtedly take a keen interest in the political unrest which continues there. And their intelligence operatives may keep an eye on the French warships which are based at Noumea in New Caledonia. The leader of Vanuatu's opposition party, Vincent Boulekone, concurs with these suspicions. "The Russians want to control the South Pacific," he stated in January. "If they get a base in Vanuatu, they will use it to interfere directly in the affairs of New Caledonia, the Solomon Islands, Fiji, and other countries."

A January 22 report on the South Pacific in the Washington Times seems to justify his anxiety. As I noted earlier, the Government of Japan has reservations about the growing Soviet presence in the Western Pacific. The Japanese have initiated a program of student exchanges and technology exchanges with South Pacific nations. In addition, they have promised the delivery of economic aid to the region, although no decisions have yet been made as to the amount. How has Moscow taken the news of this modest effort? Not well at all. Radio Moscow denounced the plan on two separate occasions last month. In the second broadcast, the Soviets claimed that the Japanese were "promoting realization of the United States strategic plans for the Asian and Pacific regions." Such a reaction may surprise in light of recent Soviet attempts to improve relations with Tokyo: Soviet Foreign Minister Shevardnadze visited Japan in January of last year, and the Soviet Union has permitted small groups of Japanese to visit the graves of relatives in the Kurile Islands. While Mr. Gorbachev may have been sincere in his call at Vladivostok for economic prosperity in the Pacific, he evidently prefers that prosperity be of the Socialist variety.

Unfortunately, political upheaval may indeed permit the Soviets to play a larger role in the South Pacific in the future. According to Daniel Abele of Radio Free Europe/Radio Liberty, "The Republics of Kiribati and Vanuatu are two of nine independent island nations that have gained their independence from Britain and France during the past 10 years. A political awakening is occurring in the region as a new generation of leaders has emerged confident and independent. Coupled with this is a rising spirit of nationalism that stems from economic grievances, local anticolonial movements, and dissatisfaction with perceived indifference on the part of the West to local needs." In more specific terms, anticolonialism, antinuclear sentiment, and political radicalism in the South Pacific have all joined together to constrict United States security options in that region. The Labor Governments of Australia and New Zealand, along with several South Pacific regimes, have insisted that America sign the protocols to the South Pacific Nuclear Free Zone. If the United States refuses to sign, we will align ourselves with France, whose policies in New Caledonia and whose continued testing of nuclear weapons in the region has generated ill will among the nations of the South Pacific. If we do sign, the security consequences could prove disastrous.

In a December 1, 1986, essay for the Wall Street Journal, Peter Samuel, the Washington correspondent for the Australian a national newspaper in Australia, examined the precise constraints that the free zone accord would place on our conventional and nuclear deterrence capabilities. Spinfizz, as the accord is popularly known, would prohibit nuclear testing in the South Pacific. More importantly it would bar the stationing of nuclear weapons on any South Pacific island—including American Samoa. Mr. Samuel observes that such a provision, with an American signature under it, would compound our present difficulties in securing Micronesian acceptance of American military bases. If the Government of the Philippines decided to terminate American use of the Clark and Subic Bay stations, the United States would have a desperate need for alternative sites in Micronesia. As Mr. Samuel puts it, "Nothing would suit the Soviets better than to force the United States to concentrate all its Pacific nuclear weapons on the tiny island of Guam." Australia's opposition party shares Mr. Samuel's qualms. According to the opposition party's foreign affairs spokesman, Andrew Peacock, the treaty "restricts the United States, yet the Soviet Union's power base at Cam Ranh Bay will be unaffected." Peacock adds that Spinfizz could "straitjacket successive Australian governments from offering home porting facilities to the United States Navy, or base facilities to nuclear-capable aircraft or ground units." Given the pivotal role that Australia now plays, and that Micronesia might play, in our naval operations, Spinfizz could result in the demobilization of American strength throughout the South Pacific. One can safely presume that the possibility of that development has contributed to Moscow's strong support for a nuclear free zone.

Of course, the Kremlin has launched diplomatic offensives in other areas of the Pacific Rim. According to the authoritative Soviet Military Power, an annual publication of the Department of Defense, the U.S.S.R. has reconstructed its relationship with Kim Il-song, the independent-minded dictator of one of the world's most closed societies. The exchange of Soviet weaponry for intelligence capabilities has constituted the core of the new North Korea-Moscow axis. The report states:

> The delivery of MIG-23/Flogger aircraft to North Korea has been the most significant trend in the improving bilateral relationship. A total of 35 to 45 such aircraft are expected to be delivered. A limited number of surface-to-air missiles * * * have been delivered to North Korea. This is the first concrete evidence of an agreement by Moscow to renew deliveries of sophisticated new military equipment to North Korea.
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> In exchange, it appears that the Soviets have received permission to make military overflights of North Korea. Increased activity is expected for both intelligence collection and strike mission simulation. These flights have been made by TU-16 Badger reconnaissance aircraft, TU-95 Bear G strike

> aircraft, and TU-95 Bear D naval intelligence collectors.
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> One important result of Soviet support has been an improvement in overall military relations. To mark the end of World War II in Europe, Soviet, and North Korea fighter units in early May of 1985 conducted their first exchange visits. In late summer, to commemorate the 40th anniversary of the liberation of Korea from Japan, the Soviets sent a record number of delegates and three naval combatants—one *Kara*-class guided missile cruiser and two *Krivak*-class guided missile frigates. This was the first such port call to North Korea by major Soviet naval combatants.

In sum, it appears that North Korea has moved from the position of fellow traveler to that of fellow soldier in the war against capitalism. Given the many United States military installations in Japan and given that the submarine bastions of the Soviet Asian coast would play a critical role in the outcome of any United States-Soviet conflict, one should not underestimate the intelligence implications of the deepening integration of North Korea into Moscow's orbit.

In the long run, however, the West faces a far greater danger from the expansion of the Kremlin's traditional diplomatic campaigns in Southeast Asia and China. This is despite the fact that Moscow's ambitions have to date undermined the effectiveness of these diplomatic efforts. During his speech at Vladivostok, Mr. Gorbachev called for the normalization of Sino-Vietnamese relations and closer ties between Communist Indochina and the Association of Southeast Asian Nations. Vietnam's neighbors have been unable to see the wisdom of such developments. They cannot forget that the Soviets have supplied both Hanoi and the puppet regime in Pnom Penh with billions in dollars of military aid over the past 7 years. Nor can they forget that the Soviets fund a war which, in the view of Prince Sihanouk's son, may soon result in the extinction of the Cambodian civilization.

General Secretary Gorbachev also used the Vladivostok speech to proclaim his commitment to better Sino-Soviet relations. To placate Chinese unhappiness over the continuing occupation of Afghanistan, the Soviet leader announced that the U.S.S.R. would withdraw six regiments from Afghan soil. He stated that his government would examine "the question of withdrawing a considerable number of Soviet troops from Mongolia." He accepted the Chinese position on the location of the Sino-Soviet border along the Amur River. He urged cooperation between the two countries in the construction of a railway between one province in China and Kazakhstan in the U.S.S.R. To bolster the credibility of his words, Gorbachev appointed Igor Rogachev, the deputy foreign minister, to the post of chief negotiator in the ninth round of Sino-Soviet talks. The Soviets and the Chinese held their first inter-parliamentary talks in August of last year. And in September, Gorbachev sent Nikolay Talyzin, chairman of the Soviet State Planning Commission, to China to discuss "relevant questions in economic and planning work."

It's clear that Mr. Gorbachev has not succeeded in transforming Sino-Soviet relations. Following the Vladivostok speech, the People's Republic of China's Foreign Minister remarked, "We cannot determine now whether the Soviet Union is still seeking hegemonism or has changed its strategy for Hegemony." The Foreign Ministry elaborated on that statement by asking Moscow to demonstrate the sincerity of its rhetoric by "greatly reducing nuclear weapons and missiles already deployed and easing the tension in the region and removing the hot spots of Afghanistan and Kampuchea." China's senior statesman, Deng Xaioping, has even predicated a meeting with Gorbachev on a reversal of Soviet policy vis-a-vis Cambodia. Given these prerequisites, it's difficult to see the light at the end of the tunnel when it comes to a warming of Sino-Soviet ties.

Nevertheless, we should not dismiss the Gorbachev diplomatic offensive in China simply because it has not come to fruition. On the contrary, the West should look on it with grave concern, for two reasons. First, Gorbachev's efforts have not been a shot in the dark. They have been a comprehensive assault on the adversarial character of the relationship with China—an assault that addresses the full range of cultural, economic, and security tensions in a tangible manner that the Chinese cannot help but notice. Gorbachev's approach signals a keen understanding of Asia and a tremendous will to succeed on this front or on another front if he fails in China. The second reason is obvious: Any rapprochement with the Chinese would destroy a lynchpin of international deterrence to Soviet aggression.

In some respects, the fervor with which the Soviets approach their diplomatic and military enterprises reflects on the strength of their adversary. If, as Professor Bernstein of the Naval War College believes, the Kremlin seeks to undercut the confidence of Asia and Oceania in America's resolve and ability to support that resolve, then the Reagan administration and the Department of the Navy have made the fulfillment of Soviet goals a difficult achievement. The relationship between the superpower relationship in the Pacific and our defense policies has been underscored by Professor Palomka of the Australian National University. In "The Security of the Western Pacific: The Price of Burden Sharing," an essay for the journal Survival, he writes:

> The importance of perceptions in international politics, especially in times of rapid change, and the paramount position of the "American factor" in the calculations of most Western Pacific states, suggests that the security outlook in the region during the 1980s will be largely shaped by perceptions of where the U.S. stands in the regional superpower naval balance and how well she handles relations with Japan and China.

As James L. George of the Center for Naval Analyses, a division of the Hudson Institutes, has observed, the defense policies of the Reagan administration have put the Navy in better shape than it has been for over a decade. Writing in "The U.S. Navy: A View From the Mid-1980's," Mr. George lists Secretary Lehman's steadfast support for a 600-ship force, improvements in readiness and the resolution of personnel dilemmas as justifications for this conclusion. His assessment generally concurs with those of Donald Daniel of the Naval Postgraduate School and Gale Tarleton of the Defense Intelligence Agency, who, while writing in the same volume, suggest that a significant improvement has occurred in our military capabilities in the Pacific. "Certainly among the reasons," they explain:

> Are the renewed appreciation in U.S. policy of the importance of the Pacific area, the reversal in the downward trend in U.S. Pacific Fleet force numbers, forseeable progress toward the 600-ship navy with its 15 carrier battle groups, the restocking of ammunition and spare parts, the deployment of modern fighter aircraft (the F-15, F-16, and F/A-18) in Korea and Japan able to interdict outbound Soviet antiship bombers, and the introduction into the fleet of the Aegis air-defense system capable of handling multiple targets simultaneously.

Improvements such as these justify the new confidence about the U.S. Navy that Messrs. Tarleton and Daniel have discovered in East Asian capitals. This confidence in turn assures that America maintains its place as the most influential power in the Pacific.

This same confidence, however, relies not only on the commitments of the President, but of the Congress as well. Congress has restrained the reconstruction of our defense throughout the Reagan years, slicing administration requests for increases in Navy personnel by 9,000 for fiscal year 1983, by 7,000 for fiscal year 1984 and by 4,000 in fiscal year 1985. Yet as the National Journal reported in its February 21 edition, fiscal year 1986 marked the actual demise of consensus between Capitol Hill and White House on defense spending. "Newtonian realities reasserted themselves in fiscal 1986," the article states, "when defense appropriations dropped by 4.2 percent, and again in the current fiscal year, when they fell by another 2.5 percent." Remarkably, the same Congress that called for responsible defense spending last year took 22 percent of the fiscal year 1987 budget cuts out of maintenance, spare parts, ammunition, and other readiness-related programs, and 33 percent of the cuts through procurement stretchouts that usually cost the taxpayer more of his money in the long run. The Journal adds that the House and Senate took only 8 percent of the cuts from programmatic changes.

Many of the nations of Asia and Oceania are too small to even dream of repulsing Communist aggression. Others are too poor to afford a respectable military. And still others have antimilitary traditions which make them reluctant to build up their armed forces. These nations know that the Soviet Union has the resolve to carry out its global priorities. They depend on the United States for the same degree of commitment. The abandonment of our plans for a 600-ship Navy, continued cuts in the readiness capabilities on which our sailors and soldiers rely, and further delays in the deployment of the weapons systems which help to form our conventional deterrent posture will leave our friends in the Western Pacific with an understandable basis for doubts about our enthusiasm for either the Reagan doctrine or traditional containment policies. While it is very popular on Capitol Hill for politicians to call themselves "cheap hawks," we need to remind ourselves that you can't be a cheap hawk if you don't have any wings.

Congress may generate more anxiety in the Pacific if it approves the protectionist trade legislation which the leadership backed last year and has endorsed again this year. Professor Bernstein notes that "protectionist policies could become a serious obstacle to plans for both formal and de facto security cooperation." Frankly, I find it surprising that many of the same Representatives and Senators who decry our supposed ignorance of the domestic realities of other countries in the conduct of our foreign policy now say that we must initiate tariffs and other forms of economic retaliation against our trade partners. Do they really believe that these nations will stand idly by and simply accept the economic programs that we dictate to them? Do they not recognize that each of the governments involved depends for its continuation in power not on the goodwill of U.S. special interests, but on the support of employers and employees whose jobs often depend on exports to America? Ultimately, Congress will have to face the reality that not only will restrictions on international commerce punish our consumers through higher prices and fewer products, but that we live in a world where the political concerns of the United States are intertwined with the economic priorities of its allies. It is my hope that we will learn that lesson before we attempt to enact protectionist legislation, not after states in East Asia and Oceania begin to reconsider their friendship with a power that closes its doors to the exports that keep their voters employed.

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No one would suggest that we ought to be the patsies of the world in international trade. To suggest that rampant protectionist legislation, dealing with just gross numbers, or specifically aimed at the Pacific rim of the world is something that is going to assist us either economically or in a national security sense is just not correct.

We have got to be very, very careful about what we do, and we have to recognize the implications internationally not only of our economic policy but of our military policy as well.

Unfortunately, the adage of some wits of the past that "if we do not allow goods to cross borders, troops will" is just as viable today as it was then.

So as we look at things in our own particular way, in our own parochial way as we all have in the Congress of the United States, let us not forget the overall implications for peace in the Pacific when we deal with trade this year.

Perhaps Congress will look more closely at the implications for the Pacific of its trade and defense decisions if it gains a better appreciation for the stakes involved in strategic changes there. Many Senators and Representatives know that we need secure routes for the shipment of oil from Indonesia and the Arab States. Many may know that in order to project force and protect our interests worldwide, we need bases in the Pacific basin. They may not realize the extent of interdependence between the United States and the economies of the Western Pacific. In the New York Times' September 7, 1986, discussion of Soviet activities in the region, Clyde Haberman observes:

> American bilateral trade with Asia, Australia and New Zealand has more than tripled in the last 10 years, reaching $202 billion in 1985. That equals, almost to the dollar, the United States total worldwide trade as recently as 1975. Over the last decade, trade with Asia and the Pacific has increased from 29 to 36 percent of overall American foreign commerce, and presumably will keep rising.

In testimony before the Joint Economic Committee on December 11 of last year, Prof. Hugh Patrick of Columbia University amplified on these statistics. He observed that:

> The American economy is now more involved in the world economy than ever before in its history, not only absolutely but also relative to its total production, investment and consumption. Over the past two decades the share of exports plus imports of goods and services has virtually doubled to more than one-fifth of the U.S. gross national product.

Since America now trades more often with the Pacific basin nations than with any other region, including Western Europe, it should be clear that the economic vitality and buying power of our Pacific trading partners influence the basic health and selling power of our own economy. We cannot be isolationist in our trade policies any more than we can return to the days of a "fortress America" attitude toward our global defense posture.

The people from my part of the country, Mr. Speaker, understand that Pacific Rim trade is absolutely important. Many jobs are intimately connected with Pacific Rim trade. While we have those who export and we have jobs that are connected with export, and while we recognize that we are not allowed into those markets as we wish we would, we would plead with the Congress not to overstep retaliatory action.

That is, not to take it upon itself to impose upon this administration or any other administration a unilateral attitude toward retaliation that does not take into consideration what we are going to get out of it in the end.

Punishing other countries because of their failing, real and imagined, in the area of free trade, may come back to hurt us even more. In the long run we will lose American jobs just as well as those countries will lose their jobs. Maybe those of us in the West will just lose more jobs and lose jobs more quickly than the rest of the country, but Mr. Speaker, our entire country would be affected by an unfortunate turn to protectionism in this Congress.

Mr. Speaker, we do not now face an imminent danger to our vital interests in the Pacific. But such a danger may develop if we do not learn to take the internal politics of our friends as seriously as the Soviets do. Vigorous Soviet efforts to improve ties with the States of the Western Pacific suggest that they maintain a careful watch on the attitudes of those countries to the United States. Through a resolute and credible defense posture and through trade policies that open markets rather than close them, we must ensure that Moscow has no easy opportunities. The consequences of such opportunities can hit too close to the homes of every American.

THE FISCAL 1988 BUDGET: THE CLASS OF 1986 DEMOCRATIC CAUCUS RESPONSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. ESPY] is recognized for 60 minutes.

GENERAL LEAVE

Mr. ESPY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ESPY. Mr. Speaker, I am pleased today to join my colleagues of the class of 1986 Democratic caucus in presenting what we believe to be a unique and important perspective on the current deliberations over the proposed fiscal 1988 Federal budget.

As the newest Members of this distinguished body, we came to Washington with a fresh message from our constituents. Our presence here today reflects the strong concern expressed by those constituents last November over the trends in this administration's budget and policy proposals and their concerns about this administration's priorities.

Our family farmers face the worst crisis—a crisis threatening their very survival—since the Great Depression. Education funding has been sharply reduced by this administration despite warnings that our competitiveness is suffering in this area, one which is crucial to our Nation's future. Our elderly population remains fearful that benefits they have counted on will be subject to new cuts or new costs. Our college-age students face increasingly uncertain futures because of their concern that college costs may soon be out of their economic reach. Our nonmilitary research and development efforts continue to be the target of new proposals to reduce funding by this administration, despite the vital role R&D will play in restoring this Nation's status as a world trader. Our rural areas and the great heartland of this Nation continue to hear talk of an economic recovery, yet see no signs of a recovery of their main streets.

Last week, during the President's Day recess, our caucus members had the opportunity to return to their districts for the first time since the administration's budget proposals were fully unveiled. What we heard were our constituents reemphasizing their strong concern over the direction of this latest of administration budget proposals.

I also had the opportunity, as a new member of the House Budget Committee, which held field hearings around the country during the recess, to listen to the concerns of citizens outside my own district. They expressed similar frustration and fear over where the Federal Government is headed and how it will deal with these very real problems.

My colleagues in the class of 1986 Democratic caucus and I have asked for this time today to present our impressions of the administration's proposed budget, particularly in light of the comments and concerns we have heard from our constituents over the past several weeks. Several members of our caucus will discuss in more detail specific areas within the budget that have raised the most concern. But allow me at the start to reiterate two points about the administration's budget proposal and the difficult task we will face in arriving at a reasonable and fair budget for fiscal 1988.

First, the Congressional Budget Office, as you are all aware, has indicated that the administration's budget will fall short of reaching the deficit reduction target established in the Gramm-Rudman Act. That act calls for a deficit no higher than $108 billion, while the CBO estimates the deficit under the administration budget would actually be closer to $135 to $140 billion. What that means is Congress would have to cut some $61 billion, an unprecedented amount, out of the Federal budget to reach the current Gramm-Rudman target.

The second problem deals with the issue I have already raised, the issue of where this administration's priorities lie in attempting to make headway on the real problem of the budget deficit.

As Budget Committee Chairman Bill Gray has eloquently pointed out a number of times, this administration's budget is sharply out of balance when it comes to distributing the pain that will certainly occur as programs are trimmed in order to achieve a lowered deficit.

In the military area, the administration proposes a $15.4 billion increase in appropriations over the 1987 level. In contrast, the administration calls for deep cuts, or the outright elimination of programs such as assisted housing, rural economic development, education, nutrition, Medicaid, and Medicare. Progress on reducing the deficit, which is of vital importance, cannot and should not be gained at the expense of those in our society who are least able to sustain such a burden.

□ 1540

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. Price].

Mr. PRICE of North Carolina. I thank the gentleman for yielding.

Mr. Speaker, the Fourth District of North Carolina is the home of numerous institutions of higher education, including Louisburg College, Meredith College, North Carolina State University, Peace College, St. Augustine's College, St. Mary's College, Shaw University, the University of North Carolina at Chapel Hill, Randolph Technical College, and Wake Technical College. We know the value of higher education. We know what it means for our standard of living and for our quality of life. We know what education contributes to economic progress, to opening the doors of opportunity, and to developing an active, well-informed citizenry.

But North Carolinians also fear, Mr. Speaker, that the present administration is blind to the fundamental importance of higher education for the continued economic and intellectual growth of America. We see the administration forgetting that every dollar spent on education is an investment that will pay future dividends in prosperity and enlightenment. We see an administration willing to cut the routes of access to education upon which all but our wealthiest students depend.

In its fiscal year 1988 budget plan, the administration seeks to disqualify some 3 million students from eligibility for Federal student aid by eliminating four student aid programs—supplemental grants, college work-study programs, national direct student loans, and State student incentive programs—and drastically cutting a fifth—the Pell Grant Program—that have allowed millions of ambitious young people to receive the educations they desire and deserve. At just one of the universities in my district, the University of North Carolina at Chapel Hill, these cuts would mean that more than 3,000 students would be denied needed financial assistance.

Moreover, Mr. Speaker, these proposals are being offered by the administration at a time when students and their parents are already facing staggering increases in the costs of education. More students are taking out larger loans each year. Students are finding themselves limited in their career choices as a result of heavy indebtedness. How can we attract students to essential but low-paying careers, such as teaching, when they realize that a large portion of their already small salaries must go to repay heavy debts?

Mr. Speaker, as one whose career has been in higher education, I have administered student loan and work-study programs for several years. I can testify from firsthand experience that these are not wasteful or extravagant programs. On the contrary, student aid budgets have been austere, and our resources have never been sufficient to assist all of those deserving help.

Now the administration threatens to worsen this already unacceptable situation by cutting back on grants and work-study options while increasing student loan interest rates and charging higher fees for loan administration.

At best, Mr. Speaker, these educational budget proposals are shortsighted. The President gives lipservice to the theme of "competitiveness" while simultaneously proposing to shut the doors of educational opportunity to millions of Americans. In his State of the Union Address, Mr. Reagan spoke with reverence of the benefits of education while at the same time introducing a budget that would limit the access to that education for deserving students from families of low and moderate income.

I realize, Mr. Speaker, that these are times that demand discrimination and restraint in Government spending. All items in the Federal budget, including education programs, must be scrutinized and tested for efficiency and effectiveness. But we must see spending for quality education and for broadened educational opportunity as an investment in our Nation's future. I strongly believe that today's budget crisis offers an opportunity for ingenuity, judgment, and courage—not an excuse for an attack on higher education. Open access to education has long been a hallmark of the American way. It cannot now be treated as dispensable luxury even in these times of budgetary crisis.

Mr. Speaker, the need of these students for financial assistance is a need that all Americans share for a prosperous future, a vital democracy, and a society of opportunity.

Mr. ESPY. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Speaker, at a time when competitiveness has become a buzz word for solving our trade deficit problems, the administration's budget would decimate the education budget, critical to educating tomorrow's work force and reeducating today's displaced workers. How can we expect to have workers with the skills to fill the jobs which are necessary to be truly competitive in world trade markets if we reduce elementary and secondary education budgets by 18 percent and college student aid assistance by 45 percent?

The administration's budget would completely eliminate nine major elementary and secondary education programs, including the complete elimination of all vocational educational programs.

How can the administration ever hope to have a truly competitive and effective work force if it completely eliminates vocational education, that part of our educational system designed to prepare students for specific jobs?

Our national security, a subject dear to the heart of this administration, is also at risk because of the great cuts in education budgets. We can produce star wars and other sophisticated weapons systems and spend billions of dollars doing so, but we will lose the battle if we do not have an educated and literate group of personnel who can be trained readily and inexpensively to operate those systems.

It is time that the administration place as much emphasis on the quality of manpower who serve in our Nation's Armed Forces as it places on the quantity of fire power.

The administration proposal to reduce by 45 percent the student aid available to our colleges and universities cuts by almost half the opportunity for middle and lower income students to ever improve their standard of living. These same cuts disproportionately impact on vocational and technical colleges where so many of our students are dependent on work study programs and other loan and grant programs to enable them to remain in school while they also work part time.

Again, the competitive edge which brain power has traditionally provided to this country is undercut and severely damaged perhaps for a full generation unless this Congress acts responsibly and appropriately to these proposed cuts.

Our future lies in the minds of our young people. Let us not neglect to provide the resources necessary to guarantee that future by committing the necessary resources to educating our young people and to the extent possible and necessary.

Mr. ESPY. I thank the gentleman.

Mr. Speaker, I yield next to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, we as elected officials share a moral obligation to assist in the strengthening of our Nation's foundation. While I recognize the need for a balanced budget and the need to cut the deficit, I believe that it is truly unfair to attempt to balance the budget upon the backs of the needy, the elderly, and our young children. A strong foundation does not include a weak educational system or a nation filled with unemployed individuals.

Mr. Speaker, I am deeply troubled by several items in the administration's fiscal year 1988 budget. While time does not permit me to address all of the issues of concern to me, I would, however, like to register my concern about the effects of the administration's proposals upon child nutrition programs and historic preservation.

I am particularly concerned about the administration's proposals to eliminate cash and commodity for lunches served to students who do not qualify for a free or reduced price lunch. Unnecessary funding cuts would only serve to eliminate affordable meals, thus eliminating children from access to needed nutritional programs. The School Lunch Program is not a welfare program. It is a nutrition program for all children. Hungry children cannot learn.

Mr. Speaker, another concern that I share with many people in my State of Georgia and with many citizens throughout the country is the proposed cut of funding of State preservation offices. These offices transfer deteriorating eyesores into important landmarks, many of which have become a focal point of national and local community pride. The loss of the ability to preserve our Nation's landmarks could only be defined as a great tragedy.

The citizens of this land have a right to know what is in the food we eat; what is in the water we drink, and what is in the air we breathe. We must realize that the bounty of the Earth's resources is not ours to hoard, waste, or destroy, but to use only what we need to share and to preserve for future generations.

As a Congress we must demand sufficient food to eliminate hunger, provide housing for the homeless, jobs for the unemployed, quality education for our children, and adequate health care for all Americans. How can we, in good faith, continue to cut programs which are essential to the healthy development of our Nation. The budget must reflect that we are a caring and a sharing society.

□ 1550

Mr. ESPY. Mr. Speaker, I yield now to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, nearly a month ago Members of Congress were honored to hear President Reagan deliver his State of the Union Address in this great Hall. Over these last 4 weeks, I have studied what the President said, and I have studied what the President's budget proposes. I am struck by the differences. Nowhere is the difference more apparent and the inconsistences so great, as in the administration's education plans for 1988.

In his State of the Union Address, the President told us that to his own exhortation, "we must strive for excellence in education." In response to his own exhortations, he has proposed a cut of 28 percent in the education budget. He told us that "our children should master the basic concepts of math and science," and then cut math and science teacher training programs. President Reagan announced a goal of raising literacy levels by the year 2000 "to assure that every American—no matter what age—learns to speak, read, and write English," and yet he has proposed a rescission of all 1987 funds for immigrant education and provided no funds for 1988. The President told us that no one should be "left behind" in obtaining an education, and, yet he has proposed cuts of $253 million, or 15 percent in funds for education for the handicapped.

The cuts to elementary and secondary education are bad enough. But the cuts to higher education are truly devastating. The administration proposes cuts of 29 percent, nearly one-third, in Pell grants, the cornerstone of postsecondary financial aid. The administration would also, for reasons no one seems to be able to explain, completely do away with the work study programs and the supplemental educational opportunity grants. By way of illustration, the University of Utah, the largest institution of higher learning in my district, would be forced to lay off its 800 working students, and to turn away over 3,000 students who currently receive financial aid in the form of grants or loans.

What possible rationale can the administration provide for such a policy? How can they justify this attack on our educational system?

How can the President justify threatening the quality of preparation for our young people when today's global economy depends upon more and better educational preparation? If we are to give our young the opportunity to compete economically in the world, we must provide them with a competitive education.

We must be concerned that the United States is losing its competitive edge in the international market and yet, the administration's proposed education budget not only fails to address that issue, it makes the problem worse.

Columnist Jack Anderson recently reported that 70 to 90 percent of high school students in Japan and West Germany and the Soviet Union leave high school proficient enough in math and science to begin a technical program in college or at a university. In the United States, by contrast, only 6 percent of high school graduates are so prepared. We cannot expect to maintain our endangered position as the world's technological superpower if we do not provide an adequate education to our young people. The United States cannot afford to adopt such a shortsighted and unwise policy as the President's education budget provides. I urge my colleagues in the strongest possible terms to reject the administration's proposals for education for 1988 and to substitute, in their place, a budget which recognizes that the highest quality education and preparation for our young are prefatory to solving all our other economic problems. We cannot expect to compete in world markets until we provide our children with competitive quality education. And this administration's vendetta against education is a grave disservice, not only to our children, but to our economic well-being.

Mr. ESPY. Mr. Speaker, I yield to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, a recent publication of the Office of Management and Budget downplayed the effect of this administration's disastrous budget for rural America. Incredibly, the OMB claims that—

> This budget will not harm rural America. Indeed, by better targeting outdated and poorly focused programs, many of which were begun in the 1930's and have not been significantly changed, we can put our fiscal house in order and provide the assistance that rural communities deserve.

Everyone recognizes the need for fiscal responsibility and restraint—this country is living beyond its means, and we've got to change that. But is it fair that the area of the country that is experiencing the greatest hardship is being asked to sacrifice the most; that an economy already on its knees should be knocked on its back?

Is it really fair to ask our farmers to absorb all of the following:

Cuts in commodity price supports which will salvage family farm income;

Termination of agricultural stabilization and conservation programs;

Termination of FMHA farm ownership direct loans;

Phaseout of rural electrification programs;

Reductions in Federal assistance for crop insurance;

Reductions in Soil Conservation Service Programs; and

Imposition of user fees on meat and poultry inspections.

Perhaps most distressing about the administration's budget is the apparent belief that there are no interconnections between programs. As farms fall and farm programs fold, rural Americans are compelled to turn to other work. Yet there are no provisions in this budget to deal with displaced farmers. Small Business Administration direct loans are eliminated. Farmer's Home Administration housing and community development programs are terminated. Vocational education funds are eliminated. Where do we expect rural Americans to turn?

The pat answer from the administration is that States should handle these matters. Yet the same economic pressures that are hurting farms are affecting rural States. That is why we have these Federal programs in the first place, because we recognize that as a Nation we are in this together.

□ 1600

A budget that simply passes the buck to rural States and forces them to sink or swim on their own is shortsighted, irresponsible, and unacceptable, and we must do everything in our power to change it and restore sanity and balance to our national budget agenda.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ESPY. Mr. Speaker, I yield next to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, as a first-term Congressman from Maryland's Seventh District, I stand here today as a representative of the thousands of elderly and disabled citizens in my district and for the millions more throughout this Nation who would be adversely affected by the administration's proposed drastic cuts in Medicare funding in its 1988 budget.

After cutting both Medicare and Medicaid by over $30 billion since taking office, the President proposes cuts totaling $6 billion in 1988 and $22.1 billion over 3 years. The 1988 reductions represent 32 percent of the spending cuts proposed for the entire Federal budget. This is unconscionable.

While I agree that we must look for ways to constrain Government spending in order to reduce the Federal budget, I cannot condone doing it on the backs of our senior citizens.

Furthermore, there is growing evidence that the 27 million Americans who qualify for home health care under Medicare are being unjustly denied help by the Federal Government. Since 1983 when Congress gave hospitals new incentives to save money by shortening the length of stay of Medicare beneficiaries, patients are leaving hospitals sooner and sometimes in greater need of home health care than ever before. But the rate of growth of Medicare reimbursements for home services has declined due to arbitrary interpretation of Medicare law by intermediary insurance companies and a failure, on the part of the Department of Health and Human Services, to rectify the problem. As a result, over 1 million elderly Americans needing home health care are not receiving it according to a recent General Accounting Office report. This must stop. All those who need the care and are entitled to it under the law must receive it.

This administration in its zealous drive toward reducing the deficit has attempted to run roughshod over the health-care needs of our senior citizens. While the President's recently announced catastrophic health care plan is a small step in the right direction, much more is needed to protect the health care needs of the elderly—particularly those who are both elderly and poor. For example, I don't know many elderly poor people who can afford the $2,000 deductible called for in the President's plan.

Quality health care for the elderly is a necessity, not a frill, and I will work with those who share that view in this 100th Congress to assure the adequate funding of Medicare. The elderly of America deserve nothing less.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ESPY. Mr. Speaker, I yield next to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I am pleased to join my colleagues in this year's freshman class in this special order to discuss the Federal budget for fiscal year 1988.

The most pressing domestic economic issue before this Congress is how to deal with the Federal budget deficit. Everyone agrees the deficit must be reduced. But there is widespread disagreement over how much it should be reduced, or how quickly, or by what combination of spending cuts and revenue increases.

The magic words in the budget debate are still Gramm-Rudman. The institutional crisis we face is the result of the rigid timetables and goals that were set in that legislation.

Gramm-Rudman specified that the budget for fiscal year 1988 contain a deficit of no more than $108 billion. The target was questionable at the time it was adopted. Events since passage of the legislation have proved it totally unreasonable.

The premise of Gramm-Rudman was that the deficit for fiscal year 1986 would be in the range of $180 billion, and that by annual reductions of $36 billion, the budget could be balanced in 5 years. Unfortunately, the actual deficit for 1986 turned out to be $221 billion, or $41 billion higher than anticipated.

Congress succeeded in 1987 in reducing the deficit considerably. In fact, from 1986 to 1987 the deficit declined by more than the $36 billion yearly installment required by the law. The Congressional Budget Office projects that the deficit for this year will be approximately $176 billion, or $45 billion lower than the previous year.

While that represents progress, it also falls well short of the deficit target for fiscal year 1987. We were supposed to be coming out of 1987 with a deficit of $144 billion. If you're starting at $144 billion, a deficit of $108 billion is achievable. But if you're starting, as we are, from a deficit of $176 billion, the spending cuts or tax increases needed to get to $108 billion could be devastating to our economy.

What should we do this year? Administration officials stand there in their glass houses throwing stones at the Congress, accusing us of contemplating a crime they have already committed.

The administration's budget claims to achieve the Gramm-Rudman target for 1988. In fact, it misses by $26.8 billion. The rest of the savings they claim are a hodgepodge of rosy economic forecasts and smoke-and-mirrors budgeting.

The challenge we face is not to prove that we can reach some arbitrary target. Deficit reduction is a good thing but you can have too much of a good thing. Congress this year must prove we can adhere to the underlying principles of Gramm-Rudman without committing ourselves to a course that could prove destructive for the economy.

I would favor an approach which would make Gramm-Rudman targets economically meaningful. By tying deficit reduction targets to certain economic indicators, we can avoid the mistake of adopting deep spending cuts or revenue increases in a weakened economy. The $60 billion we would need to cut this year to hit the Gramm-Rudman target would represent a cut of 1.5 percent of GNP. Instead of blindly adhering to arbitrary deficit targets, it would make more sense to tie deficit reduction requirements to the unemployment rate or the rate of growth in the GNP.

The deficit question is too important to put on automatic pilot. It demands careful, reasoned action by an informed, responsible Congress. By holding this special order, we are saying the freshman class is prepared to take that action. We know the choices will be tough.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ESPY. Mr. Speaker, I yield next to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, first of all, I would like to just thank everybody for coming here today and listening to this fine set of talks from the freshman class.

In addition, let me say that before I had the opportunity to run for political office, for the last 8 years I have been running a nonprofit energy company called Citizens Energy Corp. Citizens Energy has been able to provide hundreds of thousands of people in my own State of Massachusetts with low-cost heating oil and people in over 22 or 25 other States with low-cost natural gas, electricity, and pharmaceutical drugs, as well as a range of other services. In addition, in the last couple of years we started the first electrical trading company in this country.

I am here today to talk about the energy policy of this Nation. It just seems to me that what we really need in this country is not all the experts that want to come in and tell us about complicated energy policies. What we need in this country is a recognition that energy policy is really quite simple, that cheaper is better, and that in recognizing that if we follow a policy of cheaper is better, we can foster real competition in this country, competition that is going to enable the small businessman to enter into a competitive spirit with the large energy industries that have made up and traditionally provided the power that this Nation needs.

□ 1610

If we look at the industry of oil, oil is perhaps one of the greatest and most competitive industries in our whole energy supply. It is probably also the most effective and efficiently run of all of the energy industries. If we leave the oil industry and begin to take a look at natural gas and electricity, what we find is huge conglomerates that are basically controlling most of the energy that is moved through either the natural gas pipelines in our country or over the electrical power lines. It is about time that we enable small power producers to be able to gain access to the power lines in this country. It is about time that we turned our natural gas pipelines into toll roads that enable all producers to gain the same access that the major pipelines have over the molecules of natural gas that move through those pipelines.

If we could—in our State of Massachusetts, and in our neighboring State of New Hampshire, we are about to embark, I hope, on being able to repeal the need for the Seabrook nuclear powerplant. But if we are not successful, I would just like everybody to understand that we could eliminate the need for Seabrook by simply using the same dollars that went into that powerplant or the same amount of dollars that all of the people in our region of New England will be paying for that power, to simply put in energy conservation measures in our homes and in our places of work.

If we were able to do that, we would completely eliminate the need for not only Seabrook but many other powerplants in the region as well, and make our Nation more free of acid rain and the potential of nuclear disaster.

It seems to me that what we ought to really be doing in this country is questioning our policies that create a situation of socialism for the rich and free enterprise for the poor and the little guy. Create a situation where we have a level playing field in which all providers of our Nation's energy get an equal footing and an equal opportunity to provide the public with the cheapest possible sources of energy that they deserve.

I thank the Members for their time.

Mr. ESPY. I thank the gentleman for his comments.

Mr. Speaker, I next yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. I thank the gentleman for yielding to me.

Mr. Speaker, it is a very real privilege to join with my colleagues in this, the 100th Congress. We, the newest Members, face a special challenge as we seek to celebrate perhaps the greatest invention of this Nation, the constitutional system that permits all of us the political freedoms to take part in the wealth of 200 years of growth.

I would like to talk for just a moment today about two other inventions that are just as important in where we have been over the last 200 years. Those two inventions were mentioned perhaps only by reference in a speech that was given 100 years or so ago right now by a Justice of the Supreme Court, Oliver Wendell Holmes, to a graduating class of Harvard Law School.

In that message he described the greatest service that one can do in a democracy. He suggested that that was:

> To see the future as far as one may; to feel the force behind every detail. To try to hammer out products that are sound and compact. To seek to make them first-rate, and to let the results speak for themselves.

For the last 100 years, since that speech, this Nation has exemplified that standard to a world that it has led in becoming the most productive place on the face of the Earth. We did it with those two additional inventions that gave life to that constitutional system. A productive system, a productive capacity that was the world's most efficient. That made it possible for an entire nation to take part in the wealth it produced. An educational system that led the world and equipped that nation to be productive.

Today, we see our Nation emulated by countries around the world to the point where less-developed countries in virtually every corner of this globe have the capacity to replicate those systems that we taught them how to build.

That is what we seek to do here today. To build on the kind of strength that we have seen. To take a look at those concerns that are reflected in the single most critical document that we will examine in this 100th Congress, that budget that embodies all of our hopes and our dreams and our aspirations. That budget that takes a look at the needs of this Nation in terms of energy and agriculture. Its need to come to grips with its own finances and deficits and perhaps most important, our ability to invest in ourselves. To invest in ourselves in terms of productive capacity, in our students and employee development; in education and new capital equipment and new productive plants. It is in this way that we give life to that challenge that Justice Holmes gave us 100 years ago. If we do, then in fact we will have seen the future as far as we need to. We will have felt the force behind every detail.

We will continue to hammer out products that are sound and compact. We will make them first rate, and indeed the results will speak for themselves.

Mr. ESPY. I thank the gentleman from Ohio for his contribution.

Mr. Speaker, I now yield to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. I thank the gentleman for yielding to me.

Mr. Speaker, when we look at the President's 1988 defense budget request, let's ask ourselves: "After 6 years and more than $1.5 trillion, are we more or less secure?" And let's ask, "What are the President's priorities, and where are they taking us?"

In his defense budget, there are three big-ticket items with very disturbing implications. The President has asked for $3.5 billion for the Trident II missile. Its potential as a first strike weapon is obvious. Its ability to destroy Soviet missile silos introduces a new element of uncertainty into an already dangerous game. By increasing the vulnerability of Soviet land-based missiles, we increase the Soviet pressure to "use or lose" its nuclear forces during a crisis.

This budget includes $402 million for development of an antisatellite weapon. The United States depends to a much greater degree on satellites for communications and surveillance than does the Soviet Union. The current Soviet Asat technology is relatively primitive. It is hardly in our national interest to encourage the Soviets to develop a more efficient Asat capability, which they certainly will if we proceed with this program. A ban on Asat weapons development would be achievable and verifiable.

And, of course, there's star wars.

The President is asking for $5.2 billion for this program. Cost aside—though $1 trillion is nothing to sneeze at—the real achilles heel of SDI is the extreme vulnerability of its space-based components to a first strike. This fact has not been lost on the planners at the Pentagon. The President is requesting $2 billion over the next 2 years for research aimed at defending the defense.

These programs need to be seen for what they are: part of a larger strategy to fight and win a nuclear war. That strategy includes the development of war fighting capabilities that extend our reach into outer space and the continued buildup of our stockpile of nuclear weapons.

You may have seen the article in the Post last Monday. It was a profile of Earnest Fitzgerald, the well-known Air Force whistleblower. I'd like to cite Fitzgerald's first law: There are only two phases of a program. The first is, "It's too early to tell." The second, "It's too late to stop."

It's not too late to stop these three expensive and destabilizing weapons programs. I would ask my colleagues to keep Mr. Fitzgerald's words in mind while considering the President's defense request.

☐ 1620

Mr. ESPY. Mr. Speaker, I thank my colleagues, the members of the 1986 Democratic Caucus, for participating in this special order.

THE UNIVERSITY OF PITTSBURGH: 200 YEARS OF EXCELLENCE

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, 1987 marks the 200th anniversary of the U.S. Constitution. This monument to our Founding Fathers is the cornerstone of our country's democracy; it is the basis of every American's freedom and liberty.

One key component of our democracy is education. Education has made our country a better place to live; it spurs our hopes and dreams for a better tomorrow.

Nineteen hundred and eighty-seven is also the bicentennial year for one of America's finest academic institutions. February 28 marks the day, 200 years ago, when Hugh Henry Brackenridge founded the Pittsburgh Academy—known today as the University of Pittsburgh.

The story of the University of Pittsburgh begins in 1781 when Brackenridge assessed his life and his opportunities for advancement in Philadelphia. Brackenridge came to the conclusion that his opportunities lay elsewhere. Brackenridge wrote, "I saw no chance for being anything in that city, there were such great men before me." It was this desire for a better life that pushed Brackenridge westward, across the Allegheny Mountains to the small outpost on the western frontier—Pittsburgh.

Upon reaching the town, Brackenridge settled and decided to begin an institution for higher education. He wrote, "My object was to advance the country—western Pennsylvania—and thereby advance myself," to plant the values of enlightenment in the lives of the people.

In its first years of existence, the Pittsburgh Academy could hardly be considered an institution for higher education. Basic courses in arithmetic, writing, and geometry were taught, and as it is documented "in the course of one quarter, one [could] learn the whole process of making an almanac."

Brackenridge and the school's trustees knew that Pittsburgh still had no true college. The trustees recognized that the academy was "inadequate to the accommodation and complete education of the student." Anyone desiring a higher education still had to travel hundreds of miles to one of the established universities on the eastern seaboard.

In 1818 the trustees petitioned the Pennsylvania State legislature, and in 1819 a charter was approved for the maintenance of the university.

The history of the University of Pittsburgh reflects the diversity of the ethnic groups that settled in and around the city of Pittsburgh. Throughout the late 1800's and early 1900's millions of immigrants flocked to the United States. Scots, Irish, Germans, Italians, English, Eastern Europeans, and Dutch—more that 43 different ethnic groups—arrived in Pittsburgh, looking for a better life, attracted by jobs in the iron, steel, coal, and railroad industries. These industries formed the economic texture of America, and the University of Pittsburgh was at the heart of this industrial revolution.

In the 1920's and the early 1930's Pitt underwent one of its many building phases. During that time its most famous building, the Cathedral of Learning, the tallest university structure in the world at 42 stories, was designed and built. In order to finance and help with the construction of the cathedral, Chancellor Dr. John G. Bowman sought the help and financial assistance from Pittsburgh's various ethnic neighborhoods. As a lasting tribute Bowman established 19 nationality rooms within the cathedral dedicated to the art, religion and culture of the people and their homelands.

In 1955 Pitt and its most famous professor, Dr. Jonas E. Salk made international news. On April 12, 1955, it was announced that Salk's vaccine, developed at the university, was an effective and successful antibody in fighting poliomyelitis. From that day forward, the people were spared from the suffering, the crippled limbs, brain damage and death that the victims of polio frequently experienced. The human race was now protected from one of the most dreaded diseases known to mankind.

The Salk vaccine brought the university worldwide recognition. Pitt's success could be attributed to its commitment and determination to establish a first-class medical school and health center. It was in 1918 that the health center was envisioned by the dean of the school of medicine, Ogden Edwards, Jr.

Today, that commitment, and the continued determination to make the world a better place to live, is a fundamental cornerstone of Pitt's medical school and health center. In June 1984, Dr. Thomas Starzl, a faculty member and pioneer of transplant surgery, and Dr. Henry T. Bahnson, chairman of the department of surgery, along with other surgeons, medical specialists and nurses, performed the world's first double-transplant operation. After the 16-hour operation, during which the medical team replaced a damaged heart and liver, the staff, and their patient, 6-year-old Stormie Jones, emerged again as national heroes.

The operation procedure was such a great success that within 1 year, the health center performed the largest number of successful childhood liver transplants done anywhere in the world. Soon the demand placed on Pitt's staff became so great, Dr. Starzl began to train transplant surgeons from other cities. Today, Pitt's transplant center is internationally acclaimed, and Dr. Starzl's hope for a network of transplant centers has come to fruition with approximately one dozen additional centers performing the operation around the world.

Pitt's recognition as an outstanding institution does not stop with the health center. The philosophy department ranks with the best in the world. As one of America's leading research universities, Pitt is a catalyst for economic growth and technological advancement for Pennsylvania and the Nation.

Pitt has also excelled in collegiate athletics. The Panther football team has won the national championship nine times since the program was founded in 1890. The program has produced 60 All-Americans, 1 Heisman Trophy winner, and 4 academic All-Americans. The basketball team has won two national titles, and has been invited to the NCAA tournament eight times, and the NIT tournament five times. Pitt's track & field team boasted an Olympic gold medalist in 1984, Roder Kingdom, in the 110-meter high-hurdles. Today, Lee McRae, another track team member, is the fastest human indoors, and is likely to be an Olympian in 1988.

From that tiny single-room log cabin set in the western Pennsylvania wilderness grew a world-renowned university. Within those four walls was a vision of tomorrow, and a desire to make the school and all the people whose lives it touched better. In recognition of two centuries of educational, social and economic excellence and in anticipation of a third century of providing the research and knowledge that benefit all people, I am proud to represent, and honored to congratulate, the University of Pittsburgh on its bicentennial celebration.

HAZARDOUS TO YOUR HEALTH

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, last week I took a special order, and I will be doing so in the future, regarding the terrible epidemic that is plaguing the United States and other parts of the world called AIDS. The special order that I took last week involved a report from the Research, Testing, and Development Corp. of Lexington, GA, and the report was written by A.D.J. Robertson, who is the head of that corporation, who has almost impeccable credentials.

He took issue with some of the findings of the Surgeon General and others regarding this dread disease, and what I want to do today and in the coming weeks is read into the RECORD some articles and talk about some of the conclusions that other health officials have come to, other scientists and doctors have come to, after studying this dread disease.

I might add for the benefit of Members who may be watching in their offices that on the 18th of March we will be having a luncheon at which Mr. Robertson and Dr. Vernon Mark of Harvard will be discussing this issue to try to clarify some of the misinformation that is traveling around this country regarding AIDS.

What I want to do today is to convey to the Members an article that was written by Dr. Wayne Lutton, who is on the staff of the Summit, Manitou Springs, CO, hospital. The article is entitled "Hazardous to Your Health." It was published January 30, 1987, in National Review. He is the coauthor, with David Noebel and Paul Cameron, of "AIDS: Acquired Immune Deficiency Syndrome."

> Recent developments on the AIDS front are not encouraging. In late October, the New England Journal of Medicine reported that the AIDS virus can cause new types of fatal diseases by infecting patients already carrying a related virus. In November, the discovery of two new AIDS-causing viruses was revealed, both of which can escape detection by the existing AIDS blood test (New York Times, Nov. 7 and Nov. 20, 1986). And the Journal of the American Medical Association reported that, despite explicit notification that they should not donate blood, some "high-risk" AIDS carriers are still doing so.
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> Strictly speaking, it is no longer accurate to refer to AIDS as simply an "immune-deficiency" disease, since the viruses can attack not only immune system (T) cells, but also neural cells in the brain. As the AIDS virus mutates, it will be able to infect any cell in the body where a specific surface receptor protein is present (Cell, Nov. 7, 1986).
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> And while the public is being assured that an AIDS vaccine may be only 5 years away, medical researchers believe that if therapeutic drugs are developed, drug-resistant strains of AIDS viruses will emerge. Dr. David Cohn of Denver Disease Control advises that "it's basically unrealistic" to talk about a cure for AIDS: "Because of the unusual way the AIDS virus multiplies within the lymph cells, every case can potentially be a different strain."
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> The Surgeon General's report on AIDS was released on October 22, 1986, and immediately elicited warm praise from the New York Times, Time, and Newsweek. It was met by a chorus of approval from the advocate and other leaders of the homosexual "community." Jeff Levi, executive director of the National Gay and Lesbian Task Force, gushed, "I thought it was very good. It takes a responsible and important position in favor of education * * * it is not homophobic." And Gil Gerald, director of the National Coalition of Black Lesbians and Gays, admitted that he was "very, very pleasantly surprised."
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> Conservatives who have applauded Dr. Koop's previous public stands on abortion, Baby Doe, and cigarette smoking are likely to experience a deep sense of dismay—indeed of betrayal—once they become familiar with his work on AIDS. The report contains a number of serious factual errors and

omissions. Koop's so-called strategy for containing AIDS—a combination of sex education for children and the use of condoms—has the potential for causing incalculable harm. Limitations of space permit the citation of only a few instances: "Although the AIDS virus has been found in tears and saliva, no instance of transmission from these body fluids has been reported" (p. 25).

Dr. Jerome Groopman of Harvard and Dr. Robert Gallo of the National Cancer Institute (and the co-discoverer of the original AIDS virus) reported in a leading British medical journal, the Lancet (Dec. 22/29, 1984[!]) that saliva was the mode of transmission from a man with transfusion-acquired AIDS to his wife.

This gentleman had an aneurysm, and this gentleman had a blood transfusion and he contracted AIDS during the transfusion. He and his wife had no sexual contact other than kissing, and yet she developed AIDS as well. So it was transmitted through saliva, so that factual information or supposedly factual information in the Koop report is not factual.

Dr. William Haseltine of Harvard Medical School remarked: "Anyone who tells you categorically that AIDS is not contracted by saliva is not telling you the truth" (New York Times, March 18, 1986).

The Koop report says:

There is no danger of AIDS-virus infection from visiting a doctor, dentist, hospital, hairdresser, or beautician * * * you may have wondered why your dentist wears gloves and perhaps a mask when treating you. This does not mean that he has AIDS or that he thinks you do. He is protecting you and himself from hepatitis, common colds, or flu (pp. 22-23).

The refutation is: "A definite danger exists of AIDS infection from any health-care provider engaging in invasive procedures. On November 15, 1985, and again on April 11, 1986, the Federal Centers for Disease Control [CDC] issued recommendations for preventing transmission of AIDS between dentists and their patients, including the wearing of gloves and masks. These recommendations have been widely adopted." So that refutes another section of the report.

Dr. Koop's report says:

Everyday living does not present any risk of infection. You cannot get AIDS from casual social contact (p. 21). "We know that family members living with individuals who have the AIDS virus do not become infected except through sexual contact." (p. 13).

Dr. Koop issued the above statement more than a month after the second documented case of nonsexual within-family transmission of AIDS was reported in the Lancet (Sept. 20, 1986). That was not through sexual contact.

Dr. Koop's report says:

The first cases of AIDS were reported in this country in 1981. We would know by now if AIDS were passed by casual, nonsexual contact (p. 5).

Couples who maintain mutually faithful monogamous relationships are protected from AIDS through sexual transmission. If you have been faithful for at least 5 years and your partner has been faithful, too, neither of you is at risk * * * this is true for both heterosexual and homosexual couples (p. 16).

Elsewhere in his own report, Koop concedes that "it is difficult to predict the number who will develop ARC [AIDS-related complex] or AIDS because symptoms sometimes take as long as 9 years to show up." (p. 12).

So if you are talking about 5 years as a risk-free period, that really is not borne out by the facts, because there are cases that have been showing up 9 years after contact with an AIDS victim.

Medical researchers agree that the AIDS virus appeared in the United States about 11 years ago, which is why the CDC in 1985 asked all males who had had even one homosexual encounter within the previous 10 years not to donate blood. Researchers also believe that the AIDS virus may incubate 15 years, or longer, before the onset of clinical manifestations of disease. As Washington, DC, neurologist Richard Restak cautioned," the incubation period is sufficiently lengthy to cast doubt on any proclamations, no matter how seemingly authoritative, in regard to the transmissibility of the illness."

Dr. Koop's report states:

Some personal measures are adequate to safely protect yourself and others from infection by the AIDS virus * * * if you test positive or if you engage in high-risk activities * * * you must protect your partner by always using a rubber (condom) during (start to finish) sexual intercourse (vagina or rectum) (p. 17).

For anyone taking his advice, the consequences may be fatal. Condoms break. They fail approximately 10 percent of the time in vaginal intercourse.

During rectal intercourse, condoms may rupture up to half the time. Such devices are not even guaranteed to prevent pregnancy. By advising people that sex is safe where AIDS is present—if only they use condoms—Dr. Koop may be guilty of inducing people to engage in dangerous—perhaps lethal-behavior.

□ 1630

Whether or not Koop's utterances constitute criminal negligence, or even implicate him as an accessory to murder, is an intriguing legal question.

Dr. Koop's report went on to say:

Education of those who risk infecting themselves or infecting others is the only way we can stop the spread of AIDS (p. 14).

Education about AIDS should start in early elementary school. There is now no doubt that we need sex education in schools and that it include information on heterosexual and homosexual relations (p. 31).

We are fighting a disease, not people* * * the country must face the epidemic as a unified society. We must fight the spread of AIDS while at the same time preserving our humanity and intimacy (p. 6).

The author of this article comments on this by saying:

It is lunacy to suggest that the AIDS epidemic will be stopped by educating little children in the exotica of homosexual practices. That's on a par with combatting the drug scourge by acquainting children with all the "safe" tactics for administering narcotics to oneself.

Homosexuals, the major source of the AIDS infection, are still engaging in "unsafe" sexual practices and still attempting to make blood donations (JAMA, Sept. 12, 1986).

I will not go into the specifics of the sexual behavior that the article covers, but it is pretty explicit. It does go on to say that homosexuals who are well aware of the AIDS virus and the dangers are still involving themselves with an average of three new partners per month, and that is recorded in the Lancet of November 1, 1986. So the education has not changed their sexual habits, and this despite thousands of deaths and intensive educational efforts.

Psychologist Paul Cameron, who chairs the Institute for the Scientific Investigation of Sexuality, wonders, "Why would anyone believe that 'education only' will accomplish the task? Every study has shown homosexuals exceptionally well informed about how not to get AIDS * * *. If we pursue the 'education only' option, then we have to bank on the social responsibility or self-control," which has not yet been manifested, of course.

A British expert on venereal diseases, Dr. John Seale, has called AIDS "the molecular biological equivalent of the nuclear bomb" and warns that "the genetic information contained in its tiny strip of RNA has all that is needed to render the human race extinct within 50 years." In the face of such a threat, the Reagan administration's medical specialist has issued a report that obscures the true dimensions of this disease and offers no real program for effectively dealing with it. AIDS has thus become the first politically protected disease in history. Koop's study should have emblazoned across its cover: "Warning! The Surgeon General's Report on AIDS May Be Hazardous to Your Health."

Mr. Speaker, this issue is not only a health issue, but it is also going to have all kinds of corollary ramifications. We are going to see problems with the economy and an economic impact. Society's attitudes toward one another are probably going to change, and I think it is extremely important that the legislators in this body and the other body down the hall take time out from their busy schedules to acquaint themselves with the facts on the AIDS virus, to get as much information as is humanly possible.

What I and my office are going to be doing in the coming weeks is sending reports from numerous scientists and doctors around who have studied this disease, this epidemic, to all of the offices on Capitol Hill. This is going to be a very costly undertaking, and I hope that all of my colleagues in both the House and the other body will take time to read these reports.

Then on March 18, at noon, we are going to have a luncheon with two noted scientists and researchers to discuss the AIDS virus and get into the nitty-gritty about what is causing it and what can be done to deal with this terrible epidemic. I hope that all of my colleagues will take time out of their schedules to attend that luncheon.

Incidentally, I am going to buy.

Mr. Speaker, I yield back the balance of my time.

RAY J. MADDEN'S 95TH BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. VISCLOSKY] is recognized for 60 minutes.

GENERAL LEAVE

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. (Mr. FLAKE). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. VISCLOSKY. Mr. Speaker, I am deeply honored to address the House today, as we celebrate the 95th birthday of Hon. Ray J. Madden who represented the people of Indiana's First Congressional District for 34 years.

Ray Madden is an extraordinary individual whose life should be recognized, not only for longevity, but its quality and the contributions he made to this institution and to the district he served. During his 95 years Chairman Madden has worked hard to positively influence the lives of all people regardless of their station in life. His lifetime is marked with a dedication to public service.

As a young boy, at age 8, he traveled to a rural Minnesota town with his father to hear the Democratic Presidential candidate, William Jennings Bryan.

Following his interest in politics and government, Chairman Madden embarked on the first leg of his political career at the age of 23. He was elected municipal judge of the city of Omaha, NE, 71 years ago.

During the depression, Ray Madden moved to Gary IN, where he served as city controller, a position later held by my father John Visclosky. Eventually he was elected U.S. Representative. He served as a vice chair to the Democratic Congressional Campaign Committee, chairman of the Democratic Steering and Policy Committee and the chairman of the House Rules Committee.

I first met Chairman Madden when I visited Washington, DC, at the age of 13. As our U.S. Representative, Chairman Madden made time to take me to my first committee hearing. He joined my father and me for dinner, and posed with us for my first picture on the Capitol steps.

Today, nearly 25 years later, this wonderful gentleman continues to take time helping all those around him. He has been great assistance to me as I proceed with my career in the House.

I know he is well remembered by our colleagues as a good and decent person.

On this special occasion of his 95th birthday, I personally extend best wishes to the chairman and wish him good health and joy in the years to come. On behalf of the constituents of the First Congressional District of Indiana, we all join to wish Ray J. Madden a happy birthday.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, I wish at this time in the RECORD to commend my colleague from Indiana for taking this time to put these few remarks into the RECORD on such a Member of this body as Ray Madden was over the years. I think I can speak with some authenticity because when I came here some 19 years ago as a young Member, Congressman Madden at that time made it his business to welcome me, never ignored me as a young Member, and at that time the rules and regulations in this House were that a new Member was seen and not heard. He was very helpful in so many ways, and all of us are guilty of this, when a Member leaves, we have a tendency to forget him and forget what he stood for and what he has done.

So I think it is significant that my colleague today reminds us of a man whose longevity is almost second to none. Even when he was here he was in advanced age, but he was as bright and as sharp and as responsive as a man half his age. I think that the mark Ray Madden left on this Congress is indelible. He did so many things. He was active on the Rules Committee, if I remember, and well respected by his colleagues and a leader in so many ways.

So I think it is both appropriate and proper that my colleague, who I have grown to respect, and who serves with me on the steel caucus, has taken this time to spell out in the RECORD what this man has done.

I will conclude by saying that I know I am joined by my colleague in the well in wishing ex-Congressman Madden many more years of health and happiness.

I thank the gentleman for yielding.

Mr. VISCLOSKY. I thank the gentleman from Pennsylvania and appreciate his remarks, and would also join in observing the fact that Ray Madden was a very good friend of not only the steel industry, but the working men and women of this country.

I appreciate the gentleman's remarks and will extend them to Mr. Madden.

Mr. SHARP. Mr. Speaker, I would like to join the Indiana delegation and my other colleagues of the House in extending birthday greetings and best wishes to Ray Madden.

I had the privilege of serving in the House with him early in my career. I am pleased he has remained healthy and active, and maintained an interest in Indiana politics. He served this body for decades with distinction. It is fitting that we salute him today, and join with him and the people from Indiana in celebrating this milestone of his life. I hope we will be able to do so again for many years ahead.

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to my distinguished good friend and former colleague, Ray J. Madden. As you know, Ray is celebrating his 95th birthday today.

As the Representative of Indiana's First Congressional District for over three decades, Chairman Madden earned the respect of both his colleagues and constituents. Ray left the House with a distinguished legislative legacy. First elected in 1942, he quickly rose to national prominence in 1952 through his chairmanship of the committee investigating the massacre of Polish army officials and intellectuals at Katyn Forest in 1939–1940. Ray soon moved up to a position as chairman of the House Rules Committee where he ably served until 1976. With over three decades in the House, Ray holds the record for length of service among Indiana Congressmen.

Despite his retirement from public service, Chairman Madden remains committed to our Nation and to the people he has served. He still keeps busy helping others and in following events here in the institution to which he has made invaluable contributions over the years. His presence is sorely missed. I hope that all of my colleagues will join me in honoring Chairman Ray Madden on his 95th birthday and in wishing him continued success and good fortune in the years to come.

Mr. BENNETT. Mr. Speaker, I am honored to have the opportunity to pay a tribute to Chairman Ray J. Madden in connection with his 95th birthday. He was a real leader here in Congress. When he was in the chair, you knew that things were going to happen and I, like most of the people who served with him, was grateful for his vigorous leadership. Also, I am very grateful that he is still with us, and I am sure that I am joined by every Member of Congress in wishing him many happy returns of the day.

Mr. ANDERSON. Mr. Speaker, it pleases me to have the opportunity to recognize Hon. Ray J. Madden and his many notable achievements in this body on the auspicious occasion of his 95th birthday. Ray served with distinction in the Congress for 34 years, being returned to the House for 16 terms after the people of Indiana's First Congressional District first elected him in 1943. I find it fitting that the historic 100th Congress has been given the opportunity to salute such an accomplished lawmaker.

I had the pleasure of serving with Ray for 8 years in the House, and remember his tenure vividly. Though I was not afforded the privilege of serving with him in committee, I reflect fondly on his stewardship of the Democratic Steering Committee and his effective chairmanship of the Rules Committee. His legislative acumen and able leadership during the challenging decades following the Second World War not only earned him the respect and admiration of his colleagues on both sides of the aisle, but cemented his place in American history.

Happy birthday, Ray. It was a pleasure serving with you, and I hope to see you back up here on the Hill as you continue an illustrious career in public service.

Mr. HORTON. Mr. Speaker, an esteemed former colleague of ours, Ray J. Madden from Indiana, is celebrating his 95th birthday today. I want to join my good friend PETE VISCLOSKY and others in this Chamber in wishing Ray the very best on this special day.

Ray, to those of you who have had the honor of meeting him, is an outstanding individual. He has been a delegate to every Indiana State convention since 1936, and a delegate to every Democratic National Convention from 1940 to 1968.

He was elected to the First Congressional District seat from Indiana for the 78th Congress in 1942, and was reelected to every succeeding Congress through the 94th Congress, which ended in 1977. He holds the record for length of service among Indiana Members of Congress.

When Ray was beginning his 11th term, I was beginning my first. Ray's guidance and friendship were invaluable as I learned the ropes of the House of Representatives.

Ray remains as committed to his constituents and to Congress today as he was when he was a Member. As the chairman of the powerful Rules Committee, Ray could always be counted on for worthy advice and a sympathetic ear to any concerns other Members would have.

In addition to his years as chairman of the Rules Committee, Ray was very active in party politics. He was the first vice chairman of the Democratic Congressional Campaign Committee, cochairman of the Joint Committee on Organization of the Congress, and chairman of the Democratic Steering Committee.

Ray began his political career at an early age, running for city judge in Omaha, NE, at age 23. He ran on Woodrow Wilson's ticket, but resigned in 1916 to join the Army. Ray moved to Indiana during the Depression, and was elected Democratic city chairman of Gary after only 2 years' residence.

When Ray was a spry 90 years old, he told a Capitol Hill reporter, "I'm happy and I'm in good health and I'm 90 years old. I'm without an ache or pain, without worry, and I'm enjoying life." Ray, 5 years later, I hope nothing has changed.

Mr. VISCLOSKY. Mr. Speaker, I yield back the balance of my time.

□ 1640

H.R. 1102: AN AMENDMENT TO THE STEEL IMPORT STABILIZATION ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAYDOS. Mr. Speaker, American steel workers and producers need our help to escape strangulation at the hands of foreign importers. The slow, painful erosion of the U.S. steel industry has been occurring for the past 20 years, and it is now reaching crisis proportions. In the past 10 years, total U.S. raw steel production has decreased from 128 million tons in 1976 to an estimated 80.5 million tons in 1986. This represents a whopping 59-percent decrease in the past 10 years and the 80.5 million tons is the second lowest annual total since 1946! (40 years!!) Clearly, the domestic steel industry is ailing and we need to see what we can do to cure it.

During this decade-long decline in American raw steel production our percentage of steel imports has sharply risen. In 1976, according to the U.S. Department of Commerce, our Nation imported 14.3 million tons of steel products or 14.1 percent of the American domestic steel market. The annual imports for 1986 were about 21 million tons or about 23.5 percent of the domestic market. Thus, during the last 10 years we lost 9 percent of our domestic steel market due to the increasing competition from foreign steel importers!

America's increasing trade deficit is the most important legislative issue the 100th Congress will face. We have trade imbalances in steel, textiles, electronics, and many other trade commodities. As Members of this Congress we continue to have the responsibility to address the problem of the trade imbalance caused by foreign imports which continue flooding the American marketplace. We must work to ensure that more workers do not lose their jobs and that our Nation's businesses are not subject to increased unfair foreign competition. Congress' role as the guardian and regulator of trade was esablished by our forefathers exactly 200 years ago.

Article 1, section 8 of the Constitution of the United States specifically grants Congress the power "To regulate commerce with foreign nations * * *." We must use this authority to bring strength back onto American manufacturing industries and to help restore our balance of trade. In our present import crisis we must move wisely and resolutely toward measures which restore a competitive balance to American commerce in general and to the steel industry specifically.

The Steel Import Stabilization Act of 1984, title VIII of the Omnibus Trade and Tariff Act of 1984, was drafted to lower the amount of foreign steel entering the American market to 20.5 percent. It was adopted in 1984 because our domestic steel market was flooded with more foreign steel than ever before in American history. In 1984 foreign-made steel made up a striking 26.4 percent of all of the steel purchased by American steel consumers. This percentage of market penetration was completely unacceptable and Congress voted to lower it.

The Steel Import Stabilization Act required the President to negotiate a series of voluntary restraint agreements [VRA's] with 18 of the countries who sell foreign steel in the United States. The magic upper limit for total imports was to be a 20.2-percent share of our total domestic steel market. However, during the first 11 months of last year, 23.1 percent of the America's steel appetite was satisfied by foreign steel producers.

The almost 3-percent gap between the legislative limit and the real amount has not been caused by countries who signed voluntary restraint agreements. The VRA countries have abided by their agreements, and, in fact, have exported less than their negotiated share. The problem rests with those countries that have refused to negotiate agreements, but continue to export steel to the United States.

The non-VRA nation which sends the most steel to the United States is Canada. During 1986, according to the Congressional Research Service and the American Iron and Steel Institute, Canada shipped 3.22 million net tons of steel mill products into our country, a 12.2-percent increase over the comparable period in the preceding year. Last year, Canada also imported 216,141 tons of American steel or 23.2 percent of the 929,156 tons of steel our Nation exported. So, our steel trade deficit with Canada was 3 million tons of steel or 1,281 percent!

Thanks to their Government-sponsored steel plant modernization program, in 1986 Sweden was the second biggest non-VRA exporter with 534,000 tons and we sent them a skimpy 3,547 tons of our steel. These numbers show a trade deficit of 530,543 tons or 15,054 percent!

Taiwan was the third-largest non-VRA exporter last year when they shipped 126,500 tons of raw steel into the United States and we sold them 51,060 tons. This Taiwanese steel trade deficit of 75,440 tons, or 40.3 percent, is certainly better than our Swedish steel deficit, but it is still very, very high. Together, these three non-VRA countries shipped 4.26 million tons of steel into the United States, or 20.5 percent of all of the foreign steel which poured into the American steel market last year.

Let me say that again, 20.5 percent of all of last year's imported steel came from just three nations, and not one of these three is covered by the administration's voluntary restraint agreement! Clearly, there is some problem with our steel policy if a large percentage of our steel imports come from countries that we hardly bother to regulate. Our failure to control this overwhelming deluge of imports from unregulated countries has deeply injured the American steel industry.

In order to improve our steel industry, 18 of my colleagues and I have introduced H.R. 1102, a bill to correct the Steel Import Stabilization Act of 1984. H.R. 1102 will limit all steel imports from Canada, Sweden, and Taiwan unless those countries sign a steel voluntary restraint agreement. The bill also addresses and corrects the ongoing problem of circumvention of the steel VRA Program.

H.R. 1102 requires that all steel entering the United States from non-VRA countries be allocated to the country where the steel was melted and poured, regardless of where the final finishing is performed.

The bill mandates that Canada, Sweden, and Taiwan negotiate a VRA within 90 days of its enactment or else their steel exports will be limited to 70 percent of the level of their exports during the 12 months preceding the implementation of the VRA program. This extension of the VRA program would stimulate the American steel market and the shrinking steel job market.

Employment is one aspect of the steel industry that has been hit hard by the recent massive steel imports. In 1986 there were about 157,000 people employed by the steel industry. This is down from 391,000 just 5 years ago, and it pales by comparison with the 454,000 people engaged in the business just 10 short years ago. In statistical terms, this 10-year loss of 297,000 jobs represents a 289.2 percent drop in the number of people engaged in making steel. In human terms, it represents the pain and misery of hundreds of thousands of people who have lost jobs that they have held for years. Words can hardly describe the suffering and frustration that these hard-working steelworkers feel. They have lost their livelihoods, their confidence, and their future security.

Steelworkers are uncertain about what the future holds for them and they are looking to Congress and the President to give their lives more stability. We cannot offer them simplistic arguments about a company's "right to fail" because these arguments are not applicable to the steel industry. Our Nation's ability to produce steel and steel products is the foundation of the manufacturing sector of all of America's industry.

Reduced steel production in the United States affects not only the steel industry, but other related businesses and industries as well. Steel companies use the services of banks, computer companies, lawyers, accountants, shipping and trucking companies, stock brokers, financial consultants, insurance companies, and myriad other industries and services. If we allow the steel industry to gradually rust away, the recessive impact will be far-reaching and we will have to resign ourselves to both a higher trade deficit and higher unemployment.

This grim forecast does not have to become a reality. As Members of Congress we have the ability to expand the voluntary restraint agreement umbrella to cover all of the nations who import the most steel into the United States. H.R. 1102 will help further revitalize America's domestic steel industry by helping it become even more competitive and efficient. As legislators, we need to assume our constitutionally mandated responsibility to regulate trade in the best interests of our Nation. At the moment the industry most in need is steel manufacturing.

Our steelmaking capacity is vital to American business, trade, transportion, and to our Nation's defense. Unless we do something about it, this capacity will soon disappear. The President's voluntary restraint agreements appear to be an effective way to regulate the overwhelming volume of steel imports and to bring foreign steel exporters to the bargaining table.

Non-VRA countries must not be allowed to exploit or undermine the steel program by taking advantage of the restraints negotiated in good faith with other nations. All of the nations who export steel into the United States must be included in the VRA program. Our bill brings these nations into the VRA program, and I urge all of my colleagues to cosponsor and strongly support it.

☐ 1650

COMMITTEE IMPROVEMENT AMENDMENTS

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from Mississippi [Mr. LOTT] is recognized for 60 minutes.

Mr. LOTT. Mr. Speaker, today I am introducing House Resolution 100, the Committee Improvement Amendments of 1987. This package of eight amendments to the rules of the House is designed to restore our committee system to its rightful policymaking role by making it more manageable, accountable, and effective.

Mr. Speaker, I have been introducing similar committee reform resolutions since the 97th Congress in 1981, and many of these proposals have been part of Republican House reform efforts dating back more than two decades. Thus, while many of our criticisms of committee operations and suggested reforms are not new, they are probably more timely now than ever, given the accelerating deterioration of our committee system.

On the opening day of this historic 100th Congress, the Republican conference put forward its "Bicentennial House Restoration Project" as a substitute for the Democratic Caucus House rules resolution. The committee improvement amendments I am introducing today comprise one of three vital components of that project, the other two being scheduling and budget/appropriations reforms.

I have already introduced the other components as follows: House Scheduling Reform Amendments (H. Res. 47, Jan. 21, 1987, p. 1808); Budget Process Sunset Review Act (H.R. 576, Jan. 8, 1987, p. 1085); Reconciliation Reform Amendments (H. Res. 49, Jan. 21, 1987, p. 1814); and the Appropriations Process Reform Amendments (H. Res. 48, Jan. 21, 1987, p. 1796).

COMMITTEE DECLINE

The committee reform amendments recognize that if we are to restore the ability of this House to forge policy and consensus in a deliberative and rational fashion, we must revitalize our standing committees which should be at the center of that policy process. To quote from the introduction to the Republican conference's Bicentennial House Restoration Project:

> The authorizing committees, which should comprise the heart of that process, are rapidly approaching irrelevance—squeezed-out by the budget and appropriations processes, and caught-up in jurisdictional infighting and subcommittee strangulation.

And the introduction goes on:

> Oversight of Federal agencies and programs and the policy changes which should flow from such oversight are either relegated to the backburners at the committee level or, if they are reported to the House are often given inadequate time for debate and the consideration of options under procedures which increasingly limit the participation of individual Members of Congress.

And finally, the Republican conference critique notes that this authorization squeezeout is resulting in increasing numbers of authorizations and legislative provisions being tacked onto reconciliation and appropriations bills:

> Reconciliation bills, designed to reduce deficits, are chocked-full of spending addons and other extraneous matters. Appropriations bills, which are only supposed to fund programs already enacted, are increasingly being used as authorization vehicles as well.

The critique concludes on this point:

> Hundreds of programs and projects are renewed from year-to-year in such money bills without prior authorization. And, as a new fiscal year approaches, they are rolled into a massive, omnibus money bill known as a "continuing resolution" that is a monument to the irresolution of Congress.

Mr. Speaker, the time has come to resolve to either make our standing committees work as intended or to junk them as some have suggested and merge the authorizing and appropriations functions into single committees. I would prefer that we try to make our existing system work rather than adopt the more radical approach, and that is the purpose of my committee improvement amendments.

DIMINISHING RETURNS

Mr. Speaker, the demise of our authorizing committees can be linked in large part to the congressional reform revolution of the late sixties and early seventies that open up the Congress to greater public scrutiny, democratized committee operations, and superimposed a new budget process on our existing authorization-appropriations process. Many of those reforms were commendable and long overdue, and have made the House a more open and freewheeling institution.

On the other hand, some of the reforms, particularly those imposed on committees by the Democratic Caucus in the form of a "subcommittee bill of rights," went too far. In their zeal to break the tight hold of committee chairmen, the so-called barons, over the legislative process, the Democratic Caucus established a sprawling system of semiautonomous subcommittees, or "fiefdoms." The idea was to give everybody a piece of the action. The trouble with this approach is that when everyone has a share of power, power becomes so dispersed that it loses all force, direction, purpose, and accountability. We have reached that point to diminishing returns on our reform excesses.

As table 1 below shows, while the number of standing committees has remained relatively constant over the last 20 years, at between 20 and 22, the number of subcommittees has increased dramatically: from 125 in the 89th Congress (1965–66), to 149 in the 94th Congress (1975–76), to 151 in the 99th Congress (1985–86)—a 21-percent increase in subcommittees.

One might think that this proliferation of new legislative units might be in response to increased legislative demands on Congress. But the data contained in table 1 do not support that hypothesis. Whereas committees reported 1,613 bills in the 89th Congress, they reported only 985 in the 94th Congress, and 633 in the 99th Congress—a 60-percent decline in two decades.

By the same token, the number of public bills and joint resolutions passed by the House had dropped from 1,565 in the 89th Congress to 973 in the 99th Congress—a 38-percent decrease. And the number of substantive measures enacted, when one deletes the commemorative joint resolutions, which have jumped from 3.2 percent of all laws in 1965–66 to 37.2 percent in 1985–86, has declined from 784 to 417—a 47-percent drop.

TABLE 1.—COMPARATIVE LEGISLATIVE DATA FOR HOUSE OF REPRESENTATIVES: 89TH, 94TH, AND 99TH CONGRESSES

Item	89th Cong. (1965–66)	94th Cong. (1975–76)	99th Cong. (1985–86)
Days in session	336	311	281
Hours in session	1,545	1,788	1,794
Public measures introduced [1]	[2] 19,874	[2] 16,982	6,499
Public measures reported	1,613	985	633
Public measures passed	1,565	968	973
Public measures enacted	810	588	664
Average pages per statute [3]	3.6	7.0	NA
(Commemorative measures enacted)	(26)	(16)	(247)
Substantive public laws [4]	784	572	417
House standing committees	20	22	22
Select committees	1	6	5
Subcommittees [5]	125	149	151
House committee staff [6]	616	1,734	2,051

[1] Bills and joint resolutions only; does not include simple or concurrent resolutions.

[2] Prior to 1967, Members could not cosponsor bills; in April of 1967 up to 25 cosponsors were permitted on a bill; and, in 1979, unlimited cosponsors were permitted on any bill.

[3] From U.S. Statutes at Large.

[4] Public laws minus commemoratives.

[5] Includes subcommittees of permanent select committees on Aging and Intelligence, 8 Budget Committee task forces and 4 Armed Services panels.

[6] Includes all House standing and select committee staff plus the House Information Systems.

Sources: Final "Resume of Congressional Activity" from Daily Digest of Congressional Records; "Indicators of House of Representatives Workload and Activity" (CRS, June 25, 1985); Committee on House Administration Reports; Congressional Directory.

Mr. Speaker, there are numerous explanations for this marked decline in legislative activity, not the least of which is a most welcome pulling back in new Government initiatives and spending since the Great Society days of the midsixties. Certainly, we should not measure the success of this body by the number of laws we enact or the amount of taxpayer dollars we can manage to spend in a year on diverse programs and projects.

Another explanation lies in the practice of referring bills to two or more committees which was instituted in 1975. Prior to that, no bill could be referred to more than one committee. Now, more and more committees are spending their time going over legislation being considered by other committees. To an extent this could be considered useful because it may give the House competing perspectives on a particular issue. But, to an extent it can also be considered wasteful and duplicative.

Finally, another explanation for the apparent decline in legislative activity is the trend toward bigger, more comprehensive bills than was previously the case—the so-called omnibus bills. Whereas in the 89th Congress the average number of pages per statute in the U.S. Statutes at Large was 3.6, in the 94th Congress it was 7, and in the 97th Congress—the most recently available data—it was 9.2. So, while we are passing and enacting roughly 40 percent fewer bills in the House today than we did 20 years ago, the bills we are enacting are 175 percent longer, on average, than they were two decades ago.

NEW, CLEAR PROLIFERATION LIMITS

Nevertheless, one must question the proliferation of subcommittees and staff, and with it the increase in Member committee and subcommittee assignments that have resulted. It is doubtful that this subcommittee growth bears much correlation to increased legislative demands, let alone to sound institutional management and coordination. It is more likely that this explosion is due to the individual territorial imperatives than it is to the institutional imperatives for efficiency and success.

In the 99th Congress, for instance, no fewer than 132 of the 253 House Democrats, that's 52 percent, carry the proud title of "Mr. Chairman" by virtue of their dominion over a committee, subcommittee, or select committee. And in this Congress, the percentage is likely to be even higher given a new Democratic Caucus rule which prohibits committee chairmen from chairing a subcommittee on another committee. When more than half of majority party members are banging gavels, you can be sure that you're more likely to get the sound of legislative cacophony than you are to get sound legislation.

At the heart of the committee improvement resolution I am introducing today is a proposal to limit all committees, except Appropriations, to no more than six subcommittees. As table 2 below shows, there were 151 House subcommittees in the 99th Congress. My proposal would reduce this by 19 to 132 subcommittees—a 13-percent reduction in subcommittees.

TABLE 2.—SUBCOMMITTEES OF HOUSE COMMITTEES IN THE 99TH CONGRESS

Committee	Number of subcommittees [1]	Reduction with 6-limit	New total
Agriculture	8	−2	6
Appropriations [2]	13	0	13
Armed Services	11	−5	6
Banking, Finance	8	−2	6
Budget	8	−2	6
District of Columbia	3	0	3
Education and Labor	8	−2	6
Energy and Commerce	6	0	6
Foreign Affairs	8	−2	6
Government Operations	7	−1	6
House Administration	6	0	6
Interior	6	0	6
Judiciary	7	−1	6
Merchant Marine	6	0	6
Post Office	7	−1	6
Public Works	6	0	6
Rules	2	0	2
Science and Technology	7	−1	6
Small Business	6	0	6
Standards	0	0	0
Veterans Affairs	5	0	5
Ways and Means	6	0	6
Aging	4	0	4
Intelligence	3	0	2
Total	151	−19	132

Source: U.S. House of Representatives Telephone Directory (1986).

[1] Includes 8 Budget Task Foreces and 4 Armed Services Panels appointed for entire Congress.

[2] Appropriations would not be required to reduce subcommittees.

Closely tied to this proposal is the requirement that Members be limited to no more than four subcommittee assignments. Any panel, task force, or other subunit in existence for more than 6 months, and any select committee assignment, would count toward this overall limit.

Mr. Speaker, while Members may enjoy the honor of multiple committee and subcommittee assignments, the fact is that they are now spread too thinly to do a conscientious job on all the units to which they are assigned. While subcommittees increased in number by 21 percent over the last two decades, the number of House Members remained constant at 435.

Table 3 below shows the growth in the number of committee, subcommittee, select, and joint committee seats over the years, dating back to the 79th Congress in 1945–46, and with it the corresponding growth in Member assignments. As a result of the Legislative Reorganization Act of 1946, which significantly reduced the number of House committees, the mean number of Member assignments dropped from 4.15 in the 79th Congress to 2.94 in the 80th Congress. But then, it gradually began to grow to 4.71 by the 89th Congress in 1965–66, to 6.15 in the 94th Congress (1975–76), and to 6.45 in the 99th Congress (1985–86). My proposal would most likely bring that down to a maximum of 6 committee, subcommittee, and select committee assignments total—a significant reduction for many Members who now hold up to 10 or more such seats.

TABLE 3.—COMMITTEE ASSIGNMENTS IN HOUSE: 79TH–99TH CONGRESSES [1]

Congress	Total number of assignments [2]				Mean number of standing committee assignments	Mean number of subcommittee assignments	Mean number of select, special and joint assignments	Total mean number of committee assignments
	Standing committees	Subcommittees of standing committees	Select, special and join committees	Total				
79 (1945–46)	941	752	113	1,806	2.16	1.73	0.26	4.15
80 (1947–48)	482	742	56	1,280	1.11	1.71	.13	2.94
81 (1949–50)	481	533	66	1,080	1.11	1.23	.15	2.48
82 (1951–52)	491	611	78	1,180	1.13	1.41	.18	2.71
83 (1953–54)	526	670	66	1,262	1.21	1.54	.15	2.90
84 (1955–56)	542	765	116	1,423	1.25	1.76	.27	3.27
85 (1957–58)	549	975	145	1,669	1.26	2.24	.33	3.84
86 (1959–60)	575	1,095	144	1,814	1.32	2.51	.33	4.15
87 (1961–62)	584	1,128	161	1,873	1.34	2.58	.37	4.29
88 (1963–64)	594	1,211	137	1,942	1.37	2.78	.32	4.46
89 (1965–66)	602	1,274	171	2,047	1.38	2.93	.39	4.71
90 (1967–68)	613	1,378	187	2,178	1.41	3.17	.43	5.01
91 (1969–70)	637	1,403	186	2,226	1.46	3.23	.43	5.12
92 (1971–72)	674	1,450	216	2,340	1.54	3.32	.49	5.36
93 (1973–74)	710	1,531	261	2,502	1.62	3.49	.60	5.70
94 (1975–76)	770	1,719	210	2,699	1.75	3.92	.48	6.15
95 (1977–78)	776	1,716	259	2,751	1.77	3.91	.59	6.27
96 (1979–80)	764	1,692	242	2,698	1.74	3.85	.55	6.15
97 (1981–82)	757	1,564	235	2,556	1.72	3.56	.53	5.81
98 (1983–84)	765	1,710	277	2,752	1.74	3.89	.63	6.26
99 (1985–86)	781	1,734	323	2,838	1.77	3.94	.74	6.45

[1] Sources: Data for the 79th Congress are compiled from U.S. Congress, Joint Committees on the Organization of Congress. Hearings, 79th Cong., 1st Sess., March 13–June 29, 1945. Washington, U.S. Govt. Print. Off., 1945. p. 1084; data for the 80th through 83d Congresses are compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure and Assignments: House and Senate. Report No. 82–42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77; and data for the 84th through the 98th Congresses are compiled from information taken from yearly volumes of Brownson, "Congressional Staff Directory," Congressional Quarterly, "Congressional Quarterly Almanac" and "CQ Weekly Report," and West Publishing Co., "U.S. Code Congressional and Administrative News."

[2] These figures include statutory members of the chamber who participate in committee and subcommittee activities. As of the 99th Congress, this group includes four Delegates and one Resident Commissioner.

Note.—This table is reprinted from: "Indicators of House of Representatives Workload and Activity," by Roger H. Davidson, Congressional Research Service, June 25, 1985.

STAFF INFECTION

With the proliferation of subcommittees has come an even more radical increase in committee staff. As table 1 shows, committee staff has increased from 616 in the 89th Congress, to 1,734 in the 94th Congress, to 2,051 in the 99th Congress—a shocking 233-percent increase over two decades. That far overshadows the 21-percent increase in the number of subcommittees.

It is probably true that our committees were understaffed 20 years ago, and that more staff was needed if we were to hold our own as a coequal branch with the burgeoning executive bureaucracy. But, like the other reforms of that era, we went to such extremes that we have reached that point of diminishing returns. We are now suffering from a staff infection.

As Michael J. Malbin writes in his book, "Unelected Representatives":

> . . . Congress has reacted to the governmental complexity it has created by building up its staffs defensively to preserve an important role for itself. But the size of those staffs and the way they are used has reinforced a situation in which the deliberative aspect of representation gets short shrift on all but the broad outlines of a few issues.

And Malbin continues:

> The weakening of deliberation is serious for a Congress that works best when it responds to constituents' needs and interests in a setting that encourages the members to think more broadly. The process no longer forces members to talk to each other to resolve the tough issues; the agenda keeps them busy with other things.

He concludes that,

> If Congress is to play its crucial representative role . . . (in) coming decades, it must find some way to limit its agenda and reinforce the role of direct deliberation.

I would agree that our system of representative democracy through a deliberative legislative process is threatened to the extent that we overwhelm ourselves with staff and delegate to them the responsibilities which should be ours. Certainly we need staff and cannot possibly do everything ourselves. But we must ask ourselves at this point whether we and the country are really being served well and responsibly when we are overly dependent on staff and cannot possibly manage or absorb all that is being done for us and in our names by staff.

As table 4 below shows, House standing and select committees have a total of 1,848 staff, not counting HIS which was included under table 1. While the average ratio of staff to committee members is two per Member, some committees are significantly above this.

TABLE 4.—STAFF TO MEMBER RATIOS ON HOUSE COMMITTEES, 99TH CONGRESS

Committee	Staff	Members	Staff/member ratio
Agriculture	65	43	1.5
Appropriations	198	57	3.5
Armed Services	59	46	1.3
Banking, Finance	94	47	2.0
Budget	109	33	3.3
District of Columbia	42	11	3.8
Education and Labor	116	32	3.6
Energy and Commerce	140	42	3.3
Foreign Affairs	93	42	2.2
Government Operations	78	39	2.0
House Administration	53	19	2.8
Interior	70	35	2.0
Judiciary	78	35	2.2
Merchant Marine	72	42	1.7
Post Office	85	21	4.0
Public Works	81	46	1.8
Rules	49	13	3.8
Science and Technology	73	41	1.8
Small Business	54	42	1.3
Standards	12	10	1.2
Veterans	31	34	.9
Ways and Means	92	36	2.6
Aging	38	65	.6
Children	19	25	.8
Hunger	15	17	.9
Intelligence	18	16	1.1
Narcotics	14	25	.6
Total	1,848	914	[1] 2.0

[1] Average.

Source: Clerk's Report and House Administration Report, July 1986.

With the 13-percent reduction in subcommittees, it should be possible to begin to pare down the number of committee staff and bring us within more reasonable and workable numbers. Section 9 of the committee improvement amendments calls for an overall staff ceiling in this Congress of not more than 90 percent of the number of committee staff employed at the end of the last Congress. This provision would result in a reduction of 185 committee staff and bring the total down from 1,848 to 1,663.

This 10-percent reduction would not be across the board for all committees. Instead, it would be implemented in connection with a process established in the resolution whereby the House would adopt a committee staff ceiling at the beginning of each Congress. The House Administration Committee would recommend this ceiling after taking into account the past and anticipated legislative and oversight workload of each committee.

Finally, the resolution would entitle the minority party on each committee, on request, to up to one-third of the investigative staff funds, just as the minority is now entitled to one-third of statutory staff.

Mr. Speaker, the House of Representatives is fortunate to have a large number of very dedicated, professional committee staff, and my proposals are in no way offered in criticism of the work they have done for us and the country. But I do think the time has come for us to reassert our own roles and bring the activities of this body back within our manageable grasp. Only by so doing can we ensure our continued representative character.

PHANTOM DEVICES

With the reduction in subcommittees and Member assignments we can eliminate those so-called phantom legislative devices which have been justified and necessitated by the inability of Members to be at several meetings and hearings simultaneously. My proposal would eliminate all proxy voting in committee and would restore the requirement that a majority of members must be present to take any action.

Under existing House rules, each committee may adopt rules permitting votes to be cast by proxy, and all but four of our standing committees permit proxy voting. Moreover, House rules permit each committee except Appropriations, Budget, and Ways and Means to establish a quorum of one-third of the members for taking any action other than reporting a matter, which still requires a majority quorum; 14 of our 22 standing committees have such one-third quorum rules.

I think it goes without saying that these absentee voting and antiquorum devices do not make for either a representative or deliberative legislative process at the subcommittee and committee levels where legislation takes its basic shape. To the extent that bills reflect the will only of the committee or subcommittee chairmen, and their pocketfull of paper proxy loyalists, they are unlikely to be acceptable when they reach the next level of the process.

If we are truly interested in restoring our authorizing committees to a serious policymaking role, we must first get members back in their committee rooms to do the hard work necessary. With fewer subcommittees and assignments, and a ban on phantom legislating, this would be possible.

RATIO DISCRIMINATION

Mr. Speaker, one of the longstanding disputes between the parties in the House has been the allocation of committee seats. While every other parliamentary democracy establishes committee with party ratios that reflect the ratios in the legislative body as a whole, the Democrats in the U.S. House have long practiced ratio discrimination, giving their party members a disproportionate number of committee seats.

Not only is this an outrage in terms of the one-man, one-vote concept, but it effectively disenfranchises a half million Americans for every committee seat the minority is denied. Moreover, just as proxy voting and one-third quorums tend to encourage absenteeism and thus result in unrepresentative legislation, the denial of equitable party representation only exacerbates this situation. Taken together, these devices only increase the prospect that legislation reported to the House will not be acceptable to the House as a whole and will thus require substantial rewriting in the form of amendments.

How does the majority party manage to disenfranchise minority Members at the committee level? Quite simply, ratios are dictated by Democratic Caucus rules. Party ratios on committees are not even subject to a House vote, even though the Constitution requires that each House determine its own rules. The caucus rules in the 99th Congress contained the following requirements:

> Committee ratios should be established to create firm working majorities on each committee. In determining the ratio on the respective standing committees, the Speaker should provide for a minimum of three Democrats for each two Republicans.

Thus, while Democrats comprised only 58 percent of all House Members in the 99th Congress, they were guaranteed at least 60 percent of the seats on all House committees under the Caucus rule requirement. As table 5 shows below, this stacking of committees by just 2 percent over the House ratio added up to a loss of 17 seats which should have gone to the Republicans. Put another way, assuming each congressional district contains at least a half a million people, the Democratic Caucus effectively disenfranchised 8½ million American citizens at the committee level where legislation takes its critical shape.

TABLE 5.—PARTY RATIOS ON HOUSE COMMITTEES IN THE 99TH CONGRESS

Committee	Seats	Democrat/ Republican	Percent Democrat/ Republican	Percent Democrat deviation	Excess Democrat seats
Agriculture	43	26/17	60/40	+2	+1
Appropriations	57	35/22	61/39	+3	+2
Armed Services	46	27/19	59/41	+1	0
Banking	47	28/19	60/40	+2	+1
Budget	33	20/13	61/39	+3	+1
District of Columbia	11	7/4	64/36	+6	+1
Education and Labor	32	19/13	59/41	+1	0
Energy and Commerce	42	25/17	60/40	+2	+1
Foreign Affairs	42	25/17	60/40	+2	+1
Government Operations	39	23/16	59/41	+1	0
House Administration	19	12/7	63/37	+5	+1
Interior	35	22/15	63/37	+5	+2
Judiciary	35	21/14	60/40	+2	+1
Merchant Marine	42	25/17	60/40	+2	+1
Post Office	21	13/8	62/38	+4	+1
Public Works	46	27/19	59/41	+1	0
Rules	13	9/4	69/31	+11	+1
Science and Technology	41	24/17	58/42	0	0
Standards	12	6/6	50/50	−8	−1
Small Business	42	25/17	60/40	+2	+1
Veterans	34	20/14	59/41	+1	0
Ways and Means	36	23/13	64/36	+6	+2
Total committee seats	768	462/306	60/40	+2	+17
Total House seats	435	253/182	58/42	NA	NA

Under section 4 of my committee improvement amendments, the party ratio on all standing, select, joint, and conference committees would be required to reflect the party ratio of the House at the time of the committees' appointment. I think this is an important step in restoring our standing committees to an effective policymaking role since it will help ensure that they are more representative and accountable to the House and to the American people.

MULTIPLE MADNESS

As I mentioned earlier, one of the reasons our committees have been less productive than in the past has been the institution of multiple bill referral back in 1975. Prior to that, no bill could be referred to more than one committee. Now bills can be referred to any number of committees having even remote jurisdictional claims on a small provision in a bill, either jointly, sequentially, or in a split fashion.

While the referral of bills to multiple committees can afford the House a variety of perspective on particular issues and problems, it can also result in a lot of duplication of effort, jurisdictional fighting, and delays. A House select committee in the 95th Congress, just 3 years after the initiation of the multiple-referral practice, found that such referrals consumed four times as much hearing and meeting and hearing time, yet had half the chance as singly referred bills of ever being reported from committee, and more than three times less chance of ever being passed by the House.

A more recent study by the Congressional Research Service indicates that things aren't quite as bad as they once were, but that multiple referrals still cause considerable problems and delays for the institution.

As table 6 shows below, in the last three Congresses roughly 11 percent of all introduced bills are multiply referred; they comprise roughly 12 percent of all bills reported from committee, yet only about 6 percent of all bills passed by the House. Singly referred bills have twice as much chance of being passed by the House, partly because more singly referred bills are passed without being reported than multiply referred measures. In the last Congress, there was a marked improvement in the number of multiply reported bills passed—up from 51 and 58 percent in the 97th and 98th Congresses to 71 percent in the 99th Congress.

TABLE 6.—DISPOSITION OF SINGLY AND MULTIPLY REFERRED MEASURES: 96TH–98TH CONGRESSES

	96th Cong. No. (%)	97th Cong. No. (%)	98th Cong. No. (%)
Referred:			
Singly	9,319(88)	8,496(90)	7,486(89)
Multiply	1,241(12)	905(10)	965(11)
Total	10,560(100)	9,401(100)	8,451(100)
Reported:			
Singly	1,139(89)	699(87)	847(86)
Multiply	147(11)	106(13)	136(14)
Total	1,286(100)	805(100)	983(100)
Passed:			
Singly	1,403(95)	997(94)	1,279(93)
Multiply	75(5)	61(6)	96(7)
Total	1,478	1,058	1,375
Reported as percent of referred:			
Singly	12.2	8.2	11.3
Multiply	11.8	11.7	14.0
Total	12.2	8.6	11.6
Passed as percent of referred:			
Singly	15.1	11.7	17.1
Multiply	6.0	6.7	9.9
Total	14.0	11.3	16.3
Passed as percent [1] of reported:			
Singly	123	143	151
Multiply	51	58	71
Total	115	131	140

[1] The number of bills passed as a percent of those reported is greater than 100 percent in the case of singly reported measures and total measures since many bills, which have not been reported from committee, are considered and passed in the House under such procedures as unanimous consent and suspension of the rules.

Source: Derived from data in "The Incidence and Impact of Multiple Referrals in the House of Representatives" (CRS, July, 1986).

Section 3 of my resolution would abolish the joint referral of bills while retaining split and sequential referrals. The purpose of this is to avoid having two or more committees going over exactly the same ground while still preserving the ability of committees with legitimate jurisdictional concerns to participate in amending and reporting on those matters of direct concern.

At the same time, my rule requires that, whenever any bill does receive a split or sequential referral, the Speaker shall designate one committee as the committee of principal jurisdiction. The Speaker has been doing this on an increasing basis in recent times, but in a purely discretionary and selective manner. There is no reason why this form of accountability should not be made uniform for every bill which is multiply referred.

Table 7 below shows that by far the greatest number of multiply referred bills in the 98th Congress were joint referrals, some 96 percent. Of the joint referrals that were reported, roughly 67 percent passed. Of the sequentially referred bills reported, approximately 76 percent passed. This is due in part to the fact that many bills are not sequentially referred until after one committee has already reported. This practice would increase under my proposal, with strict time limits for reporting from committees receiving a sequential referral, as is now often done.

TABLE 7.—REPORT AND PASSAGE OF MULTIPLE REFERRAL TYPES BY NUMBERS OF COMMITTEES, 98TH CONGRESS (1983–84)

Numbers of committees of referral	Joint			Reported as percent of referred	Passed as percent of referred
	Referred	Reported	Passed		
2 committees	784	86	63	11.0	8.0
3 committees	90	11	2	12.2	2.2
4 or more committees	52	2	2	3.8	3.8
Total	926	99	67	10.7	7.2
	Sequential				
2 committees	25	25	18	100.0	72.0
3 committees	8	8	8	100.0	100.0
4 or more committees	5	5	3	100.0	60.0
Total	38	38	29	100.0	76.3

Note.—The only split referral of the 98th Congress, the Enterprise Zone Act of 1983, was not reported by any of the three committees of referral and was not considered on the floor.

Source: Reprinted from "The Incidence and Impact of Multiple Referrals in the House of Representatives," by Oleszek, Davidson and Kephart, Congressional Research Service, July 1986.

OVERSIGHT OVERLOOKED

Mr. Speaker, essential to restoring the policy role of committees is a much more serious and active oversight effort. In recent years, oversight responsibilities have been largely overlooked by committees in their preoccupation with legislative turf and budgetary battles. And yet, unless committees do a better job of looking into the performance of existing executive agencies and programs, it is doubtful they can shape more rational and workable policies for the future.

Except for the occasional scandal and sensational investigation that accompanies it, committees are reluctant to undertake oversight because it is often unexciting, unglamorous, and unrewarding. Contrary to being politically rewarding, oversight is often viewed as being laden with political negatives since certain special interests do not take kindly to having the programs that benefit them examined closely. To them, oversight poses a threat to maintaining the status quo.

One would have thought that in this era of budgetary constraint, Congress would be taking its oversight responsibilities more seriously as we search for ways to reduce spending. And yet, there is no overwhelming evidence that this is the case. Instead, committees squirm and scream whenever their reconciliation directives force them to come up with spending cuts. They usually seem ill-prepared to make the rational policy choices necessary to conform to budgetary realities and mandates.

Under House rule X, clause 2, all standing committees "shall review and study, on a continuing basis, the application, administration, execution, and effectiveness," of those laws under their jurisdiction, to determine whether the laws and programs are being carried out in accordance with the intent of Congress and "whether such programs should be continued, curtailed, or eliminated."

Ironically, at the beginning of this Congress the Democratic Caucus took a backward step on oversight by abolishing another part of that House rule which required that committees submit oversight agendas to the Government Operations Committee at the beginning of each Congress for combined publication. The requirement was deleted on grounds that oversight plans would still be required by the House Administration Committee in considering committee funding resolutions. And yet, it is doubtful the House Administration Committee can require any meaningful agendas without the sanction of House rules.

Under section 2 of my resolution, not only would the oversight agenda requirement be restored, but it would be strengthened by requiring that each committee formally approve such agendas and be held accountable for them at the end of each Congress. This is the way we should be heading rather than retrenching on our oversight responsibilities as the Democratic Caucus has ordered.

Finally, section 8 of my bill provides that any committee documents released for public dissemination, other than purely factual materials, must either be approved by the committee or subcommittee, and opportunity be afforded for minority views, or a disclaimer must be carried on the cover that the document does not necessarily represent the views of the committee.

CONCLUSION

Mr. Speaker, I have no illusion that any amount of reforms or procedural tinkering will solve our problems. But, I do remain convinced that some former reforms are at the heart of our existing problems, and that some new procedures can assist in our efforts to restore the committee system to the vital policy role it should play.

Obviously, much more is needed, including leadership from the top. I detect that this is part of your aim as well—to help pull things together and give this House greater direction and cohesion, and for that you are to be commended. However, I would caution against doing this over and around the fractured body of our standing committee system. It still has a vital role to play and must be revived to do so. If we rely instead on only the top leadership, a few committee chairmen, and ad hoc task forces to draft legislation, we risk losing the deliberation, expertise and representative character of the committee system. We risk producing instead both bad legislation and bad policy, not to mention partisan confrontation both within the Congress and with the Executive.

We share the same goals of making this House work for the good of the country. But let us recognize the need to return to a representative, accountable, and deliberative committee system to accomplish that worthwhile goal.

I urge my colleagues to study my proposals carefully and welcome their cosponsorship. At this point in the RECORD, Mr. Speaker, I include a brief summary of my resolution. The summary follows:

SECTION-BY-SECTION SUMMARY OF COMMITTEE IMPROVEMENT AMENDMENTS

(Amendments to House Rules Proposed by Representative Lott)

Sec. 1. *Title:* "Committee Improvement Amendments of 1987."

Sec. 2. *Oversight Reform.*—Committees would be required to formally adopt and submit to the Government Operations Committee by March 1st of the first session their oversight plans for that Congress. The Government Operations Committee, after consultation with the majority and minority leaders, would report the plans to the House by March 15th together with its recommendations, and those of the joint leadership group to assure coordination between committees. The Speaker would be authorized to appoint ad hoc oversight committees for specific tasks from the membership of committees with shared jurisdiction. Committees would be required to include an oversight section in their final activity report at the end of a Congress.

Sec. 3. *Multiple Referral of Legislation.*—The joint referral of bills to two or more committees would be abolished, while split and sequential referrals would be retained, subject to time limits and designation by the Speaker of a committee of principal jurisdiction.

Sec. 4. *Committee Ratios.*—The party ratios on committees would be required to reflect that of the full House (except for Standards of Official Conduct which is bipartisan). The requirement would extend to select and conference committees as well.

Sec. 5. *Subcommittee Limits.*—No committee (except appropriations) could have more than six subcommittees, and no Members could have more than four subcommittee assignments.

Sec. 6. *Proxy Voting Ban.*—All proxy voting on committees would be prohibited.

Sec. 7. *Majority Quorums.*—A majority of the membership of a committee would be required for the transaction of any business.

Sec. 8. *Committee Documents.*—Draft reports on legislative measures must be available to committee members at least one legislative day prior the reporting of the measure. Other committee documents intended for public dissemination, other than factual materials, must either be voted on by the committee and opportunity afforded for additional views, or must carry a disclaimer on their cover that they have not been approved by the committee and do not necessarily reflect the views of its members.

Sec. 9. *Committee Staffing.*—Committee funding resolutions could not be considered until the House has first adopted a resolution from the House Administration Committee setting an overall limit on committee staffing for the session. The minority would be entitled to up to one-third of the investigative staff funds, on request. The overall committee staff limit for the 100th Congress could not be more than 90% of the total at the end of the 99th Congress.

VOLUNTEER SERVICE PROMOTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. WYDEN] is recognized for 15 minutes.

Mr. WYDEN. I thank the Speaker.

Mr. Speaker, in recent days many in this country have discussed at great length the question of catastrophic health insurance and how we can protect Americans from being wiped out by extraordinary medical expenses. Unfortunately, most of the approaches that have been discussed omit the great catastrophe in this country—the very large costs of nursing home and home health care. To me the great catastrophe in this country is that we do not have a way to pay those bills. We are now seeing older people bankrupting themselves in order to be eligible for nursing home care. In some jurisdictions we have seen the tragic spectacle of one older person having to sue another in order to be eligible for nursing home and home care services. I think this is one of the major gaps in health care coverage today and ought to be one of the principal approaches that we zero in on in our effort to cover the staggering costs of catastrophic illness.

The question, of course, Mr. Speaker, is how we tackle this issue at a time when we have very great budget deficits and when health care inflation is about three times the rate of inflation generally.

One of the approaches I think we might use in order to promote health care services and begin the development of a long-term health care policy is better use of volunteers, particularly older people who assist other older people.

I think every Member of this body, of course, is going to support voluntarism. This is a great American tradition, literally dating back to the covered wagon days to the present. We have seen the notion of neighbor helping neighbor being the cornerstone of our heritage. To promote further volunteer efforts and particularly in this area of long-term care services and seniors getting assistance in their home, I recently introduced with our colleagues, Mr. Williams of Montana and Mr. Goodling of Pennsylvania, the Volunteer Services Promotion Act.

This legislation promote and recognizes volunteer service and particularly volunteer service where senior citizens help others.

It seems to me that this kind of recognition and promotion comes at a very much needed time. We have seen cutbacks in governmental spending for a variety of social services. The impending changes in the tax laws relating to charitable contributions and the increased incidents of poverty all have, I think, increased the need for volunteers.

Unfortunately, we do not do enough in our society to promote and recognize the volunteer. I think it would be fair to say that very often they do not even get thanked.

When you add on the high costs of volunteering, today the insurance costs of volunteering particularly can be very high, you see that there really is a need to promote more volunteer efforts; particularly when those services assist senior citizens. Under the legislation that I have introduced, volunteers in selected programs to help seniors and others would be able to earn credits for their volunteer work.

□ 1700

Under our bill, volunteers in selected programs would be able to earn credits for their service. Any person over 60 could volunteer in exchange for a credit when they serve any other person over 60 or a low-income child. These credits could be accumulated and those earning them would have the option to use them for similar services for themselves and their families when needed.

One of the attractive parts of this legislation is no new Federal funds are needed to implement the bill, and no new Federal bureaucracies would be created.

What my legislation simply calls on is the Administration on Aging to use some of their existing money, money from their demonstration project account, to promote the volunteer service credit programs where seniors and others would be able to get help in their homes and in the community.

I think that this legislation, particularly, can help attack the long-term care issue, the question that we would like so much to deal with in this session as part of the catastrophic care package, and I think the bill does the very important function of encouraging capable individuals to volunteer in these home care programs so that a family member or a friend, perhaps in the years ahead, could receive benefits themselves as a result of the volunteer work that is being done today.

In my home State of Oregon, the Senior Services Division of the Human Resources Department is preparing contracts with community groups to implement service credits this spring. Under Oregon's plan, the State will provide $3,000 of computer hardware to senior centers. The centers will recruit, train, and supervise volunteers, track credits, and insure the programs—all free of charge to the State. The Volunteer Partnerships for Independence Program will be up and running in a matter of weeks serving seniors in a number of the communities around the State. The willingness of the State and the senior centers to cooperate on these creative ventures gives a good indication of how successful we can be in establishing volunteer networks nationwide.

I note that our good Speaker here today comes from New York City, and there was a very large article on the front page of his hometown paper, the New York Times, 2 days ago, of exactly this kind of discussion, where senior citizens in the metropolitan New York and Washington areas were assisting others and were earning credit for their volunteer effort, and then were in a position to cash in those credits for their families and their loved ones when they need home care. So the Speaker today, I think, will see a great deal of discussion and interest right in his home community about this concept.

Mr. Speaker, I conclude by simply saying that I think every Member is aware that volunteers, and especially the elderly volunteers, are a great resource for our country. I believe the Volunteer Service Promotion Act gives us a chance to build and to build significantly on that volunteer network of senior citizens and others who would like to be involved in their community, would like the opportunity to help and who, in my view, ought to get much-deserved recognition and credit for the very helpful work and service they perform.

JONES SUBCOMMITTEE ON CONSERVATION, CREDIT AND RURAL DEVELOPMENT COMES TO ARKANSAS

The SPEAKER pro tempore (Mr. Flake). Under a previous order of the House, the gentleman from Arkansas [Mr. Alexander] is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, on February 16, 1987, our colleague Congressman Ed Jones, chairman of the Agriculture Committee's Subcommittee on Conservation, Credit and Rural Development, conducted field hearings for his subcommittee in Forrest City, AR. The hearings were informative and constructive.

While the Agriculture Committee will publish all the statements presented for later distribution, I would like to bring one of the witnesses' statements, in particular, to the immediate attention of my colleagues in the Congress and the American people.

Marlin Jackson, Arkansas Banking Commissioner and recognized expert on farm credit, stated in a dramatic and emotional presentation that the current farm policy is "fundamentally flawed" and has failed, and that immediate relief by the Congress is needed in order to avert a national disaster. Mr. Jackson went on to characterize the current farm crisis as economic carnage, likening the devastation it has wrought in Arkansas to that suffered during the Civil War.

Some might quarrel with the metaphor, but all observers must conclude that agriculture today is in a state of national economic crisis; that a national emergency exists, and that appropriate action should be taken. In the near future I will propose measures to declare an economic emergency in American agriculture, along with extraordinary action that must be taken to fight the disaster sweeping our heartland.

Mr. Speaker, I submit the statement of Mr. Jackson for the consideration of my colleagues.

TESTIMONY OF HON. MARLIN D. JACKSON, BANK COMMISSIONER, STATE OF ARKANSAS

I am Marlin Jackson. I have the honor of having served almost 4 years as bank commissioner in Arkansas. As such, I have primary supervisory/regulatory authority over 175 state-chartered banks, 3 industrial thrift institutions, and 2 trust companies. I have similar responsibility and authority over 122 bank holding companies including 8 or 10 multi-bank holding companies. These institutions hold a cumulative total of approximately $10 billion in funds belonging to the general public and likewise $10 billion in assets representing the investment of these funds.

Prior to becoming bank commissioner I served almost 25 years as a commercial banker in community/agricultural banks situated in the Delta of northeast Arkansas. My banking experience has extensive involvement in Congressman Alexander's district and some involvement and frequent trips in Chairman Ed Jones' district.

Mr. Chairman, Congressman Alexander, at the risk of appearing to engage in "political back-slapping" the urgency of the depression that has been ongoing in the farm belt is such that I am compelled to begin my testimony by recognizing your sense of awareness, your long-standing commitment to assisting agriculture, particularly the family-sized farming units, and your significant contribution to the preservation of the life, safety, and well-being of the Farm Credit System and perhaps to a lesser extent the significant assistance to the commercial banks throughout the farm belt. On behalf of bank regulators in the various states, the farmers, and those who extend credit, I express a profound appreciation for your leadership and encourage you to persevere in the face of adversity.

I bring to you no academic expertise, no international marks of distinction; rather I bring to you the scars and the afflictions of a career in agricultural/community banking.

The backbone of the economy of the United States and certainly the backbone of the economy in Arkansas is, and predictably will be in the foreseeable future, agriculture. Because agriculture is the backbone and life-blood of our economy throughout the farm belt, when agriculture becomes ill, our economy becomes ill; indeed, our communities, schools, churches, and banks have become ill. They have died of these illnesses.

There is unthinkable wanton waste that has been visited upon the American farmers and ranchers throughout America as a result of the David Stockman mentality. The farm program is an unthinkable, oppressive, and irresponsible act in any democracy and particularly of a democracy such as ours that believes "with equal freedom, liberty, and justice for all." There is neither equality nor is there opportunity for "the pursuit of happiness" to be found anywhere within the farm program under which America has suffered so grievously for the past half decade.

The rhetoric emanating out of the Administration that "farmers and ranchers" deserve better is a hollow recognition that the farm programs under which we operate are fundamentally flawed and are leading towards the devastation, the destruction to the most effective production of food and fibre unit in the world, i.e., the American farmers and ranchers.

In Arkansas, both as a banker and particularly during my tenure and in the execution of my responsibilities as bank commissioner, I have observed tragedies that would be more consistent with an armed invasion.

The economic carnage existing throughout the farm belt, particularly in the Delta of Arkansas, is more similar to that following the devastation visited upon the land by the armies during the Civil War than that of a United States farm program/policy." Indeed, there are communities in which the only solvent businesses in the community, the only thing with the doors still open, are their small agriculture banks.

I was in a small town in east Arkansas twice in the last twelve months. On the first visit only the relatively new doctor's clinic and the bank were open. Because the doctor's constituents were not employed by companies that offered Blue Cross/Blue Shield, or other types of third party insurance, the doctor's patients could not pay the doctor, the doctor could not in turn pay the bank; the end result is that the doctor's clinic, the grocery stores, the Safeway Store, and the drug store have all closed. Their windows are either boarded up or bashed in. The bank stands alone, a silent sentry, grief stricken by the demise of its constituency. How long such an institution can stand is open to discussion. Whether such an institution can withstand the devastating ravages of this farm program or not is not in dispute. The inevitable is obvious, if something is not done and done quickly, the financial institutions, the Farm Credit System, the Farmers Home Administration, will suffer billions of dollars of losses which will relegate the present level of expenditures on a farm program that has not worked and will not work to relative insignificance.

When I became bank commissioner in 1983, the loan losses (does not include security losses, fraudulent transfers, misapplication of funds or any other type losses) in the banks of Arkansas were approximately $34 million. In 1986 the loan losses in our state among commercial banks, not including the Farm Credit System or the FmHA, was between $150 and $160 million.

Gentleman, I have lived substantially all of my life in this state. I have devoted the last 35 years of my adult life either in farming, in teaching agriculture, in agriculture banks and I have never seen or read of such an unthinkable, callous, and indifferent approach to the legitimate needs of honest, God-fearing people as I have witnessed in the last 5 years as displayed by this Administration's attitude of "if given enough time" the program may work.

Time is important. Time is of the essence. It is time we put an end to the political rhetoric. It is time we recognized the function of democracy is to impose upon ourselves those disciplines, including disciplines of production, that we are unwilling to impose, particularly when driven by the forces of a highly competitive free market world, and particularly when encouraged by government policies of the past, to produce gluttonous amounts of surpluses to the extent that we are literally drowning ourselves in over-productivity and thus are forcing American farmers and ranchers deeper and deeper into the sink hole of insolvency.

The surplus of food, dairy products, fibre in our country and in a few other countries is a well-recognized fact. What is not well-recognized, is that there are millions, perhaps billions, of people in the world today who have an urgent need for food, not to grow fat but to sustain life. I am told by reliable forces both in the private and public sector that the number of deaths per day from malnutrition, diet related diseases, far exceed the highest body count in the thick of wars which our country has been engaged in in the pursuit of freedom and to secure "prosperity" now and forever more.

We are indeed engaged in a war on a global battlefield. Our farmers have suffered the heel of oppression of ill-founded, ill-conceived, and poorly implemented foreign policies in the form of embargoes and the threats of embargoes across three or four administrations; they suffer under the heel of economic oppression bearing the brunt of a currency evaluation system that is driven primarily by international conglomerates, international robber money barons, that have brought devastation not only to agriculture but to all of Arkansas' export, import sensitive industries. Indeed, the economic death of our textile industry in the state, our shoe industry in the state, has already largely occurred.

The last hope—at the eleventh hour—is the sense of awareness that our Honorable Chairman, and our distinguished Congressman from Arkansas, have always displayed over the legitimate needs, concerns of the people of the United States, not limited to the constituents within their district.

I appeal to you to take immediate action to address the following issues:

Recognize that the present farm program is fundamentally flawed and enact so that it will become effective in 1987, a farm program that accomplishes the recognized highest and best goals of all proposals which are: (a) production constraints temporarily, to be phased out as the glut, the surplus is moved in to ultimate consumers by a wide array of urgently needed programs; and (b) transition from the present over-supply, transition from temporary production controls towards a free market concept;

2. Programs that recognize our American farmers are competing not with farmers but with foreign countries; thus, farm programs that provide "export enrichments/enhancements" so that our products are competitive in the world marketplace;

3. Programs that complete the job of ensuring the ongoing viability of the Farm Credit System and of equal or greater importance programs that will grant the same essential "time ingredients" to the commercial agriculture community banks as has been granted to the Farm Credit System, the savings and loan industry, the farmers under Chapter 12, and a wide array of commercial industrial giants such as all the steel companies which have availed themselves of relief that is denied under present federal and state banking regulation;

4. Mandate the secretary of agriculture to administer fairly the programs that have already been passed by the Congress to provide urgently needed relief for an increasingly large number of farmers and ranchers who cannot obtain adequate financing anywhere.

In conclusion, I thank you for the honor, the opportunity to appear before you; I thank you for the courtesies Mr. Chairman that you and your staff have always shown to me on infrequent occasions when I have visited our nation's capital. I shall forever be thankful and grateful for the outstanding leadership, for the enormous self-sacrifices made by our First Congressional Representative Bill Alexander, my dear friend. Bill Alexander is a friend not because I am without fault, but a friend of Marlin Jackson, of my family, my neighbors and a friend of the first district, because of his strengths of character and not because of the absence of fault on our part.

Finally, gentlemen, I implore you to do whatever is necessary to make the members of the United States Congress aware of the fact that the depression on the farm is not political rhetoric; it is human lives; it's men, women, and children in this generation and in generations to come who are dying literally and economically because of the abuse placed upon them, the oppression placed upon them by unthinkable, proven unworkable farm programs.

If this farm program is left to run its course, predictably within a few years this country can and will be the hostage of "food cartels." The select few producers who are able to survive, can bring this nation, indeed the world, to its knees in a way that far surpasses the "energy cartel" of the Opec countries.

Thank you for the honor of appearing before you.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1987

(Mr. DERRICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERRICK. Mr. Speaker, on behalf of Chairman WILLIAM H. GRAY III, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the updated current level of spending, credit, and revenues for fiscal year 1987. The first current level report of this session of Congress was filed on January 21, 1987. Since that report, Congress has completed action on and the President has signed the Emergency Supplemental for the Homeless, Public Law 100-6, and the Water Quality Act of 1987, Public Law 100-4, changing budget authority and outlay estimates for fiscal year 1987.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution; and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority and new credit authority made to a committee pursuant to subsection 302(a) of the Budget Act, as amended. This report compares the spending, credit, and revenue levels in current level with those assumed in the budget resolution for fiscal year 1987—Senate Concurrent Resolution 120—adopted on June 26, 1986.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act, as amended. Subsection 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set in the budget resolution.

Subsection 311(b) provides an exception to the 311(a) point of order for measures which would breach the ceilings on total spending set in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending authority made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985—House Concurrent Resolution 280, 98th Congress. The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985—Public Law 99-177, Gramm-Rudman-Hollings. This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control. The fiscal year 1987 302(a) allocations to House committees made pursuant to the conference report on Senate Concurrent Resolution 120 were printed in House Report 99-666, July 9, 1986.

Section 311(c) of the Budget Act, provides that for purposes of enforcing section 311 in the House of Representatives the levels of new budget authority, entitlement authority, outlays and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues; and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

Current level estimates are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, Senate Concurrent Resolution 120, on June 26, 1986. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution which alters the assumptions about legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees which are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order which requires Budget Committee estimates for enforcement. Section 302(f) of the Budget Act, as amended, prohibits the consideration of a measure providing new budget authority, entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, entitlement, and credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This provision was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee intends to fulfill this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Process Task Force, and on behalf of Chairman GRAY, I intend to keep the House informed regularly on the status of the current level.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, February 25, 1987.

Hon. JAMES C. WRIGHT, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under S. Con. Res. 120, the Concurrent Resolution on the Budget for Fiscal Year 1987.

In the House of Representatives, the procedural situation with regard to the spending ceilings (total budget authority and total outlays) is affected by Section 311(b) of the Congressional Budget Act of 1974, as amended by P.L. 99-177. Enforcement against possible breaches of the spending ceilings under 311(a) of the Budget Act would not apply when a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to Section 302(a) of the Budget Act. The appropriate 302(a) allocation includes "new discretionary budget authority", "new entitlement authority", "new direct loan obligations" and "new primary loan guarantee commitments." It should be noted that under this procedure the committee's outlay allocation is not considered.

The intent of Section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority and credit authority allocations—discretionary budget authority, new entitlement authority, direct loan authority, and loan guarantee authority—from points of order if the total spending ceilings have been breached for reasons outside of its control.

The 302(a) allocations to House committees made pursuant to the conference report on S. Con. Res. 120 were printed in H. Rept. 99-666 (July 9, 1986).

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the most recently agreed to budget resolution.

Sincerely,

William H. Gray III,
Chairman.

Enclosures.

Report to the Speaker of the U.S. House of Representatives From the Committee on the Budget on the Status of the Fiscal Year 1987 Congressional Budget Adopted in Senate Concurrent Resolution 120

REFLECTING COMPLETED ACTION AS OF FEBRUARY 24, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,093,350	995,000	852,400
Current level	1,074,505	990,470	860,137
Amount under ceilings	18,845	4,530	
Amount over ceilings			
Amount under floor			
Amount over floor			7,737

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $18,845 million in budget authority for fiscal year 1987, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 120 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $4,530 million in outlays for fiscal year 1987, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 120 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level estimate and exceeds $7,737 million for fiscal year 1987, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 120.

Fiscal year 1987 budget authority comparison of current level and budget resolution allocation by committee pursuant to section 302

[In millions of dollars]

House authorizing committee: budget authority	*Current level*
Agriculture	(+960)
Armed Services	(...)
Banking, Finance and Urban Affairs	(+110)
District of Columbia	(...)
Education and Labor	(+10)
Energy and Commerce	(+692)
Foreign Affairs	(+1)
Government Operations	(...)
House Administration	(...)
Interior and Insular Affairs	(+175)
Judiciary	(−53)
Merchant Marine and Fisheries	(+93)
Post Office and Civil Service	(+105)
Public Works and Transportation	(−10,461)
Science and Technology	(+2)
Small Business	(+438)
Veterans' Affairs	(...)
Ways and Means	(+530)

Note.—Committees are over (+) or under (−) their 302(a) allocation.

FISCAL YEAR 1987 BUDGET AUTHORITY COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

House Appropriations subcommittee subdivisions	Current level budget authority	Direct loans	Primary loan guarantees
Commerce, State, Justice	(−548)	(...)	(−24)
Defense	(−5,468)	(...)	(...)
District of Columbia	(−1)	(...)	(...)
Energy and Water	(−541)	(+2)	(...)
Foreign Operations	(+405)	(−187)	(−26)
HUD/Independent Agencies	(−1,427)	(−21)	(+12,434)
Interior	(−248)	(...)	(...)
Labor, HHS, Education	(+135)	(+142)	(+15)
Legislative Branch	(−23)	(...)	(...)
Military Construction	(−66)	(...)	(...)
Rural development and agriculture	(+114)	(−396)	(+12)
Transportation	(−38)	(−24)	(...)
Treasury, Postal Service	(−3)	(...)	(...)
Total	(−7,709)	(−484)	(+12,411)

Note.—Subcommittees are over (+) or under (−) their 302(b) subdivisions of discretionary action.

FISCAL YEAR 1987 ALLOCATION OF NEW ENTITLEMENT AUTHORITY (NEA) PURSUANT TO SECTION 302

[In millions of dollars]

Committee	Allocation	Enacted
Armed Services	0	+1,469
Education and Labor	+11	−45
Energy and Commerce	+108	+145
Foreign Affairs	0	+1
Interior and Insular Affairs	0	+205
Judiciary	0	+9
Post Office and Civil Service	−100	0
Veterans' Affairs	+172	+122
Ways and Means	−315	−2,891

U.S. Congress,
Congressional Budget Office,
Washington, DC, February 25, 1987.

Hon. William H. Gray, III,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC.

Dear Mr. Chairman: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1987 budget (S. Con. Res. 120). This report for fiscal year 1987 is tabulated as of close of business February 24, 1987. A summary of this tabulation is as follows:

[In millions of dollars]

	Current level	Budget resolution, S. Con. Res. 120	Current level +/− resolution
Budget authority	1,074,505	1,093,350	−18,845
Outlays	990,470	995,000	−4,530
Revenues	860,137	852,400	7,737
Direct loan obligations	33,842	34,550	−708
Guaranteed loan commitments	114,964	100,750	14,214

Since my last report Congress has completed action on the Emergency Supplemental for the Homeless, P.L. 100-6, and the Water Quality Act of 1987, P.L. 100-4, changing budget authority and outlay estimates for 1987. Additionally, the estimate for Civilian agency pay raises reflects the President's request of January 28, 1987.

With best wishes,

Sincerely,

Rudolph G. Penner,
Director.

PARLIAMENTARIAN STATUS REPORT, 100TH CONG., 1ST SESS., HOUSE SUPPORTING DETAIL, FISCAL YEAR 1987 AS OF CLOSE OF BUSINESS FEB. 24, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			860,137
Permanent appropriations and trust funds	736,715	637,442	
Other appropriations	533,965	549,329	
Offsetting receipts	−196,917	−196,917	
Total enacted in previous sessions	1,073,763	989,854	860,137
II. Enacted this session:			
Water Quality Act of 1987 (P.L. 100–4)	−4	−4	
Emergency Supplemental for the Homeless (P.L. 100–6)	−7	−1	
Total enacted this session	−11	−5	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Claims, defense	11	11	
Payments to air carriers, DOT	2	2	
Retired pay—Coast Guard	6		
Family social services	61		
Guaranteed student loans	140		
Special milk program	8	3	
Advances to unemployment trust fund [1]	(9)	(9)	
Black lung disability trust fund	314	314	
Veterans readjustment benefits	9	9	
Civilian agency pay raises	202	282	
Total entitlements	753	621	
Total current level as of Feb. 24, 1987	1,074,505	990,470	860,137
1987 budget resolution (S. Con. Res. 120)	1,093,359	995,000	852,400
Amount remaining:			
Over budget resolution			7,737
Under budget resolution	18,845	4,530	

[1] Interfund transactions do not add to budget totals.

Note: Numbers may not add due to rounding.

SUBMISSION OF RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. DIXON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DIXON. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Standards of Official Conduct for the 100th Congress in the RECORD at this point. These rules were adopted by the committee on February 25, 1987.

RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT—100TH CONGRESS

PART I—SCOPE AND AUTHORITY

Scope and Authority

RULE 1. (a) These rules govern the procedures to be followed by the Committee on Standards of Official Conduct (hereafter referred to as the "Committee"). So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of each subcommittee of the Committee, but each subcommittee may prescribe additional rules not inconsistent therewith.

(b) These rules are adopted under the authority of clause 2(a) of Rule XI of the Rules of the House of Representatives, 100th Congress.

PART II—GENERAL COMMITTEE RULES

Subcommittees

RULE 2. (a) The Chairman may establish subcommittees and may assign to them such functions as he may deem advisable. The membership of each subcommittee shall provide equal representation for the majority and minority parties. The Chairman may refer any bill, resolution, investigation, or other matter before the Committee to an appropriate subcommittee for consideration and may recall any such bill, resolution, investigation, or other matter from the subcommittee to which it was referred.

(b) Any member of the Committee may sit with any subcommittee, but only regular members of the subcommittee may vote on any matter before the subcommittee.

Meetings

RULE 3. (a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House is not meeting on that day. When the Chairman determines that there is sufficient reason, he may call a meeting on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is no business to be considered.

(b) Insofar as practicable, notice will be provided seven days in advance of meetings. However, the Chairman may, in his discretion, waive such time period for good cause.

Members Required for Quorums and Committee Action

RULE 4. (a)(1) A quorum of the Committee consists of a majority of the members of the Committee.

(2) A quorum of a subcommittee consists of a majority of the members of the subcommittee.

(b) Except as provided in clause 4(e)(2)(A) of Rule X of the Rules of the House of Representatives and rules 5, 8, 12, 16, and 17 of the Committee rules, action may be taken by the Committee by a simple majority, a quorum being present.

Broadcasts of Committee Proceedings

RULE 5. (a) Whenever any hearing or meeting by the Committee is open to the public, the Committee may permit, except as provided in clause (b) of this rule, by a vote of a majority of the Committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, under the following rules:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness shall be required against his or her will to be photographed or to otherwise have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio coverage at a hearing, all microphones shall be turned off, at the request of any witness who does not wish to be subjected to television or still photography coverage at a hearing, all lenses shall be covered, and at the request of a witness who does not wish to have a graphic reproduction of his or her image made at a hearing, the making of such a reproduction at the hearing shall not be permitted. This paragraph is supplementary to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(b) Coverage by radio, television, still camera, or electronic recording device of any disciplinary hearing held under subpart B of part III of the Committee rules is prohibited.

Committee Records

RULE 6. (a) The Chairman of the Committee shall, with the approval of the Committee, establish such procedures as in the Chairman's judgment may be necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Unless otherwise authorized by the Committee, no information received by the Committee respecting any alleged violation by a Member, officer, or employee of the House of Representatives of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities shall be disclosed to the public before the transmittal under rule 11 of the Committee rules to such Member, officer, or employee of a Statement of Alleged Violation in connection with such violation. After the service of such a Statement on the Member, officer, or employee—

(1) the Statement and any other paper filed pursuant to rule 12 of the Committee rules respecting such violation shall be made available for public inspection at reasonable hours, and

(2) any other paper filed with the Committee respecting such violation shall be made available as authorized by the Committee, except that no paper shall be made available if its disclosure would violate any Executive Order or any Federal law or regulation.

Special Procedures

RULE 7. The Committee may adopt by resolution any special procedures deemed necessary to a particular matter before the Committee. Copies of such special procedures shall be furnished to all parties and witnesses in the matter.

Changes in Committee Rules

RULE 8. The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee if before such vote written notice of the proposed modification, amendment, or repeal was provided each member of the Committee.

PART III—COMMITTEE INVESTIGATIVE AUTHORITY

Subpart A—Complaints and committee inquiries

Complaints

RULE 9. (a) A complaint submitted to the Committee under clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives shall be in writing and under oath, setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereafter referred to as the "complainant");

(2) the name and position or title of the Member, officer, or employee of the House of Representatives alleged to be in violation of the Code of Official Conduct or law, rule, regulation, or other standard of conduct;

(3) the nature of the alleged violation, including, if possible, the specific section of the Code of Official Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated; and

(4) the facts alleged to give rise to the violation. When facts are alleged upon the information and belief of the complainant, the complaint shall so state and set forth the basis for such information and belief.

(b) All documents in the possession of the complainant that are relevant to and in support of the allegations shall be appended to the complaint.

(c) A complaint by a Member of the House of Representatives may be transmitted directly to the Committee. A complaint by an individual not a Member of the House may be transmitted through a Member who agrees, in writing, to accept it for that purpose. If a complaint by an individual not a Member of the House is submitted to three Members of the House who refuse, in writing, to transmit the complaint to the Committee, the complainant may transmit the complaint directly to the Committee, provided an affidavit is attached stating, under oath, the names of the Members to whom the complaint was submitted and by whom it was rejected in writing.

Processing of Complaints

RULE 10. (a)(1) The staff of the Committee shall examine each complaint submitted to the Committee for compliance with clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives and rule 9 of the Committee rules.

(2) If the staff determines that a complaint does not comply with such House and

Committee rules, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such rules and a copy of such rules. A complainant may resubmit a complaint.

(3) If the staff determines that a complaint is in compliance with such House and Committee rules, the complaint shall be filed with the Committee. Within five days of the filing of a complaint (A) a copy of the complaint, showing the date of its filing, shall be transmitted to the Chairman and ranking minority member of the Committee, and (B) every other member of the Committee shall be notified of the filing of the complaint and of its availability for inspection by the member in the Committee offices. Upon the request of any member of the Committee, the staff of the Committee shall inform the member of the complaints which have been filed with the Committee and which are pending before the Committee.

(4) If within thirty days of the date of the filing of a complaint the Chairman and ranking minority member of the Committee jointly—

(A) decide to place the complaint on the Committee agenda for consideration at the next regularly scheduled meeting of the Committee, it shall be so placed on such agenda, or

(B) determine that the complaint be dismissed because it fails to allege facts which constitute a violation of the Code of Official Conduct or applicable law, rule, regulation, or other standard of conduct, the complaint together with the determination that it should be dismissed shall be placed on the Committee agenda for consideration at the next regularly scheduled meeting of the Committee.

Unless the Committee determines under clause (b) that the complaint merits further inquiry, the complaint shall be dismissed and the complainant shall be notified of the dismissal. If upon the expiration of such thirty days, the Chairman and ranking minority member have not taken any joint action respecting the complaint, it shall be placed on the Committee agenda for consideration at the next regularly scheduled meeting of the Committee.

(b) At the meeting at which the Committee is to consider a complaint filed with the Committee, the Committee shall determine whether the violation alleged in the complaint is within the jurisdiction of the Committee and, if so, whether the allegations in the complaint merit further inquiry. The complainant and respondent shall be notified, in writing, of action taken by the Committee respecting the complaint.

Preliminary Inquiry and Statement of Alleged Violation

Rule 11. (a)(1) If the Committee determines under rule 10(b) that the allegations of a violation in a complaint filed with the Committee merit further inquiry, the Committee shall conduct a preliminary inqury to determine whether such violation occurred.

(2) In the preliminary inquiry—

(A) the Committee shall provide the respondent an opportunity to present to the Committee, orally or in writing, a statement respecting the allegations with respect to which the inquiry is being held,

(B) the staff may interview witnesses and examine documents and other evidentiary matter,

(C) the Committee may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by a member of the Committee or by any person authorized by law to administer oaths,

(D) the Committee may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other things as it deems necessary to the conduct of the inquiry, and

(E) any probative evidence may be used.

Upon the completion of the preliminary inquiry, the staff of the Committee shall prepare and transmit to the Committee a report containing a comprehensive summary of the information received in the inquiry and may include in the report a recommendation for action by the Committee respecting the alleged violation which was the subject of the inquiry.

(b) If the Committee determines on the basis of the report of the Committee staff on the preliminary inquiry respecting an alleged violation that there is reason to believe that the violation occurred, the Committee may direct the staff to transmit to the respondent a Statement of Alleged Violation. A Statement shall be divided into counts and each count shall relate to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation and include a reference to the provision of the Code of Official Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated.

Answers and Motions and Committee Action

Rule 12. (a) If a Statement of Alleged Violation is transmitted under rule 11(b) of the Committee rules, the respondent receiving the Statement shall have not less than 21 days in which to respond to it. The response shall be by way of answer or motion, shall be in writing and signed by the respondent or his counsel, and shall be limited to the following:

(1) An admission to or denial of, under oath, each count set forth in the Statement. A denial may include (A) negative and affirmative defenses to the allegations in a count, and (B) any supportive evidence and any other relevant information which the respondent may desire to submit.

(2) An objection to any count in the Statement on the grounds that it fails to state facts which constitute a violation of the Code of Official Conduct or any other applicable law, rule, regulation, or other standard of conduct.

(3) An objection to the jurisdiction of the Committee to consider the allegations contained in the Statement.

(4) A motion for a bill of particulars.

(5) An objection to the participation of any member of the Committee in the consideration of the allegations contained in the Statement on the grounds that the member cannot render an impartial and unbiased decision. The Committee member against whom the objection is made shall be the sole judge of his qualifications. A motion under this paragraph is not in lieu of an answer.

Any motion submitted pursuant to this clause shall be accompanied by a memorandum of points and authorities. Except for good cause shown, no pleading or motion not described in paragraphs (1) through (5) will be considered by the Committee and the Committee will not consider any answer or motion described in such paragraphs which is submitted under this clause after the expiration of such 21 days.

(b) Within 30 days after the receipt of any motion under clause (a) respecting a Statement, the Committee shall consider such motion. Notice of the decision of the Committee respecting the motion shall be furnished the respondent who submitted it. When the Committee has acted on all motions submitted under paragraphs (2), (3), and (4) of clause (a), the respondent shall, in accordance with paragraph (1) of such clause, submit, within fourteen days of the date of the last Committee action, an answer to each count in the Statement not dismissed by the Committee.

(c) Failure to submit, within the applicable time period, an answer to a count of a Statement which has not been dismissed by the Committee shall constitute an admission to the violation alleged in the count.

(d) The Chairman, in his discretion, may extend any time limitation imposed by clause (a) or (b) if he determines that the extension would facilitate a fair and complete inquiry and may shorten any such time limitation if he determines that there are special circumstances which require the shortening of such time limitation.

(e)(1) As soon as practicable after the expiration of all applicable time limitations for action under clauses (a) and (b) respecting a Statement of Alleged Violation, the Committee shall act, by the vote of a majority of the members of the Committee, to—

(A) hold a disciplinary hearing on the violation charged in the Statement, or

(B) defer action on the Statement but only if there is a judicial proceeding pending.

Failure to achieve a vote of the majority of the members of the Committee on a motion to take any action described in subparagraph (A) or (B) shall constitute dismissal of the Statement.

(2) The respondent to a Statement of Alleged Violation shall be notified in writing of action taken under paragraph (1) by the Committee respecting the Statement.

Inquiries on the Committee's Initiative

Rule 13. Notwithstanding the absence of a complaint filed with the Committee under rule 10 of the Committee rules, the staff of the Committee shall present to it any evidence available to the staff reasonably indicating that any Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to his conduct in the performance of his duties or in the discharge of his responsibilities. If the Committee determines that the evidence presented by the staff of an alleged violation merits further inquiry, the Committee shall, in accordance with rule 11 (a) of the Committee rules, conduct a preliminary inquiry to determine whether such violation occurred. Rules 11 and 12 of the Committee rules shall apply to further proceedings respecting such alleged violation.

Committee Action After Criminal Convictions

Rule 14. If a Member, officer, or employee of the House is convicted in a Federal, State, or local court of a criminal offense for which a sentence of a term of imprisonment of at least one year may be imposed, the Committee shall conduct, in accordance with rule 11(a) of the Committee rules, a preliminary inquiry to review the evidence of such offense and to determine whether it constitutes a violation over which the Committee is given jurisdiction under clause 4(e) of Rule X of the Rules of the House of Representatives. If on the basis of the report of the Committee staff on the preliminary inquiry the Committee determines that an offense was committed over which the Committee has jurisdiction under such clause, the Committee shall notify the Member, officer, or employee of its determination and shall hold a disciplinary hearing for the sole purpose of determining what action to recommend to the House respecting such offense. Such hearing shall be held in accordance with the requirements of rule 16 of the Committee rules applicable to the second phase of a disciplinary hearing and any recommendation made by the Committee shall be made in accordance with rule 17 of the Committee rules.

Definition

RULE 15. For purposes of this subpart and subpart B, the term "respondent" means a Member, officer, or employee of the House who is charged in a complaint filed with the Committee under rule 10 of the Committee rules or who is charged in a Statement of Alleged Violation transmitted under rule 12 of the Committee rules.

Subpart B—Disciplinary hearings

Disciplinary Hearings

RULE 16. (a) A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining whether or not the counts in the Statement have been proved. The second phase shall be for the purpose of determining what action to recommend to the House with respect to any count found to have been proved.

(b) At a disciplinary hearing the Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other things as it deems necessary. Depositions, interrogatories, and sworn statements taken under Committee direction may be accepted into the Committee record. The procedures set forth in clause 2(k) of Rule XI of the Rules of the House of Representatives shall apply to disciplinary hearings.

(c) Prior to setting a date for a disciplinary hearing and issuing subpoenas for witnesses, the Committee shall resolve the scope and purpose of the hearing. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearing the Committee may expand or contract the scope in light of evidence received.

(d)(1) The order of phase one of a disciplinary hearing shall be as follows:

(A) The Chairman shall open the hearing by stating the Committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

(B) Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order whenever possible: (i) witnesses and other evidence offered by the Committee staff, (ii) witnesses and other evidence offered by the respondent, and (iii) rebuttal witnesses.

(C) Witnesses at a hearing shall be examined first by the Committee counsel or authorized staff member. The Committee members may then question the witnesses under the five-minute rule. The respondent or his counsel may then cross-examine the witnesses. Redirect and recross may be permitted in the Chairman's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel, and then may be cross-examined by Committee counsel or authorized staff member. Committee members may then question the witness under the five-minute rule. Redirect and recross may be permitted in the Chairman's discretion.

(2) Testimony of all witnesses shall be taken under oath. The form of the oath shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?" The oath shall be administered by the Chairman or Committee member designated by him to administer oaths.

(e) At a disciplinary hearing the burden of proof rests on the staff with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that it introduces.

(f) Phase two of a disciplinary hearing shall consist of oral and/or written submission by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to any count of the Statement of Alleged Violation which has been proved. Testimony by witnesses will not be heard at phase two except by a vote of a majority of the Committee.

Recommendations

RULE 17. (a)(1)(A) As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement of Alleged Violation, the Committee shall consider each count contained in the Statement and with respect to each count as originally drawn or as amended shall vote on a motion that the count has been proved. A count shall not be proved unless at least a majority of the Committee vote for a motion that the count has been proved. A count which is not proved shall be considered as dismissed by the Committee.

(B) If the Committee votes that a count has been proved, the Committee may upon completion of the second phase of the disciplinary hearing, by a majority vote of the Committee, consider and vote on a motion that a recommendation be made to the House for appropriate action respecting the violation charged in such count.

(2) If in a vote taken under paragraph (1)(A) respecting a count a majority of the Committee does not vote that the count has been proved, a motion to reconsider that vote may only be made by a Member who voted that the count was not proved. If in a vote taken under paragraph (1)(B) to adopt a recommendation to the House respecting a violation charged in a count a majority of the Committee does not vote in favor of the recommendation, a motion to reconsider that vote may only be made by a Member who voted against the recommendation.

(b)(1) With respect to any violation with which a Member of the House was charged in a count which the Committee has voted as proved, the Committee may include in its recommendation to the House one or more of the following sanctions:

(A) Expulsion from the House.

(B) Censure.

(C) Reprimand.

(D) Fine.

(E) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House may impose such denial or limitation.

(F) Any other sanction determined by the Committee to be appropriate.

(2) With respect to any violation with which an officer or employee of the House was charged in a count which which the Committee has voted as proved, the Committee may include in its recommendation to the House one or more of the following sanctions:

(A) Dismissal from employment.

(B) Fine.

(C) Any other sanction determined by the Committee to be appropriate.

(c)(1) The purpose of this clause is to inform the Members of the House of Representatives as to the general guidelines the Committee considers appropriate for determining which, if any, sanctions to recommend to the House respecting violations proved in a disciplinary hearing. This clause does not limit the authority of the Committee to make or not to make recommendations for such sanctions.

(2) For technical violations, the Committee may direct that the violation be reported to the House without a recommendation for a sanction.

(3) With respect to the sanctions which the Committee may determine to include in a recommendation to the House respecting a violation, reprimand is appropriate for serious violations, censure, is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity.

(d) The Committee report accompanying a recommendation to the House adopted by the Committee under clause (a)(1)(B) respecting a violation charged in a count shall contain a brief but complete statement of the evidence which supported the finding as to that count and a brief statement of the Committee's reasons for the recommendation.

Disclosure of Evidence

RULE 18. Upon the request of a respondent, the Committee may permit the respondent to inspect, copy, or photograph books, papers, documents, photographs, or other tangible objects which the Committee intends to use as evidence against the respondent in a disciplinary hearing and which are material to the preparation of the defense of the respondent.

Subpart C—Evidence and Witnesses

Exculpatory Information

RULE 19. If the Committee at any time receives any exculpatory information respecting a Statement of Alleged Violation against a Member, officer, or employee of the House of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct, it shall make such information available to such Member, officer, or employee.

Admissibility of Evidence

RULE 20. (a) Any evidence that is relevant and probative shall be admissible in any hearing of the Committee, unless the evidence is privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

(b) The Chairman or other Member presiding at a hearing shall rule upon any question of admissibility at the hearing of testimony or evidence presented to the Committee. The Chairman or other Member presiding may limit the presentation of repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members present.

Witnesses

RULE 21. (a) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel should he so desire.

(b) Except as otherwise specifically authorized by the Chairman, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before the date of his schedule appearance.

(c) Witnesses at hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to procedures or to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument with the committee. After a witness has testified, his counsel may submit to the Committee, in writing, any questions he wishes propounded to his client and any request for additional witnesses or other evidence. Such request may be granted at the Committee's discretion.

(d) The respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon a concise showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(e) Each witness subpoenaed by the Committee may sign appropriate vouchers for travel allowances and attendance fees, which may be obtained from the Committee staff.

(f) Each witness appearing before the Committee shall be furnished a printed copy of the rules of the Committee and the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. FAWELL) to revise and extend his remarks and include extraneous material:)

Mr. LOTT, for 60 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. DERRICK, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, today.

Mr. BROWN of California, for 60 minutes, on February 26.

Mr. OWENS of New York, for 15 minutes, today.

Mr. WYDEN, for 15 minutes, today.

Mr. ALEXANDER, for 60 minutes, today.

(The following Member (at the request of Mr. ESPY) to revise and extend his remarks and include extraneous material:)

Mr. COYNE, for 60 minutes, on February 26.

(The following Member (at the request of Mr. WYDEN) to revise and extend his remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, on February 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FAWELL) and to include extraneous matter:)

Mr. DANNEMEYER in three instances.
Mr. CRANE in six instances.
Mr. MILLER of Washington.
Mr. FRENZEL.
Mr. MADIGAN.
Mr. LENT.
Mr. FIELDS.
Mr. GILMAN in two instances.
Mr. DIOGUARDI.
Mr. HUNTER.
Mr. BADHAM.
Mr. BROOMFIELD.
Mr. COURTER.
Mr. GEKAS.
Mr. MICHEL.
Mr. GUNDERSON.
Mr. GRADISON.
Mr. LIGHTFOOT.
Mr. COUGHLIN.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. GUARINI.
Mr. SOLARZ.
Mr. MRAZEK.
Mrs. LLOYD.
Mr. TALLON.
Mr. HOYER in two instances.
Mr. DELLUMS in two instances.
Mr. MCHUGH.
Mr. BEILENSON in two instances.
Mr. LELAND.
Mrs. BYRON.
Mr. HAMILTON.
Mr. FLORIO.
Mr. RICHARDSON in two instances.
Mr. CARDIN.
Mr. YATRON.
Mr. SMITH of Florida.
Mr. DYSON.
Mr. GORDON.
Mr. MORRISON of Connecticut.
Mr. MOAKLEY.
Mr. GRAY of Illinois.

ADJOURNMENT

Mr. WYDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, February 26, 1987, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

671. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o), to the Committee on Government Operations.

672. A letter from the Director, Federal Emergency Management Agency, transmitting the agency's report on its activities under the Freedom of Information Act during the calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

673. A letter from the Acting Administrator, Panama Canal Commission, transmitting the Commission's report on its activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

674. A letter from the Secretary of the Interior, transmitting the 1986 annual report on research and demonstration projects in alternative coal mining technologies, pursuant to 30 U.S.C. 1211(f), 1267(g), 1295; to the Committee on Interior and Insular Affairs.

675. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the annual report of the Chief of Engineers for fiscal year 1984; to the Committee on Public Works and Transportation.

676. A letter from the Executive Secretary, Office of the Secretary of Defense; transmitting the report on Department of Defense procurement from small and other business firms for fiscal year 1986, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

677. A letter from the the United States Trade Representative, transmitting a draft of proposed legislation to provide authorization for the Office of the United States Trade Representative for fiscal years 1988 and 1989, pursuant to 31 U.S.C. 1110; to the Committee on Ways and Means.

678. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a copy of the monetary policy report for 1987, pursuant to 12 U.S.C. 225a; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

679. A letter from the Secretary of Energy, transmitting comprehensive reports on the first two projects negotiated under the Department of Energy's [DOE] Clean Coal Technology Demonstration Program, pursuant to Public Law 99-190; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space and Technology.

680. A letter from the Secretary of Energy, transmitting the 1987 annual report that provides a description of 1986 accomplishments and planned activities for 1987

and 1988 at the western New York Nuclear Service Center near West Valley, NY, pursuant to 42 U.S.C. 2021a nt.; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science, Space and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WOLPE (for himself, Ms. Kaptur, Mr. Ackerman, Mr. Akaka, Mr. Atkins, Mr. Bevill, Mr. Bruce, Mr. Bryant, Mr. Bustamante, Mr. Dellums, Mr. Dorgan of North Dakota, Mr. Edwards of California, Mr. English, Mr. Evans, Mr. Frank, Mr. Gray of Illinois, Mr. Gray of Pennsylvania, Mr. Hertel, Mr. Lipinski, Mr. Martinez, Mr. Miller of California, Mr. Neal, Ms. Oakar, Mr. Oberstar, Mr. Porter, Mr. Robinson, Mr. Savage, Mr. Skelton, Mr. Torricelli, Mr. Udall, Mr. Vento, Mr. Walgren, Mr. Weiss, and Mr. Cooper):

H.R. 1231. A bill to amend chapter 11 of title 18, United States Code, to prohibit the President, the Vice President, certain other former Federal civilian and military personnel, and Members of Congress from representing or advising foreign persons for a period of 4 years after leaving Government service, and for other purposes; to the Committee on the Judiciary.

By Mr. ACKERMAN:

H.R. 1232. A bill to provide for the adjustment of immigration status of certain nationals of Afghanistan in the United States; to the Committee on the Judiciary.

By Mr. BEILENSON (for himself, Mr. Atkins, Mrs. Collins, Mr. Frank, Mr. Jacobs, Mrs. Johnson of Connecticut, Mr. Levine of California, Mr. Scheuer, and Mr. Vento):

H.R. 1233. A bill to amend the Internal Revenue Code of 1986 to increase the tax on cigarettes to 40 cents per pack, and to provide annual adjustments to the rate of such tax based on increases in the cost of living; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 1234. A bill to amend the Communications Act of 1934 to establish an Office of Ethnic and Minority Affairs within the Federal Communications Commission; to the Committee on Energy and Commerce.

By Mr. BIAGGI (for himself, Mr. Jones of North Carolina, Mr. Davis of Michigan, Mr. Lent, Mrs. Bentley, and Mr. Wyden):

H.R. 1235. A bill to provide benefits to merchant seamen who served in the U.S. Merchant Marine during World War II; jointly, to the Committee on Veterans' Affairs and Merchant Marine and Fisheries.

By Mr. BURTON of Indiana:

H.R. 1236. A bill to amend section 1127 of the Food Security Act of 1985 to modify the export incentive program created by that section; jointly, to the Committee on Agriculture and Foreign Affairs.

By Mr. BURTON of Indiana (by request):

H.R. 1237. A bill to amend the joint resolution of June 22, 1942, to provide for the reading of a tribute to the flag before the Pledge of Allegiance; to the Committee on Judiciary.

By Mr. CONYERS:

H.R. 1238. A bill to amend title 18, United States Code, to provide penalties for insider trading of securities and related conduct; to the Committee on Judiciary.

By Mr. DANNEMEYER:

H.R. 1239. A bill to amend the Clean Air Act to promote competitiveness in the motor vehicle aftermarket and to preserve consumer freedom of choice to select parts and service, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DioGUARDI:

H.R. 1240. A bill to repeal the provision of the Tax Reform Act of 1986 which disallowed the treatment of certain technical personnel as self-employed individuals; to the Committee on Ways and Means.

By Mr. DioGUARDI (for himself, Mr. Boulter, Mr. Barnard, Mrs. Bentley, Mr. Buechner, Mr. Crane, Mr. Dornan of California, Mr. Inhofe, Mr. Kasich, Mr. Lagomarsino, and Mr. Mack):

H.R. 1241. A bill to establish the Office of the Chief Financial Officer of the United States in the Executive Office of the President to direct and coordinate Federal financial management, and to establish an Officer of the Assistant Secretary for Financial Management within each executive department and an Office of the Controller in each executive agency; to the Committee on Government Operations.

By Mr. DORGAN of North Dakota:

H.R. 1242. A bill to require retailers to collect sales and use taxes on interstate sales and to amend the Internal Revenue Code of 1986 to require such retailers to file information returns with the Internal Revenue Service for the purpose of assisting States in the collection of such taxes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. DOWNEY of New York:

H.R. 1243. A bill to provide for the negotiation of certain miscellaneous tariff agreements with the Government of Canada; to the Committee on Ways and Means.

By Mr. DYMALLY (for himself, Mr. Blaz, Mr. Fauntroy, Mr. Owens of New York, Mr. Lagomarsino, Mr. Anderson, Mr. Fazio, Mr. Matsui, Mr. Martinez, Mr. Leland, Mr. Sunia, Mr. Akaka, Mr. Stokes, Mr. Gray of Pennsylvania, Mr. Savage, Mr. Towns, Mr. Mfume, Mr. Edwards of California, Mr. Mineta, Mr. Torres, Mrs. Boxer, and Mr. Solomon):

H.R. 1244. A bill to permit the naturalization of certain Filipino war veterans; to the Committee on the Judiciary.

By Mr. MICHEL (for himself, Mr. Lott, Mrs. Martin of Illinois, Mr. Vander Jagt, Mr. Duncan, Mr. Lent, Mr. Gradison, Mr. Madigan, Mr. Fish, Mr. Quillen, Mr. Rinaldo, Mr. Coats, Mrs. Roukema, Mr. Schulze, Mr. Thomas of California, Mr. Tauke, Mr. Whittaker, Mr. Stangeland, Mr. Chandler, Mr. Boehlert, Mr. Hiler, Mr. Gunderson, Mr. Henry, Mrs. Bentley, Mr. Bliley, and Mr. Shaw):

H.R. 1245. A bill to provide Medicare catastrophic illness coverage, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. FASCELL (for himself, and Mr. MacKay):

H.R. 1246. A bill to amend the Perishable Agricultural Commodities Act, 1930, to require commission merchants, dealers, and brokers to label perishable agricultural commodities with the name of the country of origin of such commodities; to the Committee on Agriculture.

By Mr. FOLEY:

H.R. 1247. A bill to amend the Saccharin Study and Labeling Act to extend the moratorium on the authority of the Secretary of Health and Human Services with respect to saccharin to May 1, 1990; to the Committee on Energy and Commerce.

By Mr. GLICKMAN (for himself, Mrs. Kennelly, Mr. Edwards of California, Mr. Schumer, Mr. Berman, Mr. Bryant, Mr. Weldon, Mr. Bilbray, Mr. Vento, Mr. Manton, Mr. Stokes, Mr. Roe, Mr. DioGuardi, Mr. Traficant, Mr. Atkins, Mr. Solarz, Mr. Mrazek, Mr. Bustamante, Mr. Lehman of Florida, Mr. Petri, Mr. Green, Mr. Hayes of Illinois, Mrs. Collins, Mr. Towns, Mr. Lipinski, Mr. Scheuer, Mr. Borski, Mr. Biaggi, Mr. Dwyer of New Jersey, and Mr. Levin of Michigan):

H.R. 1248. A bill to impose criminal penalties for damage to religious property and for injury to persons in the free exercise of religious beliefs and to provide for the collection of data about crimes motivated by racial, religious, or ethnic hatred; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself, Mrs. Kennelly, Mr. Edwards of California, Mr. Fish, Mr. Frank, Mr. Hyde, Mr. Schumer, Mr. Bryant, Mr. Berman, Mr. Waxman, Mr. Levine of California, Mr. Bilbray, Mr. Vento, Mr. Owens of New York, Mrs. Boxer, Mr. Manton, Mr. Stokes, Mr. Roe, Mr. DioGuardi, Mr. Traficant, Mr. Campbell, Mr. Hawkins, Mr. Atkins, Mr. Young of Florida, Mr. Solarz, Mr. Mrazek, Mr. Wortley, Mr. Bustamante, Mr. Lehman of Florida, Mr. Petri, Mr. Green, Mr. Levin of Michigan, Mr. Hayes of Illinois, Mr. Jacobs, Mrs. Collins, Mr. McGrath, Ms. Kaptur, Mr. Oberstar, Mr. Fauntroy, Mr. Wheat, Mr. Dwyer of New Jersey, Mr. Scheuer, Mr. Towns, Mr. Martinez, Mr. Lipinski, Mr. Saxton, Mrs. Martin of Illinois, Mr. Frost, Mr. Borski, Mr. Dornan of California, Mr. Biaggi, Mr. Torricelli, Mrs. Bentley, and Mr. Weldon):

H.R. 1249. A bill to amend chapter 13 of title 18, United States Code, to impose criminal penalties for damage to religious property and for injury to persons in the free exercise of religious beliefs; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. Hall of Ohio, and Mr. Wolf):

H.R. 1250. A bill to suspend most-favored-nation treatment to the products of Romania until that country recognizes and protects fundamental human rights, and for other purposes; jointly, to the Committees on Ways and Means and Rules.

By Mr. GRAY of Illinois:

H.R. 1251. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. GREGG (for himself, Mr. Smith of New Hampshire, Mr. Petri, Mr. Roth, Mr. Stangeland, and Ms. Snowe):

H.R. 1252. A bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes; jointly, to the Committees on Energy and Commerce, and Interior and Insular Affairs.

By Mr. HUCKABY:

H.R. 1253. A bill to assist the Secretary of Agriculture and the U.S. rice industry in their efforts to promote U.S. rice exports; and for other purposes; to the Committee on Ways and Means.

By Mr. KASICH:

H.R. 1254. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for employers which provide onsite day care services for dependents of their employees, to the Committee on Ways and Means.

By Mrs. KENNELLY (for herself and Mr. Matsui):

H.R. 1255. A bill to amend title IV of the Social Security Act to replace the existing AFDC Program with a new and substantially revised assistance program which will more effectively serve to reduce poverty among children and their families, promote self-sufficiency, and strengthen family life; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 1256. A bill to amend the Native American Programs Act of 1974 to authorize appropriations for fiscal years 1988 through 1990, and for other purposes; to the Committee on Education and Labor.

By Mr. KLECZKA:

H.R. 1257. A bill to nullify the recent increases in certain executive, legislative, and judicial salaries; to the Committee on Post Office and Civil Service.

By Mr. LANTOS:

H.R. 1258. A bill to amend title 10, United States Code, to provide military retired pay to certain persons who were members of the U.S. merchant marine during World War II; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

By Mr. LEATH of Texas (for himself, Mr. Montgomery, Mr. Solomon, Mr. Burton of Indiana, and Mr. McEwen):

H.R. 1259. A bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Inc.; to the Committee on the Judiciary.

By Mr. LOWRY of Washington:

H.R. 1260. A bill to establish a program for the exploration for and commercial recovery of hard mineral resources on those portions of the seabed subject to the jurisdiction and control of the United States; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. MATSUI:

H.R. 1261. A bill relating to the tariff treatment of certain telescopes not designed for use with infrared light; to the Committee on Ways and Means.

H.R. 1262. A bill relating to the tariff treatment of Chinese gooseberries (kiwifruit); to the Committee on Ways and Means.

H.R. 1263. A bill to implement the United States-European Communities Agreement on Citrus and Pasta; to the Committee on Ways and Means.

By Mr. MORRISON of Connecticut:

H.R. 1264. A bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who became eligible for benefits before 1979; and to remove the ceiling on the amount of an individual's income which can be taken into account in computing his or her benefits and in determining his or her liability for social security taxes; to the Committee on Ways and Means.

By Mr. PANETTA (for himself and Mr. de la Garza):

H.R. 1265. A bill to improve the administration of the Department of Agriculture commodity distribution activities, and for other purposes to the Committee on Agriculture.

By Mr. RICHARDSON (for himself Mr. Mrazek, Mr. Leach of Iowa, Mr. Pepper, Mr. Akaka, Mr. Dorgan of North Dakota, Mr. Dymally, Mr. Lewis of California, Mr. Kostmayer, Mr. McHugh, Mr. Bateman, and Mr. Towns):

H.R. 1266. A bill to provide for a 2-year pilot program in the Peace Corps for the purpose of providing, and training foreign nationals to provide, health care services in two host countries; to the Committee on Foreign Affairs.

By Mr. SCHUMER:

H.R. 1267. A bill to amend the Truth in Lending Act to establish a limitation on the rates on credit card accounts, to provide that such limitation shall take effect on October 1, 1988, unless the determination is made that such rates reflect the cost of funds to creditors and competition among creditors for new credit card accounts, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WATKINS:

H.R. 1268. A bill to amend the Federal Deposit Insurance Act to allow insured banks to amortize losses on agricultural loans over a 10-year period and losses on other loans over a 5-year period; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLARZ:

H.R. 1269. A bill to amend title 10, United States Code, to authorize members of the Armed Forces to wear certain items of religious apparel while in uniform; to the Committee on Armed Services.

By Mr. STOKES (for himself, Mr. Fazio, Mr. Sunia, Ms. Oakar, Mr. Bennett, Mr. Bryant, Mrs. Collins, Mr. Boner of Tennessee, Mr. Fauntroy, Mr. Clay, Mr. Daniel, Mr. Mfume, Mr. Erdreich, Mr. Horton, Mr. Lagomarsino, Mr. Barnard, Mr. Martinez, Mr. Scheuer, Mrs. Bentley, Mr. Beilenson, Mr. Harris, Mr. Levin of Michigan, Mr. Inhofe, Mr. Hayes of Illinois, Mr. Hatcher, Mrs. Patterson, Mrs. Boxer, Mr. Biaggi, Mr. Jenkins, Mr. McKinney, Mr. Gray of Pennsylvania, Mr. Campbell, Mr. Upton, Mr. Bevill, Mr. Weiss, Mr. Howard, Mr. Roe, Mr. Thomas A. Luken, Mr. Crockett, Mr. Savage, Mr. Lipinski, Mr. Frost, Mr. Towns, Mr. Espy, Mr. Lewis of Geogia, Mr. Dymally, Mr. Hawkins, Mr. Dwyer of New Jersey, Mr. Owens of New York, Mr. Hutto, Mr. Sawyer, Mr. Garcia, Mr. Edwards of Oklahoma, and Mr. Sabo):

H.R. 1270. A bill to award a congressional gold medal to Mrs. Jesse Owens; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SUNDQUIST:

H.R. 1271. A bill to establish a Department of Trade, and for other purposes; to the Committee on Government Operations.

By Mr. SYNAR (for himself, Mr. Waxman, Mr. Scheuer, Mr. Whittaker, Mr. Nielson of Utah, Mr. Markey, Mr. Swift, Mr. Wyden, Mrs. Collins, Mr. Bates, Mr. Lowry of Washington, Mr. Stratton, Mrs. Boxer, Mr. Mrazek, Mr. Wilson, Mrs. Johnson of Connecticut, Mr. Solarz, Mr. Atkins, Mr. Dellums, Mr. Hutto, Mr. Young of Florida, Mr. Fauntroy, Mr. Lehman of Florida, Mr. Hansen, and Mr. Shumway):

H.R. 1272. A bill to amend the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986 respecting the advertising of tobacco products and for other purposes; to the Committee on Energy and Commerce.

By Mr. TALLON:

H.R. 1273. A bill to repeal the restrictions added by the Tax Reform Act of 1986 on the deduction for retirement savings; to the Committee on Ways and Means.

By Mr. FAZIO (for himself, Mr. Bevill, Mr. Boner of Tennessee, Mr. Crockett, Mr. Levin of Michigan, Mr. Gray of Illinois, Mr. Jeffords, Mr. Kostmayer, Mr. Levine of California, Mr. Mrazek, Mr. Scheuer, Mr. Roe, Mrs. Roukema, and Mr. Smith of Florida):

H.J. Res. 157. Joint resolution designating the week of April 26, 1987, through May 2, 1987, as "Hemochromatosis Awareness Week;" to the Committee on Post Office and Civil Service.

By Mr. FAZIO (for himself, Mr. Annunzio, Mr. Atkins, Mr. Boner of Tennessee, Mr. Dyson, Mr. Evans, Mr. Gray of Illinois, Mr. Kostmayer, Mr. Lagomarsino, Mr. Levine of California, Mr. Mrazek, Mr. Roe, Mrs. Roukema, Mr. Rowland of Connecticut, Mr. Scheuer, Mr. Smith of Florida, Mr. Solarz, Mr. Stratton, Mr. Valentine, Mr. Wolf, Mr. Levin of Michigan, Mr. de la Garza, and Mr. Jeffords):

H.J. Res. 158. Joint resolution designating the month of May 1987 as "National Asthma and Allergy Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. HERTEL:

H.J. Res. 159. Joint resolution to designate June 14, 1987, as "Baltic Freedom Day," and for other purposes; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

By Mr. GUARINI:

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that the President should seek the support of other nations for the establishment of an International Office of Diplomatic Security within the Secretariat of the United Nations; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself and Mr. Quillen):

H. Res. 99. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Rules in the first session of the 100th Congress; to the Committee on House Administration.

By Mr. LOTT:

H. Res. 100. Resolution to amend the Rules of the House of Representatives to make the committee system more manageable, accountable and effective by reducing subcommittees, subcommittee assignments, and staff sizes; eliminating the joint referral of bills, proxy voting and one-third quorums; restoring equitable party ratios and systematic oversight; and making committee documents more accurate and representative; to the Committee on Rules.

By Mr. FOLEY:

H. Res. 101. Resolution establishing the Commission on the United States House of Representatives Bicentenary; considered and agreed to.

By Mrs. BOXER:

H. Res. 102. Resolution providing that the U.S. Navy should not deploy nuclear weapons on surface ships; to the Committee on Armed Services.

By Mr. DIXON:

H. Res. 103. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Standards of Official Conduct in the 1st session of the 100th Congress; to the Committee on House Administration.

By Mr. HOWARD (for himself and Mr. Hammerschmidt):

H. Res. 104. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Public Works and Transportation in the 1st session of the 100th Congress; to the Committee on House Administration.

By Mr. LeLAND:

H. Res. 105. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Hunger in the 1st session of the 100th Congress; to the Committee on House Administration.

By Mr. ROYBAL:

H. Res. 106. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Aging in the 1st session of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SOLARZ:

H.R. 1274. A bill to extend the patent numbered 3,387,268, "Quotation Monitoring Unit," for a period of 10 years; to the Committee on the Judiciary.

By Mr. DARDEN:

H.R. 1275. a bill for the relief of Joyce G. McFarland; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. Studds, Mr. Bevill, Mrs. Bentley, Mr. Lehman of California, Mr. Hayes of Illinois, Mr. Williams, Mrs. Lloyd, Mr. Garcia, Mr. Towns, Mr. Hughes, Mr. Martinez, and Mr. Visclosky.

H.R. 67: Mr. Ackerman, Mr. Mfume, Mr. Garcia, and Mr. Gephardt.

H.R. 121: Mr. Spence, Mr. Clay, Mr. Weldon, Mr. Nielson of Utah, and Mr. Young of Alaska.

H.R. 134: Mr. Feighan.

H.R. 177: Mr. Espy, Mr. Frank, Mr. Feighan, and Mrs. Roukema.

H.R. 178: Mr. Frank.

H.R. 179: Mr. Feighan and Mr. Frank.

H.R. 180: Mr. Frank.

H.R. 181: Mr. Feighan and Mr. Frank.

H.R. 198: Mr. Kolter.

H.R. 199: Mr. Kolter.

H.R. 201: Mr. Kolter.

H.R. 240: Mr. Skeen, Mr. Volkmer, Mr. Watkins, Mr. Schaefer, and Mr. Campbell.

H.R. 247: Mr. Davis of Illinois.

H.R. 261: Mr. Sawyer, Mr. Downey of New York, Mr. Howard, Mr. Hawkins, Mr. Skaggs, Mr. DioGuardi, Mr. Bennett, Mr. Biaggi, Mr. Vento, Mr. Porter, and Mr. Morrison of Connecticut.

H.R. 286: Mr. Biaggi.

H.R. 287: Mr. Feighan and Mr. Frank.

H.R. 288: Mr. Frank.

H.R. 289: Mr. Feighan and Mr. Frank.

H.R. 290: Mr. Frank.

H.R. 308: Mr. Coleman of Texas, Mr. Brooks, Mr. Frost, Mr. Torricelli, and Mr. Leland.

H.R. 309: Mr. Wilson, Mr. Coleman of Texas, Mr. Petri, Mr. Dowdy of Mississippi, Miss Schneider, Mr. McCurdy, and Mr. Edwards of Oklahoma.

H.R. 310: Mr. Coleman of Texas.

H.R. 348: Mr. Mfume.

H.R. 378: Mr. Bustamante.

H.R. 434: Mr. Herger.

H.R. 459: Mr. Hughes and Mr. Levin of Michigan.

H.R. 461: Mr. Martinez.

H.R. 543: Mr. Hochbrueckner, Mr. Clay, Mr. Roe, Mr. LaFalce, Mr. Hall of Ohio, and Mr. Mineta.

H.R. 596: Mr. Craig.

H.R. 653: Mr. Yatron and Mr. Staggers.

H.R. 654: Mr. Frank, Mrs. Collins, Mr. Conyers, and Mr. Solarz.

H.R. 661: Mr. Penny.

H.R. 681: Mr. Kolter.

H.R. 692: Mr. Henry, Mr. Smith of Florida, Mrs. Bentley, Mr. Weber, Mr. Thomas of Georgia, Mr. Boehlert, Mr. Petri, Mr. Goodling, Mr. Jeffords, Mr. Saxton, Mr. MacKay, Mr. Eckart, and Mr. Hayes of Illinois.

H.R. 693: Mrs. Patterson.

H.R. 722: Mr. Brennan.

H.R. 738: Mr. Dixon, Ms. Kaptur, Mr. Mfume, Mr. Mineta, and Mr. Levin of Michigan.

H.R. 778: Mr. Gilman, Mrs. Saiki, Mr. Richardson, and Mr. Dixon.

H.R. 779: Mr. Rahall, Mr. Bryant, Mr. Weiss, Mr. Hochbrueckner, Mr. DeFazio, and Mr. Richardson.

H.R. 786: Ms. Kaptur, Mr. Prince of Illinois, Mr. Boulter, Mr. Bilirakis, Mr. Young of Alaska, Mr. Burton of Indiana, Mr. Shumway, Mr. Craig, Mr. Clinger, and Mr. Goodling.

H.R. 796: Mr. Mfume, Mr. Bevill, Mr. Frank, and Mr. Espy.

H.R. 799: Mr. Owens of New York, Mr. Weiss, Mr. Wolpe, Mr. Fish, and Mr. Thomas of Georgia.

H.R. 809: Mr. Kolter, Mr. Roberts, Mr. Gunderson, and Mr. McEwen.

H.R. 810: Mr. Crockett, Mr. Dyson, Mr. Martinez, Mr. Gray of Illinois, Mr. Hertel, and Mr. Fuster.

H.R. 819: Mr. Beilenson, Mr. Hawkins, and Mr. Levine of California.

H.R. 900: Mr. Coelho, Mr. Murphy, Mr. Lehman of California, Mr. Darden, Mr. Kildee, and Mr. Gejdenson.

H.R. 905: Mr. Gray of Illinois, Mr. Traxler, Mrs. Bentley, Mr. Hertel, Mr. Biaggi, Mr. Crockett, Mr. Kildee, Mr. Savage, and Mr. Martinez.

H.R. 910: Mr. Stallings, Mrs. Collins, Mr. DeWine, Mr. Howard, Mr. Beilenson, Mr. Sikorski, Mr. Kastenmeier, Mr. Glickman, Mr. Stark, Mr. Matsui, Mr. Dicks, Mr. Hayes of Illinois, Mr. Donnelly, Mr. Jacobs, Mr. Udall, Mr. Swindall, Mr. Petri, Mr. Hamilton, Mr. Mavroules, Mr. Schumer, Mr. Owens of New York, Mr. Garcia, Mr. Espy, Mr. Anderson, Mr. Mfume, Mr. Williams, Mr. Wyden, Mr. Crockett, Mr. Miller of California, Mr. Rangel, Mr. Sawyer, Mr. Sabo, Mr. Dwyer of New Jersey, Mr. Akaka, Mr. Atkins, Mr. Craig, and Mr. Hochbrueckner.

H.R. 933: Mr. Levine of California, Mr. Garcia, Mr. Kostmayer, Mr. Yates, and Mr. Towns.

H.R. 966: Mr. Johnson of South Dakota, Mr. Synar, and Mr. Rowland of Georgia.

H.R. 975: Mr. Morrison of Connecticut, Mr. Fuster, Mr. Walgren, Mr. Levin of Michigan, Mr. Beilenson, Mr. Smith of Florida, Mr. Towns, Mr. Rodino, Mr. Owens of New York, Mr. Solarz, Mr. Crockett, Mr. Stark, Mr. Mineta, Mr. Hawkins, Mr. Lehman of Florida, Mr. Green, Mr. Fascell, Mr. Sawyer, Miss Schneider, Mr. Torricelli, Mr. Berman, and Mr. Ackerman.

H.R. 1002: Mrs. Roukema and Mr. Scheuer.

H.R. 1063: Mr. Bereuter.

H.R. 1069: Mr. Clinger, Mr. Savage, Mr. Moorhead, Mr. Garcia, Mr. Dwyer of New Jersey, Mr. Porter, and Mr. Edwards of Oklahoma.

H.R. 1073: Mr. Bustamante, Mr. Clay, Mr. Lantos, Mr. Martinez, and Mrs. Boxer.

H.R. 1085: Mr. Torricelli, Mr. Bartlett, Mr. Swift, and Mr. Hamilton.

H.R. 1115: Mr. Glickman.

H.R. 1119: Mr. Bustamante, Mr. Hall of Ohio, Mr. Garcia, Mr. Downey of New York, and Mr. Green.

H.R. 1170: Mr. Downey of New York, Mr. McKinney, Mrs. Boxer, Mr. Sabo, Mr. Studds, Mr. Martinez, Mr. Morrison of Connecticut, Mr. Frenzel, and Mr. Crockett.

H.R. 1178: Mr. Savage, Mr. Rose, Mr. Edwards, of Oklahoma, and Mr. Solomon.

H.J. Res. 48: Mr. Roberts, Mr. Lipinski, Mr. DeLay, Mr. Madigan, Mr. Rogers, Mr. Henry, Mr. Young of Florida, Mr. Baker, Mr. Regula, Mr. Coleman of Missouri, Mrs. Bentley, Mr. Weber, Mr. Lowery of California, Mr. Courter, Mr. Upton, Mr. Hastert, Mr. Packard, Mr. Denny Smith, Mr. Dreier of California, Mr. Bliley, Mr. Oxley, Mr. Combest, Mr. DioGuardi, Mr. Bateman, Mr. Hiler, Mr. Hughes, Mr. Emerson, Mr. Gradison, Mr. Badham, Mr. Goodling, Mr. Davis of Illinois, Mr. Moorehead, Mrs. Johnson of Connecticut, Mr. Inhofe, Mr. Barton of Texas, Mr. Edwards of Oklahoma, Mr. Clinger, Mr. Porter, Mr. Crane, Mr. Kolbe, Mr. Swindall, Mr. Fields, Mr. Hunter, Mr. Kemp, Mr. McEwen, and Mr. Young of Alaska.

H.J. Res. 62: Mr. Dornan of California and Mr. Nielson of Utah.

H.J. Res. 98: Mr. Price of Illinois, Mr. Richardson, Mr. Russo, Mr. Thomas Luken, Mr. Applegate, Mr. Cardin, Mr. Sawyer, Mr. Weldon, and Mr. Tallon.

H.J. Res. 100: Mr. Clarke, Mr. Dymally, Mr. Kolbe, Mr. Darden, Mr. Nelson of Florida, and Mr. Swindall.

H.J. Res. 104: Mr. Roemer.

H.J. Res. 111: Mr. Coleman of Missouri, Mr. Rahall, Mr. Gray of Illinois, Mr. Martinez, Mr. Levine of California, Mr. Hertel, Mr. Udall, Mr. Bevill, Mrs. Roukema, and Mr. Erdreich.

H.J. Res. 127: Mr. Kolter, Mr. Studds, Mr. Clinger, Mr. Bustamante, Mr. Morrison of Washington, Mr. Traficant, Mr. Thomas of Georgia, Mr. Coleman of Missouri, Ms. Oakar, Mr. Young of Alaska, Mr. Pashayan, Mr. Erdreich, Mr. Chapman, Mr. Brooks, Mr. Valentine, Mr. Morrison of Connecticut, Mr. Carper, Mr. Brown of California, Mr. Shumway, Mr. Schuette, Mr. Weber, and Mr. Vento.

H.J. Res. 130: Mr. Price of Illinois, Mr. Jones of North Carolina, Mr. Badham, Mr. Roybal, Mr. Studds, Mr. Saxton, Mr. Fields, Mr. Lowery of California, Mr. McEwen, Mrs. Patterson, Mr. Coats, Mr. Young of Alaska, Mr. Pashayan, Mr. Schumer, Mr. Shumway, and Mr. Weber.

H.J. Res. 134: Mr. Borski, Mr. Anderson, Mr. Schumer, Mr. Dyson, Mr. Lancaster, Mr. Martinez, Mr. Savage, Mr. Biaggi, Mr. Jeffords, Mr. Lehman of Florida, Mr. Smith of Florida, Mr. Atkins, Mr. Dannemeyer, Mr. Lewis of California, Mr. Neal, Mr. Garcia, Mr. Morrison of Connecticut, Mr. Feighan, Mr. Espy, Mr. Mollohan, Mrs. Byron, Mr. Rangel, Mr. DeWine, Mr. Hughes, Mr. Dwyer of New Jersey, Mr. Lagomarsino, Mr. Moakley, Mr. Fish, and Mr. Hayes of Illinois.

H.J. Res. 152: Mr. Morrison of Connecticut, Mr. Sabo, Mr. Bustamante, Mr. Wolpe, Mr. Martinez, Mr. Lowery of California, Mr. Torricelli, Mr. Fazio, Mr. Clay, and Mrs. Bentley.

H. Con. Res. 11: Mr. Nelson of Florida.

H. Con. Res. 28: Mr. Clarke and Mr. Darden.

H. Con. Res. 31: Mr. Stump.

H. Con. Res. 47: Mrs. Schroeder, Mr. Clarke, Mr. Wolpe, Mr. Markey, Mr. Kennedy, Mr. Ford of Tennessee, Mr. Roe, Mr. Foley, Mr. Gejdenson, Mr. Mfume, Mr. Hawkins, Mr. Gonzalez, Mr. Anderson, Mr. Feighan, Mr. Jacobs, Mr. McCloskey, Mr. Alexander, Mr. Sharp, Mr. Jontz, Mr. Visclosky, Mr. Fazio, Mrs. Boxer, Mr. Brown of California, Mr. Leland, Mr. Madigan, Mr. Bruce, Mr. Walgren, Mr. Dorgan of North Dakota, Mr. Gingrich, Mr. Coleman of Missouri, Mr. DeFazio, Mr. Bonior of Michigan, Mr. Russo, Mr. Sabo, Mr. Ridge, Mr. Moody, Mr. Downey of New York, Mr. Florio, Mr. Miller of California, Ms. Oakar, Mr. Roybal, Mr. Henry, Mr. Olin, Mr. Boehlert, Mr. Smith of Florida, Mr. Murphy, Mr. Frank, Mr. Green, Mr. Beilenson, Mr. Studds, Mr. Bryant, Mr. Stratton, and Mr. Gray of Pennsylvania.

H. Con. Res. 48: Mr. Torricelli.

H. Res. 53: Mrs. Bentley, Mr. Davis of Illinois, Mr. McEwen, Mr. Fazio, Mr. Coleman of Missouri, Mr. Bevill, Mr. Slattery, Mr. Leath of Texas, and Mr. Williams.

H. Res. 68: Mr. Dyson, Mr. Richardson, Mr. Dorgan of North Dakota, Mr. Yatron, Mr. Stallings, and Mr. McEwen.

H. Res. 90: Mr. Blaz.

EXTENSIONS OF REMARKS

FIGHTING LADY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. RICHARDSON. Mr. Speaker, through the efforts of the gentleman from Texas [Mr. FIELDS] those of us working on boxing reform have been fortunate enough to benefit from the advice of Josephine Abercrombie, a new and constructive force in professional boxing. In the last session, a bill was passed in this body to set up a federally chartered nonprofit Boxing Commission to establish uniform health standards for boxing. In this new session, those of us involved, Mr. WILLIAMS, Mr. FLORIO, Mr. HALL, Mr. FIELDS, Mr. YATRON, and myself will be renewing our efforts. With individuals like Mrs. Abercrombie participating in this reform the sport will be better off.

FIGHTING LADY

(By David Remnick)

To Pierce Egan, preeminent scribe of 19th century pugilism, boxing was "the manly art," a science not recommendable to those "who prefer effeminacy to hardihood." Egan's characters were Englishmen of every sort: swells and clinchpoops, champions as revered as Tom Cribb and Jem Belcher, personages as marginal as Jack (the Young Ruffian) Fearby and "Big" Ben Brain. There is not a notable woman in all the magnificent volumes of "Boxiana."

If Egan were alive today and furthering his research for his column in the sporting "Weekly Despatch," he might want to cross the Atlantic and attend the Thursday night fights at the Marriott Brookhollow in Houston. A shock would await him. The promoter for the evening's ballroom sock-up does not chomp a cigar or affect an electrified bouffant. Josephine Abercrombie is what Egan might have called a noblewoman of a "certain age," her age certainly being 60. She has been married and divorced five times and lives on a nine-digit oil, gas and real estate fortune left behind by her mother, Miss Lillie, and her daddy, Mr. Jim, the developer of a device that prevents oil wells from blowing out.

Blue-eyed, razor-boned and possessed of what Don King calls "a luminescent femininity," Abercrombie sits nervously at ringside in a silk dress and a fine fur coat, three strands of pearls at her powdered throat. She is nervous for the fighters she promotes and the fighters that her proxy, Bob Spagnola, manages for the Houston Boxing Association. She is, however, unperturbed by the grease, spit, blood, sweat and other airborne spumes that often lubricate a spectator's evening. One night Abercrombie was so enthralled with the victory of her fighter Choo Choo Dixon that she embraced him without mind to her new Adolfo. "The outfit suffered," she admits gravely, "but it survived. I was lucky it was black, blue and brown."

Mrs. A, as many call her, is a discerning sort. When she finds something repulsive, she says it is "not adorable." At ringside tonight she watches a couple of unadorable cruiserweights, Louis Coleman and Sherman Griffith, make mud of Egan's art. In the first round Coleman puts Griffith on the canvas with his first punch, a parabolic right that could not have halved a sheet of balsa wood. Griffith then does the same to Coleman with an equally artless and pillowy left. Soon all hell breaks loose. Griffith batters Coleman stupid for an endless minute. Coleman, a muscle-bound lug the color of bittersweet chocolate, is suddenly slack and the shade of milky tea. His eyes are rheumy and very far away. "It's over," says the referee. "Not adorable," says Abercrombie.

Presently, a tall, guileless girl in a microscopic bathing suit climbs between the ropes holding a card reading ROUND ONE. Abercrombie is seated near a couple of astronauts, a chirpy Cleveland talk-show host and Michael Hammond, the tweedy dean of the music school at Rice University. Abercrombie notes with evident concern that everyone is watching the snaky way the card girl has thrust herself between the ropes and into the ring, an endearing maneuver that would raise eyebrows even in Rio de Janeiro. "You know, when we started out five years ago, we had the most elegant girls with long white gloves and sequins," Abercrombie says. "That was in the beginning. Then we let the crowd vote on the outfits."

The girl climbs out and another bout begins, this one a snappier affair between a pair of bantamweights. One of them is her fighter Orlando Canizales, and Abercrombie notices a Nixonian shadow on his cheeks. Not adorable. "I do wish he'd shave before his fights, but I guess they'd drum me out of the corps if I suggested it," she says. Such is her sensibility. She has all the delicate reflexes of a Texas gentlewoman and all the savvy of a ring rat. She is, in spirit, a benevolent feudal lord, Tolstoyan in that regard. When she takes her fighters to charity balls, as she sometimes does, she lets them wear the dinner jackets of their choice, "but I won't let them wear blue ruffled shirts." She once brought four of her fighters to a fancy resort in Florida on her private plane. Five miles above sea level she taught "the boys" the intricacies of etiquette: napkin on the lap, this is the fish fork, this is the grapefruit spoon, don't drink from the finger bowl, etc. "I didn't want them to be embarrassed or uncomfortable," she says. "I'd say 'No! That's wrong!' They were cute about it. They want to be better."

Josephine's own etiquette, when one of her fighters is in the ring, is freewheeling, to say the least. It is an experience to sit next to her. From the moment the warriors come down the aisle in their bathrobes and climb through the ropes she is, she admits, "a shivering wreck." During the referee's instructions she assumes an erect posture, her hands balled into tiny, bony fists on her lap. Her guard is up from the opening bell in a mirror image of Canizales's own defenses. When he bounces off the ropes, so, perceptibly, does she. When a left comes whizzing toward his chin, Abercrombie's head reacts into her shoulders, turtle like. All the while she is bobbing and weaving, sometimes boring her shoulder into her neighbor's back. A sharp blow to the ribs may follow. "Oh! Did I hurt you?" she will say after belting someone quite unconsciously. "I just completely forget myself!" There is something at once frenzied and repressed about her performance; she is wild, yet mindful of not letting go completely. Which is to say, she knocks no one out.

At the bell ending the first round Abercrombie slumps in her chair. While her fighter is toweled, tutored and greased, she retrieves an ivory linen handkerchief from her purse and, quite delicately, dabs the sweat from her pulse points and brow. Canizales spits into a bucket, though his promoter most certainly does not.

In the second round it seems for a moment that Abercrombie has more endurance than Canizales. Her guard is still up while his is dropping. Canizales takes a stiff shot to the jaw, and Abercrombie cringes in sympathetic pain. "Sometimes when he fights I think I'm going to die," she says. But her faith never wavers. Nor does her attention. Suddenly it is over. Canizales stops his man with a cute uppercut to the body and an irrelevant tap to the ear. The telling blow has a deep thudding sound, much like a car hitting a deer. Abercrombie worries for a moment over the beaten man. "I hope he's all right!" A doctor gives the thumbs-up. Now Abercrombie takes on a touching, motherly air.

"Oh, Orlando," she cries. "I'm so proud of you!"

For years, for centuries it seems, boxers have tried to sail between Scylla and Charybdis, a frizzy-haired ex-con named Don King and a wiley Harvard lawyer named Bob Arum. King and Arum control the financial side of the sport. One would not want to cast any aspersions in this space, but it is not unfair to say that King and Arum, while of differing casts, have similar, titanic reputations. Few have escaped one or the other. There are some lucky ones. Sugar Ray Leonard is well served by Mike Trainer, and young Olympic gold medalist Mark Breland has an honorable handler in Shelly Finkel. There are a few others who speak up for fairness to the fighter. May their tribe increase.

For the last four years word has passed in prizefighting that another such figure has entered the business—an immensely wealthy woman in Houston who has adored the prize ring from the moment her parents took a glamorous three-day train ride to New York in June 1938 and she saw Joe Louis knock out Max Schmeling in the first round. "My mother was just settling her skirts and all of a sudden there was this man lying on the canvas! She said, 'You mean we came all this way to see that?' Well, my mother couldn't understand it, but I was just fascinated!"

Who could resist the idea of Josephine Abercrombie, so primped and perfumed, in a sport that smells like the snuffed-out end of an old cigar? And how did the fight game greet her? "When I got into it, I think everyone thought I was playing or kidding around," she says one evening at home. "It was like, Who's that old broad? She doesn't know what she's doing. It's a game for her. She'll get tired of it." The estimable Eileen Eaton used to promote fights on the West

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Coast from 1942 until she retired in 1980. By phone from Los Angeles she says, "It's not easy, my boy. Men don't want to do business with a women. Not in boxing they **don't. I wonder how Miss Abercrombie is** doing."

Abercrombie lives alone in the River Oaks section of Houston, the opulent neighborhood of her girlhood, where ersatz Spanish abuts ersatz Colonial abuts ersatz Bauhaus. Her own manse is behind a wall and shaded by dozens of trees.

The house is a clash of ambitions, a combination of Texas nouveau bigness and quasi-European glitz, with Louis XIV furniture and conspicuous antique volumes of Austen, Richardson, Dickens and Smollet. To guard it all from invaders she has a working alarm and a weimaraner attack dog named Bunker. "Bunker can attack, but I don't know how to make him stop," she says. "Isn't that something?"

The most genuine extension of Abercrombie and her passions here is the horsiness of the paintings and the rest of the library. There are racing prints and portraits on nearly every wall. Issues of the Daily Racing Form dangle from long spindles. Vernon's "History and Romance of the Horse" and Bayliss's "Matriarchy of the American Turf" are among the most used looking volumes in the place.

"I love horses more than anything, don't you?"

The only child of Mr. Jim Abercrombie and the former Miss Lillie Frank, of Lake Charles, La., little Josephine was torn between her father's thoroughbreds and hunting dogs and her mother's acute sense of southern ladyhood. To look at her, so slender, polite and charming, you would think that Abercrombie is Miss Lillie's girl through and through. It was, however, the horses who won out.

She was obsessed with animals of all kinds from the start. When the family was living in a suite at Houston's Warwick Hotel she kept rabbits, birds, chickens, ducks and an alligator in the pantry. She learned to ride at the Broadmoor Hotel in Colorado Springs and at her father's ranch, just south of San Antonio. "I loved it. I loved being with him."

By the time she was 28, Abercrombie had taken 12 first-place ribbons at the National Horse Show at Madison Square Garden and Sports Illustrated had featured her in a story called "The Lady Who Won Too Often" (Nov. 1, 1954). She was portrayed as "retiring, with a contempt for flamboyance that makes Garbo seem gaudy. She pales at the mention of money, reddens at the words 'Edna Ferber' and took to her bed at the Hotel Pierre during a recent visit when a gossip columnist reported her weekly allowance to be $25,000. ('Absolutely fantastic!') . . . She hates stuffed shirts, fish and hats, in that order, although she recently commissioned Mr. John to design her 'a hat that wouldn't scare a horse.' She likes white gloves, chocolate in any form and hamburgers. 'I love your apartment,' she said recently to Betty Betz, a friend with whom she stays often in New York. 'It's so convenient to Harry Winston (a local diamond merchant) and Hamburg Heaven.'"

Abercrombie is rather less breathless than she was 32 years ago. By way of explaining how she "got into all this," she crosses one ankle over the other and folds her hands on her lap in the demure manner of her station and says, "When I was a girl my mother had me take lessons in everything. I learned ballet, riding, piano, golf, tennis, swimming, ballroom dancing, elocution. She would have adored it if I had put on a hat and gloves and gone out to have lunch or tea with the girls. But I didn't want to do that.

"She wanted me to make my debut, of course, but I didn't want to come out. You know, one of those debutante things at the Allegro Club or the River Oaks Country Club. I thought it was like being put up on **an auction block with someone saying. 'Here** she is, come and get her.' She would have adored that, too. But I was different. My friends have always thought I was odd, different, because I don't enjoy the things I'm supposed to enjoy.

"I like a man's world. I like what happens in a man's world. I have lots of friends who are women, but I'm more comfortable with a man than I am with a woman. I love competition, and boxing is the ultimate one-on-one competition. You see so much courage displayed; you see chickenism happen, too. You see it all. At the end of the fight they are just exhausted because they're put so much into it. I just adore it."

By now, her ankles are still crossed, but her hands have become fists and are up near her temples in the manner of Floyd Patterson. Peekaboo-style.

Boxing is about the worst advertisement for a free-market system imaginable. It doesn't say much for states' rights, either. Even though the preponderance of commissioners, rulings, hearings and owners tends to sap some of the delight out of baseball, football and basketball, overwhelming them with a righteous brand of bureaucracy, boxing is something of an outlaw game, rife with greed, confusion and sleaze. The only rules are Marquis of Queensberry; outside the ring it's open season. Without a national boxing commission to police it, to enforce and improve safety regulations, some promoters and even some of the state commissions live only by the color of money.

"I want to make boxing better." says Josephine Abercrombie at the HBA gym. "That's what I want more than anything." With sweaty pugs all around her, she is as cool and self-assured as Jackie Kennedy at the Paris Opera. The place is nothing like the gyms of Body and Soul and The Harder They Fall. Carpeted, clean and warm, the gym is bad for movies, good for athletes. There is even a curious lack of stink in the air, although, Abercrombie assures her visitor, "sometimes, late in the day, the place smells just like Gleason's. Just lovely."

In the back there are Nautilus machines, computer-monitored speed bags, a water-filled heavy bag, and a series of conditioning geegaws: a "flexometer" to increase the speed with which a fighter ducks a blow; a "tensionmeter" to measure his isometric **strength; a "balanceometer" to help him** keep his feet; and, most heinous of all, the StairMaster, a revolving climbing machine that causes the thigh and butt to burn. "I've got one at home," Abercrombie says. "Keeps you hard for skiing."

When the fighters are not working out in Houston under the watch of trainers, a nutritionist and other cornermen, they are often training at the 6,000-acre Abercrombie Cannonade Ranch near Gonzales, Texas. The ranch, which was loaned to the 1984 Olympic boxing team, is a spartan place with a three-mile running course, a gym and a converted bunkhouse that sleeps 13. The fighters eat with the cowboys.

Abercrombie's programs are financial as well as physical. She recently set up a $2 million investment plan for her fighters that they help control. The fighters can live rent-free in a 20-unit apartment building. She also provides health-care insurance, profit sharing and other benefits not usually associated with sweat scientists. Says HBA middleweight and 1984 Olympic gold medalist Frank Tate. "She takes care of us. Like a second mother."

There is no doubt at all that Abercrombie's enthusiasm for boxing is pure. She knows the sport imperfectly, but well enough to realize it is "a dirty game that needs cleaning." What's more, she loves everything that is right with it, "the competition, the chance to be better, the art of it all." To explain why she bothered investing her time and "about $1 million up front," Abercrombie has a kind of sanitized version she tells. It is like an oral press kit and goes like this:

"I went to see the Larry Holmes-Gerry Cooney fight on closed circuit at the Summit. Most of the people were there for the event of it, but I was really interested and wanted to talk boxing. I got to talking with Bob Spagnola, who'd been an amateur fighter and was working as an accountant for Pennzoil, and he said, 'You seem to know what you're looking at.' I said I did, but that no one would take me to the fights. He said. 'I will, I'll take you around to the gyms and introduce you to some of the fighters and the trainers. Would you like that? I said I'd adore it, and we began an odyssey of the gyms and fights in Houston."

She had seen real fights and real fighters before. She had seen Sugar Ray Robinson in his purple Cadillac in the south of France, and she had even been in the same room with Sonny Liston. With Spagnola her education went from sentimental to empirical. The gym they hung around most was Willie Savannah's place, an overheated boxing barn with dust in the corners and all the stink you could ask for. At night they went to every fight they could. "They were real kicker joints personified," says Spagnola. "Cowboy and truck driver places. I'd tell Josephine who I thought would win, and she'd say, 'I love the one with muscles.'" Abercrombie was hooked. Of course, when she told her family and society friends about her boxing plans, they were unamused. Her sons were against it. One friend said, "Josephine, you are out of your mind to get involved with those people."

Undaunted, Abercrombie and Savannah made plans. They talked about going into business together and putting up a new gym. She would finance it, and Savannah would run the show. The building went up, all gleaming and odor-free. Alas, the deal fell through. "But I didn't care," she says. "It was too late to quit. I figured I was at the dance and I'm gonna dance." HBA was born.

Simple as that. It is a nice, impulsive story, the sort of tale any tycoon might tell by way of describing the quick purchase of a hockey team, a newspaper or a Pacific island.

And yet there is much more to it. Boxing was a wealthy woman's way of forgetting a sorrow and finding something thrilling and consuming to do.

Marriage had been a series of struggles. Her name changed as often as most highway diners. After graduation from Rice University in 1946, she went through husbands with a disconcerting speed. First came Dick Hudson, a Houston boy. That lasted a year. Then came an Argentine architect (Fernando Segura, 18 months), a Kentucky horseman (Burnett Robinson, six years), and another Kentucky horseman (Barry Ryan, one year). Four husbands and counting. "I always thought it would be better, and every time I was wrong," she says. Abercrombie thought she finally had it right when she married Tony Bryan, a Harvard-educated executive with the Monsanto Chemical Corporation. In the first 10 years of the marriage, Abercrombie followed her husband up the corporate ladder in perfect lockstep, first to Akron, then on to St. Louis. Never mind that she was one of the wealthiest women in the country and that they could have stayed home in Houston clipping coupons. She was "deliriously" happy with her life, her friends, her marriage. Akron was fine, and so was St. Louis. When her father's health deteriorated badly in 1973, Abercrombie and Bryan moved back to Houston to help run the business. Back at home they were the sort of couple you see in society pages, glimmering folks in black tie and ball gown at this charity ball and that company testimonial.

In 1975, the same year that both her father and mother died, Abercrombie discovered her husband was having an affair with Pam Sakowitz, the wife of retailer Robert Sakowitz. Bryan wanted out. The press coverage was bitchy, and the divorce was worse, with the attendant nastiness over Abercrombie's $100 million fortune. Abercrombie tells this story while flying on her plane from Houston to New York for the Tim Witherspoon-Bonecrusher Smith WBA heavyweight title fight. Partly to make her guest feel comfortable, partly to keep herself composed, she tries to brush it all off with that precious sort of irony she has.

"That was not a wonderful time of my life, I must say."

Not wonderful? Not wonderful? After a few moments of letting the jet engines fill in the silence, she lets the facade fall away. "I'd raised his kids for 13 years and my own children, too, so there were five of us. He'd become a vice-president of Monsanto's international division. I was perfectly happy as a corporate wife. That's what I was.

"When he decided to leave the marriage I was devastated. I'd adored the whole life I was living, and now this. It really negated all the feelings I had about myself as a wife and a mother."

Abercrombie began seeing a therapist, working harder than usual at the family business and running mile after mile along the streets of River Oaks. She needed something more to do. In the real world of real salaries and real options, a 60-year-old woman does not have many options. An heiress's choices are wider, weirder, Josephine Abercrombie rid herself of all thoughts of marriage and the other traditional paths of Miss Lillie's "woman's world" and got into the fight game. "I ought to write Pam Sakowitz a thank-you note," she told The House Post. "I like my life now and I love what I do. The only thing I regret now is that this whole change didn't come earlier."

It's not that everything is perfect. There are times when the place is so big, and her businesses seem so big, that she gets restless at night. To help her sleep she plays "sleep tapes" that murmur to her: "If you have on any tight clothes, take them off." That is all the pillow talk she wants. Josephine Abercrombie has given up marriage for "the manly art."

In New York, Abercrombie stays with her friend Pat Beavers, who owns the Surf Club and the Zulu Lounge, a couple of East Side cabarets where the graduates of Phillips Exeter and other prep outlets flail their flaxen hair. The apartment is very Fifth Avenue, of course, with a hall the length of a bowling alley and rooms the size of airplane hangars. "Excuse the mess," Pat says, pointing to an immaculate room, "but I'm still a little out of sorts, you see." Pat is just back from the island of Tonga, where she had an absolutely faaaa'bu-lous time. Very unspoiled, you see. And the food? Scrumptious. "It was just perfect." You see she was able to catch up with her son who is sailing around the world and. . . .

Josephine is in a guest room, changing. She changes quite a lot. For the evening's fight she has decided to go with a sweater and a tight blue leather miniskirt. Once a day, it seems, someone compliments her on her legs, and she features them rather more than the average 60-year-old. "She's so gorgeous it's disgusting," Pat says.

One of Pat's sons comes in from jogging and says, "Hey, Mom, why don't you go to the fight tonight with Josephine? You can sit upstairs with the poor folks."

There is a bit of chuckling over this unadorable remark, but Pat says, "I'll pass."

Most of Abercrombie's high-polish friends have passed, too. Those who were interested remember well the first fighter to walk through the doors of the Houston Boxing Association, the inglorious Cedric Rose.

"Cedric was some piece of work. I loved him, we all did, but he was so bad," says Abercrombie. "Oh, he was such a troublemaker, I cannot tell you! He used to come over and have breakfast with me after he worked out, and we'd talk about everything. He'd tell me his troubles. He was the most appealing kid you'd ever want to know. He fought like a tiger and won all his fights, but he wouldn't do what he was supposed to do. He thought he could do whatever he wanted and still win. We just couldn't get him to come to the gym. He'd stay out all night. He'd take out girls and leave them in the middle of the highway. You just can't believe all the stuff Cedric did."

Spagnola finally told Rose, My-way-or-the-highway, and Rose took off. In Dallas he tried to rob a convenience store. He was armed. The initial sentence was suspended, but after a series of parole violations Rose was finally shipped off to state prison in Huntsville, Texas.

Abercrombie visited Rose there last summer, an experience that jogged her normally right-wing political sensibilities. "It's just terrible, the way they live!" Rose has been in solitary confinement for various violations, and in her letters to him, Abercrombie says, "I tell Cedric to behave himself better in there. . . . I don't really believe that deep down Cedric is bad. He's just, well, not brilliant. He was just a street kid with knives and guns around since he was a little kid."

Fortunately a few less erratic fighters came to the HBA door, Frank Tate the most prominent among them. The "shows," as Abercrombie calls them, have not exactly taken Houston by storm. "We took some terrible baths in the beginning. We must have lost $1.5 million." The very first of her shows was at the Astroarena, and it was a near disaster. Abercrombie called Arum and asked him to set her up with some "first-class fighters." Arum's traveling pugs were low rent, it turned out, and the evening's entertainment was low comedy. "It was a valuable, and not too costly, lesson," Abercrombie says. "I was taken advantage of, and properly." She immediately hired a matchmaker.

Once at Madison Square Garden, Abercrombie is among her colleagues in promotion. They all extol her: Mickey Duff ("a great, honest broad"), Shelly Finkel ("an honest lady") and Don King ("She's adorable not only in her feminine loveliness but also in her business acumen. One minority to another, I love her"). Arum, for his part, calls her "a Houston lady. She hasn't taken the gloves off yet."

In one of the Garden's clubs, Abercrombie stands between Mike Tyson, whose brutish neck seems thicker than Abercrombie's waist, and the novelist Joyce Carol Oates, who is as ethereal as Olive Oyl. Oates was once overheard at a party in Princeton saying that she had published "as much as Dickens." Part of her recent concerns have been with the ring. She and Tyson are pals.

"Are you Joyce Carol Oates?" says Abercrombie. "I just love your books."

"Oh! Thank you very much."

"Yes, I just read one. Yes, I can't remember the. . . ."

"And what do you do?"

"I'm in boxing."

"Promoter or manager?"

"Well," Abercrombie says bashfully, "both, actually."

Oates and a few others less tangentially related to the punching business chat with Abercrombie about her fighters. But the truth is that while her peers are polite, if a bit patronizing about her, they do not see her as much of a threat. They say that for all her resources, Abercrombie has not yet made any significant mark as a promoter and that her hired manager, Bob Spagnola, doesn't know the sport much better than his boss. Most of her shows have been small time, and her best financial prospects, heavyweight Tony Tucker, middleweight Tate and junior welterweight Joe Manley are not exactly setting the world ablaze. "I like Josephine, understand, but with all her millions, she's gone nowhere," says Willie Savannah. "Her organization needs revamping, 'cause she's just spinning her wheels."

"The problem is, she's got to make a decision," says Arum. "To be a promoter or a manager. Unless you're a crook, you've got to do one or the other. With King, he does both to screw the fighter. With Josephine, she leans over the other way. She should manage and negotiate with independent promoters," which would be dandy, of course, for Arum.

Abercrombie "dearly hopes" that Tucker has a chance someday, somewhere, to dethrone at least one of the 57 existing world heavyweight champions. As she sits ringside watching the one-round Witherspoon-Smith fiasco her face fairly glows with the idea that after winning blue ribbons on a horse in the Garden as a girl, she may one day stand here next to a sweaty, pulpy champion whom she can call, with all due respect, her own.

In Houston she is still watching bouts between, say, a kid fresh out of a trailer park and weak puncher known as the Fighting Hairdresser. In Atlantic City, she waits patiently as the ring announcer boasts that "Joe Frazier's nephew is here tonight! They call him Tyrone (Puff of Smoke) Frazier!"

So why does she persist? She has skied down mountains, ridden the fastest horses, flashed through marriages, happy and not. She has been just about every place she could ever want to go. What she wants now is the concentrated, thrilling night that, once in a long while, boxing can provide. She wants to be at the center of a night like the one when Joe Louis decked his man before Miss Lillie could settle her skirts, a night when every eye is turned toward two men in a crucible of violence and will. She wants the knowledge that she has done right by her fighters and right by the sport. She wants the Big Night.

"I love the fighters and the competition," she says. "I love fur coats on a hot day, funny hats on strange people, purple dresses, big, gold jewelry, the whole weird, strange life of the boxing world. I love it all. It's adorable.

AUDIT OF THE FEDERAL RESERVE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. CRANE. Mr. Speaker, I recently introduced a bill, H.R. 96 which will require the General Accounting Office to conduct a complete and thorough audit of the Federal Reserve System and banks. This bill provides that: The Comptroller General shall make an audit for each fiscal year of the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve banks and their branches, including transactions of the System's open market account conducted through recognized dealers. The bill further provides that the General Accounting Office shall be able to review all books and records of the Federal Reserve. Access to the results of such an audit will give Congress some power to oversee the policies of the Fed.

Such an audit of the Federal Reserve is necessary when one considers that the Federal Reserve, the FDIC, and the Office of the Comptroller of the Currency "are empowered to carry out functions crucial to our system of government and to our Nation's economy." Yet amazingly enough, Congress enacted a law that prevents the GAO from auditing these vital entities of our National Government. The ramifications of this secrecy take on greater significance when one considers that the Monetary Control Act allows the Federal Reserve to purchase paper obligations of foreign governments and use them as collateral for Federal Reserve notes. In stating a reason for excluding these crucial functions from the purview of the GAO audit, the Senate Committee on Governmental Affairs wrote in 1978: The Federal Reserve [Fed] must be able to independently conduct the Nation's monetary policy.

The Fed, unfortunately, has abused its independence. Paul Craig Roberts, an economist at Georgetown University, argues that the Fed used its power to thwart the economic policies of the Reagan administration during 1981-82. His study provides a good example of Fed independence.

According to Professor Roberts, in late 1980 and early 1981 when the new administration was putting together its economic policy, there was an almost universal consensus that little could be done to get inflation quickly under control. The administration sought to deal with the economic situation by providing moderate, stable, and predictable monetary growth that would first stabilize the inflation rate and gradually bring it down. The administration also enacted tax policies which would contribute to lower real interest rates and increase private sector savings. These policies were also to be coupled with cuts in Federal spending. Ultimately, Reagan wanted to promote long term economic growth and stability.

But the Federal Reserve did not provide the moderate, stable, and predictable monetary growth desired by the Reagan administration. The Fed believed that Reagan's economic policies would cause inflation and that the Fed would ultimately be blamed. In response, the Fed greatly reduced the supply of money. During 1981 alone, the Fed produced 75 percent of the total reduction in monetary growth that the administration had intended to be spread over a 6-year period.

The policies of the Fed did bring down inflation. But the price was high. Millions of individuals lost their jobs as the country suffered from the worst recession since the Great Depression. An elected administration saw its policies subverted by an independent, unelected body.

The Fed, moreover, also seems to dabble in partisan politics. It has some influence over the outcome of various Presidential elections. One could easily select the earlier campaigns of Johnson, Nixon, and Ford, but I will use the Carter-Reagan contest as an example.

In May 1980, when it was becoming clear that Reagan would be the nominee of the Republican Party, the Federal Reserve Board began a 6-month expansion of the money supply that was almost unprecedented in our history. During the last 6 months of the year, M_{1b} increased $25.8 billion, or 13.4 percent. The increase prior to the election was, in fact, greater. The Fed increased the money supply by almost $39 billion before scaling back in December, after the Presidential election was over.

The Fed pursued such an expansionary policy because it feared that a tight monetary policy might defeat President Carter. Such partisan behavior came at a high price, forcing the country to contend with record setting interest rates.

Despite such behavior, supporters of the Fed continue to argue in favor of its independence. They believe that the Central Government cannot be trusted to follow an anti-inflationary policy. Elected officials are prone to pursue a loose monetary policy which will create high rates of economic growth over the short run. But 2 or 3 years later, when the administration is out of office, inflation will take off. Only an impartial agency, isolated from politics can be trusted to serve the financial interests of the country.

There is some merit to this argument. But the Fed has not operated without some political bias. And even though elected officials certainly have been known to act in their own self-interest, they are at least accountable to the people.

When the Founding Fathers wrote the Constitution, they explicitly gave Congress the "power to coin money and regulate the value thereof." They believed that of the three branches of government, only Congress was close enough to the people to be given this power. But Congress relinquished its power when it created the Fed in 1913. The central bank was given power to regulate banks and control the supplies of money and credit and it was given the independence thought to be appropriate for a regulatory agency. There was no general understanding at that time of the importance of using money and credit to stabilize the economy. The immense power of the Fed derived more from accident than design. Congress, therefore, is fully justified in trying to regain some control over monetary policy.

Supporters of the status quo also argue that the Fed abides by the broad objectives of the White House and is therefore held in check. In the 1950's, the policies of the Fed reflected the anti-inflationary orientation of Eisenhower. In the 1960's, it accommodated the Kennedy-Johnson expansion. In the 1970's, it vacillated between fighting inflation and recession. And, in the 1980's, it followed Reagan's lead and fought inflation.

At times the Fed may indeed follow the wishes of the President. But the Founding Fathers gave Congress, and not the Executive, power over the purse. By allowing the GAO to audit the Fed, we will finally be able to piece together how it makes its decisions. This will make the Fed more accountable to Congress. Since Congress is an elected body, such oversight will ultimately serve the goals of representative government. It is high time that the people be given an increased say in matters which affect their very well being.

FILIPINO WORLD WAR II VETERANS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. DYMALLY. Mr. Speaker, today I am reintroducing a bill which enjoys bipartisan support to provide relief to certain Filipino war veterans. A similar measure was introduced by Senator INOUYE in the Senate.

This measure addresses a problem facing roughly 1,600 Filipino World War II veterans who reside in California and an unknown number throughout the country. Under sections 701 and 702 of the 1940 Nationality Act as were in effect before December 24, 1952, Congress allowed noncitizens who had served honorably in the Armed Forces during World War II to petition for naturalization. A 2-year eligibility period from January 1945 to December 31, 1946, was established under these provisions. While this act was fully carried out in other qualifying areas of the world, it was not the case in the Philippines. Our then Attorney General did not provide for an examiner to receive petitions from the Filipino soldiers for a period of 9 months. As a result, we now have Filipino veterans who could not petition by the deadline seeking the benefits of this act for four decades.

In a U.S. Supreme Court case *INS* v. *Mendoza* (No. 82-849), a veteran claimed that due to the unavailability of an examiner in the Philippines for 9 months, the Justice Department cannot deny his petition for naturalization under the 1940 act. The high court ruled, however, that the Justice Department was not estopped by improper implementation from challenging each petition legally. Therefore, for every Filipino veteran who petitions for naturalization under this law, the Justice Department could deny and deport. Moreover, the Justice Department now finds itself confronted with numerous lawsuits filed by Filipino veterans to recover a right Congress granted them.

These individuals now stand a chance of losing their long quest for citizenship that we offered for their bravery in our struggle to maintain peace and security. In addition, these veterans are near or are at retirement age with well established families in the United States. To hold a threat of being deported from a country they have called home for years, and being separated from families they have labored to maintain is purely unjust.

My bill seeks to restore the benefit offered under the 1940 act by extending the filing deadline for 180 days. During the 98th and 99th Congresses, I attempted to add the same measure on to the Immigration Reform Act(s) only to fall short of floor consideration. It is my hope that this historical Congress will mark an end of this 40-year-old struggle.

For the information of my colleagues, Mr. Speaker, I am inserting following my remarks a copy of the analysis of this bill provided by the Justice Department. Let me add as well that the Department supports the passage of this measure.

Mr. Speaker, I urge you and my colleagues to consider supporting my proposal, and I hope that this body as a whole will move for its adoption.

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, August 28, 1986.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 1302, a bill to permit the naturalization of certain Filipino war veterans. For the reasons set forth below, this Department recommends enactment of this legislation, with one revision.

The bill would permit the naturalization of certain nationals of the Philippines who might previously have qualified for naturalization under the provisions of Title III of the Nationality Act of 1940, as in effect before December 24, 1952. Under Sections 701 and 702 of that Act, non-citizens who had served honorably in the Armed Forces of the United States during World War II could petition for naturalization. A petition had to be filed no later than December 31, 1946.

For some time following the expiration of the time limit established by Congress for claiming naturalization, it appeared that few persons were interested in asserting any claim to naturalization under this provision. However, in 1967, a Filipino veteran filed suit, claiming that the U.S. Government was estopped from denying this petition for naturalization because it had engaged in affirmative misconduct. The government action attacked by the veteran was the revocation, in 1945, of the authority granted to a vice-consul in the Philippines to confer naturalization benefits, and the decision to not assign a naturalization officer in his place until August 1946. This action was taken pursuant to a request by the newly independent Philippine Government, which had become concerned that naturalized Filipino veterans were leaving the Philippines immediately upon naturalization. The Supreme Court held that the Government had not engaged in affirmative misconduct, and that the veteran was not entitled to naturalization. *INS* v. *Hibi,* 414 U.S. 5 (1973).

Since that time, numerous lawsuits have been filed on various theories, all claiming that Philippine veterans previously eligible under the terms of the Act of 1940 are entitled to naturalization. These suits have been filed on behalf of veterans in the United States and in the Philippines. In the major lawsuit on this subject, three categories of veterans were established by the court, with varying levels of claims recognized.[1] *Matter of Naturalization of 68 Filipino War Veterans,* 406 F. Supp. 931 (N.D. Cal. 1975). The claims were based on the court's finding that "constructive" filing of petitions had occurred where the veteran had applied or made efforts to apply, or where the veteran would have applied if the naturalization officer had not been withdrawn. Since that time, other lawsuits based on 68 Filipino War Veterans, supra, have been tried. A substantial number of cases is being held in abeyance, pending the outcome of a second category case on appeal. The Ninth Circuit ruled against the Government on this appeal. *Pangilinan, et al.,* v. *INS,* No. 80-4543 (9th Cir., August 11, 1980).

In addition, the Chief Judge of the Central District of California issued an *ex parte* order to his clerk ordering him to accept filing by all veterans, in and outside the United States, an order which we consider highly improper.

The situation we are faced with, almost forty years after the expiration of the naturalization provision, is an unceasing stream of litigation by veterans claiming naturalization. It is clearly in the Government's interest to put this matter to rest.

The bill in question could go far toward resolving this issue, as well as affording naturalization to certain persons who may have been unable to apply for naturalization because of the agreement made between the Governments of the United States and the Philippines. Congress previously recognized the contribution made by the Filipino veterans during World War II, and is clearly free once more to provide the privilege of naturalization in recognition of that service.

This bill would allow Filipino national veterans within the United States, present both on the date of enactment and on the date of filing of the application for naturalization, to become naturalized citizens. The veterans must have been eligible for naturalization under the Nationality Act of 1940, as amended, but have failed to file a petition for naturalization before January 1, 1947. The application must be filed no later than 90 days after enactment of the bill.

The Department believes that paragraph (3) should be revised to extend the filing time from 90 to 180 days. This will insure that no eligible veteran misses the opportunity to file an application.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

CRISIS CENTER VOLUNTEERS GIVE THEIR ALL FOR COMMUNITY

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. ERDREICH. Mr. Speaker, the spirit of volunteerism and compassion for others is an important part of our national character, particularly among the people of Jefferson County, AL, whom I am privileged to represent in this great body. Nowhere is that spirit exhibited more then among the 150 volunteers who help provide counseling for a broad spectrum of human concerns and problems at the Crisis Center of Jefferson County.

The crisis center, founded in 1970, ran on a shoestring budget for the first 3 years of its existence, and in 1973 became a United Way agency with eight paid staff members, relying on funding from the United Way as well as grants and contributions. The center's services include a special kid's help line to address the special needs and problems of youth, crisis intervention for rape victims, a community education outreach program that provides the community with a speaker's bureau, films, tapes and literature on current community concerns, and a 24-hour hot line that provides immediate counseling to help those with a problem they can't handle alone.

In 1985, the center answered 21,174 calls (an average of 58 per day), of which 1,842 were potential suicides and 1,778 were categorized as "everyday problems in living." The largest category was "interpersonal," with 6,419 calls received, most of them about marriage, courtship and family relations.

Volunteer phone counselors represent a cross-section of the community, all caring people whose main concern is helping others. Counselor trainees are selected from applicants after interviewing and given a basic training course that includes 60 hours of lecture and closely supervised work. A counselor is expected to work 12 hours each month on a telephone shift, and is asked to make a commitment to work a regular shift for at least a year.

On Friday, February 27, 1987, the crisis center is holding a banquet to honor the 150 volunteers who so selflessly and generously give of their time and experience to offer sound advice, a reason for living, or perhaps, just a sympathetic ear to the thousands who call 323-7777. While all of the volunteers at the center are truly deserving of our highest praise and admiration, the center has selected 19 individuals to receive special awards for their significant volunteer contributions. Those volunteers include Mary Orr, Alice Hawk, Zelda Barnes, Sylvia Darnell, Thelma Green,

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[1] Judge Renfew divided the claimants as follows: I. applicants who estalbished qualifying time in the United States Armed Forces and who did all they could in 1945 and 1946 to become naturalized under Section 702 of the Nationality Act of 1940; II. applicants who established qualifying military time in the United States Armed Forces but who did not attempt to naturalize before December 31, 1946, the termination date of Section 702; and III. applicants who were unable to establish they served in a qualifying branch of the United States Armed Forces.

Susan Click, Dave Howell, Valerie Howell, Christine NcNeill, Melba Thorne, Myra Odess, Elizabeth McDonald, Donna Jennings, Carole Staats, Bertha Randall, Jerome Cooper, Charlotte Ives, Sharon Turner, and Velma Denson.

I am sure my colleagues in the House join me in congratulating these 19 for being singled out for their significant contributions as volunteers, as well as all of the individuals who have helped make the Crisis Center of Jefferson County the great success it has become. I can think of few people who are more deserving of recognition than those who make unique and significant contributions to their communities, not for monetary or personal gain, but just because they care.

RELIEF FOR THE HOMELESS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. DELLUMS. Mr. Speaker, on February 12, 1987, President Reagan signed into law emergency relief legislation for the homeless; $50 million will be immediately spent to bring relief to some of our Nation's most needy citizens.

While I applaud this effort and am pleased that such quick action was taken by Congress and the White House, I cannot ignore the historic irony of the White House support of this effort.

Prior to my 1970 election to Congress, I served on the Berkeley City Council, before that I was a psychiatric social worker in Berkeley. My own personal involvement with homeless people and in particular the homeless mentally ill began during the years when Ronald Reagan was Governor of California. I recall with clarity my astonishment at the callous way the Reagan administration addressed the problems of homelessness in the mid-1960's in California. As in many States, the California State hospitals were overcrowded and understaffed. Community mental health was still years away, and the widespread use of antipsychotic drugs was in its infancy. At a top level statewide meeting with Governor Reagan, the plight of California's public mental health patients was discussed. To the amazement of all present, Governor Reagan said that California public mental health institutions were not understaffed, but were in fact overcrowded. At first, Mr. Speaker, we thought Governor Reagan was playing with words and would eventually see the absurdity of his thoughts. Instead it was discovered that he meant exactly what he said. Before long the streets of Berkeley, Oakland, San Francisco, and Los Angeles became the haven for the mentally ill who had been deinstitutionalized from California State hospitals. Please remember, Mr. Speaker, I am talking about the emptying of hospitals before community mental health centers were constructed. The time was 1966–67 and we were at a loss to know what to do about the homeless mentally ill.

When I came to Congress in 1970, I pledged to do all I could to bring some relief to the Nation's homeless in general and the homeless mentally ill in particular. As a member of the committee I now chair, the Committee on the District of Columbia, I have worked to build a national awareness of this problem by focusing on the plight of the homeless who reside in our Nation's Capital and sleep on grates within sight of the White House. In 1975, our colleague WALTER FAUNTROY and I and along with then committee chair, Charles Diggs, investigated the way in which the Federal Government was treating the mentally ill at St. Elizabeths Hospital. We were appalled to find that no plan existed for the aftercare of deinstitutionalized St. Elizabeths patients. In 1979, after becoming chair of the District of Columbia Committee, I chaired 7 days of hearings on the problems facing the urban centers of our Nation. In 1980 and 1981, I directed committee staff to begin a long-range investigation of the practice of the deinstitutionalization of the mentally ill. With the support of the ranking Republican member of the District of Columbia Committee, STEWART MCKINNEY, study was conducted into the appropriateness of the mass emptying of our Nation's State mental health institutions. Three days' of hearings were held during which expert witnesses confirmed what our staff investigation had uncovered, that the national phenomenon of deinstitutionalizing the mentally ill was becoming the major contributor to the increases of homeless and street population. That was 6 years ago, Mr. Speaker.

Today 40–60 percent of the people who wander our streets are seriously mentally ill and the majority have been deinstitutionalized without regard to their state of mind or future.

We now have before us legislation, which I support, that would release $500 million to assist States in addressing this national tragedy that has gone on for far too long. For some of us, Mr. Speaker, 20 years is long enough, surely we can do better.

LEGISLATION TO AMEND THE CLEAN AIR ACT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. DANNEMEYER. Mr. Speaker, today I am reintroducing a bill to alleviate the continuing problems created by anticompetitive and anticonsumer warranties contained in the Clean Air Act.

First, it would limit the production and performance warranties on emission systems to 2 years/24,000 miles and make sure the list of parts covered is not subsequently expanded. It would specifically limit the 2 year/24,000 mile warranty to the catalytic converter, the thermal reactor, and parts solely used for emissions control. EPA would retain the right to recall emission system failures for 5 years/50,000 miles. Second, it further increases competition by repealing the counterproductive parts certification program and by doing away with the waiver that allows auto manufacturers to specify the use of one of their own parts. Third, it permits independent California auto parts dealers and repair shops to operate under the same warranty requirements that apply in other States. And finally, it clarifies the antitampering provisions of the law.

In 1977, Congress amended the Clean Air Act to protect the small businessman and the consumer from anticompetitive emissions warranties. Parts to be warranted for the extended period were limited to those that are installed primarily to control emissions.

EPA expanded the list of parts covered by the warranty through regulations. The Automotive Service Industry Association [ASIA] and the Automotive Parts Rebuilders Association [APRA] filed suit in 1980 asserting that the regulations were contrary to the Clean Air Act as amended in 1977. In a separate action, vehicle manufacturers and importers filed suit on the warranty and certification matters and included a legal objection to the short test regulations issued by EPA. The court ordered consolidation of the cases, forcing joint consideration of aftermarket and vehicle manufacturer issues.

Prior to final court arguments, ASIA and APRA presented to EPA a technical report by Packer Engineering which analyzed the specific parts under consideration, the particular performance objectives of such parts and the historical nature of their use. Based on this report and other information supplied to EPA by ASIA and APRA, a tentative consensus was reached which would have substantially limited the parts subject to the extended 5 year/50,000 mile performance warranty.

The court recognized that Congress did in fact act to reduce the anticompetitive effects of a broad coverage/long length warranty in 1977. However, it accepted the EPA interpretation that the warranty coverage for the first 2 years/24,000 miles was for all components affecting emissions. With respect to coverage after 2 years/24,000 miles, the court avoided a direct decision on the correctness of the parts list issued by EPA. The court stated that the parts list was advisory only and therefore not subject to attack.

The court did not disturb the liberties taken by EPA in misinterpreting the 1977 amendments to the Clean Air Act. EPA regulations provide that not only sole or primary parts must be warranted, but also secondary parts which fail because of a failed primary part. The court's decision on the certification issues transformed a congressional edict to provide a program to avoid monopoly into one which actually creates an anticompetitive situation which is worse than what would have occurred if no such program had been instituted.

EPA regulations provide that an aftermarket manufacturer who certified parts is liable for all costs incurred by a vehicle manufacturer caused by the failure of that certified part. Certifiers must, as a condition of certification, agree to such a reimbursement scheme.

Under the proposed regulations, to avoid warranty repair obligations where an uncertified part has been used, the vehicle manufacturer need only "demonstrate" that the defect or damage to the vehicle's emission control system was caused by the uncertified part. The vehicle manufacturer would provide the consumer with a written copy of his technical argument and warranty denial and list objective evidence upon which his decision is based. The denial must show a causal connection between the use of the part and test failure and contain an assertion that removal of the uncertified part and replacement with an OEM part would resolve the problem or that use of that part caused damage to other parts which must be replaced to resolve the problem.

This would then put the consumer into the unenviable position of fighting the vehicle manufacturer on their turf and under their rules. The result is only too clear. The aftermarket parts manufacturer has no choice. He can certify and take on immense financial obligations and the prospect of unending legal battles with the vehicle manufacturer over which part caused damage, or, the aftermarket parts manufacturer can decline to certify and his customers, the consuming public that has overwhelmingly chosen to use independent aftermarket parts when their choise was free, would now face the task of reversing a decision of the vehicle manufactuer, a reversal which would not be in the best interest of the vehicle manufacturer. There is no question but that EPA implementation of the long length, broad based emissions warranty, has, contrary to congressional intent, sealed the hood of the vehicle and destroyed consumer freedom to choice. Now, the newly promulgated EPA self-certification regulations, again contrary to congressional intent, continue toward the relentless goal of the agency to seal the hood of the vehicle.

All administrative and legal remedies available to the independent aftermarket has now been pursued. Corrective legislation to put competition back into the law is needed. Such legislation must clearly remove the power of EPA to twist the intent of Congress.

Mr. Speaker, this is an ever growing problem and, from what southern California independent garages have shown me, it amounts to an extensive loss of business. In the 97th Congress I introduced two bills dealing with this subject and one of them was almost completely incorporated into H.R. 5252, the comprehensive Clean Air Bill. Unfortunately, the measure did not become law because of the difficulty in resolving other issues. In the 98th and 99th Congress I introduced a similar measure which I hoped might provide a solution to the problem. For all States, including California, the bill would have reduced the production and performance warranties to 2 years/24,000 miles for all emissions system parts.

Mr. Speaker, we are confronted with yet another example of good intentions gone astray. All of us want cleaner air but the adverse effects of these warranties on the aftermarket and the consuming public cannot be justified or overlooked. They must be taken into account if we are interested in preserving competition and an important sector of the small business community. The legislation I have introduced today will restore and preserve that competition and, in the long run, provide the best guarantee of protection to consumers.

The concepts of my bill are supported by the Automotive Service Industry Association, the Motor and Equipment Manufacturers Association, the Automotive Parts and Accessories Association, the Automotive Service Association, the Automotive Warehouse Distributors Association, the National Fire Dealers and Retreaders Association, and the Automotive Parts Rebuilders Association.

The text of the bill is reprinted below:

H.R. 1239

To amend the Clean Air Act to promote competitiveness in the motor vehicle aftermarket and to preserve consumer freedom of choice to select parts and service, and for other purposes.

Be it enacted by the the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Clean Air Act.

Sec. 2. (a)(1) Section 207(a)(1)(42 U.S.C. 7541(a)(1)) is amended by striking out "(A) designed, built, and equipped" and all that follows through the end of such section and by inserting in lieu thereof the following: "(A) equipped with emission control components (as defined in subsection (b)) designed to enable such vehicle or engine to conform at the time of sale with applicable regulations under section 202, and (B) free from defects in materials and workmanship which cause such vehicle or engine to fail to conform with applicable regulations, for the first two years, or the first twenty-four thousand miles, whichever first occurs."

(2) Section 207(a)(2) is repealed.

(3) Section 207(a) is amended by designating paragraph (3) as paragraph (2) and by striking out "or primary" in the last sentence thereof.

(4) Section 207(b)(2)(B) is amended to read as follows:

"(B) it fails to conform, for a period of use of the first two years, or the first twenty-four thousand miles, whichever first occurs, to the regulations under section 202, and".

(b)(1) Section 207(b)(2) is amended by striking out "the emission control device or system" and inserting in lieu thereof "the emission control component".

(2) Section 207(b) is amended by striking out the last three sentences and inserting in lieu thereof the following: "For purposes of the warranty under subsection (a)(1) and paragraph (2), the term 'emission control component' means only a catalytic converter, thermal reactor, or other component installed on or in a vehicle for the sole purpose of reducing vehicle emissions. Such term shall not include vehicle components which were in general use prior to model year 1968."

Sec. 3. (a) Section 207(c)(3)(A) is amended in the first sentence by striking out "and such instructions shall correspond to regulations which the Administrator shall promulgate" and in the second sentence by striking out "which has been certified as provided in subsection (a)(2)".

(b) Section 207(c)(3)(B) is amended by striking out "; except that the prohibition" and all that follows down to the period at the end thereof.

(c) The amendments made by this section shall take effect with respect to model years beginning after the date of enactment of this Act.

Sec. 4. Section 209(b) (42 U.S.C. 7543(b)) is amended (1) by inserting "(other than paragraph (4))" after "application of this section" in paragraph (1), and (2) by adding after paragraph (3) the following new paragraph:

"(4) No State may, after a reasonable time as determined by the Administrator following the date of the enactment of this paragraph, establish or enforce a warranty or prescribed maintenance requirement for new motor vehicles or new motor vehicle engines unless such warranty or prescribed maintenance requirement is identical to the corresponding Federal warranty or prescribed maintenance requirement."

Sec. 5. (a) Subparagraphs (A) and (B) of section 203(a)(3) (42 U.S.C. 7522(a)(3)) are each amended by—

(1) striking out "device or element of design installed on or in a motor vehicle or motor vehicle engine" and inserting in lieu thereof "part or component placed in or on a motor vehicle or motor vehicle engine for the sole purpose of controlling emissions"; and

(2) inserting the following before the semicolon at the end thereof ", except as may be necessary in connection with routine maintenance".

(b) Subparagraph (A) of such section is amended by striking out "such device or element of design" and inserting in lieu thereof "such part or component".

Sec. 6. Section 177 (42 U.S.C. 7507) is amended by inserting "(which shall not include any provision similar to subsection (a) or (b) of section 207)" before "relating to control of emissions".

Sec. 7. (a) Section 207(g) is amended to read as follows:

"(g) For the purposes of this section, the owner of any motor vehicle or motor vehicle engine warranted under this section is responsible in the proper maintenance of such vehicle or engine to replace and to maintain, at his expense and at any service establishment or facility of his choosing, such items as spark plugs, points, condensers, and any other part, item, or device related to emission control, unless such part, item, or device is covered by any warranty not required by this Act.".

(b)(1) Section 203(a)(4)(C) is amended by striking out "except as provided in subsection (c)(3) of section 207."

(2) Section 203(a)(4) is amended by inserting immediately after subparagraph (D): "Subparagraph (C) shall not apply to the provision of any communication regarding any part, component, or system, or service provided without charge under the terms of the purchase agreement."

THE NATIONAL PRESERVATION HISTORIC FUND

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. RICHARDSON. Mr. Speaker, this year we are celebrating the bicentennial of our Constitution, yet many historic landmarks which were standing before our Constitution was written will not see the dawn of the next century.

For the past 6 years, President Reagan has submitted a budget to Congress which has requested zero funding for the Historic Preservation Fund. The Historic Preservation Fund is a State/Federal partnership which was established by an act of Congress in 1966. Through the fund, with matching funds provided by States, local governments, nonprofit corporations, and private donations, State historic preservation offices were established in all 50 States and the trust territories.

These State Historic Preservation offices conduct detailed reviews of applications for Federal investment tax credits for restoration projects. They consult with Federal agencies on how federally funded or licensed projects affect cultural resources. They identify significant historic sites. They assist the historic preservation efforts of local governments.

In the past, State offices administered an acquisition and development program, funded through the Historic Preservation Fund, which provided matching grants to support the purchase and restoration of significant sites. In the State of New Mexico, two historic mission churches have been lost during the past year because funds were not available. Just this past week, a national historic landmark was purchased by a private party and its future is now uncertain. It is possible that the State could have acquired the site for restoration had the appropriate funds been available.

The New Mexico State Legislature is currently considering two bills which will establish a revolving fund for the preservation of historic buildings. Many other States already have similar funds. The recommended funding for this program will enable our States to preserve significant historical sights that would otherwise be doomed. I ask my colleagues to join me in supporting the efforts to return the preservation of our Nation's history to its rightful place on the national agenda. We must stand behind our commitment in this Federal/State partnership.

RETURN TO THE GOLD STANDARD

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. CRANE. Mr. Speaker, if we are to revitalize our Nation's economy, we must remove from Government the temptation and the ability to produce chronic budget deficits. Restoration of a dependable monetary standard based on a commodity with fixed value would, by making monetization impossible, accomplish this. For this reason, I have introduced H.R. 336 a bill to produce that all Federal Reserve notes and other currencies of the United States shall be redeemable in gold.

In the constitutional debates in Philadelphia the monetary standard of the United States was a matter of central consideration. Article I, sections 8, 9, and 10 unequivocally provide for a monetary standard of gold and silver. Not until 1862, in the midst of the Civil War, did America suspend convertibility and begin printing greenbacks. During the Civil War, as a result of the suspension of convertibility, price levels tripled. When Congress decided to return to a gold convertible greenback in 1875 to prevent further increases, prices stabilized and inflation ceased to exist.

In the half century that has passed since President Roosevelt ordered that U.S. citizens would not be able to trade dollars for gold, the purchasing power of the dollar has declined significantly while the value of gold in real terms has remained almost constant. In 1928, one could purchase a two-door Chevrolet coupe with a rumble seat for $720 or 36 ounces of gold. Thirty-six ounces of gold today at around $400 per ounce will buy two fine Ford Escorts. In 1932 one could buy a fine suit of clothes for $20 or 1 ounce of gold. One ounce of gold will buy you a fine suit today. One ounce of gold in the early Depression years would buy you over 300 gallons of gasoline at the pump, 10 gallons for a dollar. One ounce of gold today—with gasoline at $1.20 per gallon—will buy you 250 gallons of gasoline. While the gold standard is not perfect, its reinstitution in some form would be an improvement over the fiat paper money in circulation since 1933.

Some economists have argued the gold standard should not and could not be reinstated. Keynesians complain that under the gold standard, the Government would lose control of our money supply. That is precisely the objective of the gold standard: to take control of the money supply, and correspondingly, money value, out of the hands of a few Government decisionmakers. Keynesians contend that the Government must have the authority to adjust money supplies to stimulate demand. Since Roosevelt abandoned the gold standard in 1933, this view has ruled, and ruled miserably. The attempts to "fine tune" "adjust" the money supply to regulate demand have caused wave after wave of inflation. Each wave eclipses the former. These failures have given impetus to the rebirth of the gold standard. Ironically, at the moment that President Richard Nixon proclaimed, "We are all Keynesians," this philosophy was in its death throes. For more than four decades, the Keynesians have had control of the money. They have debauched its value.

They also argue that the gold standard will not restrain all forms of inflation. Inflation can still occur with currency tied to gold owing to a significant increase in supply. Such an inflation did indeed occur during the gold rush in California. But unlike under a fiat money standard, the laws of supply and demand serve to eliminate inflation. As the supply of gold increases, its value decreases and the incentive to mine additional gold diminishes. As less gold is introduced into the market inflation is brought under control.

Keynesians argue further that there is not enough gold to function as money in today's vigorous international trading environment. With the fixed gold redemption rate set at the market price of gold, current paper dollars would not disappear, but simply retain a constant value due to their link to gold. If international trade takes place with gold-backed dollars, it will function more smoothly by eliminating wild currency gyrations. Every contract will not require an inflation clause; every creditor will not have to guess what interest rate he should charge to recover his loan after inflation; every business relationship will not have to be renegotiated periodically due to money value changes; every disposable dollar will not be immediately consumed but saved to create more investment capital. Trade will be encouraged by sound money.

The monetarists seem to have few substantive arguments against the gold standard, they simply do not have any confidence that it can be implemented. Milton Friedman contends that finding a market price of gold would be impossible. Adopting gold as a monetary standard at current prices, he contends, would cause more uncertainty than tying the currency to pork bellies. This statement overlooks the reason that gold prices have swirled on the commodity market. With the nations of the world depending on fluctuating fiat currencies, no one would really expect any different result for gold commodity prices. Unbacked paper has expanded and shrunk daily as governments have printed more paper to cover their debts and as traders have shifted from currency to currency on the international market seeking an exchange medium that will hold its value. Indeed as popular trust in the idle promises behind paper has risen and fallen and as the number of paper dollars has risen and fallen, so have the prices of gold. The price of gold as a monetary standard would not vary wildly. A dollar would be a fixed measure for a certain number of grains of gold. Without inflation, there would be no risk, speculation, or price fluctuation. The dollar would retain a stable value, as it did for decades before it was severed from gold.

Ultimately, the question is not whether it is possible to reestablish the gold standard or whether it is too difficult to do so. But, the practical question remains: Is it harder to return to a gold standard which worked for over 150 years in America, or is it harder to live with the conditions that have resulted from a reliance on fiat currency, the highest interest rates, the worst inflation, alternating inflation and potential deflation, recessions, and so forth? Not only would a gold-backed dollar bring about monetary stabilization and lower interest rates, but it would also help balance the budget by preventing politicians from overspending and then simply monetizing the debt. It is high time for our currency to once again be as sound as a dollar and the dollar to be as good as gold.

A SALUTE TO FEDERAL EMPLOYEES

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. DYMALLY. Mr. Speaker, yesterday the House of Representatives approved a bill designating the week of March 1, 1987, as Federal Employees Recognition Week.

As chairman of the Subcommittee on Census and Population, it was my privilege to bring this bill to the floor. I want to commend the sponsor of House Joint Resolution 53, Ms. OAKAR, for her unwavering efforts in support of Federal employees.

This joint resolution, I believe, will serve an important purpose. It will remind all Americans of the significant role our civil servants play in their everyday lives.

Just think about it for a minute. Federal employees process the millions of Social Security checks that go to our senior citizens every month. They provide health care and counseling to our veterans. They process loans for small businesses, farmers, college students, and homeowners.

The men and women who safely direct thousands of plane flights a day are Federal employees. Millions of pieces of mail are delivered every day by civil servants.

Federal employees risk their lives to chase down drug smugglers at our borders. They provide detailed weather information to communities throughout the Nation.

The list could go on and on.

So the next time you hear this administration say that Federal employees are underworked and overpaid, stop and think about the numerous contributions Federal workers make to each and every one of us. And remember that, on the average, Federal employees receive less pay and less benefits for their efforts than employees in the private sector.

Then, during the week of March 1, take a minute to thank a Federal employee for his or her work to improve everyday life for all Americans.

THANKS TO CHRISS DOSS FOR A JOB WELL DONE

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. ERDREICH. Mr. Speaker, on Thursday, February 26, 1987, the employees of Jefferson County, AL, whom I am proud to represent in the House, will honor a man who has served his county and State in public office for 16 years.

Chriss Doss in a Cullman County native who received his B.A. degree from Samford University; M.S.L.S. degree from Drexel University; B.D. from Eastern Baptist Theological Seminary, and J.D. from Cumberland School of Law, Samford University. He has done postgraduate studies at Eastern Baptist Theological Seminary in church history, and at Temple University in American Revolution and constitutional history.

Chriss Doss began his career in 1962 as assistant librarian and assistant professor of history at the Eastern Baptist College, St. Davids, PA; and was law librarian at Samford University from 1964-67; and for several years he was a partner in the law firm of Doss, Gorham & Natter in Birmingham.

He was elected to the Alabama House of Representatives and served from 1970-74. From 1972-74, he was chairman of the Jefferson County House Delegation. On January 20, 1975, Doss was elected to the Jefferson County Commission as the commissioner of public works where he remained until the special election on March 2, 1982, when he became president of the Jefferson County Commission.

His affiliations are many, including the Birmingham Bar Association, Alabama Bar Association, American Bar Association, American Heritage Society, Southern Historical Association, Alabama Historical Association, and numerous other professional and academic societies and organizations. He has written several articles for professional periodicals on libraries, church libraries, and local history. He has served as president of the Association of County Commissions of Alabama and has served on the board of managers of ACCA for the last 8 years. He has also served as president of the Alabama Historical Association and is presently on that organization's executive committee.

From 1982 through 1986, Doss served on the board of directors of the National Association of Counties [NACo]. He also served for several years on NACo's finance and taxation steering committee, and transportation steering committee.

Chriss Doss has held numerous interim pastorates in Baptist churches in Alabama, and is frequently called upon to speak in churches throughout Alabama. He is sought after as a speaker on American, Alabama church, and local history. He is also thought of as an expert in State and local government. He is an avid and enthusiastic reader, who has a personal library of over 9,000 volumes.

He and his wife, Birmingham physician, Dr. Faye Williams Doss, have four children.

Chriss Doss has served his State and county with distinction. It is a testament to his public service that his former employees will gather together to honor him for his years of public work. They are saying, on behalf of those across Jefferson County he served, "Thanks," for a job well done.

TRIBUTE TO PASTOR J. ALFRED SMITH

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. DELLUMS. Mr. Speaker, the Honorable FORTNEY (PETE) STARK and I are extremely pleased to join with thousands of our constituents in and about the city of Oakland, CA, on March 1, 1987, in a singular community tribute and reception on behalf of the esteemed Pastor J. Alfred Smith.

It would be impossible to enumerate the host of honors and awards Pastor Smith has received over the years for his distinguished service to our community. Residents of the Eighth and Ninth California Congressional Districts have been privileged to have the service of this remarkable individual who has received over 75 local and national awards for his leadership in revitalizing the minority business community, reducing drug traffic, promoting youth employment, improving educational opportunity, extending civil rights, expanding health care, and generally enhancing communications across racial, social, and religious lines. Dr. Smith, both educator and minister, served with distinction on the Oakland Board of Education. He was recently elected president of the Progressive National Baptist Convention, Inc.

As we personally extend our congratulations and best wishes to Pastor Smith, we are delighted to share his remarkable achievements with our colleagues in the U.S. Congress.

MEDICARE CATASTROPHIC ILLNESS COVERAGE ACT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. MICHEL. Mr. Speaker, today I introduced the President's catastrophic health insurance legislation. I include, below for my colleagues perusal a copy of the legislation and a factsheet:

FACTSHEET

In his sixth State of the Union address, President Reagan pledged to submit legislation "to help free the elderly from the fear of catastrophic illness." The President said: "* * * let us remove a financial specter facing our older Americans—the fear of an illness so expensive that it can result in having to make an intolerable choice between bankruptcy and death."

To fulfill that commitment, the President today is sending to Congress the Medicare Catastrophic Illness Coverage Act. This landmark legislation would provide protection under the Medicare program for elderly and disabled Americans who suffer an acute care catastrophic illness.

As the President states in his transmittal message to the Congress, "The legislation would help provide peace of mind for 30 million Americans without adding to the tax burden of their children."

The six-part "Medicare Catastrophic Illness Coverage Act" would provide improved acute care coverage for the elderly and disabled by restructuring the Medicare program as follows:

ANNUAL CEILING ON BENEFICIARY EXPENSES

Under Section 3 of the President's proposed legislation, an annual $2,000 out-of-pocket limit for Medicare-covered expenses would be established. Each beneficiary would be assured that once he incurred out-of-pocket expenses for approved charges of $2,000, Medicare would pay for all remaining coverage charges.

Any beneficiary enrolled in the Medicare Supplementary Medical Insurance Program (part B) would be protected by the ceiling. The $2,000 ceiling for 1988 would be indexed in the future by the percentage change in total Medicare per capita expenses.

Out-of-pocket expenses would include the part A hospital deductible, coinsurance under the hospice benefit, and the part B deductible and coinsurance. Amounts above the Medicare-approved fee level paid to physicians and others who do not accept Medicare assignment would not be included.

MEDICARE HOSPITAL INSURANCE (PART A) PROGRAM

As part of the added protection against catastrophic illness, all hospital and skilled nursing facility coinsurance would be eliminated.

Under Section 2 of the proposed legislation, Medicare would pay for an unlimited number of hospital days for covered services. Skilled nursing facility care would be provided for up to 100 days per year.

The complicated "spell-of-illness" methodology for computing benefits would be eliminated. Instead of the beneficiary paying an inpatient hospital deductible for each spell of illness, a beneficiary would only pay the deductible for the first two inpatient hospital admissions in a year. No beneficiary would ever pay more than two hospital deductibles in any year.

THE PART B PREMIUM

The President's proposal would be completely financed by a modest addition to the existing monthly Supplementary Medical Insurance (part B) premium. This addition is an actuarially sound premium of $4.92. Section 4 of the Medicare Catastrophic Illness Coverage Act would initially increase the part B premium to pay for the costs of the new catastrophic insurance, including changes in the part A program under section 2 and the costs of the annual ceiling set by section 3.

Any beneficiary electing the optional part B would be automatically covered for catastrophic illness expenditures.

The catastrophic expense cap would be adjusted annually to reflect changes in program costs to ensure that the added catastrophic protection remains budget neutral.

Noting in this bill is intended to result in any decrease in the monthly cash benefit paid to an individual, and the Administration will work with the Congress to add a budget-neutral hold-harmless adjustment to Social Security for 1989 and later years.

TECHNICAL PROVISIONS

Section 1 of the proposal would assign the measure the short title "Medicare Catastrophic Illness Coverage Act." Section 5 would apply the measure's provisions as of the beginning of calendar year 1988.

CONCLUSION

The Medicare Catastrophic Illness Coverage Act addresses a fundamental gap in health insurance protection for the elderly and disabled. The President today urged Congress to pass this legislation and "give elderly Americans a health insurance plan that fights the fear of catastrophic acute care illness."

A bill to provide for Medicare catastrophic illness coverage, and for other purpose

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Medicare Catastrophic Illness Coverage Act".

(b) The amendments in this Act apply to the Social Security Act.

REVISIONS IN HOSPITAL INSURANCE PROGRAM

SEC. 2. (a) Section 1812(a) is amended—

(1) by revising paragraph (1) to read as follows:

"(1) inpatient hospital services;", and

(2) in paragraph (2), by striking out "spell of illness" and inserting instead "year".

(b) Section 1812(b) is amended—

(1) in the matter preceding paragraph (1), by (A) striking out "spell of illness" and inserting instead "year" and (B) striking out "(subject to subsection (c))",

(2) by striking out paragraph (1),

(3) in paragraph (2), by striking out "spell" each place it occurs and inserting instead "year", and

(4) by renumbering paragraphs (2) and (3) as (1) and (2), respectively.

(c) Section 1812(c) is repealed.

(d) Section 1812(e) is amended by striking out "subsections (b) and (c), inpatient hospital services, inpatient psychiatric hospital services," and inserting instead "subsection (b), inpatient psychiatric services".

(e) Section 1812(g) is amended by striking out "definition of 'spell of illness', and for definitions of other" and inserting instead "definitions of".

(f) section 1813(a) is amended—

(1) in the first sentence of paragraph (1), by striking out "any spell of illness" and inserting instead "each of the first two admissions in a year",

(2) by striking out the second sentence of paragraph (1), and

(3) by striking out paragraph (3).

(g) Section 1813(b)(3) is amended to read as follows:

"(3) The inpatient hospital deductible for a year shall apply to the deduction under subsection (a)(1) for the year in which the first day of inpatient services occurs in an admission.".

(h) Section 1832(b) is amended to read as follows:

"(b) For definitions of 'medical and other health services' and other terms used in this part, see section 1861.".

(i) Section 1861(a) is repealed.

(j) Section 1861(y) is amended—

(1) in paragraph (1), by striking out "(except for purposes of subsection (a)(2))",

(2) in paragraph (2), by (A) striking out "spell of illness" each place it occurs and inserting instead "year" and (B) striking out "spell" each place it occurs and inserting instead "year",

(3) by striking out paragraph (3), and

(4) by renumbering paragraph (4) as (3).

(k) Section 1866(a)(2)(A)(i) is amended by striking out "(a)(3), or (a)(4), section 1833(b), or section 1861(y)(3)" and inserting instead "section 1813(a)(4), or section 1833(b)".

CEILING FOR BENEFICIARY EXPENSES

SEC. 3. (a) Section 1832(a) is amended—

(1) by striking out "and" at the end of paragraph (1),

(2) by substituting "; and" for the period at the end of paragraph (2), and

(3) by adding at the end the following:

"(3) entitlement to have payment made to him or on his behalf (subject to the provisions of this part) of the amounts specified in section 1833(a)(5).".

(b) Section 1833(a) is amended—

(1) by striking out "and" at the end of paragraph (3),

(2) by substituting "; and" for the period at the end of paragraph (4), and

(3) by adding at the end the following:

"(5) the amounts by which the beneficiary cost sharing amounts for items and services furnished in a year (but substituting that period of the last quarter of the preceding year that occurs before the cost sharing limitation for that preceding year is reached (if at all) for the last quarter of the year in question, if the amounts are greater) exceed the cost sharing limitation for that year.".

(c) The first sentence of section 1833(b) is amended—

(1) by striking out "and" at the end of clause (3), and

(2) by inserting before the period the following: ", and (5) such deductible shall be included in the beneficiary cost sharing amounts".

(d) Section 1833(d) is amended by inserting "(except as provided by subsection (a)(5))" before the period.

(e) Section 1833 is further amended by adding at the end the following:

"(m) The Secretary shall, during September of 1988 and of each year thereafter, determine and promulgate the cost sharing limitation (as defined in section 1861(a)(2)) for the succeeding calendar year.".

(f) Section 1861 (as amended by section 2(i) of this Act) is further amended by inserting before subsection (b) the following:

"(a)(1) The term 'beneficiary cost sharing amounts' means the amounts of expenses that an individual who is covered under the insurance program established by part B incurs that are—

"(A) amounts specified in the first two sentences of section 1866(a)(2)(A) (but for an individual who is not also covered under the insurance program established by part A, only those amounts for items and services covered under part B), and

"(B) amounts equal to the difference between the total amounts that constitute payment in full under part B when a physician or other entity that is not a provider of services accepts (or would accept) assignment (or otherwise agrees to accept a specified amount) and the amounts payable from the Federal Supplementary Medical Insurance Trust Fund for those items and services (other than under section 1833(a)(5)).

"(2) The term 'cost sharing limitation' means—

"(A) for 1988, $2,000, and

"(B) for 1989 and later years, $2,000 increased (or decreased) by the percentage increase (or decrease) in total per capita expenses of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund for the second preceding year over those for 1986 (but, if not a multiple of $10, rounded to the nearest multiple, or, if midway between two multiples, rounded to the next higher).".

(g) Section 1866(a)(2)(A) is amended by adding at the end the following: "A provider of services may not impose a charge under this subparagraph to the extent payment is made to the provider of services under section 1832(a)(3).".

INCREASE IN SUPPLEMENTARY MEDICAL INSURANCE PREMIUM

SEC. 4. (a) Section 1839(a)(1) is amended to read as follows:

"SEC. 1839(a)(1). The Secretary shall, during September of 1987 and of each year thereafter, determine the monthly actuarial basic rate and the monthly actuarial catastrophic illness rate for enrollees age 65 and over which shall be applicable for the succeeding calendar year. The monthly actuarial basic rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for the calendar year with respect to those enrollees age 65 and over will equal one-half of the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such calendar year with respect to such enrollees (excluding benefits payable under section 1833(a)(5)). The monthly actuarial catastrophic illness rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for the calendar year with respect to those enrollees age 65 and over will equal the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such calendar year with respect to such enrollees under section 1833(a)(5), and from the Federal Hospital Insurance Trust Fund for the changes (under section 2 of the Medicare Catastrophic Illness Coverage Act) in services performed in such calendar year with respect to individuals age 65 and over who are covered under the insurance program established by part A. In calculating the monthly actuarial rates, the Secretary shall include appropriate amounts for a contingency margin.".

(b) Section 1839(a)(2) is amended by striking out "1983" and inserting instead "1987".

(c) Section 1839(a)(3) is amended—

(1) in the first sentence, by striking out "1983" and inserting instead "1987",

(2) by revising the second sentence to read as follows: "The monthly premium shall (except as otherwise provided in subsection (e)) be equal to the sum of—

"(A) a weighted average of the monthly actuarial catastrophic illness rate for enrollees age 65 and over, determined according to paragraph (1) of this subsection, and that rate for disabled enrollees under age 65, determined according to paragraph (4) of this subsection, for that calendar year, and

"(B) the smaller of—

"(i) the monthly actuarial basic rate for enrollees age 65 and over, determined according to paragraph (1) of this subsection, for that calendar year, or

"(ii) the monthly payment rate most recently promulgated by the Secretary under this paragraph, increased by a percentage determined as follows: The Secretary shall ascertain the primary insurance amount computed under section 215(a)(1), based upon average indexed monthly earnings of $900, that applied to individuals who became eligible for and entitled to old-age insurance benefits on November 1 of the year before the year of the promulgation. He shall increase the monthly premium rate by the same percentage by which that primary insurance amount is increased when, by reason of the law in effect at the time the promulgation is made, it is so computed to apply to those individuals for the following November 1.", and

(3) in the third sentence, by striking out "amount of an adequate actuarial rate for enrollees age 65 and over as provided in paragraph (1)" and inserting instead "amounts of adequate actuarial basic and catastrophic illness rates for enrolles as provided in paragraphs (1) and (4)".

(d) Section 1839(a)(4) is amended to read as follows:

"(4) The Secretary shall also, during September of 1987 and of each year thereafter, determine the monthly actuarial basic rate and the monthly actuarial catastrophic illness rate for disabled enrollees under age 65 which shall be applicable for the succeeding calendar year. The monthly actuarial basic rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for the calendar year with respect to disabled enrollees under age 65 will equal one-half of the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such calendar year with respect to such enrollees (excluding benefits payable under section 1833(a)(5)). The monthly actuarial catastrophic illiness rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for the calendar year with respect to disabled enrollees under age 65 will equal the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such calendar year with respect to such enrollees under section 1833(a)(5), and from the Federal Hospital Insurance Trust Fund for the changes (under section 2 of the Medicare Catastrophic Illness Coverage Act) in services performed in such calendar year with respect to disabled individuals under age 65 who are covered under the insurance program established by part A. In calculating the monthly actuarial rates, the Secretary shall include appropriate amounts for a contingency margin.".

(e) Section 1839(e)(1) is amended—

(1) by striking out "monthly premium" and inserting instead "portion of the monthly premium otherwise determined under subsection (a)(3)(B)", and

(2) by inserting "basic" after "actuarial".

(f) Section 1839(f)(1) is amended by striking out "1985, 1986, or 1987, the monthly premium" and inserting instead "1987, the portion of the monthly premium otherwise determined under subsection (a)(3)(B)".

(g) Section 1839(f)(2) is amended—

(1) in the matter preceding subparagraph (A), by (A) striking out "1986, 1987, or" and (B) striking out "monthly premium" the second place it occurs and inserting instead "portion of the monthly premium otherwise determined under subsection (a)(3)(B)", and

(2) in subparagraph (A), by striking out "monthly premium amount determined under subsection (a)(2)" each place it occurs and inserting instead "portion of the monthly premium amount determined under subsection (a)(3)(B)".

(h) Section 1841 is amended by adding at the end the following:

"(j) The portion of the premium amounts that is determined under section 1839(a)(3)(A) shall be treated as a separate account. Amounts paid under section 1832(a)(3) or transferred under subsection (k) of this section shall come from that portion.

"(k) There shall be transferred from time to time from the Trust Fund to the Federal Hospital Insurance Trust Fund amounts from the premium under this part that are attributable to the changes (under section 2 of the Medicare Catastrophic Illness Coverage Act) in services performed in such calendar year with respect to individuals who are covered under the insurance program established by part A.".

(i) Section 1844(a)(1)(A)(i) and section 1844(a)(1)(B)(i) are each amended by striking out "twice the dollar amount of the actuarially adequate rate" and inserting instead "the sum of the dollar amount of the actuarially adequate catastrophic illness rate and twice the dollar amount of the actuarially adequate basic rate".

(j) Section 1876(a)(5) is amended—

(1) in the matter preceding subparagraph (A), by striking out "200 percent of", and

(2) in subparagraphs (A)(ii) and (B)(ii), by striking out "monthly actuarial rate" and inserting instead "the sum of the monthly actuarial catastrophic illness rate and twice the monthly actuarial basic rate".

EFFECTIVE DATE

SEC. 5. The amendments made by the preceding sections apply to items and services furnished after, and premiums for months after, 1987 (and do not, for purposes of the parenthetical clause in section 1833(a)(5) of the Social Security Act, apply to items and services furnished during the last three months of 1987).

TRUTH IN GOVERNMENT ACCOUNTING ACT OF 1987

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. CRANE. Mr. Speaker, congressional debate concerning Federal deficit reduction misses a basic, essential fact—accounting methods. Without doubt, an area as important as deficit reduction must be considered carefully, and decisions must be based on reliable financial information. In the absense of such information, we would be making spending decisions without sound financial planning and jeopardizing the future of necessary programs. In fact, this is happening right now.

Currently, the U.S. Government requires no publication of the financial statements of its various entities, and uses the cash basis of accounting for budget reporting. This presents some serious problems. According to one of the world's largest accounting firms, Arthur Andersen & Co., cash-basis accounting "hides the costs of current programs, and results in misinformation and misunderstanding."

Cash-basis accounting keeps track of all the money which an organization receives and pays out. It ignores money which an organization will both earn and owe in the future. It is an accounting method tailored to the needs of small businesses. When applied to a large government, it falls short of providing reliable information needed for sound policymaking decisions and therefore creates a clouded financial picture. A more appropriate alternative to cash-basis accounting is accrual-basis accounting or GAAP.

Applying GAAP [generally accepted accounting procedures] produces a more accurate picture of our Government's financial health. Accrual-based accounting matches expenses with their associated revenues; in other words, it recognizes financial events as they occur. Hence, it keeps track of all assets and liabilities. It provides the tools to evaluate both the current and future financial picture of an organization. The U.S. Government requires numerous State and local governments and all publicly held companies to prepare financial statements in accordance with GAAP. This ensures that these organizations will use the most sophisticated accounting methods presently available.

A study conducted by Arthur Andersen & Co. compared consolidated financial statements under cash-basis accounting with statements under GAAP. Under GAAP, the more accurate of the two, the deficit for 1984, for instance, was $148.1 billion higher than under the cash-basis of accounting. Arthur Andersen & Co. has furthermore shown that the National Government has been running deficits which have exceeded the reported deficits by over 100 percent and 200 percent during the last decade.

These deficits manifest a profound problem: A lack of accountability of elected officials to their constituents. Members of Congress, under the present accounting methods, are able to adopt programs which provide benefits currently without providing funding until later years. Individual citizens are therefore unable to judge whether their representatives are creating and maintaining programs in a fiscally responsible manner.

Thus, I have recently introduced legislation, H.R. 118 the Truth in Government Accounting Act of 1987, which will make the National Government fiscally responsible to the people. It requires the Secretary of the Treasury to prepare and make public, for each fiscal year, consolidated financial statements for the United States based on accrual accounting procedures. These statements shall include reports on the operations of all instrumentalities of the U.S. Government. This will force the National Government to stop using the cash-basis of accounting and start using the GAAP method.

It also requires that the Secretary of the Treasury publish these statements each year. He will also notify the people about the existence of these statements and make them public by placing a notice on all tax forms that copies of these statements are available and will be sent to all who request them. This will ensure that all citizens have the opportunity to evaluate whether their tax dollars are being spent wisely.

This act also requires the Comptroller General to use the accrual method of accounting to audit the financial statements prepared by the Secretary of the Treasury. The Secretary of the Treasury will provide the Comptroller General with all the necessary information and facilities needed to ensure a successful audit. This will ensure that the financial statements of the National Government are prepared properly and that they meet the highest standards of the accounting profession.

Finally, my bill requires the President, when submitting his budget, to provide a summary of how the use of GAAP procedures would effect estimated expenditures, appropriations, and receipts of the Government in the year for which the budget is submitted. The Director of the Office of Management and Budget shall also prepare all budgets submitted to the President according to both the cash and accrual accounting methods. This will enable the public and its elected officials to judge the value of GAAP accounting.

Some have argued that GAAP is not suited for Government use. But Charles A. Bowsher, the Comptroller General of the United States, believes that the financial reporting of the National Government would be much improved by using GAAP. GAAP, in fact, has already been used successfully by governments. The National Government, for instance, required New York City to adopt GAAP during the mid-seventies when that city was experiencing financial woes. Today, partly from improved financial reporting, the fiscal health of New York City is much improved.

The time has come to return our country to the path of fiscal responsibility. Only by forcing the National Government to adopt GAAP will we finally have the accurate data we need to make difficult budget decisions. GAAP will also make Members of Congress more accountable to their constituents. We can further these noble goals by considering and passing my bill.

THE URGENT NEED FOR A NEW COMPREHENSIVE ENERGY POLICY: THE OUTER CONTINENTAL SHELF OFFSHORE CALIFORNIA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. FIELDS. Mr. Speaker, this is the second in a series of speeches I am making on the urgent need for a new comprehensive energy policy.

In that context, I would say to my colleagues that such an energy policy must include as one of its major components the timely development of our most promising Federal offshore lands. Clearly, the Federal lands located off the coast of California are some of the most promising unexplored areas in the entire U.S. Outer Continental Shelf.

Unfortunately, for the past few years the Department of the Interior's oil and gas leasing program for the California OCS has been extremely contentious.

In an effort to resolve this controversy, the Congress enacted in the fiscal year 1986 continuing resolution a provision creating a special congressional panel which was charged with the responsibility of negotiating with the Secretary of the Interior.

While the purpose of this panel, of which I am a member, was to foster consensus through good-faith negotiations, regrettably, these negotiations were one-sided in nature.

While Secretary Hodel made an unprecedented effort to achieve a consensus, the no-leasing proponents were more interested in promoting their own selfish political agenda than they were in reaching an agreement.

Mr. Speaker, we are talking about Federal lands—lands that belong to all Americans. They neither belong to the State of California nor to congressional Representatives who may have coastal districts.

Although we did not reach an agreement, I have learned based on these discussions that there are two truths about the California OCS. First, there is no willingness or desire on the part of the no-leasing proponents to accept any agreement which provides a viable and meaningful leasing program off the coast of California.

And, second, there is absolutely nothing unique about the California coastline which requires extraordinary environmental protection.

Under the provisions of the OCS Lands Act, those desiring to lease offshore California will have to comply with 74 sets of Federal regulations and nearly three dozen major Federal laws concerned with environmental protection and navigation safety.

Since 1970, more than 4 billion barrels of crude oil have been produced offshore with a loss of only 791 barrels at the wellhead. In fact, Federal OCS exploration and development is this Nation's safest energy extraction program.

Mr. Speaker, some might ask why these Federal lands off the coast of California are so important. I would say to my colleagues that they are vital for the following reasons:

First, by developing the California OCS in a timely and safe manner, we can create 250,000 American jobs.

Second, we can significantly reduce the serious environmental threats posed by foreign oil tanker spills. While the Santa Barbara accident of 1968 has received endless publicity in California, what has not been widely reported is that of the 60 largest oil spills that have occurred in American waters, only one was the result of OCS oil and gas activity.

Third, by developing the California OCS we can help satisfy the future energy needs of this Nation. It has been estimated that 6,460 "moratorium" tracts may contain more than 2.2 billion barrels of oil and 4.57 trillion cubic feet of natural gas. The California OCS is the most promising area for oil and gas of any outside the Gulf of Mexico—and it is the only other area with commercial hydrocarbon discoveries.

Fourth, we could reduce our growing foreign oil bill which represented $52 billion in 1985, or one-third of our total foreign trade deficit.

Fifth, we could increase our energy reserves which have steadily declined—and which are expected to soon reach their lowest level since World War II. With the Prudhoe Bay field, which provides 20 percent of our energy needs, expected to peak and decline by year's end, only the California OCS and the Arctic National Wildlife Refuge offer this Nation the opportunity to find and produce new large energy resources for this Nation.

Sixth, and, finally, by developing the California OCS, we could comply with the OCSLA which requires that there be an "equitable sharing of developmental benefits and environmental risks among the various OCS regions."

Mr. Speaker, the time for further negotiations, agreements, or amalgamated proposals is past. I urge my colleagues and Secretary Hodel to treat the OCS program offshore California in exactly the same manner as prescribed by the OCS Lands Act for all offshore areas.

If those offshore lands off the coast of California are as important to the future energy needs of this Nation as I believe they are, then the time has come to take this battle to the floor of the House of Representatives.

With a concerted effort, we can meet America's future energy needs. The stakes in the California OCS battle are high. If we fail, we will guarantee that we will not have a comprehensive energy policy, we will not have a viable OCS leasing program, and we will not avoid repeating the economic nightmare and dislocations of another OPEC oil shock.

Mr. Speaker, we have the power to control our own destiny and protect our national security—and the California environment—by developing these offshore lands in a timely and safe manner.

HARVARD RESPONDS TO STUDENT DEBT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. FORD of Michigan. Mr. Speaker, Harvard University Law School recently announced a program to help law school graduates pay off their student loans if they take low-paying public-service jobs. For graduates of the law school who accept law-related positions paying less than $20,000, the school will undertake all of their student loan payments. For those accepting such jobs paying less than $29,000, the school will make their loan repayment in excess of 6 percent of the student's income. This is a very commendable and progressive step by Harvard Law School. It responds to a very serious concern associated with the dramatic increases in student loan indebtedness in recent years: that young people will be discouraged from undertaking public service employment because the low-salaries associated with such jobs are insufficient to repay their student loans.

Unfortunately this program at Harvard Law School, and similar efforts at other schools such as New York University, Stanford, and Yale, are limited to relatively small groups of students at a few institutions. The fundamental problem of growing student indebtedness remains. Student loans were 17 percent of the Federal aid received by students in the 1975–76 school year. In the 1985–86 school year, loans were 50 percent of the aid received by students. This explosion in student debt has occured during the Reagan administration whose definition of educational opportunity is long-term indenture. Student indebtedness has risen by approximately $50 billion during the Reagan years. The answer is to renew the Federal commitment to grant assistance for needy students—an effort which I am confident will begin in earnest during the consideration of the fiscal year 1988 budget and appropriations measures.

On February 21, 1987, an article appeared in the Washington Post describing the Harvard Law School program.

This article follows:

HARVARD TO AID LAW GRADUATES EARNING LESS THAN $29,000: PLAN WILL FORGIVE OR REDUCE STUDENT LOANS

(By Ruth Marcus)

Harvard Law School, in an effort to relieve the pressure felt by debt-laden students to seek high-paying jobs with law firms, has announced a program to help pay off student loans for graduates who take low-paying public-service jobs.

Dean James Vorenberg announced that the law school will pick up the entire tab for law school student loans for graduates who accept law-related positions paying annual salaries under $20,000. Graduates taking jobs for less than $29,000 will pay up to 6 percent of their income, and the law school will pay the balance of the loan.

After financing four years of college and three years of law school, the average Harvard graduate owes $27,200 in law school loans and a total of $32,800 in student loans. Renda Jackson, director of the law school's financial aid office, estimated that payments for $32,800 in debt would be between $600 and $650 monthly.

With starting salaries at major New York law firms now $65,000 and up, and investment banks wooing law students for positions that pay even more, "most of our students can handle" the loan payments, said Harvard Law Prof. Bernard Wolfman, chairman of the law school's committee on financial aid.

However, he said, the program—which applies for each year the graduate stays in a relatively low-paying job and which allows for annual pay raises of up to $1,500—is aimed at helping those who would rather work for public-interest groups, legal aid organizations or other law-related positions.

"What we want to do is not have a disincentive, to enable people to make their choices of legal practice free of the impact that the educational loan burden would otherwise have," he said. "Harvard Law School tuition is $10,700 this year, and nearly two-thirds of the students take out loans, Jackson said.

Under a program established in 1978, Harvard deferred loan repayments for two years for those taking jobs that paid less than $25,799. In the third year, the school forgave loan payments in excess of 8 percent of the graduate's salary.

The expanded program, Wolfman said, was prompted by rising costs. "The cost of living has grown enormously since this program first got started," he said. He said the new program is expected to cost the law school "a few hundred thousand dollars" a year.

Yale, Stanford and New York University also have programs designed to help young lawyers in relatively low-income jobs pay off their student loans, but Harvard's Low Income Protection Plan is the most extensive, Jackson said. She said 53 graduates participate in the plan.

Public-interest lawyers applauded the announcement, saying that the combination of low salaries and crushing debt had deferred many graduates from taking public-interest jobs.

"There's no question that the loan problem is a major problem even for people who are willing to accept very low salaries," said Alan B. Morrison, director of the Public Citizen Litigation Group.

The litigation group, which does not hire lawyers directly out of law school, pays those with a few years of experience about $17,000, and its affiliated health and lobbying arms pay starting salaries of $13,000 to new graduates, he said.

"You can live on these salaries if you want to," Morrison said. "When you talk about paying loans on top of it, it really becomes difficult."

THE DECLINE OF THE DOLLAR

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 25, 1987 into the CONGRESSIONAL RECORD:

THE DECLINE OF THE DOLLAR

After several years at record high levels, the value of the U.S. dollar has recently declined sharply against other major currencies. Although the topic of international exchange rates is complex, it is an important one for Americans to understand because of the impact the value of the dollar can have on our standard of living.

Why has the value of the dollar recently changed?

The value of the dollar—the amount of foreign currency it can purchase—is influenced by several economic and political factors: interest rates, inflation, domestic and foreign economic growth patterns, and even the perceived strength of the American political system. In the 1970's, when inflation rose and confidence in our government declined, the value of the dollar fell. In the 1980's, when inflation was low and our economy expanded, other nations began to have renewed confidence in the United States, and the dollar strengthened in comparison to other currencies. By the mid-1980's, in fact, the dollar was considered by many to have risen too much in international markets.

In September 1985, therefore, the United States reached an informal agreement with four major trading partners—Japan, West Germany, France, and Great Britain—to seek a gradual decline in the value of the dollar. With the hint of possible monetary intervention, the dollar began to decline. More recently, with concerns about the increasing U.S. budget and trade deficits and with indications of Administration desires for a further drop in the dollar, a sharper decline in its value occurred. In December, for instance, the dollar purchased 1.97 German marks and 163 Japanese yen; by the end of January, the dollar purchased only 1.77 marks and 150 yen. This drop renewed attention at home and abroad over the appropriate value for the dollar.

What has been the impact of the strong dollar on the American economy?

The strength of the dollar has been a mixed blessing for the continued long-term health of our economy. On the one hand, it made travel abroad cheaper and more attractive to Americans in the early 1980s. The strong dollar also helped to keep the level of inflation low, as imported goods, such as cars, television sets, and stereos, became relatively cheap. On the other hand, cheaper foreign products hurt sales for U.S. producers both at home and abroad. The result was a widening trade deficit between the United States and its leading trading partners, rapidly declining from a surplus of $6 billion in 1981 to a deficit of $170 billion last year.

What are some potential benefits of the recent decline in the value of the dollar?

The decline in the dollar could have important benefits for our economy. Over the long haul, it could assist in reducing our trade deficit by making American goods more competitive abroad and more attractive at home. This growth in U.S. sales could increase American jobs as our domestic industries expand and hire more workers. In addition, the boost to the competitiveness of U.S. industry could reduce the pressure to enact protectionist trade legislation that might well be counterproductive in the long term.

Yet we must be careful that the dollar does not drop too rapidly or too far. First, a rapid decline might stimulate inflation. Foreign goods would become more expensive with a falling dollar, and American goods could also rise in price because the competition from foreign goods would be lessened. Second, some economists think that too great a weakening of the value of the dollar may reduce its attractiveness to foreign investors. To continue to attract these foreign investors to finance our budget deficits, U.S. interest rates would tend to rise. As those higher interest rates work their way through the economy, they might choke off our economic expansion and increase unemployment. Third, a rapid decline could hurt our key allies. Allies, such as Japan and West Germany, are dependent upon substantial exports, and their political and economic welfare could be affected by too rapid a decline in their exports.

What should the U.S. do about the value of the dollar?

My sense is that the dollar should, within limits, continue to decline in order to make our economy still more competitive abroad. The key to this action is that the decline be done in an orderly fashion. Several steps might help.

First, we should continue the quiet, but determined, discussions with our principal trading partners—in particular, Japan and West Germany—to encourage them to expand their economies so as to absorb more of their own production as well as more American goods. Multilateral efforts are more likely to achieve lasting results than actions by the U.S. alone. Second, the United States should continue to urge countries like South Korea and Taiwan, which have linked the value of their currencies to the dollar, to allow their currencies to reflect market conditions. If the dollar declined against these currencies, our significant trade deficit with these countries would likely improve. Finally, and perhaps most importantly, the United States itself must take concerted action to reduce its budget deficits. The primary long-term threat from our huge budget deficits is an eventual return of inflation and high interest rates. Reducing the deficits improves our prospects for a healthy economy, and restores investor confidence at home and abroad. That should help stabilize the value of the dollar. In many ways, then, reducing our budget deficits might be the best immediate antidote to any instability in the dollar.

Overall, while we need to pursue a cautious but vigorous policy in seeking some gradual decline in the value of the dollar, we also need to realize that no single action or short-term solution is likely to be sufficient. Only a variety of domestic and international measures sustained over the long term can produce a value of the dollar that is acceptable for the overall health of the U.S. and global economies.

TESTIMONY OPPOSING NRC PROPOSED RULE CHANGE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. MRAZEK. Mr. Speaker, the Nuclear Regulatory Commission [NRC] recently proposed a rule change concerning offsite emergency planning. This proposal would allow full power nuclear plant operation to begin when there is a lack of State or local government cooperation in offsite emergency planning. I oppose this proposed ruling and presented my views before the NRC today to that effect. The following is my testimony:

STATEMENT OF ROBERT J. MRAZEK—NUCLEAR REGULATORY COMMISSION

Mr. Chairman, I want to thank you for convening this meeting today in regard to a very important rule change.

As I understand it, the draft proposed rule change would allow full power nuclear plant operation to begin when there is a lack of state or local government cooperation in offsite emergency planning. I am strongly opposed to this change.

As you are aware, many of our laws and regulations are direct responses to unanticipated or unusual events, which after review and investigation reveal the need for a policy change. The most profound example in American nuclear history is Three Mile Island. As I recall, the Commission implemented new regulations in 1980 concerning emergency planning and preparedness in the wake of the accident at Three Mile Island plant, where it was found that the offsite response was grossly inadequate. The aftermath of the Three Mile Island accident portrayed a vivid scenario of exactly what we did not want to see happen in terms of emergency planning in the event of an accident. As a result, a critical policy change came into effect. If implemented, the proposal under study today would reverse the progress made in emergency preparedness over the last eight years since the Three Mile Island accident.

As a representative in Congress, my ultimate concern is working to ensure the health and safety of the residents on Long Island and throughout the country. Given the unique geography of Long Island and the additional emergency planning that must be taken into account because it is an island, I would argue that we must consider issuing more rigid emergency planning measures. Because of the unique geography of Long Island, no one can protect the safety of residents in the most optimal conditions, even employing an emergency plan in which everyone cooperates.

The issue of noncooperation of state and local officials in emergency planning has its roots in the responsibility of assuring public safety. If you recall, state and local authorities have refused to participate in an emergency test. They withdrew because of a fundamental recognition of the fact that residents cannot be safely evacuated. It has been previously addressed at Congressional hearings that the federal government's role is to complement and support the will of the state and local officials, and not to supercede decisions made in the name of public safety. And, perhaps, the veto-power that is mentioned in the staff memorandum to the Commissioners is truly the ultimate check on the entire licensing process.

As I understand it, under this proposed rule change the Federal Emergency Management Agency (FEMA) would relinquish its responsibility to make a determination of public safety for the Commission. And, with this "additional flexibility," the Commission could issue a license for full power if an "applicant demonstrates that adequate offsite emergency planning is achievable and all other aspects of foregoing criteria are satisfied." To me, this translates thusly: The Commission can receive a plan from a utility, deem it adequate and feasible, and thereby circumvent the established emergency planning process.

In Congressional hearings last year, it was determined that state and local resources are imperative in any emergency plan of this nature. In addition, in evacuation drills held without state and local officials, serious deficiencies were uncovered. It is preposterous that a utility, whose ultimate interest is to license its plant, can design and satisfactorily implement an evacuation plan without the participation of state and local officials.

Just one year ago, the world witnessed a nuclear disaster at Chernobyl. The victims were left helpless while the world re-evaluated its policy with regard to safety and emergency planning. As Americans, we could hardly believe the inadequate planning and the irresponsible way in which details in the aftermath of this accident were handled. Unlike the Soviet Union, we have prided ourselves on instituting a system that is responsible to the needs and desires of its population, where safety and public health are the overriding concern in policymaking.

Unfortunately, what we are witnessing today is a proposal that guts our entire licensing system, and usurps the authority of state and local officials to protect the public at large.

I can only conclude that the Commission's ultimate goal is to license nuclear power plants regardless of whether public health and safety can be guaranteed. It is a uniquely irresponsible act on the part of the Commission.

BUSING: LIMITING SUPREME COURT JURISDICTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. CRANE. Mr. Speaker, recently I introduced legislation, H.R. 105, to limit the jurisdiction of the Supreme Court and district courts regarding the question of forced busing.

The U.S. Supreme Court handed down a significant decision in Brown versus Board of Education in 1954 which declared public school racial segregation unconstitutional. It was almost another decade before the Supreme Court began insisting on integration, not simply desegregation. This decision was an outstanding example of judicial activism, the court going beyond legislation to impose its view of what good social policy should be.

My legislation, if passed, will make an exception to the existing law as provided in the Constitution. In brief, article III, section 2, clause 2 declares that the Supreme Court shall have appellate jurisdiction in law and fact but with such exceptions and regulations which Congress might make. The actual citing states:

> In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Using this exception, my bill will amend chapter 81 of title 28 of the U.S. Code. A legislative remedy is necessary because the Federal courts have departed from their traditional role as impersonal interpreters of the law and have become active participants in both legislation and administration. In doing so, they have become policy makers and enforcers rather than an independent part of the Government mediating between other branches.

I believe that our Founding Fathers inserted this exception clause in the Constitution to ensure that the will of the majority shall prevail under our system of government. The issue in this particular case is one of freedom. The right to be free from arbitrary, court-mandated busing of one's children regardless of one's color. Court-ordered busing for racial purposes denies citizens the opportunity to attend schools in their local school districts.

Furthermore, the actions of the courts show a strong commitment to forced busing despite overwhelming public opposition, and the policy's record of failure to promote better integrated schools, racial harmony, or better education. Racial discrimination should be combated, but court-ordered busing should be curbed. Busing has brought a flight of students from urban schools, and problems for public school systems already under criticism for not meeting the education needs of American students.

"White flight" continues to be an issue in the public school system as whites continue to abandon this system and enroll in private schools. The reason why this trend continues should not be attributed to racism, but rather to the fact that the quality of our educational system has declined. To help rectify the declining quality of education, busing expenditures resulting from transportation costs should be redistributed in the form of teacher salaries and basic programs to improve the education that our children receive.

In summary, busing creates a negative precedent. It reorders the constitutional powers of two of the three branches of government. It is Congress' inaction that allows this situation to exist. I urge my colleagues to join me in my attempt to limit the jurisdiction of the Supreme Court by cosponsoring H.R. 105.

DISCRIMINATION IN EMPLOYMENT OF HANDICAPPED

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. MOAKLEY. Mr. Speaker, I have recently reintroduced legislation that will bring equal protection in employment to the handicapped under the Civil Rights Act of 1964.

Under existing law, there is no generally applicable prohibition against employment discrimination on the basis of handicap. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, religion, sex, or national origin, but it provides no protection for disabled workers. The widespread exclusion of handicapped workers from employment exacts an enormous toll in terms of human dignity and the quality of life for countless Americans. Over 16 million people age 18 to 64 years reported some level of work disability in the 1976 census. Of this handicapped population, there were only 7.1 million persons working. It is vital to realize that most of these people desire employment but do not work because of unjust and discriminatory hiring policies.

The handicapped face the dilemma of being discriminated against in employment opportunities because they are evaluated on the basis of false generalizations, misconceptions, and misinformation about their handicaps; not on the basis of their job skills, productivity, or performance. Qualified individuals, time and again, are denied employment because of their disability when the disability would in no way interfere with their job performance. Our handicapped deserve the opportunity to be evaluated and hired on the basis of their ability and not their handicap.

The need for this legislation is obvious. There are too many employers who still will not hire an otherwise qualified individual for the sole reason of his or her disability. Some employers cling to the myths related to hiring the handicapped. Fears of increased insurance rates, lower job performance, job stability, poor attendance, and the required physical adjustment turn employers away from hiring the handicapped. This unnecessary situation weighs a heavy cost on society. In 1980, it was estimated that the Federal Government spent, approximately $1 out of every $13 in the Federal budget—$40 billion—to support our disabled population. State, local, and private support for disabled citizens amounts to approximately an additional $60 billion. Surely by eliminating employment discrimination of the handicapped we can help reduce this economic burden on taxpayers. Additionally, and more importantly, by enacting this legislation we can help reduce the loss in human terms that is caused by discrimination against handicapped individuals. Too many deserving people are excluded from society's mainstream and left to lose their dignity and self-worth.

The time has come to include handicapped individuals as a protected element in our population under title VII of the Civil Rights Act of 1964, protecting handicapped persons against all forms of employment discrimination under that title. We must demonstrate our Nation's firm commitment to ending discrimination against the handicapped by enacting this legislation. I hope my colleagues will support me in my effort to give the handicapped an equal opportunity in employment.

Successful hearings on this legislation were held before the Subcommittee on Employment Opportunities during the 99th Congress. I am hopeful H.R. 192 will continue to move forward in the upcoming months.

Text of the bill follows:

H.R. 192

A bill to amend title VII of the Civil Rights Act of 1964 to make discrimination against handicapped individuals an unlawful employment practice.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a reference in section 2, 3, 4, 5, or 6 of this Act to a section or other provision is a reference to a section or other provision of the Civil Rights Act of 1964.

SEC. 2. Section 701 is amended by adding at the end thereof the following:

"(l)(1) The term 'handicap' means the status of any individual—

"(A) who has a physical or mental impairment which substantially limits any of such individual's major life activities;

"(B) who has a record of such impairment; or

"(C) who is regarded as having such an impairment.

"(2) Such term does not include the status of an individual who is an alcoholic or a drug abuser—

"(A) whose current use of alcohol or drugs prevents such individual from performing the job involved; or

"(B) whose employment, because of such current use of alcohol or drugs, would constitute a direct threat to property or safety of other individuals.".

SEC. 3. (a) Sections 703(a)(1), 703(a)(2), 703(b), 703(c)(1), 703(c)(2), 703(d), and 703(e)(1) are each amended by striking out "or national origin" each place it appears and inserting in lieu thereof "national origin, or handicap".

(b) The sentence beginning "Notwithstanding any" in section 703(h) is amended—

(1) by striking out "or national origin" the first place it appears and inserting in lieu thereof "national origin, or handicap"; and

(2) by striking out "sex or national origin" and inserting in lieu thereof "sex, national origin, or handicap".

(c) Section 703(j) is amended—

(1) by striking out "or national origin" the first place it appears and inserting in lieu thereof "national origin, or handicap";

(2) by inserting after "national origin" the second place it appears the following: ", or persons with any handicap,"; and

(3) by inserting after "national origin" the third place it appears the following: ", or persons with such handicap,".

(d) The center heading of section 703 is amended by striking out "NATIONAL ORIGIN" and inserting in lieu thereof "NATIONAL ORIGIN, OR HANDICAP".

SEC. 4. Section 704(b) is amended by striking out "or national origin" each place it appears and inserting in lieu thereof "national origin, or handicap".

SEC. 5. The sentence beginning "No order of the court" in section 706(g) is amended by striking out "or national origin" and inserting in lieu thereof "national origin, or handicap".

SEC. 6. (a) Section 717(a) is amended by striking out "or national origin" and inserting in lieu thereof "national origin, or handicap".

(b) Section 717(c) is amended by striking out "sex or national origin" and inserting in lieu thereof "sex, national origin, or handicap".

SEC. 7. The amendments made by this Act do not affect any right, remedy, obligation, or responsibility under the Rehabilitation Act of 1973.

SEC. 8. This Act and the amendments made by this Act shall take effect at the beginning of the sixth month after the month in which this Act is enacted.

CATASTROPHIC HEALTH INSURANCE COVERAGE

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. GRADISON. Mr. Speaker, I am very pleased to join my distinguished minority leader and a number of our colleagues in introducing the Medicare Catastrophic Illness Coverage Act. This legislation was developed by the Department of Health and Human Services in cooperation with the White House.

Though signficant progress has been made with regard to the development of constructive, compassionate health care policies, there are still enormous gaps in health insurance coverage for millions of Americans. The absence of universal protection against the potentially devastating costs of catastrophic illnesses is one of the most troubling of these gaps.

Last year, in an effort to begin to address this problem, the President, in his 1986 State of the Union Message, ordered a comprehensive study on how the private sector and the Government could work together to address the problem of affordable insurance for those whose life savings would otherwise be threatened when catastrophic illness strikes.

In November 1986, Health and Human Services Secretary Otis Bowen issued a report containing numerous recommendations in response to the President's charge. Secretary Bowen's report was the culmination of months of public hearings and sessions involving the input of a broad spectrum of the public including consumers, providers, and insurers as well as elected officials.

I believe it is important that we acknowledge the significant accomplishment of the President and the tireless efforts of Secretary Bowen in moving this long-discussed and very important issue to the front burner. The Medicare Catastrophic Illness Coverage Act will certainly set the stage for much needed action in this area.

It should be emphasized that this legislation is not being offered as a solution to the problems facing all Americans who do not have catastrophic health insurance protection. It is, however, a first step. I am pleased to be one of its sponsors.

I should also point out that I will soon be joining the distinguished chairman of the Ways and Means Subcommittee on Health in the introduction of additional medicare catastrophic legislation. That proposal and the Medicare Catastrophic Illness Coverage Act. though they may be somewhat different in approach, unquestionably point us in the direction we ought to be heading.

IMPERIAL COUNTY LIBRARY CELEBRATES 75TH YEAR

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. HUNTER. Mr. Speaker, on February 6, 1912, the Imperial County Board of Supervisors voted to establish the Imperial County Library. The library's first responsibility would be to provide free library service to all residents through branches and stations.

In the early years, the branches consisted of everything from a boxcar to a ranch and even a service station housed a collection of books. To the residents of Imperial County, the main concern was not where the material was stored but that they had finally established a library.

By 1918, the library had grown to serve 58 branches and 54 schools in the county. In 1928, a Ford sedan was given to the library, and it marked the beginning of regular deliveries and "field trips" to remote areas of the county. This service is one of the basic components that has remained with the library.

Because of private citizens and businesses, the dream of the 1912 board of supervisors has become a reality. The library system services an area that covers 4,275 square miles and 38,000 citizens. Thanks to a grant from the California State Library, a literacy program has been set up to serve Spanish-speaking residents as well.

The Imperial County Library is celebrating its 75th anniversary this year. It is evident that over those 75 years a lot of hard work and determination went into building the library into the great resource for learning that it is today.

I hope that the fine people of Imperial County take a few moments out of their celebration and pat themselves on the back for a job well done.

Mr. Speaker, I'd like to include in my remarks the proclamation issued by the Imperial County Board of Supervisors.

PROCLAMATION

Whereas, Through foresight and understanding the Board of Supervisors on February 6, 1912 established the Imperial County Free Library under Section 2 of the County Library Law. The Board consisted of J.J. Carr, Chairman, E.E. Bennet, R.H. Clark, R.E. Willis and E.E. Boyd

Whereas, The library has continued to serve the residents of Imperial County with branches in local communities with adult and juvenile books, reference materials, audo-visual aids, periodicals, inter-library loan service and literacy training

Whereas, The library has vigorously worked to improve, broaden and update library materials as needed and within the bounds of funding provided by the Board of Supervisors

Whereas, This service has been a continuous, beneficial and educational benefit to the residents of Imperial County

Therefore we recognize 75 years of library service to this community and congratulate the Imperial County Library on its 75th birthday, February 6, 1987 and designate the week of February 1 through February 8, 1987 as Imperial County Library Week.

LET'S SAVE THE FHA

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. AuCOIN. Mr. Speaker, I am pleased to introduce, with my colleague from Ohio, Mr. WYLIE, legislation which would greatly improve the ability of low- and moderate-income families to buy and own their own homes. It is my firm belief that this legislation is of utmost importance and deserves our immediate attention.

The bill we've introduced would permanently extend the insuring authority of the Federal Housing Administration.

The FHA, since its inception in 1934, has helped over 15 million Americans buy their own homes and a share in the American dream. We have a chance, and I believe a responsibility, to preserve the dream of homeownership and to ensure the peace of mind of millions of families.

For Oregon, every time a house is bought it's good news. Oregon is an interest-rate sensitive State. We depend on a healthy and thriving housing industry. The number of housing starts has long been an accurate barometer of our economic health. And the FHA mortgage program has been one of the single biggest contributors to a healthy housing industry, offering low interest and low downpayment requirements that unlock the door for millions of first-time home buyers.

Although the program has been a tremendous success, costs no money to the taxpayer, and is a perfect combination of public/private partnership, for the last several years it has come under unjustified attack.

First, the administration tried to kill the program outright. Congress said "no." Failing that, it proposed changes in the program which would prevent a lot of families from being able to get FHA mortgages, double the expected necessary downpayment, and greatly increase closing costs. Congress again said "no." Next, the administration investigated the feasibility of selling the FHA to the private sector and the investigative report, just released, says "no."

At the same time, FHA has been caught in a recurring political tug-of-war. Last year alone Congress shut the program on and off six times, before finally extending it last September.

It's well past time to stop turning FHA on and off as though it didn't have an impact. It does. While FHA has been held up, many Americans have been inconvenienced, their dreams of home ownership smashed.

If we don't act before September 30, 1987, the program expires. My friends, we can't afford to let this happen. And the last thing we need is another short-term extension. Let's make the program permanent. We know it works. We know why it's important.

I welcome and invite your support for a permanent extension of the FHA's insuring authority, and commend my colleague, Mr. WYLIE, for his leadership on this issue.

A CONGRESSIONAL SALUTE TO LE ROY BORCHARDT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. ANDERSON. Mr. Speaker, it is an honor for me to pay tribute today to Le Roy Borchardt, a man who has devoted a lifetime of service to his country and community.

Le Roy honorably served for 33 years in the U.S. Navy. He has spent the last 6 years at the Lakewood High School as the assistant naval instructor, a position he continues to hold. Also, Le Roy heads the only silent drill team in California which has won several statewide and national championship competitions. He has indeed brought great honor to his campus.

Le Roy has been an active supporter of the Boy Scouts of America. He has provided surplus training manuals to the Sea Explorers and is now arranging for surplus uniforms to be delivered to the girl members. This past Thanksgiving, Le Roy spent the holiday apart from his family so as to be a judge in the 1986 Sea Explorers Rendezvous.

Mr. Speaker, Le Roy Borchardt has been a positive force in our community. He has been a strong supporter of the drug suppression task force of Lakewood High School. He has, and continues to, set an example for his fellow teachers, students, and citizens.

My wife, Lee, and I join in commending and congratulating Le Roy Borchardt on this special occasion. We wish him, his wife Susie, and his two sons Barry and Gary continued success and happiness in the years ahead.

COMPULSORY UNIONISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. CRANE. Mr. Speaker, recently I introduced H.R. 97, regarding the rights and freedom of American workers. The purpose of this legislation is to preserve the free choice of individuals to join or not to join labor organizations. The original intent of the Federal labor law was to guarantee employees the right to form or join labor organizations free from interference. This of course, implies that the right not to join should also be completely free of coercion.

In various parts of our Nation, employees are compelled to pay dues to a union or lose their jobs. Because of this contradiction between original legislative intent and the actual everyday practice, it is necessary to revive this debate. Forced union membership violates basic rights and it is necessary to restore the freedom of choice to all American workers. If the government does not provide its citizens with their constitutional guarantee of freedom of choice, our country will find it very difficult to convince its citizens, particularly its younger citizens, that our statements about individual freedoms are anything more than a rhetorical sham.

Many of the same legislators who see freedom of choice as a virtue in all matters, contradict this theory when labor unions are involved. They speak of individual freedom when opposing military service, the operations of our intelligence agencies, or opposing racial, sexual, or ethnic discrimination, but become strangely silent over the simple proposition that each American should have the right to decide whether or not to join a labor union. This is difficult to understand. If labor unions are in the best interest of workers, they would want to join them voluntarily. If they are not in the best interest of workers, why should government compel them to join?

Unfortunately, organized labor has contributed millions of dollars to political campaigns in order to purchase support for this kind of coercion. American labor previously believed in freedom of choice. Samuel Gompers, who founded the American Federation of Labor declared that, "There may be here and there a worker who for certain reasons * * * does not join a union of labor. That is his right." Today's labor leaders do not share this view, and for this reason I would like to urge my colleagues to support a policy of freedom of choice when it comes to joining or not joining a labor union.

COMPETITIVE CURRENCY DEBASEMENT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. DANNEMEYER. Mr. Speaker, the Discussion Club of St. Louis, MO, under the chairmanship of H.F. Langenberg, is a highly regarded forum where, over the years, many burning national and international issues have been debated.

The guest speaker at the February 18, 1987 meeting of the club was Prof. A.E. Fekete of the Memorial University of Newfoundland, Canada. His thesis is that the present experimentation with currency debasement is a mindless repetition of the disastrous policy of competitive currency devaluations of the 1930's. History books refer to that episode as the "beggar-thy-neighbor" policy, which led the nations to trade war and a seize up of world trade, thus greatly prolonging the Great Depression.

It is tragic that the governments of the day do not realize they are treading the same dangerous and slippery path, running the risk of a new trade war. There is no virtue in driving down the value of the national currency. Such a policy invites retaliation in kind, giving impetus to a downward spiral at the bottom of which lies the mass grave of currencies.

The virtue is in upholding the value of the national currency against all odds, and this is the message from St. Louis.

Professor Fekete's address follows:

COMPETITIVE CURRENCY DEBASEMENT

(By Antal E. Fekete)

A FORGOTTEN ANNIVERSARY

Last year the 50th anniversary of a momentous event in the monetary history of the world came and passed unnoticed: the devaluation of the Swiss franc in September, 1936. The event marked the completion of the cycle of competitive currency devaluations, which was triggered by the devaluation of the British pound in 1931 and of the U.S. dollar in 1933. In retrospect it became clear that the course of competitive devaluations (alias 'beggar thy neighbor' policy) was a dangerous experiment leading to trade war. It did not end the Depression, but made it deeper and longer. The effort to gain trade advantages, not by offering better products at lower prices, but by cheapening the currency, is self-defeating. Soft currency is no substitute for hard work. Currency manipulation invites retaliation in kind, and gives rise to a vicious spiral at the end of which lies the destruction of all currencies, implying social and economic chaos.

50 years ago these truths were recognized, and the concerned governments decided to stabilize their currencies in terms of gold, thereby halting the crazy game to see who can give away the most goods for the least amount of money—they put an end to the fools' auction before it was too late.

It would be reasonable to assume that 50 years is not too great a span of time so that the lessons of history may be remembered. Unfortunately, this is not the case. We now find ourselves parroting the arrant nonsense that the worst currency is the best, and the best the worst. Once more, we have chosen the primrose path leading to the destruction of currencies. And we find the path more slippery than it was 50 years ago. In the 1930's the devaluing governments had to suffer the ignominy of breaking faith with their citizens and creditors. Today no stigma is attached to currency debasement. On the contrary, deliberate defrauding of citizens and creditors is hailed as shrewd statesmanship, and currency debasement is an accepted instrument of statecraft, the approved equilibrating mechansim to be used to correct "fundamental disequilibria".

We have come a long way since the 1930's, when governments had to suffer the opprobrium evoked by their act of bad faith. Today devaluations are out, and continuous debasement is in. The whole process appears to be entirely innocent and natural. We are even lectured by the experts that it was the stable dollar (sic!) which meant the perversion of the free market. After all, if the price of wheat fluctuates naturally along with supply and demand, then why not the dollar? Yet, in spite of the rhetoric, our international monetary system has fallen victim to the same old bankrupt and discredited policy of competitive devaluations, and will lead to another trade war.

THE GUILE STANDARD

Currency debasers are loud in their contention that adoption of their panaceas would have a stimulating effect on exports and thus assist the revival of industry. They are blandly oblivious to the fact that exports must be purchased by imports and that, while currency depreciation might permit a nation to sell more cheaply abroad, it compelled the depreciation nation to pay more dearly for its imports. The nation must pay more, not less, in terms of exports, for the same amount of imports. The terms of trade worsen.

It should be clear that we have traveled far along a very dangerous road. The powers new vested in our government, especially in unelected officials such as Secretary of the Treasury Baker and Chairman of the Federal Reserve Board Volcker, are inherently obnoxious, not only to free enterprise, but also to constitutional government. Cunning with money has become a national obsession. Politicans try to be clever with money, rather then wise.

The fact is that currency debasement is the method used by reckless spendthrift governments to rob the thrifty citizens of the purchasing power of their hard-earned money. It is political dishonesty, even if it is dressed in scientific garb. It is the initial notice of approaching national bankruptcy. This creeping fraud, if permitted to run its course, will obliterate individual liberty.

Down through the ages stable money has shown that character and wisdom are more important than cunning and guile for success, and the gold standard is the embodiment of this principle. Now the gold standard is replaced by the guile standard; and we have to suffer the consequences. If the people allow the value of their money to be manipulated by the politicians, then they give away their birthright to be used or abused at the pleasure of their master's slippery conscience.

Another striking indictment of the world's present monetary arrangements in respect to floating foreign changes is that it introduces the element of coercion, the paraphernalia of bribe and blackmail into international division of labor. Countries with a larger foreign trade can now use extortion in furthering their economic goals in the international arena. Secretary of the Treasury Baker has often stated publicly that if Germany and Japan do not use monetary and fiscal stimuli in their domestic economy, then the U.S. will punish them by beating down the international value of the dollar.

It is a melancholy fact—and alas one full of portent—that no living man less than 80 years of age now knows at first hand what it was like to live in a naturally functioning world market free of coercion. Basically the pre-1914 world automatically maintained its own economic balance. There were no economic planners, no professional currency manipulators and debasers. Reference to statistical series clearly shows that the condition of business in which our grandfathers worked were more stable than those which enmesh our generation.

HUMPTY DOLLAR SAT ON A WALL

The decision of September 22, 1985, announced at the Plaza Hotel in New York by Secretary of the Treasury Baker and the Group of Five, to force the devaluation of the dollar in terms of foreign exchange, was hailed by the London Economist on its frontispiece, depicting the dollar in the shape of Humpty Dumpty sitting on the high wall, pleading thus:

"Please sell dollars to bring me down!" And then, again:

"Please buy dollars to finance my deficits! Finally:

"I intend to fall without getting egg on anybody's face!" Now, Humpty Dollar has had a great fall, and all the President's soldiers and all the President's men could not put Humpty Dollar together again.

The Plaza decision was incredible, for several reasons. Here is a great government, throwing overboard its constitutional responsibility and obligation to maintain the integrity of the currency of the people, engaging in an unsavory effort to beat down the value of the dollar, thereby eroding the value of the savings of its citizens, as well as the value of the investments of its creditors. At the same time the representatives of four other governments rub their hands and smile at the prospect of the staggering losses their citizens and their central banks who have invested heavily in the U.S. dollar are facing, as a consequence of their complicity in the plot against the dollar.

But the rhetoric pouring forth from Washington about the strong dollar and the weak yen, and the timeliness of swapping roles, could not conceal the fact that the world was succumbing to the whirlpool of competitive currency debasement. There was nothing strong about the dollar in 1985. The other currencies had been quietly debased earlier. It was the dollar's turn to take a bath. The hecatomb of currencies was upon us once more. The debasement dance of St. Vitus was about to start again. Fifty years ago the manipulation of currencies began with the self-immolation of the British pound. It was followed by the self-mutilation of the U.S. dollar. Virtually every currency of the world was devalued in a game of "follow-the-leader". The show was not over until that most virtuous and sober of all countries, Switzerland, also decapitated its currency. This chapter was one of the most ignominious in the annals of currency mismanagement. Governments could hardly hide their shame over such a blatant breach of faith. For weeks, ministers of finance vehemently asserted that devaluation was "unthinkable". Then, on a quiet Sunday, with the markets conveniently closed, they ate their words and devalued. The great tragedy of it all was that competitive devaluations, the breach of promises, the bad faith, and the official lies failed to achieve their stated goal, namely, economic revival. The Great Depression ran its course helped rather than hampered by devaluations.

HOW TO FOOL ALL THE PEOPLE ALL THE TIME

In the 1930's the U.S. government—abandoning honor and constitutional responsibilities—embarked upon a course of beating down the foreign exchange value of the dollar. Then, as now, it was suggested by government economists that the measure was necessary in order to bolster exports, discourage imports, to alleviate the burden of debt, to realign lopsided exchange rates, to prevent trade war—and a host of other laudable objectives. Yet none of those objectives was realized; instead, the crisis was prolonged by the policy of competitive currency devaluations. There was no rational hope for devaluations to achieve their stated objectives then, as there is no chance to do it now. Neither a nation, nor a group of nations can increase its wealth or its well-being by undermining the value of the currency. It is a gross fallacy to imagine that the trade balance can be helped by currency debasement. There is no export industry that would not be adversely affected by the higher import prices it would have to pay in the future. Moreover, curbing imports spells vanishing world trade, depression, stagnation. Those government economists who say that they can make exports more competitive and imports less competitive by manipulating the value of the currency downwards believe—against all reason, in the face of all historical evidence, and in defiance of Lincoln's dictum—that you can fool all the people all the time.

But if they believe that, then they can believe anything. They believe that the one-armed cobblers can persuade their two-armed colleagues that, in the interest of increasing wealth and trade, they should give up the use of one of their arms. They also believe that the two-armed cobblers willingly undergo the amputation of one of their arms. And they also believe that, after all cobblers had their right hands cut off, the production of footwear in the country is enhanced.

THE FALLACY THAT DEBASING THE DOLLAR WOULD AID THE EXPORT BUSINESS

Many people favor the deliberate debasement of the dollar for its alleged benefits to our balance of trade. The belief that a falling dollar would stimulate exports and inhibit imports is one that dies hard. But if authoritative opinion and the weight of statistical evidence could kill it, it would have died 50 years ago. Robert Lincoln O'Brien, the chairman of the Tariff Commission in the early 1930's, thoroughly exposed the fallacy time and again, and very aptly told the House Committee on Ways and Means: "The advantages of currency depreciation are partly illusory and partly temporary; those that are not illusory are temporary, and those that are not temporary are illusory."

The French economy, for example, has been "blessed" with a continuously depreciating currency for most of the past 70 years. Yet French exports were hampered, not helped by what the world came to call the "French disease". When the British contracted the French disease, and the British pound was put on the roller-coaster, British exports did not go up, they went into a tail-spin.

The late American monetary scientist, B.M. Anderson, Jr., observed in 1933: "When men are dealing with sound money, when they trust money and their minds are on the value of their products and the prospects of the market for their products, rather than on the vicissitudes of fluctuating or depreciating currencies, then a rise in prices is a stimulant to trade and a stimulant to production. When, however, prices are rising merely because money is falling, and because men distrust money, the reverse is taking place. Speculation overtakes trade and production. The prudent merchant, studying his local market and studying his sources of supply, has no chance. The reckless plunger is successful. The prudent industrialist, studying his costs carefully, analyzing the prospects of sales, has no chance. Careful economies, skillful administration of resources, prudent planning, conservative enterprise, thrift—all these things—are at a discount. Reckless and unscrupulous men, borrowing all they can, sometimes go bankrupt in the fluctuations of the market, but those of them that are successful are the only ones that can save themselves in such a period. The laborer, not trained in finance, slow to grasp the significance of pecuniary debasement, finds himself with rising wages but also with still more rapidly rising cost of living, slipping further and further behind in the race. Universities, hospitals, churches, endowed institutions of all kinds, are unable to make any readjustments that can save them. Production gives way, the total volume of goods available for the people to consume is reduced, wealth is eroded.

"Alert speculators move rapidly, but the masses, including even many businessmen, tend, for a good while, to reach in habitual ways in their calculations. But, if the depts are shaken, and general fear for the future of the currency comes over the people, catastrophe impends.

"The distinction between rising goods and falling money is one which is forced promptly upon the attention of all those engaged in exporting and importing, by the daily fluctuations of the exchange rates. Export trade is badly demoralized by currency depreciation. When men trust their money, as under the gold standard, an adverse balance of payments gives a meaningful stimulus to exports and it meaningfully inhibits imports. The money market tightens as gold leaves the country. Exporters find their credit shortened and sell more quickly. Importers are getting less credit and import less freely, and the automatic forces rectify the adverse balance of payments.

"When, however, exchange is depreciating solely because of the decline in the quality of money, and through distrust in the value of money, the reverse takes place. The reactions of exporters and importers are the exact opposite. Exporters reason that they should not hurry to export because they can get still more domestic currency for their exports at a later time; importers reason that they must hasten to import all that they can because the foreign exchange in which they will pay for their imports will cost more in domestic currency next week, next month, or next year.

"There is nothing wholesome in economic life that results from a rise in prices which is merely a flight from the money, or which is due simply to currency debasement."

INTRODUCTION OF THE AGRICULTURE IN TRANSITION ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. GUNDERSON. Mr. Speaker, yesterday I joined with my distinguished colleague from Nebraska, Mr. BEREUTER, in introducing the Agriculture in Transition Act of 1987. This bill is the first measure in a two-part initiative that will amend the Job Training Partnership Act to more adequately provide comprehensive assistance to farmers, and to other individuals within rural communities, who are displaced due to the depressed agricultural economy.

The Agriculture in Transition Act will establish a grant program designed to target employment training assistance to States and areas of the country that have been heavily impacted by problems confronting agriculture today. This form of supplemental assistance, which will be added as a new grant program under the Dislocated Worker Program in title III of the Job Training Partnership Act, is necessary to meet the current needs of individuals in hard-hit farming communities.

Existing law does allow for employment training assistance to be provided to this population. However, unemployed individuals in rural America, and particularly those within the agricultural regions, have traditionally been difficult to identify and to serve under current programs. While existing job training programs are being restructured to better serve individuals in rural communities and particularly those displaced from farming, it is especially important to provide adequate assistance to people in need now during this transitional period.

The bill introduced yesterday establishes a new 5-year grant program within title III of JTPA to supplement ongoing efforts in serving the dislocated farmer population. It allows for statewide, as well as for local service delivery area programs to be set up to provide comprehensive employment and training assistance and it encourages grantees to develop programs offered in coordination with other non-JTPA offerings to be set up at a common site. This type of service delivery could, for example, allow distressed farmers to seek financial counseling, and even farm management assistance—a service not allowed under JTPA—at the same site as he or she would be provided transitional—employment and training—assistance, if deciding to leave farming as their primary occupation.

Under this program, those intending to discontinue farming, either totally or as a primary occupation, would be eligible to receive job search assistance, assessment, counseling, and employment training services, similar to those as provided for under the existing Dislocated Worker Program. For financially distressed farmers not intending to leave farming but seeking assistance, financial counseling and emergency assistance may be provided to enable them to determine whether or not they should remain on the farm or seek another primary occupation. Individuals enrolled and successfully progressing in training programs may be provided subsistence allowances and other benefits including transportation and child-care assistance. Such allowances would be based however on the grantee's determination that these services are necessary for participation in the program and where program participants are ineligible for unemployment insurance and other forms of comparable assistance.

Finally, the definition of eligible participants under the current title III program would be expanded, for the purposes of this grant program to include three new sets of individuals:

First, those individuals certifying they are leaving farming based on one or more of the following: foreclosure; bankruptcy; failure to return a profit over the previous 12 month period; inability to obtain operating capital; inability to make loan payments; or debts to assets ratio exceeding 70/30 percent; second, those individuals leaving farming as their primary occupation due to high debts-to-assets ratios as defined by USDA; and third, those individuals displaced from agriculture-related businesses due to the depressed agricultural economy.

As mentioned previously, in addition to the bill introduced yesterday, we plan to introduce a second measure in the near future that will make a number of changes in the current delivery structure of the Dislocated Worker Program, so that the new targeted grant program need only be a temporary solution. The second part of this package will provide increased local input in development of area dislocated worker training programs. These changes should improve the program's ability to more adequately serve ongoing rural employment needs, and particularly to better serve dislocated farmers. This measure will be designed to break down a number of the barriers now experienced in providing services in rural America.

Again, the Agriculture in Transition Act, introduced yesterday, will serve the immediate needs of individuals displaced in agriculture today. And, the second part of this initiative will amend the current Dislocated Worker Program delivery system—enabling programs under title III of the Job Training Partnership Act to adequately meet the needs of displaced rural individuals, and particularly those displaced from farming in the future. While no one in this Congress wants to see farmers leave farming or workers displaced from their jobs in rural communities, we must do everything in our power to see that these individuals are provided with assistance to make the necessary transitions to other occupations as painless and as successful as possible. I feel that these initiatives described here will do just this. It is my hope that two measures will be referred to the Education and Labor Committee at the appropriate time, as both amend the Job Training Partnership Act for which that committee has jurisdiction.

RAISE THE CIGARETTE EXCISE TAX

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. BEILENSON. Mr. Speaker, today I am introducing legislation to raise the Federal excise tax on cigarettes to 40 cents a package, and to permanently index it to the Consumer Price Index, so that the tax will be adjusted annually according to the rate of inflation.

Never have the reasons for raising this tax been stronger. A rise of 24 cents from the current level of 16 cents would produce $4.8 billion a year in desperately needed new revenue to reduce the enormous budget deficit and, at the same time, help compensate the Federal Government for the costs associated with smoking-related illnesses.

From 1951 through 1982, the excise tax on cigarettes was 8 cents a package. Last year Congress permanently raised this tax to 16 cents. However, much has happened since 1951 to justify a more substantial increase. For one thing, consumer prices have risen more than 400 percent since 1951, so simply to maintain the tax's original revenue-raising power, it ought to be increased to 32 cents a package. Second, 36 years ago the harmful effect of smoking on human health was not well understood—it is now well known and well documented.

C. Everett Koop, the Surgeon General of the United States, calls cigarette smoking "the most important individual health risk in this country." He blames smoking for more premature deaths and disabilities than any other known agent. Says Dr. Koop, "There is no single more effective action a person can take to reduce the risk of cancer—and of dying from it—than to quit smoking, especially cigarette smoking."

The amount of damage done by cigarttes is truly staggering. The Surgeon General links smoking to 30 percent of all cancer deaths. Smoking is a major cause of cancers of the lungs, larynx, oral cavity, and esophagus, and a major contributor to cancers of the bladder, kidney, and pancreas. Smoking accounts for 80 to 90 percent of all chronic lung disease in the United States, including chronic bronchitis and emphysema, and for one-third of all coronary heart disease, says the Surgeon General. And smoking by pregnant women has been linked to premature birth, fetal injury, and low birth weight.

The harmful effects of passive smoking are also becoming clearer, and studies now show that the children, spouses, and coworkers of smokers suffer greater health risks than those not exposed to smokers on a regular basis.

In sum, cigarette smoking is responsible for more than 300,000 premature deaths in the United States each year, 16 percent of deaths from all causes, an enormous amount of disease and disability, and untold physical and emotional pain. The human consequences are terrible enough, yet smoking results in enormous economic costs as well.

In 1985 the Office of Technology Assessment estimated that smoking-related health care costs and lost productivity costs amount to between $39 and $96 billion annually, with a middle estimate of $65 billion, or $2.17 for each package of cigarettes sold in the United States. Smokers bear much of this economic burden; however, we all share it to some extent through higher insurance premiums, higher costs for Government health programs, and higher costs for consumer goods.

Absenteeism caused by smoking translates into higher costs for consumer products. Nonsmokers and business that contribute to employee health plans pay higher insurance rates to help pay the cost of treating smoking-related illnesses. Smoking also leads to higher Government outlays: nearly $3.4 billion a year in increased spending for Medicare alone.

Congress began to recognize the growing need for education about the seriousness of smoking hazards when it passed the Comprehensive Smoking Education Act of 1984, the first major smoking and health legislation enacted on the Federal level in over 15 years. That law required that cigarette packages and advertising include four new health warnings to be rotated quarterly. Local governments and the private sector have also begun to recognize the right of nonsmokers to a healthy smoke-free environment through initiatives which discourage or prohibit smoking in certain public areas, signaling a growing mood in America that smokers alone, and to the general population, should bear the costs and consequences associated with their habit.

A survey conducted by the Los Angeles Times in February 1986 found that 81 percent of Americans favor a higher tax on cigarettes as a means of reducing the deficit. The legislation I am introducing today would help compensate for 36 years of inflation, provide for future inflation, and bring the cigarette tax more in line with current knowledge about the costs and dangers of smoking. It would also make a substantial contribution toward reducing the Federal deficit. And, because studies show that price increases result in corresponding consumption decreases, particularly among teenagers, a tax increase would likely prevent thousands of young people from ever starting this very dangerous habit.

The cigarette tax is a significant, relatively untapped, potentially lucrative, and entirely justifiable source of revenue. Together with spending cuts and other revenue-raising measures, this tax will help reduce the Federal deficit and pave the way for a strong and long-lasting period of economic growth.

I urge my colleagues to join me in cosponsoring this legislation and enacting in into law.

BLACK HISTORY MONTH, 1987

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. GILMAN. Mr. Speaker, I am pleased to call to the attention of the Nation Black History Month.

Thomas Carlyle, the Scottish historian, once wrote that: "The history of the world is but the biography of great men." This is certainly true of black history, for the tale of the contributions made by blacks to our culture is but the tale of courageous, farsighted, and dedicated men and women.

From the time of the earliest colonial settlements, black men and women have played an integral role in the development of American life. Despite the fact that slavery remains an indelible blot upon the history of mankind, the fact that so many blacks were able to overcome the handicap of this horrible inhumanity is a tribute to their perseverance, and is one of history's prime examples of the triumph of the human spirit.

Crispus Attucks, a freed slave, was killed while leading the protest against British injustices that became known as the Boston Massacre in 1770. He is often referred to as the first person to give his life for American independence. The accomplishments of Benjamin Banneker, an 18th-century American astronomer, mathematician, and mapmaker, caused him to be called "the Black Ben Franklin." He served on the commission that laid out the plan for our Nation's Capital here in Washington, DC.

Frederick Douglass, an escaped slave, was one of our Nation's premier diplomats and journalists during the 19th century. Harriet Tubman and Sojourner Truth performed superhuman efforts to bring about freedom for their brothers and sisters. Booker T. Washington and W.E.B. DuBois both dedicated their lives to the education and advancement of black people, and George Washington Carver's scientific discoveries created a better life for us all. Later generations were inspired and taught by black educators, diplomats, and advisers to Presidents, such as Mary McLeod Bethune, Ralph Bunche, and Dr. Robert C. Weaver.

The industrial revolution in America, our greatest period of industrial expansion and invention, was helped along by the contributions of Granville T. Woods, the inventor of air brakes and other equipment that made rail travel safe, Jan Matzeliger, who revolutionized the shoe industry, and Lewis H. Latimer, who was Tom Edison's right hand assistant.

The age of jazz, called the first truly original American art form, was heralded by those black musicians who first invented and then perfected this unique musical style. This art form was pioneered by "Jelly Roll" Morton, Scott Joplin, "Fats" Waller, Louis "Satchmo" Armstrong, and their contemporaries, but the torch was carried forward by Ella Fitzgerald, Lena Horn, and yet later by Ray Charles, Chuck Berry, Ben E. King, and a host of others.

Today, Americans of all ages and musical tastes enjoy the talents of black artists as diverse as Michael Jackson, Johnny Mathis, Charley Pride, Herbie Hancock, and Al Jarreau.

All Americans can justly be proud of the accomplishment of sports superstars such as Jackie Robinson, Joe Louis, Jesse Owens, Floyd Patterson, and O.J. Simpson. Authors such as Paul Dunbar, Langston Hughes, Richard Wright, James Baldwin, Lorraine Hansberry, Alex Haley, and Alice Walker have used the written word to articulate the hopes, desires, and despair of black people in a universal way to which we can all relate.

Hattie McDaniels, Sidney Poitier, and Louis Gossett, Jr., although the only blacks to win Academy Awards for acting so far, are merely representative of the thousands of black men and women who entertain us in the motion picture, radio, stage, and television arts. In fact, the most popular television series on the air today stars a black actor—Bill Cosby—whom the public opinion polls cite as the most respected American alive today.

The field of civil rights has produced a host of black leaders whose moral and intellectual inspiration has done much to further the cause of equality for all people. Were it not for the leadership and inspiration of A. Philip Randolph, Thurgood Marshall, Rosa Parks, Medgar Evers, Jesse Jackson, and the sainted Dr. Martin Luther King, Jr., and others like them, we Americans may still not be reminded that a denial of basic rights to any people threatens a denial of the rights of all of us.

Imagine what our Government would be today were it not for the outstanding contributions of the outstanding black legislators and administrators of the past quarter century: leaders like Barbara Jordan, Shirley Chisholm, Ed Brooke, Julian Bond, Andrew Young, Patricia Roberts Harris, Sam Pierce, Maynard Jackson, and Kenneth Gibson.

Today, there is no facet of our society that has not enjoyed the contributions of, and leadership from, black Americans.

Mr. Speaker, I am sure my colleagues understand that my litany of outstanding black Americans cannot be all inclusive, but in fact only recounts the tip of the iceberg. A recital of those blacks who have contributed to make a better world for us all would consume many days on the floor of this Chamber.

These remarks are intended to call our attention to just some outstanding black Americans, and to note that there is no field of human endeavor to which our black citizenry did not apply itself.

Mr. Speaker, Black History Month is an appropriate time to thank black America for their contributions to our Nation, and to make all Americans aware of these contributions.

THE AFRO-AMERICAN AND THE CONSTITUTION: COLONIAL TIMES TO THE PRESENT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. OWENS of New York. Mr. Speaker, each February is designated by the Association of Afro-Americans Life and History as Black History Month. It is a time during which both black Americans and all other Americans pay special attention to the history of people of color in this country and to the relationships among races and national groups. It is a time when we discuss how we can develop a "more perfect union" among the various groups which make up this country, how we can establish justice among all of our fellow countrymen, how we can insure domestic tranquility, provide for the common defense, promote the general welfare for people of all races and ethnic groups. And, most importantly, it is a time during which we ponder how to secure the blessings of liberty to ourselves and our posterity.

The theme of this year's Black History Month celebration is "The Afro-American and the Constitution: Colonial Times to the Present." This requires us to take an honest look, not only at how the development of our theories of law and liberty eventually advanced and improved the position of black people in this country, but also at how the actual wording of the Constitution impeded our struggle toward freedom. As Judge Leon Higginbotham has written:

> This new nation, "conceived in liberty and dedicated to the proposition that all men are created equal," began its experiment in self-government with a legacy of more than one-half million enslaved blacks—persons denied citizenship and enslaved, not for criminal infractions, but solely as a matter of color.

The Constitution was born in a compromise between freedom and the political might of the slave States. It disenfranchised slaves, condemned and abandoned them to their lowly position, counted them as three-fifths of a man, and guaranteed the continuance of their oppression.

As historian John Hope Franklin wrote:

> The fathers of the Constitution were dedicated to the proposition that "government should rest upon the dominion of property." For the Southern fathers this meant slaves, just as surely as it meant commerce and industy for the Northern fathers. In the protection of this property the Constitution had given recognition to the institution of human slavery, and it was to take seventy-five years to undo that which was accomplished in Philadelphia in 1787.

The founders of the Constitution were great men, great champions of liberty and justice, and far-sighted political theorists. But the members of the Constitutional Convention were also people of their time; limited by the possibilities they could see; prisoners themselves, in a sense, prisoners of the limited understanding they had of the basic equality of whites and blacks. They were prisoners of limited horizons—their own horizons were bounded by the limited horizons they could accept for black people in this new nation.

The Constitution, however, and the laws built upon it, contained a vision of liberty and justice which could not be bounded by the limitations of its time. That vision, that glorious ideal, eventually could not be denied. The struggle between liberty and slavery eventually erupted into the Civil War, and in the aftermath of that war that Constitution itself was amended to recognize the equality and liberty of all which was always inherent in its underlying vision.

It was not that war which freed the slaves; it was not even the Emancipation Proclamation. The proclamation said that "all persons held as slaves within any State or designated part of a State * * * in rebellion against the United States, shall be then, thenceforward, and forever free," but it had no effect. It freed only the slaves in the rebellious States over which the Federal Government had no power, and kept in slavery all those slaves under the power and authority of the United States.

Not until 1865, when the 13th amendment to the Constitution was adopted, were all slaves freed. "Neither slavery nor involuntary servitude," the 13th amendment said, "shall exist within the United States, or any place subject to their jurisdiction."

"No State," said the 14th amendment, "shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; or shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

And the 15th amendment pledged that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

As Julian Bond noted in his Black History Month speech at the Library of Congress 2 weeks ago: "That document, the Constitution, and the laws based upon it, are the basis for the advances in our freedom." Certainly, no one would say that those advances were easy or smooth or rapid. There was a long and hard road from the writing of the 13th, 14th, and 15th amendments to their realization in American laws.

And no one would say that these advances have been completed, finished, or perfected. There remains a long and hard road from where we stand today to the realization of the equality of all races and ethnic groups in all aspects of American life. But the writers of the Constitution gave us a rock on which we could stand, a vision for which we could strive, and ideals with which we could bring forth a nation of liberty and equality for all. For that, we honor them as we honor Black History Month.

THE TRUE SOURCES OF COMPETITIVENESS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. DANNEMEYER. Mr. Speaker, I would like to commend the message from the Discussion Club of St. Louis, MO, to you and to the Members of this House. At the February 18, 1987, meeting of the club, Prof. A.E. Fekete of the Memorial University of Newfoundland, Canada, was the invited speaker. In the second part of his address he focused on the true source of competitiveness, which is a strong and stable national currency, making interest rates in the country lower than the rates prevailing elsewhere in the world. The United States had such a currency before 1971. Germany and Japan have such a currency today. Interest is the cost of capital, and it is factored into every single export price. Since interest rates in this country are almost twice as high as the corresponding rates in Germany and Japan, American exports are uncompetitive, and this situation will not change regardless how far the Treasury will drive down the value of the dollar. The competitiveness of the American export industry can only be restored if the dollar is once more stabilized.

The address follows:

THE TRUE SOURCES OF COMPETITIVENESS

(By Antal E. Fekete)

According to Anderson's Law, as long as currency debasement continues, exports tend to fall and imports tend to rise, making the trade deficit grow, rather than decline. Those economists who advocate currency debasement as a cure for trade deficits, arguing that a debased currency makes exports cheaper and imports more expensive, do not understand the market process. They have invented the spurious J-curve and suggest that after an initial drop exports will take off and soar.

The New York Times which has been a devotee of the J-curve for years in advocating the insane policy of currency debasement, had to admit that the letter J stands for the word "Joke." On January 15, it ran the following chart:

[The chart was not reproduced for the RECORD.]

This chart clearly demolishes the J-curve and vindicates Anderson's Law. As Treasury Secretary Baker was crying down the dollar in the foreign exchange markets, American exporters held back, and importers stepped up their activities, making the trade deficit hit a new record in every quarter. Moreover, this was also predictable and the disastrous deficits could have been avoided, if the dollar had been stabilized. It is also predictable that this mindless dollar-bashing cannot go on forever. At one point foreigners will refuse to finance the perpetual outpourings of American deficits. When they cut their losses and run, the dollar will crash and may lose all its remaining value.

There are other voices in the wilderness, carrying the same message. W. Carl Kester and Timothy A. Luehrman, professors at the Harvard Business School, in an article published by Fortune magazine (October 27, 1986) suggest that Germany and Japan—like Br'er Rabbit thrown into the briar patch—may even find their long-run competitiveness enhanced by the dollar's self-inflicted decline. They point out that cheapening the currency can hurt American manufacturers, exploding the old notion that weaker currencies promote competitiveness. They furnish statistics showing how the market share of American auto-makers fell pari passu with the falling dollar, while the market share of the German and Japanese auto-makers grew even faster. They brand the policy of dollar-bashing a failure, and predict that, if continued, it will also fail in the future. At home it squanders the taxpayer's money and fuels inflation as the Fed speculates against the dollar, they say. Abroad, it will create a hothouse nursing our foreign competitors to even greater strength. Unfortunately, the authors fail to make the right conclusion or recommendations. Rather than calling upon the U.S. government to stabilize the dollar, which would clearly level the playing field of which President Reagan spoke in his State of Union address in January, 1986, they call upon the U.S. manufacturers to exploit the speculative opportunities offered by the policy of competitive currency debasement. There is no substitute for learning how to be 'tricky'.

However, what the Germans and the Japanese know and we don't is not trickery. Like phoenix, the mythical bird, they rose from the ashes of the war, rebuilt their factories, started trading and captured the world's most lucrative markets. That wasn't trickery. They became the world's leading creditors while America was reduced to the position of being the world's leading debtor nation. That wasn't trickery.

What is it that the Germans and the Japanese know and we don't? They know that you can't increase productivity by cheapening the nation's currency. They know that a soft currency is no substitute for hard work. They know that a depreciating currency is poison, and its first victim is he who has concocted it. They know that tinkering with the exchange rates is like tinkering with the thermometer: it won't change the temperature, albeit it may create that illusion.

Interest rates in Germany and Japan are at a level half of ours. How can American producers compete with German and Japanese producers? They can't. And why are German and Japanese interest rates so low, and ours so high? Because people all over the world have confidence in the stability of the German and Japanese currencies, while we are crying down our dollar in the foreign exchange markets.

The debasement of the dollar by beating down its international value can find no possible economic justification. In itself, it weakens one of the necessary instrumentalities for revival, namely, a money which men can trust; a money which men are willing to lend, and lend for long periods of time with the assured confidence that when the debts are paid they will get the same value back; a money in terms of which manufacturers are willing to make future contracts, and which they know they will be glad to have in future payment for the goods they produce. Debasing the dollar might shock confidence at home and abroad in such a way as to make prices fall rather than rise. It might frighten lenders and investors, it could make everyone more reluctant to extend credit, more anxious to get himself into a safe position. Debasement is harmful and holds no hope for anything but evil.

That we have been forced to a position where we have to consider the debasement of the dollar as a valid policy instrument is both humiliating and alarming. It is a sign that the Administration finds the expansion of Federal Reserve credit insufficient to meet its goals at home and abroad. The prestige of the U.S. government and of the Federal Reserve banks, the good faith of the U.S. government and of the Federal Reserve banks in maintaining the integrity of the dollar is deliberately placed in jeopardy, disregarding the tremendous economic, as well as moral, significance of this dubious course. The preservation of integrity of the currency and the good faith in promises and contracts would be of the greatest economic value to the United States and to the world in the future. But this integrity and this good faith has been undermined by the Administration. The ensuing monetary and moral chaos is appalling.

THE CHANGED CHARACTER OF SPECULATION

The absurdity of devaluation advertised in advance and the absurdity of competitive currency dabasement demonstrate the need for fixity in in the monetary standard. The economy is not unlike a fast-spinning machine, generating a lot of centrifugal forces. The role of gold in the system is to provide the centripetal force that keeps the machine together. If you remove gold, then you upset the balance between the centrifugal and centripetal forces and this will, in due course, destroy the economy.

The centrifugal force in the economy is speculation. Properly curbed and harnessed, speculation is a benevolent force which helps keep the economy on an even keel. However, the pivotal fact about speculation is that the forces it generates, namely, bull and bear speculation, are not symmetric and not self-balancing. We shall now investigate this asymmetry in two cases: in the commodity market and in the bond market.

In the commodity market the risk carried by the bulls is limited because the price of goods cannot fall below zero. By contrast, the risk carried by the bears is unlimited because there is no a priori theoretical limit above which prices may not rise. This lack of symmetry has far-reaching consequences. It imposes a different behavior-pattern on bulls and bears. Bulls tend to be bolder and more aggressive; bears are more timid and content to be on the defensive. These theoretical observations are borne out by the historical record. A corner is a bull raid on the bears. There is no generic name for a bear raid on the bulls, for the simple reason that such raids have never occurred in the commodity market.

The same is true, mutatis mutandis, for the bond market. Here, the risks carried by the bears is limited because the rate of interest cannot fall below zero. By contrast, the risk carried by the bulls is unlimited because there is no a priori theoretical limit above which the rate of interest may not rise. This lack of symmetry in the bond market also imposes different behavior patterns on the bulls and bears. Here, the bears are more aggressive by nature and bulls are relatively more timid.

Yet a symbiosis, a natural ecological balance as it were, is still possible between bulls and bears. Under a gold standard the bears in the commodity market have a chance to resist the bulls effectively. The reason is that commodity prices may not go to infinity-otherwise the price of gold would go to zero. Likewise, bulls in the bond market have a chance to resist the bears. Indeed, bond prices cannot go to zero—otherwise the price of gold would go to infinity. Thus the gold standard provides the only environment where the bulls and bears can peacefully coexist. The gold standard is the only monetary system that can keep speculation in check. In any other monetary system, prices and interest rates show ever wider fluctuations, until the economy succumbs to the destructive forces unleashed by destabilizing speculation.

These theoretical observations are confirmed by the historical record, which shows that every corner ever attempted has failed, as long as the currency was on a gold standard. By contrast, every regime of irredeemable currency in history so far has succumbed to the attacks of bulls in the commodity market, and to the charge of bears in the bond market. In fact, hyperinflation is nothing but a successful corner.

There is no reason to believe that the present reckless experiment with irredeemable currency will succeed where all previous experiments have failed. All the seeds of destruction are present. The most ominous aspect of current events is that the Fed and the Treasury feel obliged to play the bears of the bonds market against the bulls of the commodity market, and vice versa. That is, they try to fight high and rising prices by the threat of high and rising interest rates; or they try to fight the deflation created artificially by the regime of high interest rates by the threat of high and rising prices. But you can't ally yourself with the bears of the bond market against the bulls of the commodity market, or the other way round. The fat is that the bulls of the commodity market and the bears of the bond market belong to the same breed, they are ultimately working to the same end, namely, the destruction of the dollar. Thus the program of trying to check price rises by sending the rate of interest into the stratosphere is self-contradictory and is doomed.

The only solution to the dilemma is the return to a gold standard. If the value of the dollar was fixed by statute, then the uncertainty about the future value of the dollar would be removed at one stroke. Interest rates would immediately return to the normal range between 2 and 2½ percent, and would faithfully reflect the marginal productivity of labor and capital in the country. Moreover, prices and interest rates would be stable, due to the restoration of the ecological balance between the bulls and bears. Speculation would be harnessed to keep the economy on track, rather than letting it run amok, causing destruction of productive forces.

Irredeemable currency unleashes all the destructive forces in the body economic. With the return to the gold standard these destructive forces would be eliminated and the energies driving them would be put to constructive uses. We do not need foreign exchange speculation—and there would be none under a gold standard. We do not need gold speculators—and there would be none under a gold standard. We do not need bond speculators or junk bonds—and there would be none under a gold standard. While speculation in the commodity market would still continue under a gold standard, it would be benign and constructive, as there would be a balance between bulls and bears. More importantly, speculation would benefit society directly, for example, it would smooth out undesirable price swings caused by the unpredictable weather and other natural factors influencing agricultural crops.

Competitive devaluations are not the answer to the present crisis of the international monetary system. Each devaluation is a deliberate destruction of values, and it is futile to expect anything constructive to come out of senseless and premeditated destruction. The program of competitive currency debasement is akin to the suggestion that we could all get rich by burning down our homes to collect the fire insurance money.

Enough damage has already been done to the productive system of our society. It is time to stop the destruction, to stop burning down our homes.

It is time to start reconstruction.

REPEAL OF THE DAVIS-BACON ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. CRANE. Mr. Speaker, recently I reintroduced legislation, H.R. 98, which I have sponsored for the past several Congresses to repeal the Davis-Bacon Act. Enacted in 1931, during the Great Depression, this act was the first Federal legislation requiring the payment of minimum wages to employees working on federally financed construction projects. It was intended to discourage nonlocal contractors from successfully bidding on Government projects by hiring cheap labor from outside the project area, thus disrupting the local wage structure.

During the early years of the Great Depression, unscrupulous contractors were thought to be winning Government contracts by employing itinerant bands of unskilled laborers and paying them exploitative wages. This practice took jobs away from local contractors and resulted in inferior work. For this reason, the Davis-Bacon Act was passed requiring the Secretary of Labor to determine the "prevailing wage" to be paid on federally funded construction projects.

In the 1930's, the need existed to provide a floor beneath the sinking wage rate, as well as to create a deterrent for unscrupulous contractors. However, the Davis-Bacon Act has outlived its period of purposefulness. As construction has matured into a more highly unionized field than American industry as a whole, its wage rates are among the highest in the Nation, thus making the act obsolete. As a result there has been growing support for reform or repeal of its provisions.

Davis-Bacon raises wages on Federal construction projects in two ways. First, it tends to exclude contractors who otherwise would have paid their workers below the rates set by the Labor Department. Second, the administrative procedures for setting prevailing wages may result in artificially high rates, by favoring union over nonunion wages, or by using data from different localities in which wages are higher. The artificially high wage determinations encourage "outside" contractors to bid on Federal contracts at the expense of local contractors. This is contrary to the act's original goal of protecting local labor.

The inflationary impact of this act on the Nation's economy is yet another factor that supports a repeal. The General Accounting Office, the Grace Commission, and the Office of Federal Procurement Policy have each noted the inflationary effects of the Davis-Bacon Act. It significantly raises the cost of public construction at the expense of the American taxpayer.

Among the most significant studies of the act is the 1979 General Accounting Office [GAO] report which recommended repeal of Davis-Bacon. The following are just some of the findings by the GAO study regarding the wage determination process: First, rates used were frequently out of date, or no survey was ever made in the locality; second, survey projects were not always similar to each other or to the Federal project to which they were applied; and third, rates were extended from urban to rural localities on the basis of jurisdictional coverage in union collective bargaining agreements, or because no other data was available. Its essential conclusion is that the act is difficult, if not impossible, to administer.

The Congressional Budget Office's [CBO] 1983 report on the implications of modifying this act is also important. CBO estimated that the total amount by which Davis-Bacon raises Federal construction costs is about 3.7 percent, or an increase in Federal outlays in excess of $1 billion in fiscal year 1982. The study suggested that if the Davis-Bacon Act had been repealed in 1983, Federal construction outlays would have been reduced by a total of $5.2 billion in fiscal years 1984–88.

Given the economic problems we currently face, I encourage my colleagues to join me in my attempt to repeal the Davis-Bacon Act.

ESTONIAN INDEPENDENCE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. YATRON. Mr. Speaker, I rise to take this opportunity to commemorate the 69th anniversary of the independence of Estonia. On February 24, 1918, the hopes and desires of the Estonian people were realized with a declaration of independence proclaiming Estonia a free democratic republic.

For the next two decades, peace, prosperity and freedom flourished in this Baltic State. The Estonian people demonstrated what a small nation could achieve under a democratic way of life.

World War II, however, ushered in a brutal era of repression and tyranny. Stalin forcibly incorporated Estonia into the Soviet Union and embarked on an intensive campaign of Russification. While I am proud that the United States has not recognized the Soviet takeover, I am saddened by the fact that Moscow's efforts to completely suppress the Estonian culture continues.

The Kremlin is increasingly trying to eliminate the Estonian language and ethnic traditions. Estonian mores and values are being eroded. Many places of worship have been closed. Religious and political activity is tightly controlled, and any person who expresses a view not sanctioned by the Government is dealt with harshly. A significant number of religious believers and peaceful dissidents continue to be imprisoned, harassed, physically and psychologically abused, and subject to other forms of inhumanity, for courageously bringing Soviet violations to the attention of the world.

Nevertheless, even while enduring these insufferable injustices, the Estonian people have not lost their determination to recover their freedom. They are a brave and valiant people who are destined to enjoy, once again, democratic government.

As chairman of the Subcommittee on Human Rights and International Organizations, I have a deep interest in the plight of the Estonian people. The subcommittee will closely monitor Soviet abuses of its citizens and work to help those everywhere who are victimized by totalitarianism. As a free nation, we must continue to support the Estonian people in their struggle to remove the chains of oppression.

Clearly, if recent Soviet gestures toward human rights are to be more than cosmetic, representing permanent fundamental changes in this area, the oppression of Estonia must end, and cultural freedom of this Baltic State must be allowed to flourish in all its dimensions.

DON'T CONFUSE THE NATIONAL ENDOWMENT FOR DEMOCRACY WITH PROJECT DEMOCRACY

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. BUSTAMANTE. Mr. Speaker, I wish to insert in the RECORD an editorial from the New York Times of Monday, February 23, 1987, which attempts to clarify some confusion regarding the activities of the National Endowment for Democracy. The endowment has nothing to do with the clandestine, "invisible" organization assembled and possibly funded by Lt. Col. Oliver North. We will hear more about the activities of the National Security Council staff when the Tower Commission report is released, but the unfortunate misidentification of the Endowment needs to be rectified. We have worked with the Endowment and have been apprised of their efforts in Paraguay, Guatemala and Haiti. They have always been above-board with us and do not deserve to have their mission misunderstood.

[From the New York Times, Feb. 23, 1987]

AN INNOCENT VICTIM OF THE IRAN SCANDAL

(By Walter F. Mondale and Frank J. Fahrenkopf, Jr.)

WASHINGTON.—Because so much remains unknown about the Iran-contra scandal, information frequently comes out in the form of revelations that may contain only part of the truth and can be badly misleading. If we are not careful, many good and innocent people doing very worthwhile things could be harmed.

A case in point is the recent disclosure that the White House, under the direction of Lieut. Col. Oliver L. North, was carrying out secret activities under something called Project Democracy. According to the report, the project's "public arm" is the National Endowment for Democracy, a private, bipartisan organization established to strengthen democratic institutions in the world.

The allegation that the Endowment has any relationship whatsoever to Colonel North's activities, whatever they were, is entirely unfounded. Even the suggestion that the Endowment is an "arm" of Project Democracy is wrong and clearly at odds with legislative history.

In early 1983, Congress was presented with two separate legislative proposals to foster democratic political and social institutions abroad. The first was Project Democracy, an Administration request for $65 million to fund a range of programs through the United States Information Agency, the Agency for International Development and the State Department. The second proposal was to authorize funding for the National Endowment for Democracy.

The Endowment idea was inspired by the success that private foundations associated with West Germany's political parties have had in strengthening democratic institutions in the developing world. As envisioned, the Endowment would be a private, nonprofit entity that would openly fund democracy-building programs carried out by institutes associated with labor, business, our two major political parties and other private-sector organizations.

Believing that the work of promoting democracy could most effectively be carried out by the private sector, Congress authorized funding for the Endowment and not the package of programs called Project Democracy. This approach gained the Administration's full support.

This history is important because it shows that from the very beginning Congress placed a high value on the private, bipartisan character of the Endowment and its independence from the current or any future Administration.

Under the leadership of a broadly representative board of distinguished Americans, the Endowment has made great progress. It has developed strong oversight procedures pertaining to the selection, monitoring and evaluation of all grants. It reports fully to Congress on its activities and, as required by statute, keeps the State Department informed as well. The commitment to openness has always been fundamental to the concept and actual operation of the Endowment.

In all cases, the Endowment has been responsive to the democratic needs and initiatives of its partners abroad, in the belief that internally generated change is preferable to change that is artificially imposed from the outside.

The Endowment's work covers a wide range of countries. In the Philippines, Haiti, Taiwan, Guatemala, South Korea, Chile and Paraguay, its programs have supported or are helping to stimulate a process of democratic transition. In developing democracies such as Argentina, Peru and Colombia, as well as in the Caribbean and Central America, it provides aid to groups seeking to consolidate democratic institutions and procedures and to strengthen the commitment to democratic values.

The Endowment is also engaged in the difficult job of encouraging pluralist trends in the closed societies of the Communist world. Even in societies wracked by conflict, such as South Africa, Afghanistan, Northern Ireland and Nicaragua, it supports those who are working peacefully to sustain democratic possibilities and values.

The present controversy only heightens the importance of such open support for our friends abroad. We must not allow totally unrelated activities alleged to have been carried out under the rubric of an otherwise defunct "Project Democracy" to discredit the efforts of the National Endowment for Democracy.

VIKING'S THOR

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. WELDON. Mr. Speaker, I would like to share some excerpts from a Delaware County Daily Times article of Monday, February 16, 1987, which highlights the achievements of a very successful breeder and trainer of bloodhounds from Springfield, PA.

Mr. Charles Sexton's champion bloodhound, Viking's Thor, became the "first bloodhound in 31 years to win the hound group in the Westminster Kennel Club's dog show at Madison Square Garden. The 111-year-old event is the most prestigious dog show in the world and the second oldest sporting event in the United States." It is certainly a credit to Mr. Sexton to have achieved this honor.

We are grateful to Mr. Sexton for his love of the dogs and the sport, which have given Delaware County a champion to be proud of. On behalf of the Seventh Congressional District of Pennsylvania and myself, I would like to congratulate Mr. Sexton and wish for him continued success.

SOLUTIONS FOR NICARAGUA

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. FLORIO. Mr. Speaker, one of the major foreign policy questions we are facing involves the question of continuing funding to the Nicaraguan Contras in an effort to overthrow the Sandinista government of Nicaragua. On numerous occasions, Congress has been asked to provide military and economic assistance to the Contras. I have opposed these proposals because I sincerely believe that the problems in the region can only be resolved through diplomatic negotiations and through renewed cooperation among the neighboring Contadora nations.

This past December, I participated in the Miami Congressional Workshop on Political, Economic, and Security Issues in the Western Hemisphere. I had the opportunity to meet with Mr. Abraham F. Lowenthal, the executive director of the Inter-American Dialogue and discuss with him the weaknesses inherent in the approach the administration has taken in resolving this conflict. The recent events linking funds received from the illegal arms sales to Iran with funding for the Contras—a violation of the law—raise new questions relating to the viability of this policy. I have cosponsored legislation that would suspend funding to the Contras and I hope that it will be given speedy consideration.

Mr. Lowenthal has written an insightful article which appeared in the January 15 issue of the Los Angeles Times. I wanted to commend his views to my colleagues and urge a careful review of this misguided policy.

The article follows:

[From the Los Angeles Times, Jan. 15, 1987]

FACING THE UGLY FACTS ON NICARAGUA—ITS REGIME IS OBJECTIONABLE; WE CAN ONLY MAKE IT LESS SO

(By Abraham F. Lowenthal)

The Nicaragua battle is about to begin again in Washington. Although the issue has been trumpeted as a matter of U.S. security against an extra-hemispheric threat, for five years the fighting has been largely intramural: the Administration vs. Congress, Democrats vs. Republicans. Now, with the Administration in disarray and Democrats in control of both houses, it is time to begin shaping a new and sustainable policy toward Nicaragua. But first, partisans on both sides have to shed their time-worn rhetoric and face some unpleasant facts.

It is undeniable that an unfriendly and undemocratic regime is entrenched in Nicaragua, that it is tightly allied with Cuba and the Soviet Union, and that it is antagonistic to the established order in the rest of Central America. It is also a fact, however, that the present U.S. policy goal of a counterrevolution in Nicaragua has virtually no chance of success.

Aid to the contras was never a sustainable national policy. A policy that could be imposed on Congress only after five grueling debates over a two-year period, and then only by intense White House pressure in an election year, was fragile from the start. It was based on wishful thinking about the political complexion and the military capability of the so-called freedom fighters, and on equally shaky assessments about the Sandinistas. It evolved in bits and pieces, and ultimately it was shaped by the compromises that were necessary to win votes in Washington rather than by hard-headed analysis of how best to protect U.S. interests in Central America.

In theory, support for the *contras* might have been useful as a means of putting pressure on the Sandinistas to induce flexibility and foster compromise in negotiation. In practice, however, aid for the contras has become a policy of all stick and no carrot; it is not intended to make the Sandinistas more democratic, conciliatory, respectful of their neighbors or independent of the Soviet Bloc, but rather to make them disappear.

But the contra policy is a very weak stick. The United States has been pursuing a military approach without applying enough force to win a military victory. Poking at the Sandinistas with sporadic hit-and-run attacks near remote borders has only made them more repressive and more dependent on their Soviet and Cuban friends.

In any event the contra approach is now a shambles. President Reagan, who could barely obtain congressional permission for the contra policy by dint of great effort when his own standing was very high, is less likely to prevail now that he has been wounded. The Central American countries, whose quiet acceptance of the contras was ambivalent at most, are backpedaling away from them. The contras themselves, whose strategy had been to hang on until stronger U.S. involvement could be obtained, face severe problems of morale. And Nicaragua has hardened; the Sandinistas no longer hide their Marxist-Leninist ideology, and their historic distrust of the United States has understandably deepened.

We can continue to play out a kind of slow-motion Bay of Pigs, but the result of the contra policy is predictable: If we do not intervene directly and militarily, we will be humiliated. Sensible Americans of both parties agree on the need to avoid this no-win dilemma. They seek an alternative approach.

A new policy toward Nicaragua must address three central issues:

The first is to prevent the introduction into Nicaragua of Soviet strategic facilities, major offensive weapon systems or Soviet or Cuban combat forces—that is, to block the posing of a direct military threat to the security of the United States or of other nations in the hemisphere.

A second key goal is to stop the Sandinistas from providing material support to insurgent movements in neighboring countries—that is, to contain the Sandinista movement within Nicaragua.

Finally, we must make clear that the people of the United States will promote democracy and protect human rights in the Americas, including Nicaragua.

Each of those objectives can be pursued more effectively if the contra policy is shelved.

The Reagan Administration would have solid bipartisan backing for a clear statement, expressed publicly as well as through diplomatic channels, that the United States will not permit the establishment of a Soviet or Cuban military base in Nicaragua—that this country will use force if necessary to prevent the introduction of strategic weapons, major offensive weapon systems of Soviet or Cuban forces.

The second objective, to contain the Sandinistas, should be pursued along regional lines. Washington should make it clear that U.S. troops would help repel a Nicaraguan invasion of one of its neighbors. It is equally important to strengthen the Contadora efforts to reduce the Sandinista arms buildup and to prevent cross-border support for insurgent movements or other attempts to subvert established governments.

The Contadora process—the diplomatic initiative spearheaded by Mexico, Venezuela, Colombia and Panama—has come a long way toward specifying which activities must be ended, devising surveillance and monitoring procedures to detect them and reversing the regional arms race. Now it is vital that Latin American nations agree to commit their own troops to enforce the proposed regional peace treaties. But Contadora cannot move any further until the United States stops supporting the contras, by far the largest cross-border insurgency operating in Latin America.

The United States, working with others, can also do a great deal to thwart the Sandinistas by working to open up Central America's political systems, curb repression and support social and economic development—and thus deprive Marxist insurgents of potential followers.

The final objective, promoting democracy in Nicaragua, cannot be accomplished at once. The peace and stability of all Central America will be better assured when the whole region is democratic, but democracy cannot be imposed by force.

The best means for promoting democracy in Nicaragua are not the contra forces, themselves of questionable democratic credentials, but long-term peaceful pressures and inducements—like those employed successfully in the Philippines and now being attempted in Chile. Working with the other democratic countries in the hemisphere, the United States should consistently push for human rights and democratic openings. Washington should work with the Catholic Church and other nongovernment organizations, emphasize media and diplomatic pressures, and isolate the repressive regimes of the hemisphere, both internally and internationally.

In time, persistent multilateral pressures should lead to Nicaragua's becoming not the first domino, but rather one of the last in a hemisphere-wide turn toward democracy. Nicaragua is not in Eastern Europe; as Nicaragua's democratic forces grow, the Soviet Union will be unable to repress them from afar.

There is no quick-fix solution for Nicaragua—no easy means to bring about a peaceful, democratic and congenial regime there. With a sense of perspective and some patience, however, the United States could still adopt a sound policy toward that end. It is surely high time to try.

AN INNOCENT VICTIM OF THE IRAN SCANDAL

HON. JOHN R. MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. MILLER of Washington. Mr. Speaker, a lengthy article in the February 15 New York Times represented the National Endowment for Democracy as the overt arm of alleged secret operations and initiatives carried out by the National Security Council staff under the rubric "Project Democracy." Although the Times did not establish even a vicarious connection between the endowment's programs and the NSC staff's activities, it suggested, if not implied, that a link existed.

In fact, no such link exists, and the Times was mistaken in assuming even that the endowment and Project Democracy share so much as a common origin.

In the Monday, February 23, Times, Vice President Walter Mondale and Republican National Committee Chairman Frank Fahrenkopf, Jr., former and current members of the endowment's board of directors, replied to the earlier article. I wish to commend their column to my colleagues' attention, since it corrects several inaccuracies in the earlier article.

The article follows:

AN INNOCENT VICTIM OF THE IRAN SCANDAL

(By Walter F. Mondale and Frank J. Fahrenkopf Jr.)

WASHINGTON.—Because so much remains unknown about the Iran-contra scandal, information frequently comes out in the form of revelations that may contain only part of the truth and can be badly misleading. If we are not careful, many good and innocent people doing very worthwhile things could be harmed.

A case in point is the recent disclosure that the White House, under the direction of Lieut. Col. Oliver L. North, was carrying out secret activities under something called Project Democracy. Acccording to the report, the project's "public arm" is the National Endowment for Democracy, a private, bipartisan organization established to strengthen democratic institutions in the world.

The allegation that the Endowment has any relationship whatsoever to Colonel North's activities, whatever they were, is entirely unfounded. Even the suggestion that the Endowment is an "arm" of Project Democracy is wrong and clearly at odds with legislative history.

In early 1983, Congress was presented with two separate legislative proposals to foster democratic political and social institutions abroad. The first was Project Democracy, an Administration request for $65 million to fund a range of programs through the United States Information Agency, the Agency for International Development and the State Department. The second proposal was to authorize funding for the National Endowment for Democracy.

The Endowment idea was inspired by the success that private foundations associated with West Germany's political parties have had in strengthening democratic institutions in the developing world. As envisioned, the Endowment would be a private, nonprofit entity that would openly fund democracy-building programs carried out by institutes associated with labor, business, our two major political parties and other private-sector organizations.

Believing that the work of promoting democracy could most effectively be carried out by the private sector, Congress authorized funding for the Endowment and not the package of programs called Project Democracy. This approach gained the Administration's full support.

This history is important because it shows that from the very beginning Congress placed a high value on the private, bipartisan character of the Endowment and its independence from the current or any future Administration.

Under the leadership of a broadly representative board of distinguished Americans, the Endowment has made great progress. It has developed strong oversight procedures pertaining to the selection, monitoring and evaluation of all grants. It reports fully to Congress on its activities and, as required by statute, keeps the State Department informed as well. The commitment to openness has always been fundamental to the concept and actual operation of the Endowment.

In all cases, the Endowment has been responsive to the democratic needs and initiatives of its partners abroad, in the belief that internally generated change is preferable to change that is artifically imposed from the outside.

The Endowment's work covers a wide range of countries. In the Philippines, Haiti, Taiwan, Guatemala, South Korea, Chile and Paraguay, its programs have supported or are helping to stimulate a process of democratic transition. In developing democracies such as Argentina, Peru and Colombia, as well as in the Caribbean and Central America, it provides aid to groups seeking to consolidate democratic institutions and procedures and to strengthen the commitment to democratic values.

The Endowment is also engaged in the difficult job of encouraging pluralist trends in the closed societies of the Communist world. Even in societies wracked by conflict, such as South Africa, Afghanistan, Northern Ireland and Nicaragua, its supports those who are working peacefully to sustain democratic possibilities and values.

The present controversy only heightens the importance of such open support for our friends abroad. We must not allow totally unrelated activities alleged to have been carried out under the rubric of an otherwise defunct "Project Democracy" to discredit the efforts of the National Endowment for Democracy.

TRIBUTE TO POLICE HERO FRANK LaSALA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. BIAGGI. Mr. Speaker, each year our Nation loses some 150 law enforcement officers in the line of duty. This year, it appears, will be no exception. It is with a deep sense of loss and utmost respect that I rise today to pay a special tribute to one of law enforcement's fallen heroes—New York City police officer Frank LaSala.

On January 10, Francis (Frank) LaSala, a 12-year veteran of the New York City Police Department, died from injuries he suffered during a heroic rescue attempt. Emergency Service Officer LaSala rushed into a burning building across from his stationhouse in an attempt to help about a dozen people escape the fire. Tragically, Officer LaSala collapsed on a third floor landing when he was overcome by a blast of smoke and flame. He suffered second- and third-degree burns over 55 percent of his body.

This totally selfless and courageous act by Officer LaSala epitomizes so much that is good about the law enforcement profession. Perhaps more than anyone else, it is the law enforcement officer who has the greatest appreciation and respect for human life. How else can we explain the fact that police officers so often risk, and sometimes lose, their own lives for people they do not even know? Some might respond that it's their job. But, as one police survivor is quick to point out, "Police officers don't get paid to die."

No, Officer LaSala did not rush into that burning building because that's what he gets paid to do. He did it because he is a very special type of person; someone that isn't afraid to risk his own life to help others in distress. No doubt, that is why people who knew Officer LaSala described him as: "Extra special—a one-of-a-kind sort of guy."

Another person described Officer LaSala this way in a recent letter to the New York Daily News:

> The funeral ceremonies are over, and except for family and close friends, life's routines resume. But I want to remember Frank LaSala for one more day. It was only a short time that I knew him, but I was struck by his kindness, honesty, vitality, and ability to laugh. He would do anything for anyone, and so gave his life. A better police officer or person will be very hard to find.

What makes people like Frank LaSala and so many other heroic law enforcement officers do what they do? Perhaps, Charles Frohman explained it best when he was sinking to his death aboard the S.S. *Lusitania* in World War I and supposedly uttered, "Why fear death? It is the most beautiful adventure in life."

CHARLES KRAUTHAMMER ON THE ABM TREATY DEBATE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. COURTER. Mr. Speaker, the current debate over the proper interpretation of the ABM Treaty reminds one of the old joke that if you placed all the lawyers in the world end to end they would point in different directions.

Columnist Charles Krauthammer, in the following column, deftly cuts to heart of the ABM Treaty controversy. "Only the United States," Krauthammer writes, "would turn its strategic future over to lawyers." In fact, this mistake was first made in 1972, when the State Department and ACDA lawyers on the United States arms control delegation sat across the negotiating table from the Soviet General Staff members on the Soviet arms control delegation. Such an asymmetrical situation could hardly have produced an equitable agreement that was in the U.S. national security interest.

Krauthammer proposes a solution, which I have also suggested in a letter to the President. That is, utilize article XV of the ABM treaty, which permits U.S. withdrawal from the treaty on 6 months' notice. Article XV makes the SDI opponents see red, but they cannot claim it is ambiguous or subject to varying legal interpretation.

The United States is a nation of laws with a long tradition of strict compliance with international legal obligations. But these high standards afford little protection against international outlaws like the Soviet Union. A similar situation existed in the 1930's, when Tojo's Japan and Hitler's Germany began to chafe under the League of Nations strictures and the Treaty of Versailles. Japan simply withdrew from the League of Nations after invading Manchuria, and Germany renounced the Treaty of Versailles in order to build her illegal war machine. The rest is history. I highly recommend Mr. Krauthammer's column to my colleagues.

[From the Washington Post, Feb. 13, 1987]

ABM vs. SDI

(By Charles Krauthammer)

There is a story, no doubt too good to be true, that W. C. Fields was found reading the Bible on his deathbed. Asked what he was doing, he replied: "Lookin' fer loopholes." The Reagan administration, in similar health, has sat down with the Anti-ballistic Missile (ABM) Treaty, a document less uplifting but far richer in ambiguity. And in an obscure addendum, it thinks it has found salvation.

Most of the world understands the ABM Treaty to prohibit testing, development and deployment of, well, anti-ballistic missiles. So did the Reagan administration, until October 1985. Now the administration, wanting to do advanced testing for the Strategic Defense Initiative, has found a loophole. Agreed Statement D allows testing of ABM systems based on "other physical principles" than those known when the treaty was signed in 1972.

This loophole opens up on some exotic casuistic corridors. What exactly are "other physical principles"? Most people understand that to mean Star Wars stuff, like lasers or particle beams, which are based on directed energy principles. It is odd, therefore, that what the administration seeks to test under a "broad" interpretation of the ABM treaty is a system that shoots projectiles at Soviet missiles and destroys them on impact. The "physical principle" at work here is kinetic energy (hence the name: "kinetic kill vehicles"). Kinetic energy was known in 1972. It is the physical principle that underlies the bow and arrow.

Which leads the Pentagon lawyers to respond that the new physical principle is not in the shooting down, but in the picking up: i.e., the sensing mechanism. In 1972, ABM systems used radar to pick up their target. Today's SDI sensing mechanism is optical or infrared.

Is this what "other physical principles" means? God knows. The question of what a treaty permits depends on many factors: the treaty negotiating record (i.e., what the United States and the Soviet Union thought they were agreeing to); the ratification record (what the Senate thought it was agreeing to in 1972); subsequent practice (the behavior and claims of the two parties: the treaty's "case law"). The record on all counts is exceedingly muddy.

The whole exercise is another depressing triumph of American legalism. (With a fine irony: regarding the ABM treaty, liberals are the upholders of "original intent," while conservatives are the "judicial activists"—a neat switch of their usual positions.) Only the United States would turn its strategic future over to lawyers. Perhaps that is why we turn out nearly as many lawyers as engineers: our treaties need as much work as our cars.

In fact, the real argument has nothing to do with the words "other physical principles." It has to do with the spirit of the ABM treaty and the meaning of SDI. The ABM treaty sought a strategic arrangement under which both sides renounce defenses in the belief that mutual vulnerability makes for stability and deterrence. SDI seeks invulnerability. These are inherently contradictory ideas.

So long as SDI was pie in the sky, one could live with the contradiction. Less than 18 months ago, Secretary of State George Shultz pronounced the debate over the two treaty interpretations "moot." State Department legal adviser, Abraham Sofaer, testified before Congress that "the issue may have practical significance only when the SDI program has reached the point at which . . . engineering development, with a view to deployment, become a real option."

The administration now believes the option is real. It is forcing reinterpretation of the treaty because it now knows where it wants to go with strategic defense. It wants partial and immediate—meaning by the early 1990s—deployment of a kinetic energy system based on existing technology. That system is now busting to get out of the lab. It will soon be ready for full-scale engineering development.

But you can't do that under the ABM treaty. Up to now the engineers have had to make do with what the lawyers call "sharp practices": skirting the edge of the treaty by performing experiments that are deliberately downgraded and distorted to stay within the letter of the law.

This makes for the worst of both worlds: distorting both the treaty and the SDI program. It leads to absurdities such as occurred during the latest "Delta 180" SDI test. An antiballistic device picked up a rocket fired from Earth and tracked it, but when it came to shooting it down, the ABM had to turn around and crash into a different satellite. Shooting down the rocket would have been a violation of the treaty.

The SDI wizards, both legal and technical, are running out of sharp practices. Enter the "broad" interpretation.

It is an unfortunate move. The administration should have the courage of its convictions. If it really wants to deploy SDI, it should drop the Jesuitical exegesis and act unambiguously within the terms of the ABM treaty: withdraw. The treaty permits withdrawal on six months' notice. Such a move would have the virtue of focusing the issue. We could then have a real debate on a real question: which conception of deterrence makes more strategic sense, that offered by SDI or by the ABM treaty? An honest debate on principle is better than a slither through the loopholes. Unfortunately, slithering is easier.

MISSOURI'S CONTRIBUTION TO THE HATCH ACT OF 1887

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. VOLKMER. Mr. Speaker, this body has approved a resolution recognizing the 100th anniversary of the enactment of the Hatch Act of March 2, 1887, and its role in establishing our Nation's system of State agricultural experiment stations. I congratulate this body for that action and I commend the chairman of the Committee on Agriculture, Mr. DE LA GARZA for his work on this resolution.

Mr. Speaker, I would like to also make mention of a chairman of the agriculture committee from long ago, William Henry Hatch, the father of and the namesake for the Hatch Act of March 2, 1887.

Congressman HATCH served in this House during eight sessions, representing northeast Missouri, much of the area I now represent in this House. In fact, Congressman Hatch is buried im my hometown of Hannibal. He served ably his constituents, never losing sight of the importance of agriculture to his district and to his Nation. Apparently it was this devotion to agriculture that propelled Congressman Hatch to the chairmanship of the Agriculture Committee in a relatively short period of time.

For several years prior to enactment of the Hatch Act there had been much talk and deliberation about establishing an experimental farm station system in this country. But then, as now, budget constraints seemed to dictate policy, including farm policy. There were other problems such as jurisdiction, mission and bickering between rural and urban forces. It took the determination and skills of Congressman Hatch of Missouri and the new Secretary of Agriculture, Norman Colman, also of Missouri, as a matter of fact, to bring the forces together and succeed in passage of the legislation. For his leadership in forging this consensus, something that had been attempted since as early as the 1860's, Hatch was honored by his colleagues in having the act named for him.

And what has the Hatch Act of 1887 produced? We now can look proudly at a national network of farm stations that is consistently on the cutting edge of new agricultural technology. And I am proud that my State is solidly entwined in that network. Missouri has 19 such experimental stations with at least half of those in my district.

Again I commend the House of Representatives for passage of this resolution that so justly rewards the father of our Nation's system of State agricultural experiment stations, Congressman William Hatch of Missouri.

BRAVE NEW WORLD OF ANNUAL REPORTS?

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. DIOGUARDI. Mr. Speaker, last week, I read an interesting article in the Wall Street Journal explaining new and innovative changes that we may see in the annual reports of American corporations. I would like to bring this article to the House's and the American public's attention, and ask unanimous consent to include it in today's CONGRESSIONAL RECORD.

Thank you Mr. Speaker.

The article follows:

[From the Wall Street Journal, Feb. 10, 1987]

BRAVE NEW WORLD OF ANNUAL REPORTS?

(By Edward Kulkosky)

The annual report we have come to know and hate is deadly. Oddly, the assassins are General Motors Corp. and the Securities and Exchange Commission, plus a few co-conspirators.

This is good news. U.S. corporations are now free to reinvent and, one hopes, improve the annual report as a result of ruling by the SEC. From now on, companies can use the reports to convey any truthful message that suits them. If they choose, they can even eliminate the annual report altogether.

The fact is, there has never been a rule that requires publication of an annual report, at least in its familiar form. Regulations require only that corporations provide certain specific information to shareholders each year, usually just before the annual meeting. Annual reports have customarily fulfilled this requirement.

Now the SEC explicitly says that if the information requirement is met in some other way, companies can do as they please with what it refers to as "glossly annual reports," provided the information they include does not conflict with what is filed in their 10K reports to the SEC or their proxy materials.

The ruling by the SEC was informal and has not been widely publicized. General Motors, in a December letter to the agency, proposed to publish a summary annual report and to meet the formal information requirements separately. It said it would issue a press release with full audited financial statements; include audited financial statements in its 10K; and repeat them in its proxy materials along with other required information.

GM also said in its proposal: "Since [the annual report] would no longer be used in any SEC filings or proxy mailings, it could be dropped entirely. However, we believe that it has value as a general communications medium to our stockholders."

The SEC wrote back a month later that it has no problems with the proposal. Realizing the broad implications, it decided to make the exchange of letters a matter or public record. Linda C. Quinn, the SEC's director of corporation finance, says she expects the word to spread as reporting services used by lawyers and accountants publish the letters.

The SEC position is not just a matter of hair-splitting over obscure rules. If anyone realized beforehand the traditional annual report was optional, nobody at the SEC or in the corporate world ever said so.

The Financial Executives Institute, the national trade organization for corporate financial officers, has long been pushing for summary annual reports to improve readability, and the SEC has been studying the possibility but has had reservations about procedure. It feared that condensed financial statements would be substituted for full statements, thereby violating the rules. Under GM's approach, however, full disclosure would not be sacrificed because complete financial statements would be provided in other places. The SEC's acquiescence breaks the mental logjam and allows corporations to think of their annual reports in new ways.

The SEC's approval is good news for GM because it prints some two million glossy annual reports each year and stands to save a substantial sum by producing a smaller report. The GM proposal is an outgrowth of its participation in a research project on summary annual reports conducted by the Financial Executives Institute and Deloitte, Haskins & Sells, the accounting firm.

It's also good news for the many investor-relations people who have been trying to do more effective jobs in communicating to the public the investment merits of their corporations. Annual reports have all too often looked backward instead of forward, ignoring the fact that expectations attract investors, not ancient history. And in today's electronic world, where a corporation was at a time perhaps four months ago is indeed ancient history.

Is it also good news to investors? Yes, but with an important exception.

Professional investors depend more on the 10K than the glossy, and individuals spend no more than a few minutes with the annual reports they receive.

Small wonder. Even a generous observer would concede that no more than a few hundred reports are worth any more of the investor's time. That's out of some 10,000 published by public companies in the U.S. One of the reasons is that many companies feel bound by tradition to turn out the same kind of report year after year. It's as if they are saying, "We and our competitors have always turned out lousy annuals and we aren't about to change now." The exchange of letters between GM and the SEC shatters the myth that there is anything mandatory or sacrosanct about the traditional glossy annual report.

The one drawback is that those corporations that are innately taciturn, through indifference or design, may use the new freedom as a way to say even less, dumping their disclosure documents into the 10K, press release and proxy materials and issuing nothing that provides perspective on where the company is headed or how it intends to get there.

On the positive side, once the word spreads that the myth has been shattered, we believe many corporations will unleash a lot of pent-up creativity and invent a better glossy report. Inevitably, the reports will become the province of communicators and not accountants or lawyers. And that should be good for companies and investors alike.

The 19 summary annual reports produced by participants in the Financial Executives Institute project sharply reduced the number of pages of financial statements, typically from 22 to 10. Otherwise, there were three approaches. One group made no other changes. Another condensed the narrative as well, but kept all the same sections. A third made significant contents changes, such as moving footnote material into the narrative; using graphs more generously; and rewriting the financial review in layman's terms.

Here are possibilities for the future:

Some companies could use the budget for their annual report to upgrade their quarterlies, resulting in rolling annual reports that provide a better sense of continuity.

New media such as floppy disks and videotapes could become more common as substitutes for or supplements to the glossy.

Under the influence of video, designers could develop graphics techniques depicting the company as a process rather than frozen in a moment of time.

Tradition is powerful, and drastic changes aren't likely to happen overnight. Sooner or later, though, the annual report game will be a brand-new one, and we'll all owe the SEC and General Motors a debt of gratitude.

A TRUE PICTURE OF THE PROBLEMS IN RURAL AMERICA?

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. LIGHTFOOT. Mr. Speaker, the recent series of Senate Agriculture Committee hearings in the Midwest stirred once again the cry that everything in rural America is going under.

Not all reporters, however, chose to follow the committee formatted testimony.

Craighton Knau, farm director for KMA Radio in Shenandoah, IA, is one who felt compelled to check on the accuracy of some very emotional statements made at the hearing.

Mr. Knau, a respected farm editor, graduated from Iowa State University, and operated a feed business before entering into farm broadcasting. He not only has the expertise of a professional broadcaster but the experience of losing a business. He knows well what he speaks.

The following is a copy of his broadcast on Saturday, February 21, 1986:

Here in the midlands the citizens have been subjected to a highly emotional four to five years. Almost everyone has been touched in one way or another * * * even those who are making it and those who are beginning to see a small pinpoint of light at the end of the tunnel have experienced having to make some major and moving changes in their lives. Volumes of words have been written * * * reels of tapes have been recorded * * * and vast cartridges of film have been exposed about the changes and the why of the changes.

Because of the sophistication of today's communications and the preservation of records, this current condition of mid-America will be more cataloged for the historians that any in the history so far recorded. But * * * of what has happened and is happening has witnessed some words that have not been well chosen. Some of what has been said for the record has actually played against the necessary actions to assist in bringing the present situation to a more swift conclusion and better times for those involved.

When the Senate Agriculture Committee held official sessions here in the midlands recently, a good share of the reason for the sessions was political posturing for the elections coming up in less than two years. As a result, most of the presentations were from the negative side, paying no little attention to those who have struggled with decisions and changes necessary to survive. Those positive decisions and actions should be shared so that others may benefit * * * they should not be hidden in the zealous attempt to benefit politically. During the rhetoric before the committee, there were statements made concerning large increases in tragic trends in individuals' lives * * * such as alcoholism, use of drugs * * * an increase of persons taking their own lives as a final solution to their personal problems. That last implication * * * the indication of an increase in suicide * * * kind of bothered me. As a consequence * * * I called by phone and talked with the county coroners in two of the counties in Iowa represented by those presenting their testimony to the Senate Agriculture Committee * * * these people would certainly have records of such tragedies * * * but I didn't find any indication of what was presented to the Senators * * * these county officials to which I spoke and asked questions were frankly surprised to the purpose of my call * * * some personal tragic actions were recorded during these past few years * * * certainly * * * there always are * * * but not to the extent as was indicated. When words are spoken about any subject * * * they need to be well chosen * * * I'm Craighton Knau.

BLACK HISTORY MONTH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. CARDIN. Mr. Speaker, February is Black History Month, a time set aside to recognize the role of blacks in America, both past and present. We take this time to review not just the accomplishments of our black citizens, but also as a reminder of the need to remain vigilant in the battle against racial discrimination.

Just as the hostility faced by blacks is unique, their triumph is unparalleled in American history. They have risen to become leaders in all fields of human endeavor, persevering in a system that neither nurtured nor encouraged their talents.

One such leader was Clarence M. Mitchell, Jr. of Baltimore, MD. Before Clarence Mitchell became the lobbyist for the NAACP in 1950, there had not been any major civil rights legislation passed since Reconstruction. In the ensuing years, in his role as the "101st Senator," Clarence Mitchell oversaw the passage of major civil rights legislation including the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

The Washington Post said of him, "His life's work, inspiring those who shared his hopes and eventually persuading almost all of those who hesitated, profoundly changed and uplifted the nation." Mr. Mitchell's work was recognized in 1980 when President Carter granted him the Medal of Honor, our Nation's highest civilian honor. Clarence Mitchell's life enriched both his hometown of Baltimore and the entire country.

And yet this month we look back on the history not only of blacks but of our society as well. We must assess the strides we have made toward racial equality and recognize the challenges unmet. The incidence of poverty among blacks remains both appalling and unacceptable. While the battle against discrimination in law has had its successes, we certainly have not eliminated discrimination in fact.

As we face the work ahead we are inspired by the words of the late Dr. King who said, "Injustice anywhere is a threat to justice everywhere." Thus, in infringing on the rights of blacks we endanger the rights of all Americans. And by impeding the progress of blacks we impede the progress of America.

Let us instead continue the fight to open the doors of opportunity to all of our citizens. Our resolve to act should heed Clarence Mitchell's declaration, "Once it has been established that certain wrongs exist, I think it's useless to complain unless you intend to do something specific about it." Black History Month is the time to recognize racial injustice and reaffirm our commitment to do something about it.

MEDICARE CATASTROPHIC ILLNESS COVERAGE ACT

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. MADIGAN. Mr. Speaker, today I am joining many of my colleagues in introducing legislation to provide Medicare beneficiaries protection from the devastating expenses of catastrophic illness. I commend the President for forwarding this legislation to Congress and I am pleased to lend my support. The Medicare Catastrophic Illness Coverage Act represents an important first step in covering the acute care hospital and physician expenses that over 1 million elderly and disabled may experience in any 1 year.

While I recognize the obvious benefits of this legislation, I think it is worthwhile to delineate its potential shortcomings. Most importantly the Medicare Catastrophic Illness Coverage Act will help to provide the elderly the security of knowing that a devastating illness will not deplete the family's total resources. The act sets a limit on beneficiaries total out-of-pocket expenses for Medicare covered services at a level of $2,000 per year. Once this maximum amount is reached, the beneficiary will receive 100 percent Medicare coverage for unlimited days in the hospital, up to 100 days in a skilled nursing facility [SNF]—if Medicare medical necessity tests are met—and for physician services. In addition, the act makes several changes to the current Medicare Program. It removes beneficiary cost-sharing requirements for hospital and SNF stays and limits the number of hospital admission deductibles to a maximum of two per year.

The President's bill utilizes the Medicare Program to provide the catastrophic benefit. For this reason, the monthly cost to the beneficiary will be a minimal amount which will be added to the Medicare part B premium. The catastrophic portion of the premium and the limit on out-of-pocket expenses will be indexed to account for inflation, increases in program costs, and to maintain budget neutrality. Intentionally, this pay-as-you go system of financing should result in no additional Federal expenditures which would further exacerbate the deficit.

This is not perfect legislation and several amendments may be necessary to assure the budget neutrality of the program. First, consideration should be given to separating the catastrophic benefit from the part B program and establishing an individual catastrophic plan which will be required by law to be self-financed. Our experience with the Medicare part B program should teach us how quickly program costs expand. When the part B program was established, it was financed equally by premiums and general revenues. As the costs of the program grew, the premiums remained stable. Only 25 percent of the part B program funds are now collected from premiums. In addition to separating the program, it is also important to place some controls on utilization of services. The bill as drafted would allow unlimited payments for physician and hospital services once the $2,000 limit is met. A managed care system should be established to assure that beneficiaries receive only necessary and appropriate health care services.

As a supporter of the concept of full Medicare coverage for catastrophic illness, I want to provide this program with the assurances necessary for its longevity and solvency over time. With Federal deficits at their current high levels, a self-financed program is the only responsible Federal option available. I believe my constituents understand this and are willing to purchase the benefit to minimize their long-term risks. As the Congress begins to evaluate the President's proposal, it will be important to more closely determine the cost of the benefit, including Federal expenditure under the Medicaid Program, and the numbers of beneficiaries who will utilize the catastrophic benefit. With these cost components fully disclosed, an actuarially sound premium can only then be determined.

The Medicare Catastrophic Illness Coverage Act represents an important first step in addressing a fundamental gap in health insurance protection. The legislation will benefit from further fine-tuning. I plan to work with my colleagues in addressing the areas of concern I have mentioned, and I continue to be open to further reforms. This country's elderly population deserve and should expect a program that can be sustained over time. We owe our constituents a solvent health insurance program for catastrophic illness.

DE MINIMIS DUTY ON KIWIFRUIT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. MATSUI. Mr. Speaker, I am reintroducing legislation which would place a de minimus duty of one-tenth of a cent per pound on imports of kiwifruit.

California is in the process of developing a kiwifruit industry. There are currently an estimated 1,000 growers in California who account for over 98 percent of the U.S. production. Until recently, imports of kiwifruit primarily from New Zealand, helped to supply the domestic market during the domestic growers' "off season." Recently, however, these imports have been significantly expanded and have begun to overlap domestic production and marketing.

In 1982, for example, over 4 million pounds of kiwifruit were imported from New Zealand. During 1985, imports of kiwifruit from New Zealand totaled over 17 million pounds. This dramatic surge in imports and market penetration has depressed domestic growers' prices in the market.

The surge in imports of kiwifruit is of concern because it is believed that the New Zealand Government subsidizes exports of kiwifruit to the United States.

Domestic growers should have the opportunity to compete on an equitable basis with imports.

This legislation, by setting a de minimus duty, would recognize the problems of surging imports and the difficulty agriculture has had historically in seeking relief from the ITC. It should be noted that historically there has been a duty on imported kiwifruit. The duty was removed on the basis that imports were small in volume, relatively high in price, and not directly competitive with any domestic product. The situation has changed dramatically with the development of a domestic industry and with the New Zealand subsidy programs.

WDST STRIKES A BLOW FOR ARTISTIC FREEDOM AND CREATIVE BROADCASTING

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. McHUGH. Mr. Speaker, the community of Woodstock, NY, which I am privileged to represent in Congress, has long been known as a center of creativity in the fine arts. In recent years, it has become the home of an outstanding radio station—WDST-FM—which has consistently won awards for the quality of its innovative programming. The station's creativity reflects the dynamic and enthusiastic leadership of owner Jerry Gillman and his wife Sasha—as evidenced by a recent broadcasting breakthrough which has international implications.

Vladimir Feltsman, a world-renowned Soviet pianist, had found his career in limbo after applying in 1979 for permission to emigrate from the Soviet Union to Israel. His concerts were canceled, his recordings suppressed. But recently the station WDST classical programmer, Leslie Gerber, had unexpectedly come upon several rare Feltsman recordings, one of them originating at a private concert at the U.S. Embassy in Moscow. Thanks to Jerry Gillman's persistence by letter and phone, not only did WDST feature a full concert program of the Feltsman recordings, but the program featured a special telephone interview with Feltsman from his Moscow apartment, an interview facilitated by the State Department and our Moscow Embassy.

This broadcasting coup by WDST was thereafter shared with more Americans when the New York Times' radio station WQXR rebroadcast the program in its large listening area. But even more dramatic a consequence of the WDST broadcast was the fact that it was used by the Voice of America for a special series of broadcasts to the Soviet Union. During periods of relaxed jamming at the Soviet end, such broadcasts can reach an audience of 275 million people!

Thanks to the initiative of Woodstock's station WDST, the irrepressible artistry of Vladimir Feltsman was shared with millions of people in the Soviet Union as well as in the Northeastern United States. If efforts by the State University College in New Paltz, NY are successful, Mr. Feltsman will hopefully be able to participate in an exchange program that would bring him to the United States for a long-awaited visit.

I am pleased to share with my colleagues two newspaper articles that detail the story of WDST's broadcasting coup.

[From the Ulster County (NY) Townsman, Jan. 15, 1987]

VOICE OF AMERICA TO BROADCAST WDST PROGRAM TO THE SOVIET UNION

Voice of America has asked permission to re-broadcast a WDST program on Soviet pianist Vladimir Feltsman which included an interview of the dissident concert artist as well as rare recordings suppressed in the USSR. V.O.A. plans its first program to be broadcast to the Soviet Union Sunday, February 1st, and will schedule three additional programs, to be broadcast by V.O.A.'s Russian Branch, in anticipation of possible Soviet jamming of V.O.A. when the Soviet dissident is heard in interview.

Voice of America Russian Branch programing is heard by 275 million people in the Soviet Union when broadcasts are not jammed. When jamming occurs, 29 million people are still able to hear the broadcasts, according to a Purdue University professor who is a specialist in international radio broadcasting.

WDST, Woodstock's independent FM station, originally asked State Department assistance in setting up the Woodstock-to-Moscow telephone interview of Vladimir Feltsman by classical programmer Leslie Gerber. Mr. Gerber had come into possession of two rare, Soviet-suppressed recordings: a Chopin Concerto and two Kabalevsky Concertos, one with the composer conducting. WDST wanted to air them along with a telephone interview of Feltsman but checked with the State Department for advice on whether such an interview might jeopardize Feltsman's chances ultimately to get out of the Soviet Union. Charles Redman, the State Department spokesman, and replacement for Bernard Kalb, cleared the proposed interview with the Soviet desk in Washington and then by telephone with Ambassador Arthur Hartman in Moscow.

The suppressed recordings which came into Mr. Gerber's possession are identified only as "recorded 1984" but were actually made at the United States Embassy in Moscow at a concert by Feltsman before an invited audience. The original WDST program which included the rare recordings and the telephone interview of Feltsman was aired in November 1986.

During the telephone interview, Mr. Gerber twice asked Vladimir Feltsman if he envisioned any likelihood of eventual Soviet permission to emigrate. On both occasions, Mr. Feltsman answered that he anticipated no possibility of permission being granted. Once Feltsman asked permission to emigrate along with his wife Anna, a biologist—some five years ago—the Soviets stripped him of concert work. He no longer plays in metropolitan centers and when he does play, he says, it is sometimes on pianos with missing keys. He plays only in remote cities and villages. During the interview, Mr. Feltsman explained background notes as his children playing. He lives with his wife and children in a one-room apartment in Moscow.

In 1982, Vladimir Feltsman was booked into Avery Fisher Hall at Lincoln Center. The event was widely publicized and was to be his American concert debut. Internationally prominent artists formed a committee to appeal to the Soviet Union in Feltsman's behalf. Members of the committee included Leonard Bernstein, Zubin Mehta, Pinchas Zukerman, Yehudi Menuhin, Daniel Barenboim, Dudley Moore and many others whose names are household words. Their appeals went unanswered.

WDST's all-Feltsman program will also be re-broadcast by WQXR, The New York Times-owned classical station in New York City and Voice of America has advised that branches other than V.O.A.'s Russian Branch are interested in the program, as is the United States Information Agency.

WDST, known as The Bulldog of the Hudson Valley, is the only station in the United States three times to win Billboard's Station-of-the-Year Award. It regularly airs rock, jazz, blues and talk programing, in addition to classical, in its eclectic schedule.

[From the Poughkeepsie (NY) Journal, Jan. 23, 1987]

THE BULLDOG . . . AND THE BEAR—WOODSTOCK'S WDST-FM CHAMPIONS THE CAUSE OF RUSSIAN CONCERT PIANIST

(By Florence Pennella)

Because of the perseverance of Jerry Gillman, general manager of radio station WDST in Woodstock, Soviet dissident and pianist Vladimir Feltsman may be on his way to playing on a piano that has all its keys.

In 1979, Feltsman, who is Jewish, asked permission to emigrate from Russia to Israel. In response, the Soviet government stripped him of his concert work. He plays occasionally, in remote cities and villages, and when he does, the pianos he plays sometimes are missing a few ivories.

Feltsman discussed his situation in an exclusive interview with WDST in November, an interview that involved the combined efforts of WDST's Gillman; Leslie Gerber, the classical music programmer for WDST, and the United States Department of State.

WDST aired the two-hour program Nov. 16 and portions of it will be broadcast by Voice of America on February 1 to various geographic areas of the Soviet Union. The purpose of the broadcast is to "help the cause of Vladimir Feltsman and others who are fighting for their right to live and work in freedom," wrote Natalie Clarkson, chief of the Russian Branch, Voice of America, in a recent letter to Gillman.

Feltsman started his career in his teens. At age 15 he won first prize at the Concertina International Competition in Prague and when he was 19 he won first prize at the Marguerite Long International Competition in Paris.

A graduate of the Moscow State Conservatory, Feltsman toured the Soviet Union and Eastern Europe extensively, giving piano recitals and appearing as soloist with orchestras. He toured Japan in 1977 and France in 1978. Feltsman was grounded six years ago when he applied for an emigration visa to Israel.

The only recording of Feltsman's music currently available in the United States is one CBS Masterworks made from a 1984 concert Feltsman gave at the United States Embassy in Moscow at the invitation of American Ambassador Arthur Hartman.

The Feltsman/WDST connection began in September 1986 with Gerber, owner of Parnassus Records, a mail order house in Saugerties specializing in rare or out of print classical recordings. One-third of his business is from clients overseas—"rich Arabs and rich Japanese," Gerber says.

This past fall, on a routine visit to one of his suppliers in New York City, Gerber found a Spanish-made tape of Feltsman's music, recorded in 1965 when Feltsman was 13.

"I grabbed it," Gerber said. "The record dealer didn't know what a jewel he had."

A few days later, Gerber received a package of records from a client/supplier in the Soviet Union. The package contained an LP of Feltsman's music recorded in the Soviet Union in the 1970s.

"It was phenomenal to get two recordings of Feltsman's music within one week and I didn't pay much for either," Gerber said.

Gerber's acquisition of the Spanish and Russian recordings of Feltsman playing was a find.

"I called Jerry at WDST and told him I thought we should do a whole program of Feltsman's music," Gerber said. "Jerry wanted to go one better. He said let's try to interview Feltsman."

Gillman, a writer, and his wife Sasha started WDST in 1980, a feat that proved Gillman has the tenacity of his bulldog Montagu, the station's mascot.

It took Gillman seven years, a ton of paperwork and numerous filings with the Federal Communications Commission (FCC) to get approval for his FM station in Woodstock.

So he was ready to take on the job of arranging a phone interview with Feltsman in Moscow.

"I called the United States Department of State in Washington, D.C. and was referred from one person to another." Gillman said, "I was told I had to talk to Charles E. Redman, spokesman for the department and Bernard Kalb's replacement. I thought with the Iranian/Contra arms deal, Redman had enough to do without trying arrange the Feltsman interview. But it was Redman who paved the way."

The Feltsman/WDST hookup was aired on Nov. 16, with Leslie Gerber as host.

Gerber is used to celebrities. Through his classical music business he's met a lot of famous people. He is also a celebrity of sorts. Many tourists, especially from Japan, stop by and visit him in his house, "Big Pink." "Big Pink" was once home to The Band, Bob Dylan's first back-up band.

But interviewing Feltsman was humbling, Gerber said.

"Feltsman was gracious, friendly and unpretentious. We talked about his music and his situation and how he hopes he and his family will eventually be permitted to leave the Soviet Union. I wish the best result for him."

The Feb. 1 Voice of America broadcast of the WDST/Feltsman interview should help the artist's cause, as should Dr. Alice Chandler's visit to Moscow this week.

The SUNY New Paltz president traveled to Moscow on Wednesday with a group of American academic leaders and plans to meet Nobel Laureat Dr. Andrei Sakharov and his wife, Dr. Elena Bonner, during her three-day visit. The association with Sakharov is through their mutual friend, Dr. Edmond Volpe, a physicist and president of the College of Staten Island, who is also traveling to Moscow.

In that meeting, Chandler will propose an exchange program in music where Russian-born musician Gundaris Pone, who oversees SUNY New Paltz's Music in the Mountains series, will perform American contemporary music in Russia. In exchange Chandler will suggest that Feltsman be permitted to travel to the New Paltz campus and perform contemporary music of Russia.

"The political climate in the Soviet Union seems to be changing," Chandler said last week.

"The exchange program I am proposing is in the spirit of reciprocity."

A CONGRESSIONAL SALUTE TO JOHN OLGUIN ON HIS RETIREMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. ANDERSON. Mr. Speaker, on April 4, 1987, the Cabrillo Marine Museum is honoring John Olguin on his retirement. It is indeed an honor to pay tribute to John Olguin on his 50 years of unselfish and extraordinary service to the Cabrillo Marine Museum and the community.

A native of San Pedro, John Olguin has dedicated his life to the city. After graduating from high school John served 3 years in the services during World War II, receiving the Silver Star for gallantry in action. He then returned to Cabrillo Beach to serve as a lifeguard from 1937 to 1948, remaining lifeguard captain until 1962.

In 1949 John Olguin was given the responsibility as serving as acting museum director as well as lifeguard captain and playground director. In his new position of acting museum director John began school programs for area children and under his direction the museum was selected as one of the 15 outstanding education programs by the American Association of Museums. By 1953 he was appointed museum director and served until 1973 when he was made program director. He proceeded to become associate director of Cabrillo Marine Museum in 1976.

During his years at the Cabrillo Marine Museum, John created many programs besides the school program. In a nutshell, he started a grunion program, and an educational program at the museum; a whalewatch program; he conducted workshops; and fought for a project (and won) that made the tidepools adjacent to the museum a refuge.

Mr. Speaker, John Olguin has served our community for the past 50 years through his dedication to the Cabrillo Marine Museum. He has managed to make this museum much more than a museum, but also a social and educational resource for our area.

My wife, Lee, joins me in commending and congratulating John Olguin on his retirement. We wish him and his wife, Muriel; their children Monica, Viola, and John, and the grandchildren Micah, and Raniya success and happiness in all their future endeavors.

A TRIBUTE TO JACK H. OLENDER, ESQ.

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. FAUNTROY. Mr. Speaker, I rise today to commend and pay tribute to Mr. Jack H. Olender, Esq., a man who has for 25 years practiced law in our Nation's Capital.

As principal trial lawyer in the firm of Jack H. Olender & Associates, P.C., here in Washington, DC, Mr. Olender specializes in cases of alleged medical malpractice. Representing damaged children in obstetric and petiatric malpractice and other catastrophic injury cases, Jack Olender has built a reputation of effective merging of compassion and professional expertise.

While the path Mr. Olender has chose to pursue has afforded him the opportunity to live a successful life, his success has never prevented him from being involved in programs that contribute to the improvement of the quality of life for a wide variety of people in the District of Columbia.

I would like to submit the following proclamation by the Mayor of the District of Columbia, Hon. Marion Barry, Jr., who officially proclaimed February 18, 1987, as Jack H. Olender day in Washington, DC. I am also providing Mr. Olender's acceptance speech which was delivered before an audience of more than 200 friends, colleagues, and family members.

I am pleased to bring to the attention of my colleagues the life and achievements of a man whose thorough understanding of the law, fine grasp of the legal system, and compassion for his fellow man, makes him a fit subject for our admiration and praise.

PROCLAMATION

Whereas, on Wednesday, February 18, 1987, special recognition will be given to Jack H. Olender in honor of his distinguished service rendered to the residents of the District of Columbia; and

Whereas, Jack H. Olender is currently principal trial laywer in the firm of Jack H. Olender and Associates; and

Whereas, Jack H. Olender became a member of the District of Columbia Bar in 1961, and has served in several other capacities which include being a member of the U.S. Supreme Court Bar, a member of the Inner Circle Advocates, Certified Trial Advocate, and Diplomate of the American Board of Professional Liability Attorneys; and

Whereas, Jack H. Olender is constantly working to improve the standards of trial practice, the administration of justice, and the ethics of the trial branch; and

Whereas, it is fitting that we set aside time to salute this outstanding citizen for his high standards of professionalism:

Now, therefore, I, the Mayor of the District of Columbia, do hereby proclaim Wednesday, February 18, 1987 as "Jack H. Olender Day" in Washington, D.C. and call upon all the residents of this great city to join with me in honoring this outstanding citizen.

ACCEPTANCE SPEECH OF JACK H. OLENDER

Mr. Mayor, Dear and Distinguished Friends: I am deeply grateful for the honor of this day. As I look around this magnificent hall, I am reminded of many things.

Much has changed in Washington in the 25 years since I came here as a young lawyer. This city has grown tremendously. There has been restoration—as we can see here—redevelopment and a rebirth of spirit.

But, as you know, although there have been significant strides in civil rights over the last quarter century, we must be ever vigilant. Human rights must be constantly restated and reasserted to remain alive.

And while we move toward racial harmony, we must not forget other important guarantees that constitute the body of our civil rights. When a wrong is done—when harm is inflicted on a blameless citizen—he or she must have free access to the courts, and the benefit of trail by jury to remedy that wrong. This cherished right belongs to everyone regardless of race, sex, age or class.

In this year of celebration for our Constitution, we must not forget the role of law. Indeed we are a nation made strong by the rule of law. Our legal system is unique in the whole world for the extent to which it protects the rights of the individual.

While it is true that the law occasionally shifts to meet the needs of our society, we should always remember that its spirit does not change. Although some would have us believe otherwise, the law as it stands was designed to guide and protect the public—we the people—not commercial interests. The rights of the individual citizen always come first.

With your help and good will, I will continue to work toward that end.

I thank you.

ADMINISTRATION PROMOTES POSITIVE EXPORT CONTROL LAW CHANGES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. FRENZEL. Mr. Speaker, I note with great pleasure that the administration's competitiveness package contained some needed changes to our export control laws. While Congressman AuCoin and I have introduced an export control package which provides more critically needed reforms, I am pleased that the administration has begun to respond to some of the problems caused by the current export control system. Those problems have been dramatized by a recent National Academy of Science study, which describes our system as one of complictated, unnecessary restrictions, overcontrols. NAS says that system has cost American businesses billions of dollars in lost sales each year and has not provided any additional national security protection.

The administration's proposal includes, first, the extension of distribution licenses covering exports to the People's Republic of China; second, improvement in foreign availability laws by setting deadlines for foreign availability assessments; third, a deadline on approval of export licenses of 20 days for items that are available and not controlled in other free world countries; and fourth, a resolve to improve the system to multilaterally negotiate controls, especially to reduce U.S. unilateral controls and to ensure that items are removed from the International Control List.

I would also commend the administration for its other initiatives to reform our export control laws to improve the competitiveness of our high technology industry. Secretary Baldrige has expedited certain sales to our CoCom allies, including the elimination of re-export controls within CoCom nations. Consideration is also being given to establishing a de minimus level for U.S. content in foreign produced equipment which would eliminate re-export controls on products made abroad which contain a small percentage of U.S. goods or technology. There is concrete evidence that re-export controls here have definitely denied the sale of many U.S. parts and components to foreign manufacturers.

I commend the administration for these initial reforms of export controls and urge it to continue. The quickest fix for the trade balance is to restore competitiveness by removing inane, ineffective restrictions to American exports.

Very few legislative actions can have such a prompt, positive impact on our trade deficit as the rationalization of export controls, the National Academy has confirmed the worst suspicions of American industry. Our export control system is a gaping self-inflicted wound. We can treat that wound without reducing our security at all.

CHEAPER TELESCOPES AND RIFLESCOPES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. MATSUI. Mr. Speaker, I am reintroducing legislation which would increase the availability of a wider range of quality imported telescopes and riflescopes to the American public, at substantially lower prices. This objective would be accomplished by authorizing duty-free entry of certain of these optical instruments in a way that would not adversely affect the domestic industry. This legislation would separate imports of the products on the basis of price, with duties on lower priced imports eliminated while tariffs are maintained on higher priced instruments that might compete directly with U.S.-made goods.

Specially, this bill proposes the riflescopes valued at not more than $50 be allowed to enter the United States without payment of duty, with those valued at more than $50 continuing to be subject to the prevailing 20 percent ad valorem tariff. Similarly, telescopes valued at not more than $200 would enter duty-free, while those valued at more than $200 would continue to enter at the current 8 percent ad valorem rate.

AN INTERNATIONAL RESPONSE FOR DIPLOMATIC SECURITY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. GUARINI. Mr. Speaker, I have introduced legislation today which seeks the cooperation and support of other nations in establishing an International Office of Diplomatic Security within the Secretariat of the United Nations.

Since the 1980 hostage crisis in Iran, the number of international terrorist incidents has increased dramatically. Robert Oakley, Acting Ambassador at Large for Counter-Terrorism, testified recently in front of a House Judiciary Subcommittee that there were more than 800 incidents of international terrorism in 1985, resulting in 2,223 casualties, of which 23 were killed and 139 of the injured were Americans. According to Ambassador Oakley, over the past 2 years, international terrorist incidents have risen sharply—60 percent—from the yearly average of about 500 incidents for the 1979–83 period.

The State Department has taken the lead within the Government by establishing a Bureau for Diplomatic Security under an Assistant Secretary that has overall responsibility for security of U.S. citizens and facilities overseas. The Bureau includes the Diplomatic Security Service which as initiated an extensive, multiyear program to strengthen the security for embassies and foreign service personnel worldwide. The new Bureau is primarily responsible for overseeing a massive diplomatic security enhancement program overseas with funds approved under the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986.

While the United States and our closest allies are working together to prevent and to combat international terrorism directed toward our diplomatic personnel, the U.N. members are in need of an international consensus and commitment for protecting foreign diplomats. This is what my concurrent resolution seeks to do. It expresses the sense of Congress that the President should seek the support of other nations for the establishment of an International Office of Diplomatic Security within the Secretariat of the United Nations to monitor compliance by all nations in protecting personnel and missions. This office would work with each country's government to ensure that all diplomatic corps receive adequate protection from the spread of international terrorism.

The State Department has negotiated several international conventions designed to increase international cooperation against terrorism. Yet these conventions largely deal with the prosecution of punishment of known terrorists and are not designed specifically to unify and protect all diplomatic missions through the United Nation's worldwide mechanism. An International Office of Diplomatic Security would provide a realistic framework for nations to cooperate with each other against the brutality of terrorism.

THE AMERICAN WAY

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. WATKINS. Mr. Speaker, I rise today in tribute to a man, a constitutent of mine, who, I think, exemplifies the best of what is good about the United States of America. This Nation was founded on ideas and the implementation of those ideas.

Mr. Harland C. Stonecipher saw a need, took the idea, and developed it into a thriving business which has not only filled that need, but it has also provided protection for others while providing employment and income for hundreds of people.

With all due respect to the profession of law, which is a noble profession, our colleagues must have noted increasing incidents of legal actions including damage suits. Almost no one in these days is immune from a possible law suit and, with more and more legal actions being filed, each return of a jury or a jurist's verdict brings awards for damages, real and punitive, running in the thousands and sometimes millions of dollars.

We are all familiar with the cases which have been popularized and, I suspect, the issue itself polarized by intense media coverage. This coverage in itself I suspect in turn leads to more and more suits being brought.

Harland Stonecipher several years ago became aware of this growing problem and established the Pre-Paid Legal Services, Inc., in my hometown of Ada, OK. Simply put, Pre-Paid Legal Services can be likened to Blue Cross and Blue Shield and other health plans coverage, only the services provided, instead of being health care and medical services, are legal services. Most of us, in the hopes that we don't need health and medical care, pay monthly or yearly premiums to those firms of our choice which, in turn, when medical bills come due, pay at least of the charges stemming from health problems we might develop.

Mr. Stonecipher saw the need, from time to time, for the advice and counsel of the legal profession. But, rather than having heavy and unmanagable expenses at one time, Mr. Stonecipher developed the idea of having a premium which, in time of need, would pay for the required legal services.

He has established the corporation and now is authorized to operate in many States. In fact, stock in his firm is now one of the many fine companies represented on one or more of the stock exchanges.

Harland Stonecipher's idea has provided safety for those who have subscribed to his service, created jobs for those who work for his firm, and also benefit the legal profession by paying their fees.

Mr. Speaker, I commend him and his entrepreneurship to you and my colleagues.

BATTELLE RECEIVES AWARD FOR INNOVATIVE HAZARDOUS WASTE TREATMENT TECHNOLOGY

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. SWIFT. Mr. Speaker, last year Congress renewed and strengthened this Nation's commitment to cleaning up hazardous waste by reauthorizing the Superfund Program. I was pleased to author a provision of that bill that established the Pacific Northwest Hazardous Substance Research, Development, and Demonstration Center, the purpose of which is to come up with alternative and innovative technologies for cleaning up hazardous waste.

The center will be operated by Battelle Pacific Northwest Laboratories, under the leadership of Dr. William Wiley, and will use facilities in Richland and Seqium, WA. I recently visited the Seqium facility, and was impressed by a new waste treatment process that Battelle has developed called in situ vitrification.

The in situ vitrification process solidifies hazardous waste into glass by inserting electrodes into contaminated ground. When electrical current is passed between electrodes the soil and rock melt, forming a block of glass resembling natural volcanic obsidian. The hazardous material is destroyed or contained in the glass.

In recognition of Battelle's innovative accomplishment, the National Society of Professional Engineers last month named the process one of the outstanding engineering achievements of 1986. In making this award, the society considers technological originality and innovation, importance to industrial development, fulfillment of human and social needs, and application of known and new engineering principles. Individual credit for inventing the process goes to James L. Buelt, William F. Bonner, and Richard A. Brouns, all of whom are on the Battelle staff.

In situ vitrification could have widespread application for the permanent cleanup of hazardous waste sites, not just in the Pacific Northwest, but throughout the United States. It is an exciting development, and it shows Battelle's potential for even more important technology development at the new Pacific Northwest Hazardous Waste Research, Development, and Demonstration Center.

COMMENTS OF JOHN A. LUKE

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mrs. BYRON. Mr. Speaker, I would like to call my colleagues' attention to the remarks of Mr. John A. Luke, the president of Westvaco Corp. As a leading producer of quality paper products, Westvaco continuously works to improve productivity and efficiency in a market that grows more competitive every day.

In a recent speech, Mr. Luke announced Westvaco's decision to make a capital investment of $200 million in its mill located in Luke, MD. This mill has been an important source of progress in western Maryland for many years. The community is delighted that Westvaco has taken steps to ensure continual modernization and improvement of the mill. Westvaco is committed to the advanced production of premium quality paper products, and its investment in Luke Mill will certainly contribute to that goal.

Mr. Luke's comments with regard to the competitiveness of American industry and our position in world trade are particularly pertinent as we head into a revamping of this Nation's trade policy. The remarks of John A. Luke follow:

REMARKS OF JOHN A. LUKE

Good morning, and welcome to each of you as our distinguished guests and as our special friends. We are honored by your presence.

I am always very pleased to return to this community, and I am particularly so today. Bringing a very positive announcement about the future of our Luke mill gives special meaning to the day as it represents another key step in the progress of this unit for which all of us have worked so long and so hard.

Before I make that announcement I want to talk about the reality of competition in today's world, and share some strongly held views on what it takes to contend with it.

The last ten years have been ones of real difficulty for a number of major American industries and for the regions where they are located. The problem has arisen not because foreign competition is fundamentally superior, but from the fact that these troubled industries lost their former competitive edge and, it seems, their competitive spirit and determination. The three counties in which we are located, Allegany, Garrett, and Mineral, and our two states, Maryland and West Virginia, have each felt the impact intensely.

Competitive spirit and determination are what built this country. They are the essence of our free enterprise system which is the heart of this country's standard of living and the envy of all the world. The free enterprise system, however, is also a very stern and demanding taskmaster. It rewards only success, and it imposes hardship as the penalty for those who falter under its pressure. Fortunately, though, for every failure within the free enterprise system, there are also at least as many successes. It is a dynamic process where the only sure and consistent winner is our country.

In retrospect, there seem to be good explanations for what has happened in steel, auto, and textiles. First and foremost, they may not have thought that what has happened could ever happen to them, and so they fell into a state of competitive complacency. Their costs grew, and their productivity suffered. They didn't modernize; they didn't focus on their markets. Their competitive edge withered. And beyond the control of these industries, a similar lack of attention to competitive position also occurred on a national basis. As a country, we didn't take world competition seriously. And, we didn't pay attention as the value of the dollar against other world currencies grew beyond reason. Our government overlooked the vital importance of the dollar and our gates opened to a flood of imports while the gates to other countries were effectively closed. The result of these joint industrial and government failures was that a large portion of basic American industry was brought to its knees.

None of these things had to happen, and those portions of industrial America and our Administrations of the '70s and early '80s have to accept the responsibility for their failures. Let's always remember the lesson of just how fragile competitive position really is. It can be here today and gone tomorrow, taking with it jobs and economic health.

In the paper industry, the picture is different in many, but not all, respects. Here is an industry that has never had the false luxury of competitive complacency. Rather, throughout its history, it has always had intense foreign and domestic competition, and this is one of its great strengths. Competition has been a stimulant for constant investment in modernization, innovation, and market focus, to the point where the products of this industry are generally world competitive. Here is a basic American industry that has been doing its job in terms of maintaining its competitive position against the best world competitors—Japan, the second largest paper producer in the world; Canada; Germany; Scandinavia; and Brazil and other developing countries. The paper industry is a part of the same basic American or smokestack industry as are steel and autos, but paper has transformed itself into modern and high-tech smokestack industry.

A moment ago I used the words "generally world competitive" and I want to amplify that phrase. First, the paper industry was badly hurt when the value of the dollar grew excessively against other currencies. It is not immune to such devasting lapses of attention. Second, while essentially all of the industry's products could compete in a fundamental sense in most of the world's markets, and despite the Administration's success in weakening the dollar against a number of foreign currencies, the reality is that foreign trade barriers including currency relationships do prevent certain products from being truly competitive. The packaging grades of paper are better able to compete in world markets, but fine papers, such as the ones made here at Luke, are very much less able to do so. Printing papers made in the U.S. do not find their way into the world market nearly as readily as foreign imports enter the U.S. market.

The facts are that other countries have protective barriers to safeguard their paper industries while imports of paper into this country are practically without duty or restriction. The result is that American fine papers are largely foreclosed from the international market; while here at home, these papers compete against virtually duty-free and subsidized imports of foreign paper. More than five times as much fine paper is now imported into the U.S. as is exported from it. The fundamentals do not justify this. It is surely not fair trade.

Third, there is relatively new and increasing flow of paper from some of the developing countries, such as Brazil, which probably has the lowest costs in the world. We know firsthand about the cost of production in Brazil because we have operations there. We don't produce printing papers here, but we know they are very low in cost and of good quality. Brazilian printing paper is entering this country in important quantity.

Up to now, I have stressed foreign competition only because it is a newer force in terms of its impact, not because it overshadows domestic competition in either ability or intensity. Domestic competition is even more rigorous and relentless. To put the U.S. paper industry in perspective, it is the world's largest and most efficient. It has big mills, staffed by very able, innovative, and determined organizations, and it makes quality paper at low cost. It is "world class" in every respect, and its discipline is the very factor that has enabled its participants to cope as well as they do with foreign products.

There are several more things I want to say about competition, and these relate to what it takes to compete in today's world. Things that are basic to what we, together, as a company and as a community, will be setting out to do here at our Luke mill. As a community and as a mill, we each have separate, but also very interrelated roles and responsibilities. In my view, there are at least five essential, even absolute, requirements for competitive success today.

First, a clear strategic plan to which all can relate. We have one, and I will describe it shortly.

Second, a winning attitude combined with world-class skill. This means championship performance, and nothing less, by each of us in every aspect of our work. It means precision, 'and it means attention to every single detail because the difference between success and failure is normally very small.

Third, investment—the ability and the willingness to commit major financial investments and human energy for state-of-the-art process, equipment and product, and for the research and development to point the way. In our capital intensive industry, these investments are long-term, they are at full risk, and there are no guaranteed outcomes beyond what we ourselves can achieve. It is our responsibility to make success happen.

Fourth, an innovative and committed organization at all levels which both welcomes and also initiates change for competitive advantage, from work practice to product design, and an organization which is equally dedicated to superior product quality and the most advanced customer service.

The Luke mill's recent contract settlement is illustrative of these vital characteristics. The agreement is very competitive—fair and appropriate both ways. While I very gratified, I am genuinely not surprised that the Luke work force so accurately read competitive reality and endorsed this contract without reaching for noncompetitive rewards. I will say categorically that this agreement played a very important role in the announcement I will shortly be making. It demonstrated, again, a quality of employee judgment which creates high confidence and on which a sound future can be built. We are committed as a company to competitive wages and benefits, but this commitment can only be met when it is wholeheartedly coupled with the most advanced and efficient work practices.

And fifth, community support beyond the commitment of our own organization. We rely heavily on the genuine commitment of our community, and, in my book, community means local, county, and state. I was very positively impressed by your response to two things I called for in a speech I made a few years ago here in Allegany County. I said then that to invest and compete, we needed open, competitive bidding in our construction contracts and that we also needed competitive property tax treatment for our investments. Your response was swift and sure on these two matters, just as it was earlier when you rose up to protect the mill from the imposition by the EPA of extreme and very noncompetitive environmental standards for sulphur dioxide. Your support in these matters was a key element in today's announcement.

It is imperative, both locally and at the state level, that the direct costs of taxation, as well as the range of indirect costs, both legislative and regulatory, never go beyond competitive levels. We cannot afford handicaps beyond those borne by our competitors elsewhere, because the margin of commercial success is simply to narrow. We do not ask any special advantage; we ask only that you support us with a level field on which to compete.

On a national basis, we are for a tough-minded and determined attitude by our government on international trade. Not, and I stress this, protectionism in any way, rather free and completely fair trade in which currency relationships are appropriate and in which other barriers and subsidies are never less then equal, or better yet, completely nonexistent—a truly open world market where the best product value can prevail on its own merit. I endorse the Administration's growing and forceful determination toward this end.

Finally, and in essence, at each level—local, county, state, and national—we need your constant backing and commitment—strong home town support. So often in tough competition, home fan support—and that's the powerful magic of home field advantage—is the decisive and winning edge. We fully accept that, as your team, our performance must continually earn your respect, but in return, we need to know you are totally with us when we are on the field.

We have invited you to be with us today so that we could announce a major capital program and explain as well, with clear supporting reasons, just what it takes to make such a program successful for both Westvaco's shareholders and this region.

People respond to competitive challenge in different ways. Some retreat, and others rise to it. Westvaco is in the second group. We are competitors in the true sense. It is said in the world of sports that the "best defense is a good offense." In other words, put the challenge to your competition. This is true, as well, in the world of business, and it describes Westvaco's philosophy very accurately. It is this spirit which is at the heart and soul of the program we are announcing today.

Our announcement is that Westvaco is going to make the largest single capital investment in its history here at its Luke mill. It will be $200 million, and construction will be complete in 1990. While the work to be done will heavily affect almost every department, from the pulp mill, to the paper mill, to the finishing and customer service facilities, the program is fundamentally product driven. Our objective is to focus the mill, even more than now, on the premium portion of the fine paper market, with products of unique and very advanced design. We will concentrate on the development and production of papers that others will find very difficult to duplicate. In fact, our new products are intended to obsolete virtually every product that the mill is now making.

I want to say very forthrightly at this point that our plans do not contemplate increased mill employment. Competitive strategy in today's world calls not for larger work forces, but for even greater efficiency and productivity without additional personnel. Our program is designed to significantly strengthen the competitive position of the Luke mill, and this should mean improved economic health and security for the mill, its employees, and this region. We expect this new investment to strongly reinforce the $200-million-dollar annual economic impact which the mill now has in this community. An ever stronger Luke mill is tremendously important to Westvaco's future, and it is my belief that it is equally important to the future of this area.

Our construction program will be major in both scope and duration, and it will create the need for some 2,000 construction workers. Rather than being new construction in an isolated area, essentially all of the work will involve existing equipment and facilities right in the heart of our operations. It will take skillful planning and even greater adaptability and cooperation between the mill and construction organizations to get the job done while the paper mill continues to serve its customers reliably and with outstandingly good products.

There will be a new bleaching line and other changes in the pulp mill. Each of the mill's five paper machines will undergo major reconstruction in support of their new products. There will be major and varied additions to those finishing processes which prepare the product for market and assure precise and timely customer satisfaction. Overall mill production will grow by about 15 percent, but additional capacity is less of an objective than is product strategy. We do not believe that being larger provides a guarantee of success. We do believe that there is much greater potential in being better and in making products which have special value.

Our decision to invest $200 million at Luke is a very carefully considered and enthusiastic commitment of both capital and confidence in this region. It is, as well, a major extension of the vigorous and steady program of modernization which we have carried on here for the past thirty years. We believe deeply in our ability to compete effectively in today's world. All of the ingredients for success are right here, and we look forward with determined confidence. Westvaco is dedicated to the challenge, and we ask for, and count on, your equally forceful commitment—the type of commitment that has always characterized the Luke mill organization and its community.

Thank you very much again for joining us today. We believe there is an exciting future ahead!

CUTS IN HEALTH PROGRAMS SHOULD BE REJECTED

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mrs. LLOYD. Mr. Speaker, the administration's proposed budget for fiscal year 1988 calls for deep cuts in health programs which I believe have already borne far more than their fair share of budget reductions. The proposed $9 billion in Medicare and Medicaid cuts represent, disproportionately, nearly one-third of the administration's total deficit-reduction proposal. The biggest single cut—$4.7 billion—would come from Medicare, the $70 billion-per-year program that provides health coverage for some 30 million elderly Americans. The administration is also proposing to cut $1.7 billion from the Federal share of Medicaid, the program that provides health care to some 23 million low-income Americans—many of whom would be hard pressed to obtain care if not for this much needed program.

About $1.3 billion in savings would come from the imposition of a $25.4 billion cap on the Federal share of the program. A Federal cap would force already hard-pressed States either to reduce benefits or come up with additional money from their own treasuries—many of which are now being stretched to the limit. The Department of Health and Human Services estimates the increased State share at $1.3 billion, but the Congressional Budget Office said the cost to States would be closer to an astonishing $3.2 billion.

Mr. Speaker, these proposals are simply not affordable to the State of Tennessee whose residents depend greatly on Medicare and Medicaid services. The cost of health care is already exorbitant and I am concerned that the enactment of such measures would only heighten what is already a crisis for many in obtaining adequate care and treatment. We in Congress must not tolerate the administration's attempts to eviscerate these basic health care programs upon which so many vulnerable Americans depend. I urge my colleagues to join with me in rejecting the administration's budget so that we can enact legislation to ensure the availability of quality health care for all Americans.

INSIDER TRADING

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. CONYERS. Mr. Speaker, the Securities and Exchange Commission and the Justice Department have recently taken a number of well publicized enforcement actions for trading on insider information. These actions raise questions about the adequacy of Federal laws proscribing insider trading, especially in view of the assertion in a recent Business Week magazine article that "insider trading is not the exception, its becoming the rule."

Access to inside information—information that is not known publicly and that will affect the value of a company's stock—gives an elite group of greedy securities investors and their accomplices the opportunity to make gigantic profits. The loser, of course, is the average investor, who must make investment decisions without the benefit of the inside information. If the integrity of, and public confidence in, the stock market are to be maintained, there must be tough Federal laws on insider trading.

The committee on criminal law of the association of the bar of the city of New York has carefully studied Federal law dealing with insider trading. The committee found that "the present statutory basis for both civil and criminal insider trading liability, the Securities and Exchange Act of 1934, does not directly address trading on nonpublic information, and proscription of such trading is dependent on SEC rulemaking under the act's general antifraud provisions and judicial application of those antifraud laws and rules to insider trading. While this may be an acceptable manner in which to impose civil liability for insider trading—although even that is open to question—we believe it is a wholly inappropriate basis for imposing criminal liability. Criminal prosecutions should be based on a reasonably specific statute identifying the conduct that is prohibited." To remedy the deficiency in Federal criminal laws, the committee recommended a new insider trading statute.

I am today introducing that proposal as the "Insider Trading Prevention Act of 1987." This bill will be the vehicle through which the Subcommittee on Criminal Justice, which I chair, will examine insider trading. The subcommittee will want to determine if it agrees with the association's committee on criminal law that present Federal criminal law is inadequate. If the subcommittee does find that current law is inadequate, the subcommittee will have to determine whether the "Insider Trading Prevention Act of 1987" does what needs to be done.

Hearings on the legislation will begin in the very near future. I invite all persons and organizations interested in testifying to contact the subcommittee.

REAUTHORIZATION OF THE NATIVE AMERICAN PROGRAMS ACT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. KILDEE. Mr. Speaker, today I am introducing legislation to amend and extend for 3 additional years at such sums the Native American Programs Act. This bill is identical to one passed unanimously by the House and Senate during the 99th Congress and then vetoed by the President on September 26, 1986. The act was established to provide for the awarding of grants and contracts to help American Indians, Alaskan Natives, and native Hawaiians achieve social and economic self-sufficiency. The program recognizes all native Americans including those living on and off reservations in rural or urban settings.

The bill contains several provisions designed to strengthen the program and to provide more accountability to its operation. First, the Administration on Native Americans would be required to establish by regulation their administrative peer review process. The peer review panel will rank the applications in order of their relative merit and submit them to the Commissioner. The Commissioner will then award grants based on the peer review panel's recommendations. In those instances where he chooses to exercise his discretionary power and deviate from the list he simply must make a written record explaining why he did so and transmit it along with the rankings to the Congress. The bill would further require that any proposed changes in policy, program or application requirements made by the Administration for Native Americans be made through the regulatory process, including printing in the Federal Register for comment.

The new provisions are designed to build on the Department's already established procedures and make the program responsive to the needs of native Americans. They represent what Congress feels is a mandate to ensure stability and proper bureaucratic action. Establishment of a formal peer review panel will promote an equitable grants competition, while the new publication requirements will continue to foster the special government-to-government relationship shared by native Americans and the Federal Government.

Last year, the administration had 6 months to formulate a position on the bill. Their opinion was not forthcoming and the Congress proceeded with toward final passage. At the 12th hour, as Congress was on the verge of recess, we were presented with a list of changes demanded by the administration. There was no opportunity for compromise.

Throughout the consideration of the legislation, I have offered to work to reach a meaningful accommodation. Indeed, the peer review process contained in the bill is itself an alternative to the appeals process requested by many in the Indian community.

Hopefully, the last few months have given all interested parties an opportunity to better understand the intent of these amendments and the rational approach they embody. As always, I remain open to thoughtful and constructive suggestions that take into account the needs of the native American community and the improved effectiveness that can result from ensuring them the same meaningful opportunities to comment afforded in other Federal programs.

REPUBLIC OF ESTONIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. BROOMFIELD. Mr. Speaker, on February 24, Estonian Americans commemorated the 69th anniversary of the declaration of independence of the Republic of Estonia. Here is yet another example of the people dispossessed of their homeland by the Soviet regime.

Estonians are a proud and independent people who were brutally subjugated under Stalin. We in America must not be allowed to forget the suffering and humiliation of a country that once stood among the free nations of the world. Let this commemoration of Estonia's brief independence stand as a symbol of solidarity for all Americans against the oppression and inhumanity practiced by the Soviet Union.

The absorption of the Baltic States of Estonia, Lithuania, and Latvia by the Soviets is a story of human suffering that shames the pages of history. The League of Nations gave full recognition to Estonia in 1922, making it a part of the international community.

In 1940, Soviet troops in direct contravention of international law, crossed the Estonian border and put an end to the universal suffrage, 8-hour workdays, land reform, and basic human rights once enjoyed by the Estonian people. In their program of subjugation the Soviets shipped thousands of Estonians in boxcars to slave labor camps within Siberia, where these individuals faced a Holocaust of their own.

Although courageous individuals fought a desperate campaign of resistance, the Soviets installation of a puppet government signaled the end of Estonian independence. The Soviet Union dictated a harsh program of agricultural collectivization in the Baltic region that resulted in the death, deportation, and starvation of hundreds of thousands of Estonians, Latvians, and Lithuanians.

Today the Soviet Union continues to pursue a program of brutality toward these people. Estonians are being subjected, by the Soviets, to systematic cultural revision and historical disinformation, designed to destroy their own national identity. This program of stripping away Estonian cultural identity is supplemented by attempts at populating Estonia with persons from other areas of the Soviet Union. In our modern society ethnic diversity is something which every person should cherish as a source of pride and individuality. Soviet policy toward this region seeks to methodically destroy the identity of a people.

Let the captivity of Estonia serve as a constant reminder to the free world that the Soviet Union still violates human rights in ways that should shock the conscience of mankind. Even today most Western nations refuse to accept the Governments of these three Baltic States as de jure.

Mr. Speaker, the fate of Estonia is mourned most deeply by its own residents who cannot publicly recognize the demise of the freedom they once held. All Americans should join these people in the fervent hope that one day Estonians may again enjoy the blessing of liberty in their own native land.

INTRODUCTION OF THE MERCHANT SEAMEN'S BENEFIT ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. BIAGGI. Mr. Speaker, today, I am introducing legislation, entitled "The Merchant Seamen's Benefit Act", to recognize those few remaining merchant seamen who repeatedly placed themselves in "harm's way" during the hostilities of World War II. This legislation will provide the recognition that those oldtimers deserve in their own right—a recognition that is not available under existing laws.

During World War II, the losses suffered by our merchant marine were staggering. What is not well known is that 733 U.S.-flag merchant vessels were lost in all theaters of operation. Thousands of merchant seamen were injured or disabled; 609 spent time as prisoners of war or civilian internees; and 5,662 were killed or missing in action. Their mortality rate of 2.8 percent is just insignificantly less than the 2.9 percent loss ratio suffered by the U.S. Marine Corps and significantly more than the loss ratio suffered by all the other armed services combined. Still, to this day, the United States remains the only major maritime nation that has not recognized merchant seamen who contributed greatly to a successful war effort.

Many of us can recall—and others have read about—the days in 1942 and 1943 when our merchant shipping was being brutalized by enemy submarines operating close to our shores. We can recall the battle of the Atlantic and our efforts to resupply Great Britain, France, and our other European allies. We can recall the relief convoys that traveled the treacherous Murmansk route to resupply our Russian allies. We can recall the Pacific campaigns and the support missions that were conducted by a proud and ever-present merchant marine. I, personally, remember seeing hundreds of vessels anchored off City Island, New York—an area I presently represent—preparing for convoy duty for the crossing of the Atlantic. San Francisco, other west coast ports, and many gulf coast ports were likewise crammed full with merchant vessels and merchant seamen ready to risk their lives in the war effort. We must never forget those dedicated individuals who sailed into the darkness of the unknown with little or no protection. It is now most befitting for this grateful Nation of ours to recognize the valiant efforts of those few remaining merchant seamen.

Our merchant seamen have manned our merchant ships since the creation of our Nation. Today, we have merchant seamen manning our pre-positioned supply fleet in the Indian Ocean, our specialized military sealift command vessels, and our privately owned, deep-draft fleet of merchant vessels. Today, as before, they stand ready to help this Nation in its time of need.

During the last Congress, the subcommittee I chair—the Subcommittee on Merchant Marine—held an oversight hearing on August 13, 1986, on awards and benefits for merchant seamen. The hearing proved quite revealing. Significant contributions of the merchant marine during World War II were highlighted. Many who sailed in "harm's way" were younger or older than draft age. Many who were of draft age were often exempt from military conscription due to their physical condition. Those who were of draft age and physically fit were often not accepted in the service, and were advised to continue employment in the merchant marine due to the extreme shortage of competent merchant seamen. Many of them were essentially under military control, performed wartime responsibilities in combat areas, and were often the target of enemy attack. Many were captured and became prisoners of war for lengthy periods. While sailing, they were not in a reasonable position to resign from duty, nor were they given excessive time ashore between voyages.

In light of what was learned at the hearing, I decided to introduce legislation that is 40 years overdue. The centerpiece of my legislation is to provide benefits—primarily health and hospitalization benefits—to those merchant seamen who served on merchant vessels during the period of hostilities from December 7, 1941, through August 15, 1945. This includes service as a civilian or civil service member of the merchant marine on vessels of the United States on an ocean, coastwise, or intercoastal voyage.

To qualify, a merchant seaman must have sailed for a total period equal to at least 12 months during the 45 months of hostilities. This service must be verifiable by entries noted in a continuous discharge book, certificates of discharge, a certificate of substantially continuous service, or other appropriate documentation.

This creditable active duty service for the receipt of benefits would also include time spent as a prisoner of war or civilian internee as the result of enemy action against merchant shipping. Time spent in various maritime or Armed Forces schools would also be included in determination of this service. Those seamen who were disabled or permanently injured as the result of enemy action against merchant shipping would qualify for benefits without regard to the basic 12-months' service requirement. Finally, benefits would not be retroactive but would be available beginning on the date of enactment.

One might ask why, so many years after the termination of World War II, are we interested in this type of legislation. To place things in the proper perspective, one must review a little history. After the war, the issue of benefits was reviewed by the Congress, but no progress was made. This was primarily due to the mistaken assumption that merchant seamen were highly paid for the risks they took in the form of war-zone bonuses. When one does an analysis of pay scales, military dependent allowances, and certain surtax and victory tax exclusions, the actual income after taxes of a merchant seaman and a naval seaman were comparable. This, of course, does not include the benefits a naval seaman received; for example, housing mortgage, educational, and reemployment assistance—to name only a few.

Another inequity was the amount of assistance the dependents of a merchant seaman killed in action received compared to those dependents of a naval guncrew seaman. Merchant seamen dependents recieved a lump sum payment of $5,000. Dependents of naval seamen killed in action received 6 months' base pay and an annuity for life, plus coverage for dependent children until age 18—which, in most instances, added up to considerably more. Based on life expectancy tables and the number of dependents, this annuity could be from three to six times as much as a merchant seaman received. The same compensation ratio prevailed for those seamen who received disabling injuries. I might add that, except for a few senior licensed officers, every merchant seaman aboard a merchant vessel could have earned more money ashore in defense-related work without risking being killed or incapacitated by bombing or torpedo attacks. They chose to accept the risk in the defense of our Nation, and it is about time their Nation recognizes their endeavors.

Some contend that merchant seamen were free to stop sailing whenever they desired and were not subject to the degree of control exercised over a member of the armed services; therefore, they should not be entitled to veterans' status. While this argument appears valid on its face, the realities of manning merchant vessels during the war leads one to a different conclusion.

A merchant seaman was only paid for the time he was attached to a merchant vessel and received no pay between voyages while awaiting assignment to another vessel. When he took a month or so off, he was not paid—while the naval seaman received 30 days of annual leave with pay. It is true that, in some instances, merchant seamen made one or two voyages and then decided to seek safe shoreside employment. My bill recognizes this fact and only provides benefits to those merchant seamen whose actual sailing time—from signing on shipping articles to signing off shipping articles—equals 12 months out of a 45-month period of hostilities.

While the issue of benefits for merchant seamen has been with us for some time, the whole issue was reopened in 1977 with enactment of Public Law 95-202. This law requires the Secretary of Defense (since delegated to the Secretary of the Air Force) to designate as veterans the women's Air Force service pilots [WASPS] and other "Similarly situated groups" if the Secretary finds that the service constituted active military service and the members were discharged honorably.

A recent decision of the Department of Defense civilian/military service review board granting veterans' status to merchant seamen who were requisitioned by the Army to serve on "Blockships" in support of operation "Mulberry" during the landing at Normandy raises questions of fairness and reasonableness. Sunken blockships were a part of the artificial harbors and sunken concrete caissons that provided a sheltered area for tugs, barges, landing craft, and antiaircraft platforms. These artfcial harbors were called "mulberries" and were used to discharge enormous amounts of supplies and equipment until a major port facility could be captured. This was a brief, one-time event that provided veterans' status to a very limited number of merchant seamen. It is inconceivable to me that those who served in the merchant marine for a much longer time than it took to complete operation "Mulberry" are, after more than 40 years, still denied veterans' status.

My bill attempts to rectify obvious inequities. It deserves the support of those who believe that it's time to pay tribute to merchant seamen with words and deeds.

THE FAMILY INVESTMENT ACT OF 1987

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mrs. KENNELLY. Mr. Speaker, this country's welfare program has been very much in the news of late. Studies have documented its failings; expert groups have put forth strategies for improvement; the Governors have called for reform; the administration has lent its voice to the demands for change. Valid criticism of the welfare system is coming from both ends of the political spectrum, and from those who pay for welfare and from those who receive it.

All of us have our reasons for demanding change in the current system. Mine is that I simply cannot accept taxpayers' dollars being used to create and sustain an underclass in America. But whatever our reasons, we can agree that now is the time to act.

Today, we are taking another step toward making welfare reform a reality. We are introducing the Family Investment Act, a bill that would make fundamental changes, not only in the operation of the welfare system, but in its basic purpose.

The goal of the welfare system must be to get people off welfare and to work. It is as simple as that. The welfare system must enable people to support themselves and their families. It must encourage, not discourage, self-sufficiency. It must strengthen, not weaken, families. It must provide sufficient income so that recipients can focus their efforts on removing themselves from the system. And it must not only equip appropriate recipients with the tolls they need to move from welfare to work—it must damand that they use them.

AFDC does not live up to those goals today. It is a compelling indictment of the present system that one of every four children born in this country last year was born poor, even after AFDC benefits were counted in family income. Even considered simply as a poverty program, welfare is not working. But its failures go far beyond that.

Welfare does not work to strengthen families. In many ways—from restricting intact families from receiving AFDC to ignoring the support responsibilities of fathers—welfare actually works to weaken family bonds.

Welfare does not provide for the development of the skills, education, or support needed to create a way out. Particularly for young women, welfare provides bare sustenance, not the education and job training that are avenues to self-sufficiency.

Perhaps most important, welfare does nothing to encourage the dignity and self-respect that are crucial for self-sufficiency. Only infrequently and half-heartedly does it demand that recipients take responsibility for themselves.

These are the problems that beset the welfare system. Welfare should be a two-way street of mutual obligation—the obligation of society to help those in need, and the obligation of those in need to help themselves. But in far too many cases, it provides only a one-way ticket to permanent dependence and permanent poverty.

The Family Investment Act would restructure welfare to create that two-way street. It would replace AFDC with an entirely new program, designed from the ground up to do what assistance should do. Let me highlight a few key provisions.

First, this bill would require welfare recipients, including single mothers of young children, to participate at least part-time in job training or education or to work. At the same time, it would ensure the child care, transportation, and other services that make work possible. These comprehensive welfare-to-work programs would be designed by the States to meet their clients' needs.

Second, this bill would establish a family living standard, not nationwide, but State by State, to ensure an adequate level of support for those still needing income assistance. The FLS would reflect the costs of basic necessities in each State or area of a State. Welfare benefits would be in the form of "supplements" to existing family income—for example, wages, child support, and pensions.

And third, this bill would place relationships between welfare recipients and welfare workers on a new footing: A contractual footing where obligations and responsibilities on both sides are spelled out clearly, and where sanctions exist if they are not met. I believe this approach will maximize individual responsibility and minimize the long-term dependency we are all so concerned about.

The Family Investment Act makes some very significant departures from welfare as we know it. In this, it builds on the really excellent work done by the American Public Welfare Association, whose thoughtful study of welfare reform, "One Child in Four," has contributed so much to the debate. As a member of the Public Assistance and Unemployment Compensation Subcommittee of Ways and Means, I am looking forward not only to continuing this important debate, but to moving a comprehensive welfare reform bill this year.

We are a society of great wealth, yet poverty—even permanent poverty—remains. It is to our credit that, in the past, we have sought solutions to the problem of want in a society of plenty. Yet much of what we have tried so far has not worked, or no longer works. Mere transfers of money are not enough. Neither are lectures about the values of dignity and self-reliance. If the trip from welfare to work is going to be worth taking, hard work must have results and self-reliance must have rewards.

That is what this bill is about. It demands that people make an effort to help themselves, and it promises a real chance for those who do. Thank you very much.

FAIRNESS OF EXCISE TAX INCREASE SHOULD BE CONSIDERED

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. GORDON. Mr. Speaker, on February 17, 1986, Senator GEORGE MITCHELL of Maine released a staff working paper prepared by the Congressional Budget Office [CBO] entitled" The Distributional Effects of an Increase in Selected Federal Excise Taxes." The study was prepared at the request of Senator MITCHELL.

The CBO study reviewed the distributional effects, among income classes, of a simulated increase of $1 billion in gross excise tax revenues from separate increases in the excise tax on seven commodities: beer, wine, liquor, tobacco, gasoline, airfare, and telephone service.

Except for the excise tax on airfares, the study concluded that, "Increases in all other excise taxes would be at least marginally regressive." More to the point, the study also concluded, "An increase in the excise tax on tobacco would be the most regressive of all the taxes considered."

Each year, there are efforts in the House and the other body to increase the Federal excise tax on cigarettes. These efforts are founded in two separate trains of thought. On the one hand, an increase is propounded as a method of raising revenue in order to meet reconciliation requirements. The other hand seeks to substantially decrease the level of sales of cigarettes by making them too expensive for the average consumer. Granted, it is an easy target for a tax increase, but the equity of such legislation is usually ignored by the proponents of an increase.

The CBO study clearly illustrates that excise taxes, and, particularly the excise tax on cigarettes, are extremely regressive. At the current 16-cent level, the tobacco excise tax, as a percent of income, is 15 times higher for low-income—less than $5,000 per year—families than for high-income—over $50,000 per year—families. If this were any other commodity, I suspect that an effort to increase the tax burden on our low- and middle-income Americans would not be introduced, much less seriously considered by Congress.

In releasing the report, Senator MITCHELL, who is a member of the Senate Finance Committee, reminded Congress that as we consider revenue options this year, we should be aware of the unfairness of relying on increases in excise taxes. I would urge the review of the CBO study by those who seek to increase excise taxes.

INTRODUCTION OF THE NATIONAL SEABED HARD MINERALS ACT

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. LOWRY of Washington. Mr. Speaker, today I am reintroducing the National Seabed Hard Minerals Act. This bill is identical to H.R. 5464 that I introduced in the 99th Congress. This legislation is necessary because representatives of industry, environmental groups and coastal States have expressed serious misgivings about the adequacy of section 8(k) of the Outer Continental Shelf Lands Act Amendments as a statutory regime for the development of hard mineral resources within our Nation's exclusive economic zone [EEZ].

Prior to the introduction of H.R. 5464, a working group comprised of industry representatives, environmental groups and coastal States and convened by the Woods Hole Oceanographic Institution, had been working to develop legislative recommendations. H.R. 5464 was based on many of the recommendations proposed by this working group.

In the last Congress, on June 26, 1986, the Subcommittee on Panama Canal/OCS, which I chaired, held an oversight hearing concerning the adequacy of section 8(k). A second joint hearing on H.R. 5464 was held on September 23, 1986 by the Subcommittee on Oceanography, which I now chair, and the Subcommittee on Panama Canal/OCS. At the second hearing, representatives from industry, coastal States, environmental groups, universities and the working group testified in support of H.R. 5464. However, many of the witnesses did suggest minor changes or modifications.

The fact the bill I am introducing today does not incorporate some of these suggestions and recommendations does not, in any way, indicate that I am not receptive to some of the proposed changes to the legislation.

Rather, because the working group has played such a significant role thus far in developing a consensus about the principle to be incorporated in any legislation, I would like to take the time necessary to consult further with the working group about possible changes in the legislation.

I am eager to work in the 100th Congress with the working group, as well as other interest parties, to develop a forward-looking bill, based on as much consensus as possible, to be enacted into law.

To that end I welcome suggestions from my colleagues and others, including those from within the administration, who see the need for more comprehensive statutory authority than that provided under section 8(k) of the OCS Lands Act.

MEDICARE CATASTROPHIC ILLNESS COVERAGE ACT

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. LENT. Mr. Speaker, I am pleased to join the distinguished Republican leader, Mr. MICHEL, and several of my colleagues as an original cosponsor of the Medicare Catastrophic Illness Coverage Act. This legislation, which has been endorsed by the administration, will provide comprehensive acute health care coverage to Medicare beneficiaries after they have paid $2,000 in out-of-pocket expenses. With a nominal increase in the Medicare part B premium, a significant number of elderly will be freed from the severe financial risks that accompany even minimal hospitalization. I applaud the Department of Health and Human Services and its distinguished leader, Secretary Bowen, in developing this thoughtful legislation.

In the months ahead, as we scrutinize this legislation more thoroughly, we will have to keep in mind what lessons we have learned during the Medicare program's 22-year growth and what the demographers tell us about age patterns in the future. When medicare was established in the mid-1960's, we perceived ourselves as a nation of virtually unlimited Federal resources. We have been humbled in recent years as it has become apparent that the limits of Federal spending are not boundless. The legislation I am cosponsoring today has a number of safeguards built into it to prevent the Federal Government from paying huge sums of money out of general revenues for catastrophic health services. But we will have to assure that those safeguards remain in place, especially if we recognize that the segment of the population that will grow at the fastest rate in the next decades is the segment above the age of 65.

As the ranking minority member of the Energy and Commerce Committee, to which this legislation is likely to be referred, I will make every effort to insure that the legislation that emerges from that committee responsibly addresses the catastrophic health care needs of the elderly.

CITRUS/PASTA AGREEMENT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. MATSUI. Mr. Speaker, I am introducing today legislation which would implement the United States/EEC Citrus/Pasta Agreement concluded on August 10, 1986, after intense and difficult negotiations between U.S. Trade Representative Clayton Yeutter and EEC External Relations Commissioner Willy De Clercq.

The agreement brings to a close the citrus/pasta dispute that was pending for some 16 years. Let me briefly describe the history of this longstanding dispute for those of you who are not familiar with the so-called pasta war.

The dispute began in 1969 over the EEC's practice of granting preferential tariff rates to citrus and citrus product imports from certain Mediterranean countries—a practice that was widely acknowledged to violate the most-favored-nation principle of the GATT. After years of unsuccessful bilateral negotiations, the United States brought the matter to GATT dispute settlement, where a judgment was rendered confirming that U.S. rights had been violated. Because the EEC continued to resist corrective action, the United States retaliated against Europe in November 1985 by raising the tariff on imports of EEC pasta. Without international support or justification, the EEC counterretaliated with higher tariffs on U.S. walnuts and lemons.

Finally, an agreement was reached on the citrus dispute. Both the United States and the EEC have agreed that the retaliatory tariffs placed on pasta, lemons and walnuts will be reduced to preretaliation rates. More significantly the EEC has agreed to grant most-favored-nation tariff reductions on fresh oranges, fresh lemons, mineolas, grapefruit, and frozen concentrated orange juice. Additionally, both sides have committed to a number of trade liberalizing measures on a range of agricultural items. The United States will receive a substantial tariff reduction on almonds as well as tariff liberalization on peanuts, in exchange for which modest relief has been granted on certain EEC items, including satsuma oranges, non-California style olives, capers, cider, paprika, and certain other products. In addition, the EEC's cheese quota for certain Italian cheese will be slightly reduced.

In announcing the accord, Ambassador Yeutter heralded the package as meaningful and expressed his belief that it "auqurs well for the future of U.S./EEC trade relations." He has made it clear that the agreement represents the best possible settlement that could have been achieved under the circumstance. Although we would have liked a clear cut victory in this case it seems clear that reopening the dispute would likely not produce any further gains.

At a time when the new trade round is beginning to get underway, I strongly believe that we in Congress need to let the international trading world know that when our principal trade negotiator reaches an accord that he believes is the best possible result, he will have all the congressional support he needs to see it effectuated. If we do not demonstrate such support, it will handicap the U.S. Trade Representative's subsequent ability in international circles to negotiate trade agreements on behalf of our industries. With protectionist measures flourishing worldwide, we can ill-afford to limit our negotiating strength.

Under the terms of the accord, U.S. congressional authorizing legislation must be enacted by July 1, 1987, or the agreement may be terminated. I, accordingly, ask all of my colleagues to line up behind this measure and see to that it is expeditiously passed. It is a package which does provide some benefits to the U.S. exports, and one that should not be allowed to die of congressional inertia.

H.R. 1263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE: AMENDMENTS.

(a) The purpose of this Act is to enact the trade liberalization measures agreed to by the United States in connection with the United States-European Communities Agreement on Citrus and Pasta.

(b) Whenever in this Act an amendment is expressed in terms of an amendment to a schedule, headnote, item, or other provision, the reference shall be considered to be made to a schedule, headnote, item, or other provision of the Tariff Schedules of the United States.

SEC. 2. ANCHOVIES.

Subpart C of part 3 schedule 1 is amended by striking out item 112.40 and inserting in lieu thereof the following items with a superior heading having the same degree of indentation as item 112.42:

	Fish, prepared or preserved in any manner, in oil, in airtight containers:	
	Anchovies:	
112.39	If entered in any calendar year before 3,000 metric tons of anchovies have been entered under this item in such calendar year.	3% ad val.
112.41	Other	6% ad val.

SEC. 3. CHEESE.

(a) Suitable for Grating.—Item 117.65 is amended by striking out "9% ad val." and inserting in lieu thereof "Free".

(b) Pecorino.—Item 117.67 is amended by striking out "12% ad val." and inserting in lieu thereof "Free".

SEC. 4. SATSUMA ORANGES.

Subpart B of part 9 of Schedule 1 is amended by inserting ahead of item 147.29 item 147.28 with a superior heading having the same degree of indentation as item 147.30:

	Oranges:	
	Mandarin, packed in airtight containers:	
147.28	Satsuma, if entered in any calendar year before 40,000 metric tons of Satsuma oranges have been entered under this item in such calendar year.	Free
147.29	Other	0.2¢ per lb.

SEC. 5. OLIVES.

Subpart B of part 9 of Schedule 1 is amended as follows:

		Olives, fresh, or prepared or preserved:	
		In brine, whether or not pitted or stuffed:	
		Not ripe and not pitted or stuffed:	
		Not green in color and not packed in airtight containers of glass, metal, or glass and metal.	
		Other:	
148.43		Green in color and in containers of 3 gallons or more to be used for repacking or sale as green olives, in a quantity not to exceed 1,600,000 gallons annually	10¢ per gal.
148.45		Other	
	20	In containers each holding not more than 0.3 gallon.	20¢ per gal.
	40	In containers each holding not more than 0.3 gallon.	20¢ per gal.
		Ripe, but not pitted or stuffed:	
		Not green in color and not packed in airtight containers of glass, metal, or glass and metal.	
148.47		Green in color and in containers of 5 gallons or less each, in a quantity not to exceed 247,500 gallons annually.	15¢ per gal.
148.49		Other	30¢ per gal.
		Pitted or stuffed:	
148.50		Pitted	30¢ per gal.
	20	In containers each holding not more than 0.3 gallon.	
	40	In containers each holding not more than 0.3 gallon.	
		Stuffed:	
148.51		Placed packed in containers each holding not more than 0.3 gallon in a quantity not to exceed 915,507 gallons annually	15¢ per gal.
148.53		Other	30¢ per gal.
	20	In containers each holding not more than 0.3 gallon.	
	40	In containers each holding more than 0.3 gallon.	
		Dried:	
148.55		Not ripe	2.5¢ per lb.
148.57		Ripe	
		Otherwise prepared or preserved:	
148.58		Green in color and in containers of 5 gallons or less each, in a quantity not to exceed 1,212,000 lbs. annually	2.5¢ per lb.
148.59		Other	5¢ per lb.

SEC. 6. CAPERS.

Items 161.06 and 161.08 are each amended by striking out "16% ad val" and inserting in lieu thereof "8% ad val.".

SEC. 7. PAPRIKA.

Item 161.71 is amended by striking out "2.4¢ per lb." and inserting in lieu thereof "1.35¢ per lb.".

SEC. 8. CIDER.

Item 167.15 is amended by striking out "3¢ per gal." and inserting in lieu thereof "1.5¢ per gal.".

SEC. 9. OLIVE OIL.

(a) In Containers.—Item 176.29 is amended by striking out "3.8¢ per lb. on contents and container" and inserting in lieu thereof "2.28¢ per lb. on contents and container.".

(b) Others.—Item 176.30 is amended by striking out "2.6¢ per lb. and inserting in lieu thereof "1.56¢ per lb.".

SEC. 10. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to articles entered or withdrawn from warehouses for consumption on or after the date that is 15 days after the date of enactment of this Act.

THE PRESIDENT'S COMPETITIVENESS INITIATIVE

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. BADHAM. Mr. Speaker, the President has sent to Congress his competitiveness package, the Trade, Employment, and Productivity Act. It clearly is a far-reaching, balanced proposal that should be enacted by this Congress. When 75 percent of U.S. goods face competition from abroad, our challenge is to do whatever we can to make American firms more competitive worldwide. One way we can do this is by changing antiquated law that impedes efficiency. It is in this light that I am particularly heartened to see the administration's antitrust reforms, first proposed last year, included in the package. The antitrust laws were written in a time dominated by domestic competition in isolated markets, not international competition in world markets. The world has changed dramatically since that time, and our laws should reflect that change. I realize that adjusting the antitrust laws to reflect foreign competition is only one of many steps we must take to improve our international competitiveness, but it is an important one. Taking that step, along with other elements of the President's package—education reforms, enhanced science and technology programs, better protection of intellectual property, streamlined export controls, and improved trade laws—will help greatly as we attempt to deal rationally in our complex, interdependent global economy.

RICHARD CHARLES WALKER EAGLE SCOUT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. GEKAS. Mr. Speaker, Saturday, February 28, 1987, will be remembered as a very special day in the life of one young man from my district. Richard Charles Walker, son of Donald and Janet Walker of Harrisburg, PA, has earned Boy Scouts' highest award—the Eagle Scout, which he will receive before family, friends, and his Congressman at an Eagle Recognition Banquet at Colonial Park United Church of Christ.

Richard, a member of troop 302 of St. Marks Lutheran Church, Colonial Park, and a freshman at Central Dauphin East Junior High School, earned the distinguished Eagle Award after locating, planning, and installing a 2,800-foot nature trail in Lower Paxton Township. Richard's project included identifying plants, trees, and habitats and installing identification signs along the trail. Richard's nature trail has since been named the Oscar Lingle Nature Trail.

As a member of troop 302, Richard has held several leadership positions including quartermaster, assistant patrol leader, and den chief. He presently serves as his troop's senior patrol leader. He is a brotherhood member of the Order of the Arrow and was a member of the junior leadership training staff last year. Richard has earned 37 merit badges and all 12 skill awards in Boy Scouts.

I would be remiss if I didn't mention Richard's participation in the All-American Soap Box Derby since it was through the yearly soap box competitions, which I attended in Harrisburg, that I became acquainted with Richard and his family.

Mr. Speaker, I would like to invite my colleagues in the U.S. Congress to join me in congratulating Richard on this very special occasion. I wish him great success in his future endeavors.

DRUG EDUCATION ASSEMBLY AND PARADE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. SMITH of Florida. Mr. Speaker, America's war against drugs begins in our homes and in our communities.

The pupils and teachers of North Glade Elementary School of Opa Locka, FL, in the Dade County portion of my district, understand this crucial step in the efforts to halt our country's drug crisis. On March 2, 1987, North Glade Elementary will be holding a "Say No To Crack" assembly and parade. The fifth and sixth grade students from North County, Palm Springs North, and Lake Stevens Elementaries also will be participating in these activities. This event kicks off the school's observance of Drug Prevention Month.

As chairman of the House Task Force on International Narcotics Control and as a member of the House Select Committee on Narcotics Abuse and Control, I wish to commend North Glade Elementary, its principal, Herbert L. Day and all the participating schools for their determined efforts to educate students about the dangers of substance abuse.

I also wish the "Say No To Crack" assembly and parade every success and urge the participants to keep up the excellent work.

THE PHILIPPINES CELEBRATES DEMOCRACY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. MILLER of California. Mr. Speaker, I want to congratulate the people of the Philippines as they celebrate the first anniversary of their country's return to democracy today.

One year ago, President Marcos rigged his election to prolong his repressive rule. And 1 year ago, in an amazing 4-day series of events, the people of the Philippines took to the streets, stopped Marcos' tanks, and elected Corazon Aquino.

President Aquino's remarkable determination to restore justice and democracy to the Philippines against overwhelming odds produced a "people-power revolution that thrilled the world.

But democracy has not come easy. Many years of corruption had produced a government that served the few, a crumbling economy, and widespread poverty, all of which fueled a growing Communist insurgency. Under immense pressure for immediate solutions, President Aquino has worked quickly to restore the economy and rebuild the democratic institutions while maintaining an unwavering commitment to peace and human rights. Above all, she began the difficult challenge of creating a new Philippine constitution.

Since September, when she came to our country and delivered an address that we will all long remember, President Aquino has faced one crisis after another. Dissension among her advisers, coup attempts, and a fragile cease-fire agreement with the Communist rebels have threatened to destabilize the Government. But she refused to let go of the people's mandate and has managed each crisis in turn. Just this month, in a remarkable testament to their commitment to democracy and to President Aquino's courageous leadership, the people of the Philippines turned out in record number to support overwhelmingly the new constitution.

Parades, music, and fireworks displays will mark the anniversary festivities today. With a new democratic political system committed to the well-being of all the people and a constitution that will provide a lasting structure for peace and stability, Filipinos have a lot to celebrate.

WILDLIFE ACTION, INC.

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. TALLON. Mr. Speaker, I rise today to urge my colleagues to join me in support of H.R. 705, a measure to recognize Wildlife Action, Inc., a nonprofit organization for wildlife conservation based in South Carolina. Since its inception in 1977, this worthy organization has struggled to make the public aware of the price of unnecessary development and construction without wise consideration of adverse effects on the environment.

Under the direction of its president, Gault Beason, Wildlife Action has taken an active, responsible role in meeting conservation challenges and protecting our living resources. WLA's simple yet vital goal is "to put back more than we take." It is this critical message of conservation and appreciation that members of WLA have worked so diligently to communicate.

Through events, meetings, forums, outings, and mailings, WLA has brought home the importance of respect for our natural resources. Whether it is WLA's archery competition, birdwatching day or "Wildlife Pride," its monthly conservation publication for sportsmen, WLA is actively and innovatively raising public awareness of the importance of environmental preservation.

Through its activities WLA promotes sportsmen education programs which emphasize safety, responsibility, and respect for laws and the rights of others. Respect, after all, is the bottom line: Respect for our wildlife heritage and the importance of our natural wealth for future generations.

One of South Carolina's greatest challenges for the future is the careful and long-term management of her coastal resources. Although it is difficult to think of the enduring environmental consequences of development when given the immediate economic benefits that accompany coastal development; it is far more costly in the long term not to. The failure of development to factor in environmental concerns has already resulted in the permanent destruction of wetlands all along our coasts. However, through the work of WLA and other such organizations, I believe we can better achieve a healthy balance between the forces of nature and development.

Wildlife Action has brought to many South Carolinians a new awareness and enjoyment of our environment's unique beauty and delicate balance. I think its five-point creed says it best: Preservation, conservation, education, sportsmanship, and fellowship. Wildlife Action will leave a fine legacy of wildlife preservation and conservation. I hope my colleagues will join me in support of this measure to grant Wildlife Action the charter that it needs and deserves.

THE STRUGGLE CONTINUES

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. DYSON. Mr. Speaker, I would like to take this opportunity to express my support for the people of Lithuania in their quest for democracy. As I stand before you today, the Soviet Union continues to occupy the Republic of Lithuania, as they have for the past 47 years.

Recently, supporters of a free and independent Lithuania celebrated their 69th Independence Day. This celebration has come to symbolize the aspirations of Lithuanians throughout the world, that one day they will be free. I am pleased to note that the United States and most of our European allies have refused to recognize the illegal Soviet acquisition of this country.

I would also like to express my deep respect and admiration for the Lithuanian people. During the current Soviet occupation, nearly 350,000 people have been imprisoned for trying to express their political and religious rights. This has not hindered, however, the Lithuanians desire for independence. These friends of democracy have continued to oppose Soviet rule, despite the constant threat of reprisal. As recently as 1972, 17,000 Lithuanians signed a petition to the United Nations requesting help in restoring religious freedom. Also, the Lithuanian underground has produced more publications than any other country in the Eastern bloc. I welcome the day when Lithuania will once again rejoin the ranks of the Democratic nations.

In closing, I would once more like to congratulate all Lithuanians, whether at home or in exile, on their 69th anniversary. You truly are an inspiration to the world.

KOREA, WELCOME BACK TO AMERICA'S HEARTLAND

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. GRAY of Illinois. Mr. Speaker, for the second year in a row, a delegation of Korean agribusinessmen will be in the United States to publicly announce purchases of corn, wheat, and soybeans totaling $110 million. From February 14 until February 23, this Korean buying mission will visit six States, including Illinois.

South Korea is the fourth largest consumer of United States agricultural goods. In 1986, Korea imported from the United States 85 percent of its wheat, 85–90 percent of its soybeans, and approximately 35 percent of its corn. In total, South Korea spent over $1 billion for United States agricultural products last year. This figure represents approximately one-sixth of Korea's total imports from the United States in 1986.

As the No. 1 agricultural exporting State in the United States, Illinois welcomes the Korean delegation. Illinois farmers are very proud of the products they grow. There is no higher compliment for Illinois agriculture than for this Korean delegation to travel halfway around the world to "Buy American."

For many years, South Korea has been one of America's largest agricultural importers. The upcoming Korean agricultural buying mission reaffirms the historically strong ties between both countries in agricultural trade. Korea, welcome back to America's heartland.

MINNESOTA TRUCK COMPANY WINS NATIONAL SAFETY AWARD

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. FRENZEL. Mr. Speaker, as a former participant in the motor carrier industry, I am proud to note that Schanno Transportation, Inc., of West St. Paul, MN, will be awarded the grand prize award in the annual Interstate Carriers Conference fleet safety contest.

The Interstate Carriers Conference is made up of about 600 common and contract trucking companies nationwide, and is affiliated with the American Trucking Association.

The award will be presented to Mr. Reginald M. Norris, Jr., president of Schanno Transportation and Mr. Ronald V. Hein, vice president of safety and loss prevention, at the conference's annual meeting in March. Schanno also won divisional honors based on annual miles driven—over 30 million miles in 1986.

I know from personal experience that an award-winning safey record requires painstaking efforts by every person associated with the company. Safety does not just happen. It can be achieved. Schanno Transportation, its management, and all its employees, especially its drivers, are to be congratulated for their premier safety record and for the national recognition it has received.

CATASTROPHIC HEALTH INSURANCE

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. WHITTAKER. Mr. Speaker, as a member of the House Subcommittee on Health and the Environment, I'm pleased to be able to join my colleagues today in introducing legislation which, in the President's words, will provide "peace of mind" for 30 million elderly. This legislation, which will shield our elderly from acute care expenses, is long overdue.

When catastrophic illness strikes, it is indeed a real human tragedy. However, in many instances, the tragedy doesn't end when the loved one recovers from their illness. The catastrophe of high and seemingly unending medical bills due to gaps in Medicare coverage can go on for several generations, thus burdening sons, daughters, and grandchildren.

The package we are introducing today will provide catastrophic health insurance by setting an out-of-pocket cap of $2,000 for the amount of services currently covered by Medicare. This additional coverage will be financed through a minimal addition to the Medicare part B premium. This is accomplished by utilizing the existing Medicare structure: No new bureaucracy; no new redtape.

For some time now, those 30 million who benefit from Medicare are finding that this program is inadequate when it comes to providing catastrophic coverage. Designed to ease the financial burden of our Nation's elderly, we are finding that 1.3 million Medicare eligible Americans annually have out-of-pocket expenses which exceed $2,000 per year.

As a group, the elderly are vulnerable enough without the added insecurity and terror of going broke due to the high medical expenses which can accrue due to a severe and unforeseen illness.

As a Member of Congress and one concerned about the health and well-being of the American people, I believe that we must move forward with this much-needed package to free our elderly from burdensome acute care costs.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 26, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 27

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.

SD-124

Finance

International Trade Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the Office of the U.S. Trade Representative and the U.S. International Trade Commission.

SD-215

MARCH 2

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Administrative Conference of the United States, U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.

SD-116

Finance

Social Security and Family Policy Subcommittee

To resume hearings on how to improve the existing family welfare system and how to promote the well-being of families with children.

SD-215

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Animal and Plant Health Inspection Service, Agricultural Cooperative Service, Packers and Stockyards Administration, and the Office of Transportation.

SD-138

MARCH 3

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office for Human Development Services, and the Health Care Financing Administration.

SD-116

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.

345 Cannon Building

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Lower Mississippi Valley Division, and the New England Division.

SD-192

Banking, Housing, and Urban Affairs

Business meeting, to mark up proposed legislation authorizing funds for housing and community development programs administered by the Department of Housing and Urban Development and the Department of Agriculture.

SD-538

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to review the national space transportation program and policy.

SR-253

Judiciary

To resume hearings to review the President's proposed budget request for fiscal year 1988 for the Department of Justice, focusing on the Federal Bureau of Investigation.

SD-226

Labor and Human Resources

To hold oversight hearings on activities of the Mine Safety and Health Administration, Department of Labor.

SD-430

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary of the Senate, Senate Sergeant at Arms and Door-

keeper, and the Office of Technology Assessment.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Gallery of Art, Commission of Fine Arts, Pennsylvania Avenue Development Corporation, and the Advisory Council on Historic Preservation.
SD-192

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the General Accounting Office, and the Railroad Accounting Principles Board.
SD-138

Judiciary
Technology and the Law Subcommittee
To resume hearings on S. 442, Semiconductor Chip Protection Act Extension of 1987.
SD-226

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Physician Payment Review Commission, Commission on Education of the Deaf, Federal Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, National Council on the Handicapped, Soldiers' and Airmen's Home, and the U.S. Institute of Peace.
SD-124

MARCH 4

9:30 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.
SD-192

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office of Assistant Secretary for Health, and the Centers for Disease Control.
SD-116

Banking, Housing, and Urban Affairs
To resume oversight hearings on corporate takeovers.
SD-538

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Transportation Safety Board.
SR-253

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on available and emerging technologies for the control of precursors of acid rain.
SD-406

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Extension Service, Economic Research Service, and the National Agricultural Statistics Service.
SD-138

Judiciary
To continue hearings to review the President's proposed budget request for fiscal year 1988 for the Department of Justice.
SD-226

Labor and Human Resources
To continue oversight hearings on activities of the Mine Safety and Health Administration, Department of Labor.
SD-430

1:30 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To hold open and closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on readiness and sustainability posture of U.S. forces.
SR-222

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Strategic Petroleum Reserve, Naval Petroleum Reserve, and the Office of Emergency Preparedness.
SD-192

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Library of Congress, and the Congressional Research Service.
SD-366

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Alcohol, Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration.
SD-116

Armed Services
Readiness, Sustainability and Support Subcommittee
To continue open and closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on readiness and sustainability posture of U.S. forces.
SR-222

Governmental Affairs
To resume hearings on how the international spread of nuclear weapons affects specific U.S. national security interests.
SD-342

Rules and Administration
To hold hearings on S. 2, S. 50, S. 179, and S. 207, bills to provide for spending limits and public financing for Senate general elections.
SR-301

Small Business
Rural Economy and Family Farming Subcommittee
To hold hearings to examine new perspectives on rural economy.
SR-428A

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Architect of the Capitol, Copyright Royalty Tribunal, and the Bio-Medical Ethics Board.
RD-628

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs focusing on the North Atlantic Division, and the Pacific Ocean Division.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Commerce.
S-146, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Railroad Administration of the Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

Banking, Housing, and Urban Affairs
Business meeting, to mark up proposed legislation relating to Federal Savings and Loan Insurance Corporation recapitalization, emergency bank acquisitions, nonbank banks, securities powers for bank holding companies, and bank check holds.
SD-538

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
SD-430

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
SD-430

1:30 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Customs Service, Department of the Treasury.
SD-116

2:00 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Government Printing Office, Congressional Budget Office, Black Employees of the Library of Congress, and the Ethnic Employees of the Library of Congress.
SD-628

MARCH 6

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, on behalf of funds for the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.
SD-116

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Highway Traffic Safety Administration.
SR-253

10:15 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Veterans Administration.
SD-124

MARCH 9

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the General Services Administration, National Archives and Records Administration, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Research Service, and the Cooperative State Research Service.
SD-138

Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on uranium mining, reclamation, and enrichment.
SD-366

MARCH 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the National Institutes of Health.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Management and Budget, and the Office of Federal Procurement Policy.
SD-116

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

10:00 a.m.
Foreign Relations
To continue hearings on proposed legislation authorizing funds for foreign assistance programs.
SD-419

Labor and Human Resources
Employment and Productivity Subcommittee
Labor Subcommittee
To hold joint hearings on the status of dislocated workers as a result of plant closings.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Minerals Management Service, Department of the Interior.
SD-192

MARCH 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Family Support Administration.
SD-192

Energy and Natural Resources
To resume oversight hearings on the world oil outlook.
SD-366

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Farmers Home Administration.
SD-138

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Marine Mammal Commission.
S-146, Capitol

Labor and Human Resources
To hold hearings on catastrophic health insurance.
SD-430

MARCH 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office of the Secretary, Departmental Management, Office for Civil Rights, Policy Research, and the Office of Inspector General.
SD-116

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 85, to repeal the end use constraints on natural gas and to repeal the incremental policy requirements.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain international organizations and programs, and certain activities of the Agency for International Development.
S-128, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Science Foundation.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Tennessee Valley Authority, and the Appalachian Regional Commission.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Panama Canal Commission, and the National Transportation Safety Board.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Indian Education.
SD-192

MARCH 13

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Forest Service, Department of Agriculture.
SD-192

Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on uranium mining, reclamation, and enrichment.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Science Foundation, and the Office of Science and Technology.
SD-124

MARCH 16

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
2175 Rayburn Building

Labor and Human Resources
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
2175 Rayburn Building

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on reclamation programs of the Department of the Interior.
SD-192

MARCH 17

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Bureau of Standards, Office of Productivity, Technology and Innovation, and the National Technical Information Service, all of the Department of Commerce.
SR-253

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy conservation, and the National Capital Planning Commission.
SD-192

MARCH 18

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Information Agency, and the Board for International Broadcasting.
S-146, Capitol

Labor and Human Resources
To hold hearings on the uninsured worker.
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on solar and renewables, energy research, and environment.
SD-138

MARCH 19

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Independent Counsel Act.
SR-428A

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Marketing Service, Federal Grain Inspection Service, and the Food Safety and Inspection Service.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Highway Administration, and the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Endowment for the Arts, National Endowment for the Humanities, and the Institute of Museum Services.
SD-192

MARCH 20

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary of the Treasury, and the National Treasury Employees Union.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Emergency Management Agency.
SD-124

MARCH 23

10:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Personnel Management, and the Federal Election Commission.
SD-116

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192

MARCH 24

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
SD-126, Capitol

Labor and Human Resources
Labor Subcommittee
To hold hearings on overfunding and underfunding on pensions.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Land Management, Department of the Interior.
SD-192

2:30 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold hearings to review the current status of renewable energy technologies.
SD-366

MARCH 25

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Rural Electrification Administration.
SD-138

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of State.
S-146, Capitol

Labor and Human Resources
To hold hearings on children's health care policy.
SD-430

MARCH 26

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
Room to be announced

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Peace Corps, African Development Foundation, and the Inter-American Foundation.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Federal Energy Regulatory Administration, and the Nuclear Regulatory Administration.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary and the Office of the Inspector General, Department of Transportation
SD-138

2:30 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume hearings to review the current status of renewable energy technologies.
SD-366

MARCH 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD-124

MARCH 30

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

MARCH 31

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Foreign Agricultural Service, Food for Peace Program (Public Law 480), and the Office of International Cooperation and Development.
SD-138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for migration and refugee assistance, U.S. emergency refugee assistance fund, international narcotics control, and anti-terrorism assistance.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 1

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.
334 Cannon Building

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for international organizations of the Department of State.
S-146, Capitol

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 2

9:30 a.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on the clean coal technology program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the St. Lawrence Seaway Development Corporation, and the Architectural Transportation Barriers Compliance Board.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Indian Health Service of the Department of Health and Human Services, and the Navajo and Hopi Indian Relocation Commission.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 3

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the United States Postal Service.
SD-116

APRIL 6

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 7

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 8

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on nuclear fission, uranium enrichment, and the nuclear waste management.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimate for fiscal year 1988 for the Small Business Administration, Securities and Exchange Commission, and the Federal Trade Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-192

APRIL 9

9:30 a.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on clean coal technology program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Interstate Commerce Commission, and the Research and Special Programs Administration of the Department of Transportation.
SD-138

1:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.
SD-192

APRIL 10

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, U.S. Postal Service, and general government.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.
SD-124

APRIL 21

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on the Office of the Secretary, and salaries and expenses.
SD-192

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Office of the Attorney General, Immigration and Naturalization Service, and the Federal Prison System.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Geological Survey, Department of the Interior.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Department of Energy national laboratories.
SD-116

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on compensatory education for the disadvantaged, special programs, impact aid, bilingual education, immigrant and refugee education, education for the handicapped, rehabilitation services and handicapped research, special institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet College), and vocational and adult education.
SD-192

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on Atomic Energy Defense activities.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Office of the Secretary and the Office of the Solicitor.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on student financial assistance, guaranteed student loans, higher education, higher education facilities loans and insurance, college housing loans,

Howard University, education research and statistics, and libraries.

SD-138

APRIL 24

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.

SD-124

APRIL 27

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development, focusing on certain activities of the Department of Energy.

SD-192

APRIL 28

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for security assistance programs.

S-126, Capitol

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Bureau of Mines, and the Office of Surface Mining, Reclamation and Enforcement.

SD-192

APRIL 29

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Federal Bureau of Investigation, Drug Enforcement Administration, and the U.S. Marshals Service.

S-146, Capitol

APRIL 30

9:30 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial governments.

SD-192

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for defense security assistance programs.

S-126, Capitol

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Urban Mass Transit Administration of the Department of Transportation, and the Washington Metropolitan Transit Authority.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial affairs.

SD-192

MAY 4

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

MAY 5

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Holocaust Memorial Council.

SD-138

MAY 6

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Supreme Court of the United States, Equal Employment Opportunity Commission, and the Commission on Civil Rights.

S-146, Capitol

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration of the Department of Transportation, and the General Accounting Office (FAA Operations).

SD-138

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

MAY 7

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for fossil energy, and clean coal technology programs.

SD-192

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration, and the General Accounting Office (R, E&D, F&E, Airport Grants).

SD-138

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

MAY 8

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Labor, Health and Human Services, Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies

SD-192

MAY 12

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain export financing programs.

S-126, Capitol

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Legal Services Corporation.

S-146, Capitol

MAY 13

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for foreign assistance programs.

S-126, Capitol

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Commerce, Justice, State, the Judiciary, and related agencies.

S-146, Capitol

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.

SD-138

MAY 14

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.

SD-138

MAY 15

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

MAY 20

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Judicial Conference, Commission on the Bicentennial of the Constitution, U.S. Sentencing Commission, and the State Justice Institute.

S-146, Capitol

JUNE 23

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1988 for the Department of State.

SD-192

CANCELLATIONS

FEBRUARY 26

3:00 p.m.

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To resume hearings on proposed authorizations of housing and community development programs administered by the Department of Housing and Urban Development and the Department of Agriculture.

SD-538

FEBRUARY 27

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for ACTION, Corporation for Public Broadcasting, Prospective Payment Assessment Commission, Railroad Retirement Board, Federal Mediation and Conciliation Service, National Mediation Board, National Labor Relations Board, and the Occupational Safety and Health Review Commission.

SD-192

MARCH 23

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to review the Department of the Interior's proposed 5-year Outer Continental Shelf leasing plan.

SD-366

HOUSE OF REPRESENTATIVES—*Thursday, February 26, 1987*

The House met at 11 a.m.

The Reverend Alanson B. Houghton, Charleston, SC, offered the following prayer:

Gracious Lord, whatever our beliefs, whatever our politics, we are within this Chamber—with one God, one purpose, one hope.

This "House" is Your house.

We pray that the laws we craft here will reflect the universal ethic that we care for others as much as we care for ourselves.

We pray that we will legislate wisely, lead courageously, and set an example for a safer and saner world.

We pray that You will help us become more sensitive and sensible citizen-leaders.

We thank You for the privilege given us to "represent" others, and this rare opportunity to represent the best within our own hearts as well. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. ALANSON HOUGHTON

(Mr. HOUGHTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **HOUGHTON**. Mr. Speaker, I would like to take 1 minute—literally 1 minute—to say something about the previous speaker.

I am the brother of Alanson Houghton, the minister who has just opened this session with a prayer. Despite the fact that Bobby Kennedy once said that nepotism was permissible as long as you kept it in the family, I am not going to extol my brother's virtues. His life speaks for itself; furthermore, he is the first Alan Houghton to set foot in this Chamber since his namesake served here almost 70 years ago as a Representative for two terms. Suffice it to say, I'm enormously proud, as would be his grandfather, of him and his profession.

The religious leaders of this country are the unsung heroes of society—exploring and teaching and gluing together different persuasions into one common belief.

They are the people who give leadership and meaning to those words inscribed over your chair, sir: "In God We Trust." We owe them now, and for all times, a great debt. May we follow worthily where they have led the way.

Ms. **OAKAR**. Mr. Speaker, will the gentleman yield?

Mr. **HOUGHTON**. I yield to the gentlewoman from Ohio.

Ms. **OAKAR**. I thank the gentleman for yielding.

Mr. Speaker, I would like to join the gentleman in acknowledging his distinguished brother who served in greater Cleveland, OH, for a number of years. Our loss is the wonderful State of South Carolina's gain.

Mr. **HOUGHTON**. I thank the gentlewoman for those kind remarks.

THE TAXPAYERS' BILL OF RIGHTS

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **TALLON**. Mr. Speaker, it is a great honor for me to serve in the historic 100th Congress. This year, we commemorate the bicentennial of our Constitution, as well as the 100th session of Congress.

Benjamin Franklin wrote in 1789:

> Our Constitution is in actual operation; everything appears to promise that it will last, but in this world, nothing is certain but death and taxes.

We've all heard the saying before, just as we've all heard complaints from constituents about the heavy-handed collection policies of the Internal Revenue Service.

Today, I am reintroducing the "Taxpayers' Bill of Rights." This legislation guarantees hard-working, law-abiding citizens certain protections from the IRS.

The Taxpayers' Bill of Rights includes provisions to address a number of IRS problems such as questionable tax enforcement practices, disclosure of taxpayers' rights and obligations, procedures involving taxpayer interviews and GAO oversight of the IRS.

Oliver Wendell Holmes once said, "The power to tax is not the power to destroy." I urge you to join me in supporting this bill offering the American taxpayer the same protection from potential abuses of power by the IRS that they are guaranteed in every other area of the law.

APPOINTMENT AS ADDITIONAL MEMBER OF THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The **SPEAKER**. Pursuant to the provisions of section 3, Public Law 94-304, as amended by section 1, Public Law 99-7, the Chair appoints the gentleman from Ohio [Mr. FEIGHAN], as an additional member of the Commission on Security and Cooperation in Europe.

ADJOURNMENT TO MONDAY, MARCH 2, 1987

Ms. **OAKAR**. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The **SPEAKER**. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Ms. **OAKAR**. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The **SPEAKER**. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

AUTHORIZING USE OF CAPITOL ROTUNDA ON APRIL 28, 1987, FOR CEREMONIES OBSERVING DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Ms. **OAKAR**. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 49), authorizing use of the rotunda of the Capitol on April 28, 1987, for ceremonies to observe the days of remembrance of victims of the Holocaust, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The **SPEAKER**. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H. Con. Res. 49

Whereas, under the Act entitled "An Act to establish the United States Holocaust Memorial Council" approved October 7, 1980, the United States Holocaust Memorial Council is responsible for sponsoring observances of the days of remembrance of victims of the Holocaust;

Whereas the United States Holocaust Memorial Council has designated April 26 through May 3, 1987, and April 10 through April 17, 1988, as "Days of Remembrance of Victims of the Holocaust"; and

Whereas the United States Holocaust Memorial Council has recommended that appropriate ceremonies, consisting of speeches, readings, and music, be held on Tuesday, April 28, 1987: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol may be used on Tuesday, April 28, 1987, and for ceremonies to observe the days of remembrance of victims of the Holocaust.

Sec. 2. The Architect of the Capitol may prescribe conditions for physical preparations with respect to the use of the rotunda authorized by the first section.

The SPEAKER. The gentlewoman from Ohio [Ms. Oakar] is recognized for 1 hour.

Ms. OAKAR. Mr. Speaker, first I would like to congratulate the gentleman from Illinois [Mr. Yates] for the work that he has done, not only on this resolution, but on making us recall the worst tragedy in the history of the world. That is, the Holocaust.

Mr. Speaker, this concurrent resolution will authorize the rotunda of the U.S. Capitol to be used on April 28, 1987, for ceremonies to observe the days of remembrance of victims of the Holocaust. Mr. Speaker, the U.S. Holocaust Memorial Council, established in October 1980, by a unanimous vote of Congress, has each year since 1979 coordinated ceremonies commemorating the victims of the Holocaust during the days of remembrance. Observances are held in Washington, DC, and in States and cities throughout our great country. These national ceremonies have been addressed each year by the President, and by Members of Congress from both parties. This personal involvement of the Nation's leaders underscores a national commitment to honor the memory of the victims.

Mr. Speaker, authorizing the Capitol rotunda for such ceremonies would signify the commitment of the American people that the Holocaust not be forgotten. The Holocaust was the worst crime in the history of the human race.

It is hard for me, as well as my colleagues, to comprehend such premeditated destruction of human life. The whole point of these ceremonies on April 28 will be to commemorate the memory of our loss of 6 million victims of the Holocaust. These events will help to remind us how devastating this tragedy was and that we must never permit this to happen again.

□ 1110

Mr. YATES. Mr. Speaker, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentlewoman for yielding.

Mr. Speaker, I want to express the thanks of members of the Holocaust Council as well as myself for the gracious consent of the Speaker of the House for the use of the rotunda for this ceremony. I want to thank the gentlewoman from Ohio for her co-operation, for the speed with which she brought the bill up, and the expertise that she displayed in taking it through the House. I want to thank the Members of the House for their cooperation as well.

GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 49.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

STICK WITH ORIGINAL GRAMM-RUDMAN TARGETS

(Mr. PETRI asked and was given permission to address the House for 1 minute.)

Mr. PETRI. Mr. Speaker, a little over 1 year ago, just as the campaign season was about to get rolling, Congress approved the Gramm-Rudman budget plan with a lot of fanfare and promises. Under the plan, we promised to get next year's budget deficit down to $108 billion.

But now the word is filtering out from the House leadership that meeting our budget reduction obligations under the law would be simply too difficult, partly because we made too many fake "cuts" last year. So they want to relax the budget reduction targets, and weasel out of our commitments to the taxpayers.

But, Mr. Speaker, if we relax our budget reduction targets, where will all this relaxing stop?

One thing is clear: We need discipline rather than just promises.

We need real budget cuts.

We should stick with the original Gramm-Rudman targets so we're forced to make some real savings.

PROTECTION OF THE OZONE LAYER

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, the depletion of the ozone layer in the upper atmosphere has enormous consequences for the entire planet. It is caused by chlorofluorocarbons, or CFC's, which are used in such products as fast food packaging, refrigerators, fire extinguishers, and air-conditioners. Over 650,000 tons of CFC's are produced each year, and they can remain in the atmosphere for more than 100 years.

The solution is clear: We must begin an immediate reduction of the emissions of CFC's worldwide. This week international negotiations on the protection of the ozone layer are being conducted in Vienna. While the United States has taken the lead in these negotiations, other CFC-producing nations are dragging their feet. The gentleman from New Mexico [Mr. Richardson] and I have introduced House Concurrent Resolution 47, to give congressional support to the President's efforts in the Vienna negotiations. I urge my colleagues to support this and other measures required to avert environmental catastrophe.

LET US NOT WEAKEN THE PRESIDENCY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the next President of the United States, Democrat or Republican, is going to have to—must—inherit a strong office. The Tower Commission report which has just been issued gives the American people a choice. That choice is whether or not to consider it a molehill over which we must jump and get on to the business of the Nation, or to allow the media hype and political opposition to the present President to create a mountain over which the American people cannot climb to restore the confidence and credibility of the Presidency which it will deserve for the near and far future.

We must adopt whatever we can of the Tower Commission report to strengthen the administrative procedures in the White House without question, but at the same time we cannot allow it to cause such a flaw in the orderly business of government that the Presidency is rendered weak and ineffectual.

LEAVE IT TO DEAVER

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, it has often been said that fact can be stranger than fiction and that sometimes life imitates art.

Well, recent events concerning Contragate and Michael Deaver can only remind me of President Reagan's remarks to his hero, Oliver North, the day after the President fired him.

"This would make a great movie, wouldn't it?" the President is reported to have said. But even Stephen Spielberg or Walt Disney would have been hard-pressed to come up with a movie like this.

This would make a good movie, but I think perhaps even a greater TV show. How about, "Leave it to Deaver?"

Yes, Mike Deaver, the man who can take credit for opening our eyes to the sleaziness of this administration.

Mike Deaver, you've become quite a spectacle. Your arrogance surpasses all known limits. But tell us, did you, like your President, forget?

Let me freshen your memory, Mr. Deaver.

"Investigate me," you challenged the Congress.

USA Today even had a big picture of your beaming face to us on April 29 saying, "I believe elementary due process and fairness to me and my family require appointment of an independent counsel," you said. "This is the only way to resolve this issue fairly," you maintained. Well, "Leave it to Deaver."

As a participant in the hearings which prompted the Special Prosecutor, I had reserved comment about your case until today. Until you said, "Never mind."

Your hypocrisy and shameless arrogance and manipulation of the process embarrasses us all. To clear your name you demanded a Special Prosecutor. And now, on the eve of your indictment, you cowardly attack what you once demanded.

Yes, "Leave it to Deaver."

Your contortions remind me of a child who killed both his parents and then threw himself on the mercy of the court because he was an orphan.

Yes, "Leave it to Deaver."

"Leave it to Deaver," the architect of the photo-op Presidency, the man who topped off the story about the parade of sleaze in this administration, to put the final seal on Reagan's "Morning in America" and move us toward the sunshine.

Yes, "Leave it to Deaver," to leave his duty to country and justice in the wake of his commitment to cash and saving his own hide at all costs.

Yes, the spirit of "Leave it to Deaver" is alive and well in Washington today.

The President sells arms to the Ayatollah, allows his staff to illegally divert the profits to the Contras, lies about it, covers it up, and then claims that he forgot.

Yes, "Leave it to Deaver" is going to be a hit in Washington. And although Mike Deaver has left the administration, his spirit still lives. Only Bob Barker and "Truth or Consequences" are left.

EMERGENCY FARM CREDIT ACT OF 1987

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, I am introducing legislation today to help rural banks deal with the critical problem of agriculture debt.

What my legislation would do would be to allow farm banks to write off agricultural loan losses over a 10-year period. This would encourage lenders and farmers to sit down and renegotiate outstanding debt to allow the producer to remain on his farm while carrying out a realistic debt reduction plan. As we have seen in many cases, this would not only be in the farmer's long-term best interest, but the bank's as well.

Unfortunately, current Federal regulations discourage this flexibility on the part of the lender. Because banks are required to maintain a certain amount of capital, many agricultural lenders find that writing down a loan decreases their ability to meet this requirement. This same tool has been extended to other credit institutions to allow them to deal with staggering loan loss situations.

I do want to be clear—this is not a rural bank bailout. Bankers and producers will have to face their responsibilities. However, with rural America facing these continued tough economic times, it is imperative that we provide enough flexibility for a realistic solution for farmers and rural lenders.

Mr. Speaker, this legislation is identical to a bill introduced in the Senate by Senator KASSEBAUM. I credit the Senator for her leadership in this regard along with my colleagues, the gentleman from Kansas [Mr. SLATTERY], the gentleman from Kansas [Mr. WHITTAKER], the gentleman from Minnesota [Mr. STANGELAND], and the gentlewoman from Nebraska [Mrs. SMITH], who are cosponsors of this legislation. I urge Members to join in cosponsorship.

TWIN EXPLOSIONS OVER THE WHITE HOUSE

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, two explosions are detonating over the White House today.

One is the Tower Commission report: a logical and inevitable consequence of the disarray, incompetence, and irresponsibility of the present administration.

The other is the report that the Soviet Union has given up its 18-month unilateral moratorium on nuclear testing, and has conducted a 20-kiloton nuclear test. This, too, is a logical and inevitable consequence of the foreign policy zero achievement we have seen for the past 6 years.

The Tower Commission will get more notice in the near term. But in the long term, the nuclear test may be the more significant.

Today, we could be living in a world free of nuclear explosive testing. The American people support a test ban; countless polls show that. The House voted, on a bipartisan basis, for the ban last year. The other side, which has done about one-fourth fewer total tests than we, is willing to stop altogether. It's willing to allow intrusive inspection to make sure nobody cheats. A test ban is achievable and verifiable.

The first 1987 triumph of the Reagan foreign policy is the resumption of Soviet nuclear testing. Let us hope there will be no more such triumphs.

TRADE POLICY ENHANCEMENT ACT OF 1987

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHULZE. Mr. Speaker, today I am introducing with my colleague, the gentleman from New Jersey [Mr. GUARINI] legislation designed to significantly improve our Nation's trade policymaking apparatus, the Trade Policy Enhancement Act of 1987.

This bill is a key to the overall trade policy debate because it addresses the heart of much of our trade problems—the lack of a unified, coherent, and decisive national trade policy. We must speak with one voice on trade so that there is no doubt where the United States stands. It must be done in a comprehensive, calculated and assertive manner. And, it must be done now.

The Trade Policy Enhancement Act is designed to fill this void in our trade policymaking apparatus. I am submitting a section-by-section analysis for the record and urge my colleagues to actively support this important piece of legislation.

SECTION-BY-SECTION ANALYSIS—TRADE POLICY ENHANCEMENT ACT OF 1987

SEC. 1. SHORT TITLE

Trade Policy Enhancement Act of 1987.

SEC. 2. FINDINGS AND PURPOSES

This section recognizes the increasing interdependence between the United States economy and the world economy, which requires that trade policy be a top national priority. A unified and decisive trade policy is the key to maintaining the historical leadership role of the United States in promoting an equitable and open multilateral trade system. Improving the trade policymaking apparatus will further the overall competitive posture of the United States. Highlighted is the original intent of the Congress in establishing the Office of the United States Trade Representative as the lead trade policy advocate within the Executive branch. The ability of the United States Trade Representative should be enhanced to become the single voice on trade policy for the United States.

SEC. 3. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Reemphasizes the intent of the Congress regarding the principal role of the Office of the United States Trade Representative in developing, coordinating, implementing, and administering United States trade policy, as contained in Sec. 161 of H.R. 3. Strengthens the ability of the USTR to set forth a unified and coherent trade policy by making it clear that the USTR is the principal advisor to and the principal spokesman of the President on trade and other matters that directly affect the trade policy of the United States. Emphasizes the role of the USTR in chairing the interagency trade process, and expresses the sense of the Congress that the USTR participate in economic summit and other international trade meetings.

Transfers the International Trade Administration of the Department of Commerce to the Office of the United States Trade Representative, which is redesignated as the International Trade Agency within the USTR. Three bureaus are established within the Agency: a Bureau for Export Promotion; a Bureau of Trade Administration; and a Bureau of Foreign Trade Service. Creates a new Deputy United States Trade Representative for Administration, responsible for administering the Agency. Effective date for implementation is February 1, 1988.

SEC. 4. TRADE POLICY COUNCIL

Makes statutory a Trade Policy Council, chaired by the USTR. Additional members include the Secretaries of the Departments of State, Treasury, Labor and Agriculture. Other executive agency representatives may participate at the invitation of the USTR. The Council meets at the call of the USTR. Its primary functions are to assist and make recommendations to the President in carrying out the trade laws and in developing and implementing the trade policy objectives of the United States. It also advises the President on matters which have a significant impact on the trade policy and trade competitiveness of the United States. Congressional intent is clarified with regard to the principal role of the Council in interagency trade matters.

SEC. 5. CONGRESSIONAL CONSULTATIONS AND ADVICE

Significantly enhances the process of consultation and advice between the Congress and the Executive branch on international trade policy. Designed to build a national consensus on the trade policy objectives of the United States by establishing a Congressional Advisory Committee for Trade Policy and Negotiations. The Committee consists of members of the Subcommittee on Trade of the Committee on Ways and Means and the Subcommittee on International Trade of the Committee on Finance, and members of Congress who are official advisors. The USTR is required to consult and seek the advice of the Committee regarding the key elements of the overall international trade policy of the United States. The Committee meets at least quarterly.

SEC. 6. CONGRESSIONAL OFFICIAL ADVISERS

Upon the request of the Committee, official advisors are to report with respect to their participation in international conferences and negotiating sessions.

SEC. 7. TRANSMISSION OF AGREEMENTS TO CONGRESS

Requires statement explaining the effect of any trade agreement on promoting the overall international trade policy of the United States, including United States trade competitiveness, exports and equitable trade patterns.

SEC. 8. REPORTS

Adds to the annual reporting requirements a description of the overall trade policy objectives of the United States and the progress made toward their accomplishment over the period covered by the report.

SEC. 9. TRADE POLICY STATEMENT

As contained in Sec. 163 of H.R. 3, requires the USTR to submit a written annual statement regarding U.S. trade policy objectives and priorities for the coming year, actions proposed to achieve such objectives and priorities and any proposed legislation necessary for their accomplishment. Consultations with the Congressional and private sector advisory committees required.

SEC. 10. PRIVATE AND PUBLIC SECTOR ADVICE

Enhances the current private sector advisory system originally established by the Trade Act of 1974. Requires that the advisory Committee for Trade Policy and Negotiations meets at least quarterly. The role of the Committee is broadened to include involvement in developing the trade policy objectives of the United States and to address areas in addition to multilateral trade negotiations. Mandates that the Committee reflect a balance between the political parties.

SEC. 11. TRADE COMPETITIVE IMPACT STATEMENTS

In issuing a regulation, Executive order or executive agreement that significantly impacts the trade competitiveness of the United States, the President is required to submit a statement to the Committees on Ways and Means and Finance explaining such impact. Requirement may be waived in emergency situations or when it would not serve the national security interests of the United States.

□ 1120

THE TOWER COMMISSION REPORT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, this report has spies, arms smuggling, beautiful secretaries, and international intrigue, all the makings of a great Hollywood movie script. Unfortunately, it is real life and it is at the White House.

I think every person in this country wants a strong Presidency. But the enormous respect that this President or any President has is not because of the particular person or the particular ideology, but rather because the President stands as a symbol of the upholder of laws, the laws of this country, the system of laws that has made this Nation great. What this report shows is that the laws were ignored. Ideological cowboys who thought their views were more important than this great body of law and this great system took things into their own hands and messed things up.

This report is just the beginning. We are learning, unfortunately, that many, many people in the White House did not care about our laws, did not care about our governance in order to enforce their own views.

Let us hope that this President and future Presidents learn the sad lesson that this story has to tell and do not repeat it again.

CONSTITUTIONAL CHALLENGE TO THE SPECIAL PROSECUTOR

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, Mr. Deaver's challenge to the independent prosecutor statute, after asking for the appointment of a special prosecutor, is simply constitutional chutzpah. He and others in the administration are making it clear that they only believe in the law when they can get the law's public relations benefits.

But the Founding Fathers did not intend for our laws to be really public relations' fodder. Let us hope the administration joins Chairman DINGELL in defending the statute, and thereby showing that the administration believes that the laws should apply to their own.

UNITED STATES-JAPANESE TRADE TALKS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today I have a special message regarding the United States-Japan trade talks on auto parts that are sputtering along here in Washington this week. To MITI Vice Minister Makoto Kuroda, the head Japanese negotiator, I say:

Press releases that attempt to paper over failure to give United States suppliers fair access to your market in Japan, and to your companies here, is not acceptable. A $25 billion share of the United States auto market for Japan, 30 percent, but they only purchase $100 million of United States parts, less than 2 percent. Success in these talks will only be recognized when we see specific plans on how Japanese companies will increase purchases of quality United States automotive parts; $1 billion of purchases from United States supplies from big Japanese firms is not asking too much.

If these talks are not successful, we in Congress must take strong measures to ensure fair access for American companies. I will be testifying before the House Ways and Means Committee tomorrow to offer measures to be taken, if progress is not made in the talks today. I encourage the Japanese negotiators to take this opportunity to decide themselves how they will make progress, rather than force the United States Congress to take the only course of action text—tell them how they must proceed to open their market and companies to fair play.

APPOINTMENT AS MEMBERS OF PAGE BOARD

The SPEAKER. Pursuant to section 127 of Public Law 97-377, the Chair appoints as members of the House of Representatives Page Board the following Members of the House:

Mr. KILDEE of Michigan, chairman; and Mr. HOYER of Maryland, member.

THE DEATH OF ANN McVAY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I have the very unpleasant task of informing the House that Ann McVay, who was a loyal employee of the House, working here at the rostrum, passed away last night after a long and valiant battle against cancer. She will be missed.

She had served the House for almost 20 years and had many friends in this Chamber, on both sides of the aisle.

CONGRATULATING FILIPINO PEOPLE ON RATIFICATION OF NEW CONSTITUTION IN A FREE AND FAIR PLEBISCITE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 90) congratulating the Filipino people on the ratification of a new Constitution in a free and fair plebiscite, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. ECKART). Is there objection to the request of the gentleman from New York?

Mr. BLAZ. Mr. Speaker, reserving the right to object, I shall not object. Let me just say that the people of the Philippines have renewed and strengthened democracy through the peaceful revolution they have brought to their island nation.

In the last year we have witnessed the peaceful transition to new leadership, the restoration of democratic government and the growing confidence of a nation that has been both an ally and a friend of the United States for many years.

The next major milestone in the restoration of democracy has now been successfully completed. I wish to congratulate the people of the Philippines on their overwhelming approval of their Constitution.

On February 2, 1987, in a plebiscite marked by an 87-percent voter turnout, the Filipino people overwhelmingly approved the new Constitution. That vote was carried out in an atmosphere free of the violence, intimidation, and corruption that had characterized elections under the previous regime.

The new Constitution will strengthen the foundations of democracy and enable parliamentary and local elections to be held later this year.

The adoption of this historic document will enhance the ability of Philippine President Corazon Aquino to come to grips with the many pressing problems that face the Philippines.

The continuing process of democratization adds significantly to the region's stability. As a member of the Foreign Affairs Committee as well as the Armed Services Committee, I cannot emphasize too strongly the importance of the Philippines to the freedom and security of the Asia and Pacific region.

These developments also are extremely important to the people I have the honor to represent here in Congress—the people of the territory of Guam.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 90

Whereas the Filipino people carried out one of the few genuine and peaceful revolutions anywhere in the world when they reinstated democratic government in February 1986;

Whereas one of the key steps the new government took to consolidate the new democracy was to appoint a constitutional commission to draft a new constitution;

Whereas on February 2, 1987, the Filipino people overwhelmingly approved the new constitution in a plebiscite marked by an 87 percent voter turnout;

Whereas this constitutional plebiscite was conducted virtually free of violence, intimidation, and corruption;

Whereas the adoption of the new constitution strengthens the foundation of the new democracy and enables parliamentary and local elections to be held later this year;

Whereas the President has extended his congratulations to President Aquino on the success of the constitutional plebiscite; and

Whereas the approval of the Constitution will enhance the ability of President Aquino and her government to address the many pressing problems that still face the Philippines: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Filipino people on the ratification of a new constitution in a free and fair plebiscite, which demonstrates anew their commitment to democratic government; and

(2) reiterates the desire of the United States to help the Philippine Government and the Filipino people in their efforts to overcome the serious problems confronting them.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLARZ] is recognized for 1 hour.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to express my appreciation to my very good friend, the gentleman from Guam [Mr. BLAZ] for his support of this resolution. I think it illustrates the fact that if there is any one foreign policy issue confronting our country and the Congress on which there is, indeed, broad bipartisan support, it is on the necessity and the desirability of our providing the maximum support possible for the new democracy in the Philippines.

Just the other day, the Filipino people celebrated the first anniversary of their stunning triumph over tyranny. In one of the few and perhaps the only peaceful democratic revolutions in history, the Filipino people managed to overthrow a corrupt and discredited dictatorship, and to put in its place a new and vibrant and vital democracy.

On February 2 of this year, a landmark was passed by the Filipino people on their way toward the establishment of full democracy in their country in a plebescite in which 86 percent of the eligible voters turned out to vote, and 76.2 percent of them voted in favor of the new Constitution of the Philippines. The adoption of the Constitution in the referendum by such an overwhelming margin has not only laid a firm institutional foundation for democracy in the Philippines, but has also provided an overwhelming vote of confidence by the Filipino people in the leadership of one of the most extraordinary women and political figures of our time: Corazon Aquino, the President of the Republic of the Philippines.

It would be an exaggeration to say that all of the problems of the Philippines have now been solved. Obviously they have not. Seventy percent of the population still lives in poverty. They still confront a widespread Communist insurgency.

But the adoption of this Constitution and the implementation of democracy in the Philippines should go a long way toward enabling the Government to respond to the legitimate aspirations of the people and to contain the Communist challenge they confront.

I know of few countries around the world where Communist revolutions have triumphed, where the people had the opportunity to work for change through peaceful as opposed to violent methods, and now that democracy has been firmly reestablished in the Philippines. With the elections scheduled in May for the Parliament and for local officials in August, it should be possible for the people of that country, through their duly elected representatives, to enact the kinds of programs which will make it possible to satisfy the social and economic needs and aspirations of the Filipino people.

□ 1130

And so, on this occasion, we ask the House through the adoption of this resolution to pay tribute to the people of the Philippines for this significant step forward in their efforts to firmly reestablish democracy in their country and to simultaneously reiterate our desire to be as helpful as possible to the people of the Philippines and to their Government in their efforts to overcome the serious problems that continue to confront them.

Mr. BROOMFIELD. Mr. Speaker, I support the pending resolution which congratulates the Filipino people on the adoption of their new Constitution. Last year, we witnessed in that country a rare event, a truly peaceful democratic revolution by which President Aquino has restored democracy to the Philippines. She moved quickly to appoint a commission to draft a new Constitution. The Filipino voters have now overwhelmingly approved the new Constitution.

America has maintained a special relationship with the Philippines for decades. Both nations share common security and trade interests in that strategic part of the Pacific basin. The strengthening of democracy in that country brings our two nations even closer together and enhances our common bonds.

I praise the Filipino people for reaching for the torch of freedom and wish Mrs. Aquino well with the challenges she faces. I join my colleagues in supporting the resolution at this truly historic moment for democracy.

Mr. FASCELL. Mr. Speaker, I rise in support of House Resolution 90 which congratulates the people of the Philippines on the free and fair vote which has given the Philippines a new Constitution. Americans can appropriately share in this celebration, particularly since the new Constitution establishes—in our own congressional bicentennial year—institutions like our own; it provides for a House of Representatives of 250 members and a Senate of 24 members.

The new Constitution was approved earlier this month by an impressive national outpouring of support. About 87 percent of the population turned out and about 76 percent of these voted for the Constitution. This is substantially better than some of the most optimistic expectations before the referendum and indicates just how much the Filipino people yearn for the restoration of truly democratic institutions. The Filipino people now have a say in their affairs that they have been denied for more than a decade.

The new Constitution now paves the way for further democratic opportunities in the Philippines. Already preparations are underway for upcoming elections for members of the new Congress later this spring and local elections for governors and mayors later this summer.

The resolution before us today should clearly indicate the strong support of the United States Congress as the Philippines looks ahead to these important next steps. I strongly support this resolution and urge that we today suspend the rules and pass House Resolution 90.

Mr. BROOMFIELD. Mr. Speaker, I support the pending resolution which congratulates the Filipino people on the adoption of their new Constitution. Last year, we witnessed in that country a rare event, a truly peaceful democratic revolution by which President Aquino has restored democracy to the Philippines. She moved quickly to appoint a commission to draft a new Constitution. The Filipino voters have now overwhelmingly approved the new Constitution.

America has maintained a special relationship with the Philippines for decades. Both nations share common security and trade interests in that strategic part of the Pacific basin. The strengthening of democracy in that country brings our two nations even closer together and enhances our common bonds.

I praise the Filipino people for reaching for the torch of freedom and wish Mrs. Aquino well with the challenges she faces. I join my colleagues in supporting the resolution at this truly historic moment for democracy.

Mr. SOLARZ. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 90, the resolution just agreed to.

The SPEAKER pro tempore (Mr. ECKART). Is there objection to the request of the gentleman from New York?

There was no objection.

CALLING FOR A BALANCED VIEW OF THE TOWER COMMISSION REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, as I have said before, the Tower Commission report which is being rendered today gives the American people a choice, whether or not to consider it as a necessary molehill over which we must jump in order to get on with the business of the Nation, or whether to allow unnecessary media hype and political opposition to elevate that molehill into a mountain over which we as a people will not be able to climb, to preserve the Presidency as the leading institution of our Nation.

It is an absolute must that we regard the Tower Commission report as something which should be considered with respect to its recommendations; to strengthen the delegation of authority in the White House and all the administrative procedures that obtain therein; but not to allow it to strangle us as a nation and as a people and as a Congress and as an administration for the next 2 years for reasons best known to those who would make a mountain out of a molehill.

It is true that the Tower Commission report shows some flaws in the way that business is conducted in the White House, but we must recall with affirmation that it is Ronald Reagan who created the Tower Commission, who gave them the mandate to try to come up with recommendations as to how to strengthen the procedures in the White House and who himself was outward with the Tower Commission; reported to them all he knew about what went on during that period of our history.

It would be ironic, would it not, that the President of the United States, who attempted to open up new vistas of approach to the Middle East as a chief element of foreign policy, in which was thrown the question of the hostages which he also wanted to help, himself or his Presidency could be held hostage by the people, his political opposition, who would want it that way.

We, then, as an American people, have to decide through public opinion, through the elective process, through the speeches and debate on the floor of the House of Representatives and in the Senate of the United States, whether or not we will allow the Presidency to remain as hostage to the political opposition or to listen to the recommendations of the Tower Commission; do what is necessary; and free the Presidency for the remainder of the current incumbency and to free the future Presidencies from the untoward entanglements that such an issue can bring about.

We want to look very closely at the final conclusions of the Tower Commission report, and to see how the President implements those recommendations. We must look, as an American people, beyond all that; and know that we cannot allow anything—not anything to weaken the Presidency of the United States, because it is the leader of the free world, that Presidency is, and the security of our Nation and of the world depends on the strength of that office.

AVIATION TRUST FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, the administration is playing a numbers game again. There is a balance of almost $9 billion in the aviation trust fund. It should be put to work making much needed improvements in our aviation infrastructure, but it is going unused. Evidently, the administration prefers to use these funds to make the overall budget look better. That is a perversion of the trust fund and the taxes which are being collected to maintain it. It only artificially makes the deficit look less problematic since those funds are dedicated to one purpose. In effect, it amounts to collecting taxes under false pretenses.

Today I am introducing a bill identical to the one I introduced last Congress to suspend the collection of airport and airway excise taxes whenever the airport and airway trust fund balance exceeds $1 billion. The bill requires the Secretary of Transportation to make a determination by each December 15 of the projected balance in the trust fund on December 31. If the fund balance exceeds $1 billion, taxes will be suspended on aviation gasoline and fuel, tires, and tickets. The suspension would continue for the following calendar year when the next determination is made.

Those who use our airways have always been willing to cover the costs of the related infrastructure by having these taxes collected, but they are understandably frustrated when they continue to pay for improvements that are not being made. The administration has time and time again ignored the need to commit the funds that are available to make improvements in areas vital to air safety. Instead, they feel compelled to let a huge trust fund sit idle while taxes continue to be collected. We do need to balance the budget, but the aviation trust fund is not the way to do it. It was not intended to be a slush fund for covering shortfalls in the budget. Using it to pad their budget numbers is a misuse; it is also a slap at the flying public.

In a report released by the General Accounting Office it was projected that the trust fund would have some $12 billion on hand by 1991. This means that some $10 million is being collected every month from those who travel by air. But what can we say they are getting in return? Numerous airports are in need of improvement; there are not adequate means of disseminating hazardous weather information to pilots; and funds need to be expedited for modernizing our air traffic control system.

Especially when much of our domestic aviation industry is depressed, it does not make sense to keep collecting these taxes just to let the trust fund balance grow. I would rather see that $10 million a month go to buying new airplanes and stimulating this key American industry.

In sum, this bill says the time has come to shoot straight with our aviation community. Either use the revenues for their intended purpose or stop collecting them until we do.

I urge my colleagues to join me in this effort so we can get this concept incorporated into the rewrite of the Airport and Airways Development Program this year.

MODIFYING THE TAX REFORM ACT OF 1986 RELATING TO ESOP'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing with my colleague JOHN DUNCAN, a bill which amends one of the provisions in the Tax Reform Act of 1986 relating to employee stock ownership plans [ESOP's]. This provision, which provides an estate tax deduction in the case of certain sales of stock to an ESOP, is one of several provisions in the Internal Revenue Code designed to advance the idea of employee stock ownership by providing tax incentives with respect to transfers of stock to an ESOP.

The estate tax deduction (section 1172 of the act and section 2057 of the code) was enacted for a temporary period of time to encourage transfers of employer securities to ESOP's by providing partial relief from estate taxes for postdeath sales of employer securities to ESOP's. The provision permits a deduction from the gross estate of a decedent equal to 50 percent of the proceeds received from a qualified sale of employer securities. Under the provision, a qualified sale is any sale of employer securities by the executor of an estate to an ESOP or an eligible worker-owned cooperative.

In enacting this provision, Congress intended that it would be utilized in a limited number of transactions with a relatively modest revenue loss. The Joint Committee on Taxation originally estimated that the provision would reduce fiscal year budget receipts by less than $0.3 billion for fiscal years 1987-91.

Mr. Speaker, as drafted, this estate tax deduction is significantly broader than what was originally contemplated by Congress in enacting the provision. Although I remain firmly committed to the principle that we should not make substantive changes to the Tax Reform Act this year, I believe it is necessary to conform the statute to the original intent of Congress in order to prevent a significant revenue loss under the Tax Reform Act.

The joint committee now estimates that the revenue loss from the provision will be on the order of $7 billion over the fiscal year period 1987-91.

While Congress intended to encourage transfers of employer securities to ESOP's by providing for partial elimination of estate tax liability, it was not intended that estates be able to eliminate all estate tax liability through use of the deduction or that the securities acquired in a transaction for which the deduction was claimed would not reach plan participants. The provision would not have been adopted in its present form had the full extent of the revenue impact and effect of the provision been recognized.

It is now necessary to modify the provision to bring the revenue loss in line with the original estimate and congressional intent. The modifications contained in the bill are designed to achieve this result while maintaining to the fullest extent possible the incentive to transfer employer securities to ESOP's.

Mr. Speaker, I want to emphasize that the primary thrust of the bill I am introducing is to conform the provision to the original intent of Congress in enacting the deduction. In this respect, the bill has two elements.

First, the bill makes clear that the positions taken by the Internal Revenue Service in notice 87-13 with respect to the estate tax deduction are an accurate statement of congressional intent in enacting the provision. Because these positions explicitly state the original intent of Congress, they are effective as if enacted in the Tax Reform Act of 1986. If these clarifications are not made, taxpayers could qualify for the deduction by engaging in essentially sham transactions. Moreover, the revenue loss could be considerably larger than the $7 billion estimated by the Joint Committee on Taxation. Under a possible reading of the statute, the provision could be used by an executor to avoid all estate taxes otherwise owed without any corresponding significant increase in employer securities held by the ESOP or cooperative or allocations of securities to plan participants.

Second, the bill makes additional changes in the deduction which more fully effectuate the intent of Congress to provide limited relief from the estate tax. These changes will give taxpayers and the Internal Revenue Service more administrable guidance as to the requirements that must be satisfied by the decedent and by the ESOP and the consequences of failing to satisfy these requirements. Because these modifications could not have been anticipated by taxpayers, they are effective only for events occurring after the date of introduction of the bill.

Mr. Speaker, I want to emphasize that taxpayers should be aware that the effective dates contained in the bill will not be moved forward. The bill has been structured to limit the revenue loss from the revised provision to the amount originally estimated by the Joint Committee on Taxation. These effective dates cannot slip if any further revenue loss is to be prevented.

The following is a technical explanation of the provisions of the bill:

CONFIRMATION OF IRS NOTICE

The bill would confirm the positions taken in IRS Notice 87-13 that the estate tax deduction (section 2057) is not available unless (1) the decedent directly owned the employer securities immediately before death, and (2) after the sale, the employer securities are allocated to plan participants or are held for future allocation in connection with an exempt loan under section 4975 or in connection with a transfer of assets from a defined benefit plan under the rules of section 4980(c)(3). Except in the case of a bona fide business transaction, employer securities would not be treated as allocated or held for future allocation to the extent that such securities are allocated or held for future allocation in substitution of other employer securities that had been allocated or held for future allocation. Because these provisions accurately reflect Congressional intent in enacting the provision, this clarification would be effective as if included in the Tax Reform Act of 1986.

TAX-CREDIT EMPLOYEE STOCK OWNERSHIP PLANS

The bill would clarify that the estate tax deduction is available in the case of sales of employer securities to tax-credit ESOPs (section 409(a)). This provision would be effective as if included in the Tax Reform Act.

NONPUBLICLY TRADED STOCK

The bill would limit the deduction of sales of employer securities which are issued by a domestic corporation that has no stock outstanding that is readily tradable on an established securities market. This provision would be effective with respect to sales after the date of introduction.

ESTATE REQUIREMENTS

Sale by executor.—As enacted, section 2057 applies only with respect to sales by the executor of an estate. However, I am aware that there are significant issues and potential inconsistencies created by this language. For example, it is common for individuals to structure their estates so that not all the assets are included in the probate estate and subject to the control of the executor. Assets may be in a revocable trust or other similar arrangement which is excluded from the probate estate. In the case of assets held in trust, the statute could be interpreted to preclude the sale of such assets in a transaction qualifying for the estate tax deduction because the executor cannot sell the trust assets.

Congress, in enacting the estate tax deduction, did not intend to draw arbitrary distinctions among the types of assets includible in the gross estate of a decedent depending upon whether the assets are within the control of the executor. Accordingly, the bill would clarify that the provision applies to sales of employer securities to the extent the securities are includible in the gross estate. Thus, assets held in trust would be eligible for the estate tax deduction to the extent the employer securities held by the trust is are listed as securities on the estate tax return. On the other hand, if a decedent owned a partnership interest, the value of the partnership interest is reported on the estate tax return and not the value of the underlying assets of the partnership. Consequently, under the provision, the assets of a partnership could not be sold in a transaction qualifying for the estate tax deduction. This modification would be effective as if included in the Tax Reform Act.

Limitation on deduction.—In order to ensure that the provision results in only a partial elimination of estate tax liability, the amount of the deduction allowable under section 2057 would be limited to 50 percent of the taxable estate (determined without regard to section 2057). Also, the amount of estate taxes imposed by section 2001 (before credits) could not be reduced by more than $750,000 by reason of the deduction.

This limitation would be effective with respect to sales of employer securities to an ESOP after the date of introduction. Sales prior to the date of introduction of the bill would not be subject to this limitation but would be taken into account in determining whether the limitation is met with respect to post-effective date sales.

Holding period requirement.—In order to prevent transfers in contemplation of death, the bill would impose a holding period requirement for the decedent with respect to the employer securities to be sold to an ESOP. Thus, in order for the estate tax deduction to be available, the securities must be assets that would be assets of the estate reported on the estate tax return if the decedent died at any time during the shorter of (1) the five-year period ending on the date of death, or (2) the period beginning on October 22, 1986, and ending on the date of death. For purposes of determining whether the holding period has been satisfied, securities which would be includible in the gross estate of the spouse of the decedent shall be treated as securities includible in the gross estate of the decedent during such period.

The period for which the decedent is considered to have held the stock would be reduced for any period for which the holding period is reduced under section 246(c)(4) (relating to periods where the risk of loss is diminished).

This provision would be effective with respect to sales to an ESOP after the date of introduction.

Assets transferred from other plans.—The bill provides that the estate tax deduction would not apply to the extent that the employer securities are acquired with transferred assets. Transferred assets are assets of an ESOP which are attributable to assets held by another qualified plan maintained by the employer (other than another ESOP) or assets attributable to a period of time when the plan was not an ESOP. Assets held by the ESOP on the date of introduction of the bill are not transferred assets, regardless of their source. For example, the denial of the deduction would extend to assets which are transferred directly from one plan to another (for example, pursuant to section 4980(c)(3)), assets which are rolled over from another plan, assets which result from a conversion of another plan into an ESOP, and assets which are merged into an ESOP from another plan. The Secretary would have the authority to except assets from this provision under appropriate circumstances.

In order to prevent the employer from acquiring securities in a section 2057 transaction with the proceeds of a loan and then using transferred assets to make payments on the loan, the bill would impose an excise tax if a loan payment is made with transferred assets. The tax would be imposed on the employer maintaining the ESOP and is equal to 30 percent of the amount paid on the loan (including both principal and interest payments). This provision is not intended to expand the permissible sources from which exempt loans can be repaid pursuant to section 4975.

The provision would be effective with respect to sales to an ESOP after the date of introduction and, in the case of transfers used to make payments on a loan, transfers used after the date of introduction.

ESOP ALLOCATION REQUIREMENTS AND SUBSTITUTION PROHIBITION

In general.—With respect to events occurring after the date of introduction of the bill, the bill would modify the allocation requirement and nonsubstitution requirement in present law as reflected in the IRS Notice in several respects. The modifications provide objective rules for determining when a prohibited substitution of employer securities occurs and also change the sanctions for failing to allocate the securities acquired in the section 2057 transaction or acquiring securities in substitution for other employer securities. The new provisions are intended to ensure that plan participants receive the employer securities acquired in a section 2057 transaction (or the proceeds of a disposition thereof) and that the transaction results in an increase in employer securities in the plan.

Dispositions within one year preceding sale.—The bill would prohibit an ESOP from selling employer securities and using the proceeds to acquire substitute employer securities in a section 2057 transaction. Further, the bill would modify this nonsubstitution rule (contained in present law as reflected in the IRS Notice) to provide that the deduction would be available with respect to proceeds from a sale to an ESOP only to the extent the proceeds are greater than the excess (if any) of (1) the proceeds from the disposition of employer securities during the one-year period preceding the sale, over (2) the cost of employer securities purchased by the plan during such one-year period. In addition, for purposes of the rule, all ESOPs of the employer would be treated as a single plan.

In determining the proceeds of the plan from dispositions of employer securities, the following dispositions would not be taken into account: (1) distributions made on account of the death or disability of the employee, the retirement of the employee after the attainment of age 59½, or a separation from service of the employee which results in a one-year break in service; (2) certain exchanges of qualified employer securities for other employer securities in a corporate reorganization; and (3) dispositions required to meet diversification requirements (section 401(a)(28)).

This provision can be illustrated by the following example: On July 1, 1987, executor E sells employer securities to an ESOP. The proceeds of the sale are $150,000. During the one-year period July 2, 1986, through July 1, 1987, the cost of employer securities acquired by the plan and all other ESOPs maintained by the employer (excluding the purchase from executor E) is $350,000. The proceeds of the ESOP (and all other ESOPs maintained by the employer) from the disposition of employer securities during the same period (excluding any dispositions excepted from the provision) is $400,000. The estate tax deduction would not be available with respect to $50,000 of the proceeds received by executor E and is available with respect to $100,000.

This provision would be effective with respect to sales to an ESOP after the date of introduction.

Dispositions within three years following sale.—To preclude an ESOP from disposing of qualified securities within three years of the date of a sale qualifying for the estate tax deduction, an excise tax would be imposed on the employer maintaining the ESOP. The tax would be equal to 30 percent of the amount realized on the disposition.

No penalty tax would be imposed on dispositions which are excepted from the provision prohibiting dispositions within the one-year period preceding the sale. The bill contains ordering rules for determining which securities are considered disposed of in any disposition.

The provision would be effective with respect to dispositions by the ESOP after the date of introduction. The 30-percent excise tax would not apply to dispositions of securities with respect to which the estate tax deduction is denied due to a failure to meet the nonsubstitution requirement.

Failure to allocate.—The bill would impose an excise tax on the employer maintaining the ESOP in the event of a failure to allocate securities acquired in a section 2057 transaction. The tax would be equal to 30 percent of the amount realized on the disposition of qualified employer securities before the securities are allocated to the accounts of plan participants if the proceeds from such disposition are not so allocated. This excise tax would be coordinated with the tax on distributions within three years following the sale, so that this tax does not apply to dispositions to which the premature disposition tax applies.

This tax would apply in a number of situations to which the tax on premature dispositions would not apply. For example, the tax would apply if the shares were disposed of after expiration of the three-year period in order to repay an exempt loan.

Taken together with the three-year rule, this provision requires that, within the three-year holding period, employer securities must be allocated to plan participants or held for allocation. After expiration of the three-year holding period, the securities may be sold, but the entire proceeds of the sale (including any amounts owing on an exempt loan) must be allocated to plan participants.

This provision would be effective with respect to failures to allocate employer securities occurring after the date of introduction. The 30-percent excise tax would not apply to dispositions of securities with respect to which the estate tax deduction is denied due to a failure to meet the nonsubstitution requirement.

CONGRESS CAN END FINANCIAL RUIN FOR OLDER AMERICANS WHEN CATASTROPHIC ILLNESS STRIKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today I am proud to introduce with Representative GRADISON, Chairman ROSTENKOWSKI, ranking minority member Representative DUNCAN and other members of the Ways and Means Committee, two bills to protect older Americans from catastrophic medical costs.

As chairman of the Ways and Means Subcommittee on Health and the ranking minority member we believe the time is right for action on such legislation. The need for catastrophic coverage for the elderly is long overdue.

Today the thought of a catastrophic illness strikes fear in the hearts of millions of our Nation's elderly. Why? Because Medicare, the Federal program designed to meet the acute medical care needs of older Americans does not cover truly catastrophic hospital and physician expenses.

Even though Medicare in 1987 will spend close to $80 billion on medical care, the elderly will also have out-of-pocket medical expenses of over $30 billion, not including long term care. About 8 million senior citizens will spend some time in the hospital this year. For those with one inpatient stay the average out-of-pocket liability will run about $1,335 but for those with lengthy hospital stays the expenses can add up to thousands of dollars resulting in financial ruin.

For low- and moderate-income elderly the costs of a catastrophic illness can quickly gobble up lifetime savings, leaving huge debts to boot. In 1986, over 20 percent of senior citizens had to spend at least 15 percent of their income on their medical care, while 7 percent were forced to spend a whopping 25 percent or more of their income paying medical bills.

Even though Social Security payments have lifted many of the elderly out of poverty, 19 percent or about 6 million, have incomes below the poverty threshold of $5,000, and 49 percent of older Americans still have incomes under $10,000. Needless to say, paying 25 percent of a $10,000 income on medical care is truly catastrophic.

Some will argue that MediGap or private supplemental insurance policies are already meeting the catastrophic medical needs of the elderly. While it is true that the fear of bankruptcy from a catastrophic illness has driven 70 percent of seniors to buy MediGap insurance, these policies are too often of questionable value. According to a recent General Accounting Office [GAO] study many MediGap policies are very inefficient supplements returning on average only 60 cents on the dollar in benefits. In other words, seniors paid more than a billion dollars more in premiums than the policies paid out in benefits. Worse yet, most policies have preexisting conditions clauses which prevent seniors from filing claims for needed medical care. And some policies age and location relate their premiums.

Medicare can do much better. With only 2 percent administrative costs it can pay out 98 percent in benefits without denying benefits for those with preexisting conditions or charging higher premiums to our oldest of senior citizens. In fact, Medicare can provide the same or better catastrophic benefits than MediGap policies with very little added administrative costs to the program, thus costing our Nation's elderly far less.

Worse off are the 5 million elderly who can not afford to buy MediGap policies but are not poor enough to qualify for Medicaid. For these older Americans, who statistically are the oldest, and who are the poorest in income and health, Medicare can prove a cruel empty promise.

Knowing these facts, Health and Human Service Secretary Bowen proposed, and President Reagan endorsed, a Medicare catastrophic benefit package designed to cap annual out-of-pocket costs at $2,000 for Medicare parts A and B covered services and indexed to health care inflation. It is to be financed through a 100-percent actuarially sound premium projected by the Congressional Budget Office [CBO] to be $6.40 in 1988 and up to $12.20 in 1992.

We believe Secretary Bowen's proposal is a very good first step. But it can be made better. For example, level premium financing is regressive and could prove too costly to low income elderly who would have to pay a higher share of their income. In fact, under the Bowen proposal 40 percent of the costs would be paid by the elderly with incomes below $10,000.

Equally important, the 49 percent of the elderly with incomes below $10,000 cannot afford to incur the $10,000 in medical bills required to reach the $2,000 cap. Research has shown that low-income individuals simply do not seek medical care when they believe they cannot afford it. Also, requiring a second hospital deductible, as the Bowen proposal does, for the 2 million elderly who are hospitalized a second time in a year, could prove a barrier to needed medical care.

Chairman ROSTENKOWSKI, Representative GRADISON and I and other members of the Ways and Means Committee are introducing a Medicare part A catastrophic and part B catastrophic bills that we think will go further in bringing peace of mind to our Nation's elderly.

Mr. Speaker, I would like to say here that the bills we are introducing are a major step forward toward providing better health and financial security to America's seniors and disabled. But I would also be the first to say that once we enact these bills we must move on in other areas—that this is a major battle in a longer campaign for health protection for all Americans. We still need to do more to help seniors in meeting the problems of prescription drug costs, long-term care costs, and mental and addictive problems. For the under 65-year-old population, millions are without insurance and others are covered only by totally inadequate policies. In all these areas, legislation and reforms will be needed. But let us take the first step of passing this legislation. Let us not permit the "perfect" and completely comprehensive "ideal bill" from becoming the enemy of today's very good bills by holding up their enactment and delaying their benefits for the millions of seniors in need.

Under our Medicare part A proposal, hospital costs will be limited to a single hospital deductible of $520 indexed each year with no further costs for up to 365 days of necessary hospital care. Currently, Medicare requires costly coinsurance for hospital stays of 61 to 150 days and pays nothing for hospital care beyond 150 days. Under our proposal, beneficiaries will pay only one hospital deductible per year, which means some 2 million seniors will be spared having to pay a second or third deductible in any year. Given that out-of-pocket spending by low- and moderate-income beneficiaries with a hospital stay can cost over 20 percent of income, our proposal will provide dramatically improved security for lower income elderly.

We also propose indexing the hospital deductible to the Social Security cost-of-living adjustment [COLA]. In the past, the deductible has gone up faster than seniors' incomes. Under the Bowen proposal and current law the deductible will rise from $400 in 1985 to a projected $716 in 1992. Under our proposal, however, the deductible will rise with the ability to pay and be a projected $641 in 1992.

The part A bill will contain a proposal to reduce the coinsurance for skilled nursing care to an amount equal to 20 percent of a national average for a Medicare day's stay in a skilled nursing facility. This is projected to be $24 a day in 1988. This coinsurance amount will be required on the first 7 days of care rather than days 21 through 100 under current law. Because the skilled nursing facility coinsurance amount by current law is one-eighth of the hospital deductible, the daily coinsurance of $65 (in 1987) can now actually exceed the cost of a day's stay in some skilled nursing facilities! By limiting the daily coinsurance to 20 percent of a national average, the coinsurance will never exceed a minor portion of care. Our legislation also adds 50 more days that Medicare will cover in a skilled nursing facility so that 150 days of care will be covered instead of 100 days.

The hospice benefit will also be extended so that anyone who is still considered terminally ill could continue to receive the hospice benefit and the hospice will continue to be reimbursed beyond the current limit of 210 days. This will insure that all terminally ill older Americans will have access to the hospice benefit.

The part A bill contains an important simplification of the Medicare Program as it eliminates the "spell of illness" rule. Under current law a spell of illness begins when a beneficiary enters a hospital and ends 60 days after the beneficiary has been out of a hospital or skilled nursing facility for 60 days. This complex rule affects not only the coinsurance amounts required for hospital and skilled nursing facility stays but also affects the inpatient mental health benefit and the blood deductible. By eliminating this confusing rule our legislation will simplify the inpatient mental health benefit and reduce the blood deductible.

In short, under our part A bill a senior citizen's out-of-pocket liability for Medicare covered services will be limited to one hospital deductible and 7 days of skilled nursing facility coinsurance.

Our part B bill will limit beneficiary out-of-pocket spending for Medicare part B physician and other outpatient covered services to $1,000 a year indexed to the Social Security cost-of-living adjustment. The $1,000 limit applies only to covered services and does not include unassigned claims amounts.

The benefits contained in these two bills are projected to cost approximately $2.18 billion in 1988, $3.71 billion in 1989 and $4.52 billion in 1990.

We plan on financing our legislation in a budget neutral fashion. In determining the financing for this benefit expansion we have been guided by one basic principle. We believe the financing to cover the entire cost must be more progressive than the regressive level premium increase proposed by Secretary Bowen.

We propose to finance this legislation by taxing the subsidized portion of the actuarial value of Medicare parts A and B and requiring Medicare beneficiaries to add this amount to their adjusted gross income in determining their total tax liability. Under current law part A of Medicare is financed through Social Security payroll tax contributions paid by employees and employers. Put another way, half of the part A benefit is subsidized by employer payroll tax contributions. Part B of Medicare is financed by beneficiary premiums equal to 25 percent of the program's costs and 75 percent by general revenues. We believe that the 50 percent of part A and the 75 percent of part B, on which beneficiaries have not paid taxes or previously included in their income, should be taxed to pay for our catastrophic benefit expansion.

In 1988 the subsidized actuarial value of part A is projected to be $912 and the subsidized actuarial value of part B is projected to be $858. In other words, a Medicare beneficiary who files an income tax return in 1988 would add $1,770 ($912 plus $858) to that individual's adjusted gross income to determine their tax liability. For those in the 15 percent tax bracket it will mean about an additional $265 in taxes and for those in the 28 percent bracket about an additional $495.

Under this financing proposal 65 percent of Medicare beneficiaries will have no additional liability as they file no tax return, while 7.4 million or 26 percent of beneficiaries will be in the 15 percent marginal rate bracket and 2.4 million or 8 percent will be in the 28 percent marginal rate bracket.

This financing option, according to an estimate prepared by the Joint Committee on Taxation will raise $1.4 billion in 1988, $4.7 billion in 1989 and $5.2 billion in 1990. As a result, we can finance our catastrophic legislation through this revenue proposal alone. However, while this is our preferred method of financing we are willing to consider other options.

A section-by-section analysis of these bills has been included at the end of this statement.

Mr. Speaker, we can afford to end the grim spectacle of older Americans being financially devastated by catastrophic acute illness. Filling the gaps in Medicare coverage is the most efficient way to achieve this goal. In a budget neutral manner our legislation will bring some peace of mind to millions of elderly Americans who experience acute care medical problems each year. Under our proposal senior citizens will be able to predict and budget for their known out-of-pocket potential liability each year. Last, our proposal will make the Medicare Program simpler and easier to understand.

We hope our colleagues will see the merits of this legislation and join us in helping to end the fear of bankruptcy older Americans face from acute care catastrophic illness.

SECTION-BY-SECTION ANALYSIS—MEDICARE PART A CATASTROPHIC PROTECTION ACT OF 1987

SECTION 1

The bill provides that the Act may be cited as the "Medicare Part A Catastrophic Protection Act of 1987."

SECTION 2. INPATIENT HOSPITAL SERVICES

a. *Inpatient Hospital Deductible.* The bill provides that, effective for 1988 and beyond, the inpatient hospital deductible would apply only to a beneficiary's first period of continuous hospitalization beginning in a calendar year.

The inpatient hospital deductible for 1987 would be $520 (the same as current law). The calculation of the deductible in future years would be changed to equal the preceding year's deductible, increased by the cost-of-living adjustment to Social Security benefits rather than the current calculation which uses the annual percentage increase applied to the Medicare hospital prospective payment system rates. The bill requires the Secretary of Health and Human Services to promulgate the inpatient hospital deductible not later than November 15 of each year, beginning with 1987.

b. *Elimination of Day Limitation on Inpatient Hospital Services.* The Medicare limits on payment for days of inpatient hospital care (90 days during each spell of illness, plus a lifetime reserve of 60 days) would be eliminated so that Medicare would pay for an unlimited number of hospital days for covered services. This change would be effective for inpatient hospital services furnished on or after January 1, 1988. The bill retains the current 190-day lifetime limit on inpatient psychiatric hospital services.

c. *Elimination of Coinsurance Amounts for Inpatient Hospital Services.* The current hospital inpatient coinsurance amounts would be eliminated (currently beneficiaries pay coinsurance equal to one-fourth of the inpatient hospital deductible for the 61st through the 90th day and coinsurance equal to one-half of the inpatient hospital deductible for the 60 life-time reserve days). This provision would be effective for inpatient hospital services furnished after January 1, 1988.

d. *Determination of the Part A Premium.* Effective for January 1988, the bill changes the current calculation of the premium for individuals not automatically entitled to Medicare Hospital Insurance benefits who voluntarily wish to be covered under the Hospital Insurance program. The bill requires the Secretary, during September of each year beginning with 1987, to estimate the monthly actuarial rate for the succeeding year. The actuarial rate would equal one-twelfth of the estimated average per capita amount payable from the Hospital Insurance Trust Fund for services and related administrative costs incurred in the succeeding year for individuals age 65 and over entitled to Hospital Insurance benefits during that entire year. The Secretary would be required to promulgate the monthly premium amount equal to the monthly actuarial rate during September of each year and to issue a public statement setting forth the actuarial assumptions and bases used in the calculation.

e. *Elimination of Spell of Illness.* The "spell of illness" methodology is eliminated for determining: the number of hospital days Medicare will cover, the skilled nursing facility coinsurance amounts, and the Part A blood deductible.

f. *Adjusting Payments for Inpatient Hospital Services.* When adjusting the Medicare hospital payment system, the bill requires the Secretary to take into account the reductions in beneficiary payments to hospitals because of the elimination of the day limitation. The Secretary, when appropriate, is to adjust the payment rates under the prospective payment system (PPS), the outlier cutoff points, the weighing factors, and the target amounts for paying non-PPS hospitals.

SECTION 3. POST-HOSPITAL EXTENDED CARE (SKILLED NURSING FACILITY) SERVICES

The bill provides that, effective for post-hospital extended care (skilled nursing facility, or SNF) services furnished on or after January 1, 1988, beneficiaries would be required to pay coinsurance amounts for the first 7 days of such services (rather than coinsurance for days 21-100 as under current law). The coinsurance amount would be calculated using the national average per diem Medicare reasonable cost for SNF services in the succeeding calendar year, as estimated by the Secretary before September 1 of each year, beginning with 1987. Each September, beginning with 1987, the Secretary would be required to promulgate a coinsurance amount applicable to services in the succeeding year equal to 20 percent of the estimated national average per diem Medicare reasonable cost for the succeeding year.

Effective for services furnished on or after January 1, 1988, the bill provides that the Medicare program would cover 150 days of SNF services during a calendar year (rather than the current 100 days per spell of illness).

SECTION 4. HOSPICE CARE

For hospice care furnished on or after January 1, 1988, the bill would extend the hospice benefit beyond the current 20-day benefit period. The bill provides for a subsequent extension period if the medical director of the hospice or the beneficiary's attending physician recertifies that the individual is terminally ill.

SECTION 5. BLOOD DEDUCTIBLE

The bill provides that the beneficiary would be responsible for payment of a deductible equal to the expenses incurred for the first 3 pints of whole blood (or equivalent quantities of packed red blood cells) furnished each calendar year (rather than the current requirements during each spell of illness.) The blood deductible could be reduced by replacing the blood, in accordance with regulations. The change in the blood deductible would be effective for blood or blood cells furnished on or after January 1, 1988.

SECTION 6. VALUE OF MEDICARE COVERAGE INCLUDED IN GROSS INCOME

a. *Value of Medicare Coverage Included in Gross Income.* The bill adds a new provision to the Internal Revenue Code of 1986 to provide that an individual's gross income subject to taxation would include: (1) the imputed Medicare Part A actuarial values for each month that the individual was entitled to Medicare Part A benefits in the calendar year, and (2) the imputed Medicare Part B actuarial values for each month the individual was voluntarily enrolled for Medicare Part B benefits in the calendar year.

The imputed Medicare Part A actuarial values would be 50 percent of the monthly actuarial rate calculated for purposes of promulgating the Part A premium for individuals not automatically entitled to Part A benefits. The imputed Medicare Part B actuarial values would use the current calculation of twice the monthly actuarial rate used to determine the Medicare Part B premium (i.e., one-half of the total benefits and administrative costs estimated to be paid from the Part B Trust Fund for services and related administrative costs), minus the monthly Part B premium amount (which is currently one-half of the monthly actuarial rate).

Aliens entitled to Part A or voluntarily enrolled for Part B of Medicare would be subject to the same new taxation provisions. Individuals eligible for Medicare Part A by reason of their payment of a Part A premium would not be subject to these taxation provisions as they are paying the actuarial value of the benefit in premium payments. Individuals (both citizens and nonresident aliens) who have been continuously outside the United States for 2 years would not be taxed, unless they received payment from Medicare Part A or Part B for health care services furnished at any time during the year.

b. *Transfer of Revenues to the Federal Hospital Insurance Trust Fund.* The bill provides that amounts equal to the total tax liabilities attributable to the imputed Medicare Part A actuarial values for individuals eligible for Part A of Medicare would be appropriated for, and transferred at least quarterly from the general fund of the Treasury to, the Federal Hospital Insurance Trust Fund.

c. *Information Reporting.* The bill requires that information concerning the aggregate amounts of the imputed Medicare Part A and Part B actuarial values provided with respect to any individual during that calendar year be included in the 1095 Form (relating to information on Social Security benefits) for each Medicare beneficiary.

d. *Effective Date.* The bill provides that the tax changes would apply to taxable years ending after December 31, 1987. With respect to the imputed Medicare Part A and Part B actuarial values, the changes would apply for months after December 1987.

SECTION-BY-SECTION ANALYSIS—MEDICARE PART B CATASTROPHIC PROTECTION ACT OF 1987

SECTION 1

The bill provides that the Act may be cited as the "Medicare Part B Catastrophic Protection Act of 1987."

SECTION 2. LIMITATION ON MEDICARE OUT-OF-POCKET EXPENSES UNDER PART B

The bill provides that if an individual has incurred out-of-pocket Part B expenses in a calendar year (beginning with 1988) which exceed the Part B catastrophic limit, then (a) Medicare payment for any additional Part B expenses incurred in the year would be made at 100 percent of the reasonable charges (or, in some cases, the reasonable costs) for such services, and (b) no further deductibles would be required. Amounts above the full Medicare level paid to physicians who did not accept assignment would not be included in the catastrophic limit.

The bill defines out-of-pocket Part B expenses as the $75 per year Part B deductible, the Part B blood deductible, and the 20 percent coinsurance required to be paid by beneficiaries for Part B benefits.

The Part B catastrophic limit would be $1,000 for 1988. For succeeding years, the bill provides that the limit would equal the limit for the preceding year, increased by the cost-of-living adjustment to Social Security benefits. The bill requires the Secretary of Health and Human Services to promulgate the Part B catastrophic limit for the succeeding year by November 15 of each year (beginning with 1987).

For prepaid health care organizations paid on the basis of aggregate reasonable cost, the bill requires the Secretary to provide for an appropriate adjustment to their payment amounts to reflect the increase in Medicare Part B payments for catastrophic protection as if payments were made on an individual-by-individual basis. The prepaid organization would be required to provide satisfactory assurances to the Secretary that the beneficiary would not be charged for Part B services after the Part B catastrophic limit had been reached.

SECTION 3. LIMITATION ON CHARGES WHERE CATASTROPHIC LIMIT IS REACHED

The bill prohibits institutional providers of services with agreements with the Medicare program from charging Medicare beneficiaries for services for which catastrophic benefit payments are made to the provider.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

OUTER SPACE: FRONTIER FOR EXPLORATION OR BATTLEGROUND FOR CONFLICT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 60 minutes.

Mr. BROWN of California. Mr. Speaker, in 1960, President Eisenhower directed a ponderous question to the General Assembly of the United Nations. In listing problems confronting society at the time, Eisenhower said:

> Another problem confronting us involves outer space. The emergence of this new world poses a vital issue: Will outer space be preserved for peaceful use and developed for the benefit of all mankind? Or will it become another focus for the arms race—and thus an area of dangerous and sterile competition?

Today, 27 years later, this same question is of no less importance. Although activities in outer space have provided clear benefits for all mankind since Eisenhower's days, space may soon become a hostile new arena for the United States-Soviet arms race. The military space programs of both superpowers are moving into a new phase. Within a decade, both nations may deploy an array of ultra-sophisticated high-technology weapons in space. Such deployments would have severe implications on our civilian space program, and on the entire future of man's exploration and use of outer space.

In this special order, the third in a series I am conducting on the Nation's space program, I will explore the emerging space arms race between the superpowers. I will provide a survey of current military space activities. I will look ahead to make predictions about how our space program will be transformed if current trends continue. I will also provide some recommendations aimed at maintaining space as a frontier for exploration and for science, and at preventing it from becoming a battleground for superpower conflict.

Mr. Speaker, although people generally think in terms of NASA when they think of the U.S. space program, these days they should really think in terms of the Pentagon. For, although NASA has brought us the most spectacular accomplishments when it comes to outer space, NASA's efforts are now dwarfed by what the Pentagon is doing—and wants to do—in space.

Few people realize it, but nearly 70 percent of the Nation's overall space budget in recent years has been controlled by the Pentagon. This was not the case a decade ago. During the 1970's, the mix between NASA and the Pentagon was far more balanced—with NASA commanding a modest edge in funding. During the past 6 years, however, funding for the military space program has skyrocketed. Nearly $80 billion has been spent on military space activities during the Reagan years. The rate of growth in these programs has been substantially greater than experienced by the rest of the administration's defense buildup.

The Pentagon's space budget surpassed NASA's for the first time in 1982. At that point, both programs had spending authority of roughly $6 billion. Since 1982, NASA's budget has barely kept up with inflation, while the Pentagon's space budget has more than tripled.

The Pentagon will spend on the order of $20 billion this year on space-related activities. For the interest of my colleagues, I would like to provide a quick review of our military space program. What becomes apparent from such a survey is that the Nation's military space effort is incredibly expansive, involving dozens of satellites conducting a multitude of missions.

Many of these missions, such as the verification of arms control agreements and the maintenance of our deterrent capabilities, are enormously valuable to the security of our society. A few of the missions assigned to our military spacecraft, however, are of a disturbing nature, relating to the misguided objective of developing a nuclear warfighting capability. What becomes most apparent from surveying our military space program, though, is the manner in which the current administration—in sharp contrast to its predecessors—is developing the means for engaging in space warfare.

One of the most important, yet most highly classified, portions of the military space program involves intelligence gathering activities. From their unique vantage in space, satellites can take photographic images of inaccessible regions of the Soviet Union; they can eavesdrop on telephone calls, radio transmissions, and telemetry emitted during Soviet missile launches; they can also monitor troop movements and military conflicts anywhere in the world.

For collecting photographic images, the Pentagon, since the early 1960's, has operated a series of satellites designated by the letters KH, standing for Key Hole. Starting with the KH-1 in 1960, these satellites have provided increasingly good keyhole views through the doors that separate the Eastern and Western political blocs. The United States currently is operating only a single KH-11 satellite, since a companion KH-11 was destroyed in the Titan launch failure last spring. The newest U.S. photographic intelligence satellite, the $2 billion KH-12, will be launched on the second space shuttle mission scheduled for early 1988.

Satellites such as the KH-11 have played a vital role in creating a verification regime for arms control agreements. They have revolutionized our ability to monitor military activities within the Soviet Union, and around the world. The capabilities and importance of these satellites is something all Members of Congress should be keenly aware of. With this in mind, I intend to address this subject at greater length during the next in this series of special orders on space policy.

In addition to gathering images, intelligence gathering from space also involves the collection of electronic signals. The United States generally operates three so-called Elint—for electronic intelligence—satellites for eavesdropping on all forms of electronic transmission. These satellites are run by the supersecret National Security Agency [NSA]. Elint satellites intercept everything from diplomatic communications, to conversations between military officials, to discussions among political leaders. A specialized set of Elint satellites are deployed for ocean reconnaissance purposes, monitoring the electronic transmissions of Soviet ships at sea. The NSA, using its Elint satellites, has uncovered terrorist plots, monitored Soviet military exercises, and listened to conversations between Oliver North and arms brokers in the Middle East. The value of such satellites—and the extensive collection and analysis systems which back them up—is obvious.

Of equally compelling value are our military satellites designed to provide warning of a missile attack. The Nation's three early warning satellites can detect a Soviet missile launch within 30 seconds after lift-off. If the Soviet Union ever launched a nuclear attack, these satellites would provide instant information on the speed and course of the approaching missiles. In this way, these satellites comprise a fundamental component of our nuclear deterrent. They serve as watchdogs helping to guard against a surprise nuclear attack.

Also vital to our nuclear deterrent are military communications satellites—the most numerous of the satellites run by the Department of Defense. Of the approximately 75 U.S. military satellites currently operational, more than 20 are used for military communications. These satellites serve as extremely tall relay towers between locations around the world. Because the U.S. projects its military forces so widely, we have become enormously dependent on communications satellites. Nearly 80 percent of the Nation's long-haul military communications presently travel via satellite links.

The Defense Satellite Communications System [DSCS, pronounced "discus"] is the military's principal communications system. Since 1967, the Pentagon has developed and deployed three generations of DSCS satellites. This year's budget calls for the development of a fourth generation DSCS satellites, to be deployed in the 1990's.

Also to be deployed in the 1990's, although being paid for today, would be a military communications network called MILSTAR. The MILSTAR system, involving seven operational spacecraft, would incorporate a number of advances over current-generation communications satellites. MILSTAR spacecraft will use jam-resistant frequencies and are being designed to be highly survivable against potential attack. MILSTAR is the most expensive satellite communications system ever conceived, with total program costs expected to exceed $10 billion.

Military satellites have also provided major advances in navigation. The U.S. Navy has been launching navigation satellites called Transit since 1959. These satellites have been invaluable for both military and civilian users. More than 35,000 receivers are deployed on ships of all kinds for assisting with navigation. The Transit system will soon be replaced by what will be the most sophisticated military satellite system ever, called the Navstar Global Positioning System [GPS].

GPS will consist of 18 operational satellites deployed in 3 planes. Using GPS, military personnel at all levels will be able to determine—to an unprecedented degree—their exact longitudes, latitudes, altitudes and velocities. When the system is fully operational in the early 1990's, ship captains, airplane pilots, tank commanders and foot soldiers will be equipped with compact receivers providing access to GPS spacecraft. Civilian users will also have access to GPS, although only at a substantially degraded level. The cost of the system through 1992 may exceed $6 billion.

While GPS will provide valuable navigation information, the extent of its precision raises serious concerns. With such precise data, the military could—and, indeed seems inclined to—greatly increase the targeting accuracy of nuclear weapons. The Navy has already indicated its interest in equipping Trident II missiles with in-flight course correction abilities afforded by GPS. This raises serious concerns, since surgical strike capabilities are only necessary if one is intending to wage a first-strike nuclear attack; they are not required for the maintenance of a retaliatory capability, which is our Nation's unofficial nuclear posture.

Of additional concern regarding GPS is the role to be provided by nuclear detection sensors housed on the spacecraft. Called the Integrated Operational Nuclear Detections System, or IONDS, these sensors are designed to provide military planners with instantaneous information about nuclear explosions occurring during a nuclear war. These sensors are designed for use during what the Reagan administration refers to as a "protracted nuclear war." IONDS would be capable of detecting the precise locations and damage effects of hundreds of simultaneous nuclear explosions on the face of the Earth. With this data, Pentagon planners expect to be able to assess which targets have been successfully destroyed during an ongoing nuclear war, and which need to be hit again.

That the Pentagon will spend $700 million on this system designed to help wage a "protracted nuclear war" is alarming. There is simply no rational description of what a protracted nuclear war is. Moreover, there is no reasonable basis for preparing for such occurrence. Unfortunately, the IONDS system is simply one of the many pieces of hardware the Reagan administration is accumulating in its drive for a nuclear warfighting capability.

Land- and sea-based nuclear missiles with the precision to destroy Soviet missiles in their silos, or military officials in their command posts, have been major elements of the administration's nuclear warfighting posture. So too has been the overall surge in the military space budget. Many of the most expensive space systems now under development are being designed to participate in space warfare. This reflects the "vision" of space now governing Pentagon thinking. No longer is outer space seen as simply a medium to support satellites for passive communications and intelligence gathering purposes. To this administration and its military leaders, space is viewed as an emerging theater for combat operations and as a new "high ground" awaiting domination and control.

The Reagan administration's posture toward space has been spelled out by Pentagon officials and documents throughout the past 6 years. For example:

Gen. Bernard Randolph, then director of space systems for the Pentagon, said in 1982: "We are working toward making sure that we have a fighting capability, a warfighting capability, with the space systems."

The Air Force's Space Doctrine manual of October 1982, claims, "The Air Force will maintain U.S. technological superiority in the aerospace, and ensure a prolonged warfighting capability by developing the potential for combat operations in the space medium."

"Space is the new high ground of battle," according to Gen. Richard Henry, former Deputy Commander of the Air Force Space Command.

And in the view of Dr. Robert Cooper, former director of Pentagon research, the administration's space policy "for the first time really recognize[s] the need to be able to control space as a military environment. It directs the kinds of activities * * * that may be necessary to mount space weapons in the future if that appears in the national interest."

These statements, and the policies they amplify, represent a drastic departure from the views held by past U.S. Presidents. Dwight D. Eisenhower, as I mentioned earlier, was deeply concerned about keeping outer space from turning into an armed camp. President Kennedy felt much the same way, expressing keen interest in preventing space from becoming simply another theater for the United States-Soviet arms race. In 1961, President Kennedy told the United Nations, "The cold reaches of the universe must not become the new arena of an even colder war."

Building on these sentiments, President Johnson signed with the Soviet Union the Outer Space Treaty of 1967, which bans the deployment of nuclear weapons in space and asserts that space shall be preserved for the peaceful exploration and use by all mankind. President Nixon added to the space arms control regime with the Anti-Ballistic Missile [ABM] Treaty of 1972, which prohibits the development and deployment of space-based ABM's or their components. President Carter sought to expand arms control in space one step further by initiating United States-Soviet negotiations aimed at limiting antisatellite [Asat] weapons. Carter's goal for these talks was to "prevent an arms competition in space and to reduce the threat to U.S. satellites." His objective was a verifiable Asat agreement with the Soviet Union.

Following these clear examples of Presidential concern about keeping the arms race from expanding into the heavens, President Reagan's treatment of space has amounted to a complete policy reversal. Far from wanting to contribute to the space arms control regime, the administration has renounced the few space arms control initiatives pursued by President Reagan's predecessors. The administration's attempt to redefine the ABM Treaty, so as to allow the testing of exotic weapons in space, is simply one example of the administration's disdain for arms control measures governing space weapons.

Another example is its treatment of Asat arms control. Over the past 6 years, despite repeated urgings from Congress and from arms control experts around the Nation, the administration has refused to resume the Asat negotiations that were broken off in 1980. Moreover, the administration has completely ignored draft Asat agreements submitted by the Soviets to the United Nations in 1981, and again in 1983. Indeed, rather than seeking an Asat accord to help preclude a United States-Soviet competition in these weapons, the Reagan administration's principal objective in this field has been the deployment of a $4 billion Asat force as rapidly as possible.

Not only has Asat arms control been repudiated by this administration, arms control of any kind in space has been effectively rejected. In March 1984, in a report to Congress on Asat arms control, the administration made its position perfectly clear, stating: "* * * no arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interest of the United States and its Allies." Put simply, this administration has shown no interest whatsoever in preventing the deployment of weapons in space. On the contrary, since the time of President Reagan's so-called star wars speech of March 1983, it has been abundantly clear that the principal future this administration sees in space is one in which exotic weapons are deployed in massive numbers. The path to that future is being forged by the strategic defense initiative [SDI].

There is much to say about the SDI, about the deceptive and disingenuous garb that has been draped over the program since its inception. The claims about SDI leading to a protective shield over the Nation, about it encouraging the Soviets to dismantle their offensive missile forces, about it leading to a nuclear-free world—all of these bogus claims warrant extensive scrutiny. I will not, however, take this opportunity to provide such an analysis. Instead, I wish to focus on simply two aspects of the SDI. First, what sort of unfolding situation we could expect in space if a decision were made to deploy a space-based defense; and second, the impact of such a future on NASA, and on the peaceful uses of space in general.

Mr. Speaker, over the past month we have heard a great deal from the administration about proceeding with the first phase of an SDI deployment. Although the precise composition of such a system is not clear, the general outlines of what the Secretary of Defense and Director of the SDI have in mind are known.

An initial phase SDI system apparently would consist of three layers of weapons: two layers of ground-launched missiles and a third layer of space-based battle stations. Of the ground-launched missiles, as many as 10,000 interceptors of one kind are envisioned, these being missiles designed to intercept targets as they travel through space. A second layer of smaller ground-launched missiles, consisting of some 3,000 interceptors, would attempt to intercept nuclear warheads during their last few minutes of flight. The space-based layer would involve at least 2,000 battle stations, each equipped with 5 or more kill vehicles for attacking Soviet missiles and warheads in space. An array of sensor satellites would also be required. The entire system is projected to cost between $100 and $200 billion.

What such a system would accomplish in terms of defensive capability is unclear, and would depend on two related factors: The effectiveness of the technologies, and nature of the Soviet response. As to the technical merits of a phase 1 SDI deployment, there are serious questions as to whether the weapons proposed could meet the incredible demands of their mission.

Indeed, there are strong indications that the weapons outlined could be quickly outdated by a Soviet response. And such a response is certain.

The range of countermeasures available to the Soviets is large. If the United States began deploying a defense, the Soviets could seek to nullify the system by accelerating their offensive buildup, by deploying large numbers of cheap decoys, by developing fast-burn boosters to reduce the time available for interception by a space-based defense, and by shifting greater reliance to weapons such as cruise missiles and low-flying, submarine-launched missiles that could underfly a space-based and space-directed missile defense. In addition, if the United States deployed weapons in space, the Soviet Union would deploy weapons in space. Some of these weapons—such as space mines—would be designed to threaten the U.S. defense; others would be aimed at replicating it.

According to the Pentagon's annual report on Soviet military forces, the Soviet Union has an aggressive program underway aimed at developing the same sort of space weapons now suggested by the administration. Space-based laser systems, orbiting kinetic-kill battle stations, space-directed interceptor missiles—all of these reportedly are being developed by Soviet military researchers. Phase 1 of an American SDI is said to be deployable by the mid-1990's. Phase 1 of a Soviet SDI, according to Pentagon reports, could be deployed by the late 1990's or early 21st century.

Then could come phase 2 for both nations. And then would come phase 3, phase 4, and who knows how many more phases in this new competition. Secretary of Defense Weinberger, in his recent endorsement of early SDI deployments, confirmed that a lengthy series of such deployments is envisioned by the Pentagon. "Phase 1 must look forward to phase 2, 3, and beyond," Weinberger declared at a Colorado convention in January. According to General Abrahamson, Director of the SDI organization, the second and third phases would introduce exotic systems involving lasers and particle beam devices. The scenario that emerges is one in which both nations deploy successive layers of weapons in space and on the Earth, with each layer trying to outdo and outwit the last one deployed by the other nation.

This measure-for-measure competition would bring a host of risks. Space would become a hostile arena. The weapons would be targeted against each other; they would also be targeted against military satellites of all kinds. The command, control, intelligence, and early warning satellites which I reviewed earlier—in which the United States has invested tens of billions of dollars, and which have become so central to our Nation's nuclear deterrent—would become vulnerable to attack as never before. For this reason, both superpowers would seek to equip their satellites with shoot-back capability. Indeed, the Pentagon is already well along in developing satellites that could engage in orbital dogfights.

Protecting a space-based defense from attack would be a serious problem. In an attempt to provide such protection, the defense most likely would be deployed in orbiting armada formations. Central battle stations would be surrounded by constellations of defense layers, analagous to carrier task groups in which rings of surface ships, planes, and submarines are arrayed to defend aircraft carriers.

Each action would call for a response; each response would invite a counter. In sum, the outcome would be precisely the form of "dangerous and sterile" competition that Eisenhower cautioned against 27 years ago. There could be no victor to such a competition, since neither nation would permit the other to develop mastery over space. Yet neither nation could expect to obtain an effective missile defense either, since such a system could only succeed if it provided complete control over the circumstances of its use, and this would require controlling space.

A competition for the high ground of space would be dangerous and enormously expensive. At any point along the way, malfunctioning battle stations could precipitate an escalating crisis. Such a possibility should concern us all. Of equal concern to me, however, would be the impact of such a competition on the Nation's civilian space program.

As I described earlier, the military space program already towers high over the civilian space effort. This disparity would become all the more pronounced if SDI entered a deployment phase.

The launch requirements of deploying a space-based defense would be absolutely staggering, threatening to consume an enormous portion—if not essentially all—of the Nation's overall launch capability. According to some descriptions, the deployment of an initial SDI defense would require lifting 2.6 million pounds of weapons and sensors into space per year to begin with, increasing to 4.4 million pounds annually by the year 2000. This might require an SDI launch every other day, or 200 launches per year. This compares to an average U.S. launch rate of less than 20 per year over the past decade.

The SDI's appetite for launch capacity would have far-reaching implications on the Nation's total space effort. The SDI would wield greater and greater control over, not only the use of launch vehicles in existence, but also the decisionmaking process regarding future launch systems. This could cause further delays and setbacks to scientific and civilian space launches. In order to bring launch costs down, a whole family of new launch vehicles would be needed. The national aerospace plane, a new heavy lift vehicle, and possibly other boosters would be involved in getting an SDI system into space. Investments in additional launch systems alone could well exceed $50 billion.

Much more than simply new boosters would be required, however, in order to expand the Nation's launch capacity and lower its launch costs to the level necessary for the SDI. Meeting the SDI's transportation and operation needs would necessitate drastic changes in the nature of our space program. It could well require the complete mobilization of our space resources for the single objective of deploying, operating and maintaining a space-based defense.

Would NASA simply become a trucking company for the SDI? This seems quite possible. In many ways, NASA's stature already has been diminished to that of a trucking firm for the Department of Defense. Nearly 50 percent of future shuttle launches are slated for the Pentagon. Many of these missions will involve SDI tests.

Not only is the shuttle program being brought under the wing of the

SDI, the proposed space station is as well. The Pentagon has announced its desire to use the space station for military activities in space. Using the space station as an SDI laboratory is one interest of the Pentagon's; using it as a service station for repairing military—including SDI—satellites is another. NASA would be pulled further and further into the SDI's mantle if the program continued its forward march toward deployment. This would further jeopardize NASA's status as an independent agency. That status already has been threatened by the Pentagon's strong-arm tactics in decision-making regarding the Nation's future in space.

In strict budgetary terms, the contrast between NASA and the SDI is revealing. During 1987, the administration will spend more than twice as much on the SDI as it will on NASA's entire space science and applications program. It will spend 100 percent more on the development of directed energy weapons that it will on space exploration missions. And it will devote substantially more resources to SDI kinetic energy weapons than it will to the entirety of what NASA is doing in physics and astronomy. These contrasts are not simply revealing, they are startling.

And they are not simply startling, they convey a resounding message about our Nation's priorities for the future of space. This message is being heard at every level of our society, from the leaders of our aerospace industry to the most promising of our graduate students. And with this message, decisions are being made at the personal and professional levels about how these people will participate in the Nation's space effort. With the Pentagon's space program being bankrolled, while NASA continues its downward spiral, one can be sure that the SDI and the Pentagon will harvest a bountiful crop of researchers and business executives who—faced with a different set of national priorities—would have looked to NASA for work instead.

A "brain drain" from the civilian space program to the military space program is not some sort of idle possibility. If present trends continue, the flow of talent from NASA to the Pentagon will be readily apparent, and it will be difficult to stop. In fact, a siphoning off of NASA's present and potential work force may already be well underway.

The crisis conditions in NASA's space science program, which I described in a special order on January 29, is causing many young researchers to turn their career sights in other directions. For example, a recent poll of 200 space scientists at Stanford University projected that 50 percent of the graduate students in civilian space research would soon leave the field to seek careers elsewhere. These scientists are simply fed up with the delays, cutbacks, and cancellations that have plagued NASA's space science programs over the past decade, and which have become especially acute since the *Challenger* accident. Many of these departing space scientists will naturally turn toward the Pentagon, which runs the Nation's principal space program these days, and to the SDI, which stands out as the largest and best financed research effort in history.

The thinking of these scientists is certainly understandable. Why should they agonize over the recent cancellation of 30 space science missions that had been scheduled aboard the shuttle, when they could participate instead in some of the administration's high-priority SDI tests? Why should they be concerned about the administration's unwillingness to keep the Mars Observer on track for a 1990 launch through the purchase of an expendable launch vehicle [ELV], when they could work instead on projects slated for the 12 ELV's already claimed by the SDI? Or why should they care about the administration's failure to support NASA's efforts in Earth remote sensing, in advanced communications technology, or in x-ray astronomy, when they could work instead on intelligence-gathering satellites for the Pentagon, next generation military communications spacecraft, or nuclear pumped x-ray laser devices—all of which are being lavishly funded?

One of the Nation's most prominent civilian space scientists, Thomas Donahue, chairman of the National Academy of Sciences' Space Science Board, said recently:

> I would consider myself to be irresponsible to advise students to come into this field right now.

Professors working on the SDI, and on other military space programs, probably have the exact opposite perspective, and are urging their students to rapidly jump aboard the military space juggernaut. While some observers probably see no harm in such a situation, I find it to be most disturbing.

I find it disturbing, not simply because of the damage it will do to the long-term health of the Nation's civilian space program, although that outcome alone is reason enough for concern. I also find it disturbing for a much more fundamental reason, and that has to do with how this trend away from peaceful uses of space and toward military uses of space is affecting the Nation's overall vision of its future in outer space.

During the 1960's, when NASA was striving to land a man on the Moon, people throughout the Nation envisioned a day when humans would colonize the Moon and expand their reach into the solar system. Space was seen as the next frontier; astronauts assumed the role of modern-day pioneers. Today, the prevailing vision of space seems to involve orbiting battle stations and space warfare. Astronaut pioneers have been replaced by astronaut warriors in the minds and imaginations of our youth. This wouldn't be so disconcerting if our visions of the future didn't so often govern our decisions of the present; which, in turn, help transform those visions into reality.

But, the question remains to be answered: Are we as a society, as a nation, and as a species honestly interested in turning space into yet another arena for a weapons competition between the superpowers? While this might satisfy the video game fantasies of some military planners, it is no way to provide security for the Nation. The pursuit of space-based defense has been carefully cloaked in rhetoric about protecting people and delivering peace to the world, but the driving motivation behind the SDI is something far less noble. It is simply a space age manifestation of the military's desire to capture the next high ground.

Yet this drive is based on the misguided notion that outer space can and should be conquered, as if it were a hill in the center of a battlefield. But unlike a piece of Earth-bound terrain, there is nothing in space to be seized, and nothing there to be held. Unless, that is, one is capable of controlling the entirety of near-Earth space. A contest for the high ground would be a contest for not simply superiority in space, but for complete domination there. Surely, such a competition is something we should work to avoid. That was the objective of the Nation's Presidents—both Republicans and Democrats—who governed from 1960 to 1980. And it should be our objective today.

Mr. Speaker, over the course of the past three decades, the United States has developed in space an expensive and valuable network of satellites to enhance our military capabilities and improve stability between the superpowers. It would be a mistake of immense proportions for us to permit, let alone encourage, the intermingling amongst those satellites of weapons that could shoot them down.

Since the dawn of the space age, outer space has been a realm of international character, available for the benefit and use of all nations. It would be an act of arrogance and irresponsibility for us to challenge and essentially repeal that status with the deployment of weapons that threaten the right of passage in and through space by other space-faring nations.

Our civilian space program has provided us with some of our most impressive triumphs in the area of science, technology, and exploration. Those triumphs were the result of visions that held space to be a medium for unprecedented human adventure, and as a source for exciting knowledge about our planet and our solar system. We now seem ready to abandon those noble visions, and replace them with thoughts of turning space into the ultimate battleground for armed conflict.

Today's equivalent of President Kennedy's "Man on the Moon" speech, is President Reagan's call for a massive deployment of weapons in space. Rather than preparing for a future of discovery and adventure in our solar system and beyond, we seem obsessed with plans for developing killer satellites and Buck Rogers battle stations. It is sad, but true, that our collective imagination has been subverted by those who see outer space simply in terms of geopolitical struggle. Yet this new militarized vision of space will deliver us nothing compared to the riches that have accompanied our civilian space program. An arms race in space would simply bring new fears about the future of our society and of our planet, and at enormous cost. These costs would be measured, not only in terms of resources expended, but also in terms of opportunities foreclosed.

Mr. Speaker, it doesn't have to be this way. A space arms race can and should be prevented. Doing so, however, will require three things.

First, we should resume the effort aimed at expanding the arms control regime in space. This will require strengthening the ABM Treaty through the development of tighter definitions of what is, and what is not, allowed in terms of research and development. It will also require an Asat treaty, designed to strictly limit both superpowers' abilities to develop and test sophisticated Asat systems. We have much to gain from such measures, and should thus pursue them with diligence and good faith.

Second, we as a nation should develop a more deliberate process of making decisions about our overall priorities for space. The Pentagon's growing control over the Nation's space program has not been the result of public debate. On the contrary, it has resulted from the lack of such debate, combined with the Pentagon's incredible ability to control national decisionmaking and to direct national spending patterns. What is needed, at a fundamental level, is increased public discussion about what this Nation's triumphs in space should be during the coming few decades. Such discussions, catalyzed by politicians and the media, should present the alternatives before us. For instance, they could compare the vision of the future developed by the National Commission on Space, with the vision of the future embodied by the SDI. A national debate of this form would help bring more balance to the decisionmaking process involving the Nation's space effort.

And third, we should press forward with a broad program of international cooperation in space. There is probably nothing that would serve as a greater deterrent to a space arms race than a clear and compelling alternative, one involving nations throughout the world engaging in space science and exploration missions. Such efforts could be aimed at various goals, including improving the verification regime for arms control, enhancing our understanding of the planet, and expanding our knowledge of our solar system and the universe. An investigation of such projects will be the subject of my next special order in this series.

In conclusion, I would simply like to return to the quote with which I began. When President Eisenhower queried whether space would be preserved for peaceful uses, or whether it would become a new focus for the arms race, he followed the question with a short, but vital statement. Regarding which of these competing options would become the controlling reality, President Eisenhower concluded before the U.N. General Assembly: "The choice is urgent. And it is ours to make."

Mr. Speaker, those words ring no less true today.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1220

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT FRIDAY, FEBRUARY 27, 1987, TO FILE REPORTS ON H.R. 177 AND H.R. 1123

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight, Friday, February 27, 1987, to file reports on the bill (H.R. 177) to amend the Food Stamp Act of 1977 and the Temporary Emergency Food Assistance Act of 1983 to expedite and expand the provision of emergency food to the homeless, and the bill (H.R. 1123) to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FARM SUPPORT PROGRAMS AND THE PROBLEMS OF AMERICAN AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 30 minutes.

Mr. DE LA GARZA. Mr. Speaker, one of the major issues before this 100th Congress will be the distress in some of our agricultural areas, especially in the heartland of the Nation.

This House has a responsibility to deal with the problems of American agriculture. Not just because farmers are good people, but also because agriculture is so important to the overall national economy and to the welfare of American consumers.

If we are going to meet that responsibility, we must act on the basis of the facts in agriculture. If we try to make policy on the basis of empty slogans and false images instead of real facts, we will make bad policy. And that's the trouble with some of the talk we have been hearing lately, Mr. Speaker. Too much of it has been based on quick, easy, and false images. Far too many people have been led to believe that our farm programs amount mainly to huge payments for giant corporations.

I want to deal with that impression today. It's a story you have heard and seen many times. It goes something like this:

Government support programs should be thrown out because almost all of the money we pay out goes to giant corporate farms and very little of the help goes to the people who are really in trouble, the family farmers.

If that were really true, I am sure that critics of farm programs would be bombarding us with statistical evidence. But the facts are different. And we have the facts. They do not come from farm organizations or Members of Congress. They come from service experts at the U.S. Department of Agriculture.

Early last year, the Department made a survey in which it got specific data on payments to a sample representing 90 percent of all farms with annual sales of more than $10,000. The probability is that if you wanted to look only at full-time commercial family farms, the sample would represent well over 90 percent of the total.

Now, what did this survey find?

First, it found that nearly 85 percent of all Government payments and crop loans in 1985 went to farms with sales of under $500,000. What this means, Mr. Speaker, is that the great bulk of Government assistance went to family farms. I realize that $500,000 sounds like a lot of money. But the fact is, and everyone who understands modern agriculture knows this, that there are a great many family farms where annual sales go into the hundreds of thousands of dollars and where the annual profits may be very modest.

Here's another fact. The USDA survey found that nearly 60 percent of all payments and loans went to farms which had high debt loads, negative cash-flows, or both. What this means, Mr. Speaker, is that it is simply not true that most of our farm program dollars are going to fat cats who don't need the help.

Some critics and some supporters of farm programs say we should do a better job of concentrating the dollars we provide on the farms that need it most. I agree we should keep this in mind. But I think we also ought to consider that we are already doing a great deal to concentrate help on those who need it most. You don't need to take my word for that. You just have to look at another part of the Agriculture Department survey.

The study shows that about 21 percent of the Nation's farmers in 1985 had high debt loads. And those farms with high debt loads got 51 percent of the Government farm payment dollars.

Now let's look at another point. If 60 percent of the farm program dollars went to farms with high debt loads and negative cash-flow, what about the remaining 40 percent? That represents, after all, a good deal of money. Did we pour all those dollars into the bank accounts of rich corporations?

The answer is "No."

The answer is that a great deal of the money went to farmers who would have been operating in the red if they had not been able to qualify for price support loans and payments.

Jim Johnson, an Agriculture Department economist, said in the USDA report that there are two reasons for the fact that about 40 percent of farm payments went to producers who did not have excessive debt loads or negative cash-flow.

One reason is the fact that the USDA programs we are talking about do not use a means test. They are designed to control production. Farmers can enroll in these programs if they are willing to comply with regulations including reductions in their acreage. And I remind the House that this eligibility test operates just as much for the benefit of the taxpayer as for the benefit of the farmer.

The second reason that we have payments going to farms which do not show up on the red ink list is equally important. Let me quote the explanation given by Mr. Johnson:

> Preliminary analysis of our data shows that many positive cash-flow farms would likely have been in a negative position without Government payments and CCC loans. Of course, we don't know what would have happened to these farmers if they had chosen not to participate in the programs, but we can assume that participation offered the highest expected net income.

Now, Mr. Speaker, we should look at another side of this issue. The fact that big payments have gone to some farms, and the fact that a farmer with, say, 1,000 acres of grain gets bigger average payments than a farmer with 500 acres.

We have heard a lot about a few multi-million-dollar payments on 1986 crops. Those were the result of a decision in the 1985 farm bill to adopt program provisions aimed at making American commodities more competitive in the world market. Last fall, Congress took a second look at that issue and voted to eliminate the multi-million-dollar payments. Under the law as it stands today, no single producer can collect more than $250,000 in direct payments, no matter how much he or she produces.

There is also the fact—and we hear this mentioned frequently—that average payments and loans to bigger farms are higher than the average for smaller farms. This should not be a surprise when programs are based on the production and acreage on each participating farm. But people sometimes use this simple fact as evidence that bigger farms get an improper amount of help in comparison with smaller family farms. Let's look, for a moment, at what USDA say in their recent report.

"Our data confirm that the largest average payments are going to the largest farms," said economist Dave Banker. "But you can look at it another way, too. The largest payments are going to the farms with the largest share of production."

Mr. Banker points out that if you look for a group of farms that get a high share of Government payments when compared with their share of total production, you will be looking at middle-sized producers. Farms with 1985 sales of $100,000 to $250,000, for example, accounted for 27.1 percent of total U.S. agriculture production—but they got 38.1 percent of total Government farm program outlays. Farms with sales of $40,000 to $100,000 accounted for only about 14 percent of total production—but they got nearly 20 percent of the payments and commodity loans.

The average total of payments and loans for these midsize farms is smaller than the average for farms with sales of over $500,000 a year. But the USDA report makes another point that Members should keep in mind. Here's what the report says:

> In absolute terms, the average payment is much larger to the bigger farm, but the payment has a smaller relative effect on the larger farm's income than the payment going to midsize farms. As a result, these direct commodity payments may help reduce the inequality in total household incomes across the different sales classes.

Mr. Speaker, these facts do not mean that our programs are perfect or that we should not deal with whatever problems may rise. The House may remember, for example, that when we adopted the new limitation on total payments last fall, we also directed the administration to recommend any necessary improvements in regulations dealing with the reconstitution of farms. If changes prove to be necessary, I am certain they will be considered.

These facts, Mr. Speaker, also confirm that if we design a program to stabilize the incomes of commodity producers with support loans and payments, the farmer who produces 100 bushels will get more payments than the grower with 50 bushels. The farmer who gets an acreage diversion payment for taking 100 acres out of surplus production gets more than the grower who takes 50 acres out of production.

But, Mr. Speaker, these facts do not mean that the programs are unfair to small- and medium-sized family farmers. And as the USDA report says directly, they do not mean that our programs, taken as a whole, pour out the bulk of the money to rich corporate giants. The bulk of the benefits, in other words, are going to the purpose Congress intended—to the purpose of stabilizing agriculture and helping family farmers. To emphasize that point once again, I want the House to note these two excerpts from the article I have referred to, published in the December-January issue of the Agriculture Department's Farmline magazine.

The article says that USDA economists Johnson and Banker readily concede that commodity programs cannot do everything that all people expect and that they allow payments to some profitable farms. But the article adds this comment:

> The evidence suggests that, generally speaking, it is not true that payments were going to those who needed them least. The majority of payments and loans received by farmers represented in our survey were going to high-debt farms, and a large proportion of these farms were either suffering a negative cash-flow or might have faced a negative cash-flow without the payments. That majority widens still further when you add in the farms with low debt but negative cash-flows.

Finally, Mr. Speaker, I want to talk briefly about another myth that sometimes gets into discussions of farm stabilization programs. That is the suggestion that farm payment dollars go into bank accounts as profits or savings to make a farm family richer.

The fact is that these farm payment dollars generally don't stay on the farm. Most of them go right back out to pay feed bills, or equipment or fertilizer bills, or payments to the bank. Those dollars go into rural communities, to the merchants on Main Street, to the real estate taxes that support local governments.

If we must call these payments a subsidy, Mr. Speaker, we could very well describe them as a subsidy for rural America, and this is especially important in the heartland States that have been hit hardest by the farm crisis of recent years. Much of rural America is in or is facing the toughest economic crisis since the 1930's, and I fear that if we did not have our farm programs in place, the situation would be far worse than it already is.

□ 1230

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I will be happy to yield to the gentleman from California.

Mr. BROWN of California. Mr. Speaker, I want to commend the distinguished gentleman from Texas, who is chairman of the Agriculture Committee, for his statement. I say this because I, as one Member of Congress, and I suspect all Members of Congress, are going to be besieged during this year in two different directions with regard to farm problems. On the one hand, we are going to be told we are not doing enough for the farmers and we must undertake some drastic change in policy which will correct the situation. On the other hand, we are going to be told we are doing too much for the farmers, it is costing the taxpayers too much and we have got to cut these programs. Neither of these is true.

What we need is the kind of a reasoned analysis and moderate leadership toward achieving the kind of balance that we need and that the gentleman has expressed in his statement. And I want to commend him for doing that.

Mr. DE LA GARZA. I thank the gentleman. My distinguished colleague from California is correct, and the gentleman will be playing a major part, and he will be a major actor in the deliberations of our committee.

Again, let me say just briefly here, in closing, that all of the farm support payments, if you round them out in billions of dollars, it is less than 3 percent of the total budget of this, the greatest country in the world. We talk about the excessive cost of the farm programs, and I have given my colleagues where the money is going, but it is less than 3 percent of the taxpayers' money of the budget.

We are the best fed people in the world, in the history of the world, for the least amount of disposable income per family of any other country in the world.

□ 1240

Mr. HUBBARD. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, I would like to compliment the gentleman from Texas [Mr. DE LA GARZA] the chairman of the Committee on Agriculture for his excellent statement. I would also like to personally commend him for his interest in the farmers across our Nation; he visited my own congressional district in Kentucky during the last Congress, spending a full day there, meeting with farmers in four different communities, expressing his concern about their problems and also giving them optimism for the possibilities of the future.

I thank the gentleman for his statement and what he continues to do as chairman of the House Agriculture Committee.

A FIVE-POINT PROGRAM TO ADDRESS THE FARM CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, the issues of trade and competitiveness are at the top of the congressional agenda for the historic 100th Congress. With America having become a debtor nation for the first time since World War I and with our trade deficit at the highest level in the Nation's history, the Congress would ill serve the American people by making trade issues anything less than priority 1.

But it should be at the forefront of our minds from the very beginning of the trade debate that the trade and farm problems are part and parcel of each other.

In better days, when America's major exports were goods rather than jobs, American agriculture led the way to trade surpluses. But last year, our agricultural trade surplus was only in the neighborhood of $4 billion—a paltry sum by historical standards. Indeed, for a period of time last year we actually imported more farm goods than we exported for the first time since 1958.

American agriculture is based on the presumption of export. In my home State of Arkansas, more than 50 percent of the crops we sell go on the world market.

But our farm sector has been choked by a disastrously overvalued dollar, which makes American farm goods much more expensive on the world market.

Mr. Speaker, the overvaluation of the dollar is, purely and simply, an embargo. It prevents us from access to the markets that have historically been ours. This is an embargo surely as any specific action against a specific country at the direction of the Congress or the President.

Let me give you an example. In 1979, an American farmer could sell a bushel of soybeans for $6.28. In 1984, he couldn't get more than $5.90 for that same bushel of beans, and I might add that the price has dropped more than $1 since then.

By comparison, however, that bushel of American beans cost a Japanese buyer 1,376 yen in 1979. In 1984, it cost 1,401 yen. Thus, the farmer's price declined, but the price of his product abroad went up. The bushel of soybeans had become too expensive for foreigners to buy—because of the dollar valuation embargo.

The dollar embargo made it much more difficult for the farmer to sell his product, and so the price of his product went down. Because the farmer was cut off from his traditional markets, huge commodity surpluses built up, and these depressed prices even further. The result is the farm depression we are confronted with today.

We have all heard the stories of farmers leaving the land; of foreclosures; of auctions; of bank failures; of divorce, and child abuse, and alcoholism and suicides. We know what the problem is.

We have expressed our sorrow and dismay about the problem long enough. Now is the time for action.

There are a number of important principles that should guide the Congress in considering such action.

First, as I said earlier, the farm crisis and the trade crisis are inextricably linked. Any proposal to deal with America's international trade in bankrupt if it ignores agriculture. Any proposal to deal with the farm crisis is as bad if it ignores the importance of exports.

Second, the farm crisis has reached extraordinary proportions. It will require extraordinary remedies.

Third, we must not lose sight of the fact that the availability of credit is the life's blood of the farm economy.

Fourth, we must recognize what the farmers who supported Franklin Roosevelt more than a half-century ago and the farmers who began the Populist movement more than a full century ago recognized—that surplus is ruin.

Finally, we must remember that as a humane and compassionate people, we have an obligation to use the mighty engine of our agricultural production to feed the hungry at home and abroad.

I have developed a five-point program to address the problems we face as a result of the farm depression. My plan includes:

First, an aggressive farm trade policy, that seeks to broaden our access to markets we now have through a greatly expanded Export Enhancement Program; that frees the farmer to sell in markets we have voluntarily disqualified ourselves from, such as Cuba; and that opens markets we are now shut out of through a get-tough policy toward trading partners, such as Japan, that erect illegal and unfair barriers to certain American farm products.

Second, action to lift the dollar embargo by revaluing our currency. The dollar is now falling against the Japanese yen and the German mark, and there is a lag time between the time the dollar's value changes and the time the results show up in increased exports. Nevertheless, the dollar must fall to the point where American farm products are the best buy on the world market.

Third, declaration of a national economic emergency with respect to agriculture, with the implementing of emergency powers to provide cheap credit, place a moratorium on farm foreclosures, and institute widespread homestead protection, among other measures.

Fourth, creation of an emergency farm credit bank, which would buy up agricultural debt and reschedule farmers' debt service over a long period of time—30 years, perhaps—at reasonable interest rates. In addition to providing credit to the farmer, creation of the emergency bank would reduce the exposure of the hard-pressed agricultural banks and the Farm Credit System.

Fifth, vigorous efforts to reduce the farm surplus now choking agriculture, through the expanded Export Enhancement Program I mentioned earlier; through temporary controls on production, to last only until the surplus was gone; and through greater distribution of surplus Government-owned commodities to the poor, the hungry, and the homeless, and to the School Lunch Program as well.

Posterity will not look kindly on a generation that fails to deploy American agriculture as a weapon in the battle to increase our competitiveness and decrease the international debt that holds us in thrall to foreign investors.

And posterity will be morally outraged at a generation that sits idly while powerful economic forces ruin the greatest system of food protection the world has ever known at a time when millions sleep poorly because of the gnawing pain of hunger in their bellies.

We can, we must, and I am confident that we will solve the farm problem now facing us. Let us now set to work doing so.

THE TOWER COMMISSION REPORT: RESTORING FAITH IN OUR SYSTEM

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, I take this minute just to indicate that having watched and listened to the Tower committee give their report on the breakdown of the NSC during the Iran-Contra problem, my faith in our system has been restored.

In this very political town, I did not know what to expect from the report; but I noticed that as a matter of fact they were totally nonpartisan; and I think Senator Muskie or Secretary Muskie—he wore both hats, and therefore was very understanding of the situation—Senator Tower, and General Scowcroft are to be commended not only for getting the facts in relationship to, as much as they could without two principal characters, as to what went wrong; but also making recommendations and suggestions as to how this can be corrected.

They, above all, indicated that the Congress does not have to get busy and pass legislation in order to take care of fixing the situation as far as the National Security Council is concerned. They believe their recommendations will take care of that.

So again, my faith is restored because here was a totally nonpartisan report that I think will serve America and the American people very well.

NATIONAL HOME REMODELING MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 5 minutes.

Mr. HUBBARD. Mr. Speaker, I am introducing today, together with the gentleman from Texas [Mr. BARTLETT], the gentleman from California [Mr. COELHO], and the gentleman from Mississippi [Mr. LOTT], a resolution to designate May 1987 as National Home Remodeling Month.

As a member of the Banking Committee's Subcommittee on Housing and Community Development, I am particularly aware of the value to our Nation of America's housing stock. It is the single largest investment many of us make in our lifetime. It is most often the source of equity to finance our children's education, and our nest egg for retirement.

It is more than that, too, Mr. Speaker. Our homes symbolize the American dream and our commitment to neighborhoods and communities.

As we focus our energies in the Congress on the creation of new housing for as many American families as possible, we would do well to ensure that attention is paid as well to maintaining, expanding, and caring for the homes we have already created. The remodeling and expansion of homes is an all-American business—a $58 billion business—that employs thousands and thousands of skilled workers and more than 41,000 small businesses.

We need to remind ourselves that our homes are not disposable products, but investments that deserve our attention and care. If we are ever to succeed in providing more housing in America, we first must protect that which we have.

The National Association of the Remodeling Industry is to be commended for its work in providing for the needs of the remodeling industry, and for standing out front as an advocate of consumer awareness and protection which in turn protects the professionalism of its members.

I am pleased today to introduce this resolution, and I ask each of my colleagues to join me as a cosponsor. In doing so we are thanking every American family that seeks to protect and improve their home and neighborhood.

SOME CONCLUSIONS OF THE TOWER COMMISSION

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, having listened to the presentation made by the Tower Commission and their response to questions, and having read pertinent parts of that report, one is drawn to some very definite conclusions.

One, the Commission says that, on balance, the Board believes that it is plausible to conclude that the President did approve the initial sales in advance, as Mr. McFarlane has been saying.

Second, the Board outlined a series of likely violations of law by the administration which flow from that particular authorization by the President. Those charges seem almost like a series of counts in an indictment of the various laws which may have been violated.

One concludes, as the Commission does, that we have still a lot of unanswered questions, and that the violation of laws is among the most serious questions which the congressional committees will have to face and the Congress will face.

Suffice it to say that at best, the President of the United States appears not to have been cognizant of the role and responsibility he has to discharge the laws of the United States of America.

THE LOW-INCOME OPPORTUNITY IMPROVEMENT ACT OF 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-39)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

I hereby transmit for the consideration of the Congress proposed legislation, entitled the "Low-Income Opportunity Improvement Act of 1987," to encourage State-sponsored and community-based demonstrations in public assistance policy.

This legislative proposal is the result of an exhaustive, year-long administration study of the needs of poor Americans. Hundreds of welfare recipients, former recipients, and self-help and welfare experts were consulted. The study, "Up From Dependency," concludes that our Nation's current welfare system is both inefficient and ineffective in meeting the needs of the poor and in providing opportunities and incentives for economic independence.

Currently our welfare system is a labyrinth of 59 major welfare programs that require some 6,000 pages of Federal regulations and cost more than $132 billion in FY 1985. Welfare spending has soared since the 1960's, so that today some 52 million Americans, or one in five, benefit from welfare. All told, this spending is more than twice as great as the "poverty gap," or the amount it would take to lift all Americans above the official poverty level. Thus, many Americans who are not poor receive public assistance benefits, even as many others remain in poverty.

The study also found that our current array of welfare programs creates incentives that undermine the willingness to work and become self-reliant. Most welfare recipients say they want to work, but they also say they can often get more on welfare than they can earn in a full-time job. The study found that while current welfare programs provide valuable temporary help to families, that same help replaces the breadwinner and enables young mothers to raise children without fathers.

The study found that by parachuting benefits to individuals from faraway State and Federal capitals, our centralized welfare system also weakens communities. It undermines the implicit social contact among neighbors and neighborhoods that keeps any community peaceful, livable, and productive. Finally, while welfare rescues many Americans from short-term distress, it also mires too many in long-term, unwanted dependency.

I believe we can and must do better. I believe it is time to learn from the mistakes of our centralized welfare system by implementing a new national strategy that stresses grassroots participation, State and local initiative, and creative ideas for reducing dependency and strengthening economically self-reliant families.

This strategy must build on the enterprise that individuals, communities, and State governments have shown in recent months and years by creating their own alternatives to the current welfare system. Federal legislation enacted since 1980 has given States greater, if still modest, latitude to undertake employment and training programs. The States have responded with reforms that put a premium on reducing dependency and instilling skills and a sense of pride among welfare recipients. This legislative proposal builds on that success by giving States greater flexibility to implement new ideas aimed at reducing welfare dependency. America's 50 States have always been laboratories for creative social change, and this initiative creates a process to tap that creativity.

This proposed legislation also encourages investment in the hundreds of self-help and antipoverty initiatives now blossoming around the country. In cities and rural areas, thousands of low-income Americans have mobilized to help themselves, their neighbors, and their children. This proposed legislation seeks to assist those efforts by encouraging local leaders to work with the States in creating welfare policies that will work best for their own communities and citizens. The bill recognizes that a single, national solution to the problem of poverty and welfare dependency cannot work for thousands of distinct communities. The proposed legislation encourages diverse solutions for diverse needs and communities.

Toward these ends, the bill authorizes the waiver of certain rules and requirements in Federal programs in order to promote demonstrations of innovative solutions to the problem of welfare dependency, while ensuring that the rights of families and individuals under Federal civil rights and other laws are protected in the demonstrations. The demonstrations offer opportunities to simplify the delivery of public assistance, to increase the self-sufficiency of low-income families and individuals, and to give States and communities greater flexibility to design public assistance policies that seem most appropriate for their own citizens. The waiver applies to any Federal or federally assisted program intended to alleviate poverty and that meet certain other requirements specified in the bill.

The bill also establishes as Interagency Low-Income Opportunity Assistance Board, with a chairman appointed by the President, to certify and evaluate demonstrations proposed by the States. Each State will be required to report annually on each demonstration.

I urge the Congress to act without delay on this important legislative proposal. I am confident that working together we can provide States and communities the means they need to assist low-income Americans in building lives of dignity and self-sufficiency.

RONALD REAGAN.

THE WHITE HOUSE, *February 26, 1987.*

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HUBBARD, for 5 minutes, today.

(The following Members (at the request of Mr. PETRI) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, March 3.

Mr. GEKAS, for 5 minutes, today.

(The following Members (at the request of Mr. BROWN of California) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. DE LA GARZA, for 30 minutes, today.

Mr. ALEXANDER, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PETRI) and to include extraneous matter:)

Mr. DEWINE.
Mr. MCCANDLESS.
Mr. CHENEY.
Mr. KEMP in two instances.
Mr. BROOMFIELD in two instances.
Mr. GRADISON.

(The following Members (at the request of Mr. BROWN of California) and to include extraneous matter:)

Mr. WOLPE.
Mr. HOWARD.
Mr. MARTINEZ.
Mr. STARK in two instances.
Mr. MATSUI.
Mr. MANTON.
Mr. DORGAN of North Dakota.
Mr. DELLUMS.
Mr. TALLON in two instances.
Mr. ROSTENKOWSKI.
Mr. GARCIA.
Mr. MAZZOLI.

ADJOURNMENT

Mr. WEISS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to: accordingly (at 12 o'clock and 52 minutes p.m.) under its previous order, the House adjourned until Monday, March 2, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

681. A letter from the Chairman, Communications Satellite Corporation, transmitting the Corporation's 23d annual report of it activities and accomplishments pursuant to 47 U.S.C. 744(b); to the Committee on Energy and Commerce.

682. A letter from the Secretary of Commerce, transmitting the 1986 annual report of findings concerning foreign fishing fees, pursuant to 16 U.S.C. 1824(b)(10) (100 Stat. 123); to the Committee on Merchant Marine and Fisheries.

683. A letter from the Administrator of Veterans' Affairs, Veterans' Administration, tramsmitting a report on technology transfer functions in the Veterans' Administration's research and development program for fiscal year 1985, pursuant to 15 U.S.C. 3710(b); to the Committee on Science, Space, and Technology.

684. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to authorize the imposition of certain recreation user fees at water resources development areas administered by the Department of the Army; jointly, to the Committees on Public Works and Transportation and Interior and Insular Affairs.

685. A letter from the Secretary of Defense and the Acting Director of Central Intelligence, transmitting a report on civilian personnel systems, pursuant to Public Law 99-569, section 507; jointly, to the Committees on the Permanent Select Committee on Intelligence and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delievered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. House Concurrent Resolution 27. Concurrent resolution expressing the opposition of Congress to proposals in the Budget to reduce the capacity of the Veterans' Administration to provide health care to eligible veterans (Rept. 100-7). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY:

H.R. 1276. A bill to name the lake formed by the Felsenthal Dam on the Ouchita River, Arkansas, as "Lake Jack Lee"; to the Committee on Public Works and Transportation.

H.R. 1277. A bill to provide for the reduction of scheduled payments of overdue principal and interest by qualified farmers to the Farmers Home Administration or the Small Business Administration; jointly, to the Committees on Agriculture and Small Business.

By Mr. BARNARD:

H.R. 1278. A bill to amend the Congressional Budget Act of 1974 to minimize the impact on State and local governments of unexpected provisions of legislation proposing the imposition of large unfunded costs on such governments, and for other purposes; to the Committee on Rules.

By Mr. BLILEY (for himself, Mr. Boulter, and Mr. Dreier of California):

H.R. 1279. A bill to amend the Public Health Service Act to authorize, with respect to certain grants to assist voluntary family planning projects, the expenditure of grant funds for the purpose of providing adoption services; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Mr. Gradison, Mr. Rostenkowski, Mr. Duncan, Mr. Gibbons, Mr. Jacobs, Mr. Ford of Tennessee, Mr. Pease, Mr. Coyne, Mr. Andrews, Mr. Levin of Michigan, Mr. Moody, Mr. Frenzel, Mr. Thomas of California, Mr. Chandler, Mr. Boehlert, and Mr. Vander Jagt):

H.R. 1280. A bill to amend part A of title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under part A of the Medicare Program; to the Committee on Ways and Means.

H.R. 1281. A bill to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. KEMP:

H.R. 1282. A bill to authorize negotiation of a North American free trade area, to promote free trade, and for other purposes; jointly, to the Committees on Ways and Means; Banking, Finance and Urban Affairs; and Rules.

By Mr. DICKS (for himself, Mr. Foley, Mr. Miller of Washington, Mr. Swift, Mr. Chandler, Mr. Lowry of Washington, and Mr. Morrison of Washington):

H.R. 1283. A bill to repeal the provision of the Tax Reform Act of 1986 which eliminates the deduction for State and local sales taxes; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 1284. A bill to amend the Railroad Retirement Act of 1974 to eliminate the last person service rule; to the Committee on Energy and Commerce.

H.R. 1285. A bill to suspend temporarily the duty on 3-(4′ aminobenzamido) phenyl-beta-hydroxyethyl sulfone (also known as amino sulfon br); to the Committee on Ways and Means.

H.R. 1286. A bill to suspend temporarily the duty on 3,4 diamino phenetole dihydrogen sulfate (also known as diamino phenetole sulfate); to the Committee on Ways and Means.

H.R. 1287. A bill to suspend temporarily the duty on 4-chlor-2-nitro aniline (also known as p-chloro-o-nitro aniline); to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. Michel, Mr. Lott, and Mr. Brown of Colorado):

H.R. 1288. A bill to authorize demonstrations of innovative methods to simplify existing programs of assistance for low-income families and individuals and increase their economic self-sufficiency through improved work opportunities, to afford States and localities the necessary flexibility to streamline programs and reduce duplicative, excessive, and inefficient expenditures, to establish an Interagency Low-Income Opportunity Board, and for other purposes; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. ERDREICH:

H.R. 1289. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. Anderson, Mr. Davis of Michigan, and Mrs. Bentley):

H.R. 1290. A bill to counter unfair ocean transportation practices, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ERDREICH:

H.R. 1291. A bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the Old-Age, Survivors, and Disability Insurance Program under title II of the Social Security Act and the supplemental security income programs under title XVI of such act and to provide for more prudent and effective management of the Social Security trust funds, and for other purposes; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 1292. A bill to amend the Atomic Energy Act of 1954 to prevent persons of poor character from obtaining licenses to operate nuclear powerplants; to the Committee on Interior and Insular Affairs.

By Mr. GLICKMAN (for himself, Mr. Lightfoot, and Mr. Lewis of Florida):

H.R. 1293. A bill to amend the Internal Revenue Code of 1954 to provide that the excise taxes providing revenues for the airport and airway trust fund shall not apply if the unobligated balance in such fund exceeds $1 billion; to the Committee on Ways and Means.

By Mr. GOODLING (for himself and Mr. Parris):

H.R. 1294. A bill to amend title XVIII of the Social Security Act to provide for coverage of antibiotics administered intravenously at home to patients with a chronic infectious disease requiring long-term intravenous antibiotic therapy; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. JOHNSON of South Dakota:

H.R. 1295. A bill to provide for improvements to the Mount Rushmore Memorial; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of South Dakota (for himself and Mr. Campbell):

H.R. 1296. A bill to prohibit the Secretary of Agriculture from transferring certain National Forest System lands in South Dakota; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. JONES of North Carolina:

H.R. 1297. A bill to amend chapter 81 of title 5, United States Code, to provide benefits for survivors of certain Federal employees receiving disability compensation under such chapter; to the Committee on Education and Labor.

By Mr. JONES of Tennessee:

H.R. 1298. A bill to amend the Farm Credit Act of 1971 to extend authority for financing cooperative imports and exports; to the Committee on Agriculture.

By Mr. KASTENMEIER:

H.R. 1299. A bill to prohibit assistance to the Nicaraguan armed opposition; jointly, to the Committees on Foreign Affairs, the Permanent Select Committee on Intelligence, and Armed Services.

By Mr. SCHULZE (for himself and Mr. Guarini):

H.R. 1300. A bill to improve the formulation and administration of U.S. international trade policy, and for other purposes; to the Committee on Ways and Means.

By Mr. KOLTER:

H.R. 1301. A bill to amend Public Law 99-591 to extend through 1987 the requirement that certain benefits be paid to retired former employees of debtors in bankruptcy; to the Committee on the Judiciary.

By Mr. LEACH of Iowa (for himself and Mr. Evans):

H.R. 1302. A bill to prohibit contracting out of functions at Department of Defense arsenals and weapons manufacturing facilities; to the Committee on Armed Services.

By Mr. MAVROULES (for himself, Mr. McKinney, Miss Schneider, Mr. Crockett, Mr. Boland, Mr. Moakley, Mr. Weiss, Mr. Markey, Mr. Donnelly, Mr. Bustamante, Mr. Hayes of Illinois, Mr. Kennedy, Mr. Conyers, Mr. Stokes, Mr. Torricelli, Mr. Oberstar, Mr. Frank, Mr. Edwards of California, and Mr. Studds):

H.R. 1303. A bill to amend title 10, United States Code, to provide Federal assistance for economic stabilization and local community development in areas affected by defense base closures and the termination of major defense contracts, and for other purposes; jointly, to the Committees on Armed Services and Education and Labor.

By Mr. MORRISON of Washington:

H.R. 1304. A bill to amend Public Law 94-423, relating to the Oroville-Tonasket unit, Chief Joseph Dam Project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEASE:

H.R. 1305. A bill to require semiannual reports to Congress by the Secretary of the Treasury on the extent to which the actual exchange rate of the U.S. dollar matches the competition exchange rate and extent to which the actual exchange rate is inconsistent with a sustainable and appropriate U.S. current account balance, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1306. A bill to enhance the role of the Foreign Commercial Service in promoting U.S. exports of goods and services, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1307. A bill to amend title 31, United States Code, to require the President to submit with his budget an analysis of its impact on international competitiveness of U.S. business and the balance of payments position, and to amend the Congressional Budget Act of 1974 to require that a similar analysis be included in the report of the Committee on the Budget of each House of Congress which accompanies each concurrent resolution on the budget; jointly, to the Committees on Government Operations and Rules.

H.R. 1308. A bill to preserve U.S. support for an open international trading system, to enhance the competitiveness of the United States in international trade, and for other purposes; jointly, to the Committees on Ways and Means; Banking, Finance and Urban Affairs; Foreign Affairs; and Education and Labor.

By Mr. RINALDO (for himself and Mr. Bernard):

H.R. 1309. A bill to amend the Federal Trade Commission Act to provide an immunity for Federal credit unions subject to the Federal Credit Union Act; to the Committee on Energy and Commerce.

By Mr. ROBERTS (for himself, Mr. Slattery, Mr. Whittaker, Mr. Stangeland, and Mrs. Smith of Nebraska):

H.R. 1310. A bill to amend the Federal Deposit Insurance Act as it relates to qualified agricultural loans by agricultural banks, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROSTENKOWSKI (for himself and Mr. Duncan):

H.R. 1311. A bill to amend the Internal Revenue Code of 1986 to clarify the estate tax deduction for sales of employer securities to employee stock ownership plans or worker-owned cooperatives, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 1312. A bill to amend part A of title IV of the Social Security Act to reduce the need for emergency assistance payments to provide temporary housing for destitute families and homeless AFDC families, and the expense of such payments, by authorizing grants to States for the construction or rehabilitation of permanent housing that such families can afford with their regular AFDC payments; to the Committee on Ways and Means.

By Mr. TALLON (for himself, Mr. Jones of North Carolina, Mr. Gray of Illinois, Mr. Richardson, Mr. Pashayan, Mr. Smith of Florida, Mr. Stallings, Mr. Martinez, Mr. Kolter, Mr. Crockett, Mr. Lewis of Florida, Mr. Coelho, Mr. Rahall, Mr. Bustamante, Mr. Saxton, Mr. Towns, Mr. Robinson, Mr. Frost, Mr. Lagomarsino, Mr. Bryant, Mr. Denny Smith, Mr. Harris, Mr. Smith of New Jersey, and Mr. Solomon):

H.R. 1313. A bill to promote and protect taxpayer rights, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL (for himself and Mr. Kolbe):

H.R. 1314. A bill to provide for the settlement of certain Tohono O'odham Indian water rights claims in Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (by request):

H.R. 1315. A bill to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1988 and 1989 and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1316. A bill to amend the Atomic Energy Act of 1954 to make it a Federal crime to carry or otherwise introduce or cause to be introduced any dangerous weapon or other dangerous instrumentality onto sites regulated by the Nuclear Regulatory Commission; to the Committee on Interior and Insular Affairs.

H.R. 1317. A bill to amend the Energy Reorganization Act of 1974, as amended, to clarify modification requirements for noncompliance, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1318. A bill to amend the Atomic Energy Act to provide criminal sanctions for an act of sabotage of a nuclear powerplant during its construction which could affect the public health and safety were it to go undetected; to the Committee on Interior and Insular Affairs.

H.R. 1319. A bill to amend the Atomic Energy Act to clarify that the Nuclear Regulatory Commission is authorized to protect from public disclosure certain sensitive generic safeguards information, the disclosure of which could negate or compromise site specific security measures; to the Committee on Interior and Insular Affairs.

By Mr. VENTO (for himself and Mr. Udall:

H.R. 1320. A bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BORSKI:

H.J. Res. 160. Joint resolution designating the week of April 26, 1987 through May 2, 1987, as "Youth's Commitment to Ending Hunger Week;" to the Committee on Post Office and Civil Service.

By Mr. ERDREICH:

H.J. Res. 161. Joint resolution proposing an amendment to the Constitution of the United States relating to equal access by voluntary student religious groups and moments of silence which may be used for voluntary silent prayer or reflection in public schools; to the Committee on the Judiciary.

By Mr. HERTEL (for himself, Mr. Bonior of Michigan, Mr. Broomfield, Mr. Carr, Mr. Conyers, Mr. Crockett, Mr. Davis of Michigan, Mr. Dingell, Mr. Ford of Michigan, Mr. Henry, Mr. Kildee, Mr. Levin of Michigan, Mr. Pursell, Mr. Schuette, Mr. Traxler, Mr. Upton, Mr. Vander Jagt, and Mr. Wolpe):

H.J. Res. 162. Joint resolution saluting Michigan on the 150th anniversary of its statehood; to the Committee on Post Office and Civil Service.

By Mr. HUBBARD (for himself, Mr. Bartlett, Mr. Coehlo, and Mr. Lott):

H.J. Res. 163. Joint resolution designating May 1987 as "National Home Remodeling Month;" to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H. Res. 107. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the 1st session of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARMEY:

H.R. 1321. A bill to direct the Secretary of the Army to convey certain real property in the vicinity of the Lewisville Dam in Denton County, TX, to the persons from whom the United States acquired the property; to the Committee on Public Works and Transportation.

By Mr. GEKAS:

H.R. 1322. A bill for the relief of Gerald L. Clarke; to the Committee on the Judiciary.

By Mr. HUBBARD:

H.R. 1323. A bill for the relief of Michael J. Adams; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. Boland, Mr. Staggers, Mr. Nagle, Mr. Foglietta, Mr. Bruce, Mr. Jontz, Mr. Vento, Mr. Fascell, Mr. Fazio, Mr. Gray of Pennsylvania, Mr. Sawyer, Mr. Brennan, Mr. Price of North Carolina, Mr. Bennett, Mr. Mineta, Mr. Pease, Mr. Penny, Mr. Torricelli, Mr. Miller of California, Mr. Garcia, Mr. Crockett, Mr. Applegate, Mr. Russo, Mr. Guarini, Mr. Pepper, Mr. Lewis of Georgia, Mr. Mfume, Mr. Coughlin, Mr. Bryant, Mr. Williams, Mr. Durbin, and Mr. Clarke.

H.R. 20: Mr. Applegate, Mr. Berman, Mr. Bonior of Michigan, Mrs. Collins, Mr. DeFazio, Mr. Dellums, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Evans, Mr. Fazio, Mr. Ford of Michigan, Mr. Frank, Mr. Frost, Mr. Hayes of Illinois, Mr. Hochbrueckner, Mr. Jontz, Ms. Kaptur, Mr.

Kastenmeier, Mr. Kildee, Mr. Lancaster, Mr. Manton, Mr. Mavroules, Mr. Mrazek, Mr. Owens of New York, Mr. Rangel, Mr. Roe, Mr. Savage, Mr. Smith of Florida, Mr. Solarz, Mr. Torricelli, Mr. Towns, Mr. Traxler, Mr. Williams, Mr. Wolpe, and Mrs. Boxer.

H.R. 21: Mr. Applegate, Mr. Berman, Mr. Bonior of Michigan, Mrs. Collins, Mr. DeFazio, Mr. Dellums, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Evans, Mr. Fazio, Mr. Ford of Michigan, Mr. Frank, Mr. Frost, Mr. Hayes of Illinois, Mr. Hochbrueckner, Mr. Jontz, Ms. Kaptur, Mr. Kastenmeier, Mr. Kildee, Mr. Lancaster, Mr. Manton, Mr. Mavroules, Mr. Mrazek, Mr. Owens of New York, Mr. Rangel, Mr. Roe, Mr. Savage, Mr. Smith of Florida, Mr. Solarz, Mr. Torricelli, Mr. Towns, Mr. Traxler, Mr. Williams, Mr. Wolpe, and Mrs. Boxer.

H.R. 39: Mr. Bates, Mr. Lantos, Mr. Brown of California, Mr. Scheuer, Mr. Williams, Mr. Towns, Mr. Garcia, Mr. Dixon, and Mr. Morrison of Connecticut.

H.R. 44: Mr. Combest.

H.R. 273: Mr. Rangel.

H.R. 275: Mr. Frank, Mr. Towns, Mr. Stokes, Mr. Solarz, Mr. Fuster, Mr. Ackerman, Mrs. Collins, Mr. Clay, Mr. Dellums, Mr. Hayes of Illinois, Mr. Fauntroy, Mr. Owens of New York, Mr. Sawyer, Mr. Savage, Mr. Martinez, Mr. Scheuer, Mr. Coyne, Mr. Dymally, Mr. Rangel, Mr. Kolter, Mr. Bustamante, Mr. Crockett, Mr. Studds, Mr. Bonior of Michigan, Mr. LaFalce, and Mr. Conyers.

H.R. 276: Mr. Rangel, Mr. Ackerman, Mr. Towns, Mr. Frank, Mr. Fauntroy, Mr. Mrazek, Mr. Gray of Illinois, Mr. Martinez, and Mr. Green.

H.R. 281: Mr. AuCoin, Mr. Ackerman, Mr. Bates, Mr. Berman, Mr. Biaggi, Mr. Boland, Mr. Bonior of Michigan, Mr. Bonker, Mr. Brooks, Mr. Brown of California, Mr. Bustamante, Mrs. Collins, Mr. DeFazio, Mr. Dellums, Mr. Dixon, Mr. Edwards of California, Mr. Espy, Mr. Evans, Mr. Fascell, Mr. Fauntroy, Mr. Fazio, Mr. Feighan, Mr. Frank, Mr. Gephardt, Mr. Howard, Mr. Hochbrueckner, Mr. Jontz, Ms. Kaptur, Mr. Kastenmeier, Mr. Kildee, Mr. Kleczka, Mr. Levin of Michigan, Mr. Manton, Mr. Martinez, Mr. Mfume, Mr. Mineta, Mr. Moakley, Mr. Mrazek, Mr. Murtha, Mr. Oberstar, Mr. Owens of New York, Mr. Pepper, Mr. Penny, Mr. Rahall, Mr. Rinaldo, Mr. Roe, Mr. Sabo, Mr. St Germain, Mr. Savage, Mr. Sawyer, Mr. Scheuer, Miss Schneider, Mr. Solarz, Mr. Stratton, Mr. Torres, Mr. Towns, Mr. Traxler, Mr. Vento, Mr. Visclosky, Mr. Waxman, Mr. Weiss, Mr. Williams, Mrs. Boxer, and Mrs. Kennelly.

H.R. 299: Mr. Stangeland, Mr. Gunderson, Mr. Stallings, Mr. McDade, Mr. Slattery, Mr. Coleman of Missouri, and Mr. Goodling.

H.R. 515: Mr. Moakley, Mr. Annunzio, Mr. McDade, Mr. Robinson, Mr. McCollum, Mr. Frank, Mr. Boland, Mr. Daniel, Mr. LaFalce, Mr. Mfume, Mr. Stallings, Mr. Flake, Mr. Hubbard, Mr. Beilenson, Mr. Dellums, Mrs. Johnson of Connecticut, Mr. Fauntroy, Mr. Martinez, Mr. Weiss, Mr. Torres, Mr. Carper, Mr. Price of North Carolina, Mr. Savage, Mr. Hayes of Illinois, Mr. Rangel, Mrs. Bentley, Mr. Cooper, Mr. Jones of North Carolina, Mr. Levin of Michigan, Mr. Berman, Mr. Atkins, Mrs. Boxer, Mr. Ackerman, Mr. Boehlert, Mr. Pease, Mr. Eckart, Mr. Mrazek, Mr. Gray of Illinois, Mr. Hawkins, Mr. Edwards of California, Mr. Moody, Mr. Bates, Mr. Bryant, Mr. Rodino, Mr. Markey, Mr. Fascell, Mr. Mavroules, Mr. Leland, Mr. Bilbray, Mr. Smith of Florida, Mr. Price of Illinois, Mr. Roe, Mr. Howard, Mr. Towns, Mr. Solarz, Mr. Udall, Mr. Gejdenson, Mr. Vento, Mr. Miller of California, Mr. Applegate, Mr. Dwyer of New Jersey, Mr. Sabo, Mr. Studds, Mr. Biaggi, Mr. Fazio, Mr. Hertel, Mr. Pepper, Mr. Jeffords, Mr. Clay, and Mr. Kennedy.

H.R. 534: Mr. Roberts, Mr. Lott, Mr. Fields, and Mr. Leath of Texas.

H.R. 558: Mr. Sikorski, Mr. Hochbrueckner, Mr. Gray of Illinois, and Mr. Bennett.

H.R. 578: Mr. Ridge.

H.R. 579: Mr. Howard, Mr. Brown of California, Mr. Jontz, Mr. Schumer, Mr. Visclosky, Mr. LaFalce, Mr. Vento, Mr. Lantos, Mr. Weiss, Mr. Staggers, Mrs. Boxer, and Mr. Dwyer of New Jersey.

H.R. 709: Mrs. Boggs, Mr. Miller of Washington, Mr. DeFazio, Mr. Wheat, Mr. Gray of Illinois, Mr. Lowry of Washington, Mr. Bustamante, Mr. Scheuer, Mr. Edwards of California, and Mr. Lehman of Florida.

H.R. 758: Mr. Rogers, Mr. Skeen, Mr. Wolf, Mr. DeLay, Mr. Bennett, Mr. Boulter, Mr. Lightfoot, Mr. Kasich, Mr. Regula, Mr. Cheney, Mr. Madigan, Mr. Vander Jagt, Mrs. Martin of Illinois, Mr. DioGuardi, and Mr. Lott.

H.R. 813: Mr. Roe, Mr. Dwyer of New Jersey, Mr. Atkins, Mr. DeFazio, Mrs. Collins, Mr. Lowry of Washington, Mr. Dymally, Mr. Kastenmeier, Mr. Solarz, Mr. Torricelli, Mr. Mfume, Mr. Hawkins, Mr. Garcia, and Mr. Wolpe.

H.R. 919: Mr. Sundquist, Mr. Frank, Mr. Ballenger, Mr. Dyson, Mrs. Collins, Mr. Towns, Mr. Swindall, Mr. Lent, Mr. Roe, Mrs. Bentley, Mr. Cheney, Mr. Martinez, Mr. Saxton, Mr. Fazio, Mr. Biaggi, Mr. Smith of New Jersey, and Mr. Solomon.

H.R. 925: Mr. Carper, Mr. Kildee, Mr. Lantos, Mr. Pepper, Mr. Rahall, Mr. Rinaldo, and Mr. Vento.

H.R. 934: Mr. Garcia, Mrs. Smith of Nebraska, Mr. Rahall, Mr. Savage, Mr. Campbell, Mrs. Lloyd, Mr. Martinez, and Mr. Towns.

H.R. 1117: Mr. Dannemeyer, Mr. Brown of Colorado, Mr. Robinson, Mr. Inhofe, Mr. Swindall, Mr. Beilenson, Mr. Saxton, Mr. Spence, Mr. Smith of Florida, Mr. Lagomarsino, Mr. Broomfield, Mrs. Bentley, Mr. Vander Jagt, Mr. Kleczka, Mr. de la Garza, Mr. Henry, Mrs. Vucanovich, Mr. Oxley, Mrs. Byron, Mr. Neal, and Mr. Barton of Texas.

H.R. 1163: Mr. Beilenson, Mr. Vento, Mr. Eckart, Mr. Atkins, Mr. Berman, Mr. Daub, Mr. Bates, and Mr. Levin of Michigan.

H.R. 1182: Mr. Boehlert, and Mr. Nielson of Utah.

H.R. 1252: Mr. Daniel.

H.J. Res. 106: Mr. Erdreich and Mrs. Boxer.

H.J. Res. 135: Mr. Dwyer of New Jersey, Mr. Mineta, Mr. Bustamante, Mr. Garcia, Mrs. Boxer, Mr. Sabo, Mr. de Lugo, Mr. Kolter, and Mr. Neal.

H.J. Res. 140: Mr. Crockett, Mr. Gilman, Mr. Conte, Mr. Dyson, Mr. Horton, Mrs. Boxer, Mr. Lehman of California, Mr. Fazio, and Mr. Hayes of Louisiana.

H.J. Res. 155: Mr. Synar.

H. Con. Res. 27: Mr. Hefner, Mr. Leath of Texas, Mr. Boner of Tennessee, Mr. Torricelli, Mr. Dicks, Mr. Jenkins, Mr. Yatron, and Mr. Murtha.

H. Con. Res. 34: Mr. Sabo, Mr. Garcia, Mr. Solarz, Mr. Skaggs, Mr. Crane, Mr. Ridge, Mr. Rangel, Mr. LaFalce, Mr. Schumer, Mr. Waxman, Mr. Lantos, Mr. Bryant, and Mrs. Boxer.

H. Con. Res. 51: Mr. de la Garza, Mr. Brown of California, Mr. Olin, Mr. Penny, Mr. Evans, and Mr. Hiler.

H. Res. 68: Mr. Tauke, Mr. Hughes, and Mr. Eckart.

SENATE—*Thursday, February 26, 1987*

The Senate met at 3:30 p.m. and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For whosoever exalteth himself shall be abased; and he that humbled himself will be exalted.—Luke 14:11.

Father in heaven, few come to the Senate who are not motivated by a selfless, lofty purpose to serve the Nation and to make a difference. Thank You Lord for men and women who take the risks endemic in running for public office and the destructive temptations inherent in political power. Help public servants daily to remember the lofty and constructive motivation which led them to office. Save them from subtle, self-centered, ego-swelling forces which daily, relentlessly, pursue those who have been given the privilege of this elite, powerful group. Save them from professionalism—from being proud, pompous, power-conscious purveyors of empty promises. Help them to remain humble servants of God and the people, aware of the transciency of fame. Dear God, infuse this place with Your righteousness, peace, and love. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader will be recognized, the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, just briefly, may I say it is my intention, with the concurrence of the able Republican leader, to go over until tomorrow pro forma so that there will be no business on tomorrow, which would enable the Senate, then, to go over from tomorrow until Tuesday. There may be some items that can be transacted a little later and I will be talking with the distinguished Republican leader in that regard.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the two leaders today and the recognition of Senators for whom orders have previously been entered for recognition, there be a period for morning business to extend not beyond 5 o'clock p.m., and that Senators may speak therein for not to exceed 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSFER OF SPECIAL ORDER TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time allotted to Mr. MCCONNELL under the order entered be transferred to Mr. CHAFEE.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. And I make the same request with respect to the time for Mr. ARMSTRONG, that it be allotted to Mr. SPECTER.

The PRESIDENT pro tempore. There being no objection, it is so ordered.

REPORT OF THE TOWER REVIEW BOARD

Mr. BYRD. Mr. President, I welcome the report of the Tower Review Board, and commend the members and staff of that body for a forthright job. It is a tough and honest piece of work, and a credit to the Nation. It is a contribution to the process—the democratic process—of laying out the facts of a long and complex series of events. It addresses, particularly the structure and process of foreign-policy formulation and implementation as seen through the National Security Council. It will, I am sure, be of substantial assistance to the congressional investigating committees and the independent counsel.

I intend to study it carefully and so will limit my remarks today. By virtue of the fact that I have not had an opportunity to read the report but merely have only observed and listened to the comments of the chairman and members of the Tower Commission and comments of others, I will limit my remarks to some initial and general observations.

The President is to be commended for establishing this panel and giving it its head. The question is whether things are going to change at the White House.

There are, of course, many areas of inquiry which were not undertaken, and could not be undertaken within the limitations of time and the scope of the assignment.

The spinning out of the threads of this complicated story should not and will not stop here, and the Board members have readily indicated that. As Senator Muskie today said, "this report will help get us started."

The Tower report is a major historical contribution to the knowledge and understanding of the processes of our democracy—what does and does not work, what will and will not produce sound policy. It is a watershed study of the National Security Council and the foreign-policy making system today. It is an important contribution on the question of where lines of responsibility should be drawn, what the appropriate level of Presidential attention and involvement should be, and what kind of responsibilities are incumbent upon the President's advisors.

The Board concluded that the structure was not used properly, and that the men in the White House failed.

It is still not clear what the President knew of the Iran-Contra operation. It is difficult to accept the laid back theory about Presidential knowledge and understanding of those events in its entirety, but that is a matter which still must authoritatively be determined by the Inouye committee.

The role of Israel is still a question mark. As Brent Scowcroft remarked today, we "do not have a full picture of the role of Israel." I am therefore pleased that Prime Minister Shamir has told Senators INOUYE and RUDMAN, and Congressman HAMILTON, that Israel will cooperate fully with their investigation. That cooperation is essential, and may well have to include the personal probing of the principals, that is, Israel officials and private citizens as deemed necessary by the investigating committees.

In one sense I cannot agree with the remarks of the Chairman of the Board that the Iran-Contra affair is an aberration in an otherwise sound foreign policy history during this administration. In both cases, the easy military fix for a complex diplomatic and political problem was the route taken and favored. The knee-jerk militaristic reaction that clearly has characterized this administration, is the central feature of this administration's approach

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to the world. Diplomacy has been allowed to atrophy, in the Middle East, in Central America, in Southern Africa, in the Soviet relationship, in our dealings with our allies. And so, it will not do to wisk it all away as an aberration, as an exception—the question of the central substance of America's approach to the world. If that lesson is lost, then I fear we will not see a change for the better at the White House.

Mr. President, if I have any time remaining I ask unanimous consent that I may reserve it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. Under the standing order the Republican leader now is recognized.

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer, and I indicate to the distinguished majority leader that if we can clear any matters we will do so. I think I can indicate that at least one nominee has been cleared on this side.

Mr. BYRD. All right. I thank the distinguished leader.

TOWER COMMISSION REPORT

Mr. DOLE. Mr. President, as the distinguished majority leader has pointed out, we now have the report of the Tower Commission. I do not know exactly how many pages it is, probably several hundred. I have not read but very little of the report, but have had somebody go through and sort of highlight it. I have read a number of highlights, and I have read the recommendations.

I also congratulate the members of the Commission, former Senator Tower, former Senator Muskie, and General Scowcroft, for an outstanding job they performed in the time they had. It is a very complicated matter. I think it goes without saying that somebody in the White House did not serve the President very well. I do not know how many "somebodies," but at least several. And there was an operation in the White House that was sort of running amuck as an independent operation in the White House basement. It may be Colonel North, and it may be others who were carrying on their own little foreign policies, their own little business, and it would seem to me that the report has met that question head on and made some recommendations.

There is no doubt about it. This report has been hyped so much by the media—I am not saying it is right or wrong, but I just say it has been—that it is going to be a big story. If it had just been the cover issued, without any report, there would have been a big story. It has been hyped for weeks. So the issue of the cover without the content would have made a major story. But there is also content and I am certain there are going to be a lot of press conferences, a lot of instant analyses by Members who have not read it, and by some who do not intend to read it. But I think it is important, as the distinguished majority leader has pointed out, that it be read carefully because we are responsible if there are going to be changes.

I think also the report shows rather clearly that the President did not duck the issue. He did appoint the Tower Commission to get at the bottom of the misguided Iran policy. He is to be commended for his efforts to get all the facts out to the American people. That is what he promised, and that is what he has delivered.

The Commission did not duck, either, nor did it pull any punches: Colossal blunders were made by the administration; bungled management was the hallmark of the Iran/Contra operation; and immediate reorganization is needed.

There is no question about it.

Finally, I would say this: There is still a national agenda that needs to be pursued. I know I intend to work with the distinguished majority leader to see that is done where we can. We may not be able to do it as we would like to do it. But there are a number of issues that must be addressed and the American people are concerned about the Iran/Contra matter because they are also concerned about the budget, about the trade bill, about health care, and a whole host of issues that we will have to address in this Chamber.

I know the distinguished majority leader is making it possible for committees to meet in these early weeks to get their work done, get it out on the floor, and I commend him for it. He has done an outstanding job. So we do not want to be paralyzed by all that is happening. We have an outstanding select committee. The chairman of that committee, Senator INOUYE, and the ranking member, Senator RUDMAN, are close friends. They are working together. There are no secrets, and no games. I am convinced that they will be doing their work very quickly.

We have a lot of challenges before us. I do not know precisely what the President will do. But I know he plans to address the Nation next week. I would hope at that time the President will spell out very clearly and demonstrate, as he has so many times in the past, that he is a dominant political force in the Nation's capital, that he does have an agenda for the next 22 months, and that he intends to pursue that agenda. We expect that of our President. We certainly expect that of this President. I believe it will be done. I hope we will all have an opportunity over the weekend to closely study the Tower report.

BICENTENNIAL MINUTE

FEBRUARY 26, (1919): FOREIGN RELATIONS COMMITTEE AT WHITE HOUSE

Mr. DOLE. Mr. President, I have been giving little bicentennial minutes from time to time. I thought I might do one of those today. It may take more than a minute. It may take 2 minutes.

Mr. President, 78 years ago today, on February 26, 1919, members of the Senate Foreign Relations Committee attended an unusual dinner at the White House. President Woodrow Wilson, just back from negotiating the treaty ending World War I, invited members of the Senate Foreign Relations and House Foreign Affairs Committees to dinner to answer their questions and to satisfy concerns—especially about the proposed league of nations. Thirty-four members attended, among them 21 democrats and 13 Republicans. However, two key Republicans, Senators William E. Borah and Albert B. Fall, boycotted the dinner on the grounds that they would not be bound to silence on any point the President might raise.

President Wilson in fact placed no veil of secrecy on the discussions, which where reported in banner headlines the next morning. After a brief statement, the President offered to answer any and all questions as frankly as he could. As the New York Times later commented: "No man not entirely confident of the strength of his cause would have risked the chance of such a test." President Wilson had great confidence, as his performance that evening demonstrated. But he did not succeed in reducing members' fears that the United States would lose some of its sovereignty by joining the league.

Despite having gotten off to a strong start, President Wilson found himself locked in battle with a skeptical Senate. Neither the President nor his chief legislative opponents would compromise, and the Senate eventually defeated the Treaty of Versailles. The dinner at the White House had been a fine gesture, but only a gesture, and it failed to achieve its ultimate objective.

RELEASE OF TOWER COMMISSION REPORT

Mr. DOLE. Mr. President, I join the President in welcoming the release of the Tower Commission report. It can be a major step in helping us take the corrective actions necessary and getting this issue behind us.

It is obvious that colossal blunders were made. Some organizational and personnel changes may be needed. That is ultimately the President's call.

The President has never ducked this issue. He knows where the buck stops. He has accepted responsibility, and I am confident he will now take the necessary steps to rectify the real problems the report reveals.

But, as we digest and act on the report, let's keep three important things in mind.

First, there is no—repeat no—evidence that the President actively did anything wrong. He is responsible, ultimately, for the work of the NSC, and I know Ronald Reagan—he will take the responsibility that is his and that goes with the office.

But the President did not break any laws. He did not cover anything up. He did not do anything but what he thought was best for the country.

Second, we cannot forget it was the President who initiated this report. And, for that matter, ordered the appointment of the independent counsel and has consistently cooperated with congressional investigations.

He wants the truth out. The Commission itself concluded, and this is a quote from the report: "The board is convinced that the President does indeed want the full story out." So there is no question on that point.

He wants the story out not because the revelations we see in this report, and elsewhere, are necessarily the best thing in the world for Ronald Reagan. But because getting the truth out is best for the country.

And the second thing to keep in mind is that the problems of the past—as important as they are—are not as important as the tasks of the future.

Clearly, one immediate step necessary is for the President to make it clear to everyone that his hand is firmly on the rudder—that he is in charge, that he is making the decisions, and that there is vigorous followup to insure those decisions are being faithfully implemented. I am confident the President will be taking those steps.

And then we have to get on with the business of this Nation. We have 22 months left in the Reagan administration, and many, many critical issues to deal with. If we get bogged down in finger pointing; in tearing down the President and the administration—we are just not going to be up to the challenges ahead. And all of us—all Americans—will be the losers.

CATASTROPHIC HEALTH COVERAGE

Mr. DOLE. Mr. President, I also indicate that later today I will introduce with a number of cosponsors the administration's catastrophic health coverage proposal, and also by request, introduce the administration's welfare reform package. I am introducing the welfare bill by request, although I am perfectly willing to introduce it otherwise but I think if I introduce it by request there will be some Democratic Members who may join me in the introduction.

It seems to me if we are going to address either the issue of catastrophic health care costs, health care coverage for the uninsured, or financing long-term care, it is going to have to be on a bipartisan basis.

It seems to me there are enough of us in this Chamber on the Republican and Democratic sides who can work it out. The same is true of welfare reform.

There have been speeches about welfare reform as long as I have been in the Senate. I remember when President Nixon advanced the family assistance program, called FAP. It never got anywhere. Now we have a real expert who is chairman of the subcommittee, Senator MOYNIHAN, who was in the Nixon White House years ago, and has almost made this his life work. And I believe if we can work together and work with the administration on both the health care bill and the welfare reform bill we may be able to achieve some successes on each this year. So they will be introduced with statements later on.

SENATOR SPECTER TO REPRESENT REPUBLICAN LEADER IN GENEVA

Mr. DOLE. Mr. President, this evening several members of the Senate's arms control observer group will depart for a brief visit to Geneva, to attend the next round or arms control talks with the Soviet Union.

This could be an important round. Recent discussions appear to have been more substantive and detailed than some in the past. While it is far too early to predict any breakthroughs, there is reason to look with hope for progress.

For that reason, I am pleased to inform the Senate that I am designating the distinguished Senator from Pennsylvania, Senator SPECTER, as my designee on the observer group for this visit. Senator SPECTER has a long and distinguished record of interest and involvement in national security issues, including arms control. He has spoken many times, in particular, on our relations with the Soviet Union.

Senator SPECTER will make an excellent addition to the group. I appreciate his willingness to undertake this responsibility. And I know his observations on the talks will be of benefit to the entire Senate.

Mr. President, I reserve the balance of my time.

Mr. President, how much time do I have remaining?

The **PRESIDENT** pro tempore. Three minutes remain for the Senator.

Mr. DOLE. May I yield that time to the distinguished Senator from Mississippi, Senator COCHRAN?

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the distinguished leader.

The **PRESIDENT** pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. I thank the distinguished leader.

THE PRESIDENT'S BUDGET

Mr. COCHRAN. Mr. President, today we see the Tower Commission report released and a great deal of attention will be directed to stories relating to that subject. It may be that the American people will think that the Congress is focusing in on that issue alone and some of the other questions before us are not getting their due consideration. I hope that will not be the perception because there are many Senators who are hard at work on other subjects, such as trying to develop a response to the President's proposed budget. I know our Appropriations Committee has been engaged in several days of hearings already reviewing the proposal, looking at the priorities, discussing the issues that are raised in the budget with expert witnesses.

So a great deal of attention is being paid to other issues. I do not think the Congress is distracted or ignoring the other issues that are confronting it.

But I worry, Mr. President, when we see the chairmen of both the Senate Budget Committee and the House Budget Committee at this point in the deliberations suggesting that it is impossible to meet the $108 billion target prescribed in the Gramm-Rudman-Hollings statute for the deficit for this annual budget cycle.

What worries me is that so early in the process it seems that we are caving in because the task is tough and the job may be difficult.

The President has undertaken to submit a budget which is said by the Office of Management and Budget in hearings we held in the Appropriations Committee to meet the target because it is a deficit projected of only $107 billion. I think we need at least to make the effort, Mr. President, to comply with the law that is on the books.

What happens is that I think we will see a growing chorus of those who are saying that it cannot be done.

It may be difficult, but I am not prepared at this point to admit that it cannot be done. I hate to see a whole group in the leadership agreeing that it cannot be done. Of course, it cannot be done if we do not try hard.

But I am hoping, Mr. President, we will see a different attitude reflected by those who do have positions of responsibility in developing the congressional response to the budget saying that it may be difficult but we are going to try to reach that target and not cave in so early in the process.

I thank the distinguished leader for the time.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

HOW GORBACHEV BAITS THE TRAP FOR THE UNITED STATES WITH SDI

Mr. PROXMIRE. Mr. President what is the strongest and most persuasive argument for the strategic defense initiative or SDI? The answer is simple and sure. The strongest and most persuasive argument that the United States should proceed with SDI is that Communist Secretary Gorbachev is against it. Gorbachev and Soviet Russia are our main adversaries in the world. The Soviet Union is the other superpower. Does it not follow that any nuclear defense that the Soviet Union's leader opposes must be just what the doctor ordered for our side?

Mr. President, anyone who does not believe this argument is potent has not listened to the conversation in the cloakrooms of this U.S. Senate. Engage in debate—as I have—with a bright, knowledgeable SDI advocate. You tell him that our most eminent physicists, our best mathematicians, our most honored engineers tell us with overwhelming unanimity that the Soviets will be able to underfly, overwhelm, spoof, and certainly penetrate any SDI defense at far less cost than it would cost the United States to build, deploy and maintain it. Your debating adversary will dispute none of your argument. But he will come back with one simple rebuttal. It is this: Gorbachev is against SDI so it follows that SDI has to be in the interest of the United States.

So what is wrong with the common sense of that argument? Has not Gorbachev said publicly he is against the U.S. SDI deployment? Yes. Are not our President and our Secretary of Defense for it? Yes. So what are we waiting for? Why not go ahead with SDI now? All out. The answer, Mr. President, is to recognize that Secretary Gorbachev is no fool. He may or may not be a highly intelligent man. But he certainly knows that the one way he can persuade this country to proceed with SDI is for him to oppose it. Unlike those of us who are elected to office in the United States, Gorbachev does not have to worry about another election. He does not have to take a public position and then explain it publicly to a varied and skeptical electoral constituency. He can take a position calculated for the express and single purpose of eliciting a response from this country that he knows such a position will evoke. Does Gorbachev labor under the illusion that he can win public support in the United States for a position on military policy—that goes to the heart of the military priorities of the United States by telling the United States how this country should commit its military resources? Of course not. Mr. Gorbachev knows perfectly well that the strongest boost he can possibly give to a U.S. commitment to proceed with SDI would be for him to oppose it. Certainly he must know that.

Mr. President, the stakes are enormous. Just think of the benefits for the Soviet Union as a military superpower if Gorbachev pulls this deceptive scam off, if this country proceeds sled length with SDI as President Reagan and Secretary Weinberger want to proceed to complete research, to produce the hardware to lift the millions of tons of hardware into orbit and to deploy the whole trillion dollar arsenal of space weapons. We are told on expert independent authority that the cost of maintaining, operating and especially modernizing SDI would be about $150 billion each and every year—in perpetuity. Where would all this spending come from? Let me tell you. Much or all of it will come from cutting other military spending. If we take $150 billion from other military spending, what do we have left? Just listen. The U.S. military force would be devastated. Such a reduction would cut the U.S. military forces in half. We would lose half our Navy, half our Army, half our Air Force, half our Marines, half our National Guard and Reserves. We would have to pull half of our troops out of NATO. This country would suffer the most catastrophic reduction in its military forces in our history.

We would divert to SDI the precious genius of tens of thousands of our best scientists from the technology that has kept this country consistently far ahead of the Soviet Union in the most important areas of military technology. And what would we get for it?

We would secure an SDI—missile defense—that Gorbachev must know his Soviet military forces could penetrate at relatively small cost and at will. Why should the Soviets know that? Because the most eminent scientists in this country—the members of the National Academy of Science, the physicists, the engineers, and the mathematicians who have been elected to this great national academy elite—overwhelmingly by a more than 10 to 1 margin argue that this is precisely what the Soviets can and will do—easily and cheaply.

So why does Gorbachev so publicly oppose SDI? Because this Communist leader knows exactly what kind of response his opposition to SDI will elicit from the Congressmen and the American public that will determine the fate of SDI. He knows he is giving star wars a big boost by giving it a big public kick. He is playing us like a violin. We march to his tune at our peril.

S. 581—SERVICE OF WOMEN IN THE ARMED FORCES

Mr. PROXMIRE. Mr. President, today with my colleague, Senator COHEN, I am introducing legislation to extend the assignment of women in the combat support sectors of our Armed Forces. I am very pleased to be introducing this bill once again with the distinguished Senator from Maine, who, as ranking minority member of the Armed Services Committee's Subcommittee on Projection Forces and Regional Defense and former member of its Subcommittee on Manpower and Personnel, brings considerable expertise to bear.

We in Congress have the dual responsibility of securing the most effective national defense and ensuring equal opportunities under the law. This legislation is a positive step on both fronts. The bill speaks to the Army, Navy, and Air Force to clarify congressional intent about the assignment of women and to open the entire combat support sector for the assignment of women.

Studies show that we will face a declining pool of young men in the 1990's, and polls show that the American public supports a much wider utilization of women. The Armed Forces can only benefit by choosing from a wider pool of applicants. Women are performing their duties quite well; in fact, women are being promoted at a faster rate than their male counterparts. What is more, many women are already serving in dangerous positions and deserve full advancement opportunities in the career of their choice. They have made a commitment to serving our country and deserve our full support and loyalty in return.

The Army section of this bill states that women should be allowed permanent assignment to all direct combat support units. With regard to the Navy, the bill would open to women the ships of the Combat Logistics Force—the class of ships that services the battle group with food, fuel, ammunition, and other supplies. In the Air Force, the rest of the reconnaissance, training, and transport planes would become open for the assignment of women.

This bill is a moderate one. It does not conflict with the combat-exclusion laws, and it does not slap on quotas.

All it says is that if a woman has what it takes to handle a particular combat support position, she should be allowed to.

All the services have been paying close attention to the assignment of their women personnel, as women make up an important 10 percent on average of each service. Since Senator Cohen and I first introduced this bill last October, there have been significant developments in each service which are summed up in the excellent article by Sharon Young of the Air Force Times which I will submit for the Record. This article points to the fact that the Army and Air Force are taking positive steps, while the Navy has made concerted efforts to close its doors to women despite its pressing manpower needs.

I was very disturbed when, in November, the Navy changed the name of the Mobile Logistics Support Force to the Combat Logistics Force and reclassified these supply ships as "combatants" in order to dodge mounting pressure to open these ships to women. The report of the 1979 defense authorization bill clearly states that the Senate Armed Services Committee expected the Navy to open the Mobile Logistics Support Force to women. Almost a decade later, the Navy has not only not opened the ships but has tried to pull the wool over our eyes by renaming them.

What is worse, the Navy recently announced its plans to put a 5-year cap on the number of women in the Navy. The Navy blamed Congress for this unfortunate change in policies saying that Congress has not approved enough money to man its 600-ship fleet and will not let women on any more ships. This is patently false. The Navy has the authority now to open over 14,000 positions to women and thereby ease the high ratio of ship-to-shore time for its male personnel. Congress directed the Navy to do this way back in 1979.

Instead, the Navy has tried to halt the recruitment of women, while blaming Congress and trying to force higher manpower appropriations. Fortunately, Secretary Weinberger slapped the Navy on the hands for this outrageous move and ordered the Navy to rescind its 5-year freeze, but the whole episode points to the need for Congress to focus again on this issue, and clearly define its intent with regard to the combat-exclusion laws. Senator Cohen and I submit this legislation as the vehicle to look at this important military personnel issue once again.

Mr. President, I ask unanimous consent that the article to which I referred by Sharon B. Young be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Air Force Times, Dec. 29, 1986]

AF Opens 1,645 More Positions to Women

(By Sharon B. Young)

Washington.—The Air Force has opened to women an additional 1,645 positions previously closed to them because of the combat exclusion policy.

The positions are associated with reconnaissance and electronic warfare systems on RC-135 and EC-135 aircraft.

They include about 250 pilot and navigator positions, 395 other officer positions and 1,000 enlisted positions.

In related news, the Army has opened more than 10,000 combat support jobs to women following a 13-month review of its policy.

The Navy, however, has taken a different tack, reclassifying six types of logistics support ships as "other combatant," thus shutting out any possibility of female officers ever serving on them. The Navy action also will add 1,000 positions for enlisted women on ships currently open to women.

The Air Force's announcement came Dec. 12 in an address by Secretary of the Air Force Edward C. Aldridge Jr. to the Washington chapter of a group called Women in Defense.

"The Air Force continually strives to make the maximum number of positions available to women," he said. "This is another step forward in this continuing effort."

Women still will not be assigned to missions that would expose them to hostile fire and capture.

Aldridge commented on reports that women crewmembers flew support missions for the April antiterrorist attack in Libya. In that raid, women flew some of the tankers used to refuel the F-111 bombers.

"Women flew on those aircrews as a natural evolutionary growth of the contribution of women members to the Air Force," he said.

He said that 12 percent of Air Force members are women, up 3 percent from 10 years ago. Last year 19 percent of all enlistments were by women. In the past five years, approximately 30,000 jobs have been opened to women that previously were closed.

Furthermore, he said, all officer career fields have been opened to women, and only four enlisted specialties remain closed—combat control, tactical air command and control, aerial gunner and pararescue/recovery.

"As a result, more than 95 percent of all Air Force positions are open to qualified and interested women," said Aldridge.

The services were asked last year by Defense Secretary Caspar W. Weinberger to review their exclusionary policies as they affect career opportunities for women officers and enlisted members. The actions just announced are the result of that review.

Congressional staffers said they were not aware of the services' policy changes. "But when Congress convenes (in January) subcommittees of the House Armed Services Committee will look at their actions as part of the next defense authorization process," one staffer said.

Army Secretary John O. Marsh Jr., in an internal memo dated Nov. 26, approved opening forward support battalions to women "as a fine-tuning adjustment to current Direct Combat Probability Coding policy." Reserve components also are affected by this change.

All positions in the FSBs, including headquarters, medical, maintenance and supply companies, can now be filled by either male or female soldiers. Only infantry and tank system support team positions will continue to be designated for men only, said Maj. C.H. Zales (USA). She said this is because those two positions are "habitually" assigned forward of the brigade rear boundary.

The Army's DCPC policy is used to determine where women can be assigned and what jobs they can hold. Unlike the Air Force, Marine Corps and Navy, the Army does not have a statutory restriction on the assignment of women in combat. The authority to determine where women will be assigned rests with the Secretary of the Army.

The Department of the Navy reclassified six types of logistics support ships as combatants in a Nov. 7 instruction to the field, thus closing them off to women. The vessels—which have the capability to provide under way replenishment to fleet units—are ammunition ships, store ships, combat store ships, oilers, fast combat support ships and replenishment oilers.

This action closes the door on the possibility, announced last October by Navy Secretary John F. Lehman Jr., that women would be allowed to serve on mobile logistics support force vessels. At that time Lehman said putting women on these ships would not pose major problems and would broaden women's combat-support roles in the Navy.

But the chief of naval personnel, Vice Adm. Dudley L. Carlson, said the ships that were reclassified always have had a combat mission. Adding the word combatant, he said, "recognizes the direct participation of these ships in battle group operations."

The 1,000 additional positions for Navy enlisted women are aboard submarine and destroyer tenders, repair ships, an auxiliary aircraft landing training ship, a guided missile ship, an auxiliary deep submergence support ship, salvage ships, fleet tugs and tankers.

The Army and Air Force decisions were hailed by individuals monitoring the progress of women in the military. The Navy's action received mixed reviews as they praised the opportunities for enlisted women and blasted the "step backward" for female officers.

"You have to applaud the Army and Air Force for their continuing review of the utilization of women, and for opening the positions," said Carolyn Becraft, director of the Women's Equity Action League's project on military women. "It will be most beneficial to Army and Air Force women and to the respective services."

She added: "I think the Navy's decision is very unfortunate. Their resistance to women seems to be systemic, and one can only question whether they would rather sink a ship than put a woman on it."

WOMEN IN THE MILITARY

Mr. COHEN. Mr. President, my colleague from Wisconsin, Senator Proxmire, and I are introducing legislation today to encourage the greater utilization of women in our military services.

Specifically, the bill would: One, allow Army women to be permanently assigned to all direct combat support units; two, allow Air Force women to fly all reconnaissance, training, and transport aircraft; and three, allow Navy women to serve on the class of ships that services the battle group with food, fuel, ammunition, and other supplies.

Mr. President, our record of providing equal opportunities to women in the military is not a proud one. Progress has been made to increase opportunities available to women. I commend the Army and Air Force for the positive steps they have taken in opening up combat support positions to women. But more remains to be done. The legislation we are introducing today is a step in that direction. It would eliminate many of the barriers that continue to confront women seeking military careers by expanding the opportunities for women to serve in combat support positions.

Mr. President, let me emphasize that this bill is not revolutionary. It does not repeal or modify the combat exclusion laws. The bill is evolutionary in that it would open support positions that remain closed to women exclusively on the basis of gender.

Today, entry to every service branch, opportunities for career development, promotion, and access to education and training are all, in some manner, denied to women exclusively on the basis of gender. While military women in all branches currently serve in certain combat support positions, there is little consistency among the services regarding the ways in which women are allowed to participate. Moreover, many of these support positions remain closed to women.

Mr. President, we need to disprove, once and for all, the notion that all military positions are appropriate for men, but that only some are appropriate for women. Every combat support position should be available to every individual who possesses the necessary experience, skills, qualifications, and motivation, regardless of gender. Women and men who have chosen to devote their lives to serving their country deserve their Nation's commitment to remove barriers to equal opportunity consideration.

The role of women in the military is an issue that directly touches more than half of our population. This is an important bill that deserves the attention and serious consideration of all my colleagues.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSIGNMENT OF FEMALE MEMBERS OF THE ARMY TO COMBAT SUPPORT UNITS

(a) IN GENERAL.—Chapter 343 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3549. Female members: assignment to combat service support units and combat support units

"The Secretary of the Army shall provide for the more efficient utilization of female members of the Army by permitting the permanent assignment of such members to all units of the Army which have as their mission the direct support of combat units.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3549. Female members: assignment to combat service support units and combat support units.".

SEC. 2. CLARIFICATION OF TYPES OF VESSELS ON WHICH WOMEN MAY BE ASSIGNED TO DUTY

The last sentence of section 6015 of title 10, United States Code, is amended by striking out "and vessels of a similar classification not expected to be assigned combat missions" and inserting in lieu thereof "combat support vessels (including vessels which have the capability to provide underway replenishment to fleet units), and vessels of a similar classification".

SEC. 3. AIRCRAFT TO WHICH WOMEN MAY BE ASSIGNED

The text of section 8549 of title 10, United States Code, is amended to read as follows:

"(a) Female members of the Air Force may not be assigned to duty in aircraft engaged in combat missions.

"(b) The prohibition in subsection (a) does not apply to female members of the Air Force designated under section 8067 of this title (or appointed with a view to designation under that section) or to female members assigned to duty in reconnaissance, training, or transport aircraft.".

Mr. PROXMIRE. Mr. President, I yield the floor.

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, the majority leader seeks recognition.

The PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. BYRD. I thank the Chair.

RECOGNITION OF SENATORS

Mr. BYRD. Mr. President, there are Senators on the floor who do not have a special order and they may have some items of morning business to transact and some statements to make. I ask unanimous consent that they may be recognized if Senators who have special orders are not on the floor to be recognized.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Chair for recognizing me. I thank the majority leader for giving me this opportunity.

BUDGET GOALS

Mr. DOMENICI. Mr. President, I ask unanimous consent to have printed in the RECORD a letter signed by the minority members of the Committee on the Budget. This letter was sent to the distinguished chairman, Mr. CHILES. In this letter is prompted by reports surfacing that Congress ought to slacken the Gramm-Rudman-Hollings deficit target of $108 billion for 1988. In this letter, all of the minority Senators of the Senate Budget Committee say to the chairman that we believe it is important to achieve the deficit goal of $108 billion as stipulated in the Gramm-Rudman law currently. They go on to say that Chairman Volcker's remarks before the Budget Committee last Tuesday, when he indicated that if we were to do all we can politically and practically to reduce the budget deficit and it would not be too much.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, February 25, 1987.

Hon. LAWTON CHILES,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Reports have surfaced recently that Congress slacken the Gramm-Rudman-Hollings deficit target of $108 billion for fiscal year 1988.

We believe it is important to seek to achieve the goals of $108 billion knowing that, in the absence of that goal, real deficit reduction would be sacrificed for a higher target.

As you know, Chairman Volcker testified before us that "it would not be a bad thing to hit" the $108 billion target. In fact, he suggested that reaching the $108 billion deficit target could prompt him to "revisit" his current monetary policy stance, and might imply lower interest rates, better balance in monetary and fiscal policies here in the U.S., and would enhance our ability to insist upon more stimulative economic policies from our trading partners which could mean less pressure on them to export.

We urge you not to abandon the goal of $108 billion so that real deficit reduction will occur and a balanced budget is still achievable by 1991.

Sincerely,

Nancy Landon Kasebaum, Chuck Grassley, Jack Danforth, Don Nickles, Steve Symms, Warren B. Rudman, Pete V. Domenici, Bob Kasten, Rudy Boschwitz, Dan Quayle, and Bill Armstrong.

As I said, Mr. President, there is some talk around some economists in the United States may be saying that it is too much for us to try to reduce the deficit from where it is to $108 billion because it would be dangerous for the economy. Mr. President and Members of the Senate, economists are never of one mind. Indeed, if there is any consensus among the witnesses that have come before the Senate Budget Committee it is that based on recent experience there is no cause to worry that Congress would enact too much deficit reduction. To the contrary, the worry is clearly that we will enact too little.

Let me quote from Chairman Volcker's response to a question from one of the Budget Committee members last Tuesday that I mentioned earlier. The distinguished Chairman was asked "Do you think we ought to try and do it, hit that $63"—$63 billion being CBO's estimate of what would be needed to reach $108 billion. Chairman Volcker responded: "I am convinced that if you do all you can practically do politically, it will not be too much."

In testimony the previous day, former Chairmen of the Council of Economic Advisers, Martin Feldstein and Alan Greenspan, echoed the same view.

Dr. Feldstein said: "If I thought that $108 billion was going to be met by actual reductions in spending and increases in tax revenue I would worry. But I think that the likelihood is so small that I do not worry about the Congress coming out with a number called $108 billion at the end of this process. So if you have to aim high in order to hit a reasonable target, then aiming at $108 billion does not strike me as a bad thing to aim at."

Mr. President, last year at this time we started the process with a baseline budget deficit of $183 billion for this current fiscal year, 1987. Once we got to the summer, CBO reestimated that baseline up and again just a few weeks ago, they come and tell us it will be still $20 billion higher.

We started out to hit $144 billion. Congress passed a combination of policies to hit $144 billion—both good and bad policies. And we have ended up at $175 billion.

Yes, Mr. President, despite all of our efforts and our goals, we ended up this year, fiscal year 1987, only $8 billion from where we started.

We aimed for $40 billion and we got $8 billion. Using this logic if we aim for $60 billion we may get $15 billion.

We cannot afford this little improvement next year. More important, we cannot afford the risk that, by our inaction, the deficit would actually go up next year.

Many of my colleagues might think I am crying wolf, but I think there is a real risk.

It is for this reason that I strongly support the $108 billion goal for fiscal year 1988.

If we start changing the $108 billion or if we do not try to use that goal as an outside influence on our activities, real deficit reduction efforts will give in to our propensity in this institution to put pain off from one year to the next. The deficit will not just disappear on its own. I am convinced that the best thing we can do for the American people, the trade deficit, jobs, and the American economy is to stay right on target and keep that $108 billion staring us in the face so that we shall get on to achieving the absolute maximum in deficit reduction this year.

I yield the floor, Mr. President.

The PRESIDENT pro tempore. In the absence of Senators who have special orders, the Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. I thank the Chair.

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

Mr. EXON. Mr. President, February 16 was the 736th anniversary of the founding of the State of Lithuania in 1251 and the 69th anniversary of the restoration of the independent State of Lithuania in 1918. This is a nation that lives on despite its occupation by the Soviet Union. I rise today to honor the Lithuanian people and the dream of freedom they all share.

Lithuania, along with its neighbors, Latvia and Estonia, were illegally occupied by the Soviet Union in 1940, while the world was distracted with the spread of the Second World War. The Soviet excuse for this behavior, and it is certainly no explanation, is the usual Soviet rhetoric about its national security needs. To this day, the United States Government refuses to recognize the illegal incorporation of Lithuania into the Soviet empire. We continue to express this view, most recently in November 1986, during the followup meeting of the Vienna Conference on Security and Cooperation in Europe.

Our continued support for an independent Lithuania is needed if that nation is to become free again. I am confident that someday the Lithuanian people will regain their rights which are so brutally suppressed by the Soviet police state. When that happens and the Lithuanian people are freed, we will witness a remarkable resurgence of national will and energy, a vitality that is characteristic of Lithuanians everywhere.

Today I express my admiration for the Lithuanian people and join with free men everywhere in expressing our commitment to freedom for that nation.

RECOGNITION OF SENATOR McCAIN

The PRESIDENT pro tempore. The Chair recognizes the Senator from Arizona.

THE NEED TO ADHERE TO THE GRAMM-RUDMAN-HOLLINGS DEFICIT TARGETS

Mr. McCAIN. Mr. President, I join my colleagues in expressing my deep dismay over the prospect that my distinguished colleague, the chairman of the Senate Budget Committee, might abandon his efforts at this very premature time to reach the Gramm-Rudman-Hollings deficit reduction targets which he supported. In truth, I was greatly disturbed by the headlines in this week's newspapers. I hope that there is no substance to them.

I will be tremendously disappointed if those headlines are true, for that implies that the effort to conform to the targets we laid out is falling by the wayside. The implication is that we will no longer be on a track toward balancing the Federal budget even though that is what we promised the American people we will do. To make matters worse, no markup has been held, in spite of the fact that the President sent his budget proposal—which was much maligned upon arrival—to the Congress a month early. No other proposals have been brought forth. The deficit target for 1988 appears to have been abandoned even before Congress has had a chance to tackle it.

I feel strongly about the need to aim for the deficit target of $108 billion for two reasons. First, I believe that we will not reach our target, but the very act of aiming for that target will help us continue the slow and painful progress that Congress has made toward reducing deficits in the past 2 years.

This is exactly what happened in the effort to achieve the fiscal year 1987 target. We aimed to achieve a deficit of $144 billion and will fall short of that goal by $20 or $30 billion. This year we should strive for a deficit of $108 billion in accordance with the law. In so doing we may miss but we will certainly ensure that future deficits will continue to fall.

The track record convinces me that the argument that cutting the deficit to $108 billion in fiscal year 1988, will damage our economy, is a lame excuse for avoiding our responsibility. Instead, I agree with the distinguished Chairman of the Federal Reserve, Mr. Volcker, who, when asked if the deficit target for 1988 is too low, replied that he did not stay up nights worrying that Congress will cut the deficit too quickly. My worry is that we will not act quickly enough.

My second concern is that more and more of our resources—our national income—are being taxed away for the Government's use. Moreover, because of the deficit we are borrowing excessively, and, as a result, our future is being mortgaged—also for the Government's use.

Mr. President, as the distinguished economist, Dr. Paul McCracken noted at a recent lecture at Hillsdale College, there is a tremendous amount of evidence which indicates that the growing absorption of the National income through taxes and borrowing has serious economic consequences. He noted that the 1982 report of the Bank of International Settlements compared the economic performances of 11 countries for the period 1973-81 to that of the period of 1960-73. The report showed that in all of these countries the growth rate was lower during the second period than in the first. On the other hand, the share of the national income taken by the Government was larger in the second period than in the first. This study clearly indicates there is some relationship between the share of resources a country's government consumes, and its potential for economic growth.

This reality is hitting home right now. We have seen the average growth rate of our country fall from an average of 4 percent in the 1960's to an average of about 2 percent in the 1980's. Our trade deficit reflects the troubles our businesses are having in competing overseas, and the value of the dollar continues to fall in reflection of our country's fiscal state. The reality we face is simple. If we want to help our private sector grow and become competitive again, we must, in the words of Murray Weidenbaum, "[reduce] the power, the burden, and the obtrusiveness of the public sector."

Mr. President, I do not relish the task of cutting spending any more than any of my colleagues. I do not relish being unable to fund all the food ideas and projects that are presented to me any more than the chairman of the Budget Committee. But I prefer to confront these unpleasant realities now rather than explain to my children later why they have been made to pay for our generations' excesses.

Therefore, Mr. President, I take this moment to encourage the distinguished chairman of the Senate Budget Committee to reconsider the importance of adhering to our goals of the Gramm-Rudman-Hollings deficit reduction law. I urge him to move quickly to present a budget proposal for consideration by this body that is in conformance with that law.

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. EXON. Mr. President, I have listened with great interest to my friends and colleagues from, first, New Mexico, the former chairman of the Budget Committee, on which I serve, and now my friend from Arizona, who has just talked about the budget deficit, how bad it is.

I saw the newspaper story this morning where all the Republican members of the Budget Committee are united finally, after all these years. Most of them have been there working diligently with the rest of us for a long, long time.

In 8 years under this administration, the deficit has skyrocketed, the national debt has doubled under the Republican administration from less than $1 trillion when President Reagan took office to over $2 trillion, and I am delighted, absolutely delighted, Mr. President, that the Republicans have finally awakened to the major problem with regard to deficit reduction that many of us on this side of the aisle have been ringing the alarm bell on for a long time.

Mr. President, I recall very well how this Senator stood on this floor 4, 5, and 6 years ago and said, "This is the time to put a freeze into place," and I took some heat on that. I think we got 24 moves. So I am delighted that all of us seem to be finally coming to the full recognition that, boy, have we got problems.

Now they are all appealing to the distinguished Senator from Florida, the chairman of the Budget Committee, who happens to be a Democrat, to abandon the remarks that he made recently looking forward to the date of April 15, which is going to require us to make some hard decisions around here and quit the smoke and mirrors. So I am delighted to join my Republican colleagues by saying, OK, let us hold on to that $108, billion magical, absolutely magical and phony, Mr. President, budget deficit that everyone is referring to as if it were written in the Good Book. Every Republican member of the Budget Committee knows we are not going to meet the $108 billion deficit this year. Paul Volcker knows that. Anyone who knows anything about that knows we are not going to make it because it is so phony for so many reasons that we have not begun to count them yet. Among them is the fact that we have rosy economic estimates that are included in the President's budget which is now before the Budget Committee that "meets the $108 billion" deficit reduction target for the next fiscal year. It is phony. It is not truthful. The people of America are being misled once again.

I certainly agree with my colleagues, and I will stand with them, that it is proper to keep our eye on that $108 billion deficit. That is wonderful. Let us do that. And it might be helpful. I do not know. I just know that the President's budget is phony, it makes no sense whatsoever, and anyone who knows anything at all about balancing a Federal budget or a family budget or a State budget or any other kind of budget knows it is phony, knows we cannot make it. There is no way to do it.

We fooled the people last year with smoke and mirrors when we passed the Gramm-Rudman bill. We seem to have forgotten that one of the key factors in that famous Gramm-Rudman piece of legislation was that we would have a sequester; and with the sequester, of course, was that magical development whereby if we did not do our duties here, the sequester would take over. We all know now that that was thrown out by the Supreme Court.

I would suggest that the same people who are complaining about the action of pointing up the fact that we could never make that, by Senator CHILES—I would suppose those people might not be on this floor advocating the $108 billion deficit, with the phony ratchet proposal that this Senator warned was phony at the time I voted against Gramm-Rudman on this floor, and if they had that ratcheting in place, they would not be so anxious to say, "Stay with it."

Among other things, as the distinguished Senator from Mississippi, a senior member of the Armed Services Committee, knows full well, that ratcheting-down and following the dictates and mandates of Gramm-Rudman would wreck this Nation's national defense—and do not be fooled to the contrary. It is wonderful to be for all that is good and kind, and it is great to be for national defense, and it is great to be responsible on fiscal policies after wanton irresponsibility for 8 years. But that is the way it goes.

Some of the other smoke and mirrors that I see with regard to that budget involves the rosy economic assumptions that are contained therein. The record would also show that last year, in conference with the House of Representatives on the budget, when we were talking about the sequester, this Senator got into a rather lengthy discussion. It is all on record. The Congressional Budget Office and GAO and the others were predicting 3.3 percent to 3.5 percent growth in the economy next year, and it will not be anywhere near that. I said it would be somewhere between 2 percent and 2.8 percent. We will be lucky to beat that.

Today, the news indicates that new orders for the Nation's long-lasting nondefense goods plummeted a record—a record, Mr. President—9.9 percent in January, primarily because manufacturers bought less machinery, the Commerce Department said today, on Thursday.

Mr. President, we are in for some deep, deep trouble. I am not blaming the Republicans. I am not blaming the Democrats. I am blaming the system. To come up here now and have a unanimous Republican statement of good will and appeals to the chairman of the Budget Committee, in my opinion, is nothing more than political hogwash, nothing more than trying to pin the tail on somebody else's donkey, when the donkey has already left the barn.

One of the leading economists of the Nation predicted today that, as a result of these new orders, this is something we cannot overlook. This is something we had better realize and we had better recognize. He said that probably we are going to have around a 2 percent GNP growth.

If you figured a 2 percent GNP growth as compared with over a 3 percent GNP growth over here with the phony budget sent by the President, you will see that that $108 billion myth that is still being sold on the floor of the U.S. Senate as a reasonable goal is not there. It is not going to be there.

I have no quarrel at all with any of my colleagues who want to maintain that goal of $108 billion as the deficit, as embodied in Gramm-Rudman, so long as they would have the courage to come out and say, "Of course, we know we are not going to meet it. We are just using it as a myth to fool the public."

So I hope that sometime down the line, when somebody looks back at the RECORD, they will take a look at what happened today, in the Washington Post story about the Republicans unanimously asking, in a very pious fashion, the Democratic chairman of the Budget Committee to change his goals, when all that the chairman of the Budget Committee is trying to do is to tell the people of America the truth, to try to bring some truth in budgeting to the floor of the U.S. Senate, which I think the people of America might enjoy if we began to tell them the truth, once again, rather than to parade political figures before them and trying to pin the tail on the wrong donkey at the wrong end.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Chair has an official memorandum before it which provides that under the provisions order, the Senator from North Carolina is to be recognized.

The Senator from North Carolina. The Senator has 10 minutes.

THE COSTA RICAN PEACE INITIATIVE

Mr. SANFORD. Mr. President, there is fresh hope for solving the problems in Central America. The four democracies, under the leadership of President Arias of Costa Rica, are examining a new initiative intended to stop the fighting, and to ensure democracy and security, in the region.

The Presidents of these four countries met in San Jose on February 16 and will assemble again shortly in Guatemala, with the Nicaraguan President, to deliberate the details of this initiative.

This effort deserves the support and encouragement of the United States.

Central America holds stories of triumph and stories of tragedy. The triumph is of the human spirit, finally insistent on liberty, now manifest in four Central American democracies. The great tragedy is in the human condition, with poverty and ignorance and dangers to health, people ill-housed and ill-nourished, and limited economic opportunity and education.

Honduras, with 4.7 million people, is the poorest Central American nation. Families try to get by on less than $60 a month after inflation has nearly doubled prices over the last 10 years. Half the able-bodied people are unemployed or underemployed. There's 1 doctor for every 3,000 people. Of every 1,000 children born, over 70 die before their first birthday. Fewer than half the people even have access to safe drinking water.

Honduras is saddled with an enormous foreign debt. Its external debt equals nearly two-thirds of its total gross national product. Their $860 million in exports are wiped out by their need to import $1.3 billion in goods.

Their democracy is still fragile, but for the first time they have had two successive democratic Presidential elections, and a third appears assured.

In El Salvador, with 5.1 million people, economic conditions are no better, with the infrastructure ravaged by earthquakes and guerrillas, and thousands of people dislocated by the war. In Guatamala, with 8.3 million people, conditions are only slightly better.

These are the three newer democracies, where poverty makes opportunity and the good life a distant dream. These are the three countries where democracy and freedom are jeopardized by the misery of the struggling peasant and the urban dweller crowded in rickety shacks. It is a land of little opportunity, and mounting problems—all an invitation to uprising—and the strong man promising new things but bringing old oppression. It is a climate ripe for the false song of communism, and countering that threat and that poverty is our basic challenge if we care about our neighbors.

It will be remembered that the United States had occupied Nicaragua with marines from 1909 until 1933, and that from 1936 the dictatorship of the Somoza family and the National Guard ruled with increasing brutality and corruption until 1979. By the end, the unbridled murder, torture, and robbery by the Somozas, and their assassination of the editor of the leading newspaper, La Prensa, mobilized a broad opposition. The business community, the church, professional groups, and a dozen political parties rose up in opposition, adding their strength to the Sandinista National Liberation Front [FSLN], which had been waging guerrilla war against the Somoza government for nearly two decades. Anastasio Somoza and his gang fled.

These new revolutionary forces were generally resentful of the United States because of the occupation, and many Nicaraguans felt the Somoza family was tolerated or supported by the United States.

It was in this climate of revolution and resentment that the Government of National Reconstruction came to power, with all political parties and others represented by a 33 member national council, and a junta of 5, of which 3 were Sandinista National Liberation Front [FSLN] members. They adopted a grand purpose, designated "The Declaration of San Jose," promising free and regular elections, economic and agrarian reform, pluralism and democracy, human rights and justice. But it was not to be—not right away.

The fox was in the henhouse. The Sandinistas dominated the new government because they were the political party that was also a military organization. By 1982 the FSLN had almost completely taken over the new government, a state of emergency had been declared, and a one-party government established. It was this consolidation of political power and suppression of personal freedoms that began the series of events that have developed into the warlike situation we see today.

Independent groups and organizations, the other political parties, the Catholic Church, and labor unions were suppressed, limited, or relegated to the sidelines. La Prensa was banned. In 1984 an election was held, and Daniel Ortega was elected President for 6 years. Ortega was one of the nine commandantes, those who had led the Sandinista military and who controlled the FSLN. Most of the independent parties, claiming FSLN election manipulation, boycotted the election, but the Sandinistas claimed a mandate and became further entrenched.

The other four Central American countries felt threatened by this progression of events. The United States began supporting opposition groups within Nicaragua, including the Contras, a group consisting largely of the Nicaragua Democratic Front [FDN] guerrilla army.

The Sandinista government today depends on the Soviet Union for food, oil, equipment, and military materials, and on Soviet technicians and Cuban military instructors and advisers. A virtual state of war exists, although the United States and Nicaragua maintain diplomatic relations and ambassadors.

To the south of Nicaragua is Costa Rica, a relatively prosperous country with a long tradition of democracy and pluralism. Costa Rica has had no army since 1949 and has a friendly relationship with the United States. The democratic foundation of Costa Rica is sound, but it is jeopardized by an influx of Nicaraguan refugees and the hovering threat of a powerful Nicaraguan Army. Costa Rica and the three fledging democracies all have supported the United States opposition to the Sandinista government.

The United States policy toward Nicaragua has been to support military action, but also to rely upon negotiation. There have been a series of efforts to pursue diplomatic and political paths to peace and security in the region. In 1983, the President of the United States appointed the Bipartisan Commission on Central America, headed by former Secretary of State Henry Kissinger, and its report includes recommendations for seeking a peaceful solution. The Contadora nations have put forward their blueprint for peace. Unfortunately, despite efforts of the Contadora nations, the support group, the United Nations and the Organization of American States, the Contadora process has been stalled for some time. The United States, relying on military pressure to force change by Nicaragua, has found military pressure easier than bringing about political change.

Finally, there is a ray of new hope. Last week, through the extraordinary efforts of President Oscar Arias of Costa Rica, the Presidents of the four Central American democracies met in San Jose and set forth their plan for peace, security, and democratization in the region. They have invited Nicaragua to join them in establishing a peaceful and democratic Central America. These are the nations most affected by the path of Nicaragua. This proposal by President Arias contains the following points:

First. National reconciliation, begun with amnesty for political and related offenses, monitored by a commission, and dialog with nonmilitary internal opposition groups.

Second. A cease fire.

Third. A process that would lead to a democratic representative form of government, with honest periodic elections and guaranteed civil rights.

Fourth. Free and democratic elections, which would be monitored by the OAS, for membership on the newly created Central American Parliament.

Fifth. A suspension of all extraregional military aid, overt or covert, to insurgent or irregular forces.

Sixth. An end to attempts to destabilize the governments of Central American countries.

Seventh. A reduction of arms.

Eighth. Creation of a committee comprised of the Secretaries General of the United Nations and Organization of American States and the foreign ministers of the Contadora Group and the support group to supervise and verify execution of the plan.

Ninth. An evaluation of progress by the Presidents of the five Central American countries.

Tenth. Economic and cultural agreements which will permit accelerated development.

Can the Costa Rican initiative succeed? President Arias thinks it might, that it may convince Nicaragua to reconcile with its neighbors in peace. And, it should be remembered, the Nicaraguans recently adopted a constitution providing for free institutions and regular elections; and although suspended, it is a document on which the Costa Rican initiative can focus. It is encouraging that the Nicaraguan Government accepted, within 3 days, the invitation to meet with the four democracies in Esquipulas, Guatemala, to discuss the Costa Rican proposal.

The Sandinistas have ample reason to seek a political reconciliation, both with their internal opposition and with their neighbors. Within Nicaragua, there is significant civil resistance to the Sandinista government, including the other political parties, business leaders, the religious and civic leaders, and others. The people are unhappy with food and consumer goods shortages. The economy is reeling. Nearly half of their budget goes to military defense. Their foreign debt is rising. They need a change.

With this latest peace proposal, Costa Rica, the region's strongest and oldest democracy, has taken the initiative, drawing together in unity the other three democracies, and urging the fifth country, Nicaragua, to join in democratic assurances of peace, justice, freedom, and security.

This is an historic moment—the Central Americans have seized their own destiny and spoken with one voice for democracy and peace. Who better to craft a peace plan for the region that the democratic governments of the region? Who better to appeal to Nicaragua than its neighbors, whose history, geography, and culture are so closely entwined?

This Central American proposal merits our full support. It is a bold effort by the four Central American governments which have the most at stake. It cannot succeed without the help and endorsement of the United States. They deserve our strong support.

I am submitting a concurrent resolution of support by the U.S. Congress, which I now send to the desk and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 24

Whereas the heads of state of Costa Rica, El Salvador, Guatemala, and Honduras met in San Jose, Costa Rica, on February 15, 1987, for the purpose of formulating a regional proposal for brining about an end to the armed conflict in Central America;

Whereas these heads of state have reaffirmed—

(1) Their faith in finding a political solution to the problems in the region and have recognized their regional responsibility to seek a stable and durable peace through diplomatic negotiations and political dialog; and

(2) their belief that such a durable peace is only possible within the context of democratic regimes which are committed to eradicating extreme poverty, to establishing an effective means for equal opportunity for all elements of society, and to establishing a pluralistic society where dialog among the various elements of society is permitted to occur and free and periodic elections are held;

Whereas these heads of state specifically endorsed the "Procedure for Establishing a Firm and Durable Peace in Central America" proposed in San Jose by Oscar Arias Sanchez, the President of Costa Rica, as a useful and constructive proposal for discussion with an end toward establishing a definitive timetable for ending the cycle of violence in Central America; and

Whereas the heads of State of Costa Rica, El Salvador, Guatemala, and Honduras intend to transmit this proposal to the Government of Nicaragua and to extend a formal invitation to the President of Nicaragua to participate in discussions with the goal of executing a plan for a definitive and verifiable program for establishing peace in Central America: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress applauds the recent bold initiative by the heads of state of Costa Rica, El Salvador, Guatemala, and Honduras, and congratulates them on the significant contribution made by this initiative toward ending armed conflict, and reinforcing democracy, in Central America.

(b) The Congress strongly supports this initiative and looks forward to the summit meeting in Esquipulas, Guatemala, within the next three months, as the next phase in this historic effort of the Central American heads of state to forge a firm and lasting peace in Central America.

THE COSTA RICAN PEACE INITIATIVE

Mr. TRIBLE. Mr. President, I am pleased to be a cosponsor of this concurrent resolution commending the peace initiative recently launched by President Oscar Arias Sanchez of Costa Rica.

I recently returned from Central America, where I met with the leaders of Costa Rica, Guatemala, El Salvador, and Honduras. I came away from that trip deeply impressed by the commitment of these leaders to peace, democracy, and security in their region.

The Arias proposal is a significant step toward achieving those goals. Moreover, it underscores the fact that the leadership required for a peaceful, democractic solution to the Central American conflict must come from the Central Americans themselves.

It is the fledgling democracies surrounding Nicaragua who have the most to lose from the consolidation of a Communist regime in Managua. President Arias and the other democratic leaders have recognized that there is little chance for substantial economic investment in their countries as long as there is an armed Communist camp next door in Nicaragua. They have realized that democracy and freedom are the keys to a long-term settlement of the Central American conflict. And they have taken a bold and visionary step by trying to begin formulating their own regional peace plan.

The United States ought to encourage the efforts of the Central American democracies to shape their own destinies. We have vital strategic, economic, and moral interests at stake in the region. Those interests are well-served by the Arias initiative, and I urge my colleagues to join me in supporting this concurrent resolution commending Arias and his democratic colleagues in the region.

THE SENATE MUST SUPPORT A DIPLOMATIC SETTLEMENT IN CENTRAL AMERICA

Mr. PELL. Mr. President, I strongly support this important concurrent resolution putting the force of the Senate behind the recent initiative of Costa Rica to achieve a diplomatic settlement to the conflict in Central America. I have long argued that the best hope for peace in the region is a diplomatic, political settlement and believed that the Contadora process, developed by the countries of the region was the answer. The new proposal initiated by Costa Rican President Arias, and refined in San Jose at a meeting with the Presidents of Guatemala, Honduras, and El Salvador, builds on Contadora and places the responsibility for the forging of an ultimate peace in Central America on the five nations themselves.

The new peace initiative calls for the nations suffering armed struggle to initiate extensive dialog with all non-military internal political opposition groups in order to promote national reconciliation; it sets up criteria for the democraticization process by calling for political pluralism and complete freedom of the press, radio, and TV; using these standards, it calls for the free election of a Central American Parliament supervised by the Organization of American States, to be followed by free elections, with the same criteria, in the individual countries according to their election schedules; it requests that all foreign countries currently aiding insurgent or irregular forces in the region to suspend such aid, and asserts that the Central American nations cannot permit the use of their territory to support the destabilization of the respective governments; it initiates negotiations to achieve a reduction of armaments; and it calls for international supervision and verification of the various provisions of the plan by the Secretaries General of the United Nations and the OAS, as well as the Foreign Ministers of the Contadora and support groups.

The next step in this process will be a meeting in the coming months in Guatemala of the Presidents of all the Central American countries, including Nicaragua, to discuss and further refine the document developed in San Jose. This meeting will be crucial to the future peace and security of the region. This new initiative not only deserves the strong support of the Congress but it is imperative that the administration gives its total support and allow the nations of the region themselves to forge their own destiny.

I congratulate Senator SANFORD for presenting this concurrent resolution which resulted from his recent visit to the region. I am very proud to be an original cosponsor of this bipartisan effort and urge my colleagues to join in support.

Mr. SANFORD. Mr. President, following this concurrent resolution, I wish to have printed a related statement which was adopted by the Foreign Relations Committee as an amendment to Senator DODD's bill, S. 184. While this will ultimately be recorded in the CONGRESSIONAL RECORD, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

UNITED STATES POLICY TOWARD NICARAGUA

It is the Sense of the Congress that the following United States policy with respect to Nicaragua would best promote United States national security and foreign policy interests in the Central American Region:

(A) United States policy toward the Government of Nicaragua shall be guided by the requirements of the Charter of the United Nations, the Charter of the Organization of American States and by the Inter-American Treaty of Reciprocal Assistance.

(B) Consistent with these solemn treaty commitments, the United States shall support negotiations and other diplomatic efforts aimed at promoting and enhancing (1) United States security interests with respect to Nicaragua; and (2) the development and growth of democratic institutions in Nicaragua.

(C) The United States recognizes the interconnection of its security interests in the region and the establishment of democratic institutions in Nicaragua and considers both to be of great importance to the United States. At the same time, however, the United States recognizes that the former is a matter which requires immediate attention, while the latter may realistically require a longer time to achieve. Accordingly, United States policy while seeking to achieve both objectives, does not condition its pursuit of either one on the achievement of the other.

(D) With respect to United States security concerns raised by the current situation in Nicaragua, it shall be the policy of the United States to support negotiations, which have as their goal a verifiable agreement binding on the government of Nicaragua. Such agreement shall at a minimum—

(1) prohibit the establishment of foreign military installations and bases; (2) bar the introduction of sophisticated or destabilizing weapons; (3) provide for the removal of all foreign military advisors and security personnel; (4) place limitations and restrictions on the size and structure of the armed forces and military establishment; (5) preclude assistance to guerrilla forces or paramilitary groups; and (6) establish adequate means of verification, including on-site inspection, to ensure compliance.

(E) With respect to facilitating the establishment and growth of democratic institutions in Nicaragua, it shall be the policy of the United States to support negotiations, which have as their goal a verifiable agreement binding on the Government of Nicaragua. Such agreement shall at a minimum—

(1) provide the foundation ultimately for a system of government based upon respect for democratic principles and political pluralism; (2) provide for adherence to constitutional practices and procedures; (3) guarantee freedom of speech, freedom of the press, freedom of religion and freedom of assembly; (4) safeguard property rights and provide for economic self-determination; (5) require a free, fair, and open electoral process, with provisions for the regular and periodic scheduling of elections; (6) provide for a fair and impartial court system for the administration of justice and law enforcement; and (7) establish adequate means of verification of the terms of the agreement, including on-site inspection, to ensure compliance.

(F) The United States shall assist the four democratic governments of Central America: Costa Rica, Guatemala, El Salvador, Honduras; as well as Nicaragua if the objectives of subsections (D) and (E) of this section are achieved, in creating a regional economic development and recovery program, including humanitarian aid, the strengthening of education and health facilities, the extension of business and employment opportunities; and the United States shall urge other democractic nations to join in an extensive program of assistance for the sound economic growth and advancement of Central America.

Mr. SANFORD. Thank you, Mr. President.

The PRESIDENT pro tempore. Yes, sir. Thank you.

Does the Senator from California seek recognition?

Mr. WILSON. Mr. President, when we are on routine morning business I will seek recognition. Am I correct in my understanding that we are continuing with special orders?

The PRESIDENT pro tempore. Yes, we have special orders. The Senator from Alaska has a special order.

Mr. MURKOWSKI. I thank my colleague from California, and I would accommodate my colleague but I assume that we are under special orders?

The PRESIDENT pro tempore. Yes.

RECOGNITION OF THE SENATOR FROM ALASKA

The PRESIDENT pro tempore. The Senator from Alaska [Mr. MURKOWSKI] is recognized for 10 minutes.

Mr. MURKOWSKI. I will not take 10 minutes. If it is so appropriate I will be happy to share my remaining time with my colleague from California if indeed he is pressed for time.

The PRESIDENT pro tempore. We will get to that.

Mr. MURKOWSKI. Thank you, Mr. President.

AMERICA NEEDS ALASKAN OIL

Mr. MURKOWSKI. Mr. President, it seems to be the case in this country that they never put a traffic light on the corner until after someone has been hurt. Unfortunately, this has been our Nation's approach to the questions surrounding our long-term energy needs. We never seem to ask ourselves, where will the oil come from? That is, until we are in the midst of an oil crisis. Then we seem always to be asking, where did it go—as we stand in gas lines and blame the Government for not acting. We have already received warnings from the appropriate agency. The Secretary of Interior has predicted that there will be energy shortages, that there will be gas lines again in this country, because Congress is not meeting its responsibilities.

The 100th Congress has an historic opportunity to reverse that trend and take a major step toward ensuring that our Nation remains less dependent on foreign oil. In the coming months, we will begin debate on what will probably be the largest energy-related decision of the late 20th century—oil exploration inside the Arctic National Wildlife Refuge [ANWR].

Mr. President, Senator STEVENS and I have previously circulated a "Dear Colleague" letter. In it we ask that Senators closely examine all sides of the many complex questions surrounding ANWR. I repeat that call to my colleagues today.

Because there are those, Mr. President, who would pigeon hole the parties involved in this debate—those who would say the ANWR issue is black and white—either/or—who would paint ANWR as a choice between exploitation and preservation, a choice between caribou and oil.

Some environmental organizations argue that Alaska's environment will be destroyed if oil exploration takes place in ANWR. These arguments have a familiar ring. Less than 20 years ago, the same organizations were leading the charge with the same issues against the Alaska pipeline. They said the same things back then and were subsequently proven very wrong.

Mr. President, there are many sides to the ANWR issue. Our experience at Prudhoe Bay proves we can explore for oil on Alaska's north slope without damaging the environment. The commonly heard assertion that caribou cannot survive along side prudent oil development is simply not true. There were about 3,000 caribou in Prudhoe Bay in 1972. Today that number has increased fivefold to nearly 14,000. There is no either/or choice. We can have both oil and wildlife protection.

Opponents of exploration in ANWR also fail to mention that we are talking about opening only 1.5 million acres of an 18 million acre refuge that already has 8 million acres of designated wilderness. Even if the Coastal Plain were at full development, less than one one-thousandth of 1 percent (.0001%) of ANWR would be touched.

Few of my colleagues have a real appreciation of the size and vastness of Alaska and the Coastal Plain of the Arctic.

I only ask my colleagues to remember that currently we are only talking about exploring for oil. We do not know that oil is there. You usually don't find it when you look for it.

I would also ask my colleagues to remember that currently we are only talking about exploring for oil. There is no guarantee that any will be found and even if Congress gave the go-ahead today for oil exploration to begin in ANWR, it would be 10 to 15 years before oil would be on line and ready to be delivered to U.S. consumers. That is why it is so important we have the lead time.

The argument, therefore, is over the strategically important oil reserves which ANWR potentially represents. The United States has the strongest environmental laws in the world and Alaskans are dedicated to maintain clear air, water and that special Alaska lifestyle we love. Our laws will ensure that exploration in ANWR will be consistent with the protection of the other resources, like caribou, that are important to our national heritage and our native people.

America proved with the Alaska pipeline that development could be done right. I am confident ANWR can be explored with the same success.

The ANWR Coastal Plain lies next to the Arctic Ocean east of Prudhoe Bay. Purdhoe Bay, the largest oil field in North America, currently accounts for 25 percent of the United States domestic oil production. The Coastal Plain of ANWR is generally regarded as the most promising unexplored on shore oil and gas prospect in this hemisphere.

In the Alaska National Interest Lands Conservation Act of 1980, Congress expressly reserved for future consideration the question of whether oil and gas exploration should be allowed on the 1.5 million acre Coastal Plain of ANWR. To facilitate that debate, Congress directed the Department of Interior to prepare a comprehensive study of the Coastal Plain's fish, wildlife and oil and gas resources.

Well, Mr. President, the Department released the initial draft of that study in November.

It predicts a 95-percent chance that there are 4.8 billion barrels of oil in place.

Further, it says there is a 5-percent chance that the area contains more than 29.4 billion barrels of oil. These are significant numbers, Mr. President.

Based on these predictions and the determination that exploration can occur without significant detrimental impact to the environment, the Interior draft report recommends that the entire Coastal Plain be opened to oil and gas exploration. The Department is presently taking public comments on the report and anticipates sending the final version to Congress in April.

In light of the recent explosive growth in our Nation's oil imports and the continuing decline in our proven domestic reserves, it is critical that we explore the Coastal Plain to determine precisely how much oil if any, is there. No such exploration will take place unless Congress expressly authorizes it. Without question, Alaska's oil is a key component of our national energy security. But I would remind my colleagues that we prevailed in the U.S. Senate by only one vote to authorize the Trans-Alaska pipeline which is now carrying nearly 25 percent of the domestic oil supply of this country. The Vice President broke the tie, Mr. President, when we authorized the pipeline. In light of that fact, we should all stop and ask ourselves, where would we be today if it were not for Prudhoe Bay oil?

I would direct my colleagues to an article on the front page of the February 17 New York Times. It quotes Government and private-sector analysts who warn that despite high prices and a more stable market, it is almost inevitable that the United States is headed for new oil shortages as disruptive as those experienced in the 1970's

I am also sure that this is not the last we will hear on this issue, Mr. President. Facts and figures will be coming from all sides. I would urge my colleagues not to make up their minds prematurely—to consider our Nation's energy situation—to consider what the Interior Department has concluded, and above all, to keep an open mind.

Mr. President, I ask unanimous consent that the text of the New York Times article, "U.S. Oil Shortages Seem Unavoidable to Many Analysts," by Robert D. Hershey, Jr. be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. OIL SHORTAGES SEEM UNAVOIDABLE TO MANY ANALYSTS

(By Robert D. Hershey, Jr.)

Despite higher prices and a more stable market, the United States is almost inevitably headed toward new oil shortages that could be as disruptive as those of the 1970's, according to increasingly urgent warnings by Government policy makers and other analysts.

After nearly a year of wild fluctuations in which the oil price was cut roughly in half, the OPEC countries now seem to be maintaining a price of about $18 a barrel. But while this price, which is almost double the lows of last summer, has the unofficial blessing of the Reagan Administration and some major oil companies, it is generally regarded as insufficient to prevent further sharp declines in domestic production.

As a result, many specialists say, American dependence on foreign oil could by 1990 soar to new peaks and could reach a dangerous 60 percent by 1995. This, in turn, implies renewed control of the oil market by the Organization of Petroleum Exporting Countries.

SITTING IN GAS LINES

The latest, and perhaps strongest, warning came last week from Interior Secretary Donald P. Hodel, formerly Secretary of Energy. "People will be sitting in gas lines' again, he flatly predicted, "anytime within the next two to five years."

With OPEC back "in the driver's seat," Mr. Hodel added, the organization will have restored its ability to use oil for political ends, such as the 1973-74 embargo by its Arab members. He said he had been told by a Middle Eastern source that, if it had not been for the glutted market, such a cutoff would have been imposed after American air strikes against Libya last year.

Although a world price of $18 a barrel—equivalent to about $19.50 for the benchmark American grade of West Texas crude—is considered a "survival" level for most larger companies, analysts agree it gives the United States almost no chance of halting what Government figures published last month show was an unexpectedly sharp drop in oil production in 1986.

When combined with rising consumption, this lag in domestic output points to dangerously high levels of imports, with adverse implications for national security, foreign policy, the trade balance and the general health of the economy.

"We are today sowing the seeds of the next energy crisis," James R. Schlesinger, formerly Secretary of Energy and Secretary of Defense, told Congress recently. "The same falling oil price that provides consumer benefits and provides a macroeconomic stimulus while easing inflation and interest rates also implies serious problems for domestic oil supply and national security."

Although the nation has taken steps in the last decade to reduce the impact of such supply disruptions—the most important step may be the building of a large strategic stockpile with more than 510 million barrels—the brutal geopolitical facts of world oil remain stacked against the United States and its similarly situated allies.

About two-thirds of the world's reserves not controlled by Communist countries—and currently unused production capacity—are in the politically volatile Persian Gulf. There, the oil is so easy to recover that the nations that control it can undersell and drive from the market virtually any competitor.

At the same time, the industrialized countries account for two-thirds of non-Communist consumption, much of it absolutely essential. In the United States, for example, 97 percent of the fuel used for transortation is oil for which there is no ready substitute.

Because of the current world surplus, reflected in lower prices, "many people have lost sight of the fact that the oil market is not only very fragile, but it is also controlled by others," said Senator James A. McClure of Idaho, the ranking Republican on the Senate Energy Committee.

Although American vulnerability in oil cannot be gauged simply by the percentage of imports—the source, price and other factors are also important—it is agreed that heavy dependence on Mideast supplies is highly risky.

SAUDI ARABIA A KEY SUPPLIER

While United States reliance on Persian Gulf oil is far less than it was 15 years ago, the amount imported from the Persian Gulf has climbed of late and Saudi Arabia is becoming an increasingly important supplier. In addition, under an International Energy Agency agreement, the United States is obliged to share oil with the other members of the organization in the face of an oil shortage.

"Overdependence on costly and insecure foreign sources of oil could well be the major national problem of the 1990's," said Charles J. Dibona, president of the American Petroleum Institute, a trade association. "Few people comprehend that today's problems for the industry threaten the security and economic well-being of the whole nation tomorrow."

While consumption is climbing—and at an accelerating pace—it is the sharply falling level of American production that most distresses policy makers, industry officials and strategic analysis.

9% OUTPUT PLUNGE IN 1986

After rising slightly for four years in response to higher prices, output plummeted by a stunning 833,000 barrels a day, or about 9 percent, between February and December 1986, according to Energy Department data. This decline, to 8.35 million barrels a day, brought the nations's production rate down to the lowest levels since 1977, when import dependence reached its peak of 48 percent. Imports of crude oil and refined products currently account for about 38 percent of American consumption, up from 31 percent a year ago. At the time of the Arab embargo, the level was 33 percent.

"In less than one year, manipulation of crude oil prices by the dominant Arab OPEC producing countries has offset all of the production gains realized between 1982 and 1985," said Raymond H. Hefner, chairman of the Independent Petroleum Association of America, a trade group representing thousands of medium-size and small operators that drill most of the country's new oil and gas wells.

This year, according to various projections, production will fall an additional 300,000 to 500,000 barrels, to about 17 percent below the peak production of 9.6 million barrels a day reached in 1970.

Most analysts believe that $18 oil is not enough even to arrest this drop, much less reverse it. "I don't think it gets the job done," said G. Henry Schuler, an energy specialist at the Center for Strategic and International Studies here. "It's not enough to assure the activity we need in this country."

Moreover, he and other analysts maintain, the fact that oil collapsed to below $10 a barrel in recent memory makes oilmen and their bankers unwilling to assume that the current price will hold. There are signs this week of cheating on OPEC quotas, and a major test will occur when the winter heating season ends in the next several weeks.

"The thing in the back of everybody's mind is that the $18 price is attached to a high degree of risk," said Herbert W. Krupp, senior energy economist for the Bankers Trust Company. "Once you've seen $10 oil, you're scared."

Theodore R. Eck, chief economist for the Amoco Corporation, estimated that it would take an oil price "in the mid-$20's" before there was a significant rise in the exploration activity required to find new oil for the 1990's. In the current situation, moreover, the industry is losing—or failing to attract—vital talent. "I'm really afraid about the 'critical mass,' " he said.

Another reason for concern, according to the chairman of the Chevron Corporation, George M. Keller, is that, unlike the situation in the 1970's, there are no longer any major oil discoveries, such as at Alaska's Prudhoe Bay and in the North Sea, that await development.

DRILLING IN PROVEN AREAS

And while the cost of drilling has fallen, too, the inclination is to drill in proven areas rather than to explore offshore and other frontiers where there is the best chance of finding sizable quantities.

Despite the dim prospects for maintaining even current levels of self-sufficiency in oil, the Reagan Administration believes there is relatively little the Government can, or should, do about it.

Secretary Hodel and many others believe, in fact, that the Government was mainly responsible for the oil problems of the 1970's because of its controls on prices and its counterproductive efforts to allocate diminished supplies. "We caused the shortage," Mr. Hodel maintains.

A major review ordered by President Reagan of energy-dependency and national security—now due to be unveiled next month—is expected to lay out the impact and costs of possible Government interventions, such as imposing an import fee on foreign oil. But Secretary Hodel said the report would make no recommendations for fear this would reduce the prospects for serious debate of a high-stakes problem with no easy solution.

RECOGNITION OF SENATOR SPECTER

The **PRESIDENT** pro tempore. Under a previous order, the Senator from Pennsylvania [Mr. SPECTER], is now recognized for not to exceed 5 minutes.

Mr. SPECTER. I thank the Chair.

LIMITED USE IMMUNITY

Mr. SPECTER. Mr. President, I had requested this special order last week to comment on a subject other than the one which I will direct my remarks to today, because the Tower Commission report has been handed down earlier today. I believe that the most significant statement in the Tower Commission report related to a finding which they could not make, and that appears at III-10, "but the board had no hard proof," referring to the issue of diversion of funds to the Contras.

Mr. President, the critical issue on the diversion of funds to the Contras can be answered only if there is limited use immunity granted to Lieutenant Colonel North and Admiral Poindexter and I urge the congressional select committees to do so very promptly.

The Federal Government is preoccupied with the Iran-Contra matter and has been preoccupied since December of last year. Serving on the Senate Intelligence Committee, this Senator observed the executive branch practically being run out of our hearing room when the Chief of Staff, Don Regan; Secretary of State, George Schultz; the Secretary of Defense, Caspar Weinberger; the Attorney General, Edwin Meese; and others came in, in a series of appearances to testify. And there is, to this day, a preoccupation with this issue which will continue until all the facts are on the table.

Let the chips fall where they may, assess whatever blame is due, establish whatever criminality is present, and let us get on to the important business of the Federal Government, which I submit is now being neglected—important international issues on arms control, important domestic issues on the budget.

Limited use immunity can be granted North and Poindexter without materially affecting the criminal cases which might be brought against them. Procedures exist to bundle the evidence, to seal the evidence, then to take their testimony in order that there may be no issue about any new evidence coming from their testimony and no issue of change.

Mr. President, the issue of the congressional precedents taking precedence over the special prosecutor was decided in the Watergate issue when Senator Ervin and his investigating committee battled this issue out with special prosecutor Archibald Cox. And the court, Judge Sirica, found that the congressional interest in full disclosure took precedence over any possible criminal prosecution.

We have noted today in the New York Times, Mr. President, that the independent counsel has requested the Attorney General not to turn over any evidence to the congressional investigating committees. Mr. President, I submit that that is the tail wagging the dog; really, the tail wagging the country, because the important issues for this country involve getting at all of the facts so that we can let the chips fall where they may, assess responsibility, and get along with the business of the Federal Government.

This limited use immunity can be granted without in any way impinging upon those prosecutions. What we are having, Mr. President, is this information coming out in dribs and drabs. We have a series of disclosures. We have the Senate Intelligence Committee report. Now we have the Tower Commission report. We are going to have the continuation of the independent counsel working with the grand jury. We are going to have the Senate select committee and the House select committee. But the only way that all of the facts will be ascertained will be once limited use immunity is granted to Lieutenant Colonel North and Admiral Poindexter to get all the facts on the table. I urge the congressional select committees to do that forthwith in the national interest.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Montana.

FOOD EXPORTS BETTER POLICY THAN SHODDY ARMS DEALS

Mr. MELCHER. Mr. President, the Tower Commission report demonstrates the false values that the administration has used to promote shoddy deals for war weapons in Iran and Nicaragua. Rather than wasting time and energy, the White House should be promoting a positive and peaceful approach for using our abundant food supplies as a centerpiece of U.S. foreign policy.

To help the administration drag itself into a positive policy, I am preparing for introduction the Agricultural Aid and Trade Mission bill. For several years the administration has been so absorbed in the question of national defense here at home and arms peddling abroad, that they have rejected opportunities for American agricultural exports. As a result these exports have shrunk to about half of what they were 5 years ago. Nevertheless, the food needs in friendly countries which could be met by U.S. surplus food commodities would provide both the best foreign policy for us and be helpful for U.S. farm producers.

The bill will establish agricultural aid and trade missions composed of both Government and private members to visit particular countries to assess their immediate food needs. They would consult with government and private officials to ascertain commodity needs of each country and what terms would best suit their needs. Private volunteer organizations and cooperatives as well as commodity producers organizations would be represented on the membership of the U.S. missions to assist in assessing needs and provide for distribution and development of economic assistance programs.

The agriculture aid and trade mission will report back to the President and Congress and the program will receive expedited action.

Countries such as Mexico, the Philippines, Indonesia, India, Bangladesh, Sri Lanka, Nigeria, Kenya, Senegal, Mozambique, Costa Rica, and Colombia will be designated in the bill.

The Agriculture and State Departments are directed to recommend additional countries to this list. The U.S. programs utilized are Public Law 480 Food for Peace, section 416, section 108 of the Farm Act, the Export Enhancement Program, and GSM 102 and intermediate credit guarantee programs, plus other programs authorizing the Agriculture Department to dispose of surplus commodities. These programs range from outright donations or reduced price sales to long-term credit sales. A combination of any or all of the programs could be the recommendation of the aid and trade missions and would vary from one country to the other.

The makeup of the missions will have to vary from one country to another and will be meeting in different countries simultaneously. The bill will give the administration the opportunity to reverse the dismal decline of agricultural exports. In addition the bill will give the administration an opportunity to develop a positive foreign policy using American agricultural strength as a positive force to develop friendly trade relations mutually beneficial to ourselves and other countries.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. BYRD. Mr. President, will the Senator yield briefly for a unanimous-consent request?

Mr. LEVIN. I am happy to yield.

Mr. BYRD. I thank my friend.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the period for transaction of morning business be extended until 5:15 p.m. today under the same conditions as heretofore agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank my friend for yielding.

INDEPENDENT COUNSEL ACT

Mr. LEVIN. Mr. President, a vitally important procedure for guaranteeing the independent investigation and prosecution of persons close to the President has come under attack. My colleagues are all familiar with the events of the last few days in which Lt. Col. Oliver North and Michael Deaver have filed constitutional challenges to the independent counsel statute. This activity has brought the details of this statute under public scrutiny as the news stories have provided many and varied accounts of the purpose and provisions of the statute as well as the possible consequences of the outcome of these cases.

I would like to take a moment to set forth just what this statute is and what it is not.

I have become familiar with the history and provisions of this statute in my role as chairman of the Subcommittee on Oversight of Government Management of the Governmental Affairs Committee which has jurisdiction over the Ethics in Government Act, including the independent counsel revisions in title VI. Senator COHEN, who served as the chairman and now serves as the ranking Republican on the subcommittee took the initiative in bringing these issues within the subcommittee's jurisdiction and has followed these issues very closely since his days in the House where he served on the Watergate Committee. The subcommittee is planning hearings on this statute on March 19 and 20 in preparation for its reauthorization later this year. Title VI expires January 1988, unless reauthorized by that time.

The law creating the independent counsel—formerly called the special prosecutor—was passed in 1978 in the long shadow of the Watergate period. Our experiences with President Nixon's firing of a nonstatutory special prosecutor, Archibald Cox, appointed by the Attorney General to conduct investigations into the events which comprised the Watergate scandal, made us all well aware of and deeply concerned about favoritism and political influence in certain criminal investigations involving persons close to the President. Congress decided at that time that it was essential to insulate prosecutors in cases involving persons close to the President from direct influence by the President or the Attorney General and his staff on decisions whether criminal acts were carried out. The credibility and confidence of the American people in the system of justice was at risk.

The appointment by an entity outside the normal channels of the President or the Attorney General was selected as the most appropriate solution and thus the special prosecutor provisions were drafted and passed into law. Discretion to actually seek a special prosecutor still resided in the Attorney General, with congressionally imposed standards for making such judgments.

In 1981 and 1982, after several years' experience with the law, we revisited the statute and made numerous changes to improve its use. At that time, we were concerned that the statute was unfair in that the covered officials might be subject to criminal investigations that ordinary persons were not. Based on experiences under the statute with the cases of President Carter's chief of staff, Hamilton Jordan, and the manager of President Carter's reelection campaign, Tim Kraft, the committee, among other provisions, tightened the trigger for the preliminary investigation under the statute, provided for the application of the Department of Justice prosecutorial guidelines—so that only those cases that the Department of Justice would normally prosecute would be prosecuted—and changed the name of the special prosecutor—which suggests culpability even at an early investigative stage—to independent counsel.

Cases under the statute since the 1982 amendments have raised other issues that we hope to address and resolve in this year's reauthorization, including the appropriate standards for recusal by the Attorney General in these cases, the manner in which the jurisdiction of the independent counsel is defined and expanded, the conduct of the preliminary investigation by the Department of Justice, the role of the special court in maintaining and controlling the records of former independent counsels, and the ethical standards involving possible conflicts of interest that apply or do not apply to independent counsels and their staffs.

The independent counsel statute, then, is a carefully crafted process by which Congress can guarantee to the public, the independent investigation and prosecution of officials close to the President. It is the means by which we can achieve the public's trust in the administration of justice in these highly political cases by avoiding any appearance of favoritism or special treatment.

But, Mr. President, my colleagues should also be reminded of what the statute is not. It is not the only alternative for criminal investigations and prosecutions in these types of cases. Were it to be struck down in whole or in part—and I would point out that the facts differ in each of these cases, presenting the court with different issues or aspects of the statute to consider—its demise would not mean the end to the pending cases.

The pending investigations would probably be returned to the Department of Justice for continued action. The Attorney General, or his designee—were the Attorney General, as he already has in several of the cases, to recuse himself—would bear the responsibility of appropriately continuing the investigation or prosecution. He could do this by employing a special prosecutor for the Department of Justice as has been done in cases other than Watergate, or he could assign these cases to U.S. attorneys in the field. In any event, it would be hoped and certainly possible that these cases would be continued to their appropriate completion.

What we would lose, however, by employing such alternatives would be the guarantee that action was being taken in an unbiased and independent manner, and free from any taint of an appearance of a conflict of interest. We also risk that political influence and partiality in these cases could not be avoided resulting in otherwise appropriate prosecutions being dropped or—in an effort to demonstrate impartiality—excessive prosecutions, unfair to the targets being brought. And that is why retention of this statute is so important.

Let me add, Mr. President, that the cases at hand are the best possible examples of the need for this statute and its appropriate application. Presently we have independent counsels investigating, among others, Michael Deaver, former top adviser and counselor to the President and his wife; Lyn Nofziger, former top adviser and campaign strategist to the President; and Lieutenant Colonel North of the President's key people in the National Security Council. Due to their direct involvement in the events, the Iran/Contra investigation also touches upon the Attorney General and the President. There is no practical way, other than by the independent counsel statute, that the suspicion of favored treatment by the Department of Justice in these cases could be eliminated. It may be unfortunate but it is an unavoidable fact.

As to the issue of the statute's constitutionality, Congress created a unique animal by enacting this statute, but we also extended great effort to abide by the constitutional principles of separation of powers.

The record in support of this act's constitutionality is a strong one, and I will be urging the Senate to join the pending suits to defend the statute, regardless of the role the Department of Justice chooses for itself. Based on comments by Department of Justice officials, it is very possible the Department may decline to defend the statute. That itself would create an appearance problem since it would put the Department of Justice in the difficult position of being viewed as assisting Lieutenant Colonel North and Mr. Deaver in possibly avoiding criminal investigation or prosecution in the very cases from which the Department of Justice was removed.

Mr. President, the independent counsel statute, as I said at the beginning of my remarks, is a statute vitally important to maintaining the confidence of the public in the fairness of our system of justice. Nothing can undermine the public's support for the institution of government more than the suspicion—apparent as well as real—of favored treatment of high government officials. I am hopeful that the Senate will seek to intervene in the pending cases and make a strong defense of this act.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. BYRD. I thank the distinguished Senator for his statement and for his proposal. I have called Mr. Michael Davidson, the chief counsel for the Senate, this afternoon, and discussed this matter with him. I urged him to proceed to prepare a resolution which I will be discussing with the distinguished Republican leader if not today certainly by the first of the week, with the resolution to be prepared so that the intervention as friend of the court can proceed.

I think the Senator's proposal is a good one. It seems to me that we in this institution should attempt to explain why the Senate and the House felt that it was appropriate to proceed as we did. We certainly ought to be prepared to defend the action of the Congress in creating the Office of Independent Counsel.

I assure the distinguished Senator that we are proceeding along these lines and he will be kept informed of the steps we are taking.

Mr. LEVIN. I thank the leader for his comments. If I could briefly add, Mr. President, the subcommittee which I chair has been responsible for the oversight of this act and we have over the years, on a bipartisan basis, not only crafted this law in the Governmental Affairs Committee, but we have also revised and improved this law on a bipartisan basis. I hope this Senate will continue to protect this law on a bipartisan basis.

The whole purpose of the law is to avoid any taint of favoritism or partisanship in pursuit of these cases. I am very happy to hear what the majority leader has said this afternoon. I do hope that the Senate as a whole on a bipartisan basis will join in seeking intervention in this lawsuit.

Mr. BYRD. Mr. President, I thank the Senator and compliment him on the work that his subcommittee has done in this matter. I think it has been a very worthwhile effort for the country and for the Senate as an institution.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be an extension of morning business under the provisions previously entered not beyond 5:30 p.m. today.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

COMMENDING THE WORK OF DR. FRANK YOUNG, COMMISSIONER, FOOD AND DRUG ADMINISTRATION

Mr. HATCH. Too often we hear what this Government and the bureaucracy have failed to do. I take this opportunity to commend an agency of Government and a leader who together are entrusted with ultimate responsibility for the health and safety of all our citizens as consumers of foods and drugs.

In 1986 the Food and Drug Administration and its Commissioner, Dr. Frank E. Young, were tested severely. Dr. Young, through his leadership at FDA, protected consumers by acting to resolve serious public health issues, chief among them an unprecedented outbreak of criminal tampering with foods and drugs.

While dealing with this unforeseen problem with resolution and skill, Dr. Young's agency also dealt with a full panoply of "routine" responsibilities. These include progress under an ambitious "Action Plan" designed in 1985 by Dr. Young and his staff to bring greater order to myriad demands competing for FDA time and resources.

By the end of fiscal year 1986, 94 percent of the milestones in the plan were in sight and 75 percent had been completed.

The agency was challenged in ways few of us can imagine by the product tampering crisis of 1986. By way of background, the tampering outbreak that had occurred in 1982 centered primarily around one product. The problem decreased rapidly following cooperative action by industry and Government and promulgation of new tamper-resistant packaging regulations by FDA.

In 1986, however, the tampering outbreaks persisted over a number of months. Four people died. And many products were involved, including baby food, girl scout cookies, beverages, pudding, peanut butter and over-the-counter medicines. The number of reports was staggering. In all of fiscal year 1985, FDA received only 128 reports of tampering. By contrast, in fiscal year 1986, the number reached more than 1,500. The costs, too, have been staggering in the diversion of FDA resources from planned activities. The total cost to FDA of handling tampering and other emergency situations in 1986 is well in excess of $22,700,000 and more than the equivalent of 500 person-years.

In the end, most of the complaints of tampering investigated by FDA field personnel turned out to be unfounded. But in order to know this with certainty and to assure public protection, FDA acted quickly and decisively in the 1,500 cases to inspect manufacturing plants, collect and analyze product samples and sometimes work with manufacturers to withdraw products from store shelves. In the case of complaints of glass in baby food, the FDA field staff examined more than 60,000 unopened jars within two months of the first report, only to find no real problem. These results, however, helped to restore the confidence of consumers in the safety of these products and to prevent serious economic damage to an important industry.

In 1986 agency officials worked closely with the industry and key trade associations, such as the Proprietary Association and the Grocery Manufacturers of America, to educate consumers in self-protection from tampering and to achieve even safer product packaging. FDA continues to study how it can optimize its use of resources in tampering crises where prevention—through better packaging and a more alert consumer—has failed to work.

In 1986 FDA's field force helped to deal with tampering in still another way—by assisting the Federal Bureau of Investigation [FBI] and State and local law enforcement authorities in taking legal action against those who committed tampering crimes. At least 18 persons were jailed for up to 5 years each merely for threatening to tamper. The most notable success, however, came in May when Edward Arlen Marks was arrested and charged with putting rat poison in Contac, Teldrin and Dietac capsules to try to manipulate a company's stock price for profit. On October 31, 1986, Marks was sentenced to 27 years in prison.

Products regulated by FDA affect every citizen in the United States; approximately 25 cents of every dollar spent by consumers is for products regulated by FDA. Through the agency's actions, at a cost of only about $1.80 per citizen per year, the safety and effectiveness of products valued at $550 billion are ensured. This is a grave responsibility that is met by dedicated and highly professional employees throughout the FDA. Both the agency and Dr. Young deserve the plaudits of the Congress and the thanks of all Americans.

A SPEECH BY SOUTH CAROLINA FARM BUREAU PRESIDENT HARRY BELL

Mr. THURMOND. Mr. President, earlier this month, the South Carolina Farm Bureau Federation held its annual legislation banquet in Columbia, an event I was pleased to attend.

At this meeting, South Carolina's Farm Bureau president, Harry Bell, a good friend of mine and very able leader of this fine organization, made some particularly interesting remarks about agricultural policy in my home State.

Mr. President, because agriculture is such an important issue to all of my colleagues, and to our Nation as a whole, I wanted to share excerpts of Mr. Bell's fine speech with other Senators. I ask unanimous consent that Mr. Bell's speech be included in the RECORD.

EXCERPTS OF SPEECH OF FARM BUREAU PRESIDENT HARRY BELL

I. IMPORTANCE OF AGRICULTURE

We feel that a deep-rooted problem in South Carolina is a lack of understanding of the importance of agriculture to our overall economy by the general public and the news media, as well as by some lawmakers.

In a recent study, completed in June 1986, entitled Rural Development Perspectives, and listed in a publication of the Southern

Growth Policies Board, Research Triangle Park, North Carolina; *South Carolina is listed as number 5 of the top ten states dependent on agriculture for jobs.* I'd say that makes agriculture very important to South Carolina.

Agriculture, in this nation, is an industry that provides 20% of the jobs in private industry. It feeds the citizens of this nation for about 15% of their disposable income. It has historically been the most efficient industry in this state and nation, and it provides a tremendous tax base for governments. Without a doubt, America's ability to produce an abundance of food and fiber at a reasonable cost to consumers is the greatest weapon we have, and is the envy of most every other nation in the world.

With an understanding of this, we are very concerned with the almost daily attack on agricultural products, whether it be from the standpoint of sometimes unsubstantiated statements of health dangers, additional taxation of products, or as pawns in international trade and foreign or domestic policies of government.

Agriculture continues to face a period of extreme economic stress and many farmers in South Carolina are fighting for their very survival. Ladies and Gentlemen of the General Assembly, we cannot afford any additional burdens at this time; and we urge you to oppose any legislation that would add any additional financial or emotional stress to the farmers of this state.

2. PROMOTION OF ALTERNATIVE CROPS

Also involved in the agricultural picture of South Carolina is the need to discover and promote alternative crops, to replace those that for one reason or another, have lost the opportunity for profitability. Such a transition is not easy and must be one that is gradual in nature. Also, such transitions are often very expensive and require a great deal of research and promotion.

Where necessary, we ask your assistance in enacting new, or changing existing legislation, that will help establish such alternative crops. *One prime example is that of aquaculture.* In some southern states this is a multi-million dollar industry, and we feel that it holds promise for South Carolina; provided there are some modifications in existing laws that govern the industry in this state. There are other examples of opportunity in this area, and we solicit you assistance in helping open the door for new opportunities in South Carolina agriculture whenever and wherever they surface.

3. CIVIL JUSTICE OR TORT REFORM

Unfortunately, farmers in South Carolina have long been considered by plaintiffs in this state as *"deep-pocket"* defendants. While most farmers are landowners, and the land appears to be the deep-pocket, we must remember that the land is the basic source of income for the farmer. If he loses this, he has lost everything. Joint and several liability exposes the farmer's livelihood to the whims of a judge and jury, when his actual negligence in any action may be slight or non-existent. We support letting the wrongdoer pay for his actions, but joint and several liability requires the person with the ability to pay to do so, and not necessarily the wrongdoer.

Our civil justice system needs some modification, including guidelines for uniform jury awards. A non-economic loss cap would allow farmers and everyone else in this state to better anticipate their exposure to loss and insure themselves against it. Punitive damages no longer punish wrongdoers, and should therefore be eliminated.

Farmers in South Carolina want a fair and equitable court system, one that treats both parties in a lawsuit equally and one that concentrates on making the wrongdoer pay a reasonable and just price for his or her negligence. We hope that a meaningful tort reform bill can be enacted this year.

4. ACT 208–PROPERTY TAX

Tax matters are of great concern to all of our citizens. We realize that government cannot function without adequate revenue, and we also realize that farmers benefit from many services provided by tax monies. We want to pay our fair share of property tax and feel that Act 208, which was passed in 1975, placed farmers in a position of being taxed in an equitable manner on farm and timber lands. This act called for periodic adjustments in the valuation of farm land as indicated by an economic formula. Such an adjustment is now under consideration and we hope that the Act 208 matter can be finalized in this session of the General Assembly. This measure is currently being considered by the Joint Tax Study Committee, and Farm Bureau, along with a number of other concerned groups, supports adjusting the use value in accordance with data published by the United States Department of Agriculture known as Agricultural Land Values and Markets. Such action is past due and we urge you to be receptive to this proposal.

5. EMINENT DOMAIN

The last item that I want to call to your attention is that of eminent domain. Legislation dealing with this matter passed the Senate last year, but did not get out of a Committee of the House. This year, the same legislation has already cleared the Senate, with 23 sponsors. It is my understanding that a hearing on the bill is scheduled for tomorrow morning before a House Judiciary Constitutional Laws Sub-Committee. The bill repeals over 115 sections of the Code of Laws and amends others so as to provide for one single procedure for the condemnation of property in South Carolina.

This legislation is greatly needed, because under the present law there are totally different eminent domain proceedings for municipalities, the Highway Department, private utilities, special purpose districts and other state entities. This creates great confusion for landowners and condemning authorities alike. It is also felt that, under certain circumstances, landowners are not being treated fairly. Frequently, jury awards as to the value of property far exceed that which is offered by the condemning authority, and we feel that further incentives should be given condemning authorities to offer fair value early in the proceedings, rather than after lengthy, expensive litigation.

This bill would provide for the recovery of litigation expenses in some cases. It has been in the making for several years and was developed by the Judicial Council. A number of meetings on the bill was held in the Senate and there was input from all interested parties. We understand that there was general agreement among all concerned and we urge you to pass this much needed legislation this year.

Ladies and Gentlemen of the General Assembly, Governor Campbell, Lt. Governor Theodore, Constitutional Officers of South Carolina, Senator Thurmond, Senator Hollings, other guests, and Farm Bureau leaders, one and all, we thank you for your presence and interest. This concludes our program, and may each of you have a safe journey home.

THE STROM THURMOND INSTITUTE WHITE PAPER ON "PARALYSIS IN THE UNITED STATES SENATE"

Mr. THURMOND. Mr. President, the U.S. Senate has been referred to as "the world's greatest deliberative body." However, many of our citizens, and indeed members of this Chamber, have become increasingly frustrated with what they perceive is our inability to efficiently handle the Nation's business.

Over the last three decades, I have had the privilege of serving with many outstanding members of the U.S. Senate. Together, we have seen this body rise to great heights of parliamentary excellence.

On occasion, we have also watched as this great institution has dug in its heels, sputtering and wheezing like an obnoxious mule, refusing to do anything at all.

In the last decade, critics have called increasingly for reform of many of the Senate's procedures, saying that this body has left the boundaries of carefully deliberating the issues, and has instead become "paralyzed" in the arena of public policymaking.

There is, as my colleagues well know, a need to preserve the Senate's role as a truly deliberative body, consistent with what the framers of our republic envisioned. Our Founding Fathers knew the danger of deciding quickly the great issues of the day and how an unrestrained "faction" could undermine the democratic process if it was allowed to run roughshod over the rights of the minority. The Senate was designed to protect those rights, to prevent a majority—inflamed by the passions of the moment—from enacting laws and developing policy that was oppressive and over-reaching.

The preservation of this role is essential. However, the Senate has come under increasing criticism for inefficiency in the way it legislates. Our house is preceived as "archane" and out of touch with the times in some of its traditions and rules.

Having served in this Chamber for more than three decades, I have developed a deep and abiding respect for the ways and traditions of this great institution. I am not persuaded, for instance, that many of the reforms proposed for this body are in its best interest, or that the Senate should submit to wholesale overhaul of its rules and traditions. However, I am persuaded that we must strike a careful balance between our rule as a deliberative body and the need to conduct the Nation's business in an orderly, efficient way. The American people deserve no less.

Toward that end, it is important for the Senate to examine from time to time new suggestions about possible reforms. The debate over reforming the Senate is a vitally important one, and I am particularly pleased that my alma mater, Clemson University, and an institute of government and public policy there named in my honor, has undertaken this task.

Last November, the Strom Thurmond Institute at Clemson University conducted a seminar—"The Senate Machine and How It Works"—which was attended by a roundtable panel of Senators and former Senators. Participating were former Senate Minority Leader Hugh Scott and Senators Mack Mattingly, Thomas Eagleton, Mark Andrews, and myself.

Several hundred individuals attended this seminar, which was chaired by author Maurice Tobin. The event was a huge success, with panel members debating questions such as reform of the cloture rule; whether electronic voting should be instituted in the Senate; and abolition of the routine quorum call.

Other issues, including tougher germaneness requirements for amendments, reform of the Federal budgetary process, and campaign finance reform, were discussed. While many of the participants differed in their approach to some of the issues, a consensus emerged that a concerted effort was needed to make the Senate more responsive and efficient, while preserving its deliberative role.

Another byproduct of the seminar was a white paper by Clemson Dr. Charles Dunn, chairman of the Political Science Department, who is a respected author of books and articles on the Presidency, American political thought, and other subjects. Dr. Dunn's white paper is a thoughtful and thought-provoking approach to potential reform of the Senate.

While I do not fully endorse all of his suggestions, I do believe they have great merit. Knowing of my colleagues' interest in this subject, I ask unanimous consent that Dr. Dunn's white paper entitled, "Paralysis in the United States Senate," be included in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

INTRODUCTION

Has the United States Senate lost its reputation as the world's greatest deliberative body?

After eighteen years in the U.S. Senate, Thomas Eagleton declared that "The United States Senate is not by any reasonable calculation or evaluation the greatest deliberative body on earth."

Reflecting on the deterioration of the Senate's reputation, long-time member and Minority Leader Hugh Scott applied the French maxim that "The worse it gets, the better it gets." His point is that for the Senate's reputation to be restored, things will have to get bad enough for both parties to set aside partisan differences in the common interest of reforming the Senate.

"Is the Senate paralyzed?" is the question that grips most observers according to author and former Congressional staff member Maurice Tobin.

After over 30 years in the Senate, Strom Thurmond, who holds the record for the longest filibuster, answered the question this way.

> It's hard to get a change of custom, it's hard to get a change of tradition. But the time has come, I think, when the American people are demanding more efficiency, shorter sessions.

In the minds of most observers five problems have caused the Senate to lose its reputation as the world's greatest deliberative body and to gain the reputation of a body suffering from paralysis. The problems are:

(1) rules that undermine basic democratic principles,

(2) committee processes that keep the Senate from effectively and properly addressing the nation's problems,

(3) budget procedures that inhibit timely action in the development of the nation's budget,

(4) campaign finance demands that prevent members from devoting adequate time to the public's business before the Senate, and

(5) staff growth that sometimes causes Senators and their committees to respond more to staff interests than to the public interest.

The Senate did not gain its reputation as the world's greatest deliberative body because of its efficiency. Thus, making it a streamlined and an extraordinarily efficient legislative body would obviously not restore its tarnished reputation as the world's greatest deliberative body. An important caveat is, therefore, in order. Balance must be achieved between streamlined efficiency which strengthens majority rule on the one hand, and delay and deliberation which protect minority rights on the other hand. The democratic pendulum needs to rest in the middle rather than to swing from an imbalance in favor of delay and deliberation to an imbalance in favor of streamlined efficiency. This White Paper calls for the modernization of those conditions and values which made the Senate great in the first place.

1. SENATE RULES

Five reforms of Senate rules would allow the Senate to expedite action on the nation's business while protecting the right of the minority to be heard. Those reforms are:

Abolition of the post-cloture filibuster,
Elimination of filibuster by absence,
Adoption of electronic voting,
Discontinuation of delaying quorum calls, and
Termination of a loose rule of germaneness.

Post-Cloture Filibuster. Senate Rule 22 protects minority rights by allowing an individual member to speak without being stopped unless an extraordinary majority of 60 members votes to close debate. Unfortunately, however, this protection of minority rights may be abused by a loophole that allows a member to introduce an infinite number of amendments to a bill and have those amendments debated even though 60 members have voted cloture. Merely the threat of introducing and bringing up these amendments may stop or discourage action by the majority on a bill. By abolishing the post-cloture filibuster, the minority would still be protected by requiring an extraordinary majority to terminate debate, but the majority would be allowed to work its will. Elimination of the post-cloture filibuster would create a better balance between the sometimes conflicting values of majority rule and minority rights.

Filibuster by Absence. The Senate wastes valuable time waiting for Senators to come to the floor to offer amendments to individual titles of bills. A member, for example, may request that the managers of a bill on the Senate floor not proceed with a bill's consideration until he arrives to offer an amendment. Abolition of this privilege would instill more discipline and a keener sense of responsibility among members by requiring them to be present when a bill and title of interest thereto is being considered. Accordingly, Senate rules could be modified to require that when a bill is under consideration and no one is on the floor to offer an amendment, the managers of that bill can ask the clerk to read into the next title of the bill, thereby foreclosing the previously-read title of the bill to amendment. To protect the right of individual members in exceptional circumstances to offer an amendment to a title closed to amendments, the rule could allow the Senate to grant such a right to a member by unanimous consent.

Electronic Voting. During the first session of the 99th Congress, an estimated three months of Senate business were devoted to roll calls and quorum calls. Adoption of electronic voting would substantially reduce the amount of time devoted to the reading of Senator's names during roll calls.

Delaying Quorum Calls. The so-called "three bell" quorum call merely delays Senate action when the Senate could be expediting its business. As described by Senator Hugh Scott:

> The routine quorum calls—that's the three bells—doesn't mean that one of the inmates has escaped. It means that it's a nonlive quorum, a delaying quorum. Delaying is what it does. . . . As a visitor, you wonder why the Senate is off duty much of the time. . . . That's because they're having a delaying quorum call. They have another one with two bells, or two stars which means you better get over here because we mean business. But the three stars—delaying quorum calls—are a complete loss of the public's time. There ought to be some arrangement whereby during these periods when the Senate is not prepared to go ahead with a specific bill . . . that during that period authority be given to the leadership of both parties to call up bills that have previously been cleared by way of unanimous consent, or to bring up information, or to use the time other than for just sitting around while the attendants in the gallery explain to the visitors why there's nobody on the floor.

Rule of Germaneness. Besides the filibuster, the Senate may be better known for its loose rule of germaneness that has prompted Senator Thomas Eagleton to remark:

> You can have a District of Columbia appropriation bill on the floor and you can offer an amendment on the Contras in Nicaragua, if you're so minded. You can offer anything out of the Encyclopedia Britannica and an amendment to anything that's pending on the floor. That's ridiculous. I know of no other major legislative body—even the St. Louis Board of Aldermen—that permits that kind of shenanigan.

By tightening the rule of germaneness, the Senate could significantly expedite its consideration of the public's business.

2. SENATE COMMITTEES

Reduction is the key word necessary for understanding needed reforms of Senate committees: (1) reduction in the number of committees, (2) reduction in the number of committee assignments, and (3) reduction in the overlap of jurisdictions between and among committees.

With over 200 committees and subcommittees divided among 100 Senators, including some Senators with ten or more committee assignments, the committee process suffers from conflicts in committee meeting times and inattention to the very important oversight function, i.e., reviewing executive branch implementation of congressional action. In short, too many committees are divided among too few Senators. The result is that committee work that Senators should do becomes the work of Senate staff members, thus decreasing the power of Senators and increasing the power of staff over policy questions.

Understandable pressures exist to increase the number of committees and subcommittees. After all, with the creation of a new committee or subcommittee, another committee chairman and one or more new staff positions, i.e., patronage for a member, are added.

What is a Senator to do when he has several committee meetings at the same time? He cannot attend more than one, and he may not even have enough staff to represent him at each of the committee meetings.

As new committees are created, more potential exists for overlapping jurisdictions, especially on complex and controversial issues like energy legislation or "Irangate".

What can be done?

First, the number of committees and subcommittees can be reduced.

Second, the number of committee and subcommittee assignments granted can be reduced. For example, if a Senator is assigned to one of the most powerful committees, such as appropriations or finance, that might be the only committee assignment other than subcommittee assignments given to him.

Third, ad hoc committees can be created by the leadership on complex and controversial issues to avoid overlap and duplication of effort.

Fourth, joint sessions between House and Senate committees with common jurisdictions can be held, especially hearings involving Cabinet secretaries and other top officials. Now these officials frequently must testify on the same subject several times before several committees or subcommittees in the two houses.

By allowing members to concentrate their energies on one or just a few committee and subcommittee assignments, they will likely have more time for an interest in oversight of the executive branch. As oversight now occurs, it may be effectively done when a major issue commands media attention, but without newsworthiness, oversight is generally done more haphazardly. Of the three functions of Senators—(1) passing legislation, (2) representing constituent interest and needs with the bureaucracy, i.e., casework, such as a social security case, and (3) overseeing executive branch implementation of congressional action—the third is generally considered the least well performed.

3. SENATE BUDGET PROCEDURES

Senator Mack Mattingly points out that "the rules and procedures of the United States Senate do not adapt well to trying to debate a trillion dollars worth of different items throughout this budget process."

Increasingly, the national government has found itself operating on continuing resolutions. When unable to pass an appropriations bill on time, the Congress has the custom of passing a continuing resolution which allows a department or agency to continue to function at the previous year's level of funding until a new appropriation is approved.

One of the reasons for the increasing use of continuing resolutions is that the budget process includes in the Senate three different committees: the Budget Committee which sets the spending ceilings, the authorization committee (like the Judiciary and Armed Services Committees) which determines what programs and policies will be funded and the appropriations committee which determines the actural amount of money to be appropriated. Just to fund programs and policies in any department or agency, therefore, requires the action of three committees in the Senate and also three in the House in addition to action on the floor of each house. Of course, in the House of Representatives, the Rules Committee may be involved in approving rules to bring legislation from each of the three different committees to the House floor. Compounding the problem of course, are "turf" fights between authorization and appropriations committees. Increasingly, jurisdictional squabbles have occurred between them.

The three committees must officially function in sequence. That is, Budget Committee action must be completed in the House and Senate before authorization legislation can come on the floor, and authorization committee action must be completed on the House and Senate floors before appropriations committee action can be taken on the respective floors.

There is general agreement that some consolidation of these committees is necessary. For example, Senator Thurmond has said: "I think we could abolish the Budget Committee and if we don't do that, then we ought to combine the appropriations and authorizing committees, because they do essentially the same work. It's just duplication."

Besides merging the three levels of committees into two levels, other budget reforms that might be considered are: (1) creation of a two-year budget cycle that would allow committees to take a longer look at budget requirements and also to concentrate more on oversight, expecially in the authorization committees, and (2) adoption of a rule requiring all legislation authorizing expenditures to show exactly how those expenditure would be paid, e.g., whether by increased taxes and, if so, what kind of taxes. Concerning a two-year budget cycle, another possible advantage would be that during one year, authorization committees could concentrate on the budget itself and its passage and then, during the second year, they could focus on oversight of the executive branch.

4. SENATE CAMPAIGNS

Consider these facts:

First, between 1974 and 1985, the Consumer Price Index slightly more than doubled while campaign costs increased twelve fold.

Second, it has been estimated that as much as a billion dollars or more are now spent for Senate campaigns, including all sources of campaign costs.

Third, in 1986, of $144 million "spent" through the franking privilege to send mail to constituents, only 10 percent of that amount was spent to answer letters from constituents while ninety percent was self-generated mail from members to constituents. This gives the incumbent a significant built-in advantage over challengers.

Fourth, a substantial amount of a Senators' time almost from the beginning of his six-year term is devoted to fundraising. Senator Eagleton, for example, estimates that during the last two or three years of a member's term, three-fourths or more of a member's time may be devoted to fundraising.

Fifth, much of the money raised is spent for public opinion polling and for preparation and showing of 30 and 60 second advertisements that do not allow a full presentation of a member's positions on issues.

What can be done to correct these grievous situations?

(1) The Federal Communications Commission could require that the major political parties and/or candidates be granted blocks of time in segments of fifteen to thirty minutes patterned after the British model. During this time, candidates and/or parties could not run a film, but would have to appear personally to present themselves and their ideas.

(2) Public financing of the U.S. Senate races could be established through a federal matching system. For each $500 or $1,000 raised by a candidate, the federal government would match that amount up to a stated maximum determined by the population of a state. If a candidate did not want to fund his campaign in this manner, then the amount of money to which he would be entitled would be given to his opponent.

(3) Full disclosure of all sources of campaign contributions could also be required, including amounts of less than $100.

(4) The use of the franking privilege for anything other than letters in response to constituents' letters could be abolished.

The effect of these reforms would be to reduce the advantage of incumbency and to increase competition for Senate seats, to limit the influence of campaign advertising and public opinion polling companies, to allow the public to see the candidates live on television rather than through "canned" commercials of 30 and 60 seconds duration, to thwart the increasing dominance of political action committees (PACS) in the campaigns, and to decrease the amount of money spent on campaigns.

Summarizing the importance of campaign finance reform, especially as it relates to domination of big money, campaign advertising and public opinion polling, Senator Eagleton notes:

In the British system, there is no such thing as a 30 second spot. It's not allowed. There is no such thing as the one minute spot. It's not allowed. The major political parties in Britain—today there are three—are allocated amounts of air time in hunks of 15 to 30 minutes, and you cannot run a film, you cannot hire one of these master filmmakers that dominate us as politicians along with the pollster. The filmmaker and pollster work hand-in-hand, and they tell us what to say, how to say, what stuff to put on, what stuff not to put on. They become our master. You can't do that in Britain. You've got to go on there yourself or your spokesman or you can go on with two people and discuss issues. None of this canned junk. That's what it is, ladies and gentlemen, it's canned junk that is now dominating our political process.

So, I think we ought to take a look at that. By the way, that doesn't even take a new federal law. The Federal Communications Commission has inherent residual regulatory authority over our airwaves. You know who owns them? CBS doesn't own them. NBC, ABC—they don't own them. We own them. They're our airwaves. They (FCC) have residual authority, and they could say no more 30 second political junk. It's out. No more one minute political junk. It's out. And I think we ought to send a few Senators and a few Congressmen over for the next British election and let them observe how that campaign goes and see if there isn't some advantage to that kind of a sane, rational, intelligent, issue-oriented campaign, vis-a-vis the kind of dreadful stuff that permeated America's airwaves in 1986.

5. SENATE STAFF

Staffs of members and committees have increased astronomically since the middle 1960s, leading to several criticisms of the Senate. The first and most significant criticism is that Senators are sometimes like puppets on the strings of Senate staffers. A second criticism is that the increased number of Senate staffers gives incumbent Senators an unfair advantage in campaigns for re-election. Both junior and senior, past and present Senators recognize the problems with Senate staff.

Senator MATTINGLY: "I guess everybody likes to be stroked in this place * * * Staff members want to generate legislation so they can make their United States Senator look good. I doubt if a hundred people in this body would come up with all the ideas that they come up with all year long. That says something. Somebody's out there trying to generate amendments, trying to generate bills * * * to introduce * * * to make their Senator look good. I doubt if that proliferation would come about if the Senator just had to rely on a smaller staff."

Senator THURMOND: "I'm convinced the staff should be reduced. When I became Chairman of the Judiciary Committee in 1981, I cut off 67 or 69 members at one clip, saving a million dollars on the Judiciary Committee alone. I'm convinced staff could be reduced at least ten percent or maybe twenty percent throughout the whole Congress. I think this would produce more efficiency. There's too much feeling around here about getting patronage. One reason is to help get reelected. I don't think the people are obligated to help a man get reelected by spending the people's tax money."

Senator Scott notes the hypocrisy often associated with staff growth, especially committee staff when he said that chairmen and ranking minority members "ask for more staff every time they appear annually * * * while at the same time they are complaining about the waste of the taxpayers' money and the waste of taxpayers' time and that the government bureaucracy is too big, while they themselves are busy expanding that very government.

What can be done about burgeoning staff growth? First, a moratorium on staff growth could be declared. Second, members, committee chairmen and ranking minority members can exercise restraint in requesting staff increases. Third, the U.S. Senate could retain a major management consulting firm to study and make recommendations on the Senate's staff needs.

CONCLUSION

The case is compelling. The lustre of the Senate's reputation needs rejuvenation. As Senate scholar Maurice Tobin cautions, however, the brass does not need to be changed, merely polished:

This 200th birthday not only calls for a celebration, but a facelift. Yet, in being critical of the Senate, we must remember that the United States and Great Britain are the only two countries to have the same form of government since the 1830s.

Restoration of the essential character of the U.S. Senate could be accomplished by the U.S. Senate itself appointing a blue-ribbon commission of former members, former staff members, leading journalists and prominent scholars of the Senate to make recommendations on these and other reforms. The Senate and those within it have the opportunity in their bicentennial session. The keys are vision and determination to act on these and related problems.

NEW ALLIANCE FOR BETTER CHILD CARE

Mr. CRANSTON. Mr. President, I wanted to share with my colleagues some information on the development of a new effort to address one of the most pressing problems facing American families today: the lack of adequate and affordable child care services.

There is hardly a single community in this country which has not experienced a crisis in the area of child care over the past few years. The facts are simple. More than one-half of the mothers of children under the age of 6 are in the work force. Most mothers work for the same reason that most fathers work: economic necessity. Two-thirds of the women in the work force are either sole providers for their families or married to men who earn less that $15,000 per year. The current supply of child care services simply does not meet the needs of these families.

Throughout the country, there are long waiting lists for admission to existing child care programs; countless parents are forced to "make-do" with unsatisfactory child care arrangements so that they can continue to work to support their families. Last year, I held an extensive series of community meetings in my own State focusing on the child care crisis. I met with literally hundreds of Californians in all different parts of our State. The story was the same: adequate and affordable child care services are insufficient in a State like California which has historically made a significant contribution of resources—both public and private—to addressing this problem. Cutbacks in Federal funding for programs supporting child care services during the past several years have contributed significantly to the problem. More important, however, have been the tremendous demographic changes which have taken place in our society during the past decade. Public policies have simply not kept pace with an evolving workforce and the changing needs of American families.

As the chairman of the Senate subcommittee with jurisdiction over child care and family issues in the 95th and 96th Congresses, I became extensively involved in looking at the need to develop a comprehensive approach to address the growing need for child care services. In 1979, I introduced a comprehensive child care proposal, S. 4. I have introduced revised versions of this proposal in the last several Congresses and introduced the latest version, the proposed "Child Care Assistance Act of 1987" as S. 4 on the first day of the 100th Congress. My floor statement discussing this legislation and its need appears in the CONGRESSIONAL RECORD of January 6, at S162, along with the text of the measure.

However, Mr. President, I have been increasingly aware of the fact that before any substantial progress can be achieved in addressing the child care problem, there is a need for a broad cross section of concerned citizens and organizations to join together to develop a strategy to make resolving the child care crisis a national priority.

Last summer, I wrote to the heads of a broad range of national organizations, including child advocacy groups, women's organizations, religious groups, veterans organizations, senior citizens groups, and professional organizations. I proposed that the time had come to organize a national grassroots movement to address the child care crisis—a movement which would reach beyond traditional children's advocacy organizations.

Mr. President, I ask that a sample of one of the many letters I sent to national groups be printed in the RECORD at the conclusion of remarks.

The response I received to this proposal was overwhelmingly positive. Groups ranging from the American Legion to Catholic Charities USA to the American Association of Retired Persons responded enthusiastically to joining such an effort. I ask unanimous consent that responses I received from the American Legion, Catholic Charities USA, American Association of Retired Persons, Paralyzed Veterans of America, Boys Clubs of America, Child Welfare League of America, and the Association of Junior Leagues, Inc. also be printed in the RECORD at the conclusion of my remarks.

Mr. President, in addition to written responses to my letters, I received numerous calls from the organizations I contacted indicating support and interest in participating in this effort.

Soon thereafter, a number of representatives of these groups began meeting to discuss how to organize this effort. Numerous meetings have taken place. Child care advocates across the Nation have come to many of these planning meetings. My staff, along with congressional staff from both the House and Senate, from both sides of the aisle, have attended a number of these meetings as observers. In particular, representatives from the office of my good friend and colleague from California, Representative GUS HAW-

KINS, who chairs the House Education and Labor Committee, which has jurisdiction over child care legislation and from the office of the Senator from Connecticut [Mr. DODD], the new chairman of the Subcommittee on Children, Families, Drugs, and Alcoholism of the Senate Labor and Human Resources Committee which has parallel jurisdiction over child care legislation in the Senate, have attended these planning meetings. Representatives from the Congressional Caucus on Women's Issues and the House Select Committee on Children, Youth, and Families, which is chaired by another Californian, Representative GEORGE MILLER, have also been observers.

Mr. President, these many months of planning have come to fruition. On February 10, a letter signed by 30 national organizations announcing the formation of the new Alliance for Better Child Care [ABC] was sent to several hundred other organizations inviting them to join as well in this exciting new effort to resolve the child care crisis in America. The 30 groups signing this letter include the American Academy of Pediatrics, American Federation of State, County, and Municipal Employees, American Federation of Teachers, American Psychological Association, American Public Welfare Association, Association of Junior Leagues, Child Care Action Campaign, Children's Defense Fund, Child Welfare League of America, Coalition of Labor Union Women, Communications Workers of America, Family Resource Coalition, General Board of Church and Society of the United Methodist Church, Girls Clubs of America, International Ladies Garment Workers' Union, National Association for the Education of Young Children, National Black Child Development Institute, National Council of Churches, National Council of Jewish Women, National Council of La Raza, National Council of Negro Women, National Education Association, National Organization for Women, National PTA, National Women's Law Center, Service Employees International Union, United Church of Christ, Office for Church and Society, Women's Equity Action League, Women's Legal Defense Fund, and the YWCA of the U.S.A.

The alliance is designed to be a "collaboration of national organizations that will work together to generate increased support for child care and join ranks behind a major new Federal child care initiative." Participants in the alliance will focus upon stimulating public discussion about the need for child care and the need for a major Federal initiative in this area. Efforts are underway to develop a new legislative proposal to be introduced during the 100th Congress.

Mr. President, I ask that a copy of this February 10 letter be printed in the RECORD at the conclusion of my remarks following the correspondence referred to earlier.

Mr. President, formation of the Alliance for Better Child Care is an exciting step forward which promises to help provide the stimulation needed to bring about a comprehensive response to our national child care problem. The child care crisis in this country is so enormous that the solution must come from a variety of sectors. The Federal Government cannot and should not seek to solve the problem alone. But the Federal Government, like State and local governmental entities, has a responsibility to address pressing social needs and to help develop responsive public policies to support families. Employers and community organizations have equally important roles to play. This collaboration of a broad range of organizations, with differing perspectives and interests, in the Alliance for Better Child Care represents the type of creative, innovative, and cooperative approach that is critical in addressing this problem.

I look forward to working closely with the Alliance for Better Child Care in the weeks and months ahead on this important issue. I hope that Members of the Senate who share our concern will become involved in this effort as well.

The material follows:

U.S. SENATE,
Washington, DC, May 28, 1986.

MS. MARIAN WRIGHT EDELMAN,
President, Children's Defense Fund,
Washington, DC.

DEAR MARIAN: As you know, for the past decade we have been going backwards at the national level in the child care area. While the number of families in need of child care assistance has increased dramatically, resources for child care programs have been substantially reduced. According to the last survey published by the Children's Defense Fund, in almost half the states, fewer children received child care assistance under title XX—the principal source of direct federal financial aid for child care—in 1985 than in 1981. In virtually every community, families are experiencing a child care crisis and are unable to find adequate and affordable programs.

Although the situation has deteriorated substantially since 1981, the problem really pre-dates the current Administration. We have not made any significant progress in addressing child care needs since the early 1970's. Even before the Reagan Administration took office, the federal government abdicated its responsibility to maintain minimum health and safety standards for federally-funded child care programs by suspending enforcement of the federal interagency day care regulations.

The only significant area where any progress has been achieved was the 1981 expansion of the child care tax credit. Unfortunately, it is well recognized that the tax credit is of limited value to lower income families in the greatest need of child care assistance and does little to increase the availability of adequate and affordable child care, although it does help to offset partially the costs for many families. Considerable effort also went into achieving the enactment of the 1984 Dependent Care Block Grant program which has now been funded at $5 million for fiscal year 1986. Given the scope of the child care crisis throughout the country, this represents a very limited response and resource.

For the past several years, child care advocates both within and outside the Congress have devoted a substantial portion of their energies and resources toward preventing more cutbacks in the existing resources for child care or in support of very limited proposals—like the Dependent Care Block Grant—to address the overall problem. Last year, a number of other Senators and I introduced a series of modest child care proposals similar to the legislation subsequently introduced in the House by Representative George Miller, Chairman of the House Select Committee on Children, Youth, and Families. I have also continued to introduce S. 4, the comprehensive child care measure I first introduced in 1979.

At the present time, there appears to be little interest in any of these proposals nor much likelihood that significant portions of either the House or Senate measures will be acted upon.

I have become increasingly convinced that unless we can find some way to make child care a national priority, child care advocates will continue to expend countless hours and resources on holding together a patchwork system of support that leaves gaping holes for millions of low- and moderate-income families. Obviously, there is no single solution to the problem. Resources from a wide spectrum—government, business, and community organizations—are necessary. But without some leadership at the national level to help facilitate and support state and local child care initiatives, the lack of adequate child care services will continue to plague families throughout the nation.

The time has come, I believe, to organize a national grassroots movement to address the child care crisis. Such an effort would require putting together a new coalition to build a national constituency for child care—a constituency that can focus public opinion and ultimately the attention of the Congress on the child care crisis and compel action on a major child care initiative. This effort must reach beyond the traditional children's advocacy organizations to build the strength necessary to achieve success. I am, therefore, in the process of contacting a number of organizations that I work with in other areas—for example, veterans' organizations, senior citizen groups, women's organizations, and religious organizations—as well as child advocacy groups to solicit their interest in participating in such an effort.

I would deeply appreciate hearing your views on this proposal, your assessment of the feasibility of mounting such an effort, and the likelihood that the Children's Defense Fund would be willing to participate in such an endeavor.

With warm regards,
Cordially,

ALAN CRANSTON.

THE AMERICAN LEGION,
Indianapolis, IN, June 16, 1986.

Senator ALAN CRANSTON,
U.S. Senate,
Hart Building, Washington, DC. 20510

DEAR SENATOR CRANSTON: The American Legion, through its National Commission on Children & Youth, monitors very closely the needs of our nation's youngest generation. We sincerely agree that one of the most pressing issues is adequate child care.

Never before have we seen such a greater need when you consider the forces now influencing our traditional family structure. Working parents; latch-key children; single parents; day care facility needs, increase in divorce rates; all contribute to this national crisis.

As National Commander, my two primary concerns are the welfare of the veteran and the welfare of his/her family. Many of our programs reach out to this target group; but out of necessity, must also reach out to every American family. Our actions have always been directed to cooperating with others who promote sound policy and change where needed. When such action involves youth, we commit ourselves until the outcome is satisfactory.

Please be encouraged to contact us again with more in-depth information concerning your short and long range plans. In return, we promise to do all we can to assist within the limits of our resources and mandates.

Thank you for contacting us about this important issue.

Sincerely,

DALE L. RENAUD,
National Commander,
The American Legion.

CATHOLIC CHARITIES USA,
Washington, DC, June 18, 1986.

Hon. ALAN CRANSTON,
U.S. Senate
Washington, DC, 20510

DEAR SENATOR CRANSTON: Thank you for your letter of May 28, 1986 inviting Catholic Charities USA (formerly National Conference of Catholic Charities) to participate in an effort to address child care issues. We certainly agree that the time has come to organize around the growing crisis and to mobilize resources toward enacting some initiatives which will lead to a solution.

We would be pleased to participate in such a worthwhile endeavor.

Sincerely,

MATHEW H. AHMANN,
Associate Director
for Governmental Relations.

AARP,
Washington, DC, July 25, 1986.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: The American Association of Retired Persons (AARP), the nation's largest membership organization with 22 million members over the age of 50, shares your concern about the lack of adequate and affordable child care. This problem is one that affects all American families today. AARP is committed to working for a way to meet not only child care but the general dependent care needs of our nation, and is a supporter of H.R. 3800, the Family and Medical Leave Act of 1986. Thus, AARP accepts your invitation to work with a broad coalition of groups in a national effort to broaden the availability of day care.

Day care for dependent family members is not only an important women's issue, it is also a workforce issue. Women are overwhelmingly the family members called upon to care for another family member, whether it be a child or older parent. Businesses increasingly are recognizing that many employees face responsibilities to provide care for their own parents. In the short run, the lack of dependent care can be a financial hardship for single heads of households, who are disproportionately low income families, or for families needing two sources of income. In the long run, female workers often ultimately receive lower pensions and face other retirement income problems, due to frequent interruptions in employment to be a caregiver.

Surveys conducted by employers, such as AARP, and by employee representatives evidence a strong desire by both male and female workers for assistance in funding day care for their children while they are working. The desire for this assistance is understandably strongest among younger workers, but a 1984 Louis Harris survey indicated that non-unionized workers 55 or older also express strong interest in child care assistance. Similarly, lower income workers, blacks and Hispanics, and service and unskilled blue collar workers express the need for help in obtaining day care.

AARP members are concerned about child care for their own children and grandchildren. Although the needs of pre-school children are especially critical, after-school care for grade school children and supervision of teenagers is also important. Besides concern for meeting their personal family needs, our members are also involved in volunteer programs to sustain working families, such as a program for latchkey children run jointly by AARP and Campfire Girls.

AARP applauds your initiative to mobilize a serious national effort to broaden the availability of child care and looks forward to working with you on this important means for strengthening the American family.

Sincerely,

CYRIL F. BRICKFIELD.

PARALYZED VETERANS OF AMERICA,
Washington, DC, June 6, 1986.

Hon. ALAN CRANSTON,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CRANSTON: On behalf of the members of Paralyzed Veterans of America, I thank you for contacting me regarding your proposed initiative in the area of adequately providing child care. As a father, I know first hand the importance of insuring quality care and services of one's children. I am sure the members of PVA also share your concern since, as an organization, PVA has worked to ensure access to quality life for all Americans.

An undertaking, such as you propose, is in an area basically unfamiliar to Paralyzed Veterans of America; however, we would be pleased to meet with you or members of your staff to determine how we can be of assistance. Your past advocacy for veterans and disabled citizens has always focused on enhancing quality of life and opportunity. Your new effort on behalf of children is certainly worthy of our consideration, and PVA would be pleased to assist, if we can.

I ask that you contact our staff in Washington, D.C., to arrange discussions on this issue and on how we may play a role.

Sincerely yours,

RICHARD D. HOOVER,
National President.

BOYS CLUBS OF AMERICA,
Rockville, MD, June 16, 1986.

Hon. ALAN CRANSTON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CRANSTON: I was delighted to receive your May 28 letter concerning child care. Boys Clubs throughout this nation are becoming more and more involved with child care-particularly after-school care. In some communities, the local Boys Club is the largest single provider of child care.

We would agree with you on the importance of a national grassroots movement to address the child care issue. We also strongly agree with you that important to this effort are resources from a wide spectrum—government, business, and community organizations.

Your proposal to pull together various organizations, including those not directly involved in child care, is right on target. If such a group can focus on the child care issue and not get involved in partisan politics, we can be successful.

If we can keep this effort broad based and work with our friends on both sides of the aisle and in the private sector, Boys Clubs of America will wholeheartedly support this endeavor.

My compliments to you and your staff for mounting such an ambitious task.

Sincerely yours

ROBBIE CALLAWAY,
DIRECTOR,
Government/United Way Relations.

CHILD WELFARE LEAGUE
OF AMERICA, INC.,
Washington, DC, August 1, 1986.

Hon. ALAN CRANSTON,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CRANSTON: The Child Welfare League of America agrees that it is time to move forward on national day care legislation. The meager efforts we have been making over the past few years hardly address the increasingly critical situation of more and more children and families in need of day care.

The present welfare reform enthusiasm provides some opportunity to raise our day care issues, tilting as it does toward work requirements for mothers. I feel that we might well gather momentum for a substantial bill in the 100th Congress by particiapating in the welfare discussions and moving from there to a more comprehensive proposal.

Over the past two years the percentage of Child Welfare League members providing day care services has increased significantly, and I am committed to devoting more of the League's leadership to these members.

Indeed, the league would be most enthusiastic about joining your efforts to develop and more new day care legislation at the federal level, as well as to encourage similar initiatives in the states. Please keep us informed and know that we appreciate your fine leadership and concern for the nation's children.

Sincerely,

DAVID LIEDERMAN.

THE ASSOCIATION OF
JUNIOR LEAGUES, INC.,
New York, NY, June 20, 1986.

Hon. ALAN CRANSTON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CRANSTON: We at the Association applaud your efforts to develop a national grass roots movement to address the child care crisis. Child care has been a priority of the Association for many years and is one of the six focus areas which fall under the Children's Position Statement of the Association. This position statement has been unanimously approved at each of the Association's Annual Conferences since 1978. We at the Association look forward to learning more about your efforts to build support for child care.

Sincerely,

VIRGINIA T. AUSTIN,
President.

ALLIANCE FOR BETTER CHILD CARE,
February 10, 1987.

DEAR COLLEAGUE: We are asking you to join with us in a national alliance—the Alliance for Better Child Care (ABC)—which will work for an increase in public resources for child care. We envision a broad alliance, a collaboration of national organizations that will work together to generate increased support for child care and join ranks behind a major new federal child care initiative.

Child care is an increasingly important topic for millions of American families at all income levels. The need to cope with a chaotic and fragmented system is a major source of stress for working parents. And the demand for quality care will continue to grow: by 1995 two-thirds of all preschool children and three-fourths of all school-age children will have mothers in the labor force.

The quality of child care is key to the quality of a child's life. For too many working families, the price of quality child care is out of reach. Moreover, parents who strive to achieve self-sufficency must have help in meeting their child care needs in order to participate in education or training programs or in order to work.

Despite the vital role that child care plays in the lives of children and families, far too few resources are targeted to help families afford supportive child care arrangements and to improve the quality of child care in this country. The current mix of private and public child care resources falls far short of documented need and it is unlikely that substantial improvement will occur without a much stronger federal role.

A focal point of the Alliance's activities will be the development of a national bill to be introduced in the 100th Congress. A draft of the bill will be ready in several months. Now is the time to lay the groundwork for support of the initiative through major public education efforts. Therefore, we are asking that you join the Alliance and begin to stimulate public discussion about the need for child care. We ask that organizations joining the Alliance:

1. Support the need for a new federal child care initiative including increased funds for child care based upon the enclosed set of principles;

2. Immediately begin to publicize the need for an increased public commitment to child care in organizational newsletters and other materials and in organizational forums;

3. Review a draft of proposed federal child care legislation. If the legislation is acceptable, support the bill as an Alliance member:

4. Help pay for Alliance activities by contributing at least $100 in the first year;

5. Encourage local members to participate in state alliances whose membership parallels the national Alliance.

We hope that your organization can join in this collaborative effort. For those who wish to take a prominent role in the Alliance, we encourage membership in the Steering Committee, which will meet regularly to plan activities to carry out the Alliance's goals. Participation on the Steering Committee will require a significant commitment of staff time.

Please call or write Helen Blank at the Children's Defense Fund, 122 C Street, N.W., Washington, DC 20001, (202) 628-8787 or Barbara Reisman at the Child Care Action Campaign, 99 Hudson Street, New York, NY 10013, (212) 334-9595 to let us know if you are able to join the Alliance or would like further information.

Sincerely,

American Academy of Pediatrics, Dr. William C. Montgomery, President;
American Federation of State, County, and Municipal Employees, AFL-CIO, Gerald W. McEntee, President;
American Federation of Teachers, AFL-CIO, Albert Shanker, President;
American Psychological Association, Leonard Goodstein, Ph.D., Executive Director;
American Public Welfare Association, A. Sidney Johnson III, Executive Director;
Association of Junior Leagues, Virginia Austin, President;
Child Care Action Campaign, Elinor Guggenheimer, President;
Children's Defense Fund, Marian Edelman, President;
Child Welfare League of America, David Liederman, Director;
Coalition of Labor Union Women, Joyce Miller, President;
Communications Workers of America, AFL-CIO, Morton Bahr, President;
Family Resource Coalition, Bernice Weissbourd, President;
General Board of Church and Society of the United Methodist Church, Haviland Houston, General Secretary;
Girls Clubs of America, Inc., Mary DeKuyper, President;
International Ladies' Garment Workers' Union, Evelyn Dubrow, Vice President and Legislative Director;
National Association for the Education of Young Children, Marilyn M. Smith, Executive Director;
National Black Child Development Institute, Evelyn Moore, Executive Director;
National Council of Churches, Child Advocacy Office/Ecumenical Child Care Network, June Rogers, Director;
National Council of Jewish Women, Barbara A. Mandel, National President;
National Council of La Raza, Raul Yzaguirre, President;
National Council of Negro Women, Dorothy I. Height, National President;
National Education Association, Mary H. Futrell, President;
National Organization for Women, Eleanor Smeal, President;
National Parent-Teacher Association, Millie Waterman, Vice-President for Legislative Activity;
National Women's Law Center, Nancy Duff Campbell, Managing Attorney;
Service Employees International Union, AFL-CIO, John J. Sweeney, International President;
United Church of Christ, Office for Church and Society, Yvonne Delk, Executive Director;
Women's Equity Action in League, Mary Gray, President;
Women's Legal Defense Fund, Judith Lichtman, Executive Director;
YWCA of the USA, National Board, Dr. Gwendolyn Calvert Baker, National Executive Director.

PRINCIPLES SUPPORTED BY THE ALLIANCE FOR BETTER CHILD CARE

In order to increase the availability and affordability of safe, health, quality child care, the Alliance will support the development of a bill to:

improve access to quality child care for all families;

aid low- and moderate-income parents in paying for such care;

provide for sliding fee scales to help facilitate the socio-economic mix of children within child care facilities;

strengthen child care standards and improve their implementation;

strengthen family day care as well as child care center;

support parental involvement in child care;

support the development of training programs to ensure qualified staff in child care programs;

encourage coordination among the various state and local agencies that affect young children and their families; and

provide sufficient funds to serve more children, assure quality, and improve the level of compensation for child care workers.

SECRETARY LEHMAN STEPS DOWN

Mr. PELL. Mr. President, an era is coming to an end with the impending retirement of Secretary of the Navy John F. Lehman, Jr. That era, which began on February 5, 1981, has been notable for the activism and vitality which the Secretary brought to the post and his departure will be especially felt for that reason.

I will be frank to say that I have not always seen eye to eye with Secretary Lehman. We have had our differences over local matters involving Navy activities in Rhode Island, and over larger questions involving the philosophy behind this administration's commitment to huge buildups in armaments.

But having said that, I will be among the first to say that John Lehman's leadership has been good for the Navy. His steadfast pursuit of a 600-ship Navy, whatever questions there may be about that particular numerical goal, has instilled the Navy with a sense of vitality and purpose reminiscent of the era of Theodore Roosevelt.

Secretary Lehman's dynamic style and activist temperament made him a force to be reckoned with throughout the Navy and the entire Defense Establishment. His pervasive influence was especially noted in an article on his retirement in the February 16 issue of Defense News:

> Lehman's supporters and critics agree that the secretary's aggressive, hands-on style of management has been his hallmark. While many past service secretaries delegated so much power to underlings that their post seemed ceremonial, Lehman regularly had a leadership role across a broad spectrum of Navy operations.

We in Rhode Island knew him as a Secretary who might drop in, piloting his own plane, to inspect a local facility. We may not have agreed with him but we couldn't help but admire the verve and elan which he brought to his job.

I am sure that John Lehman will carry that same spirit with him wherever his career next takes him and I wish him well.

THE RULES OF THE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. HOLLINGS. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the "Rules of the Committee on Commerce, Science, and Transporation," to be printed in the RECORD.

These committee rules were adopted at the committee's first executive session, held on January 15, 1987, and include only two changes in the previous rules to reflect the increase in committee membership from 17 to 20 members. These changes are in the quorum requirements as follows: First, 11 members, rather than 9 members, are required to be present to take official action; and second, 7 members, rather than 6 members, are required to be present to discuss pending business.

The rules follow:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Eleven members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony, a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during the hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

SMALL BUSINESS COMMITTEE MAKES SUBCOMMITTEE ASSIGNMENTS

Mr. BUMPERS. Mr. President, the subcommittees of the Senate Committee on Small Business have been assigned for the 100th Congress.

Increasingly, Senate subcommittees are becoming essential to the performance of committees and Congress in meeting the needs of the country. With this in mind, we have streamlined the subcommittees on the Small Business Committee to more adequately reflect the new leadership in the Senate and the vital role of small business in the economy.

The number of subcommittees has been reduced from seven to six, with some subcommittees being given new areas of emphasis. Among the policy areas being reorganized is rural economic policy, which is being merged with the former Subcommittee on Family Farming and will be chaired by Senator MAX BAUCUS of Montana. Additional subcommittee policy topics include antitrust enforcement as an aspect of procompetitive policy, minority-owned business development as part of the Subcommittee on Urban Business Development, and paperwork reduction as an aspect of the Subcommittee on Government Contracting.

The committee consists of 18 members, with the addition of new members filling the vacancies left by Senators GOLDWATER, GORTON, NICKLES, and TRIBLE. New members serving on the committee are Senators BARBARA MIKULSKI, MALCOLM WALLOP, and CHRISTOPHER (KIT) BOND.

I ask unanimous consent that the subcommittee assignments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Individual subcommittee assignments are as follows:

EXPORT EXPANSION

Senator Sasser, Chairman

Senators Bumpers, Nunn, and Harkin.
Senators Boschwitz, D'Amato, and Wallop.

RURAL ECONOMY AND FAMILY FARMING

Senator Baucus, Chairman

Senators Nunn, Levin, Dixon, and Boren.
Senators D'Amato, Pressler, Boschwitz, and Kasten.

GOVERNMENT CONTRACTING AND PAPERWORK REDUCTION

Senator Dixon, Chairman

Senators Sasser and Mikulski.
Senator Kasten and Rudman.

INNOVATION, TECHNOLOGY AND PRODUCTIVITY

Senator Levin, Chairman

Senators Baucus, Boren, and Kerry.
Senators Rudman, Weicker, and Bond.

COMPETITION AND ANTITRUST ENFORCEMENT

Senator Harkin, Chairman

Senator Bumpers.
Senator Wallop.

URBAN AND MINORITY-OWNED BUSINESS DEVELOPMENT

Senator Kerry, Chairman

Senator Mikulski.
Senator Bond.

180TH ANNIVERSARY OF THE FOUNDING OF THE SURVEY OF THE COAST

Mr. HOLLINGS. Mr. President, today, I would like to congratulate the National Oceanic and Atmospheric Administration, the National Ocean Service, and the NOAA Corps on the 180th anniversary of the U.S. Coast and Geodetic Survey. This celebration commemorates the creation of the oldest scientific agency in the Federal Government. It was founded on this date in 1806 when President Thomas Jefferson recommended to Congress the establishment of a national survey of the coast. Throughout its history, the Survey has performed its mission in a variety of interrelated fields such as geodesy, astronomy, hydrography, nautical and aeronautical cartography, photogrammetry, marine engineering, and data management.

Mr. President, it's impossible to mention all the outstanding people who have worked for the Survey, but I would like to take a moment here to mention just a few. There is of course, Ferdinand Hassler, the Survey's first Superintendent, whose farsighted principles and high standards of precision have guided the Survey through its years and who provided a charter that lasted without major change for a century; Alexander Dallas Bache, the second Superintendent, whose readiness to investigate and adopt new methods was perhaps his outstanding characteristic, and one of the principal reasons for his success in the early stages of applied science in this country; George Mathiot, who almost certainly created the first micrographics application in the Federal Government; and Charles Sanders Peirce, a survey employee who is world-renowned for his achievements as a mathematician, philosopher, and head of the Survey's Office of Weights and Measures—today the National Bureau of Standards.

The history of the Survey falls roughly into three half-century periods. The first was a period of pioneering, when the work was mainly along the eastern, Gulf of Mexico, and California coasts. The second was a period of expansion when the Survey was given the additional duties of fixing the basic lines for inland maps. And the third, which is our present period, began with the Survey's move into air navigation. In the last two decades, the Survey has expanded into space with its use of satellites and into computerization with its experimentation and practical applications of real-time oceanographic data, chart data and production automation, and the data bases of oceanography and geodesy.

The history of the Survey is intertwined with that of the Nation. It participated through its surveys and scientific activities in the development of the continental United States and Alaska and provided the Philippines with its first modern charts. It participated in both world wars and has led the world in the development of surveying equipment and methods.

In the past, its engineers invented sounding machines and current meters and pioneered in wiredrag, in echo soundings, and radio acoustic position finding. Today its scientists and technicians are still in the forefront in a multitude of areas.

Mr. President, I ask the Senate to join with me in congratulating NOAA in its celebration of the 180th anniversary of the charting and Geodetic Survey.

REPORT OF THE ACTIVITIES OF COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION DURING 99TH CONGRESS

Mr. HOLLINGS. Mr. President, in accordance with rule XXVI, paragraph 8(b) of the Standing Rules of the Senate, submitted herewith is the report on the activities of the Committee on Commerce, Science, and Transportation during the 99th Congress.

The report follows:

LEGISLATIVE REVIEW ACTIVITY

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following report:

Paragraph 8(b) of Senate Rule XXVI requires each standing committee of the Senate to submit, not later than March 31, in each odd-numbered year, to the Senate a report on the activities of that committee during the previous Congress.

This report presents a summary of the activities of the Senate Committee on Commerce, Science, and Transportation during the 99th Congress and fulfills the reporting requirement of Senate Rule XXVI referenced above.

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ninety-Ninth Congress

First and Second Sessions

John C. Danforth, Missouri, *Chairman;* Bob Packwood, Oregon; Barry Goldwater, Arizona; Nancy Landon Kassebaum, Kansas; Larry Pressler, South Dakota; Slade Gorton, Washington; Ted Stevens, Alaska; Bob Kasten, Wisconsin; Ernest F. Hollings, South Carolina; Russell B. Long, Louisiana; Daniel K. Inouye, Hawaii; Wendell H. Ford, Kentucky; Donald W. Riegle, Jr., Michigan; J. James Exon, Nebraska; Albert Gore, Jr., Tennessee; John D. Rockefeller IV, West Virginia.

W. Allen Moore, Chief Counsel and Staff Director; Ralph B. Everett, Minority Chief Counsel and Staff Director; Committee meets on the first and third Tuesdays.

SUBCOMMITTEES

Aviation

Nancy Landon Kassebaum, Kansas, *Chairman;* Barry Goldwater, Arizona; Ted Stevens, Alaska; Paul S. Trible, Jr., Virginia; J. James Exon, Nebraska; Daniel K. Inouye, Hawaii; Wendell H. Ford, Kentucky.

Business, Trade, and Tourism

Larry Pressler, South Dakota, *Chairman;* Bob Packwood, Oregon; Albert Gore, Jr., Tennessee.

Communications

Barry Goldwater, Arizona, *Chairman;* Bob Packwood, Oregon; Larry Pressler, South Dakota; Ted Stevens, Alaska; Slade Gorton, Washington; Ernest F. Hollings, South Carolina; Daniel K. Inouye, Hawaii; Wendell H. Ford, Kentucky; Albert Gore, Jr., Tennessee.

Consumer

Bob Kasten, Wisconsin, *Chairman;* John C. Danforth, Missouri; Wendell H. Ford, Kentucky.

Merchant Marine

Ted Stevens, Alaska, *Chairman;* Slade Gorton, Washington; Bob Kasten, Wisconsin; Paul S. Trible, Jr., Virginia; Daniel K. Inouye, Hawaii; Russell B. Long, Louisiana; John D. Rockefeller IV, West Virginia.

Science, Technology, and Space

Slade Gorton, Washington, *Chairman;* Barry Goldwater, Arizona; Nancy Landon Kassebaum, Kansas; Paul S. Trible, Jr., Virginia; Donald W. Riegle, Jr., Michigan; Albert Gore, Jr., Tennessee; John D. Rockefeller IV, West Virginia.

Surface Transportation

Bob Packwood, Oregon, *Chairman;* Larry Pressler, South Dakota; Nancy Landon Kassebaum, Kansas; Bob Kasten, Wisconsin; John C. Danforth, Missouri; Russell B. Long, Louisiana; Donald W. Riegle, Jr., Michigan; J. James Exon, Nebraska; John D. Rockefeller IV, West Virginia.

The Chairman and Ranking Minority Member of the full committee serve as members ex officio of all subcommittees.

NATIONAL OCEAN POLICY STUDY

John C. Danforth, Missouri, *Chairman;* Ted Stevens, Alaska, *Vice Chairman;* Bob Packwood, Oregon; Slade Gorton, Washington; Bob Kasten, Wisconsin; Paul S. Trible, Jr., Virginia; Ernest F. Hollings, South Carolina; Russell B. Long, Louisiana; and Daniel K. Inouye, Hawaii.

Ex-Officiol Members

Appropriations

Mark O. Hatfield, Oregon and John C. Stennis, Mississippi.

Armed Services

Pete Wilson, California and Sam Nunn, Georgia.

Energy and Natural Resources

James A. McClure, Idaho and J. Bennett Johnston, Louisiana.

Environment and Public Works

John H. Chafee, Rhode Island and Lloyd Bentsen, Texas.

Foreign Relations

Charles McC. Mathias, Jr., Maryland and Claiborne Pell, Rhode Island.

Governmental Affairs

William V. Roth, Jr., Delaware and Lawton Chiles, Florida.

Labor and Human Resources

Orrin G. Hatch, Utah and Edward M. Kennedy, Massachusetts.

At Large Members

Lowell P. Weicker, Jr., Connecticut; John W. Warner, Virginia; William S. Cohen, Maine; George J. Mitchell, Maine; Spark M. Matsunaga, Hawaii; and Frank R. Lautenberg, New Jersey.

JURISDICTION OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Extract from Rule XXV of the Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(f)(1) Committee on Commerce, Science, and Transportation,[1] to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Coast Guard.
2. Coastal zone management.
3. Communications.
4. Highway safety.
5. Inland waterways, except construction.[2]
6. Interstate commerce.
7. Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports.
8. Marine fisheries.
9. Merchant marine and navigation.
10. Nonmilitary aeronautical and space sciences.[3]
11. Oceans, weather and atmospheric activities.
12. Panama Canal and interoceanic canals generally, except as provided in subparagraph (c).[4]
13. Regulation of consumer products and services, including testing related to toxic substances, other than pesticides, and except for credit, financial services, and housing.
14. Regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation.
15. Science, engineering, and technology research and development and policy.
16. Sports.
17. Standards and measurement.
18. Transportation.[2]
19. Transportation and commerce aspects of Outer Continental Shelf lands.

(2) Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time.

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION[1]

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement.

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Nine members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Six members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

PROVISIONS RELATING TO AUTHORITY AND PROCEDURE OF COMMITTEES OF THE SENATE

RULE XXVI OF THE STANDING RULES OF THE SENATE

Committee Procedure

1. Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures (not in excess of $10,000 for each committee during any Congress) as it deems advisable. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

2. Each committee shall adopt rules (not inconsistent with the rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of each year, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than 60 days after such establishment. An amendment to the rules of any such committee shall be published in the Congressional Record not later than 30 days after the adoption of such amendment. If the Congressional Record is not published on the last day of any period referred to above, such period shall be extended until the first day thereafter on which it is published.

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting

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[1] Formerly the Committee on Commerce, name changed effective February 11, 1977. In accordance with the provisions of Rule XXV of the Standing Rules of the Senate, as amended by S. Res. 362, agreed to January 27, 1978, the membership of the Committee on Commerce, Science, and Transportation consists of seventeen Senators.

[2] See also the jurisdiction of the Committee on Environment and Public Works, with respect to construction and maintenance of waterways and highways.

[3] See also the jurisdiction of the Committee on Armed Services with respect to aeronautical and space activities peculiar to or primarily associated with the development of weapon systems or military operations.

[4] Paragraph (c) confers jurisdiction upon the Committee on Armed Services for matters relating to "Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone."

[1] Adopted by the Committee of Commerce, Science, and Transportation on March 8, 1985. Printed in the Congressional Record on March 14, 1985 *(S2997)*, pursuant to Senate Rule XXVI.

days for the transaction of business before the committee, and additional meetings may be called by the chairman as he may deem necessary. If at least 3 members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice, that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet at that date and hour.

Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman, of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

4. (a) Each committee (except the Committee on Appropriations and the Committee on the Budget) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least 1 week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

(b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least 1 day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

(c) After the conclusion of each day of hearings, if so requested by any committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

(d) Wherever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first 2 hours after the meeting of the Senate commenced and in no case after 2 o'clock postmeridian unless consent therefore has been obtained for the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than 14 calendar days may be closed to the public in a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forego such a record.

6. Morning meetings of committees and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at 11 o'clock antemeridian. The second period shall begin at 11 o'clock and end at 2 o'clock postmeridian.

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the Committee were physically present.

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Action by any committee in reporting any measure or matter in accordance with the requirements of this subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.

(b) Each committee (except the Committee on Appropriations) shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.

(c) Whenever any committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast by each member of the committee in favor of and in opposition to such measure or matter. Nothing contained in the subparagraph shall abrogate the power of any committee of the Senate to adopt rules—

(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

(2) providing in accordance with subparagraph (a) for a lesser number as a quorum for any action other than the reporting of a measure or matter.

8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate, each standing committee (except the Committees on Appropriations and the Budget) shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provisions for evaluation after a defined period of time.

(b) In each odd-numbered year, each such committee shall submit, not later than March 31, to the Senate, a report on the activities of that committee under this paragraph during the Congress ending at noon on January 3 of such year.

9. Each committee which requires authorization for the expenditure of funds in excess of the amount specified in paragraph 1 of this rule shall offer one annual authorization resolution to procure such authorization. Each such annual authorization resolution shall include a specification of the amount of all such funds sought by such committee. The annual authorization resolution of any committee shall be offered not later than January 31 of that year, except that, whenever the designation of members of committees occurs during the first session of any Congress at a date later than January 20, such resolution may be offered at any time within 30 days after the date on which the members of such committees are designated. After the date on which an annual authorization resolution has been offered by any committee in any year, such committee in that year may procure authorization for additional expenditures only by offering a supplemental authorization resolution. Each such supplemental authorization resolution shall include a specification of the amount of all supplemental funds sought by the committee. Each such supplemental authorization resolution shall amend the annual authorization resolution of such committee for that year unless the committee offered no annual authorization resolution for that year, in which case the committee's supplemental authorization resolution shall not be an amendment to any other resolution and any subsequent supplemental authorization resolution of such committee for the same year shall amend the first such resolution offered by the committee for that year. Each such supplemental resolution reported by such committee shall be accompanied by a report to the Senate specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of, or within the period provided for, the submission by such committee of an annual authorization resolution for that year. This paragraph shall not apply to any resolution requesting funds in addition to the amount specified in paragraph 1 and which are to be expended only for the same purposes for which such amount may be expended. This subparagraph does not apply to the Committee on Appropriations.

10. (a) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee and such records shall be the property of the Senate and all members of the committee and the Senate shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(b) It shall be the duty of the chairman of each committee of the Senate to report or cause to be reported promptly to the Senate any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In any event, the report of any committee upon a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the Senate is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subparagraph does not apply to the Committee on Appropriations.

(c) If, at the time of approval of a measure or a matter by any committee (except for the Committee on Appropriations), any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days in which to file such views in writing with the clerk of the committee. All such views so filed by one or more members of the commitee shall be included within, and shall be a part of the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing and printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

11. (a) The report accompanying each bill or joint resolution of a public character reported by any committee (except the Committee on Appropriations and the Committee on the Budget) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period; and

(2) a comparison of the estimate of costs described in subparagraph (1) made by such committee with any estimate of costs made by any Federal agency; or

(3) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (1) or (2), or both, is impracticable.

(b) Each such report (except those by the Committee on Appropriations) shall also contain—

(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals, consumers and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable.

(c) It shall not be in order for the Senate to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of subparagraphs (a) and (b) on the objection of any Senator.

12. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a report thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. This paragraph shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

13. (a) Each committee (except the Committee on Appropriations) which has legislative jurisdiction shall in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

(1) all continuing programs of the Federal Government and of the government of the District of Columbia, within the jurisdiction of such committee or joint committee, are designed; and

(2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on;

so that, to the extent consistent with the nature, requirements and objectives of those programs and activities, appropriations therefor will be made annually.

(b) Each committee (except the Committee on Appropriations) shall with respect to any continuing program within its jurisdiction for which appropriations are not made annually, review such program, from time to time in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

SENATE BILLS

(Italic numbers in parenthesis refer to the pages of the daily edition of the Congressional Record)

S. 22—January 3, 1985.

Mr. Proxmire: A bill to amend the Communications Act of 1934 in order to recognize, strengthen, and further the objectives of the first amendment in relationship to radio and television broadcasting stations.

First Amendment Clarification Act of 1985.

Subcommittee: Communications.

Staff assigned: Katherine Meier—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction and text *(S108)*.

Related Measure: S. 22/98th.

S. 55—January 3, 1985.

Messrs. Stevens, Murkowski: A bill to establish an Ocean and Coastal Resources Management and Development Fund from which coastal States and territories shall receive block grants, and for other purposes.

Ocean and Coastal Resources Management and Development Block Grant Act.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Congressional Record Statement: Introduction *(S164)*.

Related Measures: S. 800, S. 2473, H.R. 5/98th; H.R. 624/99th.

S. 63—January 3, 1985.

Messrs. Goldwater, Zorinsky, Andrews, Johnston: A bill to encourage the rendering of in-flight emergency care aboard aircraft by requiring the placement of emergency first aid medical supplies and equipment aboard aircraft and by relieving appropriate persons of liability for the provision and use of such equipment and supplies.

In-Flight Medical Emergencies Act.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statement: Introduction *(S186)*.

Related Measure: S. 314/98th.

May 16, 1985—Considered in executive session and ordered reported.

June 27, 1985—Reported by Mr. Danforth (S. Rept. 99-93) *(S8955)*.

July 31, 1985—Passed the Senate with an amendment by voice vote *(S10518)*.

Aug. 1, 1985—Referred to House Committee on Public Works and Transportation.

S. 66—January 3, 1985.

Mr. Goldwater: A bill to amend the Communications Act of 1934 to eliminate willful or malicious interference with communications.

Elimination of Willful Interference with Communications.

Subcommittee: Communications.

Staff assigned: Katherine Meier—Minority Staff: Tom Cohen.

Congressional Record Statement: Introduction *(S190)*.

Related Measure: S. 2975/98th.

S. 100—January 3, 1985.

Messrs. Kasten, East, Helms, Lugar, Abdnor, Pressler, Garn, Quayle: A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

Product Liability Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Amy Bondurant.

Congressional Record Statements: Introduction *(S217)*, text *(S218)*.

Related Measures: S. 44/98th; S. 1999, S. 2760, H.R. 2568, H.R. 4766/99th.

Mar. 21, 1985—Hearing held (S. Hrg. 99-84).

May 16, 1985—Considered in executive session and Committee failed to approve for reporting.

For further action see S. 2760.

Note: See also hearings held June 18, 25, 1985 on Amt. No. 16 and Amt. No. 100 (S. Hrg. 99-177).

Amt. No. 16 to S. 100—March 19, 1985.

Mr. Dodd: To promote and regulate interstate commerce and commerce affecting interstate commerce by providing a certain and standardized alternative product liability law for persons injured by consumer products, and for other purposes.

Product Manufacturers' Responsibility Act of 1985.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Amy Bondurant.

Congressional Record Statements: Introduction *(S3186)*, text *(S3183)*.

Related Measures: S. 1999, S. 2760/99th.

June 18, 25, 1985—Hearings held (S. Hrg. 99-177).

For further action see S. 2760.

Note: See also hearing held Mar. 21, 1985 on S. 100 (S. Hrg. 99-84).

Amt. No. 100 to S. 100—May 14, 1985.

Mr. Gorton: To regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

Product Liability and Compensation Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky—Minority Staff: Amy Bondurant, David St. John.

Congressional Record Statements: Introduction and text *(S6090)*.

Related Measures: S. 1999, S. 2760/99th.

June 18, 25, 1985—Hearings held (S. Hrg. 99-177).

For further action see S. 2760.

Note: See also hearing held Mar. 21, 1985 on S. 100 (S. Hrg. 99-84).

Amt. No. 1814 to S. 100—April 30, 1986.

Mr. Kasten: To regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

Product Liability Reform Act of 1986.

Subcommittee: Consumer.

Staff assigned: David Zorensky—Minority Staff: Amy Bondurant.

Congressional Record Statements: Introduction and text *(S5106)*.

Related Measures: S. 1999, S. 2760/99th.

May 19, 20, 1986—Hearings held.

June 3, 12, 19, 24, 25, 26, 1986—Considered in executive session.

For further action see S. 2760.

Amt. No. 1823 to S. 100—May 6, 1986.

Mrs. Kassebaum, Messrs. Heinz, Rudman, Kasten, Goldwater, Denton, Garn, Simpson, Inouye, Exon, Specter, Abdnor, Harkin, Dole: To regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

General Aviation Accident Liability Standards Act of 1986.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Steve Johnson—Minority Staff: Amy Bondurant.

Congressional Record Statements: Introduction (S5429), text *(S5427)*.

Related Measures: S. 1999, S. 2760, S. 2794/99th.

June 18, 1986—Hearing held on subject (S. Hrg. 99-837).

June 24, 1986—Considered in executive session.

Aug. 7, 1986—Considered in executive session.

For further action see S. 2794.

S. 102—January 3, 1985.

Messrs. Inouye, Long: A bill to authorize appropriations for the maritime construction differential subsidy for fiscal year 1986, to promote a strong U.S. merchant marine, and for other purposes.

Maritime Construction Authorization.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction *(S224)*, text *(S225)*.

Related Measure: S. 125/98th.

Mar. 21, 29, 1985—Hearings held (S. Hrg. 99-80).

S. 152—January 3, 1985.

Mr. Inouye: A bill to authorize the sale of certain fish in the State of Hawaii.

Hawaiian Fishing.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction *(S276)*, text *(S277)*.

Related Measure: S. 187/98th.

S. 153—January 3, 1985.

Messrs. Inouye, Matsunaga: A bill to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriations authorization through fiscal year 1988.

Reauthorization of the Fisheries Development Act.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction and text *(S277)*.

S. 185—January 3, 1985.

Mr. Inouye: A bill to revise the laws regarding the transportation of Government cargoes in United States-flag vessels.

Government Impelled Cargo Act of 1985.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction and text *(S302)*.

Related Measure: S. 1616/98th.

S. 186—January 3, 1985.

Mr. Inouye: A bill to further the development and maintenance of an adequate and well-balanced American merchant marine by requiring that certain mail of the United

States be carried on vessels of United States registry.

Carrying U.S. Mail on Vessels of U.S. Registry.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction *(S303)*, text *(S304)*.

Related Measure: S. 188/98th.

Mar. 13, 1986—Considered in executive session and ordered reported.

June 10, 1986—Reported by Mr. Danforth (S. Rept. 99-321) *(S7183)*.

June 20, 1986—Passed the Senate *(S8086)*.

June 24, 1986—Referred to House Committees on Merchant Marine and Fisheries and Post Office and Civil Service.

S. 187—January 3, 1985.

Mr. Inouye: A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act of 1936.

Section 901 of the Merchant Marine Act.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction and text *(S305)*.

Related Measure: S. 206/98th.

S. 188—January 3, 1985.

Mr. Inouye: A bill to amend the Shipping Act of 1916, to provide for jurisdiction over common carriers by water engaging in foreign commerce to and from the United States utilizing ports in nations contiguous to the United States.

Shipping Act Amendments.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction *(S305)*, text *(S306)*.

Related Measure: S. 205/98th.

S. 189—January 3, 1985.

Mr. Inouye: A bill to provide for consideration of certain policy objectives in order to promote the development maintenance of an efficient ocean transportation system, and for other purposes.

Maritime Agreements Act of 1985.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction and text *(S306)*.

Related Measure: S. 1617/98th.

S. 193—January 3, 1985.

Messrs. Inouye, Hollings, Heflin, Lautenberg, Riegle, Exon, Sasser: A bill to authorize funds for the United States Travel and Tourism Administration.

U.S. Travel and Tourism Administration Authorization.

Subcommittee: Business, Trade, and Tourism.

Staff assigned: Gerri Hall—Minority Staff: John Hardy.

Congressional Record Statements: Introduction *(S309)*, text *(S310)*.

Related Measures: S. 219/98th; S. 374/99th.

Mar. 25, 1985—Hearing held (S. Hrg. 99-95).

For further action see S. 374.

S. 201—January 21, 1985.

Mr. Ford: A bill amending title 49 of the United States Code with respect to standards for rail rates and determinations of rail carrier market dominance, and for other purposes.

Reform of Interstate Commerce Commission Practices with Respect to Captive Shippers.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction and text *(S397)*.

Related Measure: S. 2537/98th.

S. 240—January 22, 1985.

Messrs. Cranston, Pell: A bill to amend the Uniform Time Act of 1966 to provide that daylight savings time commence each year on the first Sunday in March rather than the last Sunday in April.

Energy Conservation Daylight Savings Act of 1985.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Loretta Dunn, Cheryl Wallace.

Congressional Record Statement: Introduction *(S487)*

Related Measures: S. 63, S. 86/98th; s. 1433, H.R. 2095/99th.

Oct. 31, 1985—Hearing held (S. Hrg. 99-380).

For further action see S. 2180, Amt. No. 1967.

S. 259—January 22, 1985.

Messrs. Eagleton, Danforth, Dixon, Simon, Hawkins, Kasten, Hatfield, Stevens, Kassenbaum, Hatch: A bill to protect the public interest in stable relationships among communities, professional sports teams and leagues and in the successful operation of such teams in communities throughout the Nation, and for other purposes.

Professional Sports Community Protection Act of 1985.

Full Committee.

Staff assigned: Walter McCormick, Chuck Harwood—Minority Staff: David St. John.

Congressional Record Statement: Introduction: *(S814)* Jan. 29, 1985).

Related Measures: S. 2505/98th; S. 287, H.R. 885/99th.

Feb. 4, 20, 1985—Hearings held (S. Hrg. 99-36).

Apr. 2, 1985—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

May 14, 1985—Ordered, that if and when reported, the bill be referred to Committee on the Judiciary for the purpose of considering the antitrust issues for a period not to exceed 45 calendar days, and that if the Committee fails to report at that time it be discharged from further consideration of the bill.

May 21, 1985—Reported by Mr. Danforth (together with minority views) S. Rept. 99-69) *(S6707)*.

May 22, 1985—Referred to Committee on the Judiciary pursuant to order of May 14, 1985 *(S6848)*.

June 12, 1985—Hearings held by Committee on the Judiciary.

July 8, 1985—Senate Committee on Judiciary discharged pursuant to order of May 14, 1985, and placed on the Calendar.

S. 287—January 24, 1985.

Messrs. Gorton, Mathias, Sarbanes, Long, Johnston: A bill to provide stability in the location of professional sports teams, to establish a procedure by which important community interests are considered in the relocation of such teams, and for other purposes.

Professional Sports Team Community Protection Act.

Full Committee.

Staff assigned: Walter McCormick, Chuck Harwood—Minority Staff: David St. John.

Congressional Record Statements: Introduction *(S663)*, Text *(S665)*.

Related Measures: S. 2505/98th; S. 259, H.R. 885/99th.

Feb. 4, 20, 1985—Hearings held (S. Hrg. 99-36).

For further action see S. 259.

S. 312—January 29, 1985.

Mr. D'Amato: A bill to amend the Communications Act of 1934 to establish an Office of Ethnic and Minority Affairs within the Federal Communications Commission.

Ethnic and Minority Affairs Broadcasting Act of 1985.

Subcommmittee: Communications.

Staff assigned: Katherine Meier—Minority Staff: Cheryl Wallace.

Congressional Record Statements: Introduction *(S795)*, text *(S796)*.

Related Measure: S. 2466/98th.

S. 329—January 31, 1985.

Messrs. Hecht, Laxalt, Nickles, Symms, Melcher, Johnston, Garn, McClure, Helms, Thurmond, Baucus, Wallop, Andrews, Grassley, Simpson, Gramm, Wilson Goldwater, Hatch, Cochran: A bill entitled "Highway Speed Modification Act of 1985.

Highway Speed Modification Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction *(S903)*, text *(S904)*.

Related Measures: S. 1121/98th; S. 2325, S. 2552, S. 2665/99th.

For further action see Amt. No. 2871 to H.R. 3129 under Matters of Interest.

S. 338—January 31, 1985.

Mr. Riegle: A bill to provide for the investigation of consumer complaints regarding interstate telephone toll service, to require companies offering interstate telephone toll service to notify consumers of changes in rates and charges, and for other purposes.

Interstate Telecommunications Consumer Protection Act of 1985.

Subcommittee: Communications.

Staff assigned: Katherine Meier—Minority Staff: Tom Cohen, Amy Bondurant.

Congressional Record Statements: Introduction *(S904)*, text *(S906)*.

S. 374—January 31, 1985.

Messrs. Pressler, Warner, Inouye, Laxalt, Sasser, Melcher, Hecht, Leahy, Johnston, Hawkins, Stafford, Specter, Wilson, Moynihan, Nunn, Heflin, Matsunaga, DeConcini, Abdnor, Long, Hatch, Kerry: A bill to provide authorization of appropriations for the U.S. Travel and Tourism Administration.

U.S. Travel and Tourism Administration Appropriations Authorization.

Subcommittee: Business, Trade, and Tourism.

Staff assigned: Gerri Hall—Minority Staff: John Hardy.

Congressional Record Statement: Introduction *(S942)*.

Related Measures: S. 212, S. 2520/98th; S. 193/99th.

Mar. 25, 1985—Hearing held (S. Hrg. 99-95).

May 9, 1985—Considered in executive session and ordered reported with an amendment.

June 11, 1985—Reported by Mr. Danforth (S. Rept. 99-80) *(S7930)*.

S. 389—February 5, 1985.

Messrs. Inouye, Matsunaga: A bill to clarify procedures for the disposal of Federal lands for use for pubic airport purposes.

Airport and Airway Improvement Act Amendments.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congrressional Record Statements; Introduction and text *(S1038)*.

S. 402—February 6, 1985.

Messrs. Pressler, Matsunaga, Durenberger, Inouye, Abdnor, Gore, Sarbanes, Dixon, Simon, Kassebaum, Heinz, Hawkins, Melcher, Hatch, Harkin, Metzenbaum, Stafford, Pell, Laxault, Eagleton, Hatfield, Mathias, D'Amato, Dodd, Weicker, Kerry, Mitchell, Rockefeller, Hecht: A bill to amend the Communications Act of 1934 to provide for specialized equipment for telephone service to certain disabled persons.

Telephone Service for Disabled Persons Act.

Subcommittee: Communications.

Staff assigned: Katherine Meier—Minority Staff: Tom Cohen.

Congressional Record Statement: Introduction *(S1164)*.

S. 413 (Public Law 99-59)—February 6, 1985.

Messrs. Stevens, Inouye: A bill to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance.

War Risk Insurance Act.

Subcommittee; Merchant Marine.

Staff assigned: David Dye, Peter Friedmann—Minority Staff: John Hardy.

Congressional Record Statement: Introduction and text *(S1195)*.

Related Measures: S. 2683, H.R. 5505/98th.

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 19, 1985—Reported by Mr. Danforth (S. Rept. 99-13) *(S3169)*.

June 6, 1985—Passed the Senate *(S7684)*.

June 24, 1985—Passed the House by voice vote *(H4775)*.

July 3, 1985—Signed by the President as Public Law 99-59.

S. 464—February 19, 1985.

Mr. Specter: A bill entitled the "Railroad Competition Protection Act of 1985."

Railroad Competition Protection Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congresssional Record Statements: Introduction *(S1381)*, text *(S1382)*.

Related Measures: S. 465, S. 638, S. 1137, S. 1361, S. Res. 72/99th.

Note: June 12, 1985—Hearing held on subject (S. Hrg. 99-227).

For further action see H.R. 5300 under Matters of Interest.

S. 465—February 19, 1985.

Mr. Specter: A bill entitled the "Railroad Competition Protection Act of 1985."

Railroad Competition Protection Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction *(S1381)*, text *(S1383)*.

Related Measures: S. 464, S. 638, S. 1137, S. 1361, S. Res. 72/99th.

Note: June 12, 1985—Hearing held on subject (S. Hrg. 99-227).

For further action see H.R. 5300 under Matters of Interest.

S. 475 (Public Law 99-579)—February 19, 1985.

Messrs. Exon, Ford, Riegle, Moynihan, Zorinsky, Gorton, Kasten: A bill to amend the Motor Vehicle Information and Cost Savings Act to require certain information to be filed in registering the title of motor vehicles, and for other purposes.

Motor Vehicle Information and Cost Savings Act Amendments.

Subcommittee; Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction and text *(S1433)*.

Related Measures: S. 2709, H.R. 780/99th.

Apr. 18, 1985—Considered in executive session and ordered reported.

May 14, 1985—Reported by Mr. Danforth (S. Rept. 99-47) *(S6072)*.

May 16, 1985—Star print ordered (S. 475).

Dec. 13, 1985—Passed the Senate with an amendment by voice vote *(S17653)*.

Dec. 16, 1985—Referred to House Committee on Energy and Commerce.

Oct. 6, 1986—House Committee on Energy and Commerce discharged by unanimous consent.

Oct. 6, 1986—Passed the House amended (text of H.R. 780) by voice vote *(H9242)*.

Oct. 8 1986—Senate agreed to the House amendments by voice vote *(S15739)*.

Oct. 28, 1986—Signed by the President as Public Law 99-579.

S. 477—February 20, 1985.

Messrs. Andrews, Long, Stevens, Ford, DeConcini, Johnston, Melcher, Gore, Bentsen, Simpson, Boren, Wallop, Rockefeller, Exon, Laxalt, Baucus, Hecht, Cochran: A bill to enhance rail competition and to ensure reasonable rail rates where there is an absence of effective competition.

Consumer Rail Equity Act.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction *(S1580)*, text *(S1581)*.

Related Measure: H.R. 1190/99th.

Oct. 31, 1985—Star print ordered (S. 477) *(S14484)*.

Feb. 21, 1986—Hearing held (S. Hrg. 99-675).

S. 516—February 27, 1985.

Messrs. Danforth, Evans, Gorton, Hatfield, Murkowski, Packwood: A bill to give effect to the treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

Pacific Salmon Treaty Act of 1985.

Full Committee.

Staff assigned: Jim Gilmore—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction *(S2251)*.

Related Measure: H.R. 1093/99th.

Mar. 1, 1985—Hearing held (S. Hrg. 99-25).

For further action see H.R. 1093 under Matters of Interest.

S. 584—March 5, 1985.

Messrs. Trible, Gorton: A bill to amend the Communications Act of 1934 respecting retransmission of programs originated by local television broadcast stations.

Retransmission of Programs Originated By Broadcast Stations.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Tom Cohen.

Congressional Record Statement: Introduction *(S2513)*.

S. 586—March 5, 1985.

Messrs. Inouye, Kassebaum, Exon, Danforth: A bill to provide for the review of certain authority in certificates issued under the Federal Aviation Act of 1958, and for other purposes.

Review of Certain Authority in Certificates Issued Under the Federal Aviation Act.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statement: Introduction *(S2514)*.

May 23, 1985—Hearing held (S. Hrg. 99-200).

S. 597 (Public Law 99-36)—March 6, 1985.

Mr. Stevens: A bill to amend subtitle II of title 46, United States Code, "Shipping" making technical and conforming changes, and for other purposes.

Technical and Conforming Changes in the Shipping Laws.

Subcommittee: Merchant Marine.

Staff assigned: Peter Friedmann—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction *(S2604)*, text *(S2605)*.

Mar. 8, 1985—Considered in executive session and ordered reported.

Apr. 10, 1985—Reported by Mr. Danforth (S. Rept. 99-26) *(S4157)*.

Apr. 17, 1985—Passed the Senate *(S4352)*.

May 6, 1985—Passed the House by voice vote *(H2849)*.

May 15, 1985—Signed by the President as Public Law 99-36.

S. 638—March 7, 1985.

Messrs. Danforth, Hollings: A bill to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation to the private sector, and for other purposes.

Conrail Sale Amendments of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction *(S2711)*, text *(S2713)*.

Related Measures: S. 464, S. 465, S. 1137, S. 1361, S. Res. 72, H.R. 1499/99th.

Feb. 27, 28, 1985—Hearings held on subject (S. Hrg. 99-52).

Apr. 4, 1985—Hearing held on subject (S. Hrg. 99-52).

Apr. 18, 1985—Considered in executive session.

Apr. 30, 1985—Considered in executive session and ordered reported with amendments.

June 12, 1985—Hearings held on subject (S. Hrg. 99-227).

June 27, 1985—Reported by Mr. Danforth (with minority views) (S. Rept. 99-98) *(S8955)*.

Nov. 21, 1985—Informal hearing held by Senate Judiciary Committee on antitrust provisions of S. 638.

Dec. 5, 1985—Unanimous consent agreement for Senate to proceed to consideration of S. 638 on Dec. 10, 1985 objected to on Senate Floor *(S16934)*.

Jan. 21, 1986—Senate began consideration of a motion to proceed to consider *(S12)*.

Jan. 22, 1986—Senate continued consideration of the motion to proceed *(S165)*.

Jan. 23, 1986—Cloture invoked on motion to proceed in Senate by a rollcall vote of 90 yeas to 7 nays *(S244)*.

Jan. 23, 1986—Amt. No. 1437, in the nature of a substitute, proposed by Senator Danforth *(S248)*.

Jan. 23, 1986—Senate began consideration of the bill *(S245)*.

Jan. 27, 1986—Senate continued consideration *(S316)*.

Jan. 28, 1986—Cloture motion presented in Senate on Danforth substitute Amt. No. 1437 *(S381)*.

Jan. 29, 1986—Danforth motion to waive section 303(a) of the Budget Act agreed to by a rollcall vote of 68 yeas to 31 nays *(S428)*.

Jan. 30, 1986—Pressler modified Amt. No. 1582 agreed to by voice vote *(S709)*.

Jan. 30, 1986—Cloture invoked on Danforth substitute Amt. No. 1437 by a rollcall vote of 70 yeas to 27 nays *(S712)*.

Feb. 4, 1986—Passed the Senate with an amendment in the nature of a substitute (Danforth Amt. No. 1437 amended) on a rollcall vote of 54 yeas to 39 nays *(S887)*.

Sept. 25, 1986—House agreed to H. Res. 562 returning the bill to the Senate without House consideration because it is a revenue measure which must originate in the House *(H8355)*.

For further action see S. 2706 (title III) and H.R. 5300 under Matters of Interest.

S. 644—March 7, 1985.

Mr. Levin: A bill to provide that loan guarantees in certain programs shall be limited only by the availability of qualified applicants and limitations in appropriations acts.

Loan Guarantee Legislation.

Full Committee.

Staff assigned: Mary Pat Bierle—Minority Staff: David St. John.

Congressional Record Statements: Introduction *(S2800)*, text *(S2802)*.

S. 661 (Public Law 99-45)—March 14, 1985.

Mr. Packwood: A bill entitled the "George Milligan Control Tower."

George Milligan Control Tower.

Subcommittee: Aviation.

Staff assigned: Steve Johnson—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S2938)*, text *(S2939)*.

Apr. 2, 1985—Considered in executive session and ordered reported.

Apr. 10, 1985—Reported by Mr. Danforth without written report *(S4157)*.

Apr. 15, 1985—Passed the Senate *(S4185)*

Apr. 16, 1985—Referred to House Committee on Public Works and Transportation.

May 14, 1985—House Committee on Public Works and Transportation discharged by unanimous consent.

May 14, 1985—Passed the House *(H3146)*.

May 24, 1985—Signed by the President as Public Law 99-45.

S. 664—March 14, 1985.

Messrs. Nickles, Abdnor, Danforth, Symms, Lugar, Mrs. Kassebaum, Messrs. Chafee, East, Boren, Boschwitz, Armstrong, Quayle, Roth, Wallop: A bill to facilitate the competitiveness of exports of U.S. agricultural commodities.

Competitiveness of U.S. Agricultural Exports.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statement Introduction *(S2942)*.

Related Measures: S. 721, S. 930/99th.

May 6, 1985—Hearing held (S. Hrg. 99-269).

For further action see S. 721 and H.R. 2100.

Note: For further action on cargo preference refer to H.R. 2100 (P.L. 99-198).

S. 679—March 18, 1985.

Messrs. Stevens, Inouye: A bill to authorize the appropriation of funds for certain maritime programs for fiscal year 1986.

Maritime Appropriation Authorization Act for Fiscal Year 1986.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction *(S3050)*, text *(S3051)*.

Related Measure: H.R. 1157/99th.

Mar. 21, 29, 1985—Hearings held (S. Hrg. 99-80).

Apr. 30, 1985—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

May 20, 1985—Reported by Mr. Danforth (S. Rept. 99-64) *(S6561)*.

June 5, 1985—Passed the Senate *(S7481)*.

S. 700—March 20, 1985.

Mr. Exon: A bill to promote interstate commerce by regulating the contractual arrangements between suppliers and dealers of office products, and for other purposes.

Office Products User Protection Act.

Subcommittee: Business, Trade, and Tourism.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Loretta Dunn, Cheryl Wallace.

Congressional Record Statements: Introduction and text *(S3311)*.

S. 701—March 20, 1985.

Mr. Exon: A bill to promote interstate commerce by regulating the contractual arrangements between suppliers and retailers in the office machine and equipment industry, and for other purposes.

Office Machine and Equipment Dealers' Equity Act.

Subcommittee: Business, Trade, and Tourism.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Loretta Dunn, Cheryl Wallace.

Congressional Record Statement: Introduction *(S3311)*, text *(S3312)*.

Related Measure: S. 286/98th.

S. 702—March 20, 1985.

Mr. Simon: A bill to amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement devices.

Amusement Park Safety Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Loretta Dunn.

Congressional Record Statements Introduction *(S3312)*.

Related Measure: S. 1032/99th.

For further action see S. 1077.

S. 711—March 20, 1985.

Mrs. Hawkins: A bill to clear certain impediments to the licensing of the vessel *La Reina* for employment in the coastwise trade.

Licensing of the Vessel La Reina.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

S. 721—March 20, 1985.

Messrs. Boren, Boschwitz, Zorinsky, Mrs. Kassebaum, Messrs. Pryor, Danforth, Baucus, Grassley, Bumpers, Abdnor, Exon, Pressler, Symms, Durenberger, Nickles, Helms, East, Burdick, Roth, Domenici, Armstrong, Kasten, Thurmond, Andrews, Wallop, McClure: A bill to amend the Commodity Credit Corporation Charter Act regarding the export of agricultural commodities.

Agricultural Trade Amt. *Act of 1985.*

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction *(S3332)*, text *(S3333)*.

Related Measures; S. 664, S. 930, S. 1714, H.R. 2100/99th.

Mar. 20, 1985—Referred to Committee on Agriculture.

Apr. 4, 1985—Hearings held by Committee on Agriculture.

May 14, 1985—Ordered reported with an amendment in the nature of a substitute.

May 20, 1985—Reported to the Senate by Committee on Agriculture (S. Rept. 99-65) *(S6561)*.

May 23, 1985—Referred to Committee on Commerce, Science, and Transportation by unanimous consent until the close of business June 14, 1985 *(S7031)*.

June 12, 1985—Senate agreed by unanimous consent that the Committee on Commerce have until the close of business June 24, 1985 to report the bill *(S8019)*.

June 19, 1985—Considered in executive session and ordered reported unfavorably.

June 24, 1985—Reported by Mr. Danforth unfavorably (with minority views) (S. Rept. 99-89) *(S8664)*.

June 26, 1985—Star Print ordered *(S. 721)*.

For further action see S. 1714 and H.R. 2100.

Note: For further action on cargo preference refer to H.R. 2100 (P.L. 99-198).

S. 747—March 26, 1985.

Messrs. Lautenberg, Heinz, Bradley, Roth, Dodd, Kerry, Moynihan, Weicker: A bill to improve the administration and enforcement of the Magnuson Fishery and Conservation Management Act.

Marine Fisheries Improvement Act of 1985.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction *(S3444)*, text *(S3445)*.

July 23, 1985—Hearing held (S. Hrg. 99-328).

Oct. 16, 1986—Provisions incorporated into S. 991 *(H10453)*.

For further action see S. 991.

S. 796—March 28, 1985.

Messrs. Gorton, Riegle, Danforth: A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes.

National Bureau of Standards Authorization Act for Fiscal Year 1986.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips—Minority Staff: Patrick Windham.

Related Measures: S. 2458/98th; H.R. 1617/99th.

Mar. 26, 1985—Hearing held on subject (S. Hrg. 99-40).

Apr. 2, 1985—Considered in executive session and ordered reported with amendments.

Apr. 16, 1985—Reported by Mr. Danforth (S. Rept. 99-31) *(S4216)*.

Apr. 23, 1985—Provisions incorporated as an amendment to H.R. 1617 and the Senate passed H.R. 1617 in lieu S. 796 *(S4625)*.

Apr. 23, 1985—Indefinitely postponed by the Senate by unanimous consent.

For further action see H.R. 1617 under Matters of Interest.

S. 813—March 28, 1985.

Messrs. Packwood, Ford: A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1986 and 1987, and for other purposes.

Pipeline Safety Programs Authorization.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie, Gerri Hall—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction *(S3686)*, text *(S3687)*.

Related Measures: S. 268/98th; H.R. 2092/99th.

Mar. 28, 1985—Hearing held on subject (S. Hrg. 99-150).

Apr. 2, 1985—Considered in executive session and ordered reported.

Apr. 15, 1985—Reported by Mr. Danforth (S. Rept. 99-28) *(S4157)*.

Apr. 18, 1985—Passed the Senate *(S4382)*.

Apr. 22, 1985—Referred jointly to House Committees on Public Works and Transportation and Energy and Commerce.

For further action see H.R. 2092 under Matters of Interest.

S. 817 (Public Law 99-105)—March 28, 1985.

Messrs. Gorton, Riegle: A bill to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1986 and 1987, and for other purposes.

Earthquake Hazards Reduction Act Authorization.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips—Minority Staff: Patrick Windham.

Related Measures: S. 820/98th; H.R. 1728/99th.

Mar. 19, 1985—Hearing held on subject (S. Hrg. 99-37).

Apr. 2, 1985—Considered in executive session and ordered reported with an amendment.

Apr. 15, 1985—Reported by Mr. Danforth (S. Rept. 99-29) *(S4157)*.

Apr. 17, 1985—Passed the Senate *(S4352)*.

Apr. 25, 1985—Referred jointly to House Committees on Interior and Insular Affairs and Science and Technology.

May 8, 1985—Ordered reported amended by House Committee on Interior and Insular Affairs.

May 14, 1985—Reported to the House amended by House Committee on Interior and Insular Affairs (H. Rept. 99-90 Part I).

May 14, 1985—Ordered reported amended by House Committee on Science and Technology.

May 21, 1985—Reported to the House amended by House Committee on Science and Technology (H. Rept. 99-90 Part II).

June 24, 1985—Passed the House amended by voice vote *(H4780)*.

July 31, 1985—Senate concurred in the House amendments with an amendment by voice vote *(S10607)*.

Sept. 17, 1985—House agreed to the Senate amendments to the House amendments by unanimous consent *(H7477)*.

Sept. 30, 1985—Signed by the President as Public Law 99-105.

S. 818 (Public Law 99-97)—March 28, 1985.

Mr. Gorton: A bill to authorize appropriations under the Federal Fire Prevention and Control Act of 1974.

Federal Fire Prevention and Control Act Authorization.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips—Minority Staff: Loretta Dunn, Cheryl Wallace.

Related Measures: S. 809/98th; H.R. 1727/99th.

Mar. 26, 1985—Hearing held on subject (S. Hrg. 99-41).

Apr. 2, 1985—Considered in executive session and ordered reported.

Apr. 15, 1985—Reported by Mr. Danforth (S. Rept. 99-30) *(S4157)*.

Apr. 17, 1985—Passed the Senate with an amendment *(S4353)*.

Apr. 25, 1985—Referred to House Committee on Science and Technology.

May 14, 1985—Ordered reported amended.

May 21, 1985—Reported to the House by House Committee on Science and Technology (H. Rept. 99-135).

June 24, 1985—Passed the House amended by voice vote *(H4776)*.

July 31, 1985—Senate concurred in the House amendments with an amendment by voice vote *(S10608)*.

Sept. 17, 1985—House agreed to the Senate amendments to the House amendments by unanimous consent *(H7478)*.

Sept. 26, 1985—Signed by the President as Public Law 99-97.

S. 857—April 3, 1985.

Mr. Danforth (by request): A bill to amend the Federal Railroad Safety Act of 1970.

Federal Railroad Safety Authorization Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

For further action see S. 1080.

S. 862—April 3, 1985.

Messrs. Danforth, Packwood, Gorton, Lautenberg: A bill to provide for enhanced motor vehicle safety, and for other purposes.

Bumper Improvement Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction *(4013)*. text *(S4014)*.

Feb. 21, 1985—Hearing held on subject (S. Hrg. 99-21).

S. 863—April 3, 1985.

Messrs. Danforth, Packwood, Gorton, Lautenberg, Murkowski: A bill to amend the National Trafic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1986 and 1987, and for other purposes.

National Highway Traffic Safety Administration Authorization Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction *(S4014)*, text *(S4015)*.

Related Measures: H.R. 2248/99th.

Feb. 21, 1985—Hearing held on subject (S. Hrg. 99-21).

Apr. 18, 1985—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

May 14, 1985—Reported by Senator Danforth (together with additional views) (S. Rept. 99-48) *(S6072)*.

May 22, 1985—Star Print ordered (S. Rept. 99-48).

May 15, 1986—Passed the Senate amended by voice vote *(S6088)*.

Oct. 6, 1986—Passed the House amended (text of H.R. 2248) by voice vote *(H9229)*.

S. 864—April 3, 1985.

Messrs. Danforth, Moynihan, Gorton, Lautenberg: A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for more effective motor vehicle safety regulations, and for other purposes.

Automobile Occupant Protection Improvement Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction *(S4016)*, text *(S4017)*.

Feb. 21, 1985—Hearing held on subject (S. Hrg. 99-21).

S. 903—April 15, 1985.

Mr. Danforth: An original bill to authorize appropriations for the National Science Foundation for fiscal year 1986, and for other purposes.

National Science Foundation Authorization Act for Fiscal Year 1986.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips—Minority Staff: Patrick Windham.

Related Measures: S. 2601/98th; H.R. 1210/99th.

Mar. 20, 1985—Hearing held on subject (S. Hrg. 99-34).

Apr. 2, 1985—Considered in executive session and ordered reported with an original bill.

Apr. 15, 1985—Reported by Mr. Danforth (S. Rept. 99-27) *(S4157)*.

Sept. 26, 1985—Indefinitely postponed by the Senate by voice vote *(S12249)*.

For further action see H.R. 1210 under Matters of Interest.

S. 921—April 16, 1985.

Messrs. Inouye, Ford, Boren: A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 with respect to certain passenger motor vehicle safety requirements, and for other purposes.

Motor Vehicle Traffic Safety Amendments.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction *(S4245)*.

Feb. 21, 1985—Hearing held on subject (S. Hrg. 99-21).

Apr. 18, 1985—Provisions incorporated into S. 863.

For further action see S. 863.

S. 930—April 17, 1985.

Messrs. Nickles, Boren, Lugar, Grassley, Abdnor, Kassebaum, Thurmond, Roth, Wallop: A bill to amend the Commodity Credit Corporation Charter to exempt all agricultural exports from cargo preference requirements.

Removal of Cargo Preference from Agricultural Exports.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction and text *(S4300)*.

Related Measure: S. 644/99th.

For further action see S. 721.

Note: For further action on cargo preference refer to H.R. 2100 (P.L. 99-198).

S. 950—April 18, 1985.

Messrs. Heinz, Chafee, Hollings, Specter, Matsunaga, Burdick, Metzenbaum, Rockefeller, Simon: A bill to amend the Communications Act of 1934 to promote fairness in telecommunications policy by providing for lifeline telephone service.

Lifeline Telephone Service Act of 1985.

Subcommittee: Communications.

Staff assigned: Katherine Meier—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction *(S4397)*, text *(S4399)*.

S. 958—April 18, 1985.

Messrs. Danforth, Packwood, Gorton, Stevens: A bill to provide authorization of appropriations for activities under the Magnuson Fishery Conservation and Management Act.

Magnuson Fishery Conservation and Management Act Reauthorization.

Subcommittee: National Ocean Policy Study.

Staff assigned: Joe Plesha—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction and text *(S4413)*.

Related Measure: H.R. 1533/99th.

May 9, 1985—Considered in executive session and ordered reported.

May 22, 1985—Reported by Mr. Danforth (S. Rept. 99-70) *(S6848)*.

Oct. 16, 1986—Provisions incorporated into S. 991 *(H10453)*.

For further action see S. 991.

S. 959—April 18, 1985.

Messrs. Danforth, Packwood, Gorton, Stevens, Hollings, Thurmond: A bill to amend the Coastal Zone Management Act of 1972 to provide authorization of appropriations, and for other purposes.

Coastal Zone Management Act Reauthorization.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud—Minority Staff: Michael Nussman.

Congressional Record Statement: Introduction *(S4413).*

Related Measure: H.R. 2121/99th.

May 3, 1985—Hearing held (S. Hrg. 99-173).

May 9, 1985—Considered in executive session and ordered reported with amendments.

May 22, 1985—Reported by Mr. Danforth (S. Rept. 99-71) *(S6848).*

Provisions incorporated into H.R. 3128. For further action see H.R. 3128, Title VI, under Matters of Interest.

S. 976—April 23, 1985.

Mr. Specter: A bill to amend the Regional Rail Reorganization Act of 1973 to provide that the profits of the Consolidated Rail Corporation for fiscal years 1986 and 1987 shall be paid to the National Railroad Passenger Corporation.

Consolidated Rail Corporation Profit Transfer Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction *(S4518),* text *(S4519).*

S. 990—April 24, 1985.

Messrs. Danforth, Packwood, Gorton, Stevens, Hollings: A bill to consolidate and authorize program support and certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce.

National Oceanic and Atmospheric Administration Program Support Authorization Act.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Congressional Record Statement: Introduction *(S4693).*

May 3, 1985—Hearing held (S. Hrg. 99-173).

May 9, 1985—Considered in executive session and ordered reported with amendments.

May 22, 1985—Reported by Mr. Danforth (S. Rept. 99-72) *(S6848).*

June 19, 1985—Passed the Senate with amendments *(S8405).*

Provisions incorporated into H.R. 3128 (Budget Reconciliation). For further action see H.R. 3128 under Matters of Interest.

S. 991 (Public Law 99-659)—April 24, 1985.

Messrs. Danforth, Packwood, Gorton, Stevens: A bill to provide authorization of appropriations for certain fisheries activities.

National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act of 1985.

Subcommittee: National Ocean Policy Study.

Staff assigned: Joe Plesha—Minority Staff: Jim Drewry.

Congressional Record Statement: Introduction *(S4693).*

May 9, 1985—Considered in executive session and ordered reported with amendments.

May 21, 1985—Reported by Mr. Danforth (S. Rept. 99-67) *(S6707).*

Oct. 2, 1985—Passed the Senate *(S12487).*

Oct. 3, 1985—Referred to House Committee on Merchant Marine and Fisheries.

Aug. 12, 1986—Passed the House amended by voice vote *(H6033, H6049).*

Oct. 15, 1986—Senate agreed to the House amendment with an amendment in the nature of a substitute *(S16292).*

Oct. 16, 1986—House agreed to the Senate amendment to the House amendment with an amendment *(H10453).*

Oct. 18, 1986—Senate agreed to the House amendments to the Senate amendments to the House amendment *(S17329).*

Nov. 14, 1986—Signed by the President as Public Law 99-659.

S. 996—April 24, 1985.

Messrs. Chiles, Hollings: A bill to amend Public Law 96-350 to further define the customs waters for the purposes of certain drug offenses.

Jurisdiction of Drug Traffickers in International Waters.

Subcommittee: Merchant Marine.

Staff Assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Congressional Record Statement: Introduction *(S4701).*

Dec. 19, 1985—Provisions incorporated into H.R. 2466 *(S18182).*

For further action see H.R. 2466 under Matters of Interest.

S. 999— April 25, 1985.

Messrs. Goldwater, Hollings: A bill to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes.

Federal Communications Commission Authorization Act of 1985.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Tom Cohen.

Mar. 20, 1985—Hearing held on subject (S. Hrg. 99-66).

Apr. 30, 1985—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

May 16, 1985—Reported by Mr. Danforth (together with minority views) (S. Rept. 99-63) *(S6322).*

Provisions incorporated into H.R. 3128 (Budget Reconciliation). For further action see H.R. 3128 under Matters of Interest.

S. 1017—April 26, 1985.

Messrs. Warner, Danforth, Trible, Garn, Wilson (by request): A bill to provide for the transfer of the Metropolitan Washington Airports to an independent airport authority.

Metropolitan Washington Airports Transfer Act of 1985.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction and text *(S4879).*

Related Measures: H.R. 2337, H.R. 5040/99th.

June 26, July 11, 1985—Hearings held (S. Hrg. 99-338).

Sept. 11, 1985—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Nov. 14, 1985—An additional amendment to transfer authority for regulating aircraft noise levels at Washington National Airport to the regional authority was considered in executive session and ordered included in S. 1017.

Nov. 20, 1985—Reported by Mr. Danforth (together with minority views) (S. Rept. 99-193) *(S15958).*

Dec. 5, 1985—Unanimous consent agreement to consider S. 1017 objected to on Senate floor *(S16935).*

Mar. 19, 1986—Senate began consideration of a motion to proceed to consideration of bill *(S2990).*

Mar. 19, 1986—Dole filed motion to invoke cloture on the motion to proceed to consideration *(S3022).*

Mar. 20, 1986—Senate continued debate on motion to proceed to consideration.

Mar. 20, 1986—Simpson filed second cloture motion on motion to proceed *(S3122).*

Mar. 21, 1986—Senate failed to invoke cloture on the motion to proceed by a rollcall vote of 50 yeas to 39 nays *(S3185).*

Mar. 21, 1986—Dole filed third cloture motion on motion to proceed to consideration *(S3246).*

Mar. 24, 1986—Senate continued consideration of motion to proceed *(S3256).*

Mar. 24, 1986—Second cloture motion withdrawn by unanimous consent *(S3281).*

Mar. 25, 1986—Cloture invoked on motion to proceed by a rollcall vote of 66 yeas to 32 nays *(S3296).*

Mar. 26, 1986—Motion to proceed to consideration of bill agreed to by voice vote *(S3453).*

Apr. 9, 1986—Kassebaum Amt. No. 1735 (text of S. 1966) agreed to on a rollcall vote of 82 yeas to 12 nays *(S3945).*

Apr. 10, 1986—Senate continued consideration.

Apr. 11, 1986—Passed the Senate with an amendment in the nature of a substitute on a rollcall vote of 62 yeas to 28 nays *(S4104).*

Apr. 16, 1986—Referred to House Committee on Public Works and Transportation.

June 17, 26, 1986—Hearings held.

Oct. 3, 1986—Provisions incorporated into H.J. Res. 738, Continuing Appropriations, as Amt. No. 3185 *(S14862).*

Oct. 16, 1986—Senate agreed to the House Amendment on Metropolitan Washington Airports, Title VI to H.J. Res. 738 *(S16679).*

For further action see H.J. Res. 738 under Matters of Interest.

S. 1032—April 30, 1985.

Messrs. Danforth, Gore, Kasten, Abdnor, Thurmond, Bumpers: A bill to establish a commission to study amusement ride safety, and for other purposes.

Amusement Ride Safety Commission Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction and text *(S5053).*

Related Measure: S. 702/99th.

July 24, 1985—Provisions incorporated into S. 1077.

For further action see S. 1077.

S. 1038—May 1, 1985.

Messrs. Packwood, Goldwater: A bill to promote the diversity and quality of radio and television programming by repealing the Fairness Doctrine and certain other program restrictions.

Freedom of Expression Act of 1985.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction *(S5156),* text *(S5157).*

Related Measure: S. 1917/98th.

S. 1057—May 2, 1985.

Mr. Packwood: A bill to amend the Coastal Zone Management Act of 1972 regarding activities directly affecting the coastal zone.

Coastal Zone Management Act Amendments.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud—Minority Staff: Michael Nussman.

Congressional Record Statement: Introduction *(S5293)*.

S. 1073 (Public Law 99-382)—May 6, 1985.

Messrs. Baucus, Rockefeller, Gore, Inouye, Bingaman, Gorton: A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 for the purpose of improving the availability of Japanese science and engineering literature in the United States, and for other purposes.

Japanese Technical Literature Act of 1985.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Patrick Windham.

Congressional Record Statements: Introduction *(S5419)*, text *(S5420)*.

Related Measure: H.R. 3831/99th.

Sept. 11, 1985—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Nov. 5, 1985—Reported by Mr. Danforth (S. Rept. 99-175) *(S14743)*.

Nov. 7, 1985—Star print ordered *(S. 1073)*.

Nov. 23, 1985—Passed the Senate *(S16508)*.

Dec. 2, 1985—Referred to House Committee on Science and Technology.

May 22, 1986—Ordered reported amended.

June 4, 1986—Reported to the House by House Committee on Science and Technology (H. Rept. 99-618) *(H3356)*.

June 23, 1986—Passed the House amended by voice vote *(H4036)*.

Aug. 1, 1986—Senate agreed to the House amendments by voice vote *(S10209)*.

Aug. 14, 1986—Signed by the President as Public Law 99-382.

Amt. No. 590 to S. 1073—September 9, 1985.

Messrs. Baucus, Rockefeller: To amend the Stevenson-Wydler Technology Act of 1980 for the purpose of improving availability of Japanese science and engineering literature in the United States, and for other purposes.

Japanese Technical Literature Act of 1985.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Patrick Windham.

Congressional Record Statements: Introduction and text *(S11078)*.

Sept. 11, 1985—Provisions incorporated into S. 1073.

For further action see S. 1073.

S. 1077—May 6, 1985.

Mr. Kasten: A bill to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes.

Consumer Product Safety Commission Authorization Act of 1985.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Loretta Dunn, Amy Bondurant.

Congressional Record Statements: Introduction and text *(S5422)*.

Related Measures: H.R. 2630, H.R. 3456/99th.

May 1, 1985—Hearing held on subject (S. Hrg. 99-153).

May 9, 1985—Considered in executive session and ordered reported with an amendment.

May 16, 1985—Reported by Mr. Danforth (S. Rept. 99-60) *(S6322)*.

July 24, 1985—Danforth Amt. No. 540 to Simon Amt. 539 (text of S. 1032) passed Senate on a rollcall vote of 52 yeas to 41 nays *(S10004)*.

July 24, 1985—Passed the Senate amended by voice vote *(S10004)*.

July 26, 1985—Referred to House Committee on Energy and Commerce.

Feb. 6, 1986—House Committee on Energy and Commerce discharged by resolution *(H378)*.

Feb. 6, 1986—Passed the House amended by a rollcall vote of 298 yeas to 81 nays (text of H.R. 3456 amended incorporated) *(H395)*.

S. 1078—May 6, 1985.

Messrs. Kasten, Danforth, Packwood, Gorton: A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes.

Federal Trade Commission Act Amendments of 1985.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Amy Bondurant, Loretta Dunn.

Congressional Record Statements: Introduction and text *(S5423)*.

Related Measures: S. 1714/98th: H.R. 2385/99th.

Apr. 24, 1985—Hearing held on subject (S. Hrg. 99-151).

May 9, 1985—Considered in executive session and ordered reported with an amendment.

June 11, 1985—Reported by Mr. Danforth (with additional views) (S. Rept. 99-81) *(S7930)*.

July 25, 1985—Senate began consideration and adopted Ford Amt. No. 543 *(S10040)*.

July 25, 1985—McClure Amt. No. 544 tabled on a rollcall vote of 71 yeas to 26 nays *(S10056)*.

July 26, 1985—Kasten modified Amt. No. 542 passed on a rollcall vote of 67 yeas to 22 nays (S10155).

July 26, 1985—Passed the Senate with amendments by a rollcall vote of 84 yeas to 5 nays *(S10169)*.

Sept. 17, 1985—Passed the House amended by voice vote (text of H.R. 2385 amended incorporated) *(H7498)*.

Oct. 10, 1985—Senate disagreed with the House amendments and requested a conference and appointed the following conferees: Senators Danforth, Kasten, Gorton, Hollings, Ford *(S13116)*.

Oct. 10, 1985—Senate conferees instructed to insist on the Senate's position regarding the maintenance of the sections of the bill relating to legislative veto, in particular sections 16 and 17 of S. 1078 *(S13116)*.

Oct. 31, 1985—House insisted on its amendments and agreed to a conference and appointed the following conferees: Representatives Dingell, Florio, Mikulski, Broyhill, Lent; for consideration of subsections 16(b), (c), and (d) and section 17 of the Senate bill: Representatives Waxman and Madigan; for consideration of sections 16 and 17 of the Senate bill: Representatives Moakley, Frost, and Lott *(H9541)*.

Mar. 5, 1986—Conferees met.

July 21, 1986—Mr. Broyhill was replaced as a conferee by Mr. Tauke *(H4662)*.

S. 1079—May 6, 1985.

Messrs. Goldwater, Hollings: A bill to provide authorization of appropriations for activities of the National Telecommunications and Information Administration.

National Telecommunications and Information Administration Authorization.

Subcommittee: Communications.

Staff assigned: Katherine Meier—Minority Staff: Tom Cohen.

May 1, 1985—Hearing held on subject (S. Hrg. 99-154).

May 9, 1985—Considered in executive session and ordered reported.

June 14, 1985—Reported by Mr. Danforth (S. Rept. 99-85) *(S8239)*.

S. 1080—May 6, 1985.

Mr. Packwood: A bill to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes.

Federal Railroad Safety Act Amendments.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction and text *(S5425)*.

Related Measures: S. 2537/98th; H.R. 2372/99th.

May 6, 1985—Hearing held on subject (S. Hrg. 99-191).

May 9, 1985—Considered in executive session and ordered reported with amendments.

May 30, 1985—Reported by Mr. Danforth under the authority of the order of May 24, 1985 (S. Rept. 99-76) *(S7259)*.

June 6, 1985—Passed the Senate *(S7684)*.

Sept. 5, 1985—Passed the House amended by voice vote (text of H.R. 2372 incorporated) *(H7285)*.

S. 1084—May 7, 1985.

Messrs. Goldwater, Abdnor, Zorinsky, Evans, Hatfield, Andrews, Laxalt, Hatch, Mathias, Byrd, Nunn, Riegle, Packwood, Gorton, Rockefeller, Hecht, Burdick, DeConcini, Exon, Pryor, Pressler, Stevens, Dodd, D'Amato, Bingaman, Levin, Kennedy, Hawkins, Inouye, Matsunaga, Kerry, Cranston, Simon, Stafford, Roth, Bumpers, Heinz, Garn, Quayle, Bradley, Melcher, Glenn, Sarbanes, Moynihan, Dixon, Cochran, Metzenbaum, Rudman, Gore, Biden, Sasser, Harkin, Domenici, Specter, Eagleton, Durenberger, Heflin, Chafee, Baucus, Johnston, Mrs. Kassebaum, Messrs. Lautenberg, Leahy, Murkowski, Pell, Danforth, Kasten, Mitchell, Long, McConnell, Bentsen, Wilson, Boren, Lugar, Boschwitz: A bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

Corporation for Public Broadcasting Authorization Act of 1985.

Subcommittee: Communications.

Staff assigned: Dan Phythyon, Dale Brown—Minority Staff: Tom Cohen.

May 9, 1985—Considered in executive session and ordered reported.

May 16, 1985—Reported by Mr. Danforth (S. Rept. 99-61) *(S6322)*.

Provisions incorporated into H.R. 3128 (Budget Reconciliation).

For further action see H.R. 3128 under Matters of Interest.

S. 1097—May 8, 1985.

Messrs. Danforth, Riegle, Packwood, Ford, Specter, Melcher, Lugar, Chafee, Levin, Gore, Andrews, Rockefeller, Evans, Exon, Kasten: A bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the appropriate treatment of methanol.

Methanol Vehicle Incentives Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction *(S5668)*, text *(S5669)*.

Related Measures: S. 3053/98th; H.R. 3355/99th.

June 20, July 17, 1985—Hearings held (S. Hrg. 99-313).

July 18, 1985—Considered in executive session and ordered reported with an amendment.

Aug. 1, 1985—Reported by Mr. Danforth (S. Rept. 99-128) *(S10797)*.

Aug. 1, 1985—Star Print ordered (S. 1097).

S. 1103—May 8, 1985.

Mr. Gorton: A bill to authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes.

National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act of 1985.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction and text *(S5680)*.

Mar. 22, 1985—Hearing held on subject (S. Hrg. 99-86).

May 9, 1985—Considered in executive session and ordered reported.

May 30, 1985—Reported by Mr. Danforth under the authority of the order of May 24, 1985 (S. Rept. 99-75) *(S7259)*.

June 18, 1985—Passed the Senate with amendments *(S8308)*.

S. 1110—May 8, 1985.

Mr. Hollings: A bill to provide for the award of grants to the Washington Metropolitan Airports for certain capital expenditures.

Washington Metropolitan Airports Grants Act.

Subcommittee: Aviation.

Staff asssigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S5687)*, text *(S5688)*.

June 26, July 11, 1985—Hearings held (S. Hrg. 99-338).

S. 1124 (Public Law 99-521)—May 14, 1985.

Mr. Packwood: A bill to amend title 49, United States Code, to reduce regulation of surface freight forwarders, and for other purposes.

Surface Freight Forwarder Deregulation Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction and text *(S6073)*.

Related Measure: S. 2874/98th.

May 17, 1985—Hearings held (S. Hrg. 99-81).

July 18, 1985—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

July 31, 1985—Reported by Mr. Danforth (with additional views) (S. Rept. 99-120) *(S10567)*.

Nov. 4, 1985—Passed the Senate with an amendment by voice vote *(S14739)*.

Sept. 30, 1986—Passed the House amended by voice vote *(H8749)*.

Oct. 8, 1986—Senate agreed to the House amendment by voice vote *(S15616)*.

Oct. 22, 1986—Signed by the President as Public Law 99-521.

S. 1137—May 15, 1985.

Messrs. Specter, Heinz: A bill entitled the "Conrail Public Offering Act of 1985."

Conrail Public Offering Act of 1985.

Subcommittee Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction *(S6255)*, text *(S6256)*.

Related Measures: S. 464, S. 465, S. 638, S. 1361, S. Res. 72/99th.

Note: June 12, 1985—Hearing held on subject (S. Hrg. 99-227).

For further action see H.R. 5300 under Matters of Interest.

S. 1218—May 23, 1985.

Messrs. Danforth, Eagleton, Kassebaum, Goldwater, Pressler, Gorton, Stevens, Trible, Long, Inouye, Ford, Riegle, Exon, Gore, Rockefeller, Dole, Baucus, Lautenberg, Domenici, Bentsen: A bill to amend the Federal Aviation Act of 1958 to provide for the revocation of certain certificates for air transportation, and for other purposes.

International Air Transportation Protection Act of 1985.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction and text *(S7084)*.

Related Measure: H.R. 2575/99th.

June 12, 1985—Hearing held (S. Hrg. 99-192).

June 13, 1985—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

June 24, 1985—Reported by Mr. Danforth (with minority views) (S. Rept. 99-90) *(S8664)*.

S. 1245—June 5, 1985.

Messrs. Stevens, Murkowski: A bill entitled the "Fishery Conservation and Management Act Amendments of 1985."

Fishery Conservation and Management Act Amendments of 1985.

Subcommittee: National Ocean Policy Study.

Staff assigned: Joe Plesha—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction *(S7463)*, text *(S7464)*.

July 23, 1985—Hearing held (S. Hrg. 99-328).

For further action see S. 991.

Amendment No. 529 to S. 1245—July 17, 1985.

Mr. Stevens: To eliminate direct foreign fishing in the geographic region under the jurisdiction of the North Pacific Fishery Management Council.

Fishery Conservation and Management Act Amendments of 1985.

Subcommittee: National Ocean Policy Study.

Staff assigned: Joe Plesha—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction *(S9665)*, text *(S9664)*.

July 23, 1985—Hearing held (S. Hrg. 99-328).

S. 1252—June 6, 1985.

Messrs. Gramm, Symms, Domenici, Bentsen, Bingaman: A bill to clarify and augment certain provisions of the Motor Carrier Safety Act of 1984 regarding the certificate of registration procedures for foreign carriers.

Foreign Motor Carrier Registration Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Steve Palmer.

Related Measure: H.R. 2689/99th.

Sept. 20, 1985—Hearing held on subject (S. Hrg. 99-456).

S. 1267—June 10, 1985.

Mr. Eagleton: A bill to provide that the Secretary of Transportation shall review and approve the acquisition of certain air carrier corporations to protect the public interest, and for other purposes.

Department of Transportation Air Carrier Acquisition Approval Act of 1985.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statement: Introduction *(S7811)*, text *(S7812)*.

S. 1278—June 12, 1985.

Messrs. Gorton, Danforth, Hollings, Riegle, Long, Inouye, Exon, Gore, Rockefeller, Denton, Heflin, Lautenberg, Glenn, Matsunaga, Ford: A bill to authorize appropriations for the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes.

National Aeronautics and Space Administration Act, 1986.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Pete Perkins—Minority Staff: Marty Kress.

Congressional Record Statement: Introduction *(S8020)*.

Related Measure: H.R. 1714/99th.

Feb. 26, Mar. 27, 28, Apr. 3, 4, 1985—Hearings held on subject (S. Hrg. 99-102).

For further action see H.R. 1714.

S. 1279—June 12, 1985.

Messrs. Gorton, Nickles: A bill to provide authorization of appropriations for activities under the Land Remote-Sensing Commercialization Act of 1984.

Land Remote-Sensing Commercialization Act Reauthorization.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Marty Kress.

Congressional Record Statements: Introduction *(S8023)*.

Related Measure: S. Res. 180, H.R. 2800/99th.

June 13, 1985—Considered in executive session and ordered reported with an amendment.

June 14, 1985—Reported by Mr. Danforth (S. Rept. 99-86) *(S8239)*.

June 26, 1985—Indefinitely postponed by the Senate by unanimous consent *(S8825)*.

For further action see H.R. 2800 under Matters of Interest.

S. 1290—June 12, 1985.

Messrs. Mathias, Levin, Moynihan, Biden, Dodd, Sarbanes, Dixon, Pressler, Weicker, Hollings, Grassley, Kerry, Cranston: A bill to prohibit discrimination in insurance on the basis of blindness or degree of blindness.

Fair Insurance Coverage Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Amy Bondurant.

Congressional Record Statements: Introduction *(S8046)*.

Related Measure: H.R. 2741/99th.

S. 1310—June 17, 1985.

Messrs. Danforth, Hollings, Simon, Goldwater, Pressler, Kassebaum, Hatfield, Baucus: A bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes.

Clean Campaign Act of 1985.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction and text *(S8267)*.

Related Measure: H.R. 3045/99th.

Sept. 10, Oct. 8, 1985—Hearings held (S. Hrg. 99-491).

S. 1312—June 18, 1985.

Messrs. Pressler, Eagleton, Inouye, Exon, Durenberger, Abdnor, Melcher, Proxmire, Domenici, Dixon, Bingaman, Andrews, Burdick, Pell, Moynihan: A bill to provide that the Federal Communications Commission review the proposed acquisition of television networks to ensure such acquisitions are in the public interest, and for other purposes.

Federal Communications Commission Network Acquisition Approval Act of 1985.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Tom Cohen.

Congressional Record Statement: Introduction *(S8316)*.

July 18, 1985—Hearings held (S. Hrg. 99-292).

S. 1313—June 18, 1985.

Messrs. Metzenbaum, Gorton: A bill to amend the Federal Trade Commission Act to allow certain actions by State attorneys general.

State Attorneys General Enforcement of the Federal Trade Commission Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Amy Bondurant.

Congressional Record Statements: Introduction and text *(S8317)*.

June 18, 1985—Referred to Committee on the Judiciary.

Aug. 1, 1985—Committee on the Judiciary discharged from further consideration by unanimous consent and referred to Committee on Commerce, Science, and Transportation *(S11018)*.

S. 1318—June 18, 1985.

Mr. Domenici (by request): A bill to authorize the Secretary of the department in which the Coast Guard is operating to establish fees for certain Coast Guard services, and for other purposes.

Coast Guard User Fee Authorization Act of 1985.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction and text *(S8320)*.

Related Measure: H.R. 1936/99th.

S. 1321—June 19, 1985.

Mr. Dixon: A bill entitled the "Airport and Air Carrier Security Improvement Act of 1985."

Airport and Air Carrier Security Improvement Act of 1985.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S8414)*, text *(S8415)*.

Related Measures: S. 1326, S. 1343, S. 1436, H.R. 2796, H.R. 2822/99th.

June 27, 1985—Hearing held (S. Hrg. 99-290).

For further action see H.R. 2796.

S. 1326—June 19, 1985.

Messrs. Moynihan, D'Amato, Lautenberg, Chafee, Boren, Cochran: A bill to provide air passenger security for certain air carrier flights.

Air Passenger Security Act of 1985.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S8427)*, text *(S8428)*.

Related Measures: S. 1321, S. 1343, S. 1436, H.R. 2796, H.R. 2822/99th.

June 27, 1985—Hearing held (S. Hrg. 99-290).

For further action see H.R. 2796.

S. 1343—June 21, 1985.

Mr. Danforth, Mrs. Kassebaum, Mr. Hollings, Exon (by request): A bill to improve safety and security for people who travel in international aviation.

Anti-Hijacking Act of 1985.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S8643)*, text *(S8644)*.

Related Measures: S. 1321, S. 1326, S. 1436, H.R. 2796, H.R. 2822/99th.

June 27, 1985—Hearing held (S. Hrg. 99-290).

For further action see H.R. 2796.

S. 1344—June 24, 1985.

Mr. Mathias: A bill to set aside certain surplus vessels for use in the provision of health and humanitarian services in developing countries.

Utilization of Surplus Vessels in Developing Countries.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction and text *(S8665)*.

Related Measures: H.R. 2161/99th.

S. 1361—June 26, 1985.

Messrs. Specter, Pressler, Exon, Dixon, Simon, Rockefeller, McConnell, Heinz, Zorinsky: A bill to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector, and for other purposes.

Conrail Public Sale Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction *(S8839)*, text *(S8840)*.

Related Measures: S. 464, S. 465, S. 638, S. 1137, S. Res. 72, H.R. 2873/99th.

Note: June 12, 1985—Hearings held on subject (S. Hrg. 99-227).

For further action see H.R. 5300, Budget Reconciliation Act of 1986 under Matters of Interest.

S. 1386—June 27, 1985.

Mr. Gorton: A bill to promote the Americanization of domestic marine fishery resources, and for other purposes.

Americanization of Domestic Marine Fishery Resources Act.

Subcommittee: National Ocean Policy Study.

Staff assigned: Joe Plesha—Minority Staff: John Hardy.

Congressional Record Statement: Introduction *(S8973)*.

July 23, 1985—Hearing held (S. Hrg. 99-328).

Oct. 16, 1986—Provisions incorporated into S. 991 *(H10453)*.

For further action see S. 991.

S. 1433—July 15, 1985.

Messrs. Gorton, Mitchell, Wilson: A bill to provide for daylight saving time on an expanded basis, and for other purposes.

Daylight Savings Extension Act of 1985.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Loretta Dunn, Cheryl Wallace.

Congressional Record Statement: Introduction *(S9493)*.

Related Measures: S. 63, S. 86/98th; S. 240, H.R. 2095/99th.

Oct. 31, 1985—Hearing held (S. Hrg. 99-380).

For further action see S. 2180, Amt. No. 1967.

S. 1436—July 16, 1985.

Mrs. Kassebaum, Messrs. Danforth, Hollings, Ford, Riegle, Exon, Dixon, Lautenberg, Rockefeller, Trible, Heflin: A bill to improve safety and security of persons who travel in foreign air transportation, and for other purposes.

Air Traveler Protection Act of 1985.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S9568)*, text *(S9569)*.

Related Measures: S. 1321, S. 1326, S. 1343, H.R. 2796, H.R. 2822/99th.

July 18, 1985—Provisions incorporated into H.R. 2796.

For further action see H.R. 2796.

S. 1461—July 18, 1985.

Messrs. Inouye, Stevens: A bill to direct the Secretary of the department in which the United States Coast Guard is operating to cause certain vessels to be documented as vessels of the United States so as to be entitled to engage in the coastwise trade, and for other purpose.

Documentation of Certain U.S. Built Ships Act.

Subcommittee: Merchant Marine.

Staff assigned; Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statement: Introduction *(S9740)*.

Sept. 12, 1985—Hearing held (S. Hrg. 99-453).

S. 1481—July 23, 1985.

Mr. Stevens (by request): A bill to amend the Merchant Marine Act 1936 to authorize the foreign acquisition of subsidized United States-flag vessels.

Foreign Acquisition of Subsidized U.S.-flag Vessels Act.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction and text *(S9897)*.

Related Measure: H.R. 3141/99th.

S. 1482—July 23, 1985.

Mr. Stevens (by request): A bill to amend section 901(b) of the Merchant Marine Act, 1936.

Merchant Marine Act Amendments.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congresssional Record Statements: Introduction *(S9897)*, text *(S9898)*.

S. 1553—August 1, 1985.

Messrs. Hatfield, Packwood, Stafford, Kerry: A bill entitled the "Beverage Container Reuse and Recycling Act."

Beverage Container Reuse and Recycling Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction *(S10812)*, text *(S10813)*.

S. 1574 (Public Law 99-252)—August 1, 1985.

Messrs. Lugar, Hatch, Boschwitz, Chafee, Garn, Bradley, Hatfield, Stafford, Nickles, Matsunaga, Cohen, Evans: A bill to provide for public education concerning the health consequences of using smokeless tobacco products.

Comprehensive Smokeless Tobacco and Health Education Act of 1985.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Monority Staff: Amy Bondurant.

Congressional Record Statements: Introduction and text *(S10867)*.

Aug. 1, 1985—Referred to Committee on Labor and Human Resources.

Nov. 19, 1985—Ordered reported with an amendment in the nature of a substitute.

Dec. 4, 1985—Reported by Mr. Hatch of the Committee on Labor and Human Resources with an amendment in the nature of a substitute (S. Rept. 99-209) *(S16901)*.

Dec. 16, 1985—Referred to Senate Committee on Commerce, Science, and Transportation by unanimous consent for 1 calendar day, and be placed back on the Calendar *(S17680)*.

Dec. 16, 1985—Approved by the Committee and reported by Mr. Danforth without written report *(S17688)*.

Dec. 16, 1985—Passed the Senate with an amendment by voice vote *(S17680)*.

Dec. 19, 1985—House objected to unanimous consent request to consider *(H13311)*.

Feb. 3, 1986—Passed the House amended *(H245)*.

Feb. 6, 1986—Senate concurred in the House amendment *(S1117)*.

Feb. 27, 1986—Signed by the President as Public Law 99-252.

S. 1594—August 1, 1985.

Messrs. Lautenberg, Rockefeller, Gore, Pell, Metzenbaum, Bradley, Simon: A bill to amend the Communications Act of 1934 to increase the availability of educational and informational television programs for children.

Children's Television Education Act of 1985.

Subcommittee: Communications.

Staff assigned: Dan Phythyon, Dale Brown—Minority Staff: Tom Cohen.

Congressional Record Statement: Introduction *(S10914)*, text *(S10915)*.

Related Measure: S. 2437/98th.

S. 1597—August 1, 1985.

Mr. Warner: A bill to authorize awards, decorations, insignia, and other recognition for service in the United States Merchant Marine, and for other purposes.

Merchant Marine Defense Service Recognition and Medals Act.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction and text *(S10922)*.

S. 1618—September 10, 1985.

Messrs. Gore, Cochran, Laxalt: A bill to amend the Communications Act of 1934 to clarify policies regarding the right to view satellite-transmitted programming, and for other purposes.

Satellite Television Viewing Rights Act of 1985.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dale Brown—Minority Staff: Tom Cohen.

Congressional Record Statement: Introduction *(S11206)*.

Related Measures: S. 2290, S. 2666, S. 2702, S. 2823, H.R. 3989/99th.

July 31, 1986—Hearing held on subject (S. Hrg. 99-977).

S. 1635—September 12, 1985.

Mr. Specter: A bill to require the Federal Emergency Management Agency to update and distribute the publication entitled "Protecting Mobile Homes from High Winds."

Mobile Homes Publication Update Act.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips—Minority Staff: Cheryl Wallace, Loretta Dunn.

Congressional Record Statements: Introduction and text *(S11206)*.

S. 1637—September 12, 1985.

Mr. Specter: A bill to authorize funds for the Department of Commerce for use in the development of the next generation weather radar [NEXRAD].

Weather Radar Improvements Act.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Jim Drewry, Michael Nussman.

Congressional Record Statements: Introduction and text *(S11377)*.

Related Measure: S. Con. Res. 66/99th.

S. 1710—September 26, 1985.

Messrs. Hollings, Trible, Ford, Riegle, Exon, Gore, Heflin, Inouye, Pryor, Bumpers, Abdnor, Hawkins, Sasser, Nickles; Bingaman, Byrd, Nunn, Pell, DeConcini: A bill to establish a motor carrier administration in the Department of Transportation, and for other purposes.

Motor Carrier Administration Act.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction and text *(S12267)*.

Related Measure: H.R. 3427/99th.

S. 1711—September 26, 1985.

Mr. Danforth (by request): A bill to amend subtitle IV of title 49, United States Code, to reduce regulation of motor carriers of property, and for other purposes.

Trucking Deregulation Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Steve Palmer, Linda Morgan.

Congressional Record Statements: Introduction and text *(S12268)*.

Related Measures: S. 2240, H.R. 3222/99th.

Sept. 20, 27, 1985—Hearings held on subject (S. Hrg. 99-456).

Oct. 21, 1985—Hearing held on subject (S. Hrg. 99-465).

S. 1750—October 8, 1985.

Mrs. Kassebaum: A bill to amend the Federal Aviation Act of 1958, as amended, to increase civil penalty limits for safety violations by persons engaged in commercial aircraft operations, and for other purposes.

Federal Aviation Act Amendments.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction and text *(S12922)*.

Mar. 13, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Apr. 24, 1986—Reported by Mr. Danforth (S. Rept. 99-286) *(S4853)*.

May 6, 1986—Passed the Senate *(S5399)*.

May 7, 1986—Referred to House Committee on Public Works and Transportation.

S. 1759—October 10, 1985.

Messrs. Chafee, Cohen, Murkowski: A bill to establish a Commercial Fishing Industry Vessel Advisory Committee.

Commercial Fishing Industry Vessel Advisory Committee Act.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud, Joe Plesha—Minority Staff: Jim Drewry.

Congressional Record Statement: Introduction *(S13126)*.

Related Measure: H.R. 2466/99th.

Oct. 10, 1985—Hearing held on subject (S. Hrg. 99-268).

Dec. 19, 1985—Provisions incorporated into H.R. 2466 *(S18182)*.

For further action see H.R. 2466 under Matters of Interest.

S. 1764—October 15, 1985.

Mr. Trible: A bill to require emergency position indicating radio beacons on uninspected U.S. fishing, fish processing and fish tender vessels.

Emergency Radio Beacons Act.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud, Joe Plesha—Minority Staff: Jim Drewry.

Congressional Record Statement: Introduction *(S13286)*.

S. 1765—October 16, 1985.

Mr. Gore: A bill to amend the Earthquake Hazards Reduction Act of 1977 in order to provide for the establishment of national seismic data centers, and for other purposes.

National Seismic Data Act of 1985.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips—Minority Staff; Patrick Windham.

Congressional Record Statement: Introduction *(S13351)*.

S. 1813—October 30, 1985.

Messrs. Chafee, Sarbanes: A bill to amend and extend the Atlantic Striped Bass Conservation Act, and for other purposes.

Atlantic Striped Bass Conservation Act Amendments.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud, Joe Plesha—Minority Staff: Jim Drewry.

Congressional Record Statement: Introduction *(S13351)*.

Related Measure: H.R. 3358/99th.

Oct. 30, 1985—Referred to Committee on Environment and Public Works.

Mar. 7, 1986—Ordered that if and when reported by the Committee on Environment and Public Works, the bill be referred to Committee on Commerce, Science, and Transportation for a period not to exceed 14 calendar days *(S2264)*.

Mar. 20, 1986—Ordered reported by Committee on Environment and Public Works.

Apr. 24, 1986—Reported by Mr. Chafee from Committee on Environment and Public Works (S. Rept. 99-287) *(S4853)*.

Apr. 29, 1986—Referred to Committee on Commerce, Science, and Transportation pursuant to the order of March 7, 1986 *(S5014)*.

May 13, 1986—Committee on Commerce, Science, and Transportation discharged pursuant to order of March 7, 1986 *(S5847)*.

June 26, 1986—Provisions incorporated into H.R. 3358 and S. 1813 indefinitely postponed *(S8664, S8667)*.

For further action see H.R. 3358 under Matters of Interest.

S. 1832—November 5, 1985.

Mr. Stevens: A bill to authorize the establishment of a Merchant Ship Revolving Fund, and for other purposes.

Establishment of Merchant Ship Revolving Fund Act.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff: John Hardy.

Congressional Record Statement: Introduction *(S14850)*.

Related Measures: S. 1833, S. 1885, H.R. 3798, H.R. 4136/99th.

Nov. 15, 1985—Hearing held (S. Hrg. 99-655).

Mar. 20, 1986—Hearing held (S. Hrg. 99-655).

Note: Refer also to related provisions in H.J. Res. 465 (P.L. 99-190)—Continuing Appropriations.

S. 1833—November 5, 1985.

Mr. Stevens: A bill to authorize the establishment of a Merchant Ship Revolving Fund, and for other purposes.

Establishment of Merchant Ship Revolving Fund Act.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff: John Hardy.

Congressional Record Statement: Introduction *(S14850)*.

Related Measures: S. 1832, S. 1885, H.R. 3798, H.R. 4136/99th.

Nov. 15, 1985—Hearing held (S. Hrg. 99-655).

Mar. 20, 1986—Hearing held (S. Hrg. 99-655).

Note: Refer also to related provisions in H.J. Res. 465 (P.L. 99-190)—Continuing Appropriations.

S.1881—November 22, 1985.

Messrs. Trible, Gorton: A bill to amend the Communications Act of 1934 so as to encourage cable systems to carry all local television broadcast signals.

Local Signal Carriage Act of 1985.

Subcommittee: Communications.

Staff assigned: Katherine Meier—Minority Staff: Tom Cohen.

Congressional Record Statement: Introduction *(S16426).*

S. 1885—November 23, 1985.

Mr. Stevens: A bill to authorize the establishment of a Military Auxiliary Revolving Fund within the Treasury of the United States, and for other purposes.

Establishment of Military Auxiliary Revolving Fund.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff: John Hardy.

Congressional Record Statements: Introduction and text *(S16515).*

Related Measures: S 1832, S. 1833, H.R. 3798, H.R. 4136.99th.

Nov. 15, 1986—Hearing held on subject (S. Hrg. 99-655).

Mar. 20, 1986—Hearing held (S. Hrg. 99-655).

Note: Refer also to related provisions in H.J. Res. 465 (P.L. 99-190)—Continuing Appropriations.

S. 1893—December 3, 1985.

Messrs. Kennedy, Kerry: A bill to designate the building known as the "U.S. Appraiser's Stores Building" in Boston, Massachusetts, as the "Captain John Foster Williams Coast Guard Building."

Captain John Foster Williams Coast Guard Building.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction and text *(S16776).*

Related Measure: H.R. 3931/99th.

For further action refer to S. 1896, identical bill out of Senate Environment and Public Works Committee.

S. 1903—December 5, 1985.

Messrs. Danforth, Packwood, Dodd, Cochran: A bill to improve the safe operations of commercial motor vehicles, and for other purposes.

Commercial Motor Vehicle Safety Act of 1985.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction (*S16967*). text (*S16973*).

Related Measure: H.R. 5568/99th.

July 15, 1986—Hearing held (S. Hrg. 99-968).

Aug. 7, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Aug. 13, 1986—Ordered that if and when reported by Commerce Committee, the bill be referred to the Committee on Environment and Public Works for a period not to extend beyond Sept. 15, 1986 with further instructions (*S11577*).

Aug. 15, 1986—Reported by Mr. Danforth (S. Rept. 99-411) (*S11928*).

Aug. 15, 1986—Referred to Committee on Environment and Public Works for a period not to exceed midnight Sept. 15, 1986.

Sept. 15, 1986—Committee on Environment and Public Works discharged by unanimous consent pursuant to the order of Aug. 13, 1986.

Sept. 27, 1986—Provisions incorporated as Amt. No. 3063 to H.R. 5484, Anti-drug Abuse Act of 1986 (*S14024*).

For further action see Title XII of H.R. 5484 under Matters of Interest.

S. 1914—December 9, 1985.

Messrs. Gorton, Danforth, Riegle, Heflin, Gore, Rockefeller, Dole, Hollings, Inouye, D'Amato, Simon, Bingaman, Dixon, Pressler, Bumpers: A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit cooperative agreements between industry and laboratories owned and operated by the Federal Government, and for other purposes.

Federal Technology Transfer Act of 1985.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips—Minority Staff: Patrick Windham.

Congressional Record Statements: Introduction (*S17240*), text (*S17241*).

Related Measure: H.R. 3773/99th.

For further action see H.R. 3773.

S. 1929—December 12, 1985.

Mr. Mathias: A bill entitled the "Passenger Ship Authorization Act."

Passenger Ship Authorization Act.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction and text (*S17528*).

June 4, 1986—Hearing held (S. Hrg. 99-958).

S. 1935—December 12, 1985.

Messrs. Stevens, Goldwater, Pressler, Murkowski: A bill to direct the Secretary of the department in which the Coast Guard is operating to cause certain vessels to be documented as vessels of the United States so as to be entitled to engage in the domestic coastwise trade, and for other purposes.

Revitalizing the Domestic Cruise Ship Industry.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statement: Introduction (*S17535*).

June 4, 1986—Hearing held (S. Hrg. 99-958).

Aug. 7, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Sept. 22, 1986—Reported by Mr. Danforth (S. Rept. 99-465) (*S13228*).

Sept. 24, 1986—Passed the Senate by voice vote (*S13631*).

Sept. 26, 1986—Referred to House Committee on Merchant Marine and Fisheries.

Oct. 6, 1986—Passed the House amended (*H9220*).

S. 1966—December 17, 1985.

Messrs. Kassebaum, Danforth, Hollings, Exon, Ford, Rockefeller, Kasten, Goldwater, Proxmire, Metzenbaum, Abdnor, Nunn, Simon, Burdick, Lautenberg, DeConcini, Matsunaga, Riegle, Bumpers, Stennis, Pressler, Gore, Mathias, Cochran, Levin, Stevens, Harkin: A bill to provide for efficient and equitable use of operating rights of congested airports, and for other purposes.

Use of Operating Rights at Congested Airports.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction (*S17809*), text (*S17810*).

Related Measure: H.R. 4824/99th.

Feb. 6, 1986—Hearing held (S. Hrg. 99-746).

Mar. 13 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Apr. 9 1986—Provisions incorporated into S. 1017 as Amt. No. 1735.

May 14 1986—Reported by Mr. Danforth (S. Rept. 99-299) (*S5935*).

For further action see S. 1017.

S. 1975—December 18, 1985.

Mr. Goldwater: A bill to provide that the laws restricting trade between two points in the United States to vessels of the United States shall not apply to inflatable passenger boats or rafts before November 1, 1993.

Whitewater Rafting Trade Exemptions.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Congressional Record Statements: Introduction and text (*S17978*).

S. 1976—December 18, 1985.

Mr. Specter: A bill to provide for a study relating to the development of high speed rail systems within the United States.

Study of Development of High Speed Rail Systems.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction (*S17979*), text (*S17980*).

S. 1992—December 19, 1985.

Mr. Stevens (by request): A bill to preserve rights of certain parties with an interest in certain vessels or fishing facilities, and for other purposes.

Preservation of Rights of Parties with an Interest in Vessels or Fishing Facilities.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff: John Hardy.

Congressional Record Statements: Introduction (*S18280*), text (*S18281*).

Related Measures: S. 1993, S. 2436/99th.

Mar. 11, 1986—By unanimous consent, ordered that when reported the bill be sequentially referred to the Committee on the Judiciary for its consideration of those provisions amending Title XI of the United States Code, for a period not to exceed 14 calendar days, provided that, if the bill is not reported at such time, the Committee on the Judiciary shall be immediately discharged of further consideration thereof, and S. 1992 shall be placed directly on the Calendar (*S2416*).

Mar. 21, 1986—Hearing held (S. Hrg. 99-748).

S. 1993—December 19, 1985.

Mr. Stevens (by request): A bill to preserve the rights of certain parties with an interest in aircrafts, aircraft parts, or vessels, and for other purposes.

Preservation of Rights of Parties with an Interest in Aircraft.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff; John Hardy.

Congressional Record Statements: Introduction (*S18280*), text (*S18281*).

Related Measures: S. 1992, S. 2436/99th.

Mar. 11, 1986—By unanimous consent, ordered that when reported the bill be sequentially referred to the Committee on the Judiciary for its consideration of those provisions amending Title II of the United States Code, for a period not to exceed 14 calendar days, provided that, if the bill is not reported at such time, the Committee on the Judiciary shall be immediately discharged of further consideration thereof, and S. 1993 shall be placed directly on the Calendar *(S2416)*.

Mar. 21, 1986—Hearing held (S. Hrg. 99-748).

S. 1999—December 20, 1985.

Messrs. Danforth, Kassebaum, Dodd: A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

Product Liability Voluntary Claims and Uniform Standards Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff; Amy Bondurant.

Congressional Record Statements: Introduction *(S18321)*, statement and text Dec. 30, 1985 *(S18410)*.

Related Measures: S. 44/98th; S. 100, S. 2760, S. 2794, H.R. 2568, H.R. 4766/99th.

Feb. 27, Mar. 11, 1986—Hearings held (S. Hrg. 99-733).

May 19, 20, 1986—Hearings held on subject (S. Hrg. 99-1004).

June 3, 12, 19, 24, 26, 1986—Considered in executive session.

For further action see S. 2760.

Amt. No. 1951 to S. 1999—May 12, 1986.

Messrs. Danforth, Dodd: A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

Product Liability Reform Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky—Minority Staff: Amy Bondurant.

Congressional Record Statements: Introduction *(S5770)*, text *(S5764)* (Corrected text appears May 13, 1986 *(S5874)*).

Related Measures: S. 100, S. 2760/99th.

May 19, 20, 1986—Hearings held on subject (S. Hrg. 99-1004).

June 3, 12, 19, 24, 25, 26, 1986—Considered in executive session.

For further action see S. 2760.

Amt. No. 1968 to Amt. No. 1951 to S. 1999—May 20, 1986.

Mr. Gorton: A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

Federal Product Liability Reform Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky—Minority Staff: Amy Bondurant.

Congressional Record Statement: Text *(S6232)*.

Related Measures: S. 100, S. 2760/99th.

For further action see S. 2760.

S. 2043—February 4, 1986.

Messrs. Dole, Murkowski, Garn, Bentsen, Bumpers, Boren, Specter, Matsunaga, Simon, Nickles, Wallop, Wilson, Hawkins, Cohen, Heinz, Glenn: A bill to provide education assistance benefits to dependent children of certain deceased members of flight crews of space flight vehicles of the National Aeronautics and Space Administration.

Challenger Dependents Education Benefits Act.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Pete Perkins—Minority Staff: Marty Kress.

Congressional Record Statement: Introduction *(S952)*.

S. 2052—February 6, 1986.

Messrs. Nickles, Boren, Dixon, Wallop, Dole, Danforth, Zorinsky, Bradley, Cohen, Symms, Thurmond, Baucus, Heflin, Wilson, McClure, Nunn, Grassley, Murkowski, Quayle, Laxalt, Denton, Chafee, Mattingly, Simpson: A bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named *Challenger II.*

Donations for New Challenger II Shuttle.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Pete Perkins—Minority Staff: Marty Kress.

Congressional Record Statements: Introduction and text *(S1147)*.

Related Measure: H.R. 4290/99th.

Mar. 13, 1986—Considered in executive session and ordered reported with an amendment.

Mar. 26, 1986—Reported by Mr. Danforth (S. Rept. 99-266) *(S3495)*.

Apr. 11, 1986—Passed the Senate by voice vote *(S4144)*.

Apr. 14, 1986—Referred to House Committee on Science and Technology.

S. 2066—February 6, 1986.

Mr. D'Amato: A bill to improve airport security by increasing the number of FAA security personnel and the number of airport inspections by such personnel, by increasing civil penalties for violations of security regulations, and by improving the pay scale for FAA police, and for other purposes.

Airport Security Improvement Act of 1986.

Subcommittee: Aviation.

Staff assigned: Pamela Garvie, Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S1172)*, text *(S1173)*.

S. 2098—February 25, 1986.

Messrs. Bentsen, Ford, Matsunaga, Bingaman, Johnston, Heflin: A bill to establish a National Space Grant College Program.

National Space Grant College Act.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Pete Perkins—Minority Staff: Marty Kress.

Congressional Record Statement: Introduction *(S1578)*.

S. 2129 (Public Law 99-563)—February 28, 1986.

Messrs. Kasten, Danforth, Hollings, Rockefeller, Pressler, Gore, Sasser, Kassebaum, Simon, Inouye, Weicker, Sarbanes, Heinz, Abdnor, Nickles: A bill to facilitate the ability of organizations to establish risk retention groups, to facilitate the ability of such organizations to purchase liability insurance on a group basis, and for other purposes.

Risk Retention Amendments of 1986.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Amy Bondurant.

Congressional Record Statements: Introduction *(S1872)*, text *(S1873)*.

Related Measures: H.R. 4442, H.R. 5225/99th.

Mar. 20, 1986—Hearing held (S. Hrg. 99-722).

Mar. 25, 1986—Considered in executive session.

Mar. 27, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

May 9, 1986—Reported by Mr. Danforth (with additional and minority views) (S. Rept. 99-294) *(S5749)*.

July 17, 1986—Passed the Senate amended on a rollcall vote of 96 yeas to 1 nay *(S9228)*.

July 21, 1986—Referred to House Committee on Energy and Commerce.

Sept. 23, 1986—Passed the House amended by voice vote (text of H.R. 5225) *(H8091)*.

Oct. 6, 1986—Senate concurred in the House amendments with an amendment by voice vote *(S15446)*.

Oct. 9, 1986—House agreed to the Senate amendment to the House amendments *(H9695)*.

Oct. 27, 1986—Signed by the President as Public Law 99-563.

S. 2138—March 5, 1986.

Messrs. Stevens, Murkowski: A bill to establish a National Fisheries Marketing Council to enable the United States fishing industry to establish a coordinated program of research, education, and promotion to expand markets for fisheries products, and for other purposes.

National Fisheries Marketing and Promotion Act of 1986.

Full Committee/National Ocean Policy Study.

Staff assigned: Joe Plesha—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction and text *(S2091)*.

Related Measure: H.R. 2935/99th.

Apr. 17, 1986—Hearing held (S. Hrg. 99-813).

Oct. 16, 1986—Provisions incorporated into S. 991 *(H10453)*.

For further action see S. 991.

S. 2179 (Public Law 99-334)—March 11, 1986.

Messrs. Goldwater, Danforth, Hollings: A bill to amend the Communications Act of 1934 to provide for the reduction in the term of office of members of the Federal Communications Commission, and for other purposes.

Reduction of Terms of Federal Communication Commissioners.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Tom Cohen.

Congressional Record Statement: Introduction *(S2424)*.

Mar. 13, 1986—Considered in executive session and ordered reported with an amendment.

Mar. 21, 1986—Reported by Mr. Danforth (S. Rept. 99-263) *(S3211)*.

Mar. 27, 1986—Passed the Senate *(S3761)*.

May 22, 1986—Passed the House by voice vote *(H3242)*.

June 6, 1986—Signed by the President as Public Law 99-334.

S. 2180 (Public Law 99-359)—March 11, 1986.

Messrs. Gorton, Riegle, Gore, Mathias, Sarbanes, Roth, Biden: A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

Federal Fire Prevention and Control Act Authorization.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Chris Ostrom—Minority Staff: Cheryl Wallace.

Congressional Record Statement: Introduction *(S2424)*, text *(S2425)*.

Related Measure: H.R. 4252/99th.

Feb. 20, 1986—Hearing held on subject (S. Hrg. 99-592).

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 26, 1986—Reported by Mr. Danforth (S. Rept. 99-267) *(S3495)*.

May 15, 1986—Senate began consideration *(S6024)*.

May 19, 1986—Senate continued consideration *(S6113)*.

May 20, 1986—Senate adopted Amt. No. 1967 on daylight saving time *(S6180)*.

May 20, 1986—Passed the Senate with an amendment by voice vote *(S6175)*.

June 24, 1986—Passed the House *(H4100)*.

July 8, 1986—Signed by the President as Public Law 99-359.

S. 2184—March 12, 1986.

Mr. Hatch: A bill to authorize appropriations to the National Science Foundation for the fiscal year 1987, and for other purposes.

National Science Foundation Authorization Act for Fiscal Year 1987.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips—Minority Staff: Patrick Windham.

Congressional Record Statements: Introduction and text *(S3555)*.

Related Measure: H.R. 4184/99th.

Mar. 12, 1986—Referred to Committee on Labor and Human Resources.

Mar. 26, 1986—Hearings held by Committee on Labor and Human Resources.

May 20, 1986—Ordered reported with an amendment in the nature of a substitute.

June 19, 1986—Reported to the Senate by Senator Hatch of the Committee on Labor and Human Resources (S. Rept. 99-325) *(S7987)*.

June 23, 1986—Referred to Committee on Commerce, Science, and Transportation, pursuant to the order of September 26, 1985, for a period not to exceed 30 days.

July 23, 1986—Considered in executive session and ordered reported with amendments.

July 23, 1986—Reported by Mr. Danforth (S. Rept. 99-338) *(S9567)*.

Aug. 1, 1986—Provisions incorporated as an amendment to H.R. 4184 *(S10211)*.

Aug. 1, 1986—Indefinitely postponed by the Senate by voice vote *(S10215)*.

For further action see H.R. 4184 under Matters of Interest.

S. 2191—March 13, 1986.

Messrs. Roth, Cohen, Chiles, Levin, Simon, Kasten, Cochran, Matsunaga, Grassley, Mitchell: A bill to amend the Federal Aviation Act of 1958 so as to prohibit reprisals against certain officers, employees, or contractors of air carriers.

Encouraging Air Carrier Employees to Report Potential Carrier Safety Violations.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statement: Introduction *(S2675)*.

S. 2240—March 26, 1986.

Mr. Packwood: A bill to amend various provisions of title 49, United States Code, to provide for a more competitive, safe, and efficient trucking industry, to reduce regulatory burdens on the industry, and for other purposes.

Trucking Competition Act of 1986.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S3518)*, text *(S3591)*.

Related Measure: S. 1711/99th.

S. 2290—April 11, 1986.

Messrs, Ford, Bumpers, Hatch: A bill to amend the Communications Act of 1934 to prohibit the encoding of satellite-transmitted television programming until decoding devices are fully available at reasonable prices.

Rural Satellite Dish Owners Protection Act.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dale Brown—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction *(S4172)*, text *(S4173)*.

Related Measures: S. 1618, S. 2666, S. 2702, S. 2823, H.R. 3989/99th.

July 31, 1986—Hearing held on subject (S. Hrg. 99-977).

S. 2297—April 14, 1986.

Mr. Stevens (by request): A bill to amend the Atlantic Tunas Convention Act of 1975 to authorize appropriations for fiscal years 1987 and 1988.

Atlantic Tunas Convention Act Authorization.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud, Joe Plesha—Minority Staff: Jim Drewry.

Congressional Record Statement: Introduction *(S4219)*.

Related Measure: H.R. 3133/99th.

Apr. 17, 1986—Hearing held (S. Hrg. 99-813).

For further action see S. 991 and H.R. 3133.

S. 2307—April 15, 1986

Messrs. Pressler, Gore, Inouye, Hollings, Abdnor, Andrews, Warner, Johnston, Melcher, Moynihan, Boschwitz, Hecht, Cohen, Wilson, Nunn, Matsunaga, Long, Laxalt, Sasser, Bradley, Zorinsky, Hatch, Stevens: A bill to provide authorization of appropriations for activities of the U.S. Travel and Tourism Administration.

U.S. Travel and Tourism Administration Reauthorization.

Subcommittee: Business: Trade, and Tourism.

Staff assigned: Pamela Garvie, Gerri Hall—Minority Staff: John Hardy.

Congressional Record Statement: Introduction *(S4291)*.

Apr. 18, 1986—Hearing held (S. Hrg. 99-821).

June 12, 1986—Consideration in executive session and ordered reported.

July 14, 1986—Reported by Mr. Danforth (S. Rept. 99-334) *(S9033)*.

July 25, 1986—Passed the Senate by voice vote *(S9701)*.

July 28, 1986—Referred to House Committee on Energy and Commerce.

S. 2322—April 17, 1986.

Messrs. Simon, Thurmond, Metzenbaum, Denton, DeConcini, Heflin: A bill to provide for a study of television programming to consider the matter as to what impact, if any, violence on television has on the health of children and adults.

Television Violence.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Cheryl Wallace.

Congressional Record Statements: Introduction *(S4486)*, text *(S4488)*.

S. 2325—April 17, 1986

Messrs. Exon, Goldwater, Grassley: A bill to permit a maximum speed limit of 70 miles per hour on any route within the National System of Interstate and Defense Highways.

Seventy-Mile-Per-Hour Speed Limit.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction and text *(S4492)*.

Related Measures: S. 329, S. 2552, S. 2665/99th.

For further action see Amt. No. 2871 to H.R. 3129 under Matters of Interest.

S. 2362—April 23, 1986.

Mr. Gore: A bill to provide that Bell operating companies may provide information services and manufacture telecommunications equipment, subject to regulation by the Federal Communications Commission.

Telecommunications Equity Act of 1986.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Gina Keeney—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction *(S4760)*, text *(S4761)*.

S. 2369—April 24, 1986.

Mr. Ford: A bill to authorize the Interstate Commerce Commission to adjust rail rates to reflect cost decreases due to deflation.

Deflation and Rail Rates.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statement: Introduction *(S4861)*.

S. 2417—May 7, 1986.

Messrs. Byrd, Hollings, Exon, Ford, Rockefeller, Proxmire, Chiles, Simon, Andrews, Riegle, Goldwater, Long, Lautenberg, Kasten, Matsunaga, Sarbanes, Gorton, Zorinsky: A bill to establish the Aviation Safety Commission, and for other purposes.

Aviation Safety Commission Act of 1986.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S5444)*, text *(S5445)*.

July 17, 1986—Hearing held (S. Hrg. 99-921).

Aug. 7, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Sept. 3, 1986—Reported by Mr. Danforth (S. Rept. 99-429) *(S12057)*.

Sept. 11, 1986—Passed the Senate by voice vote *(S12441)*.

Sept. 16, 1986—Referred to House Committee on Public Works and Transportation.

Oct. 3, 1986—Provisions incorporated as Amt. No. 3168 to H.J. Res. 738. Continuing Appropriations *(S14832)*.

For further action see H.J. Res. 738 under Matters of Interest.

S. 2431—May 8, 1986.

Messrs. Warner, Trible: A bill to amend the Atlantic Striped Bass Conservation Act to provide for the conservation and management of the Atlantic striped bass in a manner that imposes the most equitable burden among the citizens of the affected coastal States.

Atlantic Striped Bass Temporary Federal Moratorium Act of 1986.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud, Joe Plesha—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction and text *(S5708)*.

S. 2436—May 12, 1986.

Mr. Stevens (by request): A bill to preserve the rights of the United States as a mortgagee under title XI of the Merchant Marine Act, 1936.

Preservation of United States Mortgagee Rights.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff: John Hardy.

Congressional Record Statements: Introduction and text *(S5757)*.

Related Measures: S. 1992, S. 1993/99th.

S. 2447—May 24, 1986.

Messrs, Kassebaum, Dole, Cochran, Matsunaga: A bill to provide for improved disclosure of certain rail transportation contracts.

Agricultural Shipper Protection Act of 1986.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction *(S5936)*, text *(S5937)*.

S. 2468—May 20, 1986.

Messrs. Denton, Andrews, Zorinsky, Kasten, Nickles: A bill to amend the Federal Aviation Act of 1958 to strengthen aviation security programs, deter acts of terrorism in airports, and provide for the security of U.S. citizens traveling by air.

Antiterrorism and Air Security Act of 1986.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S6215)*, text *(S6216)*.

S. 2473—May 20, 1986.

Messrs. Riegle, Hollings: A bill to amend the National Aeronautics and Space Act of 1958 regarding the National Aeronautics and Space Council established by that Act.

Reestablishing the National Aeronautics and Space Council.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Pete Perkins—Minority Staff: Marty Kress.

Congressional Record Statements: Introduction *(S6221)*, text *(S6222)*.

S. 2497—May 21, 1986.

Messrs. Simon, Rockefeller: A bill to provide for the collection of data regarding certain insurance matters, to make such data available to the States for use in making policy decisions and determinations with respect to the insurance industry, and for other purposes.

Insurance Trend Forecasting Act of 1986.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Amy Bondurant.

Congressional Record Statement: Introduction *(S6381)*.

Related Measure: H.R. 4877/99th.

Provisions incorporated into S. 2760.

For further action see S. 2760.

S. 2503—May 21, 1986.

Mr. Cranston: A bill to clear certain impediments to the licensing of the vessel *Wanderbird* for employment in the coastwise and fisheries trades.

Licensing of Vessel Wanderbird.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff: John Hardy.

Congressional Record Statement: Introduction *(S6389)*.

S. 2546—June 11, 1986.

Mr. Chafee: A bill concerning commercial fishing vessel liability.

Commercial Fishing Vessel Liability and Safety Act of 1986.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud, Joe Plesha—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction *(S7310)*, text *(S7311)*.

Related Measure: H.R. 5013/99th.

S. 2552—June 12, 1986.

Mr. DeConcini: A bill to allow States to increase the maximum speed limit on interstate highways in rural areas to 65 miles per hour.

Modification of 55-Mile-Per-Hour Speed Limit.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie, Alan Maness—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S7418)*, text *(S7419)*.

Related Measures: S. 329, S. 2325, S. 2665/99th.

For further action see H.R. 3129 under Matters of Interest.

S. 2565—June 18, 1986.

Messrs. Dole, Cochran, Cranston, Hecht, Helms, Roth, Rudman, Weicker, Wilson: A bill to ensure the orderly and competitive development of the telecommunications industry.

Federal Telecommunications Policy Act of 1986.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Gina Keeney—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction *(S7742)*, test *(S7744)*.

Sept. 10, 16, 1986—Hearings held.

Amt. No. 3261 to S. 2565—October 8, 1986.

Mr. Danforth: To ensure the orderly and competitive development of the telecommunications industry.

Federal Telecommunications Policy Act.

Subcommittee: Communications

Staff assigned: Katherine Meier, Gina Keeney—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction *(S15717)*, text *(S15713)*.

S. 2566—June 18, 1986.

Mr. Kasten: A bill to encourage the safe use of all terrain vehicles and improve congressional oversight of the regulatory activities of the Consumer Product Safety Commission regarding such vehicles.

All-terrain Vehicle User Safety Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction *(S7854)*, text *(S7855)*.

S. 2575—June 19, 1986.

Messrs. Leahy, Mathias, Thurmond, Andrews, Stafford, DeConcini: A bill to amend title 18, United States Code, with respect to the interception of certain communications, other forms of surveillance, and for other purposes.

Electronic Communications Privacy Act of 1986.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Tom Cohen.

Related Measure: H.R. 4952/99th.

June 19, 1986—Referred to Committee on Judiciary.

Sept. 19, 1986—Ordered reported by Committee on Judiciary with an amendment in the nature of a substitute.

Sept. 27, 1986—Reported by Mr. Thurmond for the Committee on Judiciary without written report *(S14105)*.

Sept. 27, 1986—Placed on the Calendar.

Oct. 1, 1986—Referred to Committee on Commerce, Science, and Transportation by unanimous consent for a period of 24 hours and at the end of that time, the Committee be discharged, and the bill be placed on the Calendar; and if a conference on the bill or the companion, H.R. 4952, is necessary, that two members of the Commerce Committee be included as Senate appointed conferees, for consideration of those matters that fall under the Commerce Committee jurisdiction *(S14453)*.

Oct. 2, 1986—Committee on Commerce, Science, and Transportation discharged pursuant to order of Oct. 1, 1986.

Oct. 17, 1986—Written report filed by Mr. Thurmond from Committee on Judiciary (S. Rept. 99-541) *(S17153)*.

For further action see H.R. 4952 under Matters of Interest.

S. 2583—June 23, 1986.

Messrs. Weicker, Hollings, Gorton, Rudman: A bill to provide for an Under Secretary of Commerce for Oceans and Atmosphere; an Assistant Secretary of Commerce for Oceans and Atmosphere; a Chief Scientist of the National Oceanic and Atmospheric Administration, and for other purposes.

Providing for Certain Positions in the Department of Commerce.

Subcommittee: National Ocean Policy Study and Science, Technology, and Space.

Staff assigned: Bob Eisenbud, Cassie Phillips—Minority Staff: Jim Drewry

Congressional Record Statements; Introduction *(S8183)*, text *(S8184)*.

S. 2594—June 24, 1986.

Messrs. Gore, Gorton: A bill to require the Office of Science and Technology Policy to report to the Congress on fiber optic-networks and other options to improve communications among supercomputer centers and users in the United States.

Supercomputer Network Study Act of 1986.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips—Minority Staff: Patrick Windham.

Congressional Record Statements: Introduction *(S8359)*, text *(S8360)*.

July 23, 1986—Provisions incorporated into S. 2184.

For further action see S. 2184.

S. 2611—June 26, 1996.

Messrs. Stevens, Danforth, Packwood, Kassebaum, Murkowski, Gorton, Dodd: A bill to improve efforts to monitor, assess, and reduce the adverse impact of driftnets.

Driftnet Impact Monitoring, Assessment, and Control Act of 1986.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction *(S8737)*, text *(S8738)*.

Related Measure: H.R. 5208/99th.

Oct. 9. 1985—Hearing held on subject (S. Hrg. 99-562).

July 23, 1986—Considered in executive session and ordered reported with amendments.

Oct. 6, 1986—Reported by Mr. Danforth (S. Rept. 99-529) *(S15389)*.

S. 2662—July 21, 1986.

Messrs. Stevens, Inouye (by request): A bill to direct the Secretary of Transportation to enter into certain contracts and contract amendments to develop and deregulate the United States-flag liner fleet.

Liner Development Act of 1986.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff: John Hardy.

July 24, 1986—Hearing held (S. Hrg. 99-994).

S. 2664—July 21, 1986.

Mr. Gorton: A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1987, and for other purposes.

National Bureau of Standards Authorization Act for Fiscal Year 1987.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Patrick Windham.

Congressional Record Statements: Introduction *(S9391)*, text *(S9392)*.

Related Measure: H.R. 4354/99th.

Apr. 10, 1986—Hearing held on subject (S. Hrg. 99-720).

July 23, 1986—Considered in executive session and ordered reported.

Aug. 13, 1986—Reported by Mr. Danforth (S. Rept. 99-399) *(S11578)*.

Oct. 3 1986—Indefinitely postponed by the Senate by unanimous consent *(15094)*.

For further action see H.R. 4354 under Matters of Interest.

S. 2665—July 21, 1986.

Messrs. Symms, Burdick, Hecht, Abdnor, Melcher, Bentsen, Cochran, Simpson, DeConcini, Hatch, Baucus, Domenici, Grassley, Humphrey, Wallop, Laxalt, Gramm, Nickles, McClure, Exon: A bill to amend the national maximum speed limit law.

National Speed Limit Legislation.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie, Alan Maness—Minority Staff: Steve Palmer.

Congressional Record Statement: Introduction *(S9392)*.

Related Measures: S. 329, S. 2325, S. 2552/99th.

Sept. 23, 1986—Provisions incorporated as Amt. No. 2871 to H.R. 3129, Federal-Aid Highway Act of 1986 *(13329)*.

S. 266—July 21, 1986.

Messrs. Bumpers, Ford: A bill to provide for a study by the Federal Communications Commission of the encryption of certain television programming, and ensure the availability of certain encrypted programming for private viewing under competitive market conditions.

Comprehensive Satellite Dish Owners Fairness Act of 1986.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction *(S9393)*, text *(S9394)*.

Related Measures: S. 1618, S. 2290, S. 2702, S. 2823, H.R. 3989/99th.

July 31, 1986—Hearing held on subject (S. Hrg. 99-977).

S. 2671—July 22, 1986.

Messrs. Gore, Sasser: A bill to promote air safety and for other purposes.

Air Safety.

Subcommittee: Aviation.

Staff assigned: Pamela Garvie, Patty Hahn—Minority Staff: Steve Palmer.

S. 2689—July 24, 1986.

Messrs. Kennedy, Gore: A bill to provide for the establishment of standards and labeling by the Consumer Product Safety Commission for certain products, and for other purposes.

Child Injury Prevention Amendments of 1986.

Subcommittee: Consumer.

Staff assigned: David Zorensky, Chuck Harwood—Minority Staff: Loretta Dunn.

Congressional Record Statement: Introduction *(S9631)*.

S. 2702—July 30, 1986.

Mr. Gore: A bill entitled the "Satellite Television Open Market Act of 1986."

Satellite Television Open Market Act of 1986.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction *(S9898)*, text *(S9899)*

Related Measures: S. 1618, S. 2290, S. 2666, S. 2823, H.R. 3989/99th.

July 31, 1986—Hearing held on subject (S. Hrg. 99-977).

S. 2703 (Public Law 99-435)—July 30, 1986.

Messrs. Dole, Metzenbaum, Byrd, Chafee, Cranston, Weicker, Inouye, Danforth, Hollings, Kassebaum, Kennedy, Stafford, Kerry, Wilson, Simon, Exon, Riegle, Grassley, Zorinsky, DeConcini, Packwood: A bill to amend the Federal Aviation Act of 1958 to provide that prohibitions of discrimination against handicapped individuals shall apply to air carriers.

Air Carrier Access Act of 1986.

Subcommittee: Aviation.

Staff assigned: Pamela Garvie, Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S9899)*, text *(S9900)*.

Related Measure: H.R. 5154, H.R. 5274/99th.

Aug. 7, 1986—Considered in executive session and ordered reported.

Aug. 13, 1986—Reported by Mr. Danforth (S. Rept. 99-400) *(S11578)*.

Aug. 15, 1986—Passed the Senate by voice vote *(S11784)*.

Sept. 8, 1986—Referred to House Committee on Public Works and Transportation.

Sept. 18, 1986—House Committee on Public Works and Transportation discharged by unanimous consent.

Sept. 18, 1986—Passed the House by voice vote *(H7193)*.

Oct. 2, 1986—Signed by the President as Public Law 99-435.

S. 2708—August 1, 1986.

Mr. Gorton: A bill to authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes.

National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act of 1986.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction *(S10182)*, text *(S10183)*.

Apr. 15, 1986—Hearing held on subject (S. Hrg. (99-769)

Aug. 7, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Oct. 2, 1986—Reported by Mr. Danforth (with additional views) (S. Rept. 99-518) *(S14790)*.

S. 2709—August 1, 1986.

Mr. Specter: A bill to amend the Motor Vehicle Information and Cost Savings Act to require certain information to be filed in registering the title of motor vehicles, and for other purposes.

Uniform Title Legislation.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie, Alan Maness—Minority Staff: Loretta Dunn.

Congressional Record Statement: Introduction *(S10183)*.

Related Measures: S. 475, H.R. 780/99th.

For further action see S. 475.

S. 2713—August 4, 1986.

Messrs. Kassebaum, Danforth: A bill to amend title 408 of the Federal Aviation Act of 1958 to ensure the preservation of employee seniority rights in airline mergers and similar transactions.

Section 408 of Federal Aviation Act.

Subcommittee: Aviation.

Staff assigned: Pamela Garvie, Patty Hahn—Minority Staff: Steve Palmer.

Related Measure: H.R. 4838/99th.

S. 2714—August 5, 1986.

Messrs. Gorton, Danforth: A bill to authorize appropriations for the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes.

National Aeronautics and Space Administration Act, 1986.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Pete Perkins—Minority staff: Marty Kress.

Congressional Record Statements: Introduction *(S10319)*, text *(S10320)*.

Related Measures: S. 2718, H.R. 4691, H.R.5495/99th.

Mar. 20, Apr. 10, 16, 23, May 8, Aug. 5, 1986—Hearings held on subject (S. Hrg. 99-972).

Aug. 7, 1986—Considered in executive session.

Aug. 14, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Sept. 29, 1986—Reported by Mr. Danforth (together with additional views) (S. Rept. 99-501) *(S14217)*.

Oct. 10, 1986—Indefinitely postponed by the Senate by voice vote *(S15862)*.

For further action see H.R. 5495 under Matters of Interest.

S. 2718—August 5, 1986.

Messrs. Riegle, Hollings, Gore, Rockefeller: A bill to authorize appropriations for the National Aeronautics and Space Administration for research and development, space fight, control and data communications, construction of facilities, and research and program management, and for other purposes.

Civilian Space Program Restoration Act, 1986.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Pete Perkins—Minority Staff: Marty Kress.

Congressional Record Statements: Introduction *(S10435)*, text *(S10436)*.

Related Measures: S. 2714, H.R. 4691/99th.

For further action see S. 2714.

S. 2722—August 6, 1986.

Messrs. Kerry, Kennedy: A bill to waive the required congressional review period for a natural gas pipeline to be built by Tennessee Gas Pipeline Company across certain Army Corps of Engineers lands in Massachusetts.

Building of Natural Gas Pipeline.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

S. 2742—August 12, 1986.

Mr. Pell: A bill to provide limits in the tort system, and for other purposes.

Liability Insurance Reform Act 1986.

Subcommittee: Consumer.

Staff assigned: David Zorensky—Minority Staff: Amy Bondurant.

Congressional Record Statements: Introduction *(S11438)*, text *(S11440)*.

S. 2760—August 14, 1986.

Messrs. Danforth, Kasten, Pressler, Long, Ford, Dodd: An orignial bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

Product Liability Reform Act.

Subcommittee: Consumer.

Staff assigned: David Zorensky—Minority Staff: Amy Bondurant.

Congressional Record Statements: Introduction *(S11742)*, text *(Sept. 8, 1986 S12071)*.

Related Measures: S. 100, Amt. 16 to S. 100, Amt. 100 to S. 100, Amt. 1814 to S. 100, S. 1999, Amt. 1951 to S. 1999, Amt. 1968 to Amt. 1951 to S. 1999, S. 2794/99th.

June 26, 1986—Considered in executive session and ordered reported as an original bill.

Aug. 14, 1986—Reported by Mr. Danforth without written report and placed on Calendar.

Aug. 15, 1986—Written report filed by Senator Danforth (with additional and minority views) (S. Rept. 99-422) *(S11928)*.

Sept. 17, 1986—Senate began consideration of motion to proceed to consideration of the bill *(S12747)*.

Sept. 22, 23, 1986—Senate continued consideration of motion to proceed to consideration of the bill *(S13202, S13269)*.

Sept. 23, 1986—Cloture motion on motion to proceed presented in the Senate *(S13276)*.

Sept. 25, 1986—Cloture invoked on a rollcall vote of 97 yeas to 1 nay *(S13684)*.

Sept. 25, 1986—Senate passed motion to proceed to consideration of the bill on a rollcall vote of 84 yeas to 13 nays *(S13684)*.

Sept. 25, 1986—Returned to the Calendar by unanimous consent *(S13709)*.

S. 2780—August 15, 1986.

Messrs. Durenburger, Stafford: A bill entitled the "Pipeline Safety Act of 1986."

Pipeline Safety Act of 1986.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction *(S11956)*, text *(S11958)*.

S. 2794—September 3, 1986.

Messrs. Danforth, Denton, Harkin, Pressler, Garn, Abdnor, Heinz, Kasten, Goldwater, Dole, Kassebaum, Inouye, Simpson, Exon, Specter, Zorinsky, Wallop, Murkowski: An original bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

General Aviation Accident Liability Standards Act of 1986.

Subcommittee: Aviation.

Staff assigned: Pamela Garvie, Patty Hahn—Minority Staff: Amy Bondurant, Steve Palmer.

Related Measures: Amt. 1823 to S. 100, S. 1999, Amt. 1951 to S. 1999, Amt. 1968 to Amt. 1951 to S. 1999, S. 2760/99th.

June 18, 1986—Hearing held on subject (S. Hrg. 99-837).

Aug. 7, 1986—Considered in executive session and ordered reported as an original bill.

Sept. 3, 1986—Reported by Mr. Danforth (S. Rept. 99-428) *(S12057)*.

Sept. 19, 1986—Provisions failed to be attached as an amendment to S. 2706. Budget Reconciliation.

S. 2804—September 10, 1986.

Mr. Kasten: A bill to amend the provisions of title 49, United States Code, to provide for a more competitive interstate household goods transport sector.

Households Goods Transport Competition Improvements Act of 1986.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie, Alan Maness—Minority Staff: Linda Morgan.

S. 2807—September 10, 1986.

Mr. Danforth: An original bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1987, 1988, and 1989, and for other purposes.

Independent Safety Board Act Amendments of 1986.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie, Gerri Hall—Minority Staff: Steve Palmer.

Related Measure: H.R. 4961/99th.

July 22, 1986—Hearing held on subject (S. hrg. 99-956).

Aug. 7, 1986—Considered in executive session and ordered reported as an original bill.

Sept. 10, 1986—Reported by Mr. Danforth (S. Rept. 99-437) *(S12296)*.

Oct. 10, 1986—Indefinitely postponed by the Senate by voice vote *(S15865)*.

For further action see H.R. 4961 under Matters of Interest.

S. 2823—September 16, 1986.

Messrs. Gore, Ford, Bumpers, Cochran, Sasser, McConnell: A bill to amend the Communications Act of 1934 to provide for security and fair marketing practices for certain encrypted satellite communications.

Satellite Television Security and Fair Marketing Act.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction *(S12603)*, text *(S12605)*.

Related Measures: S. 1618, S. 2290, S 2666, S 2702, H.R. 3989/99th.

July 31, 1986—Hearing held on subject (S. Hrg. 99-977).

S. 2833—September 18, 1986.

Mr. Specter: A bill entitled the "Conrail Privatization Act of 1986."

Conrail Privatization Act of 1986.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction *(S12904)*, text (S12905).

For further action see H.R. 5300 under Matters of Interest.

S. 2837—September 18, 1986.

Mr. Pell: A bill to amend the Federal Election Campaign Act of 1971 to provide free radio and television time to national committees in elections for Federal office.

Free Political Broadcasting Act of 1986.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Tom Cohen.

Congressional Record Statement: Introduction *(S12918)*.

S. 2852 (Public Law 99-618)—September 23, 1986.

Mr. Trible: A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the Peninsula Airport Commission, Virginia, for airport purposes.

Use of Property for Airport Purposes.

Subcommittee: Aviation.

Staff assigned: Pamela Garvie, Patty Hahn—Minority Staff: Steve Palmer.

Related Measure: H.R. 5379/99th.

Sept. 24, 1986—Considered in executive session and ordered reported.

Sept. 26, 1986—Reported by Mr. Danforth without written report *(S13840)*.

Oct. 9, 1986—Passed the Senate with an amendment by voice vote *(S15783)*.

Oct. 17, 1986—Passed the House by voice vote *(H11309)*.

Nov. 6,, 1986—Signed by the President as Public Law 99-618.

S. 2877—September 25, 1986.

Mr. Cranston: A bill to amend section 312(c) of the Federal Aviation Act of 1958, relating to research and development, to require the Secretary of Transportation to assure the development of a collision avoidance system for use on all civil and military aircraft of the United States in the interest of air safety.

Development of Collision Avoidance Systems for Aircraft.

Subcommittee: Aviation.

Staff assigned: Pamela Garvie, Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction *(S13726)*, text *(S13727)*.

S. 2910—October 7, 1986

Mr. Murkowski: A bill to clarify the definition of "vessels of the United States" in the Magnuson Fishery Conversion and Management Act.

Definition of Vessels of the United States.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction and text *(S15519)*.

Related Measure: H.R. 5658/99th.

S. 2939—October 16, 1986.

Mr. Rockefeller: A bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the appropriate treatment of methanol.

Methanol Vehicle Promotion Act of 1986.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie, Alan Maness—Minority Staff: Cheryl Wallace.

Congressional Record Statements: Introduction *(S16797)*, text *(S16798)*.

S. 2945—October 17, 1986.

Messrs. Lautenberg, Simon, Cranston, Moynihan, Dodd, Bradley, Metzenbaum, Kerry: A bill to provide for rehiring certain former air traffic controllers.

Rehiring of Certain Former Air Traffic Controllers.

Subcommittee: Aviation.

Staff assigned: Pamela Garvie, Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction and text *(S17162)*.

S. 2947—October 17, 1986.

Mr. Murkowski: A bill to provide domestic observers on U.S. fishing vessels.

Domestic Observers on U.S. Fishing Vessels.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction and text *(S17163)*.

Total bills: 192; total amendments: 9.

Senate Concurrent Resolutions

(Italic numbers in parenthesis refer to the pages of the daily edition of the Congressional Record)

S. Con. Res. 34—March 28, 1985.

Mr. Pell: A concurrent resolution to affirm the national policy of metric conversion benefitting the United States.

Affirmation of National Policy of Metric Conversion.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Patrick Windham.

Congressional Record Statements: Introduction *(S3718)*, text *(S3717)*.

Related Measure: S. Con. Res. 92/99th.

S. Con. Res. 44—April 24, 1985.

Mr. Bradley: A concurrent resolution relating to a permanent site for the Olympic Games.

Permanent Site for the Olympic Games.

Subcommittee: Business, Trade, and Tourism.

Staff assigned: Gerri Hall—Minority Staff: David St. John.

Congressional Record Statements: Introduction and text *(S4706)*.

S. Con. Res. 66—September 18, 1985.

Mr. Gore: A concurrent resolution expressing the sense of the Congress that procurement of the new U.S. weather radar system, NEXRAD, continue on schedule and according to the established minimum requirements agreed to by the National Weather Service, the Federal Aviation Administration, and the Department of Defense.

Continuation of Procurement of New Weather Radar System (NEXRAD).

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Jim Drewry, Steve Palmer.

Congressional Statement: Introduction and text *(S11712)*.

Related Measures: S. 1637, H. Con. Res. 167/99th.

S. Con. Res. 86—November 7, 1985.

Messrs. Humphrey, Rudman: A concurrent resolution congratulating Sharon Christa McAuliffe on her selection as the first teacher in space. And for other purposes.

Congratulations to First Teacher in Space.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Peter Perkins—Minority Staff: Marty Kress.

Congressional Record Statements: Introduction and text *(S15145)*.

Related Measure: H. Con. Res. 231/99th.

S. Con. Res. 92—December 9, 1985.

Messrs. Pell, Inouye: A concurrent resolution to affirm the national policy of metric coversion benefiting the United States.

Affirmation of National Policy of Metric Conversion.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Patrick Windham.

Congressional Record Statements: Introduction and text *(S17245)*.

Related Measure: S. Con. Res. 34/99th.

S. Con. Res.—December 13, 1985.

Messrs. Metzenbaum, Packwood, Moynihan, Ford, Proxmire, Hollings, DeConcini, Zorinsky, Thurmond, Abdnor, Sarbanes, Heinz, Garn, Kasten, Glenn, Matsunaga: A concurrent resolution to recognize and honor the contributions of Consumers Union.

Recognition of Contributions of Consumers Union.

Subcommittee: Consumer.

Staff assigned: Chuck Hardwood—Minority Staff: Amy Bondurant.

Congressional Record Statements: Introduction and text *(S17624)*.

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 24, 1986—Reported by Mr. Danforth without written report *(S3274)*.

Mar. 25, 1986—Passed the Senate *(S3350)*.

Apr. 8, 1986—Referred to House Committee on Energy and Commerce.

May 22, 1986—House Committee on Energy and Commerce discharged by unanimous consent.

May 22, 1986—Passed the House by voice vote (H3242).

S. Con. Res. 137—May 7, 1986.

Messers. Heflin, Hollings, Zorinsky, Exon, Boren, Riegle, Bumpers, Long, Nunn, Rockefeller, Stevens, Simpson, Matsunaga: A concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a national STORM program.

Support for National STORM Program.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Jim Drewry.

Congressional Record Statements: Introduction *(S5568)*, text *(S5567)*.

June 3, 1986—Considered in executive session and ordered reported with amendments.

June 26, 1986—Reported by Mr. Danforth with an amendment (S. Rept. 99-328) *(S8708)*.

July 15, 1986—Passed the Senate *(S9073)*.

July 21, 1986—Referred to House Committee on Science and Technology.

S. Con. Res. 146—June 9, 1986.

Messrs. Abdnor, Kassebaum, Andrews, Pressler, Exon: A concurrent resolution on the Essential Air Service Program.

Maintaining Essential Air Service Program.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction and text *(S7113)*.

Related Measure: H. Con. Res. 339/99th.

SENATE JOINT RESOLUTIONS

(Italic numbers in parenthesis refer to the pages of the daily edition of the Congressional Record)

S.J. Res. 336 (Public Law 99-622)—April 29, 1986.

Messrs. Garn, Glenn: A joint resolution to express the sense of Congress on recognition of the contribution of the seven *Challenger* astronauts by supporting establishment of a Children's Challenge Center for Space Science.

Establishment for the Children's Challenge Center for Space Science

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Pete Perkins—Minority Staff: Mary Kress.

Congressional Record Statements: Introduction and text *(S5021)*.

July 23, 1986—Considered in executive session and ordered reported.

Sept. 15, 1986—Provisions incorporated as Amt. No. 2821 to S. 1311, National Air and Space Museum Authorization *(S12593)*.

Sept. 29, 1986—Reported by Mr. Danforth (S. Rept. 99-502) *(S14217)*.

Oct. 1, 1986—Passed the Senate by voice vote *(S14440)*.

Oct. 2, 1986—Referred to House Committee on Science and Technology.

Oct. 17, 1986—House Committee on Science and Technology discharged by unanimous consent.

Oct. 17, 1986—Passed the House amended by voice vote *(H11477)*.

Oct. 18, 1986—Senate agreed to the House amendment by voice vote *(S17313)*.

Nov. 6, 1986—Signed by the President as Public Law 99.622.

SENATE RESOLUTIONS

(Italic numbers in parenthesis refer to the pages of the daily edition of the Congressional Record)

S. Res. 35—January 3, 1985.

Messrs. Goldwater, Helms, Boschwitz, Kassebaum, Gore, Laxalt: A resolution to express the sense of the Senate relative to discriminatory and unduly restrictive State and local regulation of home satellite antennas.

Restrictions on Home Satellite Antennas.

Subcommittee: Communications.

Staff assigned: Katherine Meier—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction and text *(S356)*.

S. Res. 36—January 3, 1985.

Messrs. Goldwater, Boschwitz: A resolution to express the sense of the Senate relative to unduly restrictive State and local regulation of amateur radio antennas.

Restrictions on Amateur Radio Antennas.

Subcommittee: Communications.

Staff assigned: Katherine Meier—Minority Staff: Tom Cohen.

Congressional Record Statements: Introduction and text *(S357)*.

S. Res. 72—February 19, 1985.

Messrs. Heinz, Specter: A resolution expressing the sense of the Senate that the Secretary of Transportation of the United States should seek legislation authorizing a contingent public offering of Conrail stock.

Public Offering of Conrail Stock.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Congressional Record Statements: Introduction *(S1445)*, text *(S1444)*.

Related Measures: S. 464, S. 465, S. 638, S. 1137, S. 1361/99th.

Note: June 12, 1985—Hearing held on subject (S. Hrg. 99-227).

For further action see H.R. 5300 under Matters of Interest.

S. Res. 107—March 22, 1985.

Mr. Danforth: An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

Authorizes Committee Expenditures ($3,762,156).

Full Committee.

Staff assigned: Allen Moore—Minority Staff: Ralph Everett.

Mar. 8, 1985—Considered in executive session and ordered reported as an original resolution.

Mar. 22, 1985—Reported by Mr. Danforth without written report and referred to Committee on Rules and Administration *(S3424)*.

Apr. 23, 1985—Hearing held by the Committee on Rules.

For further action see S. Res. 145 under Matters of Interest.

S. Res. 178—June 6, 1985.

Messrs. Evans, Metzenbaum, Danforth, Eagleton, Heinz, Weicker, Proxmire, Cohen, Inouye, Matsunaga, Lautenberg, Gorton, Boschwitz, Pell, Baucus, Cranston, Hollings, Kerry, Harkin, Kennedy: A resolution to urge the Administrator of the National Highway Traffic Safety Administration to retain the current automobile fuel economy standard.

Retention of Current Automobile Fuel Economy Standards.

Subcommittee: Surface Transportation.

Staff assigned: Alan Maness—Minority Staff: Loretta Dunn.

Congressional Record Statements: Introduction and text *(S7665)*.

June 20, July 17, 1985—Hearings held (S. Hrg 99-313). Oct. 23, 1985—Provisions incorporated into H.R. 3244, DOT Appropriations, as Evans Amt. No. 848 *(S13859)*.

S. Res. 180—June 14, 1985.

Mr. Danforth: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1279.

Budget Waiver for S. 1279.

Subcommittee: Science, Technology, and Space.

Staff assigned: Charlie Faust—Minority Staff: Marty Kress.

June 13, 1985—Considered in executive session and ordered reported as an original resolution.

June 14, 1985—Reported by Mr. Danforth without written report and referred to Committee on Budget *(S8239)*.

June 24, 1985—Reported by Mr. Domenici of the Committee on Budget without written report *(S8664)*.

June 26, 1985—Passed the Senate by voice vote *(S8823)*.

S. Res. 203—July 24, 1985.

Mr. Danforth: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2796.

Budget Waiver for H.R. 2796.

Subcommittee: Aviation.

Staff assigned: Steve Johnson—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction and text *(S9974)*.

July 18, 1985—Considered in executive session and ordered reported as an original resolution.

July 24, 1985—Reported by Mr. Danforth without written report and referred to Committee on the Budget *(S9974)*.

July 25, 1985—Reported by Mr. Domenici of the Committee on Budget without written report *(S10077)*.

July 25, 1985—Passed the Senate by voice vote *(S10069)*.

S. Res. 254—November 4, 1985.

Mr. Danforth: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1073.

Budget Waiver for S. 1073.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Pat Windham.

Congressional Record Statements: Introduction and text *(S14745)*.

Sept. 11, 1985—Considered in executive session and ordered reported as an original resolution.

Nov. 4, 1985—Reported by Mr. Danforth without written report and referred to Committee on the Budget *(S14743)*.

Nov. 20, 1985—Reported by Mr. Domenici of the Committee on the Budget without recommendation and without written report *(S15958)*.

Nov. 23, 1985—Passed the Senate *(S16508)*.

S. Res. 265—December 5, 1985.

Messrs. Dixon, Metzenbaum, Heinz, Bradley, Riegle, Simon, Kerry, Lautenberg: A resolution expressing the sense of the Senate that natural gas pipelines should transport natural gas in a nondiscriminatory manner.

Transportation of Natural Gas Through Pipelines.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Marty Kress.

Congressional Record Statements: Introduction and text *(S16980)*.

S. Res. 276—December 17, 1985.

Messrs. Lautenberg, Dixon, Simon, Bradley, Kerry, Dodd, Moynihan, Cranston, Sarbanes, Mathias, Levin, Eagleton: A resolution expressing the sense of the Senate regarding the Federal Air Traffic Control System.

Federal Air Traffic Control System.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Congressional Record Statements: Introduction and text *(S17818)*.

S. Res. 298—January 23, 1985.

Messrs. Weicker, Hatch, Kennedy, Stafford, Nickles, Kerry, Thurmond, Simon, Burdick, Riegle, Durenberger, Inouye, Chafee, Heinz, Warner, Dodd, Dole, Dixon, Denton, Goldwater, Cochran, Boschwitz, Moynihan, Bentsen, Bumpers, Abdnor, Domenici, Lugar, Chiles, Exon, Hawkins, Wilson, Zorinsky, Levin, Pell, Rockefeller, Stennis, Nunn, D'Amato, Gore, Byrd, Hollings, Bradley, Mathias, DeConcini, Grassley, Helms, Danforth: A resolution expressing support and encouragement of the Senate for the U.S. Disabled Ski Team at the 1986 World Disabled Ski Championships to be held in Salem, Sweden, on April 6 through April 17, 1986.

Expression of Support and Encouragement for U.S. Disabled Ski Team.

Subcommittee: Consumer.

Staff assigned: Chuck Harwood—Minority Staff: David St. John.

Congressional Record Statements: Introduction and text *(S286)*.

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 21, 1986—Reported by Mr. Danforth without written report *(S3211)*.

Mar. 25, 1986—Passed the Senate *(S3350)*.

S. Res. 318—January 30, 1986.

Messrs. Baucus, Thurmond, Mathias: A resolution to express the sense of the Senate that the Nomenclature Committee of the International Astronomical Union take such action as is necessary to name seven of the moons of Uranus discovered by the Voyager 2 spacecraft in honor of the crew members of the *Challenger* space shuttle who died on January 28, 1986.

Naming of Moons of Uranus in Honor of Challenger Crew Members.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Pete Perkins—Minority Staff: Marty Kress.

Congressional Record Statements: Introduction and text *(S756)*.

Related Measure: H.J. Res. 508/99th.

S. Res. 326—January 31, 1986.

Mr. Danforth: An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

Authorizes Committee Expenditures ($3,312,233).

Full Committee.

Staff assigned: Allen Moore—Minority Staff: Ralph Everett.

Jan. 31, 1986—Approved by Committee and ordered reported as an original measure.

Jan. 31, 1986—Reported by Mr. Danforth without written report under the authority of the order of Jan. 30, 1986 and referred to Committee on Rules *(S848)*.

Feb. 4, 1985—Hearing held by Committee on Rules.

For further action see S. Res. 353 under Matters of Interest.

S. Res. 332—February 4, 1986.

Messrs. Armstrong, Garn, Baucus, Kasten, Humphrey, Bentsen, Kassebaum, Hatch, Boren, Hawkins, Simon, D'Amato, McClure, Cohen, Quayle, DeConcini, Melcher, Grassley, Roth, Specter, Helms, Heinz, Pell, Lugar, Gorton, Wilson, Stafford, Mitchell, Bradley, Gore, Hollings, Riegle, Inouye, Rockefeller, Thurmond, Cochran, Denton, Long, Nunn, Symms, Murkowski, Johnston: A resolution to honor the *Challenger* Space Shuttle Astronauts.

Honoring Challenger Space Shuttle Astronauts.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Pete Perkins—Minority Staff: Marty Kress.

Congressional Record Statements: Introduction and text *(S970)*.

Mar. 13, 1986—Considered in executive session and ordered reported with amendments.

Mar. 26, 1986—Reported by Mr. Danforth (S. Rept. 99-270) *(S3499)*.

Apr. 11, 1986—Passed the Senate by voice vote *(S4144)*.

S. Res. 405—May 13, 1986.

Messrs. Lautenberg, Hollings, Bradley, Pell: A resolution to express the sense of the Senate opposing the imposition of a federal licensing fee for marine sportfishing.

Opposition to Federal Licensing Fee for Marine Sportfishing.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud, Joe Plesha—Minority Staff: Mike Nussman.

Congressional Record Statements: Introduction and text *(S5872)*.

S. Res. 421—June 5, 1986.

Mr. Gore: A resolution to encourage the Administrator of the National Aeronautics and Space Administration to centralize certain responsibilities and functions.

Centralization of National Aeronautics and Space Administration Functions.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Pete Perkins—Minority Staff: Marty Kress.

Congressional Record Statement: Text *(S6935)*.

S. Res. 485—August 15, 1986.

Messrs. Heinz, Specter, Rockefeller: A resolution expressing the sense of the Senate that Congress should enact legislation to return Conrail to the private sector through a public stock offering.

Public Stock Offering of Conrail.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority staff: Linda Morgan.

Congressional Record Statements: Introduction and text *(S11982)*.

Related Measures: S. 1137, S. 1361, S. Res. 72/99th.

For further action see H.R. 5300 under Matters of Interest.

S. Res. 492—September 22, 1986.

Messrs. Pressler, Boren, Nickles: A resolution to express the sense of the Senate that the Motion Picture Association of America incorporate a subcategory in the voluntary movie rating system to identify clearly films which depict drug use in a benign or favorable light, and give a "D" rating to movies that so depict drug use so that parents can make an informed choice about the movies their children attend.

Rating of Movies Depicting Drug Use.

Subcommittee: Communications.

Staff assigned: Katherine Meier, Dan Phythyon—Minority Staff: Cheryl Wallace.

Congressional Record Statements: Introduction and text *(S13201)*.

HOUSE BILLS

(Italic numbers in parenthesis refer to the pages of the daily edition of the Congressional Record)

H.R. 739 (Public Law 99-307)—January 24, 1985.

Mr. Holt: A bill relating to the documentation of the vessel *Marilyn* to be employed in the coastwise trade.

Documentation of Vessel Marilyn.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy, Jim Drewry.

Related Measure: H.R. 2466/99th.

Jan. 24, 1985—Referred to House Committee on Merchant Marine and Fisheries.

Nov. 6, 1985—Ordered reported amended.

Nov. 20, 1985—Reported to the House amended by House Committee on Merchant Marine and Fisheries (H. Rept. 99-389).

Dec. 3, 1985—Passed the House amended by unanimous consent *(H10556)*.

Dec. 4, 1985—Referred to Senate Committee on Commerce, Science, and Transportation.

Dec. 19, 1985—Provisions incorporated into H.R. 2466 *(S18182)*.

Mar. 25, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Apr. 22, 1986—Reported by Mr. Danforth (S. Rept. 99-284) *(S4663)*.

Apr. 24, 1986—Passed the Senate by voice vote *(S4841)*.

May 1, 1986—House agreed to Senate amendments by unanimous consent *(H2297)*.

May 19, 1986—Signed by the President as Public Law 99-307.

Note: H.R. 2466 under Matters of Interest contained provisions of H.R. 739 but was vetoed by the President.

H.R. 1025—February 7, 1985.

Messrs. Breaux, Hughes, Burton, Jones: A bill to authorize appropriations to carry out the Andromous Fish Conservation Act during fiscal years 1986, 1987, and 1988.

Authorization of Anadromous Fish Conservation Act.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Feb. 7, 1985—Referred to House Committee on Merchant Marine and Fisheries.

Mar. 13, 1985—Ordered reported.

Mar. 19, 1985—Reported to the House by House Committee on Merchant Marine and Fisheries (H. Rept. 99-19).

Mar. 19, 1985—Passed the House by 268 yeas to 133 nays *(H1274)*.

Mar. 28, 1985—Referred jointly to Senate Committees on Commerce, Science, and Transportation: and Environment and Public Works.

Oct. 16, 1986—Provisions incorporated into S. 991 *(H10453)*.

For further action see S. 991.

H.R. 1028—February 7, 1985.

Messrs. Breaux, Young, Hughes, Jones: A bill to promote and encourage management of priority interjurisdictional fishery resources.

Interjurisdictional Fisheries Research Act of 1985.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud, Joe Plesha—Minority Staff: Jim Drewry.

Feb. 7, 1985—Referred to House Committee on Merchant Marine and Fisheries.

Mar. 13, 1985—Ordered reported amended.

Mar. 19, 1985—Reported to the House amended by House Committee on Merchant Marine and Fisheries (H. Rept. 99-20).

July 29, 1985—Passed the House amended by voice vote *(H6479)*.

Aug. 1, 1985—Referred to the Senate Committee on Commerce, Science, and Transportation.

Oct. 16, 1986—Provision incorporated into S. 991 *(H10453)*.

For further action see S. 991.

H.R. 1157—February 20, 1985.

Messrs. Biaggi, Jones, Studds: A bill to authorize appropriations for fiscal year 1986 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission.

Authorization of Appropriations for Certain Maritime Programs.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Related Measure; S. 679/99th.

Feb. 20, 1985—Referred to House Committee on Merchant Marine and Fisheries.

Apr. 16, 1985—Ordered reported amended.

May 1, 1985—Reported to the House amended by House Committee on Merchant Marine and Fisheries (H. Rept. 99-60).

May 14, 1985—Passed the House amended by 371 yeas to 46 nays *(H3161)*.

May 15, 1985—Referred to Senate Committee on Commerce, Science, and Transportation.

Provisions incorporated into H.R. 3128, Title VI. For further action action see H.R. 3128 under Matters of Interest.

H.R. 1362—February 28, 1985.

Messrs. Jones, Biaggi, Studds, Lent, Davis: A bill to revise, consolidate, and enact certain laws related to load lines and measurement of vessels as parts C and J of subtitle II of title 46, United States Code.

Revision of Laws Related to Load Lines and Measurement of Vessels.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud—Minority Staff: John Hardy.

Feb. 28, 1985—Referred to House Committee on Merchant Marine and Fisheries.

Nov. 6, 1985—Ordered reported.

Nov. 21, 1985—Reported to the House by House Committee on Merchant Marine and Fisheries (H. Rept. 99-398).

Dec. 2, 1985—Passed the House amended by voice vote (*H10536*).

Dec. 3, 1985—Referred to Senate Committee on Commerce, Science, and Transportation.

May 13, 1986—Hearing held (S. Hrg. 99-841).

Oct. 17, 1986—Provisions incorporated into H.R. 5300.

For further action see H.R. 5300 under Matters of Interest.

H.R. 1544—March 19, 1985.

Messrs. Breaux, Young, Fields, Hughes, Mikulski, Boggs, Martinez: A bill to authorize appropriations to carry out the National Aquaculture act of 1980 during fiscal years 1986, 1987, and 1988.

National Aquaculture Improvement Act of 1985.

Subcommittee: National Ocean Policy Study.

Staff assigned: Joe Plesha—Minority Staff: Jim Drewry.

Mar. 19, 1985—Referred to House Committee on Merchant Marine and Fisheries.

Apr. 17, 1985—Hearings held.

May 1, 1985—Ordered reported amended.

May 15, 1985—Reported to the House amended by House Committee on Merchant Marine and Fisheries (H. Rept. 99-105 Part 1).

May 15, 1985—Referred to House Committee on Agriculture sequentially, for a period ending not later than May 31, 1985.

June 3, 1985—House Committee on Agriculture granted an extension for further consideration ending not later than June 20, 1985.

June 20, 1985—House Committee on Agriculture discharged by motion.

July 29, 1985—Passed the House amended by voice vote (*H6476*).

July 31, 1985—Referred to Senate Committee on Commerce, Science, and Transportation.

H.R. 1714 (Public Law 99-170)—March 26, 1985.

Messrs. Fuqua, Lujan, Nelson, Walker, Glickman, Lewis, Andrews, Slaughter, Gordon, Scheuer, Volkmer, Mineta, Hall: A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes.

National Aeronautics and Space Administration Authorization Act, 1986.

Subcommittee: Science, Technology, and Space.

Staff assigned: Pete Perkins—Minority Staff: Marty Kress.

Related Measures: S. 1278, H.R. 1412/99th.

Mar. 26, 1985—Referred to House Committee on Science and Technology.

Mar. 27, 1985—Ordered reported amended.

Mar. 28, 1985—Reported to the House amended by House Committee on Science and Technology (H. Rept. 99-32).

Apr. 3, 1985—Passed the House amended by 395 yeas to 3 nays *(H1877)*.

Apr. 16, 1985—Referred to Senate Committee on Commerce Science, and Transportation.

June 13, 1985—Considered in executive session and ordered reported with an amendment in the nature of a substitute (provisions of S. 1278 incorporated).

June 24, 1985—Reported by Mr. Danforth (with additional views) (S. Rept. 99-91) *(S8664)*.

June 27, 1985—Passed the Senate *(S8941)*.

Aug. 1, 1985—House disagreed to Senate amendment and requested a conference and appointed the following conferees: Representatives Fuqua, Brown, Nelson, Andrews, Torricelli, Lujan, Walker, Lewis *(H7048)*.

Sept. 23, 1985—Senate insisted on its amendments and agreed to a conference and appointed the following conferees: Senators Danforth, Gorton, Goldwater, Hollings, Riegle *(S11946)*.

Nov. 19, 1985—Conferees agreed to file conference report.

Nov. 19, 1985—Conference report filed in the House by Mr. Fuqua (H. Rept. 99-379) *(H10319)*.

Nov. 21, 1985—Senate agreed to conference report *(S16076)*.

Nov. 21, 1985—House agreed to conference report *(H10487)*.

Dec. 5, 1985—Signed by the President as Public Law 99-170.

H.R. 2095—April 17, 1985.

Messrs. Markey, Moorhead, Lowry, Lagomarsino, Gregg, Frank, Conte, Fish, Mavroules, Bryant: A bill to provide for daylight saving time on an expanded basis, and for other purposes.

Daylight Saving Extension Act of 1985.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff: Cheryl Wallace, Loretta Dunn.

Related Measures: S. 240, S. 1433/99th.

Apr. 17, 11985—Referred to House Committee on Energy and Commerce.

June 25, 1985—Ordered reported amended.

June 27, 1985—Reported to the House amended by House Committee on Energy and Commerce (H. Rept. 99-185).

Oct. 22, 1985—Passed the House amended by 240 yeas to 157 nays *(H8929)*.

Oct. 23, 1985—Referred to Senate Committee on Commerce, Science, and Transportation.

Oct. 31, 1985—Hearing held on subject (S. Hrg. 99-380).

For further action see S. 2180.

H.R. 2127—April 18, 1985.

Messrs. Richardson, et. al: A bill to establish a United States Boxing Commission, and for other purposes.

Establishment of United States Boxing Commission.

Subcommittee: Consumer.

Staff assigned: Chuck Harwood—Minority Staff: David St. John.

Apr. 18, 1985—Referred to House Committee on Energy and Commerce.

June 24, 1986—Ordered reported amended by House Committee on Energy and Commerce.

Aug. 14, 1986—Reported to the House amended by House Committee on Energy and Commerce (H. Rept. 99-791).

Aug. 15, 1986—Referred to House Committee on Education and Labor sequentially, for a period ending not later than Sept. 19, 1986.

Sept. 17, 1986—Ordered reported amended by House Committee on Education and Labor.

Sept. 19, 1986—Reported to the House amended by House Committee on Education and Labor (H. Rept. 99-791 Part II).

Oct. 16, 1986—Passed the House amended by voice vote *(H11162).*

Oct. 18, 1986—Referred to Senate Committee on Commerce, Science, and Transportation.

H.R. 2266—April 29, 1985.

Messrs. Richardson, Florio, Mikulski, Weaver: A bill authorizing appropriations for Amtrak for fiscal years 1986 and 1987, establishing a commission to study the financial status of Amtrak, and for other purposes.

Amtrak Authorization Act for Fiscal Years 1986 and 1987.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Apr. 29, 1985—Referred to House Committee on Energy and Commerce.

May 15, 1985—Ordered reported amended.

May 23, 1985—Reported to the House amended by House Committee on Energy and Commerce (H. Rept. 99-149).

Sept. 19, 1985—Passed the House amended by 290 yeas to 128 nays *(H7589).*

Sept. 23, 1985—Referred to Senate Committee on Commerce, Science, and Transportation.

Oct. 23, 1985—Provisions incorporated into S. 1730, Budget Reconciliation, as Amt. No. 856 *(S13893).*

For further action see S. 1730 and H.R. 3128 under Matters of Interest.

H.R. 2796—June 18, 1985.

Messrs. Mineta, Howard, Snyder, Hammerschmidt, Oberstar, Gingrich, Young: A bill to improve security standards for international air transportation.

Foreign Air Travel Security Act of 1985.

Subcommittee: Aviation.

Staff assigned: Patty Hahn—Minority Staff: Steve Palmer.

Related Measures: S. 1321, S1326, S. 1343, S. 1436, H.R. 2822/99th.

June 18, 1985—Referred to House Committee on Public Works and Transportation.

June 19, 1985—House Committee on Public Works and Transportation discharged by unanimous consent.

June 19, 1985—Passed the House by voice vote *(H4446).*

June 24, 1985—Referred to Senate Committee on Commerce, Science, and Transportation.

June 27, 1985—Hearing held (S. Hrg. 99-290).

July 18, 1985—Considered in executive session and ordered reported with an amendment in the nature of a substitute (text of S. 1436 incorporated).

July 24, 1985—Reported by Mr. Danforth without written report.

July 25, 1985—Written report filed by Mr. Danforth (S. Rept. 99-113) *(S10077).*

July 25, 1985—Passed the Senate with an amendment on a rollcall vote of 96 yeas to 0 nays *(S10069).*

H.R. 2935—July 9, 1985.

Messrs. Breaux, Jones, Lent, Young: A bill to promote the consumption of fish and fish products in the United States through the establishment of seafood marketing councils, and for other purposes.

Seafood Marketing Councils Act.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Related Measure: S. 2138/99th.

July 9, 1985—Referred to House Committee on Merchant Marine and Fisheries.

Dec. 5, 1985—Ordered reported amended.

Dec. 5, 1985—Reported to the House amended by House Committee on Merchant Marine and Fisheries (H. Rept. 99-420).

Dec. 9, 1985—Passed the House amended by voice vote *(H11451).*

Dec. 11, 1985—Referred to Senate Committee on Commerce, Science, and Transportation.

Apr. 17, 1986—Hearing held (S. Hrg. 99-813).

July 23, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Sept. 3, 1986—Reported by Mr. Danforth (S. Rept. 99-430) *(S12057).*

Oct. 16, 1986—Provisions incorporated into S. 991 *H10453).*

For further action see S. 991.

H.R. 3133—July 31, 1985.

Messrs. Breaux, Young: A bill to authorize appropriations to carry out the Atlantic Tunas Convention Act of 1975 during Fiscal years 1987, 1988 and 1989.

Atlantic Tunas Convention Act Amendments.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud, Joe Plesha—Minority Staff: Jim Drewry.

Related Measure: S. 2297/99th.

July 31, 1985—Referred to House Committee on Merchant Marine and Fisheries.

Apr. 9, 1986—Ordered reported amended.

Apr. 16, 1986—Reported to the House by House Committee on Merchant Marine and Fisheries (H. Rept. 99-533).

Apr. 29, 1986—Passed the House by voice vote *(H2211).*

Apr. 30, 1986—Referred to Senate Committee on Commerce, Science, and Transportation.

Oct. 16, 1986—Provisions incorporated into S. 991 *(H10453).*

For further action see S. 991.

H.R. 3235 (Public Law 99-171)—September 4, 1985.

Messrs. Lott, Walker, Lujan: A bill to authorize the Administrator of the National Aeronautics and Space Administration to accept title to the Mississippi Technology Transfer Center to be constructed by the State of Mississippi at the National Space Technologies Laboratories in Hancock County, Mississippi.

Mississippi Technology Transfer Center Act.

Subcommittee: Science, Technology, and Space.

Staff assigned: Peter Perkins—Minority Staff: Marty Kress.

Sept. 4, 1985—Referred to House Committee on Science and Technology.

Oct. 23, 1985—Ordered reported amended.

Oct. 23, 1985—Reported to the House amended by House Committee on Science and Technology (H. Rept. 99-322).

Oct. 28, 1985—Passed the House amended by voice vote *(H9245).*

Oct. 29, 1985—Referred to Senate Committee on Commerce, Science, and Transportation.

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 18, 1985—Reported by Mr. Danforth (S. Rept. 99-187) *(S15714).*

Nov. 21, 1985—Passed the Senate *(S16071).*

Dec. 9, 1985—Signed by the President as Public Law 99-171.

H.R. 3266—September 11, 1985.

Mr. Coelho: A bill to declare certain lands in the City of Coalinga, California abandoned by the Southern Pacific Transportation Company.

Abandonment of Certain Lands by Southern Pacific Transportation Company.

Subcommittee: Surface Transportation.

Staff assigned: Pamela Garvie—Minority Staff: Linda Morgan.

Sept. 11, 1985—Referred to House Committee on Interior and Insular Affairs.

Nov. 20, 1985—Ordered reported amended.

Nov. 20, 1985—Reported to the House amended by House Committee on Interior and Insular Affairs (H. Rept. 99-386).

Dec. 9, 1985—Passed the House amended by unanimous consent *(H11380).*

Dec. 10, 1985—Referred to Senate Committee on Commerce, Science, and Transportation.

H.R. 3773 (Public Law 99-502)—November 18, 1985.

Messrs. Fuqua, Michel, Lundine, Walgren, Lugan, Boehlert, Brown, Mineta, Ritter, Valentine, Bruce, Cobey, Wirth: A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, and for other purposes.

Federal Technology Transfer Act of 1985.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips—Minority Staff: Patrick Windham.

Related Measure: S. 1914/99th.

Nov. 18, 1985—Referred to House Committee on Science and Technology.

Nov. 21, 1985—Ordered reported amended.

Dec. 5, 1985—Reported to the House by House Committee on Science and Technology (H. Rept. 99-415).

Dec. 9, 1985—Passed the House amended by 386 yeas to 0 nays *(H11441).*

Dec. 11, 1985—Referred to Senate Committee on Commerce, Science, and Transportation.

Mar. 13, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Mar. 20, 1986—Ordered that if and when reported, the bill be referred to the Committee on Judiciary for a period not to exceed 30 calendar days for the consideration of sections 4, 5, 6, and 7 and if the bill is not reported at such time, the Judiciary Committee shall be discharged of further consideration thereof and the bill be placed on the Calendar *(S3169).*

Apr. 21, 1986—Reported by Mr. Danforth (S. Rept. 99-283) *(S4587).*

Apr. 21, 1986—Referred to the Committee on the Judiciary pursuant to the order of March 20, 1986, for a period not to exceed 30 calendar days for the consideration of sections 4, 5, 6, and 7.

May 21, 1986—Committee on the Judiciary discharged from further consideration and the bill placed on the Calendar *(S6339).*

Aug. 9, 1986—Passed the Senate by voice vote *(S11092).*

Aug. 13, 1986—House disagreed to the Senate amendments and requested a conference and appointed the following conferees: Representatives Fuqua, Walgren, Lundine, Lujan, and Boehlert *(H6150).*

Oct. 1, 1986—Senate insisted on its amendments and agreed to a request for a conference and appointed the following conferees: Senators Danforth, Gorton, Pressler, Hollings, and Riegle *(S14458).*

Oct. 1, 1986—Conferees agreed to file a conference report.

Oct. 2, 1986—Conference report filed in the House by Mr. Fuqua (H. Rept. 99-953) *(H8970)*.

Oct. 3, 1986—Senate agreed to conference report by voice vote *(S15131)*.

Oct. 7, 1986—House agreed to conference report *(H9399)*.

Oct. 20, 1986—Signed by the President as Public Law 99-502.

H.R. 4175—February 19, 1986.

Messrs. Biaggi, et. al.: A bill to authorize appropriations for fiscal year 1987 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission.

Maritime Authorizations.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff: John Hardy.

Feb. 19, 1986—Referred to House Committee on Merchant Marine and Fisheries.

Apr. 9, 1986—Ordered reported amended.

Apr. 22, 1986—Reported to the House by House Committee on Merchant Marine and Fisheries (H. Rept. 99-551).

June 17, 1986—Passed the House amended by 367 yeas to 29 nays *(H3841)*.

June 18, 1986—Referred to Senate Committee on Commerce, Science, and Transportation.

July 23, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Aug. 14, 1986—Reported by Mr. Danforth (S. Rept. 99-407) *(S11742)*.

Oct. 8, 1986—Passed the Senate amended by voice vote *(S15667)*.

Oct. 14, 1986—House agreed to the Senate amendment by unanimous consent *(H9910)*.

Oct. 28, 1986—Pocket vetoed by the President.

Note: May 16, 1986—Hearing held on subject (S. Hrg. 99-903).

H.R. 4208 (Public Law 99-640)—February 20, 1986.

Messrs. Studds, Jones, Lent, Davis, Mikulski, Biaggi, Hughes, Young, Foglietta, Barnes: A bill to authorize appropriations for the Coast Guard for fiscal years 1987 and 1988, and for other purposes.

Coast Guard Authorization Act of 1986.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff: Jim Drewry.

Feb. 20, 1986—Referred to House Committee on Merchant Marine and Fisheries.

Apr. 9, 1986—Ordered reported amended.

Apr. 18, 1986—Reported to the House by House Committee on Merchant Marine and Fisheries (H. Rept. 99-547).

May 6, 1986—Passed the House amended by 374 yeas and 0 nays *(H2372)*.

May 7, 1986—Referred to Senate Committee on Commerce, Science, and Transportation.

May 13, 1986—Hearing held on subject (S. Hrg. 99-841).

Sept. 24, 1986—Considered in executive session and ordered reported with an amendment in the nature of a substitute.

Oct. 6, 1986—Reported by Mr. Danforth (S. Rept. 99-530) *(S15390)*.

Oct. 16, 1986—Passed the Senate amended by voice vote *(S16397)*.

Oct. 16, 1986—House agreed to the Senate amendments by voice vote *(H11157)*.

Nov. 10, 1986—Signed by the President as Public Law 99-640.

H.R. 4212 (Public Law 99-507)—February 24, 1986.

Messrs. Mikulski, Jones, Lowry: A bill to provide for the reauthorization of the Deep Seabed Hard Mineral Resources Act, and for other purposes.

Deep Seabed Hard Mineral Resources Reauthorization Act of 1986.

Subcommittee: National Ocean Policy Study.

Staff assigned: Bob Eisenbud—Minority Staff: Jim Drewry.

Feb. 24, 1986—Referred to House Committees on Foreign Affairs, Interior and Insular Affairs, and Merchant Marine and Fisheries.

Apr. 9, 1986—Ordered reported by House Committee on Interior and Insular Affairs.

May 20, 1986—Reported to the House by House Committee on Interior and Insular Affairs (H. Rept. 99-609 Part I).

May 15, 1986—Ordered reported by House Committee on Merchant Marine and Fisheries.

June 10, 1986—Reported to the House by Committee on Merchant Marine and Fisheries (S. Rept. 99-609 Part II).

July 21, 1986—Passed the House by voice vote *(H4665)*.

July 24, 1986—Referred to Senate Committee on Energy and Natural Resources.

Sept. 17, 1986—Ordered reported by Senate Committee on Energy and Natural Resources.

Sept. 19, 1986—Reported by Senator McClure from Committee on Energy and Natural Resources (S. Rept. 99-460).

Sept. 24, 1986—Sequentially referred to Committee on Commerce, Science, and Transportation by unanimous consent for a period of three calendar days *(S13637)*.

Sept. 27, 1986—Committee on Commerce, Science, and Transportation discharged pursuant to order of Sept. 24, 1986 *(S14105)*.

Oct. 8, 1986—Passed the Senate by voice vote *(S15627)*.

Oct. 21, 1986—Signed by the President as Public Law 99-507.

H.R. 4731 (Public Law 99-626)—May 1, 1986.

Messrs. Davis, Lent, Weber, Rose, Hertel: A bill to amend chapter 131 of title 46, United States Code, relating to the Federal recreational boating safety program, and for other purposes..

Recreational Boating Safety Act of 1986.

Subcommittee: Merchant Marine.

Staff assigned: Bob Eisenbud, Brad Gilman—Minority Staff: Jim Drewry.

May 1, 1986—Referred to House Committee on Merchant Marine and Fisheries.

Oct. 1, 1986—Ordered reported amended.

Oct. 6, 1986—Reported to House amended by House Committee on Merchant Marine and Fisheries (H. Rept. 99-968).

Oct. 6, 1986—Passed the House amended *(H9226)*.

Oct. 6, 1986—Referred to Senate Committee on Commerce, Science, and Transportation.

Oct. 9, 1986—Committee on Commerce, Science, and Transportation discharged by unanimous consent and placed on Calendar *(S15805)*.

Oct. 18, 1986—Passed the Senate with amendments by voice vote *(S17252)*.

Oct. 18, 1986—House agreed to Senate amendments by voice vote *(H11643)*.

Nov. 7, 1986—Signed by the President as Public Law 99-626.

H.R. 5229—July 23, 1986.

Mr. Nelson, et. al.: A bill to amend the Land Remote-Sensing Commercialization Act of 1984.

Land Remote-Sensing Commercialization Act Amendments of 1986.

Subcommittee: Science, Technology, and Space.

Staff assigned: Cassie Phillips, Charlie Faust—Minority Staff; Marty Kress.

Related Measure: H.R. 4932/99th.

July 23, 1986—Referred to House Committee on Science and Technology.

Sept. 11, 1986—Ordered reported.

Sept. 16, 1986—Reported to the House amended by House Committee on Science and Technology (H. Rept. 99-826).

Sept. 22, 1986—Passed the House *(H7871)*.

Sept. 23, 1986—Referred to Senate Committee on Commerce, Science, and Transportation.

House Concurrent Resolutions

(Italic numbers in parenthesis refer to the page of the daily edition of the Congressional Record)

H. Con. Res. 339) May 20, 1986.

Mr. Hammerschmidt, et. al.: A concurrent resolution expressing the sense of Congress that the essential air transportation program should be maintained for the ten-year period for which it is authorized.

Essential Air Transportation Program.

Subcommittee: Aviation.

Staff assigned: Pamela Garvie, Patty Hahn—Minority Staff: Steve Palmer.

Related Measure: S. Con. Res. 146/99th.

May 20, 1986—Referred to House Committee on Public Works and Transportation.

Sept. 10, 1986—Ordered reported.

Sept. 12, 1986—Reported to the House by House Committee on Public Works and Transportation (H. Rept. 99-823).

Sept. 16, 1986—Passed the House by voice vote *(H6931)*.

Sept. 17, 1986—Referred to Senate Committee on Commerce, Science, and Transportation.

Masters of Interest Not Referred to the Committee

(Italic numbers in parenthesis refer to the pages of the daily edition of the Congressional Record)

S. 1522—July 29, 1985.

Messrs. Simpson (for Stevens), Inouye: A bill to amend section 607 of the Merchant Marine Act, 1936, to ensure consistent use of funds made available for capital construction of vessels, and for other purposes.

Section 607 of the Merchant Marine Act.

July 29, 1985—Introduced and placed on the Calendar *(S10274)*.

S. 1529—July 30, 1985.

Messrs. Dole, Danforth, Packwood, Gorton, Lautenberg: A bill to authorize appropriations for State and community highway safety grants, and for other purposes.

Highway Safety Programs Funding Act.

July 30, 1985—Introduced and placed on the Calendar *(S10455)*.

July 31, 1985—Passed the Senate amended by voice vote *(S10608)*.

S. 1714—September 30, 1985,

Mr. Helms: An original bill to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households and for other purposes.

Agriculture Food, Trade, and Conservation Act of 1985.

Related Measures: S. 42, S. 171, S. 250, S. 501, S. 616, S. 721, S. 843, S. 908, S. 1036, S. 1040, S. 1041, S. 1049, S. 1050, S. 1051, S. 1069, S. 1083, S. 1119/99th.

Sept. 19, 1985—Committee on Agriculture incorporated provisions of related measures S. 250, S. 501, S. 616, S. 843, S. 908, S. 1036, S. 1041, S. 1051, S. 1083, S. 1119, S. 42, S. 171, S. 1040, S. 1049, S. 1050, S. 1069 in reported measure.

Sept. 19, 1985—Ordered reported as an original measure.

Sept. 30, 1985—Reported by Mr. Helms of the Committee on Agriculture (with additional views) S. Rept. 99-145) *(S12317)*.

Oct. 25, 1985—Senate began consideration.

Oct 28, 29, 30, 31, 1985—Senate continued consideration.

Nov. 1, 18, 19, 20, 21, 22, 1985—Senate continued consideration.

Nov. 23, 1985—Senate passed H.R. 2100 by 61 yeas to 28 nays *(S16482)* and indefinitely postponed S. 1714 *(S16504)*.

Note: Cargo preference provisions contained in Title I of S. 1714.

For further action on cargo preference refer to H.R. 2100 (P.L. 99-198).

S. 1730—October 2, 1985.

Mr. Domenici: An original bill to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1986 (S. Con. Res. 32, 99th Congress).

Budget Reconciliation for Fiscal Year 1986.

Related Measures: S. Con. Res. 32, H.R. 3128/99th.

Oct. 1, 1985—Committee on Budget ordered reported an original measure.

Oct. 2, 1985—Reported by Committee on Budget by Senator Domenici (S. Rept. 99-146) *(S12491)*. *(Commerce Committee provisions contained in Title IV)*.

Oct. 15, 1985—Senate began consideration.

Oct. 16, 22, 23, 24, 1985—Senate continued consideration.

Nov. 12, 13, 1985—Senate continued consideration.

Nov. 14, 1985—Senate passed H.R. 3128 with provisions of S. 1730 amended by 93 yeas to 6 nays and indefinitely postponed S. 1730.

For further action see H.R. 3128.

S. 2706—July 31, 1986.

Mr. Domenici: An original bill to provide for reconciliation pursuant to section 2 of the concurrent resolution on the budget for fiscal year 1987 (S. Con. Res. 120, 99th Congress).

Omnibus Budget Reconciliation Act, 1986.

Related Measure: H.R. 5300/99th.

July 31, 1986—Committee on Budget ordered reported as an original measure.

July 31, 1986—Reported by Senator Domenici from Committee on Budget (additional and minority views filed) (S. Rept. 99-348) *(Commerce Committee provisions contained in Title III)*.

Sept. 19, 1986—Passed the Senate on a rollcall vote of 88 yeas to 7 nays *(S12962)*.

For further action see H.R. 5300 under Matters of Interest.

S. Res. 85—February 28, 1985.

Mr. Dole (for Mr. Mathias): A resolution authorizing expenditures by the committees of the Senate.

Omnibus Committee Funding Resolution of 1985.

Feb. 28, 1985—Introduced and passed the Senate *(S2408)*.

S. Res. 145—April 26, 1985.

Mr. Mathias: An original resolution to authorize expenditures for the committees of the Senate through February 28, 1986.

Omnibus Committee Funding Resolution Amendments.

Apr. 25, 1985—Committee on Rules ordered reported as an original resolution in lieu of S. Res. 107.

Apr. 26, 1985—Reported by Mr. Mathias (S. Rept. 99-40) *(S4876)*.

May 3, 1985—Passed the Senate *(S5396)*.

S. Res. 264—December 4, 1985.

Messrs. Dole, Danforth, Kassebaum, Cranston, Wilson, Hawkins, Eagleton: A resolution to commend the creation and production of the DC-3 transport aircraft.

Creation and Production of DC-3 Transport Aircraft.

Dec. 4, 1985—Introduced and passed the Senate *(S16905)*.

S. Res. 353—February 27, 1986.

Mr. Mathias: An original resolution authorizing expenditures by committees of the Senate.

Omnibus Committee Funding Resolution of 1986.

Feb. 27, 1986—Committee on Rules and Administration ordered reported as an original resolution in lieu of S. Res. 326.

Feb. 27, 1986—Reported by Mr. Mathias from the Committee on Rules and Administration (S. Rept. 99-240) *(S1768)*.

Mar. 13, 1986—Passed the Senate amended *(S2616)*.

H.R. 1093 (Public Law 99-5)—February 7, 1985.

Messrs. Breaux, Young, Bonker, Lowery, Miller: A bill to give effect to the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

Pacific Salmon Treaty Act of 1985.

Related Measure: S. 516/99th.

Feb. 7, 1985—Referred to House Committee on Merchant Marine and Fisheries.

Feb. 27, 1985—Ordered reported amended.

Feb. 28, 1985—Reported to the House amended by House Committee on Merchant Marine and Fisheries (H. Rept. 99-16).

Mar. 5, 1985—Passed the House amended by voice vote *(H983)*.

Mar. 6, 1985—Received in the Senate and held at the desk by unanimous consent.

Mar. 7, 1985—Passed the Senate by voice vote *(S2690)*.

Mar. 15, 1985—Signed by the President as Public Law 99-5.

H.R. 1210 (Public Law 99-159)—February 21, 1985.

Mr. Fuqua (by request): A bill to authorize appropriations to the National Science Foundation for fiscal years 1986 and 1987, and for related purposes.

National Science Foundation Authorization Act for Fiscal Years 1986 and 1987.

Related Measure: S. 903/99th.

Feb. 21, 1985.—Referred to House Committee on Science and Technology.

Apr. 3, 1985—Ordered reported amended.

Apr. 16, 1985—Reported to the House by House Committee on Science and Technology (H. Rept. 99-44).

Apr. 17, 1985—Passed the House amended by voice vote *(H2068)*.

Apr. 18, 1985—Received in the Senate and placed on the Calendar.

Sept. 26, 1985—Passed the Senate with an amendment in the nature of a substitute with provisions of S. 801 *(S12235)*.

Oct. 24, 1985—House agreed to Senate amendment with an amendment *(H9203)*.

Nov. 1, 1985—Senate concurred in the amendment of the House to the Senate amendment *(S14676)*.

Nov. 22, 1985—Signed by the President as Public Law 99-159.

H.R. 1617 (Public Law 99-73)—March 20, 1985.

Mr. Fuqua (by request): A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1986 and 1987, and for other purposes.

National Bureau of Standards Authorization Act for Fiscal Years 1986 and 1987.

Related Measure: S. 796/99th.

Mar. 20, 1985—Referred to House Committee on Science and Technology.

Apr. 3, 1985—Ordered reported.

Apr. 16, 1985—Reported to the House amended by House Committee on Science and Technology (H. Rept. 99-43).

Apr. 18, 1985—Passed the House amended by 282 yeas to 103 nays *(H2153)*.

Apr. 22, 1985—Received in the Senate and placed on the Calendar.

Apr. 23, 1985—Passed the Senate with provisions of S. 796 amended by voice vote *(S4625)*.

May 6, 1985—Senate insisted on its amendments and requested a conference and appointed the following as conferees: Senators Danforth, Gorton, Goldwater, Hollings, Riegle *(S5455)*.

June 13, 1985—House disagreed to Senate amendment and agreed to a conference and appointed the following conferees: Representatives Fuqua, Walgren, Lundine, Lujan, Boehlert *(H4277)*.

June 27, 1985—Conferees agreed to file a conference report.

June 27, 1985—Report filed in House by Mr. Fuqua (H. Rept. 99-187) *(H5226)*.

July 15, 1985—House agreed to conference report *(H5652)*.

July 15, 1985—Senate agreed to conference report *(S9516)*.

Nov. 22, 1985—Signed by the President as Public Law 99-73.

H.R. 2092 (Public Law 99-516)—April 17, 1985.

Messrs. Howard (by request), Snyder, Anderson, Shuster, Sharp, Dannemeyer: A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1986 and 1987, and for other purposes.

Natural Gas Pipeline Safety Act Authorizations.

Related Measure: S. 813/99th.

Apr. 17, 1985—Referred to House Committee on Energy and Commerce, and House Committee on Public Works and Transportation.

May 15, 1985—Ordered to be reported amended by Committee on Public Works and Transportation.

May 15, 1985—Ordered to be reported amended by House Committee on Energy and Commerce.

May 15, 1985—Reported to House amended by House Committee on Public Works and Transportation (H. Rept. 99-121 Part I).

May 21, 1985—Reported to the House amended by House Committee on Energy and Commerce (H. Rept. 99-121 Part II).

May 21, 1985—Referred to the House Committee on the Judiciary sequentially, for a period ending not later than July 8, 1985.

June 25, 1985—Ordered to be reported amended by House Committee on the Judiciary.

July 8, 1985—Reported to the House amended by House Committee on the Judiciary (H. Rept. 99-121 Part III).

Sept. 16, 1986—Passed the House amended by voice vote *(H6934)*.

Sept. 18, 1986—Received in the Senate and placed on the Calendar.

Oct. 8, 1986—Passed the Senate without amendment by voice vote *(S15587)*.

Oct. 22, 1986—Signed by the President as Public Law 99-516.

H.R. 2121—April 18, 1985.

Messrs. Mikulski, et. al.: A bill to provide for the reauthorization of the Coastal Zone Management Act of 1972, and for other purposes.

Coastal Zone Management Reauthorization Act of 1985.

Related Measure: S. 959/99th.

Apr. 18, 1985—Referred to House Committee on Merchant Marine and Fisheries.

May 1, 1985—Ordered reported amended.

May 15, 1985—Reported to the House amended by House Committee on Merchant Marine and Fisheries (H. Rept. 99-103).

July 30, 1985—Passed the House amended by voice vote *(H6795)*.

Aug. 1, 1985—Received in the Senate and placed on the Calendar *(S11742)*.

H.R. 2466—May 9, 1985.

Messrs. Studds, Jones, Mikulski, Boggs: A bill to make miscellaneous changes in laws affecting the United States Coast Guard, and for other purposes.

Changes in Laws Affecting U.S. Coast Guard.

Related Measure: S. 1759/99th.

May 9, 1985—Referred to House Committee on Merchant Marine and Fisheries.

June 26, 1985—Ordered reported amended.

July 18, 1985—Reported to the House amended by House Committee on Merchant Marine and Fisheries (H. Rept. 99-207).

July 29, 1985—Passed the House amended by voice vote.

July 31, 1985—Received in the Senate and held at the desk by unanimous consent.

Dec. 19, 1985—Passed the Senate with an amendment by voice vote *(S18182)*.

Dec. 19, 1985—House rejected unanimous consent request to consider Senate amendments *(H13303)*.

Jan. 29, 1986—House agreed to Senate amendment *(H188)*.

Feb. 14, 1986—Vetoed by the President.

Note: See also H.R. 739.

H.R. 2800 (Public Law 99-62)—June 18, 1985.

Messrs. Scheuer, Fuqua, Lujan, Walker, Nelson, Schneider, McCurdy: A bill to provide authorization of appropriations for activities under the Land Remote-Sensing Commercialization Act of 1984.

Land Remote-Sensing Commercialization Act Reauthorization.

Related Measure: S. 1279/99th.

June 18, 1985—Referred to House Committee on Science and Technology.

June 20, 1985—Ordered reported.

June 20, 1985—Reported to the House by House Committee on Science and Technology (H. Rept. 99-117).

June 24, 1985—Passed the House by voice vote *(H4778)*.

June 25, 1985—Received in the Senate and placed on the Calendar.

June 26, 1985—Passed the Senate amended with provisions of S. 1279 by voice vote *(S8823)*.

June 27, 1985—Senate receded from its amendment *(S8948)*.

July 11, 1985—Signed by the President as Public Law 99-62.

H.R. 3128 (Public Law 99-272)—July 31, 1985.

Mr. Rostenkowski: A bill to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process.

Deficit Reduction Amendments of 1985 Medicare Budget Reconciliation Amendments of 1985.

Related Measure: S. 1730/99th.

July 31, 1985—Referred to House Committee on Education and Labor sequentially, for a period ending not later than Sept. 11, 1985, for consideration of Section 505.

July 31, 1985—Referred to House Committee on Energy and Commerce sequentially, for a period ending not later than Sept. 11, 1985, for consideration of Parts A and B of Title I.

July 31, 1985—Referred to House Committee on the Judiciary sequentially, for a period ending not later than Sept. 11, 1985, for consideration of Section 124.

July 31, 1985—Referred to House Committee on Ways and Means.

July 31, 1985—Reported to the House by House Committee on Ways and Means (H. Rept. 241 Part I).

Sept. 10, 1985—Ordered reported amended by House Committee on the Judiciary.

Sept. 11, 1985—Ordered reported amended by House Committee on Education and Labor.

Sept. 11, 1985—Reported to the House amended by House Committee on Education and Labor (H. Rept. 99-241 Part II).

Sept. 11, 1985—Reported to the House amended by House Committee on the Judiciary (H. Rept. 99-241 Part III).

Sept. 11, 1985—House Committee on Energy and Commerce discharged by motion.

Oct. 31, 1985—Passed the House amended by 245 yeas to 174 nays *(H9491)*.

Nov. 7, 1985—Referred to Senate Committee on Finance.

Nov. 13, 1985—Ordered reported with an amendment in the nature of a substitute by Senate Committee on Finance.

Nov. 14, 1985—Reported by Mr. Packwood from Senate Committee on Finance with an amendment in the nature of a substitute without written report.

Nov. 14, 1985—Passed the Senate with provisions of S. 1730 amended by 93 yeas to 6 nays *(S15420, S15475)*.

Dec. 5, 1985—House concurred in Senate amendments with amendments by unanimous consent.

Dec. 5, 1985—House insisted on its amendment to the text of H.R. 3128 and asked for a conference and appointed the following conferees: From the Committee on Energy and Commerce solely for consideration of sections 501, 502, 521-524, and 536 of the Senate amendment of subtitles A-E of title IV and subtitles B and C of title VIII of division A of the House amendment to the Senate amendment: Representatives Dingell, Sharp, Mark, Walgren, Swift, Leland, Shelby, Synar, Tauzin, Broyhill, Dannemeyer, Moorhead, Whittaker, Oxley, and Eckert of New York; From the Committee on Energy and Commerce solely for the consideration of sections 403 and 404 of the Senate amendment and subtitle F of title IV of division A of the House amendment to the Senate amendment: Representatives Dingell, Wirth, Scheuer, Luken, Rinaldo, Tauke, Oxley, Moorhead, and Nielson of Utah; From the Committee on Energy and Commerce solely for the consideration of sections 401, 402, 408, 769G, 777(h)(1), and subsections (d), (e), (g)(2) and (g)(3) of section 794 of the Senate amendment, and of subtitles G and H of title IV of division A, and of sections 2252(b) and 2402 of division B of the House amendment to the Senate amendment: Representatives Dingell, Florio, Sharp, Tauzin, Hall of Texas, Eckart of Ohio, Dowdy of Mississippi, Richardson, Slattery, Broyhill, Lent, Ritter, Coats, Tauke, and Fields; From the Committee on Merchant Marine and Fisheries solely for consideration of sections 405, 406, 407, and 531-535 of the Senate amendment and of titles V and VI of division A of the House amendment in the Senate amendment: Representatives Jones of North Carolina, Biaggi, Anderson, Breaux, Studds, Mikulski, Lowry of Washington, Bosco, Hughes (except as listed below), Tauzin (in lieu of Representative Hughes solely for consideration of sections 531-535 of the Senate amendment and title V and subtitles D and H of title VI of division A of the House amendment to the Senate amendment), Lent, Snyder, Young of Alaska (except as listed below), Davis, Carney (in lieu of Representative Young of Alaska solely for consideration of sections 531-535 of the Senate amendment and title V and subtitles D and H of title VI of division A of the House amendment to the Senate amendment), Shumway, and Fields *(H10955)*.

Dec. 6, 1985—Pursuant to the order of Dec. 5, 1985, Senate disagreed to the House amendment to the Senate amendment and agreed to a conference and appointed the following conferees: Senators Danforth, Packwood, Goldwater, Pressler, Gorton, Stevens, Hollings, Long, Inouye, Ford, Riegle from the Committee on Commerce, Science, and Transportation; and Senators Danforth, Packwood, Goldwater, Hollings, Long from the Committee on Commerce, Science, and Transportation for consideration of title VI, Sec. 6701 only *(S16952)*.

Dec. 11, 1985—Conferees met and reached agreement on title IV, Communications sections 403, 404 (FCC and CPB).

Dec. 11, 1985—Conferees met and reached agreement on title VI, section 6701.

Dec. 13, 1985—Conferees met on title IV.

Dec. 17, 1985—Conferees reached agreement on Pipeline Safety.

Dec. 19, 1985—Conference report filed in the House by Mr. Gray (H. Rept. 99-453) *(H13330)*.

Dec. 19, 1985—Senate agreed to conference report on a roll call vote of 78 yeas to 1 nay *(S18201)*.

Dec. 19, 1985—House rejected conference report and receded from its amendment and concurred in the Senate amendment to the text, with an amendment—returning measure to the Senate *(H13093)*.

Dec. 19, 1985—Senate concurred in the amendment of the House to the Senate amendment with an amendment in the nature of a substitute *(S18400)*.

Dec. 19, 1985—House disagreed to the Senate amendment to the House amendment to the Senate amendment returning the measure to the Senate *(H13327)*.

Dec. 20, 1985—Senate insisted on its amendment to the House amendment to the Senate amendment and requested a conference and reappointed conferees named on Dec. 6, 1985 *(S18292)*.

Mar. 5, 1986—Conference report filed in the House (H. Rept. 99-482) *(H826)*.

Mar. 6, 1986—House agreed to H. Res. 390, providing for amending the Senate amendment to the House amendment to the Senate amendment to H.R. 3128 by a rollcall vote of 314 yeas to 86 nays *(H865)*.

Mar. 6, 1986—House receded from its disagreement and concurred with an amendment, in the Senate amendment to the House amendment to the Senate amendment to H.R. 3128 by a rollcall vote of 331 yeas to 76 nays *(H884)*.

Mar. 18, 1986—Senate insisted on its amendment to the House amendment to the Senate amendment to the House amendment to H.R. 3128 *(S2932)*.

Mar. 18, 1986—House disagreed to the Senate amendment to the House amendment to the Senate amendment to the House amendment to the Senate amendment to H.R. 3128 *(H1217)*.

Mar. 20, 1986—House receded from its disagreement and concurred in the Senate amendment to the House amendment to the

Senate amendment to the House amendment to the Senate amendment to H.R. 3128 *(H1518)*.

Apr. 7, 1986—Signed by the President as Public Law 99-272.

H.R. 3129—July 31, 1985.

Messrs. Anderson, et al.: A bill to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes.

Surface Transportation and Uniform Relocation Assistance Act of 1985.

Related Measure: S. 2405/99th.

July 31, 1985—Referred to House Committee on Public Works and Transportation.

June 25, 1986—Ordered reported amended.

July 2, 1986—Reported to the House amended by House Committee on Public Works and Transportation (H. Rept. 99-665).

Aug. 15, 1986—Passed the House amended by 345 yeas to 34 nays *(H6400)*.

Sept. 8, 1986—Received in the Senate and placed on the Calendar.

Sept. 23, 1986—Senate adopted Symms Amt. No. 2871 (65 miles per hour speed limit) on a rollcall vote of 56 yeas to 36 nays *(S13329)*.

Sept. 24, 1986—Passed the Senate with an amendment (text of S. 2405 amended) by 99 yeas to 0 nays *(S13509)*.

Sept. 25, 1986—Senate insisted on its amendments and requested a conference and named the following conferees *(for those provisions under the jurisdiction of the Commerce Committee)*: Senators Danforth, Packwood, Hollings for provisions dealing with highway safety (including portions of title II of H.R. 3129 except for section 202(a)(1) bridge replacement and rehabilitation programs authorizations, (a)(2) elimination of hazards authorization, (a)(5) FHWA highway safety construction authorization, (a)(6) FHWA highway safety research and development authorization; section 209, use of certain reports as evidence; section 210, emergency call boxes; section 211, railroad-highway crossings authorization; and section 215 railroad-highway crossing needs) *(S13712)*.

Oct. 2, 1986—House disagreed to Senate amendment and agreed to a conference and appointed the following conferees: (for consideration of all provisions except title V of the House bill and title IV of the Senate amendment: Representatives Howard, Anderson, Edgar, Snyder, and Shuster *(H8926)*.

Oct. 3, 15, 16, 1986—Conferees met.

H.R. 3358 (Public Law 99-432)—September 18, 1985.

Mr. Studds et al.: A bill to reauthorize the Atlantic Striped Bass Conservation Act, and for other purposes.

Atlantic Striped Bass Conservation Act Reauthorization.

Related Measure: S. 1813/99th.

Sept. 18, 1985—Referred to House Committee on Merchant Marine and Fisheries.

Apr. 9, 1986—Ordered reported amended.

Apr. 29, 1986—Passed the House amended by voice vote *(H2208)*.

Apr. 30, 1986—Received in the Senate and placed on the Calendar.

June 26, 1986—Passed the Senate amended (text of S. 1813 amended) *(S8665)*.

Sept. 16, 1986—House agreed to the Senate amendment *(H6923)*.

Oct. 1, 1986—Signed by the President as Public Law 99-432.

H.R. 4184 (Public Law 99-383)—February 19, 1986.

Mr. Fuqua (by request): A bill to authorize appropriations to the National Science Foundation for the fiscal years 1987 and 1988, and for other purposes.

National Science Foundation Authorization Act for Fiscal Years 1987 and 1988.

Related Measure: S. 2184/99th.

Feb. 19, 1986—Referred to House Committee on Science and Technology.

May 22, 1986—Ordered reported amended.

June 4, 1986—Reported to the House amended by House Committee on Science and Technology (H. Rept. 99-619).

June 26, 1986—Passed the House amended by 405 yeas to 2 nays *(H4340)*.

July 14, 1986—Received in the Senate and placed on the Calendar.

Aug. 1, 1986—Passed the Senate with an amendment in the nature of a substitute (text of S. 2184) by voice vote *(S10211)*.

Aug. 6, 1986—House agreed to the Senate amendment *(H5501)*.

Aug. 21, 1986—Signed by the President as Public Law 99-383.

H.R. 4354 (Public Law 99-574)—March 10, 1986.

Mr. Fuqua (by request): A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1987, and for other purposes.

National Bureau of Standards Authorization Act for Fiscal Year 1987.

Related Measure: S. 2664/99th.

Mar. 10, 1986—Referred to House Committee on Science and Technology.

May 22, 1986—Ordered reported amended.

June 4, 1986—Reported to the House by House Committee on Science and Technology (H. Rept. 99-617).

June 19, 1986—Referred to House Committee on Post Office and Civil Service sequentially, for a period ending not later than July 25, 1986.

July 23, 1986—Ordered reported amended.

July 25, 1986—Reported to the House by House Committee on Post Office and Civil Service (H. Rept. 99-617 Part II).

Aug. 12, 1986—Passed the House amended by voice vote *(H6010)*.

Aug. 14, 1986—Received in the Senate and placed on the Calendar *(S11742)*.

Oct. 3, 1986—Passed the Senate with an amendment in the nature of a substitute *(S15094)*.

Oct. 10, 1986—House agreed to Senate amendment *(H9853)*.

Oct. 28, 1986—Signed by the President as Public Law 99-574.

H.R. 4952 (Public Law 99-508)—June 5, 1986.

Messrs. Kastenmeier et al: A bill to amend title 18, United States Code, with respect to the interception of certain communications, other forms of surveillance, and for other purposes.

Electronic Communications Privacy Act of 1986.

Related Measure: S. 2575/99th.

June 5, 1986—Referred to House Committee on the Judiciary.

June 10, 1986—Ordered reported amended.

June 19, 1986—Reported to the House by House Committee on the Judiciary (H. Rept. 99-647).

June 23, 1986—Passed the House by voice vote *(H4039)*.

June 24, 1986—Received in the Senate and placed on the Calendar.

Oct. 1, 1986—Passed the Senate with an amendment by voice vote *(S14441)*.

Oct. 2, 1986—House agreed to the Senate amendments by unanimous consent *(H8977)*.

Oct. 21, 1986—Signed by the President as Public Law 99-508.

H.R. 4961—June 10, 1986.

Messrs. Howard (by request, Synder, Mineta, Hammerschmidt: A bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal year 1987, 1988, 1989, and for other purposes.

Independent Safety Board Act Amendments of 1986.

Related Measure: S. 2807/99th.

June 10, 1986—Referred to House Committees on Energy and Commerce and Public Works and Transportation.

Sept. 10, 1986—Ordered reported amended.

Sept. 18, 1986—Reported to the House amended by House Committee on Public Works and Transportation (H. Rept. 99-835 Part I).

Sept. 30, 1986—Passed the House amended by voice vote *(H8731)*.

Oct. 1, 1986—Received in the Senate and placed on the Calendar.

Oct. 10, 1986—Passed the Senate amended by voice vote *(S15863)*.

Oct. 16, 1986—House agreed to the Senate amendment *(H10451)*.

Nov. 4, 1986—Pocket vetoed by the President.

H.R. 5300 (Public Law 99-509)—July 31, 1986.

Mr. Gray: A bill to provide for reconciliation pursuant to section 2 of the concurrent resolution on the budget for fiscal year 1987.

Omnibus Budget Reconciliation Act of 1986.

Related Measure: S. 2706/99th.

July 31, 1986—Reported to the House by House Committee on the Budget as an original bill (H. Rept. 99-727).

Sept. 24, 1986—Passed the House amended by 309 yeas to 106 nays *(H8163)*.

Sept. 24, 1986—Received in the Senate and placed on the Calendar.

Sept. 25, 1986—Passed the Senate with an amendment (text of S. 2706 amended) by voice vote *(S13699)*.

Sept. 25, 1986—Senate insisted on its amendments and requested a conference and appointed the following conferees: From Committee on Commerce, Science, and Transportation: Senators Danforth, Packwood, Kassebaum, Hollings, Long for Conrail, subconference 9; Senators Danforth, Packwood, Stevens, Hollings, Inouye for Maritime, subconference 10.

Sept. 25, 1986—House disagreed with Senate amendment to H.R. 5300 and agreed to a conference and appointed the following conferees: From the Committee on Energy and Commerce, solely for consideration of sections 4701-4753 of the House bill and section 303 of the Senate amendment: Representatives Dingell, Florio, Sharp, Eckart of Ohio, Slattery, Lent, Whittaker, and Madigan; From the Committee on Merchant Marine and Fisheries solely for consideration of title VI, except for part 5 of subtitle E thereof, subtitle C of title VII, and parts 1 through 4 of subtitle D of title VIII of the House bill, and sections 301, 302, and 501, and subtitle C of title IV of the Senate amendment: Representatives Jones of North Carolina, Biaggi, Breaux, Studds, Lowry of Washington, Davis, Snyder (except for consideration of subtitle D of title VI of the House bill). Young of Alaska (except for consideration of subtitle I of title VI of the House bill), and Fields (solely for consideration of subtitle D and I of title VI of the House bill.

Sept. 26, 30, 1986—Conferees met on Conrail (subconference 9).

Oct. 8, 1986—Conferees on Conrail reached agreement.

Oct. 17, 1986—Conferees agreed to file conference report.

Oct. 17, 1986—Conference report filed in the House by Mr. Gray (H. Rept. 99-1012) (*H10789*).

Oct. 17, 1986—House agreed to conference report on a rollcall vote of 305 yeas to 70 nays *(H11317, H11437)*.

Oct. 17, 1986—Senate agreed to conference report on a rollcall vote of 61 yeas to 25 nays *(S16957)*.

Oct. 21, 1986—Signed by the President as Public Law 99-509.

H.R. 5484 (Public Law 99-570)—September 8, 1986.

Messrs. Wright, et al: A bill to strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes.

Omnibus Drug Enforcement, Education, and Control Act of 1986.

Related Measures: S. 2849, S. 2850, S. 2878/99th.

Sept. 8, 1986—Referred to House Committees on Armed Services, Banking, Finance and Urban Affairs, Education and Labor, Foreign affairs, Government Operations, Energy and Commerce, Interior and Insular Affairs, the Judiciary, Merchant Marine and Fisheries, Post Office and Civil Service, Public Works and Transportation, and Ways and Means.

Sept. 9, 1986—Rules Committee resolution H. Res. 541 reported to the House.

Sept. 10, 1986—Considered by the House.

Setp. 11, 1986—Passed the House amended on a rollcall vote of 392 yeas to 16 nays *H6608)*.

Sept. 15, 1986—Received in the Senate and placed on the Calendar.

Sept. 27, 1986—Senate adopted Danforth Amt. No. 3063 (provisions of S. 1903) *(S14024)*.

Sept. 30, 1986—Passed the Senate with an amendment (text of S. 2978 amended) on a rollcall vote of 97 yeas to 2 nays *(S14267)*.

Sept. 30, 1986—Senate insisted on its amendments and requested a conference and appointed the following conferees: Senators Hawkins, Hatch, Danforth, D'Amato, Mattingly, Lugar, Warner, Dole, Thurmond, Biden, Chiles, DeConcini, Rockefeller, Nunn, Dodd, Byrd *(S14302)*.

Oct 8, 1986—House agreed with an amendment to the Senate amendment *(H9479)*.

Oct. 10, 1986—Senate began consideration of the House amendment to the Senate amendment *(S15934)*.

Oct. 14, 1986—Senate continued consideration of the House amendment to the Senate amendment *(S16019)*.

Oct. 15, 1986—Senate concurred in the House amendment to the Senate amendment with amendments *(S16477, S 16489)*.

Oct. 17, 1986—House agreed to the Senate amendment to the House amendment to the Senate amendment with an amendment *(H11219)*.

Oct. 17, 1986—Senate agreed to House amendment to Senate amendment to House amendment to Senate amendment *(S16915)*.

Oct. 27, 1986—Signed by the President as Public Law 99-570.

H.R. 5495—September 10, 1986.

Messrs. Fuqua, et. al: A bill to authorize appropriations to the National Aeronautics and Space Administration, and for other purposes.

National Aeronautics and Space Administration Authorization Act, 1987.

Related Measure: S. 2714/99th.

Sept. 10, 1986—Referred to House Committee on Science and Technology.

Sept. 11, 1986—Ordered reported.

Sept. 16, 1986—Reported to the House by House Committee on Science and Technology (H. Rept. 99-829).

Sept. 25, 1986—Passed the House amended on a rollcall vote of 407 yeas to 8 nays *(H8458)*.

Sept. 30, 1986—Received in the Senate and placed on the Calendar.

Oct. 10, 1986—Passed the Senate with an amendment in the nature of a substitute (text of S. 2714 amended) by voice vote (S15862).

Oct. 15, 1986—House agreed to the Senate amendment with an amendment *(H10515)*.

Oct. 18, 1986—Senate agreed to House amendment to the Senate amendment with an amendment *(S17259)*.

Oct. 18, 1986—House agreed to the Senate amendment to the House amendment to the Senate amendment *(H11636, H11641, H11649)*.

Nov. 17, 1986—Pocket vetoed by the President.

H.R. 5568—September 22, 1986.

Mr. Anderson: A bill to establish uniform standards for testing and licensing of operators of commercial motor vehicles.

Commercial Motor Vehicle Safety Act of 1986.

Related Measures: S. 1903, S. 2850, H.R. 5484/99th.

Sept. 22, 1986—Referred to House Committee on Public Works and Transportation.

Sept. 24, 1986—Ordered reported amended.

Sept. 26, 1986—Reported to the House amended by House Committee on Public Works and Transportation (H. Rept. 99-901).

Sept. 30, 1986—Passed the House amended by voice vote *(H8740)*.

Sept. 30, 1986—Received in the Senate and placed on the Calendar.

For further action see H.R. 5484 under Matters of Interest.

H.R. 5598 (Public Law 99-577)—September 25, 1986.

Mrs. Mikulski: A bill to provide for the transfer of the Coast Guard cutter *Taney* to the city of Baltimore, Maryland, for use as a maritime museum and display.

Transfer of Coast Guard Cutter Taney.

Sept. 25, 1986—Referred to House Committee on Merchant Marine and Fisheries.

Oct. 1, 1986—Ordered reported.

Oct. 6, 1986—Reported to the House by House Committee on Merchant Marine and Fisheries (H. Rept. 99-969).

Oct. 6, 1986—Passed the House by voice vote *(H9227)*.

Oct. 6, 1986—Received in the Senate and placed on the Calendar.

Oct. 15, 1986—Passed the Senate by voice vote *(S16313)*.

Oct. 28, 1986—Signed by the President as Public Law 95-577.

H.J. Res. 738 (Public Law 99-500)—September 24, 1986, and (Public Law 99-591)—October 30, 1986.

Mr. Whitten: A joint resolution making continuing appropriations for the fiscal year 1987, and for other purposes.

Continuing Appropriations for Fiscal Year 1987.

Sept. 24, 1986—Rules Committee Resolution H. Res. 560 reported to House.

Sept. 24, 1986—Referred to House Committee on Appropriations.

Sept. 25, 1986—Passed the House amended on rollcall vote of 201 yeas to 200 nays *(H8483)*.

Sept. 26, 1986—Referred to Senate Committee on Appropriations.

Sept. 26, 1986—Ordered reported amended.

Sept. 26, 1986—Reported by Mr. Hatfield from the Committee on Appropriations with amendments and without written report *(S13840)*.

Sept. 29, 1986—Report filed by Mr. Hatfield from the Committee on Appropriations (S. Rept 99-500) *(S14217)*.

Oct. 3, 1986—Passed the Senate amended on rollcall vote of 82 yeas to 13 nays *(S14829)*.

Oct. 3, 1986—Senate insisted on its amendments and requested a conference and appointed the following conferees: Senators Hatfield, Stevens Weicker, McClure, Laxalt, Garn, Cochran, Andrews, Abdnor, Kasten, D'Amato, Mattingly, Rudman, Specter, Domenici, Stennis, Byrd, Proxmire, Inouye, Hollings, Chiles, Johnston, Burdick, Leahy, Sasser, DeConcini, Bumpers, Lautenberg, Harkin *(S14989)*.

Oct. 6, 1986—House disagreed to Senate amendments by unanimous consent and agreed to request for conference and appointed the following conferees: Representatives Whitten, Boland, Natcher, Smith (IA), Yates, Obey, Roybal, Bevill, Chappell, Lehman (FL), Dixon, Fazio, Hefner, Conte, McDade, Myers (IN), Miller (OH), Coughlin, Young (FL), Kemp, Regula *(H91501)*.

Oct. 7, 1986—Conferees met.

Oct. 15, 1986—Conferees agreed to file a conference report.

Oct. 15, 1986—Conference report filed in the House by Mr. Whitten (H. Rept. 99-1005).

Oct. 15, 1986—House agreed to the conference report with amendments on a rollcall vote of 235 yeas to 172 nays *(H10956, H11070)*.

Oct. 16, 1986—Senate concurred in House amendment relating to Metropolitan Washington Airports, Title VI (provisions of S. 1017 amended) *(S16679)*.

Oct. 17, 1986—Senate concurred in the House amendment to the Senate amendment with an amendment to the conference report *(S16584, S16865)*.

Oct. 17, 1986—House receded from its amendments and concurred in the Senate amendments *(H11471)*.

Oct. 18, 1986—Signed by the President as Public Law 99-500.

Oct. 30, 1986—Corrected version signed by the President as Public Law 99-591.

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Carey, James J., Federal Maritime Commission.

Colvin, Bill S., National Aeronautics and Space Administration.

Dawson, Carol Gene, Consumer Product Safety Commission.

Dennis, Patricia Diaz, Federal Communications Commission.

Dorn, Jennifer Lynn, Department of Transportation.

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Fletcher, James C., National Aeronautics and Space Administration.

Freeman, Neal B., Communications Satellite Corporation.

Gaughan, John A., Department of Transportation.

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Hale, Janet, Department of Transportation.

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CALENDAR OF NOMINATIONS

(Italic numbers in parenthesis refer to the pages of the daily edition of the Congressional Record)

COMMERCE, DEPARTMENT OF

Good, Alexander Hansen, of the District of Columbia, to be Director General of the United States and Foreign Commercial Service, vice Kenneth S. George.

Staff assigned: Macky Ayers—Minority Staff: David St. John.

Oct. 28, 1985—Jointly referred to Committee on Commerce, Science, and Transportation and Senate Committee on Banking, Housing, and Urban Affairs *(S14259)*.

Nov. 19, 1985—Joint hearing held with Senate Committee on Banking, Housing, and Urban Affairs (S. Hrg. 99-539).

Dec. 11, 1985—Approved by Committee on Banking, Housing, and Urban Affairs and reported by Mr. Garn *(S17455)*.

Dec. 12, 1985—Considered in executive session and ordered reported by Committee on Commerce, Science, and Transportation.

Dec. 12, 1985—Reported by Mr. Danforth *(S17525)*.

Dec. 16, 1985—Confirmed *(S17718)*.

Ortner, Robert, of New Jersey, to be Under Secretary of Commerce for Economic Affairs, vice Sidney Lewis Jones, resigned.

Staff assigned: Mackey Ayers—Minority Staff: Patrick Windham.

Mar. 10, 1986—Referred *(S2378)*.

Mar. 24, 1986—Hearing held (S. Hrg. 99-654).

Mar. 25, 1986—Considered in executive session and ordered reported.

Mar. 25, 1986—Reported by Mr. Danforth *(S3351)*.

July 21, 1986—Confirmed *(S9372)*.

Riggs, Douglas A., of Alaska, to be General Counsel of the Department of Commerce, vice Irving P. Margulies, resigned.

Staff assigned: Macky Ayers—Minority Staff: Cheryl Wallace.

Apr. 23, 1985—Referred *(S4656)*.

May 3, 1985—Hearing held (S. Hrg. 99-199).

May 6, 1985—Approved by the Committee and reported by Mr. Danforth *(S5416)*.

May 15, 1985—Confirmed *(S6301)*.

Sikes, Alfred C., of Missouri, to be Assistant Secretary of Commerce for Communications and Information, vice David John Markey, resigned.

Staff assigned: Macky Ayers—Minority Staff: Tom Cohen.

Feb. 19, 1986—Referred *(S1436)*.

Mar. 5, 1986—Hearing held (S. Hrg. 99-654).

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Mar. 14, 1986—Confirmed *(S2850)*.

COMMUNICATIONS SATELLITE CORPORATION

Freeman, Neal B., of Virginia, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1988 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: Tom Cohen.

Sept. 17, 1985—Referred *(S11641)*.

Oct. 23, 1985—Hearing held (S. Hrg. 99-561).

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

Nov. 18, 1985—Confirmed *(S15732)*.

James E. Pendleton, of Connecticut, to be a Member of the Board of Directors of the Communications Satellite Corporate until the date of the annual meeting of the Corporation in 1989 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: Tom Cohen.

Sept. 26, 1986—Referred *(S13862)*.

Oct. 18, 1986—Nomination returned to the President under provisions of Rule XXXI of the Standing Rules of the Senate.

McManus, Michael A., Jr., of New York, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1987, vice Robert M. Garrick, term expired.

Staff assigned: Macky Ayers—Minority Staff: Tom Cohen.

Sept. 16, 1985—Referred *(S11549)*.

Oct. 23, 1985—Hearing held (S. Hrg. 99-561).

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

Nov. 18, 1985—Confirmed *(S15732)*.

CONSUMER PRODUCT SAFETY COMMISSION

Dawson, Carol Gene, of Virginia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 1985, vice Samuel D. Zagoria, resigned.

Staff assigned: Macky Ayers—Minority Staff: Loretta Dunn.

Jan. 3, 1985—Referred *(S45)*.

Mar. 5, 1985—Hearing held (S. Hrg. 99-199).

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921)*.

Mar. 18, 1985—Confirmed *(S3074)*.

Dawson, Carol Gene, of Virginia, to be a Commissioner of the Consumer Product Safety Commission for a term of 7 years from October 27, 1985 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: Loretta Dunn.

Sept. 9, 1985—Referred *(S11105)*.

Oct. 24, 1985—Hearing held (S. Hrg. 99-561).

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

Nov. 21, 1985—Confirmed *(S16157)*.

Graham, Anne, of Virginia, to be a Commissioner of the Consumer Product Safety Commission for a term of 7 years from October 27, 1984, vice Nancy Harvey Steorts, resigned.

Staff assigned: Macky Ayers—Minority Staff: Loretta Dunn.

July 8, 1985—Referred *(S9086)*.

Sept. 10, 1985—Hearing held (S. Hrg. 99-558).

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

Dec. 17, 1985—Confirmed *(S17734)*.

Scanlon, Terrence M., of the District of Columbia, to be Chairman of the Consumer Product Safety Commission, vice Nancy Harvey Steorts, resigned, to which position he was appointed during the recess of the Senate from October 12, 1984, until January 3, 1985.

Staff assigned: Macky Ayers—Minority Staff: Loretta Dunn.

July 8, 1985—Referred *(S9086)*.

Sept. 10, 1985—Hearing held (S. Hrg. 99-558).

Dec. 12, 1985—Considered in executive session and ordered reported.

Dec. 12, 1985—Reported by Mr. Danforth *(S17525)*.

Dec. 19, 1985—Senate considered and laid aside temporarily the nomination *(S18180)*.

Dec. 19, 1985—Senate gave unanimous consent for nomination to remain in Senate status quo during adjournment *(S18243)*.

July 26, 1986—Unanimous-consent agreement reached to proceed to consideration on July 15, 1986 *(S8811)*.

July 15, 1986—Confirmed on a roll call vote of 63 yeas to 33 nays *(S9070)*.

CORPORATION FOR PUBLIC BROADCASTING

Brenner, Daniel L., of the District of Columbia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1991, vice Howard A. White, term expired.

Staff assigned: Macky Ayers—Minority Staff: Tom Cohen.

Sept. 26, 1986—Referred *(S13862)*.

Oct. 2, 1986—Hearing held (S. Hrg. 99-1042).

Oct. 18, 1986—Commerce Committee discharged from further consideration by unanimous consent *(S17331)*.

Oct. 18, 1986—Confirmed *(S17331)*.

Landau, Sonia, of New York, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1991 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: Tom Cohen.

Mar. 27, 1986—Referred *(S3770)*.

Sept. 17, 1986—Hearing held (S. Hrg. 99-1042).

Oct. 18, 1986—Nomination returned to the President under provisions of Rule XXXI of the Standing Rules of the Senate.

Tate, Sheila, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1991, vice Lillie E. Herndon, term expired.

Staff assigned: Macky Ayers—Minority Staff: Tom Cohen.

Oct. 3, 1986—Referred *(S15133)*.

Oct. 18, 1986—Nomination returned to the President under provisions of Rule XXXI of the Standing Rules of the Senate.

Towery, R. Kenneth, of Texas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1991 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: Tom Cohen.

May 7, 1986—Referred *(S5594)*.

Sept. 17, 1986—Hearing held (S. Hrg. 99-1042).

Oct. 18, 1986—Commerce Committee discharged from further consideration by unanimous consent *(S17331)*.

Oct. 18, 1986—Confirmed *(S17331)*.

FEDERAL AVIATION ADMINISTRATION

Jones, Richard H., of Virginia to be Deputy Administrator of the Federal Aviation Administration, vice Michael J. Fenello, resigned.

Staff assigned: Macky Ayers—Minority Staff: Steve Palmer.

Jan. 3, 1985—Referred *(S45)*.

Feb. 20, 1985—Hearing held (S. Hrg. 99-199).

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1986—Reported by Mr. Danforth *(S2921)*.

Mar. 18, 1985—Confirmed *(S3074)*.

FEDERAL COMMUNICATIONS COMMISSION

Dennis Patrica Diaz, of Virginia to be a Member of the Federal Communications Commission for the unexpired terms of 7 years from July 1, 1980, vice Henry M. Rivera, resigned.

Staff assigned: Macky Ayers—Minority Staff: Tom Cohen.

Mar. 12, 1986—Referred *(S2580)*.

Apr. 9, 1986—Hearing held (S Hrg. 99-645).

June 12, 1986—Considered in executive session and ordered reported.

June 12, 1986—Reported by Mr. Danforth *(S7416)*.

June 13, 1986—Confirmed *(S7515)*.

Patrick, Dennis R., of the District of Columbia, to be a Member of the Federal Communications Commission for a term of 7 years from July 1, 1985 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: Tom Cohen.

June 3, 1985—Referred *(S7296)*.

July 11, 1985—Hearing held (S. Hrg. 99-344).

July 18, 1985—Considered in executive session and ordered reported.

July 18, 1985—Reported by Mr. Danforth *(S9738)*.

July 19, 1985—Confirmed *(S9820)*.

FEDERAL MARITIME COMMISSION

Carey, James J. of Illinois, to be a Federal Maritime Commissioner for the term expiring June 30, 1990 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: John Hardy.

Nov. 1, 1985—Referred *(S14712)*

Dec. 12, 1985—Considered in executive session and ordered reported.

Dec. 12, 1985—Reported by Mr. Danforth *(S17525)*.

Dec. 16, 1985—Confirmed *(S17718)*.

Hickey, Edward V., Jr., of Virginia, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1986, vice Alan Green, Jr., resigned.

Staff assigned: Macky Ayers—Minority Staff: John Hardy.

Sept. 9, 1985—Referred *(S11105)*.

Oct. 17, 1985—Hearing held (S. Hrg. 99-561).

Oct. 31, 1985—Approved by the Committee and reported by Mr. Danforth *(S14551)*.

Nov. 4, 1985—Confirmed *(S14765)*.

Hickey, Edward V., Jr., of Virginia to be a Federal Maritime Commissioner for the term expiring June 30, 1991 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: John Hardy.

May 12, 1986—Referred *(S5797)*.

June 25, 1986—Considered in executive session and ordered reported.

June 25, 1986—Reported by Mr. Danforth *(S8514)*.

June 26, 1986—Confirmed *(S8668)*.

Ivancie, Francis J., of Oregon, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1987, vice Robert Setrakian, resigned.

Staff assigned: Macky Ayers—Minority Staff: John Hardy.

Sept. 9, 1985—Referred *(S11105)*.

Oct. 17, 1985—Hearing held (S. Hrg. 99-561).

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

Nov. 18, 1985—Confirmed *(S15732)*.

Philbin, Edward J., of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1989, vice James V. Day, resigned.

Staff assigned: Macky Ayers—Minority Staff: John Hardy.

Jan. 3, 1985—Referred *(S45)*

Mar. 6, 1985—Hearing held (S. Hrg. 99-199).

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921)*.

Mar. 18, 1985—Confirmed *(S3074)*.

FEDERAL TRADE COMMISSION

Azcuenaga, Mary L., of the District of Columbia, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1984, vice Michael Pertschuk, resigned.

Staff assigned: Macky Ayers—Minority Staff: Amy Bondurant.

Jan. 3, 1985—Referred *(S45)*.

Mar. 5, 1985—Hearing held (S. Hrg. 99-199).

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921)*.

Mar. 18, 1985—Confirmed *(S3074)*.

Oliver, Daniel, of Connecticut, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1981, vice James C. Miller III.

Staff assigned: Macky Ayers—Minority Staff: Amy Bondurant.

Dec. 18, 1985—Referred *(S17920)*.

Dec. 19, 1985—Senate gave unanimous consent for nomination to remain status quo during adjournment *(S18243)*.

Feb. 25, 1986—Hearings held (S. Hrg. 99-632).

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Apr. 16, 1986—Confirmed *(S4376)*.

Strenio, Andrew John, Jr., of Maryland, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1982, vice George W. Douglas, resigned.

Staff assigned: Macky Ayers—Minority Staff: Amy Bondurant.

Jan. 27, 1986—Referred *(S349)*.

Feb. 25, 1986—Hearing held (S. Hrg. 99-632).

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Mar. 14, 1986—Confirmed *(S2849)*.

INTERSTATE COMMERCE COMMISSION

Lamboley, Paul H., of Nevada, to be a Member of the Interstate Commerce Commission for a term expiring December 31, 1989 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: Linda Morgan.

Dec. 19, 1985—Referred *(S18191)*.

Dec. 19, 1985—Senate gave unanimous consent for nomination to remain status quo during adjournment *(S18243)*.

Mar. 7, 1986—Hearing held (S. Hrg. 99-654).

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Mar. 14, 1986—Confirmed *(S2850)*.

Simmons, J. J. III, of Oklahoma, to be a Member of the Interstate Commerce Commission for a term expiring December 31, 1990 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: Linda Morgan.

Jan 22, 1986—Referred *(S232)*.

Mar. 7, 1986—Hearing held (S. Hrg. 99-654).

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Mar. 14, 1986—Confirmed *(S2850)*.

Taylor, Reese H., Jr., of Nevada, to be a Member of the Interstate Commerce Commission for a term expiring December 31, 1985 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: Linda Morgan.

Jan. 3, 1985—Referred *(S44)*.

Oct. 18, 1986—Nomination returned to the President under provisions of Rule XXXI of the Standing Rules of the Senate.

Note: Served through Dec. 31, 1985. Position abolished when ICC membership reduced to 5 effective January 1986.

MARINE MAMMAL COMMISSION

Elsner, Robert, of Alaska, to be a Member of the Marine Mammal Commission for the term expiring May 13, 1987, vice Robert B. Weeden, term expired.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Jan. 3, 1985—Referred *(S45)*.

Oct. 9, 1985—Hearing held (S. Hrg. 99-561).

Dec. 12, 1985—Considered in executive session and ordered reported.

Dec. 12, 1985—Reported by Mr. Danforth *(S17525)*.

Dec. 16, 1985—Confirmed *(S17718)*.

Pryor, Karen, of Washington, to be a Member of the Marine Mammal Commission for the term expiring May 13, 1986, vice Donald Kenneth MacCallum, term expired.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Jan. 3, 1985—Referred *(S45)*.

Oct. 9, 1985—Hearing held (S. Hrg. 99-561).

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

. Nov. 18, 1985—Confirmed *(S15732)*.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Colvin, Bill D., of Virginia, to be Inspector General, National Aeronautics and Space Administration, vice June Gibbs Brown, resigned.

Staff assigned: Macky Ayers—Minority Staff: Marty Kress.

July 23, 1985—Referred to the Committee on Commerce, Science, and Transportation and, when and if reported, to the Committee on Governmental Affairs for not to exceed 20 days *(S9912)*.

Sept. 16, 1985—Hearing held (S. Hrg. 99-558).

Sept. 24, 1985—Considered in executive session and ordered reported.

Sept. 24, 1985—Reported by Mr. Danforth *(S12034)*.

Oct. 2, 1985—Reported by Mr. Roth of the Committee on Governmental Affairs *(S12491)*.

Oct. 16, 1985—Confirmed *(S13376)*.

Fletcher, James C., of Virginia, to be Administrator of the National Aeronautics and Space Administration, vice James Montgomery Beggs, resigned.

Staff assigned: Macky Ayers—Minority Staff: Marty Kress.

Apr. 16, 1986—Referred *(S4422)*.

Apr. 23, 1986—Hearing held (S. Hrg. 99-728).

Apr. 30, 1986—Considered in executive session and ordered reported.

Apr. 30, 1986—Reported by Mr. Danforth *(S5094)*.

May 1, 1986—Unanimous-consent agreement was reached providing for the consideration of the nomination *(S5256)*.

May 5, 1986—Senate began consideration *(S5272)*.

May 6, 1986—Confirmed on a rollcall vote of 89 yeas to 9 nays *(S5357)*.

Graham, William Robert, of California, to be Deputy Administrator of the National Aeronautics and Space Administration, vice Hans Michael Mark, resigned.

Staff assigned: Macky Ayers—Minority Staff: Marty Kress.

Sept. 16, 1985—Referred *(S11549)*.

Oct. 3, 1985—Hearing held (S. Hrg. 99-561).

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

Nov. 18, 1985 Confirmed *(S15732)*.

Myers, Dale D., of California, to be Deputy Administrator of the National Aeronautics and Space Administration, vice William Robert Graham.

Staff assigned: Macky Ayers—Minority Staff: Tom Cohen.

Sept. 12, 1986—Referred *(S12595)*.

Sept. 22, 1986—Hearing held (S. Hrg. 99-1042).

Sept. 24, 1986—Considered in executive session and ordered reported.

Sept. 24, 1986—Reported by Mr. Danforth *(S13602)*.

Oct. 1, 1986 Confirmed *(S14459)*.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Calio, Anthony J., of Maryland, to be Administrator of the National Oceanic and Atmospheric Administration, vice John V. Byrne, resigned.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

July 17, 1985—Referred *(S9698)*.

Aug. 1, 1985—Hearing held (S. Hrg. 99-344).

Sept. 11, 1985—Considered in executive session and ordered reported.

Sept. 11, 1985—Reported by Mr. Danforth *(S11268)*.

Oct. 4, 1985 Confirmed *(S12687)*.

Hull, Rear Adm. Wesley V., NOAA, to the grade of rear admiral while serving as Director, Charting and Geodetic Services, National Oceanic and Atmospheric Administration.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Sept. 23, 1986—Referred *(S13362)*.

Oct. 18, 1986—Commerce Committee discharged from further consideration by unanimous consent *(S17331)*.

Oct. 18, 1986 Confirmed *(S17331)*.

Mack, James Curtis, II, of California, to be Deputy Administrator of the National Oceanic and Atmospheric Administration, vice Anthony J. Calio.

Staff assigned: Macky Ayers—Minority Staff: Michael Nussman.

Oct. 16, 1985—Referred *(S13367)*.

Nov. 5, 1985—Hearing held (S. Hrg. 99-538).

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

Nov. 18, 1986—Confirmed *(S15732)*.

Moran, Rear Adm. Francis D., National Oceanic and Atmospheric Administration, to be Director of the Commissioned Officer Corps, National Oceanic and Atmospheric Administration, vice Rear Adm. Kelly E. Taggert.

Staff assigned: Macky Ayers—Minority staff: Mike Nussman.

June 19, 1986—Referred *(S8026)*.

July 23, 1986—Considered in executive session and ordered reported.

July 23, 1986—Reported by Mr. Danforth *(S9567)*.

July 24, 1986—Confirmed *(S9625)*.

The following for permanent appointment to the grade of rear admiral in the National Oceanic and Atmospheric Administration: Charles K. Townsend.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Jan. 21, 1985—Referred *(S426)*.

Feb. 22, 1985—Approved by the Committee and ordered reported.

Feb. 25, 1985—Reported by Mr. Danforth *(S2060)*.

Feb. 28, 1985—Confirmed *(S2439)*.

Sundry nominations for the appointment of officers in the National Oceanic and Atmospheric Administration (beginning with Michael R. Johnson).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Jan. 21, 1985—Referred Total: 20 *(S426)*.

Feb. 22, 1985—Approved by the Committee and ordered reported.

Feb. 25, 1985—Reported by Mr. Danforth *(S2060)*.

Feb. 28, 1985—Confirmed *(S2440)*.

Sundry nominations for the appointment of officers in the National Oceanic and Atmospheric Administration (beginning with Thomas E. Gerish).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

July 25, 1985—Referred. Total: 75 *(S10123)*.

July 30, 1985—Approved by the Committee and reported by Mr. Danforth *(S10416)*.

July 31, 1985—Confirmed *(S10612)*.

Sundry nominations for the appointment of officers in the National Oceanic and Atmospheric Administration (beginning with Richard B. Koehler).

Staff assigned: Macky Ayers—Minority Staff: Michael Nussman.

Sept. 24, 1986—Referred. Total: 42 *(S13533)*.

Oct. 18, 1,986—Commerce Committee discharged from further consideration by unanimous consent *(S17331)*.

Oct. 18, 1986—Confirmed *(S17331)*.

NATIONAL TRANSPORTATION SAFETY BOARD

Burnett, James Eugene, Jr. of Arkansas, to be a Member of the National Transportation Safety Board for the term expiring December 31, 1990 (reappointment).

Staff assigned: Macky Ayers—Minority Staff: Steve Palmer.

Feb. 26, 1986—Referred *(S1709)*.

Mar. 24, 1986—Hearing held (S. Hrg. 99-654).

Mar. 25, 1986—Considered in executive session and ordered reported.

Mar. 25, 1986—Reported by Mr. Danforth *(S3351)*.

Mar. 27, 1986—Confirmed *(S3769)*.

Burnett, James Eugene, Jr. of Arkansas, to be Chairman of the National Transportation Safety Board for a term of 2 years (reappointment).

Staff assigned: Macky Ayers—Minority Staff: Steve Palmer.

July 15, 1986—Referred *(S9090)*.

July 22, 1986—Hearing held (S. Hrg. 99-825).

Aug. 7, 1986—Considered in executive session and ordered reported.

Aug. 7, 1986—Reported by Mr. Danforth *(S10747)*.

Aug. 11, 1986—Confirmed *(S11279)*.

Grose, Vernon L., of California, to be a Member of the National Transportation Safety Board for the term expiring December 31, 1987, vice Francis H. McAdams, term expired.

Staff assigned: Macky Ayers—Minority Staff: Steve Palmer.

Jan. 3, 1985—Referred *(S44)*.

Oct. 22, 1985—Hearing held (S. Hrg. 99-561).

Dec. 19, 1985—Senate gave unanimous consent for nomination to remain status quo during adjourment *(S18243)*.

Jan. 21, 1986—Nomination withdrawn *(S52)*.

Hill, Kenneth John, of Virginia, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1986, vice Donald D. Engen, resigned.

Staff assigned: Macky Ayers—Minority Staff: Steve Palmer.

Sept. 23, 1985—Referred *(S11961)*.

Oct. 22, 1985—Hearing held (S. Hrg. 99-561).

Dec. 19, 1985—Nomination returned to the President under provisions of Rule XXXI of the Standing Rules of the Senate *(S18243)*.

Hill, Kenneth John, of Virginia, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1986, vice Donald D. Engen, resigned.

Staff assigned: Macky Ayers—Minority Staff: Steve Palmer.

Jan. 22, 1986—Referred *(S232)*.

Mar. 25, 1986—Considered in executive session and failed to approve for reporting.

Apr. 24, 1986—Nomination withdrawn *(S4895)*.

Lauber, John K., of California to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1989, vice George Herbert Patrick Bursley, term expired.

Staff assigned: Macky Ayers—Minority Staff: Steve Palmer.

Sept. 23, 1985—Referred *(S11961)*.

Oct. 22, 1985—Hearing held (S. Hrg. 99-561).

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1986—Reported by Mr. Danforth *(S15634)*.

Nov. 18, 1985—Confirmed *(S15732)*.

Nall, Joseph Trippe, of North Carolina, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1987, vice Vernon L. Grose.

Staff assigned: Macky Ayers—Minority Staff: Steve Palmer.

Mar. 3, 1986—Referred *(S1940)*.

Mar. 24, 1986—Hearing held (S. Hrg. 99-654).

Mar. 25, 1986—Considered in executive session and ordered reported.

Mar. 25, 1986—Reported by Mr. Danforth *(S3351)*.

Mar. 27, 1986—Confirmed *(S3769)*.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Graham, William R., of California, to be Director of the Office of Science and Technology Policy, vice George A. Keyworth II, resigned.

Staff assigned: Macky Ayers—Minority Staff: Patrick Windham.

Aug. 8, 1986—Referred *(S10877)*.

Sept. 11, 1986—Hearing held (S. Hrg. 99-1042).

Sept. 24, 1986—Considered in executive session and ordered reported.

Sept. 24, 1986—Reported by Mr. Danforth *(S13602)*.

Oct. 1, 1986—Confirmed *(S14459)*.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

McKenna, Leo C., of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, vice Jacob L. Bernheim.

Staff assigned: Macky Ayers—Minority Staff: Michael Nussman.

July 19, 1985—Referred *(S9820)*.

Sept. 24, 1985—Considered in executive session and ordered reported.

Sept. 24, 1985—Reported by Mr. Danforth *(S12034)*.

Oct. 16, 1985—Confirmed *(S13376)*.

TRANSPORTATION, DEPARTMENT OF

Dorn, Jennifer Lynn, of Maryland, to be Associate Deputy Secretary of Transportation, new position.

Staff assigned: Macky Ayers—Minority Staff: David St. John.

Oct. 17, 1985—Referred *(S13527)*.

Nov. 8, 1985—Hearing held (S. Hrg. 99-538).

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

Nov. 18, 1985—Confirmed *(S15732)*.

Gaughan, John A., of Maryland, to be Administrator of the Maritime Administration, vice Harold E. Shear, resigned.

Staff assigned: Macky Ayers—Minority Staff: John Hardy.

Sept. 23, 1985—Referred *(S11961)*.

Oct. 17, 1985—Hearing held (S. Hrg. 99-561).

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

Nov. 18, 1985—Confirmed *(S15732)*.

Hale, Janet, of Massachusetts, to be an Assistant Secretary of Transportation, vice Donald Allan Derman.

Staff assigned: Macky Ayers—Minority Staff: Steve Palmer.

Jan. 21, 1986—Referred *(S46)*.

Mar. 7, 1986—Hearing held (S. Hrg. 99-654).

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Mar. 14, 1986—Confirmed *(S2850)*.

Hillings, Jennifer Ann, of California, to be an Assistant Secretary of Transportation, vice Mari Maseng, resigned.

Staff assigned: Macky Ayers—Minority Staff: David St. John.

June 13, 1985—Referred *(S8197)*.

July 17, 1985—Hearing held (S. Hrg. 99-344).

July 18, 1985—Considered in executive session and ordered reported.

July 18, 1985—Reported by Mr. Danforth *(S9738)*.

July 19, 1985—Confirmed *(S9820)*.

Melchner, John W., of Maryland, to be Inspector General, Department of Transportation, vice Joseph P. Welsch, resigned.

Staff assigned: Macky Ayers—Minority Staff: David St. John.

July 30, 1986—Referred to Committee on Commerce, Science, and Transportation, and if and when reported, referred to the Committee on Governmental Affairs for not to exceed 20 calendar days *(S9923)*.

Sept. 11, 1986—Hearing held (S. Hrg. 99-1042).

Sept. 24, 1986—Considered in executive session and ordered reported.

Sept. 24, 1986—Reported by Mr. Danforth *(S13602)*.

Sept. 24, 1986—Referred to Committee on Governmental Affairs pursuant to order of July 30, 1986.

Oct. 2, 1986—Ordered reported by Committee on Governmental Affairs.

Oct. 2, 1986—Reported by Mr. Roth from Committee on Governmental Affairs *(S14791)*.

Oct. 8, 1986—Confirmed *(S15654)*.

Range, Rebecca Gernhardt, of the District of Columbia, to be an Assistant Secretary of Transportation, vice Charles G. Hardin, resigned.

Staff assigned: Macky Ayers—Minority Staff: David St. John.

June 24, 1985—Referred *(S8705)*.

July 17, 1985—Hearing held (S. Hrg. 99-344).

July 18, 1985—Considered in executive session and ordered reported.

July 18, 1985—Reported by Mr. Danforth *(S9738)*.

July 19, 1985—Confirmed *(S9820)*.

UNITED STATES COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of commodore:

Capt. Robert L. Johanson, USCG; Capt. William F. Merlin, USCG; Capt. Arnold B. Beran, USCG; Capt. Peter J. Rots, USCG; Capt. Thomas T. Matteson, USCG.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Jan. 3, 1985—Referred *(S46)*.

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921)*.

Mar. 18, 1985—Confirmed *(S3074)*.

The following named commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain (beginning with William H. Maddox, Jr.).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Jan. 21, 1985—Referred *(S426)*.

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921)*.

Mar. 18, 1985—Confirmed *(S3074)*.

The following regular officers of the U.S. Coast Guard for promotion to the grade of commander (beginning with Dennis C. Foresman).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Jan. 23, 1985—Referred *(S717)*.

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921)*.

Mar. 18, 1985—Confirmed *(S3074)*.

The following regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant commander (beginning with Roman T. Lewandowski, Jr.):

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Jan. 23, 1985—Referred *(S717)*.

Mar. 8. 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921)*.

Mar. 18, 1985—Confirmed *(S3074)*.

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of captain:

Robert N. Ross, Jr.; Donald E. Jenkins; Charles L. Rhinard; John W. Winslow.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Jan. 23, 1985—Referred *(S717).*

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921).*

Mar. 18, 1985—Confirmed *(S3074).*

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of commander:

Ronald L. Hindman.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Jan. 23, 1985—Referred *(S717).*

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921).*

Mar. 18, 1985—Confirmed *(S3074).*

The following regular officer of the U.S. Coast Guard of the permanent commissioned teaching staff on the Coast Guard Academy for promotion grade of commander:

Earl H. Potter III.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Jan. 23, 1985—Referred *(S717).*

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921).*

Mar. 18, 1985—Confirmed *(S3074).*

The following regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade) (beginning with Steven E. Morehouse).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Jan. 23, 1985—Referred *(S717).*

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921).*

Mar. 18, 1985—Confirmed *(S3074).*

The following-named lieutenant commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of commander (beginning with Ernest J. Teichert).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Feb. 8, 1985—Referred *(S1504).*

Mar. 8, 1985—Considered in executive session and ordered reported.

Mar. 14, 1985—Reported by Mr. Danforth *(S2921).*

Mar. 18, 1985—Confirmed *(S3074).*

The following-named captain of the Coast Guard Reserve to be a permanent commissioned officer in the Coast Guard Reserve in the grade of commodore:

Captain Bennett S. Sparks, USCGR.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Feb. 19, 1985—Referred *(S1504).*

Apr. 18, 1985—Considered in executive session and ordered reported.

Apr. 18, 1985—Reported by Mr. Danforth *(S4392).*

Apr. 23, 1985—Confirmed *(S4656).*

The following cadets of the U.S. Coast Guard Academy for appointment to the grade of ensign (beginning with James Adase).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Mar. 20, 1985—Referred *(S3371).*

Apr. 2, 1985—Considered in executive session and ordered reported.

Apr. 2, 1985—Reported by Mr. Danforth *(S3842).*

Apr. 3, 1985—Confirmed *(S4090).*

The following reserve officer of the U.S. Coast Guard to be a permanent commissioned officer in the grade of lieutenant commander:

Susan M. Krupanski.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Mar. 20, 1985—Referred *(S3372).*

Apr. 2, 1985—Considered in executive session and ordered reported.

Apr. 2, 1985—Reported by Mr. Danforth *(S3842).*

Apr. 3, 1985—Confirmed *(S4090).*

The following reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of lieutenant (beginning with Joseph W. Bodenstedt).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Mar. 20, 1985—Referred *(S3372).*

Apr. 2, 1985—Considered in executive session and ordered reported.

Apr. 2, 1985—Reported by Mr. Danforth *(S3842).*

Apr. 3, 1985—Confirmed (S4090).

The following reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of lieutenant (junior grade) (beginning with Kenneth O. Adamson).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Mar. 20, 1985—Referred *(S3372).*

Apr. 2, 1985—Considered in executive session and ordered reported.

Apr. 2, 1985—Reported by Mr. Danforth *(S3842).*

Apr. 3, 1985—Confirmed *(S4090).*

The following reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of chief warrant officer:

Ralph D. Looman; George F. Hillegas.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Mar. 20, 1985—Referred *(S3372).*

Apr. 2, 1985—Considered in executive session and ordered reported.

Apr. 2, 1985—Reported by Mr. Danforth *(S3842).*

Apr. 3, 1985—Confirmed *(S4090).*

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Edwin H. Daniels; Clyde T. Lusk, Jr.; James C. Irwin; Bobby F. Hollingsworth.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

May 22, 1985—Referred *(S6824).*

June 19, 1985—Considered in executive session and ordered reported.

June 19, 1985—Reported by Mr. Danforth *(S8413).*

June 20, 1985—Confirmed *(S8618).*

The following regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade) (beginning with Robert H. Carmack).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

July 22, 1985—Referred *(S9860).*

July 30, 1985—Approved by the Committee and reported by Mr. Danforth *(S10416).*

July 31, 1985—Confirmed *(S10612).*

The following permanent chief warrant officers, W-1 of the U.S. Coast Guard to be permanent chief warrant officers, W-2 (beginning with Eligio A. Sevillena).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

July 22, 1985—Referred *(S9861).*

July 30, 1985—Approved by the Committee and reported by Mr. Danforth *(S10416).*

July 31, 1985—Confirmed *(S10612).*

The following permanent chief warrant officers, W-2 of the U.S. Coast Guard to be permanent chief warrant officers, W-3 (beginning with John D. Merrill).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

July 22, 1985—Referred *(S9861).*

July 30, 1985—Approved by the Committee and reported by Mr. Danforth *(S10416).*

July 31, 1985—Confirmed *(S10612).*

The following permanent chief warrant officers, W-3 of the U.S. Coast Guard to be permanent chief warrant officers, W-4 (beginning with Ceasar A. Paras).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

July 22, 1985—Referred *(S9862).*

July 30, 1985—Approved by the Committee and reported by Mr. Danforth *(S10416).*

July 31, 1985—Confirmed *(S10612).*

The following reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of lieutenant (beginning with Thomas P. Vieten).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Sept. 16, 1985—Referred *(S11549).*

Sept. 24, 1985—Considered in executive session and ordered reported.

Sept. 24, 1985—Reported by Mr. Danforth *(S12034).*

Oct. 16, 1985—Confirmed *(S13378).*

The following regular officers to be members of the permanent commissioned teaching staff of the Coast Guard Academy as instructors in the grade of lieutenant commander:

Leonard J. Kelly; Joseph B. Egan.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Sept. 16, 1985—Referred *(S11549).*

Sept. 24, 1985—Considered in executive session and ordered reported.

Sept. 24, 1985—Reported by Mr. Danforth *(S12034).*

Oct. 16, 1985—Confirmed *(S13378).*

The following regular officer to be a member of the permanent commissioned teaching staff of the Coast Guard Academy as an instructor in the grade of lieutenant:

Robert J. Fuller.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Sept. 16, 1985—Referred (S11549).

Sept. 24, 1985—Considered in executive session and ordered reported.

Sept. 24, 1985—Reported by Mr. Danforth *(S12034).*

Oct. 16, 1985—Confirmed *(S13378).*

The following-named officer to be a permanent commissioned officer in the Coast Guard in the grade of chief warrant officer, W3, having been found fit for duty while on the temporary disability retired list:

Neal D. Shadix.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Sept. 16, 1985—Referred (S11549).

Sept. 24, 1985—Considered in executive session and ordered reported.

Sept. 24, 1985—Reported by Mr. Danforth *(S12034).*

Oct. 16, 1985—Confirmed *(S13378).*

The following regular officers of the U.S. Coast Guard for promotion to the grade of captain (beginning with Peter K. Valade).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Oct. 8, 1985—Referred *(S12861).*

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634).*

Nov. 21, 1985—Confirmed *(S16158)*.

The following regular and reserve officers of the U.S. Coast Guard for promotion to the grade of commander (beginning with Charles J. Hermann).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Oct. 8, 1985—Referred *(S12861)*.

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

Nov. 21, 1985—Confirmed *(S16158)*.

The following officers of the U.S. Coast Guard for promotion to the grade of commodore:

Capt. Richard I. Rybacki; Capt. Martin H. Daniell, Jr.; Capt. Robert T. Nelson; Capt. Marshall E. Gilbert; Capt. Joseph E. Vorback.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Oct. 21, 1985—Referred *(S13697)*.

Nov. 14, 1985—Considered in executive session and ordered reported.

Nov. 14, 1985—Reported by Mr. Danforth *(S15634)*.

Nov. 18, 1985—Confirmed *(S15732)*.

The following-named commanders of the U.S. Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain (beginning with John J. Clare):

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry.

Dec. 6, 1985—Referred *(S17128)*.

Dec. 12, 1985—Considered in executive session and ordered reported.

Dec. 12, 1985—Reported by Mr. Danforth *(S17525)*.

Dec. 16, 1985—Confirmed *(S17719)*.

The following regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant commander (beginning with Barry R. Moore):

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Dec. 9, 1985—Referred *(S17265)*.

Dec. 12, 1985—Considered in executive session and ordered reported.

Dec. 12, 1985—Reported by Mr. Danforth *(S17525)*.

Dec. 16, 1985—Confirmed *(S17719)*.

The following regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant (beginning with Terrence W. Walsh):

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Dec. 9, 1985—Referred *(S17265)*.

Dec. 12, 1985—Considered in executive session and ordered reported.

Dec. 12, 1985—Reported by Mr. Danforth *(S17525)*.

Dec. 16, 1985—Confirmed *(S17719)*.

The following temporary regular officers of the U.S. Coast Guard for permanent appointment in the grade in which serving (beginning with Maurice K. Jenkins):

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Dec. 9, 1985—Referred *(S17266)*.

Dec. 12, 1985—Considered in executive session and ordered reported.

Dec. 12, 1985—Reported by Mr. Danforth *(S17525)*.

Dec. 16, 1985—Confirmed *(S17719)*.

The following-named lieutenant commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of commander (beginning with Mark A. Revett):

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Feb. 11, 1986—Referred *(S1323)*.

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Mar. 14, 1986—Confirmed *(S2850)*.

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of captain:

Robert G. Cozzolino; Robert L. Pritchard.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Feb. 12, 1986—Referred *(S1323)*.

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Mar. 14, 1986—Confirmed *(S2850)*.

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of commander (beginning with Daniel N. Wood):

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Feb. 12, 1986—Referred *(S1323)*.

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Mar. 14, 1986—Confirmed *(S2850)*.

The following regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade) (beginning with Walter H. Beckwith, Jr.):

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Feb. 12, 1986—Referred *(S1323)*.

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Mar. 14, 1986—Confirmed *(S2850)*.

The following officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of ensign (beginning with Brian L. Dunn):

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Feb. 12, 1986—Referred *(S1323)*.

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Mar. 14, 1986—Confirmed *(S2850)*.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Edward Nelson, Jr., Clyde E. Robbins; Theodore J. Wojnar; Arnold M. Danielson; Howard B. Thorsen.

Staff assigned: Macky Ayers—Minority Staff: Mike Nussman

Feb. 21, 1986—Referred *(S1531)*.

Mar. 13, 1986—Considered in executive session and ordered reported.

Mar. 13, 1986—Reported by Mr. Danforth *(S2660)*.

Mar. 14, 1986—Confirmed *(S2850)*.

Pursuant to the provisions of 14 U.S.C. 729, the following-named captain of the Coast Guard Reserve to be a permanent commissioned officer in the Coast Guard Reserve in the grade of rear admiral, lower half:

Daniel J. Murphy

Staff assigned: Macky Ayers—Minority Staff: Mike Nussman

Mar. 3, 1986—Referred *(S1940)*.

Mar. 25, 1986—Considered in executive session and ordered reported.

Mar. 25, 1986—Reported by Mr. Danforth *(S3351)*.

Mar. 27, 1986—Confirmed *(S3769)*.

The following cadets of the U.S. Coast Guard Academy for appointment to the grade of ensign (beginning with Douglas W. Anderson):

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Mar. 12, 1986—Referred *(S2580)*.

Mar. 25, 1986—Considered in executive session and ordered reported.

Mar. 25, 1986—Reported by Mr. Danforth *(S3351)*.

Mar. 27, 1986—Confirmed *(S3769)*.

Yost, Vice Admiral Paul A., Jr., U.S. Coast Guard, to be commandant, U.S. Coast Guard for a term of 4 years with the grade of admiral while so serving.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Mar. 18, 1986—Referred *(S2971)*.

May 16, 1986—Hearing held (S. Hrg. 99-825).

May 20, 1986—Considered in executive session and ordered reported.

May 20, 1986—Reported by Mr. Danforth *(S6213)*.

May 21, 1986—Confirmed *(S6344)*.

Thompson, Rear Admiral Donald C., U.S. Coast Guard, to be the commander, U.S. Coast Guard Atlantic area with the grade of vice admiral while so serving.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Apr. 8, 1986—Referred *(S3902)*.

May 20, 1986—Considered in executive session and ordered reported.

May 20, 1986—Reported by Mr. Danforth *(S6213)*.

May 21, 1986—Confirmed *(S6344)*.

Irwin, Rear Admiral James C., U.S. Coast Guard to be the vice commandant, U.S. Coast Guard with the grade of vice admiral while so serving.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Apr. 18, 1986—Referred *(S4546)*.

May 16, 1986—Hearing held (S. Hrg. 99-825).

May 20, 1986—Considered in executive session and ordered reported.

May 20, 1986—Reported by Mr. Danforth *(S6213)*.

May 21, 1986—Confirmed *(S6344)*.

The following officers of the U.S. Coast Guard for promotion to the grade of rear admiral (lower half):

Capt. George D. Passmore, Jr., USCG; Capt. Ernest B. Acklin, Jr., USCG.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

Apr. 18, 1986—Referred *(S4546)*.

June 3, 1986—Considered in executive session and ordered reported.

June 3, 1986—Reported by Mr. Danforth *(S6604)*.

June 6, 1986—Confirmed *(S7046)*.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Alan D. Breed; John W. Kime; Robert L. Johanson.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

May 7, 1986—Referred *(S5594)*.

June 19, 1986—Considered in executive session and ordered reported.

June 19, 1986—Reported by Mr. Danforth *(S7987)*.

June 24, 1986—Confirmed *(S8308)*.

The following reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of lieutenant commander:

Alan R. Dujenski; Tom R. Wilson.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

May 12, 1986—Referred *(S5797)*.

May 20, 1986—Considered in executive session and ordered reported.

May 20, 1986—Reported by Mr. Danforth *(S6213)*.

May 21, 1986—Confirmed *(S6345)*.

The following reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of lieutenant:

Robert G. Lambourne; Bruce E. Leek; Raymond J. Miller; Paul L. Newman; Daniel A. Swedenborg.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

May 12, 1986—Referred *(S5797)*.

May 20, 1986—Considered in executive session and ordered reported.

May 20, 1986—Reported by Mr. Danforth *(S6213)*.

May 21, 1986—Confirmed *(S6345)*.

The following reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of lieutenant (junior grade) (beginniing with Stephen D. Austin).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

May 12, 1986—Referred *(S5797)*.

May 20, 1986—Considered in executive session and ordered reported.

May 20, 1986—Reported by Mr. Danforth *(S6213)*.

May 21, 1986—Confirmed *(S6345)*.

The following regular officer to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy as an instructor in the grade of lieutenant commander:

Ronald A. Nilsen.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

May 12, 1986—Referred *(S5797)*.

May 20, 1986—Considered in executive session and ordered reported.

May 20, 1986—Reported by Mr. Danforth *(S6213)*.

May 21, 1986—Confirmed *(S6345)*.

The following-named officers to be permanent commissioned officers in the Coast Guard having been found fit for duty while on the temporary disability retired list in the grade of chief warrant officer, W-2:

Raymond J. Cox.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

May 12, 1986—Referred *(S5797)*.

May 20, 1986—Considered in executive session and ordered reported.

May 20, 1986—Reported by Mr. Danforth *(S6213)*.

May 21, 1986—Confirmed *(S6345)*.

The following-named officers to be permanent commissioned officers in the Coast Guard having been found fit for duty while on the temporary disability retired list in the grade of chief warrant officer, W-4:

Robert S. Samuelson.

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

May 12, 1986—Referred *(S5797)*.

May 20, 1986—Considered in executive session and ordered reported.

May 20, 1986—Reported by Mr. Danforth *(S6213)*.

May 21, 1986—Confirmed *(S6344)*.

The following permanent chief warrant officers, W-3 of the U.S. Coast Guard to be permanent chief warrant officer, W-4 (beginning with Howard F. Wirt).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

July 14, 1986—Referred *(S9042)*.

July 23, 1986—Considered in executive session and ordered reported.

July 23, 1986—Reported by Mr. Danforth *(S9568)*.

July 24, 1986—Confirmed *(S9625)*.

The following permanent chief warrant officers, W-2 of the U.S. Coast Guard to be permanent chief warrant officer, W-3 (beginning with Otto Havens).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

July 14, 1986—Referred *(S9042)*.

July 23, 1986—Considered in executive session and ordered reported.

July 23, 1986—Reported by Mr. Danforth *(S9568)*.

July 24, 1986—Confirmed *(S9625)*.

The following permanent chief warrant officers, W-1 of the U.S. Coast Guard to be permanent chief warrant officer, W-2 (beginning with Jack N. Davies).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

July 14, 1986—Referred *(S9043)*.

July 23, 1986—Considered in executive session and ordered reported.

July 23, 1986—Reported by Mr. Danforth *(S9568)*.

July 24, 1986—Confirmed *(S9526)*.

The following regular named officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade) (beginning with Brian R. Aldrich).

Staff assigned: Macky Ayers—Minority Staff: Jim Drewry

July 22, 1986—Referred *(S9517)*.

Aug. 7, 1986—Considered in executive session and ordered reported.

Aug. 7, 1986—Reported by Mr. Danforth *(S10747)*.

Aug. 9, 1986—Confirmed *(S11117)*.

The following regular officers of the U.S. Coast Guard for promotion to the grade of captain (beginning with James A. Sanial, Jr.).

Staff assigned: Macky Ayers—Minority Staff: Michael Nussman

Sept. 23, 1986—Referred *(S13362)*.

Oct. 18, 1986—Commerce Committee discharged from further consideration by unanimous consent *(S17331)*.

Oct. 18, 1986—Confirmed *(S17331)*.

The following reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of lieutenant commander.

Don M. Wrye.

Staff assigned: Macky Ayers—Minority Staff: Michael Nussman

Sept. 23, 1986—Referred *(S13362)*

Oct. 18, 1986—Commerce Committee discharged from further consideration by unanimous consent (S17331).

Oct. 18 1986—Confirmed *(S17331)*.

The following reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of lieutenant:

George M. Flood; Donald L. Gaskill; Laroy E. Cadiz.

Staff Assigned: Macky Ayers—Minority Staff: Michael Nussman

Sept. 23, 1986—Referred *(S13362)*.

Oct. 18, 1986—Commerce Committee discharged from further consideration by unanimous consent *(S17331)*.

Oct. 18, 1986—Confirmed *(S17331)*.

The following reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of chief warrant officer:

John N. Herlong; Raymond J. Leyko.

Staff Assigned: Macky Ayers—Minority Staff: Michael Nussman

Sept. 23, 1986—Referred *(S13362)*.

Oct. 18, 1986—Commerce Committee discharged from further consideration by unanimous consent *(S17331)*.

Oct. 18, 1986—Confirmed *(S17331)*.

The following-named officer permanent commissioned officer in the U.S. Coast Guard having been found fit for duty while on the temporary disability retired list in the grade of lieutenant commander:

William A. Danner.

Staff Assigned: Macky Ayers—Minority Staff: Michael Nussman

Sept. 23, 1986—Referred *(S13362)*.

Oct. 18, 1986—Commerce Committee discharged from further consideration by unanimous consent *(S17331)*.

Oct. 18, 1986—Confirmed *(S17331)*.

MEETINGS OF THE COMMITTEE—EXECUTIVE SESSIONS

MARCH 1985

March 8, 1985—Full Committee.

The Committee approved the following:

Ordered favorably reported an original resolution requesting $3,762,156 in operating expenses for the Committee for 1985;

S. 413, to extend for 5 years the authority of the Secretary of Transportation to issue war risk insurance under title XII of the Merchant Marine Act;

S. 597, to make certain technical and conforming changes to the shipping laws in title 46 of the United States Code;

The nominations of Richard H. Jones, of Virginia, to be Deputy Administrator of the Federal Aviation Administration; Edward J. Philbin, of California, to be a Member of the Federal Maritime Commission; Carol G. Dawson, of Virginia, to be a Commissioner of the Consumer Product Safety Commission; Mary L. Azcuenaga, of the District of Columbia, to be a Federal Trade Commissioner; 5 Coast Guard nominations in the rank of Commodore, and a routine list of Coast Guard nominations;

Adopted the Committee rules of procedure for the 99th Congress; and

Subcommittee assignments were approved.

APRIL 1985

April 2, 1985—Full Committee.

The Committee approved the following:

S. 259, to protect local community interests regarding the relocation of certain professional sports teams, with an amendment in the nature of a substitute;

S. 661, to designate the air traffic control tower at the Medford-Jackson County Airport, Oregon, as the "George Milligan Control Tower";

S. 813, authorizing funds for pipeline safety programs: $3,450,000 for fiscal year 1986 and $3,615,000 for fiscal year 1987 for the Natural Gas Pipeline Safety Act; $875,000 for fiscal year 1986 and $917,000 for fiscal year 1987 for the Hazardous Pipeline Safety Act; and $4,500,000 for fiscal year 1986 and $4,716,000 for fiscal year 1987 for the Natural Gas and Hazardous Liquid Pipeline Grants in Aid Programs;

An original bill authorizing $1,569,400,000 for fiscal year 1986 for the National Science Foundation;

S. 818, authorizing $21,036,000 for fiscal year 1986 for the U.S. Fire Administration and the National Fire Academy;

S. 817, authorizing funds for those Federal agencies responsible for implementing the Earthquake Hazards Reduction Act, with an amendment (as approved by the Committee, the bill authorizes $70,482,000 for fiscal year 1986 and $73,654,000 for fiscal year 1987);

S. 796, authorizing $129,656,000 for fiscal year 1986 for the National Bureau of Standards with amendments; and

A routine list of Coast Guard nominations, dated March 20, 1985.

April 18, 1985—Full Committee.

The Committee approved the following:

S. 475, to require certain information to be filed in registering the title of motor vehicles;

S. 863, to authorize funds for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, with an amendment in the nature of a substitute. As approved by the Committee, the bill authorizes $54,574,000 for fiscal year 1986 and $218,261,830 for fiscal year 1987; and

The nomination of Captain Bennett S. Sparks, to be a permanent commissioned officer in the Coast Guard Reserve in the grade of commodore.

Also, the Committee began consideration of S. 638, to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector.

April 30, 1985—Full Committee.

The Committee approved the following:

S. 638, to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector, with amendments;

S. 679, authorizing $416,951,000 for fiscal year 1986 for the Maritime Administration, Department of Transportation, and $11,940,000 for fiscal year 1986 for the Federal Maritime Commission, with an amendment in the nature of a substitute; and

S. 999, authorizing $98.1 million for fiscal year 1986 and $97.6 million for fiscal year 1987 for the Federal Communications Commission, with an amendment in the nature of a substitute.

MAY 1985

May 9, 1985—Full Committee.

The Committee approved the following:

S. 1080, authorizing funds for fiscal years 1986 and 1987 for railroad safety and the Railroad Accounting Principles Board. As approved by the Committee, the bill authorizes $27,975,000 for fiscal year 1986 and $29,094,000 for fiscal year 1987 to support railroad safety programs of the Federal Railroad Administration; authorizes $3,200,000 for fiscal year 1986 and $3,280,000 for fiscal year 1987 to those States that participate in the State Participation Program; and $1,000,000 for fiscal year 1986 and $750,000 for fiscal year 1987 for the Railroad Accounting Principles Board, with amendments;

S. 1103, authorizing $742,328,000 for fiscal year 1986 for certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, Department of Commerce;

S. 958, authorizing $68,555,000 for fiscal year 1986 and $71,639,975 for fiscal year 1987 for activities under the Magnuson Fishery Conservation and Management Act;

S. 990, authorizing $241,679,000 for fiscal year 1986 and $252,544,965 for fiscal year 1987 for ocean programs of the National Oceanic and Atmospheric Administration, Department of Commerce, with amendments;

S. 959, authorizing funds through fiscal year 1990 for the Coastal Zone Management Act. As approved by the Committee, the bill authorizes $43,205,000 for fiscal year 1986, $45,149,225 for fiscal year 1987, $47,180,940 for fiscal year 1988, $49,304,082 for fiscal year 1989, and $51,522,765 for fiscal year 1990, with amendments;

S. 1079, authorizing $13,686,000 for fiscal year 1986 and $14,345,000 for fiscal year 1987 for the National Telecommunications and Information Administration;

S. 1077, authorizing $35 million for each of fiscal years 1986 and 1987 for the Consumer Product Safety Commission, with an amendment;

S. 374, authorizing $12 million for fiscal year 1986, $13 million for fiscal year 1987, and $14 million for fiscal year 1988 for the U.S. Travel and Tourism Administration, with an amendment;

S. 1084, authorizing $200 million for fiscal year 1987, $214 million for fiscal year 1988, $228 million for fiscal year 1989, and $224 million for fiscal year 1990 for the Corporation for Public Broadcasting, and $24 million for each of fiscal years 1986, 1987, and 1988 for the Public Telecommunications Facilities Program administered by the National Telecommunications and Information Administration, Department of Commerce;

S. 1078, authorizing $65.8 million for fiscal year 1986, $66.8 million for fiscal year 1987, and $67.8 million for fiscal year 1988 for the Federal Trade Commission, with an amendment; and

S. 991, authorizing $77,710,000 for fiscal year 1986 and $80,981,950 for fiscal year 1987 for fisheries programs of the National Oceanic and Atmospheric Administration, Department of Commerce, with amendments.

May 16, 1985—Full Committee.

The Committee approved the following:

S. 63, to require certain passenger-carrying aircraft to carry medical supplies and equipment for the temporary treatment of in-flight emergencies, and to provide relief from State or Federal civil liability for any licensed medical personnel or air carrier employees who render emergency medical aid on an airplane.

Also, the Committee failed to approve for reporting S. 100, to provide for a uniform product liability law under which claimants may recover for injuries caused by defective products.

JUNE 1985

June 13, 1985—Full Committee.

The Committee approved the following:

H.R. 1714, authorizing $7,652,000,000 for fiscal year 1986 for the National Aeronautics and Space Administration, with an amendment in the nature of a substitute, and in lieu of S. 1278;

S. 1218, to provide for the revocation of an international route certificate if the certificate is being sold in liquidation of assets of an air carrier that has been the subject of a hostile takeover, with an amendment in the nature of a substitute;

S. 1279, authorizing $295 million for fiscal year ending September 30, 1985 through fiscal year 1989, to provide for the transfer of the federal land remote sensing satellite (Landsat) capability to the private sector; and

An original resolution waiving section 402(a) of the Congressional Budget Act with respect to consideration of S. 1279, listed above.

June 19, 1985— Full Committee.

The Committee approved the following:

A list of Coast Guard nominations in the rank of Rear Admiral received by the Senate on May 22.

Also, the Committee ordered reported, unfavorably, S. 721, to make exports of U.S. agricultural commodities competitive in world markets with sales of other countries by clarifying export activities of the Department of Agriculture relating to the cargo preference provisions.

JULY 1985

July 18, 1985—Full Committee.

The Committee approved the following:

H.R. 2796, authorizing $10 million from the Airport and Airway Trust Fund to improve safety and security for travelers in international aviation, with an amendment in the nature of a substitute (as approved by the Committee, the bill incorporates the text of S. 1436):

An original resolution waiving section 402(a) of the Congressional Budget Act with respect to consideration of H.R. 2796, listed above;

S. 1097, to provide for the appropriate treatment of methanol powered automobiles, with an amendment;

S. 1124, to eliminate Interstate Commerce Commission entry and rate regulation over freight forwarders and remove antitrust immunity for collective ratemaking activities in the freight forwarding industry, with an amendment in the nature of a substitute; and

The nominations of Dennis R. Patrick, of the District of Columbia, to be a Member of the Federal Communications Commission, and Rebecca G. Range, of the District of Columbia, and Jennifer A. Hillings, of California, each to be an Assistant Secretary of Transportation.

SEPTEMBER 1985

September 11, 1985—Full Committee.

The Committee approved the following:

S. 1017, to provide for the transfer of the Metropolitan Washington Airports to an independent airport authority, with an amendment in the nature of a substitute;

S. 1073, authorizing $1 million to the Office of Productivity, Technology and Assessment, Department of Commerce, to improve the availability of Japanese science and engineering literature to United States businesses, scientists, and engineers, with an amendment in the nature of a substitute;

An original resolution waiving section 402(a) of the Congressional Budget Act with respect to consideration of S. 1073, listed above; and

The nomination of Anthony J. Calio, of Maryland, to be Administrator of the National Oceanic and Atmospheric Administration.

September 24, 1985—Full Committee.

The Committee approved the following:

The nominations of Leo C. McKenna, of New York, to be a Member of the Advisory Board, St. Lawrence Seaway Development Corporation; Bill D. Colvin, of Virginia, to be Inspector General, National Aeronautics and Space Administration; and a routine list of Coast Guard nominations received by the Senate on September 16, 1985.

Also, the Committee completed consideration of and agreed on recommendations which it will make to the Committee on the Budget with respect to certain spending reductions to meet reconciliation expenditures as imposed by S. Con. Res. 32, First Budget Resolution for 1986.

The Committee voted to seek unanimous consent to have the 1985 farm bill (S. 1714) referred to the Commerce Committee for the purpose of reporting the legislation to the Senate after striking those provisions relating to cargo preference.

NOVEMBER 1985

November 14, 1985—Full Committee.

The Committee approved the following:

The nominations of Neal B. Freeman, of Virginia, to be a Member of the Board of Directors of the Communications Satellite

Corporation; Michael A. McManus, Jr., of New York, to be a Member of the Board of Directors of the Communications Satellite Corporation; Carol G. Dawson, of Virginia, to be a Commissioner of the Consumer Product Safety Commission; Ann Graham, of Virginia, to be a Commissioner of the Consumer Product Safety Commission; Francis J. Ivancie, of Oregon, to be a Commissioner of the Federal Maritime Commission; John A. Gaughan, of Maryland, to be Administrator of the Martime Administration; Karen Pryor, of Washington, to be a Member of the Marine Mammal Commission; William R. Graham, of California, to be Deputy Administrator of the National Aeronautics and Space Administration; James C. Mack II, of California, to be Deputy Administrator of the National Oceanic and Atmospheric Administration; John K. Lauber, of California, to be a Member of the National Transportation Safety Board; Jennifer L. Dorn, of Maryland, to be Associate Deputy Secretary of Transportation; 5 Coast Guard nominations in the rank of Commodore, received by the Senate on October 21, 1985, and a routine list of Coast Guard nominations received by the Senate on October 8, 1985; and

H.R. 3235, to authorize the Administrator of the National Aeronautics and Space Administration to accept title to the Mississippi Technology Transfer Center to be constructed by the State of Mississippi at the National Space Technologies Laboratories in Hancock County, Mississippi.

Also, the Committee agreed to an additional amendment which would transfer authority for regulated aircraft noise levels at National Airport from the Federal Aviation Administration to the Regional Operating Authority, to S. 1017, the Metropolitan Airports Transfer Act.

DECEMBER 1985

December 12, 1985—Full Committee.

The Committee approved the following:

The nominations of Alexander H. Good to be Director General of the U.S. and Foreign Commercial Services, Department of Commerce; James J. Carey to be a Commissioner of the Federal Maritime Commission; Robert Elsner to be a Member of the Marine Mammal Commission; Terrence M. Scanlon to be Chairman of the Consumer Product Safety Commission; and two lists of Coast Guard nominations received by the Senate on December 6, 1985, and December 9, 1985.

MARCH 1986

March 13, 1986—Full Committee.

The Committee approved the following:

H.R. 3773, to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, with an amendment in the nature of a substitute;

S. 2180, to authorize $18.3 million for fiscal year 1987 for the U.S. Fire administration and the National Fire Academy;

S. 2054, to allow the National Aeronautics and Space Administration to accept and use funds that are designated for the building of a new *Challenger* Space Shuttle, with an amendment;

S. Res. 332, to honor the *Challenger* Space Shuttle astronauts, with amendments;

S. 1966, to provide for efficient and equitable use of operating rights at certain congested airports, focusing on a new approach to allocating the Federal Aviation Administration instrument flight rule operating rights at O'Hare, JFK, La Guardia, and Washington National Airports, with an amendment in the nature of a substitute;

S. 1750, to impose and increase civil penalties for safety violations by persons engaged in commercial aircraft operations, with an amendment in the nature of a substitute;

S. 2179, to provide for reduction in the term of office of members of the Federal Communications Commission, with an amendment;

S. 186, to require the U.S. Postal Service to contract with U.S. registered vessels for international sea transportation of mail;

S. Con. Res. 95, to recognize and honor the Consumers Union for contributions made in informing, protecting, and aiding consumers;

S. Res. 298, to express support and encouragement of the Senate for the United States Disabled Ski Team at the 1986 World Disabled Ski Championships to be held in Salem, Sweden, on April 6 thrugh 17, 1986; and

The nominations of Alfred C. Sikes, of Missouri, to be Assistant Secretary of Commerce for Communications and Information; Daniel Oliver, of Connecticut, and Andrew J. Strenio, Jr., of Maryland, both to be Commissioners, Federal Trade Commission; J. J. Simmons III, of Oklahoma, and Paul H. Lamboley, of Nevada, both to be Members of the Interstate Commerce Commission; Janet Hale of Massachusetts, to be an Assistant Secretary of Transportation; Coast Guard nominations in the rank of Rear Admiral received by the Senate of February 21, 1986, and two lists of routine Coast Guard nominations received by the Senate on February 11 and 12, 1986.

March 25, 1986—Full Committee.

The Committee approved the following:

H.R. 739, to provide for the documentation of the vessel *Marilyn* as a vessel of the United States entitled to engage in coastwise trade, with an amendment in the nature of a substitute; and

The nominations of Robert Ortner, of New Jersey, to be Under Secretary of Commerce for Economic Affairs; James E. Burnett, Jr., of Arkansas, and Joseph T. Nall, of North Carolina, both to be Members of the National Transportation Safety Board; Daniel J. Murphy, U.S. Coast Guard Reserve, in the rank of Rear Admiral (lower half); and a list of routine Coast Guard nominations received by the Senate on March 12, 1986.

The Committee failed to approve for reporting the nomination of Kenneth J. Hill, of Virginia, to be a Member of the National Transportation Safety Board.

Also, the Committee began consideration of S. 2129, to make it easier for businesses, associations, professionals, governmental entities, and other organizations to form collective purchasing groups and self-insurance groups for general liability coverage, but did not complete action thereon.

March 27, 1986—Full Committee.

The Committee approved the following:

S. 2129, to make it easier for businesses, associations, professionals, governmental entities, and other organizations to form collective purchasing groups and self-insurance groups for general liability coverage, with an amendment in the nature of a substitute.

APRIL 1986

April 30, 1986—Full Committee.

The Committee approved the following:

The nomination of James C. Fletcher, of Virginia to be Administrator of the National Aeronautics and Space Administration.

MAY 1986

May 20, 1986—Full Committee.

The Committee approved the following:

The nominations of Vice Adm. Paul A. Yost, Jr., to be commandant, U.S. Coast Guard, with the grade of Admiral; Rear Adm. James C. Irwin, to be Vice Commandant, U.S. Coast Guard, with the grade of Vice Admiral; Rear Adm. Donald C. Thompson, to be Commander, U.S. Coast Guard/Atlantic Area, with the grade of Vice Admiral; and a routine list of U.S. Coast Guard nominations.

JUNE 1986

June 3, 1986—Full Committee.

The Committee approved the following:

S. Con. Res. 137, expressing the sense of the Congress that the Federal Government take immediate steps to support a national STORM program, with amendments; and

The nominations of Capt. George D. Passmore, Jr. and Capt. Ernest B. Acklin, Jr., each to be a Rear Admiral in the U.S. Coast Guard.

Also, the Committee discussed proposed legislation to provide for a uniform product liability law to conform with an alternative claim system for expedited recovery of damages by those injured by defective products (text of Amendment No., 1951 to S. 1999).

June 12, 1986—Full Committee.

The Committee approved the following:

The nomination of Patricia D. Dennis, of Virginia, to be a Member of the Federal Communications Commission; and

S. 2307, authorizing funds for the United States Travel and Tourism Administration. (As approved by the Committee, the bill authorizes $13 million for fiscal year 1987, $14 million for fiscal year 1988, and $15 million for fiscal year 1989.)

Also, the Committee resumed consideration of proposed legislation to provide for a uniform product liability law to conform with an alternative claim system for expedited recovery of damages by those injured by defective products.

June 19, 1986—Full Committee.

The Committee approved the following:

A list of Coast Guard nominations to be Rear Admiral, received by the Senate on May 7, 1986.

Also, the Committee continued consideration of proposed legislation to provide for a uniform product liability law to conform with an alternative claim system for expedited recovery of damages by those injured by defective products.

June 24, 1986—Full Committee.

The Committee considered the following:

The Committee continued consideration of proposed legislation to provide for a uniform product liability law to conform with an alternative claim system for expedited recovery of damages by those injured by defective products.

June 25, 1986—Full Committee.

The Committee approved the following:

The nomination of Edward V. Hickey, Jr., of Virginia, to be a Federal Maritime Commissioner.

Also, the Committee continued consideration of proposed legislation to provide for a uniform product liability law to conform with an alternative claim system for expedited recovery of damages by those injured by defective products.

June 26, 1986—Full Committee.

The Committee approved the following:

An original bill to provide for a uniform product liabiity law to conform with an alternative claim system for expedited recovery of damages by those injured by defective products.

JULY 1986

July 23, 1986—Full Committee.

The Committee approved the following:

S. 2664, authorizing funds for fiscal year 1987 for the National Bureau of Standards. (As approved by the Committee, the bill authorizes $124.7 million for the National Bureau of Standards, $1.7 million for the Office of Productivity, Technology, and Innovation, and $500,000 for the National Technical Information Service of the Department of Commerce);

S. 2184, authorizing funds for fiscal year 1987 for the National Science Foundation, with amendments;

H.R. 4175, authorizing $1,940,000 for the Federal Maritime Commission, and $388,193,000 for the Maritime Administration, with an amendment in the nature of a substitute;

H.R. 2935, to establish seafood marketing councils to promote and market fish and fish products in the United States, with an amendment in the nature of a substitute;

S. 2611, to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets, with amendments;

S. J. Res. 336, to express the sense of Congress on recognition of the contribution of the seven *Challenger* astronauts by supporting establishment of a Children's *Challenger* Center for Space Science;

The nomination of Rear Adm. Francis D. Moran, National Oceanic and Atmospheric Administration, to be Director of the Commissioned Officer Corps, National Oceanic and Atmospheric Administration; and

A routine list of Coast Guard nominations received by the Senate on July 14, 1986.

Also, the Committee completed consideration of and agreed on recommendations which it will make to the Committee on the Budget with respect to certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by S. Con. Res. 120, setting forth the congressional budget for the United States Government for fiscal years 1987, 1988, and 1989.

AUGUST 1986

August 7, 1986—Full Committee.

The Committee approved the following:

The nomination of James E. Burnett, Jr., of Arkansas, to be Chairman, National Transportation Safety Board;

S. 1903, to establish a national commercial driver's license, and to strengthen Federal and State efforts to detect unsafe vehicles and drivers through random roadside inspections, with an amendment in the nature of a substitute;

S. 2703, to provide that prohibition of discrimination against handicapped individuals shall apply to air carriers;

An original bill to provide uniform standards of liability for harm arising out of general aviation accidents;

S. 2708, authorizing $640.9 million for fiscal year 1987 for the atmospheric and satellite programs of the National Oceanic and Atmospheric Administration, with an amendment in the nature of a substitute;

An original bill authorizing funds for the National Transportation Safety Board. (As approved by the Committee, the bill authorizes $24 million for fiscal year 1987, $25.4 million for fiscal year 1988, and $27 million for fiscal year 1989);

S. 1935, to provide for certain vessels to be documented under laws of the United States to entitle them to engage in domestic coastwise trade, with an amendment in the nature of a substitute;

S. 2417, authorizing $2 million for fiscal year 1987 to establish the Aviation Safety Commission, with an amendment in the nature of a substitute; and

A routine list of Coast Guard nominations received by the Senate on July 22, 1986.

Also, the Committee began consideration of S. 2714, authorizing funds for the National Aeronautics and Space Administration.

August 14, 1986—Full Committee.

The Committee approved the following:

S. 2714, authorizing $7.795 billion for fiscal year 1987 for the National Aeronautics and Space Administration, with an amendment in the nature of a substitute.

SEPTEMBER 1986

September 24, 1986—Full Committee.

The Committee approved the following:

H.R. 4208, authorizing $2.513 billion for fiscal year 1987 for the U.S. Coast Guard, with an amendment in the nature of a substitute;

S. 2852, to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the Peninsula Airport Commission, Virginia; and

The nominations of William R. Graham, of California, to be Director, Office of Science and Technology Policy; Dale D. Meyers, of California, to be Deputy Administrator, National Aeronautics and Space Administration; and John W. Melchner, of Maryland, to be Inspector General, Department of Transportation.

HEARINGS ON PENDING LEGISLATION

FEBRUARY 1985

Feb. 4, 20, 1985—Full Committee.

S. 259, S. 287—Professional Sports Community Protection Act of 1985 (S. Hrg. 99-36).

MARCH 1985

Mar. 1, 1985—Full Committee, National Ocean Policy Study.

S. 516—Pacific Salmon Treaty Act of 1985 (S. Hrg. 99-25).

Mar. 21, 1985—Consumer.

S. 100—Product Liability Act (S. Hrg. 99-84).

Mar. 21, 1985—Merchant Marine.

S. 679—Maritime Administration Authorization and FMC Authorization and S. 102—Maritime Construction Differential Subsidy Authorization (S. Hrg. 99-80).

Mar. 25, 1985—Business, Trade, and Tourism.

S. 193, S. 374—U.S. Travel and Tourism Administration Authorization (S. Hrg. 99-95).

Mar. 29, 1985—Merchant Marine.

S. 679—Maritime Administration Authorization and FMC Authorization and S. 102—Maritime Construction Differential Subsidy Authorization (S. Hrg. 99-80).

MAY 1985

May 3, 1985—Full Committee, National Ocean Policy Study.

S. 959—Coastal Zone Management Act Reauthorization and S. 990—National Oceanic and Atmospheric Administration Program Support Authorization Act (S. Hrg. 99-173).

May 6, 1985—Merchant Marine.

S. 664—Competitiveness of U.S. Agricultural Exports (S. Hrg. 99-269).

May 17, 1985—Surface Transportation.

S. 1124—Surface Freight Forwarder Deregulation Act of 1985 (S. Hrg. 99-81).

May 23, 1985—Aviation.

S. 586—International Air Route Certificates (S. Hrg. 99-200).

JUNE 1985

June 12, 1985—Aviation.

S. 1218—International Air Transportation Protection Act of 1985 (S. Hrg. 99-192).

June 18, 1985—Consumer.

Amendments No. 16 and No. 100 to S. 100—The Product Liability Act (S. Hrg. 99-177).

June 20, 1985—Full Committee.

S. Res. 178, S. 1097—Auto Fuel Economy and Methanol Fueled Vehicles (S. Hrg. 99-313).

June 25, 1985—Consumer.

Amendments No. 16 and No. 100 to S. 100—The Product Liability Act (S. Hrg. 99-177).

June 26, 1985—Aviation.

S. 1017, S1110—Transfer of National and Dulles Airports (S. Hrg. 99-338).

June 27, 1985—Aviation.

S. 1321, S. 1326, S. 1343, H.R. 2796—Anti-Hijacking and Airport Security (S. Hrg. 99-290).

JULY 1985

July 11, 1985—Aviation.

S. 1017, S. 1110—Transfer of National and Dulles Airports (S. Hrg. 99-338).

July 17, 1985—Full Committee.

S. 1097, S. Res. 178—Methanol Fueled Vehicles and Automobile Fuel Economy Standards (S. Hrg. 99-313).

July 18, 1985—Full Committee.

S. 1312—Federal Communications Commission Network Acquisition Approval Act of 1985 (S. Hrg. 99-292).

July 23, 1985—Full Committee, National Ocean Policy Study.

S. 747, S. 1245, Amendment. No. 529 to S. 1245, S. 1386—Magnuson Fisheries Conservation and Management Act (S. Hrg. 99-328).

SEPTEMBER 1985

September 10, 1985—Full Committee.

S. 1310—Clean Campaign Act of 1985 (S. Hrg. 99-491).

September 12, 1985—Merchant Marine.

S. 1461—Redocumentation of Certain Vessels (S. Hrg. 99-453).

OCTOBER 1985

October 8, 1985—Full Committee.

S. 1310—Clean Campaign Act of 1985 (S. Hrg. 99-491).

October 31, 1985—Science, Technology, and Space.

S. 240, S. 1433,—Extension of Daylight Saving Time (S. Hrg. 99-380)

NOVEMBER 1985

November 15, 1985—Merchant Marine.

S. 1832, S. 1833—Establishment of Merchant Ship Revolving Fund Act (S. Hrg. 99-655).

FEBRUARY 1986

February 6, 1986—Aviation.

S. 1966—Use of Operating Rights at Congested Airports (S. Hrg. 99-746).

February 21, 1986—Surface Transportation.

S. 477—Consumer Rail Equity Act of 1986 (S. Hrg. 99-675).

February 27, 1986—Consumer.

S. 1999—Product Liability Voluntary Claims and Uniform Standards Act (S. Hrg. 99-733).

MARCH 1986

March 11, 1986—Consumer.

S. 1999—Product Liability Voluntary Claims and Uniform Standards Act (S. Hrg. 99-733).

March 20, 1986—Consumer.

S. 2129—Risk Retention Amendments of 1986 (S. Hrg. 99-722).

March 20, 1986—Merchant Marine.

S. 1832, S. 1833, S. 1885—Mariner Fund Authorization (S. Hrg. 99-655).

March 21, 1986—Merchant Marine.

S. 1992, S. 1993—Title XI Bankruptcy (S. Hrg. 99-748).

APRIL 1986

April 17, 1986—Full Committee, National Ocean Policy Study.

S. 2138 and H.R. 2935—Seafood Marketing Councils; and S. 2297—Atlantic Tunas Convention Reauthorization (S. Hrg. 99-813).

April 18, 1986—Business, Trade, and Tourism.

S. 2307—Reauthorization of U.S. Travel and Tourism Administration (S. Hrg. 99-821).

MAY 1986

May 13, 1986—Merchant Marine.

H.R. 1362—Vessel Loadline Legislation (S. Hrg. 99-841).

JUNE 1986

June 4, 1986—Merchant Marine.

S. 1929, S. 1935—Domestic Cruse Ship Industry (S. Hrg. 99-958).

JULY 1986

July 15, 1986—Full Committee.

S. 1903—Commercial Motor Vehicle Safety Act of 1985 (S. Hrg. 99-968).

July 17, 1986—Aviation.

S. 2417—Aviation Safety Commission Act of 1986 (S. Hrg. 99-921).

July 24, 1986—Merchant Marine.

S. 2662—Liner Development Act of 1986 (S. Hrg. 99-994).

SEPTEMBER 1986

September 10, 16, 1986—Full Committee.

S. 2565—Federal Telecommunications Policy Act of 1986.

OTHER HEARINGS

JANUARY 1985

Jan. 28, 1985—Science, Technology, and Space.

Briefing on NASA Space Shuttle Mission 51-A (S. Hrg. 99-5).

FEBRUARY 1985

Feb. 20, 1985—Full Committee.

Nomination of Richard Jones to be Deputy Administrator of the Federal Aviation Administration (S. Hrg. 99-199).

Feb. 21, 1985—Full Committee.

National Highway Traffic Safety Administration Authorization and Improving Highway Safety (subsequently introduced as S. 863) (S. Hrg. 99-21).

Feb. 26, 1985—Science, Technology, and Space.

NASA Authorization for Fiscal Year 1986 (subsequently introduced as S. 1278) (S. Hrg. 99-102).

Feb. 27, 28, 1985—Full Committee.

Sale of Conrail (subsequently introduced as S. 638) (S. Hrg. 99-52).

MARCH 1985

Mar. 5, 1985—Full Committee.

Nomination of Carol G. Dawson to be a Commissioner of the Consumer Product Safety Commission; and Mary L. Azcuenaga to be a Commissioner of the Federal Trade Commission (S. Hrg. 99-199).

Mar. 6, 1985—Full Committee.

Nomination of Edward J. Philbin to be a Commissioner of the Federal Maritime Commission (S. Hrg. 99-199).

Mar. 14, 1985—Full Committee.

Field Hearing held in Portland, Oregon on Ocean Freight Rates for Lumber Exports (S. 99-157).

Mar. 19, 1985—Aviation.

Airline Computer Reservation Systems (S. Hrg. 99-38).

Mar. 19, 1985—Science, Technology, and Space.

Earthquake Hazards Reduction Act (subsequently introduced as S. 817) (S. Hrg. 99-37).

Mar. 20, 1985—Communications.

Authorization and Oversight of the Federal Communications Commission (subsequently introduced as S. 999) (S. Hrg. 99-66).

Mar. 20, 1985—Science, Technology, and Space.

Authorization of the National Science Foundation (subsequently introduced as S. 903) (S. Hrg. 99-34).

Mar. 22, 1985—Science, Technology, and Space.

Authorization of NOAA Satellite and Atmospheric Programs (subsequently introduced as S. 1103) (S. Hrg. 99-86).

Mar. 25, 1985—Merchant Marine.

Fishing Vessel Safety and Insurance (S. Hrg. 99-268).

Mar. 26, 1985—Science, Technology, and Space.

Authorization of National Bureau of Standards (subsequently introduced as S. 796) (S. Hrg. 99-40).

Mar. 26, 1985—Science, Technology, and Space.

Authorization of Federal Fire Prevention and Control Act (subsequently introduced as S. 818) (S. Hrg. 99-41).

Mar. 27, 28, 1985—Science, Technology, and Space.

NASA Authorization for Fiscal Year 1986 (subsequently introduced as S. 1278) (S. Hrg. 99-102).

Mar. 28, 1985—Surface Transportation.

Reauthorization of Pipeline Safety (subsequently introduced as S. 813) (S. Hrg. 99-150).

APRIL 1985

Apr. 3, 1985—Science, Technology, and Space.

NASA Authorization for Fiscal Year 1986 (subsequently introduced as S. 1278) (S. Hrg. 99-102).

Apr. 4, 1985—Science, Technology, and Space.

NASA Authorization for Fiscal Year 1986 (open and closed sessions) (subsequently introduced as S. 1278) (S. Hrg. 99-102).

Apr. 4, 1985—Full Committee.

Sale of Conrail (S. Hrg. 99-52).

Apr. 17, 1985—Science, Technology, and Space.

Effect of New Technology on Industrial Competitiveness (S. Hrg. 99-233).

Apr. 24, 1985—Consumer.

FTC Authorization (subsequently introduced as S. 1078) (S. Hrg. 99-151).

Apr. 29, 1985—Surface Transportation.

Reauthorization of Funds for Amtrak (S. Hrg. 99-152).

MAY 1985

May 1, 1985—Communications.

National Telecommunications Information Administration Authorization (subsequently introduced as S. 1079) (S. Hrg. 99-154).

May 1, 1985—Consumer.

Consumer Product Safety Commission Reauthorization (subsequently introduced as S. 1077) (S. Hrg. 99-153).

May 24, 1985—Science, Technology, and Space.

Effect of New Technology on Industrial Competitiveness (S. Hrg. 99-233).

May 3, 1985—Full Committee.

Nomination of Douglas A. Riggs to be General Counsel of the Department of Commerce (S. Hrg. 99-199).

May 6, 1985—Surface Transportation.

Railroad Safety (subsequently introduced as S. 1080) (S. Hrg. 99-191).

JUNE 1985

June 6, 1985—Science, Technology, and Space.

Briefing on NASA Space Shuttle Mission 51-D (S. Hrg. 99-104).

June 12, 1985—Full Committee.

Sale of Conrail (Morgan Stanley Proposal) (S. Hrg. 99-227).

JULY 1985

July 1, 1985—Science, Technology, and Space.

Field Hearing held in Seattle, Washington on Technology Transfer and Economic Competitiveness (S. Hrg. 99-233).

July 11, 1985—Full Committee.

Nomination of Dennis R. Patrick to be a Member of the Federal Communications Commission (S. Hrg. 99-344).

July 17, 1985—Full Committee.

Nomination of Rebecca G. Range and Jennifer A. Hillings, each to be an Assistant Secretary of Transportation (S. Hrg. 99-344).

AUGUST 1985

August 1, 1985—Full Committee.

Nomination of Anthony J. Calio to be Administrator of the National Oceanic and Atmospheric Administration (S. Hrg. 99-344).

SEPTEMBER 1985

September 5, 1985—Communications.

Long Distance Telephone Competition (S. Hrg. 99-351).

September 9, 1985—Surface Transportation.

Oversight of the Motor Carrier Act of 1980 (S. Hrg. 99-334).

September 10, 1985—Full Committee.

Nomination of Terrence Scanlon to be Chairman of the Consumer Product Safety Commission; and Anne Graham to be a Commissioner of the Consumer Product Safety Commission (S. Hrg. 99-558).

September 11, 1985—Communications.

Long Distance Telephone Competition (S. Hrg. 99-351).

September 16, 1985—Full Committee.

Nomination of Bill D. Colvin to be Inspector General of the National Aeronautics and Space Administration (S. Hrg. 99-558).

September 19, 1985—Full Committee.

Record Labeling (S. Hrg. 99-529).

September 20, 1985—Surface Transportation.

Trucking Industry Deregulation (S. Hrg. 99-456).

September 26, 1985—Aviation.

International Airport Security and Terrorism (closed hearing) (Not Printed).

September 27, 1985—Surface Transportation.

Trucking Industry Deregulation (S. Hrg. 99-456).

OCTOBER 1985

October 1, 1985—Aviation.

Aviation Safety and Federal Aviation Administration Oversight (S. Hrg. 99-464).

October 3, 1985—Full Committee.

Nomination of William R. Graham to be Deputy Administrator of the National Aeronautics and Space Administration (S. Hrg. 99-561).

Octoberr 3, 1985—Science, Technology, and Space.

Earthquake in Mexico (S. Hrg. 99-350).

October 9, 1985—Full Committee.

Nomination of Robert Elsner and Karen Pryor, each to be a Member of the Marine Mammal Commission (S. Hrg. 99-561).

October 9, 1985—Full Committee, National Ocean Policy Study.

Oversight of Pelagic Driftnet Fisheries (subsequently introduced as S. 2611) (S. Hrg. 99-562).

October 10, 1985—Merchant Marine.

Fishing Vessel Safety and Insurance (S. Hrg. 99-268).

October 17, 1985—Full Committee.

Nomination of Edward V. Hickey, Jr. and Francis J. Ivancie, each to be a Federal Maritime Commissioner; and John A. Gaughan to be Administrator of the Maritime Administration (S. Hrg. 99-561).

October 21, 1985—Surface Transportation.

Oversight of Household Goods Transportation Act of 1980 and Bus Regulatory Reform Act of 1982 (S. Hrg. 99-465).

October 22, 1985—Full Committee.

Nomination of Vernon L. Grose, Kenneth J. Hill, and John K. Lauber, each to be a Member of the National Transportation Safety Board (S. Hrg. 99-561).

October 23, 1985—Full Committee.

Nomination of Michael A. McManus, Jr. and Neal B. Freeman, each to be a Member of the Board of Directors of the Communications Satellite Corporation (S. Hrg. 99-561).

October 24, 1985—Full Committee.

Nomination of Carol G. Dawson to be a Commissioner of the Consumer Product Safety Commission (S. Hrg. 99-561).

October 29, 1985—Full Committee.

Oversight of Motor Carrier Safety Act of 1984 (S. Hrg. 99-479).

NOVEMBER 1985

November 1, 4, 1985—Surface Transportation.

Oversight of Staggers Rail Act (S. Hrg. 99-502).

November 5, 1985—Aviation.

Oversight of Regional Airlines (S. Hrg. 99-449).

November 5, 1985—Full Committee.

Nomination of James C. Mack II to be Deputy Administrator of the National Oceanic and Atmospheric Administration (S. Hrg. 99-538).

November 6, 1985—Communications, Science, Technology, and Space.

Oversight of World Administrative Radio Conference (Allocation of Satellite Orbits) (S. Hrg. 99-459).

November 7, 1985—Science, Technology, and Space.

Satellite Insurance and Space Commercialization (S. Hrg. 99-480).

November 8, 1985—Full Committee.

Nomination of Jennifer L. Dorn to be Associate Deputy Secretary of the Department of Transportation (S. Hrg. 99-538).

November 13, 1985—Science, Technology, and Space.

Oversight of Landsat Commercialization (S. Hrg. 99-569).

November 19, 1985—Business, Trade, and Tourism.

Promotion of Domestic Tourism (S. Hrg. 99-495).

November 19, 1985—Full Committee.

Joint hearing with Senate Committee on Banking, Housing, and Urban Affairs on Nomination of Alexander H. Good to be Director General of the United States and Foreign Commercial Services of the Department of Commerce (S. Hrg. 99-539).

November 21, 1985—Aviation.

Oversight of Aviation Labor Issues (S. Hrg. 99-475).

DECEMBER 1985

December 3, 1985—Business, Trade, and Tourism.

Availability and Affordability Problems in Liability Insurance (S. Hrg. 99-567).

FEBRUARY 1986

February 3, 1986—Aviation.

Impact of Debt Ceiling Legislation on Aviation Funding and Safety (S. Hrg. 99-662).

February 18, 1986—Full Committee.

Alcohol and Drug Abuse (S. Hrg. 99-644).

February 18, 1986—Science, Technology, and Space.

Oversight Hearing of Space Shuttle Accident 51L. (S. Hrg. 99-967).

February 19, 1986—Full Committee.

Availability and Cost of Liability Insurance (S. Hrg. 99-633).

February 20, 1986—Science, Technology, and Space.

Federal Fire Prevention and Control Act Reauthorization (subsequently introduced as S. 2180) (S. Hrg. 99-592).

February 25, 1986—Full Committee.

Nominations of Daniel Oliver and Andrew Strenio to be Commissioners of the Federal Trade Commission (S. Hrg. 99-632).

MARCH 1986

March 4, 1986—Full Committee.

Availability and Cost of Liability Insurance (S. Hrg. 99-633).

March 5, 1986—Full Committee.

Nominations of Alfred C. Sikes to be Assistant Secretary of Commerce for Communications and Information (S. Hrg. 99-654).

March 7, 1986—Full Committee.

Nomination of Paul H. Lamboley and J.J. Simmons III to be Commissioners of the Interstate Commerce Commission; and Janet Hale to be an Assistant Secretary of Transportation (S. Hrg. 99-654).

March 20, 1986—Science, Technology, and Space.

NASA Authorization (subsequently introduced as S. 2714) (S. Hrg. 99-972).

March 24, 1986—Full Committee.

Nominations of Joseph T. Nall and James E. Burnett, Jr. to be Members of the National Transportation Safety Board (S. Hrg. 99-654).

March 24, 1986—Full Committee.

Nomination of Robert Ortner to be Under Secretary of Commerce for Economic Affairs (S. Hrg. 99-654).

APRIL 1986

April 9, 1986—Full Committee.

Nomination of Patricia Diaz Dennis to be a Member of the Federal Communications Commission (S. Hrg. 99-654).

April 10, 1986—Science, Technology, and Space.

National Bureau for Standards Authorization (subsequently introduced as S. 2664) (S. Hrg. 99-720).

April 10, 1986—Science, Technology, and Space.

NASA Authorization (subsequently introduced as S. 2714) (S. Hrg. 99-972).

April 15, 1986—Aviation.

Aging Commercial Airline Fleet (S. Hrg. 99-819).

April 15, 1986—Science, Technology, and Space.

NOAA Satellite and Atmospheric Programs Authorization (subsequently introduced as S. 2708) (S. Hrg. 99-769).

April 16, 1986—Science, Technology, and Space.

NASA Authorization (U.S. Assured Access to Space (subsequently introduced as S. 2714) (S. Hrg. 99-972).

April 23, 1986—Science, Technology, and Space.

NASA Authorization (Space Station Program) (subsequently introduced as S. 2714) (S. Hrg. 99-972).

April 23, 1986—Full Committee.

Nomination of James C. Fletcher to be Administrator of National Aeronautics and Space Administration (S. Hrg. 99-728).

MAY 1986

May 8, 1986—Science, Technology, and Space.

NASA Authorization (Space Transportation System) (subsequently introduced as S. 2714 (S. Hrg. 99-972).

May 13, 1986—Merchant Marine.

U.S. Coast Guard Reauthorization (S. Hrg. 99-841).

May 15, 1986—Science, Technology, and Space.

National Science Foundation Authorization (S. Hrg. 99-786).

May 16, 1986—Full Committee.

Nominations of Vice Adm. Paul A. Yost, Jr. to be Commandant, U.S. Coast Guard, with the grade of Admiral, and Rear Adm. James C. Irwin, to be Vice Commandant, U.S. Coast Guard, with grade of Vice Admiral (S. Hrg. 99-825).

May 16, 1986—Merchant Marine.

Authorization of Maritime Administration and Federal Maritime Commission (S. Hrg. 99-903).

May 19, 20, 1986—Consumer.

Product Liability Reform (S. Hrg. 99-1004).

JUNE 1986

June 10, 17, 1986—Science, Technology, and Space.

Review of the Final Report of the Presidential Commission on the Space Shuttle *Challenger* Accident (S. Hrg. 99-967).

June 18, 1986—Aviation.

General Aviation Product Liability Standards (subsequently introduced as S. 2794) (S. Hrg. 99-837).

JULY 1986

July 22, 1986—Full Committee.

Nomination of James E. Burnett, Jr. to be Chairman of the National Transportation Safety Board (S. Hrg. 99-825).

July 22, 1986—Aviation.

National Transportation Safety Board Authorization (subsequently introduced as S. 2807) (S. Hrg. 99-956).

July 22, 1986—Science, Technology, and Space.

Report of the National Commission on Space (S. Hrg. 99-954).

July 25, 1986—Surface Transportation.

Establishment of New Short Line and Regional Railroads (S. Hrg. 99-951).

July 31, 1986—Full Committee.

Scrambling of Satellite Delivered Video Programming (S. Hrg. 99-977).

AUGUST 1986

August 5, 1986—Science, Technology, and Space.

NASA Authorization for Fiscal Year 1987 (subsequently introduced as S. 2714) (S. Hrg. 99-972).

SEPTEMBER 1986

September 11, 1986—Full Committee.

Nomination of John W. Melchner, to be Inspector General, Department of Transportation; and William R. Graham, to be Director, Office of Science and Technology Policy (S. Hrg. 99-1042).

September 17, 1986—Full Committee.

Nominations of Sonia Landau and R. Kenneth Towery, each to be a Member of the

Board of Directors of the Corporation for Public Broadcasting (S. Hrg. 99-1042).

September 19, 1986—Full Committee.

Airline Cabin Air Quality (S. Hrg. 99-1032).

September 22, 1986—Full Committee.

Nomination of Dale D. Myers to be Deputy Administrator of the National Aeronautics and Space Administration (S. Hrg. 99-1042).

OCTOBER 1986

October 1, 1986—Business, Trade, and Tourism.

Travel and Tourism Statistics (S. Hrg. 99-1007).

October 2, 1986—Full Committee.

Nomination of Daniel L. Brenner to be a Member of the Board of Directors of the Corporation for Public Broadcasting (S. Hrg. 99-1042).

NOVEMBER 1986

November 13, 1986—Aviation.

Field Hearing held in Chicago, Illinois on airport and Airway Improvement Program and Airport and Airway Trust Fund (S. Hrg. 99-1045).

DECEMBER 1986

December 11, 1986—Full Committee.

Oversight of NHTSA and the Office of Motor Carriers (S. Hrg. 99-1046).

PRESIDENTIAL MESSAGES

PM 2—January 7, 1985.

Deferral of Certain Budget Authority. Jointly referred.

PM 4—January 8, 1985.

Second Biennial Report on Coastal Zone Management.

PM 9—January 15, 1985.

Annual Report on the Administration of the Federal Railroad Safety Act.

PM 10—January 15, 1985.

Annual Highway Safety and National Traffic and Motor Vehicle Safety Reports.

PM 15—February 6, 1985.

Budget Rescissions and Deferrals. Jointly referred.

PM 16—February 6, 1985.

Rescission of Certain Budget Authority. Jointly referred.

PM 23—February 25, 1985.

Annual Report of Tourism Policy Council.

PM 29—March 26, 1985.

Annual Report on Traffic Safety.

PM 30—March 26, 1985.

Deferral Certain Budget Authority. Jointly referred.

PM 46—May 16, 1985.

Budget Rescissions and Deferrals. Jointly referred.

PM 51—May 29, 1985.

Annual Report of the Corporation for Public Broadcasting.

PM 77—September 12, 1985.

Text of the Governing International Fishing Agreement with the People's Republic of China. Jointly referred.

PM 78—September 12, 1985.

Text of the Governing International Fishing Agreement with the Polish Peoples' Republic. Jointly referred.

PM 85—October 1, 1985.

Extension of Governing International Fishery Agreement Between the United States and the Soviet Union. Jointly referred.

PM 95—November 25, 1985.

Deferral of Certain Budget Authority. Jointly referred.

PM 99—January 22, 1986.

Science Indicators.

PM 100—January 22, 1986.

Report of the Nation's Progress in Aeronautics and Space.

PM 101—January 22, 1986.

Science and Technology Report.

PM 102—January 27, 1986.

Annual Report on Hazardous Materials Transportation.

PM 104—February 3, 1986.

Order to Suspend Automatic Spending and to Sequester or Reduce Budgetary Resources. Jointly referred.

PM 105—February 4, 1986.

Annual Report of the National Tourism Council.

PM 108—February 5, 1986.

Budget Rescissions and Deferrals. Jointly referred.

PM 113—February 18, 1986.

Annual Report on the Administration of the Federal Railroad Safety Act.

PM 124—March 20, 1986.

Rescission or Deferral of Certain Budget Authority. Jointly referred.

PM 142—May 15, 1986.

Report on Establishing an International Space Year.

PM 153—June 3, 1986.

Annual Report of the Corporation for Public Broadcasting.

PM 158—July 8, 1986.

Report on Highway Safety.

PM 159—July 8, 1986.

Extension of International Fishery Agreement Between the Government of the United States and the Government of the Soviet Union. Jointly referred.

PM 163—August 4, 1986.

Report on Whaling Activities of Norway.

PM 177—September 26, 1986.

Deferral of Certain Budget Authority. Jointly referred.

EXECUTIVE COMMUNICATIONS

EC 1—January 3, 1985.

A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals for November 1, 1984, pursuant to the order of January 30, 1975. Jointly referred.

EC 8—January 3, 1985.

A communication from the Chairman of the National Research Council transmitting, pursuant to law, a report on the use of CB's by intercity bus drivers.

EC 27—January 3, 1985.

A communication from the Executive Secretary of the Department of Transportation transmitting, a substitute letter of transmittal for a report previously submitted.

EC28—January 3, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on negotiated contracts for the quarter ended September 30, 1984.

EC 29—January 3, 1985.

A communication from the Chairman of COMSAT transmitting, pursuant to law, the 21st annual report of COMSAT.

EC59—January 21, 1985.

A communication from the Chairman of the National Research Council transmitting, pursuant to law, a report entitled "55: A Decade of Experience."

EC 84—January 21, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on National Transportation Safety Board Recommendations.

EC 99—January 21, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on highway accidents to permit evaluation and comparison of highway safety performance of the States.

EC 100—January 21, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the implementation of Sec. 9 of P.L. 97-136.

EC 101—January 21, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled "The Washington, D.C. Heliport Study."

EC 143—January 22, 1985.

A communication from the Secretary of the Federal Energy Regulatory Commission transmitting, pursuant to law, the final valuations of properties of certain carriers.

EC 162—January 22, 1985.

A communication from the Administrator of NASA transmitting, pursuant to law, a report on the recent establishment in NASA of an Office of Commercial Program.

EC 208—January 22, 1985.

A communication from the Secretary of Transportation and the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, a report on the bus terminal study.

EC 288—January 29, 1985.

A communication from the Director of the Federal Emergency Management Agency transmitting, pursuant to law, a copy of the Program plan of the National Earthquake Hazards Reduction Program.

EC 289—January 29, 1985.

A communication from the Secretary of the Interstate Commerce commission transmitting, pursuant to law, a report explaining the Commission's determination to extend the time period for acting on the appeal in allied Chemical Corporation et al versus Ann Arbor Railroad System.

EC 358—January 31, 1985.

A communication from the Commandant, U.S. Coast Guard transmitting, pursuant to law, a listing of functions at various locations intended to be converted to performance under contract during fiscal year 1985.

EC 388—February 19, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on State truck weight limitations and enforcement efforts during fiscal years 1982 and 1983.

EC 389—February 19, 1985.

A communication from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, the Commission's fiscal year 1986 budget request.

EC 400—February 19, 1985.

A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report on the President's fourth special message for fiscal year 1985; pursuant to the order of January 30, 1985. Jointly referred.

EC 426—February 20, 1985.

A communication from the Administrator of the Veterans Administration transmitting pursuant to law, a report on the waiver of the requirement for establishing Research and Technology Application Offices within the Veterans Administration.

EC 427—February 20, 1985.

A communication from the Chairman of the Marine Mammal Commission transmitting, pursuant to law, the twelfth annual report of the Commission.

EC 428—February 20, 1985.

A communication from the Vice President of Govermental Affairs, Amtrak transmitting, pursuant to law, a report entitled "Annual Route Review—Fiscal Year 1985."

EC 456—February 25, 1985.

A communication from the Administrator of the National Aeronautics and Space Administation, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautic and Space Administration for research and development; space flight, control and data communications; construction of facilities; and research and program management; and for other purposes.

EC 477—February 25, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on the Commission's determination to extend the time for action on an appeal, Pozzolanic International v. Burlington Northern Railroad Co., et al.

EC 478—February 25, 1985.

A communication from the Secretary of Energy transmitting, pursuant to law, a report on the Electric and Hybrid Vehicles Program.

EC 479—February 25, 1985.

A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to authorize appropriations for activities under the Federal Fire Prevention and Control Act.

EC 480—February 25, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the National Oceanic and Atmospheric Administration Marine Fisheries Program.

EC 481—February 25, 1985.

A communication from the Vice President of Governmental Affairs, Amtrak transmitting, pursuant to law, Amtrak's fiscal year 1984 Annual Report.

EC 482—February 25, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, extending the time period for a final decision in the Dayton Power and Light Co. v. Louisville and Nashville Railroad Co. for an additional 90 days.

EC 483—February 25, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the 1983 annual report on the administration of the Pipeline Safety Act.

EC 503—February 25, 1985.

A communication from the Secretary of the Interstate Commerce Commission tansmitting, pursuant to law, a report on an extension of time for acting upon an appeal, The Aluminum Association, Inc., et al. v. Alton & Southern Railway Co., et al.

EC 508—February 27, 1985.

A communication from the Secretary of Defense transmitting, pursuant to law, a report on the waiving of staffing and monetary set-aside by the Department of Defense regarding technology transfer activities.

EC 509—February 27, 1985.

A communication from the Secretary of Commerce transmitting, a draft of proposed legislation to provide mandatory reporting authority for collection of data on the apparel industry.

EC 544—March 5, 1985.

A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a waiver of the requirements of section 11(b) of the Stevenson-Wydler Technology Innovation Act of 1980.

EC 545—March 5, 1985.

A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 44, United States Code, to authorize the Secretary of Commerce to establish prices charged for charts, tide and tidal current tables, tidal current charts, coast pilots, water level products, and associated data bases published or produced by the National Oceanic and Atmospheric Administration, and for other purposes.

EC 546—March 5, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to provide for the operation and maintenance of certain fish propagation facilities constructed in the Columbia River Basin, and for other purposes.

EC 547—March 5, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend the Magnuson Fishery Conservation and Management Act, as amended, to authorize certain actions with regard to foreign fishing vessel permits for unsafe conditions, and for other purposes.

EC 548—March 5, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the National Telecommunications and Information Administration for fiscal years 1986 and 1987.

EC 549—March 5, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1986 and 1987, and for other purposes.

EC 551—March 5, 1985.

A communication from the Chairman of the Federal Communications Commission transmitting, pursuant to law, the FCC's report on accomplishments for fiscal year 1984 and its goals, objectives, and priorities for fiscal years 1985, 1986, and 1987.

EC 578—March 6, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector, and for other purposes.

EC 586—March 7, 1985.

A communication from the Administrator of National Aeronautics and Space Administration transmitting, pursuant to law, a report on planned funding for a project in excess of the amount authorized.

EC 587—March 7, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to provide for the disposition of foreign fishing fees.

EC 588—March 7, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for weather modification reporting functions.

EC 616—March 18, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on a time extension for action on an appeal before the Commission.

EC 643—March 19, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the fifth annual report on collision avoidance systems under the Aviation Safety and Noise Abatement Act of 1979.

EC 644—March 19, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the ninth annual report on the Automotive Fuel Economy Program, covering fiscal year 1984.

EC 645—March 19, 1985.

A communication from the Chairman and Chief Executive Officer of the Consolidated Rail Corporation (Conrail) transmitting, pursuant to law, the annual report of Conrail for fiscal year 1984.

EC 687—March 20, 1985.

A communication from the General Counsel of the Department of Transportation transmitting, pursuant to law, copies of budget requests by the Federal Aviation Administration to the Department.

EC 688—March 20, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for implementation of the National Traffic and Motor Vehicle Safety Act and the Motor Vehicle Information and Cost Savings Act.

EC 689—March 20, 1985.

A communication from the Vice President of Amtrak transmitting, pursuant to law, a report on internal performance evaluations for fiscal year 1984.

EC 690—March 20, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the National Climate Program.

EC 705—March 20, 1985.

A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of March 1, 1985, pursuant to the order of January 30, 1975. Jointly referred.

EC 709—March 20, 1985.

A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to authorize appropriations for earthquake hazards reduction.

EC 710—March 20, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on a decision made to convert certain functions of the Coast Guard to performance under contract.

EC 751—March 28, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1986 and 1987 for certain maritime programs.

EC 763—March 28, 1985.

A communication from the Science Advisor to the President transmitting, pursuant to law, notice that the biennial report to science and technology has been delayed several months.

EC 788—April 3, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 to advance the scheduled termination date of the Essential Air Service Program, and for other purposes.

EC 802—April 2, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, an extension of time for rendering a decision in Pittsburgh and Lake Erie Railroad Co. v. Consolidated Rail Corporation.

EC 803—April 3, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to abolish the U.S. Travel and Tourism Administration, to repeal the International Travel Act of 1961, as amended, and for other purposes.

EC 821—April 4, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for pipeline safety programs for fiscal year 1986 and 1987.

EC 822—April 4, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend the Coastal Zone Management Act of 1972.

EC 823—April 4, 1985.

A communication from the Chairman of the Federal Maritime Commission transmitting, pursuant to law, the Commission's 23d annual report.

EC 824—April 4, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to repeal section 1214 of the Merchant Marine Act of 1936.

EC 825—April 4, 1985.

A communication from the Secretary of Transportation transmitting pursuant to law, the annual report on railroad financial assistance.

EC 838—April 16, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report stating that there were no Federal Railroad Administration contractors or subcontractors indemnified during 1984.

EC 839—April 16, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize the Secretary of the department in which the Coast Guard is operating to establish fees for Coast Guard services, and for other purposes.

EC 840—April 16, 1985.

A communication from the National Commander of the Civil Air Patrol transmitting, pursuant to law, the 1985 Civil Air Patrol Report to the Congress.

EC 841—April 16, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Merchant Marine Act, 1936, to authorize foreign acquisition of subsidized U.S.-flag vessels.

EC 842—April 16, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend section 901(b) of the Merchant Marine Act, 1936.

EC 843—April 16, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Federal Railroad Safety Act of 1970.

EC 866—April 16, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law a notice of an extension of time for action on an appeal in Allied Chemical Corp. et al. v. Ann Arbor Railroad System, et al.

EC 867—April 16, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, notice of an extension of time for action on an appeal in Westinghouse Electric Corp. v. Alton & Southern Railway Co. et al.

EC 868—April 16, 1985.

A communication from the Administrator of the Federal Aviation Administration transmitting, pursuant to law, the revised National Airspace System Plan.

EC 883—April 16, 1985.

A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on recissions and deferrals for April 1, 1985, pursuant to the order of January 30, 1975. Jointly referred.

EC 890—April 16, 1985.

A communication from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, the 98th annual report of the Interstate Commerce Commission covering fiscal year 1984.

EC 891—April 16, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend section 411(a) of title 38. United States Code, to increase the dependency and indemnity compensation for surviving spouse of the Commandant of the Coast Guard.

EC 909—April 22, 1985.

A communication from the Comptroller of the Currency, transmitting, pursuant to law, the annual report on consumer complaint processing activities for 1984.

EC 910—April 22, 1985.

A communication from the Administrator of the Federal Aviation Administration, Department of Transportation transmitting, pursuant to law, the semiannual report on the effectiveness of the Civil Aviation Security Program for the period July 1 through December 31, 1984.

EC 948—April 26, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to terminate the Public Telecommunications Facilities Grants Program of the National Telecommunications and Information Administration in the Department of Commerce.

EC 949—April 26, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to provide for the transfer of the Metropolitan Washington Airports to an independent airport authority.

EC 994—April 30, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend the Saltonstall-Kennedy Fund Act to allow expenditure of funds for marine fishery resource programs.

EC 995—April 30, 1985.

A communication from the Secretary General of the U.S. Olympic Committee transmitting, pursuant to law, the 1984 Olympic Committee financial statement.

EC 1010—April 30, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to improve cost recovery for Federal Aviation Administration programs.

EC 1011—April 30, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the 1984 Maritime Administration annual report.

EC 1029—May 2, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the tenth annual report of the Department of Transportation in administering the Deepwater Port Act during fiscal year 1984, pursuant to 33 U.S.C. Jointly referred.

EC 1030—May 2, 1985.

A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the activities of the U.S. Travel and Tourism Administration, Department of Commerce, for fiscal year 1984.

EC 1031—May 2, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, notice of an extension of the time period for a determination in Railroad Car Service and Car Hire Pooling Agreement.

EC 1032—May 2, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to limit inspection of steam yachts.

EC 1033—May 2, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the third annual report of accomplishments under the Airport Improvement Program for fiscal year 1984.

EC 1034—May 2, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on the recommendations of the National Transportation Safety Board to the Secretary during calendar year 1984 regarding transportation safety.

EC 1089—May 7, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on Highway Safety Improvement Programs.

EC 1090—May 7, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled "The Transport of Methanol by Pipeline."

EC 1097—May 7, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, notice of the decision to extend the time for acting on the appeal in Newell Recycling Co., Inc. v. Norfolk Southern Corp., et al.

EC 1102—May 9, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend the Magnuson Fishery Conservation and Management Act, as amended, to authorize appropriations for fiscal years 1986 and 1987, and for other purposes.

EC 1110—May 14, 1985.

A communication from the Director of the Office of Management and Budget, Executive Office of the President transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated May 1, 1985; pursuant to the order of January 30, 1975. Jointly referred.

EC 1135—May 15, 1985.

A communication from the General Counsel of the General Accounting Office transmitting, pursuant to law, a report on the status of budget authority proposed for rescission but for which a rescission bill has not been passed; pursuant to the order of January 30, 1975. Jointly referred.

EC 1136—May 15, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to repeal the Salmon Vessel Buy-Back Program.

EC 1150—May 20, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to require tonnage measurement of vessels engaged on international voyages and within the jurisdiction of the United States.

EC 1171—May 21, 1985.

A communication from the Director of the Federal Emergency Management Agency and the Secretary of Transportation transmitting, pursuant to law, a report on the evaluation of training programs for incidental prevention and response.

EC 1174—May 23, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the National Airway System annual report for fiscal year 1984.

EC 1236—June 5, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend title XI of the Merchant Marine Act, 1936, as amended, to repeal those portions that relate to vessels or shoreside facilities used in the fisheries trade or industry.

EC 1250—June 6, 1985.

A communication from a trustee of the St. George Island Trust transmitting, pursuant to law, a copy of the progress report and a copy of the audited financial statement of the St. George Island Trust as of December 31, 1984.

EC 1269—June 11, 1985.

A communication from the Special Counsel, Merit Systems Protection Board transmitting, pursuant to law, a report on findings and conclusions of the investigation into allegations of improprieties by an attorney employed by the FAA, Oklahoma City, OK.

EC 1279—June 12, 1985.

A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the settlement of certain land claims.

EC 1280—June 12, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on certain decisions, comments, and notices of the Commission.

EC 1292—June 13, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the commercialization and operation of the civil remote sensing satellite systems.

EC 1293—June 13, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on an extension of time for acting on an appeal in Schuylkill Metals Corp. versus Kansas City Southern Co., et al.

EC 1336—June 18, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on the administration of the Pipeline Safety Act of 1979.

EC 1342—June 26, 1985.

A communication from the Chairman of the Federal Trade Commission transmitting, pursuant to law, the 1982-83 report on cigarette labeling and advertising.

EC 1358—June 26, 1985.

A communication from the Assistant Administrator of NASA transmitting corrections to a request of May 15, 1985 for transfer of certain lands to the Construction of Facilities budget.

EC 1381—June 27, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to improve safety and security for people who travel in international aviation.

EC 1382—June 27, 1985.

A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, the annual report of the committee for the year ended June 30, 1985.

EC 1394—July 8, 1985.

A communication from the Administrator of NASA transmitting, pursuant to law, a report on an increase in the planned funding level of a program for fiscal year 1985.

EC 1410—July 8, 1985.

A communication from the Secretary of Commerce transmitting, pursuant to law, the interim plan of the National Climate Program for 1984-86.

EC 1411—July 8, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation relative to operating-differential subsidies for U.S.-flag vessels.

EC 1412—July 8, 1985.

A communication from the Secretary of Commerce transmitting, pursuant to law, the 13th annual report of the National Advisory Committee on Oceans and Atmosphere.

EC 1428—July 8, 1985.

A communication from the Chairman of the National Transportation Safety Board transmitting, pursuant to law, the annual report of the Board for calendar year 1984.

EC 1442—July 9, 1985.

A communication from the Acting Secretary of the Federal Maritime Commission transmitting, pursuant to law, a notice of "Public Interest" determination.

EC 1443—July 9, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to modify the fees charged for the guarantee of obligations authorized by Title XI of the Merchant Marine Act, 1936.

EC 1458—July 11, 1985.

A communication from the Commandant of the U.S. Coast Guard transmitting, pursuant to law, a review of the activities planned by the Coast Guard for fiscal year 1985.

EC 1473—July 15, 1985.

A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on the reprogramming of certain Construction of facilities funds from fiscal years 1981, 1982, 1983, and 1984.

EC 1496—July 17, 1985.

A communication from the Chairman of the Federal Communications Commission transmitting, pursuant to law, the annual report of the Commission for fiscal year 1984.

EC 1519—July 22, 1985.

A communication from the Assistant Secretary of the Treasury transmitting, pursuant to law, a report under the Fishery Conservation and Management Act.

EC 1520—July 22, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to limit the price of scientific and technical reports sold by the Secretary of Commerce to their fair market value.

EC 1563—July 31, 1985.

A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the President's eighth special message for fiscal year 1985; pursuant to the order of January 1, 1975. Jointly referred.

EC 1598—September 9, 1985.

A communication from the Acting Executive Director of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, the annual report of the advisory committee.

EC 1599—September 9, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, the National Plan of Integrated Airport Systems.

EC 1618—September 9, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend section 8 of the Eastern Pacific Tuna Licensing Act of 1984.

EC 1627—September 9, 1985.

A communication from the Secretary of Commerce transmitting, pursuant to law, the second biennial report regarding bluefin tuna for the period covering 1983 and 1984.

EC 1660—September 9, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on the extension of time for serving a final decision in Soo Line Railroad Co. versus Chicago and North Western Transportation Co.

EC 1689—September 9, 1985.

A communication from the Chief, Center for Transportation Information, Department of Transportation transmitting, pursuant to law, the Annual National Transportation Statistics Report.

EC 1690—September 9, 1985.

A communication from the Vice Chairman of the Federal Maritime Commission transmitting a draft of proposed legislation to codify the laws within the jurisdiction of the Commission related to shipping and maritime matters.

EC 1721—September 12, 1985.

A communication from the Chairman of the National Transportation Safety Board transmitting, pursuant to law, the budget estimate, request, and information of the Board for fiscal year 1987.

EC 1733—September 12, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958, as amended, to increase civil penalty limits for safety violations by persons engaged in commercial aircraft operations, and for other purposes.

EC 1742—September 12, 1985.

A communication from the Secretary of Commerce transmitting, pursuant to law, the annual report on the administration of the Marine Mammal Protection Act for the period April 1, 1984, through March 31, 1985.

EC 1746—September 12, 1985.

A communication from the Deputy Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, a final rule under the Coastal Zone Management Act.

EC 1753—September 12, 1985.

A communication from the Secretary of Transportation transmitting drafts of proposed legislation: (1) to amend subtitle IV of title 49, United States Code, to reduce regulation to motor carriers of property, and for other purposes; (2) to amend subtitle IV of title 49, United States Code, to reduce regulation of surface freight forwarders, and (3) to amend subtitle IV of title 49, United States Code, to reduce regulation of interstate water carriers, and for other purposes.

EC 1788—September 23, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the results of inspections of interstate natural gas transmission pipeline facilities.

EC 1803—October 1, 1985.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to grant subpoena authority to the Secretary of Commerce for administrative hearings conducted by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and for other purposes.

EC 1843—October 4, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to permit the Secretary of

Transportation to protect Government assets in bankruptcy.

EC 1860—October 8, 1985.

A communication from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, a report on safety activities under the Cigarette Safety Act of 1984.

EC 1861—October 8, 1985.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to require the licensing of operators of vessels that tow disabled vessels for consideration.

EC 1891—October 16, 1985.

A communication from the Commandant of the U.S. Coast Guard transmitting, pursuant to law, a list of functions to be examined as functions and services presently performed by Coast Guard personnel which are not inherently governmental in nature and which may be performed with equal effectiveness at lower cost under contract to the private sector.

EC 1904—October 22, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on Federal statutes, treaties, regulations, and policies which may have an adverse effect on commercial space launches.

EC 1909—October 23, 1985.

A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, a report entitled "Shipping, Shipyards, and Sealift: Issues of National Security and Federal Support."

EC 1919—October 25, 1985.

A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on the determination to reprogram certain appropriated funds for certain project modifications.

EC 1943—October 30, 1985.

A communication from the Director of the National Bureau of Standards, Department of Commerce transmitting, pursuant to law, a report on the status of the implementation of recommendations of the President's private sector survey on cost control and other recommendations contained in the report entitled "Management of the United States Government—1986."

EC 1944—October 30, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a proposal to codify the shipping and maritime laws administered within the Department of Transportation by the Maritime Administration and the Coast Guard.

EC 1965—November 5, 1985.

A communication from the Secretary of the interstate Commerce Commission transmitting, pursuant to law, notice of a 90 day extension for a decision in "Omaha Public Power District v. Burlington Northern Railroad."

EC 1968—November 6, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on decisions to extend time periods for action by the Commission on certain pending appeals.

EC 1969—November 6, 1985.

A communication from the Secretary of Transportation and the President of the National Railroad Passenger Corporation transmitting, pursuant to law, a report on the progress of the Northeast corridor improvement project.

EC 1978—November 7, 1985.

A communication from the Administrator of the Federal Aviation Administration transmitting, pursuant to law, a report on the effectiveness of the civil aviation security program.

EC 1994—November 18, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on the determination to extend time periods for action or certain appeals before the Commission.

EC 1995—November 18, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the relative cost of shipbuilding in the various coastal districts.

EC 2014—November 20, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, notice of an extension of time to render a decision in the case of Omaha Public Power District v. Burlington Northern Railroad Company.

EC 2015—November 20, 1985.

A communication from the Administrator of the Urban Mass Transportation Administration, Department of Transportation transmitting, pursuant to law, a report on the feasibility of constructing a rail rapid transit line between the West Falls Church station of the Washington, D.C. metrorail system and Washington Dulles International Airport in Virginia.

EC 2040—December 2, 1985.

A communication from the Secretary of Commerce transmitting, pursuant to law, notice of a delay in the submission of a report on the plan for conducting Antarctic research for fiscal years 1986 through 1988.

EC 2053—December 2, 1985.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on a time extension for acting on an appeal before the Commission, Bartlett Agri Enterprises versus Missouri Pac. R.R.

EC 2083—December 4, 1985.

A communication from the Administrator of the Veterans' Administration transmitting, pursuant to law, a report on a waiver of certain conditions regarding VA technology transfer functions.

EC 2104—December 10, 1985.

A communication from the Commandant of the U.S. Coast Guard, Department of Transportation transmitting, pursuant to law, notice that the Coast Guard plans to study the conversion of certain functions to performance by contract.

EC 2115—December 12, 1985.

A communication from the Secretary of Transportation transmitting, pursuant to law, a request for approval of a project document allowing improvements to the Mike Monroney Aeronautical Center.

EC 2150—January 21, 1986.

A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a report on 8 new deferrals of budget authority totalling $2,023,327,275. Jointly referred.

EC 2161—January 21, 1986.

A communication from the Chairman of the National Transportation Safety Board transmitting, pursuant to law, a copy of the Board's letter appealing the OMB's proposed budget allowance for fiscal year 1987.

EC 2162—January 21, 1986.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on an extension of the time deadline for a decision in Arkansas Power and Light Company v. Burlington Northern Railroad Company.

EC 2163—January 21, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on the status of the public ports of the U.S. for 1984.

EC 2260—January 23, 1986.

A communication from the Acting Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a waiver of certain requirements of law involving certain technology transfers and NASA's alternative plans for conducting transfers of technology.

EC 2261—January 23, 1986.

A communication from the Assistant Secretary of the Interior transmitting, pursuant to law, a report on the administration of the Marine Mammal Protection Act.

EC 2283—January 23, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report and inventory of State practices relative to overweight vehicles, penalties and permits.

EC 2300—January 27, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on essential air service to Southeast Alaska.

EC 2313—January 28, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the final annual report on the implementation of section 9 of Public Law 97-136.

EC 2408—February 7, 1986.

A communication from the Acting Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, the Commission's fiscal year 1987 budget request.

EC 2423—February 18, 1986.

A communication from the Chairman of the Marine Mammal Commission transmitting, pursuant to law, the Commission's Annual Report for 1985.

EC 2434—February 18, 1986.

A communication from the Acting General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to authorize appropriations for Federal fire prevention and control.

EC 2439—February 18, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the effect of airline deregulation on the level of airline safety.

EC 2440—February 18, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the sixth annual report on aviation collision avoidance systems.

EC 2441—February 18, 1986.

A communication from the Acting Administrator of NASA transmitting a draft of proposed legislation to authorize appropriations to NASA for fiscal year 1987.

EC 2442—February 18, 1986.

A communication from the Secretary of Energy transmitting, pursuant to law, the ninth annual report on activities under the Electric and Hybrid Vehicle Research Development and Demonstration Act.

EC 2443—February 18, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on all National Transportation Safety Board recommendations to the Secretary regarding transportation safety.

EC 2444—February 18, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on information on highway accidents which will permit evaluation and comparison of highway safety performances of the States.

EC 2445—February 18, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on the Automotive Fuel Economy Program.

EC 2524—February 24, 1986.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to strengthen aviation security programs.

EC 2525—February 24, 1986.

A communication from the Vice President of Amtrak transmitting, pursuant to law, the Corporation's 1986 legislative program and its 1985 annual report.

EC 2552—February 26, 1986.

A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere, transmitting pursuant to law, a report entitled "Shipping, Shipyards, and Sealift: Issues of National Security and Federal Support."

EC 2553—February 26, 1986.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend section 1303 of the Merchant Marine Act, 1936, to annually permit six additional Panamanian nationals to receive instruction at the U.S. Merchant Marine Academy.

EC 2606—March 5, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend the Atlantic Tuna Convention Act of 1975 to authorize appropriations for fiscal years 1987 and 1988.

EC 2607—March 5, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend the Deep Seabed Hard Mineral Resources Act, as amended, to authorize appropriations to carry out the provisions of the act for fiscal years 1987 and 1988.

EC 2608—March 5, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend the Weather Modification Reporting Act of 1971, as amended, to authorize appropriations to carry out the provisions of the act for fiscal years 1987 and 1988.

EC 2627—March 6, 1986.

A communication from the General Counsel of the Department of Transportation transmitting, pursuant to law, copies of the FAA fiscal year 1987 budget requests.

EC 2628—March 6, 1986.

A communication from the Commandant of the U.S. Coast Guard transmitting, pursuant to law, a report on functions to be studied for conversion to performance under contract.

EC 2634—March 6, 1986.

A communication from the Secretary of Defense transmitting, pursuant to law, notice of waiver of provisions of the Stevenson-Wydler Technology Innovation Act as DOD technology transfer activities substantially achieve the objectives of the act and also involve substantial classified matters.

EC 2650—March 6, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the National Bureau of Standards for fiscal year 1987.

EC 2668—March 10, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the National Oceanic and Atmospheric Administration Marine Fisheries Program for 1987 and 1988.

EC 2692—March 14, 1986.

A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the President's third special message for fiscal year 1986, pursuant to the order of January 30, 1986. Jointly referred.

EC 2695—March 14, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for fiscal years 1987 and 1988.

EC 2707—March 18, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled "Pipeline Safety Testing/Inspection Methods Study."

EC 2719—March 18, 1986.

A communication from the Chairman of the Federal Communications Commission transmitting a package of proposed legislation to bring Government spending under control while maintaining responsibility to act in the public interest.

EC 2737—March 19, 1986.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fiscal year 1987, and for other purposes.

EC 2738—March 19, 1986.

A communication from the Chairman and Chief Executive Officer of the Consolidated Rail Corporation transmitting, pursuant to law, the annual report of Conrail for calendar year 1985.

EC 2739—March 19, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the Department of Transportation's efforts to implement the Commercial Space Launch Act of 1984.

EC 2740—March 19, 1986.

A communication from the Secretary of Transportation transmitting pursuant to law, a report stating that there were not Federal Railroad Administration contractors or subcontractors indemnified during 1985.

EC 2752—March 20, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on railroad financial assistance.

EC 2753—March 20, 1986.

A communication from the Secretary of Commerce transmitting, pursuant to law, his annual report for fiscal year 1985.

EC 2754—March 20, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the report on automobile antitheft devices.

EC 2797—March 26, 1986.

A communication from the Acting Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1984.

EC 2818—April 8, 1986.

A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the status of budget authority of two appropriations accounts which the President is withholding contrary to the Impoundment Control Act, pursuant to the order of January 30, 1975. Jointly referred.

EC 2821—April 8, 1986.

A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on scientific and policy implications of nuclear winter.

EC 2838—April 8, 1986.

A communication from the Chairman of the Federal Communications Commission transmitting, pursuant to law, the Commission's annual report.

EC 2846—April 9, 1986.

A communication from the Chairman of the Federal Maritime Commission transmitting, pursuant to law, the annual report of the Commission for fiscal year 1985.

EC 2847—April 9, 1986.

A communication from the Secretary of Commerce transmitting, pursuant to law, the report on Federal Coastal Programs review, dated December 1985.

EC 2848—April 9, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the fourth annual report of accomplishments under the Airport Improvement Program for fiscal year 1985.

EC 2873—April 9, 1986.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for certain maritime programs of the Department of Transportation.

EC 2930—April 11, 1986.

A communication from the Acting Comptroller of the United States transmitting, pursuant to law, a report on the status of certain budget authority, pursuant to the order of January 30, 1975. Jointly referred.

EC 2931—April 11, 1986.

A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report on the President's third special message for fiscal year 1986. Jointly referred.

EC 2935—April 11, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to terminate the U.S. Travel and Tourism Administration, to repeal the International Travel Act of 1961, as amended, and for other purposes.

EC 2962—April 14, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on the administration of the Deepwater Port Act of 1974, pursuant to 33 U.S.C. 1501. Jointly referred.

EC 3030—April 23, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to repeal section 10 of the Fisherman's Protective Act.

EC 3036—April 24, 1986.

A communication from the Comptroller of the Currency transmitting, pursuant to law, the 1985 Consumer Complaint Processing Activities report.

EC 3055—April 30, 1986.

A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report with respect to a recently transmitted draft of proposed legislation dealing with "risk retention groups."

EC 3056—April 30, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend section 7 of the Fishermen's Protective Act of 1967, as amended, to transfer the functions of the Secretary of Commerce under that section to the Secretary of State.

EC 3068—May 1, 1986.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for pipeline safety programs.

EC 3069—May 1, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report of the Maritime Administration for 1985.

EC 3138—May 13, 1986.

A communication from the Secretary of Commerce transmitting, pursuant to law, a draft of proposed legislation to repeal section 4 of the Fish and Wildlife Act of 1936, as amended, and for other purposes.

EC 3139—May 13, 1986.

A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on certain funds proposed for rescission but for which the Congress did not pass a rescission bill, pursuant to the order of January 30, 1975. Jointly referred.

EC 3154—May 14, 1986.

A communication from the Trustee of the St. George Island Trust transmitting, pursuant to law, the progress report and the audited financial statement as of December 31, 1985.

EC 3175—May 20, 1986.

A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the President's fifth special message for fiscal year 1986, pursuant to the order of January 30, 1974. Jointly referred.

EC 3180—May 20, 1986.

A communication from the Secretary of Commerce transmitting, pursuant to law, the annual report of the U.S. Travel and Tourism Administration for fiscal year 1985.

EC 3181—May 20, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the 1986 annual report on Highway Safety Improvement Programs.

EC 3262—June 4, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to provide for an Under Secretary of Commerce for Oceans and Atmosphere; an Assistant Secretary of Commerce for Oceans and Atmosphere; a Chief Scientist of the National Oceanic and Atmospheric Administration; and for other purposes.

EC 3263—June 4, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to repeal the National Sea Grant College Program Act, as amended.

EC 3264—June 4, 1986.

A communication from the Secretary of Commerce transmitting a draft of proposed legislation to repeal certain marine fisheries grants programs.

EC 3265—June 4, 1986.

A communication from the Secretary of Commerce transmitting a revision to a previously submitted draft of proposed legislation to provide for the operation and maintenance of certain fish propagation facilities constructed in the Columbia River Basin, and for other purposes.

EC 3266—June 4, 1986.

A communication from the Administrator of the Federal Aviation Administration, Department of Transportation transmitting, pursuant to law, the FAA's semiannual report on the effectiveness of the Civil Aviation Security Program.

EC 3293—June 6, 1986.

A communication from the Acting Chairman of the National Transportation Safety Board transmitting a draft of proposed legislation to authorize appropriations for the Board for fiscal years 1987, 1988, and 1989.

EC 3342—June 23, 1986.

A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, a report on NACOA findings and recommendations on the classification and dissemination of Multibeam Bathymetric Data.

EC 3394—July 14, 1986.

A communication from the Secretary of Commerce transmitting, pursuant to law, the program development plan for Antarctic Living Marine Resources.

EC 3395—July 14, 1986.

A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, the annual report of the Committee for the year ended June 30, 1986.

EC 3461—July 16, 1986.

A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, the 15th annual report of NACOA.

EC 3498—July 22, 1986.

A communication from the Secretary of the Federal Trade Commission transmitting, pursuant to law, the annual report required under section 9(b) of the Federal Cigarette Labeling and Advertising Act for fiscal year 1984.

EC 3510—July 22, 1986.

A communication from the Secretary of Transportation and the Director of FEMA transmitting, pursuant to law, a joint report evaluating hazardous materials training and planning programs.

EC 3511—July 22, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the 1985 National Airway System Annual Report.

EC 3561—August 1, 1986.

A communication from the Assistant Secretary of the Treasury transmitting, pursuant to law, a report on the Fishery Conservation and Management Act.

EC 3585—August 9, 1986.

A communication from the Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, a report on export potential of ocean thermal energy conversion components, facilities, and plantships.

EC 3586—August 9, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report on certain actions taken with respect to Manila International Airport.

EC 3619—August 15, 1986.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1987 and 1988, and for other purposes.

EC 3620—August 15, 1986.

A communication from the Chairman of the Consumer Product Safety Commission as Chairman of the Interagency Committee on Cigarette and Little Cigar Fire Safety transmitting, pursuant to law, the report of the Committee on progress in implementing the Cigarette Safety Act of 1984.

EC 3655—September 8, 1986.

A communication from the Comptroller General of the United States transmitting, pursuant to law, a report relative to customers bypassing local telephone companies.

EC 3687—September 9, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, a report regarding a determination by the Secretary of Transportation of deficient security measures at Manila International Airport.

EC 3740—September 17, 1986.

A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere, transmitting, pursuant to law, a report entitled "The Need For a National Plan of Scientific Exploration for the Exclusive Economic Zone.

EC 3775—September 29, 1986.

A communication from the Comptroller General of the United States transmitting, pursuant to law, reports on the status of budget authority the deferral of which the Congress disapproved in the Urgent Supplemental Appropriation Act for fiscal year 1986, pursuant to the order of January 30, 1986. Jointly referred.

EC 3778—September 29, 1986.

A communication from the Chairman of the National Transportation Safety Board transmitting, pursuant to law, the annual budget submission of the Board for fiscal year 1988.

EC 3798—October 2, 1986.

A communication from the Assistant Administrator for Legislative Affairs, National Aeronautics and Space Administration transmitting, pursuant to law, a report on the implementation status of certain budget recommendations affecting NASA.

EC 3799—October 2, 1986.

A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, notice of the extension of time for rendering a decision on Classification Ratings on Chemicals, Conrail, April 30, 1986.

EC 3800—October 2, 1986.

A communication from the Administrator of the Federal Aviation Administration, Department of Transportation transmitting, pursuant to law, the revised National Airspace System Plan.

EC 3801—October 2, 1986.

A communication from the Administrator of the National Aeonautics and Space Administration transmitting, pursuant to law, a report on the proposed use of certain NASA funds.

EC 3802—October 2, 1986.

A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on the status of the Public Ports of the United States for calendar year 1985.

EC 3828—October 9, 1986.

A communication from the General Counsel of the Department of Commerce transmitting, pursuant to law, the comments of the Department on S. 991, the Marine Fisheries Program Authorization Act of 1985.

EC 3829—October 9, 1986.

A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize occupancy of substandard family housing units by members of the Coast Guard on the same basis as members of the other Armed Forces.

EC 3849—Oct. 14, 1986.

A communication from the Assistant Secretary of the Treasury (Legislative Affairs) transmitting, pursuant to law, an analysis of United States portfolio investments abroad during 1985.

REPORTS TO THE SENATE

99-9 (March 6, 1985)—Special Report.

Special Report on the Activities of the Committee on Commerce, Science, and Transportation.

99-13 (March 19, 1985)—S. 413.

War Risk Insurance.

99-26 (April 10, 1985)—S. 597.

Title 46, United States Code Amendment.
99-27 (April 15, 1985)—S. 903.
National Science Foundation Authorization Act for Fiscal Year 1986.
99-28 (April 15, 1985)—S. 813.
Pipeline Safety Authorizations.
99-29 (April 15, 1985)—S. 817.
Earthquake Hazards Reduction Act of 1977 Authorization.
99-30 (April 15, 1985)—S. 818.
Fire Prevention and Control Authorization.
99-31 (April 16, 1985)—S. 796.
National Bureau of Standards Authorization.
99-47 (May 14, 1985)—S. 475.
Consumer Protection From Fraudulent Motor Vehicle Odometer Modifications.
99-48 (May 14, 1985)—S. 863.
National Highway Traffic Safety Administration Authorization Act of 1985 (together with additional views).
99-60 (May 16, 1985)—S. 1077.
Consumer Product Safety Commission Authorization.
99-61 (May 16, 1985)—S. 1084.
Corporation for Public Broadcasting Authorization.
99-63 (May 16, 1985)—S. 999.
Federal Communications Commission Authorization (together with minority views).
99-64 (May 20, 1985)—S. 679.
Maritime Appropriation Authorization Act for Fiscal Year 1986.
99-67 (May 21, 1985)—S. 991.
National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act of 1985.
99-69 (May 21, 1985)—S. 259.
Professional Sports Community Protection Act of 1985 (together with minority views).
99-70 (May 22, 1985)—S. 958.
Authorization of Appropriations for the Magnuson Fishery Conservation and Management Act.
99-71 (May 22, 1985)—S. 959.
Coastal Zone Management Act of 1972 Reauthorization.
99-72 (May 22, 1985)—S. 90.
National Oceanic and Atmospheric Administration Program Support Authorization Act.
99-75 (May 30, 1985)—S. 1103.
Authorization for the Atmospheric and Satellite Programs of the National Oceanic and Atmospheric Administration.
99-76 (May 30, 1985)—S. 1080.
Railroad Safety Authorizations.
99-80 (June 11, 1985)—S. 374.
United States Travel and Tourism Administration Authorization.
99-81 (June 11, 1985)—S. 1078.
Federal Trade Commission Act Amendments of 1985 (together with additional views).
99-85 (June 14, 1985)—S. 1079.
National Telecommunications and Information Administration Authorization.
99-86 (June 14, 1985)—S. 1279.
Land Remote-Sensing Commercialization Act of 1984 Authorization.
99-89 (June 24, 1985)—S. 721.
Application of Cargo Preference Laws Relating to the Exportation of U.S. Agricultural Commodities (together with minority views).
99-90 (June 24, 1985)—S. 1218.
International Air Transportation Protection Act of 1985 (together with minority views).
99-91 (June 24, 1985)—H.R. 1714.
National Aeronautics and Space Administration Authorization Act of 1986 (together with additional views).
99-93 (June 27, 1985)—S. 63.
In-Flight Medical Emergencies Act.
99-98 (June 27, 1985)—S. 638.
Conrail Sale Amendments Act of 1985 (together with minority views).
99-113 (July 25, 1985)—H.R.2796.
Air Traveler Protection Act of 1985.
99-120 (July 31, 1985)—S. 1124.
Surface Freight Forwarder Deregulation Act of 1985 (together with additional views).
99-128 (August 1, 1985)—S. 1097.
Methanol and Ethanol Vehicle Incentives Act of 1985.
99-175 (November 4, 1985)—S. 1073.
Japanese Technical Literature Act of 1985.
99-187 (November 18, 1985)—H.R. 3235.
Mississippi Technology Transfer Center.
99-193 (November 20, 1985)—S. 1017.
Metropolitan Washington Airports Transfer Act of 1985 (together with minority views).
99-263 (March 21, 1986)—S. 2179.
Reduction of Terms of Office of Members of the Federal Communications Commission.
99-266 (March 26, 1986)—S. 2054.
Space Shuttle Donations.
99-267 (March 26, 1986)—S. 2180.
Federal Fire Prevention and Control Reauthorization.
99-270 (March 26, 1986)—S. Res. 332.
Designation of Certain Features at the Planet Uranus in Honor of the *Challenger* Space Shuttle Astronauts.
99-283 (April 21, 1986)—H.R. 3773.
Federal Technology Transfer Act of 1986.
99-284 (April 22, 1986)—H.R. 739.
Miscellaneous Changes in Laws Affecting the Coast Guard.
99-286 (April 24, 1986)—S. 1750.
Penalties for Safety Violations by Operators of Commercial Aircraft.
99-294 (May 9, 1986)—S. 2129.
Risk Retention Amendments of 1986 (together with additional and minority views).
99-299 (May 14, 1986)—S. 1966.
Operating Rights at Congested Domestic Airports.
99-321 (June 10, 1986)—S. 186.
Carriage of Mail on Vessels of U.S. Registry.
99-328 (June 26, 1986)—S. Con. Res. 137.
Support for National STORM Program.
99-334 (July 14, 1986)—S. 2307.
Authorization of Appropriations for the U.S. Travel and Tourism Administration.
99-338 (July 23, 1986)—S. 2184.
Authorization of Appropriations for the National Science Foundation for Fiscal Year 1987.
99-379 (November 19, 1985)—H.R. 1714 (Conference Report).
National Aeronautics and Space Administration Authorization Act, 1986 (Filed in the House).
99-399 (August 13, 1986)—S. 2664.
Authorization of Appropriations for the National Bureau of Standards.
99-400 (August 13, 1986)—S. 2703.
Air Carrier Access Act of 1986.
99-407 (August 14, 1986)—H.R. 4175.
Authorization of Appropriations for the Maritime Administration and Federal Maritime Commission.
99-411 (August 15, 1986)—S. 1903.
The Commercial Motor Vehicle Safety Act of 1986.
99-422 (August 15, 1986)—S. 2760.
The Product Liability Reform Act (together with additional and minority views).
99-428 (September 3, 1986)—S. 2794.
General Aviation Accident Liability Standards Act of 1986.
99-429 (September 3, 1986)—S. 2417.
Aviation Safety Commission.
99-430 (September 3, 1986)—H.R. 2935.
Fish and Seafood Promotion Act of 1986.
99-437 (September 10, 1986)—S. 2607.
Independent Safety Board Act Amendments of 1986.
99-453 (December 19, 1985)—H.R. 3128 (Conference Report).
Consolidated Omnibus Budget Reconciliation Act of 1985 (Filed in the House).
99-465 (September 22, 1986)—S. 1935.
U.S. Cruise Ship Revitalization.
99-501 (September 29, 1986)—S. 2714.
Authorization of Appropriations for the National Aeronautics and Space Administration for Fiscal Year 1987 (together with additional views).
99-502 (September 29, 1986)—S.J. Res. 336.
Establishment of the Children's Challenge Center for Space Science.
99-518 (October 2, 1986)—S. 2708.
National Oceanic and Atmospheric Administration Program Authorization Act (together with additional views).
99-529 (October 6, 1986)—S. 2611.
Driftnet Impact Monitoring, Assessment, and Control Act of 1986.
99-530 (October 6, 1986)—H.R. 4208.
Coast Guard Authorization Act of 1986.
99-953 (October 2, 1986)—H.R. 3773 (Conference Report).
Federal Technology Transfer Act of 1986 (Filed in the House).
99-1005 (October 15, 1986)—H.J. Res. 738 (Conference Report).
Making Continuing Appropriations for Fiscal Year 1987 (Filed in the House).
99-1012 (October 17, 1986)—H.R. 5300 (Conference Report).
Providing for Reconciliation Pursuant to Section 2 of the Concurrent Resolution on the Budget for Fiscal Year 1987 (Filed in the House).

PUBLICATIONS ISSUED BY THE COMMITTEE

HEARINGS

S. Hrg. 99-5—Available.
Briefing by the Astronauts of Shuttle Mission 51-A.
S. Hrg. 99-21—Not Available.
NHTSA Authorization and Means of Improving Highway Safety.
S. Hrg. 99-25—Available.
Pacific Salmon Treaty Act of 1985 (S. 516).
S. Hrg. 99-34—Available.
Reauthorization of the National Foundation.
S. Hrg. 99-36—Available.
Professional Sports Community Protection Act of 1985 (S. 259 and S. 287).
S. Hrg. 99-37—Available.
Earthquake Hazards Reduction Act Reauthorization.
S. Hrg. 99-38—Available.
Computer Reservation Systems.
S. Hrg. 99-40—Available.
National Bureau of Standards Authorization.
S. Hrg. 99-41—Available.
Authorization of the Federal Fire Prevention and Control Act.
S. Hrg. 99-52—Available.
Sale of Conrail.
S. Hrg. 99-66—Available.
Reauthorization and Oversight of the FCC.
S. Hrg. 99-80—Available.
Maritime Appropriation Authorization Act for Fiscal Year 1986 (S. 102, S. 679).
S. Hrg. 99-81—Available.

Surface Freight Forwarder Deregulation Act of 1985 (S. 1124).

S. Hrg. 99-84—Available.

Product Liability Act (S. 100).

S. Hrg. 99-86—Available.

NOAA Authorizations for Atmospheric and Satellite Programs.

S. Hrg. 99-95—Available.

U.S. Travel and Tourism Administration Authorization (S. 193, S. 374).

S. Hrg. 99-102—Available.

NASA Authorization for Fiscal Year 1986.

S. Hrg. 99-104—Available.

Briefing by crew of the Space Shuttle Mission 51-D.

S. Hrg. 99-150—Available.

Reauthorization of Pipeline Safety.

S. Hrg. 99-151—Available.

FTC Authorization.

S. Hrg. 99-152—Available.

Amtrak Reauthorization.

S. Hrg. 99-153—Available.

Reauthorization of the CPSC.

S. Hrg. 99-154—Available.

NTIA Authorization and Oversight.

S. Hrg. 99-157—Available.

Ocean Freight Rates for Lumber Exports.

S. Hrg. 99-173—Available.

NOAA Ocean Programs Authorizations and CZM Act (S. 959, S. 990)

S. Hrg. 99-177—Available.

Product Liability Act Amendments.

S. Hrg. 99-191—Available.

Railroads Safety.

S. Hrg. 99-192—Available.

International Air Transportation Protection Act of 1985 (S. 1218).

S. Hrg. 99-199—Available.

Nominations—February-May—Federal Aviation Administration (Jones); Federal Trade Commission (Azcuenaga); Consumer Product Safety Commission (Dawson); Federal Maritime Commission (Philbin); Department of Commerce (Riggs).

S. Hrg. 99-200—Available.

International Air Route Certificates (S. 586).

S. Hrg. 99-227—Available.

Morgan Stanley Proposal.

S. Hrg. 99-233—Available.

New Technologies on Economic Competitiveness.

S. Hrg. 99-268—Available.

Fishing Vessel Safety and Insurance.

S. Hrg. 99-269—Available.

Cargo Preference Laws (S. 664).

S. Hrg. 99-290—Available.

International Airport Security and Anti-Hijacking Measures (S. 1321, S. 1326, S. 1343, H.R. 2796).

S. Hrg. 99-292—Available.

FCC Network Acquisition Approval Act of 1985 (S. 1312).

S. Hrg. 99-313—Available.

Rollback of CAFE Standards and Methanol Vehicle Incentives Act of 1985 (S. 1097, S. Res. 178).

S. Hrg. 99-328—Available.

Magnuson Fishery Conservation and Management Act Amendments (S. 747, S. 1245, S. 1386).

S. Hrg. 99-334—Available.

Oversight of the Motor Carrier Act of 1980.

S. Hrg. 99-338—Available.

Transfer of National and Dulles Airports (S. 1017, S. 1110)

S. Hrg. 99-344—Available.

Nominations—July-August—Federal Communications Commission (Patrick); Department of Transportation (Range and Hillings); National Oceanic and Atmospheric Administration (Calio).

S. Hrg. 99-350—Available.

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S. Hrg. 99-351—Available.

Long-Distance Competition.

S. Hrg. 99-380—Available.

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S. Hrg. 99-449—Available.

Oversight of Regional Airlines.

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Redocumentation of Certain Vessels (S. 1461).

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World Administrative Radio Conference.

S. Hrg. 99-464—Available.

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S. Hrg. 99-465—Available.

Household Goods Transportation and Bus Regulatory Reform Oversight.

S. Hrg. 99-475—Available.

Airline Mergers and Acquisitions: The Question of Labor Protection.

S. Hrg. 99-479—Available.

Oversight of the Motor Carrier Safety Act of 1984.

S. Hrg. 99-480—Available.

Satellite Insurance and Space Commercialization.

S. Hrg. 99-491—Available.

Clean Campaign Act of 1985 (S. 1310).

S. Hrg. 99-495—Available.

Promotion of Domestic Tourism.

S. Hrg. 99-502—Available.

Oversight of the Staggers Rail Act of 1980.

S. Hrg. 99-529—On Sale.

Record Labeling (GPO Stock #052-070-06101-4, $5.00).

S. Hrg. 99-538—On Sale.

Nominations—November—National Oceanic and Atmospheric Administration (Mack); Department of Transportation (Dorn) ($1.00).

S. Hrg. 99-539—On Sale.

Nomination—U.S. and Foreign Commercial Service—Department of Commerce (Good) ($1.00).

S. Hrg. 99-558—On Sale.

Nominations—September—Consumer Product Safety Commission (Scanlon and Graham); National Aeronautics and Space Administration (Colvin) ($5.00).

S. Hrg. 99-561—On Sale.

Nominations—October—National Aeronautics and Space Administration (Graham); Marine Mammal Commission (Elsner and Pryor); Federal Maritime Commission (Ivancie and Hickey); Maritime Administration (Gaughan); National Transportation Safety Board (Hill, Lauber and Grose); Communications Satellite Corporation (McManus and Freeman); Consumer Product Safety Commission (Dawson) ($4.00).

S. Hrg. 99-562—On Sale.

Pelagic Driftnet Fisheries ($2.75).

S. Hrg. 99-567—On Sale.

Availability and Affordability Problems in Liability Insurance ($5.00).

S. Hrg. 99-569—On Sale.

Land Remote Sensing Commercialization Act of 1985 ($2.50).

S. Hrg. 99-592—On Sale.

Reauthorization of the Federal Fire Prevention and Control Act ($1.75).

S. Hrg. 99-632—On Sale.

Nomination—Federal Trade Commission (Oliver and Strenio) ($1.25).

S. Hrg. 99-633—On Sale.

Availability and Cost of Liability Insurance ($8.50).

S. Hrg. 99-644—On Sale.

Alcohol and Drug Abuse ($2.25).

S. Hrg. 99-654—On Sale.

Nominations—March-April—Department of Commerce (Sikes and Ortner); Interstate Commerce Commission (Lamboley and Simmons); Department of Transportation (Hale); National Transportation Safety Board (Burnett and Nall); Federal Communications Commission (Dennis) ($3.25).

S. Hrg. 99-655—On Sale.

Establish a Build and Charter Program (S. 1832, S. 1833, S. 1885) ($4.25).

S. Hrg. 99-662—On Sale.

Impact of Debt Ceiling Legislation on Aviation Funding and Safety ($2.00).

S. Hrg. 99-675—On Sale.

Consumer Rail Equity Act (S. 477) ($5.50).

S. Hrg. 99-720—On Sale.

NBS Authorizations ($2.25).

S. Hrg. 99-722—On Sale.

Risk Retention Amendments of 1986 (S. 2129) ($2.25).

S. Hrg. 99-728—On Sale.

Nomination—NASA (Fletcher) ($1.50).

S. Hrg. 99-733—On Sale.

Product Liability Voluntary Claims and Uniform Standards Act (S. 1999) $9.00).

S. Hrg. 99-746—On Sale.

Buying and Selling Airport Operating Rights (S. 1966) ($3.75).

S. Hrg. 99-748—On Sale.

Title XI Bankruptcy Reform (S. 1992, S. 1993) ($2.75).

S. Hrg. 99-769—On Sale.

NOAA Authorization ($2.00).

S. Hrg. 99-786—On Sale.

NSF Authorization ($3.25).

S. Hrg. 99-813—On Sale.

Seafood Marketing Councils Act (S. 2138, S. 2297, H.R. 2935) ($2.75).

S. Hrg. 99-819—On Sale.

Aging Commercial Airline Fleet ($2.25).

S. Hrg. 99-821—On Sale.

Authorizations for USTTA (S. 2307) ($2.25).

S. Hrg. 99-825—On Sale.

Nominations—May-July—U.S. Coast Guard (Yost and Irwin); National Transportation Safety Board (Burnett) ($1.25).

S. Hrg. 99-837—On Sale.

General Aviation Accident Liability Standards ($2.00).

S. Hrg. 99-841—On Sale.

USCG Authorizations and Load Lines (H.R. 1362) ($2.25).

S. Hrg. 99-903—On Sale.

MARAD and FMC Authorizations ($2.00).

S. Hrg. 99-921—On Sale.

Aviation Safety Commission Act of 1986 (S. 2417) ($3.50).

S. Hrg. 99-951—On Sale.

Short Line and Regional Railroads ($3.00).

S. Hrg. 99-954—On Sale.

Report of the National Commission on Space ($1.75).

S. Hrg. 99-956—On Sale.

NTSB Reauthorization (S. 2807) ($1.25).

S. Hrg. 99-958—On Sale.

Passenger Ship Legislation (S. 1929, S. 1935) ($3.00).

S. Hrg. 99-967—On Sale.

Space Shuttle Accident ($6.00).

S. Hrg. 99-968—On Sale.

Commercial Motor Vehicle Safety Act of 1985 (S. 1903) ($4.00).

S. Hrg. 99-972—On Sale.

NASA Authorizations (S. 2714) ($14.00).

S. Hrg. 99-977—On Sale.

Scrambling of Satellite TV Signals ($5.50).

S. Hrg. 99-994—On Sale.

Liner Development Act of 1986 (S. 2662) ($3.50).

S. Hrg. 99-1004—On Sale.

Product Liability Reform Proposals ($5.50).

S. Hrg. 99-1007—On Sale.

Travel and Tourism Statistics ($1.75).

S. Hrg. 99-1032—On Sale.

Airline Cabin Air Quality.

S. Hrg. 99-1042—On Sale.

Nominations—September-October.

S. Hrg. 99-1045—On Sale.

Reauthorization of Airport and Airway Improvement Act and Airport and Airway Trust Fund.

S. Hrg. 99-1046—On Sale.

Oversight of NHTSA and the Office of Motor Carriers.

On Sale.

Federal Telecommunications Policy Act of 1986 (S. 2565).

MISCELLANEOUS PUBLICATIONS

S. Prt. 98-235 (May 1985)—Available.

Soviet Space Programs: 1976-80 (With Supplementary Data Through 1983): Unmanned Space Activities Part 3 (GPO Stock #052-070-06029-8, $8.50).

S. Prt. 99-16 (March 1985)—Available.

Insurance and the Commercialization of Space.

S. Prt. 99-34 (March 1985)—Available.

The Goals of the Committee on Commerce, Science, and Transportation for the First Session of the 99th Congress.

S. Prt. 99-57 (June 1985)—Available.

Legislative Calendar (No. 1).

S. Prt. 99-124 (January 1986)—Available.

Legislative Calendar (No. 2).

S. Prt. 99-136 (March 1986)—Available.

The Goals of the Committee on Commerce, Science, and Transportation for the Second Session of the 99th Congress.

Earthquake Insurance: Problems and Options.

TABLE OF PUBLIC LAWS

Public Law 99-5 (H.R. 1093)—March 15, 1985.

A bill to give effect to the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

Digest: *Pacific Salmon Treaty Act of 1985*—Provides for the appointment of 4 U.S. Commissioners to the Pacific Salmon Commission established by the Pacific Salmon Treaty between the United States and Canada (the Treaty). Provides for the appointment of U.S. Panel members to the Southern, Northern, and Fraser River Panels established by the Treaty. Sets forth the voting requirements for U.S. Commissioners and members of the various Panels.

Authorizes the Secretary of State (the Secretary) to: (1) receive and transmit communications of and to the Commission and Panels; (2) in consultation with the Secretary of the Interior, approve, disapprove, object to, or withdraw objections to fishery regimes and Fraser River Panel regulations proposed in accordance with the Treaty; and (3) act upon or refer to other appropriate authority any other communications of and to the Commission and Panels.

Authorizes the Secretary to: (1) arrange for cooperation in carrying out the Treaty with U.S. agencies, the States, treaty Indian tribes, private institutions and organizations; and (2) execute memoranda to reflect such agreements. Authorizes U.S. agencies to cooperate in scientific and other programs to assist the Commission and Panels in carrying out their responsibilities under the Treaty.

Provides for the preemption of State or treaty Indian tribe actions if such actions place the United States in jeopardy of not fulfilling its international obligations under the Treaty.

Sets forth the procedures for promulgating regulations to carry out the U.S. international obligations under the Treaty.

Makes it unlawful for any person or vessel subject to U.S. jurisdiction to (1) violate this act, or any regulation adopted under this act, or any Fraser River Panel regulation approved by the United States under the Treaty; (2) refuse to permit an authorized search or inspection of a fishing vessel under such person's control; (3) interfere with an authorized officer in the conduct of such a search or inspection; (4) resist a lawful arrest for any act prohibited by this act; (5) ship, transport, offer for sale, sell, purchase, import, export, or have custody of any fish taken and retained in violation of this act; or (6) interfere with the apprehension or arrest of another person knowing such person has violated this act. Sets forth penalties for such violations.

Sets forth as the general standard for U.S. actions with respect to the Treaty that the U.S. actions shall: (1) consider the best scientific information available; (2) result in measures necessary and appropriate for the conservation and use of the Pacific salmon; and (3) be consistent with U.S. obligations under the Treaty, domestic Indian treaties, and other applicable law.

Requires the U.S. Commissioners and Panel members to appoint an advisory committee.

Sets forth general administrative provisions.

Authorizes appropriations.

Repeals the Sockeye Salmon or Pink Salmon Fishing Act of July 29, 1947, as amended. Directs the Secretary to dispose of any U.S. property held by the International Pacific Salmon Fisheries Commission.

Limits spending authority under this act to amounts provided in advance in appropriation acts.

Public Law 99-36 (S. 597)—May 15, 1985.

A bill to amend subtitle II of title 46, United States Code, "Shipping" making technical and conforming changes, and for other purposes.

Digest: Makes technical and conforming changes to certain Federal shipping laws.

Exempts vessels engaged in coastwise commerce from the requirement that the master (or owner) of such vessels pay a seaman 2 days' wages for each day that payment of wages is delayed without sufficient cause.

Subjects fishing industry vessels which service remote Alaskan communities to certain safety requirements imposed upon flammable or combustible liquid bulk cargo.

Public Law 99-45 (S. 661)—May 24, 1985.

A bill entitled the "George Milligan Control Tower."

Digest: Designates the air traffic control tower at the Medford-Jackson County (Oregon) Airport as the "George Milligan Control Tower."

Public Law 99-59 (S. 413)—July 3, 1985.

A bill to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance.

Digest: Amends the Merchant Marine Act, 1936 to extend from September 30, 1984 to June 30, 1990, the authority of the Secretary of Commerce to provide war risk insurance and reinsurance.

Public Law 99-62 (H.R. 2800)—July 11, 1985.

A bill to provide authorization of appropriations for activities under the Land Remote-Sensing Commercialization Act of 1984.

Digest: Amends the Land Remote-Sensing Commercialization Act of 1984 to authorize appropriations to carry out such act for fiscal year 1985 through 1989. Limits the amount of such funds which shall be available for fiscal years 1985 and 1986.

Public Law 99-73 (H.R. 1617)—July 29, 1985.

A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1986 and 1987, and for other purposes.

Digest: *National Bureau of Standards Authorization Act for Fiscal Year 1986*—Authorizes appropriations for fiscal year 1986 to the Secretary of Commerce for the following activities performed by the National Bureau of Standards (the Bureau): (1) measurement research and standards; (2) materials science and engineering; (3) engineering measurements and standards; (4) computer science and technology; (5) center for Fire Research; (6) technical competence fund; and (7) central technical support.

Reserves specified minimum amounts from the total amount of such authorized appropriations for: (1) steel technology; (2) the center for Building Technology; (3) the creation and maintenance of data bases on structural failures; and (4) transfer to the Working Capital Fund.

Authorizes funds to be transferred among the specified line items, but requires that notification and explanation of any such proposed transfer to or from a line item which exceeds ten percent of the amount authorized for that line item first be given to specified congressional officers and to the appropriate authorizing committees of Congress. Prohibits any such transfer from having the effect of reducing the applicable minimum amounts specified for certain purposes. Prohibits any of such transferred funds from being used for the construction of the Cold Neutron Source Facility.

Directs the Bureau to seek reimbursement of a specified minimum amount from other Federal agencies to expand its efforts in support of basic scientific research on the atmospheric, climatic, and environmental consequences of nuclear explosions and nuclear exchanges.

Authorizes additional appropriations to the Secretary for fiscal year 1986 for the Bureau's: (1) expenses incurred outside the United States (to be paid for in excess foreign currency); and (2) adjustments in salary, pay, retirement, and other employee benefits.

Requires that sufficient income from the Working Capital Fund remain outside the general fund of the Treasury to ensure the availability of working capital necessary to replace equipment and inventories of the Bureau. Requires that fees for specified services provided by the Bureau be at least sufficient to meet these and specified other capital requirements.

Provides that the Director of the Bureau shall be compensated at the rate for level IV of the Executive Schedule.

Authorizes the Bureau, on its own initiative but only after consultation with local authorities, to investigate structural failures in structures used or occupied by the general public. Prohibits any part of any report resulting from such investigation from being admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report.

Establishes a goal of 20 positions for the Senior Scientists Program at the Bureau.

Authorizes appropriations for fiscal year 1986 to the Secretary for the activities of the Office of Productivity, Technology, and Innovation.

Authorizes additional appropriations for fiscal year 1986 to the Secretary for the National Technical Information Service's patent licensing activities.

Provides that appropriations made under the authority provided in this act shall remain available for periods specified in the acts making such appropriations.

Requires the Director of the Bureau, within 90 days after enactment of this act, to: (1) review those recommendations of the President's Private Sector Survey on Cost Control and such other recommendations as may be included in a specified report of the Office of Management and Budget; and (2) report to specified congressional officers and to the appropriate congressional committees on the implementation status of each such recommendation which affects the Bureau and is within the authority and control of the Director.

Public Law 99-97 (S. 818)—September 26, 1985.

A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

Digest: Amends the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for fiscal year 1986.

Public Law 99-105 (S. 817)—September 30, 1985.

A bill to authorize appropriations under the Earthquake Hazard Reduction Act of 1977 for fiscal years 1986 and 1987, and for other purposes.

Digest: Amends the Earthquake Hazards Reduction Act of 1977 to authorize appropriations through fiscal year 1987 for the following programs: (1) the national earthquake hazards reduction program: (2) geological surveys; (3) earthquake-related activities of the National Science Foundation; and (4) earthquake-related activities of the National Bureau of Standards. Requires the Director of the Federal Emergency Management Agency to maintain a written plan for the earthquake hazards reduction program and to submit such plan to the Congress. Declares that such plans shall be updated at least every three years. Requires the Director, in cooperation with the United States Geological Survey, the National Science Foundation, and the National Bureau of Standards, to make an annual representation to the appropriate committee of the Congress, of any events and programmatic requirements deemed significant by the national earthquakes and hazards reduction program.

Public Law 99-159 (H.R. 1210)—November 22, 1985.

A bill to authorize appropriations to the National Science Foundation for fiscal years 1986 and 1987, and for related purposes.

Digest: *National Science, Engineering, and Mathematics Authorization Act of 1986*—Title I: *National Science Foundation Authorization—National Science Foundation authorization act for fiscal year 1986*—Authorizes appropriations to the National Science Foundation (NSF) for fiscal year 1986.

Provides that such funds authorized for fiscal year 1986 will be available for the following categories: (1) advanced scientific computing; (2) astronomical, atmospheric, earth, and ocean sciences; (3) biological, behavioral, and social sciences; (4) engineering; (5) mathematical and physical sciences; (6) scientific, technological, and international affairs; (7) program development and management; (8) U.S. Antarctic program; and (9) science and engineering education.

Reserves at least $1,000,000 of such appropriation to NSF for the ethics and values in science and technology program. Directs the NSF to report by December 30, 1986, to specified congressional committees on the distribution of such reserved funds for such program.

Reserves at least $3,000,000 of such appropriations to NSF for the Policy Research an Analysis program.

Requires that emphasis be placed on basic scientific research on the phenomena that contribute to acid rain, in the obligation, use, and expenditure of such funds for biotic systems and resources (under funds for biological, behavioral, and social sciences) and for atmospheric sciences (under funds for astronomical, atmospheric, earth, and ocean sciences).

Prohibits funds under this act from being expended toward closure of a National facility without appropriate scientific review, including review by NSF's appropriate advisory committee or committees and the National Science Board.

Limits and amount from appropriations authorized under this act which may be used for: (1) consultation, representation, or other extraordinary expenses; and (2) expenses incurred outside the United States.

Permits transfers of funds among categories as long as such transfers do not exceed ten percent of authorized amounts. Permits transfers in excess of ten percent if: (1) the Director of NSF submits a written explanation of the proposed transfer to specified congressional officers and committees; and (2) 30 calendar days have passed after such submission.

Authorizes NSF to design, establish, and maintain a date collection and analysis capability of identity and assess the research needs of universities. Requires documentation of the needs of universities, by major field or science and engineering, for construction and modernization of research laboratories, including fixed equipment and major research equipment. Requires collection and analysis of university expenditures for construction and modernization of research facilities, the sources of funds, and other appropriate dates. Directs NSF, in conjunction with appropriate Federal agencies, to conduct the necessary surveys every two years and report the results to the Congress. Requires that the first report be submitted to Congress by September 1, 1986.

Amends the National Science Foundation Act of 1950 to delete certain provisions relating to notification of meetings, to members of the National Science Board (the Board).

Provides that the Director of the NSF may make contracts, grants, and other arrangements only with the prior approval of the Board or under authority delegated by the Board and subject to such conditions as the Board may impose (thus removing the Director's current authority to make grants, contracts, or arrangements involving specified limited amounts under certain conditions without the Board's approval). Provides that any such delegation of authority or imposition of conditions shall be: (1) effective only for such period of time, not exceeding two years, as the Board may specify; and (2) promptly published in the Federal Register and reported to the appropriate authorizing committees of the Congress. Directs the Board to submit, on October 1 of each odd-numbered year, to the Congress a concise report which explains and justifies any such delegation of authority or imposition of conditions within the preceding two years.

Removes a prohibition against NSF officers or employees acquiring, retaining, or transferring patent rights on inventions which they may make or produce in connection with performing their assigned activities and which are directly related to the subject matter thereof.

Revises provisions for special commissions to provide that special commissions: (1) shall consist of such members as the Board considers appropriate; and (2) may be established to study and make recommendations to NSF on issues relating to research and education in science and engineering.

Removes certain prohibitions against outside employment and activities by the Director, the Deputy Director, or any Assistant Director of NSF and against their holding any office in or acting in any capacity for any organization with which NSF makes any grant, contract, or other arrangement.

Prohibits disclosure to the public of: (1) specified information supplied to NSF or to an NSF contractor by an industrial or commercial organization, unless such information has been transformed into statistical or aggregate formats that do not allow the identification of the supplier; and (2) the names of organizations supplying such information.

Repeals specified provisions of the National Science Foundation Authorization Act, Fiscal Year 1978 which require financial or other conflict of interest disclosure statements by NSF officials and employees.

Amends the National Science Foundation Authorization, 1976 to remove a limitation on the monetary amount and the duration of the grant included in the Alan T. Waterman Award. Provides that the Board will periodically establish the amounts and terms of such grants.

Repeals provisions of the National Science Foundation Authorization Act, Fiscal Year 1978, which require establishment of a Resource Center for Science and Engineering at an educational institution enrolling a substantial number of minority and/or low-income students.

Amends the National Science Foundation Authorization Act for Fiscal Year 1980 to require the National Science Board (as well as the Director of NSF) to keep specified congressional committees fully and currently informed with respect to all NSF activities.

Amends the National Science Foundation Act of 1950, the National Science Foundation Authorization Act, 1976, and the National Science Foundation Authorization and Science Technology Equal Opportunities Act to revise provisions for NSF functions relating to engineering research and education. Replaces specified references to "technology" with references to "engineering."

Requires the Director of NSF, within 90 days after enactment of this act, to: (1) review the recommendations of the President's Private Sector Survey of Cost Control and recommendations included in a specified report of the Office of Management and Budget; and (2) report to specified congressional officers and committees on the implementation status of each such recommendation which affects NSF and is within the Director's authority and control.

Title II: *Education for Economic Security Reauthorization—Part A: National Science Foundation Science and Engineering Education*—Amends the Education for Economic Security Act (EESA) to retitle its title I (National Science Foundation Mathematics and Science Programs) as "National Science

Foundation Science and Engineering Education."

Sets forth a congressional declaration of policy with regard to the science and engineering education responsibilities of NSF. Sets forth certain functional objectives which the NSF must have in carrying out such responsibilities. Requires that funds under title I of EESA, consistent with such functional objectives, be used for (1) enhancing public understanding of science and engineering through a variety of informal education activities; (2) developing new science and engineering faculty resources and talents; (3) enhancing the quality of science and engineering instruction in teacher education colleges; (4) developing four-year college faculty and instructors in high technology fields; (5) developing two-year community college faculty and instructors especially in high technology fields; (6) developing precollege mathematics, science and engineering education and training; (7) encouraging potential students, including underrepresented and underserved populations, to pursue careers in mathematics, science, engineering, and critical foreign languages; (8) developing instructional instrumentation and systems for postsecondary technical, engineering and scientific education; and (9) developing science, engineering, and education networks for disseminating curricula, methods, and materials.

Revises provisions for teacher institutes under title I of EESA. Directs the NSF to make competitive grants for such teacher institutes to institutions of higher education, businesses, nonprofit private organizations (including schools), local education agencies, professional engineering and scientific associations, museums, libraries, public broadcasting entities, and appropriate State agencies. Provides that such grants shall support institutes and workshops for supervisors and teachers in public and private elementary and secondary schools to improve such teachers' subject knowledge and teaching skills in mathematics and science.

Revises provisions relating to distribution of such teacher institute assistance. Provides that proposals which exceed $300,000 in any fiscal year and which incorporate the services of more than two entities in the design and operation of the institute may be funded at the discretion of the NSF Director.

Directs the NSF, in making grants under title I of EESA, to require assurances that: (1) local educational agencies will be involved in the institute planning and development in the case of applications submitted by other eligible applicants; or (2) one or more such other applicants will be involved in the institute planning and development in the case of applications submitted by State or local education agencies.

Revises provisions for mathematics and science education development programs. Authorizes the NSF to award competitive grants for: (1) instructional curriculum improvement and faculty development in mathematics, science, and engineering; (2) programs designed to enhance public understanding of mathematics, science, and engineering, including the use of public broadcasting entities; and (3) research on methods of instruction and education programs in mathematics, science, engineering, and critical foreign languages. Provides that such research may include: (1) teaching and learning research and its application to local and private sector instructional materials development and to teacher training programs; (2) research on the use of local and informal science education activities; (3) research on recruitment, retention, and improvement of mathematics, science, engineering, and critical language faculties; and (4) analysis of materials and methods for mathematics, science, and engineering education used in other countries and their potential application in the United States.

Directs the NSF to determine a minimum percentage for the matching amount which must be provided by recipients of such grants for materials development and methods research. Provides that such grants may be made to types of entities similar to those entities eligible for teacher institute grants, with similar application requirements for involvement of other eligible entities.

Authorizes the NSF to establish and carry out a new EESA program of graduate fellowships to encourage and assist promising students to continue their education and research in science, mathematics, and engineering.

Authorizes the NSF to expend up to 15 percent of the funds available for science and engineering education for applications which the NSF determines will meet one or more of the functional objectives described under title I of EESA. Provides that such programs may include a program for the exchange of mathematics, science, or engineering faculty between institutions of higher education (particularly those having nationally recognized research facilities) and eligible institutions (which are institutions with certain educational commitments to minority or economically or educationally disadvantaged students).

Directs the NSF to develop a five-year strategic plan for science and engineering education, to be up-dated on an annual basis and submitted to specified congressional committees by November 30 of each year.

Directs the NSF to: (1) adopt approval procedures designed to assure that awards are made on the basis of the scientific and educational merit as determined by the peer review process; and (2) assure, to the maximum extent possible, an equitable distribution of resources with respect to institutions and geographical areas.

Provides that funds to carry out title I of EESA for any fiscal year shall be made available from amounts appropriated pursuant to annual authorizations of appropriations for the NSF for science and engineering education. Provides that for fiscal year 1986 such funds shall be available from amounts authorized to be appropriated to NSF for science and engineering education under this act.

Part B: Education for Economic Security—Amends EESA to extend through fiscal year 1988 the authorization of appropriations for the Education for Economic Security (EES) program under which the Secretary of Education makes both grants to States and discretionary grants to strengthen teacher skills and instruction in mathematics, science, computer learning, and foreign languages. Revises formulas under such grants program for State allotments, allotments to schools operated for Indian children by the Department of the Interior, and allotments to specified U.S. territories and possessions.

Allows local educational agencies (LEAs) to use such program funds to: (1) support teacher training in mathematics and science, as well as in-service training and retraining; and (2) if an LEA has already met its need for such training and retraining in mathematics and science, support such training and retraining in computer learning and foreign languages, and acquire mathematics and science instructional materials and equipment.

Allows State educational agencies (SEAs), for purposes of distributing 50 percent of such EES program funds to LEAs, to calculate the relative enrollment in public and private nonprofit schools within the school district of such LEAs on the basis of the total number of children enrolled in public schools and in either: (1) private nonprofit schools; or (2) private nonprofit schools desiring that their children and teachers participate in the EES program.

Declares that LEA officials are still responsible for annually contacting private nonprofit school officials to determine whether such schools desire that their children and teachers participate in the EES program.

Includes retraining or inservice training in the teaching of foreign languages among authorized uses of certain EES higher education funds. Includes cooperative projects to improve student understanding and performance in computer learning among other authorized uses of such funds.

Requires that State preliminary assessments of certain educational needs be available to all LEAs. Requires the Secretary to submit to the Congress a summary report of the final version of State assessments under the EES program.

Specifies that provisions for EES program participation by children and teachers from private schools refer to nonprofit private schools.

Authorizes the Secretary, with specified amounts reserved by the Secretary, to carry out directly, or through grants, cooperative agreements, or contracts, projects authorized under the Secretary's discretionary fund for programs of national significance. Includes cooperative agreements with, as well as grants to, certain entities for specified educational purposes, among the required uses to which the Secretary must put 75 percent of such funds.

Part C: Partnerships in Education for Mathematics, Science, and Engineering—Authorizes appropriations for fiscal years 1986 through 1988 to carry out the program for Partnerships in Education for Mathematics, Science, and Engineering under EESA. Transfers the administration of such program from the NSF to the Department of Education.

Part D: Presidential Awards—Reserves not more than $1,000,000 from amounts authorized under title I of this act for the category of science and engineering for fiscal year 1986 for the program of Presidential Awards for Teaching Excellence in Mathematics and Science under EESA. Provides that, for subsequent fiscal years, funds to carry out such program shall be made available from amounts appropriated pursuant to annual authorizations of appropriations for the NSF for science and engineering education.

Part E: Excellence in Education—Extends through fiscal year 1988 the authorization of appropriations for the Excellence in Education program under EESA.

Part F: Magnet Schools Assistance—Amends title VII (Magnet School Assistance) of EESA to extend through fiscal year 1988 the authorization of appropriations to carry out such title.

Revises the statement of purpose of such magnet school assistance to emphasize support, through financial assistance to eligible LEAs, for: (1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial portions of minority students; and (2) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

Revises provisions for uses of funds for such magnet school assistance. Permits magnet school assistance grants to be used by eligible LEAs for: (1) planning and promotional activities directly related to expansion and enhancement of academic programs and services offered at magnet schools; (2) acquisition of books, materials, and equipment (including computers and computer operation and maintenance) necessary to conduct programs in magnet schools; and (3) paying or subsidizing compensation for teachers necessary to conduct programs in magnet schools. Requires, with respect to clauses (2) and (3), such assistance to be directly related to improving the knowledge of mathematics, science, history, English, foreign languages, art, or music, or to improving vocational skills.

Modifies prohibitions against certain uses of magnet school assistance grants to eliminate a reference to secular humanism.

Title III: *Library Services Program*—Amends the Library Services and Construction Act (the act) to revise the definition of "long-range program" and "Indian tribe."

Makes specified requirements for maintenance of funding levels for public library systems applicable to Hawaiian native programs.

Provides that, for purposes of basic State plan requirements under the act, "limited English-speaking proficiency" shall be determined according to its definition under the Bilingual Education Act.

Specifies that certain references under provisions relating to administration costs are to titles I, II, and III of the act.

Excludes the amount made available for Indian tribes and Hawaiian natives from certain determinations for purposes of reservation of portions of State allotments for major urban resource libraries.

Makes inapplicable in the case of Indian tribes and Indians in California, Oklahoma, and Alaska any provision of title IV (Library Services for Indian Tribes) of the act which require that services be provided on or near Indian reservations, or to only those Indians who live on or near Indian reservations.

Title IV: *Minority Institutions; Migratory Children Program*—Amends the General Education Provision Act to authorize appropriations for the Minority Institutions Science Improvement Program for FY 1985 and 1986.

Amends the Elementary and Secondary Education Act of 1965 to eliminate the authority of the Secretary of Education to make grants to (but continues the Secretary's authority to enter into contracts with) SEAs to operate migratory children student records system for the transfer of such records among SEAs and LEAs. Directs the Secretary, in order to ensure continuity in the operation of such a system, to continue to award, by July 1 of each year, such a contract to the SEA receiving the award in the preceding year, unless a majority of the States notify the Secretary in writing that such SEA has substantially failed to perform its responsibilities under the contract during that preceding year. Provides that no activity under such provisions for a migratory children student records system (and for other coordination of migrant education programs) shall, for purposes of any Federal law, be treated as an information collection that is conducted or sponsored by a Federal agency.

Title V: *Harry S. Truman Memorial Scholarship Program*—Amends the Harry S. Truman Memorial Scholarship Act to raise the dollar limitation on stipends paid under such act.

Title VI: *Education of the Handicapped Act*—Amends the Education of the Handicapped Act to raise the maximum amount for certain administrative costs which a State may take from its entitlement under the grant program of assistance for education of all handicapped children. Makes technical amendments.

Title VII: *Carl D. Perkins Vocational Education Act Technical Amendments*—Amends the Carl D. Perkins Vocational Education Act (the Act, for purposes of this title) to repeal a provision which excludes specified U.S. territories and possessions from certain "hold-harmless" requirements relating to minimum and maximum allotments.

Revises provisions relating to the portion of funds which a State reserves for administrative costs. Provides that the formula for determining the amount of such reservation applies to the entire State allotment, (rather than to that portion available for statewide activities), but also that such reserved amount shall be considered as part of that portion of the allotment that is retained for State activities and not distributed under specified provisions.

Revises provisions relating to State councils on vocational education. Specifies that certifications of such council's establishment and membership are to be made by the States to the Secretary of Education. Extends the deadline for such certification to the beginning of each State plan period. (Current law sets deadline at 90 days prior to the beginning of such period.) Requires each State council to meet with the State board of vocational education or its representatives during the planning period to advise on the development of the subsequent State plan. Requires that specified other functions and duties of the State council be carried out during such planning period.

Directs the Secretary of Education to make grants in specified amounts to the State councils of vocational education of specified U.S. territories and possessions, from amounts authorized to be appropriated for State councils of vocational education.

Revises provisions relating to State plans to specify that a required State evaluation will focus on the vocational education projects, services, and activities of at least 20 percent of the eligible recipients.

Revises a within-State allocation requirement of State board assurances concerning the proportion of limited-English-proficiency individuals served by eligible recipients for vocational education services and activities. Requires that such proportion be at least the same as the number of such individuals enrolled by the recipient in the preceding fiscal year bears to the total number of disadvantaged individuals, including such limited-English-proficiency individuals, in that preceding fiscal year.

Revises provisions relating to consumer and homemaking education. Limits the portion of funds for such purpose which may be used for State administration of projects, services, and activities under such provisions.

Revises provisions for the Federal share under the Act. Provides that the formula for determining the Federal share shall be used to determine a maximum limit on such share, rather than the exact required amount of such share. Allows the non-Federal contribution from local resources to be in cash or in kind, fairly valued, including facilities, overhead, personnel, equipment, and services, if the eligible recipient determines that it cannot otherwise provide such contribution.

Title VIII: *Higher Education Programs*—Amends the student Financial Assistance Technical Amendments of 1982 to direct the Secretary of Education to apportion fiscal year 1986 appropriations for the National Direct Student Loan Program under the Higher Education Act of 1965 so that each State's fiscal year 1986 apportionment bears the same ratio to the total fiscal year 1986 appropriations as that State's fiscal year 1980 apportionment bore to the total fiscal year 1980 appropriations, if the fiscal year 1986 appropriations are less than the fiscal year 1980 appropriations.

Amends the Higher Education Act of 1965 to revise provisions relating to the National Graduate Fellows program. Provides that national graduate fellowships shall be awarded for only one academic year of study and shall be renewable for a period not to exceed four years of study. Requires that, in fiscal year 1986 and succeeding fiscal years, all funds appropriated for such program in each fiscal year shall be: (1) awarded to students by March 1 of that fiscal year; and (2) obligated and expended to the students for fellowships for use in the academic year beginning July 1 of that fiscal year.

Public Law 99-170 (H.R. 1714)—December 5, 1985.

A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes.

Digest: *National Aeronautics and Space Administration Authorization Act, 1986*—Title I: *NASA Authorization*—Authorizes appropriations for fiscal year 1986 to the National Aeronautics and Space Administration (NASA) for specified activities relating to: (1) research and development; (2) space flight, control and data communications; (3) construction of facilities; and (4) research and program management.

Permits appropriations for research and development and for space flight, control, and data communications to be used for any items of a capital nature (other than acquisition of land) which may be required at locations other than NASA installations for the performance of research and development contracts, and for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities. Requires the Administrator of NASA (the Administrator) to notify specified congressional officers and committees whenever the cost of a facility exceeds a specified amount. Permits funds appropriated for research and development, for space flight, control and data communications, or for construction of facilities to remain available without fiscal year limitation.

Permits appropriations for research and program management to be used for scientific contributions or extraordinary expenses upon the approval of the Administrator.

Permits the funds for construction of any of specified facilities: (1) in the discretion of the Administrator, to be varied upward ten percent; or (2) following a report by the Administrator to specified congressional committees, to be varied upward 25 percent to meet unusual cost variations.

Permits one-half of one percent of the funds appropriated for research and development or for space flight, control, and data communications to be transferred to the appropriation for construction of facilities. Authorizes the expenditure of such transferred funds, together with a specified amount of the funds appropriated for construction of facilities, to construct, expand, or modify laboratories and other installations. Requires the Administrator, 30 days before expending such funds, to notify specified congressional officers and committees of the nature, cost and necessity of such construction.

Prohibits, until 30 days after congressional receipt of a full explanation by the Administrator, the use of funds appropriated pursuant to this Act for any program: (1) deleted by the Congress; (2) in excess of the amount actually authorized for the particular program under provisions for research and development, space flight, control and data communications, and research and program management; or (3) which has not been presented to either of the specified congressional committees.

Declares that it is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that NASA should explore ways of doing so.

Authorizes the Inspector General of NASA to administer to or take from any person an oath, affirmation, or affidavit whenever necessary in performing functions assigned by the Inspector General Act of 1978, and to designate investigators or other employees to do so.

Amends the National Aeronautics and Space Act of 1958 to provide that any invention made or used in outer space, after the effective date of this act, on a space vehicle under U.S. jurisdiction or control shall be considered made or used in the United States for purposes of Federal law relating to patents and inventions.

Provides that the authorization for the space shuttle includes provision for: (1) production of a fleet of four space shuttle orbiters, including structural and component spares; and (2) production readiness for a fifth orbiter vehicle.

Amends the National Aeronautics and Space Administration Authorization Act, 1985 to extend by six months the deadline for submission, to the President and specified congressional committees by the National Commission on Space, of a long range plan for U.S. civilian space activity.

Directs the Administrator, within 90 days of the enactment of this act, to: (1) review recommendations of the President's Private Sector Survey on Cost Control; and (2) submit a report to specified congressional officers and committees on the implementation status of each of such recommendations which affect NASA and are within the Administrator's authority and control.

Directs the Administrator to initiate an immediate feasibility study and such planning efforts as may be necessary to ensure a timely flight opportunity for a physically disabled American.

Title II: *Shuttle Pricing Policy for Commercial and Foreign Users*—Directs the Administrator to charge each commercial or foreign user of the Space Transportation System (STS), as reimbursement, a pro rata portion of an amount equal to the sum of the average additive cost of a flight, plus a capital recovery charge for a flight. Provides that such amount shall not exceed the average operating cost of a dedicated commercial flight of STS.

Authorized the Administrator to reduce such charge for any such user (but not below the user's pro rata portion of the average additive cost of a flight) as necessary to achieve: (1) preservation of U.S. leadership in space research, technology, and development; (2) efficient use of STS; (3) a long-range great increase in commercial space activities; and (4) enhancement of the U.S. position in international competition in providing space transportation services and capabilities.

Directs the Administrator, for purposes of this title, to assume 24 flights per year of STS.

Authorizes the Administrator to set a lower charge or provide no-cost flights for any such user who is involved in research and development programs with NASA.

Provides that this title shall apply to STS flights during fiscal years 1989 through 1991.

Title III: *Office of Commercial Space Transportation*—Amends the Commercial Space Launch Act to authorize appropriations for fiscal year 1986 to the Secretary of Transportation to carry out such Act (which provides for licensing and liability insurance requirements for commercial space launches).

Public Law 99-171 (H.R. 3235)—December 9, 1985.

A bill to authorize the Administrator of the National Aeronautics and Space Administration to accept title to the Mississippi Technology Transfer Center to be constructed by the State of Mississippi at the National Space Technologies Laboratories in Hancock County, Mississippi.

Digest: Authorizes the Administrator of the National Aeronautics and Space Administration to accept title to the Mississippi Technology Transfer Center to be constructed by the State of Mississippi at the National Space Technologies Laboratories in Hancock County, Mississippi. Authorizes the Administrator, subject to the availability of appropriations to enter into an agreement about the Center with the Governor of Mississippi in accordance with specified provisions of the Mississippi General Laws of 1985.

Provides that this act does not authorize the enactment of new budget authority for a fiscal year before fiscal year 1987.

P.L. 99-252 (S. 1574)—February 27, 1986.

A bill to provide for public education concerning the health consequences of using smokeless tobacco products.

Digest: *Comprehensive Smokeless Tobacco Health Education Act of 1986*—Directs the Secretary of Health and Human Services to establish and carry out a program to inform the public of any dangers to human health resulting from the use of smokeless tobacco products. Directs the Secretary to: (1) develop educational programs and materials and public service announcements respecting the dangers to human health from the use of smokeless tobacco; (2) make such programs, materials and announcements available to States, local governments, school systems, and other entities; (3) conduct and support research on the effect of smokeless tobacco on human health; and (4) collect, analyze and disseminate information and studies on smokeless tobacco and health.

Permits the Secretary to provide technical assistance and make grants to States to assist in the development and distribution of educational programs, materials, and public service announcements on the dangers to human health from the use of smokeless tobacco, and to establish 18 as the minimum age for purchasing smokeless tobacco.

Requires specified warning labels on all smokeless tobacco products and advertisements. Directs the Federal Trade Commission (FTC) to promulgate regulations to implement this act within 180 days. Requires manufacturers, packagers, and importers of smokeless tobacco products to annually provide the Secretary with a list of the ingredients added to tobacco, and a specification of the quantity of nicotine contained in each product. Provides for confidentiality of such information. Declares that the failure to comply with provisions of this act shall be a misdemeanor. Grants district courts of the United States jurisdiction and injunctive power to prevent and restrain violations of this act.

Requires each manufacturer, packager, or importer of smokeless tobacco to submit a compliance plan to the FTC. Imposes a ban on smokeless tobacco advertising on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission (FCC), effective six months after enactment of this act.

Requires a report to the Congress on January 11, 1987, and biennially thereafter, by the: (1) Secretary concerning smokeless tobacco and health and, as appropriate, on the health effects of ingredients added to smokeless tobacco; and (2) FTC concerning a description of current marketing practices associated with smokeless tobacco products.

Amends the Federal Food, Drug, and Cosmetic Act to exempt alcohol-containing confectionery from being considered adulterated if it is introduced into interstate commerce for sale in a State which permits its sale.

Sets forth the effective dates for the various provisions of this act and makes the warning provisions effective one year after enactment of this act.

Provides that the provisions of this act relating to smokeless tobacco statements shall preempt any other Federal, State, or local requirement.

P.L. 99-272 (H.R. 3128)—April 7, 1986.

A bill to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process.

Digest: *(of those provisions under the jurisdiction of the Commerce Committee).*

Consolidated Omnibus Budget Reconciliation Act of 1985.

Title IV: *Transportation and Related Programs—Subtitle A: Railroads—Amtrak Reauthorization Act of 1985*—Amends the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation (Amtrak) for FY 1986 through 1988.

Requires that certain appropriated funds designated by Amtrak for nonoperational capital projects be used to maintain Amtrak's rail system operations at the level in effect on the date of enactment of this Act (unless funds are otherwise available to maintain such operations at substantially the same level of service).

Amends the Rail Passenger Service Act to provide that preferred stock issued by

Amtrak to the Secretary of Transportation in return for Federal financial assistance shall be deemed to have been issued as of the date that Amtrak received such assistance (thus allowing Amtrak to take advantage of a certain depreciation allowance).

Permits Amtrak to participate in the contract air program administered by the General Services Administration in markets where service provided by Amtrak is competitive (thus including Amtrak among the competitors for the Federal employee travel market).

Sets February 15 as the annual deadline for Amtrak to submit specified data to the Congress.

Repeals the requirement that Amtrak enter into industry-wide rail carrier agreements regarding the operation of special and charter trains between specific routes.

Authorizes the Comptroller General to conduct annual audits of Amtrak activities (thus making such audits discretionary instead of mandatory).

Repeals Title VII of the Rail Passenger Service Act which provides for federally guaranteed emergency financial assistance to enable railroads to enter into operating contracts with Amtrak.

Amends the Railroad Revitalization and Regulatory Reform Act of 1976 to repeal the requirement that Amtrak and the Secretary of Transportation submit annual reports to the Congress regarding revenues and ridership of the Northeast Corridor Improvement Project.

Amends the Rail Passenger Service Act to repeal the requirement that Amtrak establish a Performance Evaluation Center.

Requires Amtrak to set a goal, beginning in FY 1986, of recovering at least 61 percent of its operating costs from its revenues (currently the statutory goal is to recover 50 percent of operating costs from revenues).

Requires Amtrak and representatives of Amtrak employees to negotiate changes in existing agreements that will result in cost savings to Amtrak, and requires the results of such negotiations to be reported to the Congress within a specified time.

Prohibits Amtrak from reducing the frequency of service on any line which, on May 1, 1985, had three or fewer trains operating per week.

Amends the Regional Rail Reorganization Act of 1973 to require the Railroad Retirement Board to issue a warning to any railroad which fails to notify the Board of job vacancies. Establishes a civil penalty to be imposed upon a railroad which is found guilty of two or more failures to notify the Board of job vacancies. Extends from four years to six years the expiration date of the central register of railroad employment maintained by the Board.

Amends the Rail Passenger Service Act to provide for Amtrak auto-ferry service of unoccupied vehicles when space is available.

Amends the Rail Passenger Service Act to authorize Amtrak to discontinue commuter train service which does not meet the avoidable loss per passenger mile criterion for short distance trains unless the affected State agrees to ensure that such criterion will be met.

States that a joint congressional resolution shall be the congressional oversight mechanism for any changes proposed by Amtrak to its Route and Service criteria.

Eliminates the passenger mile per train mile criterion for Amtrak route service.

Amends the Northeast Rail Service Act of 1981 to prohibit the Interstate Commerce Commission from allowing cross subsidization between intercity and commuter rail passenger service in the Commission's resolution of Northeast Corridor cost disputes involving non-Amtrak commuter authorities and freight railroads.

Amends the Northeast Rail Service Act of 1981 to repeal the requirement that the Commission determine within a specified time a costing methodology for compensation to Amtrak by Conrail for certain rail freight service over the Northeast Corridor.

Amends the Rail Passenger Service Act to reduce from 180 days to 120 days the period within which the Commission must: (1) resolve rail service compensation disputes; and (2) modify the criteria used by the Commission in determining Amtrak's compensation for use of the Northeast Corridor by freight railroads and commuter authorities.

Authorizes appropriations for FY 1986 through 1988 for local rail service assistance. Declares that no funds are authorized to be appropriated for any period after FY 1988.

Subtitle B: Highway Programs—Amends the Highway Improvement Act of 1982 to reduce highway apportionments for the primary system. Amends the Highway Safety Act of 1982 to reduce apportionments for bridge replacement and rehabilitation. Amends the Federal-Aid Highway Act of 1978 to reduce highway apportionments for resurfacing, reconstructing, rehabilitating, and restoring routes on the National System of Interstate and Defense Highways. Directs the Secretary of Transportation (the Secretary) to determine apportionment adjustments based on such reductions on the first day following the effective date of this Act.

Sets an obligation ceiling for FY 1986 through 1988 for Federal-aid highways and highway safety reconstruction programs. Specifies exceptions. Provides guidelines for FY 1986 through 1988 for: (1) the distribution of obligational authority; and (2) the redistribution of unused obligation authority.

Increases from $30,000,000 to $55,000,000 the amount of emergency relief which the Secretary is authorized to expend for natural disasters or catastrophic failures occurring in any State in 1985.

Directs the Secretary to permanently withhold ten percent of highway funds apportionments from any State which does not have in effect a permanent 21-year-old minimum drinking age on the first day of fiscal year 1989. Deems a State to be in compliance with the 21-year-old national minimum drinking age requirement if such State has enacted a law within a specified time period which allows persons under 21 who had the right to drink under previous law to retain their legal drinking age status.

Amends the Federal-Aid Highway Act of 1978 to provide that funds which exceed the amounts needed for certain bridge demonstration projects shall be available to implement certain state-of-the-art bridge technology demonstration projects in Ohio. Requires the Secretary to report to the Congress regarding the results of using such technology.

Title V: *Corporation for Public Broadcasting and Federal Communications Commission*—Amends the Communications Act of 1934 to authorize appropriations for FY 1986 through 1988 to be used by the Secretary of Commerce to assist in the planning and construction of public telecommunications facilities. Repeals a provision that requires 75 percent of the funds appropriated for such purposes in a fiscal year to be available to extend delivery of public telecommunications services to areas not receiving such services. Authorizes appropriations, to match up to a specified amount of non-Federal contributions to public broadcasting entities, for the Public Broadcasting Fund for FY 1987 through 1990. Repeals a provision that requires that a specified portion of the amount made available to the Corporation for Public Broadcasting from the Fund be earmarked for expenses of research, training, technical assistance, engineering, instructional support, and the payment of interest on indebtedness.

Repeals provisions requiring a public telecommunications entity to refund to the Corporation for Public Broadcasting an amount of Federal funds equal to the amount of any unrelated business income tax paid by such entity.

Authorizes appropriations for the Federal Communications Commission for FY 1986 and 1987. Extends the effectiveness of provisions concerning the reimbursement of travel expenses of Commission officers or employees through FY 1987.

Changes the deadline for the Commission's annual report to the Congress from January 31 to March 31.

Sets forth a schedule for charges to be implemented and assessed by the Commission for specified administrative services. Directs the Commission to review and adjust such charges (in certain increments) every two years to reflect changes in the Consumer Price Index. Exempts from such charges specified radio public services. Permits the Commission to: (1) dismiss any application or other filing for failure to pay any charge in a timely manner; and (2) waive or defer payment of a charge to promote the public interest.

Title VI: *Maritime, Coastal Zone, and Related Programs—Subtitle A: Boating Safety Fund*—Transfers a specified amount from the Boat Safety Account to be used by the department in which the Coast Guard is operating for various Coast Guard activities.

Subtitle B: NOAA Nautical and Aeronautical Products—Revises generally provisions concerning the sale by the Secretary of Commerce of nautical and aeronautical products created or published by the National Oceanic and Atmospheric Administration (NOAA).

Subtitle C: Foreign Fishing Permit Fees—Amends the Magnuson Fishery Conservation and Management Act to revise provisions concerning payment to the Secretary of Commerce of fishing fees by the owners or operators of foreign fishing vessels operating within the fishery conservation zone of the United States.

Subtitle D: Amendments to the Coastal Zone Management Act—Coastal Zone Management Reauthorization Act of 1985—Amends the Coastal Zone Management Act to phase-down the Federal share of the development, implementation, and operation of coastal zone management programs from 80 percent to 50 percent over a three-year period. Directs any State receiving Federal funds to promptly notify the Secretary of Commerce of any proposed program changes. Requires the Secretary to notify the State of its approval or disapproval to such changes within 30 days of notice from the State of such proposed changes.

Establishes the National Estuarine Reserve Research System (the System). Authorizes the Secretary to designate an estuarine area as a national estuarine research reserve upon certain findings. Requires the Secretary to develop guidelines for research within the System. Requires the Secretary to promote and coordinate the utilization of such reserves. Authorizes the Secretary to make grants to coastal States for acquisition or operation of such reserves or to a coastal State or other entity to support research and monitoring within a reserve. Sets prereserve grant limits. Directs the Secretary to periodically evaluate the operation and management of each reserve and its research. Authorizes the Secretary to suspend a reserve from eligibility for financial assistance or withdraw its designation as a national reserve upon certain findings. Outlines information to be included in annual reports concerning such reserves.

Repeals Federal provisions which establish: (1) research and technical assistance grants for coastal zone management; and (2) the Coastal Zone Management Advisory Committee and certain other positions.

Adjusts the authorization of appropriations for administrative grants to States for coastal resources management programs and for the establishment of national estuarine sanctuaries.

Subtitle E: National Oceanic and Atmospheric Administration—Authorizes appropriations to the Department of Commerce for fiscal years 1986 and 1987 to enable the National Oceanic and Atmospheric Administration to carry out specified functions during such period.

Subtitle F: Marine Protection, Research, and Sanctuaries Act Amendments—Makes various amendments to the Marine Protection, Research, and Sanctuaries Act of 1972 concerning reports, research requirements, and regional management plans under such Act. Authorizes appropriations under such Act for fiscal years 1986 and 1987.

Subtitle G: National Ocean Pollution Planning Act Amendments—Amends the National Ocean Pollution Planning Act of 1978 to add as a purpose of such Act to provide for the effective coordination of research concerning the environmental quality of the Great Lakes, the Chesapeake Bay, Puget Sound, and other estuaries of national significance.

Establishes within NOAA the National Ocean Pollution Program Office. Outlines various organization aspects for such Office.

Directs the Administrator of NOAA to ensure that findings and information concerning Great Lakes ocean pollution research activities are properly disseminated to the Federal Government and to State governments.

Authorizes appropriations under the National Ocean Pollution Planning Act of 1978 for fiscal years 1986 and 1987.

Subtitle H: Weather Modification—Authorizes appropriations under "An Act to provide for the reporting of weather modification activities to the Federal Government" for FY 1986 through 1988. Directs the Administrator of NOAA to take such actions to ensure the future availability and usefulness of ocean satellite data to the maritime community.

Restricts the awarding of contracts by the NOAA for the performances of any commercial activities until certain reporting requirements have been met.

Amends the National Climate Program Act to revise provisions concerning the establishment and functions of the Climate Program Policy Board.

Amends Federal law to authorize the Secretary of Commerce to establish the terms of any cooperative agreements entered into by the NOAA for mapping and charting surveys.

Subtitle I: Maritime Authorizations—Authorizes appropriations to the Department of Transportation for FY 1986 for specified activities, including funds for the Federal Maritime Commission.

Title VIII: *Outer Continental Shelf and Related Programs—Outer Continental Shelf Lands Act Amendments of 1985*—Authorizes affected coastal States and localities to use certain mineral resources leasing receipts (derived from the Outer Continental Shelf) to mitigate adverse economic and environmental effects related to the development of such resources.

Amends the Outer Continental Shelf Lands Act (OCS Lands Act) to require the Secretary of the Interior to provide specified information to the Governor of any coastal State within whose seaward three-mile boundaries lie lands for which lease nominations are being solicited by the Secretary. Requires such Secretary to deposit into a separate Treasury account all revenues derived from any Federal tract lease (issued after September 18, 1979) lying wholly within such seaward boundary of any coastal State (except Alaska, in whose case revenues shall be deposited from lands lying partially within three nautical miles of its seaward boundaries until seven years from the date of certain boundary dispute settlements). Excludes from such mandatory deposit Federal income and windfall profits taxes.

Sets guidelines for the disposition of: (1) common potentially hydrocarbon-bearing areas underlying Federal and coastal State boundaries; (2) lease sale revenues involved in boundary disputes between the United States and a coastal State where the revenues are from tracts lying wholly or partially within three nautical miles of the seaward boundary of the State; and (3) revenue distribution derived from federally-leased tracts to certain designated coastal States.

Amends the Submerged Lands Act to provide that any boundary between a State and the United States which has been fixed under a final Supreme Court decree shall remain immobilized under such decree.

Public Law 99-307 (H.R. 739)—May 19, 1986.

A bill relating to the documentation of the vessel *Marilyn* to be employed in the coastwise trade.

Digest: Makes certain technical revisions to various Federal laws relating to the operations and activities of the U.S. Coast Guard (including revising the definition of "passenger", providing for Coast Guard inspection of steam yachts, and allowing for certain actions during sea rescues).

Extends until November 1, 1993, the exemption from certain fire safety requirements for vessels which were in operation before January 1, 1968, and operate only on the inland rivers of the United States. Requires the owner or operator of any exempted vessel to notify prospective passengers of its noncompliance with such fire safety requirements, and prohibits the owner or operator from waiving liability for any loss due to fire caused by the owner's or operator's negligence.

Gives the master of a documented vessel the same lien for wages and the same priority as any other seaman serving on the vessel.

Authorizes the Coast Guard to acquire a site on the State pier in New Bedford, Massachusetts, for specified construction. Authorizes the Coast Guard, beginning in FY 1986, to use appropriated funds for construction on such State pier.

Declares Lawyer's Ditch in Newark, New Jersey, to be a nonnavigable waterway.

Authorizes the Coast Guard to contract with a municipal utility to provide electricity to a Coast Guard facility within a specified Coast Guard district in Alaska.

Declares a certain section of Bayou Lafourche, Thibodaux, Louisiana, to be a nonnavigable waterway.

Authorizes the Secretary of the department in which the Coast Guard is operating, notwithstanding certain registry requirements, to issue certificates of documentation to specified vessels. Limits the operation of two such vessels to the Atlantic Ocean and the Gulf of Mexico.

Revises a Federal drug law enforcement provision to redefine the term "arrangement" as such word relates to illegal drug transactions made aboard or in connection with a seagoing vessel.

Authorizes the Coast Guard to enter into a cost-sharing arrangement with the city of Cape May, New Jersey, for specified highway construction.

Amends Federal law relating to the towing of foreign vessels in U.S. ports.

Revises the definition of "common carrier" for purposes of Federal law relating to foreign ocean commerce, and defines the term "chemical parcel-tanker" for such purposes.

Directs the Secretary of Transportation to permit three specified vessels to be scrapped in the foreign market, under certain conditions. Authorizes two specified vessels to be sold to a foreign purchaser, under certain conditions.

Public Law 99-334 (S. 2179)—June 6, 1986.

A bill to amend the Communications Act of 1934 to provide for the reduction in the term of office of members of the Federal Communications Commission, and for other purposes.

Digest: Amends the Communications Act of 1934 to reduce the term of office of members of the Federal Communications Commission from seven to five years. Specifies exceptions for terms of current members and adjusts two terms so that one term will expire in 1989 and the other will expire in 1990.

Public Law 99-359 (S. 2180)—July 8, 1986.

A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

Digest: Amends the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for FY 1987.

Amends the Uniform Time Act of 1966 to start daylight savings time the first Sunday in April rather than the last Sunday of April. Continues a State's right to preempt such time changes.

Directs the Federal Communications Commission to make necessary adjustments in the operation of daytime standard amplitude modulation broadcast stations.

Public Law 99-382 (S. 1073)—August 14, 1986.

A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 for the purpose of improving the availability of Japanese science and engineering literature in the United States, and for other purposes.

Digest: *Japanese Technical Literature Act of 1986.*—Amends the Stevenson-Wydler Technology Innovation Act of 1980 to direct the Secretary of Commerce to establish a program to: (1) monitor Japanese technical activities and developments; (2) consult with businesses, professional societies, and libraries in the United States on their needs for information on Japanese developments in technology and engineering; (3) acquire and translate selected Japanese technical reports and documents that may be of value to Federal agencies and to businesses and researchers in the United States; and (4) coordinate with other Federal agencies to identify significant gaps and avoid duplication in Federal Government efforts to acquire, translate, index, and disseminate Japanese technical literature. Directs the Secretary to maintain such program, including an office in Japan, through the National Technical Information Service and other appropriate offices within the Department of Commerce.

Requires that such acquisition and translation of Japanese technical reports and documents be performed only on a cost-reimbursable basis. Requires that such translations be performed only if they are not otherwise available within the private sector in the United States.

Directs the Secretary, beginning in 1986, to report annually on important Japanese scientific discoveries and technical innovations in areas such as computers, semiconductors, biotechnology, and robotics and manufacturing. Directs the Secretary to consult with professional societies and businesses in the United States in preparing such reports. Authorizes the Secretary, to the extent provided in advance in appropriation acts, to contract with private organizations to acquire and translate information relevant to the preparation of such reports.

Directs the Secretary to encourage professional societies and private businesses in the United States to increase their efforts to acquire, screen, translate, and disseminate Japanese technical literature.

Directs the Secretary to compile, publish, and disseminate an annual directory which lists: (1) all programs and services in the United States that collect, abstract, translate, and distribute Japanese scientific and technical information; and (2) all translations of Japanese technical documents performed by Federal agencies in the preceeding 12 months that are available to the public.

Directs the Secretary, within one year after the enactment of this act, to report to the Congress on Federal activities to collect, abstract, translate, and distribute declassified Japanese scientific and technical information.

Authorizes appropriations to carry out this act.

Public Law 99-383 (H.R. 4184)—August 21, 1986.

A bill to authorize appropriations to the National Science Foundation for the fiscal years 1987 and 1988, and for other purposes.

Digest: *National Science Foundation Authorization Act for Fiscal Year 1987*—Authorizes appropriations to the National Science Foundation (NSF) for FY 1987. Lists categories for which 1987 funds may be made available. Limits amounts of FY 1987 funds which may be used for official consultation, representation, or other extraordinary expenses, and for NSF expenses incurred outside the United States.

Prohibits the transfer of funds among the listed categories from exceeding ten percent unless: (1) written notice is given to the Speaker of the House, the President of the Senate, and the appropriate authorizing committees: and (2) 30 days have passed after such notice.

Amends the National Science Foundation Act of 1950 to remove from the list of responsibilities of the NSF the requirement to maintain a current register of scientific and technical personnel.

Removes provisions for Assistant Directors of NSF.

Removes the limitation that requires the NSF to only award scholarships and graduate fellowships for scientific study or work within the limits of funds made available specifically for such purposes pursuant to appropriations under such act.

Adds to the general authority of the NSF, during the five-year period beginning on the date of enactment of this act, the authority to indemnify grantees, contractors, and subcontractors associated with the Ocean Drilling Program.

Establishes a task force on women, minorities, and the handicapped in science, engineering, and technology in the Federal Government and in federally assisted research programs. Directs the task force to report to the President, the Congress, and each participating Federal agency by December 31, 1989. Terminates the task force on January 31, 1990.

Directs the President to report to the Congress by August 1, 1987, on any action taken or proposed to be taken with respect to the establishment of an International Year of the Greenhouse Effect to occur in 1991.

Directs the Office of Science and Technology Policy (the Office) to study critical problems and current and future options regarding communications networks for research computers, including supercomputers, at universities and Federal research facilities in the United States. Sets forth analyses in such study.

Requires the Office to report to the Congress on such study: (1) within one year after enactment of this Act, with respect to such supercomputers; and (2) within two years after such enactment, with respect to such research computers.

Repeals title IX (Science Information Service) of the National Defense Education Act of 1959.

Public Law 99-432 (H.R. 3358)—October 1, 1986.

A bill to reauthorize the Atlantic Striped Bass Conservation Act, and for other purposes.

Digest: Amends the Atlantic Striped Bass Conservation Act to include the District of Columbia and the Potomac River Fisheries Commission as coastal States and the waters within their jurisdiction as coastal waters for purposes of the act. Defines "Atlantic striped bass."

Directs the Atlantic States Marine Fisheries Commission (the Commission), during December of FY 1987 and each fiscal year thereafter, to monitor each coastal State's adoption and enforcement of such Commission's Striped Bass Plan. Requires the Commission to immediately notify the Secretary of Commerce and the Secretary of the Interior of any State's nonenforcement of such Plan. Requires the Secretaries, within 30 days after receiving such notification from the Commission, to jointly determine that State's compliance with the Plan, and, if the State is not in compliance, to jointly declare a moratorium on Atlantic striped bass fishing within that State's coastal waters.

Extends the authorization of appropriations under, and effective date of, such Act through FY 1988.

Extends the funding of certain striped bass population studies under the Anadromous Fish Conservation Act through FY 1988.

Directs the Secretary of the Interior to transfer to the State of Montana all rights, title, and interest in the Miles City National Fish Hatchery, near Miles City, Montana, such property to be used solely for fishery resources management programs.

Public Law 99-435 (S. 2703)—October 2, 1986.

A bill to amend the Federal Aviation Act of 1958 to provide that prohibition of discrimination against handicapped individuals shall apply to air carriers.

Digest: *Air Carrier Access Act of 1986*—Amends the Federal Aviation Act of 1958 to prohibit air carriers from discriminating against handicapped persons.

Directs the Secretary of Transportation to promulgate regulations to ensure non-discriminatory treatment of such persons.

Public Law 99-500 (H.J. Res. 738)—October 18, 1986.

A joint resolution making continuing appropriations for the fiscal year 1987, and for other purposes.

For further action see Public Law 99-591 signed October 30, 1986 as the corrected version of Public Law 99-500.

Public Law 99-502 (H.R. 3773)—October 20, 1986.

A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, and for other purposes.

Digest: *Federal Technology Transfer Act of 1986*—Amends the Stevenson-Wydler Technology Innovation Act of 1980 to authorize Federal agencies, subject to specified conditions, to permit the directors of their Government-operated Federal laboratories to: (1) enter into cooperative research and development agreements with other Federal agencies, State or local governments, industrial organizations, industrial development organizations, public and private foundations, nonprofit organizations including universities, licensees of Federal inventions, and other persons; and (2) negotiate patent licensing agreements. Authorizes Government-operated Federal laboratories, under such agreement and subject to specified conditions, to: (1) accept funds, services, and property from collaborating parties and provide services and property to collaborating parties; (2) grant patent licenses or assignments, or options, in any subject invention made by a Federal employee, or made jointly by a Federal employee and an employee of the collaborating party, and to retain such rights as the laboratory deems appropriate; (3) waive any right of ownership which the Federal Government may have to any subject invention made by a collaborating party or such party's employee under the agreement; and (4) to the extent consistent with applicable agency requirements, permit employees or former employees of the laboratory to participate in efforts to commercialize inventions they made while in the service of the United States.

Sets forth contract considerations.

Requires Federal agencies to make separate determinations of the missions of each of their laboratories, for purposes of cooperative research and development agreements.

Establishes the Federal Laboratory Consortium for Technology Transfer, sets forth Consortium duties relating to the commercial potential of new technologies generated by Federal laboratory research. Includes among such duties assisting colleges, universities, businesses, nonprofit organizations, State or local governments, or regional organizations to establish cooperative programs to stimulate research and encourage technology transfer in such areas as technology program development, curriculum design, long-term research planning, personnel needs projections, and productivity assessments.

Directs the Consortium to furnish information and provide technical assistance, but prohibits the Consortium from engaging in the direct transfer of technology. Provides that each Federal laboratory or agency shall transfer technology directly to users or representatives of users, but not to the Consortium.

Requires the Director of the National Bureau of Standards to provide the Consortium with administrative services on a reimbursable basis.

Requires the Chairman of the Consortium to report annually to the President and to the appropriate authorization and appropriation committees of the Congress on the Consortium and other specified activities.

Requires for FY 1987 through 1991, Federal agencies to transfer a specified portion of the research and development budget of their laboratories to the National Bureau of Standards for use by the Consortium in carrying out its activities.

Directs the Consortium to use five percent of such funds to establish demonstration projects in technology transfer.

Makes technology transfer, consistent with mission responsibilities, the responsibility of each Federal laboratory science and engineering professional. Requires each Federal laboratory director to ensure that efforts to transfer technology are considered positively in laboratory job descriptions, employee promotion policies, and evaluation of the job performance of scientists and engineers in the laboratory.

Requires each Federal laboratory with 200 or more full-time scientific and engineering professionals to have at least one full-time equivalent technology transfer position as staff for its Office of Research and Technology Applications. Requires that individuals filling such positions be included in the overall laboratory/agency management program so as to ensure that highly competent technical managers are full participants in the technology transfer process.

Abolishes the Center for the Utilization of Federal Technology and transfers its functions to the National Technical Information Service (NTIS).

Requires Federal agencies to report annually on technology transfer efforts in their annual budget submission to the Congress.

Authorizes the Secretary of Commerce to: (1) make available to interested agencies the expertise of the Department of Commerce regarding the commercial potential of inventions and methods and options for commercialization which are available to the Federal laboratories, including research and development of limited partnerships; (2) develop model provisions for use on a voluntary basis in cooperative research and development arrangements, and disseminate such provisions to appropriate agency and laboratory personnel; and (3) furnish advice and assistance to Federal agencies concerning their cooperative research and development efforts.

Directs the Secretary to report biennially to the President and the Congress on the use by the agencies and the Secretary of the authorities specified in the act.

Directs the Secretary, within one year after the enactment of this act; to report to the President and the Congress on: (1) any copyright provisions or legal or other barriers which restrict or limit the transfer of federally funded computer software to the private sector and to State and local governments and their agencies; and (2) the feasibility and cost of compiling and maintaining a current and comprehensive inventory of all federally funded training software.

Requires Federal agencies which expend certain amounts for research and development to establish cash awards programs to reward their scientific, engineering, and technical personnel for inventions or other exemplary activities relating to domestic technology transfer.

Sets forth rules and formulas for the distribution of royalties or other income received by Federal agencies from the licensing or assignment of inventions under such agreements under this act, and from inventions of Government-operated Federal laboratories licensed under provisions of Federal law relating to domestic and foreign protection of federally owned inventions, or owned inventions, or under any other provision law. Requires Federal agencies to submit annually to the appropriate authorization and appropriation committees of the Congress summaries of the amount of royalties or other income received and expenditures made (including inventor awards) under such rules and formulas.

Authorizes Federal agencies to transfer rights of ownership to an invention under the act to the employee inventor, subject to specified conditions.

Abolishes the National Industrial Technology Board.

Changes references to the Director of the Office of Industrial Technology to the assistant Secretary for Productivity, Technology, and Innovation.

Renames the Centers for Industrial Technology as Cooperative Research Centers.

Public Law 99-507 (H.R. 4212)—October 12, 1986.

A bill to provide for the reauthorization of the Deep Seabed Hard Mineral Resources Act, and for other purposes.

Digest: *Deep Seabed Hard Mineral Resources Reauthorization Act of 1986*—Amends the Deep Seabed Hard Mineral Resources Act to authorize appropriations for FY 1987 through 1989.

Public Law 99-508 (H.R. 4952)—October 21, 1986.

A bill to amend title 18, United States Code, with respect to the interception of certain communications, and other forms of surveillance, and for other purposes.

Digest: *Electronic Communications Privacy Act of 1986*—Title I: *Interception of Communications and Related Matters*—Amends the Federal criminal code to extend the prohibition against the unauthorized interception of communications to include specific types of electronic communications. (Present law prohibits the interception of wire and oral communications only.) Specifies certain exceptions with respect to electronic communications. Extends such prohibition to the communications of any provider of wire or electronic communication services. (Present law extends only to communications common carriers.)

Provides for reduced criminal penalties where the unauthorized access to the electronic communication is not for a tortious or illegal purpose or private commercial gain. States that the interception of certain satellite transmissions is not an offense unless it is for the purposes of direct or indirect commercial advantage or private financial gain.

Prohibits any person or entity providing an electronic communication service, with specified exceptions, from knowingly divulging the contents of any communication carried on that service.

Allows any person whose wire, oral, or electronic communication is intercepted, disclosed, or willfully used to bring a civil action to recover damages. (Present law allows such a civil action only for the interception or use of wire or oral communications.) Revises the amount of damages which may be recovered in such actions. Specifies a two-year statute of limitations for the commencement of such actions.

Specifies additional crimes for which the interception of wire, oral, or electronic communications can be authorized in the course of the investigation of such crimes. Sets forth additional requirements for applications, court orders, and the implementation of court orders for the interception of such communications.

Provides that certain intelligence activities approved by the Attorney General shall not be affected by certain provisions of Federal law. Allows a court-authorized mobile tracking device to be used outside the jurisdiction of that court.

Makes it a criminal offense to warn a person that he or she is the subject of surveillance.

Allows the Attorney General to initiate a civil action to obtain an injunction to prevent felony level violations of this act.

Title II: *Stored Wire and Electronic Communications and Transactional Records Access*—Makes it a criminal offense to: (1) willfully access, without authorization, a facility through which an electronic communication service is provided; or (2) willfully exceed an authorized access to such facility.

Prohibits the provider of an electronic communication service or remote computing service, except under certain circumstances, from divulging the contents of any communication stored, carried, or maintained by such service.

Sets forth the procedural requirements for a governmental entity to obtain access to electronic communications in electronic storage, including court-ordered back-up copies of the contents of such communications.

Allows any subscriber or customer of a communication service who is aggrieved by a willful or intentional violation of this act to initiate a civil action to recover appropriate relief.

Grants the Director of the Federal Bureau of Investigation (FBI) access to telephone or communication service information and records relevant to any authorized foreign counterintelligence investigation. Prohibits any official or employee or a communications common carrier or service provider from disclosing to any person that the FBI has sought or obtained such access.

Title III: *Pen Registers and Trap and Trace Devices*—Prohibits the installation or use of a pen register or a trap and trace device without a court order pursuant to this act or under the Foreign Intelligence Surveillance Act of 1978. Imposes criminal penalties for violations of such prohibition.

Authorizes the Government attorneys and State law enforcement officers to apply for a court order allowing the installation and use of pen register or a trap and trace device. Allows the issuance of such an order if the attorney or law enforcement officer certifies that information likely to be obtained by such installation is relevant to an ongoing criminal investigation.

Requires providers of wire communications, landlords, custodians, and other persons to furnish all information, facilities, and technical assistance necessary to accomplish the installation of a pen register or a trap and trace device if such assistance is ordered by the court. Requires that anyone providing such assistance be compensated for any reasonable expenses incurred. States that no cause of action shall lie in any court against anyone providing such assistance.

Requires the Attorney General to report annually to the Congress on the number of pen register and trap and trace device orders applied for by law enforcement agencies of the Department of Justice.

Establishes criminal penalties for interfering with the operation of a satellite.

Public Law 99-509 (H.R. 5300)—October 21, 1986.

A bill to provide for reconciliation pursuant to section 2 of the concurrent resolution on the budget for fiscal year 1987.

Digest: *(of those provisions under the jurisdiction of the Commerce Committee).*

Title I: *Short Title and Table of Contents—Omnibus Budget Reconciliation Act of 1986—Sets forth the table of contents.*

Title IV: *Transportation and Related Programs—Subtitle A: Rail Related Issues—Conrail Privatization Act*—Requires the Secretary of Transportation, within 30 days after enactment of this act, to retain the services of investment banking firms to serve jointly and be compensated equally as co-lead managers of the public offering of Consolidated Rail Corporation (Conrail) stock. Specifies considerations in the selection of such firms.

Requires Conrail, within 30 days after enactment of this act, to transfer $200,000,000 to the Secretary of the Treasury.

Specifies requirements for a public offering of Conrail stock. Sets a goal of at $2,000,000,000 in agregate gross proceeds from the public offering and other specified payments. Requires all costs of the public offering to be paid from proceeds of the offering.

Specifies the rail services obligations of Conrail during the five years following enactment of this act, including minimum capital expenditures and continuation of affirmative action and minority vendor programs. Prohibits any transactions whereby all or a substantial part of the railroad assets and business of Conrail are sold or otherwise disposed of to any entity other than a wholly owned subsidiary of Conrail. Requires abandonments to be offered at 75 percent of net liquidation value. Prohibits deferral of maintenance.

Requires Conrail to maintain a minimum cash balance of $400,000,000 after payment of dividends. States that dividend payments may only be made if Conrail is in compliance with the capital expenditure and minimum cash balance requirements of this act. Requires Conrail to provide reasonable compliance certificates to the Secretary of Transportation on a periodic basis with respect to all obligations relating to the payment of dividends, and on an annual basis with respect to all other obligations.

Limits ownership of Conrail stock by any person for a three-year period to ten percent, except for the Employee Stock Ownership (ESOP). Limits ownership of Conrail stock by any Class I railroad to ten percent for one year. Prohibits the filing of any application for a merger, consolidation, or acquisition of control with respect to Conrail during such one-year period.

Provides for the Board of Directors of Conrail. States that if more than 50 percent of Conrail stock has not been sold before June 1, 1987, the special court established under the Rail Reorganization Act of 1973 shall, on that date, name three trustees who shall appoint directors. Prohibits specified persons from serving as special court trustees or directors.

Amends the Regional Rail Reorganization Act of 1973 with respect to payment of benefits by the Railroad Retirement Board to certain Conrail employees. Provides for the resolution of disputes regarding benefit eligibility by the Board.

Directs Conrail to pay $200,000,000 to present and former employees subject to collective bargaining agreements for certain wages below industry standards.

Provides for the exchange by the ESOP of Conrail Equity Corporation preferred stock for Conrail common stock. Directs the ESOP, as soon as practicable after 180 days after 100 percent of the U.S. shares of Conrail stock are sold, to distribute all of the stock in the accounts of its participants. Terminates the ESOP after completion of such distribution.

Authorizes the Secretary and any person who suffers direct and substantial economic injury as a result of an alleged violation by Conrail to bring an action to require compliance with this act. Declares that any such action must be brought before the special court, which may limit enforcement of a restriction if its effect would be to substantially impair the continued viability of Conrail.

Abolishes the United States Railway Association as of April 1, 1987.

Withdraws the consent of the United States to be sued for acts or omissions under this subtitle, except for actions brought to require the Secretary of Transportation to perform duties or acts with respect to the public offering of Conrail stock.

Establishes standards for the disclosure of terms and contracts for the transportation of agricultural commodities.

Confirms the authority of the Interstate Commerce Commission to promulgate that portion of the rule adopted in Ex Parte No. 346 (Sub.-No. 19), served September 12, 1986, consisting of protections for small railroads.

Subtitle B: Economic Development Administration—Directs the Secretary of Commerce to sell defaulted notes held by the Economic Development Administration in such amounts as to realize net proceeds of not less than $50,000,000 from such sales during FY 1987.

Title V: *Maritime Programs—Subtitle A: Maritime Loan Guarantees*—Amends Federal bankruptcy provisions to provide that the filing of a petition for bankruptcy shall not operate as an automatic stay of the commencement or continuation of an action, by either the Secretary of Transportation or of Commerce, to foreclose a mortgage on a vessel under the Ship Mortgage Act, 1920. Directs each of the Secretaries, before July 1, 1989, to report to specified congressional committees on the effects of the above provisions, together with any recommendations for legislation. Amends the Merchant Marine Act of 1920 to allow either Secretary, when acting as a mortgagee under such act to foreclose on liens arising under title XI of the Merchant Marine Act, 1936.

Amends the Merchant Marine, 1936 to provide that a guaranty of loan obligation made by either Secretary under such act shall cover 100 percent of the principal and interest of the obligation to be undertaken by the appropriate Secretary, with an exception.

Declares certain waters bordering Alaska to be internal waters under the Fishery Conservation and Management Act, until September 30, 1993, for purposes of processing pink salmon within the internal waters of the State of Alaska.

Subtitle B: Load Line and Tonnage Measurement User Fees—Amends Federal shipping provisions to require that an ocean vessel may be operated only if the vessel has been assigned load lines (load weights as measured by lines on the side of a ship near the waterline). Directs the Secretary of Transportation to assign load lines for a vessel so that they indicate the minimum safe freeboard (distance from the load line to the deck) to which the vessel may be loaded. Allows existing vessels to retain their load lines assigned before January 1, 1986, unless the Secretary deems otherwise. Authorizes the Secretary to reduce the minimum freeboard for vessels operating in areas of less severe weather and sea conditions.

Authorizes the Secretary to provide for annual, renewal, and other load line surveys. Directs the Secretary to issue a vessel a load line certificate on a survey's finding that a load line for such vessel is satisfactory and correctly marked.

Provides for the delegation of the Secretary's load line authority to the American Bureau of Shipping, certain other qualified organizations, or to a foreign country that is a party to the International Convention on Load Lines, 1966.

Outlines conditions for special exemptions by the Secretary from such load line requirements, and for reciprocity for foreign vessels operating under similar load line requirements.

Authorizes the Secretary to prescribe regulations for submersible vessels to provide minimum safety levels. Authorizes the Secretary to require vessel owners, operators, or agents to provide loading information to the person in charge of the vessel.

Sets forth certain vessel loading restrictions. Authorizes the Secretary to detain vessels believed to be in violation of these load line provisions. Authorizes the use of U.S. Customs Service personnel for enforcement purposes.

Authorizes the Secretary to prescribe regulations to carry out these provisions, and provides penalties for violations.

Authorizes the Secretary to delegate to a qualified person the authority to measure a vessel and issue an International Tonnage Certificate or other appropriate certificate of measurement. Authorizes the Secretary to delegate such authority to a foreign country that is party to the International Convention on Tonnage Measurement of Ships, 1969, for ships engaged on a foreign voyage.

Requires a vessel to be measured under these provisions when the application of a U.S. law to a vessel depends on the vessel's tonnage. Directs the Secretary, after measuring a vessel, to issue to a vessel owner or master an International Tonnage Certificate. Outlines conditions requiring remeasurement of a vessel. Provides for optional regulatory measurement by the Secretary for certain documented vessels, specifying those provisions of Federal law to which such tonnage determinations will apply.

Provides reciprocity in the measurement of vessels for foreign countries whose laws are similar or who are a party to the aforementioned International Convention. Authorizes the Secretary to inspect foreign vessels to determine measurement compliance.

Outlines provisions concerning vessel measurement by the Secretary in accordance with specified regulatory measurement requirements. Provides for vessel remeasurement in appropriate circumstances. Provides for the standard tonnage measurement and the dual tonnage measurement of such vessels. Provides for the tonnage measurements of vessels not otherwise covered under the above provisions. Provides civil penalties for general violations and false statements related to vessel measurement under these provisions.

Requires amounts collected as Coast Guard user fees by either the Secretary of Transportation or the Secretary of the department in which the Coast Guard is operating to be deposited in the general fund of the Treasury as proprietary. Outlines conditions under which such fees may and may not be charged. Directs the Secretary of Transportation, before January 1 of each year, to report to the Senate Commerce, Science, and Transportation Committee and the House Merchant Marine and Fisheries Committee concerning the application and collection of such user fees.

Authorizes the Secretary to issue a temporary certificate of documentation for a vessel before it is measured.

Requires the Secretary, before July 19, 1990, to submit to the Congress a study concerning vessel tonnage requirements and thresholds. Requires an interim progress report on such study to be submitted before July 19, 1988. Repeals specified Federal provisions made inconsistent by the above provisions.

Subtitle C: Establishment of a Timetable for Compensation of Coast Guard Offshore Safety Studies—Directs the Secretary of the department in which the Coast Guard is operating (the Secretary) to issue final regulations pursuant to the advance notice of proposed rulemaking regarding the revision of the regulations on outer Continental Shelf activities, taking into consideration the use of standby vessels for personnel evacuations from manned installations on the outer Continental Shelf. Requires an interim report from the Secretary to the Congress, before December 31, 1986, and a final report, before September 1, 1987, concerning such regulations and evacuation procedures.

Title VIII: *Revenues, Trade, and Related Programs—Part III: Tax Treatment of Conrail Public Sale*—Provides that Conrail shall be treated as a new corporation which purchased all of its assets as of the beginning of the day after the date of the public sale for an amount equal to the deemed purchase price. Provides that the deemed purchase price shall be allocated among the assets of Conrail in accordance with specified regulations. Sets forth the method of calculating the deemed purchase price.

Provides that no income shall be realized from the cancellation of debt or preferred stock of Conrail.

Disallows an income tax deduction of Conrail for any amount which is paid after the date of the public sale to employees of Conrail for services performed on or before the date of the public sale.

Waives certain employee stock ownership plan provisions for the employee stock ownership plans of Conrail.

Public Law 99-516 (H.R. 2092)—October 22, 1986.

A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1986 and 1987, and for other purposes.

Digest: Amends the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to: (1) authorize appropriations for FY 1987 (including authorizations to implement the State grant program for both Acts); and (2) direct the Secretary of Transportation to issue regulations requiring pipeline operators to report any safety-related conditions that either pose a hazard to life or property, or have caused significant changes in pipeline operations.

Public Law 99-521 (S. 1124)—October 22, 1986.

A bill to amend title 49, United States Code, to reduce regulation of surface freight forwarders and for other purposes.

Digest: *Surface Freight Forwarder Deregulation Act of 1986*—Amends Federal shipping laws to eliminate Interstate Commerce Commission regulations governing the operations of general commodities surface freight forwarders. Retains Federal regulation of such forwarders with respect to cargo liability and claims settlement procedures.

Retains the jurisdiction of the Interstate Commerce Commission over surface freight forwarders of household goods.

Prohibits State and local governments from regulating general commodities freight forwarders deregulated by this act. Continues the authority of the State of Hawaii to regulate motor carriers other than freight forwarders.

Includes freight forwarders within the enforcement purview of the Interstate Commerce Commission. Revises the Commission's general authority to investigate on its own or upon complaint matters relative to its remaining authority over freight forwarders.

Declares that the existing regulatory authority of the Department of Transportation (including its safety authority) continues to apply to all freight forwarders whether or not they are regulated by the Commission.

Public Law 99-563 (S. 2129)—October 27, 1986.

A bill to facilitate the ability of organizations to establish risk retention groups, to facilitate the ability of such organizations to purchase liability insurance on a group basis, and for other purposes.

Digest: *Risk Retention Amendments of 1986*—Amends the Product Liability Risk Retention Act of 1981 to define "liability" as legal liability for damages because of injuries to other persons, damage to their property, or other damage or loss resulting from: (1) any business, trade, product, services, premises, or operation; or (2) any activity of a State or local government. Excludes from such definition personal risk liability and employer's liability.

Excludes from such Act's coverage product liability risk retention groups formed on or after January 1, 1985, under the laws of Bermuda or the Cayman Islands. Deems such groups formed before January 1, 1985, to be risk retention groups only for the purpose of continuing to provide product liability or completed operations liability.

Adds to the definition of "risk retention group" certain requirements pertaining to the structure of such group.

Requires that members of a purchasing group have businesses or activities which are similar or related with respect to the liability to which the members are exposed by virtue of any related, similar, or common business, trade product, service, premises, or operations.

Requires that risk retention groups make certain reports to State insurance regulators. Allows the State to require the group to comply with an order issued in a delinquency proceeding if there is a finding of financial impairment.

Authorizes any State to require a group to comply with any State law regarding false or fraudulent acts or practices.

Permits any State to require a group to: (1) comply with a lawful order issued in a voluntary dissolution proceeding; (2) make reinsurance available only to organizations whose businesses are similar or related with respect to the nature of their exposure to the risk of liability; (3) comply with any court injunction issued in accordance with administrative due process upon a State insurance commission's petition alleging that the group is in a hazardous financial condition or is financially impaired; (4) submit to the State insurance commission a plan of operation or feasibility study including specified information; and (5) provide a specified cautionary notice in any insurance policy it issues.

Declares that nothing in such act shall be construed to affect the authority of any court to enjoin: (1) the solicitation or sale of insurance by a risk retention group to persons ineligible to belong to such group; (2) false, deceptive, or fraudulent act or practices in the solicitation or sale of such insurance; (3) the solicitation or sale of insurance by, or operation of, a risk retention group that is in a hazardous financial condition; or (4) the solicitation or sale of insurance by, or operation of, a risk retention group that has been found, or any or whose officers, organizers, or directors have been found, to have engaged in knowing and willful false, deceptive, or fraudulent conduct within the previous five years, and under circumstances that present a reasonable likelihood that such conduct will recur. Subjects risk retention groups to State no-fault automobile insurance requirements. Limits the authority to provide or purchase insurance under such Act to liability insurance.

States that the terms of any insurance policy provided or purchased under such Act shall not be construed to include coverage for punitive damages, or intentional fraudulent or criminal conduct, if any such coverage is prohibited by State law or declared unlawful by State supreme court decisions.

Sets forth general enforcement powers of any State insurance commissioner with respect to prohibited conduct by risk retention groups or purchasing groups.

Public Law 99-570 (H.R. 5484)—October 27, 1986.

A bill to strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes.

Digest: *(of those provisions under the jurisdiction of the Commerce Committee).*

Anti-Drug Abuse Act of 1986.

Title XII: *Commercial Motor Vehicle Safety Act of 1986—Commercial Motor Vehicle Safety Act of 1986*—Limits the number of driver's licenses any person who operates a commercial vehicle can have at any time to one. Requires operators of commercial vehicles to report out-of-State traffic violations to the license issuing State and employer.

Requires an employee who loses the right to operate a motor vehicle to report such loss to the employer. Prohibits an employer from permitting an employee to operate a commercial vehicle during any period where the employee: (1) has a suspended license; or (2) has more than one driver's license.

Directs the Secretary of Transportation to establish minimum Federal standards for operators of commercial vehicles.

Requires the Secretary to establish a clearinghouse and depository of information pertaining to the licensing and identification of operators of commercial motor vehicles.

Lists offenses which result in disqualifying a person from operating a commercial motor vehicle.

Establishes a grant program for States for issuing classified driver's licenses. Sets forth grant requirements. Provides for the withholding of State highway funds for not complying with such regulations.

Establishes civil and criminal penalties for certain violations of the Commercial Vehicle Safety Act.

Directs the Secretary to conduct a review of regulations pertaining to the use of alcohol by operators of commercial motor vehicles.

Requires the Secretary to revise certain regulations to require trucks and truck tractors manufactured after July 24, 1980, to have brakes operating on all wheels.

Directs the Secretary to conduct a demonstration project to assess the benefits of continuous use of unarmed radar equipment on highway safety.

Public Law 99-574 (H.R. 4354) October 28, 1986.

A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1987, and for other purposes.

Digest: *National Bureau of Standards Authorization Act for Fiscal Year 1987*—Authorizes appropriations for FY 1987 to the Secretary of Commerce (the Secretary) for the following activities performed by the National Bureau of Standards (NBS): (1) measurement research and standards; (2) materials science and engineering; (3) engineering measurements and standards; (4) computer science and technology; and (5) research support activities.

Reserves specified amounts from such funds for: (1) steel technology; (2) the Center for Building Technology; (3) the Center for Fire Research; (4) Computer Security Activities; (5) the technical competence fund; and (6) the Cold Neutron Source Facility.

Prohibits the transfer of funds among the listed categories from exceeding ten percent unless: (1) written notice is given to the appropriate congressional officers and authorizing committees; and (2) 30 days have passed after such notice.

Directs NBS to seek reimbursements from other Federal agencies to expand its efforts in support of basic scientific research on the atmospheric, climatic, and environmental consequences of nuclear explosions and nuclear exchanges.

Authorizes appropriations for FY 1987 to the Secretary for: (1) the activities of the Office of Productivity, Technology and Innovation; and (2) the patent licensing activities of the National Technical Information Service.

Authorizes the Director of NBS to expend up to one percent of NBS funds in any fiscal year for awards of research fellowships and other forms of financial assistance to university students who show promise as present or future contributors to the mission of NBS.

Directs the Board of Assessment of NBS programs to include in its annual review an assessment of emerging technologies which are expected to require research in meterology to keep NBS abreast of its mission, including specified areas.

Directs NBS, in conjunction with the National Academy of Sciences, to establish and conduct a postdoctoral fellowship program to be carried out in a specified manner.

Requires the director of NBS to discuss with federal agencies and private sector organizations their demand for, and willingness to pay for, the process and quality control and calibration programs of NBS. Requires the Director, within six months after enactment of this Act, to report to specified congressional committees on the findings based on such discussions, with recommendations on a comprehensive Federal process and quality control and calibration program.

Directs the Office of Personnel Management and NBS to jointly design a demonstration project relating to an alternative personnel management system which shall be conducted by the Director of NBS. Sets forth the elements of such project. Directs the Comptroller General, within four years after the demonstration project commences, to submit a final report on such project to specified congressional committees.

Public Law 99-577 (H.R. 5598)—October 28, 1986.

A bill to provide for the transfer of the Coast Guard cutter *Taney* to the city of Baltimore, Maryland, for use as a maritime museum and display.

Digest: Directs the Secretary of the Department in which the Coast Guard is operating to transfer the Coast Guard cutter "Taney" to the city of Baltimore, Maryland, for use as a martime museum and display.

Public Law 99-579 (S. 475)—October 28, 1986.

A bill to amend the Motor Vehicle Information and Cost Savings Act to require certain information to be filed in registering the title of motor vehicles, and for other purposes.

Digest: *Truth in Mileage Act of 1986*—Amends the Motor Vehicle Information and Cost Savings Act to prohibit the licensing of motor vehicles when the ownership is leased or transferred unless: (1) the application for a new certificate of title is accompanied by the prior owner's title; and (2) the new certificate of title is printed in a specified manner indicating the odometer mileage.

Authorizes States to submit alternative mileage disclosure requirements for the approval of the Secretary of Transportation.

Provides that auction companies selling motor vehicles must maintain records showing: (1) the name of the most recent owner; (2) the vehicle identification number; and (3) the odometer reading on the date the auction company took possession of the vehicle.

Requires such mileage information to be disclosed by the lessee to the lessor of a leased motor vehicle when the lessor transfers ownership of the vehicle.

Increases the civil penalty for violation of the odometer requirements from $1,000 to $2,000, and increases the criminal penalty for such violations from one to three years maximum imprisonment.

Public Law 99-591 (H.J. Res. 738)—October 30, 1986 and Public Law 99-500 (H.J. Res. 738)—October 18, 1986.

A joint resolution making continuing appropriations for the fiscal year 1987, and for other purposes.

Digest: (*of those provisions under the jurisdiction of the Commerce Committee*).

Title V: *Aviation Safety—Aviation Safety Commission Act of 1986*—Establishes the Aviation Safety Commission. Directs the Commission to: (1) study how the Federal Aviation administration may most effectively perform its responsibilities and increase aviation safety; (2) report on such study to the President and the Congress within nine months after enactment of this Act; (3) investigate management and employee relationships within the Administration, particularly the air traffic control system; and (4) report on such investigation to the President and the Congress within 18 months after enactment of this Act. Outlines the main considerations for such study and investigation.

Terminates the Commission 18 months after enactment of this Act. Authorizes appropriations for FY 1987 and 1988.

Title VI: *Metropolitan Washington Airports—Metropolitan Washington Airports Act of 1986*—Authorizes the Secretary of Transportation to enter into a 50-year lease of the Metropolitan Washington Airports (Washington National Airport and Washington Dulles International Airport) with the Airports Authority (a public corporation established by this Act solely to operate and improve such airports). States that such authority shall lapse two years after the date of enactment of this Act.

Sets forth lease payments and conditions, including requirements that: (1) the Metropolitan Washington Airports be operated as a unit and as primary airports serving the Metropolitan Washington area; (2) the real property constituting such airports be used only for airport purposes; (3) the Airports Authority (the Authority) be subject to certain requirements of the Airport and Airway Improvement Act of 1982; (4) the Authority may not change the number of instrument flight rule takeoffs and landings authorized by the High Density Rule at Washington National Airport; (5) the Authority shall continue all collective bargaining rights of Metropolitan Washington Airports employees; and (6) the Secretary must submit such 50-year lease to the Congress.

Expresses the sense of the Congress that the Airports Authority should: (1) pursue the improvement, construction, and rehabilitation of the facilities at the Metropolitan Washington Airports simultaneously; and (2) complete such improvement, construction, and rehabilitation within five years after the earliest date on which the Airports Authority issues bonds.

Requires the Airports Authority to be a public corporate body with powers conferred upon it jointly by the Commonwealth of Virginia and the District of Columbia under specified guidelines which include: (1) operation of Metropolitan Washington Airports for public purposes; (2) independence from Virginia, its local governments, the District of Columbia, and the Federal Government; (3) authority to issue bonds; (4) authority to acquire real and personal property; (5) authority to exercise the power of eminent domain within Virginia; and (6) authority to levy fees and enter into agreements.

Sets forth conflict-of-interest provisions for members of the Board of Directors of such authority. Prescribes the membership and terms of the Airport Authority's board of directors, including the appointment of: (1) five members by the Governor of Virginia; (2) three members by the Mayor of the District of Columbia; (3) two members by the Governor of Maryland; and (4) one member by the President with the advice and consent of the Senate.

Requires the board of directors to establish a Board of Review (comprised of members of Congress) to review certain actions of such board of directors for approval or disapproval. Sets forth the membership and terms of such Board of Review.

Sets forth guidelines for the protection of Federal employee interests during the five-year period, including: (1) retention of employees; (2) adoption of pre-transfer labor agreements; (3) credit for accrued annual and sick leave and seniority rights; (4) life and health insurance benefits; and (5) retention of pre-transfer retirement benefits.

Requires the continuation during the 50-year lease term of all collective bargaining rights enjoyed by transferred employees retained by the Airports Authority.

Confers upon the Airports Authority during the 50-year lease the same proprietary powers and restrictions with respect to Federal law as any other airport. Declares that the Metropolitan Washington Airports qualify as a "public airport" eligible for Federal assistance on the same basis as any comparable public airport operated by a regional authority.

Grants the Commonwealth of Virginia concurrent police power authority over the Metropolitan Washington Airports, and grants the Virginia courts jurisdiction over Washington National Airport.

Makes the authority of the National Capital Planning Commission inapplicable to the Airports Authority, but requires the Airports Authority to consult with such Commission and with the Advisory Council on Historic Preservation before undertaking actions which would materially alter either the exterior of the Dulles Terminal or the skyline of Washington National Airport.

Prohibits the Administrator of the Federal Aviation Administration (the Administrator) from altering the number of instrument flight rule takeoffs and landings authorized by the High Density Rule at Washington National Airport except for safety reasons. Authorizes the Secretary and the Airports Authority to extend the lease of the Metropolitan Washington Airports.

Prohibits nonstop flights between Washington National Airport and any airport that is more than 1,250 statute miles away.

Public Law 99-618 (S. 2852)—November 6, 1986.

A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the Peninsula Airport Commission, Virginia, for airport purposes.

Digest: Delineates the conditions under which the Secretary of Tranportation is authorized to grant releases from any restriction contained in a deed whereby the United States conveyed certain property in Newport News and York County, Virginia, to the Peninsula Airport Commission for airport purposes.

Restricts such releases to 7.5 acres of real property. Prohibits the Commission from transferring any interest in such property to any person or business concern other than the city of Newport News, Virginia.

Public Law 99-622 (S.J. Res. 336)—November 6, 1986.

A joint resolution to express the sense of Congress on recognition of the contribution of the seven *Challenger* astronauts by supporting establishment of a Children's Challenge Center for Space Science.

Digest: Express the sense of Congress that a Children's Challenge Center for Space Science should be established in conjunction with the Smithsonian Institution as a memorial to the seven *Challenger* astronauts and others who gave their lives exploring space.

Public Law 99-626 (H.R. 4731)—November 7, 1986.

A bill to amend chapter 131 of title 46, United States Code, relating to the Federal recreational boating safety program, and for other purposes.

Digest: *Recreational Boating Safety Act of 1986*—Requires the Secretary of Transportation to report to the Congress prior to February 1, 1987, regarding the use of alcohol-blended gasoline in recreational vehicles. Delineates the contents of such report. Directs the Secretary to consult with the National Boating Safety Advisory Council in preparing such report. Terminates such council on September 30, 1991.

Amends Federal law regarding recreational boating safety to delete the membership limitation of such council, and to provide that the Secretary shall appoint members of such council with expertise in recreational boating safety. Amends the membership requirements to specify the number of members who shall represent certain sectors of the recreational boating public.

Declares that a certain conveyance agreement dated December 9, 1977 between the Commandant of the Coast Guard and Koniag, Incorporated, (a regional native corporation in Alaska) shall be interpreted to include: (1) that certain machinery may be maintained on lands conveyed to Koniag if it does not cause harmful electromagnetic interference with the Coast Guard Holiday Beach receiver item or is operated under terms mutually agreeable to the Coast Guard and Koniag, Incorporated; (2) the conveyance of the "old shipyard" includes the wharf and all lands beneath it; (3) an access and utility easement is intended as part of the conveyance for Cliff Point; and (4) the construction of a dock facility or other structures is not inconsistent with the easement and access to a barge landing area if such construction is in accordance with Federal approval.

Extends to September 30, 1987, the authority of the Secretary of Commerce to make certain loans under the Coastal Zone Management Act. Limits such loan authority to $7,000,000.

Amends the Coastal Zone Management Act of 1972 to provide that any portion of a State grant which remains unobligated by the end of the fiscal year or during the second year after the fiscal year for which it was originally authorized by a State for obligation, shall revert to those funds available for the original grant purpose (thus ensuring that funds appropriated for Coastal Zone management shall be spent for coastal management only).

Public Law 99-640 (H.R. 4208)—November 10, 1986.

A bill to authorize appropriations for the Coast Guard for fiscal years 1987 and 1988, and for other purposes.

Digest: *Coast Guard Authorization Act of 1986*—Authorizes appropriations for the Coast Guard for FY 1987 for: (1) operation and maintenance, and increases in salary, pay, and other employees benefits; (2) acquisition, construction, rebuilding, and improvement for aids to navigation, shore facilities, vessels, and aircraft; (3) research, development, test, and evaluation; and (4) retirement pay and benefits.

Authorizes the end strength for active-duty personnel of the Coast Guard for FY 1987.

Specifies the authorized average military training student load for the Coast Guard for FY 1987.

Authorizes the Secretary of the department in which the Coast Guard is operating (the Secretary) to transfer up to five percent of the appropriations among categories. Requires the Secretary to give the chairmen of the House Committee on Merchant Marine and Fisheries and the Senate Committee on Commerce. Science, and Transportation 15 days notice of any proposed transfer.

Directs the Secretary to identify those activities that are necessary to maintain the logistics capability of the Coast Guard. Requires the Secretary, no later than January 31, 1987, to provide a list of such activities to the House Merchant Marine and Fisheries and the Senate Commerce, Science, and Transportation Committees. Specifies certain activities to be excluded from such list. Provides that such activities may not be contracted for performance by non-government personnel, except in specified circumstances. Requires the Secretary, before the beginning of FY 1987, to submit to committees a list of activities that are to be contracted for performance by non-government personnel during that fiscal year.

Requires each contract awarded by the Coast Guard in fiscal year 1986 or 1987 for construction or services to be performed in a State having an unemployment rate in excess of the national average unemployment rate to include a provision requiring the contractor to employ local residents to fulfill the work requirements of such contract.

Assigns the performance of the Maritime Defense Zone command responsibilities to the Coast Guard.

Raises the limitations on transfer to the Boat Safety Account within the Aquatic Resources Trust Fund.

Requires that amounts paid into the Boat Safety Account be determined in accordance with a specified Department of the Treasury report on gasoline excise tax revenues attributable to fuel used in recreational motorboats.

Revises formulas for the allocation of the Boat Safety Account monies.

Makes available to the Coast Guard between one and two percent of the funds which would be allocated to the States to pay the costs incurred by the Federal Government in administering the Boat Safety Account.

Revises provisions concerning the Coast Guard Auxiliary to authorize the Secretary to pay interest on a claim of the Auxiliary in certain instances.

Directs the Secretary of Transportation to report to the Congress within one year after enactment of this act on the use of the Coast Guard Auxiliary.

Provides sanctions against violators of orders of the Secretary of Transportation with respect to the anchorage and movement of any vessel in the navigable waters of the United States.

Authorizes certain travel and expenses reimbursement for administrative personnel of the Secretary when such personnel are required to travel for purposes of administering certificates, licenses, or other documents to merchant seamen.

Revises Federal provisions relating to the inspection of vessels to require the vessel's certificate of inspection to indicate to require the vessel's certificate of inspection to indicate the complement of licenses individuals and crew considered by the Secretary to be necessary for safe operation. Requires special manning requirements to be imposed upon: (1) sailing school vessels; and (2) self-elevating mobile offshore drilling units.

Revises provisions concerning the towing of vessels to require the operators of such vessels to have a license to operate a towing vessel.

Provides that, whenever a vessel is forfeited to the United States, such vessel may be donated to an education institution with a commercial fishing vessel safety program that includes specified courses in fishing vessel safety. Outlines terms and conditions under which the donation of a vessel to an educational institution will be made. Releases the United States of any liability for actions arising from the use of such donated vessels.

Prohibits and Coast Guard training or instruction to employees of the government or members of the armed services of the Republic of South Africa during FY 1987.

Directs the Secretary to provide detailed reports to the Congress concerning the status of design and construction plans for the procurement of at least two new polar icebreaking vessels. Requires such report to be submitted annually until at least two new vessels have been delivered to the Coast Guard.

Requires each uninspected fishing, fish processing, or fish tender vessel operating on the high seas to be equipped with the number and type of emergency position indicating radio beacons prescribed by regulation.

Retitles specified Federal law as the Maritime Drug Law Enforcement Act.

Makes it unlawful for any person on board a vessel of the United States, or on board a vessel subject to the jurisdiction of the United States, to knowingly or intentionally manufacture or distribute, or to possess with intent to manufacture or distribute, or to possess with intent to manufacture or distribute, a controlled substance. Redefines terms under such act.

Grants waivers from restrictions on vessel documentation for five specified vessels.

Public Law 99-659 (S. 991) November 14, 1986.

A bill to provide authorization of appropriations for certain fisheries activities.

Digest: Title I: *Fisheries Conservation and Management*—Amends Federal law concerning fishery conservation to define "exclusive economic zone" for purposes of exercising sovereign rights to fishery resources in such zone. States that the United States shall exercise sole fishery management authority (except with regard to highly migratory fishes) within the exclusive economic zone. Provides that the United States shall exercise exclusive fishery management authority over all anadromous fishes throughout their migratory range beyond the exclusive economic zone (except when such fishes are in a foreign nation's territorial sea or exclusive economic zone) and all Continental Shelf fishery resources beyond the exclusive economic zone.

Provides that fishing permits issued to foreign vessels to permit fishing within the U.S. fishery zone shall be valid only for a period of one year, with renewal required thereafter. Provides various sanctions for foreign fishing vessels committing prohibited acts, including revocation, suspension, or denial of fishing permits. Provides for temporary suspension of such permits while an administrative proceeding concerning a violation is in progress.

Amends the Magnuson Fisher Conservation and Management Act to direct the Secretary of Commerce to prescribe minimum health and safety standards to be maintained on foreign fishing vessels with respect to the quartering of any carrying out of observer functions by U.S. observers aboard such vessels.

Requires all foreign vessels to have written certification that such vessels complies with all safety standards imposed by its country.

Requires members of each regional fishery management Council to be knowledgeable and experienced with regard to the conservation and management of the fishery resources of the geographic area concerned. Prohibits the Governor of a State from submitting individuals to the Secretary of Commerce for appointment to such Councils unless the Governor has first consulted with commercial and recreational fishing representatives of the State regarding such individuals. Prohibits an individual's appointment to a council position until such individual complies with certain financial disclosure requirements. Provides a three-year term for each voting Council member appointed.

Authorizes each Council to comment on a proposed State or Federal agency action which may affect the habitat of a fishery resource under its jurisdiction. Requires a Federal agency to respond to a Council's comments within 45 days of receipt thereof.

Requires voting members of a Council to disclose any financial interest held in any fish harvesting, processing, or marketing activity over which such council has jurisdiction.

Requires any fishery management plan prepared by any Council to provide for temporary adjustments regarding access to the fishery for vessels usually prevented from harvesting because of weather or other conditions affecting the safety of the vessels. Requires the inclusion of certain fishery habitat information.

Prohibits the disclosure by the Secretary of certain financial-disclosure statistics submitted to the Secretary except to: (1) Federal employees and Council employees who are responsible for fishery management plan development; or (2) when court ordered.

Requires the Secretary to make an immediate preliminary evaluation of any fishery management plan submitted in order to determine if it is consistent with national standards and warrants further review. Requires the Secretary to annually review and update the comprehensive fishery management plan and make the results available to the Councils.

Defines as a prohibited act the submission to a Council, the Secretary, or the Governor of a State of a false statement pertaining to fish processing capacity.

Provides that any person against whom a civil penalty is assessed for violation of a fishery management plan may obtain review in the U.S. district court for the appropriate district.

Provides in rem jurisdiction with respect to vessels engaging in violations of fishery management plans and states that civil penalties against the owners or operators of such vessels shall constitute a lien upon such vessel enforceable in the appropriate court of jurisdiction.

Provides that administrative forfeiture provisions shall apply to all property seized by the Secretary of Commerce for violations under this Act. Authorizes the Secretary or the Secretary of the Treasury to pay for the reasonable storage and maintenance costs of seized property until any proceeding concerning such property is completed. Requires reimbursement by liable parties of all such storage and maintenance costs.

Repeals a Federal law concerning the effect of certain legislation upon the Law of the Sea Treaty.

Authorizes appropriations for FY 1986 and 1987. Provides certain limitations of expenditures with regard to certain fishery research vessels of the National Oceanic and Atmospheric Administration (NOAA).

Requires the Secretary to ensure that those persons dependent upon the Fisheries within the jurisdiction of the Regional Fishery Management Councils for their livelihood are fairly represented as voting members of the council.

Title II: *Fish and Seafood Promotion—Fish and Seafood Promotion Act of 1986*—Establishes the National Fish and Seafood Promotional Council.

Outlines various functions of the Council, including the preparation and submittal to the Secretary of Commerce for review of a plan for marketing, promotion, and consumer education with respect to fish and fish products. Prohibits: (1) any such plan from containing and references to any private brand or trade name or from using deceptive acts with respect to the quality, value, or use of competing products; or (2) the promotion by the Council to purchase a single group of similar fish. Permits the Council to enter into agreements with applicants proposing to establish a seafood marketing council for the purposes of funding a referendum establishing such councils. Terminates the Council on October 1, 1990.

Sets forth the duties of the Secretary, including the review of the Council's annual fish marketing and promotion plan and budget.

Establishes in the Treasury a Fisheries Promotional Fund.

Amends the Saltonstall-Kennedy Act to provide for the transfer of funds from the Secretary of Agriculture to the Secretary of Commerce for activities related to the Fisheries Promotion Fund. Requires the transfer of specified amounts into the Fund for FY 1987 through 1990.

Provides for the application for a charter for a seafood marketing council for fish and fish products by individuals meeting specified requirements. Requires such application to be in the form of a proposed charter, which must include certain information such as the fish and fish products planned to be marketed and promoted, and sectors (geographic areas) that will be represented by the proposed council.

Requires the Secretary of Commerce to determine the suitability of a proposed charter within 180 days after its submission for approval. Requires a referenda to be held, and 66 percent or more of the fish and fish products' value of an area to be represented by sector participants who approve the charter, before the Secretary of Commerce can establish the council and approve the proposed charter.

Outlines powers of a council, including that of adopting standards relating to the quality of fish and fish products and the sector operating procedures of the council. Requires such standards to be adopted by a majority of the council and implemented by the Administrator.

Enumerates specified duties of the Secretary of Commerce with respect to the review and regulation of marketing and promotion plans submitted by the councils.

Directs a council to impose such assessments as necessary to carry out functions. Directs such assessments to be imposed on sector participants in the receiving sector or the importing sector or both as approved in the council charter. Directs the Secretary of Commerce to assist each council in the determination and implementation of such assessments.

Requires Department of Commerce to maintain the confidentiality of all books and records opened to them by each council. Provides fines and penalties for any individual violating such confidentiality.

Allows any person subjected to an assessment to petition the Secretary of Commerce for a review and ruling on the validity of such assessment.

Outlines administrative procedures for the voluntary termination of a council.

Gives the district courts of the United States jurisdiction to enforce any order or regulation made or issued under this Act. Refers civil actions brought under this Act to the Attorney General, unless the Secretary of Commerce believes administrative action is adequate.

Provides civil penalties for any person violating any provision of any order or regulation issued by the Administrator under this Act. Outlines procedures for review of any such penalties levied upon an individual.

Authorizes the Administrator to make any necessary investigations to carry out the provisions of this Act. Provides the Secretary of Commerce with other administrative powers. Allows the Administrator to obtain enforcement of such powers with the aid of any U.S. court. Requires the Secretary of Commerce to submit a report to the Congress.

Title III: *Interjurisdictional Fisheries—Interjurisdictional Fisheries Act of 1986*—Directs the Secretary of Commerce to apportion funds for interjurisdictional fisheries research projects among the States in a ratio based on fishery resources volume and value as determined by the Secretary. Assures a guaranteed apportionment to those States which: (1) are a signatory to an interstate fishery compact; or (2) border on one or more of the Great Lakes.

Allows States to submit proposals for projects to be evaluated by the Secretary before determining the funds to be obligated to such States. Prohibits the Federal share of the cost of any project from exceeding 75 percent, unless the State has adopted the interstate fishery management plan for the resource involved, or the fishery regulations consistent with the Federal fishery management plan for the species involved, in which case the Federal share shall not exceed 90 percent. Requires prompt notification to States by the Secretary of project approval or disapproval.

Requires the Secretary to prescribe regulations to assure that the performance of all project work is in accordance with the applicable Federal and State laws. Vests title to all project property in the State.

Requires the Secretary, beginning not later than 90 days after FY 1988 and biennially thereafter, to submit a report to the appropriate congressional committees concerning project assessments and expenditures of funds.

Authorizes appropriations for FY 1987 through 1988 to carry out the purposes of this Act. Authorizes appropriations for FY 1987 through 1989 for the use of specified interstate commissions to develop interstate fishery management plans for interjurisdictional fishery resources.

Repeals the Commercial Fisheries Research and Development Act of 1964.

Title IV: *Miscellaneous Provisions*—Extends through FY 1989 the authorizations of appropriations for programs under the (1) National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act; and (2) Anadromous Fish Conservation Act. Extends through FY 1988 the authorizations of appropriations for programs under the Central, Western, and South Pacific Fisheries Development Act. Extends through FY 1989 the authorizations of appropriations for programs under the Atlantic Tunas Convention Act.

Amends the Great Lakes Fishery Act of 1956 to increase from three to four the authorized number of members representing the United States on the Great Lakes Fishery Commission (the Commission).

Directs the Administrator of NOAA to establish within NOAA an Estuarine Programs Office. Outlines the functions of such Office, including: (1) the development of a national estuarine strategy; and (2) the coordination of estuarine activities of NOAA with Federal and State agencies. Authorizes appropriations for such use for FY 1987 through 1990.

Amends Federal law relating to the organization of the Department of Commerce to establish the following two positions, both of whom to be appointed by the President by and with the advice and consent of the Senate: (1) Under Secretary of Commerce for Oceans and Atmosphere (to serve as the Administrator of NOAA); and (2) Assistant Secretary of Commerce for Oceans and Atmosphere (to serve as Deputy Administrator of NOAA). Establishes in NOAA the position of Chief Scientist of NOAA, appointed by the President by and with the advice and consent of the Senate, to act as the principal scientific advisor to the administrator of NOAA.

Transfers from the Secretary of Commerce to the Secretary of State the authority to provide reimbursement to commercial fishermen for certain seized property.

Amends the Fish and Wildlife Act of 1956 to provide that money accruing to the fisheries loan fund created under such Act shall, after FY 1986, accrue to the general fund of the U.S. Treasury.

Revises provisions concerning a certain land conveyance agreement entered into between the Coast Guard and Koniag, Incorporated.

Amends the Marine Mammal Protection Act to allow U.S. citizens to hunt for specified species of depleted fish if the Secretary of the National Oceanic and Atmospheric Administration determines that such hunting will not have an unmitigable adverse impact. Amends the Endangered Species Act with respect to a specified statement by the Secretary of the Interior relating to endangered species.

UPCOMING ELECTIONS IN SOUTH AFRICA

Mr. BUMPERS. Mr. President, South African State President P.W. Botha opened the Fourth Session of the Eighth South African Parliament in Cape Town on Friday, January 30. I was extremely disappointed at the bellicose nature and tone of his speech, particularly the fact that he unveiled no new reforms, no lifting of the authoritarian state of emergency, no hope for the disenfranchised black majority.

But he did make one statement in that speech with which I strongly agree: "Ultimately, it is not to our—South Africa's—advantage to become isolated from the international community."

He is right on this point, Mr. President. Despite the nationalist and isolationist tone of his speech, it is not in the interest of South Africa nor the United States for that country to close its eyes to the world. South Africa is economically interdependent with the United States, with our European allies, and especially with the developing nations of southern Africa.

We in the United States abhor apartheid, as demonstrated by the overwhelming enactment of the Comprehensive Anti-Apartheid Act of 1986 last year despite a strong effort by the President to prevent sanctions. It is a system of repression that cannot last. We want to encourage peaceful change in South Africa by linking economic sanctions, and stiffer sanctions in the future, to concrete reforms by the South African Government.

If the South African Government would end the state of emergency, free the activities of legitimate political parties and unions, and release political prisoners, we would cooperate. But we are not willing to accept the half-hearted reforms and the insistence on racial group politics that the ruling Botha administration clings to.

In my statement on South African sanctions legislation in 1985, I outlined the complex system of law that is at the heart of apartheid. Many are still on the books, despite the much heralded reforms of the ruling Botha administration. The introduction of a system of laws on racial segregation began in earnest with the advent of National Party rule in 1948. The pillars of apartheid—the Population Registration Act of 1950, the Group Areas Act of 1950, the Reservation of Separate Amenities Act of 1953, the Promotion of Bantu Self Government Act of 1959, and countless others—remain in force today.

Mr. President, I could fully explain the way in which reforms embarked upon by the South African Government to date, such as the question of citizenship for blacks and the abolition of influx control, have been superficial. Rather than doing so, I ask unanimous consent that an article by Patrick Lawrence that appeared in the Christian Science Monitor on July 29, 1986, be printed in the Record following my remarks. Mr. Lawrence presents a sound argument exposing the fallacy that the South African Government has been serious in its attempts at reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUMPERS. Mr. President, we know all too well the sordid history of repression in the last two years alone. The facts are grim—over 2,300 dead since September 1984—and need not be recounted in detail here. But the 39 years of National Party rule will not end overnight.

THE U.S. HAS PRACTICAL AND MORAL INTERESTS IN SOUTH AFRICA

The United States has both a practical and moral stake in the internal future of South Africa. We have a stake in whether that country erupts into violent revolution or reconciles its deep racial divisions through peaceful change. Mr. Botha and his advisors must recognize that we have a stake in the dissolution of apartheid.

Even President Reagan, who opposes tough-minded sanctions against South Africa, in a speech before the World Affairs Council and Foreign Policy Association in July 1986 confirmed the point that apartheid—the internal order of South Africa—is a matter that must concern us. He said, "The root cause of South Africa's disorder is apartheid * * * If South Africa wishes to belong to the family of nations, an end to apartheid is a precondition."

BOTHA ANNOUNCES NEW ELECTIONS

State President Botha made another statement in his speech, a very important one. He officially announced that South Africa's roughly 5 million whites will go to the polls on May 6, 1987. Botha announced that elections for the House of Assembly, the dominant, whites-only chamber of South Africa's tricameral Parliament, will be officially proclaimed March 7 and that candidates will be named on March 31. On Wednesday, May 6, the 178 seats in the House of Assembly will be open for election. elections had not been expected until 1989.

What will the elections mean for the future dissolution of apartheid? What implications will it have for U.S. policy?

By way of explanation, Americans sometimes seem unaware that South Africa is a parliamentary democracy, albeit one in which 71 percent of the population—the black majority—is excluded on the irrelevant criterion of race. The 1984 Constitution, which in my view is an entrenchment of "separate development" in that country's organic law, establishes three chambers of Parliament—one for whites, one for "coloreds," and one for Indians. The 25 million blacks have never had the chance to vote in national elections in South Africa, and won't have on May 6.

A CHANCE FOR CHANGE

Americans, and U.S. policy, cannot underestimate the ability and strength of the Botha government. The only way the present Government will voluntarily abandon its authoritarian tactics and open itself to participation by blacks is through the white ballot box. Mr. President, I ask unanimous consent that an editorial from the January 5 Washington Post, which makes this very point, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BUMPERS. Mr. President, the decision of President Botha to dissolve only the white House of Assembly in the tricameral Parliament can be interpreted in several ways. My first response, Mr. President, is to exclaim—How contemptible. At the time when the entire world is looking, hoping, for a relaxation of the state of emergency and the announcement of a major reform initiative, Botha reinforces white-minority domination and enacts even broader press restrictions. What an affront to those of all races who harbor some degree of hope for a peaceful end to apartheid.

But the whites of South Africa have been given a chance to show their willingness to change. In a poll taken in mid-1985, 63 percent of white South Africans said they do not believe apartheid will last another 10 years. In a more recent poll, 42 percent said they preferred nonracial constitutional alternatives, while only 27 percent supported the continuation of separate development as reflected in the National Party's 1984 constitutional dispensation. The opposition parties committed to a nonracial political system, such as the Progressive Federal Party and the New Republic Party, have never had a better chance to influence their nation's destiny. Likewise, the Nationalist Party has not faced so difficult a challenge from both the left and the right since it took power in 1948.

National Party rule may not be in immediate jeopardy. There is good reason to believe that white fear of a change in government will sustain the National Party's 66-seat margin of dominance in the white House of Assembly. In fact, South African political analysts view the elections as a move to stave off gains from the staunchly conservative and segregationist Conservative Party and other groups on the right. Botha seems to be seeking to preempt a coalition of rightist groups, particularly the Conservative Party and the Reconstituted National Party.

But the South African white electorate should know—and I can only hope that the Government allows this message to flow to them—that there are Americans and members of those in the U.S. Congress who are watching this election very closely. We want to see the whites of South Africa cast a vote for an end to apartheid, an end to "separate development," an end to the spiral of violence and reaction.

U.S. POLICY IN FLUX

The results of the upcoming election have tremendous implications for United States policy toward South Africa. Our present policy is clearly in a state of flux. We have a new Ambassador in Pretoria, Edward Perkins, the President lost a bid last year to defeat sanctions legislation in Congress, and Secretary Shultz met recently with the President of the banned African National Congress, Oliver Tambo. Where is U.S. policy headed?

That question will be answered in part with the results of the upcoming elections. But several points about U.S. policy were enacted into law with the Comprehensive Anti-Apartheid Act of 1986—Public Law 99-440.

First, as I have said, we seek a nonracial democracy in South Africa. We encourage the Government of South Africa to begin negotiations on the future of the South African political system with all social groups, banned and unbanned, without precondition. All parties should agree to end violence and allow nonviolent political expression.

Second, we call for a suspension of the state of emergency, the release of trade union activists and political prisoners, and a concrete timetable for the elimination of all apartheid laws. The draconian press restrictions must be rescinded.

Third, we will seek to assist victims of apartheid and help them prepare for a post-apartheid society.

Finally, until apartheid is dismantled, we will seek to undermine it through carefully calculated unilateral and multilateral sanctions.

The Anti-Apartheid Act also contains a provision, section 501, requiring the President to submit a report within 1 year after enactment and every year thereafter on whether "significant progress" has been made by the South African Government toward ending apartheid. If "significant progress" is not made, additional sanctions are to be considered by Congress on an expedited basis.

A MESSAGE TO THE WHITE SOUTH AFRICAN ELECTORATE

That last point should speak loudly to white South Africans in the coming months. While by no means do we seek to impose any particular constitutional blueprint on that complex country, Congress will be watching the developing campaign very closely. The commitment to reform by the white electorate is certain to be a key factor in the imposition of additional sanctions by the United States. Support for a government that is willing to negotiate will be gauged. It is certain to be the key to whether "significant progress" is being made toward the elimination of apartheid and government based on race.

The sanctions we enacted last year say to the National Party two things. First, elections will highlight in no uncertain terms the intentions of the National Party and their willingness to achieve a universal, multiracial government. Second, the future leaders of the National Party must know that they will not rule in a minority government with U.S. aid, comfort, or cooperation.

As I said, Mr. President, we do not want to see an isolated South Africa. A South Africa-against-the-world does not advance anyone's interest. The whites in South Africa must understand the importance of this election. It will assuredly shift the weight on the see-saw of reform or revolution in their own country.

It will also tip the scales on future United States policy toward South Africa. The United States is likely to cooperate with a regime in South Africa that is committed to nonracial democracy and is willing to demonstrate that commitment. But we will not tolerate the propagation of apartheid in any form. We are willing to help, but a police state will evoke no sympathy from us, only scorn. It is my hope that in the coming months, the whites of South Africa will seize this opportunity to begin on that difficult road of reconciliation.

Mr. President, we are not giving up on peaceful change in South Africa. We are offering the South African Government the chance to reform. I want to again reiterate my belief that there are two essential alternatives for a future South Africa. A coalition of whites and nonwhites may rule, or black majority rule in a one-man-one-vote system will evolve. But one thing is certain—white minority rule cannot last in South Africa.

EXHIBIT 1

[From the Christian Science Monitor, July 29, 1986]

SOUTH AFRICA REFORMS WILT UNDER SCRUTINY

(By Patrick Laurence)

JOHANNESBURG.—South Africa's reform policy looks increasingly threadbare, as its fine print comes under closer scrutiny.

President Pieter Botha's commitment to move away from the "outdated concept of apartheid" toward a "new South Africa" rested largely on two promises: restoration of South African citizenship to millions of blacks who were dispossessed of it and abolition of the so-called pass laws that restricted the movement of blacks.

But statements by the Department of Home Affairs have made it clear that South African citizenship will be restored only to a limited number of blacks. And for millions of blacks, new and more vigorous controls will replace the formally repealed pass laws.

When South Africa granted nominal independence to four "black homelands" which it created (Transkei, Bophuthatswana, Venda, and Ciskei), all blacks deemed to be citizens of those quasi-states were stripped of their South African citizenship. Altogether, 9 million blacks were dispossessed of South African citizenship, of whom 5 million lived within the quasi-states and 4 million in South Africa.

Last September, President Botha conceded for the first time that blacks resented being deprived of South African citizenship, noting that it evoked feelings of rejection and a "perception that they were being cut off from South Africa's financial and economic resources."

He undertook to restore South African citizenship to blacks from the so-called independent homelands "who permanently reside in South Africa" and to negotiate with the governments of the four territories for restoration of South African citizenship for blacks who still live in the states. Botha repeated this intention when he formally opened Parliament on Jan. 31.

The Restoration of South African Citizenship Act was approved by Parliament, and it came into force on July 1. But, as spelled out late last week by the Department of Home Affairs, citizenship will be restored to only about 1.7 million of the estimated 4 million blacks of the independent homelands who live in South Africa. The other 2.3 million people remain statutory foreigners; so, too, do the 5 million people who live within the independent homelands.

Only the independent homeland citizens who had received permanent residence rights under the law that was the basis of the so-called pass laws are eligible to regain South African citizenship. Excluded are the remaining 2.3 million blacks, a group that includes black migrant workers who live and work in South Africa but whose families live in the four independent homelands.

The 1.7 million who are eligible to regain citizenship will not have it restored to them automatically, however. "They are required to confirm (in writing) that they are desirous of regaining South African citizenship," the Department of Home Affairs announced.

This requirement has been sharply criticized by opponents of the government.

"South African citizenship will be restored only on application or written notification, rather than by simple act of Parliament, which was how they lost it in the first place. . . . Illiterate people, in particular, will be at a severe disadvantage," commented the South African Institute of Race Relations, an independent group that is critical of the government's race policies.

"They are being denied a future claim on the franchise," says Helen Suzman, a veteran opposition member of Parliament, of those blacks who are not eligible to regain South African citizenship.

The restoration of citizenship comes as South Africa's white governors press ahead with as yet undefined plans to give black South Africans a say in central government. The aim of present government policy, however, appear to be to keep the number of blacks who qualify for political rights through citizenship as small as possible.

Linked to the pledge to restore South African citizenship was the promise to repeal the influx control or pass laws, which forbade the entry of blacks into cities and towns except under stringent conditions. On July 1, all influx control laws, of which the most important was the Urban Areas Act, were abolished. But new freedom of movement was restricted to black South African citizens—those who were never formally deprived of South African citizenship and the 1.7 million who qualify to regain it.

But the 7.3 million deemed to be citizens of the independent homelands are worse off, says Sheena Duncan of the Black Sash, a South African civil rights organization. Instead of being subjected to the controls of the now-abolished Urban Areas Act, they fall under the harsher restrictions of the Aliens Act.

"They may not enter South Africa without permission and may not take up employment without permission," says Geoff Budlender, a South African civil rights lawyer.

"They are liable to summary arrest and deportation procedures. People who provide them with employment or accommodation, without necessary official permission, commit a criminal offense and are subject to extremely heavy penalties."

A black person who violated the now-repealed Urban Areas Act risked a fine of up to 100 rand ($39) or imprisonment for up to six months. Under the new law, an "alien" from an independent homeland faces a fine of up to 600 rand ($234) or jail for six months. Under the defunct Urban Areas Act, an employer who employed a black who was not supposed to be in the area could be fined up to 500 rand ($195) or jailed for three months. Under the Aliens Act, the penalties are a fine of 5,000 rand or imprisonment for two years.

Nearly 25 years ago in 1952, the "high priest" of apartheid and former prime minister, Hendrik F. Verwoerd, passed the Abolition of Passes and Coordination of Documents Act. But far from abolishing influx control, the law extended it to black women for the first time.

Now, the Abolition of Influx Control Act of 1986 has increased the freedom of movement of black South African citizens, but at the expense of citizens of the independent homelands. It is, contends Mark Orkin, a sociologist in South Africa, a new version of the old Afrikaner strategy of dividing blacks into "insiders" and "outsiders" and of making a deal with the insiders at the expense of the outsiders.

EXHIBIT 2

[From the Washington Post, Jan. 5, 1987]

WHITE SOUTH AFRICA'S ELECTION

It's odd in a way to be considering South Africa as a state preparing to put on new democratic elections. It's a police state for most of its inhabitants. The country's recent political movement has been in an authoritarian direction, even in sectors affecting whites—for example, the press—so it is now unlikely that the campaign will be based on anything like the candor appropriate to the country's urgent predicament. In the elections, whose date President P.W. Botha will soon be announcing, only whites will vote. Their choices will be imposed on the majority.

Residually, nonetheless, white South Africa has a democratic aspect, and elections do remain a mechanism for reflecting the white popular will. Many citizens of South Africa and many observers of its affairs have already concluded that the white popular will is a slender reed on which to lean for serious policy change. Still, what possibilities there are cannot be ignored.

President P.W. Botha apparently is calling early elections in confidence that his recent law-and-order crackdown and his defiance of American sanctions have lifted the threat of a large-scale defection of his National Party to the small, even more extreme parties to its right. If this is so, the important thing becomes the struggle for the support of the voters who might swing between the National Party and the official opposition on its left, the Progressive Federal Party.

The interesting question is whether a strengthened P.W. Botha would be in a position to undertake further and effective reform. Many South Africans have written off such a possibility, or they believe that the steps for which his conscience or constituency might license him are without significance. But others cling to the notion that a burst of official reform could yet halt South Africa's seemingly unchecked descent to increased brutality and repression and, accordingly, into permanent unrest and rebellion.

Mr. Botha offers scant encouragement. Last year—before he lost his nerve—he evidently was flirting with releasing Nelson Mandela and bringing the African National Congress and other authentic black groups onto political play. These are the sorts of steps that could make a difference, and his failure to take them created the tensions that have defined South African public life since. Now he merely asks voters to endorse undefined "evolutionary" change. Underneath the surface of South Africa's democracy, an inner security apparatus is becoming more evident and assertive. An election that merely registered the concessions made to appease the right wing would make everything worse in South Africa.

TESTIMONIAL TO CLANCY IMISLUND

Mr. HOLLINGS. Mr. President, a friend recently recommended to me an article in Reader's Digest by Maurice Zolotow titled "Clancy and the Midnight Mission." I wish, in turn, to commend this fine article to my colleagues in the U.S. Senate.

The "Clancy" of the title is Clancy Imislund of Los Angeles, CA. The article recounts this unusual man's odyssey from skid-row alcoholism to a successful career in business and a passionate commitment to helping others recover from the disease of alcoholism.

Since 1973, Mr. Imislund has served as managing director of the Midnight Mission, a Los Angeles group that provides shelter for alcoholics and derelicts while also offering counseling and rehabilitation. The key to helping these people, according to Mr. Imislund, is to instill a sense of self-worth and pride.

So many unfortunate people have been given a new start in life by Clancy Imislund and his mission. It is my honor to recognize his contributions and service by having the aforementioned article printed in full in the CONGRESSIONAL RECORD. Mr. President, I ask unanimous consent that this be done.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Reader's Digest, December 1984]

CLANCY AND THE MIDNIGHT MISSION

(By Maurice Zolotow)

Clancy Imislund leaves his modest ranch house in West Los Angeles at 9:30 a.m., and joins thousands of other commuters on the freeway. A middle-aged, balding, bespectacled man in a dark-gray suit, he resembles the other executives in the other cars. But unlike them, Clancy doesn't pull into the Arco Tower or the First Interstate Bank. Nor does he have a morning conference in the Bonaventure Hotel.

Clancy is on his way to skid row, to the Midnight Mission at 396 South Los Angeles Street. Now 57, he has spent a great part of his adult life working with derelicts. All kinds. The kind you see on L.A.'s skid row, New York City's Bowery or Chicago's Madison Street, with their dilapidated hotels, pawn shops, bars and tattoo parlors. And the kind who still reside in good homes but are as addicted to drugs and alcohol—or who have just given up on life—as the lost souls sleeping in alleys.

A large sign in Clancy's office best expresses his approach: LIFE IS NOW IN SESSION. For his goal is to return alienated men and women to the mainstream of living, by helping them recover a sense of self-worth.

Those in whom a spark of vitality still flickers, however, dimly, may begin the road back by applying at the Midnight Mission for a meal and bed ticket. One of the largest and most modern institutions of its kind, it provides overnight shelter for 140 men. The modern kitchen, with its stainless-steel equipment and up-to-date stoves and grills, feeds 1500 persons a day. The Mission's policy is set by a board of directors, composed of 15 business and professional leaders who give their time without compensation. The Mission is supported entirely by contributions and it does not rely on funds from federal, state or municipal agencies.

A California State Employment branch office in on the premises, the only one in the state located in a skid-row mission. Clancy is a believer in the work ethic, and says that work is a form of prayer. Most of the residents of the Midnight Mission assist in cleaning and cooking.

Clancy supervises the entire operation. His phone rarely stops ringing, because he invites many men and women who are making a transition back into the real world to telephone him every day at a fixed hour to put a "small girder" into the structure of a new life.

During one of my visits to Clancy's Mission, I met Vic L, 36, a former drifter and alcoholic. Alert, nicely dressed, holding down a job and going to school at night, Vic had brought in a younger man, Lem W, 27. Lem wore a soiled Hawaiian shirt and unwashed jeans, and his eyes looked dead. Clancy accepted Lem as a resident and laid down the law:

"You'll get your bed and your meals. You follow the rules and you'll do well. The first rule is: start telling the truth. Especially to me. I'm an old con artist myself. Never con a con man." He shook Lem's hand and looked squarely into his eyes. He seemed to tell Lem that he had been there himself, that he knew the pain Lem was suffering but that there was hope. I could swear I saw a faint gleam appear in Lem's dead eyes.

The road down. Clancy Imislund was born in Eau Claire, Wis., July 9, 1927. In 1943 he ran away to join the merchant marine. With an overpowering urge to prove he was a "real man," he forced himself, during his early months at sea, to learn to tolerate whiskey until he could hold his own with his fellow seamen. Alcohol made him *feel* like a man.

In 1946 he entered the University of Wisconsin at Eau Claire and planned a career in journalism. He married Charlotte Koehler when he was 21, and their first child was born a year later. A year after that he experienced his first arrest for public intoxication.

He was, over the next nine years, to sleep in many "drunk tanks" in many cities, from Milwaukee to El Paso, Texas. Again and again, Clancy would promise his wife to live a sober life, but after they would move to a new city and all was going well (for he was a talented advertising copywriter when sober), he would disappear for days and weeks, hardly remembering where he had been and what he had done.

Between 1952 and 1958, Clancy was jailed in five different states. Committed to the Texas State Mental Hospital in Big Spring as a suicidal depressive, he was given three series of shock treatments. But he was not yet ready to change. In Dallas he went on a spree and was fired from his $30,000-a-year position with an advertising agency. He returned home to find his comfortable suburban villa empty. His wife had taken their four daughters and departed, leaving no forwarding address. Only his clothes and a portable typewriter remained.

He moved on to California and became one of the habitues of Los Angeles's skid row. Once, ironically, he was even thrown out of the Midnight Mission for fighting. It was October 29, 1958. He passed out in an alley that night and slept in an all-night move theater the next.

The turning point came when he walked from the movie house into the drizzly dawn of October 31, Halloween. "I saw that I was at zero, friendless, alone, nobody knowing or caring whether I lived or died," he recalls. "If I was going to do anything with the rest of my life, I would have to start from where I was—not from where I wished I was."

The Road Back. That rainy morning he walked 71 blocks to a small alcoholics-rehabilitation clubhouse, from which he had previously been ejected for obstreperous behavior. But he believed one man there would help him. "He asked me if I was willing to do what he suggested without arguing with him," recalls Clancy. "And I said yes."

His mentor's first instruction: "Get a job."

"But I look terrible, Clancy protested.

"Then get a terrible job."

"But"—

"Get a job. Now."

Clancy wanted to strike the man, but left the club instead and started walking again. He passed a small gift shop with a "help wanted" sign. Someone was needed to sweep the premises. It was a "terrible" job. He took it.

Now his mentor gave him command number two: start sending money home. Clancy didn't know where his family was. "Find out," he was told. He finally got a Dallas post-office-box number, but he complained that if he rented a room and began eating properly again, he couldn't afford to send money home. So his mentor told him that there was an abandoned 1949 Mercury in the parking lot of the clubhouse. He lived there for eight months. And he was not drinking. He began setting aside shall sums of money each week in order to send Christmas gifts to his family.

A few weeks before Christmas, he went to a cut-rate drugstore, bought the presents, wrote little poems to accompany each gift and mailed them to the post-office-box number. That Christmas, alone, sober and swimming in the icy waters of reality, was the hardest of his life.

But he was getting back a bit of self-worth every time he put in a day's work or thought of his family. His mentor also told him to make a list of his debts, great and small, and start repaying them. Clancy forced himself into this discipline.

He was laid off the week after Christmas, and then got a job as a dishwasher at a restaurant. When his boss told him he was inefficient, Clancy started talking about his past triumphs in the advertising business and how he had only been sober a few months. But the boss cut him off: "Listen buddy, I don't wanna hear your excuses—I just want you should wash the dishes."

That pithy statement made a lasting impression. Clancy often tells the people he is trying to help, "The world isn't interested in your alibis and explanations. Just wash the dishes."

Lifetime mission. Clancy worked at various jobs for five long years before his wife risked returning to him with their daughters. He eventually eased his way back into public relations and advertising and, against all odds, became an executive at KHJ radio and television in Los Angeles.

He also worked with alcoholics and spoke to civic groups about the problems of rehabilitation. Eventually he became director of advertising for a major manufacturing corporation, and later an account executive at an advertising agency. In 1973 a member of the board of the Midnight Mission asked him to suggest candidates for the post of managing director. There were three requirements: administrative experience, empathy with alcoholics and derelicts, and willingness to work for a low salary.

"The only person I knew who could meet all the requirements," says Clancy, grinning, "was me. After talking it over with Charlotte, I recommended myself for the position. She believed in the work as much as I did."

Their home, with its large back yard, is another, less-formalized "mission." On most Saturdays, a hundred or more men and women—and even small children—come together to play softball and volleyball, to drink coffee, to eat hot dogs and salad. On holidays, often a lonely time, Clancy sets up special events.

Last Fourth of July, there were more than 400 healthy, laughing men and women in the yard, which was decorated with bunting and enormous American flags. A sextet of musicians, all sober alcoholics, played jazz.

The man in charge of decorating the yard was Calvin N, now 57, one of L.A.'s most successful commercial interior designers. Clancy had helped him walk the road back almost 20 years ago. "Clancy believes a man feels good about himself if he is of use to others," Calvin told me. "So if you're on the hamburger committee or the fireworks committee or getting-a-thousand-yards-of-bunting committee, you'll get a spoonful of self-worth while helping other people have fun."

To each man and woman, Clancy Imislund seems to be able to dole out helpful medicine. John G, 38, is now a junior executive. Twelve years ago he was a skid-row drunk who had deserted his wife and two children. After he was sober a year, he decided to divorce his wife. "But Clancy told me I owed her as many years sober as she'd given me when I was drinking," says John. "I agreed. Later, I planned, we would get the divorce. I started doing things for her. Our relationship changed. Today I don't 'owe' her any more sober years. I'm just happy to be with her. I'm beginning to find out that love is thinking about another person before you think of yourself."

Clancy's recipes for better living are fragments of the experiences he brought back from his own years of desperation. He, also, lived in a hell of his own making for many years—but he did not come back from hell with empty hands.

"Maybe somebody we will be able to make miracles happen more often," says Clancy. "Right now, all we can do is tell the men and women on skid row that when you've been to hell and back, back is better."

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 24 and February 25, 1987, during the adjournment of the Senate, received messages from the President of the United States transmitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on February 24 and February 25, 1987 are printed at the end of the Senate proceedings.)

MEDICARE CATASTROPHIC ILLNESS COVERAGE ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 20

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 24 and February 25, 1987, during the adjournment of the Senate, received messages from the President of the United States together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Medicare Catastrophic Illness Coverage Act." This landmark legislation would provide protection under the Medicare program for elderly and disabled Americans who suffer an acute care catastrophic illness. The legislation would help provide peace of mind for 30 million Americans without adding to the tax burden of their children.

We all know family, friends, or neighbors who have suffered a devastating acute care illness that has destroyed their financial security. A catastrophic acute care illness requires treatment so costly that families can only pay for it by impoverishing themselves. A catastrophic illness is financially devastating and requires personal sacrifices that can haunt families for the rest of their lives.

Elderly Americans require more medical care than younger persons. Average health care spending for an elderly person in 1984 was $4,200, compared to $1,100 for a person under 65.

Virtually all the elderly have acute care insurance protection under Medicare. About two-thirds also have private supplementary insurance, or Medigap. These two types of insurance together still have some significant limitations in coverage. As a result, unpredictable health care expenses loom large in the personal budgets of the elderly.

There are gaps in Medicare as currently structured for acute care expenses. Hospital coverage is limited. After 60 days of hospital care, a Medicare patient begins to make increasingly costly payments—rising from $130 per day for days 61 through 90, to $260 per day for days 91 through 150, to the full cost of care for more than 150 days in the hospital. On top of this, there is a required 20 percent co-payment for all physician services covered by Medicare. The Medicare program, then, requires the greatest payments from those with the most serious health problems.

About 13 percent of the elderly are also covered by Medicaid, a health program for the poor. Medicaid is State-operated, and many States limit the amount and kind of services they will pay for under the program.

The proposed "Medicare Catastrophic Illness Coverage Act" would provide improved acute care coverage for the elderly and disabled by restructuring the Medicare program. The proposal would set an annual limit on out-of-pocket expenses for approved charges, with the additional coverage financed by a modest additional premium to be paid by beneficiaries.

Under the proposed legislation, a $2,000 out-of-pocket limit for Medicare-proposed expenses would be established. Beneficiaries would be assured that once they had incurred out-of-pocket expenses of $2,000 for approved charges, the Medicare program would pay for all remaining covered services.

As part of the added protection, all hospital and skilled nursing facility coinsurances would be eliminated. Further, no beneficiary would ever pay more than two hospital deductibles in any year. Skilled nursing facility care would be fully covered for 100 days each year. The complicated "spell-of-illness" concept would be eliminated. The current deductible and coinsurance for physician-related services would not be changed until the $2,000 limit was reached.

The proposal would be completely financed by a modest addition to the existing monthly Supplementary Medical Insurance (part B) premium. Any beneficiary electing the optional part B would be automatically covered for catastrophic expenditures. The catastrophic expense cap would be adjusted annually to reflect changes in program costs. The new premium would cover the full costs of the catastrophic illness benefit in an actuarially sound manner. Consequently, this new benefit would not require the infusion of additional general revenues nor exacerbate the current budget deficit.

The legislation that we are advancing today addresses a fundamental gap in the health insurance protection of the elderly and disabled. I am asking the Congress to give elderly Americans a health insurance plan that fights the fear of catastrophic acute care illness. For too long, many of our senior citizens have been faced with making an intolerable choice—a choice between bankruptcy and death. This proposed legislation would help solve this tragic problem. I urge you to join me in facing the challenge before us and to consider favorably our approach to catastrophic illness protection under Medicare.

RONALD REAGAN.

THE WHITE HOUSE, *February 24, 1987.*

RESPONSE TO THE 10TH ANALYSIS AND EVALUATION OF FEDERAL JUVENILE DELINQUENCY PROGRAMS—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 21

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 25, 1987, received the following message from the President of the United States; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

The Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has recently submitted to me a copy of the *Tenth Analysis and Evaluation of Federal Juvenile Delinquency Programs* as required by Section 204(b)(5) of the Juvenile Justice and Delinquency Preventon Act of 1974 (P.L. 93-415), as amended. This letter fulfills the statutory requirement to respond to the Congress concerning this document and its recommendations.

This year's report and its recommendations focus on encouraging public-private partnerships. The objective is to target the specific needs of each community while encountering fewer layers of bureaucracy and decreasing the dependency on Federal dollars.

The Juvenile Justice and Delinquency Prevention Program has been effective, channeling almost one billion dollars since 1975 into various programs authorized by the Juvenile Justice and Delinquency Prevention Act.

Over the years, with the aid of these resources, the States have been able to accomplish the primary goals of deinstitutionalization of status offenders and the separation of juvenile and adult offenders at the State and local levels. In addition, many successful demonstration programs have been implemented in jurisdictions across the country. We, therefore, think that it is time to turn over the responsibility for continuing these programs to the State and local communities who benefit from them.

Several of the OJJDP's recommendations will go a long way toward making the transition from total reliance on Federal funds. Interagency cooperation and efforts to provide coordinated juvenile justice activities will ensure the most efficient use of taxpayer dollars. This is key because although we are proposing termination of OJJDP, there are still other Federal agencies that will be providing services and programs benefitting juveniles. Also, the Administrator recommends encouraging the involvement of States, community groups, volunteers, public-private partnerships, and the private sector in protecting society and reducing juvenile crime.

However, simply because we propose terminating this Federal grant program it would be a mistake to conclude that the Administration's commitment to a strong criminal justice system is less than complete. Rather, we have sought impovements to those elements of the criminal justice system where we believe the Federal government has a legitimate responsibility. Indeed, it is precisely because of our strong commitment to improving the criminal justice system that we continually search for scarce Federal dollars. Accordingly, Federal funding for the administration of justice has greatly expanded during my Administration. While 1982 funding totaled $4.7 billion, as measured in outlays, my 1988 budget provides $9.2 billion. This is an increase of almost 100 percent.

The report set forth six recommendations for improving Federal juvenile delinquency prevention policy. I can assure you that each of the recommendations will be implemented to the extent possible with respect to funds appropriated in fiscal year 1987.

RONALD REAGAN.

THE WHITE HOUSE, *February 25, 1987.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination, which was referred to the Committee on Labor and Human Resources.

(The nominations received today are printed at the end of the Senate proceedings.)

LOW-INCOME OPPORTUNITY IMPROVEMENT ACT—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

I hereby transmit for the consideration of the Congress proposed legislation, entitled the "Low-Income Opportunity Improvement Act of 1987," to encourage State-sponsored and community-based demonstrations in public assistance policy.

This legislative proposal is the result of an exhaustive, year-long Administration study of the needs of poor Americans. Hundreds of welfare recipients, former recipients, and self-help and welfare experts were consulted. The study, "Up From Dependency," concludes that our Nation's current welfare system is both inefficient and ineffective in meeting the needs of the poor and in providing opportunities and incentives for economic independence.

Currently our welfare system is a labyrinth of 59 major welfare programs that require some 6,000 pages of Federal regulations and cost more than $132 billion in FY 1985. Welfare spending has soared since the 1960s, so that today some 52 million Americans, or one in five, benefit from welfare. All told, this spending is more than twice as great as the "poverty gap," or the amount it would take to lift all Americans above the official poverty level. Thus, many Americans who are not poor receive public assistance benefits, even as many others remain in poverty.

The study also found that our current array of welfare programs creates incentives that undermine the willingness to work and become self-reliant. Most welfare recipients say they want to work, but they also say they can often get more on welfare than they can earn in a full-time job. The study found that while current welfare programs provide valuable temporary help to families, that same help replaces the breadwinner and enables young mothers to raise children without fathers.

The study found that by parachuting benefits to individuals from faraway State and Federal capitals, our centralized welfare system also weakens communities. It undermines the implicit social contract among neighbors and neighborhoods that keeps any community peaceful, livable, and productive. Finally, while welfare rescues many Americans from short-term distress, it also mires too many in long-term, unwanted dependency.

I believe we can and must do better. I believe it is time to learn from the mistakes of our centralized welfare system by implementing a new national strategy that stresses grass-roots participation, State and local initiative, and creative ideas for reducing dependency and strengthening economically self-reliant families.

This strategy must build on the enterprise that individuals, communities, and State governments have shown in recent months and years by creating their own alternatives to the current welfare system. Federal legislation enacted since 1980 has given States greater, if still modest, latitude to undertake employment and training programs. The States have responded with reforms that put a premium on reducing dependency and instilling skills and a sense of pride among welfare recipients. This legislative proposal builds on that success by giving States greater flexibility to implement new ideas aimed at reducing welfare dependency. America's 50 States have always been laboratories for creative social change, and this initiative creates a process to tap that creativity.

This proposed legislation also encourages investment in the hundreds of self-help and anti-poverty initiatives now blossoming around the country. In cities and rural areas, thousands of low-income Americans have mobilized to help themselves, their neighbors, and their children. This proposed legislation seeks to assist those efforts by encouraging local leaders to work with the States in creating welfare policies that will work best for their own communities and citizens. The bill recognizes that a single, national solution to the problem of poverty and welfare dependency cannot work for thousands of distinct communities. The proposed legislation encourages diverse solutions for diverse needs and communities.

Toward these ends, the bill authorizes the waiver of certain rules and requirements in Federal programs in order to promote demonstrations of innovative solutions to the problem of welfare dependency, while ensuring that the rights of families and individuals under Federal civil rights and other laws are protected in the demonstrations. The demonstrations offer opportunities to simplify the delivery of public assistance, to increase the self-sufficiency of low-income families and individuals, and to give States and communities greater flexibility to design public assistance policies that seem most appropriate for their own citizens. The waiver applies to any Federal or federally assisted program intended to alleviate poverty and that meet certain other requirements specified in the bill.

The bill also establishes an Interagency Low-Income Opportunity Assistance Board, with a chairman appointed by the President, to certify and evaluate demonstrations proposed by the States. Each State will be required to report annually on each demonstration.

I urge the Congress to act without delay on this important legislative proposal. I am confident that working together we can provide States and communities the means they need to assist low-income Americans in building lives of dignity and self-sufficiency.

RONALD REAGAN.

THE WHITE HOUSE, February 26, 1987.

MESSAGES FROM THE HOUSE

At 3:59 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 46. Joint resolution to recognize and acknowledge that February 14, 1987, will mark the 75th anniversary of Arizona statehood and to designate the year 1987 as Arizona's Diamond Jubilee.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 18. A concurrent resolution to authorize the printing of "United States Senator Robert C. Byrd's Addresses on the History of the United States Senate: Bicentennial Edition."

The message further announced that the House passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1056. An act to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities:

H.J. Res. 3. Joint resolution to recognize the 100th anniversary of the enactment of the Hatch Act of March 2, 1887, and its role in establishing our Nation's system of State agricultural experiment stations;

H.J. Res. 53. Joint resolution to designate the week beginning March 1, 1987, as "Federal Employees Recognition Week";

H.J. Res. 129. Joint resolution designating February 16, 1988, as "Lithuanian Independence Day"; and

H.J. Res. 153. Joint resolution to provide for a timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1985 to ensure that eligible local educational agencies can complete asbestos abatement work in school buildings during the 1987 summer school recess.

The message also announced that the House has agreed to the following concurrent resolution in which it request the concurrence of the Senate:

H. Con. Res. 46. A concurrent resolution concerning the seventy-fifty anniversary of the founding of Hadassah, the Women's Zionist Organization of America.

The message also announced that pursuant to the provisions of section 276 of title 22 of the United States Code, the Speaker appoints as members of the United States delegation to attend the 28th meeting of the Canada-United States Interparliamentary Group the following Members on the part of the House: Mr. GEJDENSON, chairman, Mr. FASCELL, vice chairman, Mr. GIBBONS, Mr. HAMILTON, Mr. OBERSTAR, Mr. AUCOIN, Mr. PENNY, Mr. BROOMFIELD, Mr. HORTON, Mr. STANGELAND, Mr. MARTIN of New York, and Mr. MILLER of Washington.

The message further announced that pursuant to the provisions of section 1024(a) of title 15 of the United States Code, the Speaker appoints Mr. SOLARZ as an additional member of the Joint Economic Committee.

The message also announced that pursuant to the provisions of section 3 of Public Law 94-304, as amended by section 1 of Public Law 99-7, the Speaker appoints Mr. FEIGHAN, as an additional member of the Commission on Security and Cooperation in Europe, on the part of the House.

The message also announced that pursuant to the provisions of title 22, United States Code, section 276(h), the Speaker appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the first session of the 100th Congress the following Members on the part of the House: Mr. DE LA GARZA, chairman, Mr. YATRON, vice chairman, Mr. RANGEL, Mr. COLEMAN of Texas, Mr. UDALL, Mr. GIBBONS, Mr. MILLER of California, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. DELAY, Mr. GILMAN, and Mr. INHOFE.

The message further announced that pursuant to the provisions of section 3(a) of Public Law 86-380, the Speaker appoints as members of the Advisory Commission on Intergovernmental Relations the following Members on the part of the House: Mr. WEISS and Mr. LIGHTFOOT.

The message also announced that pursuant to the provisions of Public Law 99-388, as amended by Public Law 97-84, the Speaker appoints as members of the U.S. Holocaust Memorial Council the following Members on the part of the House, Mr. YATES, Mr. LEHMAN of Florida, Mr. SOLARZ, Mr. GARCIA, and Mr. GREEN.

The message also announced that pursuant to the provisions of title 22, United States Code, section 1928(a), the Speaker appoints as members of the United States Group of the North Atlantic Assembly the following Members on the part of the House: Mr. FASCELL, chairman, Mr. ROSE, vice chairman, Mr. BROOKS, Mr. ANNUNZIO, Mr. HAMILTON, Mr. GARCIA, Ms. OAKAR, Mr. DELLUMS, Mr. BROOMFIELD, Mr.

Badham, Mr. Regula, and Mr. Solomon.

The message further announced that pursuant to the provisions of section 4(a) of Public Law 98-399, as amended by Public Law 99-284, the Speaker appoints as members of the Martin Luther King, Jr., Federal Holiday Commission, the following Members on the part of the House: Mr. Gray of Pennsylvania, Mr. Dymally, Mr. Regula, and Mr. Kemp.

The message also announced that pursuant to the provisions of section 5(b), Public Law 93-642, the Speaker appoints as members of the Board of Trustees of the Harry S Truman Scholarship Foundation the following Members on the part of the House: Mr. Skelton and Mr. Taylor.

The message also announced that pursuant to section 11, Public Law 99-158, the Speaker appoints as members of the Biomedical Ethics Board the following Members on the part of the House: Mr. Waxman, Mr. Thomas A. Luken, Mr. Rowland of Georgia, Mr. Gradison, Mr. Tauke, and Mr. Bliley.

The message further announced that pursuant to the provisions of section 4(a), Public Law 92-484, the Speaker appoints as members of the Technology Assessment Board the following Members on the part of the House: Mr. Udall, Mr. Brown of California, Mr. Dingell, Mr. Miller of Ohio, Mr. Sundquist, and Mr. Houghton.

The message also announced that pursuant to title V, Public Law 99-180, the Speaker appoints as members of the Commission on the Ukraine Famine the following Members on the part of the House: Mr. Mica, chairman, Mr. Hertel, Mr. Broomfield, and Mr. Gilman.

The message also announced that pursuant to the provisions of 16 United States Code, section 715(a), the Speaker appoints as members of the Migratory Bird Conservation Commission the following Members on the part of the House: Mr. Dingell and Mr. Conte.

The message further announced that pursuant to the provisions of section 1, Public Law 94-371, as amended, the Speaker appoints as members of the Franklin Delano Roosevelt Memorial Commission the following Members on the part of the House: Mr. Pepper, Mr. Scheuer, Mr. Fish, and Mr. Green.

The message also announced that pursuant to the provisions of Public Law 99-371, the Speaker appoints as members of the Board of Trustees of Gallaudet University the following Members on the part of the House: Mr. Bonior of Michigan and Mr. Gunderson.

The message also announced that pursuant to the provisions of section 5(f), Public Law 98-524, the Speaker appoints to the National Summit Conference on Education the following Members on the part of the House: Mr. Williams and Mr. Goodling.

The message further announced that pursuant to the provisions of title 44, United States Code, section 2501, as amended, the Speaker appoints Mrs. Boggs as a member of the National Historical Publications and Records Commission on the part of the House.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 129. Joint resolution designating February 16, 1988, as "Lithuanian Independence Day"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 153. Joint resolution to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1985 to ensure that eligible local educational agencies can complete asbestos abatement work in school building during the 1987 summer school recess.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 1056. An act to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-484. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to consolidate and expand the statutory authority for the National Agricultural Library in the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

EC-485. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of carrying out Federal marketing agreements and orders; to the Committee on Agriculture, Nutrition, and Forestry.

EC-486. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to repeal the mandatory timetable for implementation of marketwide service payments under Federal milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

EC-487. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover the costs of carrying out the Federal market news program; to the Committee on Agriculture, Nutrition, and Forestry.

EC-488. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 155 of the Omnibus Budget Reconciliation Act of 1981 and the United States Grain Standards Act to recover the costs of carrying out the provisions of the United States Grain Standards Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-489. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to provide for the assessment and collection of fees to cover the cost of the administration and enforcement of the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-490. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services to producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-491. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of carrying out the export inspection and certification programs for apples, pears, grapes, and plums; to the Committee on Agriculture, Nutrition, and Forestry.

EC-492. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of establishing standards and specifications for agricultural products; to the Committee on Agriculture, Nutrition, and Forestry.

EC-493. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Plant Variety Protection Act to provide for the credit of fees collected to the account that incurs to the cost of carrying out the Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-494. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated February 1, 1987; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-495. A communication from the Deputy Assistant Secretary of Defense (Installations), transmitting, pursuant to law, the Fiscal Year 1988 Base Structure Report; to the Committee on Armed Services.

EC-496. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, notice that the Strategic Defense Initiative Organization intends to exercise the provision of law for exclusion of the clause concerning examination of records by the Comptroller General; to the Committee on Armed Services.

EC-497. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation entitled the "Airport and Airway Enhancement Act of 1987;" to the Committee on Commerce, Science, and Transportation.

EC-498. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense transfer activities, research and development activities, and technology transfer activities under the Stevenson-Wydler Technology Innovation Act; to the Committee on Commerce, Science, and Transportation.

EC-499. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Recommendations for Management of Greater-Than-Class C Low-Level Radioactive Waste"; to the Committee on Energy and Natural Resources.

EC-500. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report of the Chief of Engineers, dated January 20, 1987, entitled "Local Cooperation Agreements Annual Report;" to the Committee on Environment and Public Works.

EC-501. A communication from the Chairman of the United States Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1986; to the Committee on Environment and Public Works.

EC-502. A communication from the United States Trade Representative, transmitting, pursuant to law, a semiannual report on certain petitions filed under the Trade Act for the period July-December 1986; to the Committee on Finance.

EC-503. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report entitled "Assistance Strategy for Disadvantaged South Africans—FY 1987-1991"; to the Committee on Foreign Relations.

EC-504. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the provision of emergency military assistance to the Philippines; to the Committee on Foreign Relations.

EC-505. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting a draft of proposed legislation to authorize supplemental appropriations for the fiscal year 1987 for international security and disaster assistance programs, the Peace Corps, and for other purposes; to the Committee on Foreign Relations.

EC-506. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report on recently issued travel advisories for Chad, Chile, Lebanon, and Sri Lanka; to the Committee on Foreign Relations.

EC-507. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-508. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-509. A communication from the United States Postal Service Records Officer, transmitting, pursuant to law, notice of a computer matching program; to the Committee on Governmental Affairs.

EC-510. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-511. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-512. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-513. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1986; to the Committee on Governmental Affairs.

EC-514. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a proposed new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-515. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority Retirement System, transmitting, pursuant to law, the annual report on the TVA retirement plan for fiscal years 1985 and 1984; to the Committee on Governmental Affairs.

EC-516. A communication from the Environmental Protection Agency, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-517. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the final report on the Phoenix Indian School in Phoenix, Arizona; to the Committee on Indian Affairs.

EC-518. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act of calendar year 1986; to the Committee on the Judiciary.

EC-519. A communication from the Chairman of the Occupational Safety and Health review Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-520. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report of the Endowment under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-521. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Analysis of Financial Disincentives to Career Choices in Health Professions; to the Committee on Labor and Human Resources.

EC-522. A communication from the President-elect of the American Society for Engineering Education, transmitting, pursuant to law, the final report of the Quality of Engineering Education Project of the American Society for Engineering Education; to the Committee on Labor and Human Resources.

EC-523. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to prohibit the use of Federal funds for abortions except where the life of the mother would be endangered, and to prohibit the provision under title X of the Public Health Service Act of Federal family planning funds to organizations that perform or refer for abortions, except where the life of the mother would be endangered, and for other purposes; to the Committee on Labor and Human resources.

EC-524. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on a violation of the Antideficiency Act; to the Committee on Appropriations.

EC-525. A communication from the Deputy Under Secretary of Education (Intergovernmental and Interagency Affairs), transmitting, pursuant to law, a report on the activities of the Advisory Council on Dependents' Education during calendar year 1985; to the Committee on Armed Services.

EC-526. A communication from the Secretary of Defense, transmitting, pursuant to law, the fiscal year 1876 annual report of the Reserve Forces Policy Board; to the Committee on Armed Services.

EC-527. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-528. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-529. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-530. A communication from the Secretary of Energy, transmitting, pursuant to law, the 1987 annual report of the West Valley Demonstration Project; to the Committee on Energy and Natural Resources.

EC-531. A communication from the Secretary of Energy, transmitting, pursuant to law, comprehensive reports on the first two projects negotiated under the Department of Energy's Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-532. A communication from the Administrator of General Services, transmitting, pursuant to law, the fiscal year 1988 General Services Administration's Public Buildings Service Capital Improvement Program; to the Committee on Environment and Public Works.

EC-533. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the Committee's comments on the Commission's Safety research Program for fiscal year 1988; to the Committee on Environment and Public Works.

EC-534. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "1986 Assessment of Needed Publically Owned Wastewater

Treatment Facilities in the United States"; to the Committee on Environment and Public Works.

EC-535. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual reports of the Commission for fiscal years 1985 and 1986; to the Committee on Foreign Relations.

EC-536. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to February 11, 1987; to the Committee on Foreign Relations.

EC-537. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-538. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-539. A communication from the inspector general of the Veterans' Administration, transmitting, pursuant to law, a report and statement of assurance on internal controls; to the Committee on Governmental Affairs.

EC-540. A communication from the Acting Director of the Selective Service System, transmitting, pursuant to law, a report on a proposed revision to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-541. A communication from the Acting Director of the Selective Service System, transmitting, pursuant to law, notice of a computer matching program; to the Committee on Governmental Affairs.

EC-542. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-543. A communication from the chief judge of the U.S. Tax Court, transmitting, pursuant to law, actuarial reports for the U.S. Tax Court judges' retirement and survivor annuity plans for calendar year 1985; to the Committee on Governmental Affairs.

EC-544. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-545. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-546. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report on the activities of the General Accounting Office for fiscal year 1986; to the Committee on Governmental Affairs.

EC-547. A communication from the Chairman of the National Advisory Council on Indian Education, transmitting, pursuant to law, the final version of the 12th annual report of the Council; to the Select Committee on Indian Affairs.

EC-548. A communication from the Chairman of the National Advisory Council on Indian Affairs, transmitting, pursuant to law, the 12th annual report of the Council; to the Select Committee on Indian Affairs.

EC-549. A communication from the Chairperson of the National Advisory Council on Indian Education, transmitting, pursuant to law, the 11th annual report of the Council; to the Select Committee on Indian Affairs.

EC-550. A communication from the Acting Attorney General of the United States, transmitting, pursuant to law, a report on the type of equipment, physical structures, and personnel resources required to improve the capabilities of the Immigration and Naturalization Service; to the Committee on the Judiciary.

EC-551. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the annual report of the Endowment under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-552. A communication from the Chairman of the National Board of the Fund for the Improvement of Postsecondary Education, transmitting, pursuant to law, the annual report of the Board for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-553. A communication from the Chairperson of the National Advisory Council on Adult Education, transmitting, pursuant to law, the annual report of the Council for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-554. A communication from the Acting Executive Director of the Intergovernmental Advisory Council on Education, transmitting, pursuant to law, the annual report of the Council for fiscal year 1984; to the Committee on Labor and Human Resources.

EC-555. A communication from the Chairperson of the National Advisory Council on Adult Education, transmitting, pursuant to law, the annual report of the Council for fiscal year 1984; to the Committee on Labor and Human Resources.

EC-556. A communication from the Chairman of the National Advisory Council on Women's Educational Programs, transmitting, pursuant to law, the 11th annual report of the Council; to the Committee on Labor and Human Resources.

EC-557. A communication from the Chairman of the National Advisory Council on Women's Educational Programs, transmitting, pursuant to law, the 10th annual report of the Council; to the Committee on Labor and Human Resources.

EC-558. A communication from the Chairman of the National Advisory Board for International Education Programs, transmitting, pursuant to law, the annual report of the Board for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-559. A communication from the Chairperson of the National Center for Research in Vocational Education Advisory Committee, transmitting, pursuant to law, the annual report of the Committee for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-560. A communication from the Chairman of the National Council on Vocational Education, transmitting, pursuant to law, the annual report of the Council for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-561. A communication from the Chairperson of the Federal Education Data Acquisition Council; transmitting, pursuant to law, the annual report of the Council for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-562. A communication from the Presiding Officer of the Advisory Council on Education statistics, transmitting, pursuant to law the eleventh annual report of the Council; to the Committee on Labor and Human Resources.

EC-563. A communication from the Chairman of the National Advisory Committee on Accreditation and Institutional Eligibility, transmitting, pursuant to law, the annual report of the Committee for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-564. A communication from the Assistant Secretary of Education (Elementary and Secondary Education), transmitting, pursuant to law, the annual report on activities pertaining to the asbestos hazards school safety task force; to the Committee on Labor and Human Resources.

EC-565. A communication from the Chairman of the National Mediation Board, transmitting, pursuant to law, notice of the appointment of members of the Long Island Railroad Congressional Advisory Board; to the Committee on Labor and Human Resources.

EC-566. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the International Research and Studies Program for 1986; to the Committee on Labor and Human Resources.

EC-567. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the third annual report on affirmative employment programs for minorities and women and the ninth annual report on affirmative action for hiring, placement, and advancement of handicapped individuals in the Federal Government for the period October 1, 1983 through September 30, 1984; to the Committee on Labor and Human Resources.

EC-568. A communication from the Chairman of the National Advisory Council on Continuing Education, transmitting, pursuant to law, the 19th annual report of the Council; to the Committee on Labor and Human Resources.

EC-569. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the Department of Education for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-570. A communication from the Chairman of the National Advisory Council on Bilingual Education, transmitting, pursuant to law, the 10th annual report of the Council; to the Committee on Labor and Human Resources.

EC-571. A communication from the Administrator of Veterans' Affairs and the Secretary of Defense, transmitting jointly, pursuant to law, a report on the sharing of medical resources between the two agencies; to the Committee on Veterans' Affairs.

EC-572. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of providing technical assistance to farmer cooperatives and groups of producers; to the Committee on Agriculture, Nutrition, and Forestry.

EC-573. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Seed Act to require persons to be licensed who transport or deliver for transportation in interstate commerce agricultural or vegetable seeds; to authorize the Secretary of Agriculture to recover the costs of carrying out the provisions of the act; and to provide additional penalties for violations; to the

Committee on Agriculture, Nutrition, and Forestry.

EC-574. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to recover the costs of carrying out the wholesale market development program; to the Committee on Agriculture, Nutrition, and Foresty.

EC-575. A communication from the Deputy Assistant Secretary of Agriculture (Natural Resources and Environment), transmitting, pursuant to law, the annual report of the Forest Service for fiscal year 1986; to the Committee on Agriculture, Nutrition, and Forestry.

EC-576. A communication from the Secretary of the Army, transmitting, pursuant to law, a report stating that the Army Helicopter Improvement Program has exceeded the program aquisition unit baseline by more than 25 percent due to termination of the program for affordability reasons; to the Committee on Armed Services.

EC-577. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the Department of the Treasury for unforseen emergencies of a confidential nature; to the Committee on Finance.

EC-578. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on waivers of reduction in Federal financial participation for nine States whose Medicaid management information systems were unable to comply with certain requirements of the Social Security Act; to the Committee on Finance.

EC-579. A communication from the Assistant Secretary of Transportation (Administration), transmitting, pursuant to law, a report on a computer matching program; to the Committee on Governmental Affairs.

EC-580. A communication from the Acting Archivist of the United States, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-581. A communication from the Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, a report of the Administrators' investigation into allegation of widespread use and sale of drugs and excessive use of alcohol by line-handling crews of the Panama Canal Commission; to the Committee on Governmental Affairs.

EC-582. A communication from the General Manager of the Shipyard Restaurant System, Pearl Harbor Naval Shipyard, Hawaii, transmitting, pursuant to law, the annual pension plan report of the System for calendar year 1985; to the Committee on Governmental Affairs.

EC-583. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1986; to the Committee on Governmental Affairs.

EC-584. A communication from the Chairman of the National Mediation Board, transmitting, pursuant to law, the 15th annual report of the Board, including the report of the National Railroad Adjustment Board; to the Committee on Labor and Human Resources.

EC-585. A communication from the Commissioner on Aging, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "A Comprehensive Analysis of State Policy and Practice Related to Elder Abuse"; to the Committee on Labor and Human Resources.

EC-586. A communication from the Acting Secretary of Agriculture transmitting, pursuant to law, a report on the operation of the Commodity Credit Corporation's program for donation of ultrahigh temperature processed milk for assistance of needy persons overseas; to the Committee on Agriculture, Nutrition, and Forestry.

EC-587. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report regarding the legality of certain impoundments and deferrals of appropriated funds; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-588. A communication from the Acting Director of the Selective Service System transmitting a draft of proposed legislation to authorize development of a post-mobilization registration and classification system for persons having essential medical skills; to the Committee on Armed Services.

EC-589. A communication from the Secretary of the Army transmitting, pursuant to law, a report on a breach of more than 15 percent of the unit cost baseline by the AH-64 (Apache) Program; to the Committee on Armed Services.

EC-590. A communication from the Deputy Assistant Secretary of the Air Force transmitting, pursuant to law, a report on a decision made to convert the grounds maintenance function at Wurtsmith AFB, MI to performance under contract; to the Committee on Armed Services.

EC-591. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the Board's Monetary Policy Report to the Committee on Banking, Housing, and Urban Affairs.

EC-592. A communication from the Secretary of Transportation transmitting a draft of proposed legislation entitled "Federal Railroad Safety Authorization Act of 1987"; to the Committee on Commerce, Science, and Transportation.

EC-593. A communication from the Secretary of Transportation transmitting a draft of proposed legislation authorizing appropriations for the Office of Commercial Space Transportation for fiscal years 1988 and 1989; to the Committee on Commerce, Science, and Transportation.

EC-594. A communication from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, a report on the competitive impact of railroad contract rates on agricultural shippers; to the Committee on Commerce, Science, and Transportation.

EC-595. A communication from the Assistant Vice President of Amtrak transmitting, pursuant to law, a report on each route on which passenger service operated, its 1986 annual report, and 1987 legislative program; to the Committee on Commerce, Science, and Transportation.

EC-596. A communication from the Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on the refund of excess oil and gas royalty payments to four corporations; to the Committee on Energy and Natural Resources.

EC-597. A communication from the Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on the refund of excess oil and gas royalty payments to 25 corporations; to the Committee on Energy and Natural Resources.

EC-598. A communication from the Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on the refund of excess oil and gas royalty payments to 24 corporations; to the Committee on Energy and Natural Resources.

EC-599. A communication from the Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on the refund of excess oil and gas royalty payments to 25 corporations; to the Committee on Energy and Natural Resources.

EC-600. A communication from the Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on the refund of excess oil and gas royalty payments to 25 corporations; to the Committee on Energy and Natural Resources.

EC-601. A communication from the Secretary of Energy transmitting, pursuant to law, the 1986 Annual Report of the Office of Alcohol Fuels; to the Committee on Energy and Natural Resources.

EC-602. A communication from the Secretaty of the Interior transmitting, pursuant to law, a report on an application for a loan and grant from the Upper Yampa Water Conservancy District, Colorado; to the Committee on Energy and Natural Resources.

EC-603. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1986 Annual Report on Research and Demonstration Projects in Alternative Coal Mining Technologies; to the Committee on Energy and Natural Resources.

EC-604. A communication from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, a report on the status of the Alaska Natural Gas Transportation System, July-December 1986; to the Committee on Energy and Natural Resources.

EC-605. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, the second quarter of 1986 report on abnormal occurrences at licensed nuclear facilities; to the Committee on Environment and Public Works.

EC-606. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, certification that no funds were expended or obligated in fiscal year 1986 for purposes prohibited by the Coastal Barrier Resources Act; to the Committee on Environment and Public Works.

EC-607. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on nondisclosure of safeguards information by the NRC for the quarter ending December 31, 1986; to the Committee on Environment and Public Works.

EC-608. A communication from the Assistant Secretary of the Army transmitting, pursuant to law, the 1984 annual report of the Chief of Engineers; to the Committee on Environment and Public Works.

EC-609. A communication from the Director for Legislation, Litigation, and Regulation, Department of the Treasury, transmitting additional copies of legislation previously transmitted regarding appropriations for confidential unforseen emergencies; to the Committee on Finance.

EC-610. A communication from the President of the Inter-American Foundation transmitting a draft of proposed legislation authorizing appropriations for fiscal years 1988 and 1989; to the Committee on Foreign Relations.

EC-611. A communication from the Assistant Secretary of State transmitting, pursuant to law, the sixth 90-day report on the Camarena investigation; to the Committee on Foreign Relations.

EC-612. A communication from the Secretary of State transmitting, pursuant to law, a report on the status of the debt of the U.N. Force in Cyprus; to the Committee on Foreign Relations.

EC-613. A communication from the Assistant Secretary of State transmitting, pursuant to law, a travel advisory for Zimbabwe; to the Committee on Foreign Relations.

EC-614. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on the status of each loan or guaranty with unpaid obligation or potential liability and the status of each extension of credit for the acquisition of defense articles or services by foreign countries; to the Committee on Foreign Relations.

EC-615. A communication from the Assistant Secretary of State transmitting, pursuant to law, a report on voluntary contributions by the United States to international organizations; to the Committee on Foreign Relations.

EC-616. A communication from the President of the African Development Foundation transmitting a draft of proposed legislation authorizing appropriations for the Foundation for fiscal years 1988 and 1989; to the Committee on Foreign Relations.

EC-617. A communication from the General Counsel of the Department of the Treasury transmitting a draft of proposed legislation to provide for United States contributions to the International Development Association, the Asian Development Bank, the African Development Bank, the Multilateral Investment Guarantee Agency, and the Inter-American Development Bank; to the Committee on Foreign Relations.

EC-618. A communication from the U.S. Postal Rate Commission transmitting, pursuant to law, opinions of the Commission on Change in Service, 1986 and Collect on Delivery Service; to the Committee on Governmental Affairs.

EC-619. A communication from the Chairman of the Farm Credit Administration transmitting, pursuant to law, a report on competition in contracting by the FCA; to the Committee on Governmental Affairs.

EC-620. A communication from the Comptroller General of the United States transmitting, pursuant to law, a list of reports issued by GAO in January 1987; to the Committee on Governmental Affairs.

EC-621. A communication from the Assistant Secretary of the Treasury transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-622. A communication from the Chairman of the National Labor Relations Board transmitting, pursuant to law, the NLRB's report on internal control systems; to the Committee on Governmental Affairs.

EC-623. A communication from the Executive Assistant, Personnel Appeals Board, transmitting, pursuant to law, the Board's fiscal year 1986 Annual Report; to the Committee on Governmental Affairs.

EC-624. A communication from the Chairman of the Merit Systems Protection Board transmitting, pursuant to law, the Board's 1986 Annual Government in the Sunshine Report; to the Committee on Governmental Affairs.

EC-625. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on a computer matching program between DOD and the VA relative to educational benefits; to the Committee on Governmental Affairs.

EC-626. A communication from the Deputy Director of the U.S. Holocaust Memorial Council transmitting, a draft of proposed legislation to authorize appropriations to the Council; to the Committee on the Judiciary.

EC-627. A communication from the Director of the Federal Emergency Management Agency transmitting, pursuant to law, FEMA's Freedom of Information Report for 1986; to the Committee on the Judiciary.

EC-628. A communication from the Secretary of Education transmitting, a draft of proposed legislation to repeal the authorization for the Intergovernmental Advisory Council on Education; to the Committee on Labor and Human Resources.

EC-629. A communication from the Secretary of Education transmitting, pursuant to law, the annual report on the Implementation of the Education of the Handicapped Act; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-28. A resolution adopted by the City Council of Sarasota, Florida favoring continued funding for the Community Development Block Grant Program; to the Committee on Appropriations.

POM-29. A resolution adopted by the Cameron Parish Louisiana Police Jury opposing proposed action by the Department of Commerce to force mandatory use of turtle excluder devices on shrimp vessels in the Gulf of Mexico; to the Committee on Commerce, Science, and Transportation.

POM-30. A resolution adopted by the Nineteenth Guam Legislature; to the Committee on Energy and Natural Resources.

"RESOLUTION NO. 15 (LS)

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the Guam Department of Education, since its inception in the early 1950's, has been authorized to participate in the Federal Impact Aid Assistance Program under U.S. Public Law 81-874; and

"Whereas, between Fiscal Year 1971 and Fiscal Year 1986, the underfunding of Impact Aid entitlements to the Guam Department of Education has accumulated a deficit of Twenty Three Million Three Hundred and Ninety One Thousand Three Hundred and Twenty Dollars ($23,391,320); and

"Whereas, in Fiscal Year 1986, the government of Guam subsidized educational funding to affected students by Nineteen Million Five Hundred Twenty Three Thousand Five Hundred Twenty Three Dollars ($19,523,523); and

"Whereas, it was the intent of the U.S. Congress in creating the Impact Aid Program to reimburse the participating school districts of the states and territories for expenditures incurred in rendering educational services to students affected by federal land use according to amounts set by the U.S. Congress; and

"Whereas, Guam's economic potential has been severely retarded by continued federal land use and the Department of Defense's "closed port" security measures which prohibited economic development until 1962; and

"Whereas, the island of Guam's finite physical limitations make the federal restrictions on thirty-three percent (33%) of the island's land mass increasingly limiting to Guam's economic potential as Guam rapidly develops; and

"Whereas, Guam's average per capita income level was only $4,223 in 1984, making it lower than any state in the U.S., despite having a cost of living higher than any place in the United States; and

"Whereas, in 1986 Guam raised its teachers' salaries to stateside standards, to compete in attracting teachers to Guam, so as to provide quality instruction to students attending school in Guam; and

"Whereas, despite its limited resources, the government of Guam spent approximately $2,800 from the General Fund in Fiscal Year 1985 for educating each of the 25,322 students in the district; and

"Whereas, the government of Guam's subsidy of students affected by federal land use has impacted Guam's deficit and limits appropriations for needed educational and other essential services; now, therefore, be it

"Resolved, That the Nineteenth Guam Legislature, on behalf of the people of Guam, once again respectfully request Congressman Ben Blaz, Guam's Delegate to the United States Congress, and other friends of Guam in Washington, to submit on behalf of the people of Guam an appropriation request of Twenty Three Million Three Hundred Ninety One Thousand Three Hundred Twenty Dollars ($23,391,320) to pay the Guam Department of Education the current outstanding balance of Impact Aid entitlements due from the Federal Government, for the purpose of delivering additional educational services to the children of Guam; and be it further

"Resolved, That the Nineteenth Guam Legislature respectfully request the United States Congress to impanel an investigative committee of its members to review the potential private sector economic development of Guam which is retarded by federal land use restrictions on one-third of the island, for the purpose of determining that Guam can be given appropriate financial assistance for the education of the island's children, including those who are federally connected; and be it further

"Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President, U.S. Senate; to the Speaker of the U.S. House of Representatives; to the Chairman, Senate Appropriations Committee; to the Chairman, House Appropriation Committee; to the Chairman, House Subcommittee on Labor, Health, Human Services and Education; to the Chairman, Senate Subcommittee on Labor, Health, Human Services and Education; to the Chairperson of the House Interior Subcommittee on Appropriations; to the Chairman, House Asia-Pacific Affairs Subcommittee; to the Honorable Senator Daniel Inouye; to the Honorable Congressman Ben Blaz; to the President of the United States; to the Secretary, U.S. Department of Education; to the Undersecretary, U.S. Department of Interior; to the U.S. Inspector General; to the Chairman, Guam Territorial Board of Education and to the Governor of Guam."

POM-31. A resolution adopted by the Senate of the Fifth Northern Marianas

Commonwealth Legislature; to the Committee on Energy and Natural Resources:

"SENATE RESOLUTION NO. 5-31

"Whereas, the people of the Commonwealth of the Northern Mariana Islands, in a United Nations observed plebiscite, voted overwhelmingly to approve the Covenant To Establish A Commonwealth of the Northern Mariana Islands In Political Union with the United States of America (The "Covenant"); and

"Whereas, the Covenant was approved by the U.S. Congress and the President of the United States resulting in the partial implementation of United States Public Law 94-241 effective in January 1978; and

"Whereas, on November 4, 1986, President Ronald Reagan issued a Proclamation declaring the Covenant to be in full force and effect; and

"Whereas, the people of the Northern Marianas have waited many years for this declaration and for the fulfillment of their dreams to become members of the American political family; and

"Whereas, the U.S. Passport Team in Saipan, based on the U.S. State Department's interpretation of the Covenant and the U.S. laws, require that both parents of a child born in the Northern Mariana Islands must have been citizens of the Trust Territory of the Pacific Islands ("T.T. citizens") in order for their children to be eligible for U.S. passports; and

"Whereas, the additional requirements imposed by the U.S. Passport Team to account for the periods of residency in the Northern Marianas of those T.T. citizens who are applying for U.S. passports impose an unnecessary, costly and time consuming process for these applicants; and

"Whereas, such determination does not take into account the unique historical aspects that led to the creation of the U.S. Commonwealth of the Northern Mariana Islands from part of the Trust Territory of the Pacific Islands, a former League of Nations mandate under Japan prior to World War II; and

"Whereas, the applications of many T.T. citizens who have one parent of foreign ancestry have been denied by the U.S. Passport Team; and

"Whereas, a child who was born in the Northern Marianas whose father is a T.T. citizen and whose mother is a U.S. citizen might be denied a U.S. passport; and

"Whereas, a child who was born in a U.S. Army Hospital in West Germany whose parent are both T.T. citizens and whose father was a former member of the United States Army will be denied a U.S. passport; and

"Whereas, these T.T. citizens have complied with the requirements of Article III of the Covenant and have been domiciled in the Northern Marianas or in the United States or its territory and possessions; and

"Whereas, the possibility that these T.T. citizens might not be eligible to become U.S. citizens have both shocked and made these applicants dumbfounded and totally displeased with the U.S. Passport Team's rulings; and

"Whereas, on December 8, 1983, President Reagan signed a Proclamation based on the United States Public Law 98-213, which defined 'a citizen of the Northern Mariana Islands' to mean 'a citizen of the Trust Territory of the Pacific Islands and his or her children under the age of eighteen, who does not owe allegiance to any foreign state and who was born in the Northern Mariana Islands or in the United States or any of its territory or prossessions;' and

"Whereas, the intent of the Covenant is very clear and unambiguous and that U.S. Public Law 98-213 clearly shows that the United States Congress intended that only one parent be required to be a T.T. citizen in order for his or her children to become U.S. citizens; and

"Whereas, it is unfair that a child who was born between the time the Covenant was signed and November 4, 1986, is not a U.S. citizen but if he or she was born after November 4, 1986 of the same parents, he or she will be eligible for a U.S. passport; and

"Whereas, it is also unfair that an illegal alien who crosses the U.S. border and has a child in the United States, the child is a U.S. citizen, but a child who was born in the Commonwealth as described above is not automatically a U.S. citizen; and

"Whereas, an applicant who was born in the Northern Marianas and whose maternal grandfather was a Korean is required to prove that her grandfather has renounced his Korean citizenship before she can be eligible to become a U.S. citizen; now, therefore, be it

"Resolved by the Senate of the Fifth Northern Marianas Commonwealth Legislature, Second Regular Session, 1986, That President Ronald Reagan is respectfully requested to expeditiously resolve the controversy regarding the issuance of U.S. passports to the citizens of the Northern Marianas so that they can become U.S. citizens, conferring upon them their new status as full members of the United States political family; and be it further

"Resolved, That the President of the Senate shall certify and the Senate Legislative Secretary shall attest to the adoption hereof and transmit certified copies to the Honorable Ronald Reagan, President of the United States of America; to the Honorable George Bush, President of the U.S. Senate; to the Honorable George Shultz, Secretary of State; to the Honorable Donald Hodel, Secretary of the Interior; to the Honorable Robert Dole, Senate Majority Leader; to the Honorable Robert C. Byrd, Senate Minority Leader; to the Honorable Daniel Inouye, U.S. Senator from Hawaii; to the Honorable Spark M. Matsunaga, U.S. Senator from Hawaii; to the Honorable Thomas P. O'Neill, Jr., Speaker of the U.S. House of Representatives; to the Honorable Jim Wright, House Majority Leader; to the Honorable Robert Michel, House Minority Leader; to the Honorable Daniel Akaka, U.S. Congressman from Hawaii; to the Honorable Richard T. Montoya, Assistant Secretary of Interior for Territorial and International Affairs; to the Honorable Ben Blaz, Guam's Representative to the U.S. Congress; to the Honorable Pedro P. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands; to the Honorable Pedro A. Tenorio, Lt. Governor of the Commonwealth of the Northern Mariana Islands; to the Honorable Froilan C. Tenorio, Northern Marianas Washington Representative; to the Honorable Jose R. Lifoifoi, Speaker of the Commonwealth of the Northern Mariana Islands House of Representatives; and to the Mayors of Saipan, Tinian, Rota and the Northern Islands."

POM-32. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources:

"RESOLUTION

"Whereas, Valley Forge, site of the American revolutionary army encampment during the bitterly cold winter of 1777, is one of the most revered historical sites in the United States; and

"Whereas, The Liberty Bell continues to be a symbol of freedom known throughout the world; and

"Whereas, Independence Hall, the birthplace of our government, where the Declaration of Independence and the Constitution were written and where 13 independent colonies became a nation, is a historical shrine; and

"Whereas, It is both the right and duty of every American to experience these historical parks, to walk around Valley Forge, to see the Liberty Bell and to stand in Independence Hall, in order to appreciate the history of this great nation; and

"Whereas, The United States Department of the Interior has proposed imposing an entrance fee on visitors to these historical shrines; and

"Whereas, These historical parks are among the most revered historical sites in America, symbols of freedom and democracy throughout the world, and should be free to all those who wish to experience them; and

"Whereas, An entrance fee would discourage people from visiting these symbols of American freedom; therefore be it

"Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the United States Department of the Interior not to impose entrance fees on persons visiting the Valley Forge National Historical Park, and the Liberty Bell and Independence Hall at the Independence National Historical Park; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, to the Secretary of the Interior, to the presiding officers of each House of Congress and to each member of Congress from Pennsylvania."

POM-33. A resolution adopted by the County Commissioners of Allegheny County, Pennsylvania favoring legislation to impose stricter requirements on pension plans of bankrupt companies; to the Committee on Environment and Public Works.

POM-34. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Environment and Public Works.

"RESOLUTION

"Whereas, The 99th Congress of the United States adjourned without reauthorizing funding for Federal aid highway programs under the Surface Transportation Assistance Act of 1982; and

"Whereas, Motor fuel taxes continue to be collected by the Federal Government to fund these programs; and

"Whereas, Pennsylvania's construction season is limited by weather conditions and rapidly approaches; and

"Whereas, The Commonwealth of Pennsylvania is committed to improving and maintaining its transportation infrastructure and will suffer a shortfall in excess of $500,000,000 in Federal aid highway apportionment during Federal fiscal year 1987 available under that act; therefore be it

"Resolved, That the Senate of Pennsylvania memorialize the 100th Congress of the United States to reauthorize the Surface Transportation Assistance Act of 1982 by

approving House Resolution No. 2; and be it further

"*Resolved,* That copies of this resolution be immediately transmitted to the President of the United States, to the United States Secretary of Transportation, to the presiding officers of each House of Congress and to each member of Congress from Pennsylvania."

POM-35. A resolution adopted by the Commission of the City of Miami, Florida stating that the procurement needs of the city will not be met through any company doing business in Angola and urging other cites to do the same; to Committee on Foreign Relations.

POM-36. A resolution adopted by the Lithuanian American Council of Boston commemorating the sixty-ninth anniversary of Lithuanian Independence Day; to Committee on Foreign Relations.

POM-37. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to Committee on Foreign Relations.

"RESOLUTION

"Whereas, The Massachusetts House of Representatives urges the Government of the Soviet Union to allow Cherna Goldort to emigrate to Israel so that she might be reunited with her two daughters, Irina and Galina and her grandchildren whom she has never met; and

"Whereas, Cherna Goldort has recently undergone a serious heart operation and has been twice denied an exit visa and her family fears that she will not survive another refusal; and

"Whereas, Cherna Goldort is being detained because of a position she held 16 years ago as a physicist at a classified institution and any knowledge she still has would be technologically outdated at this point; and

"Whereas, There are many other Jewish and Christian dissidents in the Soviet Union who wish the opportunity to emigrate, the Massachusetts House of Representatives moves to express its solidarity with the family, friends, and the numerous public, political and religious leaders urging approval, therefore be it

"*Resolved,* That the Massachusetts House of Representatives hereby urges the Government of the Soviet Union to allow Cherna Goldort to emigrate to Israel; and be it further

"*Resolved,* That copies of this resolution be forwarded by the clerk of the House of Representatives to the Secretary of the Communist Party of the USSR, the Soviet Ambassador to the United Nations, the United States Ambassador to the Soviet Union, the Speaker of the United States House of Representatives, President of the United States Senate and the Members of the United States Congress from the Commonwealth of Massachusetts.

POM-38. A resolution adopted by the Nebraska Unicameral Legislature; to the Committee on Governmental Affairs:

"LEGISLATIVE RESOLUTION 27

"Whereas, the First Congress of the United States of America in New York, New York, on September 25, 1789, proposed an amendment to the Constitution of the United States by a resolution which reads as follows:

"*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring,* That the following (Article) be proposed to the Legislatures of the several States, . . . which (Article), when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"(An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."; and

"Whereas, this amendment has been ratified by the legislatures of at least eighteen states in the years from 1789 through 1986; and

"Whereas, the Legislature believes that the concept of this amendment has merit but does not believe that it should be a part of the Constitution of the United States of America; and

"Whereas, adopting similar language in statute form is the preferable method of providing a restriction on the compensation of senators and representatives.

"*Now, therefore, be it resolved by the Members of the Ninetieth Legislature of Nebraska, First Session:*

"1. That the Legislature urges the Congress of the United States to pass a statute providing that no law which varies the compensation for the services of the senators and representatives shall take effect until an election of representatives has intervened.

"2. That copies of this resolution be sent to Nebraska's elected representatives in the United States Senate and the House of Representatives.

"3. That copies of this resolution also be sent to the Secretary of the United States Senate and the Clerk of the United States House of Representatives with the request that it be printed in full in the *Congressional Record.*"

POM-39. A resolution adopted by the County Commissioners of Allegheny County, Pennsylvania favoring stricter regulation of pension plans of bankrupt companies; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 23, 1987, the following executive reports of committees were submitted on February 24, 1987, during the adjournment of the Senate:

By Mr. PELL, from the Committee on Foreign Relations:

Edward J. Derwinski, of Illinois, to be Under Secretary of State for Coordinating Security Assistance Programs; and

Arnold Lewis Raphel, of New Jersey, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Islamic Republic of Pakistan.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Arnold L. Raphel.

Post: American Ambassador, Pakistan.

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and spouses names: Stephanie Raphel, none.
4. Parents names: Harry and Sara Raphel, none.
5. Grandparents names: Deceased, Morris and Gussie Doloff; Abraham and Pauline Raphel.
6. Brothers and spouses names: Murray and Ruth Raphel, none.
7. Sisters and spouses names: none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE (for himself and Mr. COHEN):

S. 581. A bill to amend title 10, United States Code, to increase the combat support assignments open to women in the Armed Forces; to the Committee on Armed Services.

By Mr. EXON (for himself, Mr. ZORINSKY, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. PRESSLER, and Mr. BYRD):

S. 582. A bill to provide for improved air transportation to small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GLENN:

S. 583. A bill to deny beneficiary developing country designations under the Generalized System of Preference to countries that aid other countries to circumvent certain quantitative limitations on articles imported into the United States; to the Committee on Finance.

By Mr. GLENN (for himself, Mr. KERRY, and Mr. FORD):

S. 584. A bill to amend the Appendix to the Tariff of the United States to extend the suspension of duty on bicycle parts; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. WILSON, Mr. GARN, and Mr. WALLOP):

S. 585. A bill to provide relief to State and local government from Federal regulations; to the Committee on Governmental Affairs.

By Mr. HOLLINGS (by request):

S. 586. A bill to authorize appropriations for certain categories of activities of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSTON:

S. 587. A bill to amend the National Preservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 588. A bill to designate September 17 of every year as "Constitution Day" and to establish such day as a legal holiday with certain limitations; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. Thurmond):

S. 589. A bill to provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the United States Constitution; to the Committee on the Judiciary.

By Mr. GRAMM:

S. 590. A bill to authorize negotiation of a North American free trade area, to promote free trade, and for other purposes; to the Committee on Finance.

By Mr. BENTSEN:

S. 591. A bill to amend the Internal Revenue Code of 1986 to clarify the estate tax deduction for sales of employer securities to employee stock ownership plans or worker-owned cooperatives, and for other purposes; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. Bentsen, Mr. Durenberger, Mr. Moynihan, Mr. Danforth, Mr. Baucus, Mr. Cochran, Mr. Kennedy, Mr. McCain, Mr. Pell, Mr. Pressler, Mr. Wilson, Mr. Quayle, Mr. Melcher, Mr. Daschle, and Mr. Riegle):

S. 592. A bill to provide for Medicare catastrophic illness coverage, and for other purposes; to the Committee on Finance.

By Mr. PELL:

S. 593. A bill to amend the Federal Election Campaign Act of 1971, to better inform the electorate in elections for the office of Senator or Representative in the U.S. Congress; to the Committee on Commerce, Science, and Transportation.

By Mr. PELL (by request):

S. 594. A bill entitled the "Education Consolidation and Improvement Act Amendments of 1987"; to the Committee on Labor and Human Resources.

By Mr. SPECTER:

S. 595. A bill for the relief of Roco A. Trecosta; to the Committee on the Judiciary.

By Mr. DANFORTH (for himself, Mr. Bentsen, Mr. Inouye, Mr. Wilson, Mr. Lautenberg, Mr. Durenberger, Mr. Dixon, Mr. Heinz, Mr. Cranston, Mr. Grassley, Mr. Glenn, and Mr. Kasten):

S. 596. A bill to promote expansion of international trade in telecommunications equipment and services, and for other purposes; to the Committee on Finance.

By Mr. MELCHER (for himself, Mr. Johnston, and Mr. Wirth):

S. 597. A bill to provide for a moratorium on the issuance of oil shale patents and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL (for himself, Mr. Chafee, Mr. Pryor, Mr. Durenberger, Mr. Baucus, Mr. Bradley, Mr. Heinz, Ms. Mikulski, Mr. Riegle, and Mr. Moynihan):

S. 598. A bill to amend title XIX of the Social Security Act to protect the welfare of spouses of institutionalized individuals under the Medicaid Program; to the Committee on Finance.

By Mr. MITCHELL:

S. 599. A bill to amend title XIX of the Social Security Act to allow States to include as medical assistance care and services provided to aged and disabled individuals in congregate housing facilities; to the Committee on Finance.

By Mr. BRADLEY (for himself and Mr. Lautenberg):

S. 600. A bill to amend the Tariff Schedules of the United States to provide for the temporary suspension of the duty on nonbenzenoid vinyl acetate-vinyl chloride-ethylene terpolymer, containing by eight less than 50 percent derivatives of vinyl acetate; to the Committee on Finance.

S. 601. A bill to amend the Tariff Schedules of the United States to temporarily suspend the duties on jacquard cards jacquard heads; to the Committee on Finance.

S. 602. A bill to temporarily provide duty-free treatment for certain chemicals; to the Committee on Finance.

By Mr. DeCONCINI (for himself and Mr. McCain):

S. 603. A bill to amend title XVIII of the Social Security Act to exclude the waiver of deductibles and coinsurance amounts with respect to certain veterans from the application of the antikickbacks provisions of such title; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. Grassley, and Mr. Reid):

S. 604. A bill to promote and protect taxpayer rights, and for other purposes; to the Committee on Finance.

By Mr. DeCONCINI (for himself and Mr. McCain):

S. 605. A bill to provide for the settlement of certain Tahono O'odham Indian water rights claims in Arizona, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. ADAMS:

S. 606. A bill to permit any State, without penalty, to withdraw from a contract entered into with the Federal Emergency Management Agency under which such state is required to participate in a simulated nuclear attack on such State; to the Committee on Armed Services.

By Mr. CRANSTON (for himself, Mr. D'Amato, Mr. Riegle, Mr. Heinz, Mr. Dodd, Mr. Sarbanes, Mr. Reid, Mr. Sasser, Mr. Shelby, Mr. Gore, Mr. Dixon, Mr. Chiles, Mr. DeConcini, Mr. Durenberger, Mr. Inouye, Mr. Garn, Mr. Burdick, Mr. Lautenberg, Mr. Kerry, Mr. Bentsen, Mr. Stevens, Mr. Bumpers, and Mr. Weicker):

S. 607. A bill to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WILSON (for himself and Mr. Cranston):

S. 608. A bill to authorize the construction of the Mid-Valley Unit of the Central Valley Project; to the Committee on Energy and Natural Resources.

S. 609 A bill to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, CA; to the Committee on Energy and Natural Resources.

By Mr. SIMPSON (for Mr. Dole (for himself, Mr. Moynihan, Mr. Roth, Mr. Wallop, Mr. Armstrong and Mr. Gramm):

S. 610. A bill to authorize demonstrations of innovative methods to simplify existing programs of assistance for low-income families and individuals and increase their economic self-sufficiency through improve work opportunities, to afford States and localities the necessary flexibility to streamline programs and reduce duplicative, excessive, and efficient expenditures, to establish an Interagency Low-Income Opportunity Board, and for other purposes; ordered held at the desk.

By Mr. D'AMATO:

S. 611. A bill to permit the transmission of information assisting in the placing of bets or wages on a sporting event or contest from a State where such betting is legal to a foreign country where such betting is legal; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. Cranston, Mr. Warner and Mr. DeConcini):

S. 612. A bill to repeal a provision of Federal tort liability law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths and for other purposes; to the Committee on the Judiciary.

By Mr. WILSON (for himself, Mr. Cranston, Mr. Moynihan, Mr. D'Amato, Mr. Durenberger, Mr. Weicker, Mr. Bentsen, Mr. Lautenberg and Mr. Bradley):

S. 613. A bill to require the Secretary of Health and Human Services to make grants for the development, establishment, and operation of a congressional advisory panel on acquired immune deficiency syndrome; to the Committee on Labor and Human Resources.

By Mr. DASCHLE:

S. 614. A bill to prohibit the Secretary of Agriculture from transfering certain National Forest System lands in South Dakota; to the Committee on Energy and Natural Resources.

By Mr. HELMS (for himself, Mr. Thurmond, Mr. Garn, Mr. Nickles, Mr. Symms and Mr. Grassley):

S. 615. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes; to the Committee on Rules and Administration.

By Mr. DODD (for himself and Mr. Proxmire):

S. 616. A bill to amend the Truth in Lending Act to provide for more detailed and uniform disclosure by credit card issuers with respect to information on interest rates and other fees which may be incurred by consumers through the use of any credit card, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GLENN (for himself and Mr. Kennedy, and Mr. Metzenbaum):

S. 617. A bill to establish labor productivity assistance loans to provide financial assistance to certain individuals, to increase job skills and productivity, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER (for himself and Mr. Chafee):

S. 618. A bill to amend title XVIII of the Social Security Act to provide coverage under part B of Medicare for therapeutic shoes furnished to individuals with severe diabetic foot disease; to the Committee on Finance.

By Mr. McCONNELL:

S. 619. A bill to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky; to the Committee on Energy and Natural Resources.

By Mr. NICKLES:

S. 620. A bill to provide for the petroleum security of the United States; to the Committee on Finance.

By Mr. GORE:

S.J. Res. 67. Joint resolution to designate the month of May, 1987 as "National Digestive Diseases Awareness Month"; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself, Mr. Hatch, Mr. Hollings, and Mr. Boschwitz):

S.J. Res. 68. Joint resolution to designate March 11, 1987 as "National Operation Prom/Graduation Kickoff Day"; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mrs. Kassebaum, Mr. Riegle, Mr. Stafford, Mr. Mitchell, Mr. Rockefeller, and Mr. Specter):

S.J. Res. 69. Joint resolution to designate the week beginning April 20, 1987, as "World Population Awareness Week"; to the Committee on the Judiciary.

By Mr. TRIBLE (for himself, Mr. Warner, Mr. Dole, Mr. Lugar, Mr. McCain, Mr. Kerry, Mr. Reid, and Mr. Sanford):

S.J. Res. 70. Joint resolution commemorating the 40th anniversary of the Marshall Plan; to the Committee on the Judiciary.

By Mr. GORE:

S.J. Res. 71. Joint resolution to designate the month of May 1987 as "National Digestive Diseases Awareness Month"; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. Quayle, Mr. Burdick, Mr. Levin, Mr. Lugar, Mr. Sanford, Mr. Kennedy, Mr. Specter, Mr. Cochran, Mr. Zorinsky, Mr. Hollings, Mr. Stennis, Mr. Pryor, Mr. Boschwitz, Mr. Wilson, Mr. Sasser, Mr. Metzenbaum, Mr. Thurmond, Ms. Mikulski, Mr. Inouye, Mr. Durenberger, Mr. Stevens, Mr. DeConcini, Mr. Chafee, Mr. Heflin, Mr. Stafford, and Mr. Hatch):

S.J. Res. 72. Joint resolution to designate the week of October 11, 1987, through October 17, 1987, as "National Job Skills Week"; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. Simon, and Mr. Chiles):

S.J. Res. 73. Joint resolution designating the week of April 26, 1987, through May 2, 1987, as "Youth Commitment to Ending Hunger Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COHEN:

S. Res. 157. A resolution expressing the sense of the Senate on continued funding for vocational education; to the Committee on the Budget and the Committee on Appropriations, jointly, pursuant to the order of January 30, 1975 and April 11, 1986.

By Mr. CRANSTON (for himself, Mr. Dole, Mr. Inouye, Mr. Johnston, Mr. Lautenberg, Mr. Levin, Mr. Nunn, Mr. Pell, and Mr. Stafford):

S. Con. Res. 23. A concurrent resolution designating jazz as an American national treasure; to the Committee on the Judiciary.

By Mr. SANFORD (for himself, Mr. Dodd, Mr. Evans, Mr. Kerry, Mr. Lugar, Mr. Trible, Mr. Pell, and Mr. Bingaman):

S. Con. Res. 24. A concurrent resolution supporting the initiative Central American heads of state, meeting in San Jose, Costa Rica, in formulating a regional proposal for bringing about an end to the armed conflict in Central America, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE (for himself and Mr. Cohen):

S. 581. A bill to amend title 10, United States Code, to increase the combat support assignments open to women in the Armed Forces; to the Committee on Armed Services.

(The remarks of Mr. Proxmire and the text of the legislation appear earlier in today's Record.)

By Mr. EXON (for himself, Mr. Zorinsky, Mr. Rockefeller, Mr. Daschle, Mr. Pressler, and Mr. Byrd):

S. 582. A bill to provide for improved air transportation to small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SMALL COMMUNITY AIR SERVICE IMPROVEMENT ACT

Mr. EXON. Mr. President, I am introducing legislation today along with Senators Zorinsky, Rockefeller, Daschle, and Byrd, on a topic of great importance, namely, the provision of essential air service to the small communities of our Nation. Minimum essential air service is the present and future lifeblood of small communities. Without it these communities face tremendous obstacles in achieving economic vitality and avoiding additional economic hardship.

My bill is a response to the scheduled 1988 sunset under current law of the Essential Air Service Program created by the Airline Deregulation Act of 1978. The Essential Air Service Program has served the Nation well and must be continued. Since 1978, we have seen the decline of rail and bus service to small communities. Air travel is more important than ever to the survival of smaller communities. It is often their link to the outside world. This bill extends the program and establishes an alternative program which has four key features:

First, a new standard of "basic air service" would be established for communities eligible under the current law, except for cities within 1 hour's driving time of a hub city. Generally, the standard would consist of morning and evening air service in aircraft of at least 15-passenger capacity, with fares not excessive compared to fares of other air carriers for similar service;

Second, the Secretary of Transportation would be directed to give preference in awarding contracts for basic air service to air carriers with marketing agreements with other air carriers, to help insure service beyond the hub cities;

Third, State and local governments could have a great voice in determining the quality of air service and new services could be established for communities not currently eligible under present law. However, this would occur only if the State or local governments guarantee to pay 50 percent of the costs of the contracts. This would provide more flexibility to State and local governments with the cost-sharing requirement providing a demonstration of local need; and

Fourth, contracts with air carriers under the bill would require, in the event of a required extension of service beyond the termination date of the contract, that the air carrier be compensated for its allocated costs plus the cost of the lost profit opportunities. This would remedy air carrier objections to being "held in" for long periods where subsidies do not cover costs. It would also encourage replacement carriers to come forward, thus diminishing the need for "hold in" periods.

Mr. President, it is mandatory for Congress to address this important issue of essential air service to small communities, to assist in their equality of economic opportunity. Several weeks ago, city officials directly involved in this program met and formulated this proposal. By continuing and improving this law, we can begin the process of ensuring these communities of continued air service. As a member of the Senate Aviation Subcommittee, I look forward to working with my colleagues on this objective.

Mr. EXON. Mr. President, I ask unanimous consent that the bill which I am now introducing, be properly referred.

I also ask unanimous consent that the bill be printed in the Record.

The PRESIDENT pro tempore. Without objection, the bill will be appropriately referred.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Community Air Service Improvement Act of 1987".

Sec. 2. As used in this Act, the term—

(1) "air carrier" has the meaning given to such term in section 101(3) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(3));

(2) "basic air service" means—

(A) two daily round trip flights occurring on 6 days per week, with not more than one intermediate stop between the eligible point and a hub city, which flights are scheduled to coincide approximately with the beginning and end of the business day, except that flights departing from the eligible point or hub city between 10 o'clock antemeridian and 4 o'clock postmeridian or between 7 o'clock postmeridian and 7 o'clock antemeridian shall not be considered to be so scheduled in the absence of a written agreement of the principal elected official of each community served by such point;

(B) connecting or single plane service at the hub city to and from a substantial number of major destinations beyond such hub city;

(C) service provided in aircraft large enough to accommodate estimated passenger and nonpassenger traffic at an average load factor for each such class of traffic of not greater than 50 percent, except as provided in section 7 of this Act;

(D) service provided in aircraft with at least two pilots and two engines, unless, after October 31, 1987, no such aircraft have been employed in scheduled airline service for more than 60 consecutive operating days at such point;

(E) service provided with pressurized aircraft for operations which regularly exceed an altitude of 8,000 feet; and

(F) service at fares which are not excessive when compared to the generally prevailing fares of other air carriers for like service between similar pairs of points;

(3) "eligible point" means any airport in the United States which cannot be reached by automobile within one hour from a hub city and for which a determination of essential air transportation has been made under section 419 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1389);

(4) "enhanced air service" means service whose quality exceeds basic air service and whose cost of contracts to provide such enhanced service would be in excess of the cost of basic air service;

(5) "hub city" means—

(A) an airline point which is within reasonable proximity to an eligible point and from which direct flights to a significant number of major domestic airline destinations may be obtained; and

(B) with respect to each eligible point, that city which was identified on or before January 1, 1986 as an airline hub for such point in connection with the provision of essential air service pursuant to section 419 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1389), or which is designated by the Secretary with the concurrence of the principal elected officials of each community served by such point;

(6) "new eligible point" means any airport which is not an eligible point that has been designated by a State or local government as a point to receive scheduled passenger air service under this Act, if such State or local government has guaranteed to pay 50 percent of the costs of contracts to provide the air service specified by such State or local government; and

(7) "Secretary" means the Secretary of Transportation.

SEC. 3. The Secretary shall enter into contracts with air carriers to the extent necessary to—

(1) assure that each eligible point receives uninterrupted basic air service;

(2) assure that each new eligible point receives air service of such type and quality as may be specified by a State or local government which has agreed to pay 50 percent of the cost of contracts to provide such serivce; and

(3) provide for enhanced air service at each eligible point whenever a State or local government or any other person has agreed to pay 50 percent of the cost of contracts to provide such enhanced air service.

SEC. 4. In selecting an air carrier to provide air service under contracts entered into under this Act, the Secretary shall give particular weight to such carrier's demonstrated reliability in providing scheduled air service and to such carrier's contractual arrangements with other air carriers to assure service beyond the hub city in accordance with section 2(2)(B) of this Act. The Secretary shall contract directly with air carriers providing air service from the hub city to points beyond the hub city where the Secretary determines that such a contract is necessary to assure such service. The Secretary shall also encourage the submission of joint contract proposals by two or more carriers which reflect arrangements to maximize service for eligible points to and from major cities beyond the hub city of such carriers.

SEC. 5. Contracts for basic air service made under this Act shall, to the extent otherwise consistent with this Act, reflect the preferences of the actual and potential users of airline service at the eligible point. In determining such preferences, the Secretary shall give substantial weight to the views of elected officials representing such users. Any contract providing for enhanced air service shall include such provisions for enhancements as are prescribed by the governmental entity or other person which has agreed to pay the non-Federal share of such contract and are otherwise lawful. The Secretary may require appropriate payment in advance or such other security to assure that the non-Federal share of contracts for air service under this Act are made in a timely manner.

SEC. 6. Contracts made under this Act shall be of such duration as the Secretary finds, after consultation with elected representatives of the affected cities, will tend to encourage reliable air service and public patronage of such air service. All such contracts shall provide that the Secretary may require the contracting airline to continue to provide the specified air service beyond the termination date of its contract if, despite diligent efforts by the Secretary, a contract with a replacement air carrier has not been arranged. If the Secretary requires such extended service, the airline providing such service shall be compensated for service beyond the contract termination date in an amount which is sufficient to cover its fully allocated actual costs plus return on used and useful investment (at market value) attributable to the service and the reasonably demonstrable cost of opportunities foregone as a result of being obliged to provide such extended service.

SEC. 7. No contract made under this Act shall provide for service to be provided by aircraft with less than an effective capacity of 15 passengers unless, after October 31, 1978, aircraft of such size have not been employed in scheduled airline service for more than 60 consecutive operating days at the relevant point.

SEC. 8. Notwithstanding any other provision of law, the Secretary shall enter into contracts under this Act by competitive negotiations under procedures established by the Secretary. The provisions of the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) shall be applicable to all contracts entered into under this Act.

SEC. 9. Contracts required to be made by this Act shall be entered into at the earliest practicable date, but in no event later than 24 months after the date of enactment of this Act. On the effective date of such a contract, the eligible point covered by such contract shall cease to be an eligible point within the meaning of section 419 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1389), and no compensation pursuant to such section shall be earned after such effective date for air service to such point.

SEC. 10. The Secretary may incur obligations for the purpose of carrying out the provisions of this Act from appropriations made for such purpose.

SEC. 11. In negotiating contracts under this Act or otherwise fixing the terms of such contracts, the Secretary shall invite the participation and comments of affected State and local governments to the maximum extent practicable. Contracts entered into under this Act shall be made by and in the name of the Secretary.

SEC. 12.(a) Section 419(b)(2) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1389(b)(2)) is repealed.

(b) Section 419(g) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1389(g)) is amended by striking "ten-year" and inserting in lieu thereof "twelve-year".

SEC. 13. This Act shall cease to be in effect on the date which is ten years after the date of enactment of this Act.

Mr. ROCKEFELLER. Mr. President, I am pleased to be an original sponsor of this bill, the Small Community Air Service Improvement Act of 1987. This bill extends the Essential Air Service Program to ensure that our Nation's small communities continue to receive air service.

When Congress deregulated the airline industry in 1978, many of us legitimately feared that airlines would take advantage of their new-found freedom and abandon our small communities. To ease the burden on small communities faced with airlines scrambling cities such as Newark and New York, Congress passed the Essential Air Service Program as part of the Airline Deregulation Act of 1978.

The Essential Air Service Program gave about 150 communities nationwide a 10-year lease on life by providing subsidies to about 45 air carriers. In my State, it ensured that communities such as Elkins, Morgantown, Clarksburg, Beckley, Lewisburg/White Sulphur Springs, and Bluefield were guaranteed air service for a decade.

Several times during this period the administration has attempted to break faith with this 10-year commitment—but Congress was not persuaded.

Congress passed the Essential Air Service Program, as part of airline deregulation, with the hope that eventually these airlines would not need subsidies to keep them in our small communities. Unfortunately, deregulation has had the opposite effect on West Virginia—increasingly, we have seen declining air service to West Virginia. Between 1978, when airline deregulation went into effect and 1983, the number of airplane departures in my State has decreased 12.6 percent and the number of seats per week has declined 38 percent.

Mr. President, those of us from predominantly rural States know that the Essential Air Service Program is the lifeline for many of our small communities. We know that one of the first questions industries ask when looking to locate in our States is, "Where's the airport?" For communities like Elkins, Morgantown, Clarksburg, Beckley, Lewisburg, and Bluefield, continuation of the Essential Air Service Program is key to their economic future.

By Mr. GLENN:

S. 583. A bill to deny beneficiary developing country designations under the generalized system of preference to countries that aid other countries to circumvent certain quantitative limitations on articles imported into the United States; to the Committee on Finance.

STRENGTHENING THE ENFORCEMENT OF U.S. TRADE LAWS

● Mr. GLENN. Mr. President, I am introducing legislation today to strengthen the enforcement of our trade laws. This legislation denies benefits under the generalized system of preference [GSP] to countries which aid other countries in circumventing U.S. trade laws or agreements. Identical legislation is being introduced in the House of Representatives today by Representative Doug Applegate, of Ohio. I urge my colleagues to support this legislation and include it as part of omnibus trade legislation this year.

First, I would like to describe the GSP Program and its value to developing countries. Under international rules of trade, countries may establish a program of tariff preferences to developing countries to assist in their economic development. The United States and 19 other industrial countries maintain GSP Programs. Currently, the United States grants duty-free treatment for nearly 3,000 products from 140 developing countries and territories. Since the GSP Program's inception in 1976, the value of imports receiving treatment has risen from $3.2 billion to $13.3 billion in 1985. Eligibility under the GSP program is periodically reviewed, and products are graduated from the GSP Program based on a country's level of development, its competitiveness in a specific product and the overall economic interests of the United States.

I support the GSP Program and its purpose in furthering the economic development of developing countries. However, in order to keep this valuable benefit, countries should help and cooperate with us in enforcing our fair trade laws. At the very least, they should not aid another country in circumventing our trade agreements by acting as a passthrough for imported steel, agricultural goods, textiles, machine tools, or other products that are limited under U.S. law or trade agreements.

Mr. President, this legislation complements other restrictions on GSP benefits already written into the law. There are existing restrictions prohibiting GSP to countries that expropriate American property or intellectual property rights, that aid terrorists, or that do not provide internationally recognized worker rights. This bill simply provides an additional restriction on countries that receive valuable GSP benefits from the United States.

I would like to provide an example of how this legislation would work. The Steel Import Stabilization Act of 1984 set a target import market share for steel imports of approximately 20 percent. To implement this program, the United States has signed voluntary restraint agreements with 18 steel-exporting countries. Imports have decreased, but foreign steel is still a serious problem, and we must continue to vigilantly police imports. Numerous concerns have been brought to my attention regarding transshipment and circumvention schemes through third-country markets. Under my bill, if a country with a steel restraint agreement with the United States ships steel through another country and then to the United States, the second country would lose its GSP benefits if it were found to be aiding the first country in circumventing the steel restraint agreement.

This legislation applies to all products covered by a quantitative limitation imposed under U.S. law or under any orderly marketing agreement, voluntary restraint agreement, or bilateral or multilateral arrangement. It will strengthen our trade laws and aid in enforcement. I urge my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting "; and";

(3) by inserting after paragraph (8) the following new paragraph:

"(9) if such country, directly or indirectly, assists any other country in circumventing any quantitative limitation imposed under United States law or under any orderly marketing agreement, voluntary restraint agreement, or bilateral or multilateral arrangement entered into with the United States before January 1, 1990, on the importation into the United States of any product of such other country."; and

(4) by striking out "and (8)" and inserting "(8), and (9)" in the last sentence.●

By Mr. GLENN (for himself, Mr. Kerry, and Mr. Ford):

S. 584. A bill to amend the appendix to the Tariff Schedules of the United States to extend the suspension of duty on bicycle parts; to the Committee on Finance.

RELATING TO THE SUSPENSION OF DUTY ON BICYCLE PARTS

● Mr. GLENN. Mr. President, today I am introducing legislation to suspend the duties on certain bicycle parts until December 31, 1990. The regular customs duties on certain bicycle parts not manufactured in the United States have been suspended since 1971. This suspension of duties is critical to the competitive health of U.S. bicycle manufacturers, who are being subjected to increasingly intense competition from imported bicycles.

The most recent period of duty suspension expired on June 30, 1986. Last year, the House of Representatives passed legislation to renew the duty suspension with slight modifications until December 31, 1990. I introduced identical legislation last year, S. 2590. Unfortunately, the Senate was unable to complete action on this bill and other miscellaneous tariff measures before adjournment of the 99th Congress. The Customs Service has begun to collect deposits of the regular duties on the imported bicycle parts covered by the expired duty suspension provisions, thus increasing costs for domestic bicycle manufacturers and making them less price competitive. This has come at the worst possible time: imports of bicycles captured over 57 percent of the U.S. market in 1986, almost double the level of only 3 years ago. Swift passage of this duty suspension legislation is therefore absolutely essential for the U.S. bicycle industry to compete effectively with imports.

The legislation I am introducing today has two major parts. The first part renews the duty suspension on certain bicycle parts from June 30, 1986 to December 31, 1990. The second part extends the statutory prohibition against bicycle-related manufacturing operations in foreign-trade zones, which also expired last June 30. The original statutory prohibition was passed 1984 in order to accommodate the interests of both U.S. bicycle manufacturers and U.S. parts producers. This provision is not intended to bar the mere storage of imported bicycle parts or completed bicycles in foreign-trade zones for later sale, distribution, manufacture, or assembly outside of the zone. Under existing law, Customs duties on imported bicycles and bicycle parts may be deferred by storage in Customs-bonded warehouses, and it is not the intention of this provision to limit foreign trade zones' ability to offer equivalent advantages with respect to bicycles and bicycle parts.

I also want to emphasize that the duty suspension and the foreign-trade zone provision both expire on the same date, December 31, 1990. Due to the wording of the underlying statutes, the duty suspension provision is effective on or before December 31, 1990, and the foreign-trade zone provision is effective before January 1, 1991.

The suspension of the regular customs duties on certain imported bicycle parts is necessary for two basic reasons. First, the bicycle parts covered by the duty suspension provisions are generally not manufactured in the United States. U.S. bicycle manufacturers must, therefore, purchase these parts abroad. A tariff would only penalize the bicycle manufacturer without protecting a U.S. part manufacturer. Second, duty suspension also addresses—in part, at least—an unfair bias against domestic bicycle manufacturers in the tariff schedules of the United States. Many imported bicycles are dutiable at a lower rate than most bicycle parts. Imported lightweight bicycles with wheels over 25 inches in diameter face a duty rate of 5.5 percent; and most imported bicycle parts face a duty of 10 percent. This anomaly, if uncorrected by duty suspension legislation, enables foreign bicycle manufacturers to assemble bicycles abroad with foreign bicycle parts and import the complete product, including the component parts, into the United States, subject to the lower duty rate imposed on bicycles. In contrast, our domestic manufacturers of bicycles must first import certain components necessary to complete the manufacture of a bicycle, and these parts must come in at the higher duty rates imposed on bicycle parts.

When Congress first enacted duty suspension legislation in 1970, the Senate Committee on Finance highlighted the need to suspend duties on bicycle parts, and I quote:

> This bill is intended to improve the competitive ability of domestic producers of bicycles by temporarily suspending the duties on imports of certain bicycle parts and accessories, thereby reducing their costs . . . The temporary suspension of duty on the bicycle parts and accessories provided for in the bill would be beneficial to domestic manufacturers of bicycles, particularly in competing with imported bicycles.

The reasons presented in past sessions of Congress for suspending the duty on bicycle parts are even more valid today. Indeed, the need for continued suspension of the duties on parts in order to maintain the competitive position of the domestic bicycle industry has never been more urgent. The domestic bicycle industry remains under severe pressure from the flood of imported bicycles. It is clear that foreign producers have targeted the United States as their principal export market. In fact, imports have claimed an increasing share of the U.S. market, ranging from 17 percent in 1979 to 30 percent in 1983 and more than 57 percent in 1986.

The bill I am offering today differs from that I introduced in the 99th Congress in only two respects. First, section 2 of the bill has been modified to provide for retroactive application of the duty suspension renewal to all entries made after June 30, 1986, the date the duty suspension provisions expired. Since I had originally introduced the renewal legislation prior to the expiration last year, this retroactivity provision had not been necessary.

Second, section 1(a)(3)(E) of the bill would effect a technical amendment to renewed TSUS item 912.10. Currently, TSUS item 912.10 enumerates the particular bicycle parts eligible for duty suspension both by name and by cross-reference to the TSUS item or items under which that product is normally classified for customs purposes. Caliper brakes are one of the items eligible for duty suspension under TSUS item 912.10, and their normal TSUS number—TSUS item 732.38—is appropriately cross-referenced. TSUS item 912.10 also provides for the suspension of duties on parts of all of the specifically-enumerated bicycle components, including caliper brakes. Indeed, in 1983, Congress amended the provision to specifically enumerate "cable or inner wire for caliper brakes and casing therefor, whether or not cut to length" as eligible for suspension. It appears, however, that no corresponding cross-reference was made to the TSUS items normally applicable to caliper brake wire, cable and casing.

The express mention in the 1983 amendment of caliper brake cable, wire and casing makes clear that Congress intended to suspend the duties on these caliper brake parts. In order to remove all doubt on this point, section 1(a)(3)(E) of the bill would provide an explicit cross-reference to part 3 of schedule 6 of the Tariff Schedules, under which all wire, cable and casing for caliper brakes would normally be classified. In order to make clear that wire, cable and casing for caliper brakes were intended to be eligible for duty suspension regardless of the precise TSUS numbers under which they are classified, the technical amendment would refer generally to part 3 of schedule 6. This broad cross-reference is not intended to suggest that all products which happen to be classified in part 3 of schedule 6 are eligible for suspension of duties under TSUS item 912.10, but only those products which are named in the statutory language.

U.S. manufacturers should be able to obtain, free of duty, foreign-made components that are domestically unavailable. I urge my colleagues to support this legislation, which will enable the U.S. bicycle industry to continue to compete in the world market.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN BICYCLE PARTS.

(a) IN GENERAL.—

(1) GENERATOR LIGHTING SETS.—Item 912.05 of the Appendix to the Tariff Schedules of the United States is amended by striking out "6/30/86" and inserting in lieu thereof "12/31/90".

(2) BICYCLE CHAINS.—Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"912.06	Bicycle chains (provided for in items 652.13 and 652.15, part 3F, schedule 6).	Free............	No change...	On or before 12/31/90".

(3) OTHER BICYCLE PARTS.—Item 912.10 of the Appendix to the Tariff Schedules of the United States is amended—

(A) by inserting "front and rear derailleurs, shift levers, cables and casings for derailleurs," immediately after "drum brakes,",

(B) by striking out "multiple free wheel sprockets" and inserting in lieu thereof "free wheel sprockets",

(C) by inserting "and" after "frame lugs,",

(D) by striking out ", and parts of bicycles consisting of sets of steel tubing cut to exact length and each set having the number of tubes needed for the assembly (with other parts) into the frame and fork of one bicycle",

(E) by inserting "part 3, schedule 6, or" after "provided for in", and

(F) by striking out "6/30/86" and inserting in lieu thereof "12/31/90".

(b) EXCEPTION TO CUSTOMS EXEMPTION APPLICABLE TO FOREIGN TRADE ZONES.—Section 3(b) of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c(b)), is amended by striking out "June 30, 1986" and inserting in lieu thereof "January 1, 1991".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.

(b) TREATMENT OF CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, any entry of an article described in item 912.05 or 912.10 of the Appendix to the Tariff Schedules of the United States (as amended by this Act) that was made—

(1) after June 30, 1986, and

(2) on or before the date that is 15 days after the date of enactment of this Act,

and any entry of an article with respect to which a greater duty would have been imposed if the amendment made by section 1(b) had taken effect on June 29, 1986, shall be liquidated or reliquidated as though such entry occurred on the day after the date that is 15 days after the date of enactment of this Act.●

By Mr. DURENBERGER (for himself, Mr. WILSON, Mr. GARN, and Mr. WALLOP):

S. 585. A bill to provide relief to State and local government from Federal regulations; to the Committee on Governmental Affairs.

INTERGOVERNMENTAL REGULATORY RELIEF ACT

● Mr. DURENBERGER. Mr. President, today, I am pleased to introduce legislation to address the problem of unfunded Federal mandates in a fiscally responsible manner. This bill will help to stem the tide of burdensome and unwarranted mandates by the Federal Government. It will also help State and local governments to comply with the costs of future legitimate mandates designed to achieve important national goals.

Over the past 20 years, the number of Federal regulations imposed on State and local governments has increased dramatically. However, Federal aid to State and local governments has suffered a sharp decline, particularly in those programs which were developed to assist State and local governments in meeting the costs of compliance. Between 1980 and 1985, Federal aid for clean water decreased 29 percent, clean air decreased 37 percent, bilingual education decreased 36 percent—the list goes on. The clear message from Washington to State and local governments has been "we're counting on you," but when it comes time to finance these new responsibilities the message from Washington is, "don't count on us." No action represents this sentiment more clearly than the termination of the General Revenue Sharing Program last year.

Though there are no reliable estimates of the total costs imposed by Federal regulations, rough estimates indicate the costs to State and local governments total tens of billion dollars a year. This tremendous burden on State and local governments drains resources that might be used more efficiently at the local level. In this time of budgetary belt-tightening for all levels of government, it is important for the Federal Government to accept fiscal responsibility for rules and regulations it imposes on State and local governments.

Today, therefore, my colleagues Senators WILSON, GARN, and WALLOP and I are introducing the Intergovernmental Regulatory Relief Act of 1987. The premise of the bill is simple: If Congress passes legislation to pursue a national purpose, the Federal Government should pay the costs of achieving it. Under our current system, Congress need not face the full costs of implementing legislation it passes, because it is able to shift a considerable amount of costs onto State and local governments through the regulatory process.

The Intergovernmental Regulatory Relief Act of 1987 is simple in its design. It requires Federal reimbursement for all additional direct costs incurred by State and local governments in complying with any significant new Federal rule or regulation. If such relief is not forthcoming, the bill provides that no Federal agency or court shall enforce the unreimbursed regulation. However, where it is inappropriate for Congress to share the costs of regulatory implementation because fundamental rights or generally accepted goals are involved, this bill permits Congress to exempt a national regulation from reimbursement upon a two-thirds vote of both Houses.

Mr. President, the Advisory Commission on Intergovernmental Relations found in a recent study that—

> Although the specific programs imposing major fiscal and administrative costs vary greatly from one jurisdiction to another, most States, cities, and counties have been strained by the combined weight of the new Federal intergovernmental regulations taken as a whole.

As an example, consider an Urban Institute study of six Federal regulatory programs in a sample of seven cities and counties. It concluded that the annual federally mandated costs of just these particular six programs ranged from a total of $6 to $50 per capita. For a State like Minnesota, this means the cost burden could run as high as $209 million annually for only six programs.

This, I suspect, is only the tip of the regulatory iceberg. ACIR identified more than 35 major Federal regulatory statutes, constituting thousands of pages of rules in the Federal Register, aimed at or implemented by State and local governments.

While the cost to State and local governments for implementation of Federal regulations has skyrocketed, the Reagan administration has sought curtailment or outright elimination of many Federal financing tools which in the past have helped offset growing cost burdens caused by enactment of Federal mandates. In addition, the termination of general revenue sharing, as well as cutbacks in economic development programs and access to tax-exempt financing, will make it even more difficult for State and local governments to comply with Federal regulations and to implement important national objectives.

The other important provision of the bill is a requirement that the President and the Congressional Budget Office prepare annual reports estimating total additional direct costs incurred by State and local governments in complying with Federal rules and regulations. The President's report will provide Congress with the ability to evaluate the total costs of achieving Federal purposes when State and local governments act in concert with the Federal Government under Federal law. The CBO report will provide detailed cost estimates upon which to base reimbursement payments.

Let me reiterate in the strongest possible terms that this bill is not intended to undermine the goals of important protective regulations, such as those in environmental protection and occupational safety. I could not support it if it did. It is intended to promote the attainment of national goals. Study after study has found that many Federal regulations fail to achieve their aims because of inadequate resources available to State and local implementors. This legislation will translate empty promises into real achievements.

Mr. President, I ask unanimous consent at this time that the text of the Intergovernmental Regulatory Relief Act of 1987, the major features of this important legislation, and portions of Urban Institute and ACIR studies showing the cost to selected local governments for certain Federal mandates, be printed in the RECORD.

There being no objection, the material was ordered to be printed the RECORD, as follows:

S. 585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Regulatory Relief Act of 1987".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) Federal regulation of State and local governments has become increasingly extensive and intrusive in recent years;

(2) such regulation has, in many instances, adversely affected State and local governments by placing excessive fiscal burdens on such governments;

(3) such excessive fiscal burdens have weakened the foundation of the Federal system of government;

(4) the elimination of revenue sharing will exacerbate such fiscal burdens, and thereby will further weaken Federal, State, and local systems of government; and

(5) there is a lack of adequate fiscal resources to carry out necessary Federal regulation of State and local governments in order to enable such governments to comply with intergovernmental regulations which take effect on or after the date of enactment of this Act.

(b) Therefore, it is the purpose of this Act to establish procedures to—

(1) assure that the Federal Government pays the total amount of additional direct costs incurred by State and local governments in complying with any intergovernmental regulation which takes effect on or after the date of enactment of this Act; and

(2) ascertain the burden on State and local governments resulting from compliance with intergovernmental regulations in order to promote efforts to assure that such burdens are reduced to the minimum level consistent with achieving major national objectives.

DEFINITIONS

SEC. 3. For purposes of this Act, the term—

(1) "additional direct costs" means the amount of costs incurred by a State or local government solely in complying with an intergovernmental regulation promulgated pursuant to a Federal law concerning a particular activity which is in excess of the amount that such State or local government would be required to expend in carrying out such activity in the absence of such law, except that such term does not include any amount which a State or local government is required by law to contribute as a non-Federal share under a Federal assistance program;

(2) "compliance reforms" means market oriented procedures to replace or supplement strict governmental monitoring and enforcement activities, including the establishment and enforcement of penalties for noncompliance with Federal regulations that reflect the degree of such noncompliance, and the establishment of procedures to permit compliance with State or local regulations in lieu of compliance with Federal regulations;

(3) "Director" means the Director of the Office of Management and Budget;

(4) "economic incentives" means the process of making price corrections in the marketplace through governmental fees or subsidies that encourage or discourage activities in accordance with public policies;

(5) "Federal agency" has the meaning given to the term "executive agency" in section 6501(3) of title 31, United States Code;

(6) "Federal assistance" means any assistance provided by a Federal agency to State and local governments or other recipients, in the form of grants, loans, loan guarantees, property, cooperative agreements, or technical assistance, except that such term does not include direct cash assistance to individuals, contracts for the procurement of goods or services for the United States, or insurance;

(7) "intergovernmental regulation" means a regulation promulgated by a Federal agency that requires a State or local government to take certain actions or requires a State or local government to comply with certain specified conditions in order to receive or continue to receive Federal assistance and which requires the termination or reduction of such assistance if such government fails to comply with such conditions;

(8) "local government" has the same meaning as in section 6501(6) of title 31, United States Code;

(9) "marketable rights" means the process for allocating scarce resources through the establishment of rights that can be traded or sold among bidders, rather than through the distribution of resources through the issuance of permits by a Federal agency;

(10) "performance standards" means the criteria or goals that must be attained to comply with a Federal regulation, and does not include a detailed specification of the means of compliance;

(11) "significant law" means any Federal law which is likely, in the judgment of the Director of the Congressional Budget Office, to result in total additional direct costs to all State and local governments of $25,000,000 or more in any fiscal year, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government;

(12) "small government" means a government of a city, county, town, village, school district, or other special district established under State law which has a population of less than fifty thousand;

(13) "special provisions for small governments" means requirements for small governments contained in an intergovernmental regulation which are different from the requirements included in such regulation for other governments, and includes simplified compliance methods designed to reduce administrative burdens on small governments and reduced standards and modified compliance mechanisms which are proportional to the capabilities of small governments to comply with such regulation; and

(14) "State" means each of the several States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE I—REVIEW OF INTERGOVERNMENTAL REGULATIONS

REPORT REQUIRED

SEC. 101. (a) Not later than thirty days after the date on which the President transmits a budget for a fiscal year to the Congress pursuant to section 1105 of title 31, United States Code, the President shall submit to the Congress a report specifying and evaluating the economic costs, noneconomic costs, and additional direct costs which have been incurred or which will be incurred by State governments and local governments in complying with intergovernmental regulations during the most recently completed fiscal year, the fiscal year in progress, and the first two fiscal years immediately succeeding the fiscal year in progress.

(b) Each report required under subsection (a) shall include—

(1) a list of each intergovernmental regulation in effect during each fiscal year for which the report is made and a citation of statutory and administrative authority for each such intergovernmental regulation;

(2) an estimate, for each such intergovernmental regulation, of—

(A) the total amount of economic costs, noneconomic costs, and additional direct costs that have been incurred or will be incurred in each such fiscal year by the government of each State and all local governments in such State in complying with such regulation in each such fiscal year; and

(B) the ratio (stated as a percentage) which the total amount of additional direct costs that have been incurred or will be incurred by all local governments in a State in complying with such regulation in each such fiscal year bears to the total amount of additional direct costs that have been incurred or will be incurred by the government of such State and all local governments in such State in complying with such regulation in such fiscal year;

(3) an estimate, for each such regulation, of the economic and noneconomic benefits that will be provided in each such fiscal year to each State government and all local governments in such State as a result of compliance with such regulation during each such fiscal year;

(4) recommendations for changes in laws and regulations that will reduce the costs specified pursuant to paragraph (2), or that will achieve a more favorable balance between the benefits specified pursuant to paragraph (3) and the costs specified pursuant to paragraph (2); and

(5) proposals for legislation, and a statement of planned administrative actions, to implement the recommendations specified pursuant to paragraph (4).

(c) In preparing the report required by subsection (a), the President shall consider the potential for reducing costs incurred by State and local governments in complying with intergovernmental regulations through the promulgation of intergovernmental regulations which utilize means such as performance standards, special provisions for small governments, marketable rights, economic incentives, compliance reforms, and simplified procedures to certify the compliance of Federal assistance recipients with Federal requirements.

PROCEDURES FOR PREPARATION OF REPORT

SEC. 102. (a) The President may delegate to the Director or to the head of any other Federal agency the responsibility for preparing the annual report required by section 101.

(b)(1) In carrying out the provisions of this title, the President, the Director, or the head of a Federal agency to which a delegation is made under subsection (a), shall prescribe standards to be used by Federal agencies in estimating the costs of compliance with, and the benefits provided by, intergovernmental regulations administered by such agencies.

(2) The President, the Director, or the head of a Federal agency to which a delegation is made under subsection (a) shall prescribe the standards required under paragraph (1)—

(A) after consultation with State and local governments and the Comptroller General of the United States; and

(B) after providing public notice and an opportunity for comment in accordance with section 553 of title 5, United States Code.

(3) Standards prescribed under paragraph (1) may be revised from time to time to reflect changes in relevant economic and social circumstances and advances in pertinent branches of knowledge.

(c) The standards prescribed under subsection (b) shall provide, to the extent possible, for—

(1) uniform categories of costs of compliance with, and benefits provided by, intergovernmental regulations;

(2) methods to be used by the President, and by Federal agencies, in estimating the additional direct costs that will be incurred by State and local governments in complying with each intergovernmental regulation, including methods to estimate the amount of such costs that will be incurred for each fiscal year in which each such regulation is in effect;

(3) methods to be used by Federal agencies in compiling the information required to be submitted under subsection (d) which shall be designed to—

(A) minimize the costs that will be incurred by the State and local governments and the Federal assistance recipients from which such information will be collected; and

(B) ensure the collection of reasonably accurate information in a form that will be useful to States in complying with section 204(c);

(4) methods for preventing disclosure of information about individuals or businesses the confidentiality of which is protected under Federal law;

(5) procedures to be followed by Federal agencies in reporting the information required to be submitted under subsection (d); and

(6) such other procedures and guidelines as may be necessary for the implementation of this title.

(d) Each year, at a time prescribed by the President, the Director, or the head of the Federal agency to which a delegation is made under subsection (a), the head of each Federal agency which administered any intergovernmental regulation during a fiscal year for which a report is required under section 101, shall prepare and submit to the President, the Director, or such agency head, a report setting forth, for each such regulation, the information required to be included for such regulation in the report required under section 101.

TITLE II—COMPENSATION OF STATE AND LOCAL GOVERNMENTS FOR ADDITIONAL DIRECT COSTS

COMPENSATION REQUIRED

SEC. 201. (a) Except as provided in subsection (b), a Federal agency or a court of the United States shall not require State governments or local governments to comply, in any fiscal year, with any intergovernmental regulation which—

(1) takes effect on or after the date of enactment of this Act; and

(2) is promulgated pursuant to a significant law,

unless provisions of law have been enacted which provide a sufficient amount of funds for such fiscal year to reimburse such governments for the total amount of additional direct costs that will be incurred by such governments in complying with such regulation during such fiscal year.

(b)(1) Notwithstanding subsection (a), a Federal agency or a court of the United States may require State and local governments to comply with an intergovernmental regulation to which subsection (a) applies and which will be in effect during a fiscal year if, with respect to such intergovernmental regulation and such fiscal year, a joint resolution described in paragraph (2) is enacted by a two-thirds vote of the Members of each House of Congress, duly chosen and sworn.

(2) A joint resolution referred to in paragraph (1) is a joint resolution which, with respect to an intergovernmental regulation that will be in effect during a fiscal year, waives the provisions of subsection (a) that require that provisions of law be enacted to provide a sufficient amount of funds for such fiscal year to reimburse State and local governments for the total amount of additional direct costs that will be incurred by such governments in complying with such regulation during such fiscal year.

(c) For purposes of this section, the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in any fiscal year shall be the total amount of such costs for such regulation estimated by the Director of the Congressional Budget Office for such fiscal year in the report required under section 202 for such fiscal year.

REPORT BY THE DIRECTOR OF THE CONGRESSIONAL BUDGET OFFICE

SEC. 202. (a) For each fiscal year in which an intergovernmental regulation promulgated pursuant to a significant law will be in effect, the Director of the Congressional Budget Office shall prepare and transmit to the President and the Congress a report specifying, for such fiscal year and the fiscal year succeeding such fiscal year, an estimate of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with such regulation in each such fiscal year.

(b) In preparing each report required by subsection (a), the Director of the Congressional Budget Office shall consider the estimate of additional direct costs for a fiscal year resulting from compliance with an intergovernmental regulation which are specified in the report submitted by the President under title I during the fiscal year preceding such fiscal year.

(c) The Director of the Congressional Budget Office shall transmit each report required by subsection (a) for a fiscal year to the President and the Congress by September 1 of the fiscal year preceding such fiscal year.

IMPLEMENTATION

SEC. 203. (a) For each fiscal year in which an intergovernmental regulation promulgated pursuant to a significant law will be in effect, the chairman of the committees of the Senate and of the House of Representatives having legislative jurisdiction over such significant law shall propose, to an appropriate bill or resolution providing funds for such fiscal year, an amendment containing provisions to appropriate funds to reimburse State governments and local governments for the additional direct costs incurred in complying with such regulation. The amount of funds proposed to be appropriated by such amendment shall be equal to or in excess of the amount described in section 201(a).

(b) Subsection (a) does not apply with respect to an intergovernmental regulation which will be in effect during a fiscal year if, with respect to such intergovernmental regulation and such fiscal year, a joint resolution has been enacted in accordance with section 201(b).

PROCEDURES FOR REIMBURSEMENTS TO STATE AND LOCAL GOVERNMENTS

SEC. 204. (a)(1) The head of each Federal agency which administers an intergovernmental regulation promulgated pursuant to a significant law shall pay to each State government in each fiscal year the amount determined pursuant to this section to reimburse the State government and local governments in the State for the additional direct costs incurred by such governments in complying with such regulation in such fiscal year.

(2) A State government which receives payments under this section for reimbursement for additional direct costs incurred in complying with an intergovernmental regulation in any fiscal year shall pay to each local government in the State the amount determined pursuant to this section to reimburse such local government for the additional direct costs incurred by such local government in complying with such regulation in such fiscal year.

(b) The total amount to be paid to a State to reimburse the government of the State and local governments in the State for additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fiscal year shall be an amount which bears the same ratio to the total amount for reimbursement of additional direct costs for all State governments and local governments described in section 201(a) with respect to such regulation for such fiscal year as the total amount of additional direct costs with respect to such regulation which is specified in the report submitted by the President under title I for such fiscal year for such State government and local governments in such State for such fiscal year bears to the sum of the total amounts of additional direct costs with respect to such regulation which are specified in such report for all State governments and all local governments for such fiscal year.

(c)(1) The total amount to be paid by a State government to local governments in such State to reimburse such governments for additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fiscal year shall be the amount which is equal to the product of the amount paid to the State under subsection (b) for such fiscal year multiplied by the ratio determined by the President for such State with respect to such regulation for such fiscal year pursuant to section 101(b)(2)(B).

(2)(A) A State government which receives payments under this section to reimburse local governments in the State for the additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fiscal year shall pay to each such local government an amount equal to the product of—

(i) the total amount determined under paragraph (1) with respect to such regulation for such fiscal year, multiplied by

(ii) the ratio (stated as a percentage and estimated by the State in accordance with subparagraph (B)) that the total amount of additional direct costs incurred by such local government in complying with such regulation in such fiscal year bears to the total amount of additional direct costs incurred by all local governments in such State in complying with such regulation in such fiscal year.

(B) Each State government which receives payments under this section for any fiscal year shall provide by law for the estimation of the amount of additional direct costs incurred by each local government in such State in complying with an intergovernmental regulation for which such payments are received. In providing for the estimation of such costs, the State shall establish procedures and methods for the estimation of such costs which are reasonably related to the actual additional direct costs incurred by such governments in complying with such regulation in such fiscal year.

(d) This section does not apply with respect to an intergovernmental regulation which will be in effect during a fiscal year if, with respect to such intergovernmental regulation and such fiscal year, a joint resolution has been enacted in accordance with section 201(b).

EFFECT OF SUBSEQUENT ENACTMENTS

SEC. 205. No law enacted after the date of enactment of this title shall supersede the provisions of this title unless such law does so in specific terms, referring to this title, and declares that such law supersedes the provisions of this title.

TITLE III—MISCELLANEOUS

COST ESTIMATES

SEC. 301. Section 403(c) of the Congressional Budget Act of 1974 is amended by striking out "$200,000,000" and inserting in lieu thereof "$100,000,000".

MAJOR FEATURES OF THE INTERGOVERNMENTAL REGULATORY RELIEF ACT OF 1987

1. Requires the Federal Government to reimburse State and local governments for any additional direct costs imposed on them by Federal regulations established after enactment of this bill. This provision could be waived if two-thirds of both houses of Congress and the President agree to do so.

2. Requires the Director of OMB to submit a report to Congress listing all existing intergovernmental regulations, current costs of implementing significant existing regulations, recommendations for changes in regulations which would attain identical goals at lower costs, and proposed legislative and administrative steps to implement the recommendations. The report will also develop standards for calculating future regu-

latory costs imposed on State and local governments.

3. Requires the Director of the Congressional Budget Office to submit a report to Congress and the President detailing the total direct costs of Federal regulations each fiscal year to State and local governments.

4. Sets forth the procedures for reimbursing each State and local government for legitimate regulatory costs incurred.

LOCAL ANNUAL COSTS OF MEETING SELECTED MANDATES

[In millions of dollars]

	Clean Water Act	Education of handicapped	Unemployment compensation	Access for handicapped	Bilingual education	Total
Operating costs	$27.5	18.7	0.9	0.5	4.1	51.7
Capital costs	8.3	0.5	0.0	1.1	0.0	9.9
Total costs	35.8	19.2	0.9	1.6	4.1	61.6

Source: Thomas Muller and Michael Fix, "The Impact of Selected Federal Actions of Municipal Outlays," *Government Regulation: Achieving Social and Economic Balance*, Volume 5 of *Special Study on Economic Change*, U.S. Congress, Joint Economic Committee (Washington, DC, U.S. Government Printing Office, 1980), p. 368.

ANNUAL COST OF MANDATES IN SELECTED JURISDICTIONS

[Per capita]

	Alexandria	Burlington	Cincinnati	Dallas	Fairfax County	Newark	Seattle
Clean Water Act:							
Operating	[1] $14.81		$12.20	$4.83	$7.72	$31.42	$4.68
Capital [1]	5.47		2.95	1.26	4.95	5.44	2.16
Educating handicapped:							
Operating	9.26	1.67		1.92	22.58	6.32	3.67
Capital [1]	.02	1.56		.27	2.24	.43	.04
Access handicapped: :							
Operating	[2] NA	1.10	.91		[2] NA	[2] NA	.31
Capital [1]	.95		1.41	.03	[1] .27	.77	.02
Bilingual education:							
Operating				.46	1.07	6.95	2.05
Capital							
Unemployment compensation:							
Operating	.90	.90	.85	.05	.23	.18	.46
Capital							
Davis-Bacon Act	[3] Yes	.77		[3] Yes	[3,4] Yes		
Total:							
Operating	31.41	6.00	18.32	8.79	39.06	51.51	13.39
Capital							

[1] Cumulative capital outlays amortized over 20 years based on 6 percent rate of borrowing to facilitate comparisons among jurisdictions.

[2] Not available.

[3] The Davis-Bacon Act has created an effect in this jurisdiction but the effect could not be quantified.

[4] None in 1978 except for Metro.

Note.—Taken From the ACIR Report "Regulatory Federalism: Policy, Process, Impact and Reform."

Source: Thomas Muller and Michael Fix, "The Impact of Selected Federal Actions of Municipal Outlays," Government Regulation: Achieving Social and Economic Balance, Volume 5 of Special Study on Economic Change, U.S. Congress, Joint Economic Committee (Washington, DC, U.S. Government Printing Office, 1980), p. 368.●

Mr. WILSON. Mr. President, I am proud to join my distinguished colleagues Mr. DURENBERGER, Mr. GARN, and Mr. WALLOP in introducing this legislation to provide long overdue regulatory relief to State and local governments from new Federal regulations.

Our legislation is designed to bring a greater measure of fairness to the entire process by which this Congress seeks to impose its will and its judgment upon the States and local governments of this Nation.

Mr. President, the specific intent of our legislation is to require Federal reimbursement for any additional costs incurred by State and local governments in complying with new Federal regulations.

While the costs of mandates to State and local governments continue to rise, Federal aid to State and local governments has been reduced dramatically—down 24 percent in constant dollars since 1980. Federal aid for urban programs has been slashed by 60 percent since 1980, while tax reform limits the municipal ability to raise capital.

The most visible and hardhitting of this continuing trend in budget reductions to local programs is the loss of general revenue sharing. The elimination of revenue sharing—$4.6 billion in fiscal year 1986—will be felt even more deeply than other Federal aid cuts because, increasingly, revenue sharing funds have been used to meet the costs of unfunded mandates. As an example, a 1985 National Association of Counties study demonstrated that fully 66 percent of the counties used these Federal funds to help meet the cost of Federal mandates.

Mr. President, our appetite for deficit reduction grows daily; we are consumed by the worthy goal of returning fiscal sanity to Federal Government. And, interestingly enough, we have found a clever way of pursuing national priorities—unable to abandon them, the Federal Government has discovered that it can rely on unfunded mandates to accomplish those goals.

Mr. President, it is clear: As new federalism evolves and State and local governments continue to shoulder increasing responsibilities and costs, Congress must not continue to add to the local government burden through new unfunded Federal mandates.

This legislation, no doubt, will make great sense to those of my colleagues who have, in their experience, spent some time in State or local government. Many times, in my capacity as a State legislator, and even more so as mayor of a large city, I have questioned the judgment of legislators at the Federal level. I must confess, that at times I resented their having imposed not only their judgment but the cost of their judgments upon local taxpayers.

The principle involved here is simply stated: The Federal Government bears some responsibility to fund the duties and requirements it chooses to mandate upon State and local governments. This position has been strongly endorsed by many State and local government officials as well as numerous local government organizations—the National Governors' Association, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and the National Association of Towns and Townships.

Unfortunately, I must add in all honesty that even State governments have been guilty of imitating the Federal level by imposing regulatory requirements upon local governments without the benefit of adequate funding. Some years ago, this practice of mandating costly regulations on local governments became intolerable in California. Finally, to cure its own sin, the State legislature enacted what was then called "Senate Bill 90", which said very simply that the State shall no longer impose new duties and regulations upon local governments without providing the funds for the performance of those duties.

Mr. President, I can certainly understand why, at first glance, many of my colleagues might find this approach a bitter pill to swallow—particularly now when we are almost obsessed with discussions and policy aimed at reducing the deficit. However, this legislation does not add one penny to the Federal deficit, but simply will require the Congress to legislate more responsibly when contemplating the enactment of new regulations.

Let me say it simply: If, in our judgment, a particular responsibility to be discharged at the State and local level is important enough to merit the enactment of Federal legislation in order to require it, then, it seems only fair and right that such mandates should be accompanied by appropriate Federal funding.

In recent years, Congress has often responded to problems without providing the adequate funding to carry them out—present mandates are estimated to cost State and local governments billions of dollars each year. If we now require Federal reimbursement for all future Federal mandates, we shall reform our own lack of realism and work to slow down the proliferation of regulatory requirements while bringing relief, much deserved relief, to those who labor at the State and local level.

Mr. President, in this period of deficit reduction, such a measure would impose an obstacle to new burdensome regulatory requirements enacted by Congress. This amendment is not intended to undermine the goals of protective regulations and in those instances where it is deemed inappropriate for Congress to share in the costs of implementing regulations, a two-thirds vote in both Houses would waive the reimbursement requirement.

In 1981, the Advisory Commission on Intergovernmental Relations issued a report entitled "Regulatory Federalism: Policy, Process, Impact, and Reform". I agree with much of the report. It cites in detail, with many examples, precisely the kind of abuses which the Federal Government has been guilty with the best of good intentions. It may be helpful to close by quoting what the Commission has to say about its recommendations for full Federal reimbursement. I read from the report of the Commission on Intergovernmental Relations:

> The Commission strongly affirms the principle of Federal responsibility for mandated costs, but it has carefully tailored its recommendation to current budgetary realities and to the administrative difficulties posed by full reimbursement of all existing mandates. This recommendation is limited to costs imposed on State and local governments by future intergovernmental regulations. This restriction avoids excessive immediate demands on the deficit-ridden federal budget while simultaneously establishing an effective fiscal deterrent to future regulatory proliferation.

For all of these reasons, Mr. President, I wholeheartedly support this bill and urge my colleagues to give it their every consideration.

I hope that, given the busy agenda which faces this Congress, this item will receive the kind of attention it deserves. If some supervening authority imposed upon Congress obligations that were not a matter of our own decision and our own discretion and one that conflicted with those priorities that we decided upon, after careful examination of the needs of the Nation, we would be properly resentful. Yet, that is a precise replication, hypothetically, of what we do to local governments every time we enact another Federal good intention and impose a new duty upon them without providing the resources to perform that new duty.

I hope Congress will give this matter the attention it requires.

● **Mr. GARN.** Mr. President, today, I am pleased to once again join with my colleagues, Senator DURENBERGER and Senator WILSON, in introducing the Intergovernmental Regulatory Relief Act of 1987.

This bill is designed to curtail the expensive costs imposed on State and local governments by the Federal Government to carry out federally mandated regulations. Over the past several years, the number of these regulations has increased dramatically. We have reached the point where our States and local governments are now expending an estimated $200 billion a year to comply with the directives issued from Washington, DC. With State and local funds as scarce as Federal funds, current regulations are draining valuable resources that could be used elsewhere and, more than likely, in a more beneficial way. It doesn't make sense to me for the Federal Government to continue to write new regulations with little or no thought of what their impact, financially and structurally, will be on local governments.

Senator DURENBERGER has accurately stated the goals of this legislation. The most important element of the Intergovernmental Regulatory Relief Act of 1987 is that it would require the Federal Government to reimburse State and local governments for the additional costs required to implement future Federal regulations. What this means is that when Congress passes legislation to implement a program on a national policy issue, the costs of that program will be paid for by the Federal Government. It seems only fair that those who institute a new program should help defray the costs of achieving the program's goals.

I continue to be concerned with the spending bias that has developed in Congress in the past, and the introduction of a trillion-dollar Federal budget is certainly evidence of this fact. The area of Federal regulations is no exception to this bias, and regulations continue to be written with no thought from where the revenue to pay for them is going to be obtained. It is a vicious cycle: First, Congress makes its will known by adopting legislation on a national policy matter; then, the appropriate Federal agency issues regulations; next, unless the regulations do not meet the intent of Congress, local governments are required to implement them; and last, these local governments, after recognizing their limited budgets, seek funds from Congress to enforce the previously issued regulations. We need to break this cycle and restore some common sense to our regulatory process.

My colleagues are very familiar with the financial burdens now being placed on our State and local governments. Reductions in Federal assistance programs for these governments continues to cause severe havoc for local officials striving to serve local needs. The bread-and-butter of these programs, in my opinion, was the General Revenue Sharing Program, which was eliminated at the end of the 1986 fiscal year. This program provided assistance to these governments without attaching any strings or directives on how the funds were to be used. In other words, they came free of any Federal regulations. As a former mayor, I know how vital it was to receive assistance in this manner. To say the least, I was sorry to see general revenue sharing eliminated. If anything, its demise may drive home—or to the Congress—the critical point that States, counties, cities and towns need Federal assistance in a most important way.

The best method to provide this assistance in a time of constrained Federal funds is to create an incentive to Congress to carefully consider the impact of its wishes, priorities, demands, et cetera—however, one wants to refer to congressional intent—on local governments. Since our bill is aimed at future legislation, it will give Congress a unique opportunity to judge the long-term effects of its completed work before it is implemented. Hopefully, we will be more precise in assessing the impact of future legislation on local communities before making it the law of the land.

Mr. President, this legislation should not cost the taxpayers anything. Its only purpose is to save money for local governments. At the same time, it will send a message to both Federal regulators and the Congress that if new regulations include an administrative cost to local governments, then the expense will be returned to the Federal Government.

I acknowledge the efforts of Senators DURENBERGER and WILSON on this issue. I am pleased to join them in these efforts. I commend them for their work, and I urge my colleagues to support this timely piece of legislation.●

By Mr. HOLLINGS (by request):

S. 586. A bill to authorize appropriations for certain categories of activities of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRPORT AND AIRWAY ENHANCEMENT ACT

Mr. HOLLINGS. Mr. President, today I am introducing legislation proposed by the administration for the reauthorization of the Federal Aviation Administration's airport and airway trust fund.

I am introducing the "Airport and Airway Enhancement Act of 1987" at the request of the Secretary of Transportation. Very simply, it provides for the extension of funding for several key programs in the FAA, most notably the Airport Improvement Program and the modernization of the air traffic control system, known as the National Airspace System plan.

The administration bill provides a framework for discussion on the direction our Nation's air transportation system should take in the coming years. However, it is my understanding that Senator FORD, chairman of the Aviation Subcommittee, is preparing a bipartisan bill that he intends to introduce prior to reauthorization hearings which will begin in mid-March. With his leadership and input from other members of the committee and the Senate, I believe that we will have legislation that will help enhance airport capacity, increase efficiency in air travel, and most importantly, ensure aviation safety.

Mr. President, I ask that the Secretary's bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 101. SHORT TITLE

This Act may be cited as the "Airport and Airway Enhancement Act of 1987."

SEC. 102. DECLARATION OF POLICY

The Congress hereby finds and declares that—

(a) the safe operation of the airport and airway system will continue to be the highest aviation priority;

(b) the continuation of airport and airway improvement programs and more effective management and utilization of the Nation's airport and airway system are required to meet the current and projected growth of aviation and provide adequate airport and airspace capacity to meet the requirements of interstate commerce, the Postal Service, and the national defense;

(c) this Act should be administered in a manner consistent with comprehensive airspace and airport system plans, with emphasis provided on increasing the safety, efficiency, and capacity of the national system, with the highest priority given to the development and enhancement of commercial service airports and reliever airports where those improvements will result in increased systemwide capacity and the more effective functioning of the national aviation system, including but not limited to providing and maintaining adequate navigational aids and airport development as the Secretary determines is necessary to assure a high level of aviation safety;

(d) all airport and airway programs should be administered in a manner consistent with the provisions of sections 102 and 103 of the Federal Aviation Act of 1958, with due regard for the goals expressed therein of fostering competition, preventing unfair methods of competition in air transportation, maintaining essential air transportation, and preventing unjust and discriminatory practices;

(e) aviation facilities should be constructed and operated with due regard to minimizing current and projected noise impacts on nearby communities and consistent with the Nation's aviation requirements;

(f) it is in the national interest to develop and maintain airport master plans and airport system plans designed to provide maximum safety, expeditious access, increased capacity and airport system expansion with due regard for minimizing adverse environmental impacts;

(g) airports which elect to finance their capital needs without Federal assistance should have the option to voluntarily withdraw from eligibility under this Act and to establish and collect a passenger facility charge; and

(h) those States which desire the authority to administer and manage the grant program for small commercial service airports and general aviation airports within their States and which can meet criteria established by the Secretary should be given the option to administer funds provided to them through a block grant.

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—As used in this Act—

(1) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. This includes, but is not limited to, heliports.

(2) "Airport development" means any of the following activities, if undertaken for civil use purposes by the sponsor, owner or operator of a public-use airport:

(A) any work involved in constructing, reconstructing, repairing, or improving, a public-use airport or portion thereof, including—

(i) the preparation of plans and specifications, including field investigations incidental thereto;

(ii) the preparation or plans specifications, including field investigations incidental thereto;

(B) any acquisition or installation at or by a public-use airport of—

(i) navigation and landing aids, including any necessary site preparation thereby required;

(ii) safety or security equipment and facilities required by the Secretary by rule or regulation for the safety or security of persons and property at such airport, or specifically approved by guidance to determine in general terms the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable, balanced, and integrated system of public-use airports which fully considers the National Airway Plan. It includes identification of system needs, development of estimates of systemwide development costs, and the conduct of such studies, surveys, and other planning actions, including those related to airport access, as are directly necessary to determine the short-, intermediate-, and long-range airport development required by a particular system of airports. It also includes the establishment by a State of standards, other than standards for safety, for airport development at public-use airports which are not large commercial service airports.

(6) "Block grant" means a grant of funds apportioned pursuant to section 106 of this Act to a participating State for distribution by such State for projects at airports, other than large commercial service airports, within that State in accordance with the provisions contained in section 116.

(7) "Government aircraft" means aircraft owned and operated by the United States.

(8) "Landing area" means that area used or intended to be used for the landing, takeoff, or surface maneuvering of aircraft.

(9) "Large commercial service airport" means an airport with scheduled passenger service which is determined by the Secretary to have .01 percent or more of the total number of passengers enplaned annually at all airports which receive scheduled passenger service of aircraft and which enplane annually 2,500 or more passengers.

(10) "Participating State" means a State authorized by the Secretary in accordance with section 116 to receive a block grant.

(11) "Passenger facility charge" means a passenger tax, fee, head tax or other charge collected, directly or indirectly from persons travelling in air commerce, by an airport which has voluntarily withdrawn, in accordance with section 117, from participating in the airport grant program authorized by section 105 of this Act.

(12) "Passengers enplaned" means domestic, territorial, and international revenue passenger enplanement in the States in scheduled and nonscheduled service of aircraft in intrastate, interstate, and foreign commerce as shall be determined by the Secretary.

(13) "Planning agency" means any planning agency designated by the Secretary which is authorized by the laws of the State or States or political subdivisions concerned to engage in areawide planning for the areas in which assistance under this Act is to be used.

(14) "Project" means a project (or separate projects submitted together) for the accomplishment of airport development, airport planning, or for carrying out noise compatibility programs or parts thereof under section 104(C)(1) of the Aviation Safety and Noise Abatement Act of 1979.

(15) "Project costs" means any reasonable and necessary direct costs involved in accomplishing a project.

(16) "Project grant" means a grant of funds by the Secretary to a sponsor for the accomplishment of one or more projects.

(17) "Public agency" means a State or any agency of a State, a municipality or other political subdivision of a State, a tax-supported organization, or an Indian tribe or pueblo.

(18) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(19) "Public-use airport" means—

(A) any public airport,

(B) any privately owned reliever airport, and

(C) any privately owned airport which is determined by the Secretary to enplane annually 2,500 or more passengers and receive scheduled passenger service of aircraft, which is used or to be used for public purposes.

(20) "Reliever airport" means an airport including heliport, designated by the Secretary as meeting criteria developed by the Secretary, based on relieving current or forecast congestion at a large commercial service airport and providing more general aviation access to the overall community.

(21) "Secretary" means the Secretary of Transportation.

(22) "Small commercial service airport" means an airport with scheduled passenger service and not less than 2,500 enplanements which is determined by the Secretary to have less than .01 percent of the total number of passengers enplaned annually at all airports which receive scheduled passenger service or aircraft and which enplane annually 2,500 or more passengers.

(23) "Sponsor" means (A) any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this Act, a project grant application, and (B) any private owner of a public-use airport who submits to the Secretary, in accordance with this Act, a project grant application for such airport.

(24) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Government of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and Guam.

(25) "Trust Fund" means the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986.

(26) "United States share" means that portion of the project costs of projects which is to be paid from funds made available for the purposes of this Act.

(b) AMOUNTS MADE AVAILABLE.—Whenever in this Act reference is made to the amount made available for a fiscal year under section 105 of this Act, such reference shall mean the amount made available for obligation under subsection (a) of section 105 for that fiscal year, as reduced or limited by a subsequent Act of Congress. Such amount shall not be affected by any funding adjustments made in accordance with paragraph (d) of section 117.

SEC. 104. NATIONAL AIRPORT AND AIRWAY SYSTEM PLANS.

(a) FORMULATION OF AIRPORT REPORT.—Not later than 2 years after the date of enactment of this Act the Secretary shall publish a report on the safety and capacity of the national system of airports, which shall describe the current operating characteristics and the future needs of the national system of airports, including the needs of civil aeronautics, the requirements in support of the national defense as recommended by the Secretary of Defense, and the identified needs of the Postal Service.

(b) FORMULATION OF AIRWAY PLAN.—The Administrator of the Federal Aviation Administration shall prepare and annually submit to the Congress a National Airway Plan, setting forth the Administrator's plans for facilities and equipment, their associated development and other capital needs to provide for the safe and efficient use of the national airspace system. This plan shall include a report on the status of the completion of the National Airspace System Plan as described in the 1987 edition of that Plan.

(c) CONSULTATION WITH FEDERAL AND PUBLIC AGENCIES, THE AVIATION COMMUNITY, AND THE STATES.—In preparing the Report required by subsection (a), the Secretary shall consult, to the extent feasible and as appropriate, with other Federal and public agencies, and with the aviation community and the States.

(d) CONSULTATION WITH DEPARTMENT OF DEFENSE.—The Department of Defense shall make domestic military airports and airport facilities available for civil use to the maximum extent feasible. In advising the Secretary of national defense requirements pursuant to subsection (a) of this section, the Secretary of Defense shall indicate the extent to which domestic military airports and airport facilities will be available for civil use.

SEC. 105. AIRPORT CAPACITY AND SAFETY ENHANCEMENT PROGRAM.

(a) AUTHORIZATION LEVELS.—In order to maintain a safe and efficient nationwide system of public-use airports to meet the present and future needs of civil aeronautics, and to improve compatibility of those airports with their surrounding environment, the Secretary is authorized to make grants from the Trust Fund for airport projects. The aggregate amounts which shall be available after September 30, 1987, to the Secretary for such grants shall be $1,017,000,000 for the fiscal year ending September 30, 1988 and $2,034,000,000 for the fiscal years ending before October 1, 1989.

(b) OBLIGATIONAL AUTHORITY.—The Secretary is authorized to incur obligations to make grants from funds made available under subsection (a) of this section, and such authority shall exist with respect to funds available for the making of grants for any fiscal year or part thereof pursuant to subsection (a) immediately after such funds are apportioned pursuant to section 107(a) of this Act. No such obligations shall be incurred by the Secretary after September 30, 1989.

(c) AUTHORIZATION FOR LIQUIDATING APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund and remain available until expended, such sums as are necessary to liquidate obligations incurred under this authorization.

SEC. 106. AIRWAY IMPROVEMENT PROGRAM.

(a) AIRWAY FACILITIES AND EQUIPMENT.—(1) For the purposes of acquiring, establishing, and improving air navigation facilities under section 307(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(b)), there is authorized to be appropriated from the Trust Fund for fiscal years beginning after September 30, 1987, aggregate amounts not to exceed $1,350,000,000 for the fiscal year ending September 30, 1988, and $2,850,000,000 for the fiscal years ending before October 1, 1989. Amounts appropriated under the authorizations in this subsection shall remain available until expended.

(2) In addition to the amounts specified in section 106(a)(1), there are authorized to be appropriated from the Trust Fund for the two fiscal years ending before October 1, 1989, $200,000,000, limited to use for accommodation of cost growth associated with the National Airspace System Plan for 1987 and all subsequently determined requirements associated with projects identified in such Plan. Amounts appropriated under this subsection shall remain available until expended.

(3) The costs of site preparation work associated with acquisition, establishment, or improvement of air navigation facilities by the Secretary pursuant to section 307(b) of the Federal Aviation Act of 1958 shall be charged to appropriated funds available to the Secretary for that purpose pursuant to paragraph (1) of this subsection. Nothing in this Act shall preclude the Secretary from providing, in a grant agreement or other agreement with an airport owner or sponsor, for the performance of such site preparation work in connection with airport development, subject to payment or reimbursement for such site preparation work by the Secretary from such appropriated funds.

(b) RESEARCH, ENGINEERING AND DEVELOPMENT.—The Secretary is authorized to carry out under section 312 (49 U.S.C. 1353) of the Federal Aviation Act of 1958 such demonstration projects as the Secretary determines necessary in connection with research and development activities under section 312. For research, engineering and development, and demonstration projects and activities under section 312, there are authorized to be appropriated from the Trust Fund for fiscal years beginning after September 30, 1987, aggregate amounts not to exceed $150,000,000 for the fiscal year ending September 30, 1988 and $300,000,000 for the fiscal years ending before October 1, 1989. Amounts appropriated under the authorizations in this subsection shall remain available until expended.

(c) OTHER EXPENSES.—(1) The balance of the moneys available in the Trust Fund may be appropriated for (A) costs for services provided under international agreements relating to the joint financing of air navigation services which are assessed against the United States Government, (B) direct costs incurred by the Secretary to flight check, operate, and maintain air navigation facilities referred to in subsection (a) of this section in a safe and efficient manner, and (C) other costs incurred by the Secretary in operating the aviation system in a safe and efficient manner. The total of amounts made available and appropriated from the Trust Fund for purposes specified in sections 105 and 106 of this Act in each fiscal year shall equal 85 percent of the total annual amount made available and appropriated to the Federal Aviation Administration for all purposes in that fiscal year.

(d) WEATHER SERVICES.—The Secretary is authorized to reimburse the National Oceanic and Atmospheric Administration from funds authorized in subsection (c) for the two fiscal years beginning after September 30, 1987, for the cost of providing the Federal Aviation Administration with weather reporting services. Expenditures for the purposes of carrying out this subsection shall be limited to $30,000,000 for the fiscal year ending September 30, 1988, and $30,000,000 for the fiscal year ending September 30, 1989.

(e) PRESERVATION OF FUNDS AND PRIORITY FOR AIRPORT AND AIRWAY PROGRAMS.—(1) Notwithstanding any other provision of law to the contrary, no amounts may be appropriated from the Trust Fund to carry out any program or activity under the Federal Aviation Act of 1958, except programs or activities referred to in sections 105 and 106 of this Act.

(2) No amounts in the Trust Fund may be appropriated for any fiscal year to carry out administrative expenses of the Department of Transportation or of any unit thereof

except to the extent authorized by subsection (c) of this section.

SEC. 107. APPORTIONMENT OF FUNDS.

(a) Apportionment.—The amount made available for each fiscal year under section 105(a) of this Act shall be apportioned by the Secretary as follows:

(1) Large Commercial Service Airports.—

(A) To the sponsor of each large commercial service airport, as follows:

(i) $6.00 for each of the first fifty thousand passengers enplaned at that airport;

(ii) $4.00 for each of the next fifty thousand passengers enplaned at that airport;

(iii) $2.00 for each of the next four hundred thousand passengers enplaned at that airport; and

(iv) $.50 for each additional passenger enplaned at that airport.

(B) Except as provided in paragraph (C) below, the Secretary shall not apportion more than $10,000,000 or less than $250,000 under this paragraph to an airport sponsor for any large commercial service airport for any fiscal year.

(C) In no event shall the total amount of all apportionments under this paragraph for any fiscal year exceed 35 percent of the amount available to be obligated for such fiscal year for the purposes of section 105 of this Act. In any case in which an apportionment would be reduced by the preceding sentence, the Secretary shall for such fiscal year reduce the apportionment to each sponsor of a large commercial service airport under this paragraph proportionately so that such 35 percent amount is achieved.

(D) In no event shall any amount not apportioned to a particular airport in a fiscal year as a result of the provisions in subparagraph (C) of this paragraph be added to that airport's apportionments in the following fiscal year.

(2) Apportionment to States.—There shall be apportioned for each of the fiscal years covered by this Act, a total of 22 percent of the amount made available under section 105 for such fiscal year, as follows:

(A) Small Commercial Service Airports.—Five percent of the amount made available under section 105 will be apportioned to the States (other than those States to which subsection (B)(i) applies) for use at any small commercial service airport in that State, based on the proportion of the number of passengers enplaned at small commercial service airports in that State to the total number of all such passengers enplaned in all such States. If the Secretary determines (or a State, as provided for in section 116) that the amount of funds required to be distributed in accordance with this section for any fiscal year can not be distributed because the number of qualified applications submitted in compliance with this Act is insufficient to meet such amount, the portion of such amount the Secretary (or a State as provided for in section 116) determines will not be distributed shall be available for use at other airports in accordance with subsection (B).

(B) General apportionment.—Seventeen percent of the amount made available under section 105 to be apportioned by the Secretary as follows:

(i) Insular areas.—For any eligible airports, 0.25 percent of the amount made available under section 105 to Guam, American Samoa, the Government of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(ii) Supplemental alaska provision.—For airports other than large commercial service airports in the State of Alaska, a supplemental 0.40 percent of the amount made available under section 1.5, to be added to the State apportionment as provided for in subparagraph (iii) of this paragraph.

(iii) States.—For airports other than large commercial service airports in a State (other than those States to which subparagraph (i) applies), 16.35 percent of the amount made available under section 105 shall be apportioned as follows: 50 percent based on the proportion which the population of each State bears to the total population of all such States; and 50 percent based on the proportion which the area of each state bears to the total of all such states. As used in this subparagraph, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

(iv) Puerto Rico.—Notwithstanding any other provision of this subsection, the Commonwealth of Puerto Rico shall be allowed to spend the amount made available to it under paragraph (iii) at any eligible airport within the Commonwealth.

(3) Announcement of apportionments.—Within 30 days after amounts are finally made available for the purpose of section 105(a) of this Act, the Secretary shall announce the apportionment of funds in accordance with subsections (1) and (2) of this paragraph. If any Act of Congress has the effect of further limiting or reducing the amount available under section 105(a) after the original apportionment has been announced, a revised apportionment shall be announced in accordance with this paragraph.

(4) Discretionary fund.—(A) Any amounts not apportioned under paragraphs (1) and (2) of this subsection shall constitute a discretionary fund to be distributed by the Secretary to large commercial service airports and reliever airports (subject to the limitations set forth in section 108(c) of this Act).

(b) Passengers Enplaned.—For purposes of determining apportionments for any fiscal year under paragraphs (1) and (2)(A) of subsection (a) of this section, the number of passengers enplaned at an airport shall be based on the number of revenue passengers enplaned at such airport during the preceding calendar year as determined by the Secretary.

SEC. 108. USE OF APPORTIONED AND DISCRETIONARY FUNDS.

(a) Duration, Availability and Use of Apportioned Amounts.—Each amount apportioned under paragraph (1) of section 107(a) may be used for any of the purposes for which funds are made available under section 105 at any public-use airport of such sponsor and, for funds made available during the first year of this Act, shall be available for obligation under such apportionment during the fiscal year for which it was first authorized to be obligated and the following fiscal year.

(b) States.—Funds apportioned to a State under subparagraph (2) of section 107(a) shall be available only for any of the purposes for which funds are made available under section 105 at eligible airports located in such State. Unless a State is granted authority to administer a block grant pursuant to section 116, each sponsor of such an airport may apply to the Secretary for grants from funds apportioned to such State.

(c) General Limitations.—Of the funds available under paragraph (4) of section 107(a), not less than 43 percent of the funds made available under section 105 for the first fiscal year, and in cumulative for the two fiscal years authorized by this Act, shall be obligated at airports which the Secretary determines will qualify as large commercial service airports within two years, for the purposes of preserving or enhancing airport capacity and airport safety and security.

(1) Of this amount, not less than 30 percent of the funds made available under section 105 for the first fiscal year and in cumulative for the two fiscal years authorized by this Act shall be obligated at large commercial service airports and reliever airports for the purpose of preserving or enhancing airport capacity determined as follows: To identify critical problems and systematically target funds to the most effective capacity projects in terms of national system priorities, the Secretary shall establish a performance-based methodology for defining project eligibility used in this paragraph and for determining project priorities on the basis of each proposed project's impact on overall national air transportation system capacity, project benefit and cost, and the financial commitment of the airport operator or other non-federal funding source to enhance or preserve airport capacity. Notwithstanding any other provision of this paragraph, airport noise compatibility planning is an eligible activity for funds provided under this paragraph.

(2) Of this amount, not less than 9 percent of the funds made available under section 105 for the first fiscal year and in cumulative for the two fiscal years authorized by this Act shall be obligated at large commercial service airports and reliever airports for the purposes of preserving or enhancing airport safety and security. The Secretary shall establish appropriate criteria under this paragraph to determine project priorities, including project cost effectiveness and the financial commitment of the airport operator to meet its safety and security needs.

(3) If the Secretary determines that the amount of funds required to be distributed under paragraphs (1) and (2) of this subsection for any fiscal year can not be distributed because the number of qualified applications submitted in compliance with this Act is insufficient to meet such amount, the portion of such amount the Secretary determines will not be distributed shall be available for obligation during such fiscal year for other airports and for other purposes authorized by section 107(a)(4) of this Act.

(e) Use of Certain Apportioned Funds for Discretionary Purposes.—(1) If the Secretary determines, based upon notice provided under subparagraph (3) of this paragraph, or otherwise, that any of the amounts apportioned under section 107(a)(1), other than apportionments affected under section 117(d), will not be obligated during a fiscal year by June 30 of that fiscal year, the Secretary may obligate during such fiscal year an amount equal to such amounts at the Secretary's discretion for safety, security, and capacity projects as defined under section 108(c) at large commercial service airports and reliever airports.

(2) Any apportioned funds not obligated in the first fiscal year as a result of applying the provision of subparagraph (1) of this paragraph, and which remain available to a sponsor in the second fiscal year, shall be provided in the second fiscal year from the discretionary fund authorized in section 107(a)(4), notwithstanding the restrictions of subsection (c) of this section.

(3) Each sponsor to which funds are apportioned under section 107(a)(1) of this Act shall notify the Secretary, by such time and in a form containing such information as the Secretary may prescribe, of its intent to apply, by project grant application, for all or a portion of such funds apportioned.

SEC. 109. SUBMISSION AND APPROVAL OF PROJECT GRANT APPLICATIONS.

(a) Submission.—Subject to the provisions of this subsection, any public agency, or two or more public agencies acting jointly, or any sponsor of a public-use airport, or two or more such sponsors acting jointly, may submit to the Secretary a project grant application for one or more projects, in a form and containing such information as the Secretary may require.

(1) No project grant application, shall propose a project except in connection with public-use airports included in a State system plan. If the State does not have such a plan, one will be developed for this purpose by the Federal Aviation Administration.

(2) Nothing in this subsection shall authorize the submission of a project grant application by any public agency which is subject to the law of any State if the submission of such application by the public agency is prohibited by the law of that State.

(3) All proposed airport development shall be in accordance with standards established or approved by the Secretary, including, but not limited to, standards for site location, airport layout, site preparation, paving, lighting, safety of approaches, and safety and security equipment and facilities.

(b) Approval.—(1) No project grant application may be approved by the Secretary unless the Secretary is satisfied that the project is justified and that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of public agencies authorized by the State in which such airport is located to plan for the development of the area surrounding the airport and will contribute to the accomplishment of the purposes of this Act and that fair consideration has been given to the interest of communities in or near which the project may be located;

(B) for airport development involving the location of an airport, an airport runway, or a major runway extension, the sponsor of the project certifies to the Secretary that there has been afforded the opportunity for a public hearing for the purposes of considering the economic, social, environmental and community noise impact effects of the airport or runway location and its consistency with the goals and objectives of such planning as has been carried out by the community. When hearings are held under this paragraph, the project sponsor shall, when requested by the Secretary, submit a copy of the transcript to the Secretary;

(C) sufficient funds are available for that portion of the project costs which are not to be paid by the United States under this Act;

(D) the project will be completed without undue delay;

(E) the sponsor which submitted the project grant application has legal authority to engage in the project as proposed;

(F) all project sponsoring requirements prescribed by or under the authority of this Act have been or will be met; and

(G) for privately owned airports, the owner of the privately owned public-use airport has provided adequate evidence and assured that such airport will continue to function as a public-use airport during the economic life (which in no case shall be less than 10 years) of any development project that was undertaken with Federal financial assistance under this Act and in no instance will this obligation extend beyond 20 years for each applicable project. For land acquired under this act at a privately owned public-use airport and where the land is no longer used for airport purposes, the Federal Government shall be reimbursed its prorated share of the value of the acquired land as established at the time it ceases to be used for airport purposes.

(2) No project grant application for airport development may be approved by the Secretary unless the sponsor, a public agency, or the United States or an agency thereof holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or gives assurance satisfactory to the Secretary that good title will be acquired.

(3) No project grant application for airport development may be approved by the Secretary which does not include provisions for (A) land required for the installation of approach light systems; (B) touchdown zone and centerline runway lighting; or (C) high intensity runway lighting, when it is determined by the Secretary that any such item is required for the safe and efficient use of the airport by aircraft, taking into account the type and volume of traffic utilizing the airport.

(4) It is declared to be national policy that airport development projects authorized pursuant to this Act shall provide for the protection and enhancement of the natural resources and the quality of the environment of the Nation. In implementing this policy, the Secretary shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency with regard to any project included in a project grant application involving airport location, a major runway extension, or runway location which may have a significant impact on natural resources including, but not limited to, fish and wildlife, natural, scenic, and recreation assets, water and air quality, and other factors affecting the environment, and shall authorize no such project found to have significant adverse effect unless the Secretary shall render a finding, in writing, following a full and complete review, which shall be a matter of public record, that no feasible and prudent alternative exists and that all reasonable steps have been taken to minimize such adverse effect.

(5)(A) No project grant application for a project involving airport location, a major runway extension, or runway location may be approved unless the Governor of the State in which such project is to be located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

(B) The Secretary shall condition approval of any such project grant application on compliance during construction and operation with applicable air and water quality standards.

(C) State standards.—The Secretary is authorized to approve standards other than standards for safety, established by a State for airport development at public-use airports in such State which are not large commercial service airports, and, upon such approval, such State standards shall be the standards applicable to such airports in lieu of any comparable standard established under subsection (a) of this section. State standards approved under this subsection may be revised from time to time, as the State or the Secretary determines necessary, subject to approval of such revisions by the Secretary.

(D) Acceptance of certification.—The Secretary is authorized in connection with any project to require a certification from a sponsor that such sponsor has complied or will comply with all of the statutory and administrative requirements imposed on such sponsor under this Act in connection with such project. Acceptance by the Secretary of a certification from a sponsor may be rescinded by the Secretary at any time. Nothing in this subsection shall affect or discharge any responsibility or obligation of the Secretary under any other Federal law, including, but not limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 303(c)), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000b), title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 110. UNITED STATES SHARE OF PROJECT COSTS.

General Provision.—The United States share of allowable project costs payable on account of any project contained in an approved project grant application submitted in accordance with this Act shall be 90 percent of the allowable project costs, except that—

(a) Projects at certain large commercial service airports.—In the case of large commercial service airports enplaning 0.25 percent or more of the total number of passengers enplaned annually at all commercial service airports which receive scheduled passenger service of aircraft and which enplane annually 2,500 or more passengers, the United States share of allowable project costs payable on account of any project contained in an approved project grant application shall be 75 per centum of the allowable project costs.

(b) Terminal development.—In the case of terminal development funded in accordance with section 113(b) of this Act, the United States share of allowable project costs shall not exceed 50 percent.

SEC. 111. PROJECT SPONSORSHIP.

(a) Sponsorship.—As a condition precedent to approval of an airport development project contained in a project grant application submitted under this Act, the Secretary shall receive assurances, in writing, satisfactory to the Secretary, that—

(1) the airport to which the project relates will be available for public use on fair and reasonable terms without unjust discrimination, including the requirement that (A) each air carrier using such airport (whether as a tenant, nontenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rates, fees, rentals, and other charges and such nondiscriminatory and substantially comparable rules, regulations,

and conditions as are applicable to all such air carriers which make similar use of such airport and which utilize similar facilities, subject to reasonable classifications such as tenants or nontenants, and combined passenger and cargo flights or all cargo flights, and such classification or status as tenant shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on tenant air carriers, and (B) each fixed-based operator at any airport shall be subject to the same rates, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport utilizing the same or similar facilities, and (C) each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized by the airport or permitted by the airport to serve any air carrier at such airport;

(2) there will be no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical service to the public. For purposes of this paragraph, the providing of services at an airport by a single fix-based operator shall not be construed as an exclusive right if it would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airports;

(3) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions, and any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary;

(4) appropriate action will be taken to assure that the terminal airspace required to protect instrument and visual procedures to the airport, including established minimum flight altitudes, will be adequately cleared and protected by removing, lowering, relocating, marking or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(5) appropriate action, including the adoption of zoning laws has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft and noise incident thereto;

(6) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(7) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control or navigation activities, or whether-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(8) all project accounts and records will be kept and audits made in accordance with a standard system of accounting and auditing prescribed by the Secretary. Annual special airport financial and operations reports as the Secretary may request will be submitted to the Secretary. The airport and all records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request;

(9) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection, except that no part of the Federal share of a project for which a grant is made under this Act or under the Federal Airport Act, the Airport and Airway Development Act of 1970, or the Airport and Airway Development Act of 1982, shall be included in the rate base in establishing fees, rates, and charges for users of that airport;

(10) all revenues, including local taxes on aviation fuel, generated by the airport, if it is a public airport, will be expended for the capital or operating costs of the airport, the local airport system, or other local facilities which are owned or operated by the owner or operator of the airport and directly related to the actual air transportation of passengers or property: Provided, however, that if covenants or assurances in debt obligations issued prior to September 3, 1982, by the owner or operator of the airport, or provisions enacted prior to September 3, 1982, by the owner or operator of the airport in the governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all other revenues generated by the airport shall not apply. Additionally, nothing in this paragraph shall preclude the use of State taxes on aviation fuel to support a State aviation program or preclude use of airport revenue on or off the airport for noise mitigation purposes;

(11) the airport operator or owner that receives a grant for the purchase of land for noise compatibility purposes, which the Secretary has determined should be conditioned on the disposal of the acquired land at fair market value at the earliest practicable time, will make its best efforts to so dispose of such land. Such disposition shall be subject to the retention or reservation of any interest or right therein necessary to ensure that such land is used only for purposes which are compatible with the noise levels associated with the operation of the airport. The proceeds of such disposition shall, at the Secretary's direction, be: (A) refunded to the United States, on a basis proportionate to the United States' share of the cost of acquisition of such land, for use under this act in accordance with funds available under section 105; or (B) reinvested in an approved noise compatibility project as prescribed by the Secretary;

(12) those airport operators or owners that receive a grant under this Act or any previous Act for the purchase of land for airport purposes other than noise compatibility purposes, shall, when the land is no longer needed for airport purposes, dispose of such land at fair market value. Such disposition shall be subject to the retention or reservation of any interest or right therein necessary to ensure that such land is used only for purposes which are compatible with noise levels associated with the operation of the airport. The proceeds of such disposition shall be tendered to the United States on a basis proportionate to the United States share of the cost of acquisition of such land for use in accordance with section 107(a)(4) of this Act for land at large commercial service airports or reliever airports; or for land at other airports, in accordance with section 107(a)(2) of this Act to be used in the State in which the land disposition occurred. The amount of any funds refunded to the United States under this section shall be in addition to the amounts made available to the Secretary under section 105 of this Act and shall not be subject to the apportionment provisions of section 107(a) (1) and (2);

(13) in making a decision to undertake any airport development project under this Act, each sponsor of an airport shall undertake reasonable consultations with affected parties using the airport at which such project is proposed; and

(14) the airport operator or owner will keep up to date at all times an airport layout plan of the airport in a form prescribed by the Secretary. Such airport layout plan and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be in a manner specified by the Secretary. The airport owner or operator will not make or permit any changes or alterations in the airport or in any of its facilities other than in conformity with the airport layout plan as so approved by the Secretary if such changes or alterations might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport. In addition to other remedies under this Act, if the sponsor makes or permits any unapproved change or alteration in the airport or its facilities that, in the judgment of the Secretary, adversely affects the safety, utility, or efficiency of any Federally owned, leased, or funded property of any kind on or off the airport, the sponsor shall, if requested by the Secretary, either eliminate such adverse effect in a manner approved by the Secretary or bear all costs of relocating such Federally owned, leased, or funded property (or replacement thereof) to a site acceptable to the Secretary, and all costs of restoring such Federally owned, leased, or funded property (or replace thereof) to the level of safety, utility, efficiency, and costs of operation existing prior to the unapproved change in the airport or its facilities.

(b) COMPLIANCE.—To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the terms of this Act, as the Secretary considers necessary. Among other steps to insure such compliance, the Secretary is authorized to enter into contracts with public agencies on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, the Secretary is authorized to relieve the sponsor from any contractual obligation entered into under this Act, the Airport and Airway Improvement Act of 1982, the Airport and Airway Development Act of 1970, or the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent the Secretary finds that space no longer required for the purposes set forth in paragraph (7) of subsection (a) of this section.

SEC. 112. GRANT AGREEMENTS.

(a) OFFER AND ACCEPTANCE.—Upon approving a project grant application, the Secretary, on behalf of the United States, shall transmit to the sponsor or sponsors of the project an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this Act and any requirements prescribed by the Secretary thereunder. Each offer shall stipulate the obligations to be assumed by the sponsor or sponsors and shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this Act, for the current fiscal year and, if applicable, funds authorized for the following fiscal year under section 107(a)(1) where the Secretary approves a project grant application for a project in which the full United States' share will not be provided in the first fiscal year. Nothing shall preclude such project from providing only future year funding. However, the obligation of funds for the future fiscal year may consist only of funds to be apportioned to the sponsor pursuant to section 107(a)(1) of this Act and the United States share of allowable project costs shall be based on the category of the airport, as provided for in section 110, for that future fiscal year. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

(b) AIRPORT DEVELOPMENT ALREADY ACCOMPLISHED.—The Secretary may approve a project grant application and make a grant to reimburse a sponsor for airport development already accomplished by the sponsor (including project formulation costs) at a large commercial service or reliever airport, if—

(1) the airport development for which reimbursement is requested will result in a significant enhancement of systemwide capacity and meets the criteria of section 108(c) of this Act;

(2) before the development was begun, the sponsor notified the Secretary of its intent to carry out the development and request reimbursement subsequent to accomplishment of the development; and

(3) before the development was begun, the sponsor provided the Secretary with sufficient information to enable the Secretary to assure that the development would be carried out in accordance with all applicable statutory and administrative requirements imposed on sponsors in connection with projects funded under this Act, including, but not limited to, the National Environmental Policy Act, 42 U.S.C. 4371 et seq.

(c) MAXIMUM OBLIGATION OF THE UNITED STATES.—When an offer is accepted in writing by a sponsor, the amount stated in the offer as the maximum obligation of the United States may not be increased, except that, in the case of any project (other than a project for airport planning), the maximum obligation of the United States may be increased by not more than 15 percent subject to all other limitations of this Act. However, in no case may the amount authorized for a State block grant be increased in accordance with this provision.

(d) GRANT AMENDMENT.—(1) The Secretary may amend a grant agreement to change the workscope of a project authorized under this Act provided the amendment does not result in an increase in the maximum obligation of the United States greater than that allowed in subsection (c) of this section.

(2) Notwithstanding any other provision of law, in the case of grants made under the Airport and Airway Development Act of 1970 the maximum obligation of the United States may be increased by not more than 10 percent, and any such increase may be paid for only from funds recovered by the United States from other grants made under that Act.

(3) Notwithstanding any other provision of law, in the case of grants under the Airport and Airway Improvement Act of 1982, the maximum obligation of the United States may be increased by not more than 10 percent in the case of any project for airport development (other than a project for land acquisition) and may be increased by an amount not to exceed 50 percent of the total increase in allowable project costs attributable to acquisition of land or any interest therein. Any such increase may be paid for only from funds recovered by the United States from other grants made under that act. Nothing in this Act shall preclude the amendment of a grant made under the Airport and Airway Improvement Act of 1982 for airport development or for carrying out a noise compatibility program under section 104(c) of the Aviation Safety and Noise Abatement Act of 1979 which would result in a change in the grant description to include new or additional work, provided such grant amendment meets the provisions of this subparagraph.

SEC. 113. PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—The United States may not pay or be obligated to pay, from amounts appropriated to carry out the provisions of this Act, any portion of a project cost incurred in carrying out a project unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a necessary and direct cost incurred in accomplishing an approved project in conformity with the terms and conditions of the grant agreement entered into in connection with the project, including any costs incurred by a recipient in connection with any audit required by the Secretary;

(2) except as provided in paragraph (b) of section 112, it was incurred subsequent to the execution of the grant agreement with respect to the project, and accomplished after the execution of the agreement. However, the allowable costs of a project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, environmental studies, the acquisition of land or interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project which would not have been incurred otherwise) which were incurred prior to the execution of the grant agreement and subsequent to May 13, 1946.

(3) in the opinion of the Secretary it is reasonable in amount, and if the Secretary determines that a project cost is unreasonable in amount, the Secretary may allow as an allowable project cost only so much of such project as the Secretary determines to be reasonable, except that in no event may the Secretary allow project costs in excess of the definite amount stated in the grant agreement except to the extent authorized by section 112(c); and

(4) it has not been incurred in any project for which Federal assistance has been granted.

(b) TERMINAL DEVELOPMENT.—(1) Notwithstanding any other provision of this Act, upon certification by the sponsor of any commercial service airport that such airport has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 612 of the Federal Aviation Act of 1958 and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning or deplaning from aircraft other than air carrier aircraft, the Secretary may approve, as allowable project costs of a project for airport development as such airport, terminal development (including multimodal terminal development) in nonrevenue-producing public-use areas if such project cost is directly related to the movement of passengers and baggage in air commerce within the boundaries of the airport, including, but not limited to, vehicles for the movement of passengers between terminal facilities or between terminal facilities and aircraft.

(2) not more than the greater of (A) 60 percent or (B) $250,000 of the sums apportioned under section 107(a)(1) of this Act to the sponsor of a large commercial service airport for any fiscal year may be obligated for project costs allowable under paragraph (1) of this subsection. Not more than $250,000 may be obligated from funds apportioned to a State in accordance with paragraph (a)(2) of section 107 at any small commercial service airport in that State for project costs allowable under paragraph (1) of this subsection.

(c) COSTS NOT ALLOWED.—Except as provided in subsection (b) of this section, the following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such of those building or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport; and (3) the cost of decorative landscaping or the provision or installation of sculpture or art works.

SEC. 114. PAYMENTS UNDER GRANT AGREEMENTS.

Payments under a project grant agreement shall be made in accordance with standard Federal payment procedures and in a manner specified by the Secretary.

SEC. 115. PERFORMANCE OF CONSTRUCTION WORK.

(a) REQUIREMENTS.—The construction work on any project for airport development contained in an approved project grant application submitted in accordance with this Act shall be subject to inspection and approval by the Secretary and shall be in accordance with requirements specified by the Secretary, including but not limited to, such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such requirements shall have the effect of altering any contract in connection with any project entered into without actual notice of the requirements.

(b) MINIMUM RATES OF WAGES.—All contracts in excess of $100,000 for work on projects for airport development approved under this Act which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

(c) VETERANS PREFERENCE.—All contracts for work under project grants for airport development approved under this Act which involve labor shall contain such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to veterans of the Vietnam era and disabled veterans. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the emloyment relates. For the purposes of this subsection—

(1) a Vietnam-era veteran is an individual who served on active duty as defined by section 101(21) of title 38 of the United States Code in the Armed Forces for a period of more than 180 consecutive days any part of which occurred during the period beginning August 5, 1964, and ending May 7, 1975, and who was separated from the Armed Forces under honorable conditions; and

(2) a disabled veteran is an individual described in section 2108(2) of title 5 of the United States Code.

SEC. 116. STATE BLOCK GRANTS.

(a) ELIGIBILITY.—

(1) A State may apply to the Secretary to receive a block grant for its share of funds apportioned pursuant to section 107(a)(2) of this Act. The Secretary may authorize such a block grant to such State, pursuant to a written agreement consistent with the terms of this Act, upon finding that—

(A) the State has an agency or organization capable of effectively administering a block grant. The Secretary shall make such determination upon consideration of the resources available to the State's designated agency or organization, in accordance with such requirements as the Secretary may prescribe;

(B) the State has an airport system planning process consistent with such criteria as the Secretary may require;

(C) the State uses a programming process acceptable to the Secretary;

(D) the State has agreed to comply with any administrative or procedural requirements developed by the Secretary to carry out such a block grant in conformance with this Act, any set of standard requriements imposed on all block grant States that the Secretary has determined are necessary to protect the safety and efficiency of the national airport system, any compliance requirements necessary to fulfill the purposes of this Act, and all requirements necessitated by the Secretary's responsibilities and obligations under the statutes listed in section 109(b)(5)(D) of this Act, and

(E) the State has agreed to provide program information as required by the Secretary.

(2) The Secretary may revoke any authorization issued pursuant to paragraph (a) of this section upon finding that the State has not fulfilled the conditions specified in such paragraph, or in administering such a block grant has not complied with the requirements of this Act or any supplemental requirements or conditions issued pursuant thereto. A determination to revoke such an authorization provides the Secretary authority to terminate in whole or in part any outstanding block grant agreement with that State.

(3) With regard to compliance with the statutes listed in section 109(b)(5)(D) of this Act, a State shall comply with the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) and other Federal environmental laws and Executive Orders (as specified in regulations issued by the Secretary). The Secretary, in lieu of the environmental protection procedures otherwise applicable, may under regulations provide for the approval of projects by recipients of assistance under this section who assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary if such projects were undertaken as Federal projects. The Secretary shall issue regulations to carry out this subsection only after consultation with the Council on Environmental Quality.

(b) REQUIREMENT OF NOTICE.—Each State that desires to apply for a block grant in accordance with this section shall notify the Secretary in writing by such time and in a form containing such information as the Secretary may prescribe. During the first fiscal year authorized by this Act, States may request such a block grant at any time during that fiscal year after having met any notice criteria herein required. However, for the second fiscal year, the request to apply for a block grant must be made at least 60 days in advance of that fiscal year.

(c) APPLICATION FOR FUNDS.—

(1) The Secretary may prescribe the form of, and the information to be included in, the block grant application.

(2) Nothing in this subsection shall authorize the submission of a block grant application by any public agency if such submission is prohibited by State law.

(d) NOTICE OF APPLICATION BY RELIEVER AIRPORTS.—A designated reliever airport may apply to both its participating State and to the Secretary, in accordance with section 109, for funds available under this Act, provided that such sponsor has notified its participating State of its application to the Secretary for funds in accordance with section 109 of this Act and notified the Secretary of its application to its participating State.

(e) USE OF BLOCK GRANT FUNDS.—

(1) AIRPORT QUALIFICATION.—Block grant funds may be granted only to a public-use airport which is included in the State's current airport system plan and which is not a large commercial service airport.

(2) PURPOSE FOR WHICH FUNDS ARE AVAILABLE.—The purposes for which funds are available under this section are governed by section 108 (b) of this Act, *provided*,

(A) State may not apply any funds apportioned under section 107(a)(2) to the administrative costs incurred by such State in fulfilling the requirements of this section.

(B) A participating State may apply over the two fiscal years provided for in this Act $100,000, or up to 2.5 percent (whichever is greater), of the amounts provided for in the block grant for use in airport system planning.

(C) Notwithstanding section 110 of this Act, the United States share of a block grant provided to a participating State shall in aggregate be 90 percent of the costs of the projects funded under the block grant.

(f) BLOCK GRANT ADJUSTMENT.—If a participating State enters into a block grant agreement in the first fiscal year authorized by this Act, after the Secretary has already obligated a portion of the funds provided in accordance with section 107(a)(2), the amount of the block grant available for that year shall be reduced by the amount of funds previously obligated. Additionally, if for any reason the Secretary revokes, in accordance with subparagraph (2) of section 116(a) of this Act, authorization for the State to administer the block grant, the unobligated funds shall be available to the Secretary to administer otherwise in accordance with this Act.

(g) PAYMENTS UNDER BLOCK GRANTS.—Payments to a participating State for a block grant shall be made for project costs incurred under the block grant in a manner specified by the Secretary and in accordance with standard Federal payment procedures.

(h) COMPLIANCE.—The Secretary may require periodic reports by participating States and the State shall provide access to all records and materials related to such block grants authorized under this section to allow the Secretary to monitor compliance with the requirements of block grants issued pursuant to this section or any requirements or guidance issued thereto. Should the Secretary determine that a State is not effectively ensuring compliance by an airport sponsor with specified requirements, imposed by the Secretary pursuant to this Act, all judicial and administrative remedies available to the Secretary to use in enforcing compliance of a grant agreement shall be available to the Secretary in enforcing compliance directly by such airport sponsor in the same manner as if a grant agreement had been entered into directly between the Secretary and the sponsor.

(i) Except as otherwise specified by this section, the requirements of sections 109-114 and subsections 115 (a) and (c) of this Act do not apply to funds authorized as a block grant under this section.

SEC. 117. VOLUNTARY WITHDRAWAL FROM ELIGIBILITY

(a) GENERAL.—Any airport sponsor eligible to receive funds under this Act may voluntarily withdraw from such eligibility and upon so doing may no longer receive any grant or block grant funding issued thereunder. Voluntary withdrawal from eligibility under this section does not relieve an airport sponsor from any obligations incurred under prior grant agreements.

(b) REQUIREMENT OF NOTICE.—Each sponsor desiring to withdraw from eligibility in accordance with this section shall notify the Secretary in writing by such time in a form containing such information as the Secretary may prescribe. Once a sponsor has provided written notice that it is withdrawing from eligibility, and an effective date of ineligibility is established, the sponsor shall remain ineligibile for the duration of that fiscal year. During the first fiscal year authorized by this Act, sponsors may withdraw from eligibility at any time during that fiscal year after having met any notice criteria herein required. However, for the second fiscal year, notice of withdrawal must be at least 60 days in advance of that fiscal year and the sponsor will remain ineligible for the entire fiscal year. Sponsors having withdrawn from eligibility under the Act must notify the Secretary in writing in the manner, form, and time required by the Secretary of their intent to request reinstatement of their eligibility under this Act for the second fiscal year.

(c) PRORATION OF APPORTIONMENTS.—During the first fiscal year authorized by this Act, airport sponsors, who would have received apportionment funds in accordance with subparagraph (1) of section 107(a) and who have voluntarily withdrawn from eligibility in accordance with this section, shall have any grants previously issued under this Act reduced, based on the remaining fiscal quarters available in that year, by the quarterly prorated amount of apportionment funds available for that fiscal year. If such a sponsor has not previously been granted all of the apportionment funds it would have been entitled to based on this quarterly proration, the prorated quarterly amount of such apportioned funds which would be available to that sponsor may be granted to that sponsor in accordance with section 112 prior to the effective date of the sponsor's ineligibility. Effective on the date of ineligibility, existing grants under this Act shall be amended to reflect the recalculated maximum United States obligation as a result of such proration of apportionments and no additional funds authorized under this Act may be provided to such a sponsor who has voluntarily withdrawn from eligibility. During the second fiscal year authorized under this Act, there will be no proration of apportionments.

(d) FUNDNG ADJUSTMENT.—Any funds which would have been apportioned to a sponsor in accordance with supparagraph (1) of section 107(a) that has withdrawn from eligibility under this Act, after applying the provision authorized in subsection (c) of this section (if applicable), shall be deducated from the funds available under that section, and shall no longer be available for any purposes of this Act.

(e) PASSENGER FACILITY CHARGE.—Each airport sponsor who has provided notice of withdrawal from eligibility in accordance with paragraph (b) may impose a passenger facility charge on or after the effective date of its ineligibility under this Act. The proceeds from such a passenger facility charge shall be expended only on airport related expenses.

(f) AUTHORITY.—The Secretary is provided the authority to establish any requirements or institute any procedures necessary to implement the provisions of this section.

SEC. 118. USE OF GOVERNMENT-OWNED LANDS.

(a) REQUESTS FOR USE.—Whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for establishing a new public civil airport or for carrying out a project under this Act at a public airport, or for the operation of any public airport the Secretary shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the project in question or owning or controlling the airport. The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

(b) MAKING OF CONVEYANCES.—Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of the determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested conveyance is not inconsistent with the needs of that department or agency, the department or agency head is hereby authorized and directed, with the approval of the Attorney General of the United States, without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that, at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or not used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States.

(c) EXEMPTION OF CERTAIN LANDS.—Unless otherwise specifically provided by law, the provisions of subsections (a) and (b) of this section shall not apply with respect to lands owned or controlled by the United States within any national park, national monument, national recreation area, or similar area under the administration of the National Park Service; within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the United States Fish and Wildlife Service; or within any national forest or Indian reservation.

SEC. 119. FALSE STATEMENTS.

Any officer, agent, or employee of the United States, or any officer, agent, or employee of any public agency, or any person, association, firm, or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this Act;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this Act; or

(3) knowingly makes any false statement or false representation in any report or certification required to be made under this Act;

shall upon conviction thereof, be punished by imprisonment for not to exceed 5 years or by a fine of not to exceed $10,000, or by both.

SEC. 120. GENERAL POWERS.

The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this Act, as the Secretary considers necessary to carry out the provisions of, and to exercise and perform the Secretary's powers and duties, under this Act.

SEC. 121. CIVIL RIGHTS.

The Secretary shall take affirmative action to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from participaing in any activity conducted with funds received from any grant made under this Act. The Secretary shall promulgate such rules as the Secretary deems necessary to carry out the purposes of this section and may enforce this section, and any rules promulgated under this section, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964. The provisions of this section shall be considered to be in addition to and not in lieu of the provisions of title VI of the Civil Rights Act of 1964.

SEC. 122. REPEALS; EFFECTIVE DATE; SAVING PROVISIONS; AND SEPARABILITY.

(a) REPEAL.—Sections 501-522; 527 and 528 of the Airport and Airway Improvement Act of 1982 and Section 31 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1731) are repealed on the date of enactment of this Act.

(b) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(c) SAVING PROVISIONS.—(1) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, grants, rights, and privileges which have been issued, made, granted, or allowed to become effective by the President, the Secretary, or any court of competent jurisdiction or any provision of the Airport and Airway Improvement Act of 1982, the Airport and Airway Development Act of 1970 or the Federal Airport Act which are in effect at the time this Act takes effect, are continued in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary or by any court of competent jurisdiction, or by operation of law.

(2) Notwithstanding any other provision of this Act, amounts apportioned before October 1, 1987, pursuant to section 507(a)(1) of the Airport and Airway Improvement Act of 1982, which have not been obligated by grant agreement before that date, shall remain available for obligation, for the duration of time specified in section 508(a) of that Act, in accordance with the provisions of that Act.

(d) SEPARABILITY.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances is not affected thereby.

SEC. 123. CONTRACTING AUTHORITY.

In the powers granted under section 120 of this Act, the Secretary, in entering into a contract or other agreement with any State or political subdivision thereof for the purpose of permitting such State or subdivision to operate any airport facility within such State or subdivision shall insure that such contract or agreement contain, among others, a provision relieving the United States of any and all liability for the payment of any claim or other obligation arising out of or in connection with acts or omissions of employees of such State, or political subdivision in the operation of any such airport facility.

SEC. 124. EXPLOSIVE DETECTION K-9 TEAMS.

The Secretary may provide for the continuation of the Explosive Detection K-9 Team Training Program for the purposes of detecting explosives at airports and aboard aircraft.

SEC. 125. AMENDMENTS TO INTERNAL REVENUE CODE.

(a) Section 4041(c)(5) of the Internal Revenue Code of 1986 is amended by substituting the phrase "December 31, 1989" for the phrase "December 31, 1987".

(b) Section 4261(e) of the Internal Revenue Code of 1986 is amended by substituting the phrase "Airport and Airway Enhancement Act of 1987" for the phrase "Airport and Airway Development Act of 1970" and for the phrase "Airport and Airway System Improvement Act of 1982".

(c) Section 4261(f) of the Internal Revenue Code of 1986 is amended by substituting the phrase "January 1, 1990" for the phrase "January 1, 1988".

(d) Section 4271(d) of the Internal Revenue Code of 1986 is amended by substituting the phrase "January 1, 1990" for the phrase "January 1, 1988".

(e) Section 9502(b) of the Internal Revenue Code of 1986 is amended by substituting the phrase "January 1, 1990" for the phrase "January 1, 1988" each place it appears.

(f) Section 9502(d)(1) is amended by substituting the phrase "October 1, 1989" for the phrase "October 1, 1987".

(g) Section 9502(d)(1)(A) is amended by adding the phrase "or the provisions of the Airport and Airway Enhancement Act of 1987" immediately after the phrase "(as such Acts were in effect on the date of the enactment of the Surface Transportation Assistance Act of 1982)".

SEC. 126. AVIATION SAFETY AND NOISE ABATEMENT ACT AMENDMENTS.

(a) Section 101(1) of the Aviation Safety and Noise Abatement Act of 1979, 49 U.S.C. App. 2101, is amended by substituting the phrase "Section 103(a)(19) of the Airport and Airway Enhancement Act of 1987" for the phrase "Section 503(17) of the Airport and Airway Improvement Act of 1982".

(b) Section 103(b)(1) of the Aviation Safety and Noise Abatement Act of 1979 is amended by substituting the phrase "Section 105 of the Airport and Airway Enhancement Act of 1987" for the phrase "Section 505 of the Airport and Airway Improvement Act of 1982".

(c) Section 103(b)(1) of the Aviation Safety and Noise Abatement Act of 1979 is further amended by substituting the phrase "as provided for in accordance with Section 110 of the Airport and Airway Enhancement Act of 1987" for the phrase "that percent for which a project for airport development at that airport would be eligible under section 510 of the Airport and Airway Improvement Act of 1982".

(d) Section 104(c)(1) of the Aviation Safety and Noise Abatement Act of 1979 is amended by substituting the phrase "Section 105 of the Airport and Airway Enhancement Act of 1987" for the phrase "Section 505 of the Airport and Airway Improvement Act of 1982".

(e) Section 104(c)(1) of the Aviation Safety and Noise Abatement Act of 1979 is further amended by substituting the phrase "as provided for in accordance with section 110 of the Airport and Airway Enhancement Act of 1987" for the phrase "80 percent of the cost of the project".

(f) Section 104(c)(1) of the Aviation Safety and Noise Abatement Act of 1979 is further amended by striking the last sentence and substituting in lieu thereof the following sentence: "All of the provisions of the Airport and Airway Enhancement Act of 1987 applicable to grants under section 105 of that Act shall be applicable to any grant made under this Act, unless the Secretary determines that any provision of such Act of 1987 is inconsistent with, or unnecessary to carry out, the purposes of this Act".

SEC. 127. AMENDMENT TO THE FEDERAL AVIATION ACT.

(a) Section 1113 of the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1513, is amended by adding the following new subsection:

"(e) The provisions of subsection (a) of this section shall not apply to the imposition of a passenger facility charge (passenger tax, fee, head tax or other charge) by an airport ineligible to receive Federal funds as a result of voluntarily withdrawing from eligibility pursuant to Section 117 of the Airport and Airway Enhancement Act of 1987."

SEC. 128. USE OF FEES OR CHARGES FOR AVIATION SERVICES.

Section 334 of title 49 of the United States Code is hereby repealed.

By Mr. JOHNSTON:

S. 587. A bill to amend the National Historic Preservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENT

● Mr. JOHNSTON. Mr. President, I am introducing legislation today to extend the authorization for the Historic Preservation Fund for 3 additional fiscal years. Without this extension, the funding authorization for the Historic Preservation State Grant Program will expire at the end of fiscal year 1987. While there are sufficient authorized but unappropriated moneys available to keep the program funded at the current level for several years, I think it is important that the authorization for this important program not be allowed to lapse. This measure will give the Congress the opportunity to go on record in support of this Nation's irreplaceable historic and architectural heritage.

Mr. President, the Committee on Energy and Natural Resources recently conducted a hearing on the fiscal year 1987 budget proposal of the Department of the Interior. At that hearing, Secretary Hodel indicated that because of the administration endorsed certain preservation-related changes in the Tax Code several years ago, the Reagan administration "does not have to take a back seat to anybody on the historic preservation." While I certainly agree that the tax credits allowed for certain historic properties are important, that is only part of the story.

For example, these provisions that Secretary Hodel referred to apply only to commercial properties. While such structures are as important to our heritage as any other historic property type, they represent only a small fraction—15 percent—of the properties listed on the National Register of Historic Places. The intent of the National Historic Preservation Act was and is to identify and assist in the preservation of all types of historic properties, so that the fruits of our efforts will be broadly representative of our history.

Second, by consistently proposing zero funding for State historic preservation programs, the administration is eliminating the State staff who do most of the work for the Federal tax incentives program. The proposition that an important national program, requiring adherence to Federal regulations and rehabilitation standards, and involving both Interior and the Internal Revenue Service, should be run by the States on a volunteer basis is simply not credible. Without the active participation of the States, and without the ability to implement consistent national program standards, the program will break down, and important opportunities will be lost.

Mr. President, the programs made possible by the Historic Preservation Fund have been extremely successful and cost-effective. The assistance provided to State historic preservation programs, certified local governments and the national trust is leveraged many times over to carry out the activities called for under the National Historic Preservation Act. Let me share some examples from my own State of Louisiana. In New Orleans, there are several walled cemeteries with all the burial vaults above ground or in the 8-foot-thick-walls. This type of cemetery, and the elaborate monuments crowded within the walls, are unique in the Nation. One such cemetery, Saint Louis Cemetery No. 2, was slated for demolition because its walls were crumbling. A small grant from the Historic Preservation Fund for the stabilization and repair of the wall vaults encouraged the Archdiocese to spend 10 times the grant amount for additional restoration.

In Ascension Parish, the Greek Revival Ashland-Belle Helene Plantation House, one of the largest and best plantation houses on the Mississippi River, was in a state of ruin. In particular, the roof had deteriorated letting water in to heavily damage the interior of the structure. A Historic Preservation Fund grant to the owners to repair the roof saved the house from further damage, and the owners were then able to secure major funds for a complete restoration. The house is now open to the public and a major tourist attraction in south Louisiana.

There are countless other examples all over the Nation, Mr. President, of the tremendous success of this program. Reauthorization of the Historic Preservation Fund will be an important step in ensuring that these successes continue. I look forward to working with my colleagues on this important legislation.

I ask that unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Section 108 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470h), is further amended by striking the phrase "fiscal years 1982 through 1987," and inserting the following: "fiscal years 1982 through 1990,".●

By Mr. HATCH:

S. 588. A bill to designate September 17 of each year as "Constitution Day," and to establish such day as a legal public holiday with certain limitations; to the Committee on the Judiciary.

CONSTITUTION DAY

● Mr. HATCH. Mr. President, during the past decade our Nation has been involved in various national celebrations. Ten years ago we celebrated the bicentennial of the Declaration of Independence. Last year we celebrated the renovation of the Statue of Liberty.

On September 17, 1987, the United States will celebrate the 200th anniversary of the signing of the document which has done to preserve our freedoms than any other product of the people of this Nation—the United States Constitution—Constitution.

This bicentennial celebration provides a rare opportunity for the American people to reflect upon the principles of this document which have nobly governed the Nation and which serve as a beacon for free people throughout the world.

The Constitution is a marvelous work. On the occasion of the Constitution's centennial celebration, former Prime Minister William Gladstone of England remarked:

> I have always regarded that Constitution as the most remarkable work known to men in modern times to have been produced by the human intellect.

Our Constitution is truly remarkable in that it has sustained our system of ordered liberty for 200 years. It has lived through war, deprivation, and difficulty. At a worldwide gathering of modern constitution writers in 1983 it was disclosed that all but 7 of the world's 165 nations have constitutions. Yet only 3 of those 158—France, Nigeria, and the United States—had a constitution predating 1970. Since then Nigeria's, too, has been subverted. By any standard among the nations our Constitution is long lived.

This does not mean, however, that it changes like a chameleon with every passing cloud. Our Constitution is durable not because it evolves but because it contains enduring principles and creates institutions in accord with the realities of human nature. These institutions, particularly Congress, can meet changing circumstances by adjusting our laws, but the foundation—the Constitution—does not wander.

The genius of the Constitution lies in the way it disperses authority amongst various entities of government to prevent any single body from acquiring sufficient power to subvert individual liberties. Thus, the powers of government were dispersed horizontally amongst the three branches of the National Government and vertically between the National and State Government. The Father of the Constitution, James Madison, elaborated on the separate spheres of sovereignty between State and National Governments in the Federalist:

> The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The powers reserved to the several States will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people.

These are but a few examples of the properties that make this a magnificent document.

As we approach the 200th anniversary of our charter of liberty, it is appropriate to ask: "How familiar are Americans with the formation and principles of the Constitution?"

Richard B. Morris, professor of history emeritus at Columbia University answered this question when he appeared before the Senate Subcommittee on the Constitution during the 97th Congress.

> Granted the Constitution's central place in American political life, it is hardly disputable that the public's understanding of the Constitution is at a low ebb, and that young people completing high school take with them an abysmal sum of ignorance about the constitutional system of this Nation. * * * We are not * * * effectively teaching the Constitution in our schools.

The bicentennial celebration offers the Nation an opportunity to reflect on this unfamiliarity and correct this educational dilemma. Thomas Jefferson once wrote that:

> If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.

As the date of celebration draws near, the principles of the Constitution are becoming the topic of serious discussion and debate. This lively constitutional debate has a very good side effect. It stimulates interest in reexamining our founding principles. In the long run, the vision of the framers is only as strong as the people who carry the torch today. This debate gives us a chance to reevaluate and reinforce our commitment to the Constitution.

Just as a great debate gave birth to the Constitution, a great debate today can reinforce our freedoms.

The protection of our cherished constitutional rights depends on our will to fulfill our constitutional responsibilities. Three responsibilities come to mind:

First, all Americans need to learn the contents of the Constitution. It is a tragedy how little Americans know about the source of their freedoms. The Constitution is only a few hundred words long, about 2,800 to give a general estimate. Most Americans could read it several times in a single afternoon. Yet few have read it even once.

Second, we have a responsibility to educate others concerning the Constitution. We need to become ambassadors for a free republic. If every person within the sound of my voice made the effort to grasp the genius of the Constitution and then conveyed that understanding to one another, and that other convinced still another, and so forth; it would not be long until we would enjoy the benefits of a new American revolution.

Just as the first revolution was fought by the colonists to recover their rights as English citizens, so this new revolution would restore the full understanding and rights of the Constitution.

Finally, this new revolution, like the War of Independence, will require action. We have responsibilities to vote, to serve on juries, to attend pubic meetings, to volunteer to serve in our communities, to participate by our actions in the bicentennial of our Constitution.

The Constitution must become more than just a subject of scholarly debate. Its future depends upon the level of understanding of the American people and their willingness to uphold it in the tradition of the framers. It needs to become an integral part of life in every community.

Already, under the direction of the Commission on the Bicentennial of the United States Constitution, a number of projects are underway to help incease the public's understanding of the Constitution. These range from the dissemination of pocket size copies of the Constitution to the national bicentennial competition on the Constitution and the Bill of Rights to the "We the People" public service announcements on television.

In addition to these and the numerous other events and projects sponsored at national, State, and local levels, there is another way in which Americans of all ages can become more familiar with the Constitution. That is to set aside 1 day each year to reflect upon the Constitution.

Today I am reintroducing a bill that I introduced last April to designate September 17 of each year as "Constitution Day" and to establish such a day as a legal public holiday with a certain limitation.

The limitation is that while "Constitution Day" would be a national holiday, Federal workers would not be exempt from work. In other words, September 17 of each year would be a unique national holiday because Federal offices would not be closed.

However, public and private schools, along with the media, would be free to focus upon the importance of the Constitution and the contribution of the framers. Since Federal offices would not be closed on September 17, there would be no cost involved.

Just as we honor the drafting and signing of the Declaration of Independence on July 4 of each year, I believe it is fitting that we honor the Constitution and those who drafted it. After all, it is this charter which has provided this Nation with unparalleled freedom. As we reinvigorate our dedication to its principles, it will promise us another 200 years of freedom.

I urge my distinguished colleagues in the Senate and the House of Representatives to support this bill.●

By Mr. HATCH (for himself and Mr. THURMOND):

S. 589. A bill to provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the U.S. Constitution; to the Committee on the Judiciary.

CONSTITUTIONAL CONVENTION PROCEDURES

● Mr. HATCH. Mr. President, I am pleased to introduce today the Constitutional Convention Implementation Act of 1987. This important proposal was approved by the full Judiciary Committee in both the 98th and 99th Congresses.

Article V of the U.S. Constitution provides that constitutional amendments may be proposed in either of two ways. The first—the means by which every successful amendment to the Constitution has been proposed—requires the agreement of two-thirds of each House of Congress. The second requires the agreement of a convention called by Congress in response to the applications of two-thirds of the State legislatures. Ratification of amendments proposed through either method is to be done either by the legislatures, or by conventions, in three-fourths of the States, depending upon the determination of Congress.

Largely as a result of the fact that the convention method of constitutional revision has never been successfully employed, there are substantial questions that relate to it:

What constitutes a valid application to the Congress?

What procedures must a State follow in submitting an application?

Must the precise language of the proposed amendment be included within the application?

How similar must the language be in applications of various States in order to allow them to be aggregated?

How long does an application remain valid? May such applications be rescinded by the States?

What is the extent of congressional power to review applications? What is the extent of congressional power to restrict the deliberations of the convention?

What is the extent of State power to restrict the deliberations of the convention?

How is the convention to be organized? How are the States to be represented at the convention?

May Congress refuse to submit the product of a convention to the States for ratification?

How are constitutional convention-proposed amendments to be ratified by the States?

With respect to most of these questions, there is very little constitutional guidance. The relevant language of article V states simply:

The Congress "on the application of the legislature of two-thirds of the several States, shall call a convention for proposing amendments."

Nor are there useful precedents in view of the fact that there has never been a constitutional convention under article V. Each of the questions involved in this, the alternative means of amending the Constitution, is therefore a threshold question.

OBJECTIVES OF ACT

Article I, section 8, clause 18 of the Constitution invests authority in Congress to:

Make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States.

This provision clearly authorizes the Congress to pass legislation that would give effect to the convention method of constitutional alteration. This would be a direct function of its article V authority to "call" a convention pursuant to applications of two-thirds of the States.

I am introducing legislation, the Constitutional Convention Implementation Act, which would fill in the interstices of article V. It is similar to legislation which I have introduced during the previous four Congresses, and which was unanimously approved by the Subcommittee on the Constitution during the 97th Congress. It is particularly important that this body act on this, or similar legislation, in view of the fact that at least 32 State legislatures have already purported to submit applications to Congress for the convening of a constitution convention on the subject of a balanced budget amendment. I would only hope that this act, however, could be considered separately from the merits of this or any other specific amendment effort.

The Constitutional Convention Implementation Act is designed to establish what are basically neutral procedures to guide the conduct of constitutional conventions generally. While the imminence of a convention on the matter of a balanced budget has clearly created the urgency for this legislation, the act is designed neither to facilitate nor obstruct the eventual achievement of a balanced budget amendment, or any other constitutional amendment. The purpose of this legislation is primarily to insure that Congress has clear standards and criteria by which to judge convention applications before it, and that any convention that takes place under article V is conducted in an orderly and nonchaotic manner.

One must look to the policy underlying the establishment of the convention form of amendment in order to construct an appropriate procedures bill. Even a cursory analysis of the original Constitutional Convention—convened under the auspices of the Articles of Confederation—makes clear that the final provisions of article V resulted from a compromise between those delegates who sought to invest proposal authority solely in Congress and those who sought to invest it solely in the State legislature. The two modes of initiating amendments were viewed as essentially equivalent alternatives, each of which was to serve as a check upon the intransigence of either the National Legislature or the State legislature in the matter of proposing constitutional revision.

In view of this fundamental purpose, I believe that legislation giving effect to the convention method of amendment should be such that resort to its use will not render the Constitution "too mutable" (the Federalist No. 43) while at the same time insuring that it will not be rendered null and void because it remains too cumbersome a method. The amendment process should never be one that can be successfully employed with great ease, yet neither should it be a process totally incapable of being used to alter the Constitution. The requirement that State convention applications relate to the same general subject or subjects serves to insure the existence of some real consensus among the States with respect to the need for constitutional revision in some relatively circumscribed area.

PROVISIONS OF ACT

I would like to briefly discuss the provisions of this act and explain their justification. I should add at the outset my debt to the efforts of our former colleague, Senator Sam Ervin. While my bill differs in a number of respects from legislation that Senator Ervin successfully shepherded through the Senate in 1971 and 1973, its basic structure is closely related to that measure. That legislation was approved unanimously on one occasion by this body, and by a voice vote on the other occasion.

Section I of my bill states that its short title is the "Constitutional Convention Implementation Act of 1983."

CONVENTION APPLICATIONS

Section 2 specifies the manner in which States are to make applications for a constitutional convention. It states simply that the legislature shall specify within its application for a convention, the "general subject" of the amendment or amendments to be proposed. The objective of this standard is to insure that two-thirds of the States have a sufficiently similar purpose to warrant the aggregation of their applications.

The purpose of the application process is to determine that there exists some form of consensus among the States on the matter of a relatively well-defined area of amendment. This consensus cannot fairly be said to be in evidence if aggregation is to be permitted of applications that are, at best, only incidentally related.

On the other hand, it cannot be reasonably expected that identical, or even nearly identical, language be employed in petitions that ought to be aggregated. Such a requirement is highly unrealistic with respect to 50 diverse State legislative bodies; the imposition of such a rigid rule would effectively render the alternative method of amendment provided in article V useless. Further, to the extent that a petition was required to be precise, either with respect to the specific amendment sought, or the specific language sought, there would be little use for the convention itself. To limit the convention to the consideration of a single, meticulously worded amendment is to make the convention a farce. In order for the convention to be a meaningful part of the article V process, it must have some leeway within which to exercise its legitimate discretion.

LIMITED CONVENTIONS

That this discretion, however, is not without its limits is the subject of section 2(b), and, indeed, is the basic theme of the Constitutional Convention Implementation Act. This section states that the procedures provided in the act are to be followed only in the case applications for what are commonly referred to as "limited" conventions. Such conventions are defined for the purposes of this act as conventions designed to consider one or more specific predefined areas of amendment to the Constitution of the United States. Implicit in this section is the recognition that the States may call for the convening of either limited or general conventions; it is, however, simply with respect to the former that the terms of this act apply.

A general convention would be one in which the States petitioned for a convention, not with any specific or limited purposes in mind, but for the purpose of making whatever revisions were deemed necessary or desirable by the convention itself. It is this sort of convention that poses such great concerns to most observers, including myself. I am far from confident that a contemporary general convention could do much to improve upon the work of Madison, Hamilton, and Mason. While there is no way that Congress, through passage of a simple statute, could preclude the States from requesting a general convention—this is their right under article V—neither is Congress precluded from clarifying that the States are fully within their rights in seeking a limited convention.

There is academic dispute as to the possibilities of a limited constitutional convention. Prof. Charles Black of the Yale Law School, for example, believes that the constitutional convention is a free agent, sovereign and without limitations. According to this theory, the convention represents the premier assembly of the people, and is therefore supreme to all other Government branches and agencies. It cannot be limited in the scope of its deliberations, whatever the limited nature of the grievances that brought the convention into being.

I would disagree with this interpretation. The constitutional convention, while clearly a unique and separate element of the Government—a temporary new branch of the Government—a new branch of the Government, so to speak—is subject to the same limitations and checks and balances as the other, permanent branches of the Government. A constitutional conventions, as its name clearly implies, is a constitutional entity; it is appointed under the terms of the Constitution and subject to all of the express and implied limitations imposed by that document. As observed by Professor Jameson in his classic work on constitutional conventions:

> The convention's principal features is that it is subaltern—it is evoked by the side and at the call of a Government preexisting and intended to survive it, for the purpose of administering to its special needs. It never supplants the existing organization. It never governs. Though called to look into and recommend improvement in the fundamental laws, it enacts neither them nor the statute laws; and it performs no act of administration.

The Federal constitutional convention is an instrument of the Government, and acts properly only when it acts in conformity to its authorized powers.

There is nothing in the language of article V to suggest that the convention method of amendment cannot be limited to a single area of amendment. The symmetry between the competing processes of constitutional amendment is emphasized by Madison in the Federalist No. 43 in discussing the objectives of article V:

> That useful alterations will be suggested by experience, could not be foreseen. It was requisite therefore that a mode for introducing them should be provided. The mode preferred by the convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution too mutable; and that extreme difficulty which might perpetuate its discovered faults. It moreover equally enables the general and the State governments to originate the amendment of errors as they may be pointed out by the experience on one side or on the other.

It was clearly contemplated that the article V primarily anticipated specific amendment or amendments, rather than general revisions, and that no distinction was to be drawn between the competing methods of amendment in this respect.

To enable Congress to propose specific constitutional amendments while allowing the States only to propose general constitutional revision is to confer markedly unequal powers of amendment upon these governments, an intention contradicted by the unanimous weight of documentary evidence. If the States are to have no ability to control the actions of a convention in the form of their convention applications, then there will be strong disincentives for them to seek such conventions In the absence of broad-based dissatisfaction with the existing constitutional system, why should they want to risk the possibility of a convention acting beyond the scope of their application? Why, in seeking to originate the "amendment of errors" described by Madison should the States have to risk total revision of the constitutional system?

It is anomalous that in seeking to correct what might be a narrow defect in the system that the States should have to place the entire system in jeopardy. What better means could there be to perpetuate the discovered faults of the system? What better means could there be to place the convention system of amendment in an unequivalent position to the congressional system of amendment? What better means could there be to completely discourage any and all resort to the convention means of constitutional amendment?

As Prof. William Van Alstyne has remarked:

> I find it perfectly remarkable that some have argued for a construction of article V which not only limits the power of State legislatures to have a convention, but would limit that power to its least expected, least appropriate, most difficult (and yet most dangerous) use.

It is the States, not Congress, that ought to properly have the ability to limit the scope of the convention, through their convention applications. While Congress, under section 6 of the Constitutional Implementation Act, is empowered to specify in its call for the convention the scope of permissible deliberations, it is performing basically an administrative, nondiscretionary function in doing so; it is simply translating the State applications into formal convention call.

APPLICATION PROCEDURES

Section 3(a) of the act specified that the procedures to be followed in making a convention application are those adopted by the States themselves. Although a State is free to adopt procedures uniquely applicable to the convention application process—as the State of Illinois, for example, has done with respect to the amendment ratification process—it is anticipated that most States will follow procedures that govern the adoption of simple statutes or resolutions.

Section 3(b) provides further that questions concerning the extent to which States have acted in compliance with their own rules of procedure are also to be determined by the State legislatures themselves. While recognizing that, in pursuit of their authority under article V, the States are acting in quasi-Federal capacity rather than in a purely State role, *Leser* v. *Garnett* (258 U.S. 130, 137 (1922)), it would nevertheless be incongrous for anybody to determine whether or not there has been procedural regularity in a State legislative action other than the legislature itself.

In *Field* v. *Clark* (143 U.S. 649 (1882)), the Supreme Court held that the procedural requirements of the legislative process were presumed to have been satisfied when legislation was formally certified by the appropriate legislative officers. Rather than intruding Congress or the courts into these matters, there is no reason why this traditional rule ought not continue to apply with respect to convention application actions. There is no compelling reason why article V should require sacrifice by State legislatures of their inherent right to regulate their own proceedings.

Whatever the procedures in the State legislatures, such actions are to be considered valid without the assent of the Governor of the State. Thus, the term "legislatures" in article V is treated in the same manner, for the purposes of convention applications, as it has traditionally been treated for the purposes of amendment artification, *Hollingworth* v. *Virginia* (3 Dall. 376 (1878)); *Hawke* v. *Smith* (253 U.S. 221 (1920)).

TRANSMISSION OF APPLICATIONS

Section 4 of the act specifies the means by which the States are to transmit their applications for a convention to Congress. Section 4(a) states that, within 30 days of the adoption by a State of an application, the appropriate official is to transmit copies to the President of the Senate and the Speaker of the House of Representatives.

Section 4(b) directs the States to include within their applications: The title of the resolution, the date of adoption, and an official certification. In addition, States are encouraged, but not required, to list in the application other pending State applications which are felt to relate to substantially the same subject. While such a listing is not to be considered conclusive with respect to Congress, it is nevertheless considered that such a listing will be useful to Congress in carrying out its responsibilities in aggregating applications.

Section 4(c) requires each House to establish a public record of each State application, and to notify each State legislature of the fact of each application. Through internal procedures to be determined by each House, Congress would be charged with making an initial decision on whether or not to aggregate applications within the 10-day period following each new application. The criteria would be whether or not the applications referenced the same "general subject or subjects."

These initial decisions, however, would not be binding. Under article V, Congress would not be compelled to make its final decision on aggregation of applications until that point at which it was required to make a decision with respect to an actual convention call. The requirement of an ongoing effort at determining the aggregation question is designed primarily to limit opportunities for political manipulation at this point of the application process, as well as to allow States which are not aggregated in what they consider the proper manner to amend their convention applications.

As observed earlier, it is the objective of the "same general subject or subjects" standard to insure to existence of some real consensus among the States with respect to the need for constitutional revision in some relatively circumscribed area. At the same time, in order not to interfere with the legitimate freedom of action of a convention, there ought not to be the requirement of extreme precision, either in the text or the subject-matter. The language contained in the bill is designed to draw some rough balance between these considerations.

In order to insure that the consensus for a constitutional amendment remains a relatively contemporaneous one, *Dillion* v. *Gloss,* (256 U.S. 368 (1921)), section 5(a) states that an application shall be effective for no longer than a 7-year period, with shorter effective periods contained within the body of an application to be respected. The court in Dillon stated that:

> Proposal and ratification are not related as unrelated acts but as succeeding steps in a single endeavor, the natural inference being that they are not to be widely separated in time . . . We do not find anything in article V which suggests that an amendment once proposed is to be open for ratification for all time, or that ratification in some of the states may be separated from that in others by many years and yet be effective.

Similarly, State convention applications and the calling of a constitutional convention are not unrelated acts, but necessary, succeeding steps in a single endeavor. There should be a reasonable relationship in time, between these actions, *Coleman.* v. *Miller,* (307 U.S. 433 (1938)). There is the same need to avoid staleness of applications to Congress as there is to avoid staleness of amendment proposals to the States.

In view of the fact that every amendment proposed by Congress, except one, since the 18th amendment, has contained a 7-year time limitation, either in the body or in the enacting clause, it has been decided to use this same period for determining effectiveness of applications.

Language has also been included in this section which maintains the effectiveness, for minimum of 2 years, of those applications which have been submitted to Congress within the previous 14-year period, notwithstanding the expiration of the regular 7-year period. This provision is designed to insure that those applications, submitted in recent years which have not had the statutory guidance of procedures legislation, are kept temporarily effective for a short transitional period.

Section 5(b) authorizes States to withdraw their applications at any time prior to the time that there are a sufficient number of valid applications before Congress to enable it to call a convention. There would seem to be no valid policy reason for denying them this right. Indeed, in order to insure that the amendment process reflects the notion of contemporaneous consensus, it is vital that the States should not be dragooned unwillingly into an artificial consensus because of an inability to rethink earlier application decisions.

CALLING OF THE CONVENTION

Section 6 of the Constitutional Convention Implementation Act relates to the actual calling by Congress of the convention. It provides that, upon receipt in each House of that application putting two-thirds of the States in agreement on the need for some particular amendment or amendments, it is the duty of that House to call for convening of a Federal constitutional convention on the general subject or subjects. Congress is to designate the time and place of the meeting of the convention, and set forth the general subject of the amendment or amendments for consideration. The convention is to be convened not later than 8 months following the adoption by Congress of its resolutions.

Despite some misconceptions on this point, it is obligatory that Congress call a convention upon the receipt of valid applications by two-thirds of the

States. Alexander Hamilton observed in the Federalist No. 85 that—

> The national rulers, whenever nine states concur, will have no option upon the subject. By the fifth article of the plan, the Congress will be obliged "on the application of the legislatures of two-thirds of the states to call a convention for proposing amendments" . . . the words of this article are peremptory. The Congress "shall call a convention." Nothing in this particular is left to the discretion of that body.

James Madison, in a 1789 letter, remarked further—

> It is to be observed however that the question concerning a general convention will not belong to the Federal legislature. If two-thirds of the States apply for one, Congress cannot refuse to call it.

CONVENTION DELEGATES

Section 7 relates to the selection of delegates to the constitutional convention. The language is taken nearly verbatim from article II, section 1, paragraph 2 of the Constitution concerning the selection of Presidential electors. The great compromise between the larger and the smaller States is carried over into the selection of convention delegates with each State being entitled to that number of delegates equal to the combined number of its Senators and Representatives in Congress. The States are given a free hand in selecting their delegates in whatever (constitutional) manner they deem appropriate.

If the experience of the electoral college is at all relevent—and I believe that it is—each of the States will no doubt introduce some means of popular election for the delegate positions. I would be personally opposed to any other manner of selection, although I do not believe that it is the business of this body to specify particular procedures for the States.

While there are those who would prefer to see a delegate selection system more precisely based upon population, I see no reason not to extend smaller States that slight disproportionate influence in the proposal of amendments through the convention system that they currently enjoy in the proposal of amendments through the congressional system. The apportionment procedures in section 7 is the method of delegate selection that most closely conforms to the basis for congressional representation and which would most closely aline the alternative systems of proposing amendments.

Section 7 also excludes Members of Congress, the very embodiment of the national influence, from serving as convention delegates and confers the same immunity from arrest upon convention delegates, for the duration of the convention, that article I, section 6 of the Constitution confers upon Member of Congress.

CONVENING OF CONVENTION

Section 8 directs each delegate to the convention to subscribe to an oath by which he commits himself, during the conduct of the convention, to comply with the Constitution of the United States.

Administering the oath of office to the delegates would be the senior chief judge of the highest courts of the States. Rather than having the Vice President, or Chief Justice of the United States, fill this function, it is my belief that what is basically a State convention should remain that and not run any unnecessary risks, however remote, of being influenced by national officials. I emphasize again the basic purpose of including the convention method of amendment in article V—the need for the States to be able to amend the Constitution in the face of an intransigent national Government.

CONVENTION PROCEDURES

Section 8 states that the convention itself is to have responsibility for drawing up its own rules of procedures, rather than Congress, except that there is to be no unit-rule voting procedures. No Federal funds may be appropriated specifically for the payment of the expenses of the convention, except that the Administrator of the General Services Administration is authorized to provide facilities for the convention, and incur whatever incidental expenses are necessarily related to this provision of facilities. At the request of the convention, the Federal Government is also permitted to provide sundry technical information and assistance to the convention.

Section 9 provides that the convention is to maintain a daily verbatim record of the proceedings, analogous to the CONGRESSIONAL RECORD. All records of official proceedings are to be transmitted by the convention to the National Archives within 30 days following termination of the proceedings of the convention. This section also requires the termination of the Convention within 6 months of its convening unless Congress agrees to extend it at the Convention's request.

Section 10 again underscores that premise of this act that a limited convention may properly be called. It restates what is already implicit in the act that the convention called under its terms may not propose amendments of a general subject different from that stated in the convention's charter—the resolution approved by Congress. The convention exercises no legitimate governmental authority beyond that granted by the States through Congress. The convention thus is morally obliged to limit its considerations to the subjects set forth in the State applications; I believe further that it is appropriate for Congress to establish a legal obligation to this same effect.

SUBMISSION OF AMENDMENTS TO STATES

Section 11 concerns the procedures through which the convention product is submitted to the States for ratification. Within 30 days after the completion of the convention, its presiding officer is to transmit the exact text of any proposed amendments to Congress. The officers of each House, within 30 more days of continuous session, are to transmit the amendments to the General Services Administration who, in turn, is to submit the amendments to the States. The amendments are to be accompanied by a congressional resolution specifying, pursuant to article V, the mode of ratification—whether it is to be ratified by the State legislatures or by special ratifying coventions within each of the States.

Congress may refuse to transmit an amendment and resolution to the States only if it makes the determination that the admendment relates to or includes a general subject which differs from, or was not included as one of the general subjects within the scope of the convention's authority. The objective is to provide some remedy for a failure by the convention to honor the limitations on its authority to propose amendments to the Constitution. Congress has no power whatsoever to refuse to submit an amendment because of disagreement with its substantive merits. Nor is it empowered to refuse to submit an amendment because of what it perceives as procedural irregularities in the proceedings of the convention. Convention procedure is not within the ambit of congressional concern; checks upon procedural abuse must come from the States themselves in the form of the ratification process. Because this check also exists with respect to conventions acting in an ultra vires manner, it is hoped that Congress will resolve any doubts as to whether or not the convention acted within the scope of its authority in favor of an affirmative finding.

RATIFICATION OF AMENDMENTS

Section 12 of the act, borrowing language directly from article V, states simply that amendments proposed by "limited" constitutional conventions are to become part of the Constitution when ratified in accordance with the terms of article V—by three-forths of the States in a timely and proper manner. Certified copies of the ratification documents are to be forwarded by the States to the General Services Administration, although the ratification itself becomes effective once action is completed within the State legislature, *Dillion* v. *Gloss*, (256 U.S. 368, 376 D(1921)).

Section 13 expressly holds that the States are free to reconsider and reverse their ratification decisions, at least until that point at which an amendment has been ratified by three-fourths of the States. Thus, any State may ratify a proposed amendment after having previously rejected it, or may rescind an earlier ratification of a proposed amendment. It is again my view that the most reliable determination of the existence—or lack thereof—of a contemporaneous consensus can be made if the States are free to reconsider and rethink their ratification decisions until that point at which three-fourths of the States are in agreement in support of amendment, or until that point that a reasonable period of time has passed for ratification. My views on the matter of rescission of ratifications are discussed at far greater length in the CONGRESSIONAL RECORD of October 4, 1978, at pages S17043-S17045.

Section 14 imposes upon the General Services Administration the duty to proclaim the final ratification of an amendment once it is in receipt of certifications of ratification from three-fourths of the States. As section 16 clarifies, however, this is an administrative duty of a symbolic nature, not one with an impact upon the actual effectiveness of an amendment. Under article V—and section 16—the amendment becomes part of the Constitution at the moment the final State has ratified, or on any date specified in the body of the amendment itself.

JUDICIAL REVIEW

Finally, section 15 relates to the role of the judicial branch in the constitutional convention process. It establishes two express situations in which an allegedly aggrieved State may bring a direct action in the Supreme Court, pursuant to article III, section 2 of the Constitution. The first involves cases in which a State disputes any determination or finding by Congress, or the failure of Congress to make a determination or finding, with respect to its section 6 responsibilities. Section 6 requires Congress to "call" a convention upon determining the existence of valid applications for such a convention from two-thirds of the States.

The second situation involves cases in which Congress actions, with respect to its section 11 responsibilities, are questioned. Section 11 requires Congress to submit amendments proposed by the convention to the States unless it determines that the convention acted on subject matter outside the purview of its authority.

Section 15(c) expressly states that these two actions may not be inclusive with respect to the right to a Supreme Court hearing, and that nothing in the act is otherwise provided by the Constitution or any other law of the United States. Section 15 further requires suit to be brought within 60 days of a claim against the Secretary of the Senate, the Clerk of the House, the General Services Administrator, or any other party as may be necessary to afford the relief sought.

Thus, the act would reject that version of the so-called "political questions" doctrine that suggests that all interpretative matters deriving from article V are to be resolved by Congress solely at its discretion. I find it ironic that so many individuals who have been so sympathetic to the advance of judicial activism in recent years are also those who would deny the Federal courts, particularly the Supreme Court, their constitutional obligation to interpret the plain language of that document. My views on the political questions doctrine are explained more thoroughly in the CONGRESSIONAL RECORD of October 4, 1978, at pages S17044-5.

CONCLUSION

Mr. President, the convention method of constitutional amendment has been defended and described as an essential component of our Constitution by such statesmen as James Madison, Alexander Hamilton, George Washington, Benjamin Franklin, and Abraham Lincoln. While no amendment has ever been ratified that has been proposed through this method, it has nevertheless exerted its influence in indirect ways. The 17th amendment to the Constitution, for example—providing for the direct election of U.S. Senators—was proposed by Congress in 1912 in response to an effort in the States to call a convention on this subject. Other convention efforts on such matters as Federal tax limitation and State legislative apportionment have also evoked a significant congressional response. It is clear, too, that the present balanced budget movement is having an impact upon national public policy.

It is necessary in order to insure some measure of symmetry in the alternative amendment processes under article V to establish clearcut procedures for resort to the convention method. While the absence of legislation such as the Constitutional Convention Implementation Act will not preclude the States from exercising their right to call a convention, it will insure that the amendment process will become bogged down in constant litigation, partisan political decisions, and constitutional uncertainty. The effect on this can only be to undermine the integrity of our constitutional system. In the process, also, we will erode one of the basic institutions for preserving some semblance of balance between the national and the State governments. As observed by Alexander Hamilton:

> The most powerful obstacle to the members of Congress betraying the interest of their constituents is the State legislatures themselves, who will be standing bodies of observation, possessing the confidence of the people, jealous of Federal encroachments, and armed with every power to check the first essays at treachery.

While there is not one who respects more than I do the achievement of the Founding Fathers, nor anyone who would place a greater burden of proof upon those who propose to alter the Constitution, I would nevertheless agree with Prof. Malcolm Eiselen who stated:

> To assume, as many apparently do, that a second convention could alter the Constitution only for the worse . . . is an unwarrantable libel upon the creative statesmanship and political sagacity of the American people.

The purpose of the Constitutional Convention Implementation Act is to prevent both Congress and the constitutional convention from acting outside the scope of each of their proper authority. It is designed to insure that the States, in the event that Congress remains intransigent with respect to some issue of constitutional controversy, are able to circumvent Congress and act on thier own to remedy such a situation. It is designed also to insure that the States—and Congress—are not forced to surrender totally their sovereignty to the convention. It is designed to insure that the same matrix of constitutional checks and balances is applicable to the constitutional convention as to the other permanent institutions within our governmental system.

There can be no runaway convention unless, ultimately, the dissatisfaction of the people are so broad and pervasive that it is a runaway convention that they expressly desire. The best way that Congress can work to insure that this never becomes the case is to allow the people and the States to work their will under established procedures when their grievances are more narrow and more limited, rather than allowing them to fester as a result of contrived procedural irregularities. It is occasionally sobering to some of my colleagues, yet it is true, that ultimately it is the citizenry, not Congress, that is the responsible party in our political system.●

By Mr. GRAMM:

S. 590. A bill to authorize negotiation of a North American free trade area, to promote free trade, and for other purposes; to the Committee on Finance.

AMERICAN TRADE, GROWTH, AND EMPLOYMENT PROMOTION ACT

Mr. GRAMM. Mr. President, if ever an idea were bereft of intellectual merit and held in well-reasoned disdain by the full spectrum of informed opinion, it is the idea of protectionism. Since the publication of "The Wealth of Nations" in 1776, all serious economists have recognized protectionism as a certain formula for reducing a nation's standard of living.

The drive for protectionism, however, does not flow from economic wisdom but from political greed. An axis of inefficient businesses and security seeking labor unions collude with special interest politicians against consumers, workers, the American economy and the public interest.

Protectionists, it should be noted, do not even try to present an economic argument that their program will raise the standard of living in the United States and increase our gross national product; people advancing such a view would be justly ridiculed. In the new war against trade, the special interests have based their compaign on a false appeal to nationalism and a fraudulent exhortation to save our jobs. Both these appeals are based on misinformation and outright distortion of the facts.

Though special interests may numbingly repeat the claim that the U.S. trade deficit has caused the loss of millions of jobs to Japan and the European Community, the key thesis of the protectionists of the 1980's collapes under examination. The facts are these:

While our trade deficits have nearly quadrupled since 1982, the United States created 11.2 million new jobs in the last 4 years, more than Europe and Japan combined in the past decade.

Unemployment in the United States has declined by 28 percent in the past 4 years, while the unemployment rate in Japan has risen by 17 percent and the unemployment rate in the European Community has risen by over 20 percent.

There has not been a loss of U.S. manufacturing jobs. Between 1982 and 1986, as the trade deficit increased, the United States gained 406,000 jobs in manufacturing.

The suggestion that we have lost high wage manufacturing jobs while gaining low wage jobs is also false. Not only have we increased the number of jobs in manufacturing, but real wages in manufacturing, which declined by 7 percent from 1977 to 1981, increased by 6 percent from 1982 to 1986.

And the notion of the deindustrialization of America is sheer myth. The manufacturing sector has not shrunk; it has grown with the economy, holding stable at just over a fifth of gross national product for decades. Furthermore, in the current expansion, manufacturers have increased their productivity at over four times the rate of nonmanufacturing businesses.

In short, while the trade deficit has soared, the United States has created jobs 3 times as fast as Japan and 20 times as fast as Germany, though both nations have huge trade surpluses with the United States. Our industrial sector is strong, manufacturing employment is growing and real wages are rising.

The incendiary suggestion that world trade has cost us jobs or growth or prosperity is an utter fraud. The fact is that record United States job creation has been underwritten by a huge influx of investment capital from Europe and Japan. This capital inflow, which greenlined our economy, is the direct benefit to us from world trade. It has made possible the longest and strongest economic expansion we have experienced in the postwar period, despite the destructive Federal budget deficits which in the absence of world trade would have crushed the recovery.

The most basic principle of international economics is that of comparative advantage, whereby countries mutually benefit through trade; and a look at the record shows that in the global economy America is a resounding winner. Yet consider the reaction to two news items. First item: Honda constructs an auto plant in the United States and hires thousands of American workers. Reaction: Critics object that the Japanese are taking over the United States economy and that America is the loser. Next news item: Apple Computer constructs an electronics plant in Singapore and hires hundreds of overseas workers. Reaction: Critics object that Apple is shipping U.S. jobs overseas and that America is the loser. Yet these two events are mirror images of one another; obviously, they cannot both be bad news for the United States.

The reality of the world is that there is but a single, highly integrated global economy, and it is one in which we are greatly prospering. Even mainland China, after barricading its economy for decades behind an ideological Great Wall, has now realized that escape from poverty is only possible through foreign trade and investment. It is a terribly irony that in the same historic moment in which China is rejecting protectionism and discovering that trade is the answer, many in the United States are arguing that trade is the problem and seeking to drive us toward the economic isolationism that was almost perfected by Socialist China.

The key to understanding the trade puzzle is understanding exchange rates and the balance of payments. Exchange rates are the check-valves that regulate and balance the worldwide flows of trade and investment. The exchange rate between the dollar and each foreign currency is determined in the market by the supply and demand for dollars in that currency.

If, for example, Americans decide to buy from or to invest in Japan, they must buy yen in the foreign exchange market. This increase in the demand for yen acts to raise the value of the yen relative to the dollar. The reverse happens when Japanese decide to buy United States goods and services or make investments in the American economy. The exchange rate between the dollar and the yen is determined by the balance between the number of dollars people are trying to convert into yen and the number of yen people are trying to convert into dollars.

Exchange rates are determined minute by minute in a world financial market where hundreds of billions of dollars of transactions occur everyday; any momentary imbalance between the supply and demand for a currency is instantly eliminated by a shift in the exchange rates.

The key point is that foreign exchange rates, by fluctuating to keep the demand for currencies equal, also keep equal the value of those transactions for which people acquire the respective currencies. What are the transactions for which people acquire yen or dollars? Americans acquire yen to buy Japanese goods and services or to engage in capital transactions in Japan, such as investing, paying of debt or remitting earnings. Japanese acquire dollars to buy United States goods and services or to engage in capital transactions in the United States. With free market exchange rates, the American total of these two types of transactions will exactly equal the Japanese total. These two types of transactions basically represent the balance of payments. That is why the balance of payments, by definition, is always in balance.

To say that the United States has a trade deficit with Japan is simply to say that the United States is buying more goods and services from Japan than Japan is buying from the United States and that Japan is investing more in the United States than the United States is investing in Japan. Between the United States and Japan, our deficit in the trade account is exactly equal to our surplus in the investment or capital account. If it weren't, there would be an exchange imbalance, and the exchange rate would change. The protectionist misses all this by looking only at the trade account and choosing to forget the investment account.

In international commerce, with trade and investment flowing back and forth among nations, the currency used makes a figurative round trip. Technically speaking, the currency will usually pass through the international banking system, other nations or the foreign exchange market between transactions, but in effect the dollars that go overseas to buy foreign goods or to invest in foreign countries return to the United States as foreigners seek to buy American goods or to invest in the United States. If you look only at the dollars used by foreigners to buy American goods, and if, as is the case, the United States has bought more foreign goods than foreigners bought American goods, then it will appear that some dollars sent overseas have not returned, that there is a new loss from trade. But actually the deficit in trade is offset by a surplus in investment. A look at our balance of payments accounts illustrates this relationship.

1985 Balance of payments (simplified)

[In billions of dollars]

Trade Account:	
U.S. exports (goods and services)	+358
U.S. imports (goods and services)	−461
U.S. trade balance	−103
Capital Account:	
Capital inflows	+127
Capital outflows	−32
Statistical discrepancy less unilateral transfer	+8
U.S. investment balance	+103

Data: U.S. International Transactions, "Survey of Current Business" September 1986.

Statistical note.—The trade deficit under the balance of payments method includes trade in services and other accounting differences that produce a different calculation than the customary merchandise trade deficit. Generally, proponents of protectionism choose to leave out services since the U.S. has a substantial trade surplus in services.

Since 1982, the United States has seen a virtual explosion in its net foreign investment account as foreign capital has flowed into the United States and as Americans investing abroad have redirected their investments into the domestic economy. The attractiveness of the U.S. economy for foreign investment is explained by the fact that we have had the highest real interest rates in the world and the most rapid economic expansion currently underway on Earth. Only with the recent easing of U.S. interest rates has there been a sign of this process being reversed.

High interest rates in the U.S. economy have attracted vast sums of foreign capital as foreign investors seeking the higher returns available in the American market have built up interest bearing accounts in our financial institutions and purchased huge sums of Government and private bonds. This inflow of capital has provided investment for economic expansion and modernization in the private sector of our economy and has provided foreign capital to fund part of our burgeoning public debt. In the absence of foreign capital, our massive Federal budget deficit would have crowded out private investment, which would have produced even higher interest rates and precluded the possibility of the post-1982 U.S. economic recovery.

Not only have U.S. interest rates been among the highest real interest rates in the world since 1980, but the American economy since 1982 has experienced the strongest economic recovery. The result has been an inflow of foreign capital attracted to the U.S. economy not just by high interest rates, but by the prospects of after-tax equity returns which have set the world standard.

Not only has foreign capital been attracted to the American economy, but American investors have responded to higher real domestic interest rates and the stronger domestic recovery by dramatically reducing the amount of American capital that is going overseas. From 1982 to 1985, there was a 74-percent decline in the flow of American investment capital overseas. During the same period there was a 35-percent increase in the flow of foreign investment into the United States.

This dramatic shift in the capital account has created a huge demand for dollars to accommodate a near unprecedented flow of world capital. The result has been a rise in value for the dollar on the world market, which has in turn made foreign imports more attractive to domestic consumers and American exports less attractive to foreign consumers. While we are still the world's largest exporter of goods and services, the result has been a large and growing trade deficit. There is no evidence to suggest that on net our trade partners are more protectionist today than they were in the 1970's or that U.S. industry is less efficient. The trade imbalance is due almost totally to the overvalued dollar produced by the financial magnets of high interest rates and investment yields which have drained the world's capital markets to fill our own.

Fortunately for the protectionists, but unfortunately for the Nation, the trade deficit and its costs are easier to see than are the capital surplus and its economic benefits. When a steel mill or a textile plant closes because American consumers, at existing exchange rates, preferred to purchase imports, we see the visible signs of dislocation and those directly affected cry out for protectionism. But the parallel inflow of capital from abroad which funds part of the Federal debt and provides investment to create new jobs and new technology is all but invisible.

Under such circumstances, it is a simple matter for proponents of protectionism to engage in a single-entry bookkeeping approach which selectively focuses attention on imported goods and their impact on specific industries, while choosing to leave out the impact on the Nation as a whole which comes from the massive inflow of capital which offsets the trade deficit. The difficulty of the public in understanding the problem is amplified by the fact that those who are losing old jobs know who they are. They are organized by both industry groups and labor unions who are losing from trade at current exchange rates. Those who will benefit from the new investment and new jobs made possible by the capital inflow are not similarly organized. As a result, though on balance America gains, the public hears only one side of the story and the drumbeat of protectionism has mesmerized Congress.

Congress has been all too eager to join in the chorus for protectionism, in part to hide its own culpability for the high-interest rates and therefore the trade deficit. But despite all the cries for protectionism to cure the trade deficit, protectionism will not lower the trade deficit. Here's why: Tariffs and quotas, by lowering the U.S. purchase of targeted foreign goods, lower the number of dollars offered in the foreign exchange market. Fewer dollars tendered for foreign exchange means a higher value for the dollar. The higher valued dollar raises the price of U.S. goods sold overseas, which causes proportionately lower sales of American exports. A higher valued dollar also lowers the cost in the United States of foreign goods, thereby encouraging the purchase of those imported goods on which there is no tariff. Any reduction in imports from tariffs would, therefore, generally be offset by the reduction in exports and increase in other imports.

The notion that protectionism saves jobs is also based on single-entry bookkeeping. It is true that tariffs raise the cost of specific imports for American consumers, causing domestic goods in previously noncompetitive industries to be bought when they would not otherwise be competitive. But the reduction in U.S. demand for the foreign goods on which tariffs or quotas are placed raises the value of the dollar and reduces U.S. exports and encourages the purchase of other imports. So on balance, while some U.S. jobs are preserved in the protected industry, other U.S. jobs are lost by the decline in exports and increase in other imports. The net effect is that no jobs are really saved; employment and unemployment are simply redistributed, with jobs moving away from America's efficient industries and to inefficient ones. The actual effect of protectionism would be even worse, because of foreign retaliation. There are no winners in a trade war; economic efficiency suffers on both sides, and living standards necessarily decline.

Protectionism would not make sense even if it did not simply sacrifice efficient jobs to save inefficient ones. The cost to the consumer of the jobs saved is patently absurd, costing the consumer several times the wages paid for the job saved. For example, the Federal Trade Commission has found that even under very conservative assumptions, including the assumption that no retaliation occurs, the cost to the consumer of the voluntary restraint quota on Japanese automobiles was approximately $241,000 for each job saved in the United States automobile industry. Tuna tariffs cost the American consumer roughly the same, $240,000 per U.S. job saved. Textile quotas cost $43,000 per textile job saved; steel quotas cost $114,000 per steel job saved.

The final result is that protectionism does not create jobs, the Nation is made poorer as prices rise, and the American economy becomes less competitive as jobs are transferred from our more efficient, more competitive sectors to our least efficient, least competitive sectors.

The most important point to be made about the trade crisis is that it is the symptom and not the disease. The United States is not, on net, losing from trade, but creating jobs faster than any of its trading partners. As the world's largest exporting and importing Nation, we would be the biggest loser from a reduction in world trade. The fact is that surpluses or deficits in the balance of trade—in and of themselves—are neither good nor bad. They are not correlated with growth, decline, competitiveness or noncompetitiveness. What matters is why they occur.

The pernicious cause of our trade deficit is the Federal budget deficit and the record interest rates it has spawned. If the U.S. economy were isolated from world trade, the trillion dollar U.S. Government budget deficit over the last 6 years would have crushed the economy. But in a world market, the higher U.S. interest rates have attracted hundreds of billions of dollars worth of foreign capital into the United States which has helped fund the deficit and the recovery. We have paid for this help with the massive trade deficit that capital inflows have generated. In what must surely be one of history's great paradoxes we have sought to blame our trading partners for our problems when in fact they have been victimized by our high interest rates which have bled capital from Europe and Japan and denied them the capital that could have financed their economic recovery in the 1980's.

Since Congress is unwilling to deal with the Federal budget deficit, it has attempted to shift public attention to the trade deficit and divert the blame for the United States problem to "foreigners" who can't vote in the U.S. elections. The public would be well served if Congress got on with the real job of lowering the Federal budget deficit before politics and ignorance reduce world trade, lower world income, and create a world financial crisis, all in the name of buying a few votes on the protectionist issue and running away from the real cause of our problems—the Federal deficit. A reduction of the U.S. budget deficit would cut Federal borrowing, lower interest rates, reduce the value of the dollar and free capital to generate more economic growth and jobs in both the United States and around the world.

In addition to attacking the Federal budget and promoting domestic capital generation, Congress and the President should attack protectionism and export subsidies both at home and abroad. While export subsidies or import restrictions do not directly cause any transfer of jobs between nations, they do misallocate resources and make the world poorer, thereby destroying jobs on all sides. We should be the world leader in working for their elimination. The United States should pursue reciprocal trade relations that encourage our trading partners to open their markets to U.S. products, as we open American markets to world products. We should reward the fair and free trading nations by lowering barriers to additional trade with them. In the process, the bad actors would find themselves losing trade and both a carrot and a stick would be created to bring them back into line.

Washington should use the procedure establishing a free trade area between the United States and Israel to encourage first Canada and Mexico and then other nations to lower their tariffs and quotas against U.S. goods in return for similar action.

Our goal must be to promote more trade, not less. What is at stake is more than our standard of living. It is the future of the free world.

Compare a map of the world in 1944 with one today and you will see a tremendous expansion of Soviet power and influence in Europe, Africa, Asia, and Latin America. This expansion was accomplished through the direct and indirect, covert, and overt use of military power. Truly, the global successes of the Soviet Union are a testament to its military, not economic prowess.

Our successes have been economic, based on trade. We began the postwar era with the Marshall plan in Europe, which, more important than foreign aid, opened up United States-European trade. On the rim of Asia, the hope of freedom was sustained through the economic miracle of trade-based capitalism. Today the Communists see the specter of Chiang Kai-shek returning to liberate mainland China—not with an army, but through the power of the free market idea, nurtured on Taiwan and now revolutionizing the mainland.

Our victories have been built on the free world's prosperity, and protectionism is a dagger aimed at its heart. The awful, frightening truth is that to begin a trade war is to guarantee the loss of the cold war and to imperil the future of freedom and prosperity on this Earth.

Mr. President, I ask unanimous consent that a summary of the key provisions of the American Trade, Growth and Employment Promotion Act appear in the RECORD at the conclusion of my remarks and that the text of the legislation be printed following the key provisions summary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN TRADE, GROWTH AND EMPLOYMENT PROMOTION ACT—KEY PROVISIONS

TITLE I—EXPANDED TRADE NEGOTIATING AUTHORITY

North American Free Trade Area. The bill requires the President to take action to initiate negotiations to obtain trade agreements with Mexico, the Caribbean Basin countries and Canada for the purpose of promoting the establishment of a North American Free Trade Area. These bilateral or multilateral agreements shall be reciprocal and provide for mutual reductions in trade barriers to promote trade, economic growth and employment.

Establishment of Expanded Trade Areas. The bill provides the President new authority to self-initiate expanded trade area negotiations with our trading partners. Agreements reached will provide for mutual reductions or elimination of tariffs and nontariff barriers and export subsidies on a reciprocal basis for the purpose of promoting freer and fairer trade.

Expansion of Trade with Developing Countries. Special incentives could be extended to developing countries to encourage those countries to enter into an agreement establishing expanded trade areas. Expanded trade area agreements reached with developing countries shall provide for a mutual reduction or elimination of tariff and nontariff barriers to trade which, on the part of the developing country, may be phased in over a period up to but not to exceed 5 years. This gradual reduction of trade barriers by the developing country will be granted only if the President determines that such benefits are justified in terms of the developing country's per capita income, economic development and international competitive position, and if the arrangement is mutually advantageous.

Partial, Reciprocal Trade Agreements. In negotiations to establish a North American Free Trade Area or any expanded trade areas, the President is authorized to exclude from any agreements, on a reciprocal basis, specific articles the President determines such an exclusion is needed to achieve the agreement.

Implementation of Trade Agreements.

Agreements reached under the bill that call for mutual reductions in tariffs, quotas and licensing fees would become effective within 90 days unless the Congress disapproves by an unamendable joint resolution and the joint resolution is enacted into law.

Agreements reached under the bill that call for reductions in trade barriers other than tariffs, quotas and licensing fees would become effective once implementing legislation making necessary changes or additions to current law is enacted into law under present fast-track Congressional authority.

The Punta del Este, Uruguay GATT Round. The bill would provide the President negotiating authority, under current Congressional fast-track authority, for the Multilateral Trade Agreement that is reached from the GATT negotiations presently underway.

TITLE II—ELIMINATION OF UNFAIR TRADE PRACTICES AND BARRIERS TO TRADE

Removal of Impediments to Expanded Trade. If the President determines that a country has consistently engaged in unfair trading practices or policies, the President shall initiate negotiations or expedite existing negotiations to establish an expanded trade area with other foreign countries whose exports compete with the exports of the identified country, or suspend or terminate such negotiations with the country engaging in the unfair practices or policies.

Report on Barriers to Trade Expansion. The bill amends the Trade Act of 1974 to require that the annual National Trade Estimates report (1) include any act or practice of a foreign country that constitutes an export subsidy, (2) identify acts and practices of the United States that constitute barriers to imports into the United States, and (3) distinguish between trade policy and practices that appear to be illegal impediments to trade and those that are legal impediments to trade.

TITLE III—ANTI-PROTECTIONISM AND TRADE PROMOTION

Consumer Impact Estimates of Trade Legislation. The bill directs the Congressional Budget Office to estimate the aggregate and per capita costs to United States consumers of trade legislation reported by Congressional Committees. These estimates will be required to be included in Committee reports on any reported trade legislation; otherwise a point of order can be raised against such legislation if brought to the Floor without the consumer impact statement.

Trade Liberalization Mandate of Multilateral Development Banks. For countries that borrow from the International Monetary Fund and multilateral development banks, and have been identified as restricting U.S. products in their markets and maintaining unfair trade practices, the Secretary of the Treasury will require the U.S. Executive Director of these banks to vote against any lending decision unless such countries accept trade liberalization.

S. 590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Trade, Growth, and Employment Promotion Act".

TITLE I—EXPANDED TRADE NEGOTIATING AUTHORITY

SEC. 101. NORTH AMERICAN FREE TRADE AREA.

(a) In General.—The President shall take action to initiate negotiations to obtain trade agreements with Mexico, the Caribbean Basin countries, and Canada, the terms of which provide for the reduction and ultimate elimination of tariffs and other nontariff barriers to trade for the purpose of promoting the establishment of a North American free trade area.

(b) Reciprocal Basis.—An agreement entered into under subsection (a) shall provide for mutual reductions in trade barriers to promote trade, economic growth, and employment.

(c) Bilateral or Multilateral Basis.—Agreements may be entered into under subsection (a) on a bilateral basis with any foreign country described in paragraph (1) or on a multilateral basis with all of such countries or any group of such countries.

(d) Caribbean Basin Countries.—For purposes of this section, the term "Caribbean Basin countries" means the countries designated as beneficiary countries under section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702).

SEC. 102. ESTABLISHMENT OF EXPANDED TRADE AREAS.

(a) In General.—The President is authorized to enter into bilateral and multilateral trade agreements with foreign countries, the terms of which provide for reciprocal reductions or eliminations of tariffs and nontariff barriers and subsidies (including, but not limited to, those acts, policies, and practices identified in any report submitted to the Congress under section 181(b) of the Trade Act of 1974 (19 U.S.C. 2241(b)) for the purpose of promoting freer and fairer trade through the establishment of expanded trade areas.

(b) Reciprocal Basis.—An agreement may be entered into under subsection (a) shall be structured in a manner which ensures a mutual reduction of tariff and nontariff barriers to trade on a reciprocal basis.

SEC. 103. EXPANSION OF TRADE WITH DEVELOPING COUNTRIES.

(a) In General.—The President is authorized to enter into trade agreements with any developing country, the terms of which provide, on a nonsymmetrical basis, for the reduction or elimination of tariff and nontariff barriers to trade for the purpose of establishing expanded trade areas and ultimately promoting a reciprocal reduction in barriers to trade.

(b) Gradual Reduction of Barriers.—

(1) Any agreement entered into under subsection (a) shall provide for a reduction or elimination of tariff and nontariff barriers to trade which may be gradually reduced or eliminated by the developing country over a period that does not exceed 5 years.

(2) The President is authorized to enter into an agreement under this section providing for a gradual reduction or elimination of tariff and nontariff barriers by the develping country only if he determines—

(A) that the benefits to the developing country under the agreement are justified in terms of its per capita income, economic development, and international competitive position, and

(B) that such gradual reduction is mutually advantageous.

(c) Termination and Modification of Agreements.—The President shall terminate or suspend any agreement entered into with a developing country under subsection (a) if the President determines that the developing country has failed to carry out its obligations under the trade agreement.

(d) Developing Country.—For purposes of this section, the term "developing country" means any foreign country designated as a beneficiary developing country under section 502 of the Trade Act of 1974 (19 U.S.C. 2462).

SEC. 104. URUGUAY ROUND TRADE AGREEMENT.

The President is authorized to enter into any multilateral trade agreement resulting from the Uruguay round of trade negotiations conducted under the General Agreement on Tariffs and Trade.

SEC. 105. PARTIAL, RECIPROCAL TRADE AGREEMENTS.

In negotiating agreements under this title, the President is authorized to exclude from any of such agreements, on a reciprocal basis, any article if the President determines that the exclusion of such article is necessary to achieve an agreement for an expanded trade area.

SEC. 106. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) Requirements.—Any trade agreement entered into under this title shall enter into force with respect to the United States if (and only if)—

(1) the President has, at least 45 days before the day on which he enters into such trade agreement, notified the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

(2) after entering into the agreement, the President transmits a document to the Congress containing a copy of the final legal text of such agreement together with—

(A) a statement of any administrative action proposed to implement such agreement,

(B) if the trade agreement is described in paragraph (3)(A), a draft of an implementing bill,

(C) an explanation of how the proposed administrative action and implementing bill, if any, change or affect existing law, and

(D) a statement of the reasons as to how the agreement serves the interests of the United States and as to why the proposed administrative action and implementing bill, if any, are required or appropriate to carry out the agreement, and

(3) either—

(A) in the case of a trade agreement that—

(i) is entered into under section 104,

(ii) requires any change in United States laws other than laws relating to tariffs or to restrictions or limitations on the importation of articles, or

(iii) is entered into with any country described in section 2(b)(2)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)),

an implementing bill is enacted into law with respect to such agreement, or

(B) in the case of a trade agreement not described in subparagraph (A), a disapproval bill is not enacted into law within the 90-day period beginning on the date on which the document described in paragraph (2) is submitted to the Congress.

(b) Effective Date of Agreements.—If the requirements of subsection (a) are met with respect to a trade agreement entered into under this title, the trade agreement shall enter into force with respect to the United States on—

(1) if the trade agreement is described in subsection (a)(3)(A), the date on which the implementing bill is enacted with respect to such trade agreement, or

(2) if the trade agreement is not described in subsection (a)(3)(A), the day after the close of the 90-day period described in subsection (a)(3)(B).

(c) Implementation Authority.—The President may, by proclamation or Executive order, reduce, modify, or eliminate—

(1) such duties, and

(2) such restrictions and limitations on the importation of articles,

as may be necessary to implement any trade agreement entered into under this section after such agreement enters into force with respect to the United States.

(d) Disapproval Bills.—

(1) For purposes of this section, the term "disapproval bill" means a bill, the only matter after the enacting clause of which is as follows: "That the Congress disapproves of the trade agreement submitted to the Congress on ____________________.", the blank space being filled with the appropriate date.

(2) Any disapproval bill that is introduced in the Senate or House of Representatives shall be treated as an implementing bill for purposes of subsections (d), (e), (f), and (g)

of section 151 of the Trade Act of 1974 (19 U.S.C. 2191).

(e) Computation of Time.—Each period of time described in paragraphs (1) and (3) of subsection (a) shall be computed without regard to—

(1) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House of the Congress is not in session.

(f) Conforming Amendment.—Paragraph (1) of section 151(b) of the Trade Act of 1974 (19 U.S.C. 2191(b)(1)) is amended by inserting "of this Act or section 106(a) of the American Trade, Growth, and Employment Promotion Act" after "section 102".

TITLE II—ELIMINATION OF UNFAIR TRADE PRACTICES AND BARRIERS TO TRADE

SEC. 201. REMOVAL OF IMPEDIMENTS TO EXPANDED TRADE.

(a) In General.—If the President determines that a foreign country consistently engages in unfair acts, policies, or practices identified in the report submitted to Congress under section 181(b) of the Trade Act of 1974 (19 U.S.C. 2241(b)), the President shall—

(1) suspend or terminate any negotiations with such foreign country that are being conducted under title I if, in his view, insufficient progress is being made in obtaining an agreement to expand trade,

(2) take actions to initiate negotiations under title I, on an expedited basis, with any other foreign country whose exports compete with the exports of such foreign country for the purposes of establishing an expanded trade area with such other foreign country, or

(3) expedite any existing negotiations under title I with any other foreign country whose exports compete with the exports of such foreign country for the purposes of establishing an expanded trade area with such other foreign country.

SEC. 202. REPORT ON BARRIERS TO TRADE EXPANSION.

(a) In General.—Paragraph (1) of section 181(a) of the Trade Act of 1974 (19 U.S.C. 2241(a)(1)) is amended—

(A) by striking out "Not later than the date on which the initial report is required under subsection (b)(1), the" and inserting in lieu thereof "The",

(B) by striking out "shall" and inserting in lieu thereof "shall conduct an annual study to",

(C) by striking out "and" at the end of subparagraph (A),

(D) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon, and

(E) by adding at the end thereof the following new subparagraphs:

"(C) identify any act, policy, or practice of a foreign country that constitutes an export subsidy;

"(D) identify acts, policies, and practices of the United States that constitute barriers to foreign imports into the United States; and

"(E) distinguish between those acts, policies, and practices identified under subparagraphs (A) and (B) which appear to be illegal impediments to trade and those that are legal impediments to trade.".

(b) Conforming Amendment.—Paragraph (1) of section 181(b) of the Trade Act of 1974 (19 U.S.C. 2241(b)(1)) is amended by striking out "the analysis and estimate" and inserting in lieu thereof "a report on the study conducted".

TITLE III—ANTI-PROTECTIONISM AND TRADE PROMOTION

SEC. 301. CONSUMER IMPACT ESTIMATES OF TRADE LEGISLATION.

(a) In General.—The Director of the Congressional Budget Office shall prepare for each bill or joint resolution reported by any committee of the House of Representatives or the Senate (or any conference committee between the two Houses of the Congress) that may affect international trade an estimate, to the extent practicable, of—

(1) the impact such bill or joint resolution would have on United States consumers, and

(2) the costs (in the aggregate and on a per capita basis) of such bill or joint resolution to United States consumers,

and shall submit such estimate in writing to such committee.

(b) Estimates To Be Included in Reports.—Any estimate made under subsection (a) that is submitted by the Director of the Congressional Budget Office to a committee of the Senate or House of Representatives (or to a conference committee between the two Houses of Congress) shall be included in the report accompanying such bill or resolution.

(c) Point of Order.—Upon the objection of any Member of either House of the Congress, it shall not be in order for that House to consider any bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of subsection (b).

(d) Assistance.—Each department and agency of the Federal Government shall provide such assistance as the Director of the Congressional Budget Office may request in order to make estimates required under subsection (a).

SEC. 302. TRADE LIBERALIZATION MANDATE FOR MULTILATERAL DEVELOPMENT BANKS.

(a) List of Countries.—

(1) The Secretary of the Treasury shall annually prepare a list, by country, of current loan disbursements and any loan applications that the Secretary of the Treasury determines are likely to be brought before loan review committees of multilateral development banks during the calendar year.

(2) The Secretary of the Treasury shall submit the list prepared under paragraph (1) to the United States Trade Representative.

(b) Identification of Countries Which Restrict Trade.—The United States Trade Representative, in consultation with the Secretaries of Commerce and Agriculture, shall identify those foreign countries listed by the Secretary of the Treasury under subsection (a) that take actions or maintain policies or practices that—

(1) restrict the sale of products of the United States in the markets of such foreign country, or

(2) provide the products of such foreign country an unfair economic advantage over the products of the United States in the markets of other foreign countries.

In identifying foreign countries under this subsection, the United States Trade Representative shall compare the acts, policies, and practices of such foreign country with the acts, policies, and practices of the United States.

(c) Trade Liberalization Recommendations.—The Secretary of the Treasury and the United States Trade Representative shall jointly develop recommendations of trade liberalization actions for each foreign country identified under subsection (b) that remedies the actions, policies, and practices of such foreign country which are identified under subsection (b).

(d) Actions.—The Secretary of the Treasury shall instruct the United States Executive Director of each of the multilateral development banks and of the International Monetary Fund to—

(1) vote against the proposed approval by the respective institution of any loan or lending decision with respect to any foreign country identified under subsection (b) that refuses to accept the trade liberalization recommendations developed under subsection (c) as a condition of the proposed loan for such foreign country, and

(2) vote against any proposed approval by the respective institution of any "tranche" or "drawing" of an approved loan with respect to any foreign country identified under subsection (b) that, in the determination of the United States Executive Director, has failed to carry out the trade liberalization recommendations developed as a condition of the loan.

(e) Multilateral Development Banks.—For purposes of this section, the term "multilateral development banks" includes the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Asian Development Bank, the African Development Bank, and the African Development Fund.

By Mr. BENTSEN:

S. 591. A bill to amend the Internal Revenue Code of 1986 to clarify the estate tax deduction for sales of employer securities to employee stock ownership plans or worker-owned cooperatives, and other purposes; to the Committee on Finance.

CLARIFICATION OF ESTATE TAX DEDUCTION

● Mr. BENTSEN. Mr. President, today I am introducing a bill to amend one of the provisions in last year's Tax Reform Act relating to employee stock ownership plans. This provision permits an estate to obtain an estate tax deduction equal to 50 percent of the proceeds received from a sale of stock to an ESOP. The provision was enacted to encourage estates to sell stock to ESOP's; it is one of a number of provisions in the Internal Revenue Code designed to advance the idea of employee stock ownership.

In enacting this provision last year, the Congress was advised by the Joint Tax Committee staff that the revenue loss to the Treasury from the provision would be about $300 million over fiscal years 1987-91. The staff had the understanding that the provision would be available to estates only in limited circumstances. However, as the provision was actually drafted in the tax bill, it would be widely available to estates and would result in an estimated revenue loss of about $7 billion over the 5-year period. Under the provision, many estates would be able to eliminate their estate tax liability completely.

Mr. President, although Congress intended to encourage estates to sell stock to ESOP's, it did not intend to enact a provision as far-reaching as the one included in the bill. Congress did not intend to allow some estates to eliminate their estate tax liability; Congress did not intend for estates to be able to claim the deduction by virtue of purchasing stock in the market and simply reselling the stock to an ESOP; Congress did not intend for ESOP's to be permitted to resell stock soon after they purchased it from an estate; and Congress certainly did not anticipate a $7 billion revenue loss. The provision would not have been enacted in its present form had we been aware of all its implications.

Accordingly, Mr. President, I am now proposing to modify the provision in accordance with last year's. The bill I am introducing seeks to preserve the purpose of encouraging estates to sell stock to ESOP's, while reducing the revenue loss to the originally intended level. Again, I want to emphasize that the thrust of the bill is to conform the provision to the intent of Congress. The bill has two elements:

First, the bill makes clear that the positions taken by the Internal Revenue Service in notice 87-13 with respect to the estate tax deduction are an accurate statement of congressional intent in enacting the provision. Because these positions explicitly state the original intent of Congress, they are effective as if enacted in the Tax Reform Act of 1986. If these clarifications are not made, taxpayers could qualify for the deductions by engaging in essentially sham transactions. Moreover, the revenue loss could be considerably larger than the $7 billion estimated by the Joint Committee on Taxation. Under a possible reading of the statute, the provision could be used by an executor to avoid all estate, taxes otherwise owed without any corresponding significant increase in employer securities held by the ESOP or cooperative or allocations of securities to plan participants.

Second, the bill makes additional changes in the deduction which more fully effectuate the intent of Congress to provide limited relief from the estate tax. These changes will give taxpayers and the Internal Revenue Service more administrable guidance as to the requirements that must be satisfied by the decedent and by the ESOP and the consequences of failing to satisfy these requirements. Because these modifications could not have been anticipated by taxpayers, they are effective only for events occurring after the date of introduction of the bill.

Mr. President, I want to alert taxpayers that it is my intention not to change the effective dates contained in the bill. The bill has been structured to limit the revenue loss from the revised provision to the amount originally estimated by the Joint Committee on Taxation. These effective dates cannot slip if any further revenue loss is to be prevented.

The following is a technical explanation of the provisions of the bill:

CONFIRMATION OF IRS NOTICE

The bill would confirm the positions taken in IRS Notice 87-13 that the estate tax deduction (section 2057) is not available unless (1) the decedent directly owned the employer securities immediately before death, and (2) after the sale, the employer securities are allocated to plan participants or are held for future allocation in connection with an exempt loan under section 4975 or in connection with a transfer of assets from a defined benefit plan under the rules of section 4980(c)(3). Except in the case of a bona fide business transaction, employer securities would not be treated as allocated or held for future allocation to the extent that such securities are allocated or held for future allocation in substitution of other employer securities that had been allocated or held for future allocation. Because these provisions accurately reflect Congressional intent in enacting the provision, this clarification would be effective as if included in the Tax Reform Act of 1986.

TAX-CREDIT EMPLOYEE STOCK OWNERSHIP PLANS

The bill would clarify that the estate tax deduction is available in the case of sales of employer securities to tax-credit ESOPs section 409(a). This provision would be effective as if included in the Tax Reform Act.

NONPUBLICLY TRADED STOCK

The bill would limit the deduction to sales of employer securities which are issued by a domestic corporation that has no stock outstanding that is readily tradable on an established securities market. This provision would be effective with respect to sales after the date of introduction.

ESTATE REQUIREMENTS

Sale by executor

As enacted, section 2057 applies only with respect to sales by the executor of an estate. However, I am aware that there are significant issues and potential inconsistencies created by this language. For example, it is common for individuals to structure their estates so that not all the assets are included in the probate estate and subject to the control of the executor. Assets may be in a revocable trust or other similar arrangement which is excluded from the probate estate. In the case of assets held in trust, the statute could be interpreted to preclude the sale of such assets in a transaction qualifying for the estate tax deduction because the executor cannot sell the trust assets.

Congress, in enacting the estate tax deduction, did not intend to draw arbitrary distinctions among the types of assets includible in the gross estate of a decedent depending upon whether the assets are within the control of the executor. Accordingly, the bill would clarify that the provision applies to sales of employer securities to the extent the securities are includible in the gross estate. Thus, assets held in trust would be eligible for the estate tax deduction to the extent the employer securities held by the trust are listed as securities on the estate tax return. On the other hand, if a decedent owned a partnership interest, the value of the partnership interest is reported on the estate tax return and not the value of the underlying assets of the partnership. Consequently, under the provision, the assets of a partnership could not be sold in a transaction qualifying for the estate tax deduction. This modification would be effective as if included in the Tax Reform Act.

Limitation on deduction

In order to ensure that the provision results in only a partial elimination of estate tax liability, the amount of the deduction allowable under section 2057 would be limited to 50 percent of the taxable estate (determined without regard to section 2057). Also, the amount of estate taxes imposed by section 2001 (before credits) could not be reduced by more than $750,000 by reason of the deduction.

This limitation would be effective with respect to sales of employer securities to an ESOP after the date of introduction. Sales prior to the date of introduction of the bill would not be subject to this limitation but would be taken into account in determining whether the limitation is met with respect to post-effective date sales.

Holding period requirement

In order to prevent transfers in contemplation of death, the bill would impose a holding period requirement for the decedent with respect to the employer securities to be sold to an ESOP. Thus, in order for the estate tax deduction to be available, the securities must be assets that would be assets of the estate reported on the estate tax return if the decedent died at any time during the shorter of (1) the five-year period ending on the date of death, or (2) the period beginning on October 22, 1986, and ending on the date of death. For purposes of determining whether the holding period has been satisfied, securities which would be includable in the gross estate of the spouse of the decedent shall be treated as securities includable in the gross estate of the decedent during such period.

The period for which the decedent is considered to have held the stock would be reduced for any period for which the holding period is reduced under section 246(c)(4) (relating to periods where the risk of loss is diminished).

This provision would be effective with respect to sales to an ESOP after the date of introduction.

Assets transferred from other plans

The bill provides that the estate tax deduction would not apply to the extent that the employer securities are acquired with transferred assets. Transferred assets are assets of an ESOP which are attributable to assets held by another qualified plan maintained by the employer (other than another ESOP) or assets attributable to a period of time when the plan was into an ESOP. Assets held by the ESOP on the date of introduction of the bill are not transferred assets, regardless of their source. For example, the denial of the deduction would extend to assets which are tranferred directly from one plant to another (for example, pursuant to section 4980(c)(3)), assets which are rolled over from another plan into an ESOP, and assets which are merged into an ESOP from another plan. The Secretary would have the authority to except assets from this provision under appropriate circumstances.

In order to prevent the employer from acquiring securities in a section 2057 transaction with the proceeds of a loan and then using transferred assets to make payments on the loan, the bill would impose an excise tax if a loan payment is made with transferred assets. The tax would be imposed on the employer maintaining the ESOP and is equal to 30 percent of the amount paid on the loan (including both principal and interest payments). This provision is not intended to expand the permissible sources from which exempt loans can be repaid pursuant to section 4975.

The provision would be effective with respect to sales to an ESOP after the date of introduction and, in the case of transfers used to make payments on a loan, transfers used after the date of introduction.

ESOP ALLOCATION REQUIREMENTS AND SUBSTITUTION PROHIBITION

In general

With respect to events occurring after the date of introduction of the bill, the bill would modify the allocation requirement and nonsubstitution requirement in present law as reflected in the IRS Notice in several respects. The modifications provide objective rules for determining when a prohibited substitution of employer securities occurs and also change the sanctions for failing to allocate the securities acquired in the section 2057 transaction or acquiring securities in substitution for other employer securities. The new provisions are intended to ensure that plan participants receive the employer securities acquired in a section 2057 transaction (or the proceeds of a disposition thereof) and that the transaction results in an increase in employer securities in the plan.

Dispositions within one year preceding sale

The bill would prohibit an ESOP from selling employer securities and using the proceeds to acquire substitute employer securities in a section 2057 transaction. Further, the bill would modify this nonsubstitution rule (contained in present law as reflected in the IRS Notice) to provide that the deduction would be available with respect to proceeds from a sale to an ESOP only to the extent the proceeds are greater than the excess (if any) of (1) the proceeds from the disposition of employer securities during the one-year period preceding the sale, over (2) the cost of employer securities purchased by the plan during such one-year period. In addition, for purposes of the rule, all ESOPs of the employer would be treated as a single plan.

In determining the proceeds of the plan from dispositions of employer securities, the following dispositions would not be taken into account: (1) distributions made on account of the death or diability of the employee, the retirement of the employee after the attainment of age 59½, or a separation from service of the employee which results in a one-year break in service; (2) certain exchanges of qualified employer securities for other employer securities in a corporate reorganization; and (3) dispositions required to meet diversification requirements (section 401(a)(28)).

This provision can be illustrated by the following example: On July 1, 1987, executor E sells employer securities to an ESOP. The proceeds of the sale are $150,000. During the one-year period July 2, 1986, through July 1, 1987, the cost of employer securities acquired by the plan and all other ESOPs maintained by the employer (excluding the purchase from executor E) is $350,000. The proceeds of the ESOP (and all other ESOPs maintained by the employer) from the disposition of employer securities during the same period (excluding any dispositions excepted from the provsion) is $400,000. The estate tax deduction would not be available with respect to $50,000 of the proceeds received by executor E and is available with respect to $100,000.

This provision would be effective with respect to sales to an ESOP after the date of introduction.

Dispositions within three years following sale

To preclude an ESOP from disposing of qualified securities within three years of the date of a sale qualifying for the estate tax deduction, an excise tax would be imposed on the employer maintaining the ESOP. The tax would be equal to 30 percent of the amount realized on the disposition. No penalty tax would be imposed on dispositions which are excepted from the provision prohibiting dispositions within the one-year period preceding the sale. The bill contains ordering rules for determining which securities are considered disposed of in any disposition.

The provision would be effective with respect to dispositions by the ESOP after the date of introduction. The 30-percent excise tax would not apply to dispositions of securities with respect to which the estate tax deduction is denied due to a failure to meet the nonsubstitution requirement.

Failure to allocate

The bill would impose an excise tax on the employer maintaining the ESOP in the event of a failure to allocate securities acquired in a section 2057 transaction. The tax would be equal to 30 percent of the amount realized on the disposition of qualified employer securities before the securities are allocated to the accounts of plan participants if the proceeds from such disposition are not so allocated. This excise tax would be coordinated with the tax on distributions within three years following the sale, so that this tax does not apply to dispositions to which the premature disposition tax applies.

This tax would apply in a number of situations to which the tax on premature dispositions would not apply. For example, the tax would apply if the shares were disposed of after expiration of the three-year period in order to repay an exempt loan.

Taken together with the three-year rule, this provision requires that, within the three-year holding period, employer securities must be allocated to plan participants or held for allocation. After expiration of the three-year holding period, the securities may be sold, but the entire proceeds of the sale (including any amounts owing on an exempt loan) must be allocated to plan participants.

This provision would be effective with respect to failures to allocate employer securities occurring after the date of introduction. The 30-percent excise tax would not apply to dispositions of securities with respect to which the estate tax deduction is denied due to a failure to meet the nonsubstitution requirement.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CLARIFICATION OF ESTATE TAX DEDUCTION FOR SALES OF EMPLOYER SECURITIES.

(a) Intent of Congress in Enacting Section 2057 of the Internal Revenue Code of 1986.—Section 2057 of the Internal Revenue Code of 1986 (relating to sales of employer securities to employee stock ownership plans or worker-owned cooperatives) is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively, and by inserting after subsection (c) the following new subsection:

"(d) Qualified Proceeds From Qualified Sales.—

"(1) In general.—For purposes of this section, the proceeds of a sale of employer securities by an executor to an employee stock ownership plan or an eligible worker-owned cooperative shall not be treated as qualified proceeds from a qualified sale unless—

"(A) the decedent directly owned the securities immediately before death, and

"(B) after the sale, the employer securities—

"(i) are allocated to participants, or

"(ii) are held for future allocation in connection with—

"(I) an exempt loan under the rules of section 4975, or

"(II) a transfer of assets under the rules of section 4980(c)(3).

"(2) No substitution permitted.—For purposes of paragraph (1)(B), except in the case of a bona fide business transaction (e.g., a substitution of employer securities in connection with a merger of employers), employer securities shall not be treated as allocated or held for future allocation to the extent that such securities are allocated or held for future allocation in substitution of other employer securities that had been allocated or held for future allocation."

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if included in the amendments made by section 1172 of the Tax Reform Act of 1986.

SEC. 2. MODIFICATIONS OF ESTATE TAX DEDUCTION FOR SALE OF EMPLOYER SECURITIES.

(a) In General.—Section 2057 of the Internal Revenue Code of 1986 (relating to estate tax deduction for sales of employer securities to employee stock ownership plans or worker-owned cooperatives) is amended to read as follows:

"SEC. 2057. SALES OF EMPLOYER SECURITIES TO EMPLOYEE STOCK OWNERSHIP PLANS OR WORKER-OWNED COOPERATIVES.

"(a) General Rule.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an amount equal to 50 percent of the proceeds of any sale of any qualified employer securities to—

"(1) an employee stock ownership plan, or

"(2) an eligible worker-owned cooperative.

"(b) Limitations.—

"(1) Maximum reduction in tax liability.—The amount allowable as a deduction under subsection (a) shall not exceed the amount which would result in an aggregate reduction in the tax imposed by section 2001 (determined without regard to any credit allowable against such tax) equal to $750,000.

"(2) Deduction shall not exceed 50 percent of taxable estate.—The amount of the deduction allowable under subsection (a) shall not exceed 50 percent of the taxable estate (determined without regard to this section).

"(c) Limitations on Proceeds Which May Be Taken Into Account.—

"(1) Dispositions by plan or cooperative within 1 year of sale.—

"(A) In general.—Proceeds from a sale which are taken into account under subsection (a) shall be reduced (but not below zero) by the net sale amount.

"(B) Net sale amount.—For purposes of subparagraph (A), the term 'net sale amount' means the excess (if any) of—

"(i) the proceeds of the plan or cooperative from the disposition of employer securities during the 1-year period immediately preceding such sale, over

"(ii) the cost of employer securities purchased by such plan or cooperative during such 1-year period.

"(C) Exceptions.—For purposes of subparagraph (B)(i), there shall not be taken into account any proceeds of a plan or cooperative from a disposition described in section 4978A(e).

"(D) Aggregation rules.—For purposes of this paragraph, all employee stock ownership plans maintained by an employer shall be treated as 1 plan.

"(2) Securities must be acquired by plan from assets which are not transferred assets.—

"(A) In general.—Proceeds from a sale shall not be taken into account under subsection (a) to the extent that such proceeds (as reduced under paragraph (1)) are attributable to transferred assets. For purposes of the preceding sentence, all assets of a plan or cooperative (other than qualified employer securities) shall be treated as first acquired out of transferred assets.

"(B) Transferred assets.—For purposes of subparagraph (A)—

"(i) In general.—The term 'transferred assets' means assets of an employee stock ownership plan which—

"(I) are attributable to assets held by a plan exempt from tax under section 501(a) and meeting the requirements of section 401(a) (other than an employee stock ownership plan of the employer), or

"(II) were held by the plan when it was not an employee stock ownership plan.

"(ii) Exception for assets held on February 26, 1987.—The term 'transferred assets' shall not include any asset held by the employee stock ownership plan on February 26, 1987.

"(iii) Secretarial authority to waive treatment as transferred asset.—The Secretary may provide that assets or a class of assets shall not be treated as transferred assets if the Secretary finds such treatment is not necessary to carry out the purposes of this paragraph.

"(3) Other proceeds.—The following proceeds shall not be taken into account under subsection (a):

"(A) Proceeds from sale after due date for return.—Any proceeds from a sale which occurs after the date on which the return of the tax imposed by section 2001 is required to be filed (determined by taking into account any extension of time for filing).

"(B) Proceeds from sale of certain securities.—Any proceeds from a sale of employer securities which were received by the decedent—

"(i) in a distribution from a plan exempt from tax under section 501(a) and meeting the requirements of section 401(a), or

"(ii) as a transfer pursuant to an option or other right to acquire stock to which section 83, 422, 422A, 423, or 424 applies.

Any employer security the basis of which is determined by reference to any employer security described in the preceding sentence shall be treated as an employer security to which this subparagraph applies.

"(d) Qualified Employer Securities.—

"(1) In general.—The term 'qualified employer securities' means employer securities—

"(A) which are issued by a domestic corporation which has no stock outstanding which is readily tradable on an established securities market,

"(B) which are includible in the gross estate of the decedent,

"(C) which would have been includible in the gross estate of the decedent if the decedent had died at any time during the shorter of—

"(i) the 5-year period ending on the date of death, or

"(ii) the period beginning on October 22, 1986, and ending on the date of death, and

"(D) with respect to which the executor elects the application of this section.

"(2) Certain assets held by spouse.—For purposes of paragraph (1)(C), any employer security which would have been includible in the gross estate of the spouse of a decedent during any period if the spouse had died during such period shall be treated as includible in the gross estate of the decedent during such period.

"(3) Periods during which decedent not at risk.—For purposes of paragraph (1)(C), employer securities shall not be treated as includible in the gross estate of the decedent during any period described in section 246(c)(4).

"(e) Written Statement Required.—

"(1) In general.—No deduction shall be allowed under subsection (a) unless the executor of the estate of the decedent files with the Secretary the statement described in paragraph (2).

"(2) Statement.—A statement is described in this paragraph if it is a verified written statement—

"(A) which is made by—

"(i) the employer whose employees are covered by the employee stock ownership plan, or

"(ii) any authorized officer of the eligible worker-owned cooperative, and

"(B) which—

"(i) acknowledges that the sale of employer securities to the plan or cooperative is a sale to which sections 4978A and 4979A apply, and

"(ii) certifies—

"(I) the net sale amount for purposes of subsection (c)(1), and

"(II) the amount of assets which are not transferred assets for purposes of subsection (c)(2).

"(f) Other Definitions and Special Rules.—For purposes of this section—

"(1) Employer securities.—The term 'employer securities' has the meaning given such term by section 409(l).

"(2) Employee stock ownership plan.—The term 'employee stock ownership plan' means—

"(A) a tax credit employee stock ownership plan (within the meaning of section 409(a)), or

"(B) a plan described in section 4975(e)(7).

"(3) Eligible worker-owned cooperative.—The term 'eligible worker-owned cooperative' has the meaning given such term by section 1042(c).

"(4) Employer.—Except to the extent provided in regulations, the term 'employer' includes any person treated as an employer under subsections (b), (c), (m), and (o) of section 414.

"(g) Termination.—This section shall not apply to any sale after December 31, 1991."

(b) Effective Dates.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to sales after February 26, 1987.

(2) Provisions taking effect as if included in the Tax Reform Act of 1986.—The following provisions shall take effect as if included in the amendments made by section 1172 of the Tax Reform Act of 1986:

(A) Section 2057(f)(2) of the Internal Revenue Code of 1986, as added by this section.

(B) The repeal of the requirement that a sale be made by the executor of an estate to qualify for purposes of section 2057 of such Code.

(3) Direct ownership requirement.—If the requirements of section 2057(d)(1)(B) of such Code (as modified by section 2057(d)(2) of such Code), as in effect after the amendments made by this section, are met with respect to any employer securities sold after October 21, 1986, and before February 27, 1987, such securities shall be treated as having been directly owned by the decedent for purposes of section 2057 of such Code, as in effect before such amendments.

(4) Reduction for sales on or before February 26, 1987.—In applying the limitations of subsection (b) of section 2057 of such Code to sales after February 26, 1987, there shall be taken into account sales on or before February 26, 1987, to which section 2057 of such Code applied.

SEC. 3. EXCISE TAX ON PLANS OR COOPERATIVES DISPOSING OF EMPLOYER SECURITIES FOR WHICH ESTATE TAX DEDUCTION WAS ALLOWED.

(a) In General.—Chapter 43 of the Internal Revenue Code of 1986 (relating to excise taxes on qualified pension, etc., plans) is amended by inserting after section 4978 the following new section:

"SEC. 4978A. TAX ON CERTAIN DISPOSITIONS OF EMPLOYER SECURITIES TO WHICH SECTION 2057 APPLIED.

"(a) Imposition of Tax.—In the case of a taxable event involving qualified employer securities held by an employee stock ownership plan or eligible worker-owned cooperative, there is hereby imposed a tax equal to the amount determined under subsection (b).

"(b) Amount of Tax.—

"(1) In general.—The amount of the tax imposed by subsection (a) shall be equal to 30 percent of—

"(A) the amount realized on the disposition in the case of a taxable event described in paragraph (1) or (2) of subsection (c), or

"(B) the amount repaid on the loan in the case of a taxable event described in paragraph (3) of subsection (c).

"(2) Dispositions other than sales or exchanges.—For purposes of paragraph (1), in the case of a disposition of employer securities which is not a sale or exchange, the amount realized on such disposition shall be the fair market value of such employer securities at the time of disposition.

"(c) Taxable Event.—For purposes of this section, the term 'taxable event' means the following:

"(1) Disposition within 3 years of acquisition.—Any disposition of employer securities by an employee stock ownership plan or eligible worker-owned cooperative within 3 years after such plan or cooperative acquired qualified employer securities.

"(2) STOCKS DISPOSED OF BEFORE ALLOCATION.—Any disposition of qualified employer securities to which paragraph (1) does not apply if—

"(A) such disposition occurs before such securities are allocated to accounts of participants or their beneficiaries, and

"(B) the proceeds from such disposition are not so allocated.

"(3) USE OF ASSETS TO REPAY ACQUISITION LOANS.—The payment by an employee stock ownership plan of any portion of any loan used to acquire employer securities from transferred assets (within the meaning of section 2057(c)(2)(B)).

"(d) ORDERING RULES.—For purposes of this section and section 4978, any disposition of employer securities shall be treated as having been made in the following order:

"(1) First, from qualified employer securities acquired during the 3-year period ending on the date of such disposition, beginning with the securities first so acquired.

"(2) Second, from qualified employer securities acquired before such 3-year period unless such securities (or the proceeds from such disposition) have been allocated to accounts of participants or their beneficiaries.

"(3) Third, from qualified securities (within the meaning of section 4978(e)(2)) to which section 1042 applied acquired during the 3-year period ending on the date of such disposition, beginning with the securities first so acquired.

"(4) Finally, from any other employer securities.

In the case of a disposition to which section 4978(d) or subsection (e) applies, the disposition of employer securities shall be treated as having been made in the opposite order of the preceding sentence.

"(e) SECTION NOT TO APPLY TO CERTAIN DISPOSITIONS.—

"(1) IN GENERAL.—This section shall not apply to any disposition described in paragraph (1) or (3) of section 4978(d).

"(2) CERTAIN REORGANIZATIONS.—For purposes of this section, any exchange of qualified employer securities for employer securities of another corporation in any reorganization described in section 368(a)(1) shall not be treated as a disposition, but the employer securities which were received shall be treated—

"(A) as qualified employer securities of the plan or cooperative, and

"(B) as having been held by the plan or cooperative during the period the qualified employer securities were held.

"(3) DISPOSITION TO MEET DIVERSIFICATION REQUIREMENTS.—Any disposition which is made to meet the requirements of section 401(a)(28) shall not be treated as a disposition.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) TERMS USED IN SECTION 2057.—Any term used in this section which is used in section 2057 shall have the meaning given such term by section 2057.

"(2) QUALIFIED EMPLOYER SECURITIES.—The term 'qualified employer securities' has the meaning given such term by section 2057, except that such term shall include employer securities sold before February 27, 1987, for which a deduction was allowed under section 2057.

"(3) DISPOSITION.—The term 'disposition' includes any distribution.

"(4) LIABILITY FOR PAYMENT OF TAXES.—The tax imposed by this section shall be paid by—

"(A) the employer, or

"(B) the eligible worker-owned cooperative,

which made the written statement described in section 2057(e)."

(b) CONFORMING AMENDMENTS.—

(1) Section 4978(b)(2) of such Code is amended by striking out the parenthetical and inserting in lieu thereof "(determined as if such securities were disposed of in the order described in section 4978A(e))".

(2) The table of sections for chapter 43 of such Code is amended by inserting after the item relating to section 4978 the following new item:

"Sec. 4978A. Tax on certain dispositions of employer securities to which section 2057 applied."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable events (within the meaning of section 4978A(c) of the Internal Revenue Code of 1986) occurring after February 26, 1987.●

By Mr. SIMPSON (for Mr. DOLE, for himself, Mr. BENTSEN, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. DANFORTH, Mr. BAUCUS, Mr. COCHRAN, Mr. KENNEDY, Mr. MCCAIN, Mr. PELL, Mr. PRESSLER, Mr. WILSON, Mr. QUAYLE, Mr. MELCHER, Mr. DASCHLE, and Mr. RIEGLE):

S. 592. A bill to provide for Medicare catastrophic illness coverage, and for other purposes; to the Committee on Finance.

MEDICARE CATASTROPHIC ILLNESS COVERAGE ACT

Mr. DOLE. Mr. President, today I am introducing S. 592, the "Medicare Catastrophic Illness Coverage Act," the administration's catastrophic health insurance proposal. The administration's plan is a welcome and valued contribution to our efforts to better protect our citizens from the financial devastation that too often accompanies those in times of catastrophic illness.

THE PRESIDENT'S COMMITMENT

Approximately 1 year ago, the President of the United States gave a promise to the American people. In his 1986 State of the Union Address, he set in motion a process which has led to the development of the plan being introduced today, a plan that provides added protection to those elderly and disabled beneficiaries of the Medicare Program. This bill represents the cumulative efforts of many who have made a concerted effort to construct a basic approach that balances many concerns, including our continuing commitment to the elderly and disabled while continuing our course of fiscal responsibility. Striking that balance is not always easy and the administration is to be congratulated for the commitment that was required to bring us to this point in time.

Given the President's directive, the Secretary of Health and Human Services, Dr. Otis Bowen has been a driving force in this initiative. Clearly my colleagues and I appreciate the effort and determination that the Secretary has contributed. Since the Secretary first served on the 1982 Social Security Advisory Council, he has remained a firm proponent of catastrophic illness protection and his expertise has proved very useful.

THE TIME IS RIGHT

Mr. President, we have an opportunity before us to make a significant contribution to the availability of catastrophic health insurance protection for our elderly citizens. Here in the Senate as well as in the House of Represenatatives we share a commitment to proceed with this initiative. The administration's leadership in this area is both timely and welcome. We all need to work together to assure that we end up with a plan that works and keeps us on a course that best meets the needs of the people we serve—those in need of catastrophic health insurance protection, as well as those who are charged with providing and paying for those services.

In 1979, this Senator introduced his first catastrophic health insurance bill with the distinguished Senator from Missouri, Senator DANFORTH, and the distinguished Senator from New Mexico, Senator DOMENICI. While a lot has happened since then, much of our initial work makes sense today and, in fact, our earlier effort along with the President's initiative will be of considerable benefit. We have sustained that commitment to this important endeavor and intend to see that we keep the momentum.

THE JOB AHEAD

While the President's proposal is clearly a step in the right direction, several important questions remain to be answered. First of all, we must be certain that our cost estimates are, indeed, accurate and reflect the best information available. The Congressional Budget Office has informed us that the President's proposal would result in $6.40 per month Medicare part B premium increase, not the $4.92 estimate currently being reported. It will be essential for us to arrive at a better agreement on magnitude of these costs in order to fulfull our obligation to Medicare beneficiaries.

We need to fully explore what should be included in this catastropic benefit. The Senator from Kansas has been joined by several of his colleagues in preparing an updated version of our earlier catastrophic health insurance proposal. For example, it is time for us to eliminate the deductible paid by beneficiaries for the first 2 pints of blood they receive. With respect to drugs, while I am deeply concerned that we carefully proceed in this area, it may make sense for certain drugs, for example, immunosuppressive drugs used by transplant patients, to count toward an individuals reaching the out-of-pocket payment limit.

LONG-TERM CARE

It is becoming more apparent each day that we must begin to also focus on long-term care. Changing demographics have made long-term care spending the fastest growing segment of the U.S. health care industry. Average annual increases in our national expenditures for nursing home care, for example, consistently exceed the average for all other expenditures, including hospital care.

Today, responsibility for long-term care services is shared almost equally by the public and private sectors. Public responsibility rests mainly with the Medicaid Program which pays about 42 percent of our Nation's nursing home bill. But most of the remainder of this bill, more than $18 billion, comes directly from the pockets of patients and their families. Private insurance plays almost no role in the financing of long-term care, nor does Medicare.

It has been suggested that we consider creating long-term care IRA's. Or in some other fashion, encourage people to anticipate their financial needs. While I have no desire to reverse the progress we made with tax reform, some change in these areas may well be appropriate. There are also those who argue that contrary to conventional wisdom there is a role for the private insurance markets, some of whom are interested, but not surprisingly, concerned about the ability to price the product.

This is an area where, while we would like to have a solution this year—this is unlikely. Our focus for the short term will be on acute care services for the elderly. But long-term care and the financing of services for those who have no insurance will also receive our serious attention. Progress, though limited, can be made in all these areas if we work together.

Mr. President, I ask that a complete copy of the bill be printed in the Record, along with a section-by-section analysis.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SHORT TITLE AND REFERENCES IN ACT

Section 1. (a) This Act may be cited as the "Medicare Catastrophic Illness Coverage Act".

(b) The amendments in this Act apply to the Social Security Act.

REVISIONS IN HOSPITAL INSURANCE PROGRAM

Sec. 2. (a) Section 1812(a) is amended—

(1) by revising paragraph (1) to read as follows: "(1) inpatient hospital services;", and

(2) in paragraph (2), by striking out "spell of illness" and inserting instead "year".

(b) Section 1812(b) is amended—

(1) in the matter preceding paragraph (1), by (A) striking out "spell of illness" and inserting instead "year" and (B) striking out "(subject to subsection (c))",

(2) by striking out paragraph (1),

(3) in paragraph (2), by striking out "spell" each place it occurs and inserting instead "year", and

(4) by renumbering paragraphs (2) and (3) as (1) and (2), respectively.

(c) Section 1812(c) is repealed.

(d) Section 1812(e) is amended by striking out "subsections (b) and (c), inpatient hospital services, inpatient psychiatric hospital services," and inserting instead "subsection (b), inpatient psychiatric services".

(e) Section 1812(g) is amended by striking out "definition of 'spell of illness', and for definitions of other" and inserting instead "definitions of".

(f) Section 1813(a) is amended—

(1) in the first sentence of paragraph (1), by striking out "any spell of illness" and inserting instead "each of the first two admissions in a year",

(2) by striking out the second sentence of paragraph (1), and

(3) by striking out paragraph (3).

(g) Section 1813(b)(3) is amended to read as follows:

"(3) The inpatient hospital deductible for a year shall apply to the deduction under subsection (a)(1) for the year in which the first day of inpatient services occurs in an admission.".

(h) Section 1832(b) is amended to read as follows:

"(b) For definitions of 'medical and other health services' and other terms used in this part, see section 1861.".

(i) Section 1861(a) is repealed.

(j) Section 1861(y) is amended—

(1) in paragraph (1), by striking out "(except for purposes of subsection (a)(2))",

(2) in paragraph (2), by (A) striking out "spell of illness" each place it occurs and inserting instead "year" and (B) striking out "spell" each place it occurs and inserting instead "year",

(3) by striking out paragraph (3), and

(4) by renumbering paragraph (4) as (3).

(k) Section 1866(a)(2)(A)(i) is amended by striking out "(a)(3), or (a)(4), section 1833(b), or section 1861(y)(3)" and inserting instead "section 1813(a)(4), or section 1833(b)".

CEILING FOR BENEFICIARY EXPENSES

Sec. 3. (a) Section 1832(a) is amended—

(1) by striking out "and" at the end of paragraph (1),

(2) by substituting "; and" for the period at the end of paragraph (2), and

(3) by adding at the end the following:

"(3) entitlement to have payment made to him or on his behalf (subject to the provisions of this part) of the amounts specified in section 1833(a)(5).".

(b) Section 1833(a) is amended—

(1) by striking out "and" at the end of paragraph (3),

(2) by substituting "; and" for the period at the end of paragraph (4), and

(3) by adding at the end the following:

"(5) the amounts by which the beneficiary cost sharing amounts for items and services furnished in a year (but substituting that period of the last quarter of the preceding year that occurs before the cost sharing limitation for that preceding year is reached (if at all) for the last quarter of the year in question, if the amounts are greater) exceed the cost sharing limitation for that year.".

(c) The first sentence of section 1833(b) is amended—

(1) by striking out "and" at the end of clause (3), and

(2) by inserting before the period the following: ", and (5) such deductible shall be included in the beneficiary cost sharing amounts".

(d) Section 1833(d) is amended by inserting "(except as provided by subsection (a)(5))" before the period.

(e) Section 1833 is further amended by adding at the end the following:

"(m) The Secretary shall, during September of 1988 and of each year thereafter, determine and promulgate the cost sharing limitation (as defined in section 1861(a)(2)) for the succeeding calendar year.".

(f) Section 1861 (as amended by section 2(i) of this Act) is further amended by inserting before subsection (b) the following:

"(a)(1) The term 'beneficiary cost sharing amounts' means the amounts of expenses that an individual who is covered under the insurance program established by part B incurs that are—

"(A) amounts specified in the first two sentences of section 1866(a)(2)(A) (but for an individual who is not also covered under the insurance program established by part A, only those amounts for items and services covered under part B), and

"(B) amounts equal to the difference between the total amounts that constitute payment in full under part B when a physician or other entity that is not a provider of services accepts (or would accept) assignment (or otherwise agrees to accept a specified amount) and the amounts payable from the Federal Supplementary Medical Insurance Trust Fund for those items and services (other than under section 1833(a)(5)).

"(2) The term 'cost sharing limitation' means—

"(A) for 1988, $2,000, and

"(B) for 1989 and later years, $2,000 increased (or decreased) by the percentage increase (or decrease) in total per capita expenses of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund for the second preceding year over those for 1986 (but, if not a multiple of $10, rounded to the nearest multiple or, if midway between two multiples, rounded to the next higher).".

(g) Section 1866(a)(2)(A) is amended by adding at the end the following: "A provider of services may not impose a charge under this subparagraph to the extent payment is made to the provider of services under section 1832(a)(3).".

INCREASE IN SUPPLEMENTARY MEDICAL INSURANCE PREMIUM

Sec. 4. (a) Section 1839(a)(1) is amended to read as follows:

Sec. 1839(a)(1) The Secretary shall, during September of 1987 and of each year thereafter, determine the monthly actuarial basic rate and the monthly actuarial catastrophic illness rate for enrollees age 65 and over which shall be applicable for the succeeding calendar year. The monthly actuarial basic rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for the calendar year with respect to those enrollees age 65 and over will equal one-half of the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such calendar year with respect to such enrollees (excluding benefits payable under section 1833(a)(5)). The monthly actuarial catastrophic illness rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for the calendar year with respect to those enrollees age 65 and over will equal the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such calendar year with respect to such enrollees under section 1833(a)(5), and from the Federal Hospital Insurance Trust Fund for the changes (under section 2 of the Medicare Catastrophic Illness Coverage Act) in services perfomed in such calendar year with respect to individuals age 65 and over who are covered under the insurance program established by part A. In calculating the monthly actuarial rates, the Secretary shall include appropriate amounts for a contingency margin.".

(b) Section 1839(a)(2) is amended by striking out "1983" and inserting instead "1987".

(c) Section 1839(a)(3) is amended—

(1) in the first sentence, by striking out "1983" and inserting instead "1987",

(2) by revising the second sentence to read as follows: "The monthly premium shall (except as otherwise provided in subsection (e)) be equal to the sum of—

"(A) a weighted average of the monthly actuarial catastrophic illness rate for enrollees age 65 and over, determined according to paragraph (1) of this subsection, and that rate for disabled enrollees under age 65, determined according to paragraph (4) of this subsection, for that calendar year, and

"(B) the smaller of—

"(i) the monthly actuarial basic rate for enrollees age 65 and over, determined according to paragraph (1) of this subsection, for that calendar year, or

"(ii) the monthly payment rate most recently promulgated by the Secretary under this paragraph, increased by a percentage determined as follows: The Secretary shall ascertain the primary insurance amount computed under section 215(a)(1), based upon average indexed monthly earnings of $900, that applied to individuals who became eligible for and entitled to old-age insurance benefits on November 1 of the year before the year of the promulgation. He shall increase the monthly premium rate by the same percentage by which that primary insurance amount is increased when, by reason of the law in effect at the time the promulgation is made, it is so computed to apply to those individuals for the following November 1.", and

(3) in the third sentence, by striking out "amount of an adequate actuarial rate for enrollees age 65 and over as provided in paragraph (1)" and inserting instead "amounts of adequate actuarial basic and catastrophic illness rates for enrollees as provided in paragraphs (1) and (4)".

(d) Section 1839(a)(4) is amended to read as follows:

"(4) The Secretary shall also, during September of 1987 and of each year thereafter, determine the monthly actuarial basic rate and the monthly actuarial catastrophic illness rate for disabled enrollees under age 65 which shall be applicable for the succeeding calendar year. The monthly actuarial basic rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for the calendar year with respect to disabled enrollees under age 65 will equal one-half of the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such calendar year with respect to such enrollees (excluding benefits payable under section 1833(a)(5)). The monthly actuarial catastrophic illness rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for the calendar year with respect to disabled enrollees under age 65 will equal the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such calendar year with respect to such enrollees under section 1833(a)(5), and from the Federal Hospital Insurance Trust Fund for the changes (under section 2 of the Medicare Catastrophic Illness Coverage Act) in services performed in such calendar year with respect to disabled individuals under age 65 who are covered under the insurance program established by part A. In calculating the monthly actuarial rates, the Secretary shall include appropriate amounts for a contingency margin.".

(e) Section 1839(e)(1) is amended—

(1) by striking out "monthly premium" and inserting instead "portion of the monthly premium otherwise determined under subsection (a)(3)(B)", and

(2) by inserting "basic" after "actuarial."

(f) Section 1839(f)(1) is amended by striking out "1985, 1986, or 1987, the monthly premium" and inserting instead "1987, the portion of the monthly premium otherwise determined under subsection (a)(3)(B)".

(g) Section 1839(f)(2) is amended—

(1) in the matter preceding subparagraph (A), by (A) striking out "1986, 1987, or" and (B) striking out "monthly premium" the second place it occurs and inserting instead "portion of the monthly premium otherwise determined under subsection (a)(3)(B)", and

(2) in subparagraph (A), by striking out "monthly premium amount determined under subsection (a)(2)" each place it occurs and inserting instead "portion of the monthly premium amount determined under subsection (a)(3)(B)".

(h) Section 1841 is amended by adding at the end the following:

"(j) The portion of the premium amounts that is determined under section 1839(a)(3)(A) shall be treated as a separate account. Amounts paid under section 1832(a)(3) or transferred under subsection (k) of this section shall come from that portion.

"(k) There shall be transferred from time to time from the Trust Fund to the Federal Hospital Insurance Trust Fund amounts from the premium under this part that are attributable to the changes (under section 2 of the Medicare Catastrophic Illness Coverage Act) in services performed in such calendar year with respect to individuals who are covered under the insurance program established by part A.".

(i) Section 1844(a)(1)(A)(i) and section 1844(a)(1)(B)(i) are each amended by striking out "twice the dollar amount of the actuarially adequate rate" and inserting instead "the sum of the dollar amount of the actuarially adequate catastrophic illness rate and twice the dollar amount of the actuarially adequate basic rate".

(j) Section 1876(a)(5) is amended—

(1) in the matter preceding subparagraph (A), by striking out "200 percent of", and

(2) in subparagraphs (A)(ii) and (B)(ii), by striking out "monthly actuarial rate" and inserting instead "the sum of the monthly actuarial catastrophic illness rate and twice the monthly actuarial basic rate".

EFFECTIVE DATE

SEC. 5. The amendments made by the preceding sections apply to items and services furnished after, and premiums for months after, 1987 (and do not, for purposes of the parenthetical clause in section 1833(a)(5) of the Social Security Act, apply to items and services furnished during the last three months of 1987).

SUMMARY OF PROPOSED MEDICARE CATASTROPHIC ILLNESS COVERAGE ACT

Section 1 would assign the draft bill the short title "Medicare Catastrophic Illness Coverage Act".

Section 2 would revise the Medicare Hospital Insurance (part A) program. Medicare would pay for an unlimited number of hospital days for covered services. There would be no coinsurance for inpatient hospital services or for services furnished by a skilled nursing facility. The "spell of illness" methodology would be eliminated. Instead of the beneficiary paying an inpatient hospital deductible for each spell of illness, a beneficiary would be liable for the deductible for each of the first two inpatient hospital admissions in a year. Skilled nursing facility care would be provided for up to 100 days each year.

Section 3 would set an annual ceiling on beneficiary expenses under Medicare. An individual would be required to enroll under the Medicare Supplementary Medical Insurance Program (part B) to be protected by the ceiling. The ceiling would equal $2,000 of the beneficiary's out of pocket expenses for 1988, and would be indexed in the future by the percentage change in total Medicare per capita expenses. Out of pocket expenses would include the part A hospital deductibles, any coinsurance under the hospice benefit, the part B deductible, and coinsurance under part B. Amounts above the full Medicare level paid to physicians and others who did not accept assignment would not be included.

Section 4 would initially increase the part B premium to pay for the costs of the new catastrophic insurance, including changes in the part A program under section 2 and the costs of the annual ceiling set by section 3. The current part B premium would continue to be redetermined annually. After the initial year, the added premium amount for catastrophic protection would also be adjusted annually to ensure that the added catastrophic protection remains budget neutral. Congress may wish to consider adding a budget-neutral hold-harmless adjustment for 1989 and later years to ensure that the monthly Social Security benefit paid to an individual never actually decreases. To retain the sound financing and budget-neutral character of this proposal, any such hold-harmless adjustment should raise the same total premium income as would be generated without a hold-harmless.

Section 5 would apply the draft bill's provisions as of the beginning of calendar year 1988.

CATASTROPHIC HEALTH INSURANCE

Mr. BAUCUS. Mr. President, the risk of catastrophic health expenses is all too real for millions of Americans. Today, too many Americans still face unaffordable health care costs that can wipe out a lifetime of savings when a devastating illness or accident strikes.

I commend Secretary Bowen for his leadership on this issue. I have confidence that, in large part due to his hard work, we are much closer this year to enacting legislation to provide greater financial security to senior citizens and disabled Americans for essential health care services.

In sponsoring the Medicare Catastrophic Illness Coverage Act, I recognize that this bill is not the last word on this important issue, but it is a good place to start. Indeed, as Secretary Bowen recently told the Senate Finance Committee, resolving the burdens of catastrophic health care costs will be a large and complex problem and "the possible solutions to this problem are numerous."

Today's bill starts us down the right road by recognizing that some of the gaping holes in the Medicare Program must be filled in order to keep Medicare's promise of not allowing high health care bills to jeopardize lifelong plans for a secure and dignified retirement.

Right now, there is no upper limit on the out-of-pocket expenses that seniors must pay for services covered by Medicare. What is worse is that under the present program, expenses paid by the most seriously ill begin to rise sharply after 60 days of hospital care when costly charges must be paid for each additional day of care. And, on top of all these expenses, the Medicare Program is filled with too many loopholes and confusing limitations and exceptions that must be addressed.

As Congress begins to consider this bill and other catastrophic illness protection plans, many questions remain to be answered. For example, we need to find the most affordable way to pay for catastrophic illness protection, especially for those who are most vulnerable to extremely high health care costs. I am not fully satisfied that the initial low monthly premiums that seniors would be asked to pay under this proposal for catastrophic protection will remain affordable in the future. This will be one of the biggest challenges that we face as Congress considers the details of catastrophic illness insurance legislation this year.

We also need to reach agreement on an appropriate upper limit on the costs that individuals can reasonably be expected to pay before catastrophic coverage protection begins. This bill calls for a $2,000 ceiling on out-of-pocket expenses, after which the Medicare Program would pay for all remaining covered services. Others have suggested lower limits, and we need to examine those proposals as this legislation is considered by Congress.

Finally, we need to make sure, whatever legislation is enacted, that changes made in the Medicare Program are well understood by America's senior citizens and that we do not further complicate an already complex program. In fact, one important goal of catastrophic illness coverage should be to find ways to simplify the Medicare Program and give the elderly and their families much greater certainty of their covered benefits and their total financial obligations when health care services are needed.

I do not believe that we need to accept with grim resignation the financial ruin that occurs to far too many elderly Americans and their families when a catastrophic illness strikes. As a member of the Senate Finance Committee and its Health Subcommittee, I will be working hard to develop responsible and affordable legislation for those who now face the constant specter of a financially devastating illness.

Mr. McCAIN. Mr. President, this afternoon I rise to join my distinguished colleagues, Senators DOLE, DURENBERGER, KENNEDY, COCHRAN, PRESSLER, BENTSEN, MOYNIHAN, DANFORTH, BAUCUS, PELL, WILSON, QUAYLE, MELCHER, DASCHLE, and RIEGLE as a primary sponsor of the Medicare Catastrophic Illness Coverage Act.

Last year, in his State of the Union Address, President Reagan called on Health and Human Services Secretary Otis Bowen to begin working at the crafting of a proposal to protect our Nation's citizens from the financial ravages of a catastrophic illness. The Secretary responded by submitting to the President, in November 1986, a report titled: "Catastrophic Illness Expenses." This report outlined the Secretary's recommendation on how the public and private sectors might work together to address the problems of affordable insurance for those who would face financial ruin if stricken by a catastrophic illness.

On February 12, President Reagan endorsed the Secretary's proposal. This legislation is the embodiment of that proposal. I must say—at the outset—that while I do not embrace this proposal in the belief that it is going to address all of the catastrophic health care needs of our Nation's citizens, I do believe this proposal represents a good starting point.

The problem of catastrophic illness, as I see it, most dramatically impacts three groups: Elderly Americans who are facing enormous hospital bills exceeding their Medicare coverage; the elderly who need expensive long-term nursing home care; and working Americans with inadequate or no health insurance.

The Medicare Catastrophic Illness Coverage Act sets out to address and resolve the situation faced by the first group, elderly Americans who are facing enormous hospital bills exceeding the coverage provided by Medicare. It proposes providing Federal assistance, or protection if you will—through the Medicare Program—to elderly Americans who are confronted with enormous medical bills for the treatment of a catastrophic illness. Mr. President, each year, close to 300,000 seniors in our country—and their families—experience the stark, and often crippling financial reality of a catastrophic illness.

I have come to understand, through conversations with seniors in my State of Arizona, that the greatest fear of the aged is not death, but the financial ruin that is often intertwined with a catastrophic illness.

Currently, Medicare—the Federal Hospital Insurance Program for our Nation's elderly—does not set a cap on the out-of-pocket expenses a beneficiary can accumulate due to a catastrophic illness. The result, Mr. President, is that seniors and their families can be financially ruined as a result of expending thousands and thousands of dollars to provide for the hospitalization of themselves or of their loved one.

The Medicare Catastrophic Illness Coverage Act addresses this issue by guaranteeing that a Medicare beneficiary would receive an unlimited number of days of acute hospital care, while assuring that he or she would not incur out-of-pocket costs—for all Medicare-covered doctor, hospital, and related costs—of more than $2,000 annually.

With respect to the other two groups—the elderly who need expensive long-term nursing home care, and working Americans with inadequate or no health insurance—the President has requested that the Treasury Department study catastrophic illness coverage options.

For those elderly who need expensive long-term nursing home care, the solution is very difficult and could potentially cost this country billions of dollars. For this reason, there is much disagreement over how such a problem can, and should, be resolved.

Neither Medicare, nor private insurance, generally cover long-term nursing home expenses. Many private insurers are beginning to offer such coverage, but very few seniors have elected to obtain it; a fact probably due to the cost. However, with nursing home expenses being so terribly expensive, usually between $1,500 and $3,000 per month, the life savings of a senior can be depleted in a very short period of time—often leaving the burden on the spouse or children, or on Medicaid.

For the Federal Government, to simply pick up all long-term nursing home care expenses would be an incredibly expensive proposition. In fact, experts estimate that such an approach could result in a outlay of some $20 billion per year. A more financially realistic sensible approach, perhaps, would be to spur the growth of long-term nursing home care insurance provided by the private sector. Second, it should be made easier for

Americans, during their working lives, to accumulate savings that would be available for the purchasing of long-term care insurance in retirement or to pay into insurance plans that take effect upon retirement.

The President has directed the Treasury Department to study the possibility of encouraging personal savings for long-term care insurance through the use of a specially tax-treated care insurance through the use of a specially tax-treated individual medical account [IMA] combined with insurance, and amending the individual retirement account [IRA] provisions to permit specially tax-treated withdrawal of funds for long-term care expenditures. Encouraging people to save in preparation for the future is always a good idea.

The other group facing the threat of being financially ruined as a result of a catastrophic illness are those working-age Americans who lack adequate insurance. Approximately 90 percent of those under the age of 65 have health insurance through the private sector or Medicaid, with the vast majority having catastrophic coverage for acute care expenses in their insurance plans. For those who do not, a serious illness can produce enormous medical bills if they or their families encounter a serious illness.

The President has directed the Treasury Department to study the impact of possible tax changes which could provide more incentive to businesses to offer insurance plans that include catastrophic coverage. In addition, the administration is studying the creation of a game plan for the development of Federal-State initiatives requiring that catastrophic coverage be offered in all employment-related insurance, and establishing risk pools to subsidize insurance for those whose medical condition makes it prohibitively expensive or impossible to get insurance.

I look forward to learning the results of the Treasury Department's studies regarding the feasibility of these various options to provide catastrophic illness protection for those who require long-term nursing home care services and those working Americans with inadequate or no health insurance.

In summary, I would like to say that legislation addressing the issue of catastrophic illness coverage is long overdue. I am thankful for the leadership our President has shown in making this issue a priority for his administration. Though it is certain we will not all agree on all aspects of the approach, I believe his proposal—embodied in this legislation—is an excellent starting point for addressing the issue of catastrophic illness coverage.

In these days of high budget deficits, Gramm-Rudman-Hollings, and the corresponding need for responsible budgeting, it is necessary that we approach the task of providing catastrophic illness coverage for our citizens in a fiscally responsible manner. This inevitably means that the issue must be handled in an incremental fashion.

While I admit this legislative proposal is not without its faults, that is, the fact that it leaves some areas unaddressed, I am sponsoring it because of my deep interest in seeing the Senate adopt a responsible plan to provide our citizens protection from the financial ruin that can be tied to a catastrophic illness.

It is my hope that, in doing so, we also encourage those who have the means to begin taking precautions in case a catastrophic illness were to strike them or a loved one.

One issue that is beyond the scope of this proposal—and the studies which have been requested of the Treasury Department—but which I am particularly interested in looking at, is the coverage of home care. This alternative form of care, particularly for those who do not require constant medical attention, often proves to be a cost-effective alternative to long-term care provided in a hospital setting.

Mr. President, in 1965, Congress—in an attempt to ensure that seniors would be assured access to quality, affordable health care services—established the Medicare Program. This nationwide health insurance program now provides access to basic health care for 29 million aged and 3 million disabled individuals. Medicare has served us well over the past 20-plus years, but today nearly every senior in our country faces the trauma of being confronted with bankruptcy if they were to contract a catastrophic illness.

Mr. President, in enacting Medicare, Congress undertook an obligation to provide basic health care services for our country's seniors. This is an opportunity to test that obligation.

Mr. President, I believe this legislation represents an important initial step in addressing the catastrophic illness coverage needs of our citizens. I hope that my colleagues will join myself, and the other sponsors, in supporting the Medicare Catastrophic Illness Coverage Act.

Mr. MOYNIHAN. Mr. President, I rise to join my colleagues in introducing a bill to provide catastrophic health insurance under the Medicare Program. This bill embodies Secretary Bowen's recent proposal to expand the Medicare Program to cover costs of illnesses involving months of hospitalization. When catastrophic illness strikes the costs can be enormous—Medicare experts have estimated the costs from $2 to $5 billion a year based on the comprehensiveness of service.

Under Secretary Bowen's plan, Medicare would be restructured to provide catastrophic protection through an additional premium for the part of the Medicare Program that covers physicians' services. This would limit the Medicare beneficiary's out-of-pocket expenses for all covered services to $2,000 per year. It is estimated that 30 million participants would receive protection against catastrophic illness expenses for an additional $4.92 per month.

A plan such as this is indeed vital. But it does not address another important problem, the long-term care provided in our skilled nursing and health related facilities [SNF's and HRF's]. The costs of long-term care today average close to $22,000 for over 1.4 million Americans needing such services. Yet, Medicare pays for very little of this care, only 100 days per year.

This problem has not even peaked; it is estimated that by the year 2030, there will be 8.6 million Americans over the age of 85, compared to 2.7 million in 1985. Clearly this issue deserves our attention.

And it has received this attention in numerous sectors. On the first day of the 100th Congress I introduced S. 55, a bill which authorizes a study of extended coverage of long-term care services under the Medicare Program. This legislation asks the Comptroller General of the United States to conduct a study of the benefits and costs of modifying coverage under the Medicare Program to include different levels of extended or nonacute care; and to report the results of the study to the Congress prior to December 31, 1987.

The Senate Finance Committee's Subcommittee on Health has held preliminary hearings on the subject of long-term care and plans to hold more indepth hearings in the future. Secretary Bowen has acknowledged the problem of the high costs borne by elderly people requiring long-term care.

With the cooperation of the Congress and the President, I believe we can begin to aid the elderly in coping with their health care costs. They have built this country and shaped it into what it is today. The Congress—the Nation—has a responsibility to provide proper, affordable, and quality health care.

Mr. COCHRAN. Mr. President, I am pleased to be a sponsor of the Medicare Catastrophic Illness Coverage Act. This legislation will go a long way toward helping to protect America's senior citizens from financial ruin when a serious illness results in catastrophic medical expenses.

By restructuring the Medicare Program to address this important need among our elderly, Congress will help give senior citizens an added measure of security without creating more bureaucracy.

This measure, as we all know, is not designed to take care of every possible medical circumstance some people will find themselves in during their lifetime—but it will be a tremendous help. One of the greatest fears of the American people, both young and old, is getting sick and having to pay enormous hospital bills. This measure will help relieve this real fear.

The Department of Health and Human Services officials estimate that about 10 million individuals have insurance that is inadequate to protect them from a risk of expensive medical care. Over 30 milllion Americans are without any insurance.

I think it is time Congress takes some action to assist these people. I hope my colleagues here in the Senate will support this important initiative.

Mr. RIEGLE. Mr. President, today I am pleased to join with my colleagues in cosponsoring S. 592, the Medicare Catastrophic Illness Coverage Act. This landmark legislation developed by Secretary Bowen takes the important first step toward addressing the gaping holes in coverage for our Nation's Medicare beneficiaries. By providing improved acute care coverage, this legislation will significantly enhance the Medicare health care benefit and lessen the fear that millions of senior citizens encounter when they find themselves facing long hospital stays or excessive doctor bills.

As a member of the Finance Committee's Subcommittee on Health, I will be working closely with the chairman of the committee, Senator BENTSEN, and the chairman of the Health Subcommittee, Senator MITCHELL, in developing the additional steps that should also be taken to fully protect Medicare beneficiaries from the fear that catastrophic illness will lead to financial ruin. The approach we are introducing today fails to address the extraordinary costs of long-term care—both institutional and home care—that sometime results in senior citizens exhausting their savings and assets to pay or qualify for care. That is a sad and unacceptable way for individuals to have to face long-term chronic illness. This is especially troubling because long-term care is the most significant reason that senior citizens experience catastrophic expenditure. If we look at the out-of-pocket costs that seniors contributed toward their health care, nursing home care accounted for a whopping 42 percent, while hospital are was only 5.6 percent.

In addition, the approach we are introducing today only applies to Medicare covered services and the cost of uncovered services can also be catastrophic.

Mr. President, in summary, S. 592 is an important first step, but by no means should this be the only step. We need to address the issue of long-term care, preventing impoverishment of both the institutionalized individual and the spouse in the community. We must improve the quality and access of home health care and increase supportive services to the elderly.

This can often prevent institutionalization. These are just a few of the critical issues we must confront as we start down this long over-due road. I urge all of my colleagues to join with us as we develop the critical solutions to this urgent national need.

Mr. BENTSEN. Mr. President, I am honored to join my respected colleague and the Republican leader, Mr. DOLE, in introducing today S. 592, the Medicare Catastrophic Illness Coverage Act. This legislation was transmitted by the President this week. It represents a year's effort within the administration, under the stewardship of Health and Human Services Secretary Dr. Otis Bowen, to address the financial threat that acute care illnesses can pose to 31 million Medicare beneficiaries. Dr. Bowen is to be commended for the leadership he has shown in addressing this issue. I am grateful for Dr. Bowen's vision and tenacity in pursuing financial protection against catastrophic illness for the elderly.

Under the administration's proposal, Medicare beneficiaries who enroll voluntarily in Medicare part B would also be eligible for catastrophic protection. Medicare would pay all covered charges for any beneficiary once his out-of-pocket expenditures exceed an annual ceiling. This ceiling would be $2,000 in 1988 and would be increased annually to keep pace with Medicare costs. In addition, the legislation would eliminate all coinsurance for hospital and skilled nursing facility services, and would make beneficiaries eligible for an unlimited number of hospital days. No beneficiary would pay more than two hospital deductibles in a calendar year.

This new catastrophic protection would be financed by charging beneficiaries a premium of $4.92 in 1988. The premium would be increased each year to insure that it is actuarially sound and completely finances the costs of catastrophic coverage. I also want to note that the administration has stated its intention to work with Congress to make sure that the new catastrophic premium will not cause beneficiaries' Social Security checks to be reduced.

The President's proposal will serve as an important starting point for the debate over how best to provide adequate financial protection against catastrophic illness. As chairman of the Finance Committee, and as sponsor of earlier legislation to extend catastrophic coverage to the elderly and disabled, I look forward to working with the President and Secretary Bowen as we develop the committee's legislation on this issue.

However, while Secretary Bowen's plan will help an estimated 1.6 million elderly and disabled Americans who face acute care catastrophic expenses, there are other, remaining gaps in acute care Mediare coverage which can pose a substantial financial threat. Under Medicare's prospective payment system [PPS], we have seen patients discharged earlier from the hospital. Since 1981, the average length of a Medicare patient's hospital stay has dropped 15 percent. Hospital patients, of whom Medicare serves 11 million annually, must turn to skilled nursing facility or home health services as they make the transition from acute illness to recovery. Yet, access to skilled nursing facility care is limited or unavailable in some regions of the country and in many of our rural communities. And current regulations limit the length of time during which beneficiaries can receive daily home health care, which is an important factor in ensuring that they fully recover and need not be readmitted to the hospital. Accordingly, in its deliberations over a catastrophic loss prevention bill, the Finance Committee will actively explore ways to improve access to services that ease the transition from hospital care for Medicare patients.

By Mr. PELL:

S. 593. A bill to amend the Federal Election Campaign Act of 1971, to better inform the electorate in elections for the office of Senator or Representative in the U.S. Congress; to the Committee on Commerce, Science, and Transportation.

INFORMED ELECTORATE ACT

Mr. PELL. Mr. President, I am introducing today the Informed Electorate Act of 1987 to provide a positive, no-cost solution to the complex problem of political campaign advertising in congressional elections.

The bill, in brief, would require all licensed television stations to provide a limited number of free time periods to political parties during the 2 months preceding general elections, for the presentation of views by candidates for the U.S. Senate and the House of Representatives. These discussion periods would be up to 15 minutes in length and would take place during what is known as the "prime time access" period, which in most television markets occurs between 7:30 and 8 p.m. local time.

The 1986 congressional elections were notable for their widespread dependence on negative and distorted campaign advertising, with associated escalation of campaign costs and increased dependence on special interests. A survey conducted in my state showed that 75 percent of those polled said that TV ads had no effect on their voting, and most of the remainder said the ads made them less likely to vote for the candidates whom the ads were supposed to promote.

This is a sorry state of affairs. It shows, I believe, that present campaign practices simply do not provide the electorate with adequate opportunities to observe reasoned and thoughtful presentations by candidates. And it shows that television, which is the medium through which most people today form opinions on public issues, is being misused by those who persist in compressing the political process into the format of commercial advertising. To my mind, this is a lamentable waste of a great resource.

My bill would require that the free time allocated by the act be used in a manner which promotes a rational discussion of the issues, and it requires that at least 75 percent of the time be devoted to the candidate's own remarks. The intention is to avoid slick commercials and hucksterism while still allowing for some creativity in making interesting, substantive presentations.

The bill I introduce today is similar in concept to S. 2837 which I introduced in the last Congress, although it differs in a number of details, hopefully for the better. Its premise remains the same, namely that broadcasters are key to the solution. Since they have a Federal license, with responsibilities and obligations as public trustees as a condition to having that license, I believe they can properly be called upon to provide a limited amount of programming time to enhance the electoral process.

The concept of free broadcast time is not new, but it has always encountered a host of obstacles and objections, many of which are well-founded. My bill has been crafted with a view toward circumventing these obstacles in ways which I hope are acceptable to interested parties.

It has often been said, for example, that free broadcast time won't work for candidates in large urban areas where there are so many candidates vying for time that the stations would be deluged and the viewers would be saturated. My bill deals with this problem by granting the free time to political parties which in turn would have total discretion as to which candidates would benefit most from the exposure and could best speak for the party. Moreover, there would be a specific limit on the amount of time that a committee could use on any one station—namely, 3 hours over the 60-day preelection period.

Another problem often raised is that free time could be a costly disruption of commercial broadcast schedules, which require extensive advance planning and depend on ratings and advertising revenues for survival. My proposal would meet that objection by limiting the time grants, as I have already indicated, to no more than 15 minutes per occurrence, and aggregating no more than 3 hours per station per committee. The maximum burden on any one station—assuming maximum utilization by the House and Senate campaign committees of both parties—would seldom exceed 12 hours per election.

I might note also in this same connection that by specifying that the grants be provided during the prime time access period, my bill would be least disruptive of regular broadcast service and ratings. The prime time access period was originally set aside by the FCC for creative local programming following the evening news. In practice, the period has been taken over by nationally syndicated game and quiz shows. While I realize that these programs have a considerable public following, I believe that a maximum levy of 12 free hours out of some 200 prime time access periods in the year is a minimal public service to ask of broadcasters who are operating profitable public franchises.

Finally, many free time proposals raise the specter of government regulators or media moguls making sensitive decisions about programming and timing that could have political consequences. Under my plan, all of those decisions would be made by the political parties and the candidates themselves, and no Government official or broadcaster would have anything to say about it as long as it conforms to the standards of the bill.

The Informed Electorate Act of 1987 does not limit or prohibit any other current political practice, including the purchase of additional television time by candidates who want more exposure than would be provided by the bill. I would hope, however, that the bill might to some degree curb the appetite for more advertising and thus stem the upward spiral of campaign costs.

I am glad to note that the logic of this approach is shared by others. A companion bill will be introduced in the House shortly by Representative SAMUEL S. STRATTON of New York who has long been a proponent of providing free broadcast time to candidates. He brings to the cause his own perspective as a former television journalist and I welcome his support and wise counsel.

In closing, I note that the proposal I offer attacks only one of the many political campaign problems we face today. The escalation of overall costs, the burdens of fund raising and public concern about the influence of political action committees all are matters that must be dealt with. For this reason, I have joined in cosponsoring S. 2, the Boren-Byrd bill to provide for limited public funding of Senate elections, together with new limitations on PAC activity and on overall spending. I look forward to the hearings that will begin on this legislation before the Committee on Rules and Administration next week, and I hope that the Informed Electorate Act can be part of the comprehensive solution.

Mr. President, I ask that an article from the Providence Journal of November 21, 1986, a column by Charles Krauthammer from the Washington Post and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Informed Electorate Act of 1987".

SEC. 2. The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new title:

"TITLE V—DISSEMINATION OF POLITICAL INFORMATION

"DEFINITIONS

"SEC. 501. For the purposes of this title—

"(1) the definitions set forth in section 301 apply to this title;

"(2) the term 'major party' means, in an election for the office of Senator, or Representative in, Resident Commissioner, or Delegate to the Congress, any party whose candidate for Senator in the State involved placed first or second in the number of popular votes received in either of the two most recent general elections;

"(3) the term 'minor party' means, in an election for the office of Senator, or Representative in, Resident Commissioner, or Delegate to the Congress, any party, other than a major party—

"(A) whose candidate for Senator in the State involved received more than 5 percent of the popular vote in the most recent general election;

"(B) in the case of an election for the office of Senator, which files with the Federal Election Commission, not later than ninety days before the election involved, a number of signatures of registered voters validated by the Federal Election Commission which is equal to 5 percent of the popular vote for the office of Senator in the State involved in the most recent general election; or

"(C) in the case of an election for the office of Representative in, Resident Commissioner, or Delegate to the Congress, which files with the Federal Election Commission, not later than ninety days before the election involved, a number of signatures of registered voters validated by the Federal Election Commission which is equal to 5 percent of the popular vote for the office of Representative in, Resident Commissioner, or Delegate to the Congress, in the congressional district involved, in the most recent general election;

"(4) the term 'free broadcast time' means time provided by television stations during a prime time access period, pursuant to the provisions of this title;

"(5) the term 'party committee' means the national party committees, the Senatorial and Congressional Campaign Committees, or a party or committee qualifying under subparagraph (B) or (C) of paragraph (3) of this section; and

"(6) the term 'prime time access period' means the period from 7:30 p.m. to 8 p.m., local time, of each weekday evening.

"FREE POLITICAL BROADCASTS

"SEC. 502. (a) Each television station licensed under the Communications Act of 1934 shall provide free broadcast time during the prime time access period, to the party committees who shall allocate time to eligible candidates in any general or special election for the office of Senator or Representative in, Resident Commissioner or Delegate to the Congress. Such allocation may be made to such candidates exclusively through the Senatorial and Congressional Campaign Committees in the case of the major parties, and in the case of minor parties, to the party organization or committee qualified under subparagraph (B) or (C) of section 501(3).

"(b) Free broadcast time shall be made available to the party committees in accordance with the provisions of this title.

"(c) No television station providing free broadcast time during prime time access periods, pursuant to the provisions of this title, shall make or collect any charge, in any form or manner, for providing such time.

"ALLOTMENT

"SEC. 503. (a) Any party committee receiving free broadcast time during a prime time access period under the provisions of this title—

"(1) shall use such time in a manner which promotes a rational discussion and debate of issues with respect to the election involved;

"(2) shall participate in programs in which not more than 25 percent of the time of each broadcast shall be taken up with presentations other than a candidate's own remarks;

"(3) shall not use less than one minute of free broadcast time in any one program;

"(4) shall not use more than fifteen minutes of free broadcast time in any twenty-four hour period; and

"(5) shall not use an aggregate of more than three hours of free broadcast time on any one television station during the sixty-day period specified in subsection (b).

"(b) Each television station providing free broadcast time under this title shall make free broadcast time available during the prime time access periods beginning on the day sixty days before the date of the general or special election involved and ending at the close of the day before the day of such election.

"ELIGIBILITY

"SEC. 504. (a) A party committee shall be eligible, upon certification by the Commission under subsection (b), to receive free broadcast time in accordance with section 502 and section 503.

"(b)(1) A party committee may establish eligibility by filing an application with the Commission for an allotment of free broadcast time during prime time access periods, under section 503.

"(2) Such application shall be in such form and filed in a manner specified by the Commission but shall include a certification by the party committee—

"(A) that any candidates receiving such time from such committee is a candidate for Federal office in a general election involving at least one other candidate for such office who has qualified for the same election ballot under the law of the State in which the election is to be held;

"(B) that such committee will keep and furnish to the Commission any books, records, or other information it may request;

"(C) that such committee will cooperate in any audit by the Commission; and

"(D) that such committee will delegate the allocation of free time to an identified Senatorial or Congressional Campaign Committee.

"(3) The Commission shall, not later than seven days after receiving an application under paragraph (1), determine whether to certify the party committee making such application.

"(c) Any party committee aggrieved by any determination under subsection (b) may petition the Commission for a hearing with respect to such determination. Such hearing shall be held in accordance with section 554 of title 5, United States Code.

"NEWS PROGRAM AND PUBLIC SERVICE PROGRAM APPEARANCES

"SEC. 505. Any appearance by a candidate on a news program or on a public service program at the invitation of the television station or organization presenting such program, shall not be considered attributable to the free broadcast time allotment of such candidate under section 503.

"EXEMPTION

"SEC. 506. Section 315 of the Communications Act of 1934 shall not apply in the case of the use of television facilities for free broadcast time during prime time access periods under this title.

"RULES AND REGULATIONS

"SEC. 507. The Commission may prescribe such rules, regulations, and forms as are necessary to carry out the provisions of this title.

"AUDITS

"SEC. 508. (a) The Commission is authorized to conduct examinations, audits, and investigations, and to require the keeping of books, records, and other information necessary to carry out the functions and duties imposed on such Commission by this title.

"(b) The Commission shall consult from time to time with the Secretary of the Senate, the Clerk of the House of Representatives, the Federal Communications Commission, and other Federal officers charged with the administration of laws relating to Federal elections, in order to develop as much consistency and coordination in the administration of such laws as the provisions of this title permit. The Commission shall use the same or comparable data as that used in the administration of such other election laws whenever possible.

"REPORTS TO THE CONGRESS

"SEC. 509. The Commission shall submit, not later than June 1 of each year immediately following a year in which any Federal election is held, a full report to each House of the United States Congress setting forth the amount of free time certified to each party committee under section 504.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 510. (a) The Commission is authorized to appear in and defend against any action filed under section 511, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and title III of chapter 53 of such title.

"(b) The Commission is authorized to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter arising under this title, through attorneys and counsel described in subsection (a). Upon application of the Commission, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal from the determination of such court shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"(c) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court of the United States for certiorari to review judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"JUDICIAL REVIEW

"SEC. 511. (a) Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after such certification, determination, or other action by the Commission.

"(b)(1) The Commission, any party committee, or any individual eligible to vote in a Federal election in the United States is authorized to institute an action under this section, including an action for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this title.

"(2) The district courts of the United States shall have jurisdiction over proceedings instituted pursuant to this subsection and shall exercise such jurisdiction without regard to whether a person asserting rights under the provisions of this subsection has exhausted all administrative or other remedies provided by law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court of the United States.

"PENALTY FOR VIOLATIONS

"SEC. 512. A violation of any provision of this title is punishable by a fine of not more than $10,000, or imprisonment for not more than five years, or both.".

STUDY AND REPORT BY COMMISSION

SEC. 3. The Federal Election Commission shall study and monitor the efficacy of the programs resulting from amendments made by this Act. The Commission shall begin such study ninety days before the date of the first election in which the amendments made by this Act apply and shall report to Congress no later than June 1 of the year following the date of such election.

EFFECTIVE DATE

SEC. 4. This Act and the amendment made by this Act shall become effective on the date of enactment and shall apply to any campaign for election to Federal Office for which the election is held more than one year after such date of enactment.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated to the Federal Election Commission such additional sums as may be necessary to carry out the provisions of this Act.

PUBLIC COOL TO NEGATIVE POLITICAL ADS—SURVEY

Providence—mudslinging backfired on political candidates in Rhode Island this year, according to a Brown University poll.

The random survey of 392 Rhode Island adults showed that 53 percent disapproved of the way candidates conducted their campaigns. Most found the tone of television advertising negative.

Seventy-five percent of those polled said TV ads had no effect on their voting. But of those who were influenced, most said the ads made them less likely to vote for the candidate running them.

"It doesn't work for most people, and it also runs the risk of upsetting those who are influenced by it," said Darrell West, assistant professor of political science.

The survey also found that 50 percent of those questioned learned "a little" or "not very much" about issues.

The survey also showed that 36 percent made up their minds in the race for attorney general—between incumbent Arlene Violet and successful Challenger James O'Neil—in the last two weeks of the campaign.

In the lieutenant governor's race, between Secretary of State Susan Farmer and successful incumbent Richard A. Licht, 33 percent waited until the last two weeks to make up their minds.

The survey was conducted by West and Thomas Anton, director of Brown's A. Alfred Taubman Center for Public Policy and American Institutions. The random telephone poll was made Nov. 8 and 9.

The margin of error is plus or minus 5 percent, West said.

WHY CANDIDATES SHOULD GET FREE TV TIME

(By Charles Krauthammer)

Campaign '86 has already made its mark. Political advertising has reached a nadir of nattering negativism. The volume and pitch of negative advertising has itself become a major issue. (More than half of all political ads are negative, versus 5 percent in commercial advertising.) Hence a new etiquette: a James Broyhill commercial (Senate, North Carolina) pauses to call for "a clean campaign" before attacking opponent Terry Sanford. And some delicious touches: during a television debate, Roy Romer (governorship, Colorado) offers his hand to his opponent for a mutual moratorium on negative ads. Hand and offer refused. Live.

This may also be the year the American campaign finally went indoors, never to come out. ("A political rally in California consists of three people around a television set," observed Bob Shrum, Sen. Alan Cranston's media man.) But the market—i.e. electorate—will rule on negative advertising. And there is not much point decrying the electronic campaign. Might as well decry the demise of the slide rule. Technology has its imperatives. The real scandal of American elections is not the fact of television advertising nor the negative content, but the money it takes to buy it.

In any reasonable-sized state, campaigning has been streamlined. It now consists of two activities; fund-raising and media buys. Raise money from rich people to buy the means to persuade everybody else. The candidate has no choice. Campaign costs have gone from $750,000 per Senate race in 1980 to $3 million in 1984. The 18 hottest races in the '86 campaign have already reached that level and there are two weeks still to go.

Why so much? Television. On average more than half of all campaign money goes to TV advertising. In Florida the two Senate candidates, Paula Hawkins and Bob Graham, will likely spend over $7 million between them on television alone. In California, the candidates are spending about $10 million each, mostly for media.

The result? A set of rich people (donors) grows powerful, and a set of powerful people (owners of television stations) grows rich. A cozy arrangement within the, shall we say, ruling class. The result is an extraordinary, and extraordinarily unnecessary, augmentation of its power.

The rich already have more than their share of power in a democracy. That can be cured in two ways. By abolishing the rich, a method amply shown to be the surest road to general poverty. Or by loosening their grip on the electoral process.

How? The approach until now has been, as usual, supply side. We pretend to fight drugs by burning out Bolivian suppliers; we pretend to fight campaign corruption by limiting the supply of political money.

Campaign laws that limit giving have produced their inevitable, if unintended, consequences. Among them are the wild proliferation of special interest PACs, the absurd political windfall for rich candidates (you can give as much as you want to yourself; John Dyson just gave himself $6 million to lose a New York Senate primary), and the premium on glamorous friends who can raise large sums with a concert at their Malibu estate.

Candidates should not have to spend all their time in the salons of the rich or of pop stars to get money to pay for ads to engage in the most important political speech of the day, TV speech. There is a simpler way. Demand-side; make political advertising on television and radio free. Take away the largest financial drain on campaigns and the demand for political money falls. And with it falls the political price extracted from the candidate—and the democracy—by donors.

Airwaves, like landing rights or Yellowstone camp grounds, are a scarce national resource to be regulated by government. Sensibly, the American government does not operate the airwaves. It allocates them to private persons. Television licenses are unbelievably lucrative. In major markets a television station is worth about a quarter of a billion dollars. The physical plant costs roughly $5-$10 million. Much of the difference is the value of the operating license, a gift from the FCC. Recipients of that gift should minimally be required to grant free air time for political speech.

Taxpayers should not have to pay for it. Nor should candidates. Nor, beyond their quota of free time, should candidates be permitted to buy more. Otherwise the whole point of free media—fairness and reducing the political utility of money—is defeated.

True, a fixed amount of television time is a kind of restriction on political speech. But (1) the amount of free time can be made large. (2) It works elsewhere: British democracy is not noticeably impaired. And (3) you can't have everything. There is a trade-off. In a democracy, power depends on votes. To the extent that votes are less a slave to money, democracy is enhanced. If the price for that is curtailing, at the margin, the political speech of the rich and famous, we will have found ourselves a bargain.

By Mr. PELL:

S. 594. A bill to amend the Education Consolidation and Improvement Act of 1981; to the Committee on Labor and Human Resources.

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT

Mr. PELL. Mr. President, today I am introducing, by request of the administration, Secretary Bennett's proposal for reauthorization of the Education Consolidation and Improvement Act. This legislation reflects much work and careful consideration on the part of the administration. I would like to commend the Secretary for his timely submission of these recommendations.

Secretary Bennett will appear before the Education Subcommittee on March 5 to formally present this proposal. He will be the only witness on that day so that my colleagues and I may examine the contents of the Secretary's proposal in considerable depth. And I look forward to hearing the views of the Secretary at that time.

Mr. President, I ask that the full text of the administration's ECIA reauthorization legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT AMENDMENTS OF 1987

SEC. 1001. This title may be cited as the "Education Consolidation and Improvement Act Amendments of 1987".

PURPOSE

SEC. 1002. It is the purpose of this title to improve the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801 et seq.; hereinafter in this title referred to as "the Act") by—

(1) revising the program of grants to local educational agencies under chapter 1 of the Act to—

(A) target services more effectively on the neediest local educational agencies, schools, and children;

(B) provide incentives for, and recognition of, successful local programs;

(C) increase State and local accountability for program results;

(D) encourage innovation and experimentation with alternative mechanisms for providing services;

(E) enhance parental involvement and choice; and

(F) ensure the equitable participation of private school students;

(2) revising the chapter 1 program of grants to State agencies to—

(A) calculate grant amounts and establish service priorities in the migrant education program on the basis of need;

(B) promote the coordination and consolidation of services provided to handicapped children in State-operated programs with services under the Education of the Handicapped Act; and

(C) encourage States to provide transition services for neglected and delinquent children reentering schools of local educational agencies;

(3) making the block grant program under chapter 2 of the Act a more effective vehicle for promoting education reform and improvement; and

(4) establishing a National Cooperative Education Statistics System to produce and maintain comparable, uniform education information and data that are useful for policy-making at the Federal, State, and local levels.

EFFECTIVE DATE

SEC. 1003. This title shall take effect on July 1, 1988.

PART I—PROGRAMS TO MEET THE SPECIAL EDUCATIONAL NEEDS OF DISADVANTAGED CHILDREN

DECLARATION OF POLICY

SEC. 1004. Section 552 of the Act is amended by striking out "to meet" and inserting in lieu thereof "to expand and improve their educational programs that contribute particularly to meeting".

AUTHORIZATION OF APPROPRIATIONS

SEC. 1005. Section 553 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 553. (a) For the purpose of making grants under section 554(a)(1), there are authorized to be appropriated $3,636,853,000 for fiscal year 1988 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) For the purpose of making grants under section 554(a)(2)(A), there are authorized to be appropriated $264,524,000 for fiscal year 1988 and such sums as may be necessary for each of the four succeeding fiscal years.

"(c) For the purpose of making grants under section 554(a)(2)(B), there are authorized to be appropriated $32,616,000 for fiscal year 1988 and such sums as may be necessary for each of the four succeeding fiscal years.

"(d) For the purpose of making payments under section 554(b)(1)(C), there are authorized to be appropriated $40,000,000 for fiscal year 1988 and such sums as may be necessary for each of the four succeeding fiscal years.

"(e) For the purpose of making grants under section 560, there are authorized to be appropriated $20,000,000 for fiscal year 1988 and such sums as may be necessary for each of the four succeeding fiscal years.".

STATE EDUCATIONAL AGENCY APPLICATIONS

SEC. 1006. (a) The heading of section 555 of the Act is amended to read as follows: "AUTHORIZED PROGRAMS; STATE EDUCATIONAL AGENCY APPLICATIONS".

(b) Section 555 of the Act is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following new subsections:

"(d) APPLICATIONS BY STATE EDUCATIONAL AGENCIES.—(1) Any State that wishes to receive a grant under section 554 shall submit to the Secretary, through its State educational agency, an application for a period not to exceed three fiscal years for each program for which it seeks assistance. The application may be amended annually, as may be necessary to reflect changes, without filing a new application.

"(2) Each application submitted by a State educational agency under this subsection shall include—

"(A) a description of the criteria it will use, and the procedures it will follow, to assess the educational effectiveness of programs conducted by local educational agencies within the State receiving assistance under section 554 (a)(1). The description must demonstrate that these criteria and procedures are based on measurement techniques that are generally accepted as valid and reliable. For the purpose of this chapter, assessments of educational effectiveness may be based on student performance on standardized achievement tests, performance in the regular school curriculum, or other objective measures developed by the State educational agency, and may take into account such factors as the size, scope, and quality of services and programs under this chapter, the failure or inability of local educational agencies to provide services required by this chapter, the loss of regular class time for participating children, and health or safety concerns raised by the conditions under which services are provided. For schoolwide projects under section 556(d)(9), these assessments may also be based on standardized achievement tests, school attendance rates, dropout rates, or other objective measures. The Secretary may require the collection of certain data and the use of specific evaluation methodologies to ensure that data from the various States may be aggregated and compared;

"(B) a description of the criteria it will use, and the policy and procedures it will follow, in taking corrective measures, in accordance with section 556(g); and

"(C) a description of the criteria it will use, and the procedures it will follow, to permit a local educational agency conducting a highly successful program under this chapter to implement one or more schoolwide improvement programs under section 556(d)(9) of this Act and section 133 of the Elementary and Secondary Education Act of 1965 in attendance areas in which at least 40 per centum of the children are from low-income families; and

"(D) a description of the criteria it will use, and the procedures it will follow, in making incentive grants under section 560A.

"(e) APPROVAL OF APPLICATIONS.—(1) The Secretary shall approve any State application that meets the requirements of subsection (d) and any other applicable requirements.

"(2) Before disapproving a State application, the Secretary shall provide reasonable notice and an opportunity for a hearing to the State educational agency.

"(f) EVALUATION.—Each State educational agency shall, at least once every three years, evaluate the educational effectiveness of services, including services for children in private schools where required, provided under each program authorized under this chapter by each participating State agency and local educational agency in the State. The State educational agency shall make the result of these evaluations available to the public.

"(g) RECORDS AND INFORMATION.—For each program under this chapter, each State educational agency shall—

"(1) keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation; and

"(2) collect such data on the children served and the types of services provided as the Secretary may prescribe.".

GRANTS—AMOUNT AND ELIGIBILITY

SEC. 1007. (a) Section 111(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.; hereinafter referred to as "the ESEA") is amended—

(1) by amending paragraph (1) to read as follows:

"(1)(A) The Secretary shall set aside not more than one per centum of the amount appropriated for any fiscal year for payments under this section and section 117 to—

"(i) make grants to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands according to their respective need for grants under this section; and

"(ii) to make payments to the Secretary of the Interior under subsection (d) (1) and (2).

"(B) The amount of the grant for which Puerto Rico shall be eligible for any fiscal year under this section and section 117 for any fiscal year shall constitute the same proportion of all funds appropriated under such sections as such amount bore to such funds for fiscal year 1987.

"(C) Of the funds remaining for this section and section 117 for any fiscal year after the application of subparagraphs (A) and (B), the Secretary shall use 95 per centum for payments under this section and 5 per centum for payments under section 117.";

(2) in paragraph (2)(A), by inserting "that exceeds two per centum of the number of all children in the school district of such agency," immediately after "counted under subsection (c)";

(3) by striking out paragraph (2)(C); and

(4) in paragraph (3), by striking out subparagraphs (D) and (E).

(b) Section 111(c)(1) of the ESEA is amended—

(1) by striking out subparagraph (B); and

(2) in subparagraph (A)—

(A) by striking out "section, other than for subsection (a)(3)(D)," and inserting in lieu thereof "section";

(B) by striking out the subparagraph designation "(A)"; and

(C) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively.

(c) Subsection 111(c)(2) of the ESEA is amended by striking out "1970 decennial census" each place it appears and inserting in lieu thereof "most recent available decennial census".

(d) Subsection 111(d) of the ESEA is amended—

(1) in paragraph (1), by striking out "clause (B)(i) in the second sentence of subsection (a)(1)" and inserting in lieu thereof "subsection (a)(1)(A)(ii)"; and

(2) in paragraph (2)—

(A) by striking out "clause (B)(ii) in the second sentence of subsection (a)(1)" and inserting in lieu thereof "subsection (a)(1)(A)(ii)";

(B) by inserting "of the Interior" immediately after "Secretary" in the second sentence thereof; and

(C) in the last sentence thereof, by striking out "and sections 171 and 172".

LOCAL EDUCATIONAL AGENCY APPLICATIONS AND PROGRAMS

SEC. 1008. (a) The heading of section 556 of the Act is amended to read as follows: "LOCAL EDUCATIONAL AGENCY APPLICATIONS AND PROGRAMS".

(b) Section 556(a) of the Act is amended by striking out "and such application" and inserting in lieu thereof "includes the assurances and information described in this section and in section 560(g), and".

(c) Section 556(b) of the Act is amended—

(1) by striking out "shall be approved if it provides" and inserting in lieu thereof "shall include";

(2) by amending paragraph (1) to read as follows:

"(1) are conducted in rank order, only in the attendance areas of the agency with the highest number or per centum of children from low-income families, and in not more than one-third of all attendance areas of the agency;"; and

(3) by amending paragraph (2) to read as follows:

"(2)(A) are based on an annual assessment of educational needs that identifies educationally deprived children in all eligible attendance areas;

"(B) provide services only to those children with the greatest need for special assistance, as demonstrated by such assessment, in the grade-levels to be served; and

"(C) determine the needs of those children with sufficient specificity to ensure concentration on those needs;".

(d) Section 556(d) of the Act is amended—

(1) in paragraph (1)—

(A) by inserting the subparagraph designation "(A)" immediately after "(1)";

(B) in subparagraph (A), as so redesignated, by striking out "designate" and inserting in lieu thereof "conduct projects, as long as school attendance areas are served in rank order as described in subsection (b)(1),"; and

(C) by adding after subparagraph (A), as so redesignated, the following new subparagraph (B):

"(B) a local educational agency may conduct projects in any of its attendance areas if the per centum of children from low income families in each attendance area of the agency is within five per centum of the agency-wide per centum of such children.";

(2) in paragraph (4)—

(A) striking out "either of two preceding fiscal years" and inserting in lieu thereof "the preceding fiscal year"; and

(B) by striking out "subsection (b)(1)(A)" each place it appears and inserting in lieu thereof "subsection (b)(1)";

(3) in paragraph (5), by inserting "or numbers" immediately after "higher proportions";

(4) in paragraph (6), by striking out "any previous year" and inserting in lieu thereof "the previous year"; and

(5) in paragraph (10), by striking out "limited, rotating," and inserting in lieu thereof "limited".

(e) Section 556(e) of the Act is amended to read as follows:

"(e) PARENTAL INVOLVEMENT.—In carrying out its assurance concerning consultation with parents under subsection (b)(3), each local educational agency receiving assistance under section 554(a)(1)—

"(1) shall develop written policies to ensure that parents of the children being served have an adequate opportunity to participate in the design and implementation of the agency's project under this chapter, which may include—

"(A) notifying each child's parents that the child has been selected to participate in the project and why the child was selected;

"(B) informing the parents of the specific instructional objectives for the child;

"(C) reporting to each child's parents on the child's progress;

"(D) holding conferences between individual parents and teachers;

"(E) providing materials, suggestions, and training to parents to help them promote the education of their children at home;

"(F) providing timely information to parents about program plans and evaluations;

"(G) soliciting parents' suggestions in the planning, development, and operation of the program;

"(H) facilitating volunteer or paid participation by parents in school activities;

"(I) designating LEA parent coordinators; and

"(J) establishing parent advisory councils;

"(2) shall hold one or more public meetings each year, to which it shall invite all parents of eligible students and at which it shall—

"(A) inform parents of their right to be consulted in the design and implementation of the agency's programs under this chapter;

"(B) explain the programs it is currently carrying out, and proposes to carry out, under this chapter;

"(C) request comments and recommendations from parents; and

"(D) inform parents of their right to establish procedures for discussing among themselves, with teachers, and with appropriate agency officials the agency's programs under this chapter; and

"(3) may, at the request of parents, provide them such resources and activities as—

"(A) space and materials for meetings;

"(B) information on statutes and regulations applicable to programs under this chapter; and

"(C) training.".

(f) Section 556 of the Act is further amended by adding at the end thereof the following new subsections:

"(f) STATE REVIEW OF LOCAL APPLICATIONS.—The State educational agency shall approve the application of a local educational agency for assistance under section 554(a)(1) if the application meets the requirements of this section and any other applicable requirements.

"(g) NONCOMPLIANCE.—Whenever a State educational agency, after providing reasonable notice and an opportunity for a hearing to a local educational agency, finds that such agency has substantially failed to (1) provide effective compensatory education services under this chapter, including services in accordance with section 557, or (2) carry out any other requirement applicable to the local agency's program under this chapter, it shall take corrective action. Such action may include the withholding of funds, in whole or in part, until compliance is attained, or directing the local educational agency to issue compensatory education certificates in accordance with section 559. If, after a reasonable period of time, compliance has not been attained, the State educational agency may reallocate any withheld funds to other eligible local educational agencies on a pro rata basis or on the basis of need, as it determines.".

SCHOOLWIDE PROJECTS

SEC. 1009. (a) Section 556(d)(9) of the Act is amended—

(1) by striking out "75 per centum" and inserting in lieu thereof "60 per centum"; and

(2) by striking out "(but without regard to paragraph (4) of such section)".

(b) Section 133(a) of the ESEA is amended by striking out "75 per centum" and inserting in lieu thereof "60 per centum".

(c) Section 133(b) of the ESEA is amended by striking out paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6) accordingly.

(d) Section 133(b) of the ESEA, as redesignated by subsection (c), is amended to read as follows:

"(5)(A) the plan includes procedures for the evaluation of programs under this title, including the participation of the individuals listed in paragraph (2);

"(B) such evaluation will focus on the impact such schoolwide projects have on the educational progress of educationally deprived children; and

"(C) the plan provides for periodic revision by the agency on the basis of such evaluations; and"

(e) Section 133(b)(6) of the ESEA, as redesignated by subsection (c), is amended—

(1) in subparagraph (A), by adding "and" after the semicolon at the end thereof;

(2) by striking out subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

REPEAL OF EXECUTED PROVISION

SEC. 1010. Section 559 of the Act is repealed.

COMPENSATORY EDUCATION CERTIFICATES

SEC. 1011. (a) PROGRAM AUTHORIZED.—Chapter 1 of the Act is amended by adding at the end thereof the following new section 559:

"COMPENSATORY EDUCATION CERTIFICATES

SEC. 559. (a) CERTIFICATES AUTHORIZED.—Each local educational agency receiving assistance under section 554(a)(1) may provide compensatory education certificates to the parents of eligible children if the agency determines that the provision of such certificates—

"(1) would be more effective, taking into account the State educational agency's criteria under section 555(d)(2)(A), than direct services provided by the agency in meeting the needs of those children; or

"(2) is needed to provide required services under this chapter, including services in accordance with section 557.

"(b) SCOPE OF PROGRAM.—Each local educational agency may provide compensatory education certificates to parents of eligible children on the basis of individual grade levels, schools, attendance areas, or any combination thereof. Each such agency shall apply the same criteria to both public and private school children in determining the extent to which there is a need to provide such certificates.

"(c) AMOUNT OF CERTIFICATE.—(1) Subject to the limitation in paragraph (2), a local educational agency that provides a compensatory education certificate to a parent under this section shall redeem the certificate for funds under this chapter in an amount, as determined by such agency, that is equitable to all children selected to participate in such agency's program under this chapter.

"(2) The amount of funds that a local educational agency provides to a parent who redeems a compensatory education certificate under paragraph (1) shall not exceed the cost of compensatory services incurred by the parent under subsection (d). Any excess funds shall be retained by the local educational agency and used for services consistent with its approved application.

"(d) AUTHORIZED USE OF CERTIFICATE.—(1) Each local educational agency shall require a parent who redeems a compensatory education certificate under this section to use the proceeds only to purchase supplemental compensatory education services that meet the identified special educational needs of the parent's eligible child.

"(2) Parents may purchase compensatory education services from any elementary or secondary school, wherever located, that the local educational agency determines is able to provide appropriate and effective compensatory educational services to the child. The local educational agency may also specify other types of public and private organizations, such as institutions of higher education, from which parents may purchase such services.

"(e) TRANSPORTATION COSTS.—(1) Each local educational agency may use funds received under this chapter for the additional transportation costs of a child whose parents purchase compensatory education services with the proceeds of a compensatory education certificate.

"(2) The use of funds under this chapter to provide for transportation, as provided in paragraph (1), shall constitute an administrative cost of carrying out programs and projects under this chapter.

"(f) CERTIFICATE FUNDS NOT INCOME.—Payments received by parents under subsection (c)(1) are not income for Federal income tax purposes.

"(g) APPLICATION BY LOCAL EDUCATIONAL AGENCY.—Each local educational agency seeking assistance under section 554(a)(1) shall include in its application under section 556—

"(1) a description of its policies and procedures for determining whether compensatory education certificates will be provided under this section;

"(2) an assurance that it will keep such records and provide such information to the State educational agency relating to the provision of such certificates as may be required for fiscal audit and program evaluation; and

"(3) an assurance that it will exercise due diligence to—

"(A) ensure that payments made to parents under subsection (c)(1) will be used only for the purpose authorized by subsection (d); and

"(B) recover such payments that are not so used.

"(h) DEFINITION.—As used in this section, the term 'eligible child' means an educationally deprived child selected to participate in a local educational agency's program under this chapter in accordance with sections 556 and 557.".

(b) TECHNICAL AND CONFORMING AMENDMENTS TO CHAPTER 1.—Chapter 1 of the Act is further amended—

(1) in section 557—

(A) by inserting in the first sentence of subsection (a) a dash and "(1)" immediately after "such agency shall";

(B) by striking out the period at the end of the first sentence of subsection (a) and inserting in lieu thereof a semicolon and the following: "or (2) provide compensatory education certificates to the parents of such children, in accordance with section 559."; and

(C) by inserting in the second sentence of subsection (a) "and for compensatory education certificates" immediately after "arrangements"; and

(2) in section 558, by adding at the end thereof the following new subsection:

"(f) COMPENSATORY EDUCATION CERTIFICATES.—Payments made by parents to a private school, or to a local educational agency outside of the school district in which the child resides, with the funds received for compensatory education certificates under section 559(c)(1) shall not subject such school or agency to the requirements of this section.".

SPECIAL DEMONSTRATION PROJECTS, EVALUATIONS, AND TECHNICAL ASSISTANCE

SEC. 1012. Chapter 1 of the Act is further amended by adding at the end thereof the following new section 560:

"FEDERAL ACTIVITIES

"SEC. 560. The Secretary is authorized to carry out, directly or through grants to, or contracts or cooperative agreements with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions, activities consistent with the purposes of this chapter, including, but not limited to—

"(1) testing and demonstrating innovative methods for educating educationally deprived students, including projects that focus on parental involvement;

"(2) evaluating programs and projects conducted under this chapter;

"(3) identifying, recognizing, and disseminating information about outstanding local programs under this chapter; and

"(4) providing technical assistance to recipients of assistance under this chapter.".

INCENTIVE GRANTS

SEC. 1013. Chapter 1 of the Act is further amended by adding at the end thereof the following new section 560A:

"INCENTIVE GRANTS

"SEC. 560A. (a) Each State educational agency receiving assistance under this chapter shall set aside one per centum of the funds it receives under section 554(a)(1) for incentive payments to local educational agencies that it determines operate successful programs under this chapter.

"(b) Any incentive payment received by a local educational agency under this section shall be treated as part of its regular grant under this chapter and shall be used to—

"(1) extend that agency's program under this chapter to additional educationally deprived students or to additional schools in eligible school attendance areas, or otherwise to improve its programs under this chapter; or

"(2) disseminate information on its program to other schools or local educational agencies.".

PROGRAMS FOR MIGRANT CHILDREN

SEC. 1014. (a) Section 555(b) of the Act is amended by striking out the second and third sentences thereof.

(b) Section 141(b) of the ESEA is amended—

(1) by striking out "sections 156 and 157" and inserting in lieu thereof "section 156";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting immediately after paragraph (1) the following new paragraph (2):

"(2) In determining the number of formerly migratory children, as described in section 142(b), who reside in a State, the Secretary shall count 100 per centum of children in the first year of formerly migrant status, 80 per centum of children in the second year of such status, 60 per centum of children in the third year of such status, 40 per centum of children in the fourth year of such status, and 20 per centum of children in the fifth year of such status.".

(c) Section 142(a)(2) of the ESEA is amended by striking out "programs administered under" and all that follows through the end thereof and inserting in lieu thereof "other State and Federal programs that benefit migrant children;".

(d) Section 142(a)(4) of the ESEA is amended by striking out "(consistent with the requirements of section 125(a))".

(e) Section 142(a)(5) of the ESEA is amended to read as follows:

"(5) that, in planning and carrying out programs and projects, priority for participation will be given first to all currently migratory children from kindergarten through grade 12; second, to all currently migratory preschool children; and, third, to formerly migrant children, as described in subsection (b), from kindergarten through grade 12.".

(f) Section 142(b) of the ESEA is amended—

(1) in the first sentence thereof by inserting "annual" immediately before "concurrence"; and

(2) by striking out the second sentence thereof.

(g) Section 143 of the ESEA is amended—

(1) in subsection (a)—

(A) by inserting "make grants to, or" immediately after "authorized to"; and

(B) by striking out the second and third sentences thereof; and

(2) in subsection (b), by striking out "shall not be less than $6,000,000 nor more than 5 per centum" and inserting in lieu thereof "shall not be more than 5 per centum".

PROGRAMS FOR NEGLECTED AND DELINQUENT CHILDREN

SEC. 1015. (a) Section 151(b) of the ESEA is amended by striking out "sections 156 and 157" and inserting in lieu thereof "section 156".

(b) Section 153 of the ESEA is revised to read as follows:

"TRANSITION SERVICES

"SEC. 153. (a) Each State may set aside up to ten per centum of the amount it receives under section 151 for any fiscal year to support projects that facilitate the transition of children from State operated institutions for neglected and delinquent children into locally operated programs.

"(b) Projects supported under this section may be conducted directly by the State agency, or by contracts or other arrangements with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) Assistance under this section shall be used only to provide special educational services to neglected and delinquent children in schools other than State operated institutions.".

PROGRAMS FOR HANDICAPPED CHILDREN

SEC. 1016. (a) Section 611(a) of the Education of the Handicapped Act is amended—

(1) by striking out paragraph (1)(A) and inserting in lieu thereof a new paragraph (1)(A) to read as follows:

"(A) the number of handicapped children in the State who are receiving special education and related services, as determined under paragraph (3)—

"(i) aged 3-21, inclusive; and

"(ii) from birth through age 20, inclusive, not counted under clause (i) who are described in section 146 of the Elementary and Secondary Education Act of 1965, except that

"(iii) no children, aged 3-5, inclusive, may be counted under this subparagraph unless the State is eligible for a grant under section 619;"; and

(2) in paragraph (5)(A)—

(A) in clause (i), by striking out the comma at the end thereof and inserting in lieu thereof a semicolon and "and";

(B) by striking out the semicolon and "and" at the end of clause (ii) and inserting in lieu thereof a period; and

(C) by striking out clause (iii).

(b) Section 611(g)(1) of the Education of the Handicapped Act is amended to read as follows:

"(1)(A) If the funds appropriated under subsection (h) for any fiscal year for making payments under subsection (a) are not sufficient to pay in full the amount that all States are entitled to receive under subsection (a) for that fiscal year, the Secretary shall—

"(i) for each fiscal year through fiscal year 1997, first pay to each State for each child in the State described in section 146 of the Elementary and Secondary Education Act of 1965, up to the number of children counted by the Secretary for that State under that section for fiscal year 1987, the amount per child received by that State for fiscal year 1987 under that section, which amount shall, for each succeeding fiscal year beginning with fiscal year 1989, be reduced by 10 percent of the fiscal year 1987 amount; and

"(ii) then ratably reduce the maximum amounts, less amounts determined under clause (i), that all States are entitled to receive under subsection (a).

"(B) If additional funds become available for making payments under subsection (a) for any fiscal year during which subparagraph (a)(ii) is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(C) Notwithstanding subsections (c) and (d), any amounts paid to a State under subparagraph (A)(i) shall be distributed by the State educational agency to State agencies and local educational agencies described in section 146 of the Elementary and Secondary Education Act of 1965 in proportion to the number of handicapped children attributable to each such agency.".

(c) Section 614(a) of the Education of the Handicapped Act is amended by striking out "under section 611(d)" and inserting in lieu thereof "under section 611".

(d) Section 619 of the Education of the Handicapped Act is amended by adding at the end thereof the following new subsection (f) to read as follows:

"(f) Notwithstanding any other provision of this section, no payments shall be made under this section with respect to children for whom payments are made under section 611(g)(1)(A)(i) for the same fiscal year.".

(e) Section 555(b) of the Act is amended—

(1) by striking out the first comma and "handicapped children"; and

(2) by striking out "subparts 1, 2, and 3" and inserting in lieu thereof "subparts 1 and 3."

(f) Section 146(c) of the ESEA is amended by striking out "child, to be used" and everything that follows through the end thereof and inserting in lieu thereof "child.".

STATE ADMINISTRATIVE FUNDS

SEC. 1017. (a) Section 554(d) of the Act is repealed.

(b) Section 194 of the ESEA is amended to read as follows:

"PAYMENTS FOR STATE ADMINISTRATION

"SEC. 194. (a) The Secretary is authorized to pay to each State educational agency an amount, except as provided in subsection (b), in direct proportion to the State's allocation from the funds appropriated for all States under this title, to help pay the State's cost of the proper and efficient performance of its duties under this title, including such activities as monitoring, evaluating, and improving programs, and providing technical assistance to State agencies and local educational agencies.

"(b) the amount paid by the Secretary to any State for any fiscal year shall not be less than $275,000, or $50,000 in the case of Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands. If the amount of funds appropriated for any fiscal year is insufficient to make the minimum payments described in the preceding sentence, such payments shall be ratably reduced.".

SUPPLANTING; COTERMINOUS COUNTIES

SEC. 1018. (a) Section 558(d) of the Act is amended in the first sentence thereof—

(1) by inserting "State or" immediately before "local educational agency"; and

(2) by striking out "special programs to meet" and everything that follows through the end thereof and inserting in lieu thereof "compensatory education programs for educationally deprived children that meet the requirements of section 131 of the Elementary and Secondary Education Act of 1965.".

(b) Section 558 of the act is further amended by striking out subsection (e).

ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

SEC. 1019. Section 193(a) of the ESEA is amended—

(1) by striking out "other than amounts appropriated for subpart 2 of part A" in the first sentence thereof;

(2) by striking out "and State" in the first sentence thereof;

(3) by striking out "the amount available for each grant to a State agency" in the first sentence thereof and everything that follows through "for such year," in the second sentence thereof;

(4) by striking out "shall, subject to adjustments under the next sentence," and inserting in lieu thereof "shall"; and

(5) by striking out the last sentence thereof.

DEFINITIONS

SEC. 1020. Section 198(a) of the ESEA is amended—

(1) in paragraph (2), by striking out "during the third fiscal year" and everything that follows through the fourth comma and inserting in lieu thereof "during the most recent fiscal year for which data satisfactory to the Secretary are available,";

(2) by striking out paragraph (3);

(3) in paragraph (6), by striking out "this title or parts B and C of Title IV of this Act" and inserting in lieu thereof "under chapter 1 of the Education Consolidation and Improvement Act of 1981";

(4) in paragraph (15), by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education"; and

(5) by striking out the subsection designation "(a)".

TECHNICAL AMENDMENTS TO CHAPTER 1

SEC. 1021. (a) Section 554(a) of the Act is amended—

(1) by inserting "of 1965" after "Secondary Education Act" in the introductory matter thereof;

(2) by striking out "September 30, 1982:" and inserting in lieu thereof "September 30, 1982, and as subsequently amended:";

(3) in paragraph (1), by striking out "Local Education Agencies" and inserting in lieu thereof "Local Educational Agencies"; and

(4) in paragraph (2), by striking out subparagraphs (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(b) Section 554(b) of the Act is amended—

(1) by inserting "of 1965" after "Secondary Education Act";

(2) by striking out "September 30, 1982:" and inserting in lieu thereof "September 30, 1982, and as subsequently amended:";

(3) by amending paragraph (1) to read as follows:

"(1) Part E—'Payments':

"(A) Section 192—'Amount of Payments to Local Educational Agencies';

"(B) Section 193—'Adjustments Where Necessitated by Appropriations'; and

"(C) Section 194—'Payments for State Administration'."; and

(4) in paragraph (2), by striking out subparagraph (A) and the subparagraph designation "(B)".

(c) Section 555(c) of the Act is amended—

(1) by striking out "local education agency" and inserting in lieu thereof "local educational agency"; and

(2) by striking out "as in effect September 30, 1982," and inserting in lieu thereof "as in effect on September 30, 1982, and as subsequently amended,".

(d) Section 556(b)(4) of the Act is amended—

(1) by striking out "results of such evaluation" and inserting in lieu thereof "results of such evaluations"; and

(2) by striking out "this chapter; and; and" and inserting in lieu thereof "this chapter; and".

(e) Section 558(b) of the Act is amended by inserting a comma immediately after "compliance with this subsection" in the last sentence thereof.

(f) Section 594 of the Act is repealed.

(g) Section 595(a) of the Act is amended—

(1) by inserting a comma immediately after "herein" in the introductory material thereof; and

(2) in paragraph (9), by striking out "enclosure" and inserting in lieu thereof "enclosures".

TECHNICAL AMENDMENTS TO THE ESEA

SEC. 1022. (a) Title I of the ESEA is amended—

(1) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary";

(2) in section 117—

(A) in subsection (c)(1), by striking out "section 191" and inserting in lieu thereof "section 554(a)(1)(A) of the Education Consolidation and Improvement Act of 1981;

(B) in subsection (c)(2), by striking out "Section 121" and everything that follows through the end thereof and inserting in lieu thereof "section 556 of the Education Consolidation and Improvement Act of 1981."; and

(C) by striking out subsection (d);

(3) in section 131—

(A) by striking out subsections (a), (b), and (d) through (f);

(B) in subsection (c)—

(i) by striking out the subsection designation "(c)";

(ii) by striking out the subsection heading;

(iii) by striking out "subsection" each place it appears and inserting in lieu thereof "section"; and

(iv) by striking out "clauses" each place it appears and inserting in lieu thereof "paragraphs"; and

(C) by amending the section heading to read as follows:

"STATE AND LOCAL COMPENSATORY EDUCATION PROGRAMS SIMILAR TO TITLE I PROGRAMS";

(4) in section 146(a), by striking out "section 602(1)" and inserting in lieu thereof "section 602(a)(1)"; and

(5) in section 156, by striking out "1, 2, and 3" and inserting in lieu thereof "1 and 3";

(6) by amending section 192 to read as follows:

"AMOUNT OF PAYMENTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 192. From the funds paid to it under this title, each State educational agency shall distribute to each local educational agency of the State which is eligible to receive a grant under section 554(a)(1) of the Education Consolidation and Improvement Act of 1981, and which has submitted an application approved by such State agency, the amount for which such application has been approved.".

(b) Section 1001 of the ESEA is amended—

(1) by striking out paragraph (a); and

(2) in paragraph (i), by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

(c) Title X of the Elementary and Secondary Education Act of 1965 is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary".

PAYMENT ADJUSTMENTS

SEC. 1023. Section 415 of the General Education Provisions Act is amended by—

(1) inserting an "(a)" immediately after "SEC. 415."; and

(2) adding a new subsection (b) to read as follows:

"(b) Except as permitted under section 456 of this title, the Secretary shall return to the United States Treasury any funds awarded under an applicable program that are recovered by the Department of Education, either through a payment adjustment, audit, or by other means, after those funds are no longer available for obligation by a recipient under that program.".

REPEALS

SEC. 1024. Sections 101, 102, 116, 121 through 130, 132, 134, 157, 161, 162, 164 through 174, 181 through 188, 191, and 195 through 197 of the ESEA are repealed.

PART II—EDUCATIONAL REFORM AND IMPROVEMENT

PURPOSE

SEC. 1031. (a) Chapter 2 of the Act is amended in the heading by striking out "Consolidation" and everything that follows through the end thereof and inserting in lieu thereof "EDUCATIONAL REFORM AND IMPROVEMENT".

(b) Section 561(a) of the Act is amended to read as follows:

"(a) The purposes of chapter 2 are to—

"(1) assist State and local efforts to achieve excellence in elementary and secondary education (including preschool) through the implementation of educational reform and improvement programs for children attending both public and private schools; and

"(2) provide that assistance to State and local educational agencies—

"(A) in accordance with those agencies own determinations of their needs and priorities; and

"(B) in a manner that imposes minimal administrative and paperwork burdens upon schools and increases their ability to educate children."

AUTHORIZATION OF APPROPRIATIONS

SEC. 1032. Section 562 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 562. There are authorized to be appropriated $500,000,000 for fiscal year 1988 and such sums as may be necessary for the next four fiscal years to carry out the provisions of this chapter.".

STATE ALLOTMENTS

SEC. 1033. Section 563(a) of the Act is amended by striking out "1 per centum" and inserting in lieu thereof "no more than 1 per centum".

STATE APPLICATIONS

SEC. 1034. (a) Section 564(a) of the Act is amended—

(1) by striking out everything that follows the "(a)" through the first dash therein and inserting in lieu thereof "The Secretary shall pay to any State its allotment under section 563(a) if that State submits an application to the Secretary that—";

(2) in paragraph (3), by striking out "among subchapters A, B, and C of this chapter and"; and

(3) in paragraph (5), by striking out "beginning with fiscal year 1984,".

(b) Section 564 of the Act is further amended by striking out subsection (c).

LOCAL ALLOCATIONS

SEC. 1035. (a) Section 565(a) of the Act is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting the paragraph designation "(1)" immediately after the subsection designation "(a)"; and

(3) by adding at the end thereof the following new paragraph:

"(2) such relative enrollments shall be calculated on the basis of the total of (A) the number of children enrolled in public schools and (B) the number of children enrolled in private, nonprofit schools that desire their children to participate in programs or projects assisted under this chapter. Nothing in this paragraph shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private, nonprofit schools within their school districts in order to determine whether such schools desire that their children participate in programs assisted under this chapter.".

(b) Section 565 is further amended by adding at the end thereof a new subsection to read as follows:

"(d) The State educational agency shall use the funds under this section that are not distributed to LEAS under subsection (a) to support one or more of the activities authorized by section 571.".

LOCAL APPLICATIONS

SEC. 1036. Section 566(a)(1) of the Act is amended by—

(1) striking out "among subchapters A, B, and C of this chapter and"; and

(2) striking out "authorized by such subchapters which" and inserting in lieu thereof "that".

AUTHORIZED ACTIVITIES

SEC. 1037. Subchapter A of Chapter 2 of the Act is amended to read as follows:

"SUBCHAPTER A—EDUCATIONAL REFORM AND IMPROVEMENT

"SEC. 571. (a) State and local educational agencies shall use the funds received under section 564(a) to carry out projects that are authorized by this section and that promise to promote educational excellence by enhancing the overall quality and effectiveness of their instructional program.

"(b)(1) Projects authorized by this section include—

"(A) comprehensive and coordinated projects designed to improve instruction at the elementary and secondar level in the basic skills of reading, mathematics, and written and oral communication, including activities designed to provide parents with the literacy skills they need to help their children learn to read;

"(B) projects designed to enhance educational opportunities for economically or academically disadvantaged children, including children who attend schools undergoing desegregation;

"(C) projects designed to identify and meet the special educational needs of children who demonstrate extraordinary intellectual, academic, creative, artistic, or leadership capabilities and who require special services or activities that are not ordinarily provided by the school, in order to develop those capabilities to their full extent;

"(D) the development of plans and policies designed to measure the academic proficiency of students, assist students to achieve levels of proficiency compatible with existing educational proficiency standards, and to raise those standards;

"(E) projects designed to achieve and maintain in schools an orderly environment that is conducive to learning, including activities to promote safety; reduce crime, drug use and vandalism; and otherwise maintain school discipline;

"(F) projects designed to encourage students to stay in school or to encourage dropouts to resume their education;

"(G) projects designed to teach the principles and values of good citizenship and to increase students' understanding of government on the local, State, and national level;

"(H) preschool and in-school partnership projects in which parents participate to enhance the education of their children;

"(I) projects that expand educational opportunities for students by providing their parents with greater choice over the selection of their children's schools;

"(J) the development of merit pay, career ladder, master teacher, and other policies designed to recognize and reward excellence in teaching and to assist new teachers in developing their professional skills;

"(K) inservice training, retraining, and other activities designed to improve teaching in academic subjects;

"(L) the development of more rigorous graduation requirements;

"(M) the development of plans to increase the total amount of time in school available to students for learning;

"(N) the recognition and dissemination of effective educational practices;

"(O) school partnerships with business, industry, government, or higher education to improve the education of students in elementary and secondary schools;

"(P) the acquisition and use for instructional purposes of textbooks, school library resources, and other printed and published instructional materials, as well as instructional equipment and materials that are suitable for educating students in academic subjects; and

"(Q) any other project that is consistent with the purposes of this chapter.

"(2) Projects authorized by this section may be conducted at the elementary or secondary (including preschool) level.

"(3) A State or local educational agency shall not use funds received under this chapter for construction.

"(4) No funds under this chapter may be used for the administrative expenses of the State educational agency, except as permitted under subsection (c)(3) of this section.

"(c) In addition to the activities authorized by subsection (b), a State educational agency may also use funds under section 565(d) to—

"(1) develop procedures for assuming the responsibility, or taking other corrective actions, to provide a high quality education for students who are attending public elementary and secondary schools that the SEA determines are either unable or unwilling to meet that responsibility themselves;

"(2) pay the cost of complying with the additional information and data-gathering requirements, (including the cost of equipment, data collection and processing, and personnel and training costs), in its agreement with the Secretary for participating in the National Cooperative Education Statistics System established by section 406(i) of the General Education Provisions Act; and

"(3) pay the cost of State administration of its programs under this chapter, except that a State educational agency may use no more than five per centum of the State's grant under section 563(a) for this purpose.".

REPEALS

SEC. 1038. (a) Chapter 2 of the Act is further amended by—

(1) repealing subchapters B and C and redesignating subchapter D and E as subchapters B and C, respectively; and

(2) repealing section 587.

(b) By repealing section 587, it is not the intent of Congress to revive program authorities that were repealed by section 587.

DISCRETIONARY PROGRAM

SEC. 1039. (a) Section 583(b) of the Act is amended to read as follows:

"(b) In addition to the activities described in subsection (a), the Secretary is authorized to carry out—

"(1) the Inexpensive Book Distribution Program as formerly authorized by part C of title II of the Elementary and Secondary Education Act of 1965;

"(2) the programs of national significance in the "Arts in Education" Program as formerly authorized by part C of title III of that Act;

"(3) the law-related education program as formerly authorized by part G of title III of the Elementary and Secondary Education Act of 1965; and

"(4) the National Diffusion Network program described in subsection (c).".

(b) Section 583(c) of the Act is amended—

(1) in paragraph (1) by striking out "under subsection (b)(5)" and inserting in lieu thereof "authorized by subsection (b)(4)"; and

(2) by striking out paragraph (4).

WAIVER

SEC. 1040. Sec. 585(b) of the Act is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), a State or local educational agency may use and allocate funds received under this chapter only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this chapter, be made available from non-Federal sources, and, except as provided in paragraph (2), in no case may such funds be used so as to supplant funds from non-Federal sources.

"(2) At the request of a State that has enacted legislation requiring an innovative program to improve local educational practices in elementary and secondary schools, the Secretary may waive, for no more than two fiscal years, the requirements of paragraph (1) to allow the State educational agency and local educational agencies in such State to use funds received under this chapter, that meet the requirements of such legislation. The Secretary may grant a waiver only with regard to activities that are required by such legislation to be implemented on or after enactment of the Education Consolidation and Improvement Act Amendments of 1987. A waiver shall apply to such activities only during the period for which the waiver is granted.".

PART III—NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM

EDUCATION INFORMATION AND DATA

SEC. 1041. Section 406 of the General Education Provisions Act (20 U.S.C. 1221e) is amended by adding at the end thereof a new subsection to read as follows:

"(i)(1) There is established within the Center a National Cooperative Education Statistics System (hereafter referred to in this section as the 'System'). The purpose of the System is to produce and maintain, with the cooperation of the States, comparable and uniform educational information and data that are useful for policy-making at the Federal, State, and local level.

"(2) Each State that desires to use funds under chapter 2 of the Education Consolidation and Improvement Act (20 U.S.C. 3811 et seq.) for any fiscal year to participate in the system shall—

"(A) first develop with the Center the information and data-gathering requirements that are needed to report on the condition and progress of elementary and secondary education in the United States, such as information and data on—

"(i) schools and school districts;

"(ii) students and enrollments, including special populations;

"(iii) teachers and school administrators;

"(iv) the financing of elementary and secondary education;

"(v) student outcomes, including scores on standardized tests and other measures of educational achievement; and

"(vi) the progress of education reform in the States and the Nation; and

"(B) then enter into an agreement with the Center for that fiscal year to comply with those information and data-gathering requirements.

"(3) To establish and maintain the system, the Secretary—

"(A) shall—

"(i) provide technical assistance to the States regarding the collection, maintenance, and use of the System's data; and

"(ii) to the extent possible, implement standard definitions and data collection procedures; and

"(B) may—

"(i) directly, or through grants, cooperative agreements, or contracts, conduct research, development, demonstration, and evaluation activities that are related to the purposes of the System; and

"(ii) prescribe appropriate guidelines to ensure that the statistical activities of the States participating in the System produce data that are uniform, timely, and appropriately accessible.".

By Mr. SPECTER:

S. 595. A bill for the relief of Rocco A. Trecosta; to the Committee on the Judiciary.

RELIEF OF ROCCO A. TRECOSTA

Mr. SPECTER. Mr. President, I am introducing today a private relief bill on behalf of Mr. Rocco A. Trecosta, a teacher in the Department of Defense Overseas Dependents Schools.

This bill will provide Mr. Trecosta with up to $10,000 in retroactive pay benefits which are properly due him.

Mr. Trecosta's claim is based on a U.S. court of appeals decision which held that the Department of Defense had improperly implemented pay-setting procedures which fix the basic compensation for teachers in the military department. *March* v. *United States,* 506 F. 2d 1306 (D.C. Cir. 1974). The March court directed the Department of Defense to calculate teachers' salaries on the basis of the current salaries being paid to teachers in comparable stateside school systems.

March was brought as a class action, and out of a total of approximately 23,000 potential plaintiffs, four individuals, one of whom was Mr. Trecosta, were specifically excluded from recovery under the judgment. Three of the four, were excluded because they chose not to be members of the class. Mr. Trecosta, in contrast, was excluded from recovering under March because he had brought an identical claim in the Court of Claims 3 years prior to March. The Court of Claims had decided Trecosta's case on cross motions for summary judgment, and had issued a brief order denying his claim. *Trecosta* v. *United States,* 194 Ct. Cl. 1025 (1971). In March, the court of appeals noted the Trecosta decision, but disagreed with its conclusion.

Thus, but for Mr. Trecosta's prior suit in the Court of Claims, he would have been considered part of the plaintiff class in March, and would have recovered for his underpayment. Even those individuals who opted out of the class action, and thus could not share in the judicial recovery, were permitted to recover through administrative payments made in recognition of March. Trecosta, denied this as well because of his prior suit, is thus the only individual out of 23,000 whose timely and identifiable claim had been refused. The cruel irony, of course, is that the subsequent decision in March makes clear that Mr. Trecosta's challenge to DOD's payment practices was meritorious and should have been upheld.

Mr. Trecosta's situation is extraordinary and equity demands that Congress provide private relief. It should be emphasized that no preferential treatment will be accorded to him by this bill—the relief proposed is limited to the relief granted to the identically situated March plaintiffs. The judgment is limited to $10,000 gross compensation, with appropriate deductions for Social Security, Federal Employees Group Life Insurance, Income tax, and similar rights and obligations. The Comptroller General of the United States has recommended that this private relief be granted.

Mr. President, the enactment of the bill I propose today will rectify a great wrong which has plagued Mr. Trecosta for many years, and I call upon my colleagues to support this measure.

I ask unanimous consent that the full text of the legislation be printed in the Congressional Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of Defense is authorized and directed to settle, adjust and pay, the claim for backpay of Rocco A. Trecosta, an employee of the Department of Defense Overseas Dependent Schools, by the same method and to the same extent as if Rocco A. Trecosta were a member of the plaintiff class in March v. United States, 506 F.2d 1306 (D.C. Cir. 1974). Such claim shall be payable from applicable appropriations of the Department of Defense and shall be limited to $10,000, from which shall be deducted all applicable deductions, including deductions for Civil Service Retirement, Social Security, Federal Employees Group Life Insurance, and Federal income tax withholding. Such payment shall be in full satisfaction of all claims of said Rocco A. Trecosta against the United States for backpay in connection with his service as a teacher in the Department of Defense Overseas Dependent Schools.

Sec. 2. No part of any amount authorized by this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of the provision of this section is a misdemeanor punishable by a fine not to exceed $1,000.

By Mr. DANFORTH (for himself, Mr. Bentsen, Mr. Inouye, Mr. Wilson, Mr. Lautenberg, Mr. Durenberger, Mr. Dixon, Mr. Heinz, Mr. Cranston, Mr. Grassley, Mr. Glenn, and Mr. Kasten):

TELECOMMUNICATIONS TRADE ACT

● Mr. DANFORTH. Mr. President, I am pleased today to be joined by a number of my colleagues in introducing the Telecommunications Trade Act of 1987, a bill designed to open foreign markets to U.S. exports of telecommunications products and services. The bill is identical to legislation which I introduced with Senator Bentsen and others in the 99th Congress, S. 942, which received the unanimous approval of the Senate Finance Committee.

The Telecommunications Trade Act has a long history. It is the product of hearings and extensive discussions with business and labor concerned about the absence of free and fair trade in the telecommunications sector. The impetus for this bill originated with a decision made on August 5, 1983, which ostensibly had nothing to do with international trade, but which experience demonstrates may have had a greater impact on the U.S. trade balance than any other decision in recent decades. The decision was not made by the President or by the Congress—in fact, its impact on American trade was hardly considered by those involved in this and other events leading up to the final outcome. The decision—the final step before the breakup of the Bell System—came about after years of thought, litigation, and legislation focused on considerations of domestic competition and deregulation. Yet, this domestic policy decision has had an enormous effect on the U.S. position in world markets.

In trade terms, the AT&T divestiture opened the U.S. market to foreign telecommunications products, services, and investment without any reciprocal opening of foreign markets. Since most foreign markets remain effectively closed to U.S. telecommunications exports, divestiture also has represented a unilateral giveaway of the greatest leverage that might ever be used by our trade negotiators to gain access to those markets. This outcome is shocking in view of the fact that the United States is a world-class competitor with respect to telecommunications technology. In telecommunications, there can be no serious claim that U.S. products and services are somehow "inferior" or that our exporters suffer from a lack of effort. Quite simply, it is closed markets—almost exclusively closed markets—which prevent us from gaining substantially greater foreign sales. Because of the especially compelling problems facing this unique sector of our economy, it is imperative that we immediately promote effective negotiations that will achieve an open world trading system in telecommunications. Moreover, to the extent that foreign countries have already committed to opening their telecommunications markets, it is imperative that the United States establish a systematic, result-oriented means of enforcing compliance with these commitments.

Since the initial introducing of S. 2618 in 1984 and subsequent introduction of S. 942 in 1985, the administration has undertaken extensive discussions and dialog with public officials in countries with closed telecommunications markets. But little has really changed. Over 2 years have gone by, numerous market opening promises have been made, but in many areas the situation has actually grown worse. The market opening sector specific [MOSS] process in Japan has not produced significant results in terms of purchases, and the Europeans show little or no inclination to support meaningful change in their government procurement policies to deal with telecommunications barriers to trade. The upcoming Uruguay Round GATT talks, or bilateral negotiations such as with Canada on a free trade agreement, cannot be relied upon to resolve the complicated telecommunications situation in a timely manner. If anything, the last 2 years have proven even more conclusively how critical market opening legislation is to the U.S. telecommunications industry.

The Telecommunications Trade Act provides a framework for negotiations to open foreign markets to U.S. exports and for aggressive enforcement of trade agreements related to telecommunications. It does so in a manner fully consistent with U.S. trade obligations under the GATT; by offering U.S. trade negotiators the mandate, authority, and leverage to gain meaningful access for U.S. exports of telecommunications equipment and services comparable to that provided by the restructuring of the U.S. telecommunications market.

This is legislation designed to address a unique situation faced by a unique industry: It would be willing and able to compete in an open world trade environment—but for a series of U.S. Government decisions that gave away the store.

BACKGROUND

Observed in a vacuum, the fragmentation of the American telecommunications system may have seemed a good idea, where increased competition among domestic providers of equipment and services could ultimately benefit the system's users.

But in this interdependent world, we cannot afford to make decisions in a vacuum. We cannot afford to let trade be the step-child of domestic policy decisions—particularly if we consider the tremendous impact trade has on the U.S. economy, our employment, and our competitiveness.

If we are to have a forward-looking trade policy, a job-creating trade policy, we must pay special attention to those sectors, like the telcommunications sector, with the greatest promise for growth and employment. In 1985, the world telecommunications market was valued at approximately $45 billion. Today, that market is estimated at over $90 billion—and it is expected to reach almost $150 billion by 1992. Taken in this context, the decision to restructure the U.S. telecommunications market without addressing the gaping imbalance in trade opportunities is bound to create is unconscionable.

In trade terms, divestiture represented the unilateral dismantling of a major nontariff barrier to imports through elimination of AT&T's vertically integrated relationship as the manufacturer of equipment and the provider of service. That a number of American equipment manufacturers have been able to take advantage of the breaking of this link is clearly a healthy event. That this has and will continue to lay bare the U.S. market to many billions of dollars in new sales by foreign manufacturers—with little corresponding improvement in market access for U.S. exports—is a disaster.

The Constitution provides for Congress to regulate commerce with foreign nations. It is imperative that Congress act now to prevent further catastrophic trade losses before it is too late.

The international situation with respect to telecommunications trade is unique. The United States is virtually the only country in the world with a private telecommunications system. Virtually all other industrialized countries continue to have monopolistic telecommunications entities that are controlled by—if not owned and operated by—their governments.

The world over, PTT's—post, telegraph, and telephone entities—are protected, nurtured, and supported by their governments. Equipment procurement is confined to the extent possible to domestic manufacturers, who in turn use government financial support to develop new equipment and to promote their export drives. And export they must—because in this day of highly sophisticated, R&D-intensive telecommunications equipment, economies of scale dictate that few home markets are big enough to provide adequate returns on investment.

The comparative advantage that American producers currently enjoy in the telecommunications sector would lead us to expect the United States to run a substantial trade surplus in the telecommunications area. In stark contrast to the logic of the marketplace, however, is the large trade deficit of over $2 billion that the United States ran in 1986. There can be no question that U.S. telecommunications exports are only a small fraction of what they would be under open market conditions.

Notwithstanding any other factors affecting U.S. trade in telecommunications, one finds throughout the world that virtually all major telecommunications markets are closed:

In Japan, there is an enormous market, served by Nippon Telegraph & Telephone [NTT] and others. The MOSS telecommunications negotiations, modifying the administration of Japanese technical standards, may eventually aid United States efforts to export to the large Japanese market, but meeting Japanese standards continues to be expensive and time-consuming for United States firms, and foreigners still have little meaningful input into Japan's standards drafting process. Meanwhile, major Japanese manufacturers continue to make inroads into the United States telecommunications market at an alarming pace. In 1985, Japanese telecommunications equipment exports alone to the United States totaled over $1.7 billion while United States exports to Japan were a meager $106 million. A recent decision by the Japanese Ministry of Posts and Telecommunications to hand the bulk of the Japanese cellular phone market to a Toyota-backed consortium—rather than the American competitor who invented the technology—can only be seen as evidence of "Business as Usual" in Japan, Inc.

In Canada, entry of United States telecommunications products into the market remains blocked by Government-sanctioned discriminatory procurement policies which favor domestic suppliers, by exceedingly high tariffs on telecommunications equipment, and by rigid "Buy Canada" laws, regulations, and practices. In 1985, Canadian telecommunications exports to the United States were valued at over $520 million, while United States exports to Canada were valued at $246 million—statistics not even taking into account corporate expansion of their subsidiary investments in the United States.

In Europe, in addition to closed markets, American telecommunications firms can face situations where political hurdles make it virtually impossible to transact business effectively and profitably. One striking example of this has been the AT&T/Phillips effort to make an investment in the French company, Cie Generale Des Constructions Telephoniques [CGCT], and to gain an important foothold in the European market. Numerous political obstacles have been thrown in the way of what should be a straightforward business transaction.

Advanced developing nations, such as Brazil and Mexico, impose numerous restrictions on United States telecommunications exports, and are increasingly mimicked by a growing array of other LDC's.

Today, the United States is still the world's most highly competitive producer of telecommunications equipment and services, with sufficient capacity and innovativeness to compete in any market in the world. But the wholesale giveaway of the U.S. market, and our apparent reluctance to aggressively enforce existing telecommunications trade agreements, has already set the stage for a major shift in high-technology trade patterns. Something must be done now—before the damage is irreversible.

Recent trends in telecommunications trade only begin to tell the story: The consent decree which set the terms for divestiture was only signed in 1983, yet the shift in purchasing patterns contributed immediately to America's first negative balance of trade in telecommunications. Our 1983 deficit of over $400 million more than doubled in 1984—$1.1 billion—attributable to flat exports and an increase of imports by over one-third. Last year, that deficit reached over $2 billion and the trend shows no sign of abating.

Foreign telecommunications firms will continue to be dependent on exports to meet the growing cost of their investments, and the U.S. market represents approximately one-half of the entire world demand for telecommunications technology. U.S. manufacturers are faced with competition from foreign firms that can afford to move into this market for long periods without turning a profit because they are able to take advantage of government-sanctioned protection in their home markets, patient capital, and the potential return on their investment in the most lucrative market for telecommunications in the world.

Meanwhile, U.S. experience since deregulation has virtually ensured that U.S. manufacturers will have to rely largely on the domestic market for the bulk of their sales with insufficient prospect of foreign barriers being lifted or major export opportunities developed.

Make no mistake, a continued shift in trade in this sector is by no means inevitable. The shift can be halted and even reversed—if only American producers are able to garner a share of the world market commensurate with their competitiveness.

What is absolutely certain is this: The United States cannot afford to wait any longer before we react effectively to the trade implications of the restructuring of the U.S. telecommunications market, or until we get around to exercising our legal rights to retaliate against violations of existing telecommunications trade agreements. We have already waited for too long—to our serious economic detriment—and it will only get worse.

This is a potential trade disaster of our own making, and we need to resolve it before its full impact is felt—to use the openness of the U.S. market as leverage to gain access for our telecommunications exports.

The legislation I am introducing today can accomplish this—in a manner fully consistent with U.S. obligations under the General Agreement on Tariffs and Trade [GATT]—that will benefit world producers and consumers alike.

CONCLUSION

In conclusion, U.S. trade policy to date has invariably been reactive, or in the case of AT&T divestiture, a byproduct of purely domestic decision-making. Therefore, it is not surprising that we constantly find ourselves trying to resolve last year's trade problems.

The United States must have a forward-looking trade policy. Problems must be anticipated and resolved before they reach unmanageable proportions. New trade agreements will never be credible unless existing agreements are enforced.

The negotiation of reciprocal access market arrangements is the cornerstone of the GATT. In the case of telecommunications trade, unfettered access to our market is the only concession likely to be attractive enough to open foreign markets for U.S. exporters. To give away this access without compensation would be an opportunity lost and foolish in the extreme. Early action on this important legislation will begin to restore that balance of trade in telecommunications which is so critical to the strength and vitality of our Nation's economy.

Mr. President, I ask unanimous consent that a summary of the Telecommunications Trade Act and the report of the Committee on Finance that accompanied S. 942 in the 99th Congress be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Telecommunications Trade Act of 1987—Summary

(Same as S. 942 in 99th Congress, unanimously approved by Finance; based on S. 2618 in 98th Congress)

FINDINGS

The world market for telecommunications will be the source of rapid growth in the coming decades.

The United States can increase U.S. telecommunications exports, export-related employment, technological leadership and consumer service by achieving an open world trading system for telecommunications products, services and investment.

Foreign telecommunications markets are characterized by extensive government intervention, including restrictive import practices and discriminatory government procurement.

These unfair and discriminatory practices in foreign countries have resulted in a * * * continue to threaten the loss of jobs in the United States telecommunications industry.

AT&T divestiture and deregulation of the U.S. market for telecommunications represents a unilateral U.S. trade concession and will result in a dramatic increase in imports of telecommunications equipment and a growing imbalance of trade opportunities respect to other countries.

Unless this imbalance is corrected through the achievement of substantially equivalent competitive opportunities abroad for U.S. telecommunications exports, the United States should avoid granting continued open access for foreign telecommunications products in this market.

This unique situation faced by the telecommunications industry as a result of U.S. deregulation and closed foreign markets requires special treatment that should not serve as a precedent for other sectors.

PURPOSES

To foster the economic and technological growth of the United States telecommunications industry and those economic interests which benefit from a high quality telecommunications network.

To ensure that countries which have committed to open telecommunications trade fully abide by those commitments.

To achieve a more open world trading system in telecommunications through negotiation and achievement of substantially equivalent competitive opportunities for United States telecommunications exporters and their subsidiaries in markets where barriers exist to free international trade.

NEGOTIATING OBJECTIVES

General Negotiating Objectives including:

Negotiation of agreements to achieve competitive opportunities in foreign markets for the telecommunications products and services of U.S. firms substantially equivalent to those in the U.S. market for such products and services of foreign firms.

Correction of the imbalance in competitive opportunities accruing from the uncompensated reductions in barriers to foreign access to the U.S. telecommunications market with deregulation and AT&T divestiture.

Facilitation of increased United States telecommunications exports to a level commensurate with the competitive position of the U.S. industry.

Specific negotiating objectives including:

Non-discriminatory government procurement practices,

Standards and procedures for certification that do not exceed the minimum necessary to protect the network,

Elimination or reduction of tariffs, dumping, export subsidies and other unfair or restrictive foreign trade practices, etc.

Assessment of competitive opportunities abroad are to be measured in terms of both nominal access opportunities and documented or anticipated results.

NEGOTIATING AUTHORITY

For a period of three years after enactment, the President is granted authority to enter into multilateral or bilateral trade agreements providing for open trade in telecommunications. For this purpose, he may reduce, eliminate or otherwise modify U.S. tariff and non-tariff barriers. Any such trade agreement must be approved by Congress and will be treated as a trade agreement under fast-track legislative procedures set out in Sections 102/151 of the Trade Act of 1974.

At the end of 18 months, the President is directed to correct the imbalance in competitive opportunities in telecommunications trade by restricting the importation of products or services from countries with whom no trade agreements have been reached. For this purpose, the President is to employ any of a series of remedies available under current law and this Act, to an extent sufficient to achieve the desired balance of opportunities. The President is to focus his action in the telecommunications sector whenever possible. Remedies available to the President include duty increases, restrictions on registration or approval of equipment, restrictive government procurement practices and other measures already provided by law.

The President is granted authority to compensate (through offsetting trade concessions, if necessary) major foreign suppliers of products against which restrictions are imposed. For this purpose he is to minimize the cost of compensation under any GATT Article XXVIII negotiation by invoking "reasonable expectations" arguments related to the trade impact of deregulation in the U.S. telecommunications market.

RETALIATORY AUTHORITY

With respect to countries which have committed to opening their markets for telecommunications but which fail to live up to those commitments, the U.S. Trade Representative would be required to act almost immediately to restore the balance of competitive opportunities. For this purpose, the Trade Representative would be required to raise duties and restrict the registration or approval of telecommunications products imported from those countries.

INVESTIGATIONS AND DETERMINATIONS

A four-month investigation by the Trade Representative would form the basis for any decision to undertake negotiations or retaliatory action. The investigation would analyze foreign barriers to U.S. exports of telecommunications products and services and provide for the determination of whether competitive opportunities are substantially equivalent to those in the U.S. market. The investigation would also require the determination as to whether the barriers are in violation of, inconsistent with or otherwise nullify or impair existing commitments or agreements related to telecommunications trade.

For purposes of the investigation, the Trade Representative would be required to take into account the benefits to companies in each country of open access to the U.S. market due to deregulation, as well as actual patterns of trade (including sales of U.S. telecommunications products and services), in relation to the competitive position and export potential of the U.S. industry.

OTHER PROVISIONS

Advice from the private sector

Compensation authority

Reports by the Department of Commerce on U.S. policies affecting the competitiveness and export potential of the United States telecommunications industry.

Promoting Expansion of International Trade in Telecommunications Equipment and Services, and for Other Purposes

The Committee on Finance, to which was referred the bill (S. 942) to promote expansion of international trade in telecommunications equipment and services, and for other purposes, having considered the same, reports favorably thereon with an amendment, and recommends that the bill, as amended, do pass.

I. SUMMARY

The premise of the Committee bill is that telecommunications deregulation and the court-ordered divestiture (break-up) of AT&T represent a unilaterial elimination of a major non-tariff barrier to imports of telecommunications equipment. As the world's largest telecommunications market, the United States is well placed to take the lead in achieving more open world trade in telecommunications. Systematic use of access to the United States market as negotiating leverage and strict enforcement of existing trade agreements are to be used as a means of opening the world market and improving access to foreign markets for American telecommunications exports. Such access is believed essential if United States producers to telecommunications equipment and services are going to compete successfully with foreign producers, many of whom receive protection and support from their governments.

The bill's objectives include negotiation of agreements to obtain opportunities in foreign markets that are substantially equivalent to opportunities available in the United States market for telecommunications products and services. For the purpose, the President is given a three year authority to negotiate bilateral or multilateral agreements to open trade in telecommunications, and may, for this purpose, eliminate or modify United States tariff and non-tariff barriers.

The Committee approved the following substantive amendments to S. 942:

1. An amendment to shorten from two years to eighteen months the time frame for negotiation agreements with other countries to remove barriers to United States telecommunications exports.
2. An amendment to shorten from six months to four months the period for the study to be done the United States Trade Representative of foreign barriers to telecommunication exports. This amendment also shortens from 30 to 15 days the period following the study for Presidential action retaliating against a foreign country found to be in violation of an agreement which provides for access to its markets in telecommunications. As a result of this amendment the President would be required to retaliate 15 days after the end of the four month period against a country which maintains barriers to United States telecommunications exports in spite of an agreement providing for access to that market.
3. An amendment to require the Presidential actions taken to offset foreign barriers to United States telecommunications exports following the 18 month negotiation period shall be submitted to Congress under the fast-track provisions of Section 102 of the Trade Act of 1974.
4. An amendment to give the President authority to compensate a foregin country which has been the target of retaliation by the United States Trade Representative for failure to carry out the terms of a telecommunications agreement, if that retaliation is later found, in an international forum, to violate international obligations of United States.
5. An amendment to the negotiating objectives of the bill to seek the inclusion to telecommunications within the coverage of the Government Procurement Code negotiated under the General Agreement of Tariffs and Trade.

II. GENERAL EXPLANATION

The breakup of the Bell System is the most recent in a series of judicial and regulatory actions which have progressively opened up the United States telecommunications market to domestic and foreign suppliers. A series of FCC actions in the 1960s and 1970s allowed non-Bell equipment to be connected to the public switched telephone network (PSTN). As a result, imports of products, such as telephones, modems, telephone answering machines, and PBX's have increased substantially. At the same time, increased United States exports of telecommunications equipment have fallen far short of the growth in United States imports and continue to represent a very low share of total world consumption. In significant part, this reflects the fact that most foreign markets which have their own indigenous equipment suppliers are closed to United States telecommunications products. United States exports have increased primarily to developing countries and the Middle East. As a result of these trends, the United States balance of trade in telecommunications equipment turned negative for the first time in 1983.

According to a United States International Trade Commission report prepared for the Committee on Finance (Investigation #332-172) imports of customer premises equipment, a product market which was significantly opened by FCC regulatory actions, grew by 640 percent between 1978 and 1983. By contrast United States exports grew by only 57 percent during the same period. In other product categories, imports of cable, wire and lightguide products increased by nearly 600 percent between 1978 and 1983, while United States exports showed virtually no growth. In transmission equipment, imports grew more than three and one-half times faster than United States exports. Only in switching equipment did the United States export growth rate marginally excede that of United States imports.

These trends were evident before the divestiture of AT&T and it is expected that the divestiture will only accelerate these trends—particularly with respect to switching and transmission equipment. Recent reports indicating that former Bell companies have turned to foreign sources on a widespread scale suggest that not only may the Bell operating companies' market no longer be dominated by Western Electric, but that enhanced sales opportunities for existing and potential domestic equipment producers may never be realized due to foreign competition.

The United States represents the world's largest market for telecommunications equipment. The other major markets which have a domestic telecommunications industry of their own include various member states of the European Community, Japan, and Canada. Virtually all foreign telephone administrations have restrictive purchasing policies in place which favor domestic suppliers. Most of the trade which presently exists involves the sale of equipment to the private sector. Of the $1.3 billion dollars in United States telecommunications equipment exported in 1983, less than $.5 billion went to the eight developed countries representing a $21.5 billion market.

The current world market in telecommunications products is over $50 billion and is expected to reach $90 billion by 1990. Many foreign firms challenging United States manufacturers for this market enjoy protected home markets through government-run postal telephone and telegraph agencies (PTT) or similar monopolies that control the purchase of equipment through certification procedures, licenses, standards and other requirements that often constitute insurmountable barriers.

Even though the United States accounted for nearly half the world's production, the United States share of global exports is only about 13 percent. Japan exports 20 percent of the total, while West Germany at 17 percent and Sweden at 16 percent control larger shares of the world export market than does the United States. Exports as a percentage of total production indicate even greater disparties. Sweden exports 65 percent of its total production, Netherlands 38 percent, Japan 16 percent, and Canada 15 percent. The United States exports merely 7 percent of its production.

The following is a brief discussion of key foreign telecommunications markets.

Japan.—The Japanese telecommunications market is the second largest single telecommunications market in the world, after that of the United States. Japan accounts for 38 percent of United States telecommunications imports. The principal mechanism to encourage Japan's technological development in telecommunications has been the national service monopoly, Nippon Telegraph and Telephone Corporation (NTT). Japanese equipment suppliers—known in the industry as the NTT family of corporations—engaged in controlled competition to provide NTT its equipment needs. Helped by their insulation from foreign competition, the Japanese telecommunications industry has become a world class competitor. While still influential in setting standards and specifications, as well as being a source of technology, NTT now accounts for less than half of telecommunications purchases. In addition, a 1980 agreement between the United States and Japan to open NTT's procurement process has yielded some results, but NTT's purchases of foreign equipment continue to account for a miniscule portion of its total procurement. By 1983, NTT had increased its contracts with United States suppliers to $140 million from $40 million in 1982. However, only $30 million of the $140 million in 1984 contracts to NTT can be considered typical telecommunications equipment that involved repeat business. NTT has been slow to sign contracts involving equipment that would become part of a functional Japanese telecommunications network. In addition, NTT represents a progressively smaller segment of the overall telecommunications market in Japan—only 35 to 40 percent. As such, NTT's relative importance as the "window" to the overall Japanese market is significant but diminishing.

It is still too early to determine what effect the ongoing process of NTT privatization will have on encouraging an open market for at present, NTT remains under government ownership. As can be seen in the recent example involving telecommunications satellites and standards for mobile telephone equipment, normal market forces in Japan still seem to be subordinated to other national objectives.

Europe.—Collectively, Western Europe represents the second largest potential telecommunications market with about 37 percent of the world's equipment market. However, telecommunications policies for the 10 member collective must be viewed as distinct from individual national policies. Although the European Commission has attempted to stimulate a community-wide market for telecommunications, most European telecommunications markets remain dominated by government postal and telecommunications organizations which have monopoly control of telecommunications equipment and services. Largely due to the entrenched nationalistic attitude toward competition, United States companies face limited access to many countries. Moreoever, there is widespread concern among United States producers that European Commission efforts to harmonize member state standards could well lead to the exclusion of foreign producers from the European Economic Community market.

In France, CIT-Alcatel/Thompson provide all of the central exchange equipment and 70 percent of transmission equipment for the French PTT. Overall, French companies supply 70 percent of the French interconnect market, in addition to their share of the French PTT which is nearly 100 percent. Little doubt exists that market access to the French telecommunications market is nearly nonexistent and presents a impenetrable barrier to United States suppliers which is greater than any country including Japan.

Although the interconnect market in West Germany is somewhat more open, the Bundespost maintains a highly restrictive system in terms of procurement and provision of services—where Siemens dominates as the single largest beneficiary. In fact, The Bundespost has been working with France to the detriment of other competitors. This is evidenced by the Bundespost efforts with the French to establish an Franco-German set of standards for the cellular radio system that would effectively limit those two markets to French and West German national firms.

The United Kingdom continues to move toward liberalization of its telecommunications market. In July 1979, the traditional United Kingdom monopoly structure changed, permitting a separate corporation called British Telecom (BT) to concentrate on telecommunications and leaving the British Post Office to handle mail and the banking services. By passing the British Telecom Act of 1981, the UK government also opened the way for further competition in telecommunications services. For example, under this law, private firms may be licensed to provide services using BT's network and private firms will be permitted to sell telephone equipment directly to customers.

Canada.—Canada is one of the few countries that allows even a limited amount of competition in its domestic market. Unlike other countries where state monopolies dominate domestic markets, the Canadian telecommunications market is made up of systems which differ by province consisting of private, governmental and joint private-governmental operations. Like the United States in its predivestiture period, Canadian telephone services are vertically integrated with Canadian equipment manufacturers companies linked to telephone operating companies. While the Canadian market is more open than those of most other developed countries, discriminatory procurement by vertically integrated companies, along with 17½ percent tariffs on most telephone equipment imports, result in effective trade barriers to United States firms.

Newly Industrialized Countries (NICs).—A major portion of the growth in the United States telecommuncations trade deficit is attributable to rapidly growing imports from several newly industrialized countries, especially Taiwan, Korea and Hong Kong. Besides, Brazil and its restrictive informatics policy, these countries do not yet appear to pose major market access problems for United States industry. Most NIC countries have limited manufacturing capabilities beyond low-cost standardized equipment—for example, cheap hand-held telephone sets which make up most of our deficit with Hong Kong, Korea and Taiwan. As a result, at present they purchase most of their systems from foreign suppliers. Because most of these purchases take on a major projects emphasis, one of the largest issues for success in competing with Japanese and European competitors in these NIC markets is export financing either subsidized or at below-market rates. However, to the extent that these and other countries' markets for and production of telecommunications equipment expand, United States producers need the assurance that they will not emulate the restrictive policies that characterize most developed countries.

III. THE COMMITTEE BILL

The Committee bill grants the President three year authority to enter into multilateral or bilateral trade agreements which provide open trade in telecommunications with countries which have major markets or potential markets for telecommunications. Any agreements entered into would be approved by Congress and may be treated as a trade agreement under the fast-track legislative procedures set out in sections 102 and 151 of the Trade Act of 1974.

Imbalances in competitive opportunities in telecommunications trade which still exist at the end of eighteen months following the bill's enactment are to be corrected by restricting imports of products and services of countries which have failed to enter into trade agreements to correct those imbalances. Remedies available to the President include duty increases, restrictions on registration or approval of equipment, restrictive government procurement practices and other measures. The President is given authority to compensate countries whose exports are affected.

Within 135 days of enactment, the bill requires that the United States Trade Representative retaliate against countries which have failed to comply with existing commitments to open their telecommunications markets. The purpose of retaliation is to restore the balance of competitive opportunities by raising duties and restricting registration or approval of telecommunications products imported from those countries. The President is given authority to compensate countries whose exports are unintentionally affected or in the event that such retaliation is found subsequently to be inconsistent with the international obligations of the United States.

Negotiations and retaliation are to be based on a four month investigation by the United States Trade Representative of foreign barriers to United States telecommunications exports, with a principal objective of achieving access opportunities in foreign markets for sales of telecommunications equipment and services by United States firms substantially equivalent to the opportunities available to foreign firms in the United States market.

A. FINDING AND PURPOSES

The Committee bill cites the fact that the world market for telecommunications will be a source of rapid growth in the coming decade. The growing imbalance of trade opportunities resulting from deregulation and divestiture in the United States market and the continuation of unfair and discriminatory practices in foreign telecommunications markets threatens the loss of jobs in the United States telecommunications industry and its ability to compete. Accordingly, the bill finds that the United States should avoid granting continued open access for foreign telecommunications producers in its market unless the imbalance is corrected through the achievement of substantially equivalent competitive opportunities (SECO) abroad for United States telecommunications products and services. The purposes of the bill include the fostering of economic and technological growth of and employment in the United States' telecommunications industry and the achievement of a more open world trading system in telecommunications through the negotiation and achievement of substantial equivalent opportunities for United States telecommunications exporters.

The principle of substantially equivalent competitive opportunities has been included in this bill as a fundamental negotiating objective for United States trade policy in telecommunications. The concept behind this principle is the achievement of an increased level of access that allows the United States industry to compete effectively in the world market. This does not mean the achievement of a strict mirror image of all the conditions of competition of the United States market in the markets of particular foreign countries. Rather, it assumes that specific negotiating objectives for each country would be established to reflect the existing market structure in that country—with a view of achieving overall competitive opportunities comparable to those in the United States market. For example, while the legislation does not assume foreign countries will eliminate vertical integration in their telecommunications markets, it does anticipate that comparable openness can be achieved through more open procurement process, elimination of restrictive standards, and other specific negotiating objectives acted in the bill.

References in the legislation to the imbalance in trade opportunities accruing from the liberalization and restructuring of the United States telecommunications market reflect the Committee's deep concern about the unanticipated trade effects of telecommunications deregulation and divestiture in this country. While the purpose of this legislation is not to "reregulate" the United States telecommunications market, it is intended to harness the trade effects of deregulation and divestiture in this sector—namely, the unilateral opening of major segments of the market to imports—as leverage to achieve a more open world trading system in telecommunications.

The Committee believes that the trade situation characterizing the United States telecommunications market is almost unique and therefore requires the kind of special and timely treatment provided for in this legislation. While the Committee is not asserting that the GATT necessarily requires compensation by trading partners for uncompensated reductions in barriers by any given country, correction of the imbalance in market opportunities (relative to other countries) created by such action is a legitimate trade policy objective.

In the case of telecommunications trade, improved access to the United States market accruing from deregulation and divestiture must be included in any estimate of the openness of the United States market and in any assessment of whether the United States negotiating objective of "SECO" has been achieved. Similarly, any United States action to achieve such objectives—whether in the form of United States concessions or in terms of unilateral action to restore the balance of opportunities—must take into account previous unilateral actions that have had the effect of opening the United States market to our trading partners. Finally, as regards potential compensation for unilateral action to offset foreign barriers to United States telecommunications exports—particularly in the context of GATT Article XXVIII negotiations—United States negotiators should ensure that appropriate credit is given for unilateral reductions in United States barriers that have never been "paid" for by our trading partners—in particular, those related to divestiture that have occurred since the last major multilateral trading rounds.

B. INVESTIGATION BY THE UNITED STATES TRADE REPRESENTATIVE OF FOREIGN BARRIERS

Section 101(a) of the bill requires that the United States Trade Representative, in consultation with other members of the Trade Policy Committee, complete an investigation within four months of the date of enactment to identify and analyze (1) all acts, policies, and practices, in foreign telecommunications markets that deny to the telecommunications products and services of United States firms competitive opportunities that are substantially equivalent to those available to such products and services in the United States, and (2) which of such acts, policies or practices denies or impairs benefits to which the United States is entitled under existing agreements. The purpose of distinguishing between foreign telecommunications barriers in general and those which specifically deny the United States benefits to which it is entitled is to identify those barriers which must be removed through negotiation and compensation and those against which the United States has a right to retaliate.

In conducting his investigation, the United States Trade Representative is directed, under Section 103(b), to take account of the actual or potential economic benefits accruing to foreign firms from improved access to the United States market accruing for deregulation and divestiture in the telecommunications market and the actual patterns of trade, including United States telecommunications exports to foreign countries in relation to the international competitiveness and export potential of such products and services. In making this analysis with respect to countries that have made commitments or concessions to the United States involving trade in telecommunications, foreign barriers are presumed to exist if the actual patterns of trade, do not reflect the patterns which could be reasonably anticipated to flow from such concessions or commitments. The Committee intends to ensure that the removal of formal barriers does not permit the classification of that market as open unless the patterns of trade which would reasonably be expected to emerge from the removal of such formal barriers does, in fact, materialize. "Invisible" or "informal" barriers have become a major obstacle in gaining access to the Japanese and other markets, and this provision is intended to focus the analysis on the results, rather than nominal openness, associated with access to foreign markets.

The requirement that actual patterns of trade be taken into account in determining market openness is designed to go beyond traditional means of analysis that focus primarily on nominal or formal barriers to access. By bringing empirical data and evidence to bear in the determination, the Committee expects the United States Trade Representative to find evidence of trade distorting practices that are of a more informal or less visible nature. Evidence of such practices might take the form of comparisons between the world market share of a given United States export and a substantially smaller market share in the country in question or between sales of a product in one country that are disproportionately smaller than its sales in a country with a similar market. The Committee expects actual sales to be factored into any such determination and would anticipate that agreements reached pursuant to this Act would include monitoring provisions to see that measurable results are indeed achieved.

Where a country is party to a trade agreement that provides access to only a portion of its telecommunications market, the legislation would provide for treatment of that country under both 101(a)(1) and (2) and related negotiation and retaliation tracks. If that country is found to maintain policies that deny "SECO" but do not violate existing agreements, it would be treated solely under the negotiation track. If the country were found in violation of its agreement—therefore subject to retaliation—acts, policies and practices identified in the investigation which deny "SECO" would still be the subject of a negotiated agreement.

The Committee deleted explicit references to sales by subsidiaries as a measure of the openness of either the United States or foreign telecommunications markets. This deletion was intended to avoid any suggestion that the bill's retaliatory authorities are to be used against United States-based production by subsidiaries of foreign firms. Nonetheless, by this action the Committee did not intend to ignore access that is achieved through investments in business entities established in foreign countries in evaluating the openness telecommunications markets—particularly to the extent that such entities enhance United States exports. For example, the elimination of investment barriers that restrict the establishment of foreign-owned business entities which market telecommunications products and services is one of the explicit objectives of the bill (See section 102(a)(2)(B)(vii)). Indeed, the Committee is aware that in most circumstances, telecommunications products and services cannot be marketed without establishing a local business entity. Furthermore, investments of this type often contribute substantially to increased United States exports by creating a market for United States goods and services. The fact that the United States is open to foreign investment—as demonstrated by the success of many foreign telecommunications companies with United States subsidiaries—should provide one of the standards against which to evaluate the openness of foreign markets to the telecommunications products and services of United States firms.

However, where there are barriers to the establishment or operation of foreign entities of United States companies, or there is a requirement that a United States company establish an entity (subsidiary, joint venture or other business arrangement) in order to gain access or there are investment performance requirements imposed on such entities, these barriers and requirements should be included in the analysis. It follows that sales gained through compliance with legal (as opposed to commercial) requirements of establishment of an entity in the foreign country should not be considered evidence of market openness in that country.

Section 101(c) permits the United States Trade Representative to exclude any country from the requisite investigation after consulting with the Finance and Ways and Means Committees. It is the Committee's intent that countries excluded from investigation under this provision may be included in a subsequent annual review pursuant to section 103(b) in the event that that country's potential telecommunications market is determined to be substantial.

C. PRESIDENTIAL ACTION

Section 102(a) directs the President, based on the four month investigation, to enter into negotiations with foreign countries whose barriers to the importation of telecommunications products and services deny United States firms competitive opportunities which are substantially equivalent to those available to foreign firms in the United States. General objectives for these negotiations include the achievements of multilateral or bilateral agreements that provide for substantially equivalent opportunities, correction of the imbalance in opportunities accruing from deregulation and divestiture in the United States telecommunications market and facilitation of United States exports in this sector to a level commensurate with the competitiveness of the United States industry. To achieve these general objectives, specific objectives are set out to guide the President in his negotiations. They include the negotiation of national treatment, most-favored-nation treatment, nondiscriminatory government procurement policies, the inclusion of telecommunications within the coverage of the government procurement code, equipment standards and procedures for certification which do not exceed the minimum standards and procedures necessary to prevent harm to the telecommunications network, and a variety of other objectives affecting trade in telecommunications products and services.

It is the intent of this legislation that the general SECO standard be translated into a set of specific objectives for each country which are to guide United States negotiators in their efforts to open foreign markets. The achievement through negotiations of the specific objectives identified through this process—both overall and with respect to individual countries—should, therefore, result in achievement of the general objectives in section 102(a)(2)(A), including the assessment of whether substantially equivalent competitive opportunities have been attained through trade agreements. In making this assessment, the President is directed to take into account the factors in 101(b)(1). Where negotiations have failed to achieve the general and related specific objectives, the President is then directed to determine to what extent unilateral actions are necessary to achieve substantially equivalence in competitive opportunities.

The Committee expects the President to factor into the development of specific negotiating objectives the competitive potential of U.S. telecommunications firms. It would be undesirable to offer a foreign country compensation for the removal of telecommunications barriers when the removal of those barriers redound to the benefit of telecommunications firms of third countries.

In the event that the President is unable to obtain an agreement to meet the negotiating objectives with respect to opening a foreign market to telecommunications products and services within eighteen months of the date of enactment, he is directed to section 102(b) to take action to remove the imbalance of competitive opportunities. These actions are to be initially directed at trade in telecommunications products and services, and only in the absence of such trade is the action to be directed at other products and services. The purpose of directing action against foreign telecommunications products and services (where possible) is to exert pressure on the foreign producers which benefit most from access to the United States telecommunications market and from protection against United States exports in their home markets. Actions taken by the President pursuant to section 102(b) are subject to Congressional approval pursuant to the fast-track legislative procedures of sections 102 and 151 of the Trade Act of 1974.

Requiring legislative approval, on a fast-track basis, of Presidential actions under section 102(b), as well as the agreements entered into under section 201 and compensation offered under section 202 of the bill, is based on the Committee's assumption that all of these elements involving several different countries would be combined in one Presidential submission to Congress at the conclusion of the eighteen month period following enactment. This mechanism is designed to ensure that a balanced package of market liberalizing and offsetting actions is achieved in determining the extent to which substantially equivalent competitive opportunities have been obtained and the nature and extent of the United States response to the extent that they have not been.

The Committee agreed to shorten the deadline for action during the negotiating period from two years to eighteen months because of the increased urgency of the problems addressed by this bill. In particular, the Committee noted that the need to address the trade implications of telecommunications deregulation and divestiture has been brought to the attention of the Administration on numerous occasions, beginning with hearings in June 1984. In this regard, members of the Committee expressed their hope that the Administration would use existing authority to begin addressing the problems without waiting for the final enactment of this Act.

Section 102(b)(3) authorizes the President to raise tariffs or otherwise terminate trade agreements, use authority under Section 301(b)(2) or (c) of the Trade Act of 1974 relating to restrictions on FCC registration or approval, prohibit the federal government from purchasing telecommunications products of a specified country, increase domestic preferences or suspend waiver of domestic preferences related to Federal government telecommunications purchases, deny Federal funds or credits for purchases of telecommunications products, suspend GSP benefits and take any other action pursuant to section 301 of the Trade Act of 1974 against products and services other than telecommunications products and services.

With respect to the authority to terminate or suspend trade agreements for the purpose of increasing tariffs, the President is authorized under section (4)(A) and (B) to "unbind" or suspend existing GATT obligations at the Column 1 TSUS rate prior to the 18 month deadline without actually raising the tariff until later. In products where imports may be increasing rapidly due to deregulation, this would enable the President to moderate the amount of compensation due to principal suppliers of the product should the tariff later be raised.

The President is authorized to choose from among a broad range of offsetting measures under this section to better enable him to tailor his action to the telecommunications trade situation characterizing each country. The President can use the flexibility provided by the options to impose those restrictions that are likely to have the most profound effect on the specific country involved, to moderate costs of compensation, and to avoid or lessen the negative impact on domestic users of imports from that country. The availability of a range of options, however, does not dispense the requirement that his actions be of sufficient magnitude to fully achieve the objectives in 102(a)(2)(A).

The Committee recognizes that the President will be faced with difficult choices in offering compensation to foreign countries pursuant to the mandate of this bill. American industries cannot be expected to welcome increased foreign competition in the interest of equalizing market access in telecommunications. But the Committee believes that the importance and potential of the U.S. telecommunications industry justifies the trade-offs made necessary by this legislation.

In order to ensure the sanctity of contracts, actions taken by the President under the authority of 102(b) will not affect binding obligations under any written contract entered into before April 17, 1985 to which a United States national is a party.

D. ACTIONS BY THE UNITED STATES TRADE REPRESENTATIVE

Section 103(a) relates to action required when a country is not in compliance with a trade agreement related to telecommunications which is in existence upon enactment of this act. It directs the United States Trade Representative to take action, within 15 days of the conclusion of its four month investigation, to retaliate against acts, policies, or practices identified pursuant to section 101(a)(2) in order to fully offset them and to restore the balance of concessions with that country. Similar retaliatory actions are required of the United States Trade Representative under section 103(b) at the end of the review completed on each anniversary of the section 101(d) investigation if that review reveals that a foreign country is not complying with the agreement negotiated by the President pursuant to the authority of the bill or has adopted an act, policy or practice described in section 101(a)(2). The specific negotiating objective cited in 102(a)(2)(B)(viii)—related to negotiating objective cited in 102(a)(2)(B)(viii)—related to dispute settlement and the monitoring of trade agreements—could be used to establish the procedures and terms for such action.

Actions authorized to be taken by the United States Trade Representative under section 103(c) include the termination, withdrawal or suspension of a trade agreement, or portion thereof, the use of authority under Section 301(b)(2) or (c) of the Trade Act relating to restrictions on FCC registration and approval authority and the use of section 301 of the 1974 Act authority against products or services other than telecommunications equipment. However, actions may be taken against products or services which are not related to telecommunications only if all feasible action have been taken against telecommunications products or services from that country.

Taken as a whole, section 103 represents the mechanism for systematic enforcement of United States rights under trade agreements related to telecommunications. The Committee on Finance believes that the aggressive enforcement of such trade agreements is absolutely necessary if the negotiation of further trade agreements is to have any real benefit for the United States. In this regard, several Members of the Committee expressed concern about the marginal benefits to date to United States firms of telecommunications trade agreements negotiated with Japan related to NTT procurement and sales in the Japanese interconnect market. Since the purpose of negotiating market liberalizing trade agreements is to enhance trade, the reviews required by 103(b) are to be conducted taking into account the results-oriented measures in 101(b).

Since the purpose of this legislation is to use the United States market as leverage to open foreign markets—not close or "reregulate" the United States market—the Committee expects that any action by the President under 102(b) or by the United States Trade Representative under section 103(a) or (b) will be designed to maximize the economic impact on foreign suppliers while minimizing the economic impact on domestic United States interests. In this regard, nothing in these subsections is meant to imply that action should be directed at United States subsidiaries of foreign firms. This will require close consultation with domestic United States interests on both targets and instruments for action by the President or the United States Trade Representative.

The annual review and determination by the United States Trade Representative required by section 103(b) is to be submitted to the relevant Congressional committees. These submissions would be expected to include assessments of action taken or anticipated (both by the President under 102(b) and by the United States Trade Representative under section 103(a) and (b)), as well as a review of countries initially excluded from investigation pursuant to section 101(c).

Section 103(d) grandfathers binding obligations under written contracts entered into before April 17, 1985 to which any national of the United States has been a party.

E. CONSULTATIONS

Section 104 requires the President and the United States Trade Representative to consult with the Secretary of Commerce, the Federal Communications Commission and the Trade Policy Committee as well as the private sector advisory committees established under section 135 of the Trade Act of 1974 and other interested parties in the course of investigations, in the development of negotiating objectives, and proposed action. Furthermore, the President is required to consult on a regular basis with appropriate Congressional committees on all aspects of the negotiations.

F. NEGOTIATING AUTHORITY

Section 201 authorize the President to enter into trade agreements to achieve the bill's objectives during a three year period following the date of enactment. Agreements entered into are to be treated, pursuant to section 201(b), as trade agreements subject to fast-track procedures of sections 102 and 151 of the Trade Act of 1974. The President is given the option of making benefits of trade agreements negotiated under this authority to all countries, or just the ones which are parties to the agreement.

The Committee notes that while the President is required to act to achieve his negotiating objectives 18 months after enactment, it would still be possible to negotiate telecommunications trade agreements after that deadline. The action-forcing mandate of 18 months is designed to enhance the leverage of United States negotiators and to improve the prospects for rapid negotiation of market opening agreements.

G. COMPENSATION AUTHORITY

Pursuant to section 202, the President is given authority to compensate a foreign country with respect to which the President has acted to restore the balance of competitive opportunities under section 102(b). Similar compensation authority given to the United States Trade Representative in the event retaliation taken pursuant to section 103(a) is subsequently found to be inconsistent to United States international obligations or in cases where action taken against one country (e.g., a tariff increase against a product for which the country is the principal supplier) also affects a country against which the United States Trade Representative is not acting (e.g., a residual supplier of the same product). Agreements which reflect the compensation authorized by section 202(a) are to be submitted to Congress pursuant to the fast-track procedures of sections 102 and 151 of the Trade Act of 1974.

The Committee anticipates that any compensation owed in response to Presidential action under section 102—particularly if he conducts his negotiations under Article XXVIII of the GATT—should be minimal to the extent that appropriate credit is obtained for unilateral reductions in United States telecommunications trade barriers through deregulation and divestiture.

H. MISCELLANEOUS PROVISION

Among the miscellaneous provisions of the bill is section 301 requiring the collection and dissemination of information related to compliance of imported products with FCC regulations. Section 302 requires the Secretarty of Commerce to report to Congress within six months after the date of enactment, and every two years thereafter on the impact of United States' domestic policies and practices on the growth and international competitiveness of United States telecommunications industry. Finally, section 304 provides that nothing in the act is to be construed to require action by the President or Congress that is inconsistent with the international obligations of the United States. While the bill does not require Presidential or Congressional action to be consistent with United States international obligations, that is the intent of the sponsors of the bill.

IV. VOTE OF THE COMMITTEE IN REPORTING THE BILL

In compliance with section 133 of the Legislative Reorganization Act of 1946 the Committee states that the bill was ordered favorably reported by unanimous vote.

V. BUDGETARY IMPACT OF THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970, sections 308 and 403 of the Congressional Budget Act of 1974, and paragraph 11(a) of Rule XXIV of the Standing Rules of the Senate, the following statement is made relative to the cost and budgetary impact of the bill:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 22, 1985.

Hon. BOB PACKWOOD,
Chairman, Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 942, the Telecommunications Trade Act of 1985, as ordered reported by the Senate Committee on Finance, September 17, 1985.

The bill would require the United States Trade Representative (USTR) to investigate and report to the Congress on foreign barriers to competitive opportunities for U.S. firms in telecommunications markets. Once the report is completed, four months after enactment of the bill, the President would have twenty months to negotiate trade agreements on telecommunications products and services. If no agreements are obtained, the President would be authorized to take a series of retaliatory trade actions. The USTR would also be authorized to take actions to restore the balance of concessions between the United States and a foreign country. To the extent that the President or USTR's response would affect dutiable imports of telecommunications products, it could cause an increase or decrease in customers duties collections. Because it is uncertain what measures would be taken, CBO is unable at this time to estimate the revenue effect of this bill.

The bill also would require the USTR, the Secretary of the Treasury, and the Secretary of Commerce to submit periodic reports to the Congress. To collect the information for one of these reports, the Customs Service would have to inspect telecommunications products for certain documentation. Products without such documentation would be denied entry. Based on information from the Customs Service and the Federal Communications Commission, we estimate that it would cost about $5 million a year to inspect the products and collect and prepare the information for the Secretary of the Treasury's report to the Congress. We do not expect the other activities required by the bill to result in significant additional costs to the federal government.

Enactment of this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,
RUDOLPH G. PENNER.

VI. REGULATORY IMPACT OF BILL

In compliance with paragraph 11(b) of Rule XXIV of the Standing Rules of the Senate, the Committee states that the provisions of the Committee bill should create no new regulatory burdens on the individuals or businesses, will not impact on the personal privacy of individuals, and will result in no new paperwork requirements. The indeterminate nature of the measures authorized to be taken by the President in the event negotiations are unsuccessful make it impossible to assess what if any additional regulatory burdens may by imposed under the bill.

VII. CHANGES IN EXISTING LAW

In compliance with paragraph 12, of rule XXVI of the Standing Rules of the Senate, the changes in existing law made by the bill as reported are shown below (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TRADE ACT OF 1974, AS AMENDED

* * * * *

TITLE III—RELIEF FROM UNFAIR TRADE PRACTICES

CHAPTER 1—ENFORCEMENT OF UNITED STATES RIGHTS UNDER TRADE AGREEMENTS AND RESPONSE TO CERTAIN FOREIGN TRADE PRACTICES

* * * * *

(e) DEFINITIONS; SPECIAL RULE FOR VESSEL, CONSTRUCTION SUBSIDIES.—For purposes of this section—

(1) COMMERCE.—The term "commerce" includes, but is not limited to—

(A) services (including transfers of information) associated with international trade, whether or not such services are related to specific goods, and

(B) foreign direct investment by United States persons with implications for trade in goods or services.

(2) VESSEL CONSTRUCTION SUBSIDIES.—An act, policy, or practice of a foreign country of instrumentality that burdens or restricts United States commerce may include the provision, directly or indirectly, by that foreign country or instrumentality of subsidies for the construction of vessels used in the commercial transportation by water of goods between foreign countries and the United States.

(3) UNREASONABLE.—The term "unreasonable" means any act, policy, or practice which, while not necessarily in violation of or inconsistent with the international legal rights of the United States, is otherwise deemed to be unfair and inequitable. The term includes, but is not limited to, any act, policy, or practice which denies fair and equitable—

(A) market opportunities;

(B) opportunities for the establishment of an enterprise; or

(C) provision of adequate and effective protection of intellectual property rights.

(4) UNJUSTIFIABLE.—

(A) IN GENERAL.—The term "unjustifiable" means any act, policy, or practice which is in violation of, or inconsistent with, the international legal rights of the United States.

(B) CERTAIN ACTIONS INCLUDED.—The term "unjustifiable" includes, but is not limited to, any act, policy, or practice described in subparagraph (A) which denies national or most-favored-nation treatment, the right of establishment, or protection of intellectual property rights.

(5) DEFINITION OF DISCRIMINATORY.—The term "discriminatory" includes, where appropriate, any act, policy, or practice which denies national or most-favored-nation treatment to United States goods, services, or investment.

(6) SERVICE SECTOR ACCESS AUTHORIZATION.—The term "service sector access authorization" means any license, permit, order, or other authorization, issued under the authority of Federal law, that permits a foreign supplier of services, or a foreign supplier of goods related to a service, access to the United States market in a service sector concerned.

● **Mr. DURENBERGER.** Mr. President, today I join my distinguished colleague from Missouri [Mr. DANFORTH] and the distinguished chairman of the Senate Finance Committee, Senator BENTSEN, in introducing the Telecommunications Trade Act of 1987. This legislation is intended to enhance world trading opportunities for the U.S. telecommunications industry by providing a framework for negotiation with foreign nations to open their markets. And it requires the U.S. Trade Representative to aggressively enforce telecommunications trade agreements.

Mr. President, the dismantling of the Bell System in 1983 has allowed many European, Japanese, and other Pacific Rim manufacturers of telecommunications equipment to enter our market and compete with AT&T and the other principal domestic equipment manufacturer, Northern Telecom.

Just recently, the Department of Justice recommended that the Bell Operating Cos. be allowed to manufacture and market telecommunications equipment. If the Court approves this recommendation, many foreign equipment manufacturers have already indicated a strong interest in entering into joint manufacturing ventures with the Bell Operating Cos.

I do not, in principle, object to greater competition in the domestic telecommunications industry. However, if this Nation is to allow foreign suppliers of telecommunications equipment free and open access to our market, I believe it is incumbent on foreign governments to allow our telecommunications industry reciprocal access to their markets.

A review of recent events in Japan and Europe suggest that when it comes to telecommunications equipment, like so many other products, foreign governments are unwilling to allow American companies the same access to their home markets as we so willingly grant to them.

For example, the Motorola Corp. has been selling some cellular telephones to Japan's Nippon Telegraph & Telephone Co. [NTT]. When the Japanese Government decided to end NTT's monopoly, Motorola agreed to provide a new competitor, Daini Denden, Inc., with cellular phones and transmission equipment.

However, in early February, when it came time to determine how much of the Japanese market the Daini Denden-Motorola joint venture could compete for, the Japanese Ministry of Posts and Telecommunications decided that the venture could only compete with NTT in cities that represent only 30 percent of the cellular telephone market. Who got the remaining 70 percent which includes Tokyo? An all-Japanese consortium headed by the Toyota Motor Corp.

In Europe things are even worse. In 1985, France's state owned Cie. Generale d'Electricite [CGE] and a joint venture of AT&T and N.V. Phillips of the Netherlands entered into a memorandum of understanding which provided that AT&T-Phillips would obtain improved access to the French telecommunications market through acquisition of the digital switch market currently held by the state-owned Cie. Generale des Constructions Telephoniques [CGCT].

This accord, however, may become meaningless because the West German Government has recently indicated that it wants Siemens A.G.—not AT&T-Phillips—to get the share of the French digital switch market currently held by CGCT. It appears that the German Government has threatened to undercut the pending CGE acquisition of ITT's telecommunications operations in Europe by withdrawing German Government business from ITT's German subsidiary if Siemens does not get the share of the market held by CGCT.

Mr. President, we in the Senate often swear our allegiance to free trade and forswear any efforts that might be labeled "protectionist." When it comes to telecommunications, however, we ought to face the hard fact that it makes absolutely no sense for America to be a free and open market when the rest of the world closes its markets to American competitors or throws us a few scraps of the market the way the Japanese do.

This legislation serves notice on our trading partners that trade in telecommunications equipment is a two-way street. Either foreign countries will negotiate with us to open their domestic telecommunications markets, or we will restrict their access to our markets. And for those countries that have agreed to allow our telecommunications products to compete in their home markets, either they live up to those agreements or find that the U.S. market is closed to them.●

By Mr. MELCHER (for himself, Mr. JOHNSTON, and Mr. WIRTH):

S. 597. A bill to provide for a moratorium on the issuance of oil shale patents and for other purposes; to the Committee on Energy and Natural Resources.

OIL SHALE PATENTS

Mr. MELCHER. Today I am introducing legislation to impose a moratorium on the patenting of all outstanding oil shale mining claims on Federal lands. These claims cover 270,000 acres in Colorado, Utah, and Wyoming.

The need for this legislation arises following more than 50 years of litigation over oil shale mining claims and the highly controversial settlement last year by the Department of the Interior of litigation involving some of the oil shale claims in Colorado. Under the settlement, the United States agreed to issue patents for $2.50 per acre—the U.S. taxpayer received a mere $205,000 for 82,000 acres of land. The beneficiaries of this agreement included Exxon Corp., TOSCO Corp., Union Oil Co. of California, Amerada-Hess Corp., and other oil and energy companies, as well as individuals.

Frankly, this is the shabbiest deal I have seen during my career as a U.S. Senator.

Under the mining law of 1872, claimants on Federal lands can apply for and receive a patent granting full fee simple title to those lands for $2.50 per acre, providing certain requirements are met.

The requirements are meant to produce resources from the public lands that will benefit the Nation. This has been part of our policy for multiple use of public lands for well over a century. This particular law, adopted in 1872, was amended in the 1920's to remove oil shale lands from those lands that could be developed under the mining laws and include them in oil and gas production.

However, the rest of the law remained intact and the requirements that are in the 1872 act apply to these lands covered in this bill. The oil shale lands where development claims had been started after 1872 but before the change in law in the 1920's are the lands affected by this bill. In other words, although oil shale development since that change in the law is treated more rigidly now, those previous oil shale claims have not been adequately verified as meeting the requirements of the 1872 act. That being the case, the Department of the Interior has erroneously been allowing patent and sale of Federal land at a price of $2.50 per acre.

It must be stopped.

The requirements of the 1872 act include the discovery of a valuable mineral deposit, performance of 100 dollars' worth of annual assessment work and, prior to receiving a patent, the expenditure of 500 dollars' worth of labor or improvements per claim. There is a question to be asked: What proof has been presented that $100 per year of assessment work was done each and every year on each of the thousands of claims? And on what basis has it been demonstrated that there will be production of oil from the shale or is it even intended to produce oil commerically from these lands? Present technology is not competitive and oil has only been produced from shale at very high prices.

I do not believe the contested oil shale claims met these requirements. It is a travesty that the U.S. Government turned these lands over for $2.50 per acre, and I want to prevent the same situation from occurring on the remaining 270,000 acres.

Unfortunately, court cases involving these oil shale claims have undermined the intent of the mining law in interpreting these requirements to such an extent that it is necessary to take legislative action to prevent the giveaway of the remaining oil shale lands. Last year Congress passed legislation, which I sponsored, attempting to delay the Department's settlement of the 525 claims and banning the issuance for 180 days of any other oil shale patents.

Today I am introducing legislation that places a moratorium on the patenting of additional oil shale claims until Congress has an opportunity to thoroughly study this issue and determines what further action is necessary to maintain the integrity of our mineral development programs.

I am introducing the bill on behalf of myself and Senators JOHNSTON and WIRTH.

Mr. WIRTH. Mr. President, I rise in strong support of the legislation being introduced today by the distinguished gentleman from Montana, Senator MELCHER, to impose a moratorium on the patenting of oil shale mining claims on Federal lands. It is time to take down the "for sale" signs that are hanging over hundreds of thousands of acres of public lands in Colorado and other Western States. If this bill is enacted into law, the "for sale" signs will come down.

This legislation is especially important for protecting the public lands of my home State of Colorado. Last year, the Department of the Interior decided to sell 82,000 acres of public lands burdened with pre-1920 oil shale claims, at the bargain basement price of $2.50 an acre.

These lands support the largest mule deerherd in Colorado, and every year attract hunters from across the State and from many other States. As part of the public domain, these lands were open to families who wanted to fish, camp, hike, or just picnic in the Nation's great outdoors. And ranchers had Federal permits to graze sheep and cattle on these lands. As every westerner knows, those Federal permits can mean the difference between life and death for ranchers.

Until last year's settlement agreement, these lands were open to every Coloradan, indeed every American. Today, they no longer are part of that national legacy.

The Department decided to issue patents for these lands as part of an agreement to settle a longstanding legal dispute over mining claims on this land. But the Department never consulted with the Governor of Colorado about a decision that would significantly affect the people and resources of my State. And only after the agreement was completed did the Department formally consult with either the members of the congressional delegation or the committees of jurisdiction.

The legislation that Senator MELCHER is introducing today, and which I am proud to cosponsor, will prevent the issuance of oil shale patents for any more public lands until Congress has had a chance to fully consider this issue. It will give the Members of this body a chance to fully evaluate whether it is good public policy to sell lands that someday may be valuable for oil shale, and which are valuable today for recreation and wildlife habitat, for the fire-sale price of $2.50 an acre. And this bill will give the Congress an opportunity to consider whether reform is necessary to prevent these land sales in the future.

This is not a problem that is going to fade away. According to the Department of the Interior, there are another 627 oil shale claims, covering 99,730 acres in my State of Colorado alone. Of that total, patent applications already have been filed for claims covering 11,410 acres. In Utah and Wyoming, another 170,332 acres of public lands are blanketed with these oil shale claims.

Mr. President, these public lands are important to Colorado's second largest industry—recreation and tourism. They are important for wildlife habitat. Ranchers depend on these lands, and continued access to these lands, for their livelihood. The Federal Government should not be in the business of selling the public lands for $2.50 an acre. This legislation will prevent that from happening, and I urge our colleagues to join with us in supporting the bill.

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. PRYOR, Mr. DURENBERGER, Mr. BAUCUS, Mr. BRADLEY, Mr. HEINZ, Ms. MIKULSKI, Mr. RIEGLE, and Mr. MOYNIHAN):

S. 598. A bill to amend title XIX of the Social Security Act to protect the welfare of spouses of institutionalized individuals under the Medicaid Program; to the Committee on Finance.

By Mr. MITCHELL:

S. 599. A bill to amend title XIX of the Social Security Act to allow States to include as medical assistance care and services provided to aged and disabled individuals in congregate housing facilities; to the Committee on Finance.

LONG-TERM CARE LEGISLATION

● Mr. MITCHELL. Mr. President, today I am introducing two bills which address specific issues of concern in the delivery of long-term-care services to the elderly.

The first of these bills, the Medicaid Community Spouse Protection Act of 1987, addresses the issue of spousal impoverishment under existing Medicaid law.

The Medicaid Community Spouse Protection Act of 1987, is an attempt to address what is now an inequitable situation when one spouse remains at home in the community and the other spouse requires institutionalization.

This inequity has caused women all over the country to be forced into poverty.

When Douglas Lewis, a retired sea captain, went into a nursing home in 1984, the State of Maine claimed nearly all of his pension and Social Security income for his care, leaving his wife, Florence, unable to pay for her own needs and the upkeep on the couple's modest Wiscasset home.

If the situation had been reversed, and Florence Lewis had gone into the same nursing home while her husband remained at home, Mr. Lewis would have been able to keep nearly all of his $1,500 monthly income, living in relative comfort while Medicaid paid for his wife's care.

Ownership of income under current Medicaid statutes and regulations is not clearly defined. So long as the husband and wife reside together, their income and assets are counted together and deemed available to each other for the purposes of determining eligibility for Medicaid benefits. It is only when one spouse enters a nursing home, that the question of income distribution comes into play.

In cases of one spouse being institutionalized, once the Medicaid-eligible spouse begins his second full month at a nursing home, Federal regulations, combined with administrative regulations, perceive such person as no longer part of a couple but as a separate individual, and deeming of income among the couple ceases.

At this point, it becomes necessary to determine what income and resources are the nursing home resident's and what belongs to the spouse at home.

Under current law, Medicaid eligibility for individuals who are 65 and over, and for disabled individuals, is generally determined in the same manner as eligibility for Federal supplemental security income (SSI) cash benefits.

Under current law, HCFA regulations generally allow the noninstitutionalized spouse a maximum monthly allowance of the SSI standard for an individual, currently $340 per month. This amount is clearly inadequate for most persons to support themselves.

Those most commonly affected by this Medicaid law are elderly women who have been homemakers most or all of their lives, and have little or no income in their own name. A March 6, 1986, New York Times article, titled "Nursing Costs Force Elderly To Sue Spouses," described a number of well-publicized cases of several women who have become pauperized under the current Medicaid regulations.

Each State has approached this problem from its own legal perspective. In California, the law requires the use of California community property principles in determining the amount of income available to meet the needs of an institutionalized Medicaid recipient who has a noninstitutionalized spouse. Medicaid recipients brought suit in State court to enforce that law over the objections of State officials that the law was not approved by the Federal Health Care Financing Administration.

In the Lewis case in Maine, Justice Bruce Chandler of the Kennebec County Superior Court ruled that the State's regulations are "arbitrary, capricious and unreasonable" because of "great disparities in the manner in which the entitlement program allocates income between spouses."

Justice Chandler went on to say that the regulations reflect:

> An antiquated view of family income: A spouse who does not have an income becomes an object of charity, relegated to subsist below the poverty level, instead of an equal contributor to the family receipts.

To perpetuate this rationale would only lead to the impoverishment of the elderly sick, which is the very plague that the Social Security and Medicaid programs seek to eradicate.

When the State of Maine's Department of Human Services amended its State Medicaid plan to comply with the court ruling, the Health Care Financing Administration ruled that the State plan was out of compliance with Federal regulations. This is generally the situation in other States such as California and Washington, where State courts have handed down decisions similar to the Maine ruling.

Clearly, a solution must be found at the Federal level.

The intent of my legislation is to raise the minimum amount the Medicaid Program must provide for the noninstitutionalized spouse and at the same time, give States as much flexibility as possible to determine the division of community property within the laws of each State.

My bill will raise the minimum allowance for the noninstitutionalized spouse from the current SSI standard for a single person, $340 per month, to the current SSI standard for a couple, $510 per month.

The bill will also allow States a number of additional options which will result in a higher income for the noninstitutionalized spouse. These options include the division of income of the community spouse and the institutionalized individual in accordance with community property laws, the establishment of a reasonable allowance for the maintenance of an individual in a home in the State, and the establishment of an amount which recognizes the economic contribution of homemakers.

Statistics show that among the elderly, women as a group are poorer than men, often having less pension protection because of an interrupted career due to childbearing, or no pension income of their own because they spent their working lives as homemakers, not as wage earners.

This bill is not a perfect solution to the problem of the pauperization of noninstitutional spouses under the Medicaid Program. It is, however, an attempt to begin to address this most complex and controversial issue, and to find a viable solution to the problem.

I am confident that a solution to this problem can be found which will put an end to women divorcing their husbands in order to sue for support payments or forcing women who have contributed to a marriage all of their lives as homemakers, to a life of poverty.

I look forward to working with Members of Congress concerned about the issue of spousal impoverishment, and with organizations such as the American Association of Retired Persons [AARP] and the Older Women's League [OWL] to find a workable solution to the current inequity which exists for many elderly women.

The second piece of legislation I intend to introduce today represents a first step toward making current reimbursement mechanisms for long-term care more flexible in providing the least restrictive environment and the most cost-effective services for the elderly.

One of the most emotionally difficult choices that an older person with multiple disabilities must face is the tradeoff between appropriate health care and the facilities and reimbursement available for such care.

In some cases, elderly persons are literally forced into an institutionalized setting because of lack of reimbursement for health care in noninstitutionalized settings.

One of our most challenging and important goals in the development of long-term care for the elderly is to provide a continuum of choices available to the individual and to preserve the greatest level of independence possible.

An important component in the continuum of services for the elderly is the development of congregate housing facilities. These settings offer the individual the possibility of living in a setting that provides the opportunity for socialization, proper nutrition, and in some cases, basic social services.

Unfortunately, there have been only limited attempts to integrate congregate housing sites into the full range of long-term-care services. Although the majority of individuals who reside in congregate housing are relatively healthy seniors, a significant number are or become over time disabled in some way.

Because of current limitations in the reimbursement of home health care, some persons now living in congregate housing are often forced to "spend down" and become eligible for Medicaid nursing care. Many of these people could continue to live in congregated housing and receive needed medical services if they had some source of financial help.

There are cases of elderly people in Maine who were living in congregate housing facilities at a total of less than $1,000 a month which they were able to pay themselves. When they became disabled and required assistance they were unable to afford the home care required as an alternative to going into a nursing home. As a result they are forced to go into a nursing home bed—which is reimbursable under the Medicaid Program—at a cost of nearly $2,000 a month.

This is clearly not the best use of Federal and State Medicaid dollars, nor the least restrictive environment for an elderly person—who up to the point of spending her savings—was physically able to live in a congregate housing facility.

The bill I am introducing today will amend the Medicaid Program to allow States the option to increase the number of aged and disabled individuals in congregate housing facilities who are eligible for health care services under the Medicaid Program.

Under current law, States may apply for a 2176 Medicaid waiver which allows them to use some Federal Medicaid funding to provide home health care to Medicaid-eligible persons in their own homes. State Medicaid administrators have been concerned about the lengthy and often difficult process associated with the application and approval for Medicaid waivers.

Under my bill, States may elect—as a State option under the Medicaid Program—to use the higher income eligibility level used for Medicaid nursing home benefits, to determine eligibility for those living in congregate housing. This will allow a significant expansion in the number of persons living in congregate housing facilities who can afford to obtain home care services and thereby avoid institutionalization.

This coverage may be provided to residents of congregate housing without having to provide the same amount, duration or scope of services to other Medicaid beneficiaries in the State.

Qualified services include case management services, homemaker/home health aide services, habilitation services, respite care, and a number of other services covered under a home-and-community-based-services waiver.

The purpose of this legislation is to make reimbursement for health care more flexible under Medicaid and to stimulate the development of congregate housing. It is a bill which will affect a relatively small part of the elderly population now served by the Medicaid Program, but it represents the first of what I intend to be, a series of bills designed to improve the delivery of long-term care services to elderly persons in our Nation.

As chairman of the Health Subcommittee, I am very concerned about the availability of long-term care for the elderly and hope to work with other interested Senators during the 100th Congress to focus attention on this critical issue.●

● **Mr. CHAFEE.** Mr. President, there has been a great deal of discussion lately on the issue of catastrophic health care. In my opinion, any health-related crisis which has the potential of forcing an individual or family into or near poverty is catastrophic. Probably the most catastrophic health care expenses an elderly individual faces today are those relating to a chronic illness that requires some type of long-term care.

While it is true that between 3 and 4 percent of Medicare beneficiaries face out-of-pocket expenses of over $2,000 each year for Medicare-covered services, about 5 percent of all elderly individuals are in nursing homes at any one point in time and the lifetime risk of entering a nursing home is about 20 percent. The cost of nursing home services is not covered by the Medicare Program, nor is it covered by private health insurance policies. The average cost of 1 year in a nursing home is approximately $22,000.

For most of the elderly, the risk of needing long-term care and entering a nursing home is their most paralyzing fear. They have good reason to be concerned. One-half of all nursing home payments are out-of-pocket expenditures by the elderly and almost all the rest are paid by the Medicaid Program. Approximately one-half of all Medicaid recipients in nursing homes were not initially poor, but spent their income and resources on long-term care before becoming eligible for Medicaid.

No elderly individual or couple should be forced into poverty before assistance will be provided for long-term care for a chronic illness or debilitating condition like Alzheimer's disease. I am pleased to join my colleague from Maine in introducing the Medicaid Community Spouse Protection Act of 1987 which will help elderly couples avoid complete destitution as a result of an illness.

Spousal impoverishment happens to a husband or wife when one of them must enter a nursing home and cannot afford to pay the cost of that nursing home. When this occurs the only Federal assistance available is through the Medicaid Program. The Medicaid Program requires that both members of a couple "spend down" or impoverish themselves before one of them can get help. The program requires that the couple spend all of their savings except for $2,700 and contribute all of their income to the cost of nursing home care except for $25 a month for the individual in the nursing home and not more than $340 a month for the spouse remaining at home. For the spouse remaining at home this amount is hardly enough to pay the cost of shelter and utilities.

The legislation we are introducing today will incease the minimum allowance for the spouse remaining at home to $510 a month. The legislation will also allow States to specify a higher amount by giving States the option of dividing the income of the couple in a number of different ways.

This bill addresses one small aspect of the long-term-care problem we face in this country. Much more must be done to address the growing need for long-term-care services both at home and in institutionalized settings. As the population over the age of 85 grows, so will the need for these services.●

By Mr. DECONCINI (for himself and Mr. McCAIN):

S. 603. A bill to amend title XVIII of the Social Security Act to exclude the waiver of deductibles and coinsurance amounts with respect to certain veterans from the application of the antikickbacks provisions of such title; to the Committee on Finance.

SOCIAL SECURITY ACT AMENDMENT

● Mr. DECONCINI. Mr. President, I am introducing today, together with my distinguished Arizona colleague, Senator McCAIN, a significant and innovative initiative to enhance the health care opportunities of certain Medicare-eligible veterans, the Medicare-Eligible Veterans' Health Care Financial Assistance Act of 1987. I am hopeful that a great number of my colleagues will join with us in fulfilling the commitment this Nation made to care for the medical needs of those who have given so much in the defense of our liberty.

Mr. President, throughout the years since the Veterans' Administration was established in 1931, hundreds of laws have been enacted by the Congress to address the needs of the veterans of this Nation. We have legislated a program for educational benefits which has had various names, but has been popularly known as the GI bill. This program has been an unqualified success, enhancing the educational standards of our population, thereby also enhancing our standard of living. It should be noted that this has been a thoroughly cost effective program, returning near 20 times the investment to our Treasury from productive, taxpaying veterans.

An enormously successful loan program has been enacted which has made home ownership possible for millions of veterans. This program added millions of jobs in construction and related industries thereby helping millions more to realize their American dream.

Congress has addressed the issues of pension and compensation for poor, elderly, and disabled veterans. And it has established a nationwide system of medical centers to care for our veteran propulation, but the medical needs of our aging veteran population have grown at an unprecedented and unexpected rate. In light of the demographics of the veteran population, better planning should have been pursued long ago. Unfortunately, we now face a crisis in providing quality care to the brave men and women who have earned that care through their many sacrifices for their country.

The problem is especially acute in Sun Belt States which, like Arizona, are experiencing rapid population growth. Our hospitals, quite frankly, are not adequately funded or staffed to address the medical needs of our veteran population.

I would like to make it very clear that I strongly support the VA medical care system. I believe my record as a member of the Senate Committee on Veterans' Affairs makes that abundantly clear as I have consistently voted to support increases in the medical care component of the Veterans' Administration budget. That system is an important part of a solemn contract made between the people of the United States and the veterans of this country. If we are to honor the commitment made by President Lincoln in his second inaugural address, we must continue to pledge "to care for him who shall have borne the battle."

Mr. President, the bill Senator McCAIN and I are introducing today addresses the special financial and health care needs of certain honorably discharged Medicare-eligible veterans of the Armed Forces of the United States by allowing services to be provided to them at non-Veterans' Administration hospitals, without additional out-of-pocket expense to the veteran. Med-Vet, an innovative public-private partnership program which began in the predominantly senior citizen community of Youngtows, AZ in 1985, currently waives the Medicare deductible and copayment requirements for participating veterans. This bill seeks statutory authorization for participating hospitals to waive the deductibles and copayments in order to remove any cloud of possible prosecution under the Medicare-Medicaid fraud and abuse amendments.

In cases where the Veterans' Adminisration imposes deductible and copayment requirements for veterans whose income is above the threshold prescribed by statute, the same requirements would apply to hospitals serving Medicare-eligible veterans under this legislative proposal. Therefore, the non-VA hospitals which choose to participate in this program would not have any competitive advantage over VA hospitals.

Mr. President, I came before this body when the Med-Vet Program began to commend the hospital and staff which introduced it. Since that time nearly 20,000 veterans have registered for that program, including one Arizona veteran who credits his life and financial stability to this program. That senior veteran had a heart attack in his home many miles from a Veterans' Administration hospital, and was fortunate to be able to go to Valley View Community Hospital for care. He says he would not have been able to afford the treatment at other hospitals near his home and his family.

Unfortunately, legal opinions differ as to whether this waiver of deductible and co-payment requirements violates the Medicare-Medicaid fraud and abuse amendments to the Social Security Act. Under this bill it would be clear that Med-Vet would not violate the fraud and abuse statutes.

In addition to allowing hospitals to waive the deductible and co-payment requirements for certain Medicare-eligible veterans, the bill also requires the General Accounting Office to examine the effects of the program on the competition in the health care industry and on the access of Medicare beneficiaries to health care. The Comptroller General would report the results of the study to the Congress not later than 2 years after the date of the enactment of this act. This Medicare-Medicaid waiver would automatically terminate no later than 9 months following the receipt of the Comptroller General's report.

Mr. President, if we are to maintain the confidence of those who serve our Nation, the needs of our aging veterans must be addressed to protect those who have "borne the battle." This bill offers a creative approach to meeting those needs. I urge the Senate to address this issue in an expeditious manner in this Congress.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FROM ANTI-KICKBACK PROVISIONS.

(a) IN GENERAL.—Effective for the period beginning with the date of the enactment of this Act and ending with (and including) the date that is 270 days after the date on which the Comptroller General submits the report required by subsection (b), section 1877(b)(3) of the Social Security Act (42 U.S.C. 1395nn(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (B),

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof "; and", and

(3) by adding at the end the following:

(D) any waiver by a subsection (d) hospital (as defined in section 1886(d)(1)(B)) of a deductible or coinsurance amount that is imposed under part A or B of this title with respect to inpatient or outpatient hospital services that are provided by the hospital—

"(i) to a veteran (as described in section 610(a)(1) or 610(a)(2)B) of title 38, United States Code),

(ii) pursuant to a program of the hospital under which such deductibles and coinsurance amounts are waived with respect to such veterans.".

(b) STUDY.—The Comptroller General shall study the effect that programs of the type described in section 1877(b)(3)(D)(ii) of the Social Security Act have on competition in the health care industry and on the access of medicare beneficiaries to health care. The Comptroller General shall report the results of the study to the Congress not later than two years after the date of the enactment of this Act.

(c) APPLICATION.—This amendments made by subsection (a) shall apply—

(1) in the case of services for which payment may be made under part A of title XVIII of the Social Security Act, to waivers made with respect to services furnished for spells of illness that begin during the period for which such amendments are effective, and

(2) in the case of services for which payment may be made under part B of such title, to waivers made with respect to services furnished during the period for which such amendments are effective.●

● Mr. McCAIN. Mr. President, I'm delighted to join my distinguished colleague from Arizona, Senator DECONCINI, in introducing the Medicare-Eligible Veterans Health Care Financial Assistance Act of 1987.

In 1865, during the closing days of the Civil War, the 16th President of the United States, Abraham Lincoln, vowed to "care for him who shall have borne the battle and for his widow, and his orphan." America has long honored—and indeed expanded—benefits provided for its veterans since 1865, yet today we find this commitment being sorely tested.

Recent budgets, impacted by the grim reality of our Nation's huge deficit, have forced the restructuring of care for our Nation's veterans. At the same time, the number of World War II and Korean war veterans reaching the age of 65 and becoming eligible for free care is growing at a quick pace. The inevitable result, Mr. President, is going to be a severe strain on the Nation's largest health care delivery system—a network of 172 hospitals, 228 outpatient clinics, and 115 nursing homes that care for 3 million veterans a year at a cost of almost $10 billion.

The current strain on the system, has been described by some as "like being in the front lines, in that you make decisions about who should be treated first and who should wait. You hope you don't arrive at the day when you have to exclude someone." Well, for several thousand veterans across the country—who, because of nonservice-connected ailments and thus of lower priority for care—that day has already arrived.

Mr. President, there is no arguing with the fact that the Veterans' Administration has done a commendable job with what they have had to work with. But, with each budget has come a constraint in the resources the Veterans' Administration has to work with, while the number of retiring veterans has been increasing dramatically.

Experts say that by the year 2000, the number of aged will double. Nearly 9 of the 13.5 million elderly American men will qualify for VA care under existing guidelines. In Arizona, the over-65 veterans population is expected to increase at a rate in excess of 150 percent by the year 2000. This fact will only exacerbate what has already become a difficult situation.

Arizona is home to more than 399,000 veterans, 82,800 of whom are over the age of 65. By 1990, that figure will increase to 119,100 and by the year 2000, the total will have jumped to more than 163,000. This same situation is true of many other States across the country.

Mr. President, we are already feeling the pressure of budget deficits. And, we are well aware that the reality of budget deficits is that we have to restrain spending until we can bring our country's financial house back in order. This means tough choices, and it means looking for creative options so that we will not be put in a position where we have to begin cutting essential programs.

I believe the answer to this pressing situation lies in a cooperative effort between the Government and the private sector. By that, I mean, the Government ought to be willing to apply its VA benefits to private sector hospitals and the private sector hospitals ought to be willing to accept VA benefits.

As my colleague from Arizona informed the Senate, in 1985, a hospital in Arizona implemented a program to expand the availability of health care services for Medicare eligible veterans. This program known as Med-Vet, provides free hospital services to any veteran who is Medicare-eligible.

Valley View offers veterans general acute-care services accepting 100 percent assignment on their Medicare benefits. Med-Vet enables many veterans, who are age 65 or over, to have the short-term acute care they might not have been able to afford previously. In doing so, Valley View provides the care in an environment that is not overcrowded, short staffed and underfunded—conditions which are sometimes present within VA hospitals.

Mr. President, this program is the kind of private sector response that could enable us to stretch our dollars, while at the same time providing Medicare-eligible veterans with easy access to high-quality care. Med-Vet is a pioneering effort in caring cost-effectiveness.

Mr. President, this bill we are introducing will do two things.

First, the legislation directs the Comptroller General to perform a study of the effect that programs, such as Med-Vet, have on competition in the health care industry and on Medicare beneficiaries access to the health care delivery system. The results of the study are to be reported to Congress within 2 years.

Second, the legislation will provide or allow participating hospitals to take selective assignment so that they can waive Medicare deductibles and premiums for eligible veterans. This provision will be effective from the date of enactment until 9 months after the date on which the Comptroller General reports the results of its study to Congress. At that time, Congress will have to make a determination as to whether we want to extend the program.

Mr. President, I believe this legislation will allow other hospitals—on a voluntary basis—to implement a program such as Med-Vet. The program has the potential for alleviating some of the demand at overcrowded VA medical centers, thus assuring care for those veterns who opt to participate in such a program, while saving the Federal Government dollars in tight fiscal time.

Mr. President, I urge my colleagues to join with me in the efforts to make this program accessible to Medicare-eligible veterans, across the country, by favorably adopting this legislation.●

By Mr. PRYOR (for himself, Mr. GRASSLEY, and Mr. REID):

S. 604. A bill to promote and protect taxpayer rights, and for other purposes; to the Committee on Finance.

OMNIBUS TAXPAYERS' BILL OF RIGHTS

Mr. PRYOR. Mr. President, I am pleased to join Senators REID and GRASSLEY in introducing the Taxpayers' Bill of Rights.

It is fitting, in this year of the 200th anniversary of the United States Constitution that we consider a bill that reaffirms our forefathers' belief in the due process rights of every citizen.

I believe that all of us sponsoring this bill agree that the collection of taxes is a necessary function of Government. However, the Government should never lose sight of the need to protect its citizenry from heavy-handed abuse and bureaucratic incompetence. Mr. President, this bill will do just that. For one of its most important aspects is that it puts the burden of proof on the IRS. Unlike other legal proceedings, where a citizen is assumed to be innocent until proven guilty, the IRS assumes guilt until innocence is proven.

In addition, the Taxpayers' Bill of Rights will ensure the protection of every small business in this Nation from over-zealous auditing and collection procedures. The businessmen of Arkansas, and of the whole country, will rest assured that the IRS will not be able to issue regulations that will put them out of business.

I commend my fellow sponsors of this bill for their past efforts in drafting a taxpayers' bill of rights. Because of the debate on tax reform last year, their efforts were not given proper consideration. It is our sincere hope that after this bill passes through my subcommittee on IRS oversight and the full Committee on Finance, that the Congress will take it up for consideration.

I believe the time is ripe for its passage. Together the sponsors of this bill form a coalition that spans the political and geographical spectrum. Such a coalition should greatly increase the chances of achieving this long-needed reform.

Finally, it has been my observation that the general public increasingly fears and abhors the growing power of the IRS in its collection of the Nation's taxes. From the seizure of children's bank accounts to the debacle of the new W-4 form, the public is losing its faith in the system that collects our revenues. When the public loses its faith in the system, it becomes impossible to collect taxes. The Taxpayers' Bill of Rights will reestablish America's faith in the fairness of our tax collection system.

Mr. President, I ask to have printed a summary of the Omnibus Taxpayers' Bill of Rights Act and a list of IRS horror stories from around the Nation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OMNIBUS TAXPAYER'S BILL OF RIGHTS ACT

SECTION 1. SHORT TITLE.

Provides that the bill shall be referred to as the "Omnibus Taxpayers' Bill of Rights Act."

SEC. 2. DISCLOSURE OF RIGHTS AND OBLIGATIONS OF TAXPAYERS.

Requires the IRS to prepare a brief but comprehensive statement of taxpayer rights and obligations. The statement then shall be distributed to all taxpayers along with all forms sent from the IRS.

SEC. 3. OFFICE OF THE INSPECTOR GENERAL.

Establishes an office of Inspector General in the Treasury to investigate and audit the Internal Revenue Service.

SECTION 4. PROCEDURES INVOLVING TAXPAYER INTERVIEWS.

Provides that IRS interviews shall be held at a reasonable time and place convenient to the taxpayer and the IRS. Allows the taxpayer to make a record of any interview in connection with assessment of a deficiency. Requires the IRS to make a Miranda-type warning prior to any interview. Allows taxpayers to give a written power of attorney to a representative for purposes of IRS interviews.

SEC. 5. GENERAL ACCOUNTING OFFICE OVERSIGHT OF THE ADMINISTRATION OF THE INTERNAL REVENUE LAWS.

Requires the General Accounting Office to conduct any special audit or investigation of the IRS when requested by any committee or member of Congress. Provides that the GAO shall submit to Congress an annual report which shall include any significant evidence of inefficiency and mismanagement in the IRS.

SEC. 6. BASIS FOR EVALUATION OF INTERNAL REVENUE SERVICE EMPLOYEES.

Precludes the IRS from evaluating IRS personnel based in any way on the sums collected from taxpayers resulting from audits or investigations in which the IRS personnel participated.

SEC. 7. AUTHORIZING, REQUIRING, OR CONDUCTING CERTAIN INVESTIGATIONS, ETC.

Precludes the IRS from conducting any investigation or surveillance over taxpayers regarding the beliefs or associations of any individual or organization. There is an exception for organized crime activities.

SEC. 8. LEVY AND DISTRAINT.

Increases the waiting period for IRS levies on property from 10 days after notice of intent to 30 days after notice. Requires the IRS to disclose levy procedures and alternatives available to the taxpayer. Expands the circumstances under which a continuing levy would terminate to included when a taxpayer and the IRS enter into an installment agreement or when the IRS determines that the liability is unenforceable due to the financial condition of the taxpayer. Precludes the IRS from levying on any day on which a taxpayer responds to a summons issued by the IRS. Increases the value of property exempt from levy (certain fuels, furniture, and personal property) from $1,500 to $10,000. Makes all animals exempt. Exempts property of a trade or business to the extent of $10,000, but only if the trade or business is not a corporation. Increases the amount of salary or wages exempt from levy from $75 per week to $150 per week plus $50 per week for each dependent.

SEC. 9. REVIEW OF JEOPARDY LEVY AND ASSESSMENT.

Creates administrative and judicial appeals process for jeopardy levies.

SEC. 10. INSTALLMENT PAYMENT OF TAX LIABILITY.

Authorizes the IRS specifically to enter into installment agreements where the IRS determines it would facilitate collection. Requires the IRS to make a written offer for an installment agreement to individuals whose tax liability did not exceed $20,000 and who had not been delinquent on any similar agreement. Requires that such agreements would be binding on the IRS unless they showed that the information provided prior to agreement was inaccurate or incomplete.

SEC. 11. ADVICE OF INTERNAL REVENUE SERVICE.

Dissallows the IRS from collecting deficiency interest and penalties which result fron its incorrect written advice.

SEC. 12. TAXPAYER ASSISTANCE ORDERS.

Authorizes the Ombudsman to issue "taxpayers assistance orders" requiring the IRS to cease certain actions with respect to specifically identified taxpayers.

SEC. 13. ADMINISTRATIVE APPEAL OF LIENS.

Directs the Treasury to draft regulations to implement a procedure for administrative appeal of any lien imposed on taxpayer's property.

SEC. 14. MINIMUM SALE PRICE.

Precludes the IRS from levying on property in payment of a tax liability if the expenses associated with the levy are greater than the value of the property or the liability to be satisfied.

SEC. 15. LIMITATIONS ON CLASS AUDITS.

Limits the ability of the IRS to audit taxpayers identified with respect to a particular trade, business, or profession.

SEC. 16. BURDEN OF PROOF IN ADMINISTRATIVE AND JUDICIAL PROCEEDINGS.

Requires the IRS to carry the burden of proof in court proceedings provided the taxpayer presents the minimum amount of information necessary to support his position.

SEC. 17. APPLICATION OF THE REGULATORY FLEXIBILITY ACT TO THE INTERNAL REVENUE SERVICE.

Expressly states that the Regulatory Flexibility Act shall apply to rules and regulations issued by the IRS (The Act requires that all rules and regulations must be analyzed for their impact on small businesses).

IRS HORROR STORIES

1. *The Case of the Non-Existing Social Security payment.*—When her husband died in 1983, an elderly taxpayer became eligible for survivor benefits under Social Security. Because she chose to continue her job one more year before retirement, she opted out of the benefit program for the remainder of the 1983 pay period. In 1984, she received a deficiency notice from the IRS telling her that she owed taxes on the Social Security benefit and must either pay the tax or explain why she did not owe the tax within 30 days. She responded by attaining an official statement of nonreceipt of benefit from the local Social Security office and mailing it to the IRS.

Many months went by before the IRS contacted her again with a letter stating that because she did not respond to the earlier notice that the IRS auditors were turning her case over to the collection department. At this point, the taxpayer called the number of the auditing agent written on the deficiency notice. She attempted to explain the situation to the agent who responded to her that she needed to contact her new district office because he was now not responsible for her account.

After she called and wrote, sending a copy of the original nonreceipt of benefit form, to the new district office, the IRS responded many months later by letter stating "because her explanation was not sufficient" they were going ahead with collection.

After receiving a series of computer form letters explaining the levy process, which threatened to take her home and car, the taxpayer contacted her Congressional offices to help. The IRS quickly found her original letter and recognized their error. Total time for resolution of her "tax deficiency": two and one half years.

2. *The Case of the Missing Contractors.*—When a small businessman suffered a series of business set-backs, he found it impossible to pay his taxes. He asked the IRS if he could pay the taxes over a period of time under an installment payment agreement. The IRS agent asked him to explain how he planned to fulfill his tax obligation. The small businessman explained that he was just about ready to finalize three new contracts and gave the agent the names of his future clients. A few days later the potential clients called to say that the IRS had served them with notices of garnishment and that if he was in trouble with the IRS they were not interested in doing business. The result of the IRS action: no contracts and bankruptcy.

3. *The Case of the Free-wheelin' Auditor.*—In order to make ends meet a young farmer in southern Arkansas, farmed during the day and worked at night as a watchman. Additionally, his wife became a part-time office worker. The farmer received a call from an IRS agent who requested an interview to see his tax records. The auditor arrived a few days later and after looking over his records, the agent put his feet up on the farmer's desk and explained that since he was not in the full time business of farming for profit (the farm lost money over the previous three years, which is why he had taken the watchman job), he owed the government over $100,000 in back taxes and penalties. He told him that he would soon be receiving an official notice of the deficiency.

Almost seven months later, with no further word from the IRS, the agent finally called again and told the farmer that if he would agree to settle his obligation by paying $10,000 before the end of the month the IRS would release him from the rest of the back taxes. Smelling a skunk, the farmer checked with his neighbors and soon found other examples of where the agent had claimed large tax deficiencies and then later called to settle for much smaller amounts. Some of the taxpayers had been intimidated enough that they had settled. The farmer called his Congressional offices to seek help.

4. *The Case of the Broken Promise.*—A small businessman entered into an installment agreement with the IRS for back taxes. The taxpayer made every payment on time. As the economy began to recover, his business steadily improved and began to show a profit. One day his creditors began calling him to say that his business checks were bouncing. He then called his bank to find that the IRS had decided to cancel their agreement and had levied on his business account without contacting him. When he finally was able to get through to the IRS, they informed him that they had decided to collect because of the substantial change in the financial condition of his business. Result of the IRS action: creditors called in their notes, many suppliers would only deal in cash after his checks bounced, and some suppliers refused to do business with him.

5. *The Case of the New Typewriter.*—A small business in El Dorado, Arkansas, filed over two hundred forms with the IRS. He then received a letter from the IRS informing him that he was subject to a $50 a form fine for not filling out the forms using a ten pitch typewriter. He called the IRS to let them know that his business only owned one typewriter and it was a 12 pitch. The agent told him to buy a new typewriter and pay the fines. The result of the IRS action: $10,000 in fines and $150 for a new typewriter.

6. *The Case of the Missing Return.*—A young widow with a child received an incorrect return. She called the IRS where someone told her to drive forty miles to the Little Rock office to pick up her proper return check. She drove three times to Little Rock, but each time the IRS told her that they did not have the check. Futhermore, they told her there was not anyone she could call to find out if the check would be ready. She finally contacted her Senator who had the check sent to her. The result of the IRS mistake: six months and 240 miles later she received her check.

7. *The Case of the Purloined Car.*—A Nevada taxpayer who is a single mother entered into an agreement with the IRS to repay a liability which she owed. She did not dispute the amount or the appropriateness of the amount which the IRS said she owed, but needed to pay it back in installments because of her situation. Seven days after her attorney worked out such an agreement with the IRS, the agency impounded her car without notice while she was at work.

8. *The Case of the Multiplying Penalties.*—A Nevada taxpayer's return was audited because she filed late. She had misclassified expenses, so in August 1986, the IRS told her she owed between $4,000 and $6,000 without penalties. She waited to hear from the IRS the exact amount she actually owed. No word came until January 1987, when the IRS said she owe $22,000 because they had reassesed what she owed and attached penalties for her not paying it.

Mr. GRASSLEY. Madam President, I rise at this hour for the purpose of introducing for myself and Senators PRYOR and REID the "Omnibus Taxpayers' Bill of Rights." This legislation is a statutory enforcement of our constitutional bill of rights in the area of taxation.

Senator PRYOR is the main sponsor of this legislation. Senator REID and I are original cosponsors of the "Taxpayers' Bill of Rights."

As we all know, a catalyst for our great Nation's revolution and the ultimate ratification of our Constitution in 1787 was the perception, if not the fact, that taxation without representation had become the status quo. Today, in 1987, the American people are more than fortunate that, with the determination of the American spirit and the grace of God, we are able to celebrate the 200th anniversary of the American Constitution. Unfortunately, the perception that unfairness lurks within the tax system exists to this day. It is the responsibility of Congress to put these fears to rest, and I believe the "Taxpayers' Bill of Rights" will go far in addressing these fears.

Over the years as a Member of Congress, I have received taxpayer complaints from my own State of Iowa, as well as from around the country. Some of these complaints are, undoubtedly, unwarranted as tax collectors have historically been the object of public criticism and attack. I certainly do not encourage baseless criticism or condone taxpayer resistance or nonpayment of taxes.

However, even the IRS recognizes the fact that problems exist and that some taxpayers are abused. By its own admission, the IRS conducted 582 investigations of alleged employee misconduct in 1985. Various forms of disciplinary action were taken against 221 employees. In addition, in 1985, 120 current or former IRS employees were arrested or indicted as a result of inspection office investigations. At least 84 of these employees were convicted for their crimes against taxpayers.

These statistics were released in hearings I chaired in the IRS Oversight Subcommittee last year on the subject of taxpayer abuses. The main focus of these hearings was on two Federal criminal tax cases, the United States versus Omni International Corp. and United States versus Kilpatrick. Both of these cases involved taxpayer abuse by the Federal Government. In particular, the district court found that Government prosecutors had fabricated evidence and misled the court in the case against Omni. In the Kilpatrick case, another court found the Government had violated Federal criminal rules, had mistreated witnesses, had misinformed a grand jury and had violated the defendant's fifth and sixth amendment rights under the Federal Constitution.

So, without a doubt, taxpayer abuse does exist right to this very day. In the last two Congresses, I have attempted to curb these abuses through legislation, and have met with some success—but not enough. In 1982, Congressman RANGEL of New York and I convinced the conference committee on the Tax Equity and Fiscal Responsibility Act to accept provisions requiring advanced warning before property could be levied and the release of a lien on property within 30 days after the tax is paid. In the Tax Reform Act of 1986, I was successful in amending the tax provision allowing for the payment of attorneys fees to a taxpayer who wins his civil case in the Tax Court, or any other Federal court. Now, to qualify for attorneys' fees, a taxpayer has the lesser burden of showing that the Government's position was not "substantially justified" rather than having to show that the Government's position was "unreasonable," which was the case under former law. This will give the Government more of an incentive to ensure that it has a legitimate case before moving against a taxpayer.

The "Taxpayers' Bill of Rights," which has bipartisan support, under Senator PRYOR's leadership, is an extension of these successes and the effort of others, including Senator REID, to correct a lot of unjust situations. One of the major reasons taxpayer abuse exists is because the Treasury Department is one of the most powerful Government agencies but one of the least regulated by Congress. Out of all the Cabinet Departments, Treasury and Justice are the only departments without a statutory inspector general that reports to Congress. Consequently, Congress is kept in the dark about activities within Treasury. This legislation will help alleviate that problem by creating a statutory Office of Inspector General within Treasury that will audit and investigate the Department and make reports to Congress. The Government Accounting Office strongly supports this modification that will make the Treasury Department more efficient and ultimately more productive and, we expect, more responsive to the needs of the taxpayers vis-a-vis the IRS as a result of that independence.

Another provision of the bill gives the IRS ombudsman the power to issue taxpayer assistance orders, which may require the IRS to release property or to cease any action. The IRS will also be required to put together a statement on taxpayer rights and distribute it to taxpayers. The "Taxpayers' Bill of Rights" contains a number of other provisions that will help protect the right of taxpayers while allowing the IRS to do its job effectively and collect taxes under the voluntary scheme of compliance that we have in our country which, quite frankly, makes other countries jealous, but that voluntary compliance is somewhat in jeopardy when people do not have faith in the system.

Madam President, we all know that 1986 was the year of tax reform, and a number of things were done in an effort to make taxes more fair. Now, we need to make 1987 the year of taxpayer reform in an effort to make the system more fair. I urge my colleagues to join me and Senators PRYOR and REID as we attempt to accomplish this goal.

Mr. REID. Mr. President, I am pleased to join my colleagues, Senators PRYOR and GRASSLEY, as an original sponsor of the Omnibus Taxpayers' Bill of Rights. This legislation provides a legislative remedy to correct the abusive and possibly illegal behavior often encountered by taxpayers embroiled in disputes with the Internal Revenue Service. Enactment of the Omnibus Taxpayers' Bill of Rights will do nothing more than place the law abiding taxpayers of America on equal footing with the IRS.

Since coming to Congress in 1983, I have been an advocate of Taxpayer's Bill of Rights legislation. During the 99th Congress, I introduced a Taxpayers' Bill of Rights in the other body. Because national attention was focused upon the Tax Reform Act of 1986, my bill received very little public attention, although it did receive the attention of the nearly 50 House Member who cosponsored my bill. The bill I introduced in the House served as the foundation for both S. 579, a bill I introduced Monday, and the Omnibus Taxpayers' Bill of Rights.

S. 579 is the bill I have been promoting since the 100th Congress convened in January. It contains provisions: requiring a statement of taxpayers' rights and obligations be included with all tax forms; extending to taxpayers the right to initiate civil action against IRS employeers who violate the taxpayer's rights; establishing a statutory Office of Inspector General within the Department of the Treasury; extending certain rights to taxpayers during interviews with the IRS including the right to a representative; expanding the GAO's audit authority over the IRS; prohibiting the evaluation of IRS personnel based on sums collected from audits and investigations; prohibiting the IRS from investigating individuals for purposes other than determining compliance with internal revenue laws; revising levy procedures; strengthening installment payment agreements; placing new limitations on class audits; and requiring the IRS to carry the burden of proof in administrative and criminal proceedings.

The Omnibus Taxpayers' Bill of Rights contains many of the powerful provisions contained within S. 579 in addition to the provisions added by Senators PRYOR and GRASSLEY which: prevent the IRS from collecting deficiency interest and penalties resulting from its incorrect written advice; authorize the ombudsman to issue orders requiring the IRS to cease certain actions affecting specifically identified taxpayers; require the establishment of procedures for the administrative appeal of liens; prohibit levies in cases where expenses associated with a levy are greater than the value of the property or the liability to be satisfied; and apply the Regulatory Flexibility Act to the IRS. With the addition of these provisions, I believe we have drafted a bill providing greater protection to taxpayers while preserving the ability of the IRS to collect taxes.

Perhaps the most effective way to illustrate the need for this legislation is by describing actual horror stories of IRS abuses. The first case I will describe involved a taxpayer who was audited because she filed late. She had misclassified expenses, so in August 1986, the IRS told her she owed between $4,000 and $6,000, with no penalties assessed. She waited to hear from the IRS exactly how much she owed. No word came until January, when the IRS informed her she owed $22,000 because they had reassessed what she owed and attached penalties for failure to pay the newly assessed amount.

The second case involved a widow who had to pay a $10,000 tax liability left by her deceased husband. She agreed to pay $750 per month toward the liability. After she had struggled for some time to meet the monthly payments, the IRS reneged on the payment agreement, seized her home and auctioned it off to retrieve the unpaid balance. Unfortunately, cases like this occur too often to be dismissed as mere anecdotes. Rather, these abuses illustrate recurring problems the Omnibus Taxpayers' Bill of Rights addresses.

During this bicentennial year of the Constitution, I believe we, as Members of the world's greatest deliberative body, should stop to ponder the unique protections afforded individuals by the first 10 amendments to the Constitution: the Bill of Rights. These first 10 amendments limit the power of the Federal Government over individuals. It is time these fundamental rights be extended to taxpayers; it is also time the concept of limited government powers be extended to the IRS.

I invite my colleagues to join me in following the lead of the hundreds of citizens who have written me from every corner of our land with their support for the Omnibus Taxpayers' Bill of Rights. Ordinary people from San Antonio, TX, to Welston, MI have contacted me as have tax professionals from Edison, NJ, to Las Vegas, NV, with horror stories concerning IRS procedures and unanimous support for remedial legislation. The American people have recognized the need for this type of legislation. It is now up to us to address the need by moving the Omnibus Taxpayers' Bill of Rights quickly through the Senate and toward final passage.

By Mr. DeCONCINI (for himself and Mr. McCain):

S. 605. A bill to provide for the settlement of certain Tohono O'odham Indian water rights claims in Arizona; and for other purposes; to the Select Committee on Indian Affairs.

SETTLEMENT OF INDIAN WATER RIGHTS CLAIMS

● Mr. DeCONCINI. Mr. President, today with my distinguished colleague, Mr. McCain, I am reintroducing legislation to settle a remaining water rights claim of the Tohono O'odham against the Federal Government in the Chuichu area. This legislation, the Chuichu settlement, was introduced last year along with two other bills to satisfy other water rights claims of the Tohono O'odham Nation. Settlement of the Chuichu claim is still unresolved. The Gila Bend and Tat Momolikot claims were passed by the Congress and signed into law.

The 19,000-acre Chui Chuichu Reservation lies within the Sells Reservation. At the time the Chuichu Reservation was created for the Tohono O'odham Nation—Papago Tribe—20,000 acre feet of surface and underground flow of the Santa Cruz River provided a dependable supply of water for agricultural uses in the area. Engineering reports at that time indicated that there was also 1,200,000 acre feet of ground water beneath the Chuichu lands.

The United States, on June 8, 1912, filed a 60,000-acre-feet Notice of Water Appropriations for the O'odham and two downstream tribes—the Papagos of the Maricopa Reservation—the Ak-Chin—and the Pimas of the Gila River Reservation. A Notice of Water Appropriations for 10,000 more acre feet of the surface and underground flow of a tributary of the Santa Cruz River the Santa Rosa Wash, was later filed for the O'odham.

The United States, as trustee of these water rights of the O'odham, has known of these rights since their recognition in 1912. Yet, the United States has allowed off-reservation pumping of these waters to exhaust the Santa Cruz River flow through the Chuichu Reservation. The tribe contends that irrigator pumping north of the Chuichu area has depleted the underground waters so that farming is no longer possible. The lands of Chuichu are deserts with little or no value without water. The tribe claims a breach of trust on the part of the United States caused the exhaustion of their water.

In 1949 there was sufficient ground water to support an agreement between the tribe and the Secretary of the Interior to develop an 11,000-acre tribal irrigation project in the Chuichu area, including 600 acres already in production. Because of ground water depletion, the 11,000-acre project has never been initiated.

Recognizing the plight of the O'odham, the Secretary of the Interior allocated 8,000 acre feet of the Indian CAP allocation to Papago tribes in the Chuichu area. This will allow irrigation of 1,480 acres, but cannot be delivered until 1988 or 1989. The tribe will also be responsible for all operation, maintenance, and replacement costs for the CAP water. This forces the tribe to pay for water to replace the water taken from their land.

The legislation I am introducing today will settle the breach of trust claims against the United States for failing to properly maintain the water supply of the Tohono O'odham. This legislation will require a contract with the Secretary of the Interior to provide 12,000 acre feet of unallocated non-Indian agricultural CAP water. Construction of an irrigation system to deliver the 12,000 acre feet of water and the 8,000 acre feet of Indian CAP water is mandated by this legislation as well. A $10,000,000 trust fund for the tribe for water acquisition, and economic and community development is another provision. The Federal Government must also pay the annual operation, maintenance, and replacement costs of delivering all the water contracted for to the reservation, with the tribe paying on reservation costs. A new domestic water supply system for the villages of Chuichu, East Chuichu and White Horse Pass must be provided. The ground water supply underlying public lands in the South Vekol water basin must be reserved for the exclusive use of the tribe.

The provisions of settlement for the Chuichu water claim of the tribe included in the legislation are fair and reasonable offers to the Federal Government. While the Department of the Interior has adopted a policy of negotiating Indian water settlements, the legislation I have sponsored is the result of a tribal initiative. The tribe is to be commended for its diligent work in attempting to resolve the disputed claim.

The settlement offer has not been negotiated with Interior representatives. However, there has been considerable discussion with representatives of the Interior's Office of Trust Responsibilities.

We are all cognizant of the Federal budgetary problems and the need to constrain Federal spending. The bill introduced today requires Federal payments to the Tohono O'odham Nation for the settlement of the Chuichu claims. While the price tag may seem high, I am confident that costs for lengthy litigation and court time will require even greater expenditures by the Federal Government. I am convinced this legislative settlement is the best solution for the Federal Government. These provisions are necessary to settle this water rights claim of the Papago tribe without lengthy litigation. I hope to have hearings on this settlement quickly.●

By Mr. ADAMS:

S. 606. A bill to permit any State, without penalty, to withdraw from a contract entered into with the Federal Emergency Management Agency under which such State is required to participate in a simulated nuclear attack on such State; to the Committee on Armed Services.

FEDERAL EMERGENCY MANAGEMENT AGENCY CONTRACTS

Mr. ADAMS. Mr. President, I am today introducing legislation designed to respond to an effort by FEMA, the Federal Emergency Management Agency, to respond to a congressional directive by requiring several States—including my own State of Washington—to participate in a test designed to evaluate our ability to respond to a simulated nuclear attack.

In the particular case of Washington, FEMA wants to see how we would respond if an enemy exploded 28 or so nuclear weapons over our State. I can save everyone a lot of trouble and money. I'll tell them how we would respond: we would die.

I suppose that some people believe that exercises which let us evaluate how well we might manage after a nuclear attack are simply prudent planning. I think they are a dangerous delusion.

I really thought, Mr. President, that we had started to put this notion of planning for a nuclear war aside. It was just a few years ago, after all, when a book describing the administration's approach—"With Enough Shovels"—demonstrated just how barren the concept of civil defense after a nuclear war would be. This particular FEMA exercise focuses on a specific question: how well we could communicate after an attack. An interesting question. But we already have the most meaningful answer. Reputable doctors and scientists have told us that all we would be able to communicate after 28 warheads exploded is that people were dead and dying, that the hospitals which were intact had neither the materials or the personnel to treat the victims, and that the living would envy the dead. If FEMA wants to be sure that we can broadcast that message, then perhaps this exercise makes sense.

I think it comes down to this, Mr. President. We know we have an obligation to think about the unthinkable. We cannot ignore the reality of nuclear weapons or nuclear war. But we have an even greater obligation to work to prevent such a war. I do not believe that this exercise is the way to discharge that obligation. Indeed, by creating the impression—the false impression—that we might manage a post-attack environment, it threatens our security by directing our attention away from the real path to survival: meaningful, mutual, verifiable arms control and reduction.

The Governor of my State has declined to participate in this exercise. FEMA has responded that, pursuant to an agreement between the Agency and the State, such a refusal might mean the loss of up to $1.3 million in civil defense funds. I suspect that the legislation I am introducing today may not be acted on before the FEMA deadline has come and gone. And if that is the case, the Governor of my State may elect to participate in this exercise in order to protect funds that are needed and would be useful in responding to natural disasters which can be managed. I would certainly understand that decision and support it—just as I support his initial inclination to refuse to participate in this program.

If this exercise does go ahead, then I trust that the people of Washington will react to it appropriately. And by that I mean that they will take some time during the exercise to think about what a real nuclear attack would be like: The chaos and confusion, the death and destruction, the complete devastation. And I'd like them to take some time to think about the choices we have: A realistic and tough attempt to reduce the nuclear threat through arms control—or a massive civil defense program that will not save us and a multibillion dollar star wars system which will not protect us.

If that is the end result of this test, then perhaps it will have served a useful purpose. And if this legislation helps create a debate in the Congress and the country about the role of civil defense in a nuclear attack, then perhaps this bill will serve a useful purpose as well.

Mr. President, I ask that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 606

By it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any provision of the Civil Defense Act of 1950 (50 U.S.C. App. 251 et seq.) or any other provision of law, any State may withdraw, without penalty, from an agreement entered into, before the date of the enactment of this Act, by such State with the Federal Emergency Management Agency providing for the participation of such State in a simulated nuclear attack on such State. Withdrawal from such contract under the authority of this Act shall be effective only if written notice of withdrawal is given by the Governor of the State concerned to the Director of the Federal Emergency Management Agency within 15 days after the date of the enactment of this Act.

(b) The Director of the Federal Emergency Management Agency may not withhold from any State funds that would otherwise be paid to such State under the Civil Defense Act of 1950 or any other Act on the grounds that the State withdrew from the contract referred to in subsection (a) or otherwise refused to participate in the simulated nuclear attack referred to in such subsection.

By Mr. CRANSTON (for himself, Mr. D'Amato, Mr. Riegle, Mr. Heinz, Mr. Dodd, Mr. Sarbanes, Mr. Reid, Mr. Sasser, Mr. Shelby, Mr. Gore, Mr. Dixon, Mr. Chiles, Mr. DeConcini, Mr. Durenberger, Mr. Inouye, Mr. Garn, Mr. Burdick, Mr. Lautenberg, Mr. Kerry, Mr. Bentsen, Mr. Stevens, Mr. Bumpers, and Mr. Weicker):

S. 607. A bill to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities; to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL HOUSING ACT

Mr. CRANSTON. Mr. President, the Government National Mortgage Association [GNMA] intends to increase by two-thirds its guarantee fee from 6 to 10 basis points effective March 1, 1987, through administrative action. I oppose that action, which would amount to imposing an unjustified tax on homeownership.

The programs offered by GNMA were created to help Americans become homeowners. However, the administration's proposed increase would be a further disincentive to purchasing a home. In an era homeownership is declining, it is the wrong time to put additional pressure on American families who are struggling to buy a home.

The proposed fee increase would clearly be an act contrary to the policy of Congress. Congress on numerous occasions has expressed strong support for the programs of GNMA and repeatedly has opposed the imposition of fees above those necessary to support program costs. Within the past year, the Senate Banking Committee favorably reported S. 2507 and the House of Representatives passed legislation, H.R. 1, both of which specifically prohibited any increase in the GNMA guarantee fee.

This bill, therefore, reestablishes the intent of Congress. It would ensure that GNMA would impose no fee in excess of six basis points can be administered unless it is demonstrably related to the cost of administering the program.

I believe there is no good reason for the proposed increases in GNMA fees. I feel even more strongly that such action should not be taken without congressional approval.

Mr. President, I am proud to be joined today by Senator D'Amato and others in introducing this legislation. I will try to bring this bill before the Senate for action just as soon as possible. I urge my colleagues to enact it promptly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 306(g) of the National Housing Act is amended by adding at the end the following new paragraph:

"(3)(A) No fee or charge in excess of 6 basis points may be assessed or collected by the United States (including any executive department, agency, or independent establishment of the United States) on or with regard to any guaranty of the timely payment of principal or interest on securities or notes based on or backed by mortgages that are secured by 1- to 4-family dwellings and (i) insured by the Federal Housing Administration under title II of the National Housing Act; or (ii) insured or guaranteed under the Serviceman's Readjustment Act of 1944, chapter 37 of title 38, United States Code, or title V of the Housing Act of 1949.

"(B) The fees charged for the guaranty of securities or on notes based or backed by mortgages not referred to in subparagraph (A), as authorized by other provisions of law, shall be set by the Association at a level not more than necessary to create reserves sufficient to meet anticipated claims based upon actuarial analysis, and for no other purpose.

"(C) Fees or charges for the issuance of commitments or miscellaneous administrative fees of the Association shall not be on a competitive auction basis and shall remain at the level set for such fees or charges as of September 1, 1985, except that such fees or charges may be increased if reasonably related to the cost of administering the program, and for no other purpose.

"(D) Not less than 90 days before increasing any fee or charge under subparagraph (B) or (C), the Secretary shall submit to the Congress a certification that such increase is solely for the purpose specified in such subparagraph.".

● Mr. D'AMATO. Mr. President, I rise today in a joint effort with my colleague, Senator Cranston, chairman of the Housing Subcommittee of the Committee on Banking and Housing, to introduce legislation that would halt an increase in the guarantee fee of the Mortgage-Backed Securities Program administered by the Government National Mortgage Association. This legislation protects the already overburdened middle class from an unjustified tax on homeownership. I commend the chairman for his insight in this area and for his concern about and commitment to homeowners in this Nation.

Earlier this year, Ginnie Mae moved to increase by two-thirds its guarantee fee from 6 to 10 basis points effective March 1, 1987. This fee increase contradicts explicit congressional policy. Congress repeatedly has opposed the imposition of fees above those necessary to support program costs. Two pieces of legislation, S. 2507, a bill reported out of the Senate Banking Committee last year, and H.R. 1, a bill which passed last year in the House of Representatives, specifically prohibit any increase in the Ginnie Mae guarantee fee.

The fee increase has no justification. Under the Mortgage-Backed Securities Program, reasonable fees may be charged to pay for the cost of the program and to establish reasonable reserves necessary to support it. At the end of last year, the reserve fund balance was at $1.4 billion. The proposed increase, therefore, is in excess of the amount necessary to compensate Ginnie Mae for the cost, expense, and risk of maintaining the Mortgage-Backed Securities Program.

Mr. President, for whatever reason the GNMA is implementing this fee increase on March 1, 1987, this action is viewed as unjustifiable without congerssional approval. The legislation we are proposing would prohibit this unjustified fee increase. Our bill is designed to insure that no fee in excess of six basis points can be imposed unless it is demonstrated to be related to program costs and the actuarial soundness of the mortgage-backed securities program.

An increase in the GNMA guarantee fee would result in an undue hardship on homeowners and those interested in purchasing a home. A fee increase could destroy the dream of homeownership for many Americans. This legislation would reassure these individuals that homeownership continues to be a feasible option to housing in our country.

Again, I commend Mr. CRANSTON for his leadership and insight in this matter and I trust my colleagues will join us in this vital effort.●

● Mr. LAUTENBERG. Mr. President, I am pleased to cosponsor this measure, which prohibits the Government National Mortgage Association from increasing its basis points effective March 1, 1987. At this time, over 95 percent of all FHA and VA guaranteed single family mortgages are financed under the GNMA program. The proposal to increase the guarantee fee by two-thirds, from 6 basis points to 10, will seriously hurt the housing industry.

The GNMA program provides a means for homebuyers, primarily middle-income families and veterans, to obtain competitive access to the capital markets via the secondary mortgage market. The reserve fund administered by the agency has a balance of over $1.3 billion. There is no justification at this time for the proposed increase in basis points.

Our Nation's young people face enough obstacles in their quest to purchase their first homes. Last year, only 7 percent of Americans could afford to buy a brandnew single family dwelling unit outright. Many prospective first-time homebuyers have been priced out of the market. GNMA provides an opportunity for many of these people to realize their dream of homeownership. Implementation of the proposed fee increase would only serve to reduce the availability of FHA and VA loans.

This measure provides for consideration of a fee increase if GNMA can show that it is warranted by administrative costs. At such a time, Congress will review GNMA's documentation of their needs. At this time, however, there is no such rationale. Nor was Congress given the opportunity to review this proposal as part of the legislative process. On behalf of the Nation's homebuyers, I support this bill and urge its passage.●

By Mr. WILSON (for himself and Mr. CRANSTON):

S. 608. A bill to authorize the Construction of the Mid-Valley unit of the Central Valley Project; to the Committee on Energy and Natural Resources.

MID-VALLEY UNIT ACT

● Mr. WILSON. Mr. President, today I am joined by my colleague, the senior Senator from California, in introducing legislation to authorize the construction of a major new canal for the Federal Government's Central Valley project in California. This project—known as the proposed Mid-Valley Canal—is intended to convey Federal project water from an existing canal and reservoir system on the west side of California's San Joaquin Valley to water-poor sections of the valley's east side.

The Central Valley project, as many of my colleagues know, is a Federal project authorized in the 1930's designed to provide flood protection, power, and water supplies to needy and eligible CVP contractors. This mammoth project is a series of dams, reservoirs, canals, and pumping stations throughout the central valley of California. While many components of the CVP have been built, much is still to be constructed.

The Mid-Valley Canal is one of these key CVP components that is yet to be built. Construction of this canal will help complete the project's plumbing facilities that will allow the water that is captured in some of California's massive dams and reservoirs to be distributed to where it is needed most.

And this water is needed in the proposed Mid-Valley Unit service area. Presently, farmers who irrigate their lands on the east side of the valley use large amounts of ground water. Using ground water has worked for a number of years, but so much has been pumped out, farmers are now depleting the ground water basin faster than it is being naturally replenished. Taken to the extreme, farmers will eventually pump their basins dry.

The proposed Mid-Valley Canal is designed as an integral part of the Central Valley project and will correct for this chronic ground water overdraft problem by bringing much-needed surface water to this area. The bill I am introducing today specifically provides for the construction by the Bureau of Reclamation of an approximately $800 million water delivery system serving agricultural and urban needs in a five-county area of the San Joaquin Valley. As much as 1 million acre-feet of water may ultimately be made available to this area through this canal.

I know many of my colleagues will be interested in the cost-sharing provision of this bill. Section 6 authorizes the Secretary to enter into cost-sharing agreements with local water interests for the construction of any or all of the authorized distribution facilities serviced by this canal. It is my understanding that local water districts have agreed to finance these costs rather than have the Federal Government front the money as it has in other water resource projects.

I urge my colleagues to support this bill and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mid-Valley Unit Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there is need for a federally constructed project to serve approximately 4 million acres of irrigated agricultural lands located in Merced, Madera, Fresno, Tulare, Kings, and Kern Counties, California;

(2) there is presently an overdraft of groundwater in these counties that would be alleviated by providing irrigation, municipal, and industrial water supplies;

(3) a federally constructed project would facilitate optimum conjunctive use and reuse of surface and underground water supplies enhancing the agricultural stability of the San Joaquin Valley; and

(4) fish and wildlife resources and outdoor recreation opportunities would be enhanced by construction of a project.

SEC. 3. AUTHORIZATION.

(a) AUTHORIZATION.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"), acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain, the Mid-Valley Unit, as an addition to and an integral part of, the Central Valley Project, California, upon completion of a favorable Planning Report/EIS on the San Joaquin Valley Conveyance Investigation.

(b) PRINCIPAL WORKS.—The principal works of the Mid-Valley Unit shall consist of pumping plants, pumping generator plants, power plants, power transmission facilities, canals, channels, levees, drains flood control works, pipelines, regulating reservoirs, off-stream and on-stream storage reservoirs, deep wells and pumps, and distribution systems and facilities consistent with the recommendations of relevant planning documents. The Secretary is authorized and directed to utilize, whenever feasible, existing water supplies, conveyance and storage facilities.

(c) PROVISION OF WATER.—The Secretary is authorized to provide water supplies for the irrigation of approximately 4 million acres of land in Merced, Madera, Fresno, Tulare, Kings, and Kern Counties, as identified in the Planning Report/EIS on the San Joaquin Valley Conveyance Investigation.

SEC. 4. FISH AND WILDLIFE ENHANCEMENT AND RECREATION.

The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Mid-Valley Unit shall be in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 5. WATER DELIVERY AND STORAGE AGREEMENTS.

The Secretary is authorized and directed to—

(1) execute a contract with the State of California for the wheeling, delivery, exchange, and storage of water through the facilities of the State Water Project of California for use in the Mid-Valley Unit; and

(2) execute contracts with the State of California for the construction or enlargement of conveyance and storage facilities for joint use.

SEC. 6. LOCAL COST-SHARING AGREEMENTS.

The Secretary may enter into agreements with the Mid-Valley Water Authority, a California Joint Powers Authority, for the provision of all or any portion of the authorized distribution facilities as the local contribution to the cost of the project.

SEC. 7. STATE AND LOCAL PUBLIC INTEREST.

In locating and designating the works and facilities authorized for construction by this Act, and in acquiring or withdrawing any lands as authorized by this Act, the Secretary shall give due consideration to relevant reports by the State of California, and shall consult with local interests who may be affected by the construction and operation of the works and facilities or by the acquisition or withdrawal of lands, through public hearings or in such manner as in his discretion may be found best suited to a maximum expression of the views of such local interests.

SEC. 8. AUTHORIZATION OF FUNDS.

There is authorized to be appropriated for construction of the Mid-Valley Unit as authorized in this Act, the sum of $, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.●

By Mr. WILSON (for himself and Mr. CRANSTON):

S. 609. A bill to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, CA; to the Committee on Energy and Natural Resources.

CONVEYANCE OF LANDS LOCATED NEAR OCOTILLO, CA

● Mr. WILSON. Mr. President, I am joined today by my colleague from California, Senator CRANSTON, in introducing a bill which would transfer Bureau of Land Management land to the Imperial Valley College Barker Museum in Ocotillo, CA, for use as a site for a new desert museum.

In 1979, the BLM planned to construct an information center on the west side of Imperial Valley and acquired a 22.9-acre parcel near Ocotillo for this purpose. A well was dug and the land readied for construction, but the project was ultimately abandoned by the BLM because funds were transferred to other projects.

The Imperial Valley College Barker Museum would like to use this 22.9-acre parcel of land for its museum. This museum would be an educational unit of Imperial Valley College and would be open to the public at no charge.

The museum center would introduce visitors to the desert valley and the county of Imperial. Maps and brochures would be made available, emphasizing special activities and areas to visit. In addition, the museum would be better situated to conduct its archeological work. It is expected that about 25,000 individuals would visit the museum each year.

BLM has no objection to this proposal, but Federal regulations prohibit the transfer of the land except by fair market value purchase. The Imperial Valley College Barker Museum does not have the resources to purchase this parcel and needs this cost-free legislation in order to proceed with the plans. A provision is included in this bill which requires that title to the land revert back to the United States in the event that this parcel ever becomes superfluous to the needs of the desert museum.

I know of no opposition to this bill and encourage my colleagues to give it their support.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall convey, without consideration, to Imperial Valley College Barker Museum of El Centro, California, all right, title, and interest of the United States in and to the parcel of real property located near Ocotillo, California, and described in subsection (b). It is intended that such parcel be used for the purpose of constructing and maintaining a public museum.

(b) Lands to be conveyed pursuant to this Act are the lands generally depicted on the map entitled "Transfer to Imperial Valley College Barker Museum," dated August 1986 and available for inspection in the office of the California State Director, Bureau of Land Management.

(c) The lands conveyed under this Act shall continue to be reserved, maintained, and utilized for public park (including museum) and recreational purposes. If any of such lands is used for any other purpose, the title to such land, together with all improvements thereon, shall revert to the United States.●

By Mr. SIMPSON (for Mr. DOLE, Mr. MOYNIHAN, Mr. ROTH, Mr. WALLOP, Mr. ARMSTRONG, and Mr. GRAMM):

S. 610. A bill to authorize demonstrations of innovative methods to simplify existing programs of assistance for low-income families and individuals and increase their economic self-sufficiency through improved work opportunities, to afford States and localities the necessary flexibility to streamline programs and reduce duplicative, excessive, and inefficient expenditures, to establish an Interagency Low-Income Opportunity Board, and for other purposes; ordered to be held at the desk.

LOW-INCOME OPPORTUNITY IMPROVEMENT ACT

Mr. DOLE. Mr. President, today along with a number of my distinguished colleagues, I am introducing the administration's welfare reform proposal. I am particularly pleased that the very knowledgeable and distinguished chairman of the Subcommittee on Social Security and Family Policy, Senator MOYNIHAN has joined with me in this effort.

THE PRESIDENT'S COMMITMENT

One year ago, President Reagan made a commitment to launch a major study by his administration of welfare reform. This legislation is the result of that effort. Another result has been the large number of private sector studies that have been released in recent months, that also try to grapple with this terribly complicated subject. For while no one disagrees that our current welfare system isn't working, reaching a conclusion as to what we should do, has been difficult.

The administration, in proposing this legislation admits that they aren't sure of the answer either. What they have proposed is that we authorize the implementation of State-sponsored and community-based experimental programs. They also propose that we create an interagency board to work with the States in designing and reviewing these experiments.

This proposal is not simply a way to avoid the tough choices. Rather it is a recognition that the issues differ from State to State, and so should the solutions. It is also a recognition of the fact that the States are capable of experimenting with creative ideas and serving as laboratories for change.

OTHER OPTIONS FOR CHANGE

In addition to the administration's efforts there are those who have proposed more permanent changes. Some would have us strengthen the Child Support Enforcement Program: Some would have us strengthen work requirements for welfare recipients, yet others address the need for more job training and education and the establishment of minimum income support levels for families. One of the most comprehensive proposals addressing each of these areas is the one agreed upon only this week by our Nation's Governors.

Each of these initiatives, including the proposal I am introducing today, deserves our serious consideration.

GROWING CONSENSUS

Our hearings in the Finance Committee have shown that there are a number of different answers to the questions concerning welfare reform although surprisingly I think Senator MOYNIHAN and I would agree that there is a growing consensus on a number of issues. As Senator MOYNIHAN pointed out at the hearing earlier this week, we believe the primary responsibility for child support rests with the parents. Second, perhaps even more importantly, there is an agreement that whether children live with both parents, or just one, able bodies parents have a responsibility to support their children by working. Work must be a part of any truly effective welfare system if we ever hope to help people become self-sufficient. And finally, there is a consensus that the responsibility for the cost and management of our low income assistance programs should continue to be shared, though perhaps some what differently, by the State and Federal Governments.

CONCLUSION

There will be some disagreement as to whether or not further demonstrations as proposed by the administration are as much as we can hope to achieve this year. There will also be some disagreement as to how much we can mandate from the Federal level with respect to benefit levels, eligibility standards, and additional spending. However, I believe we can find some middle ground.

I look forward to working with my colleagues on both sides of the aisle in addressing this important issue.

I ask that a full copy of the bill and the section by section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Low-Income Opportunity Improvement Act of 1987".

SENSE OF THE CONGRESS

SEC. 2. (a) The Congress finds that—

(1) the current system of programs providing assistance to low-income individuals and families inefficiently assists those who cannot meet their own needs;

(2) the current system discourages work when it provides more income than recipients can earn in the kinds of jobs in which they start their working careers;

(3) reforms are impeded by the many fragmented yet overlapping programs that address the needs of low-income people.

(b) It is the sense of Congress that—

(1) individuals should meet basic living requirements first through their own efforts, then through family, neighborhood, and community support, and finally through public assistance;

(2) an employable individual should seek and accept employment as a condition of public assistance and should not be able to better his financial condition by choosing public assistance as an alternative to employment; and

(3) State and local governments can most effectively assess individual needs and should have flexibility to address all aspects of the current system of providing low-income assistance, including determination of appropriate assistance levels and allocation of public resources, through experimentation with innovative programs providing, in a restructured and simplified manner, assistance to those for whom other resources are inadequate.

TITLE I—STATE DEMONSTRATIONS

PART A—SUBMISSION AND CERTIFICATION OF FILINGS

FILING TO CONDUCT DEMONSTRATION

SEC. 101. In order to conduct a demonstration in accordance with the provisions of this title, a State shall submit a filing, consistent with the requirements of this part, to the Interagency Low-Income Opportunity Board established pursuant to title II of this Act (hereinafter referred to as the "Board").

RESPONSIBILITY OF BOARD

SEC. 102. (a) The Chairman (appointed pursuant to section 201(a) of the Act), in consultation with the Board, shall have continuing responsibility for the certification and evaluation of each demonstration conducted pursuant to this title, and shall perform, with advice and assistance from such other federal departments and agencies as may be appropriate, such other functions as are required to implement the demonstrations.

(b) The Chairman and the Board, in exercising their responsibility with respect to the certification and evaluation of each demonstration conducted pursuant to this title, shall consider the following policy goals:

(1) to insure that public assistance is an adequate supplement for other resources in meeting essential needs;

(2) to focus public assistance resources on efforts to reduce future dependency on public assistance;

(3) to individualize determinations of need for public assistance, and to make such determinations, to the extent possible, through local decisions;

(4) to provide public assistance only to those in need and only to the extent of that need;

(5) to make work more rewarding than welfare;

(6) to require that those who are able to work do so for their public assistance benefits;

(7) to encourage the formation and maintenance of economically self-reliant families;

(8) to require public assistance recipients to take greater responsibility for managing their resources, and to encourage community-based administration of public assistance;

(9) to create opportunities for self-reliance through education and enterprise; and

(10) to reduce the future costs of public assistance by reducing the need for it.

CONTENT OF FILING

SEC. 103. (a) A filing to conduct a demonstration under this title may include—

(1) any Federal or federally assisted program a purpose of which is to alleviate poverty or the effects of poverty and under which—

(A) the amount of income or assets of the individuals, families, or other groups of program beneficiaries is considered in determining their eligibility for or amount of benefits or services under the program, or

(B) the basis for allocating Federal funding among States or other eligible grantees includes consideration of the size of the low-income population within the jurisdiction served by the grantee, and

(2) any nonfederal public program operated within the State which is designed to alleviate poverty.

(b) A filing shall be submitted by the Governor or his designee, and shall describe in detail the demonstration to be conducted, with particular reference to—

(1) the program or programs to be included in the demonstration;

(2) the classes of individuals and families who will be eligible to participate;

(3)(A) the principles for determining eligibility for and maximum total benefits under the programs included in the demonstration, including income and asset limits to be applied, the form or forms on which benefits are to be provided (such as cash, in kind, vouchers, insurance, or services), and the dollar value to be assigned to benefits to be provided in a form other than cash; and

(B) information sufficient (i) to demonstrate that benefit levels will be adequate to allow individuals and families to reasonably meet the needs previously addressed by the programs included in, but superseded by, the demonstrations, when such benefits are used to supplement individual, family, and community resources, and (ii) to reasonably assure that the demonstration will not adversely affect those in need;

(4) the way in which the demonstration is expected (A) to improve low-income individuals' and families' opportunities and abilities to achieve economic independence through employment, (B) to improve the functioning of low-income communities in support of the efforts of such individuals and families to attain independence, and (C) to improve the efficiency and effectiveness of the programs included in the demonstration.

(c) The filing shall specify the employment-related activities, such as job search, and work and training activities designed to directly improve employability, that will be required of individuals receiving assistance under the demonstration, and the circumstances in which such individuals will not be required to participate in such activities.

(d) The filing shall also—

(1) specify the geographic area or the political subdivisions within which the demonstration will be conducted and designate the agency responsible for the day-to-day conduct of the demonstration;

(2) describe steps that will be taken to make the information required by subsections (b) and (c) readily available to the public in the geographic areas or political subdivisions affected;

(3) specify the time period during which the demonstration will be conducted and the reasons that such period was selected;

(4) specify the laws or parts thereof, and the regulations thereunder or parts thereof, applicable to any Federal or federally assisted program to be included in the demonstration for which waiver is requested;

(5) describe a plan for evaluating the results of the demonstration, including (A) the way in which provision has been made by the State for the use of control or comparison groups to assess the extent to which dependency on welfare has been reduced in excess of the reduction that would have occurred in the absence of the demonstration or, if the use of such groups is infeasible, the alternative methods that will be adopted to obtain measurable results during and after the completion of the demonstration, and (B) the measures that the State proposes for use in assessing the extent to which dependency on welfare and other programs serving low-income populations has been reduced;

(6) contain a budget setting forth the amounts and sources of funding for the demonstration (including Federal funds that would have been made available under the programs included in the demonstration, determined in accordance with section 104(a)), and nonfederal funds that would have been required in order to obtain such Federal funding under the rules of the programs to be included in the demonstration, and any other sources;

(7) provide for the conduct of audits in accordance with the provisions of chapter 75 of title 31, United States Code; and

(8) contain an agreement to submit an annual report and to cooperate as necessary for the Board's review and evaluation of the demonstration.

The agency designated in paragraph (1) may conduct the demonstration directly, or may do so, in whole or in part, through grants to or contracts with public or private agencies, or individuals, but the Governor must in any case retain final responsibility for compliance with all requirements imposed by or pursuant to this title, or with actions agreed to by the State in its certified filing.

(e) The filing shall describe the procedures for determining the initial and continuing eligibility of, and benefits for, individuals and families, and all administrative and fiscal procedures to be applied in the conduct of the demonstration. These procedures must insure that all eligibility and benefit amount standards will be accurately applied and that funds under the demonstration will be expended consistent with principles of sound fiscal management. Such procedures may be the same as those already applicable to a program included in the demonstration, or may differ in whole or in part from currently established procedures, but must clearly and reliably assure responsible program administration.

CERTIFICATION OF DEMONSTRATION; WAIVER OF INCONSISTENT REQUIREMENTS

SEC. 104. (a)(1) Prior to certification by the Chairman of the filing, the head of each Federal department or agency with responsibility for a program to be included in the demonstration shall, with respect to each such program (or part of a program), estimate the amount of Federal funds that would, but for the demonstration, be provided to the State, or an entity within the State eligible to receive such funds, to operate such program (or part of a program) during each fiscal year that the demonstration is in effect and the amount of nonfederal funds that would be required in order that the State be eligible for such Federal funds. Each Federal department or agency head shall provide a statement of the principles and assumptions to be employed in making such estimates, including, in the case of any programs with respect to which the department or agency head has discretion in the provision of funds, the recent experience of such State (or grantees or contractors within the State) with respect to fund awards under such program. The principles and assumptions shall be consistent with all Federal laws and regulations applicable to the programs, and the funding of those programs, as in effect at the time the estimates are made. The amounts and the principles and assumptions shall be reported to the Board.

(2) The State shall provide to the Board a statement of the principles and assumptions it employed in developing its budget and funding levels referred to in section 103(d)(6).

(b) The Chairman shall determine whether the funding determined by the Federal agency heads referred to in subsection (a)(1), and the budget and underlying principles and assumptions described in subsection (a)(2) as submitted by the State, are consistent and are adequate to carry out the demonstration. If so, the Chairman shall approve the amount and sources of funding for the demonstration and, with the concurrence of the State, that funding shall be deemed to be included in the budget contained in the filing.

(c) If, during any fiscal year that the demonstration is in operation, the Federal laws or regulations under which such funding is authorized or provided are amended, or new Federal law applicable to any such program is enacted (or new regulations adopted), the Chairman shall adjust the amounts reflected in the budget in accordance with applicable Federal law and regulations and the principles and assumptions referred to in subsection (a). In any event the budget shall be reviewed and revised, in accordance with such principles and assumptions and all currently applicable Federal law and regulation, not less frequently than annually.

(d) The amount approved by the Chairman pursuant to subsection (b), or the revised amount adopted pursuant to subsection (c), shall be the amount of Federal funds available for carrying out the demonstration in any fiscal year.

(e) The Board shall establish a schedule pursuant to which payments will be made by each agency responsible for the administration of a program included in the demonstration from the funds appropriated to carry out such program.

(f) Notwithstanding the preceding provisions of this section, if it is determined at any time that the State received, prior to the commencement of the demonstration, an amount of Federal funds under any program included in the demonstration in excess of the amount to which it was entitled, or which it should have received, by reason of the application of any provision regarding erroneous expenditures under the program or because of overpayment by the Federal Government to the State for any other reason, the amount which the State would otherwise receive to carry out the demonstration shall be reduced to the same extent and in accordance with the same procedures that would have been applied had the State continued to operate, apart from the demonstration, the program in which the overpayment is determined to have been made.

(g) The Chairman may establish a single nonfederal share requirement for each year for purposes of accounting for funds expended under each demonstration. Such share shall be established on the basis of the relative proportion of Federal and nonfederal funds contained in the demonstration budget. The Chairman shall also establish a single set of technical grant or contract requirements applicable to the conduct of the demonstration.

(h) Notwithstanding any other provision of law, to the extent that the amount of Federal funds necessary to carry out the demonstration, either for assistance to individuals or families, or for the costs of administration, is less than the amount contained in the budget by reason of the effectiveness of the demonstration in achieving the objectives of this Act, no adjustment shall be made in amounts payable to the State for such demonstration, and the State may treat such Federal funds as reimbursement for expenditures properly made by the State under the programs concerned, to the extent that such funds are used by the State to improve the demonstration or otherwise benefit individuals and families included in the demonstration.

(i) If as described in the filing—

(1) the proposed demonstration is structured to permit sound evaluation of the effectiveness of the demonstration in meeting the objectives of this Act,

(2) the rights of individuals and families under title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1973, title IX of the Education Amendments of 1972, title VIII of the Civil Rights Act of 1968, and all other applicable law prohibiting discrimination, will be protected, and

(3) all requirements of this title, including the budget, are otherwise met,

the Chairman shall then certify the demonstration.

(j) Notwithstanding any other provision of law, the Chairman may waive any law or part thereof, or regulation or part thereof, applicable to a program to be included in the demonstration, the waiver of which is requested by the State, to the extent the Chairman finds such waiver necessary or appropriate to permit the conduct of the demonstration.

(k) The Chairman shall notify the Governor of the State submitting the certified filing of—

(1) the fact of certification,

(2) the laws and regulations, or parts thereof, that are waived for the period of the demonstration, and

(3) the amount of Federal funding that will be available for all included programs, and the schedule of payments.

EXCLUSIVITY OF ELIGIBILITY UNDER DEMONSTRATION

SEC. 105. Notwithstanding any other provision of law, if an individual or family is within a class eligible to participate in the demonstration, then any such individual or family shall only be eligible for benefits (whether provided in cash, in kind, in the form of services, or in any other form or manner) under any program included in the demonstration under the terms and as part of the demonstration (including individuals or families who are ineligible for benefits under the demonstration solely by reason of their income or assets or their failure to comply with a condition of eligibility for benefits under the demonstration.)

PART B—CONTINUED OPERATION OF DEMONSTRATIONS

INTERIM EVALUATIONS AND REPORTS; CHANGES IN DEMONSTRATION

SEC. 111. (a)(1) The Board shall, during the period throughout which the demonstrations are conducted under this title, carry out activities appropriate to evaluate the progress and effect of the demonstrations.

(2) The Board shall require a State to submit annual reports on the progress of the demonstration.

(b) If (1) the State determines that an amendment to the demonstration, as described in its filing as originally certified, would improve the likelihood of its accomplishing the objectives of this Act, and (2) the amendment meets all the requirements for certification under this title that applied to the filing as originally certified, the Chairman shall certify the State's amendment to its filing. The Chairman shall notify the State of the effective date of the amendment, the increased Federal and nonfederal funding (if any) that will be made available, determined as provided in section 104(c), and any other matters necessary to implement the amendment without adversely affecting the conduct of the demonstration.

TERMINATION OF PROJECT

SEC. 112. (a) If, after the commencement of a demonstration, the Governor of the State concerned determines that the demonstration is not achieving (or is not likely to achieve) the purposes of this title, and that the interests of the Federal Government, the State, or the participating individuals, would be better served by returning to the separate conduct of the included programs, the Governor may terminate the demonstration upon the provision to the Chairman of at least 3 months' advance notice (or such greater advance notice as may be necessary so that the separate conduct of the programs involved will resume at the beginning of a quarter in the fiscal year), or at such other time as the Governor, in consultation with the Chairman, may find appropriate.

(b) If, after the commencement of a demonstration, the Chairman determines that the demonstration is not meeting the conditions certified under section 104(i) of this Act or the applicable laws and regulations not waived in the certified filing, the Chairman may terminate the demonstration upon the provision to the Governor of at least 3 months' advance notice (or such greater advance notice as may be necessary so that the separate conduct of the programs involved will result at the beginning of a quarter in the fiscal year), or at such other time as the Chairman, in consultation with the Governor, may find appropriate.

PART C—FINAL REPORTS

REPORTS BY STATE

SEC. 121. Not later than 6 months following the completion of a demonstration, the Governor of the State concerned shall submit to the Board a final report containing (1) a review of the demonstration, including both its achievements and its shortcomings, and (2) such other findings, comments, or recommendations as he may deem appropriate to assist in restructuring the Federal programs involved to better achieve the objectives of this act and serve the needs of their beneficiary populations.

ANNUAL REPORT TO CONGRESS

SEC. 122. The Chairman shall prepare and transmit annually a report to the Congress describing the demonstrations being conducted during the relevant year. The report shall provide information about the interim or final results of the demonstrations, and their success in achieving the objectives of the Act, based on the reports furnished by States conducting demonstrations, and on the data and conclusions contained in interim and final evaluations of these demonstrations.

TITLE II—INTERAGENCY LOW-INCOME OPPORTUNITY BOARD

ESTABLISHMENT AND MISSION OF BOARD

SEC. 201. (a) In order to provide a focal point within the Federal Government for the development and coordination of innovative policies and activities to improve opportunities for low-income individuals and families, and to encourage the provision of assistance by both the public and private sectors in a more effective manner, there is established an Interagency Low-Income Opportunity Board. The Board shall be comprised of a Chairman appointed by and serving at the pleasure of the President, the Secretaries of Agriculture, Health and Human Services, Housing and Urban Development, Labor, and the Interior, the Attorney General, and the Director of the Office of Management and Budget (or, with respect to each such official, his designee), as permanent members. In addition, for the purpose of carrying out the Board's responsibilities with respect to a particular filing under title I to conduct a demonstration, or with respect to the certification and evaluation of a particular demonstration, the Board shall include the head of each department or agency (or his designee) having responsibility for the administration of a program to be included in the demonstration.

(b)(1) The Chairman shall be compensated at the rate provided for level II of the Executive Schedule.

(2) Section 5313 of title 5, United States Code, is amended by adding at the end the following new item:

"Chairman, Interagency Low-Income Opportunity Board.".

(c) The Chairman is authorized to appoint and fix the compensation of personnel as may be necessary to assist the Board in carrying out its responsibilities, in accordance with chapter 51 and subchapters III and VIII of chapter 53 of title 5, United States Code.

(d) The head of each federal department or agency who is a permanent or other member of the Board shall make available to the Board such assistance as it may require to carry out its activities.

(e) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

TITLE III—MISCELLANEOUS

DEFINITIONS

SEC. 301. As used in this Act—

(1) The term "State" means the 50 States, the District of Columbia, Puerto Rico, and any Indian tribe.

(2) The term "Governor" includes the Chief Executive Officer of the District of Columbia, and the federally recognized governing body of an Indian tribe.

(3) The term "Indian tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony, or Community, including any Alaska Native village, which is recognized as eligible by the United States Government through the Secretary of the Interior for the special programs and services provided to Indians because of their status.

AUTHORIZATION OF APPROPRIATIONS

SEC. 302. There are authorized to be appropriated for fiscal year 1988 and each fiscal year thereafter such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 303. This Act shall become effective on enactment.

SECTION-BY-SECTION SUMMARY OF THE "LOW-INCOME OPPORTUNITY IMPROVEMENT ACT OF 1987"

SHORT TITLE

The first section of the draft bill gives its short title, the "Low-Income Opportunity Improvement Act of 1987".

SENSE OF THE CONGRESS

Section 2(a) of the draft bill sets forth the Congressional findings that the current system of programs inefficiently assists low-income individuals and families, discourages work when benefits exceed amounts that recipients could earn as they begin their working careers, and impedes reforms with programs that are both fragmented and overlapping.

Subsection (b) states the sense of the Congress that individuals should be able to meet basic living requirements, first through their own efforts, then through family, neighborhood, and community support, and lastly through public assistance; that an employable person should seek and accept employment and not be better off by choosing public assistance in lieu of employment; and that State and local governments can most effectively assess individual needs, and should have flexibility to address all aspects of providing assistance and managing the system of public assistance programs.

TITLE I—STATE DEMONSTRATIONS

PART A—SUBMISSION AND CERTIFICATION OF FILINGS

FILING TO CONDUCT DEMONSTRATIONS

Section 101 provides that, to conduct a demonstration under title I, a State must submit a filing meeting the requirements of part A, to the Interagency Low-Income Opportunity Board established in title II of the Act (referred to below as the "Board").

RESPONSIBILITY OF THE BOARD

Section 102(a) gives the Board's Chairman (appointed pursuant to section 201(a), described below), in consultation with the Board, continuing responsibility for certification and evaluation of the demonstrations, and authority to perform all functions required for their implementation, with advice and assistance from other Federal departments and agencies as may be appropriate.

Subsection (b) requires the Chairman and the Board, in exercising their responsibility with respect to the certification and evaluation of the demonstrations, to meet specified policy goals.

CONTENT OF FILING

Section 103(a) permits the inclusion in a demonstration of any Federal or federally assisted program a purpose of which is to alleviate poverty and under which an individual's or family's eligibility or benefits are based on their income or assets, or Federal funds are allocated to grantees on the basis (at least in part) of their low-income population, and any nonfederal public program operated within the State and intended to alleviate poverty.

Subsection (b) requires the filing submitted by the Governor to describe in detail the nature and content of the proposed demonstration. Specifically, it must enumerate—

The program or programs that will be included in the demonstration;

The classes of individuals and families who will be eligible to participate;

The principles for determining eligibility, maximum total benefits, income limits, and treatment of assets, and the form (e.g., cash, in kind, vouchers, services, etc.) in which benefits will be provided and the dollar value to be assigned to noncash benefits;

Information sufficient (i) to show that benefit levels will be adequate for individuals to reasonably meet the needs previously met by all the included programs when benefits under the demonstration are used to supplement individual, family, and community resources, and (ii) to reasonably assure that the demonstration will not adversely affect those in need;

The way that the demonstration will improve (A) low-income individuals' and families' employability, (B) the functioning of low-income communities in support of individual and family efforts to attain economic independence, and (C) the effectiveness and efficiency of included programs.

Subsection (c) requires the filing to describe the work-related activities in which participation will be required, and the exceptions from the participation requirements that will be allowed.

Subsection (d) requires the filing also:

To specify the geographic areas or political subdivisions in the State in which the demonstration will be conducted, and to designate the agency responsible for its day-to-day conduct;

To describe the steps by which the eligible classes, included programs, and work requirements will be publicized within the affected areas of the State;

To specify the time period for which the demonstration will be conducted, and the reasons for selecting that period;

To specify the laws and regulations applicable to any federally authorized program to be included in the demonstration for which waiver is sought;

To describe an evaluation plan, including (A) the provision for the use of comparison or control groups to assess the amount of reduction in welfare dependency that is attributable to the demonstration, or if the use of those groups is infeasible, the alternative methods for obtaining measurable results of the demonstrations' effects that will be adopted, and (B) the measures which the State proposes for use to assess the extent to which dependency on welfare and other programs for low-income groups has been reduced;

To contain a budget detailing the amount (and sources) of funding for the demonstration, including the Federal funds determined under section 104(a) (described below), and the nonfederal matching funds, that would have been available for the programs to be included in the demonstration, and any other amounts and sources of funding;

To provide for the conduct of audits in accordance with the Single Audit Act of 1984; and

To contain an agreement to submit an annual report.

The subsection also specifically authorizes the agency to carry out the demonstration itself, or by grant or contract, but requires the Governor to retain final responsibility for all matters covered in the filing.

Subsection (e) requires the filing to describe all procedures pertaining to determining eligibility and benefits, and all administrative and fiscal procedures. The procedures must ensure accurate determinations of eligibility and benefits and the use of sound fiscal management principles. The procedures may be the same as those currently employed for one or more of the included programs, or may be entirely new, but in any event must clearly assure responsible program administration.

CERTIFICATION OF DEMONSTRATION; WAIVER OF INCONSISTENT REQUIREMENTS

Section 104(a)(1) requires that, prior to certification by the Chairman of the filing, the head of each Federal agency responsible for the administration of an included program will estimate the amount of Federal funds that the State (or an eligible entity within the State) would have received under that program for each year of the demonstration, as well as the nonfederal matching funds that would have been required. The agency head will also provide the Board with a statement of the principles and assumptions to be used in making those estimates. The principles and assumptions are to reflect Federal law, including appropriations, and regulations in effect at that time and, in the case of discretionary programs, the recent experience of the State (or grantees or contractors in the State) with respect to fund awards.

Paragraph (2) requires the State to provide a similar statement of the principles and assumptions it used in developing its budget.

Subsection (b) directs the Chairman to determine whether the budget, and underlying calculations, principles, and assumptions, developed by the State and the Federal officials, are consistent, and whether the funding is adequate to carry out the demonstration. If so, the Chairman will approve the sources and amount of funding, and those data will be deemed to be part of the budget submitted by the State.

Subsection (c) directs that, should there by changes in Federal laws or regulations authorizing or funding a program included in the demonstration, the Chairman will revise the budget using the principles and assumptions originally employed. In any event the budget will be reviewed, and revised as necessary, not less often than annually.

Subsection (d) provides that the amount approved by the Chairman under subsection (b), or the revised amount adopted under subsection (c), will be the amount of Federal funds available for the demonstration.

Subsection (e) directs the Board to establish a payment schedule. Payments will be made by each agency responsible for an included program.

Subsection (f) provides that if it is determined, after the commencement of the demonstration, that a State had been previously overpaid under any program included in the demonstration, then the amount that would otherwise (under the preceding provisions of this section) be made available shall be reduced, in accordance with the procedures applicable to recovery of overpayments under the affected program.

Subsection (g) states that the Chairman may establish a single annual nonfederal share requirement (based on the relative proportion of Federal and nonfederal funds contained in the budget) and shall establish a single set for technical grant or contract requirements.

Subsection (h) provides that if the demonstration costs less to operate than was originally estimated by reason of its effectiveness in achieving the Act's objectives, no reduction will be made in the amount payable to the State and the State may treat the full amount as Federal reimbursement which it properly received, to the extent that those Federal funds are used to enhance the demonstration or otherwise to benefit low-income groups in the demonstration.

Subsection (i) provides that if, as described in the filing—

The demonstration is structured to permit sound evaluation of its effectiveness,

The civil rights of individuals and families, under all applicable laws, will be protected, and

All the requirements described above, including the budget, are met

the Chairman will certify the filing.

Subsection (j) authorizes the Chairman to waive any law or regulation, or part thereof, applicable to an included program, as is requested by the State and found necessary or appropriate by the Chairman to conduct the demonstration.

Subsection (k) requires the Chairman to notify the Governor of—

The certification of his filing,

The waivers that have been granted, and

The amount and schedule of Federal payments.

EXCLUSIVITY OF ELIGIBILITY UNDER DEMONSTRATION

Section 105 provides that any individual or family who is within a class eligible to participate in the demonstration may receive benefits or services provided by an included program only under the demonstration (i.e., the individual or family may not opt to receive program benefits outside of the rules of the demonstration).

PART B—CONTINUED OPERATION OF DEMONSTRATIONS

INTERIM EVALUATIONS AND REPORTS; CHANGES IN DEMONSTRATION

Section 111(a)(1) requires the Board, during the life of the demonstration, to carry out appropriate activities to evaluate its progress.

Paragraph (2) of this section provides that the Board must require States to submit annual reports on the progress of the demonstration.

Subsection (b) authorizes the State to make amendments to its original filing to conduct a demonstration under the conditions described below. The Chairman will certify the amendment submitted by the State to improve its demonstration's effectiveness if the amendment meets all the requirements that were applicable to the original filing. The Chairman will notify the

State of the effective date, the additional funding, if any, that will be available, and any other matters necessary to implement the change without adversely affecting the demonstration.

TERMINATION OF PROJECT

Section 112(a) authorizes the Governor to terminate a demonstration if he finds it is not achieving its purposes or if the interests of the Federal Government or the State, or of participants, would be better served by the operation of the separate programs. Three months' advance notice (or, if greater, notice of sufficient length to have the termination occur at the beginning of a quarter) must be given, or the termination may become effective at any other time the Governor, in consultation with the Chairman, finds appropriate.

Subsection (b) provides termination authority for the Chairman. If he determines that the demonstration is not meeting the applicable requirements of this title, or of the relevant laws or regulations (or parts thereof) that were not waived, then the Chairman may terminate the demonstration. The notice requirements are parallel to those described in the preceding subsection.

PART C—FINAL REPORTS

REPORT BY STATE

Section 121 specifies that the Governor of each State conducting a demonstration must submit a final report to the Board no later than 6 months after the close of the demonstration. The report must include a review of the demonstration's achievements and shortcomings, and whatever other information and recommendations the Governor finds appropriate to assist in restructuring Federal benefit programs to better achieve the purposes of the Act and serve their beneficiary populations.

ANNUAL REPORT TO CONGRESS

Section 122 provides that the Chairman must transmit an annual report to Congress, describing the demonstrations in operation during the year concerned. The report will contain information from the States, interim and final reports, and from the interim and final evaluations of the demonstrations.

TITLE II—INTERAGENCY LOW-INCOME OPPORTUNITY BOARD

ESTABLISHMENT AND MISSION OF BOARD

Section 201(a) of the draft bill establishes the Interagency Low-Income Opportunity Board. The Board is made up of a Chairman appointed by and serving at the pleasure of the President, and, as permanent members, the Secretaries of Agriculture, Health and Human Services, Housing and Urban Development, Labor, and the Interior, the Attorney General, and the Director of the Office of Management and Budget or, with respect to each Secretary, the Attorney General, and the Director, his designee. Additionally, when the Board is acting with respect to a filing that includes a program for which any other department or agency head has responsibility, that Secretary or agency head (or his designee) will be a member of the Board. The subsection states that the Board is established to provide a focal point within the Federal Government for developing and coordinating new policies to aid low-income individuals and families, and encourage the more effective provision of assistance from both the public and private sectors.

Subsection (b) provides that the Chairman will be compensated at Level II of the Executive Schedule.

Subsection (c) authorizes the Chairman to appoint and fix the compensation of personnel necessary for the Board in accordance with specified portions of title 5 of the United States Code.

Subsection (d) directs the head of each Federal department or agency who is a member of the Board to make available such assistance as the Board may require to carry out its responsibilities.

Subsection (e) authorizes the Board to use the United States mails in the manner and under the same conditions as other departments and agencies of the United States.

TITLE III—MISCELLANEOUS

DEFINITIONS

Section 301 specifies that, for purposes of the Act—

(1) "State" means the fifty States and the District of Columbia, Puerto Rico, and any Indian tribe.

(2) "Governor" includes the Chief Executive Officer of the District of Columbia, and the federally recognized governing body of an Indian tribe.

(3) "Indian tribe" means any Indian tribe (or other similar group), or Alaska Native village, recognized as eligible by the United States through the Secretary of the Interior for the special programs and services provided to Indians because of their status as Indians.

AUTHORIZATION OF APPROPRIATIONS

Section 302 authorizes appropriations, beginning with fiscal year 1988, of such sums as are necessary to carry out the Act.

EFFECTIVE DATE

Section 303 prescribes that the Act becomes effective upon enactment.

● Mr. MOYNIHAN. Mr. President, I join the distinguished Republican leader and the ranking Republican member of the Subcommittee on Social Security and Family Policy, Senator DOLE, in introducing by request the administration's proposed welfare reform bill.

Everyone agrees the current welfare system is a mess.

The President pledged in his State of the Union Message on January 27, 1987, to send Congress a "new national welfare strategy."

Members of Congress, Governors, mayors, and county officials, representatives of those who administer the current program as well as those who are supposed to benefit from it, have all testified in recent weeks before the Subcommittee on Social Security and Family Policy that something must be done: soon.

We now have the President's proposal. His vision is one of State and local governments implementing innovative demonstration projects to move poor families off the welfare rolls and into jobs.

Earlier this week, our Nation's Governors formally made welfare reform their top priority. They testified at both ends of Pennsylvania Avenue that government should require parents to do their part to contribute to the support of their children—and should help those parents find and keep the jobs necessary to permit them to do so.

The Governors explained that flexibility to permit the States to design tailored work, training, and education programs is desirable. They also noted that flexibility, by itself, is not sufficient: Federal assistance is also necessary.

In the coming weeks I will be introducing legislation to establish a new national system of child support. I look forward to working with my friend and colleague, Senator DOLE, the other distinguished members of the Finance Committee, the administration, the Governors, and others to pass legislation in the 100th Congress.

Let us hope we can work together, Mr. President. We have neither time nor children to waste.●

By Mr. D'AMATO:

S. 611. A bill to permit the transmission of information assisting in the placing of bets or wagers on a sporting event or contest from a State where such betting is legal to a foreign country where such betting is legal; to the Committee on the Judiciary.

TRANSMISSION OF SPORTING EVENTS OUTSIDE THE UNITED STATES

● Mr. D'AMATO. Mr. President, I rise today to bring to the attention of Congress a technical provision, one which relates specifically to New York State, but one which could affect every State in this Nation.

Currently, the transmission of information relating to the placing of bets or wagers on a sporting event from one State to another is legal as long as betting on such events is legal in both States. Current law states that, if betting is legal in the State which is receiving the transmission, the transmission of information associated with bets and wagers is justifiable. If betting on sporting events is illegal in a State, that State may not legally receive such a transmission.

New York State has run into an unforseen obstacle relating to this law. New York State currently simulcasts horseracing to other States where betting is legal. However, because current law does not address the legality of transmission to a foreign country, New York is prohibited from transmitting to any foreign country, even one where betting is legal. The fact that the law does not address transmission overseas, automatically disallows simulcasting to foreign countries that have, within their own independent processes, deemed betting to be legal.

This oversight creates a significant inconsistency. Therefore, I am introducing legislation which corrects this technicality. Specifically, my provision would allow the transmission of information relating to bets and wagers of a sporting event to any U.S. State or foreign country where betting on such events is legal.

I am pleased to introduce legislation which makes the law relating to simulcasting of sporting events more consistent.

I believe the effect of this law will be to honor the independent decisions made by States and foreign countries relating to this matter.●

By Mr. WILSON (for himself, Mr. CRANSTON, Mr. MOYNIHAN, Mr. D'AMATO, Mr. DURENBERGER, Mr. WEICKER, Mr. BENTSEN, Mr. LAUTENBERG, Mr. BRADLEY):

S. 613. A bill to require the Secretary of Health and Human Services to make grants for the development, establishment, and operation of a congressional advisory panel on acquired immune deficiency syndrome; to the Committee on Labor and Human Resources.

CONGRESSIONAL ADVISORY PANEL ON ACQUIRED IMMUNE DEFICIENCY SYNDROME ACT

Mr. WILSON. Mr. President, today I am introducing legislation to establish a national advisory panel on acquired immune deficiency syndrome [AIDS]. My larger intent is to help marshal America's financial and scientific resources in first controlling and ultimately curing this deadly disease.

Mr. President, the word crisis is used regularly in this city, so often perhaps as to be all but devalued in its meaning. But on the subject of AIDS, the word crisis is barely adequate to describe today's problem and tomorrow's potential nightmare. Already, the tragedy of AIDS has spread beyond such original high risk groups as gay men and IV drug abusers. To the ranks of suffering victims must now be added an increasing number of heterosexuals, women, and children. According to the Public Health Service, the next few years will put severe strains on our medical facilities, our health care system and, yes, our human emotions. By 1991, we can expect a cumulative 270,000 AIDS cases. In the same year, 174,000 Americans will be seeking treatment for the disease, at a cost of between $8 and $16 billion.

Even these figures, horrifying as they may be, are almost certainly conservative. Thanks to underreporting by physicians, the number of AIDS cases may in fact be 20 percent greater than any official tally. Moreover, the estimated medical expenses to which I have alluded do not include AIDS related illnesses, nor nonmedical management bills.

But beyond all those cold statistics are real live human beings. People in fear. People in pain. People who are measuring their futures in weeks or months. People who deserve more than our sympathy. People who demand a reason to hope. Yet hope is hard to come by, when the scientists predict at least 5 years or more will pass before any medical cure can be found.

The legislation I am introducing today is no more than a first, admittedly small step in the right direction. But, as the ancients told us, even a journey of 10,000 miles must begin with a single step. Already, we know enough about AIDS to recognize that what we don't know can kill us. And that is why my colleagues and I propose to establish a congressional advisory panel on AIDS—a panel comprised of experts and other individuals whose national and international stature is such as to focus public attention and spur the educational process.

Under existing conditions, the Public Health Service oversees a number of task forces, each assigned different responsibilities for monitoring the work of different Federal agencies. While such efforts are useful, they do not adequately mobilize our Nation's resources. Nor do they take the place of strategic planning for the long haul. Instead, there is a fragmented response to the AIDS crisis, as public bodies and private institutions fail to coordinate work on vaccine and drug testing, developing patient care and the means of financing that care. As a result, intellectual energy is inevitably diluted.

We would direct the Secretary of Health and Human Services to make grants to the Institute of Medicine at the National Academy of Science [IOM/NAS] totaling $3 million over each of the next 5 years. The money would enable the advisory panel to commission its own studies of AIDS and AIDS-related conditions. Using the information thus gained, the panel would advise both the President and Congress on how best to respond to this national trauma.

In a recent speech before the National Press Club, Secretary Otis Bowen alluded to the worldwide implications of the AIDS epidemic. He forecast a potential global death toll in the tens of millions, unless we move immediately and on a broad front to combat this modern plague. The very size of the problem precludes any one agency, organization, or group from offering a solution. But if no single solution is likely in the near future, that shouldn't prevent us from forging a national strategy—an attack plan coordinated by public officials and private researchers. That is exactly why we need a congressional advisory panel on AIDS. A medical war cabinet, if you will. This is one war we cannot afford to lose.

CONGRESSIONAL ADVISORY PANEL ON AIDS

Mr. CRANSTON. Mr. President, I am very pleased to join with my colleague from California [Mr. WILSON] in introducing S. 613, which would establish a congressional advisory panel on AIDS.

Mr. President, the AIDS epidemic began in the United States more than 6 years ago, Yet, as a nation, only recently have we begun to mobilize our efforts to fight this tragic disease. Much needs to be done to deal with the many public health and health care issues that confront us today as well as to lay the groundwork and strategically plan for the future.

Last November, the Institute of Medicine of the National Academy of Sciences published a report entitled "Confronting AIDS—Directions for Public Health, Health Care, and Research." It grimly projected that by the end of 1991, there will have been a cumulative total of more than 270,000 cases of AIDS in the United States, with more than 74,000 of those occurring in 1991 alone. More than 179,000 Americans will have died from AIDS. Millions more will be infected with the human immunodeficiency virus [HIV], the causative agent of AIDS. The report recommends that by 1991, annual funding for research, education, and other public health efforts to combat the AIDS epidemic be increased to $2 billion.

Mr. President, this is a crisis of unprecedented proportions. Because of the magnitude and nature of the AIDS epidemic, it raises numerous complex budgetary, humanitarian, ethical, and legal questions which will become more pressing as the epidemic worsens. For example, how do we best spend Federal research dollars to fight AIDS? Who should conduct education about AIDS and how should it be done? Who will pay for medical care for AIDS patients, estimated to cost $16 billion in 1991? What are the most effective public health measures to prevent the further spread of HIV infection? What private and public sector arrangements would best serve to foster the development of drugs and vaccines for AIDS? How do we prevent unjust dicrimination in insurance, housing, and employment against people with AIDS or who are carriers of the HIV virus?

Mr. President, effectivley dealing with these questions and ending this tradgedy as rapidly as possible requires the development of sound public policies that will help prevent further spread of infection, promote the rapid dvelopment of drugs and vaccines against AIDS, and enable all individuals who develop AIDS to receive proper health care and the most effective treatments. This can best be accomplished through an entity that is able to monitor the course of the epidemic, evaluate needs, and recommend the appropriate courses of action quickly and decisively. Our bill is designed to help achieve that goal.

In its November report, the IOM strongly recommended that a national commission on AIDS be established to guide our national and international efforts against this killer disease. According to the IOM, the commission should be sufficiently independent to give critical advise and have national and international stature and credibility in order for its advice to be accorded appropriate respect. It should also have the ability to bring together diverse public and private resoruces an interest groups to marshal all available national resources effectively.

The congressional advisory panel on AIDS that our bill would create meets these requirements. Specifically, this measure would require the Secretary of Health and Human Services to request that the Institute of Medicine of the National Academy of Sciences submit an application for a grant to develop and operate the advisory panel. If the IOM were to submit an acceptable application, as I unserstand it would, the Secretay would be required to award the grant to it. The IOM, as demonstrated in its excellent report on AIDS, has the expertise and the credibility to perform the ongoing functions of an advisory panel, which is whey we believe that it should be given first consideration in the awarding of the grant.

The advisory panel would submit to the Congress and the President periodic reports on its activities. As the chairman of the Committee on Veterans' Affairs, I believe that the recommendations of the panel would be extremely valuable to the development of policies on AIDS within the Veterans' Administration, and I would greatly look forward to receiving their reports.

Mr. President, the cost of our bill is a modest $3 million per year. That is a very small amount in comparison to the total AIDS budget—for fiscal year 1988 the President has proposed $534 million for AIDS activities and, as I noted earlier, the IOM predicts that $2 billion will be needed for AIDS activities in 1991. The $3 million that this legislation authorizes to be appropriated would be a most worthwhile investment toward ensuring that we move expeditiously as well as pragmatically to bring an end to the AIDS epidemic.

I ruge all my colleagues to support this bill.

Mr. MOYNIHAN. Mr. President, I rise today to join my colleague Senator Wilson in introducing legislation to create a congressional advisory panel on acquired immune deficiency syndrome. This bill, the Congressional Advisory Panel on Acquired Immune Deficiency Syndrome Act of 1987, would require the secretary of Health and Human Services to make grants for the development, establishment, and operation of a panel of knowledgable individuals on the subject of AIDS, based on the recommendations of the National Academcy of Sciences and the Institute of Medicine.

As my colleagues are well aware, the National Academy of Sciences and the Institute of Medicine recenty issued a comprehensive study on AIDS entitled "Confronging AIDS: Directions for Public Health, Health Care, and Research." This study has ben acclaimed as the most thorough and comprehensive examination of the AIDS epidemic to date. The authors of this study will in fact be the same individuals who recommended to the Secretary who should sit on the advisory panel. In this way, Congrss is ensuring that those who are most familiar with all aspects of AIDS—treatment, prevention and research—will be setting the corse on which this Nation must embark to sto this disease once and for all.

This report specifically stated that "A national commission on AIDS be created * * * to advise on needed actions and report to the American people" By making this commission a branch of Congress, we are guaranteed that our Nation's Representatives and Senatos will make its findings known to the American people.

I urge my colleagues to support this bill.

Mr. D'AMATO. Mr. President, I rise today to address one of the most serious and least understood diseases of our time—acquired immune deficiency syndrome. My colleague from California, Mr. WILSON, is introducing legislation today to insure that the congressional effort to combat this disease is coordinated effectively. I commend him for his commitment to this cause, and I encourage my colleagues to join us in this effort.

My interest in this issue stems from the overwhelming impact that AIDS has had on New York State and the Nation. New York City has the largest concentration of individuals with AIDS in the United States. Approximately 34 percent of all AIDS patients live in the New York metropolitan area.

The strain of the AIDS virus in New York City, pneumocystis carinii pneumonia, is distinctly different from that which exists in other parts of the country. Furthermore, an increasing proportion of the individuals with AIDS in New York City are IV-drug users. In 1981, only 18 percent of the total number of AIDS patients in New York City were IV-drug users. Today, that figure has risen to 33 percent.

The statistics surrounding drug use and AIDS in New York City are staggering: 60 percent of all IV-drug users in New York City have a positive test for the AIDS virus. It is estimated that 10 percent of these individuals will eventually contract the disease.

Senator WILSON's bill seeks to insure that Federal dollars are well directed. The legislation establishes a congressional advisory panel to oversee the all-encompassing efforts taking place to combat this disease. Specifically, the panel will be selected by the National Academy of Sciences, and it will be comprised of individuals of national and international statute in the AIDS education, prevention, and research communities.

I believe this panel will provide needed guidance and direction to combat AIDS. I am pleased to be an original cosponsor of such a signficant effort.

This Nation requires a well-thought-out and all-encompassing approach to deal with the spread of AIDS. We must continue to push for additional educational and research efforts that, coordinated properly, will overcome this devastating problem.

Mr. WEICKER. Mr. President, I rise as a cosponsor of the bill introduced today to establish a congressional advisory panel on acquired immune deficiency syndrome [AIDS]. The rapid spread of a fatal disease such as AIDS demands that we not only provide the resources and activities necessary to limit and eventually stop the AIDS epidemic, but we must also ensure careful coordination and oversight of this country's AIDS-related activities.

The advisory panel established by this bill is in no way intended to usurp or duplicate the efforts of any of the Federal agencies. I know firsthand how much time, effort, and resources the Public Health Service has devoted and continues to devote to AIDS research, disease surveillance, and epidemiology. I would also be the first to insist that Congress maintain its oversight authority in these program areas. I believe Congress should continue to aggressively monitor developments in the AIDS epidemic and carefully evaluate the Federal programs designed to address this problem.

But AIDS is a complex problem and requires the coordination of a number of different programs to address a number of different aspects of the disease. The recent report by the National Academy of Sciences provided a superb overview of the AIDS-related issues facing us today and outlined the directions the Academy believes this country should be taking to confront AIDS in public health, health care, and research. I believe this kind of scientific, nonpolitical report to Congress provides the information Congress needs to make informed responsible recommendations for all AIDS-related activities and the coordination of them. The bill introduced today ensures the continuation of such AIDS reports to Congress over the next 5 years.

The Surgeon General estimates that by the end of 1991, 270,000 cases of AIDS will have occurred with 179,000 deaths within the decade since the disease was first recognized. The bill before the Senate is a small step toward addressing such devastating numbers but it is an important step toward understanding the magnitude of the problem and how we are going to respond to a disease that has already claimed the lives of nearly 18,000 people and threatens to claim hundreds of thousands more in the future.

Mr. BENTSEN. I am pleased to join today in the introduction of this legislation creating a congressional advisory panel on AIDS. I believe that this is a timely piece of legislation. The health and social problems already presented by AIDS are substantial. As of February 2, over 30,000 cases of AIDS and over 17,000 deaths from AIDS had been reported. And we all know of the social controversy this deadly disease has stirred in our schools, hospitals, and factories.

But the health and social costs will only escalate geometrically if we do not act in a coordinated and comprehensive manner in battling this disease. Right now, 1 to 2 million Americans are probably carrying the AIDS virus. It is estimated that 20 to 50 percent of those persons will ultimately develop AIDS. And since a person can carry the virus for as long as 10 years without showing any symptoms, many of those currently infected may be passing it on to others unwittingly. Clearly, serious action must now be taken before the problem reaches insurmountable proportions.

By calling for a nationally focused and coordinated effort in the fight against AIDS, this bill represents a needed move toward a comprehensive and centralized anti-AIDS effort. The congressional advisory panel will regularly advise the President and Congress on policies and programs to combat AIDS, evaluate and coordinate education, research, and treatment efforts, and generally study the health and social issues this disease poses for our society.

Without a national campaign against AIDS, the prospects for quickly and effectively arresting the onslaught of AIDS are bleak. With such a national campaign comes hope. I, for one, am hopeful that we can stop this disease and stop it soon. The panel we are proposing today is a step in the right direction.

By Mr. DASCHLE:

S. 614. A bill to prohibit the Secretary of Agriculture from transferring certain National Forest System lands in South Dakota; to the Committee on Energy and Natural Resources.

NATIONAL FOREST LANDS IN SOUTH DAKOTA

● Mr. DASCHLE. Mr. President, the legislation I am offering today prohibits the Secretary of Agriculture from transferring a specific parcel of public land in South Dakota to private interests. The sale has been proposed under Public Law 97-465, commonly known as the Small Tracts Act.

The land in question is an area of exceptional scenic beauty and unparallelled recreational value in South Dakota's legendary Black Hills. The land is graced by "blue ribbon" trout fishing stream, and has been enjoyed by the public as a public area since before the U.S. Forest Service became managing agency of this special land.

At a recent Forest Service hearing on this matter, hundreds of area residents made clear their opposition to allowing this land to be sold to private interests. Their resounding disapproval was contrasted by the unbending position of the Forest Service that this land would be sold. A clearer display of public interest is hard to imagine. A more definitive message of the people could not be sent.

I am hopeful, therefore, that this legislation will be expeditiously moved through committee, and quickly passed into law to prevent this miscarriage of the public will.

Mr. President, I ask unanimous consent that the text of this bill and the following newspaper article from the Rapid City Journal be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall not transfer certain National Forest System land in the Black Hills National Forest, South Dakota, described as follows:

Tract 0043 (Hine)—Beginning at the N¼ corner sec. 16, T. 1 N., R. 6 E.; Black Hills Meridian, thence westerly along the north line of the NW¼, sec. 16, to the EEW1/256 corner, thence southerly along the west line of the E½ E½ NE¼ NW¼ 393.00'; thence due west to a point that is due south of the intersection of the north line of the NW¼, sec. 16, and line 20-21 of the Big Bend Placer (MS 1442); thence north to the intersection of the north line of the NW¼, sec. 16, and line 20-21 of the Big Bend Placer; thence northeasterly along line 20-21 to corner 20; thence northwesterly along line 19-20 to a point due north of the intersection of north line of the NW¼, sec. 16, and line 20-21, MS 1442; thence north to a point which is due west of a point that is 850.00 northerly along the west line of the SE¼, sec. 9; thence east to the west line of the SE¼; thence southerly along the west line of the SE¼ 850.00' to the N¼ corner sec. 16, point of beginning.

Parcel "A" Tract 0065 (Potter)—Beginning at a point on line 19-20, Big Bend Placer (MS 1442), that is due north of the intersection of line 20-21 MS 1442 and the south line of the SW¼, sec. 9; thence north to a point that is due west of a point that is 850.00' northerly along the west line of the SE¼, sec. 9; thence west to the intersection of line 19-20 MS 1442; thence southeasterly along line 19-20 to the point of beginning.

Parcel "B" Tract 0065 (Fenster)—Beginning at a point on the west line of the E½ E½ NE¼ sec. 16, T. 1 N., R. 6 E., Black Hills Meridian, that southerly 393.00' from the EEW1/256 corner; thence southerly along the west line of the E½ E½ NE¼ NW¼ 157.00'; thence west to the intersection of line 21-22, Big Bend Placer (MS 1442); thence northeasterly along line 21-22 to corner 21; thence northeasterly along line 20-21 to the intersection of the north line of the NW¼, sec. 16; thence south to a point that is due west of the point of beginning; thence east to the point of beginning.

[From the Rapid City Journal, Feb. 16, 1987]

FOREST SERVICE RECEIVES PUBLIC RELATIONS LESSON

If the U.S. Forest Service doesn't learn anything else from the furor resulting from its plans to sell 25 acres of public land to private interests along Rapid Creek near Hisega, it should learn something about getting in touch with the public it serves.

The Black Hills National Forest is the reason many locals live in western South Dakota. The Forest Service generally deserves high marks for how it handles a tough job. On the Hisega land deal, it flunked.

Forest Service officials seemed surprised that intense interest existed in the proposed sale, which includes a readily accessible stretch of prime trout fishing stream near Rapid City. If the Forest Service had contacted organizations interested in recreation on the national forest before deciding to sell the land, much of the controversy could have been contained or avoided.

The simple mechanism of retaining full public ownership of the creek and road by which access to the creek is made while selling the existing cabin sites on National Forest property perhaps would have satisfied everyone. Now the state's congressional delegation is involved and is trying to stop the land sale.

The land sale resulted from the 1983 Small Tracts Act, which allows land to be sold to private interests if the Forest Service believes the deal makes sense from a management standpoint. The first such sales in the Black Hills National Forest took place in 1985.

Until the Hisega incident, there has been little public reaction to sales. The Forest Service's local policy was to print a legal notice in a newspaper or newspapers, contact adjacent landowners about the proposal and let it go at that.

The Hisega case was different. The sale is viewed by sportsmen as a potential loss of access to fishing. The purchase price of $27,000 for 25 acres of prime land along a stream is ridiculously low despite the fact some of the land is not suitable for development.

The deal outraged people who have seen access to public lands in general, and Rapid Creek in particular, pinched during past decades. The response should have come as no surprise to the Forest Service. The fact that it did surprise them is a disturbing indication they are not in touch with the local community.

Larry Seekins, Forest Service staff officer of engineering and land, said Friday that the Forest Service was reviewing its notification procedure so persons and groups who might be interested in future land sales would be notified in advance.

"We want to do that. There's no question about that," Seekins said.

If so, the Forest Service will do itself and the public a great service. But it should never be surprised that sportmen will fight to prevent loss of recreational opportunities and access to public land. Proper management means retaining prime recreational land, not giving it up.●

By Mr. HELMS (for himself, Mr. THURMOND, Mr. GARN, Mr. NICKLES, Mr. SYMMS, and Mr. GRASSLEY):

S. 615. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes; to the Committee on Rules and Administration.

POLITICAL USES OF COMPULSORY UNION DUES

● Mr. HELMS. Mr. President, today I am introducing legislation to halt a blatant violation of political freedom—the use of compulsory union dues for political purposes.

Thomas Jefferson, who is my personal hero in the history of this Nation, said, "To compel a man to furnish contributions for the propagation of opinions which he disbelieves is sinful and tyrannical." Yet a loophole in the Federal election laws grants organized labor a special privilege enjoyed by no other organization—the power to take money from American workers as a condition of employment and against their will and to contribute that money to political causes and candidates whom the workers themselves do not necessarily support.

The Federal Election Campaign Act, as amended in 1976, has only the appearance of restricting the use of compulsory union dues for political purposes. While the law does prohibit the use of compulsory dues for direct cash contributions to political candidates, it does not—I say again, does not—prohibit the use of forced union dues for a number of other indirect means of supporting union-backed political candidates and causes.

There is absolutely no justification, legal or otherwise, for this distinction. The Supreme Court has clearly stated that nonunion employees have a constitutional right to prevent unions from spending compulsory dues "to express political views unrelated to its duties as exclusive bargaining representative." The Court has also made it clear that:

> [t]he amount at stake for each individual dissenter does not diminish this concern. For, whatever the amount, the quality of respondents' interest in not being compelled to subsidize the propagation of political or ideological views that they oppose is clear. [*Chicago Teachers Union* v. *Hudson* (1985)].

Mr. President, despite the clear enunciation of constitutional rights by the Supreme Court, our Federal election laws continue to give organized labor a special privilege enjoyed by no other private association—the right to take money from American workers as a condition of employment and to contribute that money to political causes and candidates whom the workers themselves may not necessarily support.

In light of this legal dichotomy, union officials have divided their political expenditures into two categories. The first is commonly referred to as union hard money. It consists of money given directly to candidates in the form of cash or in-kind contributions taken from funds given voluntarily by union members. The second category is referred to as union soft money, spent by union officials on behalf of—but not contributed directly to—political candidates.

This soft money comes directly from compulsory union dues. It finances the operations of union PAC's; it provides extensive in-kind political services; and, in fact, it represents the overwhelming bulk of union political expenditures. Nevertheless, Mr. President, because it is not contributed directly to a candidate, it is neither documented nor reported to the Federal Election Commission. This overwhelming amount of political expenditure remains hidden from the American public.

But, Mr. President, even voluntary PAC contributions from union members originate with compulsory dues soft money. Compulsory dues bankroll the administrative overhead costs of union partisan political fundraisers. Compulsory dues soft money that is used for financing union PAC's runs well into the millions of dollars each election cycle. In July 1976, AFL-CIO public relations director, Bernard Albert, admitted that the annual budget of the national COPE alone ran to approximately $2 million.

In spite of the vast sums of compulsory union dues that finance the operating costs of union PAC's, the bulk of compulsory dues soft money goes for unreported, unlimited in-kind political expenditures. Mr. Paul Jensen, Walter Mondale's campaign liaison to organized labor, estimated that the union's soft money contributions to Mr. Mondale's Presidential campaign was worth about $20 million.

The July 1979 issue of Steelabor, the official newspaper of the United Steelworkers of America, offered its readers a surprisingly candid and straightforward explanation of in-kind political spending. The union paper reported:

> Union dues money can't go for direct political contributions—but it can do a lot; mailings supporting or opposing political candidates, phone banks, precinct visits, voter registration, and get-out-the-vote drives.

In spite of these admissions, the account in Steelabor only tells half the story. To fill out the picture, several key expenditures need to be added to the list; thousands of union employees devoted almost solely to partisan political election day workers paid overtime rates from compulsory dues; millions of political pamphets and flyers; and paid election-day carpools and babysitters, to name a few.

Mr. President, once again, these indirect union in-kind political expenditures are not subject to any limitations under the FECA. They are paid for with dues money taken from workers as a condition of employment. Without question they represent the overwhelming bulk of union political expenditures—hidden from the American public.

Let me take a moment to rebut an argument circulated by opponents of my proposal. Claiming that the use of compulsory union dues for politics is analogous to the use of corporate funds to establish political action committees with which stockholders may disagree, they say my legislation would unfairly tip the political balance of power in favor of business interests by restricting only union politics.

Those who have been confused by this smokescreen argument should read the decision of the U.S. court of appeals in Federal Election Commission versus International Association of Machinists. The language of that decision shattered this bogus argument once and for all.

In that case, Mr. President, attorneys for the International Association of Machinists Union charged that 11 corporations had violated the Federal Elections Campaign Act by soliciting contributions to their political action committees from administrative personnel under what they termed "inherently coercive" conditions. Although the district court rules that no such violation had occurred, it did allow several constitutional issues raised by the plaintiffs to be heard by the U.S. Court of Appeals for the District of Columbia.

Union attorneys asked the appeals court to decide, among other constitutional issues, whether the use of general corporate assets to establish and support corporate political action committees violates the first amendment rights of dissenting shareholders. Union attorneys attempted to base their claim on the landmark Supreme Court decision in Abood versus Detroit Board of Education.

In Abood, the Supreme Court held that the first amendment prohibits unions from forcing employees to support political causes against their will through the use of compulsory union dues. The union attorneys attempted to draw a parallel between the situation in Abood and the use of Treasury funds by corporations to establish and administer PAC's. The court of appeals was not convinced.

Nothing that "in Abood the Supreme Court had held that the first amendment prohibited a public employee union from requiring any employees to contribute to the support of an ideological cause he may oppose as a condition of holding a job," the court of appeals ruled that there was no valid analogy between the union position in FEC versus IAM and the fact situation in Abood. The Court pointed out that a corporate shareholder is under no compulsion to support a political cause against his will. Citing another Supreme Court decision, First National Bank of Boston versus Bellotti, the court of appeals said "the shareholder invests in a corporation of his own volition and is free to withdraw his intestment at any time and for any reason."

Mr. President, let me reiterate that any campaign reform effort must deal with the abusive use of compulsory union dues. The time has come to return to individual workers the right to choose for themselves which political candidates and causes their dollars will be used to support.

Enactment of this important legislation will guarantee the voluntary nature of each person's participation in the political process by prohibiting the use of compulsory union dues for political purposes. This bill will ensure that in matters of political conscience, Federal election laws will be neutral while voluntary participation will continue to be protected. I respectfully urge my colleagues to give this legislation expeditious consideration.●

By Mr. DODD (for himself and Mr. PROXMIRE):

S. 616. A bill to amend the Truth in Lending Act to provide for more detailed and uniform disclosure by credit card issuers with respect to information on interest rates and other fees which may be incurred by consumers through the use of any credit card, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FULL CREDIT CARD COST DISCLOSURE ACT

●Mr. DODD. Mr. President, today I am introducing legislation designed to inject a dose of competition into the credit card market. By requiring card issuers to disclose the terms and conditions of their cards at the time of solicitation, the legislation is intended to arm consumers with enough information to shop around for the best deal.

One of the great enigmas of our time is how credit card interests rates managed to increase over the past 5 years while all other consumer loan rates plummeted. Thus, while the prime rate now stands at 7.5 percent, the six banks that provide one-quarter of the 186 million Visa and MasterCards in circulation have rates more than twice as high: Citibank, 19.8 percent, Bank of America, 19.8 percent, Chase Manhattan, 17.5 percent, Manufacturers Hanover, 17.8 percent, First Chicago, 19.8 percent, and Chemical Bank, 19.5 percent.

Interest charges on retail store cards are even worse. Sears and J.C. Penney charge 21 percent and Montgomery Ward charges 21.6 percent. Although you would expect these cards to have higher rates than bank cards because they do not charge annual fees, nevertheless, 21 percent seems extremely high in light of the tremendous drop in the cost of funds.

The full magnitude of this problem can only be appreciated when you realize that some 105.5 million people own some 731 million credit cards and that, in mid-1986, consumers owed credit-card issuers $152.6 billion, according to the Nielson report. The report indicates that some 36.9 million people with Visa and MasterCards use those cards for revolving credit, with each owing an average of $1,919. That translates into interest being paid on about $70.8 billion, where a point or two of interest can turn into real money rather quickly.

While the credit card industry has argued that credit card loans are different from other loans—that the cost of money is only about one-third the cost of the loan and that the loans are supported by longer term paper that is less interest rate-sensitive—these statements cannot explain why credit card interest rates not only have failed to decline proportionately to other interest rates but, in fact, have risen during this time.

The functional cost analyses prepared by the Federal Reserve System demonstrate that credit card loans have gone from poor performers in the 1970's to the single most lucrative form of loan in the mid-1980's. Some have argued that banks are simply making back what they lost in the last decade or that credit card loans are compensating for the poor bank performance in other lending areas. These arguments, however, cannot apply in a competitive market. Any efforts to recoup past losses or to compensate for poor performances elsewhere will fail in a competitive marketplace, where either other competitors will reduce their prices or potential competitors will enter the market and compete the prices down to a competitive return.

In fact, we have seen some downward pressure on these rates over the past year. Credit card rates have dropped about 1 percent over the past year and now many banks are offering rates that go as low as 10.5 percent. Still, the rates of the largest issuers continue to be well above the level necessary to produce a reasonable profit. Why is that? I think the answer may well lie in the fact that the huge amount of consumer credit card debt is owned by a huge number of consumers. That means that the balances for the average consumer are relatively small. For example, a person with a $1,000 average daily balance and an 18 percent APR would be charged only $15 a month for that credit. That is a small amount for the individual consumer but a tremendous amount for the card issuer when that typical transaction is multiplied millions and millions of times over.

What is the best way to bring competition to such loans? I think the basic principle must be to get information into the hands of the consumer at the time a decision is made on whether to purchase a card. Today, the consumer gets the relevant cost information only when the card arrives in the mail after having been approved. Few consumers are likely to return a card at that time. Instead, I think it is important to get this information into consumers' hands before they make a decision. Then if they are inclined to shop around, they will have the information they need to know about a particular card and know what information to request from other card issuers.

While people tend to focus on the interest rate charged by the card issuers, it is important to remember that the issuer earns money from consumers in several different ways. In addition to interest on card balances, most card companies charge an annual fee and some charge a per transaction fee. Also, some issuers have no grace period, a period of time during which no interest accrues. Obviously the absence of a grace period can have a significant impact on people who generally pay off their bills within a month.

A fourth important element is the issuer's way of calculating the balance on which the interest rate is applied. Issuers should be required to disclose their method so that consumers can compare it with other ways used by different issuers.

My bill would require credit card issuers to disclose the four basic cost items of a credit card transaction—the annual fee, the interest rate on unpaid balances, the method of calculating the balance and whether or not there is a grace period.

For charge cards, which require that the full balance be paid off when the bill is received, the bill requires disclosure of any annual or other fee or charge for the issuance or use of the card and a statement that charges incurred by use of the card are due and payable upon receipt of a periodic statement of charges.

Mr. President, I am optimistic that providing consumers with these disclosures will put pressure on credit card issuers to reduce their interest rates to fairer levels. Therefore, the Consumer Affairs Subcommittee of the Banking Committee, which I chair, will conduct a hearing on this subject on March 26.

At the hearing, we will also consider bills that would impose a cap on credit card interest rates, as well as explore three other concerns: First, whether it is possible to hold the balance calculation method constant so as to assure valid comparisons, second, whether it is appropriate for banks to change credit insurers without letting consumers know and third, whether the consumer is getting a bad deal on insurance for lost credit cards.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Credit Card Cost Disclosure Act".

SEC. 2. CREDIT CARD COST DISCLOSURE REQUIREMENTS.

(a) DISCLOSURE REQUIRED IN SOLICITATIONS BY CREDIT CARD ISSUERS AND IN APPLICATIONS FOR CREDIT CARDS.—Section 127 of the Truth In Lending Act (15 U.S.C. 1637) is amended by adding at the end thereof the following new subsections:

"(c) DISCLOSURE IN CREDIT CARD APPLICATIONS AND SOLICITATIONS.—

"(1) IN GENERAL.—An application or solicitation to open a credit card account for any person under an open end consumer credit plan shall disclose the following information, to the extent applicable:

"(A) The annual percentage rate or rates applicable to extensions of credit under such credit plan or, in the case of an extension of credit which is subject to a variable rate, the means for determining that rate, and where more than one rate applies, the range of balances to which each rate is applicable.

"(B) Any annual or other fee or charge imposed for the issuance or use of a credit card.

"(C) The period within which any credit extended under such credit plan must be repaid to avoid incurring a finance charge, and, if no such period is offered, such fact shall be clearly stated.

"(D) A statement of how the balance on which the finance charge is computed is determined.

"(2) SPECIAL RULE FOR 'TAKE-ONE' APPLICATIONS.—In the case of applications described in paragraph (1) which are distributed to commercial retail establishments and made available to the public in such establishments, such applications meet the requirements of paragraph (1) if—

"(A) the information required to be included in such applications under paragraph (1) is included and is accurate as of the date the applications are distributed to the commercial retail establishments;

"(B) each application contains a reference to the date on which the application is prepared for distribution to a commercial retail establishment; and

"(C) each application contains a statement, in a conspicuous and prominent location on the application, that—

"(i) the information contained in the application is subject to change; and

"(ii) the applicant should contact the creditor for information on any change in the information contained in the application since the application was distributed.

"(3) SPECIAL RULE FOR CHARGE CARDS.—

"(A) IN GENERAL.—Any application or solicitation for a charge card shall disclose, clearly and conspicuously, the following information, to the extent applicable:

"(i) Any annual or other fee or charge imposed for the issuance or use of a charge card.

"(ii) A statement that charges incurred by use of the charge card are due and payable upon receipt of and in accordance with a periodic statement of charges.

"(B) ISSUERS OF CHARGE CARDS WHICH PROVIDE ACCESS TO OPEN END CONSUMER CREDIT PLANS.—If a charge card permits the card holder to receive an extension of credit under an open end consumer credit plan which is not maintained by the charge card issuer, the charge card issuer may provide the information described in subparagraph (A) in lieu of the information required to be provided under paragraph (1) or (2) with respect to any credit extended under such plan, if the information required to be disclosed under paragraph (1) is provided to the charge card holder by the creditor which maintains such open end consumer credit plan before the first extension of credit under such plan.

"(C) CHARGE CARD DEFINED.—For the purposes of this subsection, the term 'charge card' means a card, plate, or other single credit device that may be used from time to time to obtain credit which is not subject to a finance charge.".

(b) CERTAIN INFORMATION REQUIRED TO BE DISCLOSED IN TABULAR FORM.—Section 122 of such Act (15 U.S.C. 1632) is amended—

(1) in the third sentence of subsection (a), by striking out "Regulations" and inserting in lieu thereof "Except as provided in subsection (c), regulations"; and

(2) by adding at the end thereof the following new subsection:

"(c) TABULAR FORMAT REQUIRED FOR DISCLOSURES UNDER SECTION 127(C).—

"(1) IN GENERAL.—Any information which is required to be disclosed under paragraph (1) or (2) of section 127(c) in any solicitation application shall be—

"(A) disclosed in the precise form and manner which the Board shall prescribe by regulations; and

"(B) placed in a conspicuous and prominent location on any application, solicitation, or other document or paper with respect to which such disclosure is required.

"(2) TABULAR FORMAT.—

"(A) FORM OF TABLE TO BE PRESCRIBED.—In the regulations prescribed under paragraph (1)(A) of this subsection, the Board shall require that the information referred to in paragraph (1) shall, to the extent the Board determines to be practicable and appropriate, be disclosed in the form of a table which—

"(i) contains clear and concise headings for each item of such information; and

"(ii) provides a clear and concise form for stating each item of information required to be disclosed under each such heading.

"(B) BOARD DISCRETION IN PRESCRIBING ORDER AND WORDING OF TABLE.—In prescribing the form of the table under subparagraph (A), the Board may—

"(i) list the items required to be included in the table in a different order than the order in which such items are set forth in paragraph (1) or (2) of section 127(c); and

"(ii) subject to subparagraph (C), employ terminology which is different from the terminology which is employed in section 127(c) if such terminology conveys substantially the same meaning.

"(C) GRACE PERIOD.—Either the heading or the statement under the heading which relates to the time period referred to in section 127(c)(1)(D) shall contain the term 'grace period'.".

(c) COORDINATION WITH OTHER LAWS.—Section 111 of the Truth in Lending Act (15 U.S.C. 1610) is amended—

(1) in subsection (a)(1), by striking out "Chapters 1, 2, and 3" and inserting in lieu thereof "Except as provided in subsection (e), chapters 1, 2, and 3"; and

(2) by adding at the end thereof the following new subsection:

"(e) CERTAIN CREDIT CARD APPLICATION DISCLOSURE PROVISIONS.—The provisions of section 127(c) shall supersede any provision of the law of any State relating to the disclosure of information in any credit card or charge card application or solicitation which is subject to the requirements of section 127(c), unless the law of the State explicitly requires the disclosure of such information in a credit card application or solicitation.".

(d) EFFECTIVE DATE.—Any regulation required to be prescribed by the Board under the amendments made by this section shall—

(1) take effect not later than the end of the 90-day period beginning on the date of the enactment of this Act; and

(2) apply only with respect to applications, solicitations, and other material distributed after the end of the 90-day period beginning after the end of the period referred to in paragraph (1).●

By Mr. GLENN (for himself, Mr. KENNEDY, and Mr. METZENBAUM):

S. 617. A bill to establish labor productivity assistance loans to provide financial assistance to certain individuals, to increase job skills and productivity, and for other purposes; to the Committee on Labor and Human Resources.

LABOR PRODUCTIVITY ASSISTANCE ACT

● Mr. GLENN. Mr. President, I am proud to join with my colleagues, Senators METZENBAUM and KENNEDY, in reintroducing the Labor Productivity Assistance Act. Given the rapid technological changes; the rising number of plant closings; and the continuing trade imbalance, job training has new and increased importance in helping America retain its competitive edge. Job displacement is shattering the economic security of American families. According to the Bureau of Labor Statistics dislocated workers are typically those who have had a history of steady work in a blue-collar job in the Midwest or Northeast. For these workers displacement not only means the loss of a job, it also means the loss of health and pension benefits. More than 2.7 million blue-collar workers have permanently lost their traditional jobs since January of 1981 according to the Bureau of Labor Statistics.

It is no longer enough to provide temporary jobs or income maintenance to help people over the rough places. My own State of Ohio has been hard hit by job losses, and still suffers with an unemployment rate which at 7.3 percent is higher than the national rate. Ohioans who have traditionally been employed in smokestack industries now need help with retraining. The program I am proposing would help dislocated workers, displaced homemakers, and workers in declining industries to upgrade their job skills in order to secure productive, stable employment.

I am aware of the Federal programs already on the books which address the particular problems of the displaced worker. However, these programs have not been able to keep pace with the increasing number of displaced workers. While JTPA does offer job assistance for the disadvantaged, JTPA's title III programs are a relatively small part of the JTPA program and are severely underfunded. Although unemployment insurance benefits can be used for training and retraining, they only last for 26 weeks and maintain a low-benefit level. They simply do not meet the costs of many training programs. For these people, the Labor Productivity Assistance Act provides a ray of hope—a way to return to the work force and to support their families.

The Labor Productivity Assistance Act Loan Program is not a giveaway. Workers who have lost their jobs due to economic and industrial changes and women who are faced with the harsh realities of losing a spouse through separation, divorce or death would be given an opportunity to change their lives for the better. This measure would create a trust fund which would provide low-interest loans to displaced homemakers, dislocated workers, and workers in declining industries. Participants would be able to borrow a maximum of $5,000 to finance up to 2 years of training in accredited programs which could include employment search and relocation assistance in addition to the actual training. Repayment of the loan would not commence until income is reestablished at 150 percent above the poverty level and would be amortized over a 12-year period. Furthermore, repayment would be certain through IRS withholding and repayment. The program is designed to be funded through the Federal financing bank as an off-budget item. As such, it will not add to the deficit and will be administered through existing agencies selected by each State. The participation of the private industry councils is an important part of this legislation, since without jobs one can not have meaningful training.

This legislation is exempted from the budgetary provisions of Gramm-Rudman-Hollings because it is a program that this country needs to remain competitive. We must begin to invest in human capital. The most logical and productive way to remain competitive on the international scene and to improve the job skills of the American work force is to ensure workers access to continuous education and training. I believe there is no price tag too high when it comes to keeping America No. 1.

Mr. President, this legislation is a sensible nonprotectionist way of dealing with the trade issue. I hope my colleagues will join me and Senators KENNEDY and METZENBAUM in the effort to keep the American work force competitive.●

By Mr. SIMON (for himself, Mrs. KASSEBAUM, Mr. RIEGLE, Mr. STAFFORD, Mr. MITCHELL, Mr. ROCKEFELLER, and Mr. SPECTER):

S.J. Res. 69. Joint resolution to designate the week beginning April 20, 1987, as "World Population Awareness Week"; to the Committee on the Judiciary.

WORLD POPULATION AWARENESS WEEK

● Mr. SIMON. Mr. President, today, Senator KASSEBAUM and myself, along with our colleagues Senators STAFFORD, RIEGLE, MITCHELL, ROCKEFELLER, and SPECTER, are introducing a resolution declaring the week of April 20, 1987, as "World Population Awareness Week."

Over the past few decades, the international community has worked closely with a number of Asian developing countries to develop and support voluntary family planning programs. In these countries, this effort has been a critical component of a country's ability to build a vibrant, more self-sufficient economy and begin to address problems such as illiteracy, malnutrition, infant mortality, and poverty.

But, rapidly increasing population, particularly in many developing countries, continues to be a major problem, with international implications. By the middle of this year, the world population will be 5 billion; this will have doubled since 1950. At our present rate of population growth, in just 13 years we will add another billion individuals to the world. This year alone, 90 percent of all babies born will be citizens of developing countries; many will not survive childhood; others face a lifetime of poverty and sickness.

In sub-Saharan Africa, there are 459 million people. This will double in about 22 years, growing at a rate of 3 percent a year. The rate of infant mortality in Africa is over 10 times that of the United States. Many African nations are, this year, moving ahead for the first time on national family planning programs.

In Bangladesh, a country smaller than the State of Iowa, the population is 110 million, and increasing at a rate of almost 8,000 per day. Forty-seven percent of Bangladeshis are under the age of 15; the infant mortality rate is 87 per 1,000, the highest in all of Asia. Along with this, Bangladesh has the second lowest per-capita income in the world.

These are but a very few examples of the significant pressures brought to bear on struggling economies by spiraling population. The United States, along with many others within the international community, has been a strong supporter of assisting countries who want to move ahead with family planning programs.

By setting aside the week of April 20, allowing communities, organizations, schools, and universities across the country to highlight the world population situation, we hope to see the United States become more involved, as more and more developing countries try to come to grips with their population problems. Last year, 25 States, and hundreds of communities celebrated World Population Awareness Week. This year, it is our hope that the Congress, the administration; and all 50 States will join in this important effort. We hope our colleagues will join us in supporting World Population Awareness Week.●

By Mr. DURENBERGER (for himself and Mr. CHAFEE):

S. 618. A bill to amend title XVIII of the Social Security Act to provide coverage under part B of Medicare for therapeutic shoes furnished to individuals with severe diabetic foot disease; to the Committee on Finance.

DIABETES FOOT DISEASE PREVENTION ACT

● Mr. DURENBERGER. Mr. President, I am pleased to introduce, with my distinguished colleague, Senator CHAFEE, legislation that would provide Medicare coverage for therapeutic shoes for individuals with diabetes who suffer from severe diabetes-related foot disease.

Mr. President, 11 million Americans have diabetes and about 2.1 million are over 65 and Medicare eligible. At least 3 percent of these individuals have significant diabetes-related foot disease. This is a tragic complication of diabetes caused by poor circulation to the lower extremities which in turn leads to a loss of sensation in the feet and lower legs. Even a slight infection or injury, such as a blister on the foot, can quickly progress to a serious infection that is difficult to heal since the blood supply is so inadequate, and then to ulceration, gangrene, and ultimately amputation of a toe, foot, or leg.

People with diabetes are at much greater risk of amputation—at least 15 times greater—than the general population. What makes this all the more tragic is that it doesn't have to be that way. Research has shown that if individuals at high risk of amputation, those with foot disease marked by ulcerations or deformities, wore specially fitted, therapeutic shoes, 40 to 70 percent of amputations could be prevented. That's an amazing statistic. However, most people at risk don't wear special shoes. Why? Because they cost over $300 a pair, and Medicare provides no coverage for specialty shoes.

Since physicians won't prescribe shoes patients cannot afford, this simple preventive treatment is often not used. Because Medicare will pay for hospitalizations and surgeries, but not for therapeutic shoes, preventive therapy is discouraged—and Medicare pays dearly for it. Each year, about 12,400 amputations are performed on Medicare beneficiaries with diabetes, at a cost of between $8,600 and $12,400 per patient. This doesn't even include the cost of other hospitalizations and doctor visits for surgery on lesions, debridement of ulcers, and the like, that must be endured to try and ward off the often inevitable amputation.

The legislation I am introducing today would provide Medicare payment for 80 percent of the cost of one pair of shoes per individual per year when the shoes are specially fitted and furnished by a certified pedorthist, orthotist, or other qualified individual, and when the patient's physician certifies that he or she needs the shoes. Also, to ensure appropriate utilization of the benefit, it would be subject to prior review by a Medicare peer review organization. Clearly, the economic tradeoff would be substantial for Medicare and its beneficiaries, not to mention the turnaround in Medicare policy it would represent.

Paying for a treatment up front that will prevent disease down the road makes good sense, economically and medically. S. 618 provides Congress with the opportunity to improve the quality of life for people with diabetes and at the same time reduce costs.

Significant changes have been made in the Medicare Program in recent years, fueled by the need to control ever-increasing costs of health care. I have worked hard to ensure that program changes to reduce costs do not harm beneficiaries, and I have pressed for true reforms that encourage lasting changes that not only control costs, but also increase access to quality health care.

Of course Medicare reforms should not only affect the behavior of the system and its providers, but should change the behavior of beneficiaries as well. The responsibility and ability one has to make decisions about his or her health care can encourage behaviors that improve health and prevent disease.

S. 618 is a good example of the above principles at work in guiding Medicare reforms. I would like to thank the American Diabetes Association [ADA] for their work in developing this important legislative proposal. The ADA is a remarkable organization committed to helping the 5 million Americans with diabetes and their families and to reaching out to the 6 million who also have diabetes but don't know it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record. I also ask unanimous consent that three letters also be printed that I have received from national and international leaders in diabetes research, education, and treatment. These individuals know first hand the importance of this legislation: Donnell D. Etzwiler, M.D., director of the International Diabetes Center in Minneapolis; David Knighton, M.D., of the University of Minnesota, a leading researcher and clinician on foot disease and treatment; and Giles Kobilka and Priscilla Hollander, M.D., of the Minnesota affiliate of the American Diabetes Association. I urge my colleagues to read their compelling comments and join me in supporting this important initiative.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Diabetes Foot Disease Prevention Act".

SEC. 2. MEDICARE PAYMENT FOR THERAPEUTIC SHOES FURNISHED TO INDIVIDUALS WITH SEVERE DIABETIC FOOT DISEASE.

(a) Coverage Under Part B.—Section 1861(s) of the Social Security Act (42 U.S.C. 1395x(s)) is amended—

(1) by redesignating paragraphs (12) through (15) as paragraphs (13) through (16) respectively;

(2) by striking out "and" at the end of paragraph (10);

(3) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(4) by inserting after paragraph (11) the following new paragraph:

"(12) therapeutic shoes for individuals with severe diabetic foot disease, if—

"(A) the shoes are prescribed by a physician who certifies that the individual is under a comprehensive plan of care related to the individual's diabetic condition, and

"(B) the shoes are fitted and furnished by a certified pedorthist, a certified orthotist, or other qualified individual (as established by the Secretary), and

"(C) the shoes have been subjected to a review by a peer review organization to determine whether or not the qualifying criteria have been met.".

(b) Limitation on Benefit.—Section 1833 of such Act (42 U.S.C. 1395) is amended by inserting after subsection (e) the following new subsection:

"(f)(1) In the case of therapeutic shoes described in section 1861(s)(12)—

"(A) no payment may be made under this part for the furnishing of more than one pair of shoes for any individual for any calendar year, and

"(B) with respect to expenses incurred in any calendar year, no more than $250 (or the amount determined under paragraph (2)) shall be considered as incurred expenses for purposes of subsections (a) and (b).

"(2) The maximum amount of expenses considered as incurred expenses under paragraph (1)(B) for a calendar year shall be adjusted annually by the Secretary to reflect increases or decreases in the cost of the therapeutic shoes described in section 1861(s)(12).".

(c) Modification of Exclusion.—Section 1862(a)(8) of such Act (42 U.S.C. 1395y(8)) is amended by inserting ", other than therapeutic shoes furnished pursuant to section 1861(s)(12)" before the semicolon.

(d) Conforming Amendments.—Sections 1864(a), 1865(a), 1902(a)(9)(C), and 1915(a)(1)(B)(ii)(I) of such Act (42 U.S.C. 1395aa(a), 1395bb(a), 1396a(a)(9)(C), 1396n(a)(1)(B)(ii)(I)) are each amended by striking out "paragraphs (12) and (13)" and inserting in lieu thereof "paragraphs (13) and (14)".

(e) Effective Date.—The amendments made by this section shall apply to therapeutic shoes furnished on or after January 1, 1988.

International Diabetes Center,
Minneapolis, MN, February 23, 1987.
Senator David Durenberger,
Russell Office Building,
Washington, DC.

Dear Senator Durenberger: This letter is written in support of the legislation for Medicare Coverage for Orthopedic Shoes. This is important legislation for those with diabetes because diminished blood supply to the legs and feet is present in 8% of adults who have diabetes at diagnoses. By twenty years duration, 45% have seriously diminished arterial blood supply. The incidence in those with diabetes is four to seven times greater than in those without diabetes.

About 15% of persons with diabetes have experienced an ulcer on their feet. The incidence of gangrene is 4.5 cases per 1000 individuals with diabetes per year, and survival with gangrene is about 45%. Diabetes accounts for 40% to 45% of all non-traumatic amputation and an amputation occurs in about 60 per 10,000 persons with diabetes annually.

With these statistics in mind, it is clear that orthopedic shoes will help to prevent problems resulting from poor circulation. Prevention is cost-effective health care. It makes good economic sense to support this legislation for Medicare Coverage of Othopedic Shoes.

Sincerely,
Donnell D. Etzwiler, M.D.,
Director.

University of Minnesota,
Minneapolis, MN, February 18, 1987.
Dave Durenberger,
U.S. Senate,
Washington, DC.

Dear Senator Durenberger: I am pleased to send this letter in support of your proposed legislation to reimburse for custom-molded, extra-depth shoes needed in the care of diabetic patients and other patients with deformed feet.

I am the Director of the Wound Healing and Limb Salvage Clinic at the University of Minnesota and I take care of a large number of diabetic patients who have chronic non-healing ulcers on their feet. As you probably know, this is a very large problem in the diabetic population resulting in amputations, enormous health care costs, and repeated hospitalizations. At the present time, our Wound and Limb Salvage Clinic has a coordinated effort among diabetologists, surgeons, basic scientists, and rehabilitation medicine specialists to heal and revascularize extremities that are threatened from chronic non-healing wounds. At the present, we have a 90% success rate in healing these wounds and do everything possible to keep them from returning once healed. Custom-molded, extra-depth, orthopedic shoes with rocker bottoms and satch heals are a very important part in preventing ulcer recurrance and preventing the ulcer itself in patients at high risk.

Briefly, the pathology of diabetes causes malformation of the foot making pressure increase over the metatarsil heads. The fact that the diabetic patient can't feel his foot causes them to walk a hole in the bottom of the foot over the protruding metatarsil head. This, in combination with severe vascular impairment leads to the chronic nonhealing diabetic wound. If that is not healed, infection then usually sets in and the end result is an amputation.

The role of the custom-molded shoe is in distributing the weight of walking evenly over the plantar surface of the foot. This is only accomplished by the custom-molded shoe with the above mentioned modifications.

When these shoes have been used on our diabetic patients we have experienced only a 5% ulcer recidivation rate. This is excellent when compared with the literature.

In summary, the use of custom-molded shoes in the high-risk diabetic population who have had their ulcers healed or are at high risk for developing ulcers will decrease the rate of ulcer formation. This leads to decreased morbidity from diabetes which will eventually decrease hospital stay, hospital cost, and most importantly prevent the loss of limb which is so common in the diabetic population.

If there is anything else that I can do to help you with this legislation, I will be more than happy to cooperate to my fullest.

Sincerely yours,
DAVID R. KNIGHTON, M.D.,
Assistant Professor of Surgery.

AMERICAN DIABETES ASSOCIATION,
Minneapolis, MN, February 17, 1987.
Hon. DAVID DURENBERGER,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DURENBERGER: We want to extend our sincere thanks to you for your leadership in sponsoring the legislation for medicare coverage for therapeutic shoes. This is an extremely vital bill for people with diabetes who must take extra care of their feet for two main reasons:

1. The nerves in our feet and legs that signal us when our feet are wet, blistered or burned do not always work as well in a person with diabetes.
2. Poor blood flow to the feet is common as we become older, but it is far more common in someone with diabetes.

As a result, people with diabetes have a much greater risk of having a lower extremity amputation and this risk increases with age. A recent epidemological study on the prevalence of amputations in six states in the U.S. reported that amputation among persons with diabetes accounted for 45% of all lower extremity amputations.

In Minnesota, the vast majority of people diagnosed as having diabetes (about 150,000) are over the age of 40 years. Almost all of this group will be having serious foot trouble if they are not able to obtain therapeutic shoes of some type. As our health insurance coverages now exist, these people find some of the most necessary elements of good health care are not covered by Medicare. For many, lack of insurance coverage means doing without the particular item because they do not have the out of pocket funds to make a direct purchase.

Access through Medicare to therapeutic shoes would have a tremendous positive impact on the general health of thousands of people facing their later years with serious foot concerns because of their diabetes. Passage of this legislation would be a major step in improving the quality of health care in the United States.

We are very grateful for your concern and your willingness to lead the effort to pass this bill.

Sincerely,
GILES KOBILKA,
Executive Director.
PRISCILLA HOLLANDER, M.D.,
President.●

● Mr. CHAFEE. Mr. President, I am pleased to join my colleague from Minnesota in introducing the Diabetes Foot Disease Prevention Act. This legislation would provide Medicare coverage for therapeutic shoes for individuals with diabetes who suffer from severe diabetes-related foot disease.

I firmly believe that we spend too much money in our health care programs on treating illnesses that could have been prevented. A perfect example of this is that although Medicare will cover the cost of an amputation, it will not cover the cost of therapeutic shoes which would reduce the number of amputations. Therapeutic shoes cost about $300 a pair, an amputation costs between $8,600 and $12,400 per patient. Currently, Medicare performs about 12,400 amputations a year on Medicare beneficiaries with diabetes.

People with diabetes are at much greater risk of amputation than the general population. Yet, we know that if individuals at high risk of amputation—those with foot disease marked with ulcerations or deformities—wore specially fitted, therapeutic shoes, 40 to 70 percent of amputations could be prevented.

The legislation we are introducing today would provide Medicare coverage of the cost of one pair of therapeutic shoes per individual each year when the patient's physician certifies that he or she needs the shoes. This proposal makes sense economically and medically. Even more important it will improve the quality of life for people with diabetes.

I urge my colleagues to join us in supporting this proposal.●

By Mr. McCONNELL:

S. 619. A bill to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky; to the Committee on Energy and Natural Resources.

FRANKFORT NATIONAL FISH HATCHERY

● Mr. McCONNELL. Mr. President, today I am introducing legislation to return the Frankfort National Fish Hatchery to the Commonwealth of Kentucky.

In the early 1950's, the Commonwealth of Kentucky decided that it needed a warm-water fish hatchery and acquired land on Elkhorn Creek near Frankfort for this purpose. However, with the agreement that the U.S. Fish and Wildlife Service would operate the facility, the land was transferred to the Federal Government. The hatchery has served its purpose well over the past several decades in breeding channel catfish, black bass, bluegill, walleye, and hybrid stripers for the waters of Kentucky and surrounding States.

Unfortuantely, in recent years the hatchery has not been adequately funded and was repeatedly placed on the closure list. Confronted with the latest attempt to close down the facility, Kentucky entered into a memorandum of agreement [MOA] with the Fish and Wildlife Service in October 1986, to operate the facility under a 25-year lease. Having assumed operation, the Commonwealth intends to make a substantial commitment of State dollars into the upgrading of the water supply system, the renovation of a number of leaking and silted ponds, the construction of a new hatchery building and the remodeling of three residences. Although the Commonwealth has assumed the financial and management obligations for operating the facility, the MOA contains untold restrictions that require the State to obtain specific approval on most management decisions or proposed changes to the facility.

The current arrangement, Mr. President, is half-hatched and inefficient. The point is that the Federal Government obviously does not and will not operate this hatchery, yet continues to assert management prerogatives and title to the very facility it hoped to abandon. Since the Commonwealth has already made a long-term commitment to run and finance the hatchery for its maximum benefit, then it should be returned to its original owner without cumbersome restrictions.

Finally, such a transfer is not without precedent. The 99th Congress conveyed two national hatcheries under almost identical circumstances; one in New Hampshire and the other in Montana. We should do no less for Kentucky which has shown its commitment to the fish hatchery from its very conception in the 1950's to today. I am convinced that placing the hatchery in the hands of the Commonwealth will provide for the highest and best use in the service of recreational fishermen of Kentucky and surrounding States.●

By Mr. NICKLES:

S. 620. A bill to provide for the petroleum security of the United States; to the Committee on Finance.

PETROLEUM SECURITY

● Mr. NICKLES. Mr. President, today I am introducing the Petroleum Security Act of 1987, an act to require that the Strategic Petroleum Reserve be filled at a rate of 100,000 barrels per day. This legislation also establishes a dedicated fund, called the Petroleum Security Trust Fund, which would pay for all acquisition, transportation, and injection of the oil into the Strategic Petroleum Reserve. Budget authority for construction and management of the Strategic Petroleum Reserve facilities would remain in their current budget accounts, subject to annual authorization and appropriations.

The Petroleum Security Trust Fund would be funded by a user fee of approximately 35 cents per barrel, imposed on crude oil and petroleum products imported into the United States. This user fee—which amounts to less than 1 cent per gallon of imported petroleum—would be sufficient to maintain at least a 100,000-barrel-per-day fill rate for the foreseeable future. The user fee terminates when the Strategic Petroleum Reserve is filled with 750 million barrels, which would take 6 years at the minimum fill rate of 100,000 barrels a day.

The Secretary of Energy is required to continuously forecast the sufficiency of the trust fund to meet the fill rate requirements of this act. Each calendar quarter, the Secretary shall submit a report to the Congress on the sufficiency of the trust fund to pay for the crude purchases needed to maintain a 100,000-barrel-per-day fill rate. Should the Secretary forecast a deficiency in the trust fund, it would then be up to the Congress to decide whether to increase the trust fund user fee, commit general revenues to the trust fund, or reduce the minimum fill rate of 100,000 barrels per day.

This legislation would retain the penalty in current law that shuts in the United States' share of production from the naval petroleum reserve if a Strategic Petroleum Reserve fill rate of 75,000 barrels a day is not maintained. However, the Petroleum Security Act would amend this provision by increasing the minimum fill rate required in order to avoid the penalty from 75,000 barrels a day to 100,000 barrels a day.

Finally, it is my intention in this legislation to allow drawback refunds of the user fee on export of articles manufactured or produced in the United States with the use of imported petroleum, consistent with established Customs law with respect to the current tariff on imported petroleum. These drawbacks of user fee payments would be paid out of the user fees received, and would not require expenditures from the general fund.

Mr. President, we are increasing our dependency on foreign imports of petroleum at an alarming rate. Most of my colleagues are aware of the terrible economic conditions in the oil and gas producing areas of the United States caused by the collapse in world oil prices. These producing States have had to deal with heartbreaking levels of unemployment, bank failures, and losses in State revenues. But the Nation as a whole has also been endangered. The drop in world oil prices has caused a dramatic drop in domestic oil exploration and drilling activity, as well as the closing in of thousands of low production wells—most of which will never be reopened in the future. Unfortunately, this winter's modest rebound of prices into the $18 range is insufficient to keep our domestic production from continuing to decline sharply. Moreover, domestic oil prices are already sliding back into the mid-teens, thus exacerbating the negative investment climate facing domestic oil producers.

Domestic oil production from the lower 48 States has dropped by over 10 percent in the last 12 months. Every day, the lower 48 is now producing almost 750,000 barrels of crude oil less than this time last year. Accordingly, our imports during 1986 jumped 21 percent over 1985 import levels. As domestic drilling activity continues to fall, future imports are guaranteed to increase further. Last month, the United States imported 25 percent more petroleum than it did during January 1986. This month we have been importing well over 6 million barrels per day. Even though we are increasing our consumption of petroleum products only modestly, our loss of domestic oil production is causing us to approach a 40-percent dependency on imports for our petroleum needs. I would like to refer my colleagues to an article in last week's New York Times that elaborates on the nexus between fluctuating world prices and our vulnerability to future oil shortages.

As a direct consequence of our increasing level of imports, the number of days of import protection afforded by the oil stored in the Strategic Petroleum Reserve is diminishing. In its fiscal year 1986 budget request, the Department of Energy told the Congress that it wanted to stop filling the Strategic Petroleum Reserve because the 489 million barrels that were then in the Reserve represented "108 days of net imports for 1985." In its fiscal year 1987 budget request, the Department of Energy requested a moratorium on filling the Strategic Petroleum Reserve once the goal of 500 million barrels in storage had been reached because that level was equal "to about 120 days of net U.S. oil imports." However, today, even though we have approximately 515 million barrels in the Strategic Petroleum Reserve, our imports have increased to the point that we have only about 95 days of net oil imports. This diminished value of our strategic storage is a dramatic symbol of how quickly the Nation is slipping back into vulnerability to a future oil price shock or sudden loss of foreign oil supplies.

The best defense that the United States can have to dampen the harmful effects of a sudden curtailment in the world's supply of crude oil is to maintain a strong Strategic Petroleum Reserve. The Congress has repeatedly indicated that it is in the best interests of the Nation to fill the Reserve to 750 million barrels of crude oil by the earliest practicable date. Yet every year, the Department of Energy comes to the Congress asking—in the name of budget savings—that it be permitted to stop filling the SPR, or fill it at an almost nominal rate. This year, the Department is once again asking for a reduction in the fill rate of 75,000 barrels a day that the Congress has required by law for the past 2 years. The Department of Energy wants to fill the reserve at a rate of only 35,000 barrels a day. At the Department's proposed rate, it will take over 17 years to reach the congressionally mandated level of 750 million barrels of oil in the Strategic Petroleum Reserve. Clearly, the time to fill the Strategic Petroleum Reserve, is now, while the price of oil is low—not string out the purchases of crude oil until well into the next century.

The legislation that I am introducing today will settle both the annual contest with the Department of Energy about the fill rate and the annual debate in the Congress on where we will obtain the required funds to buy the oil. My bill will require a 100,000 barrels a day fill rate, which will require less than 6 years to fill the reserve to the congressionally approved 750 million barrel goal. The user fee of 34.86 cents per barrel on imported petroleum would raise $770 million per year at current levels of imports—sufficient to purchase 100,000 barrels per day even if over $21 per barrel. Currently, the contract price for Mexican crude being purchased for the SPR is about $16.54 plus 50 cents transportation, plus 10 cents for U.S. Customs duty and plus 13 cents for the Superfund tax, for a total of $17.27 per barrel. As import dependency increases and the protection afforded by the SPR decreases, the revenues raised by the user fee into the Petroleum Security Trust Fund would increase.

Petroleum imports were selected as the base for the user fee collection because the Strategic Petroleum Reserve has been created to protect the American people, the U.S. economy and the national defense from foreign government manipulation of the price and supply of crude oil. If it is not appropriate to exempt certain categories of imported petroleum because the user fee is applied in volumetric relation to the amount that given users purchase imported oil and relates to the degree of benefit they are afforded by the Strategic Petroleum Reserve. Purchasers of imported oil are not being asked to pay for construction of storage facilities or management expenses of the SPR—these costs will still be paid out of general revenues.

Furthermore, it is not appropriate to apply the user fee at the domestic wellhead in addition to the point of importation because the domestic producer does not benefit from the use of the Strategic Petroleum Reserve—in fact, the domestic producer is likely to see lower domestic crude prices during an emergency in which the Strategic Petroleum Reserve is drawn down. To place the user fee on domestic producers as well as on foreign petroleum imports, such as by imposing the user fee at the oil refinery "gate," would reduce the netback that domestic producers would receive for their oil by the amount of the user fee. Such a result would be unconscionable in view of the economic devastation in the domestic petroleum production industry—and the tax increases already imposed by the Congress in last year's Tax Reform Act and Superfund amendments.

I do not believe that the Petroleum Security Act of 1987 will, by itself, significantly improve the investment climate for domestic oil production. I have introduced and will vigorously pursue separate measures that would provide incentives to the domestic oil producer by establishing an oil import price floor and by repealing the windfall profit tax. I do believe, however, that the Petroleum Security Act of 1987 will significantly improve the SPR's ability to cushion consumers and the Nation's economy from the price and supply shocks associated with our increasing dependency on imported petroleum. This act will improve the SPR program by providing a multiyear fill rate at a reasonable level of 100,000 barrels a day, reaching an established goal of 750 million barrels in only 6 years, while requiring only a modest payment of less than 1 cent a gallon from those who benefit most from the existence of the SPR—those who buy imported oil.

Mr. President, I ask unanimous consent that the text of the Petroleum Security Act of 1987 and the article from the February 17, 1987 New York Times be inserted in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 620

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Petroleum Security Act of 1987".

Sec. 2. Petroleum Security Trust Fund.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Petroleum Security Trust Fund", consisting of such amounts as may be credited to such Trust Fund as provided in subsection 2(b).

(b) Transfers to Trust Fund.—There are hereby appropriated to the Petroleum Security Trust Fund amounts equivalent to the fees received by the Treasury under section 4 of this Act, except that the Secretary of the Treasury shall retain in the General Fund such receipts under section 4 of this Act as may be necessary to pay claims against the General Fund paid out pursuant to 19 U.S.C. 1313 with respect to the fees paid under section 4 of this Act.

(c) Expenditures from Trust Fund.—

(1) In General.—The amounts in the Petroleum Security Trust Fund may be obligated by the Secretary of Energy only for the acquisition, transportation and injection of crude oil for storage in the Strategic Petroleum Reserve of the United States.

(2) Purchases of Crude Oil.—The Secretary of Energy shall expend monies in the Petroleum Security Trust Fund to purchase crude oil for storage in the Strategic Petroleum Reserve at an annualized rate of not less than 100,000 barrels per day.

(3) Report on Sufficiency of Trust Fund.—The Secretary of Energy shall, on a continuing basis, forecast the sufficiency of the User Fee provided for in Section 4 to fund the requirements provided in paragraph (2). Each quarter, the Secretary shall submit to the Congress his projections of the sufficiency of the Trust Fund to fill the Strategic Petroleum Reserve to 750,000,000 barrels.

Sec. 3. Fill Rate of the Reserve; Limitation on United States Share of the Naval Petroleum Reserve.

(a) Fill Rate of the Reserve.—Section 160(c)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6240(c)(3)) is amended—

(1) by striking out "fiscal year 1987 and continuing through fiscal years 1988 and 1989" and inserting in lieu thereof "such time as the Secretary of Energy certifies that the amount of petroleum in storage in the Strategic Petroleum Reserve totals 750 million barrels"; and

(2) by striking out "availability of appropriated funds" and inserting in lieu thereof "availability of funds in the Petroleum Security Trust Fund."

(b) Limitation on United States Share of the Naval Petroleum Reserve.—Section 160(d)(1) of such Act (42 U.S.C. 6240(d)(1)) is amended and in subparagraph (B)—

(1) by striking out "75,000 barrels" and inserting in lieu thereof "100,000 barrels"; and

(2) by striking out "; or" and inserting in lieu thereof a period.

Sec. 4. Petroleum Security Trust Fund User Fee.—An amount of 0.83 cent per gallon is added to the rates of duty in Items 475.05, 475.10, 475.25, 475.30, 475.35, 475.45 and 475.65 of the Tariff Schedules of the United States.

Sec. 5. Expiration Date.—Section 3 of this Act expires when the Secretary of Energy certifies that the amount of petroleum in storage in the Strategic Petroleum Reserve totals 750 million barrels.

U.S. Oil Shortages Seem Unavoidable to Many Analysts

(By Robert D. Hershey, Jr.)

Despite higher prices and a more stable market, the United States is almost inevitably headed toward new oil shortages that could be as disruptive as those of the 1970's, according to increasingly urgent warnings by Government policy makers and other analysts.

After nearly a year of wild fluctuations in which the oil price was cut roughly in half, the OPEC countries now seem to be maintaining a price of about $18 a barrel. But while this price, which is almost double the lows of last summer, has the unofficial blessing of the Reagan Administration and some major oil companies, it is generally regarded as insufficient to prevent further sharp declines in domestic production.

As a result, many specialists say, American dependence on foreign oil could by 1990 soar to new peaks and could reach a dangerous 60 percent by 1995. This, in turn, implies renewed control of the oil market by the Organization of Petroleum Exporting Countries.

"SITTING IN GAS LINES"

The latest, and perhaps strongest, warning came last week from Interior Secretary Donald P. Hodel, formerly Secretary of Energy. "People will be sitting in gas lines" again, he flatly predicted, "anytime within the next two to five years."

With OPEC back "in the driver's seat," Mr. Hodel added, the organization will have restored its ability to use oil for political ends, such as the 1973-74 embargo by its Arab members. He said he had been told by a Middle Eastern source that, if it had not been for the glutted market, such a cutoff would have been imposed after American air strikes against Libya last year.

Although a world price of $18 a barrel—equivalent to about $19.50 for the benchmark American grade of West Texas crude—is considered a "survival" level for most larger companies, analysts agree it gives the United States almost no chance of halting what Government figures published last month show was an unexpectedly sharp drop in oil production in 1986.

When combined with rising consumption, this lag in domestic output points to dangerously high levels of imports, with adverse implications for national security, foreign policy, the trade balance and the general health of the economy.

"We are today sowing the seeds of the next energy crisis," James R. Schlesinger, formerly Secretary of Energy and Secretary of Defense, told Congress recently. "The same falling oil price that provides consumer benefits and provides a macroeconomic stimulus while easing inflation and interest rates also implies serious problems for domestic oil supply and national security."

Although the nation has taken steps in the last decade to reduce the impact of such supply disruptions—the most important step may be the building of a large strategic stockpile with more than 510 million barrels—the brutal geopolitical facts of world oil remain stacked against the United States and its similarly situated allies.

About two-thirds of the world's reserves not controlled by Communist countries—and currently unused production capacity—are in the politically volatile Persian Gulf. There, the oil is so easy to recover that the nations that control it can undersell and drive from the market virtually any competitor.

At the same time, the industrialized countries account for two-thirds of non-Communist consumption, much of it absolutely essential. In the United States, for example, 97 percent of the fuel used for transportation is oil for which there is no ready substitute.

Because of the current world surplus, reflected in lower prices, "many people have lost sight of the fact that the oil market is not only very fragile, but it is also controlled by others," said Senator James A. McClure of Idaho, the ranking Republican on the Senate Energy Committee.

Although American vulnerability in oil cannot be gauged simply by the percentage of imports—the source, price and other factors are also important—it is agreed that heavy dependence on Mideast supplies is highly risky.

SAUDI ARABIA A KEY SUPPLIER

While United States reliance on Persian Gulf oil is far less than it was 15 years ago, the amount imported from the Persian Gulf has climbed of late and Saudi Arabia is becoming an increasingly important supplier. In addition, under an International Energy Agency agreement, the United States is obliged to share oil with the other members of the organization in the face of an oil shortage.

"Overdependence on costly and insecure foreign source of oil could well be the major national problem of the 1990's," said Charles J. DiBona, president of the American Petroleum Institute, a trade association. "Few people comprehend that today's problems for the industry threaten the security and economic well-being of the whole nation tomorrow."

While consumption is climbing—and at an accelerating pace—it is the sharply falling level of American production that most distresses policy makers, industry officials and strategic analysts.

9 PERCENT OUTPUT PLUNGE IN 1986

After rising slightly for four years in response to higher prices, output plummeted by a stunning 833,000 barrels a day, or about 9 percent, between February and December 1986, according to Energy Department data. This decline, to 8.35 million barrels a day, brought the nations' production rate down to the lowest levels since 1977, when import dependence reached its peak of 48 percent. Imports of crude oil and refined products currently account for about 38 percent of American consumption, up from 31 percent a year ago. At the time of the Arab embargo, the level was 33 percent.

"In less than one year, manipulation of crude oil prices by the dominant Arab OPEC producing countries has offset all of the production gains realized between 1982 and 1985," said Raymond H. Hefner, chairman of the Independent Petroleum Association of America, a trade group representing thousands of medium-size and small operators that drill most of the country's new oil and gas wells.

This year, accordiang to various projections, production will fall an additional 300,000 to 500,000 barrels, to about 17 percent below the peak production of 9.6 million barrels a day reached in 1970.

Most analysts believe that $18 oil is not enough even to arrest this drop, much less reverse it. "I don't think it gets the job done," said G. Henry Schuler, an energy specialist at the Center for Strategic and International Studies here. "It's not enough to assure the activity we need in this country."

Moreoever, he and other analysts maintain, the fact that oil collapsed to below $10 a barrel in recent memory makes oilmen and their bankers unwilling to assure that the current price will hold. There are signs this week of cheating on OPEC quotas, and a major test will occur when the winter heating season ends in the next several weeks.

"The thing in the back of everybody's mind is that the $18 price is attached to a high degree of risk," said Herbert W. Krupp, senior energy economist for the Bankers Trust Company. "Once you've seen $10 oil, you're scared."

Theodore R. Eck, chief economist for the Amoco Corporation, estimated that it would take an oil price "in the mid-$20's" before there was a significant rise in the exploration activity required to find new oil for the 1990's. In the current situation, moreover, the industry is losing—or failing to attract—vital talent. "I'm really afraid about the 'critical mess,'" he said.

Another reason for concern, according to the chairman of the Chevron Corporation, George M. Keller, is that, unlike the situation in the 1970's, there are no longer any major oil discoveries, such as at Alaska's Prudhoe Bay and in the North Sea, that await development.

DILLING IN PROVEN AREAS

And while the cost of drilling, had fallen, too, the inclination is to drill in proven areas rather than to explore offshore and other frontiers where there is the best change of finding sizable quantities.

Despite the dim prospects for maintaining even current levels of self-sufficiency in oil, the Reagan Administration believes there is relatively little the Government can, or should, do about it.

Secretary Hodel and many others believe, in fact, that the Government was mainly responsible for the oil problems of the 1970's because of its controls on prices and its counterproductive efforts to allocate diminished supplies. "We caused the shortage," Mr. Hodel maintains.

A major review ordered by President Reagan of energy-dependency and national security—now due to be unveiled next month—is expected to lay out the impact and costs of possible Government interventions, such as imposing an import fee on foreign oil. But Secretary Hodel said the report would make no recommendation for fear this would reduce the prospects for serious debate of a high-stakes problem with no easy solution.●

By Mr. DeCONCINI (for himself, Mr. Hatch, Mr. Hollings, and Mr. Boschwitz):

S.J. Res. 68. A joint resolution to designate March 11, 1987, as "National Operation Prom/Graduation Kickoff Day;" to the Committee on the Judiciary.

NATIONAL OPERATION PROM/GRADUATION KICKOFF DAY

● Mr. DeCONCINI. Mr. President, I join with my colleague Senator Orrin Hatch today in introducing a resolution designating March 11, 1987, as "National Operation Prom/Graduation Kickoff Day." We take this action as part of our efforts to educate high school students on the dangers associated with alcohol and drug abuse.

On March 11, Operation Prom/Graduation organizers will kick off the event for the 4th straight year. They have formed a national task force to use their constituencies—grassroots organizations, media, business, government, and educational groups to organize drug and alcohol-free activities for graduating students in local communities across the country.

A student's high school prom and graduation are two of the most important days in his or her life. We must make the student aware of the tragedy drug and alcohol abuse can bring. Campaigns like Operation Prom/Graduation provide an opportunity for students to work together to create their own success story for drug and alcohol free events.

The program, which was started in 1984 by the National Association of Broadcasters, now includes 14 national organizations. A new slogan is developed each year. Last year it was "1986 * * * A Class Act * * * Celebrate Sober."

Students are asked to sign pledge cards that they will not drink or do drugs. In return they receive discounts on formal wear, flowers, meals, car rentals, and so forth. Often the students, with the help of area businesses, conduct workshops for their classmates on the program, and compete with each other in creative approaches to the overall agenda. The help of parents groups and school administrators is enlisted in the coordination of the Operation Prom activities.

When roughly two-thirds of all American young people use an ilicit drug at least once before they finish high school, we must address this problem on all fronts.

I ask unanimous consent that the text of the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 68

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the Congress and the President have identified drug abuse as one of the greatest threats to the American Society;

Whereas the greatest threat of drug abuse is among our adolescent children;

Whereas thousands of young people die or are injured from drug or drugged driving and/or alcohol or drug abuse;

Whereas there is a great need for Federal, State and local governments to become involved in educating our young Americans to the dangers associated with alcohol and drug abuse;

Whereas roughly two-thirds (61%) of all American young people use an illicit drug at least once before they finish high school;'

Whereas four out of every 10 American young people have used drugs in addition to marijuana;

Whereas in 1985 high school seniors tried cocaine at the highest rate ever observed;

Whereas an increased public awareness of the gravity of the problem of drug abuse may warn drug users and may stimulate interest in increasing necessary research on the effect of drugs on young people;

Whereas the United States Surgeon General has reported that life expectancy has risen for every age group over the past seventy-five years except for Americans fifteen to twenty-four years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was twenty years ago;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas more research is needed on the effect of drugs either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problems of drunk and drugged driving;

Whereas most States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases their recommendations are leading to enactment of new laws, along with stricter enforcement;

Whereas an increase in the public awareness of the problem of alcohol and drug abuse may contribute to a change in society's attitude toward the abuser and help to sustain current efforts to develop comprehensive solutions at the Federal, State and local levels;

Whereas Operation Prom/Graduation organizers for the fourth year have formed a national task force to use their constituencies—grassroots organizations, media, business, government, education—to organize drug and alcohol-free activities for graduating students in local communities across the country; and

Whereas Governors and Mayors will be issuing proclamations to announce March 11th as "National Operation Prom/Graduation Kickoff Day": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 11, 1987, is designated "National Operation Prom/Graduation Kickoff Day", marking the start of planning of drug and alcohol-free activities for students during the commencement season, and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

By Mr. TRIBLE (for himself, Mr. Warner, Mr. Dole, Mr. Lugar, Mr. McCain, Mr. Kerry, Mr. Reid, and Mr. Sanford):

S.J. Res. 70. Joint resolution commemorating the 40th anniversary of the Marshall plan; to the Committee on the Judiciary.

40TH ANNIVERSARY OF THE MARSHALL PLAN

● Mr. TRIBLE. Mr. President, I am introducing legislation today that will honor the memory of George Catlett Marshall—a unique American who, as much as any other individual, helped to rebuild modern Europe and forge the Western Alliance. I am pleased that my distinguished colleague from Virginia, Senator Warner, has joined me in sponsoring this measure.

This year marks the 40th anniversary of the Marshall plan. That ambitious recovery program, conceived by General Marshall, embodied two fundamental principles of the American character—a sense of compassion that leads us to help those who are suffering around the world, and a sense of history that leads us to promote democracy and freedom in every corner of the globe. General Marshall himself said of his European recovery plan:

> Our policy is directed not against any country or doctrine but against hunger, poverty, desperation and chaos. Its purpose should be the revival of a working economy in the world so as to permit the emergence of political and social conditions in which free institutions can exist.

The Marshall plan has accomplished all that and more. Our generous aid program not only helped to rebuild the shattered economies of war-torn Europe. It also helped to ensure the survival of democracy on the European Continent. In so doing, it helped establish as a fundamental tenet of American foreign policy the promotion of democracy around the world.

It is fitting that our Nation commemorate the anniversary of the Marshall plan. It will, I believe, help to remind us of how inextricably linked are the United States and the democracies of Europe. Forty years after the announcement of the Marshall plan, we remain economically interdependent. Moreover, we continue to face common enemies in the form of hostile nations and international terrorists.

Moreover, the resolution I am introducing will help to honor General Marshall himself. Though the general was one of many distinguished Americans to emerge during the World War II era, he remains a unique figure. For much of his life, he was a soldier who led men into battle. But he proved equally adept at leading men into peace, and he was awarded the Nobel Peace Prize in 1953 for his efforts.

This resolution honors General Marshall and the recovery plan that bears his name. I urge my colleagues to join Senator Warner and I as cosponsors of the measure, and I ask unanimous consent that the resolution and a description of the George C. Marshall Foundation in Lexington, VA, be reprinted in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.J. Res. 70

Whereas 1987 marks the fortieth year since the European Recovery Program or what came to be called the Marshall plan was first conceived and proclaimed by George Catlett Marshall;

Whereas the Marshall Plan has been hailed by leaders of friend and foe alike in World War II as the most magnanimous act by Americans in history;

Whereas the Marshall plan uniquely symbolizes the bold and creative promise inherent in the thought of all free peoples;

Whereas the Marshall plan made possible new measures of trans-Atlantic cooperation through the North Atlantic Treaty Organization and other institutions;

Whereas these institutional developments have profoundly enhanced the security, freedom, and prosperity of the United States and the Atlantic Community generally;

Whereas new challenges have arisen which call for recommitment to and reinvigoration of these institutions and for their continued viability;

Whereas creative thought and rededication to the ideals and principles undergirding the Marshall plan are now required to assure the preservation and perfection of these institutions; and

Whereas the occasion of the fortieth anniversary of the Marshall plan provides a fitting opportunity for rededication of commitments to these instructions; Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

That the Congress acknowledges the magnanimity of the Marshall plan, the dedication to public service and integrity of its author and the effort by the Marshall Foundation in Lexington, Virginia to continue in American life the values for which he stood;

That the Congress calls upon all Americans to rededicate themselves to the ideals of public service, hard work, integrity and compassion which George Catlett Marshall represents to this day in American society;

That the Congress remembers that it approved a special congressional medal for General Marshall to honor his service to the nation;

That the Congress welcomes with great anticipation the publication on June 5, 1987 of the fourth and final volume of the official biography of George Catlett Marshall;

That Congress believes the principles that inspired the initiation of the Marshall Plan should continue to be cherished by our people;

That the month of June, 1987, is designated as "George C. Marshall Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

THE MARSHALL FOUNDATION

A LIVING MEMORIAL

Organized in 1953, at the suggestion of President Truman, the George C. Marshall Foundation has benefited immeasurably from the far-sighted leadership of General Marshall's many admirers. Preeminent in the early decades was the late General of the Army Omar N. Bradley who was succeeded as Chairman by Robert A. Lovett, a close colleague of General Marshall for many years and his successor as Secretary of Defense. Its present Chairman, Ross R. Millhiser, and its Board of Trustees, made up of distinguished citizens from all walks of American life, share and promote the principles which made Marshall a great leader in his lifetime and a unique example of leadership to succeeding generations.

Located in Lexington, Virginia, adjacent to the Virginia Military Institute, Marshall's alma mater, and the campus of Washington and Lee University, the Foundation draws its inspiration from the life and career of General Marshall, one of America's great soldier-statesman. Its focus in the first instance is hisotrical and its Library, dedicated by two American Presidents, in Lexington, in 1964, is a principal resource for documentation and study of the life and times of George Catlett Marshall. But equally important, its programs also use the example of this great leader to promote the principles which was evident throughout his service and to understand issues with which he was so deeply concerned.

The Foundation is thus a living memorial:

For the thousands of visitors of all ages and from all walks of life who come to the museum to learn about Marshall and American mid-twentieth century history;

For the many students and scholars who use the archives and library to dig out the facts about General Marshall and his service to his nation as Army Chief of Staff, Secretary of State, Secretary of Defense, and Nobel Peace Prize winner;

For the young men and women beginning their military or public career who see in his leadership the principles which should guide their careers;

For the military and civilian leaders of our nation who find in his selfless service an inspiration for their own action.

In order to carry out these responsibilities, the Foundation, under the direction of its President, Ambassador Gordon R. Beyer, has developed a wide range of programs for which General Marshall is the inspiration and in which his concern for excellence is the theme.

HIGHLIGHTS OF ACTIVITIES

The Marshall ROTC Young Leaders' Seminar.—Sponsored by the Foundation annually since 1978, the program recognizes the outstanding senior in military science and leadership in each of the 314 colleges and universities across the country having Army ROTC Detachments. The Marshall ROTC Young Leaders come to the Foundation's headquarters at Lexington, Virginia, for an intensive three-day seminar on U.S. National Security. For the past several years, both the Secretary of the Army and the Army Chief of Staff have spoken to this remarkable group of young leaders.

Public Service Leadership Conference.—By means of the conference, the Foundation seeks to encourage young leaders from civilian life to participate actively in public service, to broaden their perspective on issues vital to America and to offer George Marshall's ideals and achievements as a model. The first conference, in November 1985, involved former scholars selected by the Harry S. Truman Scholarship Foundation, Washington, DC. The second, which is scheduled for 21-22 November of this year, will include former Truman scholars as well as some United Kingdom selected Marshall scholars.

Publications.—There are two major series: The projected four-volume authorized biography of General Marshall by Forrest C. Pogue; its final volume is now with the publisher. The collected papers of General Marshall, edited by Larry I. Bland and his associates; the first volume was published in December 1981, and the second volume in May 1986. German financiers are supporting the writing of *Germany and the Marshall Plan,* also to be published in 1986. In addition, the Foundation sends its newsletter, TOPICS, to some 9,000 readers. The Foundation has published a *Handbook for Researchers* and two archival guides, one to the George C. Marshall Papers and the other to all other manuscript collections held by the Marshall Library.

The Museum.—The Marshall Museum, open daily and free of charge, is visited by thousands of persons each year. Special programs are available for groups of all ages, including the "Try on a Piece of History" for elementary school children, to give further insight into General Marshall's contributions, his life and times. Rotating displays are also an integral part of the Marshall Museum's educational program. Museum items are often included in exhibitions both in this country and in Europe.

Marshall Undergraduate Scholarships.—This program provides students, primarily from Virginia colleges and universities, an opportunity to use the facilities of the Marshall Library, particularly the manuscript collections, to engage in original research and writing. Since the scholarships were established in 1976, more than 120 scholars have participated.

Advanced Research and Outreach.—The Foundation also encourages advanced scholars to use the 1.7 million documents in the archives for the study of mid-twentieth century military and diplomatic history. Finally, the Foundation encourages conferences, informal instruction and commemorative events honoring George Marshall.●

● Mr. WARNER. Mr. President, today I am proud to join my distinguished colleague Mr. TRIBLE in introducing a joint resolution honoring the Marshall plan on its 40th anniversary, and the late George Catlett Marshall who organized the skills and energies of free people to rebuild Europe economically, politically, and psychologically after World War II. The resolution establishes June 1987 as the "Marshall Month" and calls upon all Americans to rededicate themselves to the ideals Secretary Marshall demonstrated in conceiving the Marshall plan—hard work, public service, integrity and compassion. It further recognizes that the security the Marshall plan provided for the Atlantic democracies is a prerequisite for the fulfillment of these ideals.

On June 5, 1947 then-Secretary of State George Marshall delivered an inspiring message to the world and changed the course of history. Simply put, the message was that the United States was prepared to provide whatever funds were needed to rebuild Europe's staggering post-war economy.

This message had roots of both magnanimity and realism. Marshall's plan to devote billions of dollars from the resources of a nation that had just suffered through more than a decade of depression was unprecedented in its generosity. The idea of rejuvenating and integrating European economies, building a foundation for future European political cooperation, and restoring hope and confidence to a psychologically beaten people also served vital American interests. By helping western Europe rebuild itself economically, politically and psychologically, the United States prevented it from sliding under the Iron Curtain.

Peacefully defending and reshaping half of a continent was a magnificent feat for a man and a nation. But Secretary Marshall's plan contributed to the security of the United States in more subtle ways. Its implementation demonstrated administrative genius and served as a model for other economic development plans. The Harriman report, which outlined and justified the plan to the Congress, began with the words, "Only the Europeans can save Europe." American aid was contingent upon the Europeans settling their political and economic differences and conceiving a comprehensive reconstruction and currency valuation plan. Refusing to involve the United States in the details of the European recovery plan was difficult but necessary. It challenged the Europeans, for the first time, to jointly plan their future and their success instilled much needed self-confidence. Such self-help and sense of self-worth are imperative for any development program, foreign or domestic.

Secretary Marshall decided that the European Cooperation Administration [ECA] would administer the European Recovery Program outside of the State Department and have Cabinet level status. This protected it from the short term political considerations of competing bureaucracies. Because the Marshall plan was to spread ideas to Europe as well as capital, a temporary staff was recruited from business, industry, law firms and universities. They were expert, yet had no interest in turf wars or job security. Flexibility and the consideration of new ideas were maximized. Thus they were able to help Europe restructure its economy by changing European attitudes toward monopolies, productivity, labor relations, trade barriers, and taxation. As we are seeing in the Third World and Communist world today, ideas are as important to economic development as the availability of resources.

The Marshall plan was the first large American foreign aid program. It legitimized the concept of foreign aid in the eyes of common Americans. The fact that an historically isolationist people overwhelmingly supported the Marshall plan is a tribute to its conception. The fact that Americans supported subsequent foreign aid programs is a tribute to its implementation. The Marshall plan is not only responsible for the security of Europe and the United States in the 1950's, it is responsible for the success gained by current American foreign aid programs.

The terrible events following World War I showed the consequences of an isolationist America. By his vision, and by his remarkable administrative skills in making the European Recovery Program work the first time around, Secretary of State Marshall nurtured American activism in the world, helped create the most prosperous era in history, and may have prevented another world war.

Mr. President, it is my hope that my colleagues will support this joint resolution. The ideals of public service, hard work, integrity and compassion, as exemplified by George Catlett Marshall, will forever remain the backbone of American prosperity. The protection of liberty and justice, as extended to western Europe by the Marshall plan, is the only way to achieve such prosperity. To carry this message to Americans and the world, I urge passage of this joint resolution.●

By Mr. GORE:

S.J. Res. 71. A joint resolution to designate the month of May 1987, as "National Digestive Diseases Awareness Month"; to the Committee on the Judiciary.

NATIONAL DIGESTIVE DISEASES AWARNESS MONTH

● Mr. GORE. Mr. President, I am pleased to introduce today a joint resolution that will designate the month of May 1987 as "National Digestive Disease Awareness Month." This is the fifth consecutive year that a Senate joint resolution on digestive diseases has been introduced, and Congressman CLAUDE PEPPER has already introduced a similar resolution in the House of Representatives.

Although few Americans are concerned about digestive disease, these disorders rank among the Nation's most serious health problems in terms of mortality, human suffering, personal health care expenditures for treatment, and lost working hours. The cost is high in part because digestive disorders are so common: as many as 100 million of our citizens have intermittent digestive problems each year. More than 20 million Americans suffer from chronic diseases of the digestive system, and 14 million are treated for acute digestive diseases each year.

Digestive diseases are not only common, however—they can also be extremely serious, even life-threatening. More people are hospitalized with digestive diseases than with any other set of disorders, and digestive problems necessitate 25 percent of all surgical operations. Tragically, disorders of the digestive tract cause more than 200,000 deaths each year, including one-third of all cancer deaths.

Although the cost in terms of human pain and suffering is immeasurable, the economic cost is not: digestive diseases rank third in the total economic burden of illness in our country. We spend $17 billion every year just to care for people with disorders of the digestive tract, and when you add in annual lost wages and taxes, disability payments, and other financial expenditures, total losses from digestive diseases come to nearly $50 billion.

The burden need not be so heavy. Many of these diseases could be prevented if people knew more about digestive disease. Dietary changes, reduced tobacco use, and improved stress management can all significantly reduce the risk of digestive disease. Early detection and treatment of problems can dramatically reduce the negative impact of these illnesses on our society—not to mention on each individual sufferer. Many previously disabled and chronically ill Americans can now hope for relief from pain and suffering as a result of research conducted at the National Institute of Arthritis, Diabetes, Digestive, and Kidney Diseases.

Unfortunately, studies show that many individuals are unaware of the cause of digestive disorders, and few Americans say they would recognize the symptoms of many serious gastrointestinal problems. Most even find it difficult to talk about digestive problems, so that they are unaware not only of the causes and symptoms of these diseases, but also of the terrible prevalence and extraodinary cost of digestive disease.

Mr. President, the experts agree that increasing public awareness of the significance of these diseases, their causes, and their symptoms, could greatly decrease the terrible burden of digestive disease on our society. For this reason, I urge my colleagues to join me in supporting this resolution.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 71

Whereas digestive diseases rank third among illnesses in total economic cost in the United States;

Whereas digestive diseases represent one of the Nation's most serious health problems in terms of discomfort and pain, mortality, personal expenditures for treatment, and working hours lost;

Whereas twenty million Americans suffer from chronic digestive disease;

Whereas more than fourteen million cases of acute digestive diseases are treated in this country each year, including one-third of all malignancies and some of the most common acute infections;

Whereas more Americans are hospitalized by digestive diseases than by any other diseases, necessitating 25 percent of all surgical operations;

Whereas digestive diseases are one of the most-prevalent causes of disability in the work force;

Whereas digestive diseases cause yearly expenditure of over $17,000,000,000 in direct health care costs, and a total annual economic burden of nearly $50,000,000,000;

Whereas at least one hundred different digestive diseases, in addition to other disorders of the gastrointestinal tract, cause more than two hundred deaths every year;

Whereas research into the causes, cures, prevention, and clinical treatment of digestive disease and related nutrition problems has become a national concern, and the people of the United States should recognize digestive diseases as a major health priority;

Whereas national organizations such as the Digestive Disease National Coalition are committed to increasing awareness and understanding of digestive diseases among members of the general public and the health care community;

Whereas the National Institutes of Health, through it National Digestive Diseases Education and Information Clearinghouse, and the National Digestive Diseases Advisory Board are committed to encouraging and coordinating such educational efforts; and

Whereas the month of May, 1987 marks the fourth anniversary of the National Digestive Disease Education Program, a coordinated effort to educate the public and the health care community regarding the seriousness of digestive diseases, and to provide information relative to their treatment, prevention, and control: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the month of May, 1987 is designated a "National Digestive Diseases Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs and activities.●

By Mr. GORE (for himself, Mr. BURDICK, Mr. LEVIN, Mr. LUGAR, Mr. SANFORD, Mr. KENNEDY, Mr. SPECTER, Mr. COCHRAN, Mr. ZORINSKY, Mr. HOLLINGS, Mr. STENNIS, Mr. PRYOR, Mr. BOSCHWITZ, Mr. WILSON, Mr. SASSER, Mr. METZENBAUM, Mr. THURMOND, Ms. MIKULSKI, Mr. INOUYE, Mr. DURENBERGER, Mr. STEVENS, Mr. DECONCINI, Mr. CHAFEE, Mr. HEFLIN, Mr. STAFFORD, Mr. HATCH, and Mr. QUAYLE):

S.J. Res. 72. A joint resolution to designate the week of October 11, 1987, through October 17, 1987, as "National Job Skills Week"; to the Committee on the Judiciary.

NATIONAL JOB SKILLS WEEK

● Mr. GORE. Mr. President, today Senator QUAYLE and I are introducing a resolution to again designate a "National Job Skills Week." As with the job skills week Congress designated last year, the purpose of the new week will be to highlight the many changes that are underway in the workplace, to focus attention on private and public job training efforts, and to bring attention to present and future work force needs.

Our Nation is being challenged to foster the development of a national work force that can meet the needs of today and tomorrow. This is a challenge of which our Nation as a whole must be aware, because it is one that we will all need to work to resolve. "National Job Skills Week" will help raise public awareness about our work force needs. It will emphasize the need for creating a skilled work force that will enable our country to remain competitive.

Many of our colleagues have already signed on as cosponsors of this measure. I hope the rest of the Senate will join us in this effort.

Mr. President. I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 72

Whereas one of the most critical problems facing the Nation is to foster the development of a national work force that can meet the challenges of today and tomorrow;

Whereas work in the United States is undergoing rapid and profound change;

Whereas advances in technology will require new skills not now held by the national work force;

Whereas it is predicted that through the remainder of this century, businesses will experience a shortage of entry level skilled workers;

Whereas the skills of many young adults and teenagers are inadequate to perform jobs that are becoming available, thereby contributing to a much greater than normal unemployment rate among young people;

Whereas the ability to maintain a competitive and productive edge necessary for a strong economy and relatively high standard of living are dependent on the national work force;

Whereas the productivity and ability of the Nation to compete in a world economy are dependent on the national work force; and

Whereas a National Job Skills Week can serve to highlight the many changes that are underway in the workplace which have necessitated the learning of new skills, concentrate attention on private and public job training efforts, and bring attention to present and future work force needs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 11, 1987, through October 17, 1987, is designated as "National Job Skills Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate programs and activities.●

By Mr. DODD (for himself, Mr. Simon and Mr. Chiles):

S.J. Res. 73. A joint resolution designating the week of April 26, 1987, through May 2, 1987, as "Youth Commitment to Ending Hunger Week"; to the Committee on the Judiciary.

YOUTH'S COMMITMENT TO ENDING HUNGER WEEK

● Mr. DODD. Mr. President, today I am introducing a joint resolution designating the week of April 26–May 2, 1987, as "Youth's Commitment to Ending Hunger Week." I am pleased to have Senators Simon and Chiles join me in cosposoring this legislation.

As the chair of the Subcommittee on Children, Families, Drugs, and Alcoholism, I commend the young people involved with "The Youth Ending Hunger Project." The enthusiastic spirit of our Nation's young people is a true testimony to democracy at its finest. Youth Ending Hunger is a network of students committed to eliminating hunger in this country and overseas. To help them in this effort, they have asked us to designate the week of April 26–May 2, 1987, as "Youth's Commitment to Ending Hunger Week."

Clearly, the facts about hunger point to the pressing need for such a commitment. Today, children now constitute the poorest age group in this country, with one out of every four children under the age of 6 and more than one out of every five children under the age of 18 living in poverty. As the students point out, children living under these conditions run the greatest risk of malnurishment, poor health, and even death. Given that the estimate today of children living in poverty is some 14 million, the need for concerned citizen involvement becomes apparent.

Young people from Connecticut to California are spearheading this effort to raise public awareness about hunger and to raise funds to help combat it.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 73

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas hunger causes 35,000 deaths worldwide every day, claiming an average of 24 victims every minute, 18 of whom are children;

Whereas every major commission on world hunger has determined that mankind already possesses the resources and technology to eliminate hunger, and that hunger exists today only because the political and social will to end it is lacking;

Whereas there are young people in the United States today who are determined to keep the attention of the Nation focused on the tragedy of hunger in the United States and throughout the world;

Whereas Youth Ending Hunger, a network of students sponsored by The Hunger Project, is committed to eliminating hunger by the end of this century, and is demonstrating that commitment by gathering the signatures of over 100,000 students who believe that the time has come to end hunger for presentation to the 100th Congress; and

Whereas the activities of groups such as Youth Against Hunger demonstrate the contributions that young Americans can make not only to the fight against hunger but to the democratic process as well: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 26, 1987, through May 2, 1987, is designated as "Youth's Commitment to Ending Hunger Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. Cranston, the names of the Senator from Colorado [Mr. Wirth], and the Senator from Vermont [Mr. Stafford] were added as cosponsors of S. 8, a bill to provide Federal financial assistance to facilitate the establishment of alliances between educational agencies and the private sector to increase the use of resources of the private and nonprofit sectors in the provision of elementary and secondary education, and for other purposes.

S. 12

At the request of Mr. Cranston, the names of the Senator from South Dakota [Mr. Pressler], and the Senator from New Jersey [Mr. Lautenberg] were added as cosponsors of S. 12, a bill to amend title 38, United States Code, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force; and for other purposes.

S. 39

At the request of Mr. Moynihan, the names of the Senator from North Carolina [Mr. Helms], the Senator from West Virginia [Mr. Byrd], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 40

At the request of Mr. Moynihan, the names of the Senator from from Minnesota [Mr. Durenberger], the Senator from Maryland [Ms. Mikulski], the Senator from Nevada [Mr. Reid], the Senator from Maine [Mr. Mitchell], and the Senator from North Dakota [Mr. Burdick] were added as cosponsors of S. 40, a bill to amend section 1 of the Atomic Energy Act to 1954, as amended, to clarify that no nuclear plant should operate without assurance from the Federal Government's experts on emergency preparedness that the public health and safety can and will be protected.

S. 63

At the request of Mr. Stevens, the names of the Senator from Nevada [Mr. Reid], and the Senator from North Dakota [Mr. Conrad] were added as cosponsors of S. 63, a bill to establish a National Commission on Acquired Immune Deficiency Syndrome.

S. 79

At the request of Mr. Stafford, the names of the Senator from Connecticut [Mr. Weicker], and the Senator from Minnesota [Mr. Durenberger] were added as cosponsors of S. 79, a bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes.

S. 81

At the request of Mr. Metzenbaum, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of S. 81, a bill to amend the Older Americans Act of 1965 to establish the Alzheimer's Disease and related dementias home and community based services block grant.

S. 99

At the request of Mr. Inouye, the names of the Senator from Nevada [Mr. Reid] was added as a cosponsor of S. 99, a bill to allow the Internal Revenue Code of 1986 to be applied and administered as if the 3-year basis recovery rule applicable to employees' annuities had not been repealed.

S. 104

At the request of Mr. Inouye, the names of the Senator from California [Mr. Cranston], the Senator from Montana [Mr. Melcher], the Senator from Michigan [Mr. Levin], and the Senator from South Carolina [Mr. Hollings] were added as cosponsors of S. 104, a bill to recognize the organization known as the National Academies of Practice.

S. 232

At the request of Mr. Wilson, the names of the Senator from Hawaii [Mr. Inouye], and the Senator from Florida [Mr. Chiles] were added as cosponsors of S. 232, a bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia.

S. 248

At the request of Mr. Lautenberg, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 248, a bill to amend title 10, United States Code, to permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform.

S. 249

At the request of Mr. Dodd, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 249, a bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes.

S. 300

At the request of Mr. Stafford, the name of the Senator from Rhode Island [Mr. Pell] was added as a cosponsor of S. 300, a bill entitled the "New Clean Air Act."

S. 320

At the request of Mr. Pell, the names of the Senator from Nebraska [Mr. Zorinsky], the Senator from Tennessee [Mr. Gore], the Senator from Colorado [Mr. Wirth], and the Senator from North Dakota [Mr. Conrad] were added as cosponsors of S. 320, a bill to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.

S. 328

At the request of Mr. Sasser, the names of the Senator from Alabama [Mr. Shelby], the Senator from Nevada [Mr. Reid], the Senator from Washington [Mr. Evans], the Senator from Idaho [Mr. McClure], and the Senator from California [Mr. Wilson] were added as cosponsors of S. 328, a bill to amend chapter 39, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 334

At the request of Mr. Pressler, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of S. 334, a bill amending the Food Security Act of 1985 to define alfalfa and other legumes as agricultural commodities under the conservation title of the act.

S. 350

At the request of Mr. Durenberger, the name of the Senator from Utah [Mr. Garn] was added as a cosponsor of S. 350, a bill to amend the Tax Reform Act of 1986 to extend for 1 year the waiver of estimated penalties for underpayments by individuals attributable to such act.

S. 369

At the request of Mr. Humphrey, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of S. 369, a bill to amend the Atomic Energy Act of 1954 to require an emergency planning and preparedness plan for an emergency planning zone of at least 10 miles in radius for each nuclear facility.

S. 375

At the request of Mr. Exon, the name of the Senator from Louisiana [Mr. Breaux] was added to a cosponsor of S. 375, a bill to amend title 10, United States Code, to permit the President to order to active duty units and members of the Army National Guard of the United States and the Air National Guard of the United States in cases in which the Governor of a State or other appropriate authority withholds consent.

S. 383

At the request of Mr. Quayle, the names of the Senator from South Carolina [Mr. Thurmond], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of S. 383, a bill to amend the Bilingual Education Act to make Federal financial assistance available for children of limited English proficiency without mandating a specific method of instruction, to encourage innovation at the State and local level through greater administrative flexibility, to improve program operations at the Federal level, and for other purposes.

S. 388

At the request of Mr. Levin, the names of the Senator from Washington [Mr. Adams], and the Senator from Kentucky [Mr. Ford] were added as cosponsors of S. 388, a bill to provide that no penalty shall be imposed on an employee for taxable years 1987 or 1988 in cases where an employer fails to withhold on the basis of valid withholding certificates, and that the increase from 80 percent to 90 percent in the current year liability test for estimated tax payments be delayed for 2 years.

S. 460

At the request of Mr. Domenici, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1954 to impose a fee on the importation of crude oil or refined petroleum products to protect the national and energy security interests of the United States.

S. 464

At the request of Mr. Cranston, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of S. 464, a bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

S. 472

At the request of Mr. Cranston, the names of the Senator from Oregon [Mr. Hatfield], the Senator from Iowa [Mr. Harkin], the Senator from South Dakota [Mr. Daschle], the Senator from Vermont [Mr. Leahy], and the Senator from Illinois [Mr. Simon] were added as cosponsors of S. 472, a bill to provide for a mutual, simultaneous, and verifiable moratorium on the testing of nuclear warheads.

S. 477

At the request of Mr. Cranston, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of S. 477, a bill to assist homeless veterans.

S. 506

At the request of Mr. D'Amato, his name was added as a cosponsor of S. 506, a bill to require the inclusion of copy-code scanners in digital recording devices.

S. 508

At the request of Mr. Levin, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 508, a bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

S. 511

At the request of Mr. Grassley, the name of the Senator from Wyoming [Mr. Wallop] was added as a cosponsor of S. 511, a bill to improve the quality of teaching in American schools and enhance the competence of American students and thereby strengthen the economic competitiveness of the United States, and for other purposes.

S. 515

At the request of Mr. Zorinsky, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of S. 515, a bill to provide equitable treatment under the highly erodible land conservation provisions of the Food Security Act of 1985 to farmers who produced alfalfa and other multiyear grasses and legumes in a rotation practice during each of the years 1981 through 1985.

S. 519

At the request of Mr. Danforth, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of S. 519, a bill to amend the Tariff Schedules of the United States to change the tariff treatment of certain television apparatus and parts.

S. 544

At the request of Mr. Wallop, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 544, a bill to limit the salary of Members of Congress to the levels which were payable as of December 31, 1986.

S. 558

At the request of Mr. Kennedy, the name of the Senator from Montana [Mr. Melcher] was added as a cosponsor of S. 558, a bill to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes.

S. 561

At the request of Mr. Thurmond, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 561, a bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction to farmers who donate agricultural products to assist victims of natural disasters.

SENATE JOINT RESOLUTION 1

At the request of Mr. Kennedy, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'Amato, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 9

At the request of Mr. Sarbanes, the names of the Senator from Texas [Mr. Bentsen, the Senator from Minnesota [Mr. Boschwitz], the Senator from North Dakota [Mr. Conrad], the Senator from Florida [Mr. Chiles], the Senator from West Virginia [Mr. Byrd], the Senator from Minnesota [Mr. Durenberger], the Senator from Delaware [Mr. Roth], the Senator from South Dakota [Mr. Pressler], the Senator from Missouri [Mr. Danforth], the Senator from Alaska [Mr. Murkowski], and the Senator from Maine [Mr. Cohen] were added as cosponsors of Senate Joint Resolution 9, a joint resolution to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 14

At the request of Mr. Helms, the names of the Senator from Colorado [Mr. Wirth], and the Senator from South Carolina [Mr. Hollings] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 15

At the request of Mr. Pressler, the names of the Senator from Maryland [Ms. Mikulski], the Senator from Colorado [Mr. Armstrong], the Senator from North Carolina [Mr. Sanford], the Senator from Washington [Mr. Adams], the Senator from Alaska [Mr. Stevens], the Senator from North Dakota [Mr. Conrad], the Senator from Oregon [Mr. Hatfield], and the Senator from Nevada [Mr. Reid] were added as cosponsors of Senate Joint Resolution 15, a joint resolution designating the month of November 1987 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 16

At the request of Mr. Riegle, the names of the Senator from Alaska [Mr. Stevens], the Senator from South Dakota [Mr. Daschle], and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of Senate Joint Resolution 16, a joint resolution to designate the period commencing on April 5, 1987, and ending on April 11, 1987, as "World Health Week," and to designate April 7, 1987, as "World Health Day."

SENATE JOINT RESOLUTION 18

At the request of Mr. Wallop, the names of the Senator from Hawaii [Mr. Inouye], the Senator from Connecticut [Mr. Weicker], the Senator from Ohio [Mr. Metzenbaum], and the Senator from Kansas [Mr. Dole] were added as cosponsors of Senate Joint Resolution 18, a joint resolution to authorize and request the President to issue a proclamation designating June 1 through June 7, 1987, as "National Fishing Week."

SENATE JOINT RESOLUTION 19

At the request of Mr. Warner, the names of the Senator from Mississippi [Mr. Cochran], the Senator from South Carolina [Mr. Thurmond], the Senator from Maine [Mr. Cohen], the Senator from North Carolina [Mr. Sanford], the Senator from Mississippi [Mr. Stennis], and the Senator from California [Mr. Cranston] were added as cosponsors of Senate Joint Resolution 19, a joint resolution to designate March 20, 1987, as "National Energy Education Day."

SENATE JOINT RESOLUTION 20

At the request of Mr. Hatch, the names of the Senator from Indiana [Mr. Quayle], the Senator from Alaska [Mr. Murkowski], the Senator from Pennsylvania [Mr. Specter], the Senator from Missouri [Mr. Bond], the Senator from Minnesota [Mr. Boschwitz], the Senator from Rhode Island [Mr. Chafee], the Senator from Arizona [Mr. McCain], the Senator from Wisconsin [Mr. Kasten], the Senator from Virginia [Mr. Trible], the Senator from Pennsylvania [Mr. Heinz], the Senator from Louisiana [Mr. Breaux], the Senator from Nebraska [Mr. Exon], the Senator from Alabama [Mr. Shelby], the Senator from Florida [Mr. Chiles], the Senator from New York [Mr. Moynihan], the Senator from Wisconsin [Mr. Proxmire], and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of Senate Joint Resolution 20, a joint resolution to designate the month of March 1987 as "Women's History Month."

SENATE JOINT RESOLUTION 26

At the request of Mr. Pell, the names of the Senator from Montana [Mr. Melcher], the Senator from Pennsylvania [Mr. Heinz], the Senator from Colorado [Mr. Wirth], the Senator from Mississippi [Mr. Cochran], the Senator from Texas [Mr. Bentsen], the Senator from Hawaii [Mr. Inouye], the Senator from West Virginia [Mr. Rockefeller], the Senator from Massachusetts [Mr. Kennedy], the Senator from Michigan [Mr. Riegle], the Senator from Connecticut [Mr. Dodd], and the Senator from South Carolina [Mr. Hollings] were added as cosponsors of Senate Joint Resolution 26, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 43

At the request of Mr. Cranston, the names of the Senator from South Dakota [Mr. Pressler], and the Senator from Rhode Island [Mr. Pell], were added as cosponsors of Senate Joint Resoluton 43, a joint resolution designating April 24, 1987, as "National Day of Remembrance for the Victims of the Armenian Genocide."

SENATE JOINT RESOLUTION 44

At the request of Mr. Durenberger, the names of the Senator from Alaska [Mr. Stevens], the Senator from Colorado [Mr. Armstrong], and the Senator from South Dakota [Mr. Daschle], were added as cosponsors of Senate Joint Resolution 44, A joint resolution to designate November 1987, as "National Diabetes Month."

SENATE JOINT RESOLUTION 47

At the request of Mr. Cranston, the names of the Senator from Massachusetts [Mr. Kerry], the Senator from Virginia [Mr. Trible], the Senator from Texas [Mr. Bentsen], the Senator from Washington [Mr. Adams], the Senator from Oklahoma [Mr. Boren], the Senator from New Jersey [Mr. Bradley], the Senator from Florida [Mr. Chiles], the Senator from South Dakota [Mr. Daschle], the Senator from Arizona [Mr. DeConcini], the Senator from Florida [Mr. Graham], the Senator from Alabama [Mr. Heflin], the Senator from Vermont [Mr. Leahy], the Senator from Maine [Mr. Mitchell], the Senator from Oklahoma [Mr. Nickles], the Senator from Rhode Island [Mr. Pell], the Senator from Arkansas [Mr. Pryor], the Senator from West Virginia [Mr. Rockefeller], the Senator from Delaware [Mr. Roth], the Senator from North Carolina [Mr. Sanford], the Senator from Nebraska [Mr. Zorinsky], the Senator from New York [Mr. Moynihan], the Senator from Hawaii [Mr. Matsunaga], the Senator from California [Mr. Wilson], the Senator from Nevada [Mr. Reid], the Senator from Maryland [Mr. Sarbanes], the Senator from Alabama [Mr. Shelby], the Senator from Utah [Mr. Hatch], the Senator from Illinois [Mr. Dixon], the Senator from North Dakota [Mr. Conrad], the Senator from Vermont [Mr. Stafford], the Senator from Pennsylvania [Mr. Specter], the Senator from Illinois [Mr. Simon], the Senator from Indiana [Mr. Lugar], the Senator from Nebraska [Mr. Exon], the Senator from Montana [Mr. Baucus], and the Senator from Minnesota [Mr. Durenberger] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate "National P.O.W. Recognition Day."

SENATE JOINT RESOLUTION 49

At the request of Mr. Dole, the names of the Senator from Washington [Mr. Adams], the Senator from Florida [Mr. Graham], the Senator from North Carolina [Mr. Helms], the Senator from Minnesota [Mr. Boschwitz], the Senator from Alabama [Mr. Shelby], and the Senator from Mississippi [Mr. Stennis], were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate September 18, 1987, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 51

At the request of Mr. Zorinsky, the names of the Senator from Michigan [Mr. Levin], the Senator from California [Mr. Wilson], the Senator from Minnesota [Mr. Boschwitz], the Senator from New Jersey [Mr. Bradley], the Senator from Maryland [Mr. Sarbanes], the Senator from Rhode Island [Mr. Pell], the Senator from Minnesota [Mr. Durenberger], the Senator from New York [Mr. Moynihan], and the Senator from Washington [Mr. Adams], were added as cosponsors of Senate Joint Resolution 51, a joint resolution to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week."

SENATE JOINT RESOLUTION 52

At the request of Mr. Hatch, the names of the Senator from South Carolina [Mr. Thurmond], the Senator from Oklahoma [Mr. Nickles], the Senator from Minnesota [Mr. Durenberger], the Senator from New Jersey [Mr. Bradley], the Senator from Hawaii [Mr. Matsunaga], the Senator from Washington [Mr. Adams], the Senator from Colorado [Mr. Armstrong], the Senator from Oklahoma [Mr. Boren], the Senator from Minnesota [Mr. Boschwitz], the Senator from North Dakota [Mr. Burdick], the Senator from Rhode Island [Mr. Chafee], the Senator from Florida [Mr. Chiles], the Senator from South Dakota [Mr. Daschle], the Senator from Arizona [Mr. DeConcini], the Senator from Kansas [Mr. Dole], the Senator from Nebraska [Mr. Exon], the Senator from Tennessee [Mr. Gore], the Senator from Iowa [Mr. Grassley], the Senator from South Carolina [Mr. Hollings], the Senator from Hawaii [Mr. Inouye], the Senator from Kansas [Mrs. Kassebaum], the Senator from New Jersey [Mr. Lautenberg], the Senator from Michigan [Mr. Levin], the Senator from Idaho [Mr. McClure], the Senator from Georgia [Mr. Nunn], the Senator from Nevada [Mr. Reid], the Senator from Alaska [Mr. Stevens], and the Senator from Ohio [Mr. Metzenbaum] were added as cosponsors of Senate Joint Resolution 52, a joint resolution designating the week of May 10, 1987, through May 16, 1987, as "National Fetal Alcohol Syndrome Awareness Week."

SENATE JOINT RESOLUTION 54

At the request of Mr. Baucus, the names of the Senator from New York [Mr. Moynihan] and the Senator from Ohio [Mr. Glenn], were added as cosponsors of Senate Joint Resolution 54, a joint resolution to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1984 to ensure that eligible local educational agencies can complete asbestos abatement work in school buildings during the 1987 summer school recess.

SENATE JOINT RESOLUTION 55

At the request of Mr. Grassley, the names of the Senator from Arkansas [Mr. Bumpers], the Senator from Minnesota [Mr. Boschwitz], the Senator from Florida [Mr. Chiles], the Senator from Rhode Island [Mr. Chafee], the Senator from South Dakota [Mr. Daschle], the Senator from Mississippi [Mr. Cochran], the Senator from Ohio [Mr. Glenn], the Senator from New York [Mr. D'Amato], the Senator from Tennessee [Mr. Gore], the Senator from Minnesota [Mr. Durenberger], the Senator from South Carolina [Mr. Hollings], the Senator from Utah [Mr. Garn], the Senator from Hawaii [Mr. Inouye], the Senator from Utah [Mr. Hatch], the Senator from New Jersey [Mr. Lautenberg], the Senator from Pennsylvania [Mr. Heinz], the Senator from Michigan [Mr. Levin], the Senator from Arizona [Mr. McCain], the Senator from Maine [Mr. Mitchell], the Senator from Alaska [Mr. Murkowski], the Senator from Georgia [Mr. Nunn], the Senator from South Dakota [Mr. Pressler], the Senator from Arkansas [Mr. Pryor], the Senator from Alaska [Mr. Stevens], the Senator from Michigan [Mr. Riegle], the Senator from South Carolina [Mr. Thurmond], the Senator from Tennessee [Mr. Sasser], the Senator from Virginia [Mr. Warner], the Senator from Nebraska [Mr. Zorinsky], the Senator from Connecticut [Mr. Weicker], the Senator from Maryland [Ms. Mikulski], the Senator from California [Mr. Wilson], the Senator from Maryland [Mr. Sarbanes], the Senator from New Hampshire [Mr. Humphrey], the Senator from Louisiana [Mr. Breaux], the Senator from Oregon [Mr. Packwood], the Senator from Mississippi [Mr. Stennis], the Senator from Idaho [Mr. Symms], the Senator from Hawaii [Mr. Matsunaga], the Senator from Missouri [Mr. Bond], the Senator from Arizona [Mr. DeConcini], the Senator from Rhode Island [Mr. Pell], the Senator from Maine [Mr. Cohen], the Senator from North Dakota [Mr. Conrad], the Senator from Idaho [Mr. McClure], the Senator from Kansas [Mr. Dole], the Senator from New Jersey [Mr. Bradley], the Senator from Ohio [Mr. Metzenbaum], the Senator from New York [Mr. Moynihan], the Senator from Colorado [Mr. Armstrong], the Senator from North Carolina [Mr. Sanford], the Senator from Wisconsin [Mr. Proxmire], the Senator from Alabama [Mr. Heflin], the Senator from Nevada [Mr. Reid], the Senator from Colorado [Mr. Wirth], and the Senator from Pennsylvania [Mr. Specter] were added as cosponsors of Senate Joint Resolution 55, a joint resolution designating the week of May 10, 1987, through May 16, 1987, as "National Osteoporosis Prevention Week of 1987."

SENATE JOINT RESOLUTION 61

At the request of Mr. D'AMATO, the names of the Senator from Tennessee [Mr. GORE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 61, a joint resolution to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. DOLE, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a consponsor of Senate Concurrent Resolution 9, a concurrent resolution to provide for the display of the National League of Families POW/MIA flag in the Capitol Rotunda.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. DECONCINI, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Iowa [Mr. HARKIN], the Senator from Delaware [Mr. ROTH], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate concurrent resolution expressing the sense of Congress concerning support for the evolution to full democracy in the Republic of Korea.

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. ZORINSKY, the name of the Senator from Nebraska [Mr. EXON] was added as a consponsor of Senate Concurrent Resolution 15, a concurrent resolution expressing the sense of the Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the medicare program should be made until reports required by the 99th Congress have been received and evaluated.

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. CRANSTON, the name of the Senator from Connecticut [Mr. DODD] was added as a consponsor of Senate Concurrent Resolution 17, a concurrent resolution regarding the promotion of democracy and security in the Republic of Korea, and for other purposes.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. DANFORTH, the names of the Senator from Pennsylvania [Mr. HEINZ], the Senator from Illinois [Mr. DIXON], the Senator from North Carolina [Mr. SANFORD], and the Senator from Delaware [Mr. ROTH] were added as consponsors of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of Congress in opposition to the proposal by the European Community for the establishment of a tax on vegetable and marine fats and oils and urging the President to take strong and immediate countermeasures should such a tax be implemented to the detriment of United States exports of oilseeds and products and inconsistently with the European community's obligations under the General Agreement on Tariffs and Trade.

SENATE RESOLUTION 92

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from North Dakota [Mr. CONRAD] were added as consponsors of Senate Resolution 92, a resolution rejecting the administration's recommendation to eliminate the excise tax exemption for alcohol fuels.

SENATE RESOLUTION 93

At the request of Mr. LAUTENBERG, the names of the Senator from Nevada [Mr. REID], and the Senator from Connecticut [Mr. DODD] were added as consponsors of Senate Resolution 93, a resolution expressing the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 104

At the request of Mr. QUAYLE, the names of the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Virginia [Mr. TRIBLE] were added as consponsors of Senate Resolution 104, a resolution calling on the Internal Revenue Service to revise Form W-4.

SENATE CONCURRENT RESOLUTION 23—DESIGNATING JAZZ AS AN AMERICAN NATIONAL TREASURE

Mr. CRANSTON (for himself, Mr. DOLE, Mr. INOUYE, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. LEVIN, Mr. NUNN, Mr. PELL, and Mr. STAFFORD) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 23

Whereas jazz has achieved preeminence throughout the world as an indigenous American music and art form, bringing to this country and the world a uniquely American musical synthesis and culture through the African-American experience;

Makes evident to the world an outstanding artistic model of individual expression and democratic cooperation within the creative process, thus fulfilling the highest ideals and aspirations of our Republic;

Is a unifying force, bridging cultural, religious, ethnic and age differences in our diverse society;

Is a true music of the people, finding its inspiration in the cultures and most personal experiences of the diverse peoples that constitute our Nation;

Has evolved into a multifaceted art form which continues to birth and nurture new stylistic idioms and cultural fusions;

Has had a historic, pervasive, and continuing influence on other genres of music both here and abroad; and

Has become a true international language adopted by musicians around the world as a music best able to express contemporary realities from a personal perspective;

Whereas this great American musical art form has not yet been properly recognized nor accorded the institutional status commensurate with its value and importance;

Whereas it is important for the youth of America to recognize and understand jazz as a significant part of their cultural and intellectual heritage;

Whereas inasmuch as there exists no effective national infrastructure to support and preserve jazz;

Whereas documentation and archival support required by such a great art form has yet to be systematically applied to the jazz field; and

Whereas it is in the best interest of the national welfare and all of our citizens to preserve and celebrate this unique art form; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that jazz is hereby designated as a rare and valuable national American treasure to which we should devote our attention, support and resources to make certain it is preserved, understood and promulgated.

Mr. CRANSTON. Mr. President, today I introduce Senate Concurrent Resolution 23, proclaiming jazz as an American national treasure. An identical measure in the House is sponsored by the Honorable JOHN CONYERS, Jr.

If there is anything more American than apple pie, it's jazz. The qualities of jazz as an art form mirror qualities of the American Nation, including improvisation and cultural fusion. Jazz soars with the wondrous freedom of the human spirit. Yet ironically, jazz finds its origins in an era of human bondage in this country, when the chants and tribal rhythms of a distant homeland became the field hollers and gospel music of American slaves.

The field thread of jazz in the fabric of American music appeared at the turn of the 20th century, as ragtime. Scott Joplin, and others, linked the classic musical tradition of Europe with African rhythms. In the twenties the fledgling ragtime was nursed into the serious art form that came to be known as jazz. The uniqueness of the new form stemmed from improvisation, and the musical magic created by an individual differing from—and yet supported by and, in fact, enriching—the musical group.

Over the years, jazz has become universal, influencing musical traditions everywhere. Appreciation of this unique American contribution has flourished through the world, and especially in Europe. Jazz has made a considerable mark behind the Iron Curtain, as well. Yet many Americans, especially the young, would be hard put to recognize significant jazz artists and their compositions.

Through the resolution I introduce today, we can begin to spotlight the rich and vibrant gift that American jazz has made to world music. We can begin, through this modest congressional action, to encourage public and private support for jazz artists and nonprofit jazz organizations. We can begin, also, to celebrate the towering

American figures—most of them black Americans—whose inspiration and artistry brought forth a glorious new language of the human heart and soul.

SENATE CONCURRENT RESOLUTION 24—SUPPORTING THE INITIATIVE OF HEADS OF STATE IN CENTRAL AMERICA TO BRING PEACE TO THE REGION

Mr. SANFORD (for himself, Mr. DODD, Mr. BYRD, Mr. PELL, Mr. EVANS, Mr. KERRY, Mr. LUGAR, Mr. TRIBLE, and Mr. BINGHAM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 24

Whereas the heads of state of Costa Rica, El Salvador, Guatemala, and Honduras met in San Jose, Costa Rica, on February 15, 1987, for the purpose of formulating a regional proposal for bringing about an end to the armed conflict in Central America;

Whereas these heads of state have reaffirmed—

(1) their faith in finding a political solution to the problems in the region and have recognized their regional responsibility to seek a stable and durable peace through diplomatic negotiations and political dialog; and

(2) their belief that such a durable peace is only possible within the context of democratic regimes which are committed to eradicating extreme poverty, to establishing an effective means for equal opportunity for all elements of society, and to establishing a pluralistic society where dialog among the various elements of society is permitted to occur and free and periodic elections are held;

Whereas these heads of state specifically endorsed the "Procedure for Establishing a Firm and Durable Peace in Central America" proposed in San Jose by Oscar Arias Sanchez, the President of Costa Rica, as a useful and constructive proposal for discussion with an end toward establishing a definitive timetable for ending the cycle of violence in Central America; and

Whereas the heads of state of Costa Rica, El Salvador, Guatemala, and Honduras intend to transmit this proposal to the Government of Nicaragua and to extend a formal invitation to the President of Nicaragua to participate in discussions with the goal of executing a plan for a definitive and verifiable program for establishing peace in Central America: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) That (a) the Congress applauds the recent bold initiative by the heads of state of Costa Rica, El Salvador, Guatemala, and Honduras, and congratulates them on the significant contribution made by this initiative toward ending armed conflict, and reinforcing democracy, in Central America.

(b) The Congress strongly supports this initiative and looks forward to the summit meeting in Esquipulas, Guatemala, within the next three months, as the next phase in this historic effort of the Central American heads of state to forge a firm and lasting peace in Central America.

SENATE RESOLUTION 157—TO EXPRESS THE SENSE OF THE SENATE ON CONTINUED FUNDING FOR VOCATIONAL EDUCATION

Mr. COHEN submitted the following resolution which was referred jointly to the Committee on Appropriations and the Committee on the Budget to be reported by the Appropriations Committee pursuant to the order of November 30, 1975, as modified by the order of April 11, 1986:

S. RES. 157

Whereas, the Federal Government has had a long and historic commitment to vocational education;

Whereas, vocational education provides training to approximately 19,000,000 students in all of the 50 States;

Whereas, State and local schools depend on Federal aid to expand, improve, modernize and develop high quality vocational education programs;

Whereas, elimination of Federal funding would severely undermine efforts to increase access to vocational education for handicapped and disadvantaged individuals, single parents and homemakers and other individuals with special needs;

Whereas, recent studies indicate that vocational education students earn more on the job, require less on-the-job training, and are more productive than students who have not participated in a vocational education program;

Whereas, vocational education serves one of the most important purposes of our education system—endowing students with the practical skills necessary to prepare them for a productive future; and

Whereas, vocational education mobilizes young people to enter the work force, and this is an indispensable part of our efforts to strengthen our Nation's economy and to increase our competitiveness worldwide: Now, therefore, be it

Resolved, It is the sense of the Senate—

(1) no funds appropriated for vocational education for fiscal year 1987 should be rescinded; and

(2) the Federal Government should continue its funding commitment to vocational education for future years.

● Mr. COHEN. Mr. President, today I am introducing a resolution to express the sense of the Senate that our commitment to vocational education must not end.

The administration has proposed a budget that calls for the elimination of Federal funding for vocational education in 1988. The budget also proposes a nearly 50 percent rescission of the congressional appropriation of $882 million for vocational education for fiscal year 1987.

I believe that the administration's efforts to reduce Federal funding for vocational education are unwise and I urge my colleagues to join me in promoting a continuing Federal role in this important area.

Through the collaborative efforts of Federal, State, and local governments, vocational education serves 19 million students throughout the 50 States.

The administration proposes to dissolve this partnership, placing a significant burden on State and local governments to carry on vocational education efforts. I am very concerned that by backing out of our role in vocational education, we would be seriously jeopardizing the great promise that it offers to millions of students enrolled in these programs, as well as to this country's hopes for improved economic development and competitiveness worldwide.

The administration justifies its proposal to eliminate Federal funding to vocational education by contending that the States already provide the lion's share of funding. The argument is entirely unpersuasive. The Federal Government's overall funding share may be proportionately small, but the specific programs that Federal dollars support are vital to the future of vocational education. They are programs that pay continuing dividends to our Nation—programs that we would be foolish to abandon or jeopardize at this time.

Federal funding for vocational education serves two main purposes. One purpose is to improve programs and modernize facilities and equipment. The other is to ensure that students, such as the handicapped, the disadvantaged, single parents, homemakers, and other students with special needs have access to vocational education. Eliminating Federal funding would only undermine efforts to keep vocational education in pace with the rising demand for job training as well as with changing technology. Furthermore, the administration's budget proposal would end vocational services for the handicapped, remedial learning programs for the disadvantaged, language programs for students with an insufficient English background, guidance counseling, consumer homemaking and other special services that make vocational education accessible to a broad range of needy students. That's too high a price to pay regardless of our present fiscal difficulties.

If vocational education cannot continue to improve, to keep up with technological advances, if it cannot serve the students who need special help, clearly we will be left with a vocational education system that falls short of its potential. To deliberately disadvantage ourselves and others who need vocational education is, at best, shortsighted.

This country's vocational education system is a success story that the Federal Government has helped shape and should continue to support. Not only does vocational education deliver a well-prepared work force, but it also provides an education program that is well adapted to the large number of students who do not succeed in a traditional academic environment.

The hands-on training that vocational education provides appeals to many students who may otherwise drop out of school. Students see a relationship between learning skills and applying those skills in an increasingly complex and competitive job market.

Vocational education does more than simply keep in school many youngsters who would otherwise drop out. It also gives them an opportunity to lead a productive, successful life. Perhaps the most exciting feature of vocational education is that it builds self-esteem and inspires so many bright youngsters. In short, vocational education gives these students a chance to achieve what might otherwise be denied.

The State of Maine has a thriving vocational education system of which I am very proud. Fully one-fourth of Maine's secondary students—over 7,500 students—are enrolled in vocational education programs. Almost 3,000 students attend our vocational-technical institutes, which serve every region of the State. The private sector is actively involved in each program, serving on advisory committees that keep the instructors in touch with the needs of the business community and provide a natural source for job information. The tremendous job placement record of Maine Vocational-Technical Institutes—well over 80 percent of the VTI graduates find jobs—leads me to conclude that, dollar for dollar, we have a winning program on our hands.

If we accept the administration's proposal for vocational education, we would be depleting essential fuel for our economy. It is difficult to conceive of a flourishing economy without a well-trained work force.

The President recently made this point himself in his speech introducing his new competitiveness program, stating that "Properly prepared workers in our declining industries can be the competitive edge for our rising industries."

Despite the President's statement, the administration's budget will severely harm Maine's efforts to retrain hundreds of displaced workers. For example, without Federal vocational education funds and services, Maine will be unable to take advantage of matching funds available under the Job Training Partnership Act. I fear that this budget proposal dims the future of workers in Maine who have been recently laid off, as well as our young students who have yet to join the work force.

The Federal Government must not abandon its vital role in vocational education, which is the best tool we have to fight loss of productivity, a displaced work force and unemployment. The resolution I am introducing today expresses the sense of the Senate that no funds appropriated for vocational education programs for fiscal year 1987 be rescinded and that the Federal Government continue its funding commitment to these important programs.

We must not end our commitment to the millions of youngsters who may never realize their potential without the training that vocational education provides. I hope that my colleagues will join my opposition to the administration's vocational education budget by cosponsoring this resolution.●

AMENDMENTS SUBMITTED

JOBS FOR ECONOMICALLY DEPENDENT INDIVIDUALS ACT

QUAYLE AMENDMENT NO. 32

(Ordered referred to the Committee on Labor and Human Resources.)

Mr. QUAYLE submitted an amendment intended to be proposed by him to the bill (S. 514) to amend the Job Training Partnership Act to establish an incentive bonus for the successful placement of certain employable dependent individuals, to provide targeting of assistance from certain carryover funds for such individuals, and for other purposes; as follows:

On page 5, line 12, strike out the period and insert in lieu thereof a comma.

On page 5, between lines 12 and 13, insert the following:

"in excess of the number of such placements made in fiscal year 1986 or such other base period as provided by agreement between the Governor and the Secretary".

On page 8, line 12, after "provide" insert the following: "preparation for".

On page 9, beginning with line 1, strike out through line 21 on page 13 and insert in lieu thereof the following:

PROVISIONS FOR IMPROVING ASSISTANCE TO HARD-TO-SERVE INDIVIDUALS AND WELFARE RECIPIENTS

SEC. 3. (a) Section 201 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) For program years beginning July 1, 1988, and thereafter, the allotment from funds appropriated for such program year of a State shall be reduced by the amount that the unexpended balance at the end of the program year prior to the program year for which the determination under this subsection is made exceeds 20 percent of the State's allocation for that fiscal year and the unexpended balance from the program year prior to that program year.

"(2) Amounts available pursuant to paragraph (1) of this subsection shall be reallotted to States not subject to reduction under paragraph (1) in accordance with this section.".

(b) The first sentence of section 202(b)(3)(B) of the Act is amended by striking out ", including incentives for serving hard-to-serve individuals" and inserting in lieu thereof "and incentives for serving increased numbers of hard-to-serve individuals, particularly long-term welfare recipients".

(c) Section 106(e) of the Act is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary shall—

"(A) provide improved information and technical assistance on performance standards adjustment approaches;

"(B) collect data that better specifies hard-to-serve individuals and long-term welfare dependency; and

"(C) provide guidance on setting performance goals at the service provider level that encourages increased service to the hard-to-serve, particularly long-term welfare recipients.

The Secretary shall also reexamine performance standards to ensure that such standards provide maximum flexibility in serving the hard-to-serve, particularly long-term welfare recipients.".

On page 13, between lines 21 and 22, insert the following new section:

AFDC AND SUMMER YOUTH PROGRAM

SEC. 4. (a) This section may be cited as the "AFDC and Summer Youth Employment and Training Amendments of 1987".

(b) Section 104(b) of the Act is amended—

(1) by striking out "and" at the end of clause (9);

(2) by striking out the period at the end of clause (10) and inserting in lieu thereof "; and"; and

(3) by inserting at the end thereof the following new clause:

"(11) for service delivery areas intending to operate or operating a program under section 254, a description of arrangements for the preparation of comprehensive service plans (including an assessment of needs) for each participant and plans for the provision of services (including the coordination of service providers) for participants.".

(c) Section 105(b)(1) of the Act is amended—

(1) by striking out "or" at the end of clause (D);

(2) by striking out the period at the end of clause (E) and inserting in lieu thereof "; or"; and

(3) by inserting at the end thereof the following new clause:

"(F) for service delivery areas intending to operate or operating a program under section 254, the plan (or modification) does not include the required description of arrangements for the preparation of comprehensive service plans (including an assessment of needs) for each participant and plans for the provision of services (including the coordination of service providers) for participants.".

(d) Section 106(b) of the Act is amended—

(1) by striking out "also" in paragraph (2) of such subsection;

(2) by inserting in paragraph (2) of such subsection after "programs" and before "which" the phrase "under part A of title II";

(3) by redesignating paragraph (3) of such subsection as paragraph (4); and

(4) by inserting after paragraph (2) of such subsection the following new paragraph (3):

"(3) In prescribing standards under this section, the Secretary shall also designate factors for evaluating the performance of the AFDC youth employment and training program under section 254 which, in addition to appropriate utilization of the factors described in paragraphs (1) and (2), shall include, to the extent practicable, measures of basic education gains and reduced welfare dependency.".

(e)(1) Part B of title II of the Act is amended to read as follows:

"Part B—Summer and AFDC Youth Employment and Training Programs

"Sec. 251. (a) The purpose of programs assisted under section 253 is to—

"(1) enhance the basic educational skills of youth;

"(2) encourage school completion, or enrollment in supplementary or alternative school programs; and

"(3) provide eligible youth with exposure to the world of work.

"(b) In addition to the purposes described above, the programs assisted under section 254 are intended to—

"(1) provide AFDC youth with the skills necessary for entering the labor force;

"(2) assist AFDC youth in addressing problems which prevent them from becoming productive members of society; and

"(3) reduce the number of individuals dependent on welfare payments and the attendant cycles of dependency.

"AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT AND ALLOCATION

"Sec. 252. (a) From the funds appropriated under section 3(b), the Secretary shall first allocate to Guam, the Virgin Islands, American Samoa, the Freely Associated States (Republic of the Marshall Islands, Federated States of Micronesia, and the Republic of Palau), the Northern Mariana Islands, and entities eligible under section 401 the same percentage of funds as were available to such areas and entities for the programs under this part in the fiscal year preceding the fiscal year for which the determination is made.

"(b)(1) The remainder of sums appropriated pursuant to section 3(b) shall be allotted for each fiscal year among the States in accordance with paragraph (2).

"(2) Of the amount allotted under this subsection—

"(A) 50 percent shall be allotted on the basis of the relative number of economically disadvantaged youth within each State as compared to the total number of economically disadvantaged youth in all States; and

"(B) 50 percent shall be allotted on the basis of the relative number of families receiving AFDC within each State as compared to the total number of families receiving AFDC in all States.

"(3) For purposes of paragraph (2)—

"(A) The term 'economically disadvantaged youth' means an individual who is aged 16 through 21 and who has, or is a member of a family which has, received a total family income (exclusive of welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget or (ii) 70 percent of the lower living standard income level.

"(B) The number of economically disadvantaged youth shall exclude, as appropriate and to the extent practicable, as determined by the Secretary, college students and members of the armed forces.

"(C) The term 'families receiving AFDC' means families receiving payments made under the program of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act.

"(c)(1) Subject to the provisions of paragraph (3), the Governor shall allot the sums available pursuant to subsection (b) of this section for each fiscal year among the service delivery areas within the State in accordance with paragraph (2).

"(2) Of the amount allotted under this subsection—

"(A) 50 percent shall be allotted on the basis of the relative number of economically disadvantaged youth within each service delivery area as compared to the total number of economically disadvantaged youth in the State; and

"(B) 50 percent shall be allotted on the basis of the relative number of families receiving AFDC within each service delivery area as compared to the total number of families receiving AFDC in the State.

"(3) Notwithstanding paragraph (2) of this subsection, no service delivery area shall, for each fiscal year, be allotted less than an amount determined by the Secretary to be the minimum amount necessary to ensure the maintenance of a viable program under this part.

"(4) For purposes of paragraph (2)—

"(A) The term 'economically disadvantaged youth' means an individual who is aged 16 through 21 and who has, or is a member of a family which has, received a total family income (exclusive of welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget or (ii) 70 percent of the lower living standard income level.

"(B) The number of economically disadvantaged youth shall exclude, as appropriate and to the extent practicable, as determined by the Secretary, college students and members of the armed forces.

"(C) The term 'recipients of AFDC' means individuals receiving payments made under the program of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act.

"SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM

"Sec. 253. (a)(1) Funds available under this part may be used for—

"(A) basic and remedial education, institutional and on-the-job training, work experience programs, employment counseling, occupational training, preparation for work, outreach and enrollment activities, employability assessment, job referral and placement job search and job club activities, and any other employment or job training activity designed to give employment to eligible individuals or prepare them for, and place then in, employment, and

"(B) supportive services necessary to enable such individuals to participate in the program.

"(2) A service delivery area shall assess the reading and mathematics skill levels of eligible participants in programs funded by this part and shall expend funds (from this Act or otherwise available to the service delivery area, or both) for basic and remedial education as described in the job training plan under section 104.

"(b)(1) Programs under this section shall be conducted during the summer months, except that a service delivery area may, within the jurisdiction of any local educational agency that operates its schools on a year-round fulltime basis, offer the programs under this section to participants during a vacation period treated as the equivalent of a summer vacation.

"(2) Except as provided in paragraph (3) individuals eligible under this section shall be economically disadvantaged youth.

"(3) Eligible individuals aged 14 or 15 shall, if appropriate and set forth in the job training plan, be eligible for summer youth programs under this section.

"(c)(1) Private industry councils established under title I, chief elected officials, State job coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this section as private industry councils, chief elected officials, State job training coordinating councils, and Governors have for funds available under part A of title II.

"(2) In accordance with the provisions of paragraph (1), each service delivery area shall establish written program goals and objectives which shall be used for evaluating the effectiveness of programs conducted under this section. Such goals and objectives may include—

"(A) improvement in school retention and completion;

"(B) improvement in academic performance, including mathematics and reading comprehension;

"(C) improvement in employability skills; and

"(D) demonstrated coordination with other community service organizations such as local educational agencies, law enforcement agencies, and drug and alcohol prevention and treatment programs.

"AFDC YOUTH EMPLOYMENT AND TRAINING PROGRAM

"Sec. 254. (a) In addition to or in lieu of the services for youth available in accordance with section 253, each service delivery area may elect to use funds available to it udner this part for the program described in this section.

"(b)(1) The program under this section may be conducted on a year-round basis.

"(2) An individual shall be eligible to participate in the program under this section only if—

"(A) such individual is aged 14 through 21; and

"(B) such individual is receiving payments made under the program of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act.

"(c) The program under this section shall include—

"(1) a written comprehensive service plan for each participant containing—

"(A) an assessment of the participant's needs (including educational, training, employment, and social service needs);

"(B) a description of the services and activities to be provided;

"(C) a list of the agencies that will provide the services;

"(D) an estimate of the length of time services under this program will be provided to the participant;

"(E) a list of intermediate success points to be pursued during the course of participation; and

"(F) a list of ultimate goals to be attained; and

"(2) the following services, where the assessment of the participant pursuant to subsection (c)(1)(A) indicates a need:

"(A) basic and remedial education;

"(B) drug and alcohol abuse counseling;

"(C) pregnancy and pregnancy prevention counseling;

"(D) child care classes; and

"(E) life skills planning classes.

"(d) Funds available for the program under this section may be used to provide, in addition to the services required under subsection (c), the following services:

"(1) classroom training on-the-job training, work experience, job search assistance, employment counseling, world-of-work orientation, any of the activities described under section 205 of this Act, and any other educational, employment, or job training activity designed to prepare participants for, or place them in, employment; and

"(2) supportive services necessary to enable such individuals to participate in the program.

"(e) Private industry councils established under title I, chief elected officials, State job training coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this section as private industry councils, chief elected officials, State job training coordinating councils, and Governors have for funds available under part A of title II, except that private industry councils shall have the additional responsibility under this section of ensuring that the job training plan provide for coordination of service delivery areas, local welfare agencies, and local educational agencies in the planning, program design, and the provision of services to participants.".

(2) The table of contents of the Act relating to part B of title II is amended to read as follows:

"PART B—SUMMER AND AFDC YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"Sec. 251. Purposes.

"Sec. 252. Authorization of appropriation; allotment and allocation.

"Sec. 253. Summer youth employment and training program.

"Sec. 254. AFDC youth employment and training program.

(f) Section 402(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (38);

(2) by striking out the period at the end of clause (39) and inserting in lieu thereof "; and"; and

(3) by inserting at the end thereof the following new clause:

"(40) provide that the State or local agency administering the State plan shall cooperate with service delivery areas in the operation of the AFDC youth employment and training program under section 254 of the Job Training Partnership Act by—

"(A) referring recipients who are aged 14 through 21 to service delivery areas operating the program;

"(B) assisting in an assessment of the needs of recipients participating in the program;

"(C) providing the supportive services (including transportation and child care) necessary for recipients to participate in the program; and

"(D) developing systems for sharing with service delivery areas data pertaining to recipients who participate or who have participated in the program.".

(g) The amendments made by this section shall take effect on October 1, 1987.

On page 13, line 23, strike out "SEC. 4." and insert in lieu thereof "SEC. 5.".

Amend the title so as to read: "To amend the Job Training Partnership Act to establish an incentive bonus for the successful placement of certain employable dependent individuals, to add an enriched program option of employment and training for AFDC youth and to the summer youth employment and training program, and for other purposes.".

● Mr. QUAYLE. Mr. President, I am today submitting amendments to the imaginative welfare reform measure introduced by the senior Senator from Massachusetts. I want to congratulate him on his initiative and assure him that I want to work with him in making this program into an even better program so that we can achieve an objective that we all share—to move as many persons as possible from the dependence of welfare to the independence of work.

Before I briefly describe the amendments that I am submitting, let me first suggest an amendment that the members of the Labor and Human Resources Committee may wish to adopt by acclaim in honor of their chairman. The chairman's able staff has given this bill a title which makes the acronym JEDI, "Jobs for Economically Disadvantaged Individuals." As the bill actually provides training rather than jobs, I would suggest we change the title accordingly with the happy result that the bill's new title—Training for Economically Dependent Individuals—would have the more felicitous arconym TEDI.

My amendments have four principal objectives. First, in keeping with the declared intention of keeping the bonus program fiscally neutral, I have provided that the bonus is payable only for placements above a base year level.

Second, I have deleted the reallocation provision of the bill and, instead, provided for a limitation on unexpended carryover. The purpose of the reallocation provision was to ensure that the program not pile up unexpended balances—my amendment achieves the same objectives by a much more direct route.

Third, my bill amends the performance standards provisions of the JTPA to more clearly express the need for serving the hard to serve. This is in keeping with the objectives of the authors of the bill—my amendment merely uses a more acceptable methodology to achieve this end.

Last, my amendment incorporates the administration's proposed "AFDC and Summer Youth Employment and Training Amendments of 1987." This proposal is directed at exactly the same issue as the FEDI bill and it therefore seems appropriate to enact the two of them together rather than having two separate pieces of legislation. Though I may offer some changes to the administration's proposal after I have had more opportunity to study it, I believe that incorporating it into my amendment is the best way to ensure that it has speedy consideration by the committee.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the information of the Senate and the public that a hearing on the administration's budget request from the Department of Energy's Office of Energy Research for the Superconducting Super Collider [SSC] has been scheduled before the Subcommittee on Energy Research and Development.

This hearing will take place on Tuesday, April 7, 1987, at 2 p.m. in room SD-366, in the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning the current status of the Department's budget request and the schedule for site selection.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC 20510.

For further information, please contact Ben Cooper at (202) 224-7569.

SUBCOMMITTEE ON DOMESTIC AND FOREIGN MARKETING AND PRODUCT PROMOTION

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Domestic and Foreign Marketing and Product Promotion of the Committee on Agriculture, Nutrition, and Forestry will hold hearings on March 10 and 12, 1987, at 9:30 a.m. in SR-332. Senator DAVID PRYOR will preside.

The hearings will focus on proposed legislation relating to agricultural trade with a view to making recommendations on the agriculture section of this year's omnibus trade bill. Legislation to be considered at this hearing will include S. 512, S. 500, S. 310, S. 399, S. 308, H.R. 3, and any other bills or proposals Members wish to consider.

For further information, please contact Annie Lesher of Senator PRYOR's staff at 224-2353.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Agricultural Credit, be authorized to meet during the session of the Senate on Thursday, February 26, 1987, to hold oversight hearings on the status of the farm credit system.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence be authorized to meet during the session of the Senate on Thursday, February 26, 1987, to hold closed hearings on monitoring of Soviet nuclear testing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet during the session of the Senate on Thursday, February 26, 1987, to resume hearings on the President's proposed budget request for fiscal year 1988 for the National Aeronautics and Space Administration, focusing on aeronautics and space research and development programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, February 26, 1987, to hold hearings on the nominations of Robert E. Lamb, of Virginia, to be Assistant Secretary of State for Diplomatic Security, Arthur G. Linkletter, of California, for the rank of Ambassador during the tenure of his service as Commissioner-General of the U.S. Exhibition for the International Exposition, in Brisbane, Australia, 1988, and Joseph C. Petrone, of Iowa, to be the Representative of the United States of America to the European Office of the United Nations with the rank of Ambassador.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SWEDISH NUCLEAR WASTE DISPOSAL EXAMPLE

● Mr. JOHNSTON. Mr. President, the Committee on Energy and Natural Resources has long been concerned that our country's program for nuclear waste disposal be conducted safely, at the highest technical and professional level. Believing that we can learn from the experience of other advanced nations who have grappled with these problems, the committee invited Swedish officials to brief Congress on Sweden's program for disposal of high-level nuclear waste. The briefing was held on January 22, 1987, in spite of the first great snowstorm of the year that so disrupted Washington. Those who attended that briefing were privileged to hear from a distinguished and highly competent delegation about Sweden's impressive actions to date and the remaining issues they are now resolving. The briefing transcript will appear shortly as a print published by the Committee on Energy and Natural Resources.

The delegation included Carl-Erik Nyquist, president of the Swedish State Power Board and chairman of SKB, the company assigned responsibility for managing all Swedish nuclear waste disposal; the president of SKB, Sten Bjurstrom; and the research director of SKB, Per-Eric Ahlstrom. The Swedish program provides an interesting study in contrasts, with the United States. As a result of a 1980 referendum, the Swedish Parliament has committed to a phaseout of nuclear power—which currently provides close to half of Sweden's electrical needs—by the year 2010. Yet, this strongly antinuclear sentiment within Sweden does not appear to reduce the resolve in Sweden for an effective program for management of radioactive wastes. The Swedish nuclear waste program has been proceeding smoothly and is far ahead of ours.

Sweden already has facilities in operation or under construction which can handle all of their nuclear waste for at least a number of decades. As we learned in the briefing, the Swedish facility for interim storage of high-level nuclear waste is already in operation. This facility is very similar to the monitored retrievable storage [MRS] facility the Department of Energy would like to propose to Congress.

The design and site selection process for a repository for final disposal of these wastes is also well underway.

Sweden has an integrated nuclear waste transportation system, and a repository for disposal of low- and intermediate-level radioactive waste is now under construction and scheduled for operation early in 1988.

The Swedes have developed a flexible approach for dealing with their final geologic repository for high-level waste. Here, Sweden's program has not advanced as far as ours in that they do not intend to characterize sites—that is sink shafts to investigate the sites at depth—until much later in the program. Their MRS facility permits them this extra time to more fully develop their repository selection program.

Sweden has approved one repository concept as acceptable, but also has allowed enough time to seek even better alternatives—as judged on a technical and professional basis—and to carry out years of careful scientific experimentation and evaluation of alternative sites. All Swedish sites are in granite, a medium with which the Swedes are very familiar in the context of mining. My colleagues and I found their presentation particularly interesting because they have been able to build a national consensus of support for each stage of the process.

The head of the Swedish delegation, Mr. Nyquist, summarized their visit in remarks presented to the American Nuclear Energy Council on January 23, 1987. Although details of the Swedish program differ from ours—in several interesting ways—the overall philosophy expressed by Mr. Nyquist is highly relevant to us and to our future consideration of the issue. I ask that the text of his statement be printed in the RECORD.

The statement follows:

REMARKS ON NUCLEAR WASTE DISPOSAL

Ladies and gentlemen: I am particularly pleased to be with you this afternoon at this gracious luncheon and I thank Ed Davis and the American Nuclear Energy Council for the hospitality being shown to us.

My colleagues and I are in your beautiful city by invitation of Congressional leaders to brief the Congress on Sweden's programs for nuclear waste disposal. We are proud of our safe and responsible programs. We are also eager to exchange views and experiences with experts in other countries, who may show us ways to improve our programs.

In my judgment, responsible solutions to the disposal of nuclear wastes of all kinds are an absolute and essential responsibility of societies engaged in the use of nuclear energy.

Both of our countries have a common goal of permanent disposal in geologic repositories. Each of our countries has embarked upon its own programs toward accomplishing that long-range objective.

The technical capacity to achieve these goals is, of course, extremely important. No less important is that the public perceive that we have sufficient and reliable capacity.

We in Sweden set a high regard upon sharing of knowledge, information, critical evaluation, and alternative ideas. We deeply appreciate the benefits of international cooperation in nuclear waste management, and especially the fruitful cooperation with the United States, which dates back to the start of our research effort in 1976 with the opening of the underground STRIPA program.

I have full confidence that we in the industrialized countries have the technical expertise to achieve safe, efficient and timely solutions for nuclear waste disposal. I am also convinced that we can explain our technical solutions convincingly to the democratically-elected representatives of the public in our country. We must however also strive to win public conviction that sound technical solutions will work and, later, that they have worked. In that regard, I firmly believe that the most convincing explanation will be tied not merely to theory, concept, design and plan, but also to the actual construction and operation of facilities. That is why I set such a high store on the facts that our permanent repository for low-level and medium-level wastes is already under construction and will be in operation in 12 months; our interim central storage facility for high-level nuclear waste went into operation some 18 months ago; and our transportation system for high-level waste is also already in operation.

As high-level wastes are cooling down in underground, interim storage pools, we will have time to evaluate alternatives for permanent storage of high-level waste.

I am happy to say that we have developed a farily complete system in Sweden for the back-end of the nuclear fuel cycle not only with regard to technical matters but also with respect to legal, financial and administrative aspects.

The intensive Swedish energy debate and decision in Parliament have contributed to this development. The fact that Sweden is a small country with only four nuclear power producers and with a fairly elaborated administrative system has facilitated the process.

It is necessary for us in Sweden to show a reliable solution of the nuclear waste issue as nuclear power (12 units) accounts for as much as 50% of our electricity production. Hydro power accounts for the remaining 50%.

Thanks to this favourable composition of the Swedish electricity production system we have among the lowest electricity prices in the world, which has been of great advantage to the whole society, especially the energy intensive industry.

The Swedish Parliament decided in 1980 to phase out nuclear power in Sweden in the year 2010 at the latest. The decision was based upon the results of a referendum following the TMI accident. The political parties are now discussing whether the timetable for phasing out nuclear should be change on account of the Chernobyl accident in the Soviet Union.

There are not many options for new electricity production in Sweden according to Parliament's latest energy policy decision in 1985. There is much opposition based on environmental considerations against most alternatives that are economically feasible. Therefore we are carefully studying possibilities of conserving electricity as well as replacing electricity mainly for heating with other energy sources such as natural gas and indigenous fuels (wood waste and peat). We also study possible new ways of producing electricity in coal condensing plants designed for very high environmental standards.

The Swedish power industry considers measures for rational use of energy as a very important element in our energy strategy.

My utility—The Swedish State Power Board—is working hard on these issues now and I am glad to say that we have had some inspriation from the work carried out by power utilities in your country, i.e., BPA (Bonneville Power Administration) in Oregon. We are looking forward to discuss these matters further with your power industry.

I highly appreciate the invitation from the Congressional leaders to come and share with them our experience in nuclear waste disposal. Our hosts, as you may know, have been Senator Johnston, the Chairman of the Senate Committee on Energy, his colleagues, including Senators McClure and Simpson, and Representative Udall, the Chairman of the House Interior and Insular Affairs Committee. We have also met with leaders of the Department of Energy, including the Deputy Secretary, the Assistant Secretary for International Affairs and the Director of the Nuclear Waste Disposal Program. In all of these meetings, we sensed that those responsible for the American programs respect the seriousness with which Sweden has approached these issues and the technical successes that we have accomplished.

In talking with the leaders of the Congress, with Secretary Martin and the other Executive Branch leaders, I have made very clear our invitation to each of them to come to Sweden and see our facilities and discuss further matters concerning nuclear waste disposal.

I would like to extend this invitation to all of you. You are most certainly very welcome.

We are deeply committed to the completion of the nuclear waste programs initiated in Sweden and we strongly support the success of the United States and other countries that use nuclear energy in achieving their own safe and timely solutions to the nuclear waste disposal program.●

SELECT COMMITTEE ON INTELLIGENCE—RULES OF PROCEDURE

● Mr. BOREN. Mr. President, I submit for the RECORD the Rules of Procedure of the Select Committee on Intelligence:

SELECT COMMITTEE ON INTELLIGENCE—RULES OF PROCEDURE

RULE 1. CONVENING OF MEETINGS

1.1 The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2 The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3 A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4 In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5 If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in Writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1 Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2 It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3 The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4 Except as otherwise provided in these Rules, decisions of the Committee shall be by majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of five committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5 A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6 Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1 No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2 In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3 A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing, with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

RULE 5. NOMINATIONS

5.1 Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2 Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3 Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4 No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5 The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPENAS

Subpenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpenas. Each subpena shall have attached thereto a copy of S. Res. 400. 94th Congress, 2nd Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 *Notice.*—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnish a copy of these Rules.

8.2 *Oath or Affirmation.*—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 *Interrogation.*—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4 *Counsel for the Witness.*—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his appearance before the Committee, shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 *Statements by Witnesses.*—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his appearance before the Committee.

8.6 *Objections and Rulings.*—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7 *Inspection and Correction.*—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his expense.

8.8 *Requests to Testify.*—The Committee will consider requests to testify on any matter or mesure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his reputation, may request to appear personally before the Committee to testify on his own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 *Contempt Procedures.*—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he should not be held in contempt, and agreed, by majority vote of the Committee to forward such recommendation to the Senate.

8.10 *Release of Name of Witness.*—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. they may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews of Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, the Clerk of the Committee shall be notified. The Clerk of the Committee shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and under the Committee's direction, the Staff Director and Minority Staff Director.

9.6 No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or other materials or other information received by the Committee except as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

9.7 Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, employees of the Members of the Committee assigned to the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to preform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in section 6 of Senate Resolution 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the general supervision of the Chairman and Vice Chairman of the Committee. Except as otherwise provided by the Committee, the duties of Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4 The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5 The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during his tenure as a member of the Committee staff or at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2d Session, and to abide by the Committee's code of conduct.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his possession, by virtue of his position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8 The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

RULE 12. LEGISLATIVE CALENDAR

12.1 The Clerk of the Committee shall maintain a printed calendar for the information of such Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2 Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2 When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3 No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

RESOLUTION

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States and to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1), shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(2) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The Intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concurred and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct[1] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee on consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8.(a) The select committe may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information

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[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95-1, Feb. 4, 1977.

as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The Select Committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate

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[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95-1, Feb. 4, 1977.

their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a). As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activites taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.●

THE MARYLAND STATE ASSOCIATION OF B'NAI B'RITH

● Ms. MIKULSKI. Mr. President, on Saturday, February 28, and Sunday, March 1, the Maryland State Association of B'nai B'rith will conduct its annual convention. B'nai B'rith is the oldest Jewish Mens Service organization in the world. For more than 140 years, members of this voluntary organization have developed and implemented programs of helpfulness to people of all faiths throughout the United States and 47 nations around the globe.

Founded in 1843 by 12 men, B'nai B'rith has a membership today in the hundreds of thousands. Through its international headquarters in Washington, DC, the work of B'nai B'rith touches in the lives of millions of people regardless of creed, age, race, sex or nationality.

B'nai B'rith exemplifies one of America's finest characteristics—volunteerism. By combining voluntary action and community services, B'nai B'rith has earned the reputation as a major benevolent force within the national and international communities.

For more than 70 years, B'nai B'rith members in Maryland have continued the tradition of community service through programs for disabled persons, working in hospitals and police stations, collecting and distributing food, sponsoring senior citizens housing, and teaching preschoolers through such programs as their national award winning "Safety Town."

The outstanding record of Maryland B'nai B'rith is due to many individual members who participate actively and provide leadership at the local, district, and international levels. Special recognition is due Kent Schiner and Philip Kershner who serve in international positions and Dr. Samuel Friedman and Alvin Singer who are life governors of district five.

Another outstanding member, Arthur Saverick will be installed as the new president of the Maryland State Association on Saturday night, February 28. Mr. Saverick, a founder of the Federal employees unit of B'nai B'rith, complements his community service commitment with public service in his position as the Director of Administrative Budget for the U.S. Social Security Administration. Mr. Saverick will succeed Manuel Goldberg.

Also to be honored on this night will be Mr. and Mrs. Earl Raffel who will receive the national "Guardian of the Menorah Award," for their exceptional contributions to the betterment of mankind, especially in the area of human suffering.

At the Sunday business session, special recognition will also be given to Lance Berkowitz, who is the first B'nai B'rith member from Maryland in many years to win the coveted District V Community Volunteer Service Award.

Mr. President, it is most pleasant to call the Maryland Association of B'nai B'rith to the attention of the Senate. The work of B'nai B'rith complements the efforts of the Congress and extends the spirit of this Nation beyond the limits of visible horizons.●

LITHUANIAN INDEPENDENCE DAY

● Mr. PELL. Mr. President, February 16 marked the 69th anniversary of Lithuanian independence. On that date in 1918, the Lithuanian people courageously rebelled against their oppressors and declared Lithuania to be an independent state after living for more than a century under Russian rule and tyranny.

The historic struggle waged by the Lithuanian people for freedom and self-determination did not come to an end with their declaration of independence. Bolshevik forces made repeated attempts to deal a death blow to the newly established republic. Nevertheless, Lithuanians successfully defeated these forces, and in 1920 the Soviet Union signed a peace treaty recognizing Lithuania's independence and sovereignty and renouncing forever all claims to Lithuanian territory.

Lithuania's existence as a sovereign nation-state was tragically and illegally ended by the Soviet Union during the Second World War. Under a secret protocol to the Nazi-Soviet Nonaggression Pact, the Soviet Union laid claims to Lithuania and the other Baltic States of Latvia and Estonia. This agreement was a flagrant abrogation of the 1920 peace treaty with Lithuania. Having received the "green light" from Germany to occupy the Baltic States, the Soviet Union in October 1939 forcibly obtained the right to station Soviet forces on Lithuanian territory. The following June, the Soviet Union orchestrated the downfall of the Nationalist Government and replaced it with a new pro-Soviet Government. In August 1940, at the request of the new Government and against the wishes of the Lithuanian people, Lithuania was formally incorporated into the Union of Soviet Socialist Republics. To this day, the United States has consistently refused to recognize this unlawful annexation of Lithuania by the Soviet Union and has steadfastly supported the Lithuanian people in their valiant and unending struggle against Soviet repression.

An important part of this struggle has been the Catholic Church. In Lithuania, as in Poland, Catholicism is deeply rooted and the Catholic Church has played a central role in the formation of social, political, and religious beliefs. This year, Catholics in Lithuania will be celebrating the 600th anniversary of Christianity in their country. I hope that the Soviet authorities will allow celebrations of this anniversary to go unhindered.

Unfortunately, the history of Soviet tolerance for this sort of activity is not promising. Since 1940, the Soviet Union has tried to eliminate independent religious, political, and cultural activities in Lithuania. The Catholic Church and its followers have been the main targets of this campaign. Catholic worshippers have been intimidated and harassed, and Catholic priests have been detained and brought to trial. In 1983, the Soviet Union set a profoundly disquieting precedent in its campaign to neutralize Catholic opposition by arresting and incarcerating two influential Lithuanian priests, Father Alfonsas Svarinskas and Father Sigitas Tamkevicius.

In 1984, the persecution of Catholics continued unabated. On March 4, 1984, the 500th anniversary of Lithuania's patron Saint Casimir, the Government disrupted commemoration ceremonies all over the country by disconnecting speakers outside churches packed with believers, by scheduling alternative activities for schoolchildren and by other nefarious measures. On November 9, 1984, Father Jonas Matulionis, a prominent Catholic priest, was arrested without charge and sentenced to 3 years forced labor. The frequency and lawless nature of such Government crackdowns has so threatened the activities of the Lithuanian Catholic Committee for the Defense of Believers' Rights that it has been forced to go underground.

Despite repeated assaults however, the Catholic Church continues undeterred in its efforts to secure freedom and human rights for the people of Lithuania.

As a former cochairman of the Commission on Security and Cooperation in Europe, I am deeply concerned about violations of human rights in Lithuania. As party to the United Nations Charter and various international covenants on human rights, and as a signatory of the Helsinki accords, the Soviet Union has pledged respect for human rights and fundamental freedoms and has accepted political and legal obligations in these areas. As we commemorate the 69th anniversary of Lithuanian independence, it is fitting and proper that we remind the Soviet Union of these obligations and that we reaffirm our own commitment to the principles of liberty and self-determination for Lithuanians and for all people who are forced to live in the absence of freedom.●

NATIONAL TRIO DAY

● Mr. SPECTER. Mr. President, I want to bring to the attention of my Senate colleagues National Trio Day.

During the 99th Congress, a resolution was passed to make February 28 National Trio Day. Trio is a series of educational programs including Upward Bound, Talent Search, Student Support Services, and Educational Opportunity Centers. These groups work with economically, socially, culturally, and educationally disadvantaged students who incur barriers to higher education. They provide information, counseling, academic instruction, transportation, and referral services to such students.

On Friday, February 27, and on Saturday, February 28, 1987, the Greater Erie Community Action Committee's Upward Bound Program will be honoring National Trio Day. The theme of their celebration is "Step out for Education."

I am sure my colleagues join me in commending this program for their service to disadvantaged students.●

NATIONAL GOVERNORS ASSOCIATION REVERSES POSITION ON 55-MILE-PER-HOUR SPEED LIMIT

● Mr. WALLOP. Mr. President, I noted with great interest an article that appeared in the Washington Post of February 25 regarding the final day of meetings held by the National Governors Association. The article stated that the Governors have reversed their previous support for a national 55-mile-per-hour speed limit and now call for individual States to have discretion to raise the limit to 65 miles per hour in rural areas.

As the Senate and House conferees meet on the Federal-Aid Highway Act of 1987, I would like to call their attention to this article and urge them to adopt the Senate provision of the highway bill, which I cosponsored, to raise the speed limit to 65 miles per hour in rural areas. President Reagan has also publicly supported raising the speed limit in rural areas and I continue to believe that setting the speed limit is a State's right. I hope the conferees will take into account the position of the Governors of our 50 States who are responsible for enacting States rights issues. This reversal by the National Governors Association is further evidence that it is now time for the Federal Government to get out of the business of setting State speed limits.●

LEGAL BASIS FOR BILL ELIMINATING TAX-EXEMPT STATUS OF ABORTION PROVIDERS

● Mr. HUMPHREY. Mr. President, on January 6, 1987, I introduced S. 264, a bill to eliminate the tax-exempt and tax-deductible status of organizations that perform, finance, or provide facilities for abortion. S. 264 has been cosponsored by seven of my colleagues—Senators ARMSTRONG, DANFORTH, GARN, GRAMM, HELMS, MCCLURE, and PROXMIRE.

In response to a number of comments and concerns, I bring to the attention of my colleagues a memo drafted by staff of the Senate Republican Policy Committee. This memorandum outlines some of the legal discussion surrounding the constitutionality of revoking the tax-exempt status of abortion providers.

For more than a decade, Congress has refused to fund abortion under Medicaid, the Legal Services Corporation, the Agency for International Development, the Department of Defense, and other Federal entities. The Supreme Court has upheld the right of Congress to refuse to subsidize abortion.

Even though Congress has refused to subsidize abortion through appropriations, abortion nonetheless enjoys subsidization through the tax-exemption of certain abortion providers and the tax-deductibility of contributions to such providers.

Certain organizations performing or financing abortions gross millions of dollars annually in tax-exempt income and donations that may be deducted as charitable contributions. These clinics should no longer be subsidized at the taxpayer's expense.

Nothing in the bill would preclude the principals of a tax-exempt hospital from forming a separate non-tax-exempt organization to perform abortions at a different location; such a separate organization would not endanger the hospital's tax-exempt status. Moreover, nothing in the bill precludes a tax-exempt organization from counseling or referring for abortion. In addition, should an organization perform abortions only when the life of the mother was endangered—standard Hyde exception—the bill will not apply.

I urge all my colleagues to cosponsor this important legislation. I ask that a copy of the memorandum be printed in the RECORD.

The material follows:

U.S. SENATE,
REPUBLICAN POLICY COMMITTEE,
Washington, DC, May 2, 1986.

MEMORANDUM

To: Senator Armstrong.
From: Lincoln C. Oliphant, Legislative Counsel.

THE CONSTITUTIONALITY OF REVOKING THE TAX-EXEMPT STATUS OF ABORTION PROVIDERS

Summary: Congress has extremely broad powers over federal taxation and may, without offending the Constitution as currently interpreted, deny or revoke the tax exempt status of organizations that provide abortions.

I. STATUTORY BACKGROUND

Congress has exempted from taxation "[c]orporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, . . . literary, or educational purposes, . . . or for the prevention of cruelty to children or animals"[1] provided that any earnings of the organization do not inure to the benefit of any individual and further provided that no substantial part of the organization's activities be in propaganda or lobbying and that the organization avoid political campaigns of candidates for public office. Int. Rev. Code of 1954, sec. 501(c)(3) [26 U.S.C. 501(c)(3) (1982)]. Abortion clinics that are tax exempt gain their exemption under sec. 501(c)(3), and this memo is limited to that section.

Contributions to 501(c)(3) organizations are tax deductible under I.R.C. sec. 170.

II. FACTUAL BACKGROUND

The American Life League has indentified 70 abortion providers that are tax exempt. This number represents only a "partial list" of the tax exempt abortion providers among the 560 abortion clinics operating in 1980. The League estimates that those 70 clinics had income in 1980 of between $27 million and $32 million. American Life League, Inc., "Tax Exempt Abortion Providers," (mimeo, no date).

III. LEGISLATIVE BACKGROUND

On June 27, 1985, Congressman Robert Dornan (R, Calif.-38) introduced H.R. 2897, the Tax Exemption Equity Act of 1985. H.R. 2897 would amend the I.R.C. to prohibit tax exemptions under sec. 501 and deductions for charitable contributions under secs. 170 (individual and corporate tax), 2055 (estate tax), and 2522 (gift tax) to any organization that performs or finances abortions, whether directly or indirectly. The prohibition would not apply to organizations undertaking "any medical procedure required to prevent the death of either the pregnant woman or her preborn child so long as every reasonable effort is made to preserve the life of each." The bill has been referred to the Committee on Ways and Means. No companion bill has been introduced in the Senate.

This memorandum focuses on the legal issues raised by revoking the tax exemptions of direct abortion providers and financiers. Revoking the exemptions for indirect providers and financiers might raise more subtle issues. I assume, however, that Congress could revoke the exempt status of organizations that provide or pay for abortions indirectly so long as the nexus between the abortion and the organization is not too blurred or attenuated.

IV. CONGRESS HAS BROAD DISCRETION IN THE FIELD OF TAXATION; CONGRESS MAY DENY TAX EXEMPT STATUS UNDER SECTION 501 TO GROUPS AND ACTIVITIES THAT ARE CONSTITUTIONALLY PROTECTED

"The broad discretion as to classification possessed by a legislature in the field of taxation has long been recognized. . . . [I]n taxation, even more than in other fields, legislatures possess the greatest freedom in classification." *Madden* v. *Kentucky,* 309 U.S. 83, 87-88 (1940), quoted with approval in *Regan* v. *Taxation With Representation,* 461 U.S. 540, 547 (1983).

An organization may meet the financial requirements of sec. 501 but be ineligible because of its nonfinancial activities, even if those activities are constitutionally protected. Tax exemptions are granted by Congress as matters of legislative grace,[2] and Congress may deny tax exemptions for activities that it could not abridge. Constitutional rights do not carry with them a constitutional entitlement to a tax exemption.

In *Taxation With Representation, supra* at 546, the Supreme Court "again reject[ed] the 'notion that First Amendment rights are somehow not fully realized unless they are subsidized by the State,'" quoting *Cammarano v. United States,* 358 U.S. 498, 515 (1959) (Douglas, J., concurring). (The Supreme Court regards "[b]oth tax exemptions and tax deductibility" as forms of "subsidy that [are] administered through the tax system," *Taxation With Representation, supra* at 544, although these tax "subsidies" may not be "in all respects identical" to cash subsidies, *id.* at n. 5.)

The four types of groups discussed below are excluded from sec. 501. In each case the exclusion is constitutional.

A. Groups that Lobby are Excluded from Section 501

Lobbying is a constitutionally protected activity, see *Eastern R.R. Presidents Conference v. Noerr Motor Freight,* 365 U.S. 127 (1961), but Congress has decided not to "subsidize" it through the granting of tax exemptions, I.R.C. 501(c)(3), (h). This exclusion is constitutional, *Cammarano, supra* at 512-13 (dicta), and *Taxation With Representation, supra* at 550.

A sentence from the earlier case is particularly instructive: "Petitioners are not being denied a tax deduction because they engage in constitutionally protected activities, but are simply being required to pay for those activities entirely out of their own pockets, as everyone else engaging in similar activities is required to do under the provisions of the Internal Revenue Code." *Cammarano, supra* at 513 (lobbying expenditures by businesses directed at legislation that would have had a far-reaching effect on those businesses were not deductible as business expenses).

B. Groups Involved in Campaign Activity are Excluded from Section 501

Political activity on behalf of candidates for public office is constitutionally protected, *Buckley v. Valeo,* 424 U.S. 1, 48 (1976), but Congress has chosen not to grant a tax exemption for such activity, I.R.C. 501(c)(3). It appears that the constitutionality of this exclusion has never been seriously questioned.

C. Communist Organizations are Excluded from Section 501

The Constitution seems to guarantee the right to join a communist or communist-supported organization, *United States v. Robel,* 389 U.S. 258 (1967), *Noto v. United States,* 367 U.S. 290 (1961), but see, *Scales v. United States,* 367 U.S. 203 (1961), but "Communist-action, Communist-front, or Communist-infiltrated organization[s], "are not eligible for sec. 501 exemptions, 50 U.S.C. 790(b) (1982).[3] This prohibition was held constitutional in *Communist Party of the United States v. Subversive Activities Control Bd.,* 223 F.2d 531 (D.C. Cir. 1954), rev'd on other grounds, 351 U.S. 115 (1956).

D. Groups Failing to Meet Common-Law Standards of Charity are Excluded from Section 501

In *Bob Jones Univ. v. United States,* 461 U.S. 574 (1983), the Supreme Court construed sec. 501(c)(3) to require an organization claiming the tax exemption to show that it falls within one of the eight categories expressly set forth in the section (e.g., organized for religious, charitable, scientific, or literary purposes) and to show that "its activity is not contrary to settled public policy." In addition to the express statutory tests, the Court seemed to require two more: "[U]nderlying all relevant parts of the Code[] is the intent that entitlement to tax exemption depends on meeting certain common-law standards of charity—namely, that an institution seeking tax-exempt status [1] must serve a public purpose and [2] not be contrary to established public policy." *Id.* at 586; see also, 592, and n. 19.[4]

The Court reviewed the "public benefit and public policy" of the racial practices that were at issue in the case and determined that "there can no longer be any doubt that racial discrimination in education violates deeply and widely accepted views of elementary justice." *Id.* at 592.

Discriminatory schools are not entitled to a tax exemption, but "parents have a First Amendment right to send their children to educational institutions that promote the *belief* that racial segregation is desirable" and children "have an equal right to attend such instititutions." *Runyon* v. *McCrary,* 427 U.S. 160, 176 (1976) (emphasis added).[5]

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[1] Others have pointed out the irony of making an express provision within sec. 501 for groups organized to prevent cruelty to children and animals while at the same time, and within the same section, exempting abortion clinics.

[2] "Congressional selection of particular entities or persons for entitlement to this sort of largesse 'is obviously a matter of policy and discretion not open to judicial review unless in circumstances which here we are not able to find. . . .' For the purposes of these cases appropriations are comparable to tax exemptions and deductions, which are also 'a matter of grace [that] Congress can, of course, disallow . . . as it chooses,' . . ." *Regan* v. *Taxation With Representation,* at 549 (citations omitted).0

[3] The Internal Security Act of 1950, as amended, prohibited the granting of any exemption under sec. 501 to any organization that had been declared a communist-controlled or communist-infiltrated group by the Subversive Activities Control Board. However, the SACB ceased operation on June 30, 1973 because it was not funded. The law stands, but there is no process for determining those organizations that are not qualified because of their communist connections. The I.R.S. makes no inquiries to determine communist connections.

[4] The Internal Revenue Service had revoked the exemption of Bob Jones University without express authorization from Congress, but eight members of the Court held that the authorization was necessarily implied from the statute. Justice Rehnquist, the lone dissenter, would have held that Congress has authority to deny tax-exempt status to educational institutions that promote racial discrimination but it had not yet done so, and the I.R.S. was without power to revoke the exemptions unilaterally.

The school raised Free Exercise Clause and Establishment Clause defenses but both were rejected. The Court held that the "governmental interest [in eradicating racial discrimination in education is "compelling," "fundamental," and "overriding" and] substantially outweighs whatever burden denial of tax benefits places on petitioners' exercise of their religious beliefs." *Bob Jones Univ. v. United States,* at 604.

"Denial of tax benefits will inevitably have a substantial impact on the operation of private religious schools," wrote the Chief Justice for the Court, "but will not prevent those schools from observing their religious tenets." *Id.* at 603-04.

The Court emphasized that the case, and the First Amendment analysis, dealt with religious *schools,* "not with churches or other purely religious institutions[.]" *Id.,* at 604, n. 29.

[5] The constitutional rights of speech and association relating to racial discrimination *are not* of the same order as the rights to lobby and engage in political activity. While "[i]nvidious private discrimination may be characterized as a form of exercising freedom of association protected by the First Amendment . . . it has never been accorded affirmative constitutional protections." *Norwood v. Harrison, 413 U.S. 455, 470 (1973).*

V. THE CONSTITUTIONAL "RIGHT" TO ABORTION

A. The "Right" Discovered

In *Roe v. Wade,* 410 U.S. 113 (1973), the most criticized Supreme Court decision of the modern era, a Texas criminal abortion statute (with a life-of-the-mother exception) was held to violate the Due Process Clause of the Fourteenth Amendment, and the Constitution was read to prohibit state regulation of abortion except according to a three-part test (which turns out to be no test at all):

"(a) For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.

"(b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

"(c) For the stage subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of life or health of the mother."—410 U.S., at 164-65.

This trimester "test" is a phantom. In fact, no interest of the state, asserted on behalf of the unborn child, will prevail over the interests of the pregnant woman *at any time during the pregnancy* if the woman desires an abortion to preserve her health. This was made clear in *Doe v. Bolton,* 410 U.S. 179 (1973), a companion case to *Wade.*

Roe held that the state's interest is strongest "subsequent to viability," and that abortion may be "regulate[d] and even proscribe[d]" after viability except where an abortion is "necessary" "for the preservation of the life or health of the mother." *Bolton* explained what it means for an abortion to be "necessary" for the woman's "health":

". . . Whether . . . 'an abortion is necessary' is a professional judgment that the . . . physician will be called upon to make routinely.

[T]he medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient. All these factors may relate to health. This allows the attending physician the room he needs to make his best medical judgment. And it is room that operates for the benefit, not the disadvantage, of the pregnant woman."—410 U.S., at 192.

Thus, even after viability, a State cannot protect the unborn child from abortion if the pregnant woman asserts a health interest, which may include her mental state, family size, and age.

B. A Right to Privacy, not Abortion

In *Roe v. Wade* the Court held that the "right of [personal] privacy . . . found in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action . . . is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." 410 U.S., at 153. Regarding the abortion decision, a woman has a right to be free of government influence. The Constitution gives her a right to be left alone, not an affirmative "right to abortion." This distinction was made clear within a few years in the abortion funding cases.

In *Maher v. Roe,* 432 U.S. 464 (1977), the Supreme Court said:

". . . The District Court read our decisions in *Roe v. Wade* . . . , and the subsequent cases applying it, as establishing a fundamental right to abortion and therefore concluded that nothing less than a compelling state interest would justify Connecticut's different treatment of abortion and childbirth. We think the District Court misconceived the nature and scope of the fundamental right recognized in *Roe.*

". . . *Roe* did not declare an unqualified 'constitutional right to an abortion,' as the District Court seemed to think. Rather, the right protects the woman from unduly burdensome interference with her freedom to decide whether to terminate her pregnancy. It implies no limitation on the authority of a State to make a value judgment favoring childbirth over abortion, and to implement that judgment by the allocation of public funds." [6]—*Id.* at 471, 473-74. Accord, *Harris v. McRae.* 448 U.S. 297, 313-15 (1980) and *Whalen v. Roe,* 429 U.S. 589, 599-600 (1977). [7]

VI. LIKELY CONSTITUTIONAL ANALYSIS OF A REVOCATION OF THE 501(C)(3) EXEMPTION FOR ABORTION PROVIDERS

If Congress were to revoke the sec. 501(c)(3) exemption for abortion clinics, the enactment would be challenged in federal court as an unconstitutional abridgement of the rights of physicians and pregnant women who want abortions. Probably a half-dozen or so constitutional complaints would be lodged against the statute. This section discusses three major objections and the way they are likely to be resolved.

A. Equal Protection of the Laws

It will be said that the statute denies the equal protection of the laws in that all medical facilities except abortion clinics are entitled to the tax exemption. The Fifth Amendment's Due Process Clause has an "equal protection component" which forbids the Federal government to deny the equal protection of the laws. See, *Bolling v. Sharpe,* 347 U.S. 497 (1954). (The States may not deny equal protection under the terms of the Fourteenth Amendment. Constitutional equal protection analysis is the same for both provisions. *Buckley v. Valeo, supra,* at 93.) However, this differentiation between abortion providers and all other medical providers is not likely to be found unconstitutional.

The Court usually uses a two-tiered analysis for equal protection purposes. Suspect classifications (e.g., race) and fundamental rights (e.g., voting) are subject to a higher level of judicial scrutiny and must be justified by compelling governmental interests. Most other classifications are valid if they bear a rational relationship to a legitimate governmental purpose. *San Antonio School Dist. v. Rodriguez,* 411 U.S. 1, 17 (1973).

The Court has held that "[a]n indigent woman desiring an abortion does not come within the limited category of disadvantaged classes so recognized by our cases." *Maher v. Roe, supra,* at 470-71. If a poor woman desiring an abortion does not come within a disadvantaged class, then it can be concluded that a physician or patient who desires to provide or have abortions in a tax exempt environment does not fall within a protected class, either. And no fundamental rights are involved: There is no right to a tax exemption, and other fundamental rights are searched for, but not found, in subsections B and C, below. Therefore, the Court will apply the rational basis test which is highly deferential to legislative judgment. ("Legislatures have especially broad latitude in creating classifications and distinctions in tax statutes." *Taxation With Representation, supra,* at 547.)

"Abortion is inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life[,]" and the government has a "legitimate interest in protecting the potential life of the fetus." *Harris v. McRae, supra,* at 325, 324. It follows that a revocation of the tax exempt status of abortion clinics is rationally related to this legitimate government interest.

B. (Substantive) Due Process

It will be argued that revoking the tax exemption for abortion clinics impinges upon the due process liberty that was declared in *Roe* v. *Wade.*[8] The judicial result will depend in large measure on the constitutional nature of that liberty, a matter that was treated in part V.B, above. The doctrine of *Harris* v. *McRae* should be dispositive of the due process issue:

"[Regardless of whether the freedom of a woman to choose to terminate her pregnancy for health reasons lies at the core or the periphery of the due process liberty recognized in *Wade,* it simply does not follow that a woman's freedom of choice carries with it a constitutional entitlement to the financial resources to avail herself of the full range of protected choices. The reason why was explained in *Maher:* although government may not place obstacles in the path of a woman's exercise of her freedom of choice, it need not remove those not of its own creation. Indigency falls in the latter category. The financial constraints that restrict an indigent woman's ability to enjoy the full range of constitutionally protected freedom of choice are the product not of governmental restrictions on access to abortions, but rather of her indigency. Although Congress has opted to subsidize medically necessary services generally, but not certain medically necessary abortions, the fact remains that the Hyde Amendment leaves an indigent woman with at least the same range of choice in deciding whether to obtain a medically necessary abortion as she would have had if Congress had chosen to subsidize no health care costs at all. We are thus not persuaded that the Hyde Amendment impinges on the constitutionally protected freedom of choice recognized in Wade.

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[6] The district court said, "[A]bortion and childbirth, when stripped of the sensitive moral arguments surrounding the abortion controversy, are simply two alternative medical methods of dealing with pregnancy. . . ." 408 F.Supp. 660, 663 n. 3 (1975). Justices Brennan, Marshall, and Blackmun agreed with this outrageous formulation in *Beal v. Roe,* 423 U.S. 438, 449 (1977) Brennan, J., dissenting).

[7] "The constitutional right recognized in *Roe v. Wade* was the right to choose to undergo an abortion without coercive interference by the government. As the Court points out, *Roe v. Wade* did not purport to adjudicate a right to have abortions funded by the government, but only to be free from unreasonable official interference with private choice. "*Harris v. McRae,* 448 U.S., at 327-28 (White, J., concurring).

Even the dissenters agreed with this reading of *Roe v. Wade,* although they disagreed about the effect the Hyde Amendment had on abortion privacy. *Id.* at 329-30 (Brennan, J., dissenting).

[8] At first blush, this argument seems untenable. It is well to remember, however, that hospitalization requirements, waiting periods, informed consent, and fetal remains disposal laws have all been struck down as impinging on the due process abortion liberty. *Akron v. Akron Center for Reproductive Health,* 462 U.S. 416 (1983).

"Although the liberty protected by the Due Process Clause affords protection against unwarranted government interference with freedom of choice in the context of certain personal decisions, it does not confer an entitlement to such funds as may be necessary to realize all the advantages of that freedom. To hold otherwise would mark a drastic change in our understanding of the Constitution. It cannot be that because government may not prohibit the use of contraceptives, *Griswold v. Connecticut* . . ., or prevent parents from sending their child to a private school, *Pierce v. Society of Sisters* . . ., government, therefore, has an affirmative constitutional obligation to ensure that all persons have the financial resources to obtain contraceptives or send their children to private schools. To translate the limitation on governmental power implicit in the Due Process Clause into an affirmative funding obligation would require Congress to subsidize the medically necessary abortion of an indigent woman even if Congress had not enacted a Medicaid program to subsidize other medically necessary services. Nothing in the Due Process Clause supports such an extraordinary result. Whether freedom of choice that is constitutionally protected warrants federal subsidization is a question for Congress to answer, not a matter of constitutional entitlement. Accordingly, we conclude that the Hyde Amendment does not impinge on the due process liberty recognized in *Wade.*"—448 U.S., at 316–18 (citations and footnotes omitted).

Congress has even more latitude in the area of taxation than in the area of direct funding, and *Harris v. McRae* ought to provide adequate support for a revocation of 501(c)(3) status of abortion clinics.[9]

Harris, however, was decided by one vote.

C. The First Amendment

Numerous counts will be raised against the enactment on First Amendment grounds even though only abortion providers and financiers, and not abortion advocates or lobbyists, will be denied an exemption. The statute will be said to violate First Amendment rights of religious freedom, conscience, non-establishment of religion, and association. These arguments are unlikely to do well at the Court. See, for example, *Harris v. McRae, supra* at 318–21 (Hyde Amendment does not abridge religion clauses). However, were Congress to attempt to revoke the tax exemption of a group for its lawful, abortion-related speech, serious—and probably insurmountable—First Amendment problems would arise.[10] Such is not the case here, however.

If plaintiffs are able to allege a free speech issue (that the statute "chills" the doctor-patient relationship, or something), the primary First Amendment attack will be predicated on *Speiser v. Randall,* 357 U.S. 513 (1958). In *Speiser,* the Supreme Court struck down a California law (on procedural due process grounds) that required persons seeking a veterans' property tax exemption to subscribe to oaths that they did not advocate the violent overthrow of the Federal or State government. The Court said that "a discriminatory denial of a tax exemption for engaging in speech is a limitation on free speech. . . . [T]he denial of a tax exemption for engaging in certain speech necessarily will have the effect of coercing the claimants to refrain from the proscribed speech." *Id.* at 518, 519. The short answer to the *Speiser* attack is that Congress will not be regulating speech. If a longer answer is necessary, the one from *Taxation With Representation* should be sufficient:

"TWR is certainly correct when it states that we have held that the government may not deny a benefit to a person because he exercises a constitutional right. See *Terry v. Sindermann,* 408 U.S. 593, 597 (1972). But TWR is just as certainly incorrect when it claims that this case fits the *Speiser-Perry* model. The Code does not deny TWR the right to receive deductible contributions to support its non-lobbying activity, nor does it deny TWR any independent benefit on account of its intention to lobby. Congress has merely refused to pay for the lobbying out of public moneys. This Court has never held that Congress must grant a benefit such as TWR claims here to a person who wishes to exercise a constitutional right.

". . . In these cases, as in *Cammarano,* Congress has not infringed any First Amendment rights or regulated any First Amendment activity. Congress has simply chosen not to pay for TWR's lobbying. We again reject the 'notion that First Amendment rights are somehow not fully realized unless they are subsidized by the State.'

The Court of Appeals . . . held that 'strict scrutiny' is required because the statute '*affect[s]* First Amendment rights on a discriminatory basis.' . . . Its opinion suggests that strict scrutiny applies whenever Congress subsidizes some speech, but not all speech. This is not the law. . . ."—461 U.S., at 545–46, 548 (citations omitted).

VII. CONCLUSION

Assuming abortion clinics are not already disqualified from exemption under the doctrine announced in *Bob Jones University,*[11] Congress has the power to disqualify them. Some constitutional questions would be raised by the enactment, but all of them would be resolved in favor of Congress, in my judgment.

In the drafting of any amendment, the language of the Hyde Amendment should be followed.●

INNA MEIMAN REMEMBERED

● Mr. SIMON. Mr. President, as my colleagues know, my friend Inna Meiman passed away here in Washington a few weeks ago. Sadly, she died without the comfort and support of her husband, Naum, who the Soviets would not allow to travel to be with her.

I would like to share an article on Inna's strength and her hope, and I ask that it be printed in the RECORD.

The article follows:

[From the JTA (Daily News Bulletin), Feb. 18, 1987]

INNA MEIMAN REMEMBERED FOR HER STRENGTH AND VITALITY

(BY Judith Colp)

CHEVY CHASE, MD., Feb. 17.—Soviet refusenik Inna Meiman was remembered for her strength and vitality as friends and admirers gathered for her funeral Tuesday in Chevy Chase, just outside Washington. Meiman, who had been allowed to go abroad for treatment of a tumor on her neck, died February 19.

Meiman's son, Lev Kitrosski, was permitted to leave the Soviet Union on a temporary basis to attend his mother's funeral. He missed the services but arrived in time to lead the procession to the gravesite. Meiman's step-daughter. Olga Plum, of Boulder, Colorado, also attended the services.

Richard Schifter, Assistant Secretary of State for Human Rights and Humanitarian Affairs, told the audience that Meiman was a "very special person whose kindness and cheer even under adversity were infectious."

Ann Garrels, an NBC State Department correspondent who was formerly in Moscow, remembered Meiman, an English teacher, as a woman who "wrestled with giants . . . and refused to become a nonperson."

"She loved to teach her ever growing circle of friends, and although her prognosis was grim, she wouldn't give up," Garrels said. "And she never expected anyone to do it for her."

Meiman refused to leave the Soviet Union earlier because her husband, Naum, a refusenik since 1975, had not been allowed to accompany her.

"We gather together to remember the destruction of that one woman and her family will never be what it might have become," said Jerry Goodman, Executive Director of the National Conference on Soviet Jewry.

Also attending Meiman's funeral were Sens. Paul Simon (D. Ill.) and Timothy Wirth, (D. Colo). Former Sen. Gary Hart (D. Col.), who had intervened to Meiman's behalf during a visit to the Soviet Union in December, did not attend the funeral but sent remarks that although Meiman had lost a personal battle to cancer she had won many more battles than she lost."●

ADOPTION OF WILD HORSES AND BURROS

● Mr. McCLURE. Mr. President, in 1971, the efforts of thousands of concerned Americans culminated in the unanimous passage of a bill commonly referred to as the Wild Free-Roaming Horse and Burro Act. The act provides for the protection, management, and control of wild horses and burros that roam public lands administered by the Department of the Interior through the Bureau of Land Management and by the Department of Agriculture through the Forest Service. The Congress declared that these "living symbols of the historic and pioneer spirit of the West * * * were fast disappearing from the American scene."

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[9] A substantial constitutional question would arise if Congress attempted to use the tax code to punish women for having abortions, by, for example, refusing to grant such women a personal exemption on their individual income tax return. See, *Harris v. McRae,* at 317 n. 19.

[10] A change in the tax code that is "aimed at the suppression of dangerous ideas" is probably unconstitutional. *Speiser v. Randall,* 357 U.S. 513 (1958), *Cammarano, supra* at 513, *Regan v. Taxation With Representation, supra* at 548.

[11] It is extremely unlikely that the Supreme Court, which found the principles of *Roe v. Wade* in the Constitution, would hold that abortion clinics do not qualify as charitable organizations. Before the abortion cases, however, most abortion clinics would have been ineligible for tax exempt status because they were providing an illegal service. "A [charitable] trust cannot be created for a purpose which is illegal." IV Scott, *Law of Trusts,* sec. 377 (3rd ed. 1967). And one wonders if *elective* abortions are done to promote health, or lifestyle. The promotion of health is a charitable purpose, Scott, sec. 372. Promotion of lifestyle does not seem to be a charitable purpose.

The act requires that wild horses and burros be managed "as components of the pubic lands * * *." Decisions concerning the management and protection of these animals on BLM-administered lands are made through a planning process required by BLM's organic legislation, the Federal Land Policy and Managment Act of 1976. The resource management planning process encompasses all uses of the public land resource and is the vehicle through which available forage, water, and other resources are allocated among the various uses, including wildlife, livestock, and wild horses and burros.

The act limits management of wild horses and burros to areas of the public lands where herds existed in 1971, and it also provides for the round up and capture of excess wild horses and burros in excess of the amounts these lands are capable of adequately sustaining. After these wild horses and burros are rounded up and captured they are offered for adoption to private individuals.

From modest beginnings in Montana in 1973, the Wild Horse and Burro Adoption Program has placed in private care more than 60,000 excess horses and burros removed from the range. For many of these horses this has been the beginning of a new life. As many Idahoans know, these wild horses and burros can be turned into family riding horses, hunting horses or as Mike Mann of Star, ID, stated, "they can become your friend."

Recently, the Idaho Statesman published an article, which I request be printed in the RECORD at the conclusion of my statement, which tells of the pleasure of owning an adopted wild horse.

The Adopt-a-Horse Program run by the Bureau of Land Management places these captured wild horses up for adoption. Many of my constituents and many other Americans can know the joy of owning a wild horse or burro through this program. Another Idahoan, Mary Lou Spurgeon of Boise said that adopting a wild horse has a key benefit—"it's like picking up a stray dog," she said. "The horses attach themselves with more loyalty to the person."

This program has been successful in filling the needs of many individuals who could otherwise not afford to buy a horse. The BLM Adopt-a-Horse Program sometimes substitutes for the regular starter market for first time horse owners because of the low adoption fee charged by BLM. Many youngsters have gotten their first 4-H horse from the BLM Adopt-a-Horse Program and have used this horse to learn valuable lessons about life and the care of animals.

Not only has the Adopt-a-Horse Program been successful in placing horses it has helped the BLM meet another goal it is charged with—that of managing the public rangelands under the multiple use concepts. To meet this challenge, BLM must reduce the excess numbers of wild horses and burros on the public lands to reduce resource conflict with wildlife and domestic livestock. With equitable division of forage for all three classes; that is, wild horses and burros, wildlife, and domestic animals, the general range conditions can and will improve. The Adopt-a-Horse Program is an integral part of the multiple use program on public lands.

I support the Adopt-a-Horse Program. It is a proven program and I urge anyone with an interest in wild horses and burros to look into the adoption of an animal. It is important that this heritage, the heritage of the wild horses and burros, continue and that Americans all over the United States support this program. Americans can still own a piece of the old West—they can own a wild horse or burro.

The article requested to be printed in the RECORD is as follows:

SIXTEEN WILD HORSES GET CHANCE AT SHELTERED LIFE

(By David Ensunsa)

With their long tails bouncing behind them and thick manes heaped to one side, 16 wild horses were forced to gallop to a slower beat this weekend.

The horses were corralled for inspection as part of the Bureau of Land Management's Adopt-A-Horse program. As the lithe animals clomped around the BLM's wild-horse corrals four miles south of the Boise Municipal Airport, admirers and would-be owners peered at them through 7-foot-high wood barriers.

"I've been looking for a reasonably price horse and a chance to break another one," Ron Cassidy, Nampa, said. "Besides, I need somethin' to take my mind off farming.";

Cassidy, 43, said he adopted a chestnut roan two years ago, and within three months his kids were riding it. He also used the horse for hunting that fall.

"He was a bitin', strikin' son of a gun at first and jumped a 7-foot fence," Cassidy said. "But I worked with him until he was gentle."

The horses were cornered into temporary corrals Jan. 9 using a helicopter, said Chuck Jones, a BLM range conservationist. He said major fires north of Emmett last summer destroyed valuable grazing land and drove the horses onto private land in search of forage. Most of the horses are 4 to 10 years old, Jones said.

Jones said the possibility of buyers receiving a good horse depended on chance.

"The horses are just like individuals," he said. "Some are good, and some are bad."

Jones said an adoption fee was $125 per horse or $125 for a mare and her foal. People may adopt up to four horses, and after one year of humane care, they can obtain title to the horses, Boise District official Fred Schley said. All applicants are screened to ensure they have adequate knowledge, facilities and resources to care for the animals.

Mary Lou Spurgeon, Boise, said she and her husband, Joe have had horses, but lack the proper facilities in which to board the animals. "He likes them, and I love them," she said, while seated on heavy poles that line the corrals.

Spurgeon said adopting a wild horse has a key benefit.

"It's like picking up a stray dog," she said. "The horses attach themselves with more loyalty to the person."

Mike and LeeAnn Mann, Star, agreed that with time the wild horses could be tamed.

"Through gentleness they can become your friend," Mike Mann said. The couple owns four horses. "They could be a kid's horse, depending on how they are trained."

Bill Loveday, Boise, said his family is very "animal-oriented" and is looking for a yearling to train. Loveday said wild horses can become a part of the family.

"You build a bond with that wild animal," he said. "You've got to take the time to be gentle and show no frustrations. They make good horses."

Sam Mattise, a wildlife biologist for the BLM, said that each year, the quality of the horses gets better.

Mattise said the roundup of the wild horses brings back images of the Old West.

"It's only this part of the old," he said, holding his thumb and forefinger a quarter-inch apart. "But it is that part that makes it great."●

S. 398, A BILL TO AMEND THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

● Mr. McCLURE. Mr. President, on January 28, 1987, Senator STEVE SYMMS and I introduced a bill, S. 398, which, when enacted, will permit Federal agencies to use pesticides without duplicating the research or analyses of the Environmental Protection Agency under that act. This legislation is urgently needed and I want to add to the discussion of why it is needed.

Federal agencies are required by the National Environmental Policy Act [NEPA], to prepare an environmental impact statement [EIS], prior to the performance of a proposed action. Such actions might include selling timber, applying pesticides or building roads. Some landmark court decisions in recent years have enjoined Federal agencies, including the Interior Department's Bureau of Land Management, from using herbicides in programs in several noxious weed control, reforestation and forest and range management programs in several Western States until the agencies fully conduct the research and include in their pesticide EIS's, a complete analysis of a compound's toxicological effects to man and his environment. This resulted because a Federal court in Oregon ruled that scientific uncertainty existed about the carcinogenic and mutagenic potential of 2,4-D, and logically or not, simply applied the prohibition to all other herbicides.

Judicial rulings such as this suggest a misunderstanding of congressional intent for pesticide registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] and how it relates to NEPA.

Congress did not intend that:

First, in addition to EPA reviewing research and registering pesticides, all Federal agencies, as users must conduct duplicate research and analysis to explain, or justify using pesticides in accordance with EPA registered uses.

Second, a pesticide should always be considered a carcinogen until conclusive research indicates otherwise.

Third, disagreement between only two scientists, who's opposing individual interpretations of the same studies, constitute sufficient scientific uncertainty of a pesticide's effects on human health to warrant a ban of that compound's use on Federal lands. A ban, which would stay in place until duplicative research and analysis of not only that, but all other herbicides is completed by Federal land management agencies before they can use them:

For example; in a recent case, a simple difference of opinion between one toxicologist and one geneticist was considered to be sufficient scientific uncertainty by a Federal court and resulted in the requirement for Federal agencies to spend hundreds of thousands of taxpayers dollars in duplicating analysis already completed by EPA during its own registration procedures.

This is not really Congress' intent when it passed NEPA. Science is never exact. Members of the scientific community rarely agree on a scientific issue. Congress did not intent that Federal land management agencies duplicate the same responsibilities under NEPA which Congress has mandated to EPA under FIFRA.

It is unfortunate that today, the safe use of a pesticide is being determined by lawyers in the courtroom, rather than scientist at the EPA. Millions of pesticide applications are made each year in this country without incident. Along with prescription drugs, pesticides are the most thoroughly tested and strictly regulated products on the U.S. market. By law, before a pesticide can be marketed in the United States, it must be registered with EPA. This means that the applicant must submit data to the EPA adequate to demonstrate that the intended use will not pose unreasonable risks of adverse effects on human health or the environment when used according to its approved labeling. The toxicological, environmental, and efficacy testing required for this registration process typically takes from 7 to 9 years to complete at a cost of about $30 million for each chemical.

A series of flawed concepts may also have contributed to misunderstandings of Congress's intent under FIFRA. They include:

First, natural is good, and synthetic is bad.

Second, if a substance is toxic, it is a hazard.

Third, risks are unnecessary and can be eliminated.

Fourth, zero is the only safe level for a chemical detected in our food, water or environment.

Fifth, herbicides kill plants; plants are living organisms; therefore herbicides must be deadly to all living things.

Litigative action based on these misconceptions and flawed concepts, and the way FIFRA is currently written, is bound to create problems such as those I have discussed.

It is important to keep things in perspective and recognize that every substance in our universe is toxic at a high enough dose. The salt in the average salt shaker on our kitchen table is enough to kill a 50-pound child if ingested at one time. The same amount, eaten over a longer period of time is harmless.

Herbicides have proven to be effective and efficient as a means of forest site preparation and noxious weed control. FIFRA needs to be amended. Federal agencies, such as the BLM and Forest Service, should not have to spend millions of taxpayers dollars to explain why they should be able to use a chemical EPA has tested and approved. Its time to get the scientific research of pesticides and the determination of a compounds safety out of the courtroom and back with the EPA scientists where Congress intended it to be. Let's allow our Federal land management agencies to use their money and resources on managing the lands we have endowed them to caretake, and not waste it duplicating the functions of EPA.

Therefore, I urge my colleagues to join behind me in this effort to clarify the law and seek fast consideration and passage of this critically needed legislation.●

THE POWER TO MAKE A DIFFERENCE

● Mr. **BOSCHWITZ.** Mr. President, my friend Elie Wiesel recently received the Nobel Peace Prize for literature. His acceptance speech was mixed with the bittersweet emotions of his life, haunted always by memories from his youth. Refusing to speak for the dead, he said "no one may interpret their mutilated dreams and visions." Instead, Elie chose the moment to again remind humankind that we cannot remain silent against the injustice and suffering and humiliation that exists in the world. "Sometimes," he said,"we must interfere."

I agree with my friend, that we must interfere. The United States and its strong voice needs to speak out always against violence and terrorism, racism, human rights violations, hunger. To stand up and say nothing makes one as guilty as the oppressors and persecutors.

I urge my colleagues and friends, the people of the United States to see that we do have the power to make a difference in the world, to abolish indifference, to show that we do care, to champion against injustice.

There is much to be done that can be done. This is clear. The first step is within our grasp. We have only to reach out and begin.

Mr. President, I ask that the Nobel Peace Prize acceptance speech of Mr. Elie Wiesel be printed in the RECORD.

The speech follows:

[From the New York Times, Dec. 11, 1986]

WIESEL'S SPEECH AT NOBEL CEREMONY

It is with a profound sense of humility that I accept the honor you have chosen to bestow upon me. I know: your choice transcends me. This both frightens and pleases me.

It frightens me because I wonder: do I have the right to represent the multitudes who have perished? Do I have the right to accept this great honor on their behalf? I do not. That would be presumptuous. No one may speak for the dead, no one may interpret their mutilated dreams and visions.

It pleases me because I may say that this honor belongs to all the survivors and their children, and through us, to the Jewish people with whose destiny I have always identified.

I remember: it happened yesterday or eternities ago. A young Jewish boy discovered the kingdom of night I remember his bewilderment, I remember his anguish. It all happened so fast. The ghetto. The deportation. The sealed cattle car. The fiery altar upon which the history of our people and the future of mankind were meant to be sacrificed.

CAN THIS BE TRUE?

I remember: he asked his father: "Can this be true? This is the 20th century, not the Middle Ages. Who would allow such crimes to be committed? How could the world remain silent?"

And now the boy is turning to me: "Tell me," he asks. "What have you done with my future? What have you done with your life?"

And I tell him that I have tried. That I have tried to keep memory alive, that I have tried to fight those who would forget. Because if we forget, we are guilty, we are accomplices.

And then I explained to him how naive we were, that the world did know and remain silent. And that is why I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.

SOMETIMES WE MUST INTERFERE

Sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Whenever men or women are persecuted because of their race, religion or political views, that place must—at that moment—become the center of the universe.

Of course, since I am a Jew profoundly rooted in my people's memory and tradition, my first response is to Jewish fears, Jewish needs, Jewish crises. For I belong to a traumatized generation, one that experienced the abandonment and solitude of our people. It would be unnatural for me not to make Jewish priorities my own: Israel, Soviet Jewry, Jews in Arab lands.

But there are others as important to me. Apartheid is, in my view, as abhorrent as anti-Semitism. To me, Andrei Sakharov's isolation is as much of a disgrace as Iosif Begun's imprisonment. As is the denial of Solidarity and its leader Lech Walesa's right to dissent. And Nelson Mandela's interminable imprisonment.

There is so much injustice and suffering crying out for our attention: victims of hunger, or racism and political persecution, writers and poets, prisoners in so many lands governed by the left and by the right. Human rights are being violated on every continent. More people are oppressed than free.

PALESTINIANS AND ISRAELIS

And then, too, there are the Palestinians to whose plight I am sensitive but whose methods I deplore. Violence and terrorism are not the answer. Something must be done about their suffering, and soon. I trust Israel, for I have faith in the Jewish people. Let Israel be given a chance, let hatred and danger be removed from her horizons, and there will be peace in and around the Holy Land.

Yes, I have faith. Faith in God and even in His creation. Without it no action would be possible. And action is the only remedy to indifference: the most insidious danger of all. Isn't this the meaning of Alfred Nobel's legacy? Wasn't his fear of war a shield against war?

There is much to be done, there is much that can be done. One person—a Raoul Wallenberg, an Albert Schweitzer, one person of integrity, can make a difference, a difference of life and death. As long as one dissident is in prison, our freedom will not be true. As long as one child is hungry, our lives will be filled with anguish and shame.

What all these victims need above all is to know that they are not alone; that we are not forgetting them, that when their voices are stifled we shall lend them ours, that while their freedom depends on ours, the quality of our freedom depends on theirs.

'EVERY HOUR AN OFFERING'

This is what I say to the young Jewish boy wondering what I have done with his years. It is in his name that I speak to you and that I express to you my deepest gratitude. No one is as capable of gratitude as one who has emerged from the kingdom of night.

We know that every moment is a moment of grace, every hour an offering; not to share them would mean to betray them. Our lives no longer belong to us alone; they belong to all those who need us desperately.

Thank you Chairman Aarvik. Thank you, members of the Nobel Committee. Thank you, people of Norway, for declaring on this singular occasion that our survival has meaning for mankind.●

RULES OF PROCEDURE FOR THE COMMITTEE ON ARMED SERVICES

● Mr. NUNN. Mr. President, Senate rule XXVI.2 requires all committees to adopt rules of procedure and to publish their rules in the CONGRESSIONAL RECORD by not later than March 1 of each year.

I ask that the rules of procedure adopted by the Committee on Armed Services on February 24, 1987, be printed in the RECORD at this point.

The rules follow:

ARMED SERVICES COMMITTEE RULES OF PROCEDURE

(Adopted February 24, 1987)

1. *Regular Meeting Day and Time.* The regular meeting day of the committee shall be each Thursday at 10:00 a.m., unless the committee or the chairman directs otherwise.

2. *Additional Meetings.* The chairman may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the committee may be called by a majority of the members of the committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings.* Each meeting of the committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer.* The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. *Quorum.* (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the committee.

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, seven members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy Voting.* Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

8. *Announcement of Votes.* The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting. The chairman may hold open a rollcall vote on any measure or matter which is before the committee until no later than midnight of the day on which the committee votes on such measure or matter.

9. *Subpoenas.* Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings.* (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, at least 1 week in advance of such hearings, unless the committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of his proposed testimony at least 24 hours not including weekends or holidays prior to a hearing at which he is to appear unless the chairman and the ranking minority member determines that there is good cause for the failure of the witness to file such a statement.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the chairman.

11. *Nominations.* Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

12. *Real Property Transactions.* Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the chairman of the committee within thirty (30) days from the date of submission.

13. *Legislative Calendar.* (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each new revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the committee. Each subcommittee of the committee is part of the committee, and is therefore subject to the committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.●

SALUTE TO GEORGE GRIEBENOW

● Mr. DURENBERGER. Mr. President, few public servants have the broad range of experience and commitment represented by George Griebenow, the current district director of the Small Business Administration in Minneapolis.

George Griebenow began his career in Federal service in various environmental agencies, working for the U.S. Fish and Wildlife Service and later as Chairman of the Upper Mississippi River Basin Commission. He is also a past chairman of the Federal Executives Board in the Twin Cities.

George's interest in business development issues dates to his very first job, as executive director for community development in Waterloo, IA, where he coordinated relocation and reconstruction activities for businesses, industries, and residences after natural disasters and other crises.

Mr. President, this dedicated public servant is now displaying his commitment by continuing to carry out his responsibilities while dealing with a personal adversity, cancer. His friends and colleagues are honoring George, both for his past accomplishments and for his dedication under adversity at a dinner in his honor on March 15.

Mr. President, because of the outstanding contributions and commitment of this dedicated public servant, I ask that the following article on George Griebenow which appeared recently in the Minneapolis Star and Tribune be printed in the RECORD.

The article follows:

[From the Minneapolis Star and Tribune, Feb. 10, 1987]

SBA OFFICIAL HAS HANDLED NAZIS, CANCER AND MORE

(By Jim Jones)

The day before his 19th birthday, George Griebenow helped capture Gen. Ernst Kaltenbrunner, head of Hitler's dreaded Gestapo.

Griebenow was an infantryman with Gen. George Patton's Third Army when the war ended and there were rumors that high-ranking Nazis were hiding in the Austrian Alps.

"We captured him in a ski hut," Griebenow recalled. "He had more than $250,000 and American $20 gold pieces, but we got him and got the poison out of his mouth before he could commit suicide: It was cyanide.

"That was one of those high adventures that come along once in a lifetime."

It's not hard to envision Griebenow, at 6 feet 6 inches tall, as an infantryman in Patton's rugged Third Army, trudging up the snow-covered Alps to capture escaping Nazis.

But now at age 60, Griebenow's challenges are in his new job as district director of the Small Business Administration (SBA) in Minneapolis, responsible for administering all SBA services, including financial and management assistance in Minnesota. He joined the SBA last September, succeeding Jim Thomson, who was promoted to regional administrator in Chicago.

He's a roll-up-your sleeves, take-charge-type director, who doesn't dodge sticky issues. Shortly after taking office, for example, there were rumors that the SBA was refusing to make loans on the Iron Range and in other economically hard-pressed areas, a practice known as "red-lining." He wasted no time going to the Iron Range to confront the accusers.

"We do not red-line and we don't advocate it," Griebenow said. "The SBA will make loans in any area and just because it's the Iron Range or they're going through economic difficulties and loans are risky up there doesn't mean that we won't give it a chance. We won't approve a bad loan in St. Louis Park or anywhere else if the setup is shaky."

Last week, State Sen. Ron Dicklich, DFL-Hibbing, who initially hurled the "red-lining" charge, appeared to soften his tenor. He changed that allegation to a claim that the SBA "will not take the same risks in Chisholm as it will in other parts of the state."

Griebenow not only faces tough SBA issues, he's learning to deal with personal adversity, as well: cancer.

He is reluctant to discuss his illness. He had surgery last April and thought the cancer was under control, but it flared up again in October. He's taking regular chemotherapy and says his doctor has authorized him to go to work regularly.

"I'm here every day and if it doesn't turn out, I'll be the first one to go for the agency," he said. "But I'm very optimistic."

George Saumweber, business development specialist at the local SBA office, said: "With his illness, he's setting a fine example for us in the office who work with him from day to day. We can observe him with some pain and physical discomfort, but what's more significant is how he deals with the mental frame of mind. He's told us to conquer cancer, he must have this courage and tough mental attitude.

"It's a terrible shock and people deal with it differently, but he handles it very courageously," Saumweber said.

Griebenow began his federal service in 1970 as a member of the committee that created the Upper Mississippi River Basin Commission, an advisory agency that oversees public and private projects along the Mississippi River, and was appointed its first chairman by President Nixon in 1972. He served in that $47,500-a-year post until 1977, when he was asked to resign. There had been widespread speculation that President Carter would replace him with a Democrat.

Stung by the ouster, Griebenow said the move to replace him with a DFL legislator reeked of "political patronage." And at a press conference just before his departure, Griebenow unloaded: "The patronage process is not one I'm familiar with," he said. "I don't know how to deal with it."

He says his present appointment to the $52,000-a-year SBA seat contains no such taint.

"This is civil service—competitive," he declared. "The other one was purely a scheduled seat: a political appointment and, frankly, I wasn't even aware that it was that political. I thought I would continue forever."

However, the Reagan administration has since abolished the Upper Mississippi River Basin Commission.

Griebenow was born in Lanchow, Kansu, West China, in 1926, and lived there with his missionary parents for 14 years. With children of other missionaries, ambassadors and merchants he attended British schools in Hong Kong for a while, then came to the United States to attend Hampden duBose Academy in suburban Orlando, Fla.

From there he went to the prestigious Wheaton College in Illinois, and his first job was as executive director for community development in Waterloo, Iowa, coordinating relocation and reconstruction activities for businesses, industries and residences after natural disasters and other crises.

Before joining the SBA, he was environmental coordinator and later assistant to the deputy regional director of the U.S. Fish and Wildlife Service in the Twin Cities. In that assignment, he coordinated work of the U.S. Army Corps of Engineers and Fish and Wildlife Service for winter navigation programs on the Great Lakes and the St. Lawrence Seaway.

He's past chairman of the Federal Executives Board, a policy board established by the president to coordinate the work of all federal agencies in a given area to avoid duplication. Those agencies have about 18,000 federal workers here.

Some in the Minnesota congressional delegation say his previous working relationships with other federal agencies give him an edge as a liaison between the SBA and other state and federal branches of government.

"If I call Commerce or the Corps of Engineers or anybody else, I think I can open doors without being a bully or boss or anything. I think there's a casual trust relationship with the other federal agencies; with the federal executive board and that should be productive," he said.

U.S. Sen. Rudy Boschwitz, R-Minn., who exerted influence to help Griebenow get the job, said, "it is my projection that he is going to make the SBA a shining light in the whole constellation. Some of my appointees have filled me with pride and I think that he will be among my best appointments. They wanted to put in another run-of-the-mill bureaucrat, but he's just the opposite of that."

Griebenow has traveled to nearly all 87 Minnesota counties, urging mayors, economic development officials and businesses to work together. "I hope to see something here that is not flamboyant or promising too much, but good solid, productive programs."

But there has been doubts that the SBA would survive attempts by Reagan administration budget-cutters to abolish it and transfer much of its function to the Department of Commerce. However, the President has backed off attempts to scuttle the agency and he's nominated former U.S. Sen. James Abdnor of South Dakota to be SBA administrator.

Griebenow said he is pleased about the choice of Abdnor, calling it a timely move that will give the embattled agency considerable prestige.

"The fact that he is a senator, the fact that he has White House confidence, is an indication that the SBA is alive and well and will survive and he knows the rural communities," Griebenow said, "In the Dakotas, Wyoming, Montana, Iowa, Wisconsin and Minnesota, the SBA is a very potent force in keeping banks alive' and the rural community going. When agriculture hums, the whole economy hums and he's agrculturally related; he understands the tie-in between rural values and urban values."

Now Griebenow said he is striving to bring a balanced economic development program to this district. That means a greater effort to make SBA programs and services more available to businesses in economically depressed rural areas. He said the seven counties that make up the Twin Cities area are pretty stable and local banks have the sophistication to handle complicated SBA loans rather easily.

"In the outlying areas, the unemployment is much higher. The banks are struggling to survive themselves and what we are trying to do is emphasize our services . . . where they really need help and where the economy is unbalanced."

Griebenow has interest in two farms in southwestern Minnesota and knows about economic difficulties in rural communities.

"It's pretty sad," he said. "In Pipestone County, the bankers and the small businessmen are really going through a lot of adjustment . . . the transition from rural to urban."

Griebenow is a decorated veteran of World War II; a lifetime member of the VFW, the Military Order of the Purple Heart, and immediate past president of the Air Force Association.

"He's a people-oriented guy with a great deal of interest in fellow human beings," said Gen. John Vessey, retired chairman of the Joint Chiefs of Staff. Griebenow maintains ties with the military and he's been known to call businessman Curt Carlson to host Veterans' Day breakfasts for the Joint Chiefs of Staff and top business executives.

"We've had breakfasts for two Chiefs of Staff and we had overflow crowds in both cases," Carlson said. "Every detail was handled by him and well; he's well-organized and I think he can offer much to the state with the close friends and ties he has in Washington."●

KENTUCKY TOBACCO GROWERS IN 1987

● Mr. McCONNELL. Mr. President, 2 years ago, I was given the opportunity to represent the citizens of Kentucky in the U.S. Senate. One of my most important responsibilities has been to protect the economic interests of my State.

Kentucky, like most other States, has had, and continues to have, its share of economic woes. To make matters worse, Kentucky's $34 billion economy is critically dependent on products in such economically stressed industries as coal, distilled spirits, and agriculture. One particular agricultural commodity has had its own share of troubles. I am referring, of course, to tobacco, Kentucky's leading cash crop.

As corn is to Iowa, as wheat is to Kansas, as peanuts are to Georgia, as cotton is to Mississippi, tobacco is a critical component of Kentucky's economy. Fully $9 billion of Kentucky's economy is directly or indirectly related to the production of tobacco and the sale of tobacco products. Legislative proposals have been introduced in this session of Congress to increase the cigarette excise tax, prohibit advertising of tobacco products, and eliminate the deductability of cigarette advertising as a business expense. Any or all of these proposals would, if eventually enacted, have a devastating effect on Kentucky's tobacco growers.

There is a widespread misconception that the Government is subsidizing tobacco growers at the same time it is discouraging the use of tobacco products. I say to my colleagues that nothing could be further from the truth. In fact, tobacco gowers are the only producers of a program crop that pay for the cost of their own program. May I repeat that Mr. President? Tobacco producers pay the total costs of their price support program when producers of no other commodity are required to do so. It is also interesting to note that on the CBO budget scorecard, tobacco is the only commodity projected to raise revenue in fiscal year 1987, with a projected surplus of some $32 million. Without question, Kentucky tobacco growers are not being subsidized by the Federal Government.

Mr. President, it is likely that some of my colleagues would expect that I might make this kind of defense of the Tobacco Program. However, it may come as a surprise to some that a well-respected national radio commentator shares a similar view of the program. Paul Harvey, who as far as I know has no specific interest in the economic welfare of the tobacco industry, offered an interesting commentary on this subject during his January 31 national broadcast. With a listenership which certainly numbers in the millions, he is one of America's most trusted and credible broadcasters.

Mr. President, I ask that an excerpt from Paul Harvey's January 31 broadcast which discusses the tobacco issue be inserted in the RECORD following my remarks. I am confident that, upon reading Mr. Harvey's remarks on the Tobacco Program, my colleagues will be more fully aware of "the rest of the story."

The excerpt follows:

BROADCAST EXCERPT

PAUL HARVEY. I guess I should prefix this next with this. I do not smoke. I have not smoked since the first Alden/Oxner study, a long time before the Surgeon General's warning. I do seek with limited success to dissuade others from smoking. The evidence seems adequate that cigarette smoking is deleterious to human health.

But then of course, so is hang gliding. And after the hazards have been adequately ventilated it seems to me that each individual should be left free to choose for himself. So nothing that I'm about to say should be construed as contradicting that. It's just that beyond issuing reasonable warnings some anti-tobacco crusaders have over run their headlights. They've libelled an industry.

You've heard our government uses your dollars to subsidize the growing of more tobacco. Now that's just not so. The fact is the price of tobacco is stabilized by loans, not subsidies, from the Commodity Credit Corporation.

As of 1984 the Commodity Credit Corporation books showed a 58 million dollar net loss on tobacco loans over half a century. However, during those same years tobacco consumers have paid excise taxes totalling more than a hundred and fifty billion dollars.

So the tobacco business has not cost you any money. On the contrary, it contributes more than 32 billion dollars a year to our nation's gross national product. And generates an additional fifty billion spending on consumer goods and services. Tobacco farms are mostly small farms. Family farms. They average only about three acres.

There are more than 200 thousand of them in 23 states. And yet it is the sixth most valuable crop we produce. Tobacco growing employs about 100 thousand people. Uses an annual one and a half billion dollars worth of materials and services. Pays about 600 million dollars in wages and salaries to farm labor and management.

And all of this adds up to more taxable income. Not government spending. Taxable income. For every acre of tobacco that was grown in our country in 1984 federal, state and local governments received about 11 thousand, 700 dollars. On every acre the tax take was about 11 thousand, 700. The farmer got only three thousand, 740 an acre.

When you purchase a pack of cigarettes more than half of the price is taxes. Paid into the public treasuries. Each smoker pays an average 183 dollars a year in excise and sales taxes.

Now I'm mentioning all this today because I've been inclined, as many, casually to criticize our government for propagandizing against smoking while subsidizing the growing of more tobacco.

Well whatever the health factors in alcohol, tobacco or x-ray, let it be known that we are not subsidizing the tobacco industry. It is subsidizing us. Frankly I've not—(Laughs)—I've not too secretly been hoping somebody could confirm that it's really television that causes this cancer. And we could do away with both those evils at the same time, and all go back to smoking cigarettes again.●

TRIBUTE TO THE STATE OF NEW YORK

● Mr. MOYNIHAN. Mr. President, last Friday I had the honor of accepting on behalf of the State of New York an award presented by the Fund for Renewable Energy and the Environment. In a survey taken by the fund, New York State was shown to have the country's most comprehensive and effective ground water protection program. I am grateful that the fund has seen fit to acknowledge this achievement.

This award is especially timely given the recent statement by Environmental Protection Agency Administrator Lee Thomas in support of national ground water legislation.

And I am especially honored to be chosen to accept the award. I am told this is due to my having the highest League of Conservation Voters rating within the New York delegation. I do know that ground water protection is of vital importance, and I have introduced comprehensive legislation—S. 20, the Ground Water Protection Act of 1987—to deal with what is increasingly being recognized as a nationwide problem. I am pleased to be joined by Mr. Thomas and EPA in the push for effective legislation.

Mr. President, I ask that the text of my statement in acceptance of the award be entered into the RECORD at this point along with a list of some of those individuals who have been instrumental in allowing New York to achieve its preeminence in this area.

The material follows:

STATEMENT BY SENATOR MOYNIHAN ON ACCEPTING "STATE OF STATES" AWARD ON BEHALF OF NEW YORK STATE, FEBRUARY 20, 1987

It is with great pleasure and pride that I accept this award on behalf of the citizens of New York. New York received first place among the states for its exemplary groundwater program in the survey done by the Fund for Renewable Energy and the Environment. Moreover, New York is recognized as one of the five leading states for its overall environmental programs.

Our elected and appointed officials in New York, our state civil servants who serve the public in our environmental agencies, and our citizen leaders who monitor state and local environmental problems have earned this award for New York.

In 1978, the New York Legislature was one of the first in the nation to declare that preventing the pollution of groundwaters and protecting groundwater supplies for use as potable water would be the State's water quality goal. Upstate New York has 18 primary water supply acquifers, while all three million residents of Long Island drink from one aquifer.

As Chairman of the Environment and Public Works Committee's Subcommittee on Water Resources, Transportation and Infrastructure, I have been pleased to have had a part in federal legislation aimed at supporting these state efforts.

The Sole Source Aquifer Protection program incorporated into the Safe Drinking Water Act Amendments passed by the 99th Congress will make grants available through EPA to states which want to safeguard their primary drinking water sources. The Clean Water Act Amendments, which were recently enacted by a Congressional override of the President's veto, provide 400 million dollars for control of non-point sources of pollution. In addition the Clean Water Act Amendments initiate a special program aimed at cleaning up toxic "hotspots" in the Great Lakes, many of which threaten our groundwater supplies.

Finally, along with my Chairman, Senator Burdick, and colleagues, Senators Mitchell, Baucus and Lautenberg, I have introduced S. 20 in the 100th Congress, the Groundwater Protection Act of 1987. I intend to make this legislation—which will be considered in the Subcommittee on Water Resources, Transportation and Infrastructure—one of my priorities in the 100th Congress.

I thank you for the opportunity to receive this tribute to my State. I am placing in today's Congressional Record a list of some of the individuals in the State that have led the way to comprehensive groundwater legislation that has attracted this national attention.

LIST OF SUPPORTERS

Honorable Mario Cuomo, Governor, State of New York.

Honorable Edward I. Koch, Mayor, City of New York.

Mr. Henry G. Williams, Commissioner, New York Department of Environmental Conservation.

Mr. Harold Berger, Regional Director, New York Department of Environmental Conservation.

Mr. Dan Barolo, Director, Water Division, New York Department of Environmental Conservation.

State Senator William Bianchi, Co-Chair, New York Legislative Committee on Water Resource Needs for Long Island.

State Senator Caesar Trunzo, Co-Chair, New York Legislative Committee on Water Resource Needs for Long Island.

Ms. May Newberger, former Co-Chair, New York Legislative Committee on Water Resource Needs for Long Island.

Ms. Sarah Meyland, Co-Executive Director, New York Legislative Committee on Water Resource Needs for Long Island.

Mr. George Proios, Co-Executive Director, New York Legislative Committee on Water Resource Needs for Long Island.

Assemblyman Maurice Hinchey, Standing Committee on Environmental Protection, New York State Assembly.

Honorable Steven Englebright, Suffolk County Legislator.

Mr. David Newton, Cooperative Extension Agent, Community Resource Development, Suffolk County Cooperative Extension Program.

Mr. William R. Titus, former Coordinator, Nassau County Cooperative Extension Service.

Mr. Keith S. Porter, Director, Water Resources Institute, Center for Environmental Research, Cornell University.

Dr. David Allee, Professor of Resource Economics, Department of Agricultural Economics, Cornell University.

Cooperative Extension Program, Cornell University.

Group for the South Fork.

Coalition for Protection of Long Island Groundwater.

League of Women Voters.●

COMMEMORATING NATIONAL FFA WEEK

● Mr. McCONNELL. Mr. President, I rise today to recognize the over 425,000 young men and women who are members of the Future Farmers of America as they celebrate National FFA Week. In over 8,200 high school FFA chapters in 50 States, students enrolled in programs of vocational agriculture participate in activities gauged to develop them as leaders in agriculture. In addition, the Future Farmers of America fosters attributes in its members which we value in rural America—initiative, integrity, cooperation, service, and leadership. Through organizing and conducting chapter meetings, speaking in public, serving their community, and competing in contests which test their occupational skills and agricultural proficiency, these individuals are preparing themselves for careers in our Nation's most important industry.

American agriculture is experiencing a serious crisis. I strongly believe that it will only be through the efforts of trained leaders in agriculture with a solid vision of the future that we will emerge from this crisis. The challenge we face is to respond to the changes we are seeing in American agriculture aggressively and innovatively. I salute the members of the Future Farmers of

America who look to tomorrow and see opportunity, and are working to prepare themselves for their roles as tomorrow's leaders in agriculture.●

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

● Mr. PELL. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the CONGRESSIONAL RECORD the rules of the Committee on Foreign Relations for the 100th Congress adopted by the committee on February 18, 1987.

The rules follow:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 18, 1987)

RULE 1—JURISDICTION

(a) *Substantive.*—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acqusition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight.*—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that "... each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee."

(c) *"Advice and Consent" Clauses.*—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation.*—Unless otherwise authorized by law of Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls wtihin the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments.*—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than three subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) *Meetings.*—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be schedule to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) *Regular Meeting Day.*—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) *Additional Meetings.*—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) *Minority Request.*—Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) *Public Announcement.*—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) *Procedure.*—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedure to govern the consideration of particular matters by the Committee.

(f) *Closed Sessions.*—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) *Staff Attendance.*—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13 and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority Member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) *Business.*—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent members. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) *Presentation.*—If the Chairman so determines, the oral presentation of witnesses shall be limited to ten minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure to file such a statement.

(d) *Expenses.*—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization.*—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving two hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions.*—At the direction of the Committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing.*—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes.*—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 9—TREATIES

(a) The Committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the Committtee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential statement and financial disclosure report with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the yar of his or her nomination and for the four preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) *Foreign Travel.*—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee.

When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the Committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel, of its extent, nature, and purpose.

(b) *Domestic Travel.*—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) *Personal Staff.*—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

RULE 12—TRANSCRIPTS

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Minority Member, determines otherwise.

(b) *Classified or Restricted Transcripts.*—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted tanscripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed two weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, D.C., unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts:

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms;

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) *Declassification*—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee; and

(ii) the Chairman, Ranking Minority Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Office Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the office designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered, shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff shall undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) *Responsibilies.*—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the

immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Restrictions.*—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) Members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group.

(ii) Members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action.

(iii) Staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status.*—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) *Amendment.*—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the Committee which are based upon Senate rules may not be superseded by Committee vote alone.●

HAIL AND FAREWELL TO ARCHBISHOP GERETY

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Archbishop Peter L. Gerety, the retired head of the Archdiocese of Newark. I would like to share with my colleagues in the Senate some of the accomplishments of this remarkable man. I was pleased to have the opportunity to meet with him several times since I took office, and he did me the honor of coming to see me when he had business in Washington. Both the Catholic community and all the citizens of New Jersey benefited from his leadership.

Archbishop Gerety shepherded the Newark Archdiocese for 12 years, until his retirement last July. This was the capstone of a nearly 50-year career of service to the church. From his ordination in 1939 in the beautiful Notre Dame Cathedral in Paris to his retirement as the leader of 1.3 million faithful church members in northern New Jersey, he was the exemplar of the modern religious man.

As the Bergen Record noted at the time of the archbishop's retirement, he "guided his archdiocese with firmness, vigor, and great skill. He was to quote Holy Cross College historian David O'Brien, a 'crusty old Irishman with a strong dose of realism.' His church will miss him." Among his accomplishments, his commitment to the city of Newark and its people will surely shine. He did what he could to try to halt the decline of the city which is the seat of the archdiocese. Under Archbishop Gerety's leadership, Catholic schools and churches in Newark were kept open, despite a declining population. He helped carve out a role for the church that included reaching out to the poor and needy, both Catholic and nonCatholic.

Even in retirement, I am sure the archbishop will continue his spiritual work such as conducting retreats, preaching, and writing.

Mr. President, the friends and admirers of Archbishop Gerety will be attending a testimony dinner for him this Sunday, March 1, at the Sheraton Meadowlands Hotel in East Rutherford, NJ. East Rutherford has gained national prominence already this year as home of the champion New Jersey Giants. It is fitting that another giant be honored there.●

THE NEED FOR AN EFFECTIVE RURAL DEVELOPMENT POLICY

● Mr. LEAHY. Mr. President, rural America and agricultural America once meant one and the same thing. Agriculture is still the most important industry in nearly a third of our nonmetropolitan counties. However, diversity is the rule today.

After some positive gains during the 1970's, our rural areas are once again losing ground to the cities, in terms of job loss and slower income growth. This Nation must address not only its continuing agricultural depression—it also must address the decline in rural manufacturing, energy, and other industries crucial to the economic wellbeing of all rural citizens. Agricultural policy alone will not solve the longterm structural problems of rural America.

I intend to schedule hearings in the very near future on rural problems and on how we ought to address them. I also will be introducing major rural development legislation.

Many States already have launched their own programs to assist troubled farmers who are forced off their land. They also are attempting to cope with the broader problems facing their rural areas, but they cannot do it alone. The National Governors' Association, at its winter meetings this week, has again endorsed a formal policy statement on rural development policy, which I urge Members to read. I ask that this statement be printed in the RECORD.

The statement follows:

STRATEGIC MANAGEMENT FOR AGRICULTURAL AND RURAL DEVELOPMENT POLICY

Rural America is the home of almost one in four Americans. After a decade of growth in the 1970s, rural America faces serious economic difficulties in agriculture, extractive industries (e.g., oil, gas, and minerals), wood products and many manufacturing goods such as textile and leather. Hard times in these productive sectors cause painful adjustments for many rural citizens and their local and state governments. Farm belt states have been cutting budgets, raising taxes, and using rainy day funds to meet ongoing public service needs. The economic distress in specialized farm areas in the Midwest and Mississippi Delta has been highly publicized, but rural economic distress is becoming more widespread.

The economic problems in farming are closely linked to problems in other economic sectors in rural America. These rural communities which depend heavily on farming frequently have specialized human and business assets that may have few opportunities elsewhere in the local economy. Almost three quarters of farm family income nationally comes from off-farm jobs, so the loss of manufacturing and other off-farm jobs endangers the financial health of many farming families.

Similarly, non-farm businesses are hurt by problems in agriculture. Poor farm finances can start a cycle that leads to less non-farm business in nearby towns, layoffs, and further reductions in income for the farm family. At the same time, the elderly are migrating into selected rural areas creating greater demands for human resource services.

Much of rural economic distress can be traced to national and global economic factors. Rural Americans participate in a global economy where national economic policies and shifts in world trading patterns may result in sudden economic decline which adversely affects the quality of life in local communities.

For example, the decline in U.S. agricultural exports is linked to national policies, including the federal budget deficit and adverse foreign exchange rates. In addition, sluggish growth in developing and industrial countries, accompanied by heavy debt burden in major developing country markets has reduced demand for American agricultural products at a time when world production of farm goods is increasing. Also, competing trading nations have established domestic agricultural and trade policies that limit U.S. trade opportunities.

Governors believe that thoughtful federal and state policies can help to catalyze a rural renaissance.

State governments in heavily industrialized states of the Northeast and Midwest have developed effective strategies for adjusting to manufacturing plant closings and other economic setbacks. The loss of agricultural markets can produce similar economic dislocations which can be addressed by state economic development initiatives.

In many rural communities, the economic outlook is not encouraging. Many small communities lack the basic economic and community infrastructure to stimulate alternative employment to balance local economies. But federal and state assistance can help rural America if:

government initiatives are more tightly targeted to geographical areas and to people in need;

programs complement, not counter the values of independence and self-determination which pioneered rural communities;

public initiatives in the long run, do not counter the incentives of the marketplace;

local communities develop their own human resource and economic adjustment strategies based on a realistic self-assessment of social and economical needs.

FEDERAL ASSISTANCE

Federal programs and policies must be examined to identify their differential impacts on rural America and urban America. For example, deregulation of many transportation and communication services have adversely affected many rural communities and their citizenry while benefitting many urban citizenry. There are a variety of barriers to human resource services that must be removed to respond to the stress among farmers and members of the agribusiness community. Both federal and state programs should avail citizens in rural communities with comprehensive mental health, health care, job retraining, and employment opportunities to stimulate the revival of rural communities. As the federal government moves on the path toward deficit reduction, it is important to realize that programs offered by the federal government are the mainstay/safety net of much of rural America. Federal commodity programs have been a major economic contributor to farm families and rural communities. The unremitting climb of agricultural productivity, nearly stable domestic food consumption, and loss of export markets have overwhelmed the safety net capability of federal farm programs. There is a trend toward a market oriented national farm policy as evidenced by the 1985 farm bill.

As the nation's agriculture moves in a market oriented direction, federal and state strategies must be developed to manage this transition. Directing assistance such as job retraining to displaced and financially distressed farmers will be necessary. A financial support system is necessary for the farmer while he is training for a new career. Specifically, the Governors urge the administration and Congress to take the following actions:

Work with the states in identifying barriers and obstacles in current programs that reduce state flexibility and prevent the full integration of rural citizens into transition and safety net programs. Few if any farmers, their family members or farm workers are covered by unemployment insurance. The special circumstances of the farmer land owner should be considered in the application of the resources tests for needs tested assistance programs. When the ADAMHA Block Grant is reauthorized, the program should provide both the financing mechanisms and the service delivery flexibility to encompass the needs of these rural areas. Likewise the role, and funds for the extension service should support emerging rural needs and catalyze change.

Revitalize rural development programs through targeted economic assistance so that federal funds become available to communities with sudden, severe economic dislocations. Establishment of transition short-term community assistance programs, triggered by severe economic dislocation, may serve to balance regional and local economic hardship for rural and urban communities.

Review federal funds which support rural areas to determine what, if any, funds should be redirected to support farmers and their families in transition in rural areas.

THE STATE ROLE

Federal and state policies can improve rural America when communities develop their own economic adjustment strategies based on a realistic self-assessment of the potential for economic growth and the need for transitional policies. The states role is to assist rural communities in identifying and developing their own comparative advantage, and to catalyze change in the rural economy. Publicly supported programs should finance change, transition, and demonstrations, rather than ongoing economic activities. These programs should complement and not counter the marketplace if they are to have long-run success. States can undertake the following specific actions:

Fashion development policies for economic growth in the traditional industries of manufacturing, natural resource based, and value-added products as well as service industries, including tourism and retirement services, agricultural producer services, and telecommunication services.

Provide development assistance—in partnership with local communities, the extension service, and state and federal urban development program experts—that includes a broad spectrum of services to farm and nonfarm rural businesses such as marketing, management, grants, loans, equity investment, venture capital, bonding authority, relocation grants, and training capabilities.

An analysis of educational, training, social services, infrastructure, capital and technology requirements of business, residents and communities could be streamlined with designation of a cabinet office for rural areas in state government.

Data, leadership training and application assistance should be provided by the Cooperative Extension Service to assist small, disenfranchised communities identify sources of state and federal funds to support economic and social development innovations by local communities.

Assess state constitutional and regulatory barriers to the attainment of possible state or local solutions or adjustments strategies such as state prohibitions for venture capital investments.

Develop and enhance regional compacts to provide common state services, such as shared multi-state human service programs or coordinated agricultural marketing efforts, where sparsely-settled areas are unable to provide independent state services.

Support resource conservation and management which ensures sustainable agricultural production and a quality natural environment.

Provide rural youth with comprehensive career preparation that will improve their lifetime career flexibility—particularly in rural areas.●

ESTONIAN INDEPENDENCE DAY

● **Mr. LAUTENBERG.** Mr. President, I rise today to join the Estonian people in commemorating the 69th anniversary of their declaration of independence.

Despite their ongoing quest for independence, Estonians have been conquered by foreign powers. Since the 13th century, Estonia has been invaded and occupied by the Germans, Danish, and the Swedes. Now, Estonians are forced to live under Soviet hegemony. They have no right to establish a sovereign government, and are unable to determine their own destiny.

That the Estonians ratified a constitution is a testament to their dedication to the ideals of independence and freedom. That constitution—modeled after our own—became effective on June 15, 1920. It emphasized respect for human rights, and it guaranteed dignity for all minorities. But it has no impact on the lives of Estonians. As long as Estonia remains under Soviet rule, Estonians will continue to be denied basic freedoms and human rights.

A number of brave individuals in Estonia have continually fought for independence. Despite the grim fate mapped out by the Soviet Union, these Estonians have kept the independence movement alive and vibrant. But these efforts have cost the Estonians. For their dedication to freedom, dignity, and human rights, many have been imprisoned. They have been harassed and suppressed.

But the Estonians have not been silenced. And they will not be silenced until all Estonians live in an independent, fair, and just society.

Today, on Estonian Independence Day, we reaffirm our commitment to the valiant struggle of the Estonians.●

ESTONIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, February 24 marks the 69th anniversary of the declaration of Estonia as a free and independent nation.

With the proclamation of the "Manifest to All the Peoples of Estoinia" in 1918, the Estonian people closed the door on nearly seven centuries of oppression, and fulfilled their dream of being a free people in their own land.

On February 2, 1920, a peace treaty, signed between Soviet Russia and Estonia, declared the Government of the Republic of Estonia to be the only legal governing entity in the country, and Soviet Russia renounced any interest in Estonian territory for all times.

The Estonian nation quickly took its place as a democratic member of the modern European community of nations. Estonia's membership in the League of Nations, and the diplomatic recognition accorded her by other nations of the world reaffirmed her standing as a free and independent nation.

During Estonia's brief period of democracy the nation experienced rapid economic growth and social development. Because of the Estonian peoples' own history of repression, their new government took great care to safeguard the rights of all minorities living inside of Estonia.

The Molotov-Ribbentropp Pact, entered into between Hitler and Stalin, brought to a tragic end Estonia's 22 years of freedom and independence. This pact foreshadowed the occupation of Estonia and the murder of tens of thousands of Estonians by the Soviets during the first few years of the occupation. In 1941, 60,000 Estonians were killed or sent to concentration camps; in 1949, 80,000 Estonians were sent to Siberia.

The past four decades of Soviet control have brought great pain and suffering to the Estonian people. Ignoring its obligations under the final act of the Helsinki accords, the Soviet Union continues its unrelenting campaign of human rights violations. Courageous Estonian men and women are persecuted for simply demanding their most basic human rights.

In addition to fighting to preserve their human rights, Estonians, on a daily basis, are confronted with Soviet policies designed to eliminate their centuries-old religious and cultural traditions. The success of the Soviets' brutal policy of russification is unmistakable. Today, only one-half of the total population of the Estonian capital of Tallinn are native Estonians.

Depsite the oppression, and despite the hardships, Estonians continue their fight to preserve their cultural identity. The survival of Estonia requires that its culture be permitted to flourish, and that growth can only be nurtured in a society which honors and protects the rights of all its citizens.

The fight for human rights is closely linked with one of the best known Estonian dissidents, Mart Niklus, who has provided great inspiration to his countrymen in the struggle for freedom. Also imprisoned are other activists, including Enn Tarto, Lagle Parek and Arvo Pesti.

For those who choose to leave their country in search of freedom elsewhere, the path is also a difficult one. Despite the increased number of emigration visas granted by Soviet authorities to its citizens, countless Estonians are still denied permission to leave. Although the case of young Kaisa Randpere, one of the most tragic victims of this inhumane policy, has finally been favorably resolved, many others cry out for attention.

And so, as we commemorate Estonian Independence Day, we reaffirm our undying support for the brave men and women who daily risk their personal safety and that of their families to protest the denial of their right to determine their own destiny.

As a free people, Americans must never forget that the independence of one nation is closely intertwined with the independence of all nations. By joining forces with the Estonian people in their struggle to regain their lost freedoms, we advance the cause of justice and human rights not only in that captive nation but in our own country as well.●

DIGITAL AUDIO RECORDER COPY-CODE ACT OF 1987

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of the Digital Audio Recorder Copy-Code Act of 1987, S. 506. This legislation proposes a fair and appropriate response to new digital recording technology which threatens the American music industry. Passage of this bill will address this issue before the American market is flooded with Japanese products.

As Senators know, Mr. President, we have an unprecedented trade deficit of $170 billion, which is in danger of climbing higher if appropriate measures are not taken to halt its escalation. Our Japanese competitors exported 7,685 color televisions to the United States in 1985—an increase of 6,382 since 1980. In 1985 they exported 39,886 home audio tape recorders/players—an increase of 18,020 since 1980. In 1986, domestic production of color TV's declined an estimated 1.3 percent, while imports of color TV's in the first half of 1986 increased 39.2 percent over the comparable 1985 level. It is clear from these figures that measures must be taken before our market is flooded with still more Japanese products.

The danger that exists with this new technology—digital audio recorders—is the inevitability of taping at home perfect copies of prerecorded music. Presently, there is no other use for the machines other than to copy prerecorded music. This will deprive creators and copyright owners of their intellectual property rights. The legislation that I am cosponsoring will mandate that DAT [digital audio tape] machines transported by interstate commerce contain a copy-code scanner chip that can prevent the unauthorized duplication of copyrighted recordings.

Home taping has become an enormous problem for the American music community. Such taping presently displaces sales amounting to $1.5 billion—about one-third of the industry's revenues—and sales are the only means by which record companies are paid. The impact of home taping is felt first by copyright owners and creators who earn their income from the sale of their prerecorded music. But it hurts everyone in the end because less music is produced. Releases of new albums have declined by 43 percent since 1978.

As a Senator from New York, I represent some of the Nation's greatest songwriters, composers, producers, and record companies. Passage of this legislation will help to protect them from the inevitable flood of Japanese DAT machines. But we all benefit from the efforts of the American music industry, and it is only fitting that we help protect American music from being copied illegally.

I implore my Senate colleagues to consider seriously this bill and to give it the support it deserves. Action must be taken now before Japanese technology enables them to produce and export digital audio recorders. We can be certain that the Japanese electronics industry will not voluntarily help the American music industry by installing copy-code scanners in their machines. It is up to Congress to ensure the implementation of this technological solution to the digital home taping threat by requiring that copy-code scanners be installed on all DAT machines shipped by interstate commerce in the United States.●

PAY INCREASES FOR GOVERNMENT OFFICIALS

● Mr. FORD. Mr. President, recently, the Congressional Research Service completed an important and impartial research document addressing the issue of Federal pay compensation. As the author of this paper, Mr. James P. McGrath, correctly points out, "pay increases for top Government officials are both controversial and infrequent." Mr. McGrath's work is a significant contribution to the debate on pay for Federal executive and judicial employees. The McGrath paper reflects the high quality of research and outstanding analytical skills Congress expects from the CRS on difficult and complex issues.

The Library is fortunate to have an analyst of Mr. McGrath's proven ability. I commend this work to my colleagues and to those who have followed this debate.●

HOW TO MAINTAIN FULL EMPLOYMENT

● Mr. SIMON. Mr. President, the St. Louis Journalism Review recently published an article by Prof. Hyman Minsky, economics professor at Washington University in St. Louis, that among other things calls for full employment in this Nation.

Clearly, that is the direction we have to go.

He writes:

> The new market circumstances make full employment even more important than before. The continued pressure on the foreign exchanges and the selling out of America these days means that in the not too distant future, the world's financial markets are likely to signal that seven precent unemployment is not enough. The markets will signal that the United States must have 10 percent unemployment. A full employment program based on modern equivalents of the C.C.C., W.P.A., and N.Y.A. of the New Deal is the first requirement of any new policy.

I will be introducing legislation soon that does precisely that.

This Nation need not tolerate the misery and the lack of productivity that comes with the kind of unemployment figures that we have much too comfortably accepted.

I ask that Professor Minsky's statement be printed in the RECORD, and I urge my colleagues to read it.

The material follows:

Opponents to current economic policies are divided into "me-tooers" and 'stand-patters" on economic policy. Too few wish to "build on" the successes of the past or are willing to learn from its mistakes.

The "me-tooers" accept the conservative economic propositions that the market works and the market knows best. Some Democrats, for example, want to be better economic conservatives than the Reaganites. The "stand-patters" take the specifics of interventions into economic life that grew up between 1933 and 1980 as defining apt economic policies. They want the Democrats to defend that structure as if it were sacred.

Neither approach will do for the country. What is needed is a policy that recognizes the flaws in our economy and builds institutions that contain the damage. Policies that work under one set of circumstances might not under another. The future never replicates the past; market and individual adjustments will render programs that once were effective invalid or even harmful.

The most significant flaw in our economy is that it invites deep and long depressions: It is not able to sustain a close approximation to full employment unless government intervenes. When the size of government was dramatically increased from the three percent of Hoover's time to today's more than 20 percent and when the power of the central bank to intervene in the financial system was increased (Central Bank interventions go far beyond what the Federal Reserve System does) the tendency to generate serious depressions was contained. For example, without deposit insurance and Federal Reserve interventions the banking and financial crisis in the oil patch would now be out of control.

Interventionist capitalism practiced by the New Deal and its aftermath through the 1960s was able not only to contain depressions but also led to an era of sustained growth. Its benefits were broadly distributed. The stand-patters wish to reconstruct that era, not recognizing that the success was based on conditions which no longer exist.

There are many types of big government interventionist capitalism. Ours began with the New Deal, was developed during the Second World War, and matured in the Kennedy-Johnson era. Active government support of unions and a tolerance of corporate market power in key industries are among its features. This structure of industry served us very well during World War II and seemingly in the first decades that followed. It no longer serves us well.

Since World War II, American industrial policy was and remains soft on corporate market power. During the very successful 20 years after the war, this soft monopoly power policy was part of an implicit contract in which industry accepted unions and did not "sweat" labor, even as unions constrained money wage demands to the estimated increase in labor productivity. This implicit contract has now come to an end.

One assumption of this implicit contract was that corporations would remain technologically progressive. They did not. Too much of American industry took it easy and became technologically obsolescent. Not only were export markets lost but a large part of the domestic market was surrendered. One result is that jobs have disappeared in large numbers.

Imports broke or greatly diminished business market power. In the new competitive environment, the business cash flows that supported the "no sweated labor" part of the post-war concensus were not available.

A key act of the Reagan administration was breaking the air controller's strike. This was a signal to industry that the administration expected management to stand up to unions. In one industry after another, unions have been forced to "give back" wages, job protection, and fringe benefits.

With few exceptions unions now have little power. It is clear that union strength depends upon the support of government. This implies that union behavior in collective bargaining should be expected to be consistent with the policies of administrations that are supportive of labor.

The current strike against what was once the United States Steel Company is a critical development. The industrial union movement founded 50 years ago is virtually on its last legs. Membership is down for all unions but the formerly great industrial unions have been particularly devastated. The likelihood is that the Steelworkers Union will be forced to make concessions. This will lead to concessions to other companies, initiating a round of cuts which will bring wages down to or below those in the other steel producing countries.

The time has come to forge a new supportive policy toward labor. Unions have always had a dual role. They have been advocates of the interests of all workers as well as the particular interests of their members. The unions supported the development of market power for industry as long as industry paid to its workers part of what it gained.

One result was the wage scale in steel that is the focus of the current strike. Labor costs in steel are about $25 an hour, or $1,000 per 40-hour week in an economy where the minimum wage is $3.35 an hour or $134 per 40-hour week. About half of the labor costs are for fringe benefits, which makes the effective income differential between wages in steel and the minimum wage even worse than the raw numbers indicate. The gap between $134 and $1000 or $500 is indefensible.

Economic policy cannot evade reconsidering the role of unions and the structure of industry.

The basis of the policy should be to promote the role of unions as the representative organization for labor as a whole and downgrade their role as seekers of gains for their members. Gomperism, the philosophy in which unions were concerned with gaining more benefits for their members, is not tenable in today's world. The role of unions should be to assure that all workers benefit from progress even as differentials among workers are kept within reasonable bounds.

The new market circumstances make full employment even more important than before. The continued pressure on the foreign exchanges and the selling out of America these days means that in the not too distant future the world's financial markets are likely to signal that seven percent unemployment is not enough. The markets will signal that the United States must have 10 percent unemployment. A full employment program based on modern equivalents of the C.C.C., W.P.A., and N.Y.A. of the New Deal is the first requirement of any new policy.

It is now clear that tolerating corporate market power was a mistake. A vigorous anti-trust policy needs to be coordinated with the positive support of entrepreneurial and smaller firms. Antitrust policy needs to incorporate positive programs to support competition. The concentration of financial power by a few giant banks must be limited.

Thus an economic policy that builds upon the successes of the past even as it recognizes that times have changed will:

Maintain full employment by open ended employment programs like the W.P.A., C.C.C. and N.Y.A. of the 1930s.

Reconstruct and support unions as organs that protect workers' shop and seniority rights, but not as organizations that grab wages and benefits for their members by entering into symbiotic relationships with companies that have market power.

Develop policies that will promote competitive industries at home thereby making our industries competitive abroad.●

THE IMMIGRATION LAW

● Mr. SIMON. Mr. President, I had the privilege of serving in the House with Bob Krueger, now a Texas businessman and professor of government at Rice University in Houston.

Recently, I was sent an article he wrote for the Dallas Morning News that appeared late last year about the new immigration law.

It is a thoughtful, balanced presentation on a problem that has vexed our country.

There is no question that we will have to monitor very closely what has happened as a result of the passage of the immigration law, but there is also no question that we had to act.

We were in the ridiculous situation of making it illegal for undocumented aliens to work but making it legal to hire them.

In the long run, the passage of that bill will prove to be a step forward for the Nation.

It is not a substitute for working with Mexico and Central American countries and others on their economic problems.

But Bob Krueger put it well when he said that Congress "finally had the courage to do something other than complain."

I ask that the Krueger article be printed in the RECORD.

The article follows:

[From the Dallas Morning News, Oct. 27, 1986]

BILL IMPERFECT, BUT

(By Bob Krueger)

So it finally happened. For the first time in 34 years, Congress has passed a major immigration bill. As with the tax bill, Congress acted only because it had to. Things had gotten so out of control that even a bill unpopular with both chambers of commerce and many Hispanic leaders passed decisively.

Democracies seldom act swiftly. And elected officials, like people everywhere, often prefer complaining about a problem to actually addressing it with an imperfect, if necessary, solution. But in time, problems get so large that a majority of legislators show the courage to pass an imperfect bill rather than just complain. That's what happened on immigration.

The problems were awesome.

Probably one of every 20 people in the country, 12 million people, are here illegally. They have been unable to turn to our police or government for protection, if abused or cheated, because they are not supposed to be here.

The United States, with only 6 percent of the world's population, for the past 10 years has received roughly 66 percent of all the world's immigrants, legal and illegal. That was simply too many.

The number of immigrants entering the United States each year has been exceeding the number of children born here. The majority of these immigrants are illegal, and the average level of education of those apprehended in Texas is fourth grade. At a time in which our political, business and educational leaders agree that the United States must look to a better educated work force, it shows little foresight to have invited workers destined to have unequal opportunity to get ahead.

It's hard to blame the illegal aliens themselves. They are looking for a better life. Most have left countries where the economic or political problems leave them far less hope of the basic necessities of life than we can offer here.

And so they came. And we allowed them to enter, illegally, because it was easier to ignore the problem than to address it and offend some people.

Some employers liked to hire illegal aliens because they could pay them less than other employees—often less than the minimum wage—and the employees were powerless to complain.

Law-abiding businesses suffered because they were competing with businesses that broke the law but stood in danger of fines or punishment if they were caught. That many businesses knowingly hired illegal aliens is obvious from the cries of anguish now that they risk fines for doing so.

U.S. workers suffered because they were losing jobs to people desperate for employment, who, even if underpaid by U.S. standards, were earning far more than they could have earned in their home countries.

Our educational system suffered because the cost of educating children of illegal aliens, and whose native language is seldom English, is higher than that of educating U.S. citizens.

The biggest barrier to a legislative solution has been that when you touch on the question of immigration, you touch on questions of national and personal identity. No political question is more sensitive. Immigration is not a topic, like fiscal or trade policy, that easily allows detached analytical debate. It centers on who we are, our background, our hopes for ourselves and our children. And as JFK reminded us, we are after all, a "nation of immigrants."

Hispanics, especially, worry that fines for employers who knowingly hire illegal aliens could lead to a new round of discrimination against Hispanics. It's a legitimate concern. I have long maintained, as I did in congressional testimony five years ago, that any employer sanctions should be accompanied by provisions that absolutely require that identification proving U.S. citizenship or legal residency be required of all new applicants for jobs. Whether they have brown eyes or blue eyes, and whether they be named Smith or Krueger, or Herrera, or Chang. If such provisions had been included, the fears that certain minority Americans, probably those with brown eyes and brown skin, would be obliged to prove their citizenship, but that other Americans would not, would be groundless.

Some employers have complained of the paper work required of them to verify that a job applicant is a legal resident or U.S. citizen. True, it will mean more work for them. But no more than a restaurant owner now has in checking the health records of his employees.

The fact was that there were only three possible ways to lessen illegal immigration. First, we could erect fences and physical barriers. This was unthinkable. Second, we could increase twofold the Immigration and Naturalization Service staffing. This was too costly and unworkable. Third, we could hold employers accountable for hiring only those legally in the country. That is what the Congress has done.

The city councils of San Antonio and Dallas both protested the legislation. Twenty-two of Texas' 29 U.S. House and Senate members opposed it. The legislation that emerged has many flaws, and like many others I would have preferred a different bill.

But after over a decade of inaction, a majority in the Congress finally had the courage to do something other than complain. They made the tough decision. We must hope that voters will not fall for easy demagoguery from their political opponents, but will respect them for their political courage.●

ESTONIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, this past Tuesday, Estonians throughout the world celebrated Estonian Independence Day. On February 24, 1918, the country of Estonia declared itself an independent republic after centuries of occupation by Prussia, Poland, and Czarist Russia.

Estonia's struggle for independence did not end there, however. Toward the end of 1918 the Soviet Union invaded Estonia. In the war that ensued, Estonia emerged victorious. A treaty with the Soviet Union was signed on February 2, 1920. In the treaty, the Soviet Union renounced "all rights of sovereignty over Estonian people and territory."

During the period following its independence, Estonia's culture flourished. The works of numerous indigenous authors and artists reflected the strong sense of national pride shared by the people of Estonia.

In 1939, the Soviet Union, making use of the Molotov-Ribbentrop Pact, marched into Estonia in flagrant disregard of international law and the peace treaty signed only 19 years earlier.

Since 1939, Estonia has been occupied by the Soviet Army. Despite the Soviet Union's attempt at ethnic dilution and forced Russification, the people of Estonia have kept their language and culture alive. The United States, in solidarity with Estonian people all over the world, do not recognize the occupation of Estonia as legitimate. I commend the courage displayed by Estonians now living under Soviet rule in their own homeland, and I look forward to the day of Estonian freedom and independence.

I ask that a statement by the Estonian American National Council be printed in the Record.

The material follows:

Estonian Independence Day Statement

On February 24, 1987, Estonian Americans and people of Estonian ancestry everywhere in the world—except in their own native homeland—solemnly and publicly commemorate the 69th anniversary of the declaration of independence of the Republic of Estonia in 1918. In Estonia itself, the people can celebrate only in their hearts, although some individuals nevertheless defiantly engage in acts of patriotism and incure the wrath of the Soviet secret police, the KGB.

Estonian Independence Day is a time for Estonians to renew their faith in God, in the goodness of mankind, in the belief that justice will triumph in the end. It is a time for all Estonians living in the Free World—young and old alike, even those who have never even seen Estonia—to declare their solidarity with their brothers and sisters behind the Iron Curtain and to reaffirm that we are one people, no matter how the currents of history may have carried us to the far corners of the world.

This is also a time for Estonian Americans to give thanks that we are able to enjoy living in freedom with the many rights, privileges and responsibilities which a democratic system of government provides. In Estonia today, the freedom to communicate is severely restricted; even the mail is censored. There are no free and open elections. Trials are mostly for show, as evidenced by the occasions when verdicts and sentences are inadvertently published before the trials are even completed. Religious expression is harshly restricted; parents may not even take their school-age children to church. Church membership, although technically permitted, may result in loss of employment.

The fate of Estonia serves as an important lesson. Afghanistan is but a recent example that the Soviet Union has not changed its ways since its troops first marched into the peaceful, democratic, and neutral Republic of Estonia in June, 1940. The night of June 13, 1941 remains indelibly etched on the minds of Estonians—it was then that more than 10,000 men, women, and children were herded into boxcars and shipped to Soviet slave labor camps in the Gulag. The Soviets carried out other such mass deportations in the Baltic States during and after World War II.

The horrible memory of these mass deportations was rekindled only this past summer, as reports filtered out that Soviet authorities had forcibly conscripted hundreds of Estonians, often in the middle of the night, to clean up the area near the Chernobyl nuclear power plant disaster. When some of these conscriptees revolted against the inhumane working conditions and the lack of the most elemental safety gear at the site, a number of them were shot to death by the Soviets.

The Soviet Union continues to engage in cultural genocide with its russification and sovietization programs. Estonians are being sent to various parts of the Soviet Union and Russians and other nationalities are being sent into Estonia in Tallinn, the capital, only about 50 percent of the people are Estonians.

The Soviets are doing everything in their power to destroy the identity of the Estonian people, as individuals and as a group. On July 30, 1940, President Konstantin Pats was taken to parts unknown by Soviet forces. Nearly 40 years later, three messages, written by him while imprisoned in a Gulag concentration camp, finally reached the Consulate General of Estonia in New York. President Pats wrote "I am . . . being subjected to degradation in every way and my life threatened . . . [A]ll my personal belongings which I had along with me have been taken away. I have even been refused to use my own name. Here I am only No. 12." President Pats' words have been echoed recently by leading Estonian dissident Mart Niklus, who was sentenced to ten years in a labor camp plus five years exile for demanding independence for the Baltic States on Aug. 23, 1979, the 40th anniversary of Stalin's secret protocol with Hitler. Despite being championed by Andrei Sakharov, Mart Niklus has not been heard from since an April, 1986 letter to his mother which he signed, "From your sea, who is buried alive".

While under Soviet subjugation, the entire Estonian nation is "buried alive." Creative freedoms in all fields of artistic endeavor are severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. The historical record of the Republic of Estonia during its brief period of independence was a proud one including universal suffrage eight-hour work days, land reform, laws protecting the rights of religious and cultural minorities, and significant contributions in the fields of art, music, literature, science, and sports. Today that record of achievement: is continually attacked and denied by Soviet historical revisionism and disinformation much of this aimed also at political refugees from communism who fled to the West Estonian Americans, therefore, are very concerned that the United States Government maintain a steadfast, consistent, and logical position regarding the states of Estonia, Latvia, and Lithuania as countries occupied illegally in blatant violation of international law. Most Western nations continue to refuse to accord *de jure* recognition to Soviet rule in the Baltic States.

In marking Estonian Independence Day, Estonian Americans, Estonians in their occupied homeland—indeed. Estonians and their friends all over the world—reaffirm the dream of restoration of sovereignty of political and human rights of freedom from Soviet oppression and of the universal right of self-determination. These aspirations are shared by freedom-loving people and their governments everywhere. Elagu Vaba Eesti! [Long live Free Estonia!!]

Estonian American National Council.
New York, New York, *February 1987.*●

LEGAL SERVICES CORPORATION GRANTEES AND ABORTION

● Mr. HUMPHREY. Mr. President, I wish to bring to the attention of my colleagues a compendium of cases concerning abortion and abortion related matters, in which Legal Services Corporation grantees have participated.

It may surprise some of my colleagues, as it was a shock to me, that despite the firm statutory restrictions on grantees, abortion litigation by these grantees has taken place, and continues to take place, over the last decade.

The Legal Services Corporation Act of 1974, section 1007(B)(8)—42 U.S.C. 2996f(b)(8)—establishes the extent of Legal Services Corporation's [LSC] grantees' participation in abortion-related litigation. The act states:

> No funds made available by the Corporation under this subchapter, either by grant or contract, may be used—. . . to provide legal assistance with respect to any proceeding or litigation which seeks to procure a nontherapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution; . . .

LSC grantees have, however, exploited this language to justify continued litigation of abortion cases.

For example, the phrase "under this subchapter" applies to Federal and private funds received by the corporation and its grantees. However, other public funds—State and local—are not bound by Legal Service Act. LSC grantees, then, may claim that alternate sources fund its abortion litigation, or that attorneys litigate on personal time, though using grantee resources. Grantees merely execute an accounting maneuver to circumvent the will of Congress.

In addition, the term "non-therapeutic" allows litigation for therapeutic abortions. As we have seen under Roe, abortions to preserve the psychological or physical health of the mother may be defined as therapeutic. As a result, the definition of a therapeutic abortion is expanded and abused to allow litigation virtually without restriction.

Further, there are no restrictions on abortion litigation if the particular case at hand does not immediately involve the procuring or performing of an abortion, even though the case may have important implications for the procurement or performance of future abortions. Grantees have consequently circumvented the will of Congress by repeatedly litigating abortion funding cases.

In response, the Congress adopted the Humphrey-DeWine amendment which provides that for fiscal years 1986 and 1987.

> None of the funds appropriated by the act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation with respect to abortion.

Nonetheless, grantee involvement in abortion cases continues. As a result I have introduced S. 267, which reads as follows:

> No funds made available by the Corporation under this subchapter, either by grant or contract, may be used—. . . to provide legal assistance with respect to any proceeding or litigation which relates to abortion.

I urge my colleagues to join Senators Danforth, Gramm, Grassley, HATCH, HECHT, HELMS, MCCLURE, NICKLES, SYMMS, ZORINSKY, and me in cosponsoring this important legislation.

I ask that the compendium be printed in the RECORD.

The compendium follows:

LEGAL SERVICES ATTORNEY INVOLVEMENT IN ABORTION LITIGATION—COMPENDIUM OF REPORTED CASES

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Doe v. *Westby,* 402 F.Supp. 140, (W.D.S.D. 1975.

Central Pennsylvania Legal Services, Harrisburg, PA:

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Community Action for Legal Services, Brooklyn, New York:

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Community Legal Services, Law Center South, Philadelphia, PA:

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Evergreen Legal Services, Seattle, Washington:

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Legal Aid Society, Hartford, CT:

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Legal Assistance Foundation of Chicago, Chicago, Illinois:

Williams v. *Zbaraz,* 448 U.S. 358, 65 L.Ed.2d 831, 100 S.Ct. 2694, (1980), reh den 448 U.S. 917, 65 L.Ed.2d 1180, 101 S.Ct. 38 and reh den 448 U.S. 917, 65 L.Ed.2d 1180, 101 S.Ct. 39 and reh den 448 U.S. 917, 65 L.Ed.2d 1180, 101 S.Ct. 39.

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National Center for Youth Law, San Francisco, California:

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Toombs, Alfred; Lefkowitz.
Weill, James D.; Zbaraz.
Williams, Jr., Napoleon B.; Lefkowitz.
Wolff, Michael A.; Maher, Beal, Westby.
Wulsin, Jr., Lucien; Zbaraz.
Varon, Janet; Bearing, Tacoma Stands Up.
Zarov, Ira; PP v Human Res.

CASE SUMMARY

Bering v. *Share*, 106 Wash.2d 212, 721 P.2d 918 (1986)

Grantee: Evergreen Legal Services; By: Janet Varon.

Status: Recipient of LSC funds in 1986.

Evidence of Involvement:

(1) The court opinion states: "Evergreen Legal Services, Janet Varon, . . . amicus curiae for respondents."

(2) Janet Varon's name appears on the amicus brief filed by the National Lawyers Guild without reference to Evergreen Legal Services, but her name appears on the amicus brief filed on behalf of the clinic with reference to Evergreen Legal Services.

(3) The amicus brief filed by Evergreen Legal Services also contains the names of (will be available shortly).

Organizations Represented by Grantee:

National Lawyers Guild, Planned Parenthood Federation of America, Planned Parenthood Affiliates of Washington, Planned Parenthood of Seattle—King County, Planned Parenthood of Pierce County, Planned Parenthood of Spokane, National Abortion Federation, National Organization for Women—Tacoma Chapter, Washington Religious Coalition for Abortion Rights, Federation of Feminists Women's Health Centers, Feminists Women's Health Center—Yakima, and Washington Citizens for Abortion Choice.

Extent of Participation:

Grantee filed amicus curiae briefs on behalf of an abortion clinic and against demonstrators in a suit seeking an injunction to prohibit the demonstrators from:

(1) Picketing or counseling on the public sidewalk on in the front or the side of the clinic;

(2) Picketing or counseling on the alley side of the clinic;

(3) Obstructing free access to the parking lot entrance;

(4) Using the words "killers," "murderers," "killed," or "murdered" in referring to physicians and patients.

Outcome of Case:

The court ruled that—

(1) A place restriction prohibiting picketing in front of the abortion clinic was valid and did not regulate content of speech, served compelling state interests on providing access to abortion services and in protecting a woman's constitutional right to privacy;

(2) A content restriction prohibiting all oral use of the words "murder," "kill," and their derivitives was valid and served a compelling state interest in prohibiting children from overhearing those words so long as the restriction was tailored to prohibit use where children under 12 were present;

(3) Those who violate the injunction could be held in civil contempt and assessed attorneys fees and costs; and

(4) The trial court did not abuse its discretion on awarding $7,000 in attorneys fees and $1,200 in costs.

Points to Consider:

(1) The grantee sought to prevent essentially any kind of demonstration at any abortion clinic, arguing that such activity interfered with a woman's right to have an abortion;

(2) The picketers were represented probono by counsel because they could not afford independent counsel;

(3) the grantee represented a large number of independent groups, any one of which could have afforded independent counsel.

Federal Way Family Physician's, Inc. v. *Tacoma Stands Up for Life*, 106 Wash. 2d 261, 721 P.2d 946 (1986).

Grantee: Evergreen Legal Services; By: Janet Varon.

Status: Recipient of LSC funds in 1986.

Evidence of Involvement:

(1) Court opinion states: "Evergreen Legal Services, Janet Varon, . . . amicus curiae for respondents."

(2) Janet Varon's name appears on the amicus brief filed by the National Lawyers Guild without reference to Evergreen Legal Services, but her name appears on the amicus brief filed on behalf of the clinic with reference to Evergreen Legal Services.

(3) The amicus brief filed by Evergreen Legal Services also contains the names of (will be available shortly).

Organization Assisting or Represented by Grantee:

National Lawyers Guild, Planned Parenthood Federation of America, Planned Parenthood Affiliates of Washington, Planned Parenthood of Seattle—King County, Planned Parenthood of Pierce County, Planned Parenthood of Spokane, National Abortion Federation, National Organization for Women—Tacoma Chapter, Religious Coalition for Abortion Rights, Federation of Feminists Women's Health Centers, Feminists Women's Health Center—Yakima, and Washington Citizens for Abortion Choice.

Extent of Participation:

Grantee filed amicus curiae briefs on behalf of an abortion clinic and against demonstrators in a suit seeking an injunction to prohibit the demonstrators from:

(1) Picketing or counseling on the public sidewalk on the side of the clinic;

(2) Picketing or counseling on the alley side of clinic;

(3) Obstructing free access to the parking lot entrance;

(4) Using the words "killers," "murderers," "killed," or "murdered" in referring to physicians and patients.

Outcome of Case:

The Court held that—

(1) The evidence did not support the abortion clinic's claim that it had a well-grounded fear of an invasion of its rights to free ingress and egress;

(2) The trial court's injunction restricting the picketers from all use of the words "murder," "kill," and their derivatives in connection with clinic staff and patients, was overbroad, noting that it was constitutionally permissible to restrict the oral use of the proscribed use in the presence of young children as the picket site;

(3) The case should be remanded to determine whether there was sufficient evidence to justify the clinic's fear of losing its right the free ingress and egress, and to determine whether attorney fees should be awarded.

Points to Consider:

(1) The grantee sought to prevent essentially any kind of demonstration at any abortion clinic, arguing that such activity interfered with a woman's right to have an abortion;

(2) The picketers were represented probono by counsel because they could not afford independent counsel;

(2) The grantee represented a large number of independent groups, any one of which could have afforded independent counsel.

Planned Parenthood Affiliates of California v. *Van De Kamp*, 226 Cal. Reptr. 361 (Cal. App. 1 Dist. 1986).

Grantee: National Center for Youth Law—Adolescent Health Care Project; by: Abigail English.

Status: Recipient of LSC funds in 1986.

Organizations Represented:

All Planned Parenthood Organizations in California.

Assisting Counsel:

American Civil Liberties Union Foundation of Northern California.

Evidence of Involvement:

Court opinion states: "Abigail English, Adolescent Health Care Project of the Nat. Center for Youth Law, . . . for petitioners.

Extent of Participation:

Grantee filed suit on behalf of health practitioners and a nonprofit organization challenging the opinion of the Attorney General which applied a child abuse reporting law to all sexual activity of minors under 14, without regard to whether the minor was the victim of child abuse or engaging in voluntary sexual conduct arguing that such statute violated the minors' constitutional right to sexual privacy and inhibited minors from seeking abortion and family planning related services.

Outcome of Case:

The court held that the child abuse statute does not extend to the reporting of sexual activity between minors;

(2) The reporting of voluntary nonabusive sexual conduct between minors violated the minors' right to sexual privacy under the California Constitution.

Points to Consider:

(1) The grantee's primary contention is that any reporting of voluntary sexual conduct between minors is an unconstitutional invasion of the minor's right of privacy;

(2) The grantee represented a large number of organizations, any one of which could have afforded independent counsel;

(3) The grantee advanced the claim without respect to the indigency of any client;

(4) The grantee, supported by federal funds, challenged the constitutionality of an attorney general's opinion.

Planned Parenthood Association, Inc. v. *Dept. of Human Res.*, 297 Or. 562, 687 P.2d 785 (1984).

Grantee: Oregon Legal Services Corp.; by: Ruth Gundle & Donna Meyer & Nancy Helget & Ira Zarov.

Status: Recipient of LSC funds in 1983 and 1984.

Organizations Assisting Grantee:

American Civil Liberties Union and Legal Advocacy for Women Fund.

Partial List of Organizations Represented By Grantee:

Planned Parenthood Association, Albina Women's League, American Association of University Women, American Federation State, County, and Municipal Employees, Black United Front, Coalition of Labor Union Women, Family Planning Advocates of Oregon, Fannie Lou Hamer Health Clinic, First Unitarian Church, National Association of Social Workers, NAACP, National Council of Jewish Women, National Council of Negro Women, Oregon Association for Women in Education, Oregon Human Rights Coalition, Oregon National

Abortion Rights Action League, Oregon National Organization of Women, Oregon Nurses Association, Oregon Psychological Association, Oregon Association of Obstetricians and Gynecologists, Oregon Women's Political Caucus, Outside-In Clinic, Portland Women's Health Center, United Indian Women, Western Oregon Health Systems Agency, Women's and Children's Rights Coalition, Women's International League for Peace and Freedom, and YWCA.

Evidence of Involvement:

(1) The court opinion states: "Ruth Gundle, Oregon Legal Services Corp., . . . argued the cause for respondents on review. With [her] on the briefs were Donna Meyer, Nancy Helget, Albany, and Ira Zarov, Oregon Legal Services Corp."

(2) The 1983 decision states: "Ruth Gundle, Oregon Legal Services Corp., Portland, . . . argued the cause for respondents on review. With [her] on the briefs were Donna Meyer, Nancy Helget, Albany, Ira Zarov, . . ."

Extent of Participation:

Grantee filed suit on behalf of all the foregoing organizations and others alleging that a rule promulgated by the state Department of Human Resources limiting state medical assistance for abortions was unconstitutional under the privileges and immunities clause of the Oregon Constitution, despite claimed state fiscal interest in supporting the rule and the state's interest in protecting the pre-viable fetus.

Outcome of Case:

The court ruled that a regulation of the Department of Human Resources was unconstitutional which arbitrarily limited the number of elective abortions a woman in a medical assistance program could receive. The court suspended the ruling of the Court of Appeals which found, in addition, that the regulation violated the privileges and immunities clause of the Oregon Constitution, ruling that such a finding was premature since the issue could have been decided on solely on administrative law grounds.

Case History:

See, *Planned Parenthood Association, Inc.* v. *Dept. of Human Resources*, 63 Or.App. 41, 663 P.2d 1247 (1983).

Points to Consider:

(1) The primary contention of the grantee is that indigent women have an unqualified right to have their abortions paid for by the state;

(2) The grantee represented a large number of groups, any one of which could have afforded independent counsel;

(3) The grantee, supported by federal funds, challenged the constitutionality of a state regulation.

H.L. v. *Matheson*, 450 U.S. 398, 67 L.Ed.2d 388, 101 S.Ct. 1164 (1981).

Grantee: National Center for Youth Law; By: Abigail English & Pauline H. Tesler.

Status: Recipient of LSC funds in 1981.

Evidence of Involvement:

A brief filed with the Supreme Court states: "Abigail English Pauline H. Tesler National Center for Youth Law 693 Mission Street, 6th Floor San Francisco, California 94105 (415) 543-3307 Attorneys for Amici Curiae"

Organizations Represented:

Coalition for the Medical Rights of Women; Chinatown-North Beach Family Planning Services, Inc.; and Juvenile Law Section of the National Legal Aid and Defender Association.

Extent of Participation:

Grantee filed an amicus curiae brief urging that a Utah statute was unconstitutional which required a physician, when possible, to notify the parents of a minor seeking an abortion.

Outcome of Case:

The Court ruled that the parental notification statute did not violate the Constitution.

Points to Consider:

(1) The grantee's primary contention is that a teenage girl is entitled to have an abortion without the knowledge or consent of her parents;

(2) The grantee filed the claim without regard to indigency of a client;

(3) The grantee, supported by federal funds, challenged the constitutionality of a state statute.

Committee to Defend Reproductive Rights v. *Myers*, 29 Cal.3d 252, 172 Cal.Rptr. 866, P.2d 779 (1981).

Grantee: National Center for Youth Law; By: Abigail English & Pauline Tesler. National Health Law Program; By: Sylvia Drew Ivie & Dorothy T. Lang & Linda Hanten & Carmen Estrada & Pauline Tesler. Mexican-American Legal Defense and Education Fund, San Francisco; By: Linda Hanten, Carmen A. Estrada, & Vilma Martinez. San Francisco Neighborhood Legal Assistance Foundation, Oakland; By: Patti Roberts. Legal Services of Northern California; By: Barbara Steinhardt & Roberta Ranstrom.

Status:

National Center for Youth Law was a recipient of LSC funds in 1981.

National Health Law Project was a recipient of LSC funds in 1981.

Mexican-American Legal Defense and Education Fund was a recipient of LSC funds in 1981.

San Francisco Neighborhood Legal Assistance Foundation was a recipient of LSC funds in 1981.

Legal Services of Northern California was a recipient of LSC funds in 1981.

Organizations Assisting or Represented by Grantee:

Committee to Defend Reproductive Rights.

Evidence of Involvement:

(1) The court opinion states: "Patti Roberts, Tamara Dahn, Michelle Murphy, Barbara Weiner, Abigail English, Pauline Tesler, Vilma Martinez, Carmen Estrada, Linda Hanten, Nancy L. Davis, Joan Messing Graff, Margaret C. Crosby, Alan L. Schlosser, Amitai Schwartz, San Francisco, Fred Okrand, Mark D. Rosenbaum, Terry Smerling, Los Angeles, and Ralph Santiago Abascal, Sacramento, for plaintiffs and appellants for petitioners."

(2) The court opinion also states: "Dorothy T. Lang, Sacramento, Sylvia Drew Ivie, Ashburn, Diane Morrison, Roberta Ranstrom, Barbara Steinhardt, Sacramento, . . . as amici curiae for plaintiffs and appellants."

(3) Abigail English was a staff attorney with the National Center for Youth Law in 1981, as was Pauline Tesler, San Francisco;

(4) Sylvia Drew Ivie was the executive director of the National Health Law Program in 1981 where Dorothy T. Lang, Sacramento, also served as a staff attorney;

(6) Linda Hanten, Carmen Estrada, & Vilma Martinez, were staff attorneys with the Mexican-American Legal Defense and Education Fund, San Francisco in 1981;

(7) Patti Roberts was with the San Francisco Neighborhood Legal Assistance Foundation, Oakland in 1981;

(9) Barbara Steinhardt & Roberta Ranstrom, were with the Legal Services of Northern California in 1981. It is likely that Diane Morrison was then also with the LSNC;

(10) The National Center for Youth Law Evaluation Team Report prepared for the Research Institute of the LSC in December 1979 declared that the "largest proportion of the San Francisco office's resources and energy are devoted to test case litigation." The team was impressed with the Center's "depth of legal research and factual development," "legal analysis" and "litigation strategy" for the files reviewed including that of the foregoing case. Although the Center failed to make reference to any involvement in the case in any subsequent annual report, including the 1981 annual report—the year in which the decision was handed down—the Center was listed as a party to the case on a "proof of service" document served on Robert Destro and James Bopp who were amici to the case.

Extent of Involvement:

Various Legal Services grantees, representing various welfare and health care rights organizations, brought suit for declaratory and injuctive relief against the Director of the State Health Department, alleging that the provisions of the California Budget Act of 1978 which restricted state funding of abortions were unconstitutional.

Points to Consider:

(1) The primary contention of the grantee is that indigent women have an unqualified right to have their abortions paid for by the state;

(2) The grantee represented a large number of groups, any one of which could have afforded independent counsel;

(3) The grantee, supported by federal funds, challenged a state budget act.

Williams v. *Zbaraz*, 448, U.S. 358, 65 L.Ed.2d 831, 100 S.Ct.2694, (1980), reh den 448 U.S. 917, 65 L.Ed.2d 1180, 101 S.Ct. 38 and reh den 448 U.S. 917, 65 L.Ed.2d 1180, 101 S.Ct. 39 and reh den 448 U.S. 917, 65 L. Ed.2d 1180, 101 S. Ct. 39.

Grantee: Legal Assistance Foundation of Chicago, Chicago, Illinois; By: Robert Bennett, Aviva Futorian, Robert E. Lehrer, Wendy Meltzer & James D. Weill. National Health Law Project; By: Dorothy T. Lang & Lucien Wulsin, Jr. Mexican American Legal Defense & Education Fund; By: Vilma S. Martinez & Carmen A. Estrada. Puerto Rican Legal Defense & Education Fund; By M.D. Taracido, Peter Bienstock, Lizette A. Cantres.

Status:

Legal Assistance Foundation of Chicago was a recipient of LSC funds in 1980.

National Health Law Project was a recipient of LSC funds in 1980

Mexican American Legal Defense & Education Fund was a recipient of LSC funds in 1980

Puerto Rican Legal Defense & Education Fund was a recipient of LSC funds in (investigation pending)

Organizations Represented:

Physicians National Housestaff Association, Mexican American Women's National Association, Puerto Rican Legal Defense and Education Fund, and National Conference of Black Lawyers.

Evidence of Involvement:

(1) The brief for the appellees filed with the court states: "Aviva Futorian, Robert E. Lehrer, Wendy Meltzer, James D. Weill, Legal Assistance Foundation of Chicago, 343 South Dearborn Street, Chicago, Illinois 60604."

(2) An amicus curiae brief filed with the court states: "Counsel: Dorothy T. Lang,

Lucien Wulsin, Jr., National Health Law Program, 2401 Main Street, Santa Monica, CA 90405, (213) 392-4811, Attorneys for the Physicians, National Housestaff Association. . . ."

(3) The same amicus brief states: "Vilma S. Martinez, Carmen A. Estrada, Mexican-American Legal Defense & Education Fund, 28 Geary Street, San Francisco, CA 94108, (415) 981-5800, Attorneys for the Mexican American, Women's National Association."

(4) The same amicus brief states: "M.D. Taracido, Peter Bienstock, Lizette A. Cantres, Puerto Rican Legal Defense & Education Fund, 95 Madison Avenue, New York, NY 10016, (212) 532-8470, Attorneys for the Puerto Rican, Legal Defense & Education Fund."

Extent of Participation:

Grantees filed suit and submitted amicus curiae briefs seeking to enjoin the enforcement of an Illinois law prohibiting state funding of all abortions except those necessary for the preservation of the life of the mother, on the ground that the federal Medicaid statute required Illinois to provide coverage in its Medicaid plan for all medically necessary abortions whether or not the life of the pregnant woman was endangered, and on the ground that Illinois' funding of medically necessary services in general, but not certain medically necessary abortions (paralleling the "Hyde Amendment") violated the equal protection clause of the Fourteenth Amendment.

Outcome of Case:

The court held that—

(1) The federal district court had no authority to declare the "Hyde Amendment" as unconsititutional;

(2) The federal Medicaid statute did not require Illinois to pay for those medically necessary abortions for which federal reimbursement was unavailable under the "Hyde Amendment;"

(3) Funding by Illinois of medically necessary services generally, but not certain medically necessary abortions, (Illinois' version of the "Hyde Amendment," did not violate the equal protection clause of the Fourteenth Amendment.

Prior Case History:

See, *Zbaraz* v. *Quern*, 572 F.2d 582 (7th Cir. 1978); See, *Zbaraz* v. *Quern*, 469 F.Supp. 1212 (N.D. Ill. 1979), cert. denied 99 S.Ct. 2095, 60 L.Ed.2d 1033.

Points to Consider:

(1) The grantee's primary contention is that a state must pay for the abortions of indigent women which are not medically necessary, and that the "Hyde Amendment," which limits funding of abortions, is unconstitutional;

(2) The grantee, supported by federal funds, challenged the constitutionality of a state statute.

Roe v. *Casey*, 623 F.2d 829 (3d Cir. 1980).

Grantee: Law Center South, Community Legal Services, Philadelphia, PA; By: Sheri Friedman, Roland Morris, Paulette Ettachild.

Status: Community Legal Services was a recipient of LSC funds in 1980.

Other Organizations Assisting or Represented by Grantee:

American Civil Liberties Union, Philadelphia, PA, Pennsylvania National Organization for Women, National Emergency Civil Liberties Committee, Pennsylvania Council of the Union of American Hebrew Congregations, National Lawyers Guild, The Juvenile Law Center of Philadelphia, and The Clara Bell Education Fund.

Evidence of Involvement:

The court opinion states: "Sheri Friedman, Roland Morris, Philadelphia, Pa., Paulette Ettachild, Law Center South, Community Legal Services, Philadelphia, Pa., for appellees."

Extent of Participation:

Grantee filed a class action suit on behalf of indigent pregnant women under a civil rights statute challenging Pennsylvania statutes limiting state funding for abortions.

Outcome of Case:

The court ruled that two Pennsylvania statutes restricting state funding of abortions were inconsistent with the Hyde Amendment and therefore contravened the federal Medicaid statute. Because the Court of Appeals thought it would be inappropriate to redraft the statutes to make them consistent with the Medicaid Act as modified by the Hyde Amendment, the court found that the statutes must be enjoined.

Prior Case History:

See *Roe* v. *Casey*, 464 F.Supp. 483 (E.D. Pa. 1978); See *Roe* v. *Casey*, 464 F.Supp. 487 (E.D. Pa. 1978).

Points to Consider:

(1) The primary contention of the grantee is that indigent women have an unqualified right to have their abortions paid for by the state;

(2) The grantee represented a large number of groups, any one of which could have afforded independent counsel;

(3) The grantee, supported by federal funds, challenged the constitutionality of a state statute.

Maher v. *Roe*, 432 U.S. 464, 53 L.E.2d 484, 97 S.Ct. 2376 (1977).

Grantee: National Health Law Program, Los Angeles, California; By: Patricia A. Butler. Black Hills Legal Services, Inc.; By Michael A. Wolff.

Status:

The National Health Law Program and Black Hills Legal Services, Inc. were recipients of LSC funds in 1977.

Evidence of Involvement:

(1) Michael A. Wolff, of Black Hills Legal Services, Inc., filed a brief for Jane Doe as amicus curiae. Black Hills, however, was not cited in the court opinion.

(2) Patricia A. Butler, of the National Health Law Program, filed a brief for Jane Doe as amicus curiae, along with Michael A. Wolff. The Health Law Program, however, was not cited in the court opinion.

Extent of Participation:

Grantee filed amicus curiae briefs on behalf of indigent women in a suit against the Connecticut Commissioner of Social Services to declare a regulation of the state welfare department as unconstitutional when two indigent women were unable to obtain a physician's certificate of medical necessity in order to have an abortion paid for under the federal Medicaid statute as qualified by the Connecticut regulation.

Outcome of Case:

The Court held that—

(1) The Connecticut regulation excluding funding for non-therapeutic abortions did not violate the equal protection clause of the Fourteenth Amendment; and

(2) The regulation's requirements for medically necessary abortions of prior written consent by the pregnant woman and prior authorization by the state official were no invalid.

Points to Consider:

(1) The grantee's primary contentions were that—

(a) It is unconstitutionally burdensome to require a woman to obtain the written consent of a physician to determine whether her need for an abortion is medically necessary;

(b) It is unconstitutional to require a woman to obtain the authorization of a state official in order to have the state pay for an abortion under Medicaid;

(2) The grantee, supported by federal funds, challenged the constitutionality of a state regulation.

Beal v. *Doe*, 432 U.S. 438, 53 L.E.2d 464, 97 S.Ct. 2366 (1977).

Grantee: National Health Law Program, Los Angeles, California; By: Patricia A. Butler. Black Hills Legal Services, Inc.; By: Michael A. Wolff.

Status:

The National Health Law Program and Black Hills Legal Services, Inc. were recipients of LSC funds in 1977

Evidence of Involvement:

(1) Judith M. Mears, of Yale Legal Services Organization, New Haven, Connecticut, filed a brief for the American Public Health Assn. as amici curiae. Yale, however, was not cited in the court opinion.

(2) Michael A. Wolff, of Black Hills Legal Services, Inc., filed a brief for Jane Doe as amicus curiae, along with Patricia A. Butler. Black Hills, however, was not cited in the court opinion.

(3) Patricia A. Butler, of the National Health Law Program, filed a brief for Jane Doe as amicus curiae, along with Michael A. Wolff. The Program, however, was not cited in the court opinion.

Extent of Participation:

Grantee filed suit against the Pennsylvania Department of Public Welfare to declare a regulation of the state welfare department as unconstitutional, which, pursuant to the federal Medicaid statute, limited Medicaid assistance for abortions to those certified by two physicians in writing as "medically necessary" when there is documented medical evidence that the pregnancy may threaten the mother's health, the infant may be born mentally or physically deformed, or the pregnancy resulted from rape or incest.

Outcome of Case:

The Court held that a state participating in the federal medicaid program was not required to fund the cost of non-therapeutic abortions, although it may provide such funding if it wished.

Points to Consider:

(1) The grantee's primary contention was that a state must provide funding for non-therapeutic abortions under the federal Medicaid statute;

(2) The grantee, supported by federal funds, challenged a state regulation.

Peck v. *Califano*, 454 F.Supp. 484 (D. Utah 1977).

Grantee: Salt Lake County Bar Legal Services, Salt Lake City, Utah; By: Michael D. Shepard.

Status:

Recipient of LSC funds in 1976 only. Note that case was likely accepted prior to 1977.

Evidence of Involvement:

The court opinion states: "Michale D. Shepard, Salt Lake County Bar Legal Services, Salt Lake City, Utah, for plaintiff.

Extent of Participation:

Grantee filed suit on behalf of a minor challenging the constitutionality of a federal regulatory moratorium on the provision of sterilization services through Medicaid to persons under the age of 21.

Outcome of Case:

The court ruled that there was a reasonable relationship between the minimum age requirement of 21 and the purpose of preventing involuntary or unconsented sterilzations to justify the constitutionality of the regulatory moratorium, and that the indigency which affected the minor's exercise of her privacy right did not result in the impingement of a fundamental right.

Points to Consider:

(1) The grantee's primary contention is that an indigent teenager has a constitutional right to have the state pay for nonmedically necessary sterilizations;

(2) The grantee, supported by federal funds, challenged the constitutionality of a federal regulatory action.

Lady Jane v. *Maher,* 420 F.Supp. 318 (D.Conn. 1976).

Grantee: Legal Aid Society, Hartford, CT; By: Ronald Gold & Raymond R. Norko.

Status:

Legal Aid Society was a recipient of LSC funds in 1976

Evidence of Involvement:

The court opinion states: "Ronald Gold, Raymond R. Norko, Legal Aid Society, Hartford, Conn., Judith Mears, Yale Legal Services, New Haven, Conn., for plaintiffs."

Extent of Participation:

Grantee filed class action suit on behalf of all minor pregnant women whose legal guardian is the Commissioner of Children and Youth Services, who desire an abortion but who have been refused consent to have an abortion by the Commissioner, pursuant to state statute.

Outcome of Case:

The court ruled that a regulation of the state Welfare Department requiring all minors committed to the care of the Commissioner of Children and Youth Services to obtain written consent of the Commissioner before undergoing an elective abortion was unconstitutional under the First and Fourteenth Amendments.

Points to Consider:

(1) The grantee's primary contention is that a teenage girl has an unqualified right to secure an abortion without the consent of the state as her legal guardian;

(2) The grantee advanced the claim without respect to indigency;

(3) The grantee, supported by federal funds, challenged the constitutionality of a state regulation.

Doe v. *Zimmerman,* 405 F.Supp. 534 (M.D. Penn. 1975).

Grantee: Central Pennsylvania Legal Services, Harrisburg, Pa; By: G. David Pauline.

Status: Recipient of LSC funds in 1975.

Evidence of Involvement:

The court opinion states: "G. David Pauline, Central Pa. Legal Services, Harrisburg, Pa., Alan N. Linder, Lancaster, Pa., for plaintiffs."

Extent of Participation:

Grantee filed a class action suit on behalf of all indigent women to determine whether the Pennsylvania Abortion Control Act of 1974 is unconstitutional for:

(1) Requiring a husband's consent prior to the performance of an abortion;

(2) Requiring parental consent prior to the abortion on an unmarried minor;

(2) Requiring a determination of the non-"viability" of the fetus prior to the performance of an abortion;

(3) Requiring certain record-keeping by every facility in which an abortion is performed; and

(4) Prohibiting the payment of public funds for an abortion which is not necessary to preserve the life or health of the mother.

Outcome of Case:

The court held the Act was unconstitutional in those respects, and granted an injunction restraining criminal prosecution against physicians and hospitals for violation of the Act.

Points to Consider:

(1) The primary contentions of the grantee are that—

(a) Indigent women have an unqualified right to have their abortions paid for by the state,

(b) Teenage girls have a right to an abortion without the knowledge or consent of their parents,

(c) A wife has a right to an abortion over the objection of her spouse;

(2) The grantee represented a large number of groups, any one of which could have afforded independent counsel;

(3) The grantee, supported by federal funds, challenged the constitutionality of a State statute.

Doe v. *Westby,* 402 F.Supp. 140 (W.D.S.D. 1975) Grantee: Black Hills Legal Services, Inc., Rapid City, South Dakota; By: Michael A. Wolff. National Health Law Program, Los Angeles, CA; By: Patricia A. Butler.

Status:

Black Hills Legal Services, Inc. and National Health Law Program were recipients of LSC funds in 1975.

Evidence of Involvement:

The court opinion states: "Michael A. Wolff, Black Hills Legal Services, Inc., Rapid City, S.D., for plaintiffs."

Extent of Participation:

Grantee filed a class action suit on behalf of all indigent women to determine whether the policy of the State Social Services Department was unconstitutional for precluding medicaid payments of abortions unless necessary to save the life or health of the mother.

Outcome of Case:

The court held that a state policy of refusing to pay for the abortions of indigent women except when necessary to save the life or health of the mother was unconstitutional.

Prior Case History:

See *Doe* v. *Westby,* 383 F.Supp. 1143 (W.D.S.D. 1974).

Points to Consider:

(1) The grantee's primary contention is that indigent women have an unqualified right to have their abortions paid for by the state;

(2) The grantee, supported by federal funds, challenged the constitutionality of a state regulation.

Hall v. *Lefkowitz,* 305 F.Supp. 1030 (S.D.N.Y. 1969).

Grantee: Community Action for Legal Services, Brooklyn; By: John DeWitt Gregory, South Brooklyn Legal Services, New York; By: Morton P. Cohen, Marcia Lowry, Napoleon B. Williams, Jr., Alfred Toombs, & Dan Meyers.

Status:

Community Action for Legal Services was a recipient of federal funds under the OEO in 1969.

South Brooklyn Legal Services was a recipient of federal funds under the OEO in (investigation pending).

Organizations Represented or Assisted by Grantee:

James Madison Constitutional Law Institute Association for the Study of Abortion, and The American Civil Liberties Union.

Evidence of Involvement:

The court opinion states: "John DeWitt Gregory, Community Act for Legal Services, New York City, for plaintiffs . . . Morton P. Cohen, South Brooklyn Legal services, Brooklyn, N.Y., for plaintiff Doe; Marcia Lowery, Napoleon B. Williams, Jr., Alfred Lawrence Toombs, New York City, on the brief; Dan Meyers, New York City, of counsel."

Extent of Participation:

Grantee filed suit challenging New York State's abortion laws as being unconstitutional under various provisions of the Federal Constitution.

Outcome of Case:

The court held that the plaintiffs challenge was of sufficient substance as to require the convening of a three-judge court.

Points to Consider:

(1) In this pre-*Roe* v. *Wade* decision, Legal Services Attorneys clearly had the repeal of the nation's abortion laws on their agenda. They cannot claim that they are pushing abortion cases simply because such cases are consistent with established precedent. Here, they were attempting to overturn well-established precedent;

(2) The grantee, supported by federal funds, challenged the constitutionality of a state statute.

APPENDIX

Congressional restrictions on abortion through appropriations measures

1. P.L. 97-51—Effective dates: 10/01/81 to 11/22/81; date enacted: 10/01/81 for fiscal year: 1982.
2. P.L. 97-85—Effective dates: 11/23/81 to 12/14/81; date enacted: 11/23/81 for fiscal year: 1982.
3. P.L. 97-276—Effective dates: 10/02/82 to 12/20/82; date enacted: 10/02/82 for fiscal year: 1983.
4. P.L. 97-377—Effective dates: 12/21/82 to 09/30/83; date enacted: 12/21/82 for fiscal year: 1983.
5. P.L. 99-103—Effective dates: 10/01/85 to 11/14/85; date enacted: 09/30/85 for fiscal year: 1986.
6. P.L. 99-154—Effective dates: 11/14/85 to 12/12/85; date enacted: 11/14/85 for fiscal year: 1986.
7. P.L. 99-179—Effective dates: 12/12/85 to 12/13/85; date enacted: 12/13/85 for fiscal year: 1986.
8. P.L. 99-180—Effective dates: 12/13/85 to 12/19/85; date enacted: 12/13/85 for fiscal year: 1986.
9. P.L. 99-180 and 190—Effective dates: 12/19/85 to 09/30/86; date enacted: 12/19/85 for fiscal year: 1986.●

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

● Mr. CRANSTON. Mr. Chairman, Mr. President, pursuant to Senate rule XXVI.2, which requires that each committee publish its rules in the RECORD not later than March 1 of each year, I am hereby submitting for publication the rules of the Committee on Veterans' Affairs.

The rules follow:

RULES OF PROCEDURES OF THE COMMITTEE ON VETERANS' AFFAIRS

I. MEETINGS

(a) Unless otherwise ordered, the committee shall meet on the first Wednesday of each month. The chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 rule XXVI of the Standing Rules of the Senate, meetings of the committee or a subcommittee shall be open to the public.

(c) The chairman of the committee or of a subcommittee, or the vice chairman in the absence of the chairman, or the ranking majority member present in the absence of the vice chairman, shall preside at all meetings.

(d) No meeting of the committee or any subcommittee shall be scheduled except by majority vote of the committee or by authorization of the chairman of the committee.

(e) The committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the committee shall immediately notify such designated office.

II. QUORUMS

(a) Subject to the provisions of paragraph (b), six members of the committee and four members of a subcommittee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the committee or a subcommittee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a committee or subcommittee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimomy.

III. VOTING

(a) Vote may be cast by proxy. A proxy may be written or oral, and may be conditioned by personal instructions. A proxy shall be valid only for the day given except that a written proxy may be valid for the period specified therein.

(b) There shall be a complete record kept of all committee action. Such record shall contain the vote cast by each member of the committee on any question on which a "yea" and "nay" vote is required.

IV. SUBCOMMITTEE

(a) No member of the committee may serve on more than two subcommittees. No member of the committee shall receive assignment to a second subcommittee until all members of the committee, in order of seniority, have chosen assignments to one subcommittee.

(b) The committee chairman and the ranking minority member shall be ex officio nonvoting members of each subcommittee of the committee.

(c) Subcommittees shall be considered de novo whenever there is a change in committee chairmanship and, in such event, subcommittee seniority shall not necessarily apply.

(d) Should a subcommittee fail to report back to the committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and so notify the committee for its disposition.

V. HEARINGS, AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the committee or a subcommittee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcement of the date, place, time, and subject matter of such hearing.

(c) The committee or a subcommittee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the committee not later than 48 hours prior to the witness' scheduled appearance unless the chairman and ranking minority member determine there is good cause for failure to do so.

(d) The presiding officer at any hearing is authorized to limit the time allotted to each witness appearing before the committee or subcommittee.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the committee and its subcommittees.

VII. PRESIDENTIAL NOMINATIONS

Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

VIII. NAMING OF VETERANS' ADMINISTRATION FACILITIES

It is the policy of the committee that no Veterans' Administration facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who was instrumental in the construction or the operation of the facility to be named.

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility, or

(3) an Administrator of Veterans' Affairs, or a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.●

BUDGET SCOREKEEPING REPORT

● Mr. **CHILES.** Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $14.3 billion in budget authority, but over in outlays by $13.4 billion. The report does not include the Surface Transportation Act because the bill has not been enacted by Congress yet. When the bill is enacted, only $4.2 billion in budget authority will remain. This corrects an error in the February 17, 1987, statement.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, February 25, 1987.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, Senate Concurrent Resolution 120. This report meets the requirements for Senate scorekeeping of Section 5 of Senate Concurrent Resolution 32 and is current through February 23, 1987. The report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended. At your request this report incorporates the CBO economic and technical estimating assumptions issued on January 2, 1987.

This report corrects a previous error in the amount budget authority is under the budget resolution.

With best wishes,

Sincerely,

RUDOLPH G. PENNER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100th CONGRESS, 1st SESSION AS OF FEBRUARY 23, 1987

[Fiscal year 1987—in billions of dollars]

	Current level [1]	Budget resolution S. Con. Res. 120	Current level + / − resolution
Budget authority	1,079.0	1,093.4	−14.3
Outlays	1,008.4	995.0	13.4
Revenues	833.9	852.4	−18.5
Debt subject to limit	2,227.5	[2] 2,322.8	−106.3
Direct loan obligations	42.5	34.6	7.9
Guaranteed loan commitments	140.5	100.8	39.7

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[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all

entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,300 billion (Public Law 99-509).

FISCAL YEAR 1987 SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 100th CONGRESS, 1st SESSION AS OF FEBRUARY 23, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			833,855
Permanent appropriations and trust funds	720,451	638,771	
Other appropriations	542,890	554,239	
Offsetting receipts	−185,071	−185,071	
Total enacted in previous sessions	1,078,269	1,007,938	833,855
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100-4)	−4	−4	
Emergency Supplemental for the Homeless (Public Law 100-6)	−7	−1	
Total enacted this session	−11	−5	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Special milk	6	3	
Veterans compensation	173		
Readjustment benefits	9		
Federal unemployment benefits and allowances	33	33	
Advances to the unemployment trust fund	(3)	(3)	
Payments to health care trust funds	(224)	(224)	
Family social services	110		
Medical facilities guarantee and loan fund	5	4	
Payment to civil service retirement and disability fund	(33)	(33)	
Coast Guard retired pay	3	3	
Civilian agency pay raises	358	373	
Replenishment of disaster relief funds [1]	57	50	
Total entitlements	754	467	
Total current level as of Feb. 23, 1987	1,079,012	1,008,400	833,855
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution		13,400	
Under budget resolution	14,338		18,545

[1] Included at request of Senate Budget Committee.

Note.—Numbers may not add due to rounding.●

FEDERAL EMPLOYEES RECOGNITION WEEK

● **Mr. ROTH.** Mr. President, I rise today to cosponsor Senate Joint Resolution 9, a joint resolution to designate the week of March 1, 1987 through March 7, 1987, as "Federal Employees Recognition Week." During the past decade it has become fashionable to bash Federal employees.

There is a danger in this. If this trend continues, these accusations may become self-fulfilling prophesies. Denying public service the status of an honored profession will cause the most capable individuals to flee to other pursuits. When this occurs, our problems in Government will multiply exponentially.

Thus, this week serves as a special and important reminder to the American people of the critical jobs performed by our Federal employees. It also serves as a sign of our appreciation for the jobs they do and the work they accomplish.

Our Federal work force is 3 million strong. The different jobs and responsibilities of the Federal work force are as diverse as the Nation itself. The 5,000 Federal employees in my State of Delaware are dedicated to such wide ranging missions as helping individuals get their Social Security checks to insuring the security of our Nation.

All over the Nation, our Federal work force is on the job. Postal carriers deliver the mail, border patrols protect our country from illegal entry and drug smuggling, national scientists work on AIDS and cancer research, military personnel protect our national security, social workers help train displaced workers for new jobs and careers—their combined efforts are directed toward ensuring a brighter future for our Nation.

In March 1986, President Reagan recognized 11 individuals and 8 groups for Presidential Management Improvement Awards. Together, these Federal employees saved the American taxpayer more than $270 million through imaginative and innovative ideas. These individuals are only a few of the entire work force who work hard every day to improve the efficiency of the Government. The efforts of these individuals and many, many others like them, go beyond the dollar savings, to represent the urge to excel at their jobs.

Mr. President, I am proud to be able to cosponsor this legislation, because it is critical that we recognize the hard work of the Federal work force and the achievements they have made—this special recognition is well deserved.●

A BALANCED BUDGET AMENDMENT THAT REALLY WORKS

● **Mr. ARMSTRONG.** Mr. President, the distinguished Senator from Oklahoma [Mr. BOREN] and I recently reintroduced our proposed constitutional amendment to require a three-fifths vote for Congress to increase the national debt limit. We have long been convinced that the place to restrain reckless spending by Congress is not in the annual budget, but where the national debt is increased.

A year ago my friend, John McClaughry, authored an article which proposed a really iron-clad constitutional amendment to prevent Congress from continuing to increase the national debt. Like the proposal offered by myself and Senator BOREN, his version zeroes in on the national debt, which is rapidly approaching $2.5 trillion. As will be seen, however, his goes a great deal further than ours. The McClaughry proposal would simply forbid any official of the U.S. Government from authorizing the issuance of any debt in excess of $2.5 trillion. It also provides for citizen enforcement action, and requires that tax increases be used to reduce the debt, not finance further spending.

I am under no illusions that Congress will find "Proposition 2½" remotely congenial, but I ask that the article and a text of the proposed amendment be printed in the RECORD. If nothing else, it is a good benchmark for consideration of other proposals.

The material follows:

PROPOSITION 2½: A BALANCED-BUDGET AMENDMENT THAT REALLY WORKS

(By John McClaughry)

The Senate will soon debate, once again, a proposal for a constitutional amendment to "balance the federal budget." The goal of the Balanced Budget Amendment is to stop massive deficit spending, but actually the amendment would not quite do that. It would merely make it more difficult or politically dangerous for the honorable members to continue to show contempt for that increasingly remote standard of fiscal responsibility.

Over the past few years, some 32 state legislatures have adopted resolutions calling upon Congress to call a constitutional convention to write such an amendment. There is thus considerable pressure on Congress to act before two more state legislatures climb on the bandwagon and make a convention mandatory.

The Senate Judiciary Committee has actually reported two different versions of a "balanced-budget amendment." The principal amendment (S.J. Res. 13) contains essentially the same language which passed the Senate in 1982 but failed to obtain the requisite two-thirds vote in the House.

Section 1 says that Congress has to adopt a "statement" about the annual budget, the numbers in which are to be concocted and balanced by whatever devices Congress cares to use to achieve that result. To adopt a budget in which the revenue and expenditure numbers have not been jiggered to come out equal would require a three-fifths vote in both House and Senate.

Section 2 says that federal tax receipts cannot be allowed to come in at a rate greater than the growth of national income, unless Congress by a similar three-fifths vote allows higher taxation to take place.

Section 3 requires the President to submit an example of a balanced-budget request at the beginning of each budget cycle.

Section 4 allows Congress to waive all requirements whenever a declaration of war is in effect.

The remaining sections deal with definitions, effective date, and the power of Congress to enforce the amendment, presumably against itself.

"The most striking thing about this laboriously drafted proposal is that it does not require a balanced budget. It simply makes it more difficult—because of the three-fifths vote requirement—for Congress to adopt an unbalanced budget or raise new taxes to cover a deficit.

What happens if Congress and the President concoct some scheme to avoid balancing the budget in fact? The authors of the Balanced Budget Amendment have a stern remedy for such a flouting of the law. According to the 1982 Senate Judiciary report, these worthies shall "take such steps as are necessary to prevent the total of actual outlays from exceeding the total of statement outlays." This has the ring of a city council ordinance directing all fugitives from justice to turn themselves in.

The Balanced Budget Amendment is motivated by a genuine concern about the current and seemingly endless string of astounding federal deficits. If ratified, it would certainly have some inhibiting effect on the ease with which Congress cranks out those deficits year after year.

The net effect in practice of all this precatory language, however, would most likely be the elevation of budgetary mendacity to a hitherto unreached level, even in official Washington.

As David Stockman recently noted with respect to the existing budget process, "we have increasingly resorted to squaring the circle with accounting gimmicks, evasions, half-truths and downright dishonesty in our budget numbers, debate and advocacy. Indeed, if the SEC had jurisdiction over the executive and legislative branches, many of us would be in jail." (Fortunately, at least for him, Stockman went off to Salomon Brothers instead.) Escaping from the toils of the Balanced Budget Amendment would probably call forth truly heroic efforts along this line.

The central problem of the Balanced Budget Amendment, then, is that it simply doesn't guarantee the hoped-for result. If the U.S. Army chooses to quarter soldiers in your home without your consent, you can go to the nearest federal court and get a court order under the 3d Amendment to get them out. Under the pending balanced-budget amendment, If Congress pulls some more of the accounting dipsy doodles for which it has become famous, you can write an angry letter to your local paper.

What America needs is a balanced-budget amendment which will *stop* deficit spending, except in time of war. *Stop* doesn't mean a three-fifths majority to keep on spending. It means no more deficit spending. Fortunately, such an amendment is available. It is called Proposition 2½, a term instantly recognizable to Massachusetts taxpayers as the name of the successful tax limitation adopted there several years ago. So far, no stalwart legislator has stepped forward to introduce it, but once this article appears in print the stampede should begin.

First, a dreary recitation of the growth of the national debt. As of the end of Fiscal Year 1980, at the time of the Carter-Reagan election, the national debt stood at $914 billion. Fortunately, so we thought, for fiscal conservatism, Ronald Reagan won that election. And thus it came to pass that the federal debt doubled over five years, to $1.841 trillion as of this September. Sometimes in mid-1988 the national debt will pass the $2.5-trillion mark—two-and-a-half-trillion dollars of deficit spending.

That's where Proposition 2½ says "*stop*."

There is nothing in it about adopting hopeful statements or requiring three-fifths votes. Proposition 2½ says that two-and-a-half-trillion-dollars debt is all you can have. After that point, the federal government simply cannot issue any more debt.

How can this be evaded, one asks? Well, gross federal debt—the total of public and agency debt—has to be authorized and issued. Some official, pursuant to law, has to sign the debt instruments. At the $2.5-trillion mark, that official (the secretary of the treasury) will no longer have any authority to sign debt issues, under Section 2 of Proposition 2½.

What if the President, backed by Congress, decides that more deficit spending is good for America? The President directs the secretary of the treasury to keep on signing those debt issues. Then Section 3 comes into play.

Under Section 3, any citizen is given standing to bring an original action in the Supreme Court to enjoin the secretary of the treasury from issuing more debt. The Court would have no opportunity, under Section 3, to avoid issuing the required injuction, and enforcing it by such means as civil contempt proceedings if need be.

Ah, you say, what if the court, reluctant to be dragged into this constitutional crisis, simply fiddles while the government spends? Under Section 3 it can fiddle for only 90 days, before Very Bad Things begin to happen. There are a number of Very Bad Things that could be made to happen at this point, but Section 3 comes down in favor of suspension of the 16th Amendment. If the court gets cold feet about issuing the injunction, the authority of the federal government to levy income taxes expires, and over half of the federal government's receipts suddenly evaporate.

Actually, this scenario is really pro forma, for another factor would stop the sale of federal debt to the private sector once the $2.5-trillion mark is reached. Since the Constitution would then make it clear that $2.5 trillion is tops, who would buy the additional bonds, notes, or bills?

A legion of bond counsels would rise up in fear and trembling to advise the "prudent men" who manage the firms which buy federal securities that any new debt will not be validly contracted, and thus their shareholders' assets would be put at grave risk. There are not enough wealthy, ignorant pensioners around to buy another couple of hundred billion dollars of worthless savings bonds, even with Ronald Reagan himself urging them to "Take Stock [sic] in America."

Nor could the Treasury take the extraordinary (and extraordinarily inflationary) step of selling its debt directly to the Federal Reserve. Section 2 also prohibits the Fed, an "institution created by the United States," from purchasing any additional debt if the effect is to increase the debt beyond the $2.5-trillion ceiling.

What about eliminating the deficit by "simply" raising taxes? Section 4, adapted from the current balanced-budget amendment, addresses this escape route. It states that if federal government revenues increase at a more rapid rate than has the national income, averaged over the past four years, the secretary of the treasury must use the excess revenues to purchase and retire the outstanding national debt. Any such retirement would lower the $2.5-trillion debt limitation by a like amount. So much for solving the problem through new taxes.

Proposition 2½, like the Balanced Budget Amendment, allows for a suspension in case of a declaration of war, but only for the period during which U.S. forces are actually engaged in hostilities with the country against which the war was declared.

"This carefully drawn provision is designed to thwart the temptation of Congress, faced with a debt ballooning past the $2.5-trillion mark, to declare unprosecuted wars against Lesotho, San Marino, or Vanuatu."

If the federal government is forced by such an amendment to stop issuing federal debt, how will it be able to continue deficit spending after 1988, with the amendment in effect? Congress could find itself forced to curb spending, which would certainly be a salutary result. It could not escape by raising taxes beyond the rate of growth of national income because of Section 4.

It could authorize the sale of government-owned assets to raise new funds to spend, which would have the effect of privatizing the federal government, another salutary result. It could possibly contrive to increase the value of the dollar so that federal spending would buy more real goods and services, but such a step would have such major and probably unpredictable economic effects that even Congress might blanch at the prospect.

The approach represented by Proposition 2½ has recently been seized, however haltingly, by two leaders in the Senate's balanced-budget crusade. Senators Bill Armstrong (R.-Colo.) and David Boren (D.-Okla.) have offered a substitute to the Judiciary Committee's version which forgets contrived "statements" about revenues and expenditures, and gets to the heart of the matter.

The Armstrong-Boren version would require a three-fifths vote of each House to increase the public debt limit. It thus avoids all the uncertainties and sleight-of-hand involved in budget estimating, and applies the restriction at the point where the federal government must be authorized to go further into debt as a result of past spending. Unlike Proposition 2½, however, the Armstrong-Boren proposal merely imposes a supermajority vote requirement. It does not promise to *stop* deficit spending, but it is certainly a step in the right direction.

Proposition 2½ would, in any remotely forseeable scenario, simply put a stop to federal deficit spending once the $2.5-trillion mark is reached. As President Reagan once said, "What's wrong with saying no?"

And if it be objected that such an amendment could not possibly be adopted by 1988, when the $2.5-trillion debt level will be reached—could I speak to you about Proposition 3?

Proposition Two and a Half

Section 1. The total amount of gross federal debt shall be limited to the greater of two and a half trillion dollars, or the amount outstanding as of the date this Article takes effect.

Section 2. No officer or employee of the United States, or of any institution created by the United States, shall authorize the emission, issuance, sale or purchase of any security or obligation of the United States, its agencies or instrumentalities, which would increase the gross federal debt above the foregoing limit.

Section 3. Any citizen of the United States shall have standing to enjoin the action of any officer or employee of the United States, or his or her successors in office, where such action is alleged to be in violation of Section 2. The Supreme Court shall have sole original jurisdiction to hear and decide any action brought under this section. If after 90 calendar days following the filing of such an action, the Supreme Court has rendered no decision thereupon, Article XVI of the Amendments to this Constitution shall forthwith stand repealed.

Section 4. If the rate of increase of total receipts of the federal government for any fiscal year exceeds the average rate of increase in national income over the four year period ending not less than six months nor more than twelve months before such fiscal year, the Secretary of the Treasury shall within the ensuing fiscal year use the excess of such receipts to repurchase and retire outstanding federal debt; and the limitation imposed by section 1 shall be reduced by a like amount.

Section 5. Congress may, by adopting a declaration of war, suspend the effect of Section 2 of this Amendment, but such suspension shall continue in force only during such period as the armed forces of the United States are engaged in actual armed hostilities against the armed forces of the country against which the war was declared, and six months thereafter.●

RULES OF THE COMMITTEE ON LABOR AND HUMAN RESOURCES

● Mr. KENNEDY. Mr. President, I submit the rules, as amended, of the Committee on Labor and Human Resources. I ask that they be printed in the RECORD.

The rules follow:

RULES OF PROCEDURE FOR THE COMMITTEE ON LABOR AND HUMAN RESOURCES

EDWARD M. KENNEDY, CHAIRMAN

(As amended February 25, 1987)

Rule. 1.—Subject to the provisions of Rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the Committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD 430, Dirksen Senate Office Building. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule. 2.—The Chairman of the Committee or of a subcommittee, or if the Chairman is not present, the ranking Majority member present, shall preside at all meetings.

Rule. 3.—Meetings of the Committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of Rule 26.5 of the Standing Rules of the Senate.

Rule. 4.—(a) Subject to paragraph (b), one-third of the membership of the Committee, actually present, shall-constitute a quorum for the purpose of transacting business. Any quorum of the Committee which is composed of less than a majority of the members of the Committee shall include at least one member of the Majority and one member of the Minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the Minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a Minority member, the measure or matter shall lay over for a day. If the presence of a member of the Minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the Committee or a subcommittee unless a majority of the Committee or subcommittee is actually present at the time such action is taken.

Rule. 5.—With the approval of the Chairman of the Committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule. 6.—Proxy voting shall be allowed on all measures and matters before the Committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the Committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The Committee may poll any matters of Committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule. 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each Committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of Rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the Committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any Committee member. The Clerk of the Committee, or the Clerk's designee, shall have the responsibility to make appropriate arrangements to implement this Rule.

Rule. 8.—The Committee and each subcommittee shall undertake, consistent with the provisions of Rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule. 9.—The Committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the Chairman and the ranking Minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee or a subcommittee. The Committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule. 10.—Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition.

Rule. 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee executive meeting may be held at the same time.

Rule. 12.—It shall be the duty of the Chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or caused to be reported to the Senate, any measure or recommendation approved by the Committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule. 13.—Whenever a meeting of the Committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of Rule 26.5 of the Standing Rules of the Senate, no person other than members of the Committee, members of the staff of the Committee, and designated assistants to members of the Committee shall be permitted to attend such closed session, except by special dispensation of the Committee or subcommittee or the Chairman thereof.

Rule 14.—The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee of a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or a subcommittee for final consideration, the Clerk shall place before each member of the Committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

Rule 16.—An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

Rule 17.—(a) The Committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the Committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the Committee or subcommittee shall constitute a quorum: provided, with the concurrence of the Chairman and ranking minority member of the Committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The Committee may, by a majority vote, delegate the authority to issue subpoenas to the Chairman of the Committee or a subcommittee, or to any member designated by such Chairman. Prior to the issuance of each subpoena, the ranking minority member of the Committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the Chairman of the Committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the Committee requesting same, or to any assistant to a member of the Committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the Rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the Chairman of the Committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to adivse him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in the household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests. (Part I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the Committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (Part II) shall not be required of any nominee when the Committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—In addition to the foregoing, the proceedings of the Committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.●

RULES OF THE COMMITTEE ON FINANCE, 100TH CONGRESS

● Mr. BENTSEN. Mr. President, I submit, for printing in the CONGRESSIONAL RECORD, the rules of the Committee on Finance, adopted by the committee on January 22, 1987. These rules were adopted and are submitted as required by Senate rule XXVI.

I ask that they be printed in the RECORD.

The rules follow:

COMMITTEE ON FINANCE—RULES OF PROCEDURE

(Adopted January 22, 1987)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsections (b) and (c) seven members, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

(c) Once a quorum as prescribed by subsection (a) has been established for the conduct of business in executive session, the committee may continue to conduct business so long as five or more members are present, including not less than one member of the majority party and one member of the minority party.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 12. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 13. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confirm their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for that witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 14. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 15. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witnesses, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 16. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event the adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration by may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees

Rule 17. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 18. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.●

AFGHANISTAN: LETTERS FROM THE STATE OF PENNSYLVANIA

● **Mr. HUMPHREY.** Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A Situation Approaching Genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Pennsylvania which I ask be printed in the RECORD.

The letters follow:

DEAR SENATOR HUMPHREY: I would like to voice my deep concern to you about the way the rights of the people of Afghanistan are being continually violated; the terrible suffering these brave people are enduring at the hands of the Soviets.

It has come to my attention that an international treaty outlawing genocide has recently been passed by our Senate, making mass murder of a national, ethnic, racial, or religious groups an international crime. In a case such as Afghanistan, where so many people are being executed, and where about 35 percent of the population is either dead or exiled, I strongly hope that this treaty will be used to end their suffering.

Sincerely,

ANA MERINO.

HAVERTOWN, PA.

DEAR SENATOR HUMPHREY: I am writing to voice my deep concern relative to the terror and atrocities being inflicted upon the people of Afghanistan by the Soviet Union and their occupation force. I continue to be appalled at the news reports that I read concerning this grave and unfortunate matter. Of more importance, I am concerned about what I perceive to be the lack of commitment on behalf of the United States in taking positive steps to ease the suffering of these people. It is my present feeling that the government should be providing military and non-military assistance to the people of Afghanistan who are engaged in a fearless effort to preserve their freedom and cultural identities.

I am writing to voice my concern and to ask you to advise me as to what efforts are being undertaken by our government.

Very truly yours,

JAMES D. BOGAR.

SHIREMANSTOWN, PA.●

SOUTH AFRICAN SANCTIONS BACKFIRE

● **Mr. WALLOP.** Mr. President, last October 2, the United States Senate joined with the House of Representatives in overriding President Reagan's veto of H.R. 4868, the bill which imposed United States sanctions against South Africa. When the Congress took that step, it was the first time that Congress had overridden a President on a foreign policy matter since President Nixon was overridden on his veto of the war powers resolution which was Congress' attempt to take back some of its powers after the Vietnam war. Also, by overriding President

Reagan on South African sanctions, the Congress made it very clear that South African sanctions is its foreign policy.

During debate on that bill and on the override vote, many of us on this side of the aisle warned that sanctions would backfire, that they would not accomplish what many hoped they would—a complete end to apartheid. Many Senators who voted to override the President did so under the misconception that the vast majority of blacks in South Africa favored the United States imposing sanctions against the Botha government.

Again, several of us attempted to set the record straight in that regard—South African blacks, none of whom support apartheid just as no U.S. Senator supports apartheid, were, and are, opposed to punitive sanctions against their country because they have always known they would be the first hurt.

Mr. President, I see some slight glimmer of hope in our country—and even in the Senate, I might add—that we are beginning to see that passage of H.R. 4868 over the President's veto was a mistake. I particularly feel that way when I read editorials such as the one which appeared in the February 11, 1987, issue of the Wall Street Journal entitled, "Sanctions Backfire."

Also, ruly thinking people among those who have been in the forefront of fighting apartheid have decided that their approach may have been wrong. Here I quote from excerpts from the January 27, 1987, Southern African Catholic Bishops' Conference Report which states:

> (I)t seems logical that black people desperately want an end to the oppression of apartheid, and are willing to endure some hardship to see this happen. It seems, however, that if the policy is likely to produce a loss of their vitally needed jobs, most blacks prove to be tentative about pressing the issue. The Commission concludes from this report that it cannot be said that blacks favor sanctions and are prepared to endure the hardship, a view apparently held by a minority only, for when the stark reality of loss of jobs is presented, then quite humanly this specter forces the preference for sanctions into the background.

Mr. President, I commend both the Journal editorial and the accompanying excerpts from the Catholic Bishop's report to my colleagues, and ask that both be printed in the RECORD.

The material follows:

REPORT TO BISHOPS: SANCTIONS COUNTERPRODUCTIVE

(Note.—On Jan. 27, the Southern African Catholic Bishops' Conference released the report of a special commission on economic sanctions. Following are excerpts from that report. A related editorial appears nearby.)

As aniticipated, the whole issue of economic pressures has clearly had a totally counterproductive effect on government thinking. The whole sanctions issue has consolidated government in its retreat from meaningful and, indeed, any reform.

The following [points] are relevant:

. . . . The establishment of the new super Economic Ministry . . . seems to be designed to put into place an economy and structure to withstand siege. Government sources have recently been reported as stating that they were not concerned about world reaction anymore as nothing the government did could stem the tide of sanctions.

The sanctions-busting effort is gaining momentum with the government cooperating in every facet. Passports of convenience appear to be fairly easily obtainable as is Reserve Bank cooperation in forming offshore operations to circumvent all kinds of trade pressures. . . .

The State President's third economic "summit" (boycotted by several important business leaders), whilst giving business the chance to hammer the remaining vestiges of institutional apartheid, produced nothing, and certainly no positive government response—only warnings to business "not to meddle in politics," and strong rebukes that government must be given full support by the business sector.

Government attitudes have become noticeably more and more defiant . . . more so than when sanctions were threatened. It is drawing more and more people into its service, making more and more people beholden to it. In just three years, its wage bill has doubled. Whilst the economy will be severly hurt by sanctions, it can survive, although for how long it is difficult to say, but those responsible for policy in the government and in government supporting roles, have effectively shielded themselves against the impact of deprivation. They will be the last to feel its effects.

At the recent National Party Congress, political change and the fate of political detainees and future reform was not addressed.

The incomprehensible attitude of the State President at the recent conference with certain of our Bishops, seems to supply final proof positive that the State President is totally closed to any overtures of reason or moral persuasion.

The clampdown on the media coupled with total suppression against all sectors of opposition to the Government is further clear support for the gloomy prognosis that Government does not intend to change realistically, and certainly has no intention of admitting to any process whereby political power will be relinquished peacefully at this stage regardless of the consequences.

What was anticipated by the pro-sanctions lobby early in 1986, namely an early change in Government policy with expectations of imminent meaningful black participation in a regime overcome by the pressures of economic boycotts, is not likey to materialize, and will probably only emerge but in [an] unpredictable manner, a long time ahead. The struggle is going to be arduous and lengthy, and very substantial suffering and confrontation is likely to continue to be experienced.

The agricultural sector employs about 1.3 million of the economically active population of South Africa of which 1.1 million are blacks, with a further 200,000 people being employed by industries which have important forward and backward linkages with the agricultural sectors. A total embargo against exports of agricultural products could lead to the retrenchment of approximately 100,000 workers in the Western Cape and Northern and Eastern Transvaal. Workers in Natal are also threatened.

Most importantly, the agricultural sector also provides accommodation to farm workers and their families, for example housing facilities and farm schools. During 1984 nearly 460,000 pupils were enrolled in 5,477 primary farm schools. This represented about 30% of total black school enrollment in South Africa.

Again the observation of the Commission is that notwithstanding the optimistic and often brave statements made by the government and big business that the country will be able to weather sanctions, there is no doubt that sanctions are, and as their impact increases, will become, very hurtful to the economic and therefore the social fabric of the country.

In summary it seems logical that black people desperately want an end to the oppression of apartheid, and are willing to endure some hardship to see this happen. It seems, however, that if the policy is likely to produce a loss of their vitally needed jobs, most blacks prove to be tentative about pressing the issue. The Commission concludes from this report that it cannot be said that blacks favor sanctions and are prepared to endure the hardship, a view apparently held by a minority only, for when the stark reality of loss of jobs is presented, then quite humanly this specter forces the preference for sanctions into the background.

There is a growing awareness of social responsibility in the private sector and in the business sector. Notwithstanding that the whole issue of so-called "constructive engagement" has been damned by certain forces and is criticized for example by [the largely black Confederation of South African Trade Unions] as being cosmetic only, we believe that a statement which says that because black South Africans are denied political rights, efforts to improve their economic, educational and social status are cosmetic or trivial, is a fallacy.

The Commission urges that the goals ahead must at all times be kept in mind. We see this primarily as twofold, namely the transformation of South Africa by the abolition of apartheid into a just society from which racial discrimination is eliminated, and in which equal opportunity with equal political rights will prevail, and at the same time the building of a base upon which a humane and just post-apartheid era with a Christian emphasis and orientation can be ushered into this country. In this the Church has a vital and far-reaching role to play.

SANCTIONS BACKFIRE

Remember sanctions? The struggle over whether to impose economic sanctions on South Africa was one of the biggest U.S. foreign-policy stories of 1986. The sanctions issue eventually transcended politics and became a litmus test of moral correctness in U.S. public life. Most participants chose the morality of sanctions.

Congress, led by Sen. Richard Lugar (R., Ind.), voted for sanctions. U.S. college students built shantytowns to express solidarity with apartheid's victims and force divestment of stocks in companies operating in South Africa. General Motors pulled out, as did Chase Manhattan, IBM and Coca-Cola. Yesterday, President Reagan's Advisory Committee on South Africa, a prestigious citizens group co-chaired by former IBM Chairman Frank Cary, presented George Shultz with a report urging the U.S. to push other Western nations into joining the sanctions effort.

So clearly the advocates of sanctions were the foreign-policy victors. At least in the U.S. they were. What about in South Africa itself? That's another story.

A group of South African churchmen has just released the first significant report on the sanctions strategy. According to a special commission of the Southern African Catholic Bishops' Conference, sanctions have "clearly had a totally counterproductive effect on government thinking . . . [and have] consolidated the government in its retreat from meaningful and, indeed, any reform." The report states that sanctions will mean suffering for many on the bottom of the economic ladder. (Excerpts from the report are printed nearby.)

It paints a grim future for a post-sanctions South Africa: high inflation, increasing black unemployment and a danger that some companies that provide housing and education for black workers and their families may go bankrupt. Denis Hurley, the Catholic archbishop of Durban, believes that further sanctions in the form of divestment "would precipitate conflicts that would go on for 20 years, and end in total devastation for the country."

Support for sanctions among South Africa's blacks was never as universally popular as the pro-sanctions lobby believed. Public-opinion surveys last July by Mark Orkin in association with the Cape Town-based institute for Black Research found that one-quarter of blacks supported sanctions even if they meant the loss of many black jobs. But 48% were against sanctions if they entailed many job losses.

If sanctions have backfired, there is little moral justification for forcing black South Africans to continue to accept a scorched-earth policy designed on Constitution Avenue in Washington, D.C. What kind of policy, then, should Americans of good will pursue in South Africa?

The answer lies not in apocalyptic moralism but, as always, along the harder road of serious politics. In this respect, the most hopeful sign is that the government of President P. W. Botha may yet be forced into accepting the proposals of the Indaba, a committee of whites, blacks and Indians from Natal province and the black "homeland" of KwaZulu.

Last year, the Indaba devised a multiracial constitution for the two regions based on universal suffrage. This would give Natal, with a quarter of South Africa's population, a genuine black-majority government at the local level. Like the U.S. Constitution, the Indaba proposes the decentralization of political power, thus minimizing the chances of group conflict.

Stoffel Botha, the leader of the ruling National Party in Natal, rejected a draft of the Indaba report last year because he felt it didn't provide adequate protections for whites and other minorities. The final report was submitted to Pretoria only last month. Fearful of losing votes to right-wing parties, the government has delayed any final decision on the Indaba plan until after whites vote in a May 6 national election.

The fact remains, however, that the government is also coming under increasing pressure from whites who are disgusted with its failure to carry out promises of further reform. Among these is Denis Worrall, who resigned last month as South Africa's ambassador to Great Britain. He believes a multiracial Natal government could serve as a model for a national solution to the injustices of apartheid, and plans to run as a pro-Indaba candidate for Parliament against a top government minister. Should Mr. Worrall run well, it would be a clear signal to Mr. Botha that whites don't adamantly oppose a black-led government—if basis liberties are clearly protected under a rule of law.

Those who argue in the U.S. that the African National Congress is the sole legitimate voice of South African blacks naturally oppose the political-reconstruction effort in Natal. It would probably mean that Chief Mangosuthu Buthelezi, leader of the Zulus, would be elected as chief minister of Natal. Though a longtime member of the ANC, Mr. Buthelezi never agreed with the ANC's use of terrorism against civilians and its support of sanctions. As a result, Mr. Buthelezi generally receives a tepid reception from many opinion makers when he visits the U.S., a signal to black South Africans that the Americans' commitment to the principle of political pluralism is tepid as well.

U.S. advocates of sanctions sold many well-intended people here a bill of goods. That policy is causing pain for South Africa's black population. It is time for corporations, college presidents, pension-fund administrators and maybe even a few public officials to recognize that there are many blacks who repudiate the ANC's tactics of terror and who are trying to build a new South Africa that rejects both apartheid and Marxism. Identifying these individuals, supporting their political efforts and protecting them from reprisals by both the government and black extremists are, unlike sanctions, hard choices worth making.●

AN AMENDMENT TO THE BANKRUPTCY CODE

● Mr. GLENN. Mr. President, last Thursday Senators METZENBAUM and HEINZ introduced an amendment to the Bankruptcy Code which would address the problems raised by LTV's recent chapter 11 filing. I am proud to be an original cosponsor of this measure designed to protect employee benefits. This legislation would mandate that retiree benefits in a collective bargaining agreement receive the same protection as all other benefits. It would also require that health and life insurance benefits be paid until such time as a court orders a modification. The bankruptcy court could order such modification only if it determines that such change is necessary to permit the company to reorganize, treats all parties fairly and equitably and are mutually satisfactory to all parties. This is the same criteria used to determine whether a collective bargaining agreement can be modified.

Another important provision of the bill would designate retirees as a separate class for the purpose of ratifying a final reorganization plan; this clause provides them with significant leverage, as current law allows any class to block adoption of a final plan unless a court determines that the class refusal is unreasonable. This provision will ensure that companies do not try to regain financial solvency at the expense of retirees. I believe this legislation is necessary in order to protect retirees whose benefits are important to their livelihood.

Mr. President, Congress did not intend to leave retirees out in the cold when it enacted chapter 11 of the Bankruptcy Code. This is evidenced by the statutory language, legislative history, and prior Federal court decisions. This amendment is necessry to further clarify this intent.

Termination of life and health insurance benefits creates an intolerable situation for retirees and puts at risk the very men and women who spent their lives working to make the company strong. Since many retirees are under 65 and consequently not yet eligible for Medicare, they are heavily dependent upon their conventional insurance benefits.

Since we do not know the financial situation of every company filing for chapter 11 reorganizaiton, we do not know how much of a burden this bill would impose. That was for the courts to decide prior to this amendment and shall continue to be so once this amendment is enacted.

I believe it is imperative that we enact this legislation to clarify this issue and to protect our retired workers both now and in the future.●

THE ARMED SERVICES COMMITTEE'S RECOMMENDATION TO THE BUDGET COMMITTEE ON SPENDING LEVELS FOR THE NATIONAL DEFENSE FUNCTION

● Mr. NUNN. Mr. President, the Congressional Budget Act requires that on or before February 25 each Senate committee having legislative jurisdiction shall submit to the Budget Committee their views and estimates on spending levels for programs under their jurisdiction for the coming fiscal year. The Armed Services Committee met on Tuesday, February 24, to make its recommendation. I will submit a copy of my letter to Senator CHILES and Senator DOMENICI containing the committee's recommendation to the Budget Committee for the RECORD at the conclusion of my remarks.

I want to take a few moments this afternoon to comment on the Armed Services Committee's recommendation to the Budget Committee.

We began our work on the Armed Services Committee this year with an extensive series of hearings on U.S. national security strategy. One of the principal conclusions of these hearings is that development and implementation of a coherent military strategy requires stable, predictable long-term plans and budgets. Congress and the executive branch need to move away from the feast-and-famine cycle of fluctuations in defense spending and reach a bipartisan consensus for stable and sustainable funding to support our national defense requirements.

The President's fiscal year 1988 budget projects annual real increases of 3 percent in national defense budget authority for fiscal years 1988–92. The 3-percent real growth in defense spending requested for fiscal year 1988 is the smallest annual increase in the defense budget requested by the Reagan administration. It also comes after 2 years of real decline in national defense budget authority brought about by Gramm-Rudman and the huge Federal deficits.

After considerable discussion, the Armed Services Committee agreed to support the overall level of defense spending proposed by the President for national defense for fiscal year 1988. However, I believe I spoke for a majority of the members of the Armed Services Committee when I told Senator CHILES and Senator DOMENICI that our committee's endorsement of the President's fiscal year 1988 defense budget level includes several important caveats. These caveats are outlined in my letter, and involve the relationship of the defense budget to the overall Federal budget, and the priorities reflected within the President's fiscal year 1988 defense budget.

The committee's recommendation to endorse the President's proposed fiscal year 1988 defense funding level is based on what we believe is a justified level of spending for national defense. I want to emphasize that it is not based on a comprehensive review of how the fiscal year 1988 defense budget might fit into the overall context of a budget resolution that conforms to the Gramm-Rudman deficit target.

The problem is that the President has proposed a realistic defense spending level as part of a very unrealistic Federal budget for fiscal year 1988 and fiscal year 1989. The President's fiscal year 1988 budget includes unrealistic assumptions that seriously understate the deficit; one-time asset sales that do nothing to solve the long-term deficit problem; and deep reductions in domestic spending far below what a bipartisan majority in Congress have been willing to support in the past. Using the administration's own economic assumptions, the President's fiscal year 1988 budget exceeds the Gramm-Rudman deficit targets in fiscal years 1989–91 by approximately $20 billion per year.

According to the Congressional Budget Office, the deficit in the President's fiscal year 1988 budget is $134 billion, $27 billion above the Gramm-Rudman deficit target. If CBO is correct and the President's budget request for fiscal year 1988 fails to meet the Gramm-Rudman deficit target, I realize that the Budget Committee faces an almost impossible task in reducing the President's deficit by $27 billion while preserving his proposed defense funding level.

Although the Budget Committee asked us to make a 5-year spending recommendation for the national defense function, the committee recommendation covered only fiscal year 1988. The committee made a 1-year recommendation because the President's fiscal year 1988 budget fails to meet the Gramm-Rudman deficit targets after fiscal year 1988. The Defense Department submitted a credible 2-year budget for fiscal year 1988 and fiscal year 1989 as part of its fiscal year 1988–92 5-year defense plan. Our committee strongly supports the concept of shifting to a 2-year budget. Unfortunately, the President has not told Congress how he plans to pay for his proposed level of defense spending after fiscal year 1988 within the Gramm-Rudman deficit targets. This makes our job of recommending and adopting a 2-year defense budget extremely difficult.

In endorsing the overall level of defense spending proposed in the President's fiscal year 1988–89 defense budget, I want to emphasize that the committee is not endorsing the details of the President's budget. Many of us believe that the priorities of the fiscal year 1988–89 defense budget are seriously out of balance.

For example, the budget proposes to start a number of new weapons programs with very high outyear costs at the same time it increases the inefficiency of the production rates of many weapons programs currently in production. Funding for spare parts and maintenance programs have been reduced just as the military services are beginning to receive into their inventories the equipment that was authorized in previous years. The Navy's budget proposes procurement of two new aircraft carriers while significantly reducing procurement of tactical combat aircraft that operate from carrier decks. The committee intends to address these imbalances in the coming months as we consider the fiscal year 1988–89 defense authorization bill.

Mr. President, the current fiscal crisis continues to put pressure on the defense budget and undermines our ability to develop a bipartisan consensus for stable, long-term funding to support our defense requirements. The defense budget will continue to be squeezed unless Congress and the administration put all the fiscal cards on the table—defense spending, entitlements, discretionary domestic spending, and revenues—and try to reach some acceptable compromise.

The Armed Services Committee will work with the Budget Committee in the coming months to develop a balanced alternative to the President's budget that provides an adequate level of resources for national defense but still achieves meaningful reductions in the deficit.

The material follows:

COMMITTEE ON ARMED SERVICES,
Washington, DC, February 24, 1987.

Hon. LAWTON CHILES,
Chairman,
Hon. PETE V. DOMENICI,
Ranking Minority Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR LAWTON AND PETE: In accordance with the provisions of Section 301(d) of the Congressional Budget Act, I am forwarding the recommendation of the Committee on Armed Services for the National Defense Function (050) for FY1988.

As you know, the President's FY1988 budget includes $312.0 billion in budget authority and $297.6 billion in outlays for the National Defense function. The Armed Services Committee supports the overall level of spending proposed by the President for National Defense for FY1988. However, I believe I speak for a majority of our Members when I point out the following caveats:

1. The Committee's recommendation is based on what we believe is a justifiable level of spending for National Defense. It is not based on a comprehensive review of how the FY1988 Defense budget might fit into the overall context of a Budget Resolution that conforms to the Gramm-Rudman deficit target.

2. The Congressional Budget Office estimates that the deficit in the President's FY1988 Budget is $134 billion, $27 billion above the Gramm-Rudman deficit target. If CBO is correct and the President's budget request for FY1988 fails to meet the Gramm-Rudman deficit target, I understand the almost impossible job the Budget Committee faces in reducing the President's deficit by $27 billion while preserving his proposed Defense funding level.

3. The Committee is recommending a National Defense spending level only for fiscal year 1988 because the President's FY1988 Budget fails to meet the Gramm-Rudman deficit targets after FY1988. The Defense Department submitted a credible two-year budget for FY1988 and FY1989 as part of its FY1988–1992 Five Year Defense Plan. Our Committee strongly supports the concept of shifting to a two-year budget. Unfortunately, the President has not told Congress how he plans to pay for his proposed level of Defense spending after FY1988 within the Gramm-Rudman deficit targets, making our job of recommending and adopting a two-year Defense budget extremely difficult.

4. In endorsing the level of Defense spending proposed by the President for FY1988, the Committee is not endorsing the details of the President's Defense budget. Many members of the Committee believe the priorities of the FY1988 Defense budget are seriously out of balance. For example, the budget proposes to start a number of new weapons programs at the same time it increases the inefficiency of the production rates of many weapons programs currently in production.

In closing, I would like to emphasize the important relationship between budget authority and outlays in the National Defense function. Last year, the relatively high ratio of budget authority to outlay reductions in the National Defense function required by the FY1987 Budget Resolution forced the Congress to choose between reducing more budget authority than required by the Budget Resolution targets in order to achieve the required outlay reductions; reducing the faster-spending readiness and personnel accounts disproportionately; or using budgetary gimmicks.

This year, I strongly recommend that the first year outlay rate of any adjustments in the level of National Defense budget authority be set at 38-45%. This will leave the decision of the appropriate mix of any adjustments to the FY1988 Defense budget to the Armed Services and Appropriations Committees.

We look forward to working with you on the Budget Resolution in the weeks ahead.

Sincerely,

SAM NUNN,
Chairman.●

RULES OF PROCEDURE ADOPTED BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. GLENN. Mr. President, I herewith submit a copy of Rules of Procedure Adopted by the Committee on Governmental Affairs pursuant to rule XXVI, section 2, Standing Rules of the Senate, and ask that they be printed in the Record at this point.

The rules of procedure follow:

RULES OF PROCEDURE ADOPTED BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special committee meetings. If at least three members of the committee desire the chairman to call a special meeting, they may file in the offices of the committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the committee members may file in the offices of the committee their written notice that a special committee meeting will be held, specifying the date and hour thereof, and the committee shall meet on that date and hour. Immediately upon the filing of such notice, the committee clerk shall notify all committee members that such special meeting will be held and inform them of its date and hour. If the chairman is not present at any regular, additional or special meeting, the ranking majority member present shall preside. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all committee members at least three days in advance of such meetings. In the event that unforeseen requirements or committee business prevent a three-day notice, the committee staff shall communicate such notice by telephone or otherwise to members or appropriate staff assistants in their offices, and an agenda will be furnished prior to the meeting.

D. Open business meetings. Meetings for the transaction of committee or subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the committee or subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee or subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval of disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the committee; provided, further, that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the committee, or a subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or subcommittee unless a written copy of such amendment has been delivered to each member of the committee of subcommittee, at east 24 hours before the meeting of the committee or subcommittee at which the amendment is to be proposed. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the committee or subcommittee.

F. Agency comments. When the committee has scheduled and publicly announced a mark-up meeting on pending legislation, if executive branch agencies, whose comments thereon have been requested, have not responded by the time of the announcement of such meeting, the announcement shall include the final date upon which the comments of such agencies, or any other agencies, will be accepted by the committee.

G. Meeting Transcript. The committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed to the public, unless a majority of the committee members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting legislation. Eight members of the committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. Five members of the committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present.

For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.

C. Taking Sworn Testimony. Two members of the committee shall constitute a quorum for taking sworn testimony: Provided, however, That one member of the committee shall constitute a quorum for such purpose, with the approval of the chairman and the ranking minority member of the committee, or their designees. (Rule XXVI, Sec. 7(a)(2), Standing Rules of the Senate.)

D. Taking unsworn testimony. One member of the committee shall constitute a quorum for taking unsworn testimony. (Rule XXVI, Sec. 7(c)(2), Standing Rules of the Senate.)

E. Subcommittee quorums. Subject to the provisions of sections 7(a) 1 and 2 of Rule XXVI of the Standing Rules of the Senate, the subcommittees of this committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

F. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the committee, or any subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting legislation. No measure or recommendation shall be reported from the committee unless a majority of the committee members are actually present, and the vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Rule

XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. Proxy Voting. Proxy voting shall be allowed on all measures and matters before the committee, or any subcommittee thereof, except that, when the committee, or any subcommittee thereof is voting to report a measure or recommendation, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question and then, only if the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be addressed to the chairman of the committee and filed with the chief clerk thereof, or to the chairman of the subcommittee and filed with the clerk thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the committee as to how the member wishes to have his vote recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or recommendation, the results thereof shall be announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or recommendation. (Rule XXVI, Sec. 7 (b) and (c), Standing Rules of the Senate.)

E. Polling. (1) The committee may poll (a) internal committee matters including the committee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other committee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) The chairman, or a committee member or staff officer designated by him, shall undertake any poll of the members of the committee. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of polls; if a majority of the members of the committee determine that the polled matter is in one of the areas enumerated in subsection 1(D), the record of the poll shall be confidential. Any committee member may move at the committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection 1(D), where applicable.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The chairman shall preside at all comittee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent ten minutes after the scheduled time set for a meeting or hearing, the senior Senator present of the chairman's party shall act in his stead until the chairman's arrival. If there is no member of the chairman's party present, the senior Senator of the committee minority present, with the prior approval of the chairman, may open and conduct the meeting or hearing until such time as a member of the majority enters.

RULE 5. HEARINGS AND HEARING PROCEDURES

A. Announcement of hearings. The committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the committee, or any subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the committee or subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee or subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a committee hearing that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such hearing, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the committee; provided, further, that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. Subpoenas. The chairman, with the approval of the ranking minority member of the committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, rocords, or any other materials, provided that the chairman may subpoena attendance or production without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him or disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this subsection, the subpoena may be authorized by vote of the members of the committee. When the committee or chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member of the committee designated by the chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he or she is testifying, of his or her legal rights, provided, however, that any government officer or employee being interrogated by the staff or testifying before the committee and electing to have his personal counsel present shall not be permitted to select such counsel from the employees or officers of any governmental agency. This subsection shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such a manner so as to prevent, impede, disrupt, object or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from attendance in response to subpoena.

E. Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her own testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the committee a witness may request changes in testimony to correct errors of transcription and grammatical errors; the chairman or a staff officer designated by him shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a member of the committee or a staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the committee;

(b) request the opportunity to appear personally before the committee to testify in his or her own behalf, which request shall be considered by the committee; and

(c) submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the committee, which questions shall be considered for use by the committee.

G. Radio, television, and photography. The committee, or any subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the committee, or subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the committee, or any subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his or her proposed testimony at least 48 hours prior to his or her appearance. This requirement may be waived by the chairman and the ranking minority member, following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the committee, or any subcommittee thereof, the minority members of the committee shall be entitled, upon request to the chairman by a majority of the minority to call witnesses of their selection during at least one day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Depositions. Depositions may be taken prior to or after a' hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the chairman, with the approval of the ranking minority member of the committee, provided that the chairman may initiate depositions without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the ranking minority member as provided in this subsection, the deposition notice may be authorized by vote of the members of the committee. Committee deposition notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by committee staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the committee staff may proceed with the remainder of the deposition.

(4) The committee staff shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with subsection (E). If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the committee. Committee staff may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the committee has ordered a measure or recommendation reported, following final action the report thereon shall be filed in the Senate at the earliest practical time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. Supplemental, minority and additional views. A member of the committee who gives notice of his intention to file supplemental, minority or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed in the same volume, as a part, thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views. (Rules XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by subcommittee chairmen. The chairman of each subcommittee shall notify the chairman in writing whenever any measure has been ordered reported by such subcommittee and is ready for consideration by the full committee.

D. Draft reports of subcommittees. All draft reports prepared by subcommittees of this committee on any measure or matter **referred to it by the chairman, shall be in** the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the committee at the earliest practicable time.

E. Impact Statements in reports. All committee reports, accompanying a bill or joint resolution of a public character reported by the committee, shall contain (1) an estimate, made by the committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five years thereafter (or for the authorized duration of the proposed legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; or (3) a statement of the reasons for failure by the committee to comply with these requirements as impractical, in the vent of the inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established subcommittees. The committee shall have five regularly established subcommittees. The subcommittees are as follows:

Permanent Subcommittee on Investigations.

Federal Spending, Budget, and Accounting.

Oversight of Government Management.

Government Efficiency, Federalism, and the District of Columbia.

Federal Services, Post Office, and Civil Service.

B. Ad hoc subcommittees. Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc subcommittees as he deems necessary to expedite committee business.

C. Subcommittee membership. Following consultation with the majority members, and the ranking minority member, of the committee, the chairman shall announce selections for membership on the subcommittees referred to in subsections (A) and (B).

D. Subcommittee meetings and hearings. Each subcommittee of this committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the committee, provided that the rules of the subcommittees concerning subpoenas and depositions need not be consistent with the rules of the committee.

E. Subcommittee budgets. Each subcommittee of this committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the committee, not later than January 10 of that year, its request for funds for the 12-month period beginning on March 1 and extending through and including the last day of February of the following year. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification, addressed to the chairman of the committee, which shall include (1) a statement of the subcommittee's area of activities, (2) its accomplishments during the preceding year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding year, (b) the funds actually expended during that year, (c) the amount requested for the current year, and (d) the number of professional and clerical staff members and consultants employed by the subcommittee during the preceding year and the number of such personnel requested for the current year. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The committee shall recommend confirmation upon finding that the nominee has the necessary integrity, is suitable, and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information concerning the nominee. As a requirement of confirmation, each nominee shall submit on forms prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination; and

(3) Copies of other relevant documents requested by the committee, such as a proposed blind trust agreement.

At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for committee inquiry. The committee shall conduct an inquiry into the experience, qualifications, suitability and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated.

For the purpose of assisting the committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, other members of the committee and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, including the Federal Bureau of Investigation, whose report shall be reviewed by the chairman and ranking minority member. The committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be submitted to the chairman and the ranking minority member. The report shall detail any unresolved or questionable matters that have been raised during the course of the inquiry. Copies of all relevant documents and forms, except any tax returns submitted pursuant to subsection (B) and any report of the Federal Bureau of Investigation, shall be attached to the report. The report shall be kept in the committee office for inspection by members of the committee.

E. Hearings. The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: the nominee has responded to pre-hearing questions submitted by the committee; and the report required by subsection (D) has been submitted to the chairman and ranking minority member, and is made available for inspection by members of the committee.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their fulltime service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time advisory basis.●

ASBESTOS SCHOOL HAZARD ABATEMENT ACT

● Mr. GLENN. Mr. President, I am pleased to cosponsor Senate Joint Resolution 54, a joint resolution to provide for the timely issuance of grants and loans under the Asbestos School Hazard Abatement Act [ASHAA]

Asbestos is a known human carcinogen that can cause lung cancer and other severe respiratory diseases. The Environmental Protection Agency [EPA] estimates that some 15 million children and 1.5 million school employees work and attend school in buildings contaminated by hazardous asbestos. It is extremely alarming that children appear to be at an increased risk of developing asbestos caused diseases.

In fiscal year 1987, Congress appropriated $50 million under ASHAA; the administration has now proposed rescission of $47.5 million of this funding. In addition, the administration's 1988 budget proposes zero funding for this program. These proposals are inconceivable to me in view of the severity of the asbestos threat to our Nation's children and in light of the fact that over 1,700 schools applied for ASHAA funds or grants last year.

My State of Ohio had 82 school district applicants, the largest number of any State. Every day that an Ohio school child is exposed to asbestos fibers means a greater potential for that child to develop a debilitating or fatal disease in later years.

Mr. President, asbestos cleanup must proceed. For obvious reasons, cleanup activities must occur during the summer months when schools are not occupied. Therefore, it is critical for EPA to release AHSAA funds on a timely basis. Senate Joint Resolution 54 directs EPA to take all necessary steps to ensure that appropriated funds are distributed to schools prior to the summer recess. I urge the swift adoption of this resolution.●

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that the period for morning business be extended for an additional 10 minutes, with the same conditions as heretofore entered into.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

MEDICARE CATASTROPHIC ILLNESS COVERAGE ACT

Mr. McCAIN. Madam President, this afternoon I rise to join my distinguished colleagues, Senators DOLE, BENTSEN, DURENBERGER, MOYNIHAN, DANFORTH, BAUCUS, COCHRAN, KENNEDY, PELL, PRESSLER, QUAYLE, MELCHER, DASCHLE, and RIEGLE, as a primary sponsor of the Medicare Catastrophic Illness Coverage Act, which has been introduced by the distinguished minority leader.

Last year, in his State of the Union Address, President Reagan called on Health and Human Services Secretary Otis Bowen to begin working at the crafting of a proposal to protect our Nation's citizens from the financial ravages of a catastrophic illness. The Secretary responded by submitting to the President, in November 1986, a report titled: "Catastrophic Illness Expenses." This report outlined the Secretary's recommendation on how the public and private sectors might work together to address the problems of affordable insurance for those who would face financial ruin if stricken by a catastrophic illness.

On February 12, President Reagan endorsed the Secretary's proposal. This legislation is the embodiment of that proposal. I must say—at the outset—that while I do not embrace this proposal in the belief that it is going to address all of the catastrophic health care needs of our Nation's citizens, I do believe this proposal represents a good starting point.

The problem of catastrophic illness, as I see it, most dramatically impacts three groups: Elderly Americans who are facing enormous hospital bills exceeding their Medicare coverage; the elderly who need expensive long-term nursing home care; and, working Americans with inadequate or no health insurance.

The Medicare Catastrophic Illness Coverage Act sets out to address and resolve the situation faced by the first group, elderly Americans who are facing enormous hospital bills exceeding the coverage provided by Medicare. It proposes providing Federal assistance, or protection if you will—through the Medicare Program—to elderly Americans who are confronted with enormous medical bills for the treatment of a catastrophic illness. Madam President, each year, close to 300,000 seniors in our country—and their families—experience the stark and often crippling financial reality of a catastrophic illness.

I have come to understand, through conversations with seniors in my State of Arizona, that the greatest fear of the aged is not death, but the financial ruin that is often intertwined with a catastrophic illness.

Currently, Medicare—the Federal Hospital Insurance Program for our Nation's elderly—does not set a cap on the out-of-pocket expenses a beneficiary can accumulate due to a catastrophic illness. The result, Madam President, is that seniors and their families can be financially ruined as a result of expending thousands and thousands of dollars to provide for the hospitalization of themselves or of their loved ones.

The Medicare Catastrophic Illness Coverage Act addresses this issue by guaranteeing that a Medicare beneficiary would receive an unlimited number of days of acute hospital care, while assuring that he or she would not incur out-of-pocket costs—for all Medicare-covered doctor, hospital, and related costs—or more than $2,000 annually.

With respect to the other two groups—the elderly who need expensive long-term nursing home care, and working Americans with inadequate or no health insurance—the President has requested that the Treasury Department study catastrophic illness coverage options.

For those elderly who need expensive long-term nursing home care, the solution is very difficult and could potentially cost this country billions of dollars. For this reason, there is much disagreement over how such a problem can, and should, be resolved.

Neither Medicare, nor private insurance, generally covers long-term nursing home expenses. Many private insurers are beginning to offer such coverage, but very few seniors have elected to obtain it—a fact probably due to the cost. However, with nursing home expenses being so terribly expensive, usually between $1,500 and $3,000 per month, the life savings of a senior can be depleted in a very short period of time—often leaving the burden on the spouse or children, or on Medicaid.

For the Federal Government, to simply pick up all long-term nursing home care expenses would be an incredibly expensive proposition. In fact, experts estimate that such an approach could result in an outlay of some $20 billion per year. A more financially realistic sensible approach, perhaps, would be to spur the growth of long-term nursing home care insurance provided by the private sector. Second, it should be made easier for Americans, during their working lives, to accumulate savings that would be available for the purchasing of long-term care insurance in retirement or to pay into insurance plans that take effect upon retirement. The President has directed the Treasury Department to study the possibility of encouraging personal savings for long-term care insurance through the use of a specially tax-treated individual medical account [IMA] combined with insurance, and amending the individual retirement account [IRA] provisions to permit specially tax-treated withdrawal of funds for long-term care expenditures. Encouraging people to save in preparation for the future is always a good idea.

The other group facing the threat of being financially ruined as a result of a catastrophic illness are those working-age Americans who lack adequate insurance. Approximately 90 percent of those under the age of 65 have health insurance through the private sector or Medicaid, with the vast majority having catastrophic coverage for acute care expenses in their insurance plans. For those who do not, a serious illness can produce enormous medical bills if they or their families encounter a serious illness.

The President has directed the Treasury Department to study the impact of possible tax changes which could provide more incentive to businesses to offer insurance plans that include catastrophic coverage. In addition, the administration is studying the creation of a game plan for the development of Federal/State initiatives requiring that catastrophic coverage be offered in all employment-related insurance, and establishing risk pools to subsidize insurance for those whose medical condition makes it prohibitively expensive or impossible to get insurance.

I look forward to learning the results of the Treasury Department's studies regarding the feasibility of these various options to provide catastrophic illness protection for those who require long-term nursing home care services and those working Americans with inadequate or no health insurance.

In summary, legislation addressing the issue of catastrophic illness coverage is long overdue. I am thankful for the leadership our President has shown in making this issue a priority for his administration. Though it is certain we will not all agree on all aspects of the approach, I believe his proposal—embodied in this legislation—is an excellent starting point for addressing the issue of catastrophic illness coverage.

In these days of high budget deficits, Gramm-Rudman-Hollings, and the corresponding need for responsible budgeting, it is necessary that we approach the task of providing catastrophic illness coverage for our citizens in a fiscally responsible manner. This inevitably means that the issue must be handled in an incremental fashion.

While I admit this legislative proposal is not without its faults—that is, the fact that it leaves some areas unaddressed—I am sponsoring it because of my deep interest in seeing the Senate adopt a responsible plan to provide our citizens protection from the financial ruin that can be tied to a catastrophic illness. It is my hope that, in doing so, we also encourage those—who have the means—to begin taking precautions in case a catastrophic illness were to strike them or a loved one.

One issue that is beyond the scope of this proposal—and the studies which have been requested of the Treasury Department—but which I am particularly interested in looking at, is the coverage of home care. This alternative form of care, particularly for those who do not require constant medical attention, often proves to be a cost-effective alternative to long-term care provided in a hospital setting.

Madam President, in 1965, Congress—in an attempt to ensure that seniors would be assured access to quality, affordable health care services—established the Medicare Program. This nationwide health insurance program now provides access to basic health care for 29 million aged and 3 million disabled individuals.

Medicare has served us well over the past 20-plus years, but today nearly every senior in our country faces the trauma of being confronted with bankruptcy if they were to contract a catastrophic illness.

Madam President, in enacting Medicare, Congress undertook an obligation to provide basic health care services for our country's seniors. This is an opportunity to test that obligation.

I believe this legislation represents an important initial step in addressing the catastrophic illness coverage needs of our citizens. I hope that my colleagues will join myself, and the other sponsors, in supporting the Medicare Catastrophic Illness Coverage Act.

I yield the floor, Madam President. I appreciate the indulgence of the majority leader.

CATASTROPHIC HEALTH INSURANCE

Mr. GLENN. Mr. President, I am pleased that the President has forwarded legislation to the Congress to protect Medicare beneficiaries against catastrophic hospital costs and to cap their out-of-pocket Medicare-covered expenses at $2,000 per year.

Today, my colleagues, Senators Dole and Bentsen, are introducing the President's bill, the Medicare Catastrophic Illness Coverage Act. It is an important first step in providing coverage for catastrophic acute care expenses for Medicare beneficiaries. I look forward to congressional hearings and debate on this proposal and on other catastrophic health care legislation which addresses the following important issues:

Long-term care for chronic conditions—the major catastrophic expense for the elderly;

Expenses not covered by Medicare such as outpatient prescription drugs, preventive services, and vision and dental care;

Coverage for nonelderly Americans who have no health insurance or inadequate health insurance.

I have always felt that a priority issue for the Congress should be to protect our Nation's citizens against the bankruptcy that can be caused by catastrophic illness or injury.

I saw this happen in my own family. My dad was a plumber. He and my mother owned their own home and had a modest amount saved for retirement. About 2 years after retiring, my dad came down with cancer, and it was a 6-year downhill slide. Fortunately, he did not lack for medical care because I could help out. But all my parents' savings went in the first couple of years—everything. And if they had not had other family members who were able to help—and many people don't—I hate to think what would have happened.

Catastrophic expenses are those which cause a great financial burden on individuals and families. For most of the estimated 37 million Americans under the age 65 without health insurance, any illness or injury could be catastrophic. Other groups particularly vulnerable to today's high health care costs are people with inadequate insurance, retirees under age 65 and their dependents who are not yet eligible for Medicare, and the 60 percent of low-income Americans who do not meet Medicaid's eligibility requirements.

For older Americans living on a small retirement income, the Medicare hospital deductible could be a catastrophic expense. And for many elderly people, the lengthy list of health care services not covered by Medicare—such as outpatient prescription drugs, eye and dental care, physical examinations and long-term care at home or in an institution—makes the cost of health care the greatest financial threat they face in retirement.

In an attempt to reduce their out-of-pocket costs, more then two-thirds of Medicare beneficiaries have purchased private, supplemental insurance. However, in most cases, these Medigap policies do not cover services that are not covered by Medicare. Rather they pay the Medicare premiums, deductibles, and copayments. A recent General Accounting Office [GAO] study shows that their ratio of payouts to premiums is quite low, and further regulation of the Medigap insurance industry is needed. Confusion about what Medicare covers and concern about rising medical costs have created a climate where many older Americans fall prey to unscrupulous insurance salesmen who sell them multiple, unnecessary policies. For these reasons I welcome congressional consideration on the administration's proposal to cover the current cost sharing in Medicare through an additional Medicare premium.

A major catastrophic expense for the elderly, particularly the "old-old," is the cost of long-term care; and most people are surprised to learn when a family member needs custodial care at home or in a nursing home, that it is not covered by Medicare or private health insurance. Medicaid, which pays over 40 percent of our Nation's nursing home bill, is increasingly becoming a program for middle-income Americans who spend down to Medicaid's eligibility levels. It is estimated that one-half of all current Medicaid nursing home residents were not initially poor, but spent down their income and assets to Medicaid levels while institutionalized.

As a member of the Senate Aging Committee and a longtime advocate of catastrophic health insurance, I am pleased that attention is being given to this issue by the Congress and the administration. And I would like to take this opportunity to commend Hon. Otis R. Bowen, Secretary of Health and Human Services, for developing recommendations to protect against catastrophic health care costs, and for ensuring that this issue receives the attention it deserves. Congress and the administration must work together to ensure that all Americans receive the full range of health care services they need without the threat of financial ruin. Today's introduction of the Medicare Catastrophic Illness Coverage Act is an important first step. I will work with my colleagues to expand on it in order to fully protect against catastrophic health care costs and to ensure access to health care for all Americans.

Mr. BYRD. Madam President, I understand that the distinguished Republican leader wishes to transact some business.

Mr. SIMPSON. I thank the majority leader.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. SIMPSON. Thank you, Madam President, and I thank the majority leader for his courtesy.

ORDER FOR BILL TO BE HELD AT DESK

Mr. SIMPSON. I send S. 610, the Low-Income Opportunity Improvement Act of 1987, to the desk on behalf of Senator Dole and ask unanimous consent that the bill be held at the desk until the close of business Tuesday, March 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. The statement is also included, Madam President, with that bill.

The PRESIDING OFFICER. The statement will be included in the material.

(The bill and statement appear later in today's Record under Statements on Introduced Bills and Joint Resolutions.)

TOWER COMMISSION REPORT

Mr. SIMPSON. Madam President, this morning the President has received the report from the Commission which he alone had appointed to review the operation of the National Security Council and the involvement of the arms sale to Iran and the alleged diversion of funds to the Contras in Nicaragua.

The President has indicated that he will be reviewing that thoroughly before coming to the American people next week to outline the action that he intends to take in response to the recommendations of the report.

All of us will be giving that report a thorough review. That will be the must reading of the weekend in the village.

I applaud the President for the initial appointment of these immensely capable people—I served with two of them in this body, Senator Tower and Senator Muskie; learned much, gained much, and Brent Scowcroft—who are certain to come up with a very complete, thorough, and professional report.

The President's intent in appointing the Commission was to do all that he could to get the story out, and the release of this report is a major step in that direction.

This report makes no bones at all about the fact that mistakes were made in policy development and implementation. As Brent Scowcroft indicated, it was the people and not the process of the National Security Council that failed.

The report clearly indicates that the structure of NSC is not the problem. Rather, it is the failure to use that structure properly.

So this report draws the important conclusion that the President was ill informed and ill served by his staff. It is harsh, it is critical, it is important.

It also specifically notes that the President did not deliberately mislead the American public and that he was not aware of the diversion of funds to the Contras.

Those are vitally important conclusions which should not be overlooked in the frenzy of it all as we go through this process.

I believe that these recommendations made are terribly appropriate. I am intrigued by the recommendation to combine the Senate and House Intelligence Committees to provide greater protection of national secrets. I think that move could go a long way toward defusing reluctance that all administrations, Democrat and Republican, have to releasing sensitive information for congressional oversight. Who likes to share secret information when it appears the very next day on pages of the major newspapers of the United States?

That cannot work and we best consolidate into smaller groups, thoughtful Democrats and Republicans, so things can indeed remain confidential if that is what is intended.

Additional questions remain to be answered such as the whereabouts of the funds that were diverted to the Contras, and the congressional investigative committees and the independent counsel will do just that.

I have the highest respect for Senators DAN INOUYE and WARREN RUDMAN. They will do their work beautifully. LEE HAMILTON and DICK CHENEY in the House will indeed perform the same function.

I trust them. I will let them get about their business and they will add then the final dimension to what has been a very unfortunate experience.

Of course, the report also makes it quite evident we will not be able to plug the gaps until we hear from Col. Oliver North and Vice Adm. John Poindexter.

I think, even though I am a great defender of the fifth amendment, that there comes a time in the entire situation where they had best produce whatever it is they have to produce for us to reduce the continuing distress of the situation.

So we must be about our business. We have lots to do in this place. Committees are working, the majority leader is correct. Take a look at the morning editions of the paper and you will find that the committees are in session. They are having hearings. They are doing their work and soon they will crank out a bale or two of material for us and we will have a calendar that we will proceed to work on.

There is much to do and let us get on with the business of running the country without the business of dissection and mastication and old fun and games about how long you can stretch this baby out.

I think it is interesting to take a look at the Los Angeles Times Mirror, Bob Erburu and his fine publication, in conjunction with the Gallup organization that only 20 percent of the American people are deeply involved in this issue. You would think that it was, in this particular arena, that it was the end-all and the subject of all waking hours, and it is made so.

So maybe we can get on with things like governing. And that is what we are here for. We are paid to legislate. We are not here to be Secretaries of State. Our job is to legislate the laws of the United States. And sometimes we do that. Maybe we will do more of it, and soon.

With that, Madam President, that concludes my remarks. I thank the majority leader again for his courtesy and for letting me do that.

Mr. BYRD. Madam President, I thank the distinguished assistant Republic leader.

ORDER TO PLACE H.J. RES. 153 ON THE CALENDAR

Mr. BYRD. Mr. President, there is a message from the House on House Joint Resolution 153 at the desk. This is a joint resolution to provide for the timely issuance of grants and loans by the EPA under the Asbestos School Hazard Abatement Act of 1984. I ask unanimous consent that this measure be placed on the calendar.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

ARIZONA DIAMOND JUBILEE YEAR

Mr. BYRD. Madam President, I ask that the Chair lay before the Senate a message from the House on Senate Joint Resolution 46 having to do with Arizona statehood.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 46) entitled "Joint resolution to recognize and acknowledge that February 14, 1987, will mark the seventy-fifth anniversary of Arizona statehood and to designate the year 1987 as Arizona's Diamond Jubilee", do pass with the following amendments:

Page 3, lines 1 and 2, strike out [February 14, 1987, be designated as "Arizona Statehood Day" and that 1987 be], and insert; *1987 is*

Page 3, line 8, strike out [day], and inset: *year*

Amend the title so as to read: "Joint resolution declaring 1987 as 'Arizona Diamond Jubilee Year'.".

Mr. BYRD. Madam President, I move that the Senate concur in the amendments of the House, en bloc.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BYRD. Madam President, I move that the Senate concur in the amendment to the title by the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BYRD. Madam President, I move, en bloc, to reconsider the votes by which the various actions were taken.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATING THE MONTH OF MARCH 1987, AS "WOMEN'S HISTORY MONTH"

Mr. BYRD. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 20, a joint resolution to designate March 1987, as "Women's History Month." I further ask unanimous consent that the joint resolution be immediately considered by the Senate, that the Senate adopt it without amendments, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, the request is agreed to.

So the joint resolution (S.J. Res. 20) was passed.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

Mr. BYRD. Madam President, I move to reconsider that action.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The joint resolution (S.J. Res. 20), with its preamble, reads as follows:

S.J. Res. 20

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the individual labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March, 1987, is designated as "Women's History Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

FEDERAL EMPLOYEES RECOGNITION WEEK

Mr. BYRD. Madam President, I ask unanimous consent that Senate Joint Resolution 9, a joint resolution having to do with Federal Employees Recognition Week, be discharged from further consideration of the Judiciary Committee that the Senate proceed to its immediate consideration, that the resolution be adopted, and that the motion to reconsider be laid on the table and that a statement by Mr. SARBANES in explanation of the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the request is agreed to.

So the joint resolution (S.J. Res. 9) was passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 9), with its preamble, reads as follows:

S.J. Res. 9

Whereas Federal employees serve the people of the United States by enabling the Federal Government to carry out its duties in an orderly manner;

Whereas more than 3,000,000 individuals are employed by the Federal Government;

Whereas many necessary services performed by Federal employees are often inadequately recognized by Federal officials and by the people of the United States; and

Whereas Federal employees should be commemorated for the contributions that they make to the efficient operation of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of March 1, 1987, through March 7, 1987, is designated as "Federal Employees Recognition Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate activities to recognize the contributions and achievements of Federal employees.

● Mr. SARBANES. Mr. President on January 6, 1987 I introduced Senate Joint Resolution 9, a joint resolution requesting the President to designate the week beginning March 1, 1987, and ending March 7, 1987, "Federal Employees Recognition Week." I introduced this joint resolution because I want to give well-deserved credit and to say thank you to the more than 3 million men and women who perform those jobs so critically important to the growth and stability of our Nation.

By setting aside next week as "Federal Employees Recognition Week," we can pause to recognize the individuals who make our Government work effectively and efficiently and ensure that they receive the recognition they deserve. Fifty-nine of my colleagues have joined me and I want to thank them for their support. I also want to applaud the House which on Tuesday unanimously passed a similar joint resolution introduced by Congresswoman OAKAR.

During the past few years there has been a tendency to criticize and attack Federal Government employees. There have been attempts to destroy the ideals that make public service attractive and rewarding to so many, and Federal employees and retirees have witnessed the erosion of their benefits and salaries. Despite all of this, Federal employees continue to be willing and eager to perform their jobs responsively and responsibly, even when the rules of the game were unclear or constantly and unpredictably changing.

I view public service as a respectable career and a high calling—something of which to be proud. It does not surprise me that there continue to be bright young people who recognize the value and importance of public service. Federal employees have made a significant impact on improving America's well-being by guaranteeing the smooth operation of our Government, and I think that civil servants should feel good about themselves and good about their accomplishments. In my view, great strides have been made by public servants over the years: in the advancement of science, technology and medical research; in the protection and preservation of the environment; in highway and air safety; and in the defense of our Nation.

Mr. President, my sincere appreciation goes out to the Federal managers and clerks; scientists and physicians, analysts and librarians, food service personnel; protective personnel and medics; statisticians; engineers; postal workers and the many others for their dedication, commitment, and intelligence. I cannot think of any group of employees who are more worthy of recognition at this time, and I wish to thank my colleagues for their support in designating the week of March 1, 1987, through March 7, 1987, as a special week for Federal employees.●

FEDERAL EMPLOYEES RECOGNITION WEEK

Mr. BYRD. Madam President, I ask unanimous consent that House Joint Resolution 53, Federal Employees Recognition Week, which is at the desk, be immediately considered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Madam President, I ask unanimous consent that the joint resolution be considered read the second and third times, passed, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 53) was passed.

The preamble was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the preamble was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE 75TH ANNIVERSARY OF THE FOUNDING OF HADASSAH, THE WOMEN'S ZIONIST ORGANIZATION OF AMERICA

Mr. BYRD. Madam President, there is a concurrent resolution from the House numbered 46 concerning the 75th anniversary of the founding of Hadassah, the Women's Zionist Organization of America. My understanding is that this matter has been cleared on the other side. I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 46.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 46) concerning the 75th anniversary of the founding of Hadassah, the Women's Zionist Organization of America.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The **PRESIDING OFFICER.** The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 46) was agreed to.

The preamble was agreed to.

Mr. **BYRD.** Madam President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. **SIMPSON.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECOGNIZING 100TH ANNIVERSARY OF THE HATCH ACT

Mr. **BYRD.** Madam President, there is a House message on House Joint Resolution 3 at the desk. This joint resolution recognizes the 100th anniversary of the Hatch Act, and its role in establishing the Nation's system of State agricultural experiment stations.

I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 3.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows:

House Joint Resolution 3 in recognition of the 100th anniversary of enactment of the Hatch Act of March 2, 1887, and its role in establishing our Nation's system of state agricultural experiment stations.

The **PRESIDING OFFICER.** Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

COMMEMORATING THE 100TH ANNIVERSARY OF THE HATCH ACT OF MARCH 2, 1887

Mr. **LEAHY.** Mr. President, House Joint Resolution 3 expresses the sense of Congress that the State agricultural experiment station research system, which has touched the lives of millions of Americans and others throughout the world, should continue to be supported as a valuable investment in our Nation's future, and that the 100th anniversary of the enactment of the Hatch Act of 1887 should be commemorated on March 2, 1987, exactly 100 years after the signing of the original Hatch Act by President Cleveland.

The resolution also authorizes and requests that the President issue a proclamation commemorating the enactment of this legislation and its role in establishing our Nation's system of State agriculture experiment stations.

The enactment of the Hatch Act on March 2, 1887, marked the beginning of cooperation between the States and the Federal Government for the conduct of original research, investigations, and experiments in agriculture. By establishing experiment stations in conjunction with the land grant universities, the act established a national policy of Federal support for State experiment stations. And through continued support for these State experiment stations, the act created a system for the development and training of personnel devoted to scientific research in agriculture and for the education of new research workers necessary to expand our frontiers of agricultural knowledge and technology.

Prior to passage of the act, States lacked adequate funding for full-time scientific research, as well as a means to share with other States the results of what little research was conducted. In addition to providing vital Federal funding, the act established the Office of Experiment Stations to collect and disseminate information on the findings of the stations, and granted each station franking privileges as another means to share information throughout the country.

With additional funds provided by State governments and private sources, the experiment station system now provides about 60 percent of publicly supported agricultural research in this country. The contributions of experiment stations have been many and varied: They include the discovery of the first vitamin, improvements in irrigation equipment and methods, efficiencies in disease and pest control, and work on genetically improved plant species and livestock.

Mr. President, our Nation has invested well in these experiment stations; their list of accomplishments is a long one. The 100th anniversary of the enactment of the Hatch Act of 1887 is an appropriate time for Congress to reaffirm its support for the State agricultural experiment station research system, and its continued commitment to this country's research needs and opportunities. For this investment will continue to bring new benefits—in our agricultural competitiveness, in our understanding of nutrition needs, in the protection of our natural resources, in our quality of life. One hundred years after the signing of the Hatch Act we have reason to commemorate the legacy of this legislation and the future it promises.

I urge my colleagues to join with me in support of House Joint Resolution 3.

The **PRESIDING OFFICER.** The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 3) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. **BYRD.** Madam President, I move to reconsider the votes by which the joint resolution was passed and the preamble was agreed to.

Mr. **SIMPSON.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

KNOW YOUR CHOLESTEROL LEVEL WEEK

Mr. **BYRD.** Madam President, proceeding further with the understanding that these messages have been cleared on the other side of the aisle, and certainly recognizing the right of the distinguished acting Republican leader to intervene at any time that he wishes to interpose an objection, I ask unanimous consent that Senate Joint Resolution 65, "Know Your Cholesterol Level Week," be discharged from further consideration by the Senate Committee on the Judiciary, and that the Senate proceed to the immediate consideration of that joint resolution, that it be read the third time, and passed.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. Res. 65

Whereas heart attacks struck an estimated one million five hundred and seventy-six thousand Americans in 1986, a third of whom died immediately;

Whereas scientific data indicates that effective measures to lower serum cholesterol may be capable of decreasing occurrences of heart disease;

Whereas only 8 percent of Americans know their cholesterol level; and

Whereas an estimated two hundred and fifty thousand lives could be saved each year if Americans were tested for and took action to reduce high levels of cholesterol: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 5, 1987, through April 11, 1987, is designated as "National Know Your Cholesterol Week"; and the President is authorized and requested to issue a proclamation calling upon the American public to observe such week with appropriate programs and activities.

Mr. **BYRD.** Madam President, I move to reconsider the vote by which the preamble was agreed to.

Mr. **SIMPSON.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT TO NATIONAL HOUSING ACT TO LIMIT FEES

Mr. **BYRD.** Madam President, there is a message from the House on H.R. 1056, to amend the National Housing Act to limit the fees that may be charged by the Government National

Mortgage Association for the guarantee of mortgage-backed securities.

I shall proceed under rule XIV to get this measure on the calendar. I therefore ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1056) to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guarantee of mortgage-backed securities.

Mr. BYRD. Madam President, I ask for the second reading of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Madam President, in order to accommodate the effect of rule XIV, I will object.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

Mr. BYRD. Madam President, I thank the distinguished assistant Republican leader. It is understood that for the purposes of advancing measures under rule XIV, a pro forma session does not count as a legislative day. Am I correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I thank the Chair.

EXECUTIVE CALENDAR

Mr. BYRD. Madam President, I believe that a nomination has been cleared on both sides of the aisle. I thank the able assistant and acting Republican leader, Senator SIMPSON, but more appropriately the distinguished assistant Republican leader, who has cleared this nomination.

EXECUTIVE SESSION

Mr. BYRD. Madam President, I ask unanimous consent that the Senate go into execution session to consider calendar No. 1, message No. 71, on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Edward J. Derwinski, of Illinois, to be Under Secretary of State for Coordinating Security Assistance Programs.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Madam President, I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Madam President, I ask unanimous consent that the President be immediately notified that the Senate has given consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Madam President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I yield the floor.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Delaware [Mr. BIDEN] as chairman of the Senate Delegation to the North Atlantic Assembly during the 100th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the Senator from Connecticut [Mr. DODD] as chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group during the 100th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the Senator from Nebraska [Mr. ZORINSKY] as chairman of the Senate Delegation to the Canada-United States Interparliamentary Group during the 100th Congress.

The Chair, on behalf of the Vice President, pursuant to Public Law 84-944, appoints the Senator from Louisiana [Mr. JOHNSTON] to the Senate Office Building Commission, and designates him as chairman of that Commission.

The Chair, on behalf of the Vice President, pursuant to Public Law 99-93, as amended by Public Law 99-151, appoints the following Senators to the U.S. Senate Caucus on International Narcotics Control: the Senator from Delaware [Mr. BIDEN], chairman; the Senator from Arizona [Mr. DECONCINI]; the Senator from Illinois [Mr. DIXON]; and the Senator from Florida [Mr. GRAHAM].

The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the Senator from Colorado [Mr. WIRTH] and the Senator from Georgia [Mr. FOWLER] to the Commission on Security and Cooperation in Europe, and designates the Senator from Arizona [Mr. DECONCINI] as cochairman of that Commission.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 93-29, as amended by Public Law 98-459, appoints Peg Lamont, of South Dakota, to the Federal Council on the Aging.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, section 1505(a)(B)(ii), appoints the Senator from Montana [Mr. MELCHER] to be a member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-201, appoints Mrs. Sharon Rockefeller, of West Virginia, as a member of the Board of Trustees of the American Folklife Center.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces on behalf of the majority leader, pursuant to Public Law 99-660, his appointment of the Senator from Florida [Mr. CHILES] as a member of the National Commission to Prevent Infant Mortality.

The Chair announces on behalf of the Majority Leader, pursuant to Public Law 96-114, as amended by Public Laws 98-33 and 99-161, his appointment of the following persons from private life to the Congressional Award Board: Mr. Max Keller and Mr. Earl T. Leonard.

APPOINTMENT BY THE MINORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, in accordance with Senate Resolution 30, announces the appointment by the minority leader of the Senator from Pennsylvania [Mr. SPECTER] to serve as a member of the U.S. Arms Control Observer Group for the meeting in Geneva, beginning Thursday, February 26, 1987, and ending Monday, March 2, 1987.

A PROPHETIC VOICE FALLS SILENT

Mr. BYRD. Madam President, on February 7, during the Senate's recent recess period, a 65-year-old man suffered a heart attack while participating in a national squash tournament at the University Club here in Washington. Rushed to the George Washington University Hospital, that man was pronounced dead at approximately 2 p.m.

Such tragedies occur daily everywhere, and often have significance for but the victim's family, friends, and close associates.

In this instance, the man who passed away left a vacuum of influence and brilliance that will affect an entire State. Moreover, that passing will be noticed by some of the most prominent men and women in our country, some in this Senate included.

That sixty-five-year-old man—a nationally ranked athlete in a popular game that he loved—was William E. "Ned" Chilton III, longtime publisher of the Charleston Gazette, Charleston, WV. The grandson of a U.S. Senator and a graduate of Yale University, Ned Chilton numbered among his friends such men as Vice President GEORGE BUSH and William F. Buckley, Jr. Almost anyone of national or world significance speaking in, or traveling through, Charleston found himself corralled by Ned Chilton for a probing and challenging interview, and many of the interviewees became Ned Chilton's lasting friends. Charming, informed, and urbane, Ned Chilton was a newspaperman sui generis, and a man whose association many coveted and others prized.

More to the point, however, Ned Chilton was a man who made a difference in the life and development of West Virginia. From his own resources of integrity and conscience, Ned Chilton was never afraid to ask hard questions or to state whatever he believed needed to be stated in the defense or advocacy of justice, fairness, reason, compassion, or public responsibility. Under his firm hand, the Charleston Gazette sometimes functioned as an extra-constitutional fourth branch of West Virginia State Government. Ned Chilton's opinion counted in West Virginia, because so many West Virginians trusted from experience that, when this man spoke, he had done his homework and knew the truth of which he spoke.

To say that Ned Chilton's death came as a shock is an understatement. So many had come to depend on his prophetic quality and his permanence, that they may have assumed that he was indestructible. Any State would be fortunate to count among its citizens an asset like Ned Chilton. Unfortunately, the loss of such talent is doubly painful and tragic in its irreplaceability.

Mr. President, several items appeared in the Charleston newspaper noting Mr. Chilton's passing.

Madam President, I ask unanimous consent that the following editorials be printed in the RECORD at this point: an editorial from the Charleston Daily Mail, Charleston, WV, dated Monday, February 9, 1987, entitled "Ned Chilton"; an article from the Charleston Gazette, Charleston, WV, dated February 9, 1987, entitled "W.E. Chilton III"; an article from the Charleston Gazette, Charleston, WV, dated February 10, 1987, entitled "Ned, Why Did You Leave So Early?" and an article from the Charleston Daily Mail, Charleston, WV, dated February 11, 1987, entitled "Ned Chilton Had an Appetite for Combat."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Charleston Daily Mail, Feb. 9, 1987]

NED CHILTON

For some people, it is a daily venture to avoid conflict, to seek comfort whenever it avails itself, to question little, and to accept miscarriage silently, without protest.

Ned Chilton couldn't do that.

The publisher of the Charleston Gazette, who died Saturday, was not content with what he saw around him, and he sought to fix it. He could be outrageous in his methods and unrelenting in his bent, and he used his newspaper freely in pursuit of his goals. He sometimes followed so keenly on the path of his convictions that he made enemies of his friends.

But that worried them more than it worried him. Ned Chilton wasn't concerned about making enemies.

What he wanted to do, and what he sometimes succeeded in doing, was to effect change in places where change was due. True, he was criticized because he thought the only way to correct things was his way. And it is true, as well, that he was feared as much as he was respected. But Chilton mustered his moral outrage for what he felt was good cause, and whether people agreed with him or not, they inevitably came to acknowledge his sincerity.

The business of publishing a newspaper has changed since W. E. Chilton III took hold of the Gazette some 25 years ago, and it is changing still. A consolidation of ownership is taking place, family newspapers are disappearing, and the fiery, hands-on publisher seems on the verge of extinction. As newspapers become more corporate, they sometimes misplace the zeal that makes them an effective voice in their communities.

Ned Chilton managed to sustain his zeal through all his years at the helm of the Gazette. On occasion he was abrasive and hectoring, and sometimes his crusades were excessive. But he thought of his newspaper as a megaphone for his ideas, and he thought his ideas would help improve the lot of those around him.

"The hottest places in hell," reads a plaque on his desk," are reserved for those who, in the time of great moral crisis, maintain their neutrality."

Perhaps of all the evils Ned Chilton saw, neutrality was the worst. For that he was both reviled and admired. In the years ahead, we are convinced, the admiration will win out.

[From the Charleston Gazette, Feb. 9, 1987]

W.E. CHILTON III

The Elijah Parrish Lovejoy Award—named for a 19th century Illinois newspaper publisher who fought slavery relentlessly at great sacrifice until he finally was murdered by a mob—is given each year for unusual courage in journalism.

William Edwin "Ned" Chilton III was chosen for the award in 1982 because he drew national attention as a publisher more concerned with combating injustice and government abuse than with the commercial side of the news business.

Award sponsors at Colby College in Maine declared in a citation to him:

"You have fashioned your newspaper, The Charleston Gazette, into an indomitable instrument for truth.

"In recent years you have published investigative reports of abuses among automobile dealers and car repair shops, and corruption in the police department. You have been willing to criticize advertisers in your columns and to live with the resulting loss of patronage.

"You have helped enact a new open-meeting and freedom-of-information act in West Virginia, and have campaigned successfully to open courtrooms to cameras and to assure that even the earliest aspects of criminal proceedings are conducted in public.

"You, your editor and one of your reporters were indicted under a West Virginia censorship law for exercising your freedom to publish the name of an accused felon. You challenged that law, at great personal cost, through the Supreme Court where you were vindicated when the indictments were dismissed and the law was struck down. . . .

"You have sacrificed both profit and expediency for the right to publish the truth. The threats of opponents have not deterred you and, with skill and courage, you have insisted upon protecting our right to know. This insistence has earned you innumerable lawsuits but, more important, the lasting gratitude of lovers of liberty."

Chilton's crusading didn't slack after 1982:

He sued the state bar and Board of Medicine, forcing them to stop concealing complaints against lawyers and doctors.

His non-stop newspaper attacks finally erased the "ghoul system" that allowed court-appointed lawyers to take shares from estates of the dead.

He filed a suit that halted secret out-of-court payments in lawsuits involving wrongdoing by police or public officials.

His editorializing prodded Charleston and Kanawha County officials into establishing 911 emergency dialing.

He pioneered a policy of countersuing lawyers who file baseless libel suits—a policy now adopted by other newspapers around America.

Ned Chilton made an indelible mark on West Virginia. Through sheer intensity of concern, he hammered at societal flaws until legislators and other public leaders frequently instituted reforms he felt would benefit the state.

He worked long hours, usually seven days a week, writing editorials for the causes to which he committed this newspaper. His office, significantly, was not in the Charleston Newspaper executive suite but in the news room among his reporting staff.

Chilton mandated that the Gazette take tough stands on tough issues; against the death penalty, for gun control, against the arms race and militarism, for more taxes to support education, against censorship and school prayer, for women's rights, for stronger action on drunken driving, against smoking, for stricter controls on charities, against conflict of interest among public officials, for human rights in all forms.

At the time of his unexpected death, he had 80 editorials written and ready for publication. Three of them are printed below. Others will be published in coming days.

The Charleston Gazette has lost its most forceful employee. But it is determined to continue the crusading, goading and demanding which Chilton's integrity and high ideals set as standards for this newspaper.

[From the Charleston Gazette Feb. 10, 1987]

NED, WHY DID YOU LEAVE SO EARLY?

(By Don Marsh)

There are a million Ned Chilton stories. I remember the time the editorial board endorsed one candidate for state Senate and Chilton bought an advertisement announcing his support for the other.

Danny Wells wrote columns defending Tex Williams, the University of Charleston basketball coach. Chilton's reaction was that Wells was attacking President Richard Breslin and supporting athletic values over academic ones.

I had rarely seen him angrier. "The Gazette won't take sports over study as long as I'm here," he said. "Don't let Wells get near me. I'll kill him or fire him."

A few days later, his perspective returned. He posted a hand-written note on the bulletin board. The note said that he had been unfair to Wells and that he wanted to apologize.

Public apologies to reporters may not be unprecedented among American newspaper publishers. But they are rare.

Ned Chilton was a rare publisher. He was not impressed by his title. The secret, he said, was in picking the right parents.

"My rise was rapid, particularly after I inherited the stock." He called the Failing Newspaper Act, which allowed the Gazette and Daily Mail to establish a legal monopoly in Charleston, "the Publishers' Enrichment Act."

He undervalued himself. Chilton was prone to speak of "a helluva idea." "a helluva man," "a helluva story." He was a helluva publisher.

He grew in the job. Over the years, I think he developed a clear vision of what he wanted his newspaper to become. The catch phrase was "sustained outrage." My rough translation is that sustained outrage means keeping after a goal until it is reached. Most newspapers write an editorial about a subject and move on to something else.

That is the opposite of sustained outrage. I once criticized a politician for not attacking the teachers' lobby. I've forgotton the issue. My friend agreed that whatever teachers were doing was wrong but he said he wasn't willing to make them angry in exchange for a kind word from me.

"Friends forget but enemies last forever. The next election comes and you guys are writing editorials comparing the merits of my candidacy to my opponent's. Teachers never forget. They'll be at the phone banks asking people to vote for the other guy."

Chilton never forgot and never gave up. He sustained the "outrage," or interests, that occupied him.

Many did. Some were institutional: metro government, creation of a 911 emergency telephone system, probate reform, jury selection. Others were intellectual; the need for accountability by public officials, the need to promote education and the importance of public art.

And Ned had interests based on his emotions. He believed that poor people got screwed (to use another favorite phrase). He thought that they were denied an equal chance. He thought the same thing about black people and, later on, about women. Those were outrages he sustained. Chilton's Gazette was a champion of underdogs and lost causes.

Not that he didn't know it. I once used the joke "Lions 9, Christians 0" as an example of progress being made even though undetected. He repeated the line often, substituting Gazette for "Christians." Occasionally, he would announce that the score was "Lions 9, Gazette 1."

We did better than that. He knew it, too. Andy Gallagher, who works for The Associated Press, made him feel good by telling him that he planned to interview him to get the session started. Gallagher said that Chilton's editorials set the legislative agenda.

Jim Comstock named him Hillbilly's first man of the year. Chilton was flattered, although he was amused by one line that said he had helped make the Gazette profitable.

He had little interest in the business operation and little involvement in it. His office was in the news room. He rarely visited the executive suites. "At least I didn't do anything to stop us from making money," he said.

But in some ways he did. He was constantly asking me if we paid enough and constantly telling me that it was my duty to prod him to pay more. He was generous to a fault. He ordered (if that is the word) Jim Haught, the associate editor, and me to go abroad at least once a year. He said our horizons needed broadening.

Chilton was the most honest man I knew. He paid his way, not only with money but with his energy and his time. He must have spent 70 hours a week at the office. I tend to be here a lot, too, but not as much as Ned. It got so that if I missed a Saturday or a Sunday, he would ask if something was wrong.

He was bigger than life. He had strong feelings about practically everything. He used to ask me if whatever was occupying him at the moment wasn't the greatest outrage I'd ever heard of. I told him that his outrage threshold was too low, that his example didn't rate in the Top 10 of outrages.

He, in turn, would cheer me by telling me that I worried too much, that nothing was ever as bad as I thought it was.

I remember when Kennedy was killed that Ned said the sun would come up and the grass would turn green. The world would be the same. That is true of Kennedy and, hard as it is to believe, it will be true of us, he said.

I agreed then. But I know better now that he is gone. (It is a Top 10 outrage that he would leave so early. He was always late.)

The sun may come up and the grass may turn green without Ned—but the world won't be the same.

[From The Charleston Daily Mail, Feb. 11, 1987]

NED CHILTON HAD AN APPETITE FOR COMBAT

(By L. T. Anderson)

If Ned Chilton had been born into my world, he would have been a street brawler. He loved a fight, even if over the correct pronunciation of a word. He entered every fray with a glad cry and sought out opponents when none was at hand. He influenced my life to a considerable degree and his death distressed me greatly.

Fortunately for the people of West Virginia, most of Chilton's combativeness was channeled into a sustained, 30-year crusade against corruption, fraud, greed, and ignorance.

Fortunately for his profession, he was determined that his newspaper, The Charleston Gazette, should not become just another business enterprise. "This isn't a hardware store," he used to say.

Together, he and his newspaper achieved national stature, and both deserved the honors that came to them.

But everything has been said that can be said of Chilton's virtues as a publisher. What follows are personal observations about the man who holds a place in my heart for having said, in my presence, "Oh, knock it off" to a Vice President of the United States.

Chilton was easier to admire than to like. He could be rude, and sometimes was but, he was capable of grace and charm. He was generous. He was far more honest than most men are.

Often he exhibited a touching and vulnerable boyishness, but he was not humble. He visited world capitals and drove a Mercedes. Responding to a charge of privilege, he replied "Nobody said life's fair."

As an employer, he practiced a maddening paternalism. He tried to keep newsroom pay at a decent level, but during a period in which my counsel was being accepted, I had to explain to him why he shouldn't send the obituary writer out for coffee.

When I worked for him, I maintained a collection of his wondrously mangled sayings. "It's fifty of one and a half-dozen of another" was one. "Her face would stop a thousand clocks" was another. At an editorial board meeting, he said "We've got to take the bit by the horns."

He was interested in the language, and when a word took his fancy, he gave it little rest. Editorials peppered with "assuredly," "manifestly," and "numberless" were easy to recognize as his handiwork.

He was the only man I ever knew who could say "bootless" with a straight face. His liking for the Australian "fair dinkum" was responsible for the spinoff, "unfair dinkum," with which newsroom wits complained of tough assignments.

Ideas constantly buzzed and fluttered in his head. He rarely came to work without one, and here was the making of the Gazette. It was Chilton, and Chilton alone, who produced the ideas that set the Gazette apart from other newspapers.

His ideas, and his appetite for combat, made it feared, hated, respected, and beloved. Its campaigns didn't always serve noble purposes, but I doubt that any other paper in America was picked up from porches and opened with greater eagerness.

Chilton met his friends at the country club. No one in the newsroom was very close to him. I knew him well enough to say, however, that he would be embarrassed by the banner headline and huge picture with which his death was announced in his own paper.

This kind of typographical sendoff, usually reserved for the assassination of monarchs and declarations of war, was worthy of the Insipid Press. If he could, Ned would raise holy hell about it.

PROGRESS OF SENATE COMMITTEES

Mr. BYRD. Madam President, committees have been hard at work during the days since the 100th Congress convened on January 6. It has been a productive period. Several committees have especially put the time to good use, and I shall take the time to indicate their progress.

The Appropriations Committee has had 24 meetings; Armed Services, 14 meetings; Banking, 10 meetings; Budget, 14 meetings; Commerce, 10 meetings; Finance, 14 meetings; Foreign Relations, 16 meetings; Labor, 11 meetings. Other committees have been busy.

So these committees are ahead of the curve on many issues, and their get-to-work attitude has helped advance the work of the Senate, as we shall see as the days progress and measures appear more and more on the calendar. Just today, some 20 committees and subcommittees are meeting. I commend the chairmen and the members of those panels for their diligence and hard work.

Madam President, I ask unanimous consent to have printed in the RECORD a listing of the various committees, the number of meetings they have had, the subject matters of such meetings, together with page D 197 from the February 25, 1987 CONGRESSIONAL RECORD Daily Digest, which will show the committee meetings and subcommittee meetings that are occurring today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senate Committee Meetings (other than organizational or housekeeping):

Aging, 1 mtg, costs of catastrophic illnesses.

Agriculture, 2 mtgs, S. 341, Emerg. Ag. Assist; foreign food assistance.

Appropriations, 18 mtgs, Amtrak; FY 88 budget for DOD, Farm Credit Admin., U.S. Corps of Engineers, National Park Service, American Battle Monuments Commission, National Credit Union Admin., Treasury Dept., USDA, Soil Conservation, Agricultural Stabilization Service, DOT; H.J. Res. 102; D.C. snow removal, Army Corps of Engineers.

Armed Services, 12 mtgs, National Security Strategy; Strategy Making; Gaming & Simulation; Resource Constraint; FY 1988-89 DOD authorization request; B-1 bomber; nominations; Soviet strategic force developments.

Banking, 10 mtgs, S&Ls; mass transit; takeovers; homeless; first monetary policy report, 1987; Securities industry.

Budget, 13 mtgs, FY 88 budget (OMB, CBO, 6 departments); DOD budget; FY 1988 loan sales; credit program accounting and assett sales; Medicare catastrophic insurance.

Commerce, 8 mtgs, competitiveness; NASA budget and space science/application; aviation safety; rail safety; alcohol/drug testing; U.S. competitiveness in science & technology.

Energy, 6 mtgs, world oil; appliance stds; nuclear waste; FY 1988 budget requests for FERC, Forest Service, and DOE; public lands.

Environment, 4 mtgs, greenhouse effect; highway bill; FY 1988 budget for Fish & Wildlife, TVA, and NRC.

Finance, 13 mtgs, trade; highway bill; health; energy taxes; FY 1988 budget for HHS; W-4 Withholding Form.; world economy and trade; welfare system; long-term health care; U.S. Customs Service.

Foreign Relations, 13 mtgs, Iran; Contras; testing treaties; nominations; Foreign Assistance programs; State Department authorization; multilateral development banks authorization request.

Governmental Affairs, 5 mtgs, Government fraud, waste, and abuse; Fed. licensing for international arms dealers; nuclear nonproliferation.

Indian Affairs, 3 mtgs, Indian programs; budget requests.

Intelligence 4 mtgs, classified matters; nomination of Robert Gates to be Director, CIA.

Joint Economic, 2 mtgs, 1987 economic outlook; January employment/unemployment.

Judiciary 3 mtgs, Patent and Trademark law; S. 80; Refugee Crisis in South Africa; Repeal of McCarran-Ferguson Act; Justice Department budget.

Labor, 10 mtgs, health; employment/training; education; welfare; AIDS; Chernobyl; parental/medical leave; high-risk job notification.

Small Business, 1 mtg, SBA budget.

Veterans' Affairs, 3 mtgs, homeless veterans; educational assistance programs; budget for veterans' programs.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 26, 1987

(Committee meetings are open unless otherwise indicated)

SENATE

Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Agricultural Credit, to hold oversight hearings on the status of the farm credit system, 9:30 a.m. and 2 p.m., SR-332.

Committee on Appropriations, to resume hearings on the President's proposed budget for fiscal year 1988, 10 a.m., SD-192.

Subcommittee on Treasury, Postal Service, and General Government, to hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, on behalf of funds for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, 1:30 p.m., SD-116.

Subcommittee on Foreign Operations, to resume hearings on proposal budget estimates for fiscal year 1988 for certain international activities of the Department of the Treasury, 2 p.m., S-126, Capitol.

Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Trade Representative, and the International Trade Commission, 2 p.m., SD-192.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Labor, focusing on the Office of the Secretary, Employment and Training Administration, departmental management, Mine Safety and Health Administration, Pension Benefit Guaranty Corporation, Employment Standards Administration, Bureau of Labor Statistics, Occupational Safety and Health Administration, and the Labor-Management Services, 2:30 p.m., SD-124.

Subcommittee on Energy and Water Development, to hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Army Corps of Engineers, 2:30 p.m., SD-138.

Committee on Armed Services, Subcommittee on Strategic Forces and Nuclear Deterrence, to hold hearings on nuclear testing limitations, 9 a.m., SR-222.

Subcommittee on Strategic Forces and Nuclear Deterrence, to hold closed hearings on monitoring of Soviet nuclear testing, 3 p.m., SD-407, Capitol.

Committee on the Budget, to continue hearings in preparation for reporting the concurrent resolution on the fiscal year 1988 budget, 9:30 a.m., SD-608.

Committee on Commerce, Science, and Transportation, Subcommittee on Communications, to hold hearings on international telecommunications, 9 a.m., SR-253.

Subcommittee on Science, Technology, and Space to resume hearings on the President's proposed budget request for fiscal year 1988 for the National Aeronautics and Space Administration, focusing on aeronautics and space research and development programs, 2 p.m., SR-253.

Committee on Finance, to continue hearings on management of the U.S. Customs Service, 10 a.m., SD-215.

Committee on Foreign Relations, to hold closed hearings on the nomination of Arnold L. Raphel, of New Jersey, to be Ambassador to the Islamic Republic of Pakistan (pending on Senate Executive Calendar), 9 a.m., S-116, Capitol.

Full committee, to resume hearings on proposed legislation authorizing funds for foreign assistance programs, 9:30 a.m., SD-419.

Full committee, to hold hearings on the nominations of Robert E. Lamb, of Virginia, to be Assistant Secretary of State for Diplomatic Security, Arthur G. Linkletter, of California, for the rank of Ambassador during the tenure of his service as Commissioner General of the United States Exhibition for the International Exposition, Brisbane, Australia, 1988, and Joseph C. Petrone, of Iowa, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador, 2 p.m., SD-419.

Committee on the Judiciary, Subcommittee on Antitrust, Monopolies and Business Rights, to hold hearings on S. 431 and S. 432, bills to strengthen the premerger reporting requirements of the Hart-Scott-Rodino Antitrust Improvements Art of 1976, 9:30 a.m., SD-562.

Subcommittee on Technology and the Law, to hold hearings on S. 442 Semiconductor Chip Protection Act Extention of 1987, 10 a.m., SD-226.

Committee on Labor and Human Resources, Subcommittee on Education, Arts, and Humanities, business meetings, to mark up S. 320, to provide grants to local educational agencies for dropout prevention and reentry demonstration projects, 10 a.m., SD-430.

Committee on Veterans' Affairs, business meeting, to consider the President's proposed budget requests for fiscal year 1988 for veterans' programs, S. 12, to remove the expiration date of eligibility for the educational assistance programs for veterans of the All-Volunteer Force, and Sec. 4(b) of S. 6 (Veterans' Health Care Improvement Act of 1987) and S. 279, measures to provide a 1-year extension of the date by which the VA's readjustment counseling program for Vietnam-era veterans is to begin a 2-year transition to a program providing counseling services through the VA's general medical facilities, and S. 477, to assist homeless veterans, 10 a.m., SR-418.

Select Committee on Secret Military Assistance to Iran and the Nicaragua Opposition, closed meeting, to be followed by closed hearings, 4:30 p.m., SH-219.

PROGRAM

Mr. BYRD. Madam President, the Senate will very shortly adjourn over to tomorrow for a pro forma meeting only. On tomorrow no business will be transacted. The pro forma meeting on tomorrow will accommodate the adjourning over of the Senate until next Tuesday, and I hope that committees will take advantage of this additional opportunity on Friday and again on Monday to conduct hearings and proceed with oversight responsibilities and be prepared to report measures, nominations, and matters to the calendar.

ORDER FOR COMMITTEES TO REPORT MATTERS

Mr. BYRD. Madam President, I ask unanimous consent that the committees may be permitted to have until 7 o'clock this evening to report measures, matters, and committee reports, and that they also may have until between the hours of 10 a.m. and 3 p.m. tomorrow and 10 a.m. and 3 p.m. on Monday, to submit measures and matters, including committee reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, the word "matters" includes nominations, does it not, in the Senate lexicon?

The PRESIDING OFFICER. Excuse me. Would the majority leader repeat himself? I did not hear his statement.

Mr. BYRD. As in my request earlier I used the words "measures, matters, and reports." The word "matters" would include nominations, would it not?

The PRESIDING OFFICER. Yes, it would.

Mr. BYRD. I thank the Chair.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD. Madam President, after conferring with the distinguished acting Republican leader, Mr. SIMPSON, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. tomorrow, Friday, February 27, for the purpose only of a pro forma session with no business. The Senate will just come in and go out, and this will be for the purpose of accommodating the Senate's going over until Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY, FEBRUARY 27, 1987 TO TUESDAY, MARCH 3, 1987

Mr. BYRD. Madam President, I ask unanimous consent that when the Senate adjourns tomorrow it adjourn over until Tuesday under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I understand that the following matters have been cleared with the leadership on the other side of the aisle and so, with the concurrence of the assistant leader, I shall proceed.

ORDERS FOR TUESDAY, MARCH 3, 1987

ADJOURNMENT UNTIL 2 P.M.

Mr. BYRD. Madam President, I ask unanimous consent, therefore, further, that upon adjournment tomorrow, after the conclusion of the pro forma session, the Senate go over until 2 p.m. on Tuesday, March 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Madam President, I ask unanimous consent that, on Tuesday, March 3, the following special orders be entered: Mr. PROXMIRE, Mr. ARMSTRONG, Mr. MCCONNELL, and Mr. MURKOWSKI, each for not to exceed 5 minutes, and that those special orders begin at the conclusion of the recognition of the two leaders under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that, at the conclusion of the orders for the recognition of Senators just enumerated, there be a period for morning business on Tuesday with Senators being permitted to speak therein for not to exceed 5 minutes each and that that period not extend beyond 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF CALENDAR

Mr. BYRD. Madam President, I ask unanimous consent that on Tuesday the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask unanimous consent that on Tuesday no resolutions over, under the rule, come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO ROLLCALL VOTES ON TUESDAY

Mr. SIMPSON. Madam President, before we conclude our activities, I might ask the majority leader what prospect there might be, if it is possible to discern, for voting on Tuesday. We have had several inquiries on this side of the aisle and I inquire of the majority leader.

Mr. BYRD. Madam President, in response to the inquiry by the distinguished assistant Republican leader, I state that there will be no rollcall votes on Tuesday as far as I can foresee at the moment. Should any unforeseen rollcall votes, however, of necessity occur, I shall, certainly, with the concurrence of the Republican leader or his designee, arrange to have those rollcall votes on Tuesday next take place not before 4 p.m.

Mr. SIMPSON. I thank the majority leader. That is very helpful.

PROGRAM

Mr. BYRD. Madam President, the Senate will adjourn at the close of business today over until 10 o'clock tomorrow morning. On tomorrow, the meeting will be pro forma only. It will be for the purpose of allowing, under the Constitution, the Senate then to adjourn over for a period of more than 3 days, to Tuesday next. I am hoping that committees will be accommodated also by these 2 days of virtually no session, tomorrow and Monday, and will continue their swift pace in the conduct of meetings so as to advance the overall business of the people during this 1st session of the 100th Congress.

As measures appear on the calendar, in due time, the Senate will be in a position to take up those measures. There will be no rollcall votes tomorrow. There will be none on Tuesday as far as I can foresee at the moment.

This very calm and serene, happy legislative sailing may not continue for long, but I would say that it presents an extraordinarily good opportunity for the committees and subcommittees to do their work. I am happy to say that they are taking advantage of these opportunities.

I thank the Republican leadership and all Senators, all chairmen and ranking members of committees and subcommittees, for the cooperation that the majority leader is receiving.

If the Chair will indulge me briefly.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Now that the majority leader is off the floor, is there any additional comment the designated assistant Republican leader would like to make for the good of the Republic?

Mr. SIMPSON. Madam President, I have been waiting a long time for this.

The majority leader is absent from the Chamber, and the power just seems to ooze in my direction here. But I shall not take undue advantage of it at this late hour.

I think that is rather charitable, really.

The PRESIDING OFFICER. I think it is both charitable and, in terms of long-range, perhaps prudent.

Mr. SIMPSON. In the long-range, it is absolutely the correct thing to do, or even in the short range I think.

Mr. BYRD. Madam President, I thank again the Chair and I again thank the assistant Republican leader for their indulgence and cooperation.

ORDER FOR ADJOURNMENT TOMORROW UNTIL 4 P.M. TUESDAY, MARCH 3, 1987

Mr. Byrd. Madam President, I ask unanimous consent that when the Senate adjourns tomorrow over to Tuesday, it will convene on Tuesday at the hour of 4 p.m.

The PRESIDING OFFICER. Hearing no objection, it is so ordered

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD. I think that about sums up the statement of the program, Madam President. If my distinguished Republican friend, Mr. SIMPSON, has no further business to come before the Senate, I move that the Senate stand adjourned, in accordance with the order previously entered, to the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and at 6:14 p.m., the Senate adjourned until Friday, February 27, 1987, at 10 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 24, 1987, under authority of the order of the Senate of February 3, 1987:

Department of Justice

Richard Bender Abell, of Virginia, to be an Assistant Attorney General, vice Lois H. Herrington, resigned.

National Corporation for Housing Partnerships

Alfred J. Fleischer, Sr., of Missouri, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1988, reappointment.

National Science Foundation

Frederick Phillips Brooks, Jr., of North Carolina, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1992, vice Stuart A. Rice, term expired.

U.S. International Trade Commission

Ronald A. Cass, of Massachusetts, to be a member of the U.S. International Trade Commission for the remainder of the term expiring June 16, 1987, vice Paula Stern, resigned.

Ronald A. Cass, of Massachusetts, to be a member of the U.S. International Trade Commission for the term expiring June 16, 1996, reappointment.

In the Army

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. William J. Livsey, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Louis C. Menetrey, [redacted] U.S. Army.

In the Navy

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. James B. Busey, [redacted]/1230, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 5035, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 5035:

To be vice chief of Naval Operations

Vice Adm. Huntington Hardisty, [redacted], U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Jerry O. Tuttle, [redacted] 1310, U.S. Navy.

Executive nominations received by the Senate February 24, 1987:

In the Marine Corps

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

Maj. Gen. Anthony Lukeman, [redacted] U.S. Marine Corps.

Executive nominations received by the Secretary of the Senate February 25, 1987, under authority of the order of the Senate of February 3, 1987:

Department of State

Alton G. Keel, Jr., of Virginia, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

In the Air Force

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Marc C. Reynolds, [redacted]FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles McCausland, [redacted] U.S. Air Force.

Executive nomination received by the Senate February 26, 1987:

Department of Education

Beryl Dorsett, of New York, to be Assistant Secretary for Elementary and Secondary Education, Department of Education, vice Lawrence F. Davenport.

CONFIRMATION

Executive nomination confirmed by the Senate February 26, 1987:

Department of State

Edward J. Derwinski, of Illinois, to be Under Secretary of State for Coordinating Security Assistance Programs.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

HAVE WE FORGOTTEN THE DREAM?

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. TALLON. Mr. Speaker, Santayana once said, "Those who cannot remember the past are condemned to repeat it." We face this danger today as we immerse ourselves in the present, disregarding the past at the peril of the future.

February has been designated as National Black History Month and each of us needs to take time out to contemplate black history and the contributions and achievements of black Americans. Most of us are familiar with the more famous persons of black American history such as Harriet Tubman, Frederick Douglas, Paul Lawrence Dunbar, Scott Joplin, and Dr. Martin Luther King, Jr. However, these are but a few of the many black people who have shared their talents, intellect, and self-determination, for the good of everyone in our Nation. The black experience in America is much larger, having a profound impact on each of us.

Juan Williams, author of "Eyes on the Prize: America's Civil Rights Years 1954-1965," is keenly aware of the importance of an understanding of black history, particularly the civil rights movement. His recent article in the Washington Post, "Have We Forgotten the Dream" is a poignant, thoughtful contemplation of the civil rights movement yesterday and today. It bears reading and rereading.

HAVE WE FORGOTTEN THE DREAM?

(By Juan Williams)

For the past month I've been traveling across the country to publicize a book I wrote about the glory years of the civil rights movement. But on TV and radio shows from east to west the callers and hosts used the 1954-1965 period I wrote about only as a starting point for what they really wanted to talk about—the resentment whites feel towards blacks today.

In Boston a student from Boston Latin, a prestigious public school, calls in to say it is not fair that blacks with lower test scores than those of other ethnic groups are admitted to his school and to colleges to keep up the percentage of black students.

In New Orleans a factory worker calls to say he never owned any black slaves, he doesn't discriminate—in fact he says he avoids blacks—so he doesn't understand why blacks should be given preference over him for a job or promotion.

In New York an elderly white woman calls the public radio station to say she took part in the marches and sent money to the NAACP during the '50s and '60s but today she doesn't want to leave her apartment because young blacks not only steal her purse but harangue her as a "racist bitch."

In Los Angeles a young man calls the TV talk show and wants to know why black actors are complaining about negative stereotypes and not getting work when the most popular actor on TV is black—Bill Cosby. Doesn't that prove that it's talent, not color that counts, he asks. And what about the Lakers—the basketball team is always sold out, and they are blacks.

In Chicago a young white woman wants to know if I think it's racist when whites vote for white candidates but okay when blacks vote for black candidates. Blacks flaunt their talk about "whitey," she says.

The questions with the angry edge for blacks keep coming. The resentment may explain why race relations in this country are once again growing tense; why at parties, concerts, on the job or at school, blacks and whites today are most comfortable not mixing; and why we are seeing incidents of whites attacking blacks in Howard Beach, N.Y., and Forsyth County, Ga.

After listening to this white resentment in its many forms I'm convinced it is born out of a national desire to forget the civil rights movement.

Apparently the lone message many whites want to hear clearly about the civil rights movement is that the movement was a success—it won the Civil Rights Act and the Voting Rights Act. What pleases whites in that message, I think, is two-fold. First, since the victory is won for blacks, the social turmoil, the protest marches and sit-ins are over. Second, the country cannot be accused of being openly racist because blacks got what they wanted; life is clearly better for them and there is no justification for continued agitation by blacks seeking special help from the government or employers.

Not only do some people want the movement to be finished but they also tend to want no memory of it. A large number of black and white Americans associate the movement with violence. In their minds they identify the movement with pictures of vicious police dogs being thrust at blacks, bloody confrontations between stick-wielding southern sheriffs and demonstrators, Sunday school children being blown up by segregationist bombs.

Worst of all, memories of the movement stir the emotional bile generated by current civil-rights dilemmas—the black underclass in our cities, affirmative action, busing, growing black potitical power. To counter these difficult, disturbing thoughts many Americans are happy to invoke an intentional amnesia.

It is not hard for half of the American people to go along with this happy lapse of memory, because they were born after 1954 and have little memory of what happened.

The impression I have from listening to Americans discuss the civil-rights movement for the past month is that in many minds a popular mythology of the movement has replaced the reality of the movement. In the popular myth segregation was an obvious wrong and bound inevitably to end and it did—no big deal. There were one or two heroes, Martin Luther King Jr. and President John Kennedy, who stood up to a few bad guys, like Birmingham Commissioner of Public Safety Bull Connor.

This is twisted history. But those distortions dim in comparison to the mistaken impression that the movement was primarily a violent time, best forgotten. That is absolutely wrong and dangerous. The movement was overwhelmingly non-violent. The occasional outbursts of violence were committed by segregationists against blacks and whites fighting for full rights—not by the protestors.

But some people prefer to forget the major body and accomplishment of the movement era and focus on the violent outbursts of the late '60s and specifically 1968—the year of the King and Kennedy assassinations and the riots. The angry outbursts of those years do not deny or even tarnish the success of the 1954-1965 movement. Instead they show what great hopes for the future generated by the rapid progress during 1954-1965. Sadly, the anger that came from the unfulfilled expectations raised by the movement did damage some of the heart of the early civil-rights movement—lessening its moral force; but black frustration and unthinking, unplanned riots cannot overshadow the startling success of the non-violent movement.

This history of non-violent social protest stands in stark contrast to racial and ethnic struggles in other nations. For example, look at South Africa today where the black majority is responding with increasing violence to the white majority government and there is even violence among factions within the black movement. The American civil-rights movement had no such violence. It was peaceful, appealing to the moral conscience of the nation and the law of the land—the Constitution.

The movement was a golden moment in American history, a glorious triumph. It is the best example in modern history of democracy at work—the Constitution's shining moment—and evidence anew that the local courts, the Congress, the president and the Supreme Court can rise above political concerns, regional differences and even culturally engrained prejudice to support the rights of all Americans under the Constitution.

In an 11-year period, this country went from strict, legal segregation—American apartheid—enforced by local custom, sheriffs and the courts, to the point where the Civil Rights Act and the Voting Rights Act offered the nation the ideal of racial equality, and ideal we continue to work towards. And the people who engineered that change were individual, ordinary American citizens, mostly an easily identifiable minority, a group long scorned by those in power, generally with little education, money or weaponry—in fact they had a principled aversion to violence—and yet they managed the greatest social change modern America has witnessed.

It is hard for young Americans of either race to comprehend that before 1957 Rosa Parks not only had to stand when a white person wanted a seat on the bus but that she also had to pay her fare in the front of the bus and then get off, walk to the back of the bus and enter through the rear door. Sometimes the bus driver would maliciously pull away, taking her dime and leaving her on the sidewalk. In some cities blacks riding

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the bus had to sit behind chicken wire. On the Montgomery buses black women were regularly derided as "apes."

Segregation was not just a fact of life in the Deep South. People tend to forget that through the '50s blacks could not try on a hat in a downtown store, since blacks were presumed to have greasy heads, and black women could not try on a dress, since they were presumed less clean than white women.

In an atmosphere of communal forgetting it is equally difficult to communicate to young people that all the public schools in the District of Columbia have been open to blacks only since 1955. When everyone is busy forgetting, it is difficult to tell young people, both black and white, that the black adult standing before you may be the child who told psychologist Kenneth Clark in the 1950s that a white doll was pretty and smart but identified a black doll by saying: "That's a nigger, I'm a nigger." No matter who chooses to forget the past, those damaged people remain with us in 1987, and so do their children.

Martin Luther King Jr. wrote about what blacks find hard to forget in his letter from a Birmingham jail in April 1963. Responding to white clergymen who asked him to delay his protests against segregation in that city, King wrote: "Perhaps it is easy for those who have never felt the stinging darts of segregation to say 'wait.' But when . . . you suddenly find your tongue twisted and your speech stammering as you seek to explain to your 6-year-old daughter why she can't go to the public amusement park that has just been advertised on TV and see tears welling up in her eyes when she is told 'Funtown' is closed down to colored children and see ominous clouds of inferiority beginning to form in her little mental sky and beginning to distort her personality by developing an unconscious bitterness towards white people . . . you will understand why it is so difficult to wait."

Unfortunately too many people find it easy to forget only 25 years later.

Ironically, it is also difficult to tell black children of the importance of recent history to race relations because they, too, take part in the national fashion of forgetting. How do you explain to a black high school student today—without sounding like an old bore—that he should cherish the right to attend public school because it is a right black and white Americans put decades of planning and legal work into achieving?

The example of white participation in the movement is lost, too. The truth is that the movement got much of its inspiration and support from committed white Americans. Paul LaPrad, a Paul Newman look-a-like, sat on lunch-counter chairs with black students in Nashville and was beaten for helping the "niggers." Jim Peck, another white, rode the Freedom Ride buses and suffered the abuse and blows of segregationists. As one white student said during the 1964 Freedom Summer in Mississippi: "I'm down here because I believe that my freedom is very much entangled with the freedom of every other man. And that if another man is not free, then I am not free. So I am fighting for my own freedom here."

Joe Rauh, a white lawyer and well-paid counsel to the United Auto Workers Union, became the lawyer to a group of blacks challenging the all-white Democratic Party in Mississippi. At no charge, he plotted their challenge to the seating of the segregationists delegation to the Atlantic City convention even after his employers at the UAW told him that President Johnson wanted him to quit. But Rauh, risking his own job, kept up the fight.

The harmful effects of this national amneisa come out in the resentment-filled statements made by whites on talk shows today. Worst of all, the amnesia's effect can be seen on young people today. The teenaged caller in Boston who complained about the preferential treatment given blacks in college admissions gave voice to feelings coming out of young whites all over the country: At Smith College white students scrawled on a wall—"Blacks Stop Your Complaining and Go Home." At The Citadel, white students in Klan-like robes came into a black student's room, supposedly to play a joke on him. The black student was not amused, but terrified. He left the school. The chancellor of the university said afterwards that the attitudes he sees among his white students today remind him of segregationist attitudes before the civil-rights movement. They've forgotten the movement.

The forgetting among young whites is not confined to the college campus. The people who attacked three black men in Howard Beach, beating them and forcing one to run onto a highway, where he was hit and killed by a car, were teenagers. Similarly, reporters at the protest march in Forsyth County estimated that over half of the whites who threw rocks and threatened blacks for stepping into the county were not old-line, die-hard segregationists but young, mostly teenaged, whites.

President Reagan is the best example of one who favors forgetfullness on civil rights. When Reagan, a man who opposed the 1964 Civil Rights Act, and his Justice Department talk about civil rights today their words most often go to comfort white males whom they perceive as suffering discrimination from the preferential treatment given to women and blacks in hiring and admissions.

The same happy forgetfullness can be found in national policy debates over poverty, welfare and discrimination. The current vogue has it that the high rate of illegitimate births among black teens is the real problem facing blacks, as are black-on-black crime, blacks dropping out of high school and black dependency on welfare. Without a doubt these are real problems for blacks. But the high profile given these problems suggests there is something more going on here. The tacit idea here is that blacks create their own problems—their problems are not a legacy of legal segregation and discrimination.

In this school of thought, race, history and discrimination in America are no longer the principal barriers to success; instead the barriers are lack of discipline, criminal behavior and other negatives blacks put on themselves. So let's not talk about the past. But even if it were possible to remove all remnants of discrimination today it would not be possible to undo the effects of very recent, very rabid racism on blacks. Even for those who want desperately to forget the past there is no denying that the effects of our national past are still plaguing us.

There are echoes of the call to forget in television and movies, too. Bill Cosby, Eddie Murphy and a slew of black orphans adopted by happy white families are before us as proof that if blacks could just laugh about race, forget segregation and the struggles to end it, they too could get along with whites, succeed and get the middle-class dream.

This inclination to forgetfulness allows Bradford Reynolds, the assistant attorney general for civil rights, to give a recent speech in which he said there is no resurgence of racism in the United States. To Reynolds and others who are glad to forget, there is no racial problem so long as there is no Bull Connor letting dogs loose on children, or lynchings of black men. Somehow the continued discrimination that allows half of all blacks seeking homes in the Washington area to encounter discrimination is lost on him. Also lost is the fact of resegregation of schools, with whites in suburban or private schools while blacks are consigned to academically inferior inner-city schools. These are not issues for him in his blissful forgetfulness.

Yes, it's true that blacks can now go into restaurants, hotels and sit where they like in buses. But it is also true that we are not a colorblind society. Race remains a major disadvantage from infancy to death. To be black, on average, means fewer educational opportunities, fewer jobs, more chances to be jailed and killed, and less income than whites.

The civil rights movement today has evolved into a political and economic movement, an attempt to gain a proportional share of political and economic equity for blacks. Blacks are nowhere near equity in either sphere, with about 2 percent of the nation's politicians (and 10 percent of the registered voters) and about one half of white income and less than one twelfth of white equity in the nation's wealth (real estate, business ownership, stock and bonds).

To the young white man upset that some scholarships and college admissions programs favor blacks I have this to say: Colleges generally set a minimum level for tests scores of the people they are considering for admission and then offer all manner of preferences to the children and relatives of alumni, to musicians, to science students and to athletes. The children of the rich, who attend the best prep schools and are likely to be generous and successful alumni, are given unabashed preference. That some consideration is now given to blacks, because the colleges want a diversified student body, is no reason to resent blacks.

To the white man in New Orleans who feels affirmative action amounts to discrimination against whites: Remember that in the vast majority of cases affirmative action only means recruiting qualified blacks to apply for the jobs. If normal hiring practices are followed blacks are often excluded because most jobs go to workers who already know the people at a worksite, most of whom are white. And for affirmative action to even be a consideration, in most cases, means that the company has over 90 percent white employes. Why scapegoat the blacks if you don't get part of the 90 percent of jobs going to whites? The real problem with affirmative action is that too many employers find anyone with black skin to fill a slot and satisfy numerical goals without giving a black person the chance to gain experience, and move into positions of power and influence in the company.

To the elderly woman in New York who is afraid of young blacks and feels unfairly villified after participating in the movement: Unfortunately your experience is not a rare one. Many young blacks, like young whites, don't know the important role whites played in the movement and are quick to spread blame on all whites. And many of these young black people are suffering the deprivation of the underclass and do resort to harassing anyone, black or white, who is

frail and has something they want. The problems of the underclass confront the whole society, not you alone. And there is no question that your brave stand by your principles makes you a hero of the movement.

To the man in Los Angeles who argues that the success of the Lakers and Bill Cosby is evidence that there is no discrimination: I am tempted to say that you know better than that. But maybe you don't. The reality of black life in America, particularly among the third of black America that is either in poverty or near poverty, is not reflected by life among the Lakers or Cosby. Also, Cosby and the Lakers are the top of their profession and you may not see the large hurdles blacks must leap to get there, hurdles made larger by racial considerations.

To the woman in Chicago who wants to know if it's okay for blacks to vote along racial lines: My answer is no. But given the history of racial and ethnic divisions in Chicago politics you might understand why blacks would want to stick together. In the history of that city blacks have been on the short end of patronage and city services for all but the last few years. And certainly the mayor's white opponents do not seem reluctant to make race an issue if they feel it will spur whites to vote for them. It is a sad, destructive situation that is not neatly explained by saying blacks are just as likely to vote for blacks as whites are for whites.

There's a little history here. Unfortunately too many people are happy to forget it.

CELEBRATING THE SESQUICENTENNIAL ANNIVERSARY OF CAMBRIDGE, OH

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. APPLEGATE. Mr. Speaker, it gives me great pleasure as the Congressman for the 18th District, representing the Upper Ohio Valley, to mark the 150th anniversary celebration of the town of Cambridge on Friday, March 13, 1987.

Cambridge owes its roots in the early 19th century in large part to two individuals, Zaccheus Biggs, a surveyor in Guernsey County, and Zaccheus Beatty, an employee of the land office in Steubenville, who both worked in the military district to satisfy claims of the soldiers who served in the Revolutionary War. A Federal grant was made to these two men in 1801, consisting of the land on which the greater part of Cambridge now stands.

In the years that followed, this area saw many changes. The land changed ownership, shifted counties and was laid out, plotted and sold to emigrants who came over from the Isle of Guernsey, after whom Guernsey County was named when it was formed in 1810.

A man by the name of Jacob Gomber, who owned half of the 4,000 acres on which Cambridge was originally laid out, was responsible for establishing the first industrial plant in Cambridge, a mill which provided the settlers with meal for bread and lumber for their homes. In 1937, with just over 500 people living in Cambridge, the village was incorporated.

It is thanks to these early founders and the immigrants who first settled here, toiled long hours and began their new lives here that we celebrate the Cambridge community as we know it today. Mr. Speaker, I call on my colleagues in the House of Representatives to join me in wishing Cambridge a very happy sesquicentennial birthday.

REFUND OF EXCESS DEFERRED INCOME TAXES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, after having drafted and passed monumental tax legislation last Congress, I am sure that many of us are somewhat wary of immediate attempts to change it. But, I must call attention to what I think is a serious flaw in the Tax Reform Act allowing some cash-flush electric, gas, and telephone utilities to take as long as 30 years to refund their ratepayers more than $15 billion in tax overcollections. Simply put, utilities owe approximately $200 to each American household, and our new tax laws say they can hold on to this money for so long that by the time ratepayers are fully reimbursed, each dollar will be worth only 25 cents.

Where does the $15 billion come from? For years, our tax law has allowed electric, gas, and telephone companies to depreciate plant and equipment over different lengths of time for income tax and ratemaking purposes. Utilities may, therefore, collect through today's rates, Federal income taxes that will not be due the Treasury for 20 or 30 years.

Collectively, utilities now hold approximately $60 billion toward future tax obligations. However, when the maximum corporate tax rate was reduced from 46 to 34 percent this year, $15 billion in taxes which had been collected in advance under the 46-percent tax rate were forgiven. As a result, electric utilities hold more than $8 billion, gas utilities more than $1.3 billion, and telephone companies more than $6 billion in tax overcollections. This money is not due the Treasury now or ever.

Even the utilities agree that these excess deferred income taxes belong to ratepayers. Unfortunately, a provision in the Tax Reform Act slows the return of these funds over the remaining book life of the asset which created the deferral and bars utility regulators from ordering quicker refunds. In the case of a new coal-fired generating plant, for instance, reimbursement would be delayed over a book life of 30 years. The promise of a refund three decades from now is of little value to today's utility customer, especially to senior citizens who may never get their money back.

I recently introduced the Utility Ratepayer Refund Act which repeals section 203(e) of the Tax Reform Act of 1986. It does not require an immediate refund of excess deferred taxes but, instead, allows the State regulatory commissions the flexibility to prescribe the rate of return. The commissions would make a determination on a case-by-case basis according to the financial health of each individual company. Both utility and consumer representatives would be able to present their cases to the commissions. This is precisely how we chose to handle the excess deferred taxes created by the reduction in the top corporate tax rate in 1979. It made sense then and it makes sense now.

Clearly the State commissions are better equipped to judge the needs of the utility companies and utility ratepayers in their States than is Federal tax law. Repealing section 203(e) of the Internal Revenue Code would give States the discretion to allow a return rate of say 10 years for a company engaged in a large construction project or in financial difficulty or require a more rapid refund for utilities having plenty of excess cash.

A broad-based coalition of consumer groups and regulatory officials including the Consumer Federation of America, the Electricity Consumers Resource Council, Environmental Action, the National Association of Regulatory Utility Commissioners, and the National Association of State Utility Consumer Advocates is committed to the repeal of section 203(e). They feel, as I do, that utility companies should not be able to enjoy the benefits of billions of dollars that do not belong to them. American consumers should be benefiting from this money.

I urge my colleagues on both sides of the aisle to continue their support for tax fairness. Requiring ratepayers to subsidize $15 billion in loans to utilities is not fair and should not be part of our Federal Tax Code.

COUNTERTERRORISM: U.S. GOVERNMENT ADAMANT FOR DRIFT

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. COURTER. Mr. Speaker, the domestic furor of the past few days over whether the administration might have attempted to kill Colonel Qadhafi with the bombing raid on Libyan centers of terrorism is indicative of the confusion which remains about what our counterterrorism policy will be.

There is an Executive order against assassination, and it applies to persons who kill Americans abroad but who will not readily present themselves to an American court for trial. Very well. But even proposals to snatch terrorists abroad and bring them here to face trial for killing Americans have been resisted as legally and morally questionable. I suggest that if we are not prepared to do even this, then we should silence ourselves about having a counterterrorism policy. The average American understands with perfect clarity the fact that there must be something beyond the usual and sometimes ineffectual economic and diplomatic sanctions. They know that angry speeches do not make enemies go away, or deter them from further crimes. Indeed, there are very few issues on which Americans are so well united as that of terrorism. The Government owes the American people some determination to see the murderers of our brothers and sisters brought to justice. Too many well known terrorists still walk free today, and continue their grim work with few inhibitions.

The President's bold, clever, and effective action in the interception of the *Achille Lauro* hijackers is the sort of operation which is recognizable as a model in effective antiterrorist effort.

Mr. Speaker, the Washington Times has consistently offered this country sound and comprehensive coverage of terrorist acts and the various groups which carry them out. Its editorial page has also consistently recommended that we insist upon justice for those who kill Americans merely because they are Americans. I want to express my appreciation to the editorial board of the Times for its attention to this security problem. And I wish to introduce into today's RECORD the Washington Times' lead editorial of February 24, 1987.

The editorial follows:

[From the Washington Times, Feb. 24, 1987]

THE TERRORIST LOBBY

In the event anyone has been wondering why the United States, after several years of unprecedented terrorist onslaughts, still lacks a firm and effective counterterrorist policy, recent disclosures of the internal doings of the U.S. government may clarify the matter. The permanent bureaucracy evidently has aborted the embryos of antiterrorist policies before they could become much more than a gleam in the eye.

In the aftermath of the terrorist hijacking of TWA Flight 847 in June 1985, the White House and the CIA devised a plan to invade Libya, mount covert operations against Col. Qaddafi, and drive him from power, thus terminating Libyan support for international terrorism. The State Department, abetted by Secretary George Shultz and our ambassador to Egypt, went out of its way to stifle the plan, and Mr. Shultz, who never tires of declaring war on terrorism, dismissed the idea as "crazy."

In 1984, Lt. Col. Oliver North suggested—merely suggested—in a classified memo that the United States "neutralize" international terrorists. Deputy CIA Director John McMahon was so incensed that he woke Col. North in the middle of the night to call him names.

Last year, President Reagan authorized the CIA to seize foreign terrorists and bring 'em back alive to stand trial in the United States. The FBI and others strongly opposed the plan as illegal and probably impractical, and members of the council set up to oversee this intrepid effort did little more than perpetually "liaise" with each other.

What these tales from the bureaucratic woods suggest is that anyone who has the will and the brains to devise a scheme for dealing effectively with international terrorism is likely to encounter a dense thicket of excuses for doing nothing much of anything. If antiterrorists are not careful, they will get obscene phone calls in the night.

Some of these plans may have been goofy and some may not have been. The point is that all such plans were smothered in their cradles by those in government who always can discover obstacles to any effective use of force against terrorism, its agents and sponsors. Given the influence of these temporizers, it is unlikely that this administration or any other will be able to execute an effective strategy against the murderous warriors of the jihad. Perhaps the place to start fighting terrorism is not on the shores of Tripoli, but on the banks of the Potomac.

TRADE POLICY LEGISLATION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. KEMP. Mr. Speaker, today I am introducing legislation which I believe will mark a turning point in the debate over this country's trade policy. Identical legislation will be introduced by Senator PHIL GRAMM in the other body.

What hangs in the balance is whether Congress will pass legislation which helps or hurts America and its families.

So far, the debate over trade has been between what you might call the neoprotectionists and the wimpy free-traders.

All of us have noted that a certain word has been dropped from the political lexicon. That word is "protectionism."

But protectionism has not been dropped from the trade bills. The neoprotectionists are just putting a new label on the old poison.

They don't even have the gumption to say what they are doing. They say they only want to raise our trade walls to get other countries to lower theirs. You only have to state this to see how absurd it is.

Earlier this week, Congressman DICK GEPHARDT said, as near as I could make out, that we ought to violate treaties to punish our trading partners, but overfulfill treaties that the Soviets have violated.

What a contrast with John F. Kennedy—who said, "If we can [lower trade barriers], Communist hopes for a trade war would be frustrated * * * and the long range Communist aim of dividing and encircling us all will be doomed to failure."

On the other hand, there are the wimpy free-traders. When you talk about trade, they give you a discourse on comparative advantage—but they don't have a plan for achieving it.

So in the face of protectionist legislation, the wimpy free-traders agree to split the difference. They pat themselves on the back for lowering the American people's standard of living by 10 percent instead of 20 percent.

Senator GRAMM and I don't believe that trade is a poker game where you try to outcheat everyone else. Nor do you have to show your hand and give away your chips. You need to go in with a lot of chips, play your cards close to the vest, and keep the game honest all the way around. We think our country ought to be hardnosed free-traders.

It's time to change the terms of debate. Our legislation, the American Trade, Growth, and Employment Act of 1986, is designed to force world-wide competition to lower trade walls, not raise them. To lower trade walls, we can't just trade a brick here or there—much less throw the bricks at each other. We need to trade whole layers in exchange for other layers.

Our bill would therefore do the following:

First, give the President authority to negotiate bilateral or multilateral free trade zones on a reciprocal basis with Canada, Mexico, and the Caribbean Basin. Over one-quarter of our exports go to Canada and Mexico. If we can achieve a North American free trade area, protectionism and subsidies are going to be very expensive for Europe and Asia. They will quickly have to come to the table.

Our bill also gives authority to negotiate expanded trade areas, once again on a reciprocal basis, with any nation that has a market economy. Moreover, if the President determines that any nation refuses to lower its unfair trading practices, he is authorized to suspend talks with them, and start or accelerate negotiations with a country that produces competing exports.

These free trade and expanded trade areas are GATT-legal, because they apply to substantially all trade between the nations. However, the President is authorized to set aside any individual commodity for separate, reciprocal negotiation, if it stands in the way of an agreement on everything else.

Some poorer countries have special trade preferences despite maintaining high trade barriers. Our bill would authorize a delay of up to 5 years on their part in removing their barriers on a reciprocal basis. But any reneging on their part would justify suspending the agreement.

Congress would have 45 days to study the portion of any agreement that deals with tariffs, which are already under the President's legal authority. Then it has 90 days to disapprove the proposed agreement, or else it takes effect.

On reductions in nontariff barriers, we provide fast track authority for congressional consideration of the laws that need to be changed.

Our bill also provides a time extension for the President, under fast track procedures, to negotiate in the current Uruguay round of GATT. An aggressive use of free and expanded trade areas would increase pressure for an early GATT agreement.

But the most important procedural change in our bill is to require consumer impact statements for any trade legislation passed by a committee of Congress. And a point of order shall lie against my bill that comes to the floor without this estimate.

When we undertook tax reform, we knew down to the penny how it would affect individual taxpayers. It's incredible that Congress would consider sweeping trade legislation, potentially costing American families hundreds or thousands of dollars apiece, without any notion of the cost.

Finally, our bill requires an analysis of the trade barriers of those countries which receive or apply for loans or aid from international institutions supported by the United States.

The Treasury Secretary, working with the U.S. Trade Representative, shall make recommendations for correcting them. And if the country refuses, U.S. representatives to the international banks are instructed to vote against the loans or aid.

This will also increase the pressure for early agreement on GATT or expanded trade areas.

In short, we are calling the bluff of the peddlers of protectionist poison. And we're telling the wimpy free-traders to put some brass in their backbone.

If the neoprotectionists really want to lower trade barriers, find customers for our exports, create jobs, and raise our standard of living, they should support our approach of hard-nosed free trade.

If they don't join us, they will be showing their hand: they only want to lower the American standard of living in order to do special favors for special interests.

Then they will have nowhere to hide from the voters.

A RABBI RETURNS TO RUSSIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. HOYER. Mr. Speaker, recently Rabbi Ralph Dalin, religious leader of Shaare Tikvah Congregation in Temple Hills, MD, returned to the Soviet Union after 10 years. He was joined in his trip by Rabbi Steven Bayar, formerly of Mishkan Torah Congregation in Greenbelt, MD.

During their visit to the Soviet Union, they had the opportunity to meet with many refuseniks who are waiting to see the results of the new emigration regulations published by the Soviets on January 1, 1987, and what changes the new policy of "glasnost" may bring to their lives.

Mr. Speaker, Rabbi Dalin has written of his most recent experiences in the Soviet Union which was printed in the Washington Jewish Week. I insert the text of Rabbi Dalin's article to be printed in the RECORD and urge my colleagues to read it.

TEN YEARS LATER: A RABBI RETURNS TO RUSSIA

(By Rabbi Ralph A. Dalin)

The Soviet customs official, on learning this was my second visit, asked if I had friends I was going to visit. The honest answer was "no." The friends I had made in the refusenik community in 1976 had, thankfully, been able to emigrate. I refrained from adding that I intended to make new friends.

More than ten years had passed since my last visit to the Soviet Union. My previous experiences led me to wonder whether I would be granted a visa for a return visit. I was pleasantly surprised when the visa came through and I was able to make arrangements for a ten-day visit to Moscow and Leningrad with my colleague Rabbi Steven Bayar (formerly of Greenbelt and now of Spring Valley, NY).

The emigration situation for Soviet Jews is far worse than it was in 1976. The Jewish emigration total for that year was 14,261. In 1986, less than 1,000 were permitted to emigrate. Statistics alone, however, do not reveal the sadness, the grim, stoic realization of our Soviet brethren that their dreams of *aliyah* will, in all probability, remain dreams for some time yet.

Yuli Kosharovsky of Moscow is a sensitive person whose quiet charisma and air of experience come from his many years in the heart of the refusenik movement. When he is not working on electrical equipment, he busies himself with the Hebrew study movement, and in his spare time loves to read whatever Hebrew literature he can get his hands on. He has been a refusenik for 16 years, and the odds of receiving an exit visa are slimmer than ever. The hope that he, his wife Inna and his children might soon be in Israel is tempered by resignation.

If Yuli strikes me as resigned, another refusenik is desperate. Mikhail Fuks-Rabinovich is a warm, friendly person who from the first exuded a deep unspoken message of welcome and clear delight at having visitors from the West. Riding the bus to his apartment, we discussed art and the museums worth seeing in Moscow and Leningrad. During our evening together, we discussed not only art, but also Jewish philosophy, theology and Bible. Most important, however, was the opportunity for Mikhail to unburden himself. He told us that on Dec. 6 he intended to begin a hunger strike to try to force the hand of the Soviet government to allow him and his family to go to Israel.

Upon applying to emigrate to Israel in 1979, Mikhail—a meteorologist—was demoted to a low-level position at one-third of his previous salary. He was stripped of his professional title and denied the right to publish. References to his work were removed from the professional literature, and his already submitted doctoral thesis was rejected. Then in 1983 he was "released" from employment, and since then has eked out a living doing part-time manual labor. In the last three and a half years, only a single piece of mail has been delivered to him. Mikhail and his wife, Marina Ivanova, are worried about the health of their 13-year-old son, Mishka, who is unable to receive adequate medical attention, aparently because of his parents' status in the eyes of the Soviet government.

But the resignation of a Yuli Kasharovsky and the desperation of a Mikhail Fuks-Rabinovich pale in comparison with the anxiety within the refusenik community over the new Soviet emigration law scheduled to go into effect on Jan. 1. Virtually every refusenik with whom we spoke expressed concern about this new law. Soviet officials point to the new law as a sign of their new flexibility on Jewish emigration, but it permits potential emigration only to join first-degree relatives (parents, children, spouse, siblings). Thus Soviet Jews holding invitations from an aunt, uncle, grandparent, etc., may not even apply for a visa.

Refuseniks also fear that the law may be applied retroactively, so that Jews previously refused will now receive a permanent refusal because the original invitation was not from a primary relative. Worst of all, the new law allows for capricious refusals by low-level bureaucrats without any system for appeal. The refuseniks are concerned that the West does not understand that the new law will make *de jure* what has only been *de facto*: an emigration rate curtailed to next to nothing.

A highlight of our visit was participating in the Hebrew class of refusenik Leonid Zeliger of Leningrad. Around his dining room table were six students who were highly attentive to Leonid's fluent Hebrew. Using books obtained from the West, they learned the Hebrew language while becoming familiar with traditional Jewish texts, in this case the Mishnah. We taught and applied the Mishnah they had just read, and discussed aspects of Jewish life in both Israel and the United States. We also told them about efforts in the West on behalf of Soviet Jewry.

The courage of both teacher and students inspired us. We asked the students what compelled them to risk so much for the sake of Hebrew study. All were deeply committed to *aliyah*. Moreover, the knowledge of Hebrew, they said, is something the KGB cannot take away from them. Books can be confiscated; knowledge cannot.

Furthermore, so intent are these students on *aliyah* that they feel that once they are finally allowed to leave for Israel, they will have already wasted too much time to want to spend more time learning the Hebrew they will need to establish their new lives. They want to be able to arrive in Isreal already speaking the language of their brothers and sisters.

One of the students voiced their urgent concern of how to transmit their own growing Jewish education to their children. This was a concern expressed not here alone. In Moscow there is a Beit Sefer, an unofficial school for Jewish children ages 5-13. The school must meet in a different location every week, because it is forbidden to give religious instruction to any child other than your own. Last year there had been a Jewish preschool, a kindergarten in Moscow, but the KGB closed it down. The current Beit Sefer has so far avoided that fate. But its future is unpredictable. It was heartwarming to see some of the drawings made by the children of the Beit Sefer on biblical and holiday themes, and to hear some of the refusenik children speaking such lovely Hebrew.

Both the extensive adult study network and the Beit Sefer are part of the silver lining in the dark cloud of low emigration: the renaissance of Jewish learning, what Leonid Zeliger calls the "internal revolution" in the Soviet Jewish community. This is a phenomenon which I did not observe ten years ago. Though spurred on by the pessimism about the emigration situation in the near future, it represents many individual acts of courage and commitment.

LINE-ITEM VETO, AN IDEA WHOSE TIME SHOULDN'T COME

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. BONKER. Mr. Speaker, the President, after running up the largest deficit in our Nation's history, now maintains that he could cure the problem if only Congress would grant him line-item veto power over Federal expenditures.

If only deficit reduction could be so simple.

Unfortunately, the Federal budget is far more complicated and the relationship between the executive and legislative branch too delicately balanced for this proposal to be effective or desirable.

I would like to request the following Washington Post article by Louis Fisher be reprinted below in its entirety. I think it is an excellent account of why the line item veto would prove an ineffective tool in deficit reduction.

The article follows:

[From the Washington Post, Feb. 23, 1987]

THE ITEM VETO—A MISCONCEPTION

(By Louis Fisher)

In his State of the Union address, President Reagan once again asked for item-veto authority "so we can carve out the boondoggles and pork—those items that would never survive on their own." His proposal rests on a misconception about the federal budget.

Even if the president has item-veto power, he would be unable to eliminate the "boondoggles and pork." The reason is simple: Congress does not put "pork-barrel" projects in the bills presented to the president. Unlike state legislatures, Congress does not itemize its appropriations. There are no "items" for Reagan to strike out.

This point is made obvious in the Energy and Water Development Appropriations Bill for fiscal 1985. The bill teems with "pork barrel" projects for the Corps of Engineers, the Bureau of Reclamation, the Appalachian Regional Commission and other agencies.

If Reagan has access to the item veto, could he have eliminated projects that seemed to him wasteful, "that would never survive on their own"? The answer is no, for the simple reason that projects are not identified in the bill presented to him. Congress appropriates by lump-sum amounts, not by items.

Take a closer look at the bill, which Reagan signed into law on July 16, 1984. Under the Corps of Engineers is an appropriation account titled "Construction, General." It contains the lump sum of $864.5 million for river and harbor, flood control, shore protection and related projects authorized by law. The paragraph contains some earmarkings of funds for a project in New Jersey, another in Kentucky and a few others, all of which add up to $32.8 million.

What about the remaining $831.7 million? How is that to be spent? On anything the president wants? No, it is to be spent on projects authorized by law and the projects identified in the conference report on the Energy and Water Development Appropriations Bill.

The report (House Report 98-866) explains that the lump sum of $864 million is to be allocated to the specific projects listed on pages 19-22 of the report. The projects are listed state by state. Here is where you find the "items": $25,000 for Kake Harbor in Alaska, $200,000 for Lytle and Warm Creeks in California, $25,000 for Jonesport Harbor in Maine and so forth. Those items are not in the appropriations bill, however, and could not have been eliminated by a Reagan item veto.

The item veto functions at the state level because items are included in the bills presented to the governor. Should Congress pattern itself after the states by resorting to line-itemization? The results may not be all that attractive. Agency officials want the latitude and flexibilty that accompany lump-sum funding. Members of Congress do not want the details frozen into public law either. The only way to adjust statutory details in the event of unexpected developments is to pass another public law, amending the first, and neither branch wants that rigidity. Congress has enough problems passing public laws as it is.

For decades, Congress and the agencies have worked out a reasonable compromise. Funds are appropriated in lump-sum amounts to give officials some discretion throughout the fiscal year. In moving money around within these large accounts, the agencies, are required in some cases to report to congressional committees and obtain their approval on "reprogrammings." It is a workable system, but would be totally disrupted by locking specific amounts into public law.

Advocates of the item veto claim that the president's regular veto power has been diluted because Congress passes omnibus measure instead of individual appropriations bills. Reagan, in his State of the Union message, said that "the nightmare of monstrous continuing resolutions packing hundreds of billions of dollars of spending into one bill must be stopped."

The idea that these massive bills handcuff the president was pressed by Donald Regan in 1984, when he was secretary of the Treasury. In a statement for the Senate Committee on the Judiciary, he asserted that the Framers "undoubtedly" anticipated that Congress would provide funds by passing "separate appropriations bills for discrete programs or activities, rather than omnibus bills encompassing a variety of related and unrelated matters."

Regan claimed that "until about the time of the Civil War, congressional practice was in accordance with this expectation. Presidents were thus able to sign or veto appropriations bill based upon the merits of the programs being funded and the need for the particular amounts."

There is not a grain of truth to this. The first appropriation bill passed in 1789 was an omnibus measure, containing all funds for civilian and military programs. The same kind of bills passed in 1790 and 1791. The members of the First Congress contained many of the "Framers" who had participated in the Philadelphia Convention. Evidently they did not anticipate that Congress would pass separate appropriations bills for "discrete programs or activities," as Regan charged. Later Congresses, as in 1814, passed three separate appropriations bills—for the Army, the Navy and the civilian establishment—but even these were more of an omnibus nature than the 13 appropriations bills passed today.

Granting the president an item veto is a legitimate topic for debate, but the issue should not be obscured and confused by misconceptions. Before we can improve our budgeting system, we must understand it.

H.R. 926

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. GARCIA. Mr. Speaker, on February 3, I introduced H.R. 926, a bill that would require banks and thrifts that are planning to close a branch to give prior notice to their customers and to the appropriate regulator. The purpose of the notice requirement is to allow a community that feels it will be left with insufficient financial services as a result of the proposed closing an opportunity to be heard.

In 1985, New York adopted a similar law as a result of extensive hearings held in Albany. The upshot of the testimony at these hearings was that the closings were most frequent in poor areas—areas that were subsequently left with little or no financial services.

I am including an article from the February 25 American Banker which gives the results of a report on branch closings in New York between 1977 and 1984. This branch closing "phenomenon" is still going strong, and it is not a situation solely confined to New York. I recommend this article to my colleagues, and hope that after reading it you will join me in attempting to rectify this situation by cosponsoring H.R. 926.

[From American Banker magazine, Feb. 25, 1987]

BRANCH CUTS SEEN HURTING MINORITIES

(By Laura Gross)

NEW YORK.—Closing inner-city bank branches discriminates against low-income, black, and Hispanic consumers, according to a report just released by the Community Training and Resource Center, a consumer advocacy group that investigated closings in New York City from 1977 to 1984.

"Branch closings disproportionately occurred in lower-income neighborhoods and neighborhoods where blacks and Hispanics are in the majority," said a press statement issued by the organization. It found that most branch openings were in the suburbs.

The report comes down hard on New York State and federal regulators, calling for greater government concern and more regulation of branch banking issues.

Margaret Stix, author of the report, warned in an interview Friday that "the situation could get worse in light of additional branch closings to occur this year, particularly by Chase Manhattan Bank, which has announced that they will close up to 50 branches in 1987."

Ms. Stix said 89% of closings during 1977-84 were done by commercial banks, mostly Chase, with 39% of that total; Manufacturers Hanover Trust Co. with 25%, and Citibank, with 22%. The closings occurred during a time of extreme hardship for savings institutions, which nonetheless shut far fewer branches than commercial banks.

Among the charges and recommendations included in the 101-page analysis are:

State government response to the branch closings issue has been inadequate. The Banking Department has failed to maintain an accurate inventory of branch services or even to keep an accurate list of branches that have closed.

Federal regulators have failed to respond credibly to the branch closing phenomenon.

New York State supervisory procedure G-112 should be amended to provide for a form of "binding arbitration" under which bank officials and community leaders would negotiate a plan to provide necessary financial services in low- and moderate-income neighborhoods where a branch is slated for closing.

The Comptroller of the Currency should more carefully scrutinize applications for new branches from banks that, by closing branches elsewhere, have left neighborhoods virtually bankless.

The State Banking Department should add staff to the Community Reinvestment Monitoring Unit so as to make more accurate ratings, using the criteria of the Community Reinvestment Act, and to keep precise records of branch openings and closings.

There should be a requirement that data on industrial and commercial business loans be disclosed to the state Banking Department. Such a requirement currently exists for residential mortgage lending data.

The report alleges that "[New York State Banking] Department personnel admit that one reason nearly every bank received a 2 rating for 1984 [on a scale of 1 to 5, with 1 being the highest] is that they had insufficient staff to conduct the detailed analysis required to find differently."

Ernest Kohn, deputy superintendent of banks, defended the agency against the charge.

"Like all state agencies, the Banking Department has been subject to stringent staff and budget limitations," he said Friday. "As a result, in the early '80s we had to do off-site assessments, desk reviews. But since 1985, we've done detailed on-site assessments, and current ratings reflect that."

There are six state-chartered institutions that currently rank 3, or "barely acceptable," the worst rating the Banking Department has ever given. They are; Dollar Dry Dock, New York; Long Island City Savings and Loan Association; People Westchester Savings Bank, Hawthorne; Sag Harbor Savings Bank; Roslyn Savings Bank, and National Savings Bank of Albany.

Mr. Kohn said that the department has requested additional staff and more money for its Community Reinvestment Act effort beginning with the new fiscal year, April 1.

The Banking Department, Mr. Kohn said, "has made a maximum effort in every controversial branch closing to negotiate and persuade. Sometimes we're successful and sometimes we aren't, but it isn't for lack of trying." For that reason, he said he disagrees that State Procedure G-112 should be amended to require binding arbitration.

He does, however, agree with several other recommendations set forth by the Community Training and Resource Center. Among them:

"We think there is some merit in the idea of extending the period for notification of branch closings from 90 to 120 days, and have been considering doing just that."

"We agree entirely that industrial and commercial business loans should be disclosed and we have been working on a regulation requiring that. We expect that regulation quite soon."

A spokesperson for the Office of the Comptroller of the Currency said that it "has denied or conditionally approved applications based on CRA considerations." Additional information was not available before press time.

The report says that of 48 neighborhoods where banks closed branches, eight were left with one and 16 were left with no commercial bank branches. It claims that "the widespread closing of some 130 New York City bank branches between 1977 and 1984 has deprived hundreds of thousands of mostly low- and moderate-income New Yorkers of access to basic banking services."

Entitled "The New Redlining," the document analyzes demographic, mortgage lending, and other data. Among other conclusions based on examination of closings that occurred in 1983 are:

Closing of a bank branch did not necessarily prevent a bank from continuing to lend in the immediate neighborhood.

Other banks often continued to lend in neighborhoods where branches were closed. Sometimes mortgage lending by other banks in solidly middle-class neighborhoods increased dramatically—even if lending by the closing bank remained stagnant or declined.

HAPPY BIRTHDAY TO THE VOICE OF AMERICA'S RUSSIAN LANGUAGE SERVICE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. BROOMFIELD. Mr. Speaker, let me take this occasion to mark the 40th anniversary of the Voice of America's [VOA] first Russian language broadcast to the Soviet Union. I commend the United States Information Agency's VOA service for its excellent work in spreading the message of truth and freedom to the Soviet Union and to other countries around the world.

On February 17, 1947, the Voice of America transmitted its first shortwave radio broadcast to the Soviet Union. From its humble beginnings with a simple 1-hour presentation, the VOA now broadcasts to the U.S.S.R. for 16 hours a day in Russian and five regional languages.

Although the transmissions have been illegally jammed by sophisticated Soviet equipment over the years, the truth about the outside world has managed to occasionally break through the Soviet electronic curtain. Jamming of the VOA by the Soviets is an expensive proposition. The Kremlin spends upward of $500 million each year to jam the Voice. This amount far exceeds the VOA's costs to broadcast worldwide in 42 languages.

Many former Soviet citizens who succeeded in leaving that country often comment about how important the VOA broadcasts were. By listening to the VOA, they could hear accurate news about their own country and the world that their leaders did not want them to hear. We can all agree that every human being has the right to access to uncensored information.

Much has been said about the "spirit of openness" in the U.S.S.R. I trust that the Soviets will truly open up their country by terminating all jamming of the VOA and other Western broadcasts.

Although the VOA has upgraded its equipment in recent years, much more remains to be done. I wish the VOA success in its modernization efforts and again praise the Voice for its major contribution in spreading the message of truth.

With these thoughts in mind, I commend the following New York Times article on the Voice of America to my colleagues.

[From the New York Times, Feb. 15, 1987]

"VOICE" MARKS 40 YEARS OF BROADCASTING TO SOVIET

WASHINGTON, Feb. 14—On Feb. 17, 1947, perhaps as few as 200—maybe as many as 10,000—Soviet citizens tuned in, using shortwave radios to listen to the Voice of America's first Russian-language broadcast.

The program lasted an hour and, for those who could hear it through jamming, contained Charles Lindbergh's views on the safety of air travel, a one-sentence description of American budget procedures and selections of American music, including a cowboy medley with the song "Git Along, Little Dogie." Forty years later, the service has expanded to 16 hours a day, and the Voice broadcasts to the Soviet Union in five regional languages—Azerbaijani, Georgian, Uzbek, Ukrainian, and Armenian—along with Russian and English. It is still intermittently jammed, but many Soviet citizens try to tune in for news of the outside world.

The Voice's Russian branch is celebrating its 40th anniversary on Tuesday, Much has changed over the years said Victor Franzusoff, who took part in the first broadcast and is now the senior writer in the branch.

Twelve people helped prepare the first broadcast, he said, cutting the segments onto disks, which were then played back and transmitted. "We worked literally day and night for weeks to prepare the program," he said. "We were told—think of it—two million people will be listening. Of course, that made us very nervous."

A newspaper account at the time estimated that 10,000 people tuned in. "I did not believe it for a second," Mr. Franzusoff said. "I think it didn't exceed maybe 200 people."

It is hard to tell how many listen to the programs today. A Harvard study in the mid-1970's estimated that 28 million tuned in at least once a week, Mr. Franzusoff said. "Even those who don't actually listen find out from their friends the things we broadcast," he added. Richard W. Carlson, Voice director, said the Soviet programs were particularly popular among people who understand the English-language programs, which are rarely jammed. He said Yelena G. Bonner, the wife of Andrei D. Sakharov, told him that during their exile in Gorky, they would sit in a park and listen to the Voice.

"She said they would write down whatever they could hear over the jamming, and then, when the program was repeated later, they would try to fill in the gaps," Mr. Carlson said.

The programs contain general news, entertainment and features, said Mr. Franzusoff, adding that one of his most difficult tasks in making the news accessible to his audience.

"In the mind of most people in the Soviet Union, the news is something that happened; a statement is not news," said Mr. Franzusoff, who sometimes covers Congressional hearings. "They say, "We don't know who your senators are, and we couldn't care less what they are saying.' "

"America is extremely difficult to explain," he added.

The Voice of America is a branch of the United States Information Agency, but its employees insist the news operation is independent.

"Our listeners are skeptical," said Natalie Clarkson, chief of the Russian branch. "I have met people who say they listened for years and never believed anything. Then they remember one piece of bad news—Watergate or the Challenger coverage—that made them into believers."

Mr. Franzusoff, who visited the Soviet Union in the 1970's said his trips gave him a chance to hear the Voice for the first time. "I would listen to Radio Moscow, which was nothing but Soviet propaganda, and then I would tune into the Voice and, my God, I knew what was going on," he said.

THE IMPORTANCE OF INSTITUTIONAL HISTORY IN THE WHITE HOUSE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. GEPHARDT. Mr. Speaker, it is often said that those who ignore the lessons of history are doomed to repeat it. Unfortunately, all too often, those of us in Government and politics tend to forget this warning. Technological advances speed flow of information, but they cannot make us think before we act. Even our Presidents seem to fall victim to the failure to read and remember the mistakes of the past.

As we learn the details of the activities in the National Security Council on Iran and the Contras, it is once again clear that the White

House needs to be organized in a way that helps a President remember. No structural reform can protect us, nor guarantee thoughtful and sound policy. But we can organize our Government in ways that make historical memory part of major decisions.

In a recent article for the New York Times, Stuart Eizenstat presents an important analysis of decisions in the White House and reminds us that mistakes know no particular political party. Mr. Eizenstat, who saw White House politics and decisions first hand, suggests that the way to prevent Presidential mistakes is to create a White House secretariate charged with providing the political appointees on the National Security Council and the domestic policy staffs with historical advice. It is time that we stop relearning the lessons of history and this is a creative suggestion that warrants our serious consideration. I commend this article, which follows, to my colleagues:

[From the New York Times, Jan. 14, 1987]

A HISTORICAL "MEMORY" FOR PRESIDENTS

(By Stuart E. Eizenstat)

WASHINGTON.—President Reagan has charged the commission headed by John Tower with answering this question: How can the White House be organized so that controversies like the one over the arms sale to Iran and its contra sideshow can be prevented? The commission can suggest reforms necessary to prevent repetition of foreign policy failures only by recognizing that the underlying problem that led Mr. Reagan astray has afflicted other Presidents. It is the absence of any historical memory in the White House.

The panel will be tempted to concentrate on the obvious misuse of the National Security Council and merely propose to bar it from engaging in covert operations. But the more basic, if less obvious, problem this crisis underscores is that Presidents often make major decisions in ignorance of an issue's historical background.

Both Mr. Reagan and his N.S.C. staff failed to appreciate the lessons of the Carter Administration's mishaps with Iran: misunderstanding the nature of its revolutionary forces, the likelihood that secret negotiations would be leaked, the Iranian Government's inability to deliver on its promises, the absence of real moderates with whom America could deal. In short, after six years the Reagan Administration knew no more about Iran than its predecessor.

Ignoring the lessons of another President's decisions (in domestic as well as foreign policy) is an endemic problem of our Presidency.

Jimmy Carter's ill-fated 1977 decision to seek deep cuts in nuclear arms rather than consummate the agreement Gerald R. Ford had almost finished, thereby delaying SALT II for two years to a less accommodating political climate, resulted from a failure to appreciate the negotiating formula the Ford Administration worked out in 1974 with Moscow.

The Carter Administration's costly overreaction to the "discovery" of a Soviet brigade in Cuba in 1979 resulted from a blind spot in memory: John F. Kennedy sanctioned the presence of limited Soviet forces to help resolve the Cuban missile crisis.

Mr. Ford's 1975 suspension of grain sales to the Soviet Union was made without recognizing the failure of Richard M. Nixon's soybean embargo, just as Mr. Carter's embargo on shipping grain to the Soviet Union in retaliation for the invasion of Afghanistan did not consider Mr. Ford's failed effort. All demonstrated that embargoes of fungible products cannot be sustained.

Lyndon Johnson's decision in 1965 to Americanize the Vietnam War was made with little historical analysis of France's experience in Indochina and Dwight D. Eisenhower's unwillingness to commit American manpower there.

Presidents are just as likely to make major domestic policy decisions in ignorance of past experience. This was demonstrated by the Carter Administration's welfare reform proposal, which failed to take into account the reasons President Nixon's family assistance plan died a few years earlier.

Executive branch departments do have permanent bureaucracies that can provide a President with precedents that can lead to informed decisions. But their data often fails to reach a President in the isolated splendor of the White House. Moreover, Presidents increasingly rely on White House staffs on major decisions, rather than Cabinet Secretaries, whom they see as predictable advocates of departmental views.

Most major democracies, among them Britain and Canada, have permanent, top-caliber staffs in their prime ministers' offices to provide policy continuity and historical memory. These staffs stay on regardless of a prime minister's political party.

In our system, with the exception of the Office of Management and Budget's permanent bureaucracy, the entire policy arm of the White House—foreign, domestic and economic—consists of political appointees who resign with the outgoing President. New Presidents bring in new staffs. There has been almost no overlap between the N.S.C. staffs and domestic policy staffs of any two modern Presidents.

Presidents need trusted aides who share their ideologies and world views and can impart direction to Cabinet departments notoriously driven by the interests they serve. But there is a parallel need for nonpolitical careerists in the White House to consider historical precedents.

While Presidents in crisis should seek counsel of outsiders who have gone through similar experiences, such ad hoc use of historical memory is no substitute for an institutionalized memory in the White House involved in day-to-day policymaking.

The Tower commission should recommend, and Congress should create, a White House secretariat in the executive office of the President. It should be composed of career Government employees of the highest ability. The secretariat would be charged with providing the political appointees on the National Security Council and domestic policy staffs with historical analogues, thereby helping keep Presidents out of trouble.

A secretariat would not assure that every Presidential decision is wise. But it would reduce the likelihood that past mistakes would be repeated. This is the best way to prevent Ayatollah Ruhollah Khomeini from adding a third Presidential scalp to his collection several years from now.

TAXPAYER'S BILL OF RIGHTS

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. TALLON. Mr. Speaker, it is a privilege for me to represent the people of South Carolina's Sixth Congressional District and a very special honor to serve in the historic 100th Congress. As we celebrate the bicentennial of our great Constitution and the Congress, I hope we will all remember our history and renew our commitment to the principles that have helped to make our country great. We can and must use these principles to find solutions to some of today's problems.

Benjamin Franklin wrote in 1789:

> Our Constitution is in actual operation; everything appears to promise that it will last but in this world nothing is certain but death and taxes.

We've all heard the saying before and while we all grumble and complain about high taxes, I believe we agree that paying taxes is one of the prices we pay to for democracy. However, there is absolutely no reason why a citizen should be harrassed and intimidated unnecessarily by the Internal Revenue Service [IRS].

The recent seizure of 10-year-old Shannon Burns' $694 savings account to help pay $1,000 in back taxes owed by her father is just one example of the IRS's abuse of power.

Today, I am introducing the taxpayers' bill of rights. This legislation guarantees hardworking, lawabiding Americans certain protections from the IRS. It insures that taxpayers will be provided an environment of fairness, dignity, and integrity when dealing with the IRS. However, it would not prevent or impair the ability of the IRS to perform its duties in collecting taxes.

There are 10 specific provisions included in the taxpayers' bill of rights:

First, the IRS would be required to prepare a document informing the taxpayers of their rights and obligations.

Second, taxpayers would be allowed to take civil action against IRS employees who violate taxpayers' rights.

Third, the establishment of a statutory Office of Inspector General within the Department of the Treasury and independent of the IRS.

Fourth, taxpayers would have the right to representation during an interview. Taxpayers would also be allowed to record interviews.

Fifth, requires GAO to perform an annual audit of the IRS including collection and audit procedures among others.

Sixth, strictly prohibits evaluation of IRS personnel based on amount of money collected.

Seventh, prohibits the IRS from investigating tax records for purposes other than the enforcement of tax laws, except for investigating drug dealers and organized crime figures.

Eighth, places new limits on levys: exempts $10,000 of personal effects, exempts $150 wages a week plus $50 per child.

Ninth, the IRS could not change installment payment agreements unless the taxpayer misled the IRS as to financial status or unless the taxpayer's financial status or unless the taxpayer's financial status subsequently changes.

Tenth, the IRS would be required to carry the burden of proof in court proceedings provided the taxpayer presents the minimum amount of information necessary to support his position.

If you have ever been audited by the IRS, you know what an ordeal it can be. Honest citizens who have nothing to hide are sometimes made to feel like they are criminals and worse they have no recourse. Oliver Wendell Holmes once said, "The power to tax is not the power to destroy* * * ."

Last year we approved the most sweeping overhaul of our tax system in a generation. Now, I believe we need to go a step farther and reform the process by which we collect taxes. We have the opportunity to bring about complete tax reform by assuring Americans the same protections from potential abuses of power by the IRS that we guarantee in other areas of the law. I can't think of a finer piece of legislation or tribute to the 200th anniversary of our Constitution. I urge my colleagues to join me in supporting this bill to ensure that taxpayers have same protection when dealing with the IRS that they have in every other area of the law.

NATIONAL PRISONER OF WAR RECOGNITION DAY—APRIL 9, 1987

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. APPLEGATE. Mr. Speaker, on Tuesday I introduced a measure, House Joint Resolution 155, designating April 9, 1987, as "National Prisoner of War Recognition Day." Joining me as original cosponsors of this measure are Representative BOB MCEWEN of Ohio, the ranking minority member of the House Veterans' Affairs Subcommittee on Compensation, Pension, and Insurance, of which I am chairman, and Representatives WES WATKINS and SAM STRATTON. I seek the support of my colleagues in the House in getting this special resolution passed and would like to request your cosponsorship of House Joint Resolution 155.

Mr. Speaker, this coming April 9, will mark the 45th anniversary of the fall of Bataan in the Philippines during World War II, an event that will long be remembered by thousands of Americans who were taken prisoner and forced to march considerable distances to face unrelenting harsh treatment at prisoner-of-war camps throughout the Far East. In all, roughly 30,000 Americans were taken prisoner in the Pacific theater, enduring conditions and treatment over 3½ years that resulted in a death rate of 40 to 50 percent.

But the significance of April 9, also extends to all Americans who were ever held prisoner by enemy forces during any of our wars. Along with the American POW's held in the Pacific, there were an even greater number of servicemen and civilians who were captured in Europe and subjected to treatment oftentimes similar to that experienced by their colleagues half a world away. Added to these numbers are the former prisoners of the Korean conflict and of the Vietnam war.

I seek to honor all of the approximately 80,000 former POW's throughout our Nation with the introduction of this resolution. They should be commended for the supreme sacrifices that they made in service to our Nation. While we must always be understanding of their special needs and concerns, I also know that we can never fully compensate nor can we justly reward all of the former POW's of America to the extent that each of them deserves.

I would like to add that my subcommittee will be holding a hearing on April 9, to consider legislation affecting former POW's. Along with my introduction of House Joint Resolution 155, I also want it to be known that the concerns and needs of former POW's will always occupy an important position in the House Veterans' Affairs Subcommittee on Compensation, Pension, and Insurance.

A MAN OF SOUND JUDGMENT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, what we are witnessing in the wake of Iran-Contra affair and the resulting report of the Tower Commission is a failure of sound judgment.

In contrast, we remember the life and work of Bryce Harlow, adviser to President Eisenhower, President Ford, and General Marshall. While Mr. Harlow earned the admiration of Democrats and Republicans alike for his quick wit and speechwriting skills, he is perhaps best remembered for his integrity and common sense.

I invite my colleagues to review the Washington Post's timely tribute to Bryce Harlow, which I include for the RECORD.

BRYCE HARLOW

"If judgment were oil," columnist Mark Shields once wrote, "then, all by himself, Bryce Harlow would be OPEC." The widely respected Mr. Harlow, who died last week, had lived and worked most of his adult life in this city and was best known as a counselor to presidents. His White House career began in the Eisenhower administration after a stint on Capitol Hill and wartime service on the staff of Gen. George Marshall. He held important posts on the Nixon staff and was an informal adviser to President Ford.

Mr. Harlow was a speech writer and manager valued by presidents, but his most important role, and one that he filled with great skill, was that of congressional liaison. His reputation for integrity, courtesy and good sense helped Republican chief executives deal with congressional leaders (mostly Democrats), and though legislators might feud furiously with presidents, they seemed generally able to maintain an amicable relationship with Mr. Harlow.

Mr. Harlow also remained a favorite of those who had worked under his direction in the White House. David Gergen, now editor of U.S. News & World Report, claimed to be "one of about 240 people who count Bryce Harlow as a mentor." Lamar Alexander, who went on to become governor of Tennessee, says Mr. Harlow was a model and that "if people had listened to him [during the Nixon years] maybe things would have worked out a little better." There is much to this. Bryce Harlow was one of those trustworthy political figures who tend to be sent in to deal with the damage after the overconfident and wrong-headed ones have done their thing. But he was more than a salvage man, and he brought much good sense to our politics over the years.

REINTRODUCING THE NATIONAL ENDOWMENT FOR DEMOCRACY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. COURTER. Mr. Speaker, I am sorry to see one of the truest and one of the few manifestations of bipartisanship in our foreign policy, the National Endowment for Democracy, hit once again with unmerited public criticism.

Confusion has arisen over the authorities and responsibilities of the NED, which is a small, publicly funded, bipartisan organization charged with helping nascent democratic parties and movements abroad. Their efforts are in our national interest. Their successes—and they are many, as the New Republic has repeatedly pointed out—are important to everyone with an interest in human rights, and they help reduce our defense requirements abroad by strengthening democratic forces and weakening those of tyranny.

The president of the National Endowment for Democracy, Mr. Carl Gershman, has drawn up a factsheet explaining what the NED does and what it does not do. I commend its contents to my colleagues, and take this opportunity to include Mr. Gershman's factsheet of February 17 in the RECORD for today. Thank you, Mr. Speaker.

FACTSHEET

The "project democracy" described in the New York Times on Sunday, February 15—"a private invisible second government to conduct foreign projects"—is entirely unknown and unrelated to the National Endowment for Democracy. Indeed, it is the antithesis of the original idea out of which the Endowment grew.

The National Endowment for Democracy is a private grantmaking organization funded by Congress and governed by an independent, bipartisan Board of Directors which operates openly and is responsive to the needs to private groups abroad seeking assistance in their nonviolent struggle for democracy.

The idea of the Endowment was endorsed but not initiated by the Reagan Administration. As stated in a report by the U.S. General Accounting Office (GAO) which investigated the origins of the Endowment:

"Two separate legislative proposals resulted from the President's June 1982 speech. First, in February 1983, the administration introduced legislation to authorize 'Project Democracy,' a program which would fund projects through the United States Information Agency (USIA), AID, and the State Department to support democratic institutions abroad. Second, in April 1983, a separate bill based on recommendations of the Democracy Program study was introduced to authorize funding for a National Endowment for Democracy . . . *Because the names of these proposals were similar and they were introduced at about the same time, some confusion resulted.*" GAO/NSIAD-84-121, July 1984 (italic added).

Congress rejected the Administration's proposed "Project Democracy." Commenting on this, a report of the Congressional Research Service stated:

"Congressional committees drafted new enabling legislation for the plan to create a National Endowment for Democracy. Unlike the USIA portion of the proposal, the NED concept . . . found general acceptance in both the House and the Senate."

"Although it was not part of the original Project Democracy proposal, NED subsequently gained the support of the Reagan Administration." (CRS Issue Brief, updated September 3, 1985.)

THE VARIETY CLUB OF BUFFALO

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. KEMP. Mr. Speaker, one of the strengths of a community is the selfless dedication of its residents to those who need a helping hand. I want to call my colleagues' attention to one such community group which has provided outstanding service in western New York, the Variety Club of Buffalo.

For the past 53 years, the Variety Club has served the sick and handicapped children of western New York. This weekend marks the club's 25th annual telethon to raise funds for the Children's Rehabilitation Center at the Children's Hospital of Buffalo. Each year the telethon has been more successful, and for the past 5 years it has raised more than $1 million a year through the generosity of the people of the Niagara Frontier and neighboring regions.

The Variety Club undertook a major financial commitment in 1980 when it pledged $2 million to Children's Hospital to help build the Variety Tower, whch will house the intensive care nursery, maternity services, and pediatrics. These services will help increase the number of healthy babies born to families in western New York.

The Variety Club should be proud of its contribution to the "City of Good Neighbors," and I wish it continued success in its ongoing efforts to ensure that children in need will receive the finest medical care.

ADDRESS BY BENJAMIN MEED TO HOLOCAUST SURVIVORS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. GREEN. Mr. Speaker, I would like to share with my colleagues a statement made by my friend, Benjamin Meed. Mr. Meed is a member of the U.S. Holocaust Memorial Council.

On February 23 the U.S. Holocaust Memorial Council held a conference on "The Other Victims—Non-Jews Persecuted and Murdered by the Nazis." Mr. Meed's remarks opened the conference.

CONFERENCE ON THE OTHER VICTIMS

In April 1943, I was a Jew living a double life on the Arayan side of Warsaw. Outwardly, I lived as a Pole. Secretly, I worked in the Jewish underground. I was there when the Warsaw Ghetto Uprising began. As a Jew, I had no place in the world as the city of my birth, the world of my youth, and my people were reduced to rubble. A year later, I participated in the Polish Uprising in Warsaw side by side with the fellow citizens of the land of my birth against a common enemy, the Nazis. I stood among the Poles as part of a common cause to defeat an evil enemy. Even then, my Jewish identity had to be concealed. Part of—and apart from—this was my fate as a Jew.

I share these personal recollections with you because my destiny was not unique. Among the survivors in this room, there are men and women who fought as part of the French Resistance and who suffered as Soviet Prisoners of War. There are survivors of some of the Nazi's so-called medical experiments and those who suffered in every theatre of war and in every country in Europe. All Jewish survivors of the Holocaust feel part of a common suffering so great that it baffles the imagination and still evokes in all of us great anguish and pain.

Yet for the Jews, this was only one dimension of the nightmare. We were also set apart from the suffering of the people around us, singled out as the victims of Hitler's Final Solution; segregated from all other men and women. No matter what our country of origin or passports in our possessions, we were defined as Jews, marked as Jews, persecuted as Jews and killed as Jews, solely because of the Jewish identity of our grandparents while an indifferent world was mute.

Today we all know, that in order to dominate the world, the Nazis used the psychology of divide and conquer. They separated the world into different classes and categories of people. They wanted to control Western Europe, to rule the French and the Dutch, the Danes and Flemish. They ruled harshly, but with a limited measure of respect for the people they dominated in the west. In the east, they wanted to create a subclass of nations and people, to destroy the Polish intelligentsia, to aryanize the best of their children and to make of the land of my birth, a nation forever the servant of Germany. The Nazis hated particularly the countries and the peoples to their east.

When it comes to human suffering, we do not stand apart but together. I know Polish suffering intimately because I suffered as a citizen of Poland—so too Jewish citizens of France and Rumania, of Italy and of the Soviet Union. Human suffering must not be treated with indifference by anyone. The tears of an orphan or the cries of a widow—black or white, Jew or Gentile, rich or poor—are the tears of an orphan and the cries of a widow. They should grieve us all.

In Hitler's world, the Jews had no place among the family of nations and the mosaic of diverse faiths. We were forced apart. In the Nazi universe, the Jews were excluded from the family of man. Under Nazism, the Jewish tragedy was unique, unequaled and unprecedented. Jews—all Jews—from the child to the elderly; men, women, and children were selected for destruction. Jews were killed everywhere, in the cities and the villages. And millions of people knew about it, and were indifferent to our plight.

Tragically, saving Jews was—with some precious exceptions—no one's priority. In the free world, saving Jews would have to wait, while the war effort took its course. In the occupied lands, we know that saving Jews was a risk to one's life and family. Yet under occupation bread and butter, money and medicine could also only be obtained at great risk.

Years ago, I was invited by Yad Vashem to present their Righteous Gentile award to a woman who had shielded a Jewish family. When I finished my presentation and expressed my deep sense of gratitude, she responded by saying, "I feel uncomfortable with the award. After all, in reality I did so little. I didn't turn a child over to the enemy for slaughter." She did so little—but in those days so little meant so much.

In Nazi ideology—in their teachings, their preaching and their propaganda—and the murder of the Jew was somehow the essential national goal. It was the national priority.

Not only was the deed unprecedented or the world view that gave rise to the deed unique, but the instruments of destruction, the means by which the deed was done, were without parallel in human history. Oh yes, there had been shootings before, pogroms and mass executions, but when in the history of humanity did we see such a murderous elite as the *Einsatsgruppen* as the sustained instrument of state policy? They could not have done their job alone, they depended upon local collaborators and they did not report any difficulty in securing such cooperation.

Though the gassing began for the infirm and the mentally ill, the gassing of the Jews gave rise to a new industry; factories of destruction whose end products were mass murder: Auschwitz and Treblinka, Majdanek and Belzec, Sobibor and Mathausen.

Political prisoners could hope to outlast the enemy by endurance and by defiance. Prisoners of War were protected however slightly by the governments that stood behind them, only the Jews lived each day of the war under a permanent death sentence. For each day during the Holocaust, we rose in the morning never knowing if today would be the last. The only question was when?

Every day during the six long years of the Holocaust, fear and loneliness were our constant companions. We feared all Germans—but our fear went even deeper for we lived with the constant threat of betrayal. Even those who fought the Nazis were not interested in saving the Jews. And we felt abandoned by the entire world.

As survivors of the inferno, we are determined to remember it all—everything that happened to everyone during those long years of darkness. Yet we have pledged to history and our destiny as survivors to remember what we experienced with a fidelity to the truth of our lives. The Holocaust—the systematic state-sponsored destruction of Six Million Jews—was unique and must be the center of our remembrance. The destruction of the Jews in the Holocaust remains the darkest chapter in human history. At the same time, we should never forget what happened to other victims of Nazism.

And the lesson of those years of anguish, in which we stood apart—as well as together—must never be forgotten, misunderstood, obliterated or politicized.

Let us work together so that history will never repeat itself. We believe that true remembrance is the only assurance we have that these dark days will never be repeated to any people.

AGRICULTURE TRADE FINANCING ACT OF 1987

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. JONES of Tennessee. Mr. Speaker, today I am introducing the Agricultural Trade Financing Act of 1987, a bill to extend the authority of the Farm Credit System's banks for cooperatives to finance export/import transactions involving American agricultural cooperatives. It is my hope and intent that this legislation be incorporated into the omnibus trade bill Congress will consider later this year.

The Farm Credit Act Amendments of 1980 gave the banks for cooperatives expanded authority to finance export and import transactions that benefit U.S. cooperatives. The banks have successfully implemented that authority. However, the 1980 legislation provides that the authority terminates on September 30, 1990, unless extended by Congress. Lifting that "sunset" provision will enhance the ability of the banks to continue to finance the cooperatives' export activities. My bill simply removes the 10-year "sunset" imposed in 1980, and makes no other changes in the Farm Credit Act.

When the 1980 amendments were adopted, it was the intent of Congress that the expanded financing authorities of the banks for cooperatives would enable U.S. cooperatives—and their farmer-members—to more fully participate in the burgeoning export markets for agricultural commodities. Events since that time, largely economic in nature, have seriously eroded exports of American farm products. Notwithstanding these adverse developments, the banks have not disappointed the sponsors of the 1980 amendments.

Since making their first international loan in 1982, the banks for cooperatives have financed over $5 billion in U.S. farm exports sourced by farmer-owned cooperatives. The banks, through the Central Bank for Cooperatives [CBC], have successfully financed sales to 27 nations and have established correspondent bank relationships in 50 countries. During 1986, the CBC financed nearly $1.2 billion agricultural export sales in 22 countries.

The CBC has financed the export of the following types of commodities: Wheat, wheat flour, corn, sorghum, soybeans, soybean oil, soybean meal, rice, sunflower seeds, sunflower oil, semolina, cotton, cottonseed oil, lentils, peas, tallow, whey, and leaf tobacco.

Within 3 years of commencing operation, the banks began to show positive cash-flow from international activities and had recouped startup costs. Since inception, the CBC's international operations has generated net profits of $8.6 million after recovering startup costs of $2.5 million. Moreover, the CBC's international operation has had no loan losses nor were any loans classified "loss" or "vulnerable" by either Farm Credit Administration examiners or the CBC's Internal Loan Review Committee in their most recent examinations.

The banks' analysis units carefully monitor both country risk and borrower risk to minimize loss potential. Additionally, the banks use to the fullest extent possible USDA Commodity Credit Corporation [CCC] guarantees and the Foreign Credit Insurance Association insurance programs of the Export-Import Bank. Through effective use of these foreign credit risk management tools, the banks have been able to operate for 5 years without a loan loss.

Following is a brief description of USDA's export promotion programs and the CBC's participation:

U.S. GOVERNMENT PROGRAM SUPPORT

GSM-102

This program is administered by the CCC and provides CCC's guarantee support up to 98 percent of loan principal and approximately 80 percent of loan interest. Under the program, loans are made by U.S. banks for terms up to 3 years against presentation of shipping documents and assignment of CCC's payment guarantees. The program provides an incentive for recipient countries, primarily lesser developed countries, to purchase agricultural commodities from the U.S.

The CBC is a major lender under the GSM-102 program. In 1986, the CCC issued payment guarantees totalling $2.5 billion to 23 countries under the program. The CBC financed $451,873,434 or 18 percent of the total 1986 GSM-102 program.

PL-480

Under this program, sales to developing countries are financed directly by the CCC. Loan terms and conditions are more favorable than under normal commercial or GSM transactions. The CCC extends commitments to U.S. banks handling the transactions and upon verification of export provides reimbursement of the amounts paid. The U.S. bank acts as a payment channel between the exporter and the CCC.

Since becoming active in the PL-480 program in 1986, the CBC has handled over $100 million of this financial service for foreign recipient countries.

Mr. Speaker, farmer-owned cooperatives have a substantial investment of time and money in the establishment of the banks' international services. The sophisticated operations necessary for effective participation in international markets demand the recruitment and retention of a specialized staff. They also entail ongoing relationships with various foreign and domestic parties. The threat of termination of the authority of the banks to engage in these activities could impair their ability to continued to function at maximum efficiency.

The banks for cooperatives have established and operated their export financing arms in a fashion that has met the expectations of Congress when it enacted amendments to the Farm Credit Act in 1980. Any reservations Congress may have had at that time about the banks' use of this authority have, I believe, been resolved. The banks will be in a position to continue their activities in this field, and to help farmers enjoy the fruits of the hoped-for return to health of export markets, if they can operate free of the shadow of a "sunset."

NATURAL GAS: AMERICA'S ENERGY FUTURE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. FIELDS. Mr. Speaker, today, I am delivering the third in a series of speeches on the need for a comprehensive energy policy for this Nation.

The United States needs a new, comprehensive energy policy. For the past several decades, congressional energy policies have been part of our Nation's energy problem, not part of the solution.

Natural gas is a classic example of energy policy gone awry. Federal natural gas price regulations were put in place which ignored the marketplace. Put simply, Federal regulators tried to repeal the law of supply and demand. It didn't work.

Instead of cheap and plentiful natural gas, we got natural gas shortages. We saw schools close and factories shut down.

By 1978, Congress admitted that natural gas price controls were not working. But, instead of adopting a marketplace approach, Congress adopted a partial marketplace, partial regulatory solution. The Natural Gas Policy Act of 1978 called for complete price deregulation of newly discovered gas by January 1, 1985; the price of gas from wells drilled before 1978 would be forever controlled.

When roughly half of U.S. natural gas was decontrolled in 1985, prices did not increase dramatically as many had so ominously predicted. In fact, prices have steadily declined since 1985. The law of supply and demand works in the natural gas industry just like any other industry. But, despite the experience of partial decontrol, Congress continues to maintain a "half-slave, half-free" natural gas policy.

The old gas price controls contained in the Natural Gas Policy Act skew the gas market. Complete deregulation of natural gas is essential if America is to fully benefit from its natural gas reserves. If the marketplace is allowed to operate, domestic natural gas supplies can lessen U.S. dependence on imported oil.

Natural gas is America's energy future. Domestic gas is abundant and clean-burning. While most of our cheaply-produced oil has already been found, much gas remains to be found.

According to a recent Potential Gas Agency report, as much as 784 trillion cubic feet of natural gas remains undiscovered. With current annual consumption rates of 17 trillion cubic feet per year, 784 trillion cubic feet represents over 46 years of supply. And, the two major foreign suppliers of natural gas, Canada and Mexico, are certainly more reliable than OPEC oil suppliers.

Additionally, energy experts estimate that 12 to 34 trillion cubic feet of price-controlled natural gas would be produced in a free market environment. But, under the multitier price control system of the Natural Gas Policy

Act, that gas will never be produced; price controls simply make the gas uneconomical. Yet, the ironic fact is that much of that unproduced old gas would be cheaper to the consumer than newly discovered, noncontrolled gas.

Unfortunately, natural gas may never reach its potential as an energy source in the United States. Government regulations have resulted in boom-or-bust cycles. The gas market swings from shortages to surpluses. Natural gas policy has concentrated on price controls instead of concentrating on natural gas exploration and production.

Natural gas reserves dropped for the fifth consecutive year in 1986. In 1987, an additional decline in natural gas deliverability of 5 to 8 percent is likely. These figures do not bode well for the future.

Yet, the recovery of our domestic energy industry depends largely on natural gas.

The natural gas industry has been undergoing major structural changes in recent years. The Federal Energy Regulatory Commission's adoption of open-access transportation is moving the natural gas industry toward a more efficient and competitive marketplace. But, the Federal Energy Regulatory Commission cannot do it all. Only Congress can fully deregulate natural gas and allow the marketplace to function.

I implore my colleagues to recognize the importance of natural gas to our Nation's energy future. For our national security, for the natural gas producer and for the natural gas consumer, Congress should decontrol natural gas immediately.

RELUCTANT HERO

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. WELDON. Mr. Speaker, I rise to pay tribute to William Shirlow, a postal worker in my district, who saved the life of an 88-year-old man on his daily postal route. I was encouraged by the article in the Delaware County Times of Monday, February 23, 1987, and wish to share his story with my colleagues. Mr. Speaker, many Americans are concerned with the liability associated with getting involved. I hope Mr. Shirlow's story will help resolve for many the agonizing question and speculation of what we might do when confronted with a similar situation.

RELUCTANT HERO—MAILMAN'S CONCERN SAVES MAN'S LIFE

(By Jane Johnson)

DARBY BOROUGH.—"I'm no hero," protests mailman William Shirlow, who saved the life of an 88-year-old man on his delivery route.

Shirlow spotted Clarence Weaver through a window lying unconscious on the floor of his Colwyn home and called for help.

"Mr. Weaver is a very self-sufficient man and kept to himself, but I wondered about that pile of mail and looked in the window and I saw him on the floor," said Shirlow, who has worked for the Darby-Colwyn post office for 15 years.

"I guess I won't holler at him anymore about junk mail," said a grateful Weaver from his hospital bed at Fitzgerald Mercy Medical Center. "I really hate junk mail."

Weaver recalls only part of what happened on Wednesday or Thursday, Jan. 28 or 29. It isn't clear which day he was injured.

"I slipped on ice in front of my house on the pavement, but I managed to get back into the house myself. I got around pretty good that first day and even cooked myself a meal.

"I stayed on a cot in the living room, but later as I got up to get food I slipped. I was in my bare feet and the linoleum floor was too smooth," he said.

There his memory fails him, and he does not know how long he was helpless on the floor. He has no recollection of being brought to the hospital.

It was Saturday, Jan. 31 when Shirlow noticed an accumulation of mail at the home, and he wondered if something was wrong.

He decided to check.

He downplayed the incident, but the post office didn't.

Postmaster Bob Doherty said that the carrier was given an award for special achievement and he also received a prize of $250 for his act of concern.

"The doctors at the hospital told me that Weaver had suffered two broken ribs, was suffering from hypothermia and would have surely died without immediate help," Doherty said.

"This kind of incident is not uncommon in the postal service. The postman is a concerned pair of eyes in the community," he said.

He said that 10 years ago another Darby postal employee jumped into a creek to save a mother and daughter trapped by a flash flood in Colwyn.

Shirlow lives in Norwood with his wife Gayle and two daughters, Amy, 11, and Heather, 7.

Weaver, a widower, retired in 1982. He formerly worked as an electrician and in air conditioning. He is still undergoing physical therapy at the hospital.

ESTONIAN INDEPENDENCE DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. HOYER. Mr. Speaker, I would like to quote from an editorial that appeared in the New York Times on July 20, 1940. It reads as follows:

Democracy, Russian style—Suppose that our voters next November were to be offered a single ticket on their ballots. Suppose that the ticket had been drawn up by a foreign dictator whom we hated and feared; suppose that the polls were watched by the dictator's troops, that each voter was required to bring a passport to the polls for stamping, that every nonvoter were faced with future punishment as an "enemy of the people." Suppose, then, that the foreign dictator and his controlled press and his puppet party in this country should claim in overwhelming triumph by more than 90 per cent of the votes, and should regard it as a popular endorsement of annexation to his country. This is what has just happened in the former republics of Estonia, Latvia, and Lithuania, now garrisoned by Soviet troops, soon to be swallowed whole by the Soviet Union. In holding such an "election" in the Baltic states, Stalin has outdone Hitler again. This time the master of the Kremlin has staged a travesty of democracy which, for sheer cynicism, excels any of Hitler's notorious "plebiscites" in Germany.

I call attention to this editorial because it describes so precisely the fate of the independent Baltic republics invaded and occupied by the Soviet Union in 1940. Estonia, Latvia, and Lithuania were all handed over by Hitler to Stalin through the notorious Molotov-Rippentrop Pact of 1939—pawns in a totalitarian chess game. They remain under Soviet domination to this day.

Today, we commemorate the 69th anniversary of Estonia's proclamation of independence. For the last 47 of those years, independence has been but a distant dream, but the flame of self-determination continues to burn in the people of that nation.

Estonia is a small state situated on the Baltic Sea at the far northwest extremity of the Soviet Union. Since the end of the Great Northern War in 1721, when Peter the Great wrested the Baltic area from Sweden, Estonia had been under control of the Russian Empire. Following the Russian Revolution and the subsequent collapse of the provisional government, Estonian patriots and political leaders declared independence in the capital city of Tallinn on February 24, 1918.

Independence was not secure, however. It was 2 years before the Estonians, aided by volunteers from other Nordic nations and the British fleet, were able to defeat the armed forces of Bolshevik Russia and remnants of the Imperial German Army, and thus secure independence for their nation. The Estonian Constitution was passed by the Constituent Assembly on June 15, 1920.

But what the Bolsheviks had surrendered when they were weak could not be denied to them when they were strong—particularly with the help of their newly acquired ally, the Third Reich. On June 16, 1940, the Soviet Government presented Estonia with an ultimatum demanding a new government and passage for Soviet troops into the country. Soon the total occupation of Estonia was accomplished with Soviet armored cars and infantry. The so-called elections referred to by the New York Times took place on July 14 and July 15. Over 10,000 suspected Estonian patriots were deported to Russia and Siberia, another 30,000 the following year. Konstantin Pats, the last President of free Estonia, disappeared forever into Stalin's gulag. Another wave of deportations took place in 1949, when Stalin finally stamped out local resistance to the Soviet reconquest of Estonia after the Nazi occupation during World War II.

I recently happened to look at a National Geographic magazine map of the peoples of the Soviet Union with annotations of the languages spoken throughout that great expanse of land. And there on the West Siberian Plain, about 3,500 kilometers from the Baltic shores, are a half-dozen references to "Estonian," among Russian, Tatar, Mordvin, and other languages more native to the area. What tragic tales must lie beneath these otherwise apolitical indicators of scholarly linguistic research.

And what of those who remained? Perhaps more so than any other of the Soviet "republics," Estonia is subjected to linguistic and literal Russification, as migration from other areas of the Soviet Union threatens to make the Estonian people a minority in their own country. All the high-sounding phrases in the Soviet Constitution about the autonomy of republics and the rights of individual citizens, are almost entirely subverted to the interests of the Communist Party and its ruling elite, the "nomenklatura." Independent political voices are persecuted, many Estonian cultural expressions such as certain pre-Soviet works of literature and music are banned, monuments to non-Communist Estonian national heroes have been destroyed and desecrated, the churches repressed and co-opted. Estonians are forbidden to emigrate freely or visit their many friends and loved ones abroad. In other words, Estonians share the fate of the many other peoples who have been swallowed up by the maw of "victorious socialism."

Not only do they share the fate, but many of them share the gulag. One of them, the ornithologist and human rights activist Mart Niklus, is currently being held in the Chistopol Prison for political prisoners. Niklus' "crime" was to have demanded from the Soviet Government that the Molotov-Ribbertrop Pact be declared null and void, and that the U.S.S.R. withdraw its troops from the territories of the Baltic States. Arrested in 1980, and charged with "anti-Soviet agitation and propaganda," he was sentenced to 10 years special regime labor camp and 5 years internal exile, an extremely long sentence even by Soviet standards. We have received reports that Niklus is in poor health as a result of his incarceration.

Today, when we read of political prisoners being released from camps and prison prior to completion of their sentences, we find that Mart Niklus' name is conspicuously and sadly absent.

Mr. Speaker, Estonia enjoyed freedom for a little over 20 years. The Estonian people still long for this freedom, even after almost 47 years of Soviet occupation. In small ways, they defiantly resist. Workers stage strikes, the Estonian flag appears overnight on public buildings, spontaneous demonstrations continue to break out. Like plants seeking sunlight, television aerials in Tallinn turn toward Helsinki across the sea to pick up news broadcasts and programs in a language closely related to Estonian.

On this day, the anniversary of Estonian independence, let us then salute the Estonian people, and pledge our continued support for their struggle for freedom.

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. VENTO. Mr. Speaker, for 6 years the Reagan administration has attempted to alter the fiscal priorities and policy direction of the National Park Service through the budget process. Nowhere has this assault been more assiduous than with the administration's attempt to tax the American public for use of our national park units. Cloaking its proposals with the term "user fees" the administration has attempted to make programs that are basic to the Park Service's mission dependent on fee revenue.

It's time for the public to know that with its proposals the administration wants a broad-based system of entrance fees, not user fees for our national park units. User fees are well established in law already and, in fact, the administration has existing authority to adjust them to reflect the particular service offered directly to the public. What the administration really wants to do is set up a tollgate at the entrance to our parks and tax the public for setting foot on park property, using the funds in large measure to replace moneys they have simultaneously axed out of the Park Service's budget. Let no one be misled. This so-called fee proposal is a tax. In fact, it is just one of many tax proposals included in this budget and labeled "fees." These proposed taxes are clearly aimed at the average American and are designed to place even greater tax burdens directly on the very people who can't afford the expensive sky-boxes at the National Football League games but depend upon Government land for low-cost recreation opportunity.

I have watched with amazement the past several years on how the administration has been all over the board with its fee initiative, proposing dubious formulas and allocations in an attempt to make it palatable. The wildly optimistic revenue projections and the highly subjective manner in which it determines which parks will have fees and what the fee level will be at a particular park unit has not instilled much confidence with the Congress and the American public.

I have no objection to reasonable fees, even entrance fees, if they are carefully controlled in both place and amount. Charging for entrance into a national shrine such as the Statue of Liberty or the Washington Monument is so offensive I wonder what could have motivated those people who propose this. Charging prohibitive amounts like $10 or more to enter a park like Yosemite makes our great natural treasures too expensive for much of our population. These are not reasonable proposals. However, in the spirit of cooperation, we in the House enacted a 1-year fee proposal last Congress.

Through provisions contained in the fiscal year 1987 continuing resolution—Public Law 99-591—the Secretary of the Interior was given limited authority to charge an entrance fee at certain park units for a 1-year period. Not content with this, the administration is back here again, in the fiscal year 1988 budget proposal, seeking a near doubling of the fee levels contained in Public Law 99-591. Amazingly, in developing its initial and proposed expanded fee revenue esitimates, the administration factors into its analysis no change in visitation, asserting that visitor use will remain constant. Even the Director of the National Park Service has reported that visitors, upon learning of the new entrance fee, have turned around at the gate. Frankly, I'm not surprised that this has happened. The administration has done a poor job of explaining the fee authority it presently has. Based on the many inquiries I have received from Members of Congress and the general public, it is obvious that the administration's failure to provide a reasonable program for the collection and use of fees has caused considerable consternation.

The time has come to bring some order to a process that the administration, through its ineptitude, has thrown into chaos. Today, I am introducing the "Land and Water Conservation Fund Act Amendments of 1987."

The legislation would amend the Land and Water Conservation Fund Act of 1965 to revise current recreational permit and entrance fees charged by the National Park Service. The bill would make all entrance fees generated by the NPS available, without appropriation for resource protection, research and interpretation activities on the basis of the following allocation: 50 percent of entrance fee funds available shall be provided to all units of the Park System based on each unit's proportion of operating expenses and 50 percent shall be provided to units with entrance fees based on each collecting unit's proportion of total entrance fee collections. All other recreational fees generated by the NPS will be available, without appropriation, for those activities cited earlier with the addition of funds availability for maintenance activities related to resource protection. These funds will be distributed in the same manner as provided for with entrance fees.

Those national park units located in an urbanized area and where a fee was not charged prior to October 1, 1986, would be excluded from entrance fees. I am not willing to see the public charged for a park site simply because in an urban environment access can be more tightly controlled. I have heard that the administration has looked at the possibility of an entrance fee for the Lincoln Memorial. What are we going to do, put fences around our park sites and a toll gate up front? I propose instead to direct any entrance fee program at those park units that are a destination for a trip or vacation.

With this legislation, we cut through the budgetary smoke and mirrors and make a commitment to return all revenue generated from this more modest program, directly to the park unit and the National Park System to enhance park operations rather than replace existing operating funds. I want to make clear that the ability to generate entrance fee revenue has little bearing on the value of a park unit to the system as a whole. As has been reiterated in law and policy, each park unit is equally important. In those park units where a fee may be appropriate we are taking steps to assure that funds will be available to enhance and protect each park unit and the system as a whole.

The legislation I am introducing also repeals inconsistent provisions in law and makes all national park units subject to the provisions of this act, rather than the piecemeal exemptions that now exist in law.

Finally, Mr. Speaker, this legislation includes an extension of the land and water conservation fund for a period of 25 years at its existing authorized level. Widely known as one of the landmark national conservation initiatives, this program has been and continues to be a vital catalyst in providing the funds necessary to protect many of the important natural and cultural resources in this country and assists in the development of a wide range of recreational opportunities to the American public. Many proposals have been discussed to modify the LWCF, but at their heart they all endorse continuation of the basic concept that has made the LWCF an important component of our national conservation policy these past 23 years.

Mr. Speaker, the legislation I am introducing today covers several matters that need to be addressed as we develop a national conservation policy for the 1990's and beyond. I intend to work diligently with my colleagues to see this legislation brought to fruition.

FREEDOM FOR BALTIC STATES

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. COUGHLIN. Mr. Speaker, I rise today to note that this month commemorates two important occasions for freedom-loving people—the anniversaries of Lithuania's independence, on February 16, and Estonia's independence, on February 24.

Unfortunately, Mr. Speaker, these dates are not an occasion for celebration in Lithuania or Estonia today. That is because these two Baltic States, like their neighbor Latvia, have been occupied by Soviet forces since 1940. These once-vibrant democracies have been subjected to constant repression and Sovietization ever since.

The U.S. Government, quite properly, I believe, refuses to recognize the forced integration of the Baltic States into the Soviet Union. There are some Americans, however, who have suggested that this is an unrealistic approach. They maintain that the formal nonrecognition of Soviet legal authority in the Baltic States flies in the face of reason, and that, after 47 years, the time has come for our Government to accept the situation.

I believe such a course would be a grave mistake. Offering legal recognition of Soviet rule over the Baltic States would, in effect, condone Soviet aggression. Even more importantly, however, it would mean that America is turning its back on freedom and democracy. Such a move would represent an undeserved body blow to the brave peoples of nations who are struggling to overcome Soviet domination.

The fight for democracy in the Baltic States will continue as long as there are Estonians, Lithuanians, and Latvians who seek to preserve their heritage and culture. By adding our voices to theirs this February, we help strengthen their resolve and encourage their aspirations.

TRIBUTE TO JUDGE J. THOMAS SOYARS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. HUBBARD. Mr. Speaker, today I would like to pay tribute to Circuit Judge J. Thomas Soyars of Hopkinsville, KY, who died Thursday, February 19, 1987, at the age of 55.

A constituent whom I admired very much, Judge Tom Soyars was the highly respected chief circuit judge for the third judicial district which encompasses Hopkinsville and Christian County, KY.

A native of Hopkinsville and a 1956 graduate of the University of Kentucky College of Law, he began practicing law in 1957 following 1 year as a law clerk with the court of appeals, then Kentucky's highest court. He was a member of the Hopkinsville law firm of Trimble, Soyars & Breathitt, and served several years as Christian County attorney, resigning upon his election in 1980 to the third judicial district's second division circuit judgeship.

Tom Soyars was very active on the local, area and State levels in the legal profession throughout his career. He served on the judicial council and Kentucky Crime Commission and was the first president of the Pennyrile Crime Council. He helped organize West Kentucky Legal Services and served on its first board of directors. He was the organizer of the Public Defender Corporation in Christian County. He also served as the representative of Kentucky's 120 county attorneys on the Criminal Rules Revision Committee. In addition, he was a member of the American Bar Association, the Kentucky Bar Association, the American Judicature Society and the Christian County Bar Association, of which he was a former president.

A man of civic duty as well, he was a former director of the Chamber of Commerce and a past president of the Jaycees, and he served several years on the board of the Western Kentucky State Fair. He also was a member of the Elks Club and the Athenaeum Society. Additionally, he was the recipient of numerous awards for his many accomplishments in serving his community and his profession.

Judge Soyars was the son of the late William Oglesby Soyars, who was a founder of a prominent Hopkinsville law firm—Trimble, Soyars & Breathitt—and who also served Christian County as county attorney and county judge.

Soyars' mother, the late Elizabeth Doolan Soyars, was a well known music educator and church musician and was also a longtime worker with the American Red Cross.

A member of Hopkinsville's First Baptist Church, he attended Saints Peter and Paul Catholic Church with his family. He is survived by his wife, Jeanne Davic Soyars; twin sons, John Soyars, a senior at the University of Notre Dame, and Bill Soyars, a senior at Vandebilt University; and a sister, Libba Smith of Norman, OK.

Tom Soyars was a great asset to Hopkinsville, Christian County and the entire State of Kentucky. Indeed, he will be missed for years to come. My wife Carol and I join with the many friends of this outstanding, highly respected Kentuckian in extending our sympathy to the family of Judge J. Thomas Soyars.

LIBERATION THEOLOGY AND AMERICAN FOREIGN POLICY

HON. MICHAEL DeWINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. DEWINE. Mr. Speaker, our colleague from Illinois, HENRY HYDE, has served with distinction as a longstanding member of the House Foreign Affairs Committee. He has utilized his expertise in Latin American affairs to comment on the impact of liberation theology on the spread of Marxist-Leninist thought in that region of the world. I submit the following article by Mr. HYDE that appeared in the January 1987 edition of Crisis. I urge all my colleagues to read this thought-provoking analysis of the role of liberation theology in the spread of communism in our hemisphere.

LIBERATION THEOLOGY AND AMERICAN FOREIGN POLICY

(By Henry J. Hyde)

Last summer marked the seventh anniversary of the overthrow of Somoza and the installation of the revolutionary Sandinista regime in Nicaragua. Underplayed in most analyses of this betrayed revolution is the role of radical elements within the Catholic Church. Indeed, this role is of such significance that it deserves careful study by U.S. foreign policy makers as a dramatic example of how Marxists can exploit Christianity to advance their revolutionary goals in the Third World.

According to Father Antonio Castro of Managua, a longtime backer of the Sandinistas, "Many guerrillas surged from our parishes" to join the forces who ousted Somoza. Some of them were even tying rosary beads to their weapons. With the coming to power of the Sandinistas, three revolutionary clerics were awarded with government positions—positions held in defiance of the Pope's demand that they resign. Each of these individuals (who were disciplined by Rome for their disobedience) is a proponent of liberation theology and subscribes to the Sandinista thesis that "Between revolution and religion, there's no contradiction." One of them, Sandinista Foreign Minister Miguel D' Escoto, is a Maryknoll priest who founded Orbis Books. Controlled by the Maryknoll Order, Orbis Books publishes much of the literature expounding liberation theology.

In the past, traditional Marxism opposed the church head on; Marx's most famous utterance was that "Religion . . . is the opium of the people." But in some regions today this maxim is counterproductive, inasmuch as the people's devotion to religion is too deeply ingrained to eradicate easily. This is certainly true in Latin America, where a relatively new "theology of liberation" has been cleverly used by some Marxist-Leninist groups to promote their revolutionary objectives. The Gospels are not rejected, but are rather re-interpreted in Marxist terms with "national liberation" as the new salvation. Liberation theology forcibly merges religion and politics. It accomplishes this feat by manipulating the Gospels in an effort to reconcile Marx with Christ. Indeed, some liberation theologians make the audacious claim that the Christian and Marxist views of mankind are compatible, if not identical.

Liberation theology has profound foreign policy implications for the United States because of its virulent anticapitalist, anti-U.S., and pro-Marxist bias. Religiously inspired revolutions can be formidable, as we have seen in the Middle East. Despite their many dissimilarities, both Khomeini's Islamic fundamentalists and a number of liberation theologians see the United States as "the Great Satan"—the source of evil in today's world. Adherents of both have even sanctified violent acts to deal with that "evil."

In Latin America, the liberation theologians combine the indigenous Catholic religious traditions of the campesinos with the hope of economic transformation that, the liberation theologians claim, is realizable here and now, not in the after-life. They identify capitalism and free enterprise with the Protestant ethic of economic individualism which they reject as too selfish and materialistic.

But perhaps these points are best illustrated by liberation theologians themselves. One of them writes:

"I consider Fidel Castro to be a person inspired and led by the Holy Spirit. I liked it when Fidel went to Chile and told the priests that in Latin America the alliance between Marxists and Christian revolutionaries is not a tactical, but a strategic alliance, that is not temporary, but permanent and necessary. Also, I like the saying of Che Guevara (another Marxist saint, who gave his life for the poor guided by the Spirit of Jesus without knowing him) that 'when the Christians in Latin America take seriously the revolutionary teachings of the gospel, the revolution will be invincible.'"

Those provocative words are taken from *To Be a Revolutionary*, the autobiography of Padre J. Guadalupe Carney, an American-born priest, who is believed to have starved to death in 1983 while in the company of Cuban-trained guerrillas in Honduras. In his autobiography, Fr. Carney also makes it plain that his intention is to convince Christians that Christianity and Marxism are harmonious:

". . . I invite all Christians who read this to get rid of any unfair and un-Christian prejudices you have against armed revolutions, socialism, Marxism and communism. I would hope that this book has helped you get rid of any mental blocks that you might have because of capitalist propaganda and a false, bourgeois version of Christianity that has been put into your heads since childhood. There is no contradiction whatsoever between being a Christian and a priest, and being a Marxist revolutionary."

Equally revealing are these comments from *A Theology of Liberation* by the Reverend Gustavo Gutierrez of Peru, generally acknowledged as the founder of liberation theology:

"The building of a just society means the confrontation—in which different kinds of violence are present—between groups with different interests and opinions . . . . Participation in the process of liberation is an obligatory and privileged *locus* for Christian life and reflection . . . . To characterize Latin America as a dominated and oppressed continent naturally leads one to speak of liberation and above all to participate in the process . . . . Among more alert groups today . . . a new awareness of Latin American reality is making headway. *They believe that there can be authentic development for Latin America only if there is liberation from the domination exercised by the great capitalist countries, and especially the most powerful, the United States of America . . . . Moreover, it is becoming more obvious that the revolutionmary process ought to embrace the whole continent. There is little chance of success for attempts limited to a national scope." [Emphasis in original.]*

Fr. Ernesto Cardenal, a former Trappist monk and the Sandinista Minister of Culture in Nicaragua, said it bluntly: "Christians are not only able to be Marxists but, on the contrary, to be authentically Christian, they ought to be Marxists." He explains:

"Our only solution is Marxism. It is the only possible way to achieve freedom. I do not see any other course we can take if the promises of history and of the gospel are going to become true. There is no salvation outside the Church, and there is no liberation outside Marxism; that is why I preach both. For me, the revolution and the kingdom of heaven, mentioned in the gospel, are the same thing. A Christian should embrace Marxism if he wants to be with God and all men . . . ."

Needless to say, this kind of rhetoric has gotten the attention of Marxists around the world. Illustrative of this is a special July-Aughst 1984 issue of the New York-based Marxist journal, *Marxist Review*. In that issue the editors, Paul Sweezy and Harry Magdoff, discussed their new-found interest in religion as follows: "When we went to Nicaragua in December, 1982 to take part in a conference on agrarian reforms, we were enormously impressed, even startled, by what we learned about the role being played by religious people (foreign as well as Nicaraguan) in the constructive work of the Nicaraguan revolution."

Magdoff and Sweezy went on to observe that "those who accept the identification of liberation with revolution can hardly avoid a confrontation with the Marxist world view and its associated analysis of the transformation of social structures through class struggle." That observation helps explain why some of those preaching liberation theology become blind apologists for communist states with their own brand of disinformation. Fr. Carney, for instance, reported that ". . . in June of 1981, I had the opportunity to visit Cuba, I could say many good things about free Cuba and its revolutionary process . . . . There is no persecution of the Church today in Cuba. It is a shame that the Catholics in Cuba (with a few very good exceptions) have not incorporated themselves into the human socialistic revolutionary process there."

Fr. Cardenal is no less enthusiastic in his praise of Castro's utopia. In edited dialogues between Cardenal and his parishioners, published as *The Gospel in Solentiname* (4 volumes, Obis, 1976-1982), even shortages of material goods are viewed positively because they indicate that everything is being equitably distributed, as in a well-managed monastery.

These are not mere academic speculations by Latin American theologians and revolutionaries. Liberation theology has serious consequences inasmuch as it is now being adroitly exploited by enthusiasts such as Fidel Castro and the Sandinistas as a means of solidifying and exporting their revolutions. It exercises real influence over the imagination of Christians in this hemisphere. Many liberation theologians, unfortunately, are naive about the nature of man and the nature of Marxism. If they succeed in their efforts to merge religion and politics, they will not liberate people, but will rather submit them to a new and more suffocating bondage than the world has yet known.

Criticism of liberation theology from within the Catholic Church has focused on the inherent contradiction of wedding Christianity with Marxism. Cardinal Obando y Bravo of Nicaragua and Archbishop Rivera y Damas of El Salvador have been particularly outspoken on this point as they have worked tirelessly to separate the Church's social justice agenda from endorsement of leftist revolution. Cardinal Obando y Bravo knows liberation theology from intimate experience. He had high hopes for it at first, but now sees clearly what it really involves. "I thought liberation theology could help people and could play a role in reducing the enormous gap between rich and poor," he said. "But now, watching it in practice, I think this is unlikely because I see that it foments class hatred." Lenin himself was instructive on this point, for he declared in a 1923 speech to the Commission of Education in Moscow that "We must hate—hatred is the basis of communism."

Archbishop John Quinn of San Francisco, a leading American prelate with close ties to Latin America, points out the fundamental conflict between Marxism and Christianity. Marxism, he says, "presents class hatred and the class struggle as a fundamental postulate of human liberation" which is "incompatible with the Gospel whose first commandment is love."

Pope John Paul II has a personal grasp of what Marxism really means, as a Pole who lived under communism in his native land. In 1984, the Pope approved a Vatican instruction about liberation theology prepared by Cardinal Joseph Ratzinger, prefect of the Congregation of the Doctrine of the Faith, and Archbishop Alberto Bovone (Instruction on Certain Aspects of the "Theology of Liberation"). This document underscores the essential problem:

"Atheism and the denial of the human person, his liberty and his rights, are at the core of Marxist theory. This theory then contains errors which directly threaten the truths of the faith regarding the eternal destiny of individual persons. Moreover, to attempt to integrate into theology an analysis whose criterion of interpretation depends on this atheistic conception is to involve oneself in terrible contradictions. What is more, this misunderstanding of the spritual nature of the person leads to a total subordination of the person to the collectivity and thus to the denial of the principles of a social and political life which is in keeping with human dignity."

The philosophy of Marx excludes a spiritual realm. History, Marx declared, unfolds according to the immutable law of the process of dialectical materialism. "Dialectical" means that every entity begets its opposite, and the entities, classes or societies inevitably conflict. Out of this conflict the original entities become submerged into a new entity which then proceeds to beget its opposite. And so the dialectical process unfolds.

The key word is process, proceeding rigidly, mechanically, not through chance or circumstances, but according to immutable laws of thesis, antithesis, and synthesis. Marxist philosophy is totally materialistic. Marxists believe in no spiritual realm, no immortal soul, and hence no sin (except "social sin" as they define it) and no salvation. People in the Marxist system are no more than units of production and consumption. The only reality is material. Hence religion is dangerous folly in theory as well as in practice. Lenin once said, "We must fight religion," and the tyrants who have followed him in power all over the world have done precisely that. It is thus astonishing to find priests who declare themselves to be Marxists. "Marxist priests," the exponents of liberation theology, constitute a perfect oxymoron, no less contradictory than a "carnivorous vegetarian."

This is not to deny the idealism of many priests who identify themselves with liberation theology out of a sincere desire to exercise a "preferential option for the poor," to change the social and economic environment in which they find themselves. They see grinding poverty all around; they question the systems that allow such conditions to exist. Imbued with a strong desire to obtain social justice for their flock, many of these clergymen become frustrated with what they perceive as a perpetual status quo. Some of the more militant eventually join guerrilla groups, as we have seen with such priests as Fr. Camilo Torres in Colombia, Fr. Don McKenna in Guatemala, Fr. Guadalupe Carney in Honduras, and Fathers Ernesto Cardenal and Miguel D'Escoto in Nicaragua.

The real beneficiaries, therefore, of these revolutionary developments in the Latin Church often have been those from the radical left who harbor strong anti-U.S. feelings. A number of these groups have been the recipients of money and safe havens, as well as vigorous rhetorical and spiritual support from the "liberationists" who, in some instances, are serving as chaplains, combatants, or even leaders with the guerrillas. Such activities indicate that liberation theologians need to look more closely at God's side of the equation. They must ask themselves whether their concern for social and economic justice, justified as it is, has become so overpowering that the message of the church is lowered from the spiritual level to that of political and social action.

This clearly appears to be the message the pope was trying to convey in Colombia during his trip there in the summer of 1986. Colombia, it should be noted, has special significance for the liberation theology movement. A Latin American Bishops Conference held in Medellin, Colombia in 1968 issued a pronouncement that, among other things, emphasized the Church's obligation "to defend the rights of the oppressed." That statement has been viewed in liberation theology circles as an official blessing for activities which in Nicaragua, for example, are carried out through a network of some 2,000 "base communities," patterned somewhat after the communes that prevailed in the early days of Christianity. The activities of these groups run the gamut and include agricultural, educational, and medical assistance, as well as some organizing of military defenses in rural areas.

J. Brian Benestad of the University of Scranton has written a thoughtful study of this question, The Pursuit of a Just Social Order. He agrees that working for economic and social development and the protection of human rights is important and necessary. But Dr. Benestad also points out the limitations of this kind of work from a spiritual point of view, namely, that while these are worthy goals, their attainment by the people of a nation does not directly lead to conversion of its citizens. Persons who have sufficient material goods and socioeconomic, political, and civil rights may be theists, or may simply be dedicated to their own self-interest. In other words, justice as it is popularly understood today does not imply transformation in the individual soul. Ought not the transformation of souls be the chief task of the Church? Since Catholic doctrine has always maintained that the salvation of our soul is the ultimate goal of every human being, surely a Christian should put the highest priority on guarantees of religious freedom so that all men and women can respond to God's invitation to know Him and be saved.

The triumph of Marxism, however, means the end of religious freedom. The sorry results Marxism has brought to nations unlucky enough to try it provide compelling evidence that Marxism is more a road map to hell than an antidote to oppression and poverty. Marxist Christians in Latin America should look at those communist countries where the Marxists have had enough time to consolidate their power. In the Soviet Union, Czechoslovakia, Poland, and other communist countries, overt hostility to religion is a feature of the Marxist system.

Religion, as the institutional acknowledgement of man's relationship to God, is the indispensable underpinning for human dignity. That is why religious freedom is a basic human right. That is why Marxists, when they strip away religious freedom, are attacking the very basis of human dignity. Religion is only acceptable when it serves Marxists' ends as we have seen in Nicaragua, where a Sandinista-backed "popular" church is pitted against Cardinal Obando y Bravo and other Nicaraguan Catholic bishops. The following excerpts from an April 7, 1986 statement by the Nicaraguan bishops speak volumes: "A belligerent group of priests, religious workers and lay people of various nationalities, who say they belong to the Catholic Church, are in reality working actively to undermine the church . . . . They manipulate the fundamental truths of our faith, taking upon themselves the right to reinterpret and even to rewrite the word of God, in order to make it fit their own ideology and use it for their own ends."

Complicating matters on the home front for U.S. foreign policy makers are the ties some liberation theology advocates have to important American Catholic political figures, including the Speaker of the House of Representatives, Thomas P. (Tip) O'Neill, Jr. In an article that appeared in the October 21, 1984 edition of the *New York Times*, Michael Novak, resident scholar in religion, philosophy and public policy at the American Enterprise Institute, who also has served as the U.S. Representative to the United Nations Human Rights Commission, discloses that "Sister Jeanne Gallo of the Sisters of Notre Dame de Namur, a former missionary in Brazil and a member of the Nicaraguan action group in Cambridge, Massachusetts (Speaker O'Neill's home district) keeps him informed on political currents." "We realized that Mr. O'Neill was key to what happened in the House," she says. "The group decided to work on educating him about Central America."

More recently, in a *Washington Post* story dated June 6, 1985, correspondent Margaret Shapiro reported that "O'Neill also has been strongly influenced by the Maryknoll Order, many of whom are missionaries in Nicaragua today. O'Neill's aunt, Annie Tolan, was one of the original members of the order, joining it as Sister Eunice when it was founded in 1919, and staying with it unitl she died two years ago." The Speaker told Shapiro, "We've followed the order all our life. There's an affinity there, an affection, a trust there." When Maryknoll members tell him that things have improved under the Sandinistas, he said, he believes them. "They're only doing God's work . . . and I have faith and trust when they come and talk to me. I have complete trust," O'Neill said.

Obviously, comments like that from one of the most powerful and influential members of Congress demonstrate the need for a major educational effort as to the reality in Nicaragua, and Central America in general. Challenging the findings of the clergy is politically difficult, and, to be effective, great care must be given to refuting their contentions in a clear and factual manner. In this regard, substantial attention must be devoted to exposing the fallacies in the arguments of the "liberationists."

For example, the theology of this movement is particularly vulnerable with respect to what it recommends in the way of political and economic system after the revolution against the perceived injustices of capitalism. Replacing a dictatorship of the right with one on the left a la Cuba or Nicaragua betrays the aspirations of those who have been seduced by a theology that preaches liberation but which paradoxically can only deliver another version of late twentieth-century serfdom in which the state owns both body and soul. A letter to Nicaragua's Fr. Cardenal from Polish writers associated with the Solidarity trade union movement warned of this danger: "We know all too well the abuses inflicted on the idea of freedom, and the people who believed in it and fought for it. On the basis of our experience we cannot recognize the purity of intentions of those who hold the banner of freedom but cooperate with the cruelest slave empire in history."

Michael Novak puts it succinctly when he points out that liberation theology lacks a concrete vision of political economy. "It refuses to say how safeguards for human rights, economic development and personal liberties will be instituted after the revolution. Liberation theology appears to trust its own fervent Christianity as a sufficient brake on tyranny. This is naivete—already unmasked in Nicaragua." Citing estimates of a projected need of some 76 million new jobs in Latin America by 1999, Novak comments that: "Revolutionaries in Cuba, Nicaragua, and Vietnam, among other communist countries, mostly create huge armies. Only economic activists create jobs. Sooner or later, liberation theologies will need to grapple with how new wealth can be created and sustained systematically."

In summary, liberation theology's impact on Latin American and American politics has presented those who shape U.S. foreign policy with an imminent challenge that must be confronted. This means engaging in public dialogue and debate with the "liberationists" at every opportunity, with the objective of informing both U.S. and foreign audiences of this theology's shortcomings. It also means demonstrating that the U.S. model of democracy is worth initiating. It is clear that the system in the United States is awesomely successful in creating jobs and wealth. We should also cite our success in administering justice and defending human dignity.

Of course we often fall short of our aspirations, being human and fallible. But indeed we have objective standards to guide us: equal protection of the law and due process at home, and a commitment to freedom and democracy that has been tested in two world wars and other protracted conflicts in Asia. We should make this case strongly to everyone who is sincerely concerned about justice and human dignity.

We should also talk to the liberation theologians themselves. Because they have not thought much about what happens in the post-revolutionary period. I would like to think that we can disabuse at least some of them of their anti-U.S. notions and make them realize that this country's system is not the problem, but can be a big part of the solution.

GLASNOST, THE THUGS OF MOSCOW, AND THE DREAMS OF IOSIF BEGUN

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. WOLPE. Mr. Speaker, over 8 days in February, the Soviet Government has revealed both the face of glasnost—the new political openness—and the boot of repression. Some 140 dissidents were released from the gulag and the psychiatric wards, many returning to Moscow with tales of horror from their incarceration: exile, near-starvation rations, isolation, exposure to the elements, beatings, and chemical injections. There are indications that another 140 political prisoners may be released in the near future. Andrei Sckharov, the Nobel laureate and physicist, addressed, without interference, although his remarks were closed to the press, an international conference on peace and arms control. Mikhail Gorbachev personally pledged his commitment to Soviet democratization.

Mr. Gorbachev has taken serious risks in the name of change for Russian society—risks which have required significant political courage. Serious questions remain, however, about the depth and the success of his efforts. For even as these promising events were unfolding, another drama, equally controlled by the Government, was played out on the streets of Moscow, witnessed by the Western press. The family and friends of Iosif Begun, a Soviet refusenik whose sole crime was to teach Hebrew and apply to emigrate to Israel, engaged in an orderly protest for his freedom, and that of Soviet Jewry. On successive days, as the small group of Soviet Jews stood in public on behalf of Begun and with signs demanding the right to emigrate, uniformed police watched impassively as dozens of plainclothes thugs physically beat and attacked the demonstrators, innocent passersby, and the media covering the event, punching reporters and cutting camera cables.

In the Orwellian world of Soviet political commentary, Tass stated that Western correspondents instigated the demonstration. "They want to see Begun kept in prison and to use the situation to fan anti-Soviet sentiments," Tass wrote.

Glasnost may hold the potential for reforming, in some measurable way, the Soviet political and economic system. It is of course welcome that some restraints on some political prisoners are being eased. Each release from prison is, in a quietly profound way, a victory for freedom and hope for a better future. But the beatings in the streets of the capital are a cruel reminder of what has remained unchanged. Moreover, despite televised assurances to an American audience that Iosif Begun had been freed, he remained in prison for several more days before his final release. At the least, this reflects strong bureaucratic resistance by the KGB to even the most limited steps of moderation

Glasnost can hardly be termed a decisive turning point as long as it is evident that the fulcrum of pressure for basic human rights—the demands of tens of thousands of Soviet Jews to emigrate to Israel—continues to be crushed. Indeed, the recent internal reforms under Gorbachev have been accompanied by a severe tightening of the eligibility standards for approval of applications to emigrate.

The ultimate test of glasnost is whether it means as much for Soviet Jewry as it does for any other part of Soviet society. As Iosif Begun said on his return home:

> I very much hope that the process of restoration, the process of democratization, which has already begun will continue and bring about new releases, and will bring an end to the repression of those who speak out for human rights and of those Jews who call for the right of returning to their homeland. Those are my dreams, those are my hopes. Without this, the process of democratization will be just a kind of show, nothing more—not something real.

LITHUANIAN INDEPENDENCE DAY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. ROE. Mr. Speaker, I rise at this special time to join the special order commemorating Lithuanian Independence Day.

It was 69 years ago, on February 16, 1981, that the Lithuanian people claimed their independence from Russian domination. Their constitution, adopted in 1922, granted to their people freedom of expression, freedom to worship according to the dictates of one's conscience, the freedom to celebrate one's own cultural heritage, and the freedom to choose one's place of residence.

For more than 20 years, the proud and industrious Lithuanian people reaped the benefits of their independence, but in 1940 the Soviet Union officially incorporated Lithuania into the U.S.S.R., against the will and the desire of the Lithuanian people. Today, Lithuania remains under the illegitimate control of the Soviet Government, and its people suffer from that.

Many Lithuanians still face life in the Soviet Siberian labor camps. Even though the vast majority of Lithuanians are Catholic, the Soviet Government discourages church attendance, discriminating against those who worship openly by denying them educational and occupational opportunities. The Soviet Government forbids any religious education, publications, or charity work. Since Soviet occupation in 1940, the number of Catholic bishops and priests in Lithuania has been reduced by more than half. This blatant disregard for human rights cannot continue.

Although the Soviet Union is a signatory to the Helsinki agreement, recognizing basic human rights, members of the Lithuanian Helsinki monitoring groups have been repeatedly arrested, sentenced to labor camps, or placed in psychiatric hospitals.

The Soviet Union's continued repression of Lithuania and the sovereignty of the Lithuanian people cannot be forgotten. There are over 1 million people of Lithuanian descent living in the United States today who are dedicated to a free Lithuania. I join my constituents from the Eighth Congressional District in honoring those who have fought and continue to fight against Soviet oppression.

The United States has never recognized the incorporation of Lithuania by the Soviet Union, and rightly so. Every year on this date, Americans pause to remember Lithuania's 22 golden years of freedom, and to express our fervent hope that Lithuania will soon be a free country again. The tremendous personal tragedies suffered by the Lithuanian people would of themselves justify our commemoration of this day.

Mr. Speaker, I am proud to join with other Members of the House of Representatives in commemorating this day, and I salute the heroic Lithuanian people for striving to attain their right of national freedom.

HADASSAH'S 75TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mrs. MORELLA. Mr. Speaker, 75 years ago a dozen members of the Daughters of Zion Study Circle led by Henrietta Szold decided to complement their scholarship with action. Their dream was to create a national organization, which they named Hadassah, to foster education in America and to improve public health in the land of Israel, then ruled by the Ottoman empire.

A year after its founding, the new organization sent two nurses to Jerusalem to found a clinic for pregnant mothers and young children. The new clinic was notable both for being the first of its kind in the region and also for treating all those in need regardless of race or religion.

Shortly after World War I and the transfer of control over the land of Israel to the British empire, Hadassah began to set up the first modern hospital in the region. Today, Hadassah is the largest women's volunteer organization in the United States, with a membership of 385,000. It has recently founded the first community college in the Jewish State and has continued to build a variety of medical institutions in Israel. Hadassah Hospital in Jerusalem, the finest hospital in the Middle East, is well-known for reaching out to countries all over Africa and Asia, offering assistance and technical expertise as well as educating the future doctors of these countries at its medical school. Hadassah's fine educational programs in the United States now include summer camps, youth groups, and an educational department that produces resource materials for other Jewish organizations throughout the United States.

Much of the tremendous success of this organization can be attributed to Henrietta Szold, Hadassah's first president and a woman truly ahead of her time. Szold was born in Baltimore, MD, the daughter of a rabbi. Even before the founding of Hadassah, she was a founding editor of the Jewish Publication Society, was the first woman to attend the Jewish theological seminary, and established the first night school for immigrants in the city of Baltimore. Always striving to fill the needs she saw, Szold was inspired to found Hadassah after a trip to the land of Israel in which she was appalled by the unhealthy conditions she witnessed. In the years since that first meeting in 1912, Hadassah has gone a long way toward filling the needs Henrietta Szold saw. Its work has improved the lives of many people in the United States, in Israel, and around the world. I am delighted to honor Hadassah and the remarkable woman from Maryland who founded it.

SALUTE TO THE HONORABLE RAY J. MADDEN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. MAZZOLI. Mr. Speaker, it is a great pleasure to join my colleagues in celebration of the 95th birthday of our friend and former colleague, the Honorable Ray J. Madden of Indiana.

Ray Madden represented the people of the First District of Indiana—and the Nation—with distinction for over 30 years in the House of Representatives. Those of us who were privileged to serve with Ray have benefited from his outstanding example as a leader and legislator. As chairman of the Committee on Rules, Ray worked tirelessly to see that the House carry out its business smoothly and effectively.

Always a strong supporter of American working men and women, Congressman Madden fought hard for those issues in which he believes so strongly. And, he deservedly earned the respect and admiration of everyone with whom he worked throughout his remarkable career, spanning more than six decades in public service.

Ray Madden is an extraordinary individual to whom all of us owe a debt of thanks for the dignity and honor he brought to the House.

Congratulations, Ray, and many happy returns of the day.

MEDICARE CATASTROPHIC PROTECTION LEGISLATION

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased to cosponsor the Stark/Gradison Medicare catastrophic protection legislation. I am especially pleased to be joined by Mr. DUNCAN, the ranking minority member of the Committee on Ways and Means, as well as several other Republican and Democratic committee members in cosponsoring this legislation. The list of cosponsors clearly demonstrates the wide bipartisan support that exists to do something about this critical national issue.

Every year millions of our elderly and disabled face hospital and physician care expenses that are financially overwhelming and unquestionably catastrophic in their economic impact on the family. In spite of Medicare, 20 percent of the elderly spend over 15 percent of their income on health care; and, 7 percent are forced to spend over 25 percent of their income.

This issue is, of course, not new. When I was chairman of the Health Subcommittee between 1977 and 1980, we considered catastrophic coverage. At hearings we heard from patients and their families about the devastating costs of lengthy illnesses. At that time, unfortunately, it was not possible to reach agreement on a solution to this problem.

Now, a number of bills and proposals with wide bipartisan support have been put forward. The Stark/Gradison approach is an important addition to these proposals. While there are important differences in terms of specific provisions, the various proposals, including the administration's, reflect bipartisan agreement that Medicare should be expanded to cover catastrophic costs. There is substantial agreement that, once a set dollar limit is reached, the Medicare Program should cover all further hospital, physician, and other related acute care services. Secretary of Health and Human Services Bowen, Senator BENTSEN, and the many other Democratic and Republican Members of the Senate and the House agree on this fundamental principle.

Much of the credit for the interest in this issue and agreement on the general legislative approach should go to Dr. Otis Bowen of the Department of Health and Human Services. When Dr. Bowen was named Secretary in 1985 he set the development of a catastrophic plan as a major priority. Throughout the past year he has worked tirelessly to achieve this goal. His report, released in November, set the stage for the congressional deliberations on the legislation this year.

As I mentioned, there is not yet consensus on all of the details of the legislation. For example, Dr. Bowen suggests two hospital deductibles a year while the Stark/Gradison legislation has only one. Dr. Bowen would set a $2,000 limit on costs, while the Stark/Gradison approach has a limit of about $1,650.

Similarly there is not consensus on the financing of catastrophic benefits. Dr. Bowen proposes a flat premium to pay for the new coverage, while Stark/Gradison adds the actuarial value of the subsidized portion of Medicare benefits to the taxable income of beneficiaries. The reasoning behind this approach is to protect the lower income elderly and disabled against higher costs.

These differences are important, but they are not major and, I am sure, do not present stumbling blocks to the enactment of a bill. The Committee on Ways and Means will carefully and thoroughly consider all of the major proposals with the objective of identifying the benefit and financing provisions that will most effectively address the problem, that are fair, and that a broad coalition of Democrats and Republicans can support.

Mr. Speaker, when this legislation is enacted we, at last, will have provided our elderly and disabled with insurance against the high cost of hospital and physician care that they have feared for so long. I hope all of our colleagues will join us in achieving this goal.

CELEBRATING THE INDEPENDENCE OF LITHUANIA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. DYMALLY. Mr. Speaker, on February 16, 1987, almost 1 million Americans of Lithuanian origin observed the 69th anniversary of the Declaration of Independence of Lithuania. Although Lithuania has been usurped by the Soviet Union since 1944, this date remains as a symbol of hope for Lithuanian-Americans and all Lithuanians who are struggling for the independence of Lithuania. I would like to take this opportunity to commend Lithuanian-Americans for their hard work and contributions to our society. I would like to also affirm that many of us share their job on this special occasion, as we pray for the imminent liberation of their motherland. Everyone who believes in the inalienable right of people to determine their own destiny should support the same for the Lithuanian people.

PARTS A AND B CATASTROPHIC PROTECTION ACTS OF 1987

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. STARK. Mr. Speaker, today, Representative GRADISON, Chairman ROSTENKOWSKI, ranking minority member Representative DUNCAN, other members of the Ways and Means Committee, and I are introducing two bills to add acute care catastrophic coverage to the Medicare Program.

We ask that the legislative language for the Medicare parts A and B Catastrophic Protection Acts of 1987 be included in the CONGRESSIONAL RECORD, as follows:

H.R. 1280

Be it enacted by the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Part A Catastrophic Protection Act of 1987".

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

SEC. 2. INPATIENT HOSPITAL SERVICES.

(a) APPLICATION OF INPATIENT HOSPITAL DEDUCTIBLE ON A CALENDAR YEAR BASIS AND LIMITATION TO ONE DEDUCTIBLE EACH YEAR.—The first sentence of section 1813(a)(1) (42 U.S.C. 1395e(a)(1)) is amended—

(1) by striking "any spell of illness" and inserting "the first period of continuous hospitalization (as defined in subsection (b)(3)) that begins in a calendar year", and

(2) by inserting "for that calendar year" after "inpatient hospital deductible".

(b) ELIMINATION OF GENERAL DAY LIMITATION ON INPATIENT HOSPITAL SERVICES.—Section 1812 (42 U.S.C. 1395d) is amended—

(1) by amending paragraph (1) of subsection (a) to read as follows:

"(1) inpatient hospital services;";

(2) in subsection (b)—

(A) in the matter before paragraph (1), by striking "during a spell of illness may not (subject to subsection (c))" and inserting "may not",

(B) by striking paragraph (1), and

(C) by redesignating paragraph (2) and (3) as paragraphs (1) and (2), respectively; and

(3) by amending subsection (c) to read as follows:

"(c)(1) If an individual is an inpatient of a psychiatric hospital on the first day of medicare entitlement (as defined in paragraph (4)(A)) payment may not be made under this part during the period described in paragraph (2) for inpatient mental health services (as defined in paragraph (4)(B)) in excess of the number of days specified in paragraph (3).

"(2) The period described in this paragraph—

"(A) begins on the first day of medicare entitlement, and

"(B) ends at the end of the first period of 60 consecutive days thereafter on each of which the individual is not receiving inpatient mental health services.

"(3) The number of days specified in this paragraph for an individual is 150 days less the number of days (during the 150-day period immediately before the first day of medicare entitlement) during which the individual was an inpatient of a psychiatric hospital.

"(4) In this subsection:

"(A) The term 'first day of medicare entitlement' means, for an individual, the first day of the first month for which the individual is entitled to benefits under this part.

"(B) The term 'inpatient mental health services' means—

"(i) inpatient psychiatric hospital services, and

"(ii) inpatient hospital services for an individual who is an inpatient primarily for the diagnosis or treatment of mental illness.".

(c) ELIMINATION OF COINSURANCE AMOUNTS FOR INPATIENT HOSPITAL SERVICES.—(1) Section 1813(a)(1) (42 U.S.C. 1395e(a)(1)) is amended by striking the second sentence.

(2) Section 1814(d)(3) (42 U.S.C. 1395f(d)(3)) is amended—

(A) by striking "60 percent" and "80 percent" and inserting "100 percent" both places, and

(B) by striking "two-thirds of".

(d) INDEXING OF INPATIENT HOSPITAL DEDUCTIBLE.—Subsection (b) of section 1813 (42 U.S.C. 1395e) is amended to read as follows:

"(b)(1) The inpatient hospital deductible for 1987 shall be $520. The inpatient hospital deductible for any succeeding year shall be an amount equal to the inpatient hospital deductible for the preceding year increased by the applicable increase percentage determined under section 215(i) in the previous year. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest multiple of $1 (or, if it is a multiple of 50 cents but not a multiple of $1, to the next higher multiple of $1).

"(2) Not later than November 15 of each year (beginning with 1987), the Secretary shall promulgate the inpatient hospital deductible under this subsection for the succeeding year.

"(3) In this section, the term 'period of continuous hospitalization' means, with respect to an individual, the period beginning on the first day the individual is furnished inpatient hospital services and ends on the individual's date of discharge (as established by the Secretary for purposes of section 1886) from the hospital (or, in the case of a transfer, hospitals) involved.".

(e) DETERMINATION OF PART A PREMIUM.—Subsection (d) of section 1818 (42 U.S.C. 1395i-2) is amended to read as follows:

"(d)(1) The Secretary shall, during September of each year (beginning with 1987), estimate the monthly actuarial rate for months in the succeeding year. Such actuarial rate shall be one-twelfth of the amount which the Secretary estimates (on an average, per capita basis) is equal to 100 percent of the benefits and administrative costs which will be payable from the Federal Hospital Insurance Trust Fund for services performed and related administrative costs incurred in the succeeding year with respect to individuals age 65 and over who will be entitled to benefits under this part during that entire year.

"(2) The Secretary shall, during September of each year determine and promulgate the dollar amount which shall be applicable for premiums for months occurring in the following year. Such amount shall be equal to the monthly actuarial rate determined under paragraph (1) for that following year. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest multiple of $1 (or, if it is a multiple of 50 cents but not a multiple of $1, to the next higher multiple of $1).

"(3) Whenever the Secretary promulgates the dollar amount which shall be applicable as the monthly premium under this section, he shall, at the time such promulgation is announced, issue a public statement setting forth the actuarial assumptions and bases employed by him in arriving at the amount of an adequate actuarial rate for individuals 65 and older as provided in paragraph (1).".

(f) CONFORMING AMENDMENTS.—

(1) DROPPING "SPELL-OF-ILLNESS" CONCEPT.—Section 1861 (42 U.S.C. 1395x) is amended—

(A) by striking subsection (a);

(B) in subsection (e)—

(i) by striking the second sentence, and

(ii) in the fifth sentence, by striking ", except for purposes of subsection (a)(2),";

(C) in subsection (j)—

(i) in the first sentence, by striking "(other than for purposes of subsection (a)(2)", and

(ii) by striking the second sentence; and

(D) in subsection (y)—

(i) in paragraph (1), by striking "(except for purposes of subsection (a)(2))", and

(ii) in paragraphs (2) and (3), by striking "spell of illness" and "spell" each place either appears and inserting "year".

(2) MISCELLANEOUS.—(A) Section 1812 (42 U.S.C. 1395e) is amended by striking subsection (g).

(B) Section 1832(b) (42 U.S.C. 1395k(b)) is amended by striking " 'spell of illness'," and the comma before "and".

(g) EFFECTIVE DATE AND TRANSITION.—

(1) DEDUCTIBLE.—(A) The amendments made by subsections (a) and (d) shall apply to the deductible for 1988 and succeeding years.

(B) HOLD HARMLESS AGAINST TRANSITION FOR CALENDAR YEAR DEDUCTIBLE.—In the case of an individual for whom a spell of illness (as defined in section 1861(a) of the Social Security Act, as in effect on December 31, 1987) began before January 1, 1988, and had not yet ended as of such date, the amendment made by subsection (a) shall not apply to services furnished during that spell of illness during 1988 or 1989.

(2) EXTENSION OF BENEFITS AND COINSURANCE.—The amendments made by subsections (b) and (c) shall apply to inpatient hospital services furnished on or after January 1, 1988.

(3) PREMIUM.—The amendments made by subsection (e) shall apply to premiums for months beginning with January 1988.

(4) MISCELLANEOUS.—The amendments made by subsection (f) shall take effect on January 1, 1988.

(5) ADJUSTMENT IN PAYMENTS FOR INPATIENT HOSPITAL SERVICES.—In adjusting—

(A) DRG prospective payment rates under section 1886(d) of the Social Security Act,

(B) target amounts under section 1886(b)(3) of such Act,

(C) outlier cutoff points under section 1886(d)(5)(A) of such Act, and

(D) weighing factors under section 1886(d)(4) of such Act,

the Secretary shall, to the extent appropriate, take into consideration the reductions in payments to hospitals by medicare beneficiaries resulting from the amendments made by subsection (b) of this section (eliminating a day limitation on inpatient hospital services).

SEC. 3. POST-HOSPITAL EXTENDED CARE SERVICES.

(a) COINSURANCE RATE OF 20 PERCENT OF NATIONAL AVERAGE PER DIEM COST FOR SERVICES FURNISHED DURING FIRST 7 DAYS OF EACH CALENDAR YEAR.—Paragraph (3) of section 1813(a) (42 U.S.C. 1395e(a)) is amended to read as follows:

"(3)(A) The amount payable for post-hospital extended care services furnished an individual in any calendar year shall be reduced by the coinsurance amount (promulgated under subparagraph (C) for that year) for each day (before the 8th day) on which he is furnished such services during the year.

"(B) Before September 1 of each year (beginning with 1987), the Secretary shall estimate the national average per diem reasonable cost recognized under this title for post-hospital extended care services which will be furnished in the succeeding calendar year.

"(C) The Secretary shall, in September of each year (beginning with 1987) promulgate the coinsurance amount which shall apply to post-hospital extended care services furnished in the succeeding year. Such amount shall be equal to 20 percent of the national average per diem cost estimated under subparagraph (B) in that year. If the coinsurance amount determined under the preceding sentence is not a multiple of 50 cents, it shall be rounded to the nearest multiple of 50 cents (or, if it is a multiple of 25 cents but not a multiple of 50 cents, to the next higher multiple of 50 cents).".

(b) EXTENDING TO 150 DAYS IN EACH CALENDAR YEAR.—Section 1812 (42 U.S.C. 1395d) is amended—

(1) in subsection (a)(2)(A), by striking "100 days during any spell of illness" and inserting "150 days during any calendar year", and

(2) in subsection (b)(1), as redesignated by section 2(a)(3), by striking "during such spell after such services have been furnished to him for 100 days during such spell" and inserting "during a calendar year after such services have been furnished to the individual for 150 days during that year".

(c) CONFORMING AMENDMENT.—Section 1861(y)(3) (42 U.S.C. 1395 (y)(3)) is amended by striking "equal to" and all that follows through "31st day" and inserting "equal to the coinsurance amount established under section 1813(a)(3)(C) for each day before the 8th day".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to post-hospital extended care services furnished on or after January 1, 1988.

SEC. 4. HOSPITAL CARE.

(a) EXTENSION OF COVERAGE PERIOD.—Section 1812 (42 U.S.C. 1395d) is amended—

(1) in subsection (a)(4), by striking "and one subsequent period of 30 days" and inserting ", a subsequent period of 30 days, and a subsequent extension period";

(2) in subsection (d)(1), by striking "and one subsequent period of 30 days" and inserting ", a subsequent period of 30 days, and a subsequent extension period"; and

(3) in subsection (d)(2)(B), by inserting "or a subsequent extension period" after "30-day period".

(b) CONTINUED CERTIFICATION OF TERMINAL ILLNESS FOR EXTENDED BENEFITS.—Section 1814(a)(7)(A) (42 U.S.C. 1395f(a)(7)(A)) is amended—

(1) by striking "and" at the end of clause (i),

(2) by striking the semicolon at the end of clause (ii) and inserting ", and", and

(3) by adding at the end the following new clause:

"(iii) in a subsequent extension period, the medical director or physician described in clause (i)(II) recertifies at the beginning of the period that the individual is terminally ill;".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to hospice care furnished on or after January 1, 1988.

SEC. 5. BLOOD DEDUCTIBLE.

(a) IN GENERAL.—Paragraph (2) of section 1813(a) (42 U.S.C. 1395e(a)) is amended to read as follows:

"(2)(A) the amount payable to any provider of services under this part for services furnished an individual shall be further reduced by a deduction equal to the expenses incurred for the first three pints of whole blood (or equivalent quantities of packed red blood cells, as defined under regulations) furnished to the individual during each calendar year, except that such deductible for such blood shall in accordance with regulations be appropriately reduced to the extent that there has been a replacement of such blood (or equivalent quantities of packed red blood cells, as so defined); and for such purposes blood (or equivalent quantities of packed red blood cells, as so defined) furnished such individual shall be deemed replaced when the institution or other person furnishing such blood (or such equivalent quantities of packed red blood cells, as so defined) is given one pint of blood for each pint of blood (or equivalent quantities of packed red blood cells, as so defined) furnished such individual with respect to which a deduction is made under this sentence.

"(B) The deductible under subparagraph (A) for blood or blood cells furnished an individual in a year shall be reduced to the extent that a deductible has been imposed under section 1833(b) to blood or blood cells furnished the individual in the year.".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall apply to blood or blood cells furnished on or after January 1, 1988.

(2) In the case of an individual for whom a spell of illness (as defined in section 1861(a) of the Social Security Act) began before January 1, 1988, and had not yet ended as of such date, the amount of any deductible under section 1813(a)(2) of such Act (as amended by subsection (a)) shall be reduced during that spell of illness during 1988 or 1989 to the extent the deductible under section 1813(a)(2) of such Act (as in effect before January 1, 1988) was applied during the spell of illness.

SEC. 6. VALUE OF MEDICARE COVERAGE INCLUDED IN GROSS INCOME.

(a) IN GENERAL.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 90. VALUE OF MEDICARE COVERAGE.

"(a) IN GENERAL.—In the case of an individual, gross income includes—

"(1) an amount equal to the aggregate of the imputed Medicare part A actuarial values for each month (during the taxable year) during which such individual was entitled to benefits under part A of title XVIII of the Social Security Act, and

"(2) an amount equal to the aggregate of the imputed Medicare part B actuarial values for each month (during the taxable year) during which such individual was entitled to benefits under part B of title XVIII of the Social Security Act.

"(b) IMPUTED MEDICARE ACTUARIAL VALUES DEFINED.—For purposes of this section—

"(1) IMPUTED MEDICARE PART A ACTUAL VALUE.—

"(A) IN GENERAL.—The term 'imputed Medicare part A actuarial value' means, with respect to any month in a calendar year for an individual, 50 percent of the monthly actuarial rate promulgated under section 1818(d)(1) of the Social Security Act for that month.

"(B) ZERO VALUE FOR CERTAIN NONRESIDENTS AND FOR PART A BUY-INS.—In the case of an individual who is a nonresident for a month (as determined under subsection (c)) or who is eligible for benefits under title XVIII of the Social Security Act for a month only by virtue of payment of a premium under section 1818 of such Act, the imputed Medicare part A actuarial value for the month for the individual is zero.

"(2) IMPUTED MEDICARE PART B ACTUARIAL VALUE.—The term 'imputed Medicare part B actuarial value' means, with respect to any month in a calendar year for an individual, twice the monthly actuarial rate established under section 1839(a)(1) of the Social Security Act for that year, less the amount of the monthly premium for that month established under section 1839 of such Act (without regard to subsections (b) and (f) thereof).

"(c) NONRESIDENT DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'nonresident' means, with respect to a month, an individual who has been continuously outside the United States for a period of 24 months before the month and who is not considered, under paragraph (2), to be a resident for the month.

"(2) TREATMENT AS RESIDENT IN A YEAR IF RECEIVE MEDICARE BENEFITS IN THE YEAR.—For purposes of paragraph (1), an individual is considered to be a resident for all months in a calendar year if payment is made (under part A or part B of title XVIII of the Social Security Act) with respect to any services furnished the individual at any time during the year.

"(3) OUTSIDE UNITED STATES.—For purposes of this subsection, an individual is considered to be continuously outside the United States beginning with the first period of 30 consecutive days on each of which the individual is outside the United States and ending with the first period of 30 consecutive days thereafter on each of which the individual is in the United States."

(b) TRANSFER OF CERTAIN ADDITIONAL REVENUES TO FEDERAL HOSPITAL INSURANCE TRUST FUNDS.—Section 1817 of the Social Security Act (42 U.S.C. 1395i) is amended by adding at the end the following new subsection:

"(k)(1) There are hereby appropriated to the Trust Fund amounts equivalent to the aggregate amount of increase of tax liabilities under chapter 1 of the Internal Revenue Code of 1986 which is attributable to the application of sections 90(a)(1) and 871(a)(4)(A) of such Code.

"(2) The amounts appropriated by paragraph (1) shall be transferred from time to time (but not less frequently than quarterly) from the general fund of the Treasury on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such paragraph. Any such quarterly payment shall be made on the 1st day of such quarter and shall take into account the aggregate imputed Medicare part A actuarial values for such quarter. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(3) The Secretary of the Treasury shall submit annual reports to the Congress and to the Secretary of Health and Human Services on—

"(A) the transfers made under this subsection during the year and the methodology used in determining the amount of such transfers, and

"(B) the anticipated operation of this subsection during the next 5 years.".

(c) INFORMATION REPORTING.—Section 6050F of the Internal Revenue Code of 1986 (relating to returns relating to Social Security benefits) is amended—

(1) in the heading by inserting "AND MEDICARE ACTUARIAL VALUES" after "SOCIAL SECURITY";

(2) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (B), By inserting "and" at the end of subparagraph C, and

(C) by inserting after paragraph (C) the following new subparagraph:

"(D) aggregate amount of the imputed Medicare part A actuarial values and the imputed Medicare part B actuarial values (as such terms are defined in section 90(b) with respect to any individual during any calendar year, and";

(3) in subsection (b)—

(A) in paragraph (1), by inserting "or, with respect to amounts described in paragraph (1)(D), the Health Care Financing Administration" after "payments", and

(B) in paragraph (2), by inserting "and of reductions," and inserting "of reductions, and of actuarial values"; and

(4) in subsection (c)(1)(A), by inserting "and medicare actuarial values described in subsection (a)(1)(D)" after "86(d)(1)(A)".

(d) CLERICAL AMENDMENTS.—(1) The table of sections for part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 90. Value of Medicare coverage."

(2) The item in the table of sections for subpart B of part III of subchapter A of chapter 61 of such Code relating to section 6050F is amended to read as follows:

"Sec. 6050F. Returns relating to social security and medicare actuarial values."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1987, but only with respect to imputed Medicare part A actuarial value and to imputed Medicare part B actuarial value (as defined in sections 90(b) of the Internal Revenue Code of 1986) for months after December 1987.

H.R. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Part B Catastrophic Protection Act of 1987".

SEC. 2. LIMITATION ON MEDICARE OUT-OF-POCKET EXPENSES UNDER PART B.

Section 1833 of the Social Security Act (42 U.S.C. 13951) is amended—

(1) by inserting after subsection (e) the following new subsection:

"(f)(1) Notwithstanding subsections (a) and (b), if an individual has incurred out-of-pocket part B expenses (as defined in paragraph (2)) in a calendar year (beginning with 1988) in an amount equal to part B catastrophic limit (established under paragraph (3)) of the year, payment under this part with respect to any additional incurred expenses in the calendar year shall be made as if—

"(A) the deduction described in the second sentence of subsection (b) (relating to blood) no longer applied, and

"(B) '100 percent' and '0 percent' were substituted for '80 percent' and '20 percent', respectively, each place either appears in subsection (a), in section 1833(i)(2), in section 1835(b)(2), and in subsections (b)(2) and (b)(3) of section 1881.

"(2) In this subsection, the term 'out-of-pocket part B expenses' means—

"(A) the deductions established under subsection (b), and

"(B) the difference between the payment amount provided under this part and the payment amount that would be provided if '100 percent' and '0 percent' were substituted for '80 percent' and '20 percent', respectively, each place either appears in subsection (a), in section 1833(i)(2), in section 1835(b)(2), and in subsections (b)(2) and (b)(3) of section 1881.

"(3)(A) The part B catastrophic limit for 1988 is $1,000. The part B catastrophic limit for any succeeding year shall be an amount equal to the part B catastrophic limit for the preceding year increased by the applicable increase percentage under section 215(i) in the previous year. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest multiple of $1 (or, if it is multiple of 50 cents but not a multiple of $1, to the next higher multiple of $1).

"(B) Not later than November 15 of each year (beginning with 1987), the Secretary shall promulgate the part B catastrophic limit under this paragraph for the succeeding year.

"(4) In applying paragraph (1) in the case of an organization receiving payment under clause (A) of subsection (a)(1) or under a reasonable cost reimbursement contract under section 1876—

"(A) the Secretary shall provide for an appropriate adjustment in the payment amounts otherwise made to reflect, in the aggregate, the aggregate increase in payments that would otherwise be made with respect to enrollees in the organization if payments were made other than under such clause or such a contract or with respect to individuals furnished services through the facility if payments were to be made on an individual-by-individual basis, and

"(B) the organization or facility shall provide assurances satisfactory to the Secretary that the organization or facility will not undertake to charge an individual during a year for services for which payment may be made under this part after the individual has incurred (whether through the organization, facility or otherwise) out-of-pocket part B expenses in the year in an amount equal to part B catastrophic limit established under paragraph (3) of the year."; and

(2) in subsections (c) and (g), by striking "(a) and (b)" each place it appears and inserting "(a), (b), and (f)".

SEC. 3. LIMITATION ON CHARGES WHERE CATASTROPHIC LIMIT REACHED.

Section 1866(a)(2)(A) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A)) is amended by adding at the end the following new sentence: "A provider of services may not impose a charge under the first sentence of this subparagraph for services for which payment is made to the provider pursuant to section 1833(f) (relating to catastrophic benefits).".

THE INTRODUCTION OF THE MEDICARE PART A CATASTROPHIC PROTECTION ACT AND THE MEDICARE PART B CATASTROPHIC PROTECTION ACT OF 1987

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. GRADISON. Mr. Speaker, I am honored to join with a number of my colleagues in introducing the Medicare Part A Catastrophic Protection Act of 1987 and the Medicare Part B Catastrophic Protection Act of 1987. These bills were developed under the able direction of the chairman of the Ways and Means Health Subcommittee, Congressman STARK, with the full participation of members of the Ways and Means Committee from both parties. The bills are truly bipartisan and I am particularly gratified that both the chairman of the Ways and Means Committee, Congressman ROSTENKOWSKI and the committee's ranking Republican member, Congressman DUNCAN, have chosen to be original cosponsors of these measures.

H.R. 1280 and H.R. 1281 will serve as the primary legislative vehicles in the House for the issue of catastrophic health care expenses. The bills would enhance the Medicare part A and part B benefits to provide beneficiaries with increased protecton against out-of-pocket costs for physician and hospital services resulting from a major illness. These initiatives should also serve as a catalyst for discussions of the other pieces of the catastrophic health care expense issue, the costs to the elderly of uncovered medical services and drugs, the risk of long-term care needs for the elderly and disabled and the vulnerability of many nonelderly Americans to the financial burden of major illness.

PRESIDENT'S CONTRIBUTION

The issue of catastrophic health care expense would not be at the forefront of the legislative agenda for the 100th Congress without the leadership already shown by President Reagan and the Secretary of Health and Human Services, Dr. Otis Bowen. The President focused national attention on the issue in his 1986 State of the Union speech when he asked Dr. Bowen to prepare recommendations, within the year, on policies to assure that Americans would be able to have affordable insurance to prevent financial ruin as a result of catastrophic illness costs.

Dr. Bown did an able job in meeting the President's mandate. His thinking is reflected in the President's legislative initiative on Medicare catastrophic which was introduced yesterday in the House by the minority leader, Congressman MICHEL. I cosponsored that bill. I view it as an important contribution to this process and see it as an affirmation by both the President and the House Republican leadership of their intent to act on the catastrophic medical expense issue.

The President's Medicare catastrophic bill places a $2,000 cap on cost sharing for Medicare beneficiaries. This limitation on out-of-pocket costs and charges for doctor and hospital services would lessen the financial pressure on 1.7 million Americans.

MEDICARE CATASTROPHIC INITIATIVES

H.R. 1280 and H.R. 1281 go further. These measures would limit potential out-of-pocket expenses for beneficiaries to a single hospital deductible $541 in 1988—and $1,000 in deductibles and copayments for part B physicians and outpatient services. These limits would reduce major expenses for 2.5 million medicare eligible Americans.

H.R. 1280 and H.R. 1281 meet criteria which are, in my view, critical to any medicare catastrophic legislation:

First, the bills provide Medicare beneficiaries greater personal security by limiting their liability for the physician and hospital costs for a major illness;

Second, the bills provide reasonable limits on beneficiary liability for out-of-pocket medical costs;

Third, the bills recognize that both beneficiary income as well as health care costs will increase by indexing the caps on both out-of-pocket expenses;

Fourth, the bills are budget neutral and will not contribute to the deficit or threaten the solvency of the part A hospital insurance trust fund; and

Finally, the financing mechanism in the bills are related to the incomes of Medicare beneficiaries—their ability to pay—while providing all beneficiaries the same catastrophic benefit.

The enchanced Medicare benefits would be financed by taxing a portion of the value of the part A and part B benefits received. The legislation would consider 50 percent of the actuarial value of the part A benefit and the actuarial value of the part B benefit in excess of beneficiary-paid premiums as taxable income. Fifty percent of the value of part A was chosen because it is equivalent to the employers' contribution to the payroll tax for Medicare. The percentage of value in excess of premium was chosen for part B because it represents program costs paid for out of the Federal Government's general fund.

Estimates indicate a little less than a third of the Medicare eligible elderly will actually pay tax on the value of their benefits. Of this number, the vast majority of the elderly will fall in the 15-percent tax bracket paying a marginal tax on the value of the benefit in the $250 to $300 range.

Taxing the imputed value of a benefit will appear unfair to some. A Medicare beneficiary may not use the benefit but have income sufficiently high to be taxed. This beneficiary, however, is still eligible for the protection Medicare provides and would receive that protection—no questions asked—if he or she became ill.

OTHER IMPORTANT CONCERNS

Neither the President's legislative iniative nor these two bills address the issues of catastrophic medical expenses related to medical services not covered by Medicare, or long-term care, for nonelderly Americans. Whether it's the thousands of dollars a diabetic may spend on drugs annually or the $22,000 a year price tag on nursing home care for victims of Alzheimers disease, or for the $100,000-plus in care for uninsured premature infant, catastrophic medical expenses go beyond the modest boundaries of this bill.

My colleagues on the Ways and Means Committee and I have no ready, easy answers to address these concerns. But these bills, as the Presiden'ts initiative, offer an opportunity for the committee to embark on a process which eventually can lead to constructive determinations.

URGE INDEPENDENT CONSIDERATION

Medicare legislation in recent years has primarily been developed within the context of budget reconciliation. With so many issues in budget reconciliation, Medicare tends to get subsumed in the large budget picture. Medicare catastrophic coverage is too important to be one issue among 35 or 40 in an omnibus bill. I urge my colleagues on the Ways and Means Committee and in this Chamber to consider these bills independently.

President Reagan wants Medicare catastrophic coverage. Leaders in both Houses of Congress, from both sides of the aisle, support the concept. The Medicare catastrophic coverage proposals on the table are too similar to let these initiatives stall.

I am confident the current bipartisan momentum will continue and that the Congress will perfect and pass legislation in the near future which makes Medicare catastrophic coverage a reality for this Nation's elderly.

IN HONOR OF JAZZ MUSICIANS DURING BLACK HISTORY MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. RANGEL. Mr. Speaker, Black History Month allows us to reflect on the many special contributions that black Americans have made to our culture and society. Today I would like to recognize the enormous contribution made by the many talented black artists who developed and have continued the tradition of American jazz.

A unique American art form, jazz evolved directly out of the African-American experience. "Jazz" encompasses ragtime and dixieland jazz, through swing, bebop, on to free jazz and fusion. As jazz has evolved, it has reflected the nature and quality of life in America. Jazz has reached almost every listening audience in this country, if not directly, then by the strong influence it has had on music of the 20th century. From classical to pop, from Broadway tunes to folk, from rock-n-roll to country/western, the rhythms, riffs, harmonics and structure of jazz can be discerned.

Ever evolving, this art form will never stagnate by virtue of the tremendous freedom within the jazz framework. Jazz artists are more than musical technicans performing notes as written by a composer/artist. The nature of the music is to improvise within the parameters of a melody of harmonic structure. Therefore, each jazz performance is created as a new, unique work of art. The musicians are indeed artists in the truest creative sense of the word.

The love, respect and appreciation for the music by the artists as well as its devotees have provided an avenue for cultural, racial ethnic and generational understanding. Jazz was created and developed by black Americans, yet today's jazz musicians are as ethnically diverse as American society.

Although distinctively American, jazz music is respected and admired worldwide. Indeed, many jazz musicians feel that they and their art are given more respect in cultures as foreign to the black American experience as Japanese or Swedish than in their own American society. As a result, unfortunately, America has lost many talented jazz artists to foreign cities where their art is respected, admired and supported financially. This is a sad reflection on what should be cherished by all Americans as a national treasure.

We, as Americans, should recognize jazz artists for their enormous contribution to our cultural and intellectual heritage. The cultural and social importance of this art form should not be undervalued. I salute the many men and women who have utilized their creative talents to develop and nurture this unique and precious native American art form we call jazz.

IN MEMORY OF BRYCE HARLOW

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. CHENEY. Mr. Speaker, in 1938 a young fellow from Oklahoma by the name of Bryce Harlow came to Washington, DC, to work as an Assistant Librarian for the House of Representatives. It was a modest beginning for a man who would essentially remain modest throughout an astounding career that spanned almost 50 years in Washington. Bryce Harlow died on February 17, and with his passing this country lost a public servant of the first order.

During World War II, Bryce served on the staff of Army Chief of Staff Gen. George C. Marshall. He then returned to Washington and took a position as staff director on the House Armed Services Committee. When Eisenhower was elected, Bryce went to work in the Congressional Liaison Office in the White House, and also did some speech writing for the President. It seems that Bryce had found his niche. From then on, each Republican administration relied heavily on Bryce's advice and counsel.

I had the opportunity to work closely with Bryce during my years as a staff member for President Ford. The President called on Bryce often and obviously had a high regard for his opinion. I think one of the reasons that Bryce was held in such esteem was that his wisdom included enormous respect for the democratic process and the institutions that made it work. I'm sure Bryce was frustrated from time to time, but I don't think he was discouraged by the quirks and inefficiencies inherent in a democratic system. As a matter of fact, he always seemed to be excited by the prospects and promises that such a system of government could fulfill, and he obviously loved being a part of it all.

Intelligence, good judgment, modesty, graciousness, and a sense of humor don't often come together in one person. I feel privileged to have been able to work with Bryce and to have witnessed that mix of strengths in a truly remarkable man. I will miss him.

LEGISLATION FOR FARMER DEBT CONTAINMENT

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. ANTHONY. Mr. Speaker, over the past 2 years, the Federal judiciary, the Congress, and the administration have worked together in constitutional harmony to provide a framework by which many of our Nation's farmers can come to grips with the perils of the market and the demands of farm credit. Many farmers, especially those burdened by heavy losses due to the natural disasters of the early 1980's, are faced with a heavy debt load that has brought them to the brink of bankruptcy.

I am not speaking of poor managers, but of individuals forced by elements beyond their control who must now make some very hard decisions. These are farmers who are able to operate at a profit and continue to produce the food and fiber necessary to satisfy a hungry and demanding world. Their dilemma, however, is to overcome the constriction of back debt.

I am today introducing legislation which offers the one element lacking in the regulations promulgated by FmHA and SBA, flexibility to manage back debt in relation to the dynamics of nature and the market place. What I offer is not debt forgiveness, but debt containment.

My bill will allow the scheduled payment to FmHA or SBA to be reduced by a percentage equal to the percentage of loss the farmer suffers in a given crop year due to market or crop failure, not to exceed the payment on back debt. The farmer is still required to make payment in full on current or new loans, but cannot be forced into bankruptcy if forces beyond his control take him from a position of positive cash flow at the beginning of a crop year to one of negative cash flow at the end of the crop year.

This proposal is not designed to assist the farmer who is not serious about taking care of his back debt problem. The commitment is expressed by the provision that any farmer who elects to take a reduction in scheduled payment will also agree to an increased payment in subsequent years if his production or the price of his commodity exceeds the projected rate.

The alternative to my proposal will be debt forgiveness as more and more farmers are forced into liquidation and FmHA or SBA is left, not with a revenue producing borrower, but with deflated inventory property.

It is time that the Congress gives to rural America not just the appearance of assistance but a plan that is truly managable not only in the interests of the debtor-farmer but for the creditor-agency as well. This proposal is not for a farmer who wants to take advantage of a Government program, but for the type of producer who is concerned about his financial position and responsibility to the Government agency which has granted him assistance in the past. I believe that with a program such as the one my legislation provides, you will find the producer who wants to pay back his debt in the majority.

I ask for your prompt action on this legislation, as it may make the dramatic difference between the farmer who remains a productive member of the agricultural community or is simply another statistic of farm failure for 1987. As the 1987 crop year is upon us and ASCS signup time is drawing near, I ask for your immediate attention to this problem and this solution.

SPECIAL ORDER TO BE HELD ON IRAN - ARMS/CONTRA - FUNDING SCANDAL

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mrs. COLLINS. Mr. Speaker, the Iran-arms/Contra-funding scandal raises important questions concerning congressional authority and foreign policy. As the first Member of the 100th Congress to sponsor a "Moratorium on Contra Funding" (H.R. 222), I invite you to participate in a special order on March 4.

I am calling this special order so that we can make a stand for congressional authority and an intelligent foreign policy. Members can also take this opportunity to send a message to the White House that illegal funding for the Contras will not be tolerated.

As you know, Congress enacted the Boland amendment as a clear statement of its intention to oversee all Contra funding. Congress authorized only $100 million for the Contras in 1986. The administration's transfer of additional funds to the Contras from the Iran-arms slush fund is a violation of the Boland amendment, a dangerous intrusion into the legislative domain, a blatant attempt to usurp our authority.

In addition, the Contras have failed to implement promised reforms and continue to engage in widespread human rights abuses. They have also failed to account for the $27 million in humanitarian aid authorized in 1985. Clearly, increased congressional oversight is required. Congress must recapture its constitutional role and take the lead in foreign policy.

Join me for this important special order on March 4. To take part let me know or contact my office.

NATIONAL ENGINEERS WEEK

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. DOWNEY of New York. Mr. Speaker, I rise today to pay tribute to a critical segment of our national work force—engineers. As you know, the President has declared this week to be "National Engineers Week."

I would like to join the President in recognizing the important role that engineers play in our lives and how engineering has made possible the high quality of life Americans enjoy today.

My district on Long Island is home to a great many engineers whose interests cover a broad spectrum of fields—from high technology to transportation to chemistry to environmental planning. Without engineers, Long Island would truly be an island, with no bridges, roads, or tunnels to connect us to the mainland. Long Island's transportation network, as congested as it may seem, would not be there for millions of commuters if we had no civil engineers. Engineers are highly qualified Americans who help our Nation achieve a greater quality of life, improve productivity and increase economic growth, all vital components of Long Island's future and the future of America.

Mr. Speaker, many Americans take for granted the engineering that makes today's lifestyle possible. Engineers are innovators and problem solvers, leaders in creating new technology, and they have established this country as one of the most technolgically advanced in the world. National Engineers Week provides a forum to look at the technical and social impact of engineering in the past, present and future.

Mr. Speaker, I commend these distinguished individuals and wish them continued success and continued recognition, which they so truly deserve.

CONGRATULATIONS TO MRS. JULIA CROSS KENTNER

HON. LOUISE SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Ms. SLAUGHTER of New York. Mr. Speaker, I ask my colleagues to join me in extending congratulations to Mrs. Julia Cross Kentner of Rochester, NY, who will celebrate her 100th birthday on February 26, 1987.

Mrs. Kentner's accomplishments are many. Originally from Hilton, NY, she is a lifelong member of the Hilton Baptist Church. She has also been a member of the Eastern Star for 67 years. In the 1920's, Mrs. Kentner lived in Japan teaching dressmaking and sewing in conjunction with American Style Childrens Clothes. In 1935, she married Melvin D. Kentner and enjoyed 35 years of marriage. As part of the war effort of World War II, she joined Rochester Products, a division of General Motors, and stayed on as a valued employee.

Mrs. Kentner has traveled around the world as well as toured extensively in her own country, visiting every one of the continental United States by car. As she celebrates her 100th birthday, she continues to enjoy crocketing, baking, reading mystery stories, and participating in activities with her senior citizens club.

It is fitting that we honor her long and productive life and congratulate Mrs. Kentner on the occasion of her 100th birthday.

EMPRESS II

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to address a matter of deep concern to those of us from Maryland. On October 1, the prohibition ends that has prevented the Navy from simulating the effects of nuclear explosions on naval vessels in the Chesapeake Bay. This project, known as Empress II, could have a severe economic and environmental impact on the bay.

Although an environmental impact statement concludes that the Empress II will not adversely affect marine plankton, fish, birds, oysters, shrimp, or human life, a Maryland Department of Natural Resources official deems the report "incomplete." Mr. Speaker, when we are dealing with something as precious as the Chesapeake Bay and our environment, we cannot afford to have any unknown variables. The environmental impact statement is full of question marks and we cannot risk having what we don't know hurting us.

Commercial activities will suffer tremendous hardships. The Port of Baltimore will lose business as the bay's deepest channel will be closed, halting shipping for 20 days. As the port is Maryland's largest employer, the entire State will suffer. Pulses from Empress II could also damage sensitive electronic equipment aboard many of the merchant ships plying the waters of the Chesapeake. If Empress II does have an adverse impact on marine life, watermen dependent on the bay for their livelihood will be affected.

Mr. Speaker, no one is a stronger supporter of maintaining our Nation's defenses than am I. But there are too many questions left to be answered regarding the Empress II. Until they are settled, join my colleagues from Maryland in opposing Empress II.

NATIONAL WOMAN'S POLITICAL CAUCUS OF THE SAN FERNANDO VALLEY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to the 1987 honorees of the National Women's Political Caucus of the San Fernando Valley. The women and men receiving this distinction will be honored at a lunch in March.

Each year, the National Women's Political Caucus of the San Fernando Valley honors the women and men whom it feels contributed greatly to the advancement of progressive and feminist goals. The 1987 honorees are: Janis Schwartz Berman, founder of the Sacramento Women's Campaign Fund and cofounder of the Los Angeles Women's Campaign Fund; Judith Hirshberg, immediate past chair of the National Women's Political Caucus of California; Lee Ann King, chair of the Greater Los Angeles Committee to Advance the Forward Looking Strategies for Women; Marsha Kwalwasser, vice president of the Center for Law in the Public Interest; Rose Matsui Ochi, Esq., director of the mayor's office of criminal justice planning; Margaret Prescod, cofounder of the Wages for Housework Campaign; Laura Balverde Sanchez, cofounder of the Los Angeles Women's Campaign Fund; and Eddie Tabash, Esq., the primary speaker and debator for the California Abortion Rights Assistance League. In addition, author Elizabeth Forsyth Halley, actress Barbara Rush, and Olympic gold medalist and humanist Rafer Johnson will be commended for their work with the caucus.

It is my honor and pleasure to join with my colleagues in congratulating these women and men who have dedicated their efforts not only to promote the advancement of women in politics, but to work toward achieving greater opportunities for all women.

ON BEHALF OF SOVIET JEWRY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. MAVROULES. Mr. Speaker, in conjunction with the B'nai B'rith action focusing world attention on the Soviet Union's inhuman treatment of its Jewish citizens, I rise to address the present and future status of Soviet Jewry—those who are unable to leave the Soviet Union or unable even to live as Jews in the Soviet Union.

For Jewish people living in the Soviet Union, the past several years have proved to be a nightmare of intimidation and persecution. In 1984, fewer than 900 (896) were permitted to emigrate. And in 1986, the total was only 914. There are still thousands of others, many with no family in the West, who want to be repatriated to their homeland, Israel. Their plight is all the more painful because of the blatant, anti-Semitic campaign being waged in the officially sanctioned media. Waves of arrests of Jews involved in the emigration movement are aimed at frightening the others into submission. Without support from the West, these brave men and women may disappear into the gulag. They plead that we do not forget them.

To serve that end, we in the Congress, representing the conscience and will of the American people, have acted. Time and time again, we have unmasked the Soviet Union's repression of "prisoners of conscience," their state-sponsored campaign to eradicate Jewish culture and education, as well as their severe restriction of Jewish emigration. Often, too, the Congress has sounded a clear, insistent note, calling out for the Soviet Government to respect the civil and human rights of its Jewish citizens.

While my colleagues and I welcome the release of a Shcharansky or a Dr. Goldfarb, we are not deceived. They are but a few chance beneficiaries of a cynical Soviet system. Political gain produced these latest releases, as well as the relative celebrity of those involved, and the Kremlin's cleverness in capitalizing on an opportunity to appear humane. We are acutely aware that even as we raise our voices in protest, the Soviet State's treatment of its Jewish population continues to deteriorate.

Take for example several refuseniks who have links to my own community. Cherna Goldort, Mikhail Faingerish, and Irene Urovitgkay and their families are all victims of Soviet violations of the Helsinki accords. They are tied together by the common thread of denial, persecution, enforced separation, and dashed hopes and dreams. They are symbolic of all the refuseniks who have been indicted for being Jewish and who are imprisoned for demanding their freedom.

They unfortunately join the Slepaks, Paritskys and Nudels whose names have already been etched in the collective conscience of the Congress. Because of their plight, it is morally imperative that we speak out and express our solidarity with the hundreds of thousands of Soviet Jews, who have been denied religious freedom and their right to emigrate.

Yes, we in the Congress intend to persevere and continue to tell the world of the desperate hope and terrible oppression of Soviet Jewry. Blessed with our American liberties, we will continue to speak out for those deprived of liberty. And because we do, some small measure of justice is done, and Soviet Jewry's fight for religious and personal freedom is well served.

LEGISLATION TO RESTORE SALES TAX DEDUCTION

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. DICKS. Mr. Speaker, during the closing days of the 99th Congress, I introduced a bill to restore the deduction for State and local sales taxes. I am, along with many of my colleagues from Washington State as cosponsors, reintroducing this legislation today.

When the Tax Reform Act of 1986 is fully implemented it will provide rate relief to many lower and middle income individuals. It will close many loopholes used by wealthy individuals and corporations to escape paying their fair share of taxes. Despite many positive changes in the Tax Code, the legislation also contained several fundamental flaws. Foremost amongst them was the conferee's decision to abandon our longstanding protection against double taxation.

The new tax law eliminates the deduction for State and local sales taxes. While this does not make any difference to taxpayers from some States, it makes a tremendous difference for taxpayers from States like Washington which rely heavily on the sales tax as a primary means to raise revenue. According to Gov. Booth Gardner, the average sales tax deduction in 1985 in Washington State was $786.

It is time to correct a glaring inequity in last year's tax bill. It is time to treat all States, and all taxpayers, in a fair and just manner. This was the premise of last year's legislation, and we will be closer to achieving this goal by passage of legislation to restore the sales tax deduction.

DUAL-INCOME FAMILIES, SINGLE WORKING PARENTS, AND THE ELDERLY: VICTIMS OF THE IMMIGRATION LAW

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. MARTINEZ. Mr. Speaker, few of us can imagine the intricate ways in which the new immigration law will affect our daily lives. In the 4 years that I have worked on immigration legislation in Congress, I have tried to illuminate as many of the effects of the new law as possible. I would like to share with my colleagues one that has received little if any attention, which was pointed out to me by the Household Agencies and Nurses Registries Association: the effects of the new immigration law on two-income families, single working parents, and the elderly.

The dramatic rise in the number of working mothers in the past decade has been attributable in large part to the availability of inexpensive child care and household labor. These jobs, which are refused by most Americans, are often performed by foreign personnel. The new law has complicated the sponsorship process in a manner that will drastically reduce the supply of such personnel.

As you know, when supply decreases and demand remains constant, inflation rears its ugly head. According to the Household Agencies and Nurses Registries Association, this is exactly what is going to happen to household employment wages—to the tune of 50 to 100 percent. For many dual-income families with children, it will cease to be economical for both parents to work. One parent will be forced to give up his or her career—unfortunately, it is more likely to be the mother. This would be a blow to our country both economically and socially.

This damage will be magnified in the case of single working parents with children. Such parents will now be forced to choose between devoting more of the salary to child care, or leaving their children alone, unattended. For many, there will be no choice.

Finally, the law will have severe effects on the elderly, and on the Government programs designed to care for them. In the Southwest, most of those who accept positions with sponsors, who eventually become the live-in nurse aides and companion keepers for the elderly, are foreign personnel. The reduction of such personnel will severely inflate salaries in these jobs, increasing the burden both on the elderly, and on the taxpayers who support them through Medicaid and Medicare.

According to the preliminary regulations issued by the Immigration and Naturalization Service, senile and seriously ill geriatric patients will be among those required to check citizenship papers of all prospective applicants for permission to work. Fining such people for noncompliance with the regulations is simply pointless.

Black market entrepreneurs, seeing the havoc this situation threatens to wreak on households, will be only too happy to lend their services. This would open a loophole which seriously undermines the more important purposes of the law, jeopardizing large and small businesses across the country.

"What programs are being developed to cushion the effects during this transitional period?" this organization has asked me. "How does Congress intend to convince American workers to accept the positions they have refused for generations?" I have presented to my colleagues similar questions on the House floor for the last 4 years. These questions are not speculative any more. They are real. And for the next few years, they will be occupying us whether we like it or not.

DAILY NEWS MARKS 75TH ANNIVERSARY

HON. ALFRED (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. McCANDLESS. Mr. Speaker, 75 years ago, on March 6, 1912, J. Win Wilson founded a newspaper in Indio, CA, that today is known as the Daily News, which stands as the oldest continuous and locally operated business in that city.

Originally called the Date Palm, the paper provided information to the date palm industry, which was then in its infancy in the Coachella Valley. In 1948, the paper moved to its present location on Towne Street. Through growth and changes in ownership, one thing remained constant: the now Daily News, twice a week, then three times a week, and then finally every day beginning in 1959, alerted the people of Indio—my family among them—to the rapid changes taking place locally and nationally. They did so in a way that informed, amused and educated us, and they continue to do so today. The Daily News is the very best of what a hometown paper should be. English essayist Samuel Johnson had people like the editors and staff of the Daily News in mind when he wrote:

> The two most engaging powers of an author are to make new things familiar, and familiar things new.

I ask my colleagues to join me in saluting and congratulating the Daily News on its 75th anniversary.

THE UNITED STATES AND ZAIRE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. DELLUMS. Mr. Speaker, I take this opportunity to raise an issue which is of great concern, I think, to the future of U.S. foreign policy. The administration is exploring the use of an air base in southern Zaire outside the town of Kamina. The base would apparently be used to support a wide range of military activities in central and southern Africa. The base has previously been the scene of several joint exercises with troops of Zaire and the troops of the United States.

This matter raised several concerns. First, any improvements at the site must be in strict accordance with the requirements for budgetary authorization and appropriations. In this regard, we have seen an unacceptable precedent in site developments in Honduras.

Second, the Congress must insure that our relationship with Zaire fits within an effective policy toward southern Africa and the rest of the region. Zaire has a close relationship with the South African Government and is alleged to be a supplier and base camp for the UNITA counterrevolutionaries in Angola.

Third, and perhaps most significant, the internal situation in Zaire poses a potential crisis that could explode around us. The living conditions are deplorable and are not being improved. One out of two children will die before the age of 5. A 1980 Peace Corps survey found that one-half of the people are starving to death. A farm exporter before their independence, the nation now imports 60 percent of its food. The collapse of its roads and infrastructure prompted the collapse of the economic life in much of the interior.

Newspaper accounts of a State Department briefing paper quotes the Department as saying "corruption is the most serious problem." President Mobutu is considered to be the third wealthiest man in the world. His worth may equal Zaire's entire national debt.

Amnesty International has found significant human rights abuses. Their list of abuses include: detention without charge or trial for long periods of time; imprisonment of political prisoners that does not meet international standands; use of torture which frequently results in death; prisoners are starved to death, and often disappear or are summarily executed without trial.

It is imperative that the United States understand the dangers of pursuing a military policy in this region. It is the duty of the Congress to investigate these matters and it is our obligation to insist on our role in determining the authorization or appropriation of any U.S. funds toward such a policy.

COLONY SOUTH BROOKLYN HOUSES CELEBRATES ITS 83D ANNIVERSARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. TOWNS. Mr. Speaker, I want to bring to my colleagues' attention the 83d anniversary celebration of Colony South Brooklyn Houses, the largest nonprofit social services agency in the Borough of Brooklyn.

Colony Houses, which was established in 1904, is noted for its extensive range of services to the poor and disadvantaged. In fact, its executive director, William "Bill" Banks has been heard to say, on more than one occasion, that "we provide services from the cradle to the grave." And indeed, Mr. Speaker, this agency provides services to the very young as well as our senior citizens. They operate 7-day care centers; three community centers; a meals-on-wheels and phone reassurance program for seniors and dropout prevention; and educational advocacy services for teens. In the past, Colony has provided upward mobility courses and sensitivity training classes to such firms as Exxon and Time/Life.

Colony Houses' growth in the last two decades from an agency with a budget of $200,000 to its current budget of $7 million is largely due to the efforts of its executive director, Bill Banks. This year, Bill will complete his 20th year with the agency. A social worker, by training, he has taken the agency into new and innovative program areas. For example, Colony now provides services to the largest homeless family program in New York City. Over 260 families receive support services from educational and daycare programs to health and job placement programs. As a result of his work at Colony, Bill Banks has become a leader in the advocacy movement for New York City's homeless.

Colony Houses' 22 programs and 20,000 clients serve as a shining example that advocates for the poor still have a role to play in the America of the eighties. I want to offer my congratulations to Colonly South Brooklyn Houses on its 83 years of service and to wish its executive director, Bill Banks, many more years of service to Colony and the people of Brooklyn.

H.R. 931

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. KOLTER. Mr. Speaker, in an effort to protect the health and life insurance benefits of the retirees of America's bankrupt companies, I propose that we amend the continuing resolution passed into law last year. I submit that the May 15, 1987, deadline for the guarantee of health and life insurance benefits found in section 608(a) be extended to January 1, 1988. This extension will allow us to find an equitable solution to the problem of benefit payment by bankrupt companies. Given more time the House of Representatives will be able to investigate thoroughly the problem and devise a solution which strikes a balance between guarding the benefits retirees have earned, expect and deserve and the need for failing companies to pare down their costs to meet their credit obligations.

On February 3, I introduced H.R. 931 which will, when enacted, amend the Bankruptcy Code. H.R. 931 is a simple clarification of section 1113 of the Bankruptcy Act, stating that the benefits safeguarded from unilateral reduction include those retirement benefits determined in collective bargaining. While I wholeheartedly believe that H.R. 931 will become law, I am skeptical about the ability of this body to act quickly enough to avert a crisis in May.

The situation facing the retirees of LTV, thus confronting us as Members of Congress, requires swift action. Their health care needs must be met immediately. We cannot allow the May 15 deadline to pass us by without action. By extending the zero hour we successfully safeguard the health insurance benefits of the retirees of chapter 11 companies while allowing ourselves to investigate in depth possible long-term solutions to the problem of benefit delivery to retirees of bankrupt companies.

We need to extend the May 15 deadline now to avoid an emergency in the spring.

TOWER COMMISSION REPORT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. UDALL. Mr. Speaker, the Tower Commission Report, issued this morning, contains a number of very disturbing conclusions. It is clear from the investigation by the Tower Commission that crucial elements of United States' foreign policy were formulated and implemented by a small group within the National Security Council who abused and circumvented normal policymaking channels. The misguided Iran initiative and the diversion of funds to the Contras were the deplorable result.

The President, the Secretary of State, the Secretary of Defense, and others who bear prime responsibility for U.S. foreign policy were misinformed, misled, or kept in the dark by National Security Council staff members. While the President and other high officials within his administration may not have fully known about the renegade policies toward Iran and the Contras, they must accept responsibility for their failure to monitor the policymaking process more rigorously.

As the Commission points out, the National Security Council system will not work unless the President makes it work. The National Security Council is the President's own instrument. In recent years it has become too large and subject to too little supervision. I call upon the President to act swiftly and decisively to restructure and reform the National Security Council and to make other necessary changes in his personal staff in order to correct the abuses identified by the Tower Commission.

WE NEED TO STOP SHIFTING FEDERAL BUDGET BURDENS TO THE STATES THROUGH UNFUNDED MANDATES

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. BARNARD. Mr. Speaker, today I have introduced legislation aimed at preventing an existing problem with congressional spending from becoming much worse. That problem is the growing tendency to circumvent budgetary controls on new Federal domestic spending by enacting national policy mandates and then requiring State and local governments to pick up the tab.

This tendency is not associated with any one political party or any particular ideological persuasion. Conservatives sometimes support imposing mandates on States and localities as a roundabout way to return domestic responsibilities from Washington. Liberals on occasion see unfunded mandates as the only available avenue for pursuing desirable social objectives. Both in Congress and within the administration, such efforts are often rationalized by comparison of the Federal budget deficit to the relatively sound fiscal condition of States and localities. Of course, virtually all State and local governments are required by constitution or statute to approve and maintain balanced budgets, and it hardly seems fair to penalize them for succeeding where we have so far failed.

This legislation would not flatly prohibit the imposition of new costs on State and local governments, but it would ensure that such actions are not taken without due analysis and debate of the consequences. How many Members were aware that our fiscal year 1986 budget reconciliation bill imposed massive new costs on or constituents back home through mandatory extension of Medicare coverage to new State and local employees? This initiative and many others of the same nature may well be sound Federal policy. My point is that it is fiscally irresponsible to impose such new costs without careful analysis and a guaranteed opportunity to assess and debate the impact on our constituents as State and local taxpayers.

This bill will address both objectives through two simple amendments to the Congressional Budget Act of 1974. The first section creates a point of order, waivable through the normal procedures of each Chamber, against any legislation imposing a new obligation on State and local governments costing on a national basis more than $50 million per year. Sequestrations under the Gramm-Rudman-Hollings legislation are specifically exempted from this point of order. The second section beefs up the existing requirement, honored primarily in the breach, that the House and Senate Budget Committees conduct detailed analysis accompanying the budget resolution report of the impact of budgetary decisions on State and local governments. In combination, these two provisions would help guarantee that massive new costs to our constituents would no longer be adopted unintentionally or negligently, buried in the fine print of some fast-moving bill.

Some Members may object that this adds yet another procedural requirement to an already overburdened congressional budget process. I would respond that the fundamental purpose of the budget process is endangered if we fail to recognize efforts to shift costs back to our constituents in the guise of reducing or containing Federal spending. As a former Governor of my State, George Busbee, used to say when he was chairman of the National Governors' Association, "You can't save a buck by passing the buck." Imposing Federal costs on States and localities clearly violates the spirit of the Congressional Budget Act, and this bill would simply place the most minimal safeguards into the letter of the act.

I want to make a special appeal to those Members who have over the years supported termination or reduction in the General Revenue Sharing Program for States and localities. As you know, revenue sharing for States was eliminated back in 1980, and payments to cities and counties ended on October 1, 1986. In my opinion, the best argument for revenue sharing has been that it provides some assistance in offsetting the cost of unfunded Federal mandates, in areas ranging from environmental protection to wage rates on Federal projects. If our position is that we no longer can afford to help pay for existing unfunded obligations, then I think the least we can do is make some effort to ensure that major new obligations are not imposed on States and localities without some compelling national need. Otherwise, Governors, State legislators, and city and county officials, not to mention our constituents, may justifiably conclude that we are indifferent to our entire system of federalism.

This bill is strongly supported by the bipartisan National Governors' Association and National Conference of State Legislatures. I urge Members from both parties to offer immediate support for this legislation, symbolizing a bipartisan commitment to adopt a fresh and honest approach with State and local officials without whom all our efforts toward fiscal responsibility will come to naught.

OTISCA INDUSTRIES PRODUCING CLEAN-BURNING, COAL-BASED FUEL THAT CAN CURB ACID RAIN

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. WORTLEY. Mr. Speaker, with pride, I commend the attention of the Members of this 100th Congress to a technological breakthrough in the development and use of a new clean-burning liquid fuel refined from high ash and high sulfur bituminous raw coal. When used in place of many fuel oils and the conventional burning of raw coal, this fuel can contribute significantly to a reduction of our Nation's acid rain problems at minimal costs for the relatively simple conversion of existing commercial and industrial grade boilers.

Production of this fuel, an ultraclean and ultrafine ground coal water slurry, and the retrofitting techniques for its utilization have been made possible by the engineering skills of Otisca Industries, Ltd., Syracuse, NY.

Thorough burn testing of Otisca fuel shows that the sulfur and ash emission outputs are less than 0.6 percent and 0.7 percent, respectively. These levels are in the range of fuel oils currently in use and are considerably less than the emissions resulting from the burning of coal. In addition, Otisca fuel can be stored like conventional liquid fuels, it is nonflammable, it does not pose the risk of explosion and it burns only when atomized in a burner. Otisca fuel is dust-free, odorless, nontoxic, and easily cleaned up when spilled.

Since 1975, one of our major national goals has been energy independence. To achieve this goal, abundant coal has loomed as an attractive and logical alternative to oil and natural gas. But the stumbling block to the greater use of coal has been the excessive emissions of sulfur dioxide, nitrogen oxide and ash.

During the 99th Congress, 171 Members of this body cosponsored H.R. 4567, the Acid Rain Deposition Act of 1986. More than 185 members cosponsored at least one bill to control acid rain during the past session. As an original cosponsor of H.R. 4567, I was deeply disappointed that this carefully crafted legislation was not dischared by the Committee on Energy and Commerce. Every day that we delay controls which would reduce emissions of pollutants that cause acid rain results in cumulative damage to America's ecological and economic resources. Before the end of this spring, those of us who sought the enactment of H.R. 4567 will introduce another acid rain control bill.

But whether or not this legislation is eventually enacted, the use of Otisca fuel seems ideally suited to help address both the environmental and cost concerns of many of my colleagues, including those concerned with the jobs of workers in coal mining States, the viability of jobs-intensive industries that burn fossil fuels, and the energy costs borne by the consuming public.

Mr. Speaker, during the last 10 years, Otisca Industries has spent more than $6.5 million in private funds to develop its processes. Otisca can already produce and sell its fuel to commercial and industrial users at a savings compared to the costs of conventional fuels. The only problem is that the savings are too small to lure many such consumers to use a new type of fuel. At the savings now available, there just are not enough pioneers who are willing to use a new energy source like Otisca fuel.

In 1984, Congress created the Clean Coal Technology Program to encourage the development of new coal-based fuel, wisely recognizing that public support is sometimes necessary for new ideas and technologies to gain a foothold in the marketplace. In his fiscal year 1988 budget, the President requested Congress to allocate $50 million to the program so that America can continue to move forward to finding economically efficient ways to use its abundant coal as an alternative to importing oil. Otisca Industries has taken a leap forward to achieve this program goal and at the same time has found a more cost effective way to curb acid rain.

I commend the dedicated and innovative work of Otisca's founders, Mr. Clay Smith and Dr. Doug Keller, Jr., and I urge my colleagues to support the furtherance of Otisca's enterprising efforts.

TRIBUTE TO ANA COMSIA BROMBEA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. TRAFICANT. Mr. Speaker, with great privilege I rise today in honor of an extraordinary individual from my district. Ana Comsia Brombea celebrated her 100th birthday on February 14, with family members and friends at Little Forest Medical Center in Youngstown, OH. She is recovering from a fall in which she fractured her kneecap a few weeks ago.

Ana serves as an inspiration to us all not only because she has begun a second century of her life, but because of the way in which she has conducted her life for so many years. Ana and her family are convinced that she has reached the century mark based upon a life of physical activity outdoors, fasting every Wednesday and Friday, and daily devotions.

Ana was born on Valentine's Day in 1887 in the village of Calbor, Romania. She lived on a farm there until 1910 when she left her family and native homeland for life in America. She settled first in Erie, PA where she worked in the resort hotels and restaurants popular at the lakeside area then. In 1917 she married Paul Brombea and moved to finally settle in Youngstown, OH. For 24 years she worked at the Paramount Theater from the beginning of World War II until 1966 and, over these years, had five children. She became a devout member of the Holy Trinity Romanian Orthodox Church and its Carmen Sylva Ladies Auxiliary. She loved to plant vegetable gardens every year while she lived there.

Later she lived for several years with her daughter, Victoria Pompura, choir director at the Holy Trinity. Hopefully, she will recover fully soon and be able to return to live with her daughter. Ana is very well known at Holy Trinity for her famous thread-like homemade noodles and, it is said, her noodles are just as famous when she makes them by feel alone as her failing eyesight has necessitated.

Ana is also well remembered for the years she and her husband spent drying, salting, and distributing carp from Lake Erie for sale to Romanian Orthodox parishes throughout the area as far away as Canton, OH.

Besides Ana's children, Victoria, Ben, Anne, and John, she has 8 grandchildren and 10 great-grandchildren. I join them all in wishing Ana a speedy recovery from her injury. And I congratulate her on reaching the century mark by means of such a fulfilling life history. As Ana now embarks upon her second century, I wish her a happy 100th birthday and many more to come.

ST. PATRICK'S DAY PARADE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. HOWARD. Mr. Speaker, Belmar, a bustling borough on the Jersey Shore, is planning to stage its annual St. Patrick's Day parade on Sunday afternoon, March 8.

There were only a relatively few marchers when the parade began in 1973 and I had the honor of serving as the parade's first grand marshal. Last year the parade had more participants than any other St. Patrick's parade in New Jersey and the spectators, according to Belmar Police estimates, numbered a record 80,000.

This year the parade, with Seton Hall University administrator Richard J. Regan, a former All-American basketball player, NBA star, and twice an "Irishman of the Year," as grand marshal and Mrs. Frances Lynch, wife of the parade's founder, Jerry Lynch, and former FBI office manager in Newark, NJ, as deputy grand marshal, will include thousands of marchers in nearly 200 units, 10 prize-winning bagpipe bands, a number of military, high school, and other bands, and 20 colorful floats. An investiture Mass is to be held Saturday, March 7, at St. Rose Catholic Church with the Most Reverend Edward U. Kmiec, auxiliary bishop of the Trenton Diocese, as the celebrant.

The parade is not only an institution on the Jersey Shore but a major happening that thousands of the residents of Monmouth County look forward to each St. Patrick's birthday with a great deal of interest, enthusiasm, and eagerness. The parade founders, the chairman, George McCormack, and the committee members who work all year long to make this event so memorable are to be saluted. They certainly show a powerful sense of community, purpose, and concern.

SPONSORSHIP OF H.R. 1245, H.R. 1280, AND H.R. 1281

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. DUNCAN. Mr. Speaker, we have a real opportunity this year to produce catastrophic health insurance legislation. It is possible that a good, practical bill can be passed by both Houses and signed into law by the President.

Reaching this kind of consensus will require some hard work, a willingness to compromise, and a measure of luck as well. But I think it can be done. The administration has submitted a bill—H.R. 1245—and the chairman and ranking Republican Member of our Ways and Means Subcommittee on Health have developed a comparable proposal, embodied in two bills—H.R. 1280 and H.R. 1281, covering parts A and B of Medicare. There are many other catastrophic health insurance measures in circulation, of course, but it appears that H.R. 1245, and H.R. 1280, and H.R. 1281 are the frontrunners at this time.

Mr. Speaker, I am a cosponsor of these bills. This does not mean that I endorse fully every comma and preposition that appears in either package. It does mean that I believe both have merit and deserve careful consideration by the committee and the Congress. They are different in many ways, notable with respect to their financing mechanisms, but they also occupy much common ground.

It is impossible to determine, today, exactly where the current push for catastrophic illness insurance eventually will lead us. But I think the administration bill and the Stark-Gradison package offer good starting points for serious discussion in our committee.

THE OCEAN TRANSPORTATION PRACTICES ACT OF 1987

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1987

Mr. JONES of North Carolina. Mr. Speaker, I rise to introduce a maritime bill that may do more to promote a U.S.-flag merchant fleet than any this industry has witnessed in years. The Ocean Transportation Practices Act presents a face to the world that has been veiled for too long: One that shows that our Nation is indeed willing to stand by our merchant fleet and see that it is not treated unfairly by other maritime nations of the world.

Today, attention is focused on the trade issue as never before, and it is truly one of the more alarming problems the country is facing. Domestic competitiveness—the ability of American companies to compete with foreign companies in the production of goods and services—is the topic of the hour. A significant part of the problem is the fact that American businesses compete not just against foreign businesses, but against foreign governments as well. Subsidies, financing assistance, and other government-sponsored programs give a health boost to the production of goods and services in many countries.

Nowhere does America more closely compete with foreigners than in the shipping industry. Ocean transportation services are one of the invisibles that make up commercial transactions, and the United States imports 95 percent of its ocean transportation services every year. The primary reason is that foreign nations are more willing to support their merchant fleets than is the United States. Many countries routinely reserve huge chunks of their commercial shipments for their own carriers. In response, this administration has dismantled the Merchant Marine Act of 1936 piece by piece, doing away with the promotional programs that were intended to keep our fleet competitive on the world market.

Under the Ocean Transportation Practices Act, the Federal Maritime Commission must investigate the trade practices of any nation that is discriminating against the use of U.S.-flag vessels in the carriage of any cargo to the United States. If the Nation's trade practices are deemed to be unfair, then negotiations are to begin which result in either the removal of the unfair trade practices or the shipment of an equal amount of the cargo on U.S. vessels as on the foreign nation's vessels. A civil penalty is imposed on the foreign carrier if negotiations have not produced change within 6 months, unless no U.S. ships are available to move the cargo.

The purpose of this legislation is to allow the U.S. fleet to compete on a fair and equitable basis for cargo around the world, without having to fight the headwinds of foreign protectionism. If it is capable of thriving under a regime of free and open competition, as I believe it is, then this legislation will provide the right climate. I strongly urge my colleagues to join me in support of this measure.

SENATE—*Friday, February 27, 1987*

The Senate met at 10 a.m. and was called to order by the Honorable WENDELL H. FORD, a Senator from the State of Kentucky.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 27, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now stand adjourned until 4 p.m. on Tuesday, March 3, 1987.

ADJOURNMENT TO 4 P.M. ON TUESDAY, MARCH 3, 1987

Thereupon, at 10:03 a.m., the Senate adjourned, under the order of Thursday, February 26, 1987, until Tuesday, March 3, 1987, at 4 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.